

## » 2015 Hawaii Land Use Law Conference

January 15 & 16, 2015 ◊ YWCA ◊ Fuller Hall  
1040 Richards Street ◊ Honolulu, HI 96813



### Why You Should Attend:

Over 25 distinguished land-use practitioners, scholars, planners, regulators and attorneys from Hawaii as well as the Mainland will discuss timely and relevant issues regarding land use law including such topics as:

- Transit Oriented Development
- Kaka'ako
- GMO Regulation

This conference offers a unique opportunity to learn from leaders in the field regarding the above topics and other very important issues pertaining to government regulation of land use and developments in land use law in Hawaii. **Space is limited! Register early!**



### Conference Co-Sponsors:

*HSBA Real Property and Financial Services Section*

*University of Hawaii at Manoa, William S. Richardson School of Law*



# Program - Thursday, January 15th

## 9:00 Welcome and Introduction

**Prof. David L. Callies, FAICP, ACREL, Program Co-Chair**  
Kudo Professor of Law, William S. Richardson School of Law,  
University of Hawaii

**Benjamin A. Kudo, PhD, Program Co-Chair**  
Ashford & Wriston LLP

## 9:10 Critical Legal Issues in Hawaii

**Prof. David L. Callies, FAICP, ACREL, Program Co-Chair**  
Kudo Professor of Law, William S. Richardson School of Law,  
University of Hawaii

**Benjamin A. Kudo, PhD, Program Co-Chair**  
Ashford & Wriston LLP

## 10:00 Keynote Presentation - Stealth Takings: Exactions, Impact Fees and More

**Prof. Richard Epstein**  
Laurence A. Tisch Professor of Law, New York University School of Law

## 11:00 Break (15 minutes)

## 11:15 Impact Fees and Exactions after Koontz

**David Brittin**  
Case Lombardi & Pettit

**Bruce Voss**  
Bays Lung Rose & Holma

**Moderator: Robert H. Thomas**  
Damon Key Leong Kupchak Hastert

## 12:15 Lunch (on your own)

## 1:15 Designation of Critical Habitat Under the Endangered Species Act (ESA)

**Benjamin A. Kudo, PhD**  
Ashford & Wriston LLP

**LeeAnn Crabbe**  
Vice President, Queen Liliuokalani Trust

**Steve Kelly**  
Vice President, Kapolei Property Development, LLC

**Moderator: Naomi Kuwaye**  
Ashford & Wriston, LLP

## 2:15 Legislative Update

**David Z. Arakawa**  
Executive Director, Land Use Research Foundation of Hawaii

## 3:00 Break (15 minutes)

## 3:15 Local Zoning: Variances and Form-Based Zoning

**Barry Sullivan**  
Sullivan Meheula Lee, LLP

**Jamie Peirson**  
Planner, Department of Planning and Permitting  
City and County of Honolulu

**George Atta**  
Director, Department of Planning and Permitting  
City and County of Honolulu

**Moderator: Calvert Chipchase, IV**  
Cades Schutte

## 4:15 Kaka'ako

**Anthony J.H. Ching**  
Executive Director, Hawaii Community Development Authority

# Program - Friday, January 16th

## 9:00 State Districts/Boundary Amendments: - DLNR & Land Use Permits - Boundary Amendments

**Jesse Souki**  
Imanaka Asato LLLC

**Dan Orodenker**  
Executive Director, Hawaii Land Use Commission

**Bryan Yee**  
Office of the Attorney General of the State of Hawaii

**Moderator: Jennifer A. (Benck) Lim**  
Carlsmith Ball

## 10:00 Native Hawaiian Rights

**David Forman**  
Director of Environmental Law Program  
William S. Richardson School of Law, University of Hawaii

## 10:30 Break (15 minutes)

## 10:45 Transit Oriented Development (TOD)

**Daniel A. Grabauskas**  
Executive Director/CEO, Honolulu Authority for Rapid Transportation

**Harrison Rue**  
City and County of Honolulu, Community Development  
and Transit Oriented Development Administrator

**Moderator: Christina Ohira**  
Starn O'Toole Marcus & Fisher

## 11:45 GMO Regulation, Preemption and Home Rule

**Mauna Kea Trask**  
County Attorney for the County of Kauai

**Margery Bronster**  
Bronster Hoshibata

**Paul Alston**  
Alston Hunt Floyd & Ing

**Moderator: Chynna Stone**  
The Resort Group

## 12:45 Lunch (on your own)

## 1:45 Ethical Considerations

**Prof. Patricia E. Salkin**  
Dean and Professor of Law, Touro Law Center; Central Islip, NY

## 3:00 Break (15 minutes)

## 3:15 Ethical Considerations (continued)

**Prof. Patricia E. Salkin**  
Dean and Professor of Law, Touro Law Center; Central Islip, NY

## 5 Easy Ways to Register

1. **ONLINE:** [www.HSBA.org](http://www.HSBA.org) (members only)
2. **FAX:** 808-521-7936
3. **EMAIL:** [CLE@HSBA.org](mailto:CLE@HSBA.org)
4. **PHONE:** 808-537-1868
5. **MAIL:** HSBA CLE Department  
1100 Alakea Street, Suite 1000  
Honolulu, HI 96813

# Speakers

**Prof. David L. Callies, FAICP, ACREL** (Program Co-Chair), is the Kudo Professor of Law at the William S. Richardson School of Law. He is also the author of *Regulating Paradise: Land Use Controls in Hawaii*, co-editor of the annual *Land Use and Environmental Law Review*, and the co-author of casebooks on land use and property law. He is past chair of the HSBA Section on Real Property and Financial Services and of the ABA Section of State and Local Government Law.

**Benjamin A. Kudo, PhD** (Program Co-Chair), of Ashford & Wriston LLP, specializes in land use, planning, zoning and real estate development. He has handled major resort, commercial, industrial, and residential developments throughout Hawaii, representing clients locally, from around the nation, and internationally from the Pacific-Asia region.

**Prof. Richard Epstein**, (Keynote Speaker) is the Laurence A. Tisch Professor of Law at the New York University School of Law. He authored *Classical Liberal Constitution: The Uncertain Quest for Limited Government*, which was published in January 2014 and is also the author of *Takings: Private Property and the Power of Eminent Domain* published in 1985. Professor Epstein has also written and taught in the areas of constitutional law, real property, water law, land use planning, environmental and administrative law, all of which raise major issues of exactions. He has written extensively on the exaction topic as part of a larger inquiry into the proper scope and limits of government power.

**Paul Alston** is President of Alston Hunt Floyd & Ing, founded in 1991, which has grown to become the fourth largest law firm in Hawaii. His primary practice areas include commercial litigation, antitrust/unfair competition law, civil rights, class actions, and appellate law.

**George Atta** is the Director of the Department of Planning & Permitting, City & County of Honolulu. He provides leadership, administration, and management for a department of 300 employees in areas relating to long-range planning; building and construction; traffic and engineering, land use and development, and commercial/residential enforcement.

**David Z. Arakawa** has served as Executive Director of the Land Use Research Foundation of Hawaii, and as Manager with the Leeward Oahu Transportation Management Association, since 2007. Prior to that, he was a Senior Vice President with Hawaiian Airlines.

**Margery Bronster** was the Attorney General for the State of Hawai'i from 1995-1999. Following her career as Attorney General, she became a founding partner of Bronster Hoshibata, and has continued her work in a broad variety of litigation and counseling matters including complex commercial litigation, government law, trust and estate litigation, investor losses and antitrust litigation.

**David Brittin** is an attorney at Case Lombardi & Pettit. He specializes in commercial and residential real estate development and transactions. Prior to practicing law, Mr. Brittin was an archaeologist in Belize, Israel, Massachusetts, Northern California and Nevada.

**Anthony J.H. Ching** is the Executive Director of the Hawaii Community Development Authority, a position he assumed in January 2008. He has considerable experience in planning and land use, and has worked as an administrator in state agencies for more than 25 years.

**Calvert G. Chipchase, IV** is a partner at Cades Schutte practicing in the areas of commercial and real property litigation, arbitration and mediation and land use, zoning and entitlements. He is also a frequent guest lecturer at the University of Hawaii, Richardson School of Law where he has taught Land Use Management and Control, Real Property and various writing courses.

**LeeAnn Crabbe** is Vice President of the Queen Liliuokalani Trust where she oversees all development activities on trust land, which are primarily focused on the Big Island. She previously served as chief financial officer. Before joining the Trust in 2002, LeeAnn spent 15 years with the Kamehameha Schools Bishop Estate. She also has worked for Price Waterhouse and is a Certified Public Accountant.

**David Forman** is a full-time faculty member at the William S. Richardson School of Law, where he serves as Director of the Environmental Law Program and Associate Faculty Specialist for the Ka Huli Ao Center for Excellence in Native Hawaiian Law. He has also worked at the Native Hawaiian Legal Corporation, Alston Hunt Floyd & Ing, and the Hawaii Civil Rights Commission.

**Daniel Grabauskas** was named executive director and CEO of the Honolulu Authority for Rapid Transportation on April 9, 2012 and has more than 20 years as a senior public sector manager. He heads the agency responsible for the construction, operation and maintenance of the \$5.2 billion rail project.

**Steve Kelly** is Vice President at Kapolei Property Development LLC. He is responsible for a wide variety of real estate development, transactional and managerial activities for developing the City of Kapolei. He is also responsible for regularly representing the company in front of governmental, business and public audiences to promote the company and its mission.

**Naomi Kuwaye** of Ashford & Wriston LLP, specializes in environmental and natural resource law, land use, real estate development, telecommunications law, public utilities, and administrative law. Her practice includes environmental litigation and regulatory compliance with federal and state laws and regulations.

**Harrison Rue** is the Community Building and TOD Administrator for the City and County of Honolulu. He has over 30 years experience in smart growth and sustainability. He is currently leading the creation, adoption, and implementation of Neighborhood TOD Plans around 19 station areas for Honolulu's 20 mile, \$5.2 billion rail line.

**Christina Ohira** of Starn O'Toole Marcus & Fisher, concentrates her practice in the areas of real estate and commercial transactions, and has received Martindale-Hubbell's highest possible "AV" rating for her legal skill and integrity. Ms. Ohira is a member of the American Bar Association and the Hawaii State Bar Association, and is licensed to practice in the Hawaii state courts and the United States District Court for the District of Hawaii.

**Jennifer A. (Benck) Lim** is a partner in Carlsmith Ball's Honolulu office and is a member of its Real Estate, Land Use & Hospitality Practice Group. She concentrates her practice on real property and environmental law with an emphasis in the areas of land use planning and real property development.

**Dan Orodener** is the Executive Director of the Hawaii Land Use Commission. He is an attorney and real estate and land-use consultant and has held a variety of government positions, including director of the Honolulu Waterfront Program, acting executive director of the Aloha Tower Development Corp and assistant to the director of DBEDT. He also worked with former Honolulu Mayor Mufi Hannemann on developing a transit-oriented development program and worked with Molokai Properties Ltd.

**Jamie Peirson** is a land use planner with the Department of Planning and Permitting of the City and County of Honolulu. He has been with the city for 25 years and has specialized in municipal land use registration.

**Patricia E. Salkin** is Dean and Professor of Law at Touro Law Center in Central Islip, New York. Prior to joining Touro in the summer of 2012, she was the Raymond & Ella Smith Distinguished Professor of Law, as well as Associate Dean and Director of the Government Law Center of Albany Law School.

**Jesse Souki** is of counsel to Imanaka Asato LLLC, was the First Deputy with the Department of Land and Natural Resources. Mr. Souki has also practiced law in the areas of land use and environmental law. He was a deputy corporation counsel for the County of Maui and the City and County of Honolulu.

**Chynna Stone** is with the Resort Group, a leading developer of domestic and international mixed use resort communities. Local projects include the Ko Olina Resort in Honolulu, Hawaii, the Princeville at Hanalei in Kauai. The Resort Group seeks to develop resorts that deliver world-class experiences with a powerful sense of place.

**Barry Sullivan** is a partner at Sullivan Meheula Lee, LLLP practicing in real estate, real estate finance, development, business litigation, and public interest matters. He has extensive experience in Waikiki including entitlements, land use, shoreline and regulatory matters.

**Robert Thomas** is a partner at Damon Key Leong Kupchak Hastert. His practice focuses on regulatory takings, eminent domain, water rights, and voting rights cases. He is an experienced land use law and appellate lawyer having tried many cases in HI, CA, and the federal courts. He is also the Hawaii member of Owners' Counsel of America, a national network of the most experienced eminent domain and property rights lawyers.

**Mauna Kea Trask** was recently appointed the County Attorney for the County of Kauai. Prior to joining the County Attorney's office, Mr. Trask was with the Kauai Office of the Prosecuting Attorney and also worked in the Oahu Office of the Public Defender. He drafted the extensive legal opinion that led Mayor Carvalho to veto a bill to regulate the use of pesticides and growth of genetically modified crops. Trask's opinion also was the basis upon which the federal court ruled that the county law was pre-empted by state and federal law.

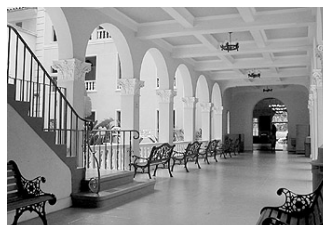
**Bruce Voss** is a partner with Bays Lung Rose & Holma. His practice emphasizes in real estate and land use litigation and dispute resolution. He has successfully handled land use entitlement and zoning matters, lease and property development disputes, and environmental, regulatory, flooding, and critical habitat issues for major landowners including the Waikoloa Resort, Aina Lea, and Palamanui projects on the Big Island; the Select Income REIT commercial and industrial properties on Oahu; and numerous smaller developments around the state.

**Bryan Yee** has been a Deputy Attorney General with the Department of the Attorney General since 1990, and has been representing the Office of Planning before the Land Use Commission since 2006. In addition to the Office of Planning, his clients have included CSEA, DCCA, DHHL, DHS, DOH, and PSD.

**Register Today!**

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# REGISTRATION FORM

## REGISTRATION

### HSBA Member Registration:

HSBA members may register online at [hsba.org](http://hsba.org) OR by using any of the below described methods for non-member registration.

### Non-HSBA Member Registration:

- By mail: please submit this form with payment to

HSBA  
CLE Department  
1100 Alakea St. Suite 1000  
Honolulu, HI 96813

- By fax: please submit this form to 808-521-7936;  
Attn: CLE Department

- By email: please scan and email this form to [CLE@hsba.org](mailto:CLE@hsba.org).

Confirmation of your enrollment will be sent to you via email. **Seating is limited, so please register early.** Walk-in registration will be permitted on the first day of the conference only **subject to space availability.** Please arrive by 8:30 AM for walk-in registration.

## COST

The cost for this conference is as follows:

- HSBA Real Property and Financial Services Section ("RPFSS") Members - \$200
- Government Attorneys - \$200
- Other HSBA Attorneys - \$300
- Other Professionals - \$300

The registration fee includes registration for all sessions, continental breakfast, coffee breaks, and all course materials. Attendees must register and pay for both days of the conference. University of Hawaii Law Students may contact us at [CLE@hsba.org](mailto:CLE@hsba.org) to register.

## QUESTIONS / SPECIAL ACCOMMODATIONS / ADA

Please contact Jasmine Graffis, HSBA CLE Assistant at 808-792-7336 or by email to [jgraffis@hsba.org](mailto:jgraffis@hsba.org) for special accommodations if necessary.



Please print

Full Name \_\_\_\_\_ Firm/Company \_\_\_\_\_

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J.D. Number, if applicable \_\_\_\_\_ Email \_\_\_\_\_

## COURSE ACCREDITATION

Attendance of **ALL sessions** of this two day conference has been approved for 14 HI CLE credit hours (4 of which are approved for ethics) by the HSBA. *Partial credit for partial attendance will be given at the discretion of the HSBA in accordance with the regulations of the Hawaii State Board of Continuing Legal Education.* Registrants who wish to apply credit hours to other jurisdictions' CLE or other continuing education requirements should inquire with such jurisdiction or licensing body directly. The HSBA does not guarantee that credit hours earned at this conference will be transferable.

## CANCELLATION

Refunds will be given less a **\$15 cancellation charge** if we receive your cancellation **by January 10, 2015.** No refunds will be given after January 10, 2015 or if you fail to attend the course.

## DISCLAIMER

The representations made at this Hawaii Land Use Law Conference and content/materials are those of the presenters and do not represent the position of the HSBA. Legal opinions, analyses, and materials provided by the presenters are not reviewed by the HSBA.

## OTHER IMPORTANT INFORMATION

- **PARKING:** Validation is not provided, however convenient and affordable parking is available at Ali'i Place or other municipal parking garages in the downtown area.
- **LAPTOPS:** Wireless connection is available at the venue. However, outlets are limited so please bring your laptop fully charged.
- **MATERIALS:** In an effort to go green, all handouts and/or course materials will be provided in electronic format only on a USB flash drive. Accordingly, **please bring your laptop for access to these materials during the seminar.**
- **LUNCH:** A continental breakfast, coffee, and afternoon snack is included, however **lunch will not be provided.** There are many eateries located around the YWCA for your convenience.

COST	PRICE
<input type="checkbox"/> HSBA Real Property and Financial Services Section ("RPFSS") Members	\$200
<input type="checkbox"/> Government Attorneys	\$200
<input type="checkbox"/> Other HSBA Attorneys	\$300
<input type="checkbox"/> Other Professionals	\$300

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