October 18, 1995

The Honorable Gary Gill, Director
Office of Environmental Quality Control
State of Hawaii
220 S. King Street, 4th Floor
Honolulu, Hawaii 96813

Dear Mr. Gill:

SPECIAL MANAGEMENT AREA ORDINANCE
CHAPTER 25, ROH
Environmental Assessment/Determination
Negative Declaration

Recorded Owners: Kathleen W.A. Sullivan Irrevocable Trust,
Maureen J. Sullivan Irrevocable Trust,
Colleen Sullivan Irrevocable Trust and
Patrick Joseph Sullivan Irrevocable Trust
Foodland Supermarkets, Ltd.

Applicant: Sueda & Associates, Inc.
Agent: 59-716 and 59-720 Kamehameha Highway,
Location: Pupukea, Oahu
Tax Map Key: Special Management Area Use Permit
Request: To construct improvements to an existing
Proposal: supermarket and an additional parking
area

Determination: A Negative Declaration Is Issued

Attached and incorporated by reference is the Final Environmental
Assessment (FEA) prepared by the applicant for the project. Based
on the significance criteria outlined in Chapter 200, State
Administrative Rules, we have determined that preparation of an
Environmental Impact Statement is not required.
ENVIRONMENTAL ASSESSMENT

RENOVATIONS & PARKING ADDITION AT 
PUPUKEA FOODLAND
Pupukea, Oahu, Hawaii

Tax Map Key 5-9-11: 16,35

October 1995

Prepared for:
Sueda & Associates, Inc.
905 Makahiki Way - Mauka Suite
Honolulu, Hawaii 96826

Prepared by:
Wil Chee - Planning, Inc.
1585 Kapiolani Boulevard, Suite 818
Honolulu, Hawaii 96814
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**APPENDIX - A:** Background Correspondence and Documents

**APPENDIX - B:** Response to Review Comments of the Draft Environmental Assessment
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ENVIRONMENTAL ASSESSMENT

BACKGROUND

The subject of this environmental assessment is the proposed renovation and addition to Pupukea Foodland supermarket. The project consists of two parcels of land. The first (TMK 5-9-11:16) is the site of the existing commercial facility and parking lot. Based on Land Use Ordinance (LUO) requirements, the additional square footage generated by the proposed renovation would require additional parking. To accommodate the new parking requirement, an adjacent second parcel, (TMK 5-9-11:35) has been joined to the existing Foodland parcel through an agreement by the owners of the properties (April 8, 1994). This action was taken per Section 4.40-21 of the LUO which states that "...if an owner or owners of adjacent lots believe that joint development of their property would result in more efficient use of their land, they may apply for a Conditional Use Permit to allow such development and to treat said lots as one (1) for zoning purposes." After the agreement was made and filed at the Bureau of Conveyances, a Conditional Use Permit for joint development was granted by DLU on April 16, 1994.

Ordinarily, because the project site lies within the Special Management Area (SMA), a major SMA permit would be required for the project. But, since a Shoreline Management Permit had already been granted to the original Foodland development on May 11, 1977, the applicants requested that the subject project be considered a completion of the original Shoreline Management Permit, thus negating the need for a new SMA permit application. In a letter dated November 4, 1994, DLU approved the modification request to the original SMP. However, the letter also stated that because TMK 5-9-11:35 was not part of the original SMP, a separate SMP application must be submitted for development of the additional parcel.

Thus, the SMA permit application is technically only required for the additional parking. But in order to keep the entire project in perspective, information on renovation of the existing building is also provided in this document. This environmental assessment has been prepared as a requirement of the SMA permit process.

1.0 GENERAL INFORMATION

1.1 Applicant
Foodland Supermarkets, Ltd.
3536 Harding Avenue
Honolulu, Hawaii 96816
Phone: 732-0791

1.2 Recorded Fee Owner
Kathleen W. A. Sullivan Irrevocable Trust
Maureen J. Sullivan Irrevocable Trust
Colleen Sullivan Irrevocable Trust
Patrick Joseph Sullivan Irrevocable Trust
3536 Harding Avenue
Honolulu, Hawaii 96816
Phone: 732-0791
1.3 Agent
Suada & Associates, Inc.
905 Makahiki Way - Mauka Suite
Honolulu, Hawaii 96826
Phone: 949-6644

1.4 Tax Map Key
TMK 5-9-11: 16, 35

1.5 Lot Area

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<td>TMK 5-9-11:16</td>
<td>58,260 SF</td>
<td>existing Foodland and parking</td>
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<td>TMK 5-9-11:35</td>
<td>11,250 SF</td>
<td>parking addition</td>
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<tr>
<td>Total</td>
<td>69,510 SF</td>
<td>combined area</td>
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1.6 Agencies Consulted
1.6.1 City & County of Honolulu
Building Department
Fire Department
Department of Land Utilization
Department of Public Works, Division of Engineering
Department of Transportation Services
Board of Water Supply

1.6.2 State of Hawaii
Health Department
Department of Land and Natural Resources, Historic Preservation Division
Department of Transportation

1.6.3 Others
Hawaiian Electric Co., Inc.
GTE Hawaiian Tel
Pupukea Foodland

2.0 DESCRIPTION OF THE PROPOSED ACTION

2.1 General Description

2.1.1 Description of Proposed Project
The subject project is the renovation and addition to Pupukea Foodland which was opened in the late 1970's. The project involves interior renovations to an existing masonry and wood framed commercial building including a first floor and upper floor addition. These changes will result in the expansion of Foodland's product line with the addition of a Bakery, a Deli, and a Fresh Seafood section. The project also includes civil, sitework, demolition, structural, mechanical, electrical and landscape work.
2.1.2 Relation of the Parcel to the SMA

All of TMK 5-9-11:35 (additional parking) lies within the SMA. Most of TMK 5-9-11:16 (supermarket building and parking) lies within the SMA; however, a 20,000 SF portion on the eastern end of the parcel is outside the SMA line.

2.1.3 Location

The project site is located on the northwestern coast of the island of Oahu in an area known as the North Shore. It lies between the two nearest towns of Haleiwa to the west and Laie to the east. Pupukea is within the Koolauola Judicial District and is approximately 25 miles distant from Honolulu. The street address of the project is 59-720 Kamehameha Highway. The project site lies in the northeastern quadrant of the intersection formed by Kamehameha Highway and Pupukea Road. (See Figures 1, 2, and 3.)

2.1.4 Land Use Approvals

Land Use Approvals Granted:

- May 11, 1977, SHORELINE MANAGEMENT PERMIT granted by the City Council of the City & County of Honolulu (City Council Committee Report No. 973, 76SMA-209), for the original development. The subject project is an addition to the original development.

- February 8, 1978, ORDINANCE NO. 78-11, TO REZONE A PORTION OF R-6 RESIDENTIAL DISTRICT SITUATED AT PUPUKEA, Koolaauoa, Oahu, Hawaii, TO B-1 NEIGHBORHOOD BUSINESS DISTRICT NO. R-313. (BILL NO. 132, 1977). This document authorized change of zoning from R-6 to B-1, thus allowing conditional use of the property for a supermarket.

- April 16, 1994, CONDITIONAL USE PERMIT granted by the Department of Land Utilization, City & County of Honolulu, File no.: 94/CUP1-14.

Land Use Approvals Required:

- Filing by DLU of a "negative declaration" based on this Environmental Assessment at the Office of Environmental Quality Control (OEQC), or preparation and acceptance of an Environmental Impact Statement (EIS) if required, Department of Land Utilization, City & County of Honolulu.

- Major Special Management Area Use Permit (SMP), Department of Land Utilization, City & County of Honolulu.

- Building and Sign Permits, granted by the Building Department, City & County of Honolulu.

2.2 Technical Characteristics

2.2.1 Use Characteristics

The Pupukea Foodland site is and will continue to be used for commercial purposes.
2.2.2 **Physical Characteristics**

The project consists of an existing building of 20,505 SF. The proposed renovations will add an additional 7,423 SF to the existing structure bringing the total floor area to 27,928 SF. The remainder of the existing lot is devoted to open grade-level parking. An adjoining 11,250 SF lot will be added to the development to accommodate the additional parking requirement. The expanded building is mostly one story but includes a second story 918 SF addition to be used for employee rest rooms, electrical room, manager's office, and employee break room. Maximum permissible building height for B-1 zoning is 40'. Actual maximum height is approximately 25'. The existing parking lot has 68 stalls. With 25 additional stalls required for the renovations, the total parking stall count will be 93. See Figures 4, 5 and 6 for a graphic depiction of the project. The shaded portions of Figure 4 indicate the areas that are being added to the existing facilities.

The Gardco parking light fixture specified for the project is a pole top, 400 watt, high pressure sodium luminaire. Wattage and light source are similar to the existing fixtures but improved photometrics allow the Gardco fixture to illuminate the enlarged parking area to I.E.S. recommended levels. The luminaire's sharp cutoff characteristic will minimize light spill on adjacent properties. The I.E.S. illuminance recommendations are given to provide for the safe movement of traffic and satisfactory vision for pedestrians. They are the lowest acceptable levels consistent with the visual task involved and the need to discourage vandalism while at the same time meeting energy constraints.

2.2.3 **Construction Characteristics**

In addition to modification of the existing structure, construction will include demolition, removal, relocation, clearing, earthwork, soil treatment for vegetation control, basaltic termite barrier, drainage, new chain link fence, asphaltic concrete paving, pavement markings, piped utility alterations, landscape irrigation, and landscaping.

2.2.4 **Utility Requirements**

Water, electrical, and phone services already exist on site. The renovations and additions are not expected to make an appreciable increase in the use of these utilities. The store also has an existing propane storage tank for an emergency power generator which is supplied by a private company.

2.2.5 **Liquid Waste Disposal** [municipal sewer system, septic tanks, or injection wells]

There is no municipal sewer system available in the area. Foodland has installed a septic tank and leaching field on the vacant lot which is to be converted to additional parking. All necessary approvals and permits were obtained from the Department of Health and the Department of Waste Water Management prior to installation of the system. The project’s mechanical engineers have determined that the dual uses of TMK 3-3-11:35 for septic system and parking are compatible. The placement of parking area over a leaching field will not reduce the drainage capacity of the underlying soils. Adjustments will be made to all cleanouts, manholes, and distribution box covers to new finish grades. Approvals have been obtained from the relevant government agencies during the building permit process.

2.2.6 **Solid Waste Disposal**

Solid waste is disposed of by a private refuse company.
2.2.7 Access to Site & Traffic

The site is located on Kamehameha Highway, the major coastal roadway which connects Pupukea to all parts of the island. Secondary vehicular access is also available from Pupukea Road. Public transportation is provided by "The Bus" system of the City & County of Honolulu. Stops are located along Kamehameha Highway. Since the renovation involves an expansion of the product line rather than the generation of new clientele for Foodland, parking is not expected to increase to a degree that creates a negative impact to the community. The circulation pattern is improved by the new parking layout, and the additional entrance to the new lot will make ingress and egress easier.

The project's engineers have completed routing of the plans through the Department of Public Works, Department of Transportation Services and the state Department of Transportation. During the departmental reviews, traffic mitigation measures, specifically addition of a left turn lane and reconfiguration of the intersection of Pupukea Road and Kamehameha Highway, were not required.

2.2.8 Landscaping

Parcel 5-9-11:35 which will accommodate the parking addition contains a variety of existing planting and vegetation. The lot houses a septic tank and leaching field which handle liquid waste disposal for the existing Foodland facilities. The center of the lot is covered with short grasses and weeds. Jack-in-the-box, milo (Thespesia populnea), kou (Cordia subcordata), coconut (Cocos nucifera), crotons (Codiaeum variegatum), christmas berry (Schinus terebinthifolius), mango (Mangifera), pothos vine, haole koa, mock orange, rainbow shower (Cassia hybrida), geiger or kou haole (Cordia sebestena) and ficus benjamina can be found along the perimeter of the site. There are no rare or endangered species of planting on the site. Plans call for the removal of all existing vegetation except for jack-in-the-box trees along Kamehameha Highway and Pupukea Road. New planting in the parking lot will include rainbow shower trees interspersed at regular intervals between the parking stalls, red hibiscus (Hibiscus rosa-sinensis) along the perimeter walls, and pink coromandel asystasia and wodelia for ground cover.

2.3 Economic and Social Characteristics

2.3.1 Economic Characteristics

Renovations to Foodland and the construction of additional on-site parking are estimated to cost $2,000,000. Construction time is expected to be a minimum of twelve months. Construction will commence as soon as all necessary government permits and approvals have been obtained.

2.3.2 Social Characteristics

Pupukea Foodland is the only full-service market on the northern coast of Oahu between Haleiwa and Laie. As such, it provides an essential service to both local residents and visitors.

2.4 Environmental Characteristics

2.4.1 Soils

A soils investigation was completed at the project site by Soils International Geotechnical Consultants (April 23, 1994). Their findings indicate that soils are suitable to support the proposed project.
2.4.2 Topography

From Kamehameha Highway facing west, the on-site topography slopes gradually upward in the mauka direction for about 150 to 200 feet. Site elevations start at approximately 30’ MSL at Kamehameha Highway and increase to 37.9’ at the finish floor level of the building.

2.4.3 Surface Runoff, Drainage, and Erosion Hazard

Surface runoff and drainage for the project will be handled through connection to the state storm drainage system along Kamehameha Highway, and the city’s storm drainage system along Pupukea Road. Approvals for drain connections to both State and County Drainage Systems have been obtained. Once completed, paving of parking surfaces and the building foundation will prevent any potential for erosion hazard on the site.

2.4.4 Hazards

The federal Flood Insurance Rate Map (FIRM) for the area indicates that the site is in Zone X (areas of 500-year flood). The Foodland site itself is not within a Tsunami hazard area, however surrounding properties to the south, west and east are hazard areas, particularly the coastal area makai of Kamehameha Highway.

3.0 AFFECTED ENVIRONMENT

3.1 Surrounding Area

3.1.1 Description of Surrounding Area

The area surrounding the project site can be roughly divided into two geographic types. The coastal lands to the west of Kamehameha Highway consist of rock and sand beaches, beach front homes, and public recreation areas. Vegetation is sparse and the terrain is generally rocky. The lands mauka of Kamehameha Highway where Foodland is located include relatively level lands sloping toward the mountains which contain residences, small farms, and lots devoted to agriculture. Just behind the site, the terrain rises in steep cliffs which level off to a broad plateau. These headlands then slope upward towards the Koolau Mountain Range. The two best known natural landmarks near the project site are Waimea Bay to the southwest and Sunset Beach to the northeast. The North Shore region is well known for its scenic beauty and rural life style.

3.1.2 Description of Subject Site in relation to Surrounding Area

The project site slopes gradually upward towards the west from Kamehameha Highway and the shoreline. Beyond the site near the first bend in Pupukea Road, steep cliffs rise to approximately 200 MSL, then the topography straightens into a sloping plateau. On the plateau are found two large lots subdivisions, Pupukea Highlands and Sunset Hills. Beyond these areas are State Conservation District lands which rise into the Koolau Mountain Range.

3.1.3 Existing Surrounding Land Uses

The Foodland commercial property is surrounded on three sides by single family dwellings and small farms. Directly across Kamehameha Highway from the site is the Sunset Beach Fire Station and Pupukea Beach Park.
3.1.4 **General Plan Designation**
The project site is designated Commercial on the General Plan.

3.1.5 **Development Plan Designation**
The project site is designated Commercial on the Development Plan.

3.1.6 **Zoning**
The project site is zoned B-1 Neighborhood Business District. The beach area across Kamehameha Highway is zoned P-2 General Preservation District. Adjoining properties to the north of the site are zoned B-1. Other adjoining properties to the north and east are zoned Country, and land to the south is zoned R-5 and AG-2 General Agricultural District.

3.2 **Project Site in Relation to:**

3.2.1 **Publicly owned or used Beaches, Parks and Recreation Areas**
Pupukea Foodland lies directly across from Pupukea Beach Park, a major recreation area on the North Shore which encompasses Sunset Beach and Shark's Cove, a popular scuba diving spot. Waimea Beach Park, another important recreation area lies about a half mile south of Pupukea. Located on the mauka side of the main coastal roadway, Kamehameha Highway, the project will not block access to publicly owned or used beaches, recreation areas, and natural reserves.

3.2.2 **Rare, Threatened or Endangered Species and their Habitats**
The project site does not contain any rare, threatened or endangered species. With the exception of the beach area across Kamehameha Highway, the site is not adjacent to any preservation lands which contain such species. The project will not have a negative impact on the beach areas.

3.2.3 **Wildlife and Wildlife Preserves**
Not applicable.

3.2.4 **Wetlands, Lagoons, Tidal Lands and Submerged Lands**
Not applicable.

3.2.5 **Fisheries and Fishing Grounds**
Not applicable.

3.3 **Historic, Cultural, and Archaeological Resources**
According to the state Department of Land and Natural Resources, Historic Preservation Division, there are no known historic, cultural, or archaeological resources on the subject site. The site was previously in residential use, and any significant remains would have been obliterated.
3.4 Views

The project site is on the mauka side of the major coastal highway and will have no impact on views from the highway to the shoreline. The low horizontal massing of the two-story structure which houses Foodland will not obstruct ocean views from residential areas mauka of the site which are at higher elevations.

3.5 Quality of Receiving Waters and Ground Water

A soils investigation was completed at the project site by Soils International Geotechnical Consultants (April 23, 1994). Their investigation indicates that there are no well defined drainage channels, surface water bodies, or potable ground water resources on the site.

4.0 PROJECT IMPACTS

4.1 Positive Impacts

4.1.1 Although there are several small "mom and pop" stores in the vicinity, the nearest full-service markets are in Haleiwa, ten miles to the southwest of Pupukea, and in Laie approximately 20 miles to the west. Pupukea Foodland provides a critical service to the surrounding community through its full-service market which meets most demands for food and sundries. The decision to expand Pupukea Foodland was based on frequent requests by local residents for a Bakery, Deli and Fresh Seafood section. Provision of these services in Pupukea enhances quality of life by making essential commodities convenient to the residents. In addition, the scenic attractions of the North Shore and the proximity of Pupukea Beach Park make this area a frequent stopping point for tourists and recreationists. Thus, having Foodland in this location is also a great convenience for visitors.

4.1.2 The store provides increased employment opportunities to residents of the area. Approximately 90% of Pupukea Foodland's employees live on the North Shore.

4.1.3 Building of additional store space and parking will benefit the construction industry in the short-term.

4.1.4 Traffic may benefit with a larger parking area. The additional lot will provide ease of ingress and egress, and the new parking layout will improve the existing circulation pattern.

4.2 Negative Impacts

4.2.1 Construction Impacts. Negative impacts are expected due to construction activity. These will be short-term in nature and will last only for the duration of the construction period. The likely negative impacts would affect air quality and noise quality. Construction vehicle activity will increase automotive pollutant concentrations in the vicinity of the project site as well as on traffic routes from the vehicles' home base. On-site stationary and mobile construction equipment will contribute to excess exhaust emissions. Fugitive dust emissions are likely to increase during the construction period. Construction related noise will also constitute a negative impact and, in the short-run, construction activity will increase the amount of traffic to and from the site. Short-term soil erosion may become a problem during construction.
4.2.2 Social Impact. Concerns have been voiced from Pupukea residents to Councilmember Rene Mansbo regarding Pupukea Foodland. These residents have observed undesirable characters on the premises who pound and disturb the customers. They feel that it is unsafe for their children to patronize Pupukea Foodland; instead, these families travel to the Laie Foodland to do their shopping.

4.2.3 Truck Delivery. Foodland management does not anticipate any increase in truck traffic as a result of the proposed expansion and renovation. However, they do expect that the volume of products being delivered will increase, and as a result delivery hours may be somewhat longer than what they are currently.

5.0 MITIGATION MEASURES

5.1 Air Quality

Measures to control equipment and dust emissions are required according to the Department of Health’s Public Health Regulations on Air Pollution Control (State of Hawaii). Equipment emissions can be minimized by proper maintenance of all vehicles and equipment. Dust emissions can be minimized by strict adherence to State air pollution control standards.

5.2 Noise Quality

Audible construction noise will probably be unavoidable during the entire project construction period. Adverse impacts from construction noise, however, are not expected to be in the “public health and welfare” category due to the temporary nature of work and the administrative controls available for its regulation. The contractor will be required to obtain a noise permit if noise levels are expected to exceed allowable levels as specified in the State Department of Health’s Public Health Regulations, Title 11, Chapter 43. The contractor is responsible for properly maintaining construction equipment to minimize noise levels. All internal combustion engines will be required to have mufflers or other noise suppression devices in proper working order. Heavy vehicles required for construction must comply with the State Department of Health’s regulations for vehicular noise control.

5.3 Social Problems

It has become a common phenomenon in modern society that commercial activity areas such as malls, supermarkets and fast-food outlets have become informal gathering places, particularly for youth and young adults. This is true for Pupukea Foodland since it is the only commercial establishment of any size in the North Shore region. This phenomena is not necessarily negative unless anti-social behavior is exhibited. Management at Pupukea Foodland feels that these negative incidents are not as frequent as the complaints from a few residents would indicate. This is borne out by the fact that business at Foodland has not decreased since complaints of anti-social behavior on the premises were first made. Most Long-time customers in the neighborhood are still loyal to Foodland and their positive input to management was the direct cause for Foodland’s decision to expand the Pupukea facility.
Nevertheless, as soon as negative comments were received, store management took immediate action to guard against such occurrences. Plain clothes undercover security guards were added to the existing security staff. A complete tour of the premises and parking facilities is made each hour and any significant occurrences are noted in a log book. Negative occurrences such as abusive behavior or consumption of alcoholic beverages are dealt with immediately by security and management. Special vigilance is taken between the hours of 6PM to 11PM when the market is busiest. Management is committed to monitoring the situation and employing the most effective means to discourage anti-social behavior.

The proposed project will add a Bakery, Deli, and Seafood department to the existing facilities, but Foodland management does not plan to expand their liquor department as a result of the renovation, nor do they expect a dramatic increase in liquor sales.

5.4 Erosion

In order to mitigate erosion during the construction of the project, the Contractor will be responsible for screening off the lower area of the site from Kamehameha Highway using a silt fence. This will prevent the runoff from carrying away dirt and debris from the site. Additionally, the contractor will be controlling airborne dust by frequently wetting down the site. After completion of the project, the site will be paved and landscaped, thereby reducing erosion from entering the storm water system.

5.5 Truck Delivery

Foodland management will carefully monitor the delivery situation to ensure that there is little impact on the neighborhood. In addition, they are negotiating with a neighboring property owner to acquire additional land that may enable Foodland to have a more efficient delivery area outside the store's property.

6.0 DETERMINATION

The proposed action is not expected to cause significantly adverse impacts to the environment. The project constitutes the renovation and expansion of an existing use that has not exhibited any negative environmental impacts in the past. Therefore, it has been determined that a negative declaration for its construction should be filed.

7.0 FINDING AND REASONS SUPPORTING THE DETERMINATION

7.1 The expansion and renovation of Papukea Foodland will not involve an irrevocable commitment to loss or destruction of any natural or cultural resources.

7.2 The project does not conflict with any County or State environmental or planning policies.

7.3 The project does not adversely affect the economic and social welfare of the City & County of Honolulu or the State of Hawaii.

7.4 The project will not generate secondary impacts on population or public facilities.

7.5 The project will not cause a substantial degradation of environmental quality.
7.6 The project will not affect any rare, threatened or endangered species of flora or fauna. No endangered flora or fauna are known to exist on the proposed site.

7.7 The project will not adversely affect air or water quality, or the ambient noise environment of the area except in the short-run during construction.

For the reasons cited above, the proposed project will not have any significant negative environmental effect in the context of Chapter 343, Hawaii Revised Statutes and section 11-200-12 of the State Administrative Rules.
FIGURES
Figure 1
ISLAND MAP

Prepared for:
Sueda & Associates, Inc.

Prepared by:
Wil Chee - Planning, Inc.
Honolulu, Hawaii

ENVIRONMENTAL ASSESSMENT
Renovations and Parking Addition at Pupukea Foodland
Pupukea, Oahu, Hawaii
TMK 5-9-11:16, 35
APPENDIX - A

Background Correspondence & Documents
Mr. Gary Rado
Dept. of Land Utilization
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

December 23, 1976

Dear Mr. Rado:
Mr. Chace - 3847-21, Analea
Rainbow Undertakers, Inc.

We enclose the Request for Assessment form under Ord. 4529 as requested by you in your letter of December 3, 1976. Following our discussion on the telephone I believe that the enclosed information is sufficient for your purposes. Please call me if you should have any questions regarding the project.

Very truly yours,

[Signature]

Geoffrey G. Peterson AIA
City & County of Honolulu
Department of Land Utilization

REQUEST FOR ASSESSMENT
Under the Provisions of Section 5, Ordinance No. 4529
Interim Shoreline Protection Ordinance

1. REQUEST

Assessment of the development of the property herein described is requested under Section 5 of Ordinance No. 4529.

Note: To assure accurate and efficient assessment of the proposed development, it is urged that the information submitted with this form be as complete and detailed as necessary to clearly describe the development. Fill out all blank spaces, submit the required narrative material and plans on separate sheets, and sign the form.

If you are not the recorded owner of the property and/or if you are not acting as an authorized agent, supply the information for both the recorded owner and yourself, and a letter authorizing you to act as an agent.

Recorded Owner

Authorized Agent

Name: Paeo Okeana Inc.
Name: Georgia C. Perkins A.M.A.
Mailing Address: 2446 Bishop Rd.
Mailing Address: 171 Fort St 7227
Honolulu, HI 96814
Honolulu, HI 96813
Phone Number: 739-0281
Phone Number: 539-2667

2. PROPERTY

a. Street Address: 54-770 Kamehameha Hwy
b. Tax map key: 5-5-11-1-16

c. Lot size: 50 acres

3. PROPOSED DEVELOPMENT

The following information is hereby submitted:

1. A scale plan of the property showing property lines, existing development and contours and, if the property lies on the shoreline, a shoreline survey certified by the State Surveyor.

2. A description of the proposed development in terms of (a) what it is you propose to develop, and (b) what you wish to accomplish by developing in the manner proposed.

3. A description of the technical, economic, social and environmental characteristics of the proposed development and their effects on the coastal area.

4. An estimate of the total cost or fair market value of the proposed development.

5. The following data as checked is submitted to further clarify the development proposal:

- Location of proposed improvements.
- Building dimensions and setbacks from property line.
- Parking layout, dimensions and total number of stalls.
- Existing street, street names and diagram showing vehicular and pedestrian access to the proposed project and any adjacent beach areas.

6. Contours at suitable vertical intervals of the finished conditions to be achieved by any proposed grading to be shown by contours, spot elevations or other means. Elevations shall be marked on the site plan.

7. Description of existing and proposed view corridors and planes from the nearest public right-of-way along the development.

8. Building elevations and sections with dimensions including building heights meeting the appropriate district height requirements.

9. Building sizes, appearance and form with sketches and perspective.

10. Specifications or actual sample of exterior finish, texture, material and color for exterior, roof, and all exterior finishes.

11. Any special provisions which are necessary for the disposal of sewage and for accommodating surface drainage from the development. Final Drawings will be prepared by Civil Engineer to conform to all approved drainage requirements.

4. SIGNATURE

Recorded Owner

Authorized Agent

Date

12/22/86
Proposed Development:

1. Schematic Plot Plan is attached. Property is not on the shoreline side of the highway.

2. (a) Proposed development will consist of approximately 20,000 sq. ft. of commercial retail development to serve the neighboring community and travelers on the highway. The main building will be a general store selling groceries and liquor, while the smaller building will contain service shops and a fast-food establishment.

   (b) The present dilapidated building will be demolished to make way for the new development which will extend the present limited sales area to better serve the community.

3. The proposed buildings will be one story high, and of a "rustic" rural architectural character in keeping with the existing country environment. Basic construction materials will be masonry walls with textured plaster or redwood finish, exposed glulam trusses with wood trim, and walls. Roofing material will be similar concrete tiles or cedar shingles. Landscaping will be designed by a qualified landscape architect, and it will include a sprinkler system. Retaining walls will be mass-graded and plastered masonry. Since the property is across the highway from the shoreline, it should not create any adverse effect on the coastal zone.

4. The total cost of improvements on the property are estimated to be in excess of Five Hundred Thousand Dollars.
Mr. Donald Bremer, Acting Chairman
Environmental Quality Commission
State of Hawaii
350 Seabeesville Street, Room 301
Honolulu, Hawaii 96814

Dear Mr. Bremer:

May we request that the following Special Management Area (Interim Shoreline Protection Ordinance) determination be published at your earliest convenience in the "HCC Bulletin":

NEGATIVE DECLARATION
ORDINANCE NO. 4299 (INTERIM
SHORELINE PROTECTION)

Commercial Complex, Pokowas
Rainbow Development, Inc.
City & County of Honolulu

CONTACT
Geoffrey G. Peterson & Associates
745 Fort Street, Suite 207
Honolulu, Hawaii 96813

If you should have any questions or wish additional information, please contact Mr. Carl Smith of our staff at 523-4077.

Very truly yours,

GEORGE S. MORIOCHI
Director of Land Utilization

Geoffrey G. Peterson & Associates
February 7, 1977

Mr. Carl Smith
Department of Land Utilization
City & County of Honolulu
650 S. King St.
Honolulu, Hawaii 96813

Re: Commercial Complex, Punahele
T.H.E. 5-9-11 par. 16

Dear Mr. Smith:

We enclose a duly completed shoreline management permit application as requested in Mr. Morishita's letter of January 27, 1977.

We trust the information will enable you to proceed with the rezoning process for the property.

Very truly yours,

Geoffrey Paterson

City and County of Honolulu, Department of Land Utilization
APPLICATION FOR SPECIAL MANAGEMENT PERMIT

Permit Number:
Expiration Date:

1. APPLICANT

Application for development of the property herein described is hereby made pursuant to the provisions of Section 7 of Ordinance No. 4529, for a special management permit within the Special Management Area.

To insure the accurate and efficient processing of this application and to avoid errors and delay, supply all the required information, fill out all blank spaces clearly, concisely, and completely, and sign the application.

If you are not the recorded owner of the property, you are considered the authorized agent of the recorded owner. If you are filling as an authorized agent, supply the information for both the recorded owner and yourself, and a letter authorizing you to act as agent.

Recorded Owner
Name: RAINBOW UNDERWEAR, INC
Mailing Address: 2916 KAPIOLANI BLVD.

Authorized Agent
Name: GEOFFREY PATERSON, AIA
Mailing Address: 745 FORT ST., SUITE 207

Phone Number: 732-0791

2. PROPERTY

a. Street Address: 59-720 NANI INV
b. Tax map key: 5-9-11 PAR 16

c. Lot size: 59,260

3. PROPOSED DEVELOPMENT

Outline concisely the type of development proposed:

APPROXIMATELY 20,000 SQUARE FEET OF COMMERCIAL, RETAIL, SPACE, CITY, GROCERIES, LIQUOR, EAST FOODS, AND SERVICE ESTABLISHMENTS. THE FIRST STORY STRUCTURE WILL BE OF RUSTIC ARCHITECTURAL DESIGN IN KEEPING WITH THE RURAL NEIGHBORHOOD.

4. DRAWINGS AND DOCUMENTS

a. Submit accurate scale drawing showing dimensions and shape of the lot; sites, areas, and locations of existing and proposed buildings; open areas; driveways; pedestrian walks; off-street parking and loading areas; landscaped areas; fencing; and walls.
D. Submit a copy of either the negative declaration issued under Section 5-9-(2)-(e) of Ordinance No. 6522 or a completed and accepted environmental impact statement required under Section 5-9-3-e of the Ordinance.

6. SIGNATURE

[Signature]

Authorized Agent

[Signature]

FEBRUARY 4, 1977

DEPARTMENT OF LAND UTILIZATION USE

I A. This application is filed complete with the following: [ ] Site plan

[ ] Accepted EIS [ ] Negative Declaration [ ] Authorization of agent

I B. Application is returned for corrections:

I C. Action/Date:

Public Hearing City Council

FEBRUARY 14, 1977

76/DLU-199(GH)

CERTIFIED MAIL

Geoffrey G. Patterson & Associates
745 Fort Street, Suite 207
Honolulu, Hawaii 96813

Gentlemen:

Shoreline Management Permit
Council District No. 2
Application Date: February 8, 1977

Applicant: Rainbow Underwriters, Inc.
Address: 69-521 Kamaole Drive
P.O. Box 39105, Honolulu, Hawaii 96820

This will acknowledge receipt of the above application for a Shoreline Management Area permit.

A Department of Land Utilization public hearing must be set no less than twenty (20) nor more than ninety (90) calendar days after February 8, 1977. Prior to scheduling of the public hearing, submission of the required filing and processing fee of $100 will be necessary.

If you should have any questions or wish additional information on this matter, please contact Mr. Carl Smith of our staff at 522-0077.

Very truly yours,

GEORGE B. MOREHOUSE
Director of Land Utilization

GH:ey
c: City Council
bcs: OL Administration
Geoffrey G. Patterson & Associates
745 Fort Street, Suite 207
Honolulu, Hawaii 96813

Gentlemen:

Shoreline Management Permit
Council District No. 3
Application Date: February 6, 1977

Applicant: Rainbow Underwriters Inc.
Agent: Geoffrey G. Patterson, AIA
Location: Pupukea
Tax Map Key: 5-1-16

Request: To demolish existing structures and replace with a neighborhood-type shopping complex.

This will acknowledge receipt of the above application for a Shoreline Management Area permit.

A Department of Land Utilization public hearing must be set no less than twenty-one (21) nor more than ninety (90) calendar days after February 6, 1977. Prior to scheduling of the public hearing, submission of the required filing and processing fee of $100 will be necessary.

If you should have any questions or wish additional information on this matter, please contact Mr. Carl Smith of our staff at 323-4071.

Very truly yours,

George T. Morochoi
Director of Land Utilization

George T. Morochoi
City Council
March 21, 1977

Geoffrey G. Patterson & Associates
745 Park Street, Suite 107
Honolulu, Hawaii 96813

Gentlemen:

Request: Shoreline Management Permit
Applicant: Rainbow Underwriters, Inc.
Agent if any: Geoffrey G. Patterson, AIA
Location: T-137
Lot Size: 5,940 sq. ft.

This is to notify you that a public hearing on the above application has been scheduled for Thursday, April 14, 1977, at 11:00 a.m. at the Kailua Recreation Center, 67-180 Goodale Avenue.

Please feel free to contact Mr. Gary Noda of our staff at 522-4536 or 521-4077 if you have any questions or wish additional information.

Sincerely yours,

[Signature]
Director

Ref: Receipt No. 4618
Public Hearing Notice
4. **Environmental Characteristics**

The project site has an old existing structure used as a general store and two single-family dwellings. The store is situated near the nakai side, adjacent to Lunaloha Hillside. The other dwellings are at the north end of the property enclosed in densely vegetated surroundings.

5. **Affected Environment**

The subject property, Tax Map Key 5-9-11: 16, is situated at 59-790 Kamehameha Highway in Pupukea, in an R-2 Residential District and designated for residential use on the Oahu General Plan.

1. **Major Impact**

None

2. **Utilization Measures**

Not applicable

3. **Areas Requiring Further Study**

None

4. **Reasons Supporting Determination**

a. There are no major impacts which would significantly affect the coastal zone.

b. The proposed development would be beyond the 40-foot shoreline setback area.

c. The project would be structurally compatible and beneficial to the surrounding community.

Note: The above items support only a finding that effects of the proposed action would not be significant enough (defined in Chapter 205A, HRS) to warrant preparation of a full disclosure document such as an environmental impact statement is intended to be.

5. **Agencies Consulted**

Department of Land Utilization, Land Use Controls.
The Department of Land Utilization of the City and County of Honolulu, held public hearings on Thursday, April 14, 1977, starting at 11:00 a.m., in Waikele Recreation Center. These hearings were held in compliance with Ordinance No. 6529, as amended.

Present:

Carl Smith, Public Hearing Officer
Gary Nakamura, Staff Planner

The Public Hearing Officer made the following opening remarks:

"Ladies and gentlemen, my name is Carl Smith. I am conducting the public hearing today in accordance with the State Shoreline Protection Ordinance 6529, as amended, to hear testimony on the issues which were advertised on March 30, 1977, in the Honolulu Star-Bulletin and Honolulu Advertiser.

The issues for hearing are applications for special management permits for development within the Special Management Area created by the Interim Shoreline Protection Ordinance 4529. This ordinance was enacted by the City Council as mandated by State Law, Chapter 201A.

All developments within the SMA are reviewed by City Council to ensure:

1. Adequate access, by dedication of land or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles.

2. Adequate and properly located public recreation areas and wildlife preserves are preserved.

3. Provisions are made for the safe and proper management and disposal of municipal and industrial solid and liquid waste, and management which will minimize adverse affects upon special management area resources.

4. Structures to existing land forms and vegetation, except crops, and construction of structures shall cause a minimum adverse effect to water resources, ecology and recreational facilities and minimum danger of floods, landslides, erosion, silting, or failure in the areas of earthquake.

Persons giving testimony today should confine their comments to the above criteria.

Persons giving testimony will be given three minutes for verbal presentation. Additional three minutes will be given when all others have spoken.

Any questions which I might ask will not count as part of the three minutes allotted to each speaker.

These public hearings were held at 11:00 a.m. in Waikele Recreation Center.

APPLICANT: Rainbow Underwriters, Inc.
LOCATION: Puppies, 5-401 K㎜
REQUEST: TO DEMOLISH EXISTING STRUCTURES AND REPLACE WITH A NEIGHBORHOOD-TYPE SHOPPING CENTER.

The Public Hearing Officer read the notice of public hearing which was published in accordance with its publication in the Honolulu Star-Bulletin and Honolulu Advertiser on March 30, 1977.

He called upon the Staff Planner to describe the proposal.

Staff Planner:

The proposed project is located on the south side of the Kahala Avenue and Pupukea Road in Pupukea. The parcel is presently being used for commercial purposes with the existing general store in a non-conforming use. The general store will be demolished to make way for the proposed development. There is also a single-family dwelling and a small nursery on the side of the store.

The application proposes to construct a shopping complex consisting of two structures: one being a general store with fast food service and various other retail shops. It also includes a parking facility to hold 70 cars.

There will be no obstruction of access to beaches or recreational areas, no intrusion in recreational or wildlife preserves, and there will be no public solid or liquid treatment facility as far as we can see in the proposed vicinity. The feasibility of treatment plants will have to be reviewed by the State Department of Health for approval.

I have two people registered to speak on this application. The first speaker is James Schreiber.

Testimony is attached.

The second speaker is Robert G. Leimene.

Testimony is attached.

In closing, anyone else who would like to testify on this application.

I am the architect for Rainbow Underwriters, Inc. and I would like to answer both the questions and comments on what the other two people have raised. First of all, I think most people in Hawaii are aware of all the good things that Mr. Sullivan has done in the Islands. He is one of the largest benefactors in the Islands and one of the leading people in the Islands. He is in competition with Mr. Sullivan for many charitable organizations. He has the first person to bring the spacecraft in Hawaii. Everyone before we at the mercy of the "Big Five." He is in competition with Sullivan and other magnates and his magnates are successful and therefore, we have to assume that he is doing something right.

Jeffrey Passmore:
Public Hearing Officer:

I would like to caution you at this point. We are not here to discuss any further discussion. We are discussing a Shoreline Management Permit based on the four criteria.

Geoffrey Patterson:

The project would be for the community. We have had many letters from people saying that there isn't a decent store in that area. I know that the existing store is old and perhaps it isn't the best environment for groceries. Regarding the surface runoff, the depth will be minimal and will be designed in a first-class manner. There will be no sewage coming from the site. If you were to put two or three houses on the property, regarding the concrete block brought up by both speakers, we want to do a building that would fit in with the environment. It will be useful for the people coming down from the hill and for people driving up and from north. There to buy more things with a wider selection to choose from.

Are you willing to come to a community meeting and discuss your plan?

Yes, I will. We all have at the moment is a plan. I will be very happy to work with the community on any problems we may simplify them.

Public Hearing Officer:

Again, I would like to say we are considering a Shoreline Permit. A Shoreline Permit is precedent to a rezoning action which must occur prior to the development actually going in. From what I have been hearing, some of the objections are for more groceries to a rezoning action than they are to a Shoreline Permit. If a public hearing is requested by the Sunset Beach Community Association or any other organization, we are historically very amenable to coming out and having a meeting with the public. This meeting would be held in relation to the rezoning, which is a far broader question than this rather limited Shoreline Permit that we are discussing today. Does anyone else wish to testify on this application?

Cabinet Franklin:

I live two miles up the hill of the intersection where the construction will be. Since I heard that this project was going to come up for discussion, I went around and talked to some of the neighbors. There are all in favor of having a shopping center for their convenience, because people living out there are right to the shopping center grounds in Sunset and also the postal office. They think that it's a great idea that a shopping center is proposed. There is no concern and that is the present traffic hazard. It is very dangerous to come down the hill and turn either right of left, particularly when someone is parked right in front of that old store in such a way that you cannot see the car coming from the other direction. We have signs up that say the speed limit in that area, but these signs are ignored. There is just one way to go. There is a traffic count of 400 to 500 cars an hour going by there. On the side of Wallingford, there are some trees that block the view of the person waiting to get into the traffic pattern to turn either left or right. Again, I'd like to say that a lot of people up on the hill think it's a great idea for a shopping complex. We also need a Post Office, substation.

Is there any other testimony on this application? Seeing none, I will close the public hearing.
Testimony from the Sunset Beach Community Association (S.B.C.A.)

Mr. Haskin Understites, Inc. (10/30/2000)

This project is of particular importance to the residents of the Sunset Beach/Punasika area. The building to be demolished is the old Hilal Store, which is part of our heritage out here. The store was built in 1920 and was used as a Post Office, Train Depot, Gas Station, and General Store. Mr. Sullivan of Woodland and Edmonds Hardware was associated with this project (i.e., he owns the land). I have phoned his office every working day for ten weeks leaving both my work and home phone numbers with a request that he call on day or night. Several months ago I asked for information on what his plans were and was told that "...I am pursuing my own pleasure." Mr. Sullivan apparently has very little regard for the community which he is trying to move in on. The community does not appreciate his apparent disregard and has voted to oppose the project as we now vaguely understand it...for the following reasons:

(1) Aesthetics: To replace an historic landmark with a couple of concrete buildings is not going to improve or enrich our small community. The area in question is presently very aesthetically pleasing.

(2) Traffic: All the parking will not be kept in the area. Thousand of divers utilize the unique coral formations between Waimea Bay and Ka Iki Rd. Run-off and sewage could possibly cause adverse effects on one of the islands' cleanest and most popular diving spots.

(3) Do we need these new structures to the extent that residential zoning (R-1) must be changed to accommodate Mr. Sullivan? To believe not.

The Hilal Store is grandfathered.
Department of Land Utilization
76/10-209(c)
April 30, 1977

DIRECTOR'S REPORT

I. Location

The parcel of land involved in the request for land change is located on the northeast corner of Kaneohe Highway and Pupukea Road in Pupukea. The land area is 1.2 acres. (Exhibit A)

II. Existing Land Use

The parcel is presently being used for commercial purposes. The existing general store is a nonconforming use. The structure will be demolished to make way for the proposed new development if the request for B-1 Community Business District is approved by the City Council. (Exhibits B-1 and B-2)

Single family dwellings and small farms surrounding the parcel on three sides; the Pupukea Fire Station is directly across the street on Kaneohe Highway.

III. Applicant's Proposal

The applicant requests a Shoreline Management Permit in order to proceed with a land change request from R-2 Residential District to B-1 Community Business District. Specific proposals for development under B-1 zoning include a general store and retail and service shops including a fast food establishment. Total commercial floor area, in two one-story structures, is about 20,000 square feet. Parking accommodations for about 72 cars will also be provided. (Exhibit C)

IV. Environmental Assessment

The Department of Land Utilization assessed the environmental aspects of the proposed project and issued a Negative Declaration on January 27, 1977.

V. Public Hearing and Testimony

The public hearing was held on April 13, 1977, at the Meaula Recreation Center. General concerns expressed by the community regarding the Shoreline Management Permit were as follows:

Sincerely,

[Signature]

Managing Director
A. They questioned the adequacy of sewage disposal facilities for the proposed commercial use.

B. They were concerned that paving the parcel to accommodate parking facilities would increase surface runoff, which could adversely affect diving spots in the area.

C. They expressed their interest in preserving the rural character of the area in the design and scope of the proposal.

A copy of the public hearing minutes and written testimony are attached for reference. (Exhibit D)

VI. Analysis

The development proposal has been reviewed in light of the review guidelines in Section 4 of Ordinance No. 4529.

A. Access

The parcel, situated near the shoreline, would not interfere with any recreation areas or natural reserves.

B. Public Recreation Areas and Wildlife Preserves

The parcel has no existing or potential use as a public recreation area or wildlife preserve.

C. Solid and Liquid Waste Disposal

There are no specific proposals for trash disposal. Refuse collection would either be done by a private sanitation firm or by municipal service. Public sewerage facilities are not available at this time. Sewage disposal could become a potential problem. Alternative means for sewage disposal must be considered once the project proceeds to the rezoning stage. This proposal is still subject to review as a request for R-1 Community District zoning. The adequacy or inadequacy of sewerage facilities can be reviewed prior to the granting of the rezoning.

D. Alteration to Existing Land Forms and Vegetation

The applicant has not submitted any specific proposals for grading; however, based on existing topography which slopes gradually towards the mountains for about 150 to 200 feet, grading should be minimal.

The property is not within a flood hazard area, according to studies prepared by the Army Corps of Engineers. Excessive surface runoff is not anticipated; however, storm water discharge will be reviewed, both at the time of rezoning and building permit.

As a result of this review, the following policies established in Section 1 of Ordinance No. 4529 appear pertinent:

- Maintain the undeveloped portion of the special management area for scenic, scientific, and educational uses.

The proposed project is not as one of the above uses, but the affected property would not have any significant value for any of these uses. On the other hand, the rural, scenic character of the area should be given consideration in the design of the structures.

- Encourage the development of operational facilities and standards for the special management area.

The question of sewage disposal has been discussed with the Department of Health and will be reviewed further during the rezoning process.

- Encourage a program of intergovernmental and private-public interaction and coordination on special management area planning and management.

In addition to consultation with the above agencies, the Department of Land Utilization referred to studies done by the Army Corps of Engineers with respect to flood hazard.

- Encourage citizen participation in the planning process.

The public hearing for a shoreline management permit was held as the intent of this policy.

VII. Conclusion

It is concluded that this proposal meets the tests required under Ordinance No. 4529. There are some questions on liquid waste to meet the requirements of the State Department of Health and the City Department of Public Works.
Meden Chairman:

In CHS - Zone Change Request at Puakea - D-617

Your Committee on Planning and Zoning has reviewed the following application for Shoreline Management Permit:

Project: Zone Change Request
Applicant & Land Owner: Rainbow Underwriters, Inc.
Location: Puakea - Corner of Kamehameha Highway and Puakea Road
Tax Map Key: 5-3-11: 16

recommends that the foregoing Shoreline Management Permit application by Rainbow Underwriters, Inc. be granted subject to the following conditions:

1. this Committee Report be considered as the Shoreline Management Permit;
2. prior to implementation of the project, the applicant be required to meet the requirements and obtain approval of all governmental agencies normally required for such projects;
3. the sewage disposal system meets the requirements of the Department of Health;
4. grading and drainage proposals must be reviewed by and approved by the Department of Public Works.

It is further recommended that the Clerk be directed to forward a copy of this report to Rainbow Underwriters, Inc., c/o Geoffrey G. Patterson, Architect, 745 Fort Street, Suite 207, Honolulu, 96813, for the information of his client.

CITY COUNCIL

ADOPTED

MAY 16, 1977

COMMITTEE REPORT

973

973
Mr. Tosh Hoshoda
Manatt, Smith & Hoshoda
841 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Hoshoda:

Subject: Ingress and Egress DriveWAY for

In reference to your letter of September 10, 1979, concerning the above-captioned subject, please be informed that Schedule B of your revised access plan is acceptable. We do advise, however, that any construction within the State right-of-way will require a permit from the Highways Division.

Sincerely,

Tetsuo Harasho
Chief
Highways Division

Mr. Tetsuo Harasho, Chief
Land Transportation Facilities Division
State of Hawaii
859 Punchbowl Street
Honolulu, Hawaii 96813

Dear Mr. Harasho:

Subject: Ingress and Egress DriveWAY for

Transmitted herewith is a revised site plan for a commercial shopping center currently being developed by our client on the corner of Kamehameha Highway and Pupukea Road in Pupukea.

According to our records, the Department of Transportation approved by letter dated October 21, 1977 a right-of-way ingress only driveway from Kamehameha Highway. Due to subsequent modifications to the site plan, the ingress only which was not shown on the original site plan design does not work as well under the revised layout. Therefore, we wish to revise the access driveway along Kamehameha Highway by incorporating a right turn express movement along with retaining the ingress movement as per the attached plan. We believe this revised plan will improve the general circulation of traffic between this shopping center and the Kamehameha Highway.

Easement as construction is progressing on this project, we would appreciate your early consideration for approval of the revised access. If you have questions or wish additional information, please contact us at 511-1557.

Thank you for your kind consideration of this request.

Very truly yours,

Tosh Hoshoda

Three
Attachments
October 24, 1979

Calvin Kim & Associates, Inc.,
228 Fort Street Mall, Suite 301
Honolulu, HI 96813

Attention: Mr. Conrad T. Shimana

Gentlemen:

Subject: Proposed Market and Shops for Foodland Supermarket, Ltd., TML 5-9-11-10, Kaneohe Highway at Pupukea Road
ID No. O-78-44 (Old ID No. O-78-70)

We are enclosing the approved plans (Sheet 5-14). We are approving the plans received with your letter of October 11, 1979, subject to the following conditions:

1. In lieu of depressed curb, provide for standard concrete curbs at the locations shown in pencil;
2. In lieu of "One-Way" sign, install "No Right Turn" sign at the location shown in pencil;
3. Sheet C-3 - revision to the traffic control plan as shown in pencil; and

Please submit three copies of the approved plans for our files. You may have your contractor obtain a permit from our Oahu District Engineer at 727 Kailani Street after you submit the approved plans.

Very truly yours,

[Signature]
Chief
Highways Division

Enclosure
I hereby certify that this is a true copy of the record in the Bureau of Conveyances.

Yours faithfully,

[Signature]

(M. C. L. S., Land Court)

WITNESS OF RECORD.

LAND COURT SYSTEM

Return by Mail ( ) Pickup ( ) Yes

[Signature]

(M. C. L. S., Land Court)

PREMISES FOR WHICH CONVEYANCE WAS RENDERED

SECTION 4.02-11 OF THE LAND USE REGULATIONS ADOPTED

THIS INDICTMENT, made the 24th day of February 1992, by

Maurice J. Sullivan, Joanne L. Sullivan, and Kathleen Sullivan

Caretakers of the Kathleen W. A. Sullivan Irrevocable Trust
dated September 3, 1979; Maurice J. Sullivan, Joanne L. Sullivan

and M. Jesa Sullivan Wall, Trustees of the Kathleen J. Sullivan

Irrevocable Trust dated March 16, 1979; Maurice J. Sullivan,

Joanne L. Sullivan and Colleen Sullivan, Trustees of the Colleen

Sullivan Irrevocable Trust dated November 31, 1979; Maurice J.

Sullivan, Joanne L. Sullivan and Patrick Joseph Sullivan,

Trustees of the Patrick Joseph Sullivan Irrevocable Trust dated
May 23, 1992, Owners of that certain parcel of land described in
Exhibits "A" and "B", attached hereto, in accordance with the zoning regulations, in the belief that said
proposed development would result in a more efficient use of said

AND WHEREAS, Section 4.02-11 requires an applicant for a

Conditional Use Permit to submit to the City and County of

Honolulu ("City") an agreement binding himself and his successors

in title to execute a proposed development so that conformity

with applicable zoning regulations will be assured, and

WHEREAS, Applicants desires to develop all three parcels of

land described in Exhibits "A" and "B", attached hereto, in

accordance with the zoning regulations, in the belief that said

proposed development would result in a more efficient use of said

parcels, and

WHEREAS, Applicants desires to avail themselves of the

benefits of LCO Section 4.02-11, and hereby make application for

the issuance of a Conditional Use Permit pursuant thereto.

NOW, THEREFORE, Applicants hereby execute and make

the following Declarations:

1. This Agreement is made pursuant to and in compliance with

the provisions of LCO Section 4.02-11, relating to joint

development of two (2) or more adjacent lots, the terms of which

shall be effective when the Director of Land Utilization of the City

and County of Honolulu approves development of those

parcels of land described in Exhibits "A" and "B", and issues a

Conditional Use Permit therefor.
3. Declarants agree to develop in accord with all other provisions of the zoning regulations.

4. Declarants agree to file copies of this Agreement and the attachments referred to herein each time the Declarants or their successors, or permitted assigns or agents, file an application for a building permit for any structure within the real property which is the subject of this Agreement.

5. Declarants agree that all of said parcels of land described in Exhibits "A" and "B" shall at all times remain an integral part of said development.

6. Failure to develop substantially in accordance with said Agreement and the zoning regulations shall constitute grounds for the City to revoke or suspend any building permits issued hereunder.

7. Failure to maintain the Development in accordance with the Development Plan shall constitute grounds for the City to revoke or suspend the Conditional Use Permit issued pursuant to this Agreement.

8. This Agreement shall not terminate, extinguish, nor cancel without the express written approval of the Director of Land Utilization of the City and County of Honolulu, State of Hawaii.

9. The City and County of Honolulu, State of Hawaii, shall have the right to enforce this Agreement and the conditions contained herein by appropriate action at law or suit in equity against Declarants and any person claiming an interest in such property.

IT IS EXPRESSLY UNDERSTOOD AND AGREED that this Agreement shall run with the land and shall bind, inure to the benefit of, and constitute a part of the respective successors, personal representatives, successors, and any other person who claims an interest in such property, of the parties hereto.

Declarants:

KATHLEEN W. A. SULLIVAN
IREDEEMABLE TRUST

MARTHA J. SULLIVAN
IREDEEMABLE TRUST

COLLEEN SULLIVAN IREDEEMABLE TRUST

PATRICK JOSEPH SULLIVAN
IREDEEMABLE TRUST

By

Joanna J. Sullivan,
Trustee

By

Joanna J. Sullivan,
Trustee

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU,

On this day of April, 1996, before me personally appeared MAURICE J. SULLIVAN and JOSEPH A. SULLIVAN to be known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same at their free act and deed.

By Commission expires, 1996.

Notary Public, State of Hawaii
By Commission expires, 1996.
TR-5-9-11-35

EXHIBIT "E"

All of that certain parcel of land located in and owned by Brown Trust, being that certain parcel of land situated on the Northwest corner of Lot 710 of the Map of Brown Additions, San Diego County, California, as shown on a plat of said property, recorded in the Office of the Clerk of the County of San Diego, in Book 120, page 120, San Diego County, California, and being more particularly described as follows:

Begins at the Northwest corner of said parcel of land, and runs along the Northeast line of said parcel of land, and thence South along the South line of said parcel of land, and thence West along the West line of said parcel of land, and thence North along the North line of said parcel of land, and thence East along the East line of said parcel of land, containing an area of 1,348 square feet, or more.

EXHIBIT "A" - PAGE 3
ALL of that certain parcel of land situated in and owned by Lula Proust Grant
Number 944 in Locust Grove Township, situated, lying and
lying on the Southwestern side of Southwinds Highway
at Poyhaha, in the District of Rockland, City of
Bloomington, State of Illinois, being 200 Yards
South of "RUTTC", also described as not
being measured and this bounded and described as
per survey of S. K. Todd, Recorder of
Surveyor, dated December 11, 1881, to-wit:

Beginning at the Southeast corner of this parcel of
land, being the Northwest corner of Lot 16 of Locust in the
Town, and on the Southwestern side of Southwinds Highway,
the northernly line of said Locust Survey, the
southwestern line of a herein described 200 Yards
"RUTTC" lying 3,312.8 feet South and
3,033.0 feet West, and ending by subterranean
measure from true north.

1. 33' 66 1
2. 139' 86
3. 139' 86
4. 139' 86
5. 139' 86
6. 139' 86

419.86 feet along the Southwinds
side of Southwinds Highway
119.10 feet along remainder of Grant
120.00 feet along remainder of Grant
120.00 feet along remainder of Grant
120.00 feet along remainder of Grant
120.00 feet along remainder of Grant

419.86 feet along remainder of Grant
120.00 feet along remainder of Grant
120.00 feet along remainder of Grant
120.00 feet along remainder of Grant
120.00 feet along remainder of Grant
120.00 feet along remainder of Grant
FILE NO. 94/CUP1-14
PROJECT Joint Development - Section 4.40-21
APPLICANT Maurice J. Sullivan, et al
LOCATION 59-716 and 59-720 Kaneohe Highway - Pupukea
TAX MAP KEY 2-2-111-16 and 11

APPROVAL subject to the following conditions:
1. All lots or parcels identified in Exhibits A and B of the approved agreement shall be considered to be one zoning lot.
2. The approved agreement shall be filed with the Bureau of Conveyances and/or the Assistant Registrar of the Land Court of Hawaii. Proof of such filing shall be in the form of a copy certified by the appropriate agency and shall be submitted to the Department of Land Utilization (Zoning Adjustments Branch) before any building/land permit is issued.
3. This application has only been reviewed and approved pursuant to the provisions of Section 4.40-21, and development shall comply with all other provisions of the Land Use Ordinance.
4. Approval of this Conditional Use Permit shall not be construed as approval of any building/land permit application, such applications are reviewed separately and shall comply with applicable codes and regulations.
5. The Director of Land Utilization shall reserve the right to impose additional requirements, if necessary, to promote and protect the health, safety, and welfare of the people of the City and County of Honolulu.
6. This approval may be revoked by the Director of Land Utilization when there is a breach of any of the conditions stated above; provided that, for good cause, the Director may amend the above conditions.


C94/CUP1-14.txt
WHEREAS, Section 4.40-21 of the Land Use Ordinance (LDO) provides that if an owner or owners of adjacent lots believe that joint development of their property would result in more efficient use of their land, they may apply for a Conditional Use Permit to allow such development and to treat said lots as one (1) for zoning purposes; and

WHEREAS, LDO Section 4.40-21 requires an applicant for a Conditional Use Permit to submit to the City and County of Honolulu ("City") an agreement binding himself and his successors in title to maintain a proposed development so that conformity with applicable zoning regulations will be assured; and

WHEREAS, Declarants propose to develop all the parcels of land described in Exhibits "A" and "B", attached hereto, in accordance with the zoning regulations, in the belief that said proposed development would result in a more efficient use of said parcels; and

WHEREAS, Declarants desire to avail themselves of the benefits of LDO Section 4.40-21, and hereby make application for the issuance of a Conditional Use Permit pursuant thereto.

NOW, THEREFORE, Declarants hereby covenant and make the following Declarations:

1. This Agreement is made pursuant to and in compliance with the provisions of LDO Section 4.40-21, relating to joint development of two (2) or more adjacent lots, the terms of which Section shall be effective when the Director of Land Utilization of the City and County of Honolulu approves development of those parcels of land described in Exhibits "A" and "B", and issues a Conditional Use Permit therefor.

2. Declarants agree to develop in accord with all other provisions of the zoning regulations.

3. Declarants agree to file copies of this Agreement and the attachments referred to herein each time the Declarants or their successors, or permitted assigns or agents, files an application for a building permit for any structure within the real property which is the subject of this agreement.

4. Declarants agree that all of said parcels of land described in Exhibits "A" and "B" shall at all times remain an integral part of said development.

5. Failure to develop substantially in accord with said Agreement and the zoning regulations shall constitute grounds for the City to revoke or suspend any building permits issued hereunder.

6. Failure to maintain the development in accordance with this Agreement shall constitute grounds for the City to revoke or suspend the Conditional Use Permit issued pursuant to this agreement.

7. This Agreement, shall not terminate, extinguish, nor cancel without the express written approval of the Director of Land Utilization of the City and County of Honolulu, State of Hawaii.

8. The City and County of Honolulu, State of Hawaii, shall have the right to enforce this Agreement and the conditions contained herein by appropriate action at law or suit in equity against Declarants and any persons claiming an interest in such property.
IT IS EXPRESSLY UNDERSTOOD AND AGREED that this Agreement shall run with the land and shall bind, lose to the respective successors, grantee, assignees, mortgagees, lessees, and any other person who claims an interest in such property, of the parties hereinafter.

Covenants:

KATHLEEN M. A. SULLIVAN
INREVOCABLE TRUST

MAUREEN J. SULLIVAN
INREVOCABLE TRUST

COLLEEN SULLIVAN INREVOCABLE TRUST

PATRICK JOSEPH SULLIVAN
INREVOCABLE TRUST

By

Maurice J. Sullivan,
Trussee

Joanna L. Sullivan,
Trussee

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

On this 7th Day of April, 1967,

We, personally appeared MAURICE J. SULLIVAN and JOANNA L. SULLIVAN to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public, State of Hawaii

My Commission expires, JUNE 7, 1972
ALL of that certain parcel of land known as the lands described to and owned by Bess Brown,

Known as Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and

being on the Southwest corner of the land described to and owned by Bess Brown,

Lot 11 of Leutold Cooper Clark (Lot 48 of Land and Gas Trust),

in the City of San Diego, County of San Diego, State of California, being LOT NUMBER FORTYFOUR (44) of the "Land and Gas Trust", the N/S and E/W lines thereof

and being recorded and filed together with the survey of J. B. Twiss, Registered Professional Surveyor, dated December 11, 1935, as

Beginning at the Southwest corner of this parcel of land, being also the Northwest corner of Lot 48 of Land and Gas Trust, and on the Southwest corner of the land described to and owned by Bess Brown,

the measurements of which are recorded as Government Survey No. 20171, being 9,015.6 feet North and 5,370.3 feet West, and running by various distances
described therefrom on said survey,

1. 160' 9"  
   98.00 feet along the Southwest corner

2. 175' 11"  
   118.00 feet along remainder of Grant

3. 230' 11"  
   168.00 feet along remainder of Grant

4. 200' 11"  
   153.00 feet along remainder of Grant

Containing an area of 11,110

square feet, or thereabouts.
DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU

ACCEPTANCE NOTICE

Name : MAURICE J. SULLIVAN, ET AL
Location : 59-718 and 59-720 Kamehameha Highway,
Pupukea
Tax Map Key : E-6-11; 4 and 35
Received : March 4, 1994 File No. 94/CU1-14
Request : CONDITIONAL USE PERMIT (RC.1)

JOINT DEVELOPMENT

NOTE: APPLICANT MUST SUBMIT 2 ADDITIONAL COPIES OF JOINT DEVELOPMENT AGREEMENT.

The above application has been reviewed and accepted as meeting the basic filing requirements. As we review your application, we may request additional information to establish a clearer understanding of your proposal. THIS ACCEPTANCE NOTICE DOES NOT CONSTITUTE APPROVAL OF YOUR REQUEST. YOU WILL BE NOTIFIED IN WRITING WHEN FINAL ACTION IS TAKEN.

If you have any questions, please call JAMES INOUE at 573-8444 and refer to the above File No.

Printed Name :
for GERALD A. RIGGS
Director of Land Utilization

Date : 3-14-94

Note: If you have appointed an agent to represent you, all future correspondence will be with the agent. If you should change agents, please notify the Department of Land Utilization immediately.
June 22, 1994

Patrick J. Sullivan Trust

C/O Foodland Supermarket, Ltd.
P.O. Box 22059
Honolulu, Hawaii 96823

Gentlemen:

ORDINANCE: 78-12
DLU File No. 78/8-032
TAX MAP KEY: 5-3-001: 016

Annual reporting on compliance with conditions of above noted Zone Change Ordinance (i.e. Unilateral Agreement) is required by City Council.

Please provide an updated report which addresses the current status of each declaration associated with the above zone change. Specifically, on an item-by-item basis, indicate whether the status of each condition is: met, partially met, on-going, inactive, or not met. Documentation for verification should be attached if available.

We request that your response be submitted to us within 45 days of the date of this letter. If you are no longer associated with this zone change, please inform us immediately and provide information on who the current owner/developer is. Your reply should be mailed to:

Department of Land Utilization
Attn: Monitoring and Compliance Branch
610 South King Street, 7th Floor
Honolulu, Hawaii 96813

Very truly yours,

Donald A. Clayg
Director
Department of Land Utilization

Attachment: Instruction Sheet
ORDINANCE NO. 78-11

A BILL FOR AN ORDINANCE TO RESERVE A PORTION OF R-1 RESIDENTIAL DISTRICT SITUATED AT MAKUE'AIA, KANEOHE, OAHU, TO B-1 NEIGHBORHOOD RESIDENTIAL DISTRICT No. 0-313.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. A portion of R-1 Residential District situated on the southwest corner of the intersection of Kamehameha Highway and Pupukea Road, situated at Kea'au, 58.74 acres, to B-1 Neighborhood District No. 0-313, shall be reserved as follows:

Being the whole of Lots 42 of Kea'au and Lots 16 and C of Lots 16 of Kamehameha Highway, and approximately 220 feet north of Pupukea Road, as measured by the coordinates of Kamehameha Highway and Pupukea Road, and covered by Tax Map Book 1977, for the City and County of Honolulu, and hereby reserved as follows:

1. 125 feet along Lots 42 and 43 of Kea'au
2. 112 feet along Lot 44 of Kea'au
3. 76 feet along Lots 45 and 46 of Kea'au
4. 76 feet along Lot C of Kea'au
5. 76 feet along the northerly side of Pupukea Road
6. 76 feet along the northerly side of Pupukea Road
7. 104 feet along the northerly side of Kamehameha Highway, to the point of beginning and containing 58,160 square feet more or least.
AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that the
conditions hereinafter in this Declaration shall run with the
Lease, tenant and assignee and be obligatory upon all subsequent
Lessees or Assignees that may hold from the Trustee, who shall be
in the same position as the Trustee, under this Deed and as
Tenant of the Trustee, under the Deed, at any time after
the execution hereof, and such Tenants or assignees shall be
entitled to all benefits of this Declaration and shall have all
such rights and remedies as are given to the Trustee by this
Declaration.

IN WITNESS WHEREOF, the undersigned has executed
this Declaration the day and year first above written.

RAIDSON UNDERWITTERS, INC.

By: ________________________________

Its President

DECLARANT

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

Date: October 25, 1979

On this 25th day of October, 1979, before
me, an officer duly appointed and sworn,
I, the undersigned officer of the
RAIDSON UNDERWITTERS, INC., hereinafter
referred to as "the Company," have
executed the Declaration of Restriction
hereinafter described, in trust for the
benefit of certain persons named therein,
by authority of its Board of Directors and
as authorized by said instrument to be
the true and correct record of said
Declaration.

Maryland Teri

Secretary

By Commission expires: 9-18-79

78-11

78-11
Sueda & Associates, Inc./Architects and Planners

October 5, 1994

Department of Land Utilization
620 South King Street, 6th Floor
Honolulu, Hawaii 96813

Attn: Monitoring and Compliance Branch

Re: FOODLAND PROJECTIONS

Ordinance No. 79-18, DLU File No. 765-01; T.M.E. 6-9-8-11-018

Annual Report on Compliance with Zoning Change Ordinance Conditions

To whom it may concern:

The attached is a brief response to the conditions as set forth as part of the approved zoning change (approved 3/18/86).

Condition 1:

Condition regarding construction plans were revised and approved by DLU and a building permit issued (No. 118316).

Condition 2:

The change in size and scope was allowed along both Pipelime Hoomanalu Road and Kinobamba Highway, and was approved by the Department of Transportation and Department of Transportation Services 4/17/78, 12/11/78, and 1/26/79.

Condition 3 & 4:

There is no significant improvement shown on plans submitted by Sueda, Terram & Associates, Inc., dated 12/17/77. To the best of our knowledge, Condition 3 has been met, as evidenced by earlier approvals by the applicable county and State agencies under building permit No. 118315. Condition 4 has not been addressed yet as there are no present plans to resume and develop land between Pipelime Hoomanalu Road, Kinobamba Highway, and Puhonu Road.

Should you have any questions, please do not hesitate to call me.

Sincerely,

Lloyd T. Sueda
President

Sueda & Associates, Inc.

Re: Foodland (Haleiwa)

LTH: 10/03/94 02

905 Mohalani Way, Aiea Suite 200, Honolulu, Hawaii 96815-2669 Telephone (808) 489-6644 FAX (808) 489-6783
Mr. Lloyd T. Sueda
Sueda & Associates, Inc.
905 Nakahiki Way, Suite No. 250
Honolulu, Hawaii 96816

November 4, 1994

Mr. Lloyd T. Sueda
Sueda & Associates, Inc.
905 Nakahiki Way, Suite No. 250
Honolulu, Hawaii 96816

For reasons stated in your letter of August 3, 1994, we hereby approve your modification request to an existing Special Management Area Use Permit (SMUP) for the following reasons:

1. The proposed modification to SMUP would allow the addition of new floor area, which will be allowed under the Land Use Ordinance. This SMUP is for the development of a two-story building with a total floor area of 20,600 square feet. The applicant built 14,900 square feet, and now proposes a total floor area of 21,950 square feet.

2. We have determined that the proposed modification will not have an adverse impact on coastal resources as stated in Chapter 25, RSH, and will not change the existing use of the project site.

Approval of the proposed modification to SMUP does not certify compliance with other zoning code requirements and approval from other governmental agencies. They are subject to separate review and approval.

If you have any questions concerning this letter, please contact Dana Terasato of our staff at 923-4648.

Very truly yours,

DONALD A. CLEGG
Director of Land Utilization

RE: SMUP-200

Tak Man Hwy (79/81) 27-5-111.46

November 4, 1994

Mr. Lloyd T. Sueda

Page 2

November 4, 1994
December 27, 1994

City & County of Honolulu
Department of Land Utilization
650 S. King Street
Honolulu, Hawaii 96813

Re: Foodland - Pupukea Parking Resolution

Foodland originally took out a Building Permit in (1978) for two building with a parking requirement of 59 cars. Foodland, however, did not build the second building, yet proceeded to pave that area and add additional parking stalls, which brought the count up to the present day, 68 cars. 9 more than the permit & 16 more than what was required for a Walker (1 to 400 sq.ft.) in 1978. In 1978, the State had a 13'-0" State Street widening setback. See Exhibit 1.

Today, the State has a 20'-0" street widening setback, of which they have allowed the Land Owner to use for parking. Foodland had a similar situation in Kailua Shopping Center, where we had a 15'-3" street widening set which we were also allowed to use for parking. Both City Map, ROAD WIDENING NO. - WS-2 & Development Plan Public Facility North Shore Map, do not show any setback requirements. The chance of the State widening all of Kamehameha Highway on the North Shore is almost none. See attached Exhibit 2 & 3.

We are proposing to add to the existing market, using part of the existing parking area. We also have Ownership of the adjacent property that we propose to use for required parking.

This then becomes our present problem. We would like to use the legal permitted parking count of 59 cars, as our Basic parking requirement (11) and add an additional 28 cars for the new proposed space of 484 cars. We also wish to be allowed to use the State setback area for our original 59 cars. REDUCTION A. If that is approved we will then be providing 55 cars in the original lot and additional 30 cars in the new lot giving a total parking count of 105 cars - 35 cars more than the code requirements.

December 27, 1994
Page 2

And if we use the State setback for our parking count, we would have a total of 117 cars until the State decides to widen Kamehameha Highway. See sketch "C".

And if the State does take the 50' setback we would have a new parking count of 81 cars. See sketch "B", still 5 more cars then what the code requires.

This parking plan has become quite complicated with all the different assumption & combinations. Please call and I would be glad to explain and discuss this matter with you.

Foodland would like to start construction on this project, however, we first need to resolve this problem.

Thank you,

Very truly yours,

Foodland Associates, Inc.

Handwritten:

Sueda & Associates, Inc.

Lloyd T. Sueda
Lihue

Enclosures
January 13, 1995

State of Hawaii
Department of Transportation
Construction & Maintenance
889 Punchbowl St., Room 203
Honolulu, Hawaii 96813

Attn: Sterling Horiike/Asst. Chief -
Construction & Maintenance
Robert Itozaki

Re: Pupukea Foodland - Access along Kamehameha Highway

Gentlemen:

It is our understanding that your department's review is a very
lengthy process and may take several months to review/approve.
We will have most of our approvals to start building construction
by the end of January 1995, with the exception of DOT.

We are presently processing the building permit application for
the renovation of Foodland Supermarkets. We respectfully request
your approval of this permit utilizing the existing access and
driveways during the building construction. Per our

Dear Mr. Horike,

We respectfully request your approval of the revised plans for
the foodland access to our site along Kamehameha Highway while
building construction is in progress. The driveway revisions
will be per your recommendation (DOT letter to Sueda &
Associates, Inc. dated October 7, 1994).

Please let me know if this is acceptable or if you may have other
requirements.

Sincerely,

Sueda & Associates, Inc.

Lloyd T. Sueda, AIA

APPROVED BY:

Maurice J. Sullivan, Obt

Foodland Supermarkets, Ltd.

Date: 1-13-95

11735LS.HW
January 27, 1995

Mr. Lloyd T. Suea
Suea & Associates, Inc.
909 Makahiki Way, Kauka Suite
Honolulu, Hawaii 96816

Dear Mr. Suea:

59-716 & 59-720 Kamehameha Highway
(Pupukea Foodland)
Taxes: 5-9-011: 015 & 025

This responds to your request dated December 27, 1994 for an interpretation concerning off-street parking requirements for the planned expansion of a grocery store located on the above property. Specifically, you want to know: (1) what the minimum off-street parking for the expanded building will be, and (2) whether or not you can use those portions of the lot which would be affected by a 50-foot road widening of Kamehameha Highway.

We have determined that the minimum required off-street parking for the proposed project is 91 stalls, and you may use those portions of the lot which would one day be used to widen Kamehameha Highway for the required parking. The following explains our decision:

1. **Minimum Parking Requirements:**

   Your client plans to add 7,423 square feet of floor area to an existing building with 20,520 square feet of existing floor area and use as a grocery store (Foodland). An adjacent lot is to be expanded; joint development of the two zoning lots was approved under Permit No. 94/CPI-014, dated April 16, 1994. A building permit for the establishment was issued in 1978 for two buildings, which required 59 off-street parking spaces for the two buildings under standards contained in the 1978 Comprehensive Zoning Code (CUC): I.e., one stall per 300 square feet of floor area. However, only one building was ultimately built, and that portion of the lot which was to have been the location of the second building was used for parking. These circumstances resulted in 68 existing off-street parking spaces being provided on the lot.

   The building expansion will: (a) remove 16 of the existing parking spaces and (b) yet requires 9 additional parking spaces based on floor area under current Land Use Ordinance (LDO) standards; i.e., one stall per 300 square feet of floor area. Therefore, the minimum required off-street parking for the establishment under the expansion plan is as follows:

   Parking stalls remaining on-site after construction: 52
   Required parking stalls for the additional floor area (7,423 sq ft): 25
   Replacement parking stalls for those lost due to construction: 18
   **MINIMUM REQUIRED OFF-STREET PARKING:** 95

   Please note that existing on-site parking must be replaced even though the minimum number of parking spaces required was less when the building permit for the existing floor area was issued. The surplus, existing off-street parking for the existing floor area (based on CUC standards, brought the lot closer to full compliance with regard to the LDO parking standards, i.e., under LDO standards the existing floor area would require 61 off-street parking spaces. Therefore, reducing the existing parking would increase the nonconformity, which we cannot permit.

2. **Road Widening Setback:**

   We understand that the State of Hawaii Department of Transportation, Highways Division (SDOT) requested that a 50-foot road widening setback be shown on your project's plan. In discussing the situation with the SDOT, they explained to us that the road widening has been recommended in an "advance planning study," however, the road widening is not shown on any adopted street right-of-way map, and SDOT does not envision the project moving ahead for at least 10 to 20 years.
Therefore, the potential road widening does not constitute a "street setback line" as defined by the LDO. Accordingly, those portions of the two lots on the highway-side of the proposed road widening line may be used for the required parking.

For the sake of clarity, we recommend that the road widening line be re-labeled on the building permit plans to read "Potential 50-foot State road widening (minimum 15-20 year timeframe)", or something similar.

Please note that the new parking lot areas must conform to LDO parking lot landscaping standards. Proposed improvements designed to comply with these standards, along with the proposed arrangement of parking spaces, must be shown on any plans submitted for the building permit.

I hope this clarifies the situation for you. Please contact Jamie Persson of our staff at 527-3734 if you have any questions.

Very truly yours,

[Signature]

Director of Land Utilization

PTO:to

CC: State Dept. of Transportation,
    Highways Division

[Date]}
DEPARTMENT OF LAND UTILIZATION  
CITY AND COUNTY OF HONOLULU  

Mr. Michael H. Wong  
Stueda & Associates, Inc.  
905 Kapiolani Blvd, Suite 200  
Honolulu, Hawaii 96814-1865  

February 21, 1995  

Conditional Use Permit No. 94/CU-14  
Joint Development - LDO Section 31-1.40-21  
Maurice J. Sullivan, et al.  
53-716 and 53-720 Kaaawa Highway - Papaoa  
Tax Map Key 5-9-21: 14 and 25  

The executed joint development agreement, recorded in the Bureau  
of Conveyances of the State of Hawaii, is Document No. 94-07263,  
on May 4, 1994, meets Condition 2 of the above Conditional Use  
Permit. You may now process the building/sign permit.  

If you have any questions, please contact James Horisato of our  
staff at 832-4661.  

Very truly yours,  

Patricia T. Ohtake  
Director of Land Utilization
April 17, 1995

Mayor Jeremy Harris
City & County of Honolulu
520 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mayor Harris,

SUBJECT: North Shore Community Concerns

I received concerns from residents who are worried about the quality of life on the North Shore. The following list of requests need your attention:

1. Conduct a comprehensive site inspection of dwellings from the Kaholu Bridge to Turtle Bay Hotel. Allegations of many illegal units/add-ons/rentals.

2. Conduct a comprehensive site inspection in issuing citations and removing illegal rental operations along Kamehameha Highway from Kaholu Bridge to Turtle Bay Hilton Hotel. Allegations of illegal sales of refreshments on the roadside, trinkets, tourist souvenirs, and a snack shop with hours that violate county statutes across from Sunset Beach.

Residents feel that there is an increase in transient "undesirable" activities, and a hodgepodge of structures that continue to devalue the beauty of the North Shore.

Hardworking families with children are not happy with the worsening conditions and worry that they won't ever allow their children to go to the Pupukea Foodland Market because of the panhandlers, loiterers, and "disgusting sights". Thus, they have to out of their way to the Kaneohe Foodland Market.

Your assistance is needed immediately to address the concerns of our residents. Thank you for giving this matter your utmost priority.

Sincerely,

[Signature]

BEENE MANSER
Councilmember, District 2

cc: North Shore Neighborhood Board No. 27
Randy Pulak, Building Department
Russell Miyake, Finance Department
Major William Bennett, HPD
Governor Benjamin Cayetano
April 28, 1995

Mr. Maurice Sullivan
Foodland Super Market, Ltd.
3336 Harding Avenue
Honolulu, Hawaii 96816

Dear Mr. Sullivan,

SUBJECT: Pupukea Foodland Super Market

I received several concerns from the Pupukea residents who are worried about the quality of life in the North Shore area.

The families feel there is a need to alerting the Pupukea Foodland employees of the undesirable characters who are on your super market premises harassing or disturbing the customers. The Sunset Beach families feel it is unsafe for their children to patronize your super market instead, the families travel to your Lala Foodland to do their food shopping.

I am certain that your Pupukea Foodland manager is aware of this situation and is trying to take action in order to reassure the area consumers to feel comfortable in shopping in a safe atmosphere.

I have enclosed a copy of a letter that I addressed to our Mayor in hopes that this situation can be addressed.

If you have any questions regarding this matter, please feel free to contact me or my legislative aide, Cookie Harris, at 527-5711.

Sincerely,

[Signature]

RENE MANSHO
Councilmember, District I
Mr. Lloyd T. Sueda
Sueda & Associates, Inc.
905 Mahahili Way, Moana Suite
Honolulu, Hawaii 96816-2969

Dear Mr. Sueda:

Special Management Area Review
Parking Lot Addition to Foodland Supermarket
39-716 Kamehameha Highway, Pupukea, Oahu
Tax Map F:2-6-10

We have reviewed the above-described project and have determined that a major Special Management Area Use Permit (SMU) will be required. We have enclosed a DUS Master Application Form and a DUS Content Guide for preparing an Environmental Assessment.

If you have any questions regarding this letter, please contact Dana Tatsuno at our staff at 521-6468.

Very truly yours,

[Signature]

Director of Land Utilization

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[Signature]

[Date]

Enclosures

[Page Numbers]
MINUTES OF REGULAR MEETING
MAY 23, 1988
NORTH SHORE NEIGHBORHOOD BOARD NO. 27

NORTH SHORE NEIGHBORHOOD BOARD NO. 27
REGULAR MEETING MINUTES
MAY 23, 1988
PAGE 2
Literature developed by the American Red Cross and the Federal Emergency Management Agency was distributed to the board.

HOMELAND SALVATION ARMY PROPOSED PROJECT AT CRUSHER PARK - GENE HORGAN: Horgan explained that the camp, located on Ohio Street, will construct new buildings to replace old, remote sheds sitting on the camp grounds. Horgan explained that all efforts to minimize present or future impacts of the camp will be addressed.

Horgan noted Homeland's facilities are open for community use.

Several members of Homeland voiced their concerns regarding campsite smoke and noise from campers and delivery trucks. Horgan commented that he has notified nearby residents of the renovation and has received good responses, but as per the board's request, he will continue to confer with residents in affected areas.

Since this meeting was the last for the current board, Chair James Awe recommended that the Salvation Army continue to work on this issue with the board's incoming representatives.

PUPUKA FOODLAND AND MARKET EXPANSION BY SUGUHA AND ASSOCIATES: A representative of Suguha and Associates informed the board that the Pupuka Foodland supermarket will expand. The supermarket, which currently occupies 30,000 square feet, will be expanded by 7,000 square feet. The improvements will include a bakery, deli, fish and seafood section. The expansion will also include a parking area, improved store aesthetics and restrooms that comply with the American Disabilities Act requirements. Foodland will remain open during the renovation.

Other concerns raised by the board included laboring and drinking in parking lots, traffic problems for both entering and exiting the supermarket.

Foodland representatives will return in about two months for a formal presentation.

NEW BUSINESS
DISCHARGE ENVIRONMENTAL IMPACT STATEMENT FOR NAGASUGU BRAWELL PROJECT AT 47-201 KALAMU DRIVE: Chair Awe noted that he has received many calls regarding the seawall project on Kalaau Drive. Representatives of the project explained that the property owners are seeking a variance for the seawall, which has already been built. The wall was built in order to stop further erosion of the property.

According to the representatives, the variance is not approved. The property is left with two options, both of which will not

PRESENTATIONS
FAMILY DISASTER PLANNING - Darleen K. Rayford, Chairperson, Oahu County Youngstown Neighborhood Board in Agreement: Rayford explained that she is visiting neighboring boards to raise awareness of the need for families and communities to develop a disaster plan to better care for themselves during natural disasters. Rayford also talked about the Waihele community in the aftermath of Hurricane Iniki. Rayford encouraged parents to find out if their children's school has a disaster plan, and if not, to form one.
SUNSET BEACH COMMUNITY ASSOCIATION

GENERAL MEETING – JULY 19, 1995 – MINUTES

Meeting began at 7:47 p.m. Chip Hartman presenting as Larry McMenamy is out of town.

Minutes from May 17, 1995 meeting circulated.

No report from treasurer.

1) Foodland Expansion: Charlotte Casadie, Manager of Foodland Store, Lloyd Suda of Suda & Associates, Inc. (architecture firm), and Maurice Sullivan (Foodland owner) presented plans of expansion. The Foodland expansion includes 11,000 square feet added to existing property and an additional 7,000 square feet of retail space, which will extend 40 feet into an existing parking lot to the ocean. The current parking lot will be expanded from 54 parking stalls to 92 parking stalls. A bakery, deli, bagel shop, expanded video rental and public toilet for store patrons will be added. An upstairs rental office will be added.

The 50 foot setback requirement that has been waived by DPD and UID will be reactivated. The waiver was due to an immediate need of Oceanic Dining to expand.

The issue of delivery trucks will not increase, however the time needed to unload these trucks may increase. Currently delivery trucks block traffic on Kukaha Drive during deliveries.

Commentary: Bob Thomas – Left hand turn lane needed from Kukaha Drive onto Foodland due to dangerous traffic conditions in parking lot. The City and County’s driveway to Foodland Road. Discussion ensued.

Ken Neff – North Shore Neighborhood Board supported expansion plans as presented due to adequate parking provided, few new residents due to abutting site, and need for zoning changes. However, a strong recommendation was made to resolve the inconvenience of traffic stopping on Foodland Drive during delivery periods by making further efforts to purchase the adjacent land parcel on the Kahuku side of the Foodland property, and accommodating delivery trucks in that area, rather than inconveniencing the residents of the community by blocking Foodland Road. Discussion ensued.

Karen Baile – The current delivery truck system has a major inconvenience to Kukaha residents who are experiencing these problems. The impeding development of Oceanic land, traffic congestion on Foodland Road is expected to worsen significantly. She urges an alternate delivery site be used that will not block public traffic. Several community members expressed their support of this option. Discussion ensued.

Charlotte Casadie – Strategies for improved security of the Foodland parking lot include periodic use of undercover security guards on Friday, Saturday, and Sundays. Foodland manager on duty is to patrol the parking lot on an hourly basis. New business hours will have windows facing the parking lot and increased lighting. Community members voiced some opposition of increased lighting. Commentary was made in support of the proposed tree planting in the parking lot. Discussion ensued, despite the trees’ possible negative impact on security procedures. Discussion ensued.

2) Fe Ala Pupukea Bike Path Update: Jean Merlet reports the $7,000 from the Keiki Community Foundation needs to be spent. It is intended for bike path enhancements, such as bike racks and benches. She is looking for someone to coordinate the purchase and installation of these items. The total hours of required volunteer labor to come in the project. Many volunteers are needed to weed particular areas. Sod, soil, and gravel to be ordered. Construction should be completed in the second week of August, except for new sidewalks near beach. The City’s new bike path will not affect the Fe Ala Pupukea bike path. Discussion ensued.

Chip Hartman reports that he has received some phone calls with complaints of debris and congestion. Position is that Ke Ala Pupukea is to be considered a linear park; some public parking can be accommodated, but not at the expense of the park’s integrity. Chip has referred callers to the City’s Department of Parks, which has been contacted for assistance. Chip has also heard complaints of trash and litter in the park. He has contacted the Department of Parks and Recreation. Discussion ensued.

No new business.

Motion made, seconded, and carried to accept March 1995 minutes.

Motion made, seconded, and carried to adjourn meeting.

Meeting adjourned at 9:00 p.m.

Recorded by Sue Cortes
APPENDIX - B

Response to Review Comments on the Draft Environmental Assessment
July 28, 1995

Mr. Lloyd Sueda,
Sueda & Associates, Inc.
900 Makahiki Way, Mailbox Suite
Honolulu, Hawaii 96826

Dear Mr. Sueda:

Project Name: Pupukea Foodland Improvements
File No.: 95/DNA-032(JT)
Tax Map Key: 3-9-11: 16 and 35

We are forwarding copies of all comments we have received relating to the Draft Environmental Assessment (DEA) of the above-referenced project.

In accordance with the provisions of Chapter 34, HRS, you must respond in writing to these and any other comments which were received during the 30-day comment period which began with publication of a Notice of Availability of the DEA in the SDO Bulletin on June 27, 1995. The final Environmental Assessment must include these comments and responses, as well as revised text, if appropriate.

If you have any questions, please contact Joan Takeno of our staff at 527-3038.

Very truly yours,

[Signature]

Director of Land Utilisation

PTL-2
Enclosures
STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
Hilo, Hawaii  
July 18, 1995  

Mr. Patrick T. Onishi, Director  
Department of Land Utilization  
650 South King Street  
Hilo, Hawaii 96720  

Attention: Joan Takano  

Dear Mr. Onishi:  

Subject: Draft Environmental Assessment for the Pupukea Foodland Renovations and Parking Addition  

Thank you for the opportunity to review the subject document. We have the following comments:  

1. What is the maximum permissible height at the proposed site and how high is the proposed second story addition?  

2. We believe that due to heavy traffic volumes along Kamehameha Highway during the weekends, the left turn movements into and out of Pupukea Road may be operating at a poor level of service. Improvements such as signalization and dedicated left turn lanes may be needed presently or in the future. Please consult with the State Department of Transportation and the City and County of Honolulu Department of Transportation regarding the traffic situation at the intersection of Kamehameha Highway and Pupukea Road.  

3. Copies of the Draft Environmental Assessment and accompanying letters requesting their comments were mailed to the adjacent property owners on August 14, 1995. As of September 22, 1995, no comments have been received concerning the proposed project. (See letters to MEC Associates, Inc., Susan I. Niimi Trustee, Yoshihisa Masuyoshi Trustee, and Kahuku General Plumbing & Supply attached.)  

Sincerely,  

Gary Gill  
Director  

cc: Wil Chee - Planning, Inc.
14 August 1995

Yasuhana Masayoshi Ts / Et al.
59-079 Paiko Road
Hauula, HI 96712

Subject: PARKING ADDITION AT PUPUKA FOODLAND

Dear Sirs:

Pupukea Supermarket, Ltd. proposes to construct parking improvements to the existing Pupukea Supermarket on the corner of Kamokila Highway and Pahoe Road. The parking area will be expanded to include the existing parcel (TMC 5-9-11) along Kamokila Highway, located just south of the current supermarket site.

The proposed action falls within the Special Management Area (SMA) and therefore requires a Special Management Permit (SMP). One of the initial steps in the SMP application process is the submission of an Environmental Assessment (EA). Our firm, WCI Planning, Inc. (WCI), has been retained by Pupukea's architect, Wellness Associates, Inc., to prepare the EA. A draft of the EA has been completed and attached for your reference. After comments have been received by WCI, a final EA will be forwarded and will include all comments received.

Your property, TMC 5-9-11 at 59-079 Paiko Road, is adjacent to the subject project. The State of Hawaii's Office of Environmental Quality Control (OEQCC) requires that we notify you of the proposed action and solicit your comments. We would appreciate receiving your comments in writing at your earliest possible convenience. Should you have any questions about the proposed project, feel free to call me at 595-6088. If we do not hear from you within 30 days of receipt of this letter, we shall assume that you have no comments concerning the subject project.

Thank you very much for your time and cooperation in this matter.

Sincerely,

Richard S. McGorory
Planner

Enclosure
14 August 1995

MSC Associates, Inc.
Susan J. Nilsson Trust Fiduciary
59-713 Kamehameha Highway
Haleiwa, HI 96712

Subject: PARKING ADDITION AT PUPUKA FOODLAND

Dear Sirs:

Foodland Supermarkets, Ltd. proposes to construct parking improvements to the existing Foodland Supermarket on the corner of Kamehameha Highway and Pupukea Road. The parking area will be expanded to include a shooting range (TMX 5-9-113) along Kamehameha Highway, located just north of the current supermarket site.

The proposed action falls within the Special Management Area (SMA) and, therefore, requires a Special Management Permit (SMP). One of the initial steps in the SMP application process is the preparation of an Environmental Assessment (EA). Our firm, Wil ~ CEC Planning, Inc. (WCEC), has reviewed the proposal submitted by Foodland's architect, Sanders & Associates, Inc., in preparation for the EA. A "Draft EA" has been completed and attached for your reference. After comment have been received by all concerned parties and government agencies, a final EA will be filed and will include written responses to all comments received.

Your properties, TMX 5-9-11:17 at 59-03 Pahoa Road and TMX 5-9-11:14 at 29-712 Kamehameha Highway, are adjacent to the subject project. The State of Hawaii's Office of Environmental Quality Control (OEQC) requires that we notify you of the proposed action and solicit your comments. We would appreciate receiving your comments in writing at your earliest possible convenience. Should you have any questions about the proposed project, feel free to call me at 955-4000. If we do not hear from you within 30 days of receipt of this letter, we shall assume that you have no comments to offer concerning the subject project.

Thank you very much for your time and cooperation in this matter.

Sincerely,

Richard S. McGraw
Planner

Enclosure

WCEC PLANNING INC
330 Kamehameha Highway
Haleiwa, HI 96712

(808) 637-8111
Fax: (808) 637-8112
The Honorable Patrick Y. Oshiba, Director
Department of Land Utilization
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Oshiba,

Subject: Draft Environmental Assessment for Pupukea Foodland Improvements

Thank you for submitting the subject document for our review. We have no comments to offer you at this time.

Aloha,

Michael D. Wilson, Chairperson
TO: PATRICK T. ONISHI, DIRECTOR
DEPARTMENT OF LAND UTILIZATION

FROM: DONA L. HANAIKE, DIRECTOR

SUBJECT: ENVIRONMENTAL ASSESSMENT, CHAPTER 25, ROH PROJECTS WITHIN THE SPECIAL MANAGEMENT AREA: POPOKU WOODLAND IMPROVEMENTS 59-716 AND 59-720 KAHEALANI HIGHWAY, PUNUOLA, OAHU, HAWAII

We have reviewed the environmental assessment for the above-described project and have no comments to offer at the present time.

Thank you for the opportunity to review this project.

If you have any questions, please contact Lester Lai of our Advance Planning Branch at extension 4484.

For DONA L. HANAIKE
Director
Joan Takano
City & County of Honolulu
Dept. of Land Utilization
685 S. King St., Seventh Floor
Honolulu, HI 96813

Re: Pupukea Foodland Improvements
Draft Environmental Assessment
TMK: 5-9-11:10 and 35

Dear Ms. Takano:

My son, Doctor Wai Loa Price, D.P.A., and myself, Kansula Price, are the ministers of the Church of Hawaii. We, along with the Church, are the owners of the two residential properties directly across Pupukea Road from the Pupukea Foodland store. Currently, these properties, 59-051 Pupukea Road and 59-059 Pupukea Road, are being utilized for residential purpose and home occupation office for church weddings.

While the church has always maintained a very friendly relationship with Foodland's management, on several occasions, we have approached their administration regarding the noise and access nuisance caused by their delivery trucks. As a matter of record, hearing rumors of their expansion plans, we offered to sell them at appraisal value our property at 59-059 Pupukea Road, directly across from the market's entrance.

Quite by accident we learned of Foodland's Pupukea Draft Environmental Assessment, dated June 30, 1995, stating their intention to proceed with a seven thousand foot addition to the front of their Pupukea market. In the true sense, this is not renovation, but expansion of their facility quite different from the SMP approved way back in 1977. This new building plan, most certainly, will aggravate the already intolerable condition of their trucks utilizing Pupukea Road for their delivery.

In any event, we hereby request an SMA permit hearing to better determine the significance of the effect this proposed market expansion will have on the surrounding environment and in particular our Pupukea properties located directly across the street. Our inquiries would include but not be limited to four areas:

1. The effect of truck traffic for a larger establishment will have on our adjacent Pupukea properties.
2. The effect septic tanks and a leach field may have on the Pupukea wharf preserve and pasture sanctuary located opposite the market's entrance on the makai side of Kam Highway. A septic field should not be allowed in such close proximity to the Pupukea Marine Preserve. No development should be allowed until a proper sewage system is provided.
3. The effect the security lighting system Foodland proposes to install in their parking lot
4. The effect of expanded liquor sales on the use and enjoyment of public parks and private property in the neighborhood. In a letter of April 17th relating to the environmental assessment draft, community woman Rene Mancho stated, 'park services, littering and dismantling nights were causing family-oriented people to drive all the way to Foodland's Leilehua market to make their purchases. Living directly across the street, we can testify that Foodland's management does a respectable job of policing their parking lot. The real point is that Sunset Beach being a recreational area, means Foodland's customers often purchase liquor and then retreat across Kam Highway to Pupukea Park to enjoy their beverages. Then late at night, after Foodland closes, particularly when it rains, some of the homeless among these people wander over to our own property and break into cars parked there to get out of the rain and sleep it off. We fear an expansion of the Foodland market will tend to increase this social problem.

It is the position of the Church of Hawaii, its membership and ministry, unless Foodland can find a way to mitigate these socio-economic and environmental problems that we are entitled to present our concerns at an SMA public hearing.

Thank you for your attention to this matter.

Very truly yours,

Kansula Price

cc: Foodland Supermarkets, Limited
Sueia and Associates, Inc.
RESPONSE TO REVIEW COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR RENOVATIONS & PARKING ADDITION AT PUPUKEA FOODLAND.

COMMENTS FROM: Kamuela Price

DATE OF COMMENTS: 24 July 1995

ITEM RESPONSE

1. "We do not anticipate any increase in truck traffic as a result of the proposed expansion and renovation of our store. We do expect that the volume of products being delivered to our store will increase and as a result delivery hours may be changed. However, we will carefully monitor the delivery situation to make sure that there is little impact on the neighborhood.

In addition, we are in negotiations with the Hiihi family, owners of property adjacent to our store, to acquire additional land that may enable us to have a more efficient delivery area outside of our store." (Letter from Foodland Super Market, Ltd., dated 21 September 1995, in response to this and other comments. The full letter is provided at the end of this appendix.)

2. "Letters from Mr. Gregory Pai and Mr. Kamuela Price regarding the septic system. The placement of a parking area over a leach field will not reduce the capacity of the underlying soils. With regard to Mr. Kamuela Price's leaching field. (Letter from Insta & Associates, Inc., civil engineer, dated 3 August 1995, in response to this and other comments. The full letter is provided at the end of this appendix.)

3. "The Gardco parking light fixture specified is a photo cell, 400 watt, high pressure sodium luminaire. Wattage and light source are similar to the existing fixture but improved photometrics allow the Gardco fixture to illuminate the relocated parking area to I.E.S. recommended levels. The luminaire's sharp cutoff characteristic will minimize light spill on adjacent properties. The I.E.S. luminaire recommendations are given in praise of the site selection of traffic and consistent with the visual goal involved and the need to discourage vandalism while at the same time meeting energy constraints." (Letter from Ronald N.S. Ho & Associates, Inc., electrical engineer, dated 22 September 1995, in response to this comment. The full letter is provided at the end of this appendix.)

RESPONSE TO REVIEW COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR RENOVATIONS & PARKING ADDITION AT PUPUKEA FOODLAND.

COMMENTS FROM: Kamuela Price

DATE OF COMMENTS: 24 July 1995

ITEM RESPONSE

4. "We do not plan to expand our liquor department as a result of the renovation and do not expect a dramatic increase in liquor sales to result. We have stepped up policing and monitoring of our parking lot during the evening hours due to the increase in liquor sales. We are currently looking at ways we can close off the parking lot at night.

I hope the above comments address the concerns raised by Mr. Price. Our primary objection in expanding and renovating our store is to provide more space for our customers that we currently are unable to offer due to the proposed regulations and we are confident that it would be well received by the community." (Letter from Foodland Super Market, Ltd., dated 31 September 1995, in response to this and other comments. The full letter is provided at the end of this appendix.)
RECOMMENDATION:

TO: PATRICK T. CUSH, DIRECTOR
DEPARTMENT OF LAND UTILIZATION

FROM: KEVIN E. SPARLING
DIRECTOR AND CHIEF ENGINEER

SUBJECT: ENVIRONMENTAL ASSESSMENT (EA)
PUPUWEA FOODLAND IMPROVEMENTS
TAX MAP ERR: 2-3-111.16 ND 36

July 5, 1995

We have reviewed the subject EA and have the following comments:

1. Frontage improvements along Pupukea Road and Kamehameha Highway may be required.

2. In section 3.4.3 "Surface Runoff, Drainage, and erosion control," the EA should address requirements for a license to connect to municipal separate storm sewer system (SSS). If such connection is being contemplated. Also, the EA should describe best management practices (BMPs) to mitigate erosion during construction.

Should you have any questions, please contact Mr. Alex Ho, Environmental Engineer, at Local 4150.

29 September 1995

RESPONSE TO REVIEW COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR RENOVATIONS & PARKING ADDITION AT PUPUWEA FOODLAND.

COMMENTS FROM: Department of Public Works
City & County of Honolulu

DATE OF COMMENTS: 5 July 1995

ITEM RESPONSE

1. "Item 1. Letters from Mr. Gary Gill concerning the reconfiguration of the left turn onto Pupukea Road and Mr. Alex Ho concerning frontage improvements along Pupukea Road and Kamehameha Highway. We have completed routing of the plans through Dept. of Public Works, Dept. Transportation Services, and the State Dept. of Transportation and have received approvals from all of these agencies. The approvals included drain connections to both State and County Drainage Systems. During the review, addition of a left turn lane and reconfiguration of the intersection of Pupukea Road and Kamehameha Highway was not a requirement. There is, however, a new entry onto Kamehameha Highway that will remain." (Letter from Iwatsuki & Associates, Inc., civil engineers, dated 2 August 1995, in response to this and other comments. The full letter is provided at the end of this appendix.)

2a. Connection to municipal storm sewer system. "Item 1. We have completed routing of the plans through Dept. of Public Works, Dept. of Transportation Services, and the State Dept. of Transportation and have received approvals from all of these agencies. The approvals included drain connections to both State and County Drainage Systems." (Letter from Iwatsuki & Associates, Inc., civil engineers, dated 2 August 1995, in response to this and other comments. The full letter is provided at the end of this appendix.)

2b. Erosion. "In order to mitigate erosion during the construction of the project, the Contractor will be responsible for screening off lower area of the site from Kamehameha Highway using a silt fence. This will prevent the runoff from carrying away dirt and debris from the site. Additionally, the contractor will be controlling sediment by frequently washing down the site. After completion of the project, the site will be graded and landscaped so as to reducing erosion from entering the storm water system." (Letter from Iwatsuki & Associates, Inc., civil engineers, dated 26 September 1995, in response to this comment. The letter is provided at the end of this appendix.)
29 September 1995

RESPONSE TO REVIEW COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR RENOVATIONS & PARKING ADDITION AT PUPUKEA FOODLAND

COMMENTS FROM: Office of State Planning
Office of the Governor
State of Hawaii

DATE OF COMMENTS: 30 June 1995

ITEM RESPONSE

3rd paragraph

"From 2. Letters from Mr. Gregory Pai and Mr. Kamuela Prince regarding the septic system. The placement of a parking area over a leaching field will not reduce the drainage capacity of the underlying soils." (Letters from Iwasa & Associates, Inc., civil engineers, dated 3 August 1995, in response to this and other comments. The full letter is provided at the end of this appendix.)
August 5, 1995
Imata & Associates, Inc.
civil engineer - land surveyor

Re: PUNUKEA ROADLAND
COMMENTS ON ENVIRONMENTAL ASSESSMENT

We have reviewed the plans recently faxed to us by your office and have the following comments with regard to items noted in the letter:

Item 1. Letter from Mr. Gary Gill concerning the reconfiguration of the left turn area on Pupukea Road and Mr. Alonzo Higa concerning freeway improvements along Pupukea Road and Kamehameha Highway. We have completed auditing the plans through the Dept. of Public Works, Dept. of Transportation Services and the State Dept. of Transportation have not issued approval from all of these agencies. The approval included details concerning both State and County Drainage Systems. During the review, addition of a left turn lane and reconfiguration of the intersection of Pupukea Road and Kamehameha Highway was not a requirement. There is however, a 210’ setback along Kamehameha Highway that will remain.

Item 2. Letter from Mr. Gregory Pui and Mr. Kamuela Prince regarding the septic system. The placement of a parking area over a leaching field will not reduce the drainage capacity of the underlying soil. With regard to Mr. Kamuela Prince’s letter, the existing superstructure is presently being served by a septic system and leaching field.

Please call if you have any questions with regard to this matter.

Sincerely yours,

[Signature]
David Imata

Imata & Associates, Inc.

203 Mahukini Way, Waikiki Suite
Honolulu, Hawaii 96815
September 26, 1995

Imata & Associates
Inc.

Suzuki and Associates
503 Mahahilo Way, Makaha Suite
Honolulu, Hawaii 96828

Dear Mr. Mike Wong,

Re: PUTUKSA FOODLAND
BEST MANAGEMENT PRACTICES

In order to mitigate erosion during the construction of the project, the Contractor will be responsible for screening off lower areas of the site from Kamehameha Highway using a silt fence. This will prevent the runoff from carrying away dirt and debris from the site. Additionally, the contractor will be controlling airborne dust by frequently wetting down the site. After completion of the project, the site will be paved and landscaped and thereby reducing erosion from entering the stormwater system.

Please call if you have any questions with regard to this matter.

Sincerely Yours,

David Imata

Imata & Associates, Inc.
DATE: September 23, 1993
TO: Seeds & Assoc.
ATTENTION: Mike Wong
FROM: Jonathan Lung
PROJECT: Pupukea Foodland

The Oards parking light fixture specified is a poletop, 400 watt, high pressure sodium luminaire. Wattage and light sources are similar to the existing fixtures but improved photometrics allow the Oards fixture to illuminate the enlarged parking area to LII.S. recommended levels. The luminaire's sharp cutoff characteristic will minimize light spill on adjacent properties. The LII.8. Illuminance recommendations are given to provide for the safe movement of traffic and satisfactory vision for pedestrians. They are the lowest acceptable levels consistent with the visual task involved and the need to discourage vandalism while at the same time meeting energy constraints.
September 21, 1995

Ms. Joan Takano
City & County of Honolulu
Department of Land Utilization
450 S. King Street
Seventh Floor
Honolulu, HI 96813

Re: Pupukua Foodland Renovation

Dear Ms. Takano:

The following comments are in response to the July 24, 1995 letter that you received from Kamuela Price regarding the proposed renovation of our Pupukua store:

1. Truck Traffic

We do not anticipate any increase in truck traffic as a result of the proposed expansion and renovation of our store. We do expect that the volume of produce being delivered to our store will increase and as a result delivery hours may be somewhat longer than they are currently. However, we will carefully monitor the delivery situation to ensure that there is little impact on the neighborhood.

In addition, we are in negotiations with the Nielson family, owners of property adjacent to our store, to acquire additional land that may enable us to have a more efficient delivery area outside of our store.

2. Septic tanks and leach field

We do not anticipate any changes in the current septic tank and leach field as a result of the renovation. The sewage system we have should be considered "proper" in that necessary approvals from the Department of Health and the Department of Waste Water Management were obtained prior to the installation of the system.

3. Security Lighting System

The security lighting will be enhanced and increased as a result of the renovation. We expect the increased illumination that will result will improve the security of the parking area around our store.

4. Expanded liquor sales

We do not plan to expand our liquor department as a result of the renovation and do not expect a dramatic increase in our liquor sales to result. We have stepped up policing and monitoring of our parking lot during the evening hours due to community concerns about loitering in the parking lot and are currently looking at ways we can close off the parking lot at night.

I hope the above comments address the concerns raised by Mr. Price. Our primary objective in expanding and renovating our store is to provide more products and services to our customers that we are currently unable to offer due to the size of our store. We have had numerous positive comments about the proposed renovation and are confident that it would be well received by the community.

Sincerely,

[Signature]

Rolf Fey
Director of Store Development