BUS. 595-7591 RES. 262-4148

William Miller
Youth Ministries
Sabbath School Ministries
Community-Services

Hawaii Conference OF SEVENTH-DAY ADVENTISTS

2728 PALI HIGHWAY HONOLULU, HAWAII 96817 MEMO TO: Zoning Board of Appeals

FROM: Planning Department

SUBJECT: Request for Special Permit under the provisions of

Chapter 98H of R.L.H. 1955 to construct a Youth Camp

at Waianae - Waianae Valley, Oahu

Tax Map Key: 8-5-05: 14, 20, 21, and 22

Area: 10 acres

Applicant: Hawaiian Mission of Seventh-Day Adventists

By: Marvin Seibel, Youth Director

REQUEST:

Pursuant to the provisions of Chapter 98H of the Revised Laws of Hawaii 1955, as amended, application was filed by the Hawaiian Mission of Seventh-Day Adventists for a Special Permit to construct, establish and operate a youth camp within an area classified as Agricultural District by the State Land Use Commission.

The applicant proposes to construct 20 cabins, a swimming pool, two toilet and bath houses, an administration building, a dining hall, and a pavilion on a ten-acre site situated approximately three miles mauka from Farrington Highway in Waianae Valley.

ZONING AND GENERAL PLAN DESIGNATION:

Under the zoning regulations administered by the City and County of Honolulu, the subject area is zoned as Rural Protective by City Planning Commission Resolution No. 563, effective April 9, 1954.

The adopted General Plan and the Detailed Land Use Map of Waianae designates this area for Agricultural use. The State Land Use Commission District Boundary Map also classifies this area as an Agricultural District.

LOCATION AND LAND USE:

- 1. The land in question is identified by Tax Map Key 8-5-05: 14½ 20, 21, and 22, and comprises a total area of more than ten acres;
- 2. The land is situated about three miles mauka from Waianae Town and fronts on Waianae Valley Road;
- 3. Waianae Valley Road is a government road with a right-of-way width of 40 to 30 feet. The roadway has a pavement width of about 18 to 10 feet and is in satisfactory condition;
- 4. Waianae Valley Road fronting the subject property is not paved and in poor condition. The pavement ends about 600 feet makai at the junction of Waianae Valley Road and Haleahi Road;
- 5. The subject site is overgrown with hale-koa and very rocky;
- 6. The property is not used for agricultural purposes because of the poor soil condition. The surrounding area is also not utilized for agriculture;
- 7. The area is rather flat and the intended development will cover more than ten acres of land. The configuration of the lot is odd-shaped with irregular boundaries.

SOIL CONDITION:*

The soil type of the area consists of Stony land, Alluvial soil material in the Lithosols soil group. This soil unit occurs in valleys or in the plains at the mouth of valleys, where a mass of loose stones have been deposited during floods. The rocks range from pieces of gravel to boulders several feet in diameter.

Such a soil type on the island of Oahu occurs at altitudes of less than 500 feet and in regions where rainfall ranges from 10 to 100 inches a year.

This land type is completely unsuited to cultivation and it cannot be changed to cultivable land by clearing away the stones. The land is idle or used for grazing. In the driest regions, it may support fair strands of algaroba, which commonly fruits heavily. In the wetter regions it is generally covered by lantana, guava, or tropical rain forests. This land type provides some forage for cattle, but it is very difficult for them to get over most of this area because of the almost continuous litter of stones on the surface. Except in areas where algaroba is prominent, a small amount of feed is produced.

WATER SUPPLY:

7

By letter dated September 26, 1967, Capital Investment Company, Ltd., owner of the private water source, certifies that potable water is available for the proposed development.

^{*}U. S. Department of Agriculture. Soil Survey of the Territory of Hawaii. Soil Survey Series 1939, No. 25. September, 1955.

SEWAGE DISPOSAL:

Sewage disposal is by cesspools in compliance with the requirements and standards of the Board of Health. The petitioners have conferred and discussed the matter with the Board of Health.

PETITIONERS OBJECTIVES, GOALS AND PROGRAM:

See attached letter dated September 28, 1967, from the applicant.

RECOMMENDATION:

After careful evaluation of the petitioner's proposal, it is the recommendation of the Planning Department to grant the Special Permit on the basis that the proposed Youth Camp is an unusual and reasonable use within the area classified as Agricultural District by the State Land Use Commission, and it is basically an "open land" type of recreational use and facilities permitted in an Agricultural District.

The proposed use would promote the effectiveness and objectives of the State Land Use Law and the use sought will not alter the essential character of the surrounding area and will not adversely affect the adjoining property owners.

Also, the land upon which the proposed use is sought is unsuited for the uses permitted within the district. It seems that the proposed use will make the highest and best use of land involved for the public welfare.

January 25, 1968 Zoning Board of Appeals 629 Pohukaina Street Honolulu, Hawaii Attention: Mr. Frank Skrivanek Planning Director Gentlemen: At its meeting on January 24, 1968, the Land Use Commission voted to approve the grant of a special permit to the Hawaiian Mission of Seventh Day Adventists (SP68-51) to construct, establish and operate a youth camp in the State's Agricultural District in Waisnae Valley, Oahu, identifiable by Tax Map Key 8-5-05: 14, 19, 21 and 22; subject to the conditions that the development conforms to the proposed uses and plans as submitted by the applicant, and that construction commence within one year. Very truly yours, RAMON DURAN Executive Officer cc: Haw'n Miss. of Seventh Day Adventist Department of Taxation

September 28, 1967

Zoning Board of Appeals City and County of Honolulu State of Hawaii

Gentlemen:

All of you are aware of the growing concern for the young people who live in the State of Hawaii. Altogether too many of our young people are getting into difficulty with the law and those who are in authority. To blame any one area would be narrow-mindedness. There are many reasons and we as adults must do everything we possibly can to eliminate the excuses that are given for our present situation.

One or two of the main reasons given are a lack of proper leadership and nothing to do. We as a denomination feel very strongly in this area that idle hands are the devils playground and that we are partly responsible for providing activities and leadership for the young people in Hawaii so that they will grow up to become good citizens. We hope to develop such a program in the near future, not only for our own young people of our denomination, but for other groups and youth who choose and wish to use our camp facilities.

We have spent some time in seeking out and finding a proper campsite on the Island of Oahu. As you know such a facility on Oahu is limited to only a few sites. More are desperately needed and not in the distant future. We believe we have found such a site on the property that is before you. The request to develop a camp on this property is unusual since the property is zoned for agricultural use. However, this request is reasonable because of the desperate need for our young people today. This site is remote from the public, thus lending itself well to such a program. It also is situated in an area surrounded by nature and mountains which we hope to keep in its natural state as much as possible. Below are listed the objectives and goals as well as our projected program that we will follow if such a camp is developed.

Objectives and Goals

- 1. Through camping to make Christian living attractive.
- 2. To develop dedicated, well balanced Seventh-day Adventist youth and other youth with a sense of mission and a joy of knowing that they are Christians.
- 3. To improve the recreational and educational benefits of living close to nature.
- 4. To provide a balanced program of work, play and self-improvement.
- 5. To give emphasis to good citizenship training in keeping with the principles and traditions of American democracy.

2--Zoning Board of Appeals 9-28-67

- 6. To encourage opportunities for Christian fellowship at camp fires, in prayer bands and at meal times.
- 7. To arrange times for fellowship among camp leaders.
- 8. To stimulate high professional standards of camp leadership.
- 9. To schedule meetings for an exchange of experiences and ideas, and for the development of materials, standards and other aids for the progress of camping.
- 10. To interpret camping to children, to parents, to members of the church and to the public.

Program

- 1. The program should be varied and diversified. Balanced spiritually, mentally, physically work, study, play.
- 2. There should be opportunities for cooperative planning and carrying out of activities among campers and staff.
- 3. The activities must be geared to the needs and interests of campers.
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- 13. Family Camp. The program should provide both for the family and separate activities for the children.

Availability of Water

We have been given assurance by the Capitol Investment Company, who has a water supply on Waianae Valley Road, that they would provide ample water for our needs. I have a letter indicating such a promise. Also the Honolulu City and County Water Supply has a pipeline that runs through our property and along the road adjacent to this property.

Sewage Disposal

On September 27 at 9:00 a.m. I had a conference with the Health Department members concerning the disposal of our sewage. Of course, we will have to follow the public health regulations concerning this particular area. Quoting from the pamphlet "Public Health Regulations", Department of Health, State of Hawaii, Chapter 38, Private Sewage Disposal Systems, page 4, section 6, entitled "Minimum Requirements":

A. Cesspools

- 1. Each cesspool shall be at least six feet in diameter, clear opening, and should have a minimum sidewall of at least 15 feet below the inlet pipe, provided, however, that when a stratum of gravel or equally pervious material of at least four feet in thickness is found, or a lava tube is encountered which provides adequate drainage, the depth of such sidewall may be reduced. The ultimate depth required shall be determined by the Director based on actual soil materials encountered on the site. Multiple cesspools, three diameters apart from outer edges, may be used. Sidewall depth reduction may be allowed when multiple cesspools are utilized.
- 2. Cesspool sidewalls shall be properly protected against cave-in by means of approved types of concrete rings, hollow title blocks or other approved materials. Where natural geological formations are encountered which are sufficiently stable to prevent caving of sidewalls, such as rock, white coral, clay or other similar composition, the stable material may be used as a sidewall lining.
- 3. A structurally sound concrete cover protruding at least six inches beyond the perimeter of the cesspool and resting on firm ground shall be provided. The top of such cover shall be at least 12 inches below the finished ground surface. At least one covered manhole 12 inches in minimum dimension must be provided in the cesspool cover for inspection, rodding or for emptying of the contents when required.

These requirements no doubt would have to be followed because of the standards of the Public Health Regulations. I talked to these gentlemen and they thought that we could have two (2) cesspools behind each restroom which would adequately take care of our needs and if the need arose for more cesspools, this no doubt could be done.

We trust that you members of the Zoning Board, City and County of Honolulu, will look with favor upon this request because of the above mentioned needs concerning our young people in the State of Hawaii.

Sincerely yours,

Marvin Seibel

Youth Director

MS:m

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD

EM SP68-51 - HAW'N MISS. SEVENTH-D	OF AY ADVENTIS	DATE	January 24,	1968
ACE Honolulu, Hawaii		TIME	7:00 p.m.	
Names	Yes	No	Abstain	Absent
WUNG, L.	. /	•		
NISHIMURA, S.				
INABA, G.				
MURAKAMI, K.	/			
FERRY J.				
MARK, S.	V			
CHOI, W.	/	•		
BURNS, C.E.S.	V			,

COMMENTS:

Deprine

SM

STATE OF HAWAII LAND USE COMMISSION

Land Use Commission Hearing Hearing Room Honolulu, Hawaii

January 24, 1968 7:00 p.m.

STAFF REPORT

SP68-51 - HAWAIIAN MISSION OF SEVENTH DAY ADVENTISTS

The above request is for a special permit to construct a youth camp within the State's Agricultural District in Waianae Valley, Oahu, TMK 8-5-05: 14, 19, 21 and 22.

Background

The applicants desire to establish a youth recreation camp and propose to construct 20 cabins, a swimming pool, two toilets and bathhouses, administration building, a dining hall and a pavilion on an 11-acre site. The facility will be used primarily for young people of their denomination but other groups and youths may also use the camp facilities on a commercial basis.

The State and County General Plans designate the area for agricultural purposes. The County has the property zoned in the Rural District. Water is available to the property and sewage will be handled by cesspools for which plans have been approved by the State Health Department. Waianae Valley Road to the site is a government road with a right-of-way width varying between 30 and 40 feet. The macadam pavement width varies between 18 and 10 feet and is in satisfactory condition. However, the pavement ends about 1,000 feet makai of the property in question.

At the present time the site is overgrown with haole koa and is very rocky and there are no evidences of agricultural activity on the property.

The Land Study Bureau has classified the property in question into two categories. About two-thirds of the area is classified "very poor for general agricultural uses" and the remaining one-third as "poor suitablity for general

agricultural purposes".

County Recommendation

The Planning Commission and Planning Director recommend the petition be approved as the land is unsuited for agricultural purposes, will not alter the character of the surrounding area, nor adversely affect adjoining property owners, and such use will make the highest and best use of the land involved for public welfare.

Recommendation

The request is unusual and reasonable within an Agricultural District, particularly since the property is unsuited for agricultural activities. The staff concurs with the City and County of Honolulu and also recommends that the permit be approved upon the conditions that the development conforms to the proposed uses and plans as submitted by the applicant, and that construction commence within one year.

Mr. Frank E. Skrivanek
Planning Director
Planning Department
629 Pohukaina Street
Honolulu, Hawaii

Subject: Hawaiian Mission Seventh-Day Adventist's
Special Permit for a Camp Site

Dear Mr. Skrivanek:

Reviewing your communication of December 22, 1967 and the staff report to the Planning Commission, I note that TMK 8-5-05: parcel 20 is referred to as part of the area in question. However, in the letter dated September 26, 1967 by the Capital Investment Co., Ltd., who sold the land to the applicant, it is indicated that parcels 14, 19, 21 and 22 were sold to the Seventh-Day Adventist, and that parcel 20 was not included. Further, parcel 20, according to available records, is owned by the State.

The staff report also states that the proposed use "is basically an 'open land' type of recreational use and facilities permitted in an Agricultural District". If this be the case, is a special permit necessary if it is a permitted use?

I shall continue to try to contact the applicant, Marvin Seibel, for clarification on this matter. Meanwhile, we would appreciate your comments.

Very truly yours,

RAMON DURAN Executive Officer



STATE OF HAWAII LAND USE COMMISSION JAN 221968

This space for official use

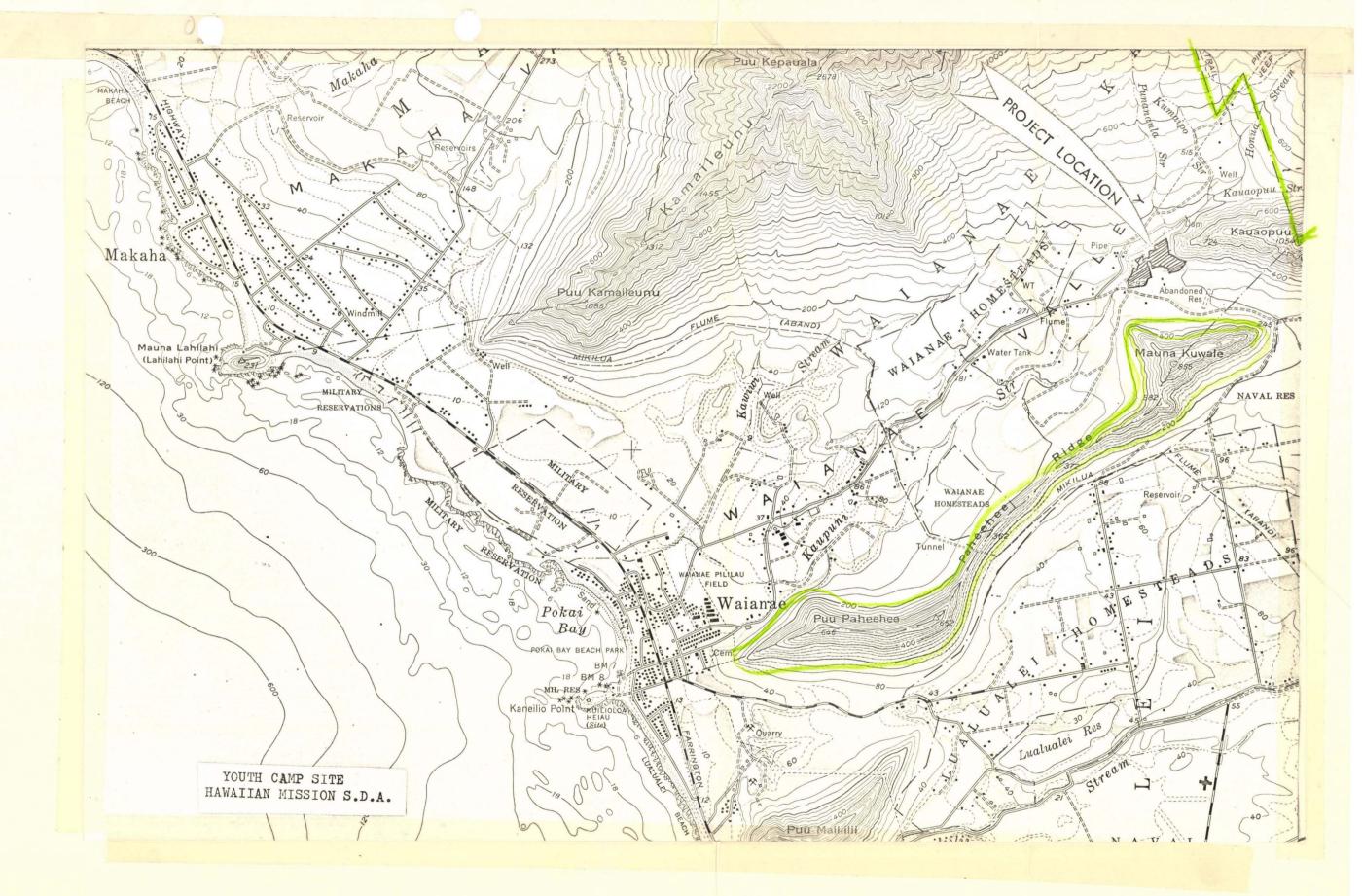
Date Application and Fee received by LUC

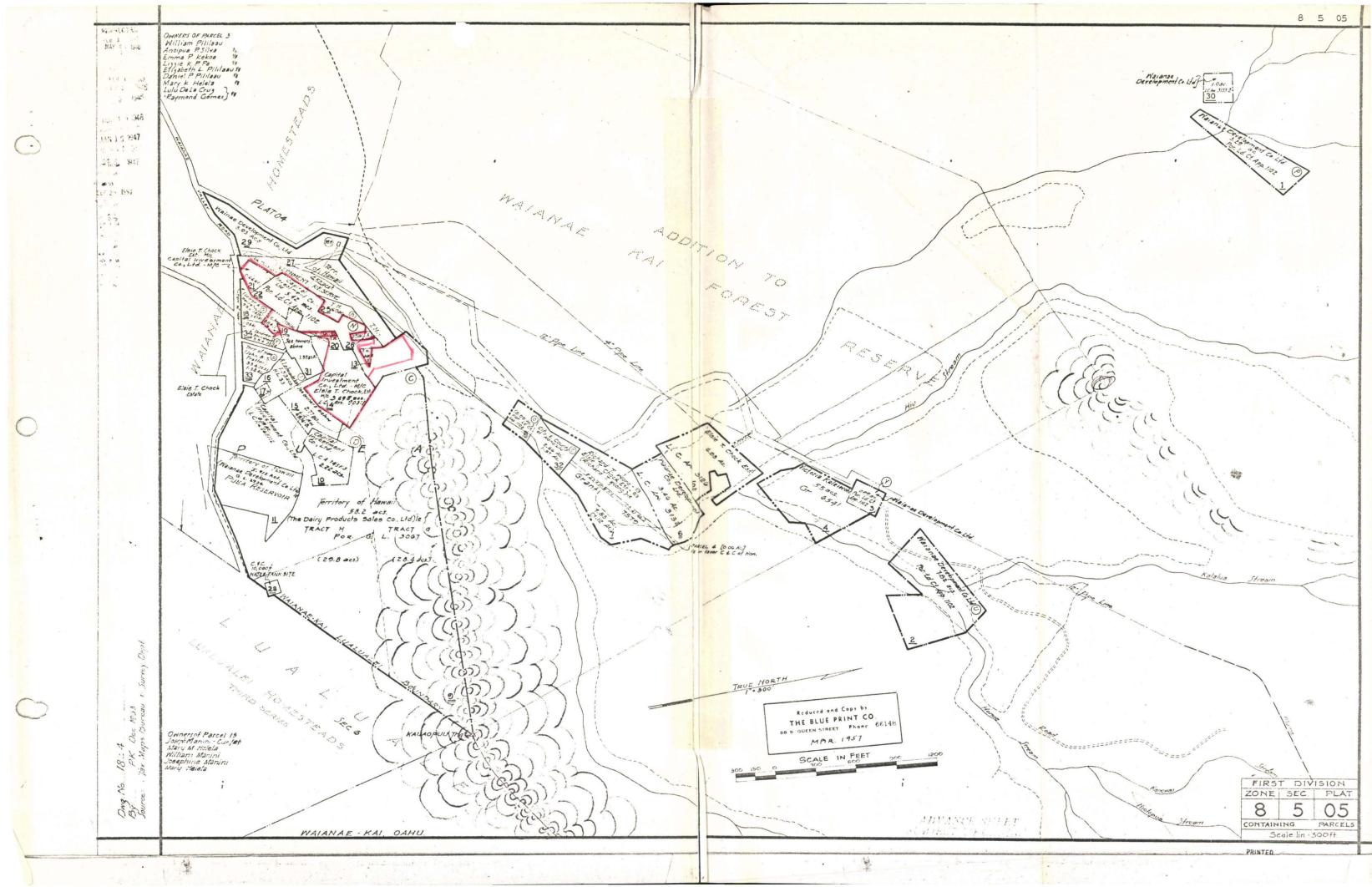
426 Queen Street Honolulu, Hawaii State of Hawaii
LAND USE COMMISSION

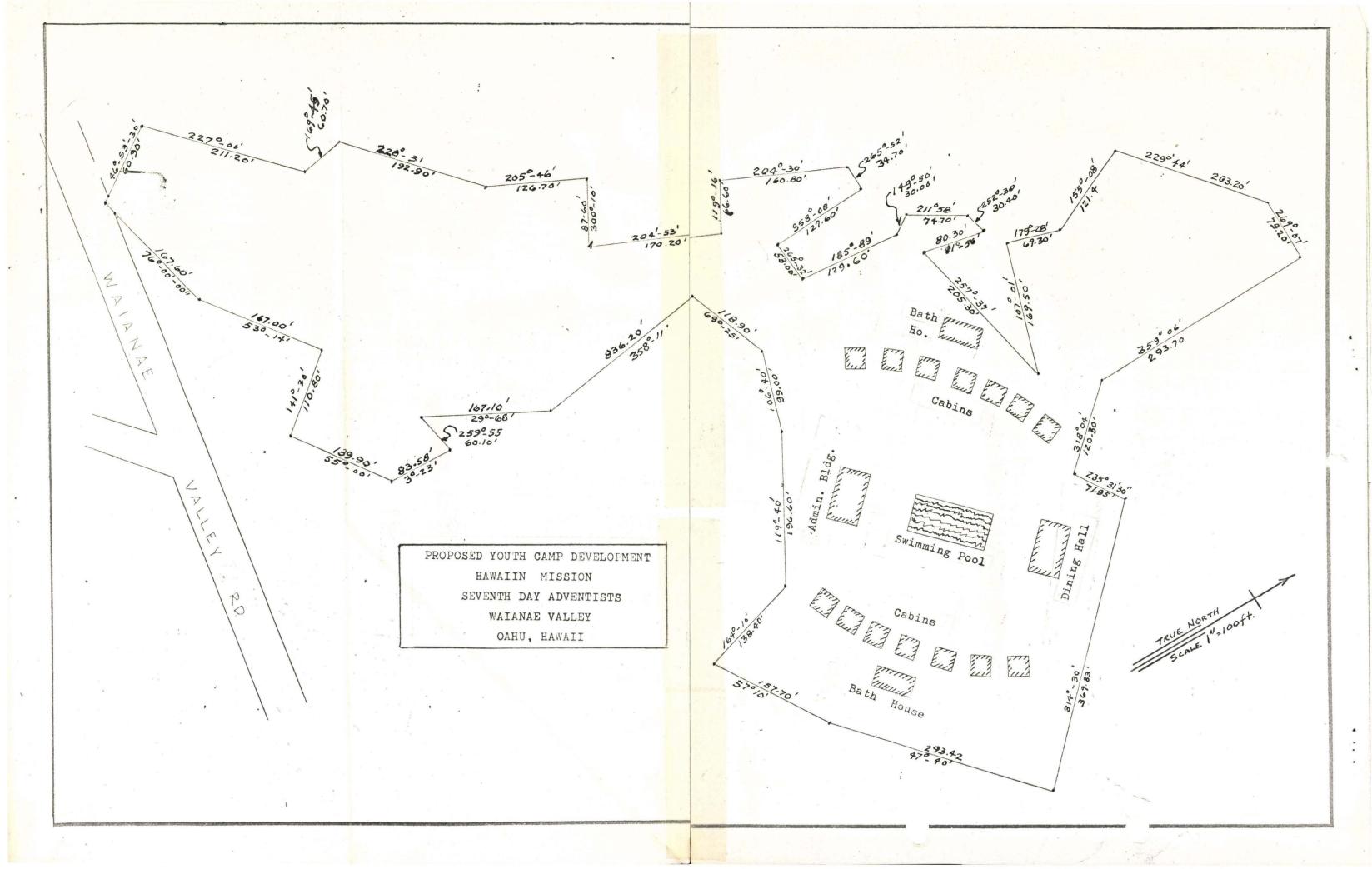
regulations adopted by the Land Use Commission				
This space for off The property is situated in a(n)				
	Phone: 564-436			
Add	Seventh Day Adventists- Hawaiin Mission ress: 1026 South King Street Honolulu, Hawaii			
Sig	Howaiian dean JAN			
Agricultural and the Hawaiin Association of Seventh E and conduct a Youth Camp upon the property	Day Adventists propose to construct			
Petitioner's reason(s) for requesting special to The area in which the above described to	and is situated is presently zoned as			
Owner				
Petitioner's interest in subject property:				
The Petitioners propose to construct a Youth Camp of swimming pool, two toilet and bath houses, an admin Property consists of Land Description of property: and attached hereto; for amended; Lot I Being the whole of R.P.1070 L.C.Aw. R.P.2151L.C.Aw.884 AP.3 to PUHI, and Lot 3 being the AUHULU and designation of Waterline Easement over	onsisting of fourteen cabins, a nistration building, and a dinning hall. shown on Tax Map Key 8-5-05 outlined in recomerly known as Lot N of Ld.Ct.App.II02 PO3 AP I to Lauhulu. Lot 2 being the whole of he whole of R.P.1070 L.C.Aw 903 AP.3 to			
Use Commission Temporary District Boundary map	number and/or name			
property located in the County of HONOLULU	, Island of OAHU , Land			
(We) hereby request approval of a special permit to use certain				
APPLICATION FOR SPEC	IAL PERMIT SP68-ST			

Signature(s)

For (agency)







MEMO TO: Zoning Board of /ppeals

FROM: Planning Department (, H & R , T.)

SUBJECT: Request for Special Permit under the provisions of

Chapter 98H of R.L.H. 1955 to construct a Youth Camp

at Waianae - Waianae Valley, Oahu

Tax Map Key: 8-5-05: 14, 20, 21, and 22

Area: 10 acres

Applicant: Hawaiian Mission of Seventh-Day Adventists

By: Marvin Seibel, Youth Director

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ZONING AND GENERAL PLAN DESIGNATION:

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The adopted General Plan and the Detailed Land Use Map of Waianae designates this area for Agricultural use. The State Land Use Commission District Boundary Map also classifies this area as an Agricultural District.

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 8-5-05: 14, 20, 21, and 22, and comprises a total area of more
 than ten acres; No! SIME LAND WOULD YOU BELIEVE #19
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SOIL CONDITION:*

The soil type of the area consists of Stony land, Alluvial soil material in the Lithosols soil group. This soil unit occurs in valleys or in the plains at the mouth of valleys, where a mass of loose stones have been deposited during floods. The rocks range from pieces of gravel to boulders several feet in diameter.

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See attached letter dated September 28, 1967, from the applicant.

RECOMMENDATION:

After careful evaluation of the petitioner's proposal, it is the recommendation of the Planning Department to grant the Special Permit on the basis that the proposed Youth Camp is an unusual and reasonable use within the area classified as Agricultural District by the State Land Use Commission, and it is basically an "open land" type of recreational use and facilities permitted in an Agricultural District.

The proposed use would promote the effectiveness and objectives of the State Land Use Law and the use sought will not alter the essential character of the surrounding area and will not adversely affect the adjoining property owners.

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2--Zoning Board of Appeals

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9-28-67

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Marom Seibel

Marvin Seibel Youth Director





239 MERCHANT STREET

P. O. BOX 2668

HONOLULU, HAWAII 96803

PHONE 573-981

September 26, 1967

Hawaiian Association of Seventh-Day-Adventists P. O. Box 4037 Honolulu, Hawaii

Gentlemen:

This is to certify that potable water is available to the property sold to your association, more particularly described on Tax Map Key 8-5-05 Parcels 14, 19, 21 and 22.

Very truly yours,

CAPITAL INVESTMENT CO., LTD. Agent for Waianae Development Co.

A. M. GOFFIN, Secretary

hm

The Ilikai
HONOLULU

Makaha Valley

Empress Hotel HONG KONG



PLANNING DEPARTMENT

629 POHUKAINA STREET . HONOLULU 96813

January 19, 1968

LUC 70

Land Use Commission State of Hawaii 426 Queen Street Honolulu, Hawaii



JAN 22 1968

ATTENTION: Mr. Ramon Duran, Executive Officer LAND USE COMMISSION

Gentlemen:

SUBJECT: Special Permit Application

Waianae - off Waianae Valley Road

Tax Map Key: 8-5-05: 14, 19, 20, 21 and 22 Petitioner: Hawaiian Mission of

rectioner: nawattan Mission of

Seventh Day Adventists

The Zoning Board of Appeals at its meetings on September 28, October 12, November 9, December 7, December 21, 1967, and January 18, 1968, considered the application of Hawaiian Mission of Seventh Day Adventists for a Special Permit to construct, establish and operate a youth camp within an area classified as Agricultural District by the State Land Use Commission.

A public hearing on this matter was held on December 21, 1967 and it was the decision of the Board at its meeting on January 18, 1968 that a Special Permit be issued, subject to final approval by your Commission.

Transmitted herewith are the following:

- 1. Petition filed by the applicant for a Special Permit.
- 2. Applicant's proposed development plan prepared by Bradley & Wong, architects, and an artist's rendering of the proposal.
- 3. Applicant's supplementary letter dated September 28, 1967 elaborating on their objectives and goals, program, availability of water and sewage disposal.
- 4. Planning Department staff's report.

Land Use Commission -2-January 19, 1968 5. Minutes of September 28, November 9, and December 7, 1967 of the Zoning Board of Appeals. The Findings of Fact, Conclusions of Law, and Decision and Order of the Board, together with the minutes of October 12, December 21, 1967, and January 18, 1968, will be forwarded as soon as they are completed. If you require further information, please do not hesitate to call at this office. Very truly yours, ZONING BOARD OF APPEALS Frank Skrivanek Planning Director Enclosures



PLANNING DEPARTMENT

629 POHUKAINA STREET . HONOLULU 96813

December 22, 1967

DEGEIVED

DEC 28 1967

Hawaiian Mission of Seventh-Day Adventists P. O. Box 4037 Honolulu, Hawaii

State of Hawaii

LAND USE COMMISSION

State parcel

ATTENTION: Mr. Marvin Seibel, Youth Director

Gentlemen:

SUBJECT: Special Permit - Waianae Valley

Tax Map Key: 8-5-05: 14, 20, 21, and 22
Applicant: Hawaiian Mission of Seventh-Day
Adventists

Pursuant to the provisions of Chapter 98H of the Revised Laws of Hawaii 1955, as amended, the Zoning Board of Appeals at its meeting on Thursday, December 21, 1967, held a duly authorized public hearing to consider your petition for Special Permit to construct, establish and operate a youth camp on a ten-acre site situated approximately three miles mauka from Farrington Highway in Waianae Valley, within an area classified as Agricultural District by the State Land Use Commission.

The Board, after due consideration, deferred action for fifteen (15) days in accordance with the State's land use law. You will be notified of the decision of the Zoning Board of Appeals after the passage of the required waiting period as provided by law.

Very truly yours,

ZONING BOARD OF APPEALS

for

Frank Skrivanek Planning Director

cc: State Land Use Comm.

Meeting of the Zoning Board of Appeals
Minutes
December 7, 1967

The Zoning Board of Appeals met in regular session on Thursday, December 7, 1967, at 1:00 p.m., in the Conference Room of the City Hall Annex with Vice Chairman George I. Brown presiding:

PRESENT:

George I. Brown, Vice Chairman presiding

Jonah Ting

Frank Skrivanek, Planning Director Samuel Chang, Deputy Corporation Counsel

ABSENT:

Harold K. Kometani

MINUTES:

The minutes of the meetings of May 11 and 25 and September 28, 1967, as circulated, were approved on motion of Mr. Ting and second of Mr. Brown.

PUBLIC HEARING
ZONING VARIANCE
(CLASS A-1 RES.)
DIAMOND HEAD
3747 DIAMOND
HEAD ROAD
KENNETH F. BROWN

The Director read the notice of a public hearing, published in the Sunday Star-Bulletin and Advertiser of November 26, 1967, to be held before the Zoning Board of Appeals to consider, under the provisions of Section 5-515(3) of the Charter of the City and County of Honolulu, an application for a variance from the existing Class A-1 Residential regulations to permit the construction of an additional dwelling unit for a total of two dwelling units on a parcel of land containing an area of 14,303 at 3747 Diamond Head Road, situated on the makai side of Diamond Head Road and approximately 530 feet westerly of Palaoa Place, identified by Tax Map Key 3-1-38: Parcel 31.

Mr. Brown disqualified himself from participating in this hearing because the applicant is his brother.

In view of the lack of a quorum to consider this application, the hearing was continued until the next regular meeting of the Board on December 21, 1967.

PUBLIC HEARING ZONING VARIANCE (CLASS A-1 RES,) MANOA 3001-3009 EAST MANOA ROAD Y, T, LUM A public hearing was held, under the provisions of Section 5-515(3) of the Charter of the City and County of Honolulu, to consider an application for a variance from the existing Class A-1 Residential regulations to permit business use for the rear portion of a property at 3001-3009 East Manoa Road, situated on the Koko Head side of East Manoa Road and opposite Lowrey Avenue in Manoa, identified by Tax Map Key 2-9-26: Parcel 9, excluding that portion affected by the proposed extension of Lowrey Avenue. The front portion of this property for a depth of 80 feet is presently zoned as Business.

The public hearing notice published in the Sunday Star-Bulletin and Advertiser of November 26, 1967, was read by the Director. Copies of the hearing notice were sent to the applicable governmental agencies, to the two community associations in Manoa, to nine adjoining property owners, and to interested parties.

The Director acknowledged receipt and read a letter of protest submitted by Mr. and Mrs. Archie Takano, the abutting property owner, residing at 2974 Kaloaluiki Street. They contended that the use to be permitted by the granting of the variance will definitely impair the residential value of their property and disrupt and detract the area from being a quiet residential area. They also felt that the Manoa area has more than adequate business zoning to take care of the business needs of the community. This letter also contained the signatures of nine other property owners, residing in the immediate vicinity, who joined in the protest registered by Mr. and Mrs. Takano.

The Director presented the request and pointed out the extension area of Lowrey Avenue which would separate the property into two. This property is designated for commercial use on the General Plan Detailed Land Use Map for Manoa and presently the front portion for a depth of 80 feet is zoned for business use. The back portion is zoned for residential use and the variance requested is to allow this back portion to be utilized for commercial use in conjunction with the front portion. The City is presently negotiating with the property owner for that portion of his land needed for the road extension and upon checking with the Public Works Department, he was informed that the price on the land has not yet been agreed upon. The property of the protestants were pointed out on the map.

Mr. Tan Tek Lum, son of the applicant, and their attorney, Mr. Frank W. Hustace, Jr., were present.

Mr. Hustace summarized his testimony given at two previous preliminary hearings. He stated that:

- The land owner finds himself in a perilous position of losing his investment as a result of a proposed taking and past taking of his land by governmental authority:
 - a. In 1952, 20 feet from the front portion of his property was taken for widening of East Manoa Road.
 - b. Recently there is a proposal to split the property in half by the construction of the extension of Lowrey Avenue.
- 2. Lowrey Avenue is considered a major arterial and it is foreseen that its extension will be very intensively used.
- 3. As a result of a division in zoning, the owner finds himself in a peculiar and unusual situation. The front 80 feet is presently zoned business while the rear portion is in residential zoning. This type of zoning is a carry-over from the past when business development was thought to be on a strip basis. Present-day thinking is that strip development does not provide for an orderly development because of limitations in utilizing the land properly.

Because of shallowness of depth, there is congestion in parking, traffic movement, and also the inability to screen the business endeavors from the surrounding area.

- 4. As shown on the sketch plan presented, full utilization of the property will permit a development in depth with sufficient screening and planting to avoid, as reasonably as possible, noise and confusion to the abutting areas.
- 5. The character of the neighborhood has completely changed and will change again when Lowrey Avenue extension is constructed. Developments proposed by the University of Hawaii in the immediate vicinity will also greatly influence a change in this neighborhood.

When asked by the Board about the time schedule for construction of Lowrey Avenue extension and the development proposed by the applicant, Mr. Hustace expressed surprise at the statement made by the Director that the price on the land to be taken for the road extension has not been agreed upon. It was his understanding from Mr. Lum that as far as the taking is concerned, the value of the portion of the land to be taken, and the benefit to abutting land owners to be assessed were fully decided upon and the actual taking was a matter of how fast and how soon the City intended to proceed with the improvement district to construct the road extension. He believed that the alignment of the road boundary has been fixed and it was a matter of deciding the ingress and egress points of the property. The property has frontage on East Manoa Road but it might be better and effective to have an entrance off of Lowrey Avenue.

The Board expressed concern about the creation of values as a result of the variance.

As stated at a previous meeting, Mr. Hustace reassured the Board that granting of this variance will in no respect affect the negotiation between the City and the land owner on the value of the land to be taken for the road extension.

The Board stated that it usually requires that the development plan submitted be incorporated with the variance. In other words, should this variance be granted, the development plan submitted must be adhered to and any deviation from it would require an approval from the Board. At a previous meeting, the Board had decided that the Director should be the one to approve the plan and determine that it substantially follows the plan submitted.

Mr. Hustace pointed out that the drawing submitted was merely to indicate a better utilization of the property as a whole as distinguished from a partial development. The consolidated parcel offered better flexibility in the placement of buildings and the parking area. He stated that the land owner was placed in a very difficult position for many, many

years because he knew of the eventual taking for the road, but without knowing the actual configuration of the road and when construction would occur, it was difficult for him to plan the building and obtain financial commitment for the development.

When inquired, the Director had no knowledge as to when the road extension project would be started. However, he is aware that the City wants to acquire the land now.

Testimony was then heard from the protestants.

Mrs. Howard Moore, resident of Manoa and a member of the Planning Committee of the Manoa Valley Community Association, reported the Association's belief that there is no need for additional businesses in the Valley. This same position was taken several months ago when Mr. Richard Wong's application for additional business areas next to the Manoa Shopping Center was being considered. Despite their objection, the rezoning was granted. She pointed out that there are now three lots in the business district used for residential purpose, another which is completely empty and full of weeds, and within the shopping center, ever since it opened about two years ago, one store still remains empty. Because of confinement between two mountains and the forest, only a limited number of families would be introduced into the area. Therefore, they see no great need right now for additional stores in the Valley.

She then contended that if Mr. Lum is granted his request, he can construct apartments on the property. The Association hopes that the General Plan adopted earlier this year would be maintained and this Valley remain in single family residential rather than apartments which would increase the population.

She did not believe that any hardship is involved because Mr. Lum had purchased his property about 50 years ago prior to zoning of the property for business. At that time, he purchased a residential zoned lot and presently there are two homes there.

Because of its mountains, valleys, trees, wide open areas and so forth, the Association's goal is to maintain the single family residential character of the Valley, and therefore, advocated that no streets in the Valley be wider than 40 feet. A survey conducted by postcard a few years ago on the subject matter of street width resulted in the receipt of 1,200 cards supporting the maintenance of the Valley roads at 40 feet. This indicated that 1,200 persons were interested in seeing the Valley continue as it is today.

She then questioned where a line would be drawn if Mr. Lum's request is granted. The man next door might ask for the same privilege. She asked that the line be stopped right here and not to extend the business line any farther up.

Mr. Bill Kawahara, Board member of the Manoa Acres Residents Association, stressed that the Association advocates the maintenance of the Valley area as a Class A-l Residential district. They oppose the rezoning of Mr. Lum's property to commercial on the belief that there is no need to create additional business areas in Manoa Valley. He mentioned the business strip along East Manoa Road and the different types of businesses presently operating there. The area covers approximately three city blocks.

He then mentioned that about two months ago, the Association supported Mr. Richard Wong's request for business zoning as an extension to the existing Manoa Shopping Center because they felt that the present size was inadequate to fulfill the needs of their growing community. It had become imperative that additional stores be added. When comparing Mr. Lum's application with the Manoa Shopping Center's case, he stated that it is incomparable, and consequently, with sincerity and without prejudice, they cannot set a precedent for others by supporting Mr. Lum's application.

Mr. Miles Honda, member of the Community Improvement Committee of the Manoa Acres Residents Association, interjected the Committee's feeling that any zoning other than residential within their community will not be a good thing for the community from the standpoint of aesthetics and community improvement.

The Chairman reminded the people that the front portion of Mr. Lum's property is already zoned for business; therefore, he does not have to come before the Board to develop his property for business purpose. The Board's consideration is to the back portion of his property still in residential zoning because the applicant has contended hardship in the use of his land because the two different zones preclude him from utilizing his property to its fullest extent.

Mrs. Moore indicated their awareness of that fact. Their objection is to the proposed extension of the business use into the residential zoned area of the property.

Mr. Kawahara inquired of the Director whether he had received the Manoa Acres Residents Association's letter of objection. The Director replied that the letter has not been received as yet.

Mr. Hustace emphasized to the Board that its thinking should be prospective in scope and it should determine the changing conditions which will occur by the severance of this property and the placing into actual force and effect, the major circulation road that will service the University area. Whether or not the individuals who are presently in single family residential lot recognize that the entire complex of this section would change as a result of Lowrey Avenue extension, he could not say, but the Board in its thinking, should have a prospective thought.

The public hearing was closed and the matter was taken under advisement on motion of Mr. Ting and second of Mr. Brown. In considering this matter later, the Board felt that the full Board should be present when acting on this application. Absent member Mr. Kometani should be apprised of what had transpired and of the objections registered by the residents.

ACTION: The Board took this matter under advisement until the next meeting on motion of Mr. Ting and second of Mr. Brown.

ZONING VARIANCE (RURAL PROTECTIVE) HONOULIULI, EWA 91-2270 FORT WEAVER ROAD ALFRED W. WALSH, JR. The Board again considered an application for a variance from the existing Rural Protective regulations to permit the construction and operation of a dog kennel for the purpose of breeding pedigreed AKC registered poodles for commercial purposes on a parcel of land situated at 91-2270 Fort Weaver Road at Honouliuli, Ewa and containing an area of 15,507. Further consideration of this matter was deferred pending a visitation of the site by Mr. Brown.

Mr. Alfred Walsh, Jr., the applicant, was present.

The Director reported that access to the property is over a dirt road which is an easement granted to the applicant by Campbell Estate. The general area is sparsely developed and is designated for agricultural use on the General Plan of the City and County of Honolulu as well as being within the agricultural district of the State Land Use Commission. Within an agricultural district, animal husbandry is permitted, but a minimum land area of five acres is required. The applicant proposes to construct two buildings which will house the dog kennels and a four bedroom residential dwelling. A plot plan submitted shows the siting of the buildings and a parking area of 1,600\$\mathfrak{m}\$. A kennel operation is permitted in a commercial building but the kennels must be completely enclosed in a sound-proof building.

Mr. Brown, who visited the site, reported that the road leading to the property is not very satisfactory and it becomes impassible when wet. The land is marginal and the surrounding area is in cane except for Mr. Walsh's adjoining property which has a number of houses on it. He noticed a sign stating kennels and asked whether that is an operation conducted for a number of years.

Mr. Walsh replied that his operation is for grooming purpose only. The kennels will not be enclosed by solid walls but partially open. The Plantation is giving him sufficient amount of coral to cover the entire length of the roadway. A bridge over a drainage channel has already been constructed.

Asked how his customers come into the area, Mr. Walsh replied that there are two entrances to his property. He has been granted a perpetual easement to his property.

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

In discussing this matter later, Mr. Brown felt that the proposed operation would not harm anyone because of its isolation from developed areas. The only concern is the road which is in a terrible condition right now. The proposed operation is permitted in an agricultural district and the hardship apparently is only to the size of the lot.

The Director reported that Ewa Plantation's lease with Campbell Estate is until 1978. He believed that the Land Use Commission regulation has a requirement on minimum lot size for agricultural areas; therefore, as a matter of information, a decision on this application will be sent to the Land Use Commission.

ACTION: A motion to authorize the calling of a public hearing to consider this application was made by Mr. Ting, seconded by Mr. Brown, and carried.

Mr. Brown requested the staff to check the number of houses on the adjacent lot also owned by Mr. Walsh. The area looks crowded with houses which seemed to have one placed every 50 feet.

SPECIAL PERMIT
WAIANAE
WAIANAE VALLEY
SEVENTH DAY
ADVENTISTS HAWAIIAN
MISSION
(YOUTH CAMP)

The Board again considered an application for a Special Permit to construct, establish, and operate a Youth Camp with the necessary facilities within an area classified as Agricultural District by the State Land Use Commission. The subject parcel containing ten acres is situated on the north side of Waianae Valley Road approximately 600 feet easterly of Haleahi Road in Waianae Valley. The zoning on the land is Rural Protective. The Board had discussed this matter previously but had asked for a more detailed development plan showing the proposed facilities.

Present were Mr. Shiro Kashiwa, appearing on behalf of the applicant, and Mr. Marvin Seibel, Youth Director, in charge of their program.

The Director oriented the Board as to the location of the property and explained the request. He noted that the development plan displayed was just submitted so that the staff has not had an opportunity to check it.

Mr. Seibel explained the development proposed. He stated that the subject parcel contains 10 acres of which about 4 acres have been cleared and made flat and this is where the particular facilities are to be developed. Waianae Valley Road leading to the property is paved but that portion fronting the property is not. A dirt road leads to the particular site. Within the cleared area, they intend to build 14 cabins, two bathhouses, a dining room with a kitchen and a dining area for 160 youngsters, an administration and health building, a pavilion, and a swimming pool, with a parking area and a grassed

play area. Projected later is the construction of six more cabins in the back portion of the property.

Upon consultation with the Department of Health regarding disposal of sewage, they have been granted permission to use cesspools and if needed, they could dig more. The drainage is good and because of the slope of the land there is no danger of contamination of a stream that exists some distance away.

He then showed the floor plans of the proposed structures. They intend to use the natural rocks that exist on the land and with voluntary labor, they hope to reduce the cost of the project.

The Board inquired whether the land is usable for agricultural purpose.

Mr. Seibel did not know but he noted that there are lots of rocks and the area is very hilly. He understands that at one time there were taro patches and the land was used for cattle.

The Board then inquired whether the camp facilities are to be used exclusively by the Church or will they be open for use by the general public.

Mr. Seibel replied that the facilities will be open to anyone who wishes to come in. They will have summer camps for the youth and they are also thinking of making the facilities available to the underprivileged without charge. When they are not using the facilities, they will be available to others. The operation will be conducted similar to the Camp Erdman operation.

Regarding water, he stated that potable water will be made available to the property from a private system owned by the Capital Investment Company. Hawaiian Electric will extend its power line from the main road to the particular site.

Mr. Kashiwa referred to an article appearing in the newspaper dated August 9, 1967, calling attention to shoreline campers and as a result the over-crowded condition of our beaches. He indicated that the facilities intended to be developed offer a better opportunity for camping and keeping the youths off the over-crowded beaches.

With reference to the soil condition and the suitability of the land for agricultural purpose, the Director indicated that this information will be made available at the public hearing. There is a publication available on soil classification of all lands on Oahu and the classification for this specific area will be checked.

He then inquired whether they intended to do major grading and excavation in the area.

Mr. Seibel indicated that the particular site is level except for the areas of the cabins where slight grading must be done to put in a concrete floor. They will be improving the road by bringing in a grader and using the coral that is available on the site.

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

ACTION: In considering this matter later, the Board authorized the calling of a public hearing to consider this application on motion of Mr. Ting and second of Mr. Brown.

ZONING VARIANCE KEWALO 721 ALDER STREET KAM SUK AND THOMAS SUK LUM (CLASS B RES.) Mr. Thomas Suk Lum, representing his father Kam Suk Lum, was present to request a variance from the existing Class B Residential regulations to permit the construction of a 3-story, 9-unit apartment building, including a penthouse, on a parcel of land containing an area of 5,985# situated at 721 Alder Street in Kewalo.

The Director reported that the subject parcel is situated within an area designated for medium density apartment use; however, the lot size cannot meet the minimum lot size requirement of 7,500 for an Apartment District C zoning nor can it meet the minimum lot size requirement of 6,000 for the low density Apartment District B requirement. This application was before the Board previously and because reports had been received from the Board of Water Supply that water facilities in the area were inadequate and suggesting that an improvement district be initiated, and from the Department of Public Works that the local sewer was inadequate, the Board had requested the applicant to withdraw his application.

The applicant has now re-submitted his request and indicated that water and sewer facilities can be made adequate to serve his development. The applicant will put in a water line and work out some arrangement for putting in a relief sewer line at his expense.

The Director stated that a letter just received from the Department of Public Works indicated that the construction plans for the relief sewer in this Sheridan Tract area are presently being worked on. It was suggested to the applicant that he wait until the improvement district project was started but he prefers to proceed now by bearing the expense of putting in the water and sewer lines. This situation is a little different from a previous variance application granted to construct an apartment building for property fronting on Hoolai Street which is an improved street. Alder Street is not improved.

Interrogated by the Board, Mr. Lum stated that there is an adequate water line on Kamaile Street which is about 200 feet from the front of his property and he intends to extend this water line to his property.

This will be done to meet the standards of the Board of Water Supply. The relief sewer mentioned in the letter from the Chief Engineer apparently is with reference to a connection to the main sewer trunk line which is available about three blocks away at the corner of Sheridan Street and Kapiolani Boulevard. It was his understanding that a relief sewer line for the area is to be installed under an improvement district which was scheduled earlier in 1966-67 but which has now been extended to 1967-68.

When questioned by the Board, the Director noted that the letter from the Chief Engineer does not specifically say that sewers will be available but merely that construction plans are being drawn. Therefore, should the variance be granted and an application for a building permit made, if the sewer is not adequate, the building permit must be denied.

In view of this fact, the Board requested the Department to check further into the situation and obtain more definite information on the sewer situation, in particular, before any decision is made to call a public hearing. Otherwise, the applicant would be incurring the expense of a public hearing and later finds that he could not be granted a building permit.

Mr. Lum stated that he will check on the sewer situation.

ACTION: The Board, on motion of Mr. Ting and second of Mr. Brown, deferred action on this matter pending receipt of further comments from the Department of Sewers.

ZONING VARIANCE (CLASS A RES.) KAIMUKI 3725 WAIALAE AVE. STANLEY Y. F. GOO The Board considered an application for a variance from the existing Class A Residential regulations to permit the conversion of an accessory building into a single family dwelling for a total of two dwellings on a parcel of land containing an area of 9,919 situated at 3725 Waialae Avenue in Kaimuki.

Mrs. Stanley Goo, the applicant, was present.

The Director presented the request to convert a servant's quarters into a single family dwelling by the addition of 614\$\mu\$ of floor area for a two bedroom dwelling with kitchen facilities. The existing dwelling is situated in the middle of the lot and the servant's quarters are in the back. The shortage in area requirement for the second dwelling falls within the rule of thumb guide of the Board. Adjoining uses are generally single family units with a few duplexes scattered around.

Mrs. Goo had nothing to add to the presentation made by the Director. The Board took the matter under advisement on motion of Mr. Ting and second of Mr. Brown.

In discussing this matter later, the Director reported that the Board in 1959 denied a request for a variance to construct an additional single family dwelling on the subject property. The

Board had noted that the existing dwelling was located in the middle of the lot and indicated that a second dwelling would be rather small thus detracting from the general character of the locality. The existing servant's quarters were apparently constructed after denial of the variance.

ACTION: The Board, on motion of Mr. Ting and second of Mr. Brown, authorized the calling of a public hearing to consider this application.

SPECIAL PERMIT
(LAND USE
COMMISSION)
HAUULA
53-836 KAMEHAMEHA
HIGHWAY
RICHARD ROUTSON

Mr. Richard Routson was present to request a Special Permit to erect and operate a resort-hotel complex on an area of land comprising 80,016 at 53-836 Kamehameha Highway in Hauula, Koolauloa, within an Agricultural District of the State Land Use Commission District Boundary Map of Oahu. He stated that he is the owner and operator of Sacred Falls Resort at Hauula. He is from the mainland and at the time of purchase, he thought that he was purchasing an existing business.

The Director oriented the Commission as to the location of the subject parcel and of adjoining uses. The General Plan land use designation of the area is residential while under the Land Use Commission, it is within the agricultural district. The zoning on the land is Highway and Rural Protective. He stated that when Mr. Routson submitted a proposal to rebuild the resort-hotel complex, it was discovered that the land was not properly zoned for resort use or for commercial purpose. There is a sign on the highway indicating that such a resort complex exists in the area mauka of the highway. A further check revealed that a business license for the operation was issued about two years ago. Mr. Routson was informed about the zoning violation.

On the site, there are seven duplexes, two single family dwellings and a small swimming pool. Apparently, the former owner had moved in the buildings and was renting them out as single family residences and duplexes and later was able to obtain approval as T.L.A. military lodgings. He did not know when the sign was installed on the highway. Apparently, Mr. Routson had purchased this business through a real estate firm because Mr. Routson indicated that the realtor reported this to be a "going" business and that it conformed to the zoning regulations. However, this was found to be in error when he submitted plans for rebuilding the resort complex.

There are two possible solution to the applicant's problem. One would be an application for a special permit which is the present consideration. However, under the procedural requirement, the Zoning Board of Appeals may permit the use desired only if it is an unusual and reasonable use of land situated within an agricultural district and that the use would promote the effectiveness and objectives of the Land Use Commission law. The use permitted may also be subject to such protective restrictions as may be deemed necessary by the Board. If this use

were placed in an agricultural district, the question is then raised whether a resort use is in support of the primary use within the agricultural district. The staff feels that the more appropriate course of action would be a boundary change to urban because of the existing residential uses. If the urban boundary change is made, then the applicant must seek a General Plan amendment followed by rezoning to operate his resort complex.

Mr. Routson stated that he understood the present situation and reported that since making his application, some of the property owners in the back now wish to combine their properties with his. He had prepared some plans for the resort complex.

Interrogated by the Board, Mr. Routson stated that his proposed development will consist of 56 units with a TV lounge, a restaurant and a gift shop. They will be two story structures. The road leading to Sacred Falls is to the left of the property and because he does receive inquiries from people wanting to go to the Falls, he might incorporate a visit to the Falls as part of their activities. He then reported that the town of Hauula is in the process of preparing a master plan for the area and inquired whether the Director is aware of that fact.

The Director replied that he is aware of such a study and believed that the State Department of Planning and Economic Development was also notified.

Mr. Routson stated that the development is to be a motel-hotel type of operation for rental on daily, weekly or monthly basis. Before he purchased the business as Sacred Falls Resort, it was being operated under the name of Maple Leaves Cottages just a few years ago.

The Board commented that the person who sold this business to him should be brought in for questioning.

Mr. Routson stated that he purchased the business through Waikiki Realty and Alii Realty. He is from Michigan and even there, one cannot operate a business unless the area is properly zoned.

Since the present operation is definitely a zoning violation, the Board asked for the Department's position on the matter.

The Director stated that legally a notice of violation should be sent to the owner. However, in this instance, he would not be pursuing any action until this application for a Special Permit or for a boundary change is settled.

Additionally, the staff is presently conducting a study of resort areas on the Windward side at the request of the City Council. A draft is completed so that after final completion, he would be in a better position to make further recommendation.

The Board noted that the petition was received on November 15, 1967, and it has a maximum of 120 days within which to make a decision. Since the Board had just received the staff's report and would like to read it and also to receive additional information and recommendation after completion of a study now being undertaken, the Board decided to defer action at this time.

ACTION:

The Board, on motion of Mr. Ting and second of Mr. Brown, held this application in abeyance until the staff had completed its studies and submitted further recommendations to the Board.

ADJOURNMENT:

The meeting was adjourned at 2:35 p.m.

Respectfully submitted,

Carole A. Kamishima

Secretary-Reporter II

Meeting of the Zoning Board of Appeals Minutes November 9, 1967

The Zoning Board of Appeals met in regular session on Thursday, November 9, 1967, at 1:00 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 Jonah Ting

Wallace S. W. Kim, Deputy Planning Director Samuel Chang, Deputy Corporation Counsel

PUBLIC HEARING ZONING VARIANCE (GENERAL INDUSTRIAL) KALIHI-KAI 1763 HOE STREET KENNETH YONEMURA

A public hearing was held, pursuant to the provisions of Section 5-515(3) of the Charter of the City and County of Honolulu, to consider an application for a variance from Ordinance No. 2833, relating to the prohibition of residential uses within Industrial Districts, to permit the construction and use of a residential living unit above a delicatessen establishment at 1763 Hoe Street, situated between Mokauea and Kalihi Streets in Kalihi-Kai and identified by Tax Map Key 1-2-06: Parcel 111.

See P. 11

The public hearing notice published in the Sunday Star-Bulletin and Advertiser of October 29, 1967, was read by the Deputy Director. Copies of the hearing notice were sent to the applicable governmental agencies, to three community associations in this district and to six adjoining property owners. No written protests were received.

The Deputy Director presented the request for a variance to permit the raising of an existing dwelling unit and construction of a delicatessen beneath the dwelling The area is zoned General Industrial and Ordinance No. 2833, adopted in September, 1966, prohibits residential uses within industrial districts with an exception for a single dwelling unit for a caretaker or watchman on the premises as an accessory use to a primary industrial use on the premises.

Mr. Kenneth Yonemura, applicant, was present and he had nothing further to add to the presentation made by his attorney at the preliminary hearing.

No one spoke in opposition to this application. Board closed the public hearing and took the matter under advisement on motion of Mr. Brown and second of Mr. Ting.

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

ACTION: The Board, on motion of Mr. Brown and second of Mr. Ting, granted a variance from Ordinance No. 2833 to permit the construction and use of a residential living unit above a delicatessen at 1763 Hoe Street in Kalihi-Kai.

ZONING VARIANCE (CLASS A-1 RESIDENTIAL) MANOA 3001-3009 EAST MANOA ROAD Y. T. LUM BY: FRANK W. HUSTACE, JR.

The Board again considered an application for a variance from the Class A-1 Residential regulations to permit business use on the rear portion of a parcel of land at 3001-3009 East Manoa Road in Manoa. Presently, a depth of 80 feet from East Manoa Road is zoned Business while the remainder is zoned Class A-1 Residential. The proposed taking of a portion of this property for the extension of Lowrey Avenue will split this property into two. The Board members made a visual inspection of the site to observe the existing condition of the property and the uses in the surrounding area.

Mr. Lum, Jr., applicant, and his attorney, Mr. Frank W. Hustace, Jr., were present.

Mr. Hustace presented additional information. With respect to the potential condemnation of a portion of Mr. Lum's land for roadway purpose, he stated that the price of the land to be taken has been confirmed and the Chief Engineer will be initiating the condemnation proceedings. A determination was finally made that the roadway connection was necessary and it will be constructed. No claim of value attributing to the street portion will be made if the requested variance is granted.

He then stressed the hardship involved in the use of the land by referring to a sketch plan demonstrating diagrammatically the development potential of the subject parcel mauka of the proposed road alignment. A development within the business zoned portion of the land will result in a six story building with parking on the ground floor with access off East Manoa Road; whereas, a development involving the entire parcel would give the same amount of floor area but provide for a more desirable parking area and a three-story structure. Access would be off East Manoa Road and a future street in the back of the property relieving the concentration of traffic entirely off heavily traveled East Manoa Road. He submitted the sketch plan to demonstrate the development potential of the property only and not as the proposed development plan for the area.

He noted that this area is in transition at the present time and the latest acquisition of land in the immediate vicinity by the University of Hawaii will have a tremendous impact in this community. He referred to a document which is the preliminary long-range development plan for the University dated September, 1967, and pointed out the campus plan of the University and the type of development proposed for land in the near vicinity. Within a short period of time, it is anticipated that all University lands will be in active use at which time a restudy of the entire area will become a necessity because of the changing uses.

The Chairman realized that the sketch plan was preliminary but asked whether the applicant would consider limiting the height of his building to two stories to be in keeping with the residential characteristic of the surrounding area. Mr. Lum, Jr., stated that the architect was instructed to make a parking study only with no specific use or siting of buildings in mind. At the present time, his father is not ready to make any commitment because a study is now being made on the development potential of the property. Their family is one of the oldest living in this valley area and he assured the Board that they are just as concerned about aesthetics and the preservation of the valley.

Mr. Hustace added that the University, at the present time, does not contemplate any towering structures in the vicinity. It is difficult to say whether or not the surrounding University lands would be improved with three or four story structures. If such development should occur, his client might be forced to improve his land to a higher type of use. He believed that the test would be the impact of development by the University upon the surrounding community.

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

In considering this matter later, the Board stated that there is some justifiable cause of hardship which meets the requirement of hardship contained in the Charter. Because of concern on access, height of structures, siting of buildings, and other elements which may be detrimental to the proper development of the valley, the Board was of the opinion that the Planning Director should be given authority to check and approve the development plan for the area in the event a variance is granted for the use requested.

ACTION: A motion to authorize the calling of a public hearing to consider this application for variance involving the subject property but excluding the proposed roadway area was made by Mr. Brown, seconded by Mr. Ting, and carried.

ZONING VARIANCE
(HIGHWAY
PROTECTIVE)
LUALUALEI-WAIANAE
87-2070 FARRINGTON HIGHWAY
NAKATANI
ENTERPRISES, INC.

The Board again considered an application for a variance from the Highway Protective regulations to permit the construction and operation of a post office on a parcel of land covered by a variance permit for off-street parking purpose and situated at the corner of Farrington Highway and Lualualei Naval Road, within the Nakatani Shopping Center in Waianae. A public hearing was held on September 28, 1967, and after closing the hearing, the Board deferred action pending receipt of further information and a copy of the formal lease between the Nakatani Enterprises and the United States Post Office.

The Chairman read the letter and the rental agreement received from the Post Office Department.

According to the terms of the agreement, the Post Office requires an area of 1,000\$\pi\$ and will be leasing the premises for a period of five years. The owner has 150 days from June 30, 1967, to complete construction of the new building. Since the deadline for construction of the new building is December 1, 1967, the Chairman asked Mr. Nakano,

representative of the applicant, how they intend to complete the building within such a short period of time.

Mr. Nakano replied that they will ask the Post Office Department for an extension.

The Chairman noted that the applicant had also submitted a request for rezoning to business for this subject property and asked for a progress report from the staff.

The Deputy Director summarized briefly what had transpired before. He reported that at the public hearing, several individuals objected to the location of the Post Office due to traffic problems and poor siting. A letter received from the San Francisco Regional Office indicated that the Post Office Department did examine the subject site and found it to be satisfactory. They anticipated no serious traffic problem at that location. With respect to the rezoning request, he stated that the application was received recently and the staff is presently checking with the various governmental agencies regarding the availability of utilities and public facilities to support the uses planned for the property. Without this data, the staff is unable to make any kind of recommendation at this time.

The Chairman believed it difficult to amortize the financing of a building within five years which is the term of the lease and the proposed term of the variance. In view of the applicant's proposal to develop the entire area into a shopping center complex and to relocate the Post Office into the new complex upon its completion, the Chairman asked Mr. Nakano to indicate on the proposed development plan submitted, the probable location of the Post Office. He also asked for an indication as to when they intend to start construction of the shopping center complex.

Mr. Nakano replied that he must consult his architect for the probable location of the Post Office in the new complex. As far as commencement of the shopping center development, he could not say when this would start because of a step by step process involving first the rezoning of the property to business.

The Chairman admonished Mr. Nakano for failing to provide the requested necessary information, the lack of which resulted in much delay to process the application. He felt that Mr. Nakano as the representative of the applicant should have sufficient knowledge of what is being proposed without having to consult with the architect for every question asked by the Board. He asked for comments from those present in the audience.

Mr. James Aki, resident in the area, indicated that the people in the community are also concerned with the type of development proposed and how soon it is to be accomplished. They realize that the applicant might be granted the business zoning for his entire parcel, but they are interested in knowing of the future plans for the area.

Mrs. Rittmeister, resident, believed that others in the area should be given the same opportunity for improving their existing businesses by being granted business zoning for their properties. They also want to help improve the economic condition of the community and asked how they should proceed with a rezoning application.

She was advised by the Board to submit her rezoning application to the Planning Director for processing.

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

In discussing this matter later, the Board stated that it can find no evidence of hardship to meet the three conditions specified in the City Charter. In view of the applicant's pending application before the Plan-ning Department for business zoning of this property, approval of which would permit the use requested by this variance application, the Board indicated that there is no hardship to prevent him from using the property as intended. Further, the granting of a temporary variance for five years for a new structure in the area proposed does not sound economically feasible because of plans for the shopping center complex which will require the demolishment of the subject building as indicated on the proposed develop-ment plan submitted by the applicant. The fact that the applicant had entered into a lease agreement without first obtaining the proper zoning of the property seems to be a self-created hardship. The Post Office building should be properly planned to be within the proposed shopping center complex.

ACTION: Based upon its findings, the Board denied this application for variance on motion of Mr. Brown and second of Mr. Ting.

(Mr. Brown was not present during consideration of this subject matter.)

Mr. Bernard Teves was present to request a variance from the existing Class A-1 Residential regulations to permit grazing and pasture use for horses and stray farm animals in conjunction with his duties as the City's Poundmaster for the District of Honolulu, on two separate parcels of land situated off Kahaloa Drive in Manoa and containing 31,600\$\mathref{\psi}\$ and 43,560\$\mathref{\psi}\$ respectively.

The Board members had made a field trip to check the surrounding uses and condition of the area. The Deputy Director pointed out on the map the location of the two properties and the adjoining single family residential district.

Mr. Teves explained his duties as the poundmaster for the City and County of Honolulu. He indicated that his father was the previous poundmaster and the property has been used as a pound for stray animals for many years. Mr. Wong, owner of one of the parcels, had consented to the use of his property for this purpose also. The City does not provide

ZONING VARIANCE
(CLASS A-1
RESIDENTIAL)
MANOA
OFF KAHALOA DRIVE
BERNARD E. TEVES

an area or equipment for maintaining these impounded animals so that he must provide these facilities. His area of responsibility extends from Pearl City to Nanakuli and all types of stray animals which include monkeys and water buffalos are picked up and he must have an area to keep them. He believed that he was protected by a grandfather clause to continue this use of his property because the subject property was being used for grazing of animals since 1939. He is not aware of any complaints regarding this use on his property but because the Manoa Community Association had complained about the keeping of horses on the Wong Estate property and the Murakami Estate property in the vicinity of the Manoa Shopping Center, he felt it proper for him to obtain legal permission to continue his present operation on his property. He stated that impounded animals do not remain there very long because after seven days, if the owner does not claim his animal, it is sold at a public auction.

The Deputy Director acknowledged receipt and read a letter of protest filed by the Manoa Acres Residents Association signed by its president, Ernest H. Tanaka. They protested the granting of this variance because the proposed use will create a health hazard and endanger the safety of their children. They pointed out that the Manoa Acres Subdivision immediately adjoins the subject two parcels.

Mr. Teves emphasized that horses have been kept in Manoa Valley long before many of these people and they have never caused any nuisance. Presently, there are about 40 horses kept in this valley. He disagreed with the statement made that the horses endanger the safety of children. He indicated that children enjoy horses, and on many occasions, his horses are used for giving rides to children at private parties or carnivals. He has an old horse buggy which is still used for parades. He asserted that the backbone of this country has been the use of horses and people should not forget that.

The Board realized his plight but noted that there are applicable ordinances to regulat such uses within a residential community. They believed this to be properly a zoning matter to permit him to use his property as intended.

Mr. Teves stated that without an area to keep impounded animals, he would not be able to carry out his duties as a poundmaster. He may have to resign from this position.

Noting the president of the Manoa Acres Residents Association in the audience, the Chairman called upon him for further comments.

Mr. Tanaka stated that they have nothing against Mr. Teves personally, but the present circumstances are such that as president of the Association, he constantly receives calls from residents in the area complaining about the horses. On occasions, housewives hanging clothes in the backyard during the evening suddenly sees a horse staring at them. This

is very shocking and someone with a bad heart might have a heart attack. People love horses but because of such incidences, the Association decided to take some action and will be writing letters to the Liliuokalani Estate, the Murakami Estate, the University and others requesting that they remove their horses from the area. He was present to object to the granting of a variance which would permit the keeping of horses in the area.

Mr. Bill Kawahara, Board member of the Association, believed that the question to be answered is not whether or not to grant the subject application but whether or not the area should be retained for single family residential use as zoned. The Manoa Acres Residents Association has a firm conviction that the area should be utilized for residential use as zoned, and therefore, disapproves Mr. Teves' application for keeping and grazing of horses and other animals in the area. They are concerned about health and sanitary problems and the safety of their children.

Mr. Teves inquired about the law on grandfather clause.

Deputy Corporation Counsel Chang indicated that the applicant might have a non-conforming use on this property, but without more facts, he could not say definitely that the applicant may continue his present operation under a non-conforming use category.

The Board advised Mr. Teves to pursue the matter further by meeting with the Director for consultation with the legal department.

This matter was taken under advisement on motion of Mr. Ting and second of Mr. Kometani. Mr. Brown was not present at this time.

In considering this matter later, Mr. Brown was apprised of what had transpired earlier. The Board noted the possibility that the applicant can continue his present operation under a non-conforming use category, but this is not a matter for the Board to decide. On the matter of whether or not there is sufficient evidence to meet the three conditions of hardship specified in the City Charter, the Board stated that the use sought will definitely alter the essential character of the neighborhood and be contrary to the intent and purpose of the zoning ordinance.

ACTION: Based upon its findings that there is insufficient evidence to meet the three conditions of hardship specified in the City Charter, the Board denied the application for a variance, on motion of Mr. Ting and second of Mr. Brown.

Mr. and Mrs. William Buckingham were present to request a variance from the Hotel and Apartment regulations to permit the retention of and continued operation of business uses on a parcel of land containing an area of 9,500\$\Pi\$ situated at 2109 Kuhio Avenue in Waikiki for a temporary period of three years.

ZONING VARIANCE (HOTEL AND APARTMENT)
WAIKIKI
2109 KUHIO AVE.
WILLIAM J.
BUCKINGHAM

The Deputy Director pointed out the site of the subject property situated on the makai side of Kuhio Avenue between Kalaimoku and Launiu Streets near the Kuhio Theater. He reported that the ewa side of the property containing 5,000# is zoned Business while the diamond head side is zoned Hotel and Apartment. A two-story wooden building containing 8 apartment units was located on the property, but records indicate that sometime in 1965, the units were converted to business operations. An inspection of the site revealed that there are six business operations on the premises of which four are within that portion of the lot zoned as Hotel and Apartment. There are no off-street parking spaces on the property. Building permits issued in 1965 were for additions and alterations to the building for apartment purposes. Although the investigation revealed that there is definitely a zoning violation, the owner has not been cited as yet for the violation. He indicated that this property is designated for resort-commercial use on the General Plan Detailed Land Use Map for Waikiki.

Mr. Buckingham stated that they have owned this property since 1950. At the present time, they are negotiating with Magoon Brothers and Mr. Hoofman, the abutting property owners, for a consolidation of their properties for a major development. They have given Magoon Brothers exclusive rights to proceed with this negotiation but have not entered into any definite agreement as yet. Until such time this development can be started, he is hopeful that a variance can be granted in order that he may continue the present business operations to meet expenses.

The Board inquired whether a zoning violation notice prompted him to make this application for a variance.

Mr. Buckingham replied in the negative. He indicated that a tenant had applied for renewal of his license and was informed that he had to obtain a clearance from the Planning Department. He stated that two other tenants were not questioned about this requirement.

Replying further to questions from the Board, Mr. Buckingham stated that a single family dwelling existed on the property at the time of purchase. He had constructed the apartment but later found it better to rent the spaces for business purpose and therefore had the kitchens removed.

The Board took this matter under advisement on motion of Mr. Brown and second of Mr. Ting.

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

ACTION: The Board denied this application for a variance on motion of Mr. Brown and second of Mr. Ting.

ZONING VARIANCE (CLASS A-1 RESIDENTIAL) DIAMOND HEAD OFF DIAMOND HEAD ROAD KENNETH F.BROWN Mr. Brown declared a conflict of interest, filed a statement form for submission to the Mayor and left the room.

The Board reviewed an application for a variance from the existing Class A-1 Residential regulations to permit the construction of an additional dwelling unit for a total of two units on a parcel of land situated at 3715 Diamond Head Road in Waikiki and containing an area of 14,303\$\vec{a}\$.

The Deputy Director presented the request by noting that a 13-foot roadway serving several lots in the back bisects this property creating two distinct areas. One area containing 5,077% is improved with a dwelling while the other area containing 6,254% is vacant and this is where the second dwelling is to be constructed. Deduction of the roadway area will reduce the lot size to 11,331%.

Mr. Dick Pang represented the applicant and in reply to questions from the Board stated that the topography of the land is steep but no problem is anticipated in constructing a dwelling in the area proposed. The roadway curves in the fashion shown because of the adverse topography. The owner presently lives on the adjacent lot on the ewa side.

The Board stated that it will require a more detailed development plan showing the exact location of the building, the type of construction, dimensions, and so forth in the event a public hearing is held to consider this application.

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

ACTION:

In considering this matter later, the Board authorized the calling of a public hearing to consider this application on motion of Mr. Ting and second of Mr. Kometani. Mr. Brown was not present at this time.

ZONING VARIANCE (RURAL PROTECTIVE) HONOULIULI, EWA 91-2270 FORT WEAVER ROAD ALFRED W. WALSH, JR.

The Board considered an application for a variance from the existing Rural Protective regulations to permit the construction and operation of a dog kennel for the purpose of breeding pedigreed AKC registered poodles for commercial purposes on a parcel of land situated at 91-2270 Fort Weaver Road at Honouliuli, Ewa and containing an area of 15,507\$\mathfrak{\phi}\$.

The Deputy Director explained that the zoning ordinance relating to Rural Protective districts permits this type of operation on a land area with 5 or more acres. The applicant proposes to construct two buildings that will house the dog kennels and a residential dwelling unit on the property as shown on the plot plan submitted. Access to the property is over a dirt road. Surrounding uses are in cane and the nearest residential dwelling is about 400 feet away.

Mr. Alfred Walsh, Jr., applicant, explained his proposed operation and his building plans for the dog kennels. He stated that his wife and he are breeders of registered poodles and enter them at every show. This started as a hobby but now they plan to expand their operation by constructing kennels where the poodles might be raised in nice rooms in a mosquito-proofed building. He had checked the facilities at the animal quarantine station and believes that he can improve on them. He will eventually go into raising of Great Danes and German shepherds.

Upon consultation with an architect, he was informed that the dog kennels alone would cost about \$25,000 to \$26,000 but he does not intend to spend that much money because much of the construction work will be done by him.

The Board expressed its concern about noise and nuisance from a dog kennel operation to the surrounding areas. Although lands surrounding may be in sugar cane right now, eventually, residential growth might extend to this area. As a result, the Board stated that any variance granted should not be on a permanent basis but temporary.

Mr. Walsh stated that he owns his land in fee. Surrounding lands in sugar cane are owned by the Campbell Estate and leased to Ewa Plantation. He believed that the Plantation has about 13 years left of that lease. He pointed out that about 1,000 feet from his property, there is a large hog farm which has been there for many years. Another 500 to 600 feet away, there is a poultry farm. Industrial uses have extended to about 1,000 feet from his property and he doubted that residential development would extend to his area. Future use would depend on the plantation, and the possibility is there that the land might be kept in agricultural use or if changed, most likely to industrial use.

The Board requested the staff to verify the information on the Plantation's lease with Campbell Estate. It also asked for the General Plan designation for the area.

The Deputy Director reported that the General Plan and the State Land Use Commission designation for the subject area is agriculture.

Mr. Walsh then mentioned the special care that is required, especially for show dog poodles. Another reason for these facilities is that as a member of the Board of Directors of the Poodle Club of Hawaii, he is aware that when members travel, they require someone to care for their dogs. Presently, there are no kennels on this island equipped to take care of show dogs.

The Deputy Director inquired whether the kennels are to be completely enclosed in a sound-proof building.

Mr. Walsh stated that the entire property will be enclosed by a 6-foot chain link fence with a gate. The kennels will not be completely enclosed by a solid wall. The dogs require a sunning and running area. Individual kennels will measure 3' x 12' with chain link fencing on both sides and a hollow tile wall up to about 3 feet. The sleeping areas will be enclosed and made mosquito proof.

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

ACTION: The Board deferred this matter for visit of the site on motion of Mr. Brown and second of Mr. Ting.

SPECIAL PERMIT
(LAND USE
COMMISSION)
WAIANAE
WAIANAE VALLEY
SEVENTH DAY
ADVENTISTS
HAWAIIAN MISSION
(YOUTH CAMP
OPERATION)

At the request of the applicant, the Board deferred consideration of an application for a Special Permit to construct, establish, and operate a Youth Camp within an area classified as Agricultural District by the State Land Use Commission. The subject parcel of land containing approximately 10 acres is situated in Waianae Valley and zoned as Rural Protective.

The motion for deferral was made by Mr. Ting, seconded by Mr. Kometani, and carried. Mr. Brown was not present at this time.

MISC. ELECTION OF VICE CHAIRMAN Upon a unanimous ballot cast, Mr. George Brown was elected Vice Chairman of the Zoning Board of Appeals for the remainder of this fiscal year.

ADJOURNMENT:

The meeting was adjourned at 2:45 p.m.

Respectfully submitted,

Carole A. Kamishima Secretary-Reporter II SPECIAL PERMIT
(LAND USE
COMMISSION)
WAIANAE
WAIANAE VALLEY
SEVENTH DAY
ADVENTISTS
HAWAIIAN MISSION

The Board considered an application for a Special Permit to construct and conduct a Youth Camp consisting of fourteen cabins, a swimming pool, two toilet and bath houses, an administration building, and a dining hall on a ten-acre site situated approximately four miles mauka from Farrington Highway in Waianae Valley within a Rural Protective zone and classified as Agriculture under the State Land Use Commission District Boundary Map.

Mr. Mun On Chang, representing the Hawaiian Mission, and Mr. Marvin Seibel, Youth Director, were present.

The Director presented the request and pointed out the site on the map. A staff member had made a field inspection of the area and found that the subject area comprises more than 10 acres. The land fronts on Waianae Valley Road which is a government road having a right-of-way width of 30 to 40 feet and a pavement width of 10 to 18 feet in satisfactory condition. However, Waianae Valley Road fronting the subject property is not paved and is in poor condition. The pavement ends about 600 feet makai, at the junction of Waianae Valley Road and Haleahi Road. The subject site is overgrown with hale-koa and very rocky. It is not used for agricultural purpose because of the poor soil condition. The surrounding area is also not utilized for agriculture. Under the General Plan Detailed Land Use Map of Waianae, the subject area is designated for agricultural purpose which could be grazing or for other types of agricultural pursuits.

The Director requested information from the applicant as to its source of water supply because there is no City water system in this area, the method of sewage disposal in compliance with the standards of the Board of Health, and the operation of the camp facilities; that is, whether it is exclusively for their use or to be rented out.

When asked to explain their operation, Mr. Chang submitted a letter outlining their objectives and goals and their projected program for the camp. When the camp is not being used by their group, it will be available to other groups. They have a letter from the Capital Investment Company which has a private water supply, that they would be provided ample water for their needs. The Board of Health indicated that they could have two cesspools behind each restroom and if the need arose, they could have more cesspools. He stated that this is fee simple land owned by the Hawaiian Mission. There is a dirt road leading to the property.

Mr. Chang stated further that the preliminary layout plan submitted may have to be revised. The swimming pool which is presently located in the center of the camp may have to be relocated because its location is not acceptable by the Activities Department. Before proceeding with final plans, they wanted some sort of assurance that they could proceed with this type of operation.

He then mentioned their camp program for the youth throughout the State and the difficulty encountered in the past years to locate a suitable camp site. They are attempting to locate a permanent summer camp site for the young people.

The Chairman advised them of the statutory provisions requiring the holding of a public hearing within a period of not less than 30 days nor more than 120 days from receipt of the application. Since the application was received on September 1, 1967, there is sufficient time for the submission of a revised plan before a public hearing is held. They may consult with the staff on this matter.

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

ACTION: The Board considered this matter later and deferred action pending further study with the staff and submission of a revised and complete development plan of the camp operation on motion of Mr. Brown and second of Mr. Ting.

MISC. Z.B.A. MEMBER-SHIP INCREASE The Board was informed that the City Council on September 19, 1967, requested its Legislative Committee to consider the matter of amending Section 5-506 of the City Charter by increasing the membership of the Zoning Board of Appeals from three to five members.

MISC. NEW Z.B.A. MEMBER The City Council on September 19, 1967, approved the appointment of Mr. Jonah Ting to serve as a member of the Zoning Board of Appeals for a term to expire June 30, 1970.

Mr. Ting was officially welcomed as a member of the Board.

ADJOURNMENT:

The meeting was adjourned at 3:50 p.m.

Respectfully submitted,

Carole A. Kamishima Secretary-Reporter II Meeting of the Zoning Board of Appeals
Minutes
September 28, 1967

The Zoning Board of Appeals met in regular session on Thursday, September 28, 1967, at 1:00 p.m., in the Conference Room of the City Hall Annex with Chairman Harold K. Kometani presiding. During the temporary absence of the Chairman, Vice Chairman George I. Brown presided:

PRESENT:

Harold K. Kometani, Chairman (present from 1:20 p.m.) George I. Brown, Vice Chairman Jonah Ting

Frank Skrivanek, Planning Director Samuel Chang, Deputy Corporation Counsel

PUBLIC HEARING ZONING VARIANCE (HIGHWAY PROTEC-TIVE) KAILUA 840 KAILUA ROAD INTERNATIONAL TELEPHONE AND TELEGRAPH CORP. A public hearing was held, under the provisions of Section 5-515(3) of the Charter of the City and County of Honolulu, to consider an application for a temporary variance from the existing Highway Protective regulations (Section 21-8.3, R. O. 1961, as amended, relating to use of property in the rural districts), to permit alteration and addition to the former Mackay Radio building for the operation of a post office at 840 Kailua Road, situated at the entrance to Kailua, more particularly identified by Tax Map Key 4-2-16: Parcel 2.

The public hearing notice published in the Sunday Star-Bulletin and Advertiser of September 17, 1967, was read by the Director. Copies of the hearing notice were sent to the applicable governmental agencies, to the various community and civic associations in Kailua and to other interested parties. No letters of protest have been received.

Present to request the variance were Mr. Harold Nickelsen, attorney, representing the International Telephone and Telegraph Corporation, Mr. George Hunter, local manager of I.T.T., and Mr. Stephen Green, postmaster of the Kailua Branch Post Office.

The Director read the reply received from the Traffic Department in response to the Board's inquiry regarding the traffic situation on Kailua Road at this location.

Mr. William C. Hong, Acting Traffic Engineer, reported that an on-site inspection was made and an interview held with Mr. Green, the Postmaster. Since the building will be used as a temporary collection and sorting area, and that approximately 18 trucks will be entering and leaving the area during the off-peak hours, he foresees no additional traffic problems and had no objection to the granting of a variance for this area.

The Director also read a letter received from Mr. Green stating that in the interest of safety, all mail trucks will use a route which proceeds in the Pali direction then after one left turn and several right turns proceed back to Kailua Road and into Kailua town. The usual time of departure of the mail trucks is after 8:30 a.m., and 3:30 p.m., which is well between the peak hours of traffic on Kailua Road.

The Director pointed out on the map, the site of the building to be used as a post office temporarily as a collection and sorting area. The general public will be serviced at the existing post office in Kailua. As shown on the plot plan displayed, additions to be made are restroom facilities and a loading and unloading platform at the rear of the building. The Post Office Department has obtained a two-year lease on the property with a one-year option for renewal of the lease. In the meantime, it is attempting to locate a suitable site for its permanent operation. The building is presently vacant.

No one spoke in protest of this application. The applicants had nothing further to add to their testimony given at the preliminary hearing.

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

The Board considered this matter later and determined that there is sufficient evidence to meet the three conditions of hardship specified in the City Charter.

ACTION:

On motion of Mr. Brown and second of Mr. Kometani, the Board granted a temporary variance from the Highway Protective regulations to permit alteration and addition to the former Mackay Radio building situated at 840 Kailua Road for the operation of a post office for the duration of the lease.

PUBLIC HEARING
ZONING VARIANCE
(HIGHWAY PROTECTIVE)
LUALUALEI-WAIANAE
87-2070 FARRINGTON
HIGHWAY
NAKATANI
ENTERPRISES, INC.

A public hearing was held, under the provisions of Section 5-515 (3) of the Charter of the City and County of Honolulu, to consider an application for a variance from the Highway Protective regulations (Section 21-8.3, R.O. 1961, as amended, relating to the use of property in the Rural Districts), to permit the construction and operation of a post office on a parcel of land covered by a variance permit for off-street parking purposes and situated at the corner of Farrington Highway and Lualualei Naval Road, within the Nakatani Shopping Center, in Waianae, identified by Tax Map Key 8-7-08: portion of Parcel 13.

The public hearing notice published in the Sunday Star-Bulletin and Advertiser of September 17, 1967, was read by the Director. Copies of the hearing notice were sent to the applicable governmental agencies, to the various community and civic organizations in the Waianae area, and to interested parties. No written protests or comments had been received.

The Director presented the request by pointing out on the map the location of the subject property and three separate business districts that exist on the property. The remainder of the property up to the boundary of the Highway Protective zone is covered by a variance permit for off-street parking purpose; and it is within this area and at the corner of Farrington Highway and Lualualei Naval Road that the post office building is to be constructed. The entire property up to a drainage

canal in the back is designated for commercial use on the General Plan Detailed Land Use Map of Waianae. A rezoning request to business for the entire property is pending further study by the staff. A preliminary sketch plan submitted indicates the development of a shopping center with the buildings in the back and the front set aside for off-street parking with a service station and retention of an existing drive-in restaurant. All other buildings are to be removed. Because the proposed location of the post office building does not conform to this development plan and in order to provide for an integrated shopping center complex, the Director recommended that upon completion of the shopping center, the post office be relocated and integrated into the shopping center complex.

Mr. Kenneth Nakano, representative of the applicant, was asked whether he had any objection to a mandate that upon completion of the shopping center complex that the post office be relocated in that complex. Mr. Nakano stated that he had no objection.

Testimony was received from the public.

Mr. James Aki, school counselor, stated that his family operates the Nanakuli Theater and owns a sizeable tract of land next to the Nakatani Enterprises' property. Speaking for other residents and businessmen in Nanakuli, he indicated that they do not object to the construction of a post office in Nanakuli because they realize that the area needs a first-class post office, but they object to its proposed location. They also object because the people in the community were not apprised of this proposal nor involved in the selection of a site for the post office. He read and filed a petition signed by approximately 300 persons in Nanakuli objecting to the granting of the variance for the purpose of constructing a post office for the following reasons:

- 1. The area is not suitable for a post office.
 - a. Access and egress to the piece of land is poor.
 - 1. Patrons will have to drive around and on the side of the present Drive-In to get to the Post Office.
 - 2. Patrons will have to park on the Lualualei Naval Ammunition Depot Road, which is a government road and not intended for public use.
 - 3. Patrons will be competing with Drive-In patrons for parking and traffic.
 - 4. Patrons will have to compete with large trucks going up NAD road and the traffic on Farrington Highway.

- b. The surrounding area is poorly planned and not compatible for a Post Office.
 - 1. The large Nakatani housing will be directly in the back of the Post Office.
 - 2. A bar and billiard parlor is on the Ewa side of the Drive-In.
- 2. The Nanakuli-Waianae area is under strong consideration as a Model Cities area at the present time. Under the Progressive Neighborhood Act, this kind of planning is entirely against what they are trying to accomplish in the area.

The Chairman indicated that the site was approved by the Post Office Department. As mentioned earlier, this is to be a temporary location and upon completion of the shopping center complex, the post office is planned to be relocated into the shopping center complex and the variance will be terminated. Should a variance be granted, it will specify that the use will be for post office purpose only and should the post office vacate the premises, no other use would be permitted under the variance.

Mr. Aki stated that the information being given now was never presented to the community. They knew of a proposal for a post office but only recently learned that it was to be within the Nakatani Enterprises' property. They believe that there are many other questions to be answered, such as: How soon is the shopping center to be built? How long a temporary period for the post office to be at the corner? What are the plans for the post office? and so forth.

The Chairman did not believe that it was within the jurisdiction of the City to say when a parcel should be developed. This would be entirely up to the private developer. He then inquired of Mr. Nakano whether he has any communication from the Post Office Department regarding a commitment on the site of the post office.

Mr. Nakano replied that there is such a communication, but he did not bring it with him. It was given to the contractor. The lease agreement with the Post Office is for 10 years and this lease was recently completed. The contractor is ready to start construction on the post office building.

The Director commented that the sketch plan submitted indicates that access to the shopping center would be from Farrington Highway. The staff also recognized the parking and traffic problems, and therefore, had recommended that the post office be relocated later within the main shopping center complex.

Mrs. Mabel Rittmeister, residing in Nanakuli, wanted a post office in the area but she objected to its proposed location. She pointed out that the proposed location would be most hazardous for pedestrians, especially children, who must cross the highway at this

intersection. Traffic on Farrington Highway is quite heavy and the Naval Road is also heavily used by trucks. She was also upset that the residents in the area were not notified about the selection of the post office site and given an opportunity to comment on the proposal.

Mr. David Twigg, Community Services Coordinator with the Office of Economic Opportunity Community Action Center, informed the Board of Act 299 relating to the Model Cities Program. He stated that a civic center master plan for the area is being prepared for completion by October 15th, and the location of a post office is part of the plan. Therefore, he opposed the construction of a temporary post office at this time.

The Chairman believed that if such a master plan indicating the location of a post office can be prepared, the Post Office might agree to the new site. At this time, however, it had approved this site and is to be located there temporarily.

Mr. Twigg commented that they have received no assurance that this site will be temporary.

In response to an inquiry from the Board, Mr. Nakano reiterated that the lease with the Post Office is 10 years. He does not know whether there is a revocable clause.

Mr. Alvin Kekauoa, owner of two business establishments located about 200 yards away from this subject property, stated that in 1964, he was approached by the Post Office and asked whether he would like to have the post office located on his property. He has a drive-in restaurant and a service station on his property. He felt that a post office would draw people to his drive-in restaurant, but looking at the matter from the standpoint of the taxpayers whose money would be involved in the construction of a new Federal building, he felt that such a use located next to an eating place would not be in good taste. He now finds that the post office is to be located next to an eating place under conditions similar to his.

In addition, immediately adjoining is an establishment where liquor is served and has a pool hall. He personally felt that this was a poor location for a post office. He remarked that a lease can always be renewed so that the operation eventually becomes a permanent use at that site.

Mr. Nakano made one correction to a statement made. He indicated that the post office building is to be built through private enterprise and no tax money is involved. Whether or not the variance is granted, he pointed out that this is for progress and much improvement is being done for the good of the community.

The Chairman thanked the people for their testimony and assured them that further studies will be given and the Post Office will be consulted before any action is taken.

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

In discussing this matter later, the Board requested the Director to make an inquiry of the Post Office and ascertain its reason for selecting this site. In the meantime, the staff should make a study to see whether or not this site is desirable for a post office and to check whether there are other sites more suitable for a post office.

ACTION: On motion of Mr. Brown and a second of Mr. Ting, the Board deferred action on this matter pending receipt of further information.

PUBLIC HEARING
ZONING VARIANCE
(CLASS B RESIDENTIAL)
KEWALO
925 PIIKOI STREET
MR. & MRS. HARRY
S. K. ZEN

A public hearing was held, under the provisions of Section 5-515(3) of the Charter of the City and County of Honolulu, to consider an application for a variance from the existing Class B Residential regulations to permit the construction of a three-story, eight-unit apartment building on a parcel of land containing an area of 5,402 sq. ft. at 925 Piikoi Street, situated on the Waikiki side of Piikoi Street between King and Elm Streets in Kewalo, identified by Tax Map Key 2-3-12: Parcel 20.

The public hearing notice published in the Sunday Star-Bulletin and Advertiser of September 17, 1967, was read by the Director. Copies of the hearing notice were sent to the applicable governmental agencies and to the adjoining property owner.

The Director read a letter of objection submitted by Mr. Norman H. Kauaihilo, Superintendent of the Juvenile Detention Home, and approved by Senior Judge Gerald R. Corbett. They pointed out that the Detention Home's child population ranges between 30 to 50 children on any given day. Therefore, the construction of a building more than one-story in height adjacent to the Detention Home would pose a substantial problem in enabling persons to breach the security fence. The wall is approximately 14 feet high and persons from the apartment will be able to throw into the Dentention Home grounds, undesirable materials, such as drugs, weapons, etc.

The Director explained that this application for variance was prompted by the fact that Apartment District C zoning, in conformity with the General Plan Detailed Land Use Map, could not be granted because the parcel containing 5,402 sq. ft. cannot meet the minimum lot size requirement of 7,500 sq. ft. for an Apartment District C zone. The parcel also cannot meet the Apartment District B zone which requires a minimum lot size of 6,000 sq. ft. This property is located between a commercial zoned property at the corner of King and Piikoi Streets and the Detention Home. The proposed development plan submitted shows the construction of a three-story, eight-unit apartment building with parking on the ground floor. The building is properly setbacked in accordance with the apartment zoning requirement.

In reply to the Board's inquiry, the Director pointed out a few lots in this general area which were granted a variance to permit the construction of apartments under similar conditions as the applicant's. Those lots also fronted on an improved street. Water and sewer services are available.

Mr. Zen, applicant, had nothing new to add to his statement given at the preliminary hearing.

Mr. Kauaihilo stated that the letter submitted explains adequately their position in this matter. He noted that a service station is on the corner parcel. There are plans for a professional building at the corner of Alder and King Streets; however, that development would not be too objectionable. They object to the proposed apartment because it would be next to the girl's dormitory.

Mr. Brown inquired as to the considerations that should be given in this type of situation.

The Director indicated that if the lot did meet the lot size requirement, there is no control to prohibit the property owner from constructing an apartment. If a dwelling unit is constructed instead of an apartment, that dwelling unit could be two stories so that its height would be higher than the security fence and wall.

Mr. Zen indicated that the apartment building will be located in the center of the property with a 5-foot setback from the side and rear boundaries. The lanai will face the Detention Home property.

(Mr. Kometani was present during the latter portion of this hearing.)

No one else spoke in support or in opposition to this application.

On motion of Mr. Ting and second of Mr. Kometani, the Board closed the public hearing and took the matter under advisement.

In considering this matter later, the Board discussed the objection registered by the Detention Home regarding undesirable material being thrown into the Detention Home ground from the apartment units. The Board felt that if someone really wanted to, he could throw anything over the fence under the present condition. It noted also that the same objectionable condition would be present if a two-story residential home is constructed under the present zoning regulation without necessity of a variance.

The Board then discussed the three conditions of hardship that must be met and determined that there is sufficient evidence of hardship in this instance to meet the three conditions specified in the City Charter.

ACTION: Based upon its findings, the Board granted a variance from the Class B Residential regulations to permit the construction of a three-story, eight-unit apartment building on the subject property on motion of Mr. Brown and second of Mr. Ting.

PUBLIC HEARING
ZONING VARIANCE
(SETBACK AND
SPACING REQUIREMENT)
WAIKIKI
KALAKAUA AND
KAIULANI AVES.
PREMISES OF THE
PRINCESS KAIULANI
HOTEL
KOKUSAI KOGYO
KABUSHIKI KAISHA

A public hearing was held, under the provisions of Section 5-515(3) of the Charter of the City and County of Honolulu, to consider an application for a variance from the provisions of Article 10 (spacing requirements), Section 21-10.4, Revised Ordinances of Honolulu 1961, as amended, relating to setback, spacing and bulk of structures in Hotel-Apartment Districts, to permit the construction of a two-story addition to an existing three-story parking garage building which is situated along the mauka boundary line of the Princess Kaiulani Hotel premises in Waikiki without compliance with the setback requirement, on land identified by Tax Map Key 2-6-22: Parcel 1.

The public hearing notice published in the Sunday Star-Bulletin and Advertiser of September 17, 1967, was read by the Director. Copies of the hearing notice were sent to the applicable government agencies and to interested parties. No written protests or comments have been received.

The Director presented the request and noted that the parking garage was built several years ago with a solid wall constructed right on the mauka boundary line. This garage was built prior to the enactment of Ordinance No. 2007 which specifies the following spacing requirement for buildings within a Hotel-Apartment zone:

- 5 feet for a one-story building;
- 2. 10 feet for any building over one story and not exceeding 35 feet in height;
- 3. 10 feet for the first 35 feet, and 10 feet plus one foot for each story or portion thereof, extending beyond 35 feet, for any building over 35 feet in height.

Prior to Ordinance No. 2007, the Building Department administered the spacing regulations. Under the present regulations, the addition must be setback approximately 11 or 12 feet.

He noted that on the adjacent lot zoned Business, the Waikiki Multi-Deck Parking Garage was constructed with its solid wall right up to the boundary line. This is permissible in a commercial zone as long as there are no openings or windows. He further indicated that the proposed General Plan Detailed Land Use Map for the Waikiki area, designates this area for resort-commercial use so that upon rezoning, the proposed building can be built right up to the boundary line. The variance requested is to permit the addition of the two stories by following the same foundation and wall alignment of the existing garage building.

Mr. Shiro Kashiwa, attorney, representing the applicant stated that an 8-inch fire wall will be constructed. They will comply with the requirement of the Building Department. He had nothing else to add to his statement given at the preliminary hearing.

No one spoke in opposition to this application. The Board closed the public hearing and took the matter under advisement on motion of Mr. Brown and second of Mr. Ting.

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

ACTION:

On motion of Mr. Brown and second of Mr. Kometani, the Board granted a variance from Article 10, Section 21-10.4, R. O. of Honolulu, 1961, as amended, to permit the proposed construction of a two-story addition to an existing three-story parking garage without compliance with the setback requirement, within the Princess Kaiulani Hotel premises.

PUBLIC HEARING ZONING VARIANCE (SETBACK FROM ZONE OF WAVE WAIALAE-IKI END OF KAIMOKU PLACE JOHN L. WADE BY: FRANK W.

A public hearing was held, under the provisions of Section 5-515(3) of the Charter of the City and County of Honolulu, to consider an application for a variance from the provisions of Ordinance No. 2837, relating to ACTION, ORD. 2837) setback from zone of wave action, to permit the construction of a vertical masonry wall and a swimming pool within the ten-foot setback from zone of wave action for a parcel of land at 1001 Kaimoku Place, situated at the end of Kaimoku Place within the Kai Nani Subdivision adjoining the Waialae Golf Course at Waialae-HUSTACE, JR. ATTY. Iki, identified by Tax Map Key 3-5-58: Parcel 11.

> (Mr. Kometani was not present during this public hearing.) The public hearing notice published in the Sunday Star-Bulletin and Advertiser of September 17, 1967, was read by the Director. Copies of the hearing notice were sent to the applicable governmental agencies, interested parties, and five adjoining property owners. No written protests or comments have been received.

> The Director explained the request by referring to a development plan submitted for the subject property. There is a slopped wall leading from the water's edge inland to about 2 to 3 feet beyond the property line. The applicant desires to construct a vertical wall at his property line and also a swimming pool within the required 10-foot setback area. A field inspection indicates a difference of 2 to 3 feet as to where the actual line of wave action would be. He noted that because of an existing sewer easement going through the property, it would create extreme difficulty if the swimming pool must be setbacked farther in the property or relocated. Because of its triangular-shape it is also difficult to re-arrange the building plan on this lot. Photographs taken of the property were again shown to the Board members.

Mr. Brown asked how the line of wave action is determined.

The Director replied that it is through visual field inspection. Rocks had been placed along the shoreline and the applicant had indicated that some of the vegetation growing between the rocks was planted by him. He had also placed sand in those areas. The staff's observation is that this line of wave action is farther inland from where the wall is proposed to be constructed. This line is near the top of the existing slopping wall.

Mr. John Wade, applicant, and his attorney, Mr. Frank W. Hustace, Jr., were present. Proceeding under Section 5-507-b of the City Charter, Mr. Hustace incorporated into the record, the substance of his letter dated August 25, 1967, submitted to the Zoning Board of Appeals. Outlined in the letter are the evidence of unnecessary hardship to support the granting of a variance. He indicated his client's belief that there is genuine hardship in the present situation that is not of his making. The proposed variance, if granted, will not detract from the essential character of the locality nor be contrary to the purpose and intent of the ordinance because the proposed construction will result in a better overall development for the area and help prevent the further erosion of the beachfront in the area. The slopping rock wall is a pre-existing condition when the property was leased by Mr. Wade.

The Board members inspected the site. Mr. Brown requested information as to where the wall is to be constructed and its height.

Mr. Wade stated that the wall is to be constructed two feet inside his property line. On the golf course side, there is about four feet of fill and standing on his property, the existing wall is about 18 inches above the level of the land. This height is to be continued along the oceanfront so that from the top of the boulders, the height of the wall would be about 4-1/2 to 5 feet. This height will be about the same as the height of his neighbor's wall.

No one spoke in opposition to this application.

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

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

ACTION:

A motion to grant a variance from the provisions of Ordinance No. 2837, to permit the construction of a vertical masonry wall and a swimming pool within the 10-foot setback from the zone of wave action on a parcel of land situated at 1001 Kaimoku Place at Waialae-Iki was made by Mr. Brown, seconded by Mr. Ting and carried.

The Board considered a request for a variance from the provisions of Ordinance No. 2833, which prohibits residential uses within Industrial Districts, in order to permit a residential living unit above a delicatessen on a parcel of land at 1763 Hoe Street in Kalihi-Kai.

The Director reported that the prohibition against residential uses within Industrial Districts was adopted by the Council in September, 1966, because noise, odors, fumes and traffic congestion within the Industrial Districts were considered harmful to the public health, safety, and general welfare. The only exception is for a single dwelling unit for a caretaker or watchman

ZONING VARIANCE (INDUSTRIAL DISTRICTS, ORD. NO. 2833) KALIHI-KAI 1763 HOE STREET KENNETH YONEMURA BY: HIROSHI KATO, ATTY.

only as an accessory use to a primary industrial use on the premises.

He pointed out the subject parcel situated within an area general planned for industrial use. A number of residential uses are mixed in with the industrial uses, but the area is gradually changing into general industrial uses.

Mr. Hiroshi Kato, attorney, representing the applicant, contended that the three conditions of hardship mentioned in the City Charter can be met. Regarding the first condition which relates to peculiar and unusual circumstances pertaining to the physical characteristics of the property, he pointed out that the subject property contains only 2,500 sq. ft. so that his client cannot obtain a reasonable return living as he does now in an area which is heavily taxed. Attempts to sell the property were not successful because it is not a usable piece of industrial property.

The second condition which is the uniqueness of the owner's plight is the condition mentioned in one.

The third condition relating to altering the essential character of the neighborhood, he noted that this neighborhood has many single family residences as well as apartments so that the use sought for a single family residence above the delicatessen would not alter the essential character of the neighborhood. The proposed use also would not be contrary to the intent and purpose of the zoning ordinance because conceivably, the owner could be called a caretaker or watchman because his presence will help to police the area.

The Director stressed that the ordinance mentions a caretaker's or watchman's living unit only as an accessory use to a primary industrial use on the premises. He indicated that there is no primary industrial use on this property.

Mr. Kometani suggested a visitation of the site to check the predominant use of the area.

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

In considering this matter later, Mr. Brown asked the legal counsel whether the Zoning Board of Appeals has jurisdiction in this instance or is the ordinance an absolute prohibition against living units with the one exception.

Mr. Chang advised that the Board has jurisdiction over this application. The problem seems to be one where the primary use of the property is more of a commercial nature than industrial, although the property is situated within a general industrial district. ACTION: The Board deferred action for visit of site on motion of Mr. Brown and second of Mr. Ting.

ZONING VARIANCE
(CLASS A RESIDENTIAL AND
NON-CONFORMING
USE ORDINANCE)
KAIMUKI
3365 MAUNALOA AVE.
MRS. VIOLET CHOY
BY: MORIO
OMORI, ATTORNEY

The Board considered a request for a variance from the existing Class A Residential regulations and the provisions of the Non-Conforming Use Ordinance to permit the construction of an additional bedroom over an existing garage on a parcel of land containing an area of 6,900 sq. ft. situated at 3365 Maunaloa Avenue in Kaimuki.

Presently, there are two separate single family dwelling units on the premises which were constructed in 1935 prior to the effective date of the Class A Residential zoning on May 4, 1943. The land and the buildings are not in conformity with the Class A zoning which requires a minimum of 5,000 sq. ft. for each dwelling unit.

The Director reported that under the provisions of the Non-Conforming Use Ordinance, the present use may be continued but no building used in non-conformity with the zoning requirement shall be replaced, reconstructed, enlarged or added to, nor shall it be altered, renovated, or repaired to an extent exceeding 25% of its assessed valuation. An inspection of the site revealed that the owner had started construction of the bedroom unit which is about 90% completed without a valid building permit. The request is to allow a \$3,000 addition to an existing dwelling which has an assessed valuation of \$1,875. He showed two photographs taken of the addition constructed over the garage.

Mr. Morio Omori, attorney, representing the applicant, explained that his client without benefit of legal counsel, commenced construction of the extra bedroom over the garage. There was urgency to provide this extra bedroom for an aging father who was being sent home from a nursing home. Unfortunately, the father passed away about a month ago and this urgency is no longer present.

Mr. Omori mentioned the ambiguity of the Non-Conforming Use Ordinance relating to permissible repairs or renovation to a building to an extent not exceeding 25% of its assessed valuation. He indicated that this provision is vague because it does not state within what period that 25% was applicable. Conceivably, this 25% could be applied again a month later and after completion of the renovation, another 25% applied the next month. Therefore, this is a hardship created by the Non-Conforming use section of the Ordinance.

In an attempt to resolve a problem caused by ignorance and in order not to have to undo a construction which is 90% completed, he offered an alternate application. This is for a variance from the provisions of Section 16-3.3c relating to servant's quarters. He stated that the front dwelling to which the bedroom is being added contains 850 sq. ft. while the back dwelling has 650 sq. ft. Since a servant's quarters can have only 500 sq. ft., the second alternative is to convert the back dwelling into a servant's quarters and ask for a variance from the provisions of the ordinance relating to the size of servant's quarters. The owner is willing to remove the kitchen facilities from this dwelling unit.

In reply to questions from the Board, Mr. Omori stated that the bedroom addition contains 234 sq. ft. He maintained that this addition would not change the character of the neighborhood and he mentioned several tax key parcel numbers in this neighborhood which are in the non-conforming use category.

Mr. Brown inquired about procedures in situations of this nature where a person had not followed the legal requirement by obtaining a building permit. He asked whether that person must apply for a variance or is he cited for non-compliance with the ordinance. Presumably, a person could violate the law and then apply for and obtain a variance.

The Director did not know whether the Board had adopted any policy, but he noted that in some instances, the Board had required the violation to be cleared before considering the application for a variance.

Mr. Kometani did not believe that a set policy can be adopted because undue hardship might be created, especially in a situation of this nature. He believed that each case should be considered on its own merit.

Mr. Omori indicated that the second alternative was mentioned in an attempt to undo a mistake and make the variance request as minimal as possible. He did not wish to present the picture mentioned by Mr. Brown where a deliberate mistake is made and then a variance application made to undo that mistake.

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

The Board considered this matter later and decided to visit the site independently.

ACTION: A motion to defer action for visit of site was made by Mr. Brown, seconded by Mr. Ting, and carried.

ZONING VARIANCE (CLASS A RES.) PALOLO 1652 TENTH AVE. YOSHIO YANAGIDA Mr. Yoshio Yanagida was present to request a variance from the existing Class A Residential regulations to permit the construction of an additional dwelling unit for a total of two units on a parcel of land containing an area of 9,850 sq. ft. situated at 1652 Tenth Avenue in Palolo Valley.

The Director reported that this property did not have an area of 10,000 sq. ft. but as a result of a 3-foot taking for the widening of 10th Avenue, the size was reduced to 9,850 sq. ft. The shortage in area requirement for the second dwelling is 150 sq. ft. or about 3% of the lot size requirement. He noted that under similar circumstances, the Board had granted variances to permit two dwelling units on two separate lots in this near vicinity. A plot plan submitted shows the construction of the new dwelling in the back of the existing dwelling. The applicant's parents will be residing in the dwelling.

The Chairman made a request of the applicant that a responsible person sign the plot plan to verify its accuracy.

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

ACTION: In considering this matter later, the Board authorized the calling of a public hearing to consider this application on motion of Mr. Brown and second of Mr. Ting.

The Board indicated that all plans submitted to the Board must bear the signature of a responsible person. The staff may use its discretion to determine who that responsible person is.

Mr. Dick Cook, Executive Officer of Radio Station KHAI, and his attorney Mr. John R. Desha II were present to request a variance from the Hotel-Apartment zoning regulations to permit the operation of a radio station in the basement of the Royal Hawaiian Hotel situated at 2259 Kalakaua Avenue in Waikiki.

The Director reported that the basement is presently being used as an office and broadcasting studios of Radio Station KHAI. Its transmitter tower is located off Ward Avenue near Ala Moana. The applicant has indicated that the station has been operating at this location since early 1962 with a remaining lease of approximately 7 years. The present owners of the Radio Station were not the initial operators and they were not aware of the zoning regulations.

The Royal Hawaiian Hotel property contains approximately 13 acres with its frontage along Kalakaua Avenue zoned Business and the back portion zoned Hotel-Apartment. The Hotel is situated within that portion of the land zoned as Hotel-Apartment and the radio studios and office are located at the ewa-makai corner of the hotel building. The Radio Station is operating under a license issued in November, 1961, and an application for renewal of its license is pending before the Federal Communications Commission in Washington.

Radio broadcasting studio is not one of the permitted accessory uses within a Hotel-Apartment district. use belongs in a business zone. This violation was recently called to the attention of the department and after a check by a zoning inspector, the first notice of violation was issued to Mr. Sherwood, Acting General Manager of Radio Station KHAI, on June 2, 1967, and a second notice on August 10, 1967. A check was also made of building permits issued for alterations to the interior of the Hotel building and none of the permits indicated that the alterations were for the purpose of operating a radio station. After receipt of the second violation notice, Mr. Sherwood came in to discuss the possibility of being granted a variance and he was advised of the procedure for making an application for a variance. An inquiry was also sent to the F.C.C. on the present status of the Station's license.

ZONING VARIANCE (HOTEL AND APARTMENT)
WAIKIKI
2259 KALAKAUA
AVENUE
ROYAL HAWAIIAN
HOTEL, BASEMENT
RADIO STATION
KHAI
BY: JOHN R.
DESHA, II

Interrogated by the Board, Mr. Cook stated that their operation consists of four rooms of normal size. The operation is situated in the basement of the Royal Hawaiian Hotel with a side entrance. There are no signs outside the building. An advertising agency had used the area before it was converted into a radio studio.

Mr. Kometani believed that there were other radio stations located in hotels and inquired whether there is a difference in this instance.

The Director noted that those radio stations situated within the Hilton Hawaiian Village Hotel, the Biltmore Hotel, and a few others are situated within areas zoned for commercial use.

The Board took this matter under advisement on motion of Mr. Brown and second of Mr. Ting.

In discussing this matter later, the Board stated that the present situation is no different than those instances where other radio stations are situated in hotels. The only unfortunate thing is the underlying zoning is this instance. It requested the staff to check into this matter further with a possibility towards amending the accessory use provisions of the Hotel-Apartment regulations or placing this use under the Conditional Use Permit Ordinance. The staff should also consult with the applicant regarding these proposals and also the possibility of moving the operation into a commercial zoned area.

ACTION: A motion to defer action for further staff study was made by Mr. Brown, seconded by Mr. Ting, and carried.

APPEAL (ZONING) MANOA 3001-3009 EAST MANOA ROAD Y. T. LUM BY: FRANK W. HUSTACE, JR. ATTY.

The Board held a preliminary hearing on an appeal filed by Mr. Y. T. Lum to override the denial action of the Planning Director relative to an application for an extension of the existing business district boundary to include the rear portion of property situated at 3001-3009 East Manoa Road in Manoa, identified by tax map key: 2-9-26: Parcel 9.

The Director reported that his denial was based on the fact that adequate areas have been designated on the General Plan for commercial use to support the shopping needs of the community without further encroaching into the residential areas. In addition, the proposed extension of Lowrey Avenue through a portion of the appellant's property would act as a natural physical barrier to prevent further intrusion of commercial use into the residential section. Lowrey Avenue is one of the significant streets in this Valley area and upon its extension will be one of the major cross circulation streets.

The General Plan adopted in 1964 recommended against the intrusion of commercial uses into the residential areas and discouraged strip commercial development. Instead, it proposed the development of clustered commercial areas in appropriate locations with sufficient pedestrian and vehicular circulation system, adequate parking,

and efficient accessibility. Therefore, a similar request for extension of the commercial use to include the remainder of this subject parcel of land was denied in March, 1965.

Mr. Tan Tek Lum, son of the appellant, and Mr. Frank W.

Mr. Tan Tek Lum, son of the appellant, and Mr. Frank W. Hustace, Jr., attorney, representing Mr. Lum, were present. Mr. Hustace presented the following testimony:

- 1) They were here seeking relief from a situation created by government action.
- 2) The following maps were shown to the Board:
 - a. A tax map of the area with the property owner's parcel delineated in red and showing the proposed extension of Lowrey Avenue.
 - b. A similar map used by the City for the condemnation of a portion of Mr. Lum's property for Lowrey Avenue extension and the remainder of Mr. Lum's property delineated in red.
 - c. A map showing the resulting situation as a result of government action. A 20-foot strip hatched in red along East Manoa Road frontage was taken in 1952 for the widening of East Manoa Road. The areas colored in red are presently zoned business; the area in blue, in residential zone; and the area in brown, the Lowrey Avenue extension.
- 3) Mr. Lum is not contesting the taking of the area colored in brown for the extension of Lowrey Avenue since he recognizes that this is an essential connecting road.
- 4) The Business District created in 1943 extended to a depth of 100 feet from East Manoa Road on Mr. Lum's property. Mr. Lum believed that the street widening that took a 20-foot strip from the business zoned portion of his property did not affect this depth and believed that he still had a full business depth of 100 feet.
- 5) The extension of Lowrey Avenue will severe Mr. Lum's property into two. The makai section, which is contiguous to a service station property, contains an area of 8,089 sq. ft. of which 4,344 sq. ft. is zoned Business and 3,745 sq. ft. in residential zone. Placement of these two areas to their respective zoned uses is an impossibility. The residential zoned lot could not qualify for a single family residential dwelling because the lot area cannot meet the minimum lot size requirement of 7,500 sq. ft. within a Class A-1 Residential zone. The business zoned portion of only 4,344 sq. ft. would be uneconomical for development. By extending the business boundary to the rear of the lot, an aggregate area of 8,089 sq. ft. could be usable and could eliminate a large portion of the hardship created by government action.

- 6) In examining past correspondence from the Planning Department, it is his understanding that the Department has no serious objection to the inclusion of the entire area makai of Lowrey Avenue extension for commercial use.
- 7) With respect to the portion of the parcel mauka of Lowrey Avenue extension, the business zoned area contains 8,771 sq. ft. and the Class A-1 zoned area 10,917 sq. ft. for an aggregate area of 19,688 sq. ft. If all lot lines were wiped out and the entire area is being replanned, a major connection seems a logical physical boundary to prevent commercial use farther up the Valley. However, from a practical standpoint, it is quite possible, through the means of proper placement of buildings, setback, landscaping, and buffer areas, to minimize many of the objectionable features of a business use next to a residential area.
- 8) Residential use for this major street corner does not seem highly desirable. Assuming that this entire corner parcel containing 19,688 sq. ft. was zoned for residential use and applying the 7,500 sq. ft. minimum per lot, this gives two very large lots in an area which frankly cannot support large lots. In this type of neighborhood and in this general location, the possibility of a ready sale of land of this size and of this type of character is not a realistic one.
- 9) Any type of commercial use requires parking; therefore, confining the business use to only that portion presently zoned business would necessitate a great intensity of use in order to get the required number of offstreet parking spaces. A bad access problem would then
 be created at this corner.
- 10) Mr. Skrivanek has stated a truism when he indicated that Lowrey Avenue would permit tremendous circulation within the area. The highest and best use for this mauka parcel would then be to place it entirely in business use with frontage on Lowrey Avenue rather than on East Manoa Road. Access off Lowrey Avenue is also highly desirable than on East Manoa Road. Extending the business boundary to Kaloaluiki Street will provide a most useful and desirable frontage from the planning standpoint and the proper placement of commercial uses on the property.
- 11) It is often stated that there is sufficient amount of commercial space available in an area. This signifies to most people that there are enough space for stores in the retail trade. There is a substantial shopping center nearby which deals in retail trade, such as super market, drug store, and so forth, requiring a large parking area. In any type of business zone, and this is particularly true in areas that are in the vicinity of residential uses, there are business uses that are oriented to residential use. These are doctors' and dentists' offices and the various collateral businesses which directly service the residential community. Mr. Lum proposes to develop a project that would be desirable and that would fit in with the character of the area.

12) The University of Hawaii recently acquired land in the immediate vicinity and intends to place it to uses which would be considered commercial if those uses were conducted by a private individual.

The Chairman advised that in order for an appeal to be sustained, there must be a showing that the Director's action was based on an erroneous finding of a material fact, or that the Director had acted in an arbitrary or capricious manner or had manifestly abused his discretion. He asked for confirmation that this is an appeal from the action of the Planning Director.

Mr. Hustace stated that it is, but he assumed that this proceeding was being held under the provision of Section 5-507 (b), variance request, instead of Section 5-507 (a), appeal, because the notice of preliminary hearing had indicated a variance. He presumed that this was a preliminary hearing to determine whether or not to call a public hearing at which time the appropriate action could be taken.

Since he was retained by Mr. Lum after the letter of appeal was filed, Mr. Hustace, at this time, revised the application which is to be based on:

- 1. An appeal from the action of the Planning Director; and in the alternative
- 2. A variance from the provisions of the applicable ordinance to permit the use requested on the facts just presented.

The Board stated that it had received sufficient evidence at this time and expressed a desire to visit the area.

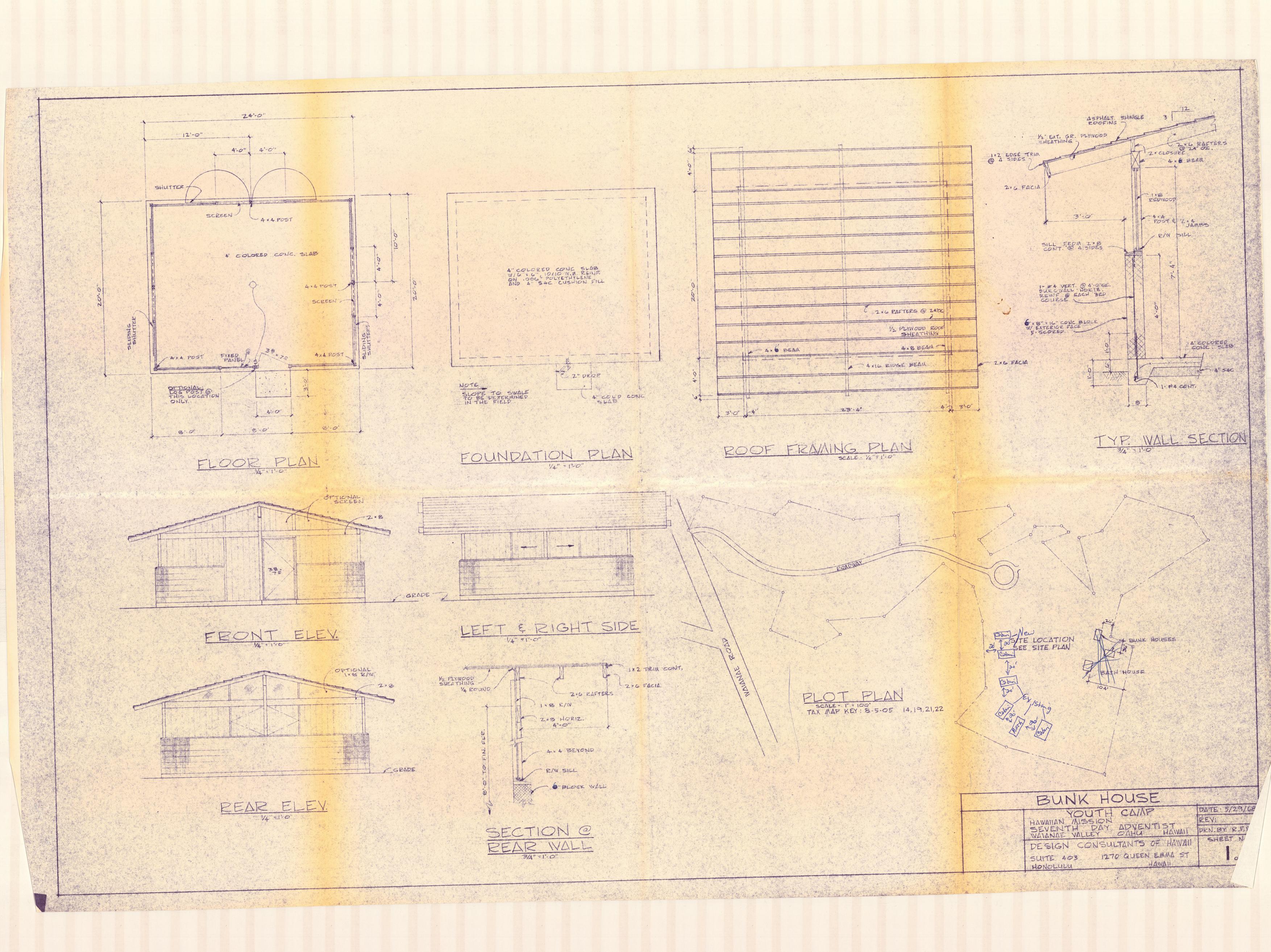
This matter was taken under advisement on motion of Mr. Brown and second of Mr. Ting.

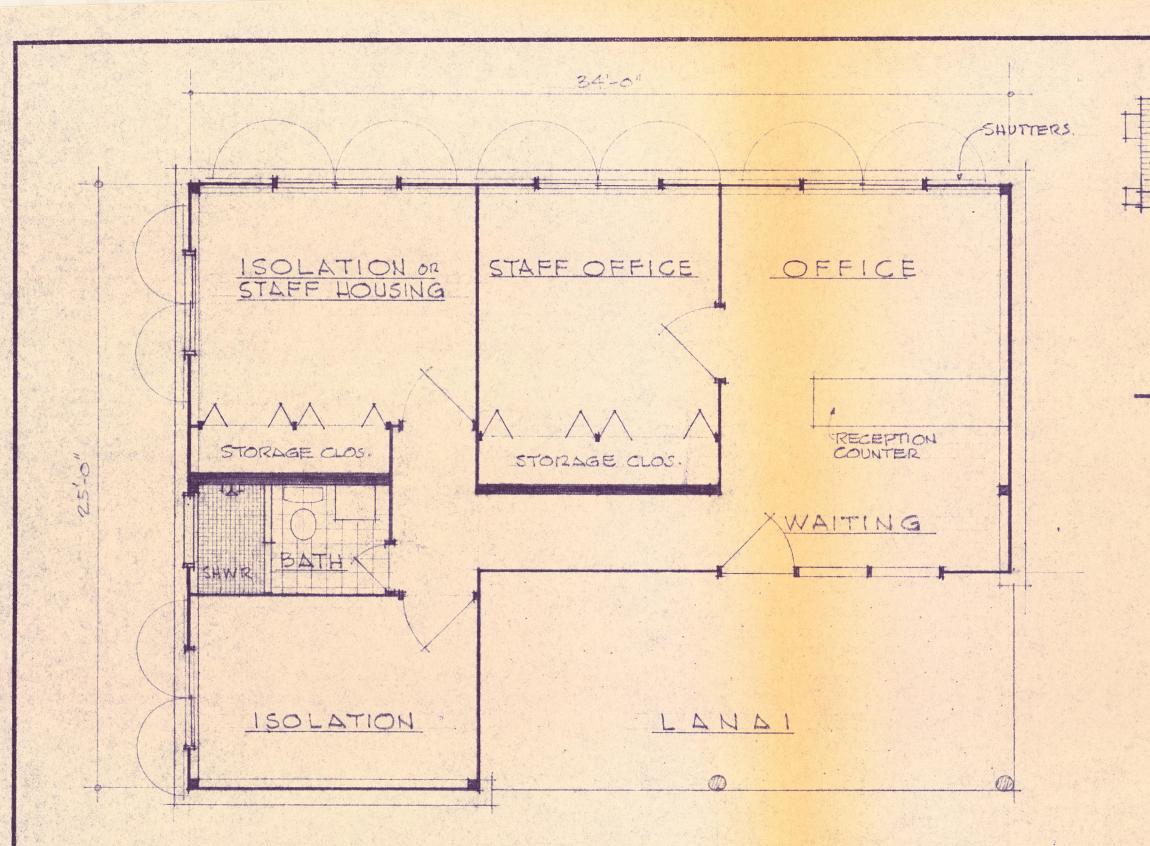
The Board considered this matter later and based upon the facts presented determined that the Director's action was not based on an erroneous finding of a material fact nor had the Director acted in an arbitrary or capricious manner or had manifestly abused his discretion.

ACTION: The Board, on motion of Mr. Brown and second of Mr. Ting, upheld the action of the Director and denied this appeal.

ACTION: The Board, on motion of Mr. Brown and second of Mr. Ting, deferred action on the variance application pending a visit of the site.

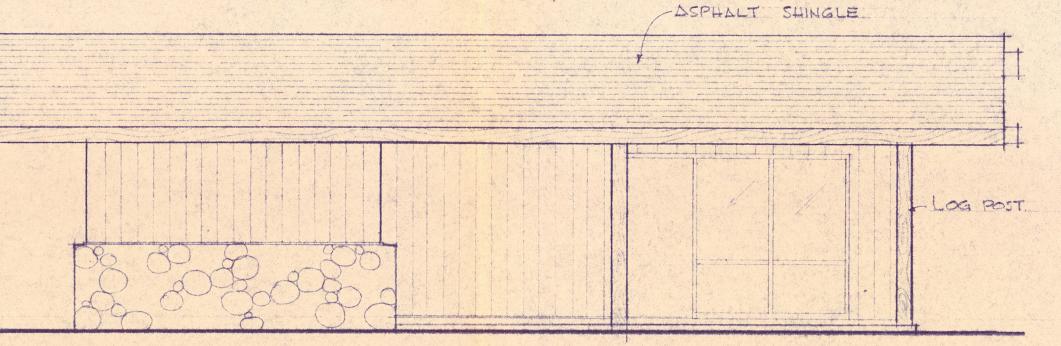
The Board requested the staff to present at the next meeting, information on all the business areas in Manoa, their occupancy, and also pertinent information on the shopping center in Manoa.





FLOOR PLAN SCALE: 1/4" = 11-0"

LOCKERS



FRONT ELEVATION

MATERIALS OF CONSTRUCTION

REINFORCED COLORED CONCRETE SLAB ON GRADE

EXTERIOR WALLS: ROCK WALL AND IX & REDWOOD TEG SIDING.
ROUGH SURFACE ON EXTERIOR

PRESERVATIVE TREATED WOOD BEAMS, RAFTERS AND

5/8" PLYWOOD SHEATHING WITH ASPHALT SUINGLE ROOFING.

STRUCTURE:

ROOF:

INTERIOR PARTITIONS: 3/4" REDWOOD TEG SIDING.

GLAZED CERAMIC TILE WAINSCOT. SHOWER: DOORS: STOCK FLUSH VENEERED DOORS

CLEAR GLASS SLIDING WOOD SASH WITH SHUTTERS. WINDOWS:

PRESSURE TREATED PLYWOOD CABINET & SHELVES, MILLWORK:

FINISHES! WOOD STAIN THRU- OUT.

ADMINISTRATION AND HEALTH

SCREEN

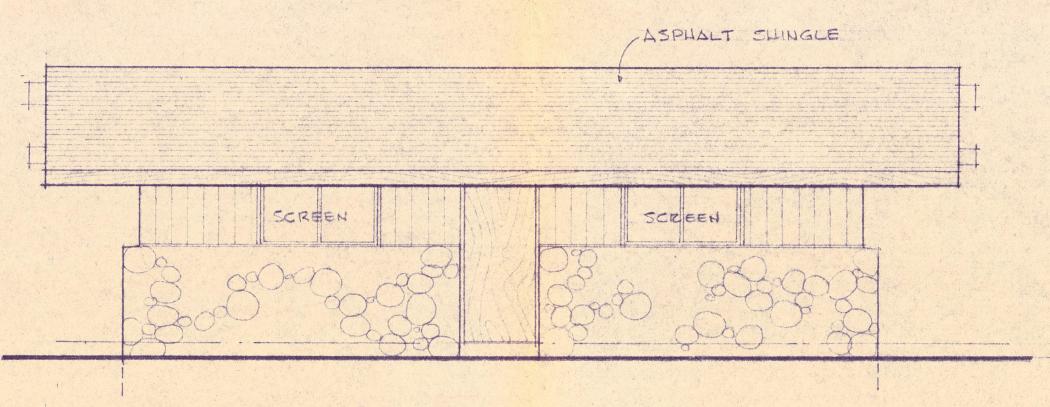
SLIDING PANEL

BUNK

BUNK

BANK

SCONC. APRON.



FRONT ELEVATION

MATERIALS OF CONSTRUCTION

FLOOR:

REINFORCED COLORED CONCRETE SLAB ON

EXTERIOR WALLS: ROCK WALL & IX8 REDWOOD T&G. SIDING, ROUGH SURFACE ON EXTERIOR.

PRESERVATIVE TREATED WOOD BEAMS, RAFTERS & POST. STRUCTURE;

5/8" PLYWOOD SLIEDTHING WITH ASPHALT SLINGLE. ROOF:

POORS: STOCK FLUSH VENEERED POOR.

SCREENED OPENING WITH SLIDING PANELS. WINDOWS:

FINISHES! WOOD STAIN THRU-OUT.

COTTAGE

FLOOR PLAN

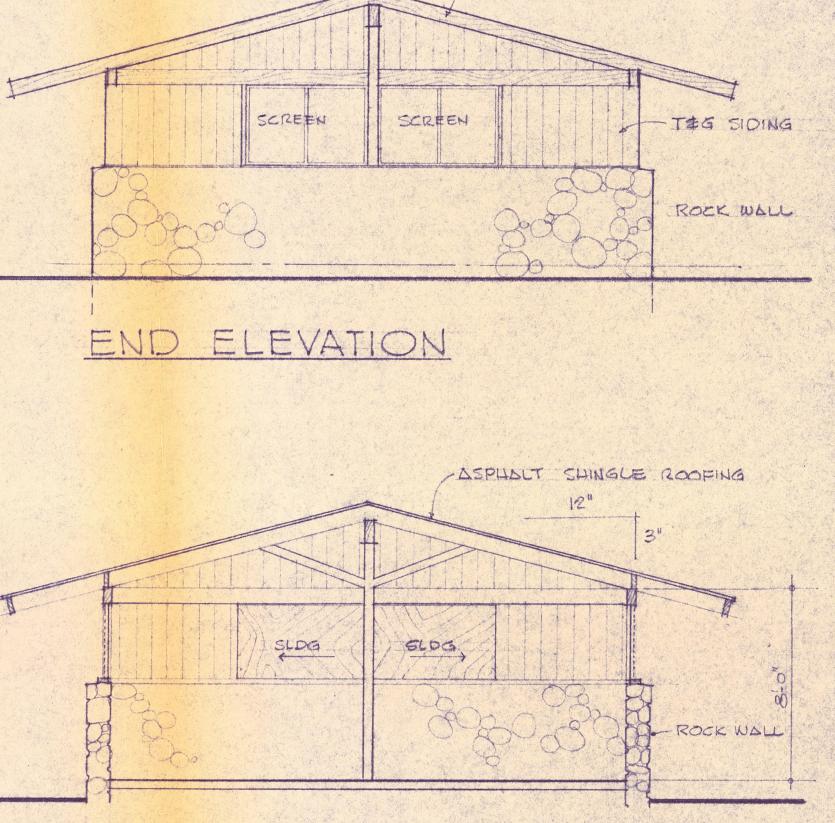
SCALE: 1/4" = 1'-0"

BUNK

BUNK

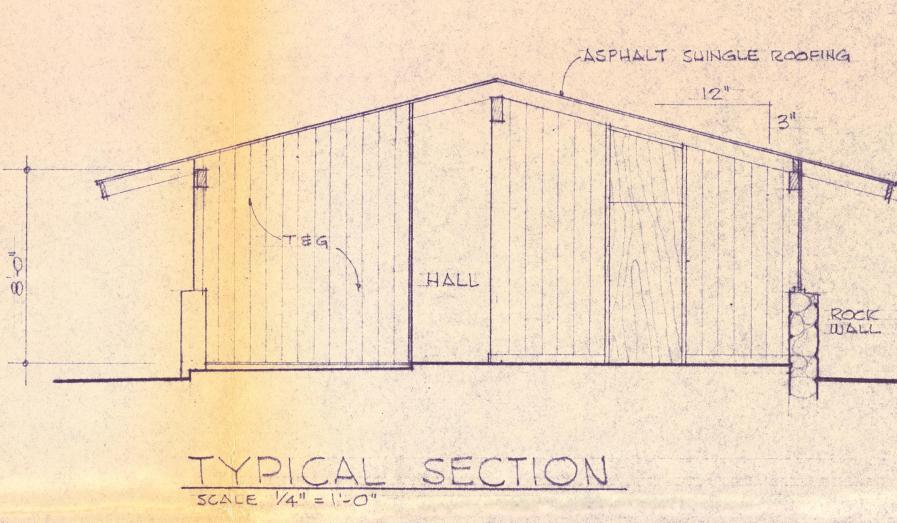
BUNK

BUNK



TYPICAL SECTION

ZX8 FASCIA



-LOG POST

END ELEVATION

WONG, INC.

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY SUPERVISION.

-1×8 FASCIA

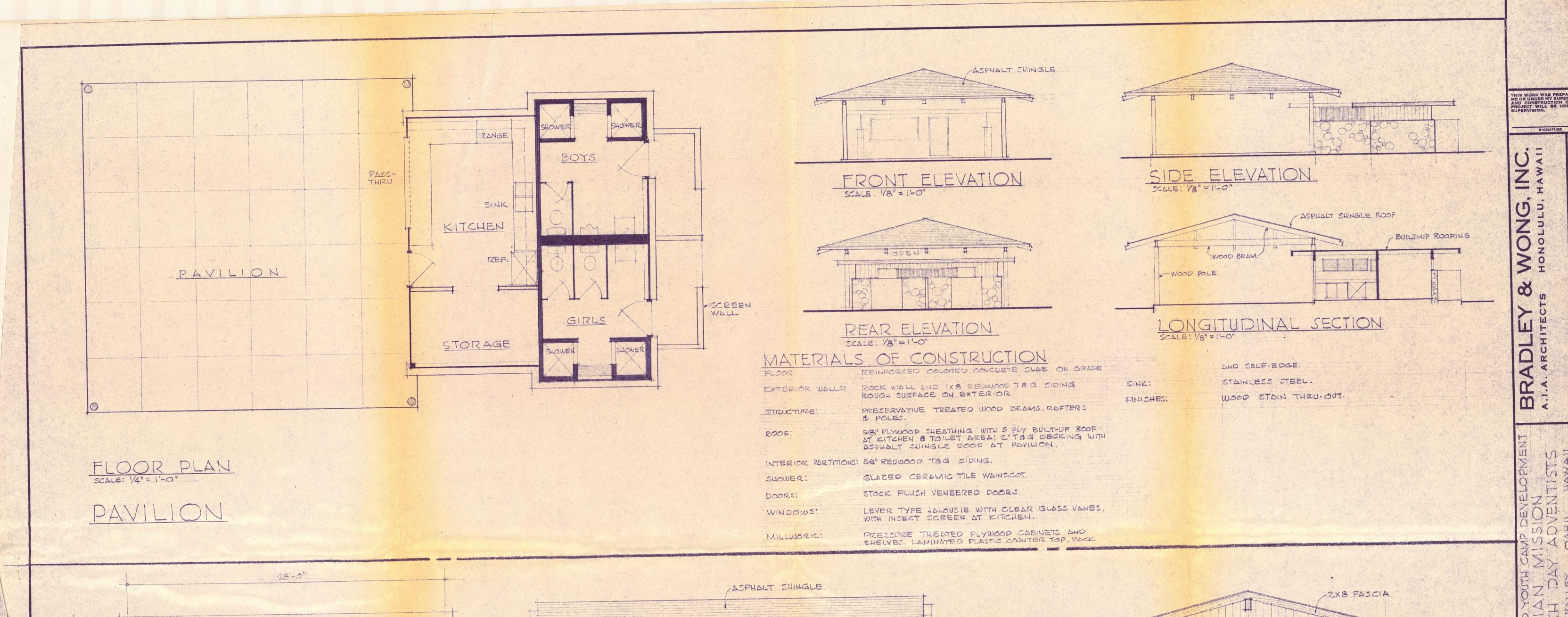
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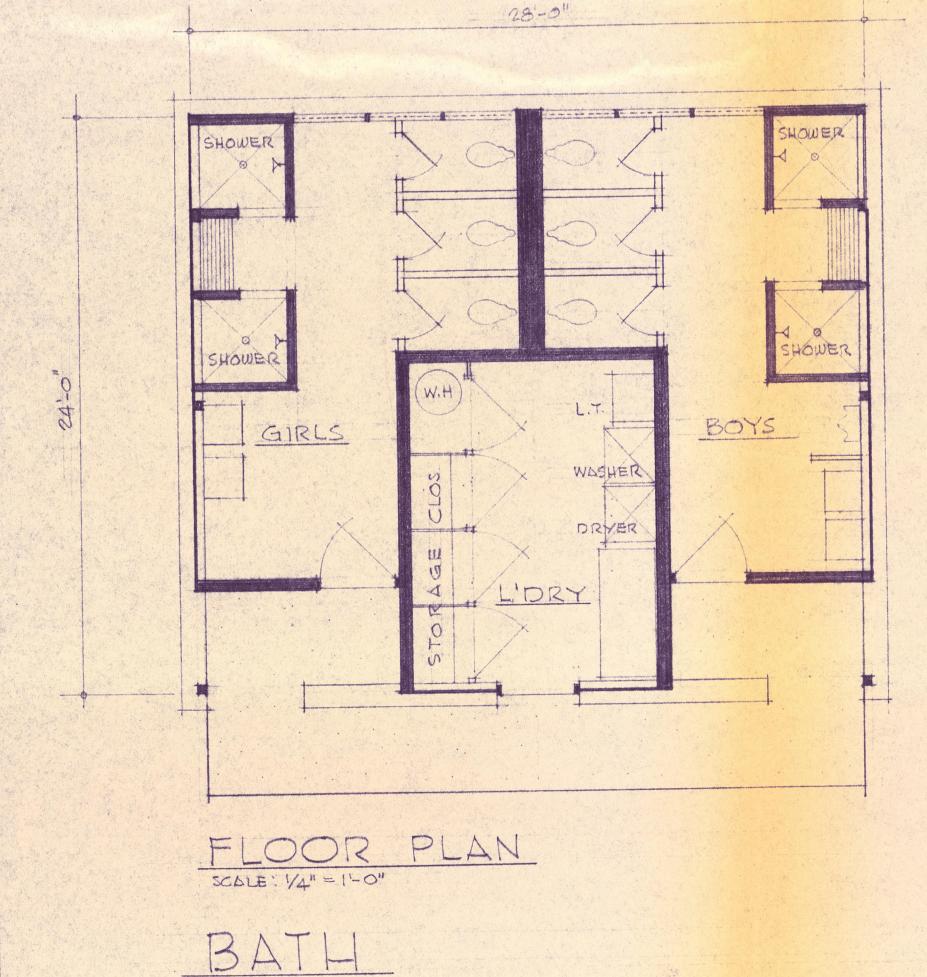
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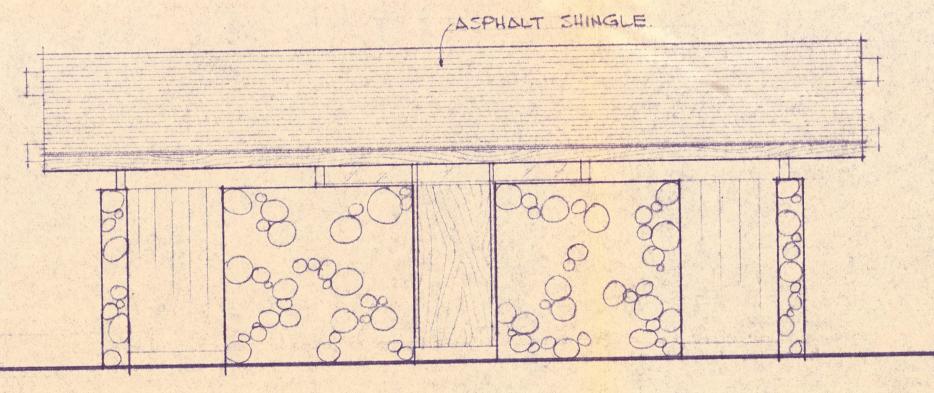
JOB NO. DRAWN BY

DATE

SHEET NO.







FRONT ELEVATION MATERIALS OF CONSTRUCTION.

REINFORCED CONZETE SLAB ON GRADE. FLOOR: EXTERIOR WALLS: ROCK WALL AND IX8 REDWOOD TEG SIDING ROUGH SURPACE ON EXTERIOR

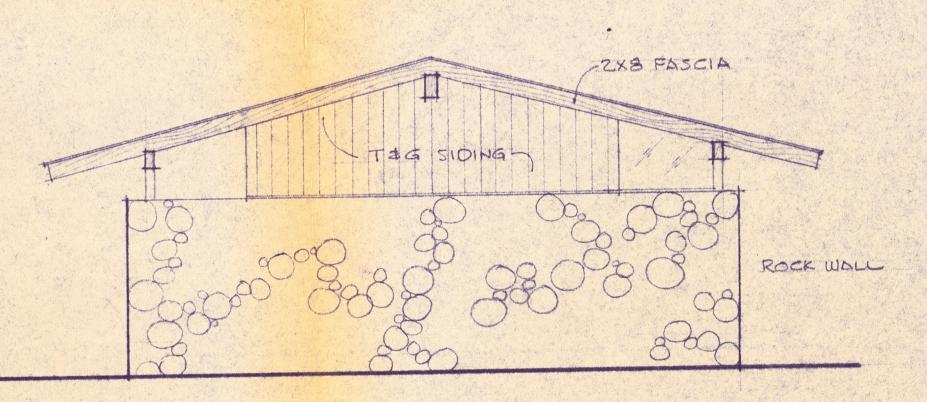
PRESERVATIVE TREATED WOOD BEAMS, RAFTERS STRUCTURE: & POSTS.

5/8" PLYWOOD SUEATHING WITH ASPHALT SHINGLE. ROOF:

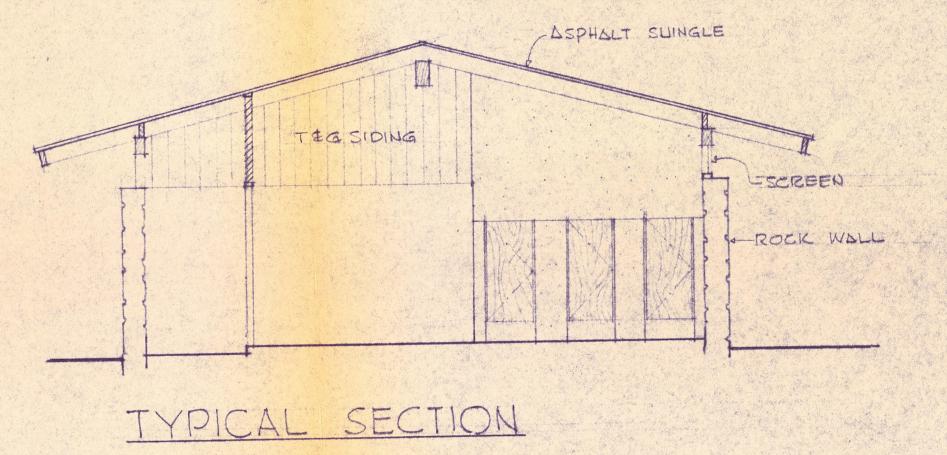
INTERIOR PARTITIONS! 3/4" REDINOOD TAG.

GLAZED CERAMIC TILE WAINSCOT. SHOWER: STOCK FLUSH VENEERED DOORS. DOORS: FIXED GLASS LOOVERS WITH SCREEN WINDOWS:

WOOD STAIN TURU- OUT FINISHES!



END ELEVATION



BATH PAVILION

JOB NO.

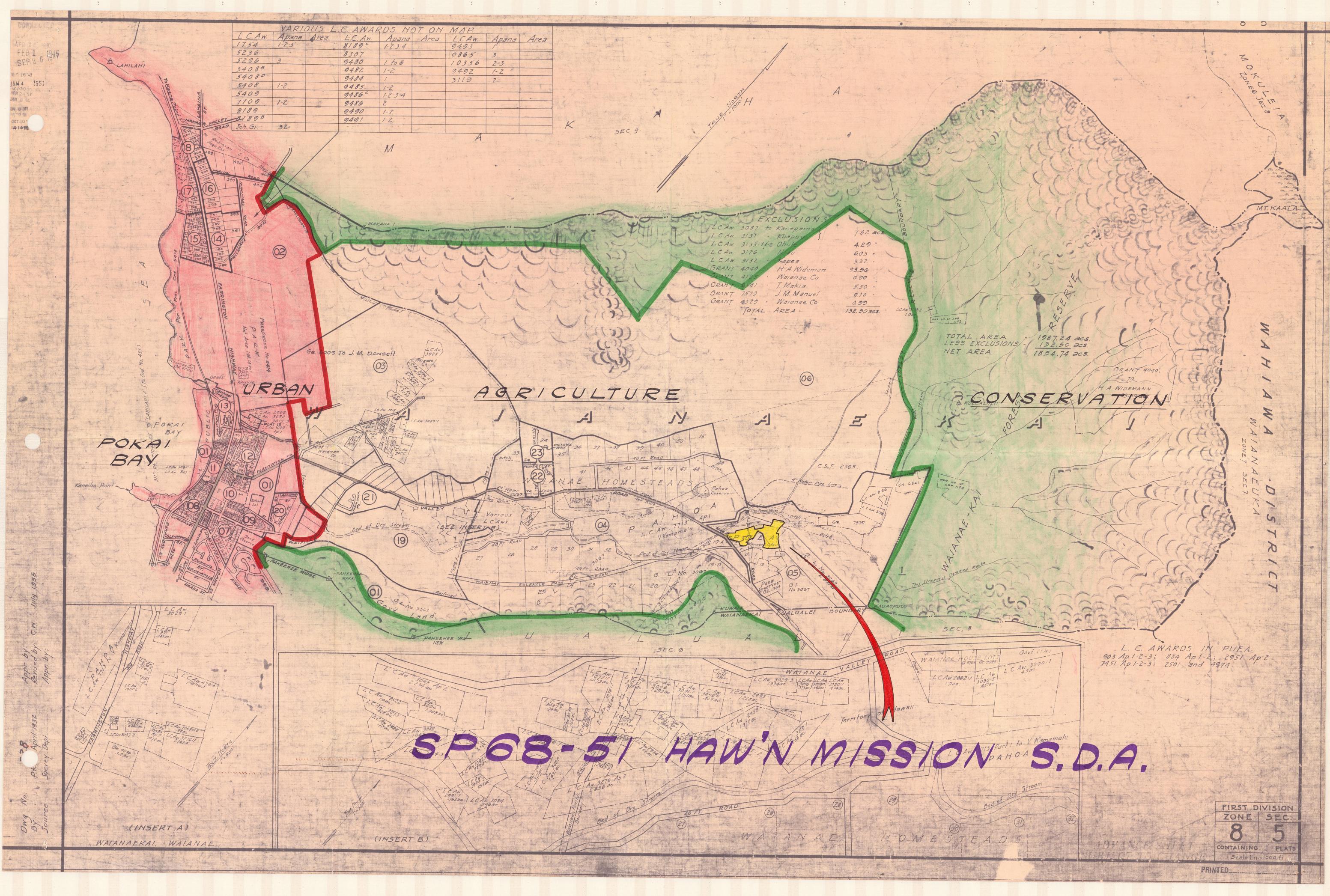
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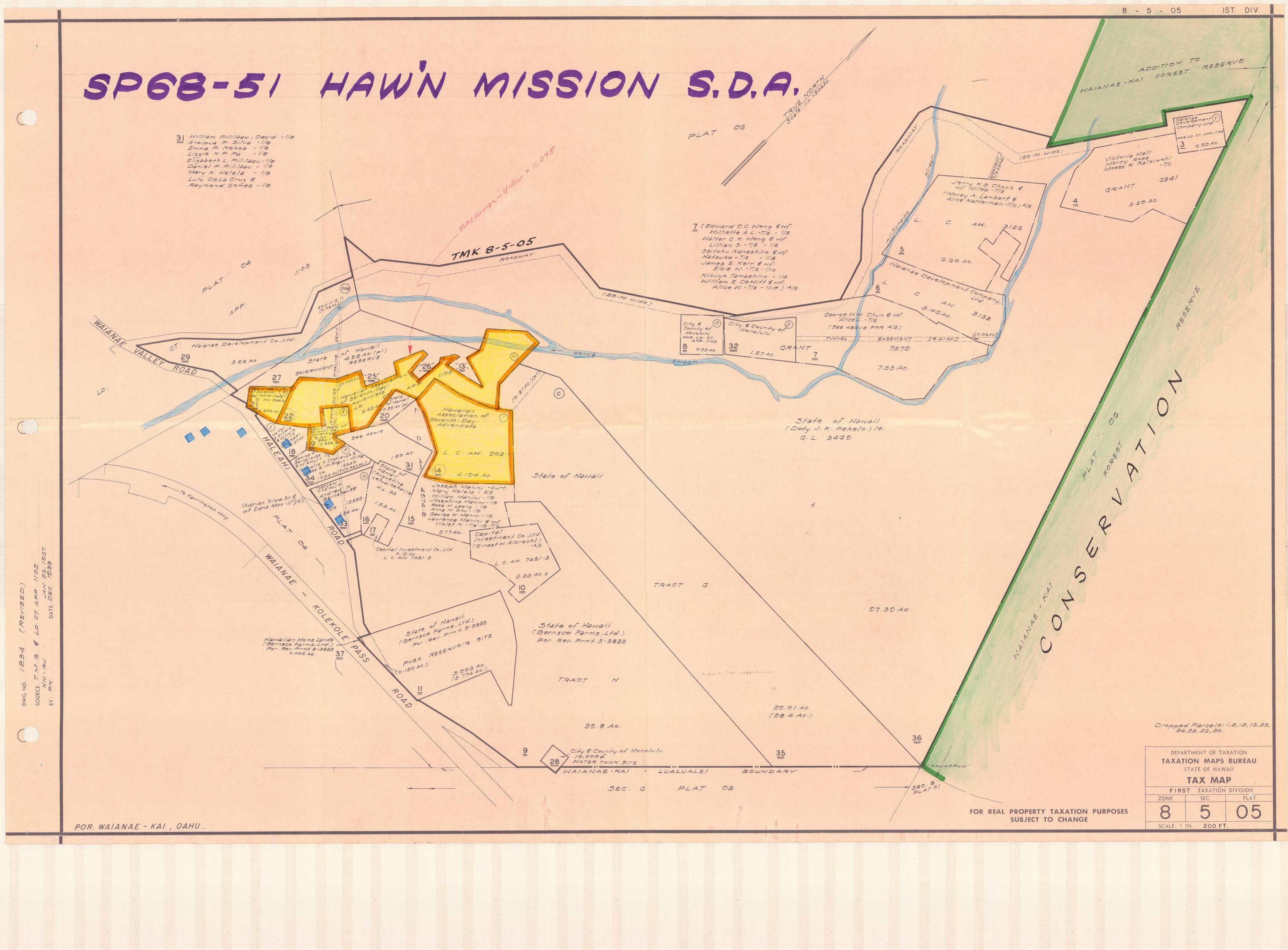
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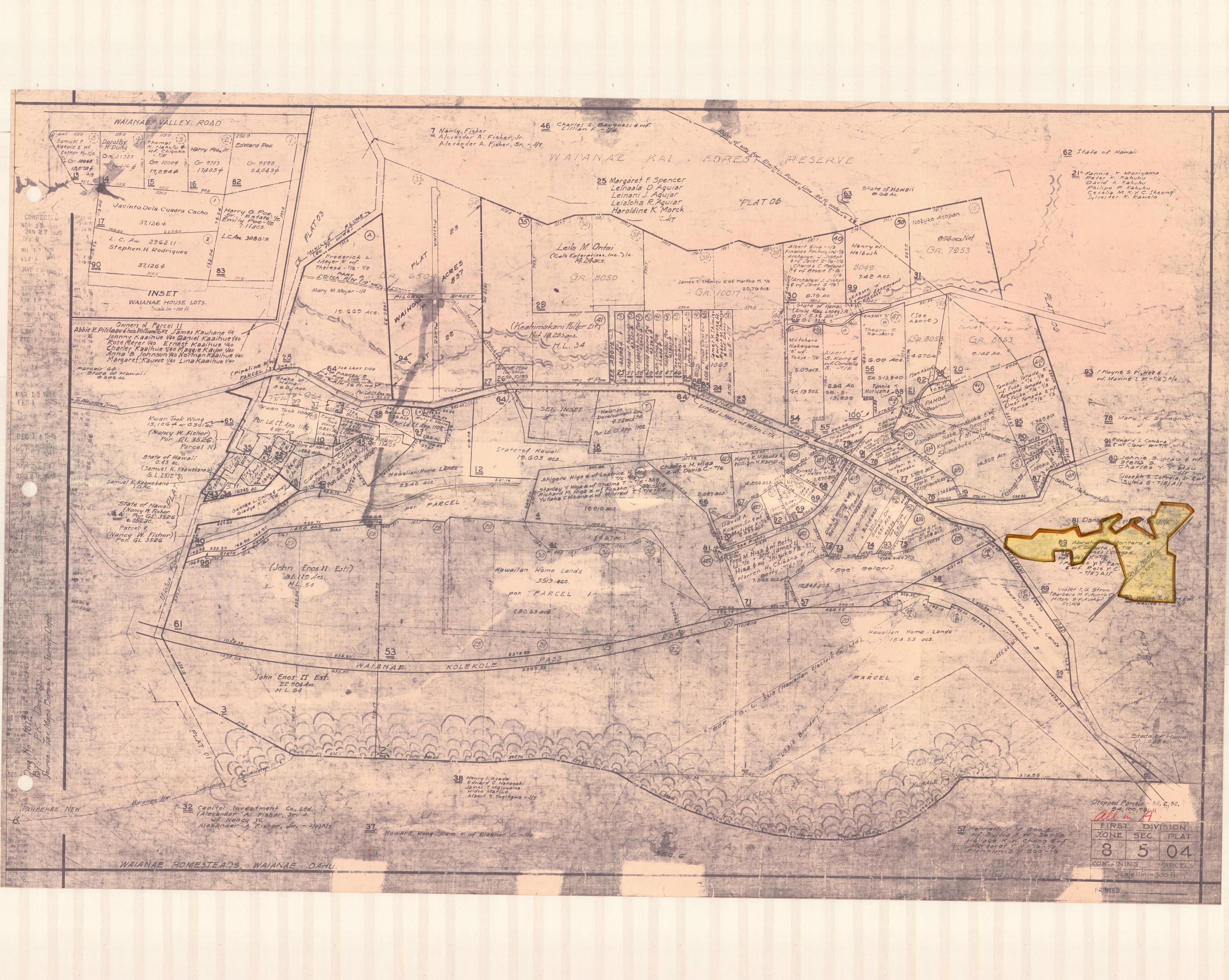
DATE

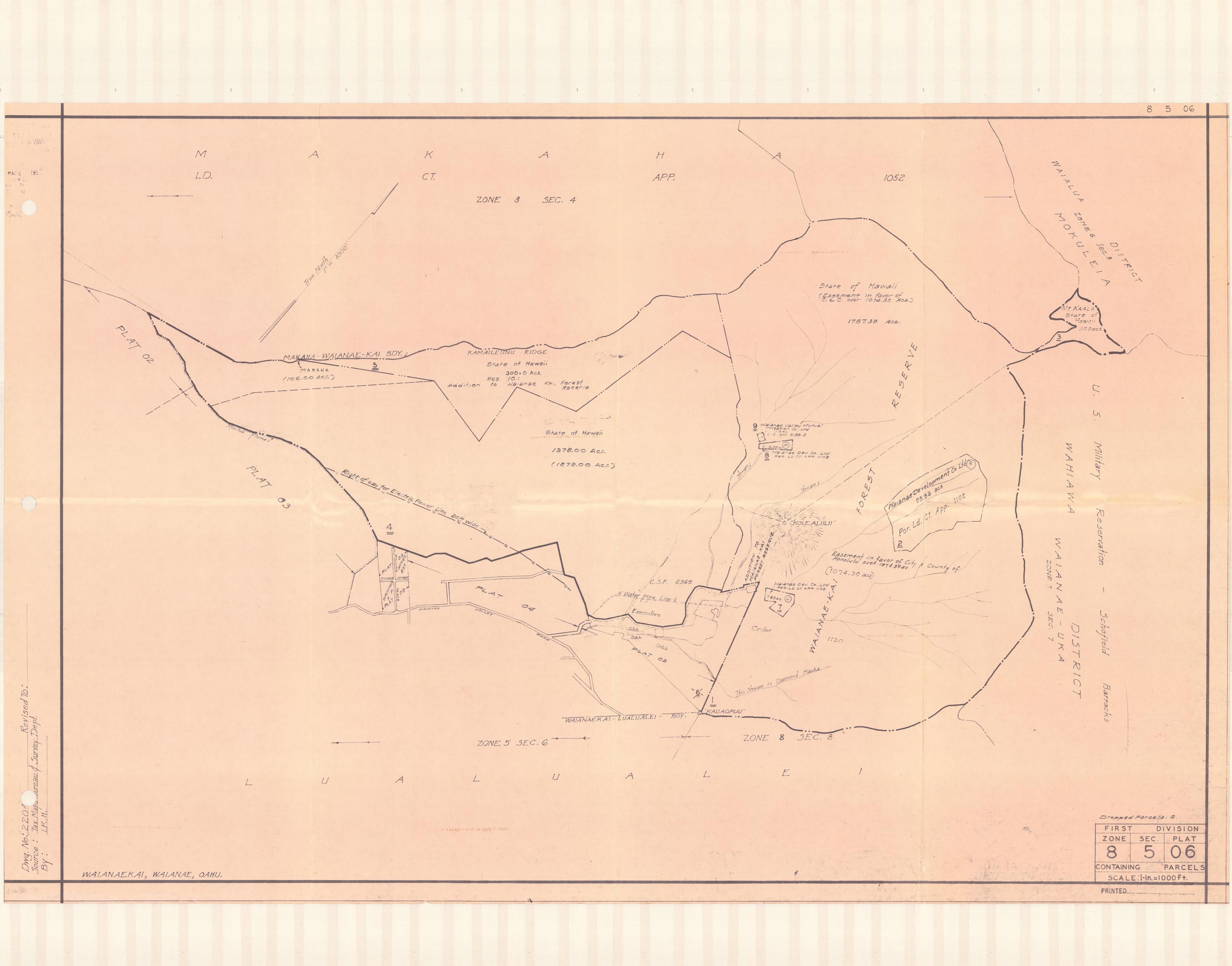














Call Mrs. Tamanaha

Call Mrs. Tamanaha

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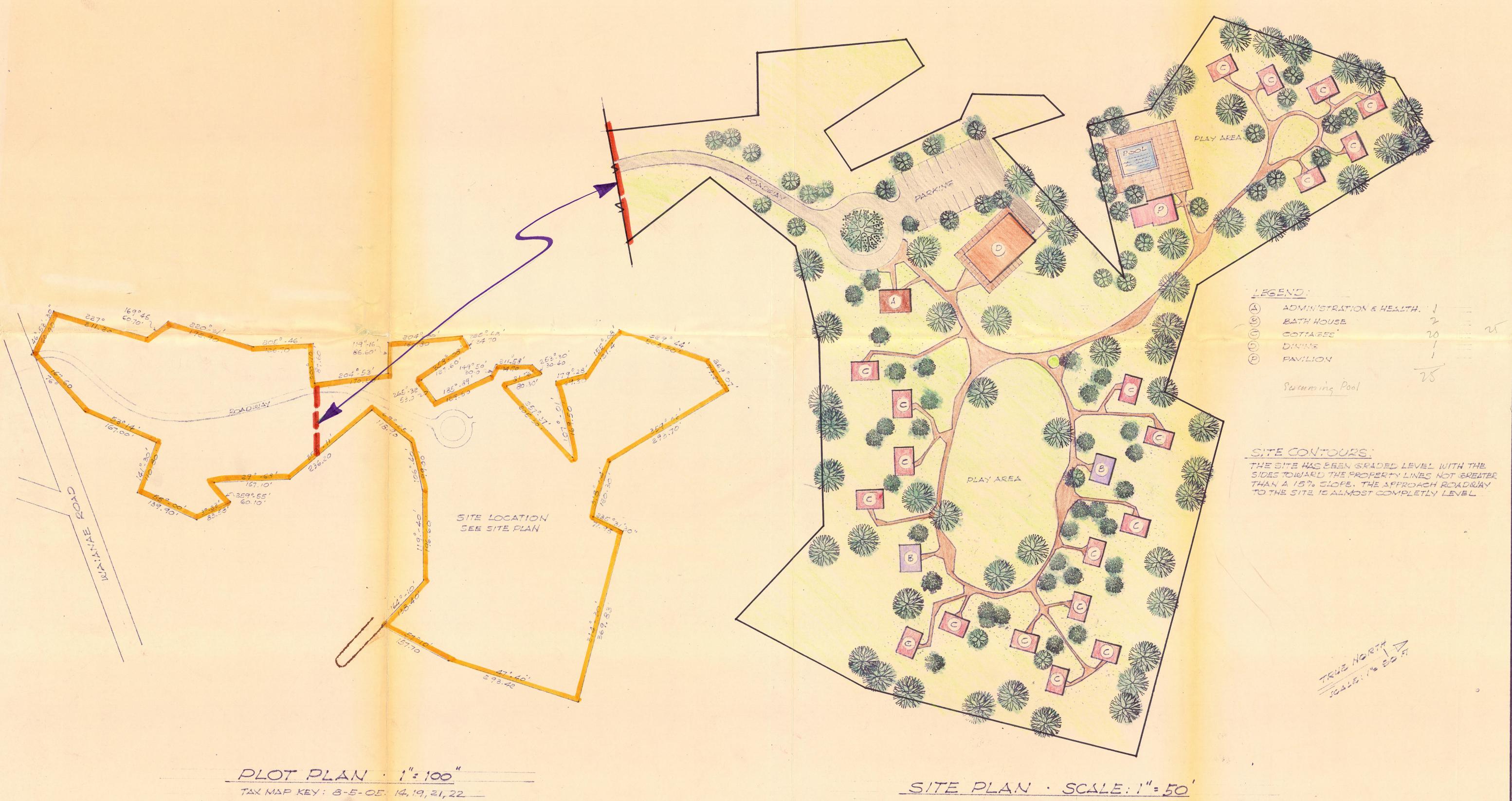
Canysite Approved

Build pour

6°/69

5/1/69

SP68-51 HAW'N MISSION S.D.A.



HIS WORK WAS PREPARED E OR UNDER MY SUPERVISI ND CONSTRUCTION OF TR ROJECT WILL BE UNDER I UPERVISION.

WONG, INC. HAWAII

WALLEY DAY ADVENTISTS

TANAE VALLEY DAHL HAWALL

OB NO.

DATE

SHEET NO.

Atom Copy

This space for official use

STATE OF HAWAII LAND USE COMMISSION

426 Queen Street Honolulu, Hawaii

Date	Applicat:	ion	and	Fee	
	received	by	LUC		
	4				
Secretaria de la constitución de	and returning of after report and high development	Profesion Property	NAME OF TAXABLE PARTY.		SALESTAN

APPLICATION FOR SPECIAL PERMIT

(We) hereby request approval	of a special	l permit to use certain
property located in the County of HONOLU	LU, Isla	and of OAHU, Land
Use Commission Temporary District Boundary	map number a	and/or name
, for the following	ing-described	d purpose:
The Petitioners propose to construct a Youth Can swimming pool, two toilet and bath houses, and Property consists of Description of property: and attached hereto amended; Lot I Being the whole of R.P.1070 L.C., R.P.2151L.C.Aw.884 AP.3 to PUHI, and Lot 3 be AUHULU and designation of Waterline Easement of	administration Land shown or ; formerly kno Aw.903 AP I t ing the whole	building, and a dinning hall. Tax Map Key 8-5-05 outlined in red wn as Lot N of Ld.Ct.App.1102 O Lauhulu Lot 2 being the whole of of R.P.1070 L.C.Aw 903 AP.3 to
Petitioner's interest in subject property:		
Owner		
The area in which the above described Agricultural and the Hawaiin Association of Seven and conduct a Youth Camp upon the property.	nth Day Adver	
	Address: Telephone:	Seventh Day Adventists- Hawaiin Mission 1026 South King Street Honolulu, Hawaii Phone: 564-436
This space for	official us	
The property is situated in a(n) regulations adopted by the Land Use Commis	sion prohibi	
	Tor (agency	

