

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition)
)
 of)
)
 MANOA FINANCE COMPANY, INC.,)
 to Amend the District Boundary)
 of Certain Land Situate at)
 Kahoiwai, Manoa, Honolulu,)
 Oahu, Hawaii.)
 _____)

DOCKET NO. A80-477

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
)
 of) DOCKET NO. A80-477
)
 MANOA FINANCE COMPANY, INC.,)
)
 to Amend the District Boundary of)
 Certain Land Situate at Kahoiwai,)
 Manoa, Honolulu, Oahu, Hawaii.)
)
 _____)

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
)
) DOCKET NO. A80-477
)
) MANOA FINANCE COMPANY, INC.,
)
to Amend the District Boundary of)
Certain Land Situate at Kahoiwai,)
Manoa, Honolulu, Oahu, Hawaii.)
_____)

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

This matter, being a boundary amendment proceeding pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure and District Regulations of the Land Use Commission of the State of Hawaii, was initiated by the petition of Manoa Finance Company, Inc., a Hawaii corporation, (herein "MFCo."), to amend the Land Use District boundary of an approximately 2.52-acre portion of certain land situate at Kahoiwai, Manoa, Honolulu, Oahu, Hawaii, and was heard by the Land Use Commission (herein "Commission") at Honolulu, Oahu, on April 16, 17, and 23, 1980, and May 15, 1980. The Department of Planning and Economic Development of the State of Hawaii (herein "DPED") and the Department of General Planning of the City and County of Honolulu (herein "DGP") were admitted as mandatory parties to this proceeding. Pursuant to its Petition for Intervention, the Pinao Tenants Association, a Hawaii corporation (herein "PTA"), was admitted as an intervening party to the proceeding. The Commission, having heard and examined the testimony

and evidence presented herein, hereby makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

Procedural Matters

1. The petition of MFCo. was filed on January 21, 1980, to amend the Conservation Land Use District Boundary of certain land at Kahoiwai, Manoa, Oahu, by reclassifying approximately 2.52 acres thereof (herein "subject property") into the urban district.

2. A notice of the hearing to be held in Room 312 of the Department of Land and Natural Resources, New State Building, on April 16, 1980, at 9:00 a.m., was duly published in the Honolulu Star-Bulletin on March 10, 1980.

3. The Petition to Intervene of PTA was filed on March 25, 1980, pursuant to Rules 6-7(1)(c) and 6-7(1)(d) of the Commission's Rules of Practice and Procedure.

4. A prehearing conference on MFCo.'s petition was held at Honolulu, Oahu, in the DPED conference room, Kamamalu Building, on April 8, 1980, and was attended by counsel representing DPED, DGP, and PTA who submitted and exchanged exhibits and lists of witnesses for the proceeding.

5. A Motion in Opposition to Petition for Intervention was filed by MFCo. on April 15, 1980. In its Memorandum in support thereof, MFCo. argued that the said petition was a defective filing for lack of required verification, and by virtue thereof was not timely filed within the period required by the Commission's Rules of Practice and Procedure, Part VI, Section 6-7(2).

6. Applications to appear as public witnesses were made by Senator Neil Abercrombie, Ann Kobayashi on behalf of the Manoa Neighborhood Board, and Amy Kunihisa, on March 25, 1980, April 9, 1980, and April 16, 1980, respectively.

7. Arguments on the Petition To Intervene and MFCo.'s motion in opposition thereto were heard by the Commission on the first day of hearing.

DESCRIPTION OF THE SUBJECT PROPERTY

8. The property proposed for reclassification from a Conservation District to an Urban District (herein "subject property", and identified as "project site" in MFCo. Exhibit 1) comprises approximately 2.52 acres, being a portion of Lot 12-A, area 23.108 acres, as shown on Map 11, filed with Land Court Application No. 512, as described in Transfer Certificate of Title No. 136,754 issued to MFCo. The subject property is also identified as a portion of Tax Map Key (1st Division) 2-9-52:01. MFCo. is the fee simple owner thereof.

9. The conservation/urban district boundary of Lot 12-A has been previously determined administratively to be at the 330-foot elevation contour of said Lot.

10. The subject property is located at the extreme mauka, northeast section of Manoa Valley, on the eastern slopes of the Valley between Manoa Stream and Puu Pia Hill, and is approximately 250 feet east of Manoa Stream at its closest point. Areas to the north of the property are owned

by the State of Hawaii and are under Executive Order 1659 to the City and County of Honolulu Board of Water Supply for the development and protection of water resources. The undeveloped area to the east is part of Lot 12-A owned by MFCo., and further east are areas owned by the City and County of Honolulu which are part of the Watershed Forest Reserve.

11. Lot 12-A, including the subject property, is bordered by Manoa Stream along its western boundary and by Waiakeakua Stream along its northwestern boundary, and is outside the 100-year floodplain limits for upper Manoa Stream.

12. Lot 12-A and a smaller, adjoining parcel identified as Tax Map Key (1st Division) 2-9-75:41, area 1.142 acres (herein "Parcel 41") including 52 residential dwelling units thereon, were sold to Manoa Estates Partners, Ltd., a Hawaii registered limited partnership, pursuant to Agreement of Sale dated December 28, 1978, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 916412 and noted on said Transfer Certificate of Title No. 136,754, and also recorded in the Bureau of Conveyances of the State of Hawaii in Liber 13385 at Page 448. The combined land area of Lot 12-A and Parcel 41 is 24.250 acres.

13. Adjacent lands to the west and south of the subject property are within the Urban District, as shown on LUC Map 0-13; lands to the east and north of the property are designated on said Map as Conservation. On the adjacent

Urban District Lands south of the subject property are located numerous buildings consisting of approximately 14 houses above the 330-foot contour, the uppermost houses being situated at an elevation in excess of 400 feet.

14. Access to Lot 12-A, including the subject property, and Parcel 41 is from Manoa Road via Pawaina Street, Pinao Street and a private road at the north end of Pinao Street.

Developed Land Area; Proposed Reclassification

15. Of the combined land area of 24.250 acres, approximately 13.0 acres thereof were developed with 52 residential dwelling units (structures 1 through 52) and related improvements constructed in three phases from about 1967 or 1968, to late 1969. The units were used as rental housing from 1970 to 1979. Ten of the 52 units (i.e. structures 15, 16, 31 through 26, 28, and 29) and 28 related improvements were determined by the Board of Land and Natural Resources to be located partially or entirely within the Conservation District, in violation of Hawaii Revised Statutes, Chapter 181, in that the structures and improvements were constructed without the prior approval of the Board. The Department of the Attorney General recommended to the Land Board that it enter into a settlement agreement with respect to those violations. The settlement agreement subsequently executed by the Land Board and MFCo., dated November 26, 1979, among other things, assessed MFCo. \$21,500 in fines and costs, and required MFCo. within a reasonable time thereafter to file a boundary amendment petition to amend the Conservation District Boundary of

Lot 12-A such that the amended boundary shall not exceed the 370-foot contour of said Lot.

16. As a result of the Land Board's action, the Agreement of Sale with Manoa Estates Partners, Ltd., was amended, whereby MFCo. agreed to repurchase 15 of the residential dwelling units, including the ten units on the subject property, leaving Manoa Estates Partners, Ltd., with the remaining 37 units for sale to the public, pursuant to a duly filed Horizontal Property Regime which covered all 52 units. A final report was issued by the Real Estate Commission with respect to all 52 units, but by a voluntary agreement with the Real Estate Commission, Manoa Estates Partners, Ltd., agreed not to sell the 15 units to the public until a boundary change is effected, as proposed herein by MFCo.

17. As a part of the fee simple condominium development, the amenities for the ten dwelling units include a storage building and guest parking (5,649 square feet), tennis courts (7,425 square feet), playground and picnic area (9,170 square feet), stream hiking area (71,906 square feet), and hiking area (417,180 square feet).

18. Existing circulation roads on Lot 12-A and the subject property provide access to the ten units on the subject property.

19. Storm water from the developed area, including the subject property, flows into a storm drain and/or sheet flows into Manoa Stream. Most of the storm water comes from the developed area, and minor amounts from the undeveloped hillside.

20. The ten dwelling units, prior to sale will

be renovated at an approximate cost of \$10,000 per unit, or a total estimated renovation cost of \$100,000. Renovation work will commence after obtaining all necessary governmental approvals, and will take approximately six months to complete.

21. The sale of the ten units will be addressed to the upper income group. The proposed selling price for the units will range from \$155,000 to \$185,000, though prices will essentially be dictated by the existing value of the structures and amenities. At the date of hearing on this petition, contracts of sale in progress for the 37 units held by Manoa Estates Partners, Ltd., indicate that the units were sold and were about to close at prices ranging from \$105,000 to \$179,000, or an average price of \$142,000.

22. The development of 52 homes, in existence for ten years, has provided housing for an estimated 166.4 persons, based on a 3.2 persons per household. The overall population density of the combined land area is 6.8 persons per acre, which is similar to the population density for other areas of Manoa Valley. On the developed portion of 13.0 acres, the density is 12.5 persons per acre. The population of the development constitutes 0.7% of the entire population of Manoa Valley.

STATE AND COUNTY PLANS

23. (a) State of Hawaii. The subject property and area mauka thereof are within the Conservation District and the Resource Subzone thereof.

(b) City and County of Honolulu. (i) General Plan. The subject property is within the primary

urban center, as designated in the General Plan of the City.

(ii) Detailed Land Use Map (DLUM) and Zoning. The DLUM designation for the subject property is Preservation. Zoning for the subject property is also Preservation (P-1).

NEED FOR GROWTH AND DEVELOPMENT

24. Based on current population estimates, some 69,000 new homes in Hawaii will be needed between 1975 and 1985. On Oahu there exists a supply shortage of available housing. A 1977 housing vacancy survey for Oahu indicated a vacancy rate of 1.6%. As an indication of the housing shortage, PTA has represented that the percentage of available rental units in Honolulu is consistently below 1.0%. Of 2,274 housing units completed in 1978, 63% being single family structures, only 2.5% remained unsold by year's end. Of those units, 1,083 or 48% were priced between \$70,000 and \$99,999, and one-half of one percent thereof remained unsold at the end of 1978. Thus, from available statistics, there appears to be a continued demand for new units, even in the higher price ranges. Imminent closings on the sale of all 37 units held by Manoa Estates Partners, Ltd., at an average price of \$142,000, is a current indication of the continuing demand for upper-income housing on Oahu.

25. Real property tax revenues to the government presently derived from the 52-home development amount to approximately \$16,570 per year, of which about \$3,187 could be attributed to the ten homes on the subject property. Projected real property tax revenues from the development,

following renovation work and sale of the 52 homes, will amount to approximately \$67,950. Of that amount, \$13,067 to \$15,808 could be attributed to the ten homes on the subject property. Demolition of the ten homes, if required, will preclude real property tax revenues to government, and occasion the loss of \$1,550,000 to \$1,850,000 to MFCo., exclusive of demolition and clearing costs.

26. Employment opportunities for the construction trades will involve temporary jobs created by the renovation work necessary for the ten homes on the subject property. The condominium development of which the property will be a part will generate a few full-time positions, such as a manager, groundskeeper, and maintenance person.

RESOURCES OF THE AREA

Agricultural Resources

27. There are no lands in Manoa Valley having an Agricultural Land Use Classification, although in 1976 approximately 165 acres in Manoa census tracts 27.01, 30.00, 31.01, and 31.02 were shown to be in agricultural use, according to statistics compiled by the City Department of General Planning.

28. There are no agricultural operations on the subject property, nor does the soil classification for the property indicate a high potential for such use. The property therefore does not have any significant potential for commercial agriculture.

29. The subject property is not classified as "Prime", "Unique", or "Other Agricultural Lands of Importance"

under the Agricultural Lands of Importance of the State of Hawaii classification system. Land Study Bureau land classification for the property is "E". The Soil Conservation Service of the Department of Agriculture classifies soils of the subject property as Lolekaa Silty Clay (Lof), which is found along drainage ways and fans adjacent to the Koolau Range. It is well drained, alluvial soil; runoff is rapid and the erosion hazard is severe. The soil is used for pasture, and is impractical for cultivation.

Natural Resources

30. Climate affecting the subject property is generally cool and damp, with winter temperatures ranging from the mid-40s to the low-80s, and summer temperatures from the mid-50s to the mid-80s. The coldest months are January and February with mean maximum and minimum temperatures being 72°F and 60°F, respectively. The warmest months are August and September which experience mean maximum and minimum temperatures of 75°F and 62°F, respectively. Climatic conditions do not preclude use of the subject property as a residential area.

31. Rainfall in the vicinity of the subject property is approximately 137 inches per year, primarily from the months of February through July. Generally, at least five inches of rainfall is experienced in any given month. Prevailing winds are primarily from the northeast, with Kona winds from the south occurring occasionally.

32. The proposed development, including the subject property, is located at the confluence of Waihi Stream and

Waiakeakua Stream, both of which feed into and become Manoa Stream. Manoa Stream and Waiakeakua Stream run along the western and northwestern boundaries, respectively, of the proposed development. Waihi Stream is a perennial stream, with an annual average daily flow for a 60-year period of 3.59 cubic feet per second. Waiakeakua Stream is also a perennial stream with an annual average daily flow of 5.05 cubic feet per second. In general, Manoa Stream between Paradise Park and Manoa Elementary School has a steep sloping channel which results in shallow, fast-moving, supercritical flows that have minimal flooding potential. No erosion is taking place within the proposed development that would increase stream turbidity. The 100-year flood plan for upper Manoa Stream excludes the subject property.

33. Manoa Stream and its tributaries are part of one watershed, whose boundary encompasses almost all of Manoa Valley, including the subject property, although the watershed is not designated as a closed or restricted watershed by the Department of Land and Natural Resources. Residential use of the subject property will not have an impact on the watershed. Use of the slopes above the property for hiking is limited and is expected to remain so. Stream flows and infiltration on the subject property will not be altered.

34. The subject property is within an area where ground water is suitable for domestic use. The Board of Water Supply considers the area as a prime groundwater recharge area, which is defined as an area which is above

the 50-inch rainfall line. However, much of the developed areas in Manoa Valley, including most of the homes in the Valley, are well above the 50-inch rainfall line. Thus, no impact on ground water is anticipated from the subject property.

35. There are no natural deposits of mineral resources, such as sand or pumice, on the subject property. Thus, no impact on mineral resources will occur.

Environmental Resources and Considerations

36. A 1977 botanical survey of upper Manoa Valley identified most of the vegetation around Puu Pia, in the vicinity of the subject property, to be forestry plantings. A field reconnaissance of the subject property conducted in September, 1979, identified flora on the property as residential plantings around the existing homes, and native and introduced vegetation on the slopes of Puu Pia. The majority of the forested area consists of introduced species with patches of Uluhe (false staghorn fern). None of the plants observed on the subject property comprise rare or endangered species, and due to the predominance of introduced species, it is unlikely that the subject property offers favorable conditions for the heau (*exocarpus guadichaudii*), a specie of sandalwood listed on the Federal Register of endangered plants.

37. From a field reconnaissance of the subject property in September, 1979, it was determined that none of the animals seen or potentially present there are rare or endangered species. Avifauna observed were the lace necked dove, barred dove, common mynah, Japanese white-eye, house sparrow, and cardinal. The forested area above the homes

provided the habitat for these species, as well as for the rock dove, amakihi, red-crested cardinal, spotted munia, and Java sparrow. The only endemic species is the amakihi commonly seen in forested areas of Manoa Valley and elsewhere on Oahu. Other animals observed were the cat, wrinkled frog, and anole lizard, and two unusual species, the green and black poison arrow frog and green iguana. Of the species found in the upper reaches of Manoa Stream, only the guppy, green swordtail, atyid shrimp, and crayfish were found in the Waiakeakua Stream, above the subject property, during collections made in 1977. The atyid shrimp is the only endemic species, and is likely the most common species in the vicinity of the subject property. Although Manoa Stream may be considered a sensitive wildlife habitat for stream fauna, no adverse impacts from the proposed reclassification is anticipated since the Stream will not be altered.

38. Ambient noise levels recorded at the subject property shows the existing ambient noise environment to be dominated by wind sounds. Noise levels along the existing access roads varied from 43dBA to 48dBA. Under Chapter 44-B of the Public Health Regulations pertaining to Community Noise Control for Oahu, allowable noise levels at the property line for Residential (R-1 to R-7) and Preservation (P-1) zones are 55dBA for daytime (7:00 a.m. to 10:00 p.m.) and 45dBA for nighttime (10:00 p.m. to 7:00 a.m.). It is not anticipated that on-site noise levels of the subject property will increase, thus no impacts are anticipated from its reclassification.

39. State Ambient Air Quality Standards provide for maximum allowable annual average pollution rates. Measured

in micro-grams per cubic centimeter, the allowable maximums are: 55 for particulate matter, 20 for sulfur dioxide, and 70 for nitrogen dioxide. Based on samplings in the vicinity of the Department of Health building in Honolulu, and other areas of Oahu, it is not likely that air pollution in the vicinity of the subject property exceeds State standards, and no impact is anticipated from the proposed reclassification of the property.

Recreational Resources

40. The subject property in and of itself has no recreational resource potential. However, public recreational lands and facilities are available in the Manoa area and include several small neighborhood parks and a large district park. The closest are the Manoa Elementary Park, and the Manoa Valley Park, which has an olympic-sized (50-meter) swimming pool.

Scenic Resources

41. Views of the development, including the subject property, consist of well-landscaped residential homes and the heavily vegetated slopes of Puu Pia. The homes blend in with the adjacent residential area and have a well cared for appearance. Views from the development consist of the adjacent residential area and the slopes of Upper Manoa Valley. Since the development is in place and no additional homes or structures are planned, there will be no impacts on the existing visual characteristics in the vicinity of the subject property.

Historic Resources

42. A survey of the subject property in December, 1979, verifies that the presence of archeological sites on

the developed portion of the subject property is precluded, since the property has been cleared and structures are in place. No impacts on archaeological or historical sites are therefore expected.

PUBLIC SERVICES AND FACILITIES

Firefighting Services

43. The subject property is served by the Manoa Fire Station, located on East Manoa Road across from the Manoa Market Place. Response time from that station to the subject property is approximately 3+ minutes, depending on time a fire alarm is received. In case of large fires, assistance is available from the Makiki and University fire stations. The development is also served by two fire hydrants.

Police Services

44. The subject property and vicinity is served by the Police Department's Beretania Street Station, and is within Police Beat #72. The police response time to calls can be expected to be 5 to 15 minutes.

Schools

45. The closest public school serving the proposed development, including the subject property, is the Manoa Elementary School, located approximately one mile away on Manoa Road. In addition, the property is served by Stevenson Intermediate and Roosevelt High Schools; and by the University of Hawaii located in Manoa Valley. Approximate enrollments to be generated by the development for Manoa Elementary, Stevenson Intermediate, and Roosevelt High range from a

minimum of nine students to a maximum of 27 students.

Public Utility Service

46. Underground electric lines provide power to the development, including the subject property, from Hawaiian Electric Company's Woodlawn substation. The development is also provided with telephone service. Line easements through the development accommodate both electrical and telephone services. In addition, transmission lines of Honolulu Gas Company provide the development with gas service from the Company's propane storage tank.

Water

47. The Board of Water Supply provides domestic water service to the development, including the subject property, via an 8-inch water main. The on-site easement for the waterline runs along the lower interior road of the development. Based on 500 gallons per day per unit, the existing water service is adequate to meet the development's requirements of 26,000 gallons per day, of which 5,000 gallons per day are attributed to the ten homes on the subject property. Water usage at the development constitutes about 0.04% of usage in the Honolulu District, and will not significantly deplete existing reserves.

Sewer Service

48. The development, including the subject property, is tied in to an 8-inch public sewer line located along Pinao Street. Liquid waste is disposed of through the Sand Island Sewage Treatment Plant, which has an operating capacity of 82,000,000 gallons per day, with a present average daily flow of 70,000,000 gallons per day. Assuming

100 gallons per unit per day, the development generates 16,640 gallons per day of liquid waste, of which 3,200 gallons per day are produced by the ten homes on the subject property. Thus, the development does not contribute a significant volume of liquid waste.

Solid Waste Disposal

49. Solid waste from the development, including the subject property, may be collected by the City or private refuse collectors. City-collected garbage is disposed of at the Keehi Transfer Station, then taken to the Waipahu incinerator, which has a burning capacity of 500 tons per day. Privately collected waste is taken to the Kapaa Landfill. Garbage bins for the proposed development are located in the vicinity of the guest parking lot. Since the proposed development is already served by solid waste facilities, no significant impact on such facilities is anticipated.

Roadways and Traffic

50. Roadway access from Manoa Road, a public street, to the development and the subject property is over Pawaina and Pinao Streets, both public roads, and a private road at the north end of Pinao Street. The public roadways are all paved and in good condition, with curbs, gutters, and sidewalks. The private roads serving the development are also in good condition, and are without curbs, gutters, and sidewalks.

51. Traffic counts were taken on East Manoa Road and Oahu Avenue, and at the intersection of Pawaina and Pinao Streets. Based on seven one-way trips per unit per day,

the development, including the subject property, contributes 364 trips per day on local streets. Of that number 70 trips per day are due to the ten homes on the subject property.

Public Transportation System

52. A bus stop located on Manoa Road near Pawaina Street serves the proposed development. The island-wide bus system is operated by the City which has a fleet of 350 coaches. Future plans call for modernization of the fleet and expansion to 400 vehicles.

SCATTERIZATION AND CONTIGUITY OF DEVELOPMENT

53. Scattered development for the subject property is avoided and precluded. The property is contiguous to the urban district at its southern boundary and to the existing development within the Urban District at its western boundary.

CONFORMANCE WITH INTERIM STATEWIDE LAND USE GUIDANCE POLICIES AND DISTRICT REGULATIONS

54. The foregoing findings of Urban District Standards applicable to the subject property are incorporated hereunder. The property conforms to Urban District Standards in that;

(1) The subject property is adjacent to and in the vicinity of other existing residential areas characterized by "city-like" concentrations of people, and does not represent a significant change in the community character of the area.

(2) The economic feasibility of the proposed project is indicated by the cost of renovation work on the ten houses and their proposed sale to higher income persons at the projected sale prices, as well as by recent sales of 37 units by Manoa Estates Partners, Ltd.

(3) Basic services, such as roads, bus transportation, sewers, water, sanitation, schools, parks, police and fire protection, and electrical, telephone and gas, are already provided and are available to the subject property.

(4) The 2.52 acres of the subject property will be limited to the existing homes, and there will be no reserve area provided for further urban growth.

(5) During the ten years the development, including the subject property, has been in existence, no topography or drainage problems have come to light. The area is not in danger from floods, tsunami, unstable soil conditions, or other adverse environmental effects.

(6) The subject property is included in the primary urban center for growth in the City's General Plan. By virtue of its contiguity to urban lands, it is in an appropriate location for new urban concentration.

(7) The 2.52 acres proposed for reclassification is adjacent to the Urban District and existing urban development.

(8) Since the subject property is adjacent to developed urban areas and is already served by basic services and facilities, no further investment in such services and facilities is required.

(9) The structures on the subject property were originally constructed preserving the aesthetic quality of the existing landscape, as evidenced by the heavy vegetative cover. Construction controls and design for the structures were and still are adequate to protect the public health, welfare, and safety.

(10) In addition to providing housing accessible to existing, major employment centers, reclassification of the subject property will supply needed housing by fulfilling the housing needs of an upper income group.

RULINGS ON PROPOSED FINDINGS

Any of the proposed findings of fact submitted by the Petitioner or the other parties not already ruled upon by the Land Use Commission by adoption herein, or rejected by clearly contrary findings at fact herein, are hereby denied and rejected.

CONCLUSIONS OF LAW RELATING
TO PROCEDURAL MATTERS

1. The Petition for Boundary Amendment From Conservation To Urban District was properly filed and served on all parties.
2. The notice of hearing on said Petition was properly served and published in accordance with Section 205-4, Hawaii Revised Statutes.
3. The Petition to Intervene of PTA was properly filed and served on all parties.
4. The Motion of MFCo. in opposition to the Petition To Intervene is denied, and pursuant to Rule 6-7(d) of this Commission's Rules of Practice and Procedure, PTA is admitted as a party to the proceedings.
5. The applications to appear as public witnesses, filed by Senator Neil Abercrombie, Ann Kobayashi on behalf of the Manoa Neighborhood Board, and Amy Kunihisa, are approved and each of them is permitted to testify as a public witness in these proceedings.

CONCLUSIONS OF LAW RELATING
TO RECLASSIFICATION


Pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure, and State Land Use District Regulations of the Land Use Commission, the Commission concludes that the proposed boundary amendment conforms to the standards established for the Urban Land Use District by the State Land Use District Regulations and is consistent with Sections 205-2, Hawaii Revised Statutes, and with the Interim Statewide Land Use Guidance Policies established pursuant to Section 205-16.1, Hawaii Revised Statutes, and by State Land Use District Regulation 6-1.


ORDER

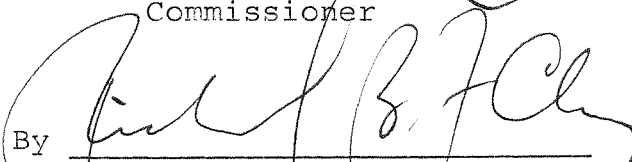
IT IS HEREBY ORDERED that the property which is the subject of the Petition of MFCo. in this Docket No. A80-477, approximately 2.52 acres, situated at Kahoiwai, Manoa, Honolulu, Oahu, Hawaii, being a portion of Lot 12-A, area 23.108 acres, as shown on Map 11 of Land Court Application No. 512, as described in Transfer Certificate of Title No. 136,754 issued to MFCo., and being also identified as a portion of Tax Map Key (1st Division) 2-9-52:01, shall be and is hereby reclassified from Conservation to Urban and the Land Use District Boundaries are amended accordingly. However, such reclassification at the Land Use District Boundries shall not include any lands above the 370 foot contour line on the State Land Use District maps.

DONE at Honolulu, Hawaii, this 11th day of
September, 1980, by Motion passed by the Land
Use Commission, State of Hawaii, on August 5, 1980.

LAND USE COMMISSION
STATE OF HAWAII

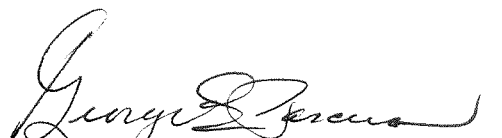
By 
C. W. DUKE
Chairman and Commissioner

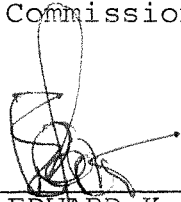
By 
SHINICHI NAKAGAWA
Vice Chairman and
Commissioner

By 
RICHARD B. F. CHOY
Commissioner

By 
SHINSEI MIYASATO
Commissioner

By 
MITSUO OURA
Commissioner

By 
GEORGE PASCUA
Commissioner

By 
EDWARD K. YANAI
Commissioner

ABO-477 MANOA FINANCE COMPANY, INC.

Dwg. No. 1153
 By: H.T. Dec.
 Source: Bishop Estate
 Tax Maps Bureau

MANOA VALLEY, HONOLULU

NOTICE: Owner's, lessee's and vendee's interests recorded on this tax map print may not be current. Refer to Administrative Directive 24-68 (Rev.) dated November 21, 1968, as amended by RPP Procedure 4-76, dated July 2, 1976.

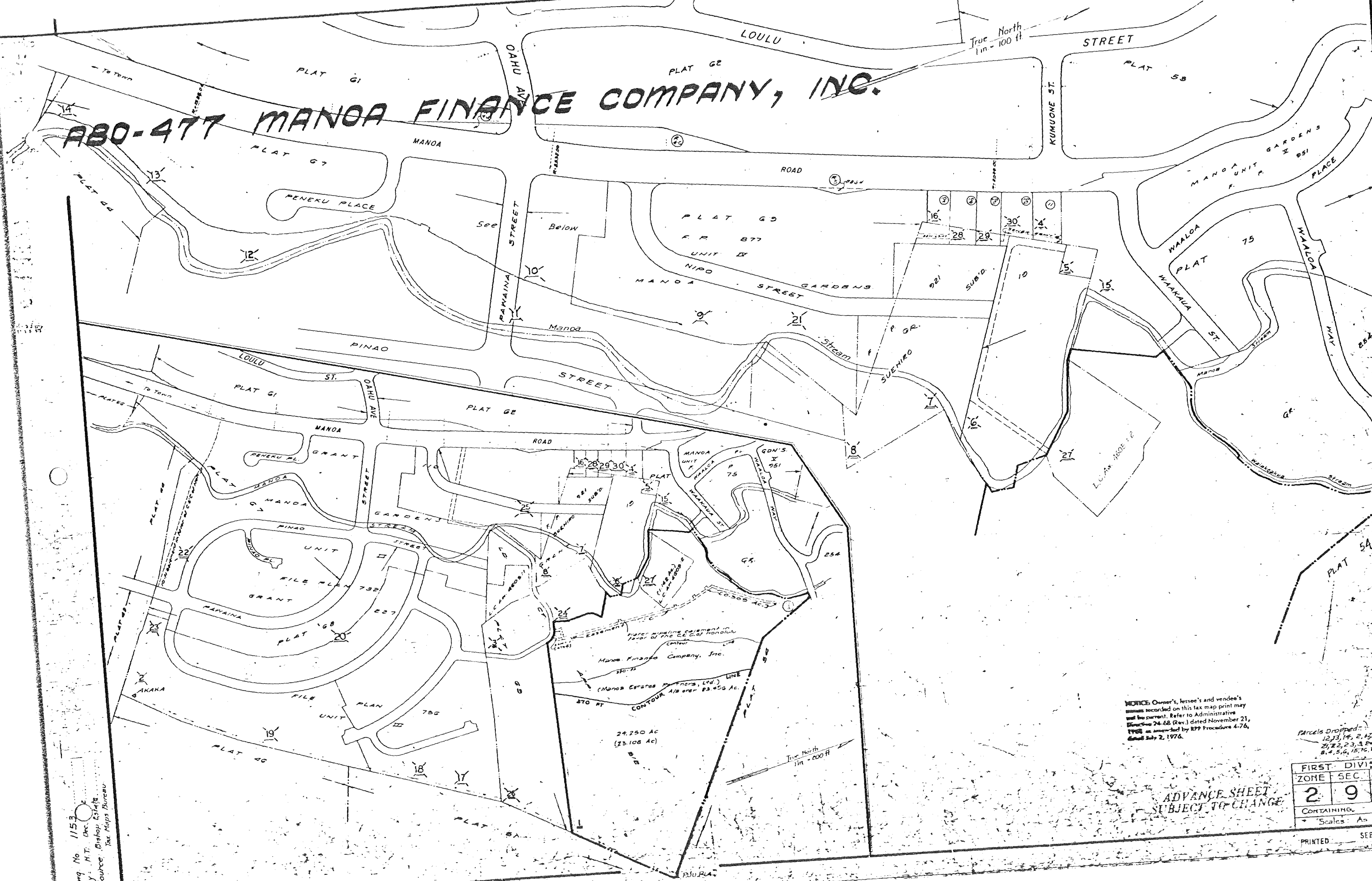
Parcels Dropped: 11, 12, 13, 14, 2, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

FIRST DIVISION	ZONE	SEC.	PLAT
2	9	52	

CONTAINING: _____ Blocks
 Scales: As noted

PRINTED: SEP 9 1968

ADVANCE SHEET
 SUBJECT TO CHANGE



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
)
 of)
)
 MANOA FINANCE COMPANY, INC.,) DOCKET NO. A80-477
 to Amend the District Boundary)
 of Certain Land Situate at)
 Kahoiwai, Manoa, Honolulu,)
 Oahu, Hawaii.)
 _____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

HIDETO KONO, Director
Department of Planning & Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

ANNETTE CHOCK, Deputy Attorney General
Department of Attorney General
Capital Investment Building
Penthouse, 850 Richards Street
Honolulu, Hawaii 96813

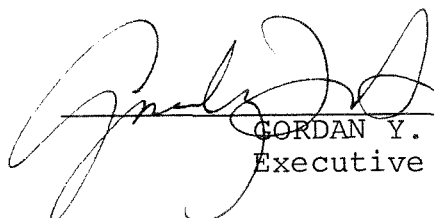
GEORGE MORIGUCHI, Chief Planning Officer
Department of General Planning
City & County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

JANE HOWELL, Deputy Corporation Counsel
Department of Corporation Counsel
City and County of Honolulu
3rd Floor, City Hall
Honolulu, Hawaii 96813

FRANCIS IZUMI
Attorney for Petitioner
701 C. R. Kendall Building
888 Mililani Street
Honolulu, Hawaii 96813

JACK SCHWEIGERT
Attorney for Petitioner-Intervenor
Pinao Tenants Association
2nd Floor Auditorium
250 South Hotel Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 12th day of September, 1980.



GORDAN Y. FURUTANI
Executive Officer