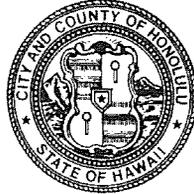


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6743
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PETER B. CARLISLE
MAYOR



JIRO A. SUMADA
ACTING DIRECTOR

December 3, 2012

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

RECEIVED
CITY CLERK
C & C OF HONOLULU
2012 DEC - 3 PM 1:58

Dear Chair Martin and Councilmembers:

Subject: Request for a Change in Zoning from the R-3.5 Residential District to the B-1 Neighborhood Business District with a Height Limit of 40 Feet, Kapahulu, O'ahu, Hawai'i, Tax Map Key: 3-1-001:027 and 068

The Planning Commission held a public hearing on November 14, 2012, on the above subject matter. Three people testified and three written testimonies were received. The public hearing was closed on November 14, 2012.

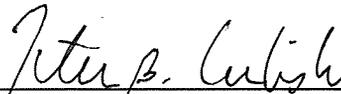
The Planning Commission voted on November 14, 2012, to recommend approval of the request with the conditions recommended by the Acting Director of the Department of Planning and Permitting.

Attached is the report from the Acting Director of the Department of Planning and Permitting and the original copy of the draft Bill.

Sincerely,

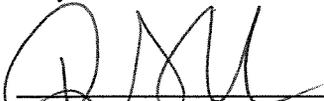
for 
Ka'iulani K. Sodaro, Chair
Planning Commission

APPROVED:


Peter B. Carlisle
Mayor

APPROVED:


Jiro A. Sumada, Acting Director
Department of Planning and Permitting


Douglas S. Chin
Managing Director

KKS:gct
Attachments

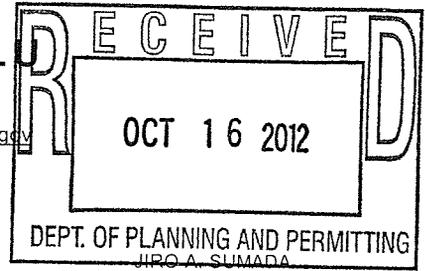
DEPT. COM. 803

Authorization	Jiro Sumada
Advertisement	Nov. 2, 2012
Public Hearing	Nov. 14, 2012

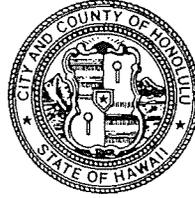
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE
MAYOR



October 12, 2012

MEMORANDUM

TO: GAYLE PINGREE, CHAIR
AND MEMBERS OF THE PLANNING COMMISSION

FROM: JIRO A. SUMADA, ACTING DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

SUBJECT: REQUEST FOR A CHANGE IN ZONING FROM R-3.5
RESIDENTIAL DISTRICT TO B-1 NEIGHBORHOOD
BUSINESS DISTRICT WITH A HEIGHT LIMIT OF 40 FEET
KAPAHULU, O'AHU, HAWAII'I, TAX MAP KEY: 3-1-001:027 AND 068

Transmitted for appropriate action is our report and recommendation for a proposed zone change from the R-3.5 Residential District to the B-1 Neighborhood Business District with a height limit of 40 feet for the subject property.

The Applicant, Kee Thelma, Inc. had requested a change in zoning from R-3.5 Residential District to B-2 Community Business District with a height limit of 60 feet to redevelop the site into a two-story office building and parking lot.

The Department of Planning and Permitting recommends B-1 zoning for the project site because the B-1 zoning district is intended to be generally applied to areas adjacent to urban residential areas; therefore, B-1 zoning is considered more compatible with the adjacent residential area as it provides a transition between the more active commercial town core along Kapahulu Avenue and the quieter and less active residential area to the east. Additionally, we recommend that a small section of Charles Street fronting the subject property also be rezoned from R-3.5 Residential District to B-1 Neighborhood Business District. The portion of Charles Street to be rezoned is approximately 3,671 square feet (.08 acres) in area and belongs to the City and County of Honolulu. The intent of rezoning this small section of Charles Street is to be consistent with the proposed zone change. Rezoning this small section of Charles Street is not anticipated to cause any significant impacts.

Gayle Pingree, Chair
and Members of the Planning Commission
October 12, 2012
Page 2

Our recommendation for B-1 zoning is consistent with relevant objectives and policies of the General Plan, Primary Urban Center Development Plan, and the purpose and intent of the B-1 Neighborhood Business District. Reviewing agencies had no objections to the rezoning request. The Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5 generally supports B-1 zoning but did not have the required number of votes to pass the motion.

Approval is recommended subject to conditions relating to transportation, relocating the project's solid waste receptacle, off-street parking, and other standard conditions.

Please review this proposal and report and forward them with your findings and recommendation through the Mayor, to the City Council.

JAS:bkg
970561

Enclosure

cc: Chrystn Eads, Deputy Managing Director
Dale Zane, Kee Thelma, Inc.
Michael Chu, LP&D Hawai'i

PUBLIC INFRASTRUCTURE: MAP	:	No facilities or utilities currently shown on the site
EXISTING ZONING	:	R-3.5 Residential District (Attachment 1)
SPECIAL DISTRICT	:	The project is outside of the Diamond Head Special District
SHORELINE SETBACK/ SPECIAL MANAGEMENT AREA	:	Outside of both the Shoreline Setback and the Special Management Areas
EXISTING USE	:	Residential
SURROUNDING LAND USES	:	Residential and commercial uses

B. Proposal. The Applicant, Kee Thelma, Inc., proposes to rezone the site from R-3.5 Residential District to B-2 Community Business District to redevelop the site with a two-story commercial building and a parking lot. The Applicant intends to demolish the four existing residential dwelling units (two on each parcel). Should the rezoning request be approved, the Applicant intends to consolidate the two parcels through a Conditional Use Permit for Joint Development of Two or More Zoning Lots. The proposed commercial building will be approximately 24 feet high and contain approximately 7,350 square feet of floor area. The project may also require widening the portion of Charles Street fronting the two parcels and installing curbs, gutters, and sidewalks in conformance with current City standards.

Due to its location in a zone of transition between the existing commercial district along Kapahulu and the adjacent residential neighborhood, the Department of Planning and Permitting (DPP) recommends the property be rezoned to B-1 Neighborhood Business District. The DPP considers the B-1 Neighborhood Business District to be a more appropriate and compatible zoning district than the B-2 Community Business District.

C. Background. Kee Thelma, Inc. is a family owned corporation. As management of this corporation transitions from senior family members to the family's next generation, they feel the need to make more productive use of their aging Charles Street properties. The Applicant intends to locate its business operations to the second floor of the proposed commercial building and may lease the bottom floor for business or retail use.

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director has found:

A. Description of Site/Surrounding Land Uses

1. Location and Current Use. On August 1, 2012, the DPP staff conducted a site visit. The two rectangular parcels (TMK: 3-1-001:027 and 068) are located at 3110 and 3114 Charles Street in Kapahulu. The site is on the north side of Charles Street approximately 75 feet from Kapahulu Avenue. Parcel 027 is

7,117 square feet in area and Parcel 068 is 7,118 square feet in area. Each parcel contains two small residential dwellings. According to the application, the front unit (3110 Charles Street) on Parcel 017 is currently vacant. There is an existing moss rock wall (approximately four feet high) located along the west and a portion of north property lines.

Access from the project site is from Charles Street, a City street that currently lacks standard curbs, gutters, and sidewalks.

2. Topography. Based on the application and City land use information, both parcels are generally flat, but relatively uneven in parts. The project site has an elevation of approximately 20 feet above mean sea level.
3. Soils. According to the U.S. Department of Agriculture Soil Conservation Service, now called the Natural Resource Conservation Service (NRCS), the soil on the project site consists of 'Ewa silty clay loam of the 'Ewa Series. This soil is described as moderately shallow, ranging from 0 to 2 percent slope, having a slow runoff potential, and with the likelihood for slight erosion.

The University of Hawai'i Land Study Bureau (LSB) Detailed Land Classification-Island of O'ahu (1972) states that soils are classified by land type for an overall productivity rating, which ranges from A to E, with A representing the highest productivity class, and E the lowest. The project site is not classified by this rating.

According to the application, the Agricultural Lands of Importance to the State of Hawai'i (ALISH) does not rate lands that have been urbanized. Therefore, there is no rating for the project site.

4. Surrounding Uses. Surrounding uses consist of a mixture of commercial businesses that line Kapahulu Avenue and form the community's main commercial district. Existing businesses are generally located in one-or two-story buildings and consist of a bakery, restaurants, specialty shops, banks, a gas station, and a supermarket.

The residential area east of Kapahulu Avenue (including the subject site) is characterized as an older neighborhood with small lots and narrow streets generally lacking sidewalks, curbs, and gutters. Many of the existing residential homes on Kaimuki Avenue, Charles Street, and Olu Street show signs of either being renovated or rebuilt, even though the street system has not been widened or improved in other ways.

B. Other Permits/Approvals Required

For the proposed project, the Applicant will need to obtain all necessary Federal, State, and City permits and approvals including, but not limited, to:

City Approvals:

- Conditional Use Permit (minor) for Joint Development of Two or More Zoning Lots;
- Subdivision Application;
- Demolition Permit;

- Grading, Grubbing, and Stockpiling Permit;
- Trenching and excavation within the City right-of-way permit;
- Street Usage Permit;
- Building Permit; and,
- Sign Permit

C. Public Agency Notification/Comments. On July 6, 2012, the following public agencies were requested to evaluate the impact of the proposed zone change on their facilities and services. Agencies that submitted written comments are identified with a plus sign (+). Agencies stating that they have “no comments,” “no objections,” or “no impacts on services provided” are identified with an asterisk (*). Significant comments received are addressed in Section III of this report. All written responses received prior to the signing of this report are included in their entirety in **Attachment 2**. Comments received after the signing of this report will be transmitted separately to the Planning Commission or City Council for their consideration.

1. City Agencies:

- Board of Water Supply (BWS)+
- Department of Budget and Fiscal Services (BFS)+*
- Department of Design and Construction (DDC)+*
- Department of Environmental Services (ENV)+
- Department of Facility Maintenance (DFM)+*
- Honolulu Authority for Rapid Transportation (HART)
- Honolulu Fire Department (HFD)+
- Honolulu Police Department (HPD)+*
- Department of Transportation Services (DTS)+*

2. State Agencies:

- Department of Accounting and General Services (DAGS)+*
- Department of Business, Economic Development & Tourism (DBED&T)
- Land Use Commission (LUC)
- Office of Planning (OP)
- Department of Health (DOH)+
- Department of Land and Natural Resources (DLNR)+
- Office of Hawaiian Affairs (OHA)
- Department of Hawaiian Home Lands (DHHL)+
- Oahu Metropolitan Planning Organization (OMPO)+
- Department of Transportation (DOT)+*

D. Community and Adjoining Property Owners Notification/Comments. Pursuant to Section 21-2.40-2(b) (2), Revised Ordinances of Honolulu (ROH), the Applicant notified adjacent property owners of the proposed zone change. In accordance with the Land Use Ordinance (LUO), the Applicant presented the proposed zone change to the Diamond Head/Kapahulu/Saint Louis Heights Neighborhood Board (NB) No. 5 on September 8, 2011 at which time the NB No. 5 had concerns regarding traffic, questions about the historical value of the 100-year old dwelling, and that not enough neighbors were notified. A motion by the NB to send a letter to DPP stating the NB’s “serious concerns” regarding traffic in the area failed to pass.

The NB invited the Applicant's agent to return to the NB when the project's traffic study was completed. The Applicant's agent made another presentation at the NB No. 5's regular meeting of March 8, 2012.

On July 6, 2012, the DPP mailed either copies of the zone change application or notices about the proposed zone change to the NB No. 5, Ala Moana Satellite City Hall, area elected officials, and the Hawaiian Electric Company.

Charles Street resident, Mr. Alan Miyamura, submitted comments recommending that the project site be rezoned to B-1 Neighborhood Business District instead of B-2 Community Business District. He stated that B-1 zoning could accommodate the two-story commercial building while limiting incompatible uses such as commercial kennels, bars, nightclubs, and catering establishments. If the site were rezoned B-1 Neighborhood Business District, it would reduce the potential for noise, parking, loitering and safety problems commonly associated with commercial kennels, bars, nightclubs, and catering establishments. Mr. Miyamura also stated that B-1 zoning would limit uses that put a greater demand on infrastructure such as the area's water and wastewater systems. Mr. Miyamura's letter is included in **Attachment 2**.

The NB No. 5 commented that they were in favor of B-1 zoning but not B-2 as proposed by the Applicant. At the NB No. 5's regular meeting of August 9, 2012, the NB moved but was not able to pass a motion to support Mr. Miyamura's recommendation cited above. The vote was 7-0-7 with 8 votes needed to pass the motion. The NB No. 5's comments are included in **Attachment 2**.

III. ANALYSIS

A. Compliance with State Land Use Legislation. Chapter 205, Hawaii Revised Statutes (HRS), Land Use Commission. The proposed zone change area is in the State Urban District. The State Urban District includes lands characterized by "city-like" concentrations of people, structures, and services; jurisdiction lies primarily with the respective counties; and generally, permitted lot sizes and uses are established by the respective county through ordinances and rules. The proposed B-2 Community Business District and B-1 Neighborhood Business District are consistent with the purpose of the State Urban District.

B. Compliance with City Land Use Legislation

1. General Plan of the City and County of Honolulu (Amended October 3, 2002 by Resolution 02-205, CD1). The proposed zone change supports the following General Plan objectives and policies.

II. Economic Activity Objective A:

"To promote employment opportunities that will enable all the people of Oahu to attain a decent standard of living."

Policy 1: "Encourage the growth and diversification of Oahu's economic base."

Policy 2: “Encourage the development of small businesses and larger industries which will contribute to the economic and social well-being of Oahu residents.”

The proposed B-2 and recommended B-1 zoning are consistent and compatible with the objectives and policies cited above. A zone change to either B-2 or B-1 zoning would provide a modest amount of commercial land and space for new employment where none existed before. The amount of new commercial activity would be consistent with the existing mix of small businesses that line Kapahulu Avenue.

2. Chapter 24, ROH, Article 2, Primary Urban Center Development Plan (PUC DP). Section 24-2.5(c), ROH provides that all proposed developments in the PUC DP be evaluated against their consistency with the vision, policies, and guidelines of the PUC DP. The proposed zone change is evaluated in terms of its consistency with the applicable vision, policies, principles, and guidelines cited below.
 - a. The PUC’s Role in Oahu’s Development Pattern. The proposed zone change is consistent with the role of the PUC DP that will contribute to the mixed use nature of Kapahulu where a modest amount of office and retail use can coexist with adjacent residential uses.
 - b. The Vision for PUC. The proposed zone change is consistent with the following elements for the PUC:
 - Honolulu’s natural, cultural, and scenic resources are protected and enhanced.
 - Livable neighborhoods have business districts, parks and plazas, and walkable streets.
 - A balanced transportation system provides excellent mobility for residents and visitors.

Key components of livable neighborhoods include residences within close proximity to employment, shopping and businesses, community services, and recreational amenities as stated in Section 3.2 of the PUC DP.

The proposed zone change is located in Kapahulu which is one of several single family neighborhoods within the PUC (Section 3.2.1.2). Kapahulu is a well-established neighborhood with a well-defined business district along Kapahulu Avenue with parks and walkable streets that offers connectivity for both pedestrians and motorists. Kapahulu Avenue is the neighborhood’s primary collector street with public transportation routes and provides mobility for residents and visitors to and from Waikiki.

The proposed zone change to B-1 or B-2 is consistent with the PUC’s vision for an area planned for District Commercial and Lower-Density Residential.

- c. Relation to Land Use Maps. The project site is located within the Urban Community Boundary on the PUC Land Use Map A.6 (PUC East). The project site is also in an area of Kapahulu that is on the edge of the “Lower-Density Residential” area but next to the “District Commercial” strip along Kapahulu Avenue on the PUC East. The long-range land use policy for this area is to maintain Kapahulu’s commercial district along Kapahulu Avenue, as well as the community’s stable residential area adjacent to it.
3. Chapter 4, ROH, Article 8, Public Infrastructure Map (PIM). The PUC PIM does not show any PIM symbol on the project site. The nearest PIM symbol is for planned roadway improvements for Kaimuki Avenue (PIM No. 066) and Kapahulu Avenue (PIM 069). These projects will not be implemented in the near future according to DTS.
4. Chapter 21, ROH, LUO. The Applicant’s proposal for B-2 zoning and the DPP recommendation for B-1 zoning are discussed below:
 - a. Business Districts-Purpose and Intent. Section 21-3.110 of the LUO states:
 - “(a) The purpose of the business districts is to set aside areas for commercial and business activities to meet and support the economic growth of the city. The districts provide for the buying and selling of goods and services, the transportation and distribution of commodities and other complementary economic activities. Other uses which are supportive of or compatible with business activities are also permitted. These districts help ensure a favorable business climate and support the economic and social well-being of city residents.”
 - “(b) The intent of the B-1 neighborhood business district is to provide relatively small areas which serve the daily retail and other business needs of the surrounding population. It is intended that this district be generally applied to areas within or adjacent to urban residential areas, along local and collector streets, but not along major travel routes or on a large scale basis. It would also be applied to rural and urban fringe town centers which may or may not be located along major travel routes.”
 - “(c) The intent of the B-2 community business district is to provide areas for community-wide business establishments, serving several neighborhoods and offering a wider range of uses than is permitted in the B-1 district. The intent is to apply this district to areas conveniently accessible by vehicular and pedestrian modes and served by adequate public facilities. Typically, this district would be applied to lots along major streets and in centrally located areas in urban and urban fringe areas.”

The combined total land area of the two lots is relatively small (14,235 square feet). The site’s location is on a local street (Charles Street). The scale and limited scope of the proposed project is anticipated to be

compatible with the adjacent residential and commercial uses as it provides a transition between residential uses and the more intense commercial uses along Kapahulu Avenue.

Commercial buildings for office and retail use, as being proposed, are permitted principal uses in both the B-1 and B-2 zoning districts pursuant to Table 21-3 of the LUO. The following are the relevant development standards for the B-1 Neighborhood Business and B-2 Community Business Districts:

Development Standards	B-1 Neighborhood Business District	B-2 Community Business District
Minimum Front Yard	10 feet	5 feet
Minimum Side and Rear Yards	5 feet when abutting a residential or apartment district; otherwise none	5 feet when abutting a residential or apartment district; otherwise none
Maximum Density	1.0 Floor Area Ratio (FAR)	2.5 FAR
Maximum Height	40 feet	60 feet per the relevant zoning map

- b. Minimum Front, Side, and Rear Yards. Minimum setback requirements for yards are the same, except that in the B-1 district, the project will have to be set back an additional five feet along the front yard. The Applicant is also required to meet road widening and sidewalk improvements under Ordinance 2412 that requires widening of the current road’s right-of-way fronting the property of five feet.
- c. Maximum Density. The proposed development will be well below the floor area limit for either the B-1 or B-2 districts.
- d. Maximum Height. The maximum height limit of 40 feet for the recommended B-1 zoning is sufficient to accommodate the proposed commercial building and any mechanical structures that need to be placed on the roof. The 40-foot height will provide a transitional height between the 60 foot height limit of the existing B-2 district and the 25 foot height limit of the existing residential district.
- e. Off-street Parking and Loading. Off-street parking requirements are the same for B-1 and B-2 and depend on the use of the property. Parking requirements for specific uses will be determined during the standard approval process.

The Applicant’s planned commercial building can be accommodated under the B-1 or B-2 development standards cited above. However, B-1 zoning is more appropriate for the project site for the following reasons. First, B-1 zoning prohibits bars, nightclubs, cabarets, catering establishments, etc. These uses generally generate higher traffic volumes and require more off-street parking. Bars and nightclubs also have a greater potential to generate late night noise to neighboring residents. Second, the 40 foot height limit for B-1 zoning provides a

transitional height limit between the existing commercial and residential districts. Third, the maximum density permitted under B-1 zoning is appropriate for the project's small size and location in a residential community. Fourth, the project site's small size provides enough area to meet off-street parking requirements for the proposed commercial building but is a limiting factor that may affect the full range of permitted uses under B-1 or B-2 zoning. In the future, there is the possibility that adjacent lots (such as the parcel occupied by Leonard's Bakery) may be consolidated for development purposes.

The development of drive-through facilities are possible on a larger site. To address this possibility and possible negative neighborhood impacts regarding traffic and noise concerns, a restriction on drive-through facilities is recommended.

The Applicant's proposed development is consistent with either the proposed B-2 zoning or recommended B-1 zoning district. However, to further reduce negative impacts on abutting residential uses, the DPP recommends the following conditions of zoning:

- Uses shall be limited to those which have the same or lower off-street parking standard (i.e., requiring the same number of or less parking stalls) applicable to office use.
- Drive-through facilities shall be prohibited on the project site.

The recommended conditions are deemed necessary to limit the range of uses permitted in the B-1 district that may pose potential social, environmental, or economic impacts to abutting residential uses. For instance, a convenience store, which can be a nuisance to abutting residential uses, has a higher parking standard (one stall per 300 square feet versus one stall per 400 square feet for office use), and therefore would not be permitted. However, a medical clinic or financial institution has an off-street parking standard of one stall per 400 square feet and would be permitted.

f. Chapter 21, Article 9, Special District Regulations, LUO.

According to City records (2011), the project site is located in Flood Zone X. Areas within Flood Zone X are outside the 500-year flood plain with less than 0.2 percent annual probability of flooding. Therefore, the site is not subject to the flood hazard district regulations in Section 21-9.10 of the LUO.

The DLNR confirmed that the site is located in Zone X according to the Flood Insurance Rate Map.

The project site is outside of the Diamond Head Special District as identified in Exhibit 21-9.5 of the LUO. Therefore, the proposed zone change is not subject to the special district regulations in Section 21-9.40 of the LUO.

C. Compliance with Environmental Legislation

1. Chapter 343, HRS and Title 11, Chapter 200, Hawai'i Administrative Rules, Environmental Impact Statements. In October 2010, the Applicant's agent wrote to the DPP requesting a determination for the need to prepare an Environmental Assessment (EA) prior to submitting the zone change application. In November 2010, the DPP determined that due to the project site's small size, the proposed zone change is not considered a significant zone change. Therefore, the Applicant did not have to prepare an EA in accordance with Section 24-2.1 of the PUC DP. Additionally, the proposed rezoning does not meet any of the criteria that would require the preparation of an EA in accordance with Chapter 343-5, HRS. The Applicant's request and the DPP's written determination are provided in **Attachment 3**.

2. Chapter 6E-42, HRS, Historic Preservation. The Applicant contacted the DLNR's State Historic Preservation Division (SHPD) while preparing their zone change application. The SHPD responded to the Applicant in an October 2011 letter:

"As rezoning is an administrative rather than physical matter, the rezoning will not affect historic property." However, the SHPD also stated that should the landowner remove or demolish the two structures over 50 years old, the landowner is required to have those structures reviewed by the SHPD in accordance with Chapter 6E42, HRS. Generally, the landowner will have to provide SHPD with interior and exterior photographs, a completed historic resources inventory, and a floor plan of each dwelling so SHPD can determine if there will be an adverse impact to a historic structure.

Compliance with Chapter 6E42, HRS will be handled during the normal permitting process by the Applicant prior to building permit issuance. Therefore, a condition of approval is not recommended.

The Historic Hawaii Foundation (HHF) commented that "The Kapahulu area has a unique historic character that we feel is in jeopardy due to the construction of higher density development in the area coupled with the loss of historic buildings." The HHF further commented that the homes proposed for demolition may be eligible for listing on the Hawaii Register of Historic Places. As such, the HHF is "...opposed to this zoning change, as we feel that it would be detrimental to the character of the Kapahulu neighborhood."

The DPP agrees that the project site is in the well established residential community of Kapahulu where many of the homes and other structures are over 50 years old. However, the existing dwelling units on the project site are currently not on the State or Federal historic registers and the Applicant will need to comply with SHPD requirements as summarized above and stated in their October 2011 letter during the permitting process. Therefore, a condition of approval is not recommended.

3. Chapter 23, ROH, Shoreline Setbacks, and Chapter 25, ROH, Special Management Area (SMA) Ordinances. The project site is outside of both the Shoreline Setback Area and the SMA. Therefore, the project site is not subject to the requirements under Chapters 23 and 25, ROH, respectively.

4. Endangered/Threatened Species. According to the application, no known rare, endangered or threatened plant, avian or mammal species are believed to inhabit the project site or nearby properties. The proposed rezoning is not anticipated to have a significant impact on rare, endangered or threatened species, therefore, a condition of approval is not recommended.
5. Noise and Odor. During construction, it is anticipated that there will be some short-term impacts to noise and air quality due to construction equipment, grading activities, and vehicles traveling to the site. During construction, the Applicant will be required to adhere to applicable State and City rules and regulations relating to noise and air quality control.

However, we note that, on the Applicant's proposed site plan, a trash receptacle is located in the northeast corner of the project site. The current location abuts existing residential homes to the north and east of the proposed trash receptacle area. To minimize potential noise and odor impacts to nearby residents, the DPP recommends a condition of approval to have any trash receptacle area be relocated away from existing residential homes on the north end of the project site and Charles Street unless completely enclosed.

6. Visual Resources. The project site does not contain any visual resources or landmarks. The proposed two-story office building will not be taller than other existing buildings on Kapahulu Avenue, some of which are taller than 24 feet but are allowed up to 40 feet. As such, the proposed rezoning is not anticipated to impact public views of Diamond Head or the Ko'olau Mountain Range. Therefore, a condition of approval is not recommended.
- D. Public Facilities and Services. The review conducted by various agencies was based on the Applicant's zone change proposal. Agency comments received regarding the specific public facilities and services are summarized below.
1. Transportation. The Applicant's zone change application included a Traffic Impact Assessment Report (TIAR) prepared by Phillip Rowell and Associates in April 2012. The DPP generally agrees with the TIAR's methodology, analysis, and recommendations. The TIAR's conclusions and recommendations are as follows:
 - The proposed office building would generate approximately eight new trips during the morning peak hour (7:00 AM-8:00 AM) and seven new trips during the afternoon peak hour (generally between 3:00 PM-4:00 PM).
 - A Level of Service (LOS) analysis was performed for the intersections of Kapahulu Avenue at Charles Street, Kapahulu Avenue at Kaimuki Avenue, and Kapahulu Avenue at Olu Street and concluded that the study intersections will all operate at LOS D or better. All controlled movements at the study intersections will operate at LOS D or better, except for the northbound and southbound left turns along Kapahulu Avenue at Kaimuki Avenue during the afternoon peak hour. The TIAR noted that the northbound and southbound left turns on Kapahulu Avenue

operate at LOS E with and without project-generated traffic. There is no change in the LOS because of project generated traffic.

- The TIAR included an assessment of alternative uses of the project site. The TIAR concluded that the Charles Street approach to Kapahulu Avenue would operate at LOS D if the project site were developed as “office,” “office with retail,” or “medical-dental office.” The approach would operate at LOS F if the project site were developed as a fast food restaurant. Therefore, a fast food restaurant would be unacceptable.
- A traffic signal warrant analysis was performed to determine if a traffic signal is warranted at the Kapahulu Avenue/Charles Street intersection. The analysis concluded that a traffic signal was not warranted.

OMPO stated that they support sidewalk improvements adjacent to Charles Street, mixed use development, and the recommendations of the Applicant’s TIAR.

Since the project site is recommended for a change in zoning from the R-3.5 Residential District to the B-1 Neighborhood Business District, the property is subject to construction improvements and a street setback area imposed by Chapter 14, Section 14-21.1 and 14-21.2 ROH (also known as Ordinance 2412). Construction improvements include but are not limited to construction of “sidewalks, curbs, gutters, pavement, adjustments at the property line, and adjustments or relocation of drainage, water, street lighting, sewer and other public utility lines on such owner or lessee’s side of the centerline of the street.” The street setback area is a five foot widening of the current road right-of-way, fronting the property.

There will be short-term traffic impacts due to construction activity, including the movement of heavy vehicles and equipment needed during construction. To minimize traffic disruptions and to ensure public safety on the small, relatively unimproved Charles Street and Kapahulu Avenue, the DPP recommends a condition of approval regarding transportation.

2. Water. Each lot on Charles Street is currently served by the BWS via a 16-inch water main. Water service will be needed for fire protection and for restrooms on each floor of the proposed office building.

The BWS stated that the existing water system is adequate to serve the proposed redevelopment. The BWS also stated that their comments are based on current data and subject to change. The final determination of water availability will be confirmed at building permit issuance. When water is made available, the Applicant will be required to pay the BWS’ Water System Facilities Charges for resource development, transmission and daily storage, and comply with fire code regulations.

The availability of water to serve the proposed project, including adherence to fire protection standards, will be handled through the regular permitting process. The proposed zone change is not anticipated to have a significant impact on water resources, therefore, a condition of approval is not recommended.

3. Wastewater. The site is connected to the City's wastewater system. Wastewater from the four existing dwelling units is routed through sewer lines that convey wastewater to a 10-inch sewer main in Kapahulu Avenue.

The DPP approved the Applicant's application for a sewer connection in October 2011 for office use only. Establishments that use a lot of water (such as restaurants) are not currently allowed due to inadequate downstream sewer lines. However, in the future, the inadequate downstream sewer lines may be improved. This would remove the current restriction on high water use establishments to connect to the City's sewer system.

The ENV stated that they support the DPP Wastewater Branch's sewer connection application approval that prohibits occupancy of high water use establishments due to inadequate downstream sewer lines.

The DPP believes that the proposed rezoning is not anticipated to have a significant impact on wastewater facilities in the area and will be reassessed during the building permit process. Therefore, a condition of approval is not recommended.

4. Drainage. The project site currently has no drainage facilities to handle stormwater runoff. Stormwater runoff that does not percolate into the soil on the project site essentially sheet flows from the property to Charles Street, then down to Kapahulu Avenue where it is picked up by a catch basin on Kapahulu Avenue near Leonard's Bakery.

The design of the proposed office building and parking lot, and any other improvements, will require the Applicant to construct appropriate drainage facilities in conformance with current City standards and Chapter 14, Article 21, ROH (Ordinance 2412). All necessary drainage and street improvement plans must be submitted to the DPP for review and approval. As such, the proposed rezoning is not anticipated to have a significant negative impact on drainage facilities in the area, but may improve existing negative conditions. Therefore, a condition of approval is not recommended.

5. Solid Waste. The City collects solid waste from the project site since they are currently in residential use. However, when the project site is redeveloped into a commercial office building, solid waste will be collected via a private refuse collection service. The ENV had no comments or concerns on the planned rezoning. Therefore, a condition regarding solid waste is not recommended.
6. Police Protection. The project site is located in HPD's District 7 which encompasses an area from Punahou Street to Makapuu Point. The proposed zone change is not anticipated to have a significant impact on public safety. Therefore, a condition of approval is not recommended.
7. Fire Protection. The Waikiki Fire Station (Station 7), located at the intersection of Kapahulu Avenue and Paki Avenue is approximately one mile from the project site and is the closest fire station to the project site. Station 7 is equipped with one engine company and one ladder company. Two fire hydrants are located in close proximity to the project site. One is located approximately 130 feet east of the project site on the south side of Charles Street. The second hydrant is

located approximately 100 feet west of the project site on Kapahulu Avenue at the intersection of Kapahulu Avenue and Charles Street.

The HFD commented that they determined that a zone change to either B-1 Neighborhood Business District or B-2 Community Business District will not significantly impact HFD services for the area.

All HFD requirements must be met prior to building permit approval. Therefore, a condition of approval is not recommended.

8. Electrical Power. Hawaiian Electric Company (HECO) stated that they had no objections to the proposed zone change. However, should HECO have existing easements and facilities on the subject property, they will need continued access to them for maintenance purposes.

IV. CONCLUSIONS OF LAW

The Director hereby makes the following conclusions:

Based on the foregoing Findings of Fact and Analysis, the proposed zone change from R-3.5 Residential District to the B-2 Community Business District or the recommended B-1 Neighborhood Business District will comply with State and City land use policy plans. The proposed B-2 zoning or recommended B-1 zoning is consistent with the PUC DP. The site is in a zone of transition between the higher density District Commercial area along Kapahulu Avenue and the adjacent Lower-Density Residential area. The recommended B-1 Neighborhood Business District is considered more compatible with the adjacent residential area and is intended to be generally applied to areas adjacent to urban residential areas. Therefore, the B-1 Neighborhood Business District can act as a desirable transition between the B-2 Community Business District zoned commercial core along Kapahulu Avenue and the R-3.5 zoned residential area to the east.

The proposed zone change also meets the purpose and intent, and development standards of both the B-2 and B-1 districts. With respect to supporting infrastructure, agencies did not oppose the zone change request. Existing infrastructure systems are anticipated to handle the proposed commercial building but will be confirmed at the time of building permit or subdivision action as applicable. The recommended zone change is not anticipated to have a significant negative social, economic, or environmental impact on the surrounding land uses.

V. RECOMMENDATION

Pursuant to the foregoing Findings of Fact, Analysis, and Conclusions of Law, I recommend that a change in zoning from R-3.5 Residential District to B-1 Neighborhood Business District be APPROVED as shown on the map marked **Exhibit A** in the attached draft Ordinance and subject to the Applicant's execution of a Unilateral Agreement under the provisions of Section 21-8.40 of the LUO to be recorded with the Bureau of Conveyances. The recommended conditions of approval include the following:

1. Transportation. The Declarant shall carry out the following requirements related to traffic and transportation improvements for the project:

- a. The Declarant shall submit a Construction Management Plan (CMP) to the DPP for review and approval as required prior to the issuance of demolition and/or building permits for the redevelopment of the project site. The CMP shall identify the type and frequency and routing of heavy trucks and construction related vehicles. Every effort shall be made to minimize impacts from these vehicles and related construction activities. The CMP shall include provisions to limit vehicular activity to periods outside of the peak periods of traffic, utilize alternate routes for heavy trucks, utilize staging locations for construction workers and vehicles, and other mitigation measures related to traffic. The Declarant shall document the condition of roadways prior to the commencement of construction activities and provide remedial measures, as necessary, such as restriping, road resurfacing, and/or reconstruction if the condition of the roadways has deteriorated as a result of the construction activities.
 - b. The Declarant shall prepare and submit a new TIAR to the DPP for review and approval if the project is not issued a Certificate of Occupancy within five years of the date of adoption of this zone change; or if the site is used for a business other than office or retail, such as a fast food restaurant, which has the potential to generate a significant amount of traffic that would adversely affect area streets.
 - c. The Declarant shall consult with the DPP and the DTS prior to building permit approval for the redevelopment of the project site and shall fund, construct, or cause to be constructed all necessary road widening and street improvements along the project's frontage of Charles Street as required by DPP and DTS. Roadway improvements to the frontage of the project shall be completed prior to issuance of the Certificate of Occupancy for any development fronting Charles Street.
2. Relocating Solid Waste Enclosure. The Declarant shall locate outdoor solid waste enclosures away from abutting residential dwellings and Charles Street to minimize potential noise and odor impacts to adjacent residents and passersby in the Charles Street right-of-way unless the solid waste enclosure is completely enclosed.
 3. Off-Street Parking. Uses shall be limited to those which have the same or lower off-street parking standards applicable to office use.
 4. Drive-Through Facilities. Drive-through facilities shall be prohibited on the project site identified as Tax Map Keys: 3-001:027 and 068.
 5. Compliance with Other Governmental Requirements. The Declarant acknowledges that approval of this zone change does not constitute compliance with other LUO or governmental agencies' requirements. They are subject to separate review and approval. The Declarant shall be responsible for ensuring that the final plans for the proposed project approved under this permit comply with all applicable LUO and other governmental agencies' provisions and requirements.
 6. Annual Reports. On an annual basis, the Declarant shall submit a written status report to the DPP documenting its satisfaction and/or describing its progress toward complying with each condition of approval for this zone change. This status report shall be submitted to the DPP by December 31 of each year until such time as the DPP has

determined that all conditions of approval have been satisfied. Failure to do so may result in delays in processing of further permits.

7. Noncompliance or Failure to Fulfill Any Conditions. In the event of noncompliance or failure to fulfill any of the conditions set forth herein, the Director of the DPP shall inform the Council and may institute action to terminate or stop the project until applicable conditions are met. Noncompliance also may be grounds for revocation of the permits issued under this zone change. Noncompliance also may be grounds for the enactment of ordinances making further zone changes, including revocation of the underlying zoning, upon initiation by the proper parties in accordance with the Revised City Charter.

Dated at Honolulu, Hawaii, this ____ day of _____, 2012.

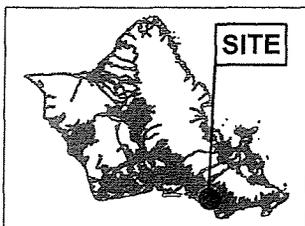
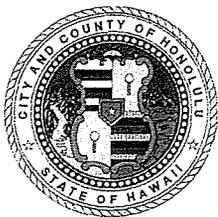
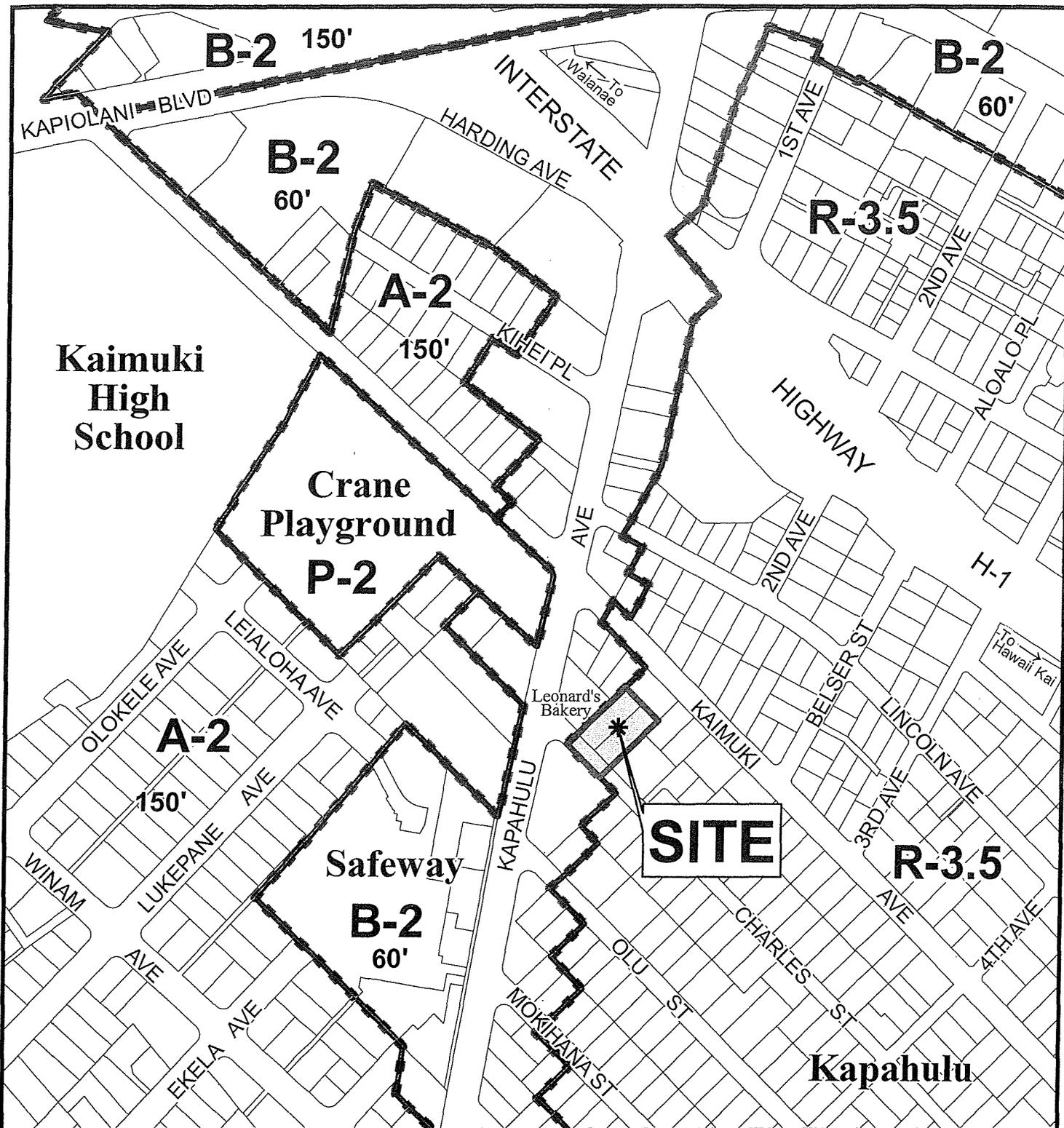
DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

By _____
Jiro A. Sumada, Acting Director
Department of Planning and Permitting

JAS:bkg

Attachments

ATTACHMENT 1
(MAPS)



VICINITY MAP

300 150 0 300

Scale in Feet

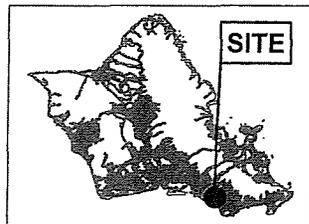
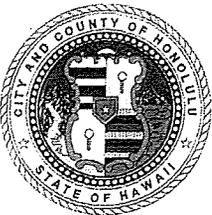
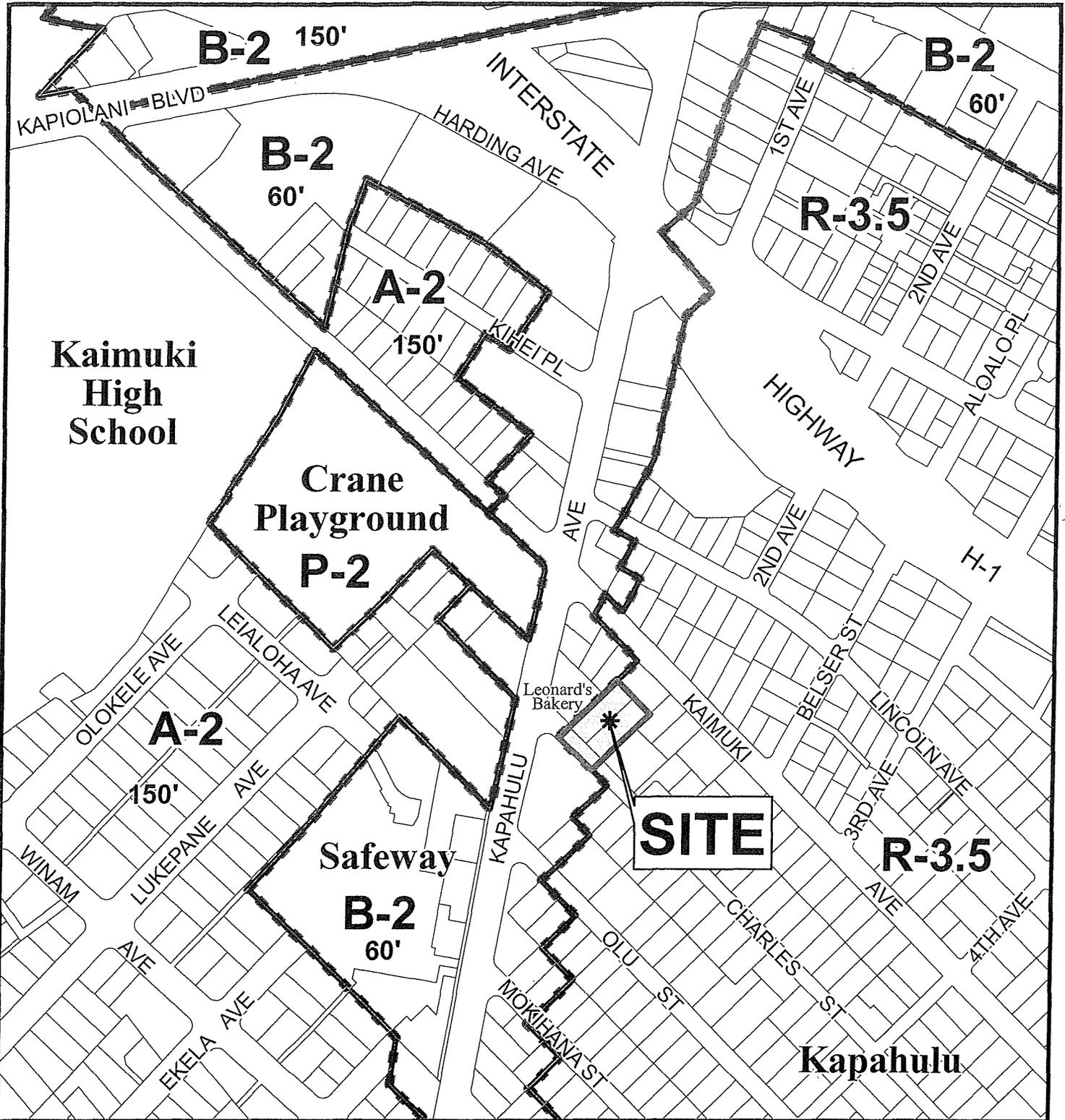


LOCATION MAP with Zoning

KAPAHULU

TAX MAP KEY(S): 3-1-01: 27 & 68 and a Portion of Charles St.

FOLDER NOS.: 2012/Z-1



VICINITY MAP

300 150 0 300



Scale in Feet



**PORTION OF
ZONING MAP
MOILILI - KAIMUKI**

TAX MAP KEY(S): 3-1-01: 27 & 68 and a
Portion of Charles St.

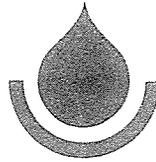
FOLDER NOS.: 2012/Z-1

ATTACHMENT 2
(AGENCY & COMMUNITY COMMENTS)

200/2

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843



August 9, 2012

PETER B. CARLISLE, MAYOR

DUANE R. MIYASHIRO, Chairman
MAHEALANI CYPHER, Vice Chair
THERESIA C. McMURDO
ADAM C. WONG

WESTLEY K.C. CHUN, Ex-Officio
GLENN M. OKIMOTO, Ex-Officio

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer

CIT...

12 AUG 14 3:49

TO: DAVID K. TANOUE, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: ERNEST Y. W. LAU, P.E., MANAGER AND CHIEF ENGINEER

SUBJECT: YOUR MEMORANDUM DATED JULY 6, 2012, REQUEST FOR
COMMENTS ON THE APPLICATION FOR A ZONE CHANGE
FROM R-3.5 RESIDENTIAL DISTRICT TO B-2 COMMUNITY
BUSINESS DISTRICT - TAX MAP KEY: 3-1-001: 027, 068

The existing water system is adequate to accommodate the proposed zone change. However, please be advised that this information is based upon current data, and therefore, the Board of Water Supply reserves the right to change any position or information stated herein up until the final approval of the building permit application. The final decision on the availability of water will be confirmed when the building permit application is submitted for approval.

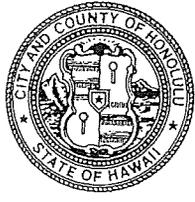
When water is made available, the applicant will be required to pay our Water System Facilities Charges for resource development, transmission and daily storage.

If you have any questions, please contact Robert Chun at 748-5443.

2012/Z-1

DEPARTMENT OF BUDGET AND FISCAL SERVICES
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 208 • HONOLULU, HAWAII 96813
PHONE: (808) 768-3900 • FAX: (808) 768-3179 • INTERNET: www.honolulu.gov

PETER B. CARLISLE
MAYOR



'12 JUL 16 AM 11:13

MICHAEL R. HANSEN
DIRECTOR

DEPT. OF BUDGET AND FISCAL SERVICES
CITY & COUNTY OF HONOLULU
NELSON H. KOYANAGI, JR.
DEPUTY DIRECTOR

July 13, 2012

Memorandum

To: David K. Tanoue, Director
Department of Planning and Permitting

From: Wendy K. Imamura, Purchasing Administrator
Division of Purchasing
Department of Budget and Fiscal Services

Subject: Application for a Zone Change
Project File No. 2012/Z-1
Charles Street Zone Change
TMK: 3-1-001:027 and 068

We do not anticipate any impact on the activities and services, which are planned or provided by our department, by the subject application. Please check with the Departments of Facility Maintenance and Transportation Services as to any impacts.

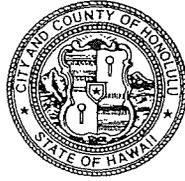
Please contact Diane Murata at ext. 83950 for further assistance.

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DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8480 • Fax: (808) 768-4567
Web site: www.honolulu.gov

PETER B. CARLISLE
MAYOR



LORI M.K. KAHIKINA, P.E.
DIRECTOR

CHRIS TAKASHIGE, P.E.
DEPUTY DIRECTOR

August 13, 2012

2012/8/14
12 AUG 14 AM 4
CITY OF HONOLULU

MEMORANDUM

TO: DAVID K. TANOUE, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: *Chris Takashige*
LORI M.K. KAHIKINA P.E., DIRECTOR

SUBJECT: APPLICATION FOR A ZONE CHANGE FROM R-3.5 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT, AND THE DEPARTMENT OF PLANNING AND PERMITTING'S PROPOSAL, KAPAHULU, OAHU, TMK: 3-1-001-027, 068 AND A PORTION OF CHARLES STREET

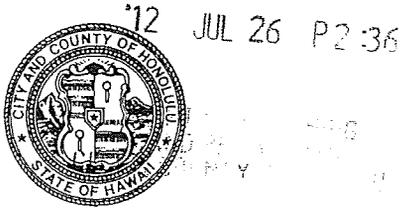
The Department of Design and Construction has reviewed this application, and we have no comments.

Should there be any questions, please contact me at x88480.

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DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>



PETER B. CARLISLE
MAYOR

TIMOTHY E. STEINBERGER, P.E.
DIRECTOR

MANUEL S. LANUEVO, P.E., LEED AP
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
PRO 12-062

July 23, 2012

MEMORANDUM

TO: DAVID K. TANOUE, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM:  TIMOTHY E. STEINBERGER, P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: APPLICATION FOR A ZONE CHANGE FROM R-3.5 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT, AND THE DEPARTMENT OF PLANNING AND PERMITTING (DPP)'S PROPOSAL, KAPAHULU, OAHU, TAX MAP KEY: 3-1-001-027, 068, AND A PORTION OF CHARLES STREET

We have reviewed the subject document as transmitted to us by your memo, dated July 6, 2012, ref no. 2012/Z-1 (TH). We acknowledge and support the DPP Wastewater Branch's sewer connection approval with a condition of approval prohibiting occupancy of high water using establishments, due to inadequate downstream sewer lines.

Provided this condition is followed, we do not foresee any significant impacts to our facilities and services, and have no objections to the proposed re-zoning, to either B-1 or B-2 zoning.

Should you have any questions, please call Liz Lau, Civil Engineer, at 768-3470.

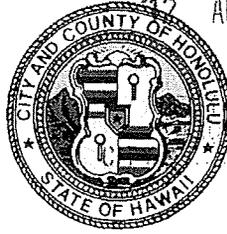
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2007-1

DEPARTMENT OF FACILITY MAINTENANCE

CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, KAPOLEI HALE, SUITE 215, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3343 FAX: (808) 768-3381
Website: www.honolulu.gov



AUG -3 P2:28

PETER B. CARLISLE
MAYOR

WESTLEY K.C. CHUN, Ph.D., P.E., BCEE
DIRECTOR & CHIEF ENGINEER

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

IN REPLY REFER TO:
DRM 12-681

August 1, 2012

MEMORANDUM

TO: DAVID TANOUE, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: *P* WESTLEY K.C. CHUN, Ph.D., P.E., BCEE
DIRECTOR AND CHIEF ENGINEER
DEPARTMENT OF FACILITY MAINTENANCE

SUBJECT: APPLICATION FOR A ZONE CHANGE FROM R-3.5 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT, AND THE DEPARTMENT OF PLANNING AND PERMITTING'S PROPOSAL, KAPAHULU, TMK: 3-1-001:027, 068 AND A PORTION OF CHARLES STREET

Thank you for the opportunity to review and comment on the subject project.

We have no comments to offer. The City does not have any facilities within the subject private properties.

Should you have any questions, please call Dexter Akamine of the Division of Road Maintenance, at 768-3696.

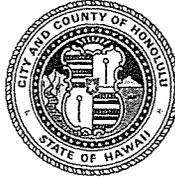
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2012

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

PETER B. CARLISLE
MAYOR



'12 JUL 25 10:07

KENNETH G. SILVA
FIRE CHIEF

EMMIT A. KANE
DEPUTY FIRE CHIEF

CITY AND COUNTY OF HONOLULU

July 23, 2012

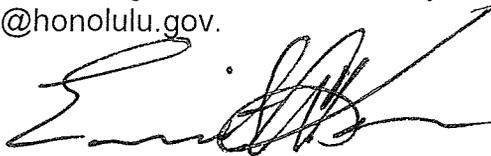
TO: DAVID TANOUE, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: KENNETH G. SILVA, FIRE CHIEF

SUBJECT: ZONE CHANGE APPLICATION NO. 2012/Z-1
3110, 3110A, 3114, AND 3114A CHARLES STREET
KAPAHULU, OAHU
TAX MAP KEYS: 3-1-001: 027, 068, AND A PORTION OF
CHARLES STREET

In response to your memorandum of July 6, 2012, regarding the above-mentioned subject, the Honolulu Fire Department reviewed the information provided and determined that a zone change to a B-2 Community Business District or a B-1 Neighborhood Business District will not significantly impact our fire services.

Should you have questions, please contact Acting Battalion Chief Gary Lum of our Fire Prevention Bureau at 723-7152 or glum@honolulu.gov.


for KENNETH G. SILVA
Fire Chief

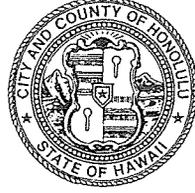
KGS/SY:bh

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POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.gov

2012-1



'12 AUG -2 A8:55

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. MCCAULEY
DEPUTY CHIEFS

PETER B. CARLISLE
MAYOR

OUR REFERENCE WK-WS

July 31, 2012

TO: DAVID K. TANOUE, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

ATTENTION: TIMOTHY HATA, PLANNER

FROM: LOUIS M. KEALOHA, CHIEF OF POLICE
HONOLULU POLICE DEPARTMENT

SUBJECT: APPLICATION FOR A ZONE CHANGE FROM R-3.5 RESIDENTIAL
DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT, AND THE
DEPARTMENT OF PLANNING AND PERMITTING'S PROPOSAL,
KAPAHULU, OAHU, TAX MAP KEY: 3-1-001-027, 068, AND A
PORTION OF CHARLES STREET

Thank you for the opportunity to review the subject project.

This project should have no significant impact on the facilities or operations of the Honolulu Police Department.

If there are any questions, please call Major Michael Thomas of District 7 (East Honolulu) at 723-3368.

LOUIS M. KEALOHA
Chief of Police

By 

BART S. HUBER
Assistant Chief
Support Services Bureau

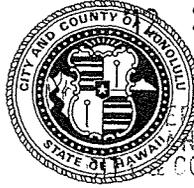
2012-1

DEPARTMENT OF TRANSPORTATION SERVICES

CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 6RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

PETER B. CARLISLE
MAYOR



SEP 26 P2:13

WAYNE Y. YOSHIOKA
DIRECTOR

KAI NANI KRAUT, P.E.
DEPUTY DIRECTOR

TP7/12-474538R

September 25, 2012

MEMORANDUM

TO: DAVID K. TANOUE, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: WAYNE Y. YOSHIOKA, DIRECTOR
DEPARTMENT OF TRANSPORTATION SERVICES

SUBJECT: APPLICATION FOR A ZONE CHANGE FROM R-3.5 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT, AND THE DEPARTMENT OF PLANNING AND PERMITTING'S PROPOSAL, KAPAHULU, OAHU, TAX MAP KEY: 3-1-001-027, 068, AND A PORTION OF CHARLES STREET

This responds to your memorandum dated July 6, 2012, requesting our review and comment on the request to rezone the subject parcels from R-3.5 Residential District to B-2 Community Business District. We have no comments based on the provisions of the request.

Thank you for the opportunity to review this matter. Should you have any further questions on the matter, you may contact Virginia Bisho of my staff at Local 85461.

WAYNE Y. YOSHIOKA
Director

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SURROUNDING LAND USES : Surrounding land uses include small commercial businesses such as Leonard's Bakery along Kapahulu Avenue and residential homes on the eastern side beyond the Kapahulu Business District.

APPLICANT'S PROPOSAL : The applicant is requesting to rezone two adjacent lots from R-3.5 Residential District to B-2 Community Business District. A small, two-story office building with parking will replace the four existing dwelling units. The new office building will be located on parcel 027 along the Leonard's Bakery property line. The parking lot will be located primarily on parcel 068. The new building is anticipated to be approximately 24 feet high and contain approximately 7,350 square feet of floor area. The applicant, Kee Thelma, Inc., intends to occupy one of the spaces on the second floor. Although the applicant's development concept is for office use, the application indicates that the ground floor may include retail use.

DEPARTMENT COMMENTS:

OAHUMPA SUPPORTS THE ADDITION OF A SIDEWALK ADJACENT TO CHARLES STREET.

OAHUMPA SUPPORTS MIXED-USE DEVELOPMENT LEADING TO THE ABILITY OF MOST NEIGHBORHOOD RESIDENTS BEING ABLE TO MEET MOST OF THEIR DAILY NEEDS WITHOUT LEAVING THE NEIGHBORHOOD.

OAHUMPA CONCURS, IN GENERAL, WITH THE FINDINGS AND RECOMMENDATIONS OF THE TRAFFIC IMPACT ANALYSIS REPORT.

 Executive Director
Signature/Title

7/11/12
Date

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 14, 2012

Department of Planning and Permitting
City and County of Honolulu
Attention: Mr. Tim Hata
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

via email: thata@honolulu.gov

Dear Mr. Hata,

SUBJECT: Project File No. 2012/Z-1, Application for a Zone Change from R-3.5 Residential District to B-2 Community Business District, and the Department of Planning and Permitting's Proposal, Kapahulu, Oahu

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from (1) Land Division – Oahu District; and (2) Engineering Division, on the subject matter. No other comments were received as of our suspense date. Should you have any questions, please feel free to call Supervising Land Agent Steve Molmen at 587-0439. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji
Land Administrator

Enclosure(s)

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AHL, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 19, 2012

MEMORANDUM

TO: *MR*

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division Oahu District
- Historic Preservation

FROM: *70*
SUBJECT:

R Russell Y. Tsuji, Land Administrator
 Project File No. 2012/Z-1, Application for a Zone Change from R-3.5 Residential District to B-2 Community Business District, and the Department of Planning and Permitting's Proposal, Kapahulu, Oahu
 LOCATION: Kapahulu, Oahu, TMK (1) 3-1-001: 027, 068, and a portion of Charles Street
 APPLICANT: Kee Thelma, Inc. by its agent, Mr. Michael Chu, through the City and County of Honolulu, Department of Planning and Permitting (DPP)

Transmitted for your review and comment on the above-referenced document. We would appreciate your comments on this document. Please submit any comments by August 14, 2012.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Supervising Land Agent Steve Molmen at (808) 587-0439. Thank you.

Attachments

- () We have no objections.
- () We have no comments.
- () Comments are attached.

Signed: *Michael Chu*
 Print Name: Michael Chu
 Date: 7/24/12

cc: Central Files



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 19, 2012

MEMORANDUM

RECEIVED
LAND DIVISION
2012 AUG -9 P 2:22
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

TO: **DLNR Agencies:**
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division Oahu District
 Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator

SUBJECT: Project File No. 2012/Z-1, Application for a Zone Change from R-3.5 Residential District to B-2 Community Business District, and the Department of Planning and Permitting's Proposal, Kapahulu, Oahu

LOCATION: Kapahulu, Oahu, TMK (1) 3-1-001: 027, 068, and a portion of Charles Street

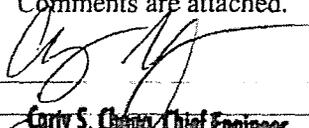
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Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: 
 Print Name: Cory S. Cheng, Chief Engineer
 Date: 8/8/12

cc: Central Files

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/SteveMolmen
REF.:ChangeZoneResidential2ComBusinessDistrict
Oahu.903

COMMENTS

- (X) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone X. The National Flood Insurance Program does not have any regulations for developments within Zone X.
- () Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone_____.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is _____.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

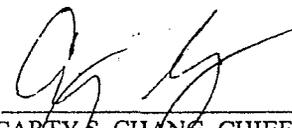
Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Mario Siu Li at (808) 768-8098 or Ms. Ardis Shaw-Kim at (808) 768-8296 of the City and County of Honolulu, Department of Planning and Permitting..
- () Mr. Frank DeMarco at (808) 961-8042 of the County of Hawaii, Department of Public Works.
- () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- () Ms. Wynne Ushigome at (808) 241-4890 of the County of Kauai, Department of Public Works.
- () The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.
- () he applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update

() Additional Comments: _____

() Other: _____

Should you have any questions, please call Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

Signed: 
CARTY S. CHANG, CHIEF ENGINEER
Date: 8/2/12

2012-2

NEIL ABERCROMBIE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN DESIGNATE
HAWAIIAN HOMES COMMISSION

MICHELLE K. KAUHANE
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96805

July 25, 2012

Department of Planning and Permitting
City and County of Honolulu
Attn: Mr. David K. Tanoue, Director
7th Floor
650 South King Street
Honolulu, Hawaii 96813

Subject: Application for a Zone Change from R-3.5 Residential District to B-2 Community Business District, and the Department of Planning and Permitting's Proposal, Kapahulu, Oahu, Tax Map Key: 3-1-001-027, 068, and a Portion of Charles Street

Thank you for the opportunity to review the subject application. The Department of Hawaiian Home Lands has no comment to offer at this time. If you have any questions, please contact our DHHL Planning Office at 620-9480.

Aloha,

Jobie M.K. Masagatani, Chairman Designate

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

12 SEP -7 PM 2:10

RECEIVED

Scanned 9/6/190

2012/2-1

NEIL ABERCROMBIE
GOVERNOR



GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

STP 8.0927

July 27, 2012

Mr. David Tanoue, Director
City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

DISTRICT
AND
CITY & COUNTY

12 AUG -2 AM :39

Dear Mr. Tanoue:

Subject: Charles Street (portion) - Zone change
TMK: 3-1-001:027 & 068

Thank you for requesting the State Department of Transportation's (DOT) review of the subject project.

DOT understands the applicant Kee Thelma, Inc. is proposing to demolish four existing single-family dwellings and constructing a two-story office building and parking lot.

Given the location and the nature of the project, DOT does not anticipate any significant adverse impacts to the State transportation facilities.

DOT appreciates the opportunity to provide comments. If there are any questions, please contact Mr. Garrett Smith of the DOT Statewide Transportation Planning Office at (808) 831-7976.

Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Scanned 953734

July 12, 2012

RECEIVED

'12 JUL 17 AIO:20

Alan Miyamura
3178 Charles Street
Honolulu, Hawaii 96816

JEFF
APPROVED
CITY OF HONOLULU

Mr. David K. Tanoue
Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Attn to: Mr. Tim Hata

Dear Sir(s):

I would like to submit my comments for your favorable consideration (based on my understanding of the notice of zone change application from the City Department of Planning and Permitting (DPP) dated July 6, 2012), regarding file number 2012/Z-1, tax map key (TMK) 3-1-001:027 and 068, whose location is 3110, 3110A, 3114, and 3114A Charles Street, Kapahulu:

It is my personal opinion the B-1 alternative addresses the intent of the applicant's use of the property for the following reasons:

- Besides the 40' limit, B-1 also restricts usage of commercial kennels, bars, nightclubs, and catering establishments.
- This would address issues regarding noise, parking, loitering, safety and security) that were brought up at last year's Neighborhood Board #5 meetings; and community meeting on September 28, 2011 (in which the owner's representative provided a presentation that residents of Charles Street, Senator Les Ihara, Representative Scott Nishimoto, and City Councilperson Ann Kobayashi attended).
- Limiting usage under B-1 will also address concerns regarding the existing infrastructure (water and sewer).

I am a realist, and understand that no one can have it 100% their way as we live in a world of compromise and progress [Holomua]. There is no way for the residents of Charles Street to know for sure if another attempt requesting a change from B-1 to B-2 could occur in the future; or if the B-1 alternative will be considered by the applicant. But it seems to me, based on my recollection of the applicant's representative's presentation last year that B-1 zoning will meet their intended purpose [Ho'ohana].

I also believe (in my humble opinion), that B-1 zoning for this particular area is in compliance with the objectives of the General Plan, which are in part:

- ✓ the balance of urban-residential and business to live and work in harmony [Lokahi],
- ✓ to promote the social and physical character of Oahu's older towns and neighborhoods,
- ✓ to meet the needs of the people [Ho'ohanohano; Malama ka po'e] for an adequate supply of water, and

Scanned 953734

- ✓ for environmentally sound systems of waste disposal (encouraging a lowering of the per-capita consumption of water and the per-capita production of waste). [Malama the 'aina]

In closing

Considering the situation in its entirety at this time [Keia manawa], and striving for rightness and balance [Pono], I have no objection to a B-1 rezoning of the subject property: 3110, 3110A, 3114, 3114A Charles Street. I strongly urge the DPP to favorably consider this alternative in its review and recommendation process.

Open discussion seeking to make things right [Ho'oponopono] is good. I thank you for taking the time to hear a resident's comments.

Mahalo nui loa,



Alan Miyamura

"Ua mau ke ea o ka 'aina i ke pono" (the life of the land is perpetuated in righteousness)

HISTORIC
HAWAII
FOUNDATION

2012
RECEIVED

August 3, 2012

'12 AUG -6 10:18

David K. Tanoue, Director
Department of Planning and Permitting
City & County of Honolulu
650 S. King Street, 7th Floor
Honolulu, HI 96813

DEPT. OF PLANNING & PERMITTING
CITY & COUNTY OF HONOLULU

**RE: File Number: 2012/Z-1
Zone Change Application for the Properties Located at 3110, 3110A, 3114, 3114A
Charles Street, Kapahulu, Honolulu**

Dear Mr. Tanoue:

Thank you for the opportunity to comment on the zoning change application for the properties located at 3110, 3110A, 3114, and 3114A Charles Street in the Kapahulu neighborhood.

Since 1974, Historic Hawai'i Foundation (HHF) has been the statewide leader for historic preservation. HHF's mission is to preserve and encourage the preservation of Hawai'i's historic buildings, places, objects and communities.

According to Department of Planning and Permitting (DPP) records three of the four homes were built in 1913, 1950, and 1959. A date for the fourth home was not listed. The Kapahulu area has a unique historic character that we feel is in jeopardy due to the construction of higher density development in the area coupled with a loss of historic buildings. The character of this area makes it a unique and special place where people want to live and visit. We feel that the homes proposed for demolition add to the historic character and that they may be eligible for listing on the Hawai'i Register of Historic Places.

We are opposed to this zoning change, as we feel that it would be detrimental to the character of the Kapahulu neighborhood.

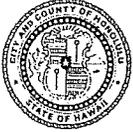
Very truly yours,



Kiersten Faulkner, AICP
Executive Director

Copies via Email:
Angie Westfall, State Historic Preservation Division





DIAMOND HEAD/KAPAHULU/ST. LOUIS HEIGHTS NEIGHBORHOOD BOARD NO. 5

c/o NEIGHBORHOOD COMMISSION OFFICE, HONOLULU HALE, ROOM 406 530 SOUTH KING STREET
HONOLULU, HAWAII 96813 TEL: (808) 768-3710 • FAX: (808) 768-3711 • INTERNET: www1.honolulu.gov/nco

August 14, 2012

Director David Tanoue
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813

Via Inter-office mail and e-mail

Aloha Director Tanoue,

Re: Charles Street Re-Zoning Recommendation to B-1 Instead of B-2

This letter is in reference the project file number **2012/Z-1**. I appreciate you consulting with our Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5. Your feeling that our comments are important in your evaluation of the proposed Charles Street rezoning is positively noted in a relationship I hope to continue.

On September 28, 2011, a community meeting was held regarding the Charles Street Rezoning. Based on my recollection, there were approximately 20 people, plus two members of our Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5. The media was also represented.

Residents who attended were very concerned about the rezoning of four older houses, mostly being from 50 to about 100 years old. The residents were afraid of many issues, including parking, both street and overflow of cars and tour buses from Leonard's Bakery, and the safety of walking on Charles Street, as they felt it's already dangerous for the residents to walk with the current traffic, including the newer Safeway store across the street. They were concerned about the their affected infrastructure due to the size of new buildings. They also were afraid of the new construction affecting their "sense of place" in their neighborhood.

They were also afraid of allowed in B-2, but not in B-1, include "commercial kennels, bars, nightclubs, and catering establishments that may conflict with their adjacent residential neighborhood. Their rationale preferring a B-1 zoning was that it may be more appropriate, as a transitional zoning district between abutting commercial and residential zoning.

At the August 9, 2012 Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5 meeting, resident Alan Miyamura, who attended the community meeting, read his personal opinion. The official Board position was - **Miller moved; and Naho'opi'i seconded that the Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5 supports resident Alan Miyamura's response to the Department of Planning and Permitting (DPP) and supports the DPP's recommendation of a B-1 zoning and rejects a B-2 zoning.** (Eight (8) votes are needed to pass.) **The motion was NOT ADOPTED, 7-0-7 (AYES: Matson, Naho'opi'i, Narita, Persons, St. Denis,**



Letter to Director David Tanoue, Department of Planning and Permitting
August 14, 2012
Page 2

West, and Wong; **NAYS:** 0; **ABSTAIN:** Allen, Cain, Manfredi, Mathieu, Miller, Takenaka, Villers). Board members mentioned that although the owners were invited three times to come before the Board, they have never attended. Also, the three new Board members did not know the background of the issue.

Thank you for your consideration.

Mahalo,

A handwritten signature in black ink that reads "K. Russell Ho for". The signature is written in a cursive, slightly slanted style.

Linda Wong

Chair,
Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5



Hawaiian Electric Company

Engineering Department
PO Box 2750 • Honolulu, HI 96840

RECEIVED
12 AUG 20 AM 46

DEPT. OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

August 16, 2012

Mr. David Tanoue
Director, Department of Planning and Permitting
City & County of Honolulu
650 South King St.
Honolulu, Hawaii 96813

Dear Mr. Tanoue:

Subject: **Application for Zone Change, Kapahulu, Oahu. TMK 3-1-001:027,068 and a portion of Charles Street. 2012/Z-1 (TH)**

Thank you for the opportunity to comment on the subject zone change application. Hawaiian Electric Company has no objections to the proposed change. Should HECO have existing easements and facilities on the subject property, we will need continued access for maintenance of our facilities.

We appreciate your efforts to keep us apprised of zone change applications in the planning process.

If you have any questions, please call me at 543-7245.

Sincerely,

Rouen Q. W. Liu
Permits Engineer

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ATTACHMENT 3
DETERMINATION OF NEED FOR
AN ENVIRONMENTAL ASSESSMENT

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov/dpp • CITY WEB SITE: www.honolulu.gov

PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
ACTING DIRECTOR

ROBERT M. SUMITOMO
DEPUTY DIRECTOR

2010/ELOG-2447 (TH)

November 19, 2010

Mr. Michael S. Chu, ASLA
LP&D Hawaii
126 Queen Street, Suite 306
Honolulu, Hawaii 96813

Dear Mr. Chu:

Subject: Determination of Need for an Environmental Assessment for a
Proposed Zone Change for Property owned by Kee Thelma, Inc.,
Kapahulu, Oahu, Hawaii, Tax Map Key: 3-1-001:027 and 068

This is in response to your letter of October 26, 2010 (attached), requesting a determination for the need of an Environmental Assessment (EA) prior to submitting a possible zone change application for the subject parcels. The Department of Planning and Permitting (DPP) has determined that your client will not have to prepare an EA prior to submitting a zone change application for the subject parcels. Our determination is based on the written information (attached) provided at the October 20, 2010 meeting with your client and DPP staff, and information contained in your October 26, 2010 letter.

Your client is interested in rezoning their property (the subject lots) from R-3.5 Residential District to either B-1 Neighborhood, B-2 Community Business, or BMX-3 Business Mixed Use District to develop a small, two-story office complex with a parking lot.

Section 24-2.1 of the Primary Urban Center Development Plan (PUC DP) requires the preparation of an EA prior to rezoning a parcel five acres or more to a resort, commercial, industrial, or mixed use zoning district from a less-intensive zoning district. The R-3.5 zoning district is considered less intensive than the B-1, B-2, and BMX-3 zoning districts. However, the subject parcels owned by your client, Kee Thelma, Inc., total 14,235 square feet or .32 acres which is far below the five-acre minimum. Furthermore, the DPP is not currently processing a series of zone change applications in the same area which may have a major social, environmental, or policy impact, or major cumulative impacts on the surrounding community. Therefore, the proposed rezoning of the subject TMK parcels does not meet the need for an EA in accordance with Section 24-2.1 of the PUC DP.

Additionally, the proposed rezoning does not meet any of the criteria that would require the preparation of an EA in accordance with Chapter 343-5 Hawaii Revised Statutes.

Mr. Michael S. Chu, ASLA
LP&D Hawaii
November 19, 2010
Page 2

We understand that you have met with our Traffic Review Branch in October and will have to analyze the potential traffic impacts of such a zone change through the preparation of a traffic assessment.

Should you have any questions, please contact Tim Hata of our staff at 768-8043.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Tanoue', with a long horizontal line extending to the right.

David K. Tanoue, Acting Director
Department of Planning and Permitting

Attachments

DKT:js

Kee Thelma.doc

2010/EOA-2447

Standard 3/1/10

LP&D Hawaii

LAND PLANNING & SITE DESIGN ▼ LANDSCAPE ARCHITECTURE ▼ ENTITLEMENTS & PERMITS

126 Queen Street Suite 306 ▼ Honolulu, Hawaii 96813 ▼ ph: 808/537-4674 ▼ fx: 808/521-9054 ▼ mchu-LPD@hawaii.rr.com

RECEIVED

26 October 2010

10 OCT 28 AM 10:02

Mr. Randy Hara
Department of Planning and Permitting
650 South King Street
Honolulu, HI 96813

DEPT. OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

SUBJECT: Charles Street Preliminary Pre-Application Meeting, Department of Planning & Permitting
TMK: 3-1-1: 27 & 68

Dear Randy:

Please share our thanks with Kathy Sokugawa and Tim Hata for participating in a preliminary pre-application meeting with us on Wednesday, October 20, 2010 to discuss our anticipated zone change application on Charles Street in Kapahulu from R-3.5 to B-2.

As we explained, we are in a due diligence phase, seeking to assess the likelihood of successfully achieving this rezone and whether any special studies such as an environmental assessment or traffic study should be anticipated. Below is a summary outline of our discussion.

Significant Zone Change

We inquired if this 0.32 acre zone change would be considered by the DPP as a "significant" zone change. We believe it should not be considered as such for the following reasons:

- In the Primary Urban Center, the threshold for a significant zone change is five acres for proposed commercial rezoning from a less intensive zoning district. Together, the two subject parcels on Charles Street is substantially less (6.5%) than the five acre criteria.
- There would be no cumulative impacts as there is not a series of other applications being sought in the same general vicinity.
- Major social, environmental or policy impacts are remote. The proposed rezoning will be consistent with the saw-tooth B-2 zoning pattern currently flanking Kapahulu Avenue, frequently extending several parcels inward. The proposed development is envisioned as a two story, small business establishment which would also be consistent with the character of the neighborhood. The property has been urbanized for many years and there are no known environmentally sensitive resources on the site or in the near vicinity.

Chapter 343 Environmental Assessment

We also inquired if a Ch. 343 would apply. The proposed redevelopment of the two Charles Street properties will not utilize any government land or funds; will not utilize nor reclassify State Conservation land; is not within the Shoreline Setback area; is not a designated historic site nor within a Special District; will not require an amendment to the General Plan and does not involve modification to a helicopter facility.

Notwithstanding DPP's agreement with our position on no significant zone change, we also believe that this project does not trigger any of the Ch. 343 criteria items.

Proposed Zoning District

Based on our discussions, we understand that the applicant may have the option of seeking rezoning into the B-1, B-2 or BMX district subject only to their redevelopment preferences which is yet to be determined.

Thank you once again for meeting with us. After the members of the Kee Thelma, Inc. have determined whether to move forward with a formal application, we shall schedule a meeting with Neighborhood Board No. 5 and will follow up with another meeting request with DPP to report on the Board's position. We have arranged a meeting with TRB for October 26 to discuss any traffic concerns and street widening requirements separately. In the mean time, please feel free to call or email me if you have any questions or need additional information. We look forward to your response.

Yours Truly

cc: Vernon Zane
Dale Zane



MICHAEL S. CHU

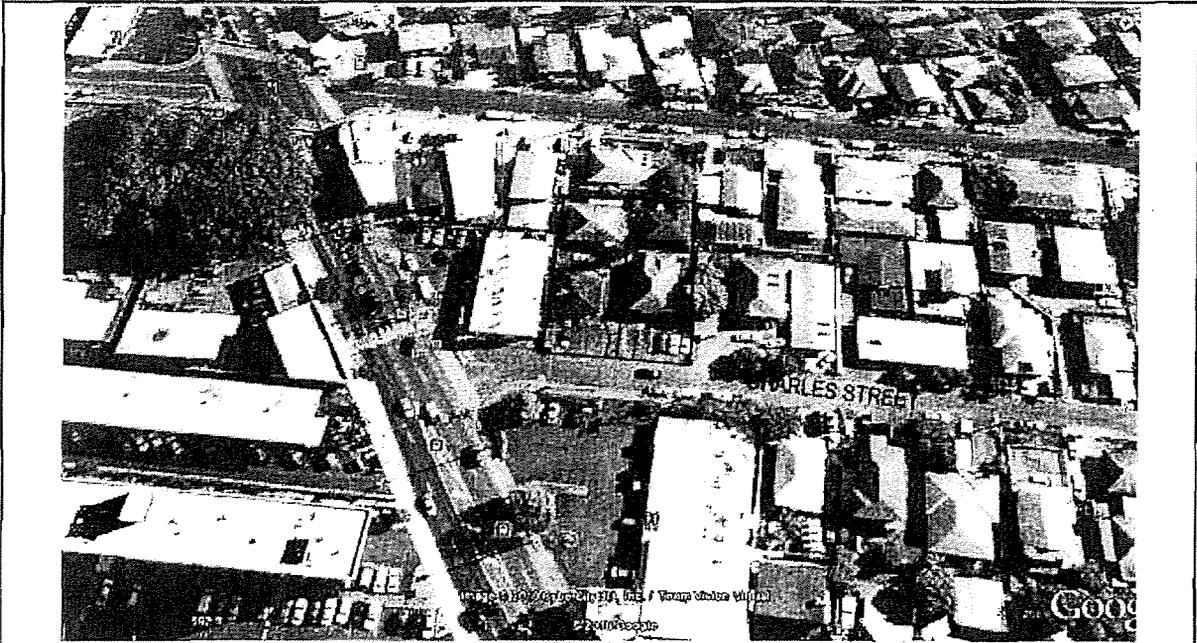
Charles Street Rezoning, General Description

TMK: 3-1-1: 26 & 68

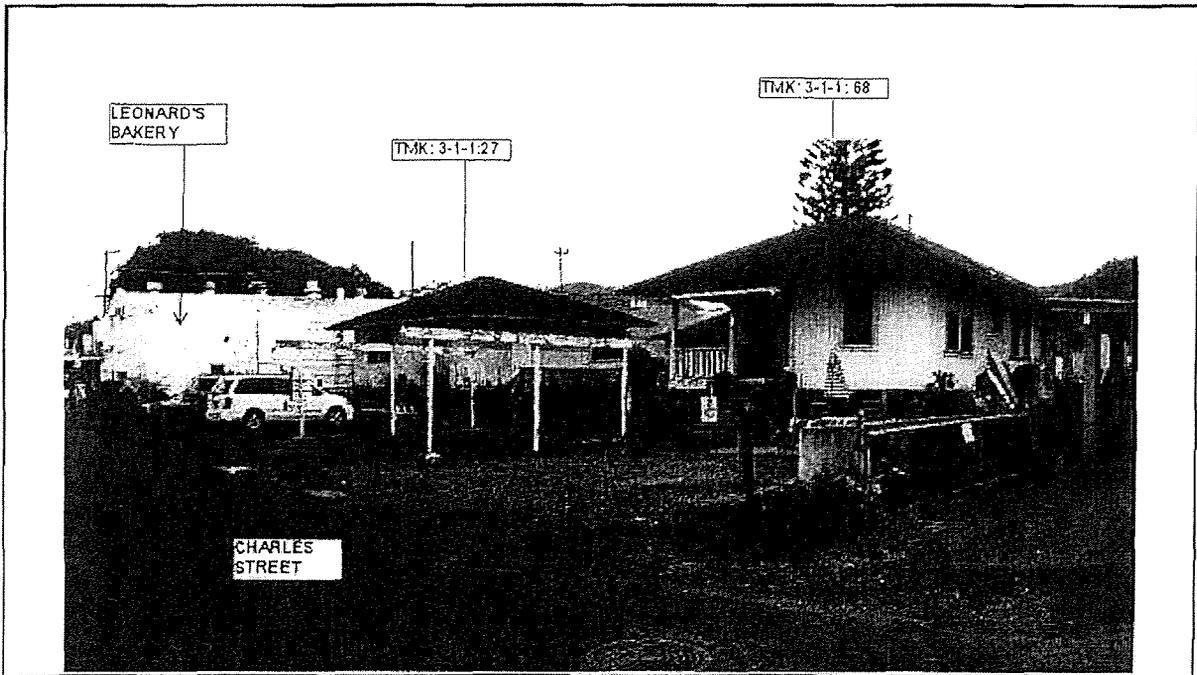
The rezoning application will consist of two abutting R-3.5 zoned lots located on Charles Street in Kapahulu, immediately Diamond Head of the landmark Leonard's Bakery. Both properties are owned by Kee Thelma, Inc., a family owned corporation. The property owners will be seeking to rezone their property to a B-2 Business designation and upon rezoning, will either consolidate or CUP joint develop the lots. Together, the two properties will provide approximately 14,000 SF of developable land.

One parcel is bordered with other existing B-2 properties and both are within close walking distance from Kapahulu Avenue. The two properties presently contain two older single story wooden homes each, approximately 50 years old. Both parcels are serviced with municipal water, sewer and overhead electrical power. The owners are aware that both parcels are subject to Article 21 (aka Ord. 2412) and will be required to perform street widening and dedication as a condition of any building permit approvals.

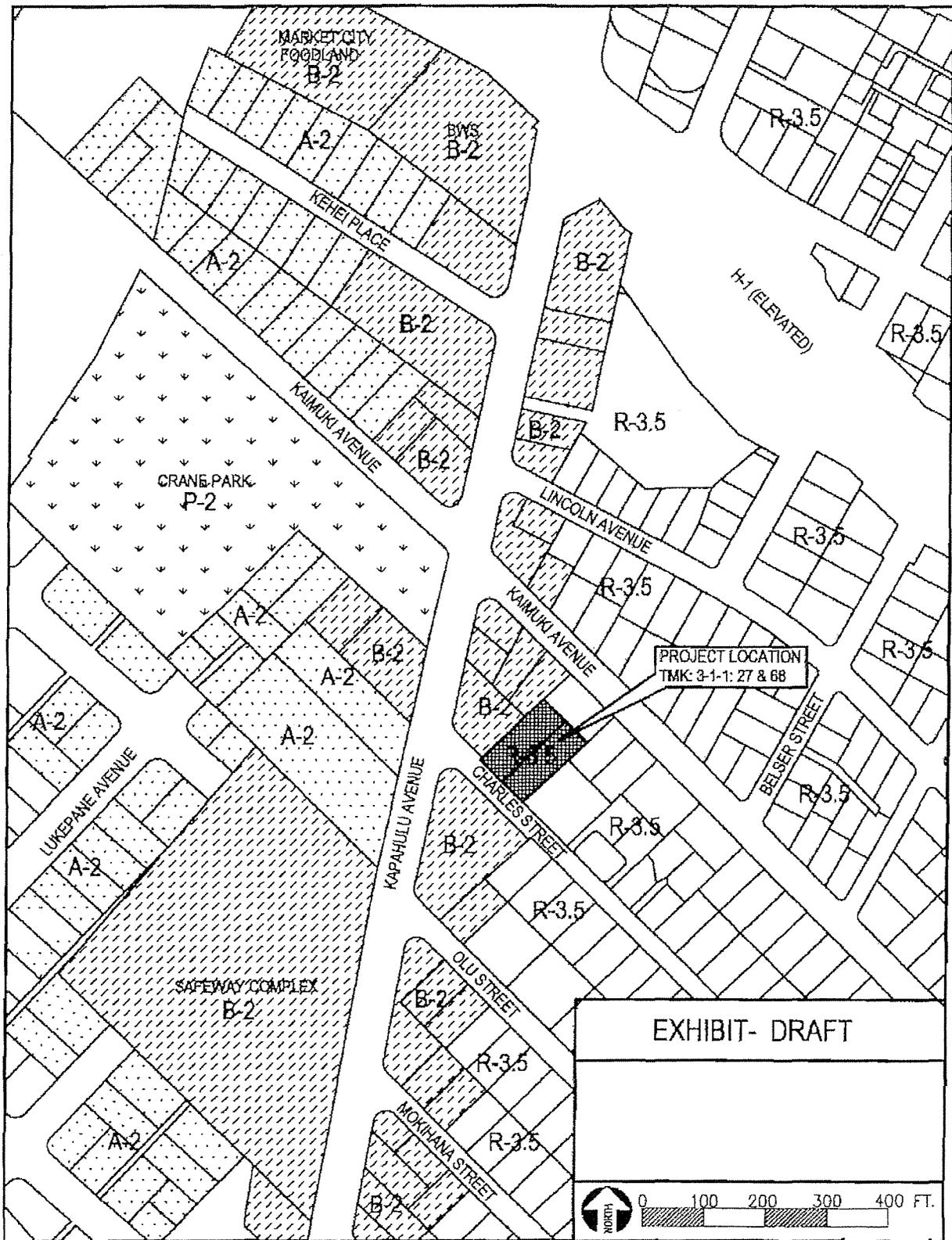
<u>ZONING & PROP. INFO.</u>	
TAX MAP KEY	3-1-1: 27
OWNER	KEE THELMA, INC.
ADDRESS	3110 & 3110A CHARLES ST.
NHBRD	5, CHAIR BERT NARITA
EXTG. ZONING	R-3.5
BLDG. HT.	25'
SPECIAL DIST.	NO
SMA	NO
HISTORIC	NO
STREET WIDENING	YES, 5'
LOT RESTRICTIONS	NONE
EXTG. STRUC	2
YEAR BUILT	UNKNOWN
<u>ZONING & PROP. INFO.</u>	
TAX MAP KEY	3-1-1: 68
OWNER	KEE THELMA, INC.
ADDRESS	3114 & 3114A CHARLES ST.
NHBRD	5, CHAIR BERT NARITA
FLOOD ZONE DIST.	X
BLDG. HT.	25'
SPECIAL DIST.	NO
SMA	NO
HISTORIC	NO
STREET WIDENING	YES, 5'
LOT RESTRICTIONS	NONE
EXTG. STRUC.	2
YEAR BUILT	UNKNOWN



AERIAL VIEW OF PROPERTY
TMK: 3-1-1: 27 & 68



STREET VIEW OF PROPERTY
TMK: 3-1-1: 27 & 68



ATTACHMENT 4
(DRAFT ORDINANCE)



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

TO REZONE LAND SITUATED AT KAPAHULU, HONOLULU, OAHU, HAWAII

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

SECTION 1. Zoning Map No. 3 (Moiliili-Kaimuki), Ordinance 86-106, is hereby amended as follows: Land situated at Kapahulu, Honolulu, Oahu, Hawaii hereinafter described, is hereby rezoned from the R-3.5 Residential District to the B-1 Neighborhood Business District. The boundaries of said Districts shall be described as shown on the map attached hereto, marked "Exhibit A" and made a part hereof, and further identified as Tax Map Key 3-1-001:027 and 068.

SECTION 2. A Unilateral Agreement marked "Exhibit B" is by reference incorporated herein and made a part hereof.

DPP012Z-1.B__



A BILL FOR AN ORDINANCE

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

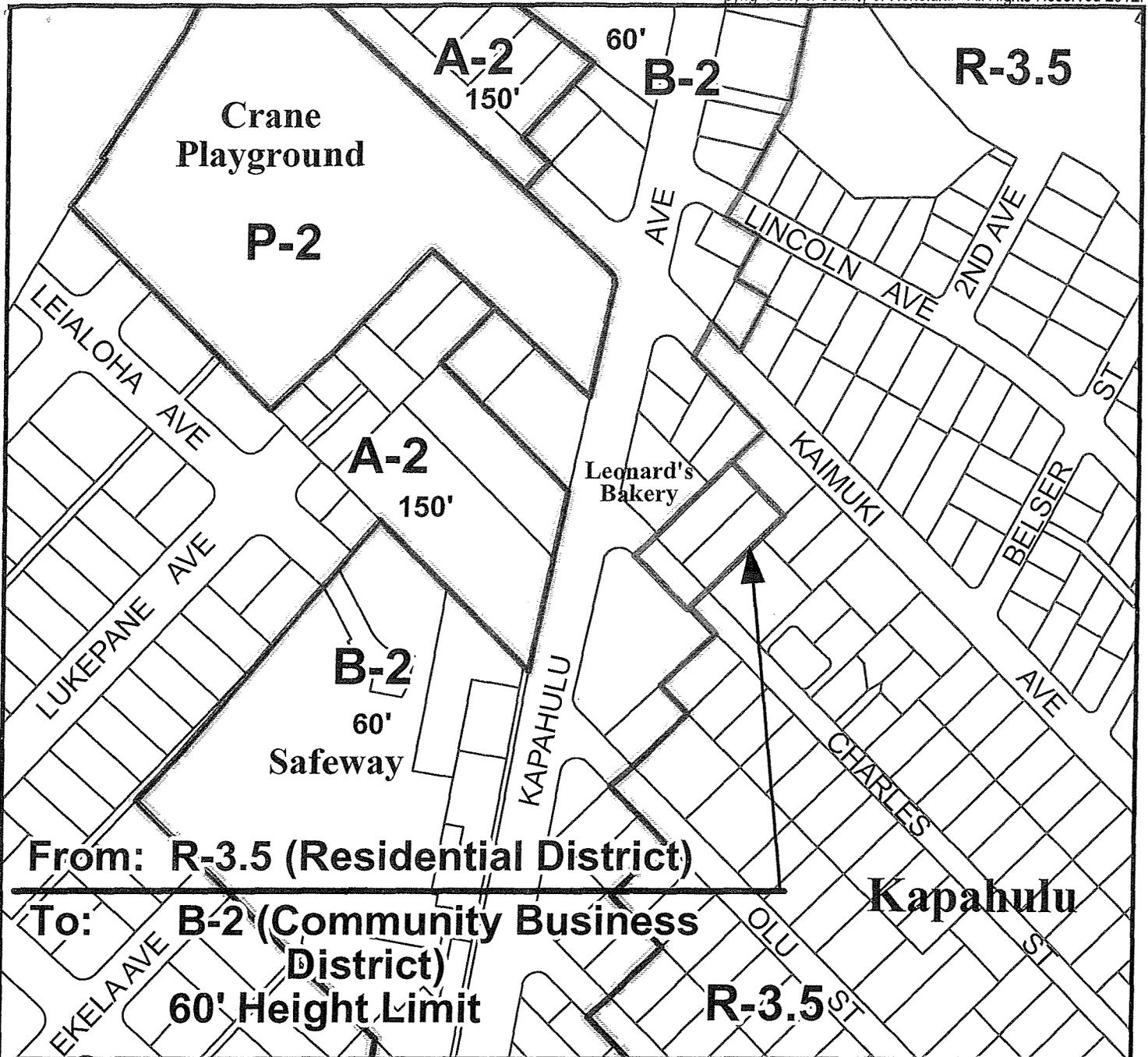
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20

PETER B. CARLISLE, Mayor
City and County of Honolulu



From: R-3.5 (Residential District)

To: B-2 (Community Business District)
60' Height Limit

Kapahulu

**PORTION OF
ZONING MAP No. 3
(MOILIILI - KAIMUKI)**

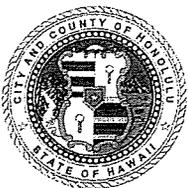
Land situated on Charles Street East of Kapahulu Avenue and adjacent to Leonard's Bakery



0 100 200



Scale in Feet



APPLICANT: KEE THELMA, INC.
TAX MAP KEY(S): 3-1-01: 27 & 68 and a Portion of Charles Street
FOLDER NO. : 2012/Z-1
LAND AREA: 17,906 S.F. (Approx.)
PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
 CITY AND COUNTY OF HONOLULU
PUBLIC HEARING: PLANNING COMMISSION CITY COUNCIL

ORD. NO.

2012/Z-1

EFF. DATE:

EXHIBIT A

EXHIBIT B
(DRAFT UNILATERAL AGREEMENT)