

<b>SPECIAL PERMIT</b>	
Petition Received	12/27/77
Maps	2/1/78 <i>only</i>
Action Span	12/27/77 - 2/10/78
Action Date	
Recordation	3/3/78 <i>only</i>

1/6/78 - 2/20/78 →



February 15, 1978

CITY PLANNING COMMISSION  
Honolulu Municipal Building  
650 South King Street  
Honolulu, Hawaii 96813

Attention: Mr. Eugene B. Connell, Executive Secretary to  
the Planning Commission

Gentlemen:

At its meeting on February 14, 1978, the Land Use Commission voted to approve a Special Permit request by Mr. & Mrs. Philip Calilao, Oahu (SP77-286) to allow the expansion of an existing commercial building situated within the State Land Use Agricultural District at Sunset Beach, Oahu, Tax Map Key 5-9-14: 16.

Approval of this Special Permit is subject to the conditions imposed by the City Planning Commission.

A copy of the staff memorandum is enclosed for your information.

Sincerely,

GORDAN Y. FURUTANI  
Executive Officer

GYF:jy  
Encl.

cc: Mr. & Mrs. Philip Calilao  
Ramon Duran, Chief Planning Officer,  
Dept. of General Planning  
George Moriguchi, Director, Dept. of  
Land Utilization  
Tax Maps Recorder, Dept. of Taxation  
Property Technical Office, Dept. of Taxation  
Real Property Tax Assessor, Dept of Taxation  
Dept. of Planning and Economic Development  
Office of Environmental Quality Control  
Division of Land Management, DLNR



February 15, 1978

Mr. & Mrs. Philip Calilao  
59-634 Kam Highway  
Sunset Beach, Haleiwa, Hawaii 96712

Dear Mr. & Mrs. Calilao:

The original of the attached letter is on file  
in the office of the Department of General Planning,  
650 South King Street, Honolulu, Hawaii.

Sincerely,

GORDAN Y. FURUTANI  
Executive Officer

GYF:jy  
Encl.

EAGLE-A

TYPE-ERASE

65% COTTON FIBER USA



STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 (B & C)  
New State Building  
Honolulu, Hawaii

Approved

JUN 14 1978

February 14, 1978 - 9:00 a.m.

COMMISSIONERS PRESENT: Charles Duke, Acting Chairman  
James Carras  
Shinsei Miyasato  
Shinichi Nakagawa  
Carol Whitesell  
Edward Yanai

COMMISSIONER ABSENT: Colette Machado  
Mitsuo Oura  
Stanley Sakahashi

STAFF PRESENT: Gordan Furutani, Executive Officer  
Daniel Yasui, Planner  
Tany Hong, Deputy Attorney General  
Allan Kawada, Deputy Attorney General  
Dora Horikawa, Clerk Reporter  
  
Benjamin Matsubara, Consultant  
Ray Russell, Court Reporter

ACTION

Upon motion by Commissioner Whitesell, seconded by Commissioner Machado, it was unanimously approved to delete Item 3. Blackwell Construction, Docket A77-431, from the agenda.

It was also moved by Commissioner Nakagawa, seconded by Commissioner Carras, and unanimously agreed to add action on the Special Permit request by Akeshi Hashimoto, SP78-491 to the agenda.

A77-434 - THOMAS S. AND THERESA M. YAGI

In the matter of the boundary amendment petition by Thomas S. Yagi and Theresa M. Yagi, Docket A77-434, on which a hearing was conducted on December 9, 1977 by Hearing Officer Benjamin Matsubara, Mr. Matsubara presented a resume of his findings and recommendations. He also advised that no document had been filed by any of the parties in response to his proposed findings which had been served on all the parties.



There was some discussion regarding the total area agreed upon by all parties as being the subject of this petition.

Commissioner Nakagawa moved to accept the Hearing Officer's report and approve the boundary amendment from the Rural into the Urban District. The motion was seconded by Commissioner Carras and carried with the following votes:

Ayes: Commissioners Yanai, Carras, Nakagawa, Miyasato, Whitesell, Chairman Duke

SP78-291 - AKESHI HASHIMOTO

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF AN ANTHURIUM PACKING AND STORAGE BUILDING, ETC., AT NANAWALE HOMESTEADS, PUNA, HAWAII

Chairman Duke noted for the record that Mr. Tany Hong, Deputy Attorney General, who had counseled the Commission up to this point today had been replaced by Mr. Allan Kawada, Deputy Attorney General.

The Executive Officer oriented the Commission to the location of the subject parcel with the aid of the posted maps.

Commissioner Carras moved to grant the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was seconded by Commissioner Nakagawa and unanimously passed.

✓ SP77-286 - MR. & MRS. PHILLIP CALILAO

SPECIAL PERMIT TO ALLOW THE EXPANSION OF AN EXISTING COMMERCIAL BUILDING AT PAUMALU, KOOLAULO, OAHU

Mr. Daniel Yasui, staff planner, pointed out the location of the subject parcel on the maps. Questions were posed by the Commission regarding the various uses in the adjacent areas, County's condition relative to review of any revisions in the submitted plans, etc.

Commissioner Nakagawa moved to approve the Special Permit, subject to the conditions set forth by the County Planning Commission. Commissioner Carras seconded the motion and it was unanimously passed.

SP78-287 - ANTONE S. BRAS

SPECIAL PERMIT TO ALLOW THE ESTABLISHMENT OF A BAKERY AT KOKOMO, MAUI

Mr. Yasui identified the parcel on the maps and oriented it with various surrounding landmarks and presented a resume of the staff report.



STATE OF HAWAII  
LAND USE COMMISSION

VOTE RECORD

SP77-286

ITEM Mr. & Mrs. Phillip Calilao  
Conf. Rm. 322 (B&C)  
PLACE New State Bldg.  
Honolulu, Hawaii

DATE February 14, 1978  
TIME 9:00 a.m.

NAME	YES	NO	ABSTAIN	ABSENT
CARRAS, JAMES	X			
NAKAGAWA, SHINICHI	X			
YANAI, EDWARD	X			
<del>MACHADO, COLETTE</del>				X
WHITESELL, CAROL	X			
DUKE, CHARLES	X			
<del>OURA, MITSUO</del>				X
MIYASATO, SHINSEI	X			
<del>SAKAHASHI, STANLEY</del>				

Comments:

I move that we approve the Special Permit request, subject to the conditions imposed by the City Planning Commission.



STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission

DATE: February 14, 1978

FROM: Staff

SUBJECT: SP77-286 - Mr. & Mrs. Philip Calilao

The petitioners, Mr. & Mrs. Philip Calilao, are requesting a Special Permit to allow the expansion of an existing commercial building on approximately 8,746 square feet of land situated within the State Land Use Agricultural District at Sunset Beach, Oahu, Tax Map Key 5-9-14:16 (see attached location map).

The petitioners intend to expand an existing nonconforming commercial structure (Kammie's Market). The one story "L" shaped building presently contains approximately 1,936 square feet. The proposed expansion would add approximately 1,010 square feet to the existing structure (see attached site plan, Exhibit A).

In support of the request, the following has been stated:

"The owner proposes to construct an extension to an existing building which was built at the time the property was zoned as Commercial. Although the zoning is now Agricultural, the extension will not change the existing land use conditions and will comply to the guidelines established by the State Land Use Commission for 'unusual and reasonable' uses within Agricultural & Rural Districts.

"The desired use will not adversely effect the surrounding property in that the construction is only an enlargement of the square footage. The basic shape of the building will remain the same and will not be increased in height. Likewise, visually there will be very little change. There will not be an increase in traffic or parking area.

"Being that the present land use will remain the same there will not be any unreasonable burden on public agencies to provide additional facilities or improvements."

The County's Detailed Land Use Map designates the subject property for commercial use. The zoning designation is AG-1 Restricted Agricultural.



"The desired use is going to be essentially the same as the existing use. It would mean continuation of a pocket of commercial activity along this rural section of Kamehameha Highway. The limited expansion will not have any adverse effects on surrounding property.

"All public agencies have responded that services are adequate to support the current and proposed use. As this is an isolated commercial activity, it is unlikely that any significant changes in the neighborhood or services to the neighborhood can be attributed to the permit being sought.

"The resident population of the agricultural and residential districts of the North Shore has increased moderately in recent years. The visitor and weekend population coming to the area for recreation has substantially grown. This has increased the demand for commercial facilities.

"The subject site is only a little over 8,000 square feet in size. Such a small parcel is ill suited for agricultural use. According to the Detailed Land Classification Maps prepared by the Land Study Bureau, this site is classified 'U' for urban to reflect the current use. Surrounding lands are classified 'D'. (Class A is prime agricultural land. Class E is poor agricultural land.)"

The Department of Land Utilization recommended approval of the Special Permit based upon the following conclusions:

- "1. The proposed expansion of the commercial use on this site is minor in nature and will not constitute a threat to the viability of agriculture in this area.
- "2. Although it lies within the State agricultural district, the site is designated for commercial on the City and County Detailed Land Use Map.
- "3. The government agency reviews confirmed that all public facilities and services are adequate to support the proposal.
- "4. The appearance of the commercial development will remain essentially unchanged from the present.
- "5. Because the site is within an AG-1 zoning district, the applicant has indicated that he will seek a variance from the Zoning Board of Appeals if the Special Permit is approved. Under County zoning law, the nonconforming use cannot be expanded.

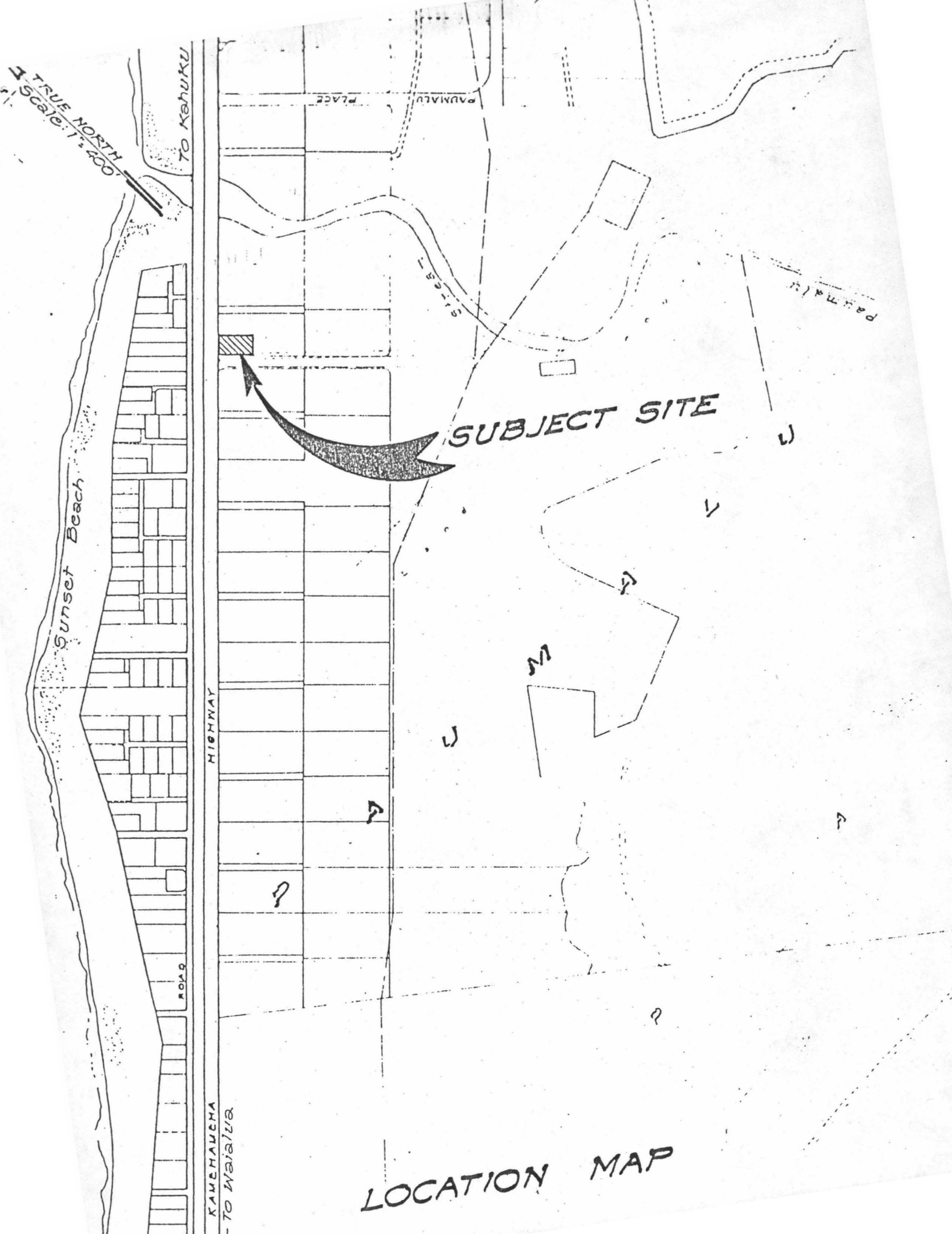
- "6. The proposal qualifies as an unusual and reasonable use under the provisions of the Land Use Law."

At the public hearing held by the City Planning Commission on October 25, 1977, no one spoke in favor or in opposition to the subject permit request.

On November 22, 1977, the City Planning Commission accepted the recommendation of the Director of Land Utilization and voted to approve the Special Permit subject to the following conditions:

- "1. The submitted site plan marked Exhibit 'A' shall be part of the permit and all improvements shall conform to the Exhibit.
- "2. The commercial expansion shall comply with all pertinent zoning, building, and all other government regulations applicable to this development.
- "3. Within one year after approval of the Special Permit by the State Land Use Commission, the applicant shall obtain a building permit for the expansion in compliance with Building Code requirements. The Planning Commission may extend the time limit, with State Land Use Commission concurrence, if it deems that unusual circumstances warrant the granting of such an extension.
- "4. The applicant shall be required to incorporate all of the conditions set forth herein as part of the restrictive covenants running with the land.
- "5. The applicant/developer of the property encompassed by this Special Use Permit shall be required to file with the Bureau of Conveyances of the State of Hawaii, a declaration of the above-mentioned restrictive conditions.
- "6. In the event all conditions as set forth herein are not complied with, the Director of Land Utilization may take action to terminate the use or halt its operation until such time full compliance is obtained.
- "7. The Director of Land Utilization may approve any request for modifying the submitted plans which he considers to be a minor revision. Major revisions must be reviewed by the Planning Commission and may be approved with the Land Use Commission's concurrence."





TRUE NORTH  
Scale: 1" = 400'

TO KAHUKU

PAUMotu PLACE

Sunset Beach

HIGHWAY

KAWAHAUHA  
- TO WAIALUA

SUBJECT SITE

LOCATION MAP

Lands makai of Kamehameha Highway are within the Urban district and used for park and residential development. Lands mauka of the highway are either vacant or utilized for limited agricultural, commercial and residential uses. A Standard Oil Service Station is situated to the Haleiwa side of the subject property under a Special Permit granted in 1965 (SP65-20).

The subject parcel lies within the Special Management Area established by the Shoreline Protection Ordinance No. 4529. Upon review, a Shoreline Management Permit was granted for the proposed expansion by the City Council on June 21, 1977.

Pertinent comments from governmental agencies:

1. Department of Transportation Services

"We have no objections to the above request. Since Kamehameha Highway is under the jurisdiction of the State Department of Transportation, this request should also be referred to them for their review and comments."

2. State Department of Transportation

"The applicant is advised that all work within the right-of-way of Kamehameha Highway must be coordinated with and approved by the State Land Transportation Facilities Division."

3. State Department of Health

"Our staff has reviewed this request and foresee no major adverse environmental effects arising from this project."

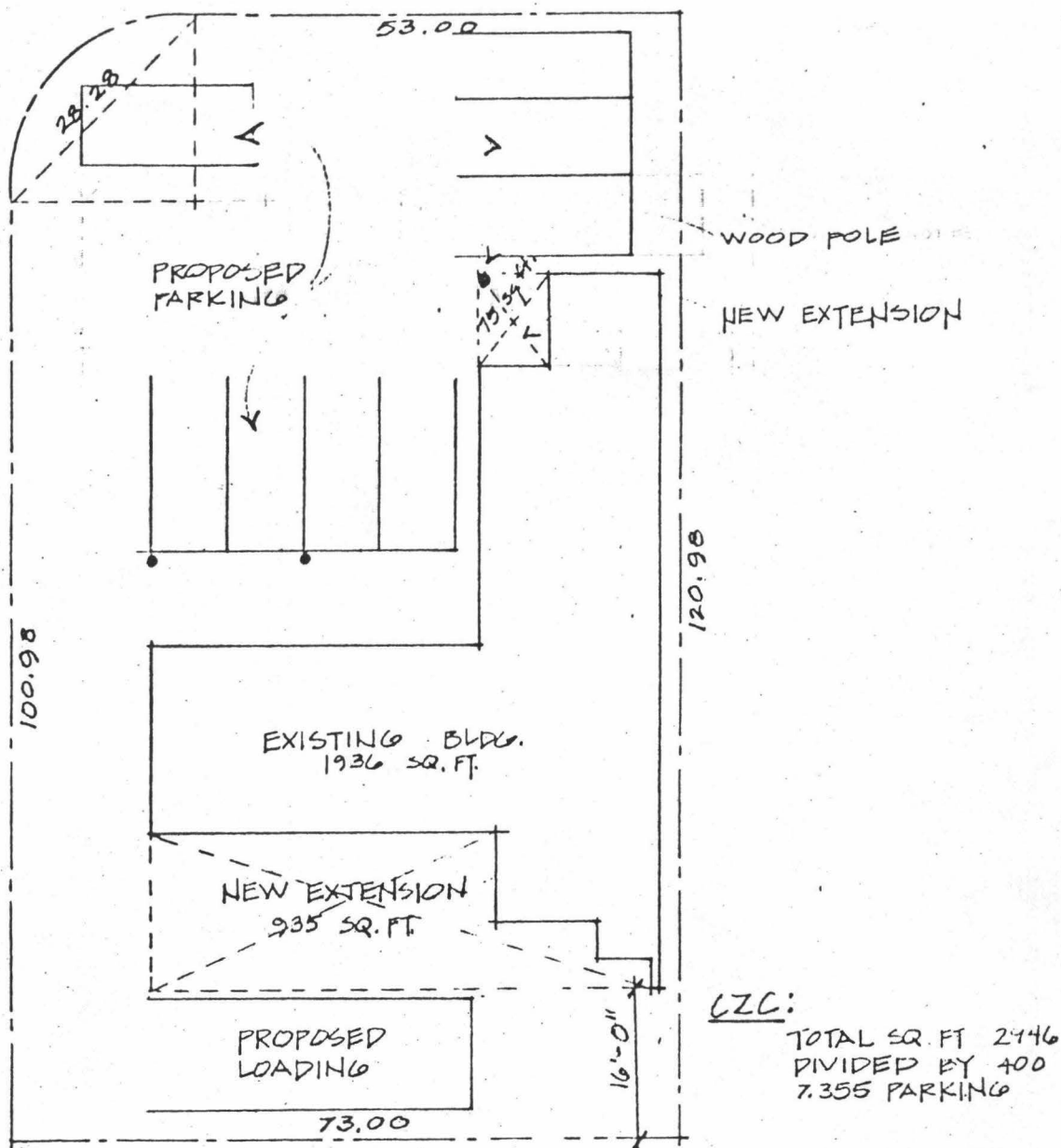
Other cooperating agencies, including the Department of Public Works and Board of Water Supply had no objections to the permit request.

In its evaluation of the permit request, the Department of Land Utilization found that:

"A basic objective of the Land Use Law is to preserve lands in the agricultural districts for agricultural use. The subject site contains only 8,746 square feet and has been in commercial use since the early 1950's when it was zoned for business. It is not felt that continuation of this use constitutes a threat to the viability of agriculture. This portion of Oahu's agricultural district lands is in only limited agricultural use. It is not an active farming area such as those found on the Waianae Coast and Leeward Oahu. Most parcels in this vicinity are vacant or improved with rural dwellings.



# KA IEHAMEHA HIGHWAY



## SITE PLAN

SCALE: 1" = 20'-0"

KAMMIE'S MARKET  
590-076  
T.M.K. : 5-9-14-16  
LOT 42-A AG-1

STATE OF HAWAII  
LAND USE COMMISSION  
Suite 1795  
Pacific Trade Center  
190 S. King Street  
Honolulu, Hawaii 96813

January 26, 1978

Mr. Ramon Duran  
Acting Chief Planning Officer  
Department of General Planning  
City & County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Duran:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petition

SP77-286 - Mr. & Mrs. Phillip Calilao

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,



GORDAN FURUTANI  
Executive Officer

Enclosure - Agenda



STATE OF HAWAII  
LAND USE COMMISSION  
Suite 1795  
Pacific Trade Center  
190 S. King Street  
Honolulu, Hawaii 96813

January 26, 1978

Mr. & Mrs. Phillip Calilao  
59-634 Kam Highway  
Sunset Beach, Haleiwa, Hawaii 96712

Dear Mr. & Mrs. Calilao:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petition

SP77-286 - Mr. & Mrs. Phillip Calilao

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,



GORDAN FURUTANI  
Executive Officer

Enclosure - Agenda

STATE OF HAWAII  
LAND USE COMMISSION  
Suite 1795  
Pacific Trade Center  
190 S. King Street  
Honolulu, Hawaii 96813

January 26, 1978

Takeo Matsumoto & Assoc., Inc.  
1272 South King Street  
Honolulu, Hawaii 96816

Dear Sirs:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petition

SP77-286 - Mr. & Mrs. Phillip Calilao

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,



GORDAN FURUTANI  
Executive Officer

Enclosure - Agenda



STATE OF HAWAII  
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME, & PLACE

February 14, 1978 - 9:00 a.m.  
Conference Room 322 (B & C)  
New State Building  
1151 Punchbowl Street  
Honolulu, Hawaii

A G E N D A

I. ACTION

✓ 1. SP77-286 - Mr. & Mrs. Phillip Calilao

To allow the expansion of an existing commercial building on 8,746 square feet of land situated within the State Land Use Agricultural District at Paumalu, Koolauloa, Oahu.

2. SP78-287 - Antone S. Bras

To allow the establishment of a bakery on approximately 2.3 acres of land situated within the State Land Use Agricultural and Rural District at Kokomo, Maui.

3. A77-431 - Blackwell Construction, Inc.

To reclassify 34.38 acres, more or less, presently in the Agricultural District into the Rural District at Wailua, Kauai for low density residential-agricultural use.

4. A77-434 - Thomas S. and Theresa M. Yagi

To reclassify approximately 1.715 acres of land presently in the Rural District into the Urban District at Waihee, Maui for residential use.

II. MISCELLANEOUS

1. Adoption of Minutes
2. Meeting Schedule



1/26/78 - A COPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATIONS  
ON THE ATTACHED MAILING LISTS:

1. ALL ISLANDS
2. OAHU
3. MAUI
4. KAUAI



Meeting of the Planning Commission  
Minutes  
October 25, 1977

*Daniel Yasui*  
LAND USE COMMISSION  
STATE OF HAWAII  
JAN 6 10 36 AM '78

The Planning Commission held a meeting on Tuesday, October 25, 1977 at 1:30 p.m., in the Conference Room of the City Hall Annex. Commissioner Charles Izumoto served as Chairman pro tem in the absence of the Chairman.

PRESENT:

Charles Izumoto, Chairman pro tem  
Melvin Kaneshige  
Joseph Macapinlac  
Charles Sarber  
Gertrude Zane

ABSENT:

Randall Kamiya, Chairman  
Marion Kagan  
Yuklin Kuna  
Jacqueline Lee

DEPARTMENT  
REPRESENTATIVES:

Ramon Duran, Acting Chief Planning Officer  
Eugene B. Connell, Executive Secretary  
Henry Eng, Staff Planner  
Stan Mofjeld, Staff Planner  
Charles Prentiss, Staff Planner

Before proceeding with the hearing, the Chairman welcomed to the Commission its newest member, Commissioner Melvin Kaneshige.

MINUTES:

The minutes of September 13, 20, and 27, 1977 were approved, on motion by Mrs. Zane, seconded by Mr. Macapinlac and carried.

PUBLIC HEARING  
DLUM AMENDMENT  
RESIDENTIAL TO COMMERCIAL  
Kaneohe  
EDWARD K. KAGEYAMA  
(FILE #366/25 CAP)

A public hearing was held to consider a proposal by the Acting Chief Planning Officer to amend the Kaneohe Detailed Land Use Map from Residential to Commercial for the purpose of providing an additional two acres of commercial land in Kaneohe.

Publication was made in both The Honolulu Advertiser and the Honolulu Star-Bulletin on Saturday, October 15, 1977. No letters of protest were received.

Mr. Charles Prentiss presented the report of the Acting Chief Planning Officer recommending that the request be DENIED on the basis of the limited information available and because this specific issue will be reexamined in the much more comprehensive context of preparing a Development Plan for the area which is already underway.

## QUESTIONS OF STAFF

Discussion followed regarding location of the 4.7 acres available for commercial use, and proposed ingress/egress to the subject site. The 4.7 acres are dispersed along Kam Highway towards Kaneohe town. Regarding access to the site, staff indicated that the State DOT has permitted ingress/egress only at the existing access to the subject parcel on Likelike Highway.

## TESTIMONY IN SUPPORT

Mr. Edward K. Kageyama presented written testimony dated October 25, 1977 (copy attached) which addresses the Acting Chief Planning Officer's report on the project. Mr. Kageyama summarized his report as follows:

1. Land Area Demand for Commercial Use - DGP used the Windward City Shopping Center retail sales per square foot of \$107.00 as a basis of its analysis. However, in any shopping center complex, national chains such as Sears, Liberty House, and Safeway must be deducted as well as high volume operations like Longs Drug Stores giving a median range to mall tenants. The factor would then be closer to \$80 per square foot for which there is a marked deficiency in retail square footage.
2. Availability of Land - DGP indicates 4.7 acres available for commercial use. However, the terrain on some of these areas (30'-40' drops into a ditch) make the area unsuitable for development. Other locations lack street frontage.
3. Appropriateness of Site - The site is situated on an isolated corner, lacks adequate access to the site which would create traffic problems. Mr. Kageyama admits that although the site is isolated with only one access permitted, there are many other successful operations on isolated commercial corners today.
4. Heavy traffic during peak traffic hours - This is true on every street on Oahu during peak traffic hours.

The one-way traffic pattern poses no problem. With a couple of doctor offices proposed and a muffler shop, they will cater only to a medium level of traffic.

5. Noise - Constructed properly, their commercial development will be a definite buffer for residences to the rear of their property. CZC noise requirements provide adequate protection.

They would be amenable to a unilateral agreement to construct the building to minimize the noise factor.

Questioned by the Commission, Mr. Kageyama stated that approximately nine families reside on the site on a month-to-month basis. If the need arises, they will assist in relocation efforts.



## TESTIMONY AGAINST

Letter dated Oct. 21, 1977 from Herbert Sogawa, copy attached

The public hearing was closed, and the matter deferred to November 8, 1977 for review of the applicant's written testimony, on motion by Mrs. Zane, seconded by Mr. Kaneshige and carried.

PUBLIC HEARING  
HAWAII CAPITAL DISTRICT  
CERTIFICATE OF  
APPROPRIATENESS  
224 QUEEN EMMA SQUARE  
(ST. ANDREW'S PRIORY  
SCHOOL)  
CLARENCE FONG, ARCHITECT  
(FILE #77/HCD-34 SM)

A public hearing was held to consider a request for a Certificate of Appropriateness for exterior alterations and addition to the main hall of St. Andrew's Priory School located at 224 Queen Emma Square, Honolulu, Tax Map Key: 2-1-18: 2.

Publication was made in both The Honolulu Advertiser and the Honolulu Star-Bulletin on Saturday, October 15, 1977. No letters of protest were received.

Mr. Stan Mofjeld presented the Director's report recommending approval of the proposal, subject to the conditions in the report.

There were no questions of staff concerning the Director's report.

## TESTIMONY IN SUPPORT

Mr. Clarence Fong, Architect, agreed with the Director's report. The Commission had no questions of Mr. Fong.

## TESTIMONY AGAINST

None

The public hearing was closed, on motion by Mr. Macapinlac, seconded by Mrs. Zane and carried.

ACTION: The Commission suspended its rules for deferral and accepted the Director's recommendation for approval of the request, subject to the conditions in the report, on motion by Mrs. Zane, seconded by Mr. Sarber and carried.

AYES - Izumoto, Kaneshige, Macapinlac, Sarber, Zane  
NAYES - None  
ABSENT - Kagan, Kamiya, Kuna, Lee

PUBLIC HEARING  
STATE SPECIAL USE PERMIT  
(EXPANSION OF AN EXISTING  
COMMERCIAL BUILDING IN  
AN AGRICULTURAL DISTRICT)  
SUNSET BEACH  
MR. & MRS. PHILLIP CALILAO  
(FILE #77/SUP-6 RH)

A public hearing was held to consider a request for a State Special Use Permit for the expansion of an existing commercial building (nonconforming commercial use) in the Agricultural District at Sunset Beach, Oahu, Tax Map Key: 5-9-14: 16.

Publication was made in both The Honolulu Advertiser and the Honolulu Star-Bulletin

on Saturday, October 15, 1977. No letters of protest were received.

Mr. Roger Harris presented the Director's report recommending approval of the request, subject to the conditions in the report.

There were no questions of staff concerning the Director's report.

The Executive Secretary suggested that Condition No. 3 be modified to bring it in line with the State Land Use Commission's Rules and Regulations as well as the Planning Commission's Rules. The portion in parenthesis is to be deleted, and the underscored portion inserted:

"Condition 3. Within one year after approval of the Special Permit by the State Land Use Commission, the applicant shall obtain a building permit for the expansion in compliance with Building Code requirements. The (Director of Land Utilization) Planning Commission may extend the time limit, with State Land Use Commission concurrence, if (he) it deems that unusual circumstances warrant the granting of such an extension."

No one spoke either FOR or AGAINST the proposal.

The public hearing was closed, and the matter deferred for a statutory period of 15-days, on motion by Mrs. Zane, seconded by Mr. Macapinlac and carried.

UNFINISHED BUSINESS  
ZONE CHANGE  
(R-6 RESIDENTIAL TO  
B-1 NEIGHBORHOOD BUSINESS)  
WAHIAWA  
CARLSMITH, CARLSMITH,  
WICHMAN, AND CASE  
(FILE #76/Z-30 GH)

The public hearing held Sept. 13, 1977 was kept open and deferred at the applicant's request. At the last meeting on Oct. 11, 1977, the public hearing was closed and action deferred for further study of the unilateral agreement by staff and the attorney for the applicant.

Proposed Unilateral Agreement Conditions dated October 24, 1977 and prepared by the Executive Secretary (copy attached) were circulated to the Commission. Mr. Connell stated that the proposed conditions are the result of a meeting with Attorney Howard Green.

No discussion followed.

MOTION: Mrs. Zane moved to approve the Proposed Unilateral Agreement Conditions dated October 24, 1977 which was seconded by Mr. Macapinlac.

The motion failed to carry for lack of quorum vote.

Mr. Kaneshige was not familiar with the proposal and abstained from voting.

AYES - Izumoto, Macapinlac, Sarber, Zane  
NAYES - None  
ABSENT - Kagan, Kamiya, Kuna, Lee  
ABSTAINED - Kaneshige

The matter was deferred to the next meeting.

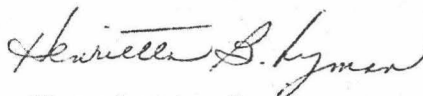
NEW BUSINESS  
ELECTION OF VICE CHAIRMAN

Mr. Izumoto was unanimously elected Vice-Chairman, on motion by Mr. Sarber, seconded by Mrs. Zane and carried.

ADJOURNMENT:

The meeting adjourned at 2:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Henrietta B. Lyman".

Henrietta B. Lyman  
Secretary-Reporter



OSP 10/77-2965  
*Lynne*  
①

21 October 1977

Mr Herbert Sogawa  
45-681 Kapalai Place  
Kaneohe, Hawaii 96744

Department of General Planning  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

Dear Sir:

In reference to: KANEOHE DLUM AMENDMENT 366/25 (CAP).

I am protesting the change to Commercial zoning.

Sincerely,

*Herbert Sogawa*

Herbert Sogawa

RECEIVED

77 OCT 24 AM 10:58

RECEIVED  
OCT 24 1977

October 25, 1977

TO: PLANNING COMMISSION

FROM: Edward Kageyama, Applicant

SUBJECT: A request to amend the Detailed Land Use Map  
for Kaneohe.

Reference: Public Hearing October 25, 1978  
DGP Memorandum 366/25 (CAP)

I wish to present my testimony for this application to the Planning Commission in written form in order that all of my thoughts and reasons are clearly understood. I wish to address this testimony as it relates to the Memorandum issued by DGP to the City Planning Commission.

The mathematical conclusions of the need for commercial land in Kaneohe arrived at by the Department of General Planning presumably are accurate. However, some of the assumptions could be inaccurate. DGP indicates, through mathematics, that there exists a deficiency of approximately 4.8 acres of commercial land with an availability of 4.7 acres of commercial land at the present time. For DGP to say that "the developer's proposal to increase the supply by two acres, therefore, is not supported by the supply and demand factors" is somewhat misleading, as many statistics seem to be, in that it assumes the accuracy of its assumptions. For one thing DGP is using population statistics of 1975 and not projected growth of 1980 and beyond.

DGP seems to lend great value to the proposed future commercial development at Kamehameha Highway and Haiku Road. Certainly, this future shopping center will be large, attractive and furnish the floor square footage as indicated. However, this should not preclude a small proposed development from obtaining the approval of DGP, especially since the commercial acreage deficiency versus the commercial acreage availability indicates that there may infact exist a slight shortage, especially since the population estimates were based on 1975 figures. Less than 1% of the land area is designated for commercial and industrial use in Kaneohe.

DGP has used the Windward City Shopping Center (1977) retail sales per square foot of \$107.00 as a basis of its analysis. Of the sales per square foot, it is important to exclude the effects of department stores and large super market food chains in the dollar sales and only consider the "mall" area tenants. By apply this basis it may b e that the Windward City Shopping Center's yield will be closer to the \$79 median rather than the \$107 used by DGP/ These figures then would yield a figure of 27.8 acres as currently deficient using the calculations used by DGP. (see exhibit A).

It should also be noted that the commercial area behind Windward Toyota fronting Kamehameha Highway is not suitable for development because of a severe drop of approximately 20 feet or more from the street level to the stream bed below. This area comprising an area in excess of 3 acres is economically unsuitable because of fill, drainage, and engineering problems.

We appreciate the fact that the rate of growth of an area is not a direct indicator of a need for increased commercial sales are. However, the rate of growth is one of the indicators. Inthe Kaneohe areathere are approximately 121.7 acres of land general



planned for commercial use. We understand that 62 acres are in commercial use and 30 acres committed to a new shopping center on Haiku Road. The balance of 16 acres are vacant and 12 acres in other use. It may be presumptuous on our part but the rezoning of this particular corner would enhance the appearance of the area in general. Further, it would provide needed "local" employment and make for a more orderly commercial land use.

In analyzing the results of the vacant commercial lands available in Kaheohe, presently, none provides the necessary criteria with respect to availability, location, amenities, price, and revenue generating power.

On page 3, DGP states "it should also be noted that while the new General Plan does provide a future population level for the area, we have not estimated the commercial requirements for this future population level." This statement implies that there is or will be a need for future commercial lands. It also implies that other lands will be rezoned.

Although the proposed area is "presently subjected to very heavy traffic flow during peak traffic hours," it should be noted that most streets and highways on Oahu are subjected to heavy traffic at peak traffic hours. Most shopping and personal service areas are busy during 8 a. m. to 4 p. m. and then in the evenings. Therefore, DGP's statistics of 500 vehicles per hour during these non peak hours should not prove to be of any significant problem as it pertains to vehicular traffic.

The potential noise problem as reported by DGP should be of small consequence. The site may include a national chain auto muffler repair shop. However, the construction of the building(s) with its 2-hour fire rating walls, etc, would eliminate most of the noise. The buses, trucks, and other vehicular traffic produce more noise at this corner than allowable by public health standards (55 dba daytime, 45 dba nighttime).

Actually, the proposed development would create a buffer zone for the residences adjacent (in back of) to the proposed development. Moreover, the proposed building(s), with its low profile would lend beauty and improve the area providing for extensive landscaping versus the current use with its old and dilapidated rental houses and bushes. (exhibit B and C).

The rental houses on the project site are all occupied on a month to month rental basis (exhibit D). Although designated residential, the area is not suitable for residential use. The noise factor from vehicular traffic alone makes residential use very undesirable. Also, since the lot is a corner lot, it is less

suitable as a residential site.

The DGP memorandum concludes with the statement that "the limited information available ..... will be reexamined in much more comprehensive context of preparing a Development Plan for this area." It should be noted that the developer has furnished DGP with an abundance of data and statistics to the best of his ability with his filing. Also, the DGP has volumes of statistics as it relates to the Kaneohe area, including the proposed 500,000 sq. ft. development on Haiku Road. As for the proposed Development Plan, this may take many months or years to complete. The developer has encountered many delays by DGP (exhibits E, F, G, H.) in the past.

To be confronted by unreasonable delays and further complicated by a denial of this request by subjective reasonings on the part of DGP, when findings prove otherwise, the developer feels that anything short of an approval of this request would at the least be unfair, a gross miscarriage.

I therefore, ask the Commissioners to look favorably on this request basing part of their decision on this testimony.

Yours truly,

  
Edward Kageyama

Planning Commission Public Hearing October 25, 1977.

$\$2,655 \times 55,026 = \$146,094,030$  retail sales

$\$146,094,030 \div 79 = 1,849,291$  sq. ft.

$1,849,291$  sq. ft. -  $765,476$  sq. ft. =  $1,083,815$  sq. ft.

$1,083,815$  sq. ft. -  $500,000$  sq. ft. =  $583,815$  sq. ft. existing  
deficiency of  
commercial floor area

$2.08 \times 583,815 = 1,214,335$  sq. ft.

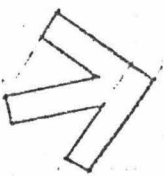
$1,214,335$  sq. ft.  $\div 43,560$  sq. ft. =  $27.8$  acres, deficiency.

See DGP report pp2, Appendix A

See DGP report pp6, Memorandum

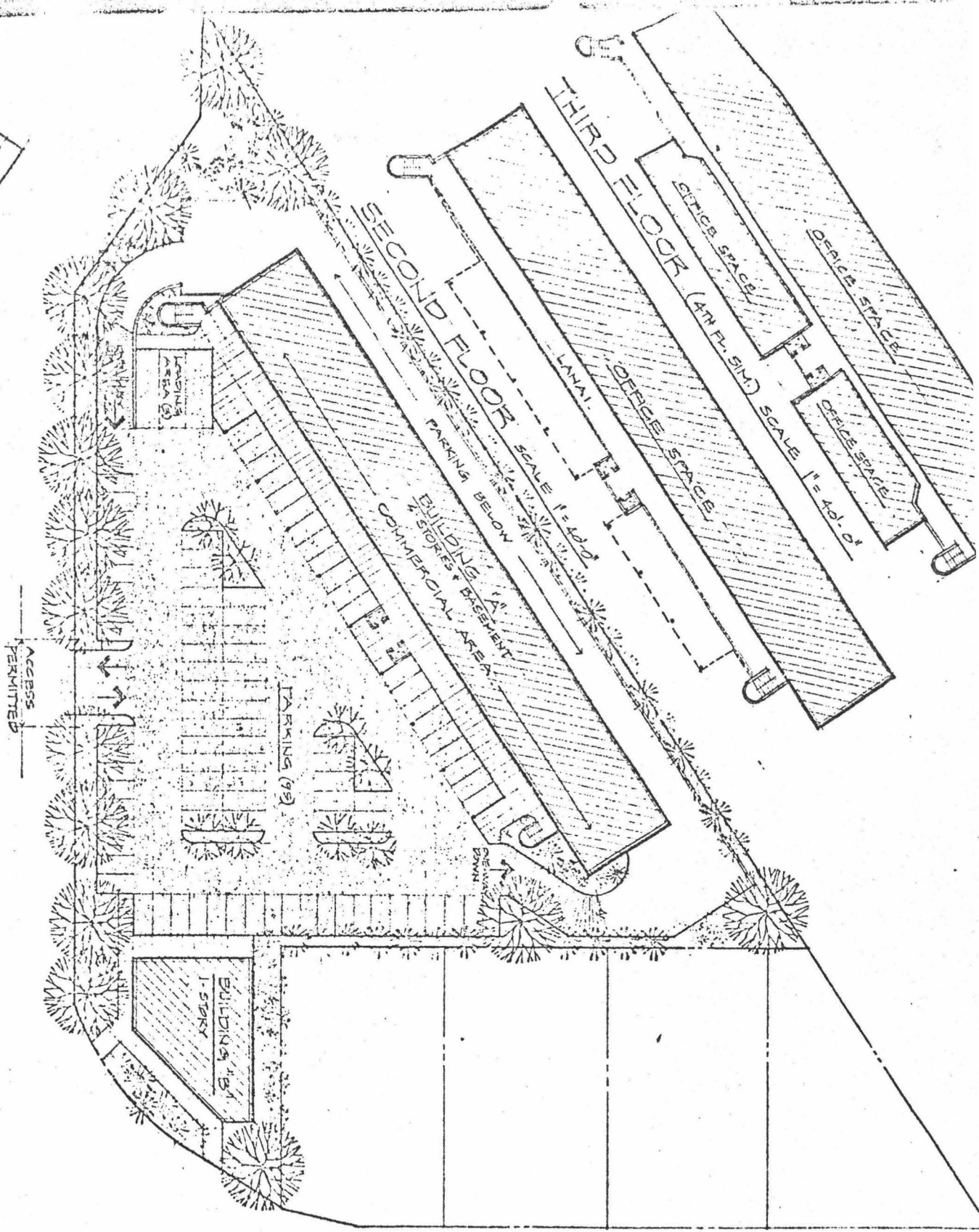






SITE PLAN  
SCALE 1"=40'-0"

THIRTEENTH HIGHWAY



KAMEHAMEHA HIGHWAY

PARKING	
BASMENT	80
1ST FLOOR	95
TOTAL	175

BUILDING A	
1ST FLOOR	13.04
2ND FLOOR	13.04
3RD FLOOR	14.765
4TH FLOOR	19.765
TOTAL - BUILDING A	60.61
BUILDING B	
1ST FLOOR	3.525
TOTAL AREA	69.035

COMMERCIAL BUILDING  
FOR MR. M. KASEYAMA  
ANBE, ADIGA & ISHIZU ARCH. INC.

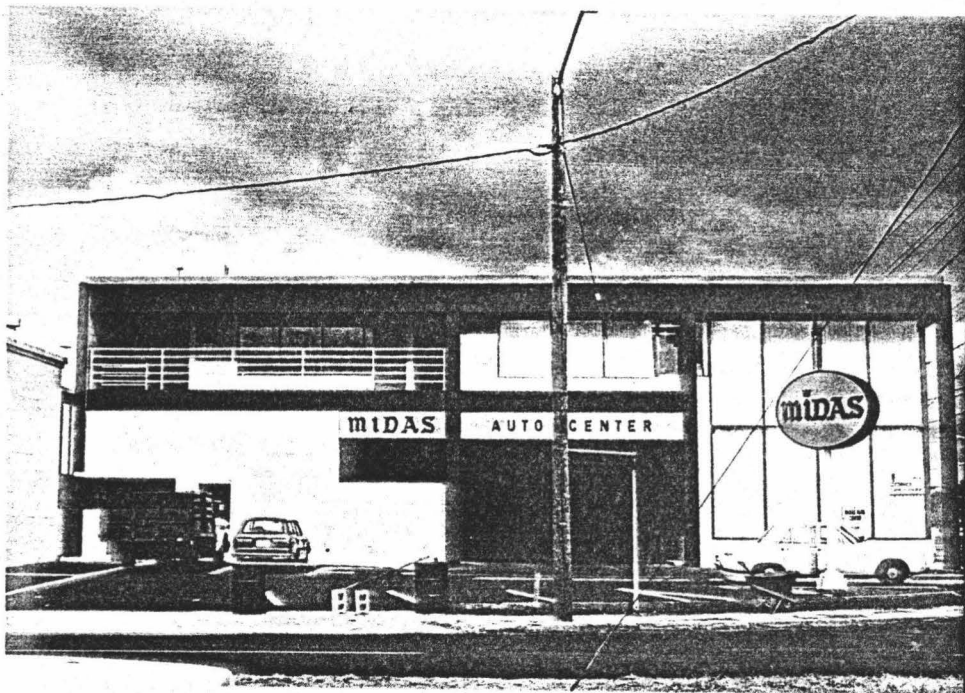


EXHIBIT C





EXHIBIT C



Planning Commission Public Hearing October 25, 1977  
Exhibit

Tenants residing on subject properties.

Mr. L. Bento  
45-515 Likelike Highway

Mabel Kauauahikaua  
45-515A Likelike Highway

Linda & Rowena Alcosiba  
45-517 Likelike Highway

William Naone  
45-517A Likelike Highway

Gary Keuma  
45-515B Likelike Highway

Julia Haudinger  
45-513A Likelike Highway

Terrence Gomes  
45-513B Likelike Highway

Byrel Bass  
45-513C Likelike Highway

Herman Kanahele  
45-513D Likelike Highway

Philip Kaniho  
45-513E Likelike Highway

All are on month to month tenancy.

DEPARTMENT OF GENERAL PLANNING  
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET  
HONOLULU, HAWAII 96813

FRANK F. FASI  
MAYOR



ROBERT R. WAY  
CHIEF PLANNING OFFICER

366/25 (WL)

February 25, 1976

Mr. Edward K. Kageyama  
P. O. Box 5146  
Honolulu, Hawaii 96814

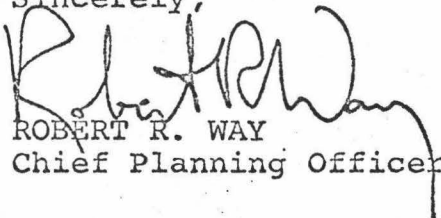
Dear Mr. Kageyama:

We have received the enclosed opinion from the City and County Corporation Counsel concerning Environmental Impact Statements (EIS) for General Plan amendments.

The Corporation Counsel is of the opinion that an EIS is not required to amend the General Plan. In accordance with this opinion, we are not requiring that an EIS be prepared for your General Plan amendment request.

This letter supersedes any previous correspondence that you may have received from us which indicated that an EIS was required.

Sincerely,

  
ROBERT R. WAY  
Chief Planning Officer

RRW:co

Encl.

EXHIBIT E

DEPARTMENT OF THE CORPORATION COUNSEL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813

FRANK F. FASI  
MAYOR



BARRY CHUNG  
CORPORATION COUNSEL

February 20, 1976

TO : ROBERT R. WAY, CHIEF PLANNING OFFICER  
FROM : CLAIRE M. MARUMOTO, DEPUTY CORPORATION COUNSEL  
SUBJECT: EIS FOR GENERAL PLAN AMENDMENTS

This is to clarify our letter of January 28, 1976, which discussed an apparent conflict between our opinion M 74-55 and an advisory opinion by Deputy Attorney General Robert Taylor dated October 30, 1975 concerning Environmental Impact Statements [EIS] for General Plan [GP] amendments. Our opinion M 74-55 stated in part:

We are of the opinion that all actions on the part of the chief planning officer in reviewing and preparing amendments to the general plan are exempt from EIS review. [at 4]

Since the issuance of the opinion on June 26, 1974, you have been following its advice that both county- and privately-initiated GP amendments are exempt from EIS review. The Attorney General's advisory opinion concluded that only GP amendments initiated by a county on its own motion are exempt from EIS preparation. Those initially proposed by a private applicant and processed through the chief planning officer for formal proposal are subject to the requirement.

Upon further review of the two opinions and the legislative history behind the statute, we advise that M 74-55 states the proper course of action, that is, all GP amendments, whether county- or privately-initiated, are exempt from EIS review.

EXHIBIT F

DEPT. OF  
GENERAL PLANNING  
C & C HONOLULU

76 FEB 23 AM 10:

RECEIVED



TO: ROBERT R. WAY, CHIEF  
PLANNING OFFICER

-2-

February 20, 1976

We note here that neither Attorney General's nor Corporation Counsel's opinions constitute law, but are interpretations of legislation until further interpretation by a court. With regard to the relationship between opinions of the Attorney General and our office, we cite the following constitutional and Charter provisions: The State Constitution, Art. VII, sec. 2, states in pertinent part:

Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by general law.

Charter provisions with respect to a political subdivision's executive, legislative and administrative structure and organization shall be superior to statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions. [Emphasis added]

With respect to such "administrative structure and organization," RCH Section 5-203 describes in pertinent part the powers, duties and functions of the Corporation Counsel:

The corporation counsel shall serve as the chief legal adviser and legal representative of all agencies, the council and all officers and employees in matters relating to their official powers and duties, . . . .

In view of the foregoing, we advise you to continue to follow M 74-55.

*Claire M. Marumoto*  
CLAIRE M. MARUMOTO  
Deputy Corporation Counsel

CMM:as

DEPARTMENT OF THE CORPORATION COUNSEL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813

FRANK F. FASI  
MAYOR



December 4, 1975

HONOLULU, HAWAII  
CITY COUNCIL

RECEIVED  
DEC 8 2 02 PM '75  
BARRY CHUNG  
CORPORATION COUNSEL

MEMORANDUM

TO : HONORABLE GEORGE AKAHANE  
CHAIRMAN, CITY COUNCIL

FROM : CLAIRE M. MARUMOTO, DEPUTY CORPORATION COUNSEL

SUBJECT: GENERAL PLAN/DLUM REDESIGNATION APPLICATIONS

This is in response to your letter of October 1, 1975, requesting our opinion on questions which are set forth hereinafter pertaining to RCH Section 15-106 and the decision of the Chief Planning Officer not to accept any more applications for General Plan or DLUM amendments.

Your letter advised us that the Department of General Planning is not accepting General Plan and/or Detailed Land Use Map amendments until the Council adopts the proposed Revised General Plan now pending before the Council.

You requested our opinion on three questions pertaining to RCH Section 15-106 which specifically provides that during the transitional period "the existing general plan of the city shall continue as the general plan of the city, subject to change under the provisions of this revision." (Emphasis added)

1. In view of this Charter provision [RCH Section 15-106], does the Chief Planning Officer have the legal authority to refuse to accept any further applications for General Plan/DLUM redesignations until such time as the City Council adopts a new Revised General Plan as required by RCH Section 5-412.1?

Our answer is No.

EXHIBIT G

M 75-141

MEMORANDUM

TO: HONORABLE GEORGE AKAHANE  
CHAIRMAN, CITY COUNCIL

-2-

December 4, 1975

The Charter provisions do not give the Chief Planning Officer the legal authority to refuse to accept any new applications until and unless the Revised General Plan and development plans under the new Charter provisions (RCH § 5-412.1) are adopted by the City Council. The adoption of the Revised General Plan is not a condition precedent to the acceptance and processing of new applications. The Charter commissioners were cognizant that a transition schedule was needed for an "orderly transition and conformance of city operations to the requirements of the revised charter." Accordingly, the commissioners stated in their Final Report regarding RCH Section 15-106 that "the existing general plan shall continue until changed in accordance with the provisions of this revised charter."<sup>1</sup>

In view of the above, the nonacceptance of General Plan amendment applications by the Chief Planning Officer until the Revised General Plan under the new Charter provisions are adopted by the Council is contrary to the intent and objective of the commissioners.

2. With reference to your second question, does the City Council, being the final General Plan policy-making body, have the legal authority to determine that no further General Plan/DLUM redesignation applications be processed by the Department of General Planning until such time as the necessary Revised General Plan and new development plans have been adopted by the City Council?

Our answer is No.

Despite the Council's authority as the final General Plan policy-making body, the law, statements and conclusion contained in response to question no. 1 are also applicable to question no. 2.

However, the Council may establish a cutoff period for General Plan/DLUM amendment applications similar to the transitional provisions in the Comprehensive Zoning Code (CZC § 21-1406) in the ordinance enacting the Revised General Plan.

---

<sup>1</sup>Final Report of the Charter Commission (1971-72) p. 44.



MEMORANDUM

TO: HONORABLE GEORGE AKAHANE  
CHAIRMAN, CITY COUNCIL

-3-

December 4, 1975

3. Would this action require an ordinance or a resolution?

This question is moot in view of our answer to the second question.

In view of the foregoing, we advise that (1) the Chief Planning Officer does not have the legal authority to refuse the acceptance and processing of new applications for General Plan and DLUM amendments, (2) the City Council also does not have such authority but it may include a transitional section in its Revised General Plan ordinance, and (3) the third question is moot.

*Claire M. Marumoto*  
CLAIRE M. MARUMOTO  
Deputy Corporation Counsel

APPROVED:

*Barry Chung*  
BARRY CHUNG  
Corporation Counsel

CMM:gk

DEPARTMENT OF GENERAL PLANNING  
**CITY AND COUNTY OF HONOLULU**

SUITE 2100 PACIFIC TRADE CENTER  
650 SOUTH KING STREET  
HONOLULU, HAWAII 96813

FRANK F. FASI  
MAYOR



ROBERT R. WAY  
CHIEF PLANNING OFFICER  
DONALD A. CLEGG  
DEPUTY CHIEF PLANNING OFFICER

366-75 (WL)

APR - 8 1975

Mr. Edward Kageyama  
P. O. Box 5146  
Honolulu, Hawaii 96814

Dear Mr. Kageyama:

This is to acknowledge receipt of your letter of intent to file a request for an amendment to the General Plan affecting certain lands at Kaneohe from Residential use to Commercial use.

My staff is reviewing your request and will be prepared to discuss it with you in approximately three weeks. Mr. Walter Lee of my staff (phone 523-4483) will contact you to schedule a meeting for this purpose.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Robert R. Way', is written over the typed name and title.

ROBERT R. WAY  
Chief Planning Officer

RRW:co

## PROPOSED UNILATERAL AGREEMENT CONDITIONS

by the Planning Commission

Design guidelines required to assure redevelopment consistent with the character of the existing structures and General Plan objectives related to Natural Environment and Urban Design are as follows:

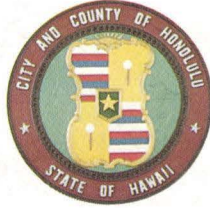
1. Structures on Lots 2, 3, 4, 5, and 6 shall not exceed 25 feet measured from the highest point of each lot.
2. The height limitation on Lot 1 shall be 40 feet.
3. Frequent breaks shall be provided between structures to preserve views of Lake Wilson.
4. The remodeling of any of the existing structures shall be designed to retain the existing architectural features such as a unified design for doors and windows, roof canopies or overhangs for walkways, and exterior materials for structures and fencing shall have a wood-like appearance.
5. The applicant shall prepare an over-all master plan for Lots 1 through 6 which shall be submitted to the Director of Land Utilization for his review prior to construction. Construction may take place in increments.
6. The architectural design for the redevelopment of Lots 1 through 6 shall conform to conditions 1, 2, 3, 4, and shall be planned in a manner that is compatible with the rustic and rural character of the surrounding area.
7. Any and all demolition, exterior remodeling, new additions and structures, landscaping and any other redevelopment shall require the review and approval of the Director of Land Utilization.



DEPARTMENT OF GENERAL PLANNING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET  
HONOLULU, HAWAII 96813

FRANK F. FASI  
MAYOR



DEC 21 1977

ROBERT R. WAY  
CHIEF PLANNING OFFICER

77/SUP-6 (RH)

LAND USE COMMISSION  
STATE OF HAWAII  
DEC 27 1 53 PM '77

Mr. Stanley Sakahashi, Chairman  
State Land Use Commission  
c/o Mr. Daniel Yasui  
Pacific Trade Center, Suite 1795  
190 So. King Street  
Honolulu, Hawaii 96813

Dear Mr. Sakahashi:

Subject: Planning Commission Recommendation--Sunset Beach, Oahu  
Request for State Special Use Permit for Expansion of  
an Existing Commercial Building (nonconforming com-  
mercial use) in an Agricultural District. 77/SUP-6(RH)  
Appl/Landowner: Mr. and Mrs. Phillip Calilao  
Agent: Takeo Matsumoto & Associates, Inc.  
Location: Paumalu, Koolauloa, Oahu  
Tax Map Key: 5-9-14: 16  
Area: 8,746 square feet

The Planning Commission of the City and County of Honolulu on October 25, 1977 held a public hearing on the State Special Use Permit request of Mr. and Mrs. Phillip Calilao for the expansion of an existing commercial building in an agricultural district located in Sunset Beach, Oahu. The Planning Commission public hearing was closed on October 25, 1977.

On November 22, 1977 the Planning Commission, after due consideration of the evidence presented, voted to approve the granting of a State Special Use Permit to the applicants, in agreement with the Director of Land Utilization.

Mr. Stanley Sakahashi, Chairman  
State Land Use Commission  
77/SUP-6 (RH)  
Page 2

The Planning Commission concurs with the findings found in the analysis and recommendations of the Director of Land Utilization with one exception. The Planning Commission amended Condition 3, sentence 2, to read as follows:

Within one year after approval of the Special Permit by the State Land Use Commission, the applicant shall obtain a building permit for the expansion in compliance with Building Code requirements. The Planning Commission may extend the time limit, with State Land Use Commission concurrence, if it deems that unusual circumstances warrant the granting of such an extension.

We are attaching herewith the Director of Land Utilization's report and all pertinent material related to this application.

Sincerely,



EUGENE B. CONNELL  
Executive Secretary  
to the Planning Commission

FORWARDED:



RAMON DURAN  
Acting Chief Planning Officer

EBC:mk  
Attchs.



LAND USE COMMISSION  
STATE OF HAWAII

This space for official use

STATE OF HAWAII  
LAND USE COMMISSION  
State Kamamalu Bldg.  
P. O. Box 2359  
Honolulu, Hawaii

DEC 27 1 53 PM '77

Date Application and Fee  
Received by LUC

17/SEP - 10 CTE  
Lu 7/77 - 5261

APPLICATION FOR SPECIAL PERMIT

(I) (We) hereby request approval of a special permit to use certain property located in the County of Honolulu, Island of Oahu, Land Use Commission District Boundary map number and/or name 0-3 Waimea, for the following described purpose: To construct an extension to an existing building in Paumalu, Koolauloa.

Description of property: Street address: 59-076 Kam. Hwy., Haleiwa, Sunset  
Tax Map Key: 5-9-14-16 Beach  
Lot size: 8,746 sq. ft.  
Present Use of Property and/or bldg: Grocery

Petitioner's interest in subject property: The owner wishes to extend the building in two separate areas, 75 sq. ft. in one corner and 935 sq. ft. in the back. The existing bldg. is a one story, "L" shaped, which occupies 25% of the property.

Petitioner's reason(s) for requesting special permit:

TMK 5-9-14: 16 is zoned AG-1 and is within the Special Management Area of Oahu (Interim Shoreline Protection Ordinance.)

Signature(s)

Alejo M. Barrantes

Address:

1212 S. KING ST.

Telephone:

521-3150 521-3130  
531-3139

This space for official use

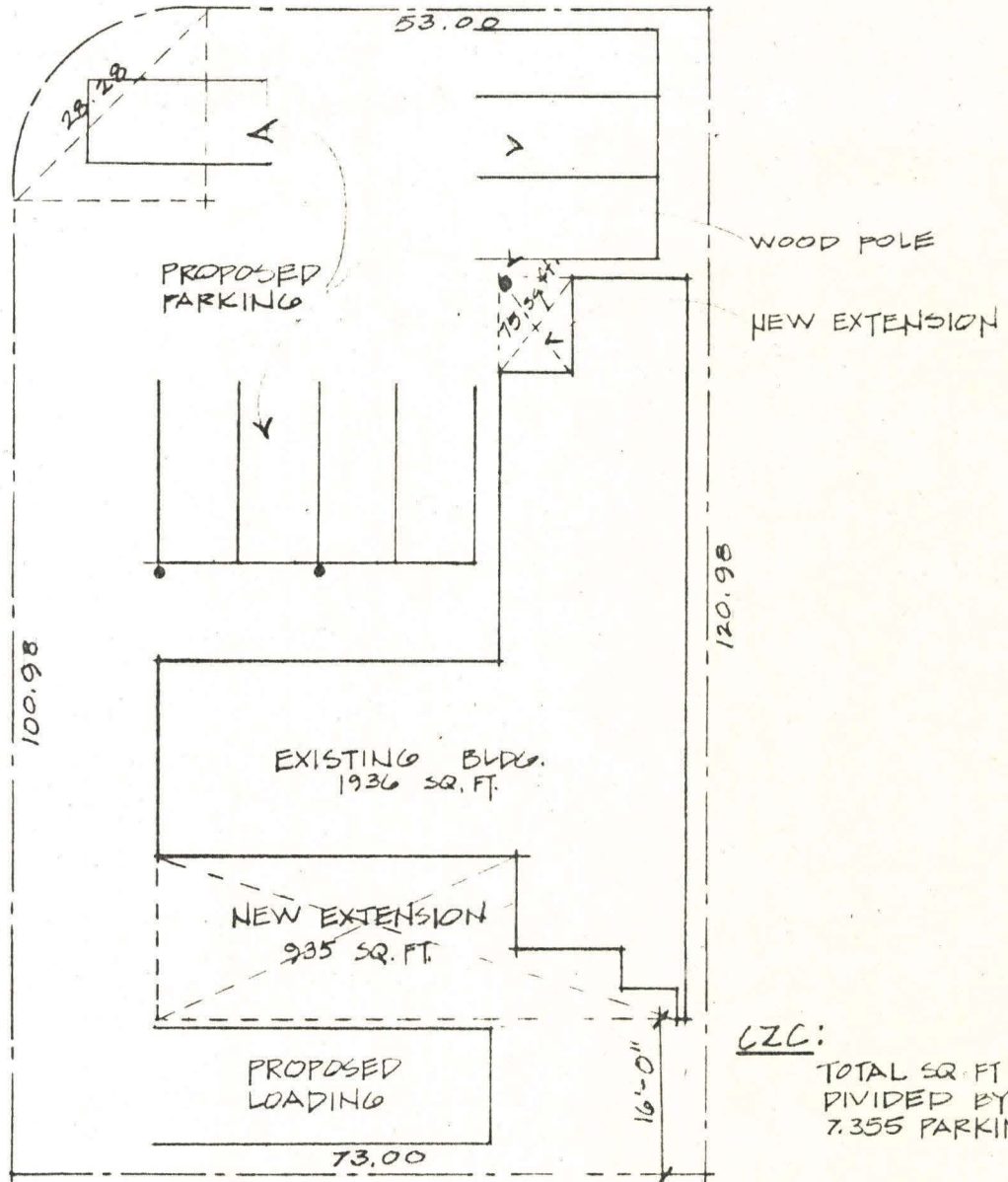
The property is situated in a(n) \_\_\_\_\_ district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s)

For (agency)



# KAMEHAMEHA HIGHWAY



## SITE PLAN

SCALE: 1" = 20'-0"

KAMMIE'S MARKET

590-076

T.M.K : 5-9-14-16

LOT 42-A AG-1

SUBJECT: Kammie's Store  
59-076 Kam. Hwy.  
Sunset Beach, Haleiwa

DESCRIPTION OF PROPOSED PROJECT:

The owner proposes to construct an extension to an existing building which was built at the time the property was zoned as Commercial. Although the zoning is now Agricultural , the extension will not change the existing land use conditions and will comply to the guidelines established by the State Land Use Commission for "unusual and reasonable" uses within Agricultural & Rural Districts.

The desired use will not adversely effect the surrounding property in that the construction is only an enlargement of the square footage. The basic shape of the building will remain the same and will not be increased in height. Likewise, visually there will be very little change. There will not be an increase in traffic or parking area.

Being that the present land use will remain the same there will not be any unreasonable burden on public agencies to provide additional facilities or improvements.

DEPT OF  
LAND AND NATURAL RESOURCES  
HONOLULU

977 JUN 18 AM 8 02

RECEIVED



City & County of Honolulu  
Department of Land Utilization

RECEIVED

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

NOTED 11 18 AM 8 03

DEPT OF

1. REQUEST

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

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

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

Recorded Owner

Authorized Agent

Name: Mr. & Mrs. Phillip Calilao

Name: Takeo Matsumoto & Assoc., Inc.

Mailing Address: 59-634 Kam Hwy.

Mailing Address: 1272 S. King St.

Sunset Beach, Haleiwa, Oahu

1272 S. King Street, Honolulu, 96816

Phone Number: 638-3293

Phone Number: 521-3150

2. PROPERTY

a. Street Address: 59-076 Kam. Hwy., Haleiwa b. Tax map key: 5-9-14:16

c. Lot size: 8,746 sq. ft. d. Present use of property and/or  
buildings: As existing, grocery.

e. Zoning District: Agriculture 1

3. PROPOSED DEVELOPMENT

a. The following information is hereby submitted:

- (1) A scale plan of the property showing property lines, existing development and contours and, if the property lies on the shoreline, a shoreline survey certified by the State Surveyor.
- (2) A description of the proposed development in terms of (a) what is it you propose to develop, and (b) what do you seek to accomplish by developing in the manner proposed.
- (3) A description of the technical, economic, social and environmental characteristics of the proposed development and their effect on the coastal zone.
- (4) An estimate of the total cost or fair market value of the proposed development.



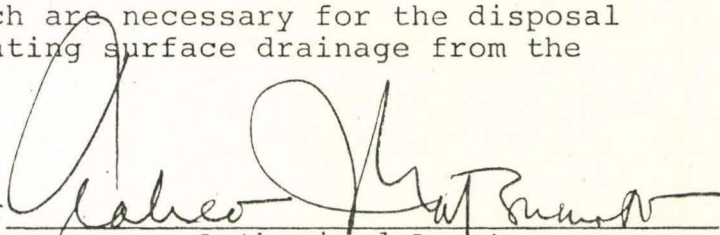
b. The following data as checked is submitted to further clarify the development proposal:

- (X) Location of proposed improvements.
- (X) Building dimensions and setbacks from property line.
- (X) Parking layout, dimensions and total number of stalls.
- (X) Existing street, street names and diagram showing vehicular and pedestrian access to the proposed project and to any adjacent beach areas.
- ( ) Contours at suitable vertical intervals of the finished conditions to be achieved by any proposed grading to be shown by contours, spot elevations or other means. Elevations shall be marked on the site plan.
- ( ) Description of existing and proposed view corridors and planes from the nearest public right-of-way makai through the development.
- ( ) Building elevations and sections with dimensions including building heights meeting the appropriate district height requirements.
- ( ) Building sizes, appearance and form with sketches and perspective.
- ( ) Specifications or actual sample of exterior finish, texture, material and color for exterior, roof, and all exterior finishes.
- ( ) Any special provisions which are necessary for the disposal of sewage and for accommodating surface drainage from the development.

4. SIGNATURE

\_\_\_\_\_  
Recorded Owner

or

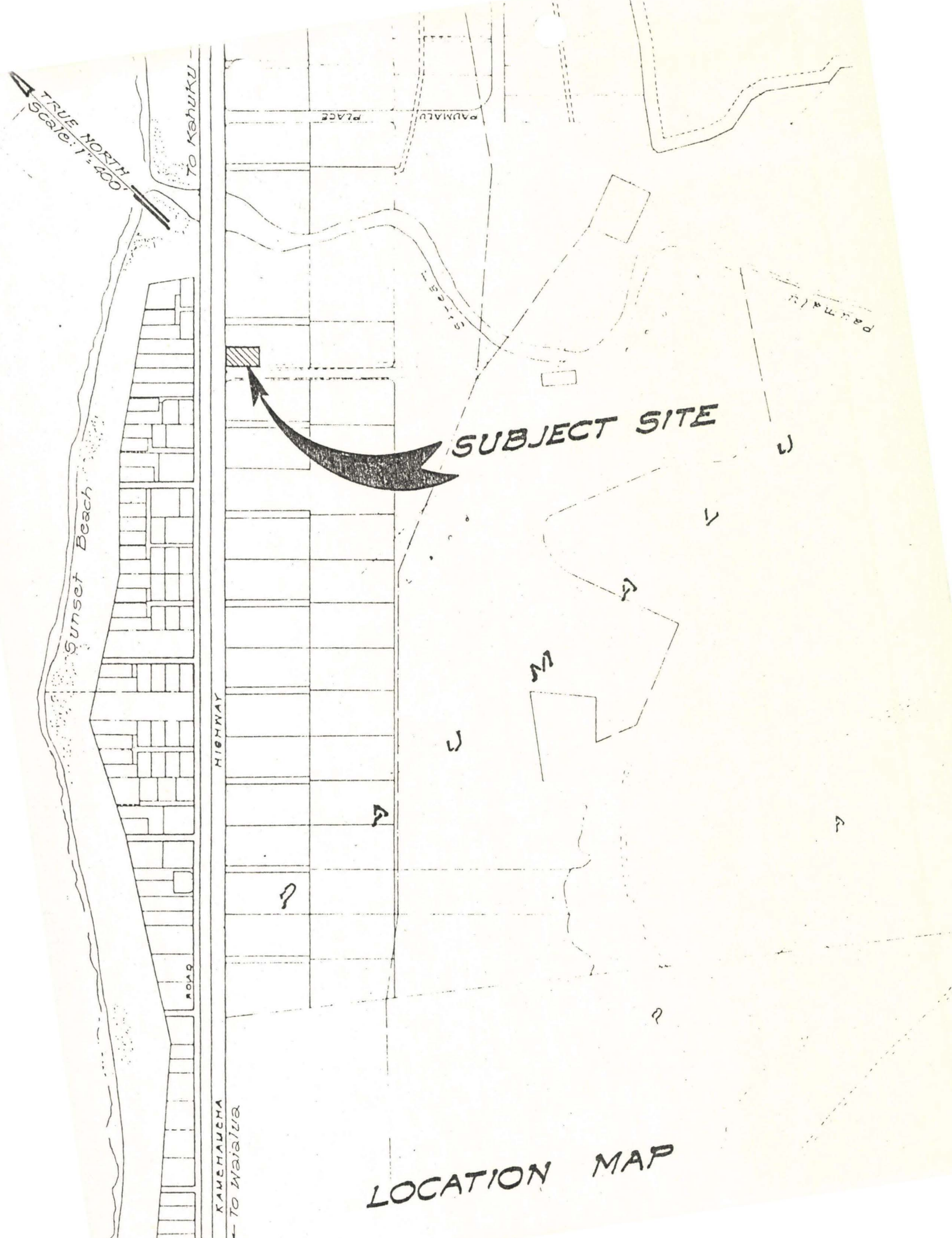
  
\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Date

7/15/77  
\_\_\_\_\_  
Date

3. Proposed Development cont'd.

1. A scale plan of property showing property lines & existing development is submitted.
2. Description of Proposed Development: The owner proposes to construct an extension to an existing bldg. in Paumalu, Koolaulao. The building will be subject to extension in 2 separate areas, 75 sq. ft. in one corner and 935 sq. ft. in the back. The existing building is a one storey, "L" shape, which occupies 25% of the property.
3. Proposed Development & its Effect on the Costal Zone: Being that it is only enlarging the square footage of an existing building, the technical, economical, social & environmental characteristics will not change or effect the costal zone. The proposed development is small in nature and would be compatible to the exising surroundings.
4. The estimated total cost is \$50,000.00.



LOCATION MAP



PARTMENT OF LAND UTILIZATION  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET  
HONOLULU, HAWAII 96813



FRANK F. FASI  
MAYOR

GEORGE S. MORIGUCHI  
DIRECTOR

75/Z-30 (RH)

August 17, 1977

ADVANCE NOTIFICATION

State Special Use Permit - Sunset Beach

Request : Construction of an extension to an existing  
building in Paumalu, Koolauloa, Oahu  
Applicant/Landowner: Mr. and Mrs. Phillip Calilao  
Zoning : AG-1 Restricted Agriculture  
Location : Kammie's Market, 59-076 Kamehameha Highway,  
Sunset Beach  
Area : 8,746 square feet (lot size)  
Tax Map Key : 5-9-14: 16

We are reviewing the above request for an expansion of an existing, nonconforming commercial building. The building now contains approximately 1,936 square feet. The proposed additions would add 75 square feet to the front corner closest to Kamehameha Highway and 935 square feet to the rear portion of the building. A Special Use Permit is required because this site is within the State Agricultural District.

A location map is attached for your information. If you should wish to offer comments on this application, please feel free to contact Mr. Roger Harris of our staff at 523-4290.

If you know of any interested person who has not yet received this notification, we would appreciate it if you would inform him.

Very truly yours,

  
WILLIAM E. WANKET  
Deputy Director

WEW:st  
Attach.

SUMMARY DESCRIPTION

Applicant: Mr. and Mrs. Phillip Calilao

Request: Expansion of an existing commercial building.

Location: Kammie's Market, Sunset Beach

Tax Map Key: 5-9-14: 16

Existing Zoning: AG-1 Restricted Agriculture.

Detailed Land Use Map Designation: Commercial

Area: 8,746 square feet

Proposal: Expansion of existing nonconforming commercial building.  
Plans call for 75 square foot expansion at front and 935 square foot expansion at the rear.

DEPARTMENT OF LAND UTILIZATION REMARKS: Since this is a minor expansion, the applicants have chosen to apply for an Special Use Permit and subsequently a variance.

---

Board of Water Supply  
(Department)

Comments: We have no objections.

LU 2/77- 5807

DEPARTMENT OF PUBLIC WORKS  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET  
HONOLULU, HAWAII 96813

FRANK F. FASI  
MAYOR



WALLACE MIYAHIRA  
DIRECTOR AND CHIEF ENGINEER

701-14-0512

August 18, 1977

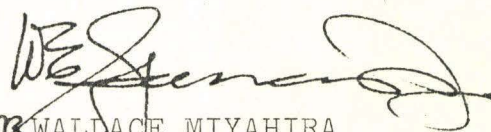
TO : MR. GEORGE S. MORIGUCHI, DIRECTOR  
DEPARTMENT OF LAND UTILIZATION

ATTENTION: MR. WILLIAM E. WANKET, DEPUTY DIRECTOR

FROM : WALLACE MIYAHIRA, DIRECTOR AND CHIEF ENGINEER  
DEPARTMENT OF PUBLIC WORKS

SUBJECT : YOUR MEMORANDUM OF AUGUST 8, 1977, REGARDING  
STATE SPECIAL USE PERMIT AT SUNSET BEACH  
TMK: 5-9-14: 16

We have no objections to the request for the State Special Use Permit at Sunset Beach.

  
for WALLACE MIYAHIRA  
Director and Chief Engineer

RECEIVED  
AUG 23 AM 9 54  
DEPT OF  
PUBLIC WORKS  
HONOLULU



RECEIVED

SUMMARY DESCRIPTION

JUL 23 AM 8 01

Applicant: Mr. and Mrs. Phillip Calilao

Request: Expansion of an existing commercial building.

Location: Kammie's Market, Sunset Beach

Tax Map Key: 5-9-14: 16

Existing Zoning: AG-1 Restricted Agriculture.

Detailed Land Use Map Designation: Commercial

Area: 8,746 square feet

Proposal: Expansion of existing nonconforming commercial building.

Plans call for 75 square foot expansion at front and 935 square foot expansion at the rear.

DEPARTMENT OF LAND UTILIZATION REMARKS: Since this is a minor expansion, the applicants have chosen to apply for an Special Use Permit and subsequently a variance.

Health  
(Department)

## Comments:

Our staff has reviewed this request and foresee no major adverse environmental effects arising from this project.



(By)

/ AUG 17 1977

(Date)

SHINJI SONEDA, Chief, Environmental  
Protection & Health Services Division

SUMMARY DESCRIPTION

Applicant: Mr. and Mrs. Phillip Calilao

Request: Expansion of an existing commercial building.

Location: Kammie's Market, Sunset Beach

Tax Map Key: 5-9-14: 16

Existing Zoning: AG-1 Restricted Agriculture.

Detailed Land Use Map Designation: Commercial

Area: 8,746 square feet

Proposal: Expansion of existing nonconforming commercial building.

Plans call for 75 square foot expansion at front and 935 square foot expansion at the rear.

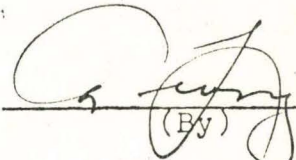
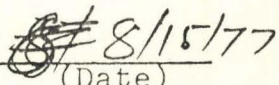
DEPARTMENT OF LAND UTILIZATION REMARKS: Since this is a minor expansion, the applicants have chosen to apply for an Special Use Permit and subsequently a variance.

---

Transportation  
(Department)

Comments:

The applicant is advised that all work within the right-of-way of Kamehameha Highway must be coordinated with and approved by the State Land Transportation Facilities Division.

 Kammie   
(By) (Date)

SUMMARY DESCRIPTION

Applicant: Mr. and Mrs. Phillip Calilao

Request: Expansion of an existing commercial building.

Location: Kammie's Market, Sunset Beach

Tax Map Key: 5-9-14: 16

Existing Zoning: AG-1 Restricted Agriculture.

Detailed Land Use Map Designation: Commercial

Area: 8,746 square feet

Proposal: Expansion of existing nonconforming commercial building.

Plans call for 75 square foot expansion at front and 935 square foot expansion at the rear.

DEPARTMENT OF LAND UTILIZATION REMARKS: Since this is a minor expansion, the applicants have chosen to apply for an Special Use Permit and subsequently a variance.

TRANSPORTATION SERVICES

(Department)

Comments: We have no objections to the above request.

Since Kamehameha Highway is under the jurisdiction of the State Department of Transportation, this request should also be referred to them for their review and comments.

RECEIVED  
JUL 17 AM 11 52  
DEPT OF  
LAND UTILIZATION

Alvin J. Smith 1 8/16/77  
(By) (Date)



TO Roger  
Date 8/24 Time 11:10

**WHILE YOU WERE OUT**

MR. Preece  
OF \_\_\_\_\_  
PHONE NO. 732-7201

Telephoned	<input checked="" type="checkbox"/>	Please call back	<input checked="" type="checkbox"/>
Called to see you	<input type="checkbox"/>	Will call again	<input type="checkbox"/>
Wants to see you	<input type="checkbox"/>	Returned your call	<input type="checkbox"/>

MESSAGE Re: SUP - Sunset  
Beach. - Karmie's Mkt.  
IS AGAINST SUP - BAD  
DRAINAGE

BY sk

DEPARTMENT OF LAND UTILIZATION  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET  
HONOLULU, HAWAII 96813

FRANK F. FASI  
MAYOR



Authorization	<i>EBC</i>
Advertisement	<i>10-15</i>
Public Hearing	<i>10-25-77</i>

GEORGE S. MORIGUCHI  
DIRECTOR

77/SUP-6 (RH)

October 12, 1977

MEMORANDUM

TO : PLANNING COMMISSION

FROM : GEORGE S. MORIGUCHI, DIRECTOR OF LAND UTILIZATION

SUBJECT: REQUEST FOR A STATE LAND USE COMMISSION SPECIAL USE  
PERMIT FOR COMMERCIAL USE IN THE AGRICULTURAL DISTRICT  
AT SUNSET BEACH, OAHU

Transmitted herewith for appropriate action is my report on the  
subject Special Use Permit application.

A handwritten signature in cursive script, reading "George S. Moriguchi".  
GEORGE S. MORIGUCHI  
Director of Land Utilization

GSM:st

Attach.



DEPARTMENT OF LAND UTILIZATION  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET  
HONOLULU, HAWAII 96813

FRANK F. FASI  
MAYOR



GEORGE S. MORIGUCHI  
DIRECTOR

77/SUP-6 (RH)

October 12, 1977

DIRECTOR'S REPORT  
STATE SPECIAL USE PERMIT  
Expansion of an Existing Commercial Building in the  
Agricultural District at Sunset Beach, Oahu, Hawaii

APPLICANT	:	Mr. and Mrs. Phillip Calilao
TAX MAP KEY	:	5-9-14: 16
LOCATION	:	59-634 Kamehameha Highway, Sunset Beach
AREA	:	8,746 Square Feet
STATE LAND USE DISTRICT:		Agricultural
OAHU INTERIM ZONING		
CONTROL MAP	:	Residential
DETAILED LAND USE MAP	:	Commercial, Ordinance No. 2951, adopted March 16, 1967.
DEVELOPMENT PLAN	:	Kamehameha Highway is proposed to be widened. The setback on this site is 13 feet. Ordinance No. 2952 adopted March 16, 1967.
EXISTING ZONING	:	AG-1 Restricted Agricultural
EXISTING LAND USE	:	Kammie's Market. The existing building contains 1,936 square feet.
REQUEST	:	A Special Use Permit to allow expansion of an existing nonconforming commercial use. The submitted plans call for a minor expansion of 75 square feet in front and 935 square feet in the rear.



SUBJECT SITE

Sunset Beach

PUPUKEA BEACH PARK

SUNSET BEACH PARK

Rocks

Military Reservation

Waimea

Waimea Bay

Maunawili

Kalahopele

KOOLAULOA  
WAIALUA

DISTRICT  
DISTRICT

Portion of

INTERIM ZONING CONTROL MAP

Kalou  
Marsh

Kaunala

Water  
Tank

Puu Wahuena

PUPUKEA

PAPAHALI

FOREST RESERVE

Water  
Tank

Camp  
Hatched

976

805

800

600

600

600

600

600

600

600

600

600

600

600

600

600



SUBJECT SITE

TRUE NORTH  
Scale: 1" = 800'

Beach

set

SCHOOL & PARK

Highway

Proposed

Future

IDEAL

RE

PAUMALU

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# LEGEND

- STREETS & HIGHWAYS R/W
- ARTERIAL
- COLLECTOR
- SCENIC DRIVE
- PEDESTRIAN R/W

Portion of  
DETAILED LAND USE MAP

SUBJECT SITE

TRUE NORTH  
Scale: 1"=800'

Beach

Sunset

PARK

Kamehameha Highway

SCHOOL  
& PARK

PAUMALU

WATER PUMP STATION

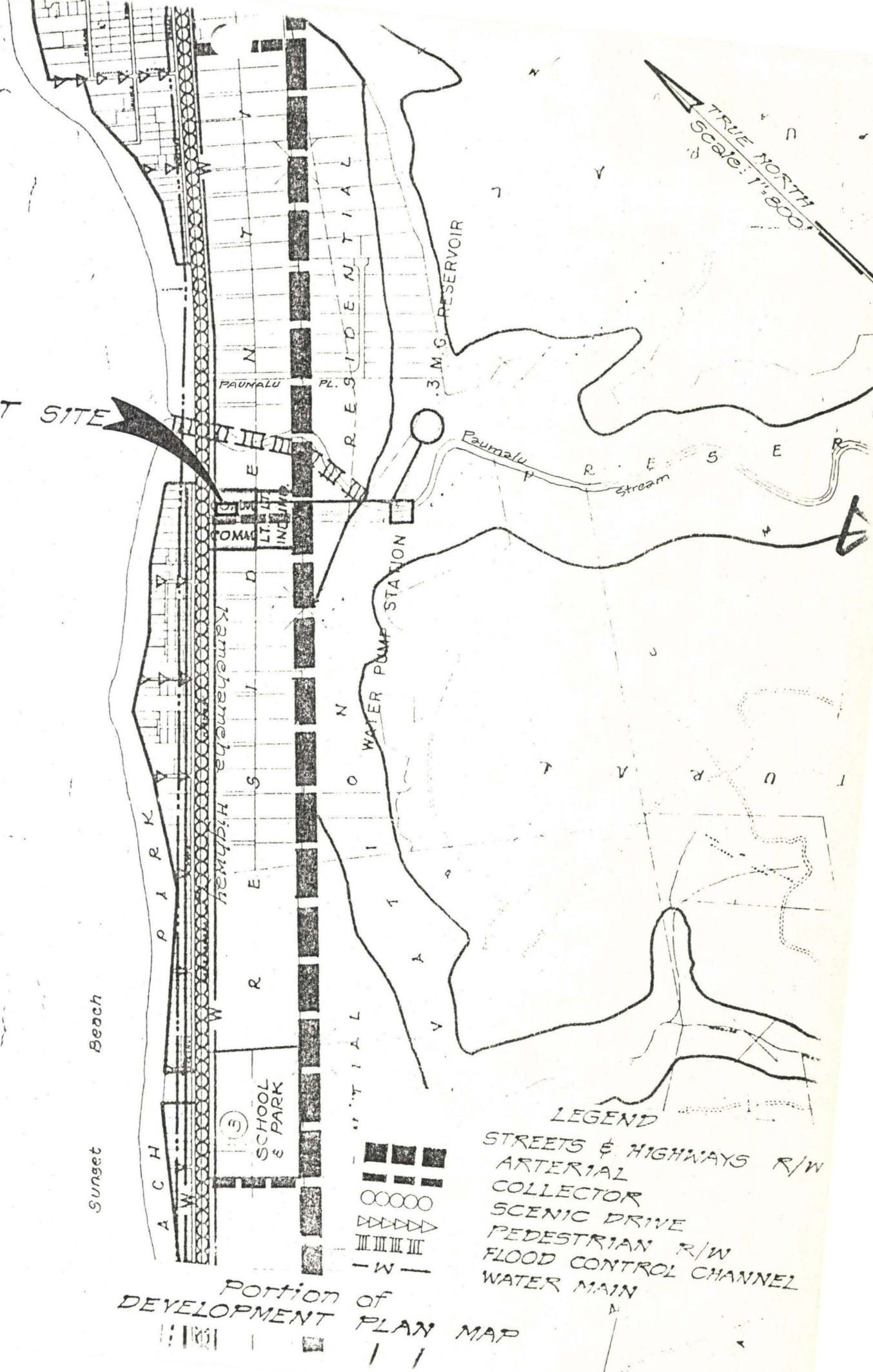
3 M.G. RESERVOIR

Paumalu Stream

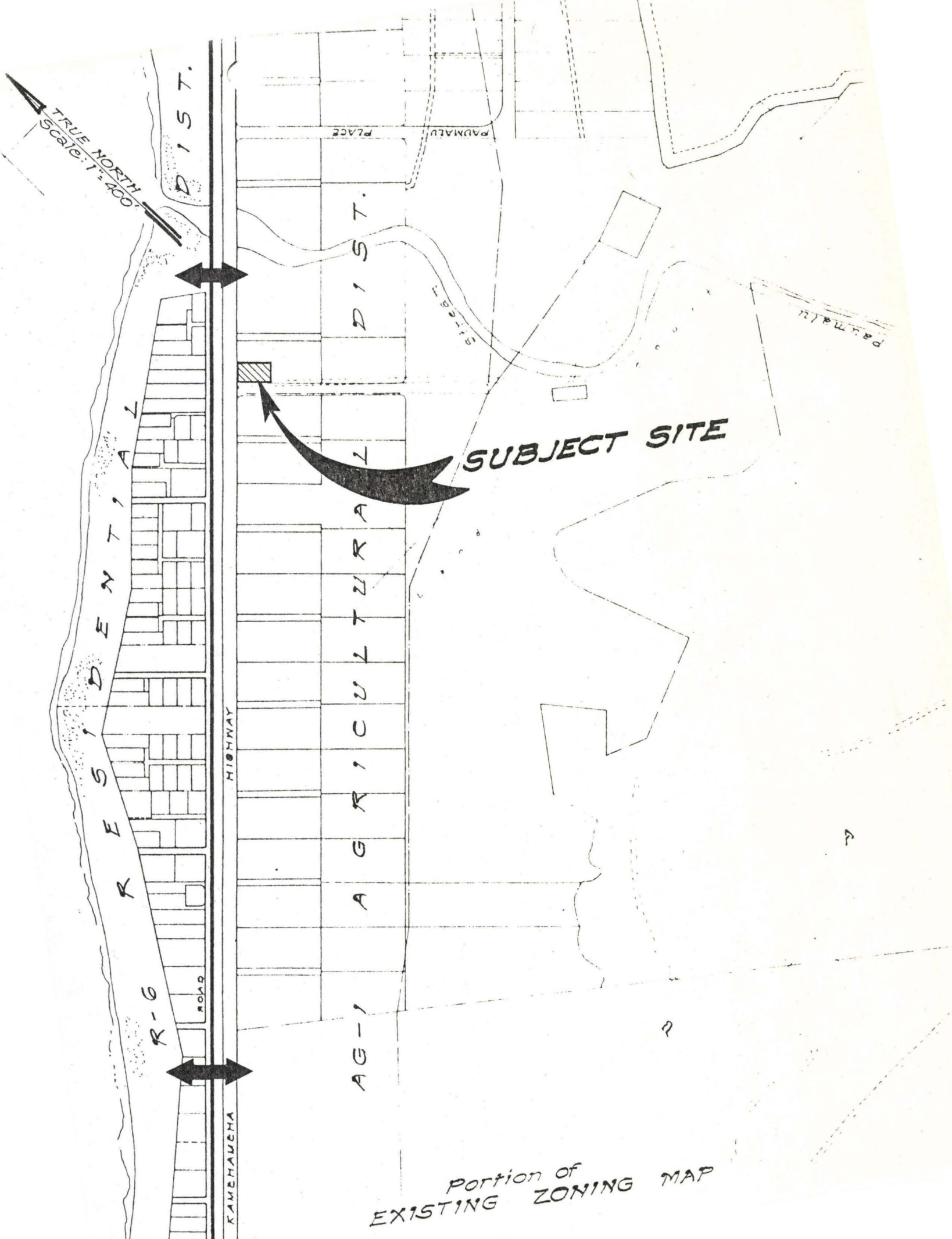
# LEGEND

- STREETS & HIGHWAYS R/W
- ARTERIAL
- COLLECTOR
- SCENIC DRIVE
- PEDESTRIAN R/W
- FLOOD CONTROL CHANNEL
- WATER MAIN

Portion of  
DEVELOPMENT PLAN MAP







TRUE NORTH  
Scale: 1" = 400'

DIST.

PLACE

PAUMOTU

DIST.

PAUMOTU

PAUMOTU

SUBJECT SITE

HIGHWAY

KAMEHAMEHA

AG-1

AGRICULTURAL

RESIDENTIAL

R-6

PORTION OF  
EXISTING ZONING MAP

Surrounding Land Use: Most of the area is in one acre agricultural lots mauka of Kamehameha Highway; some are vacant, some have limited agriculture use; and some have residences on them. A Standard Service Station occupies the parcel on the Haleiwa side of this site under a Special Use Permit granted in 1965. Across Kamehameha Highway is R-6 zoned beach front property which is in residential and park use. The makai side of the highway is within the urban district.

Comments from Governmental Agencies:

Department of Public Works: No objections.

Board of Water Supply: No objections.

Department of Transportation Services: "We have no objections to the above request. Since Kamehameha Highway is under the jurisdiction of the State Department of Transportation, this request should also be referred to them for their review and comments."

State Department of Transportation: "The applicant is advised that all work within the right-of-way of Kamehameha Highway must be coordinated with and approved by the State Land Transportation Facilities Division."

Department of Land Utilization Note: There is no work contemplated within the State right-of-way.

Department of Health: "Our staff has reviewed this request and foresee no major adverse environmental effects arising from this project."

Community Input: An advance information letter was sent to adjoining property owners and interested community groups on August 17, 1977.

One phone call was received on this request. The party was opposed to the proposal on the grounds that the drainage in the area is poor.

Department of Land Utilization Note: Construction plans will have to be reviewed and approved by Department of Public Works, Drainage Division, prior to construction. Department of Public Works has no objection at this time.

Analysis: The land on which the existing commercial structure, Kammie's Market, lies was zoned as a Rural Business District in 1951. With the adoption of the State Land Use Districts and the Comprehensive Zoning Code, all of the land on the mauka side of Kamehameha Highway in this area fell into the State Agricultural District and automatically became AG-1 with the adoption of the Comprehensive Zoning Code on January 2, 1969. This rendered the existing building and use as nonconforming.

In order to construct the proposed expansion to this nonconforming commercial use within an agricultural district, a Special Permit is required. Subsequent to action on this Special Permit request, the applicant has stated that he will file an application for a variance from City and County of Honolulu Zoning Code requirements which also prohibit expansion of a nonconforming commercial use within an AG-1 Restricted Agricultural Zoning District.



The applicant has stated that his proposal is a minor expansion (1,010 square feet) of the existing building whose basic shape and appearance will remain the same.

Compliance with the State Land Use Law: As called for in Part V of the State Land Use District Regulations:

"Any person who desires to use his land within an Agricultural or Rural District for other than an agricultural or rural use may petition the County Planning Commission within which his land is located for permission to use his land in the manner desired...."

Part V-2 provides that certain "unusual and reasonable" uses within Agricultural and Rural Districts other than those for which the District is classified may be permitted through the granting of a Special Permit. Guidelines are established for determining an "usual and reasonable" use. The guidelines or "Tests to be Applied" follow:

"1. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations."

A basic objective of the Land Use Law is to preserve lands in the agricultural districts for agricultural use. The subject site contains only 8,746 square feet and has been in in commercial use since the early 1950's when it was zoned for business. It is not felt that continuation of this use constitutes a threat to the viability of agriculture.

This portion of Oahu's agricultural district lands is in only limited agricultural use. It is not an active farming area such as those found on the Waianae Coast and Leeward Oahu. Most parcels in this vicinity are vacant or improved with rural dwellings.

- "2. The desired use would not adversely affect surrounding property."

The desired use is going to be essentially the same as the existing use. It would mean continuation of a pocket of commercial activity along this rural section of Kamehameha Highway. The limited expansion will not have any adverse effects on surrounding property.

- "3. Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection."

All public agencies have responded that services are adequate to support the current and proposed use. As this is an isolated commercial activity, it is unlikely that any significant changes in the neighborhood or services to the neighborhood can be attributed to the permit being sought.

- "4. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established."

The resident population of the agricultural and residential districts of the North Shore has increased moderately in recent years. The visitor and weekend population coming to the area for recreation has substantially grown. This has increased the demand for commercial facilities.

- "5. That the land upon which the proposed use is sought is unsuited for the uses permitted within the district."

The subject site is only a little over 8,000 square feet in size. Such a small parcel is ill suited for agricultural use.

According to the Detailed Land Classification Maps prepared by the Land Study Bureau, this site is classified "U" for urban to reflect the current use. Surrounding lands are classified "D". (Class A is prime agricultural land. Class E is poor agricultural land.)

Given the background of this property (prior commercial zoning and development in 1951), the Department of Land Utilization finds that to allow it to continue and be moderately expanded is within the context of a reasonable use.



Special Management Area (Shoreline):

This site lies within the Special Management Area established by the Shoreline Protection Ordinance No. 4529. After review in accordance with this law, a Shoreline Management Permit was granted by the City Council on June 21, 1977.

Conclusions:


1. The proposed expansion of the commercial use on this site is minor in nature and will not constitute a threat to the viability of agriculture in this area.
2. Although it lies within the State agricultural district, the site is designated for commercial on the City and County Detailed Land Use Map.
3. The government agency reviews confirmed that all public facilities and services are adequate to support the proposal.
4. The appearance of the commercial development will remain essentially unchanged from the present.
5. Because the site is within an AG-1 zoning district, the applicant has indicated that he will seek a variance from the Zoning Board of Appeals if the Special Permit is approved. Under County zoning law, the nonconforming use cannot be expanded.
6. The proposal qualifies as an unusual and reasonable use under the provisions of the Land Use Law.

Recommendation:

It is recommended that the application of Mr. and Mrs. Phillip Calilao for expansion of a commercial use at Paumalu, Koolauloa, Oahu, identified by Tax Map Key 5-9-14: 16 be approved subject to the following conditions:

1. The submitted site plan marked Exhibit "A" shall be part of the permit and all improvements shall conform to the Exhibit.
2. The commercial expansion shall comply with all pertinent zoning, building, and all other government regulations applicable to this development.
3. Within one year after approval of the Special Permit by the State Land Use Commission, the applicant shall obtain a building permit for the expansion in compliance with Building Code requirements. The Director of Land Utilization may extend the time limit if he deems that unusual circumstances warrant the granting of such an extension.
4. The applicant shall be required to incorporate all of the conditions set forth herein as part of the restrictive covenants running with the land.
5. The applicant/developer of the property encompassed by this Special Use Permit shall be required to file with the Bureau of Conveyances of the State of Hawaii, a declaration of the above-mentioned restrictive conditions.

6. In the event all conditions as set forth herein are not complied with, the Director of Land Utilization may take action to terminate the use or halt its operation until such time full compliance is obtained.
7. The Director of Land Utilization may approve any request for modifying the submitted plans which he considers to be a minor revision. Major revisions must be reviewed by the Planning Commission and may be approved with the Land Use Commission's concurrence.

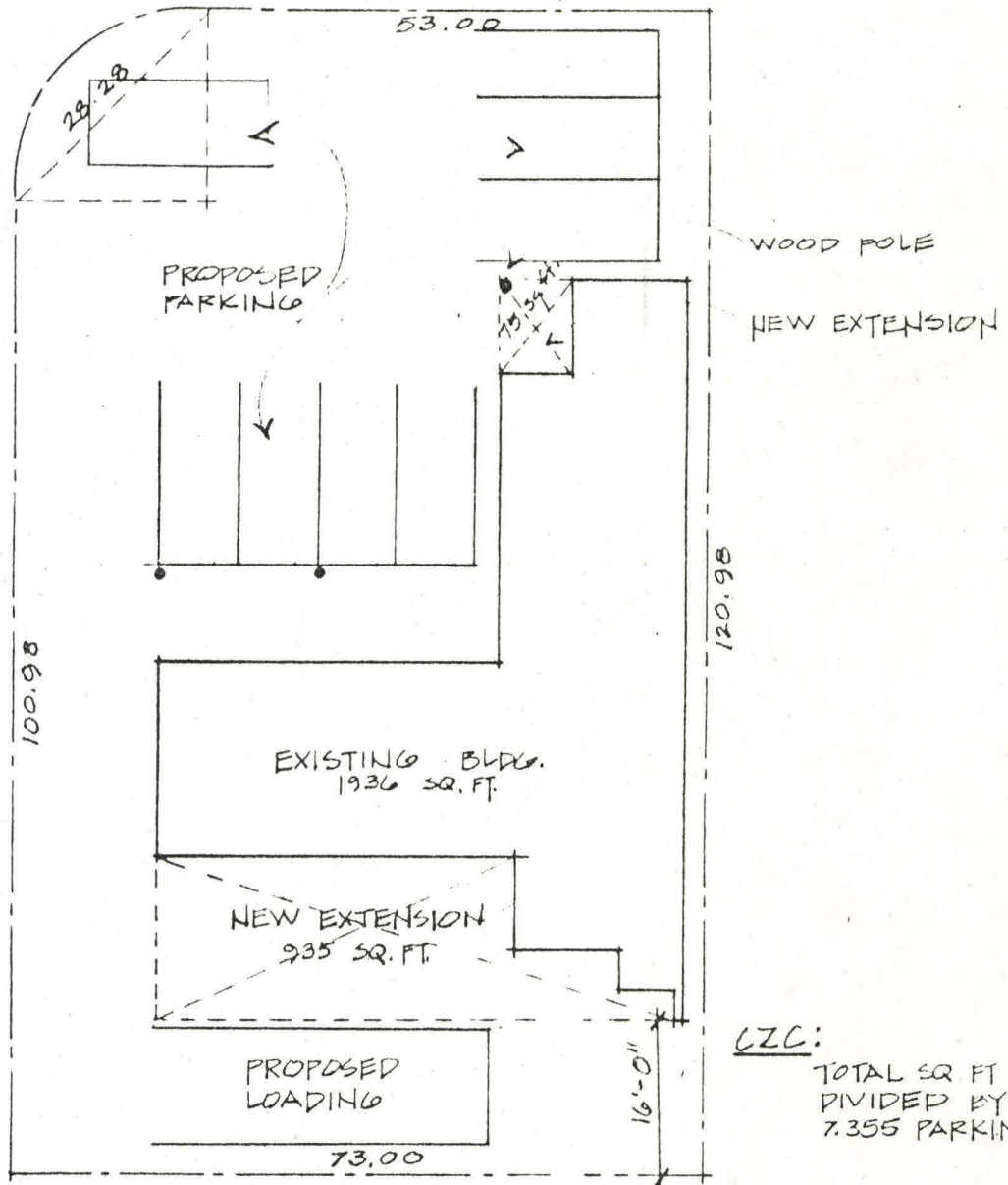
  
GEORGE S. MORIGUCHI  
Director of Land Utilization

GSM:st

Attach.



# KAMEHAMEHA HIGHWAY



LZC:

TOTAL SQ. FT. 2146  
DIVIDED BY 400  
5.365 PARKING

## SITE PLAN

SCALE: 1" = 20'-0"

KAMIE'S MARKET  
590-076  
T.M.K. : 5-9-14-16  
LOT 42-A AG-1

Meeting of the Planning Commission  
Minutes  
November 22, 1977

The Planning Commission held a meeting on Tuesday, November 22, 1977 at 1:44 p.m., in the Conference Room of the City Hall Annex. Commissioner Charles Izumoto, Vice Chairman, presided.

PRESENT: Charles Izumoto, Acting Chairman  
Marion Kagan  
Melvin Kaneshige  
Yuklin Kuna  
Jacqueline Lee  
Joseph Macapinlac  
Charles Sarber  
Gertrude Zane

ABSENT: Randall Kamiya, Chairman

DEPARTMENT Ramon Duran, Acting Chief Planning Officer  
REPRESENTATIVES: Eugene B. Connell, Executive Secretary  
Henry Eng, Staff Planner  
Gerald Henniger, Staff Planner  
Ben Lee, Staff Planner

MINUTES: The minutes of November 8, 1977 were approved, on motion by Mrs. Zane, seconded by Mrs. Kagan and carried.

PUBLIC HEARING  
HAWAII CAPITAL DISTRICT  
CERTIFICATE OF  
APPROPRIATENESS  
(BUS SHELTER)  
C&C HONOLULU/TRANSPORTATION  
SERVICES  
(FILE #77/HCD-36 BL)

A public hearing was held to consider a request for a Certificate of Appropriateness for the construction of a wood-frame bus shelter located at King, South and Kapiolani Boulevard, Tax Map Key: 2-1-46: 10.

Publication was made in both The Honolulu Advertiser and the Honolulu Star-Bulletin on Saturday, November 12, 1977. No letters of protest were received.

Mr. Ben Lee presented the Director's report recommending approval of the request.

There were no questions concerning the Director's report.

No one spoke either FOR or AGAINST the proposal.

The public hearing was closed, on motion by Mrs. Kuna, seconded by Mrs. Kagan and carried.

ACTION: The Commission suspended its rules for deferral and accepted the Director's recommendation for approval, on motion by Mrs. Kuna, seconded by Mrs. Zane and carried.



AYES - Izumoto, Kagan, Kaneshige, Kuna, Lee, Macapinlac,  
Sarber, Zane  
NAYES - None  
ABSENT - Kamiya

PUBLIC HEARING  
ZONE CHANGE  
R-3 to R-6 RESIDENTIAL  
KULIOUOU  
MR. ARTHUR KASHIWAI  
(FILE #77/Z-33 EY)

A public hearing was held to consider a request for a change in zoning from R-3 to R-6 Residential for approximately 24,402 square feet of land situated at 374 Elelupe Road, Tax Map Key: 3-8-9: 18.

Demolition of an existing dwelling and construction of a residential subdivision is proposed.

Publication was made in both The Honolulu Advertiser and the Honolulu Star-Bulletin on Saturday, November 12, 1977. No letters of protest were received.

Mr. Henry Eng presented the Director's report recommending approval of the request.

There were no questions of staff regarding the Director's report.

No one testified either FOR or AGAINST the proposal.

The public hearing was closed, on motion by Mrs. Kuna, seconded by Mrs. Zane and carried.

ACTION: The Commission suspended its rules for deferral and accepted the Director's recommendation for approval, on motion by Mrs. Kuna, seconded by Mrs. Zane and carried.

AYES - Izumoto, Kagan, Kaneshige, Kuna, Lee, Macapinlac,  
Sarber, Zane  
NAYES - None  
ABSENT - Kamiya

UNFINISHED BUSINESS  
ZONE CHANGE  
R-6 RESIDENTIAL AND  
AG-1 RESTRICTED AGRIC. TO  
B-2 COMMUNITY BUSINESS &  
I-1 LIGHT INDUSTRIAL  
HAWAII KAI  
KACOR REALTY, INC.  
(FILE #77/Z-14 GH)

The public hearing held November 8, 1977 was kept open and deferred for copies of traffic and market studies; further information regarding adequacy of the water system; information regarding Prudential's proposal.

Copies of the traffic and market studies which were received last week were mailed to the commissioners.

The Executive Secretary reported the following into the record:

1. Letter dated Nov. 15, 1977 from Craig S. Kammerer, Investment Manager, The Prudential Insurance Company of America, indicating that they have been looking at a variety of additions to the Center,



would firm up their plans within the next 90 days at which time they would be prepared to discuss the matter (copy attached).

Mr. Connell further reported a phone call from Mr. Kammerer in San Francisco that they would be prepared to make a presentation in January.

2. Letter dated Nov. 8, 1977 from Thomas H. Ashimine, Chief of Customer Services, Board of Water Supply, indicating the availability of water service for uses proposed (copy attached).

Public testimony was continued.

#### SUPPORT TESTIMONY

1. Letter dated Nov. 21, 1977 from Charles W. Coupe, General Manager, Marina Division, Kacor, responding to issues raised at Nov. 8, 1977 meeting (copy attached)
2. Letter, undated, from Michael K. Kilpatrick, Account Manager, Chaney, Inc., Managing Agent for Association of Apartment Owners of Kaimala Marina (copy attached)
3. Letter dated Nov. 21, 1977 from Martha Wellman, President, Association of Owners of the Moorings a 64-unit condo-complex at 6370 Hawaii Kai Drive (copy attached).
4. Mr. Augustine S. Furumoto, representing Hawaii Kai Communities Council, reconfirmed action taken by the Council at their Nov. 16, 1977 meeting in support of Kacor's proposal.
5. Mr. Pete Aurand, Chairman, Hawaii Kai Neighborhood Board gave the reasons for 4 abstentions made at their Oct. 25, 1977 meeting when action was taken on this matter--two Kacor employees and a business merchant in the center abstained; the other individual did not know the wishes of his constituents on the subject.

Testimony presented by the above-individuals basically restated their support of the proposal. The Commission then questioned them as follows:

1. Testimony presented indicates a turnover of merchants in the existing center and others who have gone bankrupt. Why support another center when problems exist in the present center.

The shopping center provides for the community (1) everyday essential items supplied by Foodland, Thrifty Drugs, a hardware store, etc.; and (2) sale of non-essential items such as jewelry, art, items in a boutique shop, a restaurant, etc.



A jewelry and art shop which went bankrupt were located in the initially-planned, tourist-oriented section of the center. Merchants, understandably being upset, feel need for improving the existing center rather than building another center. However, in the long run the expansion, which includes a proposal by Prudential, provides an alternative for merchants which could lower rental costs and competition among merchants which would ultimately lower prices for the community.

2. Question whether demand has been proven.

Demand has been demonstrated by votes in the community which support the proposal. Neighborhood Board #1 represents a population of 16,000; Neighborhood Board #2 covers a population of 25,000. Hawaii Kai's population is 6.8% higher than the island average.

Although some merchants claim that the center is financially unstable, other merchants are already expanding. Prudential's investment in the center and interest expressed by 60 major prospective tenants (49 interested in the business center; 11 in the light industrial area), also supports the demand.

Medical and recreational facilities requested by the community cannot be accommodated in the existing center because additional parking areas will be needed. Even though these facilities are planned for Phase II and there is question whether Phase II will be developed, the community is willing to risk Phase I for the sake of competition.

3. Question market study.

- a. The market analysis covers an area from Kapahulu to Lanikai. However, the people in the Kapahulu area have the availability of the Ala Moana Shopping Center, Kahala Mall or the Kaimuki Business District.

Mr. Aurand stated: "The proposal is an economic process which will solve itself. If we can get people all the way from Kapahulu, our center must be a dandy one and we like that."

- b. Why was the Kaimuki Business District omitted from the market study? Inclusion of the Kaimuki commercial area, even without the Kapahulu area, might have a decided effect on the market inventory which would seriously question whether a need exists.

The Kaimuki Business District was not considered because its strip development makes it difficult to determine commercial floor area.

4. Question whether the proposal meets the policies of the General Plan. Policy 2 permits moderate growth. To what extent is a shopping center, a little smaller than Pearl Ridge, considered moderate growth



in an urban fringe area? Policy 1 indicates direct economic growth primarily to Honolulu, Aiea, Pearl City, and secondarily to Ewa. What type of commercial use should Hawaii Kai have? The market study indicates the difficulty to quantify the amount of office space needed.

The comment was made when considering moderate growth in urban fringe areas, those business centers in that urban fringe must meet the population in that urban fringe. However, the market area covered in the study extends into the urban core which is part of the intensive growth area which Council indicated in the General Plan.

Mr. Coupe stated: "To use the total density for Pearl Ridge is not quite fair. Pearl Ridge is only retail. Our proposal has 360,000 - 400,000 sq. ft. of office space. Again, if the demand is not there, it won't be built. 500,000 sq. ft. of retail space is proposed similar to Kahala Mall. So, this is not regional like Pearl Ridge or Ala Moana Center.

Also, because transportation is a concern, it's easier for people to go in another direction and shop. Secondly, the intent of the General Plan was to incorporate commercial development within the community where it can become more self-contained and self-supporting.

5. Question traffic analysis.

- a. Conflict exists between the traffic study for Hawaii Kai to Aina Haina against the proposed market area for a regional-type shopping center. If the applicant's analysis draws from the Aina Haina/Hawaii Kai area, why doesn't the traffic study so reflect?

Mr. Coupe stated: "The traffic pattern will be dictated by the density created in the center. The traffic study considered 860,000 sq. ft. so it won't increase traffic unless you increase the density of your tenants."

- b. Question allocation of traffic. Vehicles were distributed according to where people live rather than where they were coming from.

Mr. Dick Kaku, representing Allan M. Voorhees and Associates who conducted the traffic study, stated even though it seems illogical to allocate the traffic study where people live rather than where they work, their years of experience indicates that as a fact which cannot be disputed. The method was gathered over the years. To allocate the traffic according to where people work indicates no growth and growth must be considered.

- c. The market study included the area from Kapahulu to Lanikai but the traffic study did not include that area. Would there be a substantial difference?

The difference would be substantial.



## TESTIMONY AGAINST

1. Letter dated Nov. 21, 1977 from Elaine C. Lacy, President, Hawaii Kai's Koko Marina Merchants Assn., Inc., requesting that the matter be deferred for a presentation by Prudential Insurance Co.; petition attached signed by approximately 48 merchants (copy attached)
2. Letter dated Nov. 18, 1977 from Karen Bond, Chairperson, Kuliouou-Kalani Iki Neighborhood Board No. 2, requesting that the matter be deferred because they have not received a copy of Kacor's Market Analysis (copy attached).

The public hearing was kept open and the matter deferred to January 28, 1978 for further study of the traffic analysis and market study by the commissioners and report by the Prudential Insurance Company.

UNFINISHED BUSINESS  
PUBLIC HEARING  
ZONE CHANGE  
BILL FOR AN ORDINANCE  
REDEFINING THE BOUNDARIES  
OF P-1 PRESERVATION  
DISTRICT NO. 3 AT WAILUPE  
TO INCLUDE A PORTION OF  
LAND PRESENTLY ZONED R-4  
RESIDENTIAL DISTRICT NO. 4  
& SUPERSEDING THE  
DESCRIPTION OF SAID P-1  
PRESERVATION DISTRICT NO. 3  
AS CONTAINED IN ORDINANCE  
NO. 4467  
(FILE #77/Z-19 HE)

The public hearing held November 8, 1977 was kept open and deferred as requested by the applicant.

The Executive Secretary reported the receipt of a letter dated November 18, 1977 from Attorney Robert K. Fukuda requesting deferral of the matter because he had recently been retained by Mr. Jo Paul Rognstad to represent him on this matter and did not have sufficient time to familiarize himself with the subject matter.

No staff presentation was made.

No one was present to speak either FOR or AGAINST the proposal.

The matter was deferred as requested to December 6, 1977.

UNFINISHED BUSINESS  
PUBLIC HEARING  
HAWAII CAPITAL DISTRICT  
CERTIFICATE OF  
APPROPRIATENESS  
(4-STORY MEDICAL BLDG.)  
MR. & MRS. THEODORE GLATZEL  
(FILE #77/HCD-32 BL)

The public hearing held November 8, 1977 was closed and action deferred for a traffic report and suggested conditions by the Department of Transportation and the Honolulu Police Department.

Due to a time element, representatives from both the Honolulu Police Department and the Department of Transportation Services had to leave.

The matter was deferred for a special meeting on November 29, 1977.



UNFINISHED BUSINESS  
PUBLIC HEARING  
PLANNED DEVELOPMENT  
WAIALUA  
OCEANIC PROPERTIES, INC.  
(FILE #77/PDH-2 BL)

The public hearing held Oct. 11, 1977 was kept open and deferred four weeks as requested by the applicant. On Nov. 8, 1977, the public hearing was closed, and action deferred for a representative from the State Department of Health discuss sewage treatment plant maintenance funds, years of surety, operation, supervision, inspection, and conditions for sewage treatment plants.

A memo dated November 16, 1977 (copy attached) from the Executive Secretary to the Planning Commission presents a rough draft of a proposed ordinance with suggested conditions to meet the concerns of the commission.

Comments regarding the proposed conditions were made by Messrs Lewis Ingleson, Project Architect, and Brian Gray, Project Engineer, followed by Mr. Shinji Soneda of the State Department of Health.

#### TESTIMONY OF LEWIS INGLESON & BRIAN GRAY

INGLESON: Thank you for the opportunity of presenting our views. We did review the draft ordinance and there were several items that we did question.

One, of course, is the one made the last time, the omission of the two units along the beach for reasons that I stated earlier. The second item is in section 5, paragraph (b), provision of sewer easements to meet the Board of Water Supply requirements. This will be a private sewer system so we don't feel sewer easements are appropriate in this particular situation.

CONNELL: What will happen when the City's sewer system comes in?

BRIAN GRAY: The sewer system is designed to bring all of the sewage near Waialua Beach Road where the sewage treatment plant is. So, it will be a matter of a simple connection when the City comes through and puts the sewer line in. It will be a very short connection there.

CONNELL: The laterals and so forth will all be in?

GRAY: Oh yes.

CONNELL: What happens with the sewage treatment plant?

GRAY: There's two alternatives. Based on experience in other areas, there's usually a salvage value to plants anyway. Usually you can get the regional manufacturer to come and either take it out for nothing or a fair nominal amount or you can just fill it in and landscape the area. It's at substantial level with the ground anyway.

CONNELL: I can be corrected on this but it seems to me that in many of the previous PDHs that when the City's sewerage system was connected,



the  
we have required that/STP be taken out and that the applicant bond that it will be removed.

GRAY: I haven't experienced that. I've never noticed it was necessary.

CONNELL: At least it ties down who's going to take care of that problem once you don't need an STP anymore.

KANESHIGE: Will this be sold as a condominium?

GRAY: Yes.

KANESHIGE: I don't see why it's required that the STP be taken out. It'd be a lot cheaper to leave it in and cover it up. Why cause more expenses to be incurred by the association?

KUNA: You want the injection wells taken out?

CONNELL: No. The injection wells, as long as they are adequately covered is no problem. It's simply leaving a building there which is no longer needed and totally unnecessary.

One of the problems is that condominium associations can decide that everything is too expensive, the maintenance system. So, attractive nuisances are created or you end up <sup>with</sup> sewage treatments that break down. By having a surety bond posted, we can be sure it will be removed. My understanding is that the sewer system comes in 1982. We're talking about a five-year period of time.

INGLESON: Condition 7 is inappropriate inasmuch as we've already worked out the details of the Fire Department's requirements. I realize that's just incorporating what's in the Director's report but we've gone back to the Fire Department to work out the turnaround with them. It's not a 32-foot turnaround per se but it does meet their requirements. We'd like it to say that it does meet the requirements of the Fire Department.

Condition 8, it says the applicant's engineer shall submit a certified statement that the grading is done in accordance with the plans. In this case, we would prefer that it say a registered engineer. It may not necessarily be the applicant's engineer. They may, because of the size of their company, have their own in-house engineer to do that work.

GRAY: Also, Condition 5(b), construction of sewer lines to meet BWS requirements. They don't have review of sewer lines. For private sewers like this, the agency responsible is the Building Department in conformance with the uniform plumbing code. It's a technicality.

CONNELL: As long as the required laterals are in the exhibit, I certainly wouldn't have any objection to removing all of (b).

(There were no further questions of Mr. Ingleson and Mr. Gray.)



TESTIMONY OF SHINJI SONEDA

KUNA: It has been presented to us that the major problem in proper maintenance is that they had stopped regular maintenance of their treatment plant and what would resolve your objection would be guaranteed maintenance. Is that correct?

SONEDA: I'm Shinji Soneda from the Department of Health. Let's say one of the reasons why some failures have occurred is the question of maintenance.

KUNA: What are the other reasons?

SONEDA: There are a number of reasons why it could go wrong. One example would be although the building is designed for an occupancy of say X amount, and in actuality there would be three times the number of people living in that building. Therefore, the STP is undersized relative to the actual amount of occupancy. So, one cannot conclude that just taking care of this kind of thing would necessarily eliminate all the problems that we've been encountering.

KUNA: We've been told if there is a guaranteed program for maintenance of the STP as designed, you would no longer have objections. Is that true?

SONEDA: Let's say yes to that specific question.

KANESHIGE: To which question, that the Board of Health did have objections to the STP as originally designed?

SONEDA: No, if they followed some kind of maintenance operation and procedure that would guarantee that the treatment plant would work, there probably would be no reason at this point to be concerned about this project or any other project so situated.

KANESHIGE: What is the role of the Department of Health in reviewing whether an STP will work? I suppose at the beginning is to look at the plans and to look at the equipment that's being used and to look at the projected population of the project. Assuming that you have some experience with the equipment being used, I think you automatically assume that it'll be sufficient to take care of the sewage problem in that particular project. Is that right?

SONEDA: Right. You've asked a number of questions but primarily the difficulty in this kind of area as compared to a municipally operated kind of treatment plant would be that we're all guessing because we don't know many things that we should know. In the case of a municipal treatment plant, we're addressing an entity that exists with a population of this number of people of this kind of character which lives in this area which generates this sewage which requires the treatment. So, we design it to some kind of substantial data.

In this case, all we know at the present time before this building comes up is that they contemplate putting this kind of building up which they hope to sell at this rate, which will mean that this number of people will come into being. It's iffy. You don't know, right? So, you make a projection as to what would be typical under that iffy condition and you make a projected guess.



KANESHIGE: Are there yearly inspections that the Board of Health makes of private STPs?

SONEDA: No. At the present time, there are no regular inspections made by us nor any reporting required on the part of the operator of these facilities.

KANESHIGE: Is it regulated or inspected by anyone else?

SONEDA: Not to my knowledge.

KANESHIGE: So once it's given the okay and once City Council has given it's okay, 60 million people move in and they expected 200 million, it goes up the creek.

SONEDA: To combat that situation, that's the reason why we go into this kind of discussion as to, if they assure us that if they have some viable means of assuring us as well as this body that there will be a guaranteed operation and maintenance during this period.

Let's say in this case, someone mentioned 1982. Here it is 1977. Let's say 1982 is when the sewers do come to this front door of this project. If some kind of guarantee can be made that they're going to run it at optimum conditions, that's one solution to the problem. Now as to whether how good that guarantee is, somebody's got to trust somebody. As long as it's a private entity that's doing it, it's not a government entity.

Now, if it's a government entity like the municipal treatment plant, we hold the City or the State responsible for that function. If they don't do it, it'll be in violation of their trust. If you give it to a private entity, they can liquidate. They can go bankrupt. They can do many things and you can't hold them.

KANESHIGE: Well I guess in my case the problem is I don't think it's very equitable to charge the land developer with the cost of a five-year bond. I suppose the PDH ordinance could be written in such a way that one of the requirements would be that the STP would be sufficient to cover whatever is the actual population at the time of construction. That's how we can and that's how we should hold the developer to and nothing else. I think you're just driving up costs otherwise.

KUNA: What happens in the event the STP does overflow? Do you folks get called in?

SONEDA: We get called in sort of a dual role. We have a primary role as the health agency. Whenever it causes a health or nuisance problem, we go in there as a policeman. We tell them to abate that condition. We also get called in our secondary role serving in an advisory capacity to this kind of body. At the front end we probably advise whether you should or you should not. We get called on the opposite side saying if you knew this was coming about, why didn't you prevent this thing from coming about?



KUNA: You give a fine?

SONEDA: We tell the offender which is usually the collective board of directors of the community association to abate the condition. We give them a date to abate that certain condition and we go after them.

KUNA: Then at that point they start improving their sewers.

SONEDA: No. At that point, usually they go to the courts and try to prove that we were responsible in the first place.

KUNA: That's what's happened in other situations. Rather than them abating the situation, they came back and said you guys approved it and therefore, you're responsible. So what, you have to help pay for maintenance?

SONEDA: That's what they try to collect from the State and the City and whoever else.

KUNA: What has happened? Are they wrong or what?

SONEDA: Well most of these things have not been resolved yet. They're still in court.

KUNA: That's interesting.

KANESHIGE: One of my questions to DLU staff about our PDH ordinances whether when they're written, I guess I can see a problem. The problem is you just don't know what's going to go in there when the project is actually built. The one before us calls for 21-duplex units. You just don't know how many people are going to go in there. It's hard to gauge what the actual capacity is that's needed.

SONEDA: Coming back to the question, if it's a limited period that we have to address and we can somehow be set aside with the maintenance operation during the period being guaranteed, presumably the operator of that facility is going to be saying within reasonable overloading of that thing they will take care of it one way or the other.

KANESHIGE: But if you're the policeman, then they have to go with a new STP or I don't know whether you can--

SONEDA: Well, the City gets called back into the picture through the political process and asked to help out as they are being asked to help out in the cases now functioning and now occurring. That's another elaborate and involved process.

KANESHIGE: Is there any kind of proposal that you know of in the future, either the Department of Health or the State, Federal or City agency to regularly inspect private STPs?

SONEDA: We've considered all the kinds of things that might be instituted. I come back to the same point that since by the very nature of the thing that they are located in far away places, we can't find a



very cost effective method of doing this particular thing. Because, the presumption at the beginning if you want to catch it before it fails, we got to inspect all. There's not that much manpower available to an agency to do that on a regular basis. So when you start failing on that, failure will start occurring.

KANESHIGE: As I understand it then, your real dilemma is that the Department of Health is really called in too early to review plans for STPs. You don't really have all the facts before you or you don't have enough facts before you as to how many occupants there actually are going to be or are going to live in a particular project.

SONEDA: Well, it's almost characteristic of this kind of problem because nobody knows, really. You/<sup>don't</sup> know what you're providing for.

KANESHIGE: I think if you had a project before you with 42 units and 36 one-bedrooms and 6 two-bedrooms, I think you have a lot better idea than 42 units period, not knowing how big they are.

SONEDA: You have some indication as to what potentials are there but you don't know at what rate it's going to fill up.

Some of the problems surprisingly have been that some of these units have gone to pot because not enough people have been in them.

KANESHIGE: Does the department look at a project with the idea of building in some kind of overcapacity, to take care of a problem like this?

SONEDA: No. The overcapacity part, if any government agency is looking at it, like the City would be looking at it under various kinds of housing codes which control the amount of occupants.

KUNA: Have you read this provision that we've proposed?

SONEDA: (No response.)

CONNELL: Also, one of the questions the commissioners were asking were for the number of years. I believe Mr. Soneda said two or three years. The first two or three years of operation would be considered the critical period of time.

SONEDA: Obviously the start-off period when first the building comes to full occupancy, maybe the six-month period after that is the most critical, but I don't think the rest of the period is that much far behind. If it's a five-year period that you have to watch for before the sewer comes in, then I would say if the first six-months is ten, the rest of the period would be eight or thereabouts, not that far behind.

CONNELL: It was reported to this Commission by a letter from EDW dated November 1st, "To overcome this problem, the Health Department has been requiring developers to enter into maintenance agreements for the first couple of years, but there does not appear to be anyway to enforce such a requirement." That was suppose to have come out of



conversations with the Department of Health. I think the question the commissioners were asking, is the first two or three years adequate or are you suggesting five years until the sewers comes in?

SONEDA: The assurance of proper maintenance goes obviously--for example, if the five-year period has to be accounted for then its five years but you can get a workable contract in there with a workable agency, as long as this contract exists as the transfer from the developer to the Board of Directors of the community association, that period, I think you have accomplished quite a bit. Because, at that point, the community association will know what the amount of money involved per month is or per year on this kind of thing. They will be cognizant of the cost of that particular thing. At least a contract covering this period is critical. If you don't have this contract, a guy buys a residential parcel, only afterward he's going to be told that in addition to what he has shelled out already, he has to come up immediately with X amount of dollars for this cost and X amount of dollars for that cost.

CONNELL: I would assume that would be in the maintenance fee.

SONEDA: Very often it's not.

KANESHIGE: I think anytime that the condominium is put up, the developers abstract is required to put the requirement of disclosure of projected maintenance costs.

KUNA: That doesn't necessarily include the STP cost. They just say maintenance fee and a breakdown of what they would have.

KANESHIGE: Doesn't it have to include all the costs of running common elements? Certainly the STP is a common element. I think it's a redress. It's a serious problem of non-disclosure.

KUNA: Except that--well, I guess you're right there.

CONNELL: Well, if that were a question, it certainly could be written in under Condition 17, under sales, in terms of the sales agreement, if we had to be that specific.

KUNA: They do incorporate the assumption of the liability for sewage treatment contract in the sales contract when they sell a contract.

SONEDA: We did discuss that with the developer when they came in.

CONNELL: I think the commissioners' concern at the last meeting was, okay, it's turned over to the condominium association who are aware of how much it'll cost to maintain the STP and they say nuts to it. It cost too much money. We're not going to do it. Now the system breaks down and a stench covers the area. They pick up the phone and call Jim Loomis. He calls you. You go out as policeman, then they sue you.

If we're going to have an STP that's going to have to run for the next five years, why not require a bond so the money is available to repair it if the thing breaks down.



KUNA: Rather than to maintain it?

CONNELL: Maintain it and if it breaks down, that's part of maintenance. That seems to be a sensible approach. It keeps you out of court.

SONEDA: Somebody has to cost out the particular proposal. If it's a reasonable amount of money, I'm sure the developer's going to agree to that particular thing. But, if it's high enough, it's tantamount to you saying no to them. It's a polite way of saying you do it under this condition or you don't do it at all.

CONNELL: It seems to me if the government--and it seems to me that the Department of Health under State law is charged with a responsibility in terms of STPs and so forth. That, if the government knowingly allows the system to operate, and when they know STPs can break down and that there's no money to cover it, that seems to me a dereliction of duty of government. We can talk about adding cost and everything else. It seems to me this is part of the general good and welfare which we are charged as one of our responsibilities.

SONEDA: We have proposed on our part in the interest of the very same responsibility that we are charged with of trying to promulgate an addendum to our regulations such that we would say practically no to any kind of situation such as this where a public entity, not necessarily a city-run entity but even a quasi-public entity such as the Hawaii Kai sewage treatment system management, take over or else no building goes in. But, we have to subject this kind of proposal to public scrutiny too. Everytime we propose this kind of thing, we get flatly turned down by the people.

KUNA: Did you have a chance to go over that thing?

SONEDA: Yes. "...the applicant shall submit a program for the operation and maintenance of the facility which shall be approved by the Director of the Department of Health and the Director of Land Utilization...." I think abates the issue because we already require them to submit to us an operation and maintenance manual, things like that as part of the plan review. It's not what we would like to see done. What we're looking for is something that they're committing themselves to doing. The board of directors have to say okay, this is the cost during this period and we're going to assume this cost. It's whatever they want to have instituted. What we approve and what you recommend is not enough. If what we approve in your opinion is not enough, they should be out there trying to get the best deal possible so that their plant doesn't turn out to be a victim of general neglect. So putting it approval of the Director of the Department of Health and the Director of Land Utilization is not going to get anywhere.

KUNA: How about the next sentence about setting aside a bond to cover maintenance costs for the next five years?



SONEDA: On that I already commented that you cost it out, whatever it takes for a reasonable cost, and the developer agrees to post it with you people, obviously that's a big step in the right direction.

KUNA: That takes care of a lot of your problem.

SONEDA: Right.

KUNA: The program of maintenance, you say they've already submitted a program to you or just a method of maintenance?

SONEDA: In our original review, they have to give us the design of their plant. Additionally, they have to give us a manual showing how he's going to operate this plant, turning this valve, etc. Giving it to us is only one part of the act. He gives it to the person who's going to operate the thing, telling him this is the way I want this plant which I designed to be operated. This is his statement what it takes to be operated so that the design optimum can be achieved.

KUNA: But there's no commitment to operation that he represents, the applicant, is there? With you guys?

SONEDA: Certainly there might be on the part of the developer but as indicated, the condominium association themselves might six months hence repudiate it. The bond, on the other hand, will guarantee that if they don't do it, they'll go into the bond.

KUNA: But there really is nothing in there that ties the future association to the plan of operation that they initiate. All we're saying is they have to pay X amount. We haven't said X amount of what.

SONEDA: Well, in their conversation with us, they said they'll go in there and work out a deal between the developer who is the original owner of the condominium. As they transfer out of the operation and more and more become part owner of the particular thing, they'll ask for pay back of that surety bond, shall we say.

KANESHIGE: They going to get the association to pick up the annual premiums?

SONEDA: I don't know how they're going to do it but they're going to work out something to reconcile.

KANESHIGE: I think if it falls apart because of maintenance, the obvious culprit in that case would be the board of directors.

KUNA: But see what happens? I asked him what happens when they go in and he said they get sued.

KANESHIGE: Yeah but whether they actually lose in court or not, the question I have is I can't see the board of directors was negligent in cutting the costs in not maintaining the STP.

KUNA: What happens while it's in court? Do they abate or does it go on?



SONEDA: Well, the attempt is made to abate it obviously because the conditions that is created there is localized and is detrimental to their well being. They can't obviously sell their homes or do anything like that so they make an effort to abate it. But, that's cost money too so it's limited to the extent of what they can afford. Correction usually takes more money on the long haul than the prevention, certainly.

CONNELL: I would suggest inasmuch as we are not able to look into the future, at least beyond five years, that what is proposed here would at least give the Department of Health the proposed program for maintaining and keeping up the STP, not only in terms of the knobs that are going to be turned but who's going to turn them. And that is, to be approved by a state or city agency, and that the bond if it goes for five years, should at least bring it up to the period of time when the STP is no longer needed, it goes into the city sewer system, and the STP is out., which should take care of this problem. I don't think we're going to solve the fact that really I have lot of conditions on developments which nobody apparently wants to enforce because all government agencies say the same thing. We don't have the manpower.

KUNA: Perhaps they should also submit their sewage treatment contract. Wouldn't that tie them down so that we know that same program as we first saw it is going to be kept up for the next five years. Whatever the designer comes in with as his program of maintenance, have that kept up with over this period of time.

SONEDA: Something like this, what's contemplated--

KUNA: Would tie them down?

SONEDA: Yeah, or somebody go in there and exercise the surety bond and engage another private entity that would do it.

KANESHIGE: The present paragraph (d) calls for the applicant to remove the facility when it's no longer needed. Does the Department feel it necessary that the STP be removed when the project is hooked up to the city sewer line?

SONEDA: We don't require it but we would like to see it removed. I think it really resolves itself because usually the space that the STP is occupying is valuable space. So the minute it's no longer necessary, somebody's going to take an action to eliminate it so that the alternative use can be applied.

KANESHIGE: It was stated earlier it's sunken into the ground. It maybe that this land is being used to maximum density already. They may just want it as open space. It maybe a lot cheaper to cover it up. Is there any objection by the Department of Health to that?

SONEDA: We have no objection as long as it's rendered safe. Obviously an open tank left open nobody's going to like it but filled in--

KANESHIGE: No problem?

SONEDA: No problem.

(There were no further questions of Mr. Soneda.)

ACTION: The Commission recommended approval of the proposal, subject to the conditions contained in the draft ordinance (copy attached), with the following changes:

1. Section 5b. be deleted.
2. Section 5d. be changed as follows:
  - a. Delete the second sentence.
  - b. Fill in the blank space with "five" years and place a period after "years." Delete the three last words, "and removal costs."
3. Section 7, delete the second sentence.
4. Section 8, will read "A registered engineer ..." rather than "The applicant's consulting engineers ...".

The motion was made by Commissioner Kuna, seconded by Commissioner Zane and carried.

AYES - Izumoto, Kagan, Kaneshige, Kuna, Lee, Macapinlac,  
Sarber, Zane  
NAYES - None  
ABSENT - Kamiya

UNFINISHED BUSINESS  
STATE SPECIAL USE PERMIT  
(EXPANSION OF AN EXISTING  
COMMERCIAL BUILDING IN  
AN AGRICULTURAL DISTRICT)  
SUNSET BEACH  
MR. & MRS. PHILLIP CALILAO  
(FILE #77/SUP-6 RH)

The public hearing held October 25, 1977 was closed and action deferred for the 15-day statutory requirement.

No discussion followed.


ACTION: The Commission accepted the Director's recommendation for approval of the request, subject to the conditions in the report, with the exception of Condition 3 which is changed to read as follows:

"Within one year after approval of the Special Permit by the State Land Use Commission, the applicant shall obtain a building permit for the expansion in compliance with Building Code requirements. The Planning Commission may extend the time limit, with State Land Use Commission concurrence, if it deems that unusual circumstances warrant the granting of such an extension."

AYES - Izumoto, Kagan, Kaneshige, Kuna, Lee, Macapinlac,  
Sarber, Zane  
NAYES - None  
ABSENT - Kamiya

ADJOURNMENT:

The meeting adjourned at 5:03 p.m.

Respectfully submitted,  
  
Henrietta B. Lyman, Secretary-Reporter



The Prudential Insurance Company of America  
Suite 1930, Pacific Trade Center  
190 South King Street  
Honolulu, HI 96813  
Tel. 808-524-7622

Craig S. Kammerer  
Investment Manager

77/2-14 (CH)  
(3)  
Lynne

November 15, 1977


Mr. Eugene Connell  
Executive Secretary  
City & County Planning Commission  
Honolulu Hale  
Honolulu, Hi. 96813

Dear Mr. Connell:

Relative to your questions this morning, I wanted to outline our position on the Koko Marina Shopping Center. As I mentioned we have been looking at a variety of additions to the Center ranging from minor aesthetic improvements to the addition of new commercial facilities. We hope to firm up our plans within the next 90 days, at which time I would be glad to discuss them with you further.

In the meantime, if you have any questions please let me know.

Sincerely,

  
Craig S. Kammerer  
Investment Manager

CSK:jwg

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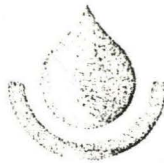
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C. C. HARRIS  
HONOLULU

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU

630 SOUTH BERETANIA

HONOLULU, HAWAII 96843



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77/2-14 (GH)

FRANK F. FASI, Mayor

YOSHIE H. FUJINAKA, Chairman  
STANLEY S. TAKAHASHI, Vice Chairman  
FRED DAILEY  
TERESITA R. JUBINSKY  
WALLACE S. MIYAHIRA  
DAT QUON PANG  
E. ALVEY WRIGHT

3

November 18, 1977

EDWARD Y. HIRATA  
Manager and Chief Engineer

*Signature*

Department of General Planning  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

Gentlemen:

Subject: Your letter of November 16, 1977  
relating to Kacor Realty, Inc.  
Zoning Application - 77/Z-14

To clarify our previous comments regarding the subject matter, we wish to inform you that water service will be available for uses proposed under these requested zoning changes.

If you have any questions, please call Ichiro Tanaka at 548-6129.

Very truly yours,

*Thomas H. Ashimine*

Thomas H. Ashimine  
Chief of Customer Services

cc: Kacor Realty, Inc.

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November 21, 1977

U.S. DEPT. OF COMMERCE  
HONOLULU

Mr. Randall N. Kamiya  
Chairman  
City Planning Commission  
City & County of Honolulu  
Honolulu, Hawaii 96813

Dear Mr. Kamiya:

At a public hearing held by the Planning Commission on November 8, 1977 to receive testimony on the zoning of Marina Business Centers 1 and 2 and the Kamilonui Industrial, the Commission heard testimony from representatives of the Hawaii Kai Communities Council and Neighborhood Board No. 1, in which the Council endorsed the commercial and industrial developments; whereas, the Neighborhood Board supported the commercial projects, but voted to disapprove the industrial. Since the Board's primary objection to the light industrial park was lack of information and concern for aesthetics, we believe those concerns can be satisfied at the next Board meeting on November 29, so that it might be possible to obtain a reconsideration of the Board's position. Subsequent to the November 8 hearing, the Hawaii Kai Communities Council reevaluated its position and reconfirmed its support of the commercial and industrial developments. The Council's position was further reinforced by the approximately 600 Hawaii Kai residents who endorsed a petition requesting approval of our zoning application. Therefore, the community most affected by these proposed developments has confirmed that they support both the commercial and the industrial developments.

In addition to the support testimony presented, several speakers made statements which raised questions concerning the propriety of granting approval to our application. Unfortunately, we did not have an opportunity at the hearing to address those concerns so as to clarify those points for the Commissioners. Therefore, in order for the Commission to be able to fully evaluate the statements, we have prepared responses to questions which we believe require further clarification.



Can Koko Marina Shopping Center be expanded to adequately provide all of the services desired by the community? The answer, quite obviously, is no.

Koko Marina was designed and developed as a neighborhood convenience center geared to providing necessity goods and services for the community. Although it was suggested that Koko Marina might possibly attract a major retail firm, this is speculative and should not have any bearing on our application. However, if such an addition were developed, it would fall far short of the comprehensive type of commercial establishments planned for Marina Business Centers 1 and 2. Moreover, Koko Marina is fully developed and if any expansion were to be undertaken, major renovations would be required, including the construction of a parking deck necessary to accommodate the additional parking requirements resulting from increased retail space. If this were to occur, the present open space and aesthetics of the Center would suffer significantly.

Is Koko Marina Shopping Center in financial difficulty? In our estimation, the answer, once again, is no! Although it was implied that Koko Marina Shopping Center is beset with merchants in financial trouble and constant turnover, the Center as a whole is stable, with shops in the Waterfront Village almost fully occupied and several existing merchants expanding into larger spaces.

Unfortunately, the turnover which did occur in the Waterfront Village as a result of the transition from tourist specialty shops to community-oriented businesses led to individuals speculating that the entire Center was in financial trouble. Certainly, if Koko Marina were as financially strapped as alleged by the speakers, we doubt seriously Prudential would have invested millions to acquire the Center.

What will the ultimate density be for Marina Business Centers 1 and 2?

A question was raised concerning the ability of Hawaii Kai's present population of 25,000 to support a shopping complex of nearly one million square feet. First, it should be noted that the estimated population of the primary trade area to be served by the Centers will be approximately 145,000 by 1980 when the first increment is completed. This would reflect only a portion of Hawaii Kai's ultimate population of about 45,000. Second, the Centers will be developed only to a density which can be supported by the demand. Economics Research Associates believes 600,000 sq. ft. of retail can be justified now and ultimately 740,000 sq. ft. To that we have assumed the need for office space in the neighborhood of 200,000 sq. ft., which would be built only if the demand exists. Therefore, we incorporated in the Master Plan the design flexibility necessary to accommodate this density with the incremental development of the Centers. It should be recognized that these parcels afford the last opportunity to develop a major comprehensive commercial-industrial center in East Oahu, and we should not preclude the ability to meet increased demand if it occurs.



How will the commercial development be phased? It was said that a supermarket and drug store would be the first to be developed, and therefore, a major retail department store on Business Center 2 would not be available until much later. Due to the relative size differential between the two Centers, Marina Business Center 1 logically would be started and developed faster than Marina Business Center 2. However, the planning, leasing and development of Marina Business Center 2 should move in parallel with Marina Business Center 1, except that because of its larger size and complexity, it will take longer to begin developing the initial phase. The important point is that because of the different concept envisioned for each commercial center, the zoning is needed now for both parcels so planning and development can proceed on both.

Is it desirable to delay action on zoning pending highway improvement? No. The traffic report prepared by Alan M. Voorhees & Associates concludes that the minor impact of these developments on traffic would not materially effect driving convenience or safety on Kalanianaʻole Highway. The City and State Departments of Transportation have accepted the report and concur with its findings. Therefore, to delay the zoning approval based on implementation of highway improvements is not justified and would serve only to delay the many benefits these developments will provide for the residents.

Will commercial development foster additional residential growth? It was suggested that approval of the commercial zoning would be tantamount to encouraging additional residential development. We disagree! Regardless of whether these commercial-industrial projects are developed, residential growth will occur in East Oahu because the area is planned for an additional 25,000 people under the new General Plan. Since Hawaii Kai is the only viable area with the infrastructure in place and lands available which can accommodate this additional growth, it is the logical area for handling growth. Therefore, the proposed developments will not foster growth in and of itself. On the contrary, it is good planning to provide the necessary commercial and industrial centers capable of providing the goods and services that will be required by the growing community.

Will the proposed zoning conflict with the State's General Plan? It is our understanding there will be no conflict. The State has indicated that where a County General Plan has been adopted, that plan will control. Therefore, the new Oahu General Plan will control the future land use for Hawaii Kai.

Is adequate water available for the development? It is our understanding from the Board of Water Supply that water is available for the project. A letter stating this position by the Board should be forthcoming to the Planning Commission.

Mr. Randall N. Kamiya  
City Planning Commission

November 21, 1977

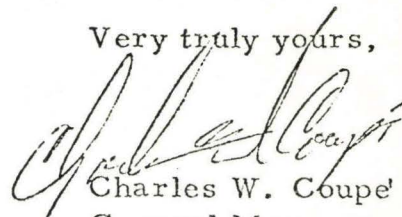
-4-

Does the sewer system have adequate capacity to handle the developments?  
Yes. The present capacity of the sewer system is quite adequate to accommodate the projected commercial and industrial developments. The statement was made also that the private Hawaii Kai sewer system was built with the idea of dedicating it to the City at some future date. It was argued, therefore, that no development should be approved which might require the City to expand the system. This statement is completely false! The sewer agreement between Hawaii Kai and the City and County of Honolulu clearly states the system is to be operated as a private utility. Moreover, even in the event Hawaii Kai were to abandon the system, the City has the option, but not the obligation to assume the responsibility for the operation of the system.

In summary, we believe our zoning application more than fulfills the necessary requirements for approval by meeting all the tests such as public benefit, community support, adequate infrastructure, conformance with the General Plan for Oahu, etc. Also, the development will result in a tremendous capital investment which will result in substantial work for Oahu's beleaguered construction industry. In addition, an estimated permanent employment base of 3,000 to 4,000 will result from the retail and office developments. We submit, therefore, that the Commission has the necessary justification to recommend its approval of the application to the City Council.

If the Commission has any additional questions relative to the foregoing or any other areas concerning our zoning request, we would be pleased to provide the answers or points of clarification.

Very truly yours,



Charles W. Coupe  
General Manager  
Marina Division

CWC:gh





Property Management & Rental  
Commercial/Industrial & Residential  
Real Estate Sales & Leasing  
Hotel & Resort Management

KACOR REALTY INC.  
7120 Kalaniana'ole Highway  
Honolulu, Hawaii 96825

Attention: Mr. Charles Coupe'

Subject: Hawaii Kai Commercial Zoning

Gentlemen:

Please be informed that the Board of Directors of the Association of Apartment Owners of Kaimala Marina (444 Lunalilo Home Road) is in support of the commercial zoning proposed for the Hawaii Kai area by KACOR Realty Inc.

Thank you for the informative presentation which was given last week.

Best of luck in this endeavor.

Sincerely,

AARON M. CHANEY, INC.  
MANAGING AGENT

A handwritten signature in dark ink, appearing to read "Michael K. Kilpatrick". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Kilpatrick".

Michael K. Kilpatrick  
Account Manager

cc: Mr. Vernon Farrow, President  
Board of Directors

November 21, 1977

Mr.. Randall Kamiye, Chairman  
Planning Commission  
Department of planning  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Kamiye:

I am writing in behalf of the Association of Owners of the Moorings, a 64 unit condominium complex at 6370 Hawaii Kai Drive.

At the invitation of the developer, our board of directors reviewed the plans for the proposed commercial and light industrial facilities for which you are currently considering a re-zoning application.

It is the Bosrd's contention that the shopping center complexx proposed by K cor Realty would be not only essential but vital for our community. The population is at a size where it warrents it. The benefits from such a complex are numerous. Property values will rise. Money spent in our own community allows us to upgrade that community and will provide jobs for community residents.

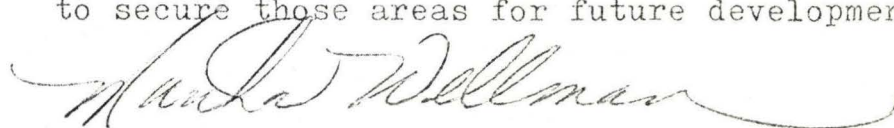
The proposed design direction and stringent sign controls which Kaiser developments inflict on themselves are asthetically pleasing, in contrast to the existing controlled dust area.

Development has been staged so it does not abut any existing residential areas.

The light industrial area will provide space for plumbers, electricians, small appliance repair, home improvement center, etc.-- the services or products Hawaii Kai residents currently pay a premium for due to required travel time.

These facilities have been master planned from the beginning, waiting only for the population required to support the facilities. They should substantially decrease the traffic flow along Kalaniani'ole Highway to shopping and service facilities in Honolulu.

We recommend the re-zoning application be approved at this time to secure those areas for future development as planned.



Martha Wellman, President





Hawaii Kai's Koko Marina  
Merchants Association, Inc.  
7192 Kalanianaʻole Highway  
Honolulu, Hawaii, 96825  
Phone 395-4554

November 21, 1977

To Honolulu City and County Planning Commission:

It is our understanding that Prudential Insurance Co. has requested the Planning Commission to delay action on zoning for a new shopping center in Hawaii Kai until after January 1, 1978.

As merchants in Koko Marina, we feel that that would be fair in that it would allow Prudential to then discuss its plans for future development of Koko Marina Shopping Center.

Therefore we, the Koko Marina Merchants Association, request also that the Planning Commission delay action on this zoning request until after January 1, 1978.

Elaine C. Lacy  
President  
Hawaii Kai's Koko Marina Merchants Association, Inc.

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HONOLULU  
CITY AND COUNTY  
PLANNING COMMISSION



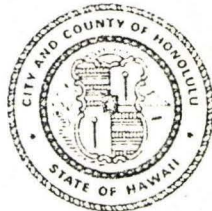
Richard S. Hayes  
Hawaii Kai Travel  
Wassman  
INTERNATIONAL ARTS CO.  
Brenda Chan  
ICEE KAI  
Fred McWill  
KINI DRY GOODS  
HARRY KUNIMUNE Jr.  
Sophie Forrest Mgr. Bartley  
Lee Weissman  
Al Phillips A. Wassman  
Kentucky Fried Chicken  
James Jameson  
Maggio's Pizzeria  
Henry's Hawaii Kai Beauty Salon  
Harold Kato  
Arnold Mathen LA HACIENDA  
Vani Vagert J. Chilton  
Warren T. Wood Hi Kai TV  
Virgina Lee  
Competition Fashion Shoppe  
Kamlesh Sappal  
Howard Kearney Tennis Hut  
Stanley Hill  
Buys H. Angi Washburn Federal  
Willy Drugs Store  
Charles L. Smith Van de Kerkhof  
John L. Smith American Springs & Co.  
Kenne Robinson Koko Head



KULIOUOU-KALANI IKI NEIGHBORHOOD BOARD NO. 2  
P.O. BOX 7062  
HONOLULU, HAWAII 96821

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77 11 21 PM 2:53



November 18, 1977

Mr. Eugene Connell, Executive Secretary  
Planning Commission  
Department of General Planning  
Honolulu Municipal Building  
650 South King Street  
Honolulu, HI 96813

Dear Mr. Connell:

In view of the fact that we have not as yet received a copy of the Market Analysis prepared by KACOR, we request that the matter of the Hawaii Kai Zone Change currently before the Planning Commission be deferred.

Sincerely,

*Karen Bond*

Karen Bond  
Chairperson

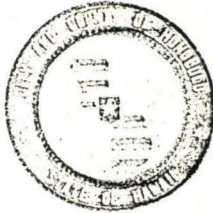
DGP 11/77-3284  
77/2-14 (GH)

(3)

*Ryan*

DEPARTMENT OF GENERAL PLANNING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET  
HONOLULU, HAWAII 96813



FRANK F. FASI  
MAYOR

ROBERT R. WAY  
CHIEF PLANNING OFFICER

77/PDH-2 (BL)

November 16, 1977

MEMORANDUM

TO : PLANNING COMMISSION  
FROM : EUGENE B. CONNELL, EXECUTIVE SECRETARY  
SUBJECT: WAIALUA--PLANNED DEVELOPMENT-HOUSING--MOKULEIA SEALODGE

Attached is a rough draft of an ordinance for the Mokuleia Sealodge. This contains conditions which were suggested at the last meeting.

You may wish to review these conditions and add any others which you feel are necessary.

This matter will come before the Commission again on November 22, 1977.

A handwritten signature in cursive script, likely of Eugene B. Connell.

EUGENE B. CONNELL  
Executive Secretary  
to the Planning Commission

FORWARDED:

A handwritten signature in cursive script, likely of Ramon Duran.

RAMON DURAN  
Acting Chief Planning Officer

EBC: mk  
Attch.



ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (1977)

(DRAFT NO. 1)

A BILL FOR AN ORDINANCE TO REDESIGNATE A PORTION OF EXISTING R-6 RESIDENTIAL DISTRICT SITUATED AT KAMANANUI, WAIALUA, OAHU, HAWAII TO PLANNED DEVELOPMENT-HOUSING DISTRICT NO. \_\_\_\_\_, KNOWN AS MOKULEIA SEALODGE.

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

SECTION I. (Description, meets and bounds)

SECTION II. This ordinance shall incorporate the following exhibits marked "A" and "B" attached hereto, and incorporated herein and made a part of this ordinance.

A. Planned Development-Housing District No. \_\_\_\_\_ as described in Section I.

B. Application Contract Documents:

Sheet #1	Vicinity Map
Sheet #2	Proposed Site Plan
Sheet #3	Floor and Roof Plans
Sheet #4	Exterior Elevations and Building Sections
Sheet #5	Grading and Drainage Plan
Sheet #6	Sewer and Water Plan
Sheet #7	Preliminary Landscape Plan

SECTION III. This ordinance, with all attached exhibits as noted in Section II, are subject to the following conditions:

1. Number of Units

There shall be 21 duplex units which shall contain 48 residential units. The proposed site plan shall be altered by deleting the duplex unit along the shoreline and abutting the central landscaped open space (at building 4).

2. Roadway Improvements

The applicant shall at his expense install an additional light, warning sign and reflectors on the reverse curve on Waialua Road. The type and location of these devices shall be approved by the Director of the Department of Land Utilization and the Director of the Department of Transportation Services prior to the issuance of a building permit.

3. Soils, Grading, Drainage

Grading and building placement shall comply with the State of Hawaii Water Quality Standards, recommendations of the U. S. Soil Conservation Service and a soils engineer, and be approved by the Department of Public Works and the Director of Land Utilization. The applicant shall provide any and all safeguards and improvements as may be required by the Director of Land Utilization, the Department of Public Works, the Department of Health, and the Soil Conservation Service including but not limited to temporary erosion control, sediment control, and dust control measures (in compliance with Public Health regulations, Chapter 43, Air Pollution Control), revegetation of graded areas, installation of sediment traps and construction of diversion ditches.

Pavements for driveways, walkways, and parking areas shall be designed for the particular soil conditions and constructed in accordance with the requirements of the Department of Public Works.

4. Drainage Study

The applicant shall undertake as a prerequisite to issuance of the grading permit, a drainage study to determine and resolve any potential danger to affected areas due to drainage from the project site for review and approval by the Department of Health, the Department of Land Utilization and the Department of Public Works. Hydraulic calculations must be approved by the Department of Public Works before the issuance of a grading permit.



5. Utilities

All utilities shall be underground within the project site and shall include:

- a. Installation of a complete water system to meet the Board of Water Supply specifications.
- b. Construction of necessary sewer lines and provision of sewer easement to meet the Board of Water Supply requirements.
- c. Installation of electrical lines and telephone lines.
- d. The applicant shall construct a temporary sewage treatment facility in accordance with Ordinance No. 4611 and will meet all requirements of Public Works, the Department of Health, and the Director of Land Utilization. When the Department of Public Works determines that the temporary facility is no longer needed it shall be removed by the applicant at no expense to the City and County of Honolulu. Prior to the approval of a building permit for the sewage treatment facility, the applicant shall submit a program for the operation and maintenance of the facility which shall be approved by the Director of the Department of Health and the Director of Land Utilization. The applicant shall post a surety bond of an amount to be set by the Directors of the Department of Public Works, Health Department, and Land Utilization to cover the facilities operation and maintenance for \_\_\_\_\_ years and removal costs.

6. Refuse Collection

The applicant shall provide, and indicate on final plans, refuse storage and collection areas in accordance with the requirements of the Department of Public Works, Refuse Division. An approval line shall be provided on the final plans which shall read, "Approved for refuse collection from Waialua Beach Road."

7. Fire Protection

The applicant shall submit a fire hydrant plan for the approval of the Director of the Board of Water Supply and the Fire Department. A 32-foot turnaround area at the end of each private road shall be provided to facilitate fire protection operations. The applicant shall provide and install NO PARKING signs on both sides of the proposed roadways.

8. Engineer's Certification

During construction, all work shall be subject to inspection by governmental agencies. The applicant's consulting engineers shall be responsible for the inspection and supervision of all grading and all of the off-site and on-site improvements to insure completion in accordance with the approved construction plans. The applicant's engineer shall submit a certified statement, signed and stamped by a registered engineer for acceptance, to the Building Department, Departments of Public Works and Land Utilization. The certification shall include that construction of the project has been completed in accordance with the approved engineering construction plans, prior to issuance of occupancy permits.



9. Flexibility

The architect shall be provided with a reasonable degree of flexibility in the preparation of detailed engineering and architectural plans for this project. As work progresses on these drawings, it may be found that it would be advantageous to shift buildings slightly in order to preserve a particularly desirable element of the landscape or to accommodate certain unforeseen site conditions. In addition, as detailed architectural plans are developed, it may be found that certain building configurations may need to be altered slightly also for the above reasons.

The project may be developed as authorized and approved by the Director of Land Utilization. In no case, however, shall the above alterations harm the general intent of the design concept of the project, nor will there be any increase in the density, the floor area, number of units, the height of structures, or decrease in the open space, living space, and recreational facilities. The environmental character and the design concept of the project as indicated on the submitted plans shall be maintained.

Any major modification to the conditions stated herein shall be subject to approval by the City Council. The Director of Land Utilization may approve the modifications which in his determination are minor in nature.

10. Recreation and Landscaping

Landscaping and recreation plans shall be prepared for the approval of the Director of Land Utilization and the Director of Parks and Recreation. Included in the recreation plan will be an easement for public access to the beach as requested by the Department of Parks and Recreation, which easement shall be conveyed to the City and County of Honolulu.

11. Walkways

Walkways shall be according to plans approved by the Director of Land Utilization.

12. Changes

Changes made to the site plan necessitated by additional soils, grading, or drainage studies shall be subject to the approval of the Director of Land Utilization.

13. Detailed Documents

The applicant shall obtain the approval of the Director of Land Utilization and appropriate governmental agencies on final detailed documents covering all building and site improvements, including but not limited to parking, grading, drainage, sewers, water and electric utilities, easements, walkways, roadways, street and area lighting, fire hydrants, refuse storage and collection areas, fences, guard rails, screens, signs, landscaping, and recreational facilities.

The landscaping plan shall include information on the type and size of any proposed plants, all fences, retaining walls and pavement materials, and an irrigation system to support the landscaping.

This approval shall be obtained prior to commencement of work.



14. Maintenance of Common Areas, Utilities, and Structures

Legal documents shall be drawn up to ensure perpetual maintenance of landscaping and plants, common grounds and buildings, including common walls and repair and maintenance of all units and utilities by the designated management for the project.

15. Transfer of Rights

Any assignment and/or transfer of any substantial interest in the land parcel designated as a Planned Development District by ordinance shall be subject to the approval and consent of the City Council (except for such assignment and/or transfer to any mortgagee or to any purchaser upon foreclosure). Such approval and consent shall not be unreasonably withheld provided that the assignee and/or transferee agrees in writing to comply with all the conditions imposed herein.

This requirement of obtaining City Council's approval and consent shall become null and void upon the applicant/developer satisfying the following:

- a. Completion of all construction according to approved plans as well as sale of housing units within the Planned Development project; and
- b. Compliance with all the conditions and restrictions imposed by this ordinance.

16. Time Limit

Failure to secure building permits, in accordance with the applicant's proposed construction schedule on file at the Department of Land Utilization, within one year of adoption of this ordinance may constitute grounds for City Council to repeal this ordinance. If an applicant finds that he is unable to obtain a building permit prior to the expiration date of this ordinance, he shall file with the clerk a written request to the Council for extension of time together with acceptable reasons which justify such extension and that a carbon copy of such request be sent to the building superintendent. Upon receipt of such request for extension of time, the building superintendent shall instruct his subordinates:

- a. To process or review building plans for the applicant until the expiration date of this ordinance, and
- b. If after the expiration date the applicant does not file with the Building Department a certified copy of the Planning and Zoning Committee Report which has been adopted by the Council indicating that it has granted the applicant's request for extension of time, the applicant's building plans shall not be reviewed or processed nor any building permit be issued.



17. Sales

The developer shall submit the sales agreement to the Director of Land Utilization for his review and approval in consultation with the Corporation Counsel as to content and form.

18. Violations

When a report is made to the City Council by the Director of Land Utilization of alleged violations of any of the conditions imposed herein, the Council may review said violations and upon its findings that the applicant has not complied with any of said conditions, the Council may authorize the Director of Land Utilization to take any lawful action necessary (1) to prevent further non-compliance, or (2) to compel compliance with the conditions imposed herein.

19. Recordation

The applicant/developer of the property encompassed by this Planned Development shall be required to file with the Bureau of Conveyances or the Assistant Registrar of the Land Court of the State of Hawaii, a declaration of the above-mentioned restrictive conditions.

A certified copy of the document as issued by the Bureau of Conveyances or Assistant Registrar shall be presented to the Department of Land Utilization as evidence of recordation, prior to occupancy of any building.

20. Covenants

The developer shall be required to incorporate all of the conditions set forth herein as part of the restrictive covenants running with the land and made a part of any sales agreement with any future owners.

SECTION IV. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

Approved this \_\_\_\_ day of

\_\_\_\_, 1977

FRANK F. FASI, Mayor  
City & County of Honolulu

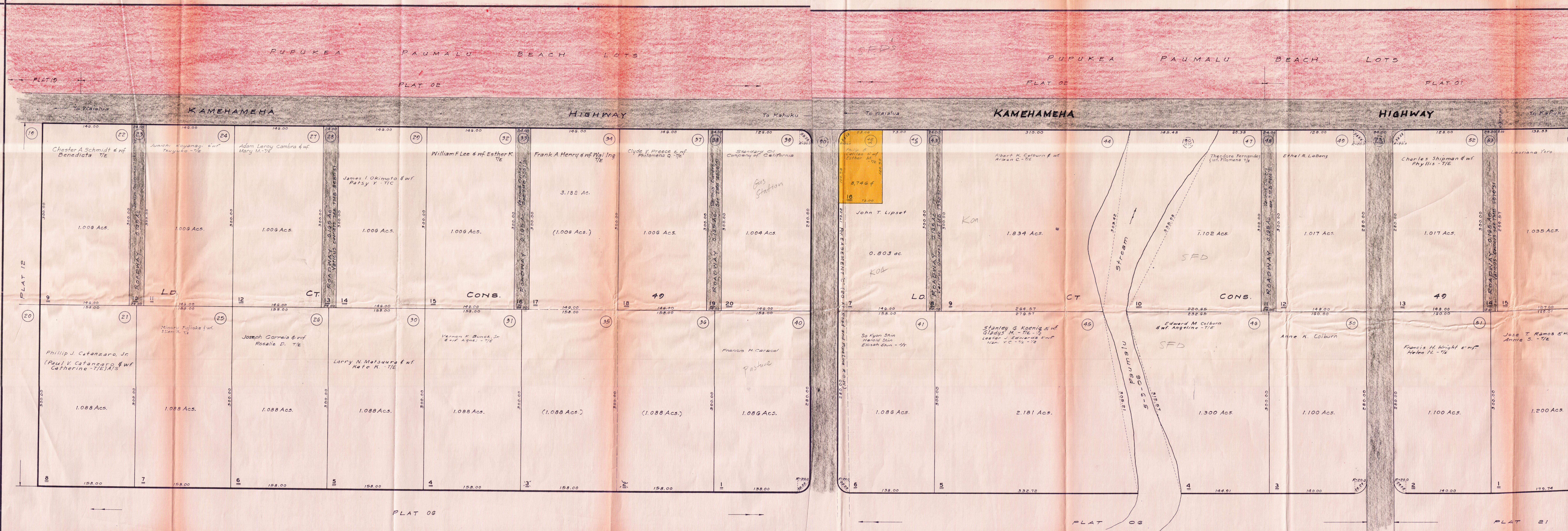
\_\_\_\_\_  
Councilmen



State of Hawaii  
LAND USE COMMISSION

MAPS





**SP77-286 PHILIP CALILAO**

(formerly por. 5-9-06)  
PAUMALU, KOOLAULOA, OAHU. (LD. CT. CONS. 49)

SUBJECT TO CHANGE (formerly por. 5-9-06)  
PAUMALU, KOOLAULOA, OAHU. (LD. CT. CONS. 49)

Parcel's dropped:  
SUBJECT TO CHANGE

DWG. NO. 13  
SOURCE: LD. Ct. Cons. 49, Map 2  
BY: R.D.Y. Date: May 10, 1951



TOP  
TOP

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

LAND USE DISTRICT BOUNDARIES		
Advanced District Map Subject To Correction <b>0-3</b>	STATE OF HAWAII LAND USE COMMISSION DEPT. OF PLANNING & ECONOMIC DEVELOPMENT EFFECTIVE DATE: DEC 20 1974	<b>DISTRICTS</b> U = URBAN R = RURAL A = AGRICULTURAL C = CONSERVATION

WAIMEA QUADRANGLE  
HAWAII—CITY AND COUNTY OF HAWAII  
ISLAND OF OAHU  
7.5 MINUTE SERIES (TOPOGRAPHIC)

SUNSET BEACH

WAIMEA BAY

PUPUKEA

SP77-286 PHILIP CALILAO

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs  
taken 1951 and planetable surveys 1930. Field checked 1952  
Revised 1966

Selected hydrographic data compiled from USC&GS Chart 4110 (1964)  
and hydrographic surveys 1911, 1932, and 1933  
This information is not intended for navigational purposes

Polycyclic projection: Old Hawaiian datum  
10,000-foot grid based on Hawaiian coordinate system, zone 3  
1000-meter Universal Transverse Mercator grid ticks,  
zone 4, shown in blue

APPROXIMATE MEAN  
DECLINATION, 1966

CONTOUR INTERVAL 40 FEET  
DOTTED LINES REPRESENT 20-FOOT CONTOURS  
DATUM IS MEAN SEA-LEVEL  
DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOWER LOW WATER  
SHORT LINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER  
THE MEAN RANGE OF TIDE IS APPROXIMATELY 2 FEET

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20242  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

ROAD CLASSIFICATION  
Heavy duty Light duty  
Unimproved dirt  
State Route

Map of the Island of Oahu, scale 1:62,500, is available  
WAIMEA, HAWAII  
N2137.5—W15801.5/7.5

1966