DEPARTMENT OF PLANNING
KA'ĀINA HULL, DIRECTOR
JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR

DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

October 18, 2023

Public testimony and/or agency comments received by the Planning Department as of October 18, 2023, 1:30pm for the October 19, 2023, Kaua'i Historic Preservation Review Commission meeting regarding the following item:

H.1. **Nomination to the State Historic Register**
The Makai Golf Course at Princeville
Property Address: 4080 Lei O Papa Road
Tax Map Keys: (4) 5-4-005:022; (4) 5-4-005:049; (4) 5-4-005:054; (4) 5-4-006:003; (4) 5-4-006:005; (4) 5-4-006:006; (4) 5-4-012:001; (4) 5-4-012:006
Princeville, Hawai'i

Public record: County of Kaua'i Planning Department, testimony received for the Oct. 19, 2023 Kaua'i Historic Preservation Review Commission meeting. Addresses, phone numbers, emails and children's ages blacked out by Protect Princeville.

SOF-XI KAUAI PV HOTEL, L.P.
591 West Putnam Avenue
Greenwich, Connecticut 06830

October 17, 2023

Mr. Gerald Ida, Chair
Kauai Historic Preservation Review Commission
County of Kauai
4444 Rice Street, Suite A473
Lihue, Kauai, Hawaii 96766

VIA HAND DELIVERY

Re: **Notice of Opposition to Petition for Hawaii Register of Historic Places**
Makai Golf Course
Princeville, Hanalei, Kauai, Hawaii
Kauai Tax Map Key Nos. (4) 5-4-005:022, 049, 054;
(4) 5-4-006:003, 005, 006; and (4) 5-4-012:001, 006
Owner: SOF-XI Kauai PV Golf, L.P.

Dear Chair Ida and Commission Members:

This letter notifies the Kauai Historic Preservation Review Commission ("KHPRC") of SOF-XI Kauai PV Golf, L.P., a Delaware limited partnership ("Owner"), to the Petition to Nominate the above-described properties to the National Register of Historic Places and/or Hawaii Register of Historic Places and formally requests a contested case before any action is taken on the Petition.

A. DESCRIPTION.

The Makai Golf Course contains eight (8) lots, as described in the attached Makai Golf Course Land Use Index ***[Exhibit "1"]***. These lots may be grouped into the following three (3) general categories as shown on the Index:

1. Golf Course Lots. There are five (5) Golf Course Lots which currently are used exclusively for golf course purposes. They are all subject to a Dedication of Golf Course Property dated May 19, 1972 recorded in the Bureau of Conveyances of the State of Hawaii ("Bureau") in Liber 8301 at Page 112 ("Golf Dedication"). The Golf Dedication provides that these lots are dedicated to golf course and ancillary recreational uses ("Golf/Recreational Uses") until February 28, 2026.

The Golf Course Lots are shown on the following enclosed Exhibits:

a. Lot 1 (Portion of Lot 1-B) is designated as Parcel 22, as shown on Tax Map 5-4-05 ***[Exhibit "2"]***. Lot 1 (Portion of Lot 1-B) is located on the makai side of Ka Haku Road and contains Holes 12-16 of the Makai Golf Course, as shown on the Makai Golf Course Map ***[Exhibit "5"]***. It contains 55.475 acres.

b. Lot 2 (Portion of Lot 1-B) is designated as Parcel 49, as shown on Tax Map 5-4-05 ***[Exhibit "2"]***. Lot 2 (Portion of Lot 1-B) is located on the mauka side of Ka Haku Road and contains Holes 10, 11, 17 and 18 of the Makai Golf Course and Holes 4-9 of the Woods Golf Course, as shown on the Makai Golf Course Map. It contains 102.635 acres.

c. Lot 7 (File Plan 1179) is shown on File Plan Map 1179 ***[Exhibit "6"]***, and is designated as Parcel 3, as shown on Tax Map 5-4-06 ***[Exhibit "3"]***. Lot 7 (File Plan 1179) is located on the mauka side of Ka Haku Road and contains Holes 1 and 9 of the Makai Golf Course and Holes 1-3 of the Woods Golf Course, as shown on the Makai Golf Course Map. It contains 51.955 acres.

d. Lot 1 (File Plan 1197) is shown on File Plan Map 1197 ***[Exhibit "7"]***, and is designated as Parcel 1, as shown on Tax Map 5-4-12 ***[Exhibit "4"]***. Lot 1 (File Plan 1197) is located on the mauka side of Ka Haku Road and contains Holes 2-5 of the Makai Golf Course, as shown on the Makai Golf Course Map. It contains 41.648 acres. *[Note: Lot 1 (File Plan 1197) was subsequently consolidated with adjacent property and resubdivided, as shown on File Plan 1303* ***[Exhibit "8"]****. As a result, Lot 1 increased in size from 41.321 acres (on file Plan 1197) to 41.648 acres (on File Plan 1303).]*

e. Lot 5 (File Plan 1197) is shown on File Plan Map 1197 ***[Exhibit "7"]***, and is designated as Parcel 6, as shown on Tax Map 5-4-12 ***[Exhibit "4"]***. Lot 5 (File Plan 1197) is located on the makai side of Ka Haku Road and contains Holes 6-8 of the Makai Golf Course, as shown on the Makai Golf Course Map. It contains 25.626 acres.

2. Golf Amenities Lots. There are two (2) lots which are improved with facilities related to the Golf Course. They are both subject to the Golf Dedication.

a. Parking Lot. The Parking Lot (identified by Kauai TMK No. (4) 5-4-006:006) contains 217 paved parking stalls which are spread over the entirety of the lot. The Parking Lot is subject to a Parking License Agreement as described in the Memorandum Of Parking License Agreement dated March 18, 2005 recorded in the Bureau as Document No. 2005-053780. The Parking License Agreement is a perpetual license for the use of 120 parking spaces on the Parking Lot in favor of the Princeville Hotel. The remaining parking spaces are used for the Clubhouse Lot and Golf Course Lots activities. Lot 6 (File Plan 1179), as shown on File Plan Map 1179 ***[Exhibit "6"]***, and is designated as Parcel 6, as shown on Tax Map 5-4-06 ***[Exhibit "3"]***. It contains 4.569 acres.

b. Clubhouse Lot. The Clubhouse Lot contains amenities related to the Golf Course uses and other recreation activities, including: a Golf Clubhouse and restaurant; a Golf Barn (for golf carts); a swimming pool and athletic facilities; tennis courts; and a parking area. The Clubhouse Lot is also subject to the Parking License Agreement. Lot 5 (File Plan 1179), as shown on File Plan Map 1179 ***[Exhibit "6"]***, and is designated as Parcel 5, as shown on Tax Map 5-4-06 ***[Exhibit "3"]***. It contains 7.041 acres.

3. Baseyard Lot. The Baseyard Lot contains warehouses and facilities used as the baseyard for the Golf Course operation. It is not subject to the Golf Reservation. It also contains two (2) warehouses used by Princeville Operating Company, LLC for baseyard purposes pursuant to a Grant Of Easement (Lot 54 Maintenance Yard) dated August 1, 2006 recorded in the Bureau as Document No. 2006-153727. It also contains a building and radio antenna used by Kekahu Foundation, Inc. for KKCR-FM, a community operated radio station. Lot B is designated as Parcel 54 as shown on Tax Map 5-4-05 ***[Exhibit "2"]***. It contains 12.242 acres.

B. LAND USE DESIGNATIONS.

The Land Use Designations for the lots are as follows:

1. Golf Course Lots. The Golf Course Lots are located in the following land use districts: the State Land Use Commission ("SLUC") Urban District; the Kauai General Plan Golf Course Land Use Designation; the Comprehensive Zoning Ordinance of the County of Kauai ("CZO") Open District; and the CZO Visitor Destination Area ("VDA").

2. Golf Amenities Lots.

a. Parking Lot. The Parking Lot is located in the following land use districts: SLUC Urban District; Kauai General Plan Golf Course Land Use Designation; CZO General Commercial District and Special Treatment - Public Facilities District; and the VDA.

b. Clubhouse Lot. The Clubhouse Lot is located in the following land use districts: SLUC Urban District; Kauai General Plan Golf Course Land Use Designation; a 1.2396-acre portion in the CZO General Commercial District and Special Treatment - Public Facilities District; a 5.8014 acre portion in the CZO Open District and Special Treatment - Public Facilities District; and the VDA.

3. Baseyard Lot. The Baseyard Lot is located in the following land use districts: SLUC Urban District; Kauai General Plan Natural Land Use Designation; CZO Open District; and the VDA.

C. OPPOSITION.

The Owner formally opposes the Petition and requests a contested case pursuant Hawaii Administrative Rules Section 13-198-15. It is our understanding that the HHPRB does not list properties in the Hawaii Register of Historic Places over the Owner's objections, and we request that the HHPRB consider this precedent in its deliberations on this matter.

There are certain individuals in the Princeville community whom we believe are pursuing this Petition via a veiled Nevada limited liability company given the expiration of the Golf Course Dedication. The Golf Dedication restricts certain uses on the Golf Course Lots and the Golf Amenities Lots to Golf/Recreational Uses until February 28, 2026. The Petition is a direct response to the expiring Golf Dedication and concerns surrounding the future uses of the Golf Dedication properties.

The Owner requests that the Petition be denied. The Makai Golf Course, while undoubtedly a beautiful and well-maintained facility, does not possess the historical significance or cultural value of other sites on the Hawaii Register of Historic Places. The Owner agrees that it is crucial to preserve sites of true historical significance, but it is equally important not to dilute the value of historic designations by including sites that are not deserving.

Designating the Makai Golf Course on the Hawaii Register of Historic Places will limit future improvements to the facilities and its infrastructure. This could have a negative impact on Princeville and the greater North Shore's local economy, which heavily relies on such recreational facilities such as the Makai Golf Course and impair the ability to upgrade, improve, and maintain the site facilities for the Princeville community's use.

Moreover, the Petition focuses entirely on golf as a historic sport and several golf courses that established golf's presence in Hawaii. The Petition fails to reference any other golf course in Hawaii that is registered in the Hawaii Register of Historic Places. Further, the Petition notes the site, rather than any structures, as a significant contributing feature, yet fails to provide any archeological references to the site itself.

The Owner intends to vigorously contest the Petition and hereby requests a contested case hearing prior to any action being taken. In accordance with Hawaii Administrative Rules Section 13-198-4(d) the Owner hereby notifies the HHPRB that it objects to the nomination for listing on the Hawaii Register of Historic Places. Further, enclosed herein is an affidavit in accordance with C.F.R. Sec. 60.6, stating the Owner's opposition to the nomination of the Makai Golf Course to the National Register of Historic Places and/or Hawaii Register of Historic Places.

If you have any questions, please do not hesitate to contact me at [redacted] or via email at [redacted]

Thank you very much for your consideration of the above testimony.

Sincerely yours,

SOF-XI KAUAI PV GOLF, L.P.

Jason Cruce

Enclosures

AFFIDAVIT OF JASON CRUCE

STATE OF Texas)
) SS:
COUNTY OF Bexar)

JASON CRUCE, being first duly sworn, on oath deposes and says:

1. I am the authorized signatory for SOF-XI Kauai PV Golf, L.P., a Delaware limited partnership.

2. SOF-XI Kauai PV Golf, L.P., a Delaware limited partnership, is the owner of the following properties:

a. The Golf Course Lots are shown on the following enclosed Exhibits:

(i) Lot 1 (Portion of Lot 1-B) is designated as Parcel 22, as shown on Tax Map 5-4-05 ***[Exhibit "1"]***. Lot 1 (Portion of Lot 1-B) is located on the makai side of Ka Haku Road and contains Holes 12-16 of the Makai Golf Course, as shown on the Makai Golf Course Map ***[Exhibit "4"]***. It contains 55.475 acres.

(ii) Lot 2 (Portion of Lot 1-B) is designated as Parcel 49, as shown on Tax Map 5-4-05. Lot 2 (Portion of Lot 1-B) is located on the mauka side of Ka Haku Road and contains Holes 10, 11, 17 and 18 of the Makai Golf Course and Holes 4-9 of the Woods Golf Course, as shown on the Makai Golf Course Map. It contains 102.635 acres.

(iii) Lot 7 (File Plan 1179) is shown on File Plan Map 1179 ***[Exhibit "5"]***, and is designated as Parcel 3, as shown on Tax Map 5-4-06 ***[Exhibit "2"]***. Lot 7 (File Plan 1179) is located on the mauka side of Ka Haku Road and contains Holes 1 and 9 of the Makai Golf Course and Holes 1-3 of the Woods Golf Course, as shown on the Makai Golf Course Map. It contains 51.955 acres.

(iv) Lot 1 (File Plan 1197) is shown on File Plan Map 1197 ***[Exhibit "6"]***, and is designated as Parcel 1, as shown on Tax Map 5-4-12 ***[Exhibit "3"]***. Lot 1 (File Plan 1197) is located on the mauka side of Ka Haku Road and contains Holes 2-5 of the Makai Golf Course, as shown on the Makai Golf Course Map. It contains 41.648 acres. *[Note: Lot 1 (File Plan 1197) was subsequently consolidated with adjacent property and resubdivided, as shown on File Plan 1303* ***[Exhibit "7"]****. As a result, Lot 1 increased in size from 41.321 acres (on file Plan 1197) to 41.648 acres (on File Plan 1303).]*

(v) Lot 5 (File Plan 1197) is shown on File Plan Map 1197, and is designated as Parcel 6, as shown on Tax Map 5-4-12. Lot 5 (File Plan 1197) is located on the

makai side of Ka Haku Road and contains Holes 6-8 of the Makai Golf Course, as shown on the Makai Golf Course Map. It contains 25.626 acres.

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(ii) Clubhouse Lot. The Clubhouse Lot contains amenities related to the Golf Course uses and other recreation activities, including: a Golf Clubhouse and restaurant; a Golf Barn (for golf carts); a swimming pool and athletic facilities; tennis courts; and a parking area. The Clubhouse Lot is also subject to the Parking License Agreement. Lot 5 (File Plan 1179), as shown on File Plan Map 1179, and is designated as Parcel 5, as shown on Tax Map 5-4-06. It contains 7.041 acres.

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3. On October 8, 2023, I received a letter dated October 4, 2023, from the State Historic Preservation Division notifying Princeville Development Corporation, and not SOF-XI Kauai PV Golf, L.P., a Delaware limited partnership, that the above identified properties would be presented to the Hawaii Historic Places Review Board for consideration to the Hawaii Register of Historic Places and recommendation to the National Register of Historic Places.

4. In accordance with Hawaii Administrative Rules Section 13-198(d), SOF-XI Kauai PV Golf, L.P., a Delaware limited partnership, hereby notifies the Hawaii Historic Places Review Board that it objects to the nomination of the properties for listing on to the Hawaii Register of Historic Places as provide under Chapter 198 of the Hawaii Administrative Rules.

5. In accordance with 36 C.F.R. Sec. 60.6, SOF-XI Kauai PV Golf, L.P., a Delaware limited partnership, hereby states its objections to the nomination of the properties on to the National Register of Historic Places.

Further affiant sayeth naught.

Jason Matthew Cruce

JASON CRUCE

Doc. Date: 10/17/2023 # Pages: 21

Doc. Description: Affidavit of Jason Cruce

Notary Name: Roderick Deshawn Taylor _____ Circuit

Subscribed and sworn to before me this 17th day of October, 20 23

Roderick Deshawn Taylor

Notary Public, State of Texas

My commission expires: 12/01/2025

NOTARY PUBLIC STATE OF TEXAS

Roderick Deshawn Taylor

ID NUMBER
133469646
COMMISSION EXPIRES
December 1, 2025

Notarized online using audio-video communication