

HAWAII AERIAL TRAMWAY CORPORATION

SP(T)64-1



*Copy to Roy J. v.  
M. Thompson*

Ref. No. LUC 511

October 22, 1964

Mr. Frederick K. F. Lee  
Planning Director  
City Planning Department  
City & County of Honolulu  
Honolulu Hale Annex  
Honolulu, Hawaii

Dear Mr. Lee:

Pursuant to discussions between Messrs. Wendell Kimura and Roy Takeyama, we are returning the material you transmitted in regards to the Special Permit Application of Hawaii Aerial Tramway Corporation, less the minutes, if you don't mind.

Mr. Kimura can best explain the situation as it involves a legal point.

Thank you for your courtesy in transmitting the files.

Very truly yours,

RAYMOND S. YAMASHITA



NEAL S. BLAISDELL  
MAYOR



PLANNING COMMISSION  
GEORGE F. CENTEIO, CHAIRMAN  
STANLEY T. HIMENO, VICE-CHAIRMAN  
FRANK W. HUSTACE, JR.  
KINJI KANAZAWA  
CYRIL W. LEMMON  
THOMAS N. YAMABE, II  
ALFRED A. YEE

BUDGET DIRECTOR, EX-OFFICIO  
MANAGING DIRECTOR, EX-OFFICIO  
ZONING BOARD OF APPEALS  
HAROLD K. KOMETANI, CHAIRMAN  
GEORGE I. BROWN, VICE-CHAIRMAN  
HENRY C. H. CHUN-HOON

PLANNING DIRECTOR  
FREDERICK K. F. LEE

RECEIVED CITY AND COUNTY OF HONOLULU

PLANNING DEPARTMENT  
HONOLULU HALE ANNEX  
HONOLULU, HAWAII 96813

OCT 14 1964

October 9, 1964

State of Hawaii  
LAND USE COMMISSION

1434

Chairman  
State Land Use Commission  
426 Queen Street  
Honolulu, Hawaii

Dear Sir:

Re: Special Permit Application of  
Hawaii Aerial Tramway Corporation

Transmitted herewith is the Findings of Fact, Conclusions of Law, and Decision and Order rendered by the Zoning Board of Appeals on October 1, 1964, pertaining to the subject matter.

Should additional information be desired, we will gladly assist in any way possible.

Very truly yours,

ZONING BOARD OF APPEALS

By

*Frederick K. F. Lee*  
Frederick K. F. Lee  
Planning Director

RT:ef

Encl.- Findings of Fact  
Petition for Sp. Permit  
Maps

Minutes of ZBA - Aug. 6, 1964  
Sept. 3, 1964 - Oct. 1, 1964

cc: Hawaii Aerial Tramway Corp.



Eagle-Air  
Type-Erase

Ref. No. LUC 464

September 14, 1964

Mrs. Richard A. Girton  
President, Garden Club of Honolulu  
539 Hakaka Place  
Honolulu, Hawaii 96815

Dear Mrs. Girton:

This is to acknowledge the receipt of your letter dated August 22, 1964 objecting to the proposed aerial tramway in the environs of Kahana Valley. We can assure you that your objection will be fully considered should the tramway special permit application come before the Land Use Commission. As you may already know, only such petitions for special permit which are approved by the Zoning Board of Appeals are forwarded to the Land Use Commission for final determination. To date, the Land Use Commission has not received such approval.

Thank you for your interest and participation on this matter of public interest.

Very truly yours,

RAYMOND S. YAMASHITA  
Executive Officer



AUG 24 1964

THE GARDEN CLUB OF HONOLULU  
HONOLULU, HAWAII  
MEMBER OF  
GARDEN CLUB OF AMERICA

August 22, 1964

1382

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AUG 24 1964

State of Hawaii  
LAND USE COMMISSION

State of Hawaii  
Planning Department  
Board of Zoning  
Honolulu, Hawaii

Gentlemen:

Now that the President has signed a bill to create a Pacific Tropical Botanical Garden, we must be on the alert to protect any potential site for it from the inroads of commercialism.

Kahana Valley, and perhaps Punaluu Valley as an addition, has been seriously considered the ideal location for this garden which will comprise thousands of acres at an estimated cost of fifty million dollars.

To endanger this project, which is going to be a real research institution having great benefits, international as well as national, and which will provide several hundred jobs for the islands, would indeed be shortsighted. A zoning variance permitting the installation of an aerial tramway and related appurtenances would most probably endanger this project.

The Garden Club of Honolulu, the original sponsor of the Tropical Botanical Garden, vigorously opposes this requested variance and strongly urges that until such time as the garden site has been established, you will rule against permitting a commercial venture in the area, as you have wisely done in the past in other locations.

Sincerely,

*Maratha A. Girton*  
Mrs. Richard A. Girton  
President, Garden Club of  
Honolulu

539 Nahala Place  
Honolulu 96815



10/2/64 - HSB

## Board Derails Tramway Plan At Punaluu

The Zoning Board of Appeals has turned thumbs down on construction of an aerial tramway overlooking Kahana Valley near Punaluu.

The board rejected the application of Alan B. Kruse for a special permit, under the State Land Use Law, for the project.

The motion, denying his application, was based on the fact that commission members felt the project would not be compatible with existing and planned land uses adjacent to the tramway area.

Kruse has tried to build such a tramway at several locations on Oahu, but has been turned down each time.

At a public hearing several weeks ago, a large audience—composed of Punaluu residents, and conservationists from throughout Oahu — protested against the project.

Kahana Valley is under consideration as a possible site for construction of a National Botanical Garden, and many conservationists feel the tramway would not be compatible with the botanical display.

At yesterday's meeting Bishop Estate plans for future development of its lands in the Punaluu area were explained to the board.

They showed a relocated Kamehameha Highway cutting through a portion of the area where Kruse had proposed to construct a base depot for the tramway. The plans also showed resort and residential developments in the neighborhood.

Board members said they felt the tramway would constitute an invasion of privacy, create traffic congestion and otherwise be incompatible with the community.



NEAL S. BLAISDELL  
MAYOR



1411  
**RECEIVED**

SEP 28 1964

State of Hawaii  
LAND USE COMMISSION

CITY AND COUNTY OF HONOLULU

PLANNING DEPARTMENT  
HONOLULU HALE ANNEX  
HONOLULU, HAWAII 96813

September 24, 1964

PLANNING COMMISSION

FRANK W. HUSTACE, JR. CHAIRMAN  
GEORGE F. CENTEIO VICE-CHAIRMAN  
STANLEY T. HIMENO  
KINJI KANAZAWA  
CYRIL W. LEMMON  
THOMAS N. YAMABE  
ALFRED A. YEE

BUDGET DIRECTOR, EX-OFFICIO  
MANAGING DIRECTOR, EX-OFFICIO

ZONING BOARD OF APPEALS

HAROLD K. KOMETANI CHAIRMAN  
GEORGE I. BROWN VICE CHAIRMAN  
HENRY C. H. CHUN-HOON

PLANNING DIRECTOR

FREDERICK K. F. LEE

Mr. Morio Omori  
Attorney at Law  
850 Richards Street  
Honolulu, Hawaii 96813

Dear Sir:

SUBJECT: Special Permit - Punaluu, Oahu  
Tax Map Key: 5-3-03  
Applicant: Hawaii Aerial Tramway Corp.  
By: Morio Omori, attorney

At the Zoning Board of Appeals meeting held on Thursday, September 17, 1964, your petition for Special Permit was placed on the agenda for consideration.

In compliance with the Board's request, the owner of the land, Bernice P. Bishop Estate, submitted two proposed master plans showing the future development of its lands in Punaluu. However, decision on your application has been deferred pending presentation of these plans by a representative from the Bishop Estate.

This matter will be considered again by the Board at the next meeting on October 1, 1964.

Very truly yours,

ZONING BOARD OF APPEALS

By   
Frederick K. F. Lee  
Planning Director

RT:ef

cc: Land Use Commission  
Punaluu Community Assn.



1403

RECEIVED

SEP 10 1964

State of Hawaii  
LAND USE COMMISSION

September 9, 1964

Mr. Morio Omori  
Attorney at Law  
850 Richards Street  
Honolulu, Hawaii 96813

Dear Sir:

SUBJECT: Special Permit - Punaluu  
Tax Map Key: 5-3-03  
Applicant: Hawaii Aerial Tramway Corp.  
By: Morio Omori, attorney

Reference is made to your application for Special Permit to construct and operate an aerial tramway and related appurtenances on land at Punaluu, situated within an Agricultural District as designated by the Land Use Commission.

The Zoning Board of Appeals at its meeting on September 3, 1964, deferred action on the matter for further study and requested information from the B. P. Bishop Estate, the owner of the land, on future development of Punaluu lands.

This application will be given further consideration by the Board at the next meeting to be held on September 17, 1964.

Very truly yours,

ZONING BOARD OF APPEALS

By

*Frederick K. F. Lee*  
Frederick K. F. Lee  
Planning Director

RT:ef

cc: Land Use Commission



NEAL S. BLAISDELL  
MAYOR

1372

RECEIVED

AUG 12 1964

State of Hawaii  
LAND USE COMMISSION



CITY AND COUNTY OF HONOLULU

PLANNING DEPARTMENT  
HONOLULU HALE ANNEX  
HONOLULU, HAWAII 96813

August 11, 1964

PLANNING COMMISSION  
FRANK W. HUSTACE, JR., CHAIRMAN  
GEORGE F. CENTEIO, VICE-CHAIRMAN  
STANLEY T. HIMENO  
KINJI KANAZAWA  
CYRIL W. LEMMON  
THOMAS N. YAMABE, II  
ALFRED A. YEE

BUDGET DIRECTOR, EX-OFFICIO  
MANAGING DIRECTOR, EX-OFFICIO

ZONING BOARD OF APPEALS  
HAROLD K. KOMETANI, CHAIRMAN  
GEORGE I. BROWN, VICE-CHAIRMAN  
HENRY C. H. CHUN-HOON

PLANNING DIRECTOR  
FREDERICK K. F. LEE

Mr. Raymond S. Yamashita, Executive Officer  
State Land Use Commission  
426 Queen Street  
Honolulu, Hawaii 96813

Dear Mr. Yamashita:

SUBJECT: Petition for Special Permit - Punaluu, Oahu  
Tax Map Key: 5-3-03  
Applicant: Hawaii Aerial Tramway Corporation  
By: Morio Omori, attorney

Pursuant to the provisions of Chapter 98H, R.L.H. 1955, as amended, the Zoning Board of Appeals at its meeting on Thursday, August 6, 1964, held a duly authorized public hearing to consider an application filed by the Hawaii Aerial Tramway Corporation for Special Permit to use a certain parcel of land located within an Agricultural District in Punaluu 0-11, for the establishment, construction, and operation of an aerial tramway and related appurtenances on a 17.26 acre area of land situated approximately 300 feet mauka of Kamehameha Highway, opposite 53-089 Kamehameha Highway and extending toward the mountain ridge which separates Kahana Valley and Punaluu Valley.

The Board, after due consideration of all the testimonies and letters presented against and for the Special Permit, deferred action on this matter for 15 days in accordance with Section 98H-6 of Act 205. After the passage of this required waiting period as provided by law, this matter will be considered again at its meeting on September 3, 1964 and you will be notified as to the recommendation of the Board.

Very truly yours,

ZONING BOARD OF APPEALS

By *Frederick K. F. Lee*  
Frederick K. F. Lee  
Planning Director

RT:ef  
cc: Objectors



Meeting of the Zoning Board of Appeals  
Minutes  
August 6, 1964

The Zoning Board of Appeals met in regular session on Thursday, August 6, 1964, at 2:00 p.m., in the Conference Room of the City Hall Annex with Chairman Harold K. Kometani presiding:

PRESENT: Harold K. Kometani, Chairman  
George I. Brown  
  
Frederick K. F. Lee, Planning Director  
Wendell Kimura, Deputy Corporation Counsel

ABSENT: Henry C. H. Chun-Hoon (on trip)

PUBLIC HEARING  
SPECIAL PERMIT  
(LAND USE COMM.)  
PUNALUU  
MAUKA SIDE OF  
KAMEHAMEHA HWY.  
HAWAII AERIAL  
TRAMWAY CORP.  
BY: MORIO OMORI,  
ATTORNEY

A public hearing was held at 3:00 p.m., to consider a petition by the Hawaii Aerial Tramway Corporation for a Special Permit to use a certain parcel of land located within an Agricultural District of the State Land Use Commission's District Boundary Map for the establishment, construction, and operation of an aerial tramway and related appurtenances. The subject parcel of land comprising an area of 17.26 acres is situated approximately 300 feet mauka of Kamehameha Highway, opposite 53-089 Kamehameha Highway in Punaluu, and extends toward the mountain ridge which separates Kahana Valley and Punaluu Valley.

The public hearing notice published in the Sunday Star Bulletin and Advertiser of July 26, 1964, was read by the Director who reported that copies of the hearing notice were sent to the Land Use Commission, State and City agencies, the Punaluu Community Association and seven adjoining land owners or Trusts.

The Director acknowledged receipt of letters of opposition to the proposed tramway operation from the following:

- (1) Punaluu Community Association
- (2) Mr. & Mrs. David C. White, 53-113 Kamehameha Highway, Punaluu
- (3) Frances M. Hanna Hedger, 53-089 Kamehameha Highway, Punaluu
- (4) Alicia S. King, Seymour Shingle, F. Kawananakoa, and J. Shingle, residents of Punaluu
- (5) Mr. & Mrs. Walter P. Thompson, Lessee of Lot 32, Punaluu Beach Lots
- (6) F. Stuart Roussel, 53-075 Kamehameha Hwy, Punaluu
- (7) Mr. & Mrs. Edward C. Hustace, Punaluu
- (8) E. H. Campbell, 2319 Ferdinand Avenue
- (9) F. D. Mahoney, 53-127 Kamehameha Hwy, Punaluu
- (10) Hawaiian Botanical Gardens Foundation, Inc.,  
by: Mrs. A. Lester Marks, Vice-President; and
- (11) Mr. & Mrs. Stephen Sawyer, 53-147 Kam Hwy, Punaluu



The Director pointed out on the map, the area in question situated on the mountain ridge which separates Kahana Valley and Punaluu Valley and 300 feet mauka from Kamehameha Highway. As shown on the layout plan submitted, an area of approximately 11 acres measuring 1,075 feet by 400 feet is set aside for parking and the aerial tramway base terminal with accessory uses, such as observation terrace, snack hut, shops, office, repair and storage area, and debarkation platform. Also on the premises will be caretaker's cottage, nursery, disposal and maintenance area. The tramway will run from the base terminal mauka to the top of the ridge where there will be a summit terminal with a proposed restaurant and observation platforms.

The Chairman then called upon the applicant, Mr. Alan Kruse, and his attorney Mr. Morio Omori, to explain the tramway operation.

Mr. Omori introduced Mr. Kruse, President of the Hawaii Aerial Tramway Corporation, to present the technical details of the tramway operation. He stated that Mr. Kruse was born and raised in Hawaii and he is presently operating the Waimea Bay Tropical Gardens which has proved to be very successful. This is the third site for an aerial tramway proposed to the Zoning Board of Appeals. He noted that this operation was not thought out overnight; that, considerable study, research and money have gone into the investigation of this type of operation in other countries in order to bring to fruition in Hawaii a project which they feel will benefit the whole community.

Mr. Kruse displayed a topographic map of the area and the proposed development plan. He also showed photographs of the type of operation he proposes to develop. He brought out the following pertinent points:

(1) They selected the mono-cable system where the cable is held under tension between two terminals (the base terminal and the summit terminal) with three or four towers in between. The tramway cars are very small, about the size of a small automobile, and will hold from one to four passengers. There will be a series of these cars carrying about 500 persons per hour each way.

(2) They spent over 3 years looking for a site on Oahu which would be outstanding and attractive; a place where people normally would not have access to. Punaluu is such a place. They went up by helicopter and the view from the top of the ridge is magnificent--the coconut trees, the green-blue water, Kahana Valley and Punaluu Valley. They are trying to offer to residents and tourists a view which can be said is true Hawaii.

(3) There are many tramway operations throughout the world and they have checked several. The most successful is the Palms Spring tramway in Los Angeles where you leave the desert floor and go up 800 feet up the mountain and look over Southern California.

(4) Very careful thought was given to the placement of the tramway operation. The base terminal will be located about 550 feet from Kamehameha Highway. They value their privacy as much as the residents value theirs so that the operation will be effectively screened by plantings.



(5) There will be a large parking area to accommodate about 350 cars. There should be no problem of overflow parking on the streets. The access road will be about 200 to 235 feet long and plantings along this length will also act as a buffer from the main highway.

(6) In all of its operation, no defacing of the hillside is to be done. The area will be landscaped and additional trees planted around the perimeter of the operation.

Mr. Kruse then read a portion of the lease agreement with Bishop Estate, owner of the land, which mentioned the provision for landscaping and beautification of the area and its perimeter.

(7) The residents of Punaluu will not be able to see the base terminal. It is to be situated where the Army has its gun emplacements located on a shelf, approximately 50 feet elevation from the road. The base elevation is about 100 feet while the upper elevation is about 1,000 feet.

(8) The cable lines will be as close to the ground as possible. This is for protection of the passengers because of the wind and in addition it is easier to screen the operation. The cable lines will be stained and will blend with the surrounding area.

(9) Directly across this area is a public right-of-way to the beach. No one will be permitted to use the parking lot for going to the beach; this is strictly for patrons of the tramway.

(10) The base terminal will contain limited restaurant facilities as a service to the patrons. They are not interested in competing with other restaurant operations in Punaluu, such as Coco Joe's and Pat's at Punaluu.

(11) Regarding noise, the tramway will be powered by an electric motor, 65 h.p., encased in a concrete block hut so that there will be no noise. There will be some noise when the tramway car go over the sheaves of each tower but because of the distance--the first tower would be situated approximately 900 feet from the highway--there should be no sound to residents in the surrounding area.

(12) Regarding traffic, he did not believe the operation would increase traffic through the area. The traffic is already there. Approximately 75% of the tourists going around the island stop at one of the three restaurants in the area.

(13) There should be no concern by the residents that people from the tramway car would be looking down at them and snapping pictures. The tramway facilities will be 500 feet inside from the highway and on a shelf. The passengers would not be able to see them nor the residents see the passengers.

(14) The upper terminal will not be visible because it will be situated over the crown of the hill. The only thing visible and most likely through binocules only will be the lava rock retaining walls of the observation areas. The cable line is only 1-1/8" in diameter, about



the size of his two fingers, and should not be visible from 1,000 feet away. The cables will be lubricated and oiled so there will be no shine. The only thing visible will be the cars in the process of going up and down the hill but because of the distance and the size of the cars, they will also be very difficult to see. The cars are approximately 6 feet high and 5' x 5' across. They will be spaced 350 feet apart.

(15) The tramway will not be in operation during the evenings. The hours probably will be from 10:00 a.m., to 6:00 p.m.

(16) They will be creating jobs by this operation. Approximately 10 to 15 persons will be employed and most probably people from the Punaluu area would be hired.

(17) The Trustees of the Bishop Estate are interested in the welfare of the people but at the same time it must develop the Estate's land to its highest and best use. Leaving this land idle certainly is not putting it to its highest and best use.

In Summary, Mr. Kruse stated that there should be no inconvenience to the residents of Punaluu. There will be no noise from the operation; no increase in traffic; the base terminal as well as the summit terminal will not be visible; the area will be properly landscaped; their privacy will not be affected; and the beauty of the area will not be desecrated, in fact the area will be made as attractive as possible.

In reply to the Board's request to elaborate a little more on the operation itself, Mr. Kruse stated that,

(1) The round trip fare will be \$1.50 plus State and Federal tax to total approximately \$1.70 for adults and half fare for children. They were advised to increase the fare but this matter can only be determined after they are in operation to check cost and volume. However, they have no intention of lowering the price.

(2) It will take approximately 5 minutes to go from the base terminal to the summit terminal.

(3) The base terminal facilities will contain an unloading ramp; a ticket office; an enclosed observation terrace for people who would rather watch than ride the cars; gift shops as found in any tourist attraction area to handle films, cameras, post cards and other similar items; a limited facilities restaurant for hamburgers, hot dogs and salad plates; a nursery; a caretaker's cottage; and a disposal area for trash.

(4) There will be no summit concession for a while until they feel that there is sufficient volume to support it. It is quite complicated to take up food and water. At the beginning the area will be strictly for observation only.

Mr. Omori presented the economic aspect of this operation. He stated that tourism is very important to the economy of the island and its people. The scenery of Hawaii together with the people present the attraction that is



very important to the tourist industry. They feel that this tramway operation is designed to open up the so-called hidden natural resources of Hawaii for tourism. Without the tramway, the beauty of the valleys will be closed to the eyes of the tourists as well as local residents.

Mr. Omori believed that Mr. Kruse deserves some support in his attempt to create something which has never been done before in Hawaii. He felt sure that many in their travel to other countries have seen and ridden on an aerial tramway. He noted that in Japan, Shizuoka Prefecture has a little tramway operation which opened up the whole scenery of the ocean, the little town of Shimizu and Shizuoka. He understands that more local people than tourists use the facilities. There is a cable car in Hakone Mountains also where the available natural resources were tapped for the economy of the community.

Mr. Omori pointed out that although the tramway line that goes from the bottom terminal to the top observation platform is part of the lease agreement, this is actually an aerial easement except where towers are needed. The bottom portion of the land is still available for agricultural pursuits, grazing or any other use. No available agricultural land is being taken; in fact they will be using undevelopable land in the area.

Testimonies were then heard from the protestants.

Mr. E. H. Campbell submitted a petition signed by approximately 41 residents and lessees of land in Punaluu protesting the granting of a special permit for the establishment and operation of the aerial tramway. He also submitted a letter from Dr. James G. Ware of 53-109 Kamehameha Highway, Punaluu, which seems to sum up the feelings of the residents. He read a portion of the letter which stated that,

"The desecration of the natural beauty of this residential and agricultural area by such a monstrosity is against the best interests of this community and of Oahu in general. It is contrary to the public statements made by the Mayor and Governor that the natural beauty of the Islands must be maintained and that no unnecessary commercial exploitation shall be permitted to alter their policies in this matter. The proposed aerial tramway would not only greatly depreciate the value of these fine properties but would seriously affect the happiness and health of those that live in them."

Mr. Campbell stated that this type of operation was not needed on Oahu. It would be a desecration of the natural beauty of Punaluu and devaluation of properties around it. It would be of benefit to only those attempting to make money at the detriment of those living there. It would also spoil a beautiful view from Kahana Valley.

Mr. Anson Robinson, President of the Punaluu Community Association, stated that the residents of the area do not want the tramway operation in the area. Punaluu is the only area left on the island of Oahu which is truly Hawaii as you would find it back in the olden days. He stated that Kahana Valley which is nearby is to be



developed soon as a State park. He could not see permitting another concession only a few hundred feet from the area. As stated by Mr. Kruse the view from the top of the mountain is very beautiful. However, this beautiful view can also be observed by a few minutes ride up the Pali or from the observation area at the entrance to Wilson Tunnel. He noted that the Community Association's letter of protest was filed.

Miss Gertrude Humphries, a resident in the Makiki area, was interested in the protection and conservation of natural resources and beautiful areas on Oahu. She is the secretary of the Conservation Council of Hawaii but she is not speaking on behalf of the Council. She objected to the proposed operation of a tramway in Punaluu. She could not see how that many persons can go up the mountains without changing it.

Mrs. Holt, living about a mile away from the subject area, asked how high is the top platform.

She was informed that it is about 1,000 feet high.

Mrs. Holt did not agree with the statement made by Mr. Kruse that their privacy will not be infringed upon by people on the tramway cars and up on the mountain. She declared that from any height looking down, you can see everybody. For this reason she objected to the proposed operation. She stated that agricultural land is very important to the Kahuku Plantation which is dependent on that entirely. If more land in cane is taken away from the Plantation, she stated that the Plantation would close then she asked what would happen to the many families who are dependent upon the Plantation and who live in the area. She felt that land in agricultural use should not be put into commercial use.

A woman stated that at the time the General Plan was being considered, she canvassed the neighborhood, practically going from door to door, and met several times with the members of the Community Association. It was agreed upon by the City and the community that the zoning of the area should be as shown on the broad brush General Plan which is agricultural and residential designations for this area. Ten years ago in the re-negotiation of her lease with Bishop Estate, the City also assured her that the area would remain in residential and that there was a possibility that existing businesses in the area would be removed eventually. She stated that if this "amusement park" is permitted in their front yards, it would be a breach of faith on the part of the City and County and the Bishop Estate. She indicated that the proposed operation will definitely be seen. Presently, she can see the area from her livingroom.

The Chairman called upon the Director to explain the legal procedure necessary for considering this application.

The Director explained to the people the provision of the Land Use Commission Act which states that the Zoning Board of Appeals shall review all petitions for special permit and call a public hearing. The Zoning Board of Appeals then acts upon the petition no earlier than 15 days after the public hearing. The Board's decision is then forwarded to the Land Use Commission which then makes



the final decision to approve or deny the special permit. In granting the special permit, the statutes states that the "Zoning Board of Appeals may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified."

The Chairman explained that the present petition involves a special permit within the agricultural district of the State Land Use Commission and does not involve the uses designation on the General Plan or rezoning.

Mr. Robinson asked how long would it take from the date approval of the permit is granted to the date the operation is started.

Mr. Kruse replied that it is difficult to state how long because there are a series of consideration. For instance, should approval be granted, construction is not started immediately. The entire system must be ordered and from the date of receipt of the system to the date of actual operation may be a year to a year and a half. They would have to use helicopters to fly the equipment in and to install the system. Therefore, it could be two to three years from the date of approval to the date of actual operation. They would not start construction until the entire system is received.

Mrs. Holt asked why the other requests by Mr. Kruse were denied.

The Chairman indicated that the applications that were denied were for the Aiea-Koa and the Waialae Nui areas where the access to the tramway area was not acceptable.

Mr. Lester Marks noted that Mrs. Marks had submitted a letter of protest which was placed on file. He stated that he has received word that the Botanical Garden Charter passed the Senate in amended form--this has passed both houses of Congress. There is a strong possibility that Hawaii may be selected as the site of the National Botanical Garden. Kahana Valley was recommended as the site by a botanist who had inspected the entire island to select a possible site. He implored the Board not to permit the desecration of the area on the eve of this selection by permitting this tramway operation in Punaluu.

Mr. Kruse responded to some of the comments made by the protestants.

(1) With reference to the comment made that a similar view can be had from the Pali, he stated that this is true but the view from the Pali and from the top of the mountain at Punaluu is entirely different. The Kailua-Kaneohe area is being developed but the Kahana Valley, Punaluu area is still undeveloped offering the charm and beauty of the area.

(2) As mentioned by someone regarding the scarring of the mountain, he stated that there is to be no scarring of the mountain. The summit terminal and the towers are to be constructed with the aid of helicopters. Punaluu is typically old Hawaii and they do not intend to change that. What they are intending to do is put up a facility which would permit more people to enjoy the beauty of



Punaluu which presently only the residents in the area enjoy.

(3) Regarding the comment on loss of privacy, he pointed out that presently planes and helicopters fly over the area.

(4) Regarding the comment on loss of agricultural land, he indicated that the land is very steep and may only be suitable for grazing purposes. However, even this use may be hazardous. If the land is suitable for growing cane, Kahuku Plantation would certainly have used the land.

(5) He indicated that communities do change. For instance, the heart of downtown Honolulu shifted to Ala Moana. Waikiki was a sleepy residential area but now it is built up with high rise structures. Punaluu has Pat's at Punaluu and Coco Joe's, restaurant operations, gasoline stations and other stores.

(6) Someone mentioned desecration of Kahana Valley. He stated that he is in favor of a botanical garden in Kahana Valley. He pointed out that what is done in Punaluu would have no effect in Kahana Valley because the two areas are separated by a mountain.

(7) Someone mentioned that the base and upper terminal can be seen. He stated that the contour of the ridge is such that it is very difficult for people to see the base terminal. The upper terminal is too far away to be seen. The only thing that may be seen would be an occasional car.

Mr. Kruse hoped that no one would feel offended that they are attempting to come into this beautiful area. He felt that all residents of Oahu should have the opportunity to see the magnificent view from the top. He believed that the residents would be happy once this operation is started.

A woman asked whether there is to be burning of trash everyday in the area marked as disposal.

Mr. Kruse replied that the area is for holding of trash and grass clippings. They believe that they would be eligible for City and County garbage disposal service.

Mr. Omori noted that the word "desecration" is used quite often. He asked what is being desecrated. He felt that this operation would be opening up a hidden natural resources of the island rather than desecrating the area. He is quite familiar with the Botanical Garden Act, having worked on it with Senator Inouye. If Kahana Valley is chosen, the garden would be seen from the tramway giving an additional attraction to the area. He believed that the overall effect of this operation would be the economic development of the community.

In conclusion, Mr. Omori noted that this application is being made in accordance with the Land Use Commission Act which permits the Zoning Board of Appeals to review applications for special permit. They feel that the tramway operation is an unusual and reasonable use. He pointed out that there are a number of restrictions



within the Land Use Commission Act to authorize the Zoning Board of Appeals and the Land Use Commission to impose certain conditions so that the best interest of the people and the community are adequately protected.

Mr. Stephen Sawyer asked whether there are any future plans for a hotel in the area after the tramway is in operation.

The Chairman stated that the restriction against hotel construction can be imposed as one of the condition to the granting of the special permit so that there would be ample control of the operation.

Mrs. Holt commented that the land mentioned by Mr. Kruse as grazing land (the area where the base terminal is to be located) was planted in cane quite sometime ago but this was stopped because of irrigation problem. But the situation has changed now and she felt that the Plantation would be glad to take over the land.

Mr. Campbell asked how the construction is to be hidden when the land slopes up.

Mr. Kruse stated that there is a plateau or shelf there. For this reason the gun emplacement was put there. The edge of this shelf will be landscaped and planted to hide the operation.

The Chairman thanked the people for coming in and testifying on this matter.

The public hearing was closed and the matter was taken under advisement on motion of Mr. Brown and second of Mr. Kometani.

Since the Board cannot take action until after 15 days from the date of the public hearing, no action was taken today.

PUBLIC HEARING  
ZONING VARIANCE  
(OFF STREET  
PARKING ORD.)  
KAIMUKI  
3046-C HARDING  
AVENUE  
JOSEPHY QUTYOTE

A public hearing was held to consider an application for a variance from Chapter 21 of the Revised Ordinances of Honolulu 1961, Section 21-1.2, Subsection (a) (1), relating to minimum off-street parking space requirement for single-family residence, for a parcel of land at 3046-C Harding Avenue, situated approximately 60 feet ewa of Second Avenue, in Kaimuki.

The public hearing notice published in the Sunday Star Bulletin and Advertiser of July 26, 1964, was read by the Director who reported that copies of the hearing notice were sent to the Building Department, the Kaimuki Businessmen and Professional Association, and to nine adjoining property owners. No written protests have been received.

He stated that the applicant proposes to construct a new dwelling to replace an old dwelling without providing the required one parking space. There is no vehicular access to the property which is situated at the end of a 10-foot walkway. This walkway serves two other lots and the steps of the existing buildings protrude into this walkway making vehicular access difficult. The entrance to the walkway is also blocked by a Mango tree. The Board members had visited the site.



No one spoke in favor of this application.

Mr. Nishibun, an adjacent land owner, asked whether the applicant was constructing a driveway to his property.

Upon being informed by the Board that the request is to permit the construction of a new dwelling to replace the old without providing one parking space, Mr. Nishibun stated that he had no comment to make.

The Board closed the public hearing and took the matter under advisement on motion of Mr. Brown and second of Mr. Kometani.

In considering this matter later, the Board determined that there is sufficient evidence to meet the three conditions of hardship outlined in the City Charter.

A motion to grant a variance from the Off-Street Parking Ordinance to permit the construction of a new dwelling without providing one parking space on the subject property was made by Mr. Brown, seconded by Mr. Kometani, and carried.

SPECIAL PERMIT  
(LAND USE COMM.)  
HONOLULI-EWA  
OFF PALEHUA ROAD  
VIRGINIA BROOKS

The Board considered a petition for Special Permit submitted by Mrs. Virginia Brooks to use land situated within an Agricultural District of the State Land Use Commission's District Boundary Map for open space recreational facility for children and limited to the construction of additional cabins and sanitary facilities. The land containing 9.4 acres is situated off Palehua Road, approximately 5 miles mauka of Farrington Highway at Honouliuli, Ewa. A public hearing was held and closed on July 9, 1964.

The Director reported that with reference to the violation that construction was started without a building permit, the Building Department had checked the premises, had given her a citation for this violation and stopped the construction. A letter attesting to this fact will be submitted to this office by the Building Department. The citation involves the charging of double the amount of the normal building permit fee in the event she is granted a special permit and she applies for a building permit to complete the construction.

The Director informed the Board of the receipt of a communication from the State Department of Land and Natural Resources thanking the Planning Department for the notification that children from Mrs. Brooks' camp were entering the forest reserve area by horseback and hiking trips. Since the area is restricted, the Department will check on the matter and ask Mrs. Brooks for some explanation.

The Board determined that the proposed use of the land for open space recreational facility for children is an unusual and reasonable use within an agricultural district.

The Board voted to recommend to the Land Use Commission that the special permit to use the subject land for open space recreational facility for children and limited to the construction of additional cabins and sanitary facilities as stated in the petition filed be granted.



The motion was made by Mr. Brown, seconded by Mr. Kometani, and carried.

The Land Use Commission is to be advised of the Board's cognizance that the petitioner had committed a violation of the Building Code by starting construction without a building permit and that she was given ample warning that she cannot start construction without first obtaining approval from the Land Use Commission and then obtaining a building permit to complete the construction.

The Director reported that upon notification from the Board of Health and the Building Department that an unsanitary condition exists on the premises which endangers the health of the children using the camp facilities, he had authorized the issuance of a building permit for cesspool construction to correct the unsanitary condition.

The Deputy Corporation Counsel reminded the Board that in accordance with the Rules of Practice adopted, the Board must state its findings of fact and conclusions of law and submit this together with its decision to the Land Use Commission and the applicant.

ZONING VARIANCE  
(CLASS A RES.)  
PACIFIC HEIGHTS  
2502 PACIFIC  
HEIGHTS ROAD  
MR. & MRS. RALPH  
E. COREY

The Board reviewed a request for variance from the existing Class A Residential regulations to permit the use of a four story building as a three unit apartment house on a parcel of land containing 6,086 $\frac{1}{2}$  situated at 2502 Pacific Heights Road which is a corner parcel.

The Director reported that the building is constructed of reinforced steel and concrete. It is presently utilized as a three unit apartment house. The applicant requests a variance from the Class A Residential regulations to permit the continuance of this apartment use.

The Chairman acknowledged that Mr. and Mrs. Corey's letter of application with supporting data was received and placed on file. Mr. Corey was asked to elaborate on their application.

Mr. Corey submitted a radiogram from Mr. Arthur Tarbell, a resident in the area and who is presently on the mainland, supporting the request for a variance. He noted that a letter from Mr. Riley H. Allen, another resident of the area, supporting the request for a variance was submitted. He stated that Mr. Allen is here to testify on behalf of his application.

Mr. Corey then gave a brief background history of the 4-story structure. He stated that in 1952, the previous owner, Lucien G. Dodge, attempted to build a multi-story structure on the premises. After partially completing the lower garage, two floors, and the shell of the structure, Mr. Dodge abandoned construction in 1954. This partially completed structure was an eyesore in the neighborhood. In November of 1963, the partially completed dwelling and premises were purchased by him and his wife because they saw the possibility of completing the dwelling and making it into a reasonable looking structure and at the same time obtain a reasonable return on their investment. The construction was completed in March, 1964. They had tried on numerous occasions to sell, lease or rent the premises as a single family



dwelling and even had advertised in the mainland newspapers, expending considerable sums of money, but found it impossible to do so.

Mr. Corey contended that they cannot obtain a fair return on their investment if they are restricted to the use of the structure as a single family dwelling. The cost to them was approximately \$75,000 to \$100,000. They have a good appraisal on the property and people are living in it now. He felt that this was a unique case. There is no other property in Honolulu more unique than this particular property. It does not prejudice anyone; it does not overlook anyone, nor does anyone overlook it. They feel that they have upgraded the neighborhood by completing the structure and removing from the neighborhood an unsightly, depreciating eyesore in existence for 14 years. From the legal standpoint, he felt that this case is amenable to a variance and requested the Board to act favorably upon the request. He stated that they have had no complaints from the neighbors and they do not anticipate any.

Mrs. Corey stated that presently three middle-aged couples are occupying the three units. She had tried to rent the structure as a single family home but no one cared to rent it as such.

The Chairman informed Mr. Allen that his letter was placed on file.

Mr. Allen stated that he has no financial interest in this matter but as a long-time resident of the area he is deeply interested in the well-being of the neighborhood. The residents were very much disturbed by this partially constructed structure which was abandoned in 1954 and was an eyesore to the neighborhood. The present owners converted this eyesore into a handsome triplex dwelling. He felt sure that if this variance is granted, it would be agreeable to the great majority of the people in Pacific Heights.

The Chairman asked Mr. Corey whether he was aware of an existing building permit when he purchased the property.

Mr. Corey replied that the former owner was issued a building permit in 1952 and a copy of the plan was also filed with the Planning Department. He had obtained a copy of that plan and continued using it.

The Chairman then asked whether Mr. Corey had obtained a building permit to install kitchen facilities for three units.

Mr. Corey replied that he did not. He merely obtained a building permit to complete the structure. They presumed that this was a highly unique area. They completed the structure upon the presumption that if they came before the Zoning Board of Appeals they could convince the Board that a variance should be granted. This was a risk that they took. He stated that they actually did not use the plans. They, more or less, contracted the work themselves, although some subcontracting work was done.



The Chairman requested that he name the specific sub-contractors who did work on the structure.

Mrs. Corey stated that she had made the application for the building permit. She had shown Mr. Fung of the Building Department, the plan for the four-story structure as prepared by Mr. Dodge and Mr. Fung said to go ahead and complete the building and that is what they did.

Asked what plan she had followed, Mrs. Corey replied, according to what was there--the existing shell of the structure. They completed the shell by putting in the walls and acoustic ceilings. They sub-contracted the electrical work, the plumbing work, and the mason work. A building inspector was there at all times during construction. They had followed the Building Code requirement.

Mrs. Corey was then asked why they were applying for a variance if they had followed the Building Code requirement.

Mrs. Corey stated that there was already one kitchen in the building. The top floor was the main floor so they had put a kitchen there. A bar sink was put on the middle floor. There are three separate couples living on the premises presently and they would like to have this continued.

The Board stated that it has enough facts of the case and would like to visit the site.

A motion to defer action for visit of the site was made by Mr. Brown, seconded by Mr. Kometani, and carried.

The Board requested that a building inspector accompany the Board on this visitation and that the staff obtain a copy of the building permit and plan for their review.

ZONING VARIANCE  
(OFF STREET  
PARKING ORD.)  
KAKAAKO  
222 KOULA ST.  
HAWAIIAN MAGAZINE  
DISTRIBUTORS

The Board considered a request for variance from the Off-Street Parking Ordinance to permit an extension to an existing building to encroach with an area presently used for off-street parking purposes for a parcel of land situated at 222 Koula Street in Kakaako. The zoning of the area is Business for the area fronting on Ala Moana Boulevard and Industrial for the remainder.

The Director pointed out on a sketch plan submitted, the area requested by the applicant for the proposed expansion of his existing building. The applicant claims that he has a total of 11,000 $\pm$  for parking purposes; however, 8,200 $\pm$  is inside the building while 2,800 $\pm$  is outside. The problem here is that the new Press Newspaper Building constructed on this property fronting on Ala Moana Boulevard was granted a variance from the Off-Street Parking ordinance to permit the addition of a mezzanine. There is some confusion as to what portion of the property is held by the Press Newspaper and what portion by the applicant.

Mr. John Wade, applicant, stated that he holds the lease since 1949 for the two properties which are makai of the Press Newspaper Building. Mr. Stewart Fern has the lease for the Press Building premises only since he (Mr. Wade) holds the sub-lease for the two makai properties.



He believed that the confusion came about when Mr. Fern applied for the variance for his Press Building and had shown the entire area in his application when in reality he has the lease for the front portion of the property only.

Mr. Wade submitted two lease documents to prove that he has the lease on the subject two properties mentioned. (The staff acknowledged receipt of the documents which will be returned to Mr. Wade later.)

Mr. Wade stated that he wishes to improve the present structure by installing air conditioning and doing some repair and paint work. He would also like to enlarge the present office to provide more space for his office staff. He indicated that his firm is a wholesale distributor, delivering magazines to stores and super markets. No retailing is done on the premises. The delivery trucks are out all day and they are parked inside the building at night. Most of the employees are women who use the public transportation system and hence not much parking area is needed. Presently he has about 27,000sq of land area of which 11,000sq is devoted to parking. He is requesting that approximately 1,200sq of area be permitted for the building expansion, leaving approximately 9,800sq for parking.

The Board checked the application made by Mr. Stewart Fern and the map which was submitted. It also checked Mr. Wade's sketch plan of the subject property showing the parking stalls.

The Board informed Mr. Wade that it will check into this matter further to determine the exact boundary of the application. It requested Mr. Wade to submit information on the number of persons employed by his firm.

This matter was taken under advisement on motion of Mr. Brown and second of Mr. Kometani.

In considering this matter later, the Board voted to defer action for boundary determination and requested that the applicant submit a plot plan showing the existing use and proposed development of the subject property. The motion was made by Mr. Brown, seconded by Mr. Kometani, and carried.

ZONING VARIANCE  
(CLASS A-1 RES.)  
KANEHOE  
OFF WAIKALUA RD.  
MR. & MRS. ALFRED

The Board considered a request for variance from the existing Class A-1 Residential regulations to permit the subdivision of a parcel of land containing 59,329sq situated in Kaneohe off Waikalua Road into seven lots.

The Director reported that two schemes have been submitted for consideration.

Scheme (1) shows six lots of 7,150sq each and one lot of 7,200sq with a 24-foot right-of-way 348 feet long.

Scheme (2) shows three lots of 7,500sq each, one lot of 7,200sq, one lot of 7,050sq, one lot of 6,700sq, and one lot of 6,600sq with a 24-foot right-of-way 351 feet long.

Mr. Lionel Wong, representing the applicant, was present.

The Director pointed out that a master plan road cuts through the center portion of the property. However,



since master planned roads may not be constructed or may be changed, the subdivider was not required to show the master plan road.

The Board checked the size of lots in the surrounding area and the improvements placed thereon. Although there are some small sized lots, there are many lots over one acre and undeveloped, which may be subdivided later.

This matter was taken under advisement on motion of Mr. Brown and second of Mr. Kometani.

In considering this matter later, the Board determined that there is insufficient evidence to meet the three conditions of hardship outlined in the City Charter. The Board stated that the applicant has enough land area to create standard sized lots without resorting to a subdivision creating all or almost all substandard lots.

A motion to disapprove this application was made by Mr. Brown, seconded by Mr. Kometani, and carried.

ZONING VARIANCE  
(CLASS A-1 RES.)  
WAHIAWA  
2206-D CALIFORNIA  
AVENUE  
EDWARD A. VILLARIMO

Mr. Edward A. Villarimo, applicant, was present to request a variance from the existing Class A-1 Residential regulations to permit the construction of an additional dwelling on his property containing an area of 14,319sq situated at 2206-D California Avenue in Wahiawa. There is an existing dwelling on the lot.

In reply to questions from the Board, Mr. Villarimo stated that he had purchased the property in 1950 and constructed his present house in 1953. He does not intend to rent the second dwelling. His son is to be married in the near future and he will occupy this new dwelling.

This matter was taken under advisement on motion of Mr. Brown and second of Mr. Kometani.

In considering this matter later, the Board noted that if 7,500sq of area is set aside for the existing dwelling, the proposed new dwelling will have 6,819sq of area which is 681sq short of requirement or 9% deficiency.

The Board determined that there is insufficient evidence to meet the three conditions of hardship outlined in the City Charter and denied this application on motion of Mr. Brown and second of Mr. Kometani.

ZONING VARIANCE  
(CLASS A-1 RES.)  
MANOA  
2931-A KAAMALIO  
DRIVE  
RALPH M. KANESHIRO

The Board considered a request for variance from the existing Class A-1 Residential regulations to permit the subdivision of a parcel of land containing 13,567sq situated at 2931-A Kaamalii Drive in Manoa into two lots of 6,810sq and 6,757sq.

The Director pointed out that the problem here is the access to the property. Access to the property is over a bridge which is over a ditch into an easement area shared with an adjoining property owner and onto the property. The two proposed lots are far below standard. The applicant has submitted data noting that approximately 89% of lots in the surrounding area are below 7,500sq in area. The lot size study shows that 45 lots are below 5,000sq; 22 lots between 5,000sq and 5,999sq; 3 lots between 6,000sq and 6,999sq; 5 lots between 7,000sq and 7,499sq; and 9 lots above 7,500sq.



The Director admitted that the surrounding area has small sized lots but he pointed out that this is an old subdivision area created prior to the Class A-1 zoning of the area. The area immediately adjoining the applicant's property is the start of the Class AA Residential zone.

Mr. Ralph Kaneshiro, applicant, in reply to the Board's question stated that no portion of his property was taken for the ditch. The wooden bridge is owned by the City and County.

The Board deferred action for visit of the site on motion of Mr. Brown and second of Mr. Kometani.

ZONING VARIANCE  
(CLASS AA RES.)  
LANIKAI  
END OF KOOHOO PL.  
CHARLES SMALL

The Board decided to defer action on the application for variance from the Class AA Residential regulations to permit the construction of four separate dwellings on a parcel of land containing 39,323 $\frac{1}{2}$  situated at the end of Kooahoo Place in Lanikai.

A public hearing was held and closed on July 23, 1964. Action was deferred for visit of the site and for further study.

Noting Mr. Charles Small, the applicant, in the audience, the Board informed him that the Board members had not visited the site. The Board also felt that action should be taken as a full Board. Absentee member, Mr. Chun-Hoon, will be present at the next meeting of the Board which is scheduled for Thursday, August 20, 1964.

Mr. Small requested that he be notified of the time of arrival at the subject premises so that he could show the Board members the area. He stated that he had spoken to the President of the Lanikai Community Association and it seems that some members are very apologetic and do not wish to object.

The Chairman advised him to obtain these statement in writing to support his application.

The motion to defer action was made by Mr. Brown, seconded by Mr. Kometani, and carried.

ZONING VARIANCE  
(CLASS AA RES.)  
LANIKAI  
MOKULUA AND  
AALAPAPA DR.  
REX KUWASAKI

The Board, on motion of Mr. Brown and second of Mr. Kometani deferred action on the application for variance from the Class AA Residential regulations to permit the subdivision of an 18,000 $\frac{1}{2}$  parcel into two lots of 9,000 $\frac{1}{2}$  each, situated at the intersection of Mokulua and Aalapapa Drives in Lanikai. A public hearing was held and closed on July 23, 1964. A visitation of the site will be made and action taken as a full Board.

Mr. R. Jackson of 1528 Mokulua Drive, stated that he is a resident-owner in the area and he objects to the granting of this variance.

He was advised by the Board that this matter was being deferred for consideration at the next meeting.

ZONING VARIANCE  
(CLASS A RES.)  
KAIMUKI  
3708 PAHOA AVENUE  
BELLA NAGATOSHI

The Board reviewed a request for reconsideration of the denial action taken by the Board on July 23, 1964, on an application for variance from the existing Class A Residential regulations to permit the construction of an additional dwelling on a parcel of land containing 9,000 $\frac{1}{2}$  situated at 3708 Pahoa Avenue in Kaimuki.



ZONING VARIANCE  
(PERMISSIBLE USE  
WITHIN APARTMENT  
DISTRICT B)  
MAUNALUA  
(HAWAII KAI)  
KAWAIHAE ST. &  
MILOLII PL.  
MARINA MANOR

The Director reported that the applicant has submitted a letter stating that she will remove the kitchen facilities in the basement and demolish the garage and the maid's quarters behind it to permit the construction of the second dwelling. She requested a reconsideration of the denial action taken by the Board.

The Board failed to find new evidence to justify the granting of this variance. It took action to reaffirm the previous action taken on motion of Mr. Brown and second of Mr. Kometani.

The Board reviewed a request for variance from the provisions of Section 21-3.3, R. O. of Honolulu 1961, relating to permissible uses in an Apartment District B zoned area to permit the construction of an 8-unit and a 12-unit apartment building in lieu of 4-unit apartment buildings as required by the ordinance, on a parcel of land containing 58,801 $\frac{1}{2}$  situated at the corner of Kawaihae Street and Milolii Place within the Hawaii-Kai development at Maunaloa.

The Director reported that the architect had drawn plans for an 8-unit, a 12-unit and a 4-unit apartment buildings for a total of 24 units on this parcel of land. The density is about  $\frac{2}{3}$  of what it would normally be under the permissible density in an Apartment District B area. The architect feels that this would be a much better looking development than to have several 4-unit apartments throughout the area. The Director stated that he also believes that the proposal was much better than to crowd several 4-unit apartments in the area.

Mr. Brown believed that this request should come under some new type of zoning regulation.

The Deputy Corporation Counsel stated that this seems to fall under a planned unit type of development. He could see no hardship relating to the physical characteristics of the property.

The Board determined that there is insufficient evidence to meet the three conditions of hardship specified in the City Charter and denied this application on motion of Mr. Brown and second of Mr. Kometani.

The meeting adjourned at 5:05 p.m.

Respectfully submitted,

*Carole A. Kamishima*  
Carole A. Kamishima  
Planning Reporter



RT

Meeting of the Zoning Board of Appeals  
Minutes  
September 3, 1964

The Zoning Board of Appeals met in regular session on Thursday, September 3, 1964, at 2:15 p.m., in the Conference Room of the City Hall Annex with Chairman Harold K. Kometani presiding:

PRESENT:

Harold K. Kometani, Chairman  
George I. Brown  
Henry C. H. Chun-Hoon

Frederick K. F. Lee, Planning Director  
Wendell Kimura, Deputy Corporation Counsel

MINUTES:

The minutes of August 20, 1964, as circulated, were approved on motion of Mr. Brown and second of Mr. Chun-Hoon.

SPECIAL PERMIT  
PUNALUU  
MAUKA SIDE OF  
KAMEHAMEHA HWY.  
HAWAII AERIAL  
TRAMWAY CORP.  
BY: ATTORNEY  
MORIO OMORI

The Board again reviewed a petition filed by the Hawaii Aerial Tramway Corporation for a Special Permit to use a certain parcel of land located within an Agricultural District of the State Land Use Commission's District Boundary Map for the establishment, construction and operation of an aerial tramway and related appurtenances. The subject parcel of land comprising an area of 17.26 acres is situated approximately 300 feet mauka of Kamehameha Highway, opposite 53-089 Kamehameha Highway in Punaluu, and extends toward the mountain ridge which separates Kahana Valley and Punaluu Valley.

A public hearing was held and closed on August 6, 1964. Fifteen days have elapsed since closing of the public hearing.

The Director acknowledged receipt and read a letter of protest against the tramway operation from the Outdoor Circle signed by the presidents of the various chapters.

The Outdoor Circle stated that its organization is one of the many which have endorsed the principle of having a botanical garden on the island of Oahu. It further stated that, "A great deal of time and effort has gone into the securing of a charter from Congress for the Pacific Tropical Botanical Garden. This charter was finally granted in July. It has been the ardent hope that this garden will be located on Oahu in the area of Kahana, and possibly extend into Punaluu Valley including Kila Point. It would seem wise to protect both the Kahana and Punaluu Valleys and mountain ridges until such time as the location and complete needs of the botanical garden are determined..."

Mr. Chun-Hoon asked whether the site of the botanical garden has been specified in the Charter establishing the Pacific Tropical Botanical Garden.

The Director did not believe so. He also did not believe that an act allocating funds for the project has been approved.

Mr. Chun-Hoon then asked whether Bishop Estate has replied to the Board's request for information on the Estate's future plan for the area.



The Director replied that he has not received any reply from the Bishop Estate.

Mr. Scott Pratt, who was in the audience, volunteered information on the act establishing the Botanical Garden. He stated that he is one of the Trustees of the Hawaiian Botanical Gardens Foundation, Inc., which for three years supported the passage of the bill to establish this Tropical Garden through Congress. A Pacific Tropical Garden Foundation was created and there are seven trustees who are meeting next week to organize the Charter. No money has been appropriated by Congress but the act allows the Foundation to obtain tax free money from private organizations. The Foundation hopes to obtain donations from big organizations, local hui, taxpayers, and even from the State government. The goal is \$50 million. Two groups were here visiting the island and both have recommended Kahana Valley. However, no definite selection of the site for the Botanical Garden has been made. They envision something really wonderful and feel that the Garden should be on Oahu because of the research facilities that are here, such as the East-West Center, the Bishop Museum, and others. However, other possible locations, such as on the island of Hawaii or Kauai are being considered.

Mr. Pratt noted that a letter from the Foundation was submitted opposing the tramway's location in Punaluu Valley because it feels that a tramway operation in the immediate area might jeopardize the selection of Kahana Valley as the site of the Pacific Tropical Botanical Garden. He stated that he had ridden in aerial tramways in other countries. It is not the tramway itself that he opposes but the facilities at the base terminal. He believed that these commercial ventures would not be compatible with the surrounding area. Punaluu Valley, also known as green valley, might be developed as an adjunct to the main tropical garden operation in Kahana Valley.

Noting the applicant in the audience, the Chairman asked him whether he had considered other sites for the aerial tramway.

Mr. Alan Kruse replied that he had.

The Chairman asked what made him select this particular site, and where were the other sites he had considered.

Mr. Kruse replied that the subject area was selected because it meets all the requirements for a successful aerial tramway operation by the fact that it is close to a major highway, it has a better view from the top of the ridge and the length of the tramway itself is short. He stated that a tramway line more than four miles long will not be practical because of the expense. He had checked all possible areas from Kaneohe to Kahuku. He had tried the Kahua Ranch property four times and was refused. He also attempted to talk to the heirs of the Mary K. Foster Estate but without success because of the involvement with too many heirs. He tried Castle lands over at Olomana peak and all along that particular area; he talked to several independent property owners in the Kaneohe area, even McCandless Estate lands, all without success.



Asked by the Director whether he had contacted the State Department of Land and Natural Resources for land above the Sea Life Park in Waimanalo, Mr. Kruse stated that that was one of the first possible sites that he had checked but the Department denied his request on the basis that it was not interested in venturing into this sort of development at this time. He had tried every possible land on the island from Honolulu all the way around the island. He even went over to Makaha, tried Dillingham Corporation's land, Pacific Palisades area, Bishop Estate lands, the area behind Pearl Harbor, Zions Securities land, Campbell Estate land, and even behind Crouching Lion Lodge but the Bishop Estate wanted to retain the land for future park purpose. Many of the sites were unsuitable because of the great distance necessary for an access road and the tramway line. Other areas did not have a suitable rise up the mountain. He requires an area that has a difference in elevation, fairly close to the highway and something reasonable to work with. There are many beautiful spots but they are not easily accessible. Punaluu seems to be the only site most suitable for the operation. If he cannot obtain this site then unfortunately there will be no aerial tramway on the island of Oahu.

Mr. Kruse understood that the Outdoor Circle had submitted a letter of objection based on the contention that an aerial tramway in Punaluu would jeopardize the selection of Kahana Valley as the site of the Tropical Botanical Garden. He believed that the Outdoor Circle had accepted the word of Mrs. Marks, Vice President of the Hawaiian Botanical Gardens Foundation, without an investigation. He stated that he has a copy of a survey made on the needs of a tropical botanical garden in Hawaii. The report states that the total amount of land needed for the tropical botanical garden is approximately 2,850 acres. He pointed out that Kahana Valley has over 5,000 acres indicating that it has more than ample area for the botanical garden without necessarily going into Punaluu Valley.

Asked by Mr. Chun-Hoon whether he had any particular reason for wanting the base terminal operation so close to the highway, Mr. Kruse stated that the reason is financing and easy accessibility. If the operation is two or three miles off the highway, people would have difficulty locating it. It is for this reason that the Sea Life Park and the Polynesian Village are located near the highway. He hoped that the Board, on its field trip, had noticed a junk yard and a service station near the entrance road to the proposed tramway site and that Coco Joe's and Pat's at Punaluu, restaurant operations, are nearby.

Asked by Mr. Chun-Hoon whether he had consummated the lease with Bishop Estate, Mr. Kruse replied that the lease is subject to obtaining the variance. He stated that this is his third attempt to locate an aerial tramway on Oahu.

The Chairman asked Mr. Kruse to elaborate on the report made on the needs for a tropical botanical garden in Hawaii.

Mr. Kruse stated that the report was prepared by John L. Creech, Francis de Vos, and Henry T. Skinner, Chairman



U.S.D.A. Survey Committee for a Hawaiian Tropical Botanic Garden. It is a feasibility study sponsored by the Agricultural Research Service of the U. S. Department of Agriculture dated March, 1963. The Committee felt that Kahana Valley was most appropriate for a tropical garden. On Page 20 of the report, it states that the total amount of land needed is approximately 2,850 acres and that as much of the land as possible be relatively flat for optimum growing condition. Further in the report it states that Kahana Valley has the size necessary for the botanical garden.

Mr. Kruse pointed out that Kahana Valley has more than twice the amount of acreage necessary for the botanical garden so that if it is established there, there is no question as to whether more land would be needed by extending the garden to Kahua Ranch's or Bishop Estate's lands in Punaluu. He indicated that the land he proposes to use for the aerial tramway is primarily hillside land, impractical for agricultural or botanical garden uses. Because of the vast area involved, he felt that a botanical garden in Kahana Valley would not be affected by an aerial tramway in Punaluu. He was hopeful that he would be permitted an opportunity to develop an aerial tramway in Punaluu Valley because he did not believe that there are any other suitable sites. He had even tried Rabbit Island but received no help from the State.

Mr. Omori also stated that they had checked every possible sites on the island of Oahu. He felt that if the present site is not approved for the requested use, then there will be no aerial tramway on any part of the island of Oahu.

Asked by Mr. Chun-Hoon for the term of the lease agreement with Bishop Estate, Mr. Kruse replied that it is for 55 years.

Mr. Omori indicated that the protective features discussed at the time of the application for the Waialae-Nui sites are also included in this lease. The features involve removal of structures, construction requirement and others.

Inasmuch as the Board had requested the Bishop Estate to submit a master plan for development of its land in the area and not received such a report, Mr. Brown suggested that the Board defer this matter until receipt of the requested information.

Mr. Omori asked whether the request to the Bishop Estate is for development of the subject land requested for the aerial tramway.

The Chairman indicated that the records show that every lessee of Bishop Estate within the beach front properties have petitioned this office against this particular operation and others are against it because of concern on the selection of the botanical garden site. For this reason he had asked whether the applicant had checked other areas. He stated that two of the Board members and the Director had driven along the coast line and felt that there might be other desirable areas which would be less objectionable. Mr. Brown was not a member of the Board when it had considered the two other sites, but the Board members are mindful of the request and will certainly



give every consideration but at the same time the Board does not wish to jeopardize any movement such as the selection of the botanical garden site. The interest of the applicant is highly commendable but the Board must also consider the feelings of others who have invested in their homes. Perhaps, the applicant should check further into other possible sites.

Mr. Kruse commented that he had checked all possible sites.

Mr. Kometani stated that if the applicant's statement is that he had looked and exhausted all possible sites then he is ready to take action today and vote in the negative. He was speaking for himself only and not for the other two members. He felt that the applicant should check again into other areas, such as the area suggested by the Director which is within the Sea Life Park complex.

Mr. Omori realized that there are objections but he felt that the responsibility of the Board is to look at all the facets involved and at the merit of the objections and not by the number of objectors and high feelings. He felt that the objections were selfish ones because the objectors live near the area but not quite that near. He stated that the records would show that the base operations would not be that objectionable.

The Chairman remarked that the Board can take into consideration the views of objectors.

Since the objection from people interested in the botanical garden is the location of the aerial tramway near Kahana Valley, the Director asked whether the people would still object if the tramway were located elsewhere or is the objection oriented toward this type of operation within any area.

Mr. Pratt replied to that question. Speaking for himself and not the Botanical Garden Foundation, he felt that an aerial tramway use was not a compatible use next to a botanical garden. He personally had no objection to its location within the Sea Life Park area.

Mr. Kruse felt that the objectors were not familiar with the content of the report made. He stated that the Committee also recommended commercial activities, such as motels, restaurants, theaters and other types of commercial facilities within the botanical garden complex so that the garden itself will change the entire complex of the area.

Mr. Pratt remarked that the Trustees will make its own plan selection.

This matter was taken under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.

In considering this matter later, the Board deferred action for further study and report from the Bishop Estate on motion of Mr. Brown and second of Mr. Kometani.

Mr. Chun-Hoon requested a report from the Chief Engineer as to how much of the land is usable or buildable.



ZONING VARIANCE  
(CLASS AA RES.)  
LANIKAI  
END OF KOOHOO PL.  
CHARLES SMALL

The Board again reviewed a request for variance from the Class AA Residential regulations to permit the construction of four separate dwelling units on a parcel of land containing 39,232 $\frac{1}{2}$  situated at the end of Kooahoo Place in Lanikai. A public hearing was held and closed on July 23, 1964. Action was deferred for receipt of certain information requested of the Corporation Counsel by the Board.

The Chairman informed Mr. Charles Small, applicant, that the Board is of the opinion that before any variance is granted, that the applicant submit the house plan and a plot plan of his development for attachment to the variance permit. The Board feels that actual construction should not deviate from the plot plan submitted. This will then assure proper spacing between buildings and the maintenance of the same grade as represented on the plan.

Mr. Small stated that that is a fair request. He has only one definite house plan drawn at the moment and he will submit the house plan and a more detailed plot plan.

The Board deferred action until submission of further plans by the applicant on motion of Mr. Chun-Hoon and second of Mr. Brown.

SPECIAL PERMIT  
WAIALEE  
58-130 KAMEHAMEHA  
HIGHWAY  
BOARD OF LAND  
AND NATURAL  
RESOURCES

The Board reviewed a petition filed by the Board of Land and Natural Resources, State of Hawaii, for Special Permit to use a certain parcel of land located within an Agricultural District of the State Land Use Commission's District Boundary Map for future improvement and/or expansion of the existing use--convalescent home purposes--on area of land comprising 12.13 acres at 58-130 Kamehameha Highway, situated on the mauka side of Kamehameha Highway in Waialeale, same being a portion of the former Waialeale Boys' Training School premises.

Mr. Apoliona spoke on behalf of the Department of Land and Natural Resources in its application for a Special Permit to use certain land situated in Waialeale for convalescent home purposes. He noted that the Department has submitted a resume of the history of this particular request. He stated that approximately 12 acres of land was leased in 1954 for convalescent home purposes. Inasmuch as the present lease is about to expire, the Department was in the process of negotiating a new lease when the new zoning regulations of the Land Use Commission became effective. Since the land is situated in an Agricultural area, the Department is requesting a Special Permit in order to continue the present use. He reported that the Department has also filed copies of letters from the Department of Health and the Department of Social Services strongly recommending the continuance of this convalescent home.

The Director pointed out on the map the subject land situated in Waialeale on the mauka side of Kamehameha Highway, being the former Waialeale Boys' Training School premises. He stated that the existing convalescent home has been in operation since 1954 and presently the home has 56 mental health patients. The area contains 12.13 acres most of which is being utilized by the home in some form of agricultural pursuits, such as vegetable farms.



The proposal is to expand and improve the present facilities. The new lease will be for 55 years so that if a special permit is granted, it should be for the same length of time.

The staff's feeling is that the present use within the area would not affect any of the surrounding uses since most of the land is used for agricultural purposes and the University of Hawaii Experimental Farm surrounds most of the operation. Regarding public facilities, there is adequate water. A booster pump can be provided for additional pressure. City sewers are not available but septic tank or cesspools could be substituted. Natural drainage is available since the land has a suitable slope. The staff feels that the need for this type of facilities is acute and that it will not be detrimental to the surrounding neighborhood. There has been no complaint from people in the surrounding area.

In reply to Mr. Kometani's question, the Director stated that the General Plan designates the area for public facilities use so that there will be no conflict if used for convalescent home purposes.

In reply to questions from Mr. Chun-Hoon, Mr. Apoliona stated that the lease is subject to public auction. The present tenant is interested in purchasing the new lease. The new lease will specify that the lessee expend approximately \$100,000 in renovation, improvement, and possibly expansion of present facilities. Some of the old buildings will be demolished and others repaired into a safe condition.

Further replying to questions from Mr. Chun-Hoon, the Director stated that the present use was established prior to adoption of the Land Use Commission's interim regulations governing land use. The land is State property and convalescent home is a permissible use in a Rural Protective zone area. The subject land is situated in the midst of the Agricultural District boundary

This matter was taken under advisement on motion of Mr. Brown and second of Mr. Chun-Hoon.

In considering this matter later, the Board authorized the calling of a public hearing to consider the petition for a Special Permit on motion of Mr. Brown and second of Mr. Chun-Hoon.

ZONING VARIANCE  
(CLASS A RES.)  
KAPALAMA  
2055 MAKANANI DR.  
ROBERT ARRIGHI

The Board considered a request for variance from the existing Class A Residential regulations to permit the construction of a duplex unit on a parcel of land containing 14,496 $\frac{1}{2}$  situated at 2055 Makanani Drive in Kapalama which has an existing single family residential dwelling.

The Director pointed out the property situated in Alewa Heights near the Natsunoya Tea House. He stated that if 10,000 $\frac{1}{2}$  is set aside for the duplex unit, the existing unit will have 4,496 $\frac{1}{2}$  of area which is 10% below requirement. However, if 5,000 $\frac{1}{2}$  is set aside for the existing dwelling, the duplex unit will have an area of 9,496 $\frac{1}{2}$  which is 5.04% below requirement. There is an existing guest quarters with kitchen facilities in the rear of the property.



Mr. Robert Arrighi, the applicant, was present and in reply to questions from the Chairman stated that the present dwelling is about 50 years old and ready to fall apart. Presently just he and his wife occupy this big three bedroom house. He plans to demolish the house and build a duplex for rental purposes and live in the one bedroom guest cottage. He believed that his property is the only big lot left in this Alewa Heights area except for the teahouse property. The land has a slight slope of about 5 feet.

The Board checked the tax map key of the area. Mr. Brown asked the Director whether there are any duplex units in the surrounding area.

The Director pointed out that the only duplex development in the area is around the Kam Shopping center at the intersection of School Street and Likelike Highway. All the rest are single family residential dwellings. In the immediate vicinity of the applicant's property there are two dwellings used for multi-family purposes. One dwelling is occupied by two families while the other dwelling is occupied by three families but they are related to each other.

Mr. Chun-Hoon suggested to the applicant that he consider building his home in such a manner that he would be able to subdivide his land in the future if he so desired.

Mr. Arrighi remarked that he had not given much thought to that proposal.

Mr. Kometani expressed his reluctance to permit a duplex dwelling in this highly desirable single family residential area although under the law a duplex would be permitted as long as there is a minimum area of 10,000sq. ft. He asked, what would happen if everybody started to construct duplexes in a residential area?

Mr. Arrighi remarked what then can he do with this large parcel of land.

Asked by the Deputy Corporation Counsel whether he had considered the possibility of acquiring additional land to meet the area requirement, Mr. Arrighi stated that the adjoining owner on his right, Mrs. Thelma Gilbert, has her driveway right next to the property line so that he cannot purchase any land from her. The owners on his left, the Tsujis, have their home constructed right up to the boundary line. The Tsujis originally had a large parcel of land but it was subdivided and the lots were divided among the family. The lot to the rear had an additional unit constructed on the rear portion of the property.

In reply to Mr. Chun-Hoon's question, the Director stated that there is no setback on Makanani Drive.

This matter was taken under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.

In considering this matter later, the Board decided to visit the site. A motion to defer action for visit of site was made by Mr. Brown, seconded by Mr. Chun-Hoon, and carried.



ZONING VARIANCE  
(CLASS AA RES.)  
NUUANU  
2711 PALI HWY.  
ROLANDK. YOUNG

The Board considered a request for variance from the existing Class AA Residential regulations to permit the construction of an additional dwelling unit on a flag lot parcel of land containing an area of 19,623sq situated at 2711 Pali Highway in Nuuanu.

The Director reported that the subject property is an interior lot, two lots away from Pali Highway. The width of the driveway is 18 feet. Presently, the applicant's parents-in-law are living with them and due to overcrowded condition, he wishes to construct another home for them on the premises. A plot plan showing only the location of the existing dwelling has been submitted.

The Board had visited the site.

In reply to questions from the Chairman, Mr. Roland Young, applicant, stated that he presently resides in the house. He had purchased this home about 8 years ago.

The Board took this matter under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.

In considering this matter later, the Board deferred action for submission of a plot plan on motion of Mr. Brown and second of Mr. Chun-Hoon.

ZONING VARIANCE  
(CLASS A RES.)  
PALOLO  
1234 CENTER ST.  
HENRY K. LUM

The Board considered a request for variance from the existing Class A Residential regulations to permit the construction of an additional dwelling on a parcel of land containing 9,330sq situated at 1234 Center Street in Palolo.

The Director reported that there is an existing two story dwelling on the rear portion of the property. The applicant proposes to construct the new dwelling over an existing garage situated in the front portion of the lot. This dwelling is to be occupied by his son's family. He noted that by setting aside 5,000sq for the existing dwelling, the proposed new dwelling will have 4,330sq which is over 11% below requirement. If the lot is divided in half, each dwelling will have 4,665sq each or over 6-1/2% below requirement.

Mr. Brown asked what is the situation of adjacent lots.

The Director pointed out on the tax map those lots which are similar in size with the applicant's lot. The area is improved with single family homes. There is no setback on Center Street. There is an elevation difference of about 5 feet between the land and the road.

Mr. Henry Lum, applicant, informed the Board that he had purchased the property in 1940 and for the past 12 years had considered seriously of constructing another dwelling on it. He had tried several times to acquire additional land in order to comply with the zoning requirement for two dwellings but the only person from whom he could acquire land, which is his neighbor in the back whose lot fronts on Sierra Drive, has refused to sell. That neighbor has an area of 11,648sq and could afford to sell him a few square foot of land but he still refused. The former owner had also refused to sell. The adjoining neighbor on his left has an identical sized lot as his.



Mr. Lum stated that his two story home is set backed 68 feet from the property line. There is a wall 10 feet in from the road curbing so that there is 65 feet of open space. The present two car garage is about 30 years old, ready to fall apart, and can accommodate only one car of present day size. He plans to demolish this garage and widen it for three cars. Over this garage and about half way in, he plans to construct a one-story, two bedroom home with a floor area of about 800 square feet for his son and family.

He did not believe that this new home would detract the appearance of the neighborhood. In fact it would look better than the old garage. During the 25 years of residence, he noticed that the area has changed from a strictly residential district to one of a commercial character. Queen Theater was there but Bank of Hawaii and Ben Franklin Store have subsequently been located there. In the past 10 years several variances have been granted, such as use of three residential lots in the back of the Queen Theater for parking purposes. Also, three lots across the street have been acquired by a business firm and are used for storage purposes. Due to this change in character, he felt that his request would not alter the general character of the neighborhood.

This matter was taken under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.

In considering this matter later, the Board voted to defer action for visit of site on motion of Mr. Brown and second of Mr. Chun-Hoon.

ZONING VARIANCE  
(CLASS A-1 RES.)  
MOKULEIA  
68-287 CROZIER DR.  
LEO/OLD W. TRIBE,  
JR.

The Board considered a request for variance from the existing Class A-1 Residential regulations to permit the construction of two single family dwelling units on a parcel of land containing 14,127 $\frac{1}{2}$  situated at 68-287 Crozier Drive in Mokuleia.

The Director reported that the applicant proposes to demolish all existing old buildings on the premises and construct the two new units. A plot plan showing the location of the new dwellings and garages has been submitted. The applicant has stated that his lot is the only lot of this size in this area and that this is not the general condition in the neighborhood. He, therefore, felt that the use sought by the variance will not alter the essential character of the locality nor be contrary to the intent and purpose of the zoning ordinance.

The Director indicated that by setting aside 7,500 $\frac{1}{2}$  for one dwelling, the second dwelling will have 6,627 $\frac{1}{2}$  which is over 11% below requirement. However, if the land is divided in half, each unit will have 7,063 $\frac{1}{2}$  which is 5.82% below requirement.

The Director then displayed a map showing the sizes of lots in the surrounding area. Out of 85 lots, 7 are below 5,000 $\frac{1}{2}$ ; 8 between 5,000 $\frac{1}{2}$  and 5,999 $\frac{1}{2}$ ; 23 between 6,000 $\frac{1}{2}$  and 6,999 $\frac{1}{2}$ ; 7 between 7,000 $\frac{1}{2}$  and 7,999 $\frac{1}{2}$ ; 3 between 8,000 $\frac{1}{2}$  and 8,999 $\frac{1}{2}$ ; 6 between 9,000 $\frac{1}{2}$  and 9,999 $\frac{1}{2}$ ; 7 between 10,000 $\frac{1}{2}$  and 10,999 $\frac{1}{2}$ ; and 24 are 11,000 $\frac{1}{2}$  and over.

The Board noted that lots in the adjoining areas are of various sizes. An adjoining lot containing 13,817 $\frac{1}{2}$  in



area would require a driveway off Crozier Drive for two dwellings thus reducing the buildable area of the lot; whereas, the applicant's property has access from Crozier Drive and Crozier Loop.

Mr. Chun-Hoon believed that there is a problem of adequate water in this area. He also felt that a check should be made whether or not there are any deed restrictions for the beach lots.

The Director replied that there is a water problem; however, a nearby subdivision developed by Eugene Kennedy had a major water line installed. Whether or not there is a connection into the adjoining lots, he does not know. A check could be made of the deed restrictions.

The Board noted that the applicant was not present to provide information on his application. It requested that the applicant be notified to be present at the next meeting of the Board.

The Director reported that the applicant was notified to appear at today's meeting.

The Board deferred action for staff check of the water situation, check of any deed restrictions on the beach lots, and notification to the applicant to appear at the next meeting of the Board, on motion of Mr. Chun-Hoon and second of Mr. Brown.

ZONING VARIANCE  
(CLASS A RES.)  
PACIFIC HEIGHTS  
2502 PACIFIC  
HEIGHTS ROAD  
MR. & MRS. RALPH  
E. COREY

The Board again reviewed a request for variance from the existing Class A Residential regulations to permit the use of a four story building as a three unit apartment house on a parcel of land containing 6,086 $\frac{1}{2}$  situated at 2502 Pacific Heights Road in Pacific Heights.

The Board members had checked the premises and noted that there are three complete kitchen facilities in this four story structure. The applicant had testified that construction of the structure was commenced in 1952 and abandoned in 1954 by a former owner and he had completed this partially constructed structure in 1964.

At the past meeting of the Board, a member of the Building Department had testified that the original building permit issued in 1952 was for a 1-1/2 story single family residential structure with a floor area of 1,600 $\frac{1}{2}$ . A supplementary permit was issued in 1963 to the applicant for the purpose of completing the building in accordance with the original plan. Unfortunately a copy of the building plan was not on file in the Building Department. The Board had requested a written report from the Building Department.

The Director acknowledged receipt of a report from the Building Department. Copies of the report were circulated to the Board members. In summary, the report states that:

- (1) The owners apparently did not follow the original plans, which had authorized the construction of a single family dwelling only.
- (2) There is no record in our files that this department has ever approved any plans showing the installation of three separate kitchen sinks for this building.



- (3) Considering the change in use of the building from a single family dwelling to apartment house, the building does not comply with our Building Code requirements.

In the discussion that followed, Mr. Kometani informed the Deputy Corporation Counsel of the Board members reluctance to act on an application which is definitely in violation of the zoning ordinance and the Building Code. They feel that the violation should first be cleared before acting on this application.

Deputy Corporation Counsel Kimura stated that he knows of no statutory restrictions which would prevent the Board from acting on an application which is in violation of the zoning ordinance. He indicated that the application before the Board is a request to vary the application of the Class A zoning regulations to permit the use of a four story structure as a three unit apartment. It would be in order for the Board to deny or approve the request for a variance but it is not within the jurisdiction of the Board to force the applicant to clear the violation or cite him for the violation. This is a matter for the Public Prosecutor's Office to investigate. The fact that there is a violation is not a matter before the Board although it may take that into consideration when making its decision. The existing violation is similar to a non-conforming use, except that there is a violation after the fact, and the applicant is applying for permission to proceed with the present use. If the permission to proceed is not given then he would still be in violation but if permission is granted, from this point forward the applicant would be within the law and the matter becomes moot.

Mr. Kimura further informed the Board that the matter before the Board to consider is the physical characteristics of the lot as well as the land. He felt that the Board can consider the fact that the four story structure was constructed without the appropriate building permit which caused the present situation. Having considered the parcel and the improvements thereon, the Board can make a determination whether or not an apartment use is desirable in the area. If it should decide that it is, then it is within the authority of the Public Prosecutor's Office to determine whether or not to cite the applicant and the question before the Board becomes moot. If the Board decides that apartment use is not desirable then the matter lies with the Prosecutor's Office.

The Board then discussed whether or not apartment use would be desirable in this residential area.

Mr. Kometani felt that it was not and stated that he was ready to deny the application and refer the matter to the Prosecutor's Office for disposition.

Mr. Chun-Hoon suggested that the matter be deferred for further review of all evidence submitted and findings of law. Mr. Brown concurred with Mr. Chun-Hoon.

Mr. Kometani felt that the Board has sufficient evidence to make a decision today. He pointed out that an apartment use definitely is not a compatible use within a residential district. He could find no hardship to meet the three conditions specified in the Charter.



After a brief discussion on whether or not to defer this matter, the Board decided to review all evidence submitted by the applicant.

The Director read portions of the applicant's letter which sets forth the conditions justifying the variance applied for, as follows:

"...respectfully apply...for a zoning variance for said property from the existing Class A restricted residential zoning to a hotel and apartment district type of zoning for the following reasons and grounds, to wit:...

3. Conditions justifying variance applied for:

a. Strict enforcement and compliance with the zoning requirements of R. O. 1961, 21-2.7, would cause great practical difficulty and unnecessary hardship to Applicants, in that valuable, existing kitchen fixtures and facilities would have to be torn from the premises, removed and destroyed; existing 2-year leases entered into between Applicants and three (3) middle-aged couples, would thereby be terminated and canceled, at great loss to Applicants and their respective tenants; possible landlord-tenant litigation against Applicants might immediately thereafter ensue; and Applicants most certainly would suffer substantial economic loss, prejudice and hardship by reason of such strict enforcement and compliance."

The Board found that the existing zoning of the area is Class A Residential which permits only single family residential dwellings with one kitchen unit. The Board further found that the existing kitchen facilities in the four story structure, two in excess of requirement, were installed by the applicant and any hardship caused to require removal of the two excess kitchen units constituted a self-created hardship which may not be made a basis for a variance. This is an illegal act outside of the law and may not be considered in support of the variance request.

"b. The location of Applicants' property is highly unique, in comparison with other properties in the immediate neighborhood. Applicants' property does not lend itself architecturally or economically to single family residence construction. Said property does not overlook any immediately-adjacent residential lot or residence;...

"c. By reason of the highly unique and unusual physical and historical characteristics of Applicants' said property, the land as improved cannot yield a reasonable return to Applicants if used only for the restricted purposes allowed in Zone 'A' residential districts.

"d. The plight of Applicants is due to unusual and unique circumstances, and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself."



The Board found that the applicants' lot is a corner lot with one low and one high road entrances, sloped, and triangular shaped. In checking the lots in the surrounding area, the Board found that there are other similar type lots having the same physical shape, steepness and condition as the applicants' lot.

"e. The substantial existing use of residences in the adjacent neighborhood is for multiple dwelling purposes, which existing use clearly reflects the unreasonableness and lack of enforcement of the Class 'A' restricted residential zoning ordinance itself."

The Board noted that no evidence was submitted by the applicant that the surrounding area has multi-family dwellings.

"f. The use sought to be authorized by R. O. 1961, Sec. 21-3.1, as amended by Section 5-507, Charter, City and County of Honolulu, 1959, will not alter the essential character of the locality nor be contrary to the intent and purpose of the zoning ordinance."

The Board stated that zoning of this area for single family dwelling purposes is a reasonable and logical use and that apartment use will definitely alter the essential character of the locality and be contrary to the intent and purpose of the zoning ordinance.

Based on the findings as stated, the Board denied this application for variance on motion of Mr. Brown and second of Mr. Chun-Hoon.

The meeting adjourned at 4:45 p.m.

Respectfully submitted,

Carole A. Kamishima  
Carole A. Kamishima  
Planning Reporter



Meeting of the Zoning Board of Appeals  
Minutes  
October 1, 1964

The Zoning Board of Appeals met in regular session on Thursday, October 1, 1964, at 2:00 p.m., in the Conference Room of the City Hall Annex with Chairman Harold K. Kometani presiding. Vice Chairman George I. Brown presided temporarily until the presence of the Chairman:

PRESENT: Harold K. Kometani, Chairman (Present at 2:40 p.m.)  
George I. Brown, Vice Chairman  
Henry G. H. Chun-Hoon

Frederick K. F. Lee, Planning Director  
Wendell Kimura, Deputy Corporation Counsel

MINUTES: The minutes of the regular meetings of September 3 and September 17, 1964, as circulated, were approved on motion of Mr. Kometani and second of Mr. Chun-Hoon.

PUBLIC HEARING  
ZONING VARIANCE  
(CLASS A-1 RES.)  
MOKULEIA  
68-287 CROZIER DR.  
LEOPOLD W. TRIBE,  
JR.

A public hearing was held at about 3:00 p.m., to consider an application for variance from the existing Class A-1 Residential regulations to permit the construction of two single family dwelling units on a parcel of land containing 14,127 $\frac{1}{2}$  situated at 68-287 Crozier Drive in Mokuleia.

The public hearing notice published in the Sunday Star Bulletin and Advertiser on September 20, 1964, was read by the Director who reported that no written protests had been filed. He pointed out the area in question situated in Mokuleia along the beach front. A development plan submitted showed the placement of the proposed two dwellings with access off Crozier Loop.

No one spoke in favor or against this application. The applicant had appeared at a previous meeting to present his case.

Asked by Mr. Brown whether water is available, the Director replied that a new main was installed for a nearby subdivision. Smaller lines were tied in to other properties in the vicinity so that there is no problem of water. Cesspools will be used for sewage disposal.

The Board closed the public hearing and granted a variance from the Class A-1 Residential regulations to permit the construction of two dwellings on the subject property on motion of Mr. Brown and second of Mr. Chun-Hoon.

SPECIAL PERMIT  
PUNALUU  
MAUKA SIDE OF  
KAMEHAMEHA HWY.  
HAWAII AERIAL  
TRAMWAY CORP.

The Board again reviewed a petition for Special Permit to permit the construction of an aerial tramway and related appurtenances on land situated within the Agricultural District of the State Land Use Commission. The subject land containing an area of 17.26 acres is



situated on the mauka side of Kamehameha Highway and extends toward the mountain ridge which separates Kahana Valley and Punaluu Valley.

A public hearing was held and closed on August 6, 1964. Action was deferred for a report from the Bishop Estate regarding its plans for future development of its lands in Punaluu.

Mr. George K. Houghtailing of Community Planning, Inc., which had studied and prepared a proposed development plan for the Bishop Estate for its land in Punaluu displayed and explained the proposed plan prepared for the area. He stated that in reviewing the general location, they (the planners) felt that Punaluu lends itself to some type of development that would induce retired people to reside there. Therefore, the plan shows single family condominium type of development together with some garden type apartments, a beach park area and dead-ending of existing Kamehameha Highway to assure more privacy for the area makai of the new alignment of Kamehameha Highway. The new alignment follows the General Plan alignment which is in the mauka section and ties in with existing Kamehameha Highway after it passes a stream. Access to the beach area will be provided. The makai area will be developed as sort of a private club with sundry type of uses, like a little country store to provide the day to day needs of the residents. The plan was also designed to attract semi-retirees and weekend visitors. Some of the lands in the area are under the control of private individuals. An existing motel development in the area is not under the control of the Bishop Estate.

For the area above the new alignment of Kamehameha Highway, he stated that to fit the contour of the land, the future plan calls for single family residential lots of 10,000<sup>sq</sup> and 15,000<sup>sq</sup> lots with a riding academy and camp site type of development up in the hillside as part of the urban complex. The area is presently in agriculture. The proposed plan is far in the future when agricultural uses are removed from the area. This proposed plan was presented to the Trustees of the Bishop Estate who have accepted the plan in principle and are still making further studies.

In the discussion that followed, Mr. Chun-Hoon asked Mr. Houghtailing whether he had any particular reason for leaving the area of the proposed tramway site out of his study area.

Mr. Houghtailing stated that the land is pretty steep. He personally felt that a tramway at that location would not be objectionable or detrimental to adjacent properties if properly planned and the area screened. He noted that it will have its own off-street parking area. He felt that a tramway properly controlled will be meeting a need of the tourist industry.



Asked by Mr. Chun-Hoon whether the land is buildable for house lots, Mr. Houghtailing stated that to a certain point it is buildable but the grade is such that it would be entirely up to an individual whether he wished to spend money for grading.

Mr. Brown asked for the time schedule for commencement of the proposed development plan. Mr. Jackson from the Bishop Estate replied that commencement may be one year after the plan is approved by the Planning Commission since the engineering plans must be prepared and a contract entered into with a developer.

Mr. Kometani asked who is to construct the State highway. Mr. Houghtailing stated that he had suggested to the Bishop Estate that it initiate construction similar to the method done under the Kahaluu Cut-Off Road improvement district. He felt that this highway construction could be a reality sooner than expected.

Mr. Kometani asked Mr. Jackson whether the Trustees had taken into consideration building of the highway in conjunction with its plan for the area. Mr. Jackson replied that they had.

Mr. Kometani asked, outside of the beach lots, how much of Punaluu is under existing Bishop Estate lease. Mr. Jackson replied that for the area makai of the existing highway, approximately 24 acres are under 30-year leases. The balance of the area mauka of the highway, except for the sugar company lease, is on a six month tenancy.

Mr. Brown commented that one of the points brought out by the applicant was that the base terminal would be set back 300 feet from the highway. He noted that the proposed plan now shows the new highway running across a corner of the base terminal area.

Mr. Houghtailing replied that this can be adjusted. Presently the plan shows only one access point. They are proposing an exit point at another location.

Mr. Brown asked Mr. Jackson whether the base terminal was definitely going to be moved in order to be within the proposed general plan. Mr. Jackson replied that its location can be adjusted. The Trustees have very stringent opportunity for control over the location and appearance of the tramway operation and he felt that they could require the area to be adequately screened and planted in any manner suggested by the Board and the residents.

Mr. Brown asked whether the Trustees propose to relocate the area of the base terminal. Mr. Jackson replied, "not to my knowledge." Mr. Houghtailing felt that it would be in the general location after more detailed studies.



This matter was taken under advisement on motion of Mr. Chun-Hoon and second of Mr. Kometani.

The Board later discussed the factors which may or may not make an aerial tramway a reasonable and an unusual use within an agricultural district.

Mr. Chun-Hoon asked the Director whether he had received a report from the Chief Engineer regarding the buildability of the proposed tramway area for residential uses. The Director replied that he had not requested a report since this is the first time he has seen this proposed development plan.

The Board felt that the presently proposed location of the aerial tramway is not a desirable location since it is immediately adjacent to a proposed residential development. This may represent invasion of privacy to nearby residences and inducement of additional traffic into the area. The new alignment of Kamehameha Highway also cuts through a portion of the base terminal area. A tramway plan at this location does not seem to fit in with the overall future plan proposed for the area. Apparently, Bishop Estate did not give much thought to the tramway operation when preparing the master plan for the area.

The Board felt that it was premature to take a small portion of the Estate's overall development plan when this plan was never presented to the public at a public hearing and adopted into the General Plan. It felt that a tramway could be fitted somewhere in the plan, more logically in the area recommended for recreational use. The Board felt that although the use was unusual, the use sought was unreasonable for this particular site.

For the above reasons, the Board denied this petition for Special Permit on motion of Mr. Brown and second of Mr. Chun-Hoon.

ZONING VARIANCE  
(CLASS AA RES.)  
LANIKAI  
END OF KOOHOO PL.  
CHARLES SMALL

The Board, on motion of Mr. Chun-Hoon and second of Mr. Brown, deferred action on an application for variance from the existing Class AA Residential regulations to permit the construction of four separate dwellings on a parcel of land containing an area of 39,232 $\frac{1}{2}$  situated at the end of KooHoo Place in Lanikai. The applicant has not submitted a detailed plot plan and a house plan as requested by the Board.

ZONING VARIANCE  
(CLASS A RES.)  
WILHELMINA RISE  
4411 SIERRA DR.  
WALTER S.S. ZANE

The Board again considered a request for variance from the existing Class A Residential regulations to permit the construction of an additional dwelling on a parcel of land containing an area of 9,516 $\frac{1}{2}$  situated at 4411 Sierra Drive in Wilhelmina Rise. Action was deferred for submission of a plot plan.



The Director reported that the lot is trapezoidal-shaped. The applicant has submitted a plot plan showing the existing dwelling and the proposed dwelling in conformity with building spacing regulations.

Mr. Walter Zane stated that he is one of the owners of the property. He reminded the Board that it had previously considered his request for a two-lot subdivision of the area. It was the staff's recommendation that he relocate the existing house so that a flag lot subdivision could be created but after further study he found that it would be economically unfeasible for him to relocate the existing house. He, therefore, requested permission to construct an additional house on this lot which is large enough for another dwelling.

Asked by Mr. Brown whether he intended to lease or rent the houses, Mr. Zane stated that he is in the real estate business and he intends to sell the property after the second dwelling is built.

Mr. Brown asked whether any grading is to be done on the lot. Mr. Zane replied that there will be very little grading because the house is to be built on split level.

This matter was taken under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.

The Board later authorized the calling of a public hearing to consider this application for variance on motion of Mr. Chun-Hoon and second of Mr. Brown.

ZONING VARIANCE  
(ACCESSORY USES)  
WAIKIKI  
2199 KALIA ROAD  
HALEKULANI, INC.

The Board considered a request for variance from the provisions of Section 21-3.1 (a) (1), R. O. 1961, relating to accessory uses within a hotel building, to permit the construction of an accessory building which will be separated from the main hotel building within a Hotel and Apartment District, for a parcel of land at 2199 Kalia Road which is the premises of the Halekulani Hotel in Kalia, Waikiki.

The Director reported that the accessory use ordinance states in part that, "such accessory uses shall be permitted and allowed only as an adjunct to and as a part of the main building and no other;..." He pointed out that the main hotel structure is surrounded by several guest cottages separated from the main structure. This is permissible under the law; however, the applicant's request to construct an accessory building separate and apart from the main hotel structure can be done only through a variance. The law permits accessory uses within the main building with an entrance from the lobby. The applicant contends that Halekulani Hotel is renowned for its openness and detached dwellings; therefore, the detached accessory use building will not detract from the general character of the area. Instead, an accessory building attached to the main building will increase the



size of the hotel and definitely detract from the general complex of the area.

Mr. Brown asked whether there is any hotel zoning ordinance which would permit this sort of detached buildings on this island or on any of the outside islands.

The Director replied that there is an existing zoning ordinance which specifies that within certain resort-hotel districts, accessory uses may be separated from the main structure. However, this was set up as an adjunct to a national park or national monument where on a minimum of 10 acres, only 10% of the lot area can be utilized for buildings. For the Waikiki area where the density is high and the land value is also high, it would not be economically feasible to apply this type of resort development for this particular property.

Attorney George Koga and co-counselor Bill Kim, represented the applicant, Halekulani, Inc.

Mr. Koga stated that the letter filed by him elaborated on the request and the justification to meet the three conditions set forth in the Charter before a variance can be granted from any existing zoning ordinance. Mr. Lee had brought out the basic point contained in his letter that Halekulani Hotel is rather unique as far as hotels in the Waikiki area is concerned because it is of low rise construction, sprawling and spacious for an Hawaiian type of environment. He indicated that when this hotel was purchased a few years ago by the new owner, there was great fear by people in Waikiki and Honolulu in general that this would be the end of Halekulani Hotel and that a high rise structure would be constructed for economic reasons. However, the new owner allayed this fear and continued to operate the hotel "as is" as a true Hawaiian type of development. A situation has now come up where additional source of income must be sought. One of the reasons is the rising property tax. As noted on Page 4 of his letter, in 1959, the assessed valuation of the land was \$900,000 and the improvements, \$230,000 for a total tax valuation of \$1,130,000. The real property tax for the year was \$17,123. Five years later, in 1964, the total assessed valuation is in excess of \$2 million.

He pointed out that under the existing zoning ordinance the owner could construct a high rise structure and place the accessory uses on the ground floor but this is what the owner is trying to avoid at all cost.

Mr. Koga then presented a sketch of the proposed structure. He noted that the design is in conformity with existing structures on the premises. It is to be of one story construction, Hawaiian type architecture with an entrance from the hotel premises and not from the street.



Mr. Chun-Hoon asked whether Halekulani, Inc., had any plans for future use of the entire area and whether those plans will retain the same type of low rise construction of the area.

Mr. Bill Kim replied that the presently proposed building is the first of this type planned for the area. He felt sure that any future building plans will follow the same pattern of development. He pointed out that the shop that is to be located at this new location off Kalia Road is already located on the hotel premises in a building separated from the main hotel. What is being proposed is the relocation of an existing shop to an area which is more advantageous and economical to both the owner of the property and the shopkeeper (Andrade's). As stated by Mr. Koga, the entrance will be from the hotel grounds. It is felt that the new building will enhance rather than detract from the area.

Mr. Chun-Hoon asked whether it is possible to obtain a letter from the owner stating his intention to retain the one and two story features of the area. Mr. Kim stated that it is possible to obtain such a letter from the owner. He felt sure that Halekulani, Inc., would not approve of any plans which would not fit into the general complex of the area.

Mr. Brown asked whether the shop is to serve the general public and if it is, where is parking to be provided.

Mr. Kim stated that the resort type of shop will not attract local residents who would rather go to Ala Moana Shopping Center or in town. This shop is only to attract the tourists in the area. It is not for people to drive down and shop there.

The Director indicated that the accessory use ordinance allows this type of accessory uses within hotel and apartment districts only as a service to and convenience of the tenants and occupants of the buildings in which the services are located and they are not for the general public. For this reason no outside advertising or street entrance is permitted.

Mr. Brown asked whether there are any other hotels in the area with detached structures.

The Director replied that except for the Halekulani Hotel and the Royal Hawaiian Hotel, all other hotels in the area practically cover the entire area of the lot so that shops are built within the structure with entrances off the lobby.

This matter was taken under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.



In considering this matter later, the Board felt that the request was reasonable. It noted that other accessory uses on the premises are situated in detached buildings. The proposed building will not detract from the general character of the area.

A motion to authorize the calling of a public hearing to consider this application for variance was made by Mr. Chun-Hoon, seconded by Mr. Brown, and carried.

ZONING VARIANCE  
(CLASS A RES.)  
KAIMUKI  
844 11th AVE.  
FUJIO OSHIRO  
BY: SAM HIROTA

The Board considered an application for variance from the existing Class A Residential regulations to permit the subdivision of a 10,000 $\pm$  parcel situated at 844 11th Avenue in Kaimuki into two 5,000 $\pm$  parcels with a 12-foot easement in favor of a rear lot. By deducting the area of the easement, the net area of the lots will be 4,201 $\pm$  each.

The Director pointed out that the subject property is situated off 11th Avenue between Kaimuki and Maunaloa Avenues within a desirable residential district. There is an existing 16-foot easement serving the rear lot and the applicant proposes to reduce this to 12 feet. This reduced size is permissible under the existing regulations. An adjoining lot was subdivided in the same manner proposed by the applicant; however, that subdivision was granted prior to 1948 when easements were made a part of the lot area. After 1948, the law requires the easement area to be deducted from the lot area. The net area of the applicant's two lots will be 4,201 $\pm$  each, lacking 799 $\pm$  or 16% to comply with the area requirement within a Class A zone.

Mr. Sam O. Hirota, consulting civil engineer and surveyor, and Mr. Ed Yamaguchi, real estate agent, represented the owner of the land.

Mr. Hirota stated that the proposed subdivision as submitted is exactly the same as the subdivision created for an adjacent lot. The total area of the two lots would be 5,000 $\pm$  each but the buildable area would be reduced because of the easement. As pointed out by Mr. Lee, this area is a very desirable residential district. He felt that the proposed subdivision will not detract from the desirability of the area.

Mr. Brown asked for the development plan of the area.

Mr. Yamaguchi stated that there is an existing old dwelling, 40 years old, on the premises. It has no salvage value. The owner intends to demolish and remove this dwelling and construct two new homes. This will no doubt beautify the area and re-establish an existing home in this most desirable residential district. For economic and social reasons, he felt that this new construction will be of great benefit to the community as a whole.

Asked for the topography of the land by Mr. Chun-Hoon,



Mr. Yamaguchi stated that it is fairly level.

The Chairman informed them that it is customary for the Board to review a plot plan of the proposed development and requested that they submit such a plan for review at the next meeting. He stated that the Board members would also like to visit the site to check the general condition of the neighborhood.

This matter was taken under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.

In considering this matter later, the Board deferred action for visit of the site on motion of Mr. Brown and second of Mr. Chun-Hoon.

ZONING VARIANCE  
(CLASS A RES.)

PACIFIC HEIGHTS

2502 PACIFIC HEIGHTS  
ROAD

MR. & MRS.

RALPH E. COREY

Mr. and Mrs. Ralph Corey were present to request a reconsideration of the denial action taken by the Zoning Board of Appeals on their application for variance from the existing Class A Residential regulations to permit the use of an existing four-story structure as an apartment house on property containing 6,086 $\frac{1}{2}$  situated at 2502 Pacific Heights Road.

The Director reported that the Board had taken action to deny the application on September 3, 1964, after it failed to find sufficient evidence to meet the three conditions of hardship specified in the City Charter. The applicants by letter dated September 22, 1964, had requested further consideration of their application. The applicants had also submitted copies of a petition signed by several residents in the neighborhood supporting the application for a zoning variance.

Mrs. Corey stated that at the suggestion of the Prosecutor's Office that she obtain the feelings of people in the neighborhood about their house, last Sunday she had canvassed her neighborhood and obtained as many signatures as she could in the short time that she had. The first person to sign the petition was Mr. Riley Allen, followed by Deputy Chief of Police Arthur Tarbell, Mrs. Elizabeth Farrington, many other old-time residents in the area and her immediate neighbors. Many of them commented that they could not understand why there is such an objection to granting a variance. These people were very happy with what they had done to the property and the kind of people living in the building. Since no one was being hurt and the condition of the area was improved, they couldn't understand why a variance could not be granted.

Mr. Brown asked for the ownership of the adjacent lot which is at the "U" turn portion of the road.

Mr. Corey believed that the lot was owned by an Estate which probably consisted of two elderly women. It is a remnant parcel and he doubted that any building could be built on it.



Mrs. Corey stated that the widest portion of the land is 11 feet and it narrows down to a point at the corner. She also doubted that it can be built upon.

Mr. Brown requested further clarification on the procedure they took to obtain a building permit--where are the building plans? if any, was a plumbing permit obtained? was a building inspector there at all times? and such other pertinent facts of the case.

Mrs. Corey stated that she had made all the arrangements for obtaining a building permit. She had seen Mr. Fung, head of the building permit section, explained the situation, and told him of two alternatives, that she either dynamited the structure or finished it. He said that there was no sense in dynamiting it that she should go ahead and finish it because the whole shell was there. She had planned to complete the top floor first and requested for a building permit to finish the building and Mr. Fung approved it. She had a plan which Mr. Dodge made 14 or 15 years ago and offered it to Mr. Fung but he refused it. She, therefore, gave the plan to her contractor, Pacific Welding, which was going to complete the building.

Mr. Brown asked whether this was for a single family dwelling.

Mrs. Corey replied that the whole shell was there and they were going to fill it. No specific thing was mentioned by her or Mr. Fung. She actually did not know what problems were to confront them. They merely "played it by ear" and completed a structure no one wanted. There were 20 contractors at the first sale and nobody wanted it. She did not know of the whole problem at that time.

Mrs. Corey stated that the plumbing contractor was George's Plumbing and the electrical contractor was Grant's Electric. They made their own arrangements so she couldn't understand why it is said that she did not obtain a building permit. As far as she is concerned, she had obtained a building permit. Inspectors were there at all times. If she had any questions, she called Ed Morishige at the Building Department. A building inspector was there all the time watching them. They had made an error in starting to put a canec ceiling and was told that she had to put an acoustic ceiling because it was a four-story structure. If she had violated any law, it was unintentional because the inspectors were there, they knew what was happening, and they permitted her to finish the structure. After the structure was completed she had difficulty selling or leasing it as a single family dwelling because it was too big. However, she had hundreds of requests to rent the separate floor units.



Mr. Brown asked whether a plumbing inspector was there when she had put in the additional kitchen unit.

Mrs. Corey stated that the kitchen on the first floor was installed by Mr. Dodge 14 years ago. When she obtained the building permit it was to finish the top floor and she had installed a complete kitchen there. She couldn't leave the middle floor uncovered so she completed that floor and put in a bar sink. The Hale's are living on the top floor.

Mr. Brown asked the Director for the regulations on kitchens in a single family dwelling.

The Director stated that only one complete kitchen is allowed in a single family dwelling unless the lot area is large enough to meet the zoning regulations for two dwellings. The ordinance also provides for accessory sinks, such as bar sink and laundry trays.

Mr. Chun-Hoon asked, besides the plumbing and electrical contractors, who did the lumber work and concrete work.

Mrs. Corey stated that no wood was used. The structure is of concrete, steel and glass. The mason work was done by Mr. Von Blongler and his friends who came on weekends. No special contract was made although Mr. Von Blongler is a mason contractor.

Mr. Chun-Hoon remarked that there must have been a plan for the contractors to follow. He asked Mrs. Corey whether she had a copy of that plan.

Mrs. Corey stated that she had a copy of Mr. Dodge's plan and it was very old. She had given it to Pacific Welding and later when she had asked for the plan, the contractor couldn't find it. The Building Department also couldn't find a copy of that plan. She had a bona fide contract and did not feel that she had done anything wrong.

The Board thanked Mr. and Mrs. Corey for their testimony and informed them that they will be notified by letter of the Board's decision. Mr. and Mrs. Corey left the room.

Mr. Kimetani asked the Deputy Corporation Counsel who is responsible, the contractor or the principal, in a contractual arrangement by the owner when there is a violation of the zoning law then you look to the principal.

The Director then read the letter from the Building Superintendent stating that five permits were issued as follows:



1. Building Permit No. 101637 was issued on September 29, 1952, to Mr. and Mrs. Dodge for the construction of a new, 1-1/2 story single family dwelling at 2502 Pacific Heights Road containing a floor area of 1,600~~sq~~ ft.

2. Building Permit No. 207333 was issued on April 10, 1963, to Mrs. Corey for an existing building, with a check under single family dwelling.

3. Plumbing Permit No. 2848 was issued on July 11, 1963, to Mr. Corey for two water closets, two wash basins, two bath tubs and one water piping for fixture.

4. Electrical Permit No. 75752 was issued on July 11, 1963 to Mr. Corey for wiring for a residential dwelling.

5. Plumbing Permit No. 3876 issued on August 30, 1963, to Mr. Corey for four water closets, four laundry trays, three wash basins, three showers, and three bar sinks with a notation "rough in only" which means that the plumber merely installs the pipe but not the sink.

Reading further from the letter from the Building Superintendent, the Director stated that a building inspector who had inspected the subject premises on April 27, 1964, found indications of possible zoning violations and referred this matter to the Planning Department for disposition. The Building Department strongly recommended denial of the applicants' request for a variance from the zoning regulations for the following reasons:

- "1. The owners apparently did not follow the original plans, which had authorized the construction of a single family dwelling only.
2. There is no record in our files that this department has ever approved any plans showing the installation of three separate kitchen sinks for this building.
3. Considering the change in use of the building from a single family dwelling to apartment house, the building does not comply with our Building Code requirements."

Mr. Brown asked what is meant by the statement that the building does not comply with the Building Code requirement.

The Director stated that by changing a single family dwelling into an apartment use, the structure must meet certain specifications, one of which is that construction must be of one hour fire resistance material.



From this statement, the Board concluded that although a zoning variance is granted, the applicant still cannot use the structure as an apartment because it does not meet the Building Code requirement.

Mr. Chun-Hoon felt that a clearer definition of an apartment building and a clarification on the difference between a bar sink and a kitchen sink should be obtained from the Building Department.

Deputy Corporation Counsel Kimura informed the Board that there are several factors to consider in determining whether a structure constitutes a single family use or an apartment use. The fact that there is more than one kitchen or that there is a bar sink is not an indication that there is more than one single family dwelling unit. This factor is not necessarily controlling. The physical condition, such as persons residing in the structure is very relevant. In other words, a single family dwelling may have two kitchens but for all intent and purpose it still constitutes a single family dwelling unless there is evidence that two separate families reside in the structure. Where you have related families living together, for instance, an uncle, whether this can be defined as single family use or that it is a violation of the law, is one factor. Another factor is occupancy structure of the building itself, whether it is designed with completely separate units.

At the request of the Board, Mr. Thomas Kitamura from the Building Department was present to testify.

Mr. Kometani requested Mr. Kitamura to explain what is meant by the statement contained in the letter from the Building Department that, "considering the change in the use of the building from single family dwelling to apartment house, the building does not comply with the Building Code requirement."

Mr. Kitamura stated that he could not determine definitely whether or not the structure was in conformity with the building plan originally submitted because there is no plan to check against. However, before any use of a building is changed to a different occupancy, the owner must make a certification of change in occupancy. Occupancy means use of a building. The Building Code separates occupancy into different categories. For example, apartment use is called Group H Occupancy and a dwelling which includes a duplex is called Group I. Therefore, by converting from a dwelling to an apartment there is a change in occupancy and a certification to this effect must be made to the Building Department.

Mr. Kometani asked how a single family dwelling is distinguished from an apartment.



Mr. Kitamura stated that this is determined by the number of separate dwelling units in the structure. Up to two units is called a duplex. Three or more constitutes an apartment.

Mr. Kometani asked, suppose there are three units and two of the units have bar sinks. By the tenants in the building it is obvious that the units are being rented out. Regardless of the bar sinks, does the three units constitute an apartment use.

Mr. Kitamura stated that the Code gives no definition of a bar sink but there is one for an apartment. An apartment is defined as a room or suite of rooms which is occupied or which is intended or designed to be occupied by one or more families for living and sleeping purposes.

Mr. Kitamura stated further that there are at least three things in the building that do not comply with the existing Building Code requirement. First is the number of exits. The Building Code requires two exits but there is only one as reported by the building inspector. The building also does not have a dry and a wet stand pipe system. Any building three stories or more must have a wet stand pipe system. Four or more stories require a dry stand pipe system. He confirmed that a building inspector did check the building and submitted a report.

Asked by Mr. Kometani whether the structure is called a four story structure, Mr. Kitamura stated that it looks like a four story structure but he has not gone into a final analysis of it. In this case, it is quite difficult to say whether or not it is a four story structure because there is one entry from the top of the building directly off a street and another entry from the bottom of the structure off another street.

Mr. Kometani asked whether the Building Department has any past records where a situation of this nature was corrected once it was determined that there was a violation.

Mr. Kitamura replied that he could not answer that question because a situation of this nature never occurred before. The difficulty of this case lies in the fact that there is no plan for the inspector to check against. The inspector may have been at a loss how to proceed and had therefore referred the matter to the Planning Department because he felt that this was a zoning violation.

The Board thanked Mr. Kitamura for his information.

The Board discussed all factors presented in this case. From the evidence presented, the Board found that the



applicant was granted a building permit to complete a 1-1/2 story single family dwelling on the subject premises. From physical observation, the structure appears to be a four story structure. In a Class A Residential district, only one kitchen unit is permitted on each 5,000<sup>sq</sup> of area. The applicant has three complete kitchen units and has rented the structure to three separate tenants indicating that the building is used as an apartment and not as a single family dwelling, contrary to the Class A zoning regulations. It appears that the applicant rented these illegal units with the full knowledge of the zoning regulations. The four story structure used as an apartment does not comply with the Building Code requirement for an apartment building. Therefore, should a variance be granted for apartment use, the building would still be in violation of the Building Code. Because of the apparent violation of the zoning ordinance, the Board felt that this matter should be referred to the Prosecutor's Office for investigation.

On the basis that the Board found no new evidence to support the request for a variance, it denied the request for reconsideration unless some new facts to support a reconsideration are presented. The motion was made by Mr. Kometani seconded by Mr. Brown and carried.

Mr. Brown made a motion to recommend to the Planning Director that because of a possible violation of the zoning ordinance that he notify the Prosecutor's Office of this alleged violation for proper investigation and disposition. The motion was seconded by Mr. Chun-Hoon and carried.

The meeting adjourned at 4:15 p.m.

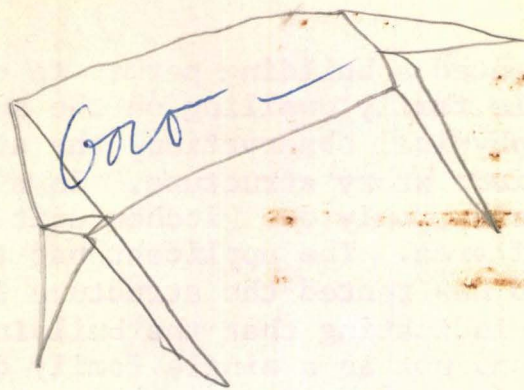
Respectfully submitted,

*Carole A. Kamishima*

Carole A. Kamishima  
Planning Reporter

*da.*





Ferry -

① Facts -

Based on the plan submitted -  
the M & PTE will buy it,

Insert

② Main Planning & Traffic Communit  
should be more people

Unattainable  
concept should  
be sub. by petition

Have to take all  
of them down?