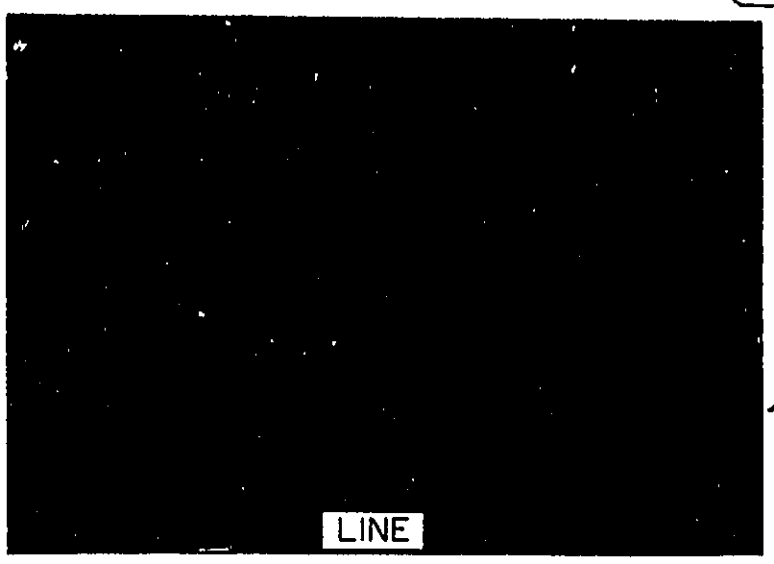
RECORDAK CONTROL TEST TARGET

FOR USE WITH RECORDAK FILMS PROCESSED IN THE RECORDAK PROSTAR FILM PROCESSOR

TEST OBJECT NO. 1



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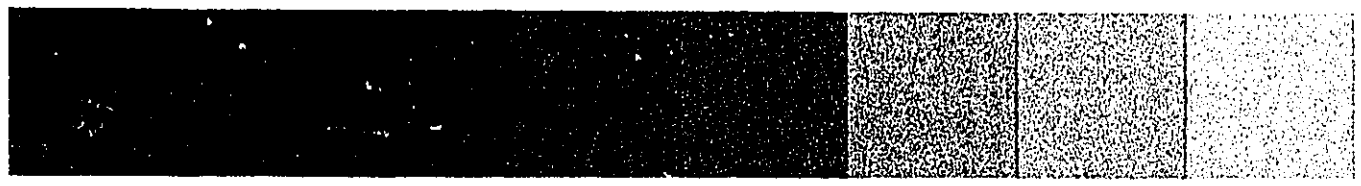

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Company _____ Department _____

Microfilmer _____ Film Type _____

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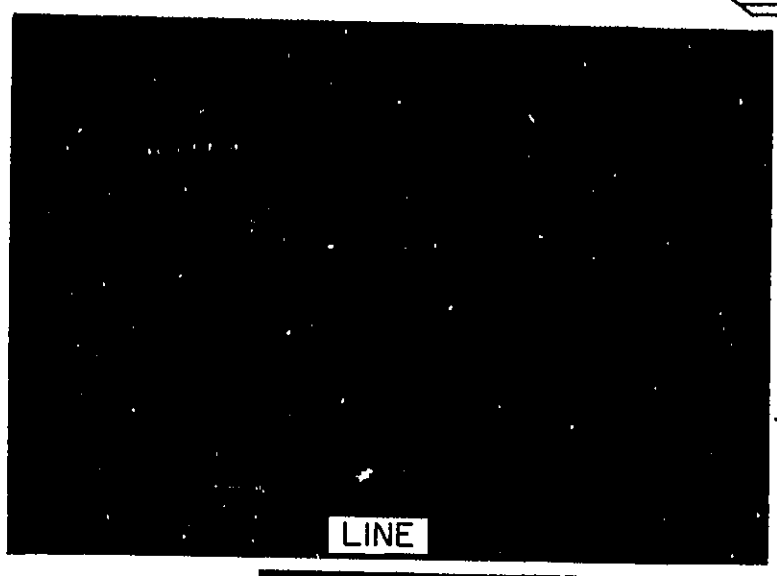

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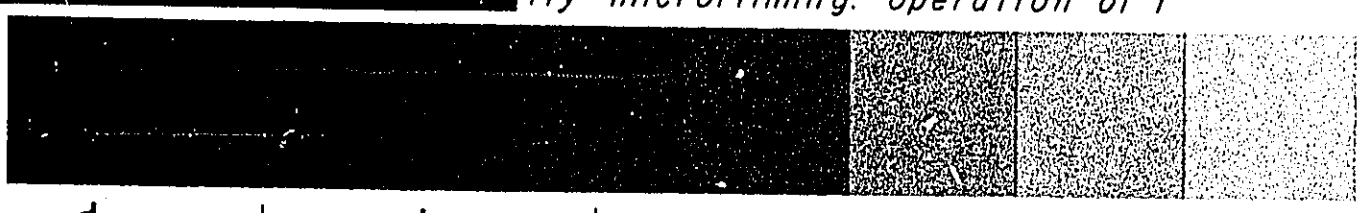

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MRIRC RMM 14-75

START OF ROLL

ROLL NO.

35

MRRC RMM 10-75

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MUNICIPAL REFERENCE AND RECORDS CENTER
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

Department GENERAL PLANNING

Division PLANNING COMMISSION

Section

TITLE PLANNING COMMISSION MINUTES

Inclusive Dates June 6, 1973 to July 21, 1976

Arrangement Chronological

Roll # 35

Reduction: 20X

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MRRC RMM 9-75

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6/27/77
Date

Signature

Honolulu Hawaii
City State

EXECUTIVE SECRETARY
TO THE PLANNING COMMISSION
Title

DEPARTMENT OF GENERAL PLANNING
Department

6/28/77
DATE

DEPARTMENT HEAD

1298RP-1

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STATEMENT OF RESPONSIBILITY

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Department of GENERAL PLANNING,

City and County of Honolulu, State of Hawaii, assumes full responsibility for the condition of its records when turned over to the Municipal Reference and Records Center for microfilming, including discrepancies and contradictions, errors, missing documents and portions thereof, misfiles, illegibility and duplications.

The Municipal Reference and Records Center is authorized to film such records in the condition and order in which they are received and is responsible for technical processing only.

6/27/77
Date

Executive Secretary

6/28/77
DATE

DEPARTMENT HEAD

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City and County of Honolulu
OCT 16 1975
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Planning Commission Minutes

JUNE 6, 1973

TO

JULY 21, 1976

Planning Department
City & County of Honolulu

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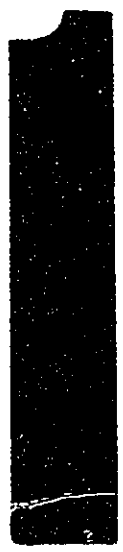

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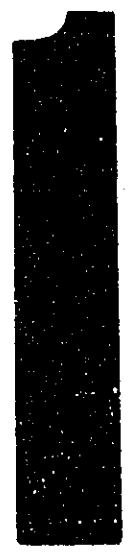

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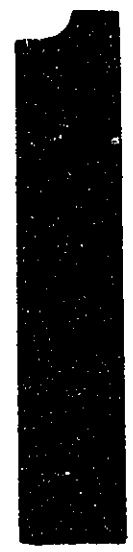

PLANNING COMMISSION

MINUTES

JUNE 6, 1973 TO JANUARY 23, 1974

BOOK NO. 134

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FLASH CARD

FLASH CARD

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JUN 6 1973

Meeting of the Planning Commission
Minutes
June 6, 1973

The Planning Commission held a meeting on Wednesday, June 6, 1973 in the Conference Room of the City Hall Annex, Honolulu, Hawaii. The Chairman, Eugene B. Connell, called the meeting to order at 1:30 p.m.

PRESENT: Eugene B. Connell, Chairman
Fredda Sullam
Roy R. Bright
James D. Crane
Antone J. Kahawaiolaa
Randall Kamiya
Thomas N. Yamabe II (first half of meeting)

ABSENT: Thomas N. Yamabe II (second half of meeting)

STAFF PRESENT: Robert R. Way, Planning Director
George S. Moriguchi, Deputy Planning Director
L. Chee, Observer, Staff Planner
H. Eng, Staff Planner
G. Henniger, Staff Planner
I. McDougall, Staff Planner
A. Sheybani, Staff Planner

J. Grant, Deputy Corporation Counsel
James Dwight, Traffic Department
Irwin Lane, Department Parks & Recreation

MINUTES: The Minutes of May 16, 1973 were approved on motion by Commissioner Crane, seconded by Commissioner Bright, and carried.

PUBLIC HEARING
HAWAII CAPITAL
DISTRICT
PRISCILLA LEE
(FILE #73/HCD-13)

A public hearing was held to consider an application by Mrs. Priscilla Lee to replace a dwelling unit that was recently destroyed by fire in the Capital District area, identified as Tax Map Key: 2-2-03: 15.

Notice of the public hearing appeared in the Sunday Star-Bulletin/Advertiser of May 27, 1973.

No letters of protest had been received.

Planning Director Way stated that the Commissioners had all had an opportunity to review the staff report; the proposal is within the 40' height limit; the 50% open-space requirement meets the requirements of the Comprehensive Zoning Code; there were no other proposals or suggestions; and he recommended approval of the application.

12980RP1

JUN 6 1973

Questions of the staff by members of the Commission:
None
Testimony AGAINST the application:
None
Testimony FOR the application:
None

The public hearing was closed and the matter taken under advisement on the motion by Commissioner Bright, seconded by Commissioner Crane, and carried. (No discussion)

ACTION: Commissioner Crane made a motion recommending acceptance of the Planning Director's recommendation of approval of the application.

Commissioner Kahawaiolaa seconded the motion. (Carried)

VOTE: In Favor of the motion: Crane, Kahawaiolaa, Bright, Sullam, Kamiya. (5)
Opposed to the motion: None
Abstained: Connell
Absent: Yamabe

PUBLIC HEARING
GENERAL PLAN AMENDMENT
SCHOOL AND HIGH-DENSITY
APARTMENT TO PARK USE
MOILIILI
C&C DEPT. OF RECREATION
(FILE #136/C2/14)

A public hearing was held to consider a request for amendment to the University Community Plan Detailed Land Use Map by redesignating a 30,000-square-foot parcel from School and High-Density Apartment use to Park use.

Notice of the public hearing appeared in the Sunday Star-Bulletin/Advertiser of May 27, 1973.

No letters of protest had been received.

Staff Planner Ian McDougall presented the report of the Planning Director. Reasons for the request were:

A need for parks in the Moiliili Triangle area.
Site is adjacent to the Kuhio School.
2,853 residents in the area without a park.
Nearest park facilities are a half-mile from the proposed park site. Pedestrian access to these sites is hazardous because of major thoroughfares--Kapiolani and King Streets.

The Department of Recreation had found no feasible alternative to the site. The Planning Director recommended approval of the request.

Questions of the staff by members of the Commission:
None

Testimony AGAINST the application:
(1) Mr. Paul Lynch, Attorney at Law
Case Stack Kay Cronin & Clause
First Hawaiian Bank Building, Honolulu

"The owner of the property is correctly listed as Kualoa Land

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Corporation, a Hawaiian corporation. I am here today representing Hui House, Inc. which is a Hawaii corporation and is the long-term lessee of the two parcels involved in this matter before you this afternoon.

"The lessee did not receive any direct notice of today's public hearing. He has, however, in the last year spent a great deal of time and money in formulating development plans for the utilization of this property. Obviously, then, what is transpiring today is of great interest to him.

"They have requested that I represent them before the Planning Commission but very frankly I have had inadequate time to be able to assess the proposal. We have taken a look at the Commission's file and I would respectfully request at this time as to whether or not this matter could not be put over for 30 days in order for me to prepare a more meaningful presentation on behalf of the long-term lessee of the property."

When the Planning Director asked Mr. Lynch if he were aware of the requirement for notice to lessees in the case of General Plan Amendments such as this, he replied that he was not.

Questions of Attorney Lynch by members of the Commission:

CRANE: When were you first apprised of this hearing?

LYNCH: One week ago by an appointment in my office on Wednesday afternoon.

BRIGHT: What plans do your clients have for this particular piece of property?

LYNCH: It is presently zoned for high-rise apartment and they plan a condominium project at the present time. Gentlemen, I realize that the law provides for 10 days' notice and the 10 days' notice was properly given. This is the 10th day since May 27, 1973. Nonetheless, I still respectfully request that I be given an opportunity to examine the bases for the proposal so that I might make a meaningful presentation on behalf of my client.

There were no further questions of Mr. Lynch by the Commissioners.

No one else appeared to testify against the application.

Testimony FOR the application:
(A) Mr. Warren Young, VISTA Worker
Moiliili Community Center
2535 South King Street, Honolulu

(Mr. Young read a letter dated June 6, 1973 and presented a copy to be placed on file. He spoke as a representative of the Moiliili, McCully, Lower Manoa Community Council which has long been in favor of such a park in the community.) Other reasons presented were that

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the area is the most densely populated in the State and projections indicate an even more dense population in the future; available park land within the community is scarce and expensive; the highest concern of the community is for more parks and recreation; the Kuhio School PTA, Parks and Recreation Advisory Committee, and the Moiliili Community Center have been active in suggesting this particular location next to the school; and the community will assist in maintaining and supervising the park.

There were no questions of Mr. Young by the Commission members.

No one else appeared to testify FOR the application.

Chairman Connell asked the representative from the Department of Parks and Recreation to come forward. Mr. Irwin Lane appeared.

CHAIRMAN: I note in the alternatives that the Kapiolani Interchange and certain parcels of land along University Avenue were looked at. Has the Department given any thought to possible condemnation of a portion of the Honolulu Stadium?

LANE: This has been in our long-range plan as a desirable location for a district park--the development of the major facilities which would be associated with a major park. This, I might note, is across University Avenue which is having an increasing amount of traffic from this particular area and it is also approximately a half-mile distance from the area. It probably would not be providing the services to the elementary pre-school children and the Senior Citizens that may be required in this particular triangle because of the difficulty of pedestrian access to the area. But we have given serious consideration and serious thought for the development as a district park--the development of a swimming pool, gymnasium, and that type, if these are considered by the residents to be of primary consideration.

CHAIRMAN: This Commission requested two years ago the study of the needs of parks in the Moiliili-McCully area. Has that study been finished?

LANE: I could not say. I do not know.

CHAIRMAN: I would be very interested in seeing the study if it has been done because I was the one who requested it. This indicates the need for parks in the Moiliili triangle area but previous reports indicated that parks are needed in the whole Moiliili-McCully area. That was my reason for the question regarding Honolulu Stadium. It is a fairly large parcel of property centrally located and the future seems to be somewhat in doubt. Can we hope to have a report from the Department of Recreation?

LANE: Certainly.

BRIGHT: Mr. Chairman, I'd like to direct a question to the Director. What is the condition of the sewage disposal system in that area?

WAY: I just had better defer further comment on that until we verify it.

BRIGHT: We should have some information with respect to that because it is my understanding that the sewage disposal system in that entire area is sub-standard and before any major development in the nature of high-rise could be undertaken, there would have to be some major improvement. I may be wrong, but I would certainly like to find that out.

McDOUGALL: The Chief Engineer reported on June 23, 1972 that sewers are available and adequate for the proposed development--that was in relation to the park proposal. They did not specify the condition of the sewers for the supporting apartment development, however. So, we can only say in terms of supporting the park, the sewers would be adequate.

There were no further questions of the staff by the Commission.

ACTION: Commissioner Crane made a motion that the public hearing be kept open for three weeks on request of attorney Paul Lynch. Commissioner Kahawaiolaa seconded the motion. (No discussion) (Motion carried)

VOTE:		
	In Favor of the motion:	Crane, Kahawaiolaa, Sullam, Bright, Kamiya, Yamabe (6)
	Opposed to the motion:	None
	Abstained:	Connell
	Absent:	None

PUBLIC HEARING
GENERAL PLAN AMENDMENT
KALIHI-KAI
APARTMENT TO COMMERCIAL
HERBERT MATSUBA dba
DEE LITE BAKERY
(FILE #249/C4/7)

A public hearing was held to consider a request to amend the Kalihi-Kai general planned area by redesignating a parcel of land from Apartment to Commercial use. The area of the parcel is 15,000 sq. ft., present zoning is R-6 and B-2.

Notice of public hearing appeared in the Sunday Star-Bulletin/Advertiser of May 27, 1973.

No letters of protest had been received.

Staff Planner Ian McDougall presented the Director's report. The existing bakery operation is located on a 9,300-sq. ft. parcel and expansion on an adjacent 15,000-sq. ft. parcel would total 24,300 square feet. There is no adopted Detailed Land Use Map or Development Plan for the area which is predominantly in commercial and the balance in residential. The General Plan indicates that the land use policy for the area would be for apartment development on the mauka side of Dillingham Boulevard and for industrial development on the makai side. Present policy calls for relocation of the bakery rather than expansion in the neighborhood.

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The report also stated that if a mix of residential and commercial uses were found to be appropriate within the area, the proper alternative would be to prepare plans for an appropriate commercial center to serve the neighborhood provided there is an adequate basis to demonstrate that such a center is required.

The Planning Director concluded that there is not sufficient basis for amending the current policy and, therefore, recommended that the request be denied.

Questions of the staff by the Commissioners:

CHAIRMAN: In the Census Tract areas which are indicated as the primary market areas known as Tracts 56 through 62, how much commercial land is there available?

McDOUGALL: I don't have the quantification to answer that question.

CHAIRMAN: How many applications in this area, received for rezoning, conform to the General Plan?

McDOUGALL: At the present time, there are no zoning designations in the area. The bulk of the area designated for apartment at the present time is zoned R-6. There are some exceptions notably in the B-2 category which are illustrated better by lifting up the overlay. Most of them are on the mauka side of Dillingham Boulevard which is in the apartment designated area. There are no apartment zonings in the area. This is the current zoning and to my knowledge there have been no applications in this general area to rezone to conform to the General Plan.

SULLAM: Where is the commercial area located to serve this apartment zone?

McDOUGALL: The commercial areas designated on the General Plan would be along King Street.

CHAIRMAN: Has that area (which is designated on the GP to serve as the commercial area for the proposed apartment area) been zoned for business?

McDOUGALL: I don't know.

CHAIRMAN: Do we have an indication of what that property is presently being used for?--that which is designated on the General Plan for commercial.

McDOUGALL: I believe the area is a mixed use. It is not fully developed for commercial. For the specific quantities we would have to research that further.

There were no further questions of the staff by the Commission members.

Testimony AGAINST the application:
None

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Testimony received FOR the application:
(A) Mr. Wendell K. Kimura, Attorney at Law
Suite 232 Alexander Young Building, Honolulu

"Thank you. I represent the owner, Mr. Herbert Matsuba. I also have with me others who will be testifying in favor of the application.

"The area we are talking about is the corner of Dillingham and Mokauea where the present Dee Lite Bakery is located. In back of the bakery, the adjoining parcel which fronts on Mokauea and Eluwene is the parcel that is involved in the application.

"We have spent considerable time trying to come up with what I consider a tremendous improvement for the neighborhood as well as the area--a beautifully designed architectural expansion of the bakery. I would like to make a few comments on our proposal which I think justifies the rezoning of the General Plan, the justification outlined by the Dalton versus City & County case with respect to the principals making changes to your General Plan and I think, in many respects, the proposal is a considerable improvement in the economic, social, legal qualifications for amending the General Plan.

"Basically, the need for the expansion of the bakery, as I have outlined in the comprehensive report, is that there is a tremendous increase in the sales of the bakery in the past several years and my client is willing to take the economic risk involved in the expansion.

"There is evidence of the need by tripling of sales in the past five years; the site is ideal for an expansion; with respect to relocating elsewhere, my client has been faced with several difficulties in trying to purchase other properties, find people who are willing to sell, to meet the high prices, etc. To plan on the operation of a separate location together with his present location creates many difficulties with respect to his employees, his management, and his plans.

"Many of his employees live in the area, have been working at the bakery for many years, walk to work, and I can't see any justification in relocating or abandoning the bakery. Expansion would produce more real property tax revenues as well as gross income taxes for the State and County. The proposed expansion would generate at least 25% to 30% increase in employment.

"From an esthetic standpoint, we are planning a well designed, beautiful structure with full modern facilities, exterior as well as interior.

"We see no difficulty with respect to any traffic congestion on Dillingham, Mokauea, or Eluwene Street.

"The staff has indicated that the General Plan policy is for apartment. However, there is also thinking in the planning circles

that areas should contain mixed uses. You will find in your Planned Unit Developments, in the CZC as well as in the permitted accessory uses in your zoning code, that mixed uses encourage convenience establishments, bakeries, shops, stores,etc. in apartment areas.

"If Mr. Matsuba were to proceed with the apartment zoning, which he is legally authorized to do, under the General Plan designation as presently exists, then really what you would have is he would be legally authorized to build a 350' high-rise structure on this parcel and put in the building a bakery facility which he doesn't want to do. He is in the bakery business, he is a baker, and he would like to just expand his bakery facilities without going through the trouble of building a high-rise building and putting a bakery inside.

"The proposal itself does not really violate any significant General Plan principle at all. In fact, I think it conforms to the General Plan principles as indicated by the Staff Report. Again, it may be a matter of interpretation but the way I read the General Plan principles mentioned in the Staff Report, you will find the six principles on page 4 of the report:

1. "Provide clusters of commercial areas in appropriate locations ...."
   Well, it is a matter of judgment as to whether this location is an appropriate location within your proposed apartment area.

2. "Encourage attractive, harmonious shopping and business structures with plantings...."
   This is also the present situation.

3. "The General Plan principle is to prevent the intrusion of commercial land use into residential areas...."
   Well, this is one of the points I think that is open for discussion. I am not quite certain that this is applicable to the present case. If we were requesting strip-commercial development proposal, I think that the principle would apply. We are talking about the expansion of an existing business that's been in operation for 15 years. I fail to see any similarity with the concept of preventing commercial-strip development.

4. "Serve the shopping needs of the residents in the area...."
   This, we will do.

5. "Determine the population and purchasing power of the area...."
   This, we have done and there is the need.

6. "To achieve, by site design and buffer zones, a harmonious relationship between commercial development and surrounding land uses."
   This, as you will see, we will accomplish. On the one hand, when you come right down to it, the basic issue is we have a person that is already in the business,

able and willing to risk some capital in making a very well designed development as opposed to a possibility of some unknown quantity in the future putting up a high-rise on that same parcel. And my humble suggestion is that this application should be permitted. Thank you very much."

There were no questions of Mr. Kimura by the members of the Commission.

(B) Mr. Robert T. Katsuyoshi, Architect
Market Place Building
Room 201 - 218 N. Nimitz Highway, Honolulu

"The drawing on the left indicates the existing building which is one story, dimensions of 40' x 90' and has parking adjoining Dillingham Boulevard.

"The addition on the mauka side of the existing building is two stories, 60' x 115' and has parking on the mauka side of the new addition between the building and Eluwene Street.

"On the ground floor is the major operation of the bakery. On the second floor is mainly storage. The general feature of this new building is to tie in with the residential character of the neighborhood so we've designed a building with rural atmosphere--sloping roof and colonial-type architecture. The roof area is designed for recreation area for the employees and for the mechanical and air conditioning equipment. This equipment will be confined to the enclosed area to eliminate noise problems. The entire plant will be air-conditioned."

Questions of Mr. Katsuyoshi by the Commissioners:

SULLAM: What is on the second floor and what purpose will it be put to?

KATSUYOSHI: It will be devoted entirely to storage because storage is overflowing right now. We actually wanted to build a separate building but because of the parking requirement, area requirement, etc. we are forced to go into this size so the second floor is entirely devoted to storage.

There were no further questions of Mr. Katsuyoshi.

(C) Mr. Herbert Matsuba, owner of the bakery
Corner of Mokauea Street and Eluwene St. in Kalihi-Kai.

"I am the owner of the Dee Lite Bakery and we are requesting an extension. My attorney has covered most everything. Model Cities is agreeable to this extension and the neighbors are also happy about it. I think it is a very good thing."

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Questions of Mr. Matsuba by members of the Commission:

WAY: Have you purchased the adjoining parcel?

MATSUBA: That's right.

WAY: And when was this purchased?

MATSUBA: About three years ago.

WAY: Were you aware of the zoning on that parcel when you purchased it for apartment use?

MATSUBA: I knew it was R-6 but I didn't know it was apartment.

WAY: The General Plan designation. And, at the time you purchased it, what were your intentions in terms of acquiring it?

MATSUBA: Business expansion.

WAY: Even though you realized it was shown on the General Plan for apartment purposes?

MATSUBA: Presently it was R-6 Residential so I thought we can rezone the place and use for business expansion.

WAY: From residential to business use?

There were no further questions of Mr. Matsuba.

(D) Ms. Irene Fujimoto, Executive Director
Kalihi-Palama Model Cities
Also a property owner in Census Tract 60 and immediate past President of the Kalihi-Palama Community Council.

"The residents of Census Tract 60 met several times and we really scrutinized into this parcel of land. We had the architect and we also met with the attorney and Mr. Matsuba himself. The residents of Census Tract 60, including the residents immediately adjoining this subject parcel of land, decided that they would like to recommend approval for the granting of this amendment. It was taken to the Environmental Task Force of the Kalihi-Palama Model Cities Association, looked into, and they also approved. Finally, the Kalihi-Palama Model Cities Board of Directors, the final body, approved. We feel it will enhance the environmental appearance of that area. This business hires approximately 90% of our Model neighborhood area residents and we would urge the Planning Commission members to consider this very seriously and to grant this."

There were no questions of Ms. Fujimoto by the Commissioners.

(E) Mr. Henry Lee, real estate broker and general insurance agent
Honolulu

"I have known Mr. Matsuba nearly all my life. We are both from Kauai.

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"What the Planning Commission does not realize is how this man started from scratch. He was a carpenter for 14 years. We kicked the question around as to his ability to do carpentry in his old age. We finally came to a decision that he should go back and learn the baking trade, which he did, relatively late in life. His first bakery was located on the parcel he plans to have rezoned now. It was nonconforming use. He razed the building when he bought the property. In 1963 he got a long-term lease for 40 years on the parcel on which he is now located on Dillingham Boulevard.

"With his new ideas of using local fruit in the bakery products, his business has grown tremendously and there is a definite need for expansion. He needs huge walk-in refrigerators and freezers and he doesn't have the space in the present area.

"Relocation involves trying to find a parcel which is zoned for business, the purchase price, the cost of moving the baking ovens and freezers, and would tax his financial capacity.

"Mr. Matsuba employs 90% of the people in the area; he pays far in excess of the minimum wage--over $2.25 per hour; he recently obtained a sales outlet in Waipahu and plans on sales outlets in the suburbs; he certainly will increase his work force by at least 25%; whatever he puts up will be better than what is presently there.

"For these reasons, I would like to say that I am in favor of granting him this zoning."

There were no questions of Mr. Lee by the Commission members.

No one else testified either FOR or AGAINST this application.

The public hearing was closed and the matter taken under advisement on the motion by Commissioner Bright, seconded by Commissioner Crane, and carried.

ACTION: Commissioner Crane made a motion recommending approval of the application (contrary to the Planning Director's recommendation) and Commissioner Bright seconded the motion. (No discussion) (Motion carried)

VOTE: In Favor of the motion: Crane, Bright, Kahawaiolaa, Kamiya, Connell (5)
Opposed to the motion: None
Abstained: Sullam
Absent: Yamabe

UNFINISHED BUSINESS
PLANNED DEVELOPMENT-HOUSING - KAILUA
KAIWA RIDGE,
ENCHANTED LAKES
LONE STAR HAWAII, INC.
(FILE #73/PDH-2)

This public hearing was closed on May 23, 1973 and action deferred for two weeks for further information on vehicular traffic and other developable lands in the area.

Mr. Moriguchi asked Ali Sheybani to present the reports as requested by the Commission.

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SHEYBANI: At the May 23 Planning Commission meeting, the Planning Department was asked to research and prepare answers to questions in conjunction with Kaiwa Ridge Planned Development.

(1) The Department of Transportation Services has completed a traffic study of the Lanikai portion of the project and I understand that Mr. James Dwight is here to speak to that.

(2) We have contacted the Fire Department and they do approve the cul-de-sac, 22' wide, and the hammerhead turnaround--the "Y-shaped" turnaround--on the condition that there is no on-street parking within the 22'.

(3) Regarding the density possible under conventional R-6 development, we have found that with massive grading of the entire site, three times as many units could be built as proposed under Planned Development--under this proposed planned development.

The densities that could be achieved under single-family R-6 and duplex subdivision are 320 units on this site and 427 under duplex on the same site. The planned development proposes 136 units.

We also found out, as a background for the study, that a 142-unit subdivision on 53 acres of the site was submitted in September 1972 and subsequently withdrawn in February 1973. Prior to that, in 1958, a 157-unit subdivision on 81 acres was tentatively approved but was not followed up and the time expired.

(4) In response to the request for a report on the availability of other lands in the Lanikai area for the development, we found that approximately 12 acres of vacant parcels zoned and general planned for residential use with a potential of 45 units under conventional subdivision are available.

An additional 11 acres are general planned for residential use but zoned in Preservation and available in the area. These lands could yield from 35 to 47 units if rezoned R-3 or R-4 Residential use.

The reason we did not consider these remnant parcels for planned development was because the size of them would not allow, for the most part, any planned development to occur. So, we have land for 45 units in Lanikai yet to be developed if a developer is interested in developing. There is another 47 units to be rezoned and that could be developed.

Questions of the staff by the Commission members:

CRANE: Would you explain if that massive grading be within the confines of the grading ordinance?

SHEYBANI: It could be within the confines of this development as I am sure you are aware of, there has been in the past. This has been a burrow site and they have already done a portion of that. They have created two platforms. If the developer--we are not suggesting that he do that, but if he wants to pursue this kind of grading on this portion of the site, it is possible to get those densities under a conventional subdivision.

CRANE: OK. If you just went right now with the regular conventional homes, he could put in 320 single-family or 427 duplex units, is that right?

SHEYBANI: Either/Or--not both at the same time.

CRANE: Without all that massive grading?

SHEYBANI: He cannot without massive grading put all those in.

CRANE: And that massive grading would be legal?

SHEYBANI: He could make that massive grading under the grading ordinance. It would be expensive, but he can do that.

DWIGHT: Before we go into the specific questions that the Commission posed, it would probably be good to do some of our field observations and reestablish some of the characteristics of the neighborhood as we saw it, and some of the primary traffic data that we have developed.

As far as the characteristics of Lanikai are concerned, we understand that there are 614 dwelling units with a population of 1,832 people. There are approximately 640 persons under 18 years of age or approximately one child per dwelling unit.

This area gets its access via Aala Road which has 20' of pavement with two ways of traffic. Under some of the primary traffic data that we developed, we found that there were 4 home-base auto trips developed by each dwelling unit. That would be about 2,450 auto trips over a 24-hour period. However, about half a car per dwelling unit is generated during the peak-hour traffic. An average of between 6,000 and 6,500 people go by during the course of a 24-hour period.

Our field observations were that the traffic operates there without interruption or delay during the periods of highest use--the peak hours--then during the off-hours it is even better. The traffic flows readily within the speed limit and there were no backups that we observed on the side streets and there were many gaps of 30 seconds and 40 seconds between platoons of cars. Quite a few of the trips were internal inasmuch as they were trips of parents taking children back and forth to school.

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BRIGHT: Do you feel that the additional increment of housing will have an adverse effect on the traffic on the present roads? Will the present roads handle that traffic?

DWIGHT: I should think so. The present roads have unobstructed travelways because everybody parks off the roads and on the shoulders which are 10' and 15' along the main drags. I would imagine though that as you got closer to Kailua you would probably have some problems.

CRANE: May I ask the Director a question. In the report that we had two weeks ago on traffic in this area, was that from the Department of Transportation? Somebody said that the roads were inadequate. I know that the community thinks so. But someone in official capacity thought so too. Was this the Traffic Department?

MORIGUCHI: This was not in the Director's report. The Director's report indicated that facilities were adequate. There may have been reference to that, Commissioner Crane, when it was reported by members of the community that we had denied a request for a zoning change on the basis of concern for traffic capacities as well as other reasons.

CRANE: That's what I'm trying to get squared away. That was some four or five years ago, right?

MORIGUCHI: Not all that long ago. I'd say two years ago.

CRANE: Could you explain to me how, if we denied developments "x"-number of years ago because the roadways were not sufficient, and we haven't done anything to the roadways, how did they get sufficient?

MORIGUCHI: We're actually talking about apples and oranges. The applications that were denied by the Planning Director a number of years ago involved a zoning change which would permit change of a density of that particular residential area from a residential order of six to seven units per acre to like 50-or-over units per acre. And that kind of situation would be intolerable. The situation we have here is not a situation where densities are being increased to that extent.

CRANE: One more question. I don't have my notes with me but there was an application by an "Olds" family. It was a single-person development that would have less than 40 people, I believe, and you denied that on the grounds that the roadways are insufficient to take the excess traffic. Am I wrong?

MORIGUCHI: That zoning change he was applying for could allow him to go up to densities of over 50. Granting that he would expand, the small lot would not be that high but the densities would be that, and if you allow that and you allow

MORIGUCHI (continued)
everybody else in the area that rezoning, we're talking about densities considerably greater than we are talking about here today.

SULLAM: Mr. Sheybani pointed out lots that were undeveloped, that could be developed in the future. Now, if development is permitted to proceed on this ridge, will those lots be able to be developed and still not impair the traffic flow?

SHEYBANI: Those lots could be developed even with this plan going through. They are in 12 or 13 scattered parcels so development of each of those lots would not be impacting the area. It's just a house here or two houses there or a few units scattered throughout the Lanikai area. (pointed out on maps)

CHAIRMAN: It is conventional residential developments?

SHEYBANI: That's right.

SULLAM: Are any of them large enough for planned development?

SHEYBANI: None of these probably would be large enough to qualify for planned development. For that reason we just allocated conventional density to those scattered lots.

HENNIGER: I think there are 33 lots in the far end of Lanikai--just a sprinkling of small lots, two areas which are not properly zoned, so there are no parcels in here which could qualify for Planned Development.

SULLAM: At one time, Kailua Road was considered as a road that must be widened. In fact, it was brought before this Commission some time ago--almost 3½ years ago. Have those plans been abandoned?

DWIGHT: They have, so far.

SULLAM: When you say, "so far" what do you mean?

DWIGHT: There was enough opposition toward the plan that they didn't want it improved. So we abandoned it at this time, except that there is a plan to carry the Kailua Road up to the junction. I believe that's on the drawing board. But beyond that, there's nothing at this time.

SULLAM: Somehow, I had the impression that the reason they were considering widening the road was because the traffic was a terrible problem.

DWIGHT: No. It wasn't that. We were going to implement the General Plan and try to make a decent road out of---to service the Enchanted Lakes area coming into the town and that portion all in one package and take it down to the beach was the main idea.

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CHAIRMAN: Do you have a list of the questions that we requested answers to?

DWIGHT: Yes. You were asking me about roadways and distances from Kaiwa Ridge to the main arterial. That, I have supplied.

You asked for the number of vehicle trips per day, the number of vehicles on the road, the width of the roads--which we have--and the distances from Kaiwa Ridge to the nearest main byway. I guess that's about all.

There were no further questions of Mr. Dwight by the Commissioners.

On motion by Commissioner Crane, seconded by Commissioner Sullam, the public hearing was re-opened in order to receive testimony as requested by Mr. Ralph L. Kron and Ms. Patricia Auten. (Motion carried)

Testimony received AGAINST the application:

(1) Mr. Ralph L. Kron, resident
866 Aalapapa Drive, Kailua
Lanikai Association, Vice President
Traffic Safety & Security Committee, Chairman

"The one item that I would like to point out, and this is contained in official correspondence, is credibility of some of these measurements that the Traffic Department has made in the past.

"In their most recent letter to Mr. Way, dated May 16, 1973, it shows that Kaelepulu Drive varies in width from 18' to a total of 21' and as of June 4 we went out there again and we could not find any area on that road that measured 18' wide or wider. You will notice the dimensions on the drawing I gave you varies from 16' to 17½' and we would like those technical errors corrected if they are going to play a part in the overall decision of the Commission in ruling on this matter.

"Also, I noted that Mr. Dwight, unfortunately, did not lend himself to commenting on the bikeway which means 1,000 additional vehicles that the PDH will develop that will cross that bikeway. We feel very strongly that some safety measures have to be taken on that matter.

"Any other testimony I have, Mr. Chairman, would probably be redundant as of two weeks ago."

There were no questions of Mr. Kron by members of the Commission.

CHAIRMAN: Mr. Dwight, on Kaelepulu Drive, Mr. Kron has indicated they can find no part of that street measures 18'.

DWIGHT: Well, its down at the throat of Aalapapa Drive. It measures

about 20' wide. It varies. Kaelepulu, from the private portion down to Aalapapa Drive, measures about 16' to 20' or 21' at the throat.

CRANE: What portion is it? 20' or over 18'? How much of that road is over 18'?

DWIGHT: Okay now, we're talking about in portions now. All of it is over 18' between Aalapapa and Mokulua. OK? And then it varies. I'd say maybe about 30' into the throat is about 18' and then after that it just sort of narrows down into the entrance of Mid-Pac Golf Course.

CRANE: Mr. Chairman, one more question. A chart was given us. Have you seen this? On the map then, this is in error. It says 17½' -- that's in error?

DWIGHT: I would say so. It depends. You see there are no curb and gutters to retain the--all portions of it--so it varies from one place to another where you measure and it will vary all over the place.

CRANE: You told me that all of that road between Aalapapa and Mokulua is 18' or over. I'm not clear.

DWIGHT: I measured it 6 times and it comes out to 20'. At the gutters it comes out to 22'. At the throats it comes out to about 24'.

CRANE: Then this map is in error?

DWIGHT: I wouldn't say so. It depends on where he measured it. He might have measured it in a place that might have been 17'.

CRANE: Thank you, I guess.

DWIGHT: The roadbed is 18' easily except up on the portion by the entrance to the golf course.

There were no further questions of Mr. Dwight by the Commission.

(2) Ms. Patricia Auten
1044 Kamahele Street, Kailua
(Representing Kamahele Street, Kamahele Place, & Kalawai Place)

"I was told I couldn't speak. This concerned the access--the connection between the two units and the access or outlet down Kamahele Street which we did not learn about until last Thursday and we have gotten a petition out on the street and everyone has signed it and objected to the connection and, actually, to the use of Kamahele Street as an outlet.

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"Now, we just learned about this last Thursday so this is all very unorganized and I did not even know what I was supposed to do. I did not think that I could speak today. The majority of the people I talked to objected to the whole development but felt that it was simply already arranged."

(The Chairman requested the staff point out the areas on the map for the Commissioners, especially Kamahele Street)

CHAIRMAN: Ms. Auten, what you are protesting is the connection of this lower portion of Kaiwa Ridge--the proposed development there into Enchanted Lakes?

AUTEN: We understood there was nothing we could protest against. We are protesting it but we understood it was already settled, so I am attending the meeting partly to learn what is happening. Also, what we heard from the paper was that they were proposing to connect the two units--the 96 on the one and the 40 on our side. That's what we heard in the paper and that all of it would be routed down our street--and that is what we are basically objecting to.

CHAIRMAN: Is the group in Enchanted Lakes protesting the connection on the second half--the lower half--through Enchanted Lakes?

AUTEN: Unfortunately, Enchanted Lakes does not have a Community Association. We are just two of us who went up and down the streets talking to people and from what I heard, they are objecting to the whole development because of the traffic problem, primarily.

CHAIRMAN: The people that you talked to, are they now aware of what can now be done in that area under the present zoning with a conventional subdivision?

AUTEN: No. They are not. In fact, a lot of them were not even aware that these townhouses were being built and 100%--I had no one who did not sign the petition or who was not wholeheartedly behind it but as I was talking to them, I understood that the thing was settled and over and that there was nothing we could do to oppose it--the development. So, I'm just a lesson in confusion.

CHAIRMAN: I can assure you, Ms. Auten, that it hasn't been settled.

AUTEN: May I ask a question? If the Enchanted Lakes people were to organize somehow and oppose this whole thing, would it do any good? (Letter and 57 signatures submitted for file)

CHAIRMAN: The Chair defers to Mr. Moriguchi.

MORIGUCHI: No reply.

DWIGHT: I thought I'd clarify something as far as Kaelepulu Road is

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concerned. We were talking about safety in our discussion earlier. There is a right-of-way of 40' through that whole area. The road could be adjusted as needed.

CRANE: Are you saying, then, that if we approve this, then the road will be adjusted?

DWIGHT: Could be. Yes, very easily. Because it would be done within the right-of-way limit and not affecting anybody's property. This happens to be the pavement on the right-of-way at this time.

BRIGHT: Are there any sidewalks in that area in the 40' roadway?

DWIGHT: No. They have the regular grass sidewalks.

BRIGHT: If that road were widened, what would be the maximum width?

DWIGHT: They could go all kinds of ways. What kind of a sidewalk do you want? We can make it up to 32'. We could provide a 4' sidewalk which is common everywhere and 32' of pavement if you wanted to go that much.

BRIGHT: What about the bikeway? Where does that come in?

DWIGHT: The bikeway happens to be on Aalapapa and Mokulua--not on Kaelepulu. If you wanted a bikeway, that could be included into that particular widening.

BRIGHT: Am I correct in assuming then that if the residents of that area wanted a widened road it certainly would be an area for application for an Improvement District?

DWIGHT: I think it would be the developer.

CHAIRMAN: I understand that's part of the proposal.

DWIGHT: That's right because this is where the two catch basins, which form a sort of a gutter right now, is 22' and you just follow that line and straighten out that line until it comes out to 22'. And then it wouldn't be getting into anybody's property or hurting it at all.

There were no further questions of Mr. Dwight by the Commission members.

On motion by Commissioner Crane, seconded by Commissioner Bright, and carried, the reopened public hearing was closed and the matter taken under advisement.

MOTION: Commissioner Crane made a motion recommending acceptance of of the Planning Director's recommendation of approval of the concurrent application for the proposed Planned Development-Housing District, subject to conditions outlined in the Planning Director's report of May 18, 1973.

Commissioner Bright seconded the motion.

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DISCUSSION

SULLAM: More and more, I read in the jurisdictions in the United States that there have been instances where areas have been downzoning, if the zoning has changed from a use that would render more money to one that renders less money, merely because they feel it is better for the entire community.

Now, this is a ridge and at one time it was contemplated that it be put into Conservation. Now we learn that the only alternative is to have either this or increased development.

If it truly should be in Conservation, why is it that we only have such poor alternatives? Why can it not be put into Conservation? What are the problems? Why can it be done in other jurisdictions and it cannot be done here?

MORIGUCHI: Commissioner Sullam, as you may recall, the Planning Director had initiated a proposal to amend the General Plan to include a major portion of the ridge into Preservation. It was heard by this Commission and it is now with the City Council. It is still a valid item that is being considered by the City Council.

At that time, the Planning Director recommended that the area outlined by the present development be retained in urban because it is well below the ridge. On the map, you can see the top of the ridge. The area we are recommending is indicated by the red line which is considerably below the ridge. So, the major portion of the ridge line, if the Planning Director's recommendation is accepted by the City Council, will be placed into the Preservation area on the County General Plan.

This area was not included in the recommendation. You may recall, in the initial proposal for the Planned Development, the developers had 96 units proposed and that was the section that was recommended for approval by the Planning Director.

The Planning Director recommended denial for that portion that was just pointed out on the map because it was felt it was too dense for that section of the slopes.

SULLAM: Yet, this section is quite visible from all areas--from the highway as well as from the residential areas surrounding it.

MORIGUCHI: If you are speaking of Kalanianaole Highway, it is not that prominently visible because it is quite a way toward Olomana. The 96 units would be visible from certain sections of the Pali Highway coming down around the hairpin turn, if you know where to look. If you went to the Scenic Lookout and actually looked for it, you'd be able to find it. But it wouldn't be such a prominant feature from that highway, if

these are the highways you are concerned about.

SULLAM: The photographs that we were shown last week, more or less pointed out how it would be seen from the points that the photographs were taken. It appeared to me they were from various roads surrounding the area.

MORIGUCHI: I'm trying to recall where those photographs were taken. I remember those photographs but as I recall they were not taken from Kalanianaole Highway. It was from areas in the more immediate vicinity.

SULLAM: Is it the opinion of the department that this would not impair the views? That there will not be a feeling of this development creeping up the hill when one looks at the ridge?

MORIGUCHI: Not at all, because as I said, the actual location of units comes well below that red line and, as has been indicated, that area has been graded in the past. All we are using, in fact, the Director's recommendation was based on the fact that portions of it had already been graded and was available for this type of development if we recommended that that Preservation line stop at that point. But the major portion of the ridge is under consideration for change in classification to Preservation.

CRANE: We had a hearing two weeks ago on this. I was planning to vote against this project. Some factors have changed my mind which prompted me to make this motion today. It is R-6; you are going to have a choice of 136 units or 320 or 427; the latest information proposes widening of that particular street to 22' or more; we don't have that much of a choice; as Commissioner Sullam says, it would be downzoning to Conservation; it is indeed before the City Council and they will be considering it when this recommendation comes from us up to them; they still have the right to do exactly that; if we don't do this, they can go into conventional homes of 320-427. It leaves me no choice but to vote in favor of this application, especially in light of the fact that the street is going to be widened.

There was no further discussion.

QUESTION: All those in favor of the motion to recommend acceptance of the Planning Director's recommendation of approval with conditions: Bright, Crane, Kahawaiolaa, Sullam, Kamiya. (5)

Opposed: None
Absent: Yamabe
Abstained: Connell

Motion carried.

UNFINISHED BUSINESS
GENERAL PLAN AMENDMENT
KAPALAMA
RESIDENTIAL TO PARK USE
C&C DEPT RECREATION
(FILE #252/C2/8)

The public hearing on this application was not closed on May 30 for lack of quorum.

There was no further testimony presented either FOR or AGAINST the application.

On motion by Commissioner Bright, seconded by Commissioner Kamiya, and carried, the public hearing was closed and the matter taken under advisement.

ACTION: Commissioner Bright made a motion recommending approval of the application to amend the General Plan of the City and County of Honolulu by redesignating a 1.22-acre site from Residential to Park Use.

Commissioner Kamiya seconded the motion. (No discussion) (Motion carried)

VOTE: In Favor of the motion:
Bright, Kamiya, Crane, Sullam, Kahawaiolaa (5)
Opposed: None
Absent: Yamabe
Abstained: Connell

UNFINISHED BUSINESS
CONCURRENT REZONING
FROM AG-1 RESTRICTED
AGRICULTURAL TO R-6
RESIDENTIAL and to
ESTABLISH PLANNED
DEVELOPMENT-HOUSING
DISTRICT - NANAKULI
SHELTER CORPORATION
& PACIFIC CONSTRUCTION CO., JOINT VENTURE
(FILE #72/PDH-11)

In December of 1972 a public hearing was held and closed. Action was deferred for more information.

On January 10, 1973 the Planning Commission recommended denial, contrary to the Planning Director's recommendation, and asked City Council to hold this application in abeyance until additional information had been received relative to the concerns of the Commission.

On May 30, 1973 City Council referred the matter back to the Planning Commission in light of additional information that had been received. The Commission did not take action due to lack of a quorum.

Today, June 6, 1973, Staff Planner Henry Eng reported that since January of 1973 the developer has been working with the Department of Education to resolve the school situation. Copies of all correspondence in this regard have been submitted to the City Council and have been transmitted to members of this Commission. The Department of Education had felt that there was a certain inadequacy in terms of the schools. However, the Department of Education has accepted the developer's offer to dedicate in fee simple 6 acres adjoining the planned development, and feel that with this new school site the school situation can be resolved. The site is Lualualei, Lualualei Naval Road, and 598 units are proposed on 69 acres.

On motion by Commissioner Bright, seconded by Commissioner Crane, and carried, the Commission reconsidered its action of January 10, 1973.

ACTION: Commissioner Bright recommended acceptance of the Planning Director's recommendation of approval subject to conditions outlined in the Director's report.

Commissioner Kahawaiolaa seconded the motion.
(No discussion) (Motion carried)

VOTE: In Favor of the motion: Bright, Kahawaiolaa, Crane, Kamiya, Sullam (5)
Opposed: None
Absent: Yamabe
Abstained: Connell

Chairman Connell requested Staff Planner Henry Eng to convey the action to City Council.

UNFINISHED BUSINESS
PROPOSED AMENDMENTS
TO SUBDIVISION RULES
& REGULATIONS

On May 30, 1973 the public hearing was kept open and action deferred for lack of a quorum.

Deputy Director Moriguchi reported that at the time of the public hearing the Commission requested the Director procure certain data for submittal to the Commission. He now suggested that this be done at a Workshop after the public hearing is closed. At that time, the Director will present the data requested.

ACTION: Commissioner Crane made a motion that the public hearing be closed and the matter taken up at a workshop session the following week.

Commissioner Sullam seconded the motion.
(No discussion) (Motion carried)

VOTE: In Favor: Crane, Sullam, Bright, Kahawaiolaa, Kamiya(5)
Opposed: None
Absent: Yamabe
Abstained: Connell

NEW BUSINESS
PETITIONS FOR
AMENDMENT TO
SECTIONS 5 and 6 OF
SUBDIVISION RULES
& REGULATIONS

Deputy Planning Director George Moriguchi reviewed this matter with the Commission.

The petition was received and discussed at the last meeting. To amend the Rules and Regulations, a Mr. Kemper, representing certain interests and parties in the Hawaii Loa Ridge area, proposed certain amendments. The Commission, according to procedure, now has two alternatives:

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1. To review the petition and deny it within 30 days. The 30 days would be up on June 17.

2. To initiate proceedings in accordance with the Administrative Procedures Act.

Mr. Moriguchi reported that the Planning Director recommends, in light of the nature of study and review required, that the Planning Commission at this time take the first option of denying the petition and also to indicate that the staff might, in their future deliberations, review the issue brought up in the petition.

Questions of the staff by members of the Commission:

SULLAM: What was the other alternative besides denial?

MORIGUCHI: The second alternative, according to your Rules of Procedure, would be to initiate action to consider the proposal in the petition. That would mean that you felt that you would want to pursue the matter further and that you would hold a public hearing in accordance with the Administrative Procedures Act. However, this also presents a problem since the Commission, after June, will not have any jurisdiction over the Rules and Regulations--as of July 1, 1973.

SULLAM: This item brought up in this petition is being considered in our new Rules and Regulations, is that so?

MORIGUCHI: It is not, but the Director proposes that his staff consider the matter further, not as part of this official proceedings of the Commission, but on his own recognizance. It is not part of the package presented to you initially by the Director, however, but it will be added to that at some time in the future.

There were no further questions of the staff by the Commission.

ACTION: Commissioner Bright made a motion to accept the Planning Director's recommendation of denial and further study by the Planning Department staff of the issues brought up in the petition.

Commissioner Kahawaiolaa seconded the motion. (No discussion) (Motion carried)

VOTE:	In Favor of the motion:	Bright, Kahawaiolaa, Crane, Sullam, Kamiya (5)
	Opposed:	None
	Absent:	Yamabe
	Abstained:	Connell

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* *

The Commission authorized the Planning Director to schedule the following two applications for public hearings, on the motion by Commissioner Crane, seconded by Commissioner Kahawaiolaa, and carried:

GENERAL PLAN AMENDMENT HALAWA (Waiawa to Halawa) DLUM - VARIOUS USES NEAR HALAWA INTERCHANGE OF H-1 INTERSTATE HIGHWAY BY: LONE STAR, INC. (FILE #174/C1/32)	The request is to amend the Waiawa-to-Halawa Detailed Land Use Map by changing various land use designations near the Halawa Interchange of the H-1 Interstate Highway.
GENERAL PLAN AMENDMENT OAHU, HAWAII H-1, H-2, and H-3 DEFENSE HIGHWAY ALIGNMENTS STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION (FILE #224/C3/Various and 180/C3/5)	The request is to amend the General Plan, Detailed Land Use Maps, and Development Plans of the City and County of Honolulu to reflect final highway rights-of-way, and to make necessary adjustments in land use designations for lands adjacent to or affected by the alignments.

* *

The regularly scheduled meeting of June 13, 1973 has been cancelled.

The next meeting will be held on June 20, 1973 - City Hall Annex
1:30 pm to 6:00 pm
June 20, 1973 - City Council Chambers
7:30 pm to 10:30 pm
June 21, 1972 - City Council Chambers
1:30 pm

ADJOURNMENT: The meeting was adjourned at 4:10 p.m.

Respectfully submitted,

Mary C. King

Mary C. King
Hearings Reporter

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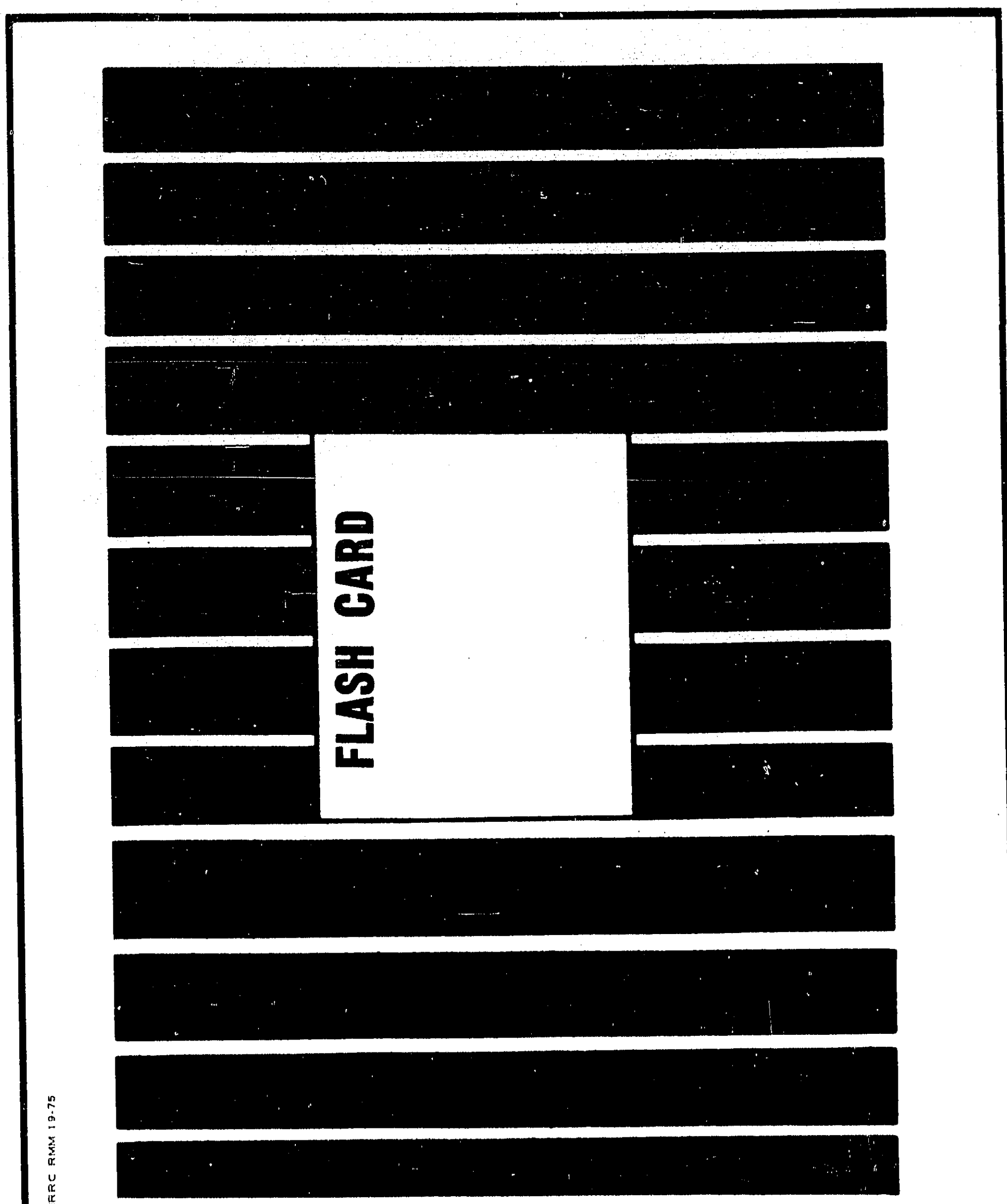

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Meeting of the Planning Commission
Minutes
June 20, 1973

The Planning Commission held a meeting on Wednesday, June 20, 1973 at 1:50 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:	Eugene B. Connell, Chairman Roy R. Bright James D. Crane Thomas N. Yamabe II
STAFF PRESENT:	Robert R. Way, Planning Director Gerald Henniger, Staff Planner Ian McDougall, Staff Planner Stan Mofjeld, Staff Planner Bill Enriques, Observer
ABSENT:	Antone J. Kahawaiolaa Randall Kamiya Fredda Sullam
PUBLIC HEARING PLANNED DEVELOPMENT HOUSING KANEOHE MAKANI KAI DEVELOPMENT CORPORATION (FILE #72/PDH-17)	A public hearing was held to consider a request for a Planned Development-Housing project of 81 leasehold condominium units with common recreational facilities including a private marina on 14 acres of land located in Kaneohe, Tax Map Key: 4-5-02: 1, 7, 11, 14, 47; 4-5-03: 1, 2, 9; and 4-5-57: 9. Publication was made in the Sunday Star-Bulletin/Advertiser of June 10, 1973. No letters of protest were received.

Presentation of the Director's report was made by Staff Planner Stanley Mofjeld. The Summary of the Director's Recommendations indicates a recommendation for approval, subject to the following conditions:

a. The applicant obtain approval of the Department of Public Works, U. S. Corps of Engineers, Department of Health, the U. S. Soil Conservation Service and the Planning Director prior to issuance of the grading permit.

b. All palm trees along the harbor and other mature trees on site be retained.

c. Installation of utilities and provision of sewer easement be in accordance with the Department of Public Works and Board of Water Supply requirements.

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Questioned about the community's comment that development in the Kaneohe Bay area should be halted until the Mokapu sewer outfall is completed, Mr. Mofjeld stated, "That is a policy decision which at this level, I don't think the Planning Department will make."

There were no further questions of the staff.

Public testimony followed.

Testimony AGAINST--

Dr. Joseph Kau indicated his OPPOSITION to this project but wished to reserve his comments until the next matter for public hearing today, the Mahalani PDH proposal.

No other person spoke AGAINST the request.

Testimony in SUPPORT--

Mr. Lewis Ingleson, Project Architect, oriented the Commission with the site plan. Regarding the comment by the community about the outfall system, Mr. Ingleson indicated it as a general comment directed to all projects in the Kaneohe area, rather than to the subject request.

Questions were raised by the Commission.

CRANE: On page 7 of the Director's report, the DOE requests developers to provide a pro rata share of costs incurred to establish temporary school facilities in areas where enrollment increases will exceed the capability to provide matching permanent facilities. Could you explain what kind of formula they worked out with you?

INGLESON: There hasn't been a specific formula worked out. They're saying if construction in the area accelerates beyond their projections, that may be a necessary requirement.

YAMABE: I take it that if there's no overtaxing of the school facility, there would be no problem. How would you interpret the condition imposed on you by the City?

INGLESON: Its informational.

YAMABE: If its purely informational and nothing concrete, how do we enforce this type of agreement?

WAY: The point is the DOE seems to be moving in this direction. The question has surfaced on a number of other applications where they have actually obtained agreement with the prospective developer to provide temporary classroom facilities. Most of the agreement

seems to be along the line of not necessarily constructing them but rather of relocating them, positioning them on the site wherever DOE feels they're most appropriate. This is usually in the form of simply an agreement with the applicant-developer and the DOE. They, in effect, enter into a contract.

YAMABE: Is it required before the City approves it?

WAY: Not a requirement but it could be. The situation usually comes about in that the DOE will raise a question that there may be an overtaxing of school facilities. We will bring this to the attention of the developer that he talk to DOE about a solution to it. At that time, they usually go to the DOE. It seems to be their direction of thinking that they can work out something on a contract basis to provide temporary facilities.

YAMABE: The concern that I have is the people that purchase these units might be faced with a position where they have to negotiate or something.

WAY: I don't foresee that as a problem. There's no contract with the people or the successors to the developers. I don't think that's a binding arrangement.

YAMABE: I realize there's no liability imposed on the buyers, but as far as there being any future inconvenience, there's nothing binding.

CRANE: The reason I ask this question is once before, the DOE made an agreement with one developer to, on a pro rata basis, provide temporary school facilities if and when they overtaxed the present facility. In doing so, the ratio was such that it would not have required building a new classroom until such time as you had 49 kids to a teacher in a class. Now, that is about twice as many children there should be in a class. This is the kind of thing I'm concerned about. If its going to be 49 kids to a class, then I'm not going to be in favor of it. The only evidence I have before me now is what they have done before and that is to set up the 49 to 1 ratio. Now, if there is an agreement, we don't know what that agreement would be.

YAMABE: There's a two-fold problem here also for the developer. If its so loose, its questionable. It says pro rata share. Does that mean first-come-first-serve? If you're the one that created the overtaxing situation then you should be the one, or the one that preceded you, will he be required to contribute to the pro rata? I certainly would like to see an equitable formula or it could turn out that one may be overtaxed more than the other. This is my concern.

WAY: I think those kinds of questions are more appropriately addressed to the DOE. They've been handling them as a case-by-case basis. If they are not able to program their capital expenditures to keep pace, then they simply require their developer to provide

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for the temporary facility. I might say require is used not in a strict legal sense.

YAMABE: I'm assuming under the PD ordinance, conditions like this can be set up.

WAY: Yes, I believe so.

YAMABE: Question of Mr. Ingleson. What would you consider as the bare minimum for an area such as this to go into PD as far as the percentage of increase, the density.

INGLESON: The question of density is really one that concerns itself more with services to the site, utilities, road systems, educational facilities and so forth. Any density increase has its effect on external aspects of the project, these various public facilities. Density increase on the site, if its--in this case 100%--depending on the design of the project, could cause crowding. Our feeling is because of the way its designed particularly the use of the subterranean parking structures to free-up more of the open space as usable open space, then an increase of 100% is really not a situation that's going to cause crowding. We feel the density increase is a justified situation.

YAMABE: Then would it be possible for us to use the crowding situation or the open area to use that as one of the primary criteria to determine the bonus.

INGLESON: Criteria is difficult to apply for all PD projects. This one is obviously judged on its own merits. If this were a typical townhouse situation with open parking and so forth, perhaps an increase of 100% might cause crowding of the site.

CHAIRMAN: All the conditions outlined by the Director acceptable?

INGLESON: Yes Sir.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Bright, seconded by Mr. Yamabe and carried.

MOTION: Mr. Bright moved to accept the Director's recommendation of approval, seconded by Mr. Crane.

Discussion followed.

YAMABE: I would like to request that the Director might communicate with the Department of Education to see whether, if they feel its necessary, they might come

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up with a specific recommendation on the joint sharing of costs for school facilities. If they don't find it necessary, fine.

CHAIRMAN: You might check into it to find out what the DOE's policy is.

WAY: Okay.

YAMABE: One more request of the Director. At your earliest possible date, can you extract information as to the urgency of the polluting situation of Kaneohe Bay. If its bad, how bad. The witnesses were right. It keeps coming back--the pollution is not that bad, the pollution is real bad. I don't know whether we can ever...

WAY: Can you--we're trying to find the best way to get that kind of information.

YAMABE: I really don't know. I can't help you.

WAY: Would you want to have representatives from the Hawaiian Environment Simulation out there to provide some sort of status, state of affairs? They've done quite a bit of work out there and are developing more and more information every day. They probably would have quite a bit of useful data assembled on the subject.

CRANE: As long as I've been on here, I've never seen any agency or group, government body or anyone else come up here and say that the situation is bad. The point is, its bad.

WAY: I might say that the City Council does take statements when it relates to these kinds of applications. They have taken the same kind of testimony that we've had here. They have not chosen, at this point, to take the action suggested here of not continuing with construction.

BRIGHT: I notice that the State hasn't placed a very high priority on the Kaneohe outfall. This is certainly one of the areas where these citizen groups should be, if the project is so important, they should be down there banging on the doors of the State everyday in the week. I can't see them giving up by the fact that the priority is way down the list. I think its still viable to continue to approve projects in that area.

WAY: If this Commission wishes to pursue some examination of the Kaneohe Bay question--

YAMABE: Yes.

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WAY: Maybe somebody from our Public Works Department could come in.

YAMABE: The Department of Health is included.

CRANE: One of my concerns too is traffic. Forty units we say that's not going to completely stop traffic although everybody sitting here agrees traffic is intolerable in certain areas. I think we need to know is what form do we as Commissioners have to say stop.

BRIGHT: Well in that connection, Jim, if this 5,000 unit project were to come out on the table, we'd certainly have some tremendous reservation on that. There you've got a figure that's extremely significant.

CRANE: Yes, but what we might be doing is if we continue along this line without really taking a close study here, we might just get 5,000 here.

BRIGHT: The other aspect of it you've got to consider the need for housing, and from the standpoint of the interest of the developers in placing housing in certain areas.

CRANE: I'm not arguing that point. I'm saying somewhere along the line we've got to do more than say, "It's not a big project so therefore its all right."

BRIGHT: I agree with you.

CHAIRMAN: Who's the agency that monitors the pollution issue?

WAY: Well, the Water Quality Standards is in the Department of Health.

CHAIRMAN: Let's call them in.

YAMABE: I'd like the benefit of their recommendation or advice. If they say the water is a health hazard, I would say let's place a moratorium.

WAY: I sort of suspect that nobody has gone into that point yet, health hazard, but rather its been more of an environmental effort in regards to the bay--coral, fish-life. From what we've heard so far has been basically two issues--effluent disposal, and secondly siltation as a result of grading of development operations.

YAMABE: What did the Environmental Protection people have to say?

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WAY: They have not reported unfavorably. That is to say they haven't said where there is sufficient evidence to cause drastic action or their discussion of any kind of development. It might not be a bad idea to call them in too. They're the Office of Environmental Quality.

YAMABE: This is a more academic review.

CHAIRMAN: Give us guidelines from the various agencies related to how much more can Kaneohe Bay take.

CRANE: I don't think we can anticipate the answer to that in a week.

WAY: Another organization is the Governor's Task Force on the effluent and siltation of Kaneohe Bay.

YAMABE: Right.

(There was no further discussion.)

MOTION WITHDRAWN: In view of the points raised in the discussion Mr. Crane withdrew his motion to accept the Director's recommendation of approval, and Mr. Bright his second.

Mr. Crane requested a week's deferral to ponder the matter.

MOTION: The Commission deferred action for one week, on motion by Mr. Yamabe, seconded by Mr. Bright and carried.

AYES - Bright, Connell, Crane, Yamabe
NAYES - None
ABSENT - Kahawaiolaa, Kamiya, Sullam

PUBLIC HEARING
PLANNED DEVELOPMENT
HOUSING
KANEOHE
(MAHALANI PLACE)
CAPITAL INVESTMENT
OF HAWAII, INC.
(FILE #73/PDH-3)

A public hearing was held to consider a request a Planned Development-Housing project of 40 fee simple townhouse and apartment units with common open and recreational space and facilities on 5.14 acres of land in Kaneohe, Tax Map Key: 4-5-3: 2.

Publication was made in the Sunday Star-Bulletin/Advertiser of June 10, 1973. No letters of protest were received.

Staff Planner Gerald Henniger presented the Director's report. A summary of the Director's comments and recommendations follows:

The General Plan Detailed Land Use Map shows widening of Keaahala Stream to 76 feet for which the Department of Public Works has no plans.

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The site plan concept and proposed building types are appropriate for the site. The recreational amenities would be improved with the addition of a volleyball court and a basketball practice area. Minor adjustments in building floor elevations and the amount of fill along with the possible deletion of some dwelling units may be required in the flood-way by the Department of Public Works and the U. S. Corps of Engineers.

Approval is recommended subject to the following conditions:

1. A Volleyball court and basketball practice area be added.

2. Grading, filling and building placement to be in accordance with the State Water Quality Standards and to comply with the recommendations of the U.S. Corps of Engineers and a soils engineer, and approval by the Department of Public Works and the Planning Director.

3. The applicant to take all precautions to save the mature trees throughout the site.

Questions were raised by the Commission.

BRIGHT: With respect to the educational facilities, I notice in this report that permanent facilities are available, and they are also planned facilities, whereas the previous hearing we just had indicates there's going to be a requirement for sharing the cost on temporary facilities. What's the difference of these two projects?

SHEYBANI: On the first one (Makani Kai PDH), the DOE is not really saying that they are short of facilities. They are saying as a general statement that with all the developments in the area, they would like to have a chance to negotiate with the applicant or developer, but if necessary, they get into a contract for pro rata sharing of the cost.

In this one (Mahalani PDH), this project alone because it has only 40 units- they did not mention this, although the other sentence in the other report gives a general statement not directed to that project. They say, by the way, we are asking developers of large developments in the area to sign an agreement with DOE, that if need be, they would share in pro rata cost of the development.

We understand that DOE does not have any objection to both of the projects; however, in the ordinance, we would have an exhibit, consisting of an agreement between DOE and the developer, that the developer agrees to satisfy the requirement of DOE without us, the City agency making the condition, it becomes an agreement between developer and DOE as part of the exhibit to the ordinance.

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YAMABE: I note that this development increases the density by 150%. How have you arrived at the fact that 150% is not congesting this area?

HENNIGER: We're looking at this in terms of the site plan. One similarity between this project and the other is that there are parking garages beneath some of the structures which opens up some of the space. Also in this case, the use of three-story structures tends to increase the density without crowding the site plan. We feel that is justified based on this 40-foot bluff which is behind it and the fact that the three-story units then do not obstruct views from abutting property.

The Commission had no further questions of the staff.

Public testimony followed.

1. Dr. Joseph Kau, Spokesman, Mahalani Neighborhood Association, 45-147 Mahalani Place, Kaneohe (Testimony submitted dated June 30, 1973)

KAU: We, the 397 citizens who have signed the accompanying petitions, oppose the Planned Development Housings for Mahalani Place (73/PDH-3) and Makani Kai (72/PDH-5) because they do not make the best use of the land as a resource for all the people of Kaneohe, those who presently reside here and those who will join us in the future. The Planning Director's recommendations (which became available only at 4:00 p.m. Friday, June 15) make no comment on "quality of living," yet quality of living, altered by increased human density, traffic density, and bay pollution, is as vital a consideration as housing in City Planning.

I would like to address myself to the following issues: education, sewage and bay pollution, flooding, erosion, traffic and safety, recreation, and housing costs.

Education - On this issue of education, the DOE conceded, and we will grant this, has always given incremental recommendations, comments, for each of these projects. But, as a citizen, my interest would be to see what kinds of projections the DOE is making based upon the 10,700 homes that have been proposed for this particular area as of February 1973. I understand that in the interim there are 17 other proposals for subdivision, and developments within the Kaneohe town area. A point that would be considered is that the CIP budget has not yet been passed. We have no revenues to proceed with it.

Sewage and Pollution - Sewage treatment facilities in this area are inadequate. As the Kaneohe Outdoor Circle position paper of April 26, 1973 and memo of May 22, 1973 point out, Kaneohe

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Bay's capacity as a cesspool has already been exceeded and increased pollution can only do irremediable damage to marine life and bay waters.

Approval of these two proposals at this time, before the completion of the Mokapu deep water outfall, constitutes a wilful, incremental destruction of the bay.

Flood Hazard - Both projects are in the 100-year flood plain.

a. The flood study for the Mahalani Place project is not acceptable to the Department of Public Works. Since the project is within the 100-year flood plain, this study is critical, yet the Planning Director recommends approval without the acceptability of this study by the Department of Public Works.

The State Land and Natural Resources Map of 1970 indicates that a portion of the Mahalani site closely adjacent to the home area will be inundated should a 100-year flood occur.

At high tide, the stream level at the narrowest portion of the site above the sewage lift is just below ground level. Most of the retaining walls along the stream have been eroded and washed away, with a 75-foot portion in the upper section of the site where 8 units are planned completely swept away. I have written testimony from people who have visited this portion of the site after a flood; their comments suggest that this upper area, though not depicted as inundated by a 100-year flood, may in fact be flooded after a storm.

b. The Makani Kai project flood study also was not acceptable to the Department of Public Works.

Moreover, both projects appear to encroach upon the stream banks. Article 11, Section 21-1104 (a) of the Comprehensive Zoning Code states:

> Any provision to the contrary notwithstanding, no use or structure shall be permitted in any floodway, if such use or structure will adversely affect normal flood flow, or will increase flooding of lands above or below the property, or will increase erosion within or adjoining the floodway, (emphasis added), or will cause diversion of flood waters in a manner more likely to create damage than does flow in a normal course, or will increase peak flows or velocities in a manner likely to lead to added property damage or hazards to life, or will increase amounts of damaging matters (including those likely to be injurious to health) which might be carried downstream in floods.

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Will these apparent encroachments affect the floodway adversely? Neither flood study mentions the effects of any encroachments.

Furthermore, the Land Use Map indicates that Keaahala Stream, upon which these apparent encroachments appear, is scheduled for a widening to 76 feet at some undefined time in the future, probably for flood control purposes. Should these apparent encroachments be permitted if this is the case, despite the fact that the stream widening is not planned presently by the Department of Public Works?

Neither project should be approved without acceptable flood studies; to grant approval contingent upon the future acceptability of these studies is surely not prudent, and it may even be reprehensible.

Erosion - There are major questions still unanswered about the erosion that will be generated by both projects. The Corps of Engineers report (Makani Kai project, June 7, 1973) indicates a concern for erosion due to encroachment upon the stream banks. What will be the erosion effects of siltation upon that portion of Keaahala Stream which is within the 100-year flood plain and upon this section of Kaneohe Bay? What will be the effects upon flood danger? What will be the effect of further siltation upon this gathering ground for the nehu, one of the few areas where this bait for game-fishing is found?

The Mahalani Place developer has not submitted any plan for erosion control measures, nor has his soil report been accepted by the Department of Public Works.

Traffic and Safety - While accesses to both projects may be deemed "adequate," there are no studies submitted by the developers of either project to determine the added congestion that will be created at the Waikalua Road and William Henry Road intersections to Kam Highway during peak hours. How will the added vehicular traffic from the two projects affect traffic flows and what measures will be taken to alleviate congestion?

a. While the 20-foot roadway for Mahalani Place can accommodate the 110% increase in traffic generated by the proposed housing, the road surface itself cannot bear the additional loads, especially during the heavy construction phase. The road surface is cracking, and presently it is in very poor condition as can be seen in the accompanying photos. (Photos on file)

   The road itself is hazardous since there is a 10% drop and 10% rise within approximately 250 feet of road distance. The steepness of the road at the Paewalani Place junction is a hazard since cars, usually accelerating downhill, tend to swoop down upon pedestrians and playing youngsters

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unawares. (Photos on file) The increased traffic will multiply this danger.

Recreation · Recreational facilities in both the Mahalani and Makani Kai neighborhoods are inadequate. The recreational facilities at the Kaneohe Civic Center park are substandard and too distant to serve these areas, as the Department of Parks and Recreation admits.

a. In the Mahalani neighborhood, the children play on the streets and in the Green Haven Cemetery because recreational facilities are distant and inadequate. This is especially true of the Mahalani Place section where children come from the entire neighborhood to fish and play down at Keaahala Stream or the bay. Access to the bay and stream will be denied the entire neighborhood but reserved for only residents of the development. The city will be giving these amenities to the few while denying them to the many. In addition, the children playing along Mahalani Lane and Paewalani Place will be subjected to greater traffic danger.

b. In the Makani Kai area, the boating facilities now available to the public will be limited to residents.

Cost - Planned development housing are supposed to make housing more accessible to citizens. The proposed prices of $60,000 for the Mahalani Place development and $74,000 for the Makani Kai development are beyond the means of the middle-income families they are supposedly designed to accommodate. They will instead contribute to the spiralling inflation and speculation in housing.

In summary, therefore, a deferral is warranted since important studies are not yet in for both projects. For the Mahalani Place project, flood and soil studies are unacceptable and there is no traffic study; in addition, there are no studies on erosion control, recreational facilities impact upon the rest of the community in terms of what it is denying, and the effect of drainage on the bay. For the Makani Kai project, there are no acceptable flood or traffic studies, and a sewage permit has not been granted; in addition, there are no studies on the effects of erosion and drainage upon the bay or stream. At the very least, a deferral of approval for both projects is warranted on the basis of unacceptable critical studies.

I would also ask that impact statements be requested from the Hawaii Environmental Simulation Lab at the University and from the Kaneohe Bay Task Force before a decision is made by the Commission.

Furthermore, on the basis of overall planning for Kaneohe Town,

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especially as it affects the bay, it should not be approved and a moratorium is now in order.

Members of the Planning Commission, this is a question of land use, but the life of the land is preserved in its people, and its use should benefit all of us.

Dr. Kau was questioned by the Commission.

YAMABE: It seems to me the presentation you made and the presentation made by the staff, if nothing else, you agree to the problem areas. So, its a question of approach, or if its that you're questioning the ultimate decision you anticipate some of these departments may make, in light of the lack of a completed study satisfactory to the Public Works Department, do you feel whatever decision made by the Public Works Department may not be--

KAU: Yes, because the considerations, for example, Mr. Yamabe, the Public Works may indicate that the roads are adequate but no requirement for the resulting congestion there or the effect upon the surrounding neighborhood has been made. The recreational facilities, the Recreation Department is very high on being sure that a basketball and volleyball court be adequate for the project, but by increasing the human density there, haven't they denied those of us there some of these amenities because of the increased density and because of the increased traffic.

As to the point, for example, if grading is a question, the City only has two grading inspectors, two people that go out to check grading. Who will enforce these? Now, the City will say it will enforce it but with two inspectors, and with so many sites being developed within the City and County of Honolulu, what is to guarantee that we won't have another Joe Pao cut somewhere?

YAMABE: Well, assuming the City will enforce and they'll effectively oversee the development, what you're saying is the decision that's going to be made by these various departments, that you disagree to?

KAU: No, I haven't said that. I'm saying that the criteria for their consideration is incremental. A project for 40 houses may not affect bay life and marine life in Kaneohe Bay substantially, till project request or changes are submitted incrementally. Forty houses here, 110 houses there, 576 houses behind Safeway, 500 houses up in Haiku Plantation, but the effect on the Bay is cumulative. Its still being used as a cesspool. The studies that are made or the studies that should be submitted are studies of cumulative effect.

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Just as the Department of Education's projections have not always been accurate. Mr. Crane mentioned the problem of a teacher's contract. I think the ratio, Mr. Crane, is 1 to 29. But, what is to guarantee the City that all of a sudden we won't have an overload? Why can't we have a projection based upon all of the proposed developments? The various City departments can say sure, its adequate. I note that the term "adequate" frequently appears. I would like to ask them, just as a matter of sxmantics, what "adequate" means?

YAMABE: My definition is when nobody's complaining about it.

KAU: This is a fact too. While public notices were posted, people who's property abuts the land were sent letters. Those of us who are on the access area were not sent letters. This matter came to my attention shocking me at one o'clock in the morning after teaching a night-school class. The Director's comments were not completed till Friday afternoon, and as citizens, we would have no recourses but our native wit, I suppose. It doesn't give us much time to offer any kind of cogent argument to this particular project or to both projects for that matter.

YAMABE: Where is the difference in opinion that might exist at this time from what the City presents the project to be?

KAU: We agree on one point, I suppose. If sewer facilities are adequate, let's take that one particular point, now, we differ obviously on what adequate means. Their understanding of adequate means merely their pumping potential. They can pump twice the volume into the receptacle. My meaning of adequate is, is the receptable able to accept it? Now, the testimony Dr. Banner offered at the community center meeting last Wednesday evening was that no, the receptacle is in the position of overtaxed, overburdened, and there is great danger to marine life. I guess its a question of definition of terms, and definition primarily of adjectives.

YAMABE: That's right. In the case of education, what would you term adequacy to mean?

KAU: Adequacy for the whole community. After all, we're not talking merely of these two developments. We're talking about education for our children. What are the standards for education? What happens if we do increase this to the ratio 1 to 35, 1 to 50? Is there that potential? Are there going to be added costs?

CRANE: I take it, aside from your differences in the interpretation of semantics, do you and your group really want to build a moratorium in this particular area?

KAU: We would likely want to build a moratorium in all of

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Kaneohe Bay, that entire region, until we can solve these very basic utility questions.

CRANE: My question is, where would you draw the line? Would you allow us to build on this side of it?

KAU: Well, I haven't made any detailed study. I would have to look at the problem here. I'm not a city planner. I'm an English teacher.

CRANE: When would you have advocated this moratorium? Not starting today, would you have gone back in history? How long has the sewerage facility been inadequate? How long have we been polluting the Bay?

KAU: I don't have that data but I think Mrs. Humphries who will follow me, will have more data on that, as to the inadequacy of the receptacle in the Bay.

YAMABE: Do you know how soon this study, I don't know who initiated it, but it was suppose to be submitted to the Public Works Department, be completed?

KAU: I talked to Mr. Kloos at HESL on Monday night. He says that they just received this study either Friday evening or most likely on Monday during the day sometime. His comments was that they need to do rather detailed study, a month, six weeks, maybe more. I think they work with a lot of part-time student help.

YAMABE: This is at the University?

KAU: Yes. I think they are a separate activity under the direction of Dr. Cox. The particular researcher there is Bill Kloos. He could give you more accurate information on how long it takes them to research a project.

There is another body, the K-Bay Task Force in Mr. Marland's office that have the manpower and expertise to do this kind of study.

YAMABE: We are faced with a problem where developments do come in increments. We're not going to find a situation where everything comes at one time. However, the situation being as it is, would you suggest that without any real serious consideration given to the socio-economic, the complete gamut, say that let's stop the development? Is this the answer?

KAU: I think its only a temporary answer. The State has presently been empowered to get into public housing. Mayor Fasi has done a commendable job with limited funds of providing housing for needy house holders and families. I don't have professional answers. As I said, I'm an English teacher renaissancing literature. I would say that there are critical factors

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to consider that we should stop and take a look at what we're doing which wouldn't hurt us before we embark on a task or a program which will be irreversible. The only analogy I can think of is getting embroiled in a fight and not being able to pull out. Once you've committed yourself, you're in there.

WAY: A point of clarification with the so-called HESL operation and partial response to Mr. Yamabe's question along this line.

This is a function indirectly at the University. They are funded primarily by Ford Foundation and other grants for a particular study involving the Kaneohe Bay region. I happened to follow it very closely. I'm a member of the Council and earlier, the Board. As far as our view of what they might be able to contribute, its only recently that they have been in a position where their background information collection has been of any particular use to public agencies. As a matter of general policy, we refer all of our proposals for development in that Kaneohe district water shed to HESL for comment. But, as I said, some are, only now is HESL able to respond to some of these questions. Therefore, we hadn't submitted some of our earlier projects. Included in the earlier projects are these, but we submit them anyway.

I might also add that for the most part, their information is not original, but is rather from other sources. For example, a number of projects that we've had in that area where detailed soil surveys with onsite borings were made, these were turned over to HESL and made a part of their record to supplement the other generalized information they had. The same is true of stream studies involving flooding. In other words, what I'm saying is often times, more often than not, we are able to obtain through specific requests of developers in the case of soil studies, flooding information, stream studies and other data, much more detailed information than HESL is ever to generate because they go on a broader view. They have used a land study bureau information, for example, the U. S. Soils Conservation Soils Analysis, a rather broader planning type of data than the very specific kind of information that our Public Works Agency often requires of applicants.

YAMABE: It was indicated that the study was not acceptable by the City Public Works Department.

WAY: Yes. The study, I don't think it wasn't acceptable. Its not yet accepted, I think is the appropriate way of putting it. For example, as you know, in the case of a number of these projects, one of the reasons we have conditions the way we do is simply to make sure that at such time as it is appropriate to present a detailed soil study, for example, it must meet the approval of a number of agencies, and we usually enumerate those

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agencies, including our agency, sort of at the end, after all reports are in from everybody else.

YAMABE: On what basis would the department consider it to be acceptable? Must it reach a point where much of the questions in your mind, the accuracy and comprehensiveness of the report makes it acceptable?

WAY: Yes. Again, we would, depending on the nature of the study required. Let's take an extreme study. We would rely heavily upon the Department of Public Works with also input here as we've already touched on, the Corps of Engineers, and their recommendations would be the basis for our requirement on the developer for setbacks from the stream, for channel improvements or non-improvements, whatever is felt to be the best in the overall public interest.

YAMABE: I take it, whatever the result may be from the study, the basic information there's very little difference, if any at all, in the basic information extracted by this department or any other department. You're sharing the same information.

WAY: Oh yes. We must rely on Public Works engineers to examine a specific problem such as extreme flooding situations.

YAMABE: So, the only difference may be in the area of policy decisions as to what your approach might be to the problem.

WAY: Possibly, but its not too likely. I'm not sure what you mean policy.

YAMABE: Whatever the result may be. Maybe the City might be looking at it from the standpoint of not only the health and welfare but also the economic situation which may also apply to all other governmental levels where an advocate may feel that its worth the sacrifice and the City may disagree.

WAY: Well, our interest is paramount in the field of the total public interest, irrespective of the applicant's particular concern. If, for example, major improvements are required in a stream channel, and the developer says this is impossible from an economic standpoint, we say that's unfortunate, the development should not take place. We're able to say that, and certainly in a case of a planned development or the conditions become such that by imposition of setbacks, building floor elevations that in another way are just not practical, these areas would then simply have to remain undeveloped until satisfactory technical solutions are found to overcome the problem.

(There were no further questions of Dr. Kau.)

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2. Mrs. Valerie Humphries, President, Windward Action Group (Submitted testimony dated June 20, 1973)

Kaneohe Bay is a valuable State resource and the property of all the citizens of Hawaii. The serious conditions of the Bay is caused primarily by sewage and siltation--the result of increased urbanization of the land surrounding it. This crisis condition has been called to the attention of the citizens of Hawaii by marine scientists, local fishermen's groups, and water-oriented recreation organizations.

We believe it is the cumulative effect of changes--small though they may be when considered one development at a time--that has brought Kaneohe Bay to its present condition of degradation. The conservation of water quality and associated environmental resources requires that incremental change not be permitted to gradually and irreversibly destroy the common property of the people of Hawaii.

In addition, we have prepared a chart showing 12 development projects brought to our attention recently. This, however, is only a sampling, as there are, to our knowledge, some 30 PDH's coming up in the Kaneohe community. These are some of the 10,700 units proposed in the Kaneohe Bay Watershed Area for which the City and County Planning Department has received notice of intent by February 14, 1973.

If all 12 developments listed on the chart are permitted, the total number of housing units in the proposed projects would be 7,255 or a population increase of approximately 30,471. An increased sewage load on Kaneohe Bay of 3,047,100 gallons per day or double the present load would occur. Many projects not included in the chart are already under construction, but have not yet been hooked up to the sewer system discharging into the south end of the Bay.

What seems small and insignificant on a single project becomes very large and serious when viewed on a cumulative basis.

It is difficult to review these two projects, which exist side by side, apart from one another. I would like to take note that it is the feeling of the community that the report of traffic density has not been explored to its fullest, and to further state that the Hawaii Kai-type development proposed will change the character and lead to continued density and a probable highrise area.

At this time, we reiterate that we would like all development to stop because of further pollution to the Bay and the Windward Action Group wants to believe that there are developers and construction companies in the State who do not look beyond the desire for immediate profit and because of established reputations might also support a temporary building moratorium,

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until the Mokapu Sewage Outfall is a reality.

We particularly call your attention to the report of the Planning Director relative to the Makani Kai Marine Planned Development Housing, where it refers to neighborhood playfields, golf courses, schools, all within a half mile. This is erroneous. The distance is closer to three miles.

At the present time, the youth of the existing communities makai of Kamehameha Highway play in the cemetery and on the streets. We request that both these projects be also re-evaluated in light of a recreational area to serve the broader community and not just those who will live in high-cost housing.

The existing Marine would do better as a public facility and we would also like to explore this avenue more thoroughly. This would not then disturb the present problems confronting Kaneohe Bay and would be a much needed recreational area.

There is also no reference made for any portion to be set aside by the developer for the common use of the existing community as has been done in some other areas on the island.

It appears that our attempts will be futile if government officials, City and County and State, continue to view development plans week after week and grant to the developers week after week the go-ahead which we know are going to compound our existing problems.

Mrs. Humphries was questioned by the Commission.

CRANE: What particular point in time would you or Dr. Kau's group would have wanted a moratorium on the Kaneohe Bay area, or to what particular degree would you want to go to establish this moratorium? The reason I ask is I feel a pretty deep sense of responsibility to others. That means developers too. All too often its demanded of us that we listen simply to the community and not to the developer.

Also, when I look at Kaneohe, I don't look at it as a separate entity. I feel its a very interesting part of the island. However, if you look at the Makiki area, for instance, I think the density speaks for itself.

The fact of the matter is, is you don't want to change the nature of the neighborhood. This island simply cannot take the input of the people coming in and put them in single-family dwellings on 5,000 or 10,000 square foot lots.

HUMPHRIES: Excuse me, Mr. Crane. I would like to say that I'm not against planned housing development. I don't want that

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misunderstood. I'm saying its not pertinent at this time that that development or others on the coastlines and in the Bay until we resolve some of those other questions. I realize that it does increase some density, but there are the utilities that I don't think have been gone into that thoroughly.

CRANE: I'm just trying to clarify our interpretation of it--

HUMPHRIES: Excuse me, but when we do talk about this one thing, the people who come in to develop, we also have a land use which does say whether its developing for speculation. There's a big difference. This kind of development just increases inflationary costs. Not that we're not saying somebody is developing property but what kind of property and for whom? You keep talking about the people coming in. We can't take care of the people who are here that are in need.

I'm sorry. I know I interrupted you but I apologize. I just want you to have no misunderstanding that I appreciate all people have to be served, but there are people who are in for just speculation. This, I do talk against.

(There were no further questions of Mrs. Humphries.)

Testimony FOR--

1. Mr. G. A. "Red" Morris, Interested citizen (Submitted testimony dated June 20, 1973)

   In his testimony, Mr. Morris indicated that the project will be a benefit to the residents of the area. "True, the proposed 40 units will in no way solve our housing crises but this example of 'stop,' building somewhere else is prevalent in community groups on Oahu and if successful in this case developers, builders and everyone connected with trying to provide housing will continue to get the 'black eye.'"

   Mr. Morris requested the Commission's favorable consideration of this proposed PUD.

2. Mr. James K. Trask, Jr., Developer, Suite 200 - 681 South King Street

   TRASK: I am the developer of the project. Maybe I can try to answer some of the questions that were raised today.

   First of all, we chose the PUD approach because it is a very beautiful site, not being utilized to its fullest, because there is a tremendous need and desire for a lot of our citizens to live on the water. If we came in with a standard subdivision, we'd end up with about three or four lots on the water, a few

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along the river so that four or five families would enjoy the total waterfront. As you know, the concept was to construct the homes back away from the water so that everyone within the community would be able to have full enjoyment of all of the water and its amenities.

The recreation center is not put up in the back where nobody can see it. Its right out on the waterfront where everybody can come down and utilize that facility and partake of all of the waterfront activities there. Our site will have more recreational insite amenities than any other neighborhood within close proximity to this particular development. We have a lot of open space. The front of the units can be used by the children for playing. Tot lots are planned, volleyball courts, swimming pool, and so forth.

Relative to the flooding and runoff problem, this was our major concern. Our engineers, R.M. Towill Corporation whom we consider to be the best in the State of Hawaii, have provided a rather exhaustive and expensive flood study, utilizing all studies that have been available relative to the hundred year flood plan. We are prepared to fulfill all requirements of the Department of Public Works relative to the flood problem. We actually anticipate that when we have finished with construction of the site, the runoff etc. will be a lot less of a problem than it is today.

Relative to traffic, R.M. Towill Corporation did make a very extensive traffic study. That study was just provided to the Department this week. It was relatively recent so that I can appreciate the Mahalani people probably didn't have access to it in time. We did have this study made and it does show that the amount of inconvenience would be very negligible to the existing tenants. This study goes out to Waikalua and Kam Highway which is a critical point there.

Questions were raised by the Commission.

CRANE: On your statement relative to flooding, I appreciate the fact that you say you're willing to meet all the requirements and satisfy them.

TRASK: Not flooding but runoff.

CRANE: How would runoff be improved?

TRASK: We would have much better drainage overall because it would be coming in with certain amounts of fill as required. Number two, we're going very heavily into landscaping and under PUD, it gives tremendous control because landscaping is cared for by a common area maintenance.

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YAMABE: If you're required to adhere to whatever decision is going to be made by the various divisions, particularly the Public Works Department where they might suggest deletion of a unit, would you be changing this plan drastically, or would you just continue on with the change with that one deletion?

TRASK: A unit would not affect the overall but if its a bunch of units, then we would have to take a look at the overall plan.

YAMABE: Have you made provision for easements to get down to the beach?

TRASK: No, we have not.

YAMABE: Would you entertain such an idea?

TRASK: The basic problem there, of course, gets to be one of how involved is this, like would we then have to provide parking facilities, etc. I think for walking traffic that would be very amenable.

YAMABE: I wasn't thinking of other facilities. If people wanted to use the beach for fishing or whatever.

TRASK: Beach frontage maybe is not a proper word because this is not really beach frontage. This is more in the nature of mud flats. Its not something where there's say a high water mark and then you have all this area where people could come down and sun themselves, except at low tide. It might be something where they could walk down and get out into the bay for some reason, crabbing maybe.

There may also be a question of liability too.

CHAIRMAN: In previous testimony, mention was made regarding retaining walls abutting your project site that are in disrepair, will these be taken cared of?

TRASK: Allan Young with Towill Corporation can answer that.

ALLAN YOUNG: Absolutely.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Yamabe and carried.

MOTION: Mr. Bright moved, seconded by Mr. Crane and carried, that action be deferred for one week.

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AYES - Bright, Connell, Crane, Yamabe
NAYES - None
ABSENT - Kahawaiolaa, Kamiya, Sullam

PUBLIC HEARING
GENERAL PLAN AMENDMENT
COMMERCIAL & PRESERVATION TO PARK USE
NANAKULI, LUALUALEI, MAILI, WAIANAE, MAKAHA
C&C DEPT. OF RECREATION
(FILE #30/C2/29)

A public hearing was held to consider a request to amend the Makaha Detailed Land Use Map by extending an existing beach park through the redesignation of 13.7 acres from Commercial and Preservation to Park use, Tax Map Key: 8-4-02: portion of 47.

Publication was made in the Sunday Star-Bulletin/Advertiser of June 10, 1973. No letters of protest were received.

Staff Planner Ian McDougall presented the Director's report of the proposal. The Department of Recreation has based its petition for a redesignation of 13.7 acres of land from Commercial and Preservation to Park use on (1) the need for additional beach park land on Oahu to accommodate the public and (2) the desirability of this site to meet this need. Based on the evaluation of the application, it is concluded that the requirements of the Dalton Case have been met. There is an unmet need for additional park use at Makaha Beach Park and that the proposed expansion is consistent with this need. The site proposed is contiguous with parcels already existing and General Planned for park use. The redesignation of 1.3 acres of Commercial use to Park use will not significantly reduce the availability of commercial services since the primary planned commercial site of 12.67 acres remains unaffected. The Director recommends that the request to amend the General Plan be approved.

The Commission questioned the need for additional beach parks in Waianae recalling public testimony by residents that there are more than sufficient park areas in Waianae. The Commission felt that the total overall park program for Waianae is adequate. It questioned the manner in which priorities are determined by the Department of Recreation, and the criteria used to determine such need. It also questioned whether funds were being directed to the proper areas--Beach Parks versus Neighborhood Parks.

Mr. Irwin Lane representing the Parks Department responded to the Commissions questions.

1. Their long-range park plan which indicates need for Neighborhood Parks as well as for Beach Parks is being updated, and will take a number of years to complete due to personnel shortage and program funding.

2. The criteria for determining whether there is adequate park

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space available in specific areas is set forth by the General Plan. Beach Parks in this respect are excluded because such parks service the total island population rather than just one specific area alone. The specific type of park (Neighborhood, District, Regional) and its priority is determined by its use and demand.

3. In Waianae, there is a shortage of Beach Parks as well as back up areas for uses such as parking and camping. Because of easy access to the water, the people in Waianae are water oriented and demand more aquatic activities resulting in frequent use of Beach Parks rather than the Neighborhood Park.

There were no further questions fo Mr. Lane.

No other person was present to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Bright and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Crane, seconded by Mr. Bright and carried.

AYES - Bright, Connell, Crane, Yamabe
NAYES - None
ABSENT - Kahawaiolaa, Kamiya, Sullam

UNFINISHED BUSINESS
PROPOSED AMENDMENTS
TO SUBDIVISION RULES
AND REGULATIONS

The public hearing held June 6, 1973 on this matter was closed. At the request of the Commission, a workshop session was held on June 12, 1973 at which time the proposed amendments and comments from various city agencies and community organizations were reviewed by the Commission.

No discussion followed.

ACTION: The Commission adopted the proposed Subdivision Rules and Regulations, on motion by Mr. Crane, seconded by Mr. Bright and carried.

AYES - Bright, Connell, Crane, Yamabe
NAYES - None
ABSENT - Kahawaiolaa, Kamiya, Sullam

STATE LAND USE
COMMISSION REFERRAL
WAIPIO
MILILANI TOWN, INC.
(FILE #73/LUC-5)

Submitted to the Commission for review and comment is a petition from the State Land Use Commission to amend the State Land Use District boundaries to change the State Land Use District designation

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in Mililani, Waipio, totalling 546 acres.

Staff Planner Ian McDougall presented the Director's report of the request. The petitioner states that Area I will be developed with single and multi-family residential uses and related community facilities. Approximately 2,250 units are planned for this 306-acre site. It is anticipated that construction would take place at a rate of approximately 700 to 800 units per year. Of the total 2,250 units to be constructed in Area I, 540 units will be priced to provide housing for moderate and low income families.

Area II is planned by the petitioner for industrial usage. The petitioner intends to begin development in 1975. He indicates that development of this area would proceed incrementally and be a function of marketing and estimates 3 to 4 years for total development. However, no marketing data was supplied. Thus, the appropriateness of urbanizing this area at this time is questionable given the existing available information.

In general, it can be concluded that Area I of the petition meets the State Land Use District criteria but that there is insufficient evidence to support Area II. It can also be concluded that the petition for Areas I and II is consistent with the county's proposal for urbanization of the area as depicted on the General Plan.

Based upon the analysis made, it is the Director's recommendation that Area I of this petition be approved and that Area II be denied.

No discussion followed.

ACTION: The Commission accepted the Director's recommendation and recommended that Area I of this petition be approved, and that Area II be denied.

AYES - Bright, Connell, Crane, Yamabe
NAYES - None
ABSENT - Kahawaiolaa, Kamiya, Sullam

STREET NAMES — The Commission recommended approval of the following staff recommendation, on motion by Mr. Crane, seconded by Mr. Yamabe and carried:

The following street names are recommended for approval within the Newtown Estates Subdivision, Unit 2, Waimalu, Oahu, Hawaii:

KIAWE STREET — Extension of an existing roadway traversing in a northeasterly direction and terminating at the intersection of Nahele Street.

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NAHELE STREET	Extension of an existing roadway traversing in a northeasterly direction and terminating temporarily at the mauka limits of Unit 2.
ULU STREET	Extension of an existing roadway traversing in a northeasterly direction to a culdesac.
HALAKEA STREET	Roadway off Ulu Street traversing in a northeasterly direction.
Meaning:	A variety of pineapple.
KUPUKUPU STREET	Extension of an existing street traversing in a northeasterly direction and terminating temporarily at the mauka limits of Unit 2.
HAPAKI STREET	Extension of an existing street (amended) traversing in a northeasterly direction and terminating temporarily at the upper limits of Unit 2.
Meaning:	Hawaiian name for Herbert.
PIKI STREET	Extension of an existing street traversing in a northerly direction and terminating temporarily at Kupukupu Street.
IPUALA LOOP	A loop roadway off Nahele Street.
Meaning:	Cantaloupe melon.
IPU PLACE	A culdesac off Ipuala Loop.
Meaning:	Pumpkin.
IPUALA PLACE	A culdesac off Ipuala Street.
KUPUKUPU PLACE	A culdesac off Kupukupu Street.
KUPUWAO PLACE	A culdesac off Ipuala Street.
Meaning:	An endemic genus of small trees (broussaisia) mountain sprout.
PIKI PLACE	A culdesac off Piki Street.
PIKU PLACE	A culdesac off Hapahi Street.
Meaning:	Fig.
PIKU WAY	A culdesac off Piku Place.

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Amend City County Resolution 107, dated May 16, 1972, by deleting the street name Nahele Street for the roadway off Komo Mai Drive, between Apala Loop and Piki Street, and renaming said roadway to HAPAKI STREET (Hawaiian name for Herbert).

* * * * * * * * * * * * * *

The Commission authorized the Planning Director to schedule public hearings for the following matters, on motion by Mr. Bright, seconded by Mr. Yamabe and carried:

ZONING CHANGE
B-2 COMMUNITY BUS.
TO A-4 APT. DIST.
CENTRAL BUSINESS
DISTRICT
(733 KINAU ST.)
ROBERT PANG
(FILE #73/Z-29)

1. The request is for a change in zoning from B-2 Community Business to A-4 Apartment District.

HAWAII CAPITAL
DISTRICT
(20-UNIT APT.BLDG.)
RICHARD TOM
(FILE #73/HCD-10)

2. The request is for a 20-unit, 4-story walkup apartment building with 18 two-bedroom apartments and 2 one-bedroom apartments.

HAWAII CAPITAL
DISTRICT
(4-STORY APT.BLDG.)
KENJI NAGANO
(FILE #73/HCD-15)

3. The request is for a 4-story, 5-unit apartment structure.

ZONING CHANGE
R-6 RESIDENTIAL &
A-1 APT. TO B-2
COMMUNITY BUS.
WAIMALU
OCEANVIEW VENTURES
(FILE #73/Z-15)

4. The request is for a change in zoning from R-6 Residential and A-1 Apartment Districts to B-2 Community Business, Tax Map Key: 9-8-09: 4, 6, and portions of 3 and 8. The Planning Director is expanding the request to include Tax Map Key: 9-8-08: portion of 2.

ZONING CHANGE
R-6 RESIDENTIAL TO
B-2 COMMUNITY BUS.
DISTRICT
WAIANAE
MR. & MRS. DAVID
OKIMOTO
(FILE #73/Z-1)

5. The request is for a change in zoning from R-6 Residential to B-2 Community Business District, Tax Map Key: 8-5-11: 1, 16, 17 and 18. The Planning Director is expanding the request to include Tax Map Key: 8-5-11: portion of 19, and Tax Map Key: 8-5-11: 26.

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RECESS: The Commission recessed at 5:00 p.m., and resumed its meeting at 7:30 p.m. in the City Council Chambers, where the Public Hearing for the State Department of Transportation's request to indicate the final alignment of the Interstate System (H-1, H-2 and H-3) on the General Plan, Detailed Land Use Maps and Development Plan was held.

Respectfully submitted,

Henrietta B. Lyman
Secretary-Reporter II

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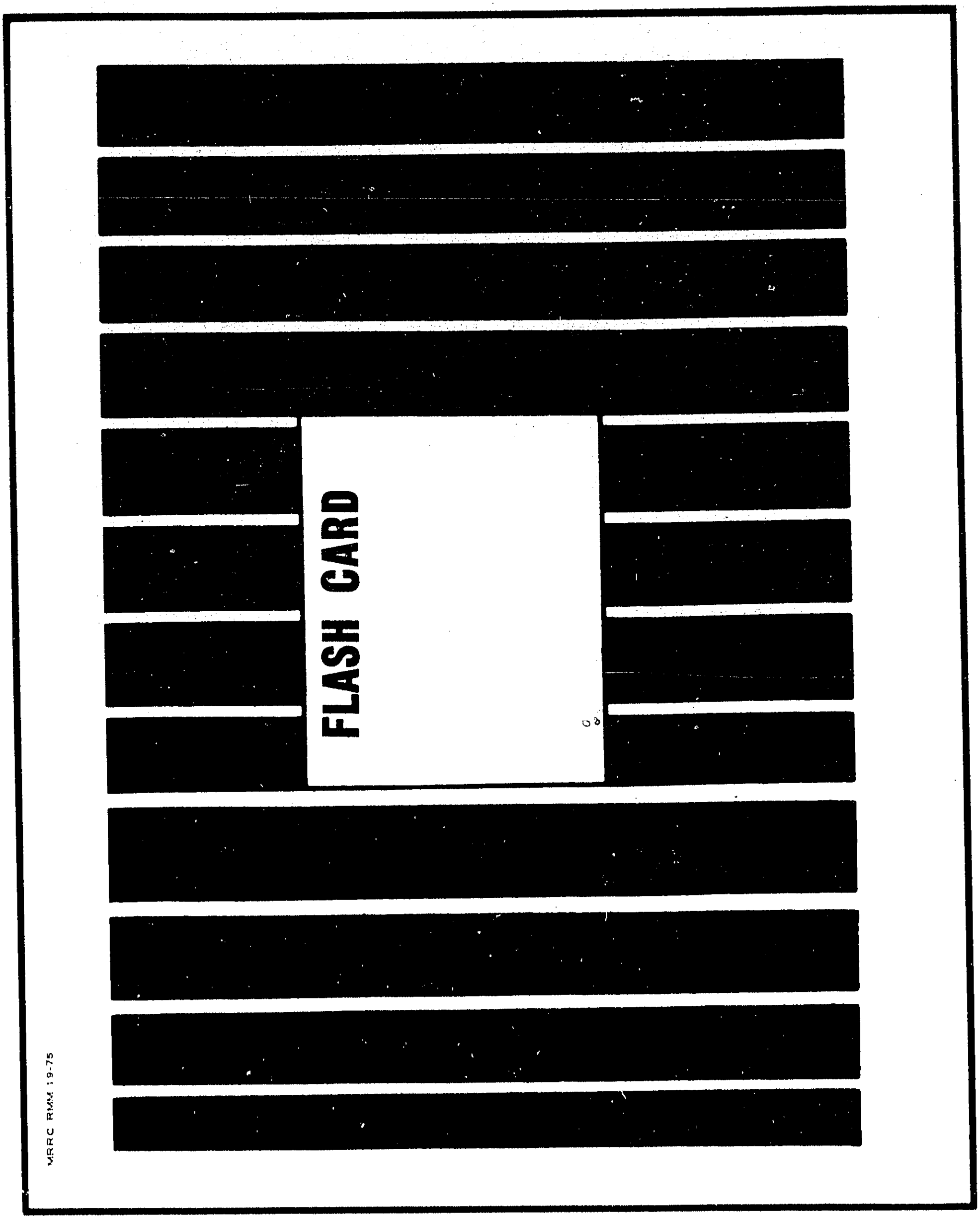
FLASH CARD

FLASH CARD

FLASH CARD



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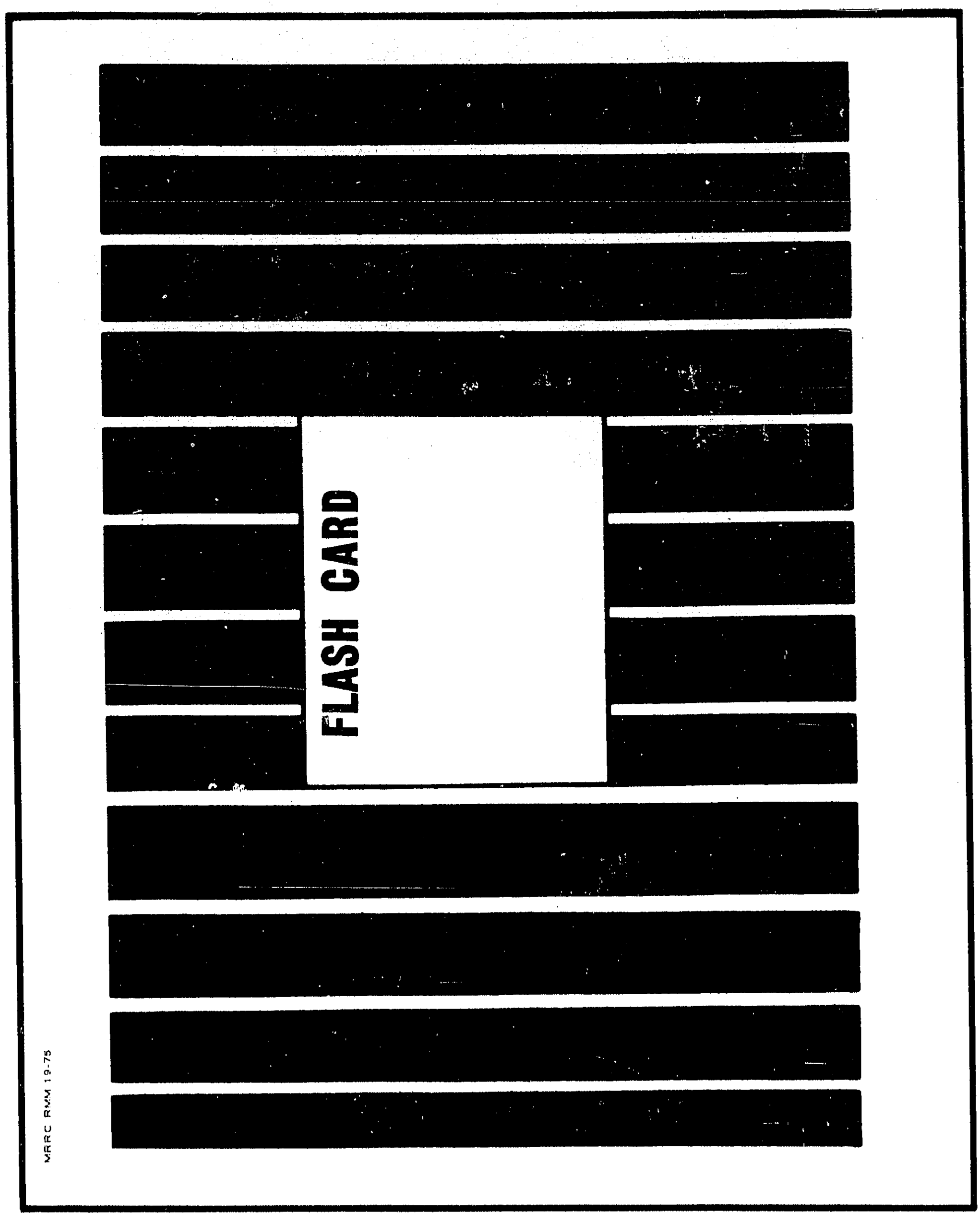

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Meeting of the Planning Commission
Minutes
June 27, 1973

The Planning Commission convened on Wednesday, June 27, 1973 at 1:55 p.m. with Acting Chairman Fredda Sullam presiding.

Commissioner Yamabe indicated that he could not remain for the entire meeting. For this reason, items on the agenda requiring routine action--street names, authorization for the Planning Director to schedule a public hearing, closing of public hearings--were taken out of sequence and acted upon before Commissioner Yamabe left the meeting. With the absence of Commissioner Yamabe, the Commission lost its quorum, and other matters on the agenda had to be deferred for a lack of quorum.

PRESENT:	Fredda Sullam, Acting Chairman Roy R. Bright Randall Kamiya Thomas N. Yamabe II
ABSENT:	Eugene B. Connell, Chairman James D. Crane Antone J. Kahawaiolaa
STAFF PRESENT:	Robert R. Way, Planning Director John Grant, Deputy Corporation Counsel Ian McDougall, Staff Planner Stan Mofjeld, Staff Planner
MINUTES:	The minutes of May 30, 1973 were approved, on motion by Mr. Yamabe, seconded by Mr. Bright and carried.
PUBLIC HEARING PLANNED DEVELOPMENT HOUSING KALIHI VALLEY (KUIKAHI GARDENS) MID-PAC DEVELOPMENT, LTD., FRANK SLAVSKY & WILLIAM H. DODD (FILE #72/PDH-16)	A public hearing was held to consider a request for concurrent rezoning from R-4 to R-5 Residential District and Planned Development-Housing District and development of 40 townhouse units on approximately 4.3 acres of land located in Kalihi Valley, Tax Map Key: 1-4-13: 50 and 7. Publication was made in the Sunday Star-Bulletin/Advertiser of June 17, 1973. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report indicating a recommendation for approval with the following modifications:

1. All grading proposals to comply with the State Water Quality Standards, Department of Health, U. S. Soil Conservation Service and Department of Public Works requirements and be approved by the Planning Department prior to issuance of grading permit.

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2. Improvement of Kalihi Street as required by the Department of Transportation Services.

3. Preservation of all existing mature trees on site.

4. Provision of utilities in accordance with the Department of Public Works and Board of Water Supply requirements.

No questions were raised by the Commission concerning the Director's report.

Public testimony followed.

Testimony AGAINST--

A. Leslie Vasconcellos, M.D., an adjoining property owner objected to the proposal.

OBJECTIONS:

1. Inadequate access and increased traffic generation from the proposed PDH.

Dr. Vasconcellos stated: "Some years ago, and I don't know that this has been changed, there was a public hearing at that time where there was a unanimous decision by all those present at the public hearing relative to an access road. I have a map here showing that access road which was one of the contingencies on the basis of the Likelike Highway grant, was that this access road would be part and parcel of it. I understand now according to these plans that that access road will be deleted. What has happened to this access road? There's been no public hearing as far as I know from the last time that we had a public hearing on it where it has been discussed or anything has been brought to our attention whereby it has been even mentioned as to the chance of it being deleted. The last correspondence I had from the Commission was that the previous owner was going to develop it, despite the fact that the City and County could not pay to buy the property."

The Director responded: "This map, I don't believe is an adopted City Map. I'm not sure exactly what it is. But, there is no adopted Detailed Land Use Map or Development Plan for the area. So, from the City's standpoint of an interest in an access point, there is none. However, there is, I believe, from the Department of Transportation, an access point permitted to this parcel. The comments we got from the Department of Transportation was along the line that if this access point is used, it must be used for ingress purposes only; that is to say, that it must be allowed to come off of the highway to the property with no exits permitted. In reviewing this with our own Department of Transportation, taking into account the considerations

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of site plan development and particularly the fact that there are steep gradients on this site, it was found that to make a connection to the highway, there would be very steep grades, and in fact again, the Department of Transportation made the comment to us that the roadway grades as proposed were not desirable to make that connection. So, it was found to be somewhat of an unsatisfactory physical problem of making that connection to the highway, coupled with the fact that it really wouldn't improve the total circulation situation in Kalihi Valley except to permit ingress into this property. That's somewhat the background of it."

2. Potential traffic hazard due to increased traffic generation from the proposed PDH.

3. Population increase generated by the proposal will cause a shortage in public facilites--schools, sewers, water.

Testimony FOR--

Mr. Frank Slavsky, Architect, represented the applicant and agreed to comply with all requirements contained in the Director's report.

Relative to the objection of inadequate public facilities, Mr. Slavsky referenced the comment contained in the Director's report by the Department of Public Works that utilities are adequate to handle the project, and the Department of Education indicated no problem on anticipated enrollment increase.

Questioned by the Director regarding the access road, Mr. Slavsky stated: "The State Department of Transportation indicated--we did have permitted access--they considered it not to their liking. The ingress, not egress, became physically unfeasible to try to shift the driveway in on the slope, this is a fill slope of the highway. The Department of Transportation discouraged that."

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Yamabe, seconded by Mr. Bright and carried.

The matter was deferred to the next meeting as no action could be taken for a lack of quorum.

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UNFINISHED BUSINESS
GP/DLUM AMENDMENT
(SCHOOL & HIGH DENSITY APARTMENT TO PARK USE)
MOILILI
C&C OF HONOLULU, DEPT. OF RECREATION
(FILE #136/C2/14)

The public hearing on this matter held June 6, 1973 was kept open, and action deferred for three weeks at the request of the attorney for the lessee of the parcel.

Mr. Ted Claus, Attorney for the Lessee, was present and testified in OPPOSITION to the proposal.

CLAUS: I'm here to speak in opposition to the matter.

Because the matter is continued, it might be helpful to go into a couple of things to refresh your recollection. I intend to do that with your permission. I also intend to speak a bit about the Dalton case and its relevance to the matter and to raise questions with respect to some of the considerations which the Supreme Court of Hawaii in Dalton expressed.

I would like at the very outset to refresh your recollection of the Dalton case by quoting somewhat extensively from that opinion. As you recall, that case involved a request to amend the general plan and the DLUM involved there from Residential and Agricultural use to Medium-Density Apartment use. The Supreme Court eventually held that the ordinance doing that was illegal, and set forth its reasons in some detail. The Supreme Court stated extensively from the Charter, the particular section 5-509, "The general plan shall set forth the Council's policy for long range comprehensive physical development of the city. The plan shall be based on studies of physical, social, economic, governmental conditions and trends and shall be designed to assure the coordinated development of the city and to promote the general welfare of the prosperity of the people." The Supreme Court said that to insure the general plan would be long range and comprehensive, stringent procedural hurdles were required, be overcome before the general plan could be adopted. These hurdles are in section 5-503, "The Planning Director shall prepare a general plan and development plan for the improvement and development of the city."

Section 5-505, the Planning Commission shall review the general plan and development plan and modifications thereof developed by the Director. The Commission shall transmit such plans with its recommendations thereon through the Mayor to the Council for consideration and action. The Commission shall recommend approval in full or in part and with or without modification recommend objections to the plan.

Section 5-512, the Council shall adopt the general plan or any development plan by ordinance. Any addition or change in the general plan proposed by the Council shall be referred by resolution to the Planning Director and the Planning Commission for their recommendation prior to final action by the Council. If the Commission disapproves the proposed change or addition or recommends modifications

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thereof, not accepted by the Council, or fails to make its report within the period of 30 days, the Council shall nevertheless adopt such addition or change, but only by the affirmative vote of at least two-thirds of the entire membership.

The Supreme Court goes on. These stringent requirements for initial adoption of the general plan would be pointless if the Council's general power to amend were held applicable to the general plan. For example, suppose that after the general plan had been prepared and recommended to the Council, five of the nine members proposed to change the plan and so on.

The Supreme Court went on that careful review of legislative history of Section 5-515 and some other pertinent sections of the Charter compels this Court to conclude that the amendment process must meet certain strict procedural hurdles. Looking at the totality of the problem before us with the whole of Honolulu as one visible unit, we conclude that the better and correct interpretation of the Charter, Section 5-515, requires the process of amending the general plan, not only a public hearing is necessary, but the Council, the Planning Commission, the Planning Director are required to follow a course of conduct consistent with the safeguards that were required in the initial adoption of the general plan. This interpretation will not only meet the spirit of the law, but fulfill the good intent of the law governing the general plan.

We conclude that the city's general power to amend ordinances are not applicable.

The Supreme Court goes on. We hold that the safeguards specified by the Charter as applicable to the adoption of the general plan must be followed in altering the general plan.

The record in this case shows that the County failed to follow the order of conduct consistent with the safeguards that are required. These safeguards require that alterations in the general plan must be comprehensive and long range. Specifically, that the city believes that the general plan of 1964 is obsolete, then comprehensive updating of the 1964 plan study of physical, social, economic and governmental conditions and trends is in order. If the new studies reveals, among other things--

a. The housing shortage was underestimated in the 1964 general plan
b. The most rationale solution to this housing shortage is more apartment
c. Some of these new apartments should most rationally be in Kailua, the area concerned
d. The land set aside in the 1964 general plan for apartments in Kailua must be increased to meet this need, and
e. The acreage and question in this case is the best site for additional apartments rather than some other site, or rather than some other use of this land, that since other

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needs underestimated in the 1964 plan, then the general plan may be amended to permit the change in zoning.

The advice of the amendment to the general plan questioned by this suit is precisely that it did not consider these alternatives, and it is that advice which I submit is present in the proposal submitted to the Planning Commission today.

I'd like to review briefly some of the statements made in the memorandum I have by Mr. Way to the Planning Commission concerning the proposal. It is a request to amend the University Community Plan Detailed Land Use Map which as you know is by the terms of the General Plan made a part of the General Plan by redesignating a 30,309 foot site from School use and High Density Apartment use which is set forth in the existing DLUM to Park use.

Mr. Way states that the University Community Plan DLUM, Ordinance No. 2970 adopted May 4, 1967 designates this area as High Density Apartment use and School use. The site is presently occupied by 3 wooden single-family units whose structural criteria is classified as poor.

As I mentioned before, my client intends to improve this property site by putting a highrise apartment on it.

Mr. Way goes on. The Department of Recreation has petitioned to redesignate this site from High Density Apartment use and School use to Park use because (1) there is a need for a park in the Moiliili apartment area and (2) the site located adjacent to Kuhio School is the most desirable to meet this need. At the present time, there are no park facilities servicing the needs of the 2,853 residents within the area bounded by King Street, Kapiolani Boulevard, Date Street, and University Avenue, and known as the Moiliili Triangle. This area, with approximately 35,197 persons per square mile, is one of the most densely populated areas in Honolulu. Moiliili is one of the most deficient areas in recreational parks on Oahu. It has approximately 0.75 acre of park per 1,000 people as compared to the average 1.18 acres per 1,000 population for Oahu.

The nearest public park facilities are the 5-acre Crane Playground and the 3.5-acre Moiliili Field which are located approximately 1/2 mile away from the proposed park site. Pedestrian access to this park site from Moiliili is quite hazardous because children must cross major thoroughfares, Kapiolani Boulevard or King Street, to get to it. The Kuhio Elementary School does provide a basketball court but this is not an adequate substitute for proper park facilities. Within a radius of one mile of the subject property, there are three public park facilities--Kanewai Field, Ala Wai Playground, and Ala Wai Field. All are active recreational areas totalling 34.93 acres. But these facilities are well outside of the range recommended in the General Plan in order to give younger children access to recreational facilities and access to them involves the crossing of major thoroughfares.

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The assumptions on which the report is based are two--one, the need for a mini park on the proposed site, and two, that the best site is this property. But, there are a number of unstated assumptions in the report that I think your attention should be called to.

First, there is no need for this park. Secondly, the general plan and the DLUM provision for High Density Apartment and School is either erroneous or outdated. Three, a mini park rather than a standard of larger park best serves the purposes of the general plan in this particular area. Four, the review of other agencies which are mentioned in Mr. Way's report are valid, true and current. Five, the comments of no other agencies are necessary. Six, vacant space should be the source of park in the area. Seven, the existing recreational facilities, including those at Ala Wai, are in fact not adequate, notwithstanding the standards set out in the general plan. Finally, there are no other relevant environmental factors which should be considered.

I'd like to speak to some of the unstated assumptions that I just listed. First, the need for park. There is no indication by the study that the existing park facilities are inadquate. I understand that the next meeting date the Chairman did call attention to the fact that he requested a comprehensive park study that had not yet been completed.

Secondly, the general plan standards with respect to Park should be taken note of. I do call it to your attention that the general plan as its described does not call for a park in this particular case. The general plan standards, of course, do mention as Mr. Way indicates that they do, that in certain instances, the mini park or tot park or something of that kind may be appropriate. I think its important to note there are a number of standards some of which would be traded off if the proposal presented to you is adopted for other standards in the general plan.

Again, let me call your attention to the lack of information at the present time on the projected needs for housing in the area, and for the extension of educational facilities in the area. There is a statement in Mr. Way's report in connection with some nature of a projection for educational facilities but there is no documentation with respect to the notation that he made. It would seem to me that would be highly regarded as a factual basis on which to draw that conclusion.

So, the question is are there sufficient facts before you to conclude that the general plan and the DLUM is indeed outdated or is it erroneous. Secondly, what about this site? What about the alternatives? Mr. Way concluded in his report that there were no other alternatives, but there are other facts which you might consider. There are, perhaps, vacant lots outside the Moiliili Triangle which would satisfy the general plan standards. There are other sites in the triangle which Mr. Way indicated had been considered but rejected. First is the Kapiolani interchange off-ramp.

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There's no indication as far as I know, why this is not adequate except for its location. The question that lays to support is location alone are sufficient reasons to reject that particular site in view of all the other factors taken into consideration.

The other alternative Mr. Way mentioned in his report is a vacant site which is presently being improved by a high rise apartment. In that connection, it does seem to me somewhat discriminatory that such a developer can be allowed to continue his development but my clients cannot.

The point is, which standards of the general plan should be compromised, those mentioned by Mr. Way or those otherwise set out in the general plan? For example, which should be compromised, location or size? What is the appropriate kind of park facility here? One that meets the standards with respect to size or one that meets the standards of location?

Thirdly, I'd like to mention again and emphasize that there are no facts with respect to what the needs of housing in the area is. I do call your attention however that the general plan indicated that this area should be used for High Density Apartment. That's how the DLUM represents the property at the present time. But, we have no facts with respect to trends and no documentation with respect to inclusions about this set out in the report.

I'd like to talk briefly about a mini park as opposed to a larger park. What are the costs? What are the benefits involved? We have no facts with respect to that. What is the relative benefit of a mini park as opposed to a standard sized park? What are the operational expenses if there is a series of mini parks that will compare to a standard sized park, whether in the Moiliili Triangle area or some other location? Indeed can there even be a series of mini parks in the area? The indication in Mr. Way's report is that within the triangle there is no other vacant land. What about the assumption that vacant space should be the source of park in the area? What are the relocation expenses? What are the comparative costs of acquisition? Are they substantial enough to make a difference? These are facts which you don't have before you at the present time.

What about the agency reviews expressed? Are they current? Are they valid? When were they prepared? What facts are they based on? What suppositions are they based on? Are they comprehensive enough? What about the reviews of other agencies, the Department of Health, the Office of Environmental Quality, the Department of Land and Natural Resources, the Department of Planning and Economic Development, the Land Use Commission, or organizations in the state and county governments having to do with the future?

Finally, I call to your attention that the federal agency on HUD apparently participating in this project. I also call to your

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attention that the National Environmental Policy Act requires that an Environmental Impact Statement be prepared with respect to any major federal action significantly affecting the environment. That statute requires with respect to such actions that there be a detailed statement by the responsible official on the environmental impact of the proposed acquisition, any adverse environmental effects which cannot be avoided for the proposal to be implemented, the alternatives to the proposed actions, the relationship between the local short term uses of man's environment and the maintenance and enhancement of long term productivity, and finally any irreversible commitment of resources which should be involved in the proposed action should it be implemented.

I think one thing we fail to consider when we take a look at the environment is that there are several factors limiting or promoting the growth and comfort of life. The actual physical condition of the environment is definitely one of them. But, there are a number of others. One of them is utilization of the space that we have. Another is providing for the increases in population. There are a number of others but these kinds of factors as well as the actual condition of the environment must be taken into account if we're going to avoid the kinds of irretrievable kind of tradeoff that will indeed limit the growth and the comfort and the general welfare of the people of our community.

In conclusion, the advice of the proposed amendment is that it does not consider facts and alternatives which underlie its stated and unstated assumption. The record here does not show that the City has followed a course of conduct consistent with the safeguards specified by the Supreme Court in Dalton.

The safeguards require that alterations in the general plan must be comprehensive and long range. The city believes the general plan of 1964 is obsolete, then comprehensive updating of the 1964 studies of physical, social, economic and governmental conditions and trends is in order, that the new study in connection with this case reveal the need for park in the Moiliili Triangle, that the need is greater than the need for housing and expanded educational facilities, that a mini park rather than a standard park is appropriate, that such is not inconsistent with other environmental factors, and that the proposed site is the best site, then it would be both appropriate and consistent with the Charter and the Dalton case to amend the general plan.

Again, the advice of the amendment proposed by the Department of Parks and Recreation is simply that these alternatives have not been considered.

Mr. Claus was questioned by the Commission.

CHAIRMAN: Mr. Way, do you have anything to say about the material that was collated to support your recommendation?

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WAY: No.

CHAIRMAN: I notice that there are agency recommendations here in favor of the proposal, the Department of Public Works, the Department of Accounting and General Services, the Department of Education, the Office of Social Resources, the Board of Water Supply.

CLAUS: I note that too. I think it'd be appropriate for the record to include an assessment of whether they are current, whether there were any reservations expressed in them, the assumptions they were based on, and the fact on which the conclusion is expressed there. I think these should be before you before you make a decision with respect to an amendment like this.

WAY: Are you suggesting they are not current?

CLAUS: I don't know.

WAY: You think this is vital to know?

CLAUS: Any change based on a current recommendation or change in planning ought to be based on current information.

WAY: What do you think would be considered current? Sometimes it takes an application on the part of an agency a while to review.

CLAUS: Yes. My understanding is that most projections particularly with population and so forth and so on is good for maybe 10 years even though they may project themselves for 50, 60 or 70. I suppose that other kinds of considerations which are receptive of the report relative to planning would vary in their current status from 10 years to maybe 1 year, depending on what the factor is. The transportation needs and the physical needs change drastically. The particular kinds of people in need of housing in the Moiliili area might change drastically over a short period of time. It seems to me that these are the kinds of factors that go to conclusion about how current is current.

WAY: Do you have any idea of what kind of plan your client has for the property?

CLAUS: My client can answer that question.

WALLY SANGER: I'm president of the Hui House, Inc., who is the lessee of the property.

WAY: Do you have plans for development of the property?

SANGER: Yes we do.

WAY: When did you proceed with the architectural plans?

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SANGER: Our official contract was started in February.

WAY: To what stage has it progressed?

SANGER: We have a soils report done. We have our engineering report done. Right now its just a matter of--the core of the building is finished.

WAY: How many units are proposed?

SANGER: Possibly 136 one bedrooms is what we're looking at right now.

WAY: What would be the height of the building?

SANGER: 18 stories.

WAY: When did you obtain the development rights?

SANGER: I had an option on the property in April of last year. We recorded the lease in February of this year.

WAY: Mr. Claus, a question you raised on the impact relative to housing in the area. As an implicit assumption as I recall, have you any idea what the impact of the new wing not permitting to be constructed, the 150 units would have in this particular area?

CLAUS: No I do not. We understand though from a feasibility study over a year ago that there is presently a need for this kind of housing.

SANGER: We also had an appraisal done.

WAY: I appreciate that. The point I was trying to get at is on a relative scale, what is this impact? Is it 1% or 10%, if not constructed, of the numbers of units that may be permitted under the general plan in some reasonable defined area. I think there's a degree of significance that enters into the discussion here when you raise the question as to alternative use, the alternative being that policy that now exists.

CLAUS: The general plan states that existing zoning is continuous and the existing zoning pointed out in the report is A-4.

WAY: Maybe I'm not making the point clear. The policy is something else. In fact, the policy on this particular parcel is not for 30,000 square feet but something roughly half of that. So what's the impact then of the loss, if you will, of 60 or 80 units in that area which is undergoing quite a bit of development which is general planned for literally thousands of units. I think that's a reasonable statement. But, within some reasonable distance, is this significant in a policy way?

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CLAUS: Obviously, I can't answer your question.

WAY: I just leave it because you brought it up as an implicit or explicit kind of assumption.

CLAUS: Yes.

WAY: So, I think we should pursue it.

CLAUS: Actually, that is my very point. What I was suggesting was that these assumptions should indeed be pursued and that it would seem to me that your report really doesn't adequately pursue them. I think its quite so that the question you raised has considerably to do with the policy involved but there are a number of conflicting policies set out in the general plan which it seems to me have to be measured before action is taken.

YAMABE: Question of the Director. I assume the allegation made by the witness there's insufficient information, that you disagree.

WAY: Yes.

CHAIRMAN: If this parcel were developed as A-4, would it meet the criteria necessary for park? Does the area have the necessary park facilities to permit A-4 at this time? It appears to me from the report that there's a lack of park in that area. One would think that in itself would be enough of a criteria to make a decision in view of our present General Plan.

WAY: As to the precise method of how you would evaluate it, this is up to the individual judgment but based on the evidence we have provided by Parks and Recreation, it appears there is a reasonable basis in the general plan. That represents our view.

That much more additional information might be beneficial and to what extent seems to be the question that has been raised here today. I'm not prepared to answer that except to say I believe that there is sufficient evidence contained in the report supported by our files and further backup material that says this is a reasonable change in the policy of the general plan.

CLAUS: I would like to point out a couple of things in that respect. One is the position we're taking is this is a substantial amendment to the general plan because it does change a designation on the DLUM according to the Supreme Court in Dalton that any amendment in the general plan had to be comprehensive, and that if the general plan is outdated, then it should be comprehensively revised. In the meantime, it would seem that the policy is that if general provision as amplified by the DLUM be continued, and one of the policies set forth in the general plan is that the zoning is to continue until duly changed. The other fact that I wanted to point out is the stadium is going to be converted in park. That's not too far away from the site. There are going to be changes in the availability of park sites in the area. Its going to be a regional

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park as I understand it.

YAMABE: I would like to have substantiation of the statement just made that the stadium site will be converted into park and if so when, how large, so forth. Also I would like to know whether this parcel would be augmenting any other parcel recognizing its abutting the school site there. Does it mean the school will be also adding to this 30,000 square foot lot, some area which might enlarge the actual size of this mini park, or do we have structures surrounding the subject property, therefore the actual park would remain only as a 30,000 square foot mini park. If you have those answers, I'd like to have them.

WAY: I don't have the answer to the first question. I could speak to the second question about the relationship to the school parcel.

MCDOUGALL: The existing ownership pattern, this (pointing to map) area outlined in blue is owned entirely by the State of Hawaii for school purposes. The red portion is owned by the City and County and is currently being used for school purposes. The green area is the subject site and currently under lease. We have indications from the Department of Education that they support this particular proposal and are not anticipating expansion into approximately half of the site as indicated on the general plan at this time.

YAMABE: The question was did the Department of Education indicate that by the city acquiring this portion and designating this mini park would they also contribute some land area already designated school site, and possibly the City and County consider giving a portion of their property which is being used for school purpose, to enlarge the size of this mini park.

MCDOUGALL: We have no indications that the existing property owned by the state for school would be converted to park purposes. They do have structures on the city-owned land.

WAY: On that point, it should be noted that there are some mixed ownership patterns on our school sites throughout the city. How these came about is a matter of history. As you know, originally the city acquired property. Some of it has been conveyed to the state, some has not at this point. But, as a matter of practicality, its simply been assumed for use by the Department of Education. I suspect this is one of those cases because of the irregularity of the parcel where some early parcelization acquisition situation it came out that way. The boundary lines don't really mean that much in terms of usage.

YAMABE: What I'm trying to get at is I'm for mini parks but I'm not certain of having mini parks everywhere the Parks Department designates it or the Planning Department designates. If we can get some utilization where it would be of some benefit, I'm

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for it. However, if there's a possibility that a parcel of this size can be expanded, it might make a bit more sense, regardless of the mixed ownership. But, if its going to be confined to merely 30,000 square feet, at this moment that type of mini park would be serving the community, whether that would be the greatest need. I would like to clarify this in my own mind.

CHAIRMAN: Isn't it desirable to place a park adjacent to a school?

WAY: Yes.

BRIGHT: What is the status of the sewerage system in there? Is it adequate for the high density construction or is it adequate for the recommended uses?

WAY: If we might check the report from the Department of Public Works. I'm sure it is quite adequate for the recommended park usage which would have a fairly low, extremely low on a relative scale volume compared to the apartment development.

Yes, our report from the Department of Public Works indicates that for the proposed development they're adequate and acceptable. We don't have a report as to what the situation might be for the apartment development.

BRIGHT: Its my understanding that the sewerage is quite inadequate for that entire area.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Yamabe, seconded by Mr. Bright and carried.

ACTION was deferred to the next meeting for a lack of quorum.

UNFINISHED BUSINESS PLANNED DEVELOPMENT- HOUSING KANEOHE MAKANI KAI DEVELOPMENT CORPORATION (FILE #72/PDH-17)	The public hearing held June 20, 1973 was closed and action deferred for one week. The matter was deferred to the next meeting for a lack of quorum.
UNFINISHED BUSINESS PLANNED DEVELOPMENT- HOUSING KANEOHE (MAHALANI PLACE) CAPITAL INVESTMENT OF HAWAII, INC. (FILE #73/PDH-3)	The public hearing held June 20, 1973 was closed and action deferred for one week. The matter was deferred to the next meeting for a lack of quorum.

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UNFINISHED BUSINESS
PUBLIC HEARING
GENERAL PLAN AMENDMENT
OAHU, HAWAII
TO REFLECT FINAL
HIGHWAY RIGHTS-OF-WAY
& TO MAKE NECESSARY
ADJUSTMENTS IN LAND
USE DESIGNATIONS FOR
LANDS ADJACENT TO OR
AFFECTED BY THE
ALIGNMENTS
STATE OF HAWAII
DEPARTMENT OF
TRANSPORTATION
(FILE #224/C3/VARIOUS
& 180/C3/5)

The public hearings held June 20 and 21, 1973 were kept open, and the following requests were made by the Commission:

1. Inquire of the Corporation Counsel whether the Referendum route is possible.

2. Inquire of the State for their opinion from the Federal Government, what would happen if development of the H-3 did not proceed.

3. Minutes of the meeting.

The Director reported the receipt of a Statement by Richard E. Marland, Interim Director, Office of Environmental Quality Control, Relating to the Environmental Impact of the H-3 Highway. Copies of Dr. Marland's statement were circulated among the Commissioners.

Mr. Herbert Tateishi, Assistant Chief of Engineering, Highways Division, State Department of Transportation was called upon to respond to the Commission's inquiry.

TATEISHI: I am here specifically to respond to questions from the Commission. Also, I do have with me, Mr. Mandel, the Project Manager for the H-3 project. We wish to also clarify some of the testimony received at the previous public hearing.

YAMABE: Have you had sufficient time to compile the information, the question I had asked as to what might happen if H-3 at this time is abandoned?

TATEISHI: Yes, I have. I've checked with the Federal Highway Administration. For the purpose of clarity, I would like to divide the H-3 project into two segments. One, that segment that is presently under construction from the Halekou Interchange through the Kaneohe Marine Corps Air Station, and the other segment would be from the Halekou Interchange to Halawa Interchange which is presently under design. For that segment that is under construction, we've expended a total of approximately $30,000,000 for rights-of-way, construction and engineering. On the assumption that H-3 is not constructed, and also with supplementary construction to provide a connection to Kam Highway making that segment usable, we could redesignate that as a primary segment, that is put it on the primary system, now, the funding will change. Instead of it being 90% Federal funds, it would revert to 50% Federal funding. So, if we say that the total cost of that segment is $30,000,000, taking 90% of that it comes to roughly $27,000,000. If we say it will be designated on the primary system, we then use a 50% for Federal funding

and we get $15,000,000. Taking the difference of $27,000,000 and $15,000,000, we have a deficit of $12,000,000 which would have to be reimbursed to the Federal Highway Administration from State funds.

However, there is a second alternate in which if this segment is usable, the Federal Highway Administration, at the time the decision is made to abandon H-3, would consider all of the factors leading to that abandonment. If they feel that all parties have acted in good faith, they may afford special dispensation and retain the 90% funding.

I cannot give you a direct answer because that decision will have to come at the time the decision is made.

Now, for that portion that is presently under design now enjoined by the court, I'd like to give you a brief background for that section which is leading up to this court picture. In 1965, public hearings were held to locate the corridor for the H-3. A hearing was held in January of '65. The preference of the Department of Transportation at that time was going into Kalihi. The Kalihi corridor was our preference. Testimony was received by the public and there was considerable opposition to this route because of the displacement of families and increased traffic through that corridor.

In May of '65, a second public hearing was held. Because of the testimony received and reconsideration of the social problems, the State Department of Transportation did adopt the Moanalua corridor. We received FHWA, Federal Highway Administration, concurrence on that corridor.

We then held a second public hearing which was required by the Rules and Regulations of the FHWA in May of 1970. This was a design public hearing held on the Windward side. At that time, we went into the design details of the project. They were funded to go into Engineering.

We have spent approximately 4½ million dollars in State and Federal funds in terms of planning and engineering for that segment which is between Halawa and Halekou. Taking 90% of 4½ million, it amounts to approximately 4 million dollars.

Now, since the thrust is really not to construct a highway facility if this comes to being, then we cannot put it on the primary system. This would not be possible. So, in this case, since we do not come with a usable segment, there is a very good chance that we have to refund the Federal government the 4 million dollars.

That's kind of a long-winded explanation to your question, but I checked this out with the Federal Highway people.

ACTING CHAIRMAN: You said you would have to refund the Federal people 4 million but you have only spent 4 million thus far, that's a combination of both.

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TATEISHI: Yes, the 4½ million is a combination of State and Federal funds, and the Federal funds amount to 90% of that 4½ million which would make it Federal funds 2 million dollars.

YAMABE: If H-3 is abandoned, it would require the current approval of the State and the City, or just the State to make this decision?

TATEISHI: I would think that the H-3 project is financed by funds from the State Legislature, it would be a State decision. However, I am certain that since we have coordinated so closely with the Department of Transportation Services of the City in terms of exclusive bus lanes on H-3, it would have an impact on their program for implementation of their rapid transit system. So, I'm sure we would have to coordinate with the City.

YAMABE: So the Legislature and the City Council would be the ultimate bodies to make this decision.

TATEISHI: I would think so. I also would think that the City Planning staff would have an input because of the fact that H-3 implements the General Plan, particularly on the Windward side.

WAY: Following up that point, I wondered, a general point, if there has been any evaluation of consequences of not constructing H-3, in terms of traffic. Maybe the implications would fall most heavily upon Likelike and the Pali Highway, for example. Does your Department have any information along those lines? Mr. Yamabe has talked about other consequences, dollars for example. Can it be translated in traffic in some rough fashion?

TATEISHI: As you know, Likelike and the Pali are the only additional transportation corridors serving the Windward side from Honolulu. My concern would be that the increased traffic on Likelike and Pali, of course, would be beyond its capacity. Both Likelike and Pali are what we call from an Engineering standpoint, partial control of access, especially in the Pali area where we have numerous driveways that front on the Pali Highway. Increased traffic we know from an Engineering standpoint, on facilities such as these, would increase traffic accidents, possibly fatality. We do feel that the H-3 being designed as a fully controlled access facility, would provide a safer route for the motorists. Of course, this is strictly from an Engineering standpoint that I'm talking about.

WAY: Another question. The point was, I believe brought out by testimony that there would be an impact on adjoining lands in Moanalua, more particularly those that have some benefit as Park lands for public use and enjoyment. Has your Department coordinated, taken into account, or in what way, recognized this as a part of the Highway planning for this corridor through that segment?

TATEISHI: Yes, we have. I have with me, Mr. Mandel, who has been coordinating our activities with the Damon Estate Trustees. He's much more familiar with this aspect than I.

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MANDEL: The answers which I will give are also contained in the Environmental Impact Statement for Interstate Route H-3. Now, as I understand your question, Mr. Way, about the coordination with the planned Park in Moanalua Valley. First, the valley is owned by the Damon Estate which is held in trust and therefore the Trustees administer the valley. The Trustees have engaged a planning firm to plan the Park in Moanalua Valley. That firm is Belt, Collins and Associates. Their instructions to Belt, Collins and Associates were also furnished to the State Department of Transportation. They instructed Belt-Collins to cooperate with the State DOT. There will be coordination of effort to construct both the park and the highway in the valley. Belt-Collins has worked up a partial plan for the park. Its not yet complete. They've divided the area into two segments. They call one the makai park and the other the mauka park.

The makai park, the concept has received the approval of the Damon Estate Trustees so far.

The mauka park plans were still in development at the time that the injunction was placed. However, for our part, the development of the highway plan, we have in preliminary plan form, completed our work with respect to access from Route H-3 to both the makai and mauka park; provision of turnarounds so that traffic headed into the park from either direction could go back to its point of origin instead of having to continue across the mountains and then turn-around; and for provision of parking areas immediately adjacent to the highway; and for provision of access to the remainder of the park on foot or by whatever means the Damon Estate and its planners should decide to be the best method. Of course, these parks are set up so that the major factors to be developed within the park would have proper access from the highway.

WAY: To what extent can you identify the possibly destructive aspects of the highway as it might relate again to a park without the highway? What is being precluded from a park concept in that valley as a result of the highway?

MANDEL: The principal item precluded is, of course, the land being taken by the highway proper. Once used for the highway, obviously it cannot be used for park. Our estimate of the total amount of land to be utilized by the highway had been some 54 acres which we rounded up to 60 acres, and that included the accesses and the parking areas as well. Now that we have adopted the viaduct concept, that will be reduced slightly. But, for purposes of discussion, we can continue to use that figure. The question naturally arises what will be the effect of the highway upon the historic site, the botany, the wildlife and so forth.

WAY: Actually, they're somewhat intangible--the park experience.

MANDEL: That's right. Such factors as noise and air pollution are also required to be evaluated. All of these have been evaluated

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in the EIS (Environmental Impact Statement). I can only say that some 3,000 acres of park are planned for the two valleys--Kamananui Valley which is popular and called Moanalua Valley, and is the valley in which the highway is planned to be placed; and Kamanaiki Valley which is a parallel valley on the Diamond Head side of Kamananui Valley. If you like I can address each of these areas.

WAY: Yes, in summary fashion. We recognize that much of the points are covered in the EIS but I think its well to highlight and summarize that kind of information.

MANDEL: In a survey of Moanalua Valley in 1970, the Bishop Museum located some 70 sites.. One of these is very well known and has been well known for several decades, the famous petroglyph which is located along side the stream approximately a mile from the lower gate of the undeveloped portion of the valley. The other 56 included a few structures dating from historic times, that is post-Capt. Cook. Those as far as can be determined are all early 20th century sites, about a half-dozen of those. The remainder are prehistoric dating from approximately 400 years previous. Those have been evaluated both by the Bishop Museum and by the State Archaeologist, Dr. Stell Newman. Among them is an additional petroglyph and Dr. Newman recommended the preservation of both the petroglyph. He found the other to be in such poor condition that it was not worth preserving. Nevertheless, whether it would be worth preserving or not, the number of sites that lie within the highway alignment itself is four. They are, in one case, an indeterminate mound and in another case a former house site in poor condition, and a couple of former agricultural terraces. These are simply rows of stones at the present time. Many of them could be relocated if it were desired to do so but we have not received any suggestion that they be relocated, if they are valuable enough to be relocated.

All of the other sites lie outside of the highway alignment.

WAY: The point was made earlier that the Trustees have indicated approval for the makai portion of the park plan as it relates to the highway.

MANDEL: That's correct.

WAY: I presume you have some documentation of this. If that is so, I wonder if you might make it available to our department.

MANDEL: I have only the statement of Belt-Collins and of the Executive Director of the Trustees of the Damon Estate. Its indicated that in their meeting they approved this plan for the makai park. Nothing was issued because--I don't know why it would be issued. We were simply informed to plan accordingly. But, we went beyond that because we wanted to give the Trustees something that they could perhaps instruct Belt-Collins further, and so we did the mauka park highway planning.

WAY: On the Windward side, we had some considerable testimony presented that might be summarized--I think the concerns were for the construction phase in an environmental way, and this might be

translated into saying more particularly its impact on the bay. I think it was being pointed out that you'll have major construction in areas of significant rainfall, for example. Could you summarize measures of approaches that would be taken with respect to that problem and issues that's being raised?

MANDEL: Yes. Excuse me, I'd like to point out that this problem is one which exists not just on the Windward side but both sides. It was our conclusion in the planning studies that the greater problem would exist not on the Windward side but on the Leeward side. Therefore, it was gone into in some detail. In fact, there is a section in the planning studies which study the hydrology and its effect upon Moanalua Stream and the measures to be taken to be certain that we won't have a Keapuka repetition, for example. But, a qualitative appraisal then was made of the Windward side. It was concluded that the problem was less severe over there. But since the issue of Kaneohe Bay and its siltation was raised, of course, we have responded in the EIS to questions raised concerning Kaneohe Bay. But, beyond that in connection with the current litigation, the Attorney General's Office requested an independent study of the siltation effect upon Kaneohe Bay. This is a copy of the report on Ocean Engineering Consultants Incorporated. It is their technical report No. 103 dated January 31, 1973. Its title is "Effects of Construction of H-3 Interstate Highway on Erosion and Sedimentation Yield in Kaneohe Drainage Basin and in Kaneohe Bay." It is addressed directly to the question you asked. With your permission, I'll read directly from its conclusion:

> "The construction of the Windward section of the H-3 Freeway is likely to cause some increased sedimentation in Kaneohe Bay. This is partly due to exposure of bare earth previously with vegetation during execution of the project, and partly due to the permanent conversion of 30 to 40 acres of banana land into highway use. In this report, an attempt is made to quantitatively analyze the effect of exposure of bare earth during construction of the freeway on the sedimentation in the bay. An evaluation of the permanent effect is difficult to achieve within the scope of the present study but it felt that these adverse effects may be considered insignificant. For the evaluation of the temporary effects during construction, it would assume that at no time during the construction phase the amount of bare area would be over 17 acres such as in agreement with specifications for the proposed construction. Under the above-mentioned assumption and with some additional presumptions, the additional sediment discharge into the bay may be classified from insignificant to moderately significant."

Of course, there's a report that follows which is presumed to substantiate this conclusion.

WAY: If you might explain, what is significant? What happens? Coral dies? Could you explain, insignificant to moderately significant?

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MANDEL: Let me read the next two paragraphs:

"The bed- load portion of the sediment load estimated at 5,100 tons will settle at the mouth of Kamoalii Stream. The suspended load may be easily distributed between the Kaneohe section and the Kahaluu section of the bay. Each area may be loaded with less than 4,000 tons of sediment. In terms of sedimentation, this may be in the order of a few millimeters or less silt."

You received previous testimony in earlier meetings on this same subject which--

YAMABE: You mean over and above what we have today or a few millimeters?

MANDEL: It would be additional. You've heard testimony of inches of sediment. This will give you a range of value.

BRIGHT: Would this be with respect to the entire bottom area or with millimeters per cubic foot of water? How does that measure?

MANDEL: No, this is thickness and I'm sure it would not be uniform. I wish you would keep in mind, of course, that this is not my report.

TATEISHI: We can make that report available if you wish.

BRIGHT: Yes.

MANDEL: There are further recommendations made as to what could be done to minimize this. Its certainly our intention to adopt each of these suggestions, hopefully to keep this at an absolute minimum.

WAY: Are there other studies ongoing in relation to this that you might want to advise us on? This one is new to me and I just wondered if there are.

MANDEL: Well, there is an extensive bibliography in the back of this which contains some 31 items.

WAY: Has your Department of Transportation authorized other studies of a similar nature dealing with a particular environmental problem, that are underway or contemplated for the future?

MANDEL: No. We feel that our EIS study contains all of the studies essential to an evaluation.

WAY: Was this study as a result of a finding in that environmental study for some further investigation.

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MANDEL: Let me explain why this was undertaken. I'll use the words of the report:

> "The effects of the construction of the Windward Highway section of the freeway on sedimentation in Kaneohe Bay had previously been examined qualitatively and comparatively. This report offers a first estimate of the quantitative effect of construction."

WAY: Has there been examination of the, I think the most appropriate way to put it, the visual aspects of the highway, and if not, what if any continuing kinds of examinations of this problem might there be, and could you describe those for us.

MANDEL: I was told that your immediate concern was that which was expressed in the earlier meeting, and that is the view of the viaduct on the Windward side to residents of that side.

WAY: I might also comment on the view from the Pali Lookout which has been brought to our attention.

MANDEL: Yes. Many people have stated that the view of the Windward Viaduct from the Pali Lookout would be detrimental but as a matter of plain fact, the Windward Viaduct will not be visible from the Pali Lookout. It lies beyond a promontory. So, the view would be from the Windward side specifically. The viaduct has been the subject of extensive architectural studies. As a matter of fact, the Department of Transportation has an entire slide showing of various studies that were undergone to come up with the present design of the Windward Viaduct. There is a major Structures Report which has been published which deals in great part with the architectural studies of the Windward Viaduct.

We have included in the EIS some graphics in an attempt to show what the Windward Viaduct would look like, specifically to give its view in scale relationship to the Pali itself. That picture is in the EIS. I don't know if the Commission has a copy of the EIS but I have one here.

TATEISHI: The State DOT has retained one of the foremost architects in the State of Hawaii, Pete Wimberly, to advise us in the architectural features of the H-3 project.

YAMABE: Do you feel there's reasonable validity to this school of thought that maybe this other course might create a situation where it might become a solution to some of the problems that we're faced with, mainly transportation pollution.

TATEISHI: From your question, you are asking whether if not by building additional highway facilities and causing congestion, that would then force the people to use other modes of transportation. You can-- Specifically, as a highway engineer, one of my duties is to respond to citizens when they feel that the Department of Transpor-

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tation, particularly the Highways Division, has not performed its function. I can only recall when prior to opening the H-1 freeway from roughly Waiau to the Halawa area where congestion was increasing to an intolerable amount as far as the people that were calling on the addition of Kam Highway because that was the only facility available. People call up and swear at me and say what are you doing about it and we say we're trying to open this section of H-1. From our standpoint, if we are not the recipients of the complaint, that may be our proposal but you would not want that proposal implemented because of the complaint from the citizenry when congestion increases to intolerable amounts.

YAMABE: I'd like to touch upon the core of this question. I guess this is a philosophical question, is this possible because people being what they are, unless they're really in a pinch, we tend to react. Basically, I think government is in a position to react. However, might there be a possibility or is it reasonable to assume that if this course where we make it so difficult that in spite of the short period of inconvenience, we may come up with a better solution, I'd like to have your opinion whether this is possible.

TATEISHI: Well, the other thought that comes to my mind is the lack of highway facilities has not deterred people from building or buying cars. I think the highway facility is a factor but there are many overriding factors which will determine whether the family gets a second car, employment, necessity for someone to go to school, to work, the economics of that family. I think these play a more important role. I think the suggested process of congesting the highway is not the correct solution. I'm hoping there are controls on the automobiles that will be coming through the efforts of the Interdepartmental Transportation Control Commission, this sort of thing.

MANDEL: If lack of transportation were deterrent to the development of an area, there would be no Hawaii Kai today. So, we know here in Hawaii where housing is so short, and where the denial of housing would have to be classified immoral to deny people a place to live here--this is just a personal opinion, of course. People are going to seek housing whether there's transportation or not. Having done so, it falls to government to provide the facilities that must accompany the housing. The question has been asked, what's H-3 going to do to land speculation? The obvious response is there's no H-3 and what's happening in land speculation?

YAMABE: This is the point of my question. Recognizing that regardless of whether there's a deterrent factor to transportation facilities and so forth, people still do seek homes and somehow they still manage. Therefore, if we didn't have this continuing expansion of highways, would this eventually force the people into acceptance as well as governmental agencies, to seek other modes of transporting people, not necessarily on the highway.

MANDEL: We were, of course, required to examine alternatives to Route H-3 when performing our EIS study. The first thing examined

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was the alternative corridors. More recently, we did examine alternative modes, specifically mass transit. There is the alternative of doing nothing, and what are the consequences of each of these alternatives. They're examined in some detail in that very same EIS statement. If we were just to do nothing, then we'd find that the Pali and Likelike Highway being at capacity at the present time can hold no more automobiles within a specific time period than they do. The more vehicles that try to enter that highway, the only thing that can happen is to extend the time period. In other words, the peak period gets longer and longer. We have a very interesting set of diagrams in that Statement which show what will happen to the traffic on those highways over a period of some 10 or more years, in which the number of automobiles passing a specific point was counted by 15-minute intervals in the same week, in the same month each year. This is the type of study the DOT carries on regularly, as a matter of practice.

YAMABE: Are you saying then that if we're going to provide service for automobiles, we'll have to keep on building more highways, more corridors?

MANDEL: No, I'm not saying that. The OTS study said that we must have a strong mass transit system. The DOT endorses that concept. But, we don't know, for example, what the mode of living will be in the year 2000. We don't plan for them. The lifestyle may be something completely unrecognizable to us.

YAMABE: Is it possible then, once we have this mass transit incorporated into the entire H-3 system that we might forego any future or additional corridors?

MANDEL: The possibility is certainly there because the corridor is being planned so that the mass transit itself can be upgraded as time goes on. By upgrading I mean this, initially when it was first put into use, it will consist of express buses in an exclusive lane. But as I mentioned to you earlier, should one day they decide that this corridor should have the same type of transportation as the trunkline would have which is a track system, then that lane in each direction on Route H-3 will be immediately adaptable to that system. The road bed and clearances are all there. Its simply a question of laying the tracks and wiring it properly and using it.

TATEISHI: In terms of alternatives, one should look on viable alternatives. I think the rapid transit system has the capacity no doubt to carry people; however, funding itself will be a problem. It is not part of the City's transportation planning at the present time.

ACTING CHAIRMAN: You've puzzled me somewhat. When you considered alternatives, the first major alternatives you said it was doing nothing. I really don't consider that an alternative. I'm wondering whether alternatives such as rapid transit on this Route H-3 has been

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thoroughly studied, rapid transit by itself in Moanalua Valley.

MANDEL: I should point out to you that when the Mass Transportation Planning Branch calculate the diversion to transit, assuming H-3's not built, and there is a transit alternative at the present, then on specifying the corridor, there will be a Trans-Koolau transit system. Then, they put characteristics down of that system and it could be in Moanalua, Kalihi, or Pali. But, the diversion is calculated on the basis of people's travel time, conveniences and so forth so that the diversion is applicable to any one of those valleys that would be considered.

It happens that a separate determination was made as the most suitable transit corridor from the standpoint of service would be Kalihi, if we were to eliminate H-3. Its my own conviction that one day transit in the Moanalua Valley which terminates at the Halawa Stadium and transfers to the trunkline will probably be far more suitable than Kalihi. But, the construction of the transit system in Moanalua Valley must take lands and must tunnel through the Koolaus and Red Hill. So if there's objections to Route H-3 because of its construction, we would have similar objections to transit on the same basis.

ACTING CHAIRMAN: Well, the problem to consider is that when you provide a highway, you automatically conclude that the people on the side are going to have cars. The housing that we're providing on the other side is for people who are of medium and lower income. If we have the highway, its hardly likely that mass transit is going to be a viable institution, if the population gets extremely dense on that side.

MANDEL: The calculated diversion to transit with H-3 is 22% according to the OTS study. Transit is definitely anticipated to be viable to that extent. What I'm really saying is we must have both. We cannot get along with just H-3 or just transit.

ACTING CHAIRMAN: I can't help but feel in my mind that Hawaii is a little different than the mainland. We don't have all the land that they have there. What little land we have, we must use very judiciously. I'm wondering whether many years from now, we'll look back and feel sorry for our actions of today describing that so much land be used for freeways.

MANDEL: The actual number of lands to be used by Route H-3 is not tremendous compared to what you propose for housing, parks and any number of facilities. For all of Route H-3, we're talking about 125 acres or less.

ACTING CHAIRMAN: That's for the freeway itself, and then the people who have to provide garages for the cars they buy. We'll use a tremendous amount of land for automobiles, and I'm wondering in a place such as Hawaii, perhaps this is not the correct approach. Have we looked into all other approaches? That's what puzzles me.

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MANDEL: Of course, transportation planners have no choice but to provide transportation for the existing General Plan. You tell us with your General Plan that you're going to have certain facilities, for example where people are going to live. Transportation planners have to figure out how they're going to get from one place to the other.

ACTING CHAIRMAN: It seems you're going full speed with our General Plan before we decide on where to put our highways or whether to put highways at all.

MANDEL: Well, what I'm saying is that we've no choice but to accept that which you put before us. In this case its the 1964 General Plan as amended.

YAMABE: The witnesses that appeared before us at the last hearing, there was overwhelming testimony that they don't want this highway. A few questions were asked whether they realized the consequences, because actually, you and I are planning for the people out there, and the people we're attempting to serve say they don't need it.

MANDEL: I think if you noticed very carefully who it was represented by the figures, there were two homeowner groups represented in your hearing. One was the Haiku Valley Homeowner's Association who are immediately adjacent to the highway in Haiku Valley. They are one of 18 groups in the Kaneohe Community Council. The other 17 groups of residents have all endorsed the highway.

YAMABE: Oh, did you have endorsements?

WAY: If I might respond to that, we did have one that I don't think got into the record, the Kailua Community Council, specifically endorsed it. There have been, perhaps Mr. Mandel is referring to them, prior endorsements. I don't know that those have come to this Commission as a result of the calling of these hearings. Is that not true?

TATEISHI: I do have a communication which is pertinent to your question, from E. Alvey Wright, Acting Director of the State Transportation Department. He has asked me to present this letter to you:

> "During the public hearing conducted during the Planning Commission meeting on June 20 and 21, 1973, a number of organizations gave testimony in opposition to the proposed General Plan Amendment which would place Interstate Route H-3 on the Oahu General Plan and Detailed Land Use Map. Because the Planning Commission meeting was for the purpose of defining the exact location of the Interstate and Defense Highway System Routes H-1, H-2 and H-3 on the General Plan, and not the need for the system or any segment thereof, it can be assumed that this was the reason that community groups

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in support of the Amendment did not testify. Now that the Commission has received testimony by groups opposing Route H-3 however, we wish to place in the record, letters received from local organizations in support of Route H-3. These are attached. We have made no attempts to furnish the names of individuals who have indicated support nor have we listed public officials and legislative groups who have taken official action to further construction of the highway, very truly yours, E. Alvey Wright, Acting Director."

YAMABE: You might convey to Mr. Wright that although we do recognize our responsibility and authority and the limitations imposed on the Commission, we recognize that we don't establish the policy. However, it is my understanding that when you place before a public hearing the subject matter, we should receive everything and all matters should be considered. We are vested with the responsibility of making any suggestions or recommendations. We're merely implementing the policy by establishing the H-3 Route. Any information related to the subject matter is greatly appreciated. It would be wrong for you to assume that we don't need the information. We know what we can and can't do. Its a question of what we transmit to the Council or to the Mayor as an advice. I think that's our responsibility. We appreciate the governmental position as well. We understand this too. I know its not simple.

WAY: A point has been touched upon earlier that the Commission may want to take into account in deliberations on this matter, and that is the General Plan. Mr. Mandel has referenced the point I want to make that the transportation planners are planning for land use determination, population translated into trips. That's the fundamental basis for proceeding with their particular proposal which is sort of in just a general statement way. But, I do think the Commission may want to consider the implications of transportation planning, but it may also want to consider how this could be framed in the form of a recommendation as it relates to land use. Maybe one of the alternatives that this Commission should take into account would be a recommendation that would change the land use on the Windward side primarily, because this is where much of the generation of trips comes from that provides the basis for the need for a corridor to serve that land use designation. At this point, I can't specifically state what this would mean but possibly a considerable reduction in the land areas designated for Urban on the General Plan and presently zoned for Urban purposes of the various classifications that we have--apartments, single-family, so forth.

In effect, I would say from the testimony that we have, it would appear that we can establish sort of a status quo, a comfortable transportation arrangement, that is to say transportation people tell us that the Pali and Likelike Highways are at or near capacity. If that's the case then the development over there is generating about the maximum number of trips that we should have, it would seem to me. Rather serious and significant changes then would have

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to be changed and brought about in our General Plan and Zoning to hold it at that situation.

Now then, the alternative for us to consider and the Council is what should the use of that land be, if we take it out of an Urban designation. I did want to try to focus on that point. Just to make the point as briefly as possible that the land use, it seems to me, is the principal causative factor that needs to be dealt with if we're going to materially change transportation requirements.

BRIGHT: Are you suggesting a recommendation to the City Council of a moratorium? It seems to me that's what you're saying that there should be a moratorium on all development out there until the General Plan can be examined and changed if necessary.

WAY: More than that, I think, if its decided that we don't want the transportation corridor, we have to address the problem of land use. I guess I would say a moratorium is quite insufficient. That's only a temporary measure. It may be necessary but it would seem to me to be rather an extensive change in the land use, the designation of areas for Urban purposes, changing of the Land Use Boundaries, changing of the General Plan and the Zoning.

BRIGHT: What length of time would you consider adequate to make some studies and to implement that?

WAY: I don't know. Certainly, I'm not saying this is a proposal. I think though its an alternative that you may want to take into account because that's where the problem is, fundamentally. Its in the designation of areas for the use of Urban purposes.

BRIGHT: There is an injunction on construction of the H-3. In the event the courts determine to dismiss this injunction, then the H-3 would become an entity and construction would proceed. Our decision here hinges around whether we should implement the General Plan at the present time so that in the event the injunction is dismissed, work could proceed without further delay. We have received an awful lot of testimony but I don't believe its very germane to the actual issue, and that is implementation of the General Plan, in the event the injunction is dismissed. Am I correct in this?

WAY: I don't know the status in a legal of what the injunction would or would not do, whether the State DOT would or could proceed. There still, it seems to me, the question of an appropriate designation on all the various General Plan maps, DLUMs and DPs of an alignment, of a location. This is what is before this Commission. I think that's still an open question.

BRIGHT: The only observation I can make from all of this testimony and from the actual issue before us is that this is an alignment of the General Plan which would have to be accomplished in any event.

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WAY: Yes. We propose that they have presented the matter along the lines that it is a consideration of alternative locations, fundamentally.

YAMABE: I would like to accept Mr. Way's statement. He's pointing out to us the many causing effects and so forth, and I think this is what we're trying to get at, get down to the core of it and be sure that we touch all bases. I appreciate this statement. I don't think it necessarily meant that there should be a moratorium. You're not making any suggestions, but these are many areas of consideration. I do appreciate it because I personally feel wherever possible, we should explore into all areas. None of us should be boxed in. We should expand on what can be done. I appreciate that statement very much.

(There were no further questions of Messrs Tateishi and Mandel.)

Questioning of Mr. Shinji Soneda, Chief of Environmental Health Division, State Department of Health, followed.

YAMABE: Do you think its reasonable for us to assume that at this point, there's nothing conclusive where we can say that's what's happening in that bay or what might happen tomorrow with construction of the highway or with the approval of more subdivisions in that area, that it will reach a point where it becomes extremely detrimental to the community?

SONEDA: We certainly don't have anything independent of the same information that you have been given, to come to any kind of conclusion as to the imminence of collapse in Kaneohe Bay. But, the very reputable scientists have become concerned about that situation. There must be some validity to their position that they seem unanimous in their feeling that the south end of the bay is in imminence of collapse or crisis. We don't have anything that would prove or disprove that point.

YAMABE: Whom are we talking about, these scientists?

SONEDA: Primarily the Hawaii Institute of Marine Biology people, Dr. Helfrich, Dr. Banner, Dr. Bardach and others at the University.

YAMABE: That's a communication that we recieved. I read it and it didn't seem too conclusive. I realize that extreme concern was expressed here.

SONEDA: Well, we were at a meeting last Monday in which we were discussing the ranking of projects for purposes of dispensing funds for sewerage facilities. There were a number of testimonies made in that connection. I took some off the tape and if you'd care, you could listen to it.

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(Following is excerpt from tape submitted by Mr. Soneda.)
Testimony of Mr. William Matthews, Conservation Council of Hawaii:

"There has probably been no body of water of comparable size that has been more intensively studied than Kaneohe Bay. The bibliography alone of such bay is over half an inch thick. The fact is very well documented that the degradation of Kaneohe Bay has been rapidly increasing since the installation of the secondary treatment plant discharging into the bay. I can state from personal experience--in fact I've been sailing in the bay for the past 20 years. No one snorkels in the southern end of the bay anymore because you can't see three feet in front of you now. The 16 senior investigators of the Hawaii Institute of Marine Biology dramatically summarized the situation in an open letter of March 8, 1973 saying that the capacity of Kaneohe Bay to receive sewage effluent has already been achieved. I see we have both Dr. Caperon and Dr. Helfrich in the audience this evening. Dr. Helfrich commented last week that its almost impossible to get 16 biologists in the same room together and have them agree on anything, and yet these 16 scientists were willing to sign their names to the urgency of the problem on Kaneohe Bay.

"Studies by Dr. J. Caperon has shown an advantage to the main input system in Kaneohe Bay is much more than directly proportional to the amount of sewage input than actually a multiplier affect takes place. For example, an increase of 10% of sewage effluent might cause up to 100% damage to that particular system.

"A study by J. Morather for his Doctoral Thesis in 1972 of the destruction of coral reef shows an approximately 4th-coral increase in sewage effluent with an accompanying 11-fold back increase in phosphate concentration during the last 10-year period.

"Finally, the very high land projected development of the Kanehoe Bay Watershed during the next four years compiled with the almost catastrophic potential of increasing damage, makes it imperative to consider some local adjustment to the scheduling of expenditures if we are to obtain a maximum return statewide environmental protection for the dollar expended."

Statement by Dr. Helfrich - "The evidence presented by Phil Matthews contains several documents based on a very thorough study by James Marigo that was conducted over the past five years of the Bay. Several statistics are that 99.9% of the coral in the south end of the bay is dead, 86.8% in the central portion of the bay and 26.4% in the north end of the bay; I think we all know the south end area that use to be called the coral garden..."

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YAMABE: Mr. Soneda, is it possible for the Department of Health as well as the other agencies connected to this H-3 development to establish a fact that any further development or any development at whatever stage will be so detrimental that we should seriously consider stopping the development at whatever given stage?

SONEDA: I'm not sure whether you're referring to the primary development which is the highway in this case, or the development in general in the Kaneohe Bay Basin.

YAMABE: Well, development as a general basis because I don't know how much H-3 would contribute to Kaneohe Bay. I don't know how much the other developments would contribute to the pollution of Kaneohe Bay, generally speaking.

SONEDA: If the concerns expressed by the scientists are valid, and they were addressing their concerns in terms of our ranking our projects which has building lag factors in them of several years at the minimum maybe six years or longer, some action such as the one that was indicated by Mr. Way, or a more immediate action possibly by slowing down development is called for in that basin, in such a way that the development will proceed--this is now talking purely from a saving the bay kind of thing--the south end of the bay appears to be very, very bad and is rapidly approaching an impossible situation, according to the scientists, and therefore, certainly, we can't wait for that kind of action that is only now being planned. Something more dramatic than that represented by something which is being planned now to be implemented six years from now or rather the kind of thing that Mr. Bright was talking about of possibly having a moratorium, if that's the right word, until such time until waste discharges into the south end of the bay particularly, waiting until such time that we do divert this material out of the bay into the open ocean, and coordinate the development up the coast towards Chinaman's Hat in such a fashion that you would allow development only as the connection to this diversion system is made, strictly speaking from the sewage end of the thing and not the soil.

YAMABE: You preface your remarks by saying if we can substantiate these remarks.

SONEDA: Not so much substantiating but in this kind of matter, its who do you believe to be right. You either believe these kind of people who have studied all their lives in this kind of environment or you refer to your own reaction.

YAMABE: Do you think we've reached the point where decision making bodies will have to make a decision based on--I certainly consider this to be limited, if not confusing information. For example, we have a statement from Richard Marland, that the social benefits outweigh the problems doing with H-3. We have professionals in many areas providing us generously with their opinion.

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SONEDA: The indication is that the south end of the bay is where the worse situation is and is contributory to the Kaneohe STP at the present time, isn't necessarily applicable up the coast towards Chinaman's Hat because that's getting closer and closer to the open end of the bay as they call it.

YAMABE: I don't want to be in a position where it seems as though we're passing on the responsibility to somebody else. We're groping for answers too. We're relying upon the professionals to provide us with the necessary information.

SONEDA: The surprising part about this situation is that 16 or so scientists at the University have agreed upon a point which they consider to be quite unusual in itself. But, going back to H-3 and the environmental impact, I think the administrative mechanism for considering these things have been already mentioned. The EIS is one of them and the process of the Environmental Protection Agency on the visual level reviewing the EIS draft and passing on it is one thing. We on our side have been working very closely with the Highway Department to minimize--certainly, there is going to be a difference between not constructing this highway and constructing it. There's going to be some environmental cost involved in constructing it compared to not constructing it. We have a handle on trying to minimize the effect.

Another thing mentioned is that the drainage from this area on the Windward side is going to flow towards Kahaluu which is up the coast closer to the open end of this situation which is not as bad as this being deposited or flowing to the Kaneohe Stream kind of situation.

ACTING CHAIRMAN: From what you have said, I come to the conclusion that we have reached the point in time where professional people could actually tell us what we should do, what and where we should develop, and where we shouldn't. They can tell what kind of runoff there will be, and what kind of damage will be done. Are you familiar with any island-wide studies that would recommend that development be abated at this particular point, just as you stated here?

SONEDA: No. I think the unanimity is confined to the Kaneohe Bay situation. I know of no other occasion which talking to various scientists would come to the same conclusion. But, in the case of Kaneohe Bay and certainly in the south end of Kaneohe Bay, there seems to be strong consensus there.

ACTING CHAIRMAN: And you feel we should take note of their recommendation in our land use because that's more or less what you're trying to tell us? I just want to make sure I'm getting your message.

SONEDA: Well, given our system, the difficulty is that the people with the information, the scientific information, are not a part of the administrative mechanism; and the people doing the administrative decisions such as this body here, most of the time are lay people. So, its going to come down to whom do you trust?

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ACTING CHAIRMAN: Well, one would think that in any civilized society one looks toward the people who supposedly studied something and know about it, and uses them to influence the decision and that is what I want to be sure I understand what you're telling me.

SONEDA: I would suggest that. I wouldn't say it always works in that fashion, unfortunately.

WAY: Mr. Soneda, what is the role of your department in the question of the waters of Kaneohe Bay, more particularly, I guess I'm a little concerned that you're making reference to some points raised by 16 scientists. What is your department's view on the so-called degradation of the bay? How can you advise this Commission?

SONEDA: Okay, there's two aspects to this problem, the long term aspect, I think we have completely adopted that as our working philosophy, and we've consistently acted in that fashion. We've declared the whole bay double A from what was partially double A and A, and we've endorsed completely, the City's plan to divert this particular thing, we have held the meetings required, we have given the authorizations, we are reviewing the plans, etc. All of our actions are consistent with this particular working philosophy, policy. When you ask, however, whether the crisis that they're predicting is going to occur today, tomorrow, the next house, the next three houses, ten houses, that's pretty much a dismantled thing. We don't want to impose our judgment on that situation relative to the kind of decision that you have to make. We can tell you how we think about it but very often that's not going to be not enough, I'm afraid.

WAY: More specifically, if we're looking at the outfall situation, we know that there's certain gallonage of effluent going into the bay. Is there any way for your agency to tell us that when that reaches 10% or 50% or 100% more, that the situation will become so serious that other measures to abate it must be taken?

SONEDA: I'm convinced that that point has been reached and past. I've tried on several occasions to stop at our level, further development in this particular thing. We're told that the kind of handle we have on the problem does not allow us to exercise that kind of action. That's the proper action on your part.

WAY: Wait a minute. What is this handle that you don't have? Don't you have authority to stop Building Permits?

SONEDA: No action of that sort because Building Permits need not come to us. We have to concur on certain developmental ah--

WAY: Okay, subdivisions?

SONEDA: Subdivisions, yes.

WAY: Planned Unit Development?

SONEDA: Right.

WAY: Zoning changes, General Plan Amendments, your advice is sought on all of those.

SONEDA: Right. In addition, we can take action approving some of the components thereof. But, whenever we try in this area or elsewhere to exercise this particular thing, our legal advice has been that we have to wait until the events that we're predicting to occur, occurs and then move in, because ours is a reactive kind of thing. We have communicated, I think, a number of times relative to the Planning Department stating that we think it should be stopped now.

BRIGHT: I think you should come down to specifics--

SONEDA: Yes.

BRIGHT: And say, look, there should be no more building.

SONEDA: Well, not to the extent of saying do not build any place at any time, but saying there should not be construction in this area. We have stated that before. But, that's in an advisory capacity to the Planning Department.

BRIGHT: Well, this is the kind of advice we need so that we can make a decision.

SONEDA: Right.

BRIGHT: If you say there shouldn't be any construction, we would take your advice.

SONEDA: Well, I did state a few minutes ago that the situation at the south end, all of those developments that are tributary to the south end should wait until it can be made co-terminal with the construction of the facility. I, for one, believe what the scientists are saying. It might not happen today or tomorrow but certainly right around the corner.

WAY: I wonder if you would care to address the subject of what might be the relative differences, if any, impact on the bay between the siltation problem and the effluent discharge problem.

SONEDA: Well, Dr. Helfrich on the tape which I will leave with you, gives his allocation on the south end again of what is caused by siltation and what is caused by human excreta.

WAY: Do you recall any developments that have been recommended for approval where your department recommended that they not be approved?

SONEDA: No. I think we've worked very closely in that regard.

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WAY: I think we've only had a couple of subdivisions, in fact, where the case is made for not permitting development. That's my recollection. But, we do have and I know you know that we have planned developments, zone changes, general plan amendments, and other issues in the south end of the bay, if my geography is correct here. It is my recollection, in fact we have a couple on the Commission's agenda today. We don't have a report from your agency recommending denial, and it is proposed that there be developed 150 units in total, I think, right on the bay, on Keaahala Stream.

SONEDA: You remember, I used the term co-terminal with the diversion. The south end which is the first end which is going to be considered to be connected to the system, the plan for that particular thing is practically finished. That's the first part that they're going to resolve. Its further within that system that's tributary to that south system that's going to be more and more problems. I think if those came up--there were a number of those especially in the Kahaluu area that this indicated that do not go. We're even trying to recommend against indirect discharges, those going into cesspools and then out into the bay.

WAY: Well, like I say, those that your department recommends against, I think we would fully support. I think its pretty clear that that's what we have done, but I'm not sure I can quite reconcile that view with what I think may have been understood to be what you're saying here in terms of the moratorium aspect. Maybe what you're talking about is a very selective moratorium or looking at specific projects as they come up for consideration as to whether they are approvable or not.

SONEDA: Certainly, this question of a moratorium just came up, as far as I'm concerned, while I was sitting here listening. I just picked up that point that it seemed that something of that sort is required if we're really going to address this overall problem.

WAY: For the entire region.

SONEDA: Yes, especially in the south part of this region.

WAY: Okay.

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

The public hearing remained open and action was deferred to the next meeting for a lack of quorum.

STREET NAMES

The Commission recommended adoption of the following street names, on motion by Mr. Kamiya, seconded by Mr. Yamabe and carried:

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1. Waiau Light Industrial Park Subdivision, Waiau, Ewa, Oahu, Hawaii:

KUAHAO PLACE (Road "T") — A culdesac on the Ewa side of Kaahumanu Street, between the H-1 Freeway and Moanalua Road.

Meaning: Anvil, as used by blacksmiths.

2. Egami Subdivision, Kahaluu, Koolaupoko, Oahu, Hawaii:

LAUMIKI PLACE — A culdesac in the upper portion of the valley, off Ahuimanu Road.

Meaning: To flow slowly.

3. Waimanalo Residence Lots, 5th Series, Unit 3, Waimanalo, Koolaupoko, Oahu, Hawaii:

Amend Resolution No. 166 adopted on October 10, 1972, by changing the roadway designation from street to place for the following dead-end roadways:

a. Kawahina Place
b. Kamauna Place
c. Kekumu Place

AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU (CZC) RE PROVISION FOR LOW & MODERATE INCOME HOUSING — The public hearing on this matter held May 16, 1973 was closed and action deferred for clarification of language by the staff.

This matter had to be deferred to the next meeting for lack of a quorum.

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The Commission authorized the Director to schedule a public hearing for the following matter, on motion by Mr. Yamabe, seconded by Mr. Bright and carried:

GENERAL PLAN DLUM AMENDMENT APARTMENT AND RESIDENTIAL TO PARK USE SHERIDAN TRACT C&C DEPARTMENT OF RECREATION

1. The request is an amendment to the Oahu General Plan Detailed Land Use Map for Makiki, Ala Moana to designate the above listed parcels for park use.

ADJOURNMENT: The meeting adjourned at 5:00 p.m.

Respectfully submitted,
Henrietta B. Lyman
Henrietta B. Lyman
Secretary-Reporter II

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FLASH CARD

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Meeting of the Planning Commission
Minutes
July 11, 1973

The Planning Commission held a meeting on Wednesday, July 11, 1973 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:

Eugene B. Connell, Chairman
Roy R. Bright
James D. Crane
Randall Kamiya
Fredda Sullam
Thomas N. Yamabe II

STAFF PRESENT:

George S. Moriguchi, Director
Department of Land Utilization
Robert Rider, Acting Chief Planning Officer
Department of General Planning
Loretta Chee, Staff Planner
Henry Eng, Staff Planner
Charles Prentiss, Staff Planner
Ian McDougall, Staff Planner

ABSENT:

Antone J. Kahawaiolaa

MINUTES:

The minutes of May 23, 1973; June 6, 1973; June 20, 1973; June 20-21, 1973 Supplement (H-1, H-2, H-3 Defense Highway) were approved, on motion by Mr. Crane, seconded by Mrs. Sullam and carried.

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
(20-UNIT APT.BLDG.)
RICHARD TOM
(FILE #73/HCD-10)

A public hearing was held to consider a request for construction of a 20-unit, 4-story walkup apartment building within the Hawaii Capital District, Tax Map Key: 2-1-21: 16.

Publication was made in the Sunday Star-Bulletin/Advertiser of July 1, 1973. No letters of protest were received.

Mr. Henry Eng of the staff presented the Director's report of the request. This application is a resubmission of an earlier request which was withdrawn. The earlier recommendation was for denial based on an inappropriate design for the district. The revised submission is consistent with the intent of the HCD ordinance in bulk height, orderly use of materials and colors. The plan needs more emphasis on landscaping to screen the freeway from the proposed building. Approval is recommended, subject to the following conditions:

1. The building and site plans be revised to meet CZC setback requirements.

2. Detailed landscaping drawing to include screening by mature trees be submitted for review and approval by the Planning Department prior to issuance of a building permit.

No discussion followed.

No person was present to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Bright, seconded by Mr. Yamabe and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Bright, seconded by Mr. Crane and carried.

AYES - Bright, Crane, Kamiya, Sullam, Yamabe
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
(5-UNIT APT.BLDG.)
KENJI NAGANO
(FILE #73/HCD-15)

A public hearing was held to consider a request for construction of a 4-story, 5-unit apartment structure within the Hawaii Capital District, Tax Map Key: 2-1-38: 04.

Publication was made in the Sunday Star-Bulletin/Advertiser of July 1, 1973. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. A 4-story, 35'-6" high masonry structure with 4 two-bedroom apartments and 1 studio apartment is proposed, with ground level parking to accommodate five cars. The Director's recommendation is for approval, subject to the following conditions:

1. The roof tops be landscaped or have other treatments such as trellis, shingle or crushed cinder to soften their impact.

2. The lanai railing be modified as indicated in the Director's comments.

3. Landscape drawings to include mature trees be submitted for review and approval by the Planning Director prior to the issuance of a building permit.

No discussion followed.

No person was present to speak either FOR or AGAINST the request.

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The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Bright and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Crane, seconded by Mrs. Sullam and carried.

AYES - Bright, Crane, Kamiya, Sullam, Yamabe
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
ZONING CHANGE
R-6 RESIDENTIAL & A-1 APT.DISTRICT TO B-2 COMMUNITY BUS. DISTRICT
WAIMALU
OCEANVIEW VENTURES
(FILE #73/Z-15)

A public hearing was held to consider a request for a change in zoning from R-6 Residential and A-1 Apartment Districts to B-2 Community Business District, for approximately 13± acres of land located in Waimalu--area bounded by Moanalua Road, Punani Channel and Waimalu Stream, Kamehameha Highway and Kaahumanu Street extension, Tax Map Key: 9-8-08: 4, 6, and portions of 3 and 8.

Publication was made in the Sunday, Star-Bulletin/Advertiser of July 1, 1973. No letters of protest were received.

Staff Planner Loretta Chee presented the Director's report of the request. The applicant proposes to develop the site in two increments:

Parcel A: The shopping center will include some of the following tenants: Safeway Supermarket, Wigwam Department Store, Shell Oil Service Station, Goodyear Tire, Battery and Accessories, etc. The grading work will start immediately after zoning is approved and construction of the buildings could start approximately three to four months thereafter. The total completion of the shopping center is projected to take ten to twelve months.

Parcel B: According to the applicant, this parcel is planned for a three-story office structure and will start concurrently with the shopping center and completion will be approximately six months thereafter. An extensive program to seek tenants has not been undertaken yet; however, the list of interested businesses include a commercial loan company, several doctors and dentists, a veterinarian, and a savings and loan institution.

Based upon the analysis contained in his report, the Director recommends approval of the request, and expands this request to include the remaining portion of Tax Map Key 9-8-08: portion of 2, containing .22 acre. This lot directly adjoins Parcel B of the zoning request.

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Commissioner Crane expressed concern over possible dust problems that might occur at Waimalu Elementary School during construction of the shopping center. Mr. Moriguchi pointed out that the Department of Public Works administers construction inspections of any dust problems that may occur during construction. Also, tradewinds in the vicinity are east-northeast, away from Waimalu Elementary School.

There were no further questions of the staff.

Public testimony followed.

Testimony AGAINST--

1. Letter dated July 11, 1973 from Mrs. Betty Snowden, Executive Secretary, The Pearl City Community Association
2. Mr. Dean Taketa, Resident, Waiau District

Objections:

1. Traffic - Upon completion of the Newtown development, an anticipated 30,000 population utilizing existing arterials will place Waiau residents in a difficult and hazardous position during peak hours. Alternatives should be examined to afford Waiau residents safe access to arterials.

2. Kaahumanu Street Extension, a 6-lane highway is narrowed to 4 lanes due to cars parked on both sides of the street.

3. The traffic situation is hazardous to children attending Waimalu Elementary School who must cross Kaahumanu Street, a six-lane highway.

4. Dust problems will result from construction of the proposed shopping center.

Responding to some of the objections, Mrs. Chee indicated that traffic lights will be installed at the intersection of Moanalua Road and Kaahumanu Street Extension which would alleviate pedestrian traffic. The applicant is also working with DOE and the State DOT on a flashing yellow caution light at the driveway near the channel adjoining the school.

Testimony FOR--

1. Mrs. Thelma Kihano, Resident of Newtown Estates
2. Mrs. Priscilla Sabala, Resident, Mayor Wright Housing

Both women emphasized the need for a neighborhood shopping center in their area. The proposed neighborhood shopping center will service their immediate area, unlike the Pearl Ridge Shopping Center which services the entire Pearl City region.

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3. Mr. George Houghtailing, Planning Consultant for the applicant

Mr. Houghtailing commended the staff on a thorough and concise report. Concerning the traffic problem, Mr. Houghtailing indicated that the City Department of Transportation reviewed this issue, and determined the need for traffic lights at the Moanalua-Kaahumanu intersection, plus installation of a caution light near Waimalu Elementary School.

Questioned about the possibility of a pedestrian overpass, Mr. Houghtailing stated that the maximum traffic projection for the area plus the installation of sidewalks and traffic lights, as well as the proposed type of shopping center (service shopping center) for the immediate area, does not warrant a pedestrian overpass at this time.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mrs. Sullam and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mrs. Sullam, seconded by Mr. Crane and carried.

AYES - Bright, Crane, Kamiya, Sullam, Yamabe
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
ZONING CHANGE
B-2 COMMUNITY BUS. DISTRICT TO
A-4 APT.ISTRICT
PUNCHBOWL
ROBERT PANG
(FILE #73/Z-29)

A public hearing was held to consider a request for a change in zoning from B-2 Community Business District to A-4 Apartment District for approximately 7,375 square feet of land situated at 773 Kinau Street--approximately 300 feet Waikiki of Alapai Street on the makai side of Kinau Street, Tax Map Key: 2-1-41: 20.

Publication was made in the Sunday Star-Bulletin/Advertiser of July 1, 1973. No letters of protest were received.

Mr. Jack Gilliam presented the Director's report of the request. The applicant proposes to consolidate the parcel with an adjoining parcel on the Waikiki side (Tax Map Key: 2-1-41: 21) which is presently zoned A-4 Apartment District, and construct an 8-story, 32-unit apartment development. Plans for the proposed apartment development have been submitted and are on file with the Department of Land Utilization. The Director's recommendation is for approval,

No discussion followed.

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No person was present to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Yamabe, seconded by Mr. Bright and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Crane, seconded by Mr. Kamiya and carried.

AYES - Bright, Crane, Kamiya, Sullam, Yamabe
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
GP/DLUM AMENDMENT
HALAWA
VARIOUS USES NEAR
HALAWA INTERCHANGE
OF H-1 INTERSTATE
HIGHWAY
LONE STAR, INC., ET AL
(FILE #174/C1/32)

A public hearing was held to consider a request to amend the Waiawa to Halawa Detailed Land Use Map by changing various land use designations near the Halawa Interchange of the H-1 Interstate Highway, Tax Map Keys: 9-9-02: 02, 03, 21 and portion of 13, 16, and 24; 9-9-10: 03.

Publication was made in the Sunday Star-Bulletin/Advertiser of July 1, 1973. No letters of protest were received.

Mr. Charles Prentiss presented the Chief Planning Officer's report of the request. The request is primarily to adjust land use policies for parcels of land affected by the deviation of actual highway rights-of-way with planned rights-of-way as shown on the existing DLUM. The highways are in general conformance with the DLUM but specific detailed engineering resulted in deviations from the planned rights-of-way, particularly as a result of the Halawa Interchange final configuration. The most significant change on the DLUM is the elimination of approximately 50 acres designated for low density apartment. This area is now included within the right-of-way for the Halawa Interchange resulting in a decrease in planned density in the area. (This is the subject of a separate amendment request.)

In total, there are 19 parcels affected involving 91 acres of land. The bulk of the proposed changes represent boundary adjustments in order to permit the land affected by and surrounding the highway to be effectively used. Proposed changes which are not strictly boundary adjustments include a redesignation of 5.2 acres from Military and Highway uses to Medium Density Apartment use, and 1.5 acres from Residential to Low Density Apartment use.

Based upon the data and analysis contained in his report, the Chief Planning Officer recommends that the General Plan Detailed Land Use

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Map be changed as indicated in Appendix B of his report.

Questions were raised by the Commission.

Mrs. Sullam followed up on the comment by the East Foster Village Community Association in the Chief Planning Officer's report as to the ability of schools to absorb the increase in students recognizing increased Residential densities by this proposal. Mr. Prentiss pointed out that Makalapa Elementary School's existing 600-student enrollment will increase to 1,000 in anticipation of a proposal by the U. S. Navy to develop Aliamanu Crater.

Question was then raised as to the adequacy of Radford High School to handle the feed-off from Makalapa Elementary School. The staff will check into this issue.

Public testimony followed.

Testimony AGAINST--

Mr. Russell Blair, Resident, Foster Village

Mr. Blair questioned the possibility of Low-Density Apartment for Parcel 2A and Parcel 2B which he felt more compatible with the adjoining single-family Residential area. There is no Medium-Density Apartment surrounding the Residential area.

He also felt that the timetable for completion of the widening of Salt Lake Boulevard should be considered. Mr. Blair stated, "The funding program on Salt Lake Boulevard is looking like a 15-year project. With the new stadium opening, and with the military building 3,000 units in Halawa, there's a potential for traffic disaster four afternoons a week."

Testimony FOR--

Mr. George Houghtailing, Planning Consultant for the applicant, indicated that they have reviewed the Chief Planning Officer's report and concur with his recommendation.

Questioned by the Commission as to whether they could still meet their price objectives under low density rather than medium density, Mr. Houghtailing stated he believed the reduction under low density would be minimal; however, the topography and construction of the H-1 Freeway and Salt Lake Boulevard prompted medium density more than low density.

No other person was present to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Bright, seconded by Mr. Yamabe and carried.

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In the discussion that followed, Commissioner Yamabe questioned the Commercial use on Parcel 3B, and was told that Oahu Sugar Company has a lease on this property. Questioned as to the extent of that lease, Mr. Prentiss stated that he would check into this matter.

The Commission deferred action on this matter for two weeks for the following information:

1. Inquire of the State DOE regarding the impact of the subject general plan change on enrollment at Radford High School.

2. Inquire of Oahu Sugar Company, Lessee of Parcel B, regarding the extent of their lease and their business operation.

UNFINISHED BUSINESS PLANNED DEVELOPMENT HOUSING KALIHI VALLEY (KUIKAHI GARDENS) MID-PAC DEVELOPMENT (FILE #72/PDH-16)	The public hearing on this matter was held and closed June 27, 1973. Action was deferred due to lack of a quorum. The Director had no further report. No discussion followed.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Mr. Crane, seconded by Mr. Bright and carried.

AYES - Bright, Crane, Kamiya, Sullam, Yamabe
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

UNFINISHED BUSINESS GP/DLUM AMENDMENT MOILIILI C&C DEPARTMENT OF RECREATION (FILE #136/C2/14)	The public hearing on this matter was held June 6, 1973, and closed on June 27, 1973. Action was deferred for a lack of quorum. There was no further report from the staff. No discussion followed.

ACTION: The Commission adopted the Chief Planning Officer's recommendation and recommended approval of the request, on motion by Mrs. Sullam, seconded by Mr. Crane and carried.

AYES - Bright, Crane, Kamiya, Sullam, Yamabe
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

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UNFINISHED BUSINESS
PLANNED DEVELOPMENT
HOUSING
KANEOHE
MAKANI KAI DEVELOPMENT
CORPORATION
(FILE #72/PDH-17)

The public hearing was held June 20, 1973 and closed. Action was deferred.

CHAIRMAN: Item 8, Makani Kai Development Corporation. Stan Mofjeld?

MOFJELD: I have nothing further to add.

CRANE: Mr. Chairman, I'm the one that asked that this be deferred. I wanted one week to think it over. I did, however, ask some questions that I would like to have answers to. The reason that I asked that this thing be deferred is that we had a series of experts on both sides of the fence telling us that Kaneohe Bay was being pushed to a point of no return, relative to pollution, siltation and sewage problems. I wanted to know from whatever experts possible, are we at a point of no return, and if we are, how close are we, exactly where we are relative to pollution of Kaneohe Bay? I still would like to know that before voting on this particular item.

ALI SHEYBANI: We have received a letter from the Hawaii Environmental Simulation Laboratory (HESL) on the two projects, Mahalani Place and Makani Kai. Unfortunately, after reading their way of analysis of the information for these two projects, we can't draw conclusions as far as the staff is concerned. They do not draw a conclusion as far as Kaneohe Bay altogether is concerned, and the effect of these two projects on Kaneohe Bay. Their information source is all the agencies that we have contacted and received information from. This information is put into a 5-acre grid and is then summarized for each 5-acre area. We have received this letter as of yesterday. A copy of it is distributed. Other than HESL, we don't have any other agencies that we have contacted.

CRANE: One question. The only information then available to us is the compilation of the reactions of all agencies, and that is in itself inconclusive. In other words, we don't know any more now than we knew three weeks ago.

SHEYBANI: That's right.

YAMABE: Will the runoffs from these two projects be going into what portion of Kaneohe Bay? Is it south, north, east?

SHEYBANI: The runoff will be to the stream.

YAMABE: And to what portion of the bay? I believe the Dept. of Health indicated the primary problem is in the south end.

SHEYBANI: That's right, where the stream discharges into the bay.

YAMABE: For my information, can someone substantiate the testimony given by the Dept. of Health, that they did actually indicate with the support of a number of experts, that the south end of Kaneohe Bay is the number one problem area.

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SHEYBANI: You mean for these two projects?

CHAIRMAN: I believe that was testimony on H-3, the General Plan Amendment.

SHEYBANI: The Dept. of Health's comment on this project is that any work in the water areas off Kaneohe Bay must comply with applicable regulations governing the same. The sensitive nature of Kaneohe Bay's echo system demands that extra consideration be given to environmentally compatible design. When we are talking about the effect of development on the Kaneohe Bay area, we are talking of a way larger area, the whole Kaneohe Watershed area. Within that area right now, we have over 10,000 units to be developed. When we look at the effect of these two projects compared with the impact of 10,000, it becomes very insignificant. These two projects are going to comply with the regulations set by the U.S. Soil Conservation, Dept. of Public Works, the Dept. of Health, and the Corps of Engineers.

SULLAM: The last paragraph from HESL sort of makes me feel that one should be very careful in voting for this. It says, "based on HESL's inventory of environmental fragility of lands in Kaneohe Bay, some portions of the parcels in question are among those lands in the region that are more suited to conservation uses." In other words, if they were to pursue this, they would like to see certain portions of these lands which we're considering today to be put in Conservation.

SHEYBANI: Right. If I may expand on that, on one of their pages, they have a grid system, 500 feet by 500 feet put over the two project areas on a certain angle. Within these grids and depending on where the lines fall, they have averaged everything and say it would be more suitable for urban land designation in one grid, and in the other one, they say it is more suitable for conservation. Within a 500-foot by 500-foot that they have averaged, each of these developments have a major area of open space, major drainage system and plateaus that they could put houses on. Its only because every information we have on this grid system is averaged that they come up with this general type of comment for each 500-foot by 500-foot squares. Within that size of each of these, although the majority might be suitable for open space--for example, in one of the grids they say "more suitable for designation as urban" most of it falls right over the marina. There is a built in mistake there because the source they used was that that was a private property and it was flat. These are, on a general basis in Kaneohe Bay overall, this is very helpful but it does not go to adequate detail to be suitable for our project.

SULLAM: In other words, this report is not particularly valid.

SHEYBANI: Well, the grid they put for this report is only usable for large area analysis. Within one of those squares, we have a variety of uses, open space, urban; if the grid was, for example, 50 foot by 50 foot, then it would have been useful to say within what area is suitable to build and what area is not suitable. The main impact of HESL

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input is probably for overall Kaneohe Bay, not for this scale project it seems. For example, the soil information, they have received information from the Soils Conservation Service but then they have compiled this and averaged that information into one of these grid areas. We have the same letter from Soils Conservation Service as it applies to the custom-made details of each project. The applicant is complying with those.

YAMABE: If we were to change the zoning and if these people were to conform to the request and meet the demands of the Soils Conservation Service and meet all these requirements, is it reasonable to assume that we'll be getting no more or no less runoff going into the Kaneohe Bay area if they develop this land under existing zoning which is R-3?

SHEYBANI: If it is developed under subdivision, definitely there will be more drainage, more runoff, than under PD, because the area of roofs have been considerably reduced, the area of grading has been considerably reduced by planned development, as compared with neighboring type of development, single-family one and two story building as compared with units stacked all under one roof which is smaller. By counting the number of units here, we have roofs for 16 houses under conventional system and probably less grading. Under these 16 roofs, we have 40 units and if it was developed under conventional system, 16 houses would have the same drainage effect or impact on the site.

SULLAM: We're not assured that there will be further damage to Kaneohe Bay and yet its not confirmed there will be.

SHEYBANI: That's very true. If they comply with all the requirements of the ordinance, they will not worsen the situation as it would be developed under normal subdivision. It is an improvement over normal development of the area under subdivision. If its not developed, there is a certain impact on the environment.

CHAIRMAN: In the event that during subdivision review, if it was indicated that the grading would create added pollution to Kaneohe Bay, would the subdivision be approved?

SHEYBANI: They have to go through the grading requirements. Those are not impossibilities of achieving those but the cost of units would be intolerable. Aside from the economics of the project, that makes the subdivision probably not feasible. Assuming from the design point of view if it is subdivided, they would do more damage to the environment than planned development.

CHAIRMAN: So, in reality there are not two alternatives, there are three alternatives--PD, conventional subdivision or no development at all.

SHEYBANI: That's right.

CHAIRMAN: And it seems to be contingent upon what effect siltation from this project and other projects in the area may have on Kaneohe Bay.

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SHEYBANI: That's right, as a whole.

CHAIRMAN: Now, this Commission has had testimony from the Board of Health indicating that the southern area of Kaneohe Bay is a danger spot. Its beginning to sound like our traffic situation, we've got a problem but nobody seems to know when it becomes a real problem, what's the magic number, when bingo, somebody says we have a problem.

SHEYBANI: That's right.

CHAIRMAN: And none of our agencies can indicate when its going to become a problem. We're talking about X thousands of units. When does somebody say, "We're going to have to stop."

SHEYBANI: That's a good question and I can't answer that but I know that HESL would get to the Kaneohe Bay water analysis in another year or two. By that time, they would have drawn a line of tolerance of the waters, whether they can take any more pollution, development or not.

CHAIRMAN: Just for the sake of argument, you say its two years before this line is drawn. How many subdivisions and PDs would you estimate would be approved in a two-year period?

SHEYBANI: That is hard to say but we have pending and approved projects, about 3,000 units recently approved, and about 7,000 pending. These include planned development, general plan amendments and major subdivisions.

CHAIRMAN: That's 10,000 if the other 7,000 go through.

SHEYBANI: That's right.

CHAIRMAN: Would 10,000 units and the necessary grading etc., cause a problem in Kaneohe Bay.

SHEYBANI: It probably will, but we have to mention that the 7,000 pending units even if approved, take from five to six or more years to be implemented. These are mostly large projects. They are not going to be built all in one or two years. We know, for example, on Club View Hills and Heeia Meadows that even if its approved, Heeia Meadows is 10 years for example, or more project. By that time, hopefully a solution will have been found.

CHAIRMAN: And the solution is the outfall?

SHEYBANI: That's one, yes.

CHAIRMAN: And what's the projected time table on that?

SHEYBANI: That we don't know. The design budget has been approved in the CIP.

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CRANE: Isn't there another problem other than the outfall? There's two problems as I understand, drainage and siltation. The outfall's going to take care half of that.

SHEYBANI: That's right.

CRANE: So if you okay 10,000 units out there, I don't care if you get your sewerage outfall built, it doesn't do anything for the siltation.

SHEYBANI: Unless there's more stringent laws to further stop pollution due to drainage.

CRANE: Mr. Chairman, I'm ready to make a motion.

CHARIMAN: Commissioner Crane.

CRANE: I want to make a motion that this Commission go on record as declaring a moratorium on development of this area until such time as we can get a definitive answer relative to pollution of Kaneohe Bay from whatever agencies are responsible to give it to us.

I will speak to this after I get a second.

BRIGHT: I would certainly have reservations of that motion to that effect because there's no way that you're going to stop conventional development. These properties that we're talking about today can be developed as standard single-family units. If this happens, we only increase the problems that we have.

CRANE: Mr. Chairman, if I have a second, I'll be able to respond.

CHAIRMAN: Is there a second?

SULLAM: I'll second that motion.

CRANE: I am in full agreement with the Commissioner. Its probably true. We're always given these choices, if we don't do this, we're going to have a conventional development, and while we do this, we go ahead and okay one project after another with insufficient evidence. We don't know, I don't know and I haven't been told as to what conglomerate effect would be continually okaying these projects, is having on Kaneohe Bay. I feel there's at least a very good suspicion that we're not doing Kaneohe Bay any good. That's seems very evident. Its just been shown to us that if we can get it started here, perhaps the agencies responsible for reporting on what is happening in Kaneohe Bay will at least come up with some standards, and then the grading standards will be such that the conventional type housing will not go in over there. We may do something to stop it. But, I can't, in all good conscience week after week, month after month, continue to vote for projects which I suspect are going to pollute a bay beyond repair when the agencies responsible for telling us whether it is or not, won't tell us. I don't know any other way to go about it. I

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can't continue to shoot in the dark, so maybe this won't hurt too much. I think if we're responsible, then we should have responsible answers, and we should act upon that information, and I can't act when I don't have the information.

BRIGHT: It seems to me you're talking about a moratorium on any kind of construction in Kaneohe Bay. Is that correct?

CRANE: That's right, until we have the information that we can act upon.

SULLAM: I don't know whether this is so. Can they go ahead with conventional subdivision when there are problems of drainage?

SHEYBANI: Those PDs and subdivisions, they have to comply with the drainage ordinance which was amended recently. They have also some additional requirements for the sedimentation. But, admittedly, that's not--the water that goes from the development through the sedimentation basin gets to the bay is not going to be the pure water or better than bay water at time of construction. So, although we have stringent laws for grading at both subdivision and PD levels, it might not be 100% effective in keeping the bay waters clear from pollution.

SULLAM: I interpret what you say in a sense that if a developer should come into the Building Department for a permit to proceed, he probably would be denied in view of the fact that the bay may be polluted.

SHEYBANI: Not under present standards. The applicants right now on the present standards can meet all the requirements of all agencies. Its the point that we don't know if all the agency requirements like the capacity for an STP in the area is only 50% capacity running at this time, but the theory is that the present STP is not adequately treated or is not discharging the proper way to keep the water from being polluted. That's the reason that although the capacity of the STP is adequate, we are considering construction of the outfall. So, under present conditions and present laws for agencies, the applicant can meet all the requirements. Whether these laws are not adequate to keep the Kaneohe Bay waters from pollution is another question.

SULLAM: In other words, that's the difference between the testimony that the gentleman gave us from the Board of Health and between the actual granting of approval of this project by the Board of Health.

SHEYBANI: That's right.

SULLAM: In other words, it conforms to the laws but when one looks into the damage that's being done, actually the law should be changed.

SHEYBANI: That's right. If we are stopping this project because of the damage to the bay, means that the laws have to be changed because they meet all the requirements by law of all agencies.

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YAMABE: I agree with Commissioner Crane's intent in making the motion because I think a subject matter such as this one requires drastic action. However, what disturbs me is the fact that we don't have all the facts. The action proposed by Mr. Crane is because we don't have conclusive information or direction on this particular matter, we ought to stop it. Conversely, if we don't have this fact, it further disturbs me considering the socio-economic consideration. We don't have the facts, should we approve it? We don't have the facts, should we hold up all developments? Your moratorium is for any construction from here on, regardless of whether they've been approved.

I am not really prepared to vote on that motion. I appreciate the intent and agree that we must take some drastic action. But I'm afraid I'll not be able to vote on that motion.

SULLAM: Was the intent of the motion to recommend that all already approved developments in that area be stopped?

CRANE: No it wasn't. I agree with Commissioner Yamabe. I think its fair. I agree we have to have some drastic action obviously. So therefore, I'm making the motion that we don't approve any more construction in that area until we have answers.

BRIGHT: I'd like to direct a question to legal counsel on the legality of the moratorium so proposed when you do have other projects that may have been approved at the Commission level, may not have been approved at the Council level. I just wonder how valid the stoppage of any further construction would be?

JOHN GRANT: Well, in terms of applications which have been approved at the Council level, it would be very difficult to stop them. The Commission's recommendations for approval or denial are not binding on the Council. They are free to take what independent action on that application they could. If they acted with the thought in mind that the Commission had recommended a general moratorium, I don't think that they could be faulted for that.

YAMABE: Jim, does the moratorium apply to areas such as this where they do have residential zoning, R-3, they can go ahead and subdivide right at this moment without requesting any further change in zoning.

CRANE: Obviously, what I'm doing is attempting to take some drastic action to get some answers. Obviously, we have to do what is legal to do it. A vote for this would mean to use every legal means to stop building and construction in this area until such time as we have the answers that we're looking for.

SULLAM: Actually, the Board of Health has told us that any further development in the region would destroy the bay. Its just that they say the laws are such that there is no way of preventing further development. I think it might behoove us to recommend to the Council that they look into the criteria that is used for evaluating a subdivision. Of course, then we wouldn't be faced with such a dilemma.

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YAMABE: Who said it would destroy the bay?

SULLAM: Someone that testified from the Board of Health at our last hearing that this subdivision would add something like an inch and a half of additional silt. I believe that was his figure.

BRIGHT: I believe you got this for the H-3.

SULLAM: No, we talked about the subdivision as well, development in that region.

SHEYBANI: I have to mention one point. HESL testimony in front of City Council, they indicated that this study is going to determine the quality of water in one or two years depending on their budget but they were non-committal whether the result of the study would be that we have reached the level of tolerance or not. To the question that should we stop development, it was the Council's decision that if after two years they found out that the tolerance level has not been reached, you have delayed these developments for two years for nothing.

CHAIRMAN: And in the event after two years the Council finds the tolerance level is more than passed?

SHEYBANI: That's right. There's nothing that can be done.

CRANE: That's why I made my motion, Mr. Chairman.

CHAIRMAN: Further discussion? Ready for the question?

(The motion carried 4 to 2.)

AYES - Connell, Crane, Kamiya, Sullam
NAYES - Bright, Yamabe
ABSENT - Kahawaiolaa

GRANT: Mr. Chairman, on the action of the Moratorium, I think we should clarify the moratorium as to both the geographical area which it includes and to the type of construction which you are discouraging. With regard to the question of construction generally, I think that there might be some substantial problems as related to public utilities, improvements, and I think it should be made a little more specific than that.

SULLAM: I think we should just state that we don't want to see any more damage done to Kaneohe Bay, and to assure that the tragedies that have been described to us will not occur. We will not approve any further development as long as there's a possibility or a question that there might be damage.

CHAIRMAN: What you wanted, Jim, is a moratorium on development that have a direct effect upon Kaneohe Bay.

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CRANE: That's right. I think perhaps the area is the Kaneohe Watershed area.

CHAIRMAN: I think that should answer your concern.

CRANE: Well, if the concern is to turn it back into the denial of H-3 in any way and not face up to H-3, then I want to separate the two, and face H-3 head on.

CHAIRMAN: Essentially, we're talking about new housing construction.

YAMABE: You're talking about the other two, not H-3.

GRANT: Right. I brought it up at this time because if it is to include H-3 it might be determinative of the action taken on that here. But, I think it should be clarified generally in the two areas as to what construction is to be included in that, and also the more exact geographical area which Commissioner Crane has just stated should be the Kaneohe Watershed area. That part is acceptable.

Now, the only thing is to tie it more specifically to whether it refers to new housing or any construction whatsoever, and I think you get into difficulties if you get overly general due to improvements, utilities and so on.

CRANE: Fine. Now, just take H-3 out of there. That was not the intent of my motion. The location is the Kaneohe Watershed area. Now, the construction, I don't know how to do this without...

CHAIRMAN: Well, the concern is really for subdivisions and PDs, unless you're including single lots.

CRANE: But that's the same thing though.

CHAIRMAN: The point is being raised of single lots, what about remodeling, putting up a swimming pool, etc.?

CRANE: I'm talking about development and construction that has an adverse effect on Kaneohe Bay.

CHAIRMAN: Is that sufficient clarification for Corporation Counsel?

GRANT: I'm a little bit afraid of it because once you say anything that has an effect, presumably an adverse effect on Kaneohe Bay, you then get into a question of who's going to make a determination that a particular project or piece of construction will have this effect.

CHAIRMAN: John, isn't that essentially the intent of the motion, that somebody has to make that kind of determination. We have agencies within the State and the City and County who are supposed to be making those determinations. But, what we're getting back is gobbledygook.

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GRANT: I understand that. Maybe I didn't express myself clearly. If you're going to impose this moratorium on any construction which has an effect on the bay, then who is going to make the determination as to whether the moratorium will apply to a specific proposal, not necessarily one that would come here, but for example, building a new swimming pool or putting a new room on a house?

BRIGHT: It seems to me that the proper action that should have been taken would have been to deny these two projects on the basis of not having sufficient information. Then, as a further recommendation, the Commission should have made a recommendation to the City Council to set a moratorium on construction in the Kaneohe area that might have any adverse effect on pollution of Kaneohe Bay. I'm sure this was probably the intent.

CHAIRMAN: It seems we might be getting apples and oranges mixed. We are making a recommendation to City Council. It has no legal effect. Its not a policy. Its not an ordinance. We don't have that function. In the event a moratorium became a policy of the City, then I think some of the questions being raised by Corporation Council certainly would have to find a way of implementing a moratorium ordinance. We're making a recommendation.

GRANT: I understand that. Aside from the recommendation to the Council to impose this moratorium, you're also making a statement of policy that you will disapprove any application for construction within the Kaneohe Watershed area on this basis.

CHAIRMAN: That are reviewed by this Commission, that have a relationship to Kaneohe Bay.

GRANT: That's correct.

CHAIRMAN: And which under the new Charter, the areas that come under our purview are fairly well identified. Swimming pools aren't, nor is remodeling, nor are subdivisions except insofar as it may relate to General Plan changes.

GRANT: With that explanation, maybe I didn't understand the original motion, I think its okay.

(There was no further discussion.)

UNFINISHED BUSINESS
PLANNED DEVELOPMENT
HOUSING
KANEOHE
(MAHALANI PLACE)
CAPITAL INVESTMENT OF
HAWAII, INC.
(FILE #73/PDH-3)

The public hearing was held June 20, 1973 and closed. Action was deferred.

CHAIRMAN: Item 9, public hearing closed June 20, 1973, action deferred. What is your pleasure?

CRANE: Mr. Chairman, weren't these considered at the same time in the same area?

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CHAIRMAN: Yes.

CRANE: My same motion holds, obviously. I think a motion would be out of order in light of what we just passed. Hasn't item 9 been taken cared of because of the vote we took on item 8?

CHAIRMAN: I would assume so and will defer to Counsel.

JOHN GRANT (Deputy Corporation Counsel): As I understand the motion that was made, it covered the entire area. Consequently, the Commission would be acting against itself to consider this.

CHAIRMAN: The same recommendation on item 9 will be transmitted to Council.

(There was no further discussion. The Commission had recommended a moratorium on the Kaneohe Bay Watershed area.)

UNFINISHED BUSINESS
PUBLIC HEARING
GENERAL PLAN AMENDMENT
OAHU, HAWAII
TO REFLECT FINAL
HIGHWAY RIGHTS-OF-WAY
& TO MAKE NECESSARY
ADJUSTMENTS IN LAND
USE DESIGNATIONS FOR
LANDS ADJACENT TO OR
AFFECTED BY THE
ALIGNMENTS
STATE OF HAWAII
DEPARTMENT OF
TRANSPORTATION
(FILE #224/C3/VARIOUS
& 180/C3/5)

Public hearings were held June 20, 21, and 27, 1973. Action was deferred for a lack of quorum.

Public testimony was continued.

Testimony AGAINST--

1. Letter dated July 8, 1973 from Atherton-House YMCA at the University of Hawaii, Members of Project Impact (Letter on file)

2. Letter dated June 27, 1973 from Anna D. Bond, Executive Director, Moanalua Gardens Foundation, Inc., with Noise Impact Map of Moanalua Valley, and Criteria for Registering a Historic Site in Hawaii issued by the State Department of Land and Natural Resources (Copies on file)

3. Letter dated July 9, 1973 from Helen C. Hopkins attaching more information re Interstate H-3 and EIS (Copy attached)

4. Covering letter dated July 11, 1973 from Anna D. Bond, Executive Director, Moanalua Gardens Foundation, Inc., with Petitions by Moanalua Gardens Foundation and the Stop H-3 Association totalling approximately 10,000 signatures (Copy of covering letter on file with petitions)

Testimony FOR--

1. Mr. Takeshi Uyesugi, President, Kalihi-Palama Community Council (Submitted letter dated July 11, 1973)

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a. H-3 via Moanalua Valley will not have any dislocations of families or businesses due to construction of H-3. It has been bitter experiences for people in Kalihi-Palama to be dislocated from their homes or businesses each time a road was built through our area.

b. To meet the needs of increasing traffic to and from Windward Oahu, one of the alternative corridors being discussed is a third bore and viaduct thru Kalihi. We view this as another attempt to stifle the people in Kalihi-Palama with more air and noise pollution. We want Kalihi-Palama to be a better place to live in--by lessening pollution, not adding to it.

Questioned by the Commission, Mr. Uyesugi stated: "We feel that the people of both valleys, the Nuuanu Valley people and the Kalihi Valley people, have already shared their valleys to make things much better for people on the Windward area. My feeling is that the Moanalua Valley people should also share with the people, so people in other areas could live a much better life."

2. Mr. Don Bremner, Chairman, Planning Committee, Kailua Community Council

BREMNER: I'm speaking today as the President of Kailua Community Council. This is a conglomerate of the Kailua Community, representing what we think is a very good cross-section of community interests and points of view. It consists of all of the neighborhood associations in the area and other civic organizations such as the Chamber of Commerce, the Outdoor Circle, the AAUW, the Council of Churches, Service Clubs, PTGs, Hawaiian Civic Clubs. The Board of Directors was made up of representatives of 10 neighborhood associations and 10 other civic groups and individuals. All in all, these groups are comprised of direct membership amounting to about 7,000 to 10,000 families in the Kaneohe area.

I would like to stress this point also, we are not represented by the Windward Regional Council.

The Kailua Community Council's support for H-3 stems from essentially the following planning considerations.

One, the road is absolutely necessary to serve present traffic demands from the standpoint of peak hour traffic. We feel it is already years late, and a good deal of expeditious administrative efficiency is required at this time to meet the good sense of proper planning and make up for this lost time in providing this needed facility. Anybody, I think, who questions this just ought to try it some morning. I believe that they will not like it.

We feel that additional road capacity is definitely required to serve properly projected demands also. No matter how hard we

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try to wish these things away--we talk of bicycles, we talk of mass transit, we talk of additional buses, we talk of properly controlling development even in contemplating the effects of a pending energy crisis--the private passenger vehicle is going to be a part of our future. It therefore has to be planned for its needs in a rationally accurate basis or else the planning function, I fear, will have missed the boat as indicated or seen in some future time, and therefore will be rendered useless for its mistakes because there will be no way to make up for it.

We feel too that the needed highway capacity cannot be provided on the Likelike or Pali corridors. Trying to do this would mainly overload the intake and exit points of these existing roadways, rendering the full effect of the additional capacity itself, ineffective. The new capacity should indeed provide an alternate route to the present highway corridors. Making up heavy origin destination areas which need to be more directly served and which, if that is done, will relieve present highways by affording a better route to heavy numbers of people wishing to travel between those two points of origin and destination.

At the same time, if H-3 is built in the proposed corridor, feeder roads in Kailua and Kaneohe and downtown Honolulu will also be a relief. We believe, therefore, that H-3 as proposed in its present condition does the job best. Attempted use of Likelike or the Pali corridors as they exist today will not do the job.

This is our basic treatment of what we think is the only objective issue in this question, whether or not the highway is needed and where its needed. We have, however, some other considerations that we feel bear on the matter.

One is that from the Kailua area standpoint, H-3 has indeed been under construction for at least the last year and a half. Not only have we been summarily deprived of any benefits of efficient completion of this facility, but we have also suffered a nuisance in the stage of under construction for a longer than what we feel is a reasonable period of time. H-3 we feel at this point, is a public policy commitment based on solid reasonable grounds. We feel we have a right to expect efficient follow-through on this commitment and completion, hopefully in the near future. Further delay or indeed a reversal would be extremely unjust to those saddled with the side effects of construction. To this we feel that you can add the concern about the escalating cost of delay, and great concern for environmental impact, we feel a forgotten item--the environmental impact of a half-finished roadway construction job in one area for a prolonged period of time and the deleterious effects on the ability of Honolulu to function properly if the road is not built.

To this too, we feel you can add the tremendous public cost of delay which we think has to be justified somewhere to the public

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and which we feel has not been justified to date. What indeed is the justification for those that ask you to delay further by not taking your action and placing this 8-year old highway on the plan? Is it that the flora and fauna of Moanalua Valley that would be so terribly desecrated by the project that hundreds and thousands of people must suffer instead? We think not. The two percent of the valley area that would be affected, and perhaps that is even less now that the elevation of the highway through the valley is proposed, we feel is a negligible consideration for the benefits to be realized, particularly those reached by opening up this beautiful park of the natural area to be enjoyed by the public instead of just a select few. Objectively speaking, we feel it cannot be this consideration.

Is it therefore the claim that we will not need the road because mass transit will supplant the need for automobiles sometime in the future? Again we feel the answer is no. Mass transit to the Windward side is at best, more than a decade away. Even after such an expensive installation, we can only realistically look to around a 20% usage impact factor for mass transit. Our problem exists now, and relief has to be provided for the time ensuing between now and that future time when mass transit may play a role in transportation on Oahu. We do not wish to suffer for that prolonged period of time. In fact, it perhaps is the construction of H-3 that affords the most immediate opportunities for extending mass transit to the Windward side. We think it would be utterly ridiculous to look to mass transit for future solutions and not build H-3 which would aid the prospect of providing mass transit to that area.

Is it perhaps because of the missplaced logic that H-3 would open up the Windward side to stifling growth? Again, we don't think so. Growth is controlled by the planning and zoning processes, not the building or withholding of needed public facilities. If we are afraid that the provision of public facilities cause growth, we would not build parks, beaches, schools, libraries, and the community would be a wasteland with a lot of people without facilities. Size, extent and pattern of growth is controlled by zoning. When this exists, any deleterious future effects of a new highway are eliminated, and the people can then be comfortable and reach the sole positive benefits of such a facility. In any case, the Windward side is growing now, and we'd better be prepared for it, and indeed H-3 again is one of those tangible preparations to meet the requirements of past growth as well as those coming in the future. Those expressing this fear perhaps ought to do something positive to guarantee planned growth for Kailua and the Windward side, instead of trying to prevent a much needed facility.

Is it that the justification for stopping H-3 that can be found in the claim that blue-sky planning should be done for the Windward side first? We think again that the answer is no. This

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type of thing, if carried to its extreme in theory, would produce a situation where absolutely nothing was ever done. We wouldn't have to worry about the environment in that case. We'd die of paralysis.

For this reason and although we may desire otherwise, this is a practical world, planners have to be reminded that the business end of planning is action, not necessarily more planning. Planning, in order to be relevant, has to precipitate out of its process every once in a while sole and practical proposals for timely solutions to problems of the urban scene. On this basis also, H-3 is long overdue.

Actually, as I personally see it, and as the Council sees it, H-3 is an item that has had the benefit of considerable planning concern and exposure for a long and, therefore, reasonable period of time. There are references to it in the 1964 General Plan for Oahu.

Hearings on the actual design of H-3 began in 1965 on the basis of corridor selection. The result of these hearings as we gather, was a preponderance of public sentiment of the Moanalua corridor. That has proven to be a very foresighted piece of public opinion because it is that route which best connects the desired lines of travel between heavy origin and destination points and the route that least affects people. Since that time, extensive planning and design has accompanied this proposal culminating in a several volume comprehensive Environmental Impact Statement for H-3 and subsequent modifications of its design. If anything can ever be said to be properly planned, we believe this is one example. It is now time to make a positive decision and implement that plan.

There is one other thought that I'd like to leave with you about planning. There always will be, and certainly from your previous discussion today and its quite obvious that its occurred to you before, competing needs and desires for use of land. In this case, a conflict has arisen between the need for a roadway and the desire for a large open space park. Rarely we feel, are you able to have the luxury of satisfying both of these kinds of concern. We believe the H-3 in the Moanalua situation is one of them. The valley is roughly 3,000 acres in size. The roadway, not being conservative at all, will consume only about 50 acres of this while providing a very necessary traffic facility for what we believe is an aesthetic manner. The roadway will not only provide access to the valley by the public, but will allow them to enjoy that landscape, and the natural beauty heretofore obscured, but offer a scenic route use of which will relieve the Pali and Likelike Highways and meet future traffic demands.

The planning function does not take advantage of a compatible situation like this for realizing the provision of needed facilities and desirable land use at the same time. The planning function will be rendered grossly ineffective and useless.

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For these reasons, the Kailua Community Council urges you to take positive action on this matter so at least solutions to one negative problem can get underway giving us all the opportunity to get on to the next one.

Thank you very much.

Mr. Bremner was questioned by the Commission.

CRANE: Toward the end of your testimony you said that we're faced, as planners, with two conflicting needs on land use--the need for a wide open park, and the need for a major traffic artery. Basically, the main testimony we've had and the questions asked by this Commission is that we've considered a third situation which maybe hasn't been looked at carefully enough and that is the studies done on mass transit. Is there a third way? So, I think its a little more than those two needs.

BREMNER: Well, this goes back to my concern that at some point you have to take the alternatives that you have and use the knowledge that you have and make a decision, because you can go on ad infinitum and think of other alternatives and possibilities and concerns.

First of all, I'd like to clarify the statement that I made. I said there was a need for the road and what seems to be a desire for park. I don't recall any determination of need for that particular park. As I recall, it does not appear on any planned item in the category.

I also would go back and say that if you are concerned with bringing mass transit on to bear on the transportation problem, then you should indeed be in favor of doing whatever you need to do to push H-3 on its way, because, as far as the Windward side is concerned, that's the very first immediate thing that offers the prospect of providing mass transit to the Windward side. Everything else is at least 10 years off. From an objective standpoint, you cannot say because mass transit is in the picture, that we're going to let the traffic demands for highway capacity suffer for another 10 years. Even when a foregone sophisticated mass transit system is operating, no one can say that it is going to supplant completely the use of the prime development. I think 20 percent is going to be a good figure if we realize that.

CRANE: Where did you get the figure, 20 percent?

BREMNER: That's my own, based on experience and other areas, Montreal and Philadelphia.

SULLAM: Don't you think its inevitable that we will forestall mass transit or rapid transit if we continue to build highways?

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BREMNER: No, I don't. I don't at all. Indeed, this gets back to a philosophical aspect of planning, I think. Planning is never an either/or game. It has to deal with a lot of factors, in most cases a very balanced approach to a very, very widespread problem, those kind of problems not lending themselves to one type of solution. The transportation is exactly the same. It is not going to be solved or indeed covered by one approach to transportation. It is going to have to be approached by a balanced series of fixed roads, and perhaps vehicles. I am convinced that one of those vehicles is going to be the private passenger vehicle.

SULLAM: But, in a sense, aren't we disturbing this balance by building additional highways? We may encourage people to have cars and to use the highway. See, if we were really truly interested in a balance, I would think we would start with some sort of rapid or mass transit first and get that on its feet, and then think of improving whatever highways existed.

BREMNER: I would still disagree because to a great extent, I believe that H-3 is sort of playing catchup; that is, its provided to meet an existing need, not entirely a need that's going to occur in the future. Now, if we were talking about a need that were projected 20 years from now, there may be room in that period of time when the planning process is to switch the balance from the private passenger vehicle to something like mass transit, to the extent where you wouldn't need necessarily the new highway capacity. But, you're not talking about that situation. You're talking about the thing that is needed now, that to a great extent I think is more an answer to an existing problem and a future one, and that would be used and would be necessary to meet just the momentum of the roads and developments between now and the near future that perhaps aren't on the ground yet, that will produce highway capacity demands.

So, I read in your question the concern about the possibility of discouraging any future or expanded use of private passenger vehicle. I say that perhaps philosophically speaking, there would be. But, I think this is the wrong way to go about it particularly since you are in the business of providing for a person's needs, the needs of society. I'm saying that the existing needs with the momentum that has already been provided in future growth are going to amount to the demands for which H-3 is needed. Not providing it is not going to prevent that from occurring. Its only going to produce a situation where more people have more problems, and I don't think that's planned. In the future when you have the prospect of providing other needs, that is the time to talk about methodological highways, but not until then.

SULLAM: No, I also feel that in a sense when we speak about building additional highways, we're neglecting the fact that we're taking away a possibility of the very lands being used to fill other needs that highways use up and cars use up with their

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gas stations and their garages. We have so little land and we know that one of the reasons our housing costs are what they are, is because of the scarcity of land. If we're going to meet our other needs, we have to start deciding which is more important. Are the highways more important than providing cheaper homes?

BREMNER: Well, we can't talk about providing homes without support facilities, a big item of which is the roadway system. You have to balance things off so that you do not allow this growth to occur in an insufferable situation where the roads aren't there to accommodate this growth.

One of the other things that really should be the homework of any planning approach is a good deal of flexibility on whatever you do because of the long range consequences. If you make a mistake, you can't really undo it. I see in your concern, a lot of flexibility in the highway approach because this is indeed one use of land which can be converted once the demand for its use subsides. It gets back to the actual connection in design of H-3, provisions for mass transit not only on an intial basis but perhaps on a long range basis. As soon as you talk about mass transit anywhere, particularly to the Windward side, the very first thing you're going to be talking about is provision of the right-of-way. If the right-of-way already exists, you have some flexibility.

YAMABE: Are you suggesting at the same time while we're considering this H-3, maybe from the planning standpoint we might seriously consider planning and zoning out in that area will be very low density? Because if we don't, we will be faced with this problem continually. When H-3 is completed, we'll be needing another highway. So, is it your organization's position that this H-3 will immediately take care of the immediate and very near future needs, and the future should be considered on the basis of lower density?

BREMNER: I think that would be fair to say yes, in that general connection. We haven't really been able to analyze the whole Kailua area with respect to whether or not this is planned appropriately so that the projected facilities will not be overcome by projected development. I think there's a strong indication that it better be reevaluated. It has to be reevaluated in terms of the pace of growth, in terms of some of the changes in public attitude to find out whether or not what is projected in the way of density, in the way of numbers of people and their attendant demands and activities which support, we have planned public facilities properly. If we have, is the public going to accept the implementation of those plans? This in a sense is what we're getting into here. If H-3 had proceeded on an efficient basis, we wouldn't have had this strong and large gap between the time of need and the provision of the facility, and perhaps we wouldn't have had this controversy. Here we are now saddled with an extra burden, and that is the time that we've lost.

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CRANE: During the last public hearing, questions were asked of the proponents of H-3 who lived in the Kailua area, because of the routing of the proposed highway, which way would they travel? Would they go H-3 over to the Halawa Interchange and then downtown, or would they take the existing Likelike or Pali? What do you think your people would do?

BREMNER: Depends on where they're going. If they're going to Pearl Harbor--

CRANE: Would you say most of the people would go to Pearl Harbor and then come to Honolulu?

BREMNER: No. I think definitely there's a split. I don't know what it is but I do know that there had to be a good deal of desires expressed for the origin destinations, in our case the Mokapu side of Kailua, and the Pearl Harbor side of Honolulu as a part of the design of this roadway.

CRANE: It would be interesting to have some statistics to see from the Kailua area, for instance, what portion of the people in your organization would be, in effect, really using H-3.

BREMNER: I wouldn't rely on that at all. I would rely on the origin and destination studies done by the Department of Transportation. That would show you the whole picture--Kaneohe, Kailua, etc.

CHAIRMAN: Commissioner Yamabe asked you a question regarding density. Do you mean by this a limit on the amount of area to be used for development, or simply low-density development?

BREMNER: Well, I would say any control of total growth for a particular area would almost necessarily utilize both approaches, restriction or confinement of urban areas to those areas that were suitable and desirable for that kind of development under densities being proper, and designed to meet the ultimate designation of size for say Kailua town--the same for Waikiki. Those to me are the two basic methods of control. I would assume they'd be a combination of both.

CHAIRMAN: In your presentation to the Commission, you made a good many references to good planning, a sense of separation of philosophical and implementation. Do you feel its possible that policy decisions can be made, and then in light of subsequent events that the policies can be challenged?

BREMNER: You mean practically speaking?

CHAIRMAN: Yes.

BREMNER: Absolutely. I would add to that the theory at least that planning is a need not static and has to be constantly

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reevaluated once a plan is prepared, proposed, and even started to be implemented. However, there are reasonable qualifications for that, and this is indeed, that you people have to consider, the kind of thing that anybody in a decision-making capacity has to consider. Time to ask for reevaluation of these policies is not when its half way down the pipe.

CHAIRMAN: Don, I recognize that but I also recognize that nationally and locally this has happened. Airplanes have been built to the expenditure of millions of dollars and then discovered it was not a practical airplane and so was cancelled. But, it seems to me that certain assumptions were made in 1964. I think some of us on the Commission are really raising the question whether those assumptions that were made in '64 are still valid in '73? The use of the private automobile certainly in 1964, people talked about mass transit. Most of the facilities were owned by private companies not by municipalities. We have not arrived at an energy crises and environmental impact statements weren't even thought of. I suppose the question I'm really raising to you and to the organization you represent and member organizations is, do you believe that the various issues that have been raised since 1964 have been answered through a planning process?

BREMNER: Well, let me state it this way. The City Council believes that the issues raised since 1964 do not warrant even a reconsideration of the proposed H-3. We can go down each one if you like. Part of that problem also is once a need has been identified and a solution proposed and gotten underway, you're never really in a position to properly serve that situation until you have a positive alternative. That positive alternative indeed has to not only provide for that need but also to answer some of these other concerns. We just don't see it in this case.

CHAIRMAN: Are we tempted to look for planning alternatives if we feel we already have the answer?

BREMNER: The big question is whether the alternative is feasible enough to warrant reconsideration, particularly if its going to delay meeting of that solution that you have identified or problem that you have identified, the solution to which hopefully we can get underway in a reasonable period of time. If H-3 were in existence now, as I have stated in my testimony, I think that the desire for and the timing needed to get to an absolute consideration of mass transit would be less. It would be given that the planning, design people and theorioticians is in a concept that mass transit can utilize as one of their elements. Indeed, you know from a planning standpoint that that is being considered anyway in the design of H-3 now which adds this flexibility which I think you would want.

CHAIRMAN: In making the presentation to the Kailua Community Council, this is the position of the Council?

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BREMNER: Yes, it is.

CHAIRMAN: Was this representative of their feelings?

BREMNER: With one exception. I should have said at the outset that the Lanikai Outdoor Circle had abstained from voting on this matter. This vote also was taken over a year ago and has been reaffirmed since.

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

3. Mr. Bernie Goldbeck, Kailua Chamber of Commerce

Mr. Goldbeck concurred with the testimony given by Mr. Bremner.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Bright, seconded by Mr. Yamabe and carried.

MOTION: Mr. Bright moved to accept the Director's recommendation for approval of the H-1, H-2, and H-3 Defense Highway alignments and related road improvements.

The motion failed for lack of a second.

ACTION: The Commission made the following recommendation on motion by Mr. Crane, seconded by Mr. Bright and carried:

1. Recommend approval of the H-1 and H-2 Defense Highway alignments and related road improvements;

2. Defer action on the H-3 Defense Highway alignment and related road improvements.

AYES - Bright, Connell, Crane, Kamiya, Sullam, Yamabe
NAYES - None
ABSENT - Kahawaiolaa

In view of the Commission's earlier action on two Kaneohe Planned Development applications recommending a moratorium on development in the Kaneohe Watershed area, Dr. Rider, Acting Chief Planning Officer, questioned whether the Commission would see fit to recommend denial of the H-3 alignment, which he felt would be consistent with Commission's moratorium action, as opposed to deferring action indefinitely.

MOTION FOR RECONSIDERATION OF ACTION: Mr. Bright moved for reconsideration of the Commission's action on the H-3 alignment which was seconded by Mr. Crane and carried.

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AYES - Bright, Crane, Kamiya, Sullam, Yamabe
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

MOTION: Mr. Bright moved to accept the Director's recommendation for approval of the H-1, H-2, and H-3 Defense Highway alignments and related road improvements.

The motion failed for lack of a second.

MOTION: Mr. Crane moved, seconded by Mrs. Sullam, that the Commission recommend:

1. Approval of the H-1 and H-2 Defense Highway alignments and related road improvements;

2. Denial of the H-3 Defense Highway alignment and related road improvements.

The motion failed for lack of a majority vote.

AYES - Crane, Sullam
NAYES - Bright, Connell, Kamiya, Yamabe
ABSENT - Kahawaiolaa

MOTION: The Commission recommended the following, on motion by Mr. Yamabe, seconded by Mr. Crane and carried:

1. Approval of the H-1 and H-2 Defense Highway alignments and related road improvements;

2. Deferral of action on H-3 to the next meeting.

AYES - Bright, Crane, Kamiya, Sullam, Yamabe
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

UNFINISHED BUSINESS
AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU (CZC) RELATING TO REQUIREMENT OF PROVIDING DWELLINGS FOR LOW AND MODERATE INCOME

The public hearing on this matter was held and closed on May 16, 1973. Action was deferred for clarification of language by the staff.

Copies of the Director's supplemental report clarifying the language of the proposed amendment had been mailed to the Commissioners.

No discussion followed.

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ACTION: The Commission recommended approval of the proposed amendment, on motion by Mrs. Sullam, seconded by Mr. Crane and carried.

AYES - Bright, Connell, Crane, Kamiya, Sullam, Yamabe
NAYES - None
ABSENT - Kahawaiolaa

ELECTION OF OFFICERS — The Commission held an election to select its Chairman and Vice-Chairman for the next ensuing fiscal year.

On motion by Mr. Crane, seconded by Mr. Bright and carried, Mr. Connell was re-elected Chairman.

On motion by Mrs. Sullam, seconded by Mr. Bright, Mr. Crane was elected as Vice-Chairman.

ADJOURNMENT: The meeting adjourned at 5:40 p.m.

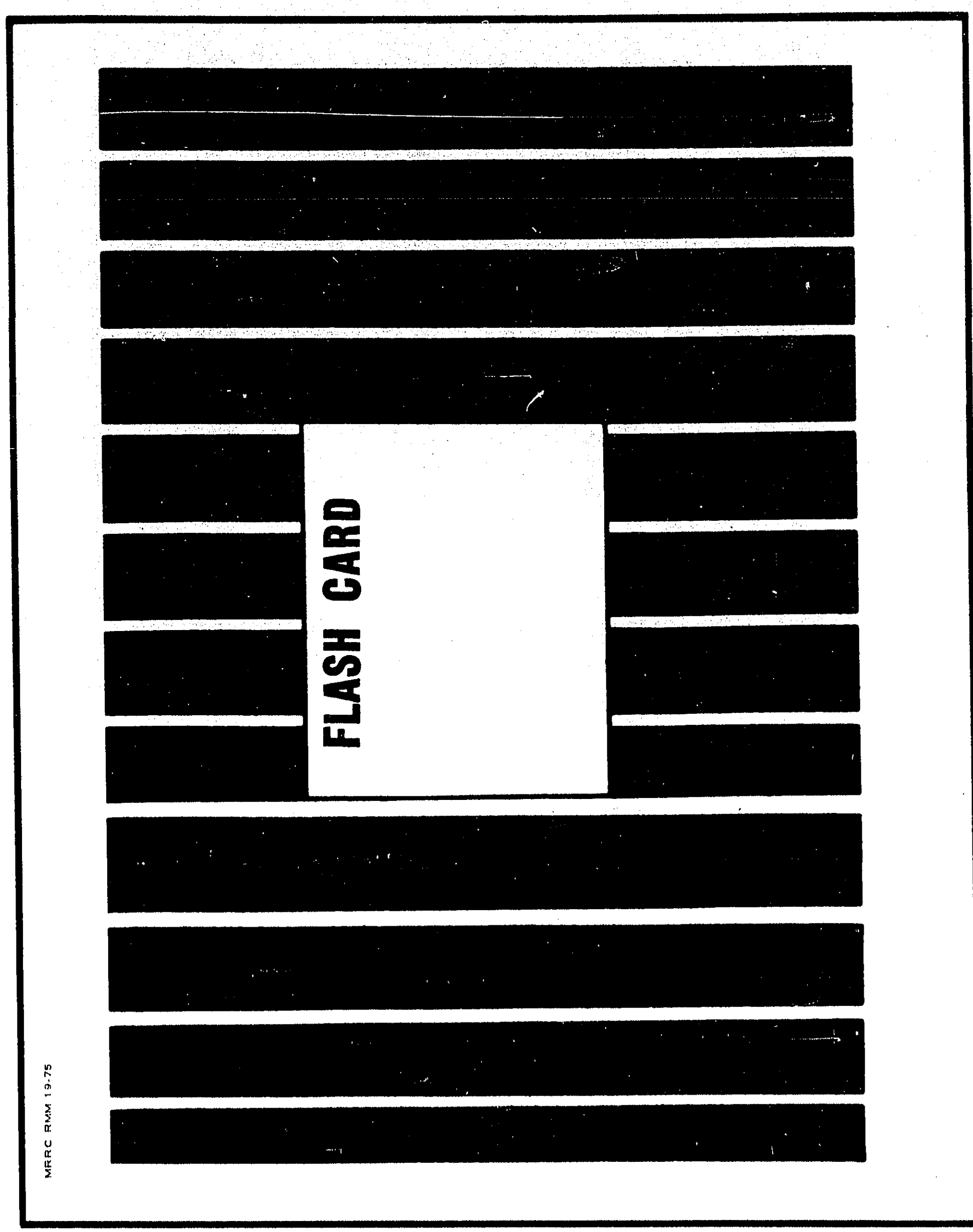
Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

12980RPI

FLASH CARD



MRRC RMM 19-75

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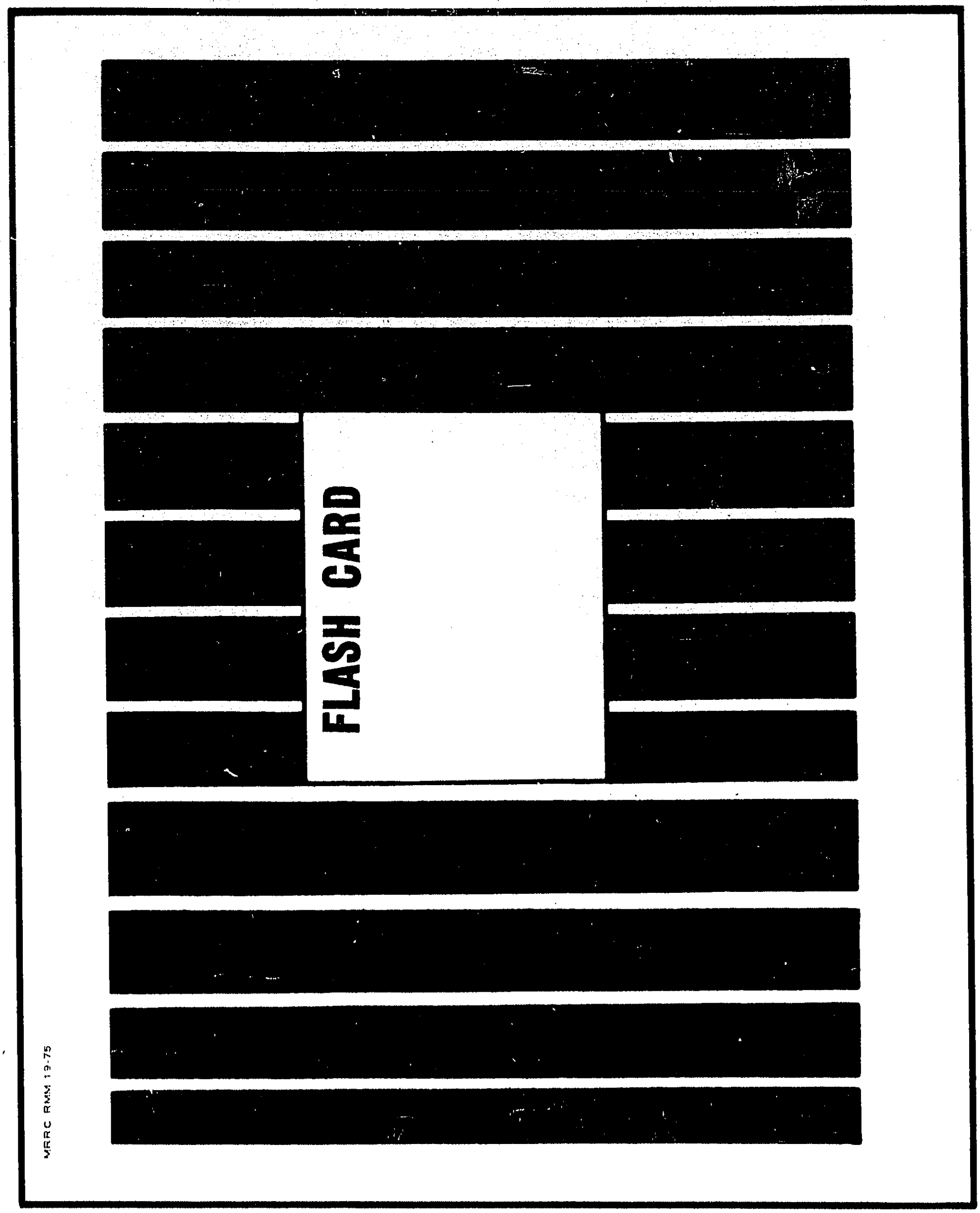

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Meeting of the Planning Commission
Minutes
July 25, 1973

The Planning Commission held a meeting on Wednesday, July 25, 1973 at 1:45 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:
Eugene B. Connell, Chairman
Antone J. Kahawaiolaa
Randall Kamiya
Fredda Sullam

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
John Grant, Deputy Corporation Counsel
Loretta Chee, Staff Planner
Herbert Mark, Staff Planner
Ian McDougall, Staff Planner
Charles Prentiss, Staff Planner

ABSENT:
Roy R. Bright
James D. Crane
Thomas N. Yamabe II

MINUTES:
The minutes of June 27, 1973 were approved, on motion by Mrs. Sullam, seconded by Mr. Kahawaiolaa and carried.

PUBLIC HEARING
GP/DLUM AMENDMENT
RESIDENTIAL TO
COMMERCIAL USE
KAIMUKI
FOO LIN CHING &
ANNIE L. CHING &
ELLEN LEE KWAI
(FILE #204/C4/16)

A public hearing was held to consider a request to amend the General Plan and Detailed Land Use Map for Kaimuki by redesignating a parcel of land from Residential to Commercial use, Tax Map Key: 3-2-4: 51.

Publication was made in the Sunday Star-Bulletin/Advertiser of July 15, 1973. No letters of protest were received.

Staff Planner Ian McDougall presented the report of the Chief Planning Officer. The request is based on: (1) the need for additional commercial lands in Kaimuki; and (2) the appropriateness of the site to accommodate commercial expansion. The applicant views the request as permitting development of his property to its best and highest use.

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The applicant implies an intent to develop the subject site in conjunction with the mauka parcel, but fails to establish or identify the basis for additional commercial land. The report states that there exists a need for more commercial land based on a lack of vacant business units in the area. However, the report fails to substantiate this statement or offer basic indicators of the commercial market to be served. No specific development scheme or proposal is indicated. There is no identification of a specific market to be served, except by general reference to the Kaimuki area.

Based upon the analysis contained in his report, the Chief Planning Officer concludes that the application is not based on a proposal to meet a specific need but on the speculation that if a policy change is granted, the subsequent change in zoning would increase the value of the property which may or may not be developed by the applicant. There is no evidence that commercial services are inadequate and no basis for amending existing policy as expressed by the General Plan.

It is recommended that this application to amend the General Plan be denied.

There were no questions from the Commission regarding the staff presentation.

No person was present to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Kahawaiolaa, seconded by Mrs. Sullam and carried.

ACTION: The Commission concurred with the recommendation of the Chief Planning Officer, and recommended that this request be DENIED, on motion by Mr. Kahawaiolaa, seconded by Mrs. Sullam and carried.

AYES - Connell, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Bright, Crane, Yamabe

PUBLIC HEARING
ZONING CHANGE
R-6 RESIDENTIAL TO
B-2 COMMUNITY BUS.
WAIANAE
M/M DAVID OKIMOTO
(FILE #73/Z-1)

A public hearing was held to consider a request for a change in zoning from R-6 Residential to B-2 Community Business District in Waianae--makai of Farrington Highway between Bayview and Guard Streets, Tax Map Key: 8-5-11: 1, 16, 17 and 18. The Director is expanding the request to include Tax Map Key 8-5-11: 26 and portion of 19.

Publication was made in the Sunday Star-Bulletin/Advertiser of July 15, 1973. No letters of protest were received.

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Staff Planner Loretta Chee presented the Director's report of the request. The applicants intend to redevelop the existing commercial facilities and expand into the adjacent parcels. Preliminary plans indicate a supermarket containing 19,200 square feet of floor area and 2 2-story commercial structures containing 19,400 square feet of floor area and parking facilities for 149 cars.

Based upon the analysis and conclusion of his report, the Director recommends approval of the request, and that it be expanded to include Tax Map Key 8-5-11: 26 and portion of 19.

Questioned by the Commission concerning Parcel 25, site of an abandoned sewer pump station under ownership of the City Department of Recreation, Mrs. Chee indicated proposed plans for a child development center. The applicant is hopeful of a land exchange with the City; however, Mrs. Chee pointed out that a zoning change for Commercial use is unlikely inasmuch as the parcel is designated Resort on the Detailed Land Use Map.

There were no further questions of the staff.

Public testimony followed.

No one spoke AGAINST the request.

Attorney Mark Lubenstein represented the applicant and wished to respond to any questions the Commission might have.

The Commission had no questions of Mr. Lubenstein.

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Mr. Kahawaiolaa and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mrs. Sullam, seconded by Mr. Kahawaiolaa and carried.

AYES - Connell, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Bright, Crane, Yamabe

PUBLIC HEARING
CONDITIONAL USE PERMIT
(DOCTOR'S OFFICE IN
RESIDENTIAL DISTRICT)
HAUULA
ING, SCHOEN & LEBB,
ATTORNEYS-AT-LAW FOR
MARC SHLACTER, M.D.
(FILE 73/CUP-1)

A public hearing was held to consider a request for a Conditional Use Permit to permit the construction and establishment of a medical doctor's office within a residential district in Hauula, Tax Map Key: 5-3-12: 19.

Publication was made July 15, 1973 in the Sunday Star-Bulletin/Advertiser. No letters of protest were received.

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Staff Planner Loretta Chee presented the Director's report of the request. The applicant proposes to demolish the existing office and construct a single-family dwelling and an office structure. The dwelling will be located to the rear of the office structure and will be occupied by a caretaker. There will be three employees in addition to Dr. Shlacter.

Based upon the analysis contained in his report, the Director recommends that the Conditional Use Permit be granted, subject to the conditions enumerated in his report.

There were no questions from the Commission relative to the Director's report.

Public testimony followed.

No one spoke AGAINST the request.

Attorney Dennis Ing represented Dr. Shlacter and availed himself to any questions the Commission might have.

The Commission had no questions of Mr. Ing.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Kahawaiolaa, seconded by Mr. Kamiya and carried.

ACTION: The Commission adopted the Director's recommendation and recommended that the Conditional Use Permit be granted, subject to the conditions outlined by the Director, on motion by Mr. Kahawaiolaa, seconded by Mrs. Sullam and carried.

AYES - Connell, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Bright, Crane, Yamabe

PUBLIC HEARING
ZONING CHANGE
R-6 RESIDENTIAL TO
A-2 APARTMENT DISTRICT
WAIANAE
APPLICANTS:
(a) HRA
(b) FRANCIS WONG/HRA
(FILE #70/Z-49 AND #70/Z-53)

A public hearing was held to consider requests for zoning changes from R-6 Residential to A-2 Apartment District in Waianae, Tax Map Key: 8-5-10: 29 and 30, and Tax Map Key: 8-5-10: 63 and 65.

Publication was made July 15, 1973 in the Sunday Star-Bulletin/Advertiser. No letters of protest were received.

Staff Planner Loretta Chee presented the Director's report of the requests. There are two development proposals:

Waianae Protestant Church - The proposal is to construct 82 rental

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units of low- and moderate-income housing under the Federal Housing Administration 221-D(3) program for unsubsidized co-operative housing. Preliminary plans indicate 20 one-bedroom, 30 two-bedroom, and 32 three-bedroom units in seven structures. Also included are a multi-purpose building, which will serve as a community building, a separate building for laundry facilities and a "commons area" which will be used for recreational open space.

Francis Wong - Initial plans submitted by Mr. Wong indicate 2 four-story structures containing a total of 48 one- and two-bedroom apartment units for rental. The proposal also includes a recreational area on the roof and laundry facilities on the ground floor. A preliminary review of the plans indicate a front yard setback infraction of the CZC. This matter, however, could be resolved at the time of building permit application. Although Mr. Wong's proposal will not be under any FHA program, HRA informs us that they will have formal control of the rentals.

Based upon the analysis and conclusion of his report, the Director recommends that the request be approved.

The Commission had no questions regarding the Director's report.

Public testimony followed.

No one spoke AGAINST the request.

Mr. Willard Lee of HRA represented the applicant. He was questioned by the Commission.

SULLAM: Who is going to run this project? How is it going to be run? How long does it run?

LEE: In the case of Waianae Protestant Church, they will be leasing the property to the Waimaha Housing Development Corporation which will be made up of their own church members. They will be leasing the property at a very nominal rate to the housing development. The housing development is to be developed under FHA 221(d)(3) program for a non-profit corporation. We will be assisting them in provision of the off-site improvements, and we will be asking for controls for a minimum of 20 years, although their mortgage program will be for a 30 or 40-year period. Under the 221(d)(3) program, there are income limits for occupants of the project.

CHAIRMAN: The question was raised in terms of what is the break between the low cost and moderate income housing.

LEE: The idea here under the 221(d)(3) program is that we would be looking at an income range from one-member household of about $9,000 maximum income to seven- to ten-member family with a yearly income limit of $17,000. Additionally, some of these people would qualify for additional assistance from say the State in the way of

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rent supplement or welfare assistance which would assist them in bringing the rent down further. So, in this way, we would have some people of lower income being able to live in these units.

SULLAM: So, what would happen after the 20 years? Is there a possibility, if there's a need for low and moderate income housing, that the Redevelopment Agency will--

LEE: Well, in our assistance to the developers, it was there found very difficult to get anyone to agree to an indefinite period of control. Under the FHA program, we have a minimum period of 20 years also.

SULLAM: So in other words, after 20 years they could charge any rent they desire, probably.

LEE: Well--

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Mr. Kahawaiolaa and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Mr. Kamiya, seconded by Mr. Kahawaiolaa and carried.

AYES - Connell, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Bright, Crane, Yamabe

PUBLIC HEARING
GP/DLUM AMENDMENT
APARTMENT TO PARK USE
SHERIDAN TRACT
(PIIKOI-RYCROFT
MINI PARK)
C&C DEPT.OF RECREATION
(FILE #280/C2/13a)

A public hearing was held to consider an amendment to the Makiki-Kewalo-Ala Moana Detailed Land Use Map by redesignating a portion of a city block from Apartment to Park use, Tax Map Key: 2-3-12: 21, 22, 23, 27, 28 and 31.

Publication was made July 15, 1973 in the Sunday Star Bulletin/Advertiser. Letters received OPPOSING the request are included in testimony AGAINST the request.

Staff Planner Herbert Mark presented the report of the Chief Planning Officer. The policy of the City since 1969, as expressed in the Detailed Land Use Map, has been mini park use for the Piikoi-fronting portion of the block, and the City is also in the process of acquiring the parcels. However, last year the optionee of about 58,000 square feet of the block, Oceanside Properties, Inc., has requested that the

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City either (1) condemn and compensate them for the portion of the property now designated on the Detailed Land Use Map for park usage, or (2) permit their application for consolidation of several lots to be processed and grant them a permit for development of a 30-story, 360 unit high-rise apartment building with a nine-level parking structure. Oceanside Properties' holdings include the single Lot 24 now designated for park use on the Detailed Land Use Map, and adjacent lots, Detailed Land Use Map designated for Apartment use. In response to the developer's request, the City Council decision was made to acquire the entire block for park use. This request for additional park lands is based on (1) the need for recreational facilities in the Sheridan Tract area since none exist there today, and (2) the site located adjacent to the Detailed Land Use Map-designated mini park is the most desirable and appropriate site to meet this need.

Based upon the analysis of the request contained in his report, it is the recommendation of the Chief Planning Officer that the request be approved.

The Commission had no questions of the staff.

Public testimony followed.

Testimony AGAINST--

1. Letter dated July 18, 1973 from Mrs. Toyo I. Matsuyama, 915 Alder Street, Honolulu
2. Mr. Joseph Benz representing Oceanside Properties, Inc. (Submitted letter dated July 25, 1973 from Hal J. Hansen, President, Oceanside Properties, Inc.)
3. Mr. Arthur B. Hansen, President, Arthur B. Hansen, Inc., Architect/AIA (Submitted letter dated July 25, 1973)
4. Mr. Donald Chung presented Testimony of Mrs. Helen L. T. Chung dated July 25, 1973
5. Mr. Alexander Kim, Property Owner, Rycroft and Alder Streets

Objections:

1. There are already adequate recreational facilities in the area such as Ala Moana Park, Thomas Square, Kaahumanu School grounds, Makiki Park, and McKinley High School grounds. Maximum use of these existing facilities should be made before embarking on a new proposal.

2. A mini park in this area would be dangerous because of heavy traffic flow in this vicinity.

3. The proposal is unreasonable. The creation of a small park in the block that encompasses the properties in question simply does not meet the test of reasonableness because (a) the property is too small for a general use park, (b) the increasing traffic on the Piikoi arterial makes the location unsafe, especially for children, and (c) rather than spend the compara-

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tively large amount of money that would be required for the acquisition of this block for park purposes, the public interest and the interest of the residents of the immediate neighborhood would be better served by the expenditure of a small portion of that money to make some of the McKinley High School area available for and suitable for multiuse recreational purposes.

4. The contemplated action is grossly inequitable. In June of 1971 we (Oceanside Properties, Inc.) took a portion of the referenced property under lease, and in January of 1972 we met with the Planning Director to advise him of our intention to develop the property. In April of 1972 we took the property under option, and in May of 1972 we protested the proposed downzoning of the property from A-4 to A-3 at a Planning Commission hearing. We have prepared plans and conditionally arranged financing for the project and we are prepared to embark upon it, as we have been for some time. Our applications to the Planning Department for consolidation of the properties have repeatedly been administratively deferred by the Planning Department because of the pendancy of the park matter. We can see this general plan amendment, if in fact it is initiated, as being another step in the frustrating administrative procedure that denies us our equitable position to proceed with the development of apartment zoned property.

5. From a procedural standpoint, there is question as to the propriety of this hearing at this time since the recent Circuit Court ruling by Judge Lanham that the Planning Director "cannot legally process any further applications for changes to or amendments of the General Plan of the City until such time as it does adopt rules pursuant to, and in accordance with the procedures prescribed by, the various sections of the Administrative Procedures Act." The present hearing on this matter constitutes one of the steps in the processing of an application for a change in the General Plan and accordingly is not in compliance with the Court Order.

Mr. Arthur Hansen, Architect, was questioned by the Commission.

CHAIRMAN: In the report, it mentioned something to the effect that Oceanside Properties had indicated to the City Council that you either wanted to be allowed to go ahead or for the City to pick this up?

HANSEN: Yes. In other words, its unfortunate that there is no middle ground. You either have to go ahead and get your drawings done and be ready for permit or there's no way to put the lever on action. We had appeared before this Commission quite a while ago explaining our plans. If you recall, there was a hearing on the zoning in this area. We explained what we were going to do. So, we presumed that we might as well go ahead and do it. Unfortunately, we are now to the point where for almost a year we have been requesting consolidation of permits, and for almost a year the Planning Department has been administratively shanghaiing the operation and

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holding us up. So, we're now asking for relief in one form or the other, hopefully to go ahead with the project.

CHAIRMAN: Your application for consolidation preceded the May 29th action by the City Council.

HANSEN: Way long before. In fact, there have been six applications that we've made for consolidation to our surveyor. In each one of the cases, the Planning Department has deferred this application administratively and then killed it, which I don't know if they have the power to do or not do. We've put forth our best efforts. This project has been underway for 2½ years.

CHAIRMAN: When did Oceanside Properties indicate to the Council that they wanted them to condemn the property?

HANSEN: Well, it was only after we were frustrated in our request for consolidation and permits which was earlier this year.

CHAIRMAN: This was from the first of the year.

HANSEN: No. The first of the year is when this thing came to a head that the City would probably buy it from us. We've had complete drawings done for a year. The final drawings are dated September 15th of '72. Prior to that, for about a year, we've had our preliminaries working on up to the various stages of planning and final construction design.

WAY: Mr. Hansen, are you aware that there is a provision that prohibits the issuance of a permit or consolidation of subdivisions in the Subdivision Rules and Regulations where its in conflict with the General Plan?

HANSEN: I question that conclusion because I think that the underlying zoning on this property is apartment.

WAY: Yes, but there is that provision in the Subdivision Rules and Regs.

HANSEN: I think that's open to court interpretation.

WAY: The provision is there.

HANSEN: Its a bunch of words that you fellas have in the works, but I think in this particular case, you cannot deny consolidation.

WAY: Okay, another point. How about the fact that the general policy of the City is for the use of most of this land for park purposes? Are you aware that our procedures are to bring these matters before the City Council to see if they are in agreement with the policies currently and so forth? We have to do this.

HANSEN: We understand all this. There's no problem understanding

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the bureaucracy involved. The problem is the hardship.

WAY: But, you're placing the hardship on the basis of the consolidation, and its to me, quite moot since the larger question is quite simply, is the City going to acquire or not, and they have decided that they are. What's the importance of the consolidation?

HANSEN: The consolidation is to go ahead with the building permit, because quite frankly, you either have to buy the property or give us the permit. What we're asking for is that you do one or the other. What we're after is action. We've been hanging by our thumbs for an awfully long time.

WAY: Well, I guess I don't see that the action is going to come about any quicker because the Council has decided that they will acquire. There's money available and so forth. There is admittedly a time constraint, a problem in terms of trying to get things moving. I don't deny that there are procedures that have to be taken into account.

HANSEN: I'm not so sure that in the final analysis the City will buy the land. I think we have to bring it to that point.

WAY: Well, I guess we're committed as we can with money.

HANSEN: But you probably don't have the funds to buy it and to pay the expenses that have been incurred in this development to date. This is a budgetary question, but we would like to lease here in 60 days.

WAY: Well, as soon as we get this General Plan changed, then you'll get action, I rather expect.

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

Testimony FOR--

1. Mrs. A. Fujita, Resident, 1232 Elm Street, Honolulu

   Mrs. Fujita could not remain for the meeting but wished to indicate her support for the proposal.

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Mr. Kamiya and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the amendment, on motion by

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Mrs. Sullam, seconded by Mr. Kamiya and carried.

AYES - Connell, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Bright, Crane, Yamabe

UNFINISHED BUSINESS
GP/DLUM AMENDMENT
HALAWA
VARIOUS USES NEAR
HALAWA INTERCHANGE
OF H-1 INTERSTATE
HIGHWAY
LONE STAR, INC., ET AL
(FILE #174/C1/32)

The public hearing held July 11, 1973 was closed, and action deferred two weeks for the following information:

1. Inquire of the State DOE regarding the impact of the subject general plan change on enrollment at Radford High School.

2. Inquire of Oahu Sugar Company, Lessee of Parcel B, regarding the extent of their lease and their business operation.

Mr. Charles Prentiss of the staff reported the receipt of letters from the State DOE and from the Oahu Sugar Company, both responding to the Commission's inquiries.

1. Letter dated July 16, 1973 from Mr. James T. Okamura, Director, Facilities & Auxiliary Services Branch, State Department of Education

"Our letter of June 28, 1972 stated that the anticipated approval of the subject amendment will increase grade 9-12 enrollment at Radford High by approximately 100-120 students. We understand the amount of land to be placed for apartment use has been reduced by approximately six acres since our review. Accordingly, we are reducing our estimate of the anticipated grade 9-12 enrollment gain to approximately 90-110 students.

"The 1972-73 school enrollment at Radford High was 3054, down from the peak enrollment of 3145 of the prior school year. The decline resulted from transfer of students to Moanalua High which opened in 1972 with grade 10. Radford High enrollments are projected to decline further in school years 1973-74 and 1974-75 as Moanalua High is phased in as a grade 9-12 school. Transfers to Moanalua High should leave Radford High with an enrollment in the 2550-2650 range by school year 1974-75, including the initial enrollment gains from the subject amendment area.

"Enrollment declines at Radford High after 1974-75 are subject to additional classroom construction at Moanalua High that will further increase capacity and will permit additional transfers from Radford High."

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2. Letter dated July 25, 1973 from Mr. Mervin Gilliland, Vice President, Oahu Sugar Company, Limited

"This letter is written in response to the inquiry raised by Mr. Charles Prentice of your Department regarding the land utilization of the lands being zoned under our joint pending request with Queen's Hospital, Lone Star Hawaii, Inc., and Oahu Sugar Company, Limited.

"With regard to the question raised on the status of the present Oahu Sugar's lease, please be advised that the lease is still in effect and is terminable upon the development of these properties pursuant to a development agreement with Queen's Hospital. These properties are being jointly developed by the aforementioned applicants.

"For your information, our existing tenant on the property, Mr. Fujimoto, occupies the premises by way of a tenancy agreement terminable on 30 days notice. We have always kept Mr. Fujimoto aware of our development plans and he has already been proportionately displaced as a result of the taking of lands for the Halawa stadium site, Halawa Interchange and portions of H-1 and H-3. We have a favorable working relationship with Mr. Fujimoto and in the past have allowed him to bring his crop to maturity to avoid any loss to him. We anticipate no problem in terminating his tenancy.

"As a matter of information, Oahu Sugar Company harvested the last sugar cane crop in the latter part of 1964 and the entire area has remained dormant because of the inability of the State to fix the alignments of H-1, H-3, Halawa Interchange and the Stadium site...."

No discussion followed.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the amendment, on motion by Mrs. Sullam, seconded by Mr. Kamiya and carried.

AYES - Connell, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Bright, Crane, Yamabe

UNFINISHED BUSINESS
GENERAL PLAN AMENDMENT
OAHU, HAWAII
TO REFLECT FINAL
HIGHWAY RIGHTS-OF-WAY
& TO MAKE NECESSARY
ADJUSTMENTS IN LAND
USE DESIGNATIONS FOR
(CONT.)

Public hearings were held June 20, 21, 27, 1973 and July 11, 1973. On July 11th, the public hearing was closed, and action was deferred to the next meeting.

The Director reported the receipt of a letter from E. Alvey Wright, Acting Director, State Department of Transportation which states:

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(CONT.)
LANDS ADJACENT TO OR AFFECTED BY THE ALIGNMENTS STATE OF HAWAII DEPARTMENT OF TRANSPORTATION (FILE #224/C3/VARIOUS & 180/C3/5)

"My letter of January 18, 1973, requested that the General Plan of the City and County of Honolulu be updated to show design developments in and previous policy decisions on the Interstate System H-1, H-2, and H-3.

"The Interstate System is a system in fact as well as name. The joint State-City planning process has produced a highway system configured to meet the land use expressed in the General Plan and amendments thereto. The system is balanced in all of its components H-1, H-2, and H-3, and the network interface geometrics are predicated on a total system.

"In large measure, the same general considerations in regard to social, environmental, and economic influence apply to H-2 as to H-3. The system is designed and integrated as a whole, and should be general planned as a whole.

"It would be appreciated if you would advise the Planning Commission that piecemeal action is unacceptable to the applicant."

The following discussion transpired:

CHAIRMAN: What is the present situation in terms of the H-3 as far as court cases?

WAY: I don't think I can respond to that accurately, Mr. Chairman. I suggest that possibly a representative from the State might be in a better position to so respond. Its simply involved and I don't think I'm fully enough informed to be able to respond.

CHAIRMAN: I think it might be helpful to the Commission inasmuch as some of the questions which the Commission has raised that are related to the social and environmental impact of H-3 which Adm. Wright has indicated and fully answered by the State, some of these are being challenged in court at the present time. Some of the questions the Commission has raised, I don't believe have been answered to our satisfaction. I'm sure the Commission would agree that we do not like piecemeal planning, but at the same time, I think the Commission has an obligation not to vote one way or the other on the General Plan Amendment on H-3 until these questions have been answered to our satisfaction. I would like to have that communicated to Adm. Wright.

There was no further discussion.

MOTION: Mrs. Sullam moved to defer action until questions relative to the social and environmental impact of H-3 upon

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Kaneohe Bay have been answered by the applicant. Mr. Kahawaiolaa seconded the motion.

Mr. Kamiya dissented. He objected to an indefinite deferral.

AYES - Connell, Kahawaiolaa, Sullam
NAYES - Kamiya
ABSENT - Bright, Crane, Yamabe

MOTION: The Commission deferred action for 30 days for response from the applicant relative to the social and environmental impact of H-3 on Kaneohe Bay, on motion by Mrs. Sullam, seconded by Mr. Kahawaiolaa and carried.

AYES - Connell, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Bright, Crane, Yamabe

* * * * * * * * * * * * *

The Commission authorized the Chief Planning Officer to schedule public hearings for the following matters, on motion by Mr. Kamiya, seconded by Mrs. Sullam and carried:

HAWAII CAPITAL DISTRICT STANDARD OIL COMPANY (FILE #73/HCD-2)	1. The request is to construct a new sign and to replace the existing service station.
HAWAII CAPITAL DISTRICT ROBERT H. AOYAGI (FILE #73/HCD-16)	2. The request is to rebuild the existing service station.
PLANNED DEVELOPMENT SHOPPING CENTER KAHUKU HAWAII SHOPPING CENTER CORPORATION (FILE #73/PDSC-6)	3. The request is an application for a Planned Development-Shopping Center, the renovation and commercial usage of the existing Kahuku Sugar Mill. Educational display of sugar mill operations, tourist oriented shops, a farmer's market and landscaped parking areas.
ZONING CHANGE R-6 RESIDENTIAL AND I-1 LIGHT INDUSTRIAL TO B-2 COMMUNITY BUSINESS DISTRICT WAIANAE MANOA INVESTMENT COMPANY, INC. (FILE #73/Z-41)	4. The request is a change in zoning from R-6 Residential and I-1 Light Industrial to B-2 Community Business District.

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ZONING CHANGE
R-6 RESIDENTIAL TO
A-2 APARTMENT DISTRICT
PAUOA
GARY N. TANAKA
(FILE #73/Z-44)

5. The request is for a change in zoning from R-6 Residential to A-2 Apartment District.

ZONING CHANGE
A-2 APARTMENT TO
A-3 APARTMENT
DISTRICT
WAIAU
JACK UJIMORI
(FILE #73/Z-47)

6. The request is for a change in zoning from A-2 Apartment to A-3 Apartment District.

CONDITIONAL USE
PERMIT
(GAS STORAGE FACILITY)
EWA BEACH
OAHU GAS SERVICE, INC.
(FILE #73/CUP-4)

7. The request is for a Conditional Use Permit for a facility to store and distribute liquid propane gas.

CONDITIONAL USE
PERMIT
(OFF-STREET PARKING
AREA IN R-6 RESIDEN-
TIAL DISTRICT)
HALAWA
CENTRAL HAWAIIAN
(FILE #73/CUP-5)

8. The request is a Conditional Use Permit to locate an off-street parking area in an R-6 Residential District to support an apartment development in the adjoining A-3 Apartment District.

ZONING CHANGE
R-6 RESIDENTIAL TO
I-1 LIGHT INDUSTRIAL
DISTRICT
KALIHI
UNITED RECAPPING CO.
(FILE #73/Z-30)

9. The request is for a change in zoning from R-6 Residential District to I-1 Industrial District.

ADJOURNMENT: The meeting adjourned at 3:40 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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FLASH CARD

FLASH CARD

MRRC RMM 19-75

MRRC RMM 19-75

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MRRC RMM 19-75

FLASH CARD

FLASH CARD

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Meeting of the Planning Commission
Minutes
August 8, 1973

The Planning Commission met on Wednesday, August 8, 1973 at 1:45 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:	Eugene B. Connell, Chairman Roy R. Bright Randall Kamiya Thomas N. Yamabe II
STAFF PRESENT:	Robert R. Way, Chief Planning Officer John Grant, Deputy Corporation Counsel Henry Eng, Staff Planner Ralph Portmore, Staff Planner
ABSENT:	James D. Crane Antone J. Kahawaiolaa Fredda Sullam
MINUTES:	The minutes of July 11, 1973 were approved, on motion by Mr. Yamabe, seconded by Mr. Kamiya and carried.
PUBLIC HEARING ZONING CHANGE R-6 RESIDENTIAL & I-1 LIGHT INDUSTRIAL TO B-2 COMMUNITY BUSINESS DISTRICT WAIANAE MANOA INVESTMENT COMPANY (FILE #73/Z-41)	A public hearing was held to consider a request for a change in zoning from R-6 Residential and I-1 Light Industrial District to B-2 Community Business District for land situated in Waianae, Tax Map Key: 8-6-01: 5, 34 and 35. Publication was made in the Sunday Star-Bulletin/Advertiser of July 29, 1973. No letters of protest were received.

Staff Planner Henry Eng made the presentation of the request. The applicant proposes the construction of a community shopping center on the 11-acre site. The center is planned to contain approximately 101,000 square feet of floor space for retail stores and 15,000 square feet for services and entertainment. Surrounding uses in the area include the Waianae STP, an existing lime quarry owned by Hawaiian Cement Company, and an existing Residential area. The Director recommends that the request be approved.

There were no questions from the Commission regarding the Director's report.

Public testimony followed.

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Testimony AGAINST--

Attorney Garry Shigemura representing Gaspro, Inc.

SHIGEMURA: I represent Gaspro Inc. with reference to this petition to rezone the 13 acres presented by Manoa Investment Company. In effect, we are not here to oppose the petition so much as to raise an area of concern with reference to the fact that Gaspro Inc. operates a perpetual lease to the property which is to the northeast of the proposed zoned area. That perpetual lease is in effect a lime quarry which is not an active operation except for the lime-crushing plant in which there is a day-to-day operation of the production of lime, both hydrate and quicklime. Gaspro Inc.'s plant produces in the neighborhood of about 7,000 tons of lime per year. The lime is principally used in the agricultural and construction industries. The lime plant is one of two plants in the State of Hawaii, the other plant being an HC&S plant on Maui. The fact that there are only two lime-producing plants would indicate that there's a necessity of keeping this type of product available and produced locally in Hawaii.

There's a problem with reference to the wind conditions which come from the northeast and crosses the northeast boundary of the property to be rezoned. Presently, there's no doubt that the property is zoned partially R-6 and partially I-1. Preferably, the B-2 would be more in keeping with the type of use involved, contemplated by the lime quarry. However, there may be problems arising in the future which you are not now cognizant of whereby complaints may be made with reference to dust or noise. In this connection, I'd like to add that the State Department of Health conducted a study of this land last year. The Zern Corporation produced a report stating that the lime quarry is within acceptable limits. This report has been filed with the State Department of Health, and approval given to operation of the lime plant.

At this time, all we're here to do is to put ourselves on record that we feel that this may be an area of concern, and that the Planning Commission should consider that there is a lime plant northeast of the proposed zoned area that may create problems in the future.

Thank you.

Mr. Shigemura was questioned by the Commission.

YAMABE: This problem that you discussed, is this a problem that might be to Gaspro or to the developer of the shopping center?

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SHIGEMURA: Maybe both. I'm not really sure in what respect, but we feel as the area changes, naturally the fact that there is a lime plant in the area may create some problem in terms of complaints from dust or whatever. Although there is the State Department of Health report stating that we are within acceptable limits, to this date, naturally the area proposed to be rezoned is all wooded. Naturally if its cleared, there may be more of a probability of the type of complaint arising since they are bordering the property. We feel that in the best interest of the area in general--as you can see, this an I-1 zone right next to it also--that perhaps it should be kept in Industrial use. However, we are not really opposing your petitioner. We're just raising this point and putting ourselves on record with reference to the fact that we think there is an area of concern here on your rezoning of that property.

YAMABE: Your opinion that you received from the Department of Health, was that based on the requested change of zone if it were to be a shopping center?

SHIGEMURA: No.

YAMABE: Were they specific when they said you might have problems if it were a shopping center, residence or whatever?

SHIGEMURA: No.

YAMABE: Was that just a broad opinion?

SHIGEMURA: I frankly have not read this in its entirety. The opinion, I take it here, arose as a result of the State Department of Health making an inquiry with reference to whether the lime plant and the emission from the lime plant were within acceptable State standards. I understand the report was written by Zern Corporation, and that the report states that the plant is presently emitting in the neighborhood of 4.1 to 4.5 pounds per hour of emission, and the State standards for this type of operation is 9 pounds per hour. Now, we're way within the acceptable limit. So, this is not to say that things may occur in the future as has happened, for instance, on the Halawa quarry situation. We feel that there may be something that occurs in the future that we feel may cause a problem insofar as the operation of the plant is concerned. With its present zoning, its able to operate at a marginal profit. Should it occur that relocation is necessary, for instance, then the plant probably could not survive, and its one of only two plants in the State of Hawaii. We feel that its viability depends upon it being kept in an area where its close to its quarry. The further it is away from its quarry, the more likely it'll have difficulty producing a profitable situation for the corporation.

Also, we feel whoever uses that zoned property, we just don't want to have problems with them in the future, frankly.

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YAMABE: Do you foresee any of these problems, other than the possibility that you discussed if the shopping center is constructed in this area?

SHIGEMURA: Well, this is the problem. Now a B-2 zone, they already said its going to be a shopping center. They anticipate food. There's a market on that diagram. There probably are clothing establishments, etc. Now, lime is a toxic material. When mixed with water, it becomes acid. We don't feel at the present time, in fact we know for the present time its not polluting. But again, we don't know what the standards will be in the future. We're just saying that there may be a problem in the future and we'd like to raise it. We don't know what the problems will be. We can't really look into the future. We can raise this and bring it to your attention and say look, something may happen. Maybe you should look at this on a long term basis.

YAMABE: Do you know whether they have any standards other than the one they have quoted and discussed with you such as if you were abutting a food establishment, the standard changes and so forth.

SHIGEMURA: I see what you're driving at. I really don't know. It was a study made last year by the Zern Corporation strictly based upon what the pollutants or what emissions were coming out of their smokestack, regardless of what the surrounding area looked like. I think it was a State standard, regardless of frankly, the zoning surrounding the particular smokestack. I presume the State looked at the matter carefully, and they have given the corporation a clean bill of health. I don't know whether the results of the study would change, depending upon what the zoning of the surrounding area would be.

YAMABE: You don't know whether this will take place

SHIGEMURA: That's right.

KAMIYA: Do you have any of those so-called, anticipated problems with any of the residents that are around the area?

SHIGEMURA: No, we do not.

CHAIRMAN: Have you discussed this with the applicant?

SHIGEMURA: No. In fact, it should be brought up at this time that the only notice that we have in our records is the notice which is postmarked July 30th, 1973. Presumably, it was sent to us later at Kapiolani Boulevard which is not the address of Gaspro, Inc.. Gaspro is located on Dillingham Boulevard. So, we did not receive the notice at an earlier time. Had we known that, we naturally would have come forward earlier.

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CHAIRMAN: The study that you mentioned simply is just based upon how the land is presently being used in the surrounding area?

SHIGEMURA: No, I believe the way it was stated is that it was based upon the amount of emissions from the smokestack of the lime plant. Therefore, I presume it has no significance. In other words, it has no bearing on what the surrounding area was like. The State standard is based on all smokestacks throughout the state, I presume.

CHAIRMAN: So, you don't know whether it would change in the event it were to remain R-6, and conventional subdivision went in there?

SHIGEMURA: I presume the present zoning was looked at by the State Department of Health, but I don't know.

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

Testimony FOR--

Mr. Brodie Spencer, Manoa Finance Company, 2733 E. Manoa Rd., Honolulu

SPENCER: I appeared before you when we had this application for a change in the General Plan. I don't think anything has changed since that time. I believe that the recommendation from the Director of Land Utilization covers most of the points.

This item raised by the gentleman who preceded me is new to me. I don't know what to say about that except that it seems it would be a toss-up whether it was developed as a shopping center or as housing. If they deviate from the standard for Commission control in the future, they'll probably have the problem no matter who their neighbor is. At any rate, I think this point has been considered by the Planning Department. They were told about it this morning.

My primary purpose in presenting myself now is if there are any questions from the members of the Commission.

CHAIRMAN: Questions from members of the Commission?

BRIGHT: In the event there were a change in the emission standards to a lower figure than presently exists, what position would your organization take once you have the shopping center there?

SPENCER: You mean if the State lowers the standards?

BRIGHT: Yes.

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SPENCER: We'd just accept it. I mean as far as we're concerned, there isn't a problem. Our familiarity with the area indicates there's no problem at this time. I don't think there would be a problem unless their operation changed and pollution increased over what it is at the present time.

BRIGHT: What economic pressure would an organization such as yours bring to lower the standards to remove that particular facility?

SPENCER: I know we have no intention of doing anything at this time. I can't see what the future would hold, but I think the standards set by the State, without knowing anything more about it than their spokesman as far as it relates to this particular zoning, I think they are fairly rigid. If they meet those requirements and comply right now, I don't see how there would be a particular problem.

BRIGHT: Thank you.

YAMABE: Will the structure be completely enclosed?

SPENCER: At this point, the buildings individually will be enclosed and air-conditioned, but there will be an open mall between them. All of the shops will be air-conditioned through one central unit.

YAMABE: This will be constructed by the developers. Its not a case where you leave it up to the option of the te..nt.

SPENCER: That's correct. It won't be at the tenant's option.

YAMABE: Thank you.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Yamabe, seconded by Mr. Bright and carried.

MOTION: The Commission, on motion by Mr. Bright, seconded by Mr. Yamabe and carried, deferred action to the next meeting for a representative from the State Department of Health to provide information regarding the possibility of pollution in the area from the lime plant, and to comment on pollution controls as it relates to this project.

AYES - Bright, Connell, Kamiya, Yamabe
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

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PUBLIC HEARING
CONDITIONAL USE PERMIT
(FACILITY TO STORE & DISTRIBUTE LIQUID PROPANE GAS)
EWA BEACH
OAHU GAS SERVICE, INC.
(FILE #73/CUP-4)

A public hearing was held to consider a request for a Conditional Use Permit for a facility to store and distribute liquid propane gas, on Hanua Street adjacent to the Standard Oil Refinery in the Campbell Industrial Park, Tax Map Key: 7-1-14: portion of 10.

Publication was made in the Sunday Star-Bulletin/Advertiser of July 29, 1973. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The applicant proposes to construct a Liquid Propane Gas (LPG) facility in Campbell Industrial Park. The 2.273-acre complex includes two above-ground 30,000 gallon storage tanks, an office and a repair area. The facility is to have direct pipeline access to the adjoining Standard Oil Refinery. There is to be no processing or manufacturing of LPG at this facility, only storage and distribution.

The Director's recommendation is for approval, subject to the conditions contained in his report.

Questioned by the Commission as to whether the applicant agreed to the conditions outlined in the report, Mr. Eng responded affirmatively.

No one testified either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Yamabe, seconded by Mr. Bright and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended that the Conditional Use Permit be issued, subject to the conditions contained in the Director's report, on motion by Mr. Bright, seconded by Mr. Yamabe and carried.

AYES - Bright, Connell, Kamiya, Yamabe
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

PUBLIC HEARING
CONDITIONAL USE PERMIT
(OFF-STREET PARKING AREA IN R-6 RESIDENTIAL DISTRICT)
HALAWA
CENTRAL HAWAIIAN
(FILE #73/CUP-5)

A public hearing was held to consider a request for a Conditional Use Permit to locate an off-street parking area in an R-6 Residential District and to support an apartment development in the adjoining A-3 Apartment District, Tax Map Key: 9-9-64: 25.

Publication was made July 29, 1973 in the

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Sunday Star-Bulletin/Advertiser. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. Central Hawaiian is proposing to develop this site as a multi-family housing project. The lot is split-zoned; the Ewa portion is an A-3 Apartment zoning district, and the Diamond Head end is R-6 Residential. The applicant is proposing to locate a cluster of duplexes on the R-6 zoned portion, and a 9-story apartment on the A-3 zoned portion. The cluster will contain approximately 7 dwelling units and the apartment building will contain approximately 63 units. The applicant is requesting a Conditional Use Permit to allow him to use a portion of the R-6 zoned property as a parking area to partially support the apartment use on the A-3 zoned area.

The Director's recommendation is for approval, subject to the conditions contained in his report.

Questioned by the Commission why application was made for a Conditional Use Permit rather than for a zone change, Mr. Eng pointed out that the DLUM designation for the area is Public Facility (for the Halawa STP which site has been abandoned by the Department of Public Works). An attempt to rezone the area first requires an amendment to the DLUM. Mr. Way added: "Its quite appropriate to permit the parking in the single-family residential district. In effect, there really is a larger degree of control over the placement and screening of such a facility by treating it under CUP than there would be under zoning. In other words, we wouldn't even see it, or the City Council, if it were handled by zone change. In this particular instance where it adjoins a residential area, the public interest is better served by handling this as a CUP matter, in that we can apply restrictions very specific to the case at hand."

Public testimony followed.

Testimony AGAINST--

1. Mr. Thomas Arizumi, Resident, Halawa Valley Estates

ARIZUMI: I am a resident of Halawa Valley Estates which is a subdivision abutting the proposed development. My residence is on Ohiakea Street which abuts the site of the Conditional Use Permit.

Testimony against the Conditional Use Permit is as follows: One, for vehicular traffic increase, and secondly, for pedestrian traffic increase. A parking facility adjacent to Ohiakea Street would encourage on-street parking on Ohiakea Street for residents who do not have parking stalls for the respective apartment dwellings. As a result of on-street parking increase, there would be congestion.

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As you know, the right-of-way of Ohiakea Street is now a 44-foot easement. I think the road width, pacing it off, is about 22 feet. I may be corrected on that figure. The residents on Ohiakea Street in order to get onto the road, we would have to reverse from our driveway to the road. Reversing on a congested street as you know will pose a problem.

Secondly, they have a six-foot fence circumventing the parking structure; however, there is no provision made of the south side of that parking structure with a fence. They talk about landscaping. That could mean Bermuda grass. That could mean that the vehicles could jump the median and come out on Ohiakea Street from that adjacent parking area. We would, therefore, recommend also a six-foot fence along that line, in addition to what has already been proposed. This is my personal point of view.

Secondly, perhaps a remote idea but perhaps relevant to this Conditional Use Permit, that when the stadium opens, there will be further parking problems. As you know, the stadium provides only for 7,000 parking stalls for a 60,000-seat capacity is not adequate, which would mean that the crowds would utilize Ohiakea Street and adjacent roads for parking. This again adds to our problem.

Of course, everyone knows and this is again my opinion, nobody likes to be next to a highrise density development where it increases problems of people, traffic and noise, especially the idea of having a car start up next to my bedroom window at three o'clock in the morning. Its not very appealing to the residents or to myself.

For these reasons, I am opposed to the Conditional Use Permit as it is proposed today.

Mr. Arizumi was questioned by the Commission.

YAMABE: I'm sure you're aware of the fact that we're considering the Conditional Use Permit today. Whatever testimony is given as far as the apartment structure is concerned, is not within our jurisdiction to act one way or the other.

ARIZUMI: I am aware of it.

YAMABE: I think you've made an excellent suggestion about completely enclosing the parking area so that you'd minimize the problem on Ohiakea Street. If that's done, do you feel this will satisfy the concern expressed by you and your association?

ARIZUMI: Of course, I cannot speak for my association but as far as I'm concerned, that would be satisfactory. This would discourage on-street parking on Ohiakea because of the inaccessible route to the proposed apartment area.

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CHAIRMAN: Your concern is not so much the height, just so long as there's some type of buffer between the parking lot area and the adjacent parking lot.

ARIZUMI: I think the maximum height of a fence is six feet. I'd like to go to the maximum deterrent--if I might use that word--to discourage pedestrian traffic through that area, again with the assumption in mind that it will discourage on-street parking on Ohiakea Street. If these things can facilitate those requirements, I'd be more than satisfied.

CHAIRMAN: So, its both pedestrian traffic and the possibility of cars coming over the grass area.

ARIZUMI: That is correct. The idea of pedestrian traffic again is that anyone could easily park on Ohiakea Street and walk to their apartment. The number of units and the number of parking stalls provided comes out to a ratio of approximately 1.13 parking stalls per unit. In my estimation, that is an insufficient amount of parking stalls per unit. I think the average homeowner owns--the last count was 2.03 cars per household. Going on this assumption and these figures again, we know that these parking facilities would be inadequate.

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

2. Mr. Dennis Hu, Resident, 99-120 Ohiakea Street, Honolulu

Mr. Hu concurred with Mr. Arizumi's testimony but questioned two points. Concerning Mr. Arizumi's suggestion for a six-foot fence, Mr. Hu questioned (1) the possibility of the applicant removing that fence in the future, and (2) the installation of a gate to allow pedestrians to pass through.

The Chairman pointed out that the applicant would jeopardize this Conditional Use Permit if he attempts to deviate from its conditions.

Testimony FOR--

Mr. Norman Lacayo, Project Architect

Mr. Lacayo agreed to the conditions contained in the Director's report. Questioned by the Commission concerning the suggestion by the two previous speakers against the project for a six-foot fence to preclude vehicular access to Ohiakea Street, Mr. Lacayo stated there would be no problem. However, he commented that considering the cost factor, a 4-foot fence would be more feasible.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Yamabe, seconded by Mr. Bright and carried.

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ACTION: The Commission concurred with the Director's recommendation and recommended that the Conditional Use Permit be issued, subject to the conditions contained in the Director's report, with the following amendment, on motion by Mr. Yamabe, seconded by Mr. Bright and carried:

Extension of the proposed solid wall to preclude vehicular access to Ohiakea Street, and to further discourage pedestrian movement to and from Ohiakea Street from the proposed apartment and parking structure. This may be implemented by adjustment of the site plan rather than by separate condition.

AYES - Bright, Connell, Kamiya, Yamabe
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

PUBLIC HEARING
ZONING CHANGE FROM
R-6 RESIDENTIAL TO
I-1 LIGHT INDUSTRIAL
DISTRICT
KALIHI
UNITED RECAPPING CO.
(FILE #73/Z-30)

A public hearing was held to consider a request for a change in zoning from R-6 Residential to I-1 Light Industrial for land located on the makai side of Dillingham Boulevard approximately 250 feet Waikiki of Mokauea Street, Tax Map Key: 1-2-03: portion of 8.

Publication was made July 29, 1973 in the Sunday Star-Bulletin/Advertiser. No letters of protest were received.

Mr. Henry Eng of the staff presented the Director's report of the request. The applicant proposes to use the site for the storage of new tires and related materials and equipment to supply his tire recapping operation located on Kamehameha Highway. His present proposal involves only storage use. The recapping operation may be relocated to this site if and when the remaining portion of the site abutting Colburn Street is also rezoned to I-1 Light Industrial District. The Director recommends that the request be approved.

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

No person was present to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Bright, seconded by Mr. Yamabe and carried.

ACTION: The Commission adopted the Director's recommendation and recommended that the request for zone change be approved, on motion by Mr. Bright, seconded by Mr. Yamabe and carried.

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AYES - Bright, Connell, Kamiya, Yamabe
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

UNFINISHED BUSINESS
GENERAL PLAN AMENDMENT
OAHU, HAWAII
TO REFLECT FINAL
HIGHWAY RIGHTS-OF-WAY
& TO MAKE NECESSARY
ADJUSTMENTS IN LAND
USE DESIGNATIONS FOR
LANDS ADJACENT TO OR
AFFECTED BY THE
ALIGNMENTS
STATE OF HAWAII
DEPARTMENT OF
TRANSPORTATION
(FILE #224/C3/VARIOUS
& 180/C3/5)

Public hearings were held June 20, 21, 27, 1973 and closed on July 11, 1973. At its July 25th meeting, the Commission deferred action for 30 days for response from the applicant relative to the social and environmental impact of H-3 on Kaneohe Bay

The following discussion transpired.

WAY: Mr. Chairman, the Commission had raised some questions and concerns at the last discussion on this subject, and it was requested of the Department of Transportation that additional information be provided. The DOT is in a position to provide such additional information that the Commission may wish, and is prepared today to come before you to discuss their reactions to the questions that have been raised, and I'm sure to any other questions that the Commission might have. Mr. Wright, the Director of DOT is here and is prepared to continue with testimony, if that be the Commission's wish. So, it is at your pleasure, Mr. Chairman.

CHAIRMAN: I'm sure the Commission is looking forward to hearing from Mr. Wright.

WRIGHT: Thank you, Mr. Chairman. Members of the Commission, I wish to express our apologies for apparently not fully answering your questions. We are fully at your service, Mr. Chairman. I shall endeavor, however, to distinguish between fact and judgmental aspects which is, of course, your perogative so that there can be a distinction.

With your permission, I shall touch upon first the mass transit alternative which from reading your record, apparently was a repetitive question; secondly, the need for H-3; thirdly, the Kaneohe Watershed erosion matter; and lastly, the Moanalua Valley impact.

Relative to the first, mass transit alternative, of course, from a transportation standpoint, we much prefer to utilize fully and more fully, the transportation corridors that we now have. So that if, due to evolutionary transit technology they can be made adequate to serve the versatile mobility that is required by the City and County, then this is what we seek. Therefore, the first emphasis has been given to examining and analyzing the availability and sufficiency of the present transportation corridor.

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The first alternative to give in this regard, of course, is by manually controlled rubber-tired transit vehicles; in other words, a bus. This is presently on use on the Pali Highway that serves mostly Kaneohe and the Kailua areas. It now takes up to about 7% of the total person trips. To put a frame around this picture, Mr. Chairman, in order to accommodate the conservative growth of Windward Oahu which would be at one-half of the rate during the next 20 years, as it has been during the last 10 years, we will require a diversion to mass transit of 55%. Over half of the total work trips during the peak hour would need to be by mass transit. So that in this frame, we are now handling about 7%. We anticipate that with service on Likelike as well as Pali, and perhaps by utilizing a non-peak direction lane on Likelike during the morning hour which we are now working out jointly with the City and County, that we might be able to get up to 20%. The difficulty, of course, is that we're still in mixed-traffic that is not a grade separated limited access. You have people leaving their homes in the morning from Valley View, from Country Club Drive, from Kaiwa, and they're all mixing with existing traffic so that the buses must necessarily move in this framework. We anticipated that this optimistic figure of maybe up to 20% diversion out of the needed 55% would, of course, drop progressively with time. As more vehicles endeavor to use Pali and Likelike, the existing corridors, that then the bus mass transit would encounter increasing competition, and would therefore be increasingly less attractive to the rider.

The next method that we examined, views and existing corridors, is by having in the same right-of-way essentially, or next to it, a rapid transit link such as by a fixed guideway that is currently being planned for the central spine of urban Honolulu, together with a single lane of roadway that could be available for private vehicle, and that this would be a reversible project; that in the morning peak hour, obviously its in-bound, and in the afternoon its out-bound, so that that would conserve in the amount of construction that would be required.

One transit and one highway lane, this was examined for Pali Highway. If it overlays Pali Highway, it would necessarily be on viaduct through all of the residential area because otherwise, the property taking along the portions would be extreme. There would be no way for the people to get out of their houses. Once it reaches the conservation zone, of course, it could possibly go on grade at that point. It would mean, of course, another bore through the Koolaus at the Pali. This configuration is estimated to take 30.4% with a 55% diversion of mass transit. In other words, its still over 24% short of what we need to divert to that need.

So, we next turn to the Likelike corridor. This was the same kind of geometry, with an elevated structure that would have one transit lane and one auto lane that would be reversible in the peak hours. We were pleased to see it then moved up to 34% of diversion out of some 50%. The impact, however, of the Likelike corridor would be a taking of 51 homes, 4 apartments, and 6 commercial establishments,

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in addition to the fact that it would provide only 34% diversion out of a needed 55% diversion

The next area that we looked at was transit alone. Transit alone is, of course, highly attractive because by the punitive restricting of the channels by which automobiles can travel, and parking spaces and everything along with it, there's more interest than in traveling by transit. If we do this and put a transit link through Likelike so there's no second automobile lane, there still must be a third bore. There's no other way to get through the mountain than to have a third bore that would take the traffic. If this is done on the most favorable route which is Likelike, it would at best divert not more than 44% of the home-to-work trips during that morning peak. This would be a very exceptional diversion.

In regard to the 55%, the City and County has commented to us that it is not achievable, and in their words, it would take a benevolent dictator to accomplish this kind of diversion to transit of 55%. The Mayor's benevolent but he's not a dictator. So, we agree with the City that this is not an achievable alternative by transit alone. It is for this reason, Mr. Chairman, that we have arrived at a balanced transportation proposal in which both transit and highway lanage are provided through the Moanalua corridor.

Shall I go ahead with the Kaneohe Watershed?

CHAIRMAN: Yes. If you'd go ahead with your whole presentation then we'll have questions.

WRIGHT: In this regard and on his behalf, I'd like to introduce to you and the Commission, a letter from Mr. Soneda, who testified at an earlier meeting in order to clarify his testimony and position at that time:

> "I appeared before the Planning Commission on June 27, 1973 at the request of the Commission at which time I had expressed the deep concern of the Department of Health relative to the degradation of Kaneohe Bay brought about by the continuing large-scale development in the Kaneohe watershed area. The Commission was considering, at the time, the matter of the 'General Plan Amendment to Reflect the Final (H-3) Highway Rights of Way.' To the best of my recollection, I did comment to the effect that the construction activities on the remaining portion of the H-3 on the windward side, per se, would have relatively minor effects upon the quality of the Bay waters. The minutes of the meeting of the 27th does not appear to reflect my having made any such comments. I would like, therefore, to so indicate at the present time.
>
> "We have been working very closely with the State Highways Division in trying to minimize the effects of soil erosion generated from highway construction activities. The Department

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of Health is in the process of certifying the Highway Divisions' erosion control specifications and erosion control review procedures. Upon such certification, the Department of Transportion would be deemed to have met satisfactorily the following portion of Section 6-a of Chapter 37-A, 'Water Quality Standards,' Public Health Regulations of the Department of Health:

> 'All waters shall also be free from soil particles resulting from erosion on land involved in earthwork, such as the construction of public works, highway, subdivisions, recreational, commercial, or industrial developments, or the cultivation and management of agricultural lands.
>
> 'This standard shall be deemed met if it can be shown that the land on which the erosion occurred or is occurring is being managed in accordance with soil conservation practices acceptable to the Director, and that the discharge has received the best practicable treatment or control.'"

The effect of construction of H-3 upon the Kaneohe Bay Watershed was examined qualitatively by the State DOT, and then was examined quantitatively by the State of Hawaii by Ocean Engineering Consultants, Incorporated. That organization's Report 103 dated 31 January 1973 has been submitted to the Commission, I believe, previously. In this report, Ocean Engineering predicted a temporary effect during construction amounting to "a few millimeters" of sedimentation or less. Specifically, Ocean Engineering calculated the average thickness of deposited sediment and found these to be .08 millimeters and .3 millimeters for the Kahaluu and Kaneohe section of the bay. Ocean Engineering calculated the local deposition figures could be 2 to 3 times the average value reading from 0.2 to 0.8 millimeters in the Kahaluu and Kaneohe section of the bay, respectively. Ocean Engineering also stated, "in the unlikely case if a severe storm hit the area during construction, the figures may double locally in order of magnitude of .4 and 1.6 millimeters. From a sedimentation point of view, deposition rates as established above may be classified from insignificant to mildly significant." These figures are from Page 22 of the Ocean Engineering Report, and they do not include the effect of the Kaneohe Flood Control Reservoir in preventing sediment from reaching Kaneohe Bay. In connection with the Flood Control Reservoir, of course, we were working very closely with the Army Engineers. Ocean Engineering also calculates that if the proposed reservoir was built prior to or concurrent with the construction of the H-3 Freeway, the sediment figures predicted above would be reduced by 50%. On Page 1 of this report, Ocean Engineering stated that the permanent effects of the H-3 construction from Kaneohe Bay should be considered insignificant.

I realize that you have received testimony concerning Kaneohe Bay from many sources. I served personally on the Kaneohe Bay Task Force and have shared the concern of many in regard to the health of the bay. As far as I know, however, none of these sources with

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the exception of Ocean Engineering Consultants Incorporated has performed a quantitative study of the specific effects of H-3 on Kaneohe Bay. In fact, according to the record of the public hearings on this matter before your Commission, most, if not all of the qualified technical testimony presented to this Commission, dealt with the sewage effluent.

In regard to the need for H-3, Mr. Chairman, the need is based upon forecast of growth predicted by the Oahu Transportation Study which is in turn based upon the Oahu General Plan which in turn is now the Oahu Transportation Planning Program in which the Planning Director, the Director of Transportation Services, the State Director of Planning and Economic Development and the Director of Transportation all sit on the policy committee that directs and coordinates the work of the Oahu Transportation Planning Program. These projections indicate the need for three transportation corridors across the Koolaus in 1990. Two of these transportation corridors would carry mobile manually controlled vehicles--private automobiles, trucks and buses, buses as a part of transit. A third one would carry this type of vehicle on two of the lanes in each direction, and upon the third lane in each direction would carry the type of transit vehicle recommended by the City and County in their development of the rapid transit system for our county. Initially, their recommendation has been the feeder bus system of which some 470 buses supply the 22 mile fixed guideway. Ultimately, we would expect and hope that the fixed guideway system, when it can be justified, would be extended to Windward Oahu. In this connection, I might add that we have had approval on this split by the Secretary of Transportation. To my knowledge, its the first time that any State, if you want to put it this way, has broken the Highway Trust Fund, because they have permitted us to build tunnels, viaducts to grade and to prepare the bed, if you will, for a rapid transit system of whatever type we recommend and is approved. So that in effect, the Highway Trust Fund is contributing in the order of 60 million dollars to rapid transit in the City and County of Honolulu by agreeing to and providing the right-of-way on which all that needs to be done is either to put a fixed guideway which is nothing more than a concrete box which is electrified, or a bed if at that time the feeder bus system is still the preferred one.

This mixed transportation system, balanced, I should say, is the better word--we contemplate would carry 3,000 home-to-work trips in-bound from Windward Oahu to urban Honolulu during the peak morning hours. Now, this is a 22% diversion which is an achievable diversion. We agree fully with the City and County in this regard and with the mass transit administrator that this can be done. Its a sizable amount when you move from 7% at best right now up to 22%, particularly when meanwhile the work trips have increase to 13,000. At that time, there would be 13,000 people from Windward Oahu moving over to urban Honolulu. The remainder of the laneage, the two on H-3, two on Likelike and two on Pali would continue to carry mixed traffic, private automobiles, trucks, and buses.

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The calculation of these diversions, I'm sure you know the process, its a rather sophisticated one but its one that I'm very proud to say that has been checked out by its performance. This started with the Oahu Transportation system planning, and we now have enough points that we now have confidence in the prediction. This gives us the split between the various types of vehicles that we would expect in that area. I want to emphasize, Mr. Chairman, that this estimate of the need for H-3 is just as reliable as the need for a rapid transit system wherever in Honolulu. This is all based on the same facts and the same system. So, what's good for one is good for the other, and we think they are good for both.

Lastly, the environmental effects upon Moanalua Valley, very quickly to touch upon some of these points and questions that were raised earlier. You've heard testimony on the noise of the traffic, and that it may render infeasible, a park in the valley. The spokesman for that usually used as a basis for their statement, the studies conducted for the State by both Beranek and Newman. They, we think, are the best acoustic consultants in the country, the results of which have been included in the Environmental Impact Statement. I think you have a copy of that.

It has been pointed out that the noise may interfere with the park but it is not said that this peak noise is during the peak commute hour of morning and afternoon. Generally, it is not being used quite as heavily during that time as it is in others, as far as the park is concerned.

Also, the question has been raised of echo effects in Moanalua Valley. Both Beranek and Newman have investigated this area, Mr. Chairman, and find that there will be no such recognizable effects of echo. This reverberation matter is one which deserves to be checked because the same sort of thing has been raised in Waimanalo as far as reverberation from the Pali is concerned.

In regard to air quality, the air pollution studies have been directed by Dr. Gerald M. Sturman. He found that at the most critical sections of the highway, the maximum 1993 predicted levels of carbon monoxide produced under the most unfavorable meteorological conditions would be well below the maximum set by the standards of the State of Hawaii and the Federal Government for air pollution.

Botanical, Dr. Charles H. Lamoureux, Consulting Botanist has found that the construction of H-3 would not significantly affect native plant species.

In regard to Wildlife, Dr. Andrew J. Berger, Consulting Zoologist, has concluded that the construction of H-3 cannot be viewed as a threat to the continued existence of any of Hawaii's unique birds of the native forest they've inhabited.

On the archaeological side, a program of exploration in Moanalua Valley and in Halawa has been conducted by the Bishop Museum. As

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you may recall, this was funded jointly by the Damon Estate Trustees and by the Department of Transportation. They paid for 1,000 feet and we paid for the other and it went the whole length of the labyrinth. On this survey, there are 57 prehistoric activity sites. Two of these are petroglyphs recommended for preservation by the State Archaeologist, Dr. T. Stell Newman. Dr. Newman states that none of the other archaeological remains in Moanalua is worthy of preservation. Nevertheless, only 4 of the 67 lie within the highway right-of-way. These can be moved for preservation if warranted and if desired. Right where we were also checking, two heiaus have been discovered. Neither is on the highway alignment. Other potentially valuable sites are outside the alignment and will not be disturbed. Two sites on the alignment are, of course, being salvaged by the Bishop Museum. Incidentally, in spite of the first report that came out in the media that four heiaus would be destroyed by H-3, we've never found a heiau in that valley. The Bishop Museum's 1970 report of Moanalua Valley Exploration also contained a historical survey of the Moanalua ahupuaa. This is a very, and understandably so, confusing situation because an ahupuaa went from the mountain to the sea, so that there's much history connected with this stretch from the mountain to the sea. But, nearly all of it has been obliterated by the passage of time. The Honolulu International Airport, for example, is built on one of the fishponds referred to. The Moanalua development is built on the site of a beautiful heiau. There are other areas within the Moanalua ahupuaa that are historical that have been moved or covered by the passage of time. We have found one new one that was brought to our attention by Mrs. Damon, and we were very thankful for it, and that is the Iemi Springs. This is on the Moanalua Freeway route. This is where the Alii--because this was the principal route from the West to the East--would stop to refresh themselves when they were in transient, so to speak. This site is being restored in collaboration with the Damon Estate Trustees and financed by the State DOT. We do anticipate, and they have indicated a readiness to take over the maintenance of this spring site after we are there. But, this is a historical site.

Regarding the stream flow in Moanalua Valley, the State's latest specifications governing erosion and siltation now being applied at the Halawa Interchange will apply to all construction of route H-3. Erosion and siltation will be the subject of a special prevention program. Stream flow studies of Moanalua Valley were conducted during the planning phase of the project in 1966 and 1967. The program was developed whereby through the use of a water retention structure in the right branch of Moanalua Valley during severe storm, no more water would be delivered at the housing development downstream makai in the valley after construction of the highway than would have been delivered had the highway not been constructed.

Finally, a word about other alternatives in addition to mass transit per se. We have looked at one way movement on both Pali and Likelike and yes, it is feasible. Whether it be socially and environmentally acceptable, we have not had much enthusiasm by the residents of

those valleys. We've met with them. It would mean on Pali, considerable construction work in order to grade separate the intersections there.

Incidentally, as much as we hate to think of it, it is going to be necessary to signalize, in any case, the Pali Highway during the period before H-3 could be constructed. From the highway safety standpoint, there's simply been too many accidents and fatalities in that route. With the amount of traffic that its taking through there from 3,000 vehicles in the morning peak hour, there simply is no break in the traffic so that a pedestrian eventually becomes impatient, particularly if its raining, and may clear two lanes of traffic but gets caught on the third that doesn't see him. As much as we hate to think of it because of the effect on the capacity, this will be necessary. It will be necessary in any one-way movement to have this signalization because we will be changing the direction of motion at different times of day. It could be quite confusing to a resident to come out of his house at one time of day and have to go right, and the next time he comes out he would have to go left. He just might forget. So, we will have to be very careful from a safety standpoint. What we recommend is that there be a physical separation with a funnage road, in effect, which does require a barrier between the two, but it would be property taking on both sides of the present right-of-way in order to achieve this.

CHAIRMAN: That would be on both Likelike and Pali?

WRIGHT: Yes. As you can recognize, there are cases of emergency vehicles, during that time of hour it would be quite exciting for them to go upstream on a one-way highway at that time of day. Even though you wanted to go a few blocks down, you would have to go all the way around if you wanted to get there at that time of day.

Finally, the real bind is not so much the transient portion but the merging of that traffic with Lunalilo Freeway, and with Kam Highway on the Windward side at both Castle Junction and Likelike Junction at Kaneohe. Its not sufficient to just move the traffic from one end to the other. You have to melt it with the traffic that is already there at that point.

Staggering work hours, yes. This will help. We are seeking a demonstration project within the next few weeks of staggering hours for government workers. We have the concurrence of the union's concern and of the administration to do this before school starts so that we are able to get a more accurate picture of it. Last year we recommended doing this during school hours but could not get much enthusiasm from the parents or the Department of Education. But, I think their conclusion is that staggering work hours is not incidentally in the same class with another alignment because it could never achieve the diversion to that part.

Lastly, the alternative is not to do anything. If this is done, one consideration of interest to the people in the Moanalua Valley

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Community is that if nothing is done, and a park is built there, and we have no positive assurance that a park will be financed and built in that valley, but then, all access to the park would necessarily have to be through the one main street in this housing area of some 500 or so residences which would then have to necessarily carry all of the park traffic into that particular valley. We feel that this would not be pleasant for the people who live there both because of the levels of air pollution that would be experienced, and because they are much closer coupled to the highway from a residential standpoint.

In this connection, I didn't mention on the noise that we have quite a few of our fellow citizens who enjoy parks that are near highways. Ala Moana Park is near probably one of the busiest thoroughfares that we have. Foster Gardens is another one Moanalua Gardens is perfectly beautiful and perhaps could be more serene if the highway were not there, but is still enjoyed by quite a few people.

I hope I have touched upon a few of the questions. If I haven't, I hope you will let us know and we will do our best.

CHAIRMAN: Questions from members of the Commission?

YAMABE: Adm. Wright, there was some concern expressed that you may not have considered the various alternatives as some wish you might have. You mentioned that there's a possibility of widening. You bore through Pali and Likelike, one taking care of 30% diversion, the other was 34%. Just to clear my mind, if you were to combine both of them, are we speaking of your cost doubling because you're doing two bores through Pali as well as Likelike, and that cost would be prohibitive? Is my assumption correct?

WRIGHT: It would cost appreciably more than the contemplated $270 million cost of H-3 to do that. It could be done, of course. It is an alternative

YAMABE: How much are we talking about or have you examined the cost?

WRIGHT: Any detailed design, obviously, of putting a viaduct structure on Pali Highway and a new bore through the Koolaus at that point, and doing the same thing on Likelike, we have not examined in detail. We know the length of the viaduct structure is concerned and the cost there, so we have an order of magnitude. The order of magnitude is that one of these kinds of structures would be in the order of--including the bore and everything that went with it--$300 million to $350 million dollars, including the property acquisition, the relocation of the people that would be involved. If it were simply a fixed guideway as an alternative and nothing else right through the Pali, that would be a minimal bore, the minimum structure and so forth, you could probably get it for $400 million. That would be $400 million on top of the $700 million because obviously, it

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doesn't do any good unless you've got a system over on this side. But for $1.1 billion, you could probably get a fixed guideway system to serve both the 22 mile urban core, and to connect with the Windward side. We do not at all know that the Urban Mass Transit Administration and the Secretary of Transportation would concur in this kind of expenditure because of the exceptional cost, nor do we know--and we've had no encouragement from the City--that even so, that there would be the 55% diversion. Because, every indication is regardless of how punitive we may be in the use of a private vehicle, the people will prefer to sit in traffic, leave earlier in the morning, to endure those things in order to take his private vehicle. So, this is an alternative which you mentioned, Mr. Commissioner, but we don't think it'll work.

YAMABE: If you employed the use of both tunnels, and we're talking about just the bore and other related needs, its about $800 million?

WRIGHT: If you did it on both highways, both Likelike and Pali, and did essentially the same thing, one transient direction and one lane, it would be about $300 million to $350 million on each, or together $600 million or $700 million which is of the same order as H-3.

YAMABE: And about the same diversion, 50%, 55%?

WRIGHT: Yes Sir, but we'd hear from a lot more people.

YAMABE: This is rather a subjective question, but I have heard time and time again that the solution to the traffic problem may not necessarily be in the construction of more highways. You have touched upon the possibility of the other alternatives that where it becomes so unbearable, maybe people themselves would change their pattern. Is there such a possibility, I'm concerned with the future need. Right now we're talking about present needs. Does that mean if there's no possibility in this particular area, does that mean we'll continue to be faced with the same problem of enlarging or expanding our traffic system?

WRIGHT: I feel very strongly Sir, and it may sound very strange from a Director of Transportation, that we should take away some of the highways that we have now and turn it over to mass transit. This is what I'm urging be done, that we consider, for example, the transportation corridors that we now have, that are susceptible to rapid transit. Now, rapid transit means a grade separation. It means a grade separation where you do not have cross traffic. We have such transportation corridors as that now under construction in the Moanalua Freeway, and H-1, and eventually H-2. I feel strongly that we could make more use of the transportation corridors we have and in prospect for mass transit, and less for the private automobile.

YAMABE: Do you feel although you're recommending the final construction of the highways 1, 2, and 3, you are looking into

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alternatives where we can prepare ourselves for our future needs, and these alternatives may come in, recommendations from you people and others where the existing highways may be converted to some other use?

WRIGHT: To mass transit We are hoping there will be an affirmative answer from the City's Mass Transit Division, and have so recommended. We just met with them yesterday We work very closely with them, that they will see fit to utilize existing corridors for mass transit. We recommend that 2 of the 8 lanes on H-1, and 2 of the 6 lanes on the Moanalua Freeway be, in effect, taken away from the private auto and dedicated to transit. The reason for this is that one bus can take 30 cars off the highway. If we take 30 cars off the highway, then we leave that much from a parking standpoint, downtown the congestion in local streets, and areas of that kind. But, we've got to make it attractive to the commuter. I feel strongly that diversion to mass transit comes from making the alternative more attractive than by punishing the commuter to take another means. We could make it more attractive by having alongside of him, a transient system that passes him and gets to work sooner. This is exactly what has happened in the Shirley Highway and in the many other communities in the country. The Shirley Highway started with a 1900 capacity load and is now as I recall over 22,000 in the peak hour. This is remarkable and I'm convinced we can do the same thing, without taking any more homes and without displacing any more people, but simply by making better use of what we either presently have or in prospect.

YAMABE: Isn't it a reasonable projection to say that although we are referring to the Likelike and Pali Highway as not carrying any form of mass transit, however in the future they may, and therefore there's a possibility to take care of the needs of this community without necessarily building another highway.

WRIGHT: I haven't said Pali and Likelike. They're quite different from H-3. They are not grade separated. They are not limited access. We have no such highway on the Windward side. If we did, I would certainly recommend that we consider this kind of change. But, we simply cannot run a rapid transit system unless you separate it from the other traffic. We simply can't do this on the Pali and Likelike with those two little bores. We can hardly get a bus through there right now, much less getting a bus and private cars and everything else through that one bore through the Koolau. If we had a Moanalua Freeway such as is now under construction from Halawa to Puuloa, if we had this to the Windward side, yes, by all means we should use it but we don't.

YAMABE: So, it simply comes out to the cost factor if you have a corridor that might allow this type of use at a minimal cost.

WRIGHT: No, it comes down to design standards--if its built to a standard that no home opens on to the highway, if nobody crosses it, if it has no stop lights, if its safe. The difference

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is that a freeway, and this is proved by national statistics, is twice as safe as Pali and Likelike. If we had a freeway to the Windward side, we would have half of the fatalities that we have now on Pali and Likelike, according to the national average.

YAMABE: So actually the possibility will be with this H-3 Highway. This is the only highway going over to the Windward side that you might have.

WRIGHT: Call it whatever you want, H-3, but unless we have a third transportation corridor to the Windward side, we will never have a grade separate, limited access, safe transportation corridor suitable for rapid transit.

KAMIYA: Will there be land available to take care of displaced farmers?

WRIGHT: The displacement policy that applies to all transportation displacement of this kind, which unfortunately there are, so that homes, moving expenses, rental, what not, for the farmers in the area, this is difficult. There will be 30 acres for the banana farmers. The effort will be made to urge the reclassification of conservation land that would be suitable for this purpose to banana farming. Secondly, we have talked to the farmers and we will provide access from one side to the other and for their vehicles and so forth through it. Thirdly, its just my idea but we haven't had no concurrence with it, but we ought to plant these interchanges with banana plants. I think they'd be beautiful. They would not only beautify the area but we get the bananas. This may cut down the impact on the banana farms.

BRIGHT: Perhaps you could give us some advice on whether there is a necessity for this particular expansion on the Windward side, that is from population growth. Perhaps we're misdirecting all of our efforts and not considering population growth in the urban Honolulu area rather than going to the other side, and this in effect might nullify some of the arguments for this massive expenditure of funds for the H-3 development.

WRIGHT: I think its a good point and we certainly hope it will take place. The growth of Windward Oahu during the decade from 1960 to 1970 was 51%. All of Oahu grew at a rate of 26%. We're banking on being able to decelerate this growth on the Windward side so that it is half of the rate in the next 20 years that it has been in the past 10 years. Because, we'd like to see more people live in urban Honolulu, and that's not just because I live on the Windward side, but we want to decelerate because of erosion, because of Kaneohe Bay, because it is in fact a place to live and we want to keep it that way, but our difficulty is that of the--Bob can check my figures better than I can because I think the people here are sharp--presently some 9,000 developable acres, about 3,000 are in small parcels so they're not very suitable for the development, and that leaves 6,000. Of that 6,000, 70% is on the Windward side. In other words, they

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have the grade, the soil conditions, and the kinds of things which make them attractive and suitable for development so that the pressure from a development standpoint is inevitably going to be on those lands that are suitable for their purpose and obviously what you have already general planned for that purpose. So, we're probably optimistic in predicting that there will be half the rate of growth in the next 20 years that there were in the past 10. One thing will help is to get a rapid transit system going in urban Honolulu, and it may be more convenient to live in high rise over here than it is to live on the Windward side. That may help too. But, it should be very beneficial, yes Sir.

BRIGHT: It would seem to me from what you're saying that the best approach would be to discourage this development in this area and to concentrate it in urban Honolulu, is not to build the H-3.

WRIGHT: No Sir. What I'm saying, I think, is that the two transportation corridors presently there, Pali and Likelike is already to capacity. You think socially, quite apart from economically, it is possible to go from a rate of growth of 50% in 10 years to 0 population growth, its more optimistic even than we are.

YAMABE: As far as deceleration is concerned, you're making reference to actual land use, the general plan, the zoning within the county as well as State land use.

WRIGHT: Yes, to decelerate Windward Oahu of developed areas. We feel from an erosion standpoint in Kaneohe Bay, whether we like it or not its still a bedroom community, that putting light industry over there is desirable to be sure. But, when its difficult to even get a shopping center over there, we're not going to get much light industry. So, from a realistic standpoint, we feel that the best way to keep down population over there is decelerate the growth by the planning tools which you have.

YAMABE: I think its an excellent idea but what disturbs me is we have been continually disbursing our economic base to rural areas. Somehow in this attempt, we find that other accessory needs, homes and so forth come into the picture. I'm sure none of us really made an indepth study, the many, many ramifications to this approach. But, do you feel that it might be possible to centralize all the industrial growth in Honolulu proper, and then keep the rural areas primarily as a bedroom community? Would this be possible?

WRIGHT: We don't like it from a transportation standpoint because what we seek is to decrease the necessity for personal mobility. We would rather have transportation vertically than horizontally. For example, in the areas which still must be developed in Honolulu, we would like to see people live up above their work like they use to years ago, rather than to have to travel to go to work. We do feel very strongly that the preservation and continuation of agricultural land, open space, and areas of that kind is very important. This kind of thing can only be done by policy makers

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such as yourselves who decide on containment and decide on what will be contained in different areas. But, we would be strongly in favor of reducing the need for transportation, having balanced, contained communities, be they one that has a core in Wahiawa, and one that has a Kailua-Kaneohe course, and a third one in urban Honolulu. By having a geographical containment to those areas so that they would be more balanced from a job, education, recreation standpoint than they are now, and would in turn reduce the need for transportation between them.

Did I answer your question?

YAMABE: Yes, you did. I'm afraid none of us are going to have an immediate answer for this discussion. However, I did want to have the benefit of your opinion. I didn't mean to get off the subject but it interest me how can we--some of the problems we're faced with today, there isn't much we can do. Maybe this is the case. If it is, then we should all be concerned as to how we're going to contain this whether it be deceleration, containment, how we're going to do this because we certainly don't want to make decisions today or advise or recommend a decision that we might find to be detrimental in the future. I appreciate your opinion.

WRIGHT: We strongly recommend land use fences around contained balanced communities.

YAMABE: I think we should have agriculture expanded in the rural area.

CHAIRMAN: I noticed in the July 26th Advertiser that your department is going to be holding public hearings in the month of August centering upon some of the issues that you have brought to our attention in answering some of the questions the Commissioners had. You also indicated the fact that the thought was given to coming down the Pali or Likelike that you might hear from the people. I would assume that part of the reason for the public hearings is to hear from the people.

WRIGHT: Naturally.

CHAIRMAN: Isn't it at least theoretically possible that out of those public hearings, that portions of your plans, there may be changes in the alternatives which would have an effect upon the land use?

WRIGHT: We have massaged this for so many, many months and scrutinized every alternative from the best brains that we can tap in these areas. We would be very much surprised if we've missed any consideration, but for two reasons we are seeking the testimony. First, we may have, and we certainly want to hear about it. The other consideration is that we've got to be legal because the plaintiffs have questioned the legality of the 1965 hearing when they were held in both January and June of that year, I think, and

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has said that the 1969 NEPA Act is retroactive, and some courts have steps. So, even though the District Court does not require that we go through the full environmental search of each of these other routes, it has legally encouraged us to both accept testimony, to invite testimony, and to re-look at these areas which is exactly what we're doing. But, I think subjectively you can foresee that an H-3 Freeway through Manoa Valley, through Nuuanu, through Kalihi, is not going to be embraced with enthusiasm by the people who live there.

CHAIRMAN: I raise the question only because it seems to me that because of the application which we have before us, that if there is a possibility of change in terms of land use, that we might be somewhat premature in making recommendations on General Plan changes until we have the full opportunity.

WRIGHT: I see what you mean. I do want to emphasize in this connection, Mr. Chairman, that the application is for the total system, not for H-3 per se. We do recommend that you consider a total system because it is designed as a unit. The traffic interflows at the interchange, and it would be no more logical to build a stern and not a bow, than to build H-1, H-2 and not H-3. So then, I have asked that the award of H-2 await your action in order to determine whether or not we should recommend continuation of even H-2 if you do not consider that the total system warrants your favorable consideration. So, as far as any minor changes that might be brought about, we're speaking only from the Halawa interchange to the Halekou interchange. I would urge that you consider the proposed and recommended corridor to give us the benefit of your guidance on the acceptability from a planning standpoint of that corridor rather than to leave us without your guidance in this regard.

CHAIRMAN: We acted on H-1 and H-2 with a favorable recommendation. It was H-3 that we had not acted upon waiting for some of the answers which you have supplied for us today.

WRIGHT: You are processing this though, if I might ask, as a system, Mr. Way?

WAY: Yes. In that connection, we brought it to the Commission as a system. There were, as you know, a number of modifications to H-1 primarily some relatively minor adjustments. Consideration of H-2, some of those changes were rather significant, and then the H-3 in its totality. The Commission's action was along the lines of a recommendation for approval on the H-1, H-2 segments, and further consideration of the H-3.

WRIGHT: Our concern, Mr. Chairman, was the exact same concern in many areas are equally applicable to H-2 as to H-3. If there are some aspects of H-3, that you do not consider favorable from a planning standpoint, then we should concurrently look at H-2 because the matter of effect on development, travel time, use of transit, all of those matters apply equally to H-2.

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YAMABE: I take it then that you're requesting that we look at this picture in its entirety, H-1, H-2, and H-3. This is understandable. This being the case, I feel that we should accommodate you; however, its a question of timing. Since you have a court mandate that you must call this public hearing, and there might be an outside chance that you might consider some changes, would it be of any detrimental effect to you if we considered the total package at the conclusion of your public hearing?

WRIGHT: This would be shortly thereafter, Sir?

YAMABE: Well, I certainly would like to make it the day after if this is possible.

WRIGHT: The answer would be no. We have 60 days to make an award after bid openings on H-2. I think of the six contracts there we've opened bids on two or three. I'm holding up the awards on the others until this General Plan request is acted upon. If that's the case, it would fall within that 60-day period. If you saw fit, it would be appreciated.

YAMABE: Well, during a reasonable period after the public hearing you probably would like to summarize the testimony given. We would like to get together with you. If you find that there's no substantial change in your recommendation, then within a reasonable period, which means any time the Director will be able to set up a meeting for us, maybe a week later, if a decision can be made at that time, I'm hoping it will not be detrimental, that its suffice.

WRIGHT: Thank you. We will look forward to that, hopefully the first week in September.

(There were no further questions of Adm. Wright.)

MOTION: The Commission deferred action until such time as the State Department of Transportation can provide the Commission with conclusions drawn from their upcoming public hearing, on motion by Mr. Yamabe, seconded by Mr. Bright and carried.

AYES - Bright, Connell, Kamiya, Yamabe
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

* * * * * * * * * * *

The Commission authorized the Chief Planning Officer to schedule public hearings for the following matters, on motion by Mr. Bright, seconded by Mr. Yamabe and carried:

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ZONING CHANGE H-2 RESORT HOTEL TO B-5 RESORT COMMERCIAL DISTRICT WAIKIKI HEMMETER INVESTMENT COMPANY (FILE #73/Z-48)	1. The request is for a zone change from H-2 Resort Hotel to B-5 Resort Commercial District.
ZONING CHANGE AG-1 RESTRICTED AGRIC. TO A-1 APARTMENT DIST. WAIAU, EWA LEAR SIEGLER (FILE #73/Z-16)	2. The request is for a zone change from AG-1 Restricted Agricultural to A-1 Apartment District.
ZONING CHANGE R-6 RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT KAIMUKI DIRECTOR OF LAND UTILIZATION (FILE #73/Z-52)	3. The request is a change in zoning for a strip of land from R-6 Residential to B-2 Community Business District.
ZONING CHANGE R-6 RESIDENTIAL & B-2 COMMUNITY BUSINESS TO A-3 APARTMENT DIST. KAPALAMA EIZEN YAMAGUCHI, ET AL (FILE #73/Z-11)	4. The request is a change in zoning from R-6 Residential and B-2 Community Business District to A-3 Apartment District.
HAWAII CAPITAL DISTRICT (DEMOLITION OF ROYAL BREWERY BLDG.) AMERICAN BREWING COMPANY, LTD. (FILE #73/HCD-18)	5. The proposal is the demolition of the Royal Brewery Building.
HAWAII CAPITAL DISTRICT (6-UNIT APT.BLDG. ON PROSPECT STREET) MRS. KATHERINE WADA & CLARENCE W.B. CHO (FILE #73/HCD-19)	6. The request is to construct a 6-unit apartment building on Prospect Street.
PLANNED DEVELOPMENT HOUSING MAKAKILO FINANCE REALTY COMPANY (FILE #73/PDH-7)	7. The proposal is 347 leasehold dwelling units at Makakilo on 39.6 acres and Phase I of a community center on 16 acres.

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MISCELLANEOUS FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS (NEW PROCEDURE UNDER NEW CHARTER)

The Chief Planning Officer brought to the Commission's attention, new procedures before the Commission with reference to General Plan and Development Plan applications under the new Charter requiring Findings of Fact, Conclusions and Recommendations. Submitted for the Commission's consideration and approval as to general procedure and format were the following two cases:

1. In the matter of the application of the Department of Recreation, City and County of Honolulu, for an Amendment to the General Plan, the Detailed Land Use Map, and the Development Plan for the University Community (Approved);

2. In the matter of the application of Foo Lin Ching and Annie L. Ching, Husband and Wife; and Ellen Lee Kwai, for an Amendment to the General Plan and the Detailed Land Use Map, for Kaimuki-Kapahulu (Denied).

Where the Commission disagrees with the recommendation of the Chief Planning Officer, it may prepare its own Findings with assistance from its Executive Secretary and Deputy Corporation Counsel.

ACTION: Mr. Yamabe moved, seconded by Mr. Bright and carried, that the Commission approve as to form, the Findings of Fact, Conclusions and Recommendations on the above-named cases.

AYES - Bright, Connell, Kamiya, Yamabe
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

ADJOURNMENT: The meeting adjourned at 4:30 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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Meeting of the Planning Commission
Minutes
September 5, 1973

The Planning Commission held a meeting on Wednesday, September 5, 1973 at 1:37 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:	Eugene B. Connell, Chairman Roy R. Bright James D. Crane Antone J. Kahawaiolaa Randall Kamiya Thomas N. Yamabe II
ABSENT:	Fredda Sullam
STAFF PRESENT:	Robert R. Way, Chief Planning Officer Wilfred M. Mita, Deputy Corporation Counsel Ali Sheybani, Assistant Director, Department of Land Utilization Henry Eng, Staff Planner Gerald Henniger, Staff Planner
MINUTES:	The minutes of July 25 and August 8, 1973 were approved, on motion by Mr. Bright, seconded by Mr. Kahawaiolaa and carried.
PUBLIC HEARING ZONING CHANGE R-6 RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT KAIMUKI DIRECTOR OF LAND UTILIZATION (FILE #73/Z-52)	A public hearing was held to consider a request for a change in zoning from R-6 Residential to B-2 Community Business District for approximately 3,005± square feet of land located in Kaimuki, Tax Map Key: 3-2-04: 27, 29, 30 and 60. Publication was made in the Sunday Star-Bulletin and Advertiser of August 26, 1973. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The properties are located on the makai side of Waialae Avenue between 7th and 8th Avenues in Kaimuki. In 1930, a commercial zone was established 100 feet makai of Waialae Avenue. In 1966, the rear portion of this area was rezoned to B-2. In the preparation of the metes and bounds for the rear portion, the widening of Waialae Avenue was not taken into consideration resulting in a 10-foot strip of R-6 zoning sandwiched between B-2 zoning. The request would in no way change the character of the area inasmuch as it is largely developed for commercial uses. It is recommended that the request be approved.

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There were no questions from the Commission concerning the Director's report.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Bright, seconded by Mr. Crane and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Bright, seconded by Mr. Crane and carried.

AYES - Bright, Connell, Crane, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Sullam, Yamabe

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
ROBERT H. AOYAGI
(FILE #73/HCD-16)

A public hearing was held to consider a request for construction within the Hawaii Capital District to rebuild an existing service station, Tax Map Key: 2-1-31: 02.

Publication was made in the Sunday Star-Bulletin/Advertiser of August 26, 1973. No letters of protest were received.

Staff Planner Gerald Henniger presented the Director's report of the request. The applicant proposes to demolish the existing structures and construct a new service station in accordance with plans submitted with the application. Exterior walls will be stucco and the sloping roof finish, wood shakes. The Director recommends approval of the project, subject to the approval of egress and ingress by the Department of Transportation Services and submission of the following drawings to the Department of Land Utilization for approval by the Director prior to the issuance of a building permit:

1. Sign location, design, color and materials.

2. A detailed landscape plan.

3. Detail design of the exterior lighting.

There were no questions from the Commission concerning the Director's report.

No person was present to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Bright, seconded by Mr. Kahawaiolaa and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Crane, seconded by Mr. Bright and carried.

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AYES - Bright, Connell, Crane, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Sullam, Yamabe

PUBLIC HEARING
ZONING CHANGE
B-2 COMMUNITY BUSINESS & R-6 RESIDENTIAL TO A-3 APARTMENT DIST.
KAPALAMA
EIZEN YAMAGUCHI, ET AL
(FILE #73/Z-11)

A public hearing was held to consider a request for a change in zoning from B-2 Community Business and R-6 Residential Districts to A-3 Apartment District for approximately 39,996 square feet of land located in Kapalama, Tax Map Key: 1-6-5: 58.

Publication was made in the Sunday Star-Bulletin/Advertiser of August 26, 1973. No letters of protest were received.

Staff Planner Henry Eng presented the report of the Director. The applicant has submitted plans and proposes to remove the existing warehouse but retain the commerical building (which will become a nonconforming use under the zoning request) and further proposes to construct three buildings containing 44 apartment units (18 units in each of two buildings and 8 units in the remaining building for a total of 44 units), together with adequate parking facilities. The area does not have an adopted Detailed Land Use Map; therefore, the General Plan is the only policy guideline as to appropriate future uses. The General Plan designation for the subject site is apartment without reference to density. A survey of the area reveals that a number of parcels are already zoned and developed for medium density low-rise (A-2) with structures not exceeding three stories. The applicant's proposal for 3-story apartment can be implemented within the limitations of the A-2 Medium Density Apartment District.

The Director recommends approval for a change in zoning for the existing B-2 Community Business and R-6 Residential Districts to A-2 Apartment District in lieu of A-3 Apartment District.

There were no questions from the Commission regarding the Director's report.

No one spoke AGAINST the request.

Testimony FOR--

Attorney Mervin Lee represented the applicant. Questioned by the Commission, Mr. Lee indicated that they would retain the existing and fairly old commercial building as a nonconforming use. Construction of a new building in the future would conform to A-2 Apartment District regulations.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Bright and carried.

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ACTION: The Commission concurred with the Director's recommendations and recommended approval for a change in zoning to A-2 Apartment District, in lieu of A-3 Apartment as requested by the applicant, on motion by Mr. Bright, seconded by Mr. Kahawaiolaa and carried.

AYES - Bright, Connell, Crane, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Sullam, Yamabe

PUBLIC HEARING
ZONING CHANGE
H-2 RESORT HOTEL TO
B-5 RESORT COMMERCIAL
DISTRICT
WAIKIKI
HEMMETER INVESTMENT
COMPANY
(FILE #73/Z-48)

A public hearing was held to consider a request for a change in zoning from H-2 Resort-Hotel to B-5 Resort Commercial District, for approximately 2,000+ square feet of land located in Waikiki--makai side of Koa Avenue, between Kaiulani and Uluniu Avenues, Tax Map Key: 2-6-23: portion of 29.

Publication was made in the Sunday Star-Bulletin/Advertiser of August 26, 1973. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. With the exception of the subject parcel, the entire block is currently zoned B-5. The request is to rezone the remaining strip to B-5. The area was zoned B-5 in 1955 at which time the decision was not to rezone the subject parcels in order to permit ultimate widening of Koa Avenue. In 1968, a Development Plan was adopted for the area which indicated that widening of Koa Avenue was not necessary. The Director has expanded the request to include a strip on the mauka side of Koa Avenue, between Kaiulani and Uluniu Avenues, to provide a more consistent zoning pattern for this area. It is recommended that the request be approved.

There were no questions from the Commission regarding the Director's report.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Bright, seconded by Mr. Kahawaiolaa and carried.

ACTION: The Commission adopted the Director's recommendation and recommended that the request be approved, on motion by Mr. Kahawaiolaa, seconded by Mr. Kamiya and carried.

AYES - Bright, Connell, Crane, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Sullam, Yamabe

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UNFINISHED BUSINESS
ZONING CHANGE
R-6 RESIDENTIAL AND
I-1 LIGHT INDUSTRIAL
DISTRICT TO
B-2 COMMUNITY BUSINESS
DISTRICT
WAIANAE
MANOA INVESTMENT
COMPANY, INC.
(FILE #73/Z-41)

The public hearing was held August 8, 1973 and closed. Action was deferred for information from a representative of the State Department of Health regarding the possibility of pollution in the area from the lime plant, and to comment on pollution controls concerning this project.

Mr. Paul Aki of the State Department of Health responded to questions from the Commission.

CHAIRMAN: I believe the Planning Commission was concerned because of the quarry operation in the area and what possible effects this might have upon the application before us, and also upon the housing which appears to be going into this area.

AKI: The company in question is Gaspro Incorporation which operates a lime producing plant. We have three possible sources of pollution:

One is the broiler operation. At present, they use 1.2% of sulphur oil which means that sulphur oxides downwind of the broiler may reach levels which may be defective to human health.

The second source is from the rotary film which emits particulate matter, mainly dust from crushing of limestone. They have a scrubber attached to this facility, and at present, they do meet our emission regulations.

The third source is general fugitive dust from the surrounding area, mainly from roadways and open land areas which can be controlled adequately by means of watering, oiling or paving of roads.

Those are the three main sources.

As to the effect of these pollutants, it depends on the proximity of the shopping center in question, and the configuration of the center. For example, if the main entrances and garage windows are open towards the plant, then you'll have a catch-basin type of effect. But, if the main entrances are towards the ocean, then the effect will be minimal.

CRANE: You mentioned pollution controls for two but you didn't mention one for the broiler.

AKI: The only control method available for the broiler is to use a low sulphur oil, to eliminate the sulphur from the fuel.

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CRANE: Mr. Chairman, do we have any kind of authority to require that they do that?

WAY: I think it may be a question more properly directed to the Health Department in terms of their regulations that may require this. This issue, I'm sure the Commission is aware, is a matter of rezoning an adjoining piece of property. The matter of question came up as to possible effects on this rezoning, but I think that is a question that Mr. Aki might address.

AKI: Where in general is the complex to be centrally located? Is it fronting Farrington Highway or would it go inland?

ENG: The preliminary plans that we have received indicate access from Farrington Highway.

AKI: Judging from a map that I have which shows the location of the Gaspro sources, they are about 800 or 900 feet inland from Farrington Highway. Will the shopping center reach 400 or 500 feet inland of Farrington Highway?

ENG: It would appear according to the scale here (referring to site plan) that the closest building which would be the market, is approximately 80 feet from the property line. How far is the plant actually from this particular property boundary?

AKI: About 150 to 200 feet. Based on this, it could be that operating with the same type of oil, the emission level would be such that at that distance, the SO2 won't be too much of an effect. However, they can always go to a low sulphur fuel or even go to gas. We have required many facilities to change their fuel to eitner low sulphur or gas.

CRANE: My question is not whether they can change. My question is if we put it close to the shopping center, are you going to require the change? As I understand it, there is one source of pollutant which can endanger life. You said they can change their fuel. The question is, would you people under these circumstances make that requirement? At what time would you require them to change? What criteria would you base your requirement change to?

AKI: We would have to go out and do actual sampling and see what the levels are at the property line and define what the levels are.

CHAIRMAN: This testing has not been done?

AKI: No, we have not done any sampling downwind.

BRIGHT: Do I understand from your statement that you're going to make up rules to fit specific instances rather than a general rule of restriction on the use of low sulphur, either you're going to cover all plants or no plants?

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AKI: No, we're not going to make any special rule but we have rules already on the books that if any source creates a problem, then corrective action has to be taken.

BRIGHT: Mr. Chairman, it seems to me that one of the things that we're doing is actually putting a possible penalty on an operation that is already in existence, a needed operation, possibly making it probable that they can go out of business if we were to allow the shopping center to go into existence in this location.

CHAIRMAN: I think the thing that really needs to be made clear for those Commissioners who were not here is that the operators of the lime quarry are the ones that raised the issue because of their concern that once the shopping center went in, which they were not resisting, but the concern that once the shopping center went in, there could be an effect upon their operation. As we understand it, this is one of the few sources for lime on the island.

AKI: There will be nuisance problems, no doubt, complaints from the stores. Although they are within our emission limits, we always will have people susceptible to lower limits and complaints. The type of dust being emitted, calcium oxide, can be very toxic when combined with water. The problem exists that the demands of the shopping center will be such that the company will not be able to afford additional control measures, especially if they are now in compliance and they have to do further controls, it will be a burden on the company.

CRANE: Mr. Chairman, this is exactly why I'm asking this question. Its the same set of circumstances that we ran into with the pig farmers, when housing development moved in downwind of the pig farmers.

CHAIRMAN: The other question I have is that the Department of Health, on June 26, responded to queries from the Planning Department that they had no objection. From your testimony, you seem to indicate that very few studies have been made of the possible effect of the shopping center going in, its effect upon the lime quarry or its effect upon the shopping center. Is this a fact?

AKI: This response was addressed to whether the lime plant was in conformance with our regulations.

We recognize, yes, they are in compliance. However, there's always unforeseen nuisance problems that occur.

CRANE: That's the thing here. I'm speaking out of ignorance of regulations. If the quarry is meeting your emission regulations, then how in the world can you go around and regulate further than that because of a nuisance factor? This is what I'm trying to get at. At what point in the future, if we okay this and the shopping center goes in and the emissions are toxic and irritable, and they are meeting your regulations, what can you do about this?

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AKI: We have a nuisance regulation. It depends on the number and amount of complaints we have.

CRANE: Well then, your testimony would be that this is a chancy business if we okay this.

AKI: Right. You can be lucky and have someone downwind that won't complain, and yet you can be so unlucky to have one person who is so demanding that they can run a business practically broke. Its something that we can't predict. But, the elements are there.

BRIGHT: Mr. Chairman, it seems to me from the testimony that there's very substantial probability of there being complaints, and the fact that these two types of operations are not going to be compatible in that particular area.

ENG: Mr. Chairman, the request just to remind everybody, is from R-6 to B-2. Its currently zoned for Residential use so that if there is this basic compatibility with the requested zoning, it already exists in our view.

BRIGHT: This would still represent a much lesser chance of exposure with a few people in the area rather than the concentration of people that will be in the area if there is a shopping center there. Is this correct?

ENG: Under the proposed use, yes, more people would use it but they would use it from time to time rather than constant exposure. The Residential use would subject however small a number of people to constant exposure.

CHAIRMAN: It would seem to me, that in fairness to the operators of the lime quarry as well as to the proposed shopping center, that we really should ask the Health Department to look a little more thoroughly into this issue. It seems to me we're caught almost in a tragedy type of decision. Its already R-6. If houses go in there, then people can complain which would have an effect upon the quarry operation. On the other hand, if the shopping center goes in, possible effect of the emissions mixing with water could have an effect, sulphur oxide could have an effect, complaints from the store owners from those leaks could have an effect upon the quarry. I don't think the questions raised by the land operators have really been answered. I would either like the Health Department to give us a thorough report and really look into this situation. Because, at least as I understand what the Planning Department asked for from the various governmental agencies is a review of the request. I just don't see any evidence that there's been a review except for the fact that there's no objection.

AKI: As far as what the Department of Health has to go by right now, used as R-6 would have more adverse effect than Commercial because having a Residential area downwind of the plant would create more problems because of the 24-hour nature of the use of the land. Commercial establishments there will produce its own pollutants from

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automobiles. The building isn't occupied after working hours. Also, the design of the building can be such that they can eliminate many of the dust problems. Its not only the lime plant that we're concerned with but the whole area is an industrial area. The lime plant will no doubt contribute to the problem but the whole upwind area is an industrial area.

WAY: Mr. Chairman, I wonder if it might be appropriate for the Health Department, and possibly the operators of the lime plant to get together to see what the impact would really be on their operation should the diversion to low-sulphur fuel be a requirement. Maybe you have this information now, but in this technical area it may turn out that there really is not all that much of an impact on their operation. I simply don't know. But, is this a possibility so that your regulations or reasonable administration of them or concern for the nuisance effect could be taken into account, in other words in advance, simply by anticipation and knowing what changes there might be to the operation.

AKI: Yes, we could develop a schedule where if changes are necessary, we can tie it in with the timing of the development of the shopping center complex.

BRIGHT: Is it correct that the emission standards for the sulphurous fumes, there are some standards that have been set up for that, and this plant would have to comply with that in any event?

AKI: Well, this plant is at the capacity where they don't have to use low-sulphur fuel right now. They can use 2% fuel.

BRIGHT: But, I mean as far as the emission of sulphur oxide, there still has to be a limit on that emission.

AKI: We don't have any special emission requirement as of now for sulphur oxide. We just have limitations of percent sulphur in fuel.

BRIGHT: But, the biggest problem is actually the particulate matter from the lime. Isn't this the biggest problem?

AKI: That would create more of a nuisance type of problem. With the addition of sulphur dioxide, that would aggravate the problem more so because the sulphur oxide will combine with particulates and then gain entry to your lungs, especially since the particulates from the lime kiln goes through a water scrubber, the moisture content will be such that it will create an acid condition.

CHAIRMAN: Would it be possible to get together with the operators of the lime quarry as the Planning Director suggested, in regard to the use of lower oils with a lower sulphur content?

AKI: Again, may I caution you that availability of low sulphur oil is practically nill. So rather than going to low sulphur, they might have to convert to gas which is even more expensive.

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CHAIRMAN: Well, isn't this precisely the reason that the operator of the lime quarry raised the issue, and the reason that we're raising the issue, is that the possibility and how much of a possibility it is should be known now, not at sometime down the road. Until some of these questions are answered, I for one am not prepared to vote on it.

BRIGHT: Mr. Chairman, I recommend disapproval at this time because I think the testimony given by the Department of Health indicates there could be a very serious conflict that could result to the adverse operation, perhaps to the shut down of this necessary lime plant.

CRANE: I'll second that for discussion purposes. I'd like to speak against it.

I think because the facts are very questionable, we're put in a tenable position. It doesn't necessarily mean we should get out of hand and reject this but ask for a fuller investigation and report on the part of the Health Department so that we can really know what we're dealing with before we reject this out of protecting the plant. I think we need a lot more information.

I was going to make the motion that we ask the Health Department to come forth with the kinds of data that necessary to make an intelligent decision on this.

BRIGHT: Mr. Chairman, if the second will withdraw his motion, I will withdraw mine.

CRANE: I withdraw.

CHAIRMAN: The Chair will entertain another motion.

CRANE: I move that we postpone action on this and request to the Health Department to make an investigation which will give us the kind of data necessary to make this judgment, relating to the questions we have asked of the Health Department here today.

CHAIRMAN: Would it be possible to expand your motion to ask the Director of Land Utilization to work with the Department of Health, and also the operators of the lime quarry, the applicant, to see if some of these problem areas can be worked through.

CRANE: Yes sir.

BRIGHT: Second.

CHAIRMAN: Discussion?

(There was no further discussion. The motion for deferral carried.)

AYES - Bright, Connell, Crane, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Sullam, Yamabe

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CHAIRMAN: Well, isn't this precisely the reason that the operator of the lime quarry raised the issue, and the reason that we're raising the issue, is that the possibility and how much of a possibility it is should be known now, not at sometime down the road. Until some of these questions are answered, I for one am not prepared to vote on it.

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CRANE: I withdraw.

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CRANE: I move that we postpone action on this and request to the Health Department to make an investigation which will give us the kind of data necessary to make this judgment, relating to the questions we have asked of the Health Department here today.

CHAIRMAN: Would it be possible to expand your motion to ask the Director of Land Utilization to work with the Department of Health, and also the operators of the lime quarry, the applicant, to see if some of these problem areas can be worked through.

CRANE: Yes sir.

BRIGHT: Second.

CHAIRMAN: Discussion?

(There was no further discussion. The motion for deferral carried.)

AYES - Bright, Connell, Crane, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Sullam, Yamabe

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PLANNED DEVELOPMENT
HOUSING
EWA BEACH
HAWAII LABORER'S HOUSING
CORPORATION
(FILE #72/PDH-3)

The public hearing was held January 3 and closed on January 31, 1973. At the January 31st meeting, the applicant withdrew his application for resubmission at a later date. The applicant requests that the application be considered at this time.

Mr. Ali Sheybani of the staff made the presentation.

SHEYBANI: This plan was before the Planning Commission on January 3, 1973 and was deferred at that time to make improvements on the site plan because at that time, the Director's recommendation was for denial. After that time, the staff of the Planning Department and the architect met about four times and developed a site plan that was acceptable to the Director. At the public hearing of January 31st, we had the second plan on the agenda but the applicant himself appeared at the public hearing and requested to withdraw that plan because he did not agree with the plan that his architectural engineer had developed. Apparently, the communication between the architect and the applicant was broken down at that time. As of August, we had a letter from the applicant to reconsider their very first application. We checked with the public agencies that we thought might have some new additional comments on their previous plan. We have received their comments. On the basis of these comments, the Director of Land Utilization still believes that their application should be denied.

The Department of Health that had rejected the first plan and later approved the secondary treatment plant, they need now, additional information and studies to comply with Chapter 38 of the new regulations.

The Department of Public Works, in view of the flooding of some of their sewerage treatment plants in the area has to reevaluate their consideration.

The Department of Education does not have any main objection to it.

The Department of Transportation, at that time expected to get funds for improvement of Fort Weaver Road. At this point, they don't have any funds for the project. The approval of the State Department of Transportation was based on improvement of this road.

The Planning Commission had not decided on the project one way or the other. This is now before you, the first application, for your consideration again.

There are 96 units. Each square (referring to site plan displayed) is a 4-plex unit. The space between bedroom or living room windows to opposing buildings is about 20 feet. Among objections to the site plan was lack of privacy, hazardous traffic pattern, and negative comments from the Recreation Department on their spaces for recreation.

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Also, the floor area was over what the ordinance permits, and the parking was below what is required by ordinance for planned development.

CRANE: How does that plan differ from the original?

SHEYBANI: There's no difference. That is the same plan.

CRANE: That plan was in January and they withdrew because they were going to make improvements on the design?

SHEYBANI: That's right.

CRANE: And this is the same one?

SHEYBANI: No, we resolved it in the plan below (referring to revised site plan displayed) but the applicant did not agree with that plan.

CRANE: What are the objections to the plan below (referring to revised site plan)?

SHEYBANI: The plan below was acceptable by the Planning Director but was not acceptable by the applicant. He withdrew that plan before it was presented at public hearing.

CHAIRMAN: The question I have is the floor area is greater than the ordinance allows, the parking set aside is less, and part of the PD ordinance is for greater density and we can get greater amenities more or less, why is this particular PD, it seems to me, required to have less parking spaces than others that have appeared before us, and why is it getting more floor area?

WAY: I might comment that in the ordinance for planned development once the applicant has submitted, we are obliged to bring it forward. There is not, as we have interpreted it, administrative discretion to withhold it even though it may in fact be in violation of some of the specific classifications of the PD ordinance. We bring these matters to the attention of the Commission and the Council and it does move forward. That simply is a matter of procedure that the Department, the Director is required to bring the application forward. We do attempt, of course, to reconcile these matters and bring it to the attention of the applicant.

Mr. Sheybani may want to comment on the extent of overage in terms of floor area or underage in terms of parking too. Maybe this will put some focus on it. Sometimes these matters can be reconciled at the final plan stage by shaving off a foot or two on a dimension per building.

SHEYBANI: It is part of Appendix D, Land Use Intensity Calculations. Henry Eng handled this project.

ENG: My recollection is that at the time that the public hearing was first held, the proposal was in excess by approximately 10% of floor area. Subsequently, the same plan was resubmitted with a reduction in floor area to the point where it did not exceed. It was just a shade under. This was accomplished by chopping out one corner of the unit and creating an outdoor lanai. Its unclear in Mr. Aki's letter which of these two initial plans he's referring to for our deliberation at this time. In terms of the site plan, its identical. The reason that the figures are no longer present in the report is that the report was revised to reflect the applicant's floor area calculations.

CHAIRMAN: What about parking?

ENG: This plan shows 206 stalls. Customarily in planned development we require 2 to 1 ratio for resident parking plus 25% for guests. In this instance with 96 units, 192 stalls would be required. He's provided an extra 14 which is 10 less than the required 25% for guest parking.

CHAIRMAN: The floor area may not be an issue.

ENG: I think if it boiled down to just a question of floor area, I'm quite sure that it could be resolved.

CHAIRMAN: They're under parking by 10.

ENG: Yes. Again, I think that part can be resolved if that were the only question.

KAMIYA: Is it correct for me to say that the second plan you have here on the bottom (referring to revised plan) was rejected?

SHEYBANI: That plan was approved by the Director with certain conditions. The applicant himself did not want that to be considered.

KAMIYA: Do you have any reasons why the applicant rejected the second plan?

SHEYBANI: The applicant's reason at that time was that the prospective home buyers liked the first plan better because they had corner windows, and other reasons. Mr. Aki, the developer, is here and can comment on it. Nonetheless, they did not like the second plan because they were three-story buildings, the parking was not always by the unit, some units they had to walk over 50 feet. To my recollection, those were the two reasons.

CHAIRMAN: Do I understand that the review by the various State and City agencies presently are the ones we got initially at the first public hearing?

SHEYBANI: That's right.

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CHAIRMAN: Has the Department of Transportation changed in their attitude because of the Fort Weaver Road situation?

SHEYBANI: At that time, the DOT's opinion was that Fort Weaver Road will be improved. At this time however, they don't have any budget for its improvements. It was supposed to be improved by this year in their earlier plan.

CHAIRMAN: Have they done a review of this project in light of the lack of funds for improvement of Fort Weaver Road?

SHEYBANI: No. Their first judgment approving the project was based on the improved Fort Weaver Road. Now for reconsideration, they realize that this road cannot be improved at this time because of the budget.

CHAIRMAN: In light of the possibility of flooding problems, has the Department of Public Works done a new review on this?

SHEYBANI: They would like to have time to reevaluate their previous comment. They have received some new complaints about cesspools and treatment plants in the area overflowing which probably passed at that time the Department of Public Works approval.

CHAIRMAN: Has the Department of Health also asked for time to review this?

SHEYBANI: That's right, in light of their new regulation, Chapter 38.

CHAIRMAN: How much time are we talking about for these reviews by the various agencies?

SHEYBANI: In the past it usually takes a month. This may take less because they have the background on the project.

CRANE: In your report, the Department of Education doesn't have any particular points against this project?

SHEYBANI: That's right.

CRANE: In reading the report, the DOE doesn't seem to make a recommendation one way or the other but that's not totally unusual. However, Pohakea Elementary School has a design capacity of 756 students. It has a projected enrollment for school year 1972 of 1,230 students with temporary facilities to take care of these kids. You go down the list of schools, they are either at full capacity or beyond, and yet they make no recommendation. I wonder how we could interpret that as having said nothing against.

SHEYBANI: With the opening of Kaimiloa Elementary School in September 1972, the overload on Pohakea was somewhat relieved. Additional classrooms have been provided at Campbell High School.

The school situation remains tight but manageable. They at that time raised some question about bus facilities and safety of students.

(There were no further questions of the staff.)

Mr. Raymond X. Aki representing the applicant was called upon and questioned by the Commission.

CRANE: The report from the Planning Commission is that you have rejected that plan at the bottom (referring to revised plan).

AKI: That is right.

CRANE: Will you please tell us why?

AKI: When this plan was developed with our architects and the planning staff, we had not seen the plan before it came up here. We have to get union approval which was rejected on the basis that number one, the inconvenience of three-story structures and especially the distance from parking. Some of the units would be in excess of 300 feet from the parking. If you can visualize a housewife with packages, she can only carry two at a time. She'd have to make three round trips of 600 feet per round trip. This was one objection.

Another objection was the fact that each family wouldn't have a share of ground space which all of them want which we had provided in the particular plan.

The third objection was that it cut down our recreation space by one-half.

On these bases, we rejected the plan.

CRANE: You heard the Planning Director's report on overage of floor space and parking. Could you address yourself to parking?

AKI: There's no problem to getting another 10. We've talked with our engineers and they said there's no problem. We didn't feel that was a problem. As for the allowable floor area, we did comply.

I might add, since that plan was submitted, we have worked with the staff to come up--we had five other different plans, all of which were either objected by your staff or by our membership. The last one was a highrise. We thought we had something there with all the open space, recreation areas, parking, and we could do a nice landscaping job but they rejected that too. That was just a few weeks ago.

CRANE: Each of these plans as you finished them were submitted to your general membership or the executive board?

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AKI: The executive board.

CRANE: How many people are on the board?

AKI: Approximately 10.

CRANE: How are they selected?

AKI: They are elected.

KAMIYA: You stated in testimony now that you can comply with the floor space?

AKI: Yes, we have already complied with that.

KAMIYA: Is the staff aware of that?

ENG: The initial plans indicated that the applicant was approximately 10% over on the allowable floor space. Subsequent to that, revisions were made which would make it within the permitted floor area. It wasn't clear at the time, and I think it is now clear that the intent is to at this time evaluate the plan as it does comply with the floor area.

KAHAWAIOLAA: You also pointed out that the two areas that can be within compliance with the floor area and the parking. There are other questions, traffic, sewerage, are you talking about this?

ENG: Yes, there are a number of other problems associated with this application which Mr. Sheybani has covered in his presentation. It appears that the floor area problem can be resolved. It appears that the parking problem can be resolved. Its not apparent at this time that the other issues can be resolved.

CHAIRMAN: Mr. Aki, have you been in consultation with the Department of Health or the Department of Transportation regarding some of the questions they are raising on this project?

AKI: Up until the time I came here, I wasn't aware that there was any problem. We had agreed with the Health Department that we would design to triple normal consumption. Here again when we asked the Health Department to give the criteria, the criteria was based upon a mainland experience which was a public project in which free water was given. We pointed out to them that such is not the case here, and there is not an unlimited water consumption, and that we had gotten the consumption recommendation from the Board of Water Supply which keeps pretty accurate figures on consumption, and that our engineers designed to double that capacity which was then rejected by the Health Department after initial approval. They came up with the new criteria just last year in May which forced us to develop a plant to triple the capacity.

I might also point out that the Pualoa Beach Park located right opposite the property has a pavilion comfort station right next to the beach and the water consumption for several months in a year runs better than half a million which was our consumption figures in the first place. They had no trouble with their cesspools they have there. We are at a loss to know what they are leading to. They had us do dye tests, water percolation tests. Our soil engineers assure us that the tests are more than satisfactory. So, at this point, I really don't know what more the Health Department wants.

CHAIRMAN: Its quite customary for planned unit developments to require that a landscape plan be presented. Has any landscaping been planned for?

AKI: Yes.

CHAIRMAN: Are there copies available?

AKI: I believe we gave the department a couple of sets at the last meeting. I have one here. Every change in plan we had to do a new landscape plan.

We also had to have approval from the Transportation Department with the landscaping there with the 60-foot frontage which they have on the property. We sent the plans to them for that particular area too. We told them we would do it at our expense to clear the land and also planting that area according to their approval.

ENG: Mr. Aki is correct that a landscape plan was submitted. It is not with us at this time.

AKI: I might point out that plan has been developed, we also have another plan that eliminates the area on the side. I don't have a copy of it with me.

CHAIRMAN: Eliminates which side?

AKI: Both sides of the recreational area. The architect orginally put a strip of planting in the parking area. We've advised him to take that out.

CHAIRMAN: Where would the additional 10 parking spaces be?

AKI: Well, when they originally drew up the plans, they made the spaces wider than the minimum called for. They indicated they could easily get the extra spaces in there, within the perimeter.

KAMIYA: You stated earlier that one of the reasons for rejection of the second plan was that the parking stalls are some 300 feet away from the units. In your plan here now, how far are the parking stalls?

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AKI: They would have at least one stall directly opposite. Some will be across the parking aisle but these would be the second parking.

KAMIYA: You also stated that most of the people were in favor of the first plan. Would you say that if the second plan was developed, would they buy or not buy?

AKI: No. They would not buy it because it was three-story walkups without any ground space assigned to each family whereas in the initial plan, they are all entries on the ground floor and each family has a little garden space.

KAHAWAIOLAA: The first plan basically was two-story with the second story being bedrooms?

AKI: Yes. The second story consists of three bedrooms and two baths.

CRANE: In light of what Mr. Aki said that he was not aware of some of the problems presented in this report, I would move that we postpone this until we get pertinent data from the various agencies.

BRIGHT: Second the motion.

CHAIRMAN: Discussion?

(There was no further discussion. The motion for deferral carried.)

AYES - Bright, Connell, Crane, Kamiya, Kahawaiolaa
NAYES - None
ABSENT - Sullam, Yamabe

STREET NAMES

The Commission recommended adoption of the following street names, on motion by Mr. Crane, seconded by Mr. Kahawaiolaa and carried:

1. Enchanted Hill Manor Subdivision, Aiea, Ewa, Oahu, Hawaii:

HOIO STREET	Extension of an existing roadway traversing in a southerly direction and terminating at Aiea Heights Drive.
Meaning:	A large native fern whose young fronds are edible.
HOIO PLACE	Culdesac off Hoio Street.

2. Waianae-Kai Subdivision, Unit I, Waianae, Oahu, Hawaii:

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LEIHOKU STREET (Road A)	Roadway off Lualualei Homestead Road traversing in a southerly direction.
Meaning:	Lei of stars.
HOKUUKALI STREET (Road B)	Roadway off Lualualei Homestead Road traversing in a southerly direction, terminating at the boundary of Increment 2.
Meaning:	Satellite star, following star.
HOKUPAA STREET (Road C)	Roadway off Hokuukali Street, traversing in an easterly direction and terminating at Leihoku Street.
Meaning:	North star; immovable star.
HOKUKEA PLACE (Road D)	Culdesac off Hokuukali Street.
Meaning:	Southern cross.
HOKUUKALI PLACE (Road E)	Culdesac off Hokuukali Street.
HOKUAIAINA PLACE (Road F)	Culdesac on the easterly side of Hokuukali Street.
Meaning:	Name of a navigator star.
HOKUAEA PLACE	Culdesac on the westerly side of Hokuukali Street.
Meaning:	Planet; wandering star.

Amend Resolution No. 343, adopted on November 7, 1960, by deleting the name Hoio Street for the roadway stub situated off Iliee Street in Enchanted Hill Estates, Unit I. The street layout has been revised and the extension of the roadway is no longer planned.

* * * * * * * * * * * * * *

The Commission authorized scheduling of the following public hearings, on motion by Mr. Crane, seconded by Mr. Bright and carried:

HAWAII CAPITAL DISTRICT APPLICATION (5-STORY MED. SCHOOL) THE QUEEN'S MEDICAL CENTER (FILE #73/HCD-17)	1. The request is for construction of a 5-story medical school facility on top of the existing mental health center building at the Lusitana Street/Lauhala Street corner of the Queen's Hospital property.

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ZONING CHANGE
R-6 RESIDENTIAL TO
A-3 APARTMENT DISTRICT
PEARL CITY
BENJAMIN C.F. LUM
(FILE #73/Z-34)

2. The request is a change in zoning from R-6 Residential to A-3 Apartment District.

ZONING CHANGE
H-2 HOTEL DISTRICT TO
B-5 RESORT COMMERCIAL
DISTRICT
WAIKIKI
HEMMETER INVESTMENT
COMPANY
(FILE #73/Z-53)

3. The request is a change in zoning from H-2 Hotel District to B-5 Resort Commercial District.

ZONING CHANGE
R-4 RESIDENTIAL TO
A-4 APARTMENT DISTRICT
SALT LAKE
INTERNATIONAL DEVELOP-
MENT COMPANY
(FILE #73/Z-55)

4. The request is a change in zoning from R-4 Residential to A-4 Apartment District.

ADJOURNMENT: The meeting adjourned at 3:25 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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FLASH CARD

FLASH CARD

98ORP-1

MRRC RMM 19-75

FLASH CARD

FLASH CARD

MRRC RMM 19-75

FLASH CARD

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FLASH CARD

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Meeting of the Planning Commission
Minutes
September 19, 1973

The Planning Commission held a meeting on Wednesday, September 19, 1973 at 1:35 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:	Eugene B. Connell, Chairman Roy R. Bright James D. Crane Randall Kamiya
ABSENT:	Antone J. Kahawaiolaa Fredda Sullam
STAFF PRESENT:	Robert R. Way, Chief Planning Officer Wilfred M. Mita, Deputy Corporation Counsel Ali Sheybani, Assistant Director, Department of Land Utilization Henry Eng, Staff Planner Harold Murphy, Staff Planner
PUBLIC HEARING HAWAII CAPITAL DISTRICT APPLICATION (2-STORY SINGLE-FAMILY DWELLING) RICHARD KAWASAKI (FILE #73/HCD-21)	A public hearing was held to consider an application for construction of a new 2-story single-family dwelling within the Hawaii Capital District, Tax Map Key: 2-2-02: 58. Publication was made in the Sunday Star-Bulletin/Advertiser of September 9, 1973. No letters of protest were received.

Mr. Ali Sheybani reviewed the Director's report of the request. The proposal is demolition of the existing dilapidated structure and the construction of a new 2-story single-family dwelling. The proposed structure is in harmony with the surrounding residential neighborhood and meets the height and open space requirements for the district. The Director recommends approval of this application.

There were no questions from the Commission concerning the Director's report.

No person was present to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Bright and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Bright, seconded by Mr. Crane and carried.

AYES - Bright, Connell, Crane, Kamiya
NAYES - None
ABSENT - Kahawaiolaa, Sullam

Sept 19 '73
SEP 19 1973

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
(MEDICAL SCHOOL ADDITION)
QUEEN'S MEDICAL CENTER
(FILE #73/HCD-17)

A public hearing was held to consider a request for a medical school addition for the Queen's Medical Center which lies within the Hawaii Capital District, Tax Map Key: 2-1-35 and 2-1-36.

Publication was made in the Sunday Star-Bulletin/Advertiser of September 9, 1973. No letters of protest were received.

Mr. Ali Sheybani presented the Director's report of the application. A variance was granted on June 20, 1973 for the proposed addition from the provisions of Section 21-813 of the Comprehensive Zoning Code relating to height regulations in a B-2 Community Business District. The 5-story addition will be placed on top of the existing community mental health building. The addition meets the height limitation and open space requirements for the district, and its design appears to be compatible with the Hawaii Capital District. The Director recommends approval of this application.

There were no questions from the Commission regarding the Director's report.

No person was present to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Kamiya, seconded by Mr. Crane and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Mr. Bright, seconded by Mr. Crane and carried.

AYES - Bright, Connell, Crane, Kamiya
NAYES - None
ABSENT - Kahawaiolaa, Sullam

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
(6-UNIT APT.BLDG.)
KATHERINE WADA AND
CLARENCE CHO
(FILE #73/HCD-19)

A public hearing was held to consider an application for construction of a 6-unit apartment building on Prospect Street, Tax Map Key: 2-2-3: 16.

Publication was made September 9, 1973 in the Sunday Star-Bulletin/Advertiser of September 9, 1973. No letters of protest were received.

Staff Planner Harold Murphy presented the Director's report of the application. The building is proposed as a replacement for a burnt-out single-family house and separate garage structure on the mauka portion of the site. Repainting of an existing apartment building on the makai portion of the site is also proposed. The proposal is consistent with the intent of the Hawaii Capital District Ordinance in bulk, height, and orderly use of materials and colors. Approval of the proposal is recommended.

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There were no questions from the Commission concerning the Director's report.

No person was present to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Bright, seconded by Mr. Crane and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the application, on motion by Mr. Bright, seconded by Mr. Crane and carried.

AYES - Bright, Connell, Crane, Kamiya
NAYES - None
ABSENT - Kahawaiolaa, Sullam

PUBLIC HEARING
ZONING CHANGE
R-6 RESIDENTIAL TO
A-2 APARTMENT DISTRICT
PEARL CITY
BENJAMIN C. LUM
(FILE #73/Z-34)

A public hearing was held to consider a request for a change in zoning from R-6 Residential to A-2 Apartment District for land situated in Pearl City--corner of Lehua Avenue and Second Street, Tax Map Key: 9-7-21: 6 and 62.

Publication was made in the Sunday Star-Bulletin/Advertiser of September 9, 1973. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The applicant proposes a 4-level apartment building with off-street parking facilities on the ground level and 1-bedroom and 2-bedroom units in the upper three levels. The apartment structure is to be built over both lots once the lots are consolidated. Although the requested change is to A-3 Apartment, A-2 zoning seems more appropriate in this instance in view of the following considerations:

1. The buildings in this neighborhood are low profile one and two story residential or commercial buildings. The tallest structure in the area is a 4-story apartment building recently completed.

2. Public facilities and utilities have been determined to be adequate to serve the proposed apartment use.

3. The proposed apartment building generally meets the minimum requirements of the A-2 apartment district.

The Director recommends that a change in zoning from R-6 Residential District to A-2 Apartment District be approved.

There were no questions from the Commission concerning the Director's report.

No one spoke AGAINST the request.

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Testimony FOR--

Mr. Benjamin C. Lum, the applicant, was questioned as to his reason for requesting A-3 zoning. He indicated that they could make better use of the property under A-3 Apartment zoning; however, the A-2 Apartment zoning is sufficient for their proposed 4-story structure.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Bright and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Bright, seconded by Mr. Crane and carried.

AYES - Bright, Connell, Crane, Kamiya
NAYES - None
ABSENT - Kahawaiolaa, Sullam

PUBLIC HEARING
ZONING CHANGE
A-2 APARTMENT TO
A-3 APARTMENT
WAIAU
UJIMORI, LEAR SIEGLER,
INCORPORATED
(FILE #73/Z-47)

A public hearing was held to consider a request for a change in zoning from A-2 Apartment to A-3 Apartment District for land located in Waiau, Tax Map Key: 9-8-39: 5, 6, and 7.

Publication was made in the Sunday Star-Bulletin/Advertiser of September 9, 1973. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. Mr. Ujimori proposes to construct an 11-story apartment building that will contain 80 two and three bedroom apartments on 50,000 square feet of lot area. Lear Siegler, Inc., proposes to construct an 11-story condominium that will contain 54 studio and one-bedroom apartments on a 23,421 square foot lot area. The design will feature 2 floors of parking deck and a floor of recreation space and 9 stories of living space. The major issue involved in this proposed rezoning request is the maximum height limitations. Although the Land Use Intensity factor is the same for A-2 and A-3, the height limitations are increased from 40 feet to 350 feet. The proposed buildings are each 11 stories high. The surrounding neighborhood is made up of 3 and 4 story low-rise apartments. The proposed projects will not significantly alter the character of the existing neighborhood. The urban areas above the project area will still retain their vista of Pearl Harbor. It is recommended that the request to change the zoning from A-2 Apartment to A-3 Apartment be approved.

There were no questions from the Commission regarding the Director's report.

No person was present to speak either FOR or AGAINST the request.

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The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Bright and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Mr. Bright, seconded by Mr. Crane and carried.

AYES - Bright, Connell, Crane, Kamiya
NAYES - None
ABSENT - Kahawaiolaa, Sullam

PUBLIC HEARING
ZONING CHANGE
R-6 RESIDENTIAL TO
A-2 APARTMENT DISTRICT
PAUOA
GARY N. TANAKA
(FILE #73/Z-44)

A public hearing was held to consider a request for a change in zoning from R-6 Residential to A-2 Apartment District for approximately 2,356 square feet of land located in Pauoa--Huali Street and Kamamalu Street, Tax Map Key: 2-2-03: portion 29.

Publication was made in the Sunday Star-Bulletin/Advertiser of September 9, 1973. A letter of protest was received from Mr. Franklin W. Woodhouse and is included in testimony AGAINST the proposal.

Staff Planner Henry Eng presented the Director's report of the request. A second apartment building is proposed for the subject parcel. It is to be located on the mauka end of the lot, fronting Kamamalu Avenue. The proposed building is five stories high and contains 13 studio apartments. Access is to be taken from both Kamamalu Avenue and Huali Street. A second floor parking deck is to be connected to Kamamalu Avenue by a 25-foot wide concrete bridge. The Director recommends approval of the request.

Question was raised concerning ownership of the property as reflected in Mr. Woodhouse's letter of protest. Mr. Eng stated that Mr. Inouye has an Agreement of Sale on the property with the applicant, Mr. Tanaka.

TESTIMONY AGAINST--

Mr. Franklin W. Woodhouse, Owner, 224 Huali Street (Submitted letter dated September 18, 1973)

Objections:

1. Insufficient Notice Given - Less than 7 full days notice was received from your office, which I feel is too short notice for any interested parties to research and prepare a well-documented protest. Your notice was postmarked 10 September, received at address 12 September, and hearing to be held 19 September.

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2. Applicant is not Owner - The applicant, Garry N. Tanaka has not been the owner of this land for almost 3 years. It is, in fact, owned by Ralph S. Inouye Co. Ltd. (Ralph S. Inouye sole shareholder) who purchased it from the applicant and his wife on 29 December 70 (Bureau of Conveyances Bk 734 p.382). This fact in itself should be sufficient to invalidate the proposal.

3. Misuse of former Public Land - The area of 2,356 sq. ft. in question was formerly a dedicated public street connecting Huali and Kamamalu Streets and it was sold to Gary N. and Akiko Tanaka (Land Patent S-14,898) by the State of Hawaii on 12 December 69, to the best of my knowledge without proper notification to property owners in the area who would have been concerned and should have been advised. The street was redesignated "Government Remnant" for purposes of the sale. The sale was directed and signed by Sunao Kideo, Chairman, Board of Land & Natural Resources and approved by K. Akita, Deputy Attorney General. I testify that I did not receive any notice of the board hearing. I would certainly have protested then inasmuch as the generous sale price by the State was only $1.35 per sq. ft. ($3,200). This is approximately 1/4 the appraisal value of my lower zoned land near by ($5.31 per sq. ft.) and far less than the adjacent existing parcel #29 of higher zoning A-2 which the applicant then also owned. One could hardly expect to buy good quality carpet for $1.35 per sq. ft. The obvious intention of the applicant is to secure the A-2 designation for the small parcel in the agenda in order to increase the total A-2 area of the original parcel #29 to the benefit of the new owner/contractor. To zone a lot 26 ft. at its maximum width for apartment dwelling use by itself is of course nonsensical.

4. Traffic Generation - Assuming that a new apartment dwelling will be built on the new conglomerate parcel #29, it will of necessity have its parking entrance on Huali Street. This will generate further traffic on Huali Street where it is already physically impossible for two cars to pass each other in any section where a car is legally parked on the mauka side of this steepest street in Honolulu.

5. View - An apartment building of conforming maximum size built on the newly enlarged parcel #29 as shown on current tax maps would block the only remaining view towards the sea, town and Waianae Range from residences already existing on the East side of parcel #29 and tend to devalue the property of those owners.

6. Illegal use of Land - After Inouye Company purchased lot #29 (Remnant plus existing parcel #29) trucks and a bulldozer appeared and plowed out a road from Huali Street up the lot and illegally without a permit began to grade the vacant portion of the land fronting Kamamalu Street, piling dirt farther up the slope of the lot toward Kamamalu. This of course increased the highest buildable point on the land with reference to height limitations. The operation was finally stopped by a City Building Inspector in response to a complaint. It also appears that the owner of the lot may be infringing upon public property rights on the City

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property on Nuali Street fronting the existing apartment dwelling on this site. An asphalt area in front the building extends to the very street and is marked off as parking areas for private use so that cars parked there by the tenants extend across and obstruct the public right of way forcing pedestrians to walk in the street in order to pass by.

7. General Downgrading of Area - Maintenance and upkeep of the existing apartment building on the lot is minimal. Most of what little is done is done by the tenants. The vacant area of the parcel is strewn with junk, overgrown with weeds, and is the probable source of most of the heavy local population of mosquitoes. The same is true of the City owned frontage on Kamamalu which is the responsibility of the owner of the parcel in question. From this account of absentee landlord's standards of maintenance and concern for the standards of the neighborhood, one wonders whether further development of the parcel will produce anything better than instant slum.

8. Finally, we were informed last year by an agent of Park Engineering Company (who drew the engineering plan for the Punchbowl Improvement Project for the City) that this area was to be part of a green belt that should extend from the Capitol up the side of Punchbowl and that buildings should not be built too high as to mar the view from the Capitol, etc. Is this request for rezoning from R-6 to A-2 consistent with the intent of the Capitol Improvement Project?

TESTIMONY FOR--

Mr. Ralph S. Inouye who proposes to develop the subject property was questioned by the Commission.

CHAIRMAN: Mr. Inouye, have you seen the protest letter from Mr. Woodhouse?

INOUYE: I haven't seen the letter itself but I have talked to Mr. Eng about it, and he indicated what the objections were. In that respect, I discussed it with Mr. Eng. I do have an Agreement of Sale dated December 29, 1970. I think one of the questions raised was Mr. Tanaka doesn't own the property. He is the legal owner as of now. I think he also mentioned how Mr. Tanaka acquired this parcel. That parcel was a paper road. A few years back, Mr. Tanaka acquired, prior to the time that I acquired the property under the Agreement of Sale. So, I don't know the exact transaction on this strip of paper road.

CRANE: If you've had it since December 29, 1970 under an Agreement of Sale, why is Mr. Tanaka applying for it?

INOUYE: There would be some legal technicalities there. He's the legal owner and any legal transaction would be carried under his name.

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CHAIRMAN: Is this a venture between you, Mr. Tanaka and--

INOUYE: No. He's the Seller under the Agreement of Sale. Legally, he's the owner of the property although actually my company's the owner. The Title is in the name of the company, not me.

CHAIRMAN: If it becomes rezoned, is it the project of your company?

INOUYE: That's correct. Under the law, I am the actual owner and I have the right to possession, although legally he is the owner.

CRANE: Is rezoning your idea or Mr. Tanaka's?

INOUYE: Actually, this thing came about when we made application for a Building Permit. In doing so, it was learned--I didn't know this--this so-called paper road was zoned R-6. At the time of consolidation of this paper road to the main parcel, somehow that question was not raised or not taken into account. So, it was recommended that we come to the Commission to have it zoned A-2 so that the whole parcel becomes one zone instead of having it split zoned.

CHAIRMAN: One of the issues raised by Mr. Woodhouse is that the proposed project will generate more traffic. As far as congestion in that area, do you have response to that?

INOUYE: I suppose he's correct in that if you have more units, you're going to have more traffic. When I purchased the property under this Agreement of Sale, there was an old abandoned two-story house in the back which was what people might call a rat-trap. I have demolished it and cleared the area and have this proposed building in mind.

As far as traffic generating, there will be two accesses. This property fronts two streets. The plan is to have entry on both Huali and Kamamalu.

He also raised question in his letter about my going in there and working in that area. As I indicated, there was an old house and we cleared it away. Subsequent to that after I submitted my application for permit, we did go in there and try to clear up the place. At that time, somebody put in a complaint. I think that was mentioned in his letter also.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Bright, seconded by Mr. Kamiya and carried.

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ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Bright, seconded by Mr. Crane and carried.

AYES - Bright, Connell, Crane, Kamiya
NAYES - None
ABSENT - Kahawaiolaa, Sullam

UNFINISHED BUSINESS
ZONING CHANGE
R-6 RESIDENTIAL &
I-1 LIGHT INDUSTRIAL
DISTRICT TO B-2
COMMUNITY BUSINESS
DISTRICT
WAIANAE
MANOA INVESTMENT
COMPANY, INC.
(FILE #73/Z-41)

The public hearing was held August 8, 1973 and closed. At its meeting on September 5, 1973, the Commission deferred action and requested that the Department of Land Utilization coordinate a meeting among representatives of Manoa Investment Company (the applicant), Gaspro, Inc. (an adjoining property owner), and the Department of Health to resolve concerns related to the possible adverse effects of locating a shopping center complex in the vicinity of an existing lime producing plant. The Commission expressed concern not only on the possible effects of the lime plant on the shopping center, but also that these possible adverse effects could influence the commercial operation in the future to exert some pressures which may force the company out of business.

Staff Planner Henry Eng gave the following summary of the discussion held with the various parties on September 13, 1973:

1. It was emphasized that Gaspro, Inc., is not objecting to the requested B-2 zoning and that the main objective in appearing at the public hearing is to make known the existence of the lime producing plant adjoining the proposed shopping center. All parties agreed that this objective has been accomplished.

2. It was also indicated by Gaspro representatives that there are no unique features of this specific site that would preclude them from producing lime at another location, but that substantial investment in equipment and existing financial arrangements make it economically unfeasible to relocate the plant.

3. It was acknowledged by Manoa Investment Company that they were were aware of the operations of the lime plant from the inception of their plans for the shopping center on this parcel.

4. The Department of Health (DOH) representative, Mr. Paul Aki, mentioned that a portion of his testimony of September 5, 1973 is incorrect due to a misunderstanding. He retracted his statement regarding the presence of sulphur oxide emissions from a boiler operation which could be harmful to human health. He informed us that this plant does not have a boiler operation and therefore, there is no concern over the sulphur oxide emissions reaching a harmful level.

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5. He also stated that the plant is currently meeting all regulations of the Department of Health and that any complaints on the operation in the future, even if the company is found to meet all existing standards, would be covered by a nuisance clause and subject to court action. In this case, the Department of Health would act as a fact finding agency, and at the direction of the courts, could require controls above and beyond the existing regulations. When a company is found to meet existing regulations, it is difficult to anticipate nuisance complaints because of the difference in individual tolerance levels to dust, smoke, irritants, etc.

6. Department of Health standards are set up with the guidance of Federal regulations. The particle emission standards are set without regard to surrounding land uses.

7. It was agreed by all parties present that the development of this area under existing R-6 Residential zoning would be more adversely affected by the plant's operations than the proposed business use. The proposed shopping center can be designed to keep nuisance problems at a minimum. Hours of operation, enclosed structures, air conditioning, orientation of structures and landscaping were some of the matters discussed as a means of enhancing the marketability of the project and protection from possible adverse effects.

8. Mr. Aki suggested that a coordinated effort of the two property owners to plant tall eucalyptus trees on the common boundary would be beneficial to both parties.

9. It was also noted in the discussion that even certain industrial uses permitted in the I-1 and I-2 districts such as restaurants, banks, car wash facilities, food processing plants and vocational and technical schools might also be considered as incompatible to this particular operation.

It was felt that both Gaspro, Inc., and Manoa Investment Company, knowing of the possible conflicts in their operations, will attempt to operate their facility with an awareness of the welfare of each company. Based on these findings, the Director recommends approval of the request.

No discussion followed.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Bright, seconded by Mr. Crane and carried.

AYES - Bright, Connell, Crane, Kamiya
NAYES - None
ABSENT - Kahawaiolaa, Sullam

* * * * * * * * * * * * * *

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The Commission authorized scheduling of the following public hearings, on motion by Mr. Crane, seconded by Mr. Bright and carried:

CONDITIONAL USE PERMIT (OFF-STREET PARKING IN R-6 RESIDENTIAL DISTRICT)
LILIHA
ST. FRANCIS HOSPITAL
(FILE #73/CUP-19)

1. A Conditional Use Permit is requested for off-street parking in an R-6 Residential District to support the existing hospital use.

ZONING CHANGE
R-6 RESIDENTIAL TO
I-1 LIGHT INDUSTRIAL DISTRICT
WAIAU
TAMOTSU SUGIYAMA, ET AL
(FILE #73/Z-42)

2. The request is for a change in zoning from R-6 Residential to I-1 Light Industrial District.

ZONING CHANGE
AG-1 RESTRICTED AGRICULTURE TO
I-2 HEAVY INDUSTRIAL DISTRICT
HONOULIULI
JAMES CAMPBELL ESTATE
(FILE #73/Z-19)

3. The request is for a change in zoning from AG-1 Restricted Agricultural to I-2 Heavy Industrial District.

ZONING CHANGE
H-2 HOTEL TO
B-5 RESORT COMMERCIAL DISTRICT
WAIKIKI
DUTY FREE SHOPPERS, LTD.
(FILE #72/Z-33)

4. The request is for a change in zoning from H-2 Hotel to B-5 Resort Commercial District.

AMENDMENT TO THE COMPREHENSIVE ZONING CODE SECTION 21-201 (LOT WIDTH)

5. The proposal is an amendment to the Comprehensive Zoning Code Section 21-201 (lot width).

ADJOURNMENT:

The meeting adjourned at 2:10 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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MRRC RMM 19-75

FLASH CARD

FLASH CARD

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MRRC RMM 19-75

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Meeting of the Planning Commission
Minutes
September 26, 1973

The Planning Commission held a meeting on Wednesday, September 26, 1973 at 1:30 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:
Eugene B. Connell, Chairman
James D. Crane, Vice Chairman
Dr. Wilbur C. Choy
Donald K. Hosaka
Randall Kamiya

ABSENT:
Antone J. Kahawaiolaa
Fredda Sullam

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Wilfred M. Mita, Deputy Corporation Counsel
Henry Eng, Staff Planner
Roger Harris, Staff Planner
Gerald Henniger, Staff Planner

MINUTES:
The minutes of September 5, 1973 were approved, on motion by Mr. Crane, seconded by Mr. Kamiya and carried.

PUBLIC HEARING
PLANNED DEVELOPMENT
HOUSING
MAKAKILO
FINANCE REALTY COMPANY
(FILE #73/PDH-7)

A public hearing was held to consider a request for designation of an R-6 Residential District to Planned Development Housing District in Makakilo, Tax Map Key: 9-2-03: portion of 02.

Publication was made in the Sunday, Star-Bulletin/Advertiser of September 16, 1973. No letters of protest were received.

Staff Planner Gerald Henniger presented the Director's report of the request. In summary, the site plan concept and proposed building types are appropriate. The open space and pathways are designed as part of a future comprehensive open space system connecting educational, recreational, commercial, and public service facilities. Some attached dwelling units would require re-orientation for effective cross ventilation and some units would benefit from additional exterior storage. The application is recommended for approval, subject to conditions enumerated in the report on Page 11 including:

1. Widening of Makakilo Drive to four lanes to the H-1 Freeway.

2. All dwelling units having exterior storage space not less than 20 sqaure feet.

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Questions were raised by the Commission.

CRANE: On page 6 of the report, we have another agreement between the Department of Education and the developer. As usual, its very confusing to me. Under Elementary Schools of the second paragraph where the estimated increase enrollment in K through 6 is 320 students, and then on Attachment 3, they made an agreement that K through 6, the developer would put in four temporary buildings. If you divide 4 into 320 you get 80 some students per classroom which is in direct violation of the contract, good educational policies, and in violation of point 3 on the second page of Attachment 3 which says the ratio shall be 28 to 1 in a classroom. That's very conflicting to me. I'd like to know how the Department of Education justifies that.

The second point, in Secondary School, they don't give us the number of increase. All they say is that the schools in Ewa are already overcrowded; however, the developer should put in 2 temporary buildings. I assume we're going to have a 50-student increase. I imagine its a good deal more but they don't say. Do you have any more information on this conflicting stuff?

HENNIGER: I can't speak for the Department of Education. Some 4 letters have been received. During the period of inquiry, the first letter indicated that the school facilities were adequate, and that no additional facilities would be needed.

CRANE: What's the date of that letter?

HENNIGER: That would have been July 13th, the first letter. We have already given a synopsis which was intended to take away those things which have been rectified by later communication. All I'm saying is there has been a difference of opinion insofar as the sequence of letters go.

CRANE: So what you're saying to me is that in July they wrote you a letter saying that schools are adequate. Subsequent to that, they wrote they're inadequate, and they've made arrangements with the developer which would provide for at least 80 students per classroom.

Mr. Chairman, I'm going to need more answers on that.

CHAIRMAN: The temporary classrooms the developer has agreed to share the cost on, are these the only classrooms to be built?

HENNIGER: The classrooms in the first elementary school will come after this planned development somewhat later. As far as this project goes, I think we're limited to this, and also the possibility of additional facilities in the high school.

CRANE: My point here is that perhaps a portable classroom, that's what they're going to put up out there, at best can have two classrooms in it. Normally they do not. They have one. Now, to put 80 students

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in one classroom, that is just in the Dark Ages educationally. At best, there could be 42½ students per class and that's considered 16th Century. I think we can get better than that.

CHAIRMAN: Was the Planning Department supplied by the Department of Education with a schedule for construction of school facilities over the period of time that this project would be phased in?

HENNIGER: To my knowledge, we have not.

CHAIRMAN: Do they have a schedule?

HENNIGER: I don't know. Perhaps the applicant who has been working with the Department of Education would know that. I realize there is a lack of knowledge as to what is going to happen. There are other factors in the Makakilo area, expansions and so forth which does make the whole picture perhaps a bit indefinite.

CHAIRMAN: The question I would have is the DOE aproval of Project 1. Looking even at the bonuses, it comes out about what you could put in in an R-6 if you have a duplex development. We have a letter from the DOE indicating that they would not recommend any project if it had a density greater than you could normally put on zoned land which then infers there must be some planning process of building adequate school room facilities to take care of those areas which are zoned for residential development. Commissioner Crane and I are hitting the same area. Let's see if we can't get a report from the DOE.

Public testimony followed.

No one spoke AGAINST the application.

Testimony FOR--

Mr. Journ Yee, Vice-President of Finance Realty Company, responded to questions raised by the Commission.

YEE: In connection with the question raised by Mr. Crane, perhaps I can clarify that a little bit. In my discussions with the DOE, it was indicated to me that the financial assistance that we provide is supplemental. It is not intended to be a complete one. It is my understanding that the second elementary school just completed in Makakilo will take care of a certain number of students, and in the event that funds are not available from the State to provide permanent facilities by a certain date, that this money be utilized to relocate certain temporary facilities. If you would refer back to that letter agreement dated August 30th, the second paragraph, last sentence, it refers "We therefore request your approval for the following agreement to pay for a portion of the cost of providing temporary classrooms needed to meet the enrollment increase projected for school year 1975-76."

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CRANE: My understanding of that "portion of the cost" is that they will incur the cost of preparing the site. Mr. Chairman, I want to make it clear to the developer here that I am not necessarily against the development. I'm quite concerned that a major department of the State of Hawaii did make the statement that they are overcrowded, and I happen to know for a fact that the schools out there are overcrowded. Now, we're talking about some agreement with you, and I applaud you for it, but on the Department's level, it will overcrowd the schools even more and cause a bad educational system out there. The portion you're talking about is the portion they've agreed on page 2 that the department will accept preparing the site. They clearly state in their letters to you and in the first page of the educational report that this development will cause an overcrowding in K through 6 of 320 students. They're specific about that. They also state: "We estimate that Phase I of the Palehua PDH would contain approximately 320 students who would enroll in school years 1975-76 and 1976-77. The increase can only be accommodated by temporary classroom facilities or double shifting of students since we will be unable to provide additional permanent classrooms at Makakilo-Waena prior to school year 1977-78." Now, I don't know if you know what "double shifting" is but kids are going to go to school like from 8 to 12 for half-day school, and another shift comes in in the afternoon. That to me is educationally unfound. I just thought they said something to you that they didn't say in this report.

YEE: We will have to clarify this particular point that you have. I'm sure the Planning Department and we will do that.

CHAIRMAN: It may be well for us to have some response from the Department of Education.

The conditions listed in this report are agreeable to you?

YEE: Yes.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Kamiya and carried.

The Commission deferred action pending clarification from a representative of the State Department of Education regarding their comments relating to projected student enrollment increases for this PDH project, and classroom capacity for temporary school facilities to support such increases.

PUBLIC HEARING
ZONING CHANGE
R-4 RESIDENTIAL TO
A-4 APARTMENT DISTRICT
SALT LAKE
INTERNATIONAL DEVELOPMENT COMPANY
(FILE #73/Z-55)

A public hearing was held to consider a request for a change in zoning from R-4 Residential to A-4 Apartment District for 1.282 acres of land located in Salt Lake, Tax Map Key: 1-1-65: portion of 36.

Publication was made September 16, 1973. No letters of protest were received.

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Staff Planner Henry Eng presented the Director's report of the request which is being made in order to permit more efficient use of the land, and to eliminate the existing split-zoned effect. In 1964, the Land Use Commission established the conservation district boundary for the Salt Lake, which boundary served as the dividing line between the Salt Lake and the urban lands on the perimeter. The conservation district boundary as established, did not coincide with the boundary of Hotel-Apartment District No. 90 (City Resolution No. 915) along the Salt Lake. Consequently, there remains a sliver of land between the boundary of Hotel-Apartment District No. 90 and the Salt Lake containing an area of 1,282 acres which is zoned Residential, and designated for high density use under the provisions of Ordinance No. 3065, the Detailed Land Use Map for Aliamanu-Salt Lake area.

The Director recommends that the request be approved.

There were no questions from the Commission regarding the Director's report.

Public testimony followed.

Testimony AGAINST--

1. Mrs. Beatrice Sakai, Resident, Salt Lake
2. Mr. Robert T. Tolleson, Resident, Salt Lake

Both speakers felt there is enough high density development in the Salt Lake vicinity, and that any remaining Residential zoned areas should be developed with single-family units rather than highrise apartment units. Increased density would only add to the existing over-congested and hopeless traffic situation in the area.

Responding to a question from the Commission as to whether completion of the Moanalua Interchange would improve the situation, Mr. Tolleson believed it would not, unless there is (a) signalization of the Peltier-Puuloa intersection; (b) improvement of Puuloa Street; and (c) widening of Ala Ilima Street or prohibiting parking on that street. Questioned further by the Commission, Mr. Tolleson stated that he is not affiliated with the community association, and this traffic problem was not discussed with the community association.

Questioned by the Chairman as to the floor area ratio under A-4 Apartment, and the number of lots possible under existing R-4 Residential, Mr. Eng stated: "Under the existing R-4, its doubtful whether any substantial number of lots can be achieved for a number of reasons. As you can see, it is a remainder parcel in an elongated fashion. In any case, there is no direct access to it. This is all part of one lot. So, in a sense, this R-4

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zoning is landlocked. If the A-4 zoning were granted and added to this area, we would be working with a floor area ratio of about 2.8. You'd be getting approximately 130,000-140,000 square feet of floor area. There would also be a bonus from the beneficial open space, the adjoining shoreline open space."

Questioned further by the Chairman whether the Traffic Department in its report considered the adequacy of roads and possible density increases by the proposed rezoning, Mr. Eng indicated that the Traffic Department is aware that a substantial portion of the site is already zoned for high density.

There were no further questions from the Commission.

MOTION: The public hearing was kept open for further information from the Department of Transportation Services, on motion by Mr. Crane, seconded by Mr. Kamiya and carried. The following information was requested:

1. Traffic count and location of traffic bottlenecks in the area.

2. Completion of the Moanalua Interchange and its effect upon traffic congestion in the area.

3. Status of Salt Lake Boulevard extension.

PUBLIC HEARING ZONING CHANGE H-2 HOTEL TO B-5 RESORT COMMERCIAL DISTRICT WAIKIKI HEMMETER INVESTMENT COMPANY (FILE #73/Z-53)	A public hearing was held to consider a request for a change in zoning from H-2 Hotel District to B-5 Resort Commercial District for land located in Waikiki, Tax Map Key: 2-6-23: 6. Publication was made in the Sunday Star-Bulletin/Advertiser of September 16, 1973. No letters of protest were received.

Staff Planner Roger Harris presented the Director's report of the request. The applicant has applied for the subject change in zoning to permit development of the entire lot in conformity with the requirements of the requested B-5 Resort-Commercial zoning district. Plans have been submitted showing replacement of the existing three-story apartment hotel with a new building which will be a two-story convention and meeting room facility. Under the existing zoning pattern, no reasonable building could be constructed on this split-zoned parcel. The Director recommends that the request be approved.

There were no questions from the Commission concerning the Director's report.

No one spoke AGAINST the request.

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Mr. Christopher Hemmeter, representing the applicant, submitted himself to questions by the Commission.

The Commission had no questions of Mr. Hemmeter.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Kamiya, seconded by Mr. Choy and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the request, on motion by Mr. Crane, seconded by Mr. Kamiya and carried.

AYES - Choy, Connell, Crane, Hosaka, Kamiya
NAYES - None
ABSENT - Kahawaiolaa, Sullam

* * * * * * * * * * * * * * *

The Commission authorized scheduling of the following public hearings, on motion by Mr. Crane, seconded by Mr. Kamiya and carried:

HAWAII CAPITAL DISTRICT APPLICATION
CADES, SCHUTTE, FLEMING & WRIGHT
(FILE #73/HCD-20)

1. The request is for construction of an 80-foot high office building with some required parking provided off-site.

ZONING CHANGE
A-3 & A-4 APARTMENT TO A-2 APARTMENT DISTRICT
MAKIKI
DIRECTOR OF LAND UTILIZATION
(FILE #73/Z-58)

2. The proposal is a change in zoning for all parcels within this area zoned A-3 and A-4 Apartment Districts to A-2 Apartment District. (This proposal excludes those parcels currently zoned R-6 Residential District.)

ADJOURNMENT: The meeting adjourned at 2:56 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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MRRC RMM 19-75

FLASH CARD

FLASH CARD

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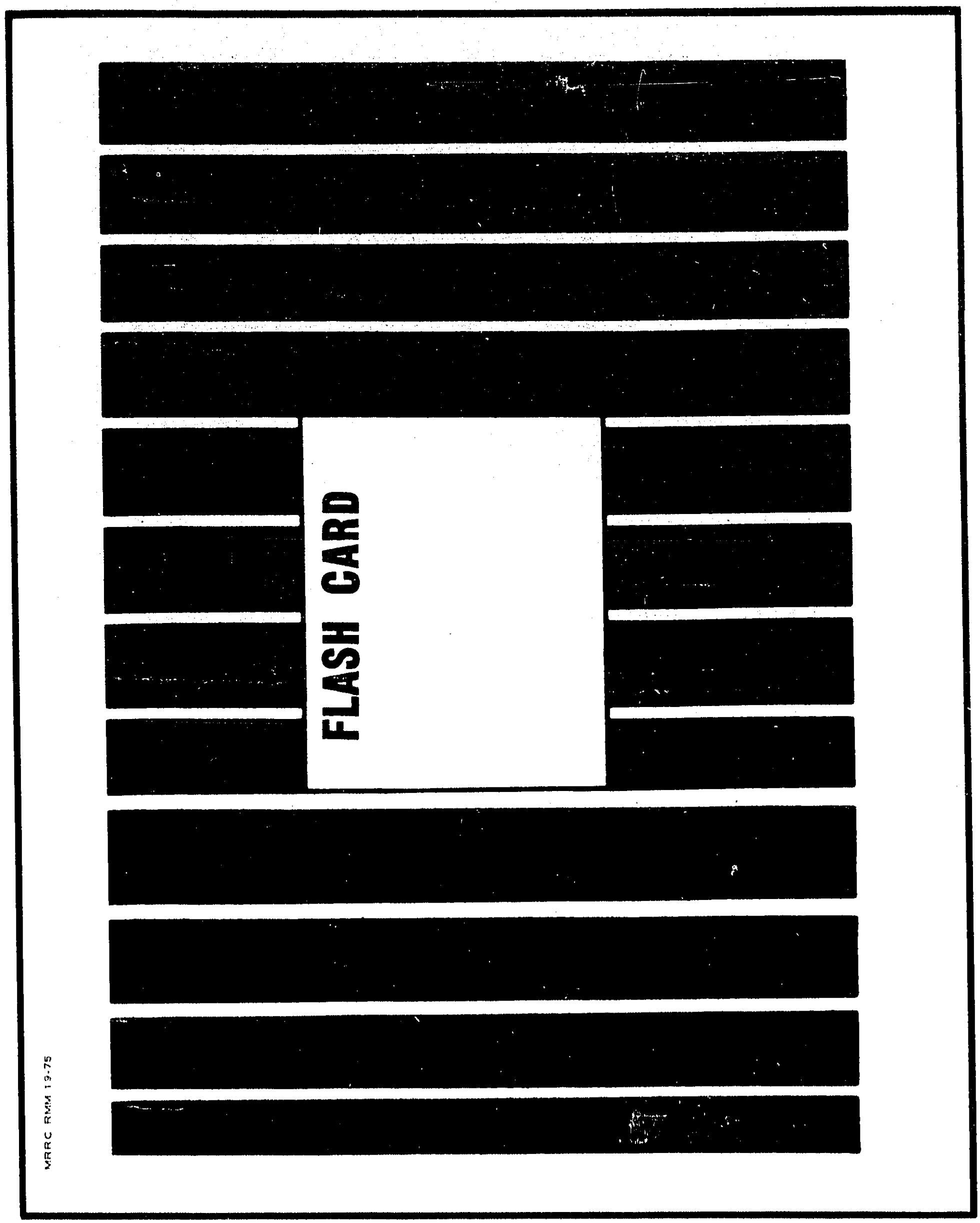
FLASH CARD



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FLASH CARD

FLASH CARD

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Oct. 3, 1973

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Meeting of the Planning Commission
Minutes
October 3, 1973

The Planning Commission held a meeting on Wednesday, October 3, 1973 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT: Eugene B. Connell, Chairman
Dr. Wilbur C. Choy
James D. Crane
Donald K. Hosaka
Randall Kamiya
Fredda Sullam

ABSENT: Antone J. Kahawaiolaa

STAFF PRESENT: Robert R. Way, Chief Planning Officer
Wilfred M. Mita, Deputy Corporation Counsel
Ali Sheybani, Assistant Director, Department of Land Utilization
Loretta Chee, Staff Planner
Henry Eng, Staff Planner
Carl Smith, Staff Planner

MINUTES: The minutes of September 19, 1973 were approved, on motion by Mr. Crane, seconded by Mr. Kamiya and carried.

PUBLIC HEARING
CONDITIONAL USE PERMIT
(OFF-STREET PARKING IN R-6 RESIDENTIAL DIST.)
LILIHA
ST. FRANCIS HOSPITAL
(FILE #73/CUP-19)

A public hearing was held to consider a request for a Conditional Use Permit for off-street parking in an R-6 Residential District to support existing hospital use for property located in Liliha, Tax Map Key: 1-8-18: 3.

Publication was made in the Sunday Star-Bulletin/Advertiser of September 23, 1973. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The applicant proposes to construct a parking deck to accommodate 33 cars over an existing parking area to alleviate on-street and off-street problems and congestion. Access to the parking deck will be from Mahalo Street via a concrete ramp. The existing parking area is about 7-1/2 feet below the grade level of Mahalo Street; the elevation of the parking deck will be about 5 feet above the grade level of Mahalo Street. Cars parked on the proposed deck would be

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screened by a concrete wall approximately 8-1/2 feet high when viewed from Mahalo Street. The perimeter of the deck is set back 10 feet from the Mahalo Street property line and 5 feet from the side property boundary.

The Director recommends that the Conditional Use Permit be granted, subject to the conditions contained in his report.

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

No person spoke FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended that the Conditional Use Permit be granted, subject to the conditions contained in the Director's report, on motion by Mr. Crane, seconded by Mr. Choy and carried.

AYES - Choy, Crane, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING ZONING CHANGE R-6 RESIDENTIAL TO I-1 LIGHT INDUSTRIAL DISTRICT WAIAU TAMOTSU SUGIYAMA, ET AL BY: PHILIP T. CHUN (FILE #73/Z-42)	A public hearing was held to consider a request for a change in zoning from R-6 Residential to I-1 Light Industrial District for land situated in Waiau, Tax Map Key: 9-8-21: 59, 60, and 61. Publication was made in the Sunday Star-Bulletin/Advertiser of September 23, 1973. No letters of protest were received.

Staff Planner Loretta Chee presented the Director's report of the request. The applicant proposes to construct a warehousing complex of three structures containing 14,000 to 15,000 square feet of floor area. One of the structures will be used by the applicant's contracting firm. Tenants for the other two structures have not been established yet. The applicant also proposes to extend a 12-inch water main in accordance with Board of Water Supply requirements to provide the necessary flow for the proposed industrial use.

The Director recommends that the request be approved.

There were no questions from the Commission regarding the Director's report.

No one spoke AGAINST the request.

Testimony FOR--

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Attorney Philip T. Chun, representing the applicant, offered to respond to any questions the Commission might have.

There were no questions of Mr. Chun.

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Mr. Hosaka and carried.

ACTION: The Commission adopted the Director's recommendation and recommended that the request be approved, on motion by Mr. Crane, seconded by Mr. Choy and carried.

AYES - Choy, Crane, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
ZONING CHANGE
H-2 HOTEL DISTRICT TO
B-5 RESORT COMMERCIAL
DISTRICT
WAIKIKI
DUTY FREE SHOPPERS, LTD.
(FILE #72/Z-33)

A public hearing was held to consider a request for a change in zoning from H-2 Hotel District to B-5 Resort Commercial District for land situated in Waikiki, Tax Map Key: 2-6-19: 33 and 45.

Publication was made in the Sunday Star-Bulletin/Advertiser of September 23, 1973. No letters of protest were received.

Staff Planner Carl Smith presented the Director's report of the request. The applicant has requested a change in zoning for the subject properties in order to combine them with his adjoining property and construct a single commercial building. The adjoining property identified by Tax Map Key 2-6-19: 29 and containing 16,200 square feet, was rezoned from H-2 to B-5 October 7, 1971. This proposal has been under review for over a year. The Director was asked to initiate the rezoning on May 3, 1972. The request was denied by the Director on August 30, 1972, based on the City Council's policy set forth on another rezoning request in Committee Report 661 of July 5, 1972. In this report, the Council denied a rezoning "based on a potential re-evaluation of the overall land use policy for the Waikiki area...."

Duty Free Shoppers then requested the Council to initiate the rezoning. The Council on January 9, 1973, took the request under advisement. Subsequently, Duty Free Shoppers filed for a variance to permit them commercial use of the property. Before taking action, the Zoning Board of Appeals asked the Council for their position on the matter. On August 14, 1973, the Council reversed their former position and referred the matter to the Department for a staff analysis of the merits of the case.

The Director recommends that the request for a zoning change be approved.

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The Commission had no questions of the staff regarding the Director's report.

Public testimony followed.

Testimony AGAINST--

Audrey Fox Anderson, President, Waikiki Residents Association (Submitted letter dated October 3, 1973)

OBJECTIONS:

1. Tour buses on Kalakaua Avenue going to Duty Free Shops have been creating both a traffic problem and a pedestrian nuisance. They arrive, usually five or six within a short time span, blocking traffic and tying up the sidewalk for the length of their stay.

2. Lewers and Royal Hawaiian Avenues are narrow streets and the additional congestion created by the buses would make them impassable. The alley makai of the proposed site is too narrow to service the buses. The public garage entrance is on the alley.

3. If zoning can be changed with a contract between the City and Duty Free Shoppers that no tour buses, nor provisions in their plans for bus tour groups be permitted as consideration for the zoning change, we would have no objections to the change. Such a contract would benefit the public and give the city a measure of control. Without a contract, once the zoning change is granted, the applicant can do as he pleases, and he usually does.

At this point, Mr. James Dwight of the Department of Transportation Services was called upon to respond to some of the objections raised by Mrs. Anderson. He was then questioned by the Commission.

DWIGHT: Actually in our opinion, there wouldn't be much difference between bus attractions to a resort hotel or to a business-type operation especially in Waikiki. I think the buses generated there would be just about the same amount.

SULLAM: Don't the tour buses park at the hotels where the tourists board them? In what way will this attract tour buses?

DWIGHT: Well according to Mrs. Anderson, she claims there's going to be a lot of tour buses. I imagine this being a Duty Free Shop there's probably going to be a lot of shoppers. I don't know why it should attract buses, personally.

SULLAM: They are right in Waikiki.

DWIGHT: Right. Its within walking distance of most of the major hotels.

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CRANE: Where are the Duty Free Shops creating a traffic problem on Kalakaua?

SMITH: I think its referring to the JaJa operation located on Kalakaua near John Ena Road.

CRANE: Is the problem created by tour buses going to the Duty Free Shop or is it the place for the tour buses to go because its a tour bus depot?

CHAIRMAN: Was the use of buses in this general area taken into consideration by the Traffic Department?

DWIGHT: Well really, there's no place for them to park essentially anyhow. We have limited parking on all of the side streets. The only place where they could possibly squeeze into could be Lauulu Street which is private. I don't see how they're going to do much maneuvering in there. Its very narrow.

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

Testimony FOR--

Mr. Joseph Lyons, General Manager for Duty Free Shoppers, Ltd.

LYONS: If I may speak to the points that Mrs. Anderson brought up, I think there was some confusion between the Duty Free Shop and the JaJa Garment Fashion operation which is between the Ala Wai and Ena Road. It is not our intention to move that location into Waikiki. As a matter of fact, we have been specifically looking for a location out of Waikiki. That operation does pose a problem. Traffic does backup on to the Ala Wai. The problem arises from the fact that buses drop off and pick people up. Therefore, it has to stay in the general area and park either in JaJa or across the street at Tradewinds.

The application for zoning concerns the relocation of a Duty Free Shop which is now at 2270 Kalakaua Avenue in the Waikiki Business Plaza across from McInerny on Seaside and Kalakaua, one street over to Royal Hawaiian and Kalakaua. We all know that busing is a problem in Waikiki, but actually our duty-free business--we have been down there over five years and we find that 50% of the duty free customers actually walk to and from the location. Of the other 50%, 60% to 70% are simply dropped off by the buses and walk back to their location. It takes 1-1/2 minutes to drop off customers from an average size bus. They do their shopping and walk back to their hotel. Thirty percent or approximately 30 in 100 do come in in buses, are dropped off and are picked up. That number is actually decreasing. We don't feel it will be any more of a problem than there has been now along for the Duty Free Shop mainly because most of the people are walking to and from the location,

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and most of the other people are simply being dropped off which process takes 1-1/2 minutes. But, the point I hear is certainly valid. We have had a problem there for over a year. We're actually seeking a new location.

Mr. Lyons was questioned by the Commission.

SULLAM: Is the shop so designed so when they do drop off these tourists, there will be a place to park the bus? Where are these people coming from?

LYONS: They're normally coming from sightseeing tours, half-day or all-day sightseeing tours. They come back into Waikiki down Kalakaua or along the Ala Wai. The buses can move along Lewers, drop people off, and then move off.

SULLAM: So you don't intend to have the buses come right up to your Duty Free Shop.

LYONS: They will come up, drop the people off and move on. There's no real bus parking in that area. That area is congested. Those buses which do drop off and pick up people, normally move down Kalakaua to the Kapiolani Park area and come back in one hour or 45 minutes later.

CHOY: Presently, is there any parking on either side of Lewers Street where the Duty Free Shop is to be located? Is there any curb-side parking at the present time?

LYONS: On Lewers Street at certain times of the day there is curb-side parking. There is curb-side parking on Royal Hawaiian.

CHOY: And that's directly in front of your proposed operation.

LYONS: Royal Hawaiian would be in front of the location.

CHOY: That does cut down the width for traffic.

LYONS: It would cut down the width of traffic, right.

CHOY: So it would help if you had that deleted.

LYONS: Yes, it certainly would. One of my assistants tells me there are only three parking places on Lewers. The rest of it can be pulled up.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Kamiya, seconded by Mrs. Sullam and carried.

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ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Kamiya, seconded by Mr. Choy and carried.

AYES - Choy, Crane, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING AMENDMENT TO THE COMPREHENSIVE ZONING CODE SECTION 21-201 (LOT WIDTH)

A public hearing was held to consider a proposed ordinance to amend Section 21-201 of the Comprehensive Zoning Code relating to lot width.

Publication was made in the Sunday Star-Bulletin/Advertiser of September 23, 1973. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The section being amended specifies the method in which lot width is measured and is correlated with Section 21-202 which defines the measurement of front yards. The language which is being deleted has been superseded by a previous amendment to Section 21-202 which changed the method of measurement of front yards. Because of this change, the language in Subsection (b) is no longer applicable and the deletion is recommended. The new language would be "The width of a zoning lot shall be determined by measuring across the rear of the required front yard as determined in Section 21-202." This amendment will simplify and clarify the Code.

No discussion followed.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Mr. Crane and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the proposed ordinance, on motion by Mr. Kamiya, seconded by Mr. Choy and carried.

AYES - Choy, Crane, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

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UNFINISHED BUSINESS
GENERAL PLAN AMENDMENT
OAHU, HAWAII
TO REFLECT FINAL
HIGHWAY RIGHTS-OF-WAY
& TO MAKE NECESSARY
ADJUSTMENTS IN LAND
USE DESIGNATIONS FOR
LANDS ADJACENT TO OR
AFFECTED BY THE
ALIGNMENTS
STATE OF HAWAII
DEPARTMENT OF
TRANSPORTATION
(FILE #224/C3/VARIOUS
& 180/C3/5)

Public hearings were held June 20, 21, 27, and closed July 11, 1973. The matter was brought before the Commission again on July 25 and August 8, 1973. Action was deferred pending a public hearing by the State Department of Transportation.

Mr. E. Alvey Wright, Director, State Department of Transportation, made the following report:

WRIGHT: The public was heard loudly and clearly from approximately 1,118 individuals and 102 organizations.

The first message was that no further transportation corridors were either desired or would be tolerated through Nuuanu and Kalihi Valley, that they had in effect, had it.

As far as transportation is concerned, it was for either a one-way traffic pattern, or a busway on viaduct, or a busway with a highway lane in conjunction therewith, or a third tunnel bore through the Pali in either of those valleys.

We had, Mr. Chairman, some 15 alternatives. The testimony reduced them essentially to two. Both are on the previous H-3 alignment. One of these alternatives we designated TH-3, combination transit and highway. It has two highway lanes and one transit lane in each direction. The second alternative designated T-3 is a pure transit fixed guideway alternative.

The public hearing indicated that 88% of the individual testimony desired and testified in favor of some highway laneage along the H-3 alignment, either in the original configuration of H-3 which was six highway lanes, or the TH configuration which has two transit and four highway.

Sixty-six percent of the organizations indicated that they preferred some highway laneage along that alignment. The remainder of the testimony was fragmented. We have a brief summary of the principal points.

I might add, a characteristic of the testimony was that given orally was more opposed to a highway transit solution whereas the written testimony was more in favor of it. The testimony by individuals was counted one for one, whether he was president of an organization or whether he was an individual testifying. That is the meaning of the 88%. The testimony by the organizations were counted one for one for each organization, regardless of its size. Into this were the petitions. For example, the Moanalua Gardens Foundation had 6,400 petitions opposing the highway through Moanalua Valley. The census

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tract in Kalihi had something like 2,400 in favor of it. The ILWU AFL-CIO had a resolution which could represent anywhere from 20,000 to 50,000. The Kailua Community Association had a minority and a majority report. The majority was for it. The Kaneohe Council Board of Directors voted 8 for it, 5 opposed, and 2 abstaining. Some were a bit confused as to whether they were talking about H-3 or TH-3. So, they revoted and I'm told the results were 13 for, and 3 or 2 against either the H-3 or TH-3 alignment.

In the reduction of the alternatives from 15 to 2, the Department of Transportation has analyzed in greater depth the meaning and implications of those two alternatives. If I may with your permission, Mr. Chairman.

(At this point, Mr. Wright presented and reviewed with the Commission, statistical data on Comparative Trans-Koolau Movements for alternatives TH-3 and T-3 for years 1973 and 1990, attached.)

First to the numbers which are the product of the Oahu Transportation Planning Program. This is a joint program conceived and administered jointly by the City and State through the Transportation Policy Committee which has two members of City and two of State, and is the computerized transportation model from which all our transportation projections emanate. The 22-mile fixed guideway is a product of this same model. This was the basis of the numbers that you see here. TH-3 was one transit and two highways in each direction and the transit being a busway system. The T-3 was pure transit, this being a fixed guideway. The reason it was analyzed with these alternatives was that George Villegas indicated that he felt the busway was more appropriate on the T-3 alignment than a fixed guideway; that if it were pure transit, he recommended that we run a fixed guideway for that alternative.

1973 and 1990. 1973, of course, nothing on the alignment. 1990 is projected that TH-3, combination transit and highway, that 62,000 people daily would be traveling in that corridor in both directions. 23,000 would be traveling if it were a fixed guideway alone. The breakdown of these figures; of the 62,000, 17,000 would be transiting the H-3 alignment on TH-3 on the busway, and 44,000 on the highway. On the T-3, it would all be on transit for a total of 22,000.

Concurrently, the reflection of the impact on Pali and Likelike would be desirable to consider. Presently, these are the levels--73,000 on Pali and 68,690 on Likelike. The 1990 projection on the TH-3, these levels would have dropped, on Pali from 73,000 to 55,000 and on Likelike from 68,000 in 1973 to 41,000 in 1990. For the T-3 alternative it would also drop on the Pali from 73,000 to 64,000. But, on Likelike by 1990, it would be as congested or more so than it is at the present time.

In addition to moving people, its quite important, we think, that we consider the moving of cargo. We took all of our cargo generators all along the Leeward side of Oahu--Pearl Harbor, the airport,

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and many of the businesses there that serve Windward Oahu--that its necessary to consider the movement of that cargo, the daily trips, the plumbers wagon, the mechanician, and so forth for that area.

The estimate now is that presently about 800 such trips are made daily on Pali, and about 1600 on Likelike. By 1990, these will go up. Our best estimate is that on TH-3 there will be 1600 such cargo trips. The fixed guideway may also carry cargo, but so far it has not been developed for that primary purpose in that we are not clear just what this figure would be, that it is not as flexible from a cargo standpoint as would a highway with a manual controlled vehicle. All cargo would move up so that on T-3 for example, we have approximately 2,000 cargo trips which is more than Likelike at the present time, or if the TH-3 is in operation, we have less than Likelike at the present time.

Most transportation are unfortunately sized on the basis of commuter transport. This is the case with the rapid transit system and with the H-3. So, looking at the A.M. peak hour, peak direction person trips. On the H-3 alignment in 1973, 0, in 1990 its estimated by the transportation model 6,000 peak hour trips on the TH-3 alignment, and 3,000 on the T-3. This 6,000 breaks down to 3,000 by transit and 3,000 by highway. Its a pretty balanced mix of people moving by transit and moving by highway. All on the T-3 are by transit.

Meanwhile the Pali alignment drops from 4200 people in the peak hour to 3800 on TH-3 then goes up slightly on the T-3 alignment during the peak hour. In other words, Pali Highway, which we consider just about saturated and every indication is that it has reached that point where it simply can't go any higher, it might, according to the model, certainly not drop any during that time.

The Likelike alignment, the same thing would happen. It would move from some 4600 during the peak hour to around 4700 at the T-3, and drop under 3000 in the peak hour with TH-3.

This (referring to Summary Comparison of Alternatives, TH-3 and T-3) gives some of the qualitative aspects. The transit laneage, 1 and 2, 1 and 0. Transit system, TH-3 Busway with a 10,000 capacity. This figure is anybody's choice but this is probably a mean point of impact. It is important to relate this capacity figure with a prediction because the prediction is that in one hour, the transit on H-3 alignment--the TH-3--would be about 3,000. Even with a fixed guideway, it would be less than 3,700. So, we have a quite adequate capacity to 1990, and very likely well into the 21st Century with a busway type of system. The fixed guideway has much greater capacity. The busway could always be converted to fixed guideway but we would see no need to do that in the foreseeable future.

Connecting system available, we now have six lanes headed for the Red Hill Tunnel, if its ever built, that go nowhere. So, when we say that a connecting system is available, we mean that there are six highway lanes to tie together with these four highway lanes and

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two busway lanes. Whereas, the no for the T-3 means that we'll get a fixed guideway, 23 miles to be sure, but presently its not there to make the connection.

Windward population, these (referring to Summary) are the same figures used by the city and the state and by the national transportation planning because we are part of the national system as well. The Windward population now is around 105,000 and predicted to 151,000 in 1990.

Cargo moving good (TH-3), poor (T-3). Vehicles in service for steep grades, we have buses that operate on six percent grade, Trans-Continental and so forth. We don't know of any vehicles in service but transit that are operating on a long, steep grade such as the Pali itself. It can be done but its not presently in operation. So, the reason for no is simply we don't have experience with us.

Balanced transportation in H-3 corridor, it seems more balanced on TH-3 than on T-3.

Environmental impact is appreciably more on TH-3 than on T-3. T-3 we might get by with one tunnel instead of two, with one viaduct instead of two. The air pollution is obviously less. The noise is less.

Effect on Windward land use, we think you have more influence on that than the transportation facilities we'll have.

Social impact, the general tendency is for a highway busway transit to cater more to the continuation of the relatively low density development on the Windward side, whereas with a T-3 pattern, one would expect higher density in the vicinity of the transportation interfaces at the terminal.

Collection and distribution, both are bus and automobile.

Construction started, yes (TH-3), no (T-3).

Access to Moanalua Park, yes (TH-3), yes (T-3). For fixed guideway, you have to have a station in Moanalua Park presumably, and an escalator to go down to the park floor. It would be necessary to have some sub-system in the park if it was desired to have any access mauka entirely. Probably, the same thing would be desirable for TH-3, we don't know. In this area, we're working with the consultant Belt Collins of the Damon Trustees. They're doing the park in conjunction with our design of the highway operation.

Share of state cost, under federal highways the TH-3 qualifies 10% and T-3 20%. Funding assured, yes for TH-3 and we should have put a question mark for T-3. Some say yes, some say no, many say maybe. Frankly, we don't know but we're making an effort to find out because this is quite a key consideration.

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Cost, $275 million for TH-3, $255 million for T-3. I might indicate what this covers. This is the guideway, the electric bus bars, the vehicles for this level of passenger flow. The fixed guideway would go through Halekou Interchange, along the Mokapu Ridge, the saddle road, along the Kalanui Swamp Dam into Kailua town. It would not have a leg into Kaneohe so its not included in the $255 million. We endeavor to keep it as a true trunkline which the present 23 mile is. This was the concept that George recommended that we evaluate. State cost, $28 million (TH-3), $51 million (T-3).

Hearing testimony, 88% (H3/TH3). Hearing organizations, 66% (H3/TH3).

Legislative approved, yes, this is the alignment (TH-3).

EIS previously approved, yes.

Corridor capacity in persons per hour, TH-3 13,000, T-3 20,000.

The design is actually 45% complete (TH-3).

Funds already expended, $30 million (TH-3).

Estimated readiness for service, 1979 TH-3, 1985 for the T-3 area.

There are a couple of other points of interest, Mr. Chairman. I understand there has been some reconsideration on the Moanalua Gardens application for landmark status so that as far as we know, processing can stay in the usual channels rather than the 4(f) channels. The Commission has copies of the studies made by Dr. Stell Newman and his staff in connection with the historical significance.

Only the implementation, I think its important to consider that for Hawaii, time is running out. That, if we're going to build this thing or anything like it, we really need to get moving. We are at the bottom or next to bottom of all the states in the amount expended for interstate highways. Congress has extended the date three times. The last extension is in the Federal Aid Act of 1973, and it was to June 1979. We would doubt very much, judging the temper of Congress as exhibited in their public hearing that there will be any further extension past that time. In other words, the state will either put up or the money will go to some other use.

We are also required by the 1st of July of 1975 to have a schedule of construction and financial obligation which will insure both the obligation of interstate funds and the completion in service by 30 June 1979. So, we feel its extremely important to the state to make a decision and a recommendation so that design work can continue at the pleasure of the courts. We have indicated that as soon as we have completed the hearing testimony and design reports, that then we have complied with directions up to this point. But, we resumed design work so that construction on this third Trans-Koolau corridor can continue.

If I may emphasize, Mr. Chairman, if we consider the importance of a transportation corridor, whatever it be--whether its pure transit or combination or anything else, that all of our modeling for facilities on the Windward side be it Kahekili or any other, are all based on providing services to the land use that you have designated. If one of these fundamental services is to be denied, then we feel that there must be broad reconsideration for all of the land use on that side because it would not be in balance anymore than the transportation system would be in balance with the present general plan.

Thank you.

CHAIRMAN: Questions for Mr. Wright?

CRANE: What kind of data did you use to come up with the projections of how many people would use T-3 in 1990?

WRIGHT: The city and state spent $2 million to develop this technique. Its consists, very briefly, of area computerized models all of which form a total system. One, for example, is obviously land use, what is general planned, and therefore the type of roads that can be expected there. Secondly, is the population, what is projected for each of the census tracts up to 1995. Next is the economic model, where people work. So, a combination of where they live and where they work is very obviously an essential factor in the fifth generation. The fourth or fifth generation was the total network, where they live, where they work, where they shop, where they go to school. Only a computer could possibly put all of these combinations together. Then we come out with the total sum of trips. Then the trips are broken down into a modal split, and the modal split tells how they travel, whether they walk or go by bicycle or by transit or private automobile. Its this computerized process that is the basis jointly of all of our transportation plans. The only way to change this is to change the land use, change the population projection, or to change the activities of industrial development, to provide alternative facilities. This is what we have not had. We have not had a balanced transportation system because its obviously been reached in the transit mode. Only when they are all available so that there is the free choice there, then can you develop the balance.

CRANE: Point number 6 on your comparison of alternatives, since you mention that a connecting system is already available for our TH-3, and you mentioned the figure six roads right now lead nowhere, they're blocked off, I think there's obviously no connecting facilities for T-3, why were these six built and blocked off?

WRIGHT: Because the interstate was designed not as H-3, H-1 and H-2 but as a total interstate system, so that the interchanges which are the nodes where the mixing occur--the H-3 comes in to Waiawa and the H-1 and that's one mixing bowl; the next mixing bowl is Halawa Interchange where the H-3 and H-1 come together with Moanalua road. The interstate Halawa Interchange, the connection is available. When that interchange was planned in 1965, it was anticipated that we would

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have H-3 because at that time we had been through two public hearings, and the community was all in agreement with it, and it was expected that it would come to pass. So, the interchange was designed with the perfect timing generated by the model to have six lanes. This was predicted at that time that it would be needed in 1990. Highway construction of that interchange cost $42 million. It takes a while to design it and build it. That's been going on for a few years.

CRANE: I don't know much about these engineering things in your computer but from the other hearings that I have attended and from four or five alternative comparisons you have here--for instance this plus you have six roads sitting there waiting, 45% design complete, $30 million already spent, roads already built on the Windward side--I get the feeling that this is a foregone conclusion without our having had any hearing. I get the feeling we're going to have H-3 anyway. Am I mistaken in my interpretation of this?

WRIGHT: We don't want it to be considered that way because people's values change. If their values have changed to the point of wanting something else regardless of how much has been spent, we should endeavor to change with it. But, the indication at the public hearing, and that's the best approach to the public, is that they have not changed to initiate this kind of H planning.

SULLAM: You said this model was built to the land uses of 1964. Now, we know a new plan is in the making. We know that many big estates have come in and proposed areas of industrial and commercial development where presently there's agricultural land. Has this been taken into account?

WRIGHT: Yes. Its been recognized that general planning is underway. I think there are three major alternatives being considered. From what information we have, it may be several months before that is a completed process. We do feel that the decision which you make here could be very influential on that general planning because if the answer is N-3, which is nothing, no highway, you the general planners are going to be faced with a massive rezoning proposition, so that it could change the whole approach to that general plan if you did not recognize the general plan that you have on which this is the basis. Presumably, it must be an evolution from it.

SULLAM: In other words, what will be proposed with this H-3 is going to be a given when we reexamine the general plan. In other words, we will be bound to something that we cannot change once we approved this.

WRIGHT: It was a given in planning the 22-mile fixed guideway system that we would have H-3. If this is not valid, then we must reconsider the 22-mile fixed guideway because it was predicated on having an interchange at the Halawa Interchange with H-3 and a feeding and input at that point. I guess my only answer is that we have to plan on the best information that we have, and that we

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have changed this as you have changed the general plan in your DLUMs through the years, and this is as close as we can make it to what you now have in mind.

SULLAM: So, that doesn't take into account what might be projected with the new general plan which will be ready pretty soon, I understand.

WAY: Mr. Chairman, if I may. Its quite a bit premature in that sense to respond to the question but I do think that some insights might be projected at this time.

One point, and I've discussed this with Adm. Wright and our staff has talked to the staff of the Advanced Transportation Planning Systems Office, that we should be aware of the implication on land use in the Windward region, and more specifically, Kaneohe, because I think it would be particularly impacted should there not be a transportation corridor, a third Trans-Koolau corridor--and these will be available I hope and believe, at least our department feels this is important to look into.

Secondly and where we are, is that from the examinations of impact on the transportation network that we have looked at in relation to any of the alternatives for land use that we are considering, and there are three major ones described as one, a kind of no growth, no urban expansion; moderate expansion, two; and directed growth, three. It appears quite apparent to us in our initial testing against the transportation network that a third corridor is required or at least the equivalent capacity for another corridor. So, what I'm saying is, and again this is preliminary, we do verify the requirement we need for a third transportation corridor on the basis of any of the alternatives that we consider viable at this point. Let me say that we don't think our current general plan is a viable policy to accommodate the population projected. Now, if you want to shut off population, okay, go ahead, be our guest, and then we've got a new ball game but this is what we don't think is going to happen--I mean like stop it right now.

In our planning, we and the state in the transportation planning process have used the figure of 924,000 population, I believe, by 1995. At the same time, we're looking to a possible 1.4 million. Now, we're talking then of something on the order of 476,000 more people above the figure used to develop this very data. The 1.4 million is a figure generated almost equivalent to the historical rate of population increase that we've experienced in the past decade or so. In other words, that's our high. We think, in our planning, that the truth--if you want to call it that--lies somewhere between those figures. I think, very definitely and personally, that the figure of 924,000 used in the transportation planning system is conservative, and therefore, these figures are conservative. But, even with the conservation figures--and that's my term, there's room for disagreement because I don't think anybody's crystal ball is all that clear as to what and when population will

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arrive at a given number or point in time--it seems quite clear to us, and this will be one of the subjects of our workshop coming up a week from today, that there is this demand. I think we can definitely say that. There is even in our transportation planning network, highway and transit network, we think some still serious needs that need to be addressed, and that once again we find even with the three corridors, we're beginning to approach capacity even with using the TI-3 system by 1995 at the low population. If I remember the figures correctly, I think its 88% of capacity by 1995 with three corridors. So, shortly thereafter and at a low population, that's my term low, I'm saying that's the conservative one.

So, I think these are some of the broad implications that the Commission should be aware of as to kind of a very preliminary tentative report broadly speaking, as to what might be some of the implications in relation to our general plan revision program.

SULLAM: In other words, the population densities are more or less being consistent with the 1964 general plan and within the new general plan. There aren't going to be any great changes.

WAY: No. I don't know how you arrived that way. You're talk-about densities now. I'm talking about gross numbers. So, maybe we've got a communication problem.

SULLAM: Well, I assume a gross number creates a density.

WAY: Well, what we're saying on a parallel track but I don't see quite the same relationship to what you're saying, if I understand you correctly, is that there will necessarily be increases in density to accommodate the low population. Certainly, we anticipate continuation of higher densities of development within the urban area than we now see and that we've had in the past. Let me try to make it quite clear, I do see increases in densities as a factor. We must have increases in density to minimize the extension into the non-urban areas.

SULLAM: I was thinking of new areas becoming densely populated such as on the Waianae side where we're not talking about fixed rail. Population might shift and become dense there and we would have to consider fixed rail leading into these other areas that are presently not under consideration.

WAY: Okay. This is one of the alternatives we will have. For example, in order to accommodate a higher population, some of the transportation implications will be an extension of the 22 mile system in the Central Oahu/Ewa/Honouliuli/Waianae direction. When we begin to achieve or reach the maximum and historic rate of population growth at the 1.4 million level, we begin to see some other additional very serious consequences on our transportation network. We've added, roughly, half a million people above that which we're

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planning for right here. It in fact may mean one possibility is another fixed guideway transit system roughly parallel or immediately adjoining in another location, I don't know, that to which is already planned. In order to move the people, this is the kind of magnitude of consequence coming out of the land use decisions and the implications of population growth. As you know, we're already talking about 700 million. I don't know that it will double. It may in terms of the 1995 or year 2000 or 2010. But, it will mean almost a doubling of the transportation network. Again, don't hold us to this. This is quite preliminary. We're continuing to check the different alternatives through the model process to see what it really needs. I might also add that this calls for somewhat of a holding to the planned highway network. Even then we see some significant points where its starting to break down on us. We're getting higher volume on the highway network over the capacity significantly above those that we've experienced at this point. This is all a by-product of population, fundamentally.

SULLAM: In a sense, you are concluding that there will be this added population, a good portion of this will fall on the Kaneohe side because the fixed transportation corridor leads there. So very obviously, we're going to start with placing the increases of population there, and there is question as to whether that land can accommodate excessive population. I don't know what the cutting off point is.

CHAIRMAN: You're not saying that the total increase in population is going to be centered in Kaneohe.

WAY: No. Its a distributional kind of thing. We're not starting there. Its already there.

SULLAM: But with the system being reestablished, then it will be reinforced.

WAY: Well, we have a system in effect that provides for existing and some added increment of population. We have adopted policy plans that say more can be added in the Kaneohe area and other areas as well. Incidentally, we're talking about Windward too. We're not just talking about Kaneohe, but North Shore and even to the extent if we find there is additional capacity, for urban expansion in Waimanalo of some major consequence. It all does relate to this transportation network whether it be Likelike, Pali or HT something.

WRIGHT: If I might add, Mr. Chairman. If H-3 is not built, neither should H-2 because they have the same considerations.

WAY: One more point bearing, I think, of what happens on the Windward side. An alternative that we will pose, evaluate and consider has to do with the extent of urban growth on the Windward side. Its a matter somewhat of choice. Again, for purposes of illustration, if you take one of the alternatives we propose to examine, it says that there shall be approximately 25,000 additional households

outside of the present urban boundary. Okay, let's accept that not for argument but just as a given. Then, what do we do with them? We have a choice, for example, of accommodating an additional 5,000 on the Windward side. Another choice might be to put 5,000 within the Central Honolulu area, and to a portion of say 15,000 out in the Ewa direction. The other choice is 5,000 Ewa, 5,000 Honolulu and 15,000 Windward. Now, what are the costs of this in relation to say transportation service? This is what we would be evaluating and the kind of data that we would be making available to consider. Again, I have to come back to the point that what we've done thus far very much in a preliminary way, affirm, unless there are major reevaluations, eliminations of urban uses on the Windward side to the basic requirement for another corridor. There's a locational distributional thing too. You can't pile it all up on the Pali and Likelike. You add travel time. You don't provide the same service. This is a factor as well.

CHAIRMAN: Mr. Wright, when do you feel the court injunction is going to be lifted so that design work can begin again?

WRIGHT: We intend to submit the preface to the EIS which has been circulated to the Secretary of Transportation by the 20th of October. The transcript of the proceedings will be done by early November, and the design report by mid-November. At that time, we shall ask that the design injunction be lifted. We would feel much better, Mr. Chairman, about it if you've made your recommendation by that time so that it could be a consideration of the court in the community thinking.

SULLAM: Is it a definite assignment how many lanes will be mass transit and how many for cars?

WRIGHT: Yes, and they are to be exclusive lanes for mass transit, physically separated so that no automobiles can get on it.

WAY: Following up on that question. When you say exclusive lane for mass transit, its correct to say we're talking about the express bus concept.

WRIGHT: Express bus concept. This is why actually the diversion to transit has gone up a bit because previously with H-3 it was expected that buses would operate in mixed traffic. If you have an exclusive lane, they are more desirable because their travel time is slightly less.

WAY: Again following on that, we want to make it quite clear that in this configuration, it does not preclude a guideway system ultimately being developed or being--let's say we're not closing our options by this design of a two, one system in one way to the possibility of fixed guideway system.

WRIGHT: Exactly, and if your 1.4 million possibility came to pass, the conversion is relatively easy. Because, the fixed guide-

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way is nothing but a roadway with two walls. The walls are used for their guidance for carrying the bus bars electrically and so forth so it would be relatively easy to make that conversion. The expensive and time consuming costs is to get the grade, to make the viaduct, to bore the tunnels, to do all of those factors, and this would all be done so that the conversion to fixed guideway would be relatively both inexpensive and relatively rapid.

WAY: Are there any prohibition in the interstate system law or what have you that would preclude or in any way that you know of would tend to prohibit this ultimate kind of conversion?

WRIGHT: No. In fact, indications that we have had is that if you were ready now to go to a fixed guideway together with two highway lanes, that the structure could be built as a part of it. The automation could not, and the vehicles could not be purchased. It would have to be done with urban mass transit administration funds. But, the tunnel bore, the viaduct, the travel lane, the structure per se, could be built concurrently with the highway lanes.

WAY: Another minor point. In connection with the figures having to do with estimated total cost, under TH-3, the question is does this include the equipment cost, any anticipated cost for the buses, more particularly?

WRIGHT: For the physical separation, yes. For the buses per se, no. But, as you know the fiscal '75, beginning in 1974, will come available for the purchase of buses from the highway trust fund, so that likely they will be favorably considered as a part of the total funding, and I would certainly recommend that jointly we make application for it.

WAY: Any estimate of what might be say the order of magnitude of say, an initial investment in buses for the TH-3?

WRIGHT: They are included in the seven hundred million for the rapid transit. That was a very conservative estimate, and all of the feeder buses, I think there are 475 feeder buses.

WAY: Total, yes. I was trying to figure what was allocated to TH-3.

WRIGHT: I'm not sure that they were segregated. I know the trans-Koolau was now but--

WAY: What I was getting at is to make the figures quite comparable, since I'm sure that your equipment cost are in the T-3, there might be consideration of just what the bus cost will be as applied to the TH-3. Then you could get across the board comparability.

WRIGHT: Very true. That could be added to the current things I've mentioned. The same consideration should be with any of our

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transportation planning where we have buses on an exclusive right-of-way that it should be not only the equipment, but the cost of actually designing and building that exclusive right-of-way.

CHAIRMAN: Mr. Wright, even though the Planning Commission's primary area of concern is the root in terms of general planning, I think that all through these long and many hearings that we've had, the question has been raised in terms of what specific type of alternative is going to be used. I'm sure you remember it initially started with H-3, that was six lanes, and we now have TH-3 or the possibility of T-3. You must get a feeling of somewhat like a quarterback with these various numbers and letters. I think it would be interesting to the Planning Commission which of these alternatives, H-3, TH-3 or T-3, are you going to recommend?

WRIGHT: TH-3. It is being reviewed by the transportation policy committee. They concurred in the TH-3 configuration in March of this past year. I think its quite proper that they reexamine this aspect which they will do. The recommendation of the state is clearly TH-3.

CHAIRMAN: The policy committee at this point has not adopted or made a recommendation on this?

WRIGHT: They have not changed the previous recommendation because they have not had the data available for study until just this week.

CHAIRMAN: So, their recommendation is still holding to the original H-3.

WRIGHT: TH-3. It was in March that we submitted H-3. The Secretary of Transportation recommended TH-3. We think it was an excellent recommendation. So, we revised our impact statement, submitted on that basis, and he approved it on that basis. Then, the court injunction required the re-circulation. So, the policy committee with the information available up to that time had acted. It was a question if they cared to reconsider that and make any others, so we are looking forward to their confirmation either one way or the other of the recommendation.

CHAIRMAN: How long do you believe it will take the policy committee to go through the review of these figures?

WRIGHT: It may take about three or four weeks. Meanwhile, we are, because we must, resubmit the preface to the Secretary of Transportation. But, the entire documentation will not be finalized until the transportation policy committee has acted. I assure you that their guidance will be a part of the total documentation.

$3 million for the buses, sir, 2.7.

CHAIRMAN: $3 million. I wonder also, after listening to Mr. Way, if the terms of the social impact density whether it makes

very much difference which system goes in. It would seem the high could be written in both places.

WRIGHT: We think that may be the case, Mr. Chairman. We asked that of the people who testified at the hearing because they said have a moratorium, no more growth, but give us mass transit. We couldn't tell the difference, planning wise, on the impact from a growth standpoint. We concur in your observation.

CHAIRMAN: Further questions of Mr. Wright? If not, thank you, Mr. Wright.

The public hearing was closed on this item.

SULLAM: In view of the fact that we are going to have a workshop on the general plan, I would rather that we postpone making a decision till after the workshop. Then, we can get a picture of what's going to be what. If this is going to fit into the future, then I think we should have at least an idea what suggestions are for the future.

CHAIRMAN: Is that a motion?

SULLAM: I'd like it to be a motion.

CHAIRMAN: Is there a second?

CHOY: Second.

(The motion for deferral after the Commission's workshop on the General Plan Revision Program (October 10, 1973), carried.)

AYES - Choy, Crane, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

UNFINISHED BUSINESS
PLANNED DEVELOPMENT-HOUSING
MAKAKILO
FINANCE REALTY CO.
(FILE #73/PDH-7)

The public hearing was closed on September 26, 1973. Action was deferred for comments from the State Department of Education.

Staff Planner Gerald Henniger reported the following:

HENNIGER: The DOE indicated that they could not appear today. They asked me to respond with a letter which they have given us in response to the specific question which each of you has, and is self-explanatory.

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The problem was that in the July 13th letter by the DOE, they were responding to 900 units in phase I, where in fact it was 347. So, the revised figures would be 145 students in phase I. They have suggested that phase 3 would not exceed 27 in a classroom.

CHAIRMAN: The DOE was not able to be here this afternoon?

HENNIGER: The response was that they are on the other islands and they had no one to send.

CRANE: Their entire staff is on another island?

HENNIGER: I can't speak for the DOE.

CHAIRMAN: Commissioner Crane, have you had your questions properly answered?

CRANE: Not properly, but answered.

SULLAM: I notice there are 88 units that would be over the density for subdivision if this land were put in subdivision. Are these units going to be designated for the low or moderate income housing units?

HENNIGER: No, they are not. There's a letter attached to the report indicating that the development costs of Makakilo are such that low and moderate income housing could not be addressed. There are other reasons given as to why he could not meet the low income market, including the fact that there are no federal programs at the present time.

WAY: I think what the applicant is making reference to is the fact that there are no longer the federal subsidy programs for the moderate income housing, the former 235-236 purchase-rental programs of the federal government that are no longer in effect; that essentially without those, they have found it is not feasible. This is their conclusion.

SULLAM: Have they looked to the Hawaii Housing Authority?

WAY: I don't know.

SULLAM: We should make that request of them in view of the fact we have heard testimony that certain percentage would be designated for low-moderate income housing.

WAY: Yes. There is a proposal, as you know, for setting aside 15% of units for moderate income housing in planned development.

SULLAM: Yes. I was hoping we could channel these planned developments to those programs. Is there any way we could get it started?

WAY: Put a condition in or recommend such condition to the Council.

CRANE: Mr. Chairman, even in spite of the absence of the DOE, I must ask the staff a question. The communication here from the DOE, dated October 1, I'm not clear on it. They quote themselves from their original report saying there's 320 students who would enroll in school year 1975-76. That's the figure that I was talking about. From Appendix 3, it says that the number of portable classrooms shall be based on a ratio of 27, grade K-6 students per classroom. Under number 1, it reads: "To pay the cost of relocating or constructing temporary buildings required to house and support grades K-6 students from the Palehua PDII (Project 1) at Makakilo-Waena Elementary during school year 1975-76. The estimated requirement is four temporary buildings." They boiled it down to 145, K through 6. So, K through 6 they're going to have 145 students. On the other hand they say its going to be 27 to 1.

HENNIGER: I'm afraid its my understanding that the applicant would not necessarily provide all of the extra classrooms. There's other development in Makakilo. Its an estimate that he may have to go that many. The key in this letter is that they will go by the 1 classroom for 27. The applicant would then pay for his fair share.

CRANE: Well, that's the whole point I'm trying to get across here. They're talking in as far as I'm concerned, double talk. They're saying its 27 to 1, and yet they're giving us an example of how many students are going to be brought in, and they've got a firm commitment from the developers to build temporary classrooms at a ratio a great deal higher than 27 to 1. It doesn't work out that way. Now, only two things can happen. Either the department is going to build the school, which they are certainly not going to do, or the department's going to furnish the portable classrooms. I don't see that written anywhere.

This statement they make in this letter, "We currently anticipate that a substantial portion of these enrollment gains will require temporary classrooms...", they've already admitted in this report that the schools are already seriously overcrowded. Now, if a substantial portion of them are going to be put in temporary classrooms, where are the rest of them going to go? Do you see what I'm trying to say here? You're either going to get more than 27 students per classroom or we're not; and if we're not, I'd like to know who's going to provide the classrooms? If we don't know that, then I'm not willing to put in a development that's going to overcrowd our already overcrowded schools. If I missread this, I'd like to have someone point it out to me. That's why I had hoped someone might be here to interpret the communcation for me.

CHAIRMAN: Some of the questions which Commissioner Crane raised today and were raised at the last meeting, these were not responded to by the DOE?

HENNIGER: This specific question which we understood to be the question that was asked.

CHAIRMAN: Do you interpret their letter to say that there is sufficient classroom space provided in order to handle a ratio of 27 to 1?

HENNIGER: I would look to the agency as being the expert. The fact that the applicant had satisfied the DOE's requirement, and they say they work with 27, I would say that's the basis for our recommendation.

SHEYBANI: Mr. Chairman, if this point is the Commission's recommendation, we could easily require the applicant to meet with this requirement in agreement with DOE before it goes to the City Council. If you suggest that no more than 27 students would be per additional classroom, and in that way no matter how many additional temporary classrooms would be necessary, that the applicant will provide those classrooms, we can make that a condition.

CRANE: I'm not sure that I necessarily buy the theory that the developer in each case ought to build the schools as they develop the development. I think that's primarily the State's responsibility. They get tax money for doing this. What I'm trying to get at is can we get an answer from somebody. All I want to know is does this letter tell us that there will be assurance that there will not be more than 27 children in a classroom.

SHEYBANI: This is what we understand. If this letter is not sufficiently expressing that, we can see to it that they give us a letter that definitely expresses this opinion.

CRANE: What do we do if we discover there are 45 kids in a classroom?

SHEYBANI: After the project is completed, the City does not have any control.

CRANE: Yes sir, that's it exactly.

SHEYBANI: But before the final building permits are issued, we can inspect and see that all the requirements have been met. Usually the school requirements would be after completion of the project.

CRANE: Do you think if we put this off one week, the DOE will be back from the neighbor islands? I don't want to keep delaying this but I sure would like an answer. I'm not doing this to be an obstructionist. I'm seriously concerned about overcrowded classrooms on this island. Its educationally unsound, and I think we have some responsibility not to overcrowd those schools to the breaking point. If they can give me an answer, fine. I'm not against this development.

SHEYBANI: The next Planning Commission will be the 31st. The hearing was closed September 26th so the month will be up by the next Commission meeting.

If you wish, we could send your comments to the City Council on the school problem.

CRANE: Mr. Chairman, I move we accept the Director's recommendation with comment to the City Council that we are concerned about this, and

that under time constraints we could not get the answer from a major department of the State.

CHOY: Second.

SULLAM: Could you amend that motion to include that 15% of the units be designated to low and moderate income housing.

CRANE: Fine with me.

CHOY: Second.

(The motion carried.)

PUBLIC HEARING
ZONING CHANGE
R-4 RESIDENTIAL TO
A-4 APARTMENT DISTRICT
SALT LAKE
INTERNATIONAL DEVELOP-
MENT COMPANY
(FILE #73/Z-55)

The public hearing held September 26, 1973 was kept open pending response from the Department of Transportation Services regarding:

1. Traffic count and location of traffic bottlenecks in the area.

2. Completion of the Moanalua Interchange and its effect upon traffic congestion in the area.

3. Status of Salt Lake Boulevard extension.

Public testimony was continued.

Testimony AGAINST--

1. Mr. Robert T. Tolleson, Resident, Salt Lake
2. Mr. Lester Anderson, President of Lake Shore Tower Condominium in Salt Lake.

OBJECTIONS:

1. Increased traffic - Photographs were submitted illustrating peak morning traffic on Ala Ilima and Likini Streets. Mr. Tolleson, who had conducted a traffic count on his own, reported a total of 1,835 cars within an hour and forty-five minutes at the Ala Ilima/Ala Napunani intersection. Both speakers felt that the traffic situation is equal to the Hawaii Kai traffic problem and getting worse.

2. Increased density - Seventy-five multi-family dwellings recently completed plus an additional 13 projects in various construction stages will generate additional traffic, approximately 548 more cars.

3. Access to the Salt Lake area is limited.

4. There is need for more open space. The area is already a "highrise canyon."

5. There is need for a park. The area designated on the DLUM for park use will be a private park, restricting others from its use.

6. Problems of the community should be resolved first before further rezoning occurs.

At this point, Mr. James Dwight from the Department of Transportation Services was called upon by the Chairman to respond to questions posed by the Commission.

DWIGHT: I don't think traffic counts right at this time would be clearly reflective of what's happening or what's going to happen inasmuch as Salt Lake Boulevard right now is supporting a lot of bypass traffic. People are avoiding the construction on Moanalua Boulevard.

I just confirmed with Adm. Wright that the Moanalua Road and the interchange will be completed in March of '74. Salt Lake Boulevard, the part they're talking about, the area of congestion between Puuloa and Ala Lilikoi, plans are being drawn for that section of roadway right now. Its on the CIP. We expect opening to take place in June of next year, and construction to commence between August and September of '74. Its going to be done in phases because right now federal funds for federal secondary highways are limited, so we're going to have to do it in two segments. That particular portion is going to be a six-lane divided highway between Puuloa Road and Ala Lilikoi. From Ala Lilikoi to Plantation Drive, it should be a four-lane facility with painted turning bays for left turns. From Plantation Drive to Kam Highway, it would be again, a six-lane divided highway. But, we expect the construction to be continuous, although it will be incremental.

CHAIRMAN: When you say construction will continue there--

DWIGHT: Well, we're going to continue it so that one is right behind the other.

CHAIRMAN: When will this whole stretch of road be completed?

DWIGHT: I'm hoping that Uncle Sam will--I really don't know. I would say within a couple of years, if everything goes according to plan. In other words, if all the funding is available, we can expect it done in two years.

WAY: What is the first increment?

DWIGHT: That is the one between Puuloa Road and Ala Lilikoi. That's the congested area.

WAY: That would be the complete six-lane segment that you discussed.

DWIGHT: Right. We would finish all of that. That's the area that's the most congested.

WAY: Are funds available for that?

DWIGHT: Yes.

WAY: You're going out to bids probably in September of next year, a year more or less from now.

DWIGHT: Right.

WAY: What's the time table for completion?

DWIGHT: I don't recall.

WAY: For that kind of segment, what might be the order of magnitude, 12 months, 13 months?

DWIGHT: Yes.

CHAIRMAN: What about the other road through there?

DWIGHT: Ala Napunani?

CHAIRMAN: Yes.

DWIGHT: It is to be constructed in about two years. It does have, as far as I know, access to a frontage road that will feed on to Moanalua Road. That may not be the exact exit there, but its somewhere along there.

WAY: And it'll tie into--

DWIGHT: Into Moanalua Road, yes.

CHAIRMAN: Given the building of these new roads within a four year period of time, how much would the capacity be increased?

DWIGHT: I don't know in numbers because I haven't figured it out yet, but I think it would be increased tremendously because actually, these are bottlenecks more than a capacity problem. You're getting stuck at these intersections cause most of these intersections are at grade, plus with the interchange, you're not going to have a lot. You're going to eliminate a lot of at-grade intersections so that the traffic is going to flow steadily.

CRANE: On that bypass, one witness here said today that 1835 automobiles were at the intersection of Ala Ilima and Ala Napunani. Now, you're saying that is not necessarily true of the situation

because part of those 1835 cars could be trying to avoid Moanalua Road?

DWIGHT: Yes.

CRANE: Where would somebody come from?

DWIGHT: From Kam Highway, straight down Salt Lake, turn down Ala Lilikoi, come up here (referring to map displayed), get back on to Puuloa Road, avoiding two major bottlenecks. One is at the construction site where the interchange is being built, and one is at Jarrett White Road. These are two great big bottlenecks that are going to be eliminated by the interchange.

CRANE: Which would be done when?

DWIGHT: March.

CRANE: But we really don't know how many of those 1835 cars--

DWIGHT: There is no real way to know.

CRANE: You could take a traffic count on this side and one from the other.

DWIGHT: But that doesn't show how many people are being diverted.

CRANE: Why not?

DWIGHT: Because you really don't know how many people are being diverted, and how many people are actually using it regularly. Since this part of the road has been under construction for quite some time and there are bottlenecks in there, people have learned to take some devious path to get out of it. I honestly believe that when this facility opens up, it will lighten this area somewhat.

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

Public testimony continued.

Testimony FOR--

Attorney Donald Iwai represented the applicant and was questioned by the Commission.

SULLAM: I was concerned about that portion designated park. How is that going to be developed?

IWAI: It is designated on the DLUM as a private park area. It will be developed in conjunction with the development of the subject parcel for which we are asking for zoning. That area

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has been impressed with an open-space easement as part of the land court encumbrance on that land. It will be developed as part of whatever project may be for that subject parcel right now.

KAMIYA: You have any idea how many families there are in this particular area?

IWAI: The owner in this case is not a builder in the sense of building apartments or residential units. It has been, from the very beginning, strictly a land development organization. People buy the land and build their own houses or build their own apartments. To be frank with you, if I give you a figure, it might be so completely off that I might be sticking my neck out.

KAMIYA: Has your company at any time worked or discussed some of the problems such as the traffic problem with any community association?

IWAI: Not myself directly. I believe traffic has been a problem like any place else. The best the developer can do in this case is to take care the traffic flow within that land that he controls. The way he does that is for the Planning Department in establishing the DLUM, set the densities and the size of the road. In this case we have, I believe, two major roadways to take care of the anticipated traffic, 80 feet wide, Ala Ilima and Ala Napunani, both mentioned. All the rest of the roads were built in accordance with City and County standards. Unofficially, we do go to the state quite often to try to push them to do something about the Moanalua Road matter. Although its now finally under construction and almost completed, I don't know whether we did any good by continually trying to tell the state to hurry up with the project.

As Mr. Dwight stated, the great big problem here are the bottlenecks which are actually outside of the control of the developer.

KAMIYA: You never discussed this with the community association.

IWAI: Not specifically insofar as I know, traffic. There was a lot of, as you may recall, an application was made for the ridge area for development. As part of the entire package, it was proposed and would have been a necessity that if you develop the lower portion of the ridge area, you have to put an 80-foot roadway or at least not less than a 56-foot roadway connecting Ala Ilima Street to the extension of Ala Napunani which would provide a complete circle around Salt Lake. But, that proposition was shot down and that's the end of it. For the developer just to put that road with nothing to support that road and to pay for that 56-or 80-foot road would be an extremely expensive proposition.

CHAIRMAN: In the event the zoning is changed, how soon before your company would be selling property off for development?

IWAI: That I can't say. We don't have any buyer waiting on the line. I can say that much. Its just that being a land development organization and after developing all of the land and putting all of the subdivision improvements and selling it, when we learned that the original zoning ordinance and the land use boundary as established by the Land Use Commission did not coincide and left us this little strip, we thought it was encumbent upon the owner to get it zoned in accordance with the DLUM. That is the reason why this application was made. As I stated previously, some funny things have happened in here regarding the DLUM and the DP. An application is pending before Mr. Way's department asking for an amendment to the DP and also to the DLUM to realign the roadway and the extension of Ala Napunani. As you see the map right now, the roadway goes out to meet Moanalua Highway where we are not given any access. The state closed that access and moved the access on the other end of the development. Insofar as building that extension of Ala Napunani is concerned, I'm quite sure that the Department of Land Utilization and the Department of General Planning will never approve any subdivision of that section without the roadway built--an 80-foot extension of Ala Napunani to connect to the access to Moanalua Roadway. In fact, that is the plan.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Mr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Kamiya, seconded by Mrs. Sullam and carried.

Commissioner Crane dissented for the reason that he could not see compounding an already intolerable traffic situation which would have no relief in the immediate future.

Commissioners Kamiya and Sullam believed there would be some relief of the traffic problem with the completion of the Moanalua interchange. Additionally, this request is in conformance with the Detailed Land Use Map for the area and would therefore implement the adopted land use policy for the area.

AYES - Choy, Hosaka, Kamiya, Sullam
NAYES - Crane
ABSENT - Kahawaiolaa
ABSTAINED - Connell

STREET NAMES — The Commission recommended adoption of the following street names, on motion by Mr. Hosaka, seconded by Mr. Choy and carried.

1. Pupukea Lowlands, Pupukea, Oahu, Hawaii:

AMAUMAU PLACE (Road A) — A culdesac situated on the south side of side of Pupukea Road.

Meaning: Type of ferm.

KUPAOA PLACE (Road B) — A culdesac situated on the easterly side of Kamehameha Highway.

Meaning: Type of sunflower.

2. Fukuda Subdivision, Kahaluu, Oahu, Hawaii:

PAWALE PLACE — A culdesac situated on the easterly side of Ahuimanu Road.

Meaning: A Hawaiian medicine plant.

3. Waiau Gardens, Waiau, Oahu, Hawaii:

KOAHEAHE PLACE — An extension of Koaheahe Street, off Noelani Street.

HOOHIKI PLACE — An extension of Hoohiki Street, off Noelani Street.

HINU PLACE — A culdesac situated in the Smith side side of Noelani Street.

Meaning: Smooth, polished.

4. HAWAII HOUSING AUTHORITY, Kalihi, Oahu, Hawaii:

AHONUI STREET — An extension of an existing street makai of School Street to Linapuni Street.

5. AIEA (H-1 Freeway), Aiea Heights Drive, Oahu, Hawaii:

The construction of H-1 Freeway in Aiea has resulted in changes in the alignment of Olopana, Heleconia and Lalani Streets. The Department of Public Works recommends the following changes:

1. The portion of Olopana Street makai of the realigned portion of Heleconia Street to be renamed Heleconia Place; and

2. The portion of Lalani Street makai of the highway together with the unnamed roadway situated on the Ewa side of Aiea

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Heights Drive to be renamed as Lilia Place (meaning: lily flower or girl's name).

Note: The eleven (11) affected property owners were notified and the result of the poll indicated 5 in favor of the above change, 4 opposed, and 2 no response.

Amend Resolution No. 77, dated March 3, 1953 as follows:

1. Rename the portion of Olopana Street makai of the H-1 Freeway together with the realigned portion of Heleconia Street to Heleconia Place; and

2. Rename the portion of Lalani Street makai of the H-1 Freeway together with and an unnamed roadway situated on the Ewa side of Aiea Heights Drive to Lilia Place (meaning: lily flower or girl's name).

* * * * * * * * * * * * * * * *

The Commission authorized scheduling of the following public hearings, on motion by Mr. Crane, seconded by Mr. Choy and carried:

CONDITIONAL USE PERMIT (PRIVATE STP) MOKULEIA JOHN EAGLE (FILE #73/CUP-13)

1. The request is for a Conditional Use Permit for a private sewage treatment plant.

CONDITIONAL USE PERMIT (PRIVATE STP) MOKULEIA JOHN EAGLE (FILE #73/CUP-14)

2. The request is for a Conditional Use Permit for a private sewage treatment plant.

CONDITIONAL USE PERMIT (PRIVATE STP) MOKULEIA TED CRANE (FILE #73/CUP-15)

3. The request is for a Conditional Use Permit for a private sewage treatment plant.

CONDITIONAL USE PERMIT (PRIVATE STP) MOKULEIA JAMES HO (FILE #CUP-16)

4. The request is for a Conditional Use Permit for a private sewage treatment plant.

CONDITIONAL USE PERMIT (PRIVATE STP) MOKULEIA JACK DUBEY (FILE #73/CUP-18)

5. The request is for a Conditional Use Permit for a private sewage treatment plant.

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CONDITIONAL USE PERMIT (PRIVATE STP) MOKULEIA L. AJIFU & E. NAGAO (FILE #73/CUP-21)

6. The request is for a Conditional Use Permit for a private sewage treatment plant.

CONDITIONAL USE PERMIT (PRIVATE STP) MOKULEIA L.R. ALLEN & G.R. GUNN (FILE #73/CUP-22)

7. The request is for a Conditional Use Permit for a private sewage treatment plant.

ZONING CHANGE R-6 RESIDENTIAL TO I-1 LIGHT INDUSTRIAL DISTRICT AIEA CALIFORNIA & HAWAIIAN SUGAR COMPANY (FILE #73/Z-46)

8. The request is for a change in zoning from R-6 Residential to I-1 Light Industrial District.

ADJOURNMENT:

The meeting adjourned at 4:30 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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SUMMARY COMPARISON OF ALTERNATIVES

TH-3 AND T-3

		TH-3	T-3
1.	ALTERNATIVE DESIGNATION	TH-3	T-3
2.	TRANSIT LANES EACH DIRECTION	1	1
3.	HIGHWAY LANES EACH DIRECTION	2	0
4.	TRANSIT SYSTEM	BUSWAY	FIXED GUIDEWAY
5.	TRANSIT CAPACITY IN PERSONS PER HOUR, ONE WAY	10,000	20,000
6.	CONNECTING SYSTEM AVAILABLE	YES	NO
7.	WINDWARD POPULATION, 1973	105,000	105,000
8.	WINDWARD POPULATION, 1990	151,200	151,200
9.	CARGO MOVING CAPABILITY	GOOD	POOR
10.	VEHICLES IN SERVICE FOR STEEP GRADES	YES	NO
11.	BALANCED TRANSPORTATION IN H-3 CORRIDOR	YES	NO
12.	ENVIRONMENTAL IMPACT	MORE	LESS
13.	EFFECT ON WINDWARD LAND USE PATTERN	NIL	NIL
14.	SOCIAL IMPACT, DENSITY	LOW	HIGH
15.	COLLECTION AND DISTRIBUTION	BUS & AUTO	BUS & AUTO
16.	CONSTRUCTION STARTED	YES	NO
17.	ACCESS TO MOANALUA PARK	YES	YES
18.	STATE SHARE OF COST	10%	20%
19.	FUNDING ASSURED	YES	NO
20.	ESTIMATED TOTAL COST, MILLIONS	$275	$255
21.	STATE SHARE OF TOTAL COST, MILLIONS	$28	$ 51
22.	HEARING TESTIMONY (ALL IN FAVOR)	88% (H3/TH3)	5% (TRANSIT)
23.	HEARING ORGANIZATIONS (ALL IN FAVOR)	66% (H3/TH3)	24%(TRANSIT)
24.	LEGISLATIVE APPROVED H-3	YES	---
25.	CITY COUNCIL APPROVED H-3	YES	---
26.	EIS PREVIOUSLY APPROVED	YES	---
27.	EIS DRAFTED	YES	NO
28.	CORRIDOR CAPACITY IN PERSONS PER HOUR	13,000	20,000
29.	DESIGN COMPLETE	45%	0
30.	FUNDS ALREADY EXPENDED, MILLIONS	$30	0
31.	ESTIMATED READINESS FOR SERVICE	1979	1985

ATTACHMENTS

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COMPARATIVE TRANS-KOOLAU MOVEMENTS	1973		1990	
	ALTERNATIVES		ALTERNATIVES	
	TH-3	T-3	TH-3	T-3
1. DAILY PERSON TRIPS:				
A. H-3 Alignment	-0-	-0-	62,110	23,000
B. Pali Alignment	73,100	73,100	55,010	64,360
C. Likelike Alignment	68,690	68,690	41,080	70,840
D. Transit on H-3 Alignment	-	-	17,510	23,000
E. Highway on H-3 Alignment	-	-	44,600	-0-
2. DAILY CARGO TRIPS:				
A. H-3 Alignment	-0-	-0-	1,660	-0-
B. Pali Alignment	837	837	1,150	1,890
C. Likelike Alignment	1,666	1,666	1,160	2,080
3. A. M. PEAK HOUR, PEAK DIRECTION PERSON TRIPS:				
A. H-3 Alignment	-0-	-0-	6,070	3,680
A-1 Transit on H-3 Alignment	-	-	2,970	3,680
A-2 Highway on H-3 Alignment	-	-	3,100	-0-
B. Pali Alignment	4,230	4,230	3,830	4,320
C. Likelike Alignment	4,560	4,560	2,860	4,760
4. TRANSIT DIVERSION	-	-	23.3%	28.8%

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MRRC RMM 19-75

FLASH CARD

FLASH CARD

MRRC RMM 19-75

FLASH CARD

FLASH CARD

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MRRC RMM 19-75

FLASH CARD

FLASH CARD

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Meeting of the Planning Commission
Minutes
October 31, 1973

The Planning Commission held a meeting on Wednesday, October 31, 1973 at 1:30 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:
Eugene B. Connell, Chairman
James D. Crane, Vice-Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Randall Kamiya
Fredda Sullam

ABSENT:
Donald K. Hosaka
Antone J. Kahawaiolaa

STAFF PRESENT:
Donald Clegg, Deputy Chief Planning Officer
Wilfred M. Mita, Deputy Corporation Counsel
Loretta Chee, Staff Planner
Ian McDougall, Staff Planner

MINUTES:
The minutes of September 26 and October 3, 1973 were approved, on motion by Mr. Crane, seconded by Mr. Choy and carried.

PUBLIC HEARING
ZONING CHANGE
AG-1 RESTRICTED
AGRICULTURE TO
I-2 HEAVY INDUSTRIAL
DISTRICT
HONOULIULI
JAMES CAMPBELL ESTATE
(FILE #73/Z-19)

A public hearing was held to consider a request for a change in zoning from AG-1 Restricted Agriculture to I-2 Heavy Industrial District for approximately 327.93 acres of land situated in Honouliuli, Tax Map Key: 9-1-15: 12 and portion of 1.

Publication was made in the Sunday Star-Bulletin/Advertiser of October 21, 1973. No letters of protest were received.

Staff Planner Loretta Chee presented the Director's report of the request. According to the applicant, the request for I-2 Industrial zoning for this 327.93 acre site is to permit further expansion and growth of the existing James Campbell Industrial Park beyond its presently zoned limits. The Estate's 1954 Master Plan for industrial development at the Barber's Point area involves 2,800 acres of land. Approximately 1,210 acres of total 1,387 already zoned industrial is committed for industrial use. Of the remaining 177 acres, 113 acres are reserved for port and ocean related uses, leaving 64 acres available for lease.

Based upon his analysis of the request, the Director recommends that the change in zoning from AG-1 Restricted Agriculture to I-2 Heavy Industrial be granted.

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The Commission had no questions of the staff regarding the Director's report.

No one spoke AGAINST the proposal.

Testimony FOR--

Mr. Robert Johnson, Industrial Development Manager for the applicant, offered to respond to questions the Commission might have concerning the request.

The Commission had no questions of Mr. Johnson.

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Mr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended that the request be granted, on motion by Mr. Crane, seconded by Mr. Choy and carried.

AYES - Choy, Crane, Duke, Kamiya, Sullam
NAYES - None
ABSENT - Hosaka, Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
ZONING CHANGE
A-3 & A-4 APARTMENT
DISTRICT TO
A-2 APARTMENT
MAKIKI
INITIATED BY THE
DIRECTOR OF LAND
UTILIZATION
(FILE #73/Z-58)

A public hearing was held to consider a request for a change in zoning for all parcels within the following areas zoned A-3 and A-4 Apartment Districts to A-2 Apartment District:

Area I:

Tax Map Key: Certain parcels within Tax Plats 2-4-23, 2-4-24, and 2-4-25
Land Area: 6± acres

Area II:

Tax Map Key: Certain parcels within Tax Plat 2-4-30
Land Area: 4.45± acres

(This proposal excludes those parcels currently zoned R-6 Residential District.)

Staff Planner Loretta Chee presented the Director's report of the request. There are 59 parcels involved in this change in zoning; 31 in Area I and 28 in Area II. Only these 59 parcels in the area bounded by Nehoa, Punahou, Dominis, Piikoi and Pensacola Streets are being considered at this time. The remainder parcels within the medium density apartment designation are still zoned R-6

Residential. In accordance with Council direction, the review of these remainder parcels will be on an individual basis.

Area I:

This area is bounded by Nehoa, Punahou, Dominis and Kewalo Streets. Of the 31 parcels reviewed, 15 parcels are zoned A-3, 14 are zoned A-4 and two parcels are split-zoned A-4 and R-6. (A 10-foot strip along the makai side boundary of Parcels 21 and 96 is zoned A-4.) Four parcels have structures which exceed the 40-foot height limit (5, 7, 11 and 12 stories). The remaining 27 parcels have structures which range from one story to four stories.

Area II:

This area, although predominantly zoned A-4, is designated for medium density on the DLUM. It is bounded by Nehoa Street, the Makiki ditch, Piikoi and Pensacola Streets. Of the 28 parcels reviewed, 18 parcels are zoned A-4 and the remaining 10 are split-zoned R-6 Residential and A-4 Apartment Districts. Twenty-seven parcels have structures ranging from one story to four stories (includes Hale Nani Hospital) and only one parcel is presently being developed with a structure which exceeds the 40-foot height limit (12 stories).

Based upon the following conclusions, the Director recommends that the zoning on the 59 parcels in Areas I and II be changed to A-2 Apartment District:

1. Citizen groups and residents have consistently expressed a need to establish a buffer zone between the mauka residential area and the makai apartment areas.

2. These desires can be satisfied without a change in the City's existing policy for medium density apartment use by changing the existing A-3 and A-4 districts to A-2. The A-2 zoning is an alternative in implementing the DLUM.

3. Five of the 59 parcels will be affected by the 40-foot height limitation. The structures on these parcels will be considered nonconforming. A nonconforming structure may be continued so long as it remains otherwise lawful. It may not be enlarged or altered in any way which increases its nonconformity.

4. Adequacies of streets, public services and utilities do not present a problem.

5. The Planning Director and City Council agreed upon the A-2 alternative to implement the medium density land use designation.

There were no questions from the Commission regarding the Director's report.

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Public testimony followed.

Testimony AGAINST--

1. Mrs. Fred O. Young, Resident, 4353 Round Top Drive, Honolulu (Submitted testimony dated October 31, 1973)

YOUNG: Since I have used Nehoa Street and lived in various parts of Makiki-Manoa for nearly 70 years, I have been a concerned observer of the Makiki buffer zone issue.

I do not think down-zoning in a blanket manner to A-2 is the answer. It will result in a solid mass of 4-story walkups with all the density of A-3 and none of the amenities of adequate open plantings and the views and air circulation possible between well spaced intermediate height spires.

There should be an intermediate height alternative between A-2 and A-3. Such a provision is awaiting final action in the City Council as Bill No. 75. It originated in a Planning Department review of the Comprehensive Zoning Code. This intermediate height is proposed to be governed by conditional uses which could help to control design and spacing as well as height.

Lot consolidation with bonuses for intermediate heights and study of view planes can go a long way to keep the Makiki area in question from becoming downgraded by down-zoning. A-2 alone carries little guarantee of aesthetic and sociological appeal. This was brought out sharply in the conference on high rises held last week which was attended by Planning Department staff.

There is a chance in Makiki for innovative planning and a cooperative effort if A-2 is not grasped as the last straw.

The "all down to A-2" approach also does not recognize the slope of the topography. A 4-story building on Nehoa Street at Kewalo or Keeaumoku would have about the same roof level as a 7-story building on the makai side of the same block fronting on Dominis. The same is true of the Lewalani slope you are down-zoning from A-4. Residents above Nehoa would have an almost level view plane over the 4-story and 7-story buildings due to the slope.

Basically, view planes and open space are what all the discussions have been about. Traffic, fire protection, schools, etc., have been minor considerations for most of the petition signers and letter writers.

More apartments in Makiki are a recognized need in the General Plan Revision program now under study. With proper planning guidelines, intermediate heights could make more apartments acceptable and help to avoid urban sprawl. A mixed use could

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be very attractive if the owners of undeveloped lots can be brought together. The contract zoning bill which passed City Council yesterday and the potential Bill 75 could be implemented to advantage.

The rights of the owners of the lots presently zoned R-6 in this area have been slighted by the Department of Land Utilization in the buffer zone procedure in Makiki.

It is established policy that property owners to be affected by zoning changes be notified and given an information meeting in advance of public hearings. Several staff members have spoken at Makiki Community Association meetings but many of the actual property owners in the buffer area are not members of the association or have not attended. Many of those voting on the issue at the association live above Nehoa Street or in already built high rises and understandably want to protect their views. It is not their pocketbooks which are concerned.

A staff member of the Department of Land Utilization told the Makiki Community Association October 29 that registered mail notice of today's public hearing had gone to those landowners in the buffer area whose property is already zoned for apartments. No educational material or alternatives were provided in the notice nor was a meeting offered for preliminary discussion. Some owners present on Monday were surprised to learn that the A-2 would prevent them from rebuilding present high structures in case of fire or natural disaster. They would become under A-2 a "non-conforming use." Those who were not there didn't get the word unless they read it in the paper. The Advertiser story covered this angle--the Star-Bulletin did not.

The staff member said no notice went to any of the R-6 property owners in the area because only the "apartment zoned parcels" would be affected.

I feel that this is an injustice to R-6 owners. As long as they are in a Medium Density Zone where either A-2 or A-3 is now permitted, they still have the privilege of applying for A-3 when they are ready. Once A-2 is adopted, they lose that alternate privilege permanently, and with it a financial bonus.

They are as much entitled to formal notice of this hearing as are owners of apartment zoned pieces. And these R-6 owners, by policy, should have been invited to a preliminary educational session. There was no such educational session before the City Council held public hearings on the same subject earlier this year.

I believe the Department of Land Utilization has erred in procedure and ask that any action on the part of the Planning Commission be delayed until R-6 owners can be properly alerted as to what is happening to their property rights. Delay until the General Plan Revision is completed should also be considered.

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The report covering the Makiki Community Association meeting on Monday indicated the feeling that the association was taking A-2 as "half a loaf" because the association did not get from the Planning Department the restudy of the area they had asked for. The association admits to inequities in the blanket A-2 buffer. They are entitled to a restudy to find the fairest solution. Blanket A-2 is not fair and equitable.

Mrs. Young was questioned by the Commission.

CRANE: You stated that the signer of the petition had not addressed themselves to the traffic flow problem in the Makiki area. Have you any idea if the R-6 people there have considered this, and what effect A-2 as opposed to A-3 and A-4 may have in the area?

YOUNG: As I understand it, A-2 and A-3, you have the same density. The difference is in the height. That is what Mrs. Chee told us at the hearing.

CHEE: I would point out to the Commission that the Land Use Intensity ratings are the same. Theoretically, the densities are the same but practically, you would not be able to get the same densities.

YOUNG: It depends on the amount of land area that you own. But in effect, one way or the other--the matter was brought up when Don Smith's property was under discussion because he could have had practically the same number of apartments in A-2 than he could have in A-3. You people passed the A-3.

SULLAM: I think you bring up some very valid points, but at the same time, I don't see how in the context of our present laws, we could implement a program such as you suggest, that is, considering view planes and having mixed building types such as single-family residences--

YOUNG: The Contract Zoning Ordinance went through yesterday. That gives you alternatives.

SULLAM: I can't remember whether it would or not. How would the Contract Zoning Ordinance be applied to this type of condition?

DON CLEGG: The Contract Zoning Ordinance is much broader and would apply to any kind of zoning which is given by the Council and would place restrictions--I must confess, I have not seen the final version of the Ordinance. They could place restrictions of a substantial nature on any zoning which is given. There has been some controversy as to the legality of this; however, Corporation Counsel has ruled that it is legal. So, the Council has gone ahead with it.

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SULLAM: Thank you. If there's a vehicle, I certainly think we should look into it.

YOUNG: Bill 75 has, I think, been through two readings in the Planning and Zoning Committee. Mr. Akahane's been holding it. That originated with the Planning Department itself, that there be an intermediate height between an A-2 and an A-3. In one version, I read where it suggested 100 feet. I believe it came out to maybe 120 feet, 10 or 12 stories; intermediate where an A-2 under certain conditions could go to the 120 feet, and A-3 could go above 100 or 120 feet under certain conditions. These conditions would surround it, as provided by the Council. This Bill had public hearings, I think, in May of 1972 and has been waiting for action since, because of general studies of highrises and studies of the general revision plan. But, this originated in the Planning Department with the feeling there was a need for intermediate zoning. I feel, very definitely, you do need intermediate height in Makiki, that from your general plan revision hearing today, they keep talking about Makiki as an apartment area we should keep from having urban sprawl, and yet here you're downzoning it.

SULLAM: Yes, if we don't downzone it then there's no way you can implement this Contract Zoning anyway because they already have this zoning. They can go ahead and build up to A-3.

YOUNG: No. The R-6 people are the ones I'm mostly concerned with. The others already have their zoning. The R-6 people can come in, as I understand it now, and ask for either A-2 or A-3 or for an intermediate height if there was one. But, if you pass this measure today, they could only come in and ask for 40-foot height, and you get that solid block of concrete that comes along Kinau Street and so forth, which is not the attractive thing which I think Makiki residents actually want. I think they'd much rather have consolidation of those small lots and something like Queen Emma Gardens which you could have, and make a very lovely development which you could see around and have air and green space with proper consolidation of land. It takes consolidation.

CHAIRMAN: It takes consolidation.

YOUNG: Yes, but the people have to realize that either they do that or they lose the intensive value in their property.

CLEGG: Today, we are considering only those properties that are now A-3 and A-4 to zone into A-2. There is nothing that says that these people cannot request A-3 zoning at some other time when possibly we have the mechanisms that you suggest. There's nothing that says the R-6 people may not request some other zoning when we get the proper mechanisms. Its our concern at this time that because we do not have all of the shall we say, proper--I'm not sure of the correct word--laws you are suggesting in the book, that A-3 and A-4 need to be controlled.

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YOUNG: You do have a lot of people there with R-6 ownership who do not know what the score is and do not know what is going on around them. If they had waited till you had changed this much of it, their chances, the original buffer zone discussions when it came up at City Council in the Spring of this year, included that other section in which its between Area I and Area II there (referring to map displayed), which is no-man's-land right now. People thought they were talking about that, Clio Street, Lewalani and the rest of it all in there. At that public hearing, they were talking about that as downzoned to A-2. Here you have pulled out a few little spots to downzone. You are in effect doing spot zoning by doing this. That's exactly what the Commission is doing today, spot zoning.

CHAIRMAN: Well, I think you will have to wait to see what the Commission does.

YOUNG: Well, if you do. I leave it to your good judgment.

CRANE: According to what the Director said, aren't we, since we are dealing with the A-3 and A-4 zoning, if we were to take this action, protecting the R-6 people? Because, they can come in later, if the ordinances do pass, and take advantage of that. When you talk about a solid wall of concrete, if we don't take some action, we'll simply have a solid wall of concrete that's much higher.

YOUNG: I don't think you're protecting them because you're forcing them into an A-2. If you say that you had done all the neighborhood around them, I doubt very much that you would come back six months from now and give somebody in that block above Clio Street an A-3.

CRANE: But, if there's an intermediate height, there's a possibility that they can come in later.

YOUNG: I think that's fine and I hope you wait for it. That is my request, that you wait for it. I think that this is premature.

(There were no further questions of Mrs. Young.)

2. Mr. H. S. and Carolyn S. Burr, 1808 Punahou Street, Honolulu (Submitted letter dated October 29, 1973)

Mr. Burr endorsed the preceding testimony by Mrs. Fred Young. He felt that they were not properly informed as to what the proposal is about, its intent, and the criteria and reasons for downzoning.

Mr. Clegg stated: "I would like to make it clear to yourself and to others that there was no intent not to inform or

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slight anybody on our part. We possibly erred on the side of conservatism, but we felt we had in our mind, informed everybody that was concerned. If you feel we did not, then there was no intent not to do so."

3. Mr. William Ling, Trustee for the Ling-Chang Trust (Submitted letter dated October 25, 1973)

LING: I want to enumerate the high points of concern to the Planning Commission.

First, the property is located at 1658 Lewalani Drive which is presently zoned A-4. Under the proposal, that area will be down-zoned A-2.

Let us look at the rationale of the proposal. First under the discussion is the buffer zone provided for the property mauka of Nehoa Street so that you have a buffer zone makai of Nehoa Street. Let us further note, that the properties bounded by Nehoa Street, Mott-Smith Drive and Lewalani Drive, the property across the street is Roosevelt High School. So, the buffer zone as visualized by the proposal would not hold for those properties makai of Nehoa Street between Mott-Smith and Pensacola.

You will also note in the proposal that the buffer zone runs along the few lots mauka of the first street makai of Nehoa Street, generally speaking. It seems very logical to continue this buffer zone along Clio Street and its prolongation to Pensacola Street. You will also note that the A-4 zoning runs along the boundary of Pensacola Street. There does not seem to be any logical reason for down zoning the present A-4 zone mauka of Piikoi Street, and for the property Waikiki of Pensacola Street, if you are considering uniformity of zoning in addition to a consistent line of demarcation.

With the increase in population on Oahu, one of the General Plan concepts is to add intensive development. Let me now point out the desirability of this area as an apartment zoned area. It is near to schools, near to public facilities, transportation facilities, near to freeways, near to amusement centers, near to the University, and near to the shopping center. We have all the necessary facilities to serve a highly dense population in this area.

In summary, it seems illogical to down zone the present zoned area mauka of Piikoi Street. It seems more logical to convert those properties makai of Clio Street between Piikoi Street and Pensacola Street as A-4 zone. I urge the Commission members to reevaluate this proposal in consideration of the elements that I have presented.

(The Commission had no questions of Mr. Ling.)

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4. Mr. Joe Mendez, Makiki Resident on Pensacola Street (No written testimony submitted)

MENDEZ: I am speaking strictly in the area between Piikoi, Nehoa, along Pensacola and the canal. I was unable to keep up with this matter because I was in the military. Therefore, my knowledge of the whole thing is very limited. I have one question, are the permits issued now, are they in effect on this downgrade or are they allowed to be A-4? In other words, next to my property, an individual started building three or four weeks ago, a highrise. This don't help me and it won't help anybody along that strip of land all the way up to Nehoa. I see no reason for downgrading this area.

For years I was against it and went along with it, but being away from the islands, I was unable to get at this matter.

CLEGG: Anything that has gone up before or prior to any action by this body, a change in zoning will continue. So, a person who has started to build has the ability to continue building.

MENDEZ: My point here is somebody got information about this action early and started building. This is my complaint. If he's allowed to build, why shouldn't the other people in the area be allowed to build as high as he is.

CLEGG: You have a very good point. We don't have the ability to place a moratorium on things while we're deciding. As you well know, when the CZC was first announced, there was a lot of building going on before the 1969 CZC took effect.

MENDEZ: I was not aware of that because I've been away.

(There were no questions of Mr. Mendez.)

5. Letter received from Mr. and Mrs. Ernest I. Furukawa, Property Owners, 1828 Poki Street, Honolulu, dated October 15, 1973
6. Letter received from Mr. Allan S. Totoki, President, Kazuo Totoki, Limited, Owners of property identified as Tax Map Key: 2-4-23-44, dated October 19, 1973
7. Letter received from Y. S. Seto, Property Owner, 1818 Poki Street, Honolulu, dated October 26, 1973
8. Letter dated October 31, 1973 from Zetta Ravekes, Property Management Department, Hawaiian Trust Company, Ltd.

Contents of the letters from the above-named individuals indicated that the A-2 zoning would affect the marketability and value of A-3 and A-4 property and would be an injustice depriving the property owner of the opportunity to realize a greater return. Those property owners who have fully developed their property will be seriously affected in the event existing buildings require substantial improvements, or if it becomes necessary to rebuild due to a major loss.

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A letter from Mrs. Jack Forsberg, President, American Association of University Women, dated October 29, 1973, "recommends an intermediate height limitation be inserted in the Comprehensive Zoning Code between A-2 and A-3 and that all A-2, A-3, A-4 and A-5 buildings be subject to conditional use and design review."

Testimony FOR--

1. Mrs. Marilyn Bornhorst, President, Makiki Community Association (Submitted testimony dated October 31, 1973)

BORNHORST: Our association held a meeting Monday night to hear the explanation of the proposed buffer zone and voted to support the buffer zone as described by the Department of Land Utilization. Six people voted no.

The association has supported this concept for a long time, and we have also repeatedly asked that the whole Makiki plan be restudied. Very many of our citizens have made this request to the City Council and many hundreds of people have signed petitions asking for restudy.

The association supports the buffer zone because it will mark the end of the apartment district and the beginning of the residential district, and because to some extent it will decrease density. But, from any kind of urban design viewpoint, allowing a 35 story maximum density building across the street from A-2 and less than half a block from a hillside residential area is bad. We believe the hillside will be blighted and surrounding property owners unfairly treated.

The history of zoning in Makiki is one of not planning. What is now zoned A-4 was zoned hotel apartment in the 40's. When the CZC was adopted, that property was automatically made A-4 without any serious consideration given to possible density, views, or use of public facilities.

What we hear from the Planning Department is that since our DLUM was the one most recently adopted, there is no need to restudy. We believe that since many important concepts in planning have developed since its adoption and many errors in planning have been shown that the DLUM should be restudied.

The whole push of City policy seems to be to make Central Honolulu very dense. Is the City going to adopt a policy of spending money to make our public services adequate for a dense area? I think all of Makiki is important enough not only to its own residents but to the whole city plan that time and money should be spent to plan it well.

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Mrs. Bornhorst was questioned by the Commission.

CHAIRMAN: How many members in your association?

BORNHORST: We have about 150 individuals on our mailing list. We have three churches and two apartment owners' associations. I can't say exactly how many people. At our meeting the other night, we had about 40 people.

SULLAM: Would you have any suggestions, how within the context of our present laws could we prevent people from coming in who have A-3 and A-4 zoning and going ahead with it while we're doing a study? You see, that's the whole problem.

BORNHORST: This is why we voted to accept the buffer zone as written. Purely, selfishly from the viewpoint of all of Makiki, I think the proposal is fine. Having seen some of those properties who are going to have a big five-story across the street, I personally sympathize with them.

CHOY: You mentioned that three churches belong to your association. Does the Baptist Church belong to your association?

BORNHORST: No.

(There were no further questions of Mrs. Bornhorst.)

2. Representative Anson Chong, 13th District (Manoa Makiki) (Submitted letter dated October 31, 1973 with House Resolution No. 66 attached, Requesting the City and County of Honolulu to provide for a Buffer Zone of Low-Density Apartments in lower Makiki.)

Endorsed the preceding testimony of Mrs. Marilyn Bornhorst, President of the Makiki Community Association.

3. Mr. Elwin Spray, President, Manoa Valley Community Association (No written testimony submitted)

SPRAY: The Manoa Valley Community Association, since the early Summer of 1972, supported a buffer zone consisting of building at a 40-foot height or less for the Makiki area makai of Nehoa Street. The Manoa Valley Community Association supports the request before you today as being in keeping with the overwhelming request of the community that a limit of four-story apartments be placed. We note that you consider retaining existing dwellings by keeping the R-6 Residential District in force.

In 1969, the Council adopted a medium-density designation for the subject area after representation from this organization for mixed A-1 and R-6 zoning providing for low density. In the Resolution to the Council (187) introduced about August of last year,

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the community requested to continue R-6 zoning. A petition of the Manoa Valley Community Association conducted door-to-door in the wake of the Council Resolution produced 1,250 signatures of residents. This was primarily an attempt to get registered voters, as opposed to just simple residents, requesting that no additional highrises be increased. The Manoa Valley Community Association reaffirmed its request for lower density at a meeting of the organization on September 24 of this year.

The Commission questioned Mr. Spray.

CHAIRMAN: How many members are in the Manoa Valley Community Association?

SPRAY: The Manoa Valley Community Association presumably consists of all residents in the Manoa Valley area over to Makiki Street following the ridgeline down. We therefore include some members who are in the Makiki area. We have a mailing list of about 700. At this last meeting where this was discussed, there were 125 people present.

CHAIRMAN: And the vote that approved this was what?

SPRAY: It was no vote. It was unanimous consent to continue on with the support that we had taken in the past.

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

4. Mr. Neil Abercrombie, Makiki Resident, 1576-E Nehoa Street, Honolulu (No written testimony submitted)

ABERCROMBIE: I've been an early supporter of the buffer height. I don't know whether this Commission recalls it but we conducted quite a campaign when this was first brought up, and received favorable editorial support from the Honolulu Advertiser.

I support the downzoning concept and also Mrs. Bornhorst's idea for further study. The reason for it is that zoning designations for all practical purposes were made arbitrarily before. That's precisely one of the things you're attempting to correct here. If we had suffered from a plague, it does little good to argue that only a continuation of the conditions which caused that plague can solve it, or that because the plague has descended, its arbitrary to halt the conditions under which it thrived until everyone has contracted the plague. I feel for Mr. Mendez who just spoke here because he's obviously a victim of this plague. This is the kind of thing, if the Commission acts favorably, it can stop.

Everyone that lives in the Manoa-Makiki area knows already that it is over-built. We have one of the worst ratios of park space

to residents, if not the worst, on the entire island. There's an attempt to change this. They're trying to get hold of the pineapple property now but even that will not bring us into the kind of ratio that is deemed necessary to a decent human environment.

I find the intermediate height argument spacious here because the only people here that are speaking against it are certain property owners. None of the people speaking against it speaks about residents or about property owners who would like to remain in their home.

When you talk about value, one of the things that's coming up more and more especially in our islands is whether or not, in fact, the home is something worthwhile, and whether land is to be lived on and to be treasured in the sense of a place where you have root, rather than simply a place to make money, and are we really going to make that kind of money? The small property owners seems to be caught in a speculative, inflation bind. On one hand he's terribly tempted to try to apply for something like an A-4 and possibly combine with other homeowners in an area to do such a thing, for fear that if they don't, they're going to be shut out. Yet, maybe many of these homeowners would like to keep their homes. They don't want to have to turn over what may have been 20 or 30 years of work into a proposition only to get into the speculative game.

So, I would like to say as a renter and one who has lived in Makiki since 1959 when I came to Hawaii, that I doubt whether you could find any residents who live there who wishes to have more people jammed in there. I know what I'm speaking about because I've walked all those precincts in past elections, door to door, over and over again. If you're thinking in terms of density, its one thing for a certain owner to want to make a lot of money out of it but to talk about putting more people into Makiki, I think you would very rapidly come to the conclusion that there are as many people as can possibly be supported there right now, and still hope to have any kind of a decent human environment.

Everyone knows that the land values are way out of line. One way the Commission can help in this anti-speculation drive, which I hope everyone is for, is that you have the capacity to make policy. The decision you make here can have very real ramifications in terms of stopping speculators from tempting people or putting them into a financial corner. If you downzone now, the end result will be beneficial to the small landowner, the ones that want to keep their homes. What we tend to do is, not possibly in the short run but in the long run, to lower the land values. There are many people in the Manoa area who don't want their land values going up anymore because it means increased tax assessment. For a lot of people on fixed income, and a lot of people who are nearing retirement age and that constitutes a lot of people in the old homes in the Makiki area, increased assessment and land value means to them increased taxes. If they're

renting to someone on their property, and as you know, there's a very high degree of personal family rental going on in Makiki going back many, many years. Where I live, for example, some of the residents have been there for 13, 14, 15 years with the same landlord. These increased tax assessments as a result of the so-called increase in value, is then passed along to the renters.

Many of the landlords have either a small income or depend upon their small renters. I think that you'd be doing them a favor. They'd be better off by a downzoning and they wouldn't be losing anything.

Just to finish off, when you downzone this, I wish you would consider Mrs. Bornhorst's proposal about further study in this whole area. I'd like to see it extended to what amounts to the whole 13th District which includes up to the University District because right there, the Hunnewell-Vancouver area for example, they can't wait to destroy those small property owners. They want to put improvements in there. Well, who the hell is kidding who about improvements? Wider streets, sidewalks, increased sewage, for what? That's a beautiful area in there right now. The only thing that is for, is for speculative purposes and to hurt the small property owners and renters in that area.

So, I urge you to pass this plan and to consider further study of downzoning and helping R-6 people to hold the line so that they are not pressured into giving up what many of them have worked years and years to accomplish.

Mr. Abercrombie was questioned by the Commission.

CHOY: When you speak of downzoning and further study, how much more do you people expect to downzone in that area?

ABERCROMBIE: When I say further study, I would like to see the people who are now R-6 to stay that way, especially those five precincts below Manoa--I tend to think in precincts. In those five, you have one of the most densely populated areas in the whole city. What I would like to see is that these R-6 designations stay that way, and that the Commission, as a matter of policy, encourage these people to be able to hang on to their property and keep their homes as R-6 by not allowing any further encroachment of either intermediate or highrise.

CHOY: You also mentioned that many of the single-family units are rented, and for many years. Don't you think that increased population would encourage this type of practice, that single-family units would sublease their property?

ABERCROMBIE: Well, with the places already there, I don't know of any place that isn't being rented right now in Honolulu.

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If the city fire and health inspectors ever came in there--I think there must be an unwritten agreement all over the state that we don't want to put 20,000 or 30,000 people on the street, including me. One of the things we should remember is despite the density, people have done fantastic things with shrubbery, greens, flowers and trees in the whole Makiki area. I don't think there are any more places that can be rented than already are. I think you've pretty much got it as dense as it can possibly be and still be human.

CHOY: You know the population presently in Makiki?

ABERCROMBIE: There's 21,000 registered voters now in the 13th. It went up 3,000 from 1970. I suspect it'll go up again because there's been more building in the last three years.

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

5. Mrs. Alice Guild, Resident and Property Owner in Makiki (No written testimony submitted)

GUILD: I did not intend to speak, but you did seem somewhat concerned, Mr. Chairman, about the number of people in support. I noticed you asked both community associations what their membership was. I felt I should mention the fact that two years ago when the first major threat for zoning occurred, Mr. Shelley Mark and I did canvassthe area, always at the last minute like two nights before a crisis. The first time around, we collected about one thousand signatures from Makiki residents both above and below Nehoa Street. This petition called for a buffer zone along Nehoa. The last crisis that occurred was the Baptist Convention when we again went out two days before. I don't recall exactly how many signatures on that round. This is part of the record. I hope you would consider this.

One aesthetic thing which I would like to point out which was part of the planning for Punchbowl which unfortunately did not work out quite the way it was envisioned, and this was the traditional vista mauka-makai, mountain to the sea vista which has been historically so much a part of our plan. The hillside starts to slope quite markedly at Wilder Avenue. Three blocks above that, there is quite an incline so that a building of 10 or 15 stories could obliterate Makiki Heights. I'm not just speaking for people who live above Nehoa and would no longer see down to the ocean. I'm speaking of the visitor and worker in the Ala Moana area, the commuter who travels the streets of Honolulu who will no longer be able to see our beautiful Makiki district. I think this bears some consideration.

(There were no questions of Mrs. Guild.)

6. Mrs. Gertrude Humphries, Makiki Resident

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HUMPHRIES: I have been in Makiki since about 1929. I am in favor of the proposal to downzone these properties which are A-3 and A-4 to A-2. However, I do urge the study of the Makiki area as was suggested through the Makiki Community Association. At first the other evening, they said to Wilder Avenue but then it was modified down to the freeway.

I notice on this map (prepared by Miss Humphries and circulated among Commissioners) the last two rezonings has been within areas--it was the Baptist zoning, and the one for Michael Kimura--which are outside the proposed buffer area. Until the DLUM was adopted in 1969, those areas were outside of the Hotel-Apartment area. One could not apply for a highrise there, but because the DLUM changed the boundary between the highrise type of apartment and the lower type of apartment, those areas which are still largely in homes are now in a place that people can ask for A-4 type of apartment.

I would like to suggest that the makai part of Dominis Street be included in the buffer area. If you look at the map (submitted by Miss Humphries), it could have just as well been included in the buffer area. What was the rationale for doing it this way? I think it was, quite largely, because of Mr. Wicke who owned property down there and who use to promote the idea of Hotel-Apartment within that area below Dominis. The letters and records in the Planning Department do show, including a letter from Mr. Wicke, that he did want someday to develop his property for highrise apartment. So, I think he must have influenced the decision to throw that into the high density area. I don't know what the rationale was for throwing the strip on the Diamond Head side of Mott-Smith. These are some things that I think could be brought out by a restudy, why they did it that way, and is this the best plan, and not just leave it.

I'd also like to mention that the Makiki Community Association at a meeting previous to the public hearing that was held by the City Council on February 6th, did vote to go along with this A-2 buffer zone because they felt that was probably about all they could get. However, the way it worked out was after that public hearing, the City Council said well, we have had the hearing and we have decided not to disturb the existing density; therefore--and then they went ahead and gave that as a reason for rezoning the Kimura property and the Baptist property. We hadn't foreseen that supporting an A-2 buffer, in other words keeping the density as it now is on the DLUM would justify the City Council in granting the A-4 zoning. In each case, its mentioned in the record that influenced the City Council.

There are many other things that I think could be studied, the effect of rapid transit line if there's going to be one. What's going to happen to the HSPA property? Its a little slow developing as a park. It has been used to justify, for example, the zoning for Mr. Kimura but actually the park is not yet ready. This DLUM permits the Camelot on Liholiho. All through the high density apartment area buildings can spring up which really to a large extent will undo the effects of this buffer.

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In other words, I am in favor of this step to downzone those parcels but not to just let it rest at that. Many people feel that the planning should be looked at again, that it's not satisfactory and needs more study.

I have done quite a lot of looking into the records on the history of this whole area. I'm trying to go through ordinances and figure out how the C Apartment District which was the predecessor of A-3 in Makiki and which started out limited to three stories in 1961, grew to 350 feet after the CZC and the DLUM were adopted. That's a tremendous jump. I haven't finished that little history but that is a project in understanding this whole business of building heights and general planning.

I would like to ask a question that I forgot to ask the other night.

CHAIRMAN: Are your questions germane to the issue before us?

HUMPHRIES: I wondered what effect the taxing would be of downzoning, whether these people in A-2 would be partially compensated by having lower taxes or it would make no difference.

CHEE: The real property taxes are under the jurisdiction of the State Tax Office so the City would have no jurisdiction over that. However, its my understanding that taxes are based not only on the highest and best use, but also what the existing zoning is, what is on the lot presently and what is around it. So, you would get a very general statement on that.

HUMPHRIES: I would like to mention one more thing that may not be germane,but yet I think it is, since I brought up the suggestion of the lower side of Dominis Street not being very good planning, that that strip which has never before had highrise has been thrown into the high density, and that Mr. Kimura's property was rezoned. I hope you have seen a recent opinion from the Corporation Counsel's office which says that under the revised Charter, Council-initiated ordinances must be referred to the Planning Commission for review. But, a 1969 opinion said they did not have to be. The Council went by the Corporation Counsel's advice that at the time of this rezoning in May of this year, the Council could initiate the zoning and did not have to refer it to the Planning Commission. It went through, therefore, without your review or recommendation. I am hoping, although its a fantastic hope, that it can be declared invalid, that it was not done in a legal manner. The present opinion doesn't go back and say what was right and wrong. But, if you read it carefully, it knocks out the reasoning of the previous opinion, that the Council could just go ahead and not get the Planning Commission's review and recommendation. I would just like to call your attention to get a copy of the opinion if you are interested.

CHAIRMAN: We have a member of the Corporation Counsel's office. If there is anything that has been done which is not legal or not procedural, Corporation Counsel will point this out to us. I don't think this is the place to get into the legalities.

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HUMPHRIES: I'd just like to mention that I am the one that wrote to the City Council, asked for a new opinion, and it came back with a five-page opinion which reverses what they said in 1969 so far as the new Charter is concerned. That was all.

CHAIRMAN: Yes, we're aware of this.

WILFRED MITA (Deputy Corporation Counsel): Mr. Chairman, I was the person that wrote that latest opinion. For your information and for the information of the Planning Commission, the new set up for the Department of General Planning and Department of Land Utilization becomes effective July 1st of 1973, and as such, my opinion will not be retroactively applied.

(The Commission had no questions of Mrs. Humphries.)

7. Amy Carole, Makiki Resident, 1310 Heulu Street, Honolulu (No written testimony submitted)

CAROLE: I would like to speak in favor of the buffer zone. I do believe, as Mrs. Bornhorst said, that this seems to be a correction of the DLUM which was in error to allow that area (referring to map displayed) to have been A-4. It was supposed to be a buffer zone. I don't consider A-4 to be a buffer zone between another A-4 and R-6 or other residences above Nehoa Street. I hope that the whole Makiki area will be restudied.

Last week, I attended the highrise conference. I know that there are many things that they brought up at the conference that are not practiced at all in Makiki. I believe that you can have quality living in a highrise area. Density does not have to be bad although in Waikiki it is very bad. In Makiki, it can be very bad. The way as I understand it right now, with Makiki zoned A-4, you could probably have maybe four to six 25 to 35-story condominiums on each block which to me is too dense. It would block out a lot of your views, your light, and makes a very unpleasant living which is what you have in Waikiki. I hope the Commission, aided by the Planning Department, will consider some of these things like air rights, urban design. As I understand, the planned unit development is on a smaller scale. I understand that you can have high density, 80 to 100 units per acre in low-rise buildings. At the conference, there were slides which showed some of these plans in New York City, all up to four-story apartments. In Makiki, because of the location of it, you do have to have density. I don't want to see highrises in some of these rural areas. So, I feel its naturally going highrise but I would like it to be more pleasant.

(There were no questions of Miss Carole.)

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Dr. Choy and carried.

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The Commission deferred action to the next meeting in order that the new Commissioners could be briefed on the background of the Makiki area. A briefing on the impact of the new Height Regulation Ordinance and the Contract Zoning Ordinance on the subject application was also requested, on motion by Mrs. Sullam, seconded by Mr. Crane and carried.

UNFINISHED BUSINESS
GENERAL PLAN AMENDMENT
OAHU, HAWAII
TO REFLECT FINAL
HIGHWAY RIGHTS-OF-WAY
& TO MAKE NECESSARY
ADJUSTMENTS IN LAND
USE DESIGNATIONS FOR
LANDS ADJACENT TO OR
AFFECTED BY THE
ALIGNMENTS
STATE OF HAWAII
DEPARTMENT OF
TRANSPORTATION
(FILE #224/C3/VARIOUS
& 180/C3/5)

Public hearings were held June 20, 21, 27, and closed July 11, 1973. The matter was brought before the Commission again on July 25, August 8, and October 3, 1973. At the October 3rd meeting, action was deferred pending the General Plan Revision Program workshop on October 10, 1973.

CHAIRMAN: Commissioners, what is your pleasure?

CRANE: Mr. Chairman, I move the recommendation be denied.

SULLAM: Second the motion.

CHAIRMAN: Discussion?

KAMIYA: Mr. Chairman, I'd like to know the reasons why?

CRANE: We've had innumerable public hearings on this. We've done a good deal of discussion relative to the total effect of this. We've done a good deal of discussion relative to new developments on the General Plan. We've done a fantastic amount of study, and taken the testimony relative to traffic patterns. It seems to me, in spite of some testimony I've heard, that there has not been an adequate and honest approach to a purely simple rapid transit system which could alleviate some of the problems that are being caused, in my opinion, by this particular proposal. As a result of that, I cannot in good conscience cast my vote in favor of this plan.

SULLAM: I'd like to make a few remarks supporting Mr. Crane. I'd like to say that I too feel that if we're going to move in the direction of getting away from pollution, congestion, and work towards lower cost of housing, we have to start moving away from an automobile-oriented community. If we don't start now, we never will start. There was a time when people moved away from horse and buggy to automobile because times had changed. Well, times have changed now, and we really have to reorient our thinking and also our investment. This is a good time to start.

KAMIYA: Commissioner Sullam, do you feel that with this denial of this General Plan Amendment, it would solve the problem of mass transit; that is, with this denial, do you think it will hasten the Transportation Department to come up with a plan for a mass transit?

SULLAM: It definitely would hasten mass transit because our population projections are such that something will have to be done. This kind of thinking we have here is happening all over the United States. We're

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bound to see federal funds being placed into mass transit as time goes on. I just think we have to be forward thinking. Its very hard to change a set up that has been established; that is, the highway philosophy, and the highway trust fund that is being channeled into highways. But, it has to start somewhere, and the local level, I think, is a good place.

CHAIRMAN: I have some questions for staff. The proposed H-3 corridor, does it have provisions for mass transit?

DON CLEGG (Deputy Chief Planning Officer): The staff recommendation has two lanes being initially utilized for dedicated bus-way corridor, if you want to call it dedicated bus-way mass transit. It has in each direction, two lanes of automobiles and two lanes for dedicated bus way.

CHAIRMAN: The study that the Planning Department is presently doing on the General Plan, is the H-3 corridor considered as an integral part of that plan?

CLEGG: Yes.

CHAIRMAN: Has the City Council made a policy decision regarding the H-3 corridor?

CLEGG: No, I believe the Policy Committee on the H-3 corridor would have come after that hearing here. I might say, in terms of estimated population on the Windward side that the TH-3 study assumed 151,000. Our General Plan Revision Program is assuming a range of 151,000 to 230,000 as a possibility. I don't say we're encouraging that. I merely say this is the range of population that we are considering to be possible and that we will have a plan to meet, if it should happen.

CRANE: I don't think there's anything that's panacea, a solution of the massive population on an island such as we have here. But, it seems to me, and I couldn't document this, that we're just not going to consider pure mass transit. So, we're going to build highways. It seems that this attitude was there all along, when we talk in terms that we can't get people to ride mass transit. I have heard very little suggestion from those planners who say you can't do that, relative to certain restrictive kinds of ordinances, types of ordinances that can cause people to want to ride mass transit and get out of this tremendous traffic we have on this island. Now, I've seen very little of this. As a matter of fact in my opinion, if you went all for a highway through there, and to see if we've really done some objective looking into pure mass transit, and the kinds of ordinances, and the kinds of forward thinking plans that would cause us to want to use that facility and relieve us of a burden that's already there, I have not seen this.

SULLAM: I would like to add that there may be no discussion as to whether we have any choice because everyday you hear there's a crisis as far as fuel is concerned. On the mainland, they're going to be cutting down the school hours, they're going to ration fuel oil and all that sort of thing, and here we're talking about building freeways to accommodate cars. I think we should bring that into our thinking when we make a decision.

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KAMIYA: Mr. Chairman, I have to vote against this motion. I can see the problem as far as transportation is concerned. But, I can also see a lot of possibilities for the Windward side with our General Plan, and as our Deputy Director says considering the population of Windward Oahu. That to me can solve one of our housing problems. With this highway system, I think we can accomplish both. There is a transition to mass transit as well as opening up a corridor to the development of Windward Oahu. That's the two basic reasons why I'd be more or less in favor of the transportation corridor.

CHOY: I have a question for staff. In the H-3 corridor, you mentioned there will be provision for either fixed rail or the bus system.

CLEGG: It could be either way, that's right. The bus system, once put down could be converted to fixed rail.

CHOY: I also understand there will be a certain amount of federal funding available.

CLEGG: Yes. We know there's federal funding for the highway portion, and there are some deadlines on this associated with the Interstate Highway System which this is a part of. There is also federal funding for mass transit which is available, although the State's share that they must put up is a little higher especially on highways. I'm not sure as to the amount of federal funding that extends to the two-lane dedicated bus way.

CHAIRMAN: Further discussion? Are you ready for the question?

KAMIYA: Question.

CHAIRMAN: The question has been called for. All in favor raise your right hand.

(The motion to DENY failed for lack of a majority. Commissioner Choy and Commissioner Duke, both recently appointed to the Commission, abstained from voting on this matter. The staff was requested to brief both Commissioners on this matter.)

The Chairman indicated, "If necessary, I would have voted against the motion primarily because of the fact that I think our general concern at this point is a General Plan change for a transportation corridor. There seems to be ample evidence before us that a transportation corridor is needed in this area. In terms of what it's going to look like, how many lanes it's going to have, whether mass transit is going to be on it, it seems to me this is going to be an implementation problem and does not directly relate to the question of general planning. My point of view is whether we are going to general plan for a transportation corridor in that area. Therefore, on that point, I would have voted against the motion.

We will defer action on this matter to the next meeting."

AYES - Crane, Sullam
NAYES - Kamiya
ABSTAINED - Choy, Connell, Duke
ABSENT - Hosaka, Kahawaiolaa

OCT 31 1973

STATE LAND USE COMMISSION REFERRAL PROPOSED AMENDMENTS TO PART II OF SLUC REGULATIONS

Pursuant to Sections 205-4 and 205-9, Hawaii Revised Statutes, the Planning Commission has received a request for comments and recommendation concerning the Proposed Amendments to Part II of the State Land Use District Regulations initiated by the Land Use Commission.

Staff Planner Ian McDougall presented the Director's report of the proposal. The stated purpose of the proposed amendments are "...to clarify the procedures for implementing the amended provision to Section 205-4, HRS (Act 187, Session Laws of Hawaii 1972), wherein the Land Use Commission is authorized to approve a petition for a boundary change 'by imposing conditions necessary to uphold the general intent and spirit of this chapter and to assure substantial compliance with representations made by the petitioner in seeking a boundary change. Such conditions, if any, shall run with the land and be recorded in the bureau of conveyances.'"

The specifics of the problem that these Proposed Amendments to the Land Use District Regulations address are not explicitly defined. A reading of the amended provision to Section 205-4, HRS, would seem to, initially, indicate two problems. One problem may be seen as revolving around a need to "uphold the general intent and spirit of the Land Use Law and Regulations", or some inadequacy in the Regulations to effectively achieve the fundamental tenets; and the other problem is one of compliance with representations. The end results to be achieved if compliance to representations is effectuated are not indicated. Therefore, it is difficult to discern what kinds of representations would be appropriate to be complied with. It is clear, however, that the conditions imposed must achieve the two predetermined objectives to uphold the general intent and spirit, and to assure substantial compliance. The conditions to be imposed must, at least, be of a nature to assure that these objectives are achieved in every petition which is granted. Though the objectives may not be clear, it is clear that the conditions must be uniformly applied against each petition and should, therefore, be predetermined to assure equity in application.

Based upon the analysis contained in his report, it is the recommendation of the Chief Planning Officer that the Proposed Amendments to Part II of the State Land Use District Regulations should be rejected, and that the Commission adopt his report as its comments and recommendations on this petition.

No discussion followed.

ACTION: The Commission adopted the recommendation of the Chief Planning Officer to reject the Proposed Amendments to Part II of the State Land Use District Regulations, and adopted his report as its comments and recommendations on this petition.

AYES - Choy, Connell, Crane, Duke, Kamiya, Sullam
NAYES - None
ABSENT - Hosaka, Kahawaiolaa

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UNFINISHED BUSINESS
PLANNED DEVELOPMENT
HOUSING
EWA BEACH
FORT WEAVER ROAD
HAWAII LABORER'S
HOUSING CORPORATION
(FILE #72/PDH-3)

The public hearing was held January 3, 1973 and closed January 31, 1973 after the applicant withdrew his plans. The matter was brought before the Commission on September 5, 1973 at which time action was deferred for data from various City agencies. The applicant requests that the application be considered at this time.

ACTION: Commissioner Crane moved to table the matter until there is a formal application before the Commission. Since the applicant withdrew his application on January 31, 1973, Commissioner Crane felt the Commission had no application to consider: that the matter was improperly before the Commission.

Commissioner Crane's motion was seconded by Dr. Choy and carried.

AYES - Choy, Connell, Crane, Duke, Kamiya, Sullam
NAYES - None
ABSENT - Hosaka, Kahawaiolaa

* * * * * * * * * * * * * * *

The Commission authorized scheduling of the following matter for public hearing, on motion by Mr. Crane, seconded by Mrs. Sullam and carried:

HAWAII CAPITAL DISTRICT
APPLICATION
(9-STORY OFFICE BLDG.)
D. H. GRAHAM CO., LTD.
(FILE #73/HCD-22)

1. The request is for approval of plans for a 9-story office building at 345 Queen Street.

ADJOURNMENT: The meeting adjourned at 4:10 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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Meeting of the Planning Commission
Minutes
November 14, 1973

The Planning Commission held a meeting on Wednesday, November 14, 1973 at 1:35 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:
Eugene B. Connell, Chairman
James D. Crane, Vice Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Antone J. Kahawaiolaa
Randall Kamiya
Fredda Sullam

ABSENT: Donald K. Hosaka

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Wilfred M. Mita, Deputy Corporation Counsel
Loretta Chee, Staff Planner
Henry Eng, Staff Planner
Ian McDougall, Staff Planner
Stan Mofjeld, Staff Planner

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
(9-STORY OFFICE BLDG.)
D. H. GRAHAM CO., LTD.
(FILE #73/HCD-22)

A public hearing was held to consider an application for construction of a 9-story office building at 345 Queen Street, within the Hawaii Capital District, Tax Map Key: 2-1-26: 15.

Publication was made in the Sunday Star-Bulletin/Advertiser of November 4, 1973. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the request. The 9-story office building meets the height limitation for the district. The preliminary Comprehensive Zoning Code calculations indicate that the building meets floor area and parking requirements, and the design of the office building appears to be compatible with the Hawaii Capital District.

The Director recommends approval of this application.

The Commission had no questions of the staff regarding the Director's report.

No one spoke either FOR or AGAINST the application.

The public hearing was closed, and the matter was taken under advisement, on motion by Dr. Choy, seconded by Mr. Crane and carried.

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ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Mr. Crane, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Hosaka
ABSTAINED - Connell

STREET NAMES — The Commission recommended approval of the following street names, on motion by Mr. Crane, seconded by Dr. Choy and carried.

1. Waianae Model Community - Makaha

ALA HEMA STREET	Roadway situated on the mauka side of Farrington Highway, west side of Kaupuni Stream.
Meaning:	South or left road.
ALA WALUA STREET	Roadway situated on the mauka side of Farrington Highway, between Ala Akau and Ala Hema Streets.
Meaning:	Middle or interior road.
ALA AKAU STREET	Roadway situated on the mauka side of Farrington Highway, east of Kaulawaha Road.
Meaning:	North or right roadway.

2. Servco Waiawa, Waiawa, Ewa, Oahu, Hawaii.

OPAPALI STREET	Roadway between Kamehameha Highway and Arcacia Road.
Meaning:	Cliffed, a place with many cliffs.

UNFINISHED BUSINESS
ZONING CHANGE
A-3 & A-4 APARTMENT DISTRICT TO
A-2 APARTMENT
MAKIKI
INITIATED BY THE DIRECTOR OF LAND UTILIZATION
(FILE #73/Z-58)

The public hearing was held and closed on October 31, 1973. At that time, the Commission deferred action in order that the new Commissioners could be briefed on the background of the Makiki area. A briefing on the impact of the new Height Regulation Ordinance and the Contract Zoning Ordinance on the subject application was also requested by the Commission.

No discussion followed.

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ACTION: The Commission adopted the Director's recommendation that the zoning on the 59 parcels in Areas I and II, as described in the Director's report, be changed to A-2 Apartment District, on motion by Mr. Kamiya, seconded by Mr. Duke and carried.

AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Hosaka
ABSTAINED - Connell

UNFINISHED BUSINESS
GENERAL PLAN AMENDMENT
OAHU, HAWAII
TO REFLECT FINAL
HIGHWAY RIGHTS-OF-WAY
& TO MAKE NECESSARY
ADJUSTMENT IN LAND
USE DESIGNATIONS FOR
LANDS ADJACENT TO OR
AFFECTED BY THE
ALIGNMENTS
STATE OF HAWAII
DEPARTMENT OF
TRANSPORTATION
(FILE #224/C3/VARIOUS
& 180/C3/5)

Public hearings were held June 20, 21, 27, and closed July 11, 1973. The matter was brought before the Commission again on July 25, August 8, October 3, and October 31, 1973. At the October 31st meeting, action was deferred for lack of a majority vote.

CHAIRMAN: Item 3 under Unfinished Business, the application of the State of Hawaii, Department of Transportation to amend the General Plan Detailed Land Use Map and Development Plan for the City and County of Honolulu to reflect final highway rights-of-way and to make necessary adjustments in land use designation for lands adjacent to or affected by the alignment, commonly called H-3.

KAMIYA: I move to accept the Planning Director's recommendation.

DUKE: I'll second that, Sir.

CHAIRMAN: Discussion?

SULLAM: In view of the report we heard from Mr. Villegas at last week's workshop, I think we have to alter this recommendation. My concern is that in our workshop, we did hear remarks from the Traffic Department. They indicated that they were going to recommend that we not approve H-3. I would like to know why the Planning Director hasn't altered his report because in most instances when the Traffic Department does not grant approval for a particular situation, the Planning Department supports the Traffic Department.

WAY: There is no recommendation from the Department of Transportation Services that is contrary to the recommendation of the Oahu Transportation Policy Committee. My recommendation, therefore, generally follows the recommendation of that Committee.

SULLAM: Yes, but you recall that there was new thinking and that this matter was going to be brought before the Policy Committee. So, its just a matter of timing. I don't think we should rush to a decision until we know exactly what the Policy Committee is going to

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say in view of the fact that Mr. Villegas did bring in new information and put forth a new point of view.

CHAIRMAN: Further discussion? Are you prepared for the question?

KAMIYA: Question.

CHAIRMAN: All those in favor, raise your right hand?

(The motion to accept the recommendation of the Chief Planning Officer failed to carry.)

AYES - Duke, Kahawaiolaa, Kamiya
NAYES - Choy, Crane, Sullam
ABSENT - Hosaka
ABSTAINED - Connell

CHAIRMAN: There's a number of things we can do on this. We can defer action until the next meeting, defer action until the end of the agenda, or the Chair can entertain a new motion.

SULLAM: When could we hear from the Policy Committee as to whether they have reconsidered their stand regarding H-3? We shouldn't be making a decision until we hear from them.

WAY: They're having a meeting tomorrow at which time we could bring the matter to the attention of the Committee should it be the Commission's wish to ask for some reevaluation, restatement or reconsideration or what have you. After that, I have no idea what might be the length of time required to return a response.

CRANE: In light of that, I move we postpone this until the next meeting.

CHOY: I second.

CHAIRMAN: Discussion?

SULLAM: I think Mr. Villegas ought to come before us again. There were members that were absent that morning. I see some faces here that weren't at the meeting on the H-3 workshop. Perhaps Mr. Villegas could come and report to us again and tell us why he had this change of thought.

CHAIRMAN: Further discussion? Are you prepared for the question?

CHOY: Question.

CHAIRMAN: All those in favor raise your right hand.

(The motion for deferral to the next meeting carried.)

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AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Hosaka
ABSTAINED - Connell

CHAIRMAN: Mr. Director, would you transmit our request to the Policy Committee.

* * * * * * * * * *

At the end of the agenda, this matter was brought up for reconsideration.

KAMIYA: Mr. Chairman, could we bring up for reconsideration again, the H-3 matter?

CHAIRMAN: The matter can only be reconsidered if there's a unanimous vote on it.

SULLAM: In what way are we going to reconsider it? We've moved to wait for a report from the Policy Committee. We must remember that the person who's head of the Department of Transportation Services for the City is the Chairman of that Committee. So, that's a very important Committee and he holds a powerful position. Its very likely that the position of that Committee will change.

KAMIYA: I thought that because we are deadlocked, that we pass it on without any recommendation.

SULLAM: Without waiting for a report from that Committee? Is it for a vote or for new information?

KAMIYA: No, just to pass it on to Council without any recommendation to get it out from the Planning Commission.

SULLAM: I don't see any point in that particularly because it will be held up at the Council level. They'll probably want to hear a full report too in view of the fact that new information is being brought here.

CHAIRMAN: This is, of course, assuming that the Policy Committee will be asked to reconsider. We have to go back and see what Mr. Villegas said and discover whether or not he is actually going to ask the Policy Committee to reconsider. As I remember it, the testimony was somewhat ambiguous whether he was going to do this. The second point is whether the Committee does reconsider and change its position. The third point is how long it will take for reconsideration by the policy making committee. The fourth would be how long is the Commission going to continue to receive new reports.

With due respect to Mr. Villegas, its interesting that his report came in many months following public hearing. As far as I know, the Department of Transportation Services' position still hasn't changed its recommendation to this Commission or to any of the other agencies of the City.

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SULLAM: That's very true but at the same time I feel that Mr. Villegas would have not come before us if he didn't want us to take heed of his remarks. I do think this is a dynamic society where there are changes taking place every time. When there are important changes such as this, we should stop and listen. There's millions of dollars involved. I think that a hasty decision shouldn't be made.

CHAIRMAN: Certainly, no hasty decision is being made on H-3. We've only had it before us for a year now.

WAY: Mr. Chairman, I might comment for information that for the rules of procedure before the Policy Committee are such that it does take a unanimous vote for action. It will be remembered that there was action of the Committee unanimously in support of the present concept for the highway at this time.

CHAIRMAN: One of the concerns which I have, to be very honest, is whether we are going to continue to find reasons to keep from voting because we can't come up with a majority vote to move one way or the other which I would perceive is the position we are in now. If continuing to hear more evidence is going to change the position on the Commission, fine. But, in the event that's not going to happen, then it may be more honest to say that we simply cannot make a recommendation, that there are two reports that go up to the Council with no recommendation.

CRANE: Mr. Chairman, I tend to disagree with you. I think I made the last motion to postpone this but my position is crystal clear. I made the original motion to deny. I didn't get an overwhelming support to that motion. We can't seem to get a majority here, and in light of that, I did make the motion to postpone. I'm willing to reconsider this. I think before we have a lot of discussion on it, we ought to have a motion.

KAMIYA: I make a motion to reconsider, Mr. Chairman.

KAHAWAIOLAA: Second.

CHAIRMAN: Discussion? Are you prepared for the question? Those in favor signify by raising your right hand.

(The motion to reconsider carried.)

AYES - Connell, Crane, Duke, Kahawaiolaa, Kamiya
NAYES - Choy, Sullam
ABSENT - Hosaka

CHAIRMAN: The matter is before us again.

KAMIYA: Mr. Chairman, I'd like to make a motion that the Planning Commission send to the Council no recommendation concerning this matter.

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SULLAM: I believe that our function is to make recommendations to the City Council. No recommendation at all either way, we're not performing our function.

CRANE: A point of procedure. We should second it before we discuss it.

CHAIRMAN: Is there a second?

KAHAWAIOLAA: I'll second it.

CHAIRMAN: Discussion?

CRANE: Mr. Chairman, I'll speak in favor of the motion because if we don't do something we're going to be octogenarians. Obviously, we don't have all of this information and I happened to agree on that point. But, if we're not going to make a decision, let's say why and send it on. I'd be in favor of that motion.

CHAIRMAN: Any further discussion? Are you prepared for the question? All those in favor of the motion will signify by raising their right hand.

(The motion to recommend no recommendation carried.)

AYES - Choy, Connell, Crane, Duke, Kahawaiolaa, Kamiya
NAYES - Sullam
ABSENT - Hosaka

UNFINISHED BUSINESS ZONING CHANGE FROM I-1 LIGHT INDUSTRIAL TO B-2 COMMUNITY BUSINESS DISTRICT CENTRAL BUSINESS DISTRICT INITIATED BY THE DIRECTOR OF LAND UTILIZATION (FILE #73/Z-9)	Public hearings were held on this matter on April 25 and May 9, 1973. Approval of the request was recommended by the Director along with approval of his requested expansion. At the public hearing of May 9, 1973, CW Investment, the applicant, withdrew his request. The Planning Commission then recommended to the Director that he withdraw his recommendation. The Department of Land Utilization's staff has reviewed and evaluated testimony given at the public hearing. The zoning request was also reviewed.

The Director's earlier recommendation for approval is reaffirmed with the following justifications:

1. The properties recommended for rezoning from I-1 Light Industrial to B-2 Community Business District are the only properties in the area not now zoned in conformity with the General Plan. The intent of the General Plan is clearly that the subject properties were to be considered as part of a substantial area of commercial

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uses generally bounded by Beretania Street, Ward Avenue, Kapiolani Boulevard and Alapai Street. The subject properties are bounded on three sides by B-2 zones and on the fourth side by the Honolulu International Center. The perpetuation of the I-1 zone in this area could have a deleterious effect on the established commercial character of the area. The subject request, however, would establish a zoning pattern which is coherent and which is in consonance with the General Plan.

2. The City has made substantial investment in the area in street and utility improvements in anticipation of its adopted commercial land use policy for the area. The private sector has also made substantial investment in terms of new buildings and expansion of existing commercial uses, in the area between the Honolulu International Center and the new City Hall. Among these would be: One Kapiolani Building, expansion of Straub Clinic, and the Hawaiian Electric office building. Aside from the Hawaiian Electric facilities, there are no major industrial type uses in the subject area. The trend in the area is toward commercial uses.

   The rezoning would also protect the substantial public investments such as the Honolulu International Center and the new City Hall from potential incompatible uses which are currently permitted in I-1 districts such as: bulk storage yards and building contractors' yards; establishments such as linen suppliers, freight movers, communication services, and canteen services; establishments which deliver merchandise in bulk by truck or van; establishments which sell heavy equipment; manufacturing, processing, extracting, packaging, or fabricating establishments; motion picture studios; and printing, lithographing, publishing or photography establishments.

3. With regard to Hawaiian Electric's concern about their facilities in the area, we note that the requested B-2 zoning permits public utility installations provided that storage or maintenance facilities shall be permitted only as conditional uses and structures.

   The City's intent is not necessarily to limit Hawaiian Electric's activities but to reduce the potential for incompatible uses in this area.

   The B-2 zoning precludes neither the continued existence nor the future expansion of Hawaiian Electric's utility installations.

4. Facilities in the area are adequate to serve the permitted uses in the B-2 Community Business District.

Questions were raised by the Commission.

CHAIRMAN: What were the concerns of the Hawaiian Electric Company?

ENG: Their concerns were that they have substantial investment in this area. They feel the nature of their operation is basically

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industrial. In reviewing the permitted uses in the proposed B-2 District, we find that there is room for both their current operation and possible expansion through either permitted use or through Conditional Use Permit. Their concern, of course, is that the Conditional Use Permit would require a review by the City, and would require public hearing.

By the way, a staff land use survey has been done in the area. Of the existing uses, there are now none of them actually would become nonconforming if the area were rezoned.

SULLAM: What about Hawaiian Electric, that is Light-Industrial. Wouldn't that be nonconforming?

ENG: In terms of its actual operation it might be considered Light-Industrial in nature. The B-2 district, however, does permit public utility installations as a permitted use. We feel that Hawaiian Electric is definitely a public utility.

SULLAM: If they wanted alterations or repairs beyond a certain point, wouldn't they have to come in for a Conditional Use Permit because it would be a B-2 District, even though they presently have Light-Industrial?

ENG: This depends on the nature of the request. There are Public Utility installations which are principal uses, and there are others--stores and maintenance facilities--which do require Conditional Use. We would have to examine the proposal for alteration or expansion to determine whether or not Conditional Use is required.

(There were no further questions of the staff.)

ACTION: The Commission adopted the Director's recommendation for a change in zoning from I-1 Light Industrial District to B-2 Community Business District, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

AYES - Choy, Connell, Crane, Duke, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Hosaka

ADJOURNMENT: The meeting adjourned at 2:00 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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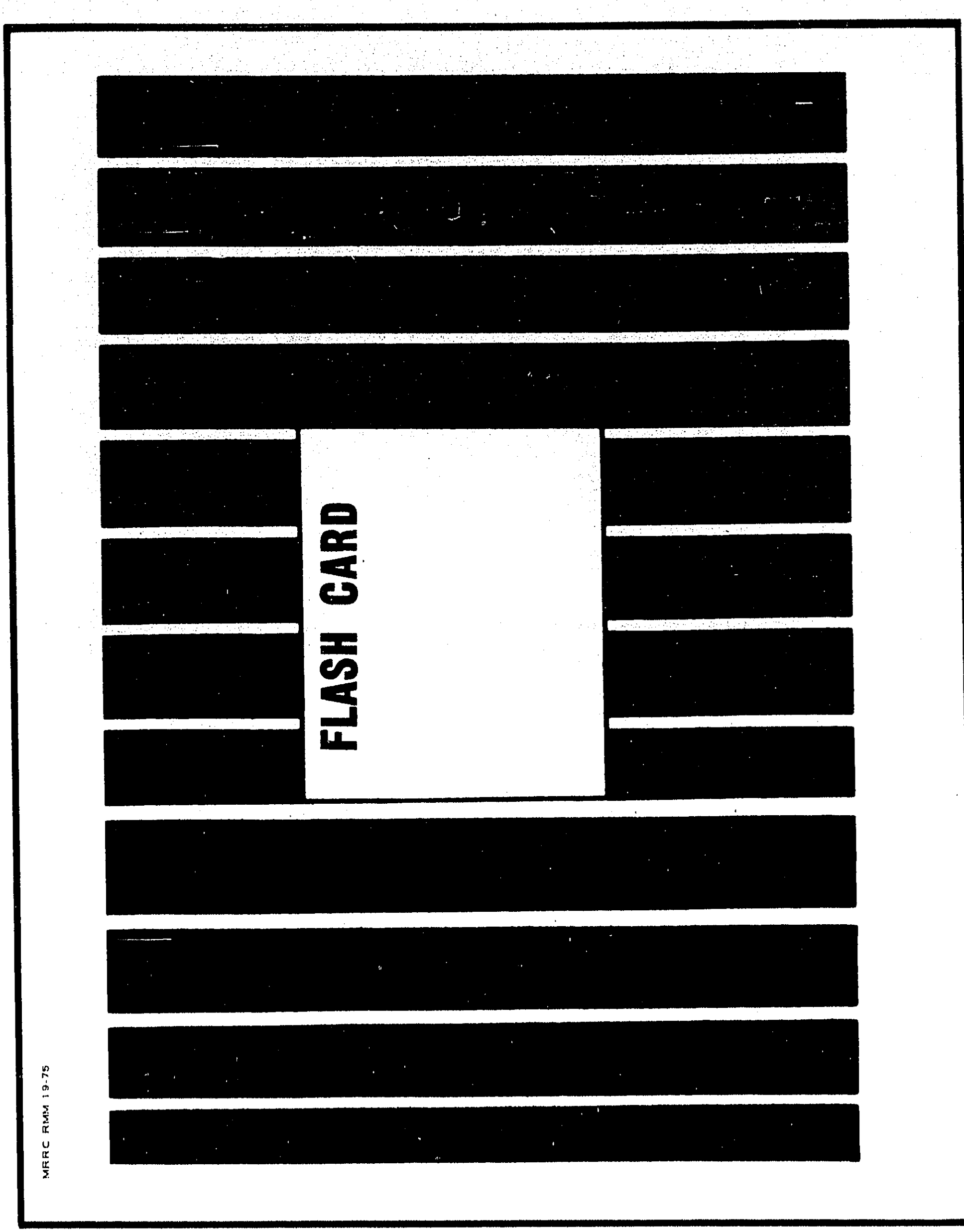

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DEC 5 1973

Meeting of the Planning Commission
Minutes
December 5, 1973

The Planning Commission held a meeting on Wednesday, December 5, 1973 at 1:30 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT: Eugene B. Connell, Chairman
James D. Crane, Vice-Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Donald K. Hosaka
Randall Kamiya
Antone J. Kahawaiolaa

ABSENT: Fredda Sullam

STAFF PRESENT: Donald Clegg, Deputy Chief Planning Officer
Wilfred M. Mita, Deputy Corporation Counsel
Henry Eng, Staff Planner
Roger Harris, Staff Planner

MINUTES: The minutes of October 31 and November 14, 1973 were approved, on motion by Mr. Crane, seconded by Mr. Kahawaiolaa and carried.

Public hearings for the following matters were held simultaneously:

1. MOKULEIA--Conditional Use Permit (73/CUP-13)

   Applicant: John Eagle
   Tax Map Key: 6-8-11: 1
   Request: Conditional Use Permit for private Sewage Treatment Plant.

2. MOKULEIA--Conditional Use Permit (73/CUP-15)

   Applicant: Ted Crane
   Tax Map Key: 6-8-11: 58, 59, 63 & 64
   Request: Conditional Use Permit for private Sewage Treatment Plant.

3. MOKULEIA--Conditional Use Permit (73/CUP-16)

   Applicant: James Ho
   Tax Map Key: 6-8-11: 27
   Request: Conditional Use Permit for private Sewage Treatment Plant.

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4. MOKULEIA--Conditional Use Permit (73/CUP-18)

Applicant: Jack Dubey
Tax Map Key: 6-8-11: 3 & 4
Request: Conditional Use Permit for private Sewage Treatment Plant.

5. MOKULEIA--Conditional Use Permit (73/CUP-22)

Applicants: L. R. Allen & G. K. Gunn
Tax Map Key: 6-8-11: 46 & 47
Request: Conditional Use Permit for private Sewage Treatment Plant.

Publication was made in the Sunday Star-Bulletin/Advertiser of November 25, 1973. No letters of protest were received.

Staff Planner Roger Harris presented the report of the Director of Land Utilization. The applicants have applied for conditional use permits to construct private temporary sewage treatment plants to serve proposed individual apartment developments in this tract of A-2 zoned land at Mokuleia. There are no public sewage facilities available in this area, and the Department of Health has indicated that the ground in the area is unsuitable for cesspools. The proposed treatment systems are all to be located underground and are designed to provide secondary sewage treatment through aerobic digestion processes. Treated sewage effluent is to be chlorinated and deposited into deep injection wells. Following is a summary of the applications filed by the various developers.

1.	Applicant	: Mr. John A. Eagle
	No. of Units	: 12 units in one 3-story bldg.
	Engineer	: Mr. Meyer S. Gogost
	Sewage Plant Manufacturer	: ADS, Inc.
	Flow in Effluent Gallons Per Day	: 6,750
2.	Applicants	: Messrs. Ted Crane & L. Harold Whitaker
	No. of Units	: 64 units in two 5-story bldgs.
	Engineer	: Mr. Phillip S. Wu
	Sewage Plant Manufacturer	: Hanna Enterprises, Inc.
	Effluent Flow in Gallons Per Day	: 24,000
3.	Applicant	: Mr. James G. Y. Ho
	No. of Units	: 20 units in two 3-story bldgs.
	Engineer	: Mr. Frank E. Honeychurch
	Sewage Plant Manufacturer	: Hanna Enterprises, Inc.
	Effluent Flow in Gallons Per Day	: 24,000
4.	Applicants	: Mr. Jack M. & Jeune L. Dubey
	No. of Units	: 48 units in one 4-story bldg.
	Engineer	: Mr. Giovanni K. L. Chung
	Sewage Plant Manufacturer	: Hanna Enterprises, Inc.
	Effluent Flow in Gallons Per Day	: 19,200

5. Applicants : Mr. L.R. Allen & Ms. G.K. Gunn
No. of Units : 48 units in one 5-story bldg.
Engineer : Mr. Frank E. Honeychurch
Sewage Plant Manufacturer : Hanna Enterprises, Inc.
Effluent Flow in Gallons Per Day: 12,600

There is no municipal sewage collection and treatment system in the Mokuleia, Waialua, and Haleiwa area. The City and County of Honolulu Capital Improvement Program for fiscal years 1973 to 1978 has funds scheduled for the "Waialua-Haleiwa Sewer Treatment Plant, Unit I Waialua" from 1974 through 1976. No funds are scheduled, however, for the Waialua-Haleiwa Sewer Treatment Plant outfall. Contact with the Department of Public Works indicates that this public sewerage system is not a high priority and that even the site for the plant is not firm. Public sewers are not expected to be available for this area for approximately 10 years.

Some acceptable form of sewage treatment and disposal must be constructed to facilitate the impending apartment developments. The applicants are proposing installation of separate underground treatment plants to serve their proposed individual apartment developments.

Although the State Department of Health would rather see a single plant installed to service the tract, they do not have the power to force utilization of one. The individual plants proposed by the applicants, if properly designed, can meet the Department of Health's requirements for private sewage treatment systems. It is felt that if the plants are all required to meet the requirements of the amended Chapter 38 of the Public Health Regulations, and if adequate steps are taken to insure proper operation and maintenance of the facilities, they will provide satisfactory service until the municipal sewer system reaches the area.

The tract lies within a flood hazard district. Should a major tsunami or flood occur while the temporary facilities are in service, one could expect that the systems would fail for some period of time.

The Director recommends--

A. That the 4 applications of Messrs. Ted Crane and L. Harold Whitaker, Tax Map Key 6-8-11: 58, 59, 63 and 64; Mr. James G. Y. Ho, Tax Map Key: 6-8-11: 27; Mr. Jack M. and Jeune L. Dubey, Tax Map Key: 6-8-11: 46 & 47, for Conditional Use Permits to construct and operate private sewage treatment plants be approved, subject to Conditions 1 through 11 contained in his report.

B. That the application of Mr. John A. Eagle, Tax Map Key: 6-8-11: 1, be approved for testing and certification only, and that in addition to Conditions 1 through 11 above-mentioned; additionally, Conditions numbered 12 through 14 also contained in his report shall apply.

Question was raised by the Commission.

DUKE: You say its undeveloped presently with a scattering of buildings in the area, yet you say cesspools are not really acceptable. What do they use presently?

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HARRIS: There are 68 lots zoned A-2 in the tract. There are 14 dwelling units recently occupied, most of them duplexes and four-plexes, some six-unit apartments. These were approved since 1965 when it was zoned for various types of sewerage treatment, collection and disposal. Most of these have included ultimate effluent disposal into cesspools, basically. They are usually at a depth of less than 10 feet. The coral fill that's put in this area does not leach well. Therefore, those cesspools or disposal pits have not functioned very well at all. There is history--for example, one four-plex unit was pumped up to 45 times in one year. The proposals before us now proposes to go below the impermeable layer through the watertable, into 80 feet where there is good porus percolation area that can accept the effluent.

The agencies feel that if this secondary treatment is provided in the private aerobic treatment plant, and the effluent which is relatively clear at that point is deposited down to those depths, then this problem should not continue. The problem now is with shallow cesspools.

Public testimony followed.

Testimony AGAINST--

Frederick C. Gross, Chairman, Planning Review Committee, Waialua Community Association

GROSS: I'm speaking against the applications only because I cannot speak for them. The area at Mokuleia was pretty adequately described by your staff. It was not filled with coral. It was filled with quarry waste. That is one of the reasons it does not have good percolation. I know the area very well. The area directly to the east of the apartment zone is a park, not a private area.

My concern for these private STPs which apparently has received approval of the Board of Health--cesspools were approved by the Board of Health too, so have private STPs in the area that are ineffective at this time and have been for quite a while. The situation was severe enough so that the Waialua Community Association wrote to Mr. Robert Way on October 26, 1972, and outlined the seriousness of the situation in detail. Records we obtained from residents in the area and from the City and County sewage pumping service were in some cases, the cesspools were being pumped sometimes four times a month and your staff indicated 45 times a year. I've just been told by members of the City that in one instance, it was pumped 162 times. I have concern for this because when those cesspools are not pumped, we've had instances where the sewage has backed up. The area basically is flat but it can backup where there are apartments, and the second floor decides to have a bath, pulls the plug, then the people downstairs are in bad luck if the cesspool that day is filled. It has actually overflowed the tank, the floor, and gone out to the street down the storm drain. Here's a system approved by the Board of Health violating the Board of Health Receiving Water Quality Standards, something I can't understand. I've talked to Dr. Quisenberry in some detail about this.

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The plants out there in most cases do not operate properly. Many of them had circulation systems installed. When they were new, an inspection of the system indicated that the pumps, the motors were missing, and in cases when they were still there, they were either disconnected or frozen so that they no longer run.

I think the stipulation that proper maintenance be provided is absolutely essential. Its a very disagreeable situation otherwise.

One concern I have, beyond those I've spoken of, is the action which might be taken, maybe not at this particular meeting, on cesspools that are defective that are continuing to require this heavy pumping load. I realize that the new Board of Water Supply system might take care of this but nevertheless, generally, an unsatisfactory system is being allowed to continue.

It seems to me if we're going to have a satisfactory housing area for as many people that will exist in apartments there, its essential that proper corrective action be taken. This business of having a cesspool pumping truck backup in your yard or your neighbor's yard as often as once a week or more often is frankly an intolerable situation.

I urge that you review these extremely carefully because we've had a long history of unsatisfactory results. I think assurances are absolutely essential. They should be handled in some way so they are a guarantee or bonded. Frequent inspection is absolutely essential. I wouldn't feel so strongly about this except that what I'd consider a very costly situation has been allowed to exist for almost two years. I think a city of this size and reputation can do a whole lot better than its done so far.

Mr. Gross was questioned by the Commission.

CRANE: Are you speaking for any particular organization?

GROSS: The Waialua Community Association.

CRANE: The association has met and voted on this matter?

GROSS: The trustees have, yes.

CRANE: It's my understanding from the staff report that the intent of the applications and the private sewage facilities as outlined to us were to cure the very situations you're talking about in order to alleviate the problem. I'm not very clear what it is you're suggesting. Would you be in favor of these if certain provisions were in there for periodic inspection?

GROSS: I indicated that I speak against because I couldn't speak for it. The reason I can't speak for it is the past record of the Board of Health and the City on sewerage treatment facilities in that

area has been unsatisfactory. These facilities and one that's been out there for testing purposes, I'm not saying they should not be granted. I think there should be some pretty iron-clad stipulations made so that these facilities live up to the standards we should expect. I think that this body is empowered to do that. I am not.

CRANE: What would be the ultimate solution to the problem?

GROSS: Ultimately, of course, is the sewerage system which we're years from having out there. I'm not saying that building should stop or that these facilities should not be installed, but I am saying that you should be very aware of the fact that what we have approved in the past has been very unsatisfactory, and essentially, no corrective measures taken.

CHAIRMAN: Question of staff. The Commission approved treatment plants in the area. Are those functioning under conditional use permits?

HARRIS: The only one processed recently under conditional use permit is the one for Haleiwa Surf. It was a Sheridan Inc. development approved about a year-and-a-half ago. That's the only one I know of. On the smaller duplexes and four-plexes that they have in this tract now, the disposal well record is very bad. Some of these are serviced by cavitette or household aerobic treatment plants. Mr. Gross is saying that those systems have been approved and then have proved to be ineffective.

GROSS: This is correct. My concern is that the system that was approved by some body of the government at the time they were installed, has not had any follow-up on how these have operated. You can go out and inspect these things. You can see that the guts are all gone, the machinery doesn't work, and they're not playing the game the way it was laid out at all. If this happens with these facilities they propose today, you're going to have a heavy load hanging on your shoulders in a short time.

The situation at Haleiwa Surf is considerably different. Its in an area that has sand as deep as we're familiar with. Recognition must be given to the fact that the area was mined, and also to the facilities that are installed. They must be properly maintained. If you people give it an okay and the builder forgets it, this is not acceptable.

CHAIRMAN: These systems that you are referring to in this poor condition are essentially cavitette units.

GROSS: That is correct.

CHAIRMAN: None of them are of the type that is being presented.

GROSS: To my knowledge, that is correct. There has been some recent construction. I don't know what they have. All of these things start out great but its continued performance is something that comes only with good maintenance.

ENG: Mr. Chairman, you might want to follow more closely to the Director's recommended conditions of approval whereupon a fairly vigorous program of maintenance and reporting is required.

CHAIRMAN: This falls under the supervision of the Department of Health.

ENG: Approval of the existing units was the Department of Health. The units being discussed would be by joint review, not only by the Department of Health but also the Department of Land Utilization and the Department of Public Works.

CHAIRMAN: The other units were simply approved along with a building permit.

ENG: Yes, that's probably the case. You should bear in mind that advancing technology and additional legislation gives the necessary muscle now to properly control this type of activity.

CLEGG: Do you feel that the conditions outlined by staff, if followed out, would be adequate to protect the area in the manner that concerns you?

GROSS: If followed to the letter. I don't like to be hard-nosed about any rules or regulations, but its been poor out there.

I'd just like to say one thing more. The situation has changed with Chapter 38 with the new transfer of the sewer facilities to the Board of Water Supply. At the time these structures and sewerwage treatment facilities were approved by the City and by the Board of Health, the fact that they became defective then came back to the City because the City's been pumping these cesspools free all this time. It must have cost them a bundle. This is something we should be extremely aware of. As a taxpayer, it seems a little unreasonable to pick up somebodyelse's load because they've been sloppy about it.

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

Testimony in SUPPORT--

1. Mr. Ted Crane, Applicant, Tax Map Key: 6-8-11: 58, 59, 63 & 64 (No written testimony submitted)

CRANE: I'm an architect by profession and a landowner in this area. I would like to touch a little on rebuttal to Mr. Gross' comments.

I agree with him wholeheartedly that we should protect the public health-wise. That's what we're doing. Our application and our design, through a lot of money and time spent, is precisely doing that. These are secondary treatment plants where the cavitettes and cesspools are primary treatment plants. We are going to the

extent of putting in secondary treatment plants, putting the effluent many feet below all this mined area. What else can we do? We're going on the expertise of the sewer treatment designers and mechnical engineers. We are also going on the Department of Land Utilization's recommendations for maintenance until public sewers are in the area. This may be 10 or 15 years. But, as the landowner, as an architect and as a developer, we will adhere to the recommendations of you people to maintain this plant until they have connected the City's sewer system. We can't do anything else.

Mr. Crane was questioned by the Commission.

DUKE: Approximately what would it cost to put in this system?

CRANE: Somewhere between $50,000 and $80,000, approximately an average of about $1,000 to $1,200 a unit. So, we're spending quite an amount of money to put this system underground and meet all the City's requirements and the Board of Health.

CHOY: What sort of budget have you set aside to maintain this system?

CRANE: We're working with Reliance who is one of the largest management companies in town. When the condominium is finished, the manager will be trained for everyday management of the plant. He has to go out and check various aspects of it and add chlorine, like maintaining a swimming pool. A company will come in monthly and do whatever they have to do to maintain the system. Its going to be paid within the maintenance schedule of the condominium owners. It'll be part of the condominium documents and within the structure of the whole project. It will be for the life of the project. It will be one of the maintenance fees, just like electricity, elevator maintenance, pool maintenance, sewer treatment plant maintenance.

CHOY: You spoke of maintenance fee. Will a specific amount be set aside to take care of this. Is it actually going to be bonafide, placed in escrow, if necessary?

CRANE: No, it will be collected every month from the condominium owners.

CHOY: Will that money be set aside, specifically?

CRANE: Oh yes.

CHOY: Will this be specifically spelled out?

CRANE: I think its $7.50 per month per unit on our project. The precise figures are within Reliance's budget, but we are now working out our maintenance fees before we go to sales so that the prospective buyers will know exactly how much they have to pay every month for various maintenances of which this is one of them.

CHAIRMAN: I would judge then that the conditions as reported are acceptable to you as one of the applicants?

CRANE: Certainly.

CHAIRMAN: Have you discussed these conditions with the other applicants?

CRANE: No, I have just discussed them with my partners in our project.

There's one vague area and this is bonding. Soon, I have to put into my project a budget for obtaining bonds for the maintenance and installation as required by an actual dollar figure. It has to be done at Council level. Otherwise, all of the requirements are okay by us. We just would like to know the dollar figure of a bond required.

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

2. Mr. Jack Dubey, Applicant, Tax Map Key: 6-8-11: 3 & 4 (No written testimony submitted)

Mr. Dubey indicated his support of the proposal as well as his agreement to comply with all conditions contained in the Director's report.

(The Commission had no questions of Mr. Dubey.)

3. Mr. Jo Paul Rognstad, Architect representing applicants L. R. Allen and G. K. Gunn, Tax Map Key: 6-8-11: 46 & 47 (No written testimony submitted)

ROGNSTAD: We feel essentially the same as Mr. Crane outlined. The only condition I can't understand, Roger, is it requires a locked gate? With an underground plant, we don't have anything to lock other than maybe a manhole.

HARRIS: I think it applies to a manhole. Its a code condition from the CZC where access to it shall be only by access of a locked gate. I would think that a manhole which a little kid can't open up is adequate.

ROGNSTAD: If that would be the interpretation of the condition, I don't think we would have any other objection.

HARRIS: If it's not that, it's close to that. I know of others that have had actual locks. If they're not enclosed in a fence with a locked gate and if there is open area, they actually have locks on them.

ROGNSTAD: Fine.

HARRIS: For maintenance, the plant would be underground and to open up the manhole, you would have to unlock it actually.

CHAIRMAN: It presents a problem because the condition reads, "The sewage treatment plant shall be enclosed in such a manner as to prevent access except by means of a locked door." Its a very specific condition. It creates a problem if they don't have a door to lock.

ROGNSTAD: If the manhole is the door, we don't have a problem.

HARRIS: There's two references to this in the language. You may see fit to amend the language. Section 21-253(f) of the CZC reads: "Such facilities shall be completely fenced so as to be inaccessible, except through a locked gate." These facilities are underground. In these cases, they would be under a parking area or in a median in the parking area. Generally, the ones I've seen have been accessible by manholes.

The question of the lock, maybe Mr. Mita could respond.

The other reference to this is Chapter 38, Public Health Requirements, Section 8(b), "Fencing or Enclosure - Must be provided around each plant to discourage trespassers, accidents, drowning, etc. Fence or enclosure must be at least six feet high and at least ten feet from the plant structure. In the case of plants located underground, adequate identification shall be provided in lieu of fencing or enclosure."

4. Mr. George Milne, Agent for applicant John Eagle, Tax Map Key: 6-8-11: 1 (No written testimony submitted)

Mr. Milne agreed to the conditions contained in the Director's report.

(The Commission had no questions of Mr. Milne.)

5. Mr. James DeLuze of Hanna Enterprises, manufacturer's of Sewage Treatment Plants for the following applicants:

Mr. Ted Crane
Mr. James G. Y. Ho
Mr. Jack M. and Jeune L. Dubey
Mr. L. R. Allen and Ms. G. K. Gunn

(No written testimony submitted)

DELUZE: I'd like to ask your staff member a question on his requirements, to clarify something here. Are you requiring a 25-foot buffer distance, and if so, from where?

HARRIS: Yes, from all property lines.

DELUZE: Is the boundary of the road considered a property line?

HARRIS: Yes.

DELUZE: On one of these, we would request a waiver of this requirement. Is this requirement in the CZC and if so, where?

HARRIS: Section 21-253(d): "Buildings and other structures shall be set back a minimum of 10 feet from all property lines; provided that when the private utility is located in a zoning lot which is in, or abuts, a residential, apartment or hotel district, the minimum setback shall be 25 feet. Yards and other open areas on the site shall be landscaped and maintained according to plans approved by the Planning Director."

It is in an apartment district and we are requiring 25 feet. We are considering it to be a structure underground or above-ground. The effluent disposal wells are not required to meet the 25-foot setback.

DELUZE: I would like to discuss this a little bit and explain why that was put into the regulation. I think we have a special case here because of the different type of system that we're putting in.

It was in 1965 in the Makaha area when there was no City requirement on this. Someone built a development and put a sewage treatment plant, an open plant, two feet from someone's bedroom window. That made the people in that building very unhappy. I'm sure you can understand. So, the City came out with this 25-foot requirement. I think that the spirit of that law to have these plants 25 feet away from a property line on another development, the sidelines and the backlines, to put this requirement on making it 25 feet away from a road where cars drive by, I don't think is justified. With the designs we have now that are totally enclosed and sealed and vented through pipes to the building, up to vent pipes where fumes or exhaust from this plant will be going through underground pipes and coming up actually at the roof of the building which is 25 feet away from all of the boundaries, I think we should have a waiver on this requirement. Because, on one of these projects, we'll have trouble meeting that requirement.

WILFRED MITA (Deputy Corporation Counsel): Mr. Chairman, this is a requirement of the Comprehensive Zoning Code. The Planning Commission or the Department of Land Utilization does not have the power to give waiver or exception, neither does the City Council have that power. This lies exclusively within the Zoning Board of Appeals by law. If this is something the petitioner would like to have clarified, I would suggest that relief action be taken to petition the Zoning Board of Appeals for a waiver.

HARRIS: We have handled a variance like that before, but we have no power to do it. Mr. Ho, for instance, doesn't meet the side yard setback either. So, he has to move his plant to meet the CZC and to meet Chapter 38 and to meet the conditions we recommended. We apologize for him having to wait so long to meet all these requirements. It has taken us a while to get our recommendations in line.

DELUZE: In Mr. Ho's case, the plant can be relocated to meet the side requirements. I was unaware of that.

MITA: Mr. Chairman, another suggestion. If the Planning Commission decides to take action upon this particular petition, it do so with proviso, provided that the petitioner successfully gets a favorable variance from the Zoning Board of Appeals.

HARRIS: I believe the applicant might want to go over this more. In accordance with our recommendations, the applicant would have to meet amended Chapter 38 also, which also requires a 25-foot setback from all property lines. Therefore, he would require a variance from the Zoning Board and a variance from the Director of Health. I don't know whether the Director of Health can give variances. That's just for the record.

CHAIRMAN: I think it may be well, Mr. Deluze, for you to get together with the staff on this because its really beyond the jurisdiction of the Planning Commission.

DELUZE: We understand the controlling agency for the sewage treatment plant is the Board of Health. On these projects, the owners and the developers, engineers and architects went through great pains and much work to submit them before August 5th so that they could get approval under the old Chapter 38. The Health Department came out with a letter stating that these projects are approved under the old regulations. I feel that requirement also should be dropped, that it should be given approval under the old Chapter 38 regulations.

CHAIRMAN: Essentially, what would be the difference?

DELUZE: Essentially, the difference is they're asking for flow measuring devices. These plants are small plants. Its really not that significant in a plant this size. Its an instrument that measures the amount of daily sewage flow. They're also requiring a standby generator. These systems are capable of providing secondary-like treatment up to 12 hours without cost because there are no lift stations in these jam-ups. If you understand how the plants work, it would take up to 24 hours before they would start discharging raw sewage if you had a power outage. I feel that these requirements and the 25-foot setback--these are the three things that would be different under the new Chapter 38--should not be necessary for these projects.

CHAIRMAN: What is the setback requirement under the previous chapter?

DELUZE: Let me clarify that. In the new 38, the setback requirement is 25 feet from a boundary. As far as the distance between the plant and the road is concerned, there is no definition in the new and old 38. At the public hearing, this was brought up. As far as the Health Department is concerned, you could put the plant right next to the road under the new 38. The law is a little vague in that area. This was brought up last July.

HARRIS: We don't have a representative of the Health Department here. From my previous experience, I don't believe that the previous Chapter 38 required more than a 5-foot setback. The CZC though, has been in effect since 1969 and has always required 25 feet.

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DELUZE: And your reason for that being in consideration out in the Makaha area.

HARRIS: I think the setback is a buffer distance and I think we should respect the people using the sidewalk as much as the people living in the next lot.

CHAIRMAN: Well, I think we shouldn't get into the rationale for it because this is what the CZC says. If you want a variance, our Corporation Counsel has already outlined the procedure on that. The thing I want to get to is the distinction between the present chapter and the old chapter.

HARRIS: I have a copy of the new Chapter 38. I don't have one of the old Chapter 38. Among the things that I know it does require now as he said were flow measuring devices, an approved maintenance schedule which was not required before, higher standards for certification, and percolation, effluent quality requirements. I think the rationale of the Director and our department is we want to see the highest level of sophistication of engineering on these plants. We are therefore recommending that they be approved in accordance with the latest official standards of the State Department of Health. We have in the past required higher standards on plants that were approved even a year ago than were required by the Department of Health.

DELUZE: As far as that is concerned, when the Department of Health gave us approval before August 5th on these plants, even though the law was not in effect at that time, they required certification of the present Chapter 38 effluent requirements which every one of these jobs meet, they required a maintenance contract, and they required certification that the maintenance will be performed under the new Chapter 38. They informed us that if we did not supply this, the review probably would have taken beyond the time of August 5th and the new 38 would have been in effect.

In essence, the only difference between these new plants being under the old 38 and the new 38 is a standby generator and the flow device and the question on the buffer distance. That's the only difference. The effluent requirement and certifications have all been met.

CHAIRMAN: Is there anyone else who wishes to give testimony FOR these applications?

ROGNSTAD: Mr. Chairman, there is just one thing I'd like to clarify.

Roger, I think if you read the CZC carefully, I think it says 25 feet from the structure. Is that right?

HARRIS: Yes.

ROGNSTAD: And I think the CZC has also defined "structure" as anything being over 30 inches high.

HARRIS: Hold on a minute, I think I got you. That's the Building Code. The CZC defines "Structure is anything constructed or erected with a fixed location on the ground, or requiring a fixed location on the ground, or attached to something having or requiring a fixed location on the ground."

ROGNSTAD: Is that a new definition?

HARRIS: No Sir.

ROGNSTAD: That's the one that's been in effect all the time?

HARRIS: Yes Sir. The 30 inches is Building Code.

ROGNSTAD: Oh, that's the CZC Code.

We got a swimming pool that was exempted from a requirement and other swimming pools have been exempted from the sideyard setback for that reason. Swimming pool doesn't meet a "structure" definition. That's the way you're enforcing it.

HARRIS: Mr. Mita? I think you're right but I think that sounds like a mistake.

CRANE: Mr. Chairman, I wonder if we can't set this thing aside until such time as the definitions and interdepartmental jargon is all squared away and we can understand it in layman's terms. I don't know which 38 they're going under, which one they're not. They don't know. I wouldn't know how to act on it.

CLEGG: Well, regardless of which "structure" they talked about, it's a ZBA problem. If the ZBA chooses to define it in a different fashion, it's not a problem for the Commission.

CRANE: The problem I have is one witness just said they spent considerable time and money in order to get approval from the Board of Health under the old 38. If they were led to believe that they could indeed construct these things under the requirements of the old 38, and now we're putting in the requirements of the new 38, that is something I'd like to consider.

CLEGG: Except old or new 38, the CZC is still there with 25 feet--

CRANE: Relative to 25 feet. That's not what I'm talking about. I'm talking about the other technical stuff, the measuring device-- I don't know anything about this, whether it's true or not. If they were lead to believe that they were going to meet the requirements of the old 38, and the requirements of the new 38 were forced upon them later without their knowing it, and it's going to cost some extra money without their having known it, I think they need to know that.

CHAIRMAN: I think it's best to bring this up after we have once closed the public hearing, and then we can go into discussion.

(The public hearing was closed and the matter taken under advisement, on motion by Mr. Crane, seconded by Mr. Kahawaiolaa and carried.)

In considering the matter under advisement, the following transpired:

CRANE: Mr. Chairman, I move we postpone this until the next meeting of the Commission for clarification of the new Chapter 38.

CHOY: Second.

CHAIRMAN: Discussion?

CLEGG: If I may question staff. Is there any difference except for the setback in what they are proposing between the old and new 38?

ENG: I believe the new Chapter 38 is more stringent in its requirements.

CLEGG: Are they meeting all the requirements except for the setback? I understood him to say that they met all the requirements or was there some they did not meet?

HARRIS: It's hard to speak on all of them, but at least the one he was talking about doesn't meet the standby generator requirement or the standby power requirement. We feel this is advisable to have. It doesn't meet the flow meter device, the effluent quality standards are higher, and the main thing is the required maintenance contract. I think we feel if it's approved under the amended Chapter 38 as of August 5th, 1973, if the approval date is after that, we would have a stronger hand on them, and the maintenance contract we can really hold them to.

CRANE: I have no argument with that. What I'm really concerned about is, and I don't really know the procedure of this, but having a group of citizens come in to meet certain requirements under the law, have them meet those expectations by a deadline and get approval from that particular department and then later, after they have proceeded to develop in that manner, to again bring about another thing on them. That's all I'm concerned about.

ENG: If I could speak to that. It may well be that they did receive some kind of approval from the Department of Health; but, the fact remains that in order to construct the sewage treatment plant, he is required by the code to apply for Conditional Use Permit. In the review of the Conditional Use Permit, we the Department of Land Utilization, feel that its in the public interest to abide by the latest regulations. For that reason, we are recommending that it be approved in full compliance with the new Chapter 38.

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CRANE: Mr. Chairman, in light of that, I withdraw my motion.

CHOY: I withdraw my second.

CRANE: Mr. Chairman, I move we accept the Director's recommendation for items one through five.

CHOY: Second.

CHAIRMAN: Discussion?

MITA (Deputy Corporation Counsel): Mr. Chairman, may I point out to you the setback variance. In the event he fails to get a favorable variance from the Zoning Board of Appeals, the Planning Commission may have to take back its favorable recommendation. I suggest in view of that particular situation, the application of James Ho be conditioned to require that the property owner be required, for setback variance purposes, to obtain a Zoning Board of Appeals decision.

CRANE: I have a question about that relative to procedure. The approval of any particular project we make cannot inherently violate the CZC setback requirements. So by approving it, he obviously has to meet the CZC. If he can't meet it, obviously he has to get the variance.

MITA: Under those premises, it's okay. The Planning Commission this afternoon is approving on the basis that they would be required to meet the 25-foot amendment setback requirement.

CRANE: All of our approvals are based on that.

MITA: Fine.

CHAIRMAN: There is one other condition which needs to be taken cared of regarding doors, locks, etc., because if we approve it as the Director has recommended, then we are establishing doors and locks whether they have them or not. Staff can do it.

Is the amendment on that agreeable to the maker of the motion and the seconder?

CRANE: Yes.

CHOY: Yes.

CHAIRMAN: Any further discussion?

(The motion to accept the Director's recommendation for approval, subject to the conditions contained in his report, and to change the wording of Condition No. 3 relating to prevention of unauthorized access to the sewage treatment facility, carried.)

AYES - Choy, Connell, Crane, Duke, Hosaka, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Sullam

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The Commission authorized scheduling of the following matters for public hearing, on motion by Mr. Crane, seconded by Mr. Kahawaiolaa and carried:

CONDITIONAL USE PERMIT
(HOME CARE FACILITY
WITHIN RESIDENTIAL
DISTRICT)
MAKAHA
CHILD & FAMILY SERVICE
(FILE #73/CUP-25)

1. The request is for a Conditional Use Permit to establish and operate a group home care facility for a maximum of eight teenage girls and household staff within a residential district.

GENERAL PLAN/DLUM
AMENDMENT
CEMETERY TO RESIDENTIAL
AND PRESERVATION USE
KAHALUU
VALLEY OF THE TEMPLES,
WAIKIKI DEVELOPMENT
COMPANY, & CENTEX
DEVELOPMENT COMPANY
(FILE #184/C1/25)

2. The request is to amend the Kaneohe-Kualoa Detailed Land Use Map by redesignating 77 acres from Cemetery to Residential use and 32 acres from Cemetery to Preservation use.

CONDITIONAL USE PERMIT
(PRIVATE STP)
PUNALUU
W&C, LTD.
(FILE #72/CUP-21)

3. The request is for a Conditional Use Permit for a private Sewage Treatment Plant for a proposed hotel.

ZONING CHANGE
(H-2 HOTEL TO B-5 RESORT
COMMERCIAL DISTRICT)
WAIKIKI
YOJIRO KATSURA
(FILE #73/Z-66)

4. The request is for a change in zoning from H-2 Hotel to B-5 Resort Commercial District.

HAWAII CAPITAL DISTRICT
APPLICATION
(RENOVATION OF DEPT. OF
TRANSPORTATION SERVICES
BUILDING)
BUILDING DEPT., CITY &
COUNTY OF HONOLULU
(FILE #73/HCD-24)

5. The request is for renovation of the Department of Transportation Services building for future use by the Municipal Reference Library.

HAWAII CAPITAL DISTRICT
APPLICATION
(EXTERIOR RENOVATION)
BOARD OF WATER SUPPLY,
CITY & COUNTY OF
HONOLULU
(FILE #73/HCD-24)

6. The request is for exterior renovations.

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CONDITIONAL USE PERMIT (ADDITIONS TO CASTLE MEMORIAL HOSPITAL) KAILUA CASTLE MEMORIAL HOSPITAL (FILE #73/CUP-8)	7. The request is for a Conditional Use Permit for additions to Castle Memorial Hospital.
ZONING CHANGE AG-1 RESTRICTED AGRICULTURAL DISTRICT TO R-6 RESIDENTIAL, A-1 APARTMENT, AND B-2 COMMUNITY BUSINESS DISTRICTS MILILANI TOWN MILILANI TOWN, INC. (FILE #73/Z-40)	8. The request is for a change in zoning of 173 acres from AG-1 Restricted Agricultural District to R-6 Residential District (149 acres), A-1 Apartment District (22 acres), and B-2 Community Business District (2 acres).
PROPOSED BILL #167 (CONTRACT ZONING) INITIATED BY CITY COUNCIL	9. Proposed Bill #167 (Contract Zoning) to add a new section to the Comprehensive Zoning Code.

* * * * * * * * * * * * * * *

STREET NAMES — The Commission recommended approval of the following street names, on motion by Mr. Kahawaiolaa, seconded by Mr. Crane and carried:

1. Kailua Heights Subdivision Unit 8 - Kailua: Tax Map Keys 4-2-02, 4-2-30

AULEPE STREET	Extension of an existing road, traversing in a southeasterly direction.
AUPUPU STREET	Roadway off Akalani Loop, traversing in a southeasterly direction.
Meaning:	A shellfish.
AUPAPAOHE STREET	Roadway between Aulepe Street and Aupupu Street.
Meaning:	Au fish.
AUPUPU PLACE	Culdesac off the north side of Aupupu Street.
AUPULA PLACE	Culdesac off the north side of Aupupu Street.
Meaning:	Fishing with a pula stick (leafy branch).
AUNAUNA STREET	Roadway off the south side of Aupupu Street.
Meaning:	A common gastropod, shellfish.

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AUAUKI STREET — Roadway off the south side of Aupupu Street

Meaning: A young eel, a Fish said to resemble Weke.

2. Kailua Heights Subdivision Unit 6B - Kailua: Tax Map Key 4-2-02: 41

KUPAU STREET EXTENSION — Extension of existing Kupau Street to Kina Street.

3. Lot 18-F-2 Subdivision - Lualualei: Tax Map Key 8-7-26: 45

AULANI PLACE — Culdesac off Farrington Highway, Lualualei, Waianae.

Meaning: Messenger of the Chief.

ADJOURNMENT: The meeting adjourned at 2:50 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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FLASH CARD

FLASH CARD

MRRC RMM 19-75

FLASH CARD

FLASH CARD

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MRRC RMM 19-75

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Meeting of the Planning Commission
Minutes
December 19, 1973

The Planning Commission held a meeting on Wednesday, December 19, 1973 at 1:35 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:
Eugene B. Connell, Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Donald K. Hosaka
Randall Kamiya

ABSENT:
James D. Crane, Vice-Chairman
Antone J. Kahawaiolaa
Fredda Sullam

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Wilfred M. Mita, Deputy Corporation Counsel
Loretta Chee, Staff Planner
Roger Harris, Staff Planner
Gerald Henniger, Staff Planner
Ian McDougall, Staff Planner
Stanley Mofjeld, Staff Planner
Ralph Portmore, Staff Planner
Carl Smith, Staff Planner

MINUTES:
The minutes of December 5, 1973 were approved, on motion by Mr. Kamiya, seconded by Mr. Hosaka and carried.

PUBLIC HEARINGS
GP/DLUM AMENDMENT
CEMETERY TO RESIDENTIAL AND PRESERVATION USES
KAHALUU
VALLEY OF THE TEMPLES, WAIKIKI DEVELOPMENT COMPANY, & CENTEX DEVELOPMENT COMPANY
(FILE #184/C1/25)

A public hearing was held to consider a request to amend the Kaneohe-Kualoa Detailed Land Use Map by redesignating 77 acres from Cemetery to Residential use and 32 acres from Cemetery to Preservation use, Tax Map Key: 4-7-04: portion of 1; 4-7-51: portion of 2.

Publication was made in the Sunday, Star-Bulletin/Advertiser of December 9, 1973. Letters received AGAINST the proposal are included in testimony AGAINST the request.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer. Pursuant to City Council Committee Report 1461, the applicants' revised amendment request was referred to the Commission for review and recommendation. On November 26, the Department of General Planning staff conducted a public information meeting on the applicant's new proposal as well as the Chief Planning Officer's response to City Council. It was indicated by the approximately

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100 persons present that the major concerns of the community center around traffic congestion, potential flood problems, preservation of the Kahaluu Taro Flats, the proposed construction of some high-rise apartment units, and the need for a comprehensive planning review of the entire Kaneohe-Kualoa area.

Due to a recently discovered arithmetic error in computing the acreages of the areas recommended for residential and preservation uses, some of the figures given in the November 12, 1973 report are incorrect. The acreage recommended for redesignation from cemetery to residential use should read 45 acres, not 49 acres, and that to be redesignated from cemetery to preservation use should be 64 acres, not 60 acres.

The Commission had no questions regarding the report of the Chief Planning Officer.

Public testimony followed.

Testimony AGAINST--

1. Mr. Robert C. Looney, Community Affairs Chairman, Ahuimanu Homeowners Association (No written testimony submitted)

LOONEY: I'm the Community Affairs Chairman of the Ahuimanu Homeowners Association, the Board of Director's of which has voted unanimously to oppose any development on this piece of land. The issue which I wish to raise before you right now really is one of accountability, and it goes back a long way. When the designation of this originally for cemetery was made, at the same time, the City Council, seven years ago almost to the day, in five separate bills, set aside in this area, five separate parcels of land which were classified at that time as Class A-1 Residential, Class A-2 Residential, Class AA Residential, Apartment District, and Business District. Now, on these parcels which were so designated seven years ago, much of that building has not yet been completed and no one knows what the total impact on that valley will be when that building is completed when those stores and that shopping center are occupied, when those apartment houses and other units, both townhouses and single-family dwellings are completed, and the total impact of people living there will become apparent. It's impossible to sell that. As of now, it's a bad and overcrowded situation.

But, at the same time that this was asked of various governmental agencies, it was also promised by the people who asked for cemetery designation--and they were sure at the time, incidentally, that they were in the right business. Their statistics entered in the file of the Planning Commission are quite precise as to what they felt the situation would be as to the need for burial spaces. The last time they presented an argument, they didn't

really feel that land would be needed for burial spaces until the year 2,000. That's only 26 years and a few days away, so it's not that far a thing. At the same time, they promised that they would in this cemetery build a number of temples. That's their name for it, Valley of the Temples. There is, in contradiction to their promises at the time, no Catholic, Jewish or Protestant temple built. There is a Buddhist temple. They have not fulfilled their promise to various governmental agencies on that.

At the same time, four months before City Council approved the redesignation of these five parcels, a letter was submitted from the Valley of the Temples to the Hawaii State Board of Land and Natural Resources by the then president of the Valley of the Temples. It says in part and I quote, "The on site work which will be carried on over a period of years envisions the landscaping and planting of suitable shrubs and trees within the conservation area, and location of interment sites where ever physically possible. Many existing trees and shrubs will be preserved where interment sites are not physically possible. Landscaping will be undertaken for beautification. The ultimate desire is to create a vast garden park to be maintained in perpetuity as an enhancement to the surrounding area.

When I say "accountability," I am referring to just things as this, this letter signed by Mr. H.W.B. White who was then president of Valley of the Temples. When a presentation is made to you gentlemen, are the people making that presentation held to it or can they a few months later or a year later or what you have, change their mind and decide to go for something else? The same presentation was made a number of times to people who bought single-family dwellings in that area. In other words, this is where it is. He need not worry about overcrowding because the land surrounding you is cemetery land. Well, a good many people as well who bought cemetery plots bought them with the blandishment by the Valley of the Temples that this will be expanded, temples will be built, preservation areas will be maintained, so that you will have a beautiful park maintained in Mr. White's words, "in perpetuity" and not to overcrowd an already fragile environment.

It should be obvious that we are dealing with very delicate, marginal land which has no basic ingress and egress for the people who are going to live there. There are only two streets that are going to carry the people who will live in these 715 units. By the Planning Department's own estimate, this would add an additional 360 cars at peak hours to a road system which is failing badly now to do the job.

Basically what we're asking you to do, being as this is a matter of no haste and as the buildings already approved several years ago have not yet been built, it's simply to say no, and to allow the plan to remain just where it is in cemetery.

Mr. Looney was questioned by the Commission.

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CHOY: This zoning from preserved land to cemetery, was it made seven years ago?

LOONEY: It was made prior to that, the cemetery land itself. The surrounding land was then changed from industrial which it was, to the classifications that I just read to you. That was seven years ago, almost to the day, 21st of December, 1966.

CHOY: I suppose then that your group has probably undertaken a comprehensive study of the need and inventory of burial sites?

LOONEY: No, not on the entire Island of Oahu. I was relying on two things, the statistics originally presented by the people who wanted the cemetery there in the Valley of the Temples which was the first item in the files of the Planning Department, the need for cemetery sites.

DUKE: You stated that many of the sites that were originally designated for residential have not been constructed on or completed. Do you know how many units could be completed there that have not been built?

LOONEY: I would guess in the neighborhood of 1,000. The apartment complex which was approved has not yet been built. It's in the process of putting in the foundation at the present time. The shopping center is not yet complete. The townhouses already approved, are not yet completed. We have no way of knowing what the total impact will be of the total environment there on the sewage facilities, the highway, schools and the whole thing.

CHAIRMAN: How many members are there in the Ahuimanu Home-owner's Association?

LOONEY: That would be hard to say. There are 257 single-family dwellings on the other side of the housing. For your perusal, a copy of the Petition circulated has 350 signatures of those people who live there who are opposed to this development.

CHAIRMAN: The oppositon was by the Board of Directors?

LOONEY: Yes, the Board of Directors voted unanimously to oppose the development.

CHOY: Does your association have any objection to the development in the event all of the facilities leading to this development, creating ingress and egress, if that is completed, would you have any objection to the development?

LOONEY: I can't see how they would be able to do it on their own land.

CHOY: In the event this were possible.

LOONEY: I can't speak for the others but if you'll tell me the plan, I'll tell you whether I would say yes or no, but I'd

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have to see it first.

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

2. Mr. Ralph S. Byther, Resident, Ahuimanu

Mr. Byther presented slides illustrating stream areas along Ahuimanu Stream which should be preserved.

3. Mr. Elliot Kalus, Resident and Member, Clubview Gardens Homeowners Association, 47-7207 Hui Kelu Pl., Kaneohe (No written testimony submitted)

KALUS: Everytime I go into this, I get lost. I think perhaps communication might be a little gap.

I would like to make it for a matter of record that I purchased a townhouse in Clubview Gardens II in September through James Woodhouse who is Executive Vice-President for the developer who might have some gain from this. I attended three meetings upon being a new resident of the area. I went through the files at the Planning Department. I might add that Mr. Way, Mr. McDougall and Mr. Portmore have done a very fine job. They've taken a lot of abuse which in some cases they shouldn't have taken.

In coming up with this, I had one selfish motive, don't do anything in this area because of the traffic impact. Having a little time, I went through the research there and found that there are proposals that will take care of this traffic alleviation in the future. If this is the case, then I'm all for business, progress and what have you. But, my problem became very small as I attended these sessions to hear about loss of life from flooding, the historical taro patches, drainage, the slope. I see the amount of work that went up here, I have to say I've heard this should be voted down because the developer is making a profit and what have you. I think the only way to view my point, as you'll notice on my slip it doesn't say for or against, I'm looking for some understanding. I believe if the Commission and the Council could make certain assurances to the people, about knowing what's going on in government today, it's obvious that everything is open book. They feel from what I see, that if it's approved for planning, building and zoning goes on immediately, and tomorrow construction begins. Well, if we haven't got the basic safety facilities, health, drainage, where are we? I did learn that Planning Commission looks at the long range. They made a recommendation that this long range tie in with the facilities. If this can be assured, I think the majority of the people would say, fine. But, I believe from other cities that I've been to, it's sort of a railroad. People are looking for assurances.

To give you an example of traffic, they were going to change a left-turn off Likelike effective November 6th. It's a stalemate at this particular point. They don't know which way to go. I'm not against development. Let the builder make a profit if he's going to add to

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the community in a significant way. He employs a certain amount of people. We all benefit from it. I can't say well, I got in now shut the door for the rest of the people. If it has meaning, and you people can assure the people, I think people will understand this. To say at this point are you for or against, I can't really decide until I see the total picture as to what will the effect be.

My position is just one of an over-viewer and only four short months being in Honolulu.

The Commission questioned Mr. Kalus.

CHOY: Was your townhouse purchased in condominium or in fee?

KALUS: This is a fee simple townhouse condominium.

CHOY: Am I right in assuming that you think the development is rather premature, if it is approved.

KALUS: Well, here again, looking at this, this is not a case of development. This is long range planning. This is where I keep getting confused for three or four meetings. My understanding at the beginning was, it starts and it gets built on. I attended three meetings and I found that this is only what should the long range plan be from the General Plan? Should it be Industrial or whatever? If this is approved today, tomorrow will the zoning say okay, and it gets built on next Monday?

If all of these things come true, I am not against progress. I am all for it. Again, here is where our communication gap is missing. I am not against progress. I am all for it. But again, here is where our comunication gap is missing. There's a definite void in this area. I heard it from Mr. Devens, from Mr. Way, from Mr. Portmore, who have done an outstanding job, and yet something is missing in between. As you say, if all of these things were approved, it's pretty iffy but this is not the question again. I don't think the people understand what's in front of us right now.

CHAIRMAN: Let's see if Mr. Way can help clarify some of these things.

WAY: I think Mr. Kalus raises a good point, and one we hope we might be able to clear up a little bit.

You're quite right in your position, your view that this is before the house at the moment, a long range plan issue. What we're trying to do is look at the uses of land for an indeterminate future. I think it's also very appropriate to state that my belief is that it is the full intention of the applicant, landowner, developer to proceed forthwith, immediately after, assuming approval here, with a request for an appropriate zone change and as represented to us, also a proposal for a planned unit development. Those two phases will be subject to the rigorous examination of the state and city agencies appropriate concerning highway matters, drainage matters, grading,

design and location of all the facilities, schools, recreation and the rest. I don't think, however, that we should not recognize that this will move soon; that is to say the applicant will move, as is his right, to apply for those zoning and planned unit development procedures.

I think the questions of drainage and traffic control, for example, are more appropriately addressed at this point because on our long range plan, we did recognize that we'd have to provide for the safety of the public, the convenience and all the rest. There is, for example, a proposal for the widening of Kahekili Highway. This does involve state funds. We are coordinating the project with the State. They are referred to the Department of Transportation of the State for their counsel and advice as to whether it is timely or not to permit the zoning to be changed to allow the developer to proceed with his proposal. The Department of Public Works will concern itself with the stream drainage problem and the downstream problem as well. If it is not appropriate because of the concern of downstream flooding and all the rest, to permit the development to occur, we will receive such advice from them or whatever corrective measures that are needed to make it safe.

I hope this does in general get a little communication, not necessarily all of the light that might be desired, but that's the way we view the problem. I think we have gone into considerably more detail at this point in this area, as Mr. Portmore mentioned in my report, because it is in a very sensitive transitional zone between the obviously very steep pali cliff, and the also very obviously, relatively flat foreshore areas along the Kaneohe Bay region. These are going to be the very tough ones to decide what more specific piece of real estate should be permitted for urban development because the area here particularly disected by many, many streams, valleys, there is the taro patch areas, and also the slope and topography problem. Both are very apparent here and have to be treated very sensitively, and why we have in fact requested of the applicant a very detailed topographic survey, a historical site investigation and all the rest. Because, we wanted to set some very close parameters through the general plan process on any development that might occur, should other public facility needs, requirements be satisfactory as to particularly where he could be allowed to develop. I think we're going to find more and more of these very difficult areas as the obviously easily developable urban parts of the community are developed, we will be kind of shoving the boundaries a bit, if you will, into the less easily developable areas. We're going to have to give a good bit of attention to these. I've mentioned quite a bit of time was taken to examine this particular question.

Let me conclude by saying we really haven't settled finally and ultimately, those detailed questions of transportation service to the area, drainage, water supply, flood control, or in fact, even a good acceptable site plan and building type. These issues remain open and subject to further hearings, further examinations by all agencies concerned, and ultimately adopted by the City Council.

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I guess if there's a concern on the integrity of the representations, yes, this is a problem that lies with us, with the City Council as well, and one that we are grappling with because we have had unfortunate experiences. We are seeking--in fact, there is on the agenda today, the issue of conditional zoning or contract zoning, again another attempt to upgrade the government and presumably since we do hope and speak for all, the general public's concern that representations made will be adhered to. We're doing about the best we can, within the law. I think it's important to keep it within that perspective too.

CHOY: You mentioned in your opening statement the name James Woodhouse, vice-president of the developer, and that you felt the possible change in zoning would be one that is self-serving, is that correct?

KALUS: Well, the developer if he were able to get the zoning and all, there would be a proper motive. The reason I stated the fact of James Woodhouse, he was associated with Ostrow Development who I understand has something pending with the applicant. I want to clarify that I am not talking because I bought through him. I'm talking as an individual. There is no collusion. If it is a matter of ethics, mine is on the table.

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

4. Mrs. Joan E. Looney, Public Affairs Committee of the Kaneohe Outdoor Circle (Submitted testimony dated December 19, 1973)

LOONEY: As a member of the Public Affairs Committee of the Kaneohe Outdoor Circle and a resident of Kahaluu, I was asked by our organization to speak against this proposed change.

For the past several years, the Kaneohe Outdoor Circle has been taking a very firm stand against many developments in the entire Bay area. Housing is greatly needed but these developments follow no overall plan and are failing to provide living quarters within the financial means of those most in need. Land is recontoured thus destroying the trees and plant life whose root structures have guarded against heavy erosion of soil and damage and to established communities. In an area subject to year-round frequent and oftentimes heavy rainfall, such erosion has occurred and destruction of much of the Bay has been one result.

The Kaneohe Outdoor Circle is convinced that the needs for growth for Kahaluu and the other communities in the Kaneohe Bay Watershed area can only be realized by long range planning of the total environment. Priorities should be placed on improving and expanding the facilities to meet the needs of the people already in the area and projecting these facilities for growth before further housing is allowed. At the present moment, Kahaluu needs improvement and expansion of the existing highways and roads, completion of fire protection facilities that have long been planned but have not materialized, improvement of the sewage facilities for

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the entire area, improvement of the schools and the safe access and exits for the children attneding them, the development of proposed park and recreation area that would guard against flood hazard.

Perhaps, in closing, the Valley of the Temples, in its impulse to build, would best serve the community in completing its long standing plan of a series of temples that would justify the use of the word, prevent overcrowding in this specific area thereby not contributing to the traffic congestion but preserving an area of historical significance and beauty.

In short, we should like to see performance in all of the above-mentioned areas before, not after, the fact! We therefore urge the denial of this request.

Mrs. Looney was questioned by the Commission.

WAY: Is this representative of the position of the Kaneohe Outdoor Circle?

LOONEY: Yes.

WAY: What action adopted it?

LOONEY: By board action. Until two weeks ago, I was the Chairman of the Public Affairs Committee. I resigned because it was too demanding with my other things but I maintained membership on the committee and they asked me to speak today for them.

We are not against development, per se, but there are so many organizations, specifically in the Kaneohe-Kahaluu area that are trying to coordinate and develop some sort of plan that they would believe would be better for that area.

WAY: In terms of the aspects of preservation that you mentioned in your testimony, are you talking about the entire area or any specific part, such as the taro patches?

LOONEY: Well, most of the testimony I presented here provided an overall plan. We requested this at previous hearings on previous developments in this area.

WAY: I guess I'm not making myself clear. You mentioned the point of preservation in this area. Are you speaking about this specific area, and if so, the total or portions of it. Is the Circle interested in the whole area?

LOONEY: The entire area behind the Valley of the Temples, behind the existing development in the Ahuimanu area.

WAY: The values that lead you to conclude that the entire area should be preserved, could you describe those? What was

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the basis for this is what I was looking at.

LOONEY: Well, I think--speaking as a member of the Outdoor Circle, we are always basically interested in preserving as much of the natural vegetation. As you can see from the details on the map and from some of the slides they've shown you, this area is at the immediate foothill, at the base.

WAY: We're quite aware of that.

LOONEY: And, we feel that in the rainstorms to come, the stream, the force of the water and the constant rainfall, there is erosion that occurs even in these areas that have been untouched for a long time because of the heavy rainfall, and any disturbance of the soil causes more erosion, and eventually winds its way into the Bay. There's no stopping it.

(There were no further questions of Mrs. Looney.)

5. Mr. George Daniels, Resident, 47-670 Hui Alala (No written testimony submitted)

DANIELS: I have questions which I'd like to ask the staff. How are the petitions handled? Did you consider them?

PORTMORE: We received the petitions containing approximately 511 signatures, all opposed to the development. A copy of that was sent to the City Council. I am not sure whether it was sent to the Commission.

DANIELS: Are you planning to finish the flood control out to Kaneohe Bay before approving the proposed amendment?

PORTMORE: Here we're talking again about a long range land use policy. The question of coordinating the development and improving the flood control, and the question more specifically on whether or not that flood control project is needed before development can occur, is yet to be resolved and would be resolved in the zoning review process.

DANIELS: Who owns the land now and what is it zoned?

PORTMORE: Valley of the Temples Corporation, Centex Development Company and Waikiki Development Company; 26 acres are zoned R-4 Residential, 3 acres are zoned R-5 Residential, and the 109 acres which they are now using in Cemetery is mostly zoned I-2 Heavy Industrial with a small portion in I-1 Light Industrial.

DANIELS: Who owned it before that? What was it zoned?

PORTMORE: It was zoned Industrial in 1957. At that time, it was owned by Dillingham Investment Company. Prior to that as far as we can determine, there was no zoning.

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DANIELS: Do you know how Dillingham acquired it?

PORTMORE: No, I do not.

DANIELS: Have you or anyone taken a rain gauge up there or made a water runoff statement?

PORTMORE: We have some rough information but again, the details of drainage control will be resolved in the rezoning process.

DANIELS: Will you want the developer to finish building on cleared lands before bulldozing more? I think this question is fair.

PORTMORE: It's a fair question. It's a question in the staging of development. That would again be set in process of reviewing the planned development application as to what part would be developed first.

DANIELS: Well, most people are concerned and realize that land bulldozed without building on it empties tons of dirt into Kaneohe Bay.

Will they wait until after the rainy season to approve the building?

PORTMORE: The condition by when he build would be set in the process of approving the development. The applicant has indicated in their information submitted so that they would not build during the rainy season. There would be a condition of a grading permit they would be required to get. We're not approving any development here. We're talking about what kind of land should eventually go there at some indeterminate time.

DANIEL: Doesn't it occur to you that Valley of the Temples might be overzoning too much land for cemetery, and then saying we have too much and and we're going to sell this to other people? Didn't that strike anybody?

PORTMORE: I really don't understand what you're talking about.

(The Commission had no questions of Mr. Daniels.)

6. Mr. Norman DuPont, Member, Kahaluu Coalition, and Club View Gardens (No written testimony submitted)

DUPONT: I am a resident of Clubview Gardens No. 1. I am here to represent the Clubview Gardens No. 1 Homeowner's Association.

The issue I would like to bring up is traffic. The roads at this time cannot accommodate the present traffic flow. There

DANIELS: Do you know how Dillingham acquired it?

PORTMORE: No, I do not.

DANIELS: Have you or anyone taken a rain gauge up there or made a water runoff statement?

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PORTMORE: The condition by when he build would be set in the process of approving the development. The applicant has indicated in their information submitted so that they would not build during the rainy season. There would be a condition of a grading permit they would be required to get. We're not approving any development here. We're talking about what kind of land should eventually go there at some indeterminate time.

DANIEL: Doesn't it occur to you that Valley of the Temples might be overzoning too much land for cemetery, and then saying we have too much and and we're going to sell this to other people? Didn't that strike anybody?

PORTMORE: I really don't understand what you're talking about.

(The Commission had no questions of Mr. Daniels.)

6. Mr. Norman DuPont, Member, Kahaluu Coalition, and Club View Gardens (No written testimony submitted)

DUPONT: I am a resident of Clubview Gardens No. 1. I am here to represent the Clubview Gardens No. 1 Homeowner's Association.

The issue I would like to bring up is traffic. The roads at this time cannot accommodate the present traffic flow. There

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are four developments that are completed, three incomplete and one of the last three is some 300 new houses. As you drive down Kahekili Highway, you don't see any ingree or egress to that Siegler development. I would assume that eventually, the egress will be on Kahekili which will again create more traffic congestion. I would estimate approximately 4,000 families residing in that immediate area with about 12,000 people. Eighty-percent of the families have got two or more cars. Most of these cars travel to Honolulu using Kahekili between the hours of 6:00 a.m. and 8:00 a.m., and return from work during the hours of 3:30 p.m. and 6:00 p.m.

The children are a prime consideration for most families over there. There are three schools in the immediate area. Most schools are within walking distance from the developments there. There are no sidewalks, only one traffic light. The sides of the roads are usually very muddy and dirty, particularly during rainy season so people and children have to walk in those immediate areas on the side of the road. A police officer controls traffic at the corner of Kahekili and immediately down from the Clubview Garden No. 1 area. He's only there for about an hour and a half in the morning. These children cross the street without any traffic condition at all with the exception when the police officer is there to control that traffic.

What most people want there is immediate consideration for road improvement and an immediate need for expansion of Kahekili at three interesections for right and left turning lanes, allowing a more flowing circulation of traffic. What most people consider in our area is the fact that we would like the City and County to take immediate action to improve Kahekili Highway before any further permits for development are granted in the area.

I'm told that in November 1972, there was a meeting of the City Council Planning Committee, Department of Transportation. The spokesman for that Committee said that any future widening of Kahekili is projected for 1979. I would like to leave you with a question. I was told by a City and County employee that the highway is considered by the City and County to be rightfully under the jurisdiction of the State, but the State will not accept title to the highway until the City and County improve it. Now, I don't know what the story really is, but I would like to know about it. The City and County will not improve, because they feel it is again, the State's responsibility. Where do we stand on it?

PORTMORE: There is a statement in the report that there will be a request of 4.8 million dollars made to the next legislature for widening of Kahekili Highway, and that the widening would take place in 1976. So, I'd suggest that you get after your State legislators.

DUPONT: What hope do we have in eventually seeing the immediate need which we have of having a left and a right turn-off lane at the various intersections? Is that City and County?

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IAN MCDOUGALL: My understanding of the highway presently is in the jurisdiction of City and County. Its in the process of being turned over to the State. It has been going on for a long period of time. I would suggest contacting the Department of Transportation Services if you have an immediate problem that might be remedied by some restriping of the highway or something of that magnitude. Long term widening of the highway, I think will eventually become a State problem. However, those negotiations are still going on.

CHAIRMAN: I just want to underline the fact again as Mr. Way had underlined, that the issue before us is a general plan change. Before any building permits can be taken out, this has to go through a zoning change. The planned development would also come before us which allows this Commission and the City Council to put in more restrictions and more conditions than we can in normal subdivisions. So, before any permits can be taken out, this is a long process. When you talk about no improvements on the road until 1979, it might very well be improvements on that highway would coincide. It's part of the Planning Director's recommendation that no rezoning take place, and no permits go out until these facilities are there to meet the needs of the growing area.

DUPONT: At this time, it's completely inadequate.

CHAIRMAN: That's primarily the reason for the Director's recommendation.

7. Mr. Bob LeClair, Property Owner, 47-656 Melekula Road, Kahaluu (No written testimony submitted)

LECLAIR: I'm an attorney. I live in the area. I am here today in my personal capacity.

Bascially, we've heard a lot of testimony and we know one thing for sure is the existing facilities are inadequate. It's important to underscore that at the November 26 meeting, there was unanimous opposition to this particular development from people in the community. A terrific number of people were at that meeting. They raised factors such as sewage, drainage, traffic, preservation of taro areas, needs of place to play, inadequate number of parks designated for the Kahaluu area. Because of that, existing facilities are inadequate. We know that even if the general plan change goes through, its not a good thing to have the development happen until later on. Given that factor, it's not a good thing to have the development happen until later on. I suggest the Commission to use the old maxim that a person's hindsight is better than his foresight. If we're not really going to develop this area until 1979 or 1980, let's wait with the general plan decision until that time, for the simple reason that if we wait until then, we'll have an opportunity to know the effect upon traffic, upon growth pattern of all the developments that are presently scheduled, and all the developments that will

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also be occurring on land that's already general planned and zoned for either apartment or for residential use.

(The Commission had no questions of Mr. LeClair.)

8. Mr. Herb Goeas, Ahuimanu Resident, 47-648 Hui Ulili Street (No written testimony submitted)

GOEAS: I have very brief testimony. It concerns noise. If you live up there now, even the little children that go down the creek and up the hill, you can hear everything they say. Somehow, in a unique, natural manner, the entire hillside is an amplifier. This has been totally overlooked by everyone. Every noise, every bike, no one in that entire area will have any peace to themselves, any quietness from now on, if any development goes on there regardless if it meets all the requirements because you can't fathom the amount of noise when that amphitheater-type thing comes at you. I'm sure we're concerned with noise pollution. As a resident there, I can testify that when the helicopter comes there, you have a noisy situation the minute he comes down within the range. It's like turning on a hi-fi. You get a full blast right into your living room, your bedroom. No children can sleep. No one can study. No one can rest. As long as there's going to be pile drivers and development, you can be sure there will be all kinds of noise. I'd like to see this development stopped permanently on the basis that I think it would contribute noise that none of us can really determine until we take some tests and have some scientific investigation.

(There were no questions of Mr. Goeas.)

9. Mr. Robert S. Nakata, Executive Secretary, Kahaluu Coalition (Submitted written testimony dated December 19, 1973)

NAKATA: The Kahaluu Coalition of Community Organizations wishes to express its appreciation of the efforts of the Department of General Planning to control the scope of this development. In particular, we appreciate its recommendation to downzone 27 of the 29 acres presently shown on the DLUM as residential because of its topography.

Despite this, we oppose the request of the Valley of the Temples Corporation to amend the DLUM for the subject parcels. Our opposition is based on the policy position on growth adopted by our Coalition at its formation in late February of this year. We are attaching a copy of this policy position for your review.

The main thrust of our policy is that only those developments which meet the needs of the Kahaluu community should be allowed until comprehensive general planning is done for the area. The proposed development does not meet the needs of the Kahaluu community, and should therefore be considered only after comprehensive general plan revisions are approved for the Kahaluu area.

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In addition, we very strongly oppose development on the upper slopes of Kahaluu, where average annual rainfalls range from 75 to 100 inches, until a flood control system is installed in the Kahaluu Watershed. The City has allowed a great deal of development to take place in Ahuimanu since the major floods of 1965. The City has also designated the lower lying areas as flood hazard zones. There are people living in these zones and it makes no sense to increase the threat to them. The developers, to their credit, wanted to time construction to coincide with the installation of flood control. They had anticipated the installation of flood control to begin in September of this year. Due to various problems, it is unlikely that installation will begin until at least March, 1975. We urge that the City and the developers delay action until flood control is installed. We cannot tolerate increased danger to the lives of people who live downstream from this proposed development.

(There were no questions of Mr. Nakata.)

10. Mr. Thomas C. Mountain, Member, Ahuimanu Homeowners Association (No written testimony submitted)

MOUNTAIN: I'm a resident of Ahuimanu. My family is about one of the first 15 families to move in the latter part of 1967.

Now, the way I see it in this room, there are two kinds of people here. There are people that are being paid to be here and people that are costing them money to come here. I was kind of irritated to find out they're holding the meeting at 1:30 p.m. because the last meeting we held, was held in the community at night time. We got approximately 100 people there. It was unanimous that everyone there was in opposition to this development. We feel since it's our tax money that's paying people's salaries, that they ought to hold this meeting and any further hearings at a time that's convenient for us, not for you people, because that's what you--

CHAIRMAN: Mr. Mountain, before you go any further, I think it's well to point out that every Commissioner here is not paid.

MOUNTAIN: They're not paid?

CHAIRMAN: They're not paid. So, we're part of that volunteer group you're talking about.

MOUNTAIN: Okay, sorry about that.

I feel there's been a lot of questions raised. Kahaluu has a very severe flood problem. Since the major floods of '65 and '69, an awful lot of development has come in. There hasn't been a major flood since most of these developments have come in. So, we already had a serious flood problem. What's this going to do to the flood situation? Now, this area in question is an area through personal experience that whenever it rains, it gets

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a tremendous quantity of water back there. It's very close to the mountain. If you start putting concrete back there and asphalt, how much water is going to come off that hillside? We already have an extremely serious flood problem that hasn't been solved yet. I don't feel that we should even be talking about development until you can concretely solve these problems.

There's also an outrageous traffic problem. You put highrises in, it's only going to make traffic worse. We realize it's not your duty to solve the traffic problem, but you can keep it from getting any worse by not even considering any further development until people can start concretely solving the problems we already have.

Thank you very much.

CHAIRMAN: I'd just like to comment on this problem of going to the various areas and holding night meetings. If you'll take a glance at the agenda, we have ten items before us. If we had to hold these meetings in the area at night, I'm quite sure that the City might have to pay these Commissioners, because we would have to go almost five nights a week in order to be able to do this. So, I hope that somewhat clears it for the people who are here today. We do, upon request have evening hearings. We have had a fair number of these the past two or three years. So, we're trying to do our best.

(There were no questions of Mr. Mountain.)

11. Mr. Ed Jones, President, Kaneohe Community Council (No written testimony submitted)

JONES: I'm president of the Kailua Community Council. Ahuimanu Homeowner's Association is a member of that Council.

We've been quite concerned about the Valley of the Temples Development for quite some time. We realize the problems involved.

Our major concern at the moment is traffic. The State Highway just the past couple of days admitted it's overloaded. They admitted Kam Highway's overloaded. But, they're doing nothing about it. I have been president of the Kailua Community Council for the past four years. We have tried. We have written letters. We have a stack of letters about a foot high to the Highway Department asking for help on Kahekili Highway to get that road improved. They've put it in writing, we will if you'll support our efforts to go to the legislature and ask for money. In 1971 that letter was signed by Assistant Director Alvey Wright. We went to the state legislature. The legislature was willing to appropriate money. But, the state did nothing about it. They've been dragging their feet for four years on Kahekili Highway. I know that's a fact.

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We've been in a hassle with them for the past 45 days now on a no left-turn ban on Kahekili Highway into Likelike Highway. They are putting pressure on us. They want to put that left-turn ban in. We say no. We've held it off up to this point. Sixty accidents have happened at that corner. Forty-one from Kahekili on to Likelike Highway. The ironic part about those accidents happens between 12 o'clock and 3 o'clock in the afternoon, all 41 of them. Yet, they say a control light would not solve the problem. They want to ban the left turn, direct traffic down into Kaneohe town, to the streets where all our school children walk to and from school with no sidewalks, no adequate roads for them to get through.

Now, 677 vehicles turn left off of Kahekili Highway from 6:00 a.m. to 6:00 p.m. We feel if they ban the left turn, that's going down Kahekili Highway further by the cars trying to turn left. We feel that the development in this area is causing the problem.

The Kaneohe Community Council supported Mary George's moratorium. In fact, we were the instigators of that moratorium, trying to get the City Council to stop development in the Kaneohe area until we could have adequate public facilities--roads improved, save Kaneohe Bay from pollution, and help with the flood control problem. We're concerned with the total Kaneohe area from Kahaluu all the way up to Kualoa Point. This includes Ahuimanu Homeowner's Association, a member of our Council.

We beg and plead with you people, if you have any power in your possession to stop these developments, to stop the amendment to the general plan until such time adequate facilities are available in our Kaneohe area, this is what we need. Until that time if more homes are built, the worse the traffic gets. It can't get much worse than what it is. So, we beg of you to consider that point.

Mr. Jones was questioned by the Commission.

CHAIRMAN: Who's your representative in that area at the legislature, Mr. Jones?

JONES: Ralph Ajifu, Richard Wasai, and Peter Aduja. We've talked with them. We've begged them. They're all ready. They were willing last year to appropriate money, but the state didn't ask for it. They were willing to appropriate money in '71 and the State didn't ask for it.

We know that a year ago, the City and County tried to turn Kahekili Highway over to the State, and the State said we won't take it until you improve it. The City and County improved the highway. They improved the highway to make it adequate for travel on it. The State still relinquished taking it over. They said we can't take it over. We don't have any money to

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maintain the road. In 1972, the State DOT went to the legislature and asking for an increase in tax gas. They said we cannot improve Kahekili unless they approve a two percent rate tax on gasoline. Then they said we cannot improve Kahekili until H-3 is built. They keep alibiing. They keep coming back with a different alibi everytime we talk to them. We're constantly in contact with them and have been for four years trying to get that area improved. We feel that if they won't do anything, you people are powerless to do anything but we can ask you to help slow down development, and not make any amendments to the general plan until we can get more people to come together and do something about our area. We really need help. There's no question about it.

The problem is we're over-developed now because we don't have adequate facilities to take care of it.

CHAIRMAN: I think the Commission has heard the concerns for the past three years. The reason I asked the question is it seems to me that where the pressure needs to be applied is on those appropriating funds to improve that highway.

JONES: They're appropriating funds, Sir, but the Governor won't release the funds. Funds are appropriated right today, but he won't release the funds. I can't put pressure on the Governor. Nobody can put pressure on him. This is our problem. We appealed to him. We begged him to help but we don't get the results.

12. Mr. Edgar B. Twelker, Resident, Club View Estates (Submitted letter dated December 15, 1973)

"As a resident of Club View (Ahuimanu), Estates, I wish to go on record as opposing the proposed 'Club View Hills' development in the area mauka of Club View Estates and Valley of the Temples Cemetery.

My reasons for opposing this development are as follows:

1. Erosion and Siltation: This is a heavy rainfall area. Stripping the hills and ravines of their present lush vegetation and grading for homesties will inevitably result in heavy erosion of the area and cause a major increase in the siltation of Kaneohe Bay, the waters of which are already heavily laden with silt from ill-advised developments adjacent to the bay, not to mention the sewage effluents generated by these developments. Additionally, there is the increased danger of flooding of the lower areas of Kahaluu.

2. Esthetic Values: Beauty is the primary and most precious asset of this island. The lush green hills with pali backdrop of many and varying hues is the predominant feature of one of the most beautiful valleys on Oahu, and should

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not be defaced by any development, least of all by highrises "averaging seven stories" as proposed by the developer. This park-like area with its stream of clear, clean water tumbling over rocks through a profusion of lush, tropical vegetation offers peace and tranquility, a balm to the soul in these times of stress To further deface this area would border on sacrilege. It should be preserved in it's natural state for the enjoyment of this and future generations.

3. Traffic Congestion, Noise, and Air Pollution: Further development in this area will create intolerable traffic congestion, noise, and air pollution; especially with the housing density proposed by the developer. Kahekili Highway is already greatly overloaded during peak traffic hours and, with the projected population growth in this area, will be grossly inadequate, even if widened.

I appreciate the need for housing, especially for low and middle income families, but surely there are relatively flat areas of lesser scenic value which could be developed with comparatively minor alteration of the topography. We are at a crossroad, and it is your fateful decision to make as to whether we proceed with the wanton destruction of the remaining areas of beauty and tranquility on this island, or to preserve them for posterity. It is my heartfelt hope that you will choose the latter course.

13. Mrs. Valerie Humphries, President, Windward Action (No written testimony submitted)

HUMPHRIES: I'm president of the Windward Action group. As most of you gentlemen know, I have appeared before the Commission many times. I don't have written testimony at this point, but we will get a letter in to you.

I want to reiterate much of what we've said over and over again that the facilities are inadequate, there's further pollution of the bay. I know you've heard it over and over so there's not much point of belaboring it at this time, only to say that we are in opposition of the application. We appreciate what the Planning Department has done in trying to lessen the amount of acreage for development, but we still feel that this is inadequate. As the other gentlemen testified, the traffic persists.

If you recall not too long ago, Dr. Kau and myself testified before the Commission and we were successful in getting you people to go for a moratorium, although it was shot back by the Council. So, perhaps we can try to ask you to think in these terms again until we have a general plan revision, and until we can resolve some of these problems. We may get shot down again by the Council, but all we have to do is to keep trying. If we can bring this to them over and over again, maybe one day it will come to pass so that we can get a moratorium on the development until these other things are resolved.

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Testimony in SUPPORT--

1. Mr. Jack K. Palk, Consultant for the Applicants (Submitted letter dated December 19, 1973, attached and made a part of these Minutes)

Mr. Palk was questioned by the Commission.

PALK: That's the end of my statement, Mr. Chairman. At this time I would like to defer any questions to me until after we have had a chance to let Lew Ingleson make his presentation.

WAY: Mr. Chairman, I do think one or two points might be in order at this time while we have the context in total of Mr. Palk's testimony. If I may, I do have two points.

One, I'm somewhat surprised that your statement, Mr. Palk, that you are in complete disagreement with the recommendation of the Chief Planning Officer, because I think if we were to overlay the recommendations that you have presented with those that I am proposing, we might find a considerable area of agreement of a portion of the site that are suitable for development. If, in fact, we are in complete disagreement, I may have to reevaluate the position in terms of proposing the amendment. I'd like to know a little more about what you mean by "complete disagreement."

PALK: That's a fair statement, Mr. Way. The recommendations under your report, and I refer only to what has come up from your report, call for 77--25 acres as amended by your November 1--October 1 letter--

WAY: Would you say we could agree on the 45 acres?

PALK: As a point in terms of acreage, yes, no question about that.

WAY: Okay, so there's not complete disagreement.

PALK: All right.

WAY: Fine.

PALK: But, my point was that there is a substantial difference between what we had proposed under the site plan--we worked with the staff--which was recommended by you, but I do agree there is 45 acres of agreement, mauka of the zoned land.

WAY: Okay. I might make another comment having to do with the so-called "refinement" and that's your term. Just to point out to the Commission and to all that may be concerned and interested that under the Charter, it is the option of the Chief Planning Officer to introduce proposed amendments to the General Plan Detailed Land Use Map. You might consider that a "refinement", fine, but as addition information became available to us about the particulars of the topography of the streams in this location, and we're talking about the 29 acres generally described in the makai region of the site which are already in the Urban District and have been designated, it became quite apparent to us that

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a considerable reevaluation was very much in order and appropriate as to the suitability of that land for development.

I think the Commission will recall on a number of other occasions we have initiated, General Plan amendments where simply areas had been designated Urban, we had recommended redesignation to Preservation District. I think a case a point which comes to mind immediately is Kaiwa Ridge which Ridge had quite inappropriately been totally designated for Residential-Urban development. It was upon my initiation that that area was reduced substantially to Urban designation and subsequently the major portion put into Preservation District.

I think, in like fashion and as we've talked about before, where we are dealing with areas that are quite sensitive in terms of location, topographic characteristics, we're going to have to look at them much more carefully, much more carefully in terms of the delineation of the Urban-Preservation limits within the area.

I have no other comments, Mr. Chairman.

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

2. Mr. Lewis Ingleson, Architects and Planning Consultant (Submitted letter dated December 19, 1973, attached and made a part of these Minutes.)

Mr. Ingleson was questioned by the Commission.

WAY: Questions of criteria have come up as to the use of land for Urban development. I guess the point would be the importance of using topography as a standard in terms of evaluating areas as to their suitability for development or not. Generally, as you'll notice from the slope of land analysis, we have indicated 20% as one of the areas where the land becomes deeply sloping. There has been, as pointed out in Mr. Ingleson's letter, interpretation of Land Use Regulations, that in fact there is no formally adopted standards as such by the City, but I guess I would have to raise the question as to whether or not the use of it has validity in this case. I strongly say that it does have validity. I think that through experience in terms of land planning throughout the island, and in conforming actual development with the Urban District Boundaries that have been applied by both our general planning, our zoning, and in fact even the State Land Use District, this is a reasonable basis--and this is my judgment and many members of the staff, Mr. Chairman.

Okay, lacking adopted criteria, I'd like to ask Mr. Ingleson as to what would he suggest? I think topography is a consideration. I think maybe he will concede that. If so, what is the recommendation that you have for use of the standard? What, in fact, did you use when you delineated the areas that you've shown? I haven't heard your standards.

INGLESON: Okay, we didn't--what we do is prepare preliminary site plans.

WAY: Were those grading plans submitted to us?

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INGLESON: No, they were not.

WAY: So we didn't have the benefit of that analysis.

INGLESON: They weren't asked for. I think your staff knew that we had them, I believe.

WAY: Okay.

INGLESON: We were working primarily because of City Council's directions, working primarily with the Department of Land Utilization. However, we got to a certain point at which they felt that staff time, perhaps was being taken up, that since the General Plan issues hadn't been resolved, they wanted to get that resolved first.

WAY: Another question. With respect to the area of redesignation of 27 or the 29 acres makai being "wholly inappropriate." Why is it inappropriate, Mr. Ingleson? I think you're quite aware that it's very much appropriate to initiate a General Plan Amendment, and where that authority and prerogative exists in terms of statute. What is inappropriate about bringing this subject to the attention of the City Council, the Planning Commission, the public-at-large, as to whether it should be developed or not, or the extent of its development?

INGLESON: I may be a little free with adjectives.

WAY: I think that's part of my point.

INGLESON: But, I think the question of that area is valid to question your recommendation in terms of the fact that in discussions with staff throughout this process, this question never did come up. It was not pointed out. Further, the topography that you have now is no different than the topography that you had prior to your previous report to the Planning Commission. It's essentially the same and yet at that time, it was not--and also at that time, this area was considered for single development. So, it seems a little late to suddenly have this sprung on you.

WAY: So, it's the timing, I guess, that's inappropriate from your standpoint.

INGLESON: Certainly.

WAY: You also say there's no reason now to question an earlier decision. Does this presume that government can't change its mind in terms of what extent an area might be developed?

INGLESON: Well, from earlier testimony I hear that applicant's also change their minds.

WAY: I guess you're not answering my question.

INGLESON: Certainly government can change its mind.

WAY: I haven't anymore questions.

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CHAIRMAN: You indicated, Mr. Ingleson, that you have a grading plan for the 29-acre portion?

INGLESON: For the entire site.

CHAIRMAN: Can it be made available to the Commission?

INGLESON: Yes.

CHAIRMAN: What's the zoning of the area already developed in single-family?

INGLESON: R-4 and 5, I believe.

CHAIRMAN: I suppose it might be assumed then that the ultimate zone might be R-4 or R-5 instead of R-6.

INGLESON: We just had made that assumption.

CHAIRMAN: Which would have an effect on density.

INGLESON: Possibly, although I don't think it's a significant effect because we are well under the allowable floor area allowed.

CHAIRMAN: We need more time to study Mr. Ingleson's letter.

PALK: Since we received Mr. Way's report, we had the site plan reexamined. Obviously, the hangup is the criteria used. In the review process, we do have a revised plan on boundaries. I'd like to suggest in Mr. Ingleson's letter here, that any action by the Commission be deferred in order to perhaps have the planning staff review it. I think it would have been obviously from the hind-sight view, proper to have the same criteria used by all parties. That wasn't the case. Hopefully, this might help clear up some of the problems.

CHAIRMAN: It certainly would make a great deal of sense to see if some of the unresolved areas, some of the nomenclature can't be taken cared of rather than having a semantic battle before the Commission which is fairly usual, because it goes over our heads quite often.

PALK: Just one more point of clarification by Mr. Way concerning the question he made about the word "refinement." The word was in the letter to the Commission back to us. I think it referred to the 50 acres, plus or minus. That's the way I understood it. That's the way I feel the records would show. It was never intended to cast any aspersions on the recommendations of Mr. Way or any of the staff.

CHAIRMAN: My recollection of those hearings, Mr. Palk, was the topography was one of the major issues which the Commission brought up. There was concern by some Commissioners, some of whom are no longer on the Commission. Therefore, it would seem to me that because we do have many new members on the Commission, that we're going to have to go back and look at the whole issue again.

PALK: I just wanted to clarify that point in my testimony.

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

No further discussion followed.

The public hearing was kept open till the next Commission meeting on January 9, 1974, and action deferred for receipt of a grading plan from the applicant, and further review of recommendations as may be in order by the Chief Planning Officer. The motion was made by Dr. Choy, seconded by Mr. Kamiya and carried.

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
BUILDING DEPARTMENT,
C&C OF HONOLULU
(FILE #73/HCD-24)

A public hearing was held to consider an application for construction within the Hawaii Capital District--renovation of the Department of Transportation Services building for future use by the Municipal Reference Library--Tax Map Key: 2-1-33: 7.

Publication was made in the Sunday Star-Bulletin/Advertiser of December 9, 1973. No letters of protest were received.

Staff Planner Gerald Henniger made the staff presentation. The proposed exterior alterations are minor and will improve the appearance of the structure in conformance with the intent of the Hawaii Capital District Ordinance. The Director recommends approval of the alterations as proposed.

The Commission had no questions concerning the Director's report.

No person spoke either FOR or AGAINST the application.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Kamiya, seconded by Mr. Hosaka and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Kamiya, seconded by Mr. Hosaka and carried.

AYES - Choy, Connell, Duke, Hosaka, Kamiya
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
BOARD OF WATER SUPPLY,
C&C OF HONOLULU
(FILE #73/HCD-25)

A public hearing was held to consider an application for exterior renovations within the Hawaii Capital District, Tax Map Key: 2-1-36: 4.

Publication was made in the Sunday Star-Bulletin/Advertiser of December 9, 1973. No letters of protest were received.

Staff Plannner Stan Mofjeld presented the Director's report. The building, including the proposed renovations, meets the 100-foot

height limit and 40% open space requirements of the district. The renovations are compatible with the existing building and the Hawaii Capital District. The Director recommends approval of this application.

No discussion followed.

No person was present to speak either FOR or AGAINST the application.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Duke and carried.

AYES - Choy, Connell, Duke, Hosaka, Kamiya
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
CADES, SCHUTTE, FLEMING
AND WRIGHT
(FILE #73/HCD-20)

A public hearing was held to consider a request for construction of an 80-foot high office building with some required parking provided off-site, Tax Map Key: 2-1-26: 20.

Publication was made in the Sunday Star-Bulletin/Advertiser of December 9, 1973. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report. The 7-story office building, with a proposed height of 80 feet, meets the height limitation for the district. The design of the office building appears to be compatible with the Hawaii Capital District. The Director recommends approval of this application.

No discussion followed.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

AYES - Choy, Connell, Duke, Hosaka, Kamiya
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

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PUBLIC HEARING
ZONING CHANGE
H-2 HOTEL TO B-5 RESORT
COMMERCIAL DISTRICT
WAIKIKI
YOJIRO KATSURA
BY: PHILIP T. CHUN
(FILE #73/Z-66)

A public hearing was held to consider a request for a change in zoning from H-2 Hotel to B-5 Resort Commercial District in Waikiki, Tax Map Key: 2-6-18: 40 and 41.

Publication was made in the Sunday Star-Bulletin/Advertiser of December 9, 1973. No letters of protest were received.

Staff Planner Lorrie Chee presented the report of the Director. The applicant proposes to demolish the apartment structures, consolidate the two parcels with an adjoining 13,837-square foot parcel having frontage on Kalakaua Avenue and presently zoned B-5 Resort Commercial District, and develop two restaurant facilities--a Japanese restaurant and a curry house with accessory parking facilities. Preliminary plans indicate provisions for all exits and entrance ways to be off Kalakaua Avenue, with no vehicular access off Lauula Street. The applicant has informed us that a consolidation of the two parcels with the parcel having frontage on Kalakaua Avenue will be filed when zoning is granted.

The Commission had no questions of the staff regarding the Director's report.

No one spoke AGAINST the application.

Testimony in SUPPORT--

Attorney Philip Chun represented the applicant. Questioned by the Commission regarding parking facilities, Mr. Chun indicated that one level of parking would be provided beneath each of the restaurants, plus multi-level parking (two or three levels) at the rear of the lot. Valet parking will also be provided because there is no vehicular access off Lauula Street.

The public hearing was closed and the matter was taken under advisement, on motion by Mr. Kamiya, seconded by Dr. Choy and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Duke and carried.

AYES - Choy, Connell, Duke, Hosaka, Kamiya
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

PUBLIC HEARING
CONDITIONAL USE PERMIT
(ADDITIONS TO HOSPITAL)
KAILUA
CASTLE MEMORIAL
HOSPITAL
(FILE #73/CUP-8)

A public hearing was held to consider a request for a Conditional Use Permit for additions to Castle Memorial Hospital in Kailua, Tax Map Key: 4-2-06: 4.

Publication was made in the Sunday Star-Bulletin/Advertiser of December 9, 1973. No letters of protest were received.

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Staff Planner Carl Smith presented the Director's report of the application. The applicant proposes to expand the hospital and ancillary services offered on the site within the framework of a 20 year master plan. Additional structures to be built include a medical office building, additional laundry and maintenance facilities, additional nurses' quarters, and a 150-bed hospital wing. The medical office building would be a four-story structure housing 25-30 doctors' offices. This building is proposed to be started within the next year for occupancy in 1975. The expansion of the laundry and maintenance facilities and the additional nurses' quarters are smaller projects to be undertaken as the need for them arises. The additional 150-bed hospital wing is to be constructed at some point in time, probably within the next decade, when the need for such facility arises.

The Director recommends that the request be approved, subject to the conditions contained in his report.

There were no questions from the Commission concerning the Director's report.

No one spoke AGAINST the application.

Testimony in SUPPORT--

1. Mr. Marvin Midkiff, Administrator, Castle Memorial Hospital
2. H. M. Winston, M.D.
3. Mr. Donald Brevey, Architect

Dr. Winston spoke to the need for the medical office building which would provide office space for physicians in the Kaneohe-Kailua area. The location of the medical office building next to the hospital eliminates duplication of services because use of hospital equipment would be available to doctors.

Questioned by the Commission, Mr. Brevey, Project Architect, indicated the trend nowadays to locate medical office structures nearby hospital sites for accessibility to hospital equipment. Space is being provided to accommodate 27 to 30 doctors. Interviews with prospective doctors indicated that medical equipment such as x-ray units, lab equipment, etc., could be utilized at the hospital and therefore, plans for such equipment was not included in the medical office building.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, subject to the conditions contained in the Director's report, on motion by Mr. Duke, seconded by Mr. Hosaka and carried.

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AYES - Choy, Connell, Duke, Hosaka, Kamiya
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

PUBLIC HEARING
ZONING CHANGE
AG-1 RESTRICTED AGRIC. DISTRICT TO R-6 RESIDENTIAL, A-1 APARTMENT & B-2 COMMUNITY BUS.DIST.
MILILANI TOWN
MILILANI TOWN, INC.
(FILE #73/Z-40)

A public hearing was held to consider a request for a change in zoning of 173 acres from AG-1 Restricted Agricultural District to R-6 Residential District (149 acres), A-2 Apartment District (22 acres), and B-2 Business District (2 acres), in Mililani Town, Tax Map Key: 9-4-05: portion of 1 and 11.

Publication was made in the Sunday Star-Bulletin/Advertiser of December 9, 1973. No lettersof protest were received.

Staff Planner Carl Smith presented the Director's report of the request. The applicant proposes to continue, in accordance with the recent Detailed Land Use Map amendment (127/C1/34, adopted September 12, 1972), the development of Mililani Town. This increment will allow the development of a total of approximately 717 dwelling units--445 single-family detached dwellings and 272 townhouses. It also includes a neighborhood shopping area, a district park, a neighborhood park and two school sites.

The Director recommends that the request be approved.

Questions were raised concerning the Director's report.

CHOY: I'd like clarification on page 3, where to discourage speculation, there is a deed covenant of a buy-back procedure that's built into the approximately 300 units that would be designated for lower income. Can you explain why this is so with the lower income and not with the entire project?

SMITH: These units are being provided at a very low cost. Three thousand dollars is not very much to pay for a house in Mililani Town. If the buy-back provisions were not put in there, the buyer could very conceivably buy, and then within a year turn it over and realize a considerably inflated cost.

CHOY: What is the price range of the other 445 units?

SMITH: I believe Mililani Town is selling right now somewhere in the $50,000s.

CHOY: Now, isn't there a possibility of speculation there, possibly realizing a $10,000 profit on that?

SMITH: That's true in just about any big project.

CHOY: Right. Then, I would think that if you're going to

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go ahead and try to curb speculation of real estate and real property, I would think we would have some sort of modification of a buy-back procedure on the rest of the development.

SMITH: I don't want to get into a debate, but I don't see how it's feasible to do something like that. We have a wide open market on real estate here on projects where we are aiming at our low and moderate income by actually offering a lower price.

CHOY: May I ask a question of Corporation Counsel. Couldn't it be a conflict of segregating a small group and discriminating against them on such a provision?

MITA (Deputy Corporation Counsel): Assuming that the representations and assumptions indicated that the "low-income" dwellings are being sold at below fair market value, then I believe that type of provision can be safely included as part of the deed covenant. In other words, the seller would have the first option to refuse to purchase, and it may be assignable, in this case to possibly the State Hawaii Housing Authority. But, on the other matter where the property sells for its fair market value, and in these days of competitive prices, I would say where there's strong demand for housing in that particular neighborhood, of course, there's nothing to stop the developer from inserting such a clause as long as the buyer knows that this is the proposition. The developer would also be cognizant of the fact that with such a covenant again speculated for the next 10 years, might dampen demands for his particular units. It has to be weighed and the developer would have to decide as to what his policy would be. But, I feel insofar as the low-income units which are being sold lower than its fair market value at the time of sale, such an option to refuse clause may be safely used.

WAY: If I might just add a thought to this in terms of Dr. Choy's line of questioning and that is, I think application of rather universal control on purchase-repurchase might better be, should it be wide acceptable policy, an island-wide approach rather than on an individual application basis. The next point may be well, we're doing it rather selectively as it is, and I guess I would agree but I think the selectivity is in the range of income of families who are the least able to participate in the housing market at this time. It's primarily on that basis. In effect, what we're saying is look at that segment of the population virtually closed out of the market. Something needs to be done and we have an opportunity to do so. For the rest of the market, let it go its own way.

To attempt to use zoning which comes before us, meaning the entire city, on rather a piecemeal basis in this fashion, I think could be considered quite unfair. My view is that if we're going to have price control, if we're going to have control on repurchase, resale, the rest of it, that this is best applied on an island-wide at the very least, possibly even a state-wide basis. Appropriate legislation by the appropriate body, it would seem to me, would be the best place to handle this kind of concept.

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Testimony FOR--

Mr. Wendell Brooks, General Manager, Mililani Town

BROOKS: The staff report quite accurately reflects our application. The only thing that I might add is that this is part of an ongoing program of our new community development at Mililani Town. It's quite consistent with all of the material that's been presented to you in the general plan revision that preceded various zoning applications here. I do recognize that there are many new people on the Commission. I will be happy to answer any questions you may have.

May I indicate to Dr. Choy that we have made other efforts of low-cost housing. Our experience has been that they did not stay as low-cost housing units. While our other product is at market price, we think appropriately priced at the time we offered it for sale although, I confess, people have enjoyed appreciation of Mililani Town. We found with the previous offerings of low-cost and moderate-cost units that these immediately sought their own market level. We are attempting with the buy-back arrangement hopefully through a government agency, to control this immediate turnaround and speculation on the unit. We feel that the 10-year program with a cost of living index escalator which is less than the normal, or at least a recent experience in real estate appreciation, we think the lesser rate of increase is a better approach. We are working on this language. We have exposed it to both the HHA and the HRA in trying to make an effort in that regard. So, we are experimenting and I'm sure that legal counsel realizes there are many unanswered questions in regard to this whole thing.

One question which frequently comes up is the matter of what are you going to do with it if you ever buy it back? Would we resell it for low-cost housing? Would we run it up to the market price now that we're satisfied with the zoning? Well, this is exactly one of the reasons why we don't want to be in the picture on the buy back. We hope to be able to assign it to a governmental agency. We don't want to be in the position of obstructing opportunity for someone to break the circle of poverty and make quite a case in this whole area. You can see our concern.

Mr. Brooks was questioned by the Commission.

WAY: Just a matter of clarification. I think it's probably understood, but the buy-back aspect, is this not rather more properly described as a right of first refusal on the part of government. We would purchase should a unit become available for purchase.

BROOKS: Yes. We're trying to structure it in such a way to put it in the form of an option. The purchaser does not--

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the state or the county would not be obliged to purchase at a predetermined amount or at any amount.

WAY: Yes, the point being that if it ever happens, if there is a softening of the market in housing, that the government is not obliged to repurchase. In other words, we are not in a position of supporting, in effect, a market that might be in a reverse position should it ever happen, recognizing the general unlikelihood of that.

BROOKS: That's correct. There's no obligation on any party to buy back at a predetermined price.

WAY: Thank you.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Duke and carried.

AYES - Choy, Connell, Duke, Hosaka, Kamiya
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

PUBLIC HEARING
PROPOSED BILL NO. 167
(CONTRACT ZONING)
INITIATED BY CITY
COUNCIL

A public hearing was held to consider Proposed Bill No. 167 (Contract Zoning) to add a new section to the Comprehensive Zoning Code.

Publication was made in the Sunday Star-Bulletin/Advertiser of December 9, 1973. No letters of protest were received.

Mr. Jack Gilliam of the staff presented the Director's report of Proposed Bill No. 167. The purpose of the Bill is to minimize adverse effects of blanket rezoning, and to ensure adequate facilities and services to support rezoning. The Director would, therefore, consider the following in administering this contract zoning ordinance:

1. Plan Review. Contract zoning may be used for imposing certain restrictions beyond those imposed by the Comprehensive Zoning Code on the zoning classification which the property owner seeks. It will afford the City latitude to impose conditions on such matters as placement of buildings, bulk, off-street parking and loading requirements, provision of refuse and other service areas, landscaping (including buffering and screening). For example, buffering and other safeguards could be required for noise-generating uses such as auto repair shops that are permitted in an industrial district.

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2. Review of Public Services and Facilities. Where certain public services and facilities are found inadequate to serve the uses proposed, the developer may be required to provide these services as a condition for approval of the zoning. For example, a developer might be required to assume costs for planned roadway improvements.

3. Review of Developer Performance. The ordinance may be used to provide safeguards in such areas as specified time limits on construction.

4. Other related reviews of similar intent.

It is recommended that Bill No. 167 be amended to include a section that specifically directs the Director of Land Utilization to prepare and promulgate rules and regulations for the administration of contract zoning. The amendment would read: "(h) The Department of Land Utilization shall adopt rules and regulations governing contract zoning, including the procedure for processing recommended conditions for incorporation within the contract."

The Commission had no questions of the staff regarding the Director's report.

Testimony AGAINST--

Letter dated December 19, 1973 from the Home Builders Association of Hawaii, James Higa, Chairman, Legislative Committee

"1. Section 21-112(c) - Such conditions shall be reasonably conceived to fulfill public needs emanating from the land use proposed to be effected upon adoption of the ordinance in the following respects: (1) Protection of the public from the potentially deleterious effects of the proposed use; (2) Fulfillment of the need for public service demands created by the proposed use.

'We believe that the above statement should be reviewed and amended, as it is both vague and ambiguous.

'2. Section 21-112(e), page two, line 16. Such contract shall not restrict the power of the Council to rezone with or without conditions.

'This sentence seems to say that the City is not bound to honor the conditions imposed, but the landowner is bound. This inequity is reinforced by the last sentence in the section which gives the right to sue for enforcement of conditions to the City and County, but not to the landowner. This not only appears inequitable, but also appears to violate the most basic rules of contracts.

'Our Committee also feels that conditions set forth by the Council would be selective and not applied to all rezoning requests. It

seems the conditions imposed are, in effect, a special tax on certain new projects and therefore discriminate against new homeowners. Therefore, we suggest consideration of a tax credit to the new homeowner be applied."

No other person was present to speak either FOR or AGAINST the proposed amendment.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

In discussion later, the Chairman questioned whether there were any rules and regulations in connection with the proposed ordinance. The matter was deferred for a workshop to be arranged by the staff.

PUBLIC HEARING
CONDITIONAL USE PERMIT
(PRIVATE STP FOR
PROPOSED HOTEL)
PUNALUU
W & C, LTD.
(FILE #72/CUP-21)

A public hearing was held to consider a request for a Conditional Use Permit for a private Sewage Treatment Plant for a proposed hotel in Punaluu, Tax Map Key: 5-3-05: 38 and 2.

Publication was made in the Sunday Star-Bulletin/Advertiser of December 9, 1973. No letters of protest were received.

Staff Planner Roger Harris presented the Director's report of the request. Plans indicate that the sewage treatment plant would be located on the residentially zoned Parcel 2. The treatment plant would serve a proposed 102-unit hotel which would be constructed on the H-1 Resort Hotel zoned Parcel 38 which fronts on Kam Highway. The proposed treatment system is designed to provide secondary sewage treatment through aerobic digestion (extended aeration type) processes. Waste sludge from the aerobic sludge holding tank is proposed to be conveyed to the sludge-drying bed and disposed of in landfill when dried.

The Director recommends that the application be approved, subject to the conditions contained in his report.

There were no questions from the Commission relative to the Director's report.

Public testimony followed.

Testimony AGAINST--

1. Mr. Dean Fujii, Farmer, 53-480-H Kam Highway, Punaluu (Submitted letter dated December 17, 1973)
2. Barbara F. Mills, Chairman, Community Betterment Committee, Punaluu Community Association (Submitted letter dated December 19, 1973)
3. Agnes K. Choy, Property Owner, 53-480 Kam Highway, Punaluu (Submitted letter dated December 19, 1973)

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4. Genevieve U. Albert, Resident, 53-378 Kam Highway, Punaluu (Submitted letter dated December 18, 1973)
5. Mrs. Cathleen Mattoon, Property Owner and Secretary, Punaluu Community Association (Submitted letter dated December 19, 1973)

OBJECTIONS--

1. Flooding and drainage

The developer's plan to divert the onsite storm runoff to a 6 x 4 box culvert will simply not do. Historically, this culvert, as is the case of ditch and stream openings to the sea on the Windward side, simply does not work. The site as well as all land west of it holds the highest flood designation of Standard Project Flood by the Department of Land and Natural Resources. We have attempted onsite meetings and submitted photos of floods to show how critical the situation is. Unfortunately, the developer has convinced the Public Works Department that once he has raised his project safely above flooding problems and attempts to direct onsite runoff toward a useless culvert, his responsibility to the community is over. Our most recent contact with the State Highways Maintenance Division which is responsible for keeping culverts open, reconfirmed the fact that there is not enough manpower available to regularly maintain such culverts and that there are no plans to improve this service. Therefore, we can assume that any additional water directed here will flow back into the very area of greatest concern to our community. Residents have had to dig trenches and clear culverts themselves to permit stagnant water to flow out to the ocean.

SUGGESTION-Design of a drainage culvert that incorporates the use of a large pipe that extends into the ocean to allow for constant open drainage. This solution has the approval of the Health Department.

2. Odor and noise

The sludge-drying bed proposed will create objectionable odors to the surrounding community (considering the fact that winds in Punaluu blow in three patterns--tradewinds, kona, and kehau). There would be an adverse effect on the hotel itself as "kehau" is the breeze which blows from the mountain to the sea. The generators designed for the plant will produce a great deal of noise which will be annoying to the nearby residents.

No agency in the City or State is responsible for the final disposition of sludge and grit from this type of operation which leaves the community facing possible open dumping or other unsafe method of disposition of sludge.

Such abusive odors and noises generated by the proposed plant can only depreciate property values in the area.

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SUGGESTION - Eliminate the sludge bed and design a closed holding unit for regular disposal elsewhere. This solution has the approval of the Health Department.

3. Effluent discharge and possible contamination to surrounding properties.

The proposed soakage pit was the first portion of the design which was questioned by the community at the first information meeting. Soil Conservation and Health Departments have both recommended that a soakage pit not be placed on the proposed site. The developer's engineer assured us at a second information meeting that the pit was not necessary and could be designed out of the plan. Based on our knowledge of the nature of the soil and water flow beneath the proposed site, we know that the effluent discharge will flow easily to the sandy beach as well as to the adjoining lots should it be allowed to saturate the ground in a shallow pit. We are as aware as the Board of Water Supply scientists that viruses exist in effluent and do not wish to risk contamination of our properties or the public beach.

SUGGESTION - Eliminate a soakage pit and substitute additional injection wells. This solution has the approval of the Health Department.

Testimony in SUPPORT--

1. Mr. Walter Zane, Developer, Suite 616, 745 Fort St., Honolulu (No written testimony submitted)

ZANE: Our application has been in for over a year and a half. We have gone over this sewage, drainage and everything else with the various departments. We have endeavored over and over again to come up with the highest recommendations that these various agencies put across for us. When you think of the sewage plan, drainage and studies we had to produce for a small lot like that and the requirements we have been subjected to, it seems like we were developing the entire area. You would be surprised at the time and money we have spent on this project.

When we talk about the culvert not being cleaned, that's a State requirement. Regardless whether we come in with a development or not, the culvert is supposed to be clean.

The community should realize when we go in with 100 so many units, we would have that much more muscle to have the State clean those culverts, putting in that much more pressure into the State.

Talking about flooding, the drainage requirement we had to go through with the Public Works Department, you would see what our engineers had to come up with. I can see the residents concern but a lot of it is just hearsay and putting up all kind of require-

ments to a person just because he's coming in to develop his property. As such, I don't see very much sympathy for them as far as I'm concerned. We tried to work with them but essentially, it seems like we haven't been able to.

Talking about sludge and odor, wouldn't we be much, much more concerned with our development of 100 some-odd units which is right in the vicinity? We definitely would be, as far as disposing of that sludge is concerned. I have given my engineers strict requirements that they bring in the best whereby we will minimize those things as far as stench and everything else is concerned.

Believe me, we have been raked over. All the reports have been given to you, gentlemen. Our plan bears to the fact that our cost is more than doubling what we had anticipated before we started the project.

2. Mr. Allen Young, representing R. M. Towill Corporation, Sanitary and Civil Engineers for applicant (No written testimony submitted)

YOUNG: Maybe I can clear a few things up.

Number 1, concerning drainage, we are not here to solve the drainage problem. There is a flooding area there of about 130 acres. There is no question, we can't solve that. We are proving that we will in no way worsen the condition. We are filling the property to protect all of our development. We're filling it one foot from the front portion of the lot, and the back roughly about five feet. So, it's not like we're filling it up 9½ feet. Our finished elevation is 9½ feet.

What we are doing, we're discharging whatever surface water falls on the roofs and parking, near the culvert so that when the culvert is cleaned and maintained, that will go out that way the quickest. But, the total drainage pattern is towards the back. It does not go towards the highway. It goes to a bridge about 800 feet down the highway. This is all brought about because of flooding from Punaluu Stream. We're not damaging anyone there. We're not solving the drainage problem, but we are protecting ourselves on this property.

Sewage requirements, we've gone over and over. The way it stands right now, we have one of the best fail-safe private systems anywhere planned right now. The treatment plant itself is designed to work in a dual system where if any equipment breaks down, you can go in and repair the other half without stopping all operations.

We also work it where we come into an incoming tank which stabilizes the system so that we cannot overload the treatment plant. We found that in some of the other developments like in Ewa, large surges would come in and the plant would upset and couldn't handle it. We have a system of stabilizing so that a flow will

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continually go through the treatment plant at a steady pace. It will never overload, rise or lower.

We have almost tertiary equipment. We go into a filter, chlorinating the effluent so that we won't harm anyone around here. We're initiating our own tertiary equipment to make sure that those soakage pits don't clog up as we've noticed in other private developments. Those soakage pits were recommended by the Sewers Division and Health people. They wanted it fail-safe. We've gone along with this extra cost and come up with trenches of 200 to 250 feet long, plus two additional injection wells for standby in case the trenches don't work.

The sand beds were also recommendation of the sewage people because they felt that something definite had to be done with the sludge. They don't want to be in the position where some tank truck can't come along and pick up the sludge and take it away and everyone will complain in the area. No one else in any private plant is required to put one of these in.

I must say that Mr. Zane has really gone out of his way to try to satisfy everyone of these people. He's expending an extremely large amount of money to try to make sure that this development is well done. It's a hotel, not just a condominium where someone comes in and buys up all the units and he's out of it.

Questions were raised by the Commission.

DUKE: Approximately what is the cost of this system?

YOUNG: About $200,000. If we did the type that some other private developments have done, we would only be in the range of about less than half of that.

The amount of sewage coming out of this plant is very, very small.

WAY: The requirement for the sludge-drying bed, where did that originate?

YOUNG: From both the Division of Sewers and the Health people.

WAY: How do you propose to dispose of the drying sludge?

ZANE: We would truck it away. We have a property of about 20,000 square feet and an acre which is about a mile away. It's all low land. As far as the sludge is concerned, I have been informed by the engineer that there's no stench.

We have to realize that our application is for a CUP. If we adhered to that, we will be less confused with all the testimony brought out by the objectors.

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WAY: In connection with the disposal of the sludge, are you aware of any requirements by public agency covering the method of such disposal?

YOUNG: Yes, we've gone through Chapter 38 of the Health requirements. We've gone through every single item with the Health Department.

WAY: Possibly another one which you may or may not have had an opportunity to consider, but should be, and that is that having to do with either the grading ordinance or depending upon the locale, a CUP for the disposal of sludge on the other site. I would suggest strongly that you look into that aspect.

The other aspect has to do with odor. Are you prepared to explore that issue for us a bit? What's the problem? Is there a problem? Is it a problem having to do with the beds themselves? Is it another source? What, if any, measures are there incorporated in the design that attempt to alleviate that problem?

(At this point, Dr. Nathan Burbank, Director of Environmental Research for R. M. Towill Corporation, was called upon to respond to Mr. Way's questions.)

BURBANK: As Director of Research, I have reviewed three separate plans for this particular installation. Each one was prepared in accordance with the existing requirements at the time, and would have met the requirements. Each was reviewed by the State Health Department and the Department of Public Works. There were comments to us each time strengthening the design of the plant, in short, to make it as fine a plant that could be designed for this particular purpose.

The STP for this particular installation is a design on the extended aeration plant; that is, the sewage is held in the tank for 24 hours in the presence of oxygen and activated sludge bacteria. The liquid portion is settled. The solids that remain are returned for re-aeration in the activated sludge plant.

As sewage is fed to such a plant, there always comes about an accumulation of biological organisms. This is part of the process. As they grow, they die and they must be removed from the process. They are removed in the settling basin and conveyed to a second aeration chamber, the aerobic digester. You notice in every case I mention this is aerobic, all in the presence of air and oxygen. The whole intention of this process is that it be as odor free as possible. In a true aerobic process, the odor certainly is not objectionable and often not noticeable.

The bacteria freed from this process is held in this aeration tank for aerated digestion for a period of about five days. It is during this period that much of the organic matter, and I won't say every bit of it, is converted to forms that are considered to be odorless. It is this material from the aerated aerobic digestion chamber that is requested to be removed to

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the sludge-drying bed. When the material comes from the aerobic digestion chamber, it is a grayish liquid about 70 gallons per day. It is removed to the sand bed, lies upon it, it dewaters. The liquid flows down into the sand and solids left behind. It's non-objectionable material. Many of you have used such material on your yards or your roses. It's quite similar to mill organite which you purchase from the nursery.

The sludge-drying bed was at the request of the Department of Public Works because they wanted an absolutely fool proof system. This makes the system about as fool proof as possibly can be. I'm sure most of you realize the majority of this type plant is designed for extended aeration, chlorination and free discharge. In the case of the plant at this hotel, we have been requested to add an additional filter, and then to send the water to subsurface disposal. This is pretty much as far as we are going in Hawaii today. I'm sure most of you also know Hawaii leads the country in standards for waste water discharges. Chapter 37(a) and 38 of our State Health Department Rules and Regulations are considered to be the most difficult to meet of any in the United States today. Mr. Zane's plant meets the letter of the law. It took a lot of time and effort, but it meets the requirements.

The Commission questioned Dr. Burbank.

DUKE: Do you have similar plants operating here at the present time?

BURBANK: I believe there are plants somewhat similar to this operating on Oahu at the present time. There's none exactly like it for the very reason that Mr. Zane was asked to go that extra full step of fail-safe operation. We've had similar plants which I'm sure the Commission was called upon to approve. One plant is about 8 feet behind the offices of the Kaiser unit in Hawaii Kai, an extended aeration plant. It operated for a period of about three years without any complaints.

I would like to add that this plant, on this site is landscaped. It won't be visible to the people walking by. The landscape provides an additional barrier both to the eye and to the ear.

DUKE: How about noise?

BURBANK: The plant will have to meet the requirements of OSHA. The general type of noise that you will get from it should be in the order of about 40 decibels. The air conditioner in this room is operating at close to 40 decibels.

WAY: I don't know whether you have had time to evaluate or consider the suggestions raised by Mrs. Mattoon, but her suggestion is elimination of the sludge bed and designing a close holding unit for regular disposal elsewhere. What is your thought

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on this point as to practicability or as to its prior consideration, or any agency's reaction, response, what have you?

BURBANK: Indeed I do. This was the original proposal the first time it went before the Health Department. The Department of Public Works came back and said they wanted this to be a self-contained unit. The original proposal was to contain the 70 gallons of sludge each day and truck it away to the proper area. Now you say, where do you truck it? The original proposal we made was to treat it the same as the septic tank sludge; not that it was the same because it was free of odor. But, the thought was to take it to the same site that the City diposes the septic tank sludge. This originally went in and was accepted by the Health Department. But, in the subsequent variation of the plant that came back, Public Works final comment was they would prefer that this plant be self-contained.

WAY: Is the State Health Department agreeable to the current design?

BURBANK: Yes, to the current design.

WAY: The second point has to do with the elimination of the soakage pit and substituting additional injection wells. What's the background on that from your perspective?

BURBANK: The first time that the proposal went to the Health Department, we went with a single injection well. We were asked to prove the capacity of the injection well which we did. We proved the capacity of the single injection well to be three times what the flow of the plant was anticipated to be. We had a three-time safety factor. The Health Department returned with a comment that despite this three-time safety factor, they would prefer to have the plant doubled throughout, fail-safe completely--one unit drops out, the other is of sufficient size to carry the burden. So, this meant two injection wells. The client, Mr. Zane, has agreed with this.

The comment has come back that injection wells are fine, but it is desirable also to have an additional safety factor. It was on their suggestion that the additional seepage pit was provided to take care of the additional safety factor. This plan has been designed throughout with these safety factors. I'm sure you Commissioners have approved plans of this size with single units throughout in the past. But, in this case, considering the location, the service, the requirements have been essentially that it be completely fail-safe, and that it be a self-contained unit.

WAY: Another subject which you may not have the answers at hand. In relation to the location of the injection wells which are across the highway from the shoreline so to speak, this has always been a concern in the past of some agencies--OEQC, Corps of Engineers, Water Quality--have there been at this point studies having to do with the possible relationship of injection wells to the water, to the beach area?

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BURBANK: Very early in the game at the time of the first design, we did a hydro-geological study of the area affected. We were quite concerned with the geological structure at that particular point because we had envisioned a deep injection well. We looked into the formations that were available for injection. These were investigated at the site and were compared to the wells of known structure in the near neighborhood. There were, I believe, two in the near neighborhood, existing wells of long periods of history. We went with this to the Department of Health. We also went with this to the Board of Water Supply. We cleared with the Board of Water Supply very quickly. Their representative testified for you the first time this matter came up. We went with them to the Department of Health to point out the structure. It was they who suggested that the best geological structure was the one finally selected.

In addition to this before we went to them, we had to sit down with our hydro-geology and calculate the flow of this discharge into the existing water table, to calculate the flow in terms of, if we put this water in, would it go away from the well, what would be its zone of influence upon the water in the existing area. This was done very carefully and we came up with the answers. We did this study last September or October or even before that. The calculations that we did then are just coming out now from the Department of Health in their so-called Affirmative Demonstration. So, the data we did at that time is now being required into the State Department of Health Affirmative Demonstration. There were tests conducted on this particular well to determine if it would take the discharge, not only would it take and what the plant was suppose to put out, but three times that. We found that this was the case.

WAY: Was the use of dyes the approach taken here?

BURBANK: Yes. Dye tests were conducted. They were observed for a period of one month's time. They were observed not only by our firm, but the State Health Department had a man walk by the particular area involved everyday for a period of a month to observe this.

WAY: Was a review undertaken at any time with OEQC for input as to any of their concerns at the State level or if not, at this stage, how would such a facility might be given consideration by that agency in terms of broad environmental concerns? I recognize the rather specific public health water contamination issues, groundwater and all the rest, the usual Board of Water Supply thing but do you have anything to report on that aspect.

BURBANK: No, I don't work with OEQC on problems like this because it was my understanding that they had delegated this particular authority in the matter of Water Quality Standards and Effluent Discharge Standards directly to the Division of Sanitary Engineering of the Department of Environmental Health of the State Health Department; that this was a duty given them generally, but transferred directly to the Helath Department.

DUKE: During this month that you tested this system down there, did you have any rainfall during that week?

BURBANK: I'm not familiar with the rainfall pattern in that area but I would presume whatever the rainfall pattern was normal, it was normal for that period.

DUKE: It would seem to me that the rainfall would have some effect on the water table and runoff in that area.

BURBANK: The rainfall was observed in the area but we did not correlate it with our studies.

CHAIRMAN: One of the concerns raised is high-water in the area and its effect upon the sewage treatment plant.

BURBANK: Well, the study that was made for rainfall for this particular area was conducted in accordance with the instructions of the Division of Drainage of the Department of Public Works. The study as I recall was conducted on the basis of the maximum storm that would occur once in ten years. The comment at that time was that the expected increase in the level of the water table into which we were discharging would be raised by something like a quarter of an inch.

CHAIRMAN: In the event the culvert becomes blocked--

YOUNG: It's blocked right now.

CHAIRMAN: If it's blocked and you have a heavy rain and the overall pattern may go up quarter of an inch, but because of sort of a funnel arrangement in here, how high will that water come up given a high ten-year rain, and what will the effect be on the sludge beds and the rest of the operation?

YOUNG: The plan shows that we have a wall completely surrounding the property. We would fill behind that wall. The U.S.G.S. record, the highest flood ever recorded in this area is about six. So, we've established an elevation for the sewage treatment area around ten just to be sure we will be three or four feet above the highest storm ever recorded, and that culvert was blocked. No water was going out that culvert. So, it was flooded. But, the water now is directed back behind the property about 200 feet to a canal that exists there, goes around the property to a bridge about 800 feet further down the highway. That's how the water is being discharged right now.

CHAIRMAN: My question is in the event the total area floods, what is the effect on the sewage treatment plant?

YOUNG: It'll never flood because the elevation of our plant is at ten, the highway is at seven, so the water would go over the highway into the beach into the ocean.

ZANE: May I add. When we talk about that culvert being

blocked, I think it would only be an assumption on my part definitely that our maintenance man will be checking that culvert at all times to make sure its clean, even if it's not our duty. From our standpoint, I'm sure our maintenance man will make sure he will be checking that culvert at all times and prevent that thing from blocking, I'm sure.

CHAIRMAN: Well, that would cover one of my suggestions because this is so much of a vital concern in the area.

ZANE: Absolutely.

CHAIRMAN: And we would add it to the conditions.

ZANE: I would concur with that you see. It's better for us as far as we're concerned not to let that culvert block at all.

YOUNG: But, we're still saying though that it doesn't affect our development. We're protecting our development. We're fail-safe. We're not adding any condition that's harming anyone else. That condition exists right now. Even if that culvert stays plugged the way it is, we feel very confident that we will not get flooded.

CHAIRMAN: Inasmuch as the State appears to be unwilling or unable to take care of the problem, and inasmuch as you are thinking of putting an investment of this kind with an impact upon an area, it might behoove everyone not to depend upon the State, but to make this a condition for yourselves.

YOUNG: Right, but I'm sure on something like that with the tremendous additional property taxes that would be generated with this development, we can still say look here state or county, clean your culvert.

CHAIRMAN: Well, that's always a fond hope.

(There were no further questions from the Commission.)

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Kamiya, seconded by Mr. Duke and carried.

Action was deferred to the next Commission meeting on January 9, 1974. Representatives from the State Department of Health and the City and County Department of Public Works were requested to appear before the Commission at that time to discuss potential flooding and drainage in the area and its effect upon the proposed sewage treatment plant. The motion was made by Mr. Duke, seconded by Dr. Choy and carried.

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STATE LAND USE
COMMISSION REFERRAL
(AGRIC. TO URBAN)
PUPUKEA
DERIK LABENZ
(FILE #73/LUC-6)

Submitted to the Commission for review and recommendation, is a petition from the State Land Use Commission to amend the Urban-Agricultural District boundary in the Pupukea area.

Staff Planner Ian McDougall presented the report of the Chief Planning Officer. This petition has been evaluated according to the following bases:

1. The requirements for consideration of State Land Use boundary amendments, as stated in Section 205-4 of the Hawaii Revised Statutes and in a suggested listing of basic considerations prepared by the State Land Use Commission.

2. The standards used by the State Land Use Commission for determining the boundaries of Urban Districts, as stated in paragraph 2.7 of Part II: State Land Use District Regulations.

3. The land use policy of the City and County General Plan.

Much of the information which is required as "proof" of a need for a boundary change has not been provided by the petitioner. Furthermore, review by this Department indicates that, although this area is now predominantly used for residential purposes and is designated on the City and County General Plan for such use, the appropriateness of a change in State Land Use Boundary and City and County zoning should involve study of a much larger area encompassing all similarly situated properties, and should fully consider the potential impact of such a larger change on public facilities and the character of this section of Oahu. To single out this one property for special benefit which is not extended to surrounding land with similar characteristics would be equivalent to "spot zoning."

It is the recommendation of the Chief Planning Officer that this petition be denied at this time. However, given the predominant residential character in this section of Pupukea, it is also recommended that the Land Use Commission consider undertaking a study of the appropriateness of changing the classification of all properties where these conditions prevail as a part of the next mandatory comprehensive review of the classification and districting of all lands in the State.

ACTION: The Commission concurred with the Director's recommendation and recommended that the petition be DENIED, on motion by Mr. Duke, seconded by Mr. Kamiya and carried.

AYES - Choy, Connell, Duke, Hosaka, Kamiya
NAYES - None
ABSENT - Crane, Kahawaiolaa, Sullam

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STREET NAMES

The Commission recommended approval of the following street names, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

1. Amend Resolution No 287, adopted on November 16, 1971, by deleting the following street names:

Hoohilu Street	Roadway off Komo Mai Drive
Hoohiehie Street	Roadway off Hoohilu Street
Hoohihi Street	Roadway between Hoohilu Street and Hoohiehie Street
Hoolalei Street	Roadway off Hoohilu Street
Hookupaoa Street	Roadway off Hoohilu Street

The development plan of the subject area has been revised and the area has been set aside for a future school site.

2. Amend Resolution No. 9, adopted on February 15, 1966, by deleting the following street names:

Omea Street	Roadway off Kuliouou Road
Omealani Street	Roadway off Omea Street
Omealani Place	Roadway off Omealani Street

The development of a single-family subdivision has been replaced with a Planned-Development Housing.

3. Amend Resolution No. 21, adopted on June 16, 1968 by deleting the name Ala Nanu Place and renaming said roadway as:

Ala Makahala Place	Culdesac off Ala Napunani Street.
Meaning:	Flower (orange cestrum)

* * * * * * * * * * * * * *

The Commission authorized scheduling of public hearings for the following matters, on motion by Mr. Hosaka, seconded by Dr. Choy and carried:

PROPOSED AMENDMENT TO CZC RELATING TO PARKING REQUIREMENTS IN APARTMENT DISTS. (SECTION 21-605(e))	1. Ordinance to amend Chapter 21, Revised Ordinances of Honolulu (Comprehensive Zoning Code) by amending Section 21-605(e) relating to parking requirements in apartment districts.

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HAWAII CAPITAL DISTRICT APPLICATION (4½-STORY APT.BLDG.) JERRY PARK (FILE #73/HCD-26)

2. The request is for approval of plans for a 4-1/2 story apartment building of 26 units and demolition of existing structures on the site.

ZONING CHANGE (B-2 COMMUNITY BUSINESS TO B-3 BUSINESS RESIDENTIAL DISTRICT) ALA MOANA FIRST HAWAIIAN BANK INITIATED BY CITY COUNCIL (FILE #73/Z-35)

3. The request is for rezoning from B-2 Community Business to B-3 Business-Residential District.

ADJOURNMENT: The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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EDW ENVIRONMENTAL DESIGN WORKS
ARCHITECTS & PLANNING CONSULTANTS

LEWIS INGLESON AIA
OWEN CHOCK AIA
PATRICK ONISHI
VERNON INOSHITA AIA
ARTHUR SIU AIA
JAMES PEARSON AIA

December 19, 1973

Honorable George Koga, Chairman
and Members of the City Council
City and County of Honolulu
Honolulu, HI 96813

Gentlemen:

Subject: Applicant's Position on Additional Information on the Request for a General Plan Amendment by Valley of the Temples Corporation, Waikiki Development Company, and Center Development Company, Affecting 138 Acres of Land Located in Ahuimanu, Kahaluu (Tax Map Key: 4-7-04: Por. of 1 and 4-7-51: Por. of 2).

On November 9, 1973, we received a copy of Mr. Way's letter to you providing the above additional information. This letter is to advise you of the applicant's position in this matter.

There appears to be two major areas at issue between the Applicant and the Department of General Planning:

1. The appropriateness of the topography on certain portions of the site presently designated Industrial for Residential use.

2. The Director's proposed redesignation of approximately 27 acres of the site, presently designated Residential and zoned R-4, to Preservation.

With respect to item 1, Mr. Way's letter refers a number of times to "criteria" used for determining preservation values. To the best of our knowledge, the only established criteria for Preservation Areas are those contained in the Oahu General Plan. Briefly, these criteria are as follows:

1. Land normally considered too steep for economical development.

2. Forest reserves and State Conservation Districts.

3. Land necessary for preservation of indiginous flora and fauna.

4. Beaches and/or mountains with significant natural or historic sites.

5. Lands subject to earth slides or flooding.

Further, the Oahu General Plan defines "open space land" (preservation) as follows:

Undeveloped land in an Urban area which has value for:

a. Park and recreational purposes.

b. Conservation of land and other natural resources.

c. Historic or scenic purposes.

d. Preservation of life and property in areas subject to floods and earth slides.

Comparing the lands indicated in the Amendment Application against the above criteria, the only one that might apply would be #1: "areas normally considered too steep to economically accommodate building sites". The lands are not in forest reserves, do not contain significant indiginous flora and fauna, do not contain significant natural or historic sites (the Kahaluu Taro Flats are not within the area sought for residential use), are generally not subject to slides or flooding, have no significant park or recreational potential, contain no natural resources, and are not of great scenic importance.

In analyzing the Director's written recommendations and the recommended boundaries indicated on the maps, it would appear that topography is the only one of the above criteria used by the Department of General Planning. The repeated references to "steeply sloping" areas bear this out. The unofficial criteria for "steeply sloping" land is anything over 20%. This figure (20%) is, we believe, an interpretation of the State Land Use Law and has never been formally adopted by the City as a criteria. Therefore, its use has no validity in this case.

It is our contention that many of the areas excluded by the Director's boundaries for this parcel are not too steep for economical development. Many of the areas contained in the subject parcel are similar to those within Clubview Gardens, just makai of this parcel. Clubview Gardens is a PD-H and was widely acclaimed by the pre-charter Planning Department as one of the finest PD projects submitted at the time of public hearing. Clubview Gardens has been a very successful project, both economically and aesthetically. It was designed to enhance the visual

characteristics of the site, to preserve many of the existing trees and other vegetation, to minimize grading and preserve natural features and drainage areas.

On January 9, 1973, in Planning and Zoning Committee Report #31, the City Council asked that a more definitive site plan be developed for the subject parcel, which the Applicant's architect-planner has done. Meetings were held with staff members of the Department of Land Utilization, staff from the Department of General Planning in attendance. Conceptual acceptance was given by Mr. Wanket's letter of July 20, 1973 (copy attached). Further design work was done in accordance with that letter, but further meetings with the Department of Land Utilization were denied due to the unresolved General Plan issues. (Copy of Mr. Wanket's letter of August 22, 1973 attached.) The design of this site plan was done in order to achieve a similar type environment as the existing PD, Clubview Gardens. At least as much, if not more, effort was given to preserving the major natural features of the site. The issue of "inappropriate" topography was not raised. The buildings are not located within flood areas or streams, nor are they located within the Kahaluu Taro Flats. Preservation of the major ravines was of paramount importance.

Parenthetically, minimum lot sizes required in the Comprehensive Zoning Code in Residential Zones were determined on the basis of cross-slopes up to 40%. These requirements were eliminated by amendment (Ordinance No. 3741). Also, cluster developments may have as much as 50% of the required open space on land in excess of 20% slope. Therefore, we can only conclude that the authors of the CZC recognized the feasibility of development on such land.

In Mr. Way's letter to the Council of November 12, 1973, he alludes to the proposed development requiring "extensive destruction of the landscape" without definition. A preliminary grading plan has been prepared which, in our opinion, does not require "extensive destruction". Further, Mr. Wanket's letter of July 20, 1973 states that the preservation of the ravine areas, the adaptation of the dwelling unit design to varying topographical situations and the location of the multi-story buildings were acceptable.

Mr. Way's letter further states that boundary lines as proposed by applicant are "crude". It is our contention that General Plan boundaries are an indication of areas and not subject to metes and bounds delineation until zoning and PD applications are submitted. General Plan boundaries,

it would seem, should be "general". However, from past experience, we know this is not the case. Inasmuch as it is not possible, without precise engineering drawings, to accurately define the limits of grading, etc., the boundaries proposed by the applicant allow for some flexibility until such engineering drawings are prepared. Concern on the part of Public Officials about this approach to establishing boundaries can be resolved during the rezoning and Planned Development processing.

Mr. Way also states that the applicant's proposed boundaries allow for "a substantially more liberal floor area allowance under a PD". However, it is not the applicant's intention to maximize density inasmuch as the proposed site plan indicates a floor area 350-400,000 sq. ft. below the maximum allowed, assuming ultimate R-6 zoning. An average floor area of 1,200 sq. ft. per dwelling unit could yield 290 to 330 more units than the 715 proposed. With Mr. Way's presently proposed boundaries, with the same assumptions, it is possible to develop 630 units.

With respect to item 2, above, the proposed redesignation of 27 of the 29 acres makai of the site is wholly inappropriate. City officials at an earlier time believed that this area was suitable for residential use. Just because the applicant proposes to undertake a single development of both the 29-acre portion and the remainder is no reason to now question that earlier decision. However, it should be noted that as much care went into the design of the 29-acre portion as the remainder, even though the applicant could have, and still can apply for subdivision approval which would cause grading far in excess of that proposed.

In summary, it is the Applicant's position that:

1. The subject parcel does not meet the criteria established by the General Plan for Preservation designation.

2. That topography alone is not sufficient criteria for Preservation Designation, particularly the unofficial definition of 20% as being economically undevelopable.

3. That the 29-acre portion is not in question at this time.

Finally, the applicant, in acceding to the desires of the City Council, have gone to considerable cost and delay in preparing a detailed site plan in order to more precisely define the General Plan boundaries. And yet this plan, which has conceptual acceptance of the Department of Land Utilization, has been totally ignored by the Department of General Planning,

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where topography, and topography alone, has been the criteria. If all that was required was a more detailed topographic map, it could have been provided months ago. As matters now stand, an incredible amount of time, money, and energy have been wasted if the Director's recommendations are adopted.

Yours very truly,

EDW INCORPORATED

L. Ingleson, AIA

LI:rp

Enclosures

cc Planning Commission
Robert Way
George Moriguchi

DEPARTMENT OF LAND UTILIZATION

CITY AND COUNTY OF HONOLULU

629 POHUKAINA STREET
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

GEORGE S. MORIGUCHI
Director

(HE)

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July 20, 1973

Mr. Stanley Chun
EDW, Inc.
Suite 200, 828 Fort Street
Honolulu, Hawaii 96813

Dear Mr. Chun:

Club View Hills Planned Development-Housing
Preliminary

The schematic plan dated July 11, 1973, has been reviewed by our staff.

The following concepts shown on your site plan appear to be acceptable:

1. The preservation of ravine areas.

2. The location of units on flatter areas.

3. The emphasis on views and view preservation.

4. The dispersal of tot lots within residential areas.

5. The location of multi-story buildings at the base of the mountains.

6. The design of unit types adapt to varying topographical situations.

The site plan needs further consideration to:

1. Design and impact of the water tank as a visual entry feature.

2. Development of a cohesive walkway system relating recreation facilities to dwelling units.

3. Resiting of dwelling units to be safely away from steep cliff edges.

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4. Development of preliminary grading plans.

5. Resiting of the recreation centers to be more centrally located thereby permitting and encouraging greater pedestrian usage.

6. Provision of tot lot facilities for the multi-level structures.

7. Development of a drainage plan and adjustment of unit location to permit natural drainage.

8. Provision of adequate plant buffer between the temple and the development on the mauka and ravine sides.

We would suggest your adjustment of the site plan to reflect items needing further consideration. Should you have any questions, please call Mr. Ali Sheybani at 546-7512.

Very truly yours,

WILLIAM E. WANKET
Deputy Director

WEW:ww

7-24-73
Copy sent to J Yamakawa.

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DEPARTMENT OF LAND UTILIZATION

CITY AND COUNTY OF HONOLULU

629 POHUKAINA STREET
HONOLULU, HAWAII 96813

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FRANK F. FASI
MAYOR

GEORGE S. MORIGUCHI
DIRECTOR

WILLIAM E. WANKET
DEPUTY DIRECTOR

DLU8/73-451(BAM)

DATE		
FILE 78L-246		COPY
SC	✓	
PO		
LI	✓	

August 22, 1973

Mr. Stanley Chun
EDW, Incorporated
828 Fort Street Mall
Honolulu, Hawaii 96813

Dear Mr. Chun:

Proposed Planned Development-Housing--Kahaluu
"Club View Hills" (PDH/PRE-58)

This is in reply to your August 7 letter regarding the above proposal.

Our department would accept a formal planned development application and concurrent rezoning request if it conformed to the recommendations of the Department of General Planning with respect to future land uses for the site. If the application did not conform, we would not accept it until General Plan issues were resolved.

Obviously, the planned development/zoning application would be null and void if subsequent action on the General Plan amendment by the City Council was to be contrary to the recommendation of the Chief Planning Officer.

We would be amenable to considering a Planned Development-Housing application for the site as a whole, provided an acceptable site plan is submitted.

Specific documentation requirements in this regard would be established at such time General Plan designations are resolved, and through discussions with our planned development staff at the time of application.

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Density transfers among portions of the site are possible; again, provided that the overall site plan is acceptable.

If you should have additional questions concerning planned development and rezoning procedures, please contact me.

However, as per my recent discussions with Mr. Ingleson, at this stage of project development, your primary coordinating effort should be with the Department of General Planning for the purpose of resolving General Plan issues.

Very truly yours,

WILLIAM E. WANKET
Deputy Director

WEW:nt

cc: Department of General Planning

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December 19, 1973

Planning Commission
City and County of Honolulu
Honolulu, Hawaii

Gentlemen:

APPLICATION TO AMEND THE KANEOHE/KUULOA
DETAILED LAND USE MAP FOR 109 ACRES
LOCATED AT AHUIMANU AND KAHALUU, OAHU
TMK 4-7-04-PORTION OF 1 AND TMK 4-7-51-PORTION OF 2

This statement is offered on behalf of the Applicants, Valley of the Temples Corporation, Waikiki Development Company and Centex Development Company, who have filed an Application to amend the Kaneohe/Kuuloa General Plan for certain lands located at Ahuimanu and Kahaluu approximating 109 acres, which Application is the subject of this public hearing before you to invite testimony on the recommendations of Mr. Robert Way, Chief Planning Officer, as contained in his report to the City Council dated November 12, 1973, as amended by memorandum dated December 12, 1973. More specifically, Mr. Way has recommended redesignation of 45 acres from cemetery to residential use and 64 acres from cemetery to preservation use.

The Applicants are in complete disagreement with the recommendations of the Chief Planning Officer because they are contrary to the planning and engineering research work which resulted in the submittal of a site plan to the Planning and Zoning

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Committee of the City Council; and because the recommendations comprise a substantial deviation from the Supplement Memorandum by the then Planning Director dated October 12, 1972, which formed the basis of your recommendation to City Council under communication dated November 21, 1972, next following completion of public hearings held on October 11, 1972, October 18, 1972, November 1, 1972 and November 15, 1972.

The subject Application was filed approximately two years ago on December 10, 1971. Under the Application, 138 acres were proposed for redesignation to apartment use classification for construction of approximately 715 residential units. Following early processing of the Application, and in order to control the housing density of 715 units proposed, the Applicants by letter dated March 21, 1972, amended the Application filed to change the apartment use classification to residential use classification and to submit the 138 acres as a Planned Development-Housing under Section 21-1011 of the Comprehensive Zoning Ordinance. By this amendment, approximately 29 acres already in residential classification on the General Plan were withdrawn from the subject Application. This left 109 acres for General Plan amendment.

To provide answers and solutions for offsite and onsite problems, including highway widening, power, drainage and erosion control, parks and recreation, sewer, schools, etc., the Applicants

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filed a Supplement dated June 26, 1972, after completion of investigation and research work.

As mentioned above, a series of public hearings were held in October and November of 1972. The then Planning Director recommended to your honorable Commission reduction of the 109 acres to 50 acres "subject to further refinement based on the development of a site plan to be prepared by the Applicants when they apply for planned development. This means that though the Planning Commission and City Council may proceed to review this amendment, the preparation of the final ordinance map will be deferred until a site plan has been prepared and reviewed." (Quotation from report dated October 27, 1972). By letter dated November 21, 1972, the Applicants were notified as follows:

> "The Planning Commission, at its meetings of October 11, 1972; October 18, 1972; November 1, 1972; and November 15, 1972, considered your request identified above. After due consideration, the Planning Commission, at its November 15, 1972 meeting voted to adopt the Planning Director's recommendations favoring reduction of the number of acres proposed for residential use from 109 to 50. This modification is subject to further refinement based on submittal of your site dvelopment plans in conjunction with Planned Unit Development processing."

Preparation of the site plan began in January 1973 and continued until its submittal to the Planning and Zoning Committee of the City Council under letter dated August 10, 1973. The preparation work included basic engineering and planning and slope analysis by EDW Incorporated and Brian Gray & Associates. Under

the site plan submitted, the Applicants proposed that 77 acres of the 109 acres be redesignated to residential use and the balance of 32 acres to open space.

The site plan was then transmitted to the departments of General Planning and Land Utilization. Upon completion of their analysis, the Chief Planning Officer recommended that of the 109 acres applied for General Plan change, 45 acres be redesignated for residential use with the balance of 64 acres to preservation. Additionally, of the 29 acres already in residential classification on the General Plan being included in the site plan for Planned Development-Housing preparation, 27 acres are to be redesignated to open space, leaving only 2 acres in residential classification.

We think the recommendations went far beyond the "refinement" intent of your recommendation to the City Council in November 1972, particularly with respect to the 29 acres which are not part of the Application for General Plan amendment. These 29 acres are already zoned for residential use and were included in the site plan in accordance with discussions with the Planning Department staff in order to control the total density of 715 units proposed for the development.

Further, there is a substantial dispute among our planners and engineers and the County Planning staff as to what is usable land for residential development for the Planned Development-Housing plan. Because of this dispute, it is appropriate to have

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Mr. Lewis Ingleson of EDW Incorporated present testimony on the criteria used for determining usable lands for residential development as shown on the site plan, and otherwise to question the b asis and conclusions for the Chief Planning Officer's recommendations to you.

We ask that the 29 acres already in residential classification and zoning be deleted from your deliberations for recommendations to the Planning and Zoning Committee. We also ask your review of the reasonableness of the criteria used to determine the necessary refinements of the 50 acres (of the 109 acres) proposed for redesignation to residential use by the Planning Director in November 1972. The specific issue is, of course, the 77 acres proposed by the Applicants for redesignation to residential use versus the 45 acres recommended by the Chief Planning Officer.

Respectfully submitted,

Jack K. Palk

Jack K. Palk, Realtor-Consultant
Agent for Valley of the Temples Corp.,
Waikiki Development Company and
Centex Development Company

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Meeting of the Planning Commission
Minutes
January 9, 1974

The Planning Commission held a meeting on Wednesday January 9, 1974 at 1:30 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:

Eugene B. Connell, Chairman
James D. Crane, Vice-Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Donald K. Hosaka
Randall Kamiya
Antone J. Kahawaiolaa
Fredda Sullam

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Wilfred M. Mita, Deputy Corporation Counsel
Jack Gilliam, Head, Zoning District Changes Branch
Ian McDougall, Staff Planner
Stan Mofjeld, Staff Planner
Ralph Portmore, Staff Planner

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
(4½-STORY APT. BLDG.)
JERRY PARK
(FILE #73/HCD-26)

A public hearing was held to consider a request for construction of a 4½-story apartment building and demolition of existing structures on the site, Tax Map Key: 2-1-21: 1.

Publication was made in the Sunday Star-Bulletin/Advertiser of December 30, 1973. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the request. The 4½-story apartment building meets the 40-foot height limit and 50% open space requirements for the district. The design of the apartment building appears to be compatible with the Hawaii Capital District. The north-east corner of the site, indicated as a Development Plan road, will be landscaped and remain free of structures. The Director recommends approval of this request.

No discussion followed.

No person was present to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

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ACTION: The Commission concurred with the Director's recommendation and recommended approval of this request, on motion by Mrs. Sullam, seconded by Mr. Kahawaiolaa and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Crane
ABSTAINED - Connell

PUBLIC HEARING
PROPOSED AMENDMENT TO
CZC RE PARKING
REQUIREMENTS
(SEC. 21-605(e))

A public hearing was held to consider a proposed amendment to Section 21-605(e) of the Comprehensive Zoning Code relating to parking requirements.

Publication was made in the Sunday Star-Bulletin/Advertiser of December 30, 1973. No letters of protest were received.

Mr. Jack Gilliam of the staff reviewed the Director's report of the proposed amendment. This amendment relates to parking requirements in Apartment districts. A request was received from the Building Department to correct an inadvertent omission made in a previous amendment. The ordinance, in essence, adds in the title of the chart, the words "or lodging." The reason for the amendment is that in the present CZC, dwelling units are units with kitchens, and lodging units are those without kitchens. Problems have arisen where after building permits are issued, rooms are converted into lodging units thus increasing the number of units, without any provision for parking to handle the increased number of units.

No discussion followed.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the proposed amendment, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Crane
ABSTAINED - Connell

UNFINISHED BUSINESS
GP/DLUM AMENDMENT
CEMETERY TO RESIDENTIAL
AND PRESERVATION USES
KAHALUU
VALLEY OF THE TEMPLES,
(Cont.)

The public hearing held December 19, 1973 was kept open and action deferred for receipt of a grading plan from the applicant, and further review of recommendations as may be in order by the Chief Planning Officer.

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(Cont.)
WAIKIKI DEVELOPMENT COMPANY, & CENTEX DEVELOPMENT COMPANY (FILE #184/C1/25)

Staff Planner Ralph Portmore presented the following letter of the Chief Planning Officer regarding this General Plan Amendment request:

This is my response to the positions taken by Jack K. Palk and Lewis Ingleson, the applicants' representatives, in their letters dated December 19, 1973 to the Planning Commission and the City Council respectively. Also included are my comments on a preliminary grading plan and revised proposal for residential and preservation land use boundaries which were submitted to my office by Mr. Ingleson on December 21, 1973.

Jack K. Palk Letter

The primary points raised by Mr. Palk in his letter are that the recommendations contained in my November 12, 1973 letter to the City Council "comprised a substantial deviation from the Supplement(al) Memorandum by the then Planning Director dated October 12 (27), 1972," and go "far beyond the 'refinement' intent of your (the Planning Commission's) recommendation to the City Council in November 1972, particularly with respect to the 29 acres which are not part of the Application for General Plan amendment."

I do not agree that my final recommendation deviates, substantially or otherwise, from the contents of my October 27, 1972 Supplemental Memorandum. As noted on page 5 of my November 12, 1973 letter to the City Council, the same general criteria were used in making both my initial and final recommendation. The changes in the recommended boundaries between residential and preservation areas, which were initially tentative and subject to refinement, are based solely on the more accurate and detailed information requested by me and submitted by the applicants.

Secondly, for the reasons just noted, I do not agree that my final recommendation goes beyond the "refinement" intent of my initial recommendation. The 29-acre area in question, which is currently designated for residential use on the General Plan, was included in my final recommendation because the same criteria must be applied to an entire property proposed for a single development. It would obviously be inconsistent to recognize in the City's land use policy document different terrain characteristics within one portion of a site while ignoring them in another portion.

This is particularly important where, as in this case, the land involved consists of the rising slopes on Windward Oahu which form a part of the transitional area separating the lower coastal flats generally designated for preservation use. It is within these locations that the line between urban and preservation areas must be drawn, and the criteria for doing this must be accurately, carefully, and uniformly applied. The new data submitted by the applicants clearly indicate that most of the 29-acre area in question is inappropriate for development.

In any case, the Revised Charter of the City and County of Honolulu provides that the Chief Planning Officer shall propose revisions to the

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General Plan. This may be done where a property owner or other party points out to the Chief Planning Officer the need for and appropriateness of a revision, or it may be done at the Chief Planning Officer's own initiative at any time. The fact that the 29 acres were not considered in my initial recommendation does not preclude my considering them at this time.

Lewis Ingleson Letter

The main contentions raised by Mr. Ingleson in his letter are that: (1) topography was the only criterion applied in my recommendation, (2) my definition of what degree of land slope is inappropriate for development has no validity in this case, (3) the boundary lines separating residential and preservation areas which are proposed by the applicants are not "crude" but appropriately "general," and (4) the site plan submitted by him has been ignored. Mr. Ingleson also repeats Mr. Palk's contention that consideration of the 29 acres currently designated for residential use is inappropriate. This point has already been addressed above.

1. Exclusive use of topography--It is not true that topography was the only General Plan criterion considered in my determination of which areas to recommend for preservation use. Preserving significant historical sites and lands subject to earth slides or flooding are additional criteria which are directly applicable to this property. These formed the bases for recommending that the Kahaluu Taro Flats and the major drainage channels traversing this site be preserved. Mr. Ingleson apparently applied these criteria himself since his own proposal designates these areas for preservation use.

2. What constitutes "steeply sloping" land--The use of a 20% to 25% slope as the "break point" between moderately and steeply sloping land is widely accepted and not just a figure which is applicable only to the State Land Use Law. The fact that it is not explicitly stated in the General Plan does not render its use invalid.

More importantly, the total implications of developing steeply sloping land, not just the economics involved, need to be considered in evaluating whether development should be permitted on such land. As demonstrated below, steepness of land is usually closely related to several of the other criteria listed in the General Plan for determining preservation areas. Land values in Hawaii are such that, from the narrow viewpoint of economic feasibility, the development of land with slopes in excess of 30% and even 40% might be justified in many areas. This does not mean that such land is appropriate for development, or that serious problems would not occur if it was developed.

Developing steeply sloping land requires extensive modifications of the existing terrain, modifications which do not generally lessen the steep slopes but only relocate them to places which fit in with the proposed pattern of development. This is clearly illustrated by the preliminary grading plan prepared by the applicants' architect for the proposed planned development on the site.

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Steeply sloping areas, which are proposed for development on the makai-Kaneohe portion of the site, would be completely regraded and reshaped with cuts and fills exceeding 10 feet in many places. Cuts and fills along the proposed roadway serving the makai-Kahaluu portion of the site exceed 20 feet in many instances, and the massive apartment building-parking structure complexes proposed in this area would also require a complete and extensive rearrangement of the topography.

This regrading process would strip the land of its existing natural vegetation which, due to its rainfall absorption and soil holding capabilities, is vital to minimizing run-off, erosion, and the potential for earth slides. Removal of this vegetation is particularly detrimental where steep slopes are involved because it is very difficult to re-establish adequate ground cover on new steep slopes.

A soil survey conducted by the Soil Conservation Service indicates that Lolekaa silty clay is the predominant soil type existing on the site, and that this soil is susceptible to sliding and has a moderate to severe erosion hazard at slopes of 25% and over. Rainfall in this area averages 70 to 90 inches a year. Therefore, these characteristics do constitute serious limitations to development. More specifically, the Soil Conservation Service had the following comments in a letter, dated February 10, 1972, which was submitted in response to my request that they review this proposed General Plan amendment:

> "We are of the opinion that development on the steeper slopes as indicated on the map sent to us will be undesirable. Treatment of the disturbed land to prevent erosion will be difficult, especially in attempting to revegetate the steeper slopes. We do not see a practicable means of preventing conditions of severe erosion hazards."

With regard to economics and the price of housing, Mr. Dan Ostrow of Dan Ostrow Construction Company, who would apparently be responsible for constructing the proposed planned development if it is approved, has indicated in a recent letter that he is "considering revising our proposal to build only moderate priced leasehold two and three bedroom units as outlined below:

"Apartments (multi level)

1 Bedroom - 1 Bath (650 sq. ft.)	$39,950
2 Bedrooms - 2 Baths (750 sq. ft.)	43,500

Townhouses

2 Bedrooms - 1 Bath (850 sq. ft.)	$45,000
3 Bedrooms - 1-1/2 Bath (1,100 sq. ft.)	49,500"

Although these prices are below those prevailing for most of the new houses being sold at this time, they are nevertheless beyond the means of families earning less than $15,000 a year,

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where the need for additional housing is particularly great. Also, the size of the proposed units is relatively small, and the proposed prices range from $45.00 to $61.50 a square foot.

Summarizing, economics was only one of the concerns--and a relatively minor one--in evaluating what portions of the site would be appropriate for development. Other very important concerns which formed the basis for my recommendation against the development of steeply sloping lands were the increased run-off which would result from disturbing these areas and the impact this would have on flood prone areas downstream from the site, and the increased soil erosion which would result and its impact on Kaneohe Bay.

3. Preciseness of boundaries--I agree with Mr. Ingleson that General Plan boundaries need not be subject to a metes and bounds delineation. However, it is apparent that the boundaries initially proposed by the applicants go well beyond "allowing for some flexibility." Of the four separate residential areas proposed by the applicants on the land currently designated for cemetery use, the residential boundary for two of these areas extends over 300 feet in the mauka direction beyond the perimeter of development indicated on the site plan, extends over 500 feet beyond the development perimeter for another area, and over 600 feet in two separate locations for the remaining area.

   These areas were apparently not indicated for development because of inappropriate topography. This is why I consider the proposed boundaries crude, and recommend that they more accurately reflect the terrain conditions on this site.

4. Review of site plan--The final point raised by Mr. Ingleson is that I have ignored the site plan prepared by him. This is not correct. The purpose of requesting submission of a site plan was to give the applicants an opportunity to demonstrate the suitability for development of the various portions of this site which are proposed for residential use. The submission of a specific site layout for the proposed development was considered particularly important for those areas, such as where steep slopes prevail, where there might be some question as to their suitability for development.

The submitted site plan and preliminary grading plan do not demonstrate that steeply sloping areas are appropriate for development. Rather, they indicate that the existing landscape would have to be completely destroyed. These plans were carefully considered, and it was found that they verify, rather than refute, my recommendation, based on the criteria given in the General Plan, of what areas should be designated for preservation use.

In the course of discussing the above point in his letter, Mr. Ingleson asserts that the submitted site plan "has conceptual acceptance of the Department of Land Utilization."

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This is not correct, as indicated by letters dated July 20, 1973 and August 21, 1973, from the Department of Land Utilization to Mr. Ingleson.

Preliminary Grading Plan and Revised Land Use Boundary Proposal

These plans were submitted for review at the Planning Commission's request after it was learned at the December 19, 1973 public hearing that they were available.

As discussed previously, the preliminary grading plan indicates that extensive regrading of steeply sloping areas proposed for development would be required in order to accommodate the planned site layout and types of structures. Only the very basic land form (direction of land slope, etc.) would be retained, and all existing vegetation would have to be removed. This plan does not indicate that any of the areas previously recommended for preservation use are appropriate for development.

The revised land use boundary plan submitted by Mr. Ingleson proposes that about 70.5 acres of the 138 acres within the site be designated for residential use, 57+ acres of which are presently designated for cemetery use and 13+ acres already shown for residential use. The remaining 67.5 acres are proposed for preservation use. The applicant previously requested that 77 acres of cemetery land be redesignated for residential use, the entire 29 acres now designated for residential use be retained in this classification, and 32 acres of cemetery land be redesignated for preservation use.

This new land use boundary plan simply relates the proposed boundary lines more closely to the site development plan submitted in August 1973. The site plan itself has not been changed. Several areas previously proposed for residential designation but not indicated for development are now proposed for preservation. However, extensive areas where steep slopes prevail are still proposed for residential designation and development. This revised proposal provides no new information which would justify changing my recommendation.

Conclusion

The letters and additional plans submitted by the applicants' representatives do not provide any basis to support a modification to the recommendation on this amendment request which was made in my November 12, 1973 letter to the City Council. Therefore, my recommendation remains unchanged.

There were no questions from the Commission concerning the response of the Chief Planning Officer.

Public testimony followed.

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No person was present to speak AGAINST the request.

Testimony in SUPPORT--

1. Mr. Jack Palk, Consultant for the Applicants

PALK: I have listened to the verbal statement replying to the two letters that we filed at the last public hearing, and also the technical comments on the submittals that were made in the interim period by the applicant.

Insofar as the letter that I filed and the comments that were made, they're not as important perhaps as the technical work that was done by the qualified and experienced planners on our side, and evaluation, of course, by the planning department staff. I cannot comment on the technical phases whether a rebuttal is appropriate. I would like to defer that to Mr. Ingleson. This has been our first exposure to the statements that were made at this hearing.

One point that I wanted to mention. When we started to do the site plan work, it was in relation to ultimate submittal of a PDH plan, trying to do two processes at one time. Looking back on the record and from what the Planning Commission recommended to the City Council, I guess what we were concerned about is directed mostly to the 52 acres that were considered usable by the planning staff at that time, subject to refinement mauka of that circular line (referring to map displayed). That circular line represents the line between the zoned land below or makai, and the proposal for general plan change made by the applicant mauka of that circular line.

The other point that I wanted to disclose to the Commission members is that when we took the recommendations of this Planning Commission, as well as the report of the Planning Committee of the City Council, it was with the thought that we would go ahead and prepare the site plan, the grading plan and so forth, working very closely with the Department of Land Utilization. I was not that close but in our meetings that we had on the plans for over a period of nearly a year, I had thought that we could work with the department, and if there were some problem or if there were anything, that they would discover that it would not--that it would be placed on the table for the planners to evaluate and come up with a recommendation on our side, in any event. The lands that were changed makai of that circular line, about 29 acres, was a complete surprise to us within the time that it was authorized for public hearing. We certainly did not have the time sufficient to work the details with our planner in terms of exactly what were the problems in terms of slope conditions makai of that circular line (referring to map displayed).

I don't know that we have any more time to do that. We've tried in the interim period but the staff has come out with a report. That ends my statement. I would like to get a copy of Mr. Portmore's statement to the Commission, if for no other reason, then for our records too. Secondly, I'd like to ask Mr. Ingleson if he wanted to make a statement in fairness to the work he has done in that year's time on the site plan.

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Mr. Palk was questioned by the Commission.

SULLAM: Mr. Palk, do I hear you saying that the planning staff encouraged you to develop this property, and then at the very last moment made changes that are inconsistent with the manner in which you started?

PALK: No, my point was that we had approximately a year within which this work was being done. During that course, our plannner Mr. Ingleson, had worked very closely with the planning department so that there were no surprises on either side. If there were problems, it was a planning problem which should be taken cared of long before we came to a public hearing, not that we're trying to do anything behind the scene. Obviously, you're dealing with a lot of slope land, you're dealing with a very technical problem in terms of planning the layout of a large development. Obviously, I'm not competent here to do that kind of planning work nor to comment on it. So, we hired technical people to do that work. It was in the process of doing that that we consulted with the planning department, feeding them, as I understand, preliminary schematic work that was done. It was only in the last month, prior to the public hearing, that we were finally exposed to what I would call substantial changes, not only from the Planning Commission's record positions in letters that were submitted not only to the applicant but also upstairs, although I do recognize that the planning director does have the power to initiate general plan changes. I'm not contesting that fact. But, it is a surprise that having worked so long with this thing and then down to the end, only to find that there was a complete breakdown, perhaps in communication, between the working staff on our side and the planning staff on that side.

SULLAM: I was going to say that actually there was no assurance when you hired specialists to help you with this very sloping land that ultimately you wouldn't be able to build on.

PALK: There was no confusion in my mind on that part. I think that because it was a long drawn out process, I think it was with the thought as we do in preparing the application, work with the staff to be sure we do have the proper guidelines within which to work. Unfortunately, and I'm repeating myself in the last public hearing, that the planning criteria that was used were not the same on both sides. I'm sure there is not any attempt to try to take more acreage into a development use.

CHOY: Deviating from the technical aspects for awhile and going back to the history of the subdivision, since I am a new Commissioner, can you enlighten me on the reasons for switching from cemetery to housing because wasn't there at the time when it was rezoned from preservation to cemetery, there was a shortage of cemetery land?

PALK: Very basically, the applicant desired to have the general plan change to provide a need for housing which was more of a priority than cemetery plots. In evaluating the need for cemetery plots on Oahu particularly in the Koolaupoko area, as our report

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indicated, there was a substantial surplus of cemetery plots which perhaps could meet the needs 20 to 30 years in the future; that there were suitable lands, enough lands in the Valley of the Temples area that could do both, provide for housing as well as take care of cemetery use. It was with this thought that looking at the lands that were identified for cemetery use, that there were some suitable land for housing development; hence, the application for the general plan change.

CHOY: In the supplemental information that was given to us, the item on if this subdivision were permitted to come to pass, I was very intrigued with the cost to the taxpayer. Reading the report by Police Chief Keala, it would cost in the area of $75,000 annually just to provide police protection for your area. I realize it's a small thing--

PALK: Well, it's a substantial thing and I was not aware of that particular area, however large or small it might be. I thought it was for all of the new developments that might be fronting on or adjacent to Kahekili Highway. Of course, I don't know what the tax base was before and what it is now, but I assume that given the same acreage going back to '69, '70, and looking at all of the acres since developed along the highway, looking at the tax base then and looking at it now, I would think that the taxes are substantial, and just off the top of my head, more than sufficient to take care of that kind of cost as well as others, public service costs.

CHOY: In testimony against your subdivision at the last meeting, there were enough people testifying against your subdivision because of the narrowness of the highway. If your subdivision were permitted to move ahead, possibly there would be substantial cost of developing that highway in order to accommodate the additional traffic. Do you feel your subdivision could justify this additional cost?

PALK: Let me approach it another way. Long before this application was filed, Kahekili Highway was destined to be widened because in terms of future traffic planning, that was already proposed. I think the bills that were introduced early in the legislature--there's ample material on the record to support my statement there. I think it's a question of when. If this development of 700+ units is done overnight, there's no question if the highway is now burdened, it would be overburdened. But, given the proper timing, after all you haven't seen a 700+ development spring up over night. It's strung out over a period of five or six years. Hopefully within the time the County-State relationship would mature to a point where there can be unanimous funding for widening of the highway by the legislature. This has been everyone's objective and desire on the Windward side for a number of years. It's no more an additional burden than any other development that feeds on that road or any new housing which will feed into that road.

I agree there is a need to widen that highway. I agree that we need housing too as a priority. I agree, that in addition to the highway, there are other off-site requirements that have to be funded whether by the developer or by the taxpayer. Again, it's timing and the availability of public funding.

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Certainly, the sewer plant has been put in by the developer. It is a large off-site requirement. It's there. It's been used by all of the developments that have come up in that vicinity. It can continue to serve so that it's not a problem of handling the 700+ units that have been proposed.

The drainage requirements are something. The work that has to be done under the federal grant down below is another large problem that has to be handled in time.

If we look at the general plan as a policy decision, that the things that have been suggested are very appropriate, are perhaps things that should be controlled at the time of zoning. Certainly, Mr. Way has expressed this. Certainly, the record is complete with controls. This is the whole basis for submitting a PDH, that the planning department and county do have the controls. But again, the PDH is so close to the general plan that the question of policy perhaps, is lost in the present need of problems to be resolved in that area, off site and on site.

CHOY: Were you able to see the brief summary done for the State Department of Transportation by the EDAW Incorporated specifying that the exact area we're talking about, the Kahaluu area, this study, at least in my mind, creates a negative human relation aspect due to over population. Have you read this article?

PALK: I believe I have.

CHOY: I would like to have your comments in relation to the 700+ units.

PALK: We have the population here. This is a known. We have to deal with it factually and not sectionally. Sure, if we can control population, many of the pressing problems we have may not be present any more. But, you can't put barriers on political boundaries to stop people. Is this the kind of problem we're talking about?

CHOY: No, I'm not talking about political involvement. I'm talking about a statistical study that was ordered by the Department of Transportation. In my mind, this study came up with more negative aspects towards the increased development population in the Kahaluu area in a human relation aspect. As I mentioned earlier, I want to deviate from any technical aspects because this is not in my area. But certainly, in my mind, any large development do take into consideration, the people that live in it, the human aspect, the human relationship. I'm just wondering whether you read this article.

PALK: I have not read that article, but I've been here long enough to feel that the human relation aspect is very important and very difficult. I think if this was the first and only development, I can understand perhaps the concern. But, this development is only one of several. The same developer has just developed downstairs from the mauka area that we've talked about.

The other relationship is to provide sufficient housing for the

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people that are there now to be able to get back into the area, rather than to freeze them out because of economics. I think every developer tries to provide this. Whether they are successful or not, I don't know.

CHAIRMAN: You mentioned the time factor. Do you feel with more time it would help resolve, get these things straightened out?

PALK: Well, with the meetings that have been held, I get the feeling--and this isn't meant in any deragotory sense or to cast aspersions, but that it was more of a feeling that you submit something and they give a comment on it. It's so brief that you could hardly tell whether you're proceeding with an appropriate guideline that has the input, not that there's any guarantee that the Commission would approve it, but at least to provide a more working relation guideline. That's about as best as I can express it.

CHAIRMAN: You say unless there were further guidelines. An extra amount of time would not be helpful?

PALK: I can't answer that because in a sense it is a technical kind of work. If I understand Mr. Portmore correctly and even the interim plan that was submitted, they feel that there is hardly any room for refinement. If I'm incorrect, I'd like to ask for time. I'd like to get some comments from our planner. I just feel that it's unfair for this Commission to continue to hold the recommendation up. If there's a valid basis on which we can look at it and come to the planning staff as well as our planner and work together for more realistic delineations of usable land, now that's the word that has to be defined. What is usable land? Submitting a PDH is within the comprehension of usable land for development purpose. Unless we can get a basic understanding as to how it is to be identified, I'm just up against the wall.

2. Mr. Lewis Ingleson, Project Architect for the Applicant

INGLESON: This was also my first exposure to the response of the Chief Planning Officer to the grading plan that was submitted. There were five points, I believe. I just wish to speak to the last one regarding the Department of Land Utilization's accepting approval of the site plan that was prepared.

We submitted the plans to DLU after a series of meetings with them in developing the site plan. On July 20th, and I believe you got a copy of this letter, the second paragraph reads, "The following concept shown on your site plan appear to be acceptable." Then it lists six: "(1) The preservation of ravine areas; (2) The location of units on flatter areas; (3) The emphasis on views and view preservation; (4) The dispersal of tot lots within residential areas; (5) The location of multi-story buildings at the base of the mountains; (6) The design of unit types adapt to varying topographical situations." The letter goes on to ask for further information.

In my letter to Councilman Akahane, I inadvertently used the words "conceptual approval" when I should have said "conceptual acceptance." I was notified of this error in a letter from DLU. I still believe the only way I can construe this second paragraph of Mr. Wanket's letter is that we have conceptual approval. It sounds like the same thing. If I'm wrong, I do need to be corrected.

Insofar as the remaining points that were brought up by Mr. Portmore, I believe we're still in the same kind of a bind to define excessive grading, as we were in the same kind of a bind to define steeply sloping. Neither one of them are really definable.

What you're involved with here is an honest difference of opinion as to whether our site plan and the work we've done constitutes a degradation of the site, or whether the grading necessary to provide for development is compatible and takes into account the characteristics of the site. Certainly, there will be grading on the site. There's no way to develop the project without grading. We believe that we have endeavored in every case to be as sensitive to the characteristics of the site possible. I dare to agree that when we established our proposed boundary lines, we did take into account our necessity for flexibility primarily because of grading. It's simply at this scale, at this time without going into detailed engineering drawings, it's simply not possible to determine the exact extent of grading. If we had some kind of assurance that what we do would be approved, we certainly would go ahead and do those kinds of details. But, it's simply not possible to get into that kind of details at this point. At such time as the detailed engineering drawings are finished, and it was found that our work did not go out to the boundary lines which we proposed, another general plan amendment could be proposed to delineate those areas that were left untouched. We feel we simply can't get into those details without some assurance of continuity of the project.

SULLAM: It seems we've come a long way from the original use of this land which was preservation then cemetery. Now, when I think of the fact that this was once in preservation, then certainly, we should be very careful how we grade this land, if at all possible to avoid any grading where we can, and to keep the preservation boundaries on the areas which do have steep slopes. I think that should be borne in mind very strongly.

INGLESON: I agree.

SULLAM: I don't think your plan bears that out.

INGLESON: I'm in disagreement, I'm afraid. We have attempted to minimize grading. I can't say we have eliminated grading. It's simply not possible to do development and eliminate grading. To put a road in takes some grading.

SULLAM: I would look more willingly at your plan if I felt that land was originally in urban, but it was in preservation.

INGLESON: It is in urban.

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SULLAM: Now it is.

INGLESON: It was cemetery and planned for cemetery use and zoned industrial.

CHOY: Could I have clarification of that, Mr. Ingleson? When Dillingham owned that, I'm certain it was in preservation.

INGLESON: I'm not sure of that.

SULLAM: Well nevertheless, the slopes are very steep. I think it should be noted how steep they are. In reading the report, I had gotten that impression.

SULLAM: Could the staff outline the slope in those very controversial areas?

PORTMORE: The dark green (referring to map displayed) indicates slopes of 25%, the medium green indicates 20%-25%, and the light green indicates 20% or less.

WAY: Mr. Chairman, while Mr. Ingleson has touched on parts of the July 20th letter from DLU, it's important to point out some of the other parts. I note the Director of that Department is here. I would observe the second part of the letter which says: "The site plan needs further consideration to" and I want to touch upon some specific points: "Resiting of dwelling units to be safely away from steep cliff edges," the very kind of issue that we're attempting to address here by relating to the slope of land and the slope of land map; "Development of preliminary grading plans" a very similar concern and issue that we had; "Resiting of the recreation centers to be more centrally located..." relates to another comment, but, the recreation center is in that major area of controversy in the existing general planned area; and "Development of a drainage plan and adjustment of unit location to permit natural drainage." Now, I think these are amongst the very same kinds of questions and concerns that we're attempting to relate to here at this point.

In the other letter to Mr. Ingleson dated August 21st referencing the July 20th letter I just read, Mr. Moriguchi's department observes that "Your statement concerning approval of the site plan by our department is misleading. Our letter of July 20 in which we offered comments on your preliminary schematic plan for the site should in no way be taken as acceptance of the proposal before resolution of General Plan land use issues. Our review was made at the time of General Plan processing of your proposed amendment, and with the understanding that it was a preliminary review, not a substitute for the detailed study required to resolve future land use questions. Please note that our July 20 letter refers to a number of site planning items which we suggested need further consideration and which are an indication of the preliminary nature of our review at that time...."

Again, I simply make the point by referencing these two pieces of correspondence that many of the questions are the very same kinds

of issues we're attempting to relate to at this time, even though they are of a more generalized nature.

I would also have to comment that in a very preliminary way, looking at the grading plan, it seems to me that considerable effort and attempt could be made to minimize the grading on the site. I would point again to the major area of controversy with the access road, which I think if it was found there was an increasing and averaging of one percentage of gradient on that roadway, at the top you could eliminate up to 15% cut, Mr. Portmore refers to in his report to the Commission on the extent and amount of grading in that particular area.

So, I guess I'm not persuaded that a totally sensitive examination of the grading has yet been performed or demonstrated, and therefore, am not convinced that area should in fact be permitted for intensive urban usage.

INGLESON: The second part of the letter from DLU points out these things and we did begin, in fact our latest site plan takes into account some of those things that were voiced in that letter. However, because the general plan issues had not been resolved, any further meetings with DLU were felt by the department to be a waste of time until the general plan issues were resolved. Now, if as Mr. Way just pointed out those kinds of things such as changing gradients on the road and so forth, will resolve some of these grading issues, we're not saying this is the final grading plan by any means. Those are the kinds of issues that are worked out working with staff through the PDH process. Where those kinds of things can be resolved, we're more than willing to undertake them. But, we're between a rock and a hard place where there is no more contact with DLU regarding the project until the general plan is resolved, and there is no resolution of the general plan based on these kinds of concerns that could be worked out. I don't know how to solve that.

More time, fine, if we can work with the staff certainly would be of value. But, if the criteria as I have seen it is simply one of topography, then more time isn't going to gain anything.

CHAIRMAN: I believe it isn't a decision of this Commission whether there is a possibility that you and the planning staff can work through the problem. I believe you and the planning staff are going to have to tell us. If so, we'll give you more time. If it's come to a point of locker heads, fine, we can go ahead and act.

INGLESON: I believe it has come to that point. What we're really talking about is development of detailed plans. The criteria is on end one statement and then on another.

CHAIRMAN: Well, I understand you have not seen this report till today. Would it be beneficial for you to explore this based on this information?

INGLESON: I think it might.

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PALK: If Mr. Moriguchi would permit us to work with staff to see what we need to do, then we'd certainly like the time.

SULLAM: Well, it does appear that the Department of General Planning has made very specific recommendations as to which land is developable and which is not. Why can't you work within those areas and abide by the confines of their boundaries?

INGLESON: We can.

SULLAM: Then what is the problem?

INGLESON: The application submitted covers a larger area, and we have attempted to abide by the request of both this Commission and the City Council to prepare a site plan in order to define the boundaries proposed.

SULLAM: In other words, the boundaries proposed were broad-brush boundaries. In other words, we can learn a lesson here. We should not make boundary changes until we have very specific plans. Obviously, we shouldn't have made those changes at that time. I think it's up to you people to provide us with specific plans.

CHAIRMAN: If the representative of the applicant needs more time, the Commission is generally willing to give you more time. In a sense, you're calling the signals.

INGLESON: The point is if we can continue to work with the Department of Land Utilization and with the members of the Department of General Planning, a meeting of minds at least on the kinds of criteria.

(There was no further discussion.)

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Duke, seconded by Mr. Kahawaiolaa and carried.

The Commission deferred action for two weeks in order that the applicant and the staff might resolve areas of disagreement. The motion was made by Mr. Hosaka, seconded by Dr. Choy and carried.

UNFINISIHED BUSINESS CONDITIONAL USE PERMIT (PRIVATE STP) PUNALUU W & C, LTD. (FILE #72/CUP-21)	The public hearing held December 19, 1973 was closed and action deferred for representatives from the State Department of Health and the City and County Department of Public Works to comment on the effect of drainage and flooding upon the proposed sewage treatment plant.

Mr. Hiroshi Miyake from the Drainage Section of the Department of Public Works was questioned by the Commission.

CHAIRMAN: Did you have an opportunity to review the letter of Kathleen Mattoon, dated December 19th?

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MIYAKE: Yes.

CHAIRMAN: Several questions were raised in there regarding drainage and some of the flood problems. Do you have any comments for the Commission on that?

MIYAKE: I believe, the engineering firm referred to material which right now is not available publicly. We have checked into it and found that it's a draft form. We have a copy of it here. They will be publishing this in the future.

CHAIRMAN: What does this material cover?

MIYAKE: The possible flood zone in that area.

On this six by four culvert, it's under State jurisdiction. The ditches along side that enter into it are all privately owned. These ditches will not be maintained by the City, and also the culvert. However, the engineering firm recognized this and they have promised us to make strong attempts to get the State to clean the culvert.

Their drainage study was studied, and the activity in that area will result in the clearing of their land to take up the development from flooding so the effect upon the land will be insignificant. It does not aggravate what is already existing there. So on that basis, we have accepted their drainage report.

DUKE: Did you have an opportunity to visit that area this past weekend?

MIYAKE: No, I'm taking the place of my superior who's on leave at the present time.

DUKE: Well, the problem in my mind right now is whether to give this CUP for the sewage treatment plant, not really to control all the floods back there, no. I believe that floods really have some bearing on the operation of this particular system which has an open drying bed. What do you think might have happened this past weekend?

MIYAKE: They will be raising that land much higher than what is presently there now, an elevation of 10 to insure that the flood beds will not be inundated.

DUKE: How high will it be above the highway?

MIYAKE: About three feet higher.

DUKE: With the weather we had this past weekend, what effect do you think that rainfall would have on the open drying bed?

MIYAKE: I wonder if Sewers could comment on that. We do not deal with the flood bed. We have no experience on it.

DUKE: I might add, would it under any condition contaminate the ground water or would it create obnoxious odors?

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MIYAKE: That I cannot answer.

HARRIS: We have representatives from the Health Department and the Sewers Division. Mr. Miyake is strictly drainage.

DUKE: Well, they sure had some drainage problems out there this weekend. I know this is unusual but it does happen.

SULLAM: The Soil Conservation Service said they are fearful of seepage of the effluent into the beach, that is if the system is in continuous use. Where did the Soil Conservation Service obtain their information?

MIYAKE: Yes, you are correct. The lowland will be inundated. Those lands will be cleared. If they are permitted to build this STP, they will fill this area.

SULLAM: You feel the buildup will take care of the problem?

MIYAKE: Yes, so that it won't be inundated.

CHAIRMAN: Is it your feeling that with the buildup of the land in this area that there will not be the possibility of polluting the beaches?

MIYAKE: I have to say again, if you have heavy rainfall and whether that heavy rainfall will pollute the beaches, that question I cannot answer. I'm not an authority on sewage. But, if they raise the land, that land will not be inundated.

At this point, Mr. Albert Imamura from the Division of Sewers was questioned by the Commission.

CHAIRMAN: Have you had an opportunity to go over some of the questions which were raised regarding this proposed sewage treatment plant.

IMAMURA: I believe you're concerned with that large drying bed.

CHAIRMAN: And the effect of highwater on that drying bed.

IMAMURA: Not in that sense. We only get involved as far as the function of the treatment process itself.

CRANE: There seems to be concern of drainage and heavy flooding during heavy rains, and if this would indeed pollute the beaches. Are you prepared to answer that? He couldn't answer it because he's an expert on drainage. Can you answer it?

IMAMURA: No I can't either because--

CRANE: Could you tell me who could because I don't know who to ask.

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IMAMURA: Let me put it this way. If the flood water goes higher than the structure itself, then you would have problems. This I cannot explain. You will have to talk to the developer's engineers.

At this stage, there is no construction drawing. This is only a preliminary engineering report. There are no engineering construction drawings. On the final design stage, if someone can indicate the water surface or the flood level, then you determine whether this flood water will affect the flood bed.

CHAIRMAN: When the Department of Public Works sent in their approval to the Planning Department, given flood data, given the proposed design, given the increased buildup of the land, was the flood condition taken into consideration in relationship to the drying bed and to the rest of the STP?

IMAMURA: No we did not.

HARRIS: I believe the Drainage Division reviewed a full drainage report and approved it. The Sewage Division reviewed the mechanical engineering proposal for the STP and approved that.

CRANE: My question is, is it the opinion of the drainage people that there's no problem?

HARRIS: Yes, that's my understanding.

Now, as to the drainage and potential pollution to the shorewaters which has been a question raised, when we get into shorewater potential pollution, that's the Health Department's kuliana. We have a representative here. We are of the understanding that all these things have been taken into account.

CHAIRMAN: Well, that's the only question we're asking.

DUKE: Well, I'm not satisfied yet in my mind with the answers I've received.

You're the sewage expert?

IMAMURA: I represent the Division of Sewers, yes.

DUKE: Will this system as proposed cause any pollution to the water, obnoxious odor or things of that nature, to the rest of the neighborhood there in your opinion?

IMAMURA: Are you referring to the sludge drying bed?

DUKE: To the whole system. the wells that might go into the beach lands. I don't know high water marks. I'm not an expert on that.

IMAMURA: We didn't look into those so-called effluent disposal wells. The DOH goes through that. We reviewed the design of the sewage treatment process. Basically, it's an aeration type. If operated properly, generally there will be no odor.

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DUKE: It was at my suggestion that we bring in some of you people because we did have a good explanation from the design engineer, and frankly, he gave us some good answers from his point of view. I thought possibly you'd bring in some experts that are more familiar than we are that maybe could satisfy us that it is not going to create what the people in the community say that it might.

IMAMURA: This is difficult to explain because basically, it is a sewage treatment plant producing human waste. Now, your definition of odor might be different from mine.

DUKE: Well, stench is odor.

IMAMURA: Well, it's a quantitative case, the degree.

SULLAM: Do you have a similar system already in existence here so that we could go and look at it?

IMAMURA: We do have one at Wahiawa, at Whitmore.

SULLAM: And if we visited that, we could get an idea of what the odor would be like?

IMAMURA: Yes, we would have to check on it first. Comparing an aerobic with anti-aerobic, there is a big difference. In this particular case, it is an aerobic type. Being aerobic, the components will be broken down finer so that as far as odor goes, there's a vast difference.

SULLAM: So there is quite a difference.

HARRIS: Could you comment on the sludge drying bed and the sludge disposal system and the method you used to arrive at that solution, or are there other solutions?

IMAMURA: Actually, it all came about because we had no capacity in our treatment plant to accept sludge. If they maintain just the storage tank, where they dispose of their wet sludge, if it's dried, I believe the landfill will accept it. Because, at our treatment plant, we have no additional capacity but to accept sludge from other treatment plants.

HARRIS: Where do the other plants dispose of the sludge that don't have drying beds, like Ewa Villa?

IMAMURA: Some having drying beds. The others, I don't know.

CHOY: You referred to the STP at Wahiawa. Are you referring to the City's?

IMAMURA: Yes.

CHOY: I've been out there and I know what it smells like, the one at Wahiawa, it borders the lake. Can you draw a comparison of that STP to the one that's proposed at Punaluu?

IMAMURA: No, I'm not too familiar with that one.

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CHOY: I can tell you. It smells to high heaven. If I remember correctly, you stated that the proposed plant will have absolutely no odor.

IMAMURA: I didn't say absolutely no odor period. If operated properly.

CHOY: Can you give us a comparison?

IMAMURA: No.

CHAIRMAN: I thought I heard you say previously that because it did have a backup system, and if it was operated properly, that the odor level would be lessened. Is that what you're saying?

IMAMURA: If operated properly, it will be lessened, right.

CHOY: Will it be lessened to an acceptable degree by the neighbors surrounding this plant?

IMAMURA: That's a hard question to answer.

CHOY: I know it's a hard question. Can you answer that?

IMAMURA: No.

CHAIRMAN: Perhaps we can pursue the odor question with the Department of Health.

Mr. Harold Youngquist, Engineer, State Department of Health, was called upon and questioned by the Commission.

CHAIRMAN: Have you had an opportunity to review the letter of Kathleen Mattoon that was brought before this Commission?

YOUNGQUIST: Yes I have. The only two pertinent points so far as we're concerned would be number one and number two. Essentially, we have to say we do agree with Mrs. Mattoon. There are some areas of slight disagreement like where she uses the word "will", we have to use the word "may." The sludge drying bed, we couldn't say "will" create exceptional odors. We have to use "may, could." There is no way we can determine the quality or the intensity of operation as it were at the treatment plant because we have nothing to compare it to.

I believe that the developer may finally agree to maintain the plant for certain length of time, but I don't know if Mr. Zane has any other plant that he's presently maintaining. So, we have no way of determining what quality of maintenance he will provide. We have to accept his word that the maintenance will be adequate.

CHAIRMAN: Unless the maintenance is part of the CUP, and if it fell below a prescribed level, then the CUP would be pulled by the City and County.

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YOUNGQUIST: Well, that's the City and County's prerogative.

CHAIRMAN: And I imagine the Department of Health would be related to the investigation on this?

YOUNGQUIST: Yes. Actually, the new Department of Health regulations which became effective on August 5th require that the developer provide us with a maintenance schedule. What effect this will have we don't know because we haven't had a case where we imposed a maintenance schedule on a developer and he has not performed.

We do know that where the City and County is involved, and they imposed a maintenance requirement on the developer, community association or whomever is in control of the plant at the time it malfunctions, they seem to have a little more clout than the Health Department regulations allow. I think you can impose bonding.

Now, the use of the soakage pit. We don't know where the effluent will go. We can only assume that it's going seaward, but our regulations do not prohibit such a soakage pit. We had discussions with the engineer when he proposed the soakage pit. If he wants to use a soakage pit, unless we can affirmatively demonstrate that it's going to cause some sort of damage, he can use the soakage pit. It's not prohibited by any regulations.

CHAIRMAN: The soakage pit was not a requirement by the Department of Health?

YOUNGQUIST: No.

CHAIRMAN: It was a requirement of whom?

YOUNGQUIST: That I don't know. I was of the opinion it was at the option of the design engineer.

SULLAM: I am ignorant of the soakage pit. Can you describe it?

YOUNGQUIST: Any subsurface disposal system operates on the principle that you provide enough surface area, and the ground conditions are acceptable, the liquid effluent will go away. It will disperse under the ground. In some cases they use like a cesspool, a hole in the ground with a certain diameter. Basically, the quantity of flow is increased as you increase the depth.

The principle of the soakage pit is that you go down to a certain depth, construct a 4 x 4 box. Instead of going down, it runs horizontally under the property.

I am not familiar with soakage pits in the State of Hawaii.

SULLAM: In other words, you don't know if this will seep out into the ocean.

YOUNGQUIST: Well, what the geologists tell us is that all the effluent ends up in the ocean. It's a matter of whether it ends up in

the ocean at the surface, at the beach, or if you put it in the ground in such a way that it comes up at depth 30, minus 30, minus 60 or whatever. We have never been able to find any effluent by dye tests or otherwise, except like in Kona on the Big Island where they have like conduits directly connected to the ocean. Then you can find it by dye tests.

SULLAM: Sometime ago, we were discussing injection wells out in Ewa Beach where they put effluent into wells. Now, this is somewhat different but nevertheless, that effluent went somewhere out to the stream or the ocean. What could have been the problem there?

YOUNGQUIST: Okay, the disposal, the injection wells is very similar in that area in Ewa. The type of treatment plant used by each individual developer is different. Some are aboveground, some underground. Of five plants constructed out there, they have had problems with four because of the wells backing up and overflowing in front of the property, sometimes it goes into the drainage ditch. As long as it goes into the ground, we really don't know where it goes. It's expected to go to the ocean. As far as pollution, we really can't measure.

WAY: I wondered if the Health Department might have a system that they would think and use for our conditions that would be the most desirable. I mention this because I know that the department or believe that they realize under a conditional use permit situation, we may take your recommendation and make them a part of the requirement by law in effect. So, where there may be some deficiencies that you feel are in your rules and regulations, if you can let us know what the ideal is, we could simply incorporate it. If not acceptable to the applicant, then no permit would issue. What is the best or desirable, within reason of course, method of disposing of the effluent in this situation?

YOUNGQUIST: Well, it's our opinion that the most acceptable method might not be reasonable. There is the public sewer system with a publicly operated treatment plant. I think we're going to get a lot of arguments as to whether or not this is reasonable, whether you're prohibiting someone their god-given right to develop a piece of property by doing so.

WAY: Well, maybe we could fight that issue. You let us know what you think is best.

YOUNGQUIST: Well, the Health Department has gone on record for the medium to high density developments that a public system is most preferable.

WAY: Okay. Then, is this system being designed the next best alternative?

YOUNGQUIST: These types of systems are the only things we know of as far as an alternative. There may be variation as to the type of treatment. There may be variation as to the unit used. Like in some cases, the sludge-drying bed may not be used. The design engineer has certain options.

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WAY: Do you feel in this particular case that the optimal design, based on the information you have on hand, is being performed in this area and that the optimum plant and effluent disposal system is being proposed here?

YOUNGQUIST: I really can't say. I don't have as much information as a design engineer. He's operating under certain constraints. If given a piece of property next door to this piece of property, he may design us a different system. He has to design his system given the constraints of the property under development.

WAY: How about the specifics of the effluent disposal? Do you and your department at this stage of review, and I understand you'll have subsequent review stages as well, feel that the concerns for public health in terms of any foreseeable problem with regard to the effluent are well taken into account, fully taken into account might be a better way of putting it, in this design?

YOUNGQUIST: I don't think I can answer that question. It's a matter of questioning the design engineer's sincerity at that point. Has he considered all possible ramifications of his design.

WAY: At the end of the line when a permit is issued, you do have access to the full engineering design drawings, specifications and everything else. Would such a view then be able to be advanced by your department; that is, would you be able to say yes, this is an optimum design for this situation, short of, of course, public disposal. We'll set that one aside for the moment just for argument.

YOUNGQUIST: We've been advised by counsel that as a regulatory agency, we can't impose requirements on a member of the public that aren't in our regulations.

WAY: Well, you can propose to us and we can. I want to make that point clear, because I don't want your department under the misunderstanding of how we're operating here. For example, if we get an adverse report from you, we simply not approve the permit. I mean, let us fight the battle if one emerges. But, I think from our perspective what we're looking for is your very best judgment within the area of your interest, and we don't care about your rules and regulations. If they're not competent or not as satisfactory as you'd like them to have, let us know what is. We've got a little different ball game here, I think. I simply want to make that point very clear.

YOUNGQUIST: We've worked very closely with your land utilization staff on this particular question, not only on this development but on other developments. Where we feel our regulations are lacking in some areas, we can discuss it with your staff but we cannot tell the staff of land utilization this is our requirement. As you say, we can say we'd like to see that.

WAY: Make it your strong recommendation or even your weak recommendation. If you feel it sincerely, we'll make it part of the conditional use permit. That's my point.

YOUNGQUIST: I think we have in the past.

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SULLAM: As far as the Department of Health, do you have preference to open drying beds where the solid portion of sewage are contained and then carted away?

YOUNGQUIST: I think the answer would have to be qualified, if it could be carted away if it were to a public sewage treatment plant that had the capability of handling this sludge, I think we'd prefer that method. Mr. Imamura has indicated that the public systems aren't able to handle anybody else's sludge much less their own. So, we don't know where the sludge is going. The guy is going to have to get rid of the solids if he's going to operate the plant. So, if we figure he's going to get rid of it some place, probably the sludge will be digested and dried. I don't know where he's going to get rid of it myself. If he got rid of it in the canefield, it'd be preferable to get rid of the dried sludge in the canefield rather than dump the liquid portion in the canefield. We could recommend that the dry sludge be disposed of in the landfill, in an appropriate place.

CRANE: Do you recommend that we approve this?

YOUNGQUIST: As it stands right now, it doesn't violate any of our rules and regulations.

CRANE: I'm not asking that. Do you recommend that we approve this?

YOUNGQUIST: I really don't know what you're approving right now because the--

CRANE: So do we.

YOUNGQUIST: The specifications have not been reviewed by the Department of Health. We had given preliminary approval to a concept. We have given approval to a design philosophy. We have not as yet approved the actual hardware. This is what we must do.

CRANE: We've been sitting here discussing the issuance of a conditional use permit. You've been told that we can put restrictions on that, but we need expert advice whether we should or should not do that. We're asking you should we or should we not, and if we should put more restrictions, what are they, because we don't know. I don't know.

YOUNGQUIST: I would have to say I can't comment right now on that because I don't know, and I would have to talk to the Deputy Attorney General, what sort of restrictions we can recommend, whether we're exceeding our authority to recommend to another agency that this be done. I'm not a lawyer. I don't know how far we can go. I do know that as far as our regulatory function, we cannot impose nonrules on a member of the public.

CRANE: But if you decided if this particular thing we're considering right this minute would be bad for the public or would be dangerous, it would create pollution, and we asked you for your advice, you could give us your opinion, and then we could take the rap for it. We will make whatever decision we want to make of it.

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YOUNGQUIST: What I have to do then is poll the bureaucrats. I'll have to take it under advisement, take it back and see my boss, because I don't know in this particular case whether we can say it's a lousy plant. Based on the information I have, it's very similar to a lot of other plants that have been approved. So, why we should single out this one man, I don't have enough information at the present time to make that determination.

CHAIRMAN: Isn't it true that the Department of Health has to approve the final drawing.

YOUNGQUIST: Right.

CHAIRMAN: So, before the conditional use permit really has any validity or any value, there has to be approval of the final drawings of this plant, and at that point and time you felt this plant was a danger to the public welfare, health, etc., you would disapprove it.

YOUNGQUIST: Correct.

SULLAM: There are certain general contexts that should be clarified. We should know what decisions have been made for the disposal of the sludge. If there is no provision then there is no point even in encouraging this man to develop a finely designed plant as long as he has to get rid of that sludge.

YOUNGQUIST: The developer is here, you could ask him what he will do with the sludge.

WAY: Does not your department have some authority in connection with the site location for disposal of sludge as well? If someone is disposing of it illegally, would you not intervene and cause it to be no longer so disposed?

YOUNGQUIST: Well, we have I believe, a mandate from the legislature solid waste regulations. But, there are none at present. They are at the draft stage as far as I know. I think it's probably general nuisance.

WAY: Is there such a thing under your purview that is illegal sludge disposal?

YOUNGQUIST: Yes, probably under the nuisance. If you have a sewage treatment plant, and you create a nuisance by dumping the sludge on an empty lot next to you, I'm sure there's a section that would allow us to case after you.

SULLAM: You have machinery in your department to effectively chase after these people to abide by your regulations? I ask this question because I know the Hawaii Kai STP often smells very, very badly. I feel probably that the regulations are not enforced, that's why it smells.

YOUNGQUIST: Whether we have enough people or not, I cannot say. The Director of Health has wideranging powers to correct nuisances. The nuisance is a very qualitative thing. I once worked in a papermill

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and you can work with the odor when it's what's bringing home the bacon, but to other people, it's an awful smell.

DUKE: Are you familiar with the Whitmore disposal plant?

YOUNGQUIST: Yes, I've been there a couple of times.

DUKE: How is the odor?

YOUNGQUIST: We haven't had any odor complaints from it. I was recently out there. The sludge drying beds were full. There was no odor.

Mr. Walter Zane, the applicant, was called upon and questioned by the Commission.

CHAIRMAN: Question was raised concerning sludge disposal.

ZANE: I think it's been indicated by our engineer that the sludge odor will be practically none. We do have a site in Hauula which is low land and we propose to fill in that area.

SULLAM: How many years will that satisfy your need for disposal?

ZANE: That would be quite a few years. If we do not use that particular site and the Health Department imposes that on us, we can have another site that would satisfy them. You can put that in the condition. There's no problem in that.

SULLAM: Well, if the hotel is built and they cannot find another site, what do they do, tear down the hotel?

WAY: Shut it down.

ZANE: For such a simple thing, I don't see any problem.

SULLAM: Is there a plant here that has odorless dry sludge?

ZANE: I don't know. This is what my engineer tells me.

WAY: In connection with the sludge disposal, I wonder if it might be clarified whether or not Mr. Zane would have any objection to a condition being added that such disposal being satisfactory to all public agencies involved.

ZANE: I would not object to that.

WAY: The second point that's related, that where grading, filling or stock piling materials are involved, of course, are subject to other regulations of the City and County. You should be aware of that.

ZANE: Yes, I am.

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CHAIRMAN: One of the issues was the culvert that's blocked up. The City and County nor the State seem to want to be responsible. Would you be against a condition being added that it become your responsibility?

ZANE: Well, if you were to impose that condition on me, don't you think that would be unfair because the State itself is supposed to be cleaning that; however, I said informally it would be to our advantage and wouldn't cost too much for our maintenance man to clean it. But, to impose a condition definitely, I don't think that would be fair, don't you think so because it's the responsibility of the State to maintain it.

CHAIRMAN: It's the responsibility of someone. The issue is it can cause problems and flooding in the area, and perhaps it could be conditional upon the State, but the buck has to stop somewhere. Conditional Use Permits sometimes allow us to take care of issues that nobody wants to take care of.

ZANE: I think we can say we will cooperate with the State.

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

(Mr. Crane left the meeting at this point.)

MOTION: Mrs. Sullam moved to deny the issuance of a conditional use permit. Her motion was seconded by Dr. Choy.

Discussion followed.

Mrs. Sullam made her motion to deny on the following basis:

(1) Seepage of effluent to the beach and surrounding area. The question as to the final destination of effluent discharge from the proposed sewage treatment plant remains unanswered.

(2) Site location for disposal of the sludge, and whether the sludge material would in fact be odorless. She felt the developer should provide a sludge disposal plan for the life of the hotel indicating alternative disposal sites in the event the proposed disposal site is filled to capacity.

Mr. Duke believed that the conditions placed upon the applicant through the conditional use permit process are adequate, and that the applicant should be given a chance to construct the sewage treatment plant which has the approval of the City and County Department of Public Works as well as the State Health Department.

Mrs. Sullam withdrew her motion, and Dr. Choy his second.

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ACTION: The Commission concurred with the Director's recommendation and recommended the issuance of the conditional use permit, subject to the conditions contained in the Director's report, on motion by Mr. Duke, seconded by Mr. Hosaka and carried. The following additional conditions were recommended:

1. Cleaning of the drainage ditch
2. Timely hauling away of the sludge into areas approved by the City and County.
3. Arrange with the State Department of Health for periodic inspections of the sewage treatment plant.
4. Landscaping of the sludge drying bed.

Mrs. Sullam dissented.

AYES - Choy, Connell, Duke, Hosaka, Kahawaiolaa, Kamiya
NAYES - Sullam
ABSENT - Crane

UNFINISHED BUSINESS
PROPOSED BILL NO. 167
(CONTRACT ZONING)
INITIATED BY CITY
COUNCIL

The public hearing held January 9, 1974 was closed and action deferred.

ACTION: The Commission adopted the Director's recommendation and recommended approval of Proposed Bill No. 167 (Contract Zoning), on motion by Mrs. Sullam, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - Connell
ABSENT - Crane

STREET NAMES

The Commission recommended approval of the following street names, on motion by Mr. Hosaka, seconded by Mr. Kamiya and carried:

The following street names are recommended for adoption:

1. Maunawili Subdivision, Kailua, Koolaupoko, Oahu, Hawaii, Tax Map Key 4-2-62: 26.

KIKA STREET	Extension of Kika Street traversing in a northwesterly direction.
KIKA PLACE	Culdesac on the east side of Kika Street.

2. Chateau Subdivision, Waimalu, Ewa, Oahu, Hawaii, Tax Map Key 9-8-02.

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KAAHELE STREET — 80-foot wide right-of-way on the mauka side of Moanalua Road.

Meaning: A tour, travel about.

KILINOE STREET — Roadway off Kaahele Street traversing in a northeasterly direction.

Meaning: Fine, misty rain.

KILEPA PLACE — Culdesac off Kilinoe Street, running in a northwesterly direction.

Meaning: To float in the wind.

3. Waianae Gardens Subdivision, Waianae, Oahu, Hawaii, Tax Map Key 8-5-19: 58.

PULAPULA PLACE — Culdesac on west side of Waianae Valley Road.

Meaning: Seedling, sprouts, cutting of sugar cane.

4. Malia Terrace Subdivision, Kaneohe, Koolaupoko, Oahu, Hawaii, Tax Map Key 4-5-03: 1 and 5; 4-5-53: portion of 1; and 4-5-58: 50.

MALU STREET — Roadway off Mahalani Circle, traversing in a southwesterly direction.

MALU PLACE — Culdesac at the south end of Malu Street.

Meaning: Shade, shelter, protection, peace and comfort.

5. Mahinui View Subdivision, Kaneohe, Koolaupoko, Oahu, Hawaii, Tax Map Key 4-5-38: 1-4 and 12-15.

MOKULELE DRIVE — Extension of Mokulele Drive, traversing in a westerly direction from the west side of Kamehameha Highway and terminating at Mahinui Road.

NUKOKI PLACE — Culdesac on the south side of Mokulele Drive.

Meaning: Short, small.

6. Kamooalii Subdivision, Kaneohe, Koolaupoko, Oahu, Hawaii, Tax Map Key 4-5-40: 3.

APUAKEA STREET — Extension of Apuakea Street, traversing in a northerly direction.

OLAKINO PLACE — Culdesac on the east side of Apuakea Street.

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Meaning: State of health.

7. Mililani Town Subdivision, Units 20, 24 and 25, Waipio, Ewa, Oahu, Hawaii, Tax Map Key 9-4-5: portion of 23:

AKUALELE PLACE — A culdesac running southerly off Hoaniku Street.

Meaning: Meteor

ALAPOAI STREET — A roadway off the easterly side of Alapoai Street.

AOHOKU PLACE — A culdesac running northeasterly off Hlaniku Street.

Meaning: Name of a star, possibly Jupiter.

APOHELE PLACE — A culdesac running northerly off Holaniku Street.

Meaning: Orbit of stars and planets.

AUHAKU PLACE — A culdesac running northerly off Alapoai Street.

Meaning: Name of a star.

HAKALAUAI PLACE — A culdesac running southwesterly off Alapoai Street.

Meaning: Name of a star, considered a sign of pestilence or calamity.

HAILONO PLACE — A culdesac running northerly off Alapoai Street.

Meaning: Name of a star.

HOKUPALEMO STREET — A roadway connecting Alapoai Street and Holaniku Street.

Meaning: Moon that sets before daylight.

HOKUPALEMO PLACE — A culdesac running northerly off Holaniku Street.

Meaning: Name of a star.

NOLANIKU PLACE — A culdesac running northerly off Holaniku Street.

HUO PLACE — A culdesac running southerly off Holaniku Street.

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KUAHELANI AVENUE — Extension of existing Kuahelani Avenue between Kahoea Street and Lanikuhana Avenue.

MEHEULA PARKWAY — Extension of existing Meheula Parkway running in a southwesterly direction from Kamehameha Highway.

2. Kalama Aina Subdivision, Makaha, Waianae, Oahu, Hawaii, Tax Map Key 8-4-17: 13 and 14.

KAPAKAI PLACE — Culdesac situated on the mauka side of Farrington Highway near Water Street.

Meaning: Seashore.

* * * * * * * * * * * * * * *

The Commission authorized public hearings for the following matters, on motion by Mr. Kamiya, seconded by Mr. Hosaka and carried:

ZONING CHANGE
R-6 RESIDENTIAL TO
B-2 COMMUNITY BUS.
KALIHI
DEELITE BAKERY
(FILE #73/Z-61)

1. The request is for a change in zoning from R-6 Residential to B-2 Community Business District.

ZONING CHANGE
R-6 RESIDENTIAL TO
A-1 APARTMENT DIST.
KAPAHULU
REBMA HAWAII
THREE, INC.
(FILE #7/Z-67)

2. The request is for a change in zoning from R-6 Residential to A-1 Apartment District.

ADJOURNMENT: The meeting adjourned at 5:07 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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MRRC RM 19-75

FLASH CARD

FLASH CARD

MRRC RMM 19-75

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MRRC RMM 19-75

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Meeting of the Planning Commission
Minutes
January 23, 1974

The Planning Commission held a meeting on Wednesday, January 23, 1974 at 1:45 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:
Eugene B. Connell, Chairman
James D. Crane, Vice-Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Randall Kamiya
Fredda Sullam

ABSENT:
Donald K. Hosaka
Antone J. Kahawaiolaa

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Wilfred M. Mita, Deputy Corporation Counsel
Lorrie Chee, Staff Planner
Henry Eng, Staff Planner
Ralph Portmore, Staff Planner

MINUTES:
The minutes of December 19, 1973 were approved, on motion by Mr. Crane, seconded by Dr. Choy and carried.

PUBLIC HEARING
ZONING CHANGE
R-6 RESIDENTIAL TO
B-2 COMMUNITY BUSINESS
DISTRICT
KALIHI
DEELITE BAKERY
(FILE #73/Z-61)

A public hearing was held to consider a request for a change in zoning from R-6 Residential to B-2 Community Business District in Kalihi, Tax Map Key: 1-2-10: 67.

Publication was made January 13, 1974 in the Sunday Star-Bulletin/Advertiser. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report of the request. The proposal is expansion of the existing Deelite Bakery operation. The existing bakery is located on an adjacent 9,300-square foot lot. The enlarged bakery operation would be located on a combined site of 24,300 square feet. The new structure will be two stories high. Access ways will be off Dillingham Boulevard, Mokauea and Eluwene Streets. The Director recommends that the request be approved.

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

No one spoke AGAINST the proposal.

Messrs Wendell Kimura, Attorney, and Robert Katsuyoshi, Architect, both representing the applicant, concurred with the Director's report of the proposal and offered to respond to any questions the Commission might have.

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The Commission had no questions of either Mr. Kimura or Mr. Katsuyoshi.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Dr. Choy and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request for zone change, on motion by Mr. Crane, seconded by Mrs. Sullam and carried.

AYES - Choy, Connell, Crane, Duke, Kamiya, Sullam
NAYES - None
ABSENT - Hosaka, Kahawaiolaa

PUBLIC HEARING ZONING CHANGE R-6 RESIDENTIAL TO A-1 APARTMENT DIST. KAPAHULU REBMA HAWAII THREE, INC. (FILE #73/Z-67)	A public hearing was held to consider a request for a change in zoning from R-6 Residential to A-1 Apartment District in Kapahulu, Tax Map Key: 3-1-25: 8. Publication was made January 13, 1974 in the Sunday, Star-Bulletin/Advertiser. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report of the request. The applicant proposes to construct 116 studio and one-bedroom apartment units in two and three-story structures with basement parking. The proposed structures are within height limits set forth in the Comprehensive Zoning Code for A-1 Apartment District. The project will be a fee simple condominium development. Selling price of the units start at $40,000. The Director's recommendation is for approval; however, he recommends consideration of the following:

1. The General Plan text recommends that multi-family areas should be served by an adequate street system with a minimum recommended street right-of-way of 56 feet. The City Council has deemed by Committee Report No. 450 that a 40-foot right-of-way should be adequate.

2. The density proposed by the applicant appears to be much higher than what is normally considered to be low density.

3. The selling prices of the units do not appear to be in accord with present market values. The proposed $40,000 price tag for the units does not accomplish the intent of the General Plan amendment to provide for the low-moderate income groups ($9,000 to $15,000).

Questions were raised by the Commission.

CRANE: Is it the impression of the Planning Department and of the Transportation Department that there will not be too much of an increase in traffic? I just read a letter from one of the residents out there that says there will be an unbearable increase in traffic.

CHEE: We have been advised by the Department of Transportation Services that there would be an increase and that there would be some congestion, especially in the morning peak hours; however, that during the day there wouldn't be that much of a problem. They have informed us that they feel the street system is adequate to take care the project.

SULLAM: Is there a proposal to put a light at Monsarrat Avenue and Kanaina Avenue?

CHEE: From my discussions with the Department of Transporation, they feel that could be a possibility but there is no current proposal to do that at this time.

SULLAM: That's a very dangerous corner because it's on angle and you really get a very bad view. It's so close to a school that I would recommend that a light be placed there.

CHEE: That has been discussed with the Department of Transportation Services. They have indicated that they would take a watch-and-see attitude. If the situation would warrant it, then they would take steps to look into putting up a traffic light.

SULLAM: All the apartments at the end of Kanaina, are they serviced by Kanaina Avenue?

CHEE: At present, only one apartment structure presently uses Kanaina Avenue. The majority of the apartments have access off Pualei Circle.

SULLAM: Where are the parking garages?

CHEE: The majority of the Pualei Circle apartments have their parking off Pualei Circle; however, there are one or two apartment structures that uses Kanaina as access and parking.

CHAIRMAN: The 40-foot widening of Kanaina will be the entire length of that street?

CHEE: From Monsarrat Avenue to the southeast corner of the owner's property for about 530 feet. The City has negotiated and acquired a 10-foot strip from the Union Oil property which the applicant will improve. The applicant will also dedicate a 10-foot strip for street widening improvements.

CHAIRMAN: In terms of the Council, where are they on the ordinance?

CHEE: The ordinance is still with the Planning and Zoning Committee.

CHAIRMAN: Were there any readings on it?

CHEE: Not that I know of. It may have gotten up for first reading but it was referred back to the Planning and Zoning Committee.

CHAIRMAN: When did we send it up?

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CHEE: I know it's more than a year.

(There were no further questions of the staff.)

Public testimony followed.

Testimony AGAINST

1. Mr. Roy F. Uejio, Resident, 3627 and 3627-A Diamond Head Circle (Submitted letter dated January 23, 1973)

UEJIO: On behalf of my mother, Mrs. Haruo Uejio, and myself, Roy F. Uejio, I strongly protest the above-mentioned change in zoning from R-6 Residential to A-1 Apartment for the following reasons:

a. Changing this parcel to A-1 would cause an unbearable increase in traffic, as the plans call for 116 units, thus increasing the number of cars to at least 174 cars on the basis of estimating 1½ cars per unit. The portion of Kanaina Avenue which would be used as an entrance and exit is approximately 250 yards long. Presently, this portion is being used by 4-5 families on Diamond Head Circle and by the residents of one of the apartment buildings on Pualei Circle, and even at that, the traffic is very heavy.

b. Presently, Monsarrat Avenue has very heavy and speedy traffic in the mornings and evenings as residents from Kaimuki and Fort Ruger and Kahala use it to gain access to and from the Ala Wai Boulevard and Kalakaua Avenue. The addition of the apartments would increase the traffic and become more hazardous for the children of Waikiki Elementary School which starts at 8:00 a.m.

c. The addition of so many units increase the noise and the anticipated increase in cars will create more dust and pollution. As a resident, I am entitled to, at least, the minimum of quiet enjoyment any reasonable person may expect in this day and age of increased population and cars.

(The Commission had no questions of Mr. Uejio.)

2. Mrs. Robert Creps, Diamond Head Chairman, The Outdoor Circle (Submitted letter dated January 23, 1974)

CREPS: The Outdoor Circle seriously questions this request for a change in zoning in the Diamond Head area, as we did the earlier request for an amendment to the General Plan, when no development plan for the entire area has been adopted and while the Diamond Head Historic, Cultural and Scenic District Ordinance is pending in the Planning and Zoning Committee of City Council.

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We would like to point out that in the newly adopted Charter for the City and County of Honolulu, effective July 1973, Section 5-412.3 states:

> "No public improvement or project, or subdivision or zoning ordinance shall be initiated or adopted unless it conforms to and implements the development plan for that area."

It would appear that any rezoning without an adopted development plan is in conflict with this City Charter provision and we respectfully ask that a legal opinion be obtained from Corporation Counsel.

The Circle finds it difficult to justify the recommendation for approval by the Department of Land Utilization when this request for zoning change does not meet the stipulated proposals outlined in the original request for amendment to the General Plan, staff report dated November 8, 1972:

a. "The applicant has stated that the proposed structures will have a roof profile under 25 feet in height in conformance with the proposed Diamond Head District Ordinance."

   Staff report now describes structures of 33'6" to 37'6" in height.

b. "Projected rentals of $190 to $210 per month would serve families or individuals with a minimum income of $9,000 per year."

   Staff report now states that the present applicant proposes fee simple condominium apartment units starting at $40,000, a price tag staff does not feel accomplishes the intent of the General Plan amendment to provide for the low-moderate income group.

Further, we question the density of 57 units per acre requested which far exceeds both the average in A-1 apartment districts of 20 units, and the allowance for a conventional subdivision of this parcel under the present R-6 residential district of 13-14 units for the entire parcel.

Parking conditions are questionable when no provision is made for guest parking in a neighborhood where streets are already carrying a heavy load of traffic and cannot provide on-street parking.

The Outdoor Circle believes no rezoning of this historic area should be granted until a development plan for the entire area and the Diamond Head District Ordinance have been adopted.

(There were no questions of Mrs. Creps.)

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Questions were directed to the staff.

CHAIRMAN: The proposal of the applicant, which I recognize was a former property owner, the proposal he made to this Commission and to the City Council, did the Council indicate that this was part of their consideration in allowing a General Plan change--i.e., the price and the height limit?

WAY: I'm not sure I can answer that question. I think the only way to verify might be to check the record of the Council and to comment that one of the reasons there is now a requirement for the Council to prepare findings of fact in considering amendments to the General Plan, was simply to bring out what the Council considered significant in arriving at a decision. At the time this General Plan amendment was considered, I don't believe it was the custom of the Council to record in that fashion a basis upon which it would arrive at a decision. I think the only way would be to find out what sort of discussion ensued. Even then, it would take some interpretation to decide what might be the findings of fact, if you will, upon which they based their decision.

CHAIRMAN: I wonder if the staff could look into the Planning and Zoning Committee report.

WAY: Yes.

CRANE: Along the same line, however and if I understand it correctly, the recommendation was sent over. The information we had was 25 feet or less, originally.

WAY: Yes.

CRANE: Why is it changed now to 33½ to 37?

WAY: I might comment on it. I believe the situation in terms of height was reviewed and what actually happens is the basis for the measurement situation which comes into play here. Even though it is a height limitation of 30 feet in the A-1 zoning district, it is possible for a structure from a point on the ground to the highest point of the structure to exceed that because of the method whereby it's measured. In this case because of the slope of the land, it is possible to achieve these heights of 33 to whatever's been indicated. I guess that's also a known in the sense that the Council did adopt the zoning ordinance that permits the measurements to take place in that fashion.

I might also point out, this is one of the concerns that we had in respect to the Diamond Head ordinance where we said no, it's time to change that method of measurement and have an absolute 25-foot height limitation.

CRANE: That's my very point. All these things come together. Wasn't that also on the Council at the time?

WAY: I would say yes but that's speculation.

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CRANE: In the absence of any other evidence, we would have to assume they took that into consideration.

SULLAM: In my mind, and correct me if I'm incorrect, if this zoning ordinance is adopted, there's no reason why apartment zoning could not be made to conform to that ordinance; that is, the height stipulations of the Diamond Head ordinance would be the height that would have to be conformed to, even though the underlying zoning might allow a greater height.

WAY: Yes.

SULLAM: The height of the ordinance is in conflict with the height of these apartments. Is that not so?

WAY: The height of the proposal recommended in the Diamond Head ordinance, that is correct. The present ordinance would permit heights in excess of 25 feet. The proposal in the Diamond Head ordinance which is still before the Council, would have an absolute height of 25-foot level.

SULLAM: There are no controls that we have when we grant the zoning here as far as color or architecture or any other factor relating to design.

WAY: Yes. In terms of the rezoning under the present requirements of the law, that's correct. Again, one of the reasons for having the Historic-Cultural-Scenic district is to review those matters of design concern.

SULLAM: I don't find fault with this particular proposal. I think it's very attractive. I do realize it could be implemented in a completely different manner once you grant the zoning. I think we should bear that in mind.

(There were no further questions of staff.)

3. Letter from Walter K. Collins, President, dated January 22, 1974, presented by Mrs. Robert Creps of the Outdoor Circle.

CREPS: The Save Diamond Head Association is very concerned about the pending request to change the zoning from R-6 Residential to A-1 Apartment district on Tax Map Key 3-1-25: 8 at the Kapahulu-Kanaina Avenue site adjoining the Waikiki Elementary School. The current applicant is Rebma Hawaii Three, Inc.

There are several reasons for this concern of the Save Diamond Head Association:

a. The "Historic-Cultural-Scenic" district for Diamond Head, approved by the City Planning Commission and transmitted to the City Council many months ago, calls for a height limitation of twenty-five feet in that area. According to the staff report of the Department of Land Utilization, it would

be possible under the requested A-1 zoning to construct buildings as high as forty-five feet if that zoning were granted. That would tend to defeat one of the major objectives of the "HCS" district for Diamond Head, namely, the limitation of new construction above the trees on the slopes of the landmark.

We believe it is important to stress once again that this is not just another piece of real estate in Hawaii. It has been officially designated by the Federal and State levels as a landmark that deserves special consideration.

b. No Development Plan exists for the area despite the fact that approval of this proposal would add 116 dwelling units and would certainly have an impact on sewer, water and street facilities. We note the proposed handling of the latter two as proposed by the applicant, but are still concerned about the impact on the surrounding community. On this matter, the objections of the local residents were voiced at the public meeting held in the area and should be given serious consideration by the Planning Commission and the City Council.

c. The previous applicant for similar zoning requested the zoning change in order to develop rental housing to meet the needs of the $9,000 and $15,000 per year income group. The present applicant proposes condominium apartment units which would start at a selling price of $40,000. Since that is the beginning price, not the maximum, it appears highly doubtful that the income group for which shelter is most needed would have its needs met by the current request. This raises doubt about the justification of overlooking the "HCS" objective in favor of meeting the housing crisis, when this proposal would not satisfy the latter objective either.

For these reasons, the Save Diamond Head Association hopes that the City Planning Commission will not give its approval to this application until the Development Plan for the area is prepared and the proposal can be evaluated in that context. It is also our hope that favorable City Council action on the proposed "HCS" district covering this area will occur by then.

4. Mr. Willard Doering, Resident, 3665 Diamond Head Circle (No written testimony submitted)

Mr. Doering concurred with the objections of the previous opponents concerning increase of the height limitation, increased traffic and density.

Testimony in SUPPORT

1. Mr. Sidney Hashimoto, Attorney for the applicant (No written testimony submitted)
2. Mr. Desmond Brooks, Project Architect (No written testimony submitted)

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HASHIMOTO: Much has been said thus far about height limitations, 25, 30, 35 feet and the point in which you measure it. I think the true test, and if it is the purpose to save the visual plane of Diamond Head, is to examine each project on its face. I think our model clearly indicates that we will not disturb the visual plane of Diamond Head. I believe the staff has taken that factor into consideration when they recommended this project for approval.

In our design of the building, our roofline is at the 21, 22, 25-foot level. The area that exceeds that particular area is parapets that is for presenting a design architecturally, and an aesthetic design to the building rather than have a flat surface.

I'd like to point out that within the present A-1 zoning, we are substantially below what is now permitted.

In talking about the 116-unit density, open space and relation thereto, if this land was in fact carved up into 15 or 16 lots, I believe you have a heck-of-a-lot less open space than what is proposed by this development as they would occupy less than 50% of the buildable area.

The design of the building is such that most of the parking will be underground so that it will be an aesthetically pleasing development.

Mr. Brooks will now explain the design of the project from the model on display here.

BROOKS: One thing about the drawing on the wall, it does show the high parapets. One might get the impression that these run the full length of the building. One should remember, we could come back and design a flat roof maybe lose 30 or 40 units and satisfy the Outdoor Circle and the residents. But, there would be an acre of black top on this project. We did attempt to break this up being aware of some very nice houses, to give the overall impression of a residential development rather than the straight flat top apartments at Pualei Circle. These large parapets are an added expense which we talked the applicant into providing to help break down the overall effect of this mass of building. We've bent over backwards to develop what we think is a beautiful development.

About 95% of the cars are under cover. I'm sure if we drive around our project of 116 units, and drive around Diamond Head Circle with its 25 or 30 units, you will see more cars in that development than you would driving by ours because we have gone to the particular trouble of hiding them all.

The height, at the moment we can legally come to the orange mark (referring to plan displayed). The green mark is what the world would like us to do. We have come in between. It's a compromise, I admit, but I think life is a compromise. We have done everything to have the least amount of obtrusion on the Diamond Head plane.

Mr. Desmond was questioned by the Commission.

DUKE: It's hard for me to imagine a unit of 350 square feet, personally, but I know they do exist. What would you estimate the area of this room, Sir?

BROOKS: About 20 by 30.

DUKE: 600, that's what I thought.

BROOKS: You mean we can't sell you one of these?

DUKE: Well, I was concerned about the $40,000 and what you get.

CHOY: There's an average unit size of 560 square feet. I think there's a psychological impact that most of you developers have overlooked. I have an office in excess of 560 square feet, and by Wednesday or Thursday, I feel a tremendous amount of claustrophobia feeling. How can people live in an area of 560 square feet? This is a question which needs answering. I'm sure if we did a study as to why our streets are so cluttered after 6:00 p.m., I'm almost sure there are apartment dwellers that can't stand the apartment and they're out in the streets. Have you people done a study in this area?

BROOKS: Oh yes.

CHOY: May I have an answer, please?

BROOKS: This has been the problem with the rest of the world, the social environment of the development. We hope with this project here that we can come and congregate in any one of our three little recreational areas we're developing on the site. I only wish the world had living rooms of 350 square feet. I think we do have houses in Waianae that have four bedrooms that are in the 700 square feet. I'm surprised that these figures shock you.

CHOY: Well, I may sound naive, but it did strike me that you people are architects and you just want the maximum amount of units to be developed and then sold.

BROOKS: No, please give us--we've won architectural awards. We take pride in our work, as a doctor may in his work. It's our aim to provide the best environment we think the clients can afford.

CHOY: Can you tell me when the developer had acquired this property from Mr. Thomas Sofos?

HASHIMOTO: I don't know the exact date but about a year ago.

SULLAM: I don't have too much objection to having some of these small studio apartments at this particular location because I think it would serve a person that would want to live alone. There are many people who want to live alone and this would accommodate them. It's near a park, close to the ocean, and in a very

desirable location. It also depends on how it's designed. It can have a feeling of spaciousness in it.

BROOKS: Each unit has a very large lanai which is not part of the calculations. In every unit, the living room opens up and there's a lanai there. The actual living area is more than the figure that's shown on the density calculation.

HASHIMOTO: That's the question I think Dr. Choy was trying to get you to answer. There are architectural features in each one of these units that would alleviate the feeling of crampness and the psycological difficulty facing a lot of our apartment residents.

Mrs. Sullam has brought out a point. The developer has and I have independently talked to three different real estate firms trying to evaluate whether there would be a market for this type of unit in this particular location. It seems this is the sort of thing that's needed or wanted in that particular area.

CHAIRMAN: The market study, was a breakdown given on how many of these will be bought by people who are going to live in them?

HASHIMOTO: No it was not.

CHAIRMAN: When the property was purchased from the former owner, was that after the general plan had been changed?

HASHIMOTO: Yes it was.

CHAIRMAN: Were you aware of the supposed promises that had been made to this Commission and to the City Council by the then property owner?

HASHIMOTO: No. We found out the constraints on the roadway a little while after the purchase so we were placed in the position of being in the position of deeding away 10 feet of our property, but which improvements the developer knows is needed and was willing to do.

CHAIRMAN: The cost $40,000, that's starting with the studio apartments?

HASHIMOTO: The $40,000 figure was thrown out at a neighborhood meeting. It is not the result of a firm contract price that we have received from a contract. It was a figure that Desie estimated to be. I assume it would start from the studio apartment. We must remember that this is a fee simple condominium. Unfortunately, the plans are not here but there are quite a few amenities to the project.

CHAIRMAN: So people will own 1/116th of the property?

HASHIMOTO: Of 2.08 acres, yes.

CHAIRMAN: And in effect pay $110+ per square foot.

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HASHIMOTO: I have not calculated the price.

If I might make one more comment with reference to the bond. I think our insurance people have been in touch with the staff on the bond. An interim letter has been filed or will be filed shortly. One of the partners in the project unfortunately lives on the mainland and his signature is necessary on a certain contract. That's the only thing that's holding up the delivery of the bond.

CHEE: Yes, this is correct. We have received the letter; however, the Director feels he would still suggest that you hold the matter in abeyance until the bond is actually in and approved by the Corporation Counsel.

(There were no further questions from the Commission.)

The public hearing was kept open, and the matter was held in abeyance for receipt of the performance bond from the applicant, on motion by Mr. Crane, seconded by Dr. Choy and carried.

UNFINISHED BUSINESS
GP/DLUM AMENDMENT
CEMETERY TO RESIDENTIAL
AND PRESERVATION USES
KAHALUU
VALLEY OF THE TEMPLES,
WAIKIKI DEVELOPMENT
COMPANY, & CENTEX
DEVELOPMENT COMPANY
(FILE #184/C1/25)

The public hearing held December 19, 1973 was closed January 9, 1974. The Commission deferred action for two weeks in order that the applicant and the staff might resolve areas of disagreement.

The following transpired:

WAY: Briefly, Mr. Chairman, the applicant's representatives met with staff. My understanding is that there is a statement that they wish to present. Essentially at this point, there has not been presented to us additional data, information, that might cause us to change some of the criteria or positions having to do with this project.

It might be in order to ask the applicant to present his position or viewpoint.

JACK PALK: I do have a brief statement to read into the record.

Under letter dated January 10, 1974, we received notice of deferral of final action by the Planning Commission on the subject application for a period of two weeks from January 9, 1974, pending meeting between the applicant and planning staff to resolve areas of disagreement.

On January 14th, a meeting was held with Mr. Ray Yamashita and Mr. Ralph Portmore to review the areas of disagreement. At that meeting, we were advised that the staff cannot change its position on the boundaries

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established for the residential areas (45 acres) unless we can prove to their satisfaction that they were inconsistent in their application of such criteria. Because the subject lands are transitional areas between steep mountains and lower coastal flats which are characterized by rising flat lands interspersed with slope conditions capable of different interpretation in terms of contrasting uses, the work of drawing land use boundaries on maps becomes one of technical judgment. It is therefore difficult for us to disprove the planning staff's work based on their own criteria. Accordingly, we have not been able to resolve any areas of disagreement.

Based on criteria established by our planners, our original site plan submitted to the planning staff showed for General Plan amendment a total of 77 acres designated for residential use and 32 acres in preservation. Under a subsequent review and reconsideration, we reduced the residential use areas to 57 acres and increased the preservation area to 52 acres. This is approximately 12 acres more than the 45 acres recommended by the Chief Planning Officer. We respectfully ask your recommendation to the City Council that the 57 acres be designated for residential use.

We continue our objection to the Chief Planning Officer's recommendation that the 29 acres currently zoned for residential use be redesignated preservation as part of the General Plan amendment. Our objection is not without merit:

1. The 29 acres had been designated residential when the present General Plan was made an ordinance in 1964, along with other adjacent lands with physical similarities which have now been developed for housing. But for the inclusion of this acreage in the site plan for possible development under the PDH ordinance (made on the recommendation of the planning staff to control density), the 29 acres would have been routinely developed for single family housing.

2. When we filed the application for General Plan amendment over two years ago, it was with the intent of meeting a need - housing. The 29 acres offered for the PDH plan were intended to provide sufficient controllable density to meet price range proposals previously filed with the planning staff. Removal of the 29 acres would affect the feasibility of the project - less density to spread development costs.

3. At the very minimum, part of the 29 acres located makai of the plateau of flat lands designated residential for General Plan amendment, should remain in residential use. As noted on the site plan, this area was planned for construction of a major access road and utility lines, a recreation center and some housing units. The entire area - mauka and makai - should be treated as a single physical and economic unit. Our planners have examined the area carefully in terms of location of all improvements. They have undertaken the field trip for slope analysis, prepared plans for location of improvements, including cross-sections, to minimize extensive grading and destruction of vegetation.

Based on these considerations, we respectfully ask that the 29 acres be excluded from any recommendation by you for General Plan amendment.

(The Commission had no questions of Mr. Palk.)

Mr. Dan Ostrow, Developer, testified next.

OSTROW: Mr. Chairman and members of the Commission, I've been out of this for a long time, and I thought maybe I could put my two cents in today to see what could come of it.

The one thing that I wanted to bring out that my men who I've hired--engineers, architects, land planners--are just as smart as the people in the planning department and vice versa. They're just as smart as my people. The reason why I'm saying that, I want to bring it out that at anytime anybody that I hire to work for me could be working for the planning department and vice versa. Any of the planning department could be working for me on the outside at any date because they're supposed to have the same amount of education, background and knowledge, and I think they do. I think they both meet up to do a good job. So, I think we have a push there. We have very good men on both sides of the sea.

The second thing that I think ought to be brought out now is I've put up four planned unit developments. I don't know if I have put more than anybody else, but we've done a lot. I do say at this time that we've been helped a lot by the planning department. We've had a lot of fights but that's immaterial. We've had a lot of help. Financially, they've made me a lot of money. As a builder-developer, they've made me a great name because everybody thinks that the four jobs that we've done are really terrific and beautiful, including the Planning Director, Robert Way, and his staff. They think we've done a good job. I like them for that. I think they really are nice fellas.

In the meantime now, we come along where we have the slope situation. I feel they have a right to say that's the way it's going to be, take it or leave it. If you don't like it, get the hell out of the business. But, they don't have the little consideration that you have to have when you're a businessman, if they were on the other side of the fence. Now, if they were working on my team going out and saying, listen, we gotta get this thing through, we gotta build houses, we gotta bring costs down. The reason I say that, we've been working on this thing for two years. After we get through working on it for two years, they come up with this 20% slope. Now I say from now on there should be a 20% slope. That's terrific, but they should give us a little consideration on this point and not stand pat. I know they hold the whole four aces but they ought to give in a little.

The last thing I want to bring out, I have anywhere between $750,000 and a million dollars tied up right now. For a businessman, that's a lot of money. For a government man, that's nothing, peanuts, what-the-hell the government goes on for years. It don't mean anything. Me, that's my

life. Then, I have $100,000 tied up in my architect and engineers which I expected them to use some knowledge and some brains to bring this thing to a head. I feel they should bring it to a head. I think they should look it over. I feel they should give us some consideration, especially. Because, I built across the street, and my four subdivisions, if they didn't consider it good or if they had this 20% slope I wouldn't have been able to build one. But, in the meantime, I've built nearly 1,000 houses.

Now, here I am right across the street, through here (referring to map displayed) I didn't have a 20% slope and I built 350 houses. Right in here (referring to map), we built 449 and I think I have 149 left to go and we didn't have a 20% slope. It's beautiful in here. People all like it. People raved about it. I came out with a house for $36,000, plenty of room, over 1400 square feet. I came out here (referring to map) with a house for $36,000, lost $4,000 on the first 50 just to get it started going. People realized it and sold it for $10,000 more after they bought them.

What I'm trying to do now is get back in here. Again, this is the most beautiful piece of ground on Oahu. We have schools, roads, sewers, water, everything right here. Now, I'm trying to come out with a house that's cheaper, $10,000 cheaper than I'm building now. After building three years in here, I'm going to come out with a house $10,000 cheaper. Lot of people say well, we've heard that before but I have done it. Everything that I've said, I've done. If I can come out with a $45,000 house, I come out with it. But, if I say I'm going to sell it for $65,000, I sell it for $65,000. I'm still cheaper than anybody else in town. So, I need a little consideration.

Now, I'm coming to the end. When I talked to Bob Way, he talked real nice to me. He said that he would talk to his people and see what they could do to help. I felt they're going to get together and do something. I said okay cause I got to be realistic too. I'm a businessman. If I can't get 700, I'll fight for 600. If I can't have 600, I'll fight for 500. But, when you beat me down to the ground, I think I'm being taken a little advantage of. Then they really hurt me.

I could cut this (referring to map) all out, take this all away and make this into a park. Cut this out where he's got the yellow, cut this all out. Do me one favor and tie this together right here. That's what we got bulldozers for. We've got bulldozers to move dirt. All these environmentalists and all these people don't know a damn thing about bulldozing. All they know is how to raise hell. In other words, everybody living here now should live here. Everybody else get-the-hell off the island. But, that's not the way to do business. We got to make room for everybody.

So, I asked to push a little dirt in here (referring to map), take away that, take away any of this ground in here, 30 acres. I think I asked for 11 acres out of 30 acres. Okay, give me this in here and this in here (referring to map) for a reason. I got to put a big monstrous road in through there that's going to cost me $200,000. Give me a few houses in there. Let me grade. I've been grading for 25 years. I haven't had

nothing fall in or fall down.

Well, you know Bob said maybe you got something right here and maybe we can do something on this side, but I don't know about that side. Then I told all my men to go back and go to work. And, all I've got back from them is nothing. And, I don't think that's fair. I think somebody ought to help me. If they can't, they ought to send me up to Council. Maybe the Council can help me. If they can't do that, we don't have a good ball game here, and I'm trying to build houses. I'm a businessman, I'm trying to make money. That's my job, to make money, to build houses, and there's nothing against the law to make money cause that's what this country is made of, the pioneers to get in and fight. I'm asking Bob Way and his group to have some consideration and stop looking at a book and help me out besides a book. I've done a good job.

WAY: I'd just like to comment. I think Mr. Ostrow's comments across the board are fairly, reasonably well representative of his position, and certainly the points of discussion we had. I agree that it was in this area that we might take a look at it and yet, the problem was something in the way of what's being presented. We're still not convinced otherwise. Now, there are ways to do this. Among those would be some way to show how it's possible to actually minimize the extent of disruption, if that's the right word, in that particular area. Because, I would concede on the portion where the recreation center is. This terrain, subject to the analysis that we were able to give it in terms of slope, is questionable as to (1) whether it should be included or should not. As you can see from the slope analysis, there are patches of 20% or less than 20% or in the 20%-25% category. Yet basically, my feeling is that there really wasn't any kind of indication in the way of positive proposal that showed how, not all of the area but at least portions of it, might be suitable for development. I think this, from our perspective, was kind of a basic problem.

In effect, I think Mr. Palk has conceded that the basic criteria are not all that challengeable, that the application has been uniform, and the position that we take is one of consistency and reasonable, at least we think, basis and maybe this is arguable. Other than that, I think Mr. Ostrow's representations have been fair and accurate.

CRANE: Mr. Ostrow was talking about the upper right portion of the site (referring to map displayed) about doing a little grading. Could you tell how much grading would be involved?

WAY: I don't know precisely either.

Ralph, from the map could you see if it's possible to get some indication of the magnitude and extent of that slope area across the roadway. Actually, they would be permitted to be linked together by a roadway. In other words, it's possible to put the roadway in the Preservation district, but crossing that slope, that was the point I wanted to get to, to show you the difference in grade between the top and the bottom of that slope. It seemed to us to be quite an undertaking that in fact, the placing of that kind of a structure showing there as a parking structure, across that slope is somewhat questionable.

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Ralph, you have any idea what the difference is?

PORTMORE: 30 to 40 feet and 70 to 80 feet horizontally.

WAY: So it's roughly maybe as much as 50% slope, really, a bluff literally of 30 to 40 feet in height. It's just difficult for us to feel that's a satisfactory building site, or for purposes of computation of the urban boundary should be included and allowable.

CRANE: Now, down where he's got his road drawn (referring to map), above that he's got some units, below is the recreation center which you said perhaps is all right, but not the top side.

WAY: That's correct.

CRANE: Why would the ones below be okay, and the ones top side not?

WAY: Just simply looking at the map, you notice that the lighter green show through more predominantly than the darker green in the two areas. I think it's on that basis, purely and simply. Unless we can get some more positive demonstration in terms of a building type that adapts itself to the site, or a grading plan and road profiles that show very much a minimization of extended disruption in there, is then again--we're saying look, we're going to apply the criteria uniformly as best we can, and that's what comes out.

CRANE: As I understand it, your position is that where the grading would have to take place would be in violation of the grading ordinance.

WAY: No, I don't think that so much. It's a question of whether it should take place or not as extensively, it's extent. This goes above and beyond the grading ordinance consideration. It's trying to define the area suitable for urbanization, urban development, which would permit grading.

Grading, incidentally, could still take place in that Preservation area. For example, the entrance road would be allowed. It would have to be very sensitively treated, even if there were no buildings or parking lots adjoining it. The Department of Land Utilization, I'm sure, would look at that very carefully. The point is that if it's only a road, that's the very minimal amount of disruption in the area. Once you start putting the buildings in, the parking lots, the rest, then it opens it all up again.

CHOY: In the event as Mr. Ostrow stated he would be permitted to grade over--say you gave him one acre out of this four--and that the grading would be 30 to 40 feet in that area, and a proposed parking structure were to be constructed in that area, assuming this was to come to pass, and there were a shifting, who will be responsible? Will the City be liable or would the developer be liable?

WAY: I really don't know. It seems these days, I must observe, wherever there's been some sort of City relationship, the courts have been bringing us in, and we've been paying our share, or sometimes

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I guess and from my perspective, even a little bit more. Although, I don't think it's entirely that kind of a problem. There's even a question in my mind whether this plan represents the current thinking for development of the area. This again leaves us in a quandry because it has been, and I believe Mr. Ostrow can verify this, represented, well that maybe there would be even a different building type in that location. That being the case, it's a little different ball game again. That's what part of our dilemma is, full information isn't always imparted or at least it doesn't get back to us.

OSTROW: We don't intend to build in there. It's just to bring it together. They can enforce it on us that they don't want us to build in there. In fact, we are changing the types of building types. We're not going to do it that way anymore because the cost went too high. The buildings came to about $40,000 or $50,000 at cost. I wouldn't think of starting anything that cost that much from the very beginning. But, that would be perfect. We could find other building spots to build in that they'll allow us to build. All I want to do is bring it together. I'd like that. We could work on that but if they said no, you shouldn't build in there, that's right. I feel they're right because there's a park-like setting in here. I don't see nothing wrong with taking out all of this. They say don't build nothing on it, that's right. But, like here (referring to map) with a flat like this, we might use that for parking.

DUKE: What was the slope of the developed area when it started?

WAY: I don't know that I could answer the question. I'm sure by reexamining the subdivision files we might be able to pull out a topographic map that might show the original topography.

The other thing is we could compare that with the aerial photogrammetry which I believe was taken following development of most of the area. That might give another indication of the extent of change from the original survey topography and more or less the present situation. Generally though, that valley does broaden out. It probably was less severe in the beginning, but again to prove that point, we'd have to go back into the file.

PALK: Could I spend one minute to clarify a couple of things that we had requested in Mr. Way's statement, and it goes to waiting for something to be offered.

When we met with Mr. Yamashita on January 14th and Mr. Ralph Portmore, we spent nearly one hour and a half trying to find a basis upon which we can come close to the intent of your letter, namely to try and resolve differences. We were prepared to make the very same kind of offering that Mr. Ostrow made today. But, the difficulty of doing it was the use of the term compromise, and that was a very negative term in the mind of Mr. Yamashita, and I don't blame him. He was looking at his criteria and he felt that anything we do must necessarily have to be involved with the application of their criteria. Hence, my letter speaks to that point. Not that the Planning Department's criteria is letter perfect, but that it was difficult for us to say this is wrong on the basis of your criteria. Because, if you use this criteria, it is correct. If we use our criteria, we are correct. That's point one.

Point two. As I said, we were trying to find a basis. I suggest that maybe a field trip to take a look at the land. I put the question to Ray, have you been to the area to look at it, he said no. Now, I'm telling it like it is.

Ray, I believe, is the chief architect of the line. I felt that he should at least take a field trip because if I look at the letter and the report that comes out of the planning department, they talk of the sensitivity of applying the criteria to the transitional areas, and they agree. We agree, because we have spent many, many hours in the field trip--not me personally, except to look at it--but by a team of qualified, technical people that have done so. I feel that because it is that sensitive an issue, how well it would be for maybe a member or two members of the planning team. I know Mr. Way has seen the area. I know Ralph Portmore, by his own admission, has seen the area. But, I put the question to the chief architect simply because it was that important that there should have been a field trip. We'll take them out to the field trip. It was on this kind of basis that we felt we could not offer anything which might be interpreted as a compromise. We felt that our best case then is best stated before the Commission. That's why the letter I have filed for the record.

Brian Gray our Engineer is here and he perhaps could answer some questions on the original topography.

GRAY: I'm somewhat familiar with this area back 10 or 12 years. This whole area (referring to map displayed) is characterized by the folding type of terrain. The general slope from the ocean going mauka is one of gradually increasing slope. If you took a perfectly level field and plowed it, and you made a slope analysis of it even though the furrows weren't particularly high, you come up with a slope analysis showing 20%. That's somewhat analogous to the situation we have here. The grading necessary to develop this type of area is never terribly extensive. The danger comes when you start to push against the slope and start cutting and you do get large embankments.

(There was no further discussion.)

The Commission deferred action on this matter for a field trip to the subject site, on motion by Mr. Crane, seconded by Dr. Choy and carried.

STREET NAMES — The Commission recommended approval of the following street names, on motion by Mrs. Sullam, seconded by Dr. Choy and carried:

1. Waipahu Terrace Subdivision, Unit 1, Waipio - Waikele, Ewa, Oahu, Hawaii, Tax Map Key 9-4-02: portion of 24.

HIAPO STREET — Extension of an existing roadway running westerly from Niulii Street and terminating at the proposed Paiwa Street extension,

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same being the westerly end of the proposed Waipahu Estates Unit 3-2.

Meaning: First born child.

2. Lot 106 Subdivision, Lualualei, Waianae, Oahu, Hawaii, Tax Map Key 8-7-03: 10.

OHIOHI PLACE — Culdesac off the easterly side of Kulaaupuni Street.

Meaning: To grow vigorously, flourish, of plants.

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The Commission authorized scheduling of the following public hearings, on motion by Mrs. Sullam, seconded by Dr. Choy and carried:

BILL NO. 75 (1972)
(RELATING TO HEIGHT REGULATIONS)

1. An Ordinance to amend Chapter 21, Revised Ordinances of Honolulu 1969, as amended, by amending Sections 21-613 and 21-624 relating to height regulations in A-2, A-3, A-4, and A-5 Apartment Districts.

GP/DLUM AMENDMENT
(1) DELETING PROPOSED EXTENSION OF KINAU ST. BETWEEN WAIAU PL. & PUNAHOU ST.; AND
(2) REDESIGNATING THE RIGHT-OF-WAY AREA TO HOSPITAL & HIGH DENSITY APT. USE.
MAKIKI
ALFRED A. YEE & ASSOCIATES
(FILE #225/C3/13)

2. The request is to amend the Makiki-Kewalo-Ala Moana General Plan-Detailed Land Use Map and Development Plan by (1) deleting the proposed extension of Kinau Street between Waiau Place and Punahou Street, and (2) redesignating the right-of-way to Hospital and High Density Apartment use.

GENERAL PLAN AMENDMENT
RESIDENTIAL TO PARK USE
WILHELMINA RISE
DEPT. OF RECREATION, C&C OF HONOLULU
(FILE #253/C2/19)

3. The request is to amend the General Plan of the City and County of Honolulu by redesignating approximately 30 acres of Residential lands to Park use to accommodate the proposed Kahala Heights Community Park.

HAWAII CAPITAL DISTRICT APPLICATION
EASTER SEALS SOCIETY
(FILE #74/HCD-1)

4. The request is for an addition to the Easter Seal School.

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CZC AMENDMENT SECTION 21-110 RE DEFINITION OF KENNEL; SECTION 21-501(b) RE ACCESSORY USES AND STRUCTURES IN RESIDENTIAL DISTRICTS

5. An ordinance to amend Chapter 21, Revised Ordinance of Honolulu, 1969 (CZC) as amended, by amending Section 21-110 relating to definition of kennel, Residential and amending Section 21-501(b) relating to accessory uses and structures in Residential Districts.

CZC AMENDMENT SECTION 21-110 RE DEFINITIONS OF SPECIAL YARD; STREET SETBACK LINE; YARD, FRONT, YARD, REAR; AND YARD, SIDE; SECTION 21-202(a) RE DIMENSIONS OF YARDS; DELETING SECTION 21-202(b) RE OTHER YARDS; ADDING NEW SECTION 21-202(b) RE USE RESTRICTED IN YARDS

6. An ordinance to amend Chapter 21, Revised Ordinance of Honolulu as amended (CZC) by amending Section 21-110 relating to definitions of special yard; street setback line; yard, front, yard, rear; and yard, side; amending Section 21-202(a) relating to dimensions of yards; deleting Section 21-202(b) relating to other yards; and adding a new Section 21-202(b) relating to use restricted in yards.

ADJOURNMENT: The meeting adjourned at 4:55 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

NO.

2

NO.

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NO.

2

NO.

2

NO.

2

PLANNING COMMISSION

MINUTES

FEBRUARY 6, 1974 TO SEPTEMBER 18, 1974

BOOK NO. 135

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PLANNING COMMISSION

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GENERAL PLAN/DETAILED LAND USE MAP/DEVELOPMENT PLAN (AMENDMENT) (CONT.)

June 12, 1974	Kaneohe-Kualoa GP/DLUM (The McCormack Land Company, Inc.) Commercial & Street to Medium Density Apt.	210
June 12, 1974	Wahiawa-Whitmore GP/DLUM (Margen, Inc.) Deleting planned street connection between Kilea Place and Royal Palm Drive.	220
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July 10, 1974	Waikiki GP (Wong/Wong & Palmer/Turner Architects) Resort to Commercial use	255
July 24, 1974	Kahaluu-Koolaupoko GP/DLUM (Land Research & Investment Co., Inc.) Open Space to Residential use	281
August 7, 1974	Waipahu GP/DLUM (Oahu Sugar Company) Industrial, Commercial & Civic Center to Residential, Apartment, Industrial, and other uses	303
August 7, 1974	Kahaluu-Koolaupoko GP/DLUM (Land Research & Investment Co., Inc.) Open Space to Residential use	342
September 4, 1974	Kahaluu GP/DLUM (Land Research and Investment Co., Inc.) Open Space to Residential use	346
September 4, 1974	Waipahu GP/DLUM (Oahu Sugar Company) Rearrangement of land uses--Industrial, Commercial & Civic Center to Residential, Apartment, Industrial, and other uses	348
September 4, 1974	Moiliili GP/DLUM (Hausten Gardens Associates) Commercial to Apartment	392
September 18, 1974	Aiea/Waiawa-Halawa GP/DLUM (DAGS, State of Hawaii) Industrial & Neighborhood Playground to School use	419
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HAWAII CAPITAL DISTRICT

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HAWAII CAPITAL DISTRICT (CONT.)

	for the addition of a Microwave station to the Honolulu Power Plant.	37
February 6, 1974	(Anderson/Johnson/Reinhardt, Ltd.) Application for a 5-story office building	37
February 20, 1974	(Hawn. Electric Co.,Inc.) Application for the addition of a Microwave station to the Honolulu Power Plant	39
February 20, 1974	(Anderson/Johnson/Reinhardt, Ltd.) Application for a 5-story office building	40
February 20, 1974	(Standard Oil Company of California) Application for landscaping and a sign in the roadway setback	44
February 20, 1974	(Alexander Bros., Ltd.) Application for construction of a sign	44
February 20, 1974	(C&C Board of Water Supply) Application to do re-roofing work	44
March 6, 1974	(Standard Oil Company of California) Application for landscaping and a sign in the roadway setback	46
March 6, 1974	(Alexander Bros., Ltd.) Application for construction of a sign	47
March 6, 1974	(C&C Board of Water Supply) Application for re-roofing of existing buildings	61
March 20, 1974	(American Brewing Company, Ltd.) Proposal for demolition of the Royal Brewery Bldg.	110
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April 3, 1974	-do-	143
April 3, 1974	(Pacific Sea Transportation, Ltd.) Application for installation of canopies and signs	144
April 17, 1974	-do-	146
August 7, 1974	(James K. Trask, Jr.-Kawaiahao Plaza Office Bldg.) Application for an office complex up to 4-stories high over a 1-1/2 story parking structure	315

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HAWAII CAPITAL DISTRICT (CONT.)

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September 4, 1974	(Peter Hsi Associates/HRA) Application for construction of an 11-story apt. complex (King Pali Apartments)	403

MISCELLANEOUS

March 20, 1974	Ordinance to amend Chapter 22, R.O. 1969, by adding a new article, Relating to Dedication of Land by Right-Of-Way or Easement for Public Access of Pedestrian Traffic to Shoreline and Mountain Areas as a Condition Precedent to Approval of a Subdivision.	122
April 3, 1974	-do-	138
July 10, 1974	Election of Officers	254
July 10, 1974	Adoption of Rules of Parliamentary Procedures	254

PLANNED DEVELOPMENT-HOUSING

February 20, 1974	Sunset Beach (Real Estate Finance Corp.)	44
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April 3, 1974	Wahiawa (Franklin C. Tom)	144
May 15, 1974	-do-	198
June 26, 1974	Wahiawa (Margen, Inc.)	250
July 10, 1974	Kaneohe (The McCormack Land Co., Ltd.)	261
July 10, 1974	Waipio--Mililani Town (Mililani Town, Inc.)	269
September 4, 1974	Kahaluu (LR&I, Dev. One)	356
September 18, 1974	Kahaluu (The Homes Corporation)	438

PLANNED DEVELOPMENT-SHOPPING CENTER

April 3, 1974	Kahuku (Hawaii Shopping Center Corp. & Blackfield Hawaii Corp.)	144
May 1, 1974	-do-	154

STATE LAND USE COMMISSION

August 7, 1974	SLUC's Rules of Practice & Procedure (Petition submitted to SLUC by Life of the Land)	343

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STREET NAMES

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February 20, 1974	Puuloa, Ewa (Sato Subdivision)	45
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May 29, 1974	Waimanalo (Inoaole Subdivision)	204
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August 7, 1974	Lualualei, Waianae (Pokai Bay Estates Subdivision, Unit II)	344
August 7, 1974	Aiea (Halawa Hilltop Subdivision)	344
August 7, 1974	Niu Valley (Niu Valley Highlands, Unit 2)	344
August 7, 1974	Kaneohe (Malia Terrace Subdivision)	345
September 18, 1974	Lualualei, Waianae (Pokai Bay Estates Subdivision, Unit II)	455
September 18, 1974	Niu Valley (Niu Valley Highlands)	456
September 18, 1974	Aiea (Halawa Hilltop Subdivision)	456
September 18, 1974	Kahuku (Kahuku J-2 Condominium Project) (Kuilima)	456
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ZONING -- A-1 APARTMENT DISTRICT

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March 6, 1974	-do-	62
March 20, 1974	-do-	121
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May 15, 1974	-do-	199
May 29, 1974	-do-	203
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ZONING -- A-3 APARTMENT DISTRICT

May 1, 1974	Central Business District - C&C Director of Land Utilization (Queen Emma Gardens)	161

ZONING -- A-4 APARTMENT DISTRICT

March 20, 1974	Pawaa - Yit Ing Lum	122
April 3, 1974	-do-	138

ZONING - B-2 COMMUNITY BUSINESS DISTRICT

March 20, 1974	Ala Moana - Blackfield Hawaii Corp.	121
April 3, 1974	-do-	137
April 17, 1974	Waipahu - Crown Properties, Inc.	145
July 10, 1974	Kaimuki - Tom G. Murphy dba Tire Warehouse	271

ZONING -- I-1 LIGHT INDUSTRIAL DISTRICT

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ZONING -- P-1 PRESERVATION DISTRICT

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June 12, 1974	Various areas on Oahu (Certain private golf courses) - Initiated by City Council	228
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ZONING -- R-6 RESIDENTIAL DISTRICT

May 1, 1974	Maili, Waianae - Kaiser Pacific Properties Corp.	164
May 15, 1974	-do-	199
May 29, 1974	-do-	203
July 24, 1974	Waialua - Oceanic Properties, Inc.	273

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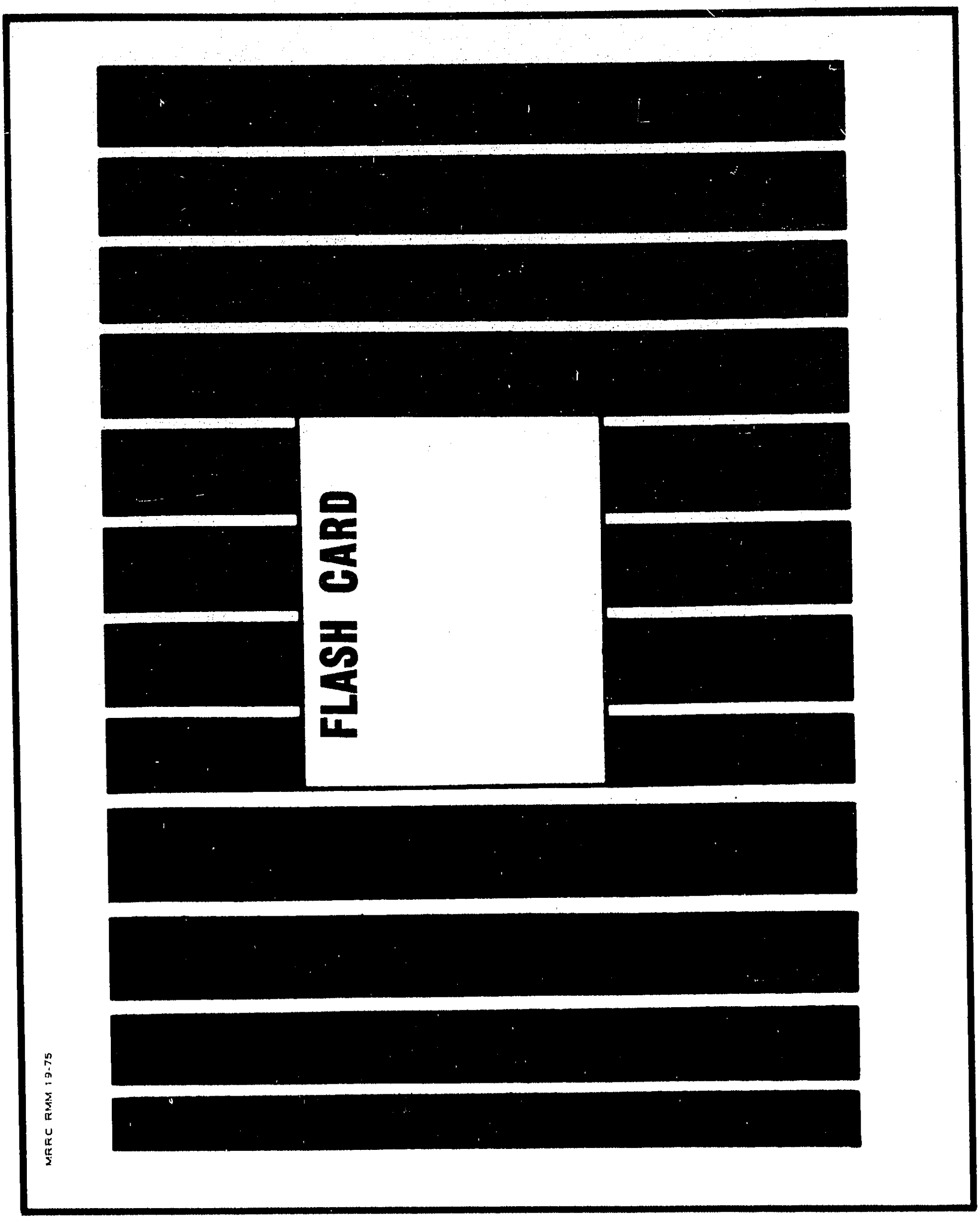
MRRC RMM 19-75

FLASH CARD

FLASH CARD

FLASH CARD



MRRC RMM 19-75

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Meeting of the Planning Commission
Minutes
February 6, 1974

The Planning Commission held a meeting on Wednesday, February 6, 1974 at 1:30 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:
Eugene B. Connell, Chairman
James D. Crane, Vice-Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Donald K. Hosaka
Randall Kamiya
Fredda Sullam

ABSENT:
Antone J. Kahawaiolaa

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Andrew Sato, Deputy Corporation Counsel
Jack Gilliam, Head, Zoning District Changes Branch
Ian McDougall, Head, Plans Division Branch
Henry Eng, Staff Planner
Stanley Mofjeld, Staff Planner
Ralph Portmore, Staff Planner

MINUTES:
The minutes of January 9, and 23, 1974 were approved, on motion by Mr. Crane, seconded by Dr. Choy and carried.

PUBLIC HEARING
CZC AMENDMENT
(BILL NO. 75, 1972)
AMENDING SECTIONS
21-613 & 21-624
(RELATING TO HEIGHT
REGULATIONS)

A public hearing was held to consider a proposed Ordinance (Bill No. 75, 1972) to amend Sections 21-613 and 21-624 of the CZC relating to Height Regulations in A-2, A-3, A-4, and A-5 Apartment Districts.

Publication was made in the Star-Bulletin/Advertiser of Sunday, January 27, 1974. No letters of protest were received.

Mr. Jack Gilliam of the staff presented the Director's report. The bill provides for a maximum height in the A-2 Apartment District of 40 feet with the provision that additional height may be permitted to 120 feet through the Conditional Use Permit process. The additional height of 120 feet was determined through a review of building permits from 1968 to the present time. The median height for buildings during that time was 13 stories. The 120-foot figure is a result of assuming a floor-to-floor height in apartment buildings of 9 feet.

The regulations concerning height in A-3, A-4, and A-5 districts are proposed to be 120 feet as a maximum in lieu of the existing 350 feet

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maximum. It would be necessary for a person wishing to exceed the 120 feet in an A-3, A-4, or A-5 district to apply for a Conditional Use Permit.

If the bill is adopted, it would add height flexibility to apartment development replacing the stringent 40 feet or 350 feet height option now available in the Comprehensive Zoning Code regulations.

The Director recommends approval of the proposed bill.

The Commission had no questions regarding the Director's report.

No one spoke AGAINST the proposed amendment.

Testimony in SUPPORT--

1. Mrs. Fred O. Young representing the American Association of University Women, and herself as an interested citizen (Presented letter dated Feb. 6, 1974 signed by Mrs. Jack Forsberg, President, AAUW Honolulu Branch)

2. Mr. Aaron Levine, President, Oahu Development Conference (Submitted testimony dated Feb. 6, 1974)

   LEVINE: As the Oahu Development Conference testified two years ago at the City Council public hearing on Bill #75, it had become apparent to the ODC when it reviewed the Comprehensive Zoning Code prior to its adoption by the City Council, that too wide a gap existed between the 40-foot maximum height limitation of the "A-2" Apartment district and the 350-foot maximum of the "A-3" district.

   Although it had been hoped that the Floor Area Lot-Area Ratio and Land Use Intensity ratings of the new Zoning Code would help produce buildings at an intermediate height range, those ratios sometimes permitted incredibly tall structures totally out of scale with their environment and the nearby lower profile buildings.

   Therefore, the purpose of Bill #75, to permit greater flexibility and buildings of intermediate height, appeals to the ODC. But it is important that the measure be administered with proper planning safeguards to make certain that the intrusion of an apartment structure as high as 120-feet in a district containing buildings of only 40-feet will not adversely affect the general character of the neighborhood.

   The relationship of the proposed tall structure to other buildings, to open space and to the total urban scene must be considered. As Honolulu becomes more developed, those urban design implications become more critical. Drive along Prospect Street or Ward Avenue and you can see the three-dimensional examples of the chaos which can otherwise result.

   It is not coincidental that section 21.242 of the Honolulu Zoning Code listing the General Standards for Conditional Use permits, includes many of the same factors underlying the San Francisco Urban

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Design Plan, namely the traffic implications, utilities, open space, height, bulk and location of structures.

The Planning Commission and Board of Supervisors of that city officially adopted height limitations and building bulk regulations in accordance with a city-wide Urban Design Plan prepared by their planning department. Practically all of the residential districts in San Francisco, and that means all types of housing, now have imposed on them a maximum building height limit of 40 feet, with some selected spots in which the height of structures may range up to 88 feet. A still smaller number of locations are permitted to have structures rising to 160 feet, and a few, very few, spots are permitted to climb to 240 feet. In the downtown area, of course, still higher structures are permitted. But throughout the city, the 40 foot height limitation is predominant.

The significant thing about San Francisco is that the city is demonstrating how height limitations and building bulk regulations can be devised and administered. They also furnish the rationale for the granting or denial of building requests and, in the end, can help attain the urban form desired by the community. Just as the CIP is recognized as a strong tool for accomplishing community objectives, so too, can the Urban Design Plan be of equal assistance.

There is another reason for relating the height limits directly to an Urban Design Plan. You may find that the prospective developer of a site within the conventional apartment district zoned for structures allowed to go as high as 350 feet if a conditional use permit were issued, will expect to receive permission to build as close to that maximum as possible. Even though our City Charter has been revised to eliminate reasonable economic yield as a reason for granting zoning variances, it may prove difficult for the City to withstand the pressure for the issuance of a conditional use permit when the purchase of the property rested on that expectation, or when other properties in the vicinity have been permitted to reach that height. The Urban Design Plan furnishes the objective basis on which the City's decision can be formulated.

Honolulu has the enabling legislation to apply height limitations and building bulk requirements so necessary to implement any Urban Design Plan. However, we lack the Urban Design Plan on which to base those determinations. It will take time to prepare that plan and it should receive considerable public and legislative review before it is adopted.

If the Planning Commission agrees with the ODC that an intermediate height designation of 120 feet is needed to bridge the gap between the present 40 foot and 350 foot apartment limits, it might consider immediate enactment of an interim measure until the Urban Design Plan is prepared. It could establish a new Apartment district with a 120 foot maximum height limitation mapped in appropriate areas. Then the public would be immediately aware of the permitted building heights, rather than speculating on what may be granted in the future when the overall Urban Design Plan is completed or whether a conditional use permit will be issued or not.

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The Urban Design Plan could then take over when it is finally adopted. Other cities have followed this type of orderly procedure with considerable success, instead of debating for years while construction occurs.

(The Commission had no questions of Mr. Levine.)

There being no further testimony, the public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Dr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the proposed amendment, on motion by Mr. Hosaka, seconded by Mr. Crane.

Discussion followed. Commissioner Sullam expressed concern over the additional height which would be permitted to 120 feet within the A-2 Apartment District. She felt this additional height should be permitted only where A-2 Apartment abuts A-3 Apartment, and that a phrase pertinent thereto should be included.

The Chairman pointed out that this is not an outright privilege to an A-2 Apartment owner but that it must proceed through the Conditional Use Permit process which he felt has adequate controls. Additionally, lot size, setback requirements and floor area ratios also govern.

The motion to concur with the Director's recommendation for approval carried.

AYES - Choy, Crane, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
CZC AMENDMENT
AMENDING:
(1) SECTION 21-110 RE DEFINITIONS OF SPECIAL YARD; STREET SETBACK LINE; YARD, FRONT, YARD, REAR; AND YARD, SIDE;
(2) SECTION 21-202(a) RE DIMENSIONS OF YARDS;
(3) DELETING SECTION 21-202(b) RE OTHER YARDS;
(4) ADDING NEW SECTION 21-202(b) RE USE RESTRICTED IN YARDS

A public hearing was held to consider an Ordinance to amend Chapter 21, R.O. of Honolulu as amended (Comprehensive Zoning Code) by amending Section 21-110 relating to definitions of Special Yard; Street Setback Line; Yard, Front; Yard, Rear; and Yard, Side; Amending Section 21-202(a) relating to dimensions of yards; deleting Section 21-202(b) relating to other yards; and adding a new Section 21-202(b) relating to use restricted in yards.

Publication was made in the Star-Bulletin/Advertiser of Sunday, January 27, 1974. No letters of protest were received.

Mr. Jack Gilliam presented the Director's report of the proposed amendment. The

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bill redefines and clarifies the required yard areas and adds a new section which prohibits business, occupation or merchandising displays, other than the daily newspapers, in required yard or street setback areas. The Director recommends that this amendment be approved.

There were no questions from the Commission concerning the Director's report.

Public testimony followed.

No one spoke AGAINST the proposed amendment.

Testimony in SUPPORT--

1. Mr. Donald A. Bremner, Executive Vice President, Waikiki Improvement Association, Inc. (Submitted letter dated Feb. 5, 1974)

BREMNER: The 3200 member Waikiki Improvement Association endorses this proposed amendment and urges your favorable recommendation to the City Council.

The proposal will properly close a loophole in the present CZC. A loophole that is producing a disorderly and "slum-like" situation to deteriorate the appearance and desirability of Kalakaua Avenue and elsewhere. A loophole that is contrary to the purpose of requiring yard setbacks for buildings.

That intent is set forth in the CZC - (Sec. 21-110 - Definition) by the statement that a "yard is a required open space unobstructed by any structure...." The justification for yards on building lots lies in the need to provide unobstructed open spaces around buildings for emergency access, maintenance, light, air and aesthetics.

The undermining of this intent occurs because a "structure" is defined as something "fixed" to the ground. Consequently, an overly pedantic interpretation of these definitions results in the cluttering up of yard areas with structures such as amusement machines, sales stands, snack bars, display racks and other paraphernalia which are allowed because they are not fixed to the ground. Consequently, we have the ridiculous situation in which structures - although prohibited in yard areas - exist with the sanction of the City because they are "not fixed to the ground" with a bolt or other fasteners. I can assure you that they are, nevertheless, permanent.

Front yards on Kalakaua Avenue also have provided additional pedestrian areas since most all such front yards have been converted to sidewalks. The placement of structures such as machines, stands, etc., obstructs pedestrian flow and tends to congest the sidewalk where otherwise there is ample room. This is getting to be a serious concern as pedestrian flow increases.

In addition, it is just plain ugly and seriously mars the appearance of Hawaii's major visitor area - an area which we want all residents to be proud of.

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These yard areas are created by the CZC and we believe therefore that they should be properly controlled by zoning provisions. It is entirely within the constitutional power of the City Council to properly control these yard areas so that the fundamental purpose of "yards" is achieved

Zoning - per se - has been held constitutional since 1926, when the U.S. Supreme Court reviewed and laid the question to rest.

It was clearly established at that time that local governments have the power and obligation to regulate private property in the public interest. The only legal question that can be properly raised in regard to a zoning amendment is - is the amendment a reasonable exercise of the zoning power in the interest of the public. The legality of yard requirements has also been settled long in the past. Consequently, since this amendment is merely to re-establish the intent of the yard area provision as an "unobstructed open space," there should be no valid question about its reasonableness and no question about the City's ability to approve it.

We ask you to do just that - approve it in the interests of public well-being to eliminate the problems that we have experienced in Waikiki.

Responding to questions by Counsel, Mr. Bremner stated that although there has been comment that the Waikiki Improvement Association could control sidewalk activities within the Waikiki area, their organization has no authority to do this. However, since the sidewalk (setback) areas are privately owned, they are asking private owners to incorporate such prohibition into their leases, rental agreements, and rules and regulations.

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

2. Letter dated Jan. 31, 1974 from Mr. L. M. Johnson, Vice President and Manager, Bank of Hawaii
3. Letter dated Jan. 31, 1974 from Mr. Ian I. Harris; Wimberly, Whisenand, Allison, Tong & Goo Architects, Ltd.
4. Letter dated Jan. 31, 1974 from Mr. Lyman J. Blank, Owner and General Manager, Tropic Isle Hotel

Comments contained in the above-mentioned letters concur with preceding testimony by Mr. Bremner.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the proposed amendment, on motion by Mr. Kamiya, seconded by Mr. Hosaka and carried.

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AYES - Choy, Crane, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
GP/DLUM AMENDMENT
(1) DELETING PROPOSED EXTENSION OF KINAU ST. BETWEEN WAIAU PL. & PUNAHOU ST.; & (2) REDESIGNATING THE RIGHT-OF-WAY AREA TO HOSPITAL & HIGH DENSITY APT. USE.
MAKIKI
ALFRED A. YEE & ASSOCIATES
(FILE #225/C3/13)

A public hearing was held to consider a request to amend the Makiki-Kewalo-Ala Moana General Plan/Detailed Land Use Map and Development Plan by: (1) Deleting the proposed extension of Kinau Street between Waiau Place and Punahou Street, and (2) redesignating the right-of-way area to Hospital and High-Density Apartment use, at Punahou, Makiki, Oahu--proposed extension from Waiau Place to Punahou Street, Tax Map Keys: 2-4-7: 3, 4, 1; and 2-4-10: 37, 38.

Publication was made in the Star-Bulletin/Advertiser of Sunday, January 27, 1974. No letters of protest were received.

Mr. Ian McDougall of the staff presented the report of the Chief Planning Officer. The purpose of this extension is to provide a connection from Keeaumoku Street to Punahou Street, and to improve the street pattern of the area. The applicant's report states that the extension of Kinau Street would create extremely undesirable problems at the interesection of Punahou and Kinau Streets. The linkage would cause undesirable additional traffic congestion on Punahou Street which already has heavy traffic volume. The traffic entering the intersection from Kinau Street would find right turns hazardous, and left turns dangerous. Traffic lights may help to alleviate part of the problem, but may also cause congestion on Punahou Street. The applicant fails to substantiate these observations with traffic impact data.

It can be concluded that the extension of Kinau Street will not be constructed due to City Council action permitting improvements within the planned right-of-way. The Department of Transportation Services concurs that the road is no longer needed. Based on the applicant's report and subsequent analysis by the Department of Transportation Services and Department of General Planning, it is recommended that the Kinau Street extension be deleted as proposed and that deleted areas be redesignated for Hospital and High Density Apartment uses.

There were no questions from the Commission regarding the report of the Chief Planning Officer.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Hosaka and carried.

ACTION: The Commission concurred with the recommendation of the Chief Planning Officer and recommended approval of the request, on motion by Mr. Crane, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
(2ND FLOOR ADDITION)
EASTER SEAL SOCIETY
OF OAHU
(FILE #74/HCD-1)

A public hearing was held to consider a request for approval of plans for second floor addition with elevator, stair and ramp facility to the existing building, within the Hawaii Capital District, Tax Map Key: 2-1-39-19.

Publication was made in the Star-Bulletin/Advertiser of Sunday, January 27, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld reviewed the Director's report indicating the applicant's plans. The building, including the proposed addition, meets the 40-foot height limit and 50% open space requirements of the district. The addition is compatible with the existing building and the Hawaii Capital District. The Director recommends approval of this application.

The Commission had no questions of the staff regarding the Director's report.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Kamiya, seconded by Mr. Duke and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of this application, on motion by Mr. Hosaka, seconded by Mr Crane and carried.

AYES - Choy, Crane, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
ZONING CHANGE
AG-1 AGRICULTURAL TO
A-1 LOW-DENSITY APT.
WAIAU
LEAR SIEGLER, INC.
(FILE #73/Z-16)

A public hearing was held to consider a request for a change in zoning from AG-1 Agricultural District to A-1 Low-Density Apartment in Waiau, Tax Map Key: 9-8-02: portion of 3.

Publication was made in the Sunday Star-Bulletin/Advertiser of January 27, 1974. No letters of protest were received.

The following transpired:

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WAY: Mr. Chairman, I would add a note that the Director of the Department of Land Utilization has advised that the applicant in this case, Lear Siegler, Incorporated, wishes to continue the examination of the question and some of the issues raised in the Director's report, and would feel that a period of approximately one month would be an appropriate time to examine these questions. They would like then to respectfully request, and the Director of the Department of Land Utilization agrees, to hold the public hearing open for a period not to exceed the next two meetings of the Commission. I therefore suggest that we defer presentation of the report, findings, and recommendations. Possibly it may be changed materially in this period.

Further, I suggest that the Chairman may want to call for anyone who is here to testify to present such testimony either for or against.

The Chairman then called for public testimony either FOR or AGAINST the request. No one appeared.

The public hearing was kept open, and the matter was deferred for a period not to exceed one month, on motion by Mr. Crane, seconded by Mr. Choy and carried.

PUBLIC HEARING ZONING CHANGE R-6 RESIDENTIAL TO I-1 LIGHT INDUSTRIAL DISTRICT AIEA CALIFORNIA & HAWAIIAN SUGAR COMPANY (FILE #73/Z-46)	A public hearing was held to consider a request for a change in zoning from R-6 Residential to I-1 Light Industrial District in Aiea, Tax Map Key: 9-9-05: 10. Publication was made in the Sunday Star-Bulletin/Advertiser on January 27, 1974. Letters received OPPOSING this request are included in testimony AGAINST the proposal.

Staff Planner Henry Eng presented the Director's report of the request. The applicant, California and Hawaiian Sugar Company, has stated that the Hawaiian Sugar Planters' Association is interested in relocating its facilities onto a portion of this site. Plans have been submitted showing retention of the existing sugar refinery buildings and operations. Should the Hawaiian Sugar Planters' Association relocate to this site as proposed, the plans indicate that they would expand an existing office building to approximately three stories. C&H would then build an additional one-story, 3,200-square foot building for their offices on the Ewa side of the existing refinery buildings.

A discussion of possible courses of action on this request for a change in zoning follows:

a. Alternative One: Applicant's Request: Change the entire 19.5± acre site from R-6 to I-1 in accordance with the Detailed Land Use Map.

b. Alternative Two: Change the zoning to I-1 on the approximately three quarters of the site which lies on the Ewa side of the

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stream. This would allow all immediate changes proposed by the applicant. It would preclude changes on the Diamond Head side of the stream where the Aiea Intermediate School parking lot expansion is proposed. This is also the area which fronts on Kulawea Street and presents the greatest potential annoyance to the residents on the other side of the street.

This alternative partially implements the existing General Plan/ Detailed Land Use Map. If it is concluded that the Diamond Head side of the stream is inappropriate for any future industrial use, this alternative suggests a probable need for a General Plan, Detailed Land Use Map review and amendment.

This alternative would allow continued operation of the water tower and wells on the Diamond Head side of the stream which would remain in R-6 zoning. It would preclude any substantial enlargement of these facilities.

c. Alternative Three: Change the zoning to I-1 on the approximately two thirds of the site lying on the Ewa side of the stream and makai of the mauka boundary approximately 200 feet. This would allow all immediate changes proposed by the applicant. It would also provide for development of a buffer strip between the industrial zone and adjoining residences on the Diamond Head and mauka sides.

This alternative also suggests a corresponding change in the Detailed Land Use Map to reflect the need for a buffer between industrial and residential areas. Under this alternative, the large raw sugar storage warehouse on the mauka side of the refinery would remain in the R-6 zoning district buffer area as a nonconforming structure and use.

d. Alternative Four: Change the zoning to I-1 on the approximately one quarter of the site lying on the makai side and Ewa of the stream. This would allow only new construction on this corner of the site. It would accommodate the proposed new HSPA building but little else. This alternative also suggests a possible future Detailed Land Use Map change.

e. Alternative Five: Deny the request. This would leave the entire site in the R-6 zone. Existing industrial uses would be allowed to remain as nonconforming uses. The zoning pattern would be in conflict with the General Plan/Detailed Land Use Map, thereby also suggesting General Plan/Detailed Land Use Map review.

f. Contract Zoning: In reviewing the alternatives, the possibility of invoking contract zoning (if adopted) should be considered. Any of the alternatives could be granted with additional controls through a contract attached to the zone change ordinance.

The zoning for the site (or a portion of it) could be changed to I-1 as requested but with conditions for protection of the public welfare and surrounding residences. Conditions could (1) require heavily landscaped buffer areas adjacent to residential neighbors and (2) permit access to industrial uses only off Aiea Heights Drive on the Ewa side of the site.

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The Director recommends that the request be approved in accordance with Alternative Two, changing the zoning of approximately three quarters of the site on the Ewa side of the stream. This alternative, in the Director's view, permits the implementation of the applicant's request, preserves the option of providing needed parking for Aiea Intermediate School, and protects the interests of the abutting residents.

It is further recommended that should contract zoning be approved, that it be applied to (1) require heavily landscaped buffer areas adjacent to residential neighborhoods; and (2) permit access to industrial uses only off Aiea Heights Drive on the Ewa side of the site.

Questions were raised by the Commission.

SULLAM: In the report, it mentions contract zoning. What's the status of that?

ENG: It's passed second reading and is presently up for third reading.

SULLAM: Wouldn't you recommend then that perhaps we ought to wait and see whether it will be adopted, and if it is, then we could make an evaluation of these various alternatives more intelligently.

ENG: I believe the Commission could make this as its recommendation.

KAMIYA: How would Alternative 3 affect the applicant as compared to Alternative 2?

ENG: Alternative 2 would restrict the industrial zone to the area on the Ewa side of the stream which is currently vacant, whereas Alternative 3 would also delete this area (referring to map) from consideration for Industrial zoning. There presently exists a substantial raw sugar warehouse in this area. It's felt that since the policy has been established, and since this is an existing use, and in likelihood this would not be further developed because of the existence of the warehouse, the simplest way to implement the policy would be to grant the industrial zoning.

CRANE: Alternative 3, that knocks out the mauka.

ENG: That is correct. The warehouse would then continue to be nonconforming.

CRANE: Right, and it's very close to the school.

ENG: Right.

CRANE: At the community meeting, was there any objections raised relative to noise, dust, pollution?

ENG: I think the concerns were more related to what could be developed if we were zoning a vacant site to industrial. I think that

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because of the existence of the refinery here for some time, there have been a minimum of problems involved with the operation of the refinery.

CRANE: Then I assume that adjoining land next to the school will remain residential but nonconforming, and therefore they couldn't do anything else with it in the future, right?

ENG: Right.

HOSAKA: If the upper left portion (referring to map) abuts residential lots and if we did go with Alternative 3, with contract zoning we could make some kind of landscaped buffer zone around that warehouse area.

ENG: You should be aware that if the Commission decided to select Alternative 3, that portion would be deleted from consideration. You would have no powers of contract. Whereas, if it were included, you could put in some conditions for buffering. The area is quite critical because if you maintain it in residential zoning, it can be developed only for residential uses. There is a stream there which serves as a present buffer.

HOSAKA: Were there any particular objections from those four or five homes abutting there on the left (referring to Alternative 3 displayed)?

ENG: As I recall in reading the staff file, the objections were related to concerns over possible other uses which industrial zoning would permit. I don't think there were any strenuous objections leveled at the operation as it currently exists. The stream is approximately 100 feet from the property line. The warehouse is a fairly substantial building of concrete walls one or two feet thick. It seems unlikely it would be torn down.

HOSAKA: Still, with Alternative 2, there's nothing to stop them from knocking it down and putting up another structure.

ENG: That's true.

CHAIRMAN: Has any consideration been given to a buffer zone for these homes in here (referring to homes along Hakina Street), bringing the line further back, allowing a setback?

ENG: Because of the distances involved here, the applicant would then be seeking rezoning simply of its existing facilities, and since they've been in existence for some time except for the necessity to locate two additional buildings, they would not ask for the rezoning.

CHAIRMAN: And once the rezoning went in, it would not preclude using this land for other purposes, therefore no buffer.

ENG: That is correct, except as the code provides.

CHAIRMAN: And what does the code require in terms of setback?

ENG: I think the setbacks are stricter where the industrial zone

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abuts the residential zone, as opposed to industrial/industrial or industrial/commercial.

CHAIRMAN: How many feet is that?

ENG: It's a five foot minimum side yard and height within residential. In other words, 15 feet at the setback and progressively up.

CHAIRMAN: So five to ten feet.

ENG: It would be either five or ten depending on the yard situation.

HOSAKA: Where are the existing driveways on this lot right now?

ENG: The plans don't indicate that. We could get that information from the representative of the company who is here.

SULLAM: Which of the alternatives has the HSPA indicated they would be inclined to approve of?

ENG: The applicant and HSPA have an interlocking corporate situation. The applicant is proposing to rezone the entire site. Subsequent to receipt of the application, DAGS is interested in extending the parking lot. We have transmitted copies of the report showing our recommendation for Alternative 2. As far as we know, the applicant will accept Alternative 2.

(There were no further questions of the staff.)

Public testimony followed.

Testimony AGAINST--

1. Mr. Alfredo Racoma, President, Halawa Hills Estate Community Association (Submitted Petition containing 521 signatures, and testimony, undated)

RACOMA: I am President of the Halawa Hills Community Association representing 600 members and am testifying against the rezoning. A committee was formed and opinions were solicited from the Aiea Intermediate School PTA, Gus Webling Elementary School PTA, Alvah Scott Elementary School PTA, Aiea Elementary School PTA, the Aiea District Council, and the Halawa Hills general membership meeting and they were in support of the following views:

a. We consider it poor planning to have an industrial area adjacent to the schools because it would increase the danger to our children who walk to and from the schools.

b. Proper zoning of an industrial area should leave adequate buffer zones between industrial and residential areas. For

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example, in the Waipahu Industrial area, there is a transition between industrial/to business/to residential. In contrast, the Mapunapuna Industrial district is zoned away from schools and residential areas.

c. Heavier traffic density and heavier type of vehicles would present additional problems to our already congested road system leading to the residential areas.

d. Some of the roads are not properly constructed to carry the heavier equipment permitted in industrial areas. Many lack proper sidewalks for our children walking to and from schools. The location of the C&H Sugar Mill site is unique in that there are six schools within a 1/4 mile radius

e. Rezoning of the area to industrial would have an adverse increase in noise, fumes, and other types of pollution to the adjoining areas.

f. The maximum height limitation in an I-1 zoning is 350 feet high. This would not be compatible with the adjoining residential areas.

In view of the above-mentioned statements, we are appealing to your good judgment and experience in making the final recommendation.

Mr. Racoma was questioned by the Commission.

KAMIYA: Do you understand the alternatives that were presented?

RACOMA: Yes.

KAMIYA: Do you have any opinion of the alternatives?

RACOMA: I think Alternative 3 would be sufficient.

SULLAM: The testimony at the moment doesn't indicate that you approve of Alternative 3. You say it's not only the lack of a buffer zone but you're against this whole idea of having industrial in residential areas. As a matter of fact, I was lead to believe at first that if we could possibly buffer this zone properly, that everyone would be satisfied, but apparently that's not so.

RACOMA: Alternative 3 is my own opinion on it.

SULLAM: I have a question of the Director. Would you know what kinds of industrial work will proceed in here other than the present milling that goes on? Is there going to be a great deal of additional traffic generated?

ENG: Perhaps I can answer that. The rezoning, if granted, would result in the development of two structures to house the offices for C&H and HSPA. A traffic impact study has been submitted to the Department of Transportation Services. They find that the existing streets would be adequate to serve the proposed uses.

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SULLAM: But that's for the moment. Once the zoning is changed, and in future years, of course, they could go ahead with a different type of industrial use.

ENG: That is correct. They have represented to us that this is the extent of development planned on this site

SULLAM: What projection is this, to what year? Would that be as far as the foreseeable future is concerned?

ENG: As far as I know. There is a representative here. Perhaps he could clarify this.

CHAIRMAN: In your second point, you say there should be adequate buffer zones between industrial and residential areas. What does your group and the various groups feel is an adequate buffer zone?

RACOMA: For example, if you look at the Waipahu industrial area, you have the industrial area, then your super markets, and then the residential area. We feel that is an adequate buffer zone area where you have the super markets, shops, department stores taking the shock from the sound of the industrial area where it won't interfere with the residential area.

CHAIRMAN: So you would feel buffer zones represent more blocks than feet.

RACOMA: Yes.

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

2. Letter dated Feb. 4, 1974 from Ruby L. Hargrave, Chairperson, Aiea District Council

"I am writing to convey the stand taken by the Aiea District Council regarding the request by California & Hawaiian Sugar for a zoning change.

The District Council, representing eighteen community organizations, is opposed to granting a zoning change for the entire 19.565 acres. It is the District Council's understanding that the reason for requesting a zoning change is to accommodate the relocation of the HSPA office/laboratory facilities now located in Makiki. It is also understood that the area needed for this facility would be that area directly opposite Hi-Land Service Station and in the vicinity of the present C&H office. The District Council is not opposed to rezoning that area needed for the relocation of the HSPA facility.

The District Council contends that granting a blanket zoning request for the entire 19.565 acres would allow non-compatible growth next to the Aiea Intermediate School and opposite a newly developed residential area. Actually, the C&H refinery is surrounded by residential areas and as it now exists would continue to be accepted by the community.

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It is the District Council's conviction that Aiea has changed considerably since 1898 when Honolulu Plantation came into being and built the mill, and since 1946 when C&H converted the mill to a refinery. The change, from a small plantation village surrounded by sugar cane fields to a populated community that includes all types of land uses, should be taken into consideration. A look at the zoning map will show that the residents of this community have tried to plan a community that served the needs of its people and in most instances have done it compatibly.

The District Council would hazard a guess that Mr. Max Lauritzen would react quite strongly if the possibility of warehouses being built across the street from his windward home was proposed.

The District Council asks that you seriously consider our objection to the blanket zoning of a 'grand-fathered' area and remember that we live here everyday "

Testimony in SUPPORT--

Mr. H. M. Lauritzen, Manager, California and Hawaiian Sugar Company (Submitted letter dated Feb. 6, 1974)

LAURITZEN: Mr. Chairman, I am going to deviate from my prepared text because obviously, there's some questions that should be answered before I go through with the text.

Like all other areas, we were there first. We are the outgrowth of the old Honolulu Plantation Company which was founded in 1898. The plantation company existed until 1946 at which time, at the result of the World War II encroachment of the government requiring property, the cane fields are gone. The Honolulu Plantation Company could no longer economically exist without these cane fields, but because they had a portion of their mill which we in the business call refinery--in other words, taking raw sugar and raw it to the juice and making it to white sugar--were able to supply the islands with white sugar. In 1947, it was the decision of most of our owners which are the growers, to assume the management and control of the Aiea Mill, and only in particular, the refining of white sugar which we have done.

Since 1947, things have been focused around us. We have two housing areas, new schools, and new problems which we are here to answer today.

I believe--and you'll excuse me because I am new to Hawaii--but in 1963, you enacted statutes governing property in Hawaii which placed us in Aiea in nonconformity. That means we cannot expand, put in a new building, and if you really want to interpret the law, we can't even maintain our buildings correctly.

This year, our cousins the HSPA which are a non-cooperative association of the Hawaiian Sugar Planters, must leave their Makiki property. They have looked into all sorts of alternate sites, and

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because we do have available space, it's been decided that this was the best spot for them. So, through a study by the Park Engineering Corporation, they have decided to build a building on the site -- if any of you are familiar with it, where our office building is now for the refinery structure. We will demolish our existing office building and HSPA will build a large building that will house their laboratory, service and administration offices.

There would really be no need for us to be before you except for the HSPA moving to our area. We have been there since 1898. Obviously, we have not caused confusion within the community before then because we were there first.

There has been concerns about our future, and most of the civic organizations I have talked to have felt very secure within what I have told them.

Now, I'd like to return to my prepared text.

First, I'd like to commend the planning staff for the excellence of their presentation report. I'm sincere in believing that report is extremely objective, concise, and covers almost every conceivable facet with respect to rezoning of our property in Aiea.

Our position for requesting a change of zoning has been set forth in the staff report, and our satisfaction is concurred. But, I would like to add certain details right now. For the past 25 years, C&H in Aiea has been of considerable importance to the economy of the community. It has been the largest single employer. I believe during that time, we have lived in harmony with the community. Without rebuilding, however, we would be hard-pressed to continue operations in the maintenance and replacement of existing structures by continuation of nonconformance of our property, without expansion of our annual output. Existing ordinances would make it almost impossible for us to maintain the present building, and certainly we would not be allowed to add or replace the existing building. Should this situation continue, we find the operations might have to be moved to lands zoned in accordance to our needs. But, if we move to lands zoned in accordance to our needs, it would cause considerable hardship to commute and considerable hardship for our employees.

Let me also clarify several minor points in the staff report to keep the record straight. The building plan by HSPA at this point and time appears to be four story. Functional development of this building is still in progress but in all likelihood, four stories will be required. This will be for administration, laboratories, laboratory services, library, and Filipino affairs.

If the building requires the site of our existing offices, C&H must be demolished prior to construction of the HSPA building. We then must have new office spaces on the property prior to that demolition. Plans for this structure are nearly completed. Our architect has duplicated nearly as possible, the appearance of the residences in

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the area. Then, we're talking about two stories because most of them around that slope are two story. We feel such a structure will enhance the neighborhood, and in fact, with a little rehabilitation, could be sold as a private residence.

Other points of clarification is the agreement between C&H and HSPA. I'm not sure whether all of you realize, but the members of each of these organizations is identical. We have the same owners.

The HSPA is a nonprofit organization operating on funds contributed by the planters to advance the size of sugar cane growing, harvesting and manufacturing raw sugar. C&H Sugar has the same membership. However, our function is to refine, package refined sugar, and sell that product. The majority of the Board of Directors are identical. Hence, we have an agreement. There was a point in the staff report that there could be some adjunct feeling that we could not agree. But the fact is, there is an internal agreement now within the two Board of Directors which are essentially the same which can make the arrangements for the construction possible.

I would like to point out that we are faced with a very critical time period of the HSPA from the existing Makiki property. A court ruling on the condemnation case from the City and County of Honolulu against the property held by the HSPA has given the HSPA until the end of 1975 to vacate their existing premises. Therefore, construction of the new facility must start with this enormous building by July of this year to meet this critical timetable. It's essential then that a separate office facility for our staff of C&H be started immediately for occupancy prior to demolition of our building so HSPA can start their facility.

Finally, let me state that C&H Sugar is sympathetic with those homeowners on the Honolulu side of our property, and can appreciate their wishing a buffer zone between industrial zoned property and their existing homes. We too are concerned about the traffic problems entering and leaving the Aiea Intermediate School. We've always tried to be cooperative with the administration at that school, and have been of assistance to several projects to make it easier for children to come and go along Kulawea Street. For these reasons, C&H Sugar is agreeable for the acceptance of Alternative 2 in the staff plan, that calling for the rezoning only of the property Ewa of the Aiea Stream. However, we could not accept Alternative 3 or 4 for the previous mention I made of the maintenance or replacement of existing structures.

Mr. Lauritzen was questioned by the Commission.

CRANE: Your main concern seems to be the lack of immediate action relative to meeting deadlines and destruction of the Makiki property and building of a new office building between your two groups.

LAURITZEN: Yes, there's considerable pressure on me.

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CRANE: I understand and I appreciate that. Could you tell me, is there anything in Alternative 3 if we were to adopt that alternative, to prevent your building that office building?

LAURITZEN: I don't really see what Alternative 3 would either do for you or for me. That makes a space behind our refined sugar warehouse R-6. It's a roadway. I don't see where it would help either one of us.

CRANE: That didn't answer my question. Is there anything in Alternative 3 that would prevent your building the office building?

LAURITZEN: No. May I counter the question?

CRANE: Certainly.

LAURITZEN: Why would you want to accept Alternative 3?

CRANE: Well, I could choose to debate with you but there's several reasons why I'm asking this question.

LAURITZEN: Well, I'm just curious.

CRANE: One of them is the intermediate school there. We've had testimony and a petition handed us containing 500 names of parents and people in the community. There's six schools within a radius of a quarter of a mile. The Planning Director told us that the area mauka of Alternative 3 is R-6, nonconforming, and you do have a structure there. So, I have several reasons for being concerned about this.

LAURITZEN: I'm sort of glad I asked the question because I think I can clear the air a little.

Plan 3 shows a strip beyond our raw sugar warehouse which would be left R-6, of which we would have no need for either R-6 or Industrial. It's a roadway. It has nothing to do with the school. We would never sell it, exchange it, or put homes in there.

CRANE: Let me ask a question of the Director. Is that all roadway or is it not now partially a sugar warehouse which is a nonconforming usage?

LAURITZEN: The warehouse is a nonconforming use. The boundary of that chart you see on the mauka side (referring to Alternative 3, displayed) is where that begins. Outside of that is bare land between the warehouse and homes adjoining it.

CRANE: That's precisely my point, and I wish to make my point very clear. We deal here with very permanent things. Once we rezone this place one way or the other, then we have absolutely no control with what you do with it industrially. You can say to me I will never sell it, but that won't change things 20 years from now next to that school. We have to keep this in consideration. I'm primarily concerned, and I appreciate very much your concern about

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building that office building, if we were to grant you Alternative 3, couldn't you do that and still have the nonconforming usage mauka?

LAURITZEN: Yes sir. May I put out additional reformation, however. Plan 3 has no bearing on the school because the schools are right or left, east or west of that area. The mauka area has nothing to do with the school.

ENG: If I may clarify, Mr. Chairman, Alternative 3 as developed by staff indicates that the mauka strip would remain in R-6. What it would do would have the warehouse remain in nonconformity, and that it is not simply an area which is roadway. There is a structure within that area.

HOSAKA: I come back to my original question, where are the driveways located right now and how many do you expect?

LAURITZEN: Two types of trucks come into our property, the raw sugar trucks and then the trucks taking out the refined sugar. The trucks come in off Aiea Heights Drive.

HOSAKA: The second part of my question was would you have further ingress/egress out of your property after it is rezoned?

LAURITZEN: No sir, because we're talking about the same amount of sugar going in and out. We have no plans to increase, decrease or expand the present volume.

DUKE: About how many people from HSPA will you be using in your area when you build those new facilities?

LAURITZEN: About 150. Not all of them will be in that location. Some will be at the other location.

SULLAM: Do you see this site being used to a greater capacity in the foreseeable future? Is this site being used to its full capacity right now, and you don't intend to increase it through the years?

LAURITZEN: Yes, that's a very good question. Our plant has the capacity of 60,000 tons per year. We have been operating at almost half of that for the last ten years, normally around 30,000 tons a year. This last year because of increased sugar demands, we have built up the capacity to 40,000 tons a year, leaving two-thirds capacity. I don't really think we will increase a great deal over what we are now. We would like to but I don't think we will. We have absolutely no plans for any of the other lands on the property which may be vacant except for the construction of the HSPA building and our own building.

HOSAKA: Taking either Alternative 2 or 3, what are your feelings on contract zoning?

LAURITZEN: I'm sorry but I'm not familiar enough to know an answer about contract zoning.

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HOSAKA: Well, there would be certain conditions with the approval of the zone. One for example might be a landscaped buffer zone.

LAURITZEN: Well, I like landscaping but it takes money.

HOSAKA: I realize that but this was one of the staff recommendations and I thought you were familiar with this.

LAURITZEN: No sir, I'm not.

CHOY: Will you have a choice then to accept Alternative 3 instead of Alternative 2 in view of the fact that you may be asked if we go into contract zoning to extend a small little portion for landscaping.

LAURITZEN: That's a tricky question.

CHOY: It's loaded, yes.

LAURITZEN: I'm not prepared to answer that sort of question since I don't know enough about contract zoning. I do know that the City and County of Honolulu has condemned the property of HSPA, and say they must leave by the end of 1975. This is a very critical time period.

CHOY: I realize that, but our questions now center on the mauka side of Alternative 3 where you have your sugar warehouse. You call it a roadway and we know there's a nonconforming structure there now. If you were given a choice to accept 3 without any further expense into landscaping that area adjoining and abutting the residential area, or accept 2 with a possibility that we may ask you to spend a little portion and landscape that.

LAURITZEN: May I ask for clarification? What's the definition of little portion?

CHOY: I don't know, so I'm giving you a choice. To me, you people will accept Alternative 2 and not Alternative 3. It seems to me that there's a question about this little strip of land.

LAURITZEN: It seems to me just logical that the area on the Honolulu side of the stream, we have not used since we took possession of the land in 1947, and we have no plans for it now. The only plan available is from the Department of Education because they want to make additions to their parking lot. We have absolutely no plans for that. It's quite agreeable to us to say let that go, leave that R-6 if that's the best idea the City has. I would put that burden on your shoulders and say is that the best use of that land, R-6. It seems to me kind of shallow to talk about that little piece back of our warehouse. I can't quite understand why you would even consider that.

KAMIYA: You did receive the staff report?

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LAURITZEN: Yes.

KAMIYA: On the recommendation which comes under Alternative 2, it is further recommended for the landscaping and access on Area Heights Drive What's your opinion on that? First, I'd ask the staff, where would they require the heavily landscaped area?

ENG: Under Alternative 2 where the industrial zone abuts residential area, we think landscaping would be appropriate.

KAMIYA: Mr Lauritzen, what is your opinion on that?

LAURITZEN: Believe me, I'm all for landscaping because I think our property is very pretty now. The area on top (referring to Alternative 2) now is a wall. There's a 10 foot differential from our neighbor's to our property. It's very difficult to landscape that. The trees would have to be awfully high.

Down on the left, we would landscape very well. We would be perfectly willing to beautify that area as much as possible.

CHOY: Assuming that the Commission were to select Alternative 3, and we know there's a nonconforming structure there, are there any vehicles existing that the applicant can use to maintain the present structure?

ENG: I think the code is fairly specific in what a person can or cannot do with nonconforming uses. I think some points to ponder might be the Commission might take it upon itself to suggest possible revision of Alternative 3 to include the warehouse but not zone the balance. The other thing is that with contract zoning, if we include that portion, then we have some control on it. If we exclude it, then we have no control.

DUKE: Have you received community complaints from your present operation?

LAURITZEN: No sir, because a good many of the community worked with the company. They worked there for many, many years.

CHAIRMAN: How would it be helpful to you to have a roadway rezoned?

LAURITZEN: I'm sorry I don't understand the question.

CHAIRMAN: Allowing a five-foot setback if you've got 80 feet running from here to here (referring to Alternative 3, warehouse strip), what would be the necessity of having that rezoned?

LAURITZEN: There is absolutely none.

CHAIRMAN: Therefore, if the lines were changed to allow for some buffer and allowing this nonconforming to become conforming, this would meet your purpose?

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LAURITZEN: Yes sir.

CHAIRMAN: The same would hold true in this general area for those properties next to residential lots (referring to side boundary abutting Hakina Street)?

LAURITZEN: No sir, that's different because that is a steep wall and our truck roadway goes immediately adjacent to it. We could not maneuver trucks with the buffering.

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

REBUTTAL

1. Senator Joseph Kuroda, representing Aiea residents (No written testimony submitted)

KURODA: I did not come forward when you asked for someone speaking for. I wanted to hear both sides before I spoke on behalf of the residents of the area. I have my counsel here with me, Mr. Wakatsuki. He also represents the people here, just as Mr. Lauritzen has his counsel here by the name of Mr. Park.

I seek some information before I proceed to express my points of view. First, I heard the response the Council has it for second reading, taking it up for third reading. What did you ask?

SULLAM: That was with regard to contract zoning. Are you familiar with contract zoning?

KURODA: No. Is that to permit contract zoning?

SULLAM: Yes.

KURODA: Okay, let's go beyond that. I just wanted to know what was asked.

I'm surprised to learn that this area is R-6. My question is what is the zoning for Waipahu Sugar Mill and Ewa Mill?

ENG: I don't know offhand.

KURODA: Would you suspect they may be R-6 also?

ENG: That's possible, yes.

KURODA: Is there any reason why Aiea was left R-6? I ask this because is it possible that during the time the general plan had been formulated, that perhaps the people making considerations for developing a permanent or semi-permanent general plan, may have had in mind that this particular area may not be suitable for industrial use, and perhaps maybe through attrition or through some exception,

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perhaps this would return to residential. I just pop this question. Now, if it is desirable that this be industrial, why has not the applicant come forward before? Was there some other purpose in the past? I'd like to raise that.

I wouldn't like to belabor the point that "we were there first" because I believe the people were there first.

I'd like to ask the question that is really in the people's minds, should it be zoned industrial? What controls are there that there may not be undesirable elements or undesirable portions of that permitted in industrial zoning to appear just as Mrs. Sullam raised the question, and I don't think you have the answer. I don't think any of us whether we live there or whether we're in a decision-making position have any control unless, perhaps this contract zoning is applied. What we must bear in mind as we seek the balance between providing economic opportunity for our people, we also must consider perhaps the undesirable part of that which accompany industry that may not be compatible with the residential area.

I have read this so I know the recommendation is Alternative 2. Perhaps we could consider the choice between Alternative 4 and 5. I would think if I were representing Mr. Lauritzen, that if I were given the choice between 4 and 5, I would choose 4 because according to this write-up, Alternative 4 provides the organization the opportunity to accomplish what he's asking the zoning for; that is, the space for HSPA. If it is the right thing for this place to be zoned industrial, I think there should be certain constraints if the time is not now to zone it industrial, or perhaps it may never be applied, or perhaps it should be given more study before a definite decision.

Senator Kuroda was questioned by the Commission.

CRANE: Are you recommending a choice between Alternative 4 and 5, or are you recommending Alternative 4?

KURODA: I would go along with Alternative 4, however, keeping in mind that the residents are requesting no industrial zoning. I think if 4 is granted, there should be some constraints. Any industrial zoning of this particular site should have constraints whereupon in the future whether it's 5 or 10 or 20 years, the facilities that go in there will not be obnoxious to the residents.

CRANE: It's my understanding that the residents there now really don't have any complaints about the existence of the nonconforming structure. If they were to accept Alternative 3, that would be the least punitive on the company and still be in conformity with the wishes of the community, and would still give protection by the City and County for any future development which may prove obnoxious to the community or to the school which is adjacent.

KURODA: Are you saying if you go Alternative 3, you would provide constraints?

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CRANE: Well, they're there in that the existing structure is a nonconforming structure in an R-6 area.

KURODA: Everything is nonconforming now because it's R-6.

CRANE: That's right. Alternative 3 would give them the space to build it. The one concern I have is that the school is next to it and in the future, you never know what may go in there, noise, dust or whatever, and it would allow them to keep their structure and use it in its present usage.

KURODA: Under the present situation where it is R-6, and there are nonconforming facilities there, should there be a request or desire on the part of the occupants now to expand facilities within that facility, can the occupier do this?

ENG: No.

KURODA: This gives me an answer to a question in mind. Right now, there is an automatic restriction on any undesirable facility to occur. Should you go Alternative 3 and zoning this industrial, and if you don't have the constraints through maybe contract zoning, now the residents do face the possiblity that in the future something other than that may be there.

CRANE: My only point is that Alternative 3 does leave the mauka portion in residential, and as a nonconforming structure, my concern is that mauka portion connects to the school ground.

KURODA: If I'm correct, a part of that mauka portion connects to the school ground and another portion of that mauka portion is as Mr. Lauritzen described, cliff. So, you have an automatic buffer. I use to work in that sugar refinery.

DUKE: I agree it's certainly not residential. It's certainly industrial with the smokestack, the refinery, and I don't know why they didn't apply for industrial some time before. But, do you have any objection to have everything remain as is, if they receive permission to put HSPA out there, to 150 people working out there?

KURODA: I don't because the residents from the meeting I attended had no objection to permitting the HSPA facility out there.

(There were no further questions of Senator Kuroda.)

2. Representative James H. Wakatsuki, representing Aiea residents

WAKATSUKI: I thank you for giving me the opportunity to express my views on this subject matter. I am assuming that the views I express are somewhat the same views expressed by Mr. Racoma representing the community.

When I listened to the representative from sugar plantation, it really chagrined me and appalled me when a person who has lived

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here as I understand for two years, could come before this Commission to ask for a rezoning which is in controversy with some of the people living there, come here with an attitude that we were there first and therefore we can damn well do what we want to do. That's the impression I got, at least. If these corporate bodies or landed gentry come before a legal governmental body and take that kind of attitude, that what's good for them should be good for the community, then what are the people going to do? I think this kind of attitude should have been put aside years ago, but in this day and age people continue to reflect muscles more than compassion.

It's my understanding that the community association, Mr. Racoma, had met with the gentleman from C&H on one or two occasions, attempting to resolve this particular problem, but the same attitude expressed here terminated such meeting, that they owned the property, so we're going for the whole hog. It's my understanding that the community association is willing to coexist but they would like to exist in harmony. I understand that there are people who live there and work there. It's my understanding also that the work force is 90 plus. I've had relatives who worked for Aiea Plantation and who are still living in retirement. They have put their heart and soul and supported the plant. Being retired, I think the corporation should also reflect on the years they have served, to extend to them the best living conditions they could provide for.

It's also my understanding that the community association is not objecting to the required land area necessary for the HSPA building and the office building. They do object, however, that the entire acreage be zoned at this time light industrial, because after it's zoned, it's a field day as Mr. Crane had explained. Who knows what goes in there. It's my opinion that the area required for the particular building and necessary facilities be on a contract zoning basis. This in my opinion is the most equitable solution to a growing situation that you and I may not be here when the community or the corporation changes its plans or attitudes.

If you can reflect to the recommendations made by the Director, on the last page Alternative 2, they make specific view to the preservation of the option of providing needed parking for Aiea Intermediate School, and to protect the interests of the abutting residents. That goal or objective can be achieved in contract zoning because in the future, if and when the applicant desires to use more acreage for a particular purpose, then the community could participate with them in working out a harmonious solution. This is what we all should be looking for because as I indicated to all of you, the community realizes that C&H provides economic avenues for the residents. They are not out to smash C&H or deny them the requested facility. All they are saying is look, why don't you use what you really need, preserve the rest until such time as you need something and until such time as the community may want something also. But, let's work in harmony. This is what they're requesting. I don't think that's an unreasonable request myself.

I'd be happy to answer any questions.

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Representative Wakatsuki was questioned by the Commission.

HOSAKA: Are you saying you favor Alternative 2 with contract zoning?

WAKATSUKI: I don't know whether an alternative must be tied in with contract zoning but contract zoning is what I think would in my opinion satisfy all parties concerned because you can contract the zoning requiring specific protection or amenities that would in my opinion satisfy the community, the rest of the acreage can remain as is, and if the corporation wants to use the acreage for other uses than residential, they could come before this Commission again. The gentleman from the corporation says R-6 is ridiculous, it's not compatible and so forth. This is why he's making this kind of application. It's zoned there now. If he thinks it's ridiculous, he has the control of the land so he doesn't have to get into residential. The fact that it's R-6 doesn't mean that he must get into R-6.

KAMIYA: Who do you represent?

WAKATSUKI: I represent the group through Mr. Racoma, and I also speak in the capacity of my governmental office.

DUKE: Taking Mr. Racoma's objection, I agree it might be preventing industrial zoning in the center of six schools, but it seems to me this is quite opposite. It seems to me the sugar mill was there and we built six schools around it. Is that not true?

WAKATSUKI: That's right.

DUKE: Now as far as the sugar mill itself is concerned, when we say that roads are not properly constructed to carry heavier equipment, aren't you using sugar mill equipment presently on that road?

WAKATSUKI: I explained, Mr. Duke, that my appearance here in general was, in essence, to explain why the community association appeared to be against this particular zoning. I also explained to you that this was the result of the attempted meeting with the company representative, Mr. Lauritzen, to try to reach a harmonious solution to this, which as I understand was not taken too well by the plantation individual. They don't object to the HSPA moving there but they do object to the entire parcel being zoned at this time not knowing what is going to be put in there.

DUKE: Do you object strenuously to Alternative 2?

WAKATSUKI: The question which comes to my mind is, is three-quarters of the entire site required for this particular office building and the HSPA laboratory. If it's not, then personally, that particular area should be reduced. I want to emphasize this,

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I'm not saying that in the future they ought not to be granted any kind of changes that the corporation might want for a particular use, but certainly it's difficult for many of us here to predict what the need may be But, because of this I'm asking the Commission to give the company and the community a chance to review that particular issue when it arises and not at this time.

CHOY: Would it be acceptable if Alternative 2 were selected and condition of contract zoning per se was written into it?

WAKATSUKI: I would certainly be pleased if contract zoning would be included in any of the alternatives that you finally decide on. But again, I emphasize that Alternative 2 suggests that three-quarters of this be zoned for light industrial. Based on the testimony that I've heard, I'm guessing now, I'm not sure whether three-quarters of the 19 acres will be required for what they intend to do

CHOY: From how we understand contract zoning, it will give the Department of Land Utilization and the Planning Department greater control.

WAKATSUKI: Yes, that's why I'm in favor of that.

CHOY: And under these conditions if contract zoning were written in as a condition to any of the alternatives for that matter, would it be acceptable, because then the residents in that area will have their day in court.

WAKATSUKI: If the contract provision in the zoning specifically states that any other use other than what is going to be presently used must be again reopened for consideration, I'm sure the community would look towards that favorably; however on this one here, speaking off the cuff, I don't know. Mr. Racoma is here. You might ask him that.

CHOY: Question of the staff. If Alternative 2 were selected and a condition of contract zoning were written into it, and if the applicant in the future wants to develop any of that parcel, will they have to again reapply for permit with the Department of Land Utilization and the Planning Commission?

ENG: Neither the rules nor the procedure have as yet been established. So at this point, I am not in a position to say.

CHOY: Thank you.

KAMIYA: Do you feel if this matter was deferred for two weeks or a month, do you think the community association can get together with the plantation to reach some solution? Apparently, there has been no meeting of the minds between the two.

WAKATSUKI: I'm not quite sure.

KAMIYA: The reason I brought this up is Mr. Racoma personally thought Alternative 3 might be all right, then the Senator came up

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with 4 or 5, and you came up with contract zoning, and the plantation has Alternative 2 and 3 again. We keep going round and round. We've spent a lot of time here.

WAKATSUKI: I understand. Maybe the technicalities of the alternatives and contract zoning may not have been fully understood by many of us here. I think I'm expressing the real intent and desires of the community.

CHAIRMAN: Would you say the community has any objection to the present structures on the property?

WAKATSUKI: I believe not.

CHAIRMAN: Is the community aware of the constraints that are on an owner of a nonconforming building?

WAKATSUKI: I believe they are.

SENATOR KURODA: I would say no. We didn't know ourselves. May I respond to Mr. Kamiya's question?

CHAIRMAN: Yes but let me get back to my question.

KURODA: One major thing this Commission wants is, is that area suitable for industrial or not. If the answer is yes, then that's going to be zoned industrial in the future. Now, the question is, what is the community's attitude? Now, I would answer the question if I were living there, that I would want to control any kind of an industrial zoning within a residential area of that type, to facilities that would be compatible with the residents and the community. If it's to be left alone, the minimum thing that I would recommend to the community is to permit construction of the facility to take care of an immediate need. Now, if they were to go with Alternative 2 but knowing there are restrictions as to what they can do in the future, I don't see why they wouldn't buy that either.

CHAIRMAN: What I'm trying to get to is the question has been raised, why recommend rezoning three-quarters of the property. If we accept the given land use, and disregard zoning for a moment, which from what I've heard in the testimony is acceptable--given that the new HSPA building is acceptable, given that the new C&H office building is acceptable, and given that there can be certain restraints in the conditional zoning--it seems to me we have covered three-quarters of the property. Isn't that a fact?

WAKATSUKI: If those are the facts, I agree with you. It's my understanding that the community association does not object to the applicant to refurbish or redo its plant or existing buildings. This is where the contract zoning comes in, I believe.

SULLAM: The first order of business really is to familiarize the applicant with contract zoning. My personal view is that he could probably satisfy his needs to a greater extent under contract zoning than under the kind of zoning he's asking for right now,

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because there's more flexibility. He can get what he wants, the community can get what they want, rather than locking himself in to a situation he might not be happy with at this moment because with zoning, we will designate certain portions to industrial, continue to leave others to residential, and he still will not be happy

CHAIRMAN: Well, it would be helpful not only to the applicant but to the various community organizations if they had one, a better understanding of contract zoning, and in terms of the community organizations a better understanding of the constraints that are on C&H Sugar by having a nonconforming building, which many people don't know unless they happen to have a nonconforming building.

CRANE: That's the point I wanted to bring out. There's a big difference between having a nonconforming building, and turning around and zoning that industrial. There's a good deal of difference. There are concerns there. That's why I'm favoring plan 3 there. There are constraints.

CHAIRMAN: There are constraints both ways, in terms of the owner not being able to perform maintenance which creates a bit of a problem.

WAY: One point that we should note. The question has come up as to what is the policy for the use of the land and it's clearly for an industrial purpose. That has been designated on the Detailed Land Use Map for that particular purpose. I think it's now a question of the implementation of that, but the reasons behind its not having been previously zoned, I don't know that it would even be possible to reconstruct them based upon the history of zoning through the years in the community. We've gone through a number of ordinances 40 years and more, we've gone through a master planning stage, a general plan stage, a detailed land use map stage, comprehensive zoning code with transitional sections, there is as I'm sure our legislators will appreciate, an extensive legislative history on the issue and one I don't think we could reconstruct but I point out it's possibly even a little bit irrelevant when viewed from the perspective of the City's policy adopted by the City Council for an industrial classification of the property.

DUKE: We can't really talk truly intelligently on contract zoning at the present time because it is not an ordinance. How it comes out when it becomes an ordinance, we don't know what it's going to say or what rules or regulations will govern it. Is that not true?

WAY: That's true. One key point in the Director's report, the point was made that--

DUKE: I understand, approval by City Council.

WAY: And aside to the application, it was felt that contract

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zoning ought to be taken into account when and if, if appropriate, such contract zoning becomes effective.

HOSAKA: I am wondering whether the applicant wants Alternative 2 only because he would want that area the warehouse is sitting on to permit him to fix up his building as need be.

WAY: Could be. It would seem to me the point was made by the Chairman if we drew the line of Alternative 3 above the building, included the building in the industrial zone, maybe this is the point which could be raised with the applicant.

While we have Representative Wakatsuki, we might also ask him if this is an acceptable alternative as he best interprets the community's position, that would be say Alternative 2½, something between 2 and 3 that would allow the inclusion of the warehouse into an industrial classification and would also provide the buffer on the Honolulu side?

WAKATSUKI: The community indicates it would be reasonable.

WAY: So then we're approaching a solution basically because my next question would be, what would be wrong with having all of that area in industrial classification? Are there other apprehensions in terms of the change of use to other industrial?

WAKATSUKI: I think the apprehension is the type of light industrial use, height, smoke emission, kinds of activity. They're not against that kind of activity so long as it's reasonably controlled.

CRANE: I hate to muddle up Alternative 2½ but I have to ask, if we were to accept Alternative 2½ and draw the line at that warehouse, I'd like to know what would prevent C&H next year or someone else who could take that light industrial zoning and put in something other than a warehouse that might prove obnoxious to the community or to the adjacent school?

WAY: Nothing.

CRANE: Did I hear nothing?

WAY: That's right. Once zoned into the industrial classification, whatever would be the permitted uses would be allowed in the district with a possibility that there may be more stringent controls applied through the so-called contract zoning.

CRANE: Precisely why I favor Alternative 3 or contract zoning.

WAKATSUKI: In that situation, I must concur with Mr. Crane regarding the contract zoning. It's past second reading in Council and I don't know when Council will clarify the language.

(There were no further questions of Representative Wakatsuki.)

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LAURITZEN: Mr. Chairman, may I make further clarification?

CHAIRMAN: We're going to end up by getting into a debate.

LAURITZEN: I'm sorry, I don't mean to do that.

CHAIRMAN: Well don't because I hate having to referee.

LAURITZEN: The point is, we've been talking about schools. We said we had accepted the staff's report of not rezoning the land on the Honolulu side of the stream. There are no contiguous schools there. If you would like to cut off a strip and make that a boundary for these homes (referring to map displayed) and there are approximately 10, there's a very high rock wall over in our property, please do so. I can't see what it would really gain. We're not going to allow that to be anything else because there's no other way to get in there than here (referring to map displayed). We've been using that for maintenance of our large warehouse for 25 years and we'll continue to do that. We're not going to build a car wash, a steam bath or anything else. Please don't cut off a hunk of our warehouse because as was pointed out, we have to maintain it. We're going to have to have a new roof, and it's very vital to our operation and to the sugar supply of the State of Hawaii.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Mr. Crane and carried.

ACTION: The Commission recommended approval of Alternative "2½" which would include the mauka portion of the site occupied by the currently existing warehouse building with appropriate side yard setback, and exclude the balance between this area and existing residential development. This reserve area owned by the applicant would remain in R-6 zoning. The motion was made by Mr. Crane, seconded by Mr. Duke and carried.

AYES - Choy, Crane, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
ZONING CHANGE
R-4 RESIDENTIAL TO
I-1 LIGHT INDUSTRIAL
DISTRICT
KANEOHE
KENNETH ISHIMOTO
(FILE #72/Z-51)

A public hearing was held on this matter on November 8, 1972, at which time the Commission acted to keep the public hearing open and to defer action until a later date. Basis for deferral was to allow discussion of the request between abutting property owners and the department staff.

The former Planning Director's recommendation indicated that if a satisfactory solution cannot be arranged, the Director will withdraw the zoning request and deny the application.

The Director believes that reasonable time has passed and that reasonable attempts have been made to resolve the improvements. The results, however, have not been satisfactory. The Department of Public Works has been unable to secure agreements from all owners involved to participate in the improvement district needed to serve the requested zoning. Accordingly, subject to corporation counsel, the Director would consider withdrawing this zoning request.

Public testimony followed.

No one spoke AGAINST the proposal.

Testimony in SUPPORT--

1. Mr. Ed Jones, Executive Secretary, Kaneohe Business Group (No written testimony submitted)

JONES: I am representing the Kaneohe Business Group, the Ishimoto family, and the other family involved in this rezoning. The business groups feel that if the property owners in that area are not allowed to develop their property as they need to do, they're being penalized. The feeling is strong that this rezoning should be allowed, and not to withdraw the application. We realize it's been a long drawn out affair.

There are other implications in this too. I questioned the Planning Department now and I found out that there's a road up there on the map that doesn't exist. From what I have been involved in the past six months wearing two other hats, Chairman of the Kaneohe Recreation Council and past president of the Kaneohe Community Council just recently, we've been involved in the planning for the dam for the past four or five years. We've been involved in the planning for the reservoir park. Recently for the past six months, we've been involved with the controversial Kaneohe Intermediate School site. As far as we know and from what we've been told and what we've seen on maps, Luluku Road which enters at Kam Highway is the major and the only access road that will be allowed to go through the dam, to the park and to the school site. As I understand, there's a road on the map that will be opened. We have no knowledge of that road whatsoever. If it's on the general plan, the Corps of Engineers don't know anything about it.

As a result of the Keapuka Community Association objecting to Luluku Road being that major road because of the school children and because of no sidewalks all the way up to the deadend of Luluku Road, it deadends right into the proposed site of the Kaneohe Intermediate School. The road leading into the dam and into the park goes right through the school site. So, the Corps of Engineer department people have agreed to burrow that road off to the left in order that it will not go through the school site in order to get into the dam and the park site.

While I was president of the Council, I met with the Corps or Engineers in their office, with Rom Duran, Deputy Director, and with

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the Keapuka Community Association president. We discussed this plan. The feeling of the Corps of Engineers with Colonel Brown, Deputy Director was that he would propose, in view of the fact that the Keapuka people objected to the school being in that area, that the Traffic Department or the City and County make a topographical study of the entire Luluku Road, from Kam Highway all the way in, for a possible improvement district. He contended that possibly the entire improvement should be tied in with the Corps of Engineers plans and with the recreation plan of the City and County. When he made that recommendation, we went down and met with the Traffic people and made this recommendation to them in the presence of Pat DeCosta, City and County Deputy Director, who went with me over to the Traffic Department. They didn't consider it feasible, that the community would have to initiate the improvement district.

Now, this is when I got involved and found out that this particular zoning had been held up and still held in abeyance and might be brought back to your honorable body again. My feeling is, and the business group feels this way, that the City and County should initiate an improvement district themselves, work with the Corps of Engineers to tie it in with that total project. I feel the property owners should not be assessed with that improvement because it's going to be the major arterial to that dam and the reservoir park which is going to be open to the entire residents of Oahu. I don't feel it's fair for the property owners to be penalized because one property owner doesn't want to agree.

I understand the only objection is from the property owners on the Kailua side of Luluku road, there's a guava factory and the Koolau farmers, because it will take part of their property and they don't want to be assessed for the improvement of it. I understand that the property owners on the Kaneohe side are all in agreement.

I was under the impression from some time back from the City Council when we were trying to get an improvement district in the Kapunahala District in 1968, that as long as two-thirds of the people agreed, an improvement district could be made and the others would have to go along with it. So if you have two property owners that say yes, and one that says no, I think there's two thirds of the people that say you can do that.

(There were no questions of Mr. Jones.)

2. Attorney Philip T. Chun, representing the applicant (No written statement submitted)

CHUN: Going back to the history of this application, the application was made back in October of 1972. At the public hearing of November 1972, the Director's recommendation was that the matter be deferred pending a possible solution to the improvements of Luluku Road. Luluku Road for the first 300 feet from Kam Highway into Keapuka Subdivision is unimproved. After that it becomes Keapuka Subdivision which is totally improved with curbs, gutters, sidewalks, a much wider street than Luluku Road. Subsequent to that public

hearing, a meeting was held on November 24, 1972 with members of the planning staff, members of the Public Works Department, myself, and representatives of the other two property owners. Subsequent to that time, the other two property owners on the Kaneohe side of Luluku Road did submit letters to the Department of Planning indicating its favor and support of an improvement district. Mr. Henry Mau who was the agent for the property owner on the Kailua side of Luluku Road was present, and orally indicated favor and support of an improvement district. Although he had not submitted a letter in writing because the party he represents is an absentee landlord and could not be reached at that time, a letter was submitted by the lessees of that property indicating again that they were in support of an improvement district.

In August of '73, I received a copy of a letter addressed to Mr. Hirata, Director and Chief Engineer, Department of Public Works, from the Planning Department, giving him this information and asking them to look into the feasibility of an improvement district for Luluku Road. Since then, that's the last I have heard. Now, I understand there has been a recent meeting between Public Works and some of the property owners. The indication to them was because of fiscal conditions of the City and County by the fact that there is no money at the present time in any Capital Improvement budget for an improvement district in this area, they were not willing to initiate it.

For a private property owner to initiate an improvement district, would require a petition to the City and County, present it to the City and County's preliminary plan for improvement district--by this I think we're referring to preliminary engineering plans, the front money for the improvement district. This is where we reach disagreement. I don't feel that the property owner should be required to do this with respect to this improvement district, which although required for the zoning of the applicant's property, actually creates benefits far in excess of the three lots involved.

Again as Mr. Jones has brought out, Luluku Road is one of two roads to Keapuka. The other is major access to Keapuka off of Likelike Highway, a second access into Keapuka. Keapuka, if I am correct, is a residential subdivision encompassing approximately 500 home sites. In addition to that, there is the proposed school site at the end of Luluku Road. Now, consider this planning wise. There is at the present time only one decent access into Keapuka. The second access, and I agree with the Planning Department the one off Luluku Road is substandard, because merely of the fact that the last 300 feet had not been properly developed.

Members of the Commission, I think you'll agree that under the CZC today, should Keapuka come in as a brand new subdivision, I believe the Department of Land Utilization would require that not only would the interior road of Keapuka Subdivision be improved to proper standards, but the opening of Luluku Road into Kam Highway also be required to be widened to the standards of the CZC. While we cannot condemn the authorities in the past who permitted Keapuka to be constructed with only that one access, it is there today. I think it

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is the function of the City and County and its policy makers, the Council, to alleviate this problem, to initiate the remedies required, to initiate the funds required, so that the proper improvements can be made.

Although the Director had asked with your counsel to withdraw this application, I will submit to this Commission that planning wise, it should be referred to a higher body in the County, to determine whether or not an improvement district or improvements should be initiated so that there is the proper access not only for the development of these three lots, but for the benefit of the entire Keapuka Subdivision, and those areas which will be constructed within and around Keapuka.

(There were no questions of Mr. Chun)

3. Mrs. Harriet M. K. Akuna representing her mother, Mrs. Helen Y. M. Wong owner of property identified by Tax Map Key: 4-5-39: 16 and 21.

Mrs. Akuna concurred with the comments of both Mr. Jones and Mr. Chun. Additionally she has received numerous complaints because of the deteriorating condition of existing nonconforming structures on their property. The proposal would alleviate this situation as they would be able to rebuild or repair existing buildings.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Dr. Choy and carried.

ACTION: The Commission recommended approval of the zoning change from R-4 Residential District to I-1 Industrial District, subject to the City Council initiating an Improvement District. The motion was made by Mr. Kamiya, seconded by Dr. Choy and carried.

(The Director's recommendation is for withdrawal of the application.)

AYES - Choy, Crane, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

UNFINISHED BUSINESS
GP/DLUM AMENDMENT
CEMETERY TO RESIDENTIAL AND PRESERVATION USES
KAHALUU
VALLEY OF THE TEMPLES, WAIKIKI DEVELOPMENT COMPANY, & CENTEX DEVELOPMENT COMPANY
(FILE #184/C1/25)

The public hearing on this matter was held December 19, 1973 and closed January 9, 1974. At its meeting on January 23, 1974, the Commission deferred action pending a site visit.

ACTION: The Commission concurred with the Chief Planning Officer's recommended Residential/Preservation land use pattern for the subject

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138-acre site, with the additional inclusion in the Residential designation of the makai land located on each side of the principal road which will provide access to the Kaneohe end of the subject site, as shown on the applicant's latest proposal.

AYES - Choy, Crane, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

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The Commission authorized scheduling of the following public hearings, on motion by Mr. Crane, seconded by Mrs. Sullan and carried:

HAWAII CAPITAL DISTRICT APPLICATION (MICROWAVE STATION ADDITION TO HONOLULU POWER PLANT) HAWAIIAN ELECTRIC COMPANY, INC. (FILE #73/HCD-27)	1. The request is the addition of a Microwave station to the Honolulu Power Plant.
HAWAII CAPITAL DISTRICT APPLICATION (5-STORY OFFICE BLDG.) ANDERSON/JOHNSON/ REINHARDT, LTD. (FILE #74/HCD-2)	2. The request is for approval of plans for a 5-story office building at 1067 Alakea Street.
CONDITIONAL USE PERMIT/ SPECIAL USE PERMIT (TV MICROWAVE COMMUNICATIONS STATION) PUPUKEA OCEANIC CABLEVISION, INC. (FILE #73/CUP-26 & #73/SUP-2)	3. The request is for a Conditional Use Permit and Special Use Permit for Television Microwave Communications Station--Pupukea.

STREET NAMES — The following street names were recommended for adoption, on motion by Mr. Hosaka, seconded by Dr. Choy and carried:

1. Wong Subdivision, Nuuanu, Tax Map Key 2-2-49: 62.

   OLAA PLACE — Culdesac situated on the southerly side of Kahawalu Drive.

   Meaning: Village and land division in Puna, Hawaii.

2. Fukuda Subdivision, Kahaluu, Tax Map Key 4-7-32.

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Amend Resolution No. 4, adopted on January 8, 1974, by deleting the name PAWALE PLACE and substituting the following name for the roadway within the Fukuda Subdivision, Kahaluu, Tax Map Key 4-7-32 because of similarity of another street name in Manoa.

PAKAI PLACE — Culdesac situated on the easterly side of Ahuimanu Road.

Meaning: A weedy, tropical herb that looks much like spinach.

ADJOURNMENT: The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

MRRC RMM 13-75

FLASH CARD

FLASH CARD

MRRC RMM 19-75

FLASH CARD

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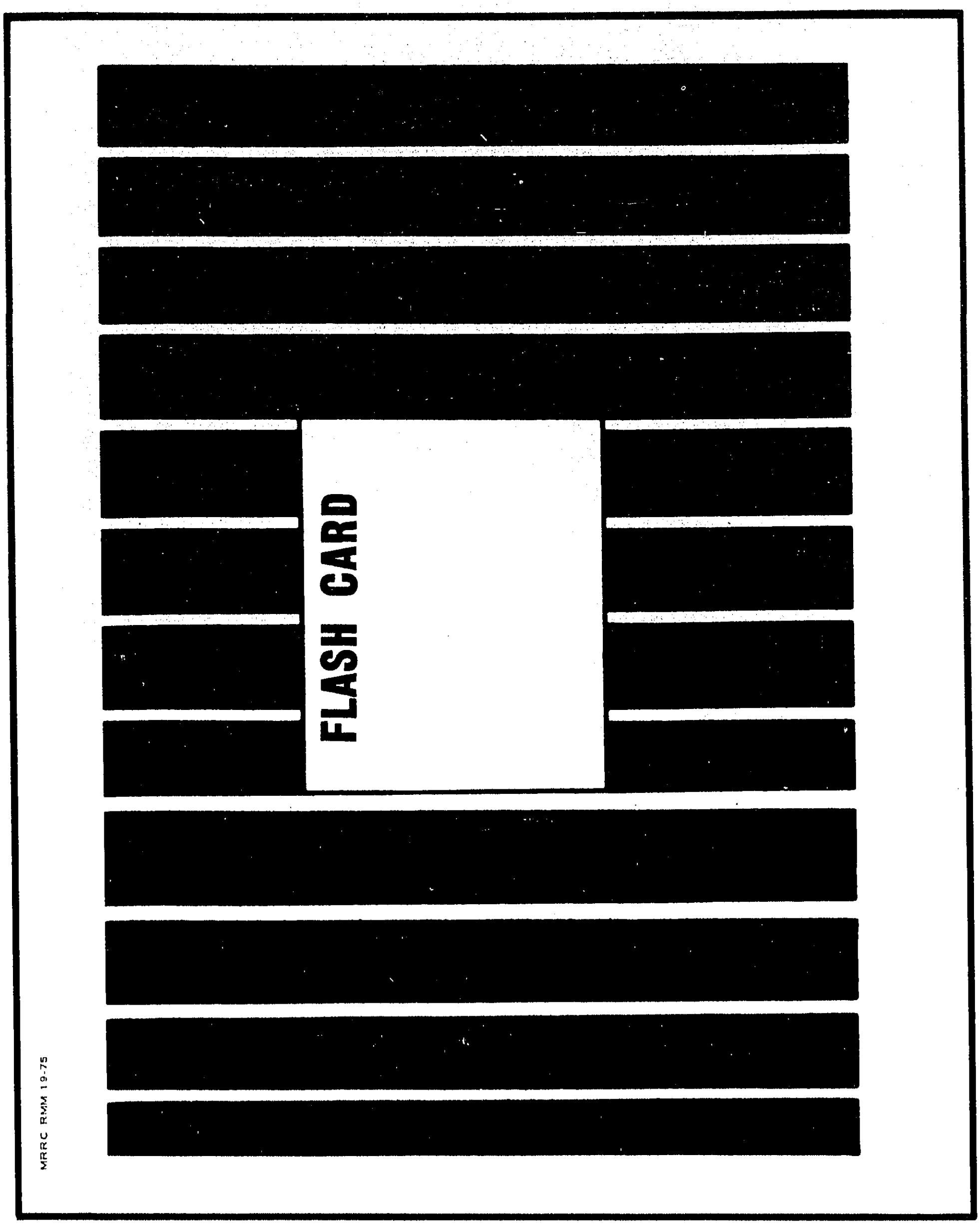
FLASH CARD



FEB 20 1974

Meeting of the Planning Commission
Minutes
February 20, 1974

The Planning Commission held a meeting on Wednesday, February 20, 1974 at 1:30 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:

Eugene B. Connell, Chairman
James D. Crane, Vice-Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Donald K. Hosaka
Antone J Kahawaiolaa
Randall Kamiya
Fredda Sullam

STAFF PRESENT:

Donald Clegg, Deputy Chief Planning Officer
Andrew Sato, Deputy Corporation Counsel
Lorrie Chee, Staff Planner
Henry Eng, Staff Planner
Stan Mofjeld, Staff Planner

MINUTES:

The minutes of February 6, 1974 were approved, on motion by Mr. Kamiya, seconded by Mr. Hosaka and carried.

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
(MICROWAVE STATION)
HAWN. ELECTRIC CO., INC.
(FILE #73/HCD-27)

A public hearing was held to consider an application for construction of a Microwave Station addition to the Hawaiian Electric Company's Honolulu Power Plant, within the Hawaii Capital District, Tax Map Key: 2-1-14: 6.

Publication was made in the Sunday Star-Bulletin/Advertiser of February 10, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the proposal. A microwave station structure approximately 12' wide x 12' deep by 10' high with a disk antenna on top is proposed. The structure will be of aluminum siding and painted to match the existing building. A variance from the 65-foot height limit was granted by the Zoning Board of Appeals on January 24, 1974. The small structure and microwave disk addition on the existing lower roof will not be noticeable from the pedestrian level. The addition is compatible with the existing building and the Hawaii Capital District.

The Director recommends approval of the application.

No discussion followed.

No person was present to speak either FOR or AGAINST the request.

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The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended that the application be approved, on motion by Mr. Crane, seconded by Mr. Kahawaiolaa and carried.

AYES - Choy, Crane, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - None
ABSTAINED - Connell

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
(5-STORY OFFICE BLDG.)
ANDERSON/JOHNSON/
REINHARDT, LTD.
(FILE #74/HCD-2)

A public hearing was held to consider an application for approval of plans for construction of a 5-story office building within the Hawaii Capital District, located at 1067 Alakea Street, Tax Map Key: 2-1-17: 16.

Publication was made in the Sunday Star-Bulletin/Advertiser of Sunday, February 10, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the application. The 5-story office building is within the 150-foot height limit of the district. A variance from the 40% open space requirement of the district to 30% was granted, due to the small size of the lot, by the Zoning Board of Appeals on January 24, 1974. The site is within the downtown off-street parking improvement district. The design of the office building appears to be compatible with the Hawaii Capital District. The applicant intends to improve by landscaping and paving, the City and County property adjacent to the office building property. The City and County property has an access easement in favor of the YWCA.

The Director recommends approval of this application with the condition that the applicant improve the City and County property in a manner acceptable to Departments of Transportation Services and Public Works.

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

No one spoke AGAINST the request.

Mr. James Reinhardt represented the applicant, and concurred with the Director's recommendation for landscaping and improving the City and County property adjacent to their property.

The public hearing was closed, and the matter taken under advisement, on motion by Mrs. Sullam, seconded by Mr. Crane and carried.

ACTION: The Commission concurred with the Director's recommendation, and recommended approval of the application, on motion by Mrs. Sullam, seconded by Mr. Crane and carried.

1298ORP-1

AYES - Choy, Crane, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - None
ABSTAINED - Connell

PUBLIC HEARING
CONDITIONAL USE/
SPECIAL USE PERMIT
(TV MICROWAVE COMMUNICATIONS STATION)
PUPUKEA
OCEANIC CABLEVISION, INC.
(FILE #73/CUP-26)
#73/SUP-2

A public hearing was held to consider a request for a Conditional Use Permit and a Special Use Permit for a Television Microwave Communications Station at Pupukea, Tax Map Key: 5-9-05: portion of 67.

Publication was made in the Sunday Star-Bulletin/Advertiser of February 10, 1974. No letters of protest were received.

Mr. Henry Eng of the staff presented the Director's report of the request. The primary use of the property at Pupukea will be a microwave site for bringing television signals from downtown Honolulu to the North Shore for distribution by coaxial cable to residents of the North Shore. The facilities to be built on the property consist of a 50-foot tower and a small building to house the electronic equipment. An 8-foot microwave dish will be mounted on the tower at the 50-foot level facing in the direction of Barber's Point. The complex will be surrounded by a chain link fence for security. The only utility service required will be power which is available from an existing HECO pole located just across the road from the proposed site.

The Director recommends approval of the request, subject to the conditions contained in his report.

Question was raised as to visibility of the 50-foot tower. Mr. Eng indicated that existing 50-foot trees in the area will adequately screen the tower, and that it will be painted to blend with existing residences.

No one spoke AGAINST the application.

Mr. James Haskins represented the applicant, and requested simultaneous processing of the Special Use Permit and the Conditional Use Permit. Questioned by the Commission, Mr. Haskins indicated that depending upon the time element involving approval of their application, services to North Shore residents should be available this year by August 15th.

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

The Commission deferred action on this matter for a statutory requirement of 15 days, on motion by Mr. Crane, seconded by Mr. Hosaka and carried.

UNFINISHED BUSINESS
ZONING CHANGE
R-6 RESIDENTIAL TO
A-1 APARTMENT DIST.
KAPAHULU
REBMA HAWAII
THREE, INC.
(FILE #73/Z-67)

The public hearing held January 23, 1974 was kept open, and the matter was held in abeyance for receipt of the performance bond from the applicant, to insure improvements to Kanaina Avenue. The staff was asked to check into the proceedings at the Council level as to discussions regarding the General Plan amendment.

1298ORP-1

Staff Planner Lorrie Chee reported the receipt of the performance bond, and its approval by Corporation Counsel. Regarding the General Plan amendment from Residential to Apartment use, the Council's Planning Committee report indicates a recommendation for approval of the amendment without any conditions or reasons for approval. Mrs. Chee pointed out that the Council's action was prior to the Charter requiring Findings of Fact as a basis for approving a General Plan amendment. Discussion therefore, on the General Plan amendment regarding density, price of housing, and the right-of-way width is discussed in the staff's report to the City Council.

Discussion followed.

SULLAM: The Commission should be reminded that when we made our recommendation to the Council when the application to change the General Plan from Residential to Apartment was before us, we brought to the Council's attention that this A-1 request might interfere with the position of the Diamond Head Cultural Scenic District. I think we should bear that in mind. I'm of the opinion at this time that we ought to hold this application up until the Council moves on that ordinance. They've had it for quite a long time now. They should make a decision one way or another so that we know how to proceed. Matters such as this will come before us again and we will have the same problem. I think this is a very fine proposal but if we move on this proposal, we will have to move on all others, and we really don't have guidelines yet.

DON CLEGG (Acting Chief Planning Officer): Question of Counsel. Isn't there a legal question here in terms of holding this application up in terms of a future ordinance?

COUNSEL: I don't know the status of the Diamond Historic Cultural Scenic District Ordinance, but to hold anything unreasonably for any length of time without any justification will be unreasonable. That is the only way I can answer that question.

CRANE: We've run into this in the past. I'm not totally in disagreement with Mrs. Sullam, but I think at some point, we must consider the rights of the people who hold the property. I don't think it's their fault that the City Council has held this ordinance for a year. They may hold it another year. I don't know what burden that owner must bear because of the lack of action of a body other than this body. It's an iffy kind of a thing.

SULLAM: Well, that's exactly the way I feel. I thought that we were going to hear from the Council today as to whether they were going to take action on the Diamond Head District ordinance or whether they were just going to sit on it. Of course, if they're going to take action, then we should certainly wait for them. But, if they're not, then of course we have to make a decision. I thought that was the question we asked of them.

CHAIRMAN: Was there any specific time when this was going to be reported out of the Planning and Zoning Committee?

1298ORPI 0862

CHEE: No. I might comment that if you should decide to hold it here, it might be a good idea to send some sort of transmittal to City Council to say that you are holding it for this reason. Otherwise, they really would not be aware.

CHAIRMAN: Wouldn't the decision and the final analysis of this particular application really be in the hands of the Council, who also have to make the decision of whether or not to pass the Diamond Head ordinance? I have a feeling that holding on to this or not holding on to this really is beside the point when it is the Council who makes the decision. They've had one year on the ordinance. If we send it up, they're going to have to make a decision one way or the other. Perhaps there may be problems they are having to look into in relationship to the Diamond Head ordinance and those that have grown out of the Civic Center ordinance. We have no communication as to when they're going to act or how much longer they're going to need, and it seems to me, somewhat unfair to the property owners in the area.

CRANE: Could we not send this on up with a note attached of our concerns relative to the delay of the passage of this ordinance, perhaps of even the pressure on us on this thing.

CHAIRMAN: We could put on the same concerns we put on the General Plan change. We noted the relationship of this to the Diamond Head ordinance at the time, and the Council agreed to change the General Plan. So, it would seem to me we have one, the policy, which has been put forward by the Council in change the General Plan; secondly, we have the policy of the City and County in the Comprehensive Zoning Code. We have two operative policies over against what may become a policy at some point and time down the road, mainly the Diamond Head ordinance. Our function is to follow policy and be guided by it.

SULLAM: Actually, we did approve the Diamond Head District ordinance. We sent it up to the Council. So, we could use that as our guideline in evaluating this particular application. This application does conform to the Diamond Head ordinance except for the height which actually isn't too bad, really. I'm sort of inclined to feel that it wouldn't be too detrimental. It's unfortunate this wasn't kept strictly within the limits of the Diamond Head District ordinance. Do you recall what machinery we had when a variance was required from the Diamond Head ordinance?

CHEE: I think we have had some applications that have gone through a variance procedure under the Hawaii Capital District. I don't know how many of them have been approved or denied or on what basis.

CHAIRMAN: We had one today.

SULLAM: The one today, there's a requirement of 40% open space and they are only granting 30%. So, there are some deviations from the hard lines that are written within the ordinance. What I'm trying to do is be consistent with our past actions.

CRANE: Mr. Chairman, is a motion in order?

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CHAIRMAN: Yes.

CRANE: I move we approve the Director's recommendation, and attach thereto, our concerns to the City Council relative to the passage of or lack of passage of the Diamond Head ordinance.

KAHAWAIOLAA: Second.

(The motion carried.)

AYES - Choy, Crane, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - None
ABSTAINED - Connell

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The Commission authorized scheduling of the following public hearings, on motion by Mr. Crane, seconded by Dr. Choy and carried:

CONDITIONAL USE PERMIT (PRIVATE STP) PUNALUU LEROY R. ALLEN (FILE #73/CUP-23)	1. The request is for a Conditional Use Permit to construct and operate a private sewage treatment plant.
HAWAII CAPITAL DISTRICT APPLICATION STANDARD OIL COMPANY OF CALIFORNIA (FILE #73/HCD-2)	2. The request involves landscaping and a sign in the roadway setback.
HAWAII CAPITAL DISTRICT APPLICATION ALEXANDER BROS., LTD. (FILE #73/HCD-23)	3. The request involves construction of a sign.
PLANNED DEVELOPMENT HOUSING SUNSET BEACH REAL ESTATE FINANCE CORPORATION (FILE #73/PDH-10)	4. The proposal is for development of sixty-two, 2-bedroom and 3-bedroom cluster houses.
HAWAII CAPITAL DISTRICT APPLICATION C&C OF HONOLULU, BOARD OF WATER SUPPLY (FILE #74/HCD-3)	5. The request involves re-roofing work.
STREET NAMES	The Commission recommended approval of the following street name, on motion by Mr. Hosaka, seconded by Mr. Duke and carried:

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Sato Subdivision, Puuloa, Ewa, Oahu, Hawaii:

POLOULA PLACE — A culdesac situated on the north side of Pohakupuna Road between Pohakupuna Road and Aikanaka Road.

Meaning: Name of a star.

ADJOURNMENT: The meeting adjourned at 2:10 p.m.

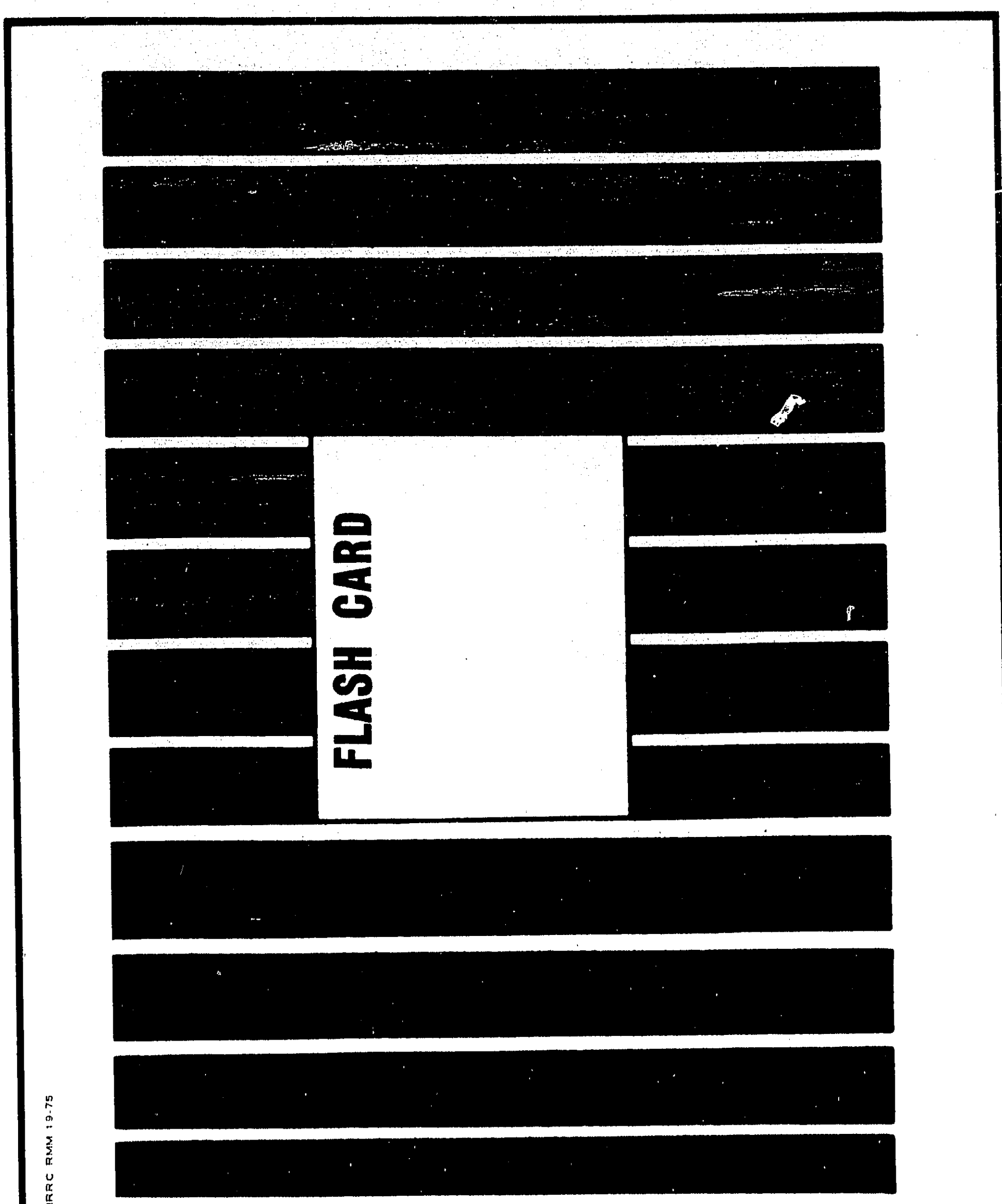
Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

12980RP-1

FLASH CARD



MRRC RMM 19-75

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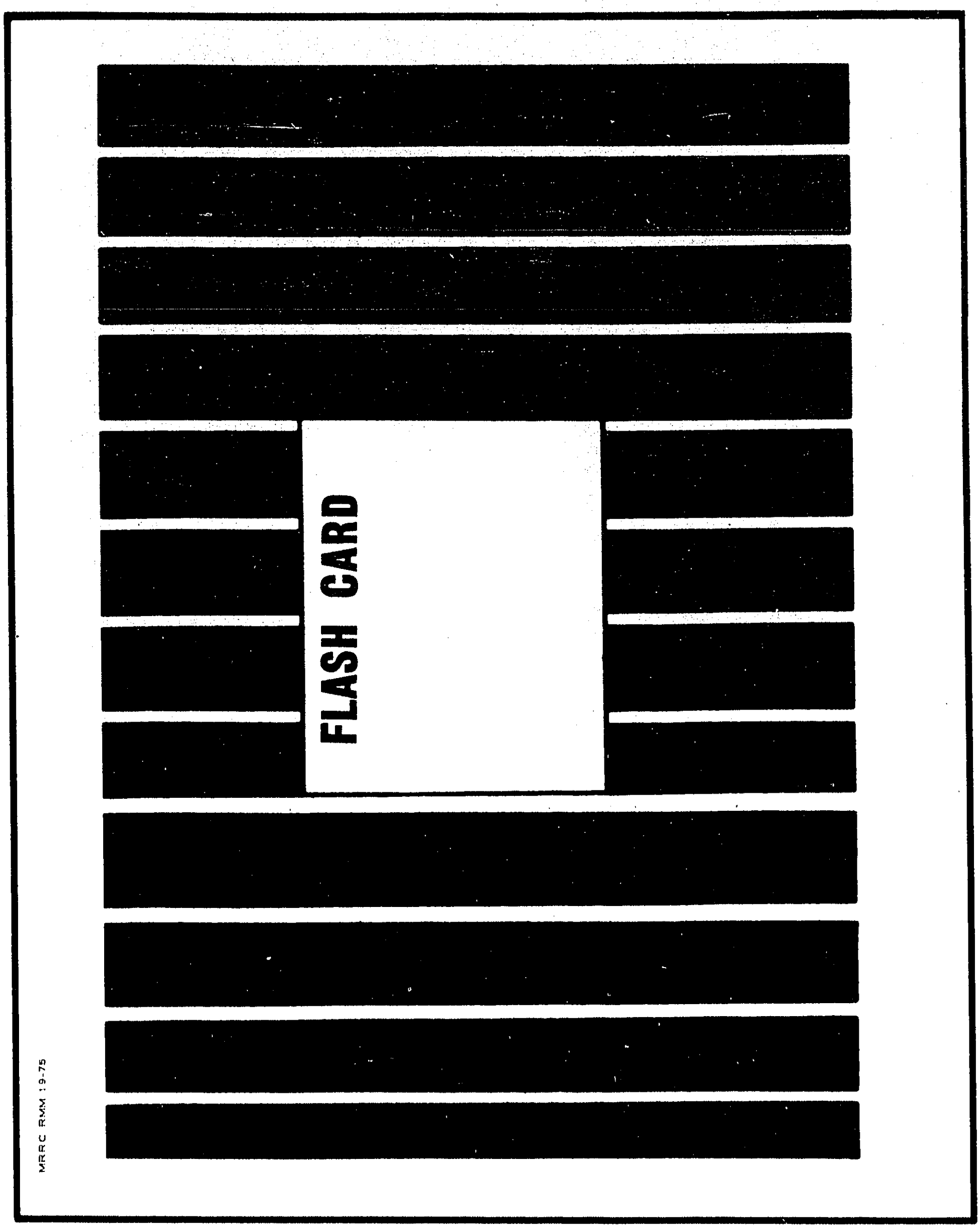

MAR 6 1974

Meeting of the Planning Commission
Minutes
March 6, 1974

The Planning Commission held a meeting on Wednesday, March 6, 1974 at 1:30 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:

Eugene B. Connell, Chairman
James D. Crane, Vice-Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Antone J. Kahawaiolaa
Randall Kamiya

ABSENT:

Donald K. Hosaka
Fredda Sullam

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Andrew Sato, Deputy Corporation Counsel
Stan Mofjeld, Staff Planner

MINUTES:

The minutes of February 20, 1974 were approved, on motion by Mr. Crane, seconded by Dr. Choy and carried.

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
STANDARD OIL COMPANY
OF CALIFORNIA
(FILE #73/HCD-2)

A public hearing was held to consider an application for landscaping and placement of a sign in the roadway setback within the Hawaii Capital District, Tax Map Key: 2-1-31: 15 and 16.

Publication was made in the Sunday Star-Bulletin/Advertiser of February 24, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the proposal. The request is for approval of a 4'-4" high x 4'-11" wide red, white and blue plastic Standard Oil sign 10'-4" high with wood trim and support, the provision of landscaping along South and Queen Streets, and removal of existing signs and poles. The existing Standard Oil Company station, including the proposed sign and landscaping, meets the 65-foot height limit and 50% open space requirements of the district. A variance from front yard setbacks for the subject site to permit altering existing structures and construction of a ground sign was granted by the Zoning Board of Appeals on June 14, 1973, on the condition that planting strips be provided and the plants be at least 30 inches in height. The sign and landscaping are compatible with the Hawaii Capital District. The Director recommends approval of this application.

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

No one appeared to speak either FOR or AGAINST the application.

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The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Kamiya and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the application, on motion by Mr. Crane, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Hosaka, Sullam
ABSTAINED - Connell

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
ALEXANDER BROS., LTD.
(FILE #73/HCD-23)

A public hearing was held to consider a request for construction of a sign within the Hawaii Capital District, Tax Map Key: 2-1-32: 15.

Publication was made in the Sunday Star-Bulletin/Advertiser of February 24, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the application for approval of a 3-foot high x 5-foot wide illuminated plastic sign with the name "Alexander Bros." below, to be placed on the wall above the entry door and below the existing marquee. The sign is compatible with the Hawaii Capital District. The Director recommends approval of this application.

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

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Kahawaiolaa and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the application, on motion by Mr. Crane, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Hosaka, Sullam
ABSTAINED - Connell

PUBLIC HEARING
PLANNED DEVELOPMENT
HOUSING
SUNSET BEACH
REAL ESTATE FINANCE
CORPORATION
(FILE #73/PDH-10)

A public hearing was held to consider a Planned Development Housing proposal for 62 two- and three-bedroom cluster homes in Sunset Beach, Tax Map Key: 5-8-03: 13.

Publication was made in the Sunday Star-Bulletin/Advertiser of February 24, 1974. A letter from Sayda B. Hoogs dated February 24, 1974 was received OPPOSING this application.

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Staff Planner Stan Mofjeld presented the Director's report of the proposed development. Following is a summary of the Director's comments and recommendations of the subject application:

The site plan selected from earlier alternatives seems acceptable. Desirable features of the proposal are: Clustering of units, raising units above the flood plain level, provision of recreation open space areas, landscaping, and a swimming pool.

It is recommended that the application be approved with the conditions enumerated in the report. Among special conditions for approval are:

a. Construction of a private sewage treatment plant, according to the State Department of Health requirements.

b. Installation of water services according to Board of Water Supply's recommendations.

c. Fire hydrant placement shall be in accordance with and subject to the requirements of the Fire Department.

d. Provision of tot-yards according to the Department of Recreation requirements.

e. Pedestrian pathways to be of concrete, asphalt or other hard surface material acceptable by the Building Department.

f. The homebuyers through deed covenants be advised that the site is in the Federal Insurance Administration flood hazard area.

The Commission had no questions concerning the Director's report.

Public testimony followed.

Testimony AGAINST--

Miss Evan Hoogs, appearing for her mother, Mrs. Sayda Hoogs, owner of property identified as Tax Map Key: 5-8-03: 22. (Submitted letter dated February 24, 1974 from Mrs. Sayda Hoogs; memo dated December 14, 1972 to Mr. Barry Chung, Prosecuting Attorney from Edward Y. Hirata, Director and Chief Engineer; letter dated September 10, 1971 to Mr. William B. Rathburn from Albert C. Zane, Director and Chief Engineer)

HOOGS: Since 1967, my mother and myself, have variously been going to the Department of Engineering in City Hall for the last five years because Mr. Rathburn who sold this property to Real Estate Finance Corporation started to excavate the sand in front of our property without a permit in '67. I went down there for about four months before they finally admitted he had no permit and at that point they made him get a permit.

Then, the next year he started to excavate right on our property line. We are on the ocean and all our property is sand. So

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naturally, our property is just collapsing. He made 20-foot excavations. Instead of staying back 12 feet, I think you're required to stay back before you start any sort of excavation, he excavated right on our line. Well, I'm not an engineer so it took me a while to discover this is not what you should do. I kept going down to the Division of Engineers. I didn't get too much satisfaction. This continued until about 1971. At that point, I went to my attorney and said we'd just have to do something because this had gone on too much, too long. The attorney wrote a letter to the Division of Engineers. Mr. Zane wrote a letter back stating that they were going to start to prosecute Mr. Rathburn.

This condition continued until 1972 when I went to Mr. Loomis at City Hall and told him this has been going on and I don't understand it. My mother's property is collapsing. I said - I didn't say this to him but I'm asking this now, who is this Mr. Rathburn? Well, it seems Mr. Rathburn is the head of the Berkeley City Bank. This organization must have quite a bit of pull at City Hall because Mr. Rathburn then sold the property on the front.

Now, this property on the front, the Division of Engineers told me one time when I was there in '67, could never be developed because Mr. Rathburn had never put in a plan for the water which rolls down the hillside on the subdivision across the street from these lots. Now, this water goes into these lots. During the rainy season, that is completely filled with water. Well, this condition has never been corrected but in 1972, the permit was pushed through the Planning Department in a week's time. Rudy Tong - Randy Tong, I guess it is, and his partner got that subdivision in there in a week's time. So, that subdivision is there.

Now, in '72 when I went in to see the Division of Engineering, the head of the Division of Engineering, Mr. Hirata, sent a letter to Mr. Barry Chung, Prosecuting Attorney. Mr. Chung got this letter in '73. In '73, I went in to see Mr. Chung and my mother did too, we said Mr. Chung, what's going to happen? Well he said, we're going to prosecute Mr. Rathburn. I also in '71 got a letter from Mr. Zane saying that Mr. Rathburn was going to be forced to put the sand back. But, Mr. Zane left the Department of Engineering and then I went to see Mr. Hirata. Well, at the present day, last week, I went to see Mr. St. Sure. I said well, there's a proposal to put a permanent development in a lot in front of us. I said what's going to happen. He didn't say but he indicated to me that the City was still pursuing this matter with Rathburn.

Well, if this development goes in with the elevations as they are now, we're now 10 to 12 feet above the plan as you see it. Our sand is all collapsing on to this property. We are what was called in the testimony, the sand dunes, but part of that sand dunes is also our property. We own the property clear out to the water. This is an old land court title.

Now, if this is allowed to continue, if this is put in just as it's shown here, our property will continue to collapse. Eventually, we will have no property whatsoever. I feel if you people accept this

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proposition without allowing the City to do something about correcting this, I don't know how this will - whether this is the suit against Mr. Rathburn or whether this is - what it is. But, I do feel that you should do something about this situation before you allow this unit which has elevations which are not the former elevations - the former elevations were 15 feet above where you see that green (referring to site plan displayed), our land is now 15 feet in the air.

Another thing is, if this is allowed, I don't think anybody will be able to get in there to correct it with trucks because how are they going to do it?

Another thing is - I submitted a letter to you - this lot has two 20-foot access easements. This property is 30 years old. One is clear to the left (referring to site plan displayed). This property that you see the picture of, also has an interesting easement 93, that's the one clear on the right. They have a half interest in that property. Now that property, we have an easement on that 193 which is the road clear to the left - excuse me, clear to the right - and we have an easement on 191 which is that easement there. Now, Mr. Rathburn has been given 24 feet next to that easement on the Haleiwa side, and 24 feet plus the 20 feet makes the 40 feet required for an easement road. We have 20 feet right now. But, if we were given the same privilege that Mr. Rathburn has, namely easement over that extra 24 feet, we would have our entrance. Now to subdivide, I think you need two exits and entrances, and 193 we have an easement over 20 feet of 193 on the right. We need another 24 feet to get through to our property. So, we request another 24 feet above where you see the road (referring to site plan displayed) leading up to our property. We would like to request that the easement be given us so that we are not landlocked, because at the moment we are landlocked. We can't subdivide our property.

Miss Hoogs was questioned by the Commission.

CRANE: Where's the property on the map where he took the sand?

MOFJELD: Well, I understand the applicant is also the owner now of this particular property.

CRANE: They got it from Mr. Rathburn?

MOFJELD: Yes, and the dune area is here (referring to site plan).

HOOGS: No, excuse me, that's our property.

MOFJELD: This is the dune area here. Apparently from the testimony, they've been taking the sand from this area where the mounds occur.

CRANE: Along the property line.

MOFJELD: Along the property line.

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CRANE: The people applying didn't take the sand, right?

MOEJELD: No.

HOOGS: He may have taken sand off our property but that has never been surveyed and found out. It's on the line or over the line

CRANE: I've got a question of you, what do you want us to do?

HOOGS: I feel that you should hold up this application until the situation is corrected either by the City or by the Real Estate Finance Corporation.

CRANE: How is it corrected, to do what?

HOOGS: To put it back to where the former elevation was. See, according to the law, they were supposed to stay back 12 feet from our property line which they didn't. That's why Barry Chung's office is prosecuting.

CRANE: This is under litigation in other words.

HOOGS: Yes.

CRANE: And you don't want us to punish these people because something's held up in court.

HOOGS: I don't want you to punish them but I want the situation corrected. I don't feel that to put this plan through with elevations that were not the former elevations which are the elevations we are trying to correct would be a mistake.

DUKE: It's not quite clear in my mind whether it's the removal of the sand or this first subdivision that created flooding conditions on this application?

HOOGS: The first subdivision that was made out there was across Kam Highway on the other side of the street. In that subdivision, Mr. Rathburn was supposed to put in a drainage canal along side the road or under the road. That drainage canal was never put in. It was supposed to somehow not drain along the roadway, the way it now drains. When I went to talk to the Division of Engineers, this was about 5 years ago, he told me we'd never grant them that variance for those houses because this flood condition does exist. Evidently this was granted and these houses were put in on the highway. During the winter, all those front yards are going to have about two or three feet of water in them.

DUKE: So, the lack of drainage or the flood conditions that exist because of the lack of drainage, is that under litigation presently?

HOOGS: I didn't do anything about suing them and I guess nobody did anything about it. That permit was put through at that

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time to build all those houses. I didn't go in to fight it. But, if the elevation is not corrected, the water will just go and settle on those lots and won't go any further, I don't know.

MOFJELD: The drainage report submitted by the applicant is acceptable to the Department of Public Works. We have a letter from them to that effect dated February 4, 1974. The applicant, for his subject site has to work and get approval on his drainage proposal from the Department of Public Works.

DUKE: Yes, I appreciate that. I am concerned about the property makai of that and what might happen if something isn't done.

CRANE: I don't know about that one, but what does it have to do with the one under discussion here today? The Department of Public Works says the drainage is sufficient. Your testimony would be, it is not?

HOOGS: According to the Division of Engineers when I saw them five years ago, it wasn't.

CHAIRMAN: The water that's presently collecting on the front area of the old subdivision might drain back?

HOOGS: My concern was to start with, that those lots were going to get lots of water, and since I am on the adjoining piece, I like to see things get done correctly and right, and I thought it was incorrect. I don't believe it's going to drain in my property. My property is 15 feet up in the air.

CHAIRMAN: So, your concern--

HOOGS: My concern originally was that this was incorrect, that these people who bought these houses were getting a bad deal.

CHAIRMAN: The question I still have is the relationship of the drainage problem now in terms of the application before us.

HOOGS: I see. Yes, over across the street, that's a high hill and that water comes down, rushes across the street - the street is like a funnel, right into the property. I imagine the whole left part of that property (referring to site plan) would be pretty wet too.

CHAIRMAN: On the old elevation, what kind of rise do we have from the street level up to the property going makai?

MOFJELD: Well, there will be fill there now as opposed to the existing elevations to take the land elevations for the houses above the flood plain level. It possibly arises six feet or so.

HOOGS: No, this is water and rain, not flood.

MOFJELD: But, in order to be assured that the first level of the houses are going to be above a flood plain level, fill will be brought in to that end of the site in order to raise the site and

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the housing pads above the flood-plain elevation. So, that would also help alleviate other kind of water runoff problems in raising the elevation of that end of the site

HOOGS: Well, the flood plain elevation is the height of our property. I've been out there after the last three tidal waves. The water goes up to the edge of our property. We're 14 feet above Real Estate Finance Corporation's property. So, that is the flood plain level. These people, I'd say, are 14 feet below the flood plain level. This property use to be the same height as our property but Mr. Rathburn took all the sand out.

WAY: Mr. Chairman, according to the site grading plan proposed, it appears that the maximum elevation along the boundary line separating the two properties is at elevation 20. As you move to the left-hand side of the site, that little cluster of units off the single access (referring to site plan) are setting at about elevation 20. It appears that there's a low spot of around elevation 16 which is four feet below the maximum height along the dunes. The property immediately back of the dunes is setting about elevation 18. Right opposite that is a swale at about elevation 16 which looks like it takes the water away. There's a kind of pocketing and a swale at elevation 15 which appears to be lowest as you approach the Kahuku end of the parcel. It seems like the maximum elevation on the site is 20, the minimum is at about 15 near the middle of the site, roughly a difference of 5 feet. I would point out that as you enter on the Wailee side, the roadway elevation is at 26. That comes down but it would seem the average site elevations or contours would be on the order of 15 and 20.

DUKE: It's not really clear in my mind whether she is truly talking against this proposal or whether she is truly citing a battle for the existing development that's already there. Maybe you could clarify that.

HOOGS: The existing development, what do you mean?

DUKE: That flood area there.

HOOGS: Oh no, I just mention that because of what happens I guess when a situation isn't corrected where flooding or anything like that happens. Right now, I don't know what this elevation 14 or 15 is. Is that land, this new PUD, going to be filled up to where our land is?

WAY: Yes, one of the points I was trying to make is in the center of this property where it immediately joins your parcel, your elevation appears to be at about 20 feet above sea level, approximately.

HOOGS: That's what I don't know. I've never checked it.

WAY: Well, based upon the topographic survey that we have. Immediately adjoining your property, there will be filling taking place that will raise the heights of these buildings - and we might just go down the line. Stan, would you put the pointer on the

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end units (referring to site plan displayed). Now, those buildings are going to be set at elevation 20+.

HOOGS: But, I don't care about those buildings. What I'm worried about is our land, that the land that adjoins our land is the same height as our land, because they--

WAY: All right, let me take you down the property line and we'll try to explain that. So again, the next set of buildings at about elevation 20 or so; the land in between then is - well, the buildings are set at 20, it drops off for drainage purposes to a low point of about 16 right in by the swimming pool, then going back up again to 20 on the property line. So, there is a differential of about 4 feet.

HOOGS: Well, right now if you go out to the property, there's a differential of about 14 feet.

WAY: So there is a 10-foot fill then.

HOOGS: I'm wondering if that's going to happen.

WAY: Well, this grading plan will be made a part of the ordinance.

HOOGS: Well, I haven't had anybody check this plan with my property so I don't know if this plan does come up the elevation.

WAY: That's what I'm telling you. It comes very close. And, as you move along - let's take a couple of other check points as we go. That next cluster (referring to site plan), for example, the buildings will be setting at about 18 or so, and immediately opposite that is elevation 20 on your property line. Then, the next cluster sets at 18+, and the elevation at the boundary line is 18. Then, let's take the farthest one which sets at elevation 18, and at the property line it appears as though it's at 14 or so, so it's 4 feet above.

HOOGS: Has this elevation - I know when Mr. Rathburn you know this law suit business, when I went in and checked his elevation map at the Division of Engineering, it seems his brother had made the map. He had the elevations, for instance for the 20-foot holes that he's got, that was the elevation of his land, that he hadn't dug those holes. So, I'm wondering if this map were made from that engineering map, which is completely erroneous because our property is way above his elevation map. But, I would have to have an engineer check that to see if this map does correctly show the existing site.

WAY: Well, the one I was referencing is a proposed map. Those elevations are not there now. This is a finished grading map after the project would be developed. I was trying to address your question about the relationship of what the property would look like after development in relationship to your property. I think we can generally conclude that it will be filled rather substantially, based on this grading plan that has been presented.

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HOOGS: Well, our property is not the way Mr. Moffeld says, sand dunes. Our property is way above the beach, and the sand extends about 30 feet down to the water. The 1648 was originally a land court railroad right-of-way. We bought that from Kahuku Plantation. The rest of the property on the beach and off the beach was bought originally in 1941.

But, we've had this problem for an awfully long time about this sand and Mr. Rathburn.

Also, we've had the problem an awful long time about our property having two inadequate access roads which is the reason we're in the situation we're in right now.

So, I feel if this is correct - and I don't know if it is, I'd have to have an engineer check it out - then we're all right. There's nothing in the world you can do with that property because it's all collapsing. So, if this fill isn't put in to the right level, we will just continue to collapse on to their property. They won't have the sand dune in front of them. They'll have the sand on their property.

CHAIRMAN: I would suggest in terms of the landfill, that you do have an engineer check it. As Mr. Way has tried to point out to you, much of the concern that you have presented in terms of sand which was taken away, and collapsing of your property, will still be taken cared of in terms of this grading plan.

So if we can, I'd like to move to the next issue you presented in terms of the right-of-way. Now, those rights-of-way, are those to your property?

HOOGS: Yes.

CHAIRMAN: Who has the title on those rights-of-way?

HOOGS: The one on the right (referring to site plan) belongs to the Real Estate Finance Corporation, but Mr. Rathburn has been given an easement over that which we've got an easement also. He's also been given an easement to an additional 24 feet on the other side of the 20-foot easement which is a total of 44 feet. So, we would also like to have permission to use that additional 24 feet so that we will have a 44-foot easement into our property.

CHAIRMAN: Have you discussed this with the applicant?

HOOGS: This has come up very quickly and I don't think we've had a chance to. In the past, we have discussed this with Mr. Rathburn and as you can see from my testimony, there hasn't been a very friendly situation.

CHAIRMAN: Well, I can't see - the concern of Mr. Rathburn really at this point is history.

HOOGS: My mother did ask them, the Real Estate Finance Corporation, if they would be interested in buying our land, and they didn't indicate too much interest. So that's the conversation we have had with them.

CHAIRMAN: Well, I don't want to get into that.

WAY: Do you have any other access to the property?

HOOGS: Yes, we have the easement on the right over a 20-foot roadway there.

WAY: Is that shared with others?

HOOGS: This Real Estate Finance Corporation has one-half interest in that right-of-way.

CHAIRMAN: Further questions?

HOOGS: My mother says to say we think we're landlocked and we would like the additional 24 feet to make up the 44-foot so that in the future we can subdivide.

CHAIRMAN: Well, I think in terms of landlocked and 44-foot rights-of-way are really two different issues. You have an easement presently out of the property, so the property is not landlocked. Now, in terms of the 44-foot right-of-way, this is an entirely different issue. I don't think this is really under the purview of the Planning Commission.

WAY: If I might, Mr. Chairman, I certainly agree and would simply add, that if you feel it's desirable to have the 44-foot right-of-way, I think this is something that would have to be discussed with the owners to obtain that 24 feet additional.

HOOGS: I thought it was the policy of the state and city to prevent situations like this. See, if those people build that development, for instance in the past we always had an out. We didn't know the person that was going to buy that property would also buy our property, and therefore the whole thing would go together and the situation would be corrected. But, if this development happens, in effect we have only two 20-foot easements and we can't subdivide.

WAY: That's right.

HOOGS: Doesn't the Planning Department consider that that situation should be corrected?

WAY: Well, we have a number of those kinds of situations that do come up. It isn't something that generally the City intervenes in, in terms of forcing property owners to sell or to make their property available to someone else. I do think that if you haven't yet pursued that thought with the present owners, that it might very well be something you would want to at least discuss with them. But,

the City's position is not generally to interfere in those kinds of situations. It's true that your property would be less likely to be subdivided because of the access problem not meeting the standards in other words.

CHAIRMAN: Well, I'm sure the Commission can at least raise the question with the applicant, but as the Director pointed out, it's certainly not within our purview to put conditions on to take land away from anybody.

HOOGS: The land right on the right (referring to site plan) will not be taken away since it's already an easement and 24 feet has already been given to Mr. Rathburn. There's in effect 44 feet there which if we were given the right to use, it's not taking land away from anyone. They've already made Mr. Rathburn an easement over it on his deed.

WAY: That was his free choice. The point is at this point, it's your interest in his land that we're talking about. You're trying to obtain an access right or use of somebody else's property. I think that's something you and that owner get involved in.

HOOGS: Well, I don't know. I'm not a lawyer. It does seem to me you people are giving them the right to this PUD which is a right, that you also have the power to lay down some condition, and I think this condition of correcting our property, unless we're going to sit out there for the next 100 years, it would be good to correct this situation that exists at the moment. We didn't discuss the road because we didn't know anything about this until a week ago when we read the notice in the paper. We had no knowledge that they were doing this.

(There were no further questions of Mrs. Hoogs.)

Testimony in SUPPORT--

1. Mr. Daniel R. Matsukage of Real Estate Finance Corporation (No written testimony submitted)

MATSUKAGE: I'm here on behalf of the applicant, Real Estate Finance Corporation. I merely want to state for the record that I have here with me, our architect and the rest of his consultants to answer any questions any of the members of the Commission might have regarding our project.

CHOY: I wonder if you could have your engineer explain the question that came up as far as collapsing of the property.

(At this point, Mr. Matsukage called upon Mr. Roy Fukunaga, project engineer.)

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2. Mr. Roy Fukunaga, Civil Engineer, Fukunaga and Associates (No written testimony submitted)

FUKUNAGA: We are the civil engineers for the developer. As far as this development is concerned, we had a field survey made immediately before embarking into the project. So, it has nothing to do with any previous surveys. It's an independent study made by our surveyor. So, the map we show as Exhibit 2 in the study showing the existing site plan represents the latest available data per our field survey I don't know the exact date but it's within a year.

This site plan does indicate that there are several low areas. I would like to point out that these low areas are isolated low areas. There is one low elevation we show of 10 which is near the central portion of the property near the makai property line. This, I presume, is what Miss Hoogs is referring to when she says there is a low area that might have been mined.

Now, our proposal as far as grading the site is that we will fill these isolated low areas to bring the floor elevation above the flood plain level. Now, our filling operations will not be indiscriminate. We have gotten Dames and Moore Consultants to prepare a soil report. We will follow their recommendations as far as filling operations are concerned. The overall site in the low areas will be raised. Our grading will extend in the vicinity of the property line but we will not be doing any grading within the adjacent property. All grading will be field tested and checked.

WAY: Mr. Fukunaga, as I see on the site plan, probably two areas, low spots if you will, of elevation 16 and 15. One, at elevation 16, it appears as though you are or will be closing contours. How do you propose to collect and drain the water from that pocket which appears, maybe I'm misinterpreting the contours but--

FUKUNAGA: I think one thing is that we owe an apology to the Commission. This site and grading plan has been revised somewhat. Our latest grading plan is one that was submitted to the Department of Public Works as part of our drainage report. In that drainage report, we did provide for a total drainage system to drain the site. Now, this site and grading plan does not show any drainage facilities. The actual inclusion of the drainage facilities were on another plan which we had submitted and had gotten approved by the Department of Public Works.

Basically, what we propose to do is to the left-hand portion of the site if you look at Exhibit 3 (referring to staff report), the left-hand boundary of the site is bordered by Kaunala Stream. You can see on Kam Highway there is an indication that there is a bridge there at the very left-hand extremity of the project. Kaunala Stream is the major stream in that area. The major portion of the drainage from the site and from the mauka subdivision will be diverted to Kaunala Stream. They will not be going to the adjacent makai property.

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WAY: Just for further clarification, are you intending to install catch basins and drain lines then to direct the water to that point?

FUKUNAGA: Not catch basins or drain lines, drainage ditch, an open ditch, a drainage facility basically.

WAY: Will any of the runoff go to any other portions of the site, other properties; for example, will any of the drainage be directed to the house lots along Kam Highway or to the far right-hand side of the property?

FUKUNAGA: No drainage will be going to the house lots fronting Kam Highway. Their high point is at Kam Highway now and they're sloping back toward the property in question. There is an existing dry stream bed that flows off to the right to another unnamed stream. Some drainage from that end of the site might be expected to go to that end of the property. We are installing five dry wells at the Kahuku end of the site to take care of normal runoff.

WAY: Will there be any surface runoff directed to the makai property, along the makai boundary line?

FUKUNAGA: None whatsoever. You see actually, there's a barrier there. There is a strip of property, an abandoned railway easement. That was the location of the former railway line. The railway line was built up. So actually, there is a makai barrier We can't drain through that property, so we're draining to either end of the property.

Questioning of Mr. Dan Matsukage followed.

CHAIRMAN: You have not been approached by the Hoogs' in term of easements to your property?

MATSUKAGE: Mr. Chairman, unless you had raised the question, I was going to leave that part out. Actually, I was approached yesterday about 4:00 p.m. by their attorney regarding the two additional easements, to the effect that unless we had come to some kind of arrangement, that they would make an appearance today objecting to our project. I had a further conversation with their attorney this morning, and indicated to him that granting of any easement along the Kahuku end would be almost impossible because the drainage plan was already finalized, and it would be a hardship on our part. Insofar as the granting of an additional easement on the Haleiwa side, I mentioned to him that when we had purchased the property from Mr. Rathburn, he had reserved a 24-foot easement. It wasn't a grant from us, but he had reserved the 24-foot easement in his favor. Therefore, I felt personally that we couldn't give away something that the owner himself had reserved prior to his selling it to us. I checked this out with our attorneys, Chuck and Fujiyama this morning, and we are of the opinion that if it's legally possible, we have no objection to Mrs. Hoogs or anyone else enjoying that

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easement along with Mr. Rathburn. But, we feel that legally, Mr. Rathburn would have to consent to any grants of any easement on our part to Mrs. Hoogs or anybody else. Overall, we feel that it's a private matter.

WAY: In connection with the easement situation just for my better understanding, do you mean to say that Mr. Rathburn still has a right in the 24-foot easement on the far side of the property?

MATSUKAGE: Yes, on the Haleiwa side.

WAY: I see, and that's a 20 or 24, do you recall?

MATSUKAGE: 24. His easement runs along side Mrs. Hoogs' 20-foot easement.

WAY: He still retains an access right even though he's transferred the property to you?

MATSUKAGE: Yes.

WAY: Are there any other property stipulations, encumbrances on that land?

MATSUKAGE: No, that's the only one.

WAY: Now, how about at the other end, you seem to feel that because of the advance stage of your engineering work this would be a principle difficulty for you?

MATSUKAGE: Yes.

CRANE: That 24-foot easement Mr. Rathburn owns that runs side by side the Hoogs' easement, where does it go?

MATSUKAGE: To the Hoogs' property.

CRANE: In your negotiation with Mr. Rathburn, did he explain why he wanted that easement?

MATSUKAGE: I think he has some concern over the fact that there is another large landowner on the highway side of his property. He was afraid that he might be landlocked. I guess he wanted to retain whatever easements or rights-of-way he could retain.

CRANE: So your last statement that this is a private matter, but you have the 24 feet. The 20 feet would make it 44 feet which would solve the problem, if Mr. Rathburn and these people got together?

MATSUKAGE: Yes.

CHOY: Wouldn't Mr. Rathburn still be landlocked because his easement stops at property 22?

MATSUKAGE: Yes, the fact that he gave himself that easement is not a cure for his potential problem. He might still have to negotiate with the other adjacent owners.

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

Mr. Roy Fukunaga, Civil Engineer, was recalled for further questioning.

WAY: On the survey map, I don't see the seal of the surveyor. Do you recall who did that survey?

FUKUNAGA: The survey was done by Tadaka Nakahata. I think the absence of the seal was probably just an oversight.

WAY: The reason I raise the question is because it is unidentified as to who was in fact the surveyor, and it raises the question as to whether or not in their research they did or did not come across this easement. I'm sure they did some kind of property search here. They seem to have picked up setback lines on the proposed scenic roadway, and I wondered if in fact that they had inspected the deed or looked into this question. It seems that where the map is not quite as complete as it might be, raises the question.

FUKUNAGA: Well, as far as we know, the map as given to us was complete.

WAY: I think you might, if he was engaged by you to undertake the survey work, make some inquiry of him on that particular point.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Kahawaiolaa and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the application, subject to the conditions contained in the Director's report, on motion by Mr. Crane, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Hosaka, Sullam
ABSTAINED - Connell

PUBLIC HEARING HAWAII CAPITAL DISTRICT APPLICATION C&C OF HONOLULU, BOARD OF WATER SUPPLY (FILE #74/HCD-3)	A public hearing was held to consider an application for re-roofing of the existing Board of Water Supply Engineering Building and Public Service Building situated within the Hawaii Capital District, Tax Map Key: 2-1-36: 4.

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Publication was made in the Sunday Star-Bulletin/Advertiser of February 24, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the application. The buildings, including the proposed re-roofing, meet the 100-foot height limit and 40% open space requirements of the district. The renovations are compatible with the existing buildings and the Hawaii Capital District. The Director recommends approval of this application.

There were no questions from the Commission concerning the Director's report.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Kamiya and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the application, on motion by Mr. Kamiya, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Hosaka, Sullam
ABSTAINED - Connell

UNFINISHED BUSINESS
ZONING CHANGE
AG-1 AGRICULTURAL TO
A-1 LOW-DENSITY APT.
WAIAU
LEAR SIEGLER, INC.
(FILE #73/Z-16)

The public hearing on this matter held February 6, 1974 was kept open. At the request of the applicant, the matter was deferred not to exceed one month.

The Chief Planning Officer reported that the applicant has requested a two-week deferment, and the Director of the Department of Land Utilization is in agreement.

The Commission, in accordance with the request of the applicant, deferred the matter for two weeks, on motion by Mr. Crane, seconded by Dr. Choy and carried.

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The Commission authorized scheduling of the following public hearings, on motion by Mr. Crane, seconded by Dr. Choy and carried:

GP/DLUM AMENDMENT
QUASI-PUBLIC TO
APARTMENT USE
ST. LOUIS HEIGHTS-
PALOLO
ST. LOUIS-CHAMINADE
EDUCATION CENTER
(FILE #236/C1/17)

1. The request is to amend the General Plan and Detailed Land Use Map for St. Louis Heights-Palolo from Quasi-Public to Apartment use.

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CONDITIONAL USE PERMIT/
SPECIAL USE PERMIT
(ANIMAL CLINIC)
HALEIWA
GUY S. TUCKER
(FILE #73/CUP-9)
#73/SUP-3)

2. The request is for simultaneous review of a State Special Use Permit and a Conditional Use Permit to establish and operate an animal clinic.

CZC AMENDMENT
REPEALING SEC. 21-1301
OF ARTICLE 13, MISCEL-
LANEOUS REGULATIONS
RE SETBACK FROM ZONE
OF WAVE ACTION

3. The request is an ordinance to amend Chapter 21 of the Comprehensive Zoning Code, R.O. 1961, as amended, by repealing Section 21-1301 of Article 13, Miscellaneous Regulations relating to setback from zone of wave action.

ADJOURNMENT: The meeting adjourned at 2:55 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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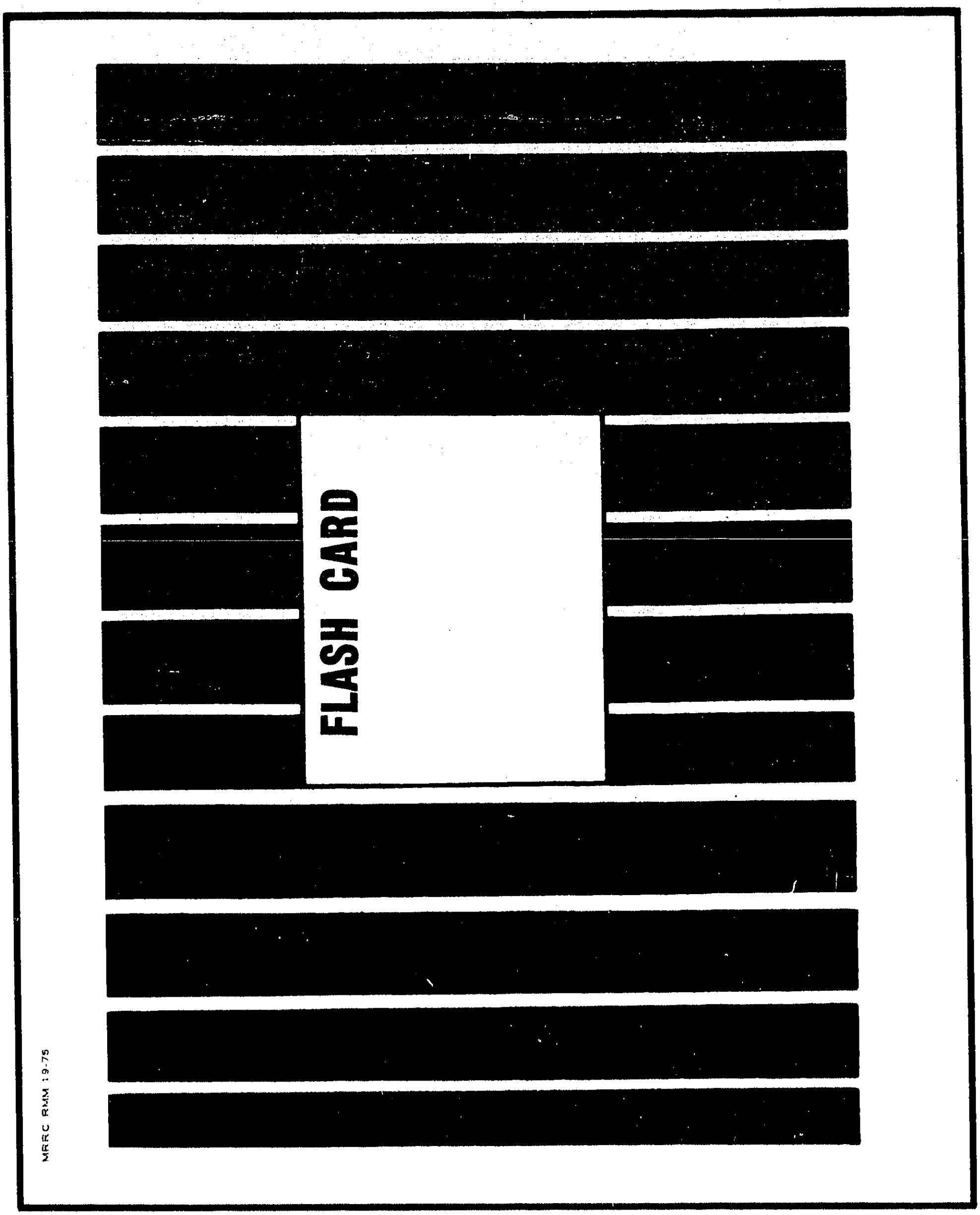

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MAR 20 1974
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Meeting of the Planning Commission
Minutes
March 20, 1974

The Planning Commission held a meeting on Wednesday, March 20, 1974 at 1:30 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:

Eugene B. Connell, Chairman
James D. Crane, Vice-Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Donald K. Hosaka
Antone J. Kahawaiolaa
Randall Kamiya
Fredda Sullam

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Andrew Sato, Deputy Corporation Counsel
Ali Sheybani, Assistant Director, Design Division
Jack Gilliam, Head, Zoning District Changes Branch
Henry Eng, Staff Planner
Charles Prentiss, Staff Planner

MINUTES:

The minutes of March 6, 1974 were approved on motion by Mr. Crane, seconded by Dr. Choy and carried.

PUBLIC HEARING
CZC AMENDMENT
REPEALING SEC. 21-1301
OF ARTICLE 13, MISCEL-
LANEOUS REGULATIONS
RE SETBACK FROM ZONE
OF WAVE ACTION

A public hearing was held to consider a proposed ordinance to amend Chapter 21 of the Comprehensive Zoning Code, R.O. 1961, as amended, by repealing Section 21-1301 of Article 13, Miscellaneous Regulations relating to setback from zone of wave action.

Publication was made in the Star-Bulletin/Advertiser of Sunday, March 10, 1974. No letters of protest were received.

Mr. Jack Gilliam presented the Director's report of the proposed amendment. In a legal opinion to the City Council, the Corporation Counsel has ruled that the 10-foot setback requirement of Article 13 "...has been superseded by the subsequently enacted Act 136, Session Laws of Hawaii 1970 and Act 107, Session Laws of Hawaii 1973, upon which the State Land Use Commission and the City and County Planning Department promulgated its Rules and Regulations." This amendment is, in essence, a housekeeping amendment to delete a regulation which has been superseded.

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No discussion followed.

No person was present to speak either for or against the proposed amendment.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Kamiya and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the proposed amendment, on motion by Mr. Crane, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Hosaka, Kahawaiolaa, Kamiya Sullam
NAYES - None
ABSTAINED - Connell

PUBLIC HEARING
GP/DLUM AMENDMENT
QUASI-PUBLIC TO
APARTMENT USE
ST. LOUIS HEIGHTS-
PALOLO
ST. LOUIS-CHAMINADE
EDUCATION CENTER
(FILE #236/C1/17)

Before proceeding with the hearing, Mr. Hosaka disqualified himself from participating in this matter as he is president of the St. Louis Community Association. He filed a conflict of interest for submission to the Mayor.

A public hearing was held to consider a request to amend the General Plan and Detailed Land Use Map for St. Louis Heights-Palolo from Quasi-Public to Apartment use, Tax Map Key: 3-3-01: portion 6.

Publication was made in the Sunday Star-Bulletin/Advertiser of March 10, 1974. No letters of protest were received.

Staff Planner Charles Prentiss presented the report of the Chief Planning Officer. The applicant is requesting that a portion of the Chaminade College Campus site be redesignated for Apartment use. They plan to construct 320 two-bedroom units in five buildings varying from four to nine stories in height. Based upon the analysis contained in his report, the Chief Planning Officer concludes that the requirements of the Dalton decision have been met; the applicant has submitted long-range studies which indicate a need for the proposed development; and that the site is not needed for the use for which it is currently designated. Department of General Planning review of the data submitted, plus a review of housing need studies previously prepared by the department, indicate that the applicant's data is a reasonable assessment of the situation based upon long-range criteria relating to population increase, housing supply, student enrollments and attitudes, and Chaminade College space needs.

Public agencies concerned with the provision of public facilities have raised no major objections to the proposed amendment.

The applicant did not specify whether his request was for low or medium density apartment use. The General Plan designation of "medium density apartment" would permit buildings up to 350 feet in height to be constructed on the site. Buildings of this height would be inappropriate since the makai views of existing single-family houses in St. Louis Heights would be blocked. The "low density apartment" designation would permit building heights up to 30 feet above the high point of the site. The applicant has shown that buildings of this height would not block the view from the existing homes.

Therefore, it is recommended that the General Plan designation for the site in question be changed from Quasi-Public to Low Density Apartment use.

Questions were raised by the Commission.

CRANE: These condos are being built primarily for Chaminade students?

PRENTISS: That's the stated intent of the project. It would be a leasehold condominium, however.

CRANE: Would they have any priorities listed? In other words, do Chaminade students get first priority in rental of those units?

PRENTISS: The only thing that was indicated to us was that their housing office would assist in locating Chaminade students in those units.

CRANE: How firm was the commitment on $75 a month rental?

PRENTISS: That was the estimate that they gave us.

CHOY: The condo as expressed, would it be wholly owned by the Chaminade Education Center or would it be sold to investors and then rented out to the students?

PRENTISS: The intention is to sell the apartments to investors.

(There were no further questions of the staff.)

Public testimony followed.

Testimony AGAINST--

1. Christine D. Miller, Resident and Member of the St. Louis Hts. Community Association

MILLER: First of all, the change in zoning is supposed to benefit the community as a whole. I don't really see why this is benefiting the community as a whole. I'm a

resident of St. Louis Hts. One of my fears and I think many of the St. Louis Hts. residents is we only have one road to get out, particularly in the morning and coming home at night when most of the people from this condominium would be traveling in and out. I just can't see how there won't be a traffic jam there every morning when you're trying to go to work and every nite when you're trying to come home. It just doesn't seem to make sense that we should have a high rise in such a congested intersection.

Also, they say this is just going to be for students. Is it just going to be limited for students? Are investors going to buy the apartment and rent them to students or is just anyone going to go in? If anyone goes in then they're not really benefiting students.

(There were no questions from the Commission of Mrs. Miller.)

2. Mr. A. Bernard Bays, Vice-President, St. Louis Hts. Community Association (Submitted report of St. Louis Community Association's Objection to the Zoning Change Application made by Chaminade College of Honolulu for their proposed St. Louis-Chaminade Project, and Petition containing signatures of residents against the application)

BAYS: I represent the St. Louis Community Association which is the association that represents the residents of St. Louis Hts. and Chaminade Terrace which are located immediately above the subject project. It might be helpful to refer to the aerial photograph (aerial photograph on file).

The only access to St. Louis Hts. and Chaminade is through St. Louis Drive which would pass directly by the subject project and where the means of ingress and egress to the subject project as it is proposed would be. There is approximately 1300 residents in St. Louis Hts. and Chaminade. The St. Louis Hts. Association represents those residents.

Initially, I would like to discuss what is really being requested by this proposal. The proponent of this project proposes to develop a 320-unit condominium project in what is essentially a single-family residential neighborhood. He proposes to do this on land that has been set aside under the current general plan for educational purposes. I think initially the Commission would agree and conceive the private landowner attempting to obtain approval on a condominium project in an area zoned for single-family dwelling use would not even be given serious consideration by this body. The question here we must face initially is what makes this project different from an individual who is able to acquire 4 to 6 to 8 adjacent lots on St. Louis Hts. and come to you for approval of a condominium project on that lot?

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The project will be inconsistent with the development in the area as it stands right now for single-family dwellings. It's going to be located immediately on St. Louis Drive where it's going to be a conspicuous eyesore to the residents who are going to drive by it on a daily basis.

In support of this project, Chaminade in its request dwells upon the fact that the project would increase the supply of housing. I think initially we can reject that point as a valid argument in favor of this proposal. That argument is true in the case of any multiple-family dwelling project. In other words, any developer would be able to obtain approval if he could show there's a shortage of housing in Hawaii and his particular project would help to alleviate that shortage.

The other argument is that the project would be devoted to student housing and somehow would be related to the educational uses that this land has been set aside for to give you the impression that the change they are really asking for is not really very much. In other words, what they really want to do is house students but instead of doing it in dormitories, they want to finance it by way of a condominium project. On this particular issue in Section 3 of our submittal in writing, we analyze a typical sale of a condominium unit priced at $42,150. Now many of you might ask what unit that would accommodate 4 students and would contain 2 bedrooms could possibly sell for $42,150? I join you in asking that question.

I believe that estimate is conservative and I think any units actually constructed in this project would range in price from $45,000 to $55,000. If this were the case, you could increase the figures accordingly that are shown on that submittal. But, just running the figures through here, the total is $409 in monthly expense. It would have to be paid by one of the investors who purchased one of these units.

I'm sure you all noticed in reading the request that it is proposed to sell these units in what is called investor-purchasers which are going to be people that will buy these units to either live in them or rent them out to someone else. Needless to say if someone makes this kind of investment, he is going to want to recover his cost from it. The figures here indicate--and these are taken from the Pavilion At Waikiki which I consider to be a typical example--at least $100 per student.

But, I think even more important than evaluating that these units will be occupied by students, we have to look at a statement on page 9 of the request for this change where St. Louis Chaminade Education Center states "students are now willing and able and are paying $100 or more per student for housing in the area."

Now any investor who purchases one of these units is going

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to want to obtain the maximum return he can and the highest rental he can. Obviously if students are able and willing to pay $100 a month for housing in the area, the investor is going to demand that much from them. So in fact, there is a serious question whether any or all of these units will be in fact occupied by students. I think that question will be easily answered if the developer is asked the question whether or not he is willing to put restrictive covenants in the leases for those apartments requiring that they be rented only to students and at the rate of $75 per month. I think that one question will dispel any elusion that anyone might have that the developer really intends to provide low-cost housing for students as a part of this project.

The developer also makes the statement in the request that the UH has no further plan to expand housing for its students. I have been informed that the UH plans to build dorms containing facilities for 1500 students in the next few years in the same area behind the circular dorms that are located on the campus now, and that they plan an additional 300 separate housing units in that same area adjacent to Kanewai Park.

The entire request before you speaks and addresses itself only to the two issues--the shortage of housing in Hawaii which has no particular bearing on this project, and the proposal to provide student housing which I think you will agree is really only an illusion. I think we can say that the only connection between this condominium project and Chaminade College will be its geographic proximity and the $1 million which the college expects to gain from the initial sale from these units, and the $150,000 a year rental they expect to obtain. I think the economic factors demonstrated in our submittal and which most of you are probably already aware from the housing cost in Hawaii, will agree.

On the next to the last page of their proposal, they finally bring themselves around to address the problems that might be generated by a 320-unit condominium development in a residential area. They devote half a page to an analysis of those problems and what they do is mention them--water and sanitary sewers are available to serve the 320 units. That is the extent of their analysis. Our submittal on the other hand addresses itself to the traffic problems that will be generated by the proposed development, the sufficiency of present recreational and educational facilities, and water and sanitation problems.

First I would like to address myself to the traffic problem and to help me with that, Mr. Dan Hakoda will discuss with you the traffic survey which he had conducted himself, a copy of which has been given to each of you (copy on file), and some photographs which he has taken to demonstrate the traffic problem that will be developed the way it's planned now.

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3. Mr. Dan Hakoda, Board Member, St. Louis Hts. Community Assn.

HAKODA: Before I present my testimony, I'd like to state my position. I am against the project but only from the standpoint of poor planning, no long range terms the way I see it, and I believe I think along the same lines as Commissioner Sullam in that I'm all for education. I think I have more right to stop any property owner from utilizing their property to the maximum production. I served on the Honolulu District Board and the State Board each for two years. I'm all for improving facilities for education but I think we should take into consideration what would happen with this project if we don't consider the traffic and other things that evolve around this project.

(At this point Mr. Hakoda submitted the following traffic information conducted by himself and two individuals in the vicinity of St. Louis Drive-Waialae Avenue intersection, from 7:00 a.m. to 8:30 a.m.)

Traffic turning from Waialae Ave. mauka on St. Louis Drive	1260 cars
Traffic turning out of St. Louis Drive onto Waialae Avenue	873 cars
Traffic coming out of Dole Street onto St. Louis Drive	571 cars
Tour buses turning from Waialae up St. Louis Drive and left on Dole St.	7
Bicycles utilizing any of the above intersections	12
Miscellaneous motor vehicles	2
	2725

Accident report at Waialae and St. Louis Drive obtained from the Honolulu Police Department:

1969 - 19
1970 - 13
1971 - 14
1972 - 7
1973 - 6

Accidents at Dole and St. Louis Drive:

1969 - 5
1970 - 9
1971 - 8
1972 - 15
1973 - 5

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HAKODA: This is a total of 93 reported accidents in a 5-year span.

Adding to the pictures and the traffic here, at time it's much heavier than what you see or count. With the gas plan you will notice that the cars are not as heavy on the road. I think we all know that fact.

This traffic condition on Waialae/St. Louis and Dole/St. Louis dates back to April 7, 1959 where we have correspondence asking the City to do something about the traffic problem there. That was submitted by James Shigemura. Attached to that I have here Jimmy submitted a resolution that same year concerning traffic. At one point they suggested that we make an overpass and underpass at St. Louis/Waialae. This is how bad our traffic condition was at that point.

Mr. Hakoda was questioned by the Commission.

CRANE: You heard the staff's report and other major departments of the City reported that there were no objections to this project, including the Traffic Department.

HAKODA: I do not agree with that Sir.

CHOY: From your testimony and if the 320 units were to be constructed, you feel the traffic generated by this development will further the traffic congestion?

HAKODA: Definitely. I might add to that. When you're talking about 320 units and if you rent out to four students per unit, I think we can easily assume that two or three out of the four will have cars. If you go to any high school today, even intermediate--I went up to Paul Jarrett and there are students with cars there. If we look from the other standpoint and have these units sold to families, I think here again we can say we have two cars per home. I know my neighbor has four and he brings his truck home from work. So if you have two cars per home, you can double that 320.

CHAIRMAN: Question of staff, do we have any kind of report from the Traffic Department indicating capacity of the streets, a traffic count on them?

PRENTISS: The data we received from the Department of Transportation Services gives us their specific recommendations for changes in the circulation pattern in the area. They also review the traffic impact statement submitted by the applicant and they concurred with the findings submitted. There were specific counts there.

CHAIRMAN: Were you able to compare those counts with the traffic counts submitted by Mr. Hakoda?

PRENTISS: No.

HAKODA: Mr. Chairman, when I took those counts, I had two others with me. I'll stack my integrity over a stack of bibles that my count was accurate.

CHAIRMAN: Your neighbor with the four cars, was he down there?

HAKODA: I didn't see him pass by, incidentally.

CHAIRMAN: That may be part of your traffic problem.

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

4. Senator Tennyson K. W. Lum

SEN. LUM: I'm representing myself here as Senator of the area. I'd like to point out a few things that I think you should be aware of in making your decision.

I'd like to record myself against this project at this particular time, in view of the many things that are happening at the state level which has to be considered in the overall planning of our city. One of the things which I'm very concerned about is what's going to happen to the traffic pattern in this area when we finally decide where the routes for mass transit is going to be and how it's going to affect this particular area. I know they're looking at the Manoa area and they're concerned about the congestion already there. Whether they cut off the access on to the freeway and force everybody to go by way of Waialae Avenue, I don't know. These are things that are pending right now. It'll take at least 12-18 months for them to decide.

Another thing is the area just back of this educational center is presently one of the projects the state is thinking of possibly condemning and turning into a residential fee-simple lot. If that happens, we have allocated $5 million already. That would be in the so-called endowment that the school would be receiving if we did do that, if we did condemn. Because of fiscal problems, that's why they haven't initiated it. The other thing is that the Chairman of the Human Resources Committee comes from Kauai. The Hawaii Housing Authority is under the Human Resources Committee. Kauai has a project so I think their project will be before the St. Louis Hts. project. But, I think this is one of the things you have to consider.

I have not seen the overall plans for this particular institution. We do know that every private institution

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that is in existence today is in financial trouble. They might be planning in the future to have further expansion just to keep the numbers up there so that they can in fact, charge a per unit cost back to the students instead of making it reasonable to go to the school. So, I'm not saying that. I do know there's a possibility there will be more money coming in. I just wonder whether this particular section of land is not the appropriate area for them to expand and to build the facilities so that they would be able to have additional buildings or maybe additional onsite dormitories.

The other thing I must say, I commend them for the fact that they are trying to solve some of our state problems. We have had many, many discussions and looked at many, many proposals to possibly build additional housing in the University area. Just adjacent to the dormitories, we're considering putting parking lots and other dormitory structures. We contemplated buying the whole area adjacent to Cooke Field in the quarry area and turning it back into student housing. They're even thinking of using the mountain adjacent to the faculty housing for possible housing projects. There's an area behind that being considered. There are many, many state projects we've been looking at the past five years I've been in office.

I really question the fact whether they can build and construct a condominium unit which will in fact make housing available to students for $75 a person. I think this is a project which probably is a business project and is going to give some money to the educational center, probably not enough to take care of their needs in years to come. I imagine if they could have the question of whether Chaminade Hts. will in fact give them an endowment of 5, 6, or 7 million dollars, whether that would change their thinking about what they would do with this piece of property. I know they haven't made a decision as to what they want to do with that land. It's probably 2, 3 years away before we finally act in this particular area. But when we do, we will be giving them an endowment of 5 to 7 million dollars if it holds up in court. I don't know if that will happen.

I would suggest that if you need any more information, I would be more than happy to provide you with the current status on all of these particular projects to make it easier for you to make a decision. I would ask you to defer any action on this particular matter at this point.

Senator Lum was questioned by the Commission.

SULLAM: As far as the main transportation route proposed, don't you think this is a desirable place to increase the density?

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LUM: I think I understnad your question. Your question is this is an ideal place to live if you're going to be going to the University.

SULLAM: If you're going to take mass transit.

LUM: I lived in Palolo for 15 years and I use to go to the University, come down Waialae and go back to St. Louis Hts. I know that time several years ago it was quite heavy and difficult to get to the University. We use to park all along the drive just to get to the campus. I'm just wondering whether a project like this won't add to congestion. If they do close off a particular area and they do make it sort of the freeway, if it becomes truly a freeway, how it would affect the traffic pattern in this area I don't know. We may be pushing more cars on Waialae because it's the only one of two ways to get to the University. They must just cut off the access to the University on the freeway now because it's back up traffic. If they do that, there's only going to be two ways to get there to get off on the King St. cutoff or to go through Waialae. When that happens, you're probably going to be overburdening the area of that St. Louis Hts. area. I would say until those two questions are solved, at least we have an idea of where the arteries are going to be, we should not even allow housing projects like this to occur. That's my position.

CRANE: Is it your position that we should have some sort of moratorium on condos until such time plans are finalized for mass transit system on this island?

LUM: No it isn't. I'm saying this area which has a traffic problem already may have a compounded traffic problem, and this idea of trying to provide housing for students is a guise in my opinion to try to get housing there. We do haveprojects that we have been discussing at the University and because of our fiscal problem, we cannot initiate them. So once we solve that, we'll hopefully be taking care of the problem we're talking about here. The fact that we'll probably be settling the problem of the Chaminade estate is going to help the fiscal problem of the education center. That's why I say until those two questions are really solved, I think it's premature.

DUKE: Were you going to assist the fiscal problem of Chaminade by taking some land back of that to put in housing, then we get back to the same problem of the more houses you put in there the more cars you have and traffic would be the same, would it not?

LUM: There are existing houses up there. Maybe I didn't make myself too clear. They're on lease land now

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and they have a request to have that land converted to fee simple. In order to do that, we would have to condemn the land owned by this particular center and then convert it to fee simple and then sell it back to the residents. So we're not adding any cars. We're converting from lease to fee simple.

CHAIRMAN: How many of the 1500 units we build at the University for student housing is presently funded?

LUM: I don't know exactly how many but I could get that information to this committee.

CHAIRMAN: You don't have any idea then how many are actually going to be built?

LUM: I can get you a timetable as to what the thinking of the present administration is in that particular area. I say present administration because the assumption is that there's going to be a change in November. So, I can give you a thinking, an idea on the timing of construction. Remember, we haven't solved the problem as to what we're going to do with the Honolulu Stadium site either. That's another problem we're facing in the legislature.

CHAIRMAN: The legislature I imagine has a lot of problems. It would be nice not only to get a report from the administration but a report from the legislative branch whom I understand still controls money of how many units are going to be funded. You have said there has been talk about any number of units going in at the University. I think the question is how many?

LUM: I assume your question is the University area.

CHAIRMAN: Yes, the University area, housing which will be put in for students in or around the UH Manoa campus.

(There were no further questions of Senator Lum.)

Following Senator Lum, Mr. Bays gave further testimony.

BAYS: I might attempt to answer the question concerning the traffic survey. It's my understanding although I have been unable to obtain a copy that a study was done in July of '73 concerning the traffic problem at the interesection of Dole and St. Louis Drive. Again as I said, Chaminade Terrace and St. Louis Hts. are the two single residential areas immediately above the project area. The only access to these two areas is through St. Louis Drive. In the analysis of July '73 concerning the traffic problem that already existed at that intersection in connection with a request by Chaminade to have Dole Street extended on into

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the campus, this request was made at that time. The Traffic Department took a look at it. The thing that has been glossed over here is the provision that they tacked on to this extension would be right turns only would be allowed into the highway back entrance to the college.

Now, that sounds fine but if you think about it, the people coming out of there, where are they going to want to go? Are they going to want to drive on up in to St. Louis Hts.? No. They're going to want to get down on Waialae or go on across to Dole St. Now, under these provisions as I understand, both of these have been prohibited. You couldn't have made a left turn on to St. Louis to get down to Waialae, and you couldn't get straight across to Dole St. So what a person is going to want to do to get where they're going is to go up to Kaminaka or one of the other small residential streets and begin making U turns. I think if you've looked at Mr. Hakoda's pictures, the intersection at Kaminaka and St. Louis Drive is about as dangerous already than any intersection you can imagine. The turn is completely blind looking up the hill. Somebody coming down St. Louis cannot see a merging car. Immediately where they propose to put the second driveway, there's a large rise of ground so you can't see around the corner. That will be another blind corner.

So I think when they say this can be improved with some stipulation, those stipulations are really in effect, and it all gets around to the same problem. The traffic at this intersection of Dole St. and St. Louis Drive is already too heavy without 320 units.

I'd like to put that 320 units into perspective here. The residential area is served only by St. Louis Drive. It now has approximately 1300 dwelling units. So you're talk-about one development increasing total usage on this roadway by 25%.

You heard the Senator mention the Chaminade lease land. This land was originally owned by the same religious order that owned Chaminade College. In order to generate income, they approved a development of Chaminade Terrace of which they still receive lease rental from the residents there.

When this development was approved, no access on Waialae Avenue was provided. It was done in the cheapest way possibly by again pouring all the traffic from this entire subdivision into St. Louis Drive which already had to serve St. Louis Hts. and was already inadeqaute. What they will do is pour all this traffic from 320 units into St. Louis Drive. I submit to you, that is not sensible planning. Anybody who lives there and is personally acquainted with the traffic situation knows that section of road is already dangerous and overly congested.

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One other point is they have proposed 400 parking spaces. If the condominiums are indeed occupied by students, there's going to be a lot more than 400 cars. Where are all these cars going to be parked? The answer to that, I have questioned the people that put this project together. They admit it's going to be on the private roadways. If you've been in St. Louis Hts., especially on that lower section, there is no room for any more onstreet parking. It blocks off half the roadway now so it makes the streets dangerous. That's another drawback on this development.

If they were to build a project like this, the only logical solution for the traffic problem is to provide a decent access onto Waialae Avenue. That's where the traffic is going to end up anyway instead of bottlenecking it all into St. Louis Drive.

So, when the statement is made that none of the various branches have submitted any objections to this project, that's really not quite true. I think the Traffic Department had some fairly strenuous objection to pouring all this traffic into St. Louis Drive.

The statement was also made that the water supply is adequate. It has been my experience from living in St. Louis Hts. that the water supply there is already inadequate without an increase by 320 units. Pressure is so low during peak hours in the morning and afternoon that it's impossible to run a sprinkler or even take a shower in the evening.

I'd like Mrs. Pauline Seto to make a brief statement concerning her own experience and of her neighbors concerning the water problem up there.

5. Mrs. Pauline Seto, Resident and Member, St. Louis Hts. Community Association

SETO: At present, if I am washing dishes and someone flushes the toilet I have very little water in the kitchen. My friend My Chun on the St. Louis side cannot do washing until perhaps 10:00 A.M. after the peak use of water. This is generally felt throughout the heights.

Will the proposed 320 units be rented to students at $300 per month?

In applying for rezoning the developer is specifying that planned condos will be to fulfill the need for student housing. The speculation being that buyers of these units will in turn, with the help of the school, rent to students including those at the University. The rental being estimated at $75.00 per month with four students per 2 bedroom unit. This would be rather unreal because even at an estimated $40,150 per apartment the mortgage payment on 80%

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financing, including property taxes, lease rent and maintenance would be at least $359.00. This is a conservative figure. Also, parking would be one space per unit and my speculation is that all of these students could very well have cars so where does the excess go? In a conversation with Brother Steel, he and I both agreed it would go to public streets. Even assuming one space per unit for owner occupied units, there is still no guest parking. My conclusion is that it is purely speculation that this planned area is for student housing. These condos will be sold as any other units to the public, and no one can guarantee what they will be used for . . . I see these as a benefit first for the developer, second to the education center and of absolutely no benefit to the community It will only create more problems to our already overloaded facilities and if the school continues to expand over the years I anticipate the loss of the leasehold homes in the Chaminade area.

It has been assumed that the project will be used for housing for higher education students and that this will not be a strain on the schools in the area. However, if the units by chance are used for 320 families or even half that amount, it certainly will throw Hokulani School into a turmoil.

Will building a large condominium project in the St. Louis-Chaminade neighborhood give other developers the right to develop similar projects? The arguments which are presented in favor of this development would be equally applicable to any other proposed development in the area.

Following Mrs. Seto, Mr. Bays continued his presentation.

BAYS: As the members of the Commission have already gathered from the statements I have made, the St. Louis Community Association is of course violently opposed to the granting of the request.

I have been authorized to state for the record that Representative Pat Saiki, Representative Ted Muraoka, Senator Percy Mirikitani and Senator Keith Brown are all opposed to this project.

CHAIRMAN: How many members of the St. Louis Community membership?

BAYS: The membership varies between 300 and 400 households. Each household is permitted as a whole. As I said there are 1300 people there. A good portion of those people receive the St. Louis Hts. newsletter. It's a tight-knit community and probably one of the strongest

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community associations on Oahu at this time.

CHAIRMAN: The action by the St. Louis Community Association against this application, this decision was made by the Board of Directors or the general membership?

BAYS: The decision was made by the Board of Directors in conjunction with several public meetings at which time there were a lot of people there.

I have been told by some that you ladies and gentlemen are impressed when the room is filled with people who seem somewhat angry and very vehement in their opposition to these projects. We evaluated that and decided that personally you would not look favorably on that or that it would be of any benefit to you. I can assure you that there are many people who are violently opposed to this and can come here and be very angry about this project. From the meetings I went to, there were people that went to the meetings months ago and their response to this project was not favorable.

WAY: A matter of clarification concerning the traffic situation where you concluded there would be an additional 25% of traffic on St. Louis Drive. Is this based upon your analysis of only right and left turn movements being permitted or on the basis of a full intersection with all turning movements and access permitted?

BAYS: My analysis was a rather simplistic one. You have one access to an area of 1300 residents, you're going to add to that 320 households which roughly increases that by 25%.

I'd like to address myself now to the problems that would be generated by this project with the recreational and educational facilities in the area.

The only recreational facility in the area is Kanewai Park which has the misfortune to be located between two educational institutions, the University and St. Louis High School and Chaminade College. Needless to say, that park receives an inordinate amount of usage. In fact, St. Louis High School uses Kanewai Park for their football practice. You can see them running across the street to football practice at that park. They also reserve the tennis courts for their practice. Unfortunately, the City and County has maintained the courts so well and resurfaced them that the University and Chaminade students elect to use those courts in lieu of the courts on campuses which are almost unusable. So, all of the students attempt to use Kanewai Park for their recreational activities.

The next question is can that park tolerate another 320 units with proposed 1280 human beings especially if these people

are students with great need for recreational activity because they're young. It has been said here that none of the departments raised any question concerning this project. Somehow I suspect that the specific recommendations that are made by departments in the administration do not filter down to this Commission from what I've seen here today. I obtained a report directly from the Department of Recreation submitted in response to this project. I would like to read it for you and you can make your decision whether this project which makes no provision of providing any type of recreational diversion for these 320 units, whether this is a favorable reaction to the project. This is a letter to Mr. Way dated March 23, 1973:

> "The population generated by this proposed project would have significant impact on our existing recreational facilities. The attached map shows the location of our public parks in the project. Kanewai Field is the only 'active' recreation park that would serve the proposed project, and it is already inadequate to serve the present community. We are unable to provide additional facilities in this park due to the limited land area. We recommend that the applicant provide recreational amenities which would serve the type of residents in the project. Because the residents would generally be students, outdoor courts would be desirable, especially tennis courts."

Now, you can make your own judgment as to whether you consider a project without any recreational provision whatsoever.

SULLAM: I gather you have seen the complete design of the project if you say it has no provision. We haven't seen it so we can't come to any conclusion.

BAYS: All I have seen--well I think you brought out a very good point. The information you have to make decisions on is probably not ample. What I have relied on is the general plan revision request which apparently has been prepared by the developer. I have read that and looked at the plan in here which appears to make no provision for any recreational facilities.

When you look at this plan, what the developer appears to want to do is segregate a section of this campus and totally cut it off from the campus. In other words, nobody who lives in the campus will be able to drive through the campus and these people will have nothing to do with the campus and there are no recreational facilities. There's no suggestion anywhere in the presentation that they make concerning recreational facilities. I would think that's one thing they would put right on page one, that we're donating so much land to the City and County to supplement the public park system in this area.

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SULLAM: I think your points are well made and I agree with you on the traffic problem too. But, that too could be resolved and I think the recreational problem can be resolved too. I think it's wise to bring it up at this point and if any zoning is granted, that it is absolutely necessary that they take care of these concerns.

BAYS: The only thing I can say is there's only one group of people that can make the corrections you seek and that is the developer. And believe me, if his proposed request to this project is turned down, there will be revisions made and they will begin to consider some of these things instead of giving half a page treatment at the end of their submittal. No one else can really force them to do that except the Commission.

CRANE: Question of staff, did I mishear you on the report that you gave?

WAY: May I comment on that. We had in the report to the Commission a summarization which I think captures the spirit of the Department of Recreation's recommendation which "recommends that the applicant provide recreational amenities which would serve the type of residents in the project...." Specifically recommended would be outdoor courts, especially tennis courts.

I'd like to comment further too since I've heard the word "zoning" mentioned a couple of times here today which is not the issue before us. Mr. Bays has mentioned it on a couple of occasions.

We in our report to the Commission attempt from time to time to put this issue in perspective. We're dealing with a general plan change which talks to the matter of a policy determination to be made by the city as to whether or not a land use will be of such and such a nature. The question will have to come back to this Commission and to the Council at a subsequent time and at a public hearing where matters such as the details of the specific site plan and arrangement and provision of facilities are made much more explicit. I think possibly in this sense, there may be some confusion on the part of those testifying since as I said, I've heard the word zoning mentioned on more than one occasion. The report, I think, covers adequately the statements that have been made, where we felt was a significant point or issue such as in the case of the Department of Transportation Services, we would provide copies of the written report from the agency so that the Commission would have the benefit of the full understanding of a fairly complex issue.

BAYS: If I have said zoning and interchange with the planning decision you're to make here today, I apologize for that. I do understand the difference but I don't

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think the action you're taking today on the amendment that's requested is meaningless. I think that's something you must consider.

Hokulani School is a small school located immediately adjacent to Kanewai Park. I think the school is near the capacity of its facilities I think any significant influx of young children as a part of this project will definitely put this school beyond its present physical planned capacity. The land area for that school is small, and whether it could be expanded or not, I don't know. But from observing it myself, I doubt it.

I would make one statement. Brother Mackey and Brother Steele did state at a public meeting that there was going to be no provision as far as they knew, or as they said very little provision for recreational facilities in this project. So, aside from it not being in their submittal, it was not something that I just pulled out of the air. There is no provision in the project as it is envisioned right now for recreational facilities.

CHAIRMAN: I would commend you in presenting representatives of the community association. The Commission is not favorably impressed by angry throngs nor do we make our decisions based upon numbers who are here for or against, and continual repetition of the same issues again and again sometimes causes commissioners to fall asleep. So, I would commend you on the way you presented the community's position.

BAYS: I would ask, if the Commission has any doubts, that this meeting be held open. If the Commission would like to hear from residents of the area, that a night meeting be set up at an hour that would be convenient for the residents so that you could hear their position on these issues. What I have tried to do here today is try to articulate their reasons for their violent opposition to the project.

HAKODA: If I may, Mr. Chairman, the enrollment at Hokulani school is 329 right now. Back in 1959 when I was the PTA president, we tried to get more classrooms but there's no property to build. We tried to work with the Parks Division to try to get some park land for room to put more buildings but we couldn't do that. So, Hokulani is operating at its maximum right now. They might be able to take maybe 75 more or so.

Another thing mentioned was the number of members and he emphasized the fluctuation from year to year. When I was the community president, we had close to 900 paid members. We mailed out 1200 copies of the St. Louis View every month. That means 1200 families that we know of. There's some we don't know about.

(There were no further questions of Mr. Bays or Mr. Hakoda.)

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6. Mr. Clyde V. Preece, Resident and Member, St. Louis Hts. Community Association
7. Letter dated March 16, 1974 from Mr. Yasunobu Ogami, 1301 St. Louis Drive, Honolulu
8. Letter dated March 18, 1974 from Mr. William L. Wong, 1342 St. Louis Drive

Comments made by Mr. Preece and those contained in the above-mentioned letters regarding traffic, educational and recreational facilities, were covered in Mr. Bays' presentation.

Testimony in SUPPORT--

1. Donald K. Iwai, Attorney for the applicant

IWAI: Before we make our presentation on this matter, I would like to make one clarification for purposes of introduction, and that is to clarify the impression which I believe might have been left with you that in this application, the St. Louis Chaminade Educational Center has used the need of student housing as a subterfuge, for the end result to develop a simple apartment project. The fact is that the center has no other method of providing housing of any sort other than this proposed method. The reason is that there is not available to the center any subsidized federal financing from HUD. HUD financing is limited strictly to your particular needs at a particular time. Presently, the center will have to give up its lease of an apartment building, using it as a dormitory for some of its students.

The center has obtained financing from HUD to put up a 50-unit apartment dormitory which hopefully will go into construction in a few months. This will take care of only 100 students. If cost keep going up, maybe it won't be 50.

The fact is, this is not a subterfuge. The center having consulted with other people who are knowledgeable in this area has decided that this is the only way they can accomplish their two objectives--one is to raise funds for their facilities to meet the increasingly high cost of operation, and the other to provide housing generally necessary but more primarily for student use by method of developing a condominium. To try to pull anything is the least thing in the minds of the applicant in this case.

(The Commission had no questions of Mr. Iwai.)

2. Mr. Michael Coy, Project Planner

COY: I'm the author of the much maligned report you've had tossed before you this afternoon. I'd like to limit

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my presentation to the report to you by the Department of General Planning, and by responding to comments made this afternoon.

A little history why the center is developing this property with apartment rather than dormitories. In 1970, the City Council approved a conditional use project on the center's property to build student dormitories. The project never was completed because the center was not capable financially to complete the project Other capital improvements which the center has been making took precedence over this. The center has since that time undertaken a fund raising campaign which because of the state of the local and national economy has not met with desired success. As a consequence or lack of success and rising operational costs the center has been incurring, they struck out for another way to successfully accomplish their project. It was decided at that time that the only feasible way to do the project was to do it as a condominium.

The desire to build apartments rather than dormitories was also effected by HUD. They have a brochure discussing campus dwelling units dated Oct. 18, 1971. In it they emphasize on apartment design rather than dormitory design to meet the desires of students. The point was raised that by structuring the apartment as a condominium, the center will be able to raise funds not only for the project itself but also to support other projects of the center. Specifically, we hope to achieve $1 million upon close out of the condominium development and approximately $150,000 a year in the ground lease now.

Regardless of what Sen. Lum said, I myself would be suspicious whether the state would be in position sometime in the near future to afford $5 million for Chaminade College. This approach is using land previously utilized as a school facility, in this case the land has only been vacant, and using the proceeds from the use of the land to support a school is not new. The Hawaii Baptist Convention just recently used the same approach.

Some questions were raised here this afternoon about the subterfuge, the guise of perhaps representing that the apartments as developed would be only for students. That is not the intention of the center. The units will be open to all. It is expected that they would be occupied by people who would be affiliated with both Chaminade and the University because of the proximity of the institution. We would expect some staff or faculty members of the University to be living there full time.

It was also anticipated that the project could be developed so as to be attracted to investors who would then in turn rent the apartment units they own to most likely students as tenants. The figure you've heard in this report was

prepared in December 1972. I would be the first to admit that costs have increased since then. Those figures were based on cost at that time.

The request that was made by previous persons speaking before you that a lease covenant be included for any investors to lease only to students as tenants, would be accepted by no lending institution in the world that I'm familiar with.

There were also questions as to the need of the University and Chaminade students for housing. The Department of General Planning has indicated there are approximately 9500 students in the foreseeable future on an annual basis that would desire to reside somewhere in the UH/Chaminade environs. I talked with the University Department of Student Housing, Mr. Burgoyne, as to the overall plans of the University to house students on the grounds and he said their long-run plan would allow for approximately 6250 housing units on the campus. The calculations we made in determining the need for this housing took those figures into account. I think that would answer the question to Sen. Lum as to the number of units the University would eventually consider.

CHAIRMAN: My question was when?

COY: I'm sorry, I can't give you that answer. I don't think any one can.

We, in attempting to satisfy the requirements of a general plan revision request, took a one-mile radius around St. Louise Chaminade Education center, approximately a 20-minute walking distance as our target area to look at other available sites to see if this were the best or only site available. Within that one mile radius of approximately 2,000 acres, there are 168 acres general planned for multi-family use. Ninety-one of those acres are already in multi-family and another 67 are presently in single-family dwellings. There is no indication that the acreage now in single-family dwelling will be rapidly developed for multi-family use. Most of the lots are held by small owners and you're all aware of the problems of attempting to assemble land for development.

There's also been question as to other uses of the project site by St. Louis/Chaminade. The college and high school plan to limit enrollment of both schools--the college specifically to no more than 1200 students. For its own purposes, it desires to keep the school small so as to maintain a certain teaching philosophy they have there. In their opinion, the total 62 acres will allow them to accommodate other foreseeable buildings and facilities that they will require and the 7.4 acres under consideration today will not be necessary for any other use.

Some other considerations I'm going to address myself to is one thing we feel strongly speaks for the need for student housing or any housing for that matter in the area we're suggesting is a decrease in the transportation overload that is now felt into the University area as some 17,500 students who commute on a daily basis arrive at school. Needless to say, people living in the area would be able to walk or ride a bike. Aside from a saving on gasoline, there would be a significant reduction in the transportation overload.

One last question I'd like to address myself to is public facilities. There were some implications that perhaps St. Louis/Chaminade was not concerned about overload of public facilities, particularly water and sewage. The center hired the environmental consulting firm of Sunn, Low, Tom and Hara to appraise the existing facilities with respect to sewers and water. It was the opinion of the consultants that existing facilities were adequate. So, this was not something we've attempted to overlook at all.

SULLAM: What provisions are you making in this proposal for recreation and are you providing any particular bike path walk that will facilitate getting to the University?

COY: Without attempting to answer that question, Mr. Lipman will be presenting the plan and outline some of the recreational areas set aside in the project.

CRANE: You say cost has gone up since the initial report. Approximately per student per month, how much does it cost?

COY: I cannot answer that question fairly. We're looking at low to moderate by contemporary standards as far as our total housing cost. Let me put it this way, it would equal to the amount that students were paying on the average in 1970 per the survey run by the University Student Housing Office. I would assume those costs have also increased over the last three years.

SULLAM: Is there any way we could be assured this preference would be given to students since you say no lending institution will guarantee a loan that made such a require?

COY: I may be speaking out of turn and feel the question should be directed to Fr. Mackey. But, the Chaminade Housing Office has already stressed its desire if investors are to buy into the project to give them names of students that want to live there, and they are in close contact with the University Housing Office which has also indicated a desire to do the same. As to whether a guarantee can be given, I'm not in position to say. I'm not an employee of St. Louis/Chaminade Center.

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CHOY: What plans or alternatives do you people have on ingress and egress to eliminate this increased traffic load?

COY: I'd like to refer that question to Mr. Pickett who will be adressing you after Mr. Lipman He is our transportation analyst and has done a detailed transportation study. He's a qualified person to answer that question, not me.

WAY: In terms of the cost I'd like to pursue that just a little bit. You indicated you're not certain on the rental aspects but how about the actual cost of units for this? Is there any kind of a range that you have for this, what might be the sale price?

COY: My understanding is that it would be in the low 40s and 50s area.

WAY: You mentioned the ground rent arrangement with the educational center that grossed on it $150,000 which is something less than $500 per unit, if my calculations are approximately correct. That's the lease rental per unit?

COY: That's my understanding.

CHAIRMAN: To the total cost, are you going to include maintenance fees and so forth within the rental figure so it would be more than $75.

COY: I haven't gotten myself in the position yet where I own any real estate that I lease to other people. But, I assume if I were in a position to do so, that I would attempt to include all those costs in there myself.

CHAIRMAN: At this point, you haven't come up with probable construction costs of what you're going to sell these for?

COY: I'm not aware of that. Mr. Lipman may be.

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

3. Mr. Jack Lipman, Project Architect

LIPMAN: My name is Jack Lipman, Vice President of Daniel Mann Johnson & Mendenhall, architects and engineers.

We have been retained for a considerable time to develop a conceptual plan for the center. At this stage we've done just that. We haven't gone into details. I would like to describe the project in general at this stage.

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The part you've already heard is there are 320 units. These units are divided into five separate buildings, the locations and configurations of which are all conceptual right now based on the terrain and topography we have today. Intermingled in that are parking areas that serve each of the five buildings Buildings range in height from from 3 to 5 to 9 floors.

As you've heard, there's 7.4 acres in the area which we will develop. The terrain runs downhill toward the stream. The development of this property, we feel, will enhance the environment of the neighborhood particularly over and above the rough unkept field that's been there for years and years. We will have landscaping, recreational facilities all within the site, generally hidden by the landscaping. This will be totally landscaped and developed from the standpoint of landscaping and beauty. So, it will definitely enhance the area.

Traffic wise, I'm not going into details of traffic count because Mr. Pickett who follows me will do that. Generally, our traffic pattern runs going up St. Louis Drive, turning right into the property, or going further up near Kaminaka and turning right into the property there. There will be no left turns or egress at all out of Kaminaka Drive. That alleviates the problem up there of having a bad intersection there that is blind. The only ingress at Dole would be right turns.

Arrangements with the center are such that these areas will all go out through the internal access road. We feel the access to vehicular traffic will be at a time when ingress of students occur and vice versa in the evening. The major amount of egress will be at the signaled intersection at Waialae and 3rd Avenue.

The comment on the 25% that was noted of additional traffic on St. Louis would be greatly exaggerated due to the fact that ingress will be at a time when students will be going out.

As far as parking on the site, we have followed the CZC codes and 1-1/4 cars per unit will be provided which is 410 cars. There's no question some units will have 2 or 3. There's also the question that if the majority of students at either the University or Chaminade are tenants, many of them will not have cars, or if they do, I'm sure those going to school at the University would leave their car and walk preferably to driving over on Dole and finding a place to park. Right now, there's cars parked 7:00 a.m. all the way down Dole just for the University students.

The maximum amount of interference of view which is one of the points brought in the past is minimal. (At this point Mr. Lipman presented a view plane study indicating height relationship of the proposed buildings to the view.)

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As far as the utilities are concerned mainly water and sewers, we do not constitute this a problem of the development. We have checked with the various departments of the city, the Board of Water Supply who incidentally are going to take over the sewers very shortly There's presently a 4' x 5' tunnel for the sewer going right through the area now. It's about 25 to 30 feet down. It ties on to Dole and runs all along Dole. The city already has plans completed for a parallel tunnel to go adjacent to the area to pick up the need for additional sewage at other locations outside of the community area. They tell us as late as this week that they're not concerned at all about adding another 320 units to the facility.

By the same token, there's a 20-inch waterline that runs in St. Louis between Waialae and Dole serving the area and going up St. Louis at a different size. We would tap into the 20-inch which according to the engineers of the city does not affect anything from this point on up (referring to site plan displayed). I asked them about the comment that I heard relative to the lack of water pressure at the top of the hill, and they said if there has been complaints, none of them has been filed in writing and they hadn't any complaints at all about pressure. This is the comment I got. Anyway, they said if there was, there wouldn't be any assessment to anybody up there because that would be one of the things required by them to do. But, it has nothing to do with drawing off the 20-inch main serving this piece of property which I think is certainly worth indicating.

From the standpoint of surface drainage and how that might affect the property, the city does require that any cost affected by a development to increase city facilities would have to be paid for by the developer. In other words, you cannot overload or tax the existing storm drain system without taking care of it as the developer in his own costs.

Consequently, we find and they say this too, that the Palolo Stream is sufficient to carry off any runoff from this area providing that we control the runoff in such a way after paving the area which of course kills that much absorbtion, that we design the runoff in such a way that it is controlled to the Palolo Stream and does not affect the neighborhood. In general, this is our planning to date.

We have the layout of the structures but I don't think that affects the hearing today. For recreational areas, we have a pool, we have lot of passive recreational areas which we will provide in between the buildings. There will be the use of the tennis courts. The tennis courts will be resurfaced and redone by this developer or Chaminade. I don't want to get into this at this time, but there will be active recreational areas planned in here when we get into more detail and see how the contours work with that particular development.

Mr. Lipman was questioned by the Commission.

SULLAM: In relation to the traffic, is there any possibility of closing that entrance to Dole Street completely and coming out on Waialae Avenue?

LIPMAN: It would be a little difficult right now. We're anticipating ingress only. If you will notice the number of cars and which way they come in, you notice the right lane is fairly empty and that would be the only lane used by the people coming into the property.

CHOY: The ingress only at the end of Dole Street, that would be limited to right turns only into the property?

LIPMAN: That's right.

CHOY: In other words, if students or residents in your new development happen to use Dole Street entrance, they will not be permitted to cross over into the ingress there? They will have to go around and make a right turn into the development?

LIPMAN: Yes. This is one of the fine points that hasn't been settled with the Traffic Department. Right now I would say you're correct.

CHOY: It may be that in the final plans, people may be permitted to cross St. Louis to that ingress into the development?

LIPMAN: I appreciate what you're saying and I don't really think I can answer that except to say possibly. It would depend on the final interpretation and acceptance we have from Traffic.

CRANE: The ingress with a right turn off St. Louis, you're submitting that right lane would be practically empty because people will be turning left on Dole Street. I want to address myself to St. Louis Drive. Going beyond that entrance, wouldn't all the traffic going on up into St. Louis Heights and Chaminade Terrace be in that right lane? They wouldn't be in the left lane turning left on Dole.

LIPMAN: That's right, that's true.

CRANE: Well, it would hardly be empty then.

LIPMAN: Well, that's right. Let Mr. Picket talk to that. He has the count.

WAY: Another question on traffic aspects. The proposal you have then meets the recommendations of the Department of Transportation Services as best can be defined at this time?

LIPMAN: That's correct.

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CHOY: You mentioned 420 parking stalls for your development. Quite conceivably students will be coming in from other points on the island to the area. What would happen to the overload of cars that would be coming in if you don't have enough parking in your facility? Would they be parking on private streets like earlier mentioned? What provisions have you made?

LIPMAN: That gets into more detailed planning, even to the possibility of our recent thoughts of having a multi-level terraced garage structure on the site setback in to a point where it could contain more cars. There's no question about additional cars coming in.

SULLAM: Can you tell us what percentage of the site is covered with hard top which is going to be used for parking?

LIPMAN: The total building land coverage is about 13.5% of the site. The total parking at 1¼ per unit including the recreational area we have tentatively set aside is 37% of the site.

WAY: In terms of subsequent presentations or review, is there any thought at this time that the proposal could be submitted to the Commission and the Council as a planned development or do you rather intend that the direction would be more along the line of conventional zoning approach?

LIPMAN: That's been discussed in the group. I'd like to defer that to Mr. Iwai in his summary.

WAY: Second point, in relation to your site line analysis do you consider that represents the maximum condition of the view interference from private property?

LIPMAN: Yes sir.

WAY: That's at what location?

LIPMAN: It was either the second or third house from the corner of Kaminaka Street, taken on Chaminade property right on the crest in front of the house.

WAY: As you move along on Kaminaka--

LIPMAN: As you move along it gets higher so the view gets better.

WAY: Well, I'm not so sure and that's where my question lies. As you move along, the view changes. The view you've indicated is toward Diamond Head and Waikiki. I expect another view would be toward central Honolulu, downtown if you will, as you move further up the hill. Is there any interference or to what extent might there be interference from that point?

LIPMAN: My feeling is it would be lessened. The further you went up the hill, the greater sweep you'd get because the buildings do not go higher but you go higher as you go up Kaminaka.

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WAY: Roughly what would be the difference in elevation say from the first lot to about maybe 15 lots further uphill?

LIPMAN: If you can see from here (referring to site plan), the contours are 10 feet apart. If you want to take this line which is about six lots up, its about 270, going up 280 maximum then it levels off.

WAY: Yes, I expect though that isn't the building at the same time turning so you're getting rather an end elevation condition, more of a side condition?

LIPMAN: That's true, but I think you're still at the same view or higher so I really don't think that's a problem at all.

CHOY: Wouldn't the view of Diamond Head from the homes on the lower end of St. Louis Drive be blocked?

LIPMAN: Yes, you're looking right into them. So if they look directly across the street, and right now they're looking at a wheat field, then they'd be looking at a landscaped area with the buildings in them, yes.

CHOY: Well, in relation to a specific location on the Ewa side near Dole Street, there are four or five homes there. Their front door is directly in line with Diamond Head. Wouldn't their view be blocked?

LIPMAN: It would be probably. It's difficult to say till you lay the configuration of the building out with respect to that particular house. But, I think even school buildings and dormitories would block someone's view. But, we feel from here (referring to site plan) up, will not be blocked at all.

CHAIRMAN: The report states this housing will be used for students, the figure mentioned is $75 per month. Using 1972 as your base, recognizing rising construction costs, what kind of figure are you aiming at now?

LIPMAN: I think it's only fair to say that since we have not gone beyond this point relative to design and planning, except for analysis with the city traffic and utility companies, and haven't done anything to analyze construction cost on today's market based on a final design, it would be difficult for me to quote a differential. We're still shooting like one of the comments earlier, $40,000 or $50,000 as a sale. The sale cost of course reflect the construction and I certainly don't dare tell you what it looks like until we've made a scheme that we felt was totally workable.

CHAIRMAN: So then we could eliminate the cost per student and so forth.

LIPMAN: Relative to the $75, yes.

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CHAIRMAN: Because if we're going to project and say there's a 25%-30% increase in materials and construction from '72 to construction in '75, we're probably talking about 130, 140. So it might be better to simply eliminate all cost reference.

LIPMAN: I think you will find that students who would want to rent here would find it comparable to the type of place they'd like to have if they could find one in Manoa Valley like the University students, and I'm sure some of them are paying considerably over $100 right now.

CRANE: I'm not so certain that we can have a developer come in and state unequivocably he's going to build something for a certain amount of money. However, when people come to us with that figure, I start paying attention. If you're saying to me now that because of the uncertainty of finalized plans you cannot project a figure, how could it have been projected in the beginning on less finalized plans? This is very important to me.

LIPMAN: This really should be deferred back to Mr. Coy who made the original survey of the area. I'm mousing around from the standpoint of constructional cost and I don't mean to be. But, we can design as any architect can as near as possible to a market or a budget you're given if it's within reason. The budget has to be prepared by the developers who have to pencil the whole project out that they're going to come out otherwise they couldn't do the project.

CRANE: Then in other words, we can agree with the Chairman, we can eliminate the previous testimony relative to $75 per student.

LIPMAN: $75, right.

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

4. Mr. Rodereck Pickett, Transportation Planner for the applicant

PICKETT: My name is Rodereck Pickett and I work for Alan M. Voorhees and Associates. We're transportation planners. We undertook to do a traffic impact study for the Chaminade development in May 1973.

What the traffic impact study consists of is a review of the impact which the development will have on the existing traffic conditions in the area. What we do is we first review the existing conditions, go out and make traffic counts if that's necessary or if the City already has sufficient information available, we don't do that. In this case, we did make traffic counts. The numbers are on this chart (chart displayed). We then look at the trips and travel generated by the proposed development, overlay that on the current situation and see what that does to the traffic.

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This chart here shows the specific intersections--St. Louis Heights Drive/Dole, St. Louis Heights Drive/Waialae Avenue, and Waialae Avenue/Third Avenue the entrance to Chaminade.

At the time we did the study, we did not make the count up at Kaminaka but we do have some data on it.

What we found with our counts seems to agree pretty closely with Mr. Hakoda's count. It's not easy to compare because he counted for 1½ hours and we counted for 3 hours. The data I have with me only reflects the peak hour because that's when the problem is most severe. The other periods tend to take care of themselves. We made our counts in May 1973, Mr. Hakoda made his a few days ago, and the City made their count in October of last year. Those also agree. So, we're all in the same ball park on that. The question is what does it mean.

The accidents we also look at. As Mr. Hakoda stated, there's been a significant drop in accidents at St. Louis/Dole--in 1972 we had 15, in 1973 only 5.

One of the things he didn't mention was the accident count at Kaminaka Drive. It is not an ideal intersection at all. You don't have good sight visibility there. However, you have no accidents there for the last couple years.

Of the four intersections, the most severe problem is at Dole/St. Louis Hts. The worst period is the morning period. The volume there is such that it puts this intersection about service level C which is a design capacity. It's not anything that's excessive. It's heavy, there's no question about that, but it handles the volume adequately. The service level that I talk about is caused by people coming down the hill, out of the heights going to work, and people going up to the University. So, you have this heavy left-turn movement which is about 680 in the morning cutting across 610 going down the hill. In all cases, the street capacities in between these intersections are adequate. The problems are at the intersections. So, this is the worst intersection (St. Louis/Dole) and the worst intersection is in a satisfactory condition, at least an acceptable condition at the design level which is service level C.

Now, when we project the trips for the proposed development, we did that using what we considered to be a conservative approach. We did not assume that the development would be full of students because we felt if it was full of students, we would have had most of them walking to school to Chaminade or to the University. We felt the conservative approach was to assume a normal population in those dwelling units.

Our projections were based on using the OTS equations for trip generation. We did assume that a percentage would take the transit facilities available. There is pretty good service to that area to various parts of the city. So, we felt we would get

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something like--I believe we used the 25% split on work trips and 10% on the non-work trips. This is a little higher than you'd find today but with the rate of improvement in the City's bus system, we think that a perfectly reasonable number. What all this works out to is about 2,250 additional daily trips in and out of the center and about 120 vehicle trips in the peak hour.

When we made the study, we assumed ingress and egress at the upper Kaminaka Street entrance. You have about 34 vehicles operating during the peak period, and about 90 at the Dole entrance The 34 vehicles is not a very big increase and could be handled by the intersection but it may be a problem because you do get at certain periods some stacking. It makes for compounding a difficult problem. We recommended that Chaminade either change their plan and allow ingress or another alternative we considered was installing another roadway here, putting in another entrance or driveway up a little farther where it wouldn't conflict with the intersection. Chaminade people have elected to use only ingress there.

We really haven't discussed the details of whether we would allow ingress from Dole Street across. I believe the intersection capacity could handle it if it's not too large and I don't think it would be very large. I think that's a problem that could be worked out with the Traffic Department without too much trouble.

About peak periods, in the morning the traffic from the development is leaving. Waialae has the capacity to handle the additional vehicles without any trouble. There are three coned lanes inbound in the morning and three coned lanes outbound in the afternoon. The heavy movement on St. Louis Drive going up is in the morning. The ones going up are going to the University. The ones coming down from St. Louis Hts. are going to work. So in the morning there is no conflict with the people in the development. People in the development will use the egress on to Waialae.

In the afternoon the St. Louis/Dole intersection is not as congested as it is in the morning because the traffic on Dole will be going down and making a right turn so there's no conflicting movement. There may be a conflicting movement at St. Louis/Waialae because the majority of them may be turning left at that intersection.

The Commission questioned Mr. Pickett.

SULLAM: When you say an intersection has a C rating, what do you mean by that?

PICKETT: We have a series of definitions provided by the Federal Highway Administration in the Highway Capacity Manual which range from A to F.

A is where you hardly see a car.

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B is you are not constrained in anyway by the other traffic.

C is where you find you can't go exactly the speed you'd like. You sometimes have to make allowance for someone to speed up or you have to slow down in order to change lanes. It's not an unacceptable level. It's actually a level where you begin to make good use of the road.

D is a level when you begin to have some difficulty. You begin to feel it's heavy traffic.

E is where you get to the point where an accident or some unusual situation causes a real traffic jam.

F is the point where the normal operation is unstable. You can get a traffic jam just because somebody is not feeling good that day and doesn't do the right thing at the right moment.

So C is the design level. You don't want to build roads that nobody's going to be using. Service level C for this intersection maybe something around 1200 conflicting moves an hour in this intersection and still have another 500-800 still going up the hill without a problem because the street down here could handle it.

SULLAM: Going back to that Dole/St. Louis intersection, I do feel that is a very dangerous intersection. Is there anyway of redesigning that intersection.

PICKETT: The heavy movement is Dole down St. Louis, from St. Louis up and over Dole, rather than people going up and down St. Louis Hts. One possible and obvious thing for a traffic engineer to say is we'll give this major movement the right-of-way and let that be the through movement. That would mean letting the left turn have the through movement and putting a stop on St. Louis Dr. for people coming down the hill.

WAY: Could you describe a little bit more specifically the situation on St. Louis Drive relating to the right turn movements into the project discussed earlier. It's not entirely clear to me what is the impact on the section between the intersections, if you will, Waialae Avenue, your No. 2 circle (referring to traffic chart), the Dole Street intersection with St. Louis Dr. Does this project add significantly to the volume for example, to the condition on St. Louis Drive, to what extent, and describe that a little bit more.

PICKETT: Let's take it morning and afternoon.

In the morning we have really no impact because the people in the development are coming out on Waialae Avenue. They're not coming up St. Louis to any extent. We have 810 vehicles in the peak hour coming up St. Louis, 680 going to Dole, 200 going up St. Louis Hts.--150 from Waialae plus 50 joining them at Dole.

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In the afternoon we have 610 coming up St. Louis Dr. as opposed to 810 in the morning. So we have 200 per hour less in the afternoon.

Now, if all of the peak hour traffic of the development comes this way (referring to traffic chart), we projected that at 120 vehicles per hour, even if we're off by a significant factor and its 200 vehicles an hour, we still wouldn't have anymore that come up here that come up in the morning. The ones for the development are not making this left turn to Dole, they're merely turning right. The throat here (referring to chart) is fairly narrow and you can't widen it too easily because you have the bridge. But, it already can handle 810 so it certainly can handle the coming home traffic in the afternoon.

WAY: When you made the assignments, it seems that sort of a logical choice of residents who are destined to the University would be to come out on Waialae Avenue, go up St. Louis Drive and make a left turn through on to Dole St. in the morning. To what extent did you make these kinds of assignments in terms of volumes per hour at the peak? Do you recall that?

PICKETT: Since I was not projecting that these were students, I didn't project a split at this point. I do think students or even staff, depending on whether they have a parking space at the University or not, will be walking.

WAY: Do they ever do that any more?

PICKETT: I think a lot of the students who live here will take bicycles.

CHAIRMAN: This is the present count or what you expect?

PICKETT: This is the present count.

CHAIRMAN: How many vehicles are coming off Waialae to St. Louis in the morning?

PICKETT: 640.

CHAIRMAN: 640. So of the 680 turning on Dole, I assume are turning off of Waialae Avenue.

PICKETT: Probably not the whole 640.

CHAIRMAN: Probably a good number.

PICKETT: Something like that, yes.

CHAIRMAN: What's going to keep the ones coming on Waialae, turning on to St. Louis, coming across Dole?

PICKETT: Nothing will keep them from doing that.

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CHAIRMAN: So that would increase the count.

PICKETT: It would increase the conflicts too.

CHAIRMAN: It might even move that situation out of C into D.

PICKETT: Probably not because it's not up to C yet and could handle another 50 more cars

CHAIRMAN: Assuming this happens and assuming that the volume of that intersection--one thing I found on the Planning Commission when the traffic people talk about volume they don't talk about elongation of time which is what really cause people to get irritated, which stretches out the peak period.

PICKETT: Well, if it stretches the peak period it means the people are adjusting their departure time to a later time. That's what stretching the peak period does. You're talking about increased travel time.

CHAIRMAN: What will it do? How much will it elongate this? My basic assumption on traffic not using A, B, C, or D is that most traffic people don't feel there's a real traffic problem until the traffic doesn't move.

PICKETT: Well, we're a far way from that. Unless we know exactly how many people work at the University, where they're going, we don't really know where they're going down and up on University Avenue or through Dole or take the bicycle. We do know the parking costs at the University are high and going higher. So to the extent that students are in here, I think we can say a very small percent are going to be driving, 10%.

CHAIRMAN: But your assumptions were not based upon student population.

PICKETT: That's correct.

DUKE: You're going to permit a right turn ingress from St. Louis into the area, but people coming down from St. Louis Heights, they will not be permitted to turn left into that ingress area?

PICKETT: We haven't discussed that point. It certainly wouldn't be a very large number. It's going to be someone living up there who wants to visit someone living in the development.

DUKE: It does cross traffic which does create a problem.

PICKETT: I think you could permit that because the heavy move is to Dole. The turn movements wouldn't conflict. These are things which the Traffic Department can handle.

CHOY: Presently during school session, the St. Louis students are parking on both sides of St. Louis Drive. Wouldn't parking on St. Louis Drive create further hazard?

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PICKETT: I'm not sure I understand your question. Number one, parking on St. Louis Drive I believe is closer to Kaminaka. Our biggest activity is further below so the impact above is fairly small. They're already parking there so I don't see why it would make much of a difference.

CHOY: What plans have you people taken to eliminate the hazardous condition of students parking in the area that is already hazardous? Would you people be providing extra parking on campus for the students?

PICKETT: I'm not the right person to speak for Chaminade on that point. I do believe they have adequate parking on campus, and that students park there for other reasons than that there isn't a space on campus. I'm not sure that I can accept that that parking is hazardous though.

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

(Mrs. Sullam left the meeting at this point.)

5. Father Robert Mackey, Chancellor, St. Louis Chaminade Educational Center

FR. MACKEY: Mr. Chairman and members of the Commission, Brother Steele will follow me giving testimony. Brother Steele is a member of the St. Louis Heights Community Association. He is also Vice President of the Marianist Province of the Pacific. The Marianist Province of the Pacific is the owner of the land on which those 214 units of Chaminade Terrace are located, the portion of land that Senator Lum spoke of.

It might appear this afternoon that the opposition to this plan is the St. Louis association or the community people who live there, but really we have always considered ourselves a part of that community. In fact, in the 1920s we purchased from the Bishop Estate about 200 acres of land and later sold 80 of acres that now constitute St. Louis Heights. Some years ago we developed 40 more acres that constitute Chaminade Terrace. So, we really feel that we're part of that community. I would like to see the testimony today interpreted as being the opposition within the community itself, one part of the community being contrary to the other part.

In fact about three years ago, the Marianist Province of the Pacific deeded over to a new corporation called the Chaminade Education Center 60 acres of land. So, the 60 acres of land on which St. Louis Chaminade is located and on which this proposed development is located, belonged to the St. Louis-Chaminade Education Center. This is not a religious group. It is governed by a board of trustees that includes lay people and religious. The Marianist Province of the Pacific that owns the Chaminade Terrace is a religious order. If that land were

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ever sold, the proceeds would go to the religious order and not to the St. Louis-Chaminade Education center.

We do need this development for two reasons. One reason is to take care of the market for housing right now, and in that area the market is largely students and faculty and other staff at the University and at Chaminade and St. Louis. We need it for another reason, to generate income. As has already been suggested, the premium of the development might run to a million dollars and the annual income from the land rental possibly $150,000. We need that kind of money to continue to operate. All that money will be invested in our property. It will go nowhere else. So, we see this as another attempt on our part to improve that whole community by investing in that community $150,000 and investing also the million dollars or if that's put into an endowment, the income from that endowment every year.

Just one other point about the parking. There is sufficient parking on campus for our students. I don't know how we can oblige students to park on campus though. I don't quite understand how we can do that. I think we're a bit embarrassed just as some of the residents on the Terrace are embarrassed when the students park up along there. It presents a control problem for us. We'd be very happy if they parked on campus but I don't really think in these days that one can obligate students to do this especially since we do have a parking fee. We need the parking fee, of course, to provide security for those cars.

I believe that is all I have to say. Again, the development is needed for two reasons, to take care of the housing market and to generate income for the St. Louis High School and Chaminade College.

Father Mackeywas questioned by the Commission.

CHOY: You mentioned that there are sufficient parking facilities on campus but you lack the control in forcing students to park on campus because of a fee. Am I to understand that because of this one reason that the students will continue to park on St. Louis Drive without trying to alleviate the condition on the part of the school?

FR. MACKEY: Yes. The students are free to park. We really don't know whether a student brings a car to school unless he has that car registered and parks it on campus. So, he's free to park where he wants, on 3rd Avenue, on Harding well not on Harding but around there. That's a privilege he has as a private citizen that we really can't touch. The City could do something. The City could put no parking signs around there but I think they'd have an awful hard time doing that because when that whole Terrace was developed, St. Louis-Chaminade dedicated to the City large pieces of land that now constitute and widened St. Louis Drive between Kaminaka and the bridge. There's quite a bit of land in there that came from us. I must say we got something in return. The City and County lined the stream for us which also is an improvement for the community.

WAY: In connection with provision of housing for the students, to

what extent is there a program that you would have that might assist students in obtaining housing in the project?

FR. MACKEY: There's only one possibility now and that is through our housing office making arrangements with the people who would own the condominium units, asking them to let us know if their's would be available, and we could act as intermediary between them and our students.

The other possibility is one which we've been thinking of but we haven't decided on and that is we would reserve a certain number of units ourselves. In other words, we would reserve 5 or 6 or 7 units, 10 units or whatever it is to be sure we would have a certain number. This is within the realm of possibility but we haven't decided yet.

CHOY: As far as the student assignment referral to the apartment, I would assume then there will be a definite segregation aside from a coed-type assignment?

FR. MACKEY: Doctor, we've faced that problem already. We have a women's dorm on campus. We lease the Waialae Villa across the street. We don't mix the men and women in any one apartment but there might be four boys living next to four girls. The student apartment that we are planning campus above the present women's dorm, incidentally a low-rise building, is an apartment. There again, we've had men in one unit and women in another unit. This is the way they live off-campus anyway, in reality.

CHAIRMAN: It's understandable that the problems that many of the small colleges has been having is money. But, I think one of the problems that comes to us is we can see no ability for you and Chaminade and Marianists Brothers to control who is going to get the apartments, who is going to live in them in terms of rental. Secondly, really at this point we can see no control in terms of cost, for the fact that the price factor that has already been presented to us has already been admitted is not true. Therefore, I think in a sense we are in a bit of a quandry because how can we say this is student housing when there seems to be so little evidence of the fact that there can be student housing. I don't know how this can be taken cared of by your planners working on it in college, but I think this presents a real problem to this Commission.

FR. MACKEY: I think Mr. Don Iwai could address himself to this point. But, more and more we find that in student housing we are in a regular housing market. The student market is no different from any other market. The only difference is that housing is close to Chaminade and close to the University and therefore would be much cheaper than living elsewhere where they would have to use means of transportation. So, it's where the market is. Today a 3% money for student housing is out.

WAY: Any idea of the market, if you will, from the student group that might be able to participate in such a project, might actually be able to live there?

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FR. MACKEY: I really don't know. Obviously, most of the students who would live there would come from out of state or certainly from off this island. There is presumption that many of those students who do come from the mainland and from the other islands, do have sufficient money to travel here and to enjoy the kind of education that students from here would enjoy when they went to the mainland, and they're talking in terms of $4,000-$5,000 a year when they go to the mainland to an institution. With the tuition as we have it at Chaminade and at the University, I think it would be somewhat competitive coming in this direction, but I don't know the numbers.

(There were no further questions of Fr. Macke.)

6. Brother Steele, also representing St. Louis Chaminade Educational Center

STEELE: I was going to explain that question of the ownership of property above St. Louis/Chaminade but I think Fr. Mackey's done that. I think it's a rather strong point because it was a strong point of Senator Lum. It's not a fact.

The other point I'd like to bring out is the statement was made previously that there was wholehearted approval of the Board of Directors of the community association in condemning the property. Well, I'm a member of the Board of Directors. Unless I'm blind or deaf and dumb, I don't agree with that. There was quite a few that opposed this, I mean they approved the actual project. So, it's not a question of a unanimous approval of the Board of Directors or a unanimous approval of the association.

One other point on parking I notice that came up. You were concerned about student parking. The present men's dorm held 54 students, and at present there are only 8 to 10 cars used by those students. There's a girls dorm on the campus occupied by 80 girls and there are 7 cars So, there's not an overwhelming population of automobiles because of the dormitories on the campus.

That's all I have to offer.

Brother Steele was questioned by the Commission.

CHOY: I'd like to address myself to the parking problem. Not specifically talking about your boarding students, but regarding your day scholars that drive to the campus. According to photos, these areas are cluttered during the school period.

STEELE: You mean on campus?

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CHOY: I'm talking about day scholars commuting from home to campus, that they are parking on both sides of St. Louis Drive and on Kaminaka. What provision would the college or the high school have over the control of parking in a danger area? Is it because of the fee being charged where the student can't afford the fee? If he cannot afford the fee then he shouldn't be able to afford a car to drive to St. Louis Drive. Could there be any kind of control by the authorities to give the boys a pep talk? I know you can't force them to park on the campus but couldn't you talk to the students to use the campus facilities which I was lead to believe to be quite adequate?

STEELE: That could be done but again they still hold the freedom of doing what they want like any other citizen. I suppose if the residents up there would park their cars in their garages and not use the streets, it would alleviate the problem too.

HOSAKA: Mr. Chairman, although I had declared my intention on this, may I have the Chairman's permission to clarify a point that he made?

CHAIRMAN: Are you speaking as a member of the community association?

HOSAKA: Yes, as a member of the community association.

CHAIRMAN: I will extend that privilege for you.

HOSAKA: Well, being the president of the St. Louis Community Association, I remember at that meeting there were several members on the board that were absent. Unfortunately, you were not at that meeting, Brother Steele. It was acknowledged that the ad hoc committee would continue the investigation on this condominium project and that the board was in favor of what they were doing. It's in the minutes.

(There were no further questions of Brother Steele.)

Mr. Coy (Traffic Consultant) was questioned further by the Commission.

COY: Mr. Crane addressed the question of the representation in our revision request of $75 a month assuming four students living in a 2-bedroom unit. The price figures for this report was done in December of 1972. We estimated the target price of an apartment at that time was approximately $35,000. It was the belief of the developer that $300 a month would adequately cover the investors cost and afford him an equitable return. That was the basis on which those numbers were generated. We recognize that the price has changed since that time and I don't pretend to know how much by.

Mr. Way, the question you raised, do we have any idea of the market for the students to participate, did you mean as investors or as tenants?

WAY: As tenants.

COY: Based on the information at the University Housing Office provided us plus the student survey that was run by Chaminade College, we estimated that there was a market of approximately 9500 students who indicated a preference to live in apartment-type dwellings were there one available.

WAY: I recall the fee you mentioned earlier, of course, and it was in our report. I was thinking more specifically, definition of the market in terms of those who might in fact be able to afford a rental by the current, whatever that means, value.

COY: The only information I have on that is the University Student Housing Survey from 1970 and they indicated the range of rentals being paid by students they surveyed at that time was between $75 and $150 with the average being $100, 1970 cost.

WAY: Also and the reason I mentioned it to Fr. Mackey was, from Chaminade College were there any specific indications of the extent of students or the number of students who might be able to participate?

COY: On a can-they-afford-it basis or on education--

WAY: Any-- Well, the ones that could actually get in.

COY: There's on-campus housing for 136 students at the moment. At the present rate, 525 students or 44% come from off the Island of Oahu, mainland or other islands. An additional group that live across the street in housing that's currently leased by the center on which it loses money at present would indicate that there was about 725 students additionally to those 136 that can already be accommodated who would like to live in such a facility, not necessarily that project but an apartment type complex.

WAY: What might be, you mentioned their losing money on the facility being leased. At what rate, that is to say what are they charging students?

COY: I don't know the answer to that question.

CHAIRMAN: Mr. Iwai, you want to make a summation?

IWAI: I believe it's incumbent upon me to answer a couple of questions of Mr. Way, I believe.

I believe Mr. Way asked in his explanation of his procedures between the general plan amendment procedure and the zoning

procedure. There was a question whether the applicant in this case had in mind, in his zoning application to come in for the conventional zoning or a PDH zoning. I can say that I believe when this matter was originally brought up with the planning department staff the intent was that the project be based upon a PDH. I think your report so reflects. I think the thinking has been the same. I believe that factor alone would answer many of the questions which took so much of the Commissioners time regarding the various details of this project.

Of course, there is the area of traffic. Much has to be worked out with the Traffic Department but in all of the PDH projects, satisfactory solutions have been reached before any matter has been brought up to the Commission.

I would like to address myself also to the question of student housing. It is a question in some of the minds of some of you that there is no absolute assurance that this will be set aside for housing. Under the circumstances if we could, we would like to do so. But as was stated earlier, HUD financing under which we can come up with a pure student housing program is no longer available. This is the only avenue available for the center.

I suppose that if the present situation, although I don't know whether it will continue, where nobody knows what the cost of construction is next week, I just hazard to say anything as to the cost or whether this in the long run will be a viable project. As it is now, we still think this is a viable project. I believe the presentation made here today presented sufficient facts for you to make a determination as to the question of whether for the purposes of the general plan, this parcel should be redesignated for apartment use.

CRANE: Do you still in light of what was testified here today, still think this is a viable project primarily designed for student occupancy?

IWAI: I tend to think so, Mr. Crane.

CRANE: Given the fact that the most generalized kinds of figures have a $10,000 fluctuation?

IWAI: Well, if you are saying that this is not a viable project unless the rentals are $75 a month, then I say fine.

CRANE: That isn't my question. I think we've already thrown that out the window.

IWAI: What I'm saying is this, $75 a month rent is obviously out of the question. But, every place else for everybody else, cost is rising. I believe that this project can be constructed, developed and that the rentals can be competitive.

CRANE: No. Mr. Chairman, he hasn't got my point yet.

You see, I don't see anything wrong with Chaminade wanting to get rid of part of this land in order to continue education up there. The question remains here I think, when you first sat down you said don't misunderstand, there's no subterfuge about student housing. If in fact it's true, I want to know do you still believe as primarily for student occupancy, you think this is a viable project given what you've heard here today?

IWAI: Yes, on the basis that I said so, the rentals will be competitive.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Kahawaiolaa and carried. Dr. Choy dissented.

AYES - Connell, Crane, Duke, Kahawaiolaa, Kamiya
NAYES - Choy
ABSENT - Sullam
CONFLICT - Hosaka

In deciding what action it should take, the Commission had the following discussion.

DUKE: I'll start it off by stating that I don't think the application was properly presented. It is not a student dormitory housing setup. I think really they should - I can't tell them what to do, but resubmit their application and get a change in zoning so that they can make a million dollars.

CRANE: Mr. Chairman, can we have a motion first and then go into discussion.

DUKE: Well, I so move that the application as presented is not acceptable, if that will start it off.

CRANE: I'll second that for discussion.

CHAIRMAN: Discussion.

CRANE: I couldn't agree more with the maker of the motion that this was also not presented correctly. However, I wonder if our denying this, even though they know this was not presented correctly, will really change anything here. In other words, if they were to come back and say yes, we intend to do this to make a million dollars, $150,000 a year from the lease thing, for the continuing of education of Chaminade College, would that really change it by denying it by making them say we're sorry we presented it wrongly.

KAMIYA: I'd like to go along with Jim and speak in favor of denying this. From what was presented, we didn't look at it as a GP amendment, taking into consideration what the legislator talked about as far as the UH is concerned. I don't think we'll get that information in a month. I think the GP amendment would be premature.

CRANE: Mr. Chairman, its a matter of procedure and lack of arguments I wonder if we might rather than outright denying this, I wonder if the maker of the motion would be acceptable to an amendment to the motion that we delay or postpone this until such time as we get full information presented the way we want it.

DUKE: Maybe the staff can answer this. If it is not a housing project for students, then would it qualify to even make a request for this change?

WAY: Yes. We looked at it as meeting a housing requirement, whether it be for student housing or other housing. We feel it is a reasonable request and on that basis we would still make the recommendation.

DUKE: Well, I thought you did an excellent job in your presentation to the Commission.

WAY: Oh?

DUKE: I enjoyed reading that. There was a need for student housing and that's what you centered your whole recommendation on. If it doesn't serve that purpose, then I wonder if you truly are recommending the change.

WAY: Yes.

DUKE: Then I'll have to discount some of the things you put in there.

CHOY: Being that there's not any logical figure on the construction cost and the possible rental to the students and that whatever was presented to us was admitted by the applicant to be dated, I wonder now whether the student would be able to afford such an apartment in excess of $100. A figure was given in testimony that most of students attending Chaminade or the University do proceed to school with at least $4,000 in their pockets. To me, this is just picking $4,000 figure out of the clear air because there is nothing substantiating that amount. Because of this, I have a tremendous amount of reservations of whether the students in fact will be able to partake as transient residents in this particular development. Because of this, I object to the development and the granting of the amendment.

CRANE: Mr. Chairman, I too object to the development if it is to be portioned out as primarily oriented to student occupancy. My point, however, is I think we have to look beyond that. I think all of us realize what has gone on relative to that one issue. The back up question that remains, however, is if that were not the issue, if it were simply a request for condos there, we have never on this

Commission gotten in the business of dictating exactly what the price of a condo would be. We never considered that to be a part of our kuliana. If you discount that issue, and I have discounted it, then I wonder if we should shoot this down simply because it was presented in such a way to be in my opinion, devious. That is the question I see. Now, if there are any other questions that need to be answered rather than throw out the thing, then I would still again offer the amendment that we postpone it and get the information we need, and look at that issue squarely rather than bring in the peripheral issue of student housing.

KAHAWAIOLAA: I'll have to agree with Crane on the basis that I don't think this condominium will be student residents. It's just a condominium and we have to look at it on that basis. I think this should be re-filed and filed in the proper way.

CHOY: Clarification. If the applicant were to resubmit the application, then it will open up the hearing again.

CRANE: Point of order. I am not asking that he resubmit his application. What I am asking here is two things. I am saying if we're going to vote on this, then let's vote on the real issue. That's primarily what I'm saying. And if we're not going to do that, if we're going to let the student issue phase our voting because of lack of other information, then I'll back up to the next position and that is let us postpone this hearing and get the information that is sufficient for you to make a vote on the issues.

Now, if you're asking him to resubmit he can come back here and say all right, forget the student issue and go back to the other issue. Then we'd have to make a decision on that, and we would not be asking what the price of the condos would be. I'm saying either vote on the second issue and disregard all the stuff about student, and if we're not going to do that, then let's postpone this thing and get the kind of information we really need, look at traffic and whatever else.

CHAIRMAN: Because of the fact that I have to sign the findings of fact, I would be somewhat hesitant to sign that findings of fact if we rejected the General Plan change based upon zoning issues. In a sense when we talk about the project which is preliminary, we're talking about traffic problems. Certainly there is a relationship to the general plan change but these fit neatly under zoning . So, I would have to concur with Commissioner Crane that this has to be faced on the basis of is this a good GP change, i.e. apartments, whoever lives in them, and let us accept the fact that sometimes planners and architects are dumb and make stupid presentations. But, the issue before us is whether this should be changed in terms of use to apartment. If we can find definite reasons to say that it should or shouldn't, those are what go in the findings of fact. I would plead with you gentlemen let's vote on that basis so I don't find myself in court.

KAMIYA: Would you consider the findings of fact what the UH plans are and what the stadium site plans are as part of the findings of fact?

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CHAIRMAN: I would imagine the staff in reviewing the Dalton decision looked at the whole issue regarding the need for housing. They didn't look at it simply in terms of student housing. We know there is a fact that there are somewhere between 30,000 and 50,000 units short. So, this happens week after week, it's a spoken fact that there's a need for housing on this island.

CRANE: Actually, what the legislature is going to do about the need for housing we discovered this afternoon, has nothing to do with this issue because this issue has nothing to do with student housing.

CHAIRMAN: I think the Commission should be aware of the fact that there was a previous application that came to this Commission about two years ago for student housing in this precise area, and the reactions were negative from the community on that regarding height and traffic. Those were the two main concerns. It was a straight student-housing application.

It's a known fact again. Obviously, they need the money. Can we substantiate reasons for saying this area should not go apartment.

DUKE: I must admit that maybe my thinking on this application has truly been oriented around the possibility that it would serve a purpose for student housing. I'm convinced that's not true now. I'll go along with Commissioner Crane and suggest that we defer this as the amendment says. At least it will give me a chance to do a little constructive thinking on just a condominium deal there, and what I think of that.

CHAIRMAN: As a matter of procedure then, will you withdraw your motion on the floor?

DUKE: I withdraw my motion.

CRANE: I withdraw.

Mr. Chairman, I move we defer action on this for one month.

KAHAWAIOLAA: Second.

WAY: Any reason for deferment?

CRANE: The reason I made the motion for postponement was I didn't want to vote on a non-issue, basically. There seems to be some concern by a couple of Commissioners that because of what certain witnesses said, they needed more information when this is seen in the new light, in the light that it really is. If that's the case, I would hope that one month is sufficient time to get that information. The maker of the original motion said he would like more time to look at it from this angle. This is simply to give the time to consider it.

CHAIRMAN: I think in all fairness to the applicant and I think we've already laid it out pretty clear that we are somewhat dubious because there seems to be no control or guarantees of students that might be in there; and we're somewhat dubious about what was presented

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to us in terms of cost. At least this give the applicant the opportunity of coming back and justifying that you really can do these things. There are questions on the traffic issue, water pressure.

CHOY: Can we request from Senator Lum, the findings that he had promised us, and can we also request for representatives from the Traffic Department and the Board of Water Supply?

WAY: I don't know what additional kind of data those two agencies would be able to provide except to say that we could give you the letter from the Board of Water Supply, and the letter from the Department of Transportation Services. Beyond that, are you asking for some reconfirmation or appearance of someone?

CHOY: Yes, so that we can get some answers from some of these experts from the various departments to ask specific questions to clarify our thinking.

CHAIRMAN: All in favor of the motion?

(The motion to defer for 30 days was unanimously carried.)

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
AMERICAN BREWING
COMPANY, LTD.
(FILE #73/HCD-18)

A public hearing was held to consider a proposal for demolition of the Royal Brewery Building, situated within the Hawaii Capital District, Tax Map Key: 2-1-31: 21.

Publication was made in the Star-Bulletin/Advertiser of Sunday, March 10, 1974. No letters of protest were received.

Mr. Ali Sheybani of the staff presented the Director's report of proposal. The proposed demolition of a historic building in the Hawaii Capital District runs counter to the Legislative intent of the district. The Brewery building is not on the list of historic and cultural structures enumerated in the Hawaii Capital District Ordinance, but it has been added to the State and National Registers of Historic Places. It was once proposed as Hawaii's Bicentennial Building and Heritage House by the Hawaii Bicentennial Commission but due to lack of funds, the idea has since been abandoned by the Commission. Although the building may be potentially suitable for remodelling and use as a special retail center similar to the Cannery Building in San Francisco, no such plans have been disclosed for the building either by private parties or the applicant.

Since there has been no official proposal for the reuse of the subject building site by the applicant, and since the building in its present state of upkeep does not pose a threat to life and/or property of the residents in the area, it is recommended that the application be approved with the following condition:

12980RP:1

No demolition permit for the Royal Brewery Building shall be issued until a certificate of appropriateness for the re-use of the site has been obtained from the City Council by the applicant and/or assignee.

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

Public testimony followed.

Testimony AGAINST--

1. Mrs. Nancy Bannick, Chairman, Historic Buildings Task Force (Submitted letter dated March 19, 1974 to the Commission, and letter dated February 27, 1974 to The Honorable Richard Kawakami, Chairman, Committee on Water, Land Use, and Development, House of Representatives)

BANNICK: The Historic Buildings Task Force has worked for years to get this building recognized and to get something imaginative done with it.

We are aware that the building's owners have been given the notification to demolish and observed the waiting period State law requires of owners of properties on the Hawaii Register of Historic Places and that the Director of the Department of Land Utilization has given his okay to the granting of a demolition permit. But one of the main purposes of establishing our Hawaii Capital District - a special zoning district under Article 12 of the CZC - was to protect historic buildings. And that protection certainly must include the Brewery which is also on our National Register of Historic Places.

What's more, there's fresh hope for the Brewery. I have attached a copy of my testimony of a few weeks ago in support of House Bill 1868 which calls for the appropriation of $50,000 for a feasibility study on the Brewery's becoming Hawaii's Heritage House or Bicentennial Building. The bill was introduced last year and figured to be a dead issue. Because the Legislature didn't start the ball rolling then and given the State's financial condition and the unlikelihood of much Federal aid, the Hawaii Bicentennial Commission had to turn away from the Brewery and look instead to some building already in government ownership such as the U.S. Immigration Station or the Kamehameha V Post Office for development as our Heritage House which would include the long-needed Hawaii History Center and an orientation center for visiting our Capital District.

But since the February 27 hearing and partly as a result of our discussion there, the House Committee on Water, Land Use, and Development has reported the bill out favorably

and sent it to the Finance Committee and I've had some conversation with its chairman, Representative Jack Suwa, and feel he is at least sympathetic.

Furthermore, the Hawaii Bicentennial Commission is no longer forsaking the Brewery. Its members and staff still prefer it as our proposed Heritage House and agree with us that no matter what, government has a responsibility to help this landmark survive and be put to new use.

The bicentennial commission is considering new ways to swing a Brewery project. It is looking at various possibilities for Federal aid, at getting help from the Nature Conservancy, at selling Hawaiian Heritage Center certificates, at just getting restoration started by 1976 (rather than finishing it) and spreading the job over some years, and at putting together a government and private enterprise partnership to do the job.

Perhaps the feasibility studies we hope the Legislature will fund this year will show the Immigration Station to have the best structures and layout to turn into a Hawaii History Center. But certainly the Brewery--and I think all hands agree--is the building best located for an orientation center for Capital District visiting, a center that would be a headquarters for guides, would provide space for school and tour buses to unload and park, and would include restrooms, book and gift shops, restaurant, and exhibits. The Brewery would be the best place for people to start from to walk to the Mission Houses, Kawaiahao Church, Aliiolani Hale, Iolani Place, and the State Capitol.

An orientation center would combine well with other functions people would like to see developed here--a home for the Hawaii Opera Theatre and the Honolulu Theatre for Youth and some new dining and shopping spots.

Our handsome civic center needs some liveliness, some fun and games, and the Brewery and its environs would be the perfect location. So once more, we ask you to stay the execution.

2. Mrs. Gertrude Humphries, interested citizen (Submitted letter dated March 21, 1974)

"This is simply to say that I enjoy looking at the Royal Brewery and hope it will remain a part of the Civic Center scene. It may not be great architecture, but it has charm. It stirs the imagination. The red brick color is beautiful. One could make up a fanciful story about it to amuse a child, or even an adult. I wonder if it could in any way be used for children--as a theater or something of that sort.

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At any rate, it is a dash of color and romance in a world that is overbalanced with somber facts and crises, and I hope it can be saved."

Testimony in SUPPORT--

1. Mr. Hung Lum Chun, President of American Brewing Company, Ltd., owner of the old Royal Brewery Building located at 547 South Queen Street.

CHUN: The old Brewery Building has been vacant for some twelve years since American Brewing ceased brewery operations because of unprofitability. The building is not generating any revenue that would defray the costs of attempting to maintain the building. On the contrary, the physical condition of the building renders it increasingly hazardous and yet American Brewing Company cannot affort to maintain watchmen to keep intruders out. Over the last several years vandals, thieves and intruders of various kinds have broken into the building and attempts to render the building secure against such intrusion have been fruitless.

The building was cited on July 20, 1967 by the City and County Building Department for an extensive number of building, plumbing and electrical deficiencies found to endanger the persons and property of the public or occupants of the building. Other structures in the brewery complex were similarly cited and in response were demolished. The main building was not demolished, simply because the costs of demolition at the time were beyond American Brewing's resources. American Brewing instead disconnected all utilities and, as I said, has endeavored to keep the building locked to prevent the unwary from entering the premises and endangering themselves.

Although the building has not generated any income in a dozen years, it presents a continued tax drain to the owner. Taxes have been running in the neighborhood of $7,500 to $8,000 a year. The empty portion of the lot on which the building is located yields some revenue from parking spaces for cars. After demolition and while plans are being developed that would be appropriate for location within the Hawaii Capital District, additional parking spaces will be developed and more revenue will be generated. Since American Brewing first started through the process of attempting to get a permit to demolish the building, demolition costs have increased significantly. The building of the Kakaako Fire Station addition immediately adjacent to the Brewery Building has further increased the hazards of leaving the building standing and the expense of effecting its demolition.

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Various public agencies have expressed a desire to see the building preserved. I might point out that the original draft of the Hawaii Capitol District Ordinance named the Royal Brewery as a building of architectural significance within the District to be preserved. However, the Council subsequently deleted the Royal Brewery from the list of buildings to be preserved because it was "not worthy of protection, preservation, enhancement and perpetuation".

As the Commission staff has pointed out, the building was once proposed as Hawaii's Bicentennial Building and Heritage House by the Hawaii Bicentennial Commission but due to lack of funds, the idea has since been abandoned by the Commission. The Historic Buildings Task Force has expressed an interest in the preservation of the building but has no funds with which to acquire the building to effect its preservation.

The Department of Land and Natural Resources has pointed out that the Brewery Building has been added to the State and National Registers of Historic Places but the 90-day notification period to the Department that the applicant was seeking a demolition permit has expired without any action being taken by the Department to institute condemnation proceedings to acquire the building in order to prevent the demolition.

It has been suggested that the building would lend itself to private commercial development analogous to the old Del Monte Cannery or Ghirardelli Square in San Francisco. This avenue of development has been thoroughly explored. As long ago as 1966 American Brewing entered into negotiations with a developer that lead to the granting of an option for a period of one year within which the developer investigated the feasibility of attempting to develop the existing building into a complex of shops, restaurants, museum, exhibits, and so forth. Neither that developer nor any of the numerous ones who have since come forward with a similar suggestion have found the project to be economically feasible as soon as they have studied the question. The physical characteristics of the building do not seem to support a viable concept of a market complex. The building is 25 feet wide, 4 stories high, with different floor levels inside. It cannot be compared to Ghirardelli Square or Cannery, which has vast floor spaces at common levels. I assure the Commission that had we been able to interest a developer to lease the building in order to develop a cannery-style complex, it would have been done long ago and we would not be here seeking a long-delayed demolition permit.

We respectfully ask the Commission to recommend to the Council that the demolition permit be issued to demolish the old building without any conditions whatsoever. The building is a hazard to the public and a drain on the resources of the owner and does not seem to have the importance or significance to warrant any public agency

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appropriating the money to acquire the building for the use of the public generally.

Mr. Chun was questioned by the Commission.

CRANE: You don't agree with the condition placed by the Director?

CHUN: Yes, I don't agree. If we get this permit, at least we won't be liable for any person getting hurt in the place. We'll take the building down and at least make a parking lot to generate some income to support the property. $8,000 a year for 12 years is a long time to support taxes that we don't even generate anything from.

I don't think we need any plans to use the area to get a demolition permit. Without the building being demolished, there's no way we can draw plans for it. We have to get approval first before we can even move.

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

2. Mrs. Fred O. Young, interested citizen

Mrs. Young indicated that the brewery building is an eyesore, and that it would be poor economics for a state agency to take over remodeling an old building. Her main objection concerned traffic problems which could result if setback requirements for the subject property are not implemented for future widening of Queen Street as one of the main cross-town arterials.

3. Mr. William F. Quinn, Attorney for the applicant

QUINN: I'd like to take a moment to address myself to the condition that's been placed on the staff action recommending approval of the demolition permit. Before I do that I'd like to just state if I may that I don't think anybody admires Nancy Bannick's efforts to preserve what is worth preserving in this City than I do, and the efforts of the Historic Building Task Force have been extremely worthwhile. I think at some point particularly when it's a dubious question on a commercial building that the interest and rights of the owner, the long-suffering owner has to be considered also.

That brings me to the matter of the staff's recommendation which really gives with the right hand and takes away with the left. It says we recommend approval of the application, but however, you can't have it until you file another application for something else you're going to do and get that approved through a Certificate of Appropriateness by the Council in which case we will then allow you to demolish. This is not an approval.

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It's a disapproval. I would like to point out that I don't think it's called for either in the Capital District ordinance or in the laws of the State.

First of all, Nancy did point out quite rightly that the building had been registered with the state and national registry, which is a matter of filling out the appropriate forms and having the appropriate administrator saying this is something that should be done. But, under our state law and I guess it's Section 611 of the Hawaii Revised Statutes as amended, when there is an application to amend, modify, reconstruction, demolish by implication such a building, then the Director of Land Utilization must be given three months notice of that so that he can then protect that historic building, if you will, that's on the historic registry. His means of protection is by condemnation, or his alternative is as far as the state is concerned, the owner does what he plans to do. If those three months came and went, the Director of Land and Natural Resources I think would like to see the building preserved but is unable financially to take the steps necessary to relieve the owner of the burdens that he has in order to preserve the building for the public, so he says as far as the State is concerned, we can do nothing. It then comes back to the Planning Director and this Commission.

As I view the capital district ordinance, it very specifically points to the different types of application that can be made. At one end of the types of applications is construction and at the other end is demolition. These matters are not coupled together in anyway that you can't get a demolition permit unless you also get a construction permit. Beyond that then this is just a practical matter.

At the time American Brewing first set out to apply for its application, it applied for the permit, it didn't go about it the right way. So very considerately the planning staff wrote him a letter and advised him how he should go and what the requirements of the ordinance were, and says you can apply for a demolition permit or you can apply for a construction permit. If you want you can put them both together and save two public hearings. But if you apply for a demolition permit alone then this is what you do, and this is exactly what they did.

I think if we start looking at the capital district ordinance, we do have to look at the history of that ordinance. Because, the objective stated in the ordinance itself is to preserve that which is historically significant, architecturally significant and so forth, and then goes on later in the ordinance to say these are the things in the capital district which are historically significant and are architecturally significant.

At the first draft of this bill, the Royal Brewery was in there as an architecturally significant structure in which case they

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couldn't demolish it unless somebody, and they were required to maintain it and preserve it and so forth. However, and this is quite interesting, the Council itself after debate consideration to delete the structure from this designation, since it was-- and I'm reading from Mr. Akahane's letter of May 3, 1972 to Mr. Chun--

> "Since in our considered opinion, this building was not worthy of protection, preservation, enhancement, perpetuation as required in the original bill."

Now subsequent to this, there was enough interest expressed that they had further hearings on the question of whether it really should be preserved in accordance with the capital district ordinance or not. After all those hearings were over, the Council decided to leave it out.

As far as I can see then, the objectives of the capital district based upon which the council will, if this Commission acts favorably, will then issue a Certificate of Appropriateness. Those objectives will all be carried out because those objectives are to preserve those things which are worth preserving, and those things worth preserving named.

I don't know that I quite agree with Mrs. Young it's an eyesore. There's some very interesting things in the front wall of that building. But on the other hand, it is very definitely a hazard. The City has now taken the steps to move a fire station addition right next to it so that it becomes increasingly difficult to demolish and causes additional hazards with regard to any structural deficiencies that may appear.

My request on behalf of American Brewing to the Commission is that they grant the application or recommend that the Council issue a Certificate of Appropriateness without placing a condition on it, that you can do it but you can't unless you also apply for some other use. In this connection Mr. Chun said at least they could get the building down, get rid of the overhead and the cost and expense of that, and perhaps generate some revenue by parking.

We are quite cognizant of the fact that the ordinance requires some landscaping in connection with parking, and that is specifically required in there. Of course, any use would have to comply with the ordinance. But, I have to think that the type of conditional permit which is urged or suggested to this Commission by the staff is not contemplated by the law. To delay this permit by saying you must get another one would be something that is outside the contemplation of the ordinance. For that reason, I would also ask that the permit be recommended for issuance without any condition.

Mr. Quinn was questioned by the Commission.

CRANE: If we were to pass this with no conditions, how soon would you contemplate demolition?

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QUINN: I would say that after full administrative and legislative actions were taken that probably the contract would be let as soon as possible to go forward with demolition.

CRANE: In your opinion how long would that take?

QUINN: Let's say if it takes this Commission 30 days, the Council another 30 or 60 days, I would say just guessing within 30 days after that some effort would be made to go forward. As a matter of fact, the questions of the amount of expense of demolition had been brought into the matter of the condemnation of the fire station extension. The cost of the land has already been agreed upon but there is a question whether there is additional severance damage because it costs more to demolish after you put a building next to it than before. I think one reason why the City and County has been reluctant to settle any issue of severance is because they weren't sure whether we would ever be allowed to demolish.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Dr. Choy and carried.

ACTION: The Commission in concurrence with the Director, recommended approval of the application but changed the condition of approval to read as follows:

"The applicant, prior to issuance of the demolition permit, obtain approval of the Director on method of demolition, site clearance, and landscaping of the site according to a time schedule."

The motion was made by Dr. Choy, seconded by Mr. Crane and carried.

AYES - Choy, Crane, Duke, Hosaka, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Sullam
ABSTAINED - Connell

PUBLIC HEARING
CONDITIONAL USE PERMIT
(PRIVATE STP)
PUNALUU
LEROY R. ALLEN
(PAT'S AT PUNALUU)
(FILE #73/CUP-23)

A public hearing was held to consider a request for a Conditional Use Permit to construct and operate a private sewage treatment plant in Punaluu, Tax Map Key: 5-3-8: 2, 5, 6, 7, 8, 9 and 10.

Publication was made in the Sunday Star-Bulletin/Advertiser of March 10, 1974. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The applicant has submitted plans and an application for a Conditional Use Permit to construct and operate a private sewage treatment system at Pat's at Punaluu to support the 124-unit 9-story resort hotel development now being constructed on the site. If granted, the applicant would be allowed to install a central sewage treatment and disposal system underground with conventional, collective plumbing and effluent disposal via two or three injection wells in lieu of the previously approved 62+ individual cavitettes. The proposed central plant plans a Hanna Enterprises underground aerobic sewage treatment plant with a total capacity of approximately 55,000 gallons.

The Director's recommendation is for approval, subject to the conditions contained in his report.

Questioned by the Commission, Mr. Eng stated that the sewage treatment plant proposed is required today by the State Department of Health, and is considered superior to the cavitette system.

No one spoke AGAINST the request.

Testimony in SUPPORT--

Mr. Jo Paul Rognstad, Project Architect, indicated that the proposal replaces an adequate system with a superior system.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mr. Hosaka and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, subject to the conditions contained in the Director's report, on motion by Mr. Kahawaiolaa, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Hosaka, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Sullam
ABSTAINED - Connell

PUBLIC HEARING
CONDITIONAL USE PERMIT/
SPECIAL USE PERMIT
(ANIMAL CLINIC)
HALEIWA
GUY S. TUCKER
(FILE #73/CUP-9)
#73/SUP-3)

A public hearing was held to consider a request for simultaneous review for a State Special Use Permit and a Conditional Use Permit to establish and operate an animal clinic in Haleiwa, Tax Map Key: 6-1-8: 24 and 30.

Publication was made in the Sunday Star-Bulletin/Advertiser of March 10, 1974.

Letters received OPPOSING the request are included in testimony AGAINST the proposal.

Staff Planner Henry Eng presented the Director's report of the request. The applicant, a veterinarian, proposes to establish an out-patient animal clinic on the subject property. His revised plans dated February 11, 1974 show a two story clinic building with the examination and surgery facilities on the ground floor and the office and supply room on the second floor. The revision provides an overall development plan for the subject property which includes a "large animal" unloading corral, "large animal" treatment and exercise arena, and a future residence.

The Director recommends approval of the request, subject to modifications and conditions enumerated in this report.

Questioned by the Commission, Mr. Eng indicated the following:

1. The applicant agrees with the conditions imposed.

2. Parking provided by the applicant is adequate.

3. Noise concerns raised by two residents will be controlled by the conditions being placed upon the applicant. It should be pointed out that the applicant proposes an out-clinic. No animals will be boarded, only under emergency circumstances.

4. Regarding the exercise area, the subject parcel is zoned AG-1 where animal grazing is a permitted use which allows animals in that area.

Testimony AGAINST--

1. Letter received from Mr. and Mrs. Sunao Kamisugi, 61-437 Kam Highway, Haleiwa
2. Letter received from Mr. Richard Van Etten, 61-479 Kam Highway, Haleiwa

Main objections of the above residents were noise, and health and sanitation problems. Also, there should be some business sites available in Haleiwa Town.

The public hearing was closed, and the matter was deferred for a statutory requirement of 15 days, on motion by Mr. Crane, seconded by Mr. Hosaka and carried.

UNFINISHED BUSINESS
CONDITIONAL USE PERMIT/
SPECIAL USE PERMIT
(TV MICROWAVE COMMUNICATIONS STATION)
PUPUKEA
(cont.)

The public hearing on this matter was held and closed February 20, 1974. Action was deferred for a statutory period of 15 days.

ACTION: The Commission adopted the Director's recommendation and

OCEANIC CABLEVISION, INCORPORATED
(FILE #73/CUP-26)
#73/SUP-2

recommended approval of the request, on motion by Mr. Crane, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Hosaka, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Sullam
ABSTAINED - Connell

UNFINISHED BUSINESS
PUBLIC HEARING
ZONING CHANGE
AG-1 AGRICULTURAL TO
A-1 LOW-DENSITY APT.
WAIAU
LEAR SIEGLER, INC.
(FILE #73/Z-16)

Public hearings were held February 6, 1974 and March 6, 1974 and kept open. At that time, the matter was deferred at the request of the applicant.

The Director has requested a deferment to the end of April 1974. A memo, dated March 13, 1974, received from the Board of Water Supply, Division of Sewers, indicates that the Department of Health is reviewing the matter of allowable flows to the Pearl City Sewage Treatment Plant. The Division of Sewers is hopeful that by April 1974, the Department of Health will indicate whether the flow to the plant will be permitted to exceed design capacity and if so, under what conditions.

The Commission, on motion by Mr. Crane, seconded by Dr. Choy and carried, kept the public hearing open and deferred the matter to the end of April.

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The Commission authorized scheduling of the following public hearings, on motion by Mr. Crane, seconded by Mr. Kamiya and carried:

CZC AMENDMENT
AMENDING SECTIONS
21-701(a) RE PRINCIPAL
USES & STRUCTURES; &
21-707 RE OFF-STREET
PARKING REQUIREMENTS
IN H-1 HOTEL DISTRICT

1. The request is an ordinance to amend Chapter 21, Revised Ordinances of Honolulu 1969, as amended, by amending Sections 21-701(a) relating to principal uses and structures, and 21-707 relating to off-street parking requirements in H-1 Hotel District.

ZONING CHANGE
I-1 LIGHT INDUSTRIAL
TO B-2 COMMUNITY
BUSINESS DISTRICT
ALA MOANA
BLACKFIELD HAWAII
CORPORATION
(FILE #74/Z-5)

2. The request is a change in zoning from I-1 Light Industrial to B-2 Community Business District.

HAWAII CAPITAL DISTRICT
APPLICATION
RICHARDS STREET
CITY BANK
(FILE #74/HCD-4)

3. The request is to construct building signs on makai and Waikiki facades of the existing City Bank Building.

ZONING CHANGE
B-2 COMMUNITY BUSINESS
TO A-4 APARTMENT DIST
PAWAA
YIT ING LUM
(FILE #74/Z-4)

4. The request is for a change in zoning from B-2 Community Business to A-4 Apartment District.

ORDINANCE TO AMEND
CHAPTER 22, R.O. 1969
ADDING NEW SECTION,
RE DEDICATION OF LAND

5 The request is for an ordinance to amend Chapter 22, R.O. 1969, by adding a new article, Relating to Dedication of Land by Right-of-Way or Easement for Public Access of Pedestrian Traffic to Shoreline and Mountain Areas as a Condition Precedent to Approval of a Subdivision.

GP/DLUM AMENDMENT
SCHOOL TO PARK USE
KANEOHE-KUALOA
C&C DEPT. OF RECREATION
(FILE #232/C2/25)

6. The request is to amend the General Plan and Detailed Land Use Map of the City and County of Honolulu by redesignating approximately 4.0± acres of school use to park use to accommodate the proposed Ahuimanu Neighborhood Park.

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STREET NAMES

The Commission recommended approval of the following street names, on motion by Mr. Hosaka, seconded by Dr. Choy and carried:

1. Aiea Kai Subdivision, Kalauao, Ewa, Oahu, Hawaii:

AIEA KAI WAY	Culdesac situated on the makai side of Aiea Kai Place.
Meaning:	Lower Aiea

2. Camp Catlin Naval Reservation, Moanalua, Honolulu, Oahu, Hawaii

CAMP CATLIN ROAD	A roadway off the northerly side of Kam Highway traversing in a northerly direction within Camp Catlin Naval Reservation.

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ARIZONA ROAD — Extension of existing Arizona Road traversing from the north end of Camp Catlin Road and terminating at Salt Lake Blvd.

3. Waimanalo Residence Lots, 5th series, at Waimanalo, Koolaupoko, Oahu, Hawaii

Amend a portion of Resolution No. 95, adopted April 6, 1971, by changing the roadway designation from Street to Place for the following dead-end roadways in conformity with the street name standards:

HEKILIIKI PLACE — A culdesac off Nakini Street running in a southeasterly direction.

Meaning: A thunder of slight magnitude.

HEKILINUI PLACE — A culdesac off Nakini Street running in a southerly direction.

Meaning: A thunder of great magnitude.

4. Amend Resolution No. 31, adopted February 5, 1974 by deleting the street names MALU STREET and MALU PLACE; and redesignate said roadways within Malia Terrace Subdivision, Kaneohe, Koolaupoko, Oahu, Hawaii, because of similarity of another street name in Waialae-Nui

MAOLI STREET — Roadway off Mahalani Circle traversing in a southwesterly direction.

Meaning: Native, indigenous, genuine, true, real

MAOLI PLACE — Culdesac at the south end of Maoli Street

ADJOURNMENT: The meeting adjourned at 7:12 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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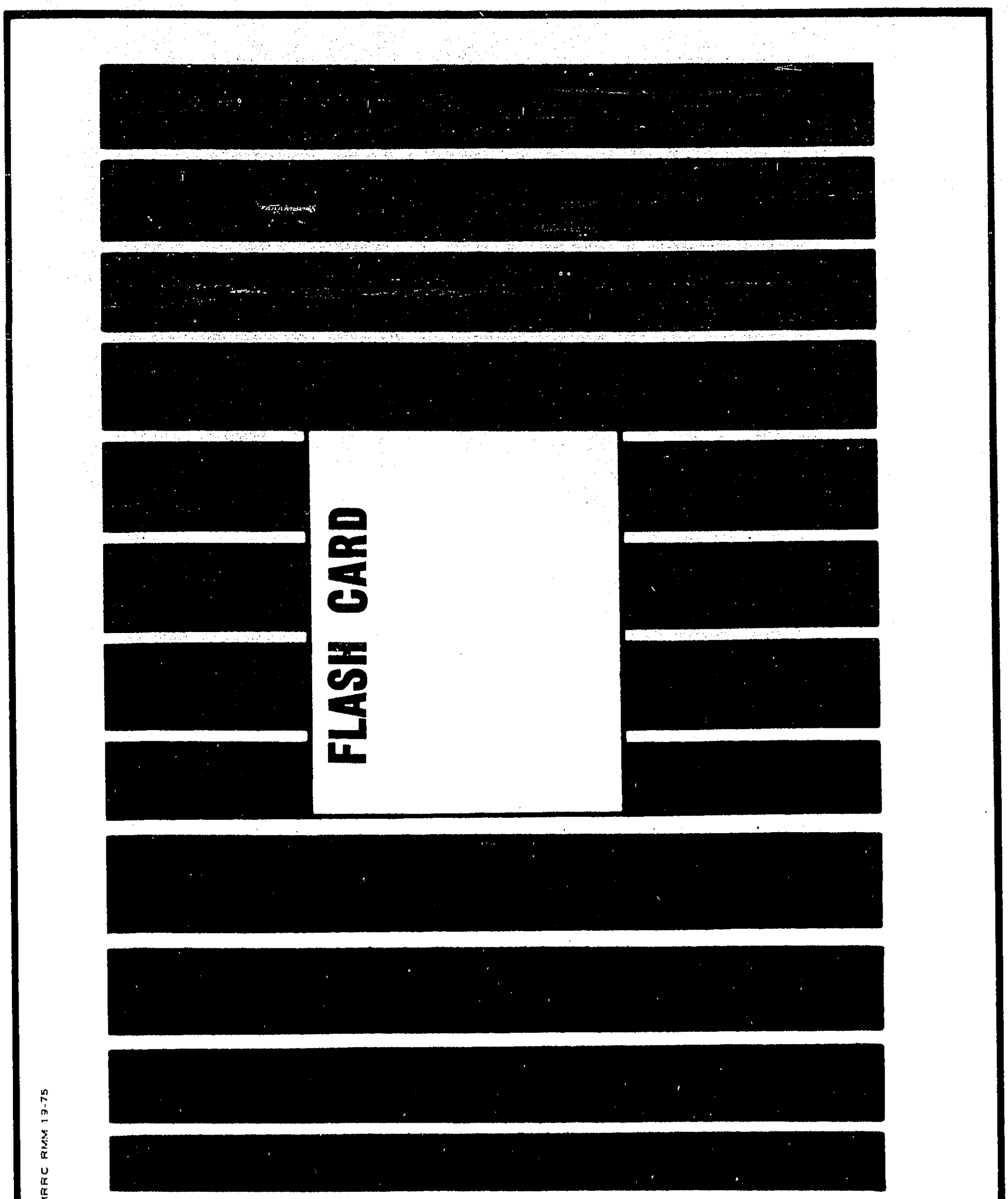
MRRC RM 19-75

FLASH CARD

FLASH CARD

FLASH CARD



MRRC RMM 19-75

FLASH CARD

FLASH CARD

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APR 3 1974

Meeting of the Planning Commission
Minutes
April 3, 1974

The Planning Commission held a meeting on Wednesday, April 3, 1974 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:
Eugene B. Connell, Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Donald K. Hosaka
Fredda Sullam

ABSENT:
James D. Crane, Vice Chairman
Antone J. Kahawaiolaa
Randall Kamiya

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Donald Clegg, Deputy Chief Planning Officer
Andrew Sato, Deputy Corporation Counsel
Jack Gilliam, Head, Zoning District Changes Branch
Ian McDougall, Head, Plans Division Branch
Art Muraoka, Chief, Land Design Branch
Henry Eng, Staff Planner
Stan Mofjeld, Staff Planner

MINUTES:
The minutes of March 20, 1974 were approved, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

PUBLIC HEARING
GENERAL PLAN AMENDMENT
RESIDENTIAL TO PARK USE
KAHALA HEIGHTS
DEPT.OF RECREATION,
C&C OF HONOLULU
(FILE #253/C2/19)

A public hearing was held to consider a request to amend the General Plan of the City and County of Honolulu by redesignating approximately 29.9 acres of residential lands to park use to accommodate the proposed Kahala Heights Community Park, identified by Tax Map Keys: 3-3-14: 15; 3-3-17: 1; 3-3-18: 56; 3-3-19: 30; 3-3-19: 5; Board of Water Supply, C&C Honolulu 3-3-19: 2, State of Hawaii Koko Drive (Portion of Unbuilt Extension) C&C of Honolulu; 16th Avenue (Portion of Unbuilt Extension) C&C of Honolulu.

Publication was made in the Star-Bulletin/Advertiser of Sunday, March 24, 1974. No letters of protest were received.

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Mr. Ian McDougall presented the report of the Chief Planning Officer. There is no adopted Detailed Land Use Map or Development Plan for the Kahala Heights area. The General Plan of the City and County of Honolulu, Ordinance No. 2443, adopted May 7, 1964, establishes a residential land use policy for the entire area including the Hawaiian Electric Company substation, the Board of Water Supply's Waialae Shaft, and Claudine Street property currently used as open play space by the neighborhood. DOR has requested the proposal of an amendment which would redesignate the subject site from residential to park use. According to the submitted request, the amendment would be based on: (1) The need for a community park in this area; (2) The desirability and appropriateness of the site chosen to meet this need.

Based upon the analysis of the request, the following is concluded:

1. There is an unmet recreational need in the defined service area. The unmet need is for an additional neighborhood playground of approximately 6.7 acres and a playfield of approximately 10 acres. The need within the service area for other types of recreational facilities related to beach parks and picnic areas, "State parks," golf courses, botanical gardens, etc. has not been adequately determined. However, the need for these other types of recreational facilities need not necessarily be located within the service areas for playgrounds or playfields.

   The existing General Plan is inadequate to the extent that it fails to designate adequate lands for an additional playground and a playfield.

2. DOR has generalized the total recreational needs by citing a "desirable" standard of three acres per 1,000 people and used this as a basis for justifying the redesignation of the entire 30-acre site from residential to park use. The fallacy is that the provision of land alone will not meet the recreational needs. The land must be able to accommodate the diverse types of recreational activities. This site can accommodate activities for a neighborhood park in an approximately 8-acre portion of the site which lies below Koko Drive.

3. The basis for designating the remaining major portion of the site for a natural park is inadequate. There are no reasonable criteria which reflect precedence or equity as a basis for establishing such a use in this particular site. Further, there is no reasonable evidence that the proposed natural park use would be the most appropriate use or be more appropriate than the currently designated residential use on the General Plan.

The Chief Planning Officer recommends that the General Plan be amended to redesignate approximately eight acres of the lower portion of the site to park use.

Questions were raised by the Commission.

SULLAM: Who owns the portion not going to be designated to park use?

MCDOUGALL: One portion is owned by the Board of Water Supply, the other by the State.

SULLAM: That land will be left in residential and not developed in any way?

MCDOUGALL: The land is designated for residential and zoned for residential. The Board of Water Supply declared it surplus and may dispose of it in some fashion. The Board may put this up for sale.

SULLAM: Has the state any intention what it will do on its portion?

MCDOUGALL: The indication by the legislature is they are inclined to include the entire site for park purposes.

SULLAM: Yet if it is park, that area cannot be used for park, would it be part of the area that is used to calculate the percentage of area for park?

MCDOUGALL: I don't understand the question.

SULLAM: This larger area designated park and cannot be used for park, when the planning department makes its calculations how many acres per thousand of this area would be included, people would not be getting many acres of park use because it was not included. Did you do a topography study as to what facilities could be put in use there?

MCDOUGALL: The park standards call for ball field, play areas and things requiring a level site. The parks department has indicated the area could be developed for hiking and passive recreation. To that extent, there would be recreation occurring but not the kind suitable for organized activity such as soft ball and those kinds of things.

SULLAM: The site isn't wooded?

MCDOUGALL: Portions of the site have had fire and some of the area has grown bad. It might be characterized by rocky and bushy.

CHAIRMAN: Would the criteria of one acre per thousand--this is what, active recreation?

MCDOUGALL: This is the general plan criteria for a neighborhood playground as defined in the text of the general plan. The kinds of activities would be a corner of preschool children,

apparatus for the older children, surface play areas for court games, small field area for softball or touch football, a shelter house or perhaps a wading pool, table games and landscaping.

CHAIRMAN: So it's all pretty much active recreation.

MCDOUGALL: Yes.

CHAIRMAN: What's the criteria for passive recreation?

MCDOUGALL: The general plan doesn't specifically categorize that kind of language. It mentions tot lots, passive activities could occur in a neighborhood park because there's trees, grass, and people could use that for picnicking as well.

CHAIRMAN: Have we generally attempted to mix active and passive recreation?

MCDOUGALL: The actual recreation programs--that kind of question might be better addressed to the representative of the parks department. Just from observations, there are various levels of activities that occur in a given park. Some might be considered passive like picnicking. Beach parks for example, have mixed uses--you have your water activities, camping and just sitting.

CHAIRMAN: The beach is one thing. It's a little difficult to have a picnic in the middle of a baseball game.

(There were no further questions of the staff.)

Public testimony followed.

No one spoke AGAINST the application.

Testimony in SUPPORT--

1. Mr. Yukio Taketa, Planner, Department of Recreation

TAKETA: I'm here to answer any questions regarding the park.

SULLAM: There appears to be some disagreement between the Department of Recreation and the planning department in that you people feel you should have the entire area and the department feels it's unnecessary. Now, how would you develop this area? This I'm curious about because you would have to attract people from other parts. Actually, you don't need such a large parcel to service that immediate area. You would obviously design it to attract people from other outlying areas.

TAKETA: Not necessarily. I think we have a population well over 10,000 people. I think if we talk about our design standards of 3 acres per thousand, we're coming up with that desired acreage. Although it's not all developable for heavy active use, there are passive recreations which is a recreational use too. We do have standards which require not just active recreation. The 3 acres we talk about is our ball field, our playground type of park. But, we have standards also where we need 8 acres per thousand for other kinds of park. This can also be part of this 8 acres per thousand.

SULLAM: What would you put in it, specifically, trails? I understand that's a very barren site without trees.

TAKETA: You mean that steep slope area?

SULLAM: Yes.

TAKETA: Looking at that plan, I think there's more area that we can develop for the active recreational use, such as courts. It doesn't require as large an area for ball fields. Courts can be terraced and can have a little more steeper terrain. The other areas that are not suitable even for courts, it would be for picnics or landscaped areas for walkways, a pleasant area just to be in.

SULLAM: This would still be considered a neighborhood park, even considering the acreage?

TAKETA: Basically, it would be a community park where we have a recreation building and organized programs. In addition to that, you have these active areas. A lot of our parks are suited to the area. We do have combinations of different types of parks. I think basically we would call it a community park but still could have this large passive area which is more than our ordinary community park.

CLEGG: Do you have any estimates to develop these two parcels, the passive area and the playground area?

TAKETA: No. We haven't developed any costs. We haven't enough plans to do it. It's just the concept of this thing. Generally, we get concepts of a park area, what we like to do, we know that we can fit certain things in, and then we discuss it with the community. We have recreation advisory councils around the whole island. We work with them to get details of the plans for the park and then we can develop some cost estimates. Right now, the costs are not really developed.

DUKE: Is there any place on the island where you have a similar area with similar terrain that you have developed?

TAKETA: I can't think of any similar area, offhand.

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DUKE: You do think it would be beneficial to your department.

TAKETA: It would be beneficial to serve the recreational needs of the people in the area.

DUKE: I wondered how much it would interest the public to include that slope area and how much it might be used because it might happen elsewhere, and how much might the public participate in there is what I was trying to bring out.

TAKETA: Well, I don't think we look at parks only for their physical participation. There is open space, it improves the environment, we have a lot of passive programs, even beautification programs. This is more than just active use of a park.

SULLAM: Question of the staff. Is it possible just to declare an area open space?

CLEGG: Yes, you could declare it preservation with one alternative, the remainder of this could be designated preservation and remain in open space. There's possibly a question as to whether you can make this kind of a use out of 20 acres, if it's big enough to have that kind of a use. I think some of the other park areas mentioned are considerably larger than 20 acres for hiking, trails and this kind of thing.

SULLAM: My reason for saying this is it seems so steep and probably too costly to develop as a park that just open space would be more appropriate because the money that would be expended here for park purposes could be spent elsewhere where it might be more beneficial.

CLEGG: That's true. The designation for open space then would have to be recommended by the Chief Planning Officer or the City Council.

DUKE: So in essence you're appearing against the recommendation.

TAKETA: I didn't want to say that but I guess we are. I'm really here to answer any questions you may have rather than make a presentation.

CHAIRMAN: You're appearing in favor of the application of the Department of Recreation.

TAKETA: Right.

CHAIRMAN: But not necessarily in favor of the recommendation of the Chief Planning Officer.

TAKETA: True.

CHAIRMAN: Is it fair to say that with the pressure the Department of Recreation had on them to provide active recreational facilities, that not a great deal of work has gone into planning for passive recreational areas?

TAKETA: What do you call passive? Do you consider a beach park active then, because we do have a lot of beach parks. I would say if you're speaking of mountain areas and recreation in that kind of areas or open space areas, we haven't gone too deeply into that for two big reasons. One, we had discussed with the state parks the responsibility for different types of recreational areas. We have an artificial kind of understanding that the state parks would go into the mountain areas, the large areas, and the city would go into the smaller, heavily active areas and the beach areas. For that reason, we've stayed away from the mountain areas. Also, the pressure for development has been more on the beach frontage which we've had to pick up and work more than in the mountain areas. We haven't had pressure to go in and pick up mountain areas right away.

CHAIRMAN: So then I would assume you're saying the state has taken on more of the responsibility for passive areas, discounting beaches because this is not a beach area.

TAKETA: Right.

CHAIRMAN: But, in terms of hiking trails and so forth, that has been more of a state responsibility.

TAKETA: That's generally the understanding, nothing in writing. At the discussion with the state parks, this is the understanding we had.

CHAIRMAN: And this is still pretty much the general policy of the general division?

TAKETA: I can't say that it's a policy but I think this is what we'd like to do, although we do go into some natural areas like the Kaneohe Reservoir area above Keapuka. We're going into this mountain type thing. We do this when there's an opportunity for us to go in and the state is not ready and not about to do anything. We move in and try to provide the recreational areas that there's opportunity for.

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

2. Representative Steve Cobb, Ninth Representative District

COBB: I am here to testify in favor of the entire park area in question designated for park use, not just the 8 acres on the lower part. I think the gentleman from parks

pointed out a rather long history of the residents feelings on the matter being opposed to the development of the R-6 designation which as now I can recall, being involved personally all the way back to 1969.

I'm authorized to speak on behalf of the other representative from the area as well as some of our senators when I say that we favor, and I think the residents favor unanimously, redesignation of this area to park use

Several questions have been raised to the relative use of the land mauka of Koko Head Avenue. I think the feeling of a number of people is that it really doesn't matter whether it's active or passive because the primary purpose first of all is to get the park designation. Otherwise, you sort of have the residential designation R-6 hanging like a sort of Damocles, and anytime this designation remains, the threat of a new development could come up. So, in the order of priorities, park designation would be first, and then consideration of what alternatives could be put to use of the land mauka of Koko Head could then enter the picture.

I can think of hiking trails there. Knowing the area and walking there personally, I could testify it's quite adequate for hiking. With the area growing back following the fire, there is a resuming hazard now in terms of the long dry grass which could result in another fire serious as that we had over a year ago. As far as I'm concerned, mixed recreation would be fine. If we could develop a playground or just an open field on the lower part, and have hiking trails or anything else on the upper part, I see no opposition to that at all.

On the state level, we have provided for state matching funds for acquisition. This year we're deleting the requirements that there be matching funds from the federal. In addition, my talks with the state parks department have indicated that there is state land available in Waipahu for an exchange. We've inserted into the state budget a proviso authorizing such an exchange. That budget passed the House yesterday and we've been told the provision will remain in the budget throughout. I wanted to give the state as well as the city the maximum number of options either for purchase or for exchange. Having checked the matter with the state parks department, the state-owned land up there will be no problem at all.

Representative Cobb was questioned by the Commission.

SULLAM: When you say the state would exchange, what do you mean by that?

COBB: The state has one parcel out in Waipahu and another they're considering on the Windward side which could be involved in a direct exchange for the city-owned land here,

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if the state chose the option of going with the city park or if the Board of Water Supply wanted to get involved in the exchange. It has not been finalized in any sense although valuation of the land is relatively similar. The parcel in Waipahu has been valued around $550,000, this particular parcel at around $600,000. We had such matching appropriations in the state budget two years ago for $350,000 with matching for outright purchase if the state needed it.

SULLAM: Would the residents in the area object just to having it open space, because obviously it would be very costly to develop.

COBB: I think your point is well taken. I'm certain the residents would have no objection to it being open space. I think one of the primary concerns they have is that as long as it remain with residential zoning for any part of this area, the threat of development of residential units remain. It's quite obvious from the traffic review of 16th Avenue that there will be a complete overload of traffic. Having talked with a number of people who live right on the fringes of the area, they all favor the concept of open space or even limited use. In direct response to your question, I see no objection to open space as long as we have the park designation.

DUKE: It's a fire hazard, you'd have to clear it.

COBB: We can get a clearing operation going in there even if it's on a self-help basis. Right after the fire, I advised a number of the residents to clear out the long grass bordering their houses because we did have 11 homes damaged and three had burned down as a result of that fire. So going into open space, it would then be a matter of clearing operations either by the state or the city.

Just by way of addition, I think it's fair to point out that after the original hearing in 1970 on the question of whether or not highrise low-income units would or would not go in, that most of the residents objections were on the development, the traffic problem, utility problems and a number of other related problems rather than the income level, although some minor feelings were expressed on that. But in a follow-up meeting and follow-up discussions, even the concept of low-rise townhouse development was rejected by the residents again for the same reasons. Not so much income because this would be middle and upper middle income level, but again because of the attendant traffic problems, and the complete loss of any sort of open space in the area.

So, their feelings throughout this has been very consistent in favor of open space. If it's possible to get park designation and then put the upper part of it in preservation use so that we can remove this threat of the R-6 designation that exists presently, I think the residents would be more than satisfied.

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(There were no further questions of Representative Cobb.)

3. Mr. Robert Miller, President, East Kaimuki Community Assn.

MILLER: It is with great pleasure that I appear before you to present our appreciation for your great interest in Kahala Heights Park general plan amendment. We, the community members, are very happy that this change has taken place so soon. We recall the meeting about the proposed Kahala Heights Park about a year ago in the City Council. You have shown tremendous interest in and response to our affairs and have brought this project to near reality in a short time. We are grateful to each and every one of you.

The land area for the proposed park is one of the last large segments of our area within our city limits available for park use. Presently, the whole area is covered with trees and brush. It is in an undisturbed state and makes for an ideal park site. There is room for games, hiking, camping and picnicking. The undeveloped area has an assortment of interesting birds and animals.

The association feels this is a most opportune time to convert this land to park use. This is a hidden treasure in the heart of the city with a perfect climate. I'm sure that all the people in the state and the city and those in generations to come will commend you and thank you for retaining this beautiful area as a park. At a time when people are actually ecology and environmentally oriented, we are happy to have park-sited officials representing us. We are thankful to the members of the Council for calling this hearing and taking continuing interest in our community.

We of the East Kaimuki Community Association heartily endorse this amendment and look forward to its development in an orderly manner and with the least disturbance of its natural beauty into an area for relaxation and enjoyment by the neighborhood as well as visitors from other areas.

(There were no questions of Mr. Miller.)

4. Mrs. Sheila Foreman, Resident, Wilhelmina Rise

FOREMAN: I'm presenting testimony as a resident and as a mother of four children. So, I can testify as to the need for more play area. My children generally have to walk up to Maunalani Circle or down the hill. It takes about a half hour and a half hour back.

I've also been asked by Mr. Aoki to testify as a member of the Advisory Council on recreation which has met several times on this issue. I've personally been impressed by the interest other residents have taken in getting together and planning

botanical type activities, self-help type of planting in the area. A doctor recommended a physical fitness plan for the area. They are older residents. Apparently, they feel that several parks don't really meet their interests. They're quite willing to get together and plan for a park that would.

Mrs. Foreman was questioned by the Commission.

SULLAM: Did you attend the meeting about three years ago when the HRA presented plans for developing that area?

FOREMAN: No. We moved into Wilhelmina Rise about 2½ years ago. At the time we moved, we were told by several people that we probably got our house at a good price because there was this plan going on. We moved nevertheless, but I never really did get into very much discussion over that particular plan.

SULLAM: My reason for asking is I did attend that meeting. It seemed the residents at that time were opposed to what they feared at the kind of people moving in to those residences. They didn't seem to feel there was anything wrong in this going single-family residential. The only concern they expressed was that they were fearful that too many low-income people would come into the area.

FOREMAN: I personally would not share that kind of feeling if it were expressed. I'm afraid I'm not qualified to speak on that issue. I don't know enough about it.

SULLAM: But your feelings are that it should definitely go park. You would not like to see it in single-family residents.

FOREMAN: I have not examined the alternatives in terms of residents. I do feel there is a need for more play area and also for other kinds of recreation that the older residents in the neighborhood would like to see, like the physical fitness idea, setting up trails for gardening, I thought that was a very interesting proposal.

CHAIRMAN: The plans that the various citizens had for the other more hilly areas, have these plans been shared with the Department of Recreation?

FOREMAN: Yes, as I recall, there was always one member present. There was a great deal of discussion, I would estimate at least 10 hours with parks people being present. I have some things in writings, proposals for that particular area that's been received right now that the residents have offered. I didn't bring them with me because I didn't know there was a disagreement arising.

CHAIRMAN: Were any of these recommendations to your knowledge passed on to the Department of General Planning?

FOREMAN: I have no information to that effect.

CHAIRMAN: Mr. Way, do you have that?

WAY: No.

FOREMAN: I think we would be pleased to put them--I have rather complete notes on the meetings. I would be happy to put them in a form that would be presentable to the Planning Commission if that were required.

CHAIRMAN: That would be helpful.

(There were no further questions of Mrs. Foreman.)

5. Mr. S. L. Chock, Resident, 1734-A Paula Drive, Honolulu

CHOCK: I'm a resident bordering the park area. I've lived there for 20 years and am one of the first residents there. I just want to be simply quite frank and honest with you gentlemen. We'd like to have the whole area designated as a park area.

I wasn't prepared to speak today, but after hearing the gentleman from city planning make the recommendation as to only using a part of it as park, I began to get a little bit alarmed at the concept of parks only as a playground. We'd like to see the whole area nice and green. We need open spaces. As the parks representative said, you can have infinite pleasure just looking at the open area, breathing the good air, and as Mr. Miller said just watching the birds. We need parks like that. We have too many crowded cities, too many buildings.

Certainly we need active recreation. There could be courts on the bottom. Above, there could be beautiful trees planted, walking areas and so forth.

We don't want it as a residential area. We've talked about this many, many times. We thought we had it pretty well defeated. But, I can see now that the general thinking is that there are alternates left. These alternates, quite frankly and to be honest, we'd just like to keep it open. We do not want to have it residential in any form.

It's quite steep. Under the concept that 45 degrees represents 100% in grade, a good deal of that area is 100% in grade. It's at least 45 degrees. I know cause I walk it every day.

I agree with Mrs. Sullam when she says keep it in preservation. That's the kind of area we want, preservation. You don't have to have it designated as a park if there are technical difficulties. What we want to do in the end result is keep it open.

We can look across the gulch either way and see my neighbors working on their garden. Sometimes we wave. It's just beautiful.

Some day there is some possibility some enterprising developer might want to make it highrise, obliterate all our low housing. We've built all low houses along the perimeter. Please help us keep it that way.

SULLAM: I'd just like to respond only to say that if it's left in open space that means the parks department doesn't have to go in there and put any facilities in there. So, it may not really be green.

CHOCK: Under the concept that you need a playground type of park, then you need the grading, structures and so forth. In these days of tight money and so forth, you could have a lot of passive, natural open areas. Lots of people have lots of fun just walking in those areas.

(There were no questions of Mr. Chock.)

6. Letter dated April 1, 1974 from Representative Ted Morioka indicating the following:

> "...In the interest of preserving this area as open space and to provide this large neighborhood with the much needed recreational facility, I support the Department of Recreation's request to amend the General Plan of the City and County of Honolulu by redesignating this 29.9 acre of residential lands to park use...."

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

ACTION: The Commission, on motion by Mr. Hosaka, seconded by Dr. Choy and carried, adopted the recommendation of the Chief Planning Officer, and further recommended that the remainder portion be placed in an open space or preservation classification on the general plan and subsequently rezoned to P-1 Preservation District.

AYES - Choy, Connell, Duke, Hosaka, Sullam
NAYES - None
ABSENT - Crane, Kahawaiolaa, Kamiya

PUBLIC HEARING
ZONING CHANGE
I-1 LIGHT INDUSTRIAL
TO B-2 COMMUNITY
BUSINESS DISTRICT
ALA MOANA
BLACKFIELD HAWAII
CORPORATION
(FILE #74/Z-5)

A public hearing was held to consider a request for a change in zoning from I-1 Light Industrial to B-2 Community Business District for approximately 5,625 square feet of land situated in Ala Moana, Tax Map Key: 2-3-7: portion of 105 and 107.

Publication was made in the Star-Bulletin/Advertiser of Sunday, March 24, 1974. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The applicant proposes an 11-story office building (approximately 80,000 square feet) and a parking structure for 222 cars. Egress-ingress would be provided from both Kapiolani Boulevard and Hopaka Street. Preliminary plans indicate a building height of 120 feet with 6 levels of parking from basement to fourth floor. An application for consolidation of the two parcels, one of which (107) is owned in fee by the applicant, will be filed. Parcel 105 will be leased by the applicant from the fee owners who have given written authorization for the rezoning request.

The Director recommends approval of the request, and that it be expanded to include the I-1 portions of Tax Map Key 2-3-7: 100 and 101.

There were no questions concerning the Director's report.

No one spoke AGAINST the proposal.

Testimony in SUPPORT

Mr. Hisashi Tanaka, Vice President of Blackfield Hawaii Corporation, represented the applicant and offered to respond to any questions the Commission might have. Questioned by the Commission, Mr. Tanaka indicated that they wish to commence construction of their 11-story office building in early September.

(There were no further questions from the Commission.)

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Duke and carried.

AYES - Choy, Connell, Duke, Hosaka, Sullam
NAYES - None
ABSENT - Crane, Kahawaiolaa, Kamiya

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PUBLIC HEARING
ZONING CHANGE
B-2 COMMUNITY BUSINESS
TO A-4 APARTMENT DIST.
PAWAA
YIT ING LUM
(FILE #74/Z-4)

A public hearing was held to consider a request for a change in zoning from B-2 Community Business to A-4 Apartment District for approximately 2,600+ square feet of land located in Pawaa, identified by Tax Map Key: 2-8-01: portion of 8.

Publication was made in the Sunday Star-Bulletin/Advertiser of March 24, 1974. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The applicant's lot is split by two zoning districts (B-2 and A-4). Approximately 100 feet of the front or 2/3 of the property is zoned A-4; the remaining portion, about rear 40 feet, is zoned B-2. The applicant requests that the entire lot be zoned A-4 in accordance with the adopted Detailed Land Use Map. He proposes to erect a three-story addition to the existing apartment structure. The addition will contain parking on the ground floor and two apartments each on the two floors above.

The Director recommends that the application be approved, and expanded to include the following:

1. B-2 Community Business to A-4 Apartment District - Tax Map Key 2-8-01: Portions of 7, 9, 23, 25, 27 to 29, & 62.

2. A-4 Apartment District to B-2 Community Business District - Tax Map Key: 2-8-01: Portion of 4 & 61.

The Commission had no questions concerning the Director's report.

No person testified either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mrs. Sullam, seconded by Mr. Duke and carried.

AYES - Choy, Connell, Duke, Hosaka, Sullam
NAYES - None
ABSENT - Crane, Kahawaiolaa, Kamiya

PUBLIC HEARING
ORDINANCE TO AMEND
CHAPTER 22, R.O.1969
RE DEDICATION OF LAND
BY RIGHT-OF-WAY OR
EASEMENT FOR PUBLIC
ACCESS OF PEDESTRIAN
TRAFFIC TO SHORELINE &
MOUNTAIN AREAS AS A
CONDITION PRECEDENT TO
APPROVAL OF SUBDIVISION

A public hearing was held to consider an ordinance to amend Chapter 22, R.O. 1969, by adding a new article, Relating to Dedication of Land by Right-of-Way or Easement for Public Access of Pedestrian Traffic to Shoreline and Mountain Areas as a Condition Precedent to Approval of a Subdivision.

Publication was made in the Sunday Star-Bulletin/Advertiser of March 24, 1974.

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No letters of protest were received.

Mr. Arthur Muraoka presented the Director's report of the proposed ordinance. Act 143, Section 46-6.5, Hawaii Revised Statutes enacted by the State Legislature and approved by the Governor on May 22, 1973 requires each county to adopt an ordinance within one year to require a subdivider or developer to dedicate land for public access by right-of-way or easement for pedestrian travel to the coastal shoreline, the sea and the mountains, as a condition precedent to final approval of a subdivision.

Act 143 states that the purpose of this act to guarantee the right of public access to the sea, coastal shoreline and mountains. The legislative committee reporting on this act stated that access to many of our outdoor recreational facilities is threatened by urbanization and development. Development is occurring along the shores and on mountain ridges which blocks public access to those outdoor recreational facilities enjoyed by the residents.

The Director recommends approval of the proposed ordinance.

Discussion followed relative to posting of signs at public accesses and rights-of-way to beaches. Mr. Hosaka expressed concern over the present lack of signs identifying public accesses, and emphasized need for such a provision within the Department of Recreation's guidelines and standards to be developed under this proposed ordinance.

Mr. Taketa from DOR pointed out a maintenance problem their department is encountering with signs due to vandalism. Signs have been posted at various public accesses but are continually removed. More frequent inspections of these areas will have to be made. Their department is also responsible for clearing and fencing public access areas.

Responding to another question, Mr. Muraoka stated that the proposed ordinance does not affect existing, privately owned rights-of-way.

No one spoke AGAINST the proposal.

Testimony in SUPPORT--

1. Mrs. Valeria Humphries , Windward Action Group

HUMPHRIES: I have a few questions regarding the proposed ordinance.

We're concerned about the shoreline setbacks on the definitions. Relating to 205 of the Hawaii Revised Statutes, it appears to provide a broader protection within the definition when it talks about the washes of waves and it includes the word waters, which could be interpreted to include the bay such

as Kaneohe Bay, Kahana Bay, and also fish ponds. But in the ordinance as it is drawn up or under the City and County Rules and Regulations, it excludes the shoreline shall not be established, and among other things, harbors, inland waterways, marinas, inland ponds and lakes shall not be included.

On page 3, item (h), shoreline is defined as determined under the Shoreline Setback Rules and Regulations of the City and County of Honolulu and pursuant to the authority of Chapter 205, HRS, as amended. I'm saying that in the Hawaii Revised Statutes, the use of the word waters and coastal shoreline is used. In the City and County Rules and Regulations as adopted, they are excluding the word waters. They are specifically excluding marinas, and fish ponds which are taken into consideration under the Hawaii Revised Statutes. I feel that this should not be excluded. It might be a matter of interpretation but I'm asking that it be clarified.

CHAIRMAN: Will Corporation Counsel take that under note.

SATO: Okay, Mr. Chairman.

HUMPHRIES: Also on page 7 of the ordinance, there's a question Section III(a) and (b). The question I'm asking is if the developer--can the developer get a tentative approval in this 30-day period because if the answer is yes, isn't there a probability of an on-rush of a lot of applicants to meet this deadline of 30-days. If this is so, then I would say it should be effective immediately.

WAY: I might take a crack at it. First, if you talk to the developers, any of them would think you could ever get anything done in 30 days by way of City approval. But certainly a subdivision of major proportions could not be approved within a 30-day period. Generally it's not the case. There may be some smaller ones that could get tentative approval in a 30-day period although that's about the limit of what might be reasonable time that somebody could expect to get development. I don't think we'd lose miles and miles of shorelines because of this 30-day grace period or whatever we might want to identify it as.

HUMPHRIES: I think the concern really rests in the word application because sometimes someone gets--well, I can't say in this state but in others--by way of analogy, a use permit. He may have gotten it when he applied for it and then he may not have gotten around to it, but because he did apply for it within that 30-day period, he can go ahead and do what he wishes to do even if it's six months later. Although I appreciate that there is a long time problem and people don't get all the things necessary done, possibly it could have been spelled out a little more specifically.

CHAIRMAN: There's actually not very much more that has to be done after getting preliminary approval of the subdivision. Almost all the preliminary work had been done.

MURAOKA: Yes. Under our present rules and regulations, we have requirements on public access also. So the question on that receiving tentative approval, if it's determined by the Director of Land Utilization in consultation with other agencies that public access will be necessary, he could require it under our present subdivision rules and regulations.

HUMPHRIES: Does multi-family development include PDH such as Hawaii Loa Ridge.

MURAOKA: Yes it does.

2. Mrs. Connie DeMartino presenting testimony by Dave Raney of the Sierra Club, Hawaii Chapter

DEMARTINO: The Sierra Club was one of several citizen's groups actively involved in the passage of Act 143 in the legislature last year and we are pleased to comment on your proposed implementation of this Act.

We are in general agreement with your interpretation of the legislative mandate of Act 143. We are pleased that you have interpreted "subdivision" in a broad, rather than narrow, sense.

Had we realized the technical sense in which "subdivision" is used at the County level, we would have pressed for a much more general term to describe projects which should be subject to the Act.

The key concept of Act 143 is that development of either shoreline or mauka areas should not encroach unreasonably on public access to the shoreline or mountain recreational areas. The need for such safeguards should be obvious to anyone who is at all sensitive to the desires of residents to enjoy the natural bounties of these unique islands. In the long run, the interests of those who would develop land here will be best served if such development does not unduly interfere with the public's access to the shoreline or the mountains.

It is relatively immaterial whether access is blocked by public rather than private project, or whether the project is a single-family dwelling subdivision, a planned unit development, a commercial building, or a resort. The test to be applied to any new project is whether that project will result in a loss of public access to a public recreational area. If so, and if there is not public access within a reasonable distance of the proposed project, then the project should include access provisions.

We don't know whether the City and County is constrained to remain within the scope of the legislative mandate of Act

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143. If not, we would encourage broader coverage than just "subdivisions" to include any major project.

The ordinance should cover resorts, hotels, or other accommodations for "visitors" since these complexes are typically sited along the shoreline, and are most likely to endanger local resentment unless public access is maintained. It appears from the wording of the proposed ordinance that such complexes would be covered if they contained six or more "lodging units".

In summary, we are in accord with the proposed ordinance and would only suggest that you broaden its coverage as much as is feasible.

(There were no questions of Miss DeMartino.)

3. Miss Joanne M. Libkuman, Conservation Committee, Hawaiian Trail and Mountain Club

LIBKUMAN: Continued urbanization on this and the outer islands has cut off and threatens to cut off Public Access to Shoreline and Mountain areas. Public Access was not limited to these areas by the Hawaiians nor should it be limited today by uncontrolled development. Public Access to the mountain areas will not only provide for recreational and hiking needs but will serve fire fighters, rescue squads and the scientific community.

The draft ordinance appears quite comprehensive and appears to follow the intent of State Act 143, which relates to such Public Access. It is to be hoped, however, that the ordinance also address itself to the provision of Public Access through new resort development.

(There were no questions of Miss Libkuman.)

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission, on motion by Mr. Hosaka, seconded by Mr. Duke and carried, accepted the Director's recommendation for approval; additionally, that a letter be written to the Department of Recreation recommending that guidelines and standards to be developed under the ordinance by the Department of Recreation include provisions for posting of signs at the easement locations.

AYES - Connell, Choy, Duke, Hosaka, Sullam
NAYES - None
ABSENT - Crane, Kahawailaa, Kamiya

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PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
CITY BANK
(FILE #74/HCD-4)

A public hearing was held to consider a request for building signs on the makai and Waikiki facades of the existing City Bank building situated within the Hawaii Capital District, Tax Map Key: 2-1-16: 20.

Publication was made in the Sunday Star-Bulletin/Advertiser of March 24, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the request for approval of two 1'-6" high x 16'-6" wide signs with the words "City Bank." The signs will be of brown color sheet metal with illuminated white letters, and will be placed over entries on Queen and Richards Streets.

The Director recommends approval of the request.

There were no questions concerning the Director's report.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Dr. Choy, seconded by Mrs. Sullam and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mrs. Sullam and carried.

AYES - Connell, Choy, Duke, Hosaka, Sullam
NAYES - None
ABSENT - Crane, Kahawaiolaa, Kamiya

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The Commission authorized scheduling of the following public hearings, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

GP/DLUM AMENDMENT
COMMERCIAL TO PUBLIC
FACILITIES
WAHIAWA
DAGS, STATE OF HAWAII
(FILE #254/C2/35)

1. The request is to amend the General Plan and Detailed Land Use Map from Commercial to Public Facilities.

GP/DLUM AMENDMENT
INDUSTRIAL & PARK
USE TO COMMERCIAL USE
KAHUKU
HAWAII SHOPPING CENTER
CORP. & BLACKFIELD
HAWAII CORP.
(FILE #259/C4/27)

2. The request is to amend the General Plan and Detailed Land use Map by redesignating approximately 11.5 acres of Industrial and Park lands to Commercial use.

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HAWAII CAPITAL DISTRICT APPLICATION
PACIFIC SEA TRANSPORTATION, LTD.
(FILE #74/HCD-5)

3. The request is for approval of installation of canopies and signs.

PLANNED DEVELOPMENT-HOUSING
WAHIAWA
FRANKLIN C. TOM
(FILE #74/PDH-1)

4. The request is for a planned development housing project concurrent with rezoning from B-2 Community Business and R-6 Residential to A-2 Apartment District.

PLANNED DEVELOPMENT-SHOPPING CENTER
KAHUKU
HAWAII SHOPPING CENTER CORP. & BLACKFIELD HAWAII CORP.
(FILE #73/PDSC-6)

5. The request is renovation of the Kahuku Sugar Mill into a Planned Development-Shopping Center.

ZONING CHANGE
R-6 RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT
WAIPAHU
CROWN PROPERTIES, INC.
(FILE #74/Z-7)

6. The request is for a change in zoning from R-6 Residential to B-2 Community Business.

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STREET NAMES

The Commission recommended approval of the following staff recommendation on motion by Mr. Hosaka, seconded by Mr. Duke and carried:

1. Makiki Subdivision, Makiki, Honolulu, Oahu, Hawaii, Tax Map Key 2-5-03: 72.

OKIKA PLACE — Culdesac off the south side of Makiki Street between Makiki Place and Oneele Place.

Meaning: Orchid.

ADJOURNMENT: The meeting adjourned at 4:21 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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Meeting of the Planning Commission
Minutes
April 17, 1974

The Planning Commission held a meeting on Wednesday, April 17, 1974 at 1:30 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:	Eugene B. Connell, Chairman James D. Crane, Vice-Chairman Dr. Wilbur C. Choy Charles W. Duke Donald K. Hosaka Randall Kamiya Fredda Sullam
ABSENT:	Antone J. Kahawaiolaa
STAFF PRESENT:	Donald Clegg, Deputy Chief Planning Officer Ali Sheybani, Assistant Director, Department of Land Utilization Henry Eng, Staff Planner Stan Mofjeld, Staff Planner
MINUTES:	The minutes of April 3, 1974 were approved, on motion by Mr. Crane, seconded by Dr. Choy and carried.
PUBLIC HEARING ZONING CHANGE R-6 RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT WAIPAHU CROWN PROPERTIES, INC. (FILE #74/Z-7)	A public hearing was held to consider a request for a change in zoning from R-6 Residential to B-2 Community Business District for land located in Waipahu, Tax Map Key: 9-4-17: portions of 17 to 23. Publication was made in the Star-Bulletin/ Advertiser of Sunday, April 7, 1974. No letters of protest were received.

Mr. Henry Eng presented the Director's report of the request. The applicants proposed to sell these parcels to a purchaser who intended to demolish the existing retail structures and construct a new retail commercial building. Prior to the sale of the parcels, it was found that this 45-foot strip at the rear of these parcels was not zoned B-2 Community Business. The landowner, through his authorized agent, is now requesting that this area be rezoned in conformity with the commercial designation on the Detailed Land Use Map. (Development of this parcel requires a consolidation and resubdivision. Tentative approval of the subdivision application was granted on March 28, 1974.) Two other parcels on the Honolulu side of this parcel are also affected by the split-zoning. Both property owners were contacted and they indicated no objection to the proposal.

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This request merely corrects an erroneous plotting of a previous zone change to B-2 district. It is felt that the boundary adjustment is reasonable and logical at this time since there are sufficient controls which would not allow further development until the sewage disposal facility is considered to be adequate. While rezoning would generally be denied where sewer facilities are inadequate, the circumstances of this application do not warrant such a denial.

The Director recommends that the request be approved. In addition, it is also recommended that the request be expanded to include Tax Map Key 9-4-17: portions of Parcels 24 and 25 owned by Mr. James T. Serikaku and Cornet Stores.

There were no questions from the Commission concerning the Director's report.

No person appeared to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Crane, seconded by Mrs. Sullam and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
(SIGNS)
PACIFIC SEA
TRANSPORTATION, LTD.
(FILE #74/HCD-5)

A public hearing was held to consider a request for approval of entry canopies and signs to be constructed at Pier 8, Honolulu, within the Hawaii Capital District, Tax Map Key: 2-1-01.

Publication was made in the Sunday Star-Bulletin/Advertiser of April 7, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the proposal. The proposed signs and canopies appear to be compatible with the Hawaii Capital District and are within the 65-foot height limit for the district. The two wall signs on the Ala Moana side of the building meet the CZC requirements. The three signs on other sides of the building do not meet the CZC requirements as signs are only allowed on the building frontage in the B-2 district. The canopies and flag pole on the Ala Moana side of the building are in the Ala Moana Boulevard right-of-way.

The Director recommends approval of this application with the following conditions:

1. The applicant shall obtain approval of the Building Department for canopies and the flag pole within the Ala Moana Boulevard right-of-way.

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2. Variances be obtained:

   a. For the three signs not on the Ala Moana Boulevard side of the building; and
   b. For provision of 80 parking stalls instead of 102 stalls required by the CZC.

Questions were raised by the Commission.

SULLAM: Do you believe these three signs which do not comply with the code are necessary for identification of the building?

MOFJELD: The applicant seems to feel so but he would have to receive approval for his variance.

SULLAM: Shouldn't the variance have been gotten first before it comes before us?

MOFJELD: We sort of handle Hawaii Capital District applications both ways. We are stating that the design is acceptable if he can get his variance.

CLEGG: Does the general plan permit a ferry station use in this area?

MOFJELD: It's been used as a transportation terminal and that's continuing the use of this--

CLEGG: But that was--

MOFJELD: The general plan, there's no conflict with the general plan. The general plan is wide in this area, but it indicates Pier 8. It indicates the structure. The reading I got from Ray Yamashita was that there was no conflict with the general plan.

CLEGG: I'd like to check that out which we will do further because although the structure's there, the use is being changed. I think the use as an overseas terminal, cargo terminal is quite different than a use as a ferry terminal which has other implications for the land and the traffic pattern, parking in the surrounding area, and according to our charter, the establishment of a terminal must be in accordance with the general plan, and we have seen nothing on the general plan of question of this use as a terminal. So, I think that has nothing to do with the sign at the moment which is merely a capital district thing, but the use of the area for this terminal is a separate question.

MOFJELD: Mr. Clegg, when I talked to Ray Yamashita, he indicated there was no conflict.

SULLAM: The signs are, of course, a part of the design of the building. This is before us to approve the design.

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MOFJELD: Yes, that's correct.

SULLAM: Well, my personal feelings are that we shouldn't have any more signs than are necessary. If they are necessary to identify the building, then of course they should be there. But, I do think this should go before the ZBA first. If they conclude that they are necessary, then it should come before us.

(There were no further questions of the staff.)

No one spoke AGAINST the request.

Testimony in SUPPORT--

Mr. Robert Dickinson, Director of Physical Maintenance for Pacific Sea Transportation, Ltd., represented the applicant. Questioned by the Commission regarding the additional signs, Mr. Dickinson stated "the two signs above the word Pier 8 are not essential to the operation. However, the third sign is necessary because people approaching the terminal need some direction as to where to go for their baggage, where to get their tickets, where to check in, the usual areas you would find in a terminal. We felt the other signs on the Diamond Head side and makai side of the building that just say "sea flight" on them might help the people arriving on the Paradise Cruise Harbor tour or that sort of thing, to let them know this is the place where the hydrofoils moor."

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the application, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING PLANNED DEVELOPMENT- SHOPPING CENTER KAHUKU HAWAII SHOPPING CENTER COMPANY (FILE #73/PDSC-6)	A public hearing was held to consider a request for renovation of the Kahuku Sugar Mill into a Planned Development-Shopping Center, Tax Map Key: 5-6-02: portion of 1. Publication was made in the Sunday Star-Bulletin/Advertiser of April 7, 1974. No letters of protest were received.

Mr. Ali Sheybani of the staff requested that the public hearing on this matter be kept open, and that it be deferred until May 1, 1974, when the application for a general plan amendment by the applicant

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for the same site is due for consideration by the Planning Commission. Both items could be simultaneously reviewed at that time. There was apparently an oversight in coordinating these applications for public hearing together. All parties involved have been notified, and to date, there has been no objection to the change of schedule.

The public hearing was kept open, and the matter was deferred until May 1, 1974, on motion by Mr. Crane, seconded by Dr. Choy and carried.

UNFINISHED BUSINESS
CONDITIONAL USE PERMIT/
SPECIAL USE PERMIT
(ANIMAL CLINIC)
HALEIWA
GUY S. TUCKER
(FILE #73/CUP-9)
#73/SUP-3)

The public hearing on this matter was held and closed March 20, 1974. Action was deferred for a statutory requirement of 15 days.

No discussion followed.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, subject to the conditions contained in the Director's report, on motion by Mr. Crane, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Kahawaiolaa
ABSTAINED - Connell

STREET NAMES

The Commission recommended approval of the following street names, on motion by Mrs. Sullam, seconded by Dr. Choy and carried:

1. Mililani Town Subdivision, Units 25 and 26, Waipio, Ewa, Oahu, Hawaii, Tax Map Key 9-4-05: portion of 1 and 23.

ALAPOAI STREET — A roadway off Kuahelani Avenue running in a westerly direction connecting at Hokuahiahi Street.

Meaning: Orbit of the stars.

HOKUAHIAHI STREET — A roadway off Kuahelani Avenue running in a southwesterly direction.

Meaning: Evening star.

HUIHUI PLACE — A culdesac off Alapoai Street running in a southwesterly direction.

Meaning: Constellation.

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IUPIKA PLACE — A culdesac off Alapoai Street running in a northwesterly direction.

Meaning: Jupiter.

KAWELOALII PLACE — A culdesac off Kaweloalii Street running in a northwesterly direction.

Meaning: Name of a star.

KAWELOALII STREET — A roadway off Kuahelani Avenue running in a westerly direction connecting at Hokuahiahi Street.

Meaning: Name of a star.

KAWEO PLACE — A culdesac off Holaniku Street running in a northwesterly direction.

Meaning: Name of a star.

ADJOURNMENT: The Commission adjourned at 2:00 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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Meeting of the Planning Commission
Minutes
May 1, 1974

The Planning Commission held a meeting on Wednesday, May 1, 1974 at 1:37 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:	Eugene B. Connell, Chairman Dr. Wilbur C. Choy Charles W. Duke Donald K. Hosaka Randall Kamiya Fredda Sullam
ABSENT:	James D. Crane, Vice-Chairman Antone J. Kahawaiolaa
STAFF PRESENT:	Robert R. Way, Chief Planning Officer Andrew Sato, Deputy Corporation Counsel Jack Gilliam, Head, Zoning District Changes Branch Ian McDougall, Head, Plans Division Branch Loretta Chee, Staff Planner Stan Mofjeld, Staff Planner Ralph Portmore, Staff Planner
MINUTES:	The minutes of April 17, 1974 were approved, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.
PUBLIC HEARING GP/DLUM AMENDMENT COMMERCIAL TO PUBLIC FACILITIES WHITMORE VILLAGE-WAHIAWA DAGS, STATE OF HAWAII (FILE #254/C2/35)	A public hearing was held to consider a request to amend the General Plan and Detailed Land Use Map by redesignating approximately 40,000 square feet of Commercial designated lands located in Whitmore Village, Wahiawa, to Public Facilities, Tax Map Key: 7-1-06: 77 and 7-1-06: portion of 1. Publication was made in the Sunday Star-Bulletin/Advertiser on April 21, 1974. No letters of protest were received.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer. The Wahiawa-Whitmore Village General Plan Detailed Land Use Map designates the 40,000-square foot site for Commercial use. DAGS has requested redesignation of the subject site to Public Facility use in order to permit the construction of a State-County community center with provisions for a future library addition. DAGS has estimated the total cost of the project to be $600,000. The land acquisition cost is estimated to be $140,000

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and the construction is scheduled to start in early 1974 at a cost of $460,000 for the facility. The development is a proposed State-County project with the State purchasing the land and constructing the facility and the County operating the facility.

The analysis of the Chief Planning Officer indicates that there is a need for a community center in the residential community of Whitmore Village and that the site adjacent to the Whitmore Superette is appropriate for a community center in terms of location, acquisition, size, and accessbility. These factors, as well as the fact that there is no need for the existing commercial designation, make the use of the vacant parcel next to the Whitmore Superette for a community center the most appropriate alternative use.

The Chief Planning Officer recommends that the General Plan be amended to redesignate 40,000 square feet of land in Whitmore Village from Commercial to Public Facility use, specifically the following areas:

	Tax Map Key	Land Area
1.	7-1-46: Portion of 1	3,395 sq. ft.
2.	7-1-46: 77	36,605 sq. ft.
	Total	40,000 sq. ft.

The Commission had no questions of the staff.

No one spoke AGAINST the request.

Mr. Lawrence L. Gremett, Land Agent for Oceanic Properties, a subsidiary of Castle and Cooke, landowners of the subject property, read their letter dated April 11, 1974 indicating in part: "...this is to request that in the event the Planning Commission does amend the General Plan and DLUM from Commercial to Public Facilities, such amendment be effective upon the acquisition of the property by the State within one year from the effective date of Commission approval. Such condition would satisfy the State's requirements and relieve our concern that such amendment would be a restriction on the use of the property in the event the acquisiton is not finalized...."

The Commission had no questions of Mr. Gremett.

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

ACTION: The Commission adopted the recommendation of the Chief Planning Officer and recommended approval of the request, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Crane, Kahawaiolaa
ABSTAINED - Connell

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The following public hearings were held simultaneously.

KAHUKU--General Plan Amendment (259/C4/27)

Applicant: Hawaii Shopping Center Corp. and Blackfield Hawaii Corp.
Location: Former Kahuku Sugar Mill Site
Tax Map Key: 5-6-02
Area: Approximately 11.5 acres
Request: To amend the General Plan and Detailed Land Use Map of the City and County of Honolulu by redesignating approximately 11.5 acres of Industrial and Park Lands to Commercial use.

Publication was made in the Sunday Star-Bulletin/Advertiser of April 21, 1974. No letters of protest were received.

Mr. Ian McDougall of the staff presented the report of the Chief Planning Officer. The applicant requests an amendment which would redesignate the subject site from Park and Industrial uses to Commercial use to accommodate a museum-commercial shopping center development. The 11.6-acre site represents a reduction in size from the original 14.5-acre area requested for amendment. According to the request, the amendment is based on: (1) the need for a specialized type of commercial attraction of islandwide significance geared to the tourist, (2) the proposed preservation and redevelopment of the existing Sugar Mill Buildings, and (3) the appropriateness of the site to meet this need.

The information provided by the request and subsequent analysis by staff has shown that:

1. There is a potential market for the specific type of development proposed.

2. The commercial-historic complex is consistent with the broad commercial and visitor facilities objectives of the General Plan.

3. The General Plan is deficient in that it fails to explicitly address mixed uses.

4. The site selected is the only alternative available on the North Shore to meet the identified market.

5. The industrial designation is no longer required for its original purpose.

It is the recommendation of the Chief Planning Officer that the General Plan be amended as requested by redesignating the subject industrial land and a portion of park lands to commercial use. Also, that the remaining industrial lands be redesginated to agricultural usage. This will result in the elimination of the industrially designated area, the creation of about 11.6-acre commercial area, and a slight reduction of planned park from 9.8 acres to 8.9 acres.

KAHUKU--Planned Development-Shopping Center (73/PDSC-6)

Applicant: Hawaii Shopping Center Company
Blackfield Hawaii Corp.
Location: Kahuku
Tax Map Key: 5-6-02: portion of 1
Area: 14.596 acres
Request: Renovation of the Kahuku Sugar Mill into a Planned Development-Shopping Center.

The public hearing on this matter held April 17, 1974 was kept open and deferred for review simultaneously with the General Plan amendment today.

Staff Planner Stan Mofjeld presented the Director's report of the proposal. Renovation and commercial usage of the existing Kahuku sugar mill are proposed. Educational display of sugar mill operations, tourist-oriented shops, a farmer's market, and landscaped parking areas are planned. The sugar mill operation will be reconstructed to demonstrate sugar cane processing, combined with pictorical displays to create a living museum. The large interior areas of the mill will be used to create a combination of small shops, restaurants and factories. In the latter, Hawaiian handicrafts will be produced on-site and in view of the public and the production of pottery, printed fabrics, clothing, and carved wood items will take place. The shops will market coral and shell jewelry, Hawaiian perfume, sugar products, Hawaiian attire, fabrics, woodwork, and so forth. Locally grown produce will be available at the farmer's market. The project will also include an old fashioned general store, and a winery.

Questions were raised by the Commission.

SULLAM: What buffers are proposed between the commercial establishment and the school?

MCDOUGALL: There are no buffers proposed. There is some distance between the commercial area and the existing Kahuku High School. It would be separated by Kam Highway also. I might add, this project is being proposed to be implemented through the planned unit development procedures. The specific setbacks are covered in that proposal.

SULLAM: How close are the residences to the commercial areas?

MCDOUGALL: I'm not sure of the specific distance. I might point out that the line here (referring to map displayed) being proposed for commercial is approximately 25 feet from the existing mill structure.

SULLAM: You mentioned this would not generate any more traffic. It's just the round-the-island tour buses that would normally stop elsewhere would forego stopping wherever they intend to stop and stop here?

MCDOUGALL: Yes, the market analysis and the traffic impact analysis implicates that the market would be from round-the-island tours, rental cars and buses. There would be some local traffic but the emphasis is on capturing the existing tourist market.

SULLAM: Won't that take away business from other areas, let's say the Laie establishment and, I suppose Hauula doesn't have very much but it does have shopping area.

MCDOUGALL: I don't know if they'd take business away. The idea is that those people are touring either on buses or otherwise, and that this would be one additional stop on their tour.

SULLAM: In other words, your report indicates there's a need for another tourist stop.

MCDOUGALL: No, the report in the analysis indicates they would be potentially able to attract the round-the-island tour and rental car people.

SULLAM: I wonder whether there really is a need for another tourist destination. I'm wondering whether the facilities being proposed out at Laie would probably accommodate the need. Why make additional tourist stops? Perhaps this could be used for some other purpose. I'm just wondering whether commercial in this particular spot might not disrupt the area. It brings in a totally new character to the area. I wonder whether this need can't already be accommodated by what already exists.

MCDOUGALL: According to the evidence already submitted to us in the form of a market analysis, it appears that they would be able to capture a percentage of the market that they've indicated exists. Of course, this would depend a great deal on the developers being able to make it attractive enough to pull it towards them.

MOFJELD: If I might just answer Mrs. Sullam's question about the distances to the nearest residential areas. From the mill building to the private road on the bottom area of the site plan, is approximately 100 feet. There would be approximately--if any residences would be on the other side of that, there's some smaller commercial types of stores, miscellaneous areas now but the closest any residential building might be would be approximately 150 feet.

HOSAKA: The park designated area, the 2.2 acres on the bottom part of the map, where would be the balance of the park area, adjacent to that?

MOFJELD: Yes, the existing DLUM indicates an area here (referring to map displayed) as the boundary line which includes going through the building. The boundary line would be shifted. The remainder of the park site would be across the road. It would be contiguous.

HOSAKA: The Department of Recreation will be losing approximately an acre. Have they made any comments as to this loss?

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MCDOUGALL: As I indicated earlier, the Department of Recreation was concerned--originally, there would have been a loss of the two acres as you indicated. The Department is interested in relocating the park; however, without reviewing the total recreation needs for all of the Kahuku community at this time, we cannot entertain a relocation of the park over to the school area, although the owner, Campbell Estate has been working on a revision to the use of the Kahuku area. This is not City and County policy.

So to answer your question, the loss of one acre out of a nine acre existing park designation we felt was insignificant and would not impact materially on this. The county does not own this as a park at the present time.

HOSAKA: Well, General Planning felt it was negligible but what about the Department of Recreation? Did they have any comments?

MCDOUGALL: No, they did not.

HOSAKA: Did you ask them for any comments?

MCDOUGALL: Since we reduced it, we did not run that revised scheme through them.

HOSAKA: You're just redesignating without letting them know, is that it?

MCDOUGALL: That's right, and in this case, the county has no plans to acquire this park at this time.

SULLAM: How do you get to the commercial areas, do you just walk through the park? How's the circulation?

MCDOUGALL: The only available way would be along Kam Highway for pedestrians. The emphasis here again is on catching the tourist market which would be in rental cars or tour buses.

(There were no further questions of the staff.)

Public testimony followed.

No one spoke AGAINST either request.

Testimony in SUPPORT--

Mr. Alan C. Beall, President, Hawaii Shopping Center Corp., and Executive Vice President, Blackfield Hawaii Corp., availed himself for questioning by the Commission.

HOSAKA: Could you tell us a little about the winery you're proposing?

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BEALL: The winery is a tentative project. The proposed operation is for the manufacture of Hawaiian wines for sale within the project on a retail basis. We will manufacture wine on the premises and we will sell to consumers on the premises.

HOSAKA: That isn't being produced right now, Hawaiian wine.

BEALL: Not that I'm aware of.

DUKE: What is Hawaiian wine? Can you clarify it?

BEALL: I can't answer that question with any great technical knowledge. But, my understanding is this wine will be produced from Hawaiian fruit--pineapple, passion fruit and so forth. I'm sure there will be a wine produced from grape.

SULLAM: I am somewhat concerned about the relationship of both the commercial areas to each other. Do you expect tourists to go from one to the other, or just go either to the shopping center or to the mill? You notice you have the park area separating the commercial area. Is this all going to be on the commercial area?

MOFJELD: This (referring to map) is not part of the proposal.

SULLAM: In other words, they are completely separated.

MOFJELD: Yes, this is mainly to serve the tourist industry.

SULLAM: This facility is not going to try to attract people that are going to the commercial area?

MOFJELD: No, it's an entirely different type of usage.

SULLAM: Well, this has nothing to do with the applicant but I do wonder about the wisdom in this type of planning, in separating something like that. I somehow feel that commercial uses should be integrated.

MOFJELD: Well, in this case it's making use of an existing facility which is the mill. It's felt that the mill would have an attraction suited to the tourists who may not have visited a sugar mill and wouldn't be aware of the operation of a sugar mill. The use of the mill is the basic attraction and what tourist-oriented commercial facilities could be generated from that attraction that is proposed as opposed to the community commercial area that would serve the household needs of the local residents.

SULLAM: Well then I misread your report. I thought that you were going to be selling produce in this sugar mill. Naturally, the local produce would be bought by the local residents in the community as well. It seems to me they should be connected somehow, these two commercial areas.

The report states that articles will be available that will be attractive to the local residents as well as the tourists. If that is so, then both commercial areas should be connected. I don't know how you can achieve it but I think it would be desirable if they were connected.

BEALL: I don't think it's feasible to connect the two projects. They are independent. I don't think there's any question that there is some competition between the projects. The Kahuku sugar mill project is essentially tourist oriented. There will be some overlap. That overlap would affect basically one facility in the existing commercial and that's the Kahuku supermarket. We look at the produce in our project as being basically an interesting attraction. That effect will be relatively minimal. We're not selling package liquor. We're not selling meat and so forth. We do expect to have a general store if you're familiar with the Sunset Beach store and those stores which again would compete with that supermarket in some respects. But, that competition we don't think is substantial. In fact, I would think if I were planning the overall community, it might be healthy. Physically they're a very short distance apart. I think a pedestrian can walk into one or the other.

As far as vehicle connection is concerned, the existing commercial has ample parking as does our project. I don't think it would be any great effort for someone who's doing their supermarket shopping which is basically the competition we're talking about, go in half-a-block in their car and parking in our parking lot too. So as far as the question of connecting is concerned, they're as close as any two commercial projects can be. I don't know how else to answer that question.

HOSAKA: Is Hawaii Shopping Center Corporation leasing the land from Campbell Estate?

BEALL: Hawaii Shopping Center Corporation is now Hawaii Shopping Company and that's a division of Blackfield Hawaii Corporation. Blackfield Hawaii Corporation will be the lessee from Campbell Estate.

HOSAKA: How long is the lease for?

BEALL: The lease will be for approximately 50 years. It's a long term lease.

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

Both public hearings were closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

The Commission acted on each request separately.

Kahuku--General Plan Amendment

MOTION: Mrs. Sullam moved to recommend denial of the request. Mr. Hosaka seconded the motion for discussion.

Discussion followed.

SULLAM: My reason for denying is I feel there really is not a need for another tourist destination or attraction at the North Shore. There are adequate facilities there presently. Still, it might turn out to be a very successfull endeavor, I don't know. But, since we have so little land, I think it ought to be used very judiciously. If there's not a need for certain facilities, we shouldn't go ahead with it. I don't like the way the Detailed Land Use Map turns out. There are two commercial areas that are going to be separated by a park. That's rather poor planning. I think if we're going to have a commercial area there, it should be integrated in a way that will show up good planning.

DUKE: Mr. Chairman, I disagree with the motion. I believe that this area by putting in the center that they propose in the old sugar mill is probably the best land use we could put in. I also disagree that we have too much tourist attractions any place. I think that this is a unique idea. I think it will be beneficial to the public. I think it will be interesting and educational to the tourists. Therefore, I see no objection to this.

HOSAKA: I concur with Mr. Duke.

SULLAM: I also think it's necessary that we look into alternate uses for that particular facility. I can see where it could be used for let's say a shop or something related to agricultural education or facility because it's so close to a high school. It's a shame to put a commercial endeavor right next to a school. There's a library across the street. I just think it's the wrong use of land. Just because the sugar mill happens to be there, we don't have to make it into a tourist stopping point.

HOSAKA: By the same token, the sugar mill is across the street or was across the street, and that's no place to have a sugar mill, right across a school.

SULLAM: Well, that happened a long time ago. I'm not saying that the sugar mill has to be torn down. I think there are other uses that might be far more beneficial to the community.

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HOSAKA: Unless you come up with some specifics, I agree with Charlie here as to the best use. Here's a sugar mill, it's deteriorating and it's a beautiful place for a museum and commercial kind of center. I think it's appropriate regardless whether it's across the street. It would be beneficial for the area, I know, and because it's across the street is really immaterial.

SULLAM: But who would it really benefit? It would only benefit the tourist industry. I don't even know if it would benefit that because they already have places to go to. This is just giving them another choice. It isn't really needed. I think in view of the fact it isn't needed, why create it.

DUKE: I don't mean to be argumentive but to determine need takes a lot of study. To make a statement that there are too many there already is something I'm not so sure of. To need, we're talking about use, it serves a good purpose that will be beneficial to the community, and to better the area. I see that there is a need. So, I still think it's a good idea.

SULLAM: The only one remark I want to make is that it isn't geared to the community. They're going to have a farmers market but the market will not service the local people. There's no connection between the commercial area which is designated for small shops that caters to the local people.

DUKE: You don't have to have a pass to go in there. A local person can go in and buy.

SULLAM: But they don't even intend to sell the produce that's produced in that area which I think is unfortunate. I think it's something that's being built and a need is going to be created once it's built. Right now there isn't a need for it.

(There was no further discussion.)

The motion to deny failed to carry.

AYES - Sullam
NAYES - Choy, Connell, Duke, Hosaka, Kamiya
ABSENT - Crane, Kahawaiolaa

ACTION: The Commission adopted the recommendation of the Chief Planning Officer and recommended approval of the request, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

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AYES - Choy, Connell, Duke, Hosaka, Kamiya
NAYES - Sullam
ABSENT - Crane, Kahawaiolaa

Kahuku--Planned Development-Shopping Center

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Mr. Duke, seconded by Dr. Choy and carried.

AYES - Choy, Connell, Duke, Hosaka, Kamiya
NAYES - Sullam
ABSENT - Crane, Kahawaiolaa

PUBLIC HEARING ZONING CHANGE CENTRAL BUSINESS DISTRICT (A) A-4 APT. & B-2 COMMUNITY BUSINESS TO P-1 PRESERVATION (FOSTER BOTANICAL GARDENS) (B) B-2 COMMUNITY BUSINESS TO A-3 APT. DISTRICT (QUEEN EMMA GARDENS) C&C DIRECTOR OF THE DEPARTMENT OF LAND UTILIZATION (FILE #74/Z-19)	A public hearing was held to consider the following requests: (A) Change in zoning from A-4 Apartment District and B-2 Community Business District to P-1 Preservation District, Tax Map Key: 1-7-07: 1, 2, 17 & 18; and 1-7-08: 1, 2 & 25. (B) Change in zoning from B-2 Community Business District to A-3 Apartment District, Tax Map Key: 2-1-05: 4. Publication was made in the Sunday Star-Bulletin/Advertiser of April 21, 1974. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report of the request. The three sites involved in this proposal are part of the Queen Emma Project Urban Renewal Plan. The project set aside Site A as a community facility, Site B for multiple family housing and Site C for a religious facility. Site A is split-zoned A-4 Apartment District and B-2 Community Business District, but is fully developed as Foster Botanical Gardens. A botanical garden is a principal permitted use within both districts; however, A-4 and B-2 districts would also allow uses which would not conform to the intent of the General Plan and Urban Renewal Plan for park and open space. It should be noted that the garden area and its open space was one of the major considerations in designating the apartment uses in the area. To insure that the garden area is kept as a park site, the most appropriate zoning would be P-1 Preservation District.

Sites B and C are presently zoned B-2 Community Business District, but fully developed as a multi-family housing complex (Site B) and a church (Site C). The apartment use within the B-2 Community Business District is not a permitted use within this zone; it is therefore nonforming. The appropriate zoning district for this use is A-3 Apartment District. The existing project meets the intent of the A-3 Apartment District. Churches are permitted uses within both the B-2 and A-3 districts.

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The proposed change in zoning of these parcels would not create any nonconforming uses, rather it would implement the land use designated on the General Plan.

The Director recommends that the request be approved.

No discussion followed.

No person was present to speak either FOR or AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Dr. Choy, seconded by Mrs. Sullam and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Crane, Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
ZONING CHANGE
R-6 RESIDENTIAL AND
B-2 COMMUNITY
BUSINESS TO A-2
APARTMENT DISTRICT
KAPALAMA
AUYONG FAMILY TRUST
(FILE #74/Z-9)

A public hearing was held to consider a request for a change in zoning from R-6 Residential and B-2 Community Business to A-2 Apartment District for approximately 49,012 square feet of land located in Kapalama, Tax Map Key: 1-6-6: 36, 131 to 134, and 138.

Publication was made in the Sunday Star-Bulletin/Advertiser of April 21, 1974. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report of the request. Preliminary plans submitted by the applicant indicate 2 structures connected by parking and a recreation deck. The structure on the mauka portion of the site will be 4 and 5 stories high while the structures on the lower portion are proposed to be 6 to 7 stories high. The proposal includes 8 studio units, 92 one-bedroom units and 25 two-bedroom units (total 121 units) and parking accommodations for 133 cars will be provided in 2 levels below the apartments. Vehicular access will be off Pohaku and School Streets. The applicants anticipate that this development will be targeted to the moderate to middle income households.

It is the Director's recommendation that the request be approved.

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

Public testimony followed.

Testimony AGAINST--

Mr. Allan Chun, adjoining property owner expressed concern over the site development plans submitted by the applicant. Mrs. Chee indicated that the plans are preliminary and are presently undergoing revision to include more recreation areas. More finalized plans may be completed when this matter is presented to the City Council.

The adequacy of sewer facilities was another concern of Mr. Chun. Staff pointed out the comment from the Division of Sewers: "Sanitary sewers are available and adequate for the proposed 121 units."

Testimony in SUPPORT--

Mr. Bob Hampton, President of Urban Research, representing the applicant was called upon and questioned by the Commission.

HOSAKA: The development is geared to moderate or middle income households. The studios are anticipated to sell for $28,500 and so forth. What year were these figures based on?

HAMPTON: We just have secured recently our construction estimates based on preliminary plans from Walker-Moody. At this point, those prices are pretty firm. The question in everyone's mind obviously is we're up against a situation where we're working with preliminary plans. We have already done all of our pricing on appliances or are in the process of completing that. We're trying to secure as best we can, the long term prices. In other words, the obvious construction period of up to 12 months puts that purchasing power somewhere down the way. I have to say that based on our pricing which has been completed within this month that those prices are pretty positive. The only increase in those prices would be an increase of direct costs either in construction, carpets, drapes or appliances, and other things for instance the recreational facilities.

Currently, we're understudy for hydroponic farming on the roof of one of the buildings. The idea is to develop a viable, you might even call, a recreational facility for adults if you like to grow orchids, tomatos, and various fruits. We're really sold on this idea of putting a viable type of facility on the rooftop for the residents.

HOSAKA: How large are the studios going to be?

HAMPTON: At this point I think we're set at about 438 inside. You also have your lanai. The studios are designed for a couple. That was one of the concerns we had on the recreational facility. The building is designed mainly for smaller families, one child or two at the most.

HOSAKA: Since this is geared to the moderate income, will you be restricting your sales to that group?

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HAMPTON: Its pretty safe to say at this time that all our lenders that have talked to us would prefer that we sell to residents and occupants only. That's obviously the direction we're going to take. In fact, the lending ratios are much greater for the occupants and very, very unfavorable for investors.

HOSAKA: How far along are you on revising the plans for additional recreational facilities?

HAMPTON: We're right now exploring the competition on the site between parking and recreational decks, and what type of recreation will occur on those decks--barbecuing, maybe active recreation like volleyball. The problem is the actual site planning, developing the area to integrate with the need for parking.

CHAIRMAN: I would hope you would hold down the agricultural adventure on the roof. We'd hate to have to zone that roof AG-1.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Mr. Hosaka and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Sullam
NAYES - None
ABSENT - Crane, Kahawaiolaa
ABSTAINED - Connell

PUBLIC HEARING
ZONING CHANGE
AG-1 RESTRICTED
AGRICULTURAL TO
R-6 RESIDENTIAL
MAILI
KAISER PACIFIC
PROPERTIES CORP.
(FILE #73/Z-27)

Before proceeding with the hearing, Mr. Kamiya disqualified himself from any participation in the deliberations because he is a member of the Hawaii Farm Bureau. He filed a conflict of interest statement for submission to the Mayor.

A public hearing was held to consider a request for a change in zoning from AG-1 Restricted Agricultural to R-6 Residential District for approximately 71± acres of land located in Maili, Tax Map Key: 8-7-10: portion of 2.

Publication was made Sunday in the Star-Bulletin/Advertiser on April 21, 1974. No letters of protest were received.

Mr. Jack Gilliam presented the Director's report of the request. The subject 36± site, now within the State Urban District, is designated for residential uses. The applicant is proposing to build the road

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(Kaukama Road extension 60-foot right-of-way) from the site to Farrington Highway and develop residential units and a temporary school on the site. The adjacent areas designated for school and park on the General Plan Detailed Land Use Map (approximately 10 acres also in the urban district) will be left vacant. The steeper lands in the Urban District on the Honolulu side of Kaukama Road are proposed for future development under a Planned Development or Cluster Housing plan. At this time, we are considering the initial development of the 36+ acres which will contain approximately 230 to 250 residential units and the temporary school.

The Director recommends that the request be approved.

Questions were raised by the Commisson.

CHOY: You mentioned that a letter of credit was accepted but there wasn't a bond posted for improvement of the road.

GILLIAM: The City would accept a letter of credit in lieu of the bond, yes.

CHOY: Because of the AG-2 area in back of the subject site, would all of the light green (referring to map displayed) area still be AG-2?

GILLIAM: No, there is a portion between the residential and the AG-2 that is zoned AG-1. This kind of follows a buffer area. It's about 1700 feet from here (referring to map) to the AG-1 area.

CHOY: In the AG-2 zoning, approximately how much AG-2 parcels do we have on the Island of Oahu aside from the parcel in back of the subject site?

GILLIAM: At the present time not too much. There is about 100 acres in the Laie area but it's not being used for AG-2 usage. I believe that's about the only other substantial AG-2 area at the present time. This is the major AG-2 area that is being used within the city.

CHOY: So again, there is a good possibility of encroachment into the AG-2 area because if I read the application correctly, this initial application would also project into a possible 3,000 units in the future. Wouldn't that be encroaching into a very needed AG-2 area?

GILLIAM: Well, we are aware of the request of the applicant to the Land Use Commission to change land use boundary. However, the present application we considered it on its own merits in conformance with the general plan. We also took that into consideration when we processed and analyzed the AG-2 request because that was a separate request initiated by the Planning Department. Buffering between the residential and the AG-2 with the AG-1 was a consideration at that time. That buffering still exists.

CHOY: I'm not questioning staff's recommendation. I'm looking at it at a humanistic standpoint. To me, this is a projection into a total

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3,000 unit development. We are only presented with a very small initial application. What I'm concerned with is this seems to be and I'm just quoting you, a major AG-2 area. I'm just wondering whether we'll have any hogs for kalua pig and luau if we did permit such a thing to happen.

GILLIAM: I'm sure that would be the question that should be addressed at the time there is any application for the area mauka of the particular application.

SULLAM: What is the progress of planned developments being proposed near there?

GILLIAM: The Ferguson development is under construction. That was about 400 units. There is another by Horita for 300 units, another by Shelter for 600 units.

SULLAM: Well, with all this new housing being introduced in the area, I wonder if it's necessary at this time to take agricultural land and rezone it to urban. I think we ought to hold back till we see whether it's really necessary to put in more housing here. Has it been established that there is a need for these additional units because looking at the area, so much has been projected.

GILLIAM: Depends on how you wish to establish the need for housing. If you're looking at a type of unit, the proposal here is for either duplex or single-family detached which is a type of unit that is not being proposed in the planned development so it would give a little more market choice type of unit in the area.

SULLAM: Is there farming currently going on on this property?

GILLIAM: No, there is not. It was former grazing property but it hasn't been used for farming since the Holt estate sold it off.

CHAIRMAN: What's the difference on the top portion of the 36 acres to the buffer?

GILLIAM? About 1700 feet, a little over a quarter of a mile, up to the AG-2 zoning boundary.

CHAIRMAN: What's the present AG-1 being used for?

GILLIAM: It's part of their ownership, a very steep sloped area, vacant.

(There were no further questions of the staff.)

Public testimony followed.

1. Mr. Ernest Adaniya, Vice President of the Hawaii Farm Bureau Federation (Submitted statement dated May 1, 1974 attached and made a part of these minutes.)

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Mr. Adaniya was questioned by the Commission.

HOSAKA: Your organization is made up of all the farmers throughout the state. How large an organization is it?

ADANIYA: Roughly about 1,000 members.

CHOY: Can you tell me how many incidents the farmers have been encroached upon? I remember vaguely when they were in Waialae-Kahala, then a few years back the hog farmers in Hawaii Kai were moved out. Do you people feel that with the consistent encroachment by urban development that this will happen to you people again?

ADANIYA: Yes. I can give you mine. I was moved out of Kalihi Valley where the low-income housing is now. The people from the Waialae-Kahala area, they all moved to the area we're in now.

CHOY: How long have you been at your present location?

ADANIYA: From Kalihi in 1950 so about 20 years.

CHOY: Is this the only large viable hog farming area on the island of Oahu?

ADANIYA: In fee simple.

CHOY: Are there other hog farming areas also?

ADANIYA: There's one in Laie. It use to be Meadow Gold. It's lease land.

CHOY: You feel your livelihood is being threatened right now?

ADANIYA: That's right.

DUKE: One of your greatest concerns would be water. The staff says that the Board of Water Supply indicates no objection. You disagree with that?

ADANIYA: Yes I do because there's one farmer who wants to acquire land in Ewa. He can't get in because of the lack of water. In the Mikilua area where I live, once in a while you can't flush the toilet or take a bath. In the summer time, some of the dairies have to haul their own water in.

DUKE: Question of staff. On this water situation, other than just the statement made by the Board of Water Supply, what is the extent to which you have investigated the situation?

GILLIAM: We have had several letters to the Board of Water Supply because of the statement of the Department of Agriculture. We have sent the various letters as they come in from the Department of Agriculture concerning the water over to the Water Department asking them to comment on the specifics that they made. Each

time they send back the responses that they have no objection. They feel there's no problem as indicated in the staff report. We would have to depend on the experts in that field.

DUKE: I have read Mr. Erskine's letter, other letters, and now I hear this gentleman saying water is a great concern.

CHAIRMAN: You indicate in your testimony that the water shortage in Waianae was attributed to the developers' usage of water? Who determined that?

ADANIYA: Well, the first time they brought in the line to the Mikilua area, there's a tank on the mountain. We use to get adequate water. We could bathe anytime, flush the toilet anytime. But now, the developments are coming out. Makakilo grew bigger. All around that area is getting bigger and we're finding we don't have enough water. Therefore I assume they're drawing the water.

CHAIRMAN: So it's not the developer's usage of water. It's the fact there's more people living in the area.

ADANIYA: When the developers develop the homes, they're going to use the water.

CHAIRMAN: Is your major concern the encroachment on the AG-2 area, encroachment on the 1700-foot buffer zone that was established when the AG-2 area was rezoned?

ADANIYA: Yes, we're concerned about that and we have other problems too.

CHAIRMAN: Because as I remember, the Federation agreed that the 1700 feet would be suitable protection in terms of odors, nuisances and so forth. So as long as the buffer zone is maintained for the pig farmers above, then is the Federation against the rezoning? See, that's still within that 1700-foot buffer zone.

ADANIYA: On that basis, we won't be against it. We need the buffer zone.

CHAIRMAN: And in terms of relocating farmers as I understand it, the land that we're presently talking about, the 36 acres, there are no farmers living or producing crops on that land at the moment.

ADANIYA: At the moment, none.

CHAIRMAN: So there's no relocation problem concerning that land.

ADANIYA: No.

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

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2. Mr. Alexander M. Dollar representing Mr. Frederick C. Erskine, Chairman, Board of Agriculture (Submitted Statement of Board of Agriculture Chairman Frederick C. Erskine on Zone Change - Kaiser Pacific Properties Corporation, attached and made a part of these minutes)

Mr. Dollar was questioned by the Commission.

SULLAM: Do you think with time, this land will be put back into use?

DOLLAR: If retained by an owner who wishes to farm it, it can be used for pasture and can be improved.

CHOY: Is it the opinion of the Department of Agriculture that if the urban encroachment is permitted, there will be a definite erosion or loss of AG-2 zoning?

DOLLAR: The benefits of the AG-2 zoning will be lost.

CHOY: And there will be no way of retrieving it.

DOLLAR: There is nothing left, period.

CHOY: There's no other area on the island that could be used for such suitable activity?

DOLLAR: Not without very, very high costs. The AG park is an example where we're trying to overcome these problems.

CHOY: Then, I assume your department has completed a comprehensive study in this.

DOLLAR: We're well aware and have spent quite a bit of time trying to determine answers to the problem.

DUKE: Do you object greatly to this particular site we're talking about right now or are you just talking about the general situation?

DOLLAR: There is a very big problem of the number of units developed and the water demand associated with those units. For example, in town your water use requirements are significantly less than your water use requirements in the suburban area. We are concerned with the delivery capacity into that area. We are unable to obtain water throughout that area for agricultural purposes through the Board of Water Supply.

DUKE: If the water situation is solved, again would the Board of Agriculture object?

DOLLAR: The 33 acres is no problem.

CHAIRMAN: You mentioned in your testimony allowance of a truly adequate buffer zone. What would the State Department of Agriculture consider to be an adequate buffer zone?

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DOLLAR: Well, we were put on the spot a while back in this hearing room. We gave you for a different area with a different air drainage pattern, 1,000 feet, for the Oceanview Ventures which is essentially an industrial area, zoned industrial and now being considered for change of zone.

Now, this area has a slightly different air drainage pattern. It's a little more open. Your velocities are going to be different. We are not thoroughly familiar with that but I would say we would accept the 1700 feet as being reasonable at the present time, if our previous statement would be reasonable.

CHAIRMAN: 1700 feet is an adequate buffer zone.

DOLLAR: I would say it's reasonable.

CHAIRMAN: The problem on water delivery a matter of the amount of water or a matter of piping facilities?

DOLLAR: It's a combination of all of these. It's not a simple answer. Each delivery system has a total problem--water availability, well development, pressure, size of the lines and overall demand in the area.

CHAIRMAN: Is the water actually available?

DOLLAR: We can't answer that because that's the Board of Water Supply problem. They have not been able to provide water where we've requested it for other agricultural uses.

CHAIRMAN: Since the rezoning of the AG-1 to AG-2 in this area, how much more pork production has taken place in the Waianae area?

DOLLAR: We've lost pork production elsewhere. I can't give you an estimate of exactly how much increase there would be in this area. But, all of them have installed the facilities necessary for environmental protection and are pretty close to the limit of what they can produce at the present time. Some can expand and there are some areas that are still available.

CHAIRMAN: Is our pork import coming up?

DOLLAR: The price of beef went up. More pork is being purchased.

CHAIRMAN: I maybe wrong but I heard it somewhere that actually import is cheaper than it's produced here?

DOLLAR: That depends on what time of year, which year. I would say the past year is an unusual one for all food.

CHAIRMAN: I think it would be interesting to find out whether or not rezoning that land has really been helpful in terms of

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increasing the pork production, whether there are more farmers who have gone into that area, what kind of use is the AG-2 land really getting. It appears there's a need but--

DOLLAR: Well, if 80% of our pork production comes out of this area, I don't know how you can really say it isn't there. I can't give you the answer as to the actual translocation of production.

CHAIRMAN: That's not what I'm saying. I'm not saying it's not needed. The question I'm posing is, is pork import going up and if there's any kind of uncertainty how much pork production is going on here, if it's remaining static or going down.

DOLLAR: We have two kinds of pork production, the chilled pork and the hot pork. The luau pork is only available through local production. Some of the chilled pork production is being supplied locally, but primarily we're talking about our hot pork production. It's a very real and steady market. I could give you other figures and break it out a little better which I haven't done up till now.

CHAIRMAN: I think that might be helpful inasmuch as this is a recurring problem.

DOLLAR: The statement which was made, and we'll try to give you some backup.

CHAIRMAN: The state agricultural park program, where is it?

DOLLAR: The site selection studies have been completed. The environmental impact statement has been filed and approved in general. The design characteristics have been incorporated into it. The difficulties now are to resolve the site and the water supply which I referred to earlier. It is a question of where you put it, as to how you treat the water, the extent of treatment facilities, and the cost of what has to be borne by the leased area by the individual farmers for the type of activity. There are farmers waiting in line for this and they don't include any of the farmers we're talking about in Mikilua.

WAY: In connection with the agricultural park development, is that area suitable for the type of hog production that you have in the Mikilua area?

DOLLAR: Mikilua is about the best area you can find for hog and poultry production because of the individual requirements of the animals. Dairy production is more suitable in a cooler area.

(There were no further questions of Dr. Dollar.)

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At this point, the Chairman called upon Mr. Ichiro Tanaka from the Board of Water Supply.

CHAIRMAN: The major question that has come up is on one hand it appears water is available in this area and on the other hand we're hearing it's not available. We need clarification.

TANAKA: Actually, this is a very complicated area. It has a history which is just as complicated. Maybe I should indicate to you what the water system is in this area.

In the Mikilua area, the Board took over the water system that was existing. Since the take-over, we have installed a large main along Hakimo down through Paakea, but we have not improved the side streets. On those side streets generally, the old existing lines are two inches in diameter. Naturally if you are on the tail end of any of these deadend streets, chances are during the peak consumption period, pressure will be low. However, if you are along Hakimo and Paakea where we installed a 20-inch main, then pressure should not fluctuate.

I'd like to get back to one of Mr. Dollar's concerns. He stated the Board had stated that there's not enough water for some AG development request. To my knowledge, we have not denied anyone or any proposed development, water in the Waianae area. So on this particular concern, I would like to ask Mr. Dollar what area, what the request was, and whether it did come into the Board.

DOLLAR: I wasn't directly involved in the request but the primary concern is the Pearl Harbor drainage. There has been a request and we've tried to get water into the Ewa area which is part of the same water supply that affects Waianae. It has not been acted upon favorably as yet.

TANAKA: Actually, what Mr. Dollar is bringing up is the whole water situation in the so-called southern Oahu plain. This covers the area generally from Waimalu up to Mililani Town, Waipahu and the whole area. Now, as far as our Board's planning department and engineering department is concerned, we have referred Mr. Erskine's letters--there were about three or four letters voicing the same concern about water--to our planning and engineering staff. They have, after reviewing the letter and reviewing our construction program, our water system, indicated that our water system is adequate to furnish water to, in this particular case, the subject development.

We do have plans to improve the system. This is by adding forces where necessary in the Waipahu area, and where necessary adding booster pumping stations along the way. So, we do have plans to increase our supply when necessary. As far as when that is necessary, I won't be able to answer that because this is the province of our Board's planning department.

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CHAIRMAN: In terms of the Mikilua area, will you have sufficient water, sufficient pressure to be able to deliver water up into that AG-2 area?

TANAKA: Yes, but let me say this. As I indicated, the Board has a 20-inch line along Hakimo down Paakea, and 2-inch lines on the side streets. Now, the developer of this particular project will be extending a main from this 20-inch down along Kaukama Street to the development. So, we're saying as long as a developer is willing or will extend a main from either one of these lines to his development then there will be adequate water as well as pressure.

CHAIRMAN: How large a main is going to be brought down?

TANAKA: 12-inch.

CHAIRMAN: Will it be possible to take laterals off that?

TANAKA: Definitely. So, if I can anticipate your question, along Kaukama Street presently there is a 2-inch line. If the 12-inch line is installed by the developer, naturally the water service for the owners of the lots or farmers along Kaukama Street, the pressure will be increased tremendously as far as the volume. So they will benefit.

CHAIRMAN: The cost of this will be borne by the developer.

TANAKA: Yes.

WAY: In connection with this project, have you any information that has evaluated what the impact would be on the existing water usage in the area? Would, in fact, this development alter that pattern of water problem that they may have now in anyway either favorably or not favorably?

TANAKA: Well, I would say not immediately but as a long-range plan, I think our planning department is well aware that when we reach X number of services or X number of developments, that they would have to come in with the next CIP improvement be it a booster station or another source or another reservoir or what facilities would be necessary.

WAY: I guess my question more directly might be, are any of the users in the agricultural area going to suffer adverse water effect as a result of this development?

TANAKA: That's a hard question to answer yes or no, but I'd say no because actually, the domestic usage in a residential subdivision is fairly low. Actually the size of main is determined by the fire flow requirement. Maybe at a time of fire when the fire hydrants are in use, the pressure in the area will drop at that time definitely.

DOLLAR: The comments have been confined to Mikilua. The water problem is not confined to Mikilua. It includes the Waianae Valley and the valley further over.

TANAKA: Yes. We do have a project underway at the present time which consists of extending the 20-inch main further towards Makaha. Included in the improvements is a two-million gallon reservoir.

CHAIRMAN: In terms of the laterals that are going in, if they are inadequate, is that the responsibility of the Board of Water Supply to replace those?

TANAKA: Generally yes.

CHAIRMAN: So if the people are having water pressure problems, they know who to go to talk to?

TANAKA: Right. Well, I just as well mention that to my knowledge up to today, I am not aware of any no-water or low-pressure complaints in the Mikilua area. If there are, the farmers may not have brought this complaint to the attention of the Board.

DUKE: The Hawaii Federation Farm Bureau states here that recently at the University of Hawaii, College of Engineers' Conference on Diversified Agriculture, Mr. George Yuen of the Board of Water Supply pointed out that water supply problems now facing the City and County of Honolulu in various areas and that water allocation for urban and agriculture uses was a serious problem. You state that it's not a problem. I don't quite follow that.

TANAKA: I think we're talking about two different cases. I'm directing my comments to the immediate zoning request and also a particular area. I think Mr. Yuen's comment was directed to the possible problems that we might face on the whole island of Oahu, taking into consideration the total amount of water resources available as against possibly the total amount of development proposed. I would hate to answer something that Mr. Yuen should answer.

DUKE: On the water situation that the gentleman testified about earlier, he stated that at times presently, he has difficulty having sufficient water to take showers and so forth. Has that problem been brought to your Board of Water Supply?

TANAKA: Not to my knowledge.

I would like to ask Mr. Adaniya where he lives in Mikilua?

ADANIYA: At the end of Kaukama Road.

TANAKA: Well, I can say that relief is in sight for you if this particular development goes through.

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Like I said earlier, for those farmers that are living at the tail end of some of these roads, I can believe there may be times when the pressures will drop.

DUKE: Well, the question is if this development does not go through, is he going to live out there the rest of his life without water? What are the plans for that area by the Board of Water Supply?

TANAKA: I should have taken a look at our CIP before I came here, but generally, the Board's CIP as well as minor main extension program is geared to improving areas where we have had previous complaints of no-water or low-pressure. As I said, I am not aware that we did have complaints from Mikilua. I'm not sure whether we do have improvement plans for any of these side streets.

CHAIRMAN: Perhaps out of what you've heard today, you could go back to the Board's planning department and indicate there's problems out there?

TANAKA: Oh yes, I'll note that.

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

Testimony in SUPPORT--

Mr. George Houghtailing, Consultant, representing the applicant. (No written statement submitted)

HOUGHTAILING: We agree with the Director's recommendations in the staff report. We have met with the various government agencies including the Board of Water Supply.

I am very much interested in the question of the inadequacy of water because it's the first problem we did look at knowing that they had 2-inch lines and 1-inch lines. We worked with the Board of Water Supply. Kaiser Pacific Properties now is willing to bring in that 12-inch main to this development at no cost to the farmers or anybody else. In working with them, they have also provided areas where the farmers could connect to this 12-inch water main. I think it would be a great improvement in servicing the problem areas now. So, I feel that this development is going to enhance the area. This is one of the problems we were confronted with and we went out and worked with the Board of Water Supply.

The plans are ready. If the zoning goes through, we will be ready to break ground in three or four months. We're within the area that is now urbanized.

If you'd permit me to make a statement on behalf of Kaiser Pacific Properties on questions that were posed by the Department of Agriculture, I'd like to read a memorandum that was given to me by

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Kaiser Pacific Properties with reference to the farm group. I understand there were meetings held with these people. They are concerned and I think Kaiser Pacific Properties is concerned If they've got to live with them, they've got to be neighbors.

The immediate development of this 36 acres adjoins a residential tract on the Makaha side of Boise Pacific. The State Land Use Commission is now making a review of all of the available lands that might be put into urban including the remaining 200 acres that Kaiser Pacific Properties owns. Cognizant of this, the Kaiser Pacific people--and I'm reading this because I don't want to be misquoted. With your indulgence I'll read this because this refers to Waianae district boundaries:

"Recognizing the presence of the established farm group in the Waianae district and the group's express concern that proposed adjacent new housing projects pose a threat to their tenure in the area, Kaiser Pacific Properties has been seeking and will continue to seek ways in which it can participate in activities that would ease the coexistence of farm operation close to residential areas. Of particular importance in this regard, an agreement has been consummated with the College of Tropical Agriculture at the University of Hawaii whereby Kaiser Pacific Properties will provide financial assistance and support in project applications to the Agricultural Research Service of USDA and other government agencies both federal and state to demonstrate improved, economically feasible methods of animal waste control, seeking as an end result reduced odors and commercially salable by-products such as fertilizer, compost, and possible methane gas. It is not anticipated that this program will produce any early or dramatic results but it will be Kaiser Pacific Properties' objective to continue to seek ways in which the farm group in Maili and Waianae can be benefited by better animal waste control, possible increased sources of feed, and solutions to other present problems such as access into water supply, water pressure and fire protection, by routing the 12-inch main servicing Maili Kai to Kaukama Road so that the adjacent farmers have ready access to this new water source."

So, Kaiser Pacific Properties is concerned. They have brought in a man from Cornell now working up at the University to study this problem where they could be good neighbors between residents and farmers. I thought this ought to be of interest.

So what they're asking now is within the urban area realizing that the extension would need further study having compatibility of agricultural and residential use.

Mr. Houghtailing was questioned by the Commission.

CHOY: Can you tell me how extensive and how soon will the total project of 3,000 units be underway?

HOUGHTAILING: It would be dependent as I just pointed out. The Land Use Commission is now undertaking a study of the whole Island of Oahu what areas would be urbanized. Kaiser Pacific Properties is one of the areas that is being looked at. So, it might be down the line a few years, maybe longer, depending what the end result comes out in the State Land Use Commission findings whether these agricultural areas would be urbanized.

CHOY: Presently, the subject site we're talking about consists of 36+ acres so there should be a balance of around 260+. Is this area above your site?

HOUGHTAILING: Mauka of the subject site.

CHOY: And this balance of Kaiser area is unused at the present time?

HOUGHTAILING: All of it is unused. It's never been used other than for their own private grazing for a period of about 20 or 30 years.

CHOY: So Kaiser's general plan would be to develop the 3,000 units all the way up to the entire--

HOUGHTAILING: Excepting the hillside which will be left in preservation. But again, that depends on whether we get land use.

CHOY: Assuming this happens, will Kaiser then create a buffer zone that would overcome the nuisance and the odor that would be created by the farmers?

HOUGHTAILING: That's why they have this joint study to see what type of buffer zone, what type of controls so that residential and agricultural can be compatible. That's the study they're undertaking at the University that we're helping to finance.

CHOY: What income group will this project be directed at?

HOUGHTAILING: The medium income group. Kaiser right now is developing that Ferguson property. They hope to meet that same type of people because it's been very successful. They're meeting the medium group.

WAY: In that connection, what income levels if you know, is the Ferguson development meeting?

HOUGHTAILING: I think they're running anywhere from about $12,000-$15,000. This is hearsay. I have no way of checking.

WAY: But it's in that income range.

HOUGHTAILING: It is a possibility.

WAY: It's at that level that you propose this development which is predominantly single-family duplex.

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HOUGHTAILING: It's in that medium income group, that's all I can say.

WAY: Is there any idea what the developed cost of the single-family lot would be at this subdivision?

HOUGHTAILING: Not right offhand. As you know, we're going in this off-site cost.

WAY: It seems to me you've got some rather extraordinary expenses there which could--

HOUGHTAILING: Right, although I think I have a statement that I can offer that Kaiser says this is the income group they want to meet.

WAY: The zoning is proposed R-6, minimum 5,000 sq. ft. lot. Have you any indication what city standard developed subdivision cost might be in that area? Any approximate figure?

HOUGHTAILING: They're running around anywhere from $1.50 to $2.00 a square foot.

WAY: Plus land cost.

HOUGHTAILING: Plus land costs.

WAY: I had another point to make, Mr. Chairman, not on this subject but just so the record is complete, Mr. Houghtailing's answer in relation to future development of that area was to the effect that there is before the Land Use Commission, request for urban classification, and pending that then urbanization of the area could occur. I would, again to complete the record, point out that the area is shown on the general plan for agricultural use. In addition to the urban classification from the state, it would be necessary for the city to amend this general plan to show an appropriate urban designation and the zoning as well. So, and I want to make it very clear, it isn't just state classification of the area for urban puposes that would be involved here. So, the issue could possibly come before the Commission on three more occasions: one being at the time, should we be so fortunate, that the Land Use Commission would refer it to us when they were considering the boundary review; the second at the time that a general plan amendment for the entire area would be considered; and the third at the time the appropriate zoning classification would be brought before the Commission. What I'm saying is the city will have a considerable crack at the urbanization of this area. We'll have our chances to comment further.

SULLAM: I was under the impression from the General Plan Revision Program that population density in this area was not exactly encouraged. It was more toward Ewa. Now if we're going to start thinking in terms of rezoning such large portions of agricultural lands, we will automatically be putting population densities here.

WAY: Yes, good point.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

MOTION: Dr. Choy made the following motion which was seconded by Mr. Hosaka for purposes of discussion: "That the Planning Commission recommend to the City Council that they not act upon the matter until the General Plan revision for the area and development of the state agricultural park be attained."

Discussion followed.

DUKE: Mr. Chairman, I disagree. We're only considering right now the 36 acres. It is already on the State Land Use as urban.

All the objections that we received today which I am cognizant about will be improved by going along with the recommendation to make this rezoning. It will help the farmers up on the hillside mauka, and furthermore, it doesn't have anything to do with the buffer zone that presently exists there, the 1700 feet. At a future time when they might want to develop the buffer zone then I might take a different look at it, but on this 36 acres, I personally think it will help rather than be detrimental.

CHOY: Let me clarify and expand on my motion. I am not looking at the present rezoning being asked. I'm looking at the humanistic and viable standpoint where I'm quite concerned and I have been aware in the past that AG-2 people have been shifted from location to location because of urban expansion, and as the Agricultural department has stated emphatically that this is by far the last location on the island of Oahu that would be suitable for this type of operation.

My fear is this, that if we permit this small 36+ acre to be rezoned, I would like to address my fear to the expansion further mauka into the other 260 acres that these people have, and possibly in the future through other legislative mechanics that even the farmers in their present location may be moved. They have been moved in the past.

My motion is one directed to the future, the urban sprawl and the encroachment. If this body defers decision to the Council, they would probably be in a much better position legislatively to decide rather than this body. My motion to them is to defer action indefinitely.

DUKE: I feel though that this Commission should take changes as they come before the Commission and not guess

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what might happen in the future.

I'm concerned about the farmers too, but the applicant has made a request that we handle the 36 acres, and not try to second guess what he's going to do 10 years hence or what the state might do or what the city might do if something might happen in the future. I think we should just stick to what the request is for.

As I say, I speak against the motion because I'm for the request and you seemingly are against it.

CHOY: I do appreciate your remark about sticking to the point but I also feel that as Planning Commission members here, we do not have any quasi-enacting power. It was taken away from us. This is just a party that would sit and listen to--first of all we should listen to citizen input. This I think I have taken quite seriously. It seems as though you're taking the part of the applicant. We have heard the dissident. You like to stick to the issue of the 36+ acres and not go into the future. But, I think this body also has the responsibility to approve in whole, in part or reject the recommendation by staff.

DUKE: So do I.

CHOY: Yes. So, under these conditions, I think my motion was in order.

DUKE: That's quite all right. It's in order, definitely.

CHAIRMAN: The motion is in order.

SULLAM: I concur with Dr. Choy. I do feel we have to look to the future. That's why Dr. Dollar was here. He's representing the Department of Agriculture and he's involved in this long range plan which is going to determine where they're going to put certain types of agricultural activity. We have been told over and over again this is one of the few cap rock areas remaining that does not have residential development on it that can be used for agriculture.

I concur with Dr. Choy that we should wait until the Department of Agriculture comes to a decision as to which land they're going to redesignate and put into agriculture. That is their intention too in reviewing this plan. There's no harm in waiting. There's more damage in acting quickly. Already tremendous amount of development has been proposed for that area. So, I don't think there's any urgency right now.

DUKE: If we were truly taking away agricultural land, I would seriously give it a long thought too, but we're not. I feel I've already said enough on it.

CHAIRMAN: I have a few observations. I think we have a policy before us which was approved by the City Council, the establishment of the 1700-foot buffer zone. That buffer zone has been validated by the Department of Agriculture at this hearing, and at least at three other hearings before this on other pieces of property.

Also, the representative of the Federation indicated they did not have a concern with the 36 acres as long as the 1700-foot buffer zone is maintained.

Now it seems to me, we have a policy before this Commission which the Commission recommended to the City Council and the City Council affirmed that. I would certainly share the long term concern. The Department of Agriculture certainly has the capability of speaking to another state department who is going to make some decisions to try to urbanize it. Certainly the county through our general plan change and rezoning, also has a way of taking care of the long term process.

I think the issue before us is are we going to vote against an application for 36 acres which already has the state urban designation, that has not been changed by the Land Use Commission, and which isn't even under consideration by the State Land Use Commission. Are we going to vote against that because of a piece of property which isn't even before this group.

I think we have to make some decision why we vote on things, and whether or not former positions taken by this Commission are valid.

If the Chair has to vote, the Chair will vote against this motion.

DUKE: Question.

CHAIRMAN: The question has been called for. All those in favor of the motion signify by raising your right hand.

(The motion failed to carry.)

AYES - Choy, Hosaka, Sullam
NAYES - Connell, Duke
ABSENT - Crane, Kahawaiolaa
CONFLICT - Kamiya

MOTION: The Commission, on motion by Mr. Hosaka, seconded by Mrs. Sullam and carried, deferred action to its next meeting, due to the lack of sufficient votes to take action on this matter.

AYES - Choy, Connell, Duke, Hosaka, Sullam
NAYES - None
ABSENT - Crane, Kahawaiolaa
CONFLICT - Kamiya

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UNFINISHED BUSINESS
PUBLIC HEARING
ZONING CHANGE
AG-1 AGRICULTURAL TO
A-1 LOW-DENSITY APT.
WAIAU
LEAR SIEGLER, INC.
(FILE #73/Z-16)

Public hearings were held February 6, March 6 and 20, 1974. At its March 20th meeting, the Commission deferred action at the request of the Director for review by the Department of Health

The Director requested a two-week deferral for further discussion with the applicant.

In accordance with the Director's request, the matter was deferred for two weeks, on motion by Mr. Hosaka, seconded by Mrs. Sullam and carried.

UNFINISHED BUSINESS
GP/DLUM AMENDMENT
QUASI-PUBLIC TO
APARTMENT USE
ST. LOUIS HEIGHTS-
PALOLO
ST. LOUIS-CHAMINADE
EDUCATION CENTER
(FILE #236/C1/17)

Commissioner Hosaka who had declared a conflict of interest did not take part in any deliberation on this matter.

The public hearing held March 20, 1974 was closed and the matter deferred for 30 days. The Commission requested the appearance of representatives from the Department of Transportation Services and the Board of Water Supply.

Mr. Ichiro Tanaka from the Board of Water Supply was called upon to respond to questions from the Commission.

CHOY: Mr. Tanaka, there had been some controversy on the water pressure during peak usage hours of the people that live on the ridge and the old St. Louis Heights area and on the top. At the last meeting, Mrs. Seto indicated that she didn't have water pressure to run her garbage disposal. We were told that the statement from the Board of Water Supply states that water is adequate. Could you clarify what "adequate" is.

TANAKA: That low-water pressure complaint was by someone living up on the heights?

CHOY: Yes.

TANAKA: We have a 20-inch waterline that comes down Dole Street, it comes down St. Louis Drive. This particular development will be served off this 20-inch line. So, we have indicated to the Planning Department that as far as water is concerned, we do have adequate water for this particular development.

Now, for the St. Louis Heights area, we have a series of pumping stations and reservoirs. The system actually takes water from this 20 in successive lifts. It lifts the water up. We have about three reservoirs up on the heights. Each zone is served by a particular reservoir. So, the water service for this particular development is not in the same zone as the water service to the upper area. So if we separate the two for the time being and talk about this particular development only, as I said, because we have a 20-inch water line, there is no problem.

To my knowledge as I said, we haven't had any complaints about this particular problem. If we had a complaint such as that, I'm sure we

would have made an investigation to see what improvements can be done, and we would eventually schedule such an improvement. But, as of now the way our system is, I don't think you can connect this development with the upper area. The problems would be different.

CHOY: Since you haven't had complaints from people in the heights, could it possibly be that residents after living there a while could have become hypothetical and just learned to live with the problem. This is why you haven't heard from them.

TANAKA: Yes, that could be possible.

WAY: In that connection if I understand you correctly, are you saying that this development simply doesn't connect to the other systems in such a manner that there would be any draw down on the water in those other systems in the upper areas? I don't want to put words in your mouth. I just want to understand what you're saying.

TANAKA: Yes. Actually when you really come down to it, I think if you did make a hydraulic calculation, I would say that the draw-down would be negligible, that there won't be any appreciable drop in pressure because we are talking about approximately 300-400 units. Three hundred to 400 units coming off a 20-inch line is not too big a demand.

WAY: You have other reservoirs too.

TANAKA: Yes. For your information, actually the reservoir that's serving this particular area, our 405 reservoir and we have successive lifts going up 640, 855, 1100. So, the uppermost area would be served by 1100 reservoir.

DUKE: Just to clarify in my mind, the water that you pump up to the 1100 reservoir, then the pressure from that reservoir feeds the houses in the area, not the pressure off this 20-inch line, and so forth as you step down. Is that correct?

TANAKA: Well, let's say that the source for that 1100 reservoir would be the 20-inch line.

DUKE: Sure.

TANAKA: So when the water is eventually pumped up to this 1100 reservoir, then the service limit from this 1100 reservoir would be the 1,000-foot elevation contour.

KAMIYA: Would the testimony from the people living in the heights area, apparently they do have some problems that I might say they are able to live with presently. Say if this development goes through, and a problem comes out where the people goes over that thin line where they have problems enough to consult you, what would be some of the solutions that would take care, and how long would it take to solve a problem like that?

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TANAKA: Generally the problem that would arise would be possibly the inadequacy of the size of the line in that particular area. It maybe that the people with the most complaints would be living on the street with a smaller size main. So in that case, the improvement would be to increase the size of that particular main. That should solve the problem.

KAMIYA: Would this probably come under CIP?

TANAKA: No, that depends. I would say it would come under our so-called Minor Main Extension Program. In other words, it's sort of like a maintenance program where we replace mains on a regular basis depending on--

KAMIYA: Then how long would it take for you to solve these problems, once this problem comes about? Would it take a year to get water back to its adequate level again?

TANAKA: No, not necessarily. It depends actually on the type of complaint and how many complainants there are. If it affects the whole area, I think we'll have to go in and do something.

SULLAM: I think before we make a decision on this, somebody from the Board of Water Supply ought to go up there and test it. There must be a mechanical way of determining whether there is adequate pressure or not.

TANAKA: Rather than the Board testing all of the facilities in all of the areas, where ever we have these rezoning requests come up, we depend more on the residents in the area telling us that we should improve the system. We depend on them quite a bit.

CHOY: In other words then, for the representative of the people who live in the heights and is sitting in the audience, it's well for them to start calling the Board of Water Supply?

TANAKA: Yes. They should direct a letter to the Board specifying what the problem is and so forth. We would take some action on it.

CHAIRMAN: Perhaps we could ask Mr. Tanaka, in order to save some time, if he could get some of that information and relay it back.

TANAKA: I certainly can. I'd be happy to.

KAMIYA: Maybe you can explain in your letters what you mean by availability of water.

TANAKA: Can you tie that in with a specific request?

WAY: If I might try. What the Commission is faced with in a number of situations is a response from the Board that indicates there is adequate water supply or that there is available water to meet the requirements of a given project. In this particular case, the project involves some 320 proposed units, apartment complex, a

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general plan change, we have zoning requests and changes, a similar kind of response that is normally reported back to the Planning Commission by way of your correspondence advising us, the Department of General Planning or the Department of Land Utilization, of your finding. I think it's more in this area, if I may Commissioner Kamiya, that the Commission is seeking a little more understanding of what you mean when you respond in an affirmative way with reference to water availability.

TANAKA: Okay. Let's take this project as an example. Since we do have a large enough main, our facilities in that area are adequate. We have indicated in the rezoning request that adequate water service is available to the development.

Now, let us assume that instead of a 20-inch main we have a 2-inch line. In that event if this request for rezoning came in for our review, we would indicate to the Planning Department that in order for adequate water to be made available to this particular development, the developer would have to extend a main, probably a 12-inch line, maybe for two miles back towards University Avenue. So in both instances we are saying water is available to a development, and we qualify that by indicating whether the developer or the applicant would have to install certain facilities. It may be a reservoir or a pumping station or a source. We would clarify our statement by saying these facilities would be required.

In most cases, you can take just about any area on the island of Oahu when you come in for development, it's very rare that we would tell you there's no water available for that development. Even if you came in for an area which is far removed from any of our facilities, we would indicate first of all if there is water available in the ground or somewhere around there, we would say that the developer would have to provide a source, reservoir and so forth to serve this particular development. We would not say that water is not available.

WAY: The kinds of considerations that the Board takes into account when responding, what might they be? For example, one aspect it would seem to me that would be important would be fire service requirements, another would be the actual domestic service requirements for a given project of X number of units. Are there other factors than those that you might be evaluating when you respond to requests for information or comment?

TANAKA: Well, I would assume we would take into consideration again what impact the particular development would have on the surrounding area. Based on this study, we would indicate what type of facility the developer would have to install so as not to produce any ill effects on the existing area.

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

The Commission deferred action on this matter for two weeks, for report by a representative from the Department of Transportation on the traffic situation in the subject area, on motion by Mr. Duke, seconded by Mrs. Sullam and carried.

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STREET NAMES — The Commission recommended approval of the following suggested street names, on motion by Mrs. Sullam, seconded by Dr. Choy and carried:

1. Kahuku J-2 Condominium Project (Kuilima), Hanakaoe, Koolauloa, Oahu, Hawaii, Tax Map Key 5-7-01: 27.

(Private Roadways)

NORTH KUILIMA PLACE	Dead-end roadway running in an easterly direction off Kuilima Drive.
Meaning:	Striking or pounding.
SOUTH KUILIMA PLACE	Dead-end roadway running in a north-easterly direction off Kuilima Drive.
SOUTH KUILIMA WAY	Dead-end roadway running in a south-easterly direction off South Kuilima Place.

ADJOURNMENT: The meeting adjourned at 5:45 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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MAY 1 1974

HAWAII FARM BUREAU FEDERATION

Hawaii Building • 745 Fort Street, Suite 504 • Honolulu, Hawaii 96813 • Telephone (808) 523-1334

WALLACE M. NITTA
President

1st Vice President
Ernest Adaniya

2nd Vice President
Wallace Kimura

3rd Vice President
Shigeharu Shiroma

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Kazuto Takayama

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Masao Okumura - Kona
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Shigeru Sakata - Kohala
President

KAUAI COUNTY
Antone Silva
President

MAUI COUNTY
Mitsugi Yamamura
President

OAHU COUNTY
Tamotsu Kubota - South
President

Harry Okabe - East
President

Wallace Uyehara - West
President

Administrative Director
Billy Tokuda

May 1, 1974

Chairman Connell and Members of the City Planning Commission. We have commented on the general problem of urban encroachment in the Lualualei area in previous hearings relating to Keystone Properties and Oceanview developments. Our views and concern on this rezoning have not changed. This encroachment upon the AG-2 zone - Mikilua - will have serious long-term detrimental effects on agriculture.

It is necessary for those proposing to encroach on the AG-1 buffer zone surrounding the AG-2 zone to provide the necessary level of protection from odors and nuisances that may arise during adverse weather periods.

During the past summer the water supply problem became serious in Waianae. The shortage was attributed to developer's usage of water. Increasing development in the sensitive area will only serve to aggravate this problem.

Recently, at the University of Hawaii, College of Engineers' Conference on Diversified Agriculture, Mr. George Yuen of the Board of Water Supply pointed out water supply problems now facing the City and County of Honolulu in various areas and that water allocation for urban and agriculture uses was a serious problem. The farm community represented by the Mikilua Farm Bureau must recommend that action on the applicant's request be deferred until such time

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President

Administrative Director
Billy Tokuda

the Board of Water Supply can provide detailed analysis of demand and schedule of construction.

The Farm Bureau urges that planned developments in the Waianae District could be considered reasonable only when two conditions are met: 1) the water situation is solved and 2) developer's provide protection and assistance to the farmers to reduce the risks of complaint. Before proceeding, the developer would have to provide a legal system for protection of the farmer from suits or complaints, provide proper buffer zones and/or facilities to offset effects of farm oriented nuisance and/or to arrange for relocation of farmers that are too close to the development.

Historically, the farmer has been faced with urban encroachment and relocation. Presently, we have livestock farmers who have to relocate due to housing developments and find very little agricultural land available to them. These farmers have applied for the State Agricultural Park Program which has been delayed due to acquisition obstacles and land availability. However, we maintain that existing farm operations with their considerable investments must be fostered to assure supply of locally produced food. In addition, farmers will have to have assurance that this development will not be a stepping-stone for further rezoning of agricultural lands.

Thank you for the opportunity to comment on this matter.

Hawaii Farm Bureau Federation

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Statement of Board of Agriculture Chairman Frederick C. Erskine

on Zone Change - Kaiser Pacific Properties Corporation

Chairman Eugene Connel and members of the Planning Commission:

The Department of Agriculture continues to be concerned with urban development in the Waianae District. Approval of the proposed Kaiser Pacific Properties Development should await answers to critical questions of water supply and compatibility of residential and agricultural activities.

Agricultural activities in Ag-1 and Ag-2 zones are frequently faced with low water pressure and poor supply. During the past year when construction activities drew on the domestic water supply for dust suppression, serious water shortages developed. The Department expressed its concern for water supply in a letter dated January 29, 1974 (attached).

The Board of Water Supply has indicated that a 2-million gallon storage tank and service line will be installed by the summer of 1974. This effort could overcome pressure problems, but not necessarily supply problems. The basic problem of water delivery into the Waianae District to meet anticipated needs remains unanswered. The timetable and scope of such development must be clearly defined before favorable action on further development in Waianae can be considered. Furthermore, the Board of Water Supply has stated that new water for agriculture is not readily available. If this is so, a serious appraisal of the allocation of this vital resource is needed before further urban sprawl is favored.

In our letter of January 29, 1974 we expressed concern for both the adequacy of water supply, as well as the probability that delivery costs will increase. These concerns remain unanswered. During the past 20 years, livestock and poultry

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activities were located in the Waianae District as a result of increasing urban pressures elsewhere. Waianae represented an ideal haven for the displaced farmer, because developable water was available and environmental conditions were favorable.

Recently, increased urban pressure on this agricultural complex has reduced operational freedom. This erosion of freedom of action has affected not only the type of agricultural activity that was feasible but, more importantly, the availability of water at reasonable cost. Urban development on Oahu led originally to the creation of an Ag-2 zone in Mikilua. Intrusion along the margins of this Ag-2 zone is continuing despite the fact that many of the developments remain virtually vacant. Further development will increase the demands upon the water supply system just to install and maintain landscaping until the property is occupied.

The Department recognizes that housing is a very pressing problem for Hawaii. However, urban development in the Waianae District is not only wasteful from the standpoint of time required to reach employment areas, but creates a heavy demand on energy, water resources and public services.

Residential development in Waianae will ultimately increase costs of food on Oahu and in Hawaii by directly increasing the costs of agricultural production and by increasing transportation costs already at intolerable levels. Furthermore, increased urbanization, at the expense of agriculture, will raise the cost of freight for all imported goods because the proportion of inshipments of food and goods will increase without compensatory backhauls. It is vital that we move very carefully in the Waianae area before intruding further into the last suitable areas available for efficient production of livestock and poultry and other foods.

MAY 1 1974

It is essential that the water problem be addressed, but the physical and social relationships of urban and agricultural zones should also be considered. Characteristically, livestock and poultry production results in odors, insects and other related nuisances unless unusual care is exercised. These nuisances can be overcome by installing appropriate facilities at significant costs, but such costs must be absorbed in the cost of product sold or passed on to the consumer.

Essentially, the farmer in Waianae is called upon to subsidize urban development because food products must remain competitive with imports. Further urban intrusion into agricultural zones must recognize these increased costs and provide the necessary protection to prevent unwarranted conflicts. Allowance of truly adequate buffer zones would prohibit further development within the Ag-1 boundaries. Alternatively, creation of waste treatment facilities and improved water delivery systems, as part of the cost of development, would permit closer association of urban and agricultural activities without dramatically increasing the costs of locally raised and imported foods. Preagreement on development of buffer zones and treatment systems will be essential to coexistence of agricultural and urban development.

The Kaiser Pacific Properties Corporation has not addressed these problems. Oceanview Ventures has studied the problem relating to its proposed development and has developed potential solutions. Group effort could reach reasonable solutions raised by this progressive erosion of Ag-1 and industrial zones in the Waianae District before future options are lost. The Department of Agriculture is on record that solutions can and should be found.

As a minimum, the Department of Agriculture requests the petitioner and the City to provide assurance that all lands in Waianae designated and zoned for agricultural use in State and County General Plans be retained in such use to avoid future problems affecting livestock operations for which land in suitable areas is no longer available.

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January 29, 1974

Mr. William E. Wanket, Deputy Director
Department of Land Utilization
City and County of Honolulu
629 Pohukaina Street
Honolulu, Hawaii 96813

Dear Mr. Wanket:

Subject: Request for Zone Change in Mauli
Applicant: Kaiser Pacific Properties Corp.
TMK: 8-7-10: Portion of 2

The Department of Agriculture has reviewed the correspondence with the Board of Water Supply regarding water development and delivery to agriculture zones in Waianae. The present agriculture demand is estimated to be in the range of 4.5 mgd for the 870 acres in use. There is a reasonable potential for expansion of demand to 6.5 mgd.

The population (1970 census) of 23,890 will require an average 3.6 mgd on the basis of a per capita use of 150 gal./day. Vacant acreage reported in 1970 for residential development of tracts larger than 50 acres for single families was 399.35 acres, and for multiple families was 334.17 acres. On the basis of low density development of 6 DU/acre for single family and 22 DU/acre for multi-family, and 150 gallons per day per capita demand, then for a potential population increase of 35,093 persons there is an increase in demand of 5.3 mgd.

In summary, the present demand is approximately 8.1 mgd (4.5 + 3.6) with an expansion potential to 16.3 mgd without any change in approved land use. The Board of Water Supply estimate of sustainable water capacity for the Waianae service area is 22.5 mgd with a potential increase in supply to 37.0 mgd in 2,020. During this same period the projected population increase to 105,900 will require at least 15.8 mgd which when combined with an agriculture demand of 6.5 mgd will increase total demand to 22.3. This projection which makes no allowance for increased per capita demand nor for increased agricultural use will be within the limits of the projected supply.

The concern of the Department remains the reliability of supply to agriculture. It is not a question of an overall sustainable supply but one of a guaranteed sustained delivery at a workable cost to the agriculture zone. If developments

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are approved which require installation of an improved storage and delivery system, will this increased cost be borne by agriculture both in direct costs and in lost resources? The Department wishes to be assured that there will be an adequate and sustained level of agriculture water delivery at a reasonable cost with each increment of land use change.

We would appreciate a detailed analysis of the capabilities of the water delivery system in the agriculture areas and the impact on pressure and volumes available for each incremental increase in urban demand. Such an analysis is of prime importance for the Waianae District since shortages have developed.

Thank you for keeping us informed and for the opportunity to comment on this matter.

Sincerely,

FREDERICK C. ERSKINE
Chairman, Board of Agriculture

cc: George Yuen, BWS

bcc: HDI
Milk
Plant

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MAY 15 1974

Meeting of the Planning Commission
Minutes
May 15, 1974

The Planning Commission held a meeting on Wednesday, May 15, 1974 at 1:34 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:
Eugene B. Connell, Chairman
Dr. Wilbur C. Choy
Antone J. Kahawaiolaa
Randall Kamiya
Fredda Sullam

ABSENT:
James D. Crane, Vice Chairman
Charles W. Duke
Donald K. Hosaka

STAFF PRESENT:
Ian McDougall, Head, Plans Division Branch (representing Chief Planning Officer)
Andrew Sato, Deputy Corporation Counsel
George Aoki, Deputy Corporation Counsel
Gerald Henniger, Staff Planner
Ralph Portmore, Staff Planner

MINUTES:
The minutes of May 1, 1974 were approved, on motion by Dr. Choy, seconded by Mrs. Sullam and carried.

PUBLIC HEARING
GP/DLUM AMENDMENT
KANEOHE-KUALOA
SCHOOL TO PARK & RESIDENTIAL; RESIDENTIAL TO SCHOOL; PARK TO OPEN SPACE & APARTMENT; APARTMENT TO OPEN SPACE.
DEPT. OF RECREATION,
C&C OF HONOLULU
(FILE #232/C2/25)

A public hearing was held to consider a proposal to amend the General Plan and Detailed Land Use Map of the City and County of Honolulu by redesignating approximately (1) 4.0 acres of School use to Park use; (2) 6.4 acres from School use to Residential use; (3) 2.0 acres from Residential to School use; (4) 66.0 acres from Park to Open Space; (5) 11 acres from Park to Apartment use; (6) 3.1 acres from Apartment to Open Space, for land located in Ahuimanu, Kahaluu, Tax Map Keys: 4-7-04: 15, 22, 24, 32, 36, portion of 1.

Publication was made in the Star-Bulletin/Advertiser of Sunday, May 5, 1974. No letters of protest were received.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer. According to DOR, the request for a neighborhood park use for the Ahuimanu site is based primarily on (1) the need for a neighborhood

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park in this area, and (2) the desirability of the subject parcel to meet this need. DOR establishes the need for park use by examining the concept of a school and park complex, growth of population, and the lack of recreational facilities in the Ahuimanu area. The desirability of the site is based primarily on the fact that the proposed neighborhood park will be adjacent to an existing school, thereby creating a school and park complex.

DOR states that the existing General Plan Detailed Land Use Map does not adequately meet the basic concept of a school and park complex in that the existing site provides for school use only and does not take advantage of the planning opportunity to provide public access to open space. Since a neighborhood park is primarily for children of elementary school ages 5-14 years and provides a complete center for neighborhood activities which include indoor social activities and recreational activities, neighborhood parks should adjoin elementary schools which are within walking distance of most homes. Recreational facilities proposed include tots and children's play area, tetherball, paved courts for basketball and volleyball, and a softball field. A comfort station would also be provided. A 40-foot strip along Kahekili Highway will be utilized as an open field area until such time as the planned widening of Kahekili Highway takes place.

In summary, the existing General Plan policy for this area is considered inadequate because the Kaneohe-Kualoa Detailed Land Use Map fails to provide a school/park complex for the Ahuimanu area despite the fact that the provision of such combined facilities is a stated objective of the General Plan. In addition, there are no other active public recreation areas existing or currently planned to serve the needs of this area.

On the basis of the data and findings submitted by DOR and the analysis of these findings by staff, it is concluded that there is a need for a neighborhood park within the service area. There is reasonable evidence indicating that the designated school use of the site in question is no longer needed, and that the proposed neighborhood park is the best alternative use for the land.

It is the recommendation of the Chief Planning Officer that the request be approved.

Questioned by the Commission regarding the recommended boundary adjustment from Park use to Open Space use for the remaining 66 acres in the 77-acre site makai of Kahekili Highway, Mr. Portmore indicated that the site is not suitable for active recreation because of its rugged terrain, and its peripheral location restricts access. Development of this site for park use would not be practical. It might best be suitable for hiking or similar uses which are permitted in an open space or preservation area.

Testimony in SUPPORT

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Mr. Irwin Lane, Staff Planner, Department of Recreation, represented the applicant.

LANE: The staff adequately presented the situation. I might add comment only to the extent that we had submitted letters of intent and preliminary information for general plan amendment involving the area around the Kahaluu Flood Plain Project, the Soil Conservation Project which will increase the supply of recreational facilities. However, it should be noted that the area is a distance of more than one mile from the subject area. Also, in reference to the open space designation, we favor this since it is not possible to develop it for an active recreational type of usage. We still consider open space essential which has certain recreational potential but not for active organized recreational type of activity. We of course favor the amendment as reviewed by the Department of General Planning.

Mr. Lane was questioned by the Commission.

CHAIRMAN: None of this planning has been done for the proposed park?

LANE: Just conceptual planning. There are funds available.

CHAIRMAN: The only concern I have is that I notice in the criteria for neighborhood playground as over and against a playfield, is under neighborhood playground there's no provision at least noted on here in terms of parking. It can become somewhat of a concern when you're looking at it where the park is going to be located, being just off a culdesac.

LANE: I understand that. Might I say in connection with that that our playgrounds are oriented toward local service primarily. We would expect most people that would be using the playground would be coming on foot, whereas a playfield has a larger radius or area from which it would draw the participants either active or spectator or organized team activity. Therefore, some parking should be provided under those circumstances.

CHAIRMAN: My concern would be if it's used for any little league activity for T-Ball or soft ball and so forth. Looking at some of our parks where there is insufficient parking, on certain days of the week would it cause great inconvenience for the people living there.

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

No one spoke AGAINST the proposal.

The public hearing was closed, and the matter was taken under advisement, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

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ACTION: The Commission adopted the recommendation of the Chief Planning Officer and recommended approval of the request, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

AYES - Choy, Connell, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Crane, Duke, Hosaka

PUBLIC HEARING
BUSINESS & RESIDENTIAL TO APARTMENT & CONCURRENT DESIGNATION OF PLANNED DEVELOPMENT HOUSING DISTRICT
WAHIAWA
FRANKLIN C. C. TOM
(FILE #74/PDH-1)

A public hearing was held to consider a request for rezoning from Business and Residential to Apartment District and concurrent designation of Planned Development Housing District for approximately 2.26 acres located in Wahiawa, Tax Map Keys: 7-3-09: 3 through 13.

Publication was made in the Star-Bulletin/Advertiser of Sunday, May 5, 1974. No letters of protest were received.

Staff Planner Gerald Henniger presented the Director's report of the proposal. In summary, the proposed rezoning from Business and Residential uses to Apartment use is in conformance with the General Plan Detailed Land Use Map. The site plan concept and proposed building types are appropriate. Adequate buffering is provided by building setbacks, existing trees and proposed landscaping.

It is recommended that the Planned Development-Housing and the correspondent rezoning applications be approved with the conditions enumerated in the Director's report.

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

Public testimony followed.

Testimony in SUPPORT

The applicant, Mr. Franklin C. C. Tom, concurred with the recommendations as outlined in the Director's report.

The Commission had no questions of Mr. Tom.

No one spoke AGAINST the proposal.

The public hearing was closed, and the matter was taken under advisement, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

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AYES - Choy, Connell, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Crane, Duke, Hosaka

UNFINISHED BUSINESS
ZONING CHANGE
AG-1 RESTRICTED AGRICULTURAL TO R-6 RESIDENTIAL
MAILI
KAISER PACIFIC PROPERTIES CORP.
(FILE #73/Z-27)

Commissioner Kamiya, who had declared a conflict of interest, did not take part in any discussion on this matter.

The public hearing was held and closed on May 1, 1974, and action was deferred to the next meeting because the Commission lacked sufficient votes to take action on this application.

With five members present and Commissioner Kamiya in conflict, the Commission did not have a quorum to consider this matter. The Chairman deferred action to the next meeting.

UNFINISHED BUSINESS
PUBLIC HEARING
ZONING CHANGE
AG-1 AGRICULTURAL TO A-1 LOW-DENSITY APT.
WAIAU
LEAR SIEGLER, INC.
(FILE #73/Z-16)

Public hearings were held February 6, March 6 and 20, and May 1, 1974. At its May 1st meeting, the Commission kept the public hearing open and deferred the matter for two weeks at the request of the Director for further discussion with the applicant.

Deputy Corporation Counsel Andrew Sato requested a two-week deferment to examine the legal aspects of Ordinance No. 4300 regarding conditional zoning.

The public hearing was held open and the matter deferred for two weeks, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

ADJOURNMENT: The meeting adjourned at 2:00 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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MAY 29 1974

Meeting of the Planning Commission
Minutes
May 29, 1974

The Planning Commission held a meeting on Wednesday, May 29, 1974 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Eugene B. Connell presided.

PRESENT:
Eugene B. Connell, Chairman
Dr. Wilbur C. Choy
Donald K. Hosaka
Antone J. Kahawaiolaa
Randall Kamiya
Fredda Sullam

ABSENT:
James D. Crane
Charles W. Duke

STAFF PRESENT:
Ian McDougall, Head, Plans Division Branch (representing Chief Planning Officer)
Andrew Sato, Deputy Corporation Counsel
George Aoki, Deputy Corporation Counsel
Henry Eng, Staff Planner
Chuck Prentiss, Staff Planner
Johan Ronningen, Staff Planner

MINUTES:
The minutes of May 15, 1974 were approved, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

PUBLIC HEARING
ZONING CHANGE
CERTAIN PRIVATE GOLF COURSES TO P-1 PRESERVATION DISTRICT
VARIOUS AREAS ON OAHU
INITIATED BY CITY COUNCIL
(FILE #74/Z-25)

A public hearing was held to consider a request for proposed rezoning of certain private golf courses to P-1 Preservation District; location and Tax Map Keys:

Mid-Pacific Country Club	4-2-2: 2
Mililani Golf Course	9-5-1: 35
Moanalua Golf Club	1-1-12: 13
Oahu Country Club	1-9-6: 1
Hawaii Country Club	9-4-4: 20
Hawaii Kai Golf Courses	3-9-10: 5, 6, 23, 25
Kuilima Golf Course	5-7-1: 16, 22
Makaha Valley Country Club	8-4-2: 5
Pearl Country Club	9-8-11: 34, 35
Waialae Country Club	3-5-23: 1, 3, 38

Publication was made in the Sunday Star-Bulletin/Advertiser on Sunday, May 19, 1974. No letters of protest were received.

Staff Planner Johan Ronningen presented the Director's report. The proposed action to rezone certain private golf courses to P-1 Preservation District was initiated by the City Council to establish greater assurance that these areas would be retained as golf courses

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and open space. Most of these golf courses are now assessed for taxes at the rate for golf course use rather than at the higher rates which they would pay if the State Tax Office considered the other uses permitted by existing zoning. Following is a list of the golf courses and existing zoning:

Hawaii Country Club	AG-1 Restricted Agricultural
Hawaii Kai Golf Courses	AG-1 Restricted Agricultural R-6 Residential
Kuilima Golf Course	AG-1 Restricted Agricultural
Makaha Valley Country Club	R-6 Residential
Mid-Pacific Country Club	R-6 Residential
Mililani Golf Course	AG-1 Restricted Agricultural R-6 Residential
Moanalua Golf Club	R-4 Residential
Oahu Country Club	R-6 Residential
Pearl Country Club	R-4 Residential R-5 Residential
Waialae Country Club	R-4 Residential

There were no questions from the Commission concerning the Director's report.

Public testimony followed.

No one spoke AGAINST the proposal.

Testimony FOR--

1. Mr. Dudley C. Lewis, Attorney for Estate of Samuel Mills Damon, (presented letter dated May 28, 1974, attached and made a part of these minutes)

   Questioned by the Chairman whether the estate had any objection to the change in designation of the golf course area itself, Mr. Lewis stated: "We have no objection as such. We're put in kind of an awkward position. Our counsel has advised us that because of various implications of trust law that we can't take a position. We're certainly not coming out in opposition to it but we cannot support it. We have a strictly neutral position."

2. Mr. Gene Ferguson, Manager, Land Development Department, Mililani Town (Submitted letter dated May 29, 1974, attached and made a part of these minutes)

3. Mrs. Audrey Fox Anderson, Member, Waikiki Residents Assocation

   Mrs. Anderson questioned why Ala Wai Golf Course was not included in this rezoning. Mr. Ronningen of the staff pointed out that the subject proposal covers private golf courses only. The Ala Wai Golf Course, a public course, will be included in a separate bill presently underway to rezone public courses to preservation use.

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

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ACTION: The Commission accepted the Director's recommendation for approval, with the exception of deferring recommendation on Moanalua Golf Course pending review of testimony presented by the Estate of Samuel Mills Damon, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

AYES - Choy, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Crane, Duke
ABSTAINED - Connell

PUBLIC HEARING
CZC AMENDMENTS
SECTIONS 21-401, 501, AND 601 RE GOLF COURSES AS A USE IN AGRICULTURAL, RESIDENTIAL & APARTMENT DISTRICTS

A public hearing was held to consider proposed amendments to Sections 21-401, 501, and 601 of the Comprehensive Zoning Code relating to golf courses as a use in Agricultural, Residential and Apartment Districts.

Publication was made in the Sunday Star-Bulletin/Advertiser on Sunday, May 19, 1974. No letters of protest were received.

Staff Planner Johan Ronningen presented the Director's report of the proposal. If this bill is approved, both public and private golf courses would become conditional uses in agricultural, residential, and apartment districts. In the existing Code, public golf courses are principal uses in agricultural, residential, and apartment districts; private golf courses are conditional uses in agricultural districts, but principal uses in residential and apartment districts. The proposed bill was initiated by the City Council and is sent to the Planning Commission for public hearing and recommendation. It is a companion bill to another proposed ordinance rezoning certain private golf courses to P-1 Preservation District also submitted this date (preceding public hearing).

No discussion followed.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Kahawaiolaa, seconded by Mr. Hosaka and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the proposed amendments, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

AYES - Choy, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Crane, Duke
ABSTAINED - Connell

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UNFINISHED BUSINESS
GP/DLUM AMENDMENT
QUASI-PUBLIC TO
APARTMENT USE
ST. LOUIS HEIGHTS-
PALOLO
ST. LOUIS-CHAMINADE
EDUCATION CENTER
(FILE #236/C1/17)

Commissioner Hosaka, who had declared a conflict of interest, did not take part in any deliberation on this matter.

The public hearing held March 20, 1974 was closed, and action deferred to May 1, 1974. The Commission on May 1 deferred the matter to May 29, 1974 upon request of the applicant.

Staff Planner Charles Prentiss requested a deferment to June 26, 1974 for review of additional data recently submitted by the applicant.

The Chairman deferred the matter to June 26, 1974.

UNFINISHED BUSINESS
ZONING CHANGE
AG-1 RESTRICTED
AGRICULTURAL TO
R-6 RESIDENTIAL
MAILI
KAISER PACIFIC
PROPERTIES CORP.
(FILE #73/Z-27)

Commissioner Kamiya, who had declared a conflict of interest on this matter, disqualified himself from the deliberations.

No discussion followed.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

AYES - Choy, Connell, Hosaka, Kahawaiolaa, Sullam
NAYES - None
ABSENT - Crane, Duke
CONFLICT - Kamiya

UNFINISHED BUSINESS
PUBLIC HEARING
ZONING CHANGE
AG-1 AGRICULTURAL TO
A-1 LOW-DENSITY APT.
WAIAU
LEAR SIEGLER, INC.
(FILE #73/Z-16)

The public hearings held February 6, March 6, March 20, and May 1, 1974 were kept open and deferred to May 15, 1974 upon request of the applicant. On May 15, 1974, the Commission deferred action to May 29, 1974 for examination by Corporation Counsel of Ordinance No. 4300 regarding Conditional Zoning.

Counsel Andrew Sato requested a deferral to June 12, 1974 for an opinion which the Department of Land Utilization has requested on this matter.

The Chairman deferred this matter to June 12, 1974.

STREET NAMES — The Commission recommended approval of the following street names, on motion by Mr. Hosaka, seconded by Dr. Choy and carried:

1. Apuakea-Nana Subdivision, Kaneohe, Koolaupoko, Oahu, Hawaii, Tax Map Key 4-5-37: 51 and portion 41.

APUAKEA STREET	Extension of Apuakea Street, traversing in a northeasterly direction to Halekou Road.
NAWAHINE LOOP	Extension of Nawahine Loop, traversing in a southeasterly direction to Apuakea Street.

2. Inoaole Subdivision, Waimanalo, Koolaupoko, Oahu, Hawaii, Tax Map Key 4-1-09: 19 and 20.

INOA STREET	Roadway traversing in a southeasterly direction connecting at both ends to Inoaole Street.
Meaning:	Name.

3. Melemanu Woodlands, Unit II, Waikakalua and Waianae-Uka, Ewa, Oahu, Hawaii, Tax Map Key 9-5-02: 3 and 6.

WAIKALANI DRIVE	Extension of Waikalani Drive traversing in a northerly direction and terminating at Wikao Street.
WIKAO STREET	Roadway off the southerly side of Leilehua Golf Course Access Road traversing in a southeasterly direction.

4. Momilani Villa Subdivision, Waiawa and Manana-Uka, Ewa, Oahu, Hawaii, Tax Map Keys 9-6-04: 10 and 9-7-25: 13.

LANIKEHA PLACE	Culdesac off the westerly side of Komo Mai Drive traversing in a westerly direction.
Meaning:	Legendary part of heaven; frequent name for residences of high chiefs.
LANIKEHA WAY	Culdesac off the southerly side of Lanikeha Place traversing in a southerly direction.
PAAILUNA WAY	Culdesac off the southerly side off

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Lanikeha Place traversing in a south-westerly direction.

Meaning: Heaven

ADJOURNMENT: The meeting adjourned at 2:07 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

12980RP-1

MAY 29 1974

RECEIVED

ESTATE OF SAMUEL MILLS DAMON

SUITE 1210 • FIRST HAWAIIAN BANK BUILDING • HONOLULU, HAWAII 96813

'74 MAY 29 AM 8:09

May 28, 1974

DEPT. OF LAND UTILIZATION C & C HONOLULU

Planning Commission
City and County of Honolulu
629 Pohukaina Street
Honolulu, Hawaii 96813

Attention: Mr. E. B. Connell, Chairman

Re: Moanalua Golf Course
Proposed Rezoning of Certain Private Golf Courses to P-1 Preservation District

Gentlemen:

We are in receipt of your notice of the Public Hearing scheduled for 1:30 p.m. on May 29, 1974 regarding the above subject change in zoning. The Will of Samuel Mills Damon taking effect on his death in 1924 authorized the Trustees of his Estate to hold the Moanalua Golf Course, presently being Tax Map Key: 1-1-12:13, "for the recreation and enjoyment of the public." The Trustees also were given the "power to add to or deduct from the same." The present Trustees are Herman V. Von Holt, D. Hebden Porteus, Dudley C. Lewis and Henry E. Damon. A contour map of the golf course is attached as Exhibit "A" on which the playing area is outlined in green and a portion of the nonplaying area outlined in red. The actual playing area as contrasted to this nonplaying area also is shown on our most recent aerial photo map of Moanalua Golf Course which is attached as Exhibit "B".

For a number of years the Trustees of the Damon Estate have considered utilizing the area outlined in red on Exhibit "A" as the site for a new clubhouse facility. As recently as 1970 in a clubhouse location study, prepared by Belt, Collins and Associates, Ltd., Engineers, Planners and Landscape Architects, at the request of the Trustees, the area was studied as one of three possible sites for a new clubhouse facility. Material as to this study showing the three site recommendations by Belt, Collins and Associates, Ltd. are on file at the Estate Office and are available for inspection. Upon the recommendation of Ernest H. Hara and Associates, Inc., Architects, and with the concurrence of the Directors and Officers of the Moanalua Golf Club, it was agreed that the new clubhouse facility should be constructed at the site of the existing old clubhouse. The new clubhouse is presently under construction

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at a cost of $173,070, which will be borne entirely by the Damon Estate. Plans of the clubhouse showing location and design are available at the Estate Office for inspection. In addition, at about the same time that the Trustees authorized the expenditure for the new clubhouse, they also approved an expenditure of an estimated $99,000 for the installation of a semi-automatic sprinkler system, tee to green of each of the nine holes, thus providing for regular and systematic watering of the entire golf playing area. A plan of the proposed new sprinkler irrigation system is enclosed as Exhibit "C".

From time to time the Trustees have been approached as to the development of this nonplaying area. However, the Trustees did not feel that any such plans should be considered while the use of the area might be for clubhouse purposes. In view of the construction of the new clubhouse at the old location, the area outlined in red has become surplus to the operation of the golf course.

The Trustees also believe that it would be in the public interest and that of the Estate to dispose of the area outlined in red on Exhibit "A" rather than developing it on a leasehold basis. This is consistent with the decision and sale by the Trustees of large areas of the Estate in 1957 which were sold and developed in fee simple. In furtherance of this position the Trustees disposed of some 977 house lots at Aliamanu to a purchaser thus enabling the lessees to purchase these lots in fee simple. The Trustees have engaged a surveyor to survey the area, plan to request of the appropriate government agencies a lot designation and thereafter to offer to dispose of the same.

The acreage is estimated as approximately 14 acres. A limited amount is considered as usable. In establishing the preliminary boundaries of this parcel, the Trustees have made several on-site inspections in order to insure that the final configuration of its boundaries does not interfere or limit golf play along any of the nine fairways or at any tee or green.

The Trustees of this Estate therefore request that no action be taken at this time with regard to the rezoning of Moanalua Golf Course, including the area outlined in red on Exhibit "A", to P-1 Preservation District until they have had reasonable and sufficient time to officially designate the unused area as a parcel separate from the golf playing area and permit its disposition and use as outlined above.

MAY 29 1974

Should the Commission or its staff find it advantageous, the Trustees would be most pleased to provide an on-site inspection of the golf course, the clubhouse facility presently under construction and the unused area referred to above.

By direction of the Trustees,

ESTATE OF SAMUEL MILLS DAMON

R. E. Robb
Executive Secretary

RER:eh
Attachments

MAY 29 1974

Mililani Town Inc

130 Merchant Street
P O Box 2780
Honolulu Hawaii 96803
Telephone (808) 531-8061

May 29, 1974

Planning Commission
City & County of Honolulu
629 Pohukaina Street
Honolulu, Hawaii 96813

Gentlemen:

This is to acknowledge the proposed rezoning of the Mililani Golf Course from its present zoning to P-1 zoning.

Please be advised that Mililani Golf Club, Inc., the owner and operator of the Mililani Golf Course, supports this proposed change of zoning.

Further, we would like to go on record as advising the Planning Commission that Mililani Town, Inc. and Mililani Golf Club, Inc. will be seeking a General Plan and zoning change at a later date to convert a small unused portion of the golf course to residential use (see Exhibit A attached). This proposed change will entail approximately 24 acres.

The unused portion of the golf course is now an abandoned reservoir once used by Oahu Sugar Co. for irrigation purposes. It is anticipated that the proposed changes in use will occur in 1974-75.

Very truly yours,

MILILANI TOWN, INC.

Gene Ferguson, Manager
Land Development Dept.

GF:jmk

attachment

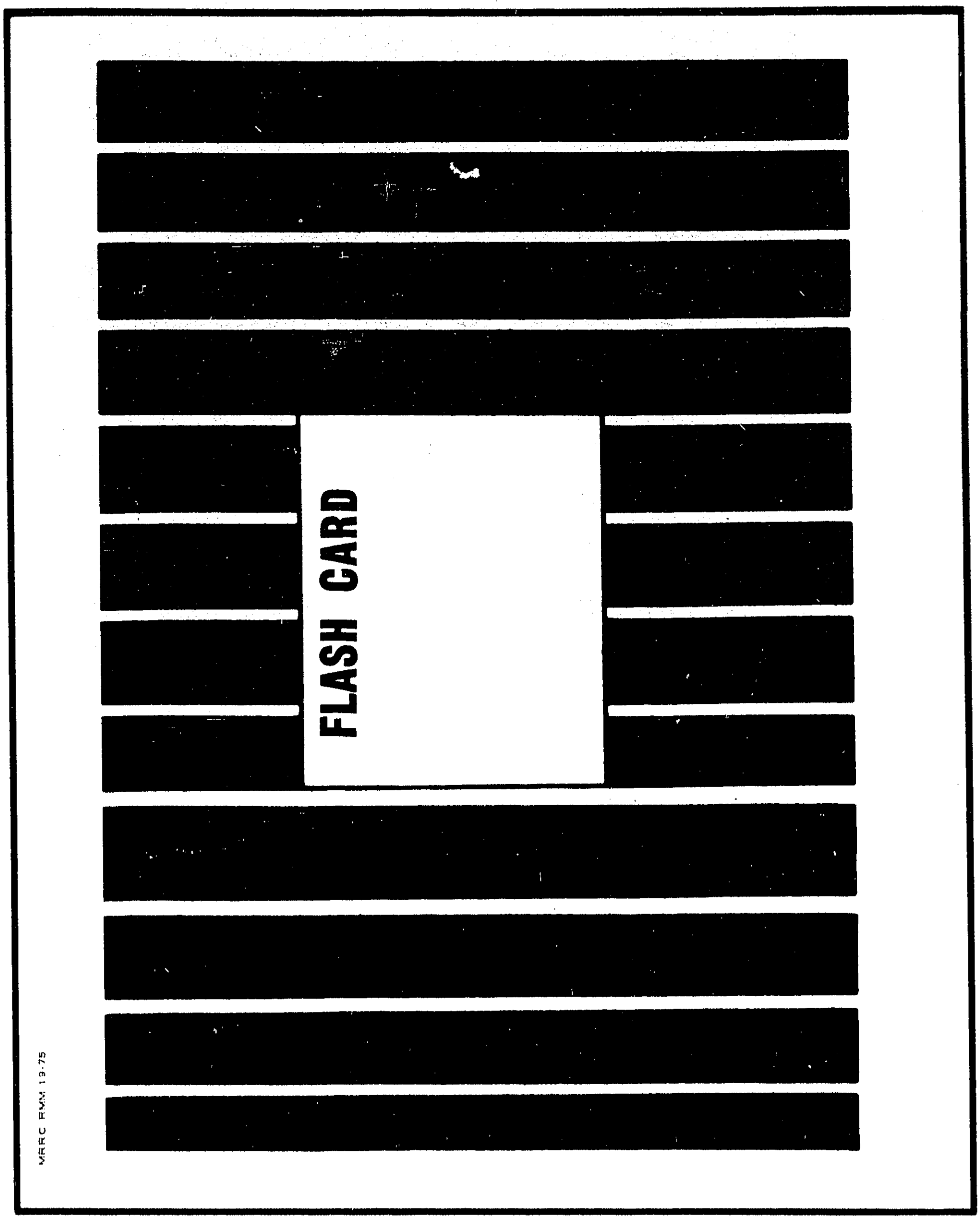
12980RP:1

MRRC RMM 19-75

FLASH CARD

FLASH CARD

FLASH CARD



MRRC RMM 19-75

FLASH CARD

FLASH CARD

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JUN 12 1974

Meeting of the Planning Commission
Minutes
June 12, 1974

The Planning Commission held a meeting on Wednesday, June 12, 1974 at 1:35 p.m., in the Conference Room of the City Hall Annex. Due to the recent resignation of Chairman Eugene B. Connell and the absence of Vice-Chairman James D. Crane, Commissioner Randall Kamiya was elected Chairman pro tem for the meeting.

PRESENT:
Randall Kamiya, Chairman pro tem
Dr. Wilbur C. Choy
Charles W. Duke
Donald K. Hosaka
Antone J. Kahawaiolaa
Fredda Sullam

ABSENT:
James D. Crane, Vice Chairman

STAFF PRESENT:
Donald A. Clegg, Deputy Chief Planning Officer
Eugene B. Connell, Executive Secretary to The Planning Commission
George Aoki, Deputy Corporation Counsel
Herbert Mark, Staff Planner
Ralph Portmore, Staff Planner
Johan Ronningen, Staff Planner

MINUTES:
The minutes of May 29, 1974 were approved, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

PUBLIC HEARING
GP/DLUM AMENDMENT
KANEOHE-KUALOA
COMMERCIAL & STREET
TO MEDIUM DENSITY APT.
THE MCCORMACK LAND
COMPANY, INC.
(175/61/25)

A public hearing was held to consider a request to amend the General Plan and Kaneohe-Kualoa Detailed Land Use Map by redesignating 1.9 acres of land from Commercial to Medium Density Apartment use and 1.9 acres of land from Street to Medium Density Apartment use for approximately 3.8 acres of land located in Kaneohe, Oahu between the two mauka segments of Lilipuna Road, Tax Map Key: 4-6-02: portions of 1, 3 and 8.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 2, 1974. No letters of protest were received.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer. The subject area is located in Kaneohe in the general area of the two mauka intersections of Lilipuna Road with Kam Highway. It is part of a 54.5-acre site currently being proposed for a Planned Development-Housing to provide approximately

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545 dwellings consisting of 386 townhouse units and 159 apartment units. The 1.9-acre commercial area is presently vacant and consists of sloping land. Immediately mauka of this area is a 14-acre area General Planned and completely developed with commercial uses fronting onto Kam Highway. The land on the makai side of the subject area is presently vacant and forms a portion of the 54.5-acre site currently being proposed for a planned development. The abutting land is designated on the General Plan for Street and Apartment uses and most of the land across the planned street from this area is also designated for Apartment use.

The planned street is the subject of the second part of this request and is proposed for deletion and redesignation to Apartment use. It is currently planned as a 56-foot wide roadway connecting the Heeia and Kaneohe ends of Lilipuna Road at points a short distance makai of their intersections with Kam Highway. The abutting land is all vacant and most of it is planned for Apartment use. The abutting commercial designated land is the previously described area requested for redesignation to Apartment use.

Based upon an analysis of the request contained in his report, it is the recommendation of the Chief Planning Officer that the request be approved.

Questions were raised by the Commission concerning the report of the Chief Planning Officer.

CHOY: The two parcels mauka-makai of the proposed roadway, is that also owned by McCormack Land Company?

PORTMORE: Yes, and they would be incorporated in the planned development.

SULLAM: You mentioned that in the detailed land use map of this area, there is an excess of commercial designation. Has the planning department considered which commercial areas are going to be put into other uses?

PORTMORE: The excess exists with regard to the general standard. It could well be that all of the area might still be developed. We have not researched in advance whether other areas might be changed. This might well be assessed when we go into the process of preparing new development plans under the new General Plan Revision Program. At this point, we have not assessed what other areas might be changed. It is a general guide which isn't necessarily to be addressed to.

HOSAKA: The DOE initially objected to the project because of increased possible enrollment of the three schools surrounding the parcel. Upon later review, it is indicated they have no objection due to some kind of statistics. Do you have those on hand?

PORTMORE: Yes we do.

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KAMIYA: Who will be developing the remainder or the other 54 acres?

PORTMORE: The entire 54.5 acre parcel which includes the 3.8 acres would be developed by McCormack Land Company as a single planned development. There's no intention to my knowledge to develop this as a separate development. The entire parcel would be one coordinated development. The planned development is now being reviewed by Land Utilization although they have not completed their review yet. It will be another two weeks to a month before it comes before you.

KAMIYA: I think that's one point that should be well stated.

SULLAM: I think it would be advisable for you to tell us why DOE withdrew their objection. How did they analyze the situation?

PORTMORE: Their initial objection was both to the amendment and to the planned development. Their objection was to any kind of change which would increase the population and therefore the student enrollment. Their objections were based on projections they had at that time as to how enrollment in the area would grow and what their capacities were. Since that time, I think there is an experience throughout the island in some of the established residential areas that enrollments are declining or not growing nearly as fast as they initially anticipated.

They withdrew their objection based on the fact that enrollments are not going in as quickly as anticipated. Part of this was construction is not occurring as quickly as they had projected. Also, part of it is more construction is going into townhouses and apartments with a result that there are fewer children on the average for dwelling units. This is why their projections have been revised. Now their projection indicates they have the school capacity to accommodate the increased enrollment which would be generated by this development if it were a planned development instead of conventional single family dwelling, and the additional students that would be generated if these 3.8 acres were developing with housing instead of businesses and streets.

HOSAKA: It says here they would not anticipate an increase in enrollment on the existing schools providing there's no significant acceleration on the current rate of housing development in the immediate area. What is the projection in that area in the future?

PORTMORE: There is no specific projection. It is too small an area. This is why the peril of trying to project that kind of thing is illustrated by the fact that they've changed their recommendation. It could well change upward again. Right now the picture looks like they will have the capacity but it is possible that growth rates could go back to what they were. Then they will have some problem and would have to readjust schools district-wise.

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KAMIYA: Can you rightfully conclude that the DOE's finding would have a greater bearing on this PDH rather than this change before us?

PORTMORE: It has bearing on both really. I wouldn't know which is more important. The PD results in more dwelling units than is possible under conventional development and also the fact that no housing could occupy this 3.8 acres right now, whereas we're putting in medium density apartment also increases the number of dwelling units overall on this total site. I don't know what the relative magnitude of increase is between the two. Definitely, their initial objections are valid both with respect to applying the PD concept and with respect to the amendment.

Public testimony followed.

Testimony FOR--

1. Mr. Bruce Duncan, representing McCormack Land Company
2. Mr. Duncan MacNaughton, representing McCormack Land Company

DUNCAN: As was explained by the staff, this is the first part of an application for a general plan change, the second part being for the PDH approval. McCormack Land Company has been working on this entire development for approximately three years. We have recognized the constraints that the site has as well as all the advantages that it presents. In approaching the general plan, we felt that the way the property in the surrounding area has developed made it reasonable to amend the general plan so that the entire 54-acre site would be in a residential form of designation, be it straight residential or apartment.

In our review of it, it appeared that building of the road would serve no function. We also had taken a little bit of time to see whether or not it would be easy to construct the road through there and we found that it was not.

In our review of the PDH application, it became very apparent to the staff that putting a road down there of any type be it public or private was not feasible. Hence, we're requesting that the road be deleted so that there would be the ability to design in accordance with the topography that already exists.

The commercial part is in the same situation in that it is the beginning of the knoll that starts to rise right behind the Star Market. In fact, at the back of the Longs Drugstore, there is already a retaining wall of approximately 6 to 8 feet in height so that the site, the commercial designated area, for all practical purposes has really been developed to its full extent.

In our PDH, making use of the sloped area for housing units was most attractive because it afforded a better use of the

land and simultaneously gave future buyers units that would have a view as well as parking in close proximity to it.

The staff has covered the need for the road and we would concur in other comments that they made. I would be pleased to answer any specific questions with respect to the general plan change. We also have an exhibit showing the requirements for cut and fill if we were to construct that road through the site.

Mr. Duncan was questioned by the Commission.

SULLAM: Are you developing these three parcels in unison or is it going to be in phases?

DUNCAN: No, the apartment designated parcels right now that show on the plan would be incorporated within the PD in total. The phasing for the PD that we propose does not coincide precisely with those lines. It coincides with the topography and ease of construction.

HOSAKA: You're saying the price of the 2 to 4 bedroom units is set for $80,000?

DUNCAN: That is correct.

HOSAKA: You don't give a price on the apartment units ranging in size from studios to two-bedroom units. Are those going to be owned by you people?

DUNCAN: Those will be owned by the McCormack Land Company and would be rental units.

HOSAKA: How large are those studios?

DUNCAN: About 450 sq. ft. exclusive of the lanai.

CHAIRMAN: Understanding that this is just a GP/DLUM change, do you have any plans further than that as to what you have done so far for the other areas?

DUNCAN: Yes. We have over the last 2½ years been working fairly diligently on a PD for the entire 54 acres. We also point out that McCormack Land Company is also involved in a much larger development in Heeia Landing, the area on the Kahaluu side of Crown Terrace. That is the other significant parcel of land that we're dealing with in the Heeia area.

This proposal before you today is tied in, however, just with our Lilipuna Hillside PD application.

CHAIRMAN: Mr. McNaughton, you have anything to say?

MCNAUGHTON: No, Mr. Duncan has covered it very well. I'm here to answer any questions with regard to the overall company philosophy if you have any in that regard.

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CHOY: What is your suggested number of units on the 54.5 acres of land once these plans have been finalized?

DUNCAN: First of all, the plans call for 545 units in total of which 159 would be the regular apartment. The remainder of the units would be of a townhouse nature.

HOSAKA: These apartment units, how high are these structures as opposed to the townhouses?

DUNCAN: The apartment structures are three stories and are in the low area immediately behind Campbell Tire, Safeway and the small shop area. The townhouses range from 2½ stories split-level to 3½ story units with a townhouse below and a townhouse above it. The phrase I'm familiar with is the maisonette.

CHAIRMAN: Have you discussed this change with the people involved in the commercial areas as well as the surrounding residents?

DUNCAN: Yes. Approximately a year ago, the planning department at that time conducted an information meeting in the area. They notified all the abutting property owners and in like manner, so did the McCormack Land Company by direct mail. We had an excellent turnout at Ben Parker School for the project. A lot of the comments made by the people in the surrounding area have already been incorporated into the PD plan that we propose.

HOSAKA: We've had previous applicants in the Kaneohe area. It seems that organizations have come before us complaining about possible runoff into the Kaneohe Bay area. What are your comments on this end?

DUNCAN: This is one of the major concerns if not the major concern in Kaneohe. We initially did a grading plan to get some idea of what we should do as far as grading was concerned. We came to the conclusion that the site could be developed but it wouldn't be under traditional construction method. After the community meeting in March of last year, we retained Mr. Gene Cox who was formerly with the Soil Conservation Services of the federal government and requested of them to review our grading plan and make suggestions to be enforced at the construction time when it was being graded. We felt that it was important to do this rather than, if you will, leave it to the civil engineers and contractor to work it out. It was our intention to have Mr. Cox on the site to insure that when the job is finished for the weekend, all the necessary diversion ditches have been put in, the various traps created, and that the silting basins required and any other features that might be required by the Health Department and the Department of Public Works are being met.

We have done a lot of development in the Kaneohe area and would hope to continue to do so. We've had lot of input from people in the immediate area. We've had experience with various erosion problems and some of the comments they have made have been very helpful to us in coming up with a reasonable control program for development of the site.

I would like to point out that our phasing program does relate to the erosion problem. We have to finish one area before we can go ahead in another.

HOSAKA: As far as you're concerned, your environmental expert has substantial statistics and suggestions in your development that will prevent any kind of objections from community groups?

DUNCAN: I'm not so sure that it would completely satisfy them because I think they have some serious concerns. I think we can do as much as humanly possible to control it. Mr. T. F. McCormack who has done a fair amount of subdivision in the area has shown the height that might be accomplished if it's done at the right time. That's our concern. There's no use in doing it once it's all washed away. For that reason, we retained Mr. Cox.

HOSAKA: Aside from soil erosion, the Commission is responsible to look into the environmental impact in the projected area. Are there any other studies that you can cite that you've done that might possibly affect the environment?

DUNCAN: We've taken a good look at the vegetation that exists on site in the sense that the site contains some trees that are worth saving, also palms, guava, and mango trees. By taking those and moving them throughout the site to an appropriate location, we're going to be able to preserve the trees as opposed to grading the entire site, cutting trees up and hauling them away. That's an expensive way but you do save some excellent trees.

(There were no further questions of Mr. Duncan and Mr. McNaughton.)

Testimony AGAINST--

1. Mr. A. H. Banner, 46-099 Lilipuna Road, Kaneohe

BANNER: I'm a resident of Lilipuna Road below the townhouse development. We the residents along the Bishop Estate land of the old Heeia development were apprised of this development. At the public meeting, all the people there opposed this development of townhouses. I have here a letter signed by 29 of 32 families, submitted to Mr. Moriguchi. We did not appear at this meeting because we were to understand that

it's only for this apartment zone. The people I've talked to are not opposed to apartment zone but it seems to be tied into the townhouse development to which we are opposed. I'd like to have it clarified that if the two are going together, we would request some way of submitting additional protest and information about this.

CLEGG: The issue is solely the apartment and the road at this time. I think, and wisely so, that the staff and the Commission here has gone somewhat beyond to see what impacts of that particular decision might have and also what other plans are put in. Your group would have ample time to express itself at the time of the PD. That would be the appropriate time.

BANNER: Thank you.

2. Mr. Roy Fujimoto, 45-235 Haunani Place, Kaneohe

FUJIMOTO: I'm an adjacent property owner, and it was somewhat of a surprise that we did have this meeting. I learned of this meeting from my neighbor this morning. We've been watching this project because it's right in back of us. The fact that it's not for the townhouses puts me at ease. I'm an instructor with the Honolulu Community College.

I'm quite disturbed at Mr. Duncan's statement to the Commission in that he said he worked very closely with us. I find after looking at today's plans that there's just about no significant changes of what we asked for and what we were concerned about. He says he's been working with us but I don't think I've seen him from the last meeting we had at Ben Parker School. If he had worked with us, we could have known what was really developing. What I've seen today is just about the same thing we were concerned about.

I hope the Commission would keep a few property owners in mind and if the townhouses do come up again, that we do have a chance to come out and say what we feel. I'm really quite disturbed at Mr. Duncan.

DUKE: The hearing today is regarding a change in the general plan. Do you have any objections to the change in general plan?

FUJIMOTO: Well, what we're worried about is we don't see anything in there that we've been concerned about. What we saw in the Sun Press on the Windward side was the hearing for the Lilipuna Hillside. If he were concerned about us, he would have discussed the changes with us. But, the plans he submitted from the beginning show no concern for us.

DUKE: Realizing that you will have full opportunity to appear before the Commission regarding their townhouse develop-

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ment, do you have any objection to this change in general plan redesignating this from industrial to apartment?

FUJIMOTO: I wouldn't want to answer that.

CHOY: Do you understand what a general plan amendment is?

FUJIMOTO: To an extent I do.

CHOY: The problem before the Commission is to redesignate the 1.9 plus acres. Do you object to that?

FUJIMOTO: It's going to be a creepy type of thing where you change one parcel, then change another, and change another and before you know it, we're having the same problem we're concerned with.

CHOY: Then am I led to believe that there is a credability gap between your neighbors and the McCormack people?

FUJIMOTO: I believe there is.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission concurred with the recommendation of the Chief Planning Officer and recommended approval of the proposal, on motion by Mr. Kahawaiolaa, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Crane

PUBLIC HEARING
GP/DLUM AMENDMENT
MCCULLY
HIGH DENSITY APT.
TO PARK USE
DEPT. OF RECREATION,
C&C OF HONOLULU
(FILE #262/C2/14)

A public hearing was held to consider a proposal to amend the General Plan Detailed Land Use Map for the University Community by redesignating a portion of a parcel of land exclusive of road setback from High Density Apartment to Park use, Tax Map Keys: 2-7-03: 07 State of Hawaii
2-7-03: 48 Honolulu Post American Legion.

Publication was made in the Star-Bulletin/Advertiser on Sunday, June 2, 1974. No letters of protest were received.

Staff Planner Herbert Mark made the staff presentation of the Chief Planning Officer's recommendation. The subject site is

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located at the mauka-Waikiki corner of the intersection of McCully Street and Kapiolani Boulevard in the general area of the Ala Wai Field, Ala Wai Canal, and McCully bridge (former American Legion Clubhouse site). The proposed park site is presently vacant. The American Legion Clubhouse has relinquished its permit from the State under which it occupied Tax Map Key 2-7-03: 07. The State of Hawaii has since notified various governmental agencies that this property is available for public purposes.

DOR attributes the need for a mini park in the Moiliili-McCully area to the present density and future estimate population of the area, the high youth population in the area, the high density apartment land use designation for the area, and the absence of open space capable of supporting standard size recreational facilities.

Based upon the analysis of the request contained in his report, it is the recommendation of the Chief Planning Officer that the proposal be approved.

There were no questions of the staff regarding the report of the Chief Planning Officer.

Public testimony followed.

Testimony in SUPPORT

Mr. Yukio Taketa, Staff Planner, Department of Recreation, presented no testimony but offered to respond to any questions the Commission might have.

Questioned by the Commission, Mr. Taketa indicated that the location of the proposed mini park site poses no traffic problem. The Ala Wai Park located many years directly across the street from the subject site has encountered no traffic problem. Possible recreation facilities for this site could include either a full-sized basketball court, or a half basketball court with grassed picnicking area, landscaped with a low-wall barrier to keep children within the park. Maintenance of this park would become the jursidiction of the Ala Wai Park maintenance crew. Usage of similar type parks have been frequent and very successful.

Testimony AGAINST

No one spoke AGAINST the request.

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Mr. Kahawaiolaa and carried.

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ACTION: The Commission adopted the recommendation of the Chief Planning Officer and recommended approval of the proposal, on motion by Mr. Hosaka, seconded by Mrs. Sullam and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Crane

PUBLIC HEARING
GP/DLUM AMENDMENT
WAHIAWA-WHITMORE
DELETING PLANNED STREET
CONNECTION BETWEEN
KILEA PLACE AND ROYAL
PALM DRIVE
MARGEN, INC.
(FILE #289/C3/35)

A public hearing was held to consider a request to amend the Wahiawa-Whitmore Village Detailed Land Use Map by deleting the planned street connection between Kilia Place and Royal Palm Drive, Tax Map Keys: 7-5-13: 2 and 7-5-22: 29 (Margen, Inc.); 7-5-19: 19 (Del Monte Corporation).

Publication was made in the Sunday Star-Bulletin/Advertiser on June 2, 1974. No letters of protest were received.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer. The information provided in the request and subsequent analysis by the Department of General Planning have shown that:

1. Only one of the two currently planned connections between Kilea Place and Glenn Avenue-Royal Palm Drive is needed to meet the surrounding area's traffic needs.

2. Either of these routes would adequately provide the intended link in the area's traffic circulation network.

3. Land acquisition and construction costs for the Kilea Place-Royal Palm Drive connection would be higher than for the Kinikohu-Eames Street connection.

4. The deletion of the Kilea Place-Royal Palm Drive connection would be significantly more beneficial to the quality of living environment which can be provided on abutting properties than the deletion of the Kinikohu-Eames Street connection.

Based upon the analysis of the request contained in his report, it is the recommendation of the Chief Planning Officer that the proposal be approved.

There were no questions of the staff regarding the report of the Chief Planning Officer.

Public testimony followed.

Testimony FOR--

Mr. Gene Trapp, President of Margen, Inc., stated that they are in complete accord with the staff recommendation. Their

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proposal for a planned development housing project is presently under review by the Department of Land Utilization.

The Commission had no questions of Mr. Trapp.

Testimony AGAINST--

No one spoke AGAINST the proposal.

The public hearing was closed, and the matter was taken under advisement, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

ACTION: The Commission concurred with the recommendation of the Chief Planning Officer and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Crane

PUBLIC HEARING
ZONING CHANGE
R-6 RESIDENTIAL TO
P-1 PRESERVATION
ALA WAI & KAHUKU
GOLF COURSES
INITIATED BY CITY
COUNCIL
(FILE #74/Z-26)

A public hearing was held to consider a request for proposed rezoning of the Ala Wai and Kahuku City-owned golf courses from R-6 Residential to P-1 Preservation District, Tax Map Keys: 2-7-36: 2 and 5-6-02: 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 2, 1974. No letters of protest were received.

Staff Planner Johan Ronningen presented the Director's report. The proposed action to rezone city-owned golf courses to P-1 Preservation District was initiated by the City Council to establish greater assurance that these areas would be retained as golf courses and open space.

No questions were raised regarding the Director's report.

Public testimony followed.

Testimony FOR--

1. Audrey Fox Anderson, Member, Neighborhood Commission and President, Waikiki Residents Association
2. Mr. L. E. Armerding, Member, Waikiki Residents Association

Both persons are in complete accord with the proposal.

Testimony AGAINST--

Mr. Robert Johnsen, Property Development Manager for Estate of James Campbell (Submitted statement dated June 12, 1974, attached)

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Mr. Johnsen was questioned by the Commission.

HOSAKA: You're requesting the omission of Kahuku Golf Course where it's presently sited. Where would you relocate the new golf course?

JOHNSEN: The estate had prepared several years ago a master plan for the Kahuku region. This plan is currently in the hands of the Department of General Planning. We are presently awaiting some feedback from their department as to the proposals contained within this master plan.

In direct answer to your question, I'm not able to testify on exact locations. There have been several alternative locations considered. One would have it wrapping around the proposed lagoon area. Another was to place it mauka of a proposed realigned, widened improved highway through the region. In either case, I don't mean to say agreement has been reached, but to stress that the state, the city and all parties involved have been working on this. Unfortunately, we were not able to reach members of the City Council. In view of the discussions underway, we hope at least for the time being that it be deferred until the decision has been reached as to the ultimate location and expansion which is from our viewpoint desirable and from the city's.

Currently we are working with a group that would provide by private investment, a public course in connection with developments surrounding it.

HOSAKA: Did I read you correctly that it would be open for private concern to develop a new golf course on Campbell Estate land?

JOHNSEN: That is right. We are working with a group who would propose to build a golf course that would be open with the public, and would replace and provide a much better and expanded facility than that existing presently. This is where we're working with the Council, the Mayor and the Parks Department to determine precise locations and various ramifications.

HOSAKA: How would that kind of arrangement differ from the arrangement presently? It's a municipal golf course run by the city. You're saying that a private concern would come in.

JOHNSEN: To the extent that if it were to be developed in that fashion, it certainly would relieve the city of the heavy cost to develop the golf course, to improve or even construct clubhouse facilities. The golf course which exists there was originally built by the plantation many, many years ago and is currently on a tenancy arrangement with the city. It basically cost the city nothing for that golf course. Hopefully, some arrangement might evolve where the city might have the accessibility, in a sense say a municipal course only in context of being public but not requiring the capital investment by the city...

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HOSAKA: The only thing I could see with that kind of arrangement is the raising of the green fees. Right now it's $2.50 I think to play 18 holes at Kahuku. If you have a private concern, it probably will be a money-making project. I could see where it could be equivalent to a private course to play there.

JOHNSEN: It's premature certainly from our point of view to talk about even the cost. We would hope to find a solution to what is right now inadequate in terms of size and scale of golf course. It may turn out to be a city acquired and built golf course. I'm not leaving that out.

CHOY: You spoke of communication with several agencies regarding development of an 18-hole golf course. What were the responses? How far in time have you people developed this?

JOHNSEN: I don't have with me today recent correspondence or material from any of the parties. Such information does exist. To the extent in time, I can't really tell you.

CHOY: This ordinance was sent to us May 29, 1974 and it seems rather strange that you people have been in communcation with these agencies and something like this comes to us.

JOHNSEN: It may entirely be an error on our part in that a week or two weeks ago when the ordinance was proposed, it was at that time we first became aware that public golf courses, including Kahuku as it affects Campbell Estate land, was also going to be proposed for preservation zoning. It was within the last few days that we received notice of the Planning Commission hearing. So while we've been aware, we didn't expect the zoning proposal to come up as fast as it has.

CHOY: What's the distance that separates the Kuilima Golf Course and the Kahuku Golf Course?

JOHNSEN: About a mile, maybe two miles.

CHOY: What's the volume of participation on your golf course during the weekend?

JOHNSEN: I can't but I'm sure that's available with the Parks Department.

CHOY: So then it would appear to me that if we have another 18-hole golf course that will possibly be developed by private interests, we would have two private golf course within one mile.

JOHNSEN: That is possible.

CHOY: I wonder whether those two private golf courses which probably would have exorbitant green fees, would attract enough people to participate?

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JOHNSEN: I'm not able to make a judgment on your question other than to refer back to our principal feeling that at the present time and with some uncertainty as to whether or not the Kahuku Golf Course will remain where it is right now, or whether it might be relocated and enlarged. It's kind of a plea to defer it for the time being when considerations have been better defined.

CHOY: How much time will you require to arrive at some tentative plan?

JOHNSEN: I would hate to target a definite date. I'm somewhat unfamiliar with the discussions that have been and how far they have proceeded. It's certainly a fair statement to make that in view of the plan to convert golf course land to preservation use, it behooves us to use every best effort to bring to it a speedy conclusion.

CHOY: Would a month be long enough?

JOHNSEN: No, I think we're talking within the year as a better estimate of time. That's just my personal observation just from the standpoint of all of the things that do require agreement on all parties.

CHOY: Am I correct to assume that you want this body to defer this matter for this particular golf course for a whole year?

JOHNSEN: No, rather than pinning a timetable on it and because it was initiated by the Council and we are working with them, that we would like this information, that there are very serious discussions underway that you ladies and gentlemen should be aware of, and to ask the Council to take this into consideration in their decision.

CHOY: Is it feasible for this body to ask for a statistical study of usage of your particular course in the present state and also its projected usage in relation to the Kuilima Golf Course? Certainly it behooves me to see a private developer going in and develop an 18-hole golf course if he didn't complete a statistical study.

JOHNSEN: I only intended that by way of an illustration to say and re-enforce what our position is that we'd rather not the decision be made yet. We're not saying it's going to go. We don't even know if it's feasible. For us to make such a study certainly may be premature. Assuming the city wants to continue, and we assume the city does, and we want to continue a public course in that region, the real question that I would see is where is it going to be? We think, based on discussions, it is not going to be where it is presently located. For that reason, we would hope you would not recommend, as to Kahuku, premature rezoning.

CHOY: To your knowledge, was there any feedback from the agencies you had contacted of its possible relocation or enlargement?

JOHNSEN: Indeed. I'm aware of the existence of that feedback

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because that is what has encouraged us to proceed further and had really brought me down here today.

CHOY: Has staff any information concerning this golf course? Mr. Johnson claims that the planning department had received communication in relation to the possible enlargement or relocation of this course.

CLEGG: We've been discussing this as a part of just general discussions of what the whole area of Kahuku should look like. Some discussion came up when the mill was being reviewed as to whether they could expand but there's nothing proposed to my knowledge at this time. I think the planning we've talked about in one year, we've been very optimistic in getting this issue settled as to where the new golf course might be.

I have a couple of questions.

You're talking about possibly two 18-hole golf courses or just one? You're proposing, if a new site is selected, Campbell would like to take the existing site out of golf course use?

JOHNSEN: That is right.

CLEGG: So, I think there would be one golf course that we're talking about, a substitute kind of thing.

My next question would be how long is the agreement with the city, a year to year thing?

JOHNSEN: I believe it's even shorter than that. My recollection I was told it may even be shorter than a 90-day tenancy arrangement. It's continued on that basis for some years now.

CLEGG: Inasmuch as the golf course is existingly general planned for golf course with an R-5, R-6 zoning, I believe, I don't know what your objections are changing it from R-6 to P-1. You've merely stated that you don't want it to be P-1. There's nothing that says at such time as a further agreement is reached as to relocating or expanding, that the P-1 zoning can't be changed back to whatever the total plan for the area would call for.

JOHNSEN: You may be entirely correct that we would be right back where we started from anyway. It just seemed to me that if we already have plans, and with discussions underway that would implement those plans in time--and I would certainly agree that one year would nowhere be the realistic time limit to have something in being--but, as to an agreement as to where things might stand, that may be realistic. If it were changed to preservation zoning from the present R-6 zoning, it would seem to me it would require us to come back in for whatever rezoning at that time might be proposed.

CLEGG: That's correct. If you want to maintain the R-6 then you wouldn't have to come in, but if you want to change to some-

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thing else, a rezoning and a general plan change would be in order at that time. I have a feeling that in terms of timing, we're not talking about a short period of time to get this picture settled of where the other golf course might be located.

KAMIYA: Is the Kuilima golf course on Campbell Estate land?

JOHNSEN: Yes it is.

DUKE: This agreement you have with the city, I may be a little confused because the subject of this memorandum states city-owned golf courses. If it's city-owned, who pays the taxes on the land?

JOHNSEN: I don't know to be honest with you. Presumably the city would pay the taxes on it. What the law is as to city-controlled property and whether they have some special--

DUKE: Campbell Estate has not been paying taxes in your opinion?

JOHNSEN: I would not think so. Ordinarily under a lease or tenancy arrangement, the occupant of the property pays the taxes.

DUKE: How long has the city had control of this area?

JOHNSEN: For about 20 years but I could be mistaken. I know the golf course has existed there for a much longer period of time and as I said, was constructed by the plantation.

DUKE: One major reason for relocating the golf course could be because the area the golf course now occupies is more valuable to you than another area?

JOHNSEN: Yes and is so shown on our overall master plan for Kahuku including the redevelopment of that area, and in so providing an alternative and more suitable and larger site.

DUKE: But the appreciation on it undoubtedly has acquired, been acquired while the city had control of the operation of the golf course.

JOHNSEN: That's right. It's happened at the same time.

DUKE: In principal though, whether you make a deal with the city for relocation of it, do you have any objection to a golf course on Campbell Estate land being put under P-1?

JOHNSEN: No sir. In fact, that is how we viewed the Kuilima Golf Course proposition. We gave no testimony at that time simply because as far as we are concerned and if we knew this was the right and permanent location for the municipal course, I would not be here with you today.

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DUKE: In principal then, you have no objection to the P-1 on a golf course per se.

JOHNSEN: No sir, as long as the intent is that that be a golf course.

DUKE: Well, I don't really see any reason for withdrawing Kahuku from this proposal inasmuch as if you do make a deal to relocate, by the same token the P-1 should be relocated I would think if it's used for the golf course. If it's no longer used for the golf course, it wouldn't be P-1. A city-owned municipal operated golf course whether it be there or Ala Wai very well would be P-1 and rightfully so.

JOHNSEN: As to the golf course I would agree if it were the right place, and it may turn out to be the right place for the permanent golf course. On the other hand, if it turns out that we do reach agreement to relocate the golf course, while the golf course relocates to another properly zoned and permitted use area, we then have the land which presently carries an R-6 zoning and which is maybe more nearly consistent with what plans we may have for redevelopment than would preservation zoning after the golf course has relocated. I don't deny that in terms of the overall planning and redevelopment of those areas they will require rezoning undoubtedly and petitions to make changes as time goes on.

DUKE: As far as I see it, if the area is no longer used as a golf course, then I don't think it would hardly be appropriate for it to be preservation.

CHOY: In the event this were deferred until your organization has finalized your master plan, and a private interest would move in to develop this course, then Campbell would have on their property two privately-owned golf courses.

JOHNSEN: To the extent that the Kuilima golf course is private and open to the public, and to the extent that whatever--and our discussions have included direct lease of the property to the city for a strictly municipally-owned operated golf course--that's right, we would have two golf courses. We would at least at this stage and time see the distinction being that one is more on the private hotel oriented golf course open to the public, and the other being a municipal type of course. Whether it is in fact owned by the city, I'm not sure how it may come to pass. No doubt there would have to be some--and this would be part of whatever agreement the estate reaches.

CHOY: So then, the final decision would be left up to the Campbell Estate as to who they would lease this parcel of property to for development of a golf course, whether it be a golf course developed by private interests to permit public usage versus leasing of the property to the city for development of a new 18-hole golf course. You have that option.

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JOHNSEN: Well, to a degree. We naturally want continued cooperative spirits between ourselves and the city.

CHOY: I concur with Commissioner Duke that being the point and time you need in the future is so great and so ambiguous, that you certainly would have no objection if we went ahead and rezoned this to P-1. In the future when you have developed a plan, you can come back to us and we could rezone again.

JOHNSEN: Well, I wouldn't agree but if that be the wish of the Commission, of course then, that would be your decision.

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

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the proposal, on motion by Mr. Kahawaiolaa, seconded by Mr. Hosaka and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Crane

UNFINISHED BUSINESS
ZONING CHANGE
CERTAIN PRIVATE GOLF COURSES TO P-1 PRESERVATION DISTRICT
VARIOUS AREAS ON OAHU
INITIATED BY CITY COUNCIL
(FILE #74/Z-25)

The public hearing was held and closed May 29, 1974. At that time, the Planning Commission accepted the Director's recommendation for approval with the exception of Moanalua Golf Course pending review of testimony presented by the Estate of Samuel Mills Damon. Action was deferred to the next meeting.

Staff Planner Johan Ronningen reported receipt of correspondence dated June 10, 1974 from R. E. Robb, Executive Secretary, Estate of Samuel Mills Damon, requesting additional deferment in order to allow sufficient time for approval and completion of subdivision plans into usable golf playing and non-golf playing surplus area.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the request, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Crane

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UNFINISHED BUSINESS
PUBLIC HEARING
ZONING CHANGE
AG-1 AGRICULTURAL TO
A-1 LOW-DENSITY APT.
WAIAU
LEAR SIEGLER, INC.
(FILE #73/Z-16)

Public hearings held February 6, March 6, March 20, and May 1, 1974 were kept open and deferred to May 15, 1974 upon request of the applicant. On May 15, 1974, the Commission deferred action to May 29, 1974 for examination by Corporation Counsel of Ordinance No. 4300 regarding Conditional Zoning. On May 29, 1974 Corporation Counsel requested a deferred to June 12th for preparation of an opinion to the Department of Land Utilization regarding this matter.

Counsel George Aoki requested additional deferment to July 24, 1974 for preparation of their opinion regarding conditional zoning recently enacted.

The Chairman deferred this matter to July 24, 1974.

ADJOURNMENT: The meeting adjourned at 4:15 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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JUN 12 1974

THE ESTATE OF JAMES CAMPBELL

June 12, 1974

Planning Commission
City & County of Honolulu
City Hall Annex
Honolulu, Hawaii 96813

Gentlemen:

Kahuku Golf Course Rezoning to Preservation District
Your File (74/Z-26)

The Estate is familiar with and sympathetic to the City Council's desire to preserve existing public golf courses for the use and enjoyment of the people.

Indeed the Kahuku Golf Course which has existed as a public 9-hole course on the North Shore for many years, is very much included in the Estate's long-range land planning for the region.

It has been for many years, and continues to be, a temporary land use. It is presently leased to the City from the Estate on a tenancy arrangement for a nominal $1 per year rental.

For some years now we have been working with the Mayor, the Parks Department and the Council to relocate and expand the golf course at Kahuku. The Council, Mayor and Parks Department have agreed with us that the course should be expanded to 18 holes and should be moved to an area proposed by the Estate in its Kahuku master plan for a golf course and where permanent facilities can be constructed.

Inasmuch as the Kahuku Golf Course in its present size and location is not considered permanent by either the City or the Estate, the matter presents a special situation.

We respectfully request, therefore, that you omit Kahuku Golf Course from your consideration of this proposed ordinance and consider it separately when agreement between the City and the Estate is finally reached.

Sincerely,

Robert H. Johnsen
Property Development Manager

RHJ/bk

James Campbell Building Suite 500 828 Fort Street Mall Honolulu, Hawaii 96813 Telephone 536-1961

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FLASH CARD

FLASH CARD

MRRC RMM 12-75

MRRC RMM 19-75

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MRRC RMM 19-75

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JUN 26 1974

Meeting of the Planning Commission
Minutes
June 26, 1974

The Planning Commission held a meeting on Wednesday, June 26, 1974 at 1:40 p.m., in the Conference Room of the City Hall Annex. Acting Chairman James D. Crane presided.

PRESENT:

James D. Crane, Acting Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Donald K. Hosaka
Antone J. Kahawaiolaa
Randall Kamiya
Fredda Sullam

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
George Aoki, Deputy Corporation Counsel
Henry Eng, Staff Planner
Stanley Mofjeld, Staff Planner

MINUTES:

The minutes of June 12, 1974 were approved, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

PUBLIC HEARING
CONDITIONAL USE PERMIT
(FILM STUDIO FACILITY)
KULIOUOU VALLEY
OSCAR STUDIO CITY
(FILE #74/CUP-6)

A public hearing was held to consider a request for a Conditional Use Permit for a Film Studio Facility in an R-4 Residential District, Kuliouou Valley, Tax Map Key: 3-8-10: 5, 6 and 7.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 16, 1974. Correspondence was received AGAINST the proposal and is included in testimony AGAINST the request.

Staff Planner Henry Eng presented the Director's report of the request. The applicant, Oscar Studio City, proposes to develop the first major motion picture studio facility in the United States since 1929. It is expected to employ 200 persons in its initial phase. The applicant proposes to construct an 88-foot roadway to give access to the proposed facility. It will contain two 12-foot lanes in either direction with a 40-foot medial strip. Land for the roadway is presently owned by the Joseph Paiko, Jr. Estate and the State of Hawaii. Neither has expressed approval of the proposed road construction. Also proposed is a 10-acre park for the community if the applicant is able to secure a lease on State land. There is no indication that this is a realistic expectation; therefore, it has not been considered as part of the proposal.

Based upon the analysis of the request, the Director finds that the proposed conditional use would have considerably more adverse effect on the health, safety or comfort of persons living in the area and will be

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more injurious, economically or otherwise to property or improvements in the surrounding area than would any use generally permitted in the district. The proposal would be totally incompatible with existing land use patterns in terms of bulk, height and density. The trauma that would be inflicted by the proposal on the people of this community cannot be rationalized by any argument.

The Director recommends that the request be DENIED.

Questioned by the Commission as to when the applicant purchased the subject site, Mr. Eng indicated that title to the property was taken this year in April or May.

Public testimony followed.

1. Mr. Fred Lee, representing the applicant (Submitted testimony dated June 26, 1974.

LEE: I am speaking in behalf of the applicant. I gave you a sheet of information at the beginning of the meeting which indicates that we had applied to the parks committee of the Kuliouou Community Association at a meeting which they had giving them the plans for a park and the plans which you have posted on your board.

At this meeting, we explained to the parks committee that we would want to work with the community in developing this facility in the community, and also the adjoining park parcel. The committee then transmitted the report to its Board of Directors. Two of the Board of Directors, Mel Ayau and Richard Okita called at my office to get information about this proposed project. Unfortunately, we were not invited or we did not have the opportunity to present our side of the picture or our plans to the Directors or to the community.

The next meeting that was held was the information meeting by the Planning Department staff. By that time, the opinions were fairly well polarized within the valley. There were some for and some against. We felt it would be better if we made our presentation at this meeting.

Basically, the conditional use permit is an instrument whereby you allow other uses which are uncommon into an area which is predominantly one type of use. Uncommon uses such as cemeteries, TV studios, drive-in theaters, all these things fit into different areas; but, if it fits into an area where there is some question about compatibility, the purpose of the conditional use permit is then for the City Council to impose certain conditions upon this proposed use so that it will be compatible with the surrounding uses. In this case, we had hoped to work with the community in developing sets of conditions in which we could become what might be called a good neighbor so that we would not impose any hardship on the people within the valley. Unfortunately, we did not have that opportunity so I cannot give you a list of conditions.

We do know, however, that traffic is going to be a major consideration within the valley. There is some fear expressed as to the commercial aspect of the operation here. One of the conditions that we would gladly comply with would be to ban all tour operators within this valley. We would ban all commercial tours in the movie studio. If we did that, then certainly this condition is one of the conditions which would eliminate all of the feared commercial tourist traffic within the area.

Another expression of concern was the filming of movies on the outside of the set. Well, you could put performance standards on it. We could shoot between certain hours. You could impose noise standards, light standards, and all of the conditions which would make the use or the filming of movies on the exterior of the studio compatible with the neighborhood noises.

The whole purpose I feel is to be able to permit us to work out a plan whereby we can utilize this parcel of land for a movie studio. It is a much needed industry. It is, I feel, a good use.

Now, let's look at the alternates. If we don't go into this parcel and develop it as a movie studio, it's approximately 40 acres of land within the upper area which can be developed to residential purposes. Say if we had 5 units per acre of land, that's 5 acres times 40, you've got 200. Multiply that by 8 trips per day and you come out with about 1,600 trips per day as far as car trips are concerned. So, we are speaking of a movie studio which would generate approximately 800 trips per day. We're talking about another alternate use which will generate twice the amount of traffic.

The movie studio would not require a school or a playground next to it. Two-hundred additional units with say 800 residents in the area certainly would require putting a school within the area, plus a park, plus other utilities and facilities. So, the burden upon the city would be heavier with the residential character.

I believe that when you consider the two alternatives, whether or not the use is better as a movie studio versus a typical residential subdivision in the upper valley, you would find that the movie studio would come out on top.

The other point that I'd like to make, we are only bordering the residential area on one side of this development. All of the other sides are vacant land. We would like, if possible by working with the state or the adjoining landowner, to tie up these properties so that nothing else could be built surrounding this movie studio because we too want peace and quiet. If we did this, then further development in the valley would be precluded. I feel that this preclusion of further development is to the benefit of the residents of the valley.

Mr. Chairman, all we are asking is the possibility to come into this area and prove that we're going to be a good neighbor to the people in the area

Mr. Lee was questioned by the Commission

CHOY: Are you the Mr. Lee that had served as the Chief Planning Officer of the previous administration of the city?

LEE: Yes I am.

SULLAM: You mentioned, Mr. Lee, that you feel that by building this facility you would be adding to the community because there would be no need, no traffic, no interruption, no problem. But, don't you think sometimes when there is interaction between groups of people or facilities or objects, that it adds to the situation? I think it would be in a sense that that is what's going to be lacking. This is going to be a facilty that doesn't do any interaction for the community. It won't bring people that will mingle with the people there. There will not be a need for another school as you say because it won't bring in any people. But, this is what builds our cities and makes good communities when we place things together that belong where there can be interaction, people can build, when there's enough people so you need a school, when there's enough people so you need a library rather than to be in a totally alien use.

LEE: I'd like to answer that, Mrs. Sullam, by stating that we're saying that we have a valley roughly of 500 residents. We're now talking about putting an additional 200 residents inside of that valley. This additional 200 residents will create an overcrowding of existing facilities so that new facilities will have to be built. That's one point.

The second point is when you talk about interaction, the first phase of this movie studio will be utilizing approximately 200 employees. These employees will be carpenters, plumbers, electricians, all sorts of technicians from cameramen to you name it. We hope to draw from the local population within the valley, these employees so that there will be this type of interaction. It'll be a nonpolluting industry within a neighborhood. This is the type of interaction that we foresee that this facility would bring. This is why I said that in my judgment the benefits derived by putting an industry within a neighborhood versus the other idea of overcrowding the community by forcing the city to participate in more facilities would be the problem than by balancing the two. This is why our decision to go ahead with the studio.

SULLAM: Could you place this studio in an area that is zoned for light industry or some use that seems to be more related to the studio?

LEE: We went to the Hawaii Kai area. We placed it adjoining an industrial area and an agricultural area. The Bishop Estate

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Trustees rejected the lease. They did not see fit to allow a studio to go into their land. So, the other alternative was to see what lands we could pick up that was available. This particular site was available.

Why we're interested in the Hawaii Kai area is because it has the population to supply us with the employees. It's close to the city and it's close to the airport. But yet, in this valley it's isolated enough so that we're away from the noise generating factor. Everything that is good for a neighborhood--no noise, no traffic, elimination of the nuisances is good for a movie studio because it eliminates all the vibrations. The cameras can't stand any vibration. If an airplane goes by, we can't shoot any film because of the noise factor. This is why we thought that the location at the head of the valley away from everybody would be the ideal spot.

CHOY: You mentioned that you people had first inquired with the Bishop Estate people who had rejected your plan. May I ask what were their reasons for rejection?

LEE: I couldn't give you the reason. All I know is that we had presented our plan to them. We worked with the owner of the agricultural land that we were going to occupy. The people who have the development rights, Kaiser Aetna and the Bishop Estate, came up with a rejection to our offer. The particular reason why they rejected it, I wouldn't be at liberty to give it to you. The person who dealt with them is Mr. Oscar Nichols.

CHOY: I'd like your explanation of the soil problem you have there.

LEE: The soil problem is a problem that we face practically everyday on the island of Oahu. The cliffs and ridges that are formed by the lava flow gradually deteriorate. This deteriorated rock forms a very heavy clay. This clay is very plastic in nature. When it absorbs water it swells and is very slippery. It's a tough problem but it's only an engineering problem.

What we can do as far as our construction is concerned is go down to the bedrock which isn't very deep, put our foundation on the bedrock, come up and build upon that foundation. So, there is an engineering solution to this soil problem.

CHOY: Wouldn't changing the surface of the site and the topograph, wouldn't that create a greater risk and flood hazard to the existing homes in the area?

LEE: We see an increase in runoff from the structure there but we don't see that much of a danger to the homes and flooding because there is an existing drainage channel there. If the drainage channel is inadequate, then it would have to be enlarged. Right now we're about 200 feet away from the stream.

The slopes range from over 20% down to about 5% in the lower area. With this type of slope, the runoff comes down off that hill pretty

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fast anyway. Because of the clay soil, it's relatively impermeable. I think the computations as far as the difference in runoff won't be that great. So, the amount of water running off will be increased, yes, but I don't think it'll be great enough to create any danger to the community in the lower area.

CHOY: You mentioned there may be a possible increase in the runoff and possible enlargement of the drainage canal. Would that be a responsibility of the city after your project has been completed or would you people improve the canal on the overflow of drainage?

LEE: I think the responsibility would lie partially with us and partially with the city because we could not go below our property and improve that portion. However, we could do whatever is possible within our property, and perhaps help the city in the area directly below us. But, to go farther down into the community, I doubt whether we would have that authorization.

CHOY: Wouldn't that then in the future create some encumbrances on the taxpayer and the city in the event that the drainage canal had to be increased?

LEE: Well, if the so-called increased flow is such that it would create that amount of excess runoff, I would say that if there is an improvement drainage improvement district, then it would. However, I'd like to point out that we're talking about 9 acres versus the total runoff of the total valley. We're talking about a municipal amount of water coming in to that drainage channel when you consider the total amount of water running off in the back of the valley.

DUKE: I have a couple of things I'd like to clear up in my mind. One, I'd appreciate your going over your arithmetic on the amount of people going in and out of the valley.

LEE: There are approximately 500 homes in the valley. Each of these homes would generate 8 trips per day. Eight times 500 makes 4,000 car trips per day. Out of these car trips, if you take 15% to 12%, you come up with the peak hour traffic. So, we computed the peak hour traffic on Kalanianaole Highway that the people in the valley contribute about 500 cars. Then, we took a traffic count. We didn't do it. We asked the people in the valley to do it to be completely unbiased. They took the peak hour traffic and it came out very close to 500 cars per day. So, our predictions were very close.

DUKE: Do you think the 40 acres will not be developed if you develop your studio?

LEE: Well, we would tie up the state land which would preclude development as far as the state land is concerned. We would work with the people in the area to try to develop a park. Then, we would try to tie up the Paiko land, and utilize that land, if possible, for some other purpose. So, we would not encourage any

development. We would discourage development around the immediate studio because we wouldn't want any other noise creating vibration uses around us.

DUKE: Then that brings up the two points I wanted to make--one was the park. You said you had been working with the community association regarding the park.

LEE: Yes. We made a direct offer to the committee that was in charge of the park. We told them that we would work with them to develop this park on state land. We would willing to aid them financially. In fact, we developed a plan for a park, gave it to them and asked them to comment on it, and give us back the comments.

DUKE: At the present time, do you have an indication from the state that you could follow through with that?

LEE: We had talked with them. The state had indicated to us that at one time they had plans for a low-income development there but that was kind of on the back burner you might say, and that if we did come in, they would consider something like this.

DUKE: Well, your idea is good undoubtedly, but presently you truly have nothing committed from the state as far as that part is concerned.

LEE: No because we did not feel that we should pursue this without the benefit of working with the people in the area.

DUKE: Secondly, you said there was some objection to possibly so many tourists coming to the area, therefore you would bar the tour buses, bar tours, is that correct?

LEE: We would bar all visitors and all commercial tours from our facility. We could not bar them from the valley. Those are all public roads. Our facility would be a private facility. You could put conditions in the conditional use permit that we would eliminate all tours and visitors from our facility and we'd go along with that.

DUKE: You mean forever and ever?

LEE: Yes, we have no qualms with that.

DUKE: Well, first you mentioned phase 1 when the workmen are there only, then phase 2 and 3. Yet, I assume that these figures are correct that the planning director received stating that for the first year you said how many thousand visitors a day. Later on you said a half a million a year. Yet in your proposal, I see you've got a parking lot there for about 1500 cars. If you're not going to have any visitors, it seems to me maybe you ought to revise that a little bit.

LEE: I'd like to revise it but unfortunately the CZC tells us that we have to have so many parking spaces for car parking per square foot of use.

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Take the cafeteria. The cafeteria requires to keep the workers on the site. That's the labor requirement as I understand it. Yet we have to have X number of car spaces for that cafeteria.

As far as the other facilities, the live audience theater and the 360 degree theater in the round, these are future projections. If you want to allow us the first phase in which those two phases are eliminated, we'd be willing to go along with that also.

DUKE: While we're on that, as long as we're going along with the CZC, what then can we do in a residential area?

ENG: The CZC lists certain uses which are permitted principal uses. These uses are available to a landowner as a matter of right. In addition, there are other uses known as conditional uses. In the residential and apartment districts there's also the option of planned development. These are permitted only if the conditions appear to be appropriate for that type use or if conditions can be set to make the land or the area and the use compatible.

DUKE: The figures that were given to the planning department regarding visitors and even in various other areas, you state that you're going to have live audiences at your TV facility. The possibility is that there might be visitors there don't you think?

LEE: Well, when you say visitors, you have to define the people who are coming in for this live audience theater or are you talking about tourists?

DUKE: No, to the area.

LEE: Well, as far as we're concerned, if your definition means visitors to the area and you wish us to bar visitors to the area, then immediately that would eliminate all of the tourists. As far as the definition of visitor is concerned, would you consider a person going into a live audience theater a visitor or not?

DUKE: I'm just merely clarifying what you stated in the beginning that you were willing to bar. I'm just wanting to know to what extent you would do that.

LEE: If you wish to consider the people coming in to both theaters, one theater and one auditorium, and you wish to stop us from constructing those phases, we're going to go along. The whole concept here is that we did not have a chance to work with the people in the area to determine what conditions they wanted. If you people feel those conditions are necessary and you wanted to stop us at phase 1, impose those conditions. We see no harm in that. The whole concept of the conditional use ordinance is this, that whatever use is proposed to be transplanted into some other use, the conditions should be imposed on that use so that it would preclude a disturbance of that neighborhood.

DUKE: I am familiar with the conditional use permit.

SULLAM: You're telling us of this large portion of land you

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wish to take out of residential, and you're also suggesting other areas be precluded from residential use. Now, in our general plan, that is residential. The city has more or less concluded that they ultimately will have to bear the burden of providing facilities for that particular residential designation. Now, if this is taken out of residential, where are they going to find land to add to residential?

LEE: Well, as far as the problem of finding land to add to the residential areas, I would leave that up to the planning director because we're coming in here and we're saying that in this particular instance, we are going to substitute one use for another use. The merits of this is what I'm prepared to discuss. If you wish to engage into a discussion as to where would we find other residential land, I'd like to point out that we could go into a very long discussion as to what land can be developed and utilized, what other lands with relative low density could be increased to a higher density to take care of more dwelling units. So, my answer to your question is I'm only prepared to discuss this one site. As far as finding other sites for residential lands, I think would be too long a discussion.

SULLAM: That is something we must concern ourselves with. We must look at the overall picture. We can't just make a decision on a single application. We have to relate it to its impact on the entire island.

LEE: Then you have the Kamilonui Valley which is right in the area where we were going to put our original studio site. That's agricultural right in the heart of a residential development. It's not suitable for farming. The farmers would be very happy to move out of that area. There's an area that could be shifted from agricultural to residential. We could go on naming sites like these all over the city.

SULLAM: Well, we have to be prepared to know that the impact of this studio will not have reverberations as far as taking away necessary lands that are zoned residential.

LEE: Nine acres of land and 200 units as compared to the many thousands of units that we have now? This is just a miniscule amount.

SULLAM: We know we presently have very few urban lands that can receive residences. We are faced with a housing shortage. This is something we have to bear in mind.

There is one other question I'd like to ask you. It does relate to your facility indirectly. I understand on the mainland that they're tearing down many of these large studios. I was rather surprised to hear that they're going to build such a large one here. Could you tell me why this is taking place?

LEE: The information that I received is that most of these studios which were originally built on farm land and developed over

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a period of years have now been built around so densely that the amount of money that the land is worth versus the amount of revenue that they could produce is out of proportion

The second thing is that the cost of producing films in the U.S. is so high now that the people have sort of fled to the other areas, and the other areas have been developing studios. So, we would like to reverse the trend and try to build a studio here so that the U.S. movie industry would get a shot in the arm. In fact, to show you how far down we've come, the leading technology as far as lighting is concerned is now in Japan. We've talked to the studio there about importing a lighting system here where their lighting system is computer run and there are no longer men in back of lights. It's a matter of economics where the economics in the Hollywood area is such that it's precluding them from continuing the studio use. This is why most of the studios in Hollywood have gone to visitor-oriented type of attraction to get this additional income because they can't make that type of income by just using the movie studio for movie-making purposes alone.

SULLAM: Do you feel you would be able to prevent the very same thing from happening here that happened in Hollywood as far as economics?

LEE: Yes. I think we could if we could obtain control of the land around us because what we've been needing here as far as industry is concerned is our non-polluting industries because our economy is so precarious. By putting in a non-polluting industry such as this, by controlling the uses around the industry, we could attract--right now without any formal type of studio, we have about three or four films going on at the present time. They have no film per se. We saw this need. We thought it was economically sound. This is why we're proceeding on this basis.

WAY: Mr. Lee, first an important point to make is the general plan nature of the area which is for residential purposes. I'd like to ask you what your interpretation of the use in terms of the land use classification might be, keeping in mind the law that adopted the general plan and indicated this area for residential purposes.

LEE: Well, wasn't this the total concept of the conditional use permit to permit other uses into another area?

WAY: Well, that may be but I'm asking a question. You're answering another question. I'd appreciate an answer to mine. In your judgment, what form of land use is this?

LEE: Well, as far as your specific question is concerned, if you say this is a residential area, then it is a residential area according to the general plan.

WAY: What classification of land use would you place a movie studio?

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LEE: A movie studio would have a variety of uses connected with it. It would range all the way from residential to industrial.

WAY: In this particular and specific instance in terms of allocation of floor area, would you say it's predominantly a commercial use?

LEE: I would say it's predominantly warehousing or industrial type of use.

WAY: Fine, that answers my question. It is predominantly industrial use. In that connection then, I find a serious conflict with the general plan proposal for residential use for this area for this kind of facility, and the report of the Director of Land Utilization so notes my concern.

Second point, I'd like to discuss a little bit--

LEE: Well, before you go to the second point, I would like to go back and elaborate on a further point. Now, the City Council in it's wisdom--actually, the general plan expresses their idea or their concept of development of the Island of Oahu--saw fit to pass the conditional use ordinance. This conditional use ordinance, the whole basis upon it was to permit unusual uses to be located in areas, and in order to protect the area in which they were located, to impose certain restrictions on the uses to see that the uses are compatible. All I'm saying is that we're using this vehicle from the City Council to try to locate an unusual use into an area, and we hope the conditions imposed upon this use will make it compatible with the neighborhood.

WAY: Well, I guess maybe then you raise the point of degree of conformity. I think this is a rather fundamental point in this case. As you know, the conditional use section under general standards and I quote:

> "Conformity with official plans, the proposed conditional use shall be in accord with the purpose and intent of the general plan and any applicable development plan."

My contention is that an industrial use of this magnitude of 9 acres of predominantly warehousing and significant employment generation therefore is an industrial use and therefore is not in conformity with the general plan.

I'd like to leave that question unless you have any other observations to make.

LEE: I certainly do. I think the purpose and intent of the general plan, if you'll go back to the general plan statement, is that it's suppose to encourage industry, it's suppose to give people a place in which it is safe and comfortable to live.

Now, here you have two conflicting points and the intent are the same. The intent is to develop these islands as we see it to a--well, I won't say optimum living condition, but to the best living

condition that we can. In doing this, what we would like to see is places where we could work and be close to where you live. I think the more than thousands of examples where we've seen industrial parks in neighborhoods. I cannot see where this would be any different than a think factory in a neighborhood or any other industrial park that's located in a neighborhood, provided as I said, we use the safeguards through the conditional use permit to see that there are no nuisances created in this area which would disturb the neighborhood.

WAY: Of course, in a general way I certainly agree with what you said; however, I think the proper place to address that is in the policy-making and decision-making area of the general plan, not through the conditional use permit. Now, I want to make that point very emphatically that I think you're in the wrong arena. There's no quarrel with industrial uses. There is a definite need for them. It's a matter of evaluation in terms of proper location and taking into account, all of the other factors that you considered and you've mentioned, of course. But here, I think it's gone too far.

By way of illustration, we did have another conditional use for a movie filming, TV operation in this connection in a residential area, in fact using the residents, and on a temporary basis, that the life of TV series is not indefinite. We all know that. In fact, it's rather tenuous even. Rather specific, rigid conditions were attached to that, in a residential district using a residence, simply converting the inside making a shell out of the home that is there so that at the time of termination of the series, it could then be converted to residential purposes. So yes, in that connection on a temporary basis within that context, the idea of a conditional use permit for movie-TV studios and the like was conceived and developed.

I'd like to go on with more specifics having to do with your paper on the traffic.

LEE: Mr. Chairman, may I respond to the second point.

WAY: I'd rather avoid a debate at this point. I'd like to get to a couple of questions.

CHAIRMAN: If possible, I'd like questions to be asked from the department or the commission. Let's not engage in a debate here.

LEE: But Mr. Chairman, he made some statements and I'm willing to answer any questions he asked. But, if he is suppose to question me and make some statements, at least I should have the courtesy of reply to the statements.

CHAIRMAN: At the end of this if you feel compelled to make any statement, we will entertain it at that time.

LEE: Will it be a matter of record, sir.

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CHAIRMAN: Correct.

WAY: My second point has to do with the parking generation. I guess we'd have to start with the numbers. You indicated that actually the parcel involved is 9 acres in size.

LEE: That is correct.

WAY: And there is an additional 40 acres or does the 40 acres include the 9-acre parcel?

LEE: The 40 acres includes the 9 acres.

WAY: In the information you presented, you indicate that over 200 dwelling units could be constructed. This I presume is on the 40 acres.

LEE: Yes.

WAY: The trip generation figure that you have from the studio is 800 car trips per day. In other words, 800 vehicles or car trips coming out of the 9-acre site as against 1600 car trips coming out of the total 40-acre site.

LEE: Yes.

WAY: Okay, I guess what I'm concerned about is if you develop the 9 acres for residences, my figures show that that's about 45 units using your same 5 units per acre, and that 8 vehicle trips per unit, I come out with 360 trips being generated out of the 9-acre site in contrast to 400 car trips if the studio is developed out of the same 9-acre site. Do you agree so far?

LEE: Yes.

WAY: Okay. I want to make sure of our comparisons here because I've done some other figures using your basic numbers, and I find that if the 40 acres is developed, again we use your figures, 1600 vehicle trips would be generated. If the 31 acres plus the 9 acres for the studio were developed, we then find a traffic generation of 2,040 trips.

LEE: Yes.

WAY: My point is simply, and I seek your concurrence, that with the movie studio and with the remaining 31 acres for residential development as shown on the general plan, we actually have higher trip generation in the valley than if the 40 acres were totally developed for residential purposes. Do you agree?

LEE: If your assumption is based on the fact that the residential area and the movie studio would be both in operation, our premise is that if the movie studio is put in, the other remaining 31 acres surrounding it would not be developed as residential use. The land directly opposite this is state land. Part

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of the 40 acres is within that state land and within the area that the previous developers had programmed for low-income housing. So, our premise is simply based on the fact that we would tie up this state land on the opposite side of our studio by putting up parking thereby precluding that development.

We would also tie up the Parko Estate land to the rear of us. By tying up these two parcels of land on long-term leases, we would preclude any further residential development.

WAY: I guess I understand that was your previous testimony. My question then is, do you have that tied up now? Do you have assurances from the state or from Parko Land Company that you could so obtain it and tie it up?

LEE: We have talked to the state people and the state people have indicated that they would consider it. Now, if you were to ask us to go out and tie up every parcel of land around us at the present time, I think it would be a little premature. This is where the conditional use permit comes in. If you impose these conditions upon the permit, then it would be a much more practical way of doing things. In other words, we could not build our studio until we get permission from the state and Parko Estate. This is the whole objective of the conditional permit as I see it.

WAY: Failing that, however, we'd still be faced with some form of residential development in accordance with the policy of the city for the area. We could see additional residential development on the remaining 31 acres.

LEE: Yes.

HOSAKA: You mentioned that we could put conditions such as the elimination of any tour buses down Kuliouou Road.

LEE: Excuse me for interrupting. I said we could not do that because that's a public roadway. We can't stop that. All we could preclude was the people coming into our facility because that would be private property.

HOSAKA: In line with that, I thought perhaps the preclusion of any tour buses would certainly--I read in one of the documents that approximately half of your income would be derived from the tourist trade. I just wondered if you could survive with the elimination of this.

LEE: That document was information that was generated for the Hawaii Kai site. It was privileged information given to the financing people. We certainly did not give that privileged information out. Someone else used those documents and gave those documents to the planning department because the sets of figures that we would use for financing this would not include that. As far as the financing feasibility of this project, we feel that the studios could stand by themselves. We deliberately phased this

into three phases because we wanted the studio to come first. We knew that would stand by itself. If the demand grew, we could then go into the live audience theater type of thing because that's mostly for TV shows. The third one was strictly an experimental thing where they have it in Disney World. It's a 360 degree projection type of theater. We would have to go into one anyway if we're going to go into that because we would have to have a place to test our film. So as I said, those two phases, 2 and 3, are somewhat in the future What we're looking for now is simply phase 1. We would be willing to live with that.

DUKE: I was kind of amused, but your answer regarding closing of studios on the mainland seems rather odd to me that the studios there are closing because people are building close around them now and their land becomes valuable. It seems to me, and I'm not trying to tell you your business, but you've picked an area where the people have already built around you, and you want to put a studio in the middle. The land here is much more expensive than many places I could name. I'm not trying to chase the studio away but I'm telling you how I see it.

In addition to that, if you read I think it's the Department of Labor, the cost of living in Hawaii is about 25% higher than any other place you could pick. Just the pure economics of it, your answer doesn't quite make sense to me.

LEE: Well, you're comparing residential land. If you look at the movie studios in Hollywood, it's right in the heart of the city now. So, we're talking about business or commercial land value. When you talk about commercial land value versus residential land value, there's quite a differential in price.

DUKE: Then if you compare the cost of land in Hawaii to the cost of land elsewhere, then I don't think the differential is so great. It's your business, not mine.

SULLAM: When you say you'll tie up this 31 acres, what are you going to tie it up in? Is it going to be vacant?

LEE: Yes. We would primarily keep it vacant or we might develop some landscaping in there primarily because we would utilize the area for outdoor shooting. Location work is really what we're looking for.

SULLAM: The park that you discussed and this is state land, what kind of park would this be? Is this going to be a regional park?

LEE: We plan a neighborhood park. This was what we had presented to the neighborhood. We had programmed that facility for the neighborhood and asked them to comment on it, whether it was adequate for their purposes or not adequate.

SULLAM: This would be owned by you?

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LEE: No. We would develop it. If the land would be owned by the state and the city would operate the facility, we wouldn't own it.

SULLAM: Well, there is a fairly extensive park right at the foot of the valley.

LEE: Well, the residents prefer that a park be established in the upper part of the valley for the safety of the children. They don't want the children to cross Kalanianaole Highway. That park would not be this type of park. This park would have tennis courts, basketball courts, softball field and this sort of thing. The other is a beach park.

CHAIRMAN: You have any assurances that if you are not given this conditional use permit that the state will allow 31 acres to be developed residentially?

LEE: I have no assurance as to whether or not if we do not get the units here the state will go ahead with its plan for the low-income units. I really don't have the status. We just talked to them and they said that they had it on the back burner and that they would be very happy to consider our plan here.

CHOY: In your access and circulation within the property, your attorney has verified that the access easement from Paiko Estate and the State of Hawaii, how far along have you people pursued this right-of-way?

LEE: The attorney has seen the Paiko Estate people. They said that they would grant us an easement over that 40-foot. I think it's shown on the tax map. In conjunction with the park, we would develop the additional 40 foot to make it an 80-foot roadway.

CHOY: So your company would develop the road to 80 feet and turn it over to the city for maintenance.

LEE: Yes.

CHOY: So then again there would be substantial maintenance cost to the city with the amount of traffic that will be generated by your studio.

LEE: Well, I don't know whether the amount would be substantial or not because we're looking at about 500 or 600 feet of road. That's about it.

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

Public testimony followed.

Testimony in SUPPORT

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1. Mrs. Naomi Correa, Resident (Presented oral testimony)
2. Miss Keokeokalae Hughes, Business Representative, Screen Extras Guild Inc. (Presented oral testimony)
3. Mrs. Valerie Humphries, interested citizen (Presented oral testimony)

Reasons in SUPPORT--

1. Provides new and varied employment--costume designing, graphic arts, lighting, etc.--and supplements an employment gap evident in Hawaii's diminishing agricultural industry.

2. The proposal is a new, non-polluting industry for Hawaii, free from noise and smoke emission.

3. While Hawaii needs housing, the cost of housing far exceeds the local income level. Salaries in the movie industry are attractive and offer local people an opportunity to increase their financial status.

4. Economically, 10 movie films produced in Hawaii over the past years totalling approximately $80 million dollars indicates that the movie industry has already contributed substantially to Hawaii's economy.

Questions by the Commission of Mrs. Correa concerned the proposed industrial use of the subject site zoned residential versus residential development of that site recognizing the existing shortage of urban lands in Honolulu. Mrs. Correa commented that while providing for housing is recognized, possible construction of homes on this site ranging from $80,000 to $100,000 far exceeds the local income level and neither solves the housing problem nor benefits the local community. Therefore, industrial use of the site plus the employment benefits derived from the subject proposal outweigh its residential development.

Testimony AGAINST--

1. Gerri Madden, interested citizen (Submitted testimony dated June 26, 1974)
2. Mr. Morris Schwalb, interested citizen (Submitted testimony, undated)
3. Mr. DeLos A. Seeley, President, Kuliouou Community Assn. (Submitted testimony dated June 24, 1974)
4. Mr. Melvin K. Ayau, Resident (Submitted testimony dated June 26, 1974)
5. Mr. Paul W. Jones, Resident (Presented oral testimony)
6. Mr. Richard Sagawa, Resident (Presented oral testimony)
7. Dora Morales, Resident (Submitted testimony, undated)
8. Helen H. Cole, Resident (Submitted testimony, undated)
9. Mr. Bruce Keppeler, Resident (Presented oral testimony)

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10 Norma Carr, representing Aina Haina Community Association (Presented oral testimony)
11. Mr. Barry B. Knapp, Resident (Presented oral testimony)
12. Mr. Glenn Teves, concerned citizen (Presented oral testimony)
13. Jane Carmichael, concerned citizen (Letter received dated June 26, 1974)

OBJECTIONS--

1. Incompatibility with existing character of the neighborhood. The serenity of the valley and privacy of residents will be encroached upon by tourists and visitors to the movie studio.

2 Increased traffic generated by employees and visitors to the proposed movie studio would create a hazardous traffic condition for children in the area. The inadequacy of existing width of the streets to accommodate tour buses transporting tourists to the subject site poses another traffic problem.

3. Noise and dust generated during construction and additional traffic through the area upon completion, not overlooking the possible use and noise of a helicopter transporting movie stars from Waikiki to the proposed site.

4. Inadequacy of existing sewer system to handle additional development.

5. Depreciation of land value.

6. Sets a precedent for further high density development to occur within the area.

7. Existing shifting soil conditions and water runoff problems evidenced by the Department of Land Utilization's recommendation for further study of these problems.

Questioned by the Commission, Mr. Seeley speaking for the association indicated that the community does not object to the movie studio per se, but to its location and incompatibility with the existing character of the community. Even if the Commission were to impose conditions satisfactory to the concerns of the community, Mr. Seeley stated: "You're assuming that all conditions put on this CUP could be implemented. Frankly, the 80-foot structure as proposed, unless reduced to residential size, would be one of the incompatible circumstances that would affect the community and would place the community in a ridiculous position. It is not a safe assumption to assume the conditions will be forever adhered to." They do not object to residential development in the valley as long as it is in keeping with the existing life style in Kuliouou.

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Duke, seconded by Mrs. Sullam and carried.

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ACTION: The Commission concurred with the Director's recommendation and recommended that the request for Conditional Use Permit be DENIED, on motion by Mrs. Sullam, seconded by Dr. Choy and carried. Mrs Sullam commented that she is not against the movie studio, but that the applicant's request is really for a change in zoning.

AYES - Choy, Crane, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - None

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
TOMMY S. TOMA
CONTRACTORS, INC.
(FILE #74/HCD-10)

A public hearing was held to consider a request for approval of plans for a roof garden to include wood decking and benches with a planting box to be constructed at 235 Queen Street, Honolulu, within the Hawaii Capital District.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 16, 1974. No letters of protest were received.

Presentation of the Director's report recommending approval of the request was made by Stan Mofjeld, staff planner. The building, including the proposed addition, meets the 150-foot height limit and 50% open space requirements of the district and is compatible with the existing building and the Hawaii Capital District.

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

Testimony in SUPPORT--
Mr. David Beach, Jr., representing the applicant, presented no additional information. The Commission had no questions of Mr. Beach.

Testimony AGAINST--
None

The public hearing was closed, and the matter was taken under advisement, on motion by Mrs. Sullam, seconded by Mr. Duke and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the request, on motion by Mrs. Sullam, seconded by Mr. Duke and carried.

AYES - Choy, Crane, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - None

JUN 26 1974

PUBLIC HEARING
PLANNED DEVELOPMENT
HOUSING
WAHIAWA
MARGEN, INC.
(FILE #73/PDH-8)

A public hearing was held to consider a request for Planned Development-Housing for 97 townhouse units with community facilities on a 12.4-acre site in Wahiawa with access from Dole Road, Eames Street, and Kilea Place.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 16, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the proposal. In summary, 97 fee simple townhouse condominium units with community facilities and group parking are proposed. Among desirable features of the proposal are retention of major trees and preservation of Dole House. Approval of this project is recommended subject to the conditions enumerated in the Director's report.

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

Testimony in SUPPORT.

Mr. Gene Trapp, President, Margen Inc., represented the applicant. Questioned by the Commission, the following additional information was given:

1. The existing 25 units on site have been rented for the past year on a month-to-month basis to military families who were notified of the applicant's proposal to develop the property.

2. Dole House will be a non-commercial private museum available for use only by condominium owners and their guests. School excursions may be allowed if permitted by the association's board of directors. It may also be used as a meeting room, for card playing, or just a quiet place to read. Security service will be provided to restrict usage by outsiders who will be screened either at the office or by the security guard.

Testimony AGAINST

Mr. Saburo Kubota, a resident in the area, expressed concern over traffic flow above the subject site from Kilea, Kinikohu, and Kinipopo Streets, and the lack of consideration given to the residents in that area. He questioned whether these residents would have access through the subject site. Mr. Mofjeld stated: "That question was addressed previously with the Department of General Planning in the deletion of that central road running through the site. There's a traffic report by a consultant and an analysis by the Department of Transportation Services that the DLUM road below which is 44

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feet, when that is eventually completed, would be adequate to serve the traffic loading in the area which includes the subject site plus the Kilea and other people living above."

The public hearing was closed, and the matter was taken under advisement, on motion by Mr. Hosaka, seconded by Mr. Kamiya and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Kamiya, seconded by Mr. Kahawaiolaa and carried.

AYES - Choy, Crane, Duke, Hosaka, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - None

UNFINISHED BUSINESS
GP/DLUM AMENDMENT
QUASI-PUBLIC TO
APARTMENT USE
ST. LOUIS HEIGHTS-
PALOLO
ST. LOUIS-CHAMINADE
EDUCATION CENTER
(FILE #236/C1/17)

Commissioner Hosaka, who had declared a conflict of interest on this matter, disqualified himself from the deliberations.

The public hearing held March 20, 1974 was closed, and action deferred to May 1, 1974. The Commission on May 1 deferred the matter to May 29, 1974 upon request of the applicant. Action on May 29, 1974 was deferred to June 26 at the staff's request in order to review additional information recently submitted by the applicant.

Staff Planner Charles Prentiss presented an Addendum report from the Chief Planning Officer addressing the supplemental information submitted by the applicant to support its General Plan amendment request. A review of the additional data and a study of housing data and development alternatives prepared under the City and County of Honolulu General Plan Revision Program indicate that there is a need for housing units in the proposed price range. The development proposed would not be in conflict with or preempt any alternative development patterns being studied in the General Plan Revision Program since both the Intensive Development Alternative and the Directed Growth Alternative include an increase in residential densities in the Honolulu area. An additional alternative site on the Chaminade Campus was rejected on the basis that the area is committed for athletic facilities associated with the educational complex.

On the basis of conclusions drawn in his original review of the request, a review of the additional data, and the reported adequacy of public facilities, the Chief Planning Officer reaffirms his recommendation that the request be approved.

MOTION: Mr. Kamiya made a motion to DENY the application which was seconded by Dr. Choy.

Discussion followed.

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SULLAM: Mr Chairman, I will vote against the motion because even though I'm concerned about the traffic, I feel that is a desirable place for apartment. I think the problem of traffic will be resolved

DUKE: Mr Chairman, I'd like to know the reason for denying this

KAMIYA: Mr Chairman, I make this motion because looking at the General Plan and DLUM, I feel that as far as Quasi Public, I don't believe we have enough areas zoned as such in the General Plan I feel this is an area where schools are available and should be available, which schools there are children for which we need dormitories

I think as far as the staff report that the availability of apartments and vacancies are down, I think the vacancies are down because the kids are renting apartments.

I feel the plan is beautiful, but I think it should be available to the students, and have it connected to the school as such.

As far as traffic, the ingress is fine. But, when you think where all the people are going to come from, will they be coming from the Kaimuki area making right turns which will be easy, or will they be coming from town where they will have to make a left turn off Dole or a left turn across Waialae?

DUKE: Mr. Chairman, I'll have to speak against the motion. There is no doubt in my mind that the officials of St. Louis are truthful that they do not have sufficient money to carry on their educational project. I believe utilizing what they do have to its best use is what is going to undoubtedly help St. Louis College.

I am concerned about the traffic because at the public hearing those people were concerned. I know that even if the streets have to be widened, at the College expense it can be worked out. This I am sure.

Therefore, I think to deny the application is not proper and therefore I am against the motion

KAHAWAIOLAA: I agree with Mrs. Sullam and Mr. Duke. I am against the motion.

CHOY: Mr Chairman, I would like to concur with Commissioner Kamiya that there's a good limit of Quasi-Public areas. My concern is once this apartment is built and if Chaminade is as viable as they claim it is, then they certainly would need expansion in future years. Now,

I'd like to know where they could expand to if the apartment is built in the football field. Because of this, I will concur with Commissioner Kamiya.

SULLAM: I don't think it's for us to get involved in the personal policy of Chaminade College or to be concerned in what promoted them to allocate this land for apartment uses. If it meets all the requirements of the General Plan decision to go into apartment, then I feel we have to go along with it.

Their only drawback was water and traffic. If those two are resolved, I don't think we have any legitimate reasons not to vote in favor of the amendment.

There was no further discussion. The motion failed to carry.

AYES - Choy, Kamiya
NAYES - Crane, Duke, Kahawaiolaa, Sullam
CONFLICT - Hosaka
ABSENT - None

MOTION: Mrs. Sullam moved to accept the recommendation of the Chief Planning Officer which was seconded by Mr. Duke.

The motion failed for lack of a majority vote.

AYES - Crane, Duke, Kahawaiolaa, Sullam
NAYES - Choy, Kamiya
CONFLICT - Hosaka
ABSENT - None

ACTION: Due to the impasse and lack of sufficient votes to recommend either denial or approval, the Commission on motion by Mr. Duke, seconded by Mr. Kamiya, submitted NO RECOMMENDATION. The Commission felt that a majority vote of five was not possible.

The motion was unanimously carried.

AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya, Sullam
NAYES - None
CONFLICT - Hosaka
ABSENT - None

ADJOURNMENT: The meeting adjourned at 5:40 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

MRRC RMM 19-75

FLASH CARD

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JUL 10 1974

Meeting of the Planning Commission
Minutes
July 10, 1974

The Planning Commission held a meeting on Wednesday, July 10, 1974, at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman James D. Crane presided.

PRESENT: James D. Crane, Chairman
Randall Kamiya, Vice Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Antone J. Kahawaiolaa
Fredda Sullam (left meeting early)

ABSENT: Donald K. Hosaka

STAFF PRESENT: Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
George Aoki Deputy Corporation Counsel
Lorrie Chee, Staff Planner
Henry Eng, Staff Planner
Gerald Henniger, Staff Planner
Stan Mofjeld, Staff Planner
Ralph Portmore, Staff Planner

ELECTION OF OFFICERS

Mr. James D. Crane was elected Chairman for the ensuing fiscal year by unanimous vote, on motion by Mr. Duke, seconded by Mr. Kahawaiolaa and carried.

Mr. Randall Kamiya was elected Vice Chairman, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

ADOPTION OF RULES OF PARLIAMENTARY PROCEDURES

The Commission in a workshop discussed for adoption, its Rules of Parliamentary Procedure. The major change in the Commission's public hearing procedure will be the Commission's action immediately following closing of public hearings.

ACTION: The Commission, on motion by Mrs. Sullam, seconded by Mr. Kamiya, adopted its Rules of Parliamentary Procedures. The motion was unanimously carried.

AYES - Crane, Choy, Duke, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Hosaka

JUL 10 1974

PUBLIC HEARING
GENERAL PLAN AMENDMENT
WAIKIKI
WONG/WONG AND
PALMER/TURNER ARCHITECTS
(FILE #272/C4/15)

A public hearing was held to consider a proposal to amend the General Plan of the City and County of Honolulu by redesignating approximately 3.35 acres of land from Resort use to Commercial use to accommodate the proposed Kalakaua Commercial Complex in Waikiki, Tax Map Keys: 2-6-02: 25 and portions of 5, 18, 19, 22, 23 and 24.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 30, 1974. No letters of protest were received.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer. The information provided in the request and subsequent analysis by the Department of General Planning justify the requested General Plan amendment. It has been specifically shown that:

1. There is a more than adequate amount of land in Waikiki where hotel construction is permitted to satisfy the desired level of hotel development until well beyond 1980.

2. The General Plan recognizes that other commercial areas besides those shown on the map will be needed.

3. The request and the type of development being proposed are in concert with the principles and guidelines of the General Plan for commercial areas as well as resort areas.

On the basis of the analysis of the request, it is the recommendation of the Chief Planning Officer that the request to amend the General Plan be approved.

Question was raised concerning a portion of the proposed general plan boundary which cuts through a wing of the Royal Hawaiian Hotel. Mr. Portmore indicated that he had checked with the zoning division of the Department of Land Utilization and was informed that there would be no problem and change to that wing inasmuch as a hotel is permitted within either a B-5 Resort Commercial or H-2 Hotel District.

Public testimony followed.

Testimony in SUPPORT--

1. Mr. G. Giacometti, representing the Bishop Estate
2. Mr. H. Wong, Architect Consultant

WONG: We're satisfied with the report of the Chief Planning Officer. We will respond to any questions the Commissioners might have.

SULLAM: Are you going to make provisions for relocating the tenants presently in the commercial complexes that are going to be torn down?

GIACOMETTI: Yes, we expect to have considerably more commercial space in the redesign and redevelopment of the complex. We have, in cases where inquiries are made or if anyone is interested in tenancy, we have taken expressions of interest. There is no formal priority system established at this time, but I would suggest that as long as they are competitive tenants in the various uses that we suggest for the area, they would be given the same priority as any other tenant that would apply for space. I should point out that all of the tenants are using spaces under leases that would expire May 31st of next year. Many of them have contacted us. I don't mean to imply any kind of non-priority as well.

WAY: At one point in time there had been some concern expressed by our department to you about lease stipulations having to do with the open space, building coverage height limits and the like. In fact, there was submitted to us in Mr. Wong's letter some general proposals to take into account these concerns. The question is, are these, as they were presented to us, generally acceptable kinds of conditions and of such a nature that they would be in the lease agreement?

GIACOMETTI: Yes they would. As I understand, you're referring to a list of design criteria.

WAY: I would just for purposes of specificity point out that it's dated April 25th on Mr. Wong's letterhead to our department.

GIACOMETTI: A set of that criteria was presented to the trustees, approved by them to form the basis of our request with respect to limitations that would be placed on the developer. As you know, the Bishop Estate cannot directly develop the property, and there will eventually be a ground lease to approve these stipulations.

WAY: One other point along similar lines and that is to what extent might the Bishop Estate continuously participate in the project in the design sense? I guess what I might be looking for would be another lease stipulation, if you will, that could be added here wherein there would be some assurance of continuing design review by the landowners.

GIACOMETTI: I can assure you that is a normal policy of Bishop Estate development leases and I am certain it will be continued in this case. There would be prior approval by the landowner in any development.

WAY: Are there any special procedures that you may have thought of in that connection somewhat beyond the normal, this being a rather significant piece of real estate in Waikiki?

GIACOMETTI: Yes, the trustees recognize the sensitivity needed in the design of this complex. Several years ago, they

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requested help of various participants in an ad hoc committee that did a certain amount of design and review program, that is, ideas as it relates to the end result. Out of that committee rose the idea of interaction of design competition which we conducted in 1972 and which was done under the American Institute of Architect rules. The final design concept was out of that competition drawings. I believe there were 18 submissions of different concepts for this project.

WAY: I recognize, Mr. Chairman, that some of the questions that are coming up and some that in fact I've raised are somewhat out of the normal context in dealing with the general plan issue. I'm sure that further details of the specifics along the lines of these kinds of questions of a design nature would be forthcoming at a subsequent time, for example, at the time when a zoning change would come along.

CHAIRMAN: I believe, however, these are the kinds of questions Mrs. Sullam had addressed herself to. I appreciate they're being asked at this time. They will come up again, I'm sure.

SULLAM: While I realize this has been in the making for a long time, I am not critizing, I think the design is a very lovely design, but I wonder why the Bishop Estate at this time feels it's necessary to go ahead and tear down a perfectly good building and do this sort of thing? What are the reasons behind it?

GIACOMETTI: The land is presently encumbered by a lease between Bishop Estate and Sheraton Hawaii. It was negotiated in 1967. The impetus for that renegotiation was the development of the Sheraton Waikiki. The lease at that time foresaw the need for redevelopment of this frontage strip. The reason why it is necessary to redevelop, basically, most of the buildings on that property are in bad need of repair. McInerny is a far superior building. It's a shame that building has to be removed. It is really the only building that I would consider to be long term value at this point in time. Looking at the entire property and in order to gain the kind of full planning freedom and flexibility that is needed, the decision to eliminate McInerny along with the other buildings was made.

Another point which I should raise and that is in the lease between Bishop Estate and Sheraton, there is provision for an open area and so-called view corridor extending directly opposite Seaside Avenue. Unfortunately, that's also the location of McInerny. It is at the center of the property. It is a logical break in construction of a related set of facilities It appears both on the model and on the plan That area would not be open if we kept the McInerny building there.

There are other technical reasons One of them is that the parking complex would be located primarily underground. In order to design a workable garage at a lower level, it would be very difficult to retain a building like McInerny and then try to work around it.

SULLAM: When would you expect this project to be completed?

GIACOMETTI: We are presently contemplating a two phase construction program, the first phase being Lewers Street to Seaside Avenue between an 18 to 24 month construction time, and the second phase from Seaside to the Diamond Head end of the property which would probably require another 18 months. So, you're looking at 3-1/2 to 4 years of construction Being optimistic, I would hope we could speed it up somehow.

CHOY: This may not be germane to what is before us at the present time, but what safeguards has the Bishop Estate run in to a leasing of the commercial complex? What I'm concerned with is I hate to drive down Kalakaua Avenue knowing the development at the Sheraton Waikiki Hotel and the Royal Hawaiian Hotel. I was just wondering whether this complex then, I have nothing against the Ginza, but what I'm worried about is that a large majority of this complex will be leased out to a Japanese businessman with a Japanese sign there calling attention to a Ginza instead of Waikiki. What type of safeguards have you people formed in order to have a balanced type of business in this particular complex?

GIACOMETTI: The simplest way to put that is if we have a stated policy in the overall design program and in the related uses that would be in the new complex, that we retain a Hawaiian motif. I have no direct way of assuring you that will be achieved; however, I think I can say truthfully that the trustees of the estate have several times expressed that kind of interest. That's the basic reason for that design policy. I believe they are going to insist that it be carried out. They expect to retain some control over the subleasing phase for this property.

Finally, I should point out that although there is a pending transfer apparently in the leasehold interest of the Sheraton Corporation, it will have no direct effect on this property as this property will be excluded from that leasehold as of May 31 next year.

DUKE: The department in their presentation mentioned the preservation of the banyan tree. Would you elaborate a little on your plan for preservation of the existing trees and public right of ways and other ecological aspects of this new development?

WONG: We've tried to develop the design in such a way that the beautiful Royal Hawaiian gardens can remain intact as much as possible.

In planning the project, we had to restructure a lease which the Bishop Estate has with the Sheraton Corporation with respect to what is referred to as the reserve commercial area which was originally designed to protect the green of the Royal. We modified it for one reason, we wish to place most of these trees within the Royal property. The new lease which has not yet been finalized will now place both of these trees within the Sheraton lease area. The design is set up in such a way that all the large trees will remain. Some of the coconut trees are very old, very tall, will be gone, but our commitment has been that there will be no fewer trees than now exist on the property. We may have to go in with younger trees

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because some of the older ones really cannot be moved in this area, the garage does not extend into the setback area and we will be able to plant it very extensively, very likely coconut trees, when the first phase is completed and before the second phase starts. We will try to salvage every tree that we possibly can. As this project necessitates, we will then bring in new trees to keep with the entire character of the Royal Hawaiian gardens.

DUKE: Elaborate on the right of way.

WONG: At the present time, there's a lease between Bishop Estate and Sheraton Corporation involving several rights of way.

One is the entrance to the parking garage. Sometime before completion of the project, there will be another traffic lane installed on the Waikiki side of Lewers Street where there will be entry to the complex.

There is another right-of-way to the establishment by the extension of Royal Hawaiian Avenue, and that would be the principal entrance into the Sheraton Waikiki complex. It would be 90 feet wide and would have ingress and egress as well.

The 120-foot view plane exists directly opposite Seaside Avenue. This will be 20 feet wide. The contract was to prepare or to make provision for the eventual view plane as well as a studio entrance through the Royal Hawaiian Hotel area. However, we are committed to that view plane and it will be provided for in the development.

The final easement will exist on the other side of the Outrigger Hotel property. That will be a 15-foot wide public right-of-way to the beach.

(There were no further questions of Mr. Wong or Mr. Giacometti.)

3. Mrs. Dorothea Woodrum, representing Elsie Krassas at Waikiki, one of existing business tenants.

As one of the tenants in the existing commercial complex for the past 22 years, the structure is now in a dilapidated state. They are especially pleased with the proposed architectural plans for a Hawaiian motif.

The public hearing was closed, on motion by Mr. Duke, seconded by Mr. Kahawaiolaa and carried.

ACTION: The Commission concurred with the recommendation of the Chief Planning Officer and recommended approval of the request, on motion by Mrs. Sullam, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Hosaka

JUL 10 1974

PUBLIC HEARING
ZONING CHANGE
R-5 RESIDENTIAL TO
A-2 APARTMENT DISTRICT
HEEIA
KIHALANI INVESTMENT, INC.
(FILE #74/Z-11)

A public hearing was held to consider a request for a change in zoning from R-5 Residential to A-2 Apartment District in Heeia--mauka of Kamehameha Highway, fronting Kahuhipa Street, Tax Map Keys: 4-6-31: 5, 6, 7, 8, 9 and 10.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 30, 1974. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The applicant proposes a total 66 apartment units (approximately 750 square feet of floor area per unit), and has indicated that height of structures would be ±30 feet (three stories). Preliminary plans are to offer these as condominium units. No sales price estimates have been given. Off-street parking spaces for 85 cars would be provided, with access from Kahuhipa Street. Approximately 6,800 square feet of recreation space is proposed within the site.

Based upon a review and analysis of this request, the Director concludes the following:

1. The proposed rezoning conforms to and implements the General Plan Detailed Land Use policy for the site.
2. Public agencies indicate no objection to the proposed rezoning.
3. There is a need for children's play areas within the project area as recommended by the Department of Recreation.
4. With proper attention to buffering between the proposed apartment district and abutting industrial parcels, the type of multi-family development permitted under A-2 zoning is considered compatible with surrounding uses.

The Director recommends approval of the request with the addition that the provisions of conditional zoning be applied to ensure compliance with the objectives of Items 3 and 4, above.

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

Public testimony followed.

Testimony in SUPPORT--

Attorney Philip Chun, representing the applicant

Mr. Chun agreed with the Director's recommendation. Questioned by the Commission, Mr. Chun stated that their revised site plan which results from meetings with the Department of Utilization meets the Director's recommendation for provision of recreational areas. The removal of parking areas from the center of the site to the mauka and makai ends of the lot now provides more than 100 feet of open space to be heavily landscaped.

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Testimony AGAINST--

1. Mrs. Luka Naluai, representing Hui Malama Aina O'Koolau
2. Mrs. Valeria Humphries, representing the Windward Action Group

Comments from the above-named individuals concerned (1) provision of low-cost housing before completion of high-income development; (2) further pollution of Kaneohe Bay by way of drainage from the proposed development into Heeia Stream.

Question was raised by the Commission concerning a proposed bill for low-income housing. Mr. Way informed the Commission that serious constraints and questions have arisen regarding these kinds of bills. A question as to their legality has been found unconstitutional. Another approach to provide such legislation is underway to provide housing in the moderate-income level.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

ACTION: The Commission adopted the Director's recommendation for approval, on motion by Mr. Duke, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya, Sullam
NAYES - None
ABSENT - Hosaka

PUBLIC HEARING
PLANNED DEVELOPMENT
HOUSING
KANEOHE
THE MCCORMACK LAND
COMPANY, LTD.
(FILE #73/PDH-4)

A public hearing was held to consider a request for concurrent rezoning of portions of the subject property located in Kaneohe at Lilipuna Road from R-3 Residential and B-2 Business to A-2 Apartment and redesignation of the site to Planned Development Housing under Article 10 of the Comprehensive Zoning Code.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 30, 1974. A letter dated July 5, 1974 was received from Mr. Geoffrey Hamilton opposing this project, and is included in testimony AGAINST the request.

Staff Planner Gerald Henniger presented the Director's report of the proposal. The following is a summary of the Director's comments and recommendations:

The proposed rezoning of a portion of the site is appropriate provided that an application for change of the General Plan before the City Council is approved.

The site plan is acceptable in concept. Among the advantageous features of the proposal are: Compatibility of unit types with topography and views, provision of generous on-site recreational

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facilities, irrigated landscaping with buffering and improved drainage, to alleviate present erosion problems.

The site plan would benefit from minor adjustments in the location of buildings to improve the orientation to views and the quality of the common open space.

It is recommended that the application for the proposed rezoning and the concurrent Planned Development Housing be approved, based on the conditions enumerated in this report.

Questioned by the Commission, Mr. Henniger gave the following additional information:

1. The preliminary plans presented today differ from those submitted by the applicant in May 1973. The changes reflect concerns of abutting property owners over view obstruction. Initial plans indicated higher buildings, 50 more units, and different accesses. Personal contact involving the changes has been made with those persons who have been aware of the project. The staff feels the applicant has been cooperative with the residents, and in trying to comply with staff recommendations. Mr. Henniger cited an example: "There's a 20-foot buffer between that parking lot and residences. At staff's request, they dropped the elevation of that lot to about 10 feet so that the visibility of this lot, we feel, is now not going to be a problem to the people. It is lower than the floor elevation of the existing homes. There are persons living here that feel it is not low enough. They feel it should be as low as is required so that they can have the same view they have now which this would not quite do. One reason for a more detailed map, not at 10-foot interval contours but 2-foot intervals and with some massaging of the plan that these problems can be resolved."

2. Price range of the units will be--

   Townhouses (2 to 4 bedrooms) - $50,000 to $80,000
   Rental units - $325 up

Public testimony followed.

Testimony in SUPPORT--

1. Mr. Bruce Duncan, representing the applicant

DUNCAN: We have been working on this in excess of two years in an attempt to make the best use of this parcel of land. You can tell both by the slope analysis and the topography and by looking at the shape and configuration of the parcel of land, that it's not an easy one to work with. The McCormack Land Company has always had a great belief in use of the planned development vehicle for developing any parcel of land. The first cluster development was also done

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by our firm.

We've gone through quite a number of phases to arrive at the plan before you today. The number of units has been reduced from our initial request. In addition, concentration of the units has moved from the makai end to more concentration next to the commercial area.

In addition, we have changed our housing type considerably so that we're talking about 4-story townhouses as the maximum height. We're also talking about 3-story apartment units, primarily 3-bedroom rental units.

The last plan that was reviewed by the community in which they received a great amount of input, has been modified to the point where we have approximately 180 units, which puts this within 400 feet of Kam Highway and Lilipuna Road. The point of this is you don't have cars going down Lilipuna Road. They're concentrated at that point. With the improvement of Kam Highway between Lilipuna Road and Haiku Road, and improvement of intersections at both ends of that stretch, the present congestion which occurs is going to be greatly relieved.

On the makai portion of the site where previously there were two major vehicular access points, we reduced that to one, and it is at the very beginning of the project so that there is no necessity whatsoever to modify or change the character of Lilipuna Road from that entrance on around the point. This was the result of input that we got from the people who live immediately below that area as well as a number of people around the point. From our point of view, we have no objection to it whatsoever. It allows us to control the traffic in the project, and that certainly is a security consideration.

We've also worked considerable lengths to insure that the concerns of the residents who immediately abut our project, are able to maintain the view that they have, and that the parking we propose to serve the 34 units above is going to be unobjectionable as we can possibly make it. Our latest proposal which was done in the last couple of weeks provides for depressing the parking area 15 feet below the existing elevation line as well as permitting a 20-foot area between the property line and the edge of the parking which can be landscaped and treated in any manner which is going to be acceptable to the abutting property owners.

We've also worked to lower the buildings in front of those properties so that the view can be maintained. We feel there's even more possibilities to go down further and lower the profile of those buildings so that the views from the people on top are not going to be affected.

Another major consideration and one of the things which has taken a great amount of our time and effort has to be with the treatment of our development program. We call for four

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phases of development, essentially two mauka and two makai. This is dictated almost exclusively by the necessity to control the erosion and make sure that we have the capability to control construction grading and clearing when it occurs. Mass grading of the entire site or one-half of it at a time cannot be accommodated. We know that. We are prepared and subject ourselves not only to the controls of the City and County but also the State Department of Health and the Soil Conservation Services of the Federal government. We feel with that input plus that of our engineer and the erosion consultant, Mr. Gene Cox who has been retained by our firm, that we should be able to make this development in terms of construction, cause minimum problems in the area.

I would also point out that the prices we quoted two years ago, we think we're going to be able to stick fairly close to those.

We also feel as to the time schedule and phasing of the project between now and 1978 is enough so we'll be able to do the construction with minimum problems to the surrounding community.

Mr. Duncan was questioned by the Commission.

KAMIYA: Have you met with the people who wrote the letters of protest?

DUNCAN: We have met with the people on the top of the hill who have been concerned with their view. We feel we have satisfied the concerns they have. The people along Heeia beach lot, we have seen the letter they have written in and the response which the Director made. In addition, I provided Dr. Banner who is the head of the people at the base of the hill with a set of the plans which he could review. Dr. Banner also had the benefit of the staff report in his inspection of this project.

KAMIYA: You concur with the 17 conditions contained in the staff report?

DUNCAN: The 17 conditions cover all eventualities and some which will never occur as well. We also are prepared to add an additional condition with respect to insure that the views of the people at the top of the hill will be insured as they want them to. It is understood by our firm and the people. I think it would be to our mutual advantage to have that included within the conditions.

KAMIYA: I know we can't impose a condition to force you to work with the people, but would you be willing to work with those people as far as the detailed plan is concerned?

DUNCAN: We'd not only be very willing, we'd be very pleased to.

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WAY: In connection with the marketing aspects of the project, you indicated four phases. What is the approximate number of dwelling units in the first phase, and do they encompass the same general price range you indicated, and then what I'm leading to is any comment or appraisal you might have of the marketability of these units taking into account today's real estate market situation?

DUNCAN: Phase 1 is 159 units. It includes what we call our A type unit which is a 4-bedroom, 2½ story townhouse with a family room. They would be in the vicinity of $75,000 to $80,000. They are the largest, approximately 1600 square feet and offer a two-car covered garage.

The next group are the C type unit served by a common parking area, 2 and 3 bedroom units on top of each other. They would be in the vicinity of $55,000.

The remainder of the units are the B type units which are combination of a 4 bedroom townhouse above a 2-bedroom townhouse, $65,000, $70,000, $75,000.

WAY: What would that translate into for a 3-bedroom unit sales price per square foot?

DUNCAN: About $55 a square foot.

WAY: Is the appreciable variation in the price between any of the different types of unit; for example, the 3-bedroom stacked townhouse units, would that have a significant variance from say the 2- and 3-bedroom stacked, the 4-bedroom conventional townhouse units, or are they falling quite close to that on a square foot cost basis?

DUNCAN: On a cost basis, they're all generally coming in about the same.

WAY: I take it all back, I used the term cost. Sales price?

DUNCAN: In sales, they would be about the same or comparable. It's been our feeling that if you've got a view unit such as the B type unit which is the 4-bedroom facing the bay, there would be a premium on those because of the advantage they have over the other units which are looking across the urbanized area.

SULLAM: What happens if after the first increment, you find it's not selling very rapidly? Would you stop the development?

DUNCAN: If we get into that situation from a marketing point of view, you change and try to sell the units. We have two options. One of the conditions provides that we must proceed and continue to develop. If we feel we have the wrong

type of unit, that the market is not being served, then we would be forced to come back to the Commission and to the Council to modify our unit price and our distribution to go to something completely different. It's our feeling with the variety of types we have here and the ability to change the interior, that we shouldn't be faced with a marketing problem.

SULLAM: I want to make certain that it doesn't become a point where the project falls and you have to redesign the whole thing and these open spaces get lost.

DUNCAN: No. We have recreation facilities in each phase. Phase 1 has a recreation area, phase 2, and phase 3.

SULLAM: Is there any stipulation as to how long the development will go on? When will it be completed?

DUNCAN: It's our intention to start each of the four phases, each year to start a new phase.

SULLAM: Would you object to making that one of the conditions?

DUNCAN: Not at all.

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

2. Mr. Ted Green, Planner for Developer

GREEN: All of the replantable areas, even the garage roofs will be landscaped with irrigated sprinkler systems, plants, walk paths, lighting and benches. There will be over 2 miles of paths connecting houses with recreation areas, public streets and shopping center.

Active recreation will be provided in three recreation centers with a pool, showers, restrooms, meeting rooms, basketball, tennis, and open lawn areas. Passive recreation will be provided in the miles of paths and the quiet landscaped view areas with benches.

After preserving a portion of the natural growth and landscaping the rest, there will be over 39 acres planted out. That's a little bit over 72% of the whole 54½ acres.

If this property were developed as originally zoned, there would be 153 single-family units and 392 apartments. Oddly enough, this comes out to be 545 units exactly what's planned. However, the apartments would be built on less land because there would be a road built through there and the business area would be deducted. By spreading the density over the whole site, we create a density of 10 to the acre; yet, this is only 58% of

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the allowable floor area for the whole area.

Proposed homes were designed by Hal Whitaker. They will be spacious, goodlooking and of material similar to the best homes in the neighborhood. All will be custom made, double wall throughout, and in no way cheap.

We agree with the various conditions placed on the project by the Director of the Department of Land Utilization. The development will be one of the finest in Hawaii and an asset to the neighborhood.

(Mrs. Sullam left the meeting at this point.)

3. Mr. Wayne Sakamoto, property owner (presented General Statement of property owners along the Lilipuna Hillside Ridge Line, dated July 10, 1974)
4. Mr. Roy K. Fujimoto, adjacent property owner (presented testimony dated July 10, 1974)
5. Mrs. Ruth Prinzivalli, adjoining property owner (presented testimony dated July 10, 1974)
6. Mr. Jisoo Sanjume, adjoining property owner (included in testimony by Mr. Fujimoto)
7. Mr. Ralph C. Mau, adjoining property owner (submitted testimony dated July 10, 1974)

Testimony from the above-named individuals involved various stipulations relating to view profiles which were discussed with the applicant.

8. Mr. Robert Guild of Bay Chevrolet, Inc., Kaneohe businessman
9. Mr. Leonard L. Stillwell, Kaneohe resident
10. Mr. Kam Tai Lee representing the Bow Yee Tau Chinese Society in Kaneohe

The above-named individuals support the developer's proposal.

Testimony AGAINST--

1. Dr. A. H. Banner, Kaneohe resident (presented study of flooding and drainage in the subject area and material illustrating the same)
2. Mrs. Valerie Humphries, Windward Action Group
3. Mr. Geoffrey Hamilton, adjoining property owner (submitted letter dated July 5, 1974)
4. Commander Thomas L. Jacobs, U.S.Navy, Alii Shores Community Association
5. Mr. John Caperon, interested citizen
6. Mrs. Bridgett Bishop, Kaneohe Makai Neighborhood Assn.
7. Mr. Grove Bishop, adjacent property owner

OBJECTIONS:

1. Existing flooding and drainage problems due to inadequacy of existing sewer and drainage facilities in the area will be compounded by the proposed development.

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2. Existing soil erosion and slide conditions will be augmented during construction of the proposed development.

4. Further pollution of Kaneohe Bay due to flooding and runoff especially during construction.

5. Obstruction of existing views.

6. Impact of the project is incompatible with the existing character of the community. Increased density degrades the existing quality of life.

7. Price range of the units exceeds the local income level.

8. Restriction of private recreation areas in the proposed development presents a difficult situation for children who wish to enjoy those recreational facilities.

9. Dust and noise conditions caused by increased traffic and during construction.

10. Proper landscaping and buffering should be maintained.

11. Another project in the area by the developer was cheaply constructed.

12. Requirement for an Environmental Impact Statement was questioned.

13. A moratorium should be placed on further development in the Kaneohe area until completion of the outfall system and availability of other public utilities to facilitate present and ever-increasing development.

14. Urban growth on the Windward side should be contained, and increased urban development directed to proposed high density areas (such as Ewa) under the new General Plan Revision Program.

The public hearing was closed, on motion by Mr. Kahawaiolaa, seconded by Dr. Choy and carried.

ACTION: The Commission accepted the Director's recommendation for approval, based upon the following discussion:

DUKE: I move to accept the Director's recommendation with the addition of certain conditions that are not presently contained in the recommendation, specifically--

Condition 18, that the view of the people living above on the higher ground under no circumstances will be obstructed to any degree than it is presently obstructed;

Condition 19, the people that live below the planned development units have some consideration, and if possible, to be insured that their property will not be damaged due

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to excessive runoff because of this development.

I think I have covered the areas quite adequately but I believe that should be assured to people above and below.

KAHAWAIOLAA: I believe Mrs. Sullam was concerned about the time element and wanted to include that.

DUKE: I recall that statement being made and the applicant agreeing it--increments to be done at one year intervals. Let that be Condition 20.

KAMIYA: This is not part of the conditions, but the applicant agreed to work hand-in-hand with the residents as far as formulation of the detailed preliminary plans concerning landscaping and profiles.

CHOY: I second the motion.

(There was no further discussion, and the motion was unanimously carried.)

AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Hosaka, Sullam

PUBLIC HEARING
PLANNED DEVELOPMENT
HOUSING
WAIPIO--MILILANI TOWN
MILILANI TOWN, INC.
(FILE #74/PDH-2)

A public hearing was held to consider a request for a rezoning from AG-1 to R-6 Residential District and concurrent Planned Development-Housing in Waipio--Mililani Town, Tax Map Key: 9-4-05: portion of 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 30, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the request. In summary, the subject units are being proposed in fulfillment of the applicant's commitment to provide low and moderate cost housing in the area. The site plan selected from earlier alternatives considered seems acceptable. Desirable features of the proposal are: Convenient 1-story buildings, provision of common recreation open space areas, large private yards, grouped parking, and landscaping. Recommended modifications to the plan and primary conditions for approval are:

1. Utilities
   a. Installation of sewer lines and water services according to Board of Water Supply and Department of Health recommendations.
   b. Fire hydrant placement shall be in accordance with the requirements of the Fire Department.

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2. Landscaping
   a. Tot yards according to the Department of Recreation requirements.
   b. Pedestrian pathways of rough-finished concrete.
   c. The existing trees and vegetation in the gulch area to be retained.

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

Public testimony followed.

Testimony in SUPPORT--

Mr. Gene Ferguson, representing the applicant, agreed with the Director's recommendations. Questioned by the Commission, Mr. Ferguson gave the following additional information:

1. The completion of Mililani Uka K-6 is tentatively scheduled for 1974-75. A temporary school located across Lanikuhana Avenue is under construction and scheduled to open this fall.

2. The proposed pedestrian walkway over Kam Highway to the adjacent school site will be constructed at the developer's expense.

3. Responding to a communication received from the Mililani Athletic Association concerning immediate grading and grassing of the park site, Mr. Ferguson stated: "We will deed the park to the city this fall which is usually following grading and grassing. I don't know when the city would take it over and improve it beyond that state."

Testimony AGAINST--

None

The public hearing was closed, on motion by Mr. Kahawaiolaa, seconded by Dr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Kamiya, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Hosaka, Sullam

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PUBLIC HEARING
CONDITIONAL USE PERMIT/
STATE SPECIAL USE
PERMIT
(PHONE COMPANY BASEYARD)
WAHIAWA
COMMUNITY SYSTEMS CORP.
(FILE #74/CUP-11 AND
#74/SUP-4)

A public hearing was held to consider a request for a State Special Use Permit and a Conditional Use Permit to construct and operate a telephone company baseyard in Wahiawa, Whitmore Village--opposite Ihiihi Street, Tax Map Key: 7-1-02: portion of 4.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 30, 1974. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report of the request. In compliance with State and City rules and regulations, the applicant is requesting a State Special Permit and a Conditional Use Permit on the subject site in order to relocate a Hawaiian Telephone Company base yard. The existing facility is presently located on North Cane Street in Wahiawa town. The base yard facilities will serve Wahiawa, Mililani and North Shore operations. It will provide dispatching and supervisory services, storage and locker facilities for field crews serving Wahiawa and surrounding communities. The field crews perform work such as telephone installation and repair, cable and pole installation and repair.

Based upon his review and analysis of the request, the Director recommends that the request be approved, subject to the conditions enumerated in his report dated May 8, 1974.

There were no questions from the Commission concerning the Director's report.

Public testimony followed.

Testimony in SUPPORT--

Mr. Merit Sakata represented the applicant and agreed with the recommended conditions.

The Commission had no question of Mr. Sakata.

Testimony AGAINST--

None

The public hearing was closed, and the matter was deferred for a statutory period of 15 days, on motion by Mr. Duke, seconded by Dr. Choy and carried.

PUBLIC HEARING
ZONING CHANGE
R-6 RESIDENTIAL TO
B-2 COMMUNITY BUSINESS
DISTRICT
(cont.)

A public hearing was held to consider a request for a change in zoning from R-6 Residential to B-2 Community Business District in Kaimuki, Tax Map Key: 2-8-28: portion of 26. The Director recommends

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(cont.)
KAIMUKI
TOM G. MURPHY DBA TIRE WAREHOUSE
(FILE #74/Z-24)

expansion of the zoning request to include Tax Map Key: 2-8-28: portion of 37, containing a land area of 4,709 square feet.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 30, 1974. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The applicant proposes to construct a one-story building with an area of 1,623 square feet for tire changing and tire storage purposes in conjunction with the primary business of selling tires. The enlarged operation of selling and servicing the sale of tires would be located on a combined area of 9,062 square feet.

Based upon review and an analysis of the request, it is the Director's recommendation that the request be approved.

There were no questions from the Commission concerning the Director's report.

Public testimony followed.

Testimony in SUPPORT--

The applicant, Mr. Tom G. Murphy, agreed with the Director's recommendations. He presented no additional information.

The Commission had no questions of Mr. Murphy

Testimony AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Duke and carried.

AYES - Choy, Crane, Duke, Kahawaiolaa, Kamiya
NAYES - None
ABSENT - Hosaka, Sullam

ADJOURNMENT: The meeting adjourned at 6:35 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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FLASH CARD

FLASH CARD

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Meeting of the Planning Commission
Minutes
July 24, 1974

The Planning Commission held a meeting on Wednesday, July 24, 1974, at 1:30 p.m. in the Conference Room of the City Hall Annex. Chairman James D. Crane presided.

PRESENT:
James D. Crane, Chairman
Randall Kamiya, Vice Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Donald K. Hosaka
Fredda Sullam
Alice Takehara

ABSENT: Antone J. Kahawaiolaa

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
George Aoki, Deputy Corporation Counsel
Henry Eng, Staff Planner
Lorrie Chee, Staff Planner
Ralph Portmore, Staff Planner

INTRODUCTION OF NEW PLANNING COMMISSION MEMBER--TAKEHARA

The Chairman introduced the newest member of the Planning Commission, Alice Takehara, confirmed by the City Council on July 9 and sworn in by Mayor Fasi on July 16, 1974.

MINUTES

The minutes of June 26 and July 10, 1974 were approved on motion by Mr. Kamiya, seconded by Mr. Duke, and carried.

PUBLIC HEARING
ZONING CHANGE
R-4 TO R-6 RESIDENTIAL
WAIALUA--OCEANIC PROPERTIES, INC.
(FILE #74/Z-16)

A public hearing was held to consider a request to change the zoning from R-4 Residential District to R-6 Residential District for property identified as Tax Map Key 6-7-17:1 and, in addition, the request initiated by the Director of Land Utilization to include Tax Map Keys 6-7-7: 1 thru 36, 38, 39, 42 thru 75; 6-7-8: 1 thru 71; and 6-7-17: 2 thru 48, owned by various landowners.

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Notice of the public hearing was published in the Sunday Star-Bulletin, Advertiser of July 14, 1974.

No written protests had been received

Staff Planner Lorrie Chee presented the report and recommendations of the Director of Land Utilization. Under R-4 zoning, the minimum lot size is 7,500 square feet; under R-6, the minimum lot size is 5,000 square feet. Oceanic Properties is proposing a 76 lot subdivision in order to provide 76 duplexes and single family dwellings similar to the Whitmore Village. The proposal is to provide housing primarily for the Waialua Sugar Company employees; construction completion is approximately January 1976; price range approximately $36,000 to $40,000 fee simple.

In the review of the application, the department's evaluation included the Waialua Town Tract which is also presently zoned R-4 Residential. Of the 188 lots in this tract, only 26 of the lots presently meet the existing R-4 zoning requirement. By proposing the change to R-6, the majority of the lots will meet the R-6 minimum requirement of 5,000 square feet.

If the approval of the 67 acres is granted, there could be an increase of approximately 86 units. In the review by government agencies it was found that the impact of the 86 units on sewer, water, and street capacity was available and adequate to support the increase in units.

The Director of Land Utilization recommends approval of the request for the 12.5-acre site and also the expanded area to include the Waialua Town Tract.

QUESTIONS OF THE STAFF BY THE COMMISSIONERS:

DUKE: You stated that all of the agencies supported this proposal and you mentioned sewers. The information that I have here indicates that the Division of Sewers states that sewer service is presently not available.

CHEE: You are correct. That was my error. The area presently is serviced by cesspools. When the application comes in for subdivision, the Department of Health will be reviewing the subdivision and they would determine at that time whether cesspools would be feasible for the subdivision or whether this particular application would require a private sewage treatment plant. This procedure could be guaranteed through the subdivision procedure by either posting a bond or construction drawings. The Department of Health has indicated that they feel, for the added approximately 30 units in the already-developed Waialua Town Tract, that cesspools would be feasible as an alternative without going into a private sewer treatment plant.

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DUKE: One other question. Could you explain to us why the rate percentage of houses non-conforming to the zoning is presently existing in the Waialua town?

CHEE: There is some history to this. The zoning on the Waialua Town Tract goes back to 1953. It was probably Class A-1 Residential at that time. The minimum lot size was 7500 square feet. I could not actually give you an answer on that but I am assuming that many of these lots were created prior to the Zoning Resolution. I would like to check this out.

SULLAM: The lots along the ocean--I don't know the name of the street.

CHEE: Kahaone Loop?

SULLAM: Yes. Are those all developed? Do they have residences on them?

CHEE: Not fully developed. There are some vacant lots. This is not included in the request. It is presently zoned R-6 Residential. The proposal is in this triangular area. Back in 1953 this area was zoned R-4, here. And then Oceanic came in for R-4 to R-6 for this 12.5-acre site. This lot #583 which we make reference to in the report is presently zoned R-4 but the applicant has indicated that they have dedicated this for agricultural purposes at this time and would like to keep that as a buffer. The Waialua sugar mill operations are in this area here.

SULLAM: In other words, all the lots will be R-6 now?

CHEE: Right.

CRANE: Since there are no further questions, under our new rules for the Commission we will now hear from the applicant.

TESTIMONY IN SUPPORT OF THE APPLICATION:

1. Mr. Wendell Brooks
   Oceanic Properties, Inc.

Thank you Chairman Crane. We don't have too much to add to the report. We think that it comprehensively covers all items. I would like to--let me see, I think there was--I think you've got 86 lots at one point and I notice that it is in the report as 86 lots but it is 76 lots that we are proposing. Perhaps you were incorporating other areas. In any event, if there is any confusion, our 12+-acre site only involves 76 lots.

With regard to the sewer situation, Commissioner Duke, we did submit with our request for zoning a proposed subdivision plan and that shows a development of less than 8 units per acre which, as I understand it, the Board of Health uses that criteria as to whether or not a sewer system is needed as opposed to a cesspool being adequate. I think that within this zoning framework we'll be able to meet the Board of Health standards and, as Mrs. Chee indicated, that will be reviewed when the subdivision is officially submitted.

The lot that Mrs. Chee pointed out that is the buffer lot, that is intended not only as a buffer to the mill itself but also to the cane haul road which runs actually right there along that property line between the mill site and the proposed property to be rezoned.

Primarily, we are here to answer any questions that you might have of us and that concludes our presentation, Commissioner Crane.

QUESTIONS OF THE APPLICANT BY THE MEMBERS OF THE COMMISSION:

SULLAM: The report says that the price range of these houses will be between $36,000 and $40,000. What supporting material do you have to assure us that this will be so?

BROOKS: I didn't come prepared with any specific information, Commissioner Sullam. The houses that we built at Whitmore Village were duplex units. We sold those, I believe, at $35,000 to $36,000 for a 5,000-square-foot lot and half of the duplex building. The common wall of the duplex saddled the property line of the two lots that were affected in each case. We built, roughly, a dozen units. And that, really, is the indication of what it will be when we get down to actually building it. I don't think I have to point out to this group though that--I'm sure you are all very much aware of the fact that there have been some very rapid accelerations in construction costs and that's why we kind of hedged on a range and used the word "approximate" rather than quoting a specific number. This is a very difficult time right now in terms of pricing materials. For example, at this time there is a glazer's glass strike which is going to cause escalations there. There is a shortage of concrete and, like the oil crisis, we can anticipate that that will result in higher concrete prices. Money costs--the prime rate is 12% and if you can borrow money at 2 over prime you're paying 14%. These items which all go into the cost of construction--and I could go on but I won't bore you with it--certainly will have a bearing on it. It will be our objective to meet these price perimeters and I guess that's about as much as I can say to convince you that this is our objective.

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HOSAKA: I have two questions. (1) What is a zero-lot line duplex? (2) You say that the units will be primarily for the Waialua Sugar Company employees. You mean the leftovers will be for the public then?

BROOKS: Yes, that's correct.

HOSAKA: Do you have enough of them for anyone to--

BROOKS: I suspect that there will be a fairly good number. We have done some employee housing recently at Whitmore Village and --that was for Dole--of the 12 units that we did up there, they were all subscribed by people who were right from the area. Some were current employees of Dole and, in talking with the Waialua Plantation management, they think that there will be about 50% of the units or so that will be requested but we have not gone out with any information or any requests for applications at this time pending proceeding through the zoning, getting some feasibility on our numbers at a time when we are ready to go forward. We think it would be premature to get anybody excited until we are ready to go.

Now, with regard to the zero-lot line question, perhaps it would be more appropriate for the department to answer that.

CHEE: A zero-lot line development is a duplex that straddles the property line and on each side of the property line the requirement would be for the minimum lot size. I have some drawings here of the Whitmore Village duplex homes which are similar and which you might like to take a look at.

THERE WERE NO FURTHER QUESTIONS.

NO ONE ELSE APPEARED TO TESTIFY IN FAVOR OF THE APPLICATION.

NO ONE APPEARED TO TESTIFY AGAINST THE APPLICATION.

The public hearing was closed on motion by Commissioner Hosaka, seconded by Commissioner Duke, and carried.

ACTION: Commissioner Hosaka made a motion recommending acceptance of the Director of Land Utilization's recommendation of approval of the request to change the zoning from R-4 Residential District to R-6 Residential District for property identified as Tax Map Key 6-7-17: 1. In addition, that the change be expanded to include Tax Map Keys 6-7-7: 1 through 36, 38, 39, 42 through 73; 6-7-8: 1 through 71; and 6-7-17: 2 through 48.

Commissioner Alice Takehara seconded the motion.

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DISCUSSION:

DUKE: I hardly think that this motion needs a discussion to get it to carry. I would like, however, to state that I think it's a very good move to get some decent housing on fee-simple land in the $30,000 bracket someplace on this island. I am very much in favor of the motion.

THERE WAS NO FURTHER DISCUSSION.

VOTE

AYES: Choy, Duke, Hosaka, Kamiya, Sullam, Takehara.
NAYS: None.
ABSENT: Kahawaiolaa

Motion carried.

PUBLIC HEARING CONDITIONAL USE PERMIT--AIEA FOSTER VILLAGE COMMUNITY ASSN (FILE #74/CUP-14)

A public hearing was held to consider a request for a Conditional Use Permit to operate a child care center within an R-5 Residential District.

Notice of the public hearing was published in the Sunday Star-Bulletin/Advertiser of July 14, 1974.

No written protests had been received.

Staff Planner Henry Eng of the Department of Land Utilization presented the report of the Director.

The child care center is proposed to be operated in the midst of the Foster Village subdivision. The site is designated on the adopted DLUM for playground use. It is presently developed and on the site there is parking, a community center, and a variety of athletic fields.

The applicant has been operating a child care center and earlier this year was cited with several violations. Among these are building code deficiencies and the operation of a child care center without securing a conditional use permit. The subject proposal was reviewed by public agencies whose comments indicate that facilities are adequate to serve the proposed use. The department has been informed that the building code violations have been taken care of.

It has been concluded that there is a need for this particular facility, that the proposed site is accessible and of sufficient area to serve the use. The proposed day care center, as shown on the plan, is in general compliance with the criteria set forth in the Comprehensive Zoning Code. The Director of Land Utilization recommends that this request be approved subject to standard conditions of conditional use permits as listed in the Director's report.

QUESTIONS OF THE STAFF BY THE MEMBERS OF THE COMMISSION:

DUKE: The operator that's going to operate this, if the permit is issued, is that the same operator that operated it before?

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ENG: Yes--the community association.

DUKE: Would you kind of give us a rundown of what they were cited for and how it came about and tell us whether or not they are honorable and why this all happened?

ENG: Well, to go back a little bit further, the community center was established prior to the adoption of the Comprehensive Zoning Code. Therefore, it is a legitimate use. Probably what happened is that the child care center was established after the approval or adoption of the Comprehensive Zoning Code. The community association, not being familiar with the requirements was unaware that a conditional use permit was required. The Building Department has advised us that there are no deficiencies structurally or electrically as indicated in the report. The remaining thing to be done is to issue the conditional use permit to permit this use to continue. It has operated without any adverse affects to the community and has, in fact, been supported by members of the community because it's a much needed facility.

THERE WERE NO FURTHER QUESTIONS OF THE STAFF.
TESTIMONY IN SUPPORT OF THE APPLICATION:

1. Mrs. Barbara Kuntz (representing the applicant)
Foster Village Community Association
1298 Kukila Street
Honolulu 96818

I am a member of the Foster Village Board who was put at the head of the committee for the pre-school for the license.

HOSAKA: Who is in charge of the committee? Is there a Director?

KUNTZ: The Director is Mrs. Harriet Bolden but she isn't here. The Board opened the community center last year and was starting a pre-school program for the mothers that live in the village. Then we discovered that we needed a license, which we did not know. So, we had to close down and now we are in the process of trying to get a license so that we can reopen in September. But it's just run by the community association for the people in the village--the members of the association.

HOSAKA: Are you familiar with the conditions 1 through 9 as outlined in the report? The Director and you are agreeing to the nine of the conditions stated and you ought to be familiar with those conditions. If you are going to get a Conditional Use Permit, these are the conditions that one has to adhere to. Are you familiar with them?

KUNTZ: I'm not really too sure which paper you are talking about.

ENG: The last several pages of the Director's report.

CRANE: Do you have a copy of the Director's report?

HOSAKA: I can loan you mine.

CRANE: Here's one here. Would you look at the last two or three pages, Mrs. Kuntz.

ENG: Beginning with page 8.

CRANE: Commissioner, would you speak into the microphone so that we can hear what's going on?

CHOY: I was just informing her of a particular condition--Condition #3--that specifies the loading and unloading of the children in the parking lot. I personally feel that this should be enforced and these are one of the conditions. If you violate one of the conditions your permit could be cancelled.

KUNTZ: Mrs. Moon called me and she told me that we would have to load and unload in the parking lot and we would have to have white stripes for the parking lot and that is being done.

CHOY: In other words, you realize that if there are any complaints or violation that you will and you may lose your use permit.

KUNTZ: Right. I have not seen this before but, as far as I know, the Board has told us that whatever this Commission tells us, we will do it and follow it so until I can get to them and show them--but the parking area I did know about because she told me that over the phone. And the violations, as you said, were listed. All the electrical ones were done.

CRANE: We understand, then, that your organization will accept these conditions.

KUNTZ: Yes.

TAKEHARA: The community center, Mrs. Kuntz, in what other ways is this center used besides a day care center? Do you have youth activities?

KUNTZ: Oh yes. We have the Boy Scouts and the Girl Scouts and the Hawaiian Indian Guides and evening--anybody can rent the--

TAKEHARA: After the closing of your school?

KUNTZ: Oh yes. There's nothing else up there while the school is open.

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THERE WERE NO FURTHER QUESTIONS OF THE APPLICANT.

NO ONE ELSE TESTIFIED EITHER FOR OR AGAINST THE APPLICATION.

The public hearing was closed on the motion by Commissioner Hosaka, seconded by Commissioner Duke, and carried.

ACTION: Commissioner Choy made a motion recommending acceptance of the Director's recommendation with all of the conditions.

Commissioner Duke seconded the motion.

THERE WAS NO DISCUSSION

VOTE

AYES: Choy, Duke, Hosaka, Kamiya, Sullam and Takehara.
NAYS: None.
ABSENT: Kahawaiolaa

Motion carried.

PUBLIC HEARING
GENERAL PLAN/DLUM AMENDMENT
KAHALUU, KOOLAUPOKO
LAND RESEARCH & INVESTMENT CO. INC.
(FILE #268/C1/25)

A public hearing was held to consider a proposal to amend the General Plan which would redesignate from Open Space to Residential use approximately 11 acres of land located off Pulama Road in Kahaluu.

Joseph E. Chu, project manager for Land Research Investment Company, Inc., submitted the request which initiated this proposal. Land Research and Investment Company owns the subject site.

Notice of the public hearing was published in the Sunday Star-Bulletin, Advertiser of July 14, 1974.

No written protests had been received.

Mr. Ralph Portmore, Planner of the Department of General Planning, presented the Chief Planning Officer's report.

The purpose of this amendment request is to permit the establishment of a planned development on this area and on the adjoining land along Pulama Road. Planned developments must be in conformance with the plans and thus the request for an amendment. Conventional development, obviously, could go ahead under the existing zoning without an amendment. Conventional development meaning a subdivision of uniform size lots.

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The primary justification for this proposed amendment is that the area is considered more appropriate for residential use than for retention in its existing open space designation.

In terms of housing needs, no evidence was submitted which indicates that the proposed development is aimed at meeting a particular housing need. There is no apparent immediate or special housing needs in the Kahaluu area which this project would meet. Nor is the development intended to meet the need of a particular segment of the islandwide population such as those people with moderate income for whom additional housing is badly needed. However, given the nature and the magnitude of a general housing need on Oahu, it is difficult to relate any measurable drawback to a proposal such as this which calls for relatively small additions or deletions to the total supply of land available to meet the housing needs.

In terms of alternate uses, residential is considered the most appropriate urban use. The subject area is relatively small, topographically isolated, and physically integrated with the surrounding area which is residential. It is also on the fringe of an urban area and is not considered logically located for most other types of urban uses. Thus the residential classification is considered most appropriate.

In summary, the General Plan is considered inadequate to the extent that the boundaries indicated on the Detailed Land Use Map do not accurately reflect the point at which the terrain changes from predominantly moderate to steeply sloping.

A refinement of the boundaries in favor of the property owner's request will not violate the objectives of the preservation designation on the plan. Residential use is considered the most appropriate use for this area. Therefore, the Chief Planning Officer proposes that the DLUM be amended to redesignate the subject 11-acre site from open space to residential use.

QUESTIONS OF THE STAFF BY THE MEMBERS OF THE COMMISSION:

SULLAM: Why are we moving at this time to amend the General Plan for this additional land that will be developed for a need that hasn't really been specified? It isn't going forward because there is a need for low-income housing so it really isn't an urgency. Besides, I would like to know how many more areas are being developed presently that have proper General Plan designation. If all these go forward at the same time, we will really have chaos at Kahaluu because we know that the runoff is terrific out there. I particularly would like to know how many more areas are going forward within this coming year.

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PORTMORE: I can't answer that second question. What we're doing is amending the policy of the plan. We have a relatively minor boundary refinement here. It is a long-range policy. This is not approval of a development to occur right now. This is not to say automatically that a planned development would occur. We also have, which really isn't a subject of a General Plan Amendment or any basis for approval of the amendment, but we have a reality here that the area is zoned now for residential use--R-6. He could go ahead and develop it right now with 5,000-square-foot lots. The reason why they do not want to do that is because it is fairly rugged terrain and it would require extensive disruption of the landscape to do that. This is why they would prefer to do a planned development so this could be clustered on the more moderately sloping pieces. And there would be less regrading necessary. This is why they came in for a planned development. In turn, a planned development requires an amendment because the planned development must be in conformance with the plan.

SULLAM: The open space is zoned residential?

PORTMORE: Yes, it is zoned R-6 Residential.

SULLAM: And on the General Plan it's in Preservation?

PORTMORE: That's correct.

SULLAM: Well, this is one way in which you can prevent a development, that isn't necessary at this time, from going forward by just abiding by the present General Plan.

PORTMORE: Well, I suppose that's true. I don't know on what basis you would single out one property and not another for--you know, allow development on one and not on another.

SULLAM: There certainly must be other areas.

PORTMORE: And, again, we're not approving a development. We're changing the long-range comprehensive planning policy.

SULLAM: Are there no other places in the General Plan where there is a Preservation designation that is suitable for residential?

PORTMORE: I can't answer that for sure. Again, what we're doing, the owner has called to our attention what he feels is a need to define the boundary to better reflect the conditions in the area. We have concluded that there is such a need. Such a thing is appropriate, really.

SULLAM: Won't this be a precedent for further applications from other developers?

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PORTMORE: We have had many applications before and we will in the future in terms of refining boundaries--both ways--from residential to preservation and from preservation to residential. We've had applications both ways. We have them in process now.

SULLAM: Thank you.

THERE WERE NO FURTHER QUESTIONS.

TESTIMONY FROM THE APPLICANT:

Mr. Joseph E. Chu, Project Manager
Land Research and Investment Company, Inc.
1311 Kapiolani Boulevard, Suite 301
Honolulu, Hawaii 96814

CHU: I am representing the owner-applicant. We have reviewed the Chief Planning Officer's report and concur with his recommendation for designation of the area in question for residential use. We wish to underscore Mr. Way's conclusion that the more fundamental issue here is one of refining boundaries. Refining the boundary so that the purpose and intent of the General Plan can truly be served. I would like to mention that when the General Plan was put into effect there were no such options such as planned development or cluster development. And this is the intent of the owners--to use the land in such a way as to minimize ruining the environment. We think that such a second look after ten years should prove not only wise but highly in order. I am surprised that the property is already zoned for residential use and it says on page 5 of our application, the change being considered should have a very limited impact on development of the city as a whole. I am open to any questions you may have on the proposed amendment.

HOSAKA: Mr. Chu, I'm a little bit concerned about the soil erosion problem. Apparently a study was made which shows a good portion of that 11 acres was in the moderate to severe erosion possibility of problems. I am just wondering if when you come before us again on the planned unit development, if you so choose in the future, as to what your company is planning to do in terms of offsetting that kind of problem.

CHU: We do realize that the site, because of the slope in some areas, adds to the complications of development. At the same time, it also makes the site really more suitable for residential than, say, for the other alternative uses such as agricultural or for industrial or commercial. As far as urban uses, residential use can fit into the site. The way we plan to do this is by minimizing the amount

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of grading. The type of structure we will be putting up will not be slab on grade which you find in other areas, especially the semi-detached type houses which will not necessitate a grading for the foundation of the house. Another point is that the site is within its own watershed and we have the capability to control erosion through very careful--we just have to work more carefully with the site. Because of the slope we realize this and we plan to have a silting basin at the bottom of a very flat area. There is a natural drainage course which we intend to preserve but at the same time use the control runoff. The Department of Public Works has worked with us and given us some ideas as to how to control the runoff. We also have a soils report and an on-site inspection by the counselling and testing laboratory to guide us.

HOSAKA: The abutting property has existing homes, right? You know, the adjacent property. Oh, it does not? Across the street. So the natural runoff would just be contained in your property, is that what you're saying?

CHU: Right. The runoff would go down the stream which is there and run along a natural ditch which goes down there. It goes into that--it looks like the head of the property along Kam Highway which is a natural silting area. It's a low area which we plan to use to let the dirt that comes down there settle rather than going into the bay.

HOSAKA: So you are planning to come in again with a planned unit development. Is that your intention now?

CHU: Right.

HOSAKA: Thank you.

SULLAM: When do you intend to proceed if the zoning goes according to your desires? If the General Plan is amended and you come in for your planned development?

CHU: This is an unusual situation. The property is zoned for residential and I think it's been a controversy as to whether or not the owners can apply for development. The Department of Land Utilization has worked with us in developing a plan and has tried to schedule us for that --if the General Plan issue is cleared before the planned development application is considered before this body.

SULLAM: That I'm quite aware of. You can't bring in a planned development unless it meets the General Plan requirements. But what I wanted to know is could you tell us approximately what year it will be that you will proceed if all these conditions are met?

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CHU: If we get the clearance, we project that the preparation of the site for development would start in late spring or early summer of next year.

SULLAM: Next year. Thank you.

KRUM: I am Dennis Krum, President of the applicant. There is one bit of information, I believe, that answers your question and it may not be at Joe's attention. I received a letter--I think it was this morning--from the Department of Land Utilization that the report on the planned development application has been submitted to this body and, assuming that the General Plan question is satisfied today, it will be scheduled for the hearing at your next meeting.

SULLAM: If it is approved here, what is your schedule? For starting and completing the project?

KRUM: That is as Joe answered, early next year.

KAMIYA: According to the staff report, various letters were sent out to various organizations in the community. Did you by any chance talk to any of the organizations or discuss this matter with any organization?

CHU: Yes, we did meet with Joe Harper who is, I believe, the Executive Secretary of the Kahaluu Community Association. We also met with Randy Kalihiki to discuss the proposal and this was about a year ago. This application was submitted in February of 1973 and it got caught in the processing freeze. So it's been quite a while since we made contact but we did discuss it with them and they expressed a desire for us to include some low-income housing--moderate-income housing. The economics of the project are such that we are looking at it--trying to find some way to work out a financing arrangement that would enable the people--those types of people--to get into the project. I think when the planned development application comes before you we could get into discussion as to the types of units and what the price ranges will be.

THERE WERE NO FURTHER QUESTIONS OF THE APPLICANT.

NO ONE ELSE APPEARED TO TESTIFY FOR THE APPLICATION.

TESTIMONY AGAINST THE APPLICATION:

1. Mr. Bob Nakata
   47-425-A Ahuimanu Road
   Kaneohe 96744

I am Bob Nakata, Chairman of the Kahaluu Coalition. The Coalition, as has become its ritual, again opposes the

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General Plan amendment. In its year and a half of existence, the Coalition has stood on its initial policy position that no developments, no changes in the General Plan, should occur in the area until the General Plan as a whole is revised--the DLUM for the Kahaluu area.

One qualification on that policy is that we would approve of developments and amendments which would meet community needs. We have been trying to do our own planning since the Planning Department has not been able to help us. We have the same problems they do--money and personnel.

With this particular General Plan amendment, development will be allowed on some fairly steep slopes which would create some stability problems. The site will also require a private sewage treatment plant and it sits in the middle of a small watershed which could cause some drainage problems. Even now, flooding does occur on Kam Highway off this site.

All of these indicate some expense to the developer and, as indicated by the proposed price of $35,000 for a one-bedroom unit in this development, this is nowhere near what some of the local residents there, who are now in substandard housing, could afford.

Also, in the Ahuimanu area of Kahaluu there are already many units which are not being sold due to the market conditions now. We've even heard that one development is not proceeding at this time because of the market condition. With that kind of a situation, we don't really see the need for more residential zoning in Kahaluu. There is still quite a lot of open residential land there. So, again, we ask that this General Plan amendment be held up until some comprehensive planning can be done for Kahaluu. Thank you.

DUKE: Where did you get the figure of $35,000 for one bedroom?

NAKATA: I have seen the planned unit application at the Planning Department--or Land Utilization.

TAKEHARA: Did you discuss some of these things with the developer and the community?

NAKATA: No. I wasn't in the meeting that was held more than a year ago. I came into this position about May of last year.

TAKEHARA: I asked the question because some of your concerns like sewerage I thought could have been clarified by the developer for you.

NAKATA: May I add something here? In this morning's paper, some of you may have seen the article on the slide in Moanalua Valley which concerns one house there. And this is of some concern because of the soil conditions here on this site. Apparently, the soils report was studied carefully

but still in a situation like this occurred a slide and in Kahaluu itself we've seen a number of slides take place. I think that this is a major consideration here.

SULLAM: You say that some of the developers out at Kahaluu have come to a standstill because they can't sell at this time. Have you noticed whether the prices have been lowered?

NAKATA: No, I can't really say but I haven't really made a study of it either.

WAY: Mr. Nakata, I'm interested in the question you raised regarding flooding and wonder if you could elaborate any more specifically on this. And I am interested particularly in your view as to the extent that this drainage area contributes to the flooding that you indicated on the highway. I hope you're not confusing it with the general flooding that might be from, say, the stream--the Kahaluu Stream.

NAKATA: No. There isn't a steady stream there. The stream that runs through this site is an intermittent one--only when there are heavy rains. It really is a small drainage basin all by itself.

WAY: If I understood you correctly, you indicated that as a result of this or from this drainage basin there was flooding on the highway.

NAKATA: Yes, down on the highway.

WAY: That is your verified view, then?

NAKATA: Yes.

2. Luka Naluai
908-A 16th Avenue
Honolulu 96816

I am Luka Naluai, President of Hui Malama Aina O Koolau. We oppose this proposed General Plan amendment on Pulama Road in Kaalaea, Kahaluu. It will be one more example of the City approving land for residential development.

It seems like Kahaluu will be darkened with sewerage treatment plants in the next few years because of this type of development all over Kahaluu. And it is sickening. You don't have to smell the stench right here. You can almost smell it if you have to live in Kahaluu with all these sewerage treatment plants coming--popping up all over the area because of these developments.

I've heard decisions made by you Commissioners and most of

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them have been in favor of developments--decisions I've heard recently, especially. Why? Why are you approving developments without even going to the area, looking at it, and feeling compassion for the people who live there? We come from the area. We're grass-root people from the area. We're not military people. We're just trying to hold whatever we have.

Many people live in Kahaluu. It's not a place--just like Bishop Estate lands--where nobody lives. And most of the plans have been made--in your DLUM plans--like there was nobody living in Kahaluu. Roads have gone over through Kuleana land. And most of the Kuleana lands have been--as far as the DLUM plan is concerned--will be lost to roads, to schools, to boulevards, to parks. And we have so little to hang on to but these little lands that we have. Developers are coming in, not caring what they are going to do.

Now one phase I want to talk on is the school. With all these people that are coming into the area with this development, there will be like about 124 units and yet, according to a letter that was received by these people from Mr. Tokushige, he is speaking--the letter that was received by him from the developers saying that they want to build 180 to 200 units there but what I got today is that they want to build 124 units. They are proposing 124 to 165 units, averaging about 500 people if they had 3 children. Now with these 3 children, we come up with approximately 330 school children. Where are they going to school? Kahaluu School is almost filled. Waiahole School, I don't know because the McCandless people are planning a big development--you've seen that in the newspapers. And this is about 2-1/2 miles from this area because there's a little girl I walk to school from Kaalaea to Waiahole. It's about 2-1/2 miles. Sure, they have busing there but, eventually, there will have to be a school in the Kaalaea area. If you look in your DLUM map, you will find the school right in Kaalaea. Right on Wong's property. Would you like for me to show it to you? (pointed out on the map)

Mr. Wong has 50 houses there and they are housing for the poor--welfare people. This is the area they are calling the poverty pocket. There is Mr. Lau with 8 houses. My sister and my houses are across from Mr. Wong. All these lands will be condemned for school. Where will all those people go? 80 homes. Rather, 60 homes. These are the poor people who can't afford $35,000 homes.

Now with this new development they are going to have like 330 children that have to have a school in the area. So they are going to get rid of all these poor people to make a school for these new people that are coming into the area.

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So, that's why I say, 'How can you people -developers-- have no compassion for the people who are living there trying, struggling, to live?' Now these are the people who need a home--these are the people we want homes for --to bring up in their way of life.

You live in a good environment. You'd be surprised what comes out of the children that grow up in that environment. I come from that environment. My children. You look at the area down here and most of the children try to live, not on welfare, but on their own land. These are the people who are making good today because they learned-- they know how to struggle. We are taught to put your hands down and work and not put your hands up and beg for welfare helping. This is the kind we are taught.

What's going to happen? All these people there have been moved from Kakaako, from Kalama Valley, from all over. They are down there now. Where are you going to put them? You are going to take them all away and make this whole area park and schools for these new children who are going to be coming up in the housing area. What will become of these people, where are you going to put them? There's no other island. There's no other place to put them. This is our concern.

I am the mother of twelve children. I have twenty-nine grandchildren and three great-grandchildren. Where are they going? My land will be taken by you people because of this development because my land is right next. This land I have saved for my children. And these are the lands--Hawaiian style is you keep your land for your children. They can go and when they come home and there is no place to stay there is always home. They always can come home. This is the Hawaiian way of life. And this is the way we want to live. Not to go Makilo (begging) or Hoito (greedy) for a place to live.

Like I say, you people have to have compassion for these poor people. One day--you'll never know--you will be in the same shoes these people are in. So, like I say, do not criticize these people because they are poor until you have walked a mile in their shoes--then you criticize them. But have compassion for these people so that they can live peacefully. Help them. The State can help them but I don't know where they are. To bring them up in their way of life so that they can be better children. And these are the things that we are so concerned about. This is the reason why we don't want this kind of development--like Bob Nakata told you--until the plans have been completed. We want to have our own area developed the way we want it so that the people can have backyard farming, so that they don't have to depend on welfare, so

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that we can live. This is what we are asking for. We're not military. And yet, our lives have been threatened. Two of my people--members of Hui Malama--have been threatened. One was told to shut his mouth or he would be bumped off. The other one told him, 'Don't be surprised if you get beaten up one of these days.'

And my name was in a drawer of a colored person--a young colored person. His wife thought I was running around with him. She called to find out who I was. What was my name doing in his drawer?

Now, we have all been threatened. We don't shut our mouth. We probably will all be bumped off. We don't know what will happen. You are the people. If you don't have compassion for them--think. We made this thing to meet the needs of the people in that area. We want Kahaluu to be Hawaii--at least one of the areas to remain Hawaii. Thank you.

CRANE: Mrs. Naluai, before you have a seat, could you point out to me on that map up there where you reside?

NALUAI: I live in Kaimuki. My son, who is a medical student, lives in my home in Kahaluu. Right close to here. About here.

CRANE: Thank you.

QUESTIONS BY MEMBERS OF THE COMMISSION:

CRANE: I have only one question. Speaking here relative to the displacement of people from their homes, it is my understanding from the report that was given, and from the testimony that I've heard, that there are no homes on this particular area in queation. We are addressing ourselves here to a redesignation of the zone and, as I understand it, unless someone corrects me, we are not in this specific instance addressing ourselves to the displacement of any families. Is this not correct?

SULLAM: I gather that the problem here is that lands where a school is projected will be needed and that when this school is built, then people will be displaced. And the school will be needed to service all these developments that are coming up. That's what the problem is and I can see that it is a problem that is quite pressing.

NALUAI: It is. This is what I was speaking of. Whey they put that development there, then the school will have to be built. And those people will have to move out. Where to? So, I say, delay this thing until such time as you can sit and think and look at the place, look at the area and talk with the people. These people haven't talked with us. They may have talked to Randy and to Harper but they haven't come to our meetings which we hold--we were holding at that time--every Thursday night at the Kahaluu pavilion. But nobody came to talk with us about this.

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CRANE: Just for my own information, Mrs. Naluai, the proposed school site that you pointed out on the map - the one that is proposed by the Department of Education, how many people--families--reside on that particular property that is to be--

NALUAI: Wong has 50 homes on that land. Families - everyone is taken care of and some of them, like you take the Samoan families that are there--sometimes there are two or three families living in the one house. They will take every house. They will take every house from that area of Wong's and I am only 15 feet on the Honolulu side of Wong and, also, Lau is about the same 15 feet on the Honolulu side of Wong. Wong has this whole area and we're like this on the side of him. They'll all be taken. They are also going to take my other big land that I have.

CRANE: OK. I'm trying to address myself just to the school site because we have to tie this is with something. The school site that you pointed out, if that, indeed, has to come to pass because of this development or some other development, what I want to know is how many families would be displaced by the assumption of that school site?

NALUAI: All of it because most of those houses were built--he has 30 acres--supposed to build a house per acre at the time--but, instead, he put all of those houses in about 2 or 3 acres.

CRANE: And that is the area the school will be on?

NALUAI: Oh, yes. If you go down and look at the place then you will notice that the houses--some of them are less than 5,000 square feet. You know, they moved the houses in so that they are not that far apart.

HOSAKA: First of all, I'd like to say your comments were enlightening and we appreciate the information. The only thing is, what we are discussing today is an amendment to the General Plan and not the approval of any kind of development there. In other words, you mentioned 124 units, you mentioned $35,000 but the thing is we are at a disadvantage because we haven't seen those yet and you have. It is unfortunate because of circumstances but even though we may--if this Board approves the General Plan, it is still not approving the planned unit development or any other development. You have seen that--those figures--as to the units and the cost, and the like but we haven't and that would be the second portion of the second step--that the applicant would have to--

NALUAI: That's why I say I think you people should go down and look at the place because some of the plans that I have seen--here's the end of the land but the road goes as far as here with little deadend--out in space. Because you folks haven't gone down to look at the place, this is how the plans are made--up in the air--the roads are in the air.

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It's right behind my property. There's one like that. The road is right in the air. This is about a 45-foot drop and here is the road with your deadend road. Anyway, this is how it is because you haven't been down to look at the place. This is why I think you should put your boots on and go in and look at the place and see if it is feasible instead of sitting here and taking a vote right now and then. It isn't right.

HOSAKA: But the point I wanted to make is that we are not planning any housing development here. I mean, that isn't in front of the Board right now.

NALUAI: That's long range. It's in the future.

HOSAKA: No, it's like I don't know when. You've seen the proposal already and, apparently, it's going to be scheduled for public hearing. So this should be very shortly--like two or four weeks from now. The point I want to make, then, is that your comments are very pertinent and we'd like to invite you back again to reiterate some of these points so that we could consider it before any decision is made. But for today, only, we're just amending the General Plan.

NALUAI: That's why I say we are opposed to the amendment. And because of the problems that will be set on people--that will hurt people--that is why we are asking to--we are opposing--we are asking to delay until such time as you can see and know before you even say yes to anything.

SULLAM: I still would like to know, if it is at all possible, how many developments have the zoning--have the appropriate designation in the General Plan, etc. How many of these are ready to go ahead so that we truly know what the impact on our schools will be at the end of this year, the end of next year, the end of the following year.

CRANE: You've asked that already of the department and he said he didn't have that information at hand right now.

SULLAM: Yes. Is there any way we can get that information?

ENG: Except where planned developments are involved, we really have no way of controlling when a developer comes in with plans. If an area is zoned and he intends to subdivide, it's at his leisure. He has the zoning, he owns the land. It's just near to impossible to determine when any given number of developers are going to submit their plans and even after they've submitted their plans and got their subdivisions approved, when they would actually begin construction. As you know, there are some lands that are subdivided, graded, prepared, and then just sit there for a while until somebody builds. Where a planned development

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is concerned, we do have a certain idea as to when it would be developed. We often do put time constraints on developments. In other words, the approval is good for one year. If nothing is done within the year then the things can be annulled.

HOSAKA: I'd like to ask a question. We've had indications that the document for a planned unit development is ready in the Department of Land Utilization and these people have seen that document. Can you tell us when that public hearing would be before this Commission?

ENG: I can't because I'm not personally involved in planned developments any longer but it is quite imminent. In other words, the public hearing will be set very shortly. Your estimate of two weeks or four weeks, I think, is quite realistic. The department has been discussing this proposal in its detail phase with the developer.

SULLAM: If we had a field trip, would you be interested, Mrs. Naluai--you and Mr. Nakata--coming with the staff and showing us around?

NALUAI: Sure. I think there would be a lot of people who would be willing to go through and tell you of the area, the history of the area. It isn't very pleasant but they can tell you.

CHOY: You mentioned that there will be 50 families that will be displaced. And you also mentioned that these 50 families are on welfare. Are they welfare people or--

NALUAI: Most of them are welfare recipients. These are the people that were brought from Kalama Valley, Kakaako, Kalihi, and all down there. They are fighting to survive.

CHOY: In other words, these people were previously displaced?

NALUAI: Yes. So what are you going to do? You're going to displace them again? Where? No more island.

KAMIYA: Mrs. Naluai, you represent Hui Malama Aina O Koolau?

NALUAI: Yes. I'm the president.

KAMIYA: Did you receive the letter of the Summary of Descriptions?

NALUAI: The what?

KAMIYA: As I understand from this report here, that the Summary of Description was sent to you.

NALUAI: Of this, yes.

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KAMIYA: It says, "No replies".

NALUAI: Because the person who was supposed to work on this, I don't know what happened. She probably did not--see, we assign different people to different projects.

KAMIYA: The only reason why I am asking you this question is that--

NALUAI: They are welcome to come to our meetings to talk with us but none of them have done that because they know what would happen if they came. They would have a lot of opposition. Because of the type, the area, and what would happen. It would benefit them, but what would happen to the other people?

This is what we're looking after. Not them. They got the money. They're the Foodland store people. They eat from the stores and supermarkets. Our people don't. We eat from the beaches. We catch our fish and plant our taros--backyard farming. And this is why it is our concern.

Our people have lived out here for a long time. I want to tell you. My aunt, when her husband died she had fourteen children. She couldn't go to the welfare. She worked, as her children were taught--hands down. Everyone of them graduated from school and a lot of them made good for themselves. And they did not go on welfare. I have another aunt, Mrs. Young, sixteen children. She was left a widow. She didn't go on welfare. My mother, she didn't go under welfare. My father died and there were ten of us. We didn't go under welfare. We went to the stream to catch crabs--down the stream to catch crabs, up the stream to catch oopu and opae. We had our own taro patch.

That's how we lived and this is the way a lot of people are living down there. And this is the way we want to live. We don't want to have the place urbanized and have all these people come in and when the chicken crows you have a policeman at your door or you have the cow moo and you have a policeman at your door. You can't even whisper without the other people hearing you. We want our way of life. We're grass root people. We're Hawaii. We want to remain Hawaii. At least a portion. You can look at the whole island. Look at what's happening to the island. Leave Kahaluu alone and Kaalaea. Leave us alone. Let us be Hawaii.

3. Lola N. Mench
47-378 Kam Highway
Kaneohe 96744

I didn't come with the intention of speaking but I am a 28-year resident of Kahaluu. There are two points that I would like to speak to--three points, really.

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The importance of a plan before all of these spot developments are to continue--not just this hodge-podge kind of development. Now, it isn't only the poor people. The general income level of Kahaluu is probably lower than many other places so there is going to be another effect. All of the houses that are going up in the Valley of the Temples are higher priced. They are bringing in a higher level income people which raises taxes and that chases people out. Some of us simply will not be able to continue to live there if the situation continues. So these things have side effects. Whether you're going to take our land or not, it's vacant one way or another. So, to that point, the effect on people when you bring in and urbanize a different kind of development. This is your option on people themselves. So, there should be some plan for Kahaluu with the people who live there having some say about it--not just being victims of a planning board or, as they say, people who never come down to look. And I think this is very true. You have to accept this accusation. Most people who do not live in these areas, when they go around the island and stay on the main road, they never go off the main road, they don't know what's there. And I think you people will probably have to accept this accusation too--that you don't know.

The other thing, in twenty-eight years, the flooding problem. There's hardly any land in Kahaluu that is not affected in some way by the drainage pattern, by any kind of development. So this has to be done carefully. You can't--and perhaps this little spot hasn't been designated for housing is because the land is hilly. It is not one level piece of land. You have it going up and down and in the swamps and up on hills. So if you've got one particular spot that is a drainage pattern spot you have to respect that. And, generally, this has not been respected.

On our land, we're on the hillside and we respected the land and we've had very little problems. But other people around us come in with bulldozers and do other kinds of things--poor land engineering--without respect for this kind of land and we have problems. I've lived there long enough to see the big floods. City officials came down and said "Act of God" and I knew it was not an Act of God. It was an act of damned poor planning on the part of our officials. We had had no flood until they went back into Ahuimanu with the bulldozers in land that they had no business bulldozing. No respect for the land itself.

So these are the points that I want to speak to. Unless you've studied this, unless you have respect for the land, you can't appreciate even a little spot here and there.

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You say, "Oh, there's housing all around, why not?" Go look. I would like to emphasize that point. You should go and look at some of the places before you grant spot zoning. I would like to emphasize Mr. Nakata's plea for an over-all plan. Let's have some plans and stop this foolishness. Thank you.

TAKEHARA: For my own information, in reference to the citizens, Mr. Crane, they keep referring to having input into the General Plan revision. When is this anticipated--this General Plan revision?

WAY: I think they are making reference to a Development Plan which, in this case, is being considered in the Kahaluu region. Although it's been rather with the agreement of citizens' groups, restrictively defined to include primarily the areas affected by the flood control project and the major park and not affecting this locality and this site at all. It really deals with the area on the map where you see the large purple and red patches which is the area in between Kahaluu Stream, up through and including commercial district, sewage treatment plant site, and a park in relation to that flood control project that is being proposed there. That's the impetus for an amendment to our existing Development Plan.

SULLAM: Isn't there any way in which, perhaps, we could initiate a study of the entire Kahaluu area including the flood control project and take some of this input from the people who live there? I think their concerns are very genuine. If we keep approving planned developments, pretty soon the area will look like the Hollywood hills or some other place. It won't look like Kahaluu very long. There must be some planning procedure where we can still satisfy the developers to a certain extent and at the same time satisfy the wishes of the people.

CRANE: Commissioner Sullam, I don't disagree. I wonder--there's only two ways to do it that I know of and one is to attack it on this particular project that we're discussing today and make that a portion of your motion. Or, to go ahead and act on what's before us today and make another such motion that would satisfy the information you need.

I think that has to be considered. If you're going to put on this particular application, that kind of a request for a study, then that is within the purview of this commission to do so. If not, then we have to act on what's before us and make such a motion, as I see it.

SULLAM: Are you ready for a motion?

CRANE: I'm ready to have the public hearing closed

On motion by Commissioner Duke, seconded by Commissioner Hosaka, and carried, the public hearing was closed.

MOTION: SULLAM: I move that we deny the request of the applicant and recommend to the Council and to the Planning Department that a study be made of the entire Kahaluu area including the Flood Control Project and bringing in the developers, bringing in the community, and seeing what can be arrived at.

This is not part of the motion but there are probably presently many lands that have proper General Plan designation and have the zoning and will go forward. We won't be able to stop them. This one, we can stop by denying the present application.

CRANE: It has been moved by Commissioner Sullam and seconded by Commissioner Choy that we deny the request and I suppose so stipulate on our denial that we request a study as outlined.

HOSAKA: Would it be more appropriate to address ourselves for a recommendation of such a study when the planned unit development comes before us rather than at this time?

CRANE: Are you asking for the Chair's opinion?

HOSAKA: Either yours or Mr. Way's.

CRANE: Well I have been trying to direct this back to the question at hand--that we are not addressing ourselves here to a PUD--not addressing ourselves to an application that we've never seen. Although many references have been made to it, it is inherently unfair to the Commission that we have to take peripheral matters which are not before us and address ourselves to this specific question. I happen to be in agreement with you.

SULLAM: I am quite aware that this is a General Plan Amendment and I think that we should use whatever tools we have. And, one of the tools we have is if we deny the amendment to the General Plan this project will not go forward. That's one way of stopping it and I think it should be stopped at this time. There are so many projects that will have to go forward because legally they have all they need. Now this one doesn't.

HOSAKA: May I ask Mr. Way then for a response to that question? Whether we should be addressing the motion that's before us. Would it be more appropriate now or would it be more appropriate when we discuss the PUD?

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WAY: I guess I don't know how to answer the question in the sense that the motion calls for a recommendation to deny this specific application and, at the same time, initiate some sort of study. Whether that occurs at this time or at a later time, I don't know that--I just don't know that it makes that much difference. To me, I think that it is important that the Commission attempt to establish its position rather clearly as to what its intent is and what it has in mind, that it clearly understand the Findings of Fact aspect on the issue at hand and whatever other views it wishes to express that may be related, pass those on to the Council as well. I guess I'd have to say I'm not inclined to think that it is material at this stage or subsequent stages, one way or another. Whenever you think a recommendation is appropriate, make it. That might be the summation of how I view it.

HOSAKA: I'll say it another way then. Do you feel that the recommendation or the motion, rather, is appropriate?

WAY: Well, my recommendation is quite different than that. I'd be very interested in reading the Commission's Findings of Fact in determining the appropriateness of the motion before us.

CHOY: I would like to qualify my second to Commissioner Sullam's motion. With the Director's report, my understanding is that it was rather ambiguous, in my mind, and also that this particular amendment change was not imminent to any great housing need. Because of this, I do concur with Commissioner Sullam to defer this for future study. I am also concerned with the runoff and the slides. Of course, I know that the question before us is an amendment change and, of course, hearing the other extra information we got that was previewed to others instead of this commission, I do feel very strongly and I think Mr. Way has put it very appropriately that there isn't a clear line of demarcation whether we should go ahead. In view of that, I think Commissioner Sullam's motion is well taken.

CONNELL: Mr. Chairman, the Chief Planning Officer has indicated he will be interested in the Findings of Fact. Inasmuch as I am going to have to write the Findings of Fact, I am interested in having the Commission, in terms of this motion, indicate precisely, one, how the existing open space is appropriate and, secondly, the need for residential land use designation has not been substantiated. The Findings of Fact is going to have to address these two questions if I am to go before the City Council as an advocate for the Planning Commission. Writing the need for a study in the area is certainly easy and appropriate in terms of the Findings of Fact but in order to write a Findings of Fact on the motion as it is presented, I will need some data and information to support a contrary position of the Chief Planning Officer.

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CRANE: The Chair would like to say that I remember approximately a year ago when we were discussing a particular PUD in Kaneohe Bay area and this very question came before us "Shall we deny this particular one because we have no evidence to the contrary in destroying the bay?" We had to make a decision. I was going to vote against every development, or do another thing like make a motion for a moratorium.

I think we are addressing two different questions. (1) We have before us a General Plan amendment. (2) We are now required by the new City Charter to send Findings of Fact to the City Council.

I don't disagree with Fredda Sullam. History would approve it but I don't see how we can do it and do what is required by the Charter--and that is to deny this and send it to City Council with a request for a study--because we've got to do a Findings of Fact on it as to the question before us.

CHOY: Would it be more appropriate if we asked for a deferment after a study has been made of the eventual displacement of the 50 families of the proposed school site? Would it be more appropriate if we move to defer action until a complete study is made on the several pertinent facts such as the displacement of the families on the school site plus the other geographical risk--the possible runoff and flooding?

CRANE: It would not be more appropriate because you are then presupposing something that is coming before this commission. There is no application for a PUD before this commission.

WAY: I might add one other point. At the time of implementation of whatever evolves--let's presume it is a PUD--the Department of Education would be asked for comments, and more specific data on a number of school-age children (as a result of the project) could be developed and more specific information on school requirements as to whether there are additional needs imposed and how they would be accommodated.

A concluding note is that in the case of a public works project or public facility need where there is displacement of existing residences and homes, it is incumbent on that agency to provide housing. This is not to say there aren't problems attached to that. Some of the people have been displaced on prior occasions. As a human concern, we don't have an answer to that. Some people have been cut on a number of occasions and this is a tough problem. Displacement requirements would be met as a legal and mandated obligation.

CRANE: We have a motion before us.

DUKE: I will speak against the motion. I believe we are going far afield. The question before us is to consider the General

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Plan only, and not the complications it might make in the future. I think that it would probably be good if we did truly personally and physically take a look at it to determine whether it should be open space or residential. But I don't think we should deny it per se. I would much prefer to defer it until we physically see the ground and determine what we should do on this question alone--not what's going to happen ten years hence.

SULLAM: I agree we should physically see the site. It is unwise to make any kind of decision without facts. But I disagree with Duke when he says we should not consider implications of this. We must. That's the whole idea of the General Plan amendment--the overall effect on the entire island.

MOTION CANCELLED — Commissioner Sullam, with the approval of Commissioner Choy who had seconded the motion, cancelled her previous motion.

MOTION — Commissioner Sullam made a motion to defer action until a field trip is taken to the site. Commissioner Choy seconded the motion.

DISCUSSION

KRUM: Does the General Plan amendment--or denial of the amendment prevent its development?

CRANE: I think the Commission has already been made aware of that by the department in the staff report, that it is in R-6 and it could be developed in convention development.

SULLAM: Even though it is Preservation on the General Plan?

WAY: Probably.

SULLAM: Well, then our work here today is sort of an exercise.

CRANE: We're back to the motion before us. The motion before us is to defer action on this until such time as a field trip has been taken.

VOTE:
AYES: Choy, Duke, Hosaka, Kamiya, Sullam, Takehara.
NAYS: None.
ABSENT: Kahawaiolaa

Motion carried.

UNFINISHED BUSINESS:

WAIAU--ZONE CHANGE AG-1 to LOW DENSITY APARTMENT LEAR SIEGLER, INC. (FILE #73/Z-16) — Staff Planner Henry Eng reported that this is a request from Lear Siegler to rezone 93+ acres in Waiau from AG-1 to Low Density Apartment to develop 800 units. The public hearing was held on February 6, 1974 and has been held open since that

time with a number of deferrals. We had requested an opinion from the Corporation Counsel.

On the basis of Corporation Counsel's findings, the basis for the applicant's request to apply for conditional zoning is totally inappropriate. The problem of inadequate sewers in the area remains unresolved. The zoning request, therefore, is premature and fails to stand on its own merits. Accordingly, the Director of Land Utilization withdraws his initiation of this request. Upon closing of this public hearing, no further action on this matter would be required. The applicant is aware of our position and agrees that it is the most appropriate course of action at this time.

On motion by Commissioner Sullam, seconded by Commissioner Choy, the public hearing was closed

INFORMATION

FIELD TRIP TO KAHALUU to visit the site--Wednesday, July 31, 1974 at 1:00 p.m. Commissioners to meet at City Hall Annex. Transportation to be arranged by the Executive Secretary, Gene Connell.

SPECIAL MEETING--WAIKIKI

At the request of Council Services and City Council, the Planning Commissioners were asked to attend a meeting on Thursday, July 25, 1974 at 1:30 p.m. in the Gardenia Room of the Ala Moana Hotel in Waikiki at which time the consultant who has been hired by the City Council will be giving his report on recommendations for Waikiki.

REGULAR MEETINGS

The general custom of the Planning Commission has been to go into recess the entire month of August inasmuch as the City Council is also in recess during this period of time. But because of the number of applications that are coming in and so as not to create a backlog, there will be one meeting in August which will be Wednesday, August 7, 1974.

ADJOURNMENT:

The meeting adjourned at 3:45 p.m.

Respectfully submitted,

Mary C. King

Mary C. King
Hearings Reporter

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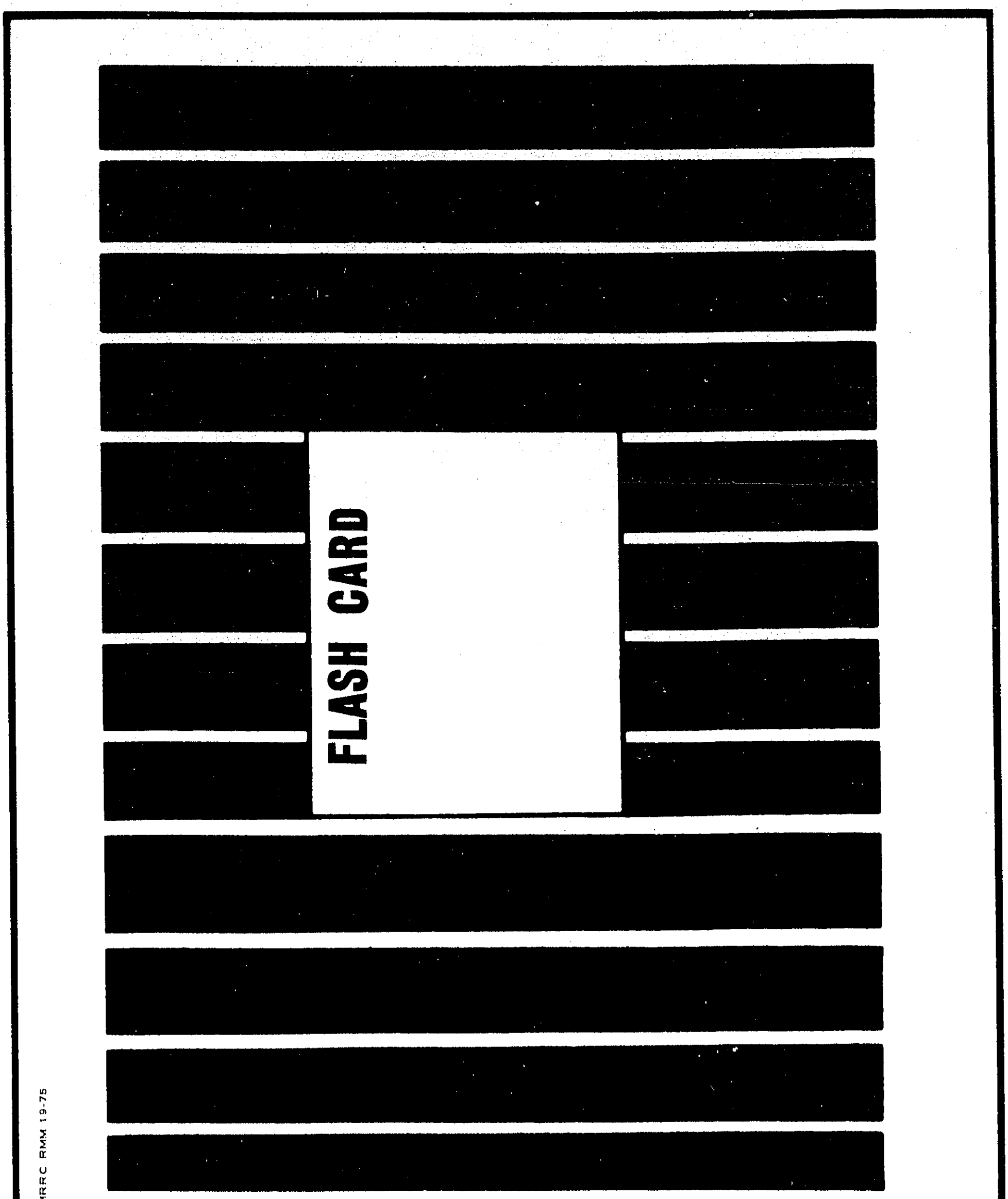

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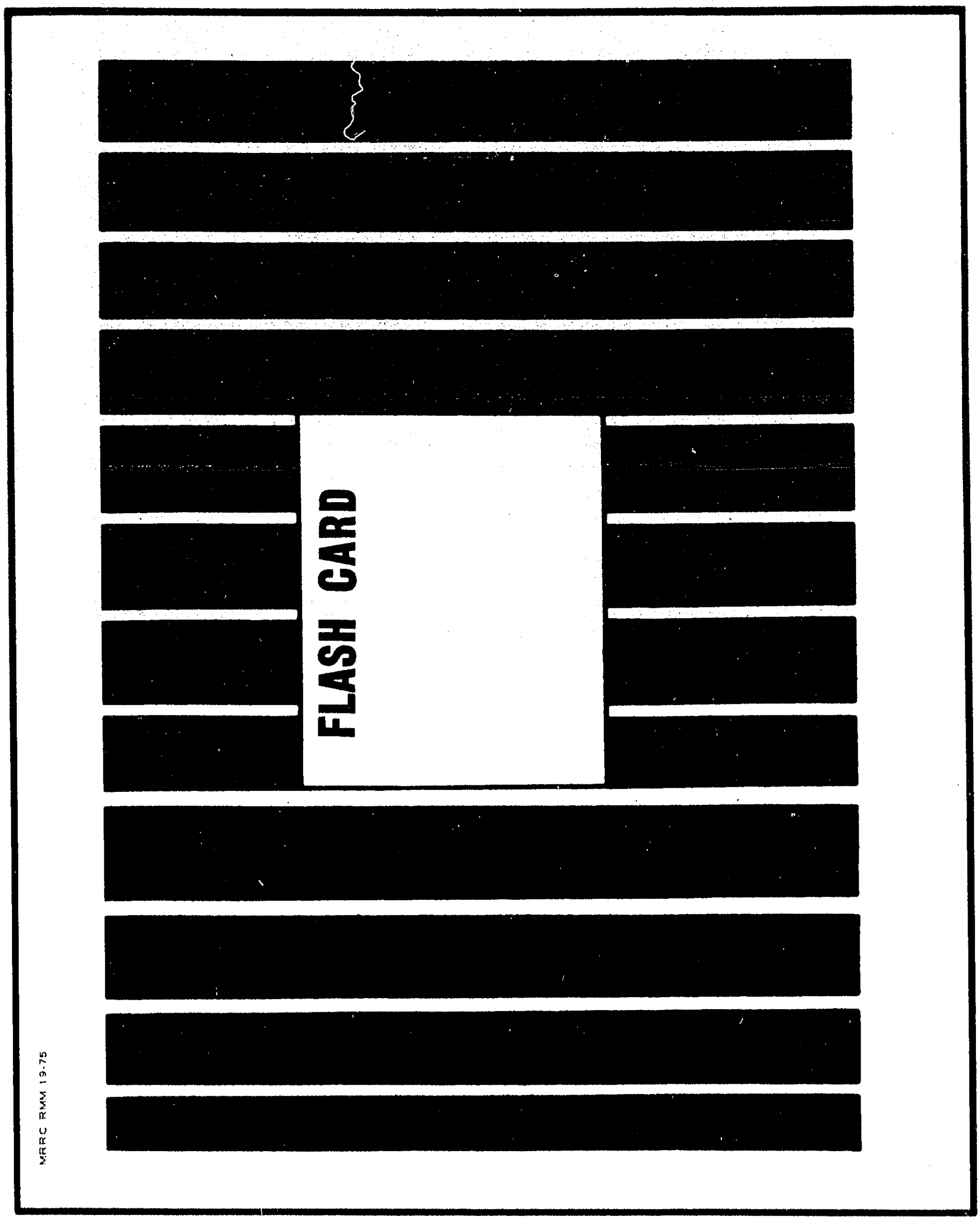

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AUG 7 1974

Meeting of the Planning Commission
Minutes
August 7, 1974

The Planning Commission held a meeting on Wednesday, August 7, 1974 at 1:40 p.m., in the Conference Room of the City Hall Annex. Acting Chairman Randall Kamiya presided.

PRESENT: Randall Kamiya, Acting Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Fredda Sullam
Alice Takehara

ABSENT: James D. Crane, Chairman
Donald K. Hosaka
Antone J. Kahawaiolaa

STAFF PRESENT: Donald A. Clegg, Deputy Chief Planning Officer
Eugene B. Connell, Executive Secretary
George Aoki, Deputy Corporation Counsel
Henry Eng, Staff Planner
Gerald Henniger, Staff Planner
Stan Mofjeld, Staff Planner
Charles Prentiss, Staff Planner
Ali Sheybani, Staff Planner

MINUTES: Copies of the minutes of July 24, 1974 were circulated at the start of the meeting. The Chairman deferred action to the next meeting.

PUBLIC HEARING
GENERAL PLAN AMENDMENT
INDUSTRIAL, COMMERCIAL & CIVIC CENTER TO RESIDENTIAL, APARTMENT, INDUSTRIAL, & OTHER USES
WAIPAHU
OAHU SUGAR COMPANY
(FILE #42/C1/33)

A public hearing was held to consider a request for the rearrangement of land uses, and various changes from industrial, commercial and civic center to residential, apartment, industrial, and other uses on 135.17 acres of land located in Waipahu, Tax Map Keys: 9-4-02: various; 9-4-07: portions of 21 and 24; 9-4-21: portion of 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on July 28, 1974. No letters of protest were received.

Staff Planner Charles Prentiss presented the report of the Chief Planning Officer. The basis in this request for the designation of additional land for apartment uses is appropriately focused on providing housing for "...its employees and the general public families with annual incomes between $6,000 and $15,000." The request indicates that a total of 1,686 units are planned to be constructed (on the lands included in the request as well as adjacent lands already designated for single-family residential use).

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The need for the number of units is reasonably substantiated. However, the evidence submitted indicates that the families for whom the housing is intended will not be able to actually occupy the units. The primary consideration in making this determination lies in the relationship between the income of the target group and the cost of the housing that is to be provided. The information presented in the request, in this regard, is inadequate. The Chief Planning Officer's proposal for the 32 parcels is listed in his report dated August 5, 1974.

QUESTIONS OF STAFF

SULLAM: Are you recommending that those next to the freeway be placed in residential?

PRENTISS: Yes.

SULLAM: Don't you think the noises from the freeway would actually add to a residential area? Wouldn't that be better in light industry or commercial?

PRENTISS: That's a good question. We really didn't consider the noise factor from the freeway. The alternative use would be a problem, depends on what it would be.

CLEGG: Evidently, I think it's currently general planned. It's not changed.

PRENTISS: What we did with those--these (referring to map displayed) are already residential on the general plan but it was changed on that highway amendment that we had. In that amendment, we had something like 270 parcels, and we changed them to the category of land that would agree with the adjacent uses in that amendment.

SULLAM: However, in your deliberations, you did consider using that land since it is vacant, for commercial or light industrial.

PRENTISS: No, in this case we just reviewed the request that the applicant made, and that was residential.

DUKE: You stated that each home that presently exists in the area would be replaced with a new one. Really, what type of homes are going to be demolished in order to replace them with $40,000 ones?

PRENTISS: What they're talking about demolishing are those old plantation houses that date back from before the 20th century, some of them, the old dilapidated ones for the plantation workers. Their intent is to demolish them, and they said they would relocate those people in the new houses.

DUKE: You know how many people are involved?

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PRENTISS: 600 employees.

DUKE: Will the new homes, will they be sold in fee simple or lease?

PRENTISS: You may want to check that with the applicant later but the last group was sold in fee simple

SULLAM: What's presently on Parcel 4?

PRENTISS: Part of Parcel 4 is vacant. It was sugarcane property. There are old dilapidated houses in this area, some not too bad, but still plantation-owned homes for employees.

SULLAM: My reason for asking is that since it is so close to the school and playground, perhaps it would be better to designate portions of that land residential and the part near the freeway as commercial or light industrial.

PRENTISS: That is a possible alternative because we have said that a suitable alternative replacement for this industrial land was not proposed. We'd have to take a good look at it to see whether it'd be suitable up there or not.

TAKEHARA: Parcels 2, 3, 31 and 4 are proposed by the applicant to be apartment and residential. The Department of General Planning is recommending industrial.

PRENTISS: We're recommending that it not be changed. The existing designation is industrial.

TAKEHARA: When you did your study on the sound levels, is that red dot (red dot indicating location at which sound tests were taken) by the school?

PRENTISS: Yes. At this location, a portion of the sound spectrum does exceed the zoning code standards.

TAKEHARA: And you propose to put a school there?

PRENTISS: On that issue, it is possible that the sound levels are also exceeded in this area. We have recently corresponded with the State DOE on that matter, informing them of it. They have a site selection survey for that school which compares that site with a number of alternative sites, and they chose that site. But, they said there were no noise effects. We sent them a copy of the study for their information.

TAKEHARA: So, the further you go up the noise becomes less. It's within the Comprehensive Zoning Code.

PRENTISS: We don't know exactly at what point it meets the standards because we only have these spot locations to go by.

(There were no further questions of the staff.)

Public testimony followed.

Testimony in SUPPORT--

1. Mr. Jack Palk, Consultant for the applicant
2. Mr. George Houghtailing, Engineering Consultant for the applicant

PALK: Mr. Chairman, I am Jack Palk, Consultant for the applicant. We have reviewed the proposal that was submitted to this Commission by the staff as a result of which I have some responses to make which I would like to make to the Commission.

We would like to take this opportunity to comment on two areas of concern; namely, the criticism of the validity of the updated price of the proposed housing units as related to the ability of the Applicant's employees and the general public of low and moderate income levels to purchase such units; and secondly, whether or not the areas of Parcels 2, 3, 4, and 5--and I have to add a couple more parcels that surround, that's the area of the industrial land--should continue in industrial designation rather than residential classification as requested by the Applicant.

With respect to the current cost-income relationship, we submit the following for your consideration:

1. In the original application filed in February 1972 almost 2½ years ago, we stated that the housing program was intended to provide shelter for employees and pensioners of the plantation and the general public whose annual income levels were between $6,000 and $15,000. We also stated that if government subsidy was available, the applicant would allocate lands for subsidized housing programs for the lower income families. While no price structure was given in the original application, the applicant believed that based on construction costs then prevailing, housing could be priced below $30,000 for the smaller apartment units and upward of $33,000 for single family units. This was so stated in our letter of May 14, 1973.

2. In the past two years, we have experienced an accelerated increase in the costs of labor, materials, fuel and construction financing. During the period February 1972 when the application was filed, through July 1974, on total basis the cost of labor increased 65%, materials 44%, equipment 44% and financing 50%. Aided and abetted by a spreading inflation, the result has been a substantial increase in the cost of packaged housing units. Exhibit "A" attached hereto shows specific increases in the labor scale, construction materials, fuel, equipment and financing.

3. According to the Bank of Hawaii's "Construction in Hawaii 1974", single family housing in subdivisions during the early 1960's ranged in price from less than $20,000 to $35,000. In response to national monetary inflation and the chronically tight housing market, housing prices began to accelerate so that by 1970 the bulk of subdivision housing placed on the market ranged between $30,000 and $50,000. During 1973, over 70% of the housing surveyed

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was priced in the range from $50,000 to $90,000. A few examples from the Ewa District are shown below which I took from the Bank of Hawaii's report:

Project	Price Range
Momilani Subdivision	$63,000 78,500
Newtown Estates	56,750-80,000
Waiau View Estates	56,900-59,900
Mililani Town	47,700-65,000
Waipahu Estates	58,500-76,000

Where government subsidy is involved, housing has been offered at below market prices to low income families. This is true of the Hawaii Housing Authority's Waianae Community Development Project with a price range of $39,750 to $37,900; and the Kahakai Nani Project at Nanakuli with a price range of $30,500 to $36,000. Ota Camp and Block G in the Kukui area are other examples of subsidized housing under the Honolulu Redevelopment Agency's assistance.

4. The indicated housing price of $44,000 proposed by the applicant is less than current market but higher than subsidized housing prices because it is private development. It is a figure derived from a recent subdivision of fee simple packaged homes (Waipahu Terrace) priced from $40,750 to $43,900 which were developed and sold by the applicant. Of the 22 units, 3 units were purchased by pensioners and 19 by active employees of the applicant under the mortgage arrangement. The point made here is that employees are able to purchase housing in the price range offered by the applicant. I might also add that the apartment classification that you had requested, obviously you can bring down the unit cost because of the number as against the single-family housing development. Also, I might add that the applicant will be talking to HHA and federal agencies for subsidized housing programs for the lower income families within the employees group.

   With respect to Parcels 2 to 5, and I'd like to add to that Parcel 31 which the Chief Planning Officer has recommended to leave in industrial use, we continue our position that reclassification to residential and apartment uses as we requested is the better alternate use based on need. Part of the area is now in old housing which requires upgrading with new housing. From a social standpoint, industrial use would be incompatible with the adjoining residential areas and public facilities for the residential community. The lesser need of industrial land can best be served in other new industrial areas of the Ewa District, namely:

Campbell Industrial Park expansion	150 acres
Waiawa (Horita)	60 acres
Waimalu (Horita)	10 acres
Waiau (Thompson)	16 acres
Halawa Mauka (Lone Star)	44 acres
Halawa Makai (Queen's/Bishop Estate)	30 acres

   These are new acreages that are being proposed for industrial use development.

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Accordingly, we ask your favorable consideration to reclassify these areas that I've just mentioned, as requested into apartment and residential use.

We also call attention to the Chief Planning Officer's recommendation in Parcel 12. In that area again, we had wanted to put into an apartment use primarily to be able to provide apartments at the kind of prices--that area was designed for the elderly housing, in and around that church area. There's also Parcel 18 where the Chief Planning Officer is recommending single-family residential use.

That concludes my testimony. I will answer any questions you might have. Mr. Houghtailing's here to answer any engineering questions with respect to the road.

QUESTIONS OF MR. PALK

SULLAM: In your report you mentioned that of the $40,750 houses that were offered, there were 3 that were purchased by pensioners and 19 by employees in this Waipahu Terrace. What did they pay for these houses? How were they financed?

PALK: The bulk of the 19 units that were financed through mortage loans was done by Honolulu Savings and Loan. When you deal with the plantation employees, they have been living in rental housing for many years, and far below the market area. So I assume that the reason that those employees are able to afford is that they can make a larger downpayment through savings over the years. In some cases, I assume that more than one person goes on that mortgage note.

SULLAM: You think the same will occur with these others?

PALK: Not every employee, and I'm talking of the lower scale of the wage level can afford every housing that's put in there, but those I would think that the applicant would work with HHA to try and provide below market housing.

SULLAM: Has a survey been taken of these employees to find out whether they will be able to make this downpayment?

PALK: No, all I can say is that the ILWU has investigated the housing program and fully supports this proposal. Of course, they represent all the employees out there.

CHOY: Assuming that the applicant does not have the necessary downpayment for one of these units that you'd be selling for $44,000, what would then be the average mean taxable income to qualify?

PALK: I think that's getting into some specifics for which until you've had a chance to analyze every persons income, I cannot fairly answer the question. As I stated, the 22 units were all single family. I believe the lot size was 6,000 and on a fee basis. I believe that you probably could price slight below that if you were talking about

apartments in the apartment area as compared to single-family development This is the reason why we're back for some apartment areas in and around the mill.

The entire mill area is the plantation's mill and all of the related facilities. There are no outside industrial uses of that area, no third party industrial use, hence, if you try to develop that mauka area for third party industrial use, I feel there would be a conflict with the plantation operations makai. I also think it would be a conflict in the social aspect as it relates to the adjoining residential community. Therefore, the better alternate use over industrial would be residential and apartment.

SULLAM: You have indicated that the elderly would be placed around the church in apartment, Parcel 12. That seems to be a very noisy area according to the indications on the map.

PALK: I agree. There was some comment about where the noise stations were identified. I had asked the staff to program out the specific areas that they would like us to take noise readings. They did not or they didn't say well you take some in the industrial area That's why it all runs up from the mill area into the industrial unused areas. But, over and beyond that, the mill has been sitting there for 50 years plus. The housing around that mill area which is in Parcels 5, 7, 12, and the church, all in that area, is crowded with housing now. They've been there 50 years. They seem to get along fine. It doesn't justify the noise under the new code and I understand that. All we're saying is that the best deal for employees there is try and rearrange and clean up the housing area. That's the whole purpose of the proposed amendment. That gives them a better deal than they have now.

SULLAM: Have you taken any noise tests near the freeway? I imagine that freeway must be quite noisy.

PALK: I imagine that too. If you identify all of the housing along that freeway, they extend all the way up to Mililani Town, through Newtown, Waiawa, Waimalu, that housing area. The people understand that.

SULLAM: Would you consider changing the small parcels that are linear along the freeway to commercial or industrial?

PALK: Well number one, a small industrial parcel next to the freeway is an inappropriate use. Number two, you can think about commercial but there's enough commercial in the main Waipahu town and the adjacent areas where Gem is located that serves the entire community. It would be inappropriate to have a small five-acre commercial there.

SULLAM: If Parcels 3, 2, 11 and 15 were incorporated, wouldn't that make for a desirable industrial parcel.

PALK: 2, 3, 4 and 5 I've indicated the most appropriate use for those lands is extension of the residential development or community for the employees as against commercial, as against industrial use. I

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think the industrial use could better be served in Campbell Industrial Park. There is a large industrial development makai of a commercial area on Waipahu Street. Adjacent to that are some vacant cane lands that might be identified as an industrial use to extend the present local industrial area in Waipahu.

CLEGG: A question regarding your figures on increases during the last two years.

I note that in the area of labor you said it increased 65%. Apparently, you arrived at that by adding up all the increases in the different trades rather than averaging them.

PALK: Right, I did notice that too after I had done it but I have given you with the written report, the Exhibit A. But, the point is they have increased.

CLEGG: Yes, averaging would run about 20%.

PALK: I did not single out anything. I just used consistently the total basis. If you take the two totals, it does come out to that percentage.

CLEGG: Which percentage, 65?

PALK: Yes.

CLEGG: I'm afraid if you average that up with carpenters at 11% which is most of the labor, that the average of the labor increase in a house would be something less than say 20%.

PALK: I agree with you.

CLEGG: Now, I might suggest that the same is true of the other figures that you've given that a straight average is not the story. It should be a weighted average. What I'm saying is I feel that the increases that you have indicated are somewhat overstated.

PALK: Well, let me give you the construction costs from Exhibit A--mason 16% increase, operator 25%, carpenter 11%, laborer 18%, FICA Base 47%. I agree with you that it averages out, taking all the percentages it does come out to something less than 65.

CLEGG: More like 20?

PALK: 20% right.

CLEGG: I'd further suggest, I think the other numbers that you've supplied us has the same--not the same kind of error. There appears to be an average although it should be a weighted average, that if lumber is low and lumber is the high proportion of the house then the amount of lumber that goes into the house should be calculated along with the amount of glass, and the weighted average calculated.

I have another question regarding income. How much have the worker's salaries gone up in the last coupie of years?

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PALK: I'm not sure as to how they have increased.

CLEGG: In looking over the numbers that you have in terms of the salary distributions, the average would appear to be somewhere on the order, roughly looking at it, between $9,000 and $10,000 a year. That means that a person in that bracket would be able to afford - let me get my calculations straight--roughly $208 per month for taxes, insurance, principal, interest, and you said these were going to be fee or lease hold?

PALK: Fee.

CLEGG: At $208 per month, the roughly priced house that could be obtained is something under $30,000, a mortgage of about $28,000. I guess I'm in a quandry as to how the difference between $44,000 and what apparently is the ability to pay of the employees as you have suggested, and also the fact that you are stating that it is for the employees that this housing is being developed. Now, I understand there's something on the order of 1600 units to be developed and 600 employees. As a side question, is that 600 employees or 600 households?

HOUGHTAILING: Employees.

CLEGG: Employees, so that's something less than 600 households. If that is true, then something less than one-third of the total development, one-quarter?

PALK: The best way to answer that question is to ask how many houses do they have now up there?

CLEGG: I don't know. How many do they have?

PALK: There are a thousand employee housing up there.

CLEGG: There are a thousand employee housing up there.

PALK: Many of which are in a dilapidated condition which we would like to replace which includes not only the Oahu Sugar area but also the Ewa Plantation employees.

CLEGG: Are you saying then that a thousand employees would be housed in this total development?

PALK: No, what I did say in the application and what I am saying in this letter is that the first priority is for the employees, and that if they cannot take all of the housing then it will just go to the general public. The first 22 houses that I mentioned in the Waipahu Terrace were offered to the employees and were taken up.

CLEGG: That was 22 houses, yes. What percentage of the thousand employees you think might qualify for the mortgages on these homes, because from the incomes that you have given us, it would appear that they don't qualify on the average for more than about $28,000 mortgages.

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PALK: Mr. Clegg, I can only refer you to another portion of the write up in which we looked at subsidized housing programs. I did mention that to the extent that there are those that can't qualify for private homes or private developed homes, that the applicant proposes to work with the state and county and federal agencies to try and work out subsidized housing programs. I cannot tell you who qualifies now. You can't get the information from the employees. This is private information.

CLEGG: I guess I just must observe that it doesn't appear that too many of these houses would go for employees, that they may be offered--

PALK: Well, if I may use the Waialua Plantation as an example in which I was personally involved, all of the housing went first to the employees and we took care of all of the employees out there.

CLEGG: At what prices?

PALK: Well, that was back in the 50s and I can't remember the prices now.

CLEGG: So that puts these folks in a different picture then.

PALK: Yes.

CLEGG: Can you give me an idea of the sizes of these houses that you propose?

PALK: No, I cannot.

CLEGG: So we don't have a dollar per square foot.

PALK: No, because we're looking at apartment and we're also looking at single family.

CLEGG: Well, let's say the single family houses, do you have any estimate of the size?

PALK: Over a thousand square feet.

CLEGG: Over a thousand, so roughly $44 a square foot. That seems to be pretty well on market.

PALK: Right.

CLEGG: So you are in effect selling these things at market price.

PALK: No, I'm giving them to you--

CLEGG: For $1 per square foot.

HOUGHTAILING: May I answer that. I think they're also making allowance that the selling of the land affected the cost.

CLEGG: When did Oahu Sugar buy the land?

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HOUGHTAILING: They're trying to make the land at a lower price than the normal market price, so that is where you have difference. There is some amount of subsidy by the owner of the land.

CLEGG: Do you care to give an estimate how much subsidy might be involved?

HOUGHTAILING: I don't have the details but if you look at that $40,000 that we're bringing out at least we tried to go ahead and relate it to market, it's got to be somewhere's in the subsidy of the land. The land values out there are certainly way beyond $2 or $3 a square foot. It's developable land. Looking at the whole package, there is a certain amount of subsidy that the plantation owner of the land are doing for the employees.

CLEGG: Can you give me an estimate of the densities of the medium density apartment areas?

PALK: I believe it's in the original application, page 2.

CLEGG: Okay.

TAKEHARA: Parcels 19 and 22 are proposed for the civic center. You are willing to leave it as is?

PALK: Right. We don't have a real problem of making it a civic center. We didn't know whether the county was going to act on it as a civic center.

SULLAM: This is a question regarding land usage, what made you place the school and park where you did? I think it would be much wiser to place it closer to the presently developed residential area.

PALK: There is an elementary school next to the presently developed--

SULLAM: Yes, but there's a large portion of vacant land right next to--

PALK: I'm advised that location was selected by the DOE.

SULLAM: One would think the further it gets away from the plant, I think it would be less noisy.

PALK: The prevailing winds cut across from the freeway.

SULLAM: Well, if you put it further over on Parcel 25--

PALK: Well, I could certainly ask DOE to take a look at it again because this is the location they wanted because it was central to the new developable areas.

TAKEHARA: That cane haul road, it's not there now is it?

HOUGHTAILING: The cane haul road is there but they're improving it because it's bringing all of the Ewa sugar into Waipahu.

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TAKEHARA: Is there any proposal to prevent all that dust from going over?

HOUGHTAILING: They're going to improve that road and it's depressed. You'll notice, it's in a depressed area.

KAMIYA: These 600 employees that are going to be displaced with this development--

PALK: None of the employees will be displaced as such. What will happen again is the rearrangement. Those that they can relocate to--if they can't afford it, we'll put them in rental housing units. So, they all having housing. It's cleaning up the old and upgrading it.

KAMIYA: So the existing policy with the plantation is that more or less they do provide some or make available some type of housing.

PALK: That is correct.

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

Testimony AGAINST--

None

MOTION: Dr. Choy moved to keep the public hearing open and to defer action to the next meeting. Mr. Duke seconded the motion.

Discussion followed.

SULLAM: I really feel that we need some greater thinking going into the DLUM as far as guidelines. I'm not so sure the land uses put forth by the planning department or the applicant are the very best. I think it needs greater input such as school location, which areas will be commercial, which industrial, which residential. It seems that the noises from the highway haven't been taken into consideration. The noises from the highway may be just as bad as the noises from the sugar mill.

I'm just talking in favor of the deferment. I think some consideration should be given to what I just said while we're deferring.

CHOY: I think Commissioner Sullam expressed an internal problem where possibly the planning department could furnish the Commission members with a better land use map than we have at the present time.

CLEGG: We'll take the matter under advisement.

(There was no further discussion. The motion was unanimously carried.)

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PUBLIC HEARING
HAWAII CAPITAL DISTRICT
JAMES K. TRASK, JR.
(KAWAIAHAO PLAZA
OFFICE BLDG.)
(FILE #74/HCD-8)

A public hearing was held to consider a request for approval of plans for an office complex up to 4 stories high over a 1-1/2 story-high parking structure, Tax Map Key: 2-1-32: 1, 4 and 5

Publication was made in the Sunday Star-Bulletin/Advertiser on July 28, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the request. The proposed office complex would replace a 4-story warehouse and an automobile showroom and sales office and their related loading and parking facilities. The proposed building meets the 65-foot height limit for the district, with a proposed maximum height of 61.5 feet. There is no open space requirement. The building meets floor area and parking requirements of the Comprehensive Zoning Code. However, it does not provide for the South Street setback, called for by the Central Business District Development Plan. A variance for building within the 80-foot setback on South Street was denied by the Zoning Board of Appeals on May 30, 1974.

The Director recommends approval of this application with the four conditions noted in his report dated July 23, 1974.

QUESTIONS OF STAFF

SULLAM: I'm not so certain I understand this portion that deals with building in the 80-foot setback. If South Street truly is going to be widened, do you mean that a good portion of this building is going to be torn down?

MOFJELD: Yes, that's true. The 8-foot setback area would run through the building. If indeed in the future the widening would occur, the building would be demolished.

SULLAM: Well, somehow it's difficult for me to conceive of permitting a building to be built in an area which is being planned as a street.

MOFJELD: Presently, the street is indicated as a policy on the general plan but there doesn't seem to be an act of detailed planning to create that roadwidening.

SULLAM: However, the widening of South Street was part of this capital complex. It's one of the major arteries that goes around the capital complex.

MOFJELD: I think this is one reason that the variance was denied. The feeling was that this was a policy decision that should be made at City Council level. In the Zoning Board of Appeals attachment to the report on page 4, item 3, I wish to read that indicating they feel also this is a policy decision:

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"3. It is inappropriate for the Zoning Board of Appeals to decide on the subject matter regarding the construction of the proposed building within the General Plan Development Plan road widening area. The deletion of the road widening area on the General Plan Development Plan and compliance with the provisions of the Hawaii Capital District Ordinance are the responsibility of the City Council."

As far as Hawaii Capital District proposal for the structure itself, I think the Department of Land Utilization is saying that if the building is permitted by a Council decision to be within that setback area, it would seem to meet other requirements of the Hawaii Capital District.

CLEGG: Would the street actually go into the building if South Street were widened, or would it go into the setback area?

MOFJELD: It would bisect the building.

CLEGG: Is the existing 4-story warehouse in the setback?

MOFJELD: Yes it is, as well as the structure for the tire dealer on the corner.

CLEGG: They are substantial structures, right?

MOFJELD: Yes, they are 4-story concrete warehouses.

CLEGG: So, in order to construct anything at all in the future, some building will have to come down.

MOFJELD: That's correct.

SHEYBANI: If I may comment, along South Street in the past, the Zoning Board of Appeals has given permission to construct within the widening as long as the Department of Transportation Services agrees that the setback of the structures are adequate for the foreseeable future widening of South Street. That one is only 20 feet widening that this building will permit. Beyond that going to 80 feet, there's no basis for widening to that extent. It requires additional survey and possibly a general plan change. But, at this time according to the Department of Transportation Services, this building would allow widening of South Street right-of-way to take care of necessary traffic for the future. The fact remains that the 80-foot widening was a measurement from the map which at that time did not have adequate basis for arriving at that. According to the Department of Transportation Services, 20 feet will be enough.

CHOY: My understanding is that the maximum amount of widening of that street will be another 20 feet if at all, that will not then encroach on the proposed building, is that correct?

SHEYBANI: According to the Department of Transportation what would be required for handling future traffic would be 20 feet.

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CHOY: According to Transportation Services, they believe that with our automobile-oriented society, the additional 20 feet would still be adequate into the future to take care of the increased volume of traffic?

SHEYBANI: Yes.

CHOY: Do we have that in writing from the Department of Transportation Services?

SHEYBANI: We have their comments, yes.

SULLAM: Will it leave the necessary setback that is required that goes along with any street or highway? Will there be enough space between the building and the sidewalk?

SHEYBANI: Yes, for landscaping and adequate setback from that 20 feet.

CHOY: If this is true, then why should we encumber the applicant with Condition No. 4?

SHEYBANI: Because the widening of the street according to the development plan has not been confirmed one way or the other. Just following the zoning code as of now requires that they respect the development plan setback. There is no tried and proven basis for the 80-foot width of right-of-way that would be necessary.

The applicant has two choices--one, if it be necessary that in the future 80 feet be taken to give the City the price of land without the price of building on it; and second, apply for a change of general plan and reduce the width possibly to 20 feet rather than 80 feet. We don't know at this time where that 80-foot basis came from.

SULLAM: Perhaps we ought to investigate where that 80-foot basis came from. They may have been thinking of a medial strip in the middle of South Street. It certainly would enhance it very much if it had a medial strip.

SHEYBANI: It was based on the South Street connector to the highway but since then as was mentioned, the Zoning Board of Appeals has granted construction within that setback. This project is not the first one going through there; however, it is the first one with major construction in the setback area.

CLEGG: The South Street widening and the DP has been a problem for a number of projects as Ali indicated. We are requesting the Department of Transportation Services to initiate a general plan amendment to reduce the width on the DP if that is what everyone seems to feel is correct. The other alternative, of course, is that the City buys the portion of the land that they want to keep as the setback, although you can't buy 200 feet and ignore the rest of the South Street widening. So, the general plan amendment seems to be the process to go through.

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(There were no further questions of staff.)

Public testimony followed.

Testimony in SUPPORT--

1. Mr. Francis E. Denis, representing the applicant (Letter received August 2, 1974 from James K. Trask and Francis E. Denis dated July 31, 1974 which states in part: ..."We are in general agreement to all of the comments made by Mr. George S. Moriguchi, Director of Land Utilization, in his memo to the Planning Commission dated July 23, 1974. However, we are not sure at this time whether or not a financial institution would be willing to accept Item No. 4 on Page 2 which concerns possible future condemnation. We are having our attorneys study this and discuss it with prospective finance companies."...)

Mr. Denis was questioned by the Commission.

CHOY: If this is approved with Condition No. 4, will your company be responsible for the reduction of that building in the future?

DENIS: No, we stated in our letter that we accept everything of the Director's recommendation with the exception of No. 4. Item No. 4 would make it virtually impossible to get any financing on the structure. The 80-foot setback, by the way, came by virtue of one of the early, early plans when they attempted to connect Ala Moana Boulevard with the H-1 Freeway. Alvey Wright in 1973 notified Bob Way that they had abandoned that idea, and then the Department of Transportation Services said they only needed the 20-foot setback and that's exactly what we've provided, 20 plus the 10-foot planting.

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

2. Letter received dated August 7, 1974 from Kenam Kim, State Comptroller, Department of Accounting and General Services, State of Hawaii, which states in part:

...."We believe that a review of the General Plan-Development Plan is in order since a variance allowing construction within the 80-foot setback would be tantamount to negating the need for an 80-foot setback line along South Street makai of the Kapiolani Intersection. A general plan amendment should be of course initiated only if traffic studies show that the master-planned width is not required to accommodate future traffic projections for South Street."

Testimony AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

MOTION: Mr. Duke moved to accept the Director's recommendation for approval, subject to the conditions outlined in his report.

The motion died for lack of a second.

MOTION: Mrs. Sullam moved to recommend denial of the application until the general plan is changed to reflect the 20-foot setback rather than the 80-foot setback.

The motion failed for lack of a second.

ACTION: The Commission, on motion by Mr. Duke, seconded by Dr. Choy and carried, voted to recommend acceptance of the Director of Land Utilization's recommendation for approval, and also recommended that the City Council give immediate attention to the South Street setback footage and change the General Plan to reflect the 20-foot setback rather than the 80-foot setback.

AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
(PROSPECT STREET)
HAWAII LAND CORPORATION
(FILE #74/HCD-11)

A public hearing was held to consider a request for approval of a proposal for construction of an 18-story, 102-unit condominium at 944 Prospect Street, Honolulu, situated within the Hawaii Capital District, Tax Map Key: 2-2-04: 6, 7, 34, 39, 40 to 44.

Publication was made in the Sunday Star-Bulletin/Advertiser on July 28, 1974. No letters of protest were received.

Staff Planner Gerald Henniger presented the Director's report of the request. The proposed building is in the area of the district excluded from the ordinance's specific height and open space regulations. The side elevation would be visible from the district, and the rooftop and a portion of the rear elevation would be visible from the Punchbowl lookout. Duct work for mechanical equipment will be exposed on the roof, and the color of the roofing material is not indicated on the application drawings. The proposed color of major elements is light gray and is compatible with the district. The proposed color of railings, parts of the building exterior and trim is white and would be too obtrusive due to its contrast with dark windows. The proposed preliminary plans are based on consolidation of nine parcels. Without this consolidation, the proposed project will not meet the Comprehensive Zoning Code requirements.

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Mr. Henniger added that Bill No. 75 in second reading before the City Council would require a Conditional Use Permit for structures within the A-3 Apartment zone which exceed 120 feet, in which case there would be an additional condition to the report.

The Director recommends approval of the application, subject to the following condition:

The applicant shall obtain the approval of the Director of Land Utilization, prior to issuance of a grading or building permit on the following plans and material.

1. Consolidation of parcels identified by Tax Map Key: 2-2-04: 6, 7, 34, 39, 40, 41, 42, 43 and 44.

2. Natural earth color samples for the building exterior, trim and roofing material.

3. Architectural and or landscape treatment of the exposed mechanical duct work on the roof.

4. A detailed landscaping plan, indicating the type of pavement, outdoor lighting and size and type of plant material.

QUESTIONS OF STAFF

SULLAM: This building is 200 feet and is in the portion that was supposed to be how high according to the capital ordinance?

HENNIGER: There are no height restrictions there now. Ali, do you recall what the original height restriction was for that area?

SHEYANI: This ordinance map was drafted in error and included this area within the 0-height limitation from Warnecke's plan. The City Council realized this and the 0-height limitation was extended by this map at that time when they drafted it by mistake over some housing that existed on site, which meant that the existing houses were in conflict with the capital district. So, the Council amended this map to take this area out of the capital district. It intended to do that but the Corporation Counsel at that time advised the City Council that they could not change the outside boundary of the district. However, within the district they could change height and setback regulations. So, instead of taking this totally out of the district, they put it in an area with no height or setback regulation. The capital district ordinance requires that wherever restrictions of the capital district does not cover development, the CZC takes over the regulation. So, the buildings within this area comply with the CZC. The only additional thing they have to go through is a design review for texture and appearance as well as landscaping.

I would have to mention again that if the map were drawn correctly, this area would not have been within the capital district to begin with.

SULLAM: Did you say that the height of this building will be

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greater than the height of Punchbowl?

SHEYBANI: The proportion shown here (referring to map displayed) shows the building and Punchbowl. Punchbowl has two areas, one high area and one low area. This (referring to proposed structure) is still lower than the low portion of Punchbowl. However, as far as the CZC limitation is concerned, the A-3 zoning on which this building is located limits it to 350 feet. The proposed building is about 200 feet.

Public testimony followed.

Testimony in SUPPORT--

Mr. Edward Aotani, representing Aotani and Hartwell Associates, Inc., Project Architects.

AOTANI: We reviewed the comments that were made by Land Utilization and we feel we can meet most of the requirements. I would like to make one suggestion on that architectural and/or landscaping treatment of the exposed mechanical duct work on the roof. We feel that in view of any kind of architectural or landscaping treatment in this, we're planning to have the roofing made of colored sheets that would blend with the building rather than the regular filtered roof. The exposed mechanical duct, we will paint it so that it would be similar to the roofing colors. This way we feel the color would be such that it would not be standing out as an object quite so readily. We feel we would then take off the shims of the ducts without trying to be too cute about it.

(The Commission had no questions of Mr. Aotani.)

Testimony AGAINST--

1. Mrs. Walter Meadows, group representative, 902-E Prospect St., Hon.
2. Mr. Sidney K.E. Leong, Administrative Assistant to Representative T.C. Yim
3. Mr. Bob Reeves, representing a number of residents on Ward Avenue and Prospect Street
4. Mrs. J. Kano, Resident at 826-D Prospect Street, Honolulu

OBJECTIONS--

1. Obstruction of existing views, air and sunlight presently enjoyed by adjoining residents.

2. Height of the proposed structure would destroy the aesthetic beauty of the slopes of Punchbowl. There are already too many highrise buildings on the slopes of Punchbowl.

3. Increased traffic congestion and inadequacy of Prospect Street to handle additional traffic generated by the proposal, also

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creating a traffic hazard for pedestrians since there are no sidewalks. Prospect Street which is heavily traveled now, is the scene of frequent accidents.

4. Existing parking problems will be compounded.

5. Air pollution from automobile exhaust fumes caused by cars utilizing the parking area in the lower section of the proposed structure would create a health hazard to adjoining residents.

6. Existing inadequate sewerage facilities would be further aggravated.

7. Poor soil conditions - Certain portions of the slopes of Punchbowl consist of black, sandy gravel which is loose ground and has tendency to slide and loosen foundations thereby endangering foundations of neighboring homes and structures.

8. Irritating high noise levels within the community which has an echo chamber will be further increased.

Questioned by the Commission, the following additional information was given:

1. The Commission's jurisdiction in reviewing Hawaii Capital District applications by ordinance is limited only to architectural design of structures within the capital district.

2. Inasmuch as the applicant's property is properly general planned and zoned, the remaining issue before the Commission in its decision must relate to the architectural design of the building.

3. Objections raised by the community though legitimate, relate to zoning issues rather than to the main architectural design issue upon which the Commission must base its decision.

There was no further discussion.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Mr. Duke, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

PUBLIC HEARING
ZONING CHANGE
R-4 RESIDENTIAL TO
P-1 PRESERVATION DISTRICT
AINA HAINA
INITIATED BY CITY COUNCIL
(FILE #74/Z-30)

A public hearing was held to consider a request for a change in zoning from R-4 Residential to P-1 Preservation District on approximately 6.4± acres of land situated on Hao Street, Aina Haina, Tax Map Key: 3-6-04: portion of 20.

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Publication was made in the Sunday Star Bulletin/Advertiser on July 28, 1974 No letters of protest were received

Staff Planner Henry Eng presented the Director's report of the request. The decision to initiate the subject rezoning is the result of an inquiry from the City Council in Committee Report No 695, adopted on May 21, 1974 The Director on June 13, 1974 recommended that the area of the site designated open space on the General Plan be rezoned to P-1 Preservation District. A proposed cluster development on the subject site was denied by the Director of Land Utilization on April 9, 1974 due to potential hazardous soil conditions in the area, such as soil creep and erosion. The subject site is just above two properties purchased by the City as a result of slides. Other properties just below the subject site have experienced cracking and shifting of foundations.

The Director recommends that the zoning for the subject site be changed from the existing R-4 Residential District to P-1 Preservation District, in conformance with the General Plan. Further, that action be taken to amend the General Plan to redesignate the balance of the site from residential to open space and that consideration be given to amending designations for other sites in this area which have similar topographic features and soil characteristics.

Public testimony followed.

Testimony in SUPPORT--

1. Mrs. Norma Carr, President, Aina Haina Community Association (Submitted written comments by Professor John Evans of the Engineering Department of the University of Hawaii regarding Dames and Moore's site investigation)
2. Mrs. Jellinger, University of Hawaii engineering student

OBJECTION:

Earthslides

(a) The City purchased two homes in the area as a result of the slides at a cost of $60,649 to taxpayers as well as a loss to the homeowners since it was not at market value.

(b) Because of soil conditions and steep topography, use of the same site as a mini park is still questionable.

(c) The slide problem began in 1965. Until last year, two-way traffic on a portion of Hao Street which is the main street in the valley and heavily traveled, was conducted on one lane.

(d) The electric company was forced to move its substation off the hillside because of the slide condition.

(e) Letters from residents to Mayor Fasi and Mr. Moriguchi tell of other problems which would be aggravated by development of this land.

(f) The question of insurance could pose an impossible financial burden to residents along the base of this ridge.

(g) The results of a survey (52 out of 112) conducted by the community association of residents on Hao, Aipuni, and Ahuwale Streets indicate that many residents have had bad experiences with shifting, sliding, erosion and drainage problems particularly over the last 12 years.

Testimony AGAINST--

1. Attorney Robert Dodge, representing Far West Continental
2. Mr. W. E. Estes, representing Dames and Moore, Project Engineers
3. Mr. Richard Kimball, President, Far West Continental

DODGE: My name is Bob Dodge and I'm representing Far West Continental, the proposed developers of this. We're against the matter before you.

All of the subject site is zoned residential now. All of this zone permits a development in areas having a slope less than a certain percent.

I really think it's unfortunate that the only thing that you have from the Department of Land Utilization is something dated almost a month ago. It is also unfortunate that it is now outdated and that it is inaccurate. I wish it had been updated for this meeting today.

I'm just going to take a little time to advise the commissioners of the history of this project which I became involved in, in November of 1972. Prior to that time, Far West had discussed the matter of a planned unit development on this property with the planning department in terms of density requirements, in terms of what portions of the entire lot could be used for residential purposes. Planning Department's initial reaction was that--now, if you take a look at the general plan map, the one with all the gaudy colors on it, you will see that the colors are broad. They do not attempt to get down to specific elevations, specific grades, or specific spots.

The department's initial position taken in October of 1972 was that the open space designation could not be used to compute the open space requirement under the density requirements of the zoning code. That's when I come into the picture.

I wrote a letter to Corporation Counsel dated November 29, 1972 pointing out that I thought that the department's interpretation of what lands could be included as open space in the density requirements was in error. I asked and respectfully requested that a review be made of the planning department's interpretation, and that if it is found to be in error, the department be so advised.

Following that on January 30, 1973, reasonably prompt I would say, was an opinion from the Corporation Counsel that all of this land was perfectly, appropriately used as open space in determining the density

requirements for the development. It said the planning department was wrong. It said a cluster development could be put in there

February 5, 1973, a letter to Far West signed by William Wanket, Assistant Planning Director saying:

> "The entire site will be permitted for density calculation because of the existing R-4 zoning. The Planning Director will evaluate your proposal to determine whether units located in the open space designated area will be acceptable for purposes of cluster development. He will review each proposal and each site on its own merits, and may choose to approve development with or without conditions, initiate rezoning to bring zoning into conformity with the general plan, or prohibit development based on findings that the site is not suited for development by reason of topography, access, or unacceptable design. We would suggest that you proceed with utmost caution. We would invite your submission of sketches and technical data to demonstrate that this site can be economically developed."

Fine, we're up now to February 1973. There follows after that, any number of consultations between the architect, the soils engineer, the civil engineer, the developer and the planning department personnel. That went on for--and with all of the other city agencies that were involved in giving approval or disapproval to a project like this, the Department of Public Works, Building Department, Parks, you name it, everybody was contacted after February 5.

Substantial amount of money and expense obviously went into this. There were several design changes. For example, during the discussion in which it was determined by Department of Public Works that this particular area was unsuitable because of the same essential conditions that existed on couple of these houses the city bought, the plan was redesigned to move those away. The plan was further redesigned to take care of the water runoff to put in different kinds of sewers and things like that. Anyway, this went on from February to December of 1973.

December of 1973, a letter from Edward Hirata, Director and Chief Engineer of the Department of Public Works to Mr. George Moriguchi:

> "We recommend approval of this cluster condominium development. The soils report and addenda submitted by Dames and Moore are acceptable. Strict adherence to each soils report recommendation is of utmost importance in developing this site without endangering the existing Hao Street residences. Therefore, Dames and Moore should certify that both plans and construction improvements follow the soils report recommendation. All pertinent correspondence is attached for your information."

We heard nothing from there after we got a copy of that from the planning department. So, Far West wrote February 6, 1974. This is a year after we got the initial letter from them saying we could go ahead with the project, or go ahead with the planning of it. February 6, 1974, Mr. King of Far West wrote to Mr. Way and asked for some action on this in view of the approval of the project by the Department of Public Works from a safety soils bedrock situation, and everything else stated internally.

Mr. Moriguchi responded for Mr. Way under date of February 14, 1974 and said:

"Currently, the letter of January 28, 1974 by Dames and Moore transmitted to our department on February 4, 1974, is being reviewed by the Department of Public Works for its final comments. The Department of General Planning is also evaluating your proposal. At the completion of our investigation, you will be advised."

March 8, 1974, to Mr. Moriguchi from Mr. Hirata:

"In reviewing the communication from Mr. Hirata, in reviewing the communications on this development, we have a concern on the possibility of earth movements in the area. We feel that this development should not be approved until this matter is resolved."

April 9, 1974, letter to Far West from George Moriguchi:

"This is to advise you that the special permit application for the subject project is denied for the reasons described in the Department of Land Utilization's project report summarized as follows:

(1) The Department of Public Works' concern about the soil problem.
(2) Erosion control measures are in some instances contrary to the landscape plan.
(3) Lack of substantiating evidence that soil creep will not occur on this site.
(4) Method of rock-soil control has not been adequately explored....

Should you have any questions, call our office."

We've had to make some sense out of that. We've had to find out why the application has been denied. We've tried to determine why in December of 1973 Public Works approved the project as long as we were consistently following the soils engineer's report, and yet in February changes their mind and denied it.

So, I called Mr. Moriguchi and went down. The Far West people, the engineers and I went down and had a meeting on the 24th of April this year. At that meeting, we asked Mr. Moriguchi to tell us why the project was turned down. He said he relied on the bunch of information Public Works had given me. We said well, we don't consider that denial is irrevocable because everything you point out in your letter indicates that further information or further study or further review may clarify these problems.

I wrote a letter the next day to Mr. Devens calling his attention to this. I sent a copy of this letter to Mr. Moriguchi. I said in that letter at the end of the discussion, Mr. Moriguchi stated that the matter was not closed, and if the developer could satisfy Public Works' personnel concerning their objections, the project would be approved. I later asked George if I had correctly quoted him and he said yes, you did. In this letter, I requested Mr. Devens to call a meeting in his office to be attended by himself, Mr. Moriguchi, Mr. Hirata who had then gone over to the Board of Water Supply, Mr. Hayashida the current head of Public Works, Far West's engineer, architect, and me. We had such a meeting about a week after this. I tried to find the date but it was roughly May 1 or 2. All of us got together in Paul Devens' office. We found out that the whole problem between Public Works and the Department

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of Land Utilization and the Corps of Engineer broke down to a problem in communication. It turned out that somebody in Public Works had not understood some of the provisions in the soils engineer's report. Mr. Estes will elaborate further on that.

At the end of that meeting, it was determined there would be further conferences with Public Works, further conferences with Planning by the architect, the engineer and the soils engineer. Then began a series of meetings. I didn't attend those because they were in a specialty that I don't have and that's engineering. Those were the technical detailed aspects of this development plan.

On July 10, 1974 a couple of weeks ago--July 12, I'm sorry--July 10 is Moriguchi's report to you. July 12, a letter to Mr. Moriguchi from Mr. Hayashida, end of the letter:

> "We recommend approval of this development on the condition that the above requirement shall be met. Further, this recommendation is predicated on the assertion by the soils engineer that all major improvements will be founded on or anchored to the underlying rock."

We accepted those requirements because they had been with matters and subjects discussed in this period following the early May meeting. They were things that were consistently referred to in his report. They were things Far West said we would do. To make the matter even clearer, we referred to that July letter which I didn't get, in fact, until I asked for one on the 25th of July. That's when we found out that Public Works had actually approved the project. So, I called and this was sent to me on the 25th of July. A letter was immediately addressed to Mr. Moriguchi by Far West, mainly that they had carefully reviewed the department's letters dated July 12, and that "Far West accepts the requirements set forth therein and will in all respects comply with them. We look forward to hearing from you." We haven't heard a word. We haven't heard a word.

We met last week with Mr. Moriguchi, Mr. King and I did. He said well, as long as this matter is now before the City Council for a rezoning, I don't want to step on their toes. I have to work with the City Council and therefore, I would prefer not to take any action on this. I said, there may be no action taken for five years on this. We have relied on your representations of Planning and Public Works. We've spent thousands and thousands of dollars on this, thousands of man hours of work in reliance on this. You pointed out or Wanket pointed out in his February 1973 letter that one of the options available to the Department of Planning was rezoning the property. They have never asked for a rezoning of any portion. They've permitted us to go ahead and develop something that is feasible, that's approved by every City agency, and it disturbs me, really disturbs me that this July 10 letter has not been updated by Mr. Moriguchi to advise this Commission that Public Works has now approved this project, nor did he advise this Commission that this matter was not final as he indicates in this report what was open to the developer if they could convince Public Works, if Public Works would approve it, Mr. Moriguchi would approve it.

Let me tell you what this rezoning would do. This (referring to map) is open space and will never be built on because it is all used to compute

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the density for the total buildable portion of that lot where you don't need this kind of rezoning. You can never put a house above that line. This line (referring to map) was designed by the Department of Land Utilization, the Department of Planning.

But, if this change of zoning goes through before Mr. Moriguchi approves this development for housing, this development cannot be because you will have P-1 up here (referring to map), R-4 down here, and only R-4 can be used to compute the density requirement. That means instead of having this number of units, you'll have half the total development.

Since first approaching the Planning Department on the concept of the cluster development, we have never been disturbed in the project by the Department of Planning or Department of Land Utilization. Everytime we go back, we're looking at further information. They say can you satisfy this? We satisfy that. We change the plan. But, if this goes through, this whole project is wiped out. It won't accomplish anything. Because, even the staff man from Land Utilization admits that this area (referring to map) can be residential. But, there will never be any residences up on the slope. We don't contest that this (referring to map) is open space in the general plan and should not be used for housing. The only thing we contested was the position the department took that we could not use this (referring to map) in computing how many parcels we could put on the entire lot. This is a cluster development.

Now, I've said my piece. We think we've been had. I would like Mr. Estes now to answer any questions or give an explanation of this communication problem between Public Works and this organization. If you have any questions on engineering, he'll answer that.

QUESTIONS OF MR. DODGE

SULLAM: You've convinced me that something's wrong with the cluster ordinance if it permits you additional density with totally unusable open space.

DODGE: Well, the best thing I can do is read to you what the general plan says. Of course, there is the opinion of Corporation Counsel that that is correct. Definition of the term "open space land" means any undeveloped or predominantly undeveloped land in an urban area which has value for (a) park and recreational purposes, (b) conservation of land and other natural resources, (c) historic or scenic purposes, or (d) preservation of life and property in areas subject to floods and earth slides. There's nothing in the general plan language, nothing in the CZC that indicates that open space as it's required for density to survey is not open space. Open space is open space is open space.

SULLAM: I know in the PD ordinance they require some of the open space to be used for park recreational purposes. That's why you get the extra density. Here, of course, you're using the land that is usable more intensely and you're leaving less land for recreation. Actually, there's no land for recreation.

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DODGE: I'm not familiar with these plans. I'd like somebody else to answer that question, but to answer your question, that happens to be the law. Open space is open space.

DUKE: Would you show us where the line on the map would go?

ENG: The line on the map would roughly go through the roadway so that the structures mauka of the roadway would be in the area which we are recommending to be rezoned P-1

DUKE: That degree of slope mauka of the roadway, particularly at the right hand end (referring to model displayed), what is that degree? It looks pretty steep to me

ENG: Section A shows that the slope of the area we are rezoning to preservation is 55%, Section B-59%, Section C-51%, Section D-62%, Section E-74% and Section F-76%. I've also broken it down to show that the area that's in the lower portion is slighrly less steep although still substantially steep -41, 33, 41, 42, 50 and 56. I've also shown the overall cross slope through the entire property--53, 48, 47, 52, 65 and 64.

ESTES: May I reply to your question. Ours is an on-the-site slope map made by R. M. Towill Corporation. Those slopes (referring to map displayed) were taken from an aerial photograph at rather small dimensions. This is an on the ground contour of everything that's below 40% and everything that's above 40%. If you'll see, substantially all of this project is all below 40% except for two which is slightly above.

ENG: Would you like a response to that?

DUKE: I can't help but ask the question. I would like very much for staff to respond to Mr. Dodge's allegations regarding certain untruths that's in one or the other.

ENG: This was done by R. M. Towill, a certified engineer. Now, the soils engineer has also supplied us with slope drawings. If you like, it can be requested of staff to do a slope analysis of their topography map.

Actually, we should clarify this. The issue here is whether or not this upper portion should be rezoned The cluster development was applied for and was denied. Mr. Dodge is correct that there are still some discussions going on about it but it has not been officially reopened in the sense that we have not received a formal reapplication. We're simply looking further into some existing information. It seems to me that the staff in the PD section did review the drawings and the slope analysis is not substantially different from this.

DODGE: My response is this, and I might add, I didn't want to necessarily get into this. I met with Mr. Moriguchi Monday afternoon. I asked him again to approve the project. I told him that we would join in the designation of this as preservation area after he approves our project, because I said, we don't intend to ever build up there

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anyway. He brought out the question whether we really shouldn't reapply in view of the fact of his March 8th letter. I said no, this is not a reapplication. This is asking you, and all our efforts have been to ask you to reconsider that denial on the basis of this additional evidence that we got as a result of all these conferences. He said he would leave it with Mr. Sharpless to take that question up.

Yesterday afternoon, I called Mr. Sharpless and described our problem to him and told him our view of the situation was that all of these efforts had been to ask for a reconsideration of that denial. I sent him a copy of the letter that I had sent to Paul Devens following our first April 24 meeting. He said why don't you out of an abundance of caution, why don't you write Mr. Moriguchi a letter formally asking him to reconsider. I said okay. This morning I hand delivered to Mr. Moriguchi a letter in which I related everything that had happened since March 8th, our conference, further conferences, the approval by Public Works on July 12. At the very end I said if there can be any doubt that the developer's action since March 8, 1974 had been anything other than efforts to seek reconsideration to March 8th's, 1974 denial, this letter is to formally request you to reconsider your denial, and based upon those subsequent event findings from the Department of Public Works' recommendations to you dated July 12th, grant approval for the project.

So, I think we're out-of-the-woods on any technicality about whether we should reapply or not reapply.

CLEGG: I think maybe we're straying from the issue.

DUKE: Another question regarding this. Is it true that if the houses that are mauka of this proposed road through there were placed makai, then they would be within the proper zoning, and there would be adequate open space for that amount of housing?

ENG: No, let me explain. The entire site is now zoned R-4 Residential and therefore available for calculation for density purposes. Now, if the Director's action is adopted which is to recommend to P-1 the upper 6½ acres, this would affect the density. The other point of your question is if these buildings were to be located below, then they would not presently have the problem of being in an open space designation. In other words, the lower portion of the site is currently zoned residential and currently designated residential, therefore entirely appropriate except for technical conditions. Now, Mr. Dodge has explained to you that green area (referring to model displayed) is not suitable for a building site. Therefore, to place the upper buildings in that area would be technically infeasible.

CLEGG: I'd like to suggest that the discussion of the cluster is not a part of the decision-making aspect of this body as clusters are determined by the Director of the Department of Land Utilization. Now, it's true that the factors surrounding the possible rezoning should be considered, but whether one should have a cluster or should not have a cluster is for the Department of Land Utilization to determine.

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Certainly, this is a Council initiated rezoning, not initiated by the public or the Department of Land Utilization. As such, very possibly the issue belongs with the City Council

DODGE: It actually began by a letter from Dan Clement to I think Mr Moriguchi, who then referred it to the Planning Committee of the Council, who referred it to Council with a recommendation that it be referred to you.

SULLAM: I'd like to add that it should behoove the Council and the public to put land in preservation where houses seem to have to be bought by the City because of incorrect drainage or whatever that takes place there. These houses along that Hao Street has cost the City a considerable amount of money. They should never have been zoned residential to begin with, some of that area along there.

DODGE: I would like Mr. Estes to explain to you details of the soils report and the fact that every one of these houses will be anchored on bedrock.

SULLAM: You mean to say you can overcome all the problems of slippage and drainage that has been taking place there through the years? Because, I believe four years ago in the capital improvement program, there was money allocated to hire an engineer to take care of the problems so that the City would not have to buy the houses. It ended up that the City had to pay the engineer and buy the houses anyway because he couldn't solve the problem.

DODGE: Well, the soils report extensively within the past year has shown that this is a feasible project, it can be done with no damage to any houses down there, it can be done with no soil slippage, and Public Works agreed to that. They said if you build it the way the soils engineer tells you to, we're satisfied. We have agreed to do that.

ESTES: My name is W. E. Estes, Engineer and partner in the firm of Dames and Moore who are Consulting Engineers. We've been consultants for Far West Continental on this project.

Reference has been made of our works before. Actually, we prepared two investigations and two reports. One was dated October 1972 which we did. It was called a geological reconnaissance of the entire site which consisted of sending two trained geologists to traverse the area, map what they saw on the surface. This report shows that the site was a challenging site and would require very careful planning to make it work. This is on the basis of this report. Further discussions were held with the City and County people as described by Mr. Dodge. Later on as the developer decided to get further into this, we were retained again to make a rather detailed investigation. It was pretty obvious that this material up above was rock out cropping with little or no soil coverage. So, we performed no borings in that area. We performed borings in the area that was in question along the lower level. We did find rather thick layers of expansive soil. The thickest material was in this (referring to model displayed) area. The expansive soils are

in a wedge so as you approach the road, the thickness is zero because it becomes rock-out cropping.

It was previously said that the soil is moving above the swimming pool area at some rate and that the soils there might have some great thickness. Our findings are that the soils just above the swimming pool area would probably have a thickness of very little like 2, 3, or 4 feet. So, it doesn't appear to be a very significant factor since the swimming pool would be excavated to a depth of that or more in any case.

One thing I would like to emphasize is we had numerous meetings with the architect, with the developer's engineer, with the Department of Public Works in developing the plan for this. Numerous changes were made with this plan based upon our findings and upon review of the Department of Public Works. At all times the Department of Public Works showed great interest and concern in this project. They finally did what they thought they should have done way back in the beginning when they issued their July 12th letter, and they put under their approval a number of conditions that said in effect, this project is approved if you the developer will guarantee that all the things they listed will be done, which is really what they wanted to do when they wrote their first letter but they apparently didn't have the knowhow or the guts to say so. But, they now have done so.

The results of our site investigation and engineering analysis led us to believe the site can be safely developed. We have presented plans and reviewed plans presented by others by which the project may be safely completed.

SULLAM: Did the Department of Land Utilization give tentative approval before they had heard from the soils engineer that gave a report a moment ago? Was that before or after? It seems to me that with new information, it made them decide to the contrary.

ESTES: They had our October 1972 report before they made any recommendation or any opinion from the history Mr. Dodge has given. They have our large report of October 1973. I don't know whether I'm really competent to answer your question but I think that they had that information. My recollection was, and I didn't attend all the meetings but the meetings I was in, they referred all soils problems to the Department of Public Works. They said they would be satisfied with whatever the Department of Public Works recommended.

SULLAM: By what has been said, I have the feeling that the soils report that was prepared is fairly new information. When they received this information, they decided that the final approval would be withheld.

ESTES: No, the soils report was dated October 1973.

ENG: I have a copy of that report. It's time stamped by our department January 23, 1974. The decision on the cluster development was rendered April 9, 1974. The department has not received new information. According to the attorney, the engineer is further discussing information previously submitted.

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SULLAM: But I gather from the gentleman here that the Department of Land Utilization had approved this project. Now, it doesn't appear that way?

ENG: No, that isn't true.

ESTES: Department of Public Works had approved it.

SULLAM: Is that true?

ENG: I do not know that for a fact. The communications that I have here relative to cluster, and I hesitate to discuss the cluster because that's not really the issue here, indicate that certain things should be considered and sets forth certain conditions: "We recommend approval of this development on the condition that the above requirements shall be met." This is dated July 12, 1974 from the Chief Engineer to the Director of the Department of Land Utilization. The staff report on this was prepared with full cognizance of these other things that were happening. I have been very closely discussing the rezoning with the Director. The Director is aware that there are two possible issues here.

ESTES: There was a previous approval by the Department of Public Works also something like December 1973.

ENG: As well as previous denials. So, perhaps we ought to set in perspective that the Department of Public Works has also given certain denials where they have recommended that the project not be approved until certain issues are completely resolved.

ESTES: Well, apparently they are now resolved since they have given their approval again.

ENG: Subject to the conditions.

ESTES: Subject to certain conditions, that's correct.

ENG: The Director of Land Utilization is aware of this. The recommendation still stands.

SULLAM: Did the Department of Public Works receive the soils report from the Corps of Engineers, this report that's before us?

ENG: Yes, the Department of Public Works did receive a copy of it and it was used as a reference both in prior letters as well as their present letters.

SULLAM: And they have given approval.

ENG: They have indicated that they would recommend approval on the condition that the above requirements shall be met. There's a list of those items which are discussed. I think Mr. Dodge read that particular letter.

TAKEHARA: Then the Department of Public Works recommended approval on July 12th.

ENG: They indicated that those conditions would lead to recommendation of approval but you should bear in mind that we're talking about zoning here, that was reference to a cluster development. The cluster developer is decided entirely by the Director of Land Utilization based on engineering considerations as well as other considerations including design.

TAKEHARA: Isn't that cluster design centered on this, what we're acting on?

ENG: The cluster development could be altered by actions taken here in the sense that if it were determined that P-1 zoning would be adopted, they would have a site of 6½± acres to use as density calculations, whereas now they have a site of 13± acres to use for density calculations.

DUKE: Well in short, if you recalculate on the 6½ versus the 13, do you get about half as many houses? Is that the idea?

ENG: In terms of pure mathematics, yes. When you talk about design, it may be possible to put more, it may be possible to put fewer units. This is an issue of design which is generally handled administratively where cluster developments are concerned.

ESTES: Mrs. Sullam, I just remembered. I attended a meeting and I can't remember the date but it was in March in the Director of Land Utilization's office in which we were discussing this project. At that meeting as Mr. Dodge stated before, to get to the meat of your question, Mr. Moriguchi said that the only reason he would deny the project would be because of recommendations by Department of Public Works, and the only way he would approve the project would be by recommendation by Department of Public Works. Does that answer your question?

SULLAM: Well, I wanted to be sure everyone was aware of the soil problem. I thought the Department of Public Works was unaware of it when they set up their conditions but apparently, they were.

ESTES: I would think they were very aware.

DUKE: There is a soil problem. You are aware there is a soil problem.

ESTES: Yes.

DUKE: You have some means whereby you can eliminate this soil problem, is that correct?

ESTES: We don't eliminate a soil problem as such. We mostly work around it. The area where the poor soil conditions are will be left undisturbed. This is one of the conditions listed in the Department of Public Works' letter. Not even a tractor will be allowed to go

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over that area. It will be completely left alone and several improvements will be made to it. Above where we'll build houses, there will be an interceptor ditch constructed to receive the water that comes down the hill during a rainstorm. We'll direct that into a new drainage system which goes down and connects to the stream below.

The second interceptor will be the road itself. We'll have an intercepting ditch along this area which will catch any rain that comes on the roof of the building, between the houses and on the road itself, and will take that water also.

So, any movement that takes place should be either none or certainly less than there has been in the past. This should be an improved condition for the people below.

SULLAM: What about the people further down the valley. That stream flooded and the city was sued for a considerable amount by all those people on that street.

ESTES: Well, I can only answer that by hearsay. R. M. Towill was engaged to make the hydrology studies and the design of this new drain pipe. I understand from their engineers that they have studied this flood flow of the stream and the addition of this water, and it was discussed with Department of Public Works and they agreed to it. I don't have that first hand but but I did overhear that.

DODGE: I fully appreciate the role of the Planning Commission in the general rezoning function. I realize your function is to advise the City Council on what we think is a good idea. We are not here as mere architects and soils people. I would hope we're here with a sense of overall fairness to people who deal with the City. I think balanced on that, with the mechanical engineering problem they're preparing, it would be grossly unfair to take the rug out from under these people who have worked hard in reliance on the City, in reliance on things that the Department of Land Utilization told us, in reliance on what the Department of Public Works had said, and for thousands of dollars on something that is efficient and economic, and even the Department of Planning complimented us on the concept of this cluster development rather than the normal kind of a cut-and-fill operation.

So, I'm asking you to recommend against the rezoning of this because it would be so terribly unfair to people who relied on City action.

KAMIYA: Would you at any time be against getting together with the Department of Land Utilization.

DODGE: I've been meeting with them everytime I could get a hold of George. He sent letters to us. I call him on the phone. I met with him Friday afternoon and again yesterday afternoon. On both occasions, the reason for his delay in approving the project is because it is a matter pending before this Commission and the City Council, fully aware of his authority to do it prior to any zoning, though he said he had to work with the Council and therefore, he didn't want to take action in approving it as long as the matter was before the Council. That's his sole wish.

I concur in what Mr. Estes said.

SULLAM: You assume then that you had met the four conditions of Public Works department.

DODGE: Well, some of them are prospects. The soils engineer must stamp the plan.

SULLAM: Well, those plans were stamped for the houses that were built there and the City has assumed the expenses. They were approved by the Department of Public Works.

DODGE: There are other conditions. The Department wasn't even aware that they could require it. I said you could put conditions on this. You can make us do twice the surveillance, twice the inspection, twice the follow-up on all of these things. I have a copy of that July 12th letter to Mr. Moriguchi from Public Works:

"We are transmitting for your information and files, our 'memorandum for the records' of the meeting of May 28, 1974 on this proposed cluster development.

As discussed at this meeting, our department's requirements must be fulfilled as follows:

1. All work will be done in accordance with the soils engineer's recommendations and the plans will reflect this.

2. The plans will be stamped by the soils engineer.

3. A qualified soils engineer will be retained by the developer to inspect the grading work.

4. The site shall be monitored and should indications of a slide arise, the developer will stop work and develop and implement the required remedial measures. To ensure vigilance in this regard, the developer shall submit copies of all observations during and after construction to the Department of Public Works.

5. The grading work will be certified by the soils engineer on 'as-built' drawings which shall be submitted to the City."...

SULLAM: I'm sure your intentions are honorable; unfortunately, we've had so many specialists come before us and tell us the very same thing, assure us that in spite of all these adversary situations that everything will be fine. It ended up it didn't work that way. There were problems and the City had to bear the cost.

DODGE: The Department of Public Works reminded us of that also. We have to satisfy everybody. Those are not the usual requirements that we're doing in there.

SULLAM: Well, it would be something that's iffy. I don't know whether the City should get involved in things that are not certain things. If there's danger, let's stay away.

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DODGE: All of these requirements now that protects this is being built into the plan, and built in the way the project is going to be done.

SULLAM: The soils engineer that spoke a few moments ago said that none of this could take place, you have to go more than 25 feet down into the bedrock to attach those buildings. Are you going to do that?

DODGE: That's my understanding.

SULLAM: But that would still--if there's rain and there's tremendous runoff, I don't think we should get involved in it.

ESTES: The significant thickness of this expansive soil is in this area (referring to model displayed) which has now been avoided. The area which has excessive soil will be avoided.

KIMBALL: I'm the president of the company that's involved in this. The thing everyone's worried about is more slippage and slides. The engineers say that the catches and the water sliding the straight mountain that causes all these things will be caught by that roadway and the other things done by this project, comes into the basin that picks it up. So, it won't hinder the people. It will help them tremendously to have this water trapped and not coming down. There will be no development on the portion where there is a danger nor will there be any sprinkler systems developed in there. There is a specific request that we not put in any sprinklers so no water will be added in.

The other thing is here we have a plan developed on the 13 acres, the density based on that, an enormous amount of money and engineering costs for improvements, and the tremendous bills have gone into this. The City is going to have to start paying up for the encouragement they gave us to go ahead with this if they're going to change the zoning now, believe me. Our lawyer will be up to see the City on that one.

DUKE: Is that a threat?

KIMBALL: No.

KAMIYA: Do we have any other testimony?

CLEGG: I would suggest in view of some of the additional evidence presented, and I think there's probably a legal matter pending here or building up, that we might want to request a ruling from Corporation Counsel on the position that the City is in with regard to actions of time. Corporation Counsel may wish to take some time to review this.

GEORGE AOKI (DEPUTY CORPORATION COUNSEL): I would appreciate it if you would allow me to take it under advisement, talk it over with the people--till we have heard evidence from Mr. Moriguchi and discussed this.

NORMA CARR: I would like to make one observation. I didn't know that this, in fact, was with Public Works because Public Works doesn't

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answer questions unless there's an application in the Department of Planning or the Department of Land Utilization. So, we didn't know this was at this stage or there would have been an expert here to testify from the community association. As such, I would like to submit this report of the engineer who challenged this report that Mr. Dodge referred to. I would appreciate your reading this.

KAMIYA: Do we have anyone else to testify?

ESTES: A comment to that comment.

KAMIYA: I will have to cut in on this because we will get into a public debate. That is not what we want to have at this hearing.

What is the pleasure of the Commission?

The public hearing was closed, on motion by Mr. Duke, seconded by Mrs. Takehara and carried.

MOTION: Mrs. Sullam moved to accept the Director's recommendation.

The motion died for lack of a second.

MOTION: Mr. Duke moved to defer action, pending an opinion from Corporation Counsel. Dr. Choy seconded the motion.

Discussion followed.

SULLAM: What type of opinion, on what specific item? Was it approved or not approved by the Department of Public Works?

DUKE: They requested a deferral. We're going to get into some legal complication.

KAMIYA: Further discussion?

(There was no further discussion. The motion for deferral at the request of Corporation Counsel was unanimously carried.)

PUBLIC HEARING
CONDITIONAL USE PERMIT
(TO CONTINUE EXISTING
QUARRY USE)
HALAWA
LONE STAR INDUSTRIES,
INC. & DIRECTOR OF
LAND UTILIZATION
(FILE #74/CUP-8)

A public hearing was held to consider the following request:
(1) Conditional Use Permit to continue existing quarry use at Halawa;
(2) Change in zoning from R-6 Residential to AG-1 Restricted Agricultural District;
on approximately 31.5+ acres of land in Halawa, Tax Map Key: 9-9-10: portion of 2, 10 and 15.

Publication was made in the Sunday Star-Bulletin/Advertiser on July 28, 1974. No letters of protest were received.

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Staff Planner Henry Eng presented the Director's report of the request. The applicant indicates that the material being extracted and processed for use in Hawaii's construction industry is of substantial value to the overall economic well being of Hawaii. Lone Star Industries, Inc., at the present time, provides to the State's construction industry 40% of all basalt aggregate on Oahu; 21% of all crushed Class "A" basalt (aggregate used for concrete manufacture); and 51% of all Class "B" basalt (aggregate used for highway and specific requirements.) A new master lease agreement has been signed by Lone Star Industries, Inc., and Queen's Medical Center to the year 2020 and in order to continue present operations, the CZC requires the filing of a conditional use permit. Lands covered by the CUP are presently occupied by Lone Star Hawaii, Prestressed Concrete, Inc. and Nanakuli Paving & Rock Co.

Based upon review of the request, the Director concludes that the existing quarry operation can be compatibly operated without substantial adverse effect on the area. The operation is in substantial compliance with established environmental regulations. It will continue to operate in this manner and continue its efforts to further minimize nuisances.

The Director recommends approval of the request, subject to the conditions in his report dated July 19, 1974.

There were no questions from the Commission regarding the Director's report.

Public testimony followed.

Testimony FOR--

Mr. Fred Rodriguez, Environmental Specialist, representing the applicant

RODRIGUEZ: All of the questions raised during review of the document by federal and state governmental agencies have been followed up and we have corrected the problem areas where these people were concerned.

I would like to say that the one point where this Commission is most interested is why we would request the term of the permit to run concurrent with the lease. The benefits obviously are of an economic nature. Some of the more costly long range improvements, and quite a few of these improvements are necessary for environmental controls, must be predicated on long-term financing.

The concern that has been expressed by residents of the Halawa Heights subdivision up above the project is they would like to see the length of the permit limited to a more, in their feeling, reasonable time period. Our response to that would be that the term of the permit, whatever length, is conditional and at any time can be revoked. We can only go back to 1970 when a cease and fill desist citation was issued to this operation. In that interim

period four years ago, Lone Star has spent over one million dollars correcting those problems. I don't have any qualms in our continuing to operate in this manner. We are not only subject to the rules and regulations of the City and County but we would also be subject to the rules and regulations of the State Board of Land and Natural Resources which governs the area where the quarrying is taking place, plus the Federal Corps of Engineers for the drainage runoff and the Environmental Protection Agency for the Air Quality and the noise.

So, in response to that one point, we just want to say that no matter what length the permit is set for, it is a conditional permit and subject to revocation at any time.

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

Testimony AGAINST -

Mr. Alfred Racoma, representing the Halawa Hill Estate Community Association (Submitted testimony, undated)

OBJECTIONS:

1. Residents of the community have complained about the noise, dust and fumes generated in the quarry area.

2. Stonewalls of residences immediately adjacent to the quarry area have cracked.

3. Car windshields of residents in the area have been damaged from gravel droppings from company trucks traveling to and from the quarry site through the residential area. This gravel and dirt then accumulates on the roadside making it necessary for residents to clean it up.

4. Residential streets in the area are inadequate for travel by construction trucks.

5. Residents have complained of trucks speeding in the residential area creating a traffic hazard for school children and pedestrians who must walk along the road due to lack of proper sidewalks.

6. Complaints from residents to the developer relative to the above-mentioned items have been futile.

7. The community suggests a 10 to 15-year Conditional Use Permit and no additional subleaser be added in the quarry area.

In the discussion that followed, the following additional information was given:

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1. Assured by the Commission that revocation of the CUP would result if the applicant fails to meet any of the conditions imposed, Mr. Racoma indicated they would have no objection to issuance of the CUP.

2. Mr. Rodriguez had no objection to including a condition for road cleanup at the end of each day's hauling; however, he pointed out other trucks hauling dirt and gravel for construction of the Halawa interchange. It would be difficult at this point to determine which trucks are creating dirt and gravel accumulation on the road.

3. Concerning an additional condition on speed limits to curb speeding trucks, Counselor Aoki advised that this is a matter for the Police Department.

The public hearing was closed, on motion by Dr Choy, seconded by Mr. Duke and carried.

ACTION: The Commission accepted the Director's recommendation and recommended that the Conditional Use Permit be issued, subject to the conditions contained in the Director's report, on motion by Dr. Choy, seconded by Mrs. Sullam and carried.

AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

PUBLIC HEARING CZC AMENDMENT TO DELETE PRIVATE UTILITIES AS CONDITIONAL USES

A public hearing was held to consider an ordinance to amend Chapter 21 (Comprehensive Zoning Code) Revised Ordinances, Honolulu 1969, as amended, to delete private utilities as conditional uses.

Publication was made in the Sunday Star-Bulletin/Advertiser on July 28, 1974. No letters of protest were received.

Staff Planner Johan Ronningen presented the Director's report of the request. The proposed bill was initiated because the Corporation Counsel has concluded, in Opinion M 74-31, dated May 1, 1974, that in view of Hawaii Revised Statutes, Section 342-19, and the adoption of Chapter 38 of the Public Health Regulations, State of Hawaii, the City has no authority to process and review applications for conditional use permits for private sewage treatment plants. Under the Charter, Article VII, the Board of Water Supply is clearly given authority for approval of private water utilities. This authority was also confirmed orally by the Corporation Counsel.

The Director of Land Utilization recommends approval of the amendment.

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

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No person was present to speak either FOR or AGAINST the request.

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Takehara and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Duke, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

UNFINISHED BUSINESS
CONDITIONAL USE PERMIT/
STATE SPECIAL USE
PERMIT
WAHIAWA
COMMUNITY SYSTEMS CORP.
(FILE #74/CUP-11 &
#74/SUP-4)

The public hearing was held and closed July 10, 1974, and the matter deferred for a statutory period of 15 days.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the State Special Use Permit and the Conditional Use Permit, subject to the conditions contained in the Director's report, on motion by Dr. Choy, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

UNFINSIHED BUSINESS
GENERAL PLAN/DLUM
AMENDMENT
OPEN SPACE TO
RESIDENTIAL USE
KAHALUU
LAND RESEARCH &
INVESTMENT COMPANY, INC.
(FILE #268/C1/25)

The public hearing held July 24, 1974 was closed and the matter deferred for a field trip to the site.

MOTION: Mrs. Sullam moved, seconded by Mrs. Takehara, to recommend adoption of the Detailed Land Use Map's designation of the site to Preservation, rather than the General Plan's Urban designation.

Discussion followed.

SULLAM: The Commission should be more concerned with the appropriate use of the land rather than the legal use. Here, the Detailed Land Use Map indicates Preservation, Open Space. According to the Charter, the Detailed Land Use Map should take precedence. The General Plan is a broad brush indication whereas the DLUM is a more exact indication.

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CHOY: After viewing the parcel of land on the field trip and after considering the total land area of the applicant zoned Urban, he could now subdivide and put up single family units. That would create greater ecological problems versus the planned development. I can't see the justification because of the issue before us by penalizing the developer. He owns way over 82 acres and all he's trying to develop is 22 acres. He's giving more than 75% of the total acreage in Preservation.

The motion failed to carry for lack of sufficient votes.

AYES - Sullam, Takehara
NAYES - Choy, Duke, Kamiya
ABSENT - Crane, Hosaka, Kahawaiolaa

MOTION: Dr. Choy recommended that the Commission submit no recommendation.

The motion died for lack of a second.

MOTION: Because the Commission had a bare quorum and lacked sufficient votes to recommend approval or denial, the matter was deferred to the next meeting for a full Commission, on motion by Dr. Choy, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

STATE LAND USE COMMISSION REFERRAL SLUC'S RULES OF PRACTICE & PROCEDURE

Pursuant to Section 205-4 of the Hawaii Revised Statues, the Planning Commission has received for review and recommendation a petition submitted to the State Land Use Commission by Life of the Land and requesting amendment to the Commission's "Rules of Practice and Procedure."

The requested changes deal exclusively with how the Land Use Commission conducts its business. For example, new rules are proposed which set forth detailed requirements concerning notification of when meetings are to be held, what business may and may not be conducted in executive sessions, the taking of minutes and tape recordings for meetings, public access to the Commission's records, etc. The apparent intent of the proposed amendments is to define these procedures in much greater detail than in the existing rules and to more explicitly assure that members of the public will have as complete an opportunity as reasonably possible to participate in the Commission's activities.

None of the requested changes affect the Commission's Land Use District regulations (which set forth the permitted uses within each district), the standards for determining and amending district boundaries, or the provisions with regard to special permits and nonconformance.

No discussion followed.

ACTION: The Commission, on motion by Mrs. Sullam, seconded by Mr. Duke and carried, had no objection to the proposed amendments, and requested that a letter be sent to the Petitioner (Life of the Land), commending them on the proposed amendments.

AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

STREET NAMES — The Commission recommended approval of new street names within the following subdivisions, on motion by Mrs. Takehara, seconded by Dr. Choy and carried:

1. Pokai Bay Estates Subdivision, Unit II, Lualualei, Waianae, Oahu, Hawaii, Tax Map Key 8-6-01: portion 11.

KAWILI PLACE	Culdesac off the southerly side of Kawili Street between Popohau Place and Pahano Loop.
Meaning:	To mix ingredients, blend.
KAWILI STREET	Extension of existing Kawili Street, terminating at Lualualei Homestead Road.
POPOHAU PLACE	Culdesac off the northerly side of Kawili Street between Kawili Place and Lualualei Homestead Road.
Meaning:	The Hydrangea, an eastern Asiatic shrub with pink, white or blue flowers.

2. Halawa Hilltop Subdivision, Aiea, Ewa, Oahu, Hawaii, Tax Map Key 9-9-08: 3.

HELE MAUNA PLACE	Culdesac situated northeasterly of Aiealani Place, off the northwesterly side of Halawa Heights Road.
Meaning:	Mountain climber.

3. Niu Valley Highlands, Unit 2, Niu, Honolulu, Oahu, Hawaii, Tax Map Key 3-7-03: 72.

ANOLANI STREET	Extension of existing Anolani Street traversing in a northly direction.
HALEOLA STREET	Extension of existing Haleola Street traversing in a northerly direction.

HOIHI PLACE	Culdesac situated northerly of Hafepa Place, off the westerly side of Haleola Street.
Meaning:	Sacred, majestic, dignified.

4. It is recommended that the following street name resolution be amended:

Amend Resolution No. 31, adopted February 5, 1974, by deleting the street names Malu Street and Malu Place and redesignating said roadways within the Malia Terrace Subdivison at Kaneohe, Koolaupoko, Oahu, Hawaii, Tax Map Keys 4-5-03: 1 and 5; 4-5-53: portion of 1, 4-5-58: 50, because of similarity of another street name in Waialae Nui.

LOLOPUA STREET	Roadway off Mahaiani Circle, traversing in a southwesterly direction.
Meaning:	Zenith.
LOLOPUA PLACE	Culdesac at the south end of Lolopua Street.
Meaning:	Zenith.

ADJOURNMENT: The meeting adjourned at 6:36 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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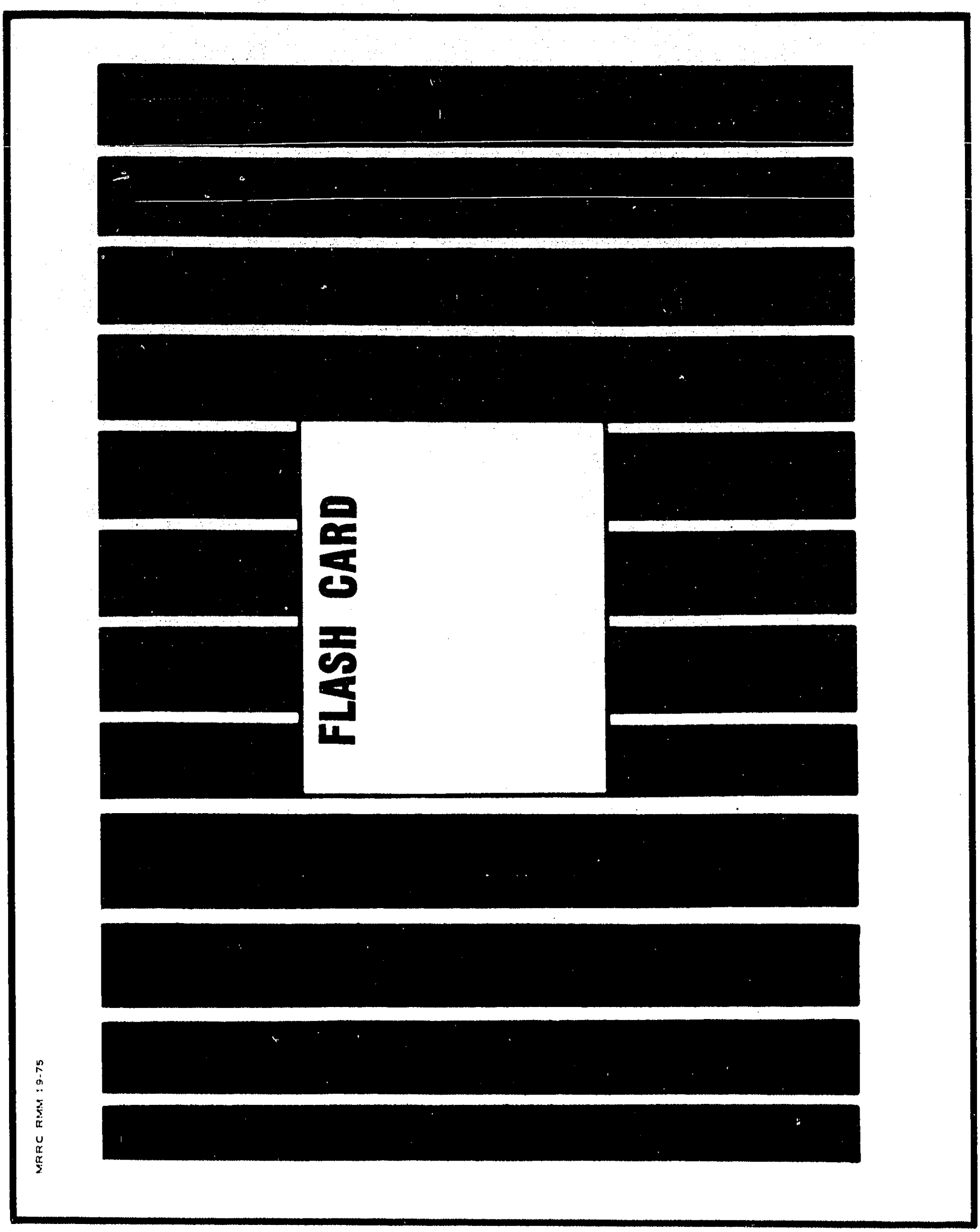

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Meeting of the Planning Commission
Minutes
September 4, 1974

The Planning Commission held a meeting on Wednesday, September 4, 1974 at 1:35 p.m. in the Conference Room of the City Hall Annex. Chairman James D. Crane presided.

PRESENT:

James D. Crane, Chairman
Randall Kamiya, Vice-Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Donald K. Hosaka
Antone J. Kahawaiolaa
Fredda Sullam
Alice Takehara

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
George Aoki, Deputy Corporation Counsel
Berton Kato, Deputy Corporation Counsel
Henry Eng, Staff Planner
Ian McDougall, Staff Planner
Herb Mark, Staff Planner
Stanley Mofjeld, Staff Planner
Ralph Portmore, Staff Planner
Johan Ronningen, Staff Planner
Ali Sheybani, Staff Planner

MINUTES:

The Minutes of July 24 and August 7, 1974 were approved on motion by Commissioner Choy, seconded by Commissioner Duke and carried.

UNFINISHED BUSINESS:

GP/DLUM AMENDMENT
OPEN SPACE TO RESIDENTIAL USE
KAHALUU
LAND RESEARCH AND INVESTMENT CO, INC.
(FILE #268/C1/25)

A public hearing was held on July 24, 1974, closed, and action deferred until a field trip was taken to the site. At the August 7, 1974 meeting action was again deferred for a full commission.

At today's meeting there was a full commission in attendance.

ACTION: Commissioner Choy made a motion to accept the recommendation of the Chief Planning Officer which was for approval of the request.

Commissioner Duke seconded the motion.

DISCUSSION:

SULLAM: We have before us the letter regarding the possibility that this change might require an Environmental Impact Statement. Is that so?

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DUKE: It doesn't have anything to do with the question at hand. It has to do with item #3 on the agenda which comes later.

CRANE: As I understand it, the statement concerns item #3.

SULLAM: If housing is on that land it will require it then, but a General Plan changes doesn't require it?

CRANE: I believe so.

SULLAM: I will speak again against the motion because I feel the land should remain in preservation. It has very small portions of liveable land. The report states that more than 35% of the land has over 25% slope. The land is so irregular we should keep it in preservation. As long as there is flat land there is no need to go up to the ridges

DUKE: I feel that maybe the staff should probably tell the commission again the purpose, what the land is presently zoned, and what the proposal is. There is some confusion as to what we are acting on at this moment.

CRANE: May we have a brief summary, please.

PORTMORE: There are 11 acres plus 12 acres which is now R-3 and for the most part General-Planned for residential. The rear portion of the site is R-6. So single-families could be permitted now. The purpose of the amendment is to make it possible for the owners to provide Planned Development Housing rather than conventional subdivision. They cannot process a Planned Development Housing without being in conformance with the plan. That's why it was submitted.

The reason why the Chief Planning Officer recommends approval is that we feel this entire area constitutes a logical topographical unit. The break between moderate and steep is approximately in this area where the State Land Use boundary is and existing zoning is. Therefore, we feel it is justified.

DUKE: I could talk in favor of the motion. There are possibly better places but we are not stopping them from building houses by this change in General Plan. It is already R-6. We can't stop them. It would be better for the community to have a Planned Development Housing rather than a subdivision because we can require certain requirements that we couldn't on a subdivision. So we are not stopping the housing. Just changing the plan to conform to what should be there in the beginning. I feel we should go along with the Chief Planning Officer's recommendation.

SULLAM: The Detailed Land Use Map indicates that a portion should be in preservation. According to the Charter, the Detailed Land Use Map takes precedence. We should

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SULLAM (continued)
reconsider the boundary lines and consider some of the lands presently zoned R-3 as well as R-6 and include some of that into the preservation because we went out on a field trip and saw how irregular this land is. There will be a tremendous amount of grading. There will be far more grading than on a conventional subdivision. Enough thought has not gone into the boundary lines where it should be preservation and where it should be urbanization.

DUKE: I also went on the field trip and saw a topographically great potential of beautiful homes. If we only picked the level land, there would be no homes on St. Louis Heights, Wilhelmina Rise, etc. There are homes built on certain slopes. For the good of the community, we must utilize land for housing that is not known agricultural--that we can utilize otherwise.

SULLAM: I agree with Duke that we should build in certain places on hills. I am not adverse--it depends on how feasible and the rainfall. Most areas are very dry. They have very little rainfall. The rainfall is very heavy here. The disturbance causes a runoff into Kaneohe Bay. We have to be very careful.

There was no further discussion.

VOTE: AYES: Choy, Duke, Hosaka, Kamiya, Kahawaiolaa, and Takehara.
NAYS: Sullam.
ABSTAINED: Crane.

Motion carried.

PUBLIC HEARING
GP/DLUM AMENDMENT
REARRANGEMENT OF
LAND USES--IND/COM'L/
CIVIC CENTER TO RES/
APT/IND/MISC.
WAIPAHU
OAHU SUGAR COMPANY
(FILE #42/C1/33)

The public hearing of August 7, 1974 was kept open and action deferred until a field trip was taken to the site.

Staff Planner Ian McDougall brought the Commission up to date via a memorandum dated August 30, 1974 from the Chief Planning Officer. (1) A program that would assure that displaced employees would be adequately relocated has not been submitted. However, it is more appropriate that this matter be considered during subsequent rezoning requests. (2) An updating of DOE's review of this project had been requested at the August 7 hearing. This relates to the need for a school site. (3) It was requested that DAGS review the effect of noise on the proposed school site.

Questions of the staff by members of the commission:

TAKEHARA: Do you have a report on the sewage problem?

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MCDOUGALL: Yes. The Board of Water Supply--at that time it was the Department of Public Works--has indicated that sewers are adequate for General Planning purposes.

There were no further questions of the staff

MR. JACK K. PALK, consultant for the applicant, asked permission to present some new information on behalf of the developer since the public hearing was still open.

In summary, the letter of September 3, 1974 from Oahu Sugar Company, Limited, signed by Mervin Gilliland, Vice President, addressed to the Planning Commission, read by Mr. Palk, stated:

"Because of concern expressed by Commission members at the August 7 public hearing, the letter is intended to clarify applicant's commitment to provide housing for its employees.

(1) Fee-simple single-family house and lot for approximately $44,000 (subject to change) for employees who can afford or qualify.

(2) Townhouses and apartment units in Parcels 4, 5, and 12 at prices scaled downward from $44,000 (subject to change) for employees who cannot afford or qualify for (1) above.

(3) Rental housing in existing units in Waipahu Mill and Ewa Town areas for employees who cannot afford or qualify for (1) and (2) above.

"Other residential areas within the proposed general plan amendment will be developed for single-family housing to be sold to the general public.

"The foregoing program has the approval of a joint committee of the Plantation (applicant) and the Union (ILWU)."

There were no questions of Mr. Palk by the Commission members.

The public hearing was closed on motion by Commissioner Hosaka, seconded by Commissioner Takehara and carried.

MOTION: Commissioner Takehara made a motion to "accept the application from Oahu Sugar Company with the conditions that areas 19 and 22 be retained as Civic Centers and that efforts will be made to subsidize the residents who are displaced. We cannot afford whatever prices are alloted for these homes to go to HHA and HRA."

Commissioner Kahawaiolaa seconded the motion.

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DISCUSSION:

DUKE: I would like to understand the motion. 19 and 22. What are you going to do with it?

TAKEHARA: The same as the Chief Planning Officer is recommending. Go with the Chief Planning Officer's recommentaion of keeping it as a Civic Center. The applicant asked that apartments be put on 19 and residences on 22.

DUKE: As I understand it then, the big industrial area, you say that it should go along with the applicant's ideas and not the Chief Planning Officer's.

TAKEHARA: Right.

DUKE: Now any other change?

TAKEHARA: That we be assured that the applicant will refer to HHA and the HRA for subsidy for those residents who cannot qualify for the homes.

WAY: I am unsure about the question of subsidy. Are you making that a condition to the proposal?

TAKEHARA: Yes. That an effort will be made to provide housing for those who don't qualify via resorting to these agencies.

WAY: There is no program at the moment, as I am sure you are aware, and that simply raises the question in my mind as to whether that's achievable in any realistic sense.

TAKEHARA: Well I do know, Mr. Way, that at this point we don't know if it's achievable or not but we want to be assured that efforts will be made to see if it's achievable for these people.

WAY: I guess we could say the effort could be made right here by simply saying it, but it won't happen unless there's something to back it up. I guess that's the problem that I see.

TAKEHARA: Okay, then I'll amend my motion at this point.

AMENDED MOTION...that those who do not, will be assured that they have--well, that the applicant will continue to provide rental housing and existing housing units in the Waipahu Mill area.

CRANE: Does the seconder of the motion understand and agree to second the motion as amended?

KAHAWAIOLAA: You said the applicant? Or Waipahu?

TAKEHARA: Oahu Sugar will continue to provide rental housing and existing housing units.

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KAHAWAIOLAA: OK. I'll second the motion.

DISCUSSION:

CORP COUNSEL: I'd just like to remind the Commission that you are dealing with a General Plan amendment. You can recommend but you cannot put conditions on it.

TAKEHARA: OK. I'll amend it.

AMENDED MOTION...I "recommend" that the applicant will continue to provide rental housing and existing housing units.

CRANE: Does the seconder understand and agree with that?

KAHAWAIOLAA: Well, I think by contract the Oahu Sugar Company must supply housing for the workers, anyway.

CRANE: Motion restated:

MOTION: That we accept the Chief Planning Officer's recommendation relative to #19 and #22 that they be retained as a Civic Center, and that we recommend that Oahu Sugar Company continue to provide rentals for those people who cannot afford to buy.

CONNELL: Because of the fact that the Executive Secretary has to write the Findings of Fact and because of the fact that portions of this property, mainly those portions of property to the left which are presently general planned for industrial (and I understand that in terms of this motion you are recommending that the General Plan be changed to residential), I would like the Commission to speak to the issue of how you justify to change from industrial to residential, in order to go along with the Dalton Decision. We have a report from the Chief Planning Officer which indicates that industrial lands are needed and that there is no justification for a change to residential land. I'm going to need more from the Commission than simply "going along with the applicant."

DUKE: Please clarify a point in my mind. Assuming that the school--I have read of all the departments approving the recommendation made by the Chief Planning Officer and, therefore, since that was industrial and not residential, THEN would the schools and parks, etc. be adequate if changed to residential? Because that's a large area. I'm just asking a question. What was their approval based on when they say, "adequate schools, roads, water, sewers, transportation, police, fire" the whole bit. Was it based on the Chief Planning Officer's recommendation or the applicant's recommendation that that was approved?

CONNELL: The recommendations that are found in the Chief Planning Officer's report are based upon their study of what the Chief Planning Officer is recommending. Therefore, in terms of schools, sewers, streets, etc., it is based upon the Chief Planning Officer's recommendation. I think I indicated to the Commission at the last meeting there is a great question that if the Planning Commission completely revises the report, I think we may have to simply go back and do a complete brand new study.

DUKE: I didn't make the field trip, unfortunately, but things came up during the field trip that maybe should be brought to the attention of the full Commission. Possibly, it did change opinions. I would like to hear from some of the people who did make the field trip and their findings there.

TAKEHARA: I went twice because I'm out in that area. If you go further, as you go up Manager's Drive, on the right side which is presently zoned for residential, and go through some of the roads that I did, they are narrow, bumpy, winding and surrounded by very old, old, substandard-looking homes. You know that someday these people will have to get out because of health regulations. I understand they still continue to live and cook in kitchens with dirt floors. Now, those areas are zoned for residential. The applicant has the right to knock those homes down and build on the land. In looking at that setting, it sort of reminded me of what Hawaii was 30-40 years ago. That's the setting in that area now.

So he can go right ahead and delete all those homes and build because it is already zoned. The reason I said that I would like the industrial changed to residential is because already the right side of Manager's Drive is zoned for residential. On the left side of that industrial is another set of residential homes. It is difficult for me to see an industrial package right in the middle of all these residences. As well as looking leeward, we do have Barber's Point industrial center and all the other areas for industrial.

I looked at the school and because I'm especially interested in schools I hate to see our children in a setting where there is noise and lots of disruption from an industrial area that may be found that that was the most ideal setting for this subdivision.

DUKE: Please point out Manager's Drive on the map. I'm sorry I didn't get to make the trip. That clarifies a few points in my mind.

CRANE: You have a motion before you.

SULLAM: May I ask a question? If we accept this motion, do we go to DOE for re-evaluation of their facilities? Is it large enough to accept a residential area?

TAKEHARA: No. From what I've read, DOE has accepted that position as the most desirable in the subdivision. Because as it is, 800 homes are being planned to be built on the residential.

SULLAM: That portion is industrial. That means there won't be any children going to school in the industrial area. Once we put it in residential, are the facilities going to be adequate?

TAKEHARA: I think we have some memoranda here from the DOE in regard to handling 1600 or 800 children--either way. We got it in a letter.

DUKE: How many acres in the industrial area?

MCDOUGALL: Probably 35-40 acres.

CHOY: Commissioner Duke, you asked for comment from those who had attended the field trip. The only question I had at the time of the field trip was any sort of justification by the applicant concerning the enormous amount of unit that they have been proposing. My personal feeling is that I would have to speak against the motion unless the applicant could justify the additional unit that they had proposed. If my ballpark figures are correct, this entire area encompasses slightly below--just about 50 acres of land--is that correct? Until the applicant can justify the proposed 1,686 units that they wanted, I see no reason to go ahead and change the General Plan to residential.

TAKEHARA: I know its a lot more homes but, Dr. Choy, what I am thinking about is as these people are displaced and on the residential area--what's zoned for residential now--they can be displaced up to that industrial area if we zone it for residential. They have a right to delete that whole residential area at this point and displace these people completely, as it is now, if we leave that as industrial. I felt that this would be a smooth movement for them over into the industrial area. And, of course, my motion says that we are going to assure that a person who cannot buy is going to be assured a rental unit.

CRANE: I think your motion says we will "recommend".

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TAKEHARA: Yes. We're "recommending" with hopes that we have this assurance. Because, supposedly, ILWU is behind this movement and has a stipulation that, according to Tony, all their workers are assured housing.

CONNELL: I think it needs to be pointed out at this time that, (1) There is sufficient land presently General Planned and also additional amounts that are recommended through the Planning Officer to adequately provide for the workers' housing. (2) In terms of the Findings of Fact. The General Plan should be brought into line with the zoning, which is contrary to the policy that this Commission works under. Zoning is to implement the General Plan.

We have already been assured by the applicant that those people who are displaced, whether it is going to be used for industrial or residential, are going to be given housing. We have not yet been given assurance by the applicant that the people are going to be able to afford the housing. So I think it needs to be said that there is adequate land General Planned to take care of all of the houses that they say they are going to build.

I think we need to have some justification from this Commission, where you're going to pick up the extra industrial land that you're short of. We don't have enough industrial land now. If you turn all of this into residential, where are you going to pick up the extra industrial land? Because if it's General Planned it's a long-range planning problem.

DUKE: I wonder if I have all of these figures correctly. The applicant proposed to construct about 1600 units. The Chief Planning Officer's recommendation is to cut it down to about half that much to 800 units. And now there's a motion on the floor that appears to me like the Civic Center, 19 and 22, remain Civic Center rather than housing or apartments. That might take a few off the 1600 but now in the industrial tract we're talking about 800 and 1500 maybe instead of 800 and 1600. So we're still way above what all of the studies were based on, according to the Chief Planning Officer's recommendation. We now don't have facts regarding the development as proposed by the motion--clear down the line--schools, transportation, water, sewers, the whole bit.

WAY: Just to add another fact. There is, under the proposal that I have recommended, also the opportunity for the applicant to proceed with Planned Development of the zoned areas and even bring into play the density allowances, the additional bonuses, if you will, of that aspect which could achieve, in large measure, maybe some of the specific objectives that we're trying to here in providing

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WAY (continued)
housing at the lowest possible income scale on a much greater basis. By that, I'm saying that there are incentives to develop the existing zone plans and those lands that are being added on the General Plan. Two Planned Developments can achieve some of the very same things in a different way and are available to the applicant in this case. What I'm saying is, we're simply not closing him out of achieving the goals that he set for himself. There are other paths or alternatives for him to take.

TAKEHARA: It's difficult for me to see people with this life style living in a Planned Development Housing. And also industrial between two residential areas.

DUKE: Alice lives in that area and she has undoubtedly talked to many people in the area. I live on the other side. If Alice can justify a change in the Chief Planning Officer's recommendation, then I would go along.

CRANE: Are you speaking in favor of the motion?

DUKE: Somewhat, yes. She has to do it through the Executive Secretary because we would have to tell the City Council exactly why we went against the Chief Planning Officer's recommendation.

CRANE: We would have to justify to the City Council why we are asking that the General Plan be changed to conform to the zoning.

CHOY: I am still speaking against the motion. I'm still not satisfied as to the price of the units that will be developed in this area and, certainly, by applicant documentation that the plantation worker does not have the type of income that would justify purchasing of the unit at $44,000. During the field trip, I had asked some generalized questions and I think the ballpark figure that was given to me was that 500 people would be wanting to buy into a total development of 1600 units. What I could see is possibly the developer would be opening up these units to the general public and so, as far as I'm concerned, there's no change in life style except that you are bringing in people who have different life styles living right next to a plantation. So it still doesn't justify the change of the General Plan amendment.

SULLAM: I am still very unhappy with the school being located where it is. I feel that it could be placed in the center of the residential area. There is no need for it being so close to the industrial area. I just don't know why the school is located there. I would like to know who chose that site.

TAKEHARA: DOE chose it.

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KAHAWAIOLAA: Regarding the justification as to how the plantation people would be able to afford the $44,000. Basically, the plantation is represented by the ILWU. I talked with people from that area and their idea of being able to qualify for the finances was to have approved the total income of the whole family. In other words, they have sons, daughters, man and wife. I am sure that with the type of rental that they pay now, most of them have adequate savings. Rentals run, at the most, about 40 bucks each a month and this is how they would qualify for the $44,000.

VOTE ON PREVIOUS MOTION:

AYES: Takehara and Kahawaiolaa.
NAYS: Choy, Duke, Hosaka, Kamiya and Sullam.
ABSTAINED: Crane.

Motion failed to carry.

MOTION: Commissioner Hosaka made a motion to accept the Chief Planning Officer's recommendation. Commissioner Choy seconded the motion.

AYES: Hosaka, Choy, Kamiya, Sullam and Crane.
NAYS: Kahawaiolaa and Takehara.
ABSTAINED: Duke.

Motion carried.

PUBLIC HEARING
REDESIGNATION
RES TO PDH
KAHALUU
LR&I, DEV. ONE
(FILE #73/PDH-9)

A public hearing was held to consider a request for redesignation of R-3 Residential and R-6 Residential Districts to Planned Development-Housing District at Pulama Road, Kaalaea, Kahaluu, Oahu, Tax Map Key: 4-7-07: portion of 25.

The applicant proposes 164 fee-simple condominium dwelling units on 22.4 acres of land.

Publication was made in the Sunday Star-Bulletin/ Advertiser of August 25, 1974.

Staff Planner Ali Sheybani of the Department of Land Utilization presented the detailed Director's report in which it was recommended that the application for the proposed Planned Development-Housing be approved based on the conditions enumerated in the report.

Mr. Sheybani's comments not included in the Director's report were:

Earlier in the meeting today, the Commission recommended approval of a General Plan amendment for the same site.

The applicant today commented on increasing the size of the smaller units but the department has not had a chance to review that proposal as yet.

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SHEYBANI (continued)

The State Department of Transportation has had two comments on the project, one earlier and one later. In the later comment they mention that Pali, Likelike and Kahekili Highways are already overloaded and all applications that result in higher densities should be deferred until the disposition of TH-3 freeway is resolved.

Corporation Counsel has advised that projects that are considered significant and have significant affect on the environment do require compliance with Act 246 relating to Environmental Impact Statements. Therefore, the Department of Land Utilization advised the applicant yesterday. However, the approval at this stage of the project does not have to wait for the result of that study. On the other hand, nothing should start on the ground. No grading permit or building permit should be allowed unless the Environmental Impact Study results are satisfactory.

Questions of the staff by members of the Commission:

SULLAM: I realize the drainage hasn't been figured out completely but we should be given an idea of how this area is going to be drained.

SHEYBANI: I don't know how much detail you want to go through on this. There is a grading and drainage plan in the report and there are two reports on drainage and on soils that the applicant has prepared and the Department of Public Works has reviewed. The Department of Public Works' recommendation is that those reports are acceptable at this stage. They have done boring tests over 10 to 16 areas of the site to establish the soil condition and they are proposing to drain out the site.

SULLAM: Yes, but could you show us generally which way the water would flow into Kaneohe Bay?

SHEYBANI: Via the map, the existing stream runs along the road from here, down the valley, along Pulama Road, and gets to Kam Highway (there is ocean here). Now the applicant, in order to comply with the grading ordinance as well as our requirements and those of the Department of Public Works, has to put retention ponds on the site not to aggravate the drainage into the bay at flash flood areas or at unusual flooding times. That has to be worked out in detail but the eventual drainage would take place at this point. Whether it would be right at this point--the discharge into the bay--or connecting to a storm drain, I can't comment on at this time.

SULLAM: When we went out on our field trip, we noticed that it was a very verdant site. In your report, you say that all the trees will be tagged and they will not be removed. If that is so, I don't see how you can implement a plan such as this because the trees are not spotted on this plan.

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SHEYBANI: Well, one of the requirements, if I can bring an example such as Haiku Gardens which is a Planned Development, is that the applicant before a grading permit is issued makes a detailed survey of all trees--the size, type and location--and marks the corners of buildings and parking lots on the site with ribbons. By that time he has tried to do his best to avoid cutting trees and even at that time planners from our office go to the site and change the plan, if necessary, to save major trees. They come back with a revised plan, changing parking lots or location of buildings to avoid cutting the trees down. It has worked in Haiku Gardens. I have to state that we are not talking about all trees clear across the board. We are saying "major" trees. There are some gum trees or trees that are not as desirable as other types that we are looking for.

SULLAM: In other words, this plan may be completely unrecognizable. The huge monkey pod that we noticed on the site, I believe there is a building right over where that monkey pod is.

SHEYBANI: I have to mention that it would be in the same character--the character of the site plan shall remain the same--but whether the buildings are exactly where they are shown, we can't say. Usually, in the report the ordinance has a flexibility clause because at this time the applicant cannot provide the absolute accurate topography. It's too much front money to make it a requirement at this time. I'm talking about all Planned Developments. But before any grading permit is issued, all of those have to be in detailed study. Assuming something happens and the plan is totally changed--totally revised--then we go back to City Council and advise City Council that this is a major change and requires going through it all over again. But there is always that way to stop the plan from completely becoming degenerated.

SULLAM: I see that these units are standard units. It's going to be an awful lot of grading to accommodate these standard units. I'm not so sure that in this instance Planned Development with this type of standard unit is the answer.

SHEYBANI: It's not standard units. As a matter of fact, the sections show how one unit steps up and backward along the slope of the ground. This, in a subdivision, is almost impossible to expect to happen. This one, I agree, is more for a flat area. This one is for milder slopes. In the report there are seven sections that show how the building form changes with the slope. The architect for this project, by the way, is EDW/Lewis Ingleson & Associates.

DUKE: I can't help but be amused at the statement regarding transportation. Maybe you can explain? The Department of Transportation states that all applications which will result in higher density should be deferred until the TH-3 freeway is resolved. Then, you state over here in

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your recommendation that no grading permit can be issued until the Department of Transportation can service the traffic flow. I wonder which one comes first?

SHEYBANI: If I may comment on this, we don't know exactly when this project would be approved (it has to go to City Council, as you know) it has to develop--all the plans have to satisfy the Department of Health, percolation tests, and there are a series of other studies to be made. It's very possible that by the time the applicant is ready to break the ground that the Department of Transportation, by some miracle, is ready to give an answer.

DUKE: I do have another question. So far as grading is concerned, and everybody seems to be interested because it has some contribution to the runoff into the bay and ocean. (via maps) If a conventional type subdivision were placed here and a Planned Development placed here, which would result in less or more grading?

SHEYBANI: Definitely subdivision. We don't have a doubt that the subdivision will cause more grading. For a subdivision, usually, the applicant has to put public road. The public roads are wider. They have sidewalks on both sides. The driveways have certain slopes. They can't go over certain slopes. On Planned Developments we allow up to 19% slope of the road to reduced grading. Usually, for subdivisions they have to make house platforms to give freedom to the lot buyer to choose his own home. They can't give them a sloping land and they can't market it that way. They have to have cars leading to every unit in subdivisions because everybody has to have his car on his lot. Here, cars can be parked on one flat area and the steep area is left alone. So that, strongly, I don't have any doubt in my mind that grading, especially when it's hilly, is less in Planned Development than in subdivision.

DUKE: Considerably less?

SHEYBANI: Considerably less. The steeper the land, the difference is more.

SULLAM: What kind of subdivision are you speaking of? There are all kinds of subdivisions.

SHEYBANI: That's true. We are talking about maximizing the applicant's return on subdivisions. It means putting 108 lots. That is, really, putting the road and filling the site with lots. Now, if you are saying the applicant wants to put two houses on the site as a subdivision as compared with 164, then you are right. But we are talking of a theoretical situation. If he puts 108 sites of 5,000 sq. ft. for R-6 and 10,000 sq. ft. for R-3 and proper public roads, the grading would be more.

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SULLAM: Isn't it up to the Planning Director whether to permit a subdivision of that sort? Can't he--doesn't he have the prerogative to turn it down if there's too much grading?

SHEYBANI: Not for design. As long as they meet the grading ordinance requirement they can do that. Otherwise, it would be unreasonable to add a design review for a subdivision which is not called for at this point.

SULLAM: In the Subdivision Rules and Regulations, aren't there certain guidelines as to grading?

SHEYBANI: That grading guidelines apply to both Planned Developments and subdivisions. The general rules, for example, if you cut an embankment it has to be vegetated, what slope it should have, how to drain the sloping areas. The same ordinance applies here but the amount of grading that is required to create those terraces for subdivisions would be definitely less in this kind of land.

There were no further questions of the staff by the Commission.

TESTIMONY RECEIVED FROM THE APPLICANT:

Mr. Dennis J. Krum, President
L R & I Development One
1311 Kapiolani Boulevard
Honolulu, Hawaii 96814

Thank you for the opportunity to express our ideas and answer your questions.

First of all, I'd like to get our minor concerns out of the way before we deal with everybody else's concerns. We continually research what the market is and we found that we probably underestimated a little bit in the size of the one-and-two-bedroom units and the demand for one-bedroom units. We, therefore, propose some minor changes which I would like to go over with you.

This is the proposed apartment building which we are talking about revisions to which showed a first floor which had a one-bedroom unit on the inside with a very small bedroom and a two-bedroom unit on the end.

The second floor had an inner unit which had no bedroom at all on this level but a loft for a bedroom and a one-bedroom unit on the end.

What we have proposed to do, subject to the approval and, as Ali said, the Director of Land Utilization, is to move the bedroom of the one-bedroom units on the first floor to the edge of the deck to allow for either a larger bedroom or a small storage area in addition to the bedroom--in fifteen 1-bedroom units. And to amend the second floor to match the first floor. This will add fifteen additional bedrooms in the two-bedroom units and it will add another bedroom to what was previously a one-bedroom unit on the inner unit.

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The total revisions add a total of 13,000 sq. ft. of floor area and it will be substantially under the allowable floor area. The total floor area will be 219,000 sq. ft., as compared to the allowed floor area of 245,000 sq. ft. That's just about all of our concerns.

At the previous public hearing on the General Plan amendment, two people offered comments and expressed concerns which we would like to discuss. One was the matter of flooding and I notice, Commissioner Sullam, you are concerned about that also. That is one of the problems with any sloping site but we found from our site inspection that the flooding situation that occurs now is a very minor crossing of Pulama Road of the water and then coming back, as we noticed on the site inspection.

The drainage plan, as we propose it, will solve those problems. It will keep the water on our site and dispose of it, as it properly should, instead of going into Kam Highway and crossing the street.

Another concern expressed was that of the sewage plant. There haven't been too many private sewage treatment facilities built. Those that have been built by private enterprise have generally been built with standards to turn them over to the City. They are generally built for larger areas because of their cost and everything else. And I have an idea that people that are expressing concern about sewage treatment plants are referring to the type that they see at Ahuimanu Clubview Estates area--a large, very, very visible sewage treatment plant.

The type we propose is a completely self-contained tertiary treatment plant. It's approximately 7,000 sq. ft. in size, is located primarily underground, and will be located in the corner section of the property--the lower green area where it can be landscaped completely around it.

Another concern, in fact a major concern, was the displacement of approximately 60 families on a site which was General Planned for public school, and that the existing school in the area would be overloaded by the generation of children from our development and other developments. The Commissioners reacted to that concern and that was one of the reasons for your inspection of the site.

To clarify that point, we wrote to the Department of Education. We received a response dated August 19, 1974 and we distributed a copy to the Executive Secretary. I don't know if it was passed out a week or two ago. I won't read the whole letter but the key points, I think, made by the State of Hawaii Department of Education is, "we do not currently foresee the need for the second elementary school site in Kahaluu Valley in less than 10 to 15 years."

The second point they made was that the Kaalaea Elementary School site, the site which is now General Planned for school and in which there are 60 families living, the response to that is, "We cannot categorically state that the General Plan Kaalaea site would not be selected as the second elementary school in Kahaluu if a site selection were conducted now. However, past experiences indicate that displacement of families

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would be a major negative factor both in terms of relocation costs and negative community reaction. We anticipate that future studies will result in selection of an alternative to the site now shown on the General Plan."

I believe that the final concern of the people testifying at the previous hearing was the change in lifestyle--the change in character and the idea of Kahaluu itself. This, again, I don't feel is true because we are going Planned Development instead of subdivision. More likely, the lifestyle would change more drastically if we did go subdivision. But an interesting reaction was found in the court case in Petaluma, near San Francisco, in which they attempted to restrict growth. This is one being watched by the entire nation. The U. S. District Court in San Francisco found that if housing supply is artificially limited, substandard and obsolete housing which should be replaced would remain in the market to deal with the high demand and will partially fill it with low-quality structures. The over-all nature of the Region's housing stock will decline. Our tour showed that many people are crowded together in substandard housing--housing that was not suitable for other sites, that was moved onto the sites which they now occupy, to fill the tremendous demand in the Kahaluu area.

We would also like to address ourselves to the concerns of the Director in his report, and to concerns expressed by members of the Commission in previous discussions. The Director recommends improvement of Pulama Road from the 44' to 56' width. We agree with that heartily as access to any project must be as desirable as possible to make it salable.

The Director was concerned with recreation facilities and I'd like to illustrate what we propose. We have stated in our application that we intended to have ball courts on the site and it is our intention to locate in this corner next to the sewage treatment plant. There is approximately one and one-half acres of low, level ground which is not suitable for housing construction. It will be in the location of the sewage treatment plant but also allows room for a variety of ball parks.

There was another concern in that this soil is not suitable for disposition of the sewage effluent--and that is correct. Our reason for locating the sewage treatment plant in that corner was to remove it from housing, to put it in an area where it could be obscured from vision by the street and to allow a gravity flow into the sewage treatment plant. The treated effluent, incorporated with the sewage plant, would lift the treated effluent back up to the refuse area where the wells are located. So the soil in this particular site is very well taken.

One other very major concern is that of slope which we've been discussing with the Planning Director. Part of our site slope exceeds 25%. The portion of our site that slopes over 25% is 13%. In other words, 87% of the site has slopes of less than 25%.

I noticed before that Commissioner Duke mentioned that many areas in Honolulu would not exist if our forerunners had limited construction to 25% slope or less. Aliamanu, upper Kalihi, Alewa Heights, Nuuanu, Dowsett, Punchbowl, Makiki, Roundtop, upper Manoa, St. Louis Heights, Wilhelmina Rise, Kahala Heights, Waialae Nui, Waialae Iki, none of these areas would exist because slopes exceed 25%.

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Now, it is our intention to avoid as much as possible digging into slopes. The steeper the slope the more difficult it is to build, granted. But that same steepness of slope makes the land more usable for housing than for any other possible use. It's pretty hard to play baseball on, it's not very good for industrial plants, for conservation of land it's there but it really has no use. I think our housing shortage demands that we use our land to the best of our ability as long as it isn't totally ridiculous. And in this case, it isn't.

In addition to that, our site coverage for all dwellings, all car areas, everything that we build, is 19% of the total site. So 81% of the site is not even touched as far as construction--as far as buildings are concerned. If 13% of the site is sloped over 25%, and we only build on 19% of the site, a random construction would mean that we would build on 2%--2% of our construction would be on slopes over 25%. In addition, of course, all of our houses have to be designed for those slopes.

The last thing that we heard and it was a little bit humorous but it isn't too humorous from our standpoint--and that is the Department of Transportation. We agree in principle and accept all of the Director's comments in recommendations except for the condition on the Department of Transportation. In January of 1974 the State Department of Transportation responded to the Director's request for comments on our Planned Development and he had no objections. The State Department of Transportation wrote back that it would not appreciably reduce the operating capacity of Kam Highway. And Kam Highway leads into the Pali and Likelike Highways. Yet, in early July or very end of June, the Oahu Transportation Planning Policy Committee stopped the H-3 and three days later the Department of Transportation wrote back to the City and said, "alright, then we don't want any developments approved." We feel that this is making our project part of a political football and we cannot afford it. It will prevent our developing the property, no lender would touch it, we couldn't go ahead and spend the substantial monies needed to go through the final planning phases. No matter what approvals we get from this Commission and from the Council mean nothing, and must be approved at the Department of Transportation level.

Referring to the Department of Transportation letter, the statement was that all projects which result in an increase in density should be deferred until disposition of the H-3. We agree. Our project does not increase in density. You have heard that it does, that we have 7.3 dwelling units per acre as opposed to 5.7 dwelling units per acre. And that is correct. However, of our development, 94 of the units are apartments and they are much smaller than they would be if they were single-family houses or duplexes.

If we were to build houses of approximately 1800 sq. ft. which is about as small as you would want to build a fee-simple house, we would have 232,000 sq. ft. of floor area as opposed to 219,000 sq. ft. in our Planned Development. That would be a difference of 10,371 sq. ft. per acre under a subdivision, represented here, as opposed to 9,800 sq. ft. under our Planned Development, including the increase in floor area which we propose.

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A similar change in density, when you look at people, occurs. We researched the Gilman Study of 1969 and the Kaneohe-Kailua Origin Destination Study of the City Department of Transportation Services of 1971 to find out population characteristics of single-family and multi-family units. We find that single-family averages 4.3 persons per dwelling unit whereas multi-family averages 2.9. By combining 2.9 for some of our units which are multi-family and 4.3 for those which are the large townhouse units for the single-family units, our population density is 23.9 per acre as opposed to 24.8 under subdivision. Again, the density is lower.

Similarly, in grading--we're talking about streets. A rule of thumb on developments, I believe it's part of a cluster standard is that 20% of the land area is for roadways and is deducted from your building area. This 20% of roadway area in a subdivision would look like this (referred to maps) and that does not include parking and private garage area. By comparison, our total car area including the parking and garages is 7400 sq. ft. per acre as opposed to 8,700 sq. ft. under a subdivision.

And last, the reason for the Department of Transportation's talk about density is cars--because the highways are overloaded. From the same Origin and Destination Study, a single-family unit generated an average of 2.3 cars per dwelling unit; multi-family areas 1.2. By adding up our total for a subdivision, again, the subdivision would add 13.26 cars per acre; our Planned Development 10.9. For this reason. Density is a totally different thing than just units per acre. People, cars, grading, floor area, lot coverage, everything else, is reduced under the Planned Development.

We feel because the density is not increased, the Department of Transportation's approval or recommendation that any project with an increase in density should be deferred, does not apply to our project.

In summary, we agree and accept all of the conditions that the Director has recommended with the exception of the approval requirement of the Department of Transportation including the recommendation or condition asked this afternoon and that is that the Environmental Impact Statement be approved prior to issuance of the grading permit.

That concludes our presentation. I'll be happy to answer any questions.

Questions of Mr. Krum by the members of the Planning Commission:

DUKE: This sewage treatment plant that you are going to install. I did make a field trip and even though you are not going to build houses where you propose the treatment plant, there are some houses surrounding that. Is that not true?

KRUM: There are, slightly removed from it on the back side fronting on Kam Highway, yes.

DUKE: Not too far away?

KRUM: Not too far. Right.

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DUKE: I'm always concerned. I know no one wants to talk about sewage treatment plants. They smell like everything. This particular type you are constructing, is there any in operation on Oahu?

KRUM: I really don't know. One thing, I know the City & County does not construct tertiary treatment plants and tertiary is quite a bit removed from the large settling ponds and everything else we see. I would like to put that question to Bryan Grady who is our engineer on the project.

GRADY: The tertiary treatment plant isn't too much different to a secondary treatment plant that you see in condominiums used quite a few places here on Oahu and used extensively on Maui and on the big island. The big difference is that we have two points of application of chemicals to remove two specific nutrients--nitrogen and phosphorous--which is what causes eutification, etc. in the bay. As part of this process also, we use a deep bed sand filter which takes out most of the particular matter.

Now, none of these processes in themselves are complicated or unusual but the trick is with a package plant to put them together so that they are relatively foolproof. On a big municipal plant, you've got a lot of employees to take care of treatment. On a package plant, sometimes it's just the manager of the condominium who takes care of it.

So, you usually find it is big corporations who spend a lot of money to research this until they get it to a point where it is almost like plugging in a refrigerator. You put it in and it works. This is a completely enclosed thing that sits in the ground and can be very readily screened. None of the houses adjacent would be looking down into it. We'd make sure there was adequate screening.

As far as smell is concerned, these package plants are completely aerobic. The problem in municipal plants comes from what we call primary settling tanks which allows sewage to get septic at times. That's the trouble with Aikahi, for example. It's not up to capacity and sewage gets septic and at times it smells. This plant, if you're 10 feet away from the plant, providing it is maintained properly, you won't smell a thing.

DUKE: How about noise?

GRADY: Some of the package plants that have been installed are noisy because they put the blower and motor up on top of the structure and the vibration makes quite a bit of noise. We always design it so the blower and motor is in a pit right alongside the plant and covered with a fiberglass cover so that noise is no problem. I will qualify that by the fact that you have to have adequate maintenance. If the maintenance man doesn't scrub the tank down periodically and give it good housekeeping, you can get odors. But with proper housekeeping, it's absolutely no problem.

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GRADY (continued)

I could refer you to someone Maybe this would be useful to the Commission at some time. I've got a map back in my office showing the coast of Maui and the number of condominiums there that have package treatment plants and I think they number between 30 and 40 condominiums. There are a lot of them that have been installed in this State.

DUKE: I'm pretty sure that there have but I just haven't seen one yet.

SULLAM: What is the sea level over there where you are locating your sewage treatment plant? How much above sea level is that area--the ground level?

GRADY: I'd have to verify that. It's roughly an elevation of 4 or 5. It's rather swampy. We'd have to build something to keep the treatment plant above the flood plane.

SULLAM: Then you are banking on the hope that there will never be so much water that your plant will become flooded.

GRADY: No. Because it is actually part of our drainage system. We'll be taking out the drainage water from that gully that runs through the side, taking it in a storm pipe down and discharged through a box culvert under Kam Highway--from the project site to Kam Highway to the ocean.

HOSAKA: Earlier we had Commissioner Duke raise the question about the letter from Mr. Moriguchi regarding the Environmental Impact Statement. You are saying that all conditions meet with your approval except the condition as far as transportation. OK. I understand that but would you care to expand on this environmental thing?

KRUM: We have discussed this with Corporation Counsel and our counsel who was also present at the meeting, and Mr. Sheybani's recommendation or the additional condition that was imposed that prior to issuance of a grading permit the Environmental Impact Statement would require to be approved. We would need approval of the appropriate agencies of that statement and, again, I say we accept that condition.

Now, we would not be very happy with being asked to supply an Environmental Impact Statement before any further approvals are obtained because that would be totally restrictive. In other words, before your action and before Council action. But we have no objection to the Environmental Impact Statement becoming a condition of the approval.

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SULLAM: I feel rather reluctant to approve a project that requires an Environmental Impact Statement until I see the Impact Statement. The question is, I would like to know if the Environmental Impact Statement shows this project to be detrimental to the environment. I certainly don't want to approve it if it is.

WAY: If I might comment on it and I think maybe Ali Sheybani will want to respond as well. I would observe that the issue of Environmental Impact Statements has been one that I followed with great interest for a number of years and I think that when a project--when a proposal for development progresses through the various stages of approval, the end product should produce an Environmental Impact Statement.

Putting it another way, as you move from a very--rather broad, rather general evaluation into more detailed and specific design project development to the point where you actually are prepared to request and receive a building permit, at that point all of the environmental questions should be cleared up, as well as all of the other technical questions involving drainage, sewerage, grading, architectural design, site plan and all the rest--in the case of a PD particularly.

From my perspective, I think this is one of the concerns and serious criticisms that we have had of the legislation that's been proposed. And this is kind of a broad view, if you will. It has, it seems to me, attempted to impose a rather specific condition for Environmental Impact Statements--and I use that term in a very strict technical sense. And to be very specific, I would say the definition is used in the need for the National Environmental Policy Act which has been the guideline for Environmental Impact Statements.

Now, if we're talking about that, in my judgment it is wholly inappropriate to have a full blown Environmental Impact Statement at this stage. It is also inappropriate to have one at the General Plan stage and at the Zoning stage. But, again, as I say, an approach that I would like to see is that when you get down to the end of the line and the public interest is being signed off, so to speak, through the issuance of a permit, then you should have completed everything necessary to, in fact, have an Environmental Impact Statement.

Typically, we have evaluated environmental issues in General Plan changes, in Zoning changes, and in Planned Developments. In fact, Planned Developments probably get more attention, broadly speaking, to environmental issues than any other form of review that the City has at present.

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WAY (continued)

So, kind of in summary, I would say that it seems to me we are headed in the right direction here by requiring it in the same way we say to the applicant, "You must submit an approved grading plan." Now, this Commission is not going to sit in judgment on a specific grading plan. That becomes quite a complex technical exercise.

I might even take it a step further and say, assume that the project had a bridge on it. Would you, as a Commission, be prepared to evaluate the structural design of that bridge? Well, of course not. However, you would want to be assured that a bridge was provided, that it met all the code requirements and good design and engineering practice. And you may want to have a condition to that effect. But in the case of an environmental evaluation, which is, in fact, being done through the PD process, ultimately the whole system would lead to an Environmental Impact Statement in a very technical sense. It seems to me that this is the right approach in this case.

Now, if the Commission feels--getting back to the question--more particularly, that some additional information in an area that you have some concern for, of environmental moment, then I think it's quite appropriate to raise that question and ask the staff, the applicant, whomever. If, for example, you are worried about environmental consequences dealing with vegetative cover on the site, or whether or not there are any historical sites or artifacts, then raise these questions. I think they will be dealt with ultimately. And, it's somewhat in this context that they say--and it's been our experience--we think they ought to be looked at. We've got to keep this environmental impact evaluation in its proper perspective. It's part of a whole spectrum of technical analyses that must be undertaken to lead to the ultimate approval of a project.

SHEYBANI: Mr. Chairman, just as a point of clarification, I would like to mention that the Director of Land Utilization's recommendation was not to set a time when this Environmental Impact Study should be prepared. It is totally at your prerogative, whether you require it now or at City Council stage or later on, but that is a possibility. Also, I would like to mention that Mr. Kato from Corporation Counsel who specifically worked with us on this is here for further elaboration of questions that you might have.

CRANE: Do any of you have questions of Mr. Kato from Corporation Counsel relative to the Environmental Impact Statement?

Mr. Kato would like to make a statement.

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BERTON KATO: I don't want to disagree with Bob Way but I discussed this matter with Mr. Wanket yesterday, as a matter of fact, and it's a continuing discussion that we have concerning Act 246 and how it is to be applied. In fact, we had several discussions with the State Administration and the State Attorney General's office and the Environmental Commission--the staff of that commission--trying to figure out how this Bill applies to City procedures and operations.

Now, through discussions with Bill Wanket, we determined that an Environmental Impact Statement should be imposed prior to Council approval In other words, the intent of Act 246 was to inject environmental review which would expose environmental problems prior to any type of approval of projects that may have adverse effects on the environment.

Now, the interpretation of the Act. The Act is worded such that an Environmental Impact Statement could be required "after" Council approval. It could also be interpreted to mean that it could be required "at the DLU stage" with respect to a PUD application. In other words, before you even receive it, DLU would require an Environmental Impact Statement and would have to accept it before it would grant its approval.

With respect to this particular project, however, DLU approved it without considering Act 246. It was only an afterthought that they realized that Act 246 may apply. At that point and time they approached the office of Corporation Counsel. We discussed it and, again, we made a determination that the policy with respect to PUD's, unless subject to a change by the Commission--the same Commission--and the State Attorney General's office, would be that Environmental Impact Statements would be required for PUD's prior to the issuance of approval by DLU. In other words, by the time the PUD comes before you, that statement would be available and would have been accepted.

Now, with respect to this particular project, I recognize the concern of the developers, and it is my opinion that the statement should be submitted prior to Council action. So that means Council will have the benefit of seeing the statement prior to its rendering its opinion or approving or adopting the project.

Now, whether or not you would like to wait for that EIS, I think--I talked with the developer and his attorney, I recognize his problem, I would not want to render a definitive statement concerning that he cannot proceed unless the statement has been accepted. I would like an assurance by the developer that that statement would be received prior to Council action on the matter.

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BERTON KATO (continued)

Again, I repeat, the purpose of the Environmental Impact Statement is to assure that environmental concerns are exposed prior to the approval of these projects. In other words, after Council has approved the project it's a little too late to start worrying about environmental concerns.

Let me just add one more point. The Environmental Impact Statement is not a process--Act 246 is not a process by which you can say, if you will, stop a project because of adverse environmental effects. The sole purpose of Act 246 is to expose those effects. Once all approvals have been granted, all the applicant need to do is to describe, adequately, in his statement, the environmental effects and then he can, as a matter of right, proceed. Therefore, a popular interpretation of Act 246 would be that it be injected into the discretionary processes--not at a point where all discretion has been exercised and the mere issuance of a permit and the mere approval is a matter of right and not a matter of discretion.

Again, this is basically why we injected the--our interpretation of Act 246 was to inject the Environmental Impact Statement before Council received it.

CRANE: I have a question if I might. Are you saying then that once the approval is given by the Planning Commission and the Council, that the department has no discretion in interpreting an Environmental Impact Statement relative to issuing a permit?

BERTON KATO: Right. What I'm saying is the sole test of whether an Environmental Impact Statement is acceptable is not whether it is going to have adverse effect or not. The sole test is whether the applicant has adequately described in his statement the effects, be it adverse or beneficial. In other words, it's a little too late to consider, say, rejecting the project once all the discretionary judgments have been exercised.

CRANE: Using that same logic, would we not be bound by the same logic here? In other words, could the Commission or the Council fail to approve if, indeed, the developer had outlined the effects, adverse or not, in his Impact Statement?

BERTON KATO: Basically, the State Statute is designed to expose environmental effects and, hopefully, the departments that have the jurisdiction--discretionary jurisdiction--would exercise it, taking into consideration what has been exposed by the Statement. Therefore, I would say, as a practical matter, in order to effectuate the intent of the

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Bill, one would possibly argue that this Commission should see the Environmental Impact Statement. However, in this particular case--again, I say that it was inadvertent on the part of our office or the part of DLU that we did not catch this project prior to now. We recognize the difficulty that the developer has. I throw it back to you. I say if you would like to see the Statement, I deem it proper for this body to withhold further action. However, if you have been satisfied by the questions and answers that have been introduced at this hearing, you may proceed and act on it and submit it to Council and hopefully Council will withhold its action until the applicant has had time to comply with Act 246, and use Act 246 as a basis in determining whether its going to approve the project or not.

CRANE: Mr. Kato, I'm not trying to engage in an argument. I'm really trying to clarify for our future interpretation of Act 246 at this level. What I really want to find out is that you were saying at this level or the City Council level therein and totally therein lies the discretionary powers and not after.

BERTON KATO: Well, I think Ali Sheybani can maybe elaborate on the discretionary power that DLU has subsequent to Council's adoption of the PUD Ordinance.

SHEYBANI: I would like to elaborate on what Mr. Kato mentioned--that if it's a matter of bringing out the points that an Environmental Impact Statement has to clarify, irrelevant of the decision being made, whether we agree with or not, that's another matter. That City Council agree with the findings of Environmental Impact Statement or not, as long as the facts are brought up and made public. That's one way of looking at it. The other is at every stage of the project you can justify that as you go toward implementation --as the details increase--then that's the time to make the actual Impact Study because not until you know where exactly the buildings are, how can you determine what effect they would have over the drainage? Not until you know which tree exactly is going to be cut, how can you say that the impact of this development over the vegetated hillside would be great or would be insignificant? So at various stages of study, just to elaborate on this, maybe there would be five or six Environmental Impact Studies that should be prepared. One at the schematic stage for just the original idea, and as it gets to the implementation stage there might be required more Environmental Impact Studies. The fact that Mr. Kato brought up, whether this leads to a negative or positive decision, that might be relevant as long as it is brought up and the points are made public as far as the Impact is concerned.

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CRANE: I'd like to ask one more question. If an Environmental Impact Statement is given to this Commission, if it were before us today, and all of the facts were there, are you saying that we couldn't use that in determining whether we would or would not approve this project?

SHEYBANI: The answer could be yes or no. If the Statement is that this project would end up killing some kind of shellfish a half a mile out from the shore, you know the facts but whether you base your judgment on this project on it or not that's another matter. But, at least, the fact is known as to what affect it has over the...

CRANE: Can I follow just one step further? If their answer there is yes or no, in other words we can consider it but we can't say we considered it, then could not somewhere, someone who was issuing a permit use it and yet not use it?

BERTON KATO: Let me just explain what is happening here. We're talking about Act 246 and what it requires. That's one aspect of the problem. We are also talking about the Charter and what discretions are granted to you with respect to approving PUD's. Once an Environmental Impact Statement is submitted to the Department of Land Utilization (who is the approving agency under Act 246 and has the authorization to accept a Statement) that authorization as to whether the Statement is acceptable or not goes only to the question as to whether the Statement adequately defines the environmental problems. Now, if the Statement adequately defines the environmental problems, then under Act 246 DLU is obligated to accept the Statement. Now, acceptance of the Statement is made a prerequisite before DLU can grant its approval.

Now, once they've accepted the Statement, DLU can still withhold approval. In other words, if the Statement indicates that there will be adverse effects, it can exercise its discretion under the Charter which gives them the authority to review these projects and say, "We disapprove this project because, as indicated in the Environmental Statement, there are adverse effects."

So acceptance or non-acceptance of a Statement does not mean that DLU must or must not approve the project. But the acceptance of an EIS under Act 246 is a prerequisite before approval can be granted.

CRANE: But you are saying--using that next step--using that criteria--you are saying that after it gets beyond this stage, and the Council stage, that a permit cannot be denied because of the fact that an EIS was submitted?

BERTON KATO: If, for example, when you are dealing with a building permit--let's take a project that need not go through the General Plan amendment review processes and does not need

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BERTON KATO (continued)

a PUD application but it's a project that has proper General Planning, has proper zoning and now all they need to do is erect the building. When they go before the Building Department and request the building permit, the Building Department has no discretion with respect to withholding or granting a building permit--unlike this body--unlike DLU--unlike DGP. It must issue a building permit if the plans comply with the building code and the zoning code. If they improperly deny that building permit, the applicant can go to court, ask for a writ of mandamus for that building permit to be issued. However, with respect to that situation, they can require an Environmental Impact Statement. Whether the Statement is acceptable or not depends on whether it adequately discloses the environmental effects.

However, under the jurisdiction given to the Building Department by City Ordinance and by Charter, the Building Department exercises no discretion with respect to approval or disapproval of a building permit. It must merely look at the building plans and grant or deny, based on what the standards are in the building code, in the zoning code.

That situation is different from your body where you do have discretionary authority. Therefore, when you look at an Environmental Impact Statement you should take what's there and incorporate it into a decision-making process.

CRANE: From what I understand, the requirement by the Building Department, at any point, of an Environmental Impact Statement is an exercise in futility?

BERTON KATO: Yes.

CRANE: Thank you.

DUKE: I'd like to get something clarified in my mind. Counsellor tells us that in all issues of a Planned Development the Department of Land Utilization must have an Environmental Statement prior to submission to this Commission. Is that correct?

BERTON KATO: Yes. Yes. With one clarification. It's only subject to Act 246 if it comes within any of the classes of action designated in Act 246. In other words, in this case, the reason why this particular project is subject to Act 246 is because it upholds the General Plan Amendment, which is one of the classes designated in the Act.

DUKE: It's contradictory. I don't know how you can do one unless you can do the other.

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BERTON KATO: I believe the question that was posed previously was, "When it reaches the Building Department stage, isn't it an exercise in futility?" When you are starting at the opposite extreme, if you are at the General Plan stage where really what's before you is not a project but broad policy making, which is what the General Plan is, in my opinion it's not required at that stage when the developer has not formulated his plans.

I think, in interpreting the Act, we have to think of a reasonable point and time where the plans are fairly definite, as indicated by the developer here--his plans are fairly definite and he's coming in with a specific project in mind--and I think since its still before the exercise of discretion by this body, by DLU, by Council, I think it's appropriate to require one at this point and time. It would be ridiculous, in my opinion, to require one after Council has approved--at that point, if there is discretion it's a limited one and you could not stop a project once--no matter what the adverse effects are at that point and time.

WAY: I'm not sure that I have any question about the interpretation of the law but rather a question as to the role that DLU plays in this process. You seem to indicate that they have some kind of approving role. From my perspective, the only authorization--and we're talking specifically about PD now--they don't approve or disapprove of PD in any way. I want to make that point quite clear. Their initiation is, in fact, almost administerial. They have no choice in the process. Now there is a choice in the case of zoning and General Plan amendments. That is to say the respective Directors can decide to initiate or not. That's another issue.

But in this instance, the only, it seems to me, authority that is drawn into the picture for DLU is by way of the Council's authorization--by approving a condition or authorizing them to undertake the continuing studies necessary, in this case, for an EIS. So, I'm a little concerned on the procedural interpretation, if that be the situation, that you may have some confusion or not full understanding there of the differences.

BERTON KATO: The question as to what is an approving agency has popped up on numerous occasions in the past and, as yet, it is still not resolved. As far as the City is concerned, it has been resolved. However, the State Attorney General's office, as I mentioned before, has been advised of the problems that we are having in implementing Act 246. The State Environmental Quality Commission also has been advised. We are presently awaiting their determination. They have had time to address the question. They're hesitating.

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BERTON KATO (continued)

I don't know why. We would like a definitive statement from them. However, in view of the fact that they have not given us any indication as to what their opinion is going to be, we have proceeded to interpret the Bill, as we must, since we are obligated to enforce it. Obviously, that means we must interpret it in order to enforce it.

With respect to your question, as to whether DLU is an approving authority under Act 246 which enables them to require, in the first instance, an Environmental Impact Statement and, in the second instance, to accept that statement. Our office's original position was that where Council has the authority to approve and prior departments only have the authority to recommend approval or disapproval, that those prior agencies were not approving authorities--approving agencies--within the meaning of Act 246.

However, our subsequent discussions with the State Attorney General's office and with the State Commission has indicated that they don't like our interpretation so we proceeded to modify--no, we proceeded to modify our position to the extent that we believe and we are willing to accept the State's position that DLU, upon receiving an application, at that point and time they must recommend approval or disapproval and would be an approving agency in this particular case.

With respect to DGP at the General Plan stage, however, I think we have encountered other types of problems--other types of factors--which remove DGP as an approving agency at that stage. Those factors being that DGP does not really review a project. DGP reviews General Plan amendments. The difference being that one involves a specific undertaking. The other involves establishment of broad policy.

Furthermore, at the General Plan stage the applicant is in no way locked in to the type of project that he is going to implement. However, at the PUD stage, once Council has adopted a PUD Ordinance, the applicant is bound by numerous restrictions and conditions which more or less make his program concrete. And that is the difference between DGP and DLU.

CONNELL: I would like to get into this specific application. As I understand it, Corporation Counsel is indicating that there should be an EIS before this reaches an approving agency i.e., Council.

BERTON KATO: No.

CONNELL: Didn't you indicate that you felt that an EIS should come forth before it reaches Council?

BERTON KATO: Right.

CONNELL: Alright Let's get off the approving agencies, recognizing that all the Rules and Regs on the State and County levels haven't been worked out in terms of EIS. Am I to understand, under our discretionary powers and under Act 246, that we can suspend portions of the Comprehensive Zoning Code to indicate a transmittal period on Planned Unit Developments by this Commission?

BERTON KATO: I don't understand the question.

CONNELL: Section 21-1004, subsection C: Action by the Planning Commission. Within 30 days after receiving the Director's report, the Planning Commission shall hold a public hearing on the application, notice of which shall be published at least 10 days prior to such hearing. Within 30 days after such hearing, the Commission shall submit its recommendation to the Mayor for transmittal to City Council.

Now, it would seem to me that if this Commission were to wait on an action--on its action--based upon the need for an EIS, which I understand is at least one of your recommendations, even granting a certain flexibility to the particular provision, I doubt that it can be so flexible as to cover the period of time needed for any EIS.

BERTON KATO: OK. The first point is that I believe the order states that after the termination of a hearing then the 30 days commences. The one alternative is to continue this hearing. In other words, keep it open. At that point, the 30 days never runs. Secondly...

CONNELL: I believe Corporation Counsel has ruled in previous times that keeping public hearings open has to be done on a "reasonable basis".

BERTON KATO: To comply--in order to comply with Act 246, I would imagine that inasmuch as the State has superior powers to that of the County it can superimpose its time constraints on our procedures.

CONNELL: Then Act 246 supersedes the Comprehensive Zoning Code?

BERTON KATO: That would be my opinion. Right. In other words, they can add an additional requirement that before--in fact, they are--the Act states that before the City agency can grant approval, it must accept an Environmental Impact Statement. Which seems to me that whatever time restrictions are placed by Ordinance or by Charter has been superseded by a State Statute.

CRANE: Mr. Krum, do you have a question?

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KRUM: Yes. I hope I can clarify this by reading Act 246. I hope it will have some effect or it has some relationship to what we are talking about. Specifically, Act 246 requires an Environmental Impact Statement from all actions proposing on any amendments to existing County General Plan. In addition to other things but definitely not for Planned Development applications.

It also says, as of the effective date, for those actions pending approval as of the effective date of this Act, which was early June, or for which an applicant requests approval prior to the effective date of initial rules and regulations adopted by the Commission (which I don't believe have been adopted yet) the Agency authorized to approve such action at its discretion may require a Statement from the applicant.

Now, it appears to me that the Agency authorized to approve the General Plan amendment application at the effective date of Act 246 was the Department of General Planning.

"At its discretion" it elected not to require an Environmental Impact Statement.

This body, as a further approving or agency authorized to approve a General Plan amendment application also approved the General Plan amendment application and at its discretion elected not to require an Environmental Impact Statement.

As an Environmental Impact Statement cannot be required of a Planned Development and as the General Plan there is only one body which is yet to approve it, which is the City Council. The City Council, it appears, is the only one that can require an Environmental Impact Statement. Again, "at its discretion".

Corporation Counsel's opinion is that this action--the Planned Development application before you--requires the General Plan amendment application and, therefore, this action triggers the need for an Environmental Impact Statement. I'd like to ask Corporation Counsel, then, a question.

Assuming that this body defers action on the Planned Development and that the City Council approves the General Plan amendment prior to any recommendations by this Commission and that the City Council approves that General Plan amendment without an Environmental Impact Statement, how could the Planned Development application require an Environmental Impact Statement as a triggering action for a General Plan amendment that would not be required because it would have been accomplished?

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BERTON KATO: No. I know very few people understood what you said. I do because I've read that Act about 100 times and so has Bob Way. An action is defined under--I guess we have to go through this--an action is defined in Section 1 or Section 2, I believe, as any program or project for which the applicant seeks official approval pursuant to some Statute, Ordinance, Rule or Regulation.

Now, Section 4a,2E, which deals with General Plan amendments, states that any action proposing a General Plan amendment is subject to Act 246 and subject to environmental review. If you analyze the language of those two sections that I've quoted, the action of which the Bill speaks of is not the General Plan amendment. The action that they are speaking of is the action that the applicant is proposing--that he proposes to implement--which, in this case, is your PUD. Your PUD is your action and that action proposes a General Plan amendment. Therefore, that project becomes subject to Act 246 under Section 4a,2E.

I discussed this with your attorney, Mr. Krum, and your attorney agrees with me, I think.

KRUM: No, I think he used to. I don't think he agrees with you any more. In fact, I'm sure he doesn't. He disagrees with you very strongly.

I'll try to break down that long chain of events and let's make it a little bit brief. Let's say that this Commission defers action on the Planned Development. The Planned Development is set aside and it sits there someplace. The City Council approves the General Plan amendment which was just approved and going to them. Correct? Alright. Let's say next week Wednesday they approve the General Plan amendment. This Planned Development sitting here has nothing to do then. It doesn't require a General Plan amendment. Does it? If that would have been accomplished?

BERTON KATO: No.

KRUM: Assuming that's accomplished now--next week Wednesday--the General Plan is amended. Right? Now, this Planned Development doesn't require a General Plan amendment and only General Plan amendments can require an Environmental Impact Statement.

BERTON KATO: The Act states that any action proposing a General Plan amendment. Your action that you--which is a PUD--proposes a General Plan amendment. You, as the applicant, propose a General Plan amendment. Because of your actions. Now, when you come in and officially request approval of that action, in other words, your project, the first agency

BERTON KATO (continued)

receiving that approval has the authorization to require an EIS. That first agency was DLU. The DGP, at the time that you submitted your General Plan amendment, did not approve or disapprove your action which is your PUD. It approved or disapproved your proposed General Plan amendment and that is the distinction that we're making here.

KRUM: Alright. So, I'm...

CRANE: Please let the Chair intercede here. We are rapidly going into a debate here. It's been about forty minutes relative to the interpretation of Act 246. I'd like for us to get this wound up so we can take some action. Obviously, there's no agreement between you and Corporation Counsel.

BERTON KATO: There is agreement between the Corporation Counsel's office and the Department of Land Utilization. Our position is --and it is a concurrent position--that DLU has the authority to require an Environmental Impact Statement. Inasmuch as they failed to do so before they gave approval to this project, they are doing so now. I remind you that under this Act, any citizen affected by this project would have a right to take us to court if DLU had not made this determination. There would have been 180 days to tolerance the lack of determination by DLU. So, therefore, DLU has decided to act now although, admittedly, a month or so later. I think this serves the interest of both the City and the applicant.

CRANE: We are not cutting this off for one side or the other. We have an Agenda.

KRUM: The requirement of an Environmental Impact Statement prior to approval by this body or other than by Council is not acceptable to us as a developer. We have been incurring costs. This project has gone far too long already to allow us to continue.

TAKEHARA: I have a question of Mr. Kato. Somehow along the line, someone neglected to inform the developer that this was a requirement?

KATO: Yes. Mr. Wanket came to me yesterday and raised the question as to whether this particular project was subject to Act 246.

TAKEHARA: The Environmental Impact Statement is a requirement of this PUD but you neglected to inform them in time to do it?

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HOSAKA: In your opinion, we're on real solid ground if we require the applicant to come up with an EIS and you will appear in court with us?

KATO: I checked it out with my superiors. They are convinced that our interpretation is correct. Yes, I would appear in court.

SULLAM: I think we should go on with the public hearing and hear the people who have come here.

There were no further questions of the applicant by the Commission.

Mr. Joseph Chu, Project Manager for Land Research & Investment Company, asked permission to make a statement in favor of the application:

"I am the project manager for Pulama Gardens and formerly worked for the Planning Department. In working on the General Plan amendment and Planned Development project myself, it is my experience with an EIS the types of questions covered in an Environmental Impact Statement, as stated by Mr. Way, have been covered in preparing the General Plan amendment application and if not in detail will be covered by the time the application reaches its final stages."

TESTIMONY RECEIVED AGAINST THE APPLICATION:

Mrs. Luka Naluai
Hui Malama Aina O'Koolau

Our people have been moved out of Kakaako, Kalama Valley, Kalihi and different areas and are living in Kahaluu and this is the poverty pocket. Where are you going to put these kind of people? They can't afford $35,000 homes--let alone $20,000 homes. They can't afford it, so where are you going to put these people?

The school that's going to come there--the school is there now on your General Plan. Now, what's going to happen is that new people will be coming into the area and moving the grass-root people out. We were there first. So why should we give up our land for the incoming people? Why should we? Sure, that's their land. Let them build. Then let them build what we built--R-6. We built R-6 in our area. It took ten years before I was able to build a house in this area where the school will be because the City Planners stopped us. They said there were two zonings in the area. Finally, I was able to get the second house built there. Now, with the school that's going to be built there. This is Kuleana land--remember this. Land from the King down to us. We're not about to give it up--for schools, for new people moving into the area--we're not about to give it up because that's land from our ancestors and we're going to keep it. So if they want the school and they're going to bring this kind of development into the area, then put their school in their area. They have added land now.

The thing that bothers me is that on your PD development, they get a bonus. They would have, if they were on this R-6, they would have about 56 extra homes built. Multiply that by $90,000 and what do you get? About $5 million. At $45,000 you get about $2 million. I want a guest cottage. They won't even let me have it--in my R-6. Where's the fairness on this whole thing? Are laws made for just certain kind of people? What about us? I mentioned before the number of children and grandchildren I have. They're going to need homes later on. I want to build a guest home and you won't let me. Yet you allow these people to get bonus homes where they make millions of dollars. I can't even get a guest cottage. Is it fair? All of you sitting here, you might be in the same predicament one day. Look at it from my point of view. These people have suffered enough. People that have come from all areas to this area, they're going to have to give up their lifestyle because of the school--because of the newcomers in the area. This is the way that they live in the area. They have to get used to this way of living and they love it right now. They don't have to depend on people. Like I mentioned before, people who live in Kahaluu do not depend on the City--on welfare. They are not recipients of welfare except those who have moved in from the poverty areas of other areas. We know how to live but with the school coming there, look at all the people. This is where the majority of the people are. They're going to be moved out because new people are coming in. So the grass-root people have to move out. It's not fair. Not fair. And I don't see how anybody sitting at this table could even think for a minute of permitting this kind of thing. Sure, let them build the R-6 houses. They'll have enough houses to give them enough money for the area. Why should they have 56 homes bonus and make $5 million or $2 million and then get rid of all the people there in that particular area? And also the area is flood area. How can even the DOE recommend having a school in that area? I don't know except that maybe they're trying to get the poor people out of Kahaluu and put in all of the people who can afford, like $100,000 homes -- $50,000 to $90,000.

Then about the sewage treatment plant. Where have you seen the sewage treatment plant that has been working 100% condition? Where? I went to Ewa Beach one day and I saw all of the cesspool water coming out and they dug a ditch for the fluid that was coming out of the cesspool into the ditch and it ran alongside of the road into the stream there and into Ewa Beach--this effluent--and all we had was this slimy thing sticking on the side of the grass and this water running down there. And the stench. A stench people can't stand. My brother lived right next to it.

Now where are they getting this 100% thing that they can put into an area? OK. The effluent goes into the ocean and kills all the fishes there that people live on. And what about the residue? Do they dry it out and sell it for fertilizer?

Kahaluu rains all the time and when it rains and when it storms you can't go out. I used to live there. I was born there. And when it rains, it rains, it rains, it rains, it rains, for days. Especially in November and December and that time of the year. It rains sometimes for days. How are the effluents going to get dried up so they can be sold?

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NALUAI (continued)

You can even smell the stench right now. But they say they can do it--they can make a 100% working thing. Never. What if the electricity goes off? Then they mention that somebody has to clean the thing. What about that?

Shrader was going to have a sewage treatment plant also, in the Wailehua Road. We killed that. It was denied to him. So he built houses--two houses to a cesspool. And I think these people are going to do the very same thing. Of course, the houses sell for $117,000. But we don't want the sewage treatment plant and we don't want--if they can find a school for their people, find it other than the area that we're in --where they would dislocate a lot of people there.

As far as I'm concerned and as far as--I'm speaking for myself but the people there do not want this thing here. If they can prove that they can do all these things to save the people all the stench and save the people from being hurt from this water that comes down from that stream because the road is like this because it tired me when I went down. I couldn't hardly walk back up. This water comes down. Tell me, how are they going to prevent the people down this area from being flooded out? If they can prevent that, they can prevent the landowners from being flooded out, the Ewalikos from being flooded out, the Kualimis from being flooded out, all these other people that live in the area, then maybe they got something there. But right now, no.

As I can see it in your Act 246, the environmental impact is very important. I think you all know that. This is the thing that must be done before any project is pursued and completed. Thank you.

Questions of Mrs. Naluai by the members of the Commission:

KAHAWAIOLAA: Are you saying that the project site that is proposed has people staying on it?

NALUAI: Not on the project site, no. It's below the project site.

KAHAWAIOLAA: You were saying that the project would displace people.

NALUAI: It will displace people in the school area, if you were following me.

KAHAWAIOLAA: Where is the school area?

NALUAI: In Kaalaea proper. You are on Pulama. OK. Kaalaea is further down. This is where the school site is on your DLUM plan.

KAHAWAIOLAA: There is a school site there?

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NALUAI: There is a school site there. There's no school right now but, like I mentioned, the Department of Education says that maybe in 10-15 years. By that time, the families have multiplied. Then they are going to need a school. They know how they are working this thing out. The thing is we don't want it to happen.

KAHAWAIOLAA: Then you think you don't need a school in this area?

NALUAI: I'm saying that if they are going to put that many people in their area (they have just added more acres to their development) then put the school in their area--right there.

KAHAWAIOLAA: Where the school is going, it would displace people?

NALUAI: It would displace about 60 families. You haven't been on the tour? That's why you didn't know. The houses are just about 5,000 sq. ft. apart from each other.

CRANE: May I ask the Director a question?

NALUAI: May I say one more thing?

CRANE: Just one more minute. I want to get a clarification on something.

Did not the Department of Education's report state that in determining future school sites one of the primary questions was displacement of people and that perhaps in 10 or 15 years when they do make that determination that would then be within their purview and they have stated that's one of their considerations--as whether it would displace people and other factors, but that is one of the primary factors, if I understood the report correctly. Is that not right?

NALUAI: Let me read the last paragraph. "Under current procedures, the Department of Accounting and General Services will initiate a request for a General Plan change if the site selection study results in the selection of an alternate site."

CRANE: Yes, I realize that but then the Department in stating that their criteria for coming up with alternate sites stated one of their primary criteria was the displacement of people.

NALUAI: That's right. May I say one more thing? On their road they said they would be improving the road. Pulama Road runs from Kam Highway. Pulama goes all the way and meets Ahilama and goes down to Lamaula. Are they going to take care of the development from Kamehameha to Ahilama and Lamaula? Is that where all the improvements are going to be? That's the whole of Pulama Road. Or are they just going to repair the road just up to the site of their property?

CRANE: The Director says it's frontage.

NALUAI: At the site? Just the frontage of their...

CRANE: Of course, it would be an unworkable burden for the Commission to put on any developer anywhere to improve roads beyond his frontage.

NALUAI: I didn't read the thing.

SULLAM: If I remember correctly, when we considered Planned Developments in the very early stages of the Planned Development Ordinance we always were concerned with the effect they would have on the neighboring community. I was under the impression they weren't allowed--they wouldn't be permitted to alter the general appearance of the neighborhood. Is that still in the Planned Development Ordinance? They cannot alter the character of the neighborhood. I remember that phrase somehow. At the moment, I couldn't find it. I gather from the testimony here that the neighborhood would be considerably altered by placing this type of development there.

CRANE: While we are looking for that, any other Commissioners have a question for Mrs. Naluai?

There were no further questions of Mrs. Naluai by the Commission members.

TESTIMONY RECEIVED AGAINST THE APPLICATION:

Mr. Bob Nakata, Chairman
Kahaluu Coalition
47-253 Waihee Road
Kaneohe, Hawaii 96744

"The Coalition is opposed to this Planned Unit Housing Development. Again, we are asking that the General Plan be revised before any sizable developments are allowed in the Kahaluu area except for those which meet the needs of the community. This PUD with housing units beginning at $35,000 for one-bedroom units doesn't meet that criteria. Let me elaborate here.

"The discussion about the school site is one of the things that concerns us about the present General Plan. There are a lot of open areas left in Kahaluu and yet the school site is placed right on the residential area. The same thing is true of Hotel-Resort zoning there. It's right on one of the most densely populated areas of Kahaluu--one of the older populated areas of Kahaluu also.

"What Mr. Krum said earlier about having all these homes moved in from other areas illustrates what we are talking about when we say that we want developments which will meet the needs of the community. Of the many hundreds of units that have been produced in Kahaluu in the last few years not a single one has been aimed at the needs of the people there.

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NAKATA (continued)

"There are now 26 units being put up in Kahaluu in the Ahuimanu area by a locally formed residents' group--The Hawaii Rural Housing Development Corporation. This is the only project we know of that is producing units that can reach even that income group. And this is being done at the community's own efforts.

"To go on, we are not satisfied that the flooding problem for the small watershed has been adequately studied. With no adequate study indicating the volume of water to be expected in the 100-year flood, we don't see how the developer or the City can know whether the drainage solution is adequate.

"The residents along the lower section of Pulama Road tell us that during heavy rains the water runs under their homes and that, in fact, one family moved out of the area because of this. That house is still standing down on that green area where the sewage treatment plant would go.

"Also, because of the slope of the road there and the fact that the road itself is the drainageway for that watershed, the water moves pretty fast. One resident has told us that in one storm he had difficulty getting to high ground in his Datsun pickup because of the force of the water coming down that road.

"So this gives you some idea of the magnitude of the problems there. The reason I say that no adequate study has been done is that it doesn't show on the flood maps. I spoke with someone at the Soil Conservation Service and he said that it is probably because they were concerned mainly with the larger streams in the area and since this one is not a permanent stream--its just an intermittent one--no study has been done on it.

"Another objection that we have is the developer's sketch seems to show some buildings where the Soil Conservation Service says that there is severe limitations for homesites. If this area is gone into then a good amount of grading will be necessary. And then because of the slopes and the rainfall, the sediment will end up in Kaneohe Bay. The speed of the water will be increased if channels are put in and I think this would result in even more sediment down into the Bay.

"The Hawaii Environmental Simulation Lab did a Soil-Loss Study (I believe it is in the file--you may have seen it) which indicates that under present conditions about a half a ton of soil per acre per year is lost. Whereas, under good management with silting basins, grading only during the dry months, this amount of soil would increase to 7 tons. These figures are rough estimates but I think they give an idea as to how much sediment would be added to the runoff water now.

"Because of these and other things that have been mentioned, the Coalition would urge that this Planned Unit not be approved."

Questions of Mr. Nakata by members of the Commission:

TAKEHARA: Mr. Nakata, do you understand that if we don't approve the Planned Unit Development the developer has the right to go in there and subdivide?

NAKATA: Yes. We do understand that. We think that there should be some adequate controls so that the amount of grading could be controlled. I don't know whether the developer could have the maximum number of units that would be allowable.

CRANE: If I might, did you hear the question directed to the Director earlier relative to the severity of grading under a conventional development as opposed to the PUD?

NAKATA: Yes. I'm not sure that this would--I'm not sure how much this would help. The--for the number of units, the grading may be less but since the allowable units is being increased I'm not sure what exactly the trade-off is.

CRANE: His answer was that with the conventional development the grading was much more severe than with a PUD because of size of the streets, driveways, sidewalks, etc. Am I not correct? I just wanted to know if you were aware of his answer to us on that particular--Commissioner Duke asked that question and got that answer.

NAKATA: Yes. I'm still not quite sure exactly what the trade-off would be because I think the additional units allowed may increase a lot of grading. And, also, I'm not sure about the area that would be paved and also roofed over. Because of the initial units, I'm not sure exactly what the trade-off is. Maybe that needs to be looked into further.

DUKE: Mr. Nakata, are you familiar with the conditions that the Director of Land Utilization has placed on his recommendation?

NAKATA: I have seen that, yes.

DUKE: They are quite lengthy. They cover almost every area you covered in your objections. If these conditions are met, you still think it would be a bad idea? Right?

NAKATA: Well, our principal objection, really, is that we would like to see the needs of the people in that community addressed. And thus far, we haven't seen that happen. All the developments that have come into the area, all it seems to do is bring in new people. I'm not saying that we are objecting necessarily to bringing in new people but at the same time, possibly, the needs of the people living there now should be addressed.

DUKE: I follow your thoughts there but have you read these even regarding soils, grading, the drainage study, all of those? You have read those?

NAKATA: Yes. But I don't think that anyone knows the volume of the flow of that site. Really, I don't think anyone can say whether the solutions are adequate unless they know something of the magnitude of the slope.

DUKE: Well, undoubtedly that's correct. You'd have to know that before you could make good decisions. But there must be authorities on determining what will handle that much run-off. I assume it is required by one of the requirements here that that be known and that it be taken care of. I'm not begging the question, I just wondered if you were aware of what is required.

NAKATA: I'm not thoroughly familiar with it but I have, yes, I have looked at it.

There were no further questions of Mr. Nakata by members of the Commission.

CRANE: At this point, the Chief Planning Officer will respond to Commissioner Sullam's question.

WAY: Mr. Chairman, it seems to me that what Commissioner Sullam was making reference to is covered on page 186, paragraph 4, where there is reference to a relationship beneficial or adverse of the Planned Development project upon the neighborhood in which it is proposed to be established. This is one of the conditions or findings and conclusions that are to be found in relation to Planned Developments. I think maybe that's the one you made reference to.

SULLAM: Has this been taken into consideration? Is this Planned Development going to have an adverse effect on the character of the community and the lifestyle of the community? I think that those are measures that we should bear in mind when we make our decision to approve this Planned Development.

No one else appeared to speak against the application.

ACTION: MOTION by Commissioner Sullam.
I move that we wait for an Environmental Impact Statement.

CRANE: If you want to wait for an Environmental Impact Statement you can't close the public hearing.

MOTION: (by Commissioner Sullam)
I move that we keep the public hearing open and wait until an Environmental Impact Statement comes forth.

Motion seconded by Commissioner Choy.

DISCUSSION:

DUKE: It seems to me like we're assuming that we're going to agree that we want a Statement before we act on this. Therefore, we are making an assumption before we even get to the question of the assumption.

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CRANE: Whatever we do, let's don't get back into another study in Act 246 legal jurisprudence today. At what point we want, or if we ever want, an EIS, or if it would do us any good, or if we have any authority to do anything with it, I think has been discussed adequately.

Now, the question before us is, whether we can use it or not, do we want to keep this public hearing open until we get it? That's the motion as I understand it. Correct? And, please, don't let us get back into Act 246 as to what we can do or can't do with it.

DUKE: I think I should speak against the motion, not on general principles, but because I believe that the Counsellor and staff has related to us in many, many words that in this particular application there was a certain amount of forgiveness because of a goof by some of the City officials. Therefore, I will be against requiring an Environmental Impact Statement for this particular application. Therefore, if I'm going to be against that, I have to be against holding the public hearing open.

TAKEHARA: If we went ahead and put it through with our recommendation without an EIS it would become a necessary requirement before it reaches Council, wouldn't it?

CRANE: That is debatable, I think.

TAKEHARA: May I ask the Counsel?

CRANE: I wish you wouldn't. I'll tell you why, Alice. You may ask any question you like, but the Counsel is going to tell you again that, in his opinion, we may require it. That's what he has said. On the other hand, the gentleman who just got up from his seat will tell you that his interpretation of Act 246 says no.

KAHAWAIOLAA: Could we pass the project with a recommendation?

CRANE: We can always put any recommendation we would like to put in the motion. We have done it many, many times in the past.

Mr. Krum, unless you have something brand new to add to the previous discussion...

KRUM: I think it would probably help this discussion. I believe if the public hearing is still open it is in order.

I don't want you to get the wrong impression, but we would not deliver an Environmental Impact Statement to this Commission. It would simply be too time consuming. We would have to explore other avenues.

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CRANE: Are you then saying to us, Mr. Krum, that it won't do us any good to vote on whether we want one or not?

KRUM: No. If you move to hold the public hearing open, it probably will never close. It will be open for eternity. We'll settle for some other reason but not because the Environmental Impact Statement was delivered.

CHOY: I want to know if that was a threat.

KRUM: No. That is exactly why I prefaced it by saying I don't want to give the wrong impression. But we are under severe economic hardship. As I said, we are paying interest at the rate of $10,000 a month. The preparation of the Environmental Impact Statement would require probably not less than 60 days. Thereafter, if the Commission closed the public hearing, made its recommendation, referred it to the Council, the Council would act on it 30 days later by holding another public hearing. It would be a minimum of 6 months before we could get the approval. By that time, the project would have floundered economically and we would have to explore other courses of action rather than extending that extra 2-month period at this point.

CRANE: Thank you, Mr. Krum. I'd like to state now that I have asked three times for any further evidence from the audience that has been not forthcoming. Now it is with the Commission for their discussion. I would prefer not to have any outside help in this discussion at this time.

DISCUSSION:

KAHAWAIOLAA: I want to ask the applicant if he objects to a recommendation that he bring in an EIS to the City Council.

CRANE: I guess we'll have to have more evidence from the audience.

KRUM: The area of Act 246, the Environmental Impact Statement, is very, very confusing at this point. We do not object to the Environmental Impact Statement. We feel that all the information necessary we have probably gathered. If not, we will have gathered by the time the Council has approved it. Whether or not it will have met all the requirements of an Environmental Impact Statement at the time the Council issues its approval, we have no idea. Because of the time involved, the procedures for the Environmental Impact Statement which Act 246 is to promulgate rules and regulations for these Environmental Impact Statements, we agree to the condition that the Environmental Impact Statement be forthcoming prior to issuance of a grading permit.

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CRANE: Thank you, Mr. Krum. Ladies and Gentlemen, I'm not going to take any more evidence from the audience unless one of these Commissioners has a specific question of someone who has or has not testified. I'm sorry, we have five other items to go over, it is 5:20 p.m., we must, out of self preservation, get on with this agenda.

Now, is there any other question or comment from any Commissioner?

TAKEHARA: I want some clarification on the traffic. When the developer mentioned that it would not be according to the Department of Transportation's approval--I can't find it now, I had it marked--to hold back any approval until the higher density--any higher density approval be held back until H-3 is determined. OK, now the developer just mentioned that they won't have higher density. Can I have some clarification on that? Mainly because from a nothing to a housing, I would think that would be a higher density.

CRANE: As I understand it, I think he was making a comparison between higher density over the proposed--a standard subdivision as opposed to PUD. And that was the figures he was using. Obviously, any kind of development over nothing would be higher but I think that was what he was...

TAKEHARA: Then it's really an interpretation of Mr. Moriguchi's memo that says that--at this point, we don't know what is a higher density. Right? Is it from a nothing to a housing or is it from the subdivision to lesser density?

CRANE: It is my understanding that when we talk about higher density we talk about higher density as opposed to what could be built there.

TAKEHARA: Is that what it is? OK. I'm clear on it.

CRANE: That's the way I would normally have...Any other discussion on this proposal?

Now there's a motion before us, duly made and seconded that we keep the public hearing open until such time as an Environmental Impact Statement is forthcoming. There being no further discussion, we will now vote on it.

VOTE: AYES: Sullam.
NAYS: Choy, Duke, Hosaka, Kamiya, Takehara and Kahawaiolaa.
ABSTAINED: Crane.
Motion failed.

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MOTION: (by Commissioner Duke)
I move that we close the public hearing.

Motion seconded by Commissioner Choy.

NO DISCUSSION

VOTE: AYES: Duke, Choy, Hosaka, Kamiya, Takehara, Kahawaiolaa.
NAYS: Sullam.
ABSTAINED Crane.

Motion carried.

MOTION: (by Commissioner Kahawaiolaa)
I move that the application be approved on the recommendation that the Environmental Impact Statement be given to the City Council.

Motion seconded by Commissioner Choy.

CRANE: It has been moved and seconded that the recommendation of the Department be approved with our recommendation to the Council that an Environmental Impact Statement go with it.

DISCUSSION:

SULLAM: One thing comes to my mind. We really have no proof that with these additional units that the density is not going to increase. There really is no proof on that. When you increase units, you increase the density. That's the whole idea of a Planned Development--to get a--maximize your density. I don't see how we can be approving a higher density when the Department of Transportation itself says that it should be held in abeyance until H-3 is decided.

TAKEHARA: Does the Planning Department have anything to say? The Planning Department, can they confirm that it will not be increased?

SHEYBANI: The density, Mr. Chairman, what is referred to density as far as planning terminology is concerned, it is increased. The Planned Development increases the density and that is called density bonus. Again, it's your prerogative whether you want to include the condition for the approval of DOT of the project or not.

CRANE: The Chair would like to raise one particular question. I'm not in disagreement with the motion nor the recommendation except in one instance. I've been on the Commission now for 4 years and H-3 has been around an awful long time. And if we started the process of denying applications until H-3 is settled, the housing needs of the community of Oahu would

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be desperate indeed. I don't know that that is a kind of a restriction to put on any kind of a development--that you do it until H-3 is settled--because I don't know if or when H-3 may ever be settled. I happen to agree with the statement that someone may be being used in a football game here that is not of his making. I don't disagree with any other part of the report or the recommendation but that raises a serious question in my mind.

KAHAWAIOLAA: As the maker of the motion, I'd like to amend it by taking that portion of it out.

The seconder, Commissioner Choy, agreed.

CRANE: The motion now is that we approve the Director's recommendation minus the restriction that the Transportation Department put in, and with a recommendation that an Environmental Impact Statement be forthcoming to the City Council. Is that correct?

VOTE: AYES: Kahawaiolaa, Choy, Duke, Hosaka, Kamiya.
NAYS: Sullam and Takehara.
ABSTAINED: Crane.

Motion carried.

PUBLIC HEARING
GP/DLUM AMENDMENT
COMMERCIAL TO
APARTMENT
MOILIILI
HAUSTEN GARDENS
ASSOCIATES
(FILE #307/C1/14)

A public hearing was held to consider a request for a redesignation from Commercial to high-density Apartment District at 804-810 Hausten Street, Honolulu, Tax Map Key: 2-7-09: parcel 16.

Publication was made in the Sunday, Star-Bulletin/ Advertiser of August 25, 1974.

Staff Planner Herb Mark presented the report of the Chief Planning Officer. The parcel that is in consideration at the present time is located on Hausten Street, across the street from the Willows Restaurant, two blocks from the Stadium, a half mile from the University, and a hop-skip-jump from the Kuhio Grill.

It is a spot-zoned site surrounded by high-density apartment use. It is also zoned for Commercial B-2 at the present time. The duplex and two old residential units on the lot at the present time are in a deteriorated condition. There is a 20' pavement at the present time with no sidewalks.

The applicant proposes a 9-story condominium containing 48 one-bedroom units in the low to low-medium income range. The tentative price per unit is approximately $36,000 subject to increase by reason of escalation in construction and financing costs.

According to the applicant, it is in medium to low-cost housing that the private sector can do much to meet the housing crises triggered by population growth in the ever-increasing owner-occupancy demand of the general public.

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HERB MARK (continued)

The bases that the applicant is using in his application is that he intends to meet medium-to low-cost housing, there is a need for additional apartment land in Moiliili, and the spot-zoning of Commercial is inappropriate for this area since it is predominantly high-density apartment at the present time.

The Planning Department studies in the past have shown that by the year 1985 we may need a doubling of our present housing inventory.

As far as the inappropriateness of the present Commercial policy for the area is concerned, on the DLUM in the immediate area of the site we have Commercial designated on the Willows' site, along King Street, and on the Stadium site and across from the Stadium. Within this general area we have an inventory of approximately 8 acres designated Commercial.

In the entire McCully-Moiliili west Lower-Manoa area, we have approximately 46 acres, or over 2 million square feet of commercially designated areas which seems to be more than adequate. The commercial areas are largely under-developed or undeveloped at the present time.

The public agencies had no objection to this request except for the Police Department and the DOE, regarding traffic and parks. It has been suggested that they be considered in further detail at the zoning level. The Chief Planning Officer recommends approval of this request.

Questions of the staff by members of the Commission:

SULLAM: Did you read a copy of the written testimony from the Three M Community Council?

MARK: No. We did not receive a copy of that. We did attend several meetings with the Three M Community Council.

There were no further questions of the staff.

TESTIMONY FROM THE APPLICANT:

Mr. Lee of Lo, Youth and Ikazaki
Agent for the applicant

"Our position is in accord with the Department's recommendation. We're here to answer any questions but any testimony or evidence we would want to present we would like to reserve that right if there is any contrary testimony against the Department's recommendation. So, if we can have the permission of the Commission to reserve putting on any testimony at this time, unless you have interrogatories we would prefer to have rebuttal--I mean not rebuttal--

CRANE: Our procedure is to prevent exactly that--rebuttal. Our procedure is--and it is a new one of the Commission--that the applicant be allowed the right to defend his application and present it to us. Anyone else who wishes to

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speak in favor may do so. And then those opposed, we take those arguments on their merit without getting into a rebuttal or a debate. We would be here endlessly if we did that. So I will deny your request to make rebuttals later.

LEE: Basically, we have no further evidence to present other than what the Department has presented except as to the traffic issue. Whether a commercial site went in there or an apartment building went in on the subject parcel, you would still increase the traffic.

Secondly, with reference to the housing needs, I think the Department's own study shows that it is anticipated by 1985 that 138,500 additional units will be needed. Somebody's got to build all that. This happens to be a high density apartment site.

Thirdly, there is no existing commercial business on there and those buildings are old and deteriorated. If someone was to put up a bar or some other kind of discotheque, I'm sure that would meet a lot of disapproval of the surrounding residents.

There were no questions of Mr. Lee by members of the Commission.

No one else testified in favor of the application.

TESTIMONY RECEIVED AGAINST THE APPLICATION:

Mr. Carl Takamura, Vice President
Three M Community Council
for Lower Manoa-McCully-Moiliili
2535 S. King Street
Honolulu, Hawaii 96814

Mr. Takamura skimmed through a 7-page written report which had been presented to the Commission earlier and incorporated into the records.

In summary, on page 5 of their written testimony, the Three M Council states that the Planning Commission has ample justification for denying the Hausten Gardens request. Accordingly, the Three M Council submitted the following recommendations:

1. that the Department of General Planning impose a moratorium on development of Hausten Street in the interests of the general welfare;

2. that the Department of General Planning, Hausten Street residents and the Three M Council remedy the existing "scarcity of data" by conducting a thorough review of the facts, implications and alternatives to High Density Apartment development as it pertains to the unique characteristics of Hausten Street;

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3. that, subsequent to this review, the Department of General Planning, Hausten Street residents and the Three M Council prepare a comprehensive, detailed plan for the orderly development of the Hausten Street neighborhood;

4. that the Department of General Planning and the Three M Council assist Hausten Street landowners in finding the tools with which to implement the revised University Community Plan for Hausten Street.

"In essence, we are urging that more thought and planning be given to the development of Hausten Street as a whole, rather than simply looking upon the proposed Hausten Gardens project as a separate and unrelated issue. More importantly, we are also asking that Section 13-101 of the Revised City Charter, that talks about effective citizen participation in the decisions of the City, be made a meaningful reality for the people of our community."

(Page 7 of the written testimony contains figures from an informal survey of the parking situation from which the Three M Council draws two conclusions:

1. that public facilities on Hausten Street are inadequate;
2. that any new development on Hausten Street should be required to provide more than one parking stall per household unit.)

Mr. Takamura introduced Mrs. Sakamaki, a resident of the area, who presented and read a statement prepared and signed by the residents of the area. The statement, signed by 177 residents, was placed on file.

The concerns of the residents were traffic congestion, parking, and the high cost of living induced by street widening.

Questions of Mr. Takamura and Mrs. Sakamaki by members of the Commission:

DUKE: Approximately how many people do you represent in this Council?

TAKAMURA: The membership includes over 40 organizations. We have a direct mailing list of about 400 individuals.

DUKE: Do you live on Hausten Street?

TAKAMURA: No. I do live in the area through.

CRANE: I have one question. I don't disagree with the sentence in your report on page 6--Section 13-101--the Revised City Charter--about the effective input of communities. However, I think you did tell us that the Department did attend your Community meetings.

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TAKAMURA: We're not complaining about that. We're talking about the fact that we're faced with this situation on this particular plan now. Probably you are faced with the same thing. Many communities are coming to you because people are planning things based on that plan.

CONNELL: You indicated you felt a moratorium was needed in your area. Who is the Councilman from your area?

TAKAMURA: Presently it is Mr. Shigemura but he's leaving so we don't have one.

CONNELL: Prior to the time Mr. Shigemura was elevated to the bench, did you discuss with him the moratorium?

TAKAMURA: Not really. But I have to admit it was quite difficult to--you know.

CONNELL: The reason I asked is because the only agency in the City and County who can declare a moratorium or a limited moratorium is the City Council.

TAKAMURA: We did face that sort of strange situation and oftentimes I think Mr. Shigemura himself felt that it was imminent that he wasn't going to be around. He used to say we could talk with him but he didn't think he would be around too much longer.

CONNELL: I find it interesting inasmuch as there has been a limited moratorium imposed in the Waikiki area.

TAKAMURA: We are very aware of the elections coming up and we are looking very closely at the people who are running for office, especially the City Council.

CRANE: Let's don't get politics involved here.

WAY: Two questions. One, I'm curious as to the forum in which your organization reaches a decision that would issue forth policy recommendations such as you have here. Could you describe that for us?

TAKAMURA: In this particular instance what happened was we first had flyers that we hand-delivered or mailed to the people in the area. We had about 2 or 3 meetings with people from the Council--open meetings--and in particular we asked residents from the area to come. Mr. Herb Mark attended the meetings with us to explain what the proposal was and then we asked the residents to come up with a statement of position that they would like to present on their own. Then we, as a Council, would take into consideration their position and then we, as a Council, voted on those things.

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TAKAMURA: The way we operate is we meet once a month as a Council. We have two meetings--one during the day and one during the evening to accommodate the people.

WAY: So the paper that you presented in your testimony is sanctioned by the Council and that the meeting in which that approval was given was there a full Council in attendance? And, what is the composition of the Council in terms of numbers?

TAKAMURA: It fluctuates. The way it operated in this case was we had representatives--at least one from each organization--and we have individuals that would appear. The problem we ran into in this particular situation was the fact that the date of this hearing came too close to the Council's so we only had one or two meetings. At that meeting I think we had about a dozen people which wasn't very much but that was the only meeting we could get to before this particular hearing. But we had discussed the issue at the meeting prior to that.

WAY: They were pretty well familiar with it. Was there a unanimous decision in support of that position paper?

TAKAMURA: Right.

WAY: Second point, having to do with the other building you mentioned being constructed on Hausten Street, has there been any reaction with reference to that? As I recall you indicated that was a high-rise structure.

TAKAMURA: The thing is that that area is already zoned--designated for high-density apartment use. Most people weren't aware that that was happening until the bulldozers came and cleared away the building. That only started within the past week or so.

WAY: I see. So there really hasn't been a chance for the community to know precisely what's going to happen on that parcel even though it is a multi-story high-rise building.

TAKAMURA: It's been cleared and already constructed.

WAY: I presume there's a number of other areas along Hausten Street so zoned so that other lots could be developed tomorrow. I see.

TAKAMURA: Obviously, the thing on this particular one since it did require a designation change, we found out about it as opposed to these others that are coming up that no one...

WAY: I guess I would raise the question somewhat in reaction to

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WAY (continued)

your point that the character of the area is of a medium density nature (if low-density by whose definition?) so that the area really seems to be going through some sort of transition almost right before our very eyes at this point and time. And I wondered if that point had been considered by the Council. That is to say, there is a considerable portion zoned for A-4 that, in fact and in actuality, by case example it is changing.

And, in fact, further that the general policy for the area adopted by the Council with great involvement by the Three M Council (a separate body from the City Council--we have too many Councils here) but my point simply is that this is not a very old expression of the will of the people. Now, you may argue whose people and we always argue that point but I do know, for a fact, that there was considerable involvement by the community and the Three M Council in the development of the adopted policy for the area.

TAKAMURA: Well, I would say that within the Council itself this has become a sore point because people have said that they felt that at that time--you know--in particular, I guess if you talk to like these people who are here from Hausten Street and people from other areas, they felt that they themselves did not know that this was happening and it has been only fairly recently, as they see these things occur, that they become aware. My involvement with the Council is only about two years old and at that time when I came in that's when I first became aware that there was no plan at all. So I'm saying a lot of this has to do with the fact that if you look at the people of Hawaii as a whole in terms of more grass-roots type interest of participation and that sort of thing, it's really been only fairly recently. Granted, there were people involved earlier. I'm not saying they weren't. The amount of interest and concern has grown considerably over the past four or five years as opposed to what it was before.

WAY: Five years ago, yes, beginning in 1969. One point, I don't know whether it was considered by the Council but from my perspective it somewhat bothers me on this specific issue, is the spot planning and zoning aspect of the commercial designation and, in fact, I guess I find this more of a concern than the designation into an apartment category. Did your Council consider this aspect?

TAKAMURA: Yes.

WAY: By that I mean that I think that we certainly haven't adopted a perfect plan here and one of the imperfections in it is that commercial spot designation. What is your Council's view on that issue?

TAKAMURA: OK. There are a number of imperfections. That's one. To me it is a small one but it is the one we are concerned with now. I think the feeling here was that we are not saying that we want it to remain commercial. OK. We don't have any particular brief for commercial designation of that area. I think we are concerned more with the fact that it changes from commercial to high density apartment. OK. The feeling now is that that whole area now is high density apartment and (1) there are kinds of attitudes and feelings of the people who live there presently, (2) for just in terms of looking at it from a planning standpoint, to allow all of that ground area up there to be developed for high density apartment or development would be really horrendous because all it would be, theoretically, a whole bunch of high-rise buildings right next to each other. I think this is reflected in these concerns. We are not trying to say that we want to hang onto this thing as a commercial piece of property. It's more a fact of the specific proposal that's being proposed--changing from commercial to high density apartment use.

SULLAM: I feel that your main objection is that you are fearful that the development is not going to bring about a pleasant urban environment. You are only speaking to the desire that there be an urban plan.

TAKAMURA: And, secondly, I think that there is a very real concern with regard to the traffic and parking problems now--what it would be like considering the fact that you already have this other building going up there. And, again, like I said, the present priority for the street widening is like 250 and even that I don't think would necessarily solve the problem.

WAY: What year was that? I presume you took that priority from the CIP. Do you recall what year?

MARK: 76-77. There's $20,000 for planning engineering and 77-78 there's another $20,000 for land expense and 78-79 there's $150,000 for construction.

TAKAMURA: But, here again, I think with an Improvement District thing you do expect the residents to take off a significant portion of whatever happens.

HOSAKA: Looking at the map, that brown area that surrounds that commercial lots, it seems to me that any one of those lots could put up a high density apartment right now and you couldn't stop them.

SAKAMAKI: That would create a terrible problem for us. I don't think the residents of our vicinity are aware of these problems. This thing just came up very suddenly. In

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SAKAMAKI (continued)

fact, just about last week we saw a new area just below the Willows being cleared for a high rise. That's going to be terrible. And then we received a flyer stating that they were going to have another high-density apartment. I have 2 cars and I have only one garage. My husband and I take turns, go out in the road and look for a spot so we can take our car in and wait for my daughter to come home from the University. She studies every night and we can't let her park way down on the other side of the street or something like that. Sometimes, we have to go two blocks away to park our cars. My primary concern is the parking. It's just awful. The Willows is another problem. But we've lived with the Willows so we thought we could abide by it. We have no place to park and most people have 2 cars.

HOSAKA: The only point I am making is that it seems to me that you are putting a little hardship on a 14,000-sq.ft. lot because the other surrounding area can do it right away without having...

SAKAMAKI: I've thought about that too but I think henceforth the residents--this is the real beginning--they will become very interested henceforth because the problem is serious.

CONNELL: What are the size of the lots on Hausten?

SAKAMAKI: I'm not a land owner. I live in a rented apartment. I've been there almost 15 years but I really don't know.

CONNELL: In the desire to change the General Plan to lesser density you indicated that the people who live on Hausten Street are generally in favor of this. Are these renters or owners of the properties?

SAKAMAKI: Some of them are owners and if you look through the list --we really should have designated.

CONNELL: In the McCully-Moiliili area most of them are small lots and through the years there has been great difficulty of combining lots in the area and I wonder if this is not the real answer now for medium density and walk-up apartments.

TAKAMURA: Most of the lots are substandard--less than 14,000 sq.ft. They are small and I think for most of the area, if you wanted to build, a high-density development would have to be with a consolidation of property.

CRANE: Would you have any idea what portion of residents as opposed to owners would be on your list?

TAKAMURA: I am very familiar with the details on this. There are 48 landowners on Hausten Street, King, and Date Street. Of 26, there are 13 who attended the meetings and signed the petition. The balance of the 26 we were not able to get ahold of.

CONNELL: The reason I'm raising the question is it seems to me that the testimony indicates the possibility of a sudden influx of many high-density units as per General Plan and zoning. The point that I'm trying to get at is what is the reality of that possibility given most of your lots being 5,000 - 6,000 - 7,000 square feet. To what extent can you really look forward to high-density coming in in a very short period of time?

CRANE: Was that in a form of a question or a statement?

CONNELL: I think the point I'm trying to make, Mr. Chairman, is that the residents in the area seem to feel that they need some time to re-look at the General Plan, and feel there is a need for a moratorium, etc. It seems to me that the very structure of the size of the lots and the great problems of consolidating the lots has created, if you will, a self-imposed moratorium. And there has been pressure on the Moiliili-McCully area to go high-rise for the last several years. You have a self-imposed moratorium unless the owners consolidate their properties.

SULLAM: How far are we along with working out some procedure to implement urban design called for by legislature?

WAY: As we envision it, the proper place for those studies would be in the Development Plan. We are proceeding to examine the question of what should a Development Plan be. There is a newly defined Development Plan in the Charter change. One of the elements in the new Development Plan would address the urban design issue that you speak of. It is a long-term effort that would be necessary or be required to do the job. It's been a number of years to the present Development Plan on an island-wide basis.

The next question is where do we start first? There could be a priority area for the Development Plan but we don't know at this time. Maybe even conservatively it would be four or five years before we can take care of the priority areas. There is a major effort that would have to be put together to accomplish the task. Parts of the existing DLUMs would be incorporated in the new

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WAY (continued)

Development Plans but also many new things. It is just a very big job. Realistically, we are talking about four or five years.

DUKE: I have a question of the staff. This is supposed to be a low-income type of development, as mentioned by Planner Mark and Mr. Way, which would be $36,000. What size of unit is going to cost this?

MARK: About 600-650 sq. ft. For one-bedroom apartments. $60 per square foot.

TAKEHARA: Take this self-imposed moratorium--that these will probably be low-density or supposedly not high rise. If we envision the completion of this building can we predict it is going to be sticking up among low rises?

WAY: There would be some property consolidations and here and there a high rise. As an example, the Sheridan Tract. Because of the lot size there are restrictions. It hasn't been able to develop.

TAKEHARA: Hopefully, it will never be another Salt Lake type.

WAY: The Salt Lake minimum is 20,000 sq. ft. Subdivided under CZC.

HOSAKA: I move that we close the public hearing.

TAKEHARA: I second the motion.

Motion carried.

MOTION: (by Commissioner Hosaka)
I move that we accept the Planning Director's recommendation.

Commissioner Choy seconded the motion.

DISCUSSION:

SULLAM: Is it a good idea? It's bad enough when apartments come up in an area zoned and the streets are not wide enough. This isn't and it's going to add to the congestion of the streets. Maybe we should keep it in abeyance. If we approve this, we will have to approve others.

WAY: Part of your concerns could be directed to zone issues. To achieve an apartment complex it would have to be amended. You are dealing with a larger scale.

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SULLAM: Eventually, when it comes up for zoning, even the Department of Transportation may not grant the zoning.

HOSAKA: I appreciate the objection of the community. But is this the point and time to amend the General Plan for spot zoning? I certainly aplaud the developer's intent in providing apartments for the medium income group.

SULLAM: I admire the initiative to do something about this kind of development coming from the community. It would be nice for the Planning Department to help these people and not have to wait four or five years to see the fruits in urban design planning. Other areas in the community are not involved here. They are.

CRANE: I am concerned about the narrowness of the street. It's not a very long street and we are talking about putting an awful lot of cars on it. This may not be the point to do it but it should be considered.

VOTE:

AYES: Hosaka, Choy, Duke, Kamiya, Sullam, Kahawaiolaa and Takehara.
NAYS: None.
ABSTAINED: Crane.

Motion carried.

PUBLIC HEARING HAWAII CAPITAL DISTRICT--APARTMENT COMPLEX--PETER HSI ASSOCIATES/HRA (FILE #74/HCD-9)

A public hearing was held to consider a request for approval of plans for an 11-story apartment complex in the Hawaii Capital District (King Pali Apartments) "BLOCK J" Tax Map Key: 2-1-09: 13, 18 and 53.

Notice of public hearing appeared in the Sunday, Star-Bulletin/Advertiser of August 25, 1974.

Staff Planner Stanley Mofjeld presented the report of the Director of Land Utilization. The property consists of 2.37 acres at Beretania Street and Pali Highway. The apartment complex is proposed for 410 apartment units, a total of 614 parking stalls of which 204 stalls will replace the existing public parking stalls on the site and 410 stalls will serve the apartment units.

The project is a part of the Kukui Redevelopment project sponsored by the Honolulu Redevelopment Agency and a Federal Housing Administration grant under Section 221(d)4.

The proposal is in a precinct with a 100-foot height limit and a 50% open space requirement.

There were no questions of the staff by members of the Commission.

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TESTIMONY RECEIVED FROM THE APPLICANT:

Mr. Peter H. Y. Hsi, AIA
Peter Hsi Associates, Inc.
677 Ala Moana , Suite 333
Honolulu, Hawaii 96813

"We concur with the recommendations of the Director of Land Utilization of approval with conditions as listed in the report."

No one else appeared to testify either For or Against the application.

On motion by Commissioner Choy, seconded by Commissioner Duke, and carried, the public hearing was closed.

MOTION: (by Commissioner Duke)

I move to accept the recommendation of the Director of Land Utilization.

Commissioner Choy seconded the motion.

VOTE:

AYES:	Duke, Choy, Hosaka, Kamiya, Kahawaiolaa, Sullam and Takehara.
NAYS:	None.
ABSTAINED:	Crane.

Motion carried.

PUBLIC HEARING
CZC AMENDMENT
SECTION 21-1013
MIN. LOT AREA
FOR PUD

Corporation Counsel requested this clarification upon request of City Council. It was felt that the phrase "land area" could be misinterpreted to be less than a one-acre lot when considered in the context of Section 21-211(b)(1).

Notice of the public hearing appeared in the Star-Bulletin/Advertiser of Sunday, August 25, 1974.

Staff Planner Johan Ronningen presented the proposal to change the word "land" to "lot".

No one from the audience appeared to testify in favor of the proposal.

TESTIMONY PRESENTED AGAINST THE PROPOSAL:

Mr. Dennis J. Krum, President
Land Research & Investment Co., Inc.
1311 Kapiolani Boulevard, Suite 301
Honolulu, Hawaii 96814

"It appears the change is not as simple as it appears. I'd like to give you a little background as to why the change is before you.

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"We are the owners of a parcel of land in Manoa which contains 44,100 square feet and situated at Vancouver, Seaview and Hunnewell Streets. It was acquired six months ago. 29,000 sq. ft. were purchased from the City for a roadway under the University Apartment Improvement District. 41,056 sq. ft. we purchased for an apartment from the City and County in getting rezoning to the medium density use because of inadequacies of streets and sewers. We had a discussion. There was no real way for us to get the zoning prior to the adoption of the Improvement District so we devised a method of proposing a Planned Development for the site in which we would improve all the surrounding streets in addition to the frontage of our property up to University Avenue.

"The Letter of Intent was rejected by the Planning Director.

"The Zoning application was denied by the Director.

"The City Council referred it to the Department of Land Utilization.

"As far as a land owner, part of our initial PUD became impossible to deal with. We went to Council to include 59,000 sq. ft. including the area of streets. The Department of Land Utilization responded by stating that, 'we do not have land area of one acre.' We were short one acre.

"Now what is the true legal definition of land area? Corporation Counsel said land area does not include the area of streets for the purpose of finding out if you have an acre. Our counsel opposed. Including the area of streets. In exploring the methods of proceeding with the application rather than months and months of litigation, we found that the street itself was privately owned and we acquired it. So, we now have an additional 18,000 sq. ft. We feel that the change in the word to 'lot' instead of 'land' area and preventing the inclusion of street will erase the effect of our purchasing the street so we could have 1 acre to do land improvements in a much-needed area."

SULLAM: Can't you give the street back to the person you bought it from?

KRUM: We can't. And we can't build a project unless it is a Planned Development.

WAY: In connection with the street, what is the designated use of that on a Development Plan or a Detailed Land Use Map?

KRUM: Street use.

CRANE: Would what you propose to do, do to him what he says?

SHEYBANI: This was initiated and the first time the area requirement for a Planned Development was challenged that it could be less than one acre. If it was two and five and reduced to one, as soon as is approved the lot owned by the applicant is marked on the map as the PD area and that has to be one acre or more. If you include the streets, the lot size is very small. If you put a street like Likelike Highway then the lot would be too small. If it was refused, it was

because of the subdivision.

CRANE: If Corporation Counsel decided against it and said don't figure in the streets and you accepted, why do you want it changed?

SHEYBANI: Because the wording is not very clear.

CRANE: The very fact that you want to change the wording indicates that there is some logic in his position and if true and he acquired a private street in order to meet the requirement, that raises some doubts in my mind.

SULLAM: I was on the Commission when we did vote to reduce the size. Our intention was that the amount of land to be used in the calculation should be one acre. We thought of usable land and not for streets, etc.

SHEYBANI: Planned Development property can have street as part of the property within it and by dedicating it can still qualify.

WAY: The intent of the Ordinance--I, too, was around when this was amended. The intent is that there be a one-acre parcel. Another indication of that intent is the fact that even though we may not include the area of abutting streets in terms of the qualifications of one acre the point is that one-half of the street is countable toward the floor area. It would be ridiculous to count the street and count one-half the street again for floor area allowable. There is no ambiguity in the intent.

DUKE: The changing of this word from "land" to "lot" is that the reason you are being denied this? The question on the floor is to approve this change. What is the reason you can't develop?

KRUM: On a personal level, we are enjoying it immensely. On a business level, it's expensive. The initial proposal for rezoning was denied because of inadequacy of facilities. We offered to build City facilities at our expense. The application was denied. Council accepts. The land is under one acre. We acquire a street of over one acre. They change the wording. Now the street doesn't count. Will the changing in the word prevent us from including the street we purchased as part of land allow the flexibility which is the purpose of the Planned Development?

SHEYBANI: Your recent action to purchase and make use was denied because of consolidation not because of PDH. "Not until such time as we have consolidated property of one acre we can consider PDH." You did not have a land lot of one acre or more. Then you bought the street to add to your lot to make it more than one acre. Your consolidation plan has nothing to do with PDH. Once you show us you have property over one acre then we can consider. A change in wording will only change the PDH requirement.

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KRUM: We anticipated that because we acquired a portion of all streets owned by this party that it was a subdivision so we filed for subdivision as well. Until the subdivision is acted on we cannot consolidate. Assuming subdivision consolidation problems are resolved, we now own a lot and street. Will the change of this wording to "lot" specifically exclude streets, preventing the Planned Development?

RONNINGEN: Corporation Counsel's opinion is that you require a minimum of one acre under your ownership for a PDH. We are simply recommending this change to make it more clear without having to go, before Corporation Counsel the next time. For information of the Planning Commission, the section I referred to in which they take land area to include abutting streets is under the Land Use intensity provisions. It nowhere appears in the CZC.

SHEYBANI: This wording was just for one acre. The question Mr. Krum is raising now is not considered in our office even for consideration of PDH. As long as the applicant comes in with one acre he qualifies for PDH.

HOSAKA: In previous applications an applicant had to have a one-acre lot to be considered for PUD. You have not broken from that.

SHEYBANI: Never it has been challenged.

HOSAKA: No road was considered. So we are clarifying this intent on precedent.

KRUM: To further clarify. Has anyone ever made application to include ownership of a private road?

SHEYBANI: Yes. PUD includes private road. If a road is on the perimeter it becomes part of that Planned Development.

KRUM: We own the road minus the easements.

WAY: DLU has to investigate.

KRUM: It appeared this was a very simple request. Had I not been aware, my rights may have been violated. I believe any proposed ordinance should be public information so one can testify as to adoption of proposed ordinances.

CRANE: I do not agree. Property owners have the responsibility of reading the public notices and investigating.

KRUM: I still can't find out.

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FURTHER TESTIMONY RECEIVED AGAINST THE PROPOSAL:

Mr. Joseph Chu, Project Manager
Land Research & Investment Co., Inc.
1311 Kapiolani Boulevard, Suite 301
Honolulu, Hawaii 96814

"If you go over the purpose of a PUD, the CZC article, encourages more efficient use of the land. More flexible means of land development than otherwise permissible lot by lot requirements. I agree that the intent--land area at the time of this might have been as suggested by the Department of Land Utilization but, on the other hand, we have to keep in mind that the intent of the article is more flexibility.

"Have there been any proposals for PUD that include development of streets? He wants to dedicate but because in this case he would not be allowed to. Lot area to land area is not defined in the CZC. A zoning lot is, but not just "lot". Probably should be considered in light of future applications. The intent should be highlighted. It is to allow flexibility. If somebody wants to come in and improve City property, it is included in another part of the article. It can be improved if needed--it can become available at the time to support the project. In both, the intent was to allow flexibility. The Department of Land Utilization cannot grant any bonuses. In this case, precluding any kind of information on a project. We will never find out whether it has merit."

HOSAKA: I am not really clear of the ramifications.

MOTION: (by Commissioner Hosaka)
I move that we keep the public hearing open in an effort to provide an opportunity for the public to get in testimony on this and defer action.

Motion seconded by Commissioner Duke.

VOTE:

AYES:	Hosaka, Duke, Choy, Kamiya, Kahawaiolaa, Sullam, Takehara.
NAYS:	None.
ABSTAINED:	Crane.

Motion carried.

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UNFINISHED BUSINESS:

AINA HAINA
ZONE CHANGE TO
P-1 PRESERVATION
HAO STREET--Initiated
by City Council
(FILE #74/Z-30)

The Public Hearing of August 7, 1974 was closed and action deferred pending an opinion from Corporation Counsel regarding possible legal problems.

Staff Planner Henry Eng read a report from Mr. George S. Moriguchi, Director of Land Utilization, dated August 29, 1974, addressed to the Planning Commission:

"Public hearing was held and closed on August 7, 1974 to secure an opinion from Corporation Counsel regarding certain legal matters. Since that time, we have had the opportunity to review statements made at that public hearing.

"Mr. W. E. Estes of Dames & Moore indicated that on-the-ground contours were more detailed and accurate and that 'substantially all of this project (cluster development) is all below 40% except for two (units?) which is slightly above.' Our staff has taken the submittal on the ground contours and prepared a slope analysis. This analysis reveals no substantial difference from the less detailed aerial contours. R. M. Towill Corporation prepared both maps. The aerial contours contract was let to R. M. Towill with very stringent tolerances with regard to accuracy. What the more detailed analysis reveals, however, is that contrary to Mr. Estes' statements, substantial portions of the project <u>are</u> over 40%, even in the lower areas using data from the field survey.

"Mr. Robert Dodge, in his testimony, referred to a letter of August 7, 1974. We have reviewed that letter carefully and on August 19, 1974, submitted a response to Mr. Dodge. The last paragraph here quoted will summarize our position in the matter regarding the cluster development. The denial of the cluster request has been reconfirmed.

> 'Based upon the concerns of the Chief Engineer and based on the evidence of the need for extraordinary precautionary measures that would have to be imposed to minimize the potential for sliding as recommended by your soils engineer and based on other evidence of actual soils problems as reported in the area by the Chief Engineer, we find that there still remains substantial doubt as to the public health, safety and general welfare and as to whether or not the property in the vicinity of the area will not be adversely affected should the cluster permit be approved. Therefore, we find that in the best general interest of the public your request for reconsideration of the original decision should be and is denied.'

"Other allegations made by the developer at the public hearing were inaccurate hearsay and deserve no further comment.

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"Our position supporting rezoning from R-4 to P-1 remains unchanged. Corporation Counsel has advised us that the cluster permit issue has no legal bearing on the rezoning proposal.

GEORGE S. MORIGUCHI
Director of Land Utilization"

Mr. Eng commented that the cluster issue is administrative, the zoning issue is legislative; the zoning issue is the one before this commission.

CORP COUNSEL: I will back up Henry Eng. At the last meeting the issue was clouded. But the fact is that what is before you is a change in zoning request. That is all that should be considered. The cluster development is not germane to the issue.

DUKE: I received a copy of the letter of August 28, 1974 signed by Mr. Edward J. Bybee. I call your attention to the last paragraph wherein he states:

"Far West hereby petitions the Planning Commission to hold in abeyance further action on the requested zoning change until such time as the Department of Land Utilization's denial upon which the zoning change request is based (see Councilman Dan Clement's letter dated May 16, 1974) has been ruled upon by the appropriate reviewing authorities"

It seems appropriate to me at this time that we go along with the request and hold it in abeyance, until such time as they go through legal actions. I believe that's appropriate.

MOTION: I move that we hold in abeyance until they make their request to override this denial.
(Motion died for lack of a second)

CRANE: I have a question. Which reviewing agencies are we referring to? Is it Corporation Counsel? If it is Corporation Counsel that needs clearing up, we have had their report.

DUKE: In the paragraph that says, "It is Far West's intent to immediately appeal the Department of Land Utilization's denial, as is its right pursuant to Section 21-104 of the City 'Comprehensive Zoning Code', to the City Zoning Board of Appeals and otherwise pursue its available legal remedies. (A copy of the Appeal Petition will be submitted to your Commission prior to its next scheduled meeting.)"

So it is not Corporation Counsel they are appealing to, but the Zoning Board of Appeals, as I read it.

SULLAM: Why should we wait for ZBA? What relationship has that to our action today?

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ENG: The issue before this commission is a rezoning issue which would be in conformance with the General Plan--and not a cluster issue. It is appropriate to distinguish between the issues involved here. Is this site appropriate for Preservation zoning?

DUKE: The recommendation of the Director of Land Utilization is that it is.

CRANE: Any decision could then be taken to the Zoning Board of Appeals.

WAY: Not really. The zoning is a legislative act.

DUKE: There is still a question in my mind. I can't rationalize it yet. It appears to me that somewhere down the line this property was zoned for residential purposes.

ENG: Yes. For residential use.

DUKE: There's the time of zoning, and the time of development. It is now decided that because of certain peculiarities to the land and what has happened on adjacent lands, they want to cut it in two--half in preservation and half in building. When people purchase property zoned for a purpose and then it is taken away from them, it seems there is still some legal question in my mind whether they are more or less condemning the property without due compensation. I don't deny it. I believe some of the land is not suitable for housing but the method in which we are going about denying the applicant the right to utilize the property seems like it is wrong.

CRANE: I wonder if they're making a case on the commission against downzoning. We had asked Corporation Counsel if this is within the legislative purview of this commission. This has been answered by Corporation Counsel. It is not the first instance we have had in downzoning.

HOSAKA: Perhaps because of over-anxiety, even though we have heard from Corporation Counsel, there may be some legal action later. It was an initiated action by the City Council. Might it not be right to throw it back to them?

CRANE: It would not be the first time the commission has done this.

SULLAM: What are the problems? What are the legal entanglements that we are worried about?

HOSAKA: I am with Commissioner Duke. It seems to me that there are some legal questions. I cannot pinpoint any one but a cloud is over this whole issue that seems not to be resolved before us.

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CRANE: For procedural purposes of the Commission, on any given item there is a possibility somewhere of legal action. The only recourse we have is to call Corporation Counsel and if that person says we are within our rights, then we have to proceed with the issue at hand. He says part of the duties of the Commission, then, we have to address ourselves.

CHOY: I'd like to call on Mr. Mita to expand.

CRANE: We do have a representative here from Corporation Counsel to advise us and he has done so. Unless you want to take a vote on this?

DUKE: We asked for legal opinion on whether or not we could rezone property--just rezone even at the expense of the landowner, and then we get an answer back that it is not appropriate to this issue. Maybe it isn't but I thought we might have a little bit more detailed opinion as to what is involved. In times past, it has been taken to court. We are not enlightened. Just say "not appropriate" and nothing illegal about it.

CRANE: What is your suggestion? Corporation Counsel says the issue is for rezoning and we have legislative prerogative. Is it your suggestion that we ask for a more detailed report? We have to have a motion.

DUKE: We're just talking.

SULLAM: Do you want a motion?

(By Commissioner Sullam)
MOTION: I move that we accept the recommendation of the Director of Land Utilization.
(Seconded by Commissioner Kahawaiolaa)

A Mr. Edward J. Bybee requested permission to speak to the Commission for the sake of clarification, which was permitted by the Chairman.

"There was a petition filed before the Zoning Board of Appeals this morning. A copy was left with the office of the Executive Secretary to the Planning Commission. The appeal follows the format of the letter of August 28, 1974 with supporting documentation.

"In general terms, it sets forth the fact that this project started in 1972. The developer has rights on this property. Preliminary plans were submitted. The project has been processed for over 1-1/2 years. During this period, various departments have approved the project, some did not. Eventually, all approved. The Comprehensive Zoning Code has no option to deny. On April 9 the Director did, in fact, issue a denial. It is that denial which is being appealed. In answer to, 'Why act hastily?', I would answer by a question: 'Why should you?'

"That parcel of land is now tied up by the developer. Land is empty. There is no way the land can be developed until such time as this appeal is processed. I don't know what is gained by your acting quickly on

this. By downzoning, you deny the developer his appellate rights. An appeal can be taken to the Planning Director's action. The request to rezone was premised on the denial by the Director. Premised on the fact that this project application was denied. The application was not denied in its final finality. The developer has the right to process his rights of appeal until the application is denied.

"I don't know what the urgency is or what you are going to gain by moving quickly. The land will still be in the same condition as now. Nothing lost or gained as far as you people are concerned. The developer would be satisfied and the requirements of the law would be met. Just for the record, we do take a differing opinion from Corporation Counsel as to the legality of this particular step or to the rezoning."

SULLAM: To this very date, the Department of Land Utilization has denied the cluster development.

BYBEE: I would concede that as of April 9, 1974, a letter was filed whereby the Planning Director stated he denied the project. But we are, in fact, appealing that letter, stating that it was not in conformance with the agreement entered into by the developer and the Planning Director and, in fact, that that was not a rightful denial. So we are not acquiescing in that. And the appeal is before the Zoning Board of Appeals. That's the only appeal at this time.

HOSAKA: So you are requesting perhaps a deferral of this matter until such time as the Zoning Board of Appeals acts on your situation.

BYBEE: That's correct. Our request would be twofold. Either that you defer your recommendation on the matter or, in fact, recommend that City Council defer its action. One of the two. Either--until the Zoning Board of Appeals--that avenue has been exhausted--or such other remedies--I don't believe there are any others.

SULLAM: I don't understand. On what grounds would the Zoning Board of Appeals grant the cluster zoning? I mean, what is the hardship?

CRANE: Mr. Chief Planning Officer?

WAY: I'd rather not get into that one. I don't know for sure what the specific basis of the appeal to the Zoning Board may be. But it certainly raises a good point. However, I presume that it is reasonable to appeal. There is that avenue open to anyone feeling aggrieved on the basis of hardship or an erroneous interpretation or finding of the Director of Land Utilization. There are really two avenues to enter into the Zoning Board arena so as to speak.

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WAY (continued)

I simply don't know which course the applicant in this case has opted for. I don't know. It's kind of a technical question and I'm not so sure it is all that germane to the issue which, fundamentally I know, and most of the commissioners understand, is that of the zoning question. The other issue of a cluster permit, it seems that in April, as indicated in the letter from Mr. Bybee, that April 19 it was denied, that considerable time has elapsed before the applicant to exercise his rights of appeal and all the rest. I wouldn't, certainly, accept this as a basis for causing the Commission to react in terms of delay. That is to say April 19, 1974 it was denied. Now there's plenty of time to appeal all over the place if you want, and I simply want to counter the point made by Mr. Bybee on that issue.

KAHAWAIOLAA: I wasn't here the last time. It is still cloudy. Was the denial because of the cluster? Was the land itself always under R-4?

ENG: The denial was based on a variety of physical characteristics. I'm not going into the cluster because that is not the issue here. It was denied on April 9, 1974. The issue here is that the City's adopted General Plan designates the upper portion for open space use. Upon the City Council's request, we are initiating a change from R-4 to P-1 in accordance with the adopted policy. The area that would be covered is the area of the site above the 200' contour. In other words, above the black line. In no case does the cross slope go below 47% for the whole site nor below 61% for the upper portion which we are recommending for P-1 zoning. Part of the elevation was that the City in 1963 purchased two lots very close to the subject site because of the slides. The "x" mark indicates structural damage that has occurred due to slides that have occurred without development which indicates critical soil stability in the area.

Our recommendation is based on a variety of physical factors some of which come from soils engineering reports, some on past history, some from city engineering.

CRANE: Mr. Bybee, you wanted to respond to the Chief Planning Officer's comments?

BYBEE: I wanted to comment on the reference to the lapse of the period of time; the materials which were filed before the Zoning Board of Appeals--documents. From the date of the Director's denial of the application, the request was immediately made for an effort for reconsideration or a conference wherein the Director would state his reasons for the denial. From that conference stems one of the main bases of the appeal. That is set forth in Mr. Dodge's

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BYBEE (continued)

letter of April 24 that in effect two things were agreed and understood and, in fact, stated by the Director at that time. 1) that the denial was not final, that the matter was still "open". 2) That the denial was based on the fact that the Department of Public Works had not approved the project. Now, if the developer can go back to Public Works and if Public Works said it was a safe project then, in fact, the Director would approve the project.

From that meeting on April 24, the developer immediately undertook to convince the Department of Public Works, invested more money, had a number of meetings with the Public Works people as well as the Department of Land Utilization at that time--had meetings with them also. It was during this period of time that this matter was still being negotiated and the developer rightfully thought that this matter was still open and available--that the answer of denial was not final. And so that is the reason for the period of lapse. You will note in the correspondence that Mr. Dodge again wrote to the Director in August stating and reminding the Director that (1) he said the matter wasn't closed and (2) that if Public Works approved it, the Director would then approve it, and reminding the Director that, in fact, Public Works changed its opinion. Public Works had, in fact, approved the project and referred the Director's attention to the Public Works approval and requested the Director to now grant his approval as agreed. And then the Director denied that. That, I believe is in the August 19 letter. So that is the reason for the delay between April and August. The negotiations were going on, meetings were held and not until the Director, I believe, on August 19 denied what he termed reconsideration of his denial. At that point the issues were set off against each other and incumbent, I believe, on the developer to appeal to that point, which it has.

There were no further comments or questions by the Commission.

CRANE: There is a motion before you, made by Commissioner Sullam to accept the Planning Director's recommendation, seconded by Commissioner Kahawaiolaa.

NO FURTHER DISCUSSION

VOTE: AYES: Sullam, Kahawaiolaa, Kamiya.
NAYS: Takehara, Duke, Hosaka, Choy.
ABSTAINED: Crane

Motion defeated.

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MOTION: Commissioner Hosaka moved that action be delayed until a final decision on the appeal is handed down. Seconded by Commissioner Takehara

DISCUSSION:

DUKE: I hardly think the motion needs any explanation to speak for it. However, I am for the motion. I think the applicant should be given all the remedies at its disposal to clarify in his mind the right and wrong of any decisions. Therefore, I think its proper to hold action on this until he has used those remedies.

There was no further discussion.

VOTE: AYES: Hosaka, Takehara, Choy, Duke, Kamiya.
NAYS: Sullam and Kahawaiolaa.
ABSTAINED: Crane.

Motion carried.

ADJOURNMENT: The meeting adjourned at 7:20 p.m.

Respectfully submitted,

Mary C. King

Mary C. King
Hearings Reporter

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FLASH CARD

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FLASH CARD

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MRRC RMM 13-75

MRRC RMM 19-75

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MRRC RMM 19-75

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Meeting of the Planning Commission
Minutes
September 18, 1974

The Planning Commission held a meeting on Wednesday, September 18, 1974 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman James D. Crane presided.

PRESENT:	James D. Crane, Chairman Randall Kamiya, Vice Chairman Dr. Wilbur Choy Charles W. Duke Donald K. Hosaka Fredda Sullam Alice Takehara
ABSENT:	Antone J. Kahawaiolaa
STAFF PRESENT:	Donald Clegg, Deputy Chief Planning Officer Eugene B. Connell, Executive Secretary George Aoki, Deputy Corporation Counsel Ali Sheybani, Assistant Director, Department of Land Utilization Henry Eng, Staff Planner Ian McDougall, Staff Planner Ralph Portmore, Staff Planner Johan Ronningen, Staff Planner
PUBLIC HEARING CONDITIONAL USE PERMIT (OFF-ST.PARKING FACILITY IN RESIDENTIAL DISTRICT) KALIHI MR.& MRS. HESOS ASENTISTA (FILE #74/CUP-18)	A public hearing was held to consider a request for a Conditional Use Permit for an off-street parking facility in a Residential District in Kalihi, Tax Map Key: 1-3-20: 23. Publication was made in the Star-Bulletin/ Advertiser on Sunday, September 8, 1974. No letters of protest were received.

Mr. Henry Eng presented the Director's report of the request. The applicants have applied for the subject Conditional Use Permit to allow them to use this residentially zoned parcel for additional parking in support of their existing service station on the adjacent lot (Tax Map Key: 1-3-20: 7). Submitted plans show 13 parking spaces and landscaped buffer area of 10 feet along School Street and 5 feet along the side and rear where the site abuts neighboring residential lots in accordance with the CZC requirements. Access to the parking stalls is proposed to be through the existing service station lot rather than directly onto North School Street.

The Director recommends approval of the request, subject to the conditions in his report.

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

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Testimony in SUPPORT--

Attorney Vernon T. Tashima represented the applicant and indicated no objection to the conditions outlined in the Director's report.

Testimony AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Takehara and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Duke, seconded by Dr. Choy and carried.

AYES - Choy, Crane, Duke, Hosaka, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Kahawaiolaa

PUBLIC HEARING
PROPOSED CZC AMENDMENT
RE OFF-ST.PARKING
REQUIREMENTS FOR
COMMERCIAL RECREATIONAL
FACILITIES, ATHLETIC
CLUBS, & OTHER USES IN
APT., HOTEL, BUSINESS, &
INDUSTRIAL DISTRICTS

A public hearing was held to consider proposed amendments to the Comprehensive Zoning Code on off-street parking requirements for commercial recreational facilities, athletic clubs, and other uses in apartment, hotel, business, and industrial districts.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 8, 1974. No letters of protest were received.

Mr. Johan Ronningen presented the Director's report of the proposed amendment which would permit more realistic off-street parking requirements for commercial recreational facilities and private clubs, lodges, social centers, eleemosynary establishments, and athletic clubs in apartment, hotel, business, and industrial districts. The CZC lacks the flexibility to respond to the singular nature of most such uses, or to new recreational concepts expeditiously. This situation was made apparent when applications were received for commercial tennis court facilities, often in multi-story structures, proposed to serve the expanded national interest in tennis playing. Such new uses are precipitated from time to time by sudden increases nationally in the popularity of new or old recreational activity. One proposal was for a private tennis club of 100 members. The CZC could require the club to provide 276 off-street parking spaces. This is not only unreasonable, but it runs up construction costs to where the risk on such a venture becomes too great for it to secure normal construction loans.

The Director recommends approval of the amendment.

There were no questions from the Commission concerning the Director's report.

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

The public hearing was closed, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the proposed amendment, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

AYES - Choy, Crane, Duke, Hosaka, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Kahawaiolaa

PUBLIC HEARING
WAIAWA-HALAWA GP/DLUM AMENDMENT
INDUSTRIAL & NEIGHBOR-HOOD PLAYGROUND TO SCHOOL USE
AIEA
DEPT. OF ACCOUNTING & GENERAL SERVICES, STATE OF HAWAII
(FILE #286/C2/32)

A public hearing was held to consider a request to amend the General Plan and the Waiawa-Halawa Detailed Land Use Map by redesignating each of the following three parcels of land to school use in order to permit the expansion of the parking lot serving Aiea Intermediate School in the case of Parcel (1), and to reflect actual use and ownership in the case of Parcels (2) and (3):

(1) California and Hawaiian Sugar Company
TMK: 9-9-05: portion of 10
Area: 7,150 square feet
GP: Industrial
DLUM: Industrial
(2) Department of Education, State of Hawaii
TMK: 9-9-05: portion of 1
Area: Approximately 3 acres
GP: Park
DLUM: Playground
(3) Department of Education, State of Hawaii
TMK: 9-9-05: portion of 1
Area: Approximately 2 acres
GP: School
DLUM: Playground

Publication was made in the Sunday Star-Bulletin/Advertiser on September 8, 1974. No letters of protest were received.

Mr. Ralph Portmore presented the report of the Chief Planning Officer. The requested amendment affecting Parcel (1) is based on a need to expand the size of the parking lot serving Aiea Intermediate School in order to both provide more parking spaces and improve the vehicular circulation pattern with the parking area. With respect to Parcels (2) and (3), both of these areas are already owned by the State Department of Education and occupied by school facilities. These two changes are requested in order to reflect existing conditions. The information provided in the request and subsequent analysis indicate that:

1. There is a need to expand parking facilities and improve access to Aiea Intermediate School.

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2. Expansion of the school site to include a 7,150 square foot parcel adjoining the Kulawea Street entrance to the school is the most appropriate alternative available for meeting these needs.

3. The two playgrounds shown on the DLUM as within the existing school boundaries should be redesignated for school use to reflect existing ownership and use and need not be replaced with alternative playground sites.

Based upon the analysis of the request, it is proposed that the General Plan and Waiawa-Halawa Detailed Land Use Map be amended as requested by the Department of Accounting and General Services.

Questions were raised by the Commission.

TAKEHARA: I have a question regarding Parcel 1. Concerning those nine additional parking spaces, where would they be located?

PORTMORE: Just by redesigning the parking in this area and simply by being a little more compact with design, pushing them over toward the Ewa boundary.

TAKEHARA: When DAGS says they're adopting new parking standards, is it on existing or new schools?

PORTMORE: To the best of my knowledge, it would apply to all schools.

TAKEHARA: Existing?

PORTMORE: They mainly use it in terms of designing new schools and where they're intending to expand with existing schools, as I understand it.

TAKEHARA: Has it been adopted?

PORTMORE: Not to my knowledge. There is someone here from DAGS. You could ask him.

HOSAKA: The 7,150 square feet, what was the rationale for not going all the way to the stream? It seems there's a strip of land there that would be unusable to the owner.

PORTMORE: Well, that's questionable. The owner indicates he feels that way too. DAGS has indicated they do not agree with that. In any case, when it comes to a negotiated settlement or the purchase of this property through condemnation, if there are damages involved in the rear portion, they would be rewarded and paid accordingly for whatever damages they would suffer.

HOSAKA: Is there sufficient space there for a home?

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PORTMORE: I believe there is but I'm not sure. In any case, when it comes to the settlement for purchase of the property, that would reflect whether or not there is the space. If it's not usable, then the state would have to pay for the decrease in value resulting from the fact that it's not usable.

HOSAKA: You got 7150 because DAGS said 65 by 110 feet.

PORTMORE: As shown on Exhibit B.

HOSAKA: And you just drew a line and made a rectangle.

PORTMORE: Right. The problem is we're suppose to be general planners and yet because we have an ordinance here, we have to fix lines very precisely. The planning question before us is whether or not they need to expand the parking lot and roughly by how much. Now whether it takes 60, 65 or 70 by 100 or 120 feet, we'll take them at their word. We assume they know what they're doing when they're spending the state's money for additional land, that they're not going to ask for more or less. We're not parking designers. They should have their people who are designing their parking areas capable of doing a competent job. That's not something we should be concerned about reviewing.

HOSAKA: Don't misunderstand me. I'm not against the parking lot. I'm all for it. But, to leave the property owner with a strip of land that's unusable is unreasonable to me. But, you're saying there's enough of that strip to accommodate another house lot.

PORTMORE: I'm saying it appears that way. I'm also saying that it doesn't really matter. The owner will be compensated.

TESTIMONY IN SUPPORT

Mr. Howard Kurio, Project Coordinator, State Department of Accounting and General Services, Public Works Division represented the applicant and indicated the staff report to be adequate on all points.

Mr. Kurio was questioned by the Commission.

CHAIRMAN: You heard the questions that were asked relative to the strip in back of Parcel 1?

KURIO: Yes.

CHAIRMAN: Could you comment on those questions?

KURIO: Although it appears to be a square parcel back of the parcel we're intending to acquire, it's actually a portion of a larger piece.

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In other words, all that land on the Diamond Head side of the stream does presently belong to the C&H Sugar Company and is part of a larger parcel.

TAKEHARA: Can you anwer my question about the standards?

KURIO: I believe your question was whether or not standards have been adopted. The answer is no.

TAKEHARA: The other question was, is the standard of 60-parking spaces required for new schools or existing schools?

KURIO: It's for both, primarily for new schools but to the extent that it applies to standards of existing schools.

TAKEHARA: There was in this report the fact that the community association was informed and there was no reply. Was this plan ever presented to the teachers of the school?

KURIO: As far as we presented it, we presented it to the principal of the school.

TAKEHARA (turning to audience): Is he here to testify?

NO RESPONSE

PORTMORE: We sent it to the community association and people living in the area. We do not send it to the school. We assume that DAGS and DOE would take care of whatever communication is necessary.

TAKEHARA: Well, my question is how much input did the teachers have in this because they're the ones involved in the parking. But, we don't know the answer to that.

My other question is how old is Aiea Intermediate School?

KURIO: I believe it was first started in the late 50's or the early 60's.

TAKEHARA: So it's 14 years old. When it was being planned, was Kulawea Street as well as those residential homes along Kulawea being planned? In other words, was the school there before the planning of Kulawea and the residences or was that put in after?

KURIO: As far as I know, Kulawea Street has always been the only entrance to the school.

TAKEHARA: Well, whoever decided on this site decided that Kulawea Street was wide enough and sufficient enough to take that traffic into Aiea Intermediate?

KURIO: Apparently so.

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TAKEHARA: When we talk about 28 parking stalls in the front, we realize where that parking area is, that alongside the administration building is the loading and the bus service so it's not available for parking. What is the enrollment presently at Aiea Intermediate?

KURIO: The number of teachers?

TAKEHARA: Yes.

KURIO: Well, based on an enrollment of approximately 900, we would have approximately 30 to 35.

TAKEHARA: Okay, so that leaves us a surplus of cars to handle. The reason I ask this is I have taken a drive into the school parking area several times and noticed there was no parking on Kulawea Street. There were many, many cars further back on the school site. So again, have you really looked at the full utilization of this school site for parking?

One more question, what do the children use this area for (referring to site plan)?

KURIO: That is part of their playground.

TAKEHARA: Is it ever used during the day?

KURIO: As far as I know, yes.

TAKEHARA: I wonder if it is because from what I've observed and from my inquiry at the school, that area is never used. The Parcel 2 area, yes for PE and such.

Also where there's 15 stalls, there's a good 15 feet before you hit the fence, the boundary. Also as you move up, there's a strip and beyond there's a good 8 feet of weeds up to the paved boundary. Couldn't it have been possible to move those cars into those areas?

KURIO: Well, it is possible that there are areas which could accommodate a few more cars.

TAKEHARA: Utilize those areas. Cars are already parked there. Light this parking lot up and prevent it from the vandalism that occurs because of this location, a dead-end street. Eliminate this (referring to site plan). You will get more parking and you won't have the bus problem.

That is my evaluation of the situation.

KURIO: We did indicate our problem is two-fold besides insufficient parking. The access is also a major problem because of the way it's situated. We don't see that there is any way to eliminate that sharp turn in that singular access point.

CHAIRMAN: In your planning of the parking area which is what the Commissioner is concerned about, did you meet with and plan with the Department of Education?

KURIO: Yes we did. In fact, the request itself did come from DOE.

CHAIRMAN: Did they request it in the present form that's before us today?

KURIO: Well, they requested a triangular piece instead of a rectangular parcel but in our layout, we felt a rectangular parcel was more feasible.

TAKEHARA: I'd really like to know how much input the teachers had on this planning because as a teacher, I would prefer to park near my PE building and be closer to my classroom like they're doing now.

KURIO: The extent to which we have had contact with the school itself has been entirely through the principal.

TAKEHARA: And we're not assured the principal has taken this back to the teachers.

KURIO: I cannot answer that.

SULLAM: Did your staff work with the principal at all or did you just take the request to the principal and start processing it?

KURIO: No, we have gone back to him after preliminary proposal. In fact, we are one step removed from the school. Our directive comes from the State DOE office as well as from the district office. The district office does have the business specialist who makes more direct contact with the school. As far as our submissions go, it goes to the district office.

SULLAM: So in other words, we really should be speaking to the persons who had direct contact with the school.

KURIO: Well, if you're speaking of operations and exactly how the land is used physically everyday, probably so.

SULLAM: Well, that's the assurance I would like to have that this has really, truly been thought through. I almost get the feeling that it hasn't. I'm not sure but before I make any decision, I'd like to be certain that it has been thought through.

KURIO: Well like I said, the extent to which the district has involved the school in the details of the design, I can't speak for them.

SULLAM: Do you think it's possible that we could get someone here who has had direct contact with the school and is capable of doing a

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plot plan, and has evaluated all the parking places that are available and those that are presently aside and see whether it really is necessa, to acquire more land?

CHAIRMAN: Are you asking the Chair whether it's possible to have a representative of the applicant?

SULLAM: Yes.

CHAIRMAN: The Chair has tried fruitlessly for four years to attain that. Thank you for asking that question.

DUKE: I have a question of Commissioner Takehara. The property owner in his remarks regarding this property states that even the untrained eye can see improper utilization of existing property. Do you think the property owner is correct in making that statement? Also, you should consider the response DAGS made to that.

TAKEHARA: If you look at that front parking area next to the classroom and administration, you would say yes, they need more parking; but, if you go beyond and back, there's a lot of big paved areas. In fact, I would prefer to see that pavement go to that area by the fence and get rid of all those weeds within that 8 to 6-foot wide border. It would help with the maintenance.

DUKE: Considering that it is a two-fold purpose and considering that by utilizing existing lands more adequately, that proper parking could be provided even up to 1200 students--what's the ratio so I know how many cars they're going to have?

TAKEHARA: Well, according to DAGS, 60 to 900.

DUKE: Yet, if you utilize the land that you presently have to provide the parking, it seems one of the big problems is getting in and out of the place. If you put in all the parking there, that's fine, but you still are not satisfying the second requirement, getting in and out of there.

TAKEHARA: I know there are two parts to this.

DUKE: When you were out there, did you have difficulty going up and down the street because people were parking on it?

TAKEHARA: There were no cars parked on the street. Granted there is a traffic jam on rainy days on Kulawea Street, but we've just got to accept that as an is thing because of the location of the school. Now, there will be a back flow of traffic on Kulawea on these off days because Ulune Street happens to be the main thoroughfare to H-1 for the community of Aiea. I've sat in that traffic trying to get onto that clover leaf as far back as Aiea Heights Drive. So, can you see a car trying to get out of Kulawea trying to make a left turn? But, this is besides the issue, right? We've just got to accept the fact

that to me that was to begin with, a very poor site selection for a school. It's just jutted right back against fences and a dead end street. But, from what I've observed off-traffic hours, Kulawea can get out on to Ulune. See, that's another issue to look at. When they planned even the site selection, I would have thought they would have suggested what was to be for our highway system, what was to be for Kulawea Street, and yet they went there.

(There was no further discussion.)

The public hearing was closed, on motion by Mr. Duke, seconded by Mr. Hosaka and carried.

The Commission, on motion by Mrs. Sullam, seconded by Mr. Hosaka and carried, deferred action on this matter to the next meeting for submission of a detailed map and diagrams of the entire site indicating building locations, parking spaces, land uses, traffic patterns ingress and egress, and an alternative design that would reflect the non-inclusion of Parcel 9-9-05 portion 10.

PUBLIC HEARING
GP/DLUM AMENDMENT
LIGHT INDUSTRY TO
MEDIUM DENSITY APT.
WAHIAWA
(a) ARTHUR S.K. FONG &
JACK H. MIZUHA
(b) COMMUNITY SYSTEMS
CORPORATION
(FILE #251/C1/35 &
293/C1/35)

A public hearing was held to consider a request to amend the General Plan and the Wahiawa-Whitmore Village Detailed Land Use Map by redesignating each of the parcels of land located in Wahiawa--Tax Map Keys: 7-4-07: 11 and 7-4-07 portion of 3--to Medium Density Apartment use in order to permit the construction of apartment developments containing approximately 72 units on the 1.03 acre parcel, and 450 to 475 units on the 7.46 acre parcel.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 8, 1974. No letters of protest were received.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer. This proposal is the result of two separate requests which were submitted by agents for the affected property owners.

Request A - According to the request, "all existing dwellers will be given priority to occupy the new units to be erected. There will be at least a 6-month notice prior to intent to any demolishing of the premises before actual work is performed. The proposed rentals will be comparable to existing rentals." Tentative plans for the proposed development call for the construction of two buildings which would each be five stories in height and contain approximately 40 two-bedroom units and 32 three-bedroom units. According to the request, "The anticipated rental for dwelling units is approximately $140 monthly for 1 bedroom and $190 for 2 bedroom units.

Request B - A key feature of the proposed development for the site is the planned sale at cost of one-third of the units to the Hawaii

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Housing Authority for subsequent resale to families of moderate income. Tentative plans call for the construction of 450 to 475 units under the Planned Development-Housing provisions of the Comprehensive Zoning Code.

Together these two requests propose a major change of use for a substantial area in Wahiawa. As a result, the need for an appropriateness of the requested change was considered from the following two aspects:

1. The need for additional apartments in Wahiawa and the inadequacy of existing designated Medium Density Apartment areas for meeting this need.

2. The absence of a need or decrease in the need for land planned for Industrial use relative to the area planned for such uses in Wahiawa, and/or the inappropriateness of the proposed apartment sites for industrial activities (i.e., a policy for industrial activity for this area is impracticable).

Based upon an analysis of both requests, it is the recommendation of the Chief Planning Officer that the General Plan and Wahiawa-Whitmore Village Detailed Land Use Map be amended as requested. It is also proposed that the area on Koa Street which is to be retained by the Hawaiian Telephone Company be likewise redesignated for Medium Density Apartment use. The timing of rezoning and construction of developments on these properties should be coordinated with the completion of those public facility improvements which are required to support them.

Mr. Portmore reported receipt of a letter dated September 16, 1974 withdrawing the application of Fred S. Sunahara and Grace Y. Tsujimura: "...Our original request to amend the General Plan from Light Industry to Apartment Zone was initiated about three years ago when there was a severe shortage of apartment units in Wahiawa. New constructions in Mililani, Waipio and lower Wahiawa have filled that shortage. Furthermore, our adjoining property owners, Hawaiian Telephone Company, has also submitted a request to amend the General Plan from Light Industry to Apartment Zone..."

Correspondence dated September 12, 1974 was also received from Mr. Jack Mizuha, agent for Koji Tsujimura, property owner, requesting that any changes in the general plan relative to the subject property be deferred until further notice.

In view of the applicant's letter of withdrawal, the Chief Planning Officer continues to feel that this amendment is appropriate. This is based on the fact that there still is a serious housing need in this area, that there will not be any saturation of the market as the result of the other proposal, and that this housing need definitely outweighs the industrial need.

The staff was questioned by the Commission.

TAKEHARA: Regarding the letter from the Wahiawa Businessmen's Association, could you read it for us?

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PORTMORE: I have no written correspondence I received a phone call. What I read was a petition.

CONNELL: What percentage is that one acre presently being used for multi family?

PORTMORE: Approximately one-third of the land is occupied by four structures containing about 14 dwelling units. Maybe another one-fourth is occupied by two buildings which runs with a woodmill operation and another with a body shop. The rest, about half, is vacant.

CHAIRMAN: This petition which has about 90 signatures, from whom was this received?

PORTMORE: I'm not sure. The envelope had no name.

CHAIRMAN: It has no identifiable group. I'm certain it must be from residents but I would like to know from which group or who circulated the petition. It would be helpful to us in our deliberations if we knew that.

(There were no further questions of staff.)

Testimony in SUPPORT--

Mr. Merritt Sakata represented the applicant, Community Systems Corporation.

SAKATA: The particular project in question was brought to us as an opportunity when we had been informed that the telephone company who owns the property was interested in selling a portion, about 30,000 square feet of the land that was fronting Koa Street. The property was originally utilized as a cannery operation which ceased operations about 1925. At that time, there was a railroad track that ran adjacent to the property and formed the core of industry in the area. Since 1925, we were informed by Del Monte Corporation who actually owned the property that their cannery operation ceased, and they began utilizing it for a warehouse and office. During that time there were dwellings on the adjacent property. The map we submitted with the application indicates the cottages that were there at that time.

At about 1970 or so, the telephone company acquired a large piece of which they have since disposed some of the land. They have confined their operation to only a small portion of the property.

When we found out that the property was available, it was our intent after having looked at the property, the opportunity to develop the entire 7½ acres which would allow us to make a very substantial contribution to the community in trying to meet the housing need that has been demonstrated in the central Oahu area.

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We evaluated the property from a lot of different aspects but mostly in that it seemed to us even then it was a very unique opportunity since the land was a contiguous parcel. We did make the commitment to the telephone company that we would locate for them an alternative site for them to relocate their baseyard because even they felt that the baseyard was not probably the best use for that particular property. We're looking at it from the standpoint of would it not be a better use to utilize this particular property which appears to be surplus, as opposed to other properties that may be developed for the same or similar use in other areas of the island. In passing, we evaluated also that it didn't seem to us there was any need for industrial designation on the property. After having evaluated the history and looking through the area, we were even more convinced that there really did not seem to be any even latent demand for industrial use within the Wahiawa area.

Our proposal to develop the property is one to develop housing of a medium density. In order that this be something that would benefit the community, we did approach the Hawaii Housing Authority with the offer to have them join with us. Our initial commitment to them was to turn over one-third of the units at cost for moderate-income families. This would be done in conjunction with the state who is going to be purchasing a piece of that property thereby maintaining the land cost at a reasonable level and not having it escalate unreasonably. They would also be committing to allow us an opportunity and to actually give us the interim loan to develop the property so that we can construct the units at low cost.

Our development is primarily to be for ownership. There is almost no possibility we can see even with the help the state can give us so we can actually do what anyone would call low-income housing which is maybe characterized by public housing developments or projects of that nature. The FHA programs unfortunately have been somewhat suspended and we do not believe there will be any money available although we are committed to look for funds for long term financing through FHA if they happen to be available. We feel the main market the development can hit will be varied. We will be designing a range of types of units. Primarily, we will try to have some of them quite inexpensive. Maybe they won't be very fancy or very large. At least for some of them, it will be suitable for families who are just starting out.

We feel the amenities available to this particular site are very great and to develop it for industrial use at this time would not be in the best interest of the community. We feel development of the property would have a long term very positive impact on the community by giving them an alternative population that would help to offset in many cases the dependence that is now felt on the military community there.

At the present time, the development calls for the property to be developed as a leasehold condominium whereby the land cost which is moderate, actually quite reasonable, for the property will not be passed on to the owners of the property.

Because we will be getting low-interest funds through the Act 105 program, we expect to be able to keep the financing cost and thereby the overall cost of the project down. Through Act 105, the state has the power to waive general excise as well as real property taxes thereby also minimizing the cost through the project. We feel that if anything, these assistances that we will be able to pass on to the owner will give us an opportunity to do something very good for the community.

As far as the character of the development, we did have the opportunity and the pleasure to make a presentation at the Wahiawa Community and Businessmen's Association in June of this year. At that time, we explained to them also our feelings for the property. It was our first contact with the community there. We understood them to be representative of both the business associations and business people as well as other residents in the community. We at that time explained to them very similar to the presentation I'm giving you now. We also showed two photographs of the property and what we anticipate the development will look like.

As far as our discussion, yes, we do propose to build a highrise. We feel that would probably be the best way to utilize the property. An adjacent property, the one that Kilani Village is constructed on at present has one highrise structure. It's about nine stories. I think most of you are familiar with the Queen Emma Gardens project. It's often pointed out as the prototype of something good to be constructed in Honolulu as far as a housing project goes. We anticipate by maintaining the densities of the same rate as you would have in any medium density apartment zone and constructing the units in a highrise configuration, it would give us an opportunity to maximize the open space. It is our commitment right now, we understand and in fact we have proposed to go the route of the planned development housing. We do not feel the A-2 approach on strict zoning would be the best alternative because it forces us to stay below 40 feet. We do not also believe that the A-3 is suitable although it's a reasonable alternative because it doesn't give the community an input as to how high the structures may be since the maximum height would be 350 feet. We anticipate something in the range of 16 stories which we feel our optimum would give us an opportunity to maintain a large amount of open space.

Mr. Sakata was questioned by the Commission.

TAKEHARA: This housing will be for low and moderate income, one third of the development?

SAKATA: In practical terms, unless you were to have what we call a public housing which is completely subsidized by the federal government, there really is no way that one could really hit what we would call the low-income market. Low income is normally considered something in the range of maybe about $9,000 or $10,000 a year and below. Actually, $10,000 would be very, very generous for what you would call low income family. Unless you were to go the public housing route

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something like Mayor Wright Housing, it's very difficult to hit that range. We call it moderate income housing because what we anticipate we will be able to hit with the assistance of what the state will be giving us, at least one third of the units which is the present commitment will be able to be afforded by families who are starting out, families who are earning possibly $1,000 a month, perhaps slightly more than that. We anticipate the type of financing in the final analysis will determine what income ranges we'll be able to hit, very definitely. But, our commitment is that they will be evaluating all of our costs in any case. The cost is what will determine. It's very difficult to tie that down in the kind of inflationary market we're having right now.

TAKEHARA: So, it's for that moderate income group you're building the highrises.

SAKATA: Yes.

DUKE: Do you agree with the statement the other applicant made in his withdrawal that three years ago there was a shortage of apartments, but presently due to construction in Mililani, Waipio and lower Wahiawa that has been eliminated and the demand is not there. How do you feel about that?

SAKATA: I would say he has his reasons of believing that. It is a fact that the very, very high demand for military housing has been felt in Wahiawa for some time. We do know for a fact and we have checked this out with the housing outfit at Schofield. In fact, the military because of the shortage of housing has sort of rented everything in sight. We feel that our project will not only be aimed for the military market but also we feel that with the completion of the H-2 freeway to the entry to Wahiawa town, would make Wahiawa as a housing alternative, a place to live, a very reasonable alternative. In fact, we feel that it will be an alternative to other families that would be commuting. We do not intend as your other applicant had mentioned to rely only on the military. We'd like it to appeal to a large number of people including the people already living in Wahiawa and would like to own.

DUKE: The restrictions that were recommended should we approve this that we incorporate certain requirements, how do you feel about that?

SAKATA: Well, the original commitment to HHA was that the project would be done on a development agreement basis. Their participation would be predicated on us giving them one-third of the units at cost. We may be modifying that in another way in which we would be doing it on a joint development basis, but at the present time you can count on one-third of the units being sold at cost.

CHAIRMAN: You said the military has rented up just about everything in sight in Wahiawa, and that you hope this proposed highrise would appeal to the military.

SAKATA: We would feel that there would be some military occupants. They still constitute a large percentage of the people in Wahiawa.

CHAIRMAN: You are familiar with Schofield Barracks?

SAKATA: Yes.

CHAIRMAN: How many 17-floor highrises do you see on Schofield?

SAKATA: Not too many.

CHAIRMAN: I understand.

SAKATA: At the present time I would say we are proposing the highrises because we feel that would probably be the best way to develop the property. We think it could be a prototype for good development. The type of development would have to be taken up at a later time again before this body. If there is any feeling on the part of the Commission whether that would be appropriate, I wouldn't mind hearing about it and then giving us an opportunity to react to that ahd have our architect incorporate some of those ideas.

CHOY: Do you people have a figure as to what the units would cost?

SAKATA: The original projections that were made in December '73 were that the units could be constructed in the range of around $33,000 to $37,000.

CHOY: What kind of units?

SAKATA: We're talking of modest units, something in the range of 3-bedrooms, around 900 square feet.

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

Testimony AGAINST--

Mr. Roy Tanji, Member, Wahiawa Community and Businessmen's Assn.

TANJI: I'm a member of the Wahiawa Community and Businessmen's Association Master Plan and Civic Improvement Committee. I have served as past president of the community association five years ago and actively participated on numerous committees. I'm a life-long resident of Wahiawa. I practiced there as an architect since 1964. Today I wish to bring before the Commission the action taken by the Board of Directors last week on this matter. The Board feels that it would be most inappropriate to change the land use designation from light industrial to medium density apartment. I'll briefly outline some of our reasons.

There is definitely a need for small businessmen to use the present

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area that is light industrial; namely, let me refer to what is allowed under the CZC for light industrial uses.

Small contracting firms. There are a number of them in Wahiawa that are presently operating in areas that are not zoned for that particular use, working out of their garages and what have you. Inasmuch as there are a number of these operations plus the fact that we do need some activities that should more appropriately be placed in the light industrial uses such as auto repairs, and I appreciate the fact that before the CZC was adopted, the auto repair type of business was allowed in other areas. So, I'm talking about these nonconforming uses which are presently in Wahiawa.

May I take this opportunity to say why that land hasn't been fully utilized as light industrial. I'm sure all of you Commission members know that as far as the adoption of the CZC in industrial land housing was also permitted. What has transpired there on that subject property is one of the landowners of that light industrial property has brought in used buildings and has found it more economically suitable monetarily to put up houses so that they can rent these rather than using it for the intended use. Now, under the new CZC--I refer to it as new because we have been working so long under the old system--I feel there are enough guidelines in the CZC where should that present parcel of light industrial be retained, there's enough safeguards in the CZC that it would lend itself to that particular use. Other than the auto repair and contracting uses, we feel the need for warehousing. There have been cases where businesses have moved out from Wahiawa and have relocated in Waipahu because of the lack or the reluctance on the part of the present landowners in this light industrial zone to permit them to operate or lease that land. There's also a small aloha shirt operation that had to expand elsewhere, outside of Wahiawa inasmuch as we do not have many opportunities for employment. We feel that whatever we can retain where our residents can work in Wahiawa, would in my opinion, be sound planning.

The community association feels if we slowly erode the few remaining acres of industrial land, we're going to slowly actually turn into a physical bedroom community and will have to commute to work. We're going to overtax the highways. This is occurring throughout the United States.

We like the present character of Wahiawa. It's an old community. As an architect, I appreciate the fact that we must utilize the present urban zoned areas and increase its density. I certainly am against spreading out Wahiawa town and taking good agricultural land and just spreading it helter-skelter. But also on the same token, as a resident in Wahiawa, many of the residents feel that they want to keep their particular type of lifestyle. A 16-story building would not be, as stated by Community Systems, compatible to that present lifestyle. I appreciate the fact there have been new apartments alongside Wilikina Drive. There, we feel it's on the periphery, along the reservoir, it does not block the view. That subject parcel of light industrial use,

should it be converted to medium density, would definitely block the view of the old time residents. Some of the homes there are at least 40 years old. A lot of retired people are longtime residents and live around the surrounding area.

Mr. Tanji was questioned by the Commission.

CHOY: You mentioned small little businesses moving out of Wahiawa because there was no room for expansion due to the old system. Can you tell this body whether the existing businesses in Wahiawa at the present time could actually utilize this entire area as a light industrial area?

TANJI: The present business I'm sure cannot utilize the entire area but they would welcome the opportunity to expand. There has been two cases that I know of that wanted to expand but could not. Because of this, many of the Wahiawa residents working for that company had to commute. This does not preclude the fact that in the future there would not be people wanting to come in to provide additional labor market. I talked to a number of people, realtors namely, and we have on occasion requested for a large enough parcel for warehousing.

CHOY: According to our staff report earlier, that if this GP amendment is approved, there is still roughly 6 acres that is unused that will be left for light industrial. Would your present light industrial be able to use this six-acre balance that is unused at the present time not withstanding the change?

TANJI: I can't speak for the business owners. But, it would certainly afford them an opportunity to expand. It's the community association's position that if we slowly erode whatever industrial lands we now have, it's going to create hardship and more commuting. It's a healthy situation to have some industrial land for these types of activity.

DUKE: It is presently light industrial zoned, so I can't see why your businesses would move out when you've got all the industrial land you can possibly use there.

TANJI: Well, you take the contractors I mentioned. They're not large contractors. I'd say in the total staff, they would number only five. They can't afford to buy the entire parcel. In other words, if the present owners of the industrial land decides not to subdivide or to lease out small parcels, naturally the small contractors cannot get in even if they want to.

Also as I stated earlier, there are lots of old used houses brought in utilizing the industrial land. This also restricted the people that wanted to go in there. In other words, they could get more money from putting old houses and renting them out at high exorbitant rentals.

DUKE: The landowners could likewise take the same position.

TANJI: There's the possibility but I feel under the new CZC, this would certainly discourage bringing in of old houses.

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CHAIRMAN: Did I understand you correctly to say the parcel does indeed have old homes on it?

TANJI: The parcel Community Systems intends to convert to medium density, I don't believe there's old homes but the other applicant, they do have old homes.

CHAIRMAN: Are you familiar with this petition that's been received?

TANJI: As far as I know, the community association has not received any petition.

CHAIRMAN: I'm trying to find out who submitted it.

TANJI: I do not know because the community association did not receive a list like that.

SULLAM: How high is the apartment on Kilani Avenue?

TANJI: I believe 10 stories.

CONNELL: In the event the apartment went only 10 stories, would it then be acceptable in the area?

TANJI: My understanding is this is not a planned development. I don't know what assurances we would have or anyone would have that we can impse a height unless we give a zoning designation that limits the height as called for in the CZC.

CONNELL: Well, the issue before us at the present time is a general plan change. If the general plan change goes through, then we have the whole process of changing the zoning which could have very much an effect upon the height of the building, as you're aware. I'm a little confused because on one hand I hear you saying industrial land is needed, and yet it would appear this application has been in the mill for two years. It would appear this is a need that has arisen rather recently for industrial land because there has been no communication for two years.

TANJI: We did not have any communication two years ago for this particular general plan change. We did answer to Mr. Way the Chief Planning Officer, July 12th in regards to Community Systems request to relocate Hawaiian Telephone's yard to the Whitmore side. At that time, we sent a letter objecting to this because we felt this preceded the move to open this up or change the land use designation to medium density. In other words, there is no need for industrial land. It's a demonstrated use by the Hawaiian Telephone people. They have the present zoning. It's legal. Why move? Simply I can only surmise they're moving because it's economically a good move for them, to be very blunt. In other words, we say there's no need for it. Hawaiian Telephone demonstrates a need for industrial land and here this moving out so that they can convert this to medium density apartment. It's strictly a monetary move. This is a personal opinion. I'm not reflecting the opinion of the board. I don't want this to be misconstrued.

ABOVE FRAME

REPEAT REPEAT

REPEATED NEXT

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CONNELL: I believe that's really part of the problem, getting clarification in terms of what precisely is needed in the area because it's also been mentioned because of the residential characteristics of Wahiawa and so forth, that it seems a 15-story apartment building is not appropriate, and yet you mention that warehousing is needed. Now, if a 40-foot warehouse were put in, is that an appropriate structure to go along with a residential area?

TANJI: I really can't answer all those questions but I feel the safeguards that are in landscaping provisions in the CZC would be adequate. Certainly, it is far better a situation today with the CZC than what had existed prior to its adoption. I have personally done a PD shopping center and I thank the Lord that there is such a thing as a CZC because today, we've got a beautifully landscaped shopping center.

CONNELL: Well, if a 40-foot warehouse was properly landscaped and appropriate, then it might also be appropriate to have an A-2 apartment district with the 40-foot height limit under a PD application with proper landscaping.

TANJI: I would feel much more comfortable with a PDH. This is my personal opinion. I'm not authorized to say this as a representative of the residents there. I concur as a professional going the PD route.

CONNELL: Then am I correct in assuming that the real issue is the height of the proposed building and not so much the industrial use over and against apartment?

TANJI: No. The real issue is retaining the land use. Nowhere in the letter from the association do we concern ourselves with the height at this time.

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

The public hearing was closed, on motion by Mrs. Sullam, seconded by Mr. Duke and carried.

MOTION: Mr. Duke moved to accept the recommendation of the Chief Planning Officer, seconded by Mrs. Sullam.

Discussion followed.

CHOY: I will speak against the motion. I can see Mr. Tanji's reasoning whereby Wahiawa being a small sized town, where many light industry started off as sort of a home project and possibly the present landowner had created a situation where they would not sublease any part of their land to these small industries, whereby it could have been concentrated in this area. I could also see the possible

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long-term economical impact where Mr. Tanji said this would become a bedroom community, where commuting to a neighborhood town such as Waipahu would really cause some economic problem. Because of this, the adjacent property which staff has required to be kept in industry, I can't see where a 16-story would be developed, and adjacent to that there will be light industrial. I would assume later on that the people who live in this project would say they'd like to have this changed because it would be too noisy. Because of this, I'd like to speak against the motion.

SULLAM: I'm under the impression the light industrial was going to be removed, the entire portion although by two different owners, that it would be designated medium density apartment.

CHAIRMAN: That's the motion before you.

The Chair would like to speak against the motion. Illogical as it may sound, I'm concerned and the one question I did ask expresses this concern. I happen to know Wahiawa and taught there for some time. I know the nature of the community. I happen to agree with the people from the community that almost every rental available in Wahiawa is certainly there for the military, depending on which division is in or out at any given moment. I also know the good and bad that can come from such a community. I know the nature of Wahiawa. It's a very small community.

It seems to me, if we were building this in order to meet the need of the local people who need homes and we do, I would certainly be speaking in favor of this. But I would submit to you, if we are going to take an action that would indeed change the nature of a small community, then let's have this 16-or 17-story building on Schofield Barracks. It's open. It's beautiful. I've driven through it several times. It's spacious. Let them build it and put the military there. Leave Wahiawa to the local people.

I speak against the motion on that basis.

DUKE: I'll speak for the motion just to bring out a couple of things. To begin with, we're not discussing a 16-or 17-story building. We're discussing the change of general plan. If at some future date you want to put a building on it, then we can discuss that. I believe there is a need for this change. Therefore, I'm in favor of the Chief Planning Officer's recommendation.

CHAIRMAN: I don't disagree with you. I understand the steps involved. However, the applicant did indeed mention the fact that he has no qualms about the fact he does plan to put a 16-story building on there. I know

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the likelikhood if we make this move of his coming before us is pretty good, that he will come before us with that request. I know if we don't make this change, he won't be here with that request.

CLEGG: With regard to the military situation, we would be inclined to agree with you, except the realities of the situation which is what we do have to face. It's not going to happen. So, we do have a problem and the military people do compete with our local people for the availability of housing. The project, we feel, will alleviate some of the pressures in that area on housing and enable the local residents to have a better chance at getting some housing in that particular area. As Commissioner Duke says, the type of housing to go in there will be decided at a later date.

CHAIRMAN: I don't want to belabor this but again I'd say that may be it happened a long time ago if we had taken the position that as a community body we have some responsibility in making the military live up to its responsibility relative to housing, we wouldn't be faced with this situation. The fact of the matter is we are faced with this. The fact of the matter is we're faced with the changing of a local town in order to accommodate a military base. But, I submit to you that if the military can have all kinds of open space on Schofield and cram people into the middle of downtown Wahiawa, then we ought to look at that and look at it very seriously.

(There was no further discussion. The motion failed to carry.)

AYES - Duke, Hosaka
NAYES - Choy, Crane, Kamiya, Takehara
ABSTAINED - Sullam
ABSENT - Kahawaiolaa

The Chairman deferred action to the next meeting because the Commission lacked sufficient votes to recommend approval or denial.

PUBLIC HEARING
PLANNED DEVELOPMENT
HOUSING
KAHALUU
THE HOMES CORPORATION
(FILE #73/PDH-11)

A public hearing was held to consider a request for redesignation of the site to Planned Development Housing under Article 10 of the Comprehensive Zoning Code for approximately 8.1 acres of land situated in Kahaluu, Tax Map Key: 4-7-46: 6.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 8, 1974. No letters of protest were received.

Mr. Ali Sheybani of the staff presented the Director's report of the proposal. The proposal is for construction of 60 townhouse units.

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The agencies review indicates that public facilities are available and adequate except for water and sewers. A sewage treatment plant is proposed, the feasibility of which will depend on satisfactory percolation tests to be approved by the Department of Health prior to issuance of a grading permit. A public water reservoir is scheduled for completion in late 1975 prior to the estimated time for completion of building construction in mid 1976.

The State Department of Transportation indicates that Pali, Likelike and Kahekili Highways are overloaded and recommends that applications which would result in higher densities be deferred until the disposition of the TH-3 freeway is resolved.

The agencies concern with flooding of the lower portion of the site resulted in revisions to the site plan by the applicant. The revised site plan is acceptable to the Department of Public Works, subject to a detailed soils and drainage study for approval prior to issuance of a grading permit. A roadway shown on the Detailed Land Use Map would cross the northeastern tip of the site.

It is recommended that the application be approved, based on the conditions enumerated in the Director's report.

The staff was questioned by the Commission concerning the Director's report.

DUKE: I can't help but recall the little discussion we had last meeting regarding an area in a similar situation. What was the legal decision on whether a PDH must have an environmental impact statement or not, and was it considered in this case?

SHEYBANI: Let me clarify that. We have been working with Corporation Counsel. There are a number of conditions. There are six conditions and the project must have one of those conditions before it's required to prepare an EIS. One is if a project required a change of general plan. If a planned development project required a change of general plan, then it has to prepare an EIS study. The other conditions are if federal or government money is involved in the project, another is if shoreline work is involved, another is if it's a historic site and so on. We have looked at those six items and this project does not fall under any of those. But, the project by the way we and Corporation Counsel looked at it does not require this EIS statement. The other project did.

DUKE: We didn't have the minutes from the last meeting and I can understand why, because the attorney in trying to tell us what the rules were regarding, I can greatly understand why we don't have the minutes. Now, if we had the minutes, maybe I could have dug out what we had been told. There sure were some conflicting statements made last time.

SULLAM: I am concerned about the request from the applicant to eliminate the stipulation to hold all the projects that increase in

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density in abeyance until H-3 is resolved. Now, if we keep approving these, truly, we're violating our purpose in reviewing these projects. We're supposed to take into consideration transportation, schools, all public facilities. I don't see how we could approve this project if the Department of Transportation tells us not to.

SHEYBANI: Just to clarify, the Department of Transportation indicates that any population increase would aggravate the situation. I would translate that to mean if the size of families grow that is one population increase, subdivision approval is another population increase. Do we have to take the Department of Transportation's requirement. That is really up to you to determine that. We take it as a very hard line at this time for a project.

SULLAM: Then we ought to have the Department of Transportation change their recommendation rather than to ignore them.

CHAIRMAN: If I might, there's two basic things here. Number one, we have never religiously followed the dictates of the Department of Transportation. In any report, it's information fed to us. The thing that we decided and certainly discussed on that last occasion is for the Department of Transportation to put such an unwieldly kind of restriction--if we stop building on the Island of Oahu until TH-3 is settled, we're in trouble. We're in bad trouble. I don't care if it's Kahaluu or anywhere else. I think we decided as a Commission we don't want to get caught being a political football. Why should we put that kind of restriction on TH-3. I have one question of staff related to what I'm answering you here. When did the Department of Transportation start making such recommendations? I remember we've been sitting here for four years asking will this create a traffic problem and they said roads could handle it. When did the new image of the DOT come up that you can't build anything until TH-3 is settled?

SHEYBANI: We'll try to clarify that. The previous letters we had been receiving from the Department of Transportation had been localized looking at the microcosm. We had received, however, on two of our cluster developments that were very recent in June '74 a letter from the Planning Division of the Highway. The previous letters were from other departments, from Growth Planning--I don't know the exact title of that department. We called to clarify this at the request of City Council and the other project, Lilipuna Hillside, by telephone. The Department of Transportation representative indicated that the last letter supercedes all other comments and applies to the whole Windward side and all Windward corridors.

CHAIRMAN: Is it explicit in the recommendation of the Department of Transportation not that TH-3 be settled, but that TH-3 be approved? Obviously, if the imminent increase in population is going to unduly burden the highways until it's settled, it means towards approval. If that is true and my interpretation of that is correct, couldn't they just all have said that it will be an undue burden on the highways until a fixed-rail rapid transit is passed, or some other form?

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SHEYBANI: I have to mention that the Department of Transportation comment also indicates that even with TH-3, their problem is not going to be alleviated.

CHOY: As I look at my slope map that I received, it appears to me that much of these structures will be placed on slopes of 40 to 50 degrees. It's my understanding that the amount allowable for building would be between 20 and 30 degree slopes.

SHEYBANI: The buildings indicated on the slope are all on poles and step-down structures to reduce the grading. Of course, they would be subject to a soil analysis which the Department of Public Works requires. Should the soil prove it's not suitable for construction, the plan totally changes. But, the problem is on the flat area more than on the hillside because the flat area is flood prone and can be a problem for structures. They have to landfill.

CHOY: Then may I ask whether the applicant has initiated a soils study before they decided to locate on paper the structures on the map?

SHEYBANI: It's the applicant's contention that he has.

CHOY: Has the applicant initiated a preliminary EIS?

SHEYBANI: Not to our knowledge.

CLEGG: I might comment as you suggest, the Commission need not take the advice necessarily of the departments. In fact, you readily ignore the Chief Planning Officer I might say.

I've looked at some of the numbers on the highway, Likelike and the Pali, and I think the State DOT is overly alarmed in this area. I'm not saying getting across the Koolaus at present peak hours is somewhat of a chore; however, if we take the peak two hours which frankly is between 6:30 and 8:30, there is an excess of capacity on Likelike and the Pali at the moment of some 2300 vehicles. In other words, during the two morning peak hours, the trans-Koolau corridor could handle an additional 2300 vehicles, approximately. This would take us some seven years to fill out that roughly 3% increase. I'd also like to say that the City and County Department of Transportation Services has additional plans for alleviating and supplying additional capacity across the Koolaus to increase the present diversion of about 13% to buses to a higher number. In fact, there are fewer cars now on the trans-Koolau corridors than there were in December '73. As a matter of fact, there's fewer now than there was in 1972 largely, I believe, due to the diversion to buses and also the higher cost of gasoline and car pooling. So, I think the issue raised by the State Department of Transportation might be considered to have some forcing overtones towards acceptance of a TH-3 concept by this body. The Chairman's views that we should not be sort of as a political football is well taken.

SULLAM: Looking at the drawings, very little of that land is flat.

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SHEYBANI: About half of the land is low-lying between zero and 2%; however, that has to be landfilled. Some slopes are 20% to 30%, and some pockets of less than 8%. The parking and roads are located with minimal grading on those areas. The advantage of building is on the slope. The flat area is about 50% as of now.

(There were no further questions of staff.)

Testimony in SUPPORT

Mr. Jerry Allen represented the applicant, The Homes Corporation.

ALLEN: I'm here basically to answer questions. I will speak to some of the questions that I've heard.

The first question, the H-3, I guess we'll put aside more or less but I'd like to mention that the request to the City Transportation Department, we did fund a study in the area and found that the road system down to Kahekili in this area would be expanded by 38 vehicles for the 60 units there in the peak period would be the total load that would be added to the whole system. We found that the load system was then loaded to 3%, the road down to Kahekili Highway. We looked at Kahekili also in that area, the Valley of the Temples. We found at that point loading was up approximately 20%. That brought out the point that the bottleneck going on to the Likelike Highway was in fact a question. As I understand, we also have a modification to that access point in the program at this time.

The second issue was the flood zone. The 100 year that inundates a portion of the site, inundated to the level of about one foot. We have again a heavy drainage study from Parks Engineering Company which indicated that our positioning and the location of retaining walls will provide adequate security and adequate capacity for the drain to take the water flow without giving us problems in the area. There was a question with regard to the soil engineering study. We have had a soils engineer look at the site. His recommendations were those that you heard that said the site is adequate for us to build units on foundation structures we are proposing. In the one area, there is an underground spring that comes to the surface. That is the area we wanted particularly noted in the treatment of the foundation solution. We want to be sure that there's adequate drainage to take away that water. We will, in the final construction drawings, look at all of the areas again.

There was a question about a percolation test which didn't come from the Commission, but a point that the department made. We have already conducted a percolation test. We find from the results of that well that we will need about 8 to 9 additional wells. The provision by the Health Department for looking at the results from those percolation tests is to be sure that we are covered in all wells as we have been covered in first which implicates the feasibility of putting that kind of a system in.

As to the question of the EIS study, we touched base at the beginning in the two years we have been reaching this point, with the University of Hawaii on this particular site. I have worked in the past with the personnel working on an Environmental Impact Statement. I am not an environmentalist myself but I took this project to my colleagues and discussed it with them. We have found no negative aspects and have found certain positive aspects. First of all, there's an overhead powerline, high voltage, that will go underground as part of our proposal. The stream itself is a lovely stream and we propose to improve it with a path system for the housing area but also noting a requirement for public access, in fact 15 feet on each side of the stream.

We've concurred in giving the City the land necessary for their DLUM highway.

We have integrated into our scheme of building the housing into the hills. We're rather pleased with the step-down concept. We went to the City initially two years ago and asked them for their recommendation so that we would be sure to get off on the right foot. We think we've satisfied most of those requirements.

That's all the points I picked up from the conversation. I'd be pleased to answer any questions you may have.

Mr. Allen was questioned by the Commission.

CHOY: I'd still like to refer to the slope map I have. According to my map, there is a greater percentage of your structure that is located on here that's still on 40% to 50% slope. How much grading would you people do in order to be able to build on this particular slope?

ALLEN: We've spent a great deal of time in our preliminary engineering in an effort to follow the contour line of that particular slope and minimize the grading. We recognize one of the continuing issues in Kaneohe is Kaneohe Bay, and so we recognize the siltation of the Bay although we're a 1½ miles back. To minimize that, we propose to minimize the grading to start with and provide for a silt basin as required. We propose the grading to be limited to the roadway system itself, and then of course the site for the foundation of the height of each structure. The higher sloped area is that Conservation area behind. You have noted on your map about two acres of land that hasn't been filled in. That's part of the general site. That is the high sloped area and there's a demarcation line where the slopes becomes markedly less.

HOSAKA: Would you comment on the recreation center.

ALLEN: We propose to expand the amenities even a little bit more than we provided, being conservative in nature showing all of what we

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propose. Yes, we will expand that per the recommendation. We'd also like to point out that flat area makes a beautified flooded field. It's over an acre in size. We propose to have a backstop and little league field there. The path system we did not bring to your attention particularly in the presentation. That's quite a minimum cost item to develop a nice stroll-through wooded area, the tot lots. That's what we're considering providing, and a swimming pool in the final plan.

HOSAKA: What would then be the size of the recreational center?

ALLEN: That hasn't been determined yet but I would anticipate more on the order of 20 by 35.

HOSAKA: You're saying you're planning to have more amenities but we don't have it in the report.

ALLEN: I didn't put it in and I wasn't going to commit myself but that is our plan. There's little cost involved and very easy to live up to. We must do something with that lower slope anyway in terms of rolling it. That makes the field. I anticipate a minimum fee of perhaps $1500 or $2000 for that path system. These are modest things that will make the project much more marketable and to our advantage.

HOSAKA: I thought perhaps you ought to lay the cards on the table and say exactly what you're going to have so that we can make a vote.

ALLEN: I'd be happy to have Mr. Sheybani indicate that in the requirements.

HOSAKA: You mentioned the little league park and the swimming pool is not listed now in the enlargement of the recreation center. I'd like to have that in the minutes.

ALLEN: Please, feel free.

By the way, there are certain standard requirements for the little league park. We propose to make that less formal. The area is adjacent to single-family homes in that area so it adds to an already semi-urban type of development. That certain area has certain drainage problems. I've been talking to some of the residents in the area. We think--and this has to do with an EIS again--that when we improve the drainage in our area, one thing that will have to happen is the access road and we'll have to open a wall that is now part of the drainage problem. We are going to be able to provide better service to that community of 75 people in terms of storm drainage requirements by our project.

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

Testimony AGAINST--

1. Mr. Joel Laber, Resident, 47-618 Melekula Road, Kaneohe

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2. Mrs. Margot Laber, Resident, 47-618 Melekula Road, Kaneohe
3. Mr. Bob LeClair, Resident, 47-656 Melekula Road, Kaneohe

OBJECTIONS:

1. Flooding and inadequate drainage systems. No development should occur until the proposed federal flood project for the area is completed which would alleviate the situation at Kahaluu Stream.

2. Inadequacy of unimproved Ahuimanu Road to handle increased traffic generated by the proposal. The project should be delayed until a future road is constructed to adequately handle additional traffic.

3. Environmental aspects. The existing local lifestyle would change. Mr. LeClair stated: "An environmental impact statement has to be done whenever there's a significant impact on a human or social or ecological system. I contend that doubling the size up there is definitely a heavy impact upon our human and social lifestyle up there. In view of that, I would like to request and make a legal demand that some kind of environmental impact statement be seriously done over before you execute approval of it."

4. Inadequate sewage facilities.

5. Siltation of Kaneohe Bay.

6. The subject property is not the prime type of land for a planned unit development since half of the land is flood prone while the other half contains slopes of 20% to 50%.

7. Poor soil conditions.

Mr. LeClair was questioned by the Commission.

SULLAM: You are a lawyer. Why did you wait so long until this PD was at your back door. Have you ever taken any steps to change the ordinance so that it wouldn't give such huge bonuses so that these PDs would not be able to take into account such very steep, unbuildable land when they figure their number of units? Have you talked to your councilmen on this?

LECLAIR: There use to be a provision as you know in the CZC that when a slope exceeded a certain percentage, it could not be built upon. However, the Council afterwards decided simply there would be more need to build on more types of land. That particular section was taken out of the ordinance. Because of that fact, I don't see how it's going to be too profitable to go back into the Council and ask them to put it back in again. The situation really hasn't changed too much since then.

SULLAM: I'm afraid I'll have to agree with you. I was very much against their taking that out of the ordinance. I'm sorry that more

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people didn't testify against taking it out. I can see all the damage it's doing.

CHOY: Regarding the soil condition, I hear another argument on the other side of the coin.

LECLAIR: When we had our property, I had a friend of mine who is a geologist from the UH come out. He was very concerned about the lubrication effect. Mainly, it seems on clay with fine silt particles when you've got a lot of underground water, particularly if you've got an underground spring, sometimes you get a pressure build up in which all of a sudden, the whole thing goes. It almost becomes like ice where it floats and you kind of get a water film to slide on. The land will actually do that. Because of that, he said the hillside we had which is approximately a 25% slope, he said don't build on that. Build below where it's flat. We did. Because of that, we don't drive to our house. We walk down to our house.

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

The public hearing was closed, on motion by Mrs. Takehara, seconded by Mr. Hosaka and carried.

Discussion followed.

KAMIYA: Mr. Chairman, we've had several projects from Kahaluu that came before us. Many times lifestyle has been brought up. At our last workshop, it was mentioned that social-economical values must be considered in the Windward area. I would like to know to what extent or how do we take this into consideration?

CHAIRMAN: In any particular project that we're considering?

KAMIYA: Just basically.

CHAIRMAN: One of the requirements of the EIS has to take that into consideration. If it is indeed required in this project, it would be something we would take into consideration. I think we have the understanding from the department and from Corporation Counsel, as I understand it, it is not required in this particular project. Several witnesses have disagreed with that here today. I think any project that we have considered, that is one of the considerations--social-economic consideration, change of lifestyle, what do we do with the community as opposed to need for housing. This is a dilemma we've been in for quite sometime here on the Commission.

CLEGG: May I suggest in this particular case that issue very likely was decided on whatever merit at the time of the general plan change when it was decided that area should have residential uses and at the time the zoning change was given for residential uses. It is true that an EIS is not required under any state or federal law for this project.

The other point with regard to subdivision versus PD, we've always felt, and I think rightly so, that the PD provides us an opportunity in the city administration to get a much better development out of the land and to use it less in effect than what may be an uptight

subdivision. The owner of this land could go in under regular subdivision rules and build a subdivision. The way the land is, I don't think he could get a very nice subdivision but I do think he could get a very nice PD making use of 40% slopes instead of cutting and filling and trying to get zero and 90% slopes which is what you do in a regular subdivision.

The social issues, I think are not really easily reversible at this time unless the city administration wishes to go in and buy the land.

CHAIRMAN: If I could add one thing to that going back again to a year ago when just on this one issue of siltation of the Bay, I think the direction there for this Commission was clear. We made a motion declare a moratorium on all building in the Kaneohe Bay area. That decision was changed at the City Council level. That particular project was only for 15 or 20 units but no one could tell us at which point do we irrevocably ruin a bay. So, we declared a moratorium. It didn't last too long.

HOSAKA: There seems to be some conflict in my own mind, and I don't know whether I'm really ready to make a decision and cast my vote primarily due to the fact that we've heard testimony dealing with runoff, the mention of a federal project dealing with flood control and all those things. Maybe we ought to have a status report on that particular thing that seems to be a big thing with the people who are objecting to this PD. I'd like to have more input and more time on this before I cast my vote. I'm asking then for a deferment.

First of all, let me ask Don whether he's acquainted with that federal project and what the status is?

CLEGG: Negative. Ali are you?

SHEYBANI: To our knowledge, Mr. Chairman, there is no flood project that comes directly to the site. The flood project on the way by the Corps of Engineers, I believe, stops a quarter of a mile downstream from this project and continues on to the Bay. But, it doesn't extend this far up. So for this area especially for Ahuimani Road, there is another project. We had the Department of Public Works that presented it at site. They were just making the determination of the size of culvert to handle the water without talking about the future, major improvement project.

CLEGG: Does that answer your question?

HOSAKA: Not really. You said there was a representative from Public Works?

SHEYBANI: That's right.

HOSAKA: So you didn't say anything about future plans of alleviating possible floods.

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SHEYBANI: No, not for this area. As a matter of fact, the project above this site it's recommended to leave the stream in its natural form rather than lining the stream with concrete. The same goes for this site. We haven't heard any concrete plan from the Corps of Engineers or other agencies for lining the stream or improving it right at this site. Further down the road where the volume is greater, there is a plan to improve the stream all the way to the bay.

HOSAKA: This is what I don't understand. We've heard testimony that there's been flooding. Isn't there something in the mill to alleviate that?

SHEYBANI: The flooding that the U.S. Corps of Engineers refer to, they say the stream floods at 100-year flood situations and overflows. They are not saying to stop that, they're saying provide room for this overflow and don't locate buildings in that area. The way their comment reads is to accommodate this flooding rather than line the channel or do anything of that sort for prevention of floods.

HOSAKA: I'm still not really satisfied, not because of you. That's the extent of what you know. But, why do they have to start below the project? Why not start above, perhaps? We're hearing testimony saying that we're getting a lot of floods down our road and over our property. I'd like something more concrete instead of saying, well, we'll take care of that later on.

SHEYBANI: We can get Public Works comments or any other agency's comment or representative here to comment on it if you wish.

SULLAM: If I remember correctly and I'm mentioning this again when we discussed the Pulama Road PD, the CZC does say when considering a PD, you should consider the socio-economic impact on the community. I think it does say that should be pointed out. I don't think it was pointed out in this report. Does this PD fit in with the community? How does it fit in? Does it fit in as a sore thumb or does it meld with what is there. These are things that should be brought out.

CHAIRMAN: I think when discussing that a few moments ago and I don't know if this report does address itself to it, but the concept of change of lifestyle, the socio-economic impact, was considered apparently somewhere down the line when a general plan was changed in order to turn this into a residential area.

SULLAM: But, you should consider the kind of residential area. This is not a conventional subdivision. This is a very special subdivision which can be controlled and it should be considered.

CLEGG: I know that our staff is recommending since they have considered those things and feel the issue is such that the total community will be better off by having a PD rather than other development that could take place there, except no development of course, but I don't think that option is open to us.

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M O T I O N

DUKE: I greatly appreciate the concern of the neighbors. I'm not so sure which action would be more or less beneficial to them. The developer could go in there and develop something that would be more detrimental to the neighborhood and to the socio-economic impact of the community than in PDH. I've considered all of the problems and this is the best way I know how to solve this.

I'm going to move that we accept the Director's recommendation; however, I'm going to add as one of the requirements that even though it's not required by law, that we have an EIS on this particular project.

HOSAKA: I'll second that motion.

CLEGG: As to whether this body can require an assessment of environmental issues, I'm not sure. The thing I really wanted to address myself to is what is an environmental impact statement and to what extent an analysis will be needed, what would satisfy the Commission in terms of an environmental assessment? I think a great deal of environmental assessment has already gone on in the sense that soils engineers have looked at the soils, flooding has been taken cared of or will be taken cared of, at least the engineers say they will. I for one can't fight the engineers, not being one myself, I kind of have to believe them. The issue of slope and silting has been addressed. What other environmental issues that are tangible enough that you would like to have discussed?

DUKE: An EIS probably in depth is not required. The Doctor has referred many times to his slope map. We have testimony--I don't know how reliable it might be or how expertise it might be that the soil there has a tendency to do thus and so. I felt possibly if we got into a statement prepared by a knowledgeable person, we could get answers to some of these questions such as silting and whether or not the soil condition is stable enough to support. Other people have said I've got to build down in the valley where I get flooded out or build up on the slope where I'm going to get washed down.

CHAIRMAN: The EIS that you want, you want it for the City Council's perusal?

DUKE: That would be correct.

CLEGG: I believe it's quite clear under state and federal law that an EIS is not required for this action. Perhaps Commissioner Duke is in order in recommending that prior to City Council acceptance of this, that they request an environmental assessment or some words to that effect rather than this body requiring an environmental impact statement before they make their decision.

I also would like to stress that when staff looks at the environmental and engineering aspect of this project, this is not a casual opinion type of view, that we do request first of all from our own city agen-

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cies, proper engineering analyses and review of analyses that are presented to us by the consultants of the applicant. So, this is not as opinion ridden as you may seem to believe it, Charlie.

CHAIRMAN: I'd like to say for the Commission, we understand this point; however, the lack of casualness is not overwhelming enough to convince us of the righteousness of the cause. I realize that you do present us with studies that based upon your expertise and with studies that were presented you, but that doesn't always mean that we have to necessarily agree with the outcome on that or that we couldn't necessarily want more information than is readily available at this time. I think that's what he's pointing out.

CHOY: With due respect to my fellow Commissioner Duke, the maker of the motion and Commissioner Hosaka the second, I would like to speak against the motion. I think this is a point in time when we'll have to stop and say well, do we draw the line here and accept the Director's recommendation. It's still fuzzy in my mind and probably in many of our minds what has transpired. Again I'll address myself to my slope map. I'm still not convinced that this project should be built on slopes of 40 and 50 degrees. I'm not against projects. I'm not against building. But, I would say possibly if we could find land that is a lot more compatible, I'm all for it. But this, I'll speak against the motion.

HOSAKA: May I ask Commissioner Choy if he would like to request additional information from some of the agencies I had inferred such as Public Works?

CHOY: I'm speaking against the motion as a general principle rather than having the motion made and going along with it.

HOSAKA: Well, I don't want to over kill this thing because we've gotten assurances from the different agencies that everything is nice and rosy. Yet, I still feel down in my gut that we shouldn't let this thing escape us and just pass it. So, I'm going to have to speak against the motion. I seconded it just for discussion purposes. I'm not sure in my own mind what agencies I want to tap, to be frank with you, but I just need more time so I'm going to speak against the motion.

DUKE: Well, I'm going to have to speak for my motion. I still feel that the PD is far better for the community than conventional housing. For the good of the community, we just can't let people go in there and bulldoze the thing down to a 10,000 foot level lot. That's wrong. Therefore, I feel we should go along with the Director's recommendation, whether it be a requirement for an EIS or in a more modified form, particularly building on slope, drainage, and socio-economic impact.

(The question on Mr. Duke's motion to accept the Director's recommendation was called for. The motion failed to carry.)

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AYES - Duke
NAYES - Choy, Crane, Hosaka, Kamiya, Sullam, Takehara
ABSENT - Kahawaiolaa

M O T I O N

SULLAM: I move that we deny the application and inform the Council of our concern. One is we feel the PD ordinance has to be reviewed, that it is causing developments on lands that are in excess of 20% slope which should not be developed. In light of all that has transpired since it has been adopted, it should be reexamined.

CHOY: Second.

HOSAKA: I'm going to have to abstain from voting. The reason is because although I agree partially with the motion, I still want a deferral of it for more time to look over the information.

CHAIRMAN: The Chair would like to speak against the motion for the same reason you're abstaining. To be fair to both sides, if we say here we need more study here to make a decision, then let's do that. I didn't believe in passing the buck up to City Council.

SULLAM: Well, as long the PD ordinance is as it is, we'll have to make these decisions. I agree with you, we have to make a decision. If it's proven that drainage is no problem and all these other characteristics are no problem, then we'll have to go along with it even though we don't agree with the concept of having a PD here.

CHAIRMAN: My point is this. Again I go back to where we were a year or a year and a half ago. Unless we're ready right now to say we're going to accept no more PDs in that area until that PD ordinance is changed, and in effect that's what we're saying, let's say it. But, let's not nickpick here and express our concerns over the PD ordinance while someone's sitting here with a PD before us who can go conventional housing. If that's what we're saying, say it.

MOTION WITHDRAWN, NEW MOTION.

SULLAM: Well, I'll withdraw my motion and move that we defer this until the Commissioner's have had more time to think about this and hope new information will be coming to support the Director's position.

CHOY: I'll wiithdraw my second, and second the motion.

DUKE: I think we should be somewhat explicit on what it is we want and from whom are we going to get it? Are we going to ask the Department of Transportation to come in? Are we going to ask the engineer? Who are we going to get it from to satisfy us?

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SULLAM: You see, we're unhappy with just about all the material we must consider. We're unhappy with the traffic report. We're unhappy with the drainage. We're unhappy with the sewage. I suppose the schools are all right. There are so many questions that we aren't satisfied with what they're telling us, and yet they're not going to give us any more if they don't have any more. The idea is that we don't really want PD there. We don't want increased density. But, we're not really attacking the place that should be attacked. I think what we have to do is probably move on this one way or another. In a different motion, suggest to the City Council that they reexamine the PD ordinance.

DUKE: The motion right now as I understand it, is to defer till are we going to get this additional information? We're going to have to get someone that can satisfy us that certain things are taking place or not taking place. Get the Corps of Engineers down here. If we request, they'll come down. Get Transportation. Get the Board of Health on the sewage treatment plant. Then, we'll find out whether they did a good job or not a good job on the recommendation. Seriously, let's be concrete about what we're going to defer it for.

CONNELL: I wonder if the Commission really--you know I really don't think you've got a hidden agenda--but what kind of information will satisfy you? There's a registered architect that designed this. There are registered engineers, those who work for the City and County and also in the private sectors, who have looked over the project and given their okay to this. Unless we go to Mars, where are you going to get--or what do you want? I'm fearful of what this Commission is planning. You're really calling for a moratorium on all PDs island-wide.

DUKE: But that's not the motion under discussion now, sir.

CONNELL: Yes, but I suspect after looking in the discussion, we have heard from experts, and granted we have also heard from witnesses. I believe one gentleman is an attorney. I don't believe he's an architect or engineer.

FROM AUDIENCE: Mr. Labor is an architect.

CONNELL: Well, fine. We have one architect that disagrees with another architect which is not too strange. You get five of them in a room, you get six opinions.

What does this Commission want? Who can we bring in. This comes up again and again. Who has the body of knowledge that is going to satisfy this Commission? If it's the flooding of the bay, do you want to hear from HESL? If it's on grading, Public Works has already looked it over. If you want cross slopes to get back on, then that's what you should say to the Council.

CHAIRMAN: This is precisely what I was talking about a moment ago. It does seem to me that we've had a hidden agenda. We had one for two

years on this very same situation until we made the motion to declare a moratorium. I wasn't eternally hopeful that was going to stay very long but the fact of the matter is that it faced the issue. I don't necessarily feel it's fair that every person that applies for PD come in here that we pull out the hidden agenda on them. The hidden agenda is not this man sitting here. The hidden agenda is you don't want any more PDs because you don't agree with the PD ordinance. That's basically what it is. That's not facing the issue. I happen to agree it's not facing the issue to put it off two weeks. You're not going to be more inclined to a PD under the present ordinance two weeks from now than you are now. We still haven't faced the issue. The more we procrastinate here, the more the Council has its license to procrastinate about this.

HOSAKA: I don't think in the months I've been sitting as a Commissioner have had an opportunity to query the Department of Transportation, Public Works, Board of Health, and the like altogether. We've had them come in singly. I think what Commissioner Choy mentioned about his mind being fuzzy over slope. We should call them here and let them back up their figures that we see only in summary form. Now, when we had the sewer guy here, we had all kinds of facts and figures that really went over my head. I don't want to go into that detail, but let's see how well they stand up under questioning in terms of backing up their recommendation. So what I'm suggesting is that for these people, and may be Commissioners Sullam has other suggestions from other departments, but let's ask the Department of Transporation, Public Works, and Board of Health representatives to be here, and not a flunky in that department. We want the top person. Can we ask the deputy or the chief of each of these departments or whoever worked on it intimately that can answer specific questions.

CONNELL: I wonder if I might suggest that we get deputies and/or directors of the various departments to sit down with the Commission in a workshop and try and relay to the Commission the kind of checking they are doing, and what they require from an applicant so that there is some understanding of the process. I think we're looking at a larger issue than simply one PD. I think it's a question, are the fellows doing the work, are they really doing it. I hate to use the term credibility gap but I think that's precisely what it amounts to.

HOSAKA: Well, instead of having a workshop, maybe we ought to just stop right here and not go any further and call some of these people in front of us in a hearing like this and ask these questions. I'm not against PD. Don't misunderstand me. But, there's enough concern expressed by the commissioners that we can ask some questions just to give us assurance that they're doing the job. These guys are phantoms to me. They just say Department of Transporation has no objection, blank. Well, we want to see these people and we want to ask questions of them. If they have to outline their procedures, fine and dandy. Let's have it at a hearing like this. It'll give us more confidence in the kind of people that we're hearing from.

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CHOY: I concur with Commissioner Hosaka.

CHAIRMAN: Is there further discussion on this motion which is to delay this until the next regular session of this Commission for more information from representatives of the Departments of Health, Public Works, and Transportation.

(Dr. Choy left the meeting at this point.)
(There was no further discussion. The motion for deferral carried.)

UNFINISHED BUSINESS
CZC AMENDMENT
SECTION 21-1013
MINIMUM LOT AREA
FOR PUD

The public hearing held September 4, 1974 was kept open and action deferred in an effort to provide the public opportunity to get in testimony.

(Mrs. Sullam left the meeting at this point.)

Testimony AGAINST--

1. Mr. Joseph Chu, Project Manager, Land Research & Investment Co., Inc.

CHU: I am managing the project that instigated the change in wording.

CHAIRMAN: I'm sorry, Mr. Chu, I can't accept that. That's supposition.

CHU: The wording change is prerogative of the Commission and the Council. I think it goes back to the intent. I'd like to say that this change concerns Article 10 which covers planned development and emphasize that the intent expressed under the PD section is to allow flexibility in development. This changes land area to lot area and would exclude certain projects from being considered. I feel that the change is not necessary due to the fact that the requirement for area should differentiate from that under normal zoning wherein as soon as the zoning is allowed, the owner can come in with development according to the zoning provision. Whereas under Article 10 which we're considering, this area requirement guarantee anything. Whatever is proposed would be scrutinized by the Planning Commission and by the City Council.

What this would do would deny certain projects from being considered by the Commission and by the Council. I would put forth that this might not be in the best interests of the public, that certain projects should be considered in the interests of the public. Referring to a specific case is the project we're related to which intends to propose development in an area that is in much need of housing. It proposes to do public improvements at the owner's own expense. It also is in accord with the general plan. This one proposal would not be able to even come up for consideration if this change were made.

Corporation Counsel says this is not the case. I wish for him to reaffirm that.

(There were no questions from the Commission.)

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2. Mr. Dennis J. Krum, President, Land Research and Investment Co., Inc.

KRUM: I submitted some written testimony which included our attorney's legal opinion on the word land area. I believe probably the most important part of that legal opinion is with reference to the planned development provisions of the CZC. The intent of the Council in enacting this ordinance was to try to find the solution to part of Hawaii's housing problem. I think we all agree we have one. This ordinance was designed to provide a more flexible means. This flexible means as you've heard from the previous developer takes two years to reach the level at which it can make a decision or at which a decision can be made in his particular case. In a case that appeared before you two weeks ago, it took two years to get to this body. We have another case on a planned development which for one year we have been attempting to get processed, but it has not been processed.

The idea of flexibility is to allow a governing body to make legislative types of decisions. I don't think by changing the wording to remove that flexibility, the public interest or the intent of the ordinance is served.

(There were no questions of Mr. Krum.)

The public hearing was closed, on motion by Mr. Kamiya, seconded by Mr. Duke and carried.

ACTION: The Commission, on motion by Mr. Duke, seconded by Mr. Hosaka and carried, accepted the Director's recommendation for approval of the proposed amendment.

AYES - Crane, Duke, Hosaka, Kamiya, Takehara
NAYES - None
ABSENT - Choy, Kahawaiolaa, Sullam

STREET NAMES — The following street names were recommended for approval, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

1. Pokai Bay Estates Subdivision, Unit II, Lualualei, Waianae, Oahu, Hawaii, Tax Map Key 8-6-01: portion 11.

KAWILI PLACE	Culdesac off the southerly side of Kawili Street between Popohau Place and Pahano Loop.
Meaning:	To mix ingredients, blend.
KAWILI STREET	Extension of existing Kawili Street, terminating at Lualualei Homestead Road.
POPOHAU PLACE	Culdesac off the northerly side of Kawili Street between Kawili Place and Lualualei Homestead Road.
Meaning:	The Hydrangea, an eastern Asiatic shrub with pink, white or blue flowers.

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2. Roadways within the Niu Valley Highlands, Unit 2, Niu, Honolulu, Oahu, Hawaii, Tax Map Key 3-7-03: 72.

ANOLANI STREET	Extension of existing Anolani Street traversing in a northerly direction.
HALEOLA STREET	Extension of existing Haleola Street traversing in a northerly direction.
HOIHI PLACE	Culdesac situated northerly of Halepa Place, off the westerly side of Haleola Street.
Meaning:	Sacred, majestic, dignified.

3. Halawa Hilltop Subdivision, Aiea, Ewa, Oahu, Hawaii, Tax Map Key 9-9-08: 3.

HELE MAUNA PLACE	Culdesac situated northeasterly of Aiealani Place, off the northwesterly side of Halawa Heights Road
Meaning:	Mountain climber.

4. Kahuku J-2 Condominium Project (Kuilima), Hanakaoe, Koolauloa, Oahu, Hawaii, Tax Map Key 5-7-01: 27.

(Private Roadways)

ELEKU KUILIMA PLACE	Dead-end roadway running in an easterly direction off Kuilima Drive.
Meaning:	North.
LALO KUILIMA PLACE	Dead-end roadway running in a northeasterly direction off Kuilima Drive.
Meaning:	South.
LALO KUILIMA WAY	Dead-end roadway running in a southeasterly direction off Lalo Kuilima Place.

5. Wahiawa Subdivision, Wahiawa, Oahu, Hawaii, Tax Map Key 7-3-07: 03.

KAALALO PLACE	Culdesac off the northerly side of California Avenue between Kaala Elementary School and Anoni Street.
Meaning:	To sail to Leeward.

6. Deletion of the street names Malu Street and Malu Place and redesignating the following names for said roadways within the Malia Terrace Subdivision at Kaneohe, Koolaupoko, Oahu, Hawaii:

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LOLOPUA STREET — Roadway off Mahalani Circle, traversing in a southwesterly direction.

Meaning: — Zenith.

LOLOPUA PLACE — Culdesac at the south end of Lolopua Street.

ADJOURNMENT: The meeting adjourned at 6:15 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

NO.

3

NO.

3

NO.

3

NO.

3

NO.

3

PLANNING COMMISSION

MINUTES

OCTOBER 2, 1974 TO APRIL 16, 1975

BOOK NO. 136

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PLANNING COMMISSION

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FLASH CARD

FLASH CARD

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MRRC RMM 19-75

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FLASH CARD

OCT 2 1974

Meeting of the Planning Commission
Minutes
October 2, 1974

The Planning Commission held a meeting on Wednesday, October 2, 1974 at 1:30 p.m., in the Conference Room of the City Hall Annex. Acting Chairman, Randall Kamiya presided.

PRESENT:
Randall Kamiya, Acting Chairman
Dr. Wilbur Choy
Charles W. Duke
Donald K. Hosaka
Fredda Sullam
Alice Takehara

ABSENT:
James D. Crane, Chairman
Antone J. Kahawaiolaa

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
George Aoki, Deputy Corporation Counsel
Ali Sheybani, Assistant Director,
Department of Land Utilization
Gerald Henniger, Staff Planner
Ian McDougall, Staff Planner
Ralph Portmore, Staff Planner

MINUTES:
The minutes of September 4, 1974 were approved, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

STATE LAND USE RECOMMENDATION FIVE-YEAR REVIEW
Submitted to the Commission for its review and comment are the recommendations of the Chief Planning Officer regarding the 5-year review of the State Land Use District Boundaries.

The following transpired.

DUKE: Does the SLUC have a deadline to meet, since this is a five-year plan they are undoubtedly entrusted with something or other to submit these recommended changes by a certain time. You know what that time period might be?

WAY: I'm not certain on the precise date but they have been targeting for sometime now to have their proposals adopted by the end of the year or first part next year. There may, in fact, be a statutory time, but I'm not aware of it. I think, in fact, the statute is a little vague on that point. They do say a five-year boundary review. I believe counting from the time the initial boundaries were adopted, if they were adopted say in January, then five years from there, another five years, to the current period. I do know, however, their target has been the latter part of this year--at the very latest, the first part of next year.

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DUKE: You're asking them to hold any decision in abeyance till such time certain things take place with the new general plan?

WAY: Yes.

DUKE: You've not giving them the length of time you want their decision held in abeyance though.

WAY: No. One of the reasons is it's not known how long it will take for the City to adopt a policy for urban development.

DUKE: I just wondered whether or not you could possibly embarrass them by not permitting them or making it difficult for them to meet certain mandatory deadlines.

WAY: I don't know about that, but it is not mandatory that they make any changes to the boundary. They are to consider boundary changes mandatorily at five-year intervals. They do not have to make the change under any statute.

HOSAKA: Did you indicate that after decision is made by SLUC, that decision would be reviewed by this body through public hearing?

WAY: No, I didn't indicate that. What I was attempting to explain in the general area of your question was that normally, individual petitions for boundary change are referred to this Commission for your recommendation and comment back to the SLUC. However, we're in this five-year boundary review situation where such a referral is not mandatory. However, they--the SLUC--has made a referral to us and you for comments and review of such points that you might have.

TAKEHARA: Did DGP receive anything other than this list of boundary changes?

WAY: Well, there was a series of maps that accompanied them. We have summarized by specific proposal, on the colored map we have here, those changes. Yes, there was that additional material. That's about all. I might say, there was no accompanying rationale or explanation or analysis, if you will, of the pros and cons of the proposal. By contacting the Commission staff, we were able to determine whether they were Commission-initiated or whether they were proposals of developers, landowners and so forth.

SULLAM: Can't you convey to the SLUC our situation that we want to see which way our new general plan goes?

WAY: Yes. Convey whatever you wish. I'm sure any recommendation you might have will be received by the SLUC. It's your choice how you wish to respond.

ACTION

SULLAM: I would like to make a motion that we recommend that we are currently revising our general plan and would like to wait and

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see the general trends this plan takes before making any decision at this time.

DUKE: I second.

I would like to point out to the SLUC in our communication on this move that our first public hearing on the new general plan comes up very soon, October 16. As a result, we're going to get some reaction quickly.

(The motion was unanimously carried.)

AYES - Choy, Duke, Hosaka, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Kahawaiolaa

UNFINISHED BUSINESS
GP/DLUM AMENDMENT
WAIAWA-HALAWA
INDUSTRIAL & NEIGHBOR-
HOOD PLAYGROUND TO
SCHOOL USE
AIEA
DEPT. OF ACCOUNTING
AND GENERAL SERVICES
STATE OF HAWAII
(FILE #286/C2/32)

The public hearing of September 18, 1974 was closed, and action deferred to October 2, 1974 for detailed map and diagrams of the entire site indicating building locations, parking spaces, land uses, traffic patterns ingress and egress and an alternative design that would reflect the non-inclusion of parcel 9-9-05: portion of 10.

Messrs. Roy Aratani, Principal of Aiea Intermediate School; Robert Kinzler, Acting Manager of C&H Sugar Company; and Howard Kurio, Project Coordinator, State Department of Accounting and General Services, Public Works Division.

The following additional information was obtained:

1. According to Mr. Aratani, their main concern and purpose for the proposal which has the support of their teachers, the Aiea District Council, and the Halawa Hills Community Association, is to eliminate the makai-Ewa corner at the entrance to the school which is a blind and hazardous corner. Cars entering the school must effect a sharp turn into the premises, and upon exiting, the view of motorists is obstructed by a fence.

   Mr. Aratani had recommended a triangular proposal; however, DAGS proposed a rectangular portion to provide for bus maneuverability within the school premises.

2. Mr. Kinzler representing C&H Sugar Company, owners of the subject makai-Ewa corner property, indicated that condemnation proceedings have commenced for acquisition of that corner at a cost of approximately $22,661. He stated that Mr. Lauritzen who is the manager of C&H Sugar Company might be amenable to permitting use of that corner property by changing land contours and fencing rather than relinquish complete ownership. The property is vacant with pedestrian paths used by school children. C&H has no potential use for it.

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3. Mr. Howard Kurio of DAGS indicated that DOE was not conducive to the triangular proposal. Since land had to be acquired, DOE felt their rectangle proposal which encompassed a larger area could also facilitate the school's parking needs and bring it up to standard.

   Regarding land acquisition, offers were made to C&H but DAGS received no indication that they would be willing to consider a compromise. Condemnation proceedings were commenced because they felt negotiations were at an impasse.

The Commission discussed (1) design of the parking area to maximize safety concerns for access, ingress and egress, and (2) land negotiations between DAGS and C&H Sugar Company.

ACTION: The Commission, on motion by Mrs. Takehara, seconded by by Dr. Choy, recommended adoption of the Chief Planning Officer's proposal.

Additionally, the Commission recommended that during the interim period of time before this matter reaches the City Council, that the Department of Education, the Department of Accounting and General Services, and the California and Hawaiian Sugar Company attempt to reach an alternative agreement, if possible, that would meet the needs and be agreeable to all parties concerned.

AYES - Choy, Duke, Hosaka, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Kahawaiolaa

UNFINISHED BUSINESS
GP/DLUM AMENDMENT
LIGHT INDUSTRY TO
MEDIUM DENSITY APT.
WAHIAWA
(a) ARTHUR S.K. FONG & JACK H. MIZUHA
(b) COMMUNITY SYSTEMS CORPORATION
(FILE #251/C1/35 & 293/C1/35)

The public hearing of September 18, 1974 was closed, and action deferred to October 2, 1974 due to impasse.

Having received a letter from Mr. Richard Y. Okita, President, Community Systems Corporation, just before the meeting, the Commission called upon him to explain the nature of his letter.

Statement of Richard Y. Okita, President, Community Systems

OKITA: I was not present at the last hearing but our staff reported concerns of the public which are very valid. However, we have taken some action on these things and unfortunately, communications in a large massive movement trying to get to a community wasn't completely successful. This is what the nature of this letter is and I'd like to review them.

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Basically, there were two types of questions that were brought to this Commission. One was by the Wahiawa Community and Businessmen's Association and their directors. Unfortunately, the action of their directors never reached the public in time for your hearing. Therefore, their reason for dissenting to the proposal were different from another public reaction group which showed up here with a petition. The WCBA, their directors only, wanted to deny the application because they felt Wahiawa was in great need of industrial property. I believe the planning department staff report already showed that there's going to be a surplus of land in Wahiawa for industrial purposes for quite a while. However, I'd like to take some points we have also made and some steps we have taken to be sure that this is a fact.

In addition to what the department did to reassure ourselves that we are not just running some surveys, we put the subject property on a multiple listing, that is in a real estate listing, hoping that there would be people interested in such property. This listing was run for a period of 11 months. There was not a single industrial inquiry. There were several inquiries by different parties; however, their thoughts were the same as ours that the best use of this property would probably be for some residential or apartment form.

In addition to that, we would also like to review some of the other findings we have made. Besides I-1 Light Industrial zoning, the kind of uses indicated by the businessmen's association that they were hoping to hold this land and someday using it, Mr. Tanji also pointed out that they would like to get some of those contractors working out of their garages into land such as the one under question, he was talking about some of the people repairing cars in their garages--we'd like to get these moved out. We'd like to point out that in addition to the surplus of land in the industrial classification, we know that there are several acres of surplus of land in the B-2 classification which also allows the type of usage that was said by Mr. Tanji. Therefore, our only conclusion is that there's going to be a lot of land for the kind of concerns that they have not only in the type of surplus that they have in industrial classification, but the fact that they also have B-2 classification that can be used for the same purpose. These are the points we'd like to make with respect to the concerns.

We believe the concerns of the WCBA are valid; however, we'd like to consider these other facts also.

The other group, we got to talk to the person who put the petition together. They were more irrated about the fact that this public hearing by the Commission appeared so suddenly on them. From that particular meeting, we extracted the kind of concerns they might have had.

First, they had such questions as to what kind of people would be moving in. This is a valid concern of any community like Wahiawa which has an established history and established mood of life. They

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were somewhat concerned about whether there's going to be a flood of military people coming in. I know this personally because I own the piece of property adjacent to this and our tenants, because it was an FHA 236 project and also for military tenants, there's a lot of reaction from the community I'm getting because more military people are coming from Schofield into the Wahiawa town itself. So, our reply to this is as follows:

First of all, we're developing the project together with the State of Hawaii. This has been committed already. It has been approved by the Hawaii Housing Commission. We have a letter of agreement on the subject. We'd also like to present the idea that we cannot use state funds to satisfy military requirements. If the military needs to get more housing for their people, then they must go and appeal to federal sources. Of course, we're all the same taxpayers but I think the source of government that we go to for help is going to be distinctly different.

In addition to this, there may be commitments. These were commitments that were made to the directors of the WCBA that in addition to catering to the people of Hawaii for these units, we would be directing the design of the project to first the older residents of Wahiawa, who maybe because of their years, want to resort to a type of housing wherein they don't have to worry about a day-to-day maintenance of their facilities. That's one type of people we want.

Our survey at the time we conceived this project showed that there were a lot of people who once lived in Wahiawa and couldn't get back there. We'd like to address this particular housing to those people or younger people who want to start their families here.

Lastly, there's a whole bunch of young people in Hawaii who want to get their first pride of owning a home. We want to address our housing to these groups.

Another concern was the cost of these units. We're going to be spending an amount of money equivalent to something in the moderate-income level. However, because we're working with the HHA, one-third of these units would have to be sold at what we would call the needy level. How do we get to something that's going to be less costing and yet spend so much money? First, in order to get to do the job, the state asked us to base our profits far below and possibly even sacrifice the profits at a so-called agreement, so that the developer's profit is going to be at a very low level. We're anticipating doing the work strictly for about the fees for our services.

Second, the State of Hawaii will be dedicating the entire cost of the land. There won't be any charge for land. In the average development in the State of Hawaii in a fee simple basis on the type of project we are anticipating, the cost for the raw land alone is $10,000 per unit. From there the cost can range from $10,000 to $50,000 if you're in a high cost area. So, there's at least $10,000 per dwelling unit savings to this development.

Last, we have a whole host of benefits. We won't be paying any lease. There will be no 4% gross excise tax on any of the acquisition, in

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other words, the purchases that we're going to be making during the construction. These benefits plus the fact that the size of the project is about 300-400 units, is going to be efficiencies and economies from that. By these measures which are concrete in our opinion, we think that the kind of character of development in cost can be achieved.

The last concern is what everyone is concerned about. Wahiawa has a low profile, rural type of community and someone might say, some developer's going to come in and stake in a Waikiki. I think that's a very valid concern of the people there. To this end, we also made these commitments to the WCBA.

First, we're going to be emphasizing open space. We're going to be at least 7% lower of the allowed density to achieve this level of open space. We've heard much about a need for recreation space and therefore made a dedication in what we had discussed with the parks and recreation people.

As far as the height of buildings which is one of the main questions, we'd like to bring to the Commission's attention that there are many acres of land that are already zoned A-3. Without permission of this body or any other body, people can go in there and build up to 350 feet without any further permission. As far as our proposal, we're not even going to challenge the amount of height. We just want to acquire the height as given by prior precedences of construction already existing in that area. How is the public going to be protected from the claims that developers make? We are also committed to the fact that we're going to develop under rules of the planned unit housing development. We will be subjecting ourselves to scrutiny by the public every step of the way.

Right now, Mr. Tanji himself and some people there, are helping us to prepare a public information meeting at Wahiawa, and hopefully get enough press coverage.

CHOY: I spoke against the motion the last time. This presentation is a completely different one from what I heard at the last meeting. I was concerned of the change from industrial to urban because I was led to believe that the inventory of light industry area was really needed. I agreed with the Chairman who also spoke against the question as far as the military people are concerned. I had concurred then that the military should take care of their own. I'm glad to hear that by using state funds we'll keep it on the state level. We could have saved ourselves quite a few hours if you were here last meeting. This is, of course, very enlightening. I particularly like the price. I haven't seen prices like this with other projects after sitting here for a whole year. I think this is something that more developers should come up with. Of course, I do realize there's no cost in land and most developers don't have that privilege.

SULLAM: Will these include buy-back provisions?

OKITA: Yes, there's buy-back provisions where if people are speculating with it, the state, you might say, will also use the condition of sale to get it back. At the present time, this buy-

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back applies to the one-third but I don't know about the rest. Here again, we'll have to agree with the State of Hawaii because basically, they are the owners of the project the way it's structured.

CHOY: So the balance of the two-thirds sold at market price, if we're using state funds and if there is no 4% excise tax on it, there possibly may be speculation on the other two thirds that $40,000-$45,000 could be phenomenal, couldn't it?

OKITA: There is that possibility. Every planner trying to get subsidies is trying to find ways and means in preventing this speculation. However, at this moment I don't know of all the mechanics they have developed because it's relatively new. The more recent response to applicants has been tremendous.

CONNELL: As you begin to get into the PUD, would your company have any objection against having a buy-back provision written in?

OKITA: That is pretty hard to answer. I would say to most of the units but like in any project, I hate to say it this way but there has to be the participation of the investor. There is one provision in the particular contract we have with the state, should we in selling the project not successfully market it because we have to now resort to the investor to, you might say, bail us out as happens in so many projects, the State of Hawaii has reserved the right to buy all of the units without asking us to prevent this kind of condition.

CONNELL: So you're still open in terms of--

OKITA: We're still open in terms of that question; however, I would think that the State of Hawaii in the interest of preventing speculation on such a project, it would exercise that particular condition that's already in the agreement right now.

CLEGG: In reading the agreement, it appears that HHA will finance the whole project?

OKITA: That is correct.

CLEGG: I believe in my recollection of Act 105, that under those circumstances the state can put on buy-back provisions on the whole project.

OKITA: That is correct.

CLEGG: And they are mandated to do so if state funds are utilized for construction of the project.

OKITA: That is correct. As I said earlier, there's a provision in the development agreement that covers a whole section on who's the owner. Definitely, it tells us that people who are doing the development, that we are people serving the development.

(There was no further discussion.)

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ACTION: The Commission concurred with the recommendation of the Chief Planning Officer and recommended approval of the proposal, on motion by Mrs. Sullam, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Kahawaiolaa

UNFINISHED BUSINESS
PLANNED DEVELOPMENT
HOUSING
KAHALUU
THE HOMES CORPORATION
(FILE #73/PDH-11)

The public hearing of September 18, 1974 was closed and action deferred to October 2, 1974 for questioning of representatives from the Department of Public Works, the Department of Transportation Services, and the State Department of Health.

Mr. William Ling of Public Works, Division of Engineering, responded to the commissioners concerns:

1. Regarding drainage and slope runoff, the amount of water from the proposed development to existing Kahaluu Stream, even if the entire site were paved over, would be negligible.

2. Even though development will be in the existing flood plain, construction will be on platforms placing the units above the flood plain, out of flood level.

3. Traffic facilities in the area are adequate since the proposed development is within a residential area and will be serviced by existing residential streets. Regarding increased density, recognizing the state's total projected population for Kaneohe, existing traffic facilities are well within the scope of handling the amount of traffic today in addition to what is proposed.

MOTION: Mr. Duke made a motion to accept the Director's recommendation for approval of the request which was seconded by Mr. Hosaka. The motion failed to carry.

AYES - Duke, Hosaka
NAYES - Choy, Sullam
ABSENT - Crane, Kahawaiolaa
ABSTAINED - Kamiya, Takehara

Commissioners Choy and Sullam dissented for their concerns on flooding which they felt were not adequately covered. Commissioners Duke and Hosaka believed that additional recommendations or conditions could be added to satisfy these concerns.

The matter was deferred to the next meeting because of the impasse.

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PUBLIC HEARING
CONDITIONAL &
SPECIAL USE PERMIT
PAUMALU
GTE SATELLITE CORP.
(FILE #74/CUP-19
#74/SUP-8)

A public hearing was held to consider a request for a Conditional Use Permit and Special Use Permit for Domestic Communications Satellite System Earth Station on 11.008 acres (portion of lot 1-A) in Paumalu, Tax Map Key: 5-9-06: portion of 5.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 22, 1974. No letters of protest were received.

Mr. Henry Eng presented the Director's report of the proposal. The primary use of the property at Paumalu will be an interstate domestic long distance telephone service, being a joint endeavor of the GTE Satellite Corporation and the American Telephone and Telegraph Company, Long Lines Department. They are authorized by the Federal Government to furnish via satellite, the long distance telephone service within the contiguous 48 states to Hawaii. The FCC has ordered that domestic and international satellite service be separated, with COMSAT to continue to furnish international service and GSAT to furnish domestic service between Hawaii and the mainland.

The Director recommends approval of the proposal, subject to the conditions outlined in his report.

There were no questions from the Commission concerning the report.

Public testimony followed.

Testimony in SUPPORT--

1. Mr. Page Anderson, Attorney for the applicant
2. Mr. Steven E. Grittin, Contract Manager for Buildings, GTE Satellite Corporation, Connecticut (Home Office)
3. Mr. Thomas Yamada, Director of Business and Regulatory Relations, Hawaiian Telephone Company

Concerning the comment by Department of Public Works relative to subdivision for creation of Easement "T", Mr. Grittin indicated that subdivision application has been submitted by COMSAT which is on file with DLU. The proposed facility will accommodate the anticipated forecasted needs based upon statistical data submitted by Hawaiian Telephone Company. Relative to possible increased toll rates, Mr. Yamada stated that their connection into the new facility involves only recircuiting of existing circuits which hopefully, should not cause any increase but lower existing rates.

As to a comparison between marine cable and satellite system, each is intended to compliment the other should one system fail, rather than compete or have one distinct system.

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Testimony AGAINST--

None

The public hearing was closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION RE CUP: The Commission concurred with the Director's recommendation and recommended approval of the Conditional Use Permit, subject to the conditions outlined in the Director's report, on motion by Mr. Duke, seconded by Mr. Hosaka and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Kahawaiolaa

Action on the State Special Use Permit was deferred for a statutory period of 15 days, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
(137-UNIT APT.)
MICHAEL M. ROSS
(FILE #74/HCD-12)

A public hearing was held to consider a request for the approval of plans for a multileveled, terraced apartment building of 138 units and demolition of existing single family wood structure, garage and concrete foundation located within the Hawaii Capital District, Tax Map Key: 2-2-03: 50.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 22, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the request. The proposed multileveled apartment building, up to five stories, meets the 50% open space requirements for the district. The building meets the 40-foot height limit, except for a lanai roof overhang in one area. The design of the apartbuilding appears compatible with the Hawaii Capital District. The Director recommends approval of this application, subject to the condition that the plan of the builidng be modified to meet the 40-foot height limit.

Public testimony followed.

Testimony in SUPPORT--

Mr. Charles Chamberland, Architect and agent for the applicant, endorsed the Director's report. Concerning a question of cost of the units, he indicated a ball-park figure of $40,000.

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Testimony AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Takehara and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mrs. Sullam and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Kahawaiolaa

PUBLIC HEARING
ZONING CHANGE
R-6 RESIDENTIAL TO
B-2 COMMUNITY BUSINESS
MAKAHA
MANOA INVESTMENT CO.
(FILE #74/Z-37)

A public hearing was held to consider a request for a zone change from R-6 Residential to B-2 Community Business District for 24,086 square feet of land located in Makaha, Tax Map Key: 8-5-11: 26. The Director of Land Utilization is expanding the request to include 8,300 square feet of land identified by Tax Map Key: 8-5-11: portion of 19.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 22, 1974. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report of the request. The applicant proposes to develop the subject parcel into an off-street parking facility, for the present, to accommodate approximately 73 cars. Later, at the appropriate time, the applicant intends to construct a suitable commercial building. The applicant indicates that people now use the vacant lot for parking purposes without the owner's permission. The plans do not meet CZC requirements with respect to setbacks; however, the applicant is presently revising the plans to comply.

The Director recommends that the request, accompanied by plans to develop an off-street parking facility, be approved. Further, that portions of Parcel 19 be rezoned to B-2 Community Business District.

There were no questions from the Commission concerning the Director's report.

Public testimony followed.

Testimony in SUPPORT--

Mr. Brodie Spencer, representing the applicant, concurred with the Director's report and had no additional testimony to present.

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Testimony AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation, and recommended approval of the request as outlined in the Director's report, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Kahawaiolaa

PUBLIC HEARING
GENERAL PLAN AMENDMENT
ADJUSTMENT OF
PRESERVATION AND
RESIDENTIAL BOUNDARIES
HAIKU, HEEIA
UNITED DEVELOPMENT
CORPORATION
(FILE #206/C1/25)

A public hearing was held to consider a request for redesignation of approximately 6.2 acres from Preservation to Residential located in Haiku, Heeia, Tax Map Key: 4-6-14: portion of 5.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 22, 1974. No letters of protest were received.

Mr. Ian McDougall presented the report of the Chief Planning Officer. The applicant has requested an amendment which would redesignate the entire 18.1-acre site for Residential use and adjust the land use boundaries in conformance with the State's Urban District and the Residential zoning. This proposal would redesignate approximately 6.2 acres of Preservation land to Residential use. According to the submitted proposal, the amendment would be based on:

1. The need to adjust land use boundaries to accommodate a proposed planned development.

2. The appropriateness of the lands in question for the Residential use given the planned development approach.

Based upon an analysis of the request, the Chief Planning Officer proposes a modification specifically for the 18.11-acre area as follows:

1. Reduce the area presently shown for Residential use from 11.9 acres to 9.3 acres; and
2. Increase the current Preservation designation from 6.2 acres to 8.8 acres.

There were no questions from the Commission concerning the report.

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Public testimony followed.

Testimony in SUPPORT--

None

Testimony AGAINST--

Attorney Jack Morse represented United Development Corporation and pointed out the following:

1. The Chief Planning Officer's proposal is entirely different than the applicant's request for a boundary change of 4.5 acres to conform to the SLUC boundary and R-6 Residential zoning. The CPO's proposal encompasses 29.9 acres and does not seek to have the DLUM boundary adjusted.

2. Question of legality regarding the Public Hearing Notice which indicates United Development Corporation as the applicant (who had indicated to the Department of Land Utilization their desire to withdraw approximately a year ago), and then discovering that application was now being made by the Chief Planning Officer.

3. Insufficient time to thoroughly analyze the staff report which they received about a week before the October 2 hearing, and to prepare necessary data for submission to the Commission.

4. A misconception by the representative of the Haiku Plantations Homeowners Association who testified at the last meeting concerning a proposed PDH development set forth in the staff report, rather than a residential area of one-acre lots.

Mr. Morse requested that the matter be deferred to apprise residents in the area of the Chief Planning Officer's proposal.

The public hearing was kept open and the matter deferred to the next Commission meeting.

UNFINISHED BUSINESS ZONING CHANGE R-4 RESIDENTIAL TO P-1 PRESERVATION AINA HAINA INITIATED BY CITY COUNCIL (FILE #74/Z-30)	The public hearing of August 7, 1974 was closed and action deferred pending an opinion from Corporation Counsel regarding possible legal problems. The public hearing of September 4, 1974, under Unfinished Business, action was deferred until a final decision was made on the appeal to the Zoning Board of Appeals.

The Commission received letter dated September 30, 1974 from Councilman George Akahane, Chairman, Planning and Zoning Committee, requesting the Commission's action on this matter.

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ACTION: The Commission adopted the Director's recommendation and recommended that the request be approved, on motion by Mrs. Sullam, seconded by Mr. Hosaka and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Kahawaiolaa

STREET NAMES

The following deletion was recommended for approval, on motion by Mrs. Sullam, seconded by Dr. Choy and carried:

Deleting the street name APUKI PLACE within the proposed Mahinui Stream Lots, Unit 2 at Kaneohe, Koolaupoko, Oahu, Hawaii, Tax Map Key 4-5-40: 3 due to cancellation of said subdivision.

ADJOURNMENT: The meeting adjourned at 7:07 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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FLASH CARD

[redacted]

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[redacted]

MRRC RMM 19-75

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OCT 16 1974

Meeting of the Planning Commission
Minutes
October 16, 1974

The Planning Commission held a meeting on Wednesday, October 16, 1974 at 4:00 p.m., in the Conference Room of the City Hall Annex. Acting Chairman Randall Kamiya presided.

PRESENT:
Randall Kamiya, Acting Chairman
Dr. Wilbur Choy
Charles W. Duke
Antone J. Kahawaiolaa
Fredda Sullam
Alice Takehara

ABSENT:
James D. Crane, Chairman
Donald K. Hosaka

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
George Aoki, Deputy Corporation Counsel
Dr. Robert Rider, Assistant Chief Planning Officer
Ali Sheybani, Assistant Director, Department of Land Utilization
Bill Bartlett, Staff Planner
Gerald Henniger, Staff Planner
Ian McDougall, Staff Planner

MINUTES:
The minutes of September 18, 1974 were approved, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

UNFINISHED BUSINESS
GP/DLUM AMENDMENT
HAIKU-HEEIA
UNITED DEVELOPMENT
CORPORATION
(FILE #206/C1/25)

The public hearing held October 2, 1974 was kept open and action deferred at the request of the developer to thoroughly analyze the staff report, present additional data, and to notify residents in the area concerning the Chief Planning Officer's proposal.

Public testimony followed.

Testimony AGAINST:

Attorney Jack Morse presented testimony generally reiterating issues brought out at the last meeting. He requested an additional 30-day deferment for preparation of detailed topographic studies and soils report as well as to apprise residents in the area of the Chief Planning Officer's proposal.

Mr. Brian Gray, agent for the developer who was out-of-town at the last hearing, discussed the following:

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1. It would be economically feasible to subdivide their property to approximately 8-10 acres which under R-6 Residential zoning could result in 5½-6 units per acre.

2. Access to their property might be improvement of the existing private roadway through Haiku Plantation Subdivision to county standards. Another possibility is Kahekili Highway. When Kahekili Highway was constructed, Amfac Trousdale then the developer, agreed with Bishop Estate to provide a certain number of access points. Cost being a prime factor to Amfac Trousdale, those access points although designated were never constructed. Mr. Gray indicated an approximate $10,000 construction cost to them for such access would be minimal. Should the Commission defer this matter, Mr. Way requested that Mr. Gray research this issue for presentation at the next Commission meeting on this matter.

There was no further discussion.

The public hearing was kept open and action deferred as requested by the applicant for a period of 30 days, on motion by Mr. Duke, seconded by Dr. Choy and carried.

UNFINISHED BUSINESS
PLANNED DEVELOPMENT HOUSING
KAHALUU
THE HOMES CORPORATION
(FILE 73/PDH-11)

The public hearing held September 18, 1974 was closed and the matter deferred to October 2, 1974 for question of representatives from city agencies. The Chairman deferred action to the next meeting because the Commission was at an impasse.

MOTION: Mr. Duke moved to accept the Director's recommendation.

The motion died for lack of a second.

MOTION: Mrs. Sullam made a motion to recommend that the request be denied which was seconded by Dr. Choy.

The motion failed for lack of a majority vote.

AYES - Choy, Sullam, Takehara
NAYES - Duke
ABSTAINED - Kahawaiolaa, Kamiya
ABSENT - Crane, Hosaka

ACTION: Because the Commission was at an impasse and lacked sufficient votes to recommend either approval or denial, the Commission submitted no recommendation, on motion by Dr. Choy, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka

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The Commission RECESSED AT 5:10 P.M., and RECONVENED in the City Council Chambers at 7:00 P.M. for the following public hearing.

PUBLIC HEARING
REVISION OF THE GENERAL PLAN FOR OAHU

A public hearing was held to consider a proposed Revised General Plan for Oahu.

Presentation of the proposal was made by Mr. Way, a copy of which is attached and made a part of these minutes.

There were no questions from the Commission of Mr. Way concerning the proposal.

Public testimony followed. Because the proposal presented various alternatives, the Commission modified its normal public hearing procedures and received testimony in the order witnesses signed up to testify, rather than dividing witnesses for and against the proposal. All written testimony received is attached and made a part of these minutes.

The following individuals testified.

Written testimony--

1. Mr. Aaron Levine, Oahu Development Conference
2. Mr. Norman Dyer, Gentry Pacific
3. Mr. R. B. Sabin, Kailua Community Council
4. Miss Gerri Madden, Waikiki Residents Association
5. Kay M. Landrum, The Outdoor Circle
6. Joyce G. Ferguson, Lani-Kailua Outdoor Circle, Public Affairs Committee
7. Muriel B. Seto, Chairman, Ad Hoc Committee for Kawainui Regional Park, Lani-Kailua Outdoor Circle
8. Mr. George Okihiro, Kaneohe Community Council
9. Mr. Sidney E. Snyder, American Institute of Architects
10. Mr. Charles W. Coupe, Kaiser Aetna
11. Mr. William H. Miller, Public Affairs Coordinator, The Estate of James Campbell

Unwritten testimony--

12. Mr. Mark Hastert, American Institute of Planners
13. Mr. Alexander Y. Marn, interested citizen
14. Mr. James Marn, interested citizen
15. Mr. Eric Marn, interested citizen
16. Miss Gertrude A. Humphries, interested citizen

A Summary of Public Testimony Received is attached and made a part of these minutes.

The public hearing was closed, on motion by Mrs. Sullam, seconded by Dr. Choy and carried. Action was deferred for a Commission workshop 10:00 a.m., Wednesday, October 23, 1974.

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ADJOURNMENT: The meeting adjourned at 9:08 p.m.

Respectfully submitted,

Henrietta B. Lyman
Secretary-Reporter

Attachments:
(1) General Plan Presentation to the City Planning Commission by Robert R. Way, Chief Planning Officer
(2) Summary of Public Testimony Received
(3) Public Testimony (copies)

OCT 16 1974

GENERAL PLAN PRESENTATION TO
THE CITY PLANNING COMMISSION

BY
ROBERT R. WAY, CHIEF PLANNING OFFICER
CITY AND COUNTY OF HONOLULU

OCTOBER 16, 1974

I AM PLEASED TO PRESENT, FOR YOUR CONSIDERATION, A PROPOSED REVISED GENERAL PLAN FOR OAHU.

THE PROPOSED PLAN DIFFERS FROM OUR PRESENT GENERAL PLAN IN TWO IMPORTANT WAYS. THE FIRST DIFFERENCE IS THAT LAND USE IS NO LONGER A CENTRAL THEME OF THE GENERAL PLAN. THE PLAN CONSISTS OF OBJECTIVE AND POLICY STATEMENTS WHICH COVER A WIDE RANGE OF COMMUNITY CONCERNS.

THE SECOND DIFFERENCE IS THAT THOSE OBJECTIVE AND POLICY STATEMENTS DEALING WITH RESIDENTIAL DEVELOPMENT HAVE BEEN SUBSTANTIALLY REVISED.

WE HAVE FOCUSED OUR EFFORTS ON THESE STATEMENTS BECAUSE HOUSING IS A CRITICAL SOCIAL PROBLEM; BECAUSE MEETING HOUSING NEEDS IS CAUSING PRESSURE FOR UNCONTROLLED DEVELOPMENT AND UNPRECEDENTED USE OF AGRICULTURAL LANDS THROUGHOUT THE ISLAND; AND BECAUSE HOW WE MEET RESIDENTIAL DEVELOPMENT IS INTIMATELY TIED TO SUCH

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SIGNIFICANT ISSUES AS THE COST OF OUR MAJOR PUBLIC FACILITY SYSTEMS, OUR LIVING ENVIRONMENT, WHERE WE WORK, AND HOW WE TRAVEL FROM HOME TO WORK.

WE HAVE EXAMINED FOUR MAJOR ALTERNATIVES IN WHICH WE MAY MEET THE RESIDENTIAL NEEDS OF THIS COMMUNITY. WE HAVE CALLED THESE ALTERNATIVES: INTENSIVE DEVELOPMENT, DIRECTED GROWTH, PRIVATE SECTOR PROPOSALS, AND MODERATE EXPANSION.

THE TECHNICAL ANALYSIS OF THESE ALTERNATIVES HAS BEEN BOTH COMPLEX AND EXTENSIVE. WE HAVE EXAMINED THEIR POTENTIAL IMPACT ON SUCH FACTORS AS THE COST OF HOUSING; THE COST OF PUBLIC FACILITIES; THE AMOUNT AND QUALITY OF AGRICULTURAL LAND USED FOR URBAN PURPOSES AND OUR ABILITY TO MEET AGRICULTURAL GOALS; THE URBAN ENVIRONMENT IN TERMS OF PRESSURE TO UTILIZE URBAN OPEN SPACE; DENSITIES; POPULATION GROWTH; AND OUR WATER SUPPLY.

ON THE BASIS OF THIS ANALYSIS, I HAVE RECOMMENDED THE ALTERNATIVE OF DIRECTED GROWTH. MY REASONS FOR THIS RECOMMENDATION ARE SPELLED OUT IN THE CONCLUDING SECTION OF THE REPORT TITLED AN EVALUATION OF ALTERNATIVE RESIDENTIAL POLICIES.

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I BELIEVE IT IS MOST SIGNIFICANT THAT, FOR THE FIRST TIME, THE COMMUNITY HAS THE OPPORTUNITY OF TAKING THE INITIATIVE AND SELECTING A COURSE OF ACTION WHICH WE FEEL IS MOST APPROPRIATE. UNTIL NOW, OUR ENERGIES HAVE BEEN ENTIRELY ABSORBED IN EITHER DEFENDING OR ATTACKING A CONSTANT STREAM OF INDIVIDUAL PROPOSALS FROM LANDOWNERS AND DEVELOPERS. THE LACK OF A SENSE OF DIRECTION HAS RESULTED IN A GROWING FRUSTRATION IN WHICH ALL PROPOSALS, WHETHER BENEFICIAL TO THE PUBLIC WELFARE OR NOT, HAVE COME UNDER ATTACK.

I HOPE THAT THE ALTERNATIVES WE HAVE SET FORTH WILL SERVE TO CHANNEL OUR ENERGIES TOWARD POSITIVE AND CONSTRUCTIVE EFFORTS. RATHER THAN TAKING A REACTIVE AND NEGATIVE POSTURE, LET US MOVE TO DETERMINE WHAT POLICIES WE WISH TO FOLLOW AND THEN USE THOSE POLICIES TO GUIDE FUTURE DEVELOPMENT.

I HOPE THE COMMISSION AND THE PUBLIC WILL EXAMINE EACH OF THE ALTERNATIVES FROM THIS PERSPECTIVE, KEEPING IN MIND THE WELFARE OF THE TOTAL COMMUNITY.

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SUMMARY OF PUBLIC TESTIMONY RECEIVED AT GPRP PUBLIC HEARING ON OCTOBER 16, 1974

Approximately forty persons were present at the public hearing, and of that number 16 persons gave testimony. The geographical areas they represented were: Kaneohe, Kailua, Kaimuki, Waikiki, Hawaii Kai, and the Ewa-Central Oahu area. Organizations represented directly or indirectly included: Lani-Kailua Outdoor Circle, The Outdoor Circle, Oahu Development Conference, Kaneohe Community Council's Planning Committee, Waikiki Residents' Association, Comprehensive Planning Committee of the Kailua Community Council, Gentry Pacific, Campbell Estate Trustees, Kaiser Aetna, American Institute of Architects and American Institute of Planners. Several witnesses indicated that they were speaking as individual citizens.

A portion of the testimony that was received dealt with issues that need to be addressed at a later time in the Development Plan Program or in specific general plan or zoning studies. Included in this category would be the testimony of Alexander and Eric Marn related to Kaimuki, Lani-Kailua Outdoor Circle's concerns regarding Kailua, the Kaneohe Community Council's Planning Committee's request for development plans to be prepared in conjunction with community associations and/or neighborhood boards, the Outdoor Circle's requests related to Kawainui Regional Park, the testimony of the Kailua Community Council (Comprehensive Planning Committee) as related to the development of Kailua, and some of the concerns of the Waikiki Residents' Association as expressed by Ms. Madden. Most of these witnesses were more concerned about a distinct geographical area or problem, rather than the four alternatives as proposed by the Department of General Planning. When asked specifically which of the proposals they preferred, the majority indicated a preference for the "Directed Growth" policy. These included: Oahu Development Conference, Kaneohe Community Council, Kailua Community Council, The Outdoor Circle, Lani-Kailua Outdoor Circle, American Institute of Architects, and Gentry Pacific (directed growth toward Central Oahu).

Two requests were made for a deferral. The first request came from the representative of the American Institute of Planners, Mark Hastert, who indicated that they had not had sufficient time to complete their analysis. The second came from the representative of Kaiser Aetna who indicated they had not had sufficient time to evaluate the alternatives, and asked for a one-month deferral so that all interested parties would be able to evaluate the study.

Specific suggestions or objections came from the following witnesses: Oahu Development Conference, Kaiser Aetna, Gentry Pacific, American Institute of Architects, and the Outdoor Circle. The suggestions or objections are as follows:

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1. Oahu Development Conference - Are essentially in agreement with the "directed growth" policy. They suggested that more study be given to the Kakaako area for a considerable increase in housing over what is presently proposed by the the Department of General Planning. Secondly, to modify the public cost factors under the "intensive growth" policy by redesignating these outlying urban sections in Waialua, Punaluu, and Waianae. ODC's contention is that by eliminating those areas from the urban use, the cost factors would be more realistic.

   Two further observations dealt with (a) the standard used for the multi-family unit size, and (b) the assumption economic growth would necessarily follow with the "directed growth" policy.

   ODC's observations may be summarized as follows: Directed Growth is the preferred policy and needs to be further supported with economic, social and urban design/environmental studies. The new communities need to be clearly indicated on the General Plan so as not to produce a corridor of urban sprawl.

2. Gentry Pacific - Apparently are not against directed growth toward Ewa, but are concerned about all of the proposed development being only in one area or on property owned by one landowner.

3. American Institute of Architects - Appear to favor directed growth, but also favored urban use of some of the steeper sloped areas so as not to have to use agricultural lands. They would like more information on the program that will be used to maintain prices on agricultural lands that are urbanized. They stressed the need for urban design plans for those lands currently urbanized in the central city districts.

4. The Outdoor Circle - Requested that changes be made to the policies listed under Culture and Recreation, and further asked that their suggested policies as related to parks be included in the Specific Planning Areas of the General Plan. Their major desire is to have the Department of Recreation's park and recreation plan included in the General Plan.

5. Hawaii-Kai/Kaiser Aetna - Objected to the suggestion of dampening growth in the Hawaii Kai area.

One additional witness indicated concern about the projected growth of population and suggested that some means need to be discovered that will discourage people from coming to the islands to live. This, in her opinion, was a greater priority than housing.

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OAHU DEVELOPMENT CONFERENCE

319 MERCHANT STREET · HONOLULU, HAWAII 96813 · TELEPHONE 537 6271

ODC Testimony on Oahu General Plan Revision Program
Honolulu City Planning Commission public hearing
October 16, 1974 - Honolulu Hale
presented by Aaron Levine, President
Oahu Development Conference

The Oahu Development Conference is pleased to note that for the first time, our community is offered a series of alternative objectives and policies for future growth. And also for the first time under the revised City Charter, we are furnished a General Plan broader in concept than any previous Plans for Oahu.

ECONOMIC, SOCIAL & URBAN DESIGN/ENVIRONMENTAL OBJECTIVES & POLICIES

The ODC recognizes that the decision of the Planning Department to emphasize the residential element in this first version of the new General Plan was made because housing is expected to remain a major community objective for many years to come. We concur in that decision.

We know that some work has been done on the other General Plan elements as well, namely, the economic, social and urban design/ environmental factors. In view of the fundamental importance of the General Plan to investment decisions for both the public infrastructure and the private sector once the Plan is adopted, we hope that they promptly receive the same depth of treatment accorded the area of housing. So critical is that work that we suggest the full resources of the General Planning Department be mobilized on that activity immediately in order to produce a truly comprehensive General Plan. A few of our Committee members even raise the question whether the General Plan should be adopted before all elements of the Plan are developed fully.

ALTERNATIVE GROWTH POLICIES

It is interesting to note the similarity between the alternative growth patterns developed in the General Plan Revision Program and the ODC staff study completed last year for the U.S. Department of Transportation. Even though the methodology and resources differed greatly and the ODC analysis used transportation rather than housing as the primary emphasis, the two studies come to many of the same general conclusions.

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HIGHER DENSITY FOR CENTRAL HONOLULU

Similar to the General Plan Revision Program, the ODC study recommended, in the long term, the establishment of new communities in the corridor towards Ewa and/or Wahiawa. However, in the short term, it stressed the need for much more intensive utilization of the current low density sections in and around downtown Honolulu; creation of a "new-town-in-town" in Kakaako; higher density development at the eventual rapid transit station sites, particularly in the central portions of the City; and intensive urban use of some of the centrally located military installations which might become available for civilian use in the future.

It was particularly in the Kakaako area that the ODC study stressed the opportunity for a massive increase in the housing supply, an increase considerably greater than that proposed now by the General Plan Revision Program. We suggest further examination of that possibility.

"INTENSIVE GROWTH" ALTERNATIVE

According to the Planning Department, a major disadvantage of the "Intensive Growth" policy alternative would be the greater cost for public improvements required to serve the urban areas after the population of Oahu reaches one million. However, that capital cost difference would not be as great if urban designated portions of the outlying sections such as Waialua, Punaluu and Waianae were not included in the computations along with urban Honolulu, as they are presently in the Planning Department's analysis of the "Intensive Growth" alternative.

Further examination is suggested of the Intensive Growth alternative without greatly increased densities in those outlying areas now designated for urban purposes. That would undoubtedly alter the conclusions about that alternative for urban Honolulu. It is an important consideration since the development of Central Honolulu at higher intensity is common to this alternative and to the Directed Growth alternative.

RESIDENTIAL STANDARDS

Another important factor that bears further examination is the multi-family dwelling unit size employed as a standard in the Planning Department's analysis of the Intensive Growth alternative. It appears that the unit sizes per household were based on national standards of the American Public Health Association. It should be recognized that considerably smaller apartment units are traditionally constructed in Hawaii than the national standards which APHA recommends as a minimum for the mainland. That could make a considerable difference in the estimated cost of the higher density housing implied by both the Intensive Growth and Directed Growth alternatives.

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RECREATION STANDARDS

The proposed policies for recreation list specific ratios of space requirements per person. That may impinge on the standards which are customarily considered at the next and more detailed level of planning. Also, they may have to be modified according to the availability of future economic resources and changing recreation program emphasis, in which case the standards would not affect the broad policies of the General Plan.

The General Plan should remain general, as it is in the other policy proposals, and should be less numerical than it is in this functional area. That recognizes the criticism of the over-specificity of the existing General Plan of 1964.

ECONOMIC BASE

Still another conclusion of the Planning Department that merits review is the assumption that the "Directed Growth" policy would be accompanied by economic growth in outlying new locations. Although employment opportunities in the Ewa district will undoubtedly expand in the future, the magnitude of that increase should not be overestimated. The really major job centers will continue to be linked to the military activities particularly at Pearl Harbor and Hickam, the Honolulu International Airport area, the Port, the CBD, Civic Center, Ala Moana area and Waikiki. There is also an important functional efficiency in this compact employment center which should be maintained.

Probably the most difficult task confronting new towns in this nation and abroad is their limited ability to attract to outlying communities new job centers of major magnitude. Oahu's restricted economic base may prove even more difficult to lend itself to any significant redistribution of employment opportunities to outlying residential areas.

SPECIFIC PLANNING AREA POLICIES

In view of the limited time and staff resources, it has not been possible for the ODC to analyze the specific planning area policies proposed by the Planning Department. For the Directed Growth alternative alone there are over fifty specific area proposals. Furthermore, they must be examined in the context of the economic, social and urban design/environmental objectives and policies which are not developed.

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POPULATION ASSUMPTIONS

The ODC does not believe sufficient data and findings are available yet to pinpoint a specific number as the desirable optimum population level for Oahu. We are pleased to note that the State is exploring the concept of "carrying capacity" proposed last year by the Temporary Commission on Statewide Environmental Planning. Hopefully, that will help furnish guidance for eventually determining the maximum population that can be supported within prescribed geographic areas.

In the meanwhile, the ODC believes that the General Planning Department is correct in using a range of population rates and providing a contingency plan for growth when growth occurs, rather than presenting a static twenty-year plan for a given population level.

CONCLUSION

From the data and assumptions presented thus far by the Planning Department, it appears that the Directed Growth alternative is preferable to the other three alternatives. However, so critical would be its effect on future growth, that its findings and recommendations should be fully supported and accompanied by the economic, social and urban design/environmental implications. We hope that work in those fields will proceed rapidly.

In conclusion, the ODC recommends general approval in principle of the proposed Directed Growth alternative, subject to that alternative being supported by those related factors and by further analysis of the Intensive Growth alternative. We suggest that the General Plan clearly indicate that the new communities proposed by the Directed Growth alternative would be surrounded by open space to preserve their cohesiveness. Otherwise, the Directed Growth alternative may merely produce a long corridor of urban sprawl extending from Hawaii Kai to Ewa.

The ODC commends the Planning Department on its General Plan Revision Program. We fully understand the complexity of the task and appreciate the amount of work involved. We wish that General Planning funds had been made available to the Department several years earlier as it had requested. It would have made possible the coordination with the State planning program and Land Use Commission which everyone now seeks.

The ODC was pleased to assist by publishing recently three summary reports on the Revision Program. We intend to continue that cooperation and look forward to reviewing constructively the further work of the Planning Department in the very near future as the Department proceeds with the continuing process of General Planning.

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Castle & Cooke
P.O. Box 10630
Honolulu, Hawaii 96816
phone 531-8491

OCT 16 1974

Read 10/16/74
7:30 pm
Council Chambers
GP 1

Testimony before the Planning Commission Public Hearing
General Plan Revision Program
City and County of Honolulu October 16, 1974

Mr. Chairman and Members of the Planning Commission:

I want to thank you for this opportunity to share our concerns on parts of the General Plan Revision Program.

1. We agree with the staff that the containment policy as expressed in the reports would limit the future residential development primarily to high desnity uses.
2. The directed growth policy raises some questions which we believe should be examined.
   a. We question the advisability of locating all new urbanization in the area, under one land owner, this may cause unforeseen problems and actions that could delay or preclude the implementation of the directed growth policy. An example is the Boise Cascade's inability to proceed on its big island project due to litigation regarding title.
   b. We believe this proposal precludes the opportunity for many builders and developers to provide a variety of residential types at comparative prices.

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c. We question whether the proposed directed growth policy would limit the individual freedom of choice on where to live.

d. We question the inflexibility of a plan directing nearly all capital improvement funds to one specific area.

e. Based on our experience, the concentration of urbanization in one district does not in fact minimize the cost of transportation and other public facilities.

3. The advantages of property such as Gentry-Waipio that are tied in directly with existing transportation systems also comply with the basic criteria of the General Plan Revision Program. Properties such as this require a minimum of new capital improvements, and are closer to the vast majority of jobs (present or future). Such properties are the logical expansion of current developments. We believe that the community attitudes and desires should be considered. Gentry-Waipio has community support in it's development as stated in the attached letter.

Thank you again Mr. Chairman for permitting me this opportunity to share our thoughts on this important matter.

GENTRY PACIFIC

By: Norman H. Dyer

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October 9, 1974

Mr. Eddie Tangen, Chairman and
Members of the State Land Use Commission
State Land Use Commission
P.O. Box 2359
Honolulu, Hawaii 96804

Gentlemen:

In my capacity of President of the Crestview/Seaview Community Association, I and my Board of Directors have on several occasions reviewed Tom Gentry's Plan in depth, and it is my considered opinion that the Gentry Plan would decidedly enhance our community aesthetically as well as in terms of recreational and educational facilities.

We needed a park and Tom Gentry actively encouraged condemnation proceedings by the City and County of Honolulu that resulted in a neighborhood park that we will dedicate on Saturday. He didn't fight use, he helped us.

We need schools; our children must cross busy highways to get to Waipahu schools. We need shopping facilities, job opportunities, recreational facilities and all the amenities that truly make a community complete.

We would like to the Gentry-Waipio development for our neighbors. This development will be good for us and for the people of Hawaii. We respectfully request your approval of the Gentry-Waipio proposal.

Sincerely,

Johnnie Young
President
Crestview/Seaview Community Association

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October 16, 1974

KAILUA COMMUNITY COUNCIL (COMPREHENSIVE PLANNING COMMITTEE)

STATEMENT TO PLANNING COMMISSION, CITY AND COUNTY OF HONOLULU

1. The K.C.C. Planning Committee appreciates this opportunity to express their views and concerns for the Kailua Area.

2. K.C.C. Planning Committee has been working on setting goals and program objectives for the Kailua community for over a year. Many, many meetings with community organizations, citizen groups and other civic bodies have been held. Many viewpoints and much data have been accumulated, processed and documented into a working draft report which is now undergoing final review by K.C.C. (One copy of this draft is included for your information.)

3. The report enumerates basic community goals which determine the subsequent program objectives. These objectives are stated in terms of Population, Education and Culture, Recreation, Health, Employment, Commerce, Food, Waste-recycling, Energy, Transportation, Housing and Government. It is felt that the report represents the basic direction desired by the people of the Kailua Community and, as such, should be used to set programs for our community.

4. There are many general concerns; the more pressing issues for the next 10 to 20 years are: Population, Commerce, Employment and Transportation.

   a. Population: hold to approximately 50,000.

   b. Commerce: comprehensively rejuvenate downtown Kailua (all community organizations overwhelmingly favor this program); augment and upgrade existing neighborhood shopping areas; add new neighborhood shopping areas as the neighborhoods desire.

c. Employment: provide employment locally for 50% of community residents.

d. Transportation: remove auto traffic from downtown and route traffic around city center; improve bus transit.

4. The Dept. of General Planning has been very responsive to receiving viewpoints and concerns of not only the K.C.C. but other Kailua community groups. We greatly appreciate their concerned and willing posture. A meeting with D.G.P. has been set up tomorrow morning where the views of a representative community group made up of members from the Kailua Chamber of Commerce, the Lani-Kailua Outdoor Circle, the Kailua Coalition of Churches, as well as K.C.C., will be presented. The Honolulu Redevelopment Agency has also met with the Kailua community groups and it is felt that some of the proposed programs might be studied and/or implemented under their auspices.

5. Concerning the "Planning for Oahu" report, we wish to strongly emphasize the following points:

A. That the entire Kawainui Swamp area be reserved for conservation, recreation and preservation purposes only, and that no commercial or residential uses be allowed. (This position has been overwhelmingly endorsed by the citizens of Kailua through newspaper polls, meetings and surveys.)

B. That downtown Kailua be comprehensively rejuvenated to become the main community center in all respects; that no alternate major center be permitted within the community. (Again, this position has been overwhelmingly endorsed by citizens of the community.)

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C. That the residential areas of Kailua be kept "low-rise" but with mixed use and increased density possibilities.

D. That the continuing recreation needs of the Kailua community be met, as outlined in the K.C.C. (CPC) report. (The P.F.O. report says very little concerning recreation facilities and programs.)

6. Again, our appreciation for a chance to be heard.

R. B. Sabin
KCC . CPC

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PLANNING FOR WAIKIKI. OCT. 7, 1974

Gerri Madden
LEAGUE OF DECENCY

ACCORDING TO DR. RICHARD MARLAND, acting director of the Office of Environmental Quality Control, the plans for city and state are to be aligned according to policies stated in HB-2067 and Act 246('74) The IDEAL of any planning is to achieve harmony between man and his environment...his TOTAL ENVIRONMENT:i.e. PHYSICAL, EMOTIONAL, INTELlectual and SPIRITUAL. The goals, policies and guidelines aim to develop WISE USE of the land, safeguarding the unique natural environmental characteristics. In the Planning outlines we read a very beautiful statement: "THE IDEAL BEING TO ACHIEVE ENJOYABLE HARMONY WITH MAN AND HIS UNIQUELY HAWAIIAN ENVIRONMENT..now what is uniquely Hawaiian about these massive cement monoliths which destroy our scenic views of sunsets, dawns, mountains and beaches? The recent constructions along the Ala Wai/with no open spaces are reminiscent of the row houses in Washington or the slums in the poorer sections of Italy.

In the days when Herman Lemke was Chairman of City Council, there were plans for a beautiful monorail for Waikiki, similar to the one in Disneyland;whatever happened to that plan? For us residents who attend church and shop in Waikiki, transportation is a nightmare: the one-way narrow streets, parked trucks, servicing hotels, crowded tourist buses, huge machinery obstructing passage, holes in the streets,long rows of vehicles parked on Montserrat & Kalakaua Ave. Together with the constant noise, and the plan for re-routing buses down Kuhio...all militating against this harmony with one's environment. They are only temporary, we hear. However there are two more serious environmental crimes:(1) Failure to preserve the views of the Ocean from Kalakaua,especially fronting the Royal Hawaiiam Hotel and the (2) Failure to protect entertainment in Waikiki from being a cheap, degrading imitation of Hotel Street.

Our refined tourists,who have been vacationing here for years, strongly object to the nudity, vulgarity, perverted peep-sex shows, the pornography, thepresence of prostitutes, pimps, transvestites who lure and rob tourists in plush hotels, often attacking with knives..... They fail to understand how this kind of depravity is allowed to continue with impunity.

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2 NOT MS. (MISS)GERRI MADDEN
LEAGUE OF DECENCY

PLANNING FOR WAIKIKI

In accordance with the Act # 246, a new venture is ready to start, as was reported in the Star Bulletin (7-3-'74). "Environmental Impact Assessments" is the name of the game. The 11 members of the Quality-Control Commission will set up rules for requiring these statements state wide..but this is particularly applicable to Waikiki. In the list of areas to be considered, The Waikiki-Diamond Head is specifically named in Act # 246.

It is our earnest hope that the new Commission ought to assume the responsibility of trying to develop procedures that are adequate for proper assessment of environmental effects..not only in the Bhysicel but also in the spiritual and intellectual domain. We refer to the expansion of the pornographic and obscene plays that ordinarily have been confined to the Hotel Street areas. The papers have stated that the Japanese tourists prefer more nudity..even sings in Japanese are posted in front of some of these cheap, honky-tonk adult shops where the sex-pervert- peep shows are available. From New York, I read a notice th at Governor Rockfeller had ordered them removed from Times Square ...surely our Environmental Quality Commission will not neglect this important factor. It is encouraging to read that the "carrying capacity" planners hope to consider both the physical and the social criteria.

Parents have voiced the view that in the "trail blazing" capacity of the Quality Control Commission, the members will not forget their children love the beach; they have been reared in the American tradition of belief in God's laws. They want no part of nude beaches; there is rumor that a group is trying to get permission to establish a blocked off section of our Waikiki Beach for their enjoyment. We are opposed to this kind of enjoyment; since the dawn of civilization men have set limits to sexual exposure. The word "privacy" in importance a family has privacy; we hold in secret what is considered private, not because of dirtiness..but be cause our precious possessions our intimate relations in regard to sex are ~~XXXXXXXXX~~ extremely personal, not to be viewed on a public beach or in a public theatre. Privacy is thelink that unites intimacy with sex: and ~~pornography~~ pornography and obscenity break the link. It is the duty of

to request,

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Oct. 16,'74

On page 124, in PLANNING FOR OAHU, (PROPOSED OBJECTIVES AND POLICIES), WE READ:

For Waikiki, more emphasis must be placed upon planted open space, underground utilities, building height limitations, bulk and density controls, improved vehicular and pedestrian circulation and widened and improved beaches.

If we take a look around Waikiki we see the tragedy and the lie to this statement. What kind of planning do we see in regard to this "vehicular improvement.(For example, the proposed low-rise buildings for the space on Kalakaua on the Royal Hawaiian grounds.) Underneath is planned a vast garage for hundreds of cars. Picture this disaster at peak traffic! Whatkind of planning?

We discussed this matter of traffic flow at our meeting of the Waikiki Residents Association Committee at our October meeting. We are distressed. We see no planned open spaces that have been promised.

There is also some concern about a type of ad that is being circulated throughout parts of the Mainland and placed in some of our shops: nude couples on our beach in Waikiki; thus giving a wrong impression of our recreational activities. No wonder we are having cases in Court concerning Nudity...I was present at the Court hearing and am delighted to say that the temporary injunction was upheld against the Nude Play planned for Waikiki. I believe Tourist Companies and Visitors' Bureau should uphold our high ideals. (N.B. The Police Chief in Kauai protested.)

The philosophy of clothing is important: animals feel no shame; human beings do. Clothing adds dignity, nobility, identity, personality. A sign of degradation, before Christ, was to strip a man. A criminal was mocked by being placed naked in the market place.... before being put to death.

"Apparel oft proclaims the man", said a student, quoting Shakespeare.

Remember our motto: THE LIFE OF THE LAND IS PERPETUATED IN RIGHTEOUS*NESS.

UA MAU KE 'EA O KA 'AINA I KA PONO'.

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THE OUTDOOR CIRCLE 200 No. Vineyard, Honolulu, Hawaii 96817

OCT 16 1974

October 16, 1974

The Chairman and Members
The Planning Commission
City and County of Honolulu
190 South King Street, Suite 2100
Honolulu, Hawaii 96813

Re: Oahu General Plan Revision

Gentlemen:

The Outdoor Circle welcomes this opportunity to present our views concerning certain aspects of the revision of the General Plan.

As stated on page 7 in An Evaluation of Alternative Residential Policies, "this effort to revise the General Plan was primarily focused on estimating the cost incurred by the community under different policies as population increases". We believe that, in focusing efforts on the immediate problem of housing, inadequate consideration has been given to other components essential to a General Plan. We are aware that the Department of General Planning recognizes these deficiencies. However, we believe that it is possible at this time to give far more consideration to Parks and Recreation and Natural Resource Preservation.

1. Parks.

A need to review the very basis for defining recreational requirements is recognized by the Department of General Planning (See pages 156 to 158 in An Evaluation of Alternative Residential Policies). The Department of Recreation is now preparing a comprehensive park and recreation system plan. It will provide those objectives and policies necessary to assure the public that its recreational requirements will be met. We believe that it is essential that this plan be part of the Revised General Plan. We wish to see the existence of one plan only, not a confusing number of plans, goals, objectives, policies, standards, and classifications presented by different agencies, departments and levels of government and the private sector in support of or in opposition to recreational programs.

The intent of the Department of General Planning to formulate a "set of objectives and policies ... which are in keeping with the nature of the revised plan" (see page 158, Evaluation of Alternative Residential Policies) should be clearly stated in the policies

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under the section on Culture and Recreation in the Revised General Plan. Therefore, we ask that the listed policies under Culture and Recreation be replaced by the following:

1. The Revised General Plan shall include the Comprehensive Park and Recreation System Plan now being prepared by the Department of Recreation. This plan will provide the methodology through which the objectives and policies of the revised plan will evolve. It will include a projection of recreation demand as determined by population, time-distance factors, physical and man-made barriers, income, education and other socio-economic factors.

2. These objectives and policies shall direct all of the City and County of Honolulu decisions concerning recreation.

Until this Comprehensive Park and Recreation System Plan is adopted by the City Council and included in the General Plan the section on Parks and Recreation in the existing plan should continue to provide the basic guidelines for recreation with one exception. This would be the elimination of the section entitled Recommendations, as these recommendations are in fact policies, some of which are included in the revised General Plan.

The rest should be replaced by those policies which are now clearly needed even though the Department of Recreation's plan is not completed. These policies relate to the need for certain parklands, both specific and general. The evidence that they are needed can be found in the current land acquisition program and master plans for specific projects of the Department of Recreation, expressed views by citizens and citizen organizations and State planning and legislation. We believe that it is imperative that acquisition programs be expedited and not hindered in any way by the current revision process.

Policies which we ask to be included in the revised General Plan in Specific Planning Areas are:

Central Honolulu

1. The park system of Oahu shall extend along the waterfront on lands makai of Nimitz Highway and Ala Moana Boulevard from Ala Moana Park to Nuuanu Stream.

2. A Nuuanu Trail System shall extend from Liliuokalani Gardens up Nuuanu Valley to Kaneohe Bay Beach Park with connecting branches to Kawainui Park, Hoomaluhia Park and Waimanalo Foothills Park.

3. The Moiliili Stadium site shall become a park serving the needs of Moiliili residents.

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Hawaii Kai

All land makai of the highway from Sandy Beach Park to the Makapuu Lookout shall be placed in park and preservation use.

Central Oahu

A large major park shall be located within this area.

Ewa

1. A large major park shall be located in the Waipio area.

2. Sandy beach park areas should be acquired, including an extension of Barber's Point Park and a large beach park at Makaiwa.

Waianae

The acquisition and expansion of beach parks should be continued.

Waialua

The acquisition and expansion of beach parks should be continued, including Mokuleia and Makaleha Beach Parks.

Kahuku

1. Large beach park areas should be acquired, including those proposed at Sunset Beach Park and Waialee.

2. Public access to Kawela Bay with adequate back-up parkland should be provided.

Laie-Kaaawa

Large beach park areas, including those parks proposed at Kakela and Laiewai, should be acquired to assure public enjoyment of the shores and waters.

Kaneohe

1. Existing beach parks should be expanded and additional parks and marinas acquired to assure public enjoyment of views of the bay, access to the shore and boating and fishing opportunities.

2. The Heeia Fishpond, an historic site, and adjacent meadow-lands, the proposed botanical garden of the City and County and Matson Point should be preserved as parkland and as an educational and cultural center.

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Kaneohe cont'd.

3. The Nuuanu Trail System should extend through Kaneohe to Kaneohe Beach Park and Hoomaluhia Park.

Kailua

1. The entire area of Kawainui Marsh should be preserved as permanent open space and developed only for recreational and educational purposes.

2. The Nuuanu Trail System shall have a terminus at Kawainui Marsh.

Waimanalo

The Nuuanu Trail System shall have a terminus at the Waimanalo Foothills Park.

NATURAL RESOURCE PRESERVATION

Canals and Streams

We request that the preservation of streams and canals as open space be included as a Policy in all Specific Planning Areas.

Diamond Head

1. We believe that the proposed Historic, Cultural and Scenic District #2, the Diamond Head District Ordinance, should be included in the revised General Plan.

   This Ordinance provides for a building height limit of 25 feet for the urban lands encircling Diamond Head. We question whether "low density development" on the slopes of Diamond Head as permitted in the revised General Plan would meet this requirement.

2. Lands from Kapiolani Park to the Lighthouse should remain as parklands as designated in the existing General Plan.

This concludes the testimony of The Outdoor Circle. We greatly appreciate this opportunity to present our views and ask that they be given your thoughtful consideration.

Sincerely,

Mrs. Alan S. Davis,
President

Mrs. Robert Steele,
President
Lani-Kailua Branch

Mrs. Kenneth Nickel,
President
Kaneohe Branch

OCT 16 1974

THE OUTDOOR CIRCLE

200 No. Vineyard, Honolulu, Hawaii 96817

October 16, 1974

Chairman and Members
The Planning Commission
City and County of Honolulu
190 South King Street, Suite 2100
Honolulu, Hawaii 96813

Gentlemen:

Speaking on behalf of the ad hoc Committee for Kawainui Regional Park, sponsored by the Lani-Kailua Outdoor Circle, we should like to request a more forceful and well defined statement as regards the Kawainui Marsh.

We feel this is necessary in view of the many threats which have been experienced in the Kawainui area, the latest having been the shopping center proposed in the mauka acreage of the Marsh; that area still in private ownership. Presently, the Department of Public Works is seeking one hundred acres for sanitary landfill, which we feel is incompatible within the 750 acres now owned and maintained by the City and County of Honolulu within the Marsh.

Kawainui Marsh is an ecological entity. Its aquatic creatures, indigenous endangered bird species, the waters which enter it and the bay into which they drain, are all one natural system. Indeed, because it serves as an estuary for the mullet, milkfish and other water life which contribute to the foodchain for the bay and deep ocean fish, the State Fish and Game Department is presently instituting a limnological survey to determine the extent of Kawainui's estuarine value. The information so learned may have far-reaching implications for planning on each of our Hawaiian Islands, as well as other islands in the Pacific Basin, and elsewhere, where similar marshes occur. Kawainui is the last significant fresh water marsh on Oahu, and the largest in our Islands.

Recognizing the need for forthright action to be taken in developing the Kawainui Regional Park, including the 260 acre parcel contiguous to the City owned lands, the 1974 Legislature passed Senate Concurrent Resolution 28, directing the City and County of Honolulu to take such decisive action. At this time, we are awaiting the date of hearings to be held by the State Land Use Commission, a petition initiated by that Commission, on October 10, 1974, with regard to the desirability of down-zoning

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the privately owned lands from Urban to Conservation on the State Land-use maps.

Acting in the public interest, and as a community service (with the cooperation of the Bureau of Sport Fisheries and Wildlife, the U. S. Department of the Interior,) a study was conducted this past summer, and published on July 11th, which briefly describes some of the environmental conditions of the Kawainui Marsh Ecosystem. The study was initiated by the Oceanic Foundation because of their concern for the lack of definitive information about the area.

The Lani-Kailua Outdoor Circle has a fourteen-year history of concern for the fate of this splendid marsh, both for the views it provides as open space with attendant flood control, and for the intrinsic value it possesses for what should become one of the most unique parks in the world. To our knowledge, there is no other tropical marshland park. It will add to our many attractions for our important tourist industry.

There have been many costly studies and surveys over the years as to what is required recreationally, to fill the future requirements for Oahu. All data has stressed the need for large inland parks, quiet places of respite near water, places with space for individual and family passive recreation.

Kawainui Marsh is located advantageously, with regard to the urban center of the Island, to afford exactly the kind of park we so sorely need, to take pressure off the over-utilized parks like Ala Moana and Kapiolani. We are told that, while National Park standards establish the need of five acres for every 1,000 people, the City and County of Honolulu presently provides only 1.2 acres for every 1,000 people -- and the 750 acres of Kawainui, still undeveloped, are included in that statistic. Thoughtful planning, based on population projections for the future, would indicate that both land - and time - are running out. If the special quality of life inherent in Hawaii is to be available for future generations, courageous action is required NOW, to insure that quality for them.

Kawainui has logical and natural boundaries, both as an ecosystem and for park purposes. As envisioned, the Kawainui Regional Park will provide recreational, educational, scenic (from within and without), historical, cultural, and scientific values within its natural perimeters. Its development will be based on its water orientation, providing within its waters a sanctuary for four of Hawaii's endangered marsh birds: the alae 'ula (Hawaiian Gallinule, which legend says brought fire to the Hawaiian people), the alae ke'o ke'o (the Hawaiian Coat), the

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Aeo (the Hawaiian Stilt) and the koloa (the Hawaiian Duck). The exterior waters will be used recreationally for fishing and canoeing, with opportunity for viewing the wildlife, without intrusion into their sanctuary.

The perimeter lands, only occasionally subject to flooding, will offer a system of trails linking various areas of the Park, which will also be accessible from without the confines of the Park, such as a "mini-marsh" section which will demonstrate an unusual kind of marshland biological garden, depicting the historical uses of Kawainui by its first residents. The supportive life systems within the marsh can be demonstrated, with informative definitions of the interaction between creatures of the water, the waterbirds and insects, and the fact that the marsh is the bridge between life on land and life in the sea. Several Oahu High Schools presently utilize Kawainui as a "living laboratory".

The speedy acquisition of the mauka lands is paramount to the planning for and the development of the Park, as these higher elevations will play a critical role as the major vista and visitor entry into the Park. Here will be where information can be disseminated regarding the geological, scientific and cultural history of this most exciting area.

The recent shopping center threat was rebuffed both by the unsuitable soils for development in the place proposed, and by the numerous individuals and citizen groups who recognized that the integrity of the Marsh should not be violated and that renewal of downtown Kailua was a better solution for the shopping needs of that Windward community. A regional park, on the other hand, will serve the entire present and future population of this Island.

We respectfully request that your planning stress the high priority and intense need for a Total Kawainui for Total Oahu concept.

Sincerely,

Muriel B. Seto, Chairman,
ad hoc Committee for Kawainui Regional Park
Lani-Kailua Outdoor Circle

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To: The Planning Commission of the City/County of Honolulu 1974 Oct

The Lani-Kailua Outdoor Circle supports the expressed views of the community, as stated in a public opinion poll taken by the Sun Press newspaper, in which 89% of those responding favored the redevelopment of downtown Kailua rather than the establishment of a new major shopping center in another location. To this end a resolution was passed endorsing the goals of the Kailua Community Council Planning Committee, which will be submitted to you tonight.

At a meeting August 8, 1974, the following resolution was passed by the Board of Directors and ratified at a General Membership meeting on September 19:

"RESOLVED: THAT THE Lani-Kailua Outdoor Circle supports the concept of the re-design of downtown Kailua
(a) in a manner compatible to the unique natural surroundings
(b) to better meet the needs and convenience of the Kailua shopper
(c) to preserve the suburban character of the Kailua area."

We will work with community and government agencies toward a redevelopment of downtown Kailua into an attractive, shady, planted area oriented toward the pedestrian rather than the automobile.

We want height limitations, zoning restrictions and traffic patterns to prevent both urban sprawl and concrete canyons.

We hope that inter-departmental cooperation and Federal, State and City assistance will provide the means for realizing the great potential inherent in the natural waterways surrounding Kailua.

Joyce H Ferguson
Public Affairs Committee
Lani-Kailua Outdoor Circle

Cynthia Steele, President
Lani-Kailua Outdoor Circle (by JF)

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KANEOHE COMMUNITY COUNCIL
TESTIMONY BEFORE THE CITY PALNNING COMMISSION
WEDNESDAY, OCTOBER 16, 1974

The Kaneohe Community Council is pleased to have this opportunity to comment upon the new General Plan. We fail to see how the information that has been published by the City's General Plan Revision Program can constitute a revised General Plan for the City and County of Honolulu. Without going into great detail ~~concerning the contradictory statements, the confusing organization; and the almost incomprehensible prose contained in the published reports~~; let us just focus upon one very important point.

The existing General Plan has been criticized because it is too specific and detailed and any small modification requires the exercise of an elaborate and time consuming General Plan amendment process requiring the expenditure of great amounts of public and private resources.

Now we have a proposed new General Plan which we are told provides a solution to the problem of excessive detail in the old plan. Such a program would be a welcome relief to the current lengthy and cumbersome amendment procedure. But, I think we should take a very close look at what we are really getting as a revised plan. What is it that is being proposed that we use as a guide to the future development of our unique, beautiful and beloved island?

The new plan which is proposed is an insufficient guide for future development. It is merely a set of objectives and policies purported to constitute the entire revised General Plan which when first indicated to the public, appeared to be a new, modern and effective way to approach the problem of development control on Oahu. However, the GPRP program is nothing more than a planning, programming, budgeting (PPBS) system.

But, is what is being presented to us a plan?

Take just as one example the conditions which are listed to judge the appropriateness of approving new housing developments at densities of up to 14 dwelling units per acre in the Kaneohe area. (Incidentally, this section of the report is titled "Kaneohe Bay". I hope that it is safe to assume that they are not referring to 14 dwelling units per acre in the Bay itself but on the land area of Kaneohe.)

They list five conditions for the approval of land outside the urban area to be used for residential purposes.

1. "The area should be contiguous to existing urban development". The State Land Use Commission rules contain the same requirement.

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2. "The general slope of the land should not be excessive relative to the adjoining urban area". This statement is so vague that it gives us practically no guidance as to the extent of slope that is or is not suitable for development. What does the "general slope" refer to? Twenty-five percent of the land, ten percent? What will the people who review development requests use? And what could their basis possibly be?

3. "The erosion hazard should not be severe". What is severe erosion? No definition is provided. Are we to use the U.S. Soil Conservation definition or some other? Does it mean that development will be allowed in those areas?

4. "Such use does not conflict with other policies". This is the most confusing condition since it is not indicated to what other policies reference is made.

5. "Community sewer, water and drainage facilities, as well as road access, are available and adequate to serve the level of development proposed". What is adequate for what level of development? This condition requires that these public facilities be "available". However, they are confused here between long-range general planning considerations and zoning considerations. The current availability of public facilities is a zoning criterion and one that would be used to judge whether or not the timing of facilities was correct in terms of the granting of a zoning change. We all know that public facilities need not be available to support a long-range plan, but simply that they be planned and/or feasible in the long-run. The zoning controls the timing of development.

We point out these problems and deficiencies as related to the Kaneohe area. However, the same types of errors occur throughout the revision proposal. The factors or conditions presented are either out of place in a long-range planning document, or are too vague, general and broad to be meaningful.

Even the criteria for urban boundary changes used by the State Land Use Commission are more specific and meaningful than those which have been presented to us as constituting the Revised General Plan---and we all know how those can be abused.

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We maintain that if we accept what has been offered as a revised plan, we will be buying a series of phrases which sound nice as pie-in-the-sky goals and objectives. But there is no possible way to know what the nature of the future development of the island will be.

If you agree with us, that the program presented is inadequate, then take action to salvage what we can from the funds that have been expended. What we suggest is that full-time planners (and not consultants) be given the task of reviewing the data which has been compiled, and prepare suggested development plans in conjunction with community associations and/or neighborhood boards and present to the people of Oahu a plan that expresses the public interest in the future development of the island - a plan that the people can see and touch and one that is speciifc enough to control possible abuses of government decision-making. Thank you.

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GENERAL PLAN REVISION PROGRAM

Testimony at the Planning Commission Hearing
October 16, 1974 7:00 p.m.
Hawaii Chapter, A.I.A.

Mr. Chairman and Members of the Planning Commission

I want to thank you for the opportunity to briefly discuss a few of the important issues being proposed under the General Plan Revision Program. We wish to share our concern with current problems and the time element which continues to be a most critical factor.

The staff's analysis, conclusions and recommendations, as directed towards the housing problems emphasizes a solution which incorporates the conversion of agricultural land (with some contractual conditions imposed on the land owners) which would maintain the land value at agricultural uses. To us this represents a "short term" impact on reducing a percentage of the dwelling cost, but we do not understand and therefore question, the long term implications, especially on leasehold land.

A major concern is with those lands currently urbanized or planned for development in the central city districts. A high priority is the obvious need to develop a three dimensional urban design for the existing urban districts such as Waikiki, Makiki and Moiliili so that many of the land use "mistakes" such as sprawling development will not continue in future years.

The directed growth concept should take into consideration properly located and designed new urban centers at the fringe and leeward areas. These centers should be intensive in concept, located to fit the future rapid transit systems, and should be able to provide

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desirable residential characteristics of pedestrian oriented planning. Reducing the use and need of the automobile for normal daily experiences, such as schools, shopping and active recreation and even certain employment is a prime consideration.

While we are aware that some agricultural lands must be converted to urban uses, we recommend that the amount be minimized by 1) selecting those properties which have the least affect on the agricultural system and 2) strong consideration of the available, attractive open space appreciated by residents and visitors alike.

One other point I would like to make. This is to consider the utilization of lands considered "too steep" for residential development. There are many properties conveniently located which would support terrace or staggered type design concept that can be adapted to slopes greater than 20 degrees. Providing residents both privacy and vistas rarely found in other housing designs makes hillsides highly desirable and by arrangement of improvements hillsides can be attractive.

Thank you again, Mr. Chairman for permitting me this opportunity to speak. We all share in the sincere desire to plan for the future growth of Oahu. We believe that the emphasis should be continually placed on the downtown and existing urban districts, as this is where the vast majority of the people live today and will likely continue to live in the future.

HAWAII CHAPTER,
AMERICAN INSTITUTE OF ARCHITECTS

Sidney E. Snyder, President

OCT 16 1974

HAWAII-KAI

A PROJECT OF [redacted]

October 16, 1974

Mr. James D. Crane, Chairman
Planning Commission and Members of
the Commission
Suite 2100, 190 South King Street
Honolulu, Hawaii 96813

Dear Chairman Crane:

We have undertaken a review of the Proposed General Plan Revision Study with the intent of presenting testimony before your Commission. However, the final report and accompanying exhibits were only recently made available to the general public and, consequently, we have not had sufficient time to properly prepare for this hearing. To the extent we have made a review of the study and its recommended program of "directed growth," we are opposed to the suggestion to dampen growth in Hawaii-Kai. It appears to us that the economic justification and several of the planning principles applied to demonstrate the advantages of "directed growth" are also reasons why Hawaii-Kai's program for completion of the development should be allowed to proceed as scheduled. We feel the continued development of Hawaii-Kai could be compatible under any of the alternatives presented in the study.

In view of the significant impact "directed growth" will have on the future development of Hawaii-Kai, we would appreciate the opportunity to more thoroughly evaluate the alternatives presented in the General Plan Revision Study. When you consider the importance of the issue before the Commission, i.e. adopting a land use policy which will shape the future growth pattern of this island, it appears reasonable that more time should be given for the public to study the matter.

Therefore, we respectfully request this matter be deferred for at least one month to allow time for all interested parties to evaluate the study. We hope you will look upon our request with favor.

Very truly yours,

Barry R. Okuda
Executive Vice President

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KAISER AETNA • P. O. BOX 7534 • HONOLULU, HAWAII 96825
TEL. (808) 395-2331 OFFICE: 7120 KALANIANAOLE HIGHWAY
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THE ESTATE OF JAMES CAMPBELL

October 16, 1974

Planning Commission
City and County of Honolulu
547 Halekauwila St., Room 203
Honolulu, Hawaii 96813

Mr. Chairman and Members of the Planning Commission:

I speak on behalf of the Trustees of the Estate of James Campbell and wish to commend you for a fine piece of work well done by your Director of General Planning and his staff. We feel they have accomplished a major task in providing the type of long-range governmental planning which will allow for the needs of our citizens in an orderly and professional manner. We think it took courage and dedication to take the difficult problem of housing for our citizens and initiate a solution by planning for people in terms of densities and locations for new housing starts. It is this type of complete planning which is needed to give this community a solution and not just partial, piecemeal attempts. Specifically, we endorse the concept of directed growth and the direction of this growth as concluded in your study.

We would like to make an offer to work with the Planning Department as a partner in putting their directed growth program to work for positive results. It is our belief that government, in collaboration with the landowner, the developer, and the citizen, will bring about some significant strides in the future development of this island which will be beneficial to the entire community.

Very truly yours,

William H. Miller

William H. Miller
Public Affairs Coordinator

WHM/ag

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James Campbell Building Suite 500 828 Fort Street Mall Honolulu, Hawaii 96813 Telephone 536-1961

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FLASH CARD

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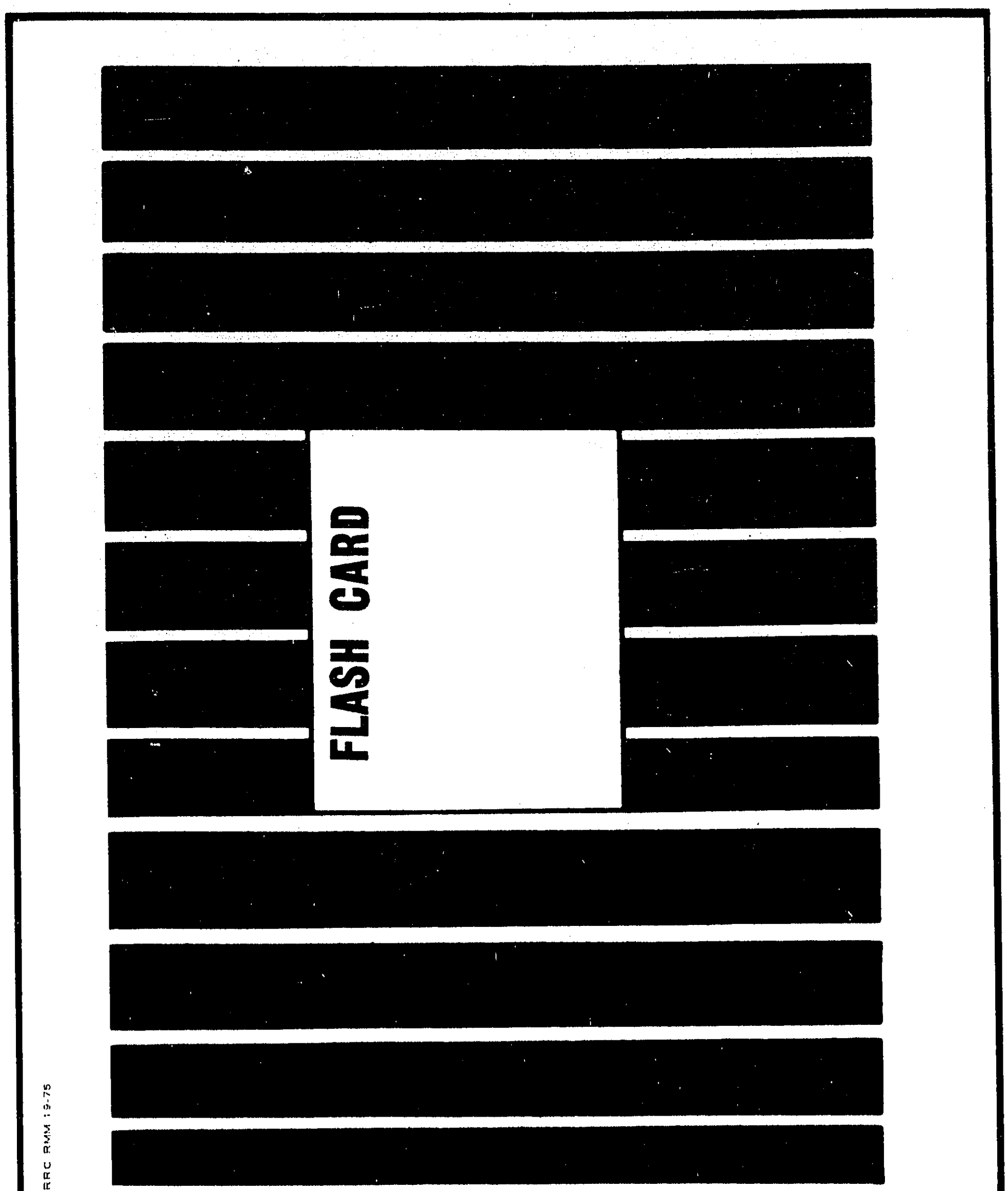

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FLASH CARD

OCT 23 1974

Meeting of the Planning Commission
Minutes
October 23, 1974

The Planning Commission held a meeting on Wednesday, October 23, 1974 at 1:30 p.m. in the Conference Room of the City Hall Annex. Acting Chairman Randall Kamiya presided.

PRESENT:
Randall Kamiya, Acting Chairman
Dr. Wilbur C. Choy
Charles W. Duke
Fredda Sullam
Alice Takehara

ABSENT:
James D. Crane
Donald K. Hosaka
Antone J. Kahawaiolaa

STAFF PRESENT:
Donald Clegg, Deputy Chief Planning Officer
Eugene B. Connell, Executive Secretary
George Aoki, Deputy Corporation Counsel
Lorrie Chee, Staff Planner
Henry Eng, Staff Planner
Stanley Mofjeld, Staff Planner
Johan Ronningen, Staff Planner

MINUTES:
The minutes of October 16, 1974 were approved, on motion by Mr. Duke, seconded by Dr. Choy and carried.

PUBLIC HEARING
HAWAII CAPITAL
DISTRICT APPLICATION
STANDARD OIL COMPANY
OF CALIFORNIA
(FILE #74/HCD-7)

A public hearing was held to consider a request for approval of plans for new fascia on the existing Standard Oil station building and pump canopies situated within the Hawaii Capital District, Tax Map Key: 2-1-31: 15.

Publication was made in the Sunday Star-Bulletin/Advertiser on October 13, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the request. The existing Standard Oil station building, including the proposed new fascia, meets the 65-foot height limit and 50% open space requirements of the district, and the proposed renovation is compatible with the Hawaii Capital District.

The Director recommends approval of this application.

The Commission had no questions concerning the Director's report.

Public testimony followed.

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Testimony in SUPPORT--

Mr. Ronald Keehn, Retail Property Representative, Standard Oil Company of California concurred with the Director's report and had no additional testimony to present.

Testimony AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Sullam and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the application, on motion by Mr. Duke, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

PUBLIC HEARING
CONDITIONAL USE PERMIT
(EXPANSION & IMPROVEMENTS TO CEMETERY)
DIAMOND HEAD MEMORIAL PARK ASSOCIATION, LTD.
(FILE #74/CUP-13)

A public hearing was held to consider a request for a conditional use permit to expand and provide additional improvements to existing cemetery, Tax Map Key: 3-2-60: 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on October 13, 1974. Correspondence from an adjoining resident was received and is included in testimony AGAINST the request.

Staff Planner Henry Eng presented the Director's report of the request. Diamond Head Memorial Park Association, Ltd., has purchased the abandoned Puu Panini Avenue right-of-way for expansion of their cemetery area. Submitted plans show utilization of the newly acquired area for additional cemetery plots and eventual construction of a future chapel complex near 18th Avenue on the Ewa side of the existing cemetery. Where the now vacant Puu Panini Avenue right-of-way meets 22nd Avenue, the applicant is proposing a fence and access gate with landscaping. The proposal conforms to the General Plan and Detailed Land Use Map and meets all pertinent requirements of the Comprehensive Zoning Code.

The Director recommends approval of the conditional use permit, subject to the conditions outlined in the report.

Questioned by the Commission, Mr. Eng indicated that the Commission's concerns regarding landscaping and hours of operation are adequately covered in the conditions.

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Public testimony followed.

Testimony in SUPPORT--

Attorney Jack Mizuha represented the applicant. Concerning a question of increase in the number of plots that would be brought about by this expansion, Mr. Mizuha indicated this depends upon whether agreement can be reached with the U. S. Army for relocation of an existing pipeline on the property. A standard cemetery plot is 3' x 9'. Deed to the property is contingent upon approval of this conditional use permit.

Testimony AGAINST--

Correspondence dated October 16, 1974 was received from Mr. Kenneth Matsuura an adjoining resident which states in part: "...It is my feeling that the proposed use of a mortuary and chapel could create some noise and disturbance to me on a fairly regular basis, particularly with the evening services when people congregate on a social basis after the funeral or wake services in the open lanai area as shown on Phase II of the propose Improvements. It would be greatly appreciated if some consideration could be given to minimizing the noise factor by modifying the plans to enclose the open lanai area, or by restricting the after-service congregating in an open lanai area farther away from the neighboring residential area, or by limiting the hours of operation, not to exceed a time later than 9:00 p.m...."

Mr. Eng stated that this matter has been discussed with the applicant who is agreeable to revising their site plan to provide a buffer, possibly a solid wall, for the area.

The public hearing was closed, on motion by Mr. Duke, seconded by Dr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended that the conditional use permit be issued, subject to the conditions contained in the Director's report, in addition to the following:

1. Modification of the site plan to include a solid wall between the maintenance area and the second chapel (Phase III) to buffer the lanai from the abutting Iwalani Tract; and

2. Inclusion of a condition to establish hours of operation.

The motion was made by Mrs. Sullam, seconded by Dr. Choy and carried.

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AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

PUBLIC HEARING
CONDITIONAL USE PERMIT/
STATE SPECIAL USE PERMIT
(TRANSMITTING AND
RECEIVING STATIONS)
(1) WESTERN UNION REALTY
(FILE #74/CUP-7 &
#74/SUP-5)
(2) DOMESTIC SATELLITE
CORP.
(FILE #74/CUP-15 &
#74/SUP-6)

A public hearing was held to consider two requests for a special use permit and conditional use permit for transmitting and receiving stations on adjoining sites in Kipapa Gulch, Tax Map Keys: 9-5-03: portions 7 and 11 (Western Union Realty); and 9-5-03: portion of 11 (Domestic Satellite Corporation).

Publication was made in the Sunday Star-Bulletin/Advertiser on October 13, 1974. No letters of protest were received.

Staff Planner Lorrie Chee reviewed both proposals.

Western Union Telegraph Company - The earth station building will be a one story, block masonry structure about 100' by 75' to house radio electronic equipment and the supporting power, air conditioning, maintenance and storage facilities. There will also be a satellite tracking antenna with an approximately 50-foot parabolic dish. On a separate site the repeater station building will be a one-story, block masonry structure about 12' by 30' to house the microwave radio equipment and its supporting emergency generator and battery. A 170-foot tower with two 6-foot and three 3-foot parabolic antennas is proposed.

Domestic Satellite Corporation (DSC)

The earth station will consist of a one-story building, about 10 feet by 20 feet and about 10 feet high, which will house all of the communications equipment and power equipment, plus a space communications antenna consisting of a parabolic dish about 50 feet in diameter whose highest point will be less than 75 feet above ground, plus a 6 - 8' diameter terrestrial microwave radio antenna mounted atop a mast that will be between 20 feet and 40 feet high. On a separate .25± acre site there will be a 25-foot antenna tower.

Both proposals are recommended for approval.

There were no questions from the Commission concerning the Director's report.

Public testimony followed.

Testimony in SUPPORT--

1. Attorney Robert Bunn for Western Union Realty
2. Mr. Harry Dent, Microwave Extension Engineer for Western Union Telegraph Company
3. Mr. James Hillier of Domestic Satellite

Discussion followed regarding--

a. Condition #4 - "The structure and towers shall be painted to blend with the natural environment. The color scheme shall be submitted to the Director for his review and approval."

   Modification was requested of this condition inasmuch as the FAA may require another particular color for aeronautical visibility purposes. Also, the colors dark green or blue used to blend with the natural environment, tend to be more obtrusive after a period of time rather than the normal weathered light gray color that appears from galvanized steel.

   Staff had no objection to modification of this condition.

b. Condition #9 - "Electricity to the proposed facility shall be provided through underground or surface conduits. Overhead wiring shall be prohibited.

   Elimination of this condition was requested because of existing overhead powerlines owned by Hawaiian Electric which run through the property. Both companies requested and were granted permission to hook up into Hawaiian Electric's lines.

   Staff had no objection to eliminating this condition.

Testimony AGAINST--

None

The public hearing was closed, on motion by Mr. Duke, seconded by Dr. Choy and carried.

ACTION RE CUP: The Commission concurred with the Director's recommendation and recommended approval of the Conditional Use Permit, subject to the conditions contained in the Director's report with the following modifications:

1. Deletion of the first sentence of Condition #4--"The structure and towers shall be painted to blend with the natural environment."

2. Deletion of Condition #9 - "Electricity to the proposed facility shall be provided through

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underground or surface conduits. Overhead wiring shall be prohibited."

The motion was made by Dr. Choy, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

Action on the State Special Use Permit was deferred for a statutory period of 15 days, on motion by Dr. Choy, seconded by Mr. Duke and carried.

PUBLIC HEARING
CONDITIONAL USE PERMIT
(CONTINUANCE OF RADIO STATION & TRANSMITTING TOWER WITHIN RESIDENTIAL DISTRICT)
KANEOHE
RADIO STATION KLEI
(FILE #74/CUP-25)

A public hearing was held to consider a request for a conditional use permit to permit the continued operation of a radio station and a radio transmitting tower within a residential district in Kaneohe--end of Mokulele Drive in back of Pikoiloa Tract, Unit 10, Tax Map Key: 4-5-33: portion of 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on October 13, 1974. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report of the request. The request is for the continuation of an existing use which was operating under a variance procedure. Since the variance has expired, current rules and regulations require processing under a conditional use procedure. Existing facilities consist of a rectangular structure 24' x 12' which houses transmitter equipment and an antenna tower 438' in height. The applicant is actively seeking an alternate site in Windward Oahu and requests permission to continue operation at the present location for the duration of their lease agreement with Kaneohe Ranch Company, Ltd.

The Director recommends approval of the request, subject to the conditions contained in the report.

There were no questions from the Commission concerning the Director's report.

Public testimony followed.

Testimony in SUPPORT--

1. Mr. Larry Okinaga, Attorney for the applicant
2. Mr. Fred Livingston, Owner of Radio Station K-LEI
3. Mr. Allen Roycroft, Chief Engineer, Radio Station K-LEI

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Attorney Larry Okinaga indicated that they had reviewed the Director's report and clarified the following:

a. The height of the antenna is 238', not 438'.

b. Access to the facility is two-thirds paved instead of over a dirt road as commented by the Department of Public Works.

c. Weekly maintenance visits will be made by the engineer instead of daily visits which were necessary initially during construction of the facility.

Testimony AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the conditional use permit, subject to the conditions outlined in the Director's report, on motion by Mr. Duke, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

PUBLIC HEARING
CZC AMENDMENT RE
LOCATION OF BLDGS.
ON RESIDENTIAL LOTS
(SECTION 21-506)

A public hearing was held to consider a proposed amendment to Section 21-506, Location of Buildings, Comprehensive Zoning Code.

Publication was made in the Sunday Star-Bulletin/Advertiser on October 13, 1974. No letters of protest were received.

Staff Planner Johan Ronningen presented the Director's report of the proposed amendment. The intent of the original wording of this section was to permit more than one building on a lot without requiring the owner to subdivide the lot. There continues to be lots in Honolulu where this may safely be done without violating either the spirit or the standards of the General Plan or the CZC, and result in an appropriate development that saves the owner the cost of subdivision. Recently, DLU has received applications for as many as 150 structures on a single large zoning lot. Such proposals are plainly very much beyond the intent of this section and are obvious attempts to avoid not only the normal provisions of the CZC, but also the provisions of the Subdivision Rules and Regulations. Such developments have found a loophole whereby they can escape not only the street improvement requirements of

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the subdivision rules, but also the requirements for standard utility services, such as sewer lines, water system, and drainage improvements. The amendment proposed is worded to agree with the Subdivision Rules and Regulations that no more than six dwelling units may be served by a single access roadway.

The Director recommends approval of the amendment.

There were no questions from the Commission regarding the Director's report.

Testimony in SUPPORT--

None

Testimony AGAINST--

None

The public hearing was closed, on motion by Mrs. Sullam, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the proposed amendment, on motion by Mrs. Sullam, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

UNFINISHED BUSINESS
CONDITIONAL AND
SPECIAL USE PERMIT
PAUMALU
GTE SATELLITE CORP.
(FILE #74/CUP-19
#74/SUP-8)

A public hearing was held on October 2, 1974 and the request for a conditional use permit was approved. The request for the special use permit was deferred to October 23 for a 15-day statutory requirement.

ACTION: The Commission concurred with the recommendation of the Chief Planning Officer and recommended approval of the Special Use Permit, on motion by Mrs. Sullam, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Kamiya, Sullam Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

UNFINISHED BUSINESS
REVISION OF THE
GENERAL PLAN FOR
OAHU

A public hearing was held and closed on October 16, 1974. Action was deferred to October 23 to allow a review of all testimony presented.

Discussion followed.

CHOY: As much as I was disappointed along with the rest of my fellow commissioners on the turn out and input by the public, I feel at this point I would move to accept the recommendation of the Chief Planning Officer and forward this general plan revision to the Council.

DUKE: I'll second the motion, and if the Doctor will go along with it, I'd like to at least indicate to the powers whoever they may be, possibly our Executive Secretary would be the proper person, to see that the public hearing at Council level be given extensive publicity so that people know what's taking place at that particular time because this is of such great magnitude for another generation. I'd like to see more public input at Council level.

CHOY: As maker of the motion, I accept my colleagues recommendation wholeheartedly.

CONNELL: Mr. Chairman, with all due respect to Commissioner Duke, I believe your directions concerning advertising and so forth should go directly to the City Council's Council Services.

CLEGG: To accomplish that, you could include in your recommendation that they make extreme efforts to see that the hearing is publicized properly, but for us as another department, to take any action over and above what the Council takes would be tantamount to lobbying and we may be looked upon as somewhat overstepping our responsibility. So, the Commission could recommend that the public be given wide publicity.

CHOY: I believe that was the intent of Mr. Duke's recommendation.

DUKE: I believe we should point out to the Council that we, or at least I, was disappointed at the turnout.

As far as lobbying is concerned, not all of the people will be for or against, any proposal. All I want is for the public to express certain desires, whether it be for or against.

CLEGG: Probably part of the Commission's findings to the Council were that they didn't find very many people at the hearing. It could be worded accordingly.

SULLAM: I would like to see a recommendation going even further saying something about these DP's, that we would like these to go forward with full speed. Perhaps we could even say, place a time limit on it so that the Council would appropriate the proper funds to make the study.

CLEGG: I agree with the money part; however, unless the two are in balance, we could be in a bind. So, may I suggest the recommendation might be that DGP speed up its efforts and that the Council likewise attempt to do so.

DUKE: Oh, that's agreeable.

TAKEHARA: I do have a feeling for this general plan but at this point, I'm going to abstain from voting mainly because I still feel

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that I don't have enough input. If I can even have some input from the Campbell people on what their plans are, and cooperating with us, or even what the projections are for agriculture in that Ewa area.

CONNELL: One of the problems here I would suggest is this is the whole proposed general plan. Unlike the Land Use Commission, we do not define what the developer is going to do and what the Campbell Estate plans. It does not really tie in with general planning. In terms of agriculture, the eventual taking of these proposed lands in Ewa, will not be injurious to agricultural needs of the entire island. I'm not sure where we could get more information to satisfy what you want. The review has taken four years of study with eight or nine technical reports backing up briefs to the Planning Commission. We've had sessions with the public.

CHOY: Being the maker of the motion, I'd like to convince Commissioner Takehara.

Alice, my understanding is that this is a very broad, general revision concept. I was disappointed just as much as you were as far as the lack of input by the public. However, I felt that the concept is one that is so general that at least in this point and time, it is giving the General Plan Department and the municipal government a direction which was lacking in the past, notwithstanding the closeness of your heart to the area that is in question. It does give the Department of General Planning and the City and County government the opportunity now not to follow the developers. We'd rather have the developers follow the municipal's ability to implement the facilities to service these new developments.

I think what you're probably confusing is the development plan that will come later. Then possibly at that time, you will have your desires fulfilled by a tremendous audience as far as input is concerned.

I feel at this point, Alice, that this is so general. At least it's a direction so that we know where we're going. Because of this, I'd like to ask you for your vote so we don't send this to Council without a recommendation.

SULLAM: I'd like to emphasize to Commissioner Takehara because I believe there is some new thinking as far as the sugar industry is concerned in recent months, more recent than the work that has been done on the general plan. I'm wondering whether my thinking is correct. Can this be resolved when we go into the developmental plan, that is, will the lands that are going to be removed from sugar cane, will they be replaced in other areas or perhaps on other islands?

CLEGG: When we're talking about the general plan, we're not really saying that's how much land should be taken out for urban use. In Ewa, yes, some land will be taken out. We're exploring this with Campbell. They feel there's something on the order of 4,000-6,000 acres of land presently unused that certainly could be used for sugar cane. We've said take 10,000 acres in Ewa for the whole thing. We're talking the

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whole thing 25 years from now. What we're trying to do is start a direction. We are also saying now that we simply cannot change tracks 10 years from now. If we start on one track now and go to some other kind of "habit", the cost to the community will be considerable. The decision has to be made now. The degree to which we implement that decision depends upon the pressure of the community. We feel that in order to accommodate what might happen in the future, we would have to take agricultural land, and if we do take agricultural land, the best place to take agricultural land is in Ewa. We want an Ewa-Waipahu emphasis.

Now the concern about has everybody had a chance to have their say, our feeling is that we have given everybody an opportunity for several years to have their say. I don't know what else we can do.

TAKEHARA: I understand that, Don. It is with mixed feelings because it is a big plan, and it seems to be going so speedily. I guess for me to make such a quick decision, it's difficult. I understand the whole concept is for the best public interest but planning and doing this - should we give up good agricultural land, or is it good, and will Campbell give us what we want for the good of the people out there - are things that keep coming into my mind.

CLEGG: Maybe this is speedy for you because you're getting in at the tail end. For me, it seems extremely slowly because we've been working on this for 3½ years going over all the same questions you're now asking, and I hope we could answer your questions more fully. But I assure you, we have no better way.

KAMIYA: Speaking about agricultural lands, what I would like to see done in the process of the development plan is what course agriculture is going to take not only on Oahu, but statewide. I think that has a great bearing, taking agricultural land on Oahu. I think that's Fredda's concern, whether we will have agricultural land.

As far as agriculture is concerned, we must take the entire state's agricultural picture and availability of lands as a whole, rather than limiting us only to Oahu. I know there's a strong move for developing more agricultural land for diversified farming on the Big Island as well as Molokai and Kauai. I'm not saying to take all agricultural land away on Oahu, because for a report like this from the Department of Agriculture, it doesn't seem right that so much agricultural lands are being taken up. What we should be more concerned about is the end productivity from the whole state as far as agriculture is concerned.

TAKEHARA: Of all the land that was evaluated, this was found to be the most marginal agricultural land?

CLEGG: We had to find enough marginal lands, average land, in one piece, one hunk, to make it viable. Yes, there are other marginal lands but in little bits and pieces around the edge of the hills, a lot of it is productive in Kahuku. But, in order to service the combination of both, there has to be enough of it.

TAKEHARA: Thank you for your understanding, Don, but this is why I feel speeded into this. I read over the material twice. I feel like I want to read it one more time.

KAMIYA: Maybe on the question of taking prime agricultural land, I'm certainly against taking prime agricultural land. But, what has happened now, the facts are that prime agricultural land has been taken out for urban use. We are faced with a situation where through good planning, we are forced to take prime agricultural land out. There's no choice. But, if we go on the general plan concept of what we have, maybe we won't put ourselves in that kind of situation again, where developers have developed on prime agricultural land, and what is remaining is not feasible for agriculture anymore, but yet in essence, it is prime agricultural land.

TAKEHARA: Okay, I'll go for it.

(There was no further discussion. The motion to adopt the Chief Planning Officer's proposal carried.)

AYES - Choy, Duke, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Crane, Hosaka, Kahawaiolaa

ADJOURNMENT: The meeting adjourned at 3:10 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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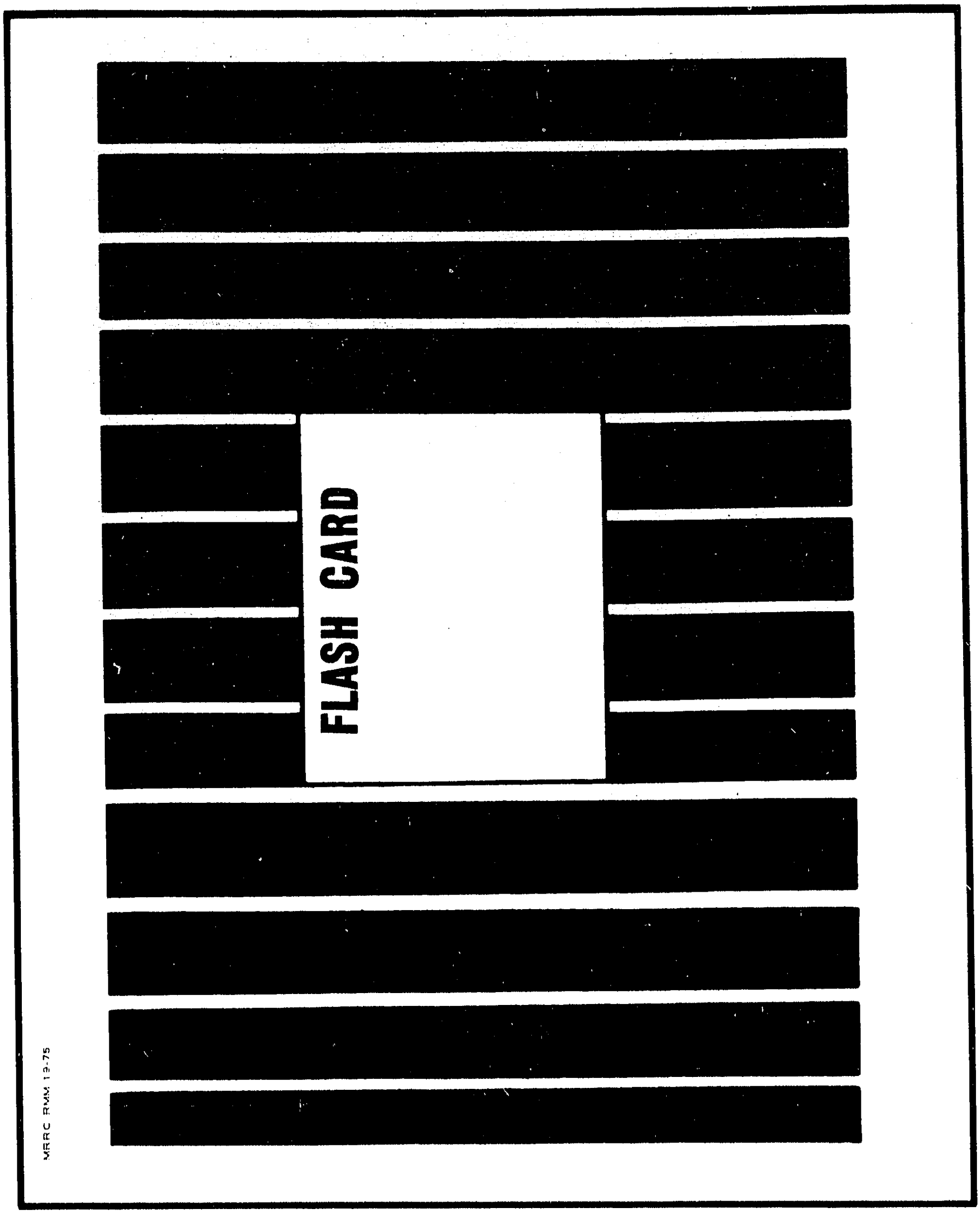

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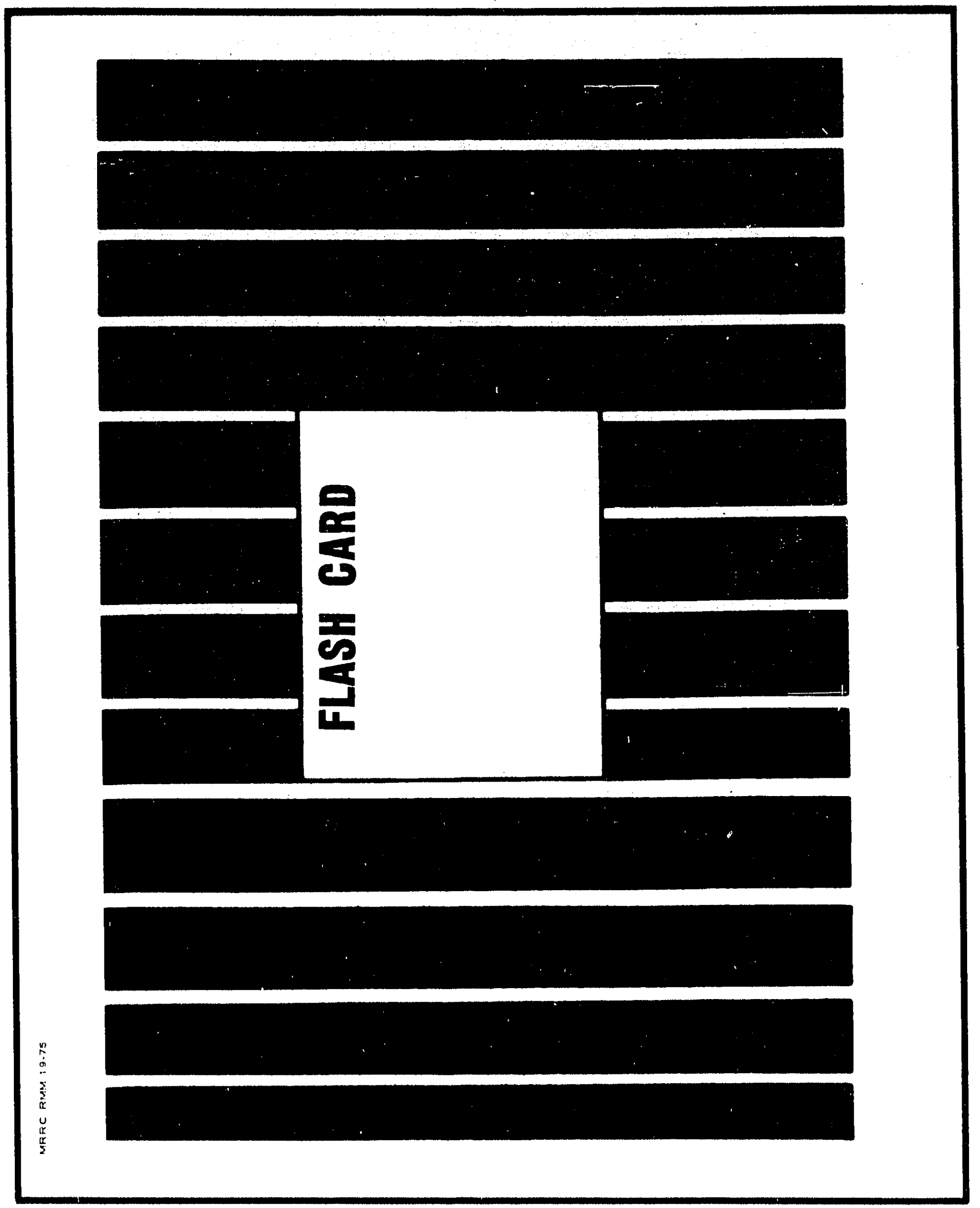

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Meeting of the Planning Commission
Minutes
October 30, 1974

The Planning Commission held a meeting on Wednesday, October 30, 1974 in the City Council Chambers. The meeting was called to order at 1:35 p.m. by Mrs. Fredda Sullam.

Lacking a quorum, with four of the eight Commissioners present, public testimony was heard to accommodate those present for the hearing, and the public hearing remained open until the next meeting.

PRESENT:	Fredda Sullam, Chairman pro tem Dr. Wilbur Choy Charles W. Duke Alice Takehara
ABSENT:	James D. Crane, Chairman Randall Kamiya, Vice-Chairman Donald K. Hosaka Antone J. Kahawaiolaa
STAFF PRESENT:	Robert R. Way, Chief Planning Officer Eugene B. Connell, Executive Secretary George Aoki, Deputy Corporation Counsel Ralph Portmore, Staff Planner
PUBLIC HEARING BILL NO. 101 WAIKIKI DETAILED LAND USE MAP REVISION	A public hearing was held to consider a Bill for an ordinance to revise, amend and update the General Plan and Detailed Land Use Map for the Waikiki area by adopting and incorporating certain studies, plans and reports pertaining to Waikiki as revisions and additions to said Plan and Detailed Land Use Map and thereby becoming the legally adopted plan for the Waikiki area, City and County of Honolulu.

Publication was made in the Star-Bulletin/Advertiser on Sunday, October 20, 1974.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer which is in response to City Council Resolution No. 181, dated August 6, 1974, referring Bill No. 101 to the Chief Planning Officer and Planning Commission for "appropriate actions and recommendations." Evaluation of this bill indicates that it contains the following basic deficiencies:

1. The various "plans, report, studies and budgets" listed in Section II-A and proposed for incorporation as part of the General Plan fail to provide the information and analytical

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bases required by the Dalton decision to validly amend the General Plan.

2. The specific amendments proposed in Bill No. 101 bear little relation to the land use policy recommendations included in the source documents.

3. The proposed amendments would permit an increase, rather than require a decrease, in the overall land use intensity planned for Waikiki, and thus would be contrary to the basic objective stated in the supporting studies.

The report concludes that evidence indicates very clearly that Bill No. 101 offers no contribution to the solution of Waikiki's problems. In fact, comparison of these amendments with already well established development patterns indicates that they would probably create as many or more problems as they would solve.

The report has been necessarily limited to a discussion of the deficiencies of Bill No. 101 due to the City Council's desire for an early response. No meaningful planning can be accomplished for such a complex and problem filled area as Waikiki within a 30 or even 60-day limit. It would be impossible to simply fulfill the procedural requirements (referral to concerned public agencies and citizen groups for comments, advertising and holding of a public hearing before the Planning Commission, etc.) of this Department's duly adopted "General Plan Amendment Procedures" within such a short period of time, much less conduct the necessary analyses required to develop policy recommendations which will effectively address the fundamental problems in Waikiki. To attempt to do so would at best be an aberration of the planning process.

It is the recommendation of the Chief Planning Officer that Bill No. 101 not be adopted and that the City Council consider a building moratorium in Waikiki during the period required for a comprehensive study to accurately define the problems and provide the bases for determining the nature of any proposed changes to current policy.

Questions were raised by the Commission.

CHOY: I'd like to address my question to the number of existing hotel rooms presently available, and also the number of dwelling units available in Waikiki at the present time.

PORTMORE: I'm not certain of the number of hotel rooms but I know it's fairly close to the 26,000 figure which is most frequently referred to in the supporting studies. Some preliminary work by DLU has indicated that there is now close to 17,000 apartment units in Waikiki. We're saying 5,500 more than the 11,500 recommended total. Further, that building permits issued before this old series of bills came up account for another 2,000 units, and building permits which

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were acquired since the moratorium was first considered would account for another 4,000 units roughly, bring you close to 22,000-23,000 apartment units in Waikiki.

These figures were developed by DLU from Data Systems which is another branch of our department.

CHOY: They're approximate?

PORTMORE: Fairly close, reasonably accurate but not exact, based on the land use survey.

CHOY: These figures pertain to existing or soon-to-be-built apartments.

PORTMORE: That's correct.

CHOY: Do you have any approximate figures on the number of hotel rooms?

PORTMORE: No, I do not. A ball-park figure would be close to 20,000. Other people here may be able to answer that.

DUKE: In the report, you mentioned that Bill 101 ignored the street problem. In past studies, what was recommended for certain streets or promenades?

PORTMORE: It was not entirely specific. Some of the specific things they recommended were widening of Ala Moana Boulevard in this block (referring to map displayed), implementation of the one-way system on Kalakaua which is substantially running now but is still shown two-way on the plan, street closings are shown in this area (referring to map displayed), where they are not necessary for traffic circulation and could be converted to pedestrian malls. However, they did not specify certain streets. Another is the widening of Kuhio Street to 70 feet which is already shown on the DLUM.

DUKE: You said Bill 101 ignored the park system in Waikiki altogether. Do you know the present plans of Parks and Recreation regarding mini-parks in the area?

PORTMORE: I'm not aware of any specific plan. If you look at the DLUM, the City cannot make any improvements through the amendment process, as you know, unless it conforms with the plan. Various studies have recommended an extensive mini-park system in the center of Waikiki, a series of linear parks running from the Ala Wai to the ocean, a promenade along the ocean. None of these are in existence nor are they incorporated into Bill 101.

CHOY: The City Council, makai of the Ala Wai, wants that developed to high density. Do you have any idea whether this high density would be permitted in its maximum height or will there be an adjustment to medium density?

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PORTMORE: Only to the extent of the existing bills which are proposed. Right now, the only zoning in Waikiki is B-5 and H-2. Under B-5 and H-2, you could build apartments at a density roughly equivalent to the A-5 apartment district. The proposal is to limit apartment development in Waikiki to an A-4 density which is roughly two-thirds of what is permitted in A-5. A-4 is still considered a high density classification. A-2 and A-3 are considered medium density.

CHOY: So even with this A-4 density, the entire area that the City Council wants to be rezoned high density will bring about an overload in the apartment potential.

PORTMORE: That's more complexed than it sounds. If only apartments were built in this area at 100 units to an acre say, there would not be an overload. However, there are already substantial apartment buildings elsewhere in Waikiki which will not disappear, and whether this has to do with some substantial hotels in the area that they want to designate for apartments. So, it's complex in that you must count units that are in areas that would be nonconforming under the new zoning. When you do count those units, you do run into problems.

SULLAM: What will happen to all these new hotels that is in the portion along Kalakaua Avenue presently resort and may be changed to commercial, especially the new ones like the Regency?

PORTMORE: They become nonconforming uses and there would be problems with improvements and things like that. Of course, that's really a zoning question which should be addressed to DLU.

TAKEHARA: Were there any comments from public agencies and their recommendations regarding facilities?

PORTMORE: No, there was not time to refer this amendment request to public agencies. We've submitted a report which simply dealt with what we felt were the deficiencies in the existing bill in order to get an early response to the City Council.

CHOY: I'd like to follow up on Mrs. Sullam's question. Then, according to Professor Freilich's proposal, the nonconforming usage if Bill 101 is adopted in the area to be rezoned from resort to commercial--

PORTMORE: That's true. It depends on the final form of design. As the current bill sets it up, this would become a B-2 business district and it would be a nonconforming use.

CHOY: Professor Freilich comments in the report on page 2 that zoning should be used as a tool to implement proper and legal planning. If then this area would be of nonconforming usage, doesn't this circumvent Dr. Freilich's study and analysis? Doesn't it make it more difficult to implement?

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PORTMORE: Yes, it does make it more difficult to implement. I think that comment is part of a general principle that you first adopt a plan, you set out your objectives and your guidelines as to what kind of development you want where, and you implement that through zoning. These are the tools for implementation. It could be construed that the best thing for Waikiki is to take down these hotels and replace it with commercial. That's not essentially what we're doing right here now. That's a possibility but it's not automatic that it would be circumventing that, no.

CHOY: In other words, you don't think my question is relevant to what is before us today.

PORTMORE: I guess I really don't know how to answer your question. Maybe Mr. Way can.

WAY: Yes.

CHOY: One of Freilich's tools becomes a very important part in Freilich's study where it becomes a tool to be implemented in order to control the type of planning in Waikiki. If this is so, then the Freilich study actually has lost its impact, in my mind.

PORTMORE: I think what you're trying to get out is the problem here is the tools are methods for implementing a plan but you must have a good plan to implement. The problem is perhaps with the plan in that it would create a nonconforming situation here which would make it either undesirable or unrealistic or something like that to implement it through zoning. Basically, it is a tool to implement the plan. The problem is establishing a good plan to do what you want to do and implement it through zoning. I don't understand how we would be circumventing if the problem is not the relationship between the plan and zoning, the problem is with the plan itself.

CHOY: Let me put it this way then, it would create a multitude of problems wouldn't it?

PORTMORE: It would appear that way, yes.

WAY: If I might add one comment, I think Mr. Portmore covered your concern fairly well. But, it does get to a relationship between plans, the zoning, and the creation or the establishment of nonconforming uses which maybe it's in this sense that you were concerned about some of the legal implications of this relationship. Mr. Portmore had really covered the point but maybe a little different response would be that the plan comes into question when you have a situation that creates the degree or the extent of nonconformity through the application of the zoning that we see on the horizon. It seems then that it really is a question as to the appropriateness of the plan in recognizing or not recognizing simply some of the facts of life, some of the existences twenty, forty, or fifty million dollar investments in hotel facilities as a case and point, and to what extent there would be some jeopardy because of this nonconformity situation that would apply to them following implementation of the zoning. I don't know whether this answers it but it's further discussion on the point.

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CHOY: It does, thank you.

DUKE: I'm sure this will come up more times during the course of the hearing, but there seems to be a decided difference of opinion as to whether Bill 101 would increase or decrease densities in Waikiki. Could you give me your version of it?

PORTMORE: My version is basically Bill 101 doesn't effect to any great extent, densities in Waikiki. Out of the package of bills, the zoning bills have the overwhelming effect on density and that is to reduce density. Our point was that there's a slight effect based on changing some land from resort and let it change from resort to apartment. In the A-4 apartment, the permitted land use density is double what is permitted in the H-1 hotel district. These are the proposed zoning densities. There would in effect be a slight increase in the overall intensity use permitted in Waikiki as a result of these amendments. That's not major but it is contrary to what is favorable in terms of the very large reduction what is recommended, a substantial reduction in the intensity use in Waikiki. I'm just pointing out that there is this contradiction there. Basically, Bill 101 does ignore the density question.

WAY: If I might comment also, again I think Mr. Portmore has covered the point, however, one additional thought and that is that the apparent objective as set forth in the numerous studies referenced in the Freilich report itself, and use of the numbers therein seem to indicate a reduction in--let's not say density but rather intensity of use by the establishment of some numbers that seem to be policy objectives of hotel units, apartment units and the like. However, our analysis showed that in fact this apparent objective is really not being achieved if the appropriate zoning was applied, and I have to say, under certain conditions or assumptions. Because, as you all know when zoning is applied, it relates to the floor area ratio to the lot size and all the rest. You can't tell exactly how many lots of such and such a size are going to crop up. But, based on some assumptions of lot size, it appeared to us that this objective simply was not going to be achieved by the means proposed in Bill 101 and if we presume the zoning would be applied in accordance with the other pending bills.

SULLAM: When you considered your density count, did you take into account the existing buildings that will be nonconforming?

WAY: No, we didn't evaluate the extent of nonconformity. I think again Mr. Portmore's indicated that DLU in relating to the zoning bills have generated some information on the rough figures that were given on total numbers of apartment units, is one measure. I don't know the specific total number or degree extent of nonconformity at this time. We simply observed that in a few areas there are substantial existing hotels toward Kapahulu that would exist. I don't have a count or dollar evaluation or acreage figure that would indicate this.

TAKEHARA: Did DGP receive any other information from Council other than this copy of Bill 101 that we have and the July 25, 1974 memo on Waikiki from Councilman Akahane?

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PORTMORE: Yes, we received copies of all 13 reports which were proposed for incorporation into the general plan. Bill 101 proposes that. Also a copy of the Fraelich report. We also have copies of the other bills.

TAKEHARA: In that report, are the general plan amendment procedures followed in any of those reports?

PORTMORE: The report itself doesn't offer any elaboration on the specific amendment proposals. It discusses problems of Waikiki in general terms and goals and then it offers the bill to implement these goals and objectives. There is no specific discussion saying why this is a good idea, why this amendment or another amendment is recommended.

(There were no further questions of the staff.)

Public testimony followed.

A Summary of all testimony presented at the hearing is attached and made a part of these minutes. Copies of all written testimony submitted are also attached.

The public hearing remained open to the next meeting.

ADJOURNMENT: The meeting adjourned at 3:15 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter II

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DEPARTMENT OF GENERAL PLANNING
CITY AND COUNTY OF HONOLULU
SUITE 2100 PACIFIC TRADE CENTER
190 SOUTH KING STREET
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

PAUL DEVENS
MANAGING DIRECTOR

ROBERT R. WAY
CHIEF PLANNING OFFICER

DONALD A. CLEGG
DEPUTY CHIEF PLANNING OFFICER

OCT 30 1974

(EBC)

November 11, 1974

MEMORANDUM

TO : PLANNING COMMISSION

FROM : ROBERT R. WAY, CHIEF PLANNING OFFICER

SUBJECT: SUMMARY OF TESTIMONY ON BILL NO. 101

Ten persons testified at the Planning Commission public hearing held in the Council Chambers on October 30, 1974. Those organizations represented include:

1. Waikiki Improvement Association
2. Oahu Development Conference
3. American Institute of Planners
4. Bishop Estate
5. Liliuokalani Trust
6. Construction Industry Legislative Organization
7. The Outdoor Circle
8. League of Women Voters of Honolulu
9. Waikiki Residents Association

Audrey Fox Anderson gave testimony on behalf of herself as a citizen and resident of Waikiki.

Four of those testifying indicated general support of Bill No. 101 with modifications.

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The League of Women Voters of Honolulu represented by Adeline Schutz supported Bill No. 101 as a means of utilizing all of the previous studies and starting on an action program of conserving a livable environment. They did suggest that if Bill No. 101 would result in the displacement of lower-income residents, that further study would be needed prior to the hearing before the City Council.

Don Bremner, representing the Waikiki Improvement Association, supported Bill No. 101. He indicated that action was necessary now in order to secure a healthy future for Waikiki; that further study on a moratorium on Waikiki was not necessary. Bill No. 101, Mr. Bremner contended, implemented 94% of the present Detailed Land Use Map; the difference was based upon new needs and requirements that had developed since 1968. He recommended some "fine tuning" of Bill No. 101 which included:

1. That the entire area between Ala Wai Boulevard and Kuhio Avenue, plus that area between Ala Moana Boulevard and Ena Road, be designated <u>Medium Density Apartment</u> instead of Hi-Density Apartment. The reasons for this change are specified in our (W.I.A.) analysis but essentially are to provide an insurance that our (W.I.A.) proposed population is not exceeded.
2. That the "Resort-Business" classification be retained and that area along the makai side of Kalakaua Avenue be kept in this classification and indeed expanded in the area between Lewers and the Outrigger Hotel, in order to prevent hotel development here and to be

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more in keeping with appropriate land use for this area.

3. That the area between Kapahulu, Kuhio, Liliuokalani and Kalakaua be retained in a "Resort" classification.

4. That the "Resort" classification for Waikiki be continued as "High-Density" areas but that a special zoning designation be created for Waikiki (H-2W, which provides for the density called for in the General Plan--180 units per acre--and which is between the densities allowed in H-1 and H-2).

(To what extent these proposed changes were part of the 94% was not made clear. Nor were the reasons for these proposed changes made clear.)

In response to questions from the Commission, Mr. Bremner indicated that there were presently 22,500 hotel rooms in Waikiki in place and now under construction. Thus, there was a need for additional resort-designated uses so as to reach the maximum number. He stated that some of the designations in Bill No. 101 were not the most appropriate in terms of potential or present use--thus his four recommendations.

The Waikiki Improvement Association has not conducted an inventory of apartment units. Their last figures from the Planning Department in 1970 indicated 9,000 units. Mr. Bremner doubted that the figure had tripled since then.

The Waikiki Improvement Association is supportive of a limit of 26,000 hotel rooms and 11,500 apartment units. He

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indicated that these figures were based on the estimated daily census population the area could hold (1969 Waikiki Study). It had been determined that two-thirds of that use would be for tourists/visitors and one-third for residents, leading to an eventual daily census of 65,000.

The Oahu Development Conference, represented by Aaron Levine, concurred with the general purposes of Bill No. 101. However, he recommended that the various plans and reports referred to by Bill No. 101 should not be adopted but used as a basis for land use and density proposals underlying a General Plan amendment proposal; there needed to be an updating of the present data and conditions and that these should be added to the previous studies. This, he stated, could be done in a "crash program" that would allow the proposed General Plan amendment to be ready in 90 to 120 days.

Mr. Levine also raised some questions about proposed land uses and suggested further review was needed. The proposed apartment and business uses appeared excessive, while hotel uses were too limited, he observed. He indicated the need for adjustments especially in the prime resort area across from the Zoo at Kuhio Beach which is proposed for commercial use.

Mr. Mark Hastert, American Institute of Planners, commended the Council's actions. He went on to indicate that Bill No. 101 was not based upon a comprehensive view of Waikiki; it lacked social and economic goals, transportation, recreation, urban design and environmental quality. The total separation of hotel, commercial and residential uses was questioned.

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The AIP supports Bill No. 101 as an interim measure for controlling growth, but not as a long-range and comprehensive master plan.

The Planning Commission was urged to recommend to the Council that it extend the existing moratorium if there were any chance of a lapse of time between the passage of the proposed bills and the end of the existing moratorium.

Under questioning, Mr. Hastert indicated that the AIP had not studied the proposed uses in terms of appropriateness. He further indicated he did not believe Bill No. 101 would have a major impact on slowing growth and it did not meet the guidelines AIP feels are necessary for a comprehensive plan. He also supported the Oahu Development Conference suggestion of a crash comprehensive planning study for Waikiki.

Five submitted testimony against the proposed bill. Mr. L. E. Amerding, Waikiki Residents Association, indicated they found it difficult to be for or against Bill No. 101 as it is written, so they elected to speak against it. They are for any legislation that would minimize further high-density use, whether it is for apartment or any other use. He questioned how a change from hotel to commercial use in the Diamond Head end of Kalakaua would improve the situation. The mechanics of controlling growth have to be clear before they will be willing to support any legislation.

Bishop Estate, represented by Guido Giacometti, is owner of those properties upon which the Royal Hawaiian and Sheraton Hotels are situated. A portion of that property is presently

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planned for commercial use. Bishop Estate objects to the proposed change of the commercial use to resort. Such a change would not limit hotel development. The intent of Bill No. 101 is to reduce congestion, over-crowding, excessive density and lack of open space. Bishop Estate contends that leaving their commercial lands in their present use, and allowing their proposed commercial development, would meet Bill No. 101's intentions more readily than a resort use.

Under questioning, Mr. Giacometti indicated the Estate was not prepared to speak on Bill No. 101 except as it related to their property.

Mr. Larry Helber spoke for Liliuokalani Trust and spoke against Bill No. 101. He indicated that since 1967 they have developed their 16 acres in conjunction with the present General Plan. Bill No. 101 would change all of their lands makai of Kuhio Avenue from resort to commercial. Thus, three existing hotels and two hotels about to be constructed would become non-conforming structures. This would lead to degradation and deterioration of that end of Waikiki. He also suggested that far too much land was being proposed for commercial use and that proposed need had not been proven. Their studies indicate only a one-acre commercial area is needed in this area.

Written testimony was submitted by the Construction Industry Legislative Organization over the signature of Wilfred S. Nakakura. Their position is that the whole General Plan needs to be updated; to single out Waikiki for such far-reaching actions

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without relating it to other surrounding areas, and the State as a whole, is not sound planning.

Bill No. 101 will create a hardship for present property owners, he stated, and the moratorium is unfair to those who couldn't rush plans through and may produce badly conceived and executed buildings by those who did rush.

They are in favor of action that is soundly conceived, comprehensive and well coordinated, and not a panicked reaction.

Audrey Fox Anderson spoke against Bill No. 101, indicating that over-building had already gone so far that what was being proposed would not relieve congestion, lack of public facilities, etc. She recommended a five-year moratorium, a complete removal of all zoning in Waikiki, a required Environmental Impact Study for every proposed building, a public hearing for every proposed building to determine whether it should or should not be built, and a concerted effort to get development plans done that involved the local citizens.

The Outdoor Circle's testimony was neither for nor against Bill No. 101. Their concern was that with the elimination of B-5, the B-5 sign regulations which are tailored for a resort area should be transferred to the B-2 use.

In at least nine of the statements received by the Commission, there is, to one degree or another, a request for either more study or significant changes.

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In the supporters' testimony, one finds either the stated need for substantial changes in the proposed use (note the W.I.A.'s fine-tuning suggestions) or the sense that Bill No. 101 is an interim measure that needs to be followed by a comprehensive planning study (AIP's suggestion). When we compare the statements of those supporting Bill No. 101 with those who were not in support, we find a general agreement that further major land use modifications are necessary. A number of witnesses indicated a need for updating the daily census figures and to determine the precise number of hotels and apartments presently existing or under construction. Concerns were also raised about the amount of commercial land that is needed. In addition, it was observed that Bill No. 101 lacks any analysis of transportation economic recreational/park, or environmental needs.

A final point that needs to be noted is whether the various studies provide sufficient data to support the requirements of the Dalton Decision. Though the validity of this point was challenged by one witness, several others did support the contention that the studies were deficient.

ROBERT R. WAY
Chief Planning Officer

RRW:mk

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WAIKIKI
IMPROVEMENT
ASSOCIATION, INC.

SUITE 1410 • 2222 KALAKAUA AVE • HONOLULU, HAWAII 96815 • TEL. 923-1094

DONALD A. BREMNER, AIP, *Executive Vice President*

OCT 30 1974

October 30, 1974

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ROBERT N. RINKER, *Executive Vice President*, Hawaii Hotel Association

Mr. James D. Crane, Chairman
And Members of the City Planning Commission

Re: Council Bill #101 - Waikiki DLUM Revision

Mr. Chairman and Members:

I begin with the hope Mr. Chairman, that following years of study, following widespread recognition of the problem, and following rather detailed recommendations on how to solve the problem - we can agree that some action is necessary to restructure the allowable land use patterns for Waikiki to reduce densities and to fix a limit on its ultimate size.

I hope we can agree too that time is of the essence. We cannot agonize over this problem for too much longer. Action must be taken soon or the opportunity for translating planning into meaningful and cogent action securing Waikiki's healthy future will be gone - perhaps forever.

The question is what particular approach will do the job appropriately?

Unfortunately, the report from the Chief Planning Officer provides nothing constructive along these lines. It recommends that tired "old saw" of a moratorium while further study takes us back to the beginning to "define the problem." This recommendation was made by the same people over four years ago and it seems that ample time has been provided to provide whatever is necessary to justify positive action in Waikiki. If the work has not been done by the Planning Officer, that is unfortunate, but we cannot let this lapse of responsibility jeopardize the future of Waikiki.

The moratorium approach is bad strategy also. I believe that a moratorium of extended duration would be legally challenged and being legally questionable in the first place, would not stand up. If this happened, the entire approach to re-zoning Waikiki would be seriously handicapped and dealt an unnecessary setback.

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There are other aspects of the Planning Officer's report which lead you in an erroneous direction. Aspects which are more destructive than constructive, more obstructing that progressive; more procrastinating that action-oriented. It puts the department in the curious position of opposing its own officially adopted plan for Waikiki.

The primary thrust of the report is that the proposal before you would produce an effect "very much the opposite" as proposed by the DLUM or that "which has been repeatedly recommended." This is just not so!

Bill 101 is the forerunner of action that would reduce densities for apartment construction by 30% and hotel construction by 70% from that now allowed under existing zoning and also would establish an ultimate size limit for Waikiki along the lines of that which has been repeatedly recommended and in general conformance with the DLUM.

Yes, there are changes in the DLUM proposals. The amount of land devoted to resort development would be reduced - the amount of land devoted to commercial and apartment use would be increased to conform with studies and recommendations made since the 1968 DLUM. The way I look at it you will be inplementing 94% of the original DLUM. The slight variance accounted for by the fact that the 1968 DLUM was based on a proposed optimum population of 50,000 people in Waikiki. The opportunity to achieve that has since passed and realistically the plan needs to be updated to reflect these new conditions. Consequently, the proposed land use changes before you are based on achieving an ultimate size of 65,000 people. That roughly is the difference between the 1968 DLUM and what you have before you.

The report also attempts to raise a legal question about the validity of the proposals by invoking the Dalton case. This I submit is someone's personal interpretation of the Dalton case and an erroneous one.

The Dalton case to me said essentially and simply that comprehensive and long-range planning must precede zoning and that changes to the general plan must point out the needs and alternatives that leads reasonably to such changes.

The proposal before you stands up extremely well with respect to the Dalton case. It is, after all, proposing to implement 94% of the Detailed Land Use Map of the General Plan. The roughly 6% change from the 1968 DLUM is based on changes in conditions occurring since 1968 rendering that part of the DLUM obsolete and they have been developed comprehensively with regard to long-range considerations and consideration of alternatives for Waikiki's future along with the relationship of this future to the island as well as the entire state.

On these bases, we believe you are in an eminent position to make appropriate changes to the DLUM and perhaps bound by responsibility to do so.

We have also analyzed the proposals with an eye for "fine-tuning" their application for meeting the desired objective. (contained in attached report)

The overall effect of our recommended amendments are to bring Freilich's proposals more in line with the existing DLUM while dealing with some additional density concerns. These precise changes are outlined on page 6.

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They recommend (1) that the entire area between Ala Wai Boulevard and Kuhio Avenue, plus that area between Ala Moana Boulevard and Ena Road, be designated Medium Density Apartment instead of Hi-Density Apartment. The reasons for this change are specified in our analysis but essentially are to provide an insurance that our proposed population is not exceeded.

(2) that the "Resort-Business" classification be retained and that area along the makai side of Kalakaua Avenue be kept in this classification and indeed expanded in the area between Lewers and the Outrigger Hotel, in order to prevent hotel development here and to be more in keeping with appropriate land use for this area.

(3) that the area between Kapahulu, Kuhio, Lilioukalani and Kalakaua be retained in a "Resort" classification.

(4) that the "Resort" classification for Waikiki be continued as "High-Density" areas but that a special zoning designation be created for Waikiki (H-2W, which provides for the density called for in the General Plan (180 units per acre) and which is between the densities allowed in H-1 and H-2).

We respectfully request your positive consideration of these modifications in approving plan changes for Waikiki.

Donald A. Bremner
Executive Vice President

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WAIKIKI IMPROVEMENT ASSOCIATION

SUITE 1410 • 2222 KALAKAUA AVE. • HONOLULU, HAWAII 96815 • TEL. 923-1094

ANALYSIS OF PROPOSED RE-ZONING OF WAIKIKI

I. Description

The ordinances pending before the City Council dealing with land use controls in Waikiki recommend the following changes:

1. Amend the General Plan and DLUM to:

   a. change certain areas between Kuhio Avenue and Ala Wai Boulevard which were previously designated "Resort" and "Resort-Commercial" to "High-density Apartment."

   b. change certain areas between Paokalani Avenue, Kapahulu Avenue, Lemon Road and Kuhio Avenue, previously designated resort to "commercial."

2. Re-zone certain areas in Waikiki from H-2 and B-5 to A-4 (hi-density apartment); from B-5 to B-2(community business); from H-2 to H-1(low-density resort); (See Map #1)

3. Conditionally permit higher density development than allowed in A-4 or H-1 districts if a development can meet certain standards of open space, setback, public facility provision, etc.

4. Requires all development proposals to meet standards proposed in the foregoing pending ordinances from September 25 to December 31, 1974.

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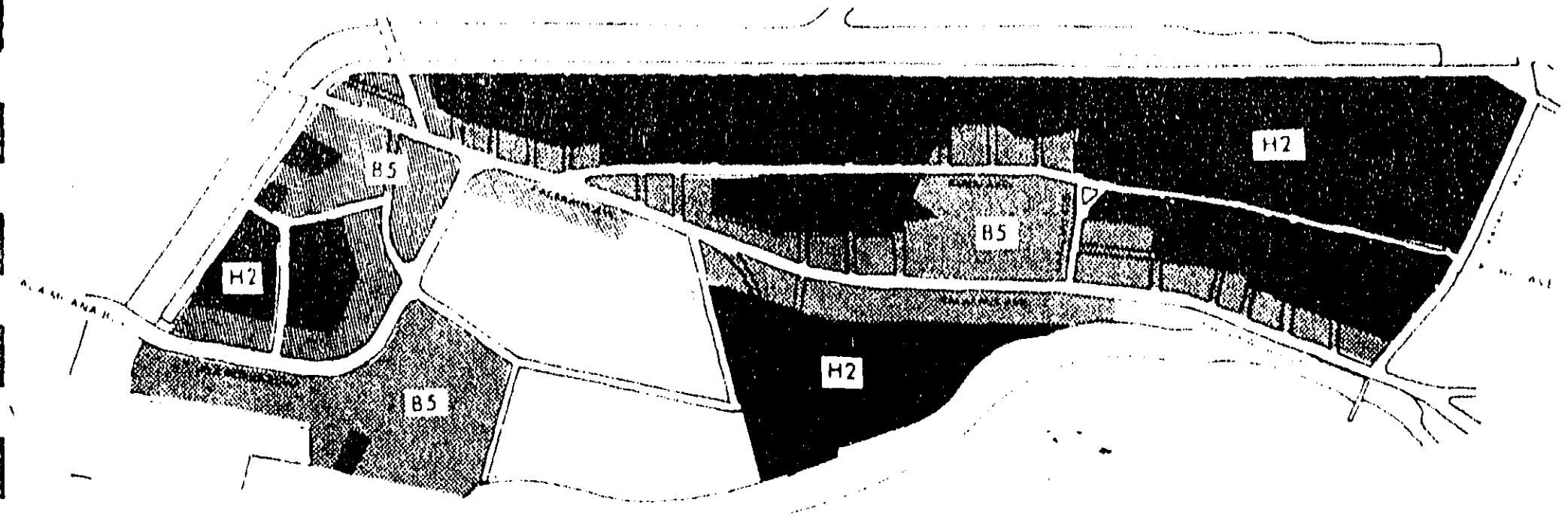
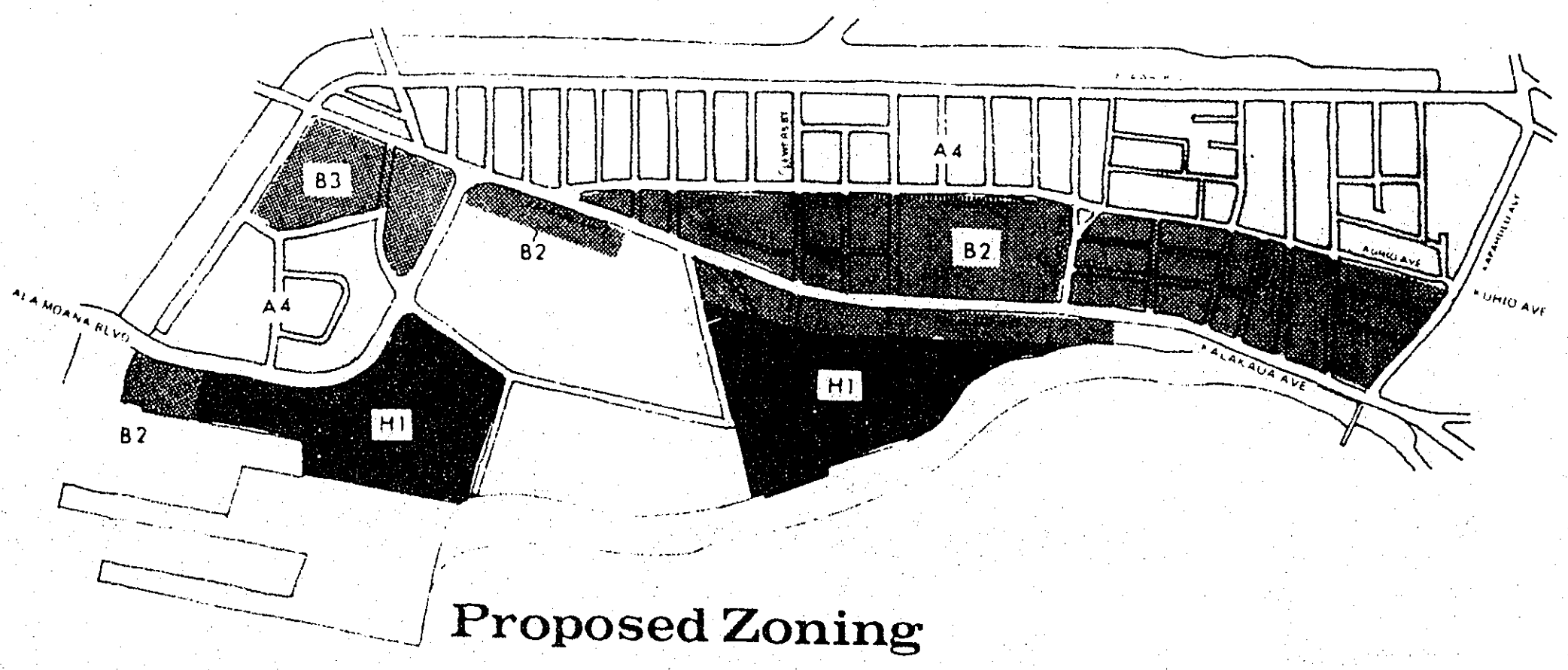


Existing Zoning

map #1



Proposed Zoning

map #2

Courtesy of Oahu Development Conference

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II. Characteristics of the various zoning classifications under discussion. These characteristics are summarized in table #1 below.

TABLE #1	USES	Height Limit	Floor-Area-Ratio	Units/Acre
A-5	Hi-density Apt.	350'	300	150
A-4	"	350'	200	100
A-3	Med. density Apt.	350'	100	50
H-2	Hi-density Hotel	350'	350%	300
H-1	Low-density Hotel	70'	100	90
B-2	Community Business	350'	250%+bonuses	
B-5	Resort-Commercial	350'	175%	

III. Analysis

1. Changes in Zoning Specifications -

a. Apartment Districts - apartments are presently permitted in the H-2 or B-5 districts in Waikiki under the A-5 specifications, it is proposed that they be permitted only in the proposed A-4 districts. A 30% reduction in allowable density (i.e., FAR reduced from 300% to 200% and units per acre reduced from 150 to 100) would result. No change in the 350' height limitation would result.

b. Hotel Districts - conforming to the specifications of the hotel district would mean a 70% reduction in allowable densities for hotels (i.e., the FAR would drop from 350% to 100% and the units per acre from 300 to 90) In addition, the height limitation would change from 350' to 70'.

c. Business Districts - An increase in allowable density occurs in the change from B-5 to B-2. The allowable FAR in B-5 is 175% and 250% and bonuses in B-2. The height limitation stays the same at 350'.

2. Changes in Zoned Areas:

All of Waikiki, with the exception of Fort DeRussy, is now zoned H-2 or B-5. Hotels and apartments can be built anywhere in Waikiki. This amounts to

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approximately 360 gross acres in various stages of building saturation.

a. Proposed Apartment Districts - The areas proposed for permitted apartment development comprise about 160 acres generally being that area between Kuhio Avenue and Ala Wai Blvd. and the Ena Road - Ala Moana area. WIA estimates that this area is "saturated" with building to the extent of 60% leaving some 64 acres available for potential development under A-4 specifications. Using the "rule of thumb" allowable density of 100 units per acrea, complete development could result in an additional 6400 apartment units.

b. Hotel Districts - proposed H-1 areas which occur in the Ilikai-Hilton Hawaiian Village area and Saratoga to Kuhio beach makai of Kalakaua. Approximately 97 acres comprise these two zones to which hotel construction would be confined. WIA estimates that building saturation in these areas is at least 90%. Using the H-1 specifications, this would mean a potential of 900 additional hotel rooms at most.

c. Business Districts: Although some of the boundaries change, the area devoted to business districts remains essentially the same under the proposal as existed previously (approximately 100 acres). New business districts would not permit apartments or hotels.

Three major concerns result from WIA's analysis:

1. The reductions in densities between apartments(30%) and hotels(70%) are not properly balanced. This results in a potential for too many additional apartments and not enough hotels. Saturation of apartments is closer to the calculated limit than saturation of hotels, so the balance should be in the opposite direction.

2. Height limitations remain the same, 350', in all proposed districts except the hotel district. Here it drops from 350' to 70'. This is unrealistic and unnecessarily restrictive.

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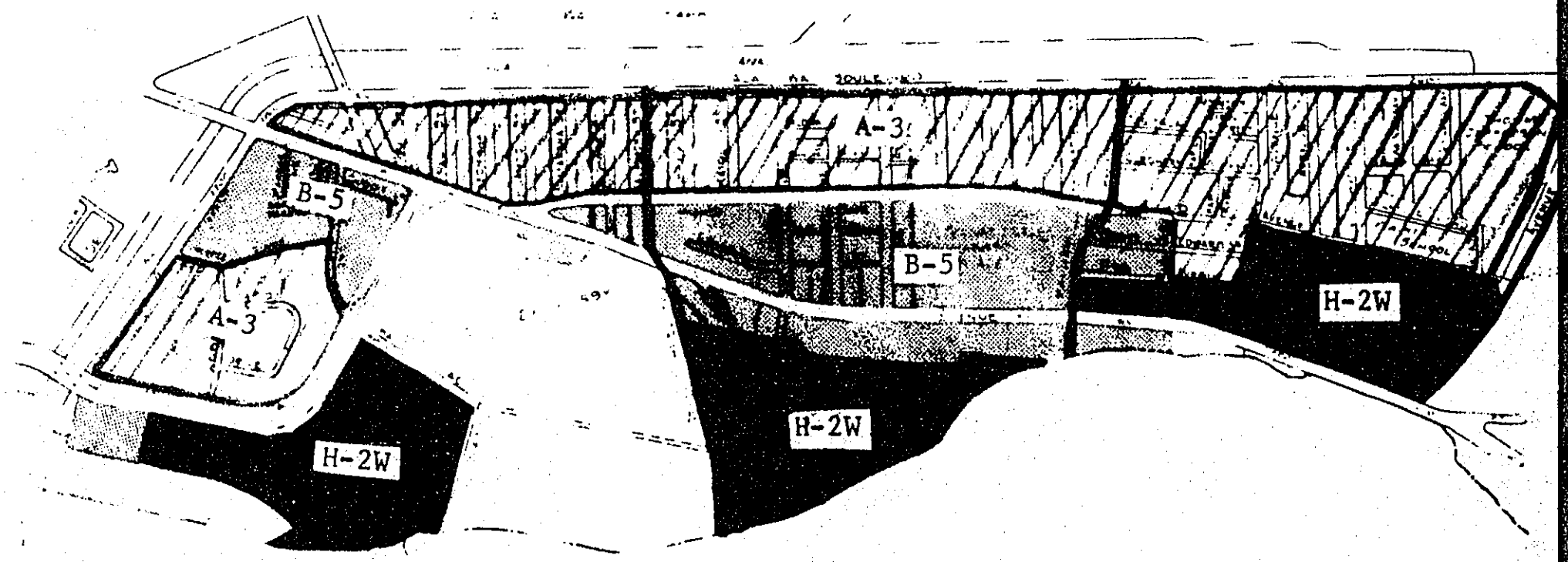
3. Densities in the business district should not be allowed to increase and some areas designated for business in the proposal are better suited to other uses.

III. WIA's Proposed Modifications to the Re-Zoning Package

1. All proposed apartment zones be designated as A-3 classifications. (See table #1 for specifications)
2. That the B-5 classification be retained instead of using B-2 but modified by excluding hotel or apartment development except by conditional permit.
3. That a new hotel zone be created, called H-2W or H-3, and be applied in Waikiki with the following general specifications instead of using H-1:

	USES	HEIGHT LIMIT	ALLOWABLE FLOOR-AREA-RATIO	UNITS/ACRE
H-2W -	same as H-1	350'	200%	180

4. That the areas as shown on Map #3 be designated in the H-2W classifications. The major modification being the proposed designation of the Paokalani, Kapahulu, Kuhio area as hotel district rather than business.



WIA Proposal

map # 3 87

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These modifications would produce the following situation:

Approximately 160 acres+ in A-3 zone - 60% saturated with a potential under the A-3 specifications of 3200 additional units.

Approximately 121 acres in H-2W zone - 82% saturated with a potential under the proposed specifications of 3600 additional units.

These units, if realized, would be in keeping with maintaining a maximum daily census of some 65,000 people in Waikiki.

The following plan changes would have to be made to accomodate this modification.

(1) The area generally described by Ala Wai Blvd., Kalakaua Avenue and Niu Street is hereby amended on the General Plan and DLUM to be a medium-density apartment area.

(2) The area generally described by Ala Wai Blvd., Niu Street, Kalakaua Avenue, Kuhio Avenue, Kalaimoku Street to a point halfway between Ala Wai Blvd. and Kuhio Avenue, then west to a point halfway between Ala Wai Blvd., and Kuhio Avenue on Kuamoo, then on Kuamoo back to Ala Wai Blvd. is hereby amended on the General Plan and DLUM to be a medium-density apartment area.

(3) The area generally described by Ala Wai Blvd., Seaside Avenue, Kuhio Avenue and Kanekapolei Place is hereby amended on the Plan and DLUM to be a medium-density apartment area.

(4) The area generally described by Kuhio Avenue, Paoakalani Avenue, Lemon Road and Kapahulu Avenue is hereby redesignated on the General Plan and DLUM for Waikiki as resort-hotel.

(5) The area bounded generally by Ala Wai Blvd,, Lipeepee Lane, Ena Road and Ala Moana Blvd., is hereby redesignated on the General Plan and DLUM for Waikiki as medium-density apartment.

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OAHU DEVELOPMENT CONFERENCE

110 MERCHANT STREET - HONOLULU, HAWAII 96813 TELEPHONE 537-6271

ODC Testimony on Bill #101 - Waikiki Detailed Land Use Map Revision
Honolulu City Planning Commission public hearing
October 30, 1974 - City Hall Annex
presented by Aaron Levine, President
Oahu Development Conference

The Oahu Development Conference is a public interest citizen group devoted to long-range planning for the Island of Oahu. We agree with the basic contention of Bill #101 that Waikiki is in need of stricter density and land use controls. And we concur with the general purpose of Bills #101 through 106, namely, to establish an immediate method of controlling the future development of Waikiki and preventing further degradation of the Waikiki environment.

We believe that it is necessary to take prompt action to control Waikiki. Otherwise, continuation of the present growth pattern, while further planning studies are underway, will offer little hope of realizing those future plans, no matter how sound they may be.

However, after carefully considering Bill #101, the ODC is concerned that mere *"adoption of previous studies and reports as part of the General Plan and its related plans"*, as that bill proposes, may not satisfy the City Charter requirements for the General Plan. Having served on every one of the official Waikiki task forces and advisory committees in operation since 1962, I can assure you that their reports are of differing format, varied authorship and somewhat uneven quality.

Therefore, the ODC suggests that instead of actually adopting those materials, the findings and recommendations of the previous Waikiki studies, plans and reports referred to in Bill #101 should serve as the basis for the land use and density proposals underlying a General Plan amendment proposal. It is not only a matter of physical organization of those diverse materials, but also the need to assemble the recommendations of those previous studies and reports in order to make the proposed General Plan amendment conform to the latest data and conditions.

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If work were initiated immediately under an intensive "crash program", we believe it would be possible to have that proposed amendment ready in 90 to 120 days, with the understanding that the Department of General Planning could continue to study the matter further after the amendment is adopted.

Even though the revised City Charter does not mention "interim plans" or "sketch plans", the City might want to consider that possibility for Waikiki. Other American communities, also lacking that Charter provision, have used the technique of an interim plan or sketch plan while more extensive studies were underway. They recognized that their community need was pressing for an officially adopted and immediate planning framework while further studies in depth were underway. However, this is a minor suggestion and should not obfuscate our basic recommendation for a prompt General Plan amendment based on previous Waikiki studies.

If the specific proposal of Bill #101, to designate 26,000 hotel rooms and 11,500 dwelling units as a desirable optimum for Waikiki, is in question, those figures could be examined further and modified in the future. However, it should be recognized that many professional planners, both governmental and private, as well as representatives of the visitor industry and the community labored over the past decade on previous Waikiki reports and studies. Countless other planners and visiting urban experts observing Hawaii have all concurred in the need to further limit the densities and improve the urban design quality of Waikiki in order to achieve more attractive environmental conditions within our State's principal visitor destination area. There is surprising unanimity in their conclusions which tend to support the proposed numbers.

Some of the specific land use proposals of Bill #101 raise serious questions. The amount of land and location of the areas proposed for hotel, apartment and business uses deserve careful review. In general, the areas proposed for apartment and business purposes appear excessive while the areas designated for hotels would be too limited.

From observation, it is apparent that a considerable number of the buildable lots in Waikiki are already developed. The Waikiki Improvement Association estimates that in the areas proposed for H-1 hotel use by these bills, there is about 90% "saturation". The remaining small lots could accommodate no more than 1000 hotel rooms under H-1 zoning. Conversely, the areas designated by these bills for apartment use, have reached about 60% saturation. Under A-4 zoning, they could accommodate almost 6500 additional apartment units according to WIA.

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Then there are specific land use assignments of Bill #101 which appear questionable. For example, Bill #101 would designate the prime resort area across from Kuhio Beach and the Honolulu Zoo for commercial use. And subsequent Bill #104 would implement Bill #101 by modifying the commercial district zoning for that area by excluding hotels.

The ODC suggests modification of Bills #101 and #104 to allow hotel development in that prime resort area either by reducing the amount of land area proposed for apartments and business in Bill #101 or by revising the proposed zoning classification of Bill #104. These are illustrative of the questions posed by Bill #101.

In addition, it should be noted that Waikiki is desperately in need of an urban design plan and urban design guidelines if the State's primary resort area is to eventually achieve the environmental objectives sought by Bills #101 through 106. The absence of that plan becomes more critical each year. We hope that the preliminary guidelines of such a plan are forthcoming soon.

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OCT 30 1974

OAHU DEVELOPMENT CONFERENCE

110 MERCHANT STREET · HONOLULU, HAWAII 96813 · TELEPHONE 521-6521

October 22, 1974

Mr. Eugene B. Connell
Executive Secretary
Planning Commission
Pacific Trade Center, Suite 2100
190 South King Street
Honolulu, Hawaii 96813

Dear Gene: re: public hearing-Oct. 30, 1974

On behalf of the Oahu Development Conference, I would like to be placed on the list to testify at the October 30, 1974 public hearing of the City Planning Commission on Bill #101 dealing with Waikiki.

It is a subject in which we are greatly interested.

Sincerely yours,

Aaron Levine
President

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LIONEL Y. TOKIOKA
ALLEN C. WILCOX, JR.
CARL H. WILLIAMS
RALPH T. YAMAGUCHI

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HAWAII CHAPTER OCT 30 1974

AMERICAN INSTITUTE OF PLANNERS

P.O. BOX 557, HONOLULU, HAWAII 96809

October 30, 1974

TESTIMONY ON COUNCIL BILL NO. 101 TO
AMEND THE GENERAL PLAN AND
DETAILED LAND USE MAP FOR WAIKIKI

The Hawaii Chapter of the American Institute of planners would like to take this opportunity to commend the City Council for initiating a process concerning the improvement of Hawaii's most valuable economic resource, Waikiki. For the past few years, the planning and implementation of public improvements in Waikiki has been at a virtual standstill, while private development has continued at a rapid pace. We all realize that if this present trend continues, Waikiki's viability will be threatened. We, therefore, welcome the Council's actions and hope that these bills will be the beginning of a renewed effort to control and guide the growth of Waikiki in a way which will benefit our entire state for many years to come.

Our purpose in testifying today is primarily to raise a few important issues which Hawaii's professional planners feel must be addressed as they relate to the amendment of the General Plan and the Waikiki DLUM.

First of all, we question whether it is reasonable to adopt piecemeal recommendations out of previous plans and programs for the Waikiki area. As planners, we have always stressed the need for a comprehensive approach to the planning process. We feel that Bill 101 does not take a truly comprehensive view of Waikiki, nor can it, by adopting portions of various studies which have been prepared by different people for different purposes using a variety of different data bases. We feel that certain elements which should be incorporated into any general plan are noticeably missing from this bill, primarily considerations of social and economic goals, transportation, recreation, urban design and environmental quality.

All indications would lead us to believe that the major thrust of the Council's bills has been to use zoning as the means of controlling growth in Waikiki. Changes in the General Plan and DLUM have been generated from these proposed revisions to the zoning map and CZC rather than vice - versa, as should be the case under accepted planning principles. The portions of the earlier plans which have been selected for adoption under Bill 101 are simply those portions which are appropriate for the implementation of the zoning measures established in Bills 102 through 105, and, therefore, lack the comprehensive nature discussed previously.

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We also do not feel that the portions of the previous plans which are recommended for adoption necessarily lead to the changes in the Detailed Land Use Map proposed in Bill 101. The DLUM change along with the other four bills imply that a total separation of hotel, commercial and residential uses is a desirable end. We question this approach from a social and economic standpoint, and suggest that other solutions may be more appropriate for controlling the growth of Waikiki. These include such tools as a special zoning district (like the Capital District), hotel room licensing, planning review commissions, etc.

We, therefore, look at this package of bills as interim measures for controlling growth in Waikiki, but not as a long range and comprehensive masterplan. We urge the Commission and Council to think of them as such, and not to close the door on any future comprehensive planning for the Waikiki area.

We also urge the Commission to recommend that the Council take action immediately to extend the existing building moratorium in Waikiki for if there is any lapse before these or any other comprehensive planning bills are adopted, growth controls will be set back to a much greater degree.

We again, commend the Council for initiating these bills and hope that this testimony will aid in your review.

Thank you.

(Presented by Mark Hastert, Vice-President and
Chairman of the Local Affairs Committee)

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PRESENTATION TO THE HONOLULU CITY AND COUNTY
PLANNING COMMISSION
BILL NO. 101 - WAIKIKI DLUM REVISION

Mr. Chairman and Members of the Commission,

My name is Guido Giacometti. I represent the Kamehameha Schools/B. P. Bishop Estate which owns the land on which the Royal Hawaiian and Sheraton Waikiki hotels are situated. A portion of this property, comprising 6.4 acres of land abutting Kalakaua Avenue, is presently planned for redevelopment as a commercial complex serving the needs of tourists and residents in the Waikiki area.

Our plans provide space for retail shops, restaurants, and offices. No hotel rooms or other dwelling units are contemplated.

On July 10, 1974 we testified before you, requesting a revision in General Plan designation from Resort to Commercial classification for the makai half of the commercial area. At present, approximately 110 feet of depth makai of Kalakaua Avenue is general planned for commercial use. Our General Plan amendment proposal involves extending this commercial designation makai for an additional 110 feet or so for an approximate total depth of commercial space of 220 feet. A map showing this revision is attached for your reference.

The Planning Director supported us in our request for General Plan change and, at that meeting, you approved unanimously a recommendation which would allow such a change.

Bill 101 presently referred to you by the City Council would, under paragraph B(6) on page 4, eliminate all commercial use within the area makai of Kalakaua Avenue. Such a change would place our project in a non-permitted use category under subsequent zoning laws.

The legislative intent of Bill 101 refers to various problems in Waikiki, including congestion, overcrowding, excessive density, and lack of adequate open space. These

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problems are due to the continued addition of hotel and apartment units to the inventory in Waikiki. Well-planned commercial complexes, such as ours, serving existing hotel and apartment users, will conform to this legislative intent. Further, we believe that you have, by approving our earlier General Plan revision request, agreed that our project was a good one. It is planned for densities well below maximum, provides for good circulation patterns for pedestrian and auto traffic, and includes generous open space areas. Therefore, we believe our project is consistent with the general intent of Bill 101 and related legislation.

We do not feel that a change to Resort designation of the subject property, as presently proposed by Bill 101, will achieve the desired limitations on hotel construction. In fact, such legislation, if approved, will allow the Estate only two alternative uses of this property:

1) continue the limited present commercial uses, perpetuating the elderly buildings but with severe restrictions as to their expansion, improvement or renovation because of nonconforming land use, or

2) redevelop the property for hotel use, contrary to the concerns for overbuilding in Waikiki.

We want to proceed with the commercial project as previously presented to you. We urge that you recommend to the Council that Bill 101 be amended to delete paragraph B(6). Also, we ask that you reiterate your previous recommendation to the Council by further amending Bill 101 to provide for an extension in the depth of the commercial zone to cover our entire project area and that you give consideration to our future request for appropriate zoning and project approval.

Thank you for this opportunity to testify. We will be pleased to respond to any questions you may have.

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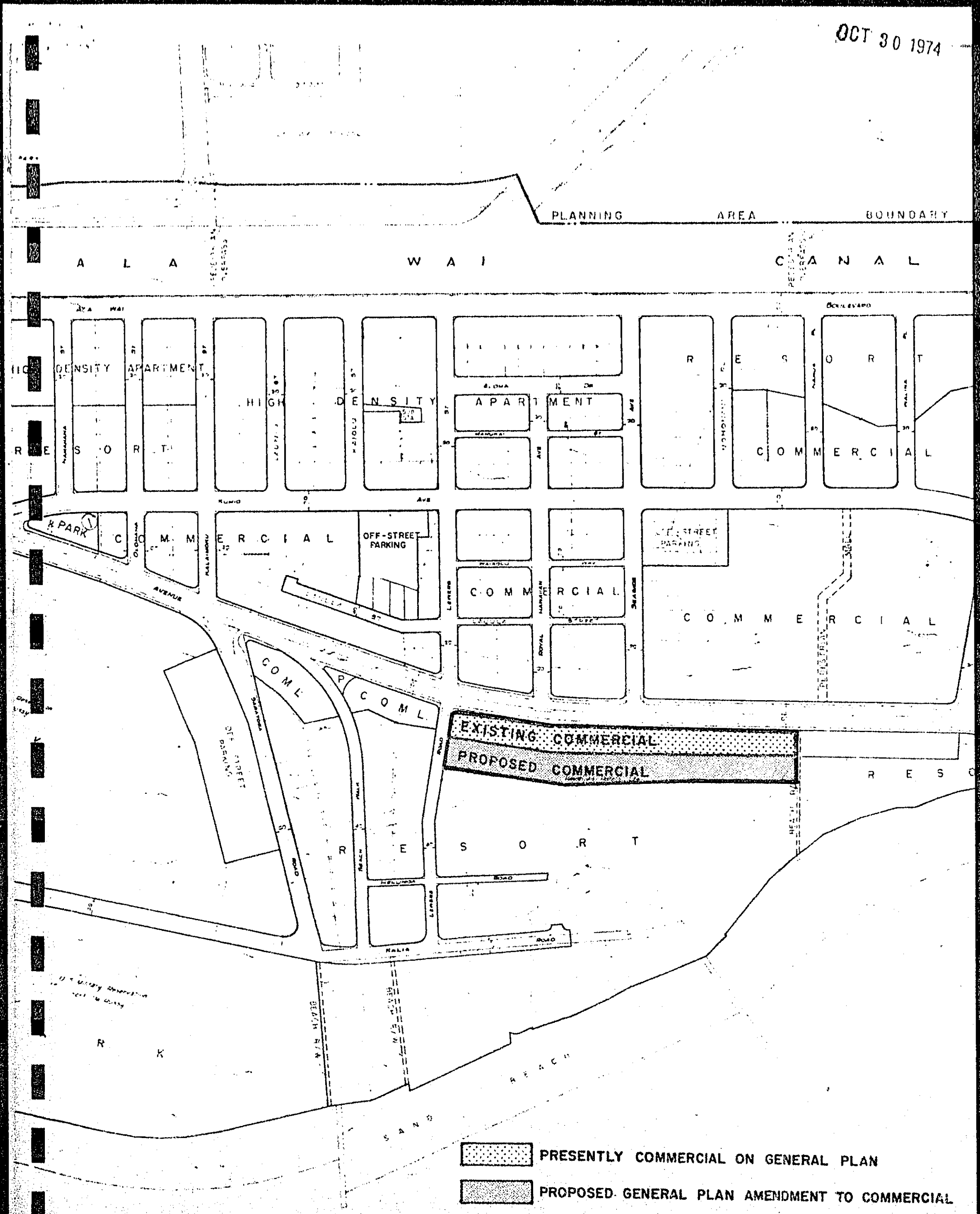

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Trustees of the

LILIUOKALANI TRUST

Clorinda Lucas, Gordon S. May, First Hawaiian Bank

P. O. Box 3200, Honolulu, Hawaii 96801

October 29, 1974

Mr. James D. Crane, Chairman
Planning Commission
City and County of Honolulu
City Hall Annex
Honolulu, Hawaii

Dear Sir:

Testimony On City Council Bill No. 101
Amendment To The County General Plan And Detailed
Land Use Map For Waikiki

The Liliuokalani Trust, as one of the major landowners in Waikiki, is deeply concerned about the orderly growth of the area. In 1967 our consultants prepared a masterplan for the development of the 16-acre tract of Trust lands bounded in part by Liliuokalani Avenue, Paoakalani Avenue and Wai Nani Way, and extending from Kalakaua to the Ala Wai.

Since then, we have endeavored to follow our plan in conjunction with the County General Plan in order to create a resort and residential complex which is of the highest quality, and one which will provide the highest degree of long term economic benefits for our programs to aid the children of Hawaii.

We are, therefore, very concerned about the proposal set forth in Bill 101 which would change the land use designation for all of our lands makai of Kuhio Avenue from Resort to Commercial. At the present time, three major hotels already exist on this property and two more are due to begin construction shortly. If the land use designation is changed to commercial and subsequently the zoning is changed to conform to this use (Bill 102), these hotels will become nonconforming uses, subject to the stringent controls set forth in the CZC regarding expansion, maintenance and general repair. In the long run, this could lead to the degradation and deterioration of this entire end of Waikiki, which would not only affect the long term income of the Trust, but would also have a substantial impact on tourism in the Waikiki area.

One of the primary intents of the Council's Waikiki bills is to reduce the potential number of hotel and apartment units in the area. A large portion of this reduction is made possible by restricting the development of all lands between Kalakaua and Kuhio avenues to commercial uses. The problem with this approach is that it designates far more land for commercial development than is necessary. As you know, one of the major factors to be considered in any General Plan change is a demonstrated need for the proposed uses. None of the

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reports cited in Bill 101 predict the need for such extensive commercial facilities, nor do they advocate allocating so much land for exclusively commercial uses. Consequently, we do not feel that this particular approach is a legitimate means of reducing potential room counts.

However, we do feel that a need can be demonstrated for a small neighborhood commercial area in this section of Waikiki to serve both the high density residential units mauka of Kuhio and the resort facilities on the makai side. Our 1967 Masterplan allocated a one acre site for this use between the Catholic Church and Kuhio Avenue. We still feel that this is the appropriate size and location for the area's commercial facilities; but to greatly expand this to cover all lands between Kuhio and Kalakaua would be a detriment to the entire area.

In summary, the Liliuokalani Trust is opposed to the proposed revision to the General Plan and Detailed Land Use Map which would convert the portions of the Trust Lands between Kalakaua and Kuhio avenues from Resort to Commercial with the exception of the half block bounded by Kealohilani, Kuhio and Ohua avenues. We feel that since the remaining Trust parcels makai of Kuhio are already being utilized or are committed for resort use, the commercial designation would have no impact on the potential reduction of overall hotel rooms and, in the long run, would have a negative impact on the quality of the Waikiki resort environment.

Sincerely yours,

First Hawaiian Bank,
Managing Trustee

Campbell W. Stevenson
Vice President and Trust Officer

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October 30, 1974

CONSTRUCTION INDUSTRY LEGISLATIVE ORGANIZATION *Suite 2110 · 2828 Paa St. · Honolulu, Hawaii 96819 · Ph. 839-7238*

Mr. James Crane, Chairman, and
Members of the Honolulu City Planning Commission
Honolulu Hale
Honolulu, Hawaii 96813

Mr. Chairman and Members of the Commission,

My name is Wilfred S. Nakakura and I am the Chairman of the Construction Industry Legislative Organization, representing a crosssection of the construction industry from contractors, suppliers and equipment dealers to architects, engineers and professional planners. I am here today to express the deep concern of our organization and the Hawaii State Contractors Council over the potential adverse effects upon the industry and the entire community if Bill 101 becomes law.

The CILO has always been in the forefront of those who have been calling for comprehensive planning, in order to preserve that which is good about our way of life and to provide the maximum opportunity for the people of our State to enjoy a healthy, comfortable, happy and rewarding life. Although we appreciate the intentions of Bill 101 to prevent deterioration of our major tourist destination, we believe that it is in conflict with the principles of sound planning and will create more problems than it will solve.

First of all, it is not wise to take such farreaching actions in only one area, without relating it to other surrounding areas and to its impact upon the entire State. The entire general plan should be updated and implemented as one whole, harmonious, integrated, consistent entity. To single out Waikiki in this manner will cause its problems to overflow and pop up elsewhere in the community. Perhaps this is what is intended when the bill states as it's objective "to promote decentralization of the tourist industry to alternative sites within the City and County of Honolulu."

Secondly, Bill 101 will create a hardship for those property owners who are already in the area. The restrictions placed upon them by this bill will create a severe

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hardship. Some have scraped together everything they have and invested it in their property with the plans of erecting a certain kind of hotel or apartment building. Then along comes this bill and the "Waikiki Moratorium" saying that if they didn't rush to get in some kind of hurridly thrown together plans, they would be out of luck. Those who were lucky enough to get their plans in might prefer to take more time to change and improve them, but they can't. Others, unfortunately, didn't have the time or money to get their plans formalized and submitted before the deadline and they are out of luck. The result is not only financial bankruptcy for some, but also "badly conceived and executed buildings!"

Mr. Chairman, we agree that the time has come for "action", but we would rather see "soundly conceived, comprehensive, well-coordinated positive action", and not just a "frantic collection of a 'hodgepodge' of disjointed reports stampeding the city into a panicked reaction."

Therefore, Mr. Chairman, we strongly recommend that the commission thoroughly examine the adverse impacts this bill would have upon the entire community and state, and report out an "unfavorable" recommendation.

Thank you Mr. Chairman for this opportunity to share our concerns with you. You will always find the CILO ready to cooperate and assist you in any way possible in your heavy responsibility of promoting sound planning for our community.

Respectfully submitted,

Wilfred S. Nakakura

Wilfred S. Nakakura
Chairman of the Board

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THE OUTDOOR CIRCLE *200 No. Vineyard, Honolulu, Hawaii 96817*

October 29, 1974

Mr. James Crane, Chairman
Planning Commission
City and County of Honolulu
190 South King Street, Suite 2100
Honolulu, Hawaii 96813

Subject: Public Hearing - Bill # 101 - Waikiki Detailed Land Use Map Revision

Gentlemen:

The Outdoor Circle is concerned with any detailed land use changes in the Waikiki area that would eliminate the B-5 Resort Commercial District.

The B-5 sign regulations which are a part of the B-5 District Regulations in the Comprehensive Zoning Code were tailored to the resort area and are more restrictive than those sign regulations in the proposed B-2 Community Business District.

We urge that the B-5 District Regulations be modified to meet the intent of Bill No. 101, and that the B-5 category and sign regulations be retained.

Thank you for your consideration of our views.

Sincerely,

Janet B. Wimberly

Mrs. Janet Wimberly,
Vice-Chairman, Signs Committee

JW:cm:aa

Encl

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B. B-2 Community Business District.

Sec. 21-814. Sign Regulations.

Within a B-2 Community Business district, as accessory to a use permitted therein, the following shall be permitted:

"(a) Two business signs on the building [illegible] for each ground floor establishment. Such [illegible] may be illuminated and of the following types: hanging, marquee [illegible], projecting or wall sign. The maximum sign area per establishment for each building side on which signs are permitted shall not exceed one and one-half square feet for each lineal foot of building frontage; provided, however, that no such sign area shall exceed 250 square feet in area nor shall the total sign area exceed 15% of the wall area on which displayed or attached to."

"(b) One indirectly illuminated ground sign per zoning lot for identification purposes may be erected as part of the total sign area permitted on the building side on which it is located; provided, however, that:

(1) A 12-square foot sign is permitted if all buildings on the street frontage of the zoning lot are set back between 25 to 50 feet from the front property line;

(2) A 24-square foot sign is permitted if all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the front property line;

(3) No portion of such sign shall be located in or overhangs any required yard area or public right-of-way; and

(4) The ground sign shall be counted as one of the two permissible business signs against all ground floor establishments within the zoning lot on which it is located."

"(c) One garden sign per zoning lot provided that such sign shall be counted as one of the signs permitted in subsection (a) above."

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(c) above.

E. B-5 Resort Commercial District.

Sec. 21-844. Sign Regulations.

Within a B-5 Resort Commercial district, as accessory to a use permitted therein, the following shall be permitted:

"(a) Two business signs on the building frontage for each ground floor establishment. Such signs shall not be directly illuminated nor moving nor flashing but may be of the following types: hanging, marquee fascia, projecting or wall sign. Hanging signs may project over public right-of-way. The maximum sign area per establishment for each building side on which signs are permitted shall not exceed one-half square foot for each lineal foot of building frontage; provided, however, that no sign area shall exceed 150 square feet or 10% of the wall area on which it is displayed, whichever is smaller."

"(b) One indirectly illuminated ground sign per zoning lot for identification purposes may be erected as part of the total sign area permitted on the building side on which it is located; provided, however, that:

(1) A 12-square foot sign is permitted if all buildings on the street frontage of the zoning lot are set back between 25 to 50 feet from the front property line;

(2) A 24-square foot sign is permitted if all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the front property line;

(3) No portion of such sign shall be located in or overhangs any required yard area or public right-of-way; and

(4) The ground sign shall be counted as one of the two permissible business signs against all ground floor establishments within the zoning lot on which it is located."

"(c) One garden sign per zoning lot provided that such sign shall be counted as one of the signs permitted in subsection (a) above."

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October 30, 1974

Chairman and Members, Planning Commission
City and County of Honolulu
Honolulu, Hawaii 96813

Commissioners:

The League of Women Voters of Honolulu supports the concept of Bill 101 to incorporate and adopt the various plans, reports, and studies as part of the legally-adopted plan for the Waikiki Area. It is noteworthy that some were developed with citizen participation. Specific details such as on optimum visitor and resident population, decentralization of the tourist industry, and zoning are not currently being addressed.

In Hawaii we have seen many plans, reports, and studies developed and not used. Unless they lead to action, studies and reports seem a waste of time and paper. In public testimony the League has defined a plan as a thoughtful action program. It seems time to stop studying on and for Waikiki and to start action toward conserving some liveable environment. (We are not suggesting returning to the swampland.)

Along with the nation-wide well-known commitments to equal rights and informed citizen participation, the League of Women Voters is concerned with balancing environmental concerns with those for such matters as housing which is affordable.

We support the concepts of the "package of bills" 101 to 105 and enacted Ordinance No. 4362 (Bill 106) on an environmental basis. If there are "side-effects" which would result in displacement of current lower-income residents who need access to the jobs and other facilities in Waikiki, we would make further examination prior to hearing before the City Council.

Sincerely yours,

Diane D Hastert

Mrs. Mark H. Hastert
President

Adeline Schutz

Adeline Schutz, Vice President and
Chairman, Planning Committee

LEAGUE OF WOMEN VOTERS OF HONOLULU 1802 KEEAUMOKU ST / HONOLULU HAWAII 96822

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FLASH CARD

FLASH CARD

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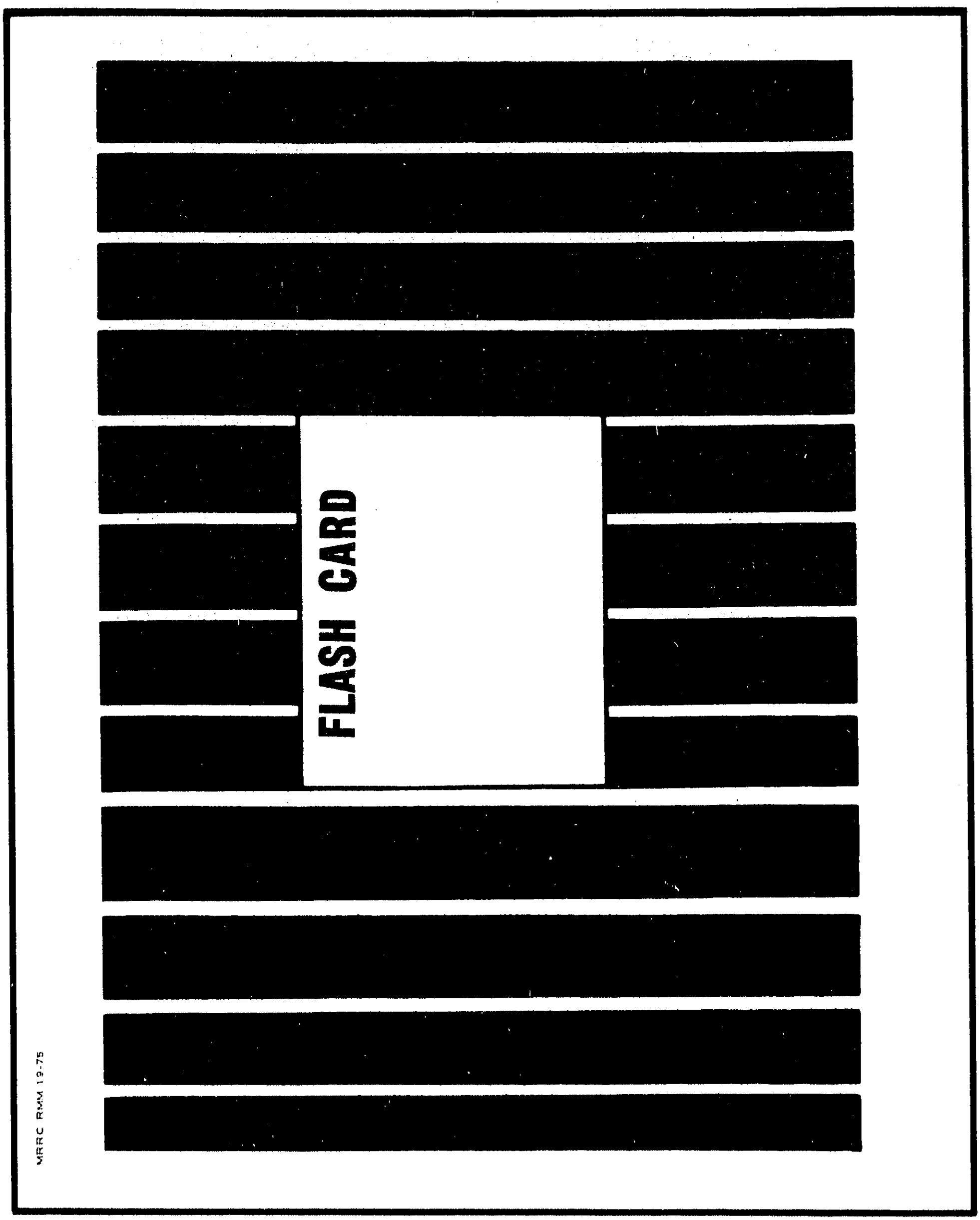
FLASH CARD



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Meeting of the Planning Commission
Minutes
November 13, 1974

The Planning Commission held a meeting on Wednesday, November 13, 1974 at 1:30 p.m., in the Conference Room of the City Hall Annex. Acting Chairman Randall Kamiya presided.

PRESENT:
Randall Kamiya, Acting Chairman
Dr. Wilbur Choy
Charles W. Duke
Antone J. Kahawaiolaa
Fredda Sullam
Alice Takehara

ABSENT:
Donald K. Hosaka

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Andrew Sato, Deputy Corporation Counsel
Ali Sheybani, Assistant Director, Department of Land Utilization
Stan Mofjeld, Staff Planner
Charles Prentiss, Staff Planner

MINUTES:
The minutes of October 2, and 23, 1974 were approved, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

PUBLIC HEARING
GP/DLUM AMENDMENT
GOLF COURSE TO
PUBLIC FACILITY USE
(CORPORATION YARD)
HALAWA
BUILDING DEPARTMENT,
C&C OF HONOLULU
(FILE #256/C2/32)

A public hearing was held to consider a request for a change in the General Plan Detailed Land Use Map for approximately 40 acres of land located in Halawa, Tax Map Key: 9-9-10: 27, from Golf Course to Public Facility use to accommodate the relocation and consolidation of existing corporation yard activities presently located at Kewalo, Municipal Office Building Complex and Kapiolani Park.

Publication was made in the Star-Bulletin/Advertiser on Sunday, November 3, 1974. No letters of protest were received.

Staff Planner Charles Prentiss presented the proposal of the Chief Planning Officer. The Building Department has indicated that the existing corporation yards occupying about 11 acres in four separate locations are inadequate in size to meet both current and future needs. The Kewalo Corporation yard which is located on State land is being considered by the State for the location of the Oahu Food Distribution Center and the expansion of the University of Hawaii's Oceanographic Technology Center. The State has

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requested that the City and County vacate the land which it currently occupies under Executive Order. These State lands are also being considered for possible park use.

Based upon an analysis of the request contained in the report, it is the recommendation of the Chief Planning Officer that the GP/DLUM for Waiawa to Halawa be amended as requested, by redesignating the use designation of the subject site from Golf Course to Public Facility use. In addition, it is proposed that the alignment shown on the existing General Plan for the access road be modified to conform to the new alignment indicated in the report, and to the 60-foot width recommended by the Department of Transportation Services.

There were no questions from the Commission concerning the report.

Public testimony followed.

Testimony in SUPPORT--

Mr. Ernest T. Yuasa, Director and Building Superintendent, C&C Building Department.

Questions were raised by the Commission as to an access linking both sites, and acquisition and development costs. Mr. Yuasa indicated that details of site plans regarding access have not been developed pending approval of this request. Development and acquisition costs in the report were submitted initially, do not reflect current market prices, and need to be revised.

Testimony AGAINST--

Mr. Frederick Reicker, representing Queen's Medical Center

Objections:

1. Lack of coordination by the city of its various storage areas resulting in an unnecessarily large taking of land area for the proposed corporation yard and bus depot.

2. Loss of approximately $200,000 per year in real property taxes based upon proposed industrial development of the property. A development agreement with Amfac to rezone the property for industrial use was held off due to uncertainty of the H-3 alignment.

3. Availability of state lands should be solicited rather than condemning private-owned land.

Mr. Yuasa upon being recalled and questioned, stated that incorporating the corporation yard and bus garage sites would be too small. Present and future use 20 years from now dictates approximately 40 acres. The bus depot alone requires 9-11 acres.

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The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

ACTION: The Commission concurred with the recommendation of the Chief Planning Officer and recommended that the request be approved, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Hosaka

PUBLIC HEARING
PLANNED DEVELOPMENT
HOUSING
WAIALUA
(WAIALUA ELDERLY
HOUSING)
HAWAII HOUSING
AUTHORITY
(FILE #74/PDH-7)

A public hearing was held to consider a request for a planned development housing proposal of 40 studio- and one-bedroom units in 20 one-story duplex buildings; social and garden areas on 3.322 acres of land in Waialua, Tax Map Key: 6-7-16: 28.

Publication was made in the Sunday Star-Bulletin/Advertiser on November 3, 1974. No letters of protest were received.

Mr. Ali Sheybani summarized the Director's comments and recommendations of the proposal. The agencies review indicates that public facilities are available and adequate except for sewers. A sewage treatment plant is proposed, the Department of Health's approval of which will be required prior to the issuance of a grading permit. The Federal Housing Administration commented that benches should be provided in the courtyards, and fencing should be provided for security between the garden and the east property line.

It is recommended that the application be approved, subject to the conditions outlined in the report.

There were no questions from the Commission concerning the Director's report.

Public testimony followed.

Testimony in SUPPORT--

Representative Howard K. Oda indicated that he has worked on the project for four years with the elderly who are very much aware of the project and are eagerly awaiting its completion.

Testimony AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

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ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, subject to the conditions outlined in the report, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Hosaka

PUBLIC HEARING
HAWAII CAPITAL
DISTRICT APPLICATION
(982 PROSPECT ST.)
HUGH MENEFEE
DEVELOPMENT CORP.
(FILE #74/HCD-14)

A public hearing was held to consider a request for approval of plans for a 16-story, 75-unit apartment building on top of a 3-story parking structure at 982 Prospect Street, situated within the Hawaii Capital District, Tax Map Key: 2-2-04: 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on November 3, 1974. Correspondence received AGAINST the request is included in testimony against the request.

Staff Planner Stan Mofjeld presented the Director's report of the proposal. The building design proposes a single-loaded corridor, high-rise apartment slab 16 stories, a total height above Prospect Street of approximately 150 feet, 6 inches. The rooftop elevation from sea level will be approximately 345 feet as compared to 350 feet at the Punchbowl Cemetery entrance look and 450 feet at the main lookout. Below, and in front of the apartment building, a three-story parking structure with a landscaped recreation deck on top, is proposed. The structure will be painted light tan.

There were no questions from the Commission concerning the Director's report.

Public testimony followed.

Testimony in SUPPORT--

1. Mr. Tom Hartwell representing the applicant
2. Mr. Jim Byrer, President, Hugh Menefee Inc.

Reasons in support--

1. The building design meets the CZC requirements of A-3 Apartment zoning.

2. The proposal provides housing and helps alleviate the housing problem in Honolulu.

3. The price range of the units, $55,000-$60,000, meets the demand for housing in the moderate income level.

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4. Visual impact of the structure on the slopes of Punchbowl Crater would not be very significant.

Questioned by the Commission, the following additional information was given:

1. They were unaware of the zoning controversy for the area having worked on another project in the same area for approximately nine months without problem, and because their building design conformed to CZC requirements for A-3 Apartment zoning.

2. As to DLU's suggested alternative for double-loaded corridors, their proposal for single-loaded corridors provides all views one way towards Diamond Head. Double-loaded corridors would create views in both directions, one view directly into the Royal Vista apartment units next door.

3. Community meetings held in the area were futile because people became so emotionally involved against the project they would not listen to reason.

Testimony AGAINST--

1. Lynn O. Robinson, Secretary, Hawaii State Veterans Council (No written testimony)
2. Mr. Donald Kuwaye, Club 100 (No written testimony)
3. Mr. Lee Gray, interested citizen (No written testimony)
4. Mrs. Yoshino Wakukawa, Member, Punchbowl Community Assn. (No written testimony)
5. Mr. Jerry M. Kawamoto, Member, Punchbowl Community Assn. (No written testimony)
6. Mr. Frederick W. Weber, Member, Punchbowl Community Assn. (Submitted statement dated Nov. 13, 1974)
7. Mrs. Dorothy Chang Meadows, President, Punchbowl Community Assn. (Submitted letter dated Nov. 13, 1974)
8. Mrs. Allyn Cole, Jr., Vice President, Historic Hawaii Foundation (Submitted letter date Nov. 13, 1974)
9. Mr. Donald Wolbrink, President, Donald Wolbrink & Associates, Inc. (Letter received dated Nov. 6, 1974)
10. Mr. Aaron Levine, Chairman of the former Citizens Advisory Committee to the Hawaii Capital District (Letter received dated Nov. 4, 1974)
11. Mr. Kenneth S. Okuma, President, 442nd Veterans Club (Letter received dated Nov. 12, 1974)
12. Mr. Ernest C. Schanze, Superintendent, Veterans Administration, National Memorial Cemetery of the Pacific (Letter received dated Nov. 13, 1974)
13. Phyllis L. G. Fox, President, The Makiki Community Association (Submitted letter, undated)

The concerns and objections raised by the above individuals are the same concerns reflected in the Director's report:

1. Protection of the landform and vistas to and from Punchbowl crater. Highrises in this location would detract from the beauty and significance of the national shrine.

2. Highrises in this location would not follow the intent of the HCD ordinance to preserve vistas from the mountain to the sea.

3. Additional traffic with accompanying automobile exhaust fumes, and parking problems on Prospect Street and in Makiki.

4. A proposed Punchbowl scenic and historic district should be established. A 40-foot height limit in this area would be acceptable.

5. Hawaii Capital District Ordinance No. 3947 should be amended to include 18 parcels of land under Tax Map Key: 2-2-04 which were excluded as revised by Ordinance No. 4224.

The public hearing was closed, on motion by Mr. Duke, seconded by Dr. Choy and carried.

Discussion followed.

DUKE: Mr. Chairman, if a motion is in order, I would like to move that either the problem be deferred with a recommendation to the Council that the ultimate zoning of the area be clarified and put into an ordinance. Then we could act intelligently on it. Right now I question whether we can act intelligently.

KAMIYA: Let me get that motion correct, you want to defer it and--

DUKE: Let's defer action and recommend to the Council that they decide what they're going to do with this area by an ordinance. Put the 40' restriction or leave it A-3, whatever they're going to do but let's do it, then we can act on this.

KAMIYA: Are you saying the Commission defer action until the Council--

DUKE: Well, recommend that something be done within the time limits that we have to submit a recommendation to the Council, which is 30 days after the public hearing.

TAKEHARA: If that's not legally possible, why don't we say we won't act on it, until, and that's our stand. It cannot be done that way?

CHAIRMAN: Do we have a second on this?

TAKEHARA: Well, I want legal opinion on this motion. Can it be deferred?

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DUKE: I don't think we can dictate to Council but we can certainly recommend that this be held in abeyance until such time as this issue is decided.

SULLAM: But, as far as Council is concerned, it's quite clear to them that they corrected the map to the underlying zoning which is the 350'. It's quite clear to them but we here may not feel that is the desirable height limit. That's what the ordinance presently reads.

TAKEHARA: Then I'd like to know on what basis Council is holding back approval of 944 Prospect. They're not acting on that.

CONNELL: They're not under any time stipulation.

SULLAM: However, is it so that we could recommend to the Council that they change the zoning? That's the problem we're facing whether to put this in the capital district or to recommend a new district. In view of what Mr. Sheybani said, I just think perhaps this should be put in a new district. Maybe they should write a new ordinance.

DUKE: Well then, do you suggest that this application be ultimately instant or action taken on the formulation of a plan for a new district, Punchbowl District?

SULLAM: Yes.

DUKE: Well this can be our recommendation.

WAY: Are you not saying that Council hold it in abeyance, until such time as appropriate planning and designation of the area into an appropriate zoning district, and that determination is made.

DUKE: That's right. The first motion was never seconded so therefore, it's withdrawn.

TAKEHARA: May I have this clarified? In other words, we can make a motion to say no recommendation with a recommendation?

WAY: I suppose. Are you saying not make a recommendation on this issue at hand but to recommend as Commissioner Duke indicates, that Council defer and consider the need for planning and appropriate zoning designation.

TAKEHARA: That's right. Is that possible? In other words, must we vote for or against it?

WAY: For or against with modification.

DUKE: No, deferral until such time, and it doesn't say for or against.

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WAY: That may be. We'll have to huddle a little bit on that.

SATO: Under Section 5-406 in part, the commission shall recommend approval in whole or in part and with or without modification or recommend rejection of such proposed ordinances.

Anyway, I think in substance, the Commission could recommend approval in whole or in part, with or without modification, or recommend rejection.

WAY: To the question, Andy, can the Commission pass on a no recommendation?

SATA: The answer is yes.

WAY: A recommendation, not a negative one, not a positive, or not a negative or positive with modification, but a zero recommendation.

DUKE: We've sent things up to the Council without recommendation. That we have done.

TAKEHARA: Right now we're wavering because at 944 we were told the decision is the building is coming up. We're sitting here just to decide on the design. We were told you're here to look at the design. Now, this is a similar case. We know about ways of working on it later. But, what about the developer and the people? We have to know too the rights of both parties before we can make a decision. So, do we tell them no, and 944 yes by design only?

SHEYBANI: If I may suggest, it's also possible for the Commission to recommend to the City Council that they request some other alternatives be explored by the applicant. In one way, that neither ordinance has to be changed immediately nor any other action taken place. If the applicant on his own accord gets the 75 units within the 40-foot height limit, irrelevant of what the height limit for the area is, that is another possibility that doesn't require any change. But, if the applicant comes up with that alternative, that's one possible alternative.

DUKE: How can we legally tell the applicant you can't build 40 feet when it's zoned A-3, 350'? I just don't see how we can truly change horses in the middle of the stream between 944 and 982 with the same information from the same department. I truly believe the people on Prospect Street are overburdened with traffic. There's no question in my mind that's a fact. I don't know about other public facilities because as I've been told about six times, this doesn't apply in this case, but it should. Nevertheless, I am surprised that DLU makes fish out of one and fowl out of the other, truly, in such a short time.

SHEYBANI: I mention, Mr. Chairman, our position remains the same as the other one. We have no input.

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Another point for consideration, Council is right now considering another revision to the ordinance to create the precinct that Article 12 that was recently amended require--one is to create a precise precinct, one is the general criteria precinct and conceptual precinct. They are considering the change for capital district. If you would like to recommend to the Council that change be made and the project be conserved under new rules after revision of the ordinance, that is another possibility. The Mayor in his letter refers to that current consideration of Council to change their ordinance according to Article 12.

TAKEHARA: Could I have a legal opinion on this about making no recommendation to this with a recommendation to hurry up and get an ordinance passed one way or the other so we can make decisions.

SATO: There has been a precedent as to no recommendation in the past.

CONNELL: I believe most of the no recommendations have been those points in time when it was impossible for the Commission to reach a majority vote. I don't remember a time when the Commission sent up a no recommendation when we've had complete agreement.

SATO: Well, the end result might be that the Commission might make a motion for no recommendation and that might be voted down.

CHAIRMAN: Andy, how about a recommendation on the legality of accepting or denying the Director's recommendation, based on public testimony?

SATO: You can do that. Any recommendation by this Commission is purely advisory.

KAHAWAIOLAA: I'll go along with Commissioner Duke, but what bothers me is the traffic, the roads, that may have some bearing. The 75 units whether 350' high or going to the 40' height and still coming out with 75 units, you'll still get the same amount of cars. The people in the area agree to the 40' limit whether it's 75 or 100 units, it doesn't matter to them as long as it's 40'. But, the increased traffic will be there.

CHAIRMAN: What if we deferred this matter to Corporation Counsel for two weeks and come up with some definite answers what the responsibilities of this Commission is as far as capital district applications, and answer the question whether we have the authority to impose limits at the 40' level.

SATO: The answer is clear procedurally what this Commission can do. We have by Ordinance 4319, Section 21-1205(1)(b), after receiving the report of the Director, with all pertinent related material, the Planning Commission shall give notice and hold a public hearing. Within 30 days after the hearing, the Commission

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shall submit its recommendations to the City Council through the Mayor. That's clear as to what the Commission can do.

DUKE: My personal opinion is right now that we should make no recommendation to the Council on this particular application, but before doing, we should recommend to the Council that an ordinance regarding buildings on the Punchbowl area entirely, be drawn up for guidance on what should take place on Punchbowl. That's what I'd like to do so that we'd all be guided, including the Department of Land Utilization. If we can do that legally, then I would so move.

SATO: Are you suggesting a proposed change in zoning, is that correct?

DUKE: I am asking direction from Council as to what they're going to do with Punchbowl. No one knows right now. Make a Punchbowl ordinance like we had a Diamond Head ordinance. We're suggesting that to them.

SATO: Well, the results will end up again here.

DUKE: That's right. Good.

CONNELL: The issue before us is a Certification of Appropriateness. So, the Department of Land Utilization has indicated that they do not feel that the impact of this building in terms of the capital district ordinance is that great. It seems to me that the Commission should agree with the Department of Land Utilization, and in terms of the capital district could indicate that this is an inappropriate building and does have an impact on that area. Under Section 21-1205, it indicates that the Director shall evaluate the project and determine whether it is a nonsignificant or significant project as set forth either by this Article or by ordinance establishing a historic, cultural and/or scenic district. Part of the objectives of this particular ordinance is to preserve historic sites. If the Commission agreed that Punchbowl is a historic site, it seems to me the Commission could go on record against this project and against the Certificate of Appropriateness because you feel the height would interfere with Punchbowl.

The ordinance also indicates that when these issues are brought before the Commission, all pertinent information must also be given to the Commission. It seems to me that when the last application came to you, you did not receive all pertinent information, i.e. what it says in the ordinance.

DUKE: We tried to get everything we could dig out.

SULLAM: We have done this before and I think we can do it now. We can reconsider our decision that we took on 944 and send up the same recommendation that we send up for this application.

CHAIRMAN: Can we do that?

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SATO: I don't know how this can be done but I suppose the P&Z Committee of City Council can by resolution refer the matter back. But, it would take Council action.

CONNELL: What I'm recommending to you is the Director's Recommendation No. 1, the proposed building will have considerable adverse visual and deleterious impact on the slopes of Punchbowl crater due to its height, bulk and proximity to the crater's edge. Base it upon the ordinance. This is your fact in law to be able to do it. Then, add on to this, your concerns about the other 17 parcels, a need for plans in the other area, district downzoning, whatever that the Council can initiate.

SHEYBANI: You are referring to Article 12 which is not strictly capital district. This applies to all historic districts. The capital district has its own outline what is pertinent information, what needs to be saved, protected and so on. For example, the historic site you're referring to, there are historic sites within the district like Kawaiahao Church. Punchbowl is historic but it's outside the district.

TAKEHARA: Can we pull 944 back like Fredda said?

CONNELL: That's why I'm suggesting to the Commission that they did not get, with due respect to Corporation Counsel, a complete reading on the meaning of the ordinance and powers the Commission has in terms of recommending.

SATO: The Commission can but it would take some action on the part of the Council at this stage. But, what I can suggest is along with 982, send a further recommendation that 944 be reconsidered.

DUKE: Well, we're asking that the whole Punchbowl area be reconsidered.

SATO: That could be another recommendation. But, the motion should be singular as much as possible otherwise we could pass on 15 different recommendations.

A C T I O N

DUKE: Well, I'll try again.

I move that we send it forward without recommendation, truly, with a recommendation or a suggestion that the Council enact a Punchbowl plan for guidance; then, we can make another motion that this include 944 too.

CHAIRMAN: Is there a second to the motion?

TAKEHARA: Couldn't we just suggest that we have justification for denying this application because of that ordinance?

DUKE: If I were the applicant, there would be a very good question how could you pass 944 and not pass 982 when they're both the same thing. I appreciate the amount of information we received regarding them was somewhat different. Even DLU makes different recommendations.

CONNELL: Ali, the slopes of Punchbowl are within the capital district, are they not?

SHEYBANI: A portion of it is. The upper portions of it is out of the capital district.

TAKEHARA: I'll second Mr. Duke's motion.

(There was no further discussion. The motion carried.)

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Hosaka

UNFINISHED BUSINESS
BILL NO. 101
WAIKIKI DETAILED LAND USE MAP REVISION

The public hearing held October 30, 1974 was kept open and action deferred to the next meeting due to lack of a quorum.

Public testimony was continued.

Testimony in SUPPORT--

None

Testimony AGAINST--

1. Mr. Jim Reinhardt, Secretary, Hawaii Chapter AIA (Submitted testimony Nov. 13, 1974)
2. Mr. Thomas G. Held, President, White Sands Hotel, Inc.
3. Mr. Laurier Gionet representing Hospitals for India
4. Gerry Lee representing VISTA

The above individuals expressed the same concerns summarized in the minutes of the last meeting.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

Discussion followed.

DUKE: I will move, and I'm not so sure I can go along with the Planning Director's recommendation 100%, but I can't go along with Bill 101 either, however, I will move that we do not recommend passage of Bill 101 by the Council.

CHOY: I'll second the motion for discussion purposes.

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CHAIRMAN: Discussion?

DUKE: Bill 101 is not comprehensive planning. It doesn't even take care of the present much less the future. When we're designing Waikiki to accommodate 65,000 people and there are probably 80,000 presently there, that doesn't leave very many for the future, it appears to me. Furthermore, I believe that the prime hotel land presently used for hotel purposes which is directly across from Kuhio park certainly should be considered for hotel use and not for any other purpose--business, commercial or what have you. To have any prime hotel area, that must be one.

The facts as presented by Freilich as being the reason for proposing Bill 101, to me the studies were certainly outdated and inadequate for a good comprehensive plan for such an important area like Waikiki. By drawing a line down Kalakaua and saying one side is hotel and the other apartments, business and so forth, is not very good planning because of the chop suey set up we presently have there.

Waikiki needs immediate attention but Bill 101 does not give it the proper attention. I have read Bills 102, 103, 104 and so forth and they do get into it better. But, Bill 101 is not the answer to an area that is important to the economy of Hawaii that Waikiki is. We must give it comprehensive planning. A move must be made I don't deny that but this is certainly not the answer to it.

SULLAM: I agree with Mr. Duke. I too feel we have to start with specifics. To just wholesale allocate land to high density apartment or to resort without taking into account existing usages, almost makes that newly designated use invalid.

So, I too will vote against the bill because I don't think it's going to make any changes. I do think a thorough and detailed analysis must be made, taking into account the present uses, and anything preventing the area from becoming a sterile area where there is just resort in one spot and commercial in another spot. I think Waikiki lends to having varied uses in close proximity. I think before we go any further, we really have to seriously think of open space, the view plane, the vistas, and start thinking of historical preservation. Pretty soon, new buildings that we could preserve will be gone.

TAKEHARA: It's difficult again for me to make a decision if you say having a moratorium when we get the money for this. After December when this is lifted, do we go on with the present buildings that have been occurring at Waikiki?

WAY: Yes.

TAKEHARA: So, this comprehensive planning will all depend on the money.

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WAY: Yes.

CHOY: Mr. Way, if the $350,000 is not forthcoming, what will be the option of the planning department?

WAY: Simply to continue with the interim plan that is now the adopted DLUM for Waikiki. It stays in effect and the problems continue to be unaddressed, some of the problems that I've mentioned--that is to say, we're not able along with other obligations that we have, to actually undertake the necessary planning we feel has to be done for open spaces, promenades, all streets, traffic, improvements and whatever else are some of the problems of Waikiki that go beyond just the mere juggling around of a few land uses, and arbitrarily drawing some lines that this side of the street is going to be apartment and this side hotel and so forth.

CHOY: If this is so, how do we address ourselves to any future applications for development? Do we have any people to intelligently restrict the building given the zoning is already there? Do we have any type of safeguards?

WAY: It's unlikely. There's always the possibility of the so-called moratorium that is now in effect. But, I think you can only go so far with that. That will only take you to what might be considered a reasonable point. After that, maybe it becomes unreasonable, then maybe we don't have any checks left. I don't know exactly when that might occur but it has been pointed out to us where there is a moratorium and there is a basis for it, for example, the very fact that you intend to take some analyses and some studies, and you're doing something in the meantime, you don't want to preclude yourself from, or have preempted by a major project or major redevelopment activity that this is probably valid on the part of the Council, that is, it's a valid exercise of their authority. However, cautions are raised as to the length of time and be certain that there's a pretty good sound basis for creating such a suspension of activity.

SULLAM: Has the city looked into getting federal funds to help planning Waikiki, open space, and have they been successful in any way?

WAY: Yes, and we were unsuccessful.

CHOY: I do agree with Commissioner Duke and Commissioner Sullam that I'm in a quandry as to whether the Council is reasonably right or whether Mr. Way's plans have overwhelming merit over the Council's proposal of 101. It seems as though we're at a point and time where we need money to move this thing forward and there's this huge question mark whether it's forthcoming. I certainly agree that something has to be done. I personally feel there should be some downzoning being that the amount of development has just about reached it's saturation point.

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At this point, I don't know whether I could intelligently vote against 101 or for Mr. Way.

DUKE: In the present review of the Oahu General Plan, I understand the present concept of the new general plan but the development plan for the area, could not Waikiki be given great priority in the development plan for the new general plan? You undoubtedly have some money funded for the development of the development plan. Is that not true?

WAY: Yes, that is not true.

DUKE: Well, how are we going to develop any area with proper planning?

WAY: We have requested some funding in the next fiscal year for that purpose. In the sequencing of things and how we're obliged to take care of our work, we felt we did have to get the general plan first, then the more specific development plan to follow. We are requesting additional funding for that. But, there is the whole island to deal with and there is also that question of priorities as well. We were hopeful that we could run even parallel studies; that is to say, we felt Waikiki was so important that we thought extraordinary funding, and have for a number of years that would advance it even beyond the normal phase it would be undertaking for our development plan work. So, it's a possibility but I think we could undertake both; that is to say, we've got other priorities for development plans too. For example, depending on whether or not the Council opts for a major thrust outside of the urban boundary in our general plan, then this may be, in fact, the number one priority to undertake development plans for. I'm simply unsure at this point until we find out a little bit more about which way they're going to go. But, you see the dilemma. That's what I'm trying to point out. We have a dilemma. We've got a lot of number one priorities or could well have that situation confront us. There's no question in my mind that Waikiki is the number one priority. It has been. We've simply not been able to get to it because of the order of magnitude of the task. A dilemma.

DUKE: Even though we would recommend that Bill 101 not be adopted, I still hate to see Waikiki stay in limbo because there's no funds for making a proper study. Some action must be taken, how? Maybe I can't answer that but there must be a way. I hate to keep turning this over and saying, well, we can't do anything until we get the money and we don't know where the money's coming from. State hasn't given it to us. The Council hasn't so far or the federal government may or may not help us. I'd like to see something positive undertaken on this. I'd go for recommending to the City Council that the city immediately get hot on this by appropriating money for a study and a current study at that because it's so important.

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WAY: We also have to keep in mind that maybe something's going to be done by consideration of Bills 102 through 106. Maybe this is the interim kind of approach that I suggested what we have. We have some interim measures that are being proposed through zoning, but we're not significantly affecting the DLUM at all.

TAKEHARA: So you feel 102 through 106 would be a good interim control until--

WAY: In fact the existing and adopted DLUM is an interim measure in Waikiki and the proposals having to do with the changes in the zoning ordinance are further interim measures. Now, they've got some problems too. They create other problems but at least, and kind of echoing Mr. Duke's concern, something is being done. It's not really facing up to some of the real basic planning problems yet, but at least there are some additional control measures being proposed for Waikiki. Bill 101 doesn't change the control per se. The zoning would.

TAKEHARA: But 102 through 106 does have some control.

WAY: Yes, they've got some possibilities.

CHOY: Prior to the formulation of Bill 101 by Council, was there any reciprocal input between the general planning department and the Council's P&Z committee?

WAY: No. I met with the Council's hired professional on I think two occasions, but that was strictly of a fact finding nature; that is, he was seeking to find out what was factual.

I guess I would have to say I'm not sure what this means. The Council may initiate the proposals, we may initiate. I initiate without going to Council ahead of time. They're the due process, if you will, and the due process doesn't require or indicate that there be what you refer to as reciprocal input.

CHOY: Let me clarify my train of thought. I do not agree with the Council change in the detailed map of Waikiki whereby they would take the entire strip mauka of Kuhio and makai of the Ala Wai and make all of that apartment. Then again, in front of the Royal Hawaiian which is a commercial area that the Council recommended that be resort, and also the far Diamond Head end resort to commercial, realizing that the Council does not have the expertise as your department in zoning and planning matters, I was wondering whether both parties got together before this map was finalized?

WAY: No, that is to say I don't know what if any implications might be left on this but Council may initiate these changes, and I may initiate changes. When I do, Council doesn't see them until they've gone normally through the process from here to them, to the committee and so on. It's kind of a situation that that's

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the way it is, that's the way we do business. There is a separation of entities in terms of executive branch, legislative branch, and that's good.

CHOY: Then may I assume at this point this is generally the mechanics, this is generally what would normally happen.

WAY: No, generally these are not initiated by the Council. This is most unique in that respect. You'll probably not see more than one a year initiated by the Council. You'll see 20 out of 21 being initiated through my office.

SULLAM: I'd like to know how much input took place from the planning department and the community when the consultants worked on this proposal. It appears to me he disregarded most of the givens. By givens I mean that which already exists.

WAY: I can't speak for the second part of your question as to the input or relationship with the community, and only the part that involved myself and my department where there were a couple of meetings. That's it.

SULLAM: Another thing that troubles me is has an inventory been taken of all the buildings that are existing and those that have a life of let's say 50 or 70 years, or would some buildings last that long?

WAY: I don't know.

SULLAM: I think before one goes ahead and--if this were an empty plain, I could see where you could specify certain uses in certain areas. But, if it's already built, I just feel you have to take an inventory of what prevails.

SULLAM: Rather than vote for or against Bill 101, I feel it might be best for us to recommend to the Council that we see the deficiencies in Bill 101 and we would like further work on it. We'd like something better produced, something that would take care of the problems that have been stated.

KAMIYA: We have a motion on the floor.

DUKE: Well, it appears to me that we have only one purpose of being on this Commission and that is to listen particularly at the public hearing to issues and the input that the public gives us. Even Mr. Bremner of the Waikiki Improvement Association stated in his testimony that he was speaking for Bill 101, but if you truly analyze his statement, he would like to have about half a dozen changes in Bill 101 and therefore it ceases to be Bill 101 again. The Oahu Development Conference in their testimony stated that they were for Bill 101, but the input they put in, there again he wants various changes made. So, he's truly not for Bill 101. All the architects, engineers and construction people and

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the people that live in Waikiki stated that he didn't like Bill 101 and so forth. Therefore, maybe we should be somewhat positive in telling the Council that Bill 101 is not the answer to the problems and it's not a very popular bill. I believe that the gentleman that advised us, I'm sorry he wasn't present for us to ask him some questions. I believe that he devised it without proper knowledge of the area or the needs of the area. I'm not a planner myself but I do know this, we're not planning very much if we're recommending plans for the future that are already not even adequate for the present. Bill 101 doesn't give us a good general plan for the future.

I'll go along with any suggestion that will permit us to convey to the Council the fact that 101 is not the answer to our problem. The suggestion that Commissioner Sullam made is all right with me. Anyway, I'm not going to vote for the passage of Bill 101.

CHOY: Since I had seconded the motion for discussion purposes only, and I do agree with Commissioner Sullam half-heartedly and Commissioner Duke half-heartedly, I'm still in a quandry. Somehow I do agree with Commissioner Duke that we have to convey to the Council that possibly since they did not have the expertise as planners, they should have consulted the general planning department. I would like to ask Commissioner Duke whether he will accept an amendment to his motion to include Commissioner Sullam's train of thought whereby we would recommend to the Council that we're not satisfied with Bill 101 and that we want more indepth comprehensive thought to go into the bill and the original map that was forwarded to the Commission.

DUKE: Certainly I'll go along with that; however, we should probably go one step more and recommend to the Council that funds be made available for immediate and not five years in the future.

CHAIRMAN: We have a motion on the floor.

DUKE: Now we're amending that motion.

CHAIRMAN: We have the amendment. Do we have any discussion on the amendment to the motion?

DUKE: As maker of the original motion, I'll withdraw the original motion. It's getting too complicated with all of this.

CHOY: The second withdraws.

DUKE: I'll start all over again. Fredda, let's hear your motion and see what it's like.

A C T I O N

SULLAM: Well, I would say to the Council that Bill 101 is a good start but we are not satisfied with it. We would like to

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have greater citizen input, greater input from the businesses that are located in Waikiki and the residents, we would like--I remember Commissioner Choy and Commissioner Duke mentioned certain elements they would like to see, and I think those should be in the study and those should be included. Do you want to state them again? I don't want to leave anything out.

DUKE: Well, I think we should also recommend that funds be made available for this additional study in order to get a comprehensive plan for the area, and it should be made available soon.

CHAIRMAN: Any second to the motion?

TAKEHARA: I'll second.

CHAIRMAN: We've had a lot of discussion on this matter. Do you feel we need more discussion?

CHOY: Question?

TAKEHARA: I'd like to ask a question. When he asks for funds, could it be specified that it be solicited even from the city if he were unsuccessful with the state?

CHAIRMAN: I think it's pretty well understood.

TAKEHARA: You're asking for the city funds.

DUKE: Council make funds available.

TAKEHARA: I also feel efforts should be made by the Council to look into state funding, city and state funds.

DUKE: Let's so recommend. If funds are not available from other sources, that they make funds available. It's as simple as that.

TAKEHARA: I would like the word soon changed to immediately.

CHAIRMAN: Okay.

(There was no further discussion. The motion carried.)

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Hosaka

UNFINISHED BUSINESS
CONDITIONAL USE PERMIT/
STATE SPECIAL USE PERMIT
(TRANSMITTING AND
RECEIVING STATIONS)
(1) WESTERN UNION REALTY
(FILE #74/CUP-7 &
#74/SUP-5)

At the public hearing on October 23, 1974, it was voted to accept the Director's recommendation of approval on the Conditional Use applications, with modifications. Action on the Special Use requests were deferred for the 15-day statutory requirement to November 13, 1974.

(Continued)

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(Continued)

(2) DOMESTIC SATELLITE CORP.
(FILE #74/CUP-15 & #74/SUP-6)

ACTION: The Commission accepted the recommendation of the Chief Planning Officer and recommended approval of the Special Use Permits, on motion by Mrs. Sullam, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Hosaka

ADJOURNMENT: The meeting adjourned at 6:10 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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MRRC RMM 19-75

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DEC 4 1974

Meeting of the Planning Commission
Minutes
December 4, 1974

The Planning Commission held a meeting on Wednesday, December 4, 1974 at 1:52 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT: Randall Kamiya, Chairman
Dr. Wilbur Choy
Donald Hosaka (arrived 3:00 p.m.)
Antone J. Kahawaiolaa
Fredda Sullam
Alice Takehara

ABSENT: Charles W. Duke

STAFF PRESENT: Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Ali Sheybani, Assistant Director,
Department of Land Utilization
Henry Eng, Staff Planner
Herbert Mark, Staff Planner
Stan Mofjeld, Staff Planner

MINUTES: The minutes of October 30 and November 13, 1974 were approved, on motion by Mr. Kahawaiolaa, seconded by Dr. Choy and carried.

PUBLIC HEARING
UNFINISHED BUSINESS
GP/DLUM AMENDMENT
HAIKU-HEEIA
UNITED DEVELOPMENT
CORPORATION
(FILE #206/C1/25)

Public hearings were held and kept open October 2 and 16, 1974. At the last meeting, the matter was deferred for 30 days at the request of the applicant to permit him to submit detailed topographic studies and a soils report.

Staff Planner Herb Mark presented an addendum report of the Chief Planning Officer indicating receipt of an alternate boundary proposal from Mr. Brian L. Gray, based on new topographic information utilizing a two-foot contour interval. The Chief Planning Officer's proposal was based on a five-foot contour interval map. An evaluation of the new topographic information and the alternate boundary proposal has resulted in a modification of the earlier proposal. The modified proposal concurs with the boundary suggested by the developer in most areas but differs in those areas where it was apparent that the grades exceeded 20 to 25 percent. Following is the revised boundary proposal for the 18.11-acre area.

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a. Reduce the area presently shown on the Haiku Detailed Land Use Map for Residential use for the subject area from 11.9 acres to 10.7 acres, instead of the 11.9 acres to 9.3 acres indicated in the earlier proposal of September 18, 1974; and

b. Increase the current Preservation designation from 6.2 acres to 7.4 acres, instead of the 6.2 acres to 8.8 acres indicated the earlier proposal.

Mr. Mark also pointed out that the soils report indicated by the applicant at the public hearing has not been received.

Public testimony followed.

CHAIRMAN: It's the policy of the Commission to first hear the applicant. Is the applicant here to represent the General Plan Amendment to Heeia?

MORSE: Mr. Chairman, my name is Jack Morse, representing United Development Corporation. There is some confusion, apparently, over who the applicant is. I know United Development Corporation is listed as the applicant. In previous hearings on this matter, the planning director stated that no, he is the applicant. I wish to speak in opposition to the planning director's objections so I would assume I would fall under the opposition.

CHAIRMAN: Right. Does the planning director have any comment?

WAY: Mr. Chairman, yes. I'm unsure of the question that has just been raised. Maybe that can be addressed a little bit later. The point though that I would make is that in this case, we are initiating this proposal. I think it's well understood by the Commission that there are simply only two ways to initiate a general plan amendment; one is through the initiation and action of the Chief Planning Officer, and the other is through the initiation and appropriate action of the City Council. But, I would comment that this matter was left for consideration of receipt of some additional information based upon a proposal of the developer and/or his agent. We do have a supplementary report to present to the Commission which could be done in a matter of a few moments. Then, it might possibly be in order for the Commission to proceed with the hearing of additional testimony, if that be appropriate. So, if that meets with your approval, Mr. Chairman, I would ask Mr. Mark of the Department of General Planning to present our supplementary report and findings on the subject.

HERBERT MARK: Mr. Chairman and members of the Commission, on November 18th, the developer submitted a new contour map--first of all, you recall that the developer at the last go-around on this requested deferral of action so that he could present soils information and additional contour information. We have received the new contour map but we have not received additional soils information.

The new contour map is based upon two-foot contours whereas the older map is based on five-foot contours. So, it is a larger scale. What you see on the larger map, the old DLUM line is shown in the black dotted line (referring to map displayed). The Planning Director's first proposal is the yellow line. You have Preservation on your right, and Residential on your left. The Director's second proposal more or less follows the developer's new line which is the blue line. The Director's second proposal is the red line.

The criteria used here is that areas that are 20%-25% slope or more were put in the Preservation area. Areas below 20% are in the Residential area. However, there are some small areas in the Residential area that do exceed the 20%-25% slope criteria. However, these we feel are nominal.

The major differences is the area up here (referring to map). You will notice that the Planning Director in his first proposal suggested that this area should be in Preservation as part of the Preservation parcel. However, the new information shows that most of this area is below 20% grade. Therefore, our line follows the 20%-25% grade according to this new contour map. This new entire area has now been placed in Residential. There is one corner that does exceed the 20%-25% grade criteria. However, it was felt that this area ought to be included in the Residential side because all the surrounding properties are in Residential; therefore, it would not be appropriate to have one triangular piece of Preservation within the Residential area.

I might mention that the difference between the Director's present proposal and the existing DLUM is a loss of 1.2 acres from the Residential area to Preservation. Therefore, there is a seven-tenths acre difference between what the applicant proposes and what the Director proposes.

If there are any questions, I'll be glad to answer them.

CHAIRMAN: Are there any questions from the Commission? If not, the public hearing was kept open. The Commission will now receive testimony for.

Michael B. Cutler?

MICHAEL B. CUTLER: I'm representing the immediate adjacent property owners to the planned development. We submitted to the Planning Commission and Mr. Way also, a petition stating that we felt that the land which should be developed should be under 20% slope. We supported the initial, and I imagine we would also support the revised line submitted by Mr. Way based upon more detailed topography. We basically do not want development above that line for fear that there are slide possibilities in the area. Above the line, there are some raw land areas on the mid-slope of the hill on the Kahaluu side which were incurred by basically a water permeation of the soil.

I personally don't feel that much of that area is developable anyhow. I think there are some real hazards in the entire area that should be considered. Several of us on the existing Residential side have had our properties raised by different developers, some of them by the original developer to slant off so there's a water runoff on the back of all our properties toward this valley area.

The house owned by Rockstead claims that they had an 8-foot piece slide down the hill to that area. My main objection to allowing it to go up the hill is the fact that there's a definite possibility of slide. It's in probably very delicate balance of nature right now being that there is some slide already occurring without having any construction. We feel that the entire area above Mr. Way's line should be totally left alone through whatever legal means so that it could not be developed or tampered with because it could become what we think a very dangerous situation for anyone living below it.

One question I want to bring out is that there seems to be no reason for the unusual shape of the DLUM line. I think the developer in his map given to us is well aware there is a definite possibility that's the origin of a spring. That probably could be one of the many reasons for the odd shape DLUM line that's existing now. This stream eventually ends up at the Heeia fish pond. There's the obvious possibility that tampering with the low lands or any of the side lands could have a detrimental effect. I'm not an ecologist or know much about soil engineering but there is obviously a very mucky bottom to that. Any extensive development would probably cause a fair amount of soil and water runoff. The valley is relatively narrow. I think a water backage is a definite hazard if not treated correctly. I'm not saying in the future it couldn't be treated correctly. That's why we've said we don't feel the developer--the developer certainly has the right to develop the land. What we are very worried about is it gets developed in a way that somebody can really end up getting hurt.

I am representing the adjacent owners, not the Board of Directors of the Haiku Plantation Association. I am a representative of the immediate owners. The petition was signed by 14 of the adjacent 16 owners.

CHAIRMAN: Do you know whether the association has any kind of a decision?

CUTLER: The association has made a decision--the Board of Directors has made a decision. They are represented here today.

SULLAM: Is there any particular reason why the line has such an unusual configuration? Has that been looked into?

CUTLER: It has been looked into but we're not sure the spring caused it.

CHAIRMAN: Further questions?

Anyone else testifying for? If not, anyone testifying against?

MORSE: My name is Jack Morse representing United Development Corporation which was listed as the original applicant. This has been going back and forth with Mr. Way as to who's the applicant. My understanding is the Chief Planning Officer's proposal is what's before the Commission right now. I am testifying against that.

First, a couple of items on what's been said at this hearing. Mr. Cutler just spoke to you saying that he represents the adjacent property owners. I would ask that he clarify that with you because he does not represent all of the adjacent property owners. Perhaps he can give you a list.

Secondly, in the Chief Planning Officer's report just given to you today, the addendum, where he makes some suggested revisions to the line, and I quote:

"... an alternate boundary proposal from Mr. Brian L. Gray,..."

I think Mr. Mark also referred to it the same way. This is not a boundary proposal for Mr. Gray at all in the sense that he's proposing that it be accepted by the Commission.

When the original report was given to the Commission a couple of months ago, there was another proposal. At that time, Mr. Gray realized that it did not follow the topography very well. So, he did present a more detailed topographical study. Mr. Gray's line follows the 20%-25% slope. It's not the proposal of Mr. Gray at all. It's simply a better detailed topography.

I'd like to first of all thank the Commission for postponing the previous hearing at our request. We have additional information we would like to present to you.

I brought an aerial photograph of this entire area. You can see the ridge line which is a natural boundary for this whole area and is certainly the edge of what Haiku Plantation should really be. The City and County R-6 zoning line runs somewhat below the ridge line. The entire area is all part of Bishop Estate's Haiku Plantation. It was developed in increments and Unit III-B is the only increment that has not yet been developed.

We have a problem as we told you before in developing Unit III-B. First of all, there is a declaration of protective provisions which is not a document which the city and county is a party to, but which is a document that has covenants running with the land originally sold. We're shifting the use of this entire area to one-acre subdivision lots. This declaration is on file with the land court and as you see on the last page, will last for 75 years or up until the year 2040. It began in 1965. The other restriction is that all of the residents in this area must belong to the

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homeowner's assocation. This is not a condominium and yet the homeowner's association is virtually the same as a condominium association. All of the roadways throughout Haiku Plantation are private. These are common facilities just like a condominium.

With this context, we come to the problem which has been raised by the Chief Planning Officer, the basic criterion for general plan residential development of no construction above the 20%-25% line. We show you now (map displayed) what the proposed DLUM line will do to the Unit III-B area. It frankly makes it undevelopable in this area under the one-acre lot concept required by Bishop Estate.

The problem is to reconcile the department's, the Bishop Estate's and the people living in this area for one-acre lots, and the goals and purposes of the general plan which is no construction above the 20%-25% line. As a suggested solution to that, everybody's goal can be attained. The solution is to conform the DLUM line to the other two zoning lines, state urban designation line, the county line and put all two lines on the same line. Once this is done, then there has to be some restriction on development on any construction that goes above the 25%-25% line.

If you would be kind enough to look at the Declaration of Land Use document I put in the packet, this is a suggested agreement between the landowner and city. I'm sure you'll refer it to your corporation counsel. The gist of it is that the landowner agrees and will have covenants running with the land so that no construction can ever take place above the 20%-25% line. This, I think, clearly achieves the goal of the Chief Planning Officer and the general plan, and allows the development of the existing part of Haiku Plantation.

I'm going to ask Mr. Gray to respond to some of the technical questions that have been raised about grading. I think Mr. Gray will tell you that the only grading under this plan would be minimal grading for the runoff. All of the houses would be on very level land and virtually no grading required.

There were suggestions by Mr. Cutler regarding springs in the area. He said there may be drainage problems. Mr. Gray can respond to that too.

Mr. Mark said regarding the postponement of these hearings that there was going to be a soils engineer report. Mr. Gray has checked with the soils engineer after the Chief Planning Officer's first report and asked whether there was any problem of the proposed development here. Mr. Gray will tell you that the soils engineers response is so long as the development of the houses are built on level land as proposed, there will be no problem.

The final thing I've given you in the packet is the resolution from the Board of Directors of Haiku Plantation Association. As

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I mentioned to all of the residents here, some 185 dwellings, the board has resolved that the development of one-acre lots would be desirable for the subdivision for the residents there. You will notice in the middle paragraph of that resolution, the Board talks about questionable alternatives, the development of Unit III-B. If the one-acre subdivision is not permitted, what are the alternatives? I can't tell you all of them but I can tell you. There is legally viable under what would happen if the DLUM was realigned with the Chief Planning Officer's proposal. We would have residential development to the west of that realigned DLUM line which would be some 9 or 10 acres under the Chief Planning Officer's revised suggestion. That is all zoned R-6 lots. So, you'd have 10 acres in there. You'd have possibility for perhaps 70 or 80 R-6 lots. This could only be achieved, of course, only if Unit III-B was taken out of Bishop Estate's provisions. It can't be done right now. Bishop Estate in the protective provisions does have the right to leave some of the undeveloped areas. I can't tell you whether Bishop Estate would do it or not. I have no way of knowing, but it is a legal possibility to develop this as R-6 zone. If that occurred, there would have to be a separate access because we couldn't go through the private road of Haiku Plantation. That access would probably be through an existing dirt road which is in state conservation zoning, and it is my understanding that dirt roads can be allowed through conservation. I can't tell you that this is going to happen but legally, this is a viable alternative. The other access would be Kahekili Highway.

Mr. Cutler's testimony to you as a resident living right along the area next to Unit III-B, his conclusion for whomever he represents, I sure would agree. He says don't allow construction on the 20%-25% line. That's what we're saying too. The fear he expressed to you, I don't think they're viable fears. As far as the grading along the 20%-25% line, there won't be any grading. Construction won't be permitted.

In conclusion, we would ask that the original application requested to the Commission which I guess was never really brought before you, the DLUM line conform to the State Land Use urban zoning line, conform to the county R-6 zoning line, and it would conform to everybody's goals, including the city's, and we would enter into an agreement something like we proposed to you here. I'm sure your corporation counsel would want to look at it. Certainly, this will preclude some less desirable development.

SULLAM: I'd like to know whether this is at all possible, since Bishop Estate owns the land in Haiku Plantation--he said it was possible for Bishop Estate to take out this portion that's undeveloped and put it into R-6, is that correct?

MORSE: That's my understanding of the declaration you have there. Anything that's common facility, this is their designation.

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Anything that's not, it's actually subdivided in the lot. They could take out common facility if they want to.

SULLAM: Well, if they could do that, certainly they could use the roads that are right in Haiku Plantation because they own that land.

MORSE: Except for one thing, you brought up a good point. When the roadways are paved, the Bishop Estate then gives a $1 a year lease of the roadways to association. I don't know whether they've actually concluded that or not but the declaration says that they shall give the roadways by lease to the association for the understanding of $1 a year.

SULLAM: Is there any way Bishop Estate can incorporate this portion even though it may not be one-acre lots into the Haiku portion?

MORSE: It cannot because if you read the declaration, it says one-acre lots.

SULLAM: I'm just wondering whether Bishop Estate could incorporate that portion somehow.

MORSE: I think not. The only way they could treat it differently would be to remove it from the declaration of protective provisions, and seal it off as a private road, and then develop it however the zoning permits.

SULLAM: In other words, there's no way the roads of the Haiku Plantation can be used by this portion unless it's one acre.

MORSE: That's my understanding. The association of homeowners has the duty under the declaration to maintain these roadways.

CONNELL: You have included the resolution by the board of directors of the Haiku Plantation in your presentation. Can you indicate to the Commission the procedure by which the board of directors makes the decision?

MORSE: The chairman of the board is here. It is my understanding this is from the board alone without trying to have a whole association meeting.

MORSE: I can tell you this, several weeks ago, Mr. James tried to get all of the residents right along the rim of the area to come, laid it out and asked for objections if anybody had any. The second step was to go to the Board meeting which I attended and Mr. James attended, and asked them because we wanted you to know how the Board felt. We asked them if they agreed with this proposal, would they prepare a resolution. I think that's how it came about.

CONNELL: In terms of declaration of land use which you included, is this agreeable to Bishop Estate?

MORSE: I think it will be. I have not given it to them. They have given us authority to come to you and to propose this type of subdivision, in other words, an extension of Haiku Plantation. If it takes this kind of agreement to get this subdivision through I can't guarantee that it will. I brought it up because your corporation counsel has to look at it and will undoubtedly have decisions.

CONNELL: Is it general practice to have conditions as part of general planning changes?

MORSE: I have no idea.

CONNELL: Would the estate be open to a unilateral agreement on their part?

MORSE: I think what this amounts to, if you look at the last paragraph it says the trustees agree.

CONNELL: Except for the fact that there's a place in this for the City and County which would be the City Council and the Mayor.

MORSE: Right.

CONNELL: Would Bishop Estate be open downzoning this whole area from R-6 to R-1?

MORSE: If this subdivision can go in, it doesn't make any difference if it's R-6 or R-1. Either one as I understand will permit one-acre lots. The problem is the three type of zoning--state, city and the general plan zoning. All three of those don't conform.

CONNELL: What I'm pressing for is the various alternatives that are open to the Commission, and also to try and discover what exactly Bishop Estate is willing to do. So far what you have indicated is that these are all possibilities by Bishop Estate who has not agreed to any of them.

MORSE: They have agreed to this extent, we are authorized to go in and try to get the boundary changed to allow this type of subdivision. I don't believe they have really looked into it. They have not seen this draft of the agreement and I can't commit them to sign it. Obviously if they go along with our recommendation, it would have to be only if Bishop Estate will sign the agreement.

CONNELL: When the abutting property owners in this particular area signed their leases with Bishop Estate, were they informed there would be a Unit III-B built?

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MORSE: Mr. James is here and he can answer that but my understanding was that preliminary plans for the whole Haiku Plantation which includes Unit III-B, laid out in one-acre lots.

CONNELL: Mr. Morse, in connection with the Bishop Estate situation again, the question is to what extent had they given you any indication of their acquiescence to the R-6 subdivision concept which you espouse?

MORSE: I never discussed it with them. All I know is there is the possibility under existing legal restrictions and the declaration under the present zoning.

WAY: So they haven't in effect actually said they would approve such a proposal that would subdivide the area into whatever you indicated, 30 or 40 lots of 5,000 sq. ft.

MORSE: It doesn't give any indication.

WAY: One point by way of information to you and recollection to the Planning Commission which you touched on, and that is the matter of access through Kahekili Highway through a conservation district which is authorizable by the Department of Land and Natural Resources of the State, but is by no means--and I want to make this point rather emphatic--taken lightly by that board and or when referred to the City and County for their comments, because you are encroaching with development into the conservation district which I'm sure you're aware and the Commission as well, is one of the areas where great serious attention is given to any development before authorization. This is not by way of a outright grant or very routine considered matter at all. It's very seriously considered, particularly in the steep slope areas. I just want to make sure you understand that as well as, of course, the Commission is aware of it.

MORSE: I understand that. I think all I represented was there is an existing dirt road. They seem to be connected, I don't know. Everything that is necessary for the permit, I believe, exists.

WAY: Except approval.

One other point I'd like to raise following Mr. Connell's comment of rezoning to an AG-1 or an R-1 or such classification. It really is more representative the form of existing subdivision there, and that is whether you had considered because I have some doubts that it's possible to locate the units on the so-called flat land, the land less than 20%-25% slope by allowing for the setbacks that might be required particularly in some of these other zoning districts.

For example, if this were to be classified in the Ag district, and you might recall that this an agricultural subdivision under the

prior--

MORSE: Under the previous concept.

WAY: Yes, for which there is no concept at the moment.

MORSE: Right.

WAY: The front yard is a 30-foot setback from the right of way. Now, I suspect and it's more than a suspicion because I laid a scale on the map, but this gets into the steep terrain and I want to make certain we all understand there could be some problems attached to that point, namely recognizing the setback and confines or constraints of the 20%-25% slope line.

MORSE: Mr. Gray has a drawing on the board, perhaps he can respond to that.

WAY: There is another point which says that we don't concur with the designation of the line. That may be the one Mr. Gray is working from which may be somewhat of variances from what was pointed out in Mr. Mark's report from what we interpret that line to be. This adds another dimension to the question of where can you locate these units.

MORSE: Yes, you made a couple of changes to Mr. Gray's topographical interpretation which might affect a couple of houses on there.

BRIAN GRAY: I think Mr. Way is quite correct. If we had R-1 or AG, putting these houses closer to the roadway, it could mean losing maybe one lot in pulling the road down to conform to that. I don't think we're far enough away on our interpretation. Our interpretation on the 20%-25% line is a matter of judgment and we could have a chance again to confer with staff.

I want to address myself to three points which have been brought up previously--drainage, soils, and grading. We had the layout of the buildings on the site based on our interpretation of the 20%-25% line. We find that we can place the building within that line with no problem of grading. Where the 20%-25% line starts, it's fairly level and then it takes off quickly. We're essentially placing the houses upon flat land so grading is no problem.

As far as drainage is concerned, there is a dry gully which is quite pronounced down to this area (pointing to map displayed) where we propose to put in a culvert to cross access driveways, and then an open ditch which would go all the way along close to the boundaries of Haiku Plantation subdivision back to its natural stream. This ditch is still picking up all of the water that comes from the Haiku Plantation area.

As far as springs are concerned, there's not just one spring in

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here, there's a whole mess of them. This is caused because of the underground water movement from the mountain. We did the soils investigation some years ago. We went down a couple of feet and found solid ground in roughly three feet. Surprisingly enough, we found coconut tree stumps growing at the level many years ago. We feel that something has to be done with the springs because it's a real mosquito problem in this area. We anticipate either creating some ponds to get rid of the springs and use it as part of the development.

The soils investigation, I did go back and ask the soils engineer for an update on the soils report. He said it's as required by law, all the drawings are below the 20% line and my soils report already says what you should do in that area. There's nothing more for me to say. There's nothing more to add until you get into final design.

SULLAM: Those springs, how are you going to handle these areas when you subdivide of the possibility of these springs becoming active?

GRAY: Well, these houses are on firm ground but those which protrude a little into the swamp area. We had discussed that we would use wood pilings so that the house is actually projecting over the pond area which is aesthetics from a design feature. None of the buildings would be located on the swampy area.

WAY: You've examined the site in some detail in terms of soils, geologic and topographic features. I think we're in reasonable agreement on the relationship of the 20%-25% slope line. The question I would have is can you give us a reason why the DLUM line should not be changed? Is there some criteria we're using that's inappropriate in your judgment?

GRAY: The only argument I can use is we are achieving the goals of the general plan by leaving the general plan DLUM boundary and the proposed state land use boundaries and using another means for protecting the area that should not be developed. We had been proceeding for a general plan change in good faith, with the understanding that staff was in agreement with our proposal to follow the state land use boundary. We had the discussion it was a good idea to have all the boundaries adjusted so that everything conformed. The application was made several years ago. It was only shortly before it came before the Planning Commission that we found out that a different line was being proposed.

WAY: What you say may be correct but I still see no reason why the land use boundaries couldn't conform to the DLUM boundary and of course we can easily make the zoning boundary conform to both. So, I don't see that's a problem. The fact is that you have presented to us information that possibly was not available when those initial boundaries were established. I think it's quite apparent that there's question as to the validity of how they were established. You've raised that question yourself by the indication of the black line there (referring to map displayed) which is

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the old DLUM boundary. We're certainly uncertain as to the reasons for that. I'm sure that when or I have a suspicion that is that when some of these lines were drawn, the base information of a topographic nature was highly questionable or such a scale is to be difficult to interpret with any precision. I'm sure this is the very same problem is what the Land Use Commission staff finds when they were drawing the original boundaries some years back. So, it seemed to us that here was an opportunity to maybe initiate from our standpoint a confirmation, conforming of the boundaries if you will, but first addressing it as a general plan issue and then maybe initiation of a boundary change from the state, and appropriate zoning change from the county standpoint. These are our choices too as I'm sure you realize.

GRAY: I appreciate this is all normal procedure. In this case, we feel we would be giving you all you need by doing it the way we describe and perhaps we wouldn't have to go back to the Land Use Commission.

WAY: Well, maybe we could take care of that for you.

Testimony in SUPPORT--

1. Mrs. Ruth Terner, adjoining resident

RUTH TERNER: I'm a ridgeline resident. One of the points I wish to bring up is that when Mr. Cutler was speaking, I believe there is a petition that we sent in to the Commission signed by the residents along the ridgeline. There are 16 ridge residents. Fourteen of the residents did sign this petition in support of the line Mr. Way had presented.

As a resident, our main concern is the runoff from my property and the problems we have had with the heavy rains in the plantation area. This is one of my biggest concerns.

I'm also concerned if the DLUM line isn't moved and the lots go up that far, what prevents someone from getting a special change for their particular lot for their particular acreage? If I were an owner and had an acre lot, I wouldn't want to be told that I could only build in a small section of this lot and the rest would have to be left untouched.

CONNELL: Are you a member of the Haiku Plantation Homeowner's Association?

TERNER: Yes, I am.

CONNELL: In terms of the resolution dated December 3rd, were you consulted on that?

TERNER: There were several of the residents that went to the meeting on December 3rd. We did not know what resolution they

made. They asked the residents to leave. The only residents that were at this meeting, we went because we called and asked to go. The board did not notify the residents. There was no notification given other than the residents talking about it of what was going on down in Unit III-B.

CONNELL: The board asked the non-board members to leave before they vote?

TERNER: Yes. We did not know what they're decision was.

CONNELL: There is no sunshine provision. The government is constantly under pressure to be out in the open.

TERNER: I will say not all the board members were present at this meeting. The board is representing the board and what these people feel is best. But, there was not a meeting called of all the homeowners so that all the homeowners in the association know what is going on.

CONNELL: How many members are there on the board?

TERNER: Nine.

(There were no further questions of Mrs. Terner.)

2. Mrs. Nancy Clingan, adjoining property owner.

NANCY CLINGAN: My husband was here at the two previous meetings. He was unable to come today. He is a board member but he was not appearing today as a board member. He was coming in as a resident.

There is some question about Bishop Estate removing this area from under our protective provisions and then giving the development rights to somebody else to develop it as an R-6. The land management from Bishop Estate said the development rights for this area is expired January '75. They are then up for negotiation at that time. He said that as far as they go about this area, they will look at it at the time the development rights expire, but that it would take a pretty big decision for them to declare it a common area and take out from under our protective provisions. There's also some question whether they could do this without the okay of the association notice. So, as far as that of a threat to the residents to support this type of thing, I really don't think it's too valid. We feel it is a threat to us by their just wanting to develop it, threatening to take it out and put townhouses, apartments or high density development there.

The residents have expressed grave concern about excessive road use to develop this area. This is kind of a private problem with us

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because we do maintain our own roads. I think between the residents and the developer something probably could work out as far as damage to the roads coming in and out.

You asked about the rest of the members from the association knowing about this. I estimate 75% have no idea what's going on. If we happen to talk to a neighbor that's involved, then you know. If not, you don't.

About 1½ years ago, a cluster development was proposed by United Development. The residents at that time at a meeting heard it and later did vote that they did not want clusters up there. There's nothing really that's caught on unless you're in on the grapevine.

As far as the residents who live along there, when you sign your lease--I'm a second property owner. Mrs. Terner is also a second property owner. Mr. Cutler is the third owner of the lot. I was not informed at the time when I signed my lease of Unit III-B. Mrs. Terner said she was not also. The clusters came up after I moved in. I was really shocked because that's the reason I moved over there to get away from congestion.

Mr. Morse presented something to you having to do with restrictions. We have not seen this. We have no idea what is presented to you in his packet as homeowners.

Our main concern is that hillside is pili grass. The grass is about all that's left in Kaneohe. Once that area is walked on or bull-dozed, that grass does not come back. There is a very delicate balance in that grass up there. It's a very beautiful hillside that looks like wheat when the wind is blowing. From our standpoint, we're worried about the hill being damaged. There's also some talk about salability of the land down the swampy area at the bottom. I believe it was in '63 this area was not developed because it wasn't considered salable. This is according to the statement from Mr. Gray in his original application. I don't know why all of a sudden now it's considered salable.

The residents also do hike a lot. We do use the trails on the conservation area on the other side of this area. This brings some question from some people, what happens to our access to that area? If this development goes in, the rest of Haiku no longer has the access to the conservation trails they use to have.

Mrs. Clingan was questioned by the Commission.

CHOY: What is the balance of your lease presently?

CLINGAN: I believe about 53 years, renewable for another 10.

WAY: Would you have any objection as an owner to change the zoning of the entire plantation to something in a larger lot size minimum?

CLINGAN: We have kind of a zoning conflict out there because we use to get an agricultural zoning and this was arbitrarily changed. I talked to the zoning people and asked them just out of point of information why the area was not an R-1 zoning. They said well, it's in R-6 and our declaration by Bishop Estate prevents anything less than one-acre being developed there. We have people who own horses in the area. They are in constant conflict with the zoning. We had somebody that did look into a zoning change. They found that the zoning we really should have is R-1. I think for the protection of me as a resident, I would prefer that kind of zoning because I do not know exactly how the declaration as far as Bishop Estate would hold up if someone decided to go in there and subdivide the acre.

CONNELL: It would almost appear under your lease a clause I note the use of the rural lots. It would appear that R-6 zoning really doesn't fit in with the covenants of Bishop Estate. I notice you can maintain poultry, rabbit houses, kennels.

CLINGAN: Chickens, goats, sheep.

CONNELL: Seventy-five animal units per acre. It would almost appear that R-1 is the more--

CLINGAN: Yes, I don't think the zoning people would be agreeable with my 20 chickens. I think this was just an oversight on the part of the zoning people when they did arbitrarily do this line. According to the zoning people, nowhere on Oahu is there an R-1 zoning.

To the Chairman's call for further testimony, Mr. Ted James of United Development Corporation appeared.

TED JAMES: My name is Ted James. I have the dubious pleasure of being the developer. I've heard a lot of testimony today which I think needs a little background filled in. For example, Mrs. Terner and Mrs. Clingan are both second owners, Mr. Cutler a third owner. They claim that they were not told, of course, of the long time existing 15-lot subdivision that was originally planned in 1963. I'd like to draw the Commission's attention to that large map. You will note a little curve or indent. This was the turnaround that was originally planned for the original subdivision which is shown on any overall map of Haiku Plantation since 1963. The reason it was not developed at that time, Mrs. Clingan touched on this, was two fold. One, that the area we were not sure of insofar as capability of the development; and two, most importantly if you recall from the economic ties we've been through that it shouldn't seem very conceivable that people would buy down in the valley when they could, in fact, take their pick of the plateau that then existed for sale. So it was

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decided rather than put in that subdivision at that time which was tentatively approved, that we would withhold spending $150,000 necessary to do this with a dubious sale potential until a later more propitious time. Of course since then, the subdivision was actually sold out as far as the plateaus and more easily seen property. I think you will find all of the rim residents should see and should know, I have in my canvassing of the rim residents which I personally contacted by having them in my home for a meeting and then subsequently delivered maps of this proposed subdivision to all of those that did not attend, with a note attached to it if there were any questions or objections to please contact Mrs. Ellis the president of the association or myself for any answers we could given them or any explanation. I never received but one contact from that letter and that detailed map. So, it's hard for me to understand where as many objections that seem to be raised, can be raised without having made known earlier so that we could address them.

There was also on the cluster, which she was shocked about, we did, in going into the valley, a good deal of clearing so that we could see eye to eye where the good terrain was, where the questionable terrain was. We spent over $10,000 just doing this alone just so we would know better how to utilize the land. We did have the hope of putting in a cluster type development, and lacked getting the vote of the owners association by some 3% or 4% of the necessary vote to allow the change or the type of positions this type of development would entail.

We learned an awful lot about the land. We learned it was very good land and very developable. I think the owners of the land, Bishop Estate, would have to take a very hard look to turn their back on this body of land. It is superior quality land as we found out.

I would say also that the question raised by the residents about being cut off from any hiking is not too difficult to solve. Where that entry to the valley occurs, it is not conceivable to allow an access right-of-way across one of the designated lots. This has been done characteristically and can be done again. This brings up a counter point. Mrs. Terner indicated that the nature is in very delicate balance as far as the pili grass is concerned. I would say that hiking on the pili grass or rather the joyful game of ti-leaf sliding by some of the residents children has worn some of the pili grass down. I'd be the last one to deny this kind of use. On the other hand, development of the valley would give an amount of control over the unscrupulous use, you might say, of that area.

When we presented the cluster and lost out on the association vote, there was a resolution read into the minutes of that meeting some 1½ years ago which instructed the developer to proceed with the development of Unit III-B in the same concept that Haiku

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Plantation was conceived. So, there is a matter of record that sometime ago, I will admit, that we were asked to go ahead and do this. I think it spoke for a vast majority of the association owners.

Mr. James was questioned by the Commission.

CONNELL: The resolution that you mentioned as part of the minutes of the association, who voted for that resolution?

JAMES: A general membership meeting at the time.

CONNELL: At a general membership meeting?

JAMES: Yes.

FROM THE AUDIENCE: No, no. It was by mail.

JAMES: I stand corrected. It was by a questionnaire that was circulated and returned to the secretary.

CONNELL: How much of a return was there from the questionnaire?

JAMES: It was very high as I recall.

FROM THE AUDIENCE: It was over 75% returned. In order to have Unit III-B approved, there had to be 75% in favor and the cluster development did not receive the needed number.

CONNELL: But, the resolution for the development of Unit III-B did get enough?

JAMES: On the alternative to continue on the same concept, there was an overwhelming majority.

CONNELL: So there were two alternatives then, the cluster or one-acre development.

JAMES: Right.

There's a question which Mr. Way asked Mr. Gray as to what reason there might be for moving the DLUM line back to the state land use boundary. I think Mr. Gray assumed that the commissioners fully understood the ramifications of the DLUM line. As far as our purposes are concerned, it doesn't have anything to do with the general plan nor with the criteria. It has only to do with the fact of whether this subdivision as proposed is capable of being brought about because as I understand it, the land on the right hand side of the DLUM line as designated here could not be counted in the computation for the one-acre lot. Therefore, the

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lack of moving it to the state land use would automatically foreclose going ahead with the subdivision.

WAY: But, what you're saying is it precludes going ahead with this particular 15-lot subdivision.

JAMES: That's right.

WAY: It doesn't mean you couldn't have that 8 or 10 or 12 or some such--

JAMES: Well, it does in the economics of it. The cost of the road, for example, to serve 6 or 8 lots or 5 lots could be within a very near figure what the cost is for a 15-lot subdivision. Then comes two problems. One is the return to the Bishop Estate which has grown accustomed to receiving and looking forward to insofar as figures are concerned, and two is the cost of the lot to the leaseholder in purchase, and secondly, the annual premium or annual lease rent. You know as you shrink the number of lots, your costs go up somewhat disproportionately to the benefits to be derived.

WAY: Well, to get to a point, I don't think you have to run that road all the way out, double the length of it.

JAMES: Well, this is the best solution we could come up with.

SULLAM: This is really geared to a very high income market anyway, aren't they?

JAMES: We have had a very high income market. I imagine if I were to guess what the average house would sell for today, it would be around $175,000. The fact of the matter is, the original cost and the original owners are at a far different level. We originally sold the first increment in the area of $38,500 in the area of $42,000.

SULLAM: Are you saying then you don't believe you could sell those houses beyond a certain figure?

JAMES: Quite right.

The public hearing was closed, on motion by Mrs. Sullam, seconded by Mr. Kahawaiolaa and carried.

MOTION: Mrs. Sullam made a motion to accept the Chief Planning Officer's recommendation which was seconded by Mr. Kahawaiolaa.

Based upon new material presented by the developer and the addendum report of the Chief Planning Officer,

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Dr. Choy requested a deferment of one week for further study.

Mrs. Sullam's motion failed to carry.

AYES - Kahawaiolaa, Sullam
NAYES - Choy, Takehara
ABSTAINED - Kamiya
ABSENT - Duke, Hosaka

The matter was then unanimously deferred to the next Commission meeting, on motion by Dr. Choy, seconded by Mrs. Takehara and carried.

AYES - Choy, Kahawaiolaa, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Duke, Hosaka

(Mr. Hosaka arrived at this point of the meeting.)

PUBLIC HEARING
ZONING CHANGE
R-3 RESIDENTIAL TO
B-2 COMMUNITY
BUSINESS DISTRICT
HEEIA
HONOLULU FEDERAL
SAVINGS & LOAN ASSN.
(FILE #74/Z-12)

A public hearing was held to consider a request for a change in zoning from R-3 Residential District to B-2 Community Business District and expansion of the zoning request by the Director of Land Utilization from R-4 Residential District to B-2 Community Business District to include Tax Map Keys: 4-5-19: 19--of 1,272± sq. ft.; 4-5-19: 20--of 1,160± sq. ft.; and 4-5-19: 21--of 1,883± sq. ft.

Publication was made in the Star-Bulletin/Advertiser on Sunday, November 24, 1974. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the proposal. The applicant proposes to consolidate Tax Map Keys 4-5-19: 19 (being Parcel B of Subdivision Folder 1973-502), 28 and 30, and 4-6-30: 1 into a single lot. Further, the applicant proposes to construct two 30,000 square foot, five story commercial buildings in two phases which will accommodate the facilities of Honolulu Federal Savings and Loan Association and other office uses. Off-street parking and loading requirements under the provisions of the Comprehensive Zoning Code will be adequate for the proposal. The Director recommended approval of the request.

There were no questions from the Commission regarding the Director's report.

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Public testimony followed.

Mr. Gary Stout, Property Manager, Honolulu Federal Savings and Loan represented the applicant and presented no further testimony. There were no questions from the Commission of Mr. Stout.

The public hearing was closed, and the matter was taken under advisement, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

AYES - Choy, Hosaka, Kahawaiolaa, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Duke

PUBLIC HEARING
ZONING CHANGE &
PLANNED DEVELOPMENT
HOUSING
KAILUA
LONE STAR HAWAII, INC.
(FILE #74/PDH-4)

A public hearing was held to consider a request for a change in zoning of 5.1 acres of land from P-1 Preservation to R-6 Residential and designation of a 9-acre R-6 parcel to Planned Development Housing for 58 townhouses at Kailua, Oahu, Tax Map Key: 4-2-04: 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on November 24, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the proposal. The report indicates that the site plan selected from earlier alternatives, seems acceptable. Desirable features of the proposal are: limiting the development to areas of milder slope, and provision of common recreation open space areas, private decks, and substantial landscaping. The Department of Transportation comments that "while this development will not overload Kalanianaole Highway, it, together with other proposed developments in the Windward area will grossly overload the principal trans-Koolau Highway facilities. Since the applicant's proposal is for development of 58 units and since a firm limit on the trans-Koolau Highway capacities has not been established, the proposal appears to be reasonable.

The Director recommended approval of the proposal subject to the conditions enumerated in his report.

There were no questions from the Commission concerning the Director's proposal.

Public testimony followed.

Testimony in SUPPORT--

1 Mr. Dick McEvoy, Project Architect

DICK MCEVOY: I'm an architect with the firm of Hogan Chapman and Cobeen. I'll answer any questions the Commission may have.

CHOY: Looking at the slope map, there's a tremendous amount of slope where the buildings would be constructed. May I ask if these homes will be on elevated foundations?

MCEVOY: Yes, on wood floor.

CHOY: Being a layman, would you explain why the buildings have to be constructed on elevated foundation?

MCEVOY: Elevated foundations do call for less grading than were we to build the land up to receive a concrete slab. By going to the elevated foundation, we could allow the land to flow under the building.

CHOY: Isn't it possible then that the rainfall would run under the building?

MCEVOY: No, it would be directed along the building by swales or piping so as not to go under the building.

CHOY: There are some buildings that will be on slope in excess of 20 degrees.

MCEVOY: Yes, in that case the buildings are designed to cross the grade.

CHOY: The price of the units, approximately $90,000, is that for the smaller units?

MCEVOY: This was the price given to us by the developer and I believe it's an average price.

CHOY: How high is the highest structure from the ground? I notice from the ground to the floor, there's quite an elevation.

MCEVOY: This was a point brought up by the Department of Land Utilization also. Cutting of this section (referring to rendering) was taken at a place where one portion of a building dropped a full floor height down. This section happens to be taken right at the point where the grade does that in order to go beneath one unit to beneath another unit, 9 feet lower thereby accounting for the appearance of a big gap between floors and the grade beneath it. In reality, the floors will not and cannot be much more than adjacent grade around the building for access into them.

HOSAKA: At the public information meeting, there were eight concerns. If you'll bear with me, perhaps we could go through every one just to be sure we cover every point that they made.

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Number one, the need to widen distance between proposed buildings and existing buildings in one section of the site. What was the problem there?

MCEVOY: It's Building 4 which is the first building at the entrance to the project. It's former location was at the closest proximity to the property line and still be within the building envelope. We could place it back 17 or 18 feet from the property line. After the meeting, that building was turned and moved back toward the proposed road about 6 feet I believe it was.

HOSAKA: Number two on the buffering and landscaping, how about that?

MCEVOY: The planting plan was not altered in any plant material. The intention was to be sure that large plants are put in in the initial part of the project to assure that we did get buffering in there. When the plans are finalized, we will indicate what size plants we will put in the buffering area.

HOSAKA: Number three, the need for a fence along the property line abutting residences below?

MCEVOY: On this particular item, it was our feeling that any buffering required along the property line would be best handled by a plant material as being a softer material, a more aesthetically pleasing material than a hardlined fence which would stretch from the road to the other end of this project. So on this one particular item, we did not implement this particular point.

HOSAKA: Then, there will just be heavy planting rather than a fence.

MCEVOY: Yes, there are portions of that which are indicated to be hedge.

HOSAKA: Number four, the area above the site remain undeveloped. I think that's covered, the fact that it will continue to be P-1.

MCEVOY: Well, it is P-1 but their concern naturally is what's to stop someone from going in there at a future date and again asking for P-1 to be rezoned R-6. My client has no intention to develop any further up there. To make assurance, he has submitted a letter of intent to change the area between the property line we had established and the existing DLUM line from residential to open space.

HOSAKA: Number 5, grading be controlled, I think Dr. Choy covered that. Did you want to add to that?

MCEVOY: Well, that's always been one of the conditions in developing a project by the Department of Land Utilization.

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HOSAKA: Number six, the height and bulk of buildings should be reduced.

MCEVOY: Wherever possible, we dropped elevations of buildings to get them close to the ground. After reexamination, we did drop some floors down.

HOSAKA: Without further excavation?

MCEVOY: Without further excavation.

HOSAKA: Number seven, additional guest parking is needed. I think someone mentioned about the quarter space per dwelling. Is that adequate or are you exceeding a minimum?

MCEVOY: This could be the minimum.

MOFJELD: It's the standard we use for guest parking in all planned developments.

HOSAKA: Number eight, need for pedestrian walkways that lead to the sidewalks offsite.

MCEVOY: The sidewalk at the building by Akipohe Street did not continue at that time. It has now been made to continue down to the public sidewalk.

HOSAKA: Have you met with the community subsequent to July 11th?

MCEVOY: I have not.

HOSAKA: Have any of the developers?

MCEVOY: No.

HOSAKA: You feel those items just covered, 1 through 8, have been adequately provided for?

MCEVOY: Yes, with the exception of item 3 we did not change. They may have strong feelings about that.

SULLAM: I notice the parking is placed in the area that's 40% slope and more which means you're going to probably do a lot of filling. Isn't there any other spot that you could put the parking?

MCEVOY: No, all possible areas for parking have been thoroughly examined.

TAKEHARA: In this letter which we received from the Kaopa Community Association--are you familiar with that?

MCEVOY: No.

TAKEHARA: There were two core borings at the 12-13 foot level which indicated substantial moisture which could be a hazard to a building or road structure. In relation to that, several of the buildings will sit on filled land, and the potential softness of the fill plus the steepness of the slopes could cause these buildings to slide downhill. Is there anything you could tell us that would assure us that these hazards would not exist?

MCEVOY: All I could say is that our firm in the past and is presently doing project on similar land with similar conditions. I don't think this is an unusual condition. I don't think there is anything here that cannot be handled.

TAKEAHRA: On filled land, what assurances can you give to the buyer that in case the property does shift that repairs will be made and so forth?

MCEVOY: We can build into the foundation a means of adjustment to the building to take up some degree of settlement that might be excessive, and structural engineers can tell us how much tolerances we can allow there. So if anything should happen, the building can be jacked up and adjusted to level the floor or window jamming.

TAKEHARA: So, your company will follow up.

MCEVOY: We can make provisions in the homeowner's association regulations that these things are brought to our attention and corrected.

CHOY: I'm still not satisfied what you had stated on the runoff. On page 8, the Department of Health indicates that the proposed site for the subject development has terrain characteristic in which the potential for surface runoff is great. Is it not a fact that the choice of construction of your buildings on elevated foundation one that would permit the runoff under the structure? Your answer to that was no. But then again, considering this particular quote, do you have anything to add to the characteristics of the terrain and this great runoff?

MCEVOY: They're speaking mainly of runoff during construction.

CHOY: But I'm looking beyond that. You stated earlier that runoff would not be permitted on to the development site. Can you explain to me how this could be done?

MCEVOY: I see. Runoff would be carried on the site but directed away from buildings. Water would go around buildings rather than through them so as not to undermine foundations. This would be done by sloping the land carrying it on surface where possible and where not possible on surface, taking it underground.

CHOY: Provisions would also be taken then to prohibit any runoff

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to adjacent property.

MCEVOY: Yes. There currently exists a concrete trench along the entire back line of all those single-family lots. Water is presently now directed into two access points to carry water to the sewage system.

CHOY: Has an environmental impact statement been completed on this?

MCEVOY: No.

CONNELL: If we might have staff clarification regarding the environmental impact statement (EIS). There is no EIS required on this project, is that correct?

MOFJELD: No EIS is required on this project because there are no state or city moneys or lands involved.

SHEYBANI: One condition that would have required the EIS for this project would have been if the general plan be amended.

CONNELL: My recollection of the information meeting was some concern regarding the visual impact which you are taking care of, that will be planted. If I remember, the reason they wanted the fence was more of a security measure rather than a visual concern, isn't that so?

MCEVOY: Yes.

CONNELL: Why, outside of the visual concerns, are there any other constraints that would keep you from putting a fence in there?

MCEVOY: Nothing.

CHAIRMAN: Are there any other questions of Mr. McEvoy? If not, thank you, Mr. McEvoy.

Anyone else to speak for?

2. Mr. Michael Sell, Project Engineer

MICHAEL SELL: The reason I put Mr. McEvoy up there is because he's an architect and I felt he could field most of the questions. But, some of the questions got into the civil area which I'm qualified to answer.

One, it is fee simple land and will be sold in fee. Two, there's no fill area there. This is all natural ground. Three, there's

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no groundwater in that area. Four, about the runoff, there is on the lower portion of that development, a concrete lined ditch. The road through the development will act as a pick up as the water comes down from the upper area because it will have drainage facilities leaving the catch basins and underwater pipes. The upper portion of the development, we will put a concrete lined ditch to take care of this runoff. The only runoff you would get from the existing lined ditch on the lower portion is from the new road down to the ditch.

SULLAM: The parking area is located on a 40%+ slope. How will that be arranged without doing any filling?

SELL: No, the material there now is not fill. It's all natural ground. We will have some fill when we develop this but we will use standard engineering practice and compact it. There is an engineering man there and he takes the necessary samples and so forth. It's common practice.

CONNELL: Did you run calculations of how many cubic yards you would have to take out if you went slab on this rather than post and pier?

SELL: Not to my knowledge. We didn't as Lone Star because the initial concept was not slab on grade because we would have to excavate too much. So, we went post and pier. That gives us also the possibility to keep the profile of the house lower because we can step it.

CONNELL: I think it's possible because slab is such an ordinary type of construction in the islands.

SELL: Well it is if the terrain is right but if you go into slab on this, you get into retaining walls.

CONNELL: Well, on post and pier you're not on a different kind of foundation.

SELL: Of course not. We all realize that. It avoids that excavation to get a slab on grade.

(This concluded testimony FOR the proposal.)

Testimony AGAINST--

1. Mr. David Lisignoli, Treasurer, Kaopa Community Association presented written testimony, attached and made a part of these minutes. His additional testimony follows.

LISIGNOLI: Two other points I would like to make along with this to substantiate the problem and our concern relative to seepage

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of water underneath the ground. One of our association members lives two blocks from that area on the same general slope. His home has physically sunk and has cracks in it. Some of us have walked in his home, and you're actually walking downhill. The window jams, of course, have changed and it's hard to close the windows. We were hoping to have some pictures for you to look at today but this particular individual had to get back with the particular developer to have the situation corrected. Investigation has shown that there is an underwater stream or seepage--I cannot verify which it is--but anyhow, there's enough water to cause the ground to settle. It's resulting in the house being all bent out of shape.

The second example I'd like to cite is another neighbor who lives down in the opposite direction from this site towards Kailua town in that same general site where they had their particular piece of land was filled and compacted. This gentleman has since built a retaining wall which has now completely tilted at about 10 degrees again indicating bad packing or possibly underwater seepage. He's having a difficult time resolving that.

That's all I have.

CHAIRMAN: Questions Commissioners?

CONNELL: What footing does the retaining wall have?

LISIGNOLI: As I recall, it was about 2 feet wide and about 12 or 14 inches deep, directly abutting the existing drainage.

CONNELL: The house abutting, what kind of construction does it have?

LISIGNOLI: Concrete slab.

CONNELL: When the Soil Conservation Service indicates that the soil has moderate to severe limitations, what does that mean?

LISIGNOLI: It's their report so I'm not qualified to say, but I know a couple of things they were referring to particularly were the swelling of the ground from times when it rains to when it dries.

CONNELL: Soil primarily clay?

LISIGNOLI: Yes, it is.

CONNELL: In terms of the substantial grade and waterflow problems, potential hazards, mud and building slides, do you have some data as to potential problems?

LISIGNOLI: Only from the extent of the amount of grading that appears has to be done to accommodate the housing in the development.

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CONNELL: How much grading?

LISIGNOLI: I'm not qualified to say. I'm strictly going from the section drawings which is the one you see behind you which shows existing land line and the grading that will have to be done.

CONNELL: You mentioned all of the land areas which are available for residential zoning, where is that land?

LISIGNOLI: I don't have it at the minute but I'm certain there must be other areas that are far more desirable for residential development than an area with possible underground seepage.

CONNELL: If your community organization would like, the Department of General Planning would be happy to provide you with statistics on that. I think you would discover on the Island of Oahu, there is a substantial shortage of available residential property.

HOSAKA: I'm a little concerned about your remark on the substantial moisture on borings B-3 and B-12. I'd like to ask staff if we have that or is it summarized in our report?

MOFJELD: We do not have here the soils report or the drainage study but both of these have been filed with the Department of Public Works and have been accepted by them. I assume the borings relate to the soils investigation submitted by the architectural firm.

HOSAKA: Can I have your reaction on borings B-3 and B-12? Could you expand on that a little more? I'm not too much of an expert on--you're saying substantial moisture and we heard earlier or was led to believe there was no underground water or moisture.

LISIGNOLI: This is reflecting the idea from the report itself. We're not engineers in anyway. We had taken it from other reports we had read.

HOSAKA: You're talking to another layman. Could we get some guidance from staff? What governs substantial moisture? When they make a bore, they're not suppose to find water?

MOFJELD: I'm not an engineer either but the thing that happens is that these borings indicating the soils conditions and water condition which are engineering situations that drainage design or foundation design has to take into consideration for successful foundation engineering and drainage engineering.

HOSAKA: Yes, I realize that but is two bores out of I don't know how many bores they made, is that sufficient enough to cause alarm?

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SHEYBANI: Two are samples among other samples of borings that they have done and they have to make further. I believe the gentleman's comments about the houses that have problems with foundations, those are the ones that are closer to the lake area. We have had a planned development there but they have had to change their foundation design. They are doing that in the final drawing stages. That is right at the edge of the lake. As you proceed further away from the lake area, the top soil underneath is still persistent, apparently. These developments we're talking about is a different type. We're not in position to comment on it, the Department of Public Works and the engineers for the project are. The flat land at the edge of the lake, we have had some changing of ground condition because of the muck underneath and landfill. This project does not require landfill at all. However, the foundation has to be examined in detail by the Department of Public Works before approval is given. So far, preliminary report has been approved and accepted by the Department of Public Works.

LISIGNOLI: I wish to make one correction to your statement that the house by the water is shifting. It is not. It is on the slope.

SHEYBANI: Is it in the drainage area, in a valley or on a ridge? The level of it is how high?

LISIGNOLI: The whole area is a hillside. It's sitting on a plateau and part of the hillside. It's not in a valley necessarily.

HOSAKA: Were the borings done after September 30th when Hogan, Chapman and so forth made their preliminary study?

RESPONSE FROM AUDIENCE: No, they were made before that date. Ernest Hirata, the soils engineer, he made them under Hogan-Chapman's direction.

HOSAKA: I'm still concerned that there's two borings that show substantial moisture. It might be wise to get a representative from the engineering division to expand on that one thing.

MOFJELD: The preliminary drainage plan and hydrology study has been accepted by the Department of Public Works. In other words, they have indicated no alarm and have approved the project in a preliminary manner. Now, as the project goes into final construction drawings, more borings will have to be done, more detailed engineering studies made, and the final engineering documents approved by the Department of Public Works. I'd like to point out in our conditions under Director's comments and recommendations under the drainage study, we're asking that the applicant shall undertake--that is if he was to get the issuance of the grading permit--a drainage study to determine or resolve any potential danger due to affected areas due to drainage from the project site, to review approval by Department of Health, Department of Land Utilization, and Department of Public Works. Hydraulic calculations

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must be approved by the Department of Public Works before the issuance of grading permit.

I'm sure these engineering concerns will be met before a grading permit is to be issued by the Department of Public Works.

HOSAKA: Probably the same assurances were made with these two houses though that seem to be shifting around. That doesn't sound like a very assurance at all. There's no guarantee at all.

CONNELL: Also keep in mind that a house which is on slab and if the land shifts, is going to have a lot more damage than a house that is on post and piers. The elasticity on concrete slab is very nill. We ought to keep in mind, we're talking about two different foundations.

The other thing is it's not at all strange in Hawaii to go down 12, 13 feet and hit moisture.

HOSAKA: Well, this is what I want to determine.

CONNELL: The core as it is pulled, they will measure, it could run anywhere from straight on up. This is part of the thing Public Works looks at.

LISIGNOLI: What seems to be missing here is what is an acceptable amount of moisture which seems to be the question, substantial, excessive or is it acceptable.

CONNELL: I think again this is one of the problems, when the engineers look at the sample, they're putting their professional credability on the line and the possibility of suits if anything should happen. The city engineers put their job on the line.

Let's look at the problem in terms of moderate to severe limitations in terms of soil. Most of the soil in the Ewa Beach area is classified the same way. Again, it's the elasticity of clay and the movement. The Island of Oahu is substantially filled with this kind of soil. The Department of Public Works has checked this out. There is further checks on it as you will note in the conditions put out by the Department of Land Utilization. There are far more studies which have to be done before that building permit is finally issued. This is why I asked earlier whether you had specific data that indicated there would be these problems. I certainly appreciate the concerns of the people in the community but I think we also have to appreciate the fact that it's the city engineers plus private engineers that have looked at these problems and have indicated that they don't see these vast concerns.

LISIGNOLI: One thing I find a little confusing is the fact that, again referring to this report I referenced in the statement, in October '72, the Department of Agriculture, Soil Conservation, I realize the statement they made that it has severe limitations. So, there's got to be something there. We have one group saying one thing and another group approving the same place.

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SHEYBANI: The U. S. Soil Surveys are always like a footnote on every letter we receive, and are based on shallow ground surveys at five-foot depths. They have data for the whole island. There are four categories, severe, medium and so on. They have this footnote that the final decision and suitability of land should be made based on further survey and soil study. That footnote could be included in the report to mention what the depth and the source of information is. This U. S. Soil Conservation information is the basis of the Department of Public Works review of the grading plan. As a matter of fact, the grading ordinance calls for compliance with the U. S. Soil Conservation Service.

As to the question that they have checked previous foundations and still have problems, we don't know of any monitoring agency in the city to ask, besides Public Works, to check the foundation. If you have any thought in mind besides the Department of Health, the Department of Public Works, and other agencies that you mentioned, our agency for landscaping and architectural treatment of the units, we would like to know what agency to go to check the foundation. We usually ask the engineer for the foundation of the building to find the foundation drawings and stamp.

As to the matter of inspection, that is one matter that has to be improved. Other than that, we don't know what agency to see to control and to make sure this does not happen.

HOSAKA: Well, you're not saying we're unreasonable in asking for this because this is a public hearing. If we're not completely satisfied with some of these remarks, I think it behooves us before making a decision to have an expert here. You yourself admitted you're not an engineer or expert on this. All I want to know is there's two borings that show substantial moisture. Although it was said that won't cause alarm, let's get the experts to say that.

SHEYBANI: We can ask Public Works to explain this. Also, we can ask for additional requirements that foundations be checked by inspectors of Public Works on site if need be.

HOSAKA: Those provisions are listed in the Director's recommendations.

SHEYBANI: The provision is that the Public Works approve the foundation and grading plan.

HOSAKA: Well, I don't want to wait until then. I want to do it now.

SHEYBANI: There is no foundation now to check. This is tentative approval at this point. When the final design, building plan and grading plan, is developed, that is when the final foundation design is developed. You could require that they finalize their plan, go through approval of foundation and then come back and get tentative approval. That could be done if you wish.

HOSAKA: Mr. Lisignoli, based on the discussion that we've heard from staff, are you satisfied with the substance of our discussion? Would you be more satisfied if you had someone from

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Public Works to come in and talk about this boring? I don't want to put undue delay on the developer, and yet I want to be sure that we cover the waterfront You brought up this thing about the boring and I'm on it, sink or swim.

LISIGNOLI: Well, that's one of the main reasons we put it in here. It's even of greater concern when you consider the fact that some of that area that houses will be sitting on be it in a minor portion, is going to be fill, that kind of soil when it gets wet has a greater tendency to slide. So, we're even more concerned as to how much water is running underneath that ground. Our concern was increased when we came across this house a few blocks away that has shifted. It was supposedly on firm ground. I would very much like to see more detailed information as to how concerned should we be.

HOSAKA: Well, I'd like to request of you if there is a delay in the public hearing, or a delay in the decision that you do bring further evidence. Either give it to the Chairman or to any one of the Commissioners or myself in terms of pictures and so forth of the two houses that you named because right now we're talking off the top of our heads.

KAHAWAIOLAA: I would like to add that you check out the two sites and see whether it was landfilled.

CHAIRMAN: Further questions? If not, thank you, Mr. Lisignoli.

Next, Ellen Ho.

2. Mrs. Ellen Ho, adjoining property owner

ELLEN HO: I live at 1331 Akiahala Street. My home is one of the abutting properties of the concerned development. I would like to ask your support in denying the zoning change from the present P-1 designation to R-6. My primary concern is the steep topography. I would like to quote from the State of Hawaii Land Use District and Regulations Review 1969, page 50, to help substantiate my concern. We had recommended to the Commission that the portion makai of the highway remain in the present Conservation district because of the steep topography and the potential erosion and runoff problems. Despite the consultant's recommendation, the State Land Use Commission changed the State Land Use designation from Conservation to Urban. Are you also going to change the zoning regardless of the terrain? This area is very steep and when it rains, which is quite often throughout the year, the water runs down the mountain like a river. I ask again for your support in denying the zoning change from the present P-1 Preservation to R-6.

CHAIRMAN: Questions, commissioners?

HOSAKA: How long have you been in your home?

HO: Two years.

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HOSAKA: Any shifting in your home?

HO: Our concrete foundation is pretty good but we've had problems with fixing the pipes. We've had to dig it up and have it changed.

HOSAKA: How about your neighbors?

HO: Yes, it's shifting. They've had trouble with the backup drainage.

CHAIRMAN: Commissioners, further questions? If not, thank you. Next, Warren Jenkins.

3. Mr. Warren Jenkins, adjoining property owner

WARREN JENKINS: I'm going to have to speak off-the-cuff because I thought I had a prepared statement but you all sort of knocked it down. So, I'll touch the areas that I want to talk about.

There is as Mr. Sell says, a concrete catch basin which runs around the back of the property. What I want to point out is that in several places, the water is caught coming down the slope right along the sides through the yard. There are no concrete pipes. So, what have we got? After a couple of years erosion of that soil from water, come look.

Number two, my wife and I moved in about 2½ years ago. We planted banana and papaya trees right up on our property. These are trees that hold dirt very quickly especially in Hawaii. The soil here is not conducive to growing any kind of vegetation of substance. So, the regional buffer the architects talk about, the trees? Take a look at the drawing, beautiful art work. Look at the trees, how many years will it take to get there? This is part of the concern of the community. These houses (referring to rendering displayed) are about 30 to 40 feet high, and yet they're sitting above the roof level of the house below. Now, this is going to be a 20- to 30-foot high tree? Can you imagine the expense bringing that stuff in here just to make this regional buffer?

Time and again we have heard references about this slope. I'm sure in any kind of development, engineering can take care of it, but there is the expense depending on what we're talking about. Maybe those $90,000 townhouses will be $120,000 when we really take a look at the expense involved in correcting some of these problems.

Consider this, it seems to me from the discussion I heard at the beginning of this session, that the magic number is somewhere around slopes of 20 to 35 degree slope. Look at what Mr. Moriguchi presented

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you. If you look at the slope drawings of this area, it seems that over 50% exceeds 20%. Much is 30% to 40% and some over 40% slope. We can get cute and play with figures and say we can do this and we can do that.

Concrete slab. Don't you know that concrete slab shifts more when you're talking about footings and all? Cut a leg off the table and the whole table moves. I'm not an engineer but I know concrete slab distributes weight. So, if a building with a concrete slab shifts, you really got problems.

I took a look very briefly at the--I don't know what the technical term is but the hydrological report provided by Mr. Harada, all Mr. Harada is stating is what is there. He's certifying what is there. He's not certifying that more soil will make it perfect. Now, if two samples, a dozen, two dozens, whatever, indicates some moisture not even substantial moisture, isn't it well to be concerned? The Board of Public Works has said that preliminary studies seem to be okay. That's just what they point out, it's preliminary. We would need the detailed studies, they say. I venture to say that if Lone Star really did the work, they should have had that today.

Add that all up, $90,000 average. Based on what? Based on what they presented here is what I'm saying. That would seem to be reasonable to me. I'm a part time real estate salesman. One of the things I have to know is how to calculate monthly mortgages based on the selling price. So, you take $90,000 and you figure what will the buyer's monthly mortgage be if he bought a home at that price. In today's market, 20% is nothing. Don't come talk to us. So, let's say he has $30,000 as a downpayment. Being very conservative using 9% interest, add to that the maintenance fee--It's $50.00 a month at Mililani, add to that property taxes, add to that insurance, and I tell you he's got a mortage of over $600, and I'm conservative. Use the base ratio of 4 to 1 conservative on a $600 a month mortage, and you have to make $2400 a month family income, multiply that by 12 and $28,000. Now who, except maybe Mr. Connell, makes $28,000 family income? I certainly don't make it. I venture to say that the people who live along here (referring to rendering) wouldn't live here if they made it.

That's my point of view. Take it for what it's worth.

CONNELL: Even with my wife working, we don't make that much. Is your concern that the developer is going to lose his shirt?

JENKINS: I think if the developer was truly being responsible, they would have accepted the study--see, we came in before two years ago. That's where the U. S. Soils Conservation report came from. Two years ago they came in and they were denied by your predecessors for a much larger piece of land of which that is only a part of. I feel if they were truly responsible, they would have accepted the

rationale for this decision to deny it, and go work on some of their other hundred acres they have around there.

Here's another thing. If you look at that drawing up there, this galls me because this (referring to map displayed) is residential and this is residential. What could be in the developers mind? When they laid out this area to be developed, they come along here with a road, and you think they go in here and tap that? No, they bend the road. You think they put in a road here and say stop at the residential line, here's preservation, we're finished with this? No, there's a bend in here for a reason. They go up the slope, 30, 40, 50 degrees bending it left. I saw the drawing, slabbed houses which would mean, as Mr. Sell says, retaining walls, etc. Cut into that mountain. That's what galls me.

SULLAM: Is it possible that we see the development that was proposed for this very same site two years ago?

MOFJELD: We could hunt it up but that is a valley situation which tapers off and then is sort of irregular which could be developable perhaps not in terms of single-family dwelling without a lot of grading, but as a planned development. So, the approach was 26 acres could not go into residential zoning but perhaps 5.1 could along the presently zoned residential land to create a development that would be feasible. The remainder of that 26 acres would go into P-1.

SULLAM: Then this is somewhat of a compromise. Actually, I was looking at the slope analysis and was wondering why you permitted so much of this land which is in preservation which is 30%, 40% plus to be part of this planned development. One would think when you go into preservation land, you'd be very, very careful and only take that land which is the maximum of 30% slope.

MOFJELD: Some of the steeper slope in making the boundary line is somewhat regular. Some of this area in 20% to 40% is not proposed for development. Some of this irregular land is a variation of contours in 30% slope. This is generally a kind of valley area.

SULLAM: Were you including some of the very, very steep land in order to get the density to do planned development?

MOFJELD: Not really. If it was possible to put it on the site, you could get 50% more, perhaps, dwelling units with your planned development density bonuses abutting preservation land just in terms of land area opposed to floor area. The density is actually less than what would be with subdivision. So, the line doesn't extend into steep areas in order to gain that density.

SULLAM: Well, I feel when we go into preservation land, we should be extremely careful. That's why we have preservation boundaries, to keep those lands in open space. If we go into them, we must have very good justification. They must be lands that are

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very buildable. I see here as I look at the map that you've included some very, very steep lands in this development when you take it out of preservation.

MOFJELD: I think you will find that area is not being used for development. It will be part of what can be landscaped as part of the development. It helps define somewhat regular boundaries but it is not in usage as far as buildings are concerned.

SULLAM: Then I feel why don't we just keep it in preservation. Why should we change the boundary?

MOFJELD: The point is under planned development, it's building there according to plan. This will be the ordinance that will be documented or one of them. These areas that you're concerned with will not be developed, and the maintenance will be assured as part of the responsibility of the homeowner's association.

CHOY: A question about the planting and replanting of the development to prevent erosion. He stated twice he tried to plant banana and papaya trees at the back of his lot and discovered that the rate of growth is rather limited. I realize that the Department of Land Utilization is also human and even the experts have made mistakes in the past. In expanding on Mrs. Sullam's train of thought, could it be that this particular site could also be one of those great big errors that we will be committing by taking preservation land and rezoning it to residential? I asked earlier whether an EIS had been developed, none had been and according to our Executive Secretary, it wasn't necessary. I think as an individual, that we're assuming a lot when we begin to take nature and play around with it. I am almost sure that the Director of Land Utilization has not gone into this area. I'm not speaking of this thorough academic planning. I'm not an expert in that but I think it would be a tremendous sociological impact when this particular development is permitted to be completed.

MOFJELD: Well, if your concerns are engineering concerns--

CHOY: Partial.

MOFJELD: Yes, but we can only give enough prudent judgment with the best engineering practices and local ordinances that we have available. The grading ordinances are presently strong enough. They have to be strengthened. But, within all possible engineering caution and design and public agency review, this project will be analyzed in the final drawing. There's always the possibility that there's an error in anything you attempt.

CHOY: Could you give me the rationale the Director of Land Utilization posed such a tremendous amount of conditions to such a development?

MOFJELD: It was to meet the possible engineering problems the site might have.

CHOY: So, there is a real risk that there are problems.

MOFJELD: We recognize potential problems. If we thought the risk was that great, that the project did not meet public health or safety values, we would not have given a recommendation for approval. The feeling was that within the engineering safeguards available to us in promulgating the review of construction documents, the project could be engineering feasible, subject to further site and engineering design analysis.

KAHAWAIOLAA: You were saying along the site there is a ditch.

JENKINS: A concrete catch ditch.

KAHAWAIOLAA: Along the road there will be catch basins. What the developer is saying is that anything coming from above the road will be caught at the road side because of these ditches. So, you're only worried now from the road down which would be less. That's what I understood the developer to say.

CHAIRMAN: Further questions? If not, is there anyone else who would like to testify against?

JANE HORIKAI: I just have a question. Am I correct in assuming when he stated that Lone Star would come in later, if they got this change in zoning and downzone the rest of the area? The area is approximately 150 acres. After he develops this 10 acres, is he saying he would downgrade the remaining 140 acres or so that he owns?

MOFJELD: At the moment, he's asking for a general plan change. At the moment, the boundary of the zoning area between R-6 and P-1, all of the area is residential in terms of the general plan. The general plan change is not conditional on this because he's already filed a letter of intent for the remainder of this 26 acres to go from residential to open space assuring that he or someone else could in the future apply for rezoning of this P-1 to residential, consistent with the residential designation on the general plan, whether this rezoning goes through or not. That letter was filed on October 21, 1974.

CHAIRMAN: Do we have anyone else wanting to testify? If not, Commissioners?

HOSAKA: I move to close the public hearing.

KAHAWAIOLAA: I second.

CHAIRMAN: Moved and seconded to close the public hearing. All those in favor?

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(The motion to close the public hearing was carried.)

CHAIRMAN: What is the pleasure of the Commission?

Dr. Choy?

M O T I O N

CHOY: Mr. Chairman, I move to deny this rezoning of 5.1 acres from Preservation to Residential.

HOSAKA: I second for discussion.

CHAIRMAN: It's been moved and seconded to deny. Discussion?

CHOY: I would like to clarify my stand for the motion I've made. Notwithstanding our Executive Secretary's explanation of the shortage of residential building sites, I feel very strongly about the excessive grading on this particular site for a planned development especially on the Windward side. I think there does exist other land much more desirable than what has been presented to us in view of the fact that the approximate site before us today has been denied two years ago. With this in mind, I don't see how this body then can move in two years and grant such a zoning change.

Secondly, the cost of the units. We were just given a figure of $90,000. With the price of real estate in this town, I have to agree with some of our witnesses that the price will probably be in the neighborhood of $125,000 to $150,000. It does not substantiate in my mind to help alleviate the housing shortage because it is directed to a segment of the public that really don't need this type of housing.

SULLAM: I will support Dr. Choy; however, it does come to my mind that probably this proposal is sort of a trade. I didn't realize that we had denied an application in this area two years ago and that the applicant was really going to put some even steeper land presently zoned residential into preservation. I wish we had been informed of all this. If we're going to be trading, then we look at this in a different light.

KAHAWAIOLAA: I have a question for staff. The 29-acre R-6 portion, could you explain that?

SHEYBANI: The total land in this area is 26 acres, 3.1 is in residential. There is another 5.1 acres to make it 9 acres. All together the land general planned is 26 acres. He's asking that 9 acres be zoned to residential. We're going to put the rest of it back into preservation as far as general planning.

KAHAWAIOLAA: The rest of the 26 is in P-1?

SHEYBANI: As far as zoning is concerned, it's in P-1 yes, but general planned for residential. Usually you have the reverse of

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this, land that is general planned for preservation and zoned for residential, one step ahead of the general plan.

SULLAM: However, zoning is the use that one must abide by legally.

SHEYBANI: That's true.

SULLAM: So therefore, all of this trading really isn't quite necessary in order to keep this in open space.

SHEYBANI: Right. On the other hand, zoning should comply with the general plan.

TAKEHARA: In regards to Fredda's concern about 2 years ago, it's a little different to me in the sense that we're asking just for a portion of it, in order that the developer can build.

CHAIRMAN: Before we even go into the subject of what happened two years ago, I think it would do the Commission good to find out if it is really true it was denied two years ago, and exactly what was denied.

TAKEHARA: Also, the discrepancy in the report where one set of experts tell us it's acceptable and another report shows concern that it is hazardous to build on regarding the shifting, drainage and so on.

CHAIRMAN: What would be of interest would be on what grounds it was denied.

HOSAKA: If I remember correctly, the soils report is two years old. Possibly we should get further data on this. I'm not really sure in my own mind that I can vote with the motion. I would much prefer deferral of this application until which time we receive this kind of testimony from Public Works, and also ramifications of that 26-acre development.

CHAIRMAN: After listening to the discussion, I would certainly suggest that the matter be deferred.

MOTION WITHDRAWN

CHOY: As maker of the motion, I would withdraw my motion very reluctantly. I've sat here for a whole year and I've heard supposed experts and engineers before us testifying, and I have never as yet ever been even partially satisfied with the type of material presented to us. Often times, they don't even show up. I think this is for nought. Because of this, I do withdraw very reluctantly.

HOSAKA: The second withdraws.

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M O T I O N

HOSAKA: I'd like to move that we defer action on this application for two weeks for further evidence in terms of-- I'm sorry Wil but I'm going to ask for experts--soils experts from Public Works and other bodies if staff can round these people up, primarily runoff, the soil tests and the like, and also to have further input on the application two years ago.

TAKEHARA: Second.

CHOY: I'd like to speak against the motion. When we do such as we have, we're closing the doors to the neighbors and the people living around there since the public hearing has been closed. Because of this, I think the developer would be the only one that would be sitting in a better position whereby he could submit further study.

HOSAKA: I see Wil's point of view there and it's a point well taken. I would strongly like to suggest to the people who testified against the application to be in the audience so that we can ask them questions. I think we should be fair about this.

CHOY: If you make this part of your motion, Don, I'll concur.

CHAIRMAN: Well, we can't force the people to come. We can only suggest that they be here.

HOSAKA: I'd like to add that we would like to urge those people that did testify to come back again. In fact, I requested one of them to have some pictures and other input that is pertinent to this situation. If these people would kindly consider this, and we're doing this on your behalf, that they plan to be in the audience two weeks from now.

CHAIRMAN: The same offer is made to the developer.

KAHAWAIOLAA: Since we've asked this of both sides, I'd like to suggest that we reconsider closing of the hearing.

CHOY: I agree.

CHAIRMAN: There's a motion on the floor.

HOSAKA: Question.

CHAIRMAN: The question has been called for. All in favor of the motion to defer?

(The motion to defer was unanimously carried.)

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M O T I O N

CHOY: I would move that we reopen the public hearing.

KAHAWAIOLAA: Second.

CHOY: Question.

CHAIRMAN: Question has been called for. All in favor?

(The motion to reopen the public hearing was unanimously carried.)

The public hearing was kept open, and the matter was deferred for two weeks.

ADJOURNMENT: The meeting adjourned at 6:17 p.m.

Respectfully submitted,

Henrietta B. Lyman
Secretary-Reporter

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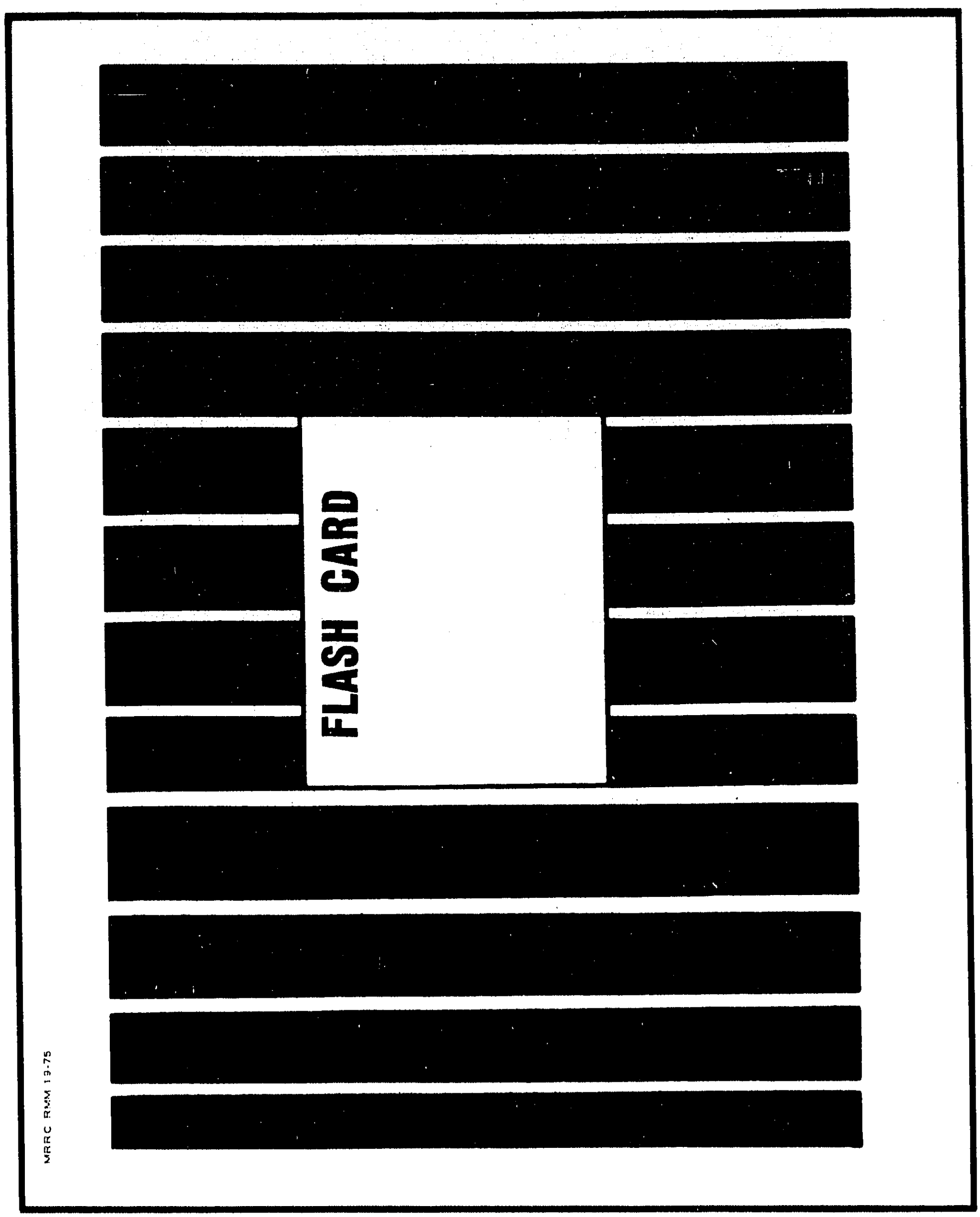

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DEC 11 1974

Meeting of the Planning Commission
Minutes
December 11, 1974

The Planning Commission held a meeting on Wednesday, December 11, 1974 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:	Randall Kamiya, Chairman Dr. Wilbur Choy Donald K. Hosaka Antone Kahawaiolaa Fredda Sullam Alice Takehara
ABSENT:	Charles Duke, Vice Chairman
STAFF PRESENT:	Robert R. Way, Chief Planning Officer Eugene B. Connell, Executive Secretary Stan Mofjeld, Staff Planner Betsy Marcinkus, Staff Planner
PUBLIC HEARING HAWAII CAPITAL DISTRICT APPLICATION (BUS SHELTERS) C&C DEPARTMENT OF TRANSPORTATION SERVICES (FILE #74/HCD-17)	A public hearing was held to consider a request for a Certificate of Appropriateness for installation of two bus-shelters--one on Beretania Street, the other on King Street, Tax Map Keys: 2-1-23: 16 and 2-1-25: 3. Publication was made in the Sunday Star-Bulletin/Advertiser on December 1, 1974. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the request. The 8-foot height of the proposed structures is well within the height limit of the district (65 feet). There is no open space requirement. One shelter will be located on the mauka side of Beretania Street by the State Department of Health Building, and the other on the makai side of South King Street near the Punchbowl intersection.

The Director recommends approval of this application, subject to the following conditions:

1. The roof of the bus shelters be painted in nonreflective, unobtrusive color to reduce glare.

2. The final drawings for the bus shelters include provisions for coordinated lighting, street furniture and signs.

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

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Received into the record at this time was a letter from Mr. Riki Nishioka, State Public Works Engineer, State Department of Accounting and General Services, which states:

"While we are generally in favor of the proposed projects, we believe the following items must be resolved before the projects will be acceptable to our department:

A. King Street Shelter
   1. We assume that the shelter will be located on State land. If this is the case, an easement in favor of the City and County of Honolulu must be drawn up for the piece of land on which the shelter will be located.
   2. The King Street shelter will be located within the most sensitive area (as defined by the plan submitted to the City Council by John Carl Warnecke) in the State Capital Complex. We have not been afforded an opportunity to review the plans and are concerned that the design may not be compatible with the location. We would also like some statement on frequency of maintenance.

B. Beretania Street Shelter
   1. We have forwarded your request to the Department of Land and Natural Resources for comments since if the shelter is to be constructed on State land at that location, it will be on a parcel under their control.
   2. The City and County Traffic Engineering Division, Department of Transportation Services, has by letter dated January 28, 1974 requested that a driveway be constructed from the Health Department's parking lot to Beretania Street in approximately the same location as the proposed bus stop. We believe the locations should be coordinated within the Department of Transportation Services.

In view of the above, we recommend the Certificate of Appropriateness be denied at this time. The projects should be resubmitted at a later date when proper coordination has been effected."

No person was present to speak either FOR or AGAINST the request.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the application, on motion by Mr. Hosaka, seconded by Mr. Kahawaiolaa and carried.

AYES - Choy, Hosaka, Kahawaiolaa, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Duke

UNFINISHED BUSINESS
GP/DLUM AMENDMENT
HAIKU-HEETA
UNITED DEVELOPMENT
CORPORATION
(FILE #206/C1/25)

Public hearings held October 2 & 16, 1974 were kept open on request of the developer's attorney. The public hearing of December 4, 1974 was closed and action deferred for further study by the Commission.

Questioned by the Commission whether a study had been made to determine precise grading, landfill, and buildable lot area, Mr. Way stated: "No, I don't think we went into careful calculation of that. Under the proposal that we have, there would very likely be a different configuration for the subdivision. In effect, what we're really talking about is whether we will permit a maximum subdivision within the total area of some 12 or 14 lots or something less than that. That's what the end product will be. Under the proposal that I have, it would limit the area to something--and I'm only roughly estimating--maybe half that number of lots that would actually be developed. We have made no site study of that nature. It's quite premature at this stage."

ACTION: The Commission concurred with the recommendation of the Chief Planning Officer and adopted the following recommendation reflected in his addendum report, on motion by Mrs. Sullam, seconded by Mrs. Takehara and carried:

1. Reduce the area presently shown on the Haiku Detailed Land Use Map for Residential use for the subject area from 11.9 acres to 10.7 acres, instead of the 11.9 acres to 9.3 acres indicated in the earlier proposal of September 18, 1974; and

2. Increase the current Preservation designation from 6.2 acres to 7.4 acres, instead of the 6.2 acres to 8.8 acres indicated in the earlier proposal.

AYES - Choy, Hosaka, Kahawaiolaa, Kamiya, Sullam, Takehara
NAYES - None
ABSENT - Duke

STATE LAND USE
COMMISSION PETITION
KAILUA
(KAWAINUI MARSH)

Submitted to the Commission for review and recommendation is a petition from the State Land Use Commission to amend the Urban-Conservation District boundary in the Kailua (Kawainui Swamp) area. The petition requests a change in State land use district designation from urban to conservation with the purpose of increasing the boundaries of the proposed Kawainui Park.

Based upon review and analysis of the petition, the Chief Planning Officer concludes in his report dated December 6, 1974 that in essence, the Land Use Commission's proposal for a change from the Urban to Conservation District relies upon a City Department of Recreation proposal to implement a major park facility in the area. Since a park such as that which is being proposed can be appropriately implemented in either the Urban or Conservation District,

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there is no essential reason for changing State Land Use District boundaries. In fact, if this area is placed in the Conservation District, the proposed urban type of park uses may be inappropriate. This is not to say that legitimate reasons do not exist to exclude all or portions of the subject areas from potential urban encroachment. All of the issues pertinent to the proposed change in the State Land Use District boundaries are currently being addressed in greater depth within the scope of an evaluation of a request from the Department of Recreation for an amendment to the General Plan-DLUM. Analysis connected with this request and its evaluation will provide an appropriate basis for whatever changes in land use policy may be needed with respect to the relatively detailed relationship of urban and conservation uses in the Kawainui Swamp area.

On the basis of evidence submitted in support of the proposed Land Use District Boundary change which, for the most part, relates to a relatively detailed land use issue, the Chief Planning Officer does not believe that favorable action on the part of the Land Use Commission in this matter is either appropriate or necessary, and recommends that the subject petition be denied.

The following discussion transpired.

SULLAM: Somehow it would seem more logical to me to place these two additional portions in conservation too so that the entire park will be in conservation. The stipulation under conservation district even specifies that park lands should be in conservation district. It says lands necessary for providing and preserving park lands, wildernesses and beach reserves, et cetera, et cetera. Park lands seem to be a very definite category that has been described in conservation.

MARCINKUS: However, the emphasis is definitely on outdoor recreation, in other words--hiking, camping, on the water-oriented recreation in the conservation district. The point we're making here is that once you've introduced these much more intensive kinds of urban park uses, then it is more appropriate that it be within the purview of the City and County for the planning. We feel there's no problem whatsoever in planning for an integrated park for Kawainui Marsh which has some of its area in State conservation, the part that is water oriented and some of the area in urban designation.

SULLAM: The park that is in conservation would not be under the jurisdiction of the City, is that it?

MARCINKUS: The City and County Department of Recreation would have to deal with the State Department of Land and Natural Resources through their regulation four, in order to implement a park in the conservation area, whereas, to implement a park in an urban area is within the purview of the City and County.

WAY: One other point to the question which has to do with the general plan and as we did point out in the report, a portion of

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it is designated by policy for an agricultural use. In fact, a portion is being so used.

Again, I think the key to this in appropriately responding to SLUC is really looking after the County's general plan and sorting out the associate land uses which procedure is underway. It has a number of ramifications involving other competing public uses. There is a question of the highway now shown on our adopted DLUM, an extension of Kalanianaole Highway. There is a question of use of some other public facility. I think the proper form for sorting out these land uses first is at our general plan level, and then we may deal with the question of whether all or portions of the park should be appropriately designated for conservation, urban, essentially those two.

SULLAM: Are these lands currently general planned for park or are they zoned R-6?

WAY: The designation is open space. There are a number of designations on the general plan, the major portion presently shown for open space use. I don't think there's any park designation specifically as you indicated yet shown on the general plan.

MARCINKUS: That's true. There's no park designation. Predominantly for both areas it's agricultural DLUM designation. There's also open space, the roadway, drainage, a small part of residential, and industrial.

SULLAM: My concern is, is it possible for some of these landowners to come in and proceed with the zoning that's specific and make it difficult to obtain these lands for park in the future?

WAY: It is possible. However, it's extremely difficult in this area to implement some of the zoning proposals because of the inadequacy of utilities.

SULLAM: That's one of my prime concerns that this land not be made unavailable to the City in the future.

CHAIRMAN: In line with what Commissioner Sullam is talking about, the State Land Use District Regulations Section 2.9(e) states: "Lands necessary for the conservation, preservation and enhancement of scenic, historic or archaeologic sites and sites of unique physiographic or ecologic significance shall be included in this District except as otherwise provided for in other sections of these regulations." Wouldn't it be better to have it in conservation?

WAY: We would point out, it's somewhat argueable it appears to me some of the criteria. However, then comes the question or the point, why not all of our parks in a conservation classification and what purpose it serves. I think this is the key point the Commission ought to look at. Certainly some lands, possibly

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state ownership more particularly befitting the nature of that description might very well be maintained in a State conservation classification. There's a question it's obvious we have an irregular pattern of districting in this location but I think it's important we felt at least again to point out that many of these points can be addressed and taken into account at the time that a new policy is set for just exactly where the boundaries for the park shall be and what more specifically it's nature and character should be.

CHAIRMAN: Did Parks and Recreation come out with any kind of a plan to what they want in this particular area?

WAY: Yes, I do believe they do have a plan. That's where we obtained some of the information on the kinds of facilities; however, this too is subject to further change. Many of the proposals in their current plan, and I think may be quite frankly, that's stretching the point to call it a plan.

CHAIRMAN: Do we have any kind of a timetable?

WAY: Not to my knowledge.

MARCINKUS: It's something that they're working on but they haven't reached the final conclusion either about the boundary or the specific uses for their proposed park.

SULLAM: Was there any recommendation from the Department of Parks and Recreation? Were they consulted?

WAY: Yes.

TAKEHARA: This proposal by the State Land Use Commission which they're proposing a land use designation of conservation, that does assure there would be no future urban encroachment or other kinds of encroachment in that area?

WAY: No. It may appear that way but the answer is no. In fact, there's a real question that many of us have worried about as to the range of latitude of uses that have been permitted in conservation zones through the years, and that, in fact, it has been viewed with some alarm simply because there've been even some commercial uses allowed in a conservation district. We have a couple of examples on Oahu and some examples on the neighbor islands as well. I think now that they have developed some regulations, we're a little better off in that regard but I don't think we could say 100% assurances that there would be no urbanization in the conservation district. For example, on Oahu there's the so-called Paradise Park which is in a conservation district, a commercial operation.

MARCINKUS: Hawaii Loa College too.

WAY: Hawaii Loa College was permitted in a conservation area, another example of a purely urban use. So, it raises a question.

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HOSAKA: I'd like to know by the redesignation of the land boundaries by the State, would that hamper or enhance the concept that's outlined by DOR?

WAY: From my perspective, I don't know that it's a plus or minus necessarily. It's already been pointed out however, it and when a specific proposal to implement portions of the park, whatever, it is subject then to the review by the Department of Land and Natural Resources. Whether that can be considered a hindrance or help, I don't know. It's simply another element introduced into the process so to speak. If it were in an urban classification, our Department of Recreation could simply proceed pursuant to whatever our own requirement might be.

HOSAKA: By the same token, by redesignating it to conservation, wouldn't it lessen the chances of developers coming in? In other words, here's conservation. It would be very difficult.

WAY: That's arguable.

HOSAKA: Even though you've given us two examples. It's R-6, R-4. They could conceivably build on it. Look at this Dillingham project that came up, the shopping center that was proposed. They must have gotten some agreement by the landowners there in using their lands for a shopping center. I think the public is a little concerned about the fact that there are these pockets of urban zoning that can be built on.

WAY: Keep in mind however, that just because they are designated conservation does not prevent the Dillingham's or anyone else from coming in and proposing further urban-type uses on the area. That doesn't stop them from proposing general plan amendments. That's up to us and the Council to ultimately decide. So, conservation designation doesn't prohibit that from occurring. In the case of the zoning, yes, that is to say if they propose residential use and could otherwise meet the facilities and other requirements for that parcel.

HOSAKA: Also, wouldn't perhaps the redesignation, I don't know, lower the value of the land, therefore make it easier for the City to buy the pieces of property, or should we leave it in urban and but it at urban prices later on?

WAY: Well, I'm not so certain. I don't know how to answer that one. What are they going to come up with by way of evaluation is up to the appraisers. I guess all too often I've seen the situation occur that the appraisers take into account some sort of potential urban use whether it's designated urban or conservation or not, and whether it's altogether suitable for use. It's a question I don't know how to answer.

HOSAKA: To me, it behooves the City to take this approach of perhaps conservation which would more than likely than if it were urban, lower the price in the future if DOR is continuing their pursuit in an integrated park use of this swamp area.

SULLAM: Has the City any plans as to when it's going to

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purchase these two parcels?

MARCINKUS: Not to my knowledge It's awaiting finalization of DOR's plans and specifications of boundaries.

WAY: I'm uncertain of that We would have to check CIP but I believe some pruchase is contemplated within that period. But again, that's contingent upon sorting out the general plan questions of precisely what and where should be park and what should not. Then, we can specifically program the funding Many of these questions you're talking about are general plan issues. Please understand, that's part of the problem. We're uncertain and unsure because here is a mere Land Use Commission petition, sort of a 45-day return around situation where we're suppose to say yes or no with our policy clearly not well established, and in fact being brought into question. There's a lot of issues that need to be sorted out and the place to do it is at the general planning review, not here

HOSAKA: Well, knowing what you've progressed on the GP so far, do you think that the petition if approved will in any way curtail your movements or maneuvering for boundary changes in the future? In other words, is it contrary to what you're thinking about in that area?

WAY: Contrary to present plans.

HOSAKA: Because as far as I can see, I can't see why we cannot recommend approval of the petition. It seems legitimate, something that's warranted, and we should go ahead with an approval. That's what I think.

WAY: It's contrary to your adopted policy is what you're saying. The Commission has made a number of these reviews and on similar lines, and well established the policy that you must recognize the general plan first Now, if you want to substitute your judgment for the policy, that's what you're doing. That's your choice.

CHOY: Is there any time constraints for reply back to the Commission and number two, would the LUC then go ahead to make the boundary change regardless of our recommendation or not? Do they have that prerogative?

WAY: Yes, on the latter question irrespective of what your recommendation may be. The answer as to a time constraint, we get a 45-day turnaround plus a 15-day. We normally run pretty close to that. I'm not exactly certain where we stand. We could check that.

CHOY: Then in other words, regardless of what is discussed here, if the Land Use Commission saw fit to go ahead and redesignate the boundary change, they could go right ahead and redesignate the area in question to conservation.

WAY: The Land Use Commission could make the decision. They have the authority.

You may remember at one point, the Commission was quite supportive of a concept which said that the Land Use Commission could not make the changes to the boundary except in accordance with the general plan. This has been supported by other counties as well. I'm unsure precisely how to say where that support has come from, some commissioners, some planning directors and so forth. I think it's basically rather sound that too often the Land Use Commission does not give appropriate recognition to the respective counties' plans in making these boundary changes. There are a couple of good examples--the 735 acres of urban land designated in Kahaluu which is shown agricultural on our general plan. That's just one that comes to mind.

SULLAM: In other words, the county is not ready to put this land into park.

WAY: That's correct.

SULLAM: You're uncertain of the configuration of the land, whether it will be larger than the parcel that the Land Use Commission has specified or smaller.

WAY: That's correct, precisely. The other thing is it's a situation not unlike that which we faced recently in the boundary review where this Commission asked the Land Use Commission to hold on boundary changes until we had a policy on our new general plan. In effect, this is an identical situation at a smaller scale. It's involving a specific boundary situation. So, that's what I was getting at. When we're adjusting the county's policy, it might be more prudent to keep that in mind that we have a kind of position before the Land Use Commission.

SULLAM: When will the County be ready to proceed with a recommendation putting this land into park?

WAY: I don't know.

HOSAKA: Would it be appropriate to get some comments from the representative from the Kawainui Ad Hoc Committee?

CHAIRMAN: If that's what you want.

HOSAKA: It seems like this Ad Hoc Committee has done quite a bit, and perhaps could throw a better light on the situation, more than we've read so far.

MURIEL SETO, CHAIRMAN, KAWAINUI AD HOC COMMITTEE: Thank you, Mr. Hosaka. I really appreciate this opportunity. The Ad Hoc Committee for Kawainui Regional Park approached the Land Use Commission and indeed had our own petition before them during the 5-year boundary review at the request of the Department of Recreation because at that time the department felt very strongly, and still feels that way, that their position for protecting this land

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until all of the necessary scientific studies have been completed and so that they may know exactly how they can make some kind of firm conceptualizations as to how the park will be developed, this would give additional protection to the lands in question and perhaps at least would put one other layer of protection in this area until they have such firm plans. To this end, we did petition the State Land Use Commission For whatever reasons of their own, they chose instead to initiate their own petition, outside of the 5-year boundary review. It is our very great hope, of course, that this Commission will then affirm that petition Because, it will be helpful in protecting the land for everybody that lives on this island. The fact that some of the boundaries are still in question, certainly does not apply to subject Area I. There's no question about those at all. Those up on the hillside, certainly there are questions there However, it seems to me this is a golden opportunity to give the protection to this major area, the larger area especially in Area I.

Just as Mr. Way has pointed out the present policies are subject to change, there would be absolutely nothing opposed apparently to your determining to go against the existing policy knowing that change is coming.

Also, I had made a note of another remark of Mr. Way's. He was pointing out all the kinds of activities that can take place in our conservation lands. I might point out that if this were in conservation, it might alleviate some of the dangers for instance of highway costs crossing the marsh, at least it would give that additional protection as well as any other urban development. The fact that one can have recreation within the conservation zone, if at some future time if we have this conservation designation, at some future time even with regard to hillside properties, at that time, those particular recreational activities, we could then request the changes to suit them but in the meantime, we would have an overall additional protection for the entire park till a concept is firmed, based on the integrity of the marsh.

HOSAKA: You've been working with the Department of Recreation quite closely?

SETO: Oh yes.

HOSAKA: How far are they along on their plans? Apparently some of the information has not reached the staff. What portion of that haven't they seen?

SETO: I'm sorry for that. For one thing, the people in the Department of Recreation keep pointing out to us that when we have objected to certain aspects of the concept presently before the Chief Planning Officer, this is only a concept. They have learned that there may be a great deal more to the marsh with regard to its ramifications for other areas including our bays and seas. They have decided that until the conclusion of the limnological

survey, and until they know what this entire ecological entity is consisitng of, they are loathe to become firm about where anything is done as far as developing it is concerned. This survey is going to take about a year. Now for this reason, we would very much like to have this extra assurance given that at least one other step in the process for land usage to be put into protection for the area.

HOSAKA: When did this survey start? Has it started already?

SETO: The discussion having to do with what will be required has been completed and those recommendations made to DOR. The people to be assigned these jobs to determine who will actually do the survey have not yet been worked out. I believe it's hopeful they will be able to utilize as much as possible those people who are at the UH and qualified to do this and through the State Fish and Game. Because you see, ultimately in the heart of this park there will be a wildlife sanctuary. This wildlife sanctuary will have to be maintained and overseen by people at the State level. This is a golden opportunity through the action of this Commission to show some State and County harmony toward an end goal which is a part of absolute uniqueness. There is no other tropic marsh land park in the world.

HOSAKA: The Hawaii Fish and Game Department has not started a survey, is that correct?

SETO: Yes, in the sense that they have determined what it is they need to know and what kinds of scientific disciplines will have to be called upon.

HOSAKA: So the year you suggested for the survey to be completed has started?

SETO: No, I would think this can start almost anytime now. So, it would be a year probably by next January by the time we would have all the information necessary. This does not mean, Mr. Hosaka, that planning can't accompany that. As scientific data is accumulated, then they'll know okay, here is where the water channels are, therefore we can plan the waterways in this area. Other areas may not be used for this or that and therefore may be filled and used for picnic grounds and so forth.

HOSAKA: As far as you know, are there going to be other surveys that perhaps would be under a scale of the ending of this other survey by Fish and Game?

SETO: Not to my knowledge, Mr. Hosaka, no.

HOSAKA: The area is so large, I could see survey upon surveys being made and nothing being done.

SETO: No, it has to be multi-disciplined or it would be of little import besides which the Department of Recreation is anxious

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to get with this. After all, the first portion of this was purchased, what 11 years ago, after many threats on that land. We want to avoid that during this critical time by having the potential threat of the landowner and/or developer bringing such other question to bear here.

CHOY: May I request Mr. Sandy Holck, the newly elected Windward Councilman to give the Commission some of his ideas and feelings on this petition?

COUNCILMAN HOLCK: Thank you, Mr. Chairman. She's said everything I wanted to say here except that I want to emphasize that as long as the area in question remains in urban, we will continually have people applying for development in that area. Her point that was just brought up is to make sure that this place is rezoned to conservation and to protect it now. This is what I'm for. If it ever gets to the Council level, this is what I'll be fighting for.

HOSAKA: Apparently as our Director had just indicated, the petition is somewhat contrary to our present general plan. What are your comments on that?

HOLCK: Well, I haven't seen anything in the general plan to show the contrary except for the opinion from Mr. Way.

TAKEHARA: What about the statement of Mr. Way in regards to assurance that urbanization cannot encroach into conservation, because it's still possible. Do you realize that?

HOLCK: As long as it remains designated urban, we will continue I believe, to have people applying for development in the area. I think we should protect that area by redesignating into conservation now to eliminate all these things.

TAKEHARA: Are you saying if its redesignated conservation that urbanization cannot take place in there?

HOLCK: I'm not saying that. I think that perhaps in the overall plans in developing into a conservation park, animal sanctuary, that perhaps there maybe a call for some sort of urban development in that area. I don't know what it is. It could be a building for a museum or what have you. But, I think it's easier to accommodate such a plan if it is within the overall plan to change from conservation back to urban to accommodate such things.

CHOY: May I request Mr. Duran to step forward so that we could ask him some questions?

CHAIRMAN: Mr. Duran?

SULLAM: Mr. Duran, you were aware that eventually the City and County sets the policy--that is, determines what use it's

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going to put land to. In this instance, it seems the State Land Use Commission wants to set the policy. What is preventing the City from going forth and setting the policy until this date? I mean, it hasn't even done so at this date.

DURAN: I'm sorry, what prevents the City from setting the policy, is that your question?

SULLAM: Yes, setting the policy with the recommendation from DOR. You are from DOR. You certainly would know to what extent the park will be and which lands will go into the park.

DURAN: Well, there's nothing from preventing the City from setting the policy unless the State choses to put property in conservation, and then they supersede County zoning and also the general plan.

Bob's right in a way in saying that conservation has been misused in the past. There's nothing to say that urban uses couldn't occur in conservation districts in the future. I'd like to think that it does give our department additional protection in lands that we would like to acquire, at least immediately while the zoning still is residential and agriculture. We feel that the area we'd like to expand our existing land into is vital to the park and is ideal for residential development. Of course, we had the threat of a shopping center at one time. So, I'd still like to believe there's enough interest in the total development of our County by the people that the Land Board wouldn't grant a permit for an urban use in an area that we'd like to acquire for park purposes, if the land is designated conservation.

SULLAM: But, my concern is why can't we go through the procedure of the City evaluating these lands with the recommendation of the Parks Department and then once the boundaries are established, go into the Land Use Commission with firm boundaries and putting the entire park into conservation.

DURAN: Well of course, the Land Use Commission is bound by a timetable. They've made an application and they've initiated an application and by law they're required to act on it within a fixed period of time. The timetable of the County is such that it's behind their timetable. That's the only reason I can see at this time that there's a difference because once the GP is amended, assuming that you change your policy, the Council agrees with it and there is a GP amendment that reflects park designation for the land that we seek park designation, then there's the matter of changing the zoning. Then, we'll have to reinitiate a change in zoning to possibly preservation to again protect the lands that we would like to acquire. I think the conservation district applied immediately would give us some protection, much sooner than we could accomplish the GP amendment and the zoning amendment.

SULLAM: But philosophically, this seems to be a roundabout way

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of doing it. The State is dictating to the County how to do the plan.

DURAN: Well, of course, we could get into the philosophy of the State zoning. I'd like to talk about that. I don't know that it's going to change anything but that happens to be the way the State law can function. They can ignore the counties general plan and zoning and impose their own will. So, it's possible that a conservation zone could be applied for and a new resort development started all through State action as an example. There is a case where the State would set the policy for the City.

You look back 15 years ago when this concept of state zoning was first proposed, we didn't have planning staffs, general plans, and astute commissioners as you do today. There was probably justification for state zoning then. I question it today.

SULLAM: Except in this instance, how do you feel?

DURAN: In this instance, I think it could be affinitive to us, but it could work to the contrary too. I would like to believe that the conservation district as we understand conservation would be a protection temporarily at least.

SULLAM: You feel these lands are in danger of being developed if we don't act quickly?

DURAN: Well, we have had a threat. It's very possible with land as limited as it is, close to urban communities in an urban designation and zoned residential and undeveloped, I think there is that potential, and I feel this would give it that added protection.

HOSAKA: You said that the State could redesignate to conservation from urban and even while this is going on, a resort development can be planned outside of the County, but you didn't finish that. I guess it still would have to go through the County level in terms of approval?

DURAN: No, not if it's in the conservation district. The State has complete jurisdiction over land use, contrary to whatever County laws there may be. This is what your Director mentioned earlier. But in this instance, I'd like to be naive enough to think that it's going to give us some added protection.

SULLAM: When do you think the Parks Department will have its plan prepared for this park so that they can come in and request P-1 zoning?

DURAN: Well, I think Muriel's estimate of the timetable is probably very accurate. I think it would be about a year before we'd have a fairly detailed park plan for this area because the limnological surveys that we're looking forward to, also an EIS, these things will take time.

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SULLAM: Is it your plan ultimately to have it designated preservation, the entire park?

DURAN: Yes. I think the sooner we get rid of the residential designation, the more protection we'll have for the acquisition of this property. As you know, in the past where we have parks proposed under private ownership that should a development occur or be proposed and the money is not available, we have no alternative but for the City administration to recommend the development to the Council. Then, that proposed park land is lost forever. The same thing would be true if a developer proposed residential development in the area makai of the quarry road. It's properly zoned and if he meets all of the requirements of the County, he could go ahead and develop that area even if it's designated for park purposes.

CHOY: What point in time will the Department of Recreation seek to acquire any or all of the remaining parcels of the swamp for park development?

DURAN: Well, according to law, we can't request any CIP funds until the general plan is amended to designate the area for park purposes. As soon as that's done, our immediate priority will be to begin acquisition. We don't know what the land is going to cost. We've requested the Land Division to give us an estimate so we can begin programming the logical acquisition through the CIP program. I estimate it's going to take probably 6 to 10 years to acquire all of this land.

CHOY: Has your department been in communication with the Land Use Commission concerning this particular parcel and it's uses as a park?

DURAN: During the 5-year boundary review, we submitted a list of parks that we requested be classified conservation. This was one of them.

CHOY: What was the response?

DURAN: No response.

HOSAKA: Just for clarification, Areas I and II in your total concept, those lands would be necessary for what you envision in final reality.

DURAN: The bulk of Area I abutting Pali Highway is critical to the total park design. Area II, most of it is already city owned. The rest of it is remnants and so wouldn't pose any threat. The critical area is really along the highway and makai of the quarry road.

HOSAKA: If the State redesignation of land went to conservation, it would enhance DOR's concept in terms of your future planning.

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This is your ultimate aim, at least this is why you had asked Out door Circle to petition the State Land Use Commission

DURAN: No, we considered it would give us some added [illegible]

CHAIRMAN: Further questions? It not, thank you Mr. Duran

Commissioners?

HOSAKA: I believe there isn't sufficient time in order to make a decision at this time, that we were given this report and we have only till the 16th in order to render a recommendation for this petition. Is there anyway of requesting SLUC for additional time?

WAY: There is no way under the rules; however, my recollection is we may have had another situation where we were in a day or so, and I think the Commission would not act without having your recommendation. If we put them on alert that it would be forthcoming within a given period, I think it should be kept within a reasonable period like a week or something like that, I think they'd be quite understanding at this point. I really don't think there's a problem. The 16th is the official date and your next meeting is the 15th. I think it would probably sit there for awhile before they got to it anyway with the boundary review going on.

M O T I O N

HOSAKA: If there's no further discussion, I'd like to make a motion to defer action on this petition until the 15th.

KAHAWAIOLAA: I'll second.

CHAIRMAN: Moved and seconded to defer. Do we have any further discussion? Dr. Choy?

CHOY: I'm still not convinced that the deferral is that important. I just can't see what else, Mr. Hosaka, this Commission could receive in order for us to render an intelligent decision. What are you going to ask for?

HOSAKA: I'm not asking for anything. I'm just asking for another week to re-read the materials. I think the ramifications of our vote is large enough and diverse enough that we should have additional time for this. I don't think a few weeks is asking too much for the Commission to delay the vote. I want more time.

CHAIRMAN: Further discussion? If not, all those in favor of the motion to defer, raise your right hand.

(The motion to defer failed to carry.)

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AYES - Hosaka, Kahawaiolaa, Kamiya
NAYES - Choy, Takehara
ABSTAINED - Sullam
ABSENT - Duke

Discussion followed.

SULLAM: Does the recommendation to the Land Use Commission have to be yes or no? Can it be something with a little more to it? I would like the Land Use Commission to know that we disagree with the philosophy of the State dictating to the counties the uses of land. But, in this instance because it will enhance the possibilities of the extension of the park and insure that the park will be able to be executed the way we state it will go, that we would recommend that they place it in conservation. Can we make such a recommendation?

A C T I O N

TAKEHARA: I'm quite concerned about the technicalities between City and State proposals and policies, but at the same time, I do feel that our job here is to put the public interest first. So, I move that we support the State Land Use Commission's petition with a recommendation--with Fredda's recommendation which is what?

SULLAM: That the land use policy of each County should be set by each County and not by the State, but in this instance, we will go along with them merely because we feel there are certain achievements that we're looking toward.

CHOY: I'll second the motion.

CHAIRMAN: Discussion?

HOSAKA: I'm going to abstain from voting merely because I made the motion that I needed more time and I still believe that.

CHAIRMAN: Do we have further discussion?

WAY: I might comment and I promise, Mr. Chairman, this is the last. I might observe that a recommendation such as has been proposed would also enhance the possibility for a one-stop shopping center and do keep that in mind--that is, one stop before the Department of Land and Natural Resources could just as theoretically there could be a subdivision of that area which is quite hypothetical in my judgment because of landfill and sewerage distribution, disposal problems. It's been made abundantly clear but I'm just saying you're taking us out of the act at the County level, including your City Council, most of your appropriate City agencies who deal with the land use affairs. Just be quite aware of that point. I know you are.

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SULLAM: However, in my statement I said because it would enhance our possibilities for executing the park. I didn't say anything about shopping centers or other uses. Perhaps we should make that a condition of rezoning to conservation--only ... will be used as park, the boundary line as designated by the Court.

CHAIRMAN: That will be added?

TAKEHARA: I'll second that amendment.

CONNELL: Clarification Your recommended condition would be a condition of the State Land Use Commission boundary change?

SULLAM: Yes.

CHOY: Clarification of Mrs. Sullam. In other words, we will be forwarding to the Land Use Commission an acceptance but conditioned with all the amendments that have been discussed? We will be forwarding to the Land Use Commission a conditional acceptance?

SULLAM: Yes.

CONNELL: The State Land Use Commission has within its power to write conditions on changes. It seems to me the Commission is recommending acceptance of this, but inasmuch as all testimony has indicated it will be for a park, you are going to insure that with the State Land Use Commission. What you're asking them to do is to condition it to that effect to prevent a one-stop shopping center or whatever.

SULLAM: Yes.

TAKEHARA: Right.

CHAIRMAN: Is the motion clear? Ready for the question?

HOSAKA: Mr. Chairman, I will abstain for the reason I stated that I need more time.

CHOY: Question.

CHAIRMAN: All those in favor, raise your right hand.

(The motion carried.)

AYES - Choy, Kahawaiolaa, Kamiya, Sullam, Takehara
NAYES - None
ABSTAINED - Hosaka
ABSENT - Duke

ADJOURNMENT: The meeting adjourned at 3:20 p.m.

Respectfully submitted,
Henrietta B. Lyman
Henrietta B. Lyman
Secretary-Reporter

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FLASH CARD

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Meeting of the Planning Commission
Minutes
December 18, 1974

The Planning Commission held a meeting on Wednesday, December 18, 1974 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT: Randall Kamiya, Chairman
Dr. Wilbur Choy
Donald Hosaka
Antone J. Kahawaiolaa
Alice Takehara
Harriet Wikum

ABSENT: Charles W. Duke

STAFF PRESENT: Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Ali Sheybani, Assistant Director,
Department of Land Utilization
Loretta Chee, Staff Planner
Henry Eng, Staff Planner
Walter Lee, Staff Planner

Before proceeding with the public hearing, the Chairman welcomed to the Commission, Mrs. Harriet Wikum, recently appointed by the Mayor to succeed Mrs. Fredda Sullam whose term has expired.

PUBLIC HEARING
ZONING CHANGE &
PLANNED DEVELOPMENT
HOUSING
KAILUA
LONE STAR HAWAII, INC.
(FILE #74/PDH-4)

The public hearing of December 4, 1974 was kept open and deferred for further information regarding a previous application in the area two years ago, and for report by a representative from the Department of Public Works concerning drainage runoff and soil conditions in the area.

Staff Planner Henry Eng gave the following additional report.

ENG: The area now being considered for planned development is part of an earlier request for zoning which was submitted to this Commission on January 17th 1973. There were three areas involved. Area 1 and Area 3 were recommended for change in zoning from P-1 Preservation to R-6 Residential district. They essentially involved boundary adjustments. The planning director at that time did not recommend Area 2 for a change in zoning. This was largely due to the insufficiency of information to permit a more detailed evaluation as to whether the entire site or portions of it would be suitable for development. It was suggested that the landowner do additional studies through the PD process to determine which areas if any would be suitable for development, and to develop appropriate building types for this area. The Commission at that time concurred

in these recommendations which were ultimately adopted by the City Council. The current proposal in our view is a logical, rational, and acceptable one. It involves 9.0 acres of the original acreage of Area 2. Of the 9.0 acres involved, 3.9 acres is already zoned for Residential use; 5.1 acres is now being requested for change in zoning from P-1 Preservation to R-6 Residential in accord with the adopted land use plan for the area. All of Area 2 is currently designated for Residential use on the adopted DLUM. The applicant has as of October 21st requested that the balance, in other words the 17 acres of Area 2 not involved in the present PDH, be redesignated from Residential use to Open Space use. This project is now being reviewed by the Department of General Planning.

The area outlined in red (referring to map displayed) is the area of the planned development. The black line through the PD site indicates the areas which are zoned Residential and also indicates the balance which is being sought for Residential zoning at this time. The areas between the red and the orange line, 1? acres out of this area, are now being considered for redesignation to Open Space to prevent any further residential development on this slope.

This concludes the presentation. I'd be pleased to answer any questions.

CHOY: What is the maximum-minimum slope angle on the parcel as slated for rezoning?

ENG: Mr. Sheybani perhaps could go into the details of the proposal. My presentation is simply to bring the background to indicate that this Commission did concur with the procedure which is now being followed by the landowner.

By the way, there was also question with regard to the subdivision on this Area 2. There was a proposal for 90 some-odd residential units. No action was taken to give tentative approval at the time inasmuch as the zoning was not initiated.

SHEYBANI: The slope map of the project is before you. The dark color is the higher slope which is 40% and over. However, on that area of the site, no major building would be located there. As a matter of fact, the parking area shown is below the 40% slope. The building occurs on slopes of 5% to a maximum of 25%.

CHAIRMAN: One of the conclusions on the first application which concerned Area 2, in the report it states, "...Because of excessive grade, the parcel is not entirely suitable for residential development...." Could you point out that portion which is declared excessive grade?

SHEYBANI: Excessive grade is partially within the site and beyond. Those are all 40% and over.

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CONNELL: Mr. Chairman, the Commission had requested report from the Department of Public Works regarding drainage and soil. Wilma Namunart from the Department of Public Works is here.

Mrs. Wilma Namunart representing the Division of Engineering, Public Works Department and Mr. Ernest Hirata, Soils Engineer, were called upon and questioned by the Commission.

HOSAKA: We had some questions at our last meeting. The community association in that area voiced some concern about some borings that were made, in particular borings No. B-3 and B-12, that there was substantial moisture at the 12 to 13-foot level. They also further thought that this underground seepage would affect the area. What are your comments along that line? How many borings did you make?

NAMUNART: There were 13 borings made. I'll go through the soils report by Ernest Hirata which says: "Groundwater was not encountered in any of the exploratory borings. However, boring B-12 indicated a very high moisture content in the soil and if any slopes are planned in this area, some seepage from the slope face can be anticipated."

HOSAKA: Well, is this a normal occurrence when you do make borings in any area? Should we be highly suspect of that area because of the two borings that showed some of the seepage?

NAMUNART: I'm not qualified to answer that. Perhaps Mr. Hirata whose company made the soils report can tell you.

ERNEST HIRATA, SOILS ENGINEER: I wish to clarify exactly what we mean when we say very moist conditions. This is a relative condition. We have compared most of our samples taken in those 13 borings. Out of those 13, only at these two locations was it found to be relatively higher than the other borings, approximately 12% higher. Now in our report, we stated no groundwater was encountered. As such, we knew that after the boring was completed, we did not observe or see any groundwater existing in the boring. Our conclusion was that there may be a possibility of seepage indicated by high moisture. The reason for high moisture content could be to a localized condition or possibly there was seepage. This could also have an effect on the time of the year the boring was taken. I don't recall at this time what the weather condition was but it does not indicate that there is water there. It is a relative thing.

HOSAKA: The line of questioning was prompted by the residents there that indicated some shifting of houses in the surrounding area. They live close by to the proposed subject site and as a result, this is why we called you people to explain if at some time in the future this high moisture content might cause houses or the PD to shift.

HIRATA: Normally if you find a seepage condition, it does not necessarily as a subsequent conclusion cause settlement. Due to rainfall, water percolates to the ground and tries to find lowest point. It may flow in a particular stratum or a particular plain. In this case, we do not have a plain of failure for possible stability. It is a homogeneous soil. I'm assuming there is seepage. Water would be flowing but it doesn't necessarily cause settlement. In most cases it will not.

HOSAKA: What causes homes to shift? There's various reasons but one would be underground water.

HIRATA: Not necessarily.

HOSAKA: Or a heavy moisture content in the soil? You smile at me, Mr. Hirata--

HIRATA: I can't give you an answer unless you have a specific example. There are many reasons as you can imagine. It depends if the property was on cut or fill material. It certainly could be due to construction. The building contractor may have over-excavated and not properly put back the soil in place. It's difficult to say why a house sinks unless you have a specific example.

HOSAKA: You understand the reason for the line of questioning.

HIRATA: Yes, I do.

CHOY: We understood as far as the application is concerned that replanting would be done after development is completed. We also heard from the residents that the soil there is quite poor as far as wearing of plants. One individual testified that he and his wife planted papaya and banana trees but that it wouldn't grow. Can you explain the replanting?

HIRATA: I am an engineer but not an agricultural engineer. To determine what could grow and what can't, you'd have to have a chemical analysis. We do physical analysis through properties of the soil for engineering purposes so I could not answer that.

CHOY: How far apart were these borings done?

HIRATA: About 400 or 500 feet apart.

CHOY: If the borings were done closer for a critical or marginal parcel of land, could it possibly be that more problems could be uncovered like creeping of the soil?

HIRATA: There may be other places where you have high moisture content.

CHOY: But there's no guarantee?

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HIRATA: What we did was a preliminary, feasibility type study. So, our borings are scattered It's more or less for preliminary purposes.

CHOY: So therefore, your study and your final analysis is just a tentative one to enable the planner to proceed. It's not a guarantee.

HIRATA: That's correct.

CONNELL: Out of your experience of soils, are there other areas that have been developed on Oahu that have soil characteristics similar to this particular area?

HIRATA: Many places. Actually, to bring out an example, in the Kaneohe area, the Ahuimanu area, the moisture content runs 50% to 60%. That necessarily does not mean a problem. Houses have been built out there with no adverse effect. So 50% to 60% is normal moisture content.

CONNELL: One of the questions that was raised by people in the community was the report of the U.S. Department of Agriculture Soil Conservation Service which indicated that the site has moderate to severe limitations for homesites. In your investigation in this area, did you consider the report by the U.S. Department of Agriculture Soil Conservation?

HIRATA: At the time of our report, I did not see the USDS report. However, we are familiar with their books which outlines the soils types for any given area on the island. Their survey is limited to the upper five feet. In any case, in their footnote they do recommend that subsequent borings should be taken. Normally, that's where we come in. We take borings much deeper than five feet to determine the soil conditions and the stability of the slope.

CONNELL: Based on the information or the concerns which have been put before the Commission and which have been relayed to you, have you made any substantial change in your recommendation?

HIRATA: No, I have not.

CONNELL: Wilma, the concerns of the community were indicated to the Department of Public Works. In the review of the Department of Public Works, has there been any change in the recommendation of the Department of Public Works?

NAMUNART: No.

WAY: Mr. Hirata, question in two parts--one, whether your soils analysis indicated any special precautions that were necessary by way of construction, and second, is it your recommendation to your client that further soils analysis or investigations would be made as the project progresses into detailed design stage?

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HIRATA: In our preliminary report, we had mentioned some of the possible problems that may be encountered in soils. These are problems that could be encountered in any type of soil such air drying of soil in order to compact the material to its optimum moisture content, things like that. Normally upon completion of the grading plan, we do review the grading plan and if we question certain areas, we would definitely make recommendations to the developer that additional borings may possibly be needed in certain areas if there is a cut or excessive fills. This report we did is in a more general term looking at the overall project site

Public testimony was continued

Testimony in SUPPORT--

1. Mr. Joe Hogan, Chief Executive Officer of Lone Star Hawaii.

   Mr. Hogan concurred fully with staff's additional comments on this matter.

   The Commission had no questions of Mr. Hogan.

2. Mr. Dick McEvoy, Project Architect, was questioned by the Commission.

   CHOY: Will the buildings be placed on cement slab or elevated foundation?

   MCEVOY: The building floors will be wood floors elevated above grade. It was one of the requirements of the Department of Land Utilization that we keep cut and fill to a minimum on this site. By using the elevated platform, we can allow the grade to be relatively undisturbed. There would be no concrete slab on grade.

   CHOY: On your larger structure on 30 to 40 degree slopes, how long would the wooden floor area covering four units be?

   MCEVOY: About 100 feet.

   CHOY: According to the soils engineer, there could possibly be a shifting of the soil on the upper strata of five feet. How far down will your foundation be implanted?

   MCEVOY: That would be a recommendation of the soils engineer. He will tell us that we either go down so many feet until we reach undisturbed soil or that our footing would be of a certain size if it's going to be on fill material.

   TAKEHARA: To what extent has your company done with the community as far as working together on their concerns?

MCEVOY: We met at a public hearing at Keolu Elementary School some time back. At that meeting, about 70 residents showed up outlining their concerns with the project. We talked back and forth at the meeting and informally afterwards as to what their concerns were.

TAKEHARA: In regards to the physical barrier between the proposed development and the abutting homeowners, what are your plans to prevent a dangerous situation from occurring?

MCEVOY: We had indicated that we prefer to handle any separation between the single-family homes and the planned development here with planting material rather than a hard lined fence for aesthetic reasons. We feel plant materials are a softer and more pleasing barrier. Our landscape architect is here if you want to direct a more specific question to him.

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

3. Mr. Mel Kuraoka, Project Landscape Architect, was questioned by the Commission.

CHOY: One of the residents had indicated they had tried to plant banana trees and papaya trees and discovered that the soil wasn't fertile enough to support the normal growth. Could you answer that question knowing what you do of the subject site?

KURAOKA: I don't know the existing circumstances of that individual who planted that papaya or banana tree but you have to do something to the soil. The soil's just not going to produce it.

CHOY: Then you're virtually saying it will be a guarantee in your area of expertise that revegetation and normal growth could be attained?

KURAOKA: I won't guarantee it.

CHOY: I'm sorry, I'm looking for an answer, sir.

KURAOKA: Well, we will make sure our work as far as inspections and supervision during construction is performed.

CHOY: In other words at this point in time, you are not able to answer my question adequately.

KURAOKA: Would you repeat your question?

CHOY: I want to know the ability of the subject site to support revegetation in a reasonable manner. You will be

grading and removing vegetation on the subject site, possibly some matured trees? Being a landscape architect, I know that transplanting of trees is possible. Is there a guarantee that whatever you replant on the subject site after grading would survive?

KURAOKA: We're going to specify that any plants that do not survive--it would be a guarantee by the contractor to be replaced. That would be his performance as the contractor for a year.

CHOY: What happens after a year lapse?

KURAOKA: I think it would be the negligence performed by the maintenance people

CHOY: Not by you?

KURAOKA: No, I'm not in the contract.

HOGAN: Mr. Chairman, I'd just like to make one clarification that we have developed in the immediate area adjacent to this proposed subdivision. We have been mulching banks on both sides of it for the last three or four years. The mulching on those banks has stayed. It's visible evidence that the ground will sustain growth.

(There were no further questions from the Commission.)

Testimony AGAINST--

1. Mr. David Lisignoli, Treasurer, Kaopa Community Association

LISIGNOLI: At the last meeting, I was asked to present some pictures to the home I spoke of that had settled and resulted in contorting the house, if you will, causing several internal problems. Another set of pictures I have included shows the wall that I spoke of which fell over.

In talking to the individual who lives in the house, the concrete slab on which it is built cracked approximately two-thirds of the way across the house, the shorter one-third being a part that's settling. The span of 12 feet has settled four inches. You can see from the pictures that the closet doors do not close squarely. There are gaps. One of the walls in the bedroom closet is raised off the floor from one to two inches. The master bedroom shower stall has large cracks in it, and the mirror was bowing almost to the point where it was about to shatter. We finally took it off the wall to relieve the pressure on it.

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The individual informed me that they had talked to the FHA in dealing with Lone Star trying to get some correction to this problem. The FHA indicated that at one time there was a stream which cut across the corner of the lot and under part of the house. The stream material was fill material which covered about one-third of the house. The other two-thirds of the lot was primarily cut land. So, we have a combination in this particular case.

Regarding the vegetation situation, right on the boundary there is an area which was caused away by bulldozer or something and I don't know who did it or when it was done but it was done before the time I moved in about 2½ years ago. This is the exact same condition this site has been in for 2½ years. I have a hard enough time keeping weeds out of my yard which I've put top soil on from seeds growing out of this area. To me, if nothing is growing there the last two years, I can't see how anything would now.

Two other things which the Commission specifically asked me to come back on were a couple of drainage outlets which we indicated capture the water on the hillside and carry it down sometimes into an underground pipe, in two specific cases, right on top of the ground between two homes. These are pictures of those two particular situations. These drainage canals are gathering water from the development site.

The last picture shows the degree of slope coming down into the yard of the homes that directly abut the development site.

The reason for our concern relative to vegetation is to prevent runoff and also to hope that we won't have to someday look up and see a site which is now on Akepolo Street which shows an area which has to be gunited in order to keep it from coming down which is a very sad blight on the community on the hillside.

2. Mr. Warren Jenkins, adjoining property owner

JENKINS: I have a copy of the State of Hawaii Land Use District Regulation Review prepared in 1969 by Eckbo, Dean, Austin and Williams, consultants to the State Land Use Commission, on page 50, who had recommended to the Commission that the portion makai of the highway remain in the present conservation district because of the steep topography and the potential erosion and runoff problem.

The second page is a loan analysis sheet developed by a lending institution regarding an average $90,000 purchase price which we are talking about on this project. Based on conservative interest rates and a $30,000 downpayment what the monthly payments would be for this $90,000 price worked out to $660 with a $55 maintenance fee included as well as an estimate for

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annual taxes and fire insurance. Six-hundred sixty dollars with a 4 to 1 ratio to quality for the loan works out to something like $31,600 annual family income. I'd like you to consider that in terms of answering Hawaii's housing crisis.

KAHAWAIOLAA: With the present site maintenance, the runoff will continue unless vegetation gets there pretty fast. If the project went into effect, would it help the runoff or help the growth?

JENKINS: With grading, removing of the scrub vegetation, the road system planned, I think all of this is conducive to speed up the runoff. I recognize that engineering-wise you can tilt the road as such to catch the water and proper drainage measures can be taken. However, the road runs only through a portion of the project. I don't know, it's just an impression that I have. Unless substantial engineering effort is made and relative costs to this effort, I don't see where the cost is going to stay $90,000.

At this point, Mr. Clifford Arakawa, Project Engineer, was called and questioned by the Commission.

KAHAWAIOLAA: The basic problem of the community is below that site which seems to have flooding and overflow during the rainy season that runs off from the site itself. If I understood correctly the last time, they said if the project goes in and with the roadway splitting the project in the middle, the effect of the flooding is that the roadway will catch the top part and lessen the effect to the residents below. The biggest problem would be from the road down to the residential site now.

ARAKAWA: That's true. There is a roadway cutting across the site. We are going to physically place the inlets to catch the water and pipe it to the existing storm drain, therefore less will be flowing on the ground.

KAHAWAIOLAA: From the report on grading, it says minor grading will be done offsite to repair the exposed eroded area. Where's that eroded area, offsite or onsite?

ARAKAWA: That relates to a cut that was previously made by someone else. We are planning to doctor that area.

SHEYBANI: Mr. Chairman, that eroded area is partially out of the PD site. We asked the applicant to make an effort to stop erosion on that site. It's part of the applicant's plan, in addition to landscaping within the project to put top soil and vegetate the eroded area above the site.

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CHAIRMAN: That area is eroded because of grading previously done?

SHEYBANI: Previous grading, not because of this subdivision. That was there before this subdivision occurred.

CHOY: The two proposed buildings on the upper right hand corner of the subject site, those will be placed on slopes of 30 to 40 degrees, is that correct?

SHEYBANI: Between 20 to 35 within that range. I should indicate that the structures on that kind of slope are all on poles and do not require excessive grading. There would be adjustment of the length of poles.

CHOY: So, there will be minimum or no grading on that particular site.

SHEYBANI: Under the building.

CHOY: Under the building, there will be no grading at all.

SHEYBANI: No grading at all.

ENG: For purposes of clarification, we should understand that the slope here is indicated in percent rather than in degrees. A 45 degree slope is a 100T slope.

CHOY: Thank you.

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

3. Mrs. Martin Wong, adjoining property owner

WONG: In regards to a question we were asked last week as to alternative housing for people that is so needed here in the islands, we would like to suggest that you consider a recently completed 5-year review of the general plan which has stated development in areas that are being planned, and consider initiating a long overdue development plan for the whole Kailua area. We really shudder to think of our area becoming another area such as Waikiki and Waipahu with all this spot rezoning instead of having a whole general development plan.

(The Commission had no questions of Mrs. Wong.)

The public hearing was closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

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ACTION: The Commission recommended that the request be denied, on motion by Dr. Choy, seconded by Mrs. Takehara and carried, based upon--

1. Cost of the units proposed at $90,000 would not contribute to the existing housing shortage on Oahu.

2. Preservation lands should remain in that classification.

AYES - Choy, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Duke

PUBLIC HEARING
ZONING CHANGE
R-3 RESIDENTIAL TO
R-6 RESIDENTIAL
KANEOHE
MR. LARRY MASHINO
(FILE #74/Z-46)

A public hearing was held to consider a request for a change in zoning from R-3 Residential to R-6 Residential District on approximately 10,002 square feet of land situated on Kaneohe, Tax Map Key: 4-7-55: 55 (Lot 984).

Publication was made in the Sunday Star-Bulletin/Advertiser on December 8, 1974. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The applicant proposes to construct an additional single-family dwelling on the premises in accordance with R-6 Residential District regulations. This requested change can be viewed as simply a logical extension of the existing R-5 and R-6 zones which abut the subject parcel, and is in conformance with the General Plan Detailed Land Use Map for the area.

The Director recommends approval of the request.

No discussion followed.

No person was present to speak either for or against the request.

The public hearing was closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Mr. Kahawaiolaa, seconded by Mrs. Takehara and carried.

AYES - Choy, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Duke

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PUBLIC HEARING
GP/DLUM AMENDMENT
PEARL CITY
(HALAWA-WAIAWA DLUM)
C&C DEPT. OF PARKS &
RECREATION
(FILE #310/C2/32)

A public hearing was held to consider a proposal to amend the General Plan and Halawa-Waiawa DLUM by adjusting the designated boundaries for the adjoining school and park in Manana to reflect the actual established location of these two facilities, Tax Map Key: 9-7-68: 4.

Publication was made in the Sunday Star-Bulletin/Advertiser on December 8, 1974. No letters of protest were received.

Staff Planner Walter Lee presented the report of the Chief Planning Officer. The 10.67 acre site is located in the center of the Manana community in Pearl City. Both the school and park have been constructed and presently exist. Present park facilities consist of two basketball courts, one volleyball court, one softball field, and a children's play area. The Department of Parks and Recreation is planning to incorporate additional facilities, including a swimming pool and a recreation building into the Manana Neighborhood Park at an estimated cost of $190,000. This is to be a joint State-County project with the State contributing $50,000 towards the total cost. DPR has requested that the locations of the school and park, as currently shown on the DLUM, be redefined so as to reflect existing conditions and have the neighborhood park portion of the complex front on Kuahaka Street. Also, the DLUM designated area would be expanded since the park site now shown on the DLUM is only approximately three acres in size while the existing park site is approximately four acres in size.

Based upon the analysis of the request, the Chief Planning Officer concludes that the General Plan has identified the need for a school/park complex in the residential community of Manana. However, the existing school/park complex does not conincide with the use designation as shown on the DLUM. The analysis shows that the existing 4.015-acre site of the Manana Neighborhood Park is needed to meet area requirements and that the isolated nature of the Manana community makes the inclusion of additional recreation facilities in the park appropriate. The Chief Planning Officer proposes that the General Plan and Waiawa-Halawa DLUM be amended to incorporate the existing site sizes and location of the Manana Elementary School and Park, as reflected in his report dated December 2, 1974.

There were no questions from the Commission concerning the report.

No one was present to speak either for or against the proposal.

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Takehara and carried.

ACTION: The Commission adopted the recommendation of the Chief Planning Officer and recommended approval of the proposal

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as indicated in his report dated December 2, 1974, on motion by Mrs. Takehara, seconded by Dr. Choy and carried.

AYES - Choy, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Duke

PUBLIC HEARING
CONDITIONAL USE PERMIT/
SPECIAL USE PERMIT
(DOG KENNEL)
WAIANAE
SER CAM KENNELS, INC.
(FILE #74/CUP-27 &
#74/SUP-11)

A public hearing was held to consider a request for a Conditional Use Permit and Special Use Permit for a commercial dog kennel located in Waianae--southeast corner Paheehee and Puhawai Roads, Tax Map Key: 8-6-09: 15.

Publication was made in the Sunday Star-Bulletin/Advertiser on December 8, 1974. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report of the request. The applicant proposes to construct a facility adequate to accommodate a maximum of 100 dogs. The kennels will have an enclosed 4' x 5' sleeping quarters and an open air run 4' x 10', designed with suggestions made by Mr. Arthur McCormack of the Humane Society.

Questions were raised by the Commission.

HOSAKA: How has the Budreau kennel at Campbell Estate been doing?

CHEE: Mr. Budreau came in for a commercial dog kennel for 55 dogs. While this SUP/CUP was being reviewed by the Commission and City Council, the applicant obtained a building permit for a private residential kennel which would allow them 10 dogs under the age of one year on this lot without a CUP. In the process of taking a field check of this subject application, I went out to see how the operation of the 55-dog kennel was doing and found that it had not been constructed. On reviewing the resolution which approved that CUP, there was a time limit of one year in which he could construct. The Director of Land Utilization revoked that permit.

The residents in the area have been complaining about the private residential kennel. This kennel is enclosed by a hollow tile wall, has louvered windows, outdoor runs, is not air conditioned and soundproofed. This is their concern that if 10 dogs will bother us now, what will 155 dogs do to the area. In the review of Ser Cam Kennels application, we felt that these concerns can be handled by soundproofing and air-conditioning of the structure, and of keeping the dogs within the enclosed area.

Because Budreau's plan for the CUP for the commercial kennel did not reflect his private residential kennel, he had submitted revised plans for our approval. We feel that this

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matter because of the time lapse and because of the change in general conditions in the area and new regulations, that we would like to review his application again and possibly take a look at some other means by which we could control the barking, and concerns of the residents in the area for noise.

His application was approved, subject to a noise study but it did not require him to soundproof his structure.

HOSAKA: Why didn't he construct the kennel?

CHEE: I understand he had been working all along on his permit up to February of this year and had not realized that his building permit would lapse, and hadn't come in and renewed the building permit. So, the permit expired. He had not done anything since February of this year. I also understand he has run into some financing problems.

HOSAKA: It wasn't because of the change in need for kennel or anything like that?

CHEE: I don't know, Mr. Budreau is here and can answer that for you.

CHAIRMAN: Do you have any concept of what the Department of Agriculture means by agricultural park?

CHEE: I talked to a representative of the Department of Agriculture and in our discussion, they had indicated they had only made a submittal to the Land Use Commission. There were no rules and regulations, no written proposals. It was something they would like to do but was not firm.

CHAIRMAN: According to the Soils Conservation Service, the soil conditions are not really suitable for cultivation, but don't you think a statement like that really does not rule out the possibility that this is a good economic productive land for agriculture? Isn't there a possibility that nursery, chicken farms or some other type of agriculture besides filling of the land is possible?

CHEE: I agree that because the soil is difficult to cultivate should not rule out the possibility of it being used for agricultural uses; however, the applicant has applied for the CUP/SUP and we review the appropriateness of the request and surrounding uses. It was felt that these things and other comments by other agencies, and the conditions that would be placed upon the approval would outweigh taking the 4½ acres out of productive agricultural use.

KAMIYA: What I'm getting at is this land is, in essence, good agricultural land, may be not for cultivation but for other uses in agriculture.

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(There were no further questions of staff.)

Public testimony followed.

Testimony in SUPPORT--

1. Mrs. Brenda Nishimura, Dog Obedience Instructor
2. Mrs. Lois W. Matthews, President, Hawaii Council of Dog Clubs; Hawaiian Humane Society, Board of Directors
3. Mrs. Dorien Holmes, Dog owner and interested citizen
4. Mrs. Mildred Carlstrom, Dog owner and interested citizen
5. Mr. B. Budreau, Operator, Aloha Pet Lodge
6. Mr. Michael M. Furutani, President, Irish Setter Club
7. Mr. Richard Camacho, Applicant
8. Letter received from Howard H. Furumoto, D.V.M., Ph.D., Hospital Director, Care Animal Hospital, Inc. (Kapahulu) dated Dec. 12, 1974.
9. Mrs. Helen E. Markham, President, Obedience Training Club of Hawaii, Inc.

Reasons in SUPPORT--

1. Need

   The demand for boarding kennels which generate mainly from vacationing dog owners exceeds the number presently in operation. Other kennels owned by veterinarians are small, confined, and mainly accommodate sick animals. However, due to the shortage, vets preferably will accept their clients animals for boarding, placing both sick and healthy dogs together. Dogs boarding in this situation do not receive the proper exercise and care they require. A recourse has been to impose on a neighbor or friend for a fee.

2. Another agricultural zoned area in Laie investigated by the applicant was found economically unfeasible because of prohibitive development costs.

Questioned by the Commission, the following additional information was given:

1. Concerning noise, the proposed kennels will have an enclosed sleeping quarters, air-conditioned and soundproofed. Other suggestions made to curb barking were use of the sprinkler system and the barking collar.

2. To prevent stray dogs from entering the premises, installation of a 7-foot chainlink fence which will border the property is proposed.

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3. Concerning a question as to the financial feasibility of this proposal to succeed recognizing the present energy crisis and the fact that this is a seasonal-type operation used mainly during the summer by vacationing dog owners, Mr. Camacho indicated additionally, he is licensed to and will hold classes for obedience training, prepare and groom show dogs, and for the convenience of his clientele sell dog food, collars, etc. His operation will include pickup and delivery dog service.

4. As to the use of pesticides by farmers in the area and its effect upon dogs, Mr. Camacho indicated that dogs are quite hardy unless they are in direct contact. Pesticides also help to control fleas and ticks.

Testimony AGAINST--

1. Mrs. Wendy Takahashi, adjoining resident
2. Mrs. Takahashi (mother-in-law of Mrs. Wendy Takahashi), adjoining resident
3. Mrs. Mary Gregory, adjoining resident

OBJECTIONS--

1. Noise from barking dogs. Even though the kennels will be enclosed, air conditioned and soundproof, the dogs will be released at 6:00 a.m. Some residents work nights and will be disturbed by barking dogs during the day.

2. The proposal is not compatible with the existing environmental character of the neighborhood and will encroach upon the peace and quiet of the neighborhood.

3. Agricultural lands in Waianae should be kept for agricultural use. These lands are purchased for speculative purposes and result in exorbitant costs too prohibitive for purchase by prospective farmers who wish to farm the land.

4. The need for the kennel to serve the Waianae area is not justified because very few people in the Waianae area can afford to place their dogs in kennels.

5. One of their needs was to be able to build more houses on their property which was preferable to non-agricultural uses such as dog kennels.

The public hearing was closed, on motion by Mr. Kahawaiolaa, seconded by Mr. Hosaka and carried.

MOTION: Mr. Kahawaiolaa moved to accept the Director's recommendation

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5. One of their needs was to be able to build more houses on their property which was preferable to non-agricultural uses such as dog kennels.

The public hearing was closed, on motion by Mr. Kahawaiolaa, seconded by Mr. Hosaka and carried.

MOTION: Mr. Kahawaiolaa moved to accept the Director's recommendation

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for approval of the Conditional Use Permit, seconded by Mrs. Takehara.

Discussion followed

The Chairman and Dr. Choy spoke against the motion for the following reasons:

1. The need for agricultural land outweighs the need for this commercial operation.

2. A precedent would be set which would encourage speculation by landowners for commercial facilities in this area.

3. Concern whether the noise factor could be abated.

4. Question whether the applicant could successfully survive in this seasonal-type of commercial venture.

It was the feeling of the other commissioners that:

1. While the need for agricultural lands does exist, exorbitant costs would make it difficult for prospective farmers to realize a worthwhile return for their farming efforts.

2. The size of the lot for this kennel operation is minimal and prohibitive land costs would prevent use of this particular parcel for agricultural use.

3. Need for the facility is substantiated by statements from the Quarantine Station and the Humane Society plus the fact that there are no boarding facilities for animals in the Leeward area.

4. As to the noise factor, the conditions outlined in the Director's report are stringent and offers protection for adjoining residents.

5. The question of the applicant's financial ability to carry this operation should not be weighed.

The motion for approval failed to carry.

AYES - Hosaka, Kahawaiolaa, Takehara, Wikum
NAYES - Choy, Kamiya
ABSENT - Duke

Due to the impasse, action on the Conditional Use Permit was deferred to the next meeting.

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The State Special Use Permit was deferred for a statutory period of 15 days.

ADJOURNMENT: The meeting adjourned at 5:30 p.m.

Respectfully submitted,

Henrietta B. Lyman
Secretary-Reporter

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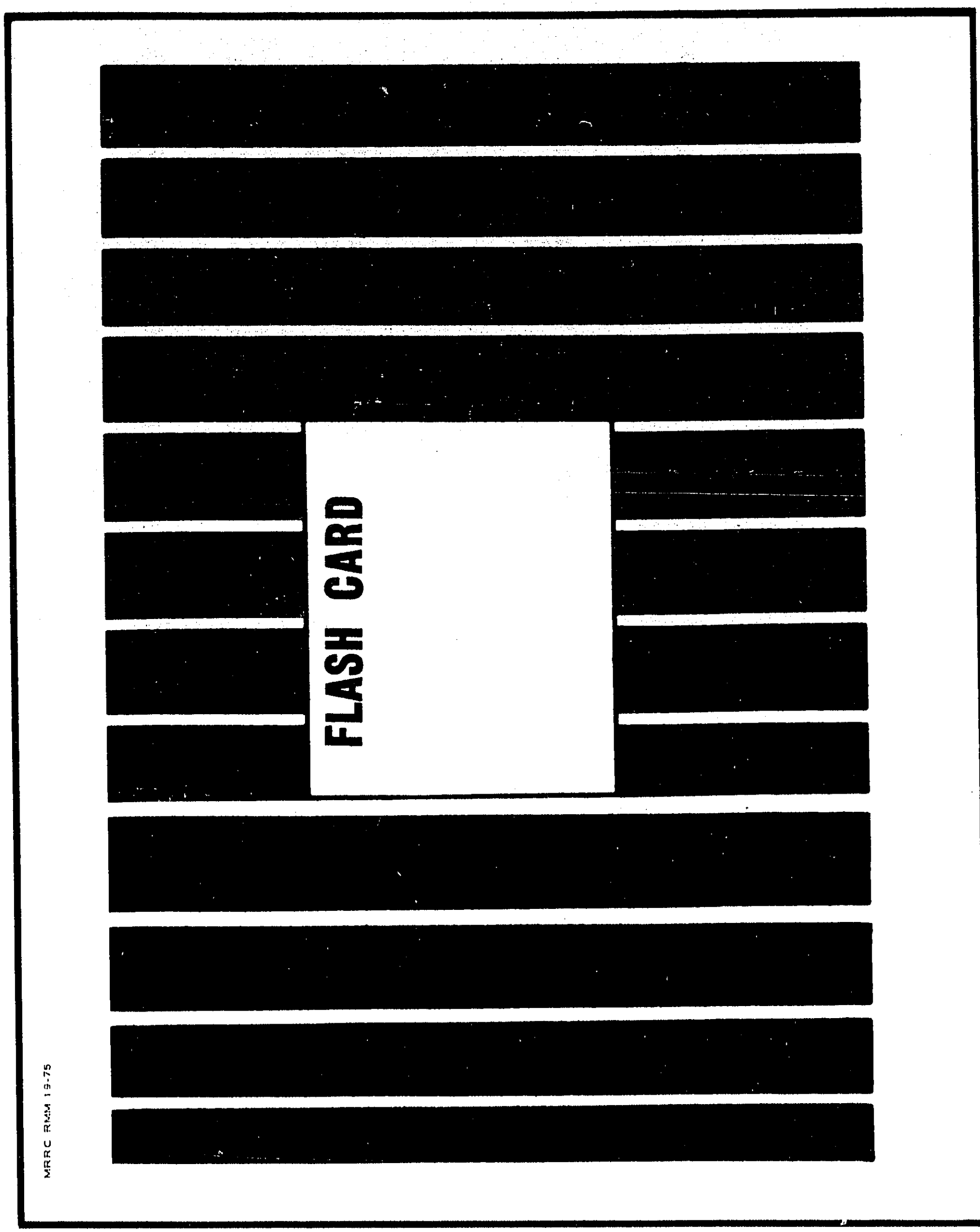
MRRC RMM 1-75

FLASH CARD

FLASH CARD

FLASH CARD



MRRC RMM 19-75

FLASH CARD

FLASH CARD

JAN 15 1975

Meeting of the Planning Commission
Minutes
January 15, 1975

The Planning Commission held a meeting on Wednesday, January 15, 1975 at 1:45 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:
Randall Kamiya, Chairman
Charles Duke, Vice Chairman
Dr. Wilbur Choy
Donald Hosaka
Antone Kahawaiolaa
Alice Takehara
Harriet Wikum

STAFF PRESENT:
Donald Clegg, Deputy Chief Planning Officer
Eugene B. Connell, Executive Secretary
Loretta Chee, Staff Planner
Henry Eng, Staff Planner
Jack Gilliam, Staff Planner
Ralph Portmore, Staff Planner

MINUTES:
The minutes of December 4, 11, and 18, 1974 were unanimously approved, on motion by Mr. Hosaka, seconded by Dr. Choy and carried. Mrs. Takehara abstained from voting inasmuch as she had not read the material.

ADOPTION OF RESOLUTION FOR COMMISSIONER FREDDA SULLAM
The following resolution was unanimously adopted and presented to Mrs. Sullam, on motion by Dr. Choy, seconded by Mr. Duke and carried:

WHEREAS, COMMISSIONER FREDDA SULLAM has given generously of her time and energy to the City and County of Honolulu as a Planning Commissioner from June 3, 1969 to December 11, 1974; and

WHEREAS, her questions and comments have opened many a new vista in the Commission's deliberations and decisions; and

WHEREAS, her dedication to excellence in architecture and urban design has been an example for the staff, Commissioners, and general public; and

WHEREAS, her grace and charm have remained steadfast even in those long pauses while waiting for a second to a motion; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City and County of Honolulu express its appreciation for COMMISSIONER FREDDA SULLAM'S valuable service; and

BE IT FINALLY RESOLVED, that the Planning Commission wishes her every good fortune in her new endeavors in assisting the community.

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UNFINISHED BUSINESS
CONDITIONAL USE PERMIT/
SPECIAL USE PERMIT
(DOG KENNEL)
WAIANAE
SER CAM KENNELS, INC.
(FILE #74/CUP-27 &
#74/SUP-11)

The public hearing was held and closed on December 18, 1974. Due to an impasse, action on the Conditional Use Permit was deferred to the next meeting. The Special Use Permit was deferred for the 15-day statutory requirement.

The following transpired.

CHAIRMAN: Next item on the agenda is unfinished business item 1, Waianae Conditional Use and Special Use Permit. The public hearing was held and closed on December 18th and action deferred.

CHOY: I would move to accept the Chief Planning Officer's Alternative No. 4, if you will permit me, to recommend denial on the basis that the proposed use is not in conformance with the purpose and intent of the General Plan for this area. To further recommend that because the Commission finds that numerous conditional uses as indicated in the CZC are not compatible with agricultural uses, that the City Council have the following sections reviewed: 21-401, (c) and 21-501, (c). To have deleted any and all uses which are not directly related to the agricultural industry.

TAKEHARA: I'll second the motion.

CHAIRMAN: Moved and seconded to deny as recommended on Alternative No. 4. Discussion?

HOSAKA: Could we have staff go over some of the high points. This is our first meeting of the new year and it's been some time since we discussed this matter.

CHEE: As a point of information, we have some new information which I would like to bring to the Commission merely because it was brought up at the public hearing held in December.

The Wilmay Kennels operated by Mr. Budreau which is located a half mile away from this new proposal had requested the City Council for modification to his kennels. City Council met on his modification and referred it back to the public hearing process. However, this applicant has since withdrawn his request for that commercial kennel so that there is no valid CUP/SUP for that other kennel now.

On the Ser Cam Kennels, the proposal is for commercial boarding kennels for 100 dogs, involves the CUP within an agricultural district, it is also within state agricultural land and therefore it requires also an SUP. The Commission has the prerogative--

If the SUP is denied, the CUP is null and void.

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The Commission may take action to approve or deny the SUP. If they deny the SUP, the CUP goes no further. Both applications would be killed at this point.

If they are to recommend approval, it will then be forwarded to the SLUC who would take action on the SUP. The CUP would then be forwarded to City Council for their action.

The recommendation for approval of both the SUP and the CUP by the Director of Land Utilization involved reviewing all aspects of state land use guidelines and also the criteria that is cited within the CZC. Recommendation for approval was based on 17 conditions. Some of the more pertinent conditions are--

Except for the open runs, the kennel structure shall be air conditioned and soundproof.

All dogs shall be kept in the enclosed sleeping quarters by 7:00 p.m. and shall not be allowed in the open run area until 6:00 a.m.

Landscaping plans showing a screening hedge on the south boundary for 250 feet and the front yard shall be submitted to the Director for his approval prior to obtaining a building permit.

A waste disposal system shall be installed in accordance with the State Department of Health Regulations.

Within three months following occupancy of the kennels and thereafter as may be determined necessary by the Director, the applicant shall have a consultant conduct a noise study in the form and under conditions acceptable to the Director. Said study shall be submitted to the Director for his review and approval. Where a noise violation is found, the applicant shall take such corrective action as may be determined necessary. This could include but would not be limited to surrounding the entire facility with a sand-filled cinder block wall 8 feet high.

Other matters of concern involved the comment of the Department of Agriculture which felt that the use was not considered an agricultural use. Other comments from government agencies were not adverse to the proposal. Those that expressed some concern were covered under conditions as I have cited previously.

CHAIRMAN: Any questions?

CHOY: Yes. Concerning the noise, may I ask, the material that will be used in construction of this kennel, what type of material will be used for the roof of this kennel?

CHEE: The plans are an indication of what the elevations will look like. The actual construction material would be determined upon application for a building permit. This would be

reviewed by the Building Department. Soundproofing measures and the type of materials which would be used would be checked out by the Building Department.

CHOY: Question again to the noise factor. I understand it is usually a general practice by facilities like these that when they know that a sound consultant will be checking the sound factor, that it is very possible the animals being boarded will be tranquilized. I would like to have this particular area qualified. How would the Director of Land Utilization control such a practice?

CHEE: Dr. Choy, I believe that Condition 13 would take care of that concern because we are requiring that the applicant shall have a consultant conduct a noise study in a form and under conditions acceptable to the Director. I am not aware of such an instance where they would tranquilize the dogs. This would be something that we would keep in mind.

CHAIRMAN: Further questions?

HOSAKA: Then Mr. Budreau has withdrawn his request for CUP, therefore the situation stands where there will not be a dog kennel out there unless we approve the new dog kennel?

CHEE: Yes. Mr. Budreau has indicated that the reason for his withdrawal is based on economics. At some future date, he plans to reapply. At this point, we would be considering one commercial dog kennel in this area. His permit had been revoked and he wanted to submit a modification to Council. Council referred it back to public hearing and he has withdrawn his request.

HOSAKA: Have you made an evaluation of his request? In other words, he talks about economic conditions and he documents this that he had 15 kennels vacant during some period of time. I'm just wondering if we need to assess the need then for a new dog kennel.

CHEE: I think this was a subject of much discussion at the public hearing, and it was the department's feeling that we would address the question of need in the report in the recommendation. We had checked with the Humane Society and the State Animal Quarantine Hospital and there appeared to be a need. However, as was pointed out at that public hearing, whether the applicant was going to be able to make or not make his business venture, we felt was not part of the evaluation of a request to permit him to establish and operate. Ours was on the view of the compatibility of the use to the area under the CZC requirements for the CUP and the state guidelines for the land use agricultural designation.

CHAIRMAN: Speaking of economics, this public hearing was held on December 18th and Mr. Budreau's reply concerning economics covers the date December 26 to December 30 which is after the

public hearing. So, this is really an update on the economic situation.

DUKE: Possibly I'm going to ask some questions that have to do with the application but also with the motion. The applicant, as far as I can determine, has fulfilled all of the requirements that are required by present rules and regulations. Is that true or not?

CHEE: Yes, this is true.

DUKE: The land that is designated agriculture, has it ever been in agriculture? If so, how long ago?

CHEE: It was my understanding that it was formerly used as a dairy. I am not able to give you any further information as to whether it was in agricultural use and how far back.

DUKE: You stated that it was barren and it's not in agricultural use presently.

CHEE: That is correct.

DUKE: My point in asking is that the motion states that he wants to recommend denial on the basis that the proposed use is not in conformance with the purpose and intent of the general plan. That's very good. But, we're setting, I believe, a precedent because that's the object of a special use permit is may be to deviate somewhat from plans. You wait until a gentleman comes along here and wants to put a radar tower on top of a mountain whether it be preservation or agricultural, we undoubtedly will give him a special use permit. Therefore, I think we should have some clarification on this not in conformance with general plan as a reason to deny.

CLEGG: Let me separate some of the issues here, possibly. There is a fifth kind of alternative.

It would appear that the use conforms to the rules and the law of the Land Use Commission in their agricultural designation of state land use, that this is a permitted special permit, shall we say. We're dealing with two issues here--the special permit and the conditional use permit.

DUKE: Yes, I understand that.

CLEGG: It would appear that the applicant has also conformed to the regulations in the CZC with regard to CUPs in an agricultural district.

It would also appear from our review the problem is that the CZC does not conform to the general plan. One possible action at this point in order bring this further is to approve the special permit because after all, the special permit is dealing with the state

land use law and seems to be in conformance, and at the same time deny the CUP on the basis that it is not in conformance with the general plan. Charter states that the zoning shall implement the general plan, and follow through with the recommendation made that the City Council thoroughly review those areas of the CZC which permit, we feel, are non-implementation actions or activities with regard to the general plan. What this would do is shift the problem where it belongs, I think, at the City Council review and yet not kill the application in terms of the Land Use Commission where the Commission does have that power. If it denies the special permit at this stage, the whole issue is dead. I don't like to see individuals get caught up in technicalities of the law. I think that's unfortunate, but that is one possible alternative for the Commission to take.

Does that clarify?

DUKE: Well, somewhat but aren't we still setting a precedent at this point in time because we've had many special permits come before us before that were not in conformance with the general plan.

CLEGG: That's true. I think what we're doing is recognizing that fact at this point and saying yes, those were not in conformance with the general plan and it's about time we recognized it.

DUKE: Well, do you think we should make a guinea pig out of this particular applicant, or do you think we should ask Council for guidance on telling us that special use permits because of thus and so will not be permitted on agricultural land that are general planned for agricultural land?

CLEGG: Well, I think that's what we're telling Council.

DUKE: Well, we're not really telling them that here. We should be more specific if that's what we want.

CONNELL: Again, I think it's important that we separate the two permits. I don't imagine the Commission would want to ask the City Council about SUPs. The special use permit is an issue between this Commission and the State Land Use Commission. City Council has nothing to do with SUPs. Under the statutues of the State of Hawaii, special permits come to this Commission. If they are denied at this point, it is a dead issue. Recommendations to the Council are on the conditional use permit. We have to keep these two areas separate as Mr. Clegg has indicated. There is very little doubt that this provision on the Rules and Regulations of the State Land Use Commission will provide for this type of use in an agricultural area. I think the issues that can be brought up is to what extent do the State Rules and Regulations have greater precedence than the policies of the City and County.

DUKE: Has the applicant fulfilled all the requirements of the law up to this point?

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CLEGG: Except for the general plan.

DUKE: Except for the general plan and that's the reason if it was planned otherwise, he wouldn't want a special use permit. It's planned for dog kennels. He could come in and say I want to put up a dog kennel.

CLEGG: Affirmative.

DUKE: Therefore, he has to use this application.

CLEGG: That's affirmative.

DUKE: And under this means of application, he has fulfilled all the requirements.

CLEGG: Yes, he could ask for a general plan change.

DUKE: No, that's not necessary under a conditional use permit.

CLEGG: Our contention is there is a serious question as to whether it's necessary under a conditional use permit. Correct, it is not necessary under a special permit. The general rule of the zoning and planning issue is that the more stringent regulations shall apply. That is, the county's rules are more stringent upon the use of agricultural or conservation land. The county's rule shall apply.

DUKE: But Sir, we don't ask for a general plan change when we want to put up a radio tower or radar or certain other things that doesn't have the stigma of a dog kennel.

CLEGG: Well, I don't think a dog kennel has a stigma, personally.

DUKE: I think it does--flies, noise--I've been reading the proof here.

CLEGG: What we're suggesting is we should have raised the same issue when the antennas and towers came up.

DUKE: But, we didn't.

CLEGG: That's affirmative.

DUKE: Well, I don't believe an applicant should be denied a request merely because we should have done something in the past. I think we should do something now that would forbid applications of this nature if they are not according to the general plan, and rule that way.

CLEGG: Well, the Commission cannot forbid but can recommend that the Council supply the necessary ordinances to permit them.

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DUKE: The Department of Planning wouldn't have come forth if it didn't fulfill all the requirements. This must have fulfilled all of the requirements.

CLEGG: The department is talking about three laws, land use law, general plan, and the zoning law. We're saying it meets two of those three. The recommendation here is by the Department of Land Utilization, not the Department of General Planning.

DUKE: I understand.

CLEGG: The other possibility is to go forward with a positive recommendation for the CUP and the SUP with a recommendation that they review the conditional uses allowed in agricultural areas on the general plan. In a sense what we're saying you're doing there is passing what you recognize is an illegal act. Well, that's a strong word.

DUKE: I think that's not proper for the record.

CLEGG: I withdraw the word illegal. Unlawful.

DUKE: I dislike that also.

HOSAKA: The last time we had this public hearing, I asked for any specific reasons why we should deny this request. I did not receive any that could change my mind. So, I'm speaking against the motion in that all the requirements as pointed out by Commissioner Duke have been fulfilled. As Mrs. Chee has indicated, it is not within our realm to talk about economic conditions and this should not even be considered. So, here we have before us an applicant who is asking for the special permit and the conditional use permit and I see no reason why we should not give it to them.

I realize from the community association their petition against this in that they're concerned about odor, noise, and the fact that the dogs will harbor ticks, fleas and the like. I appreciate that but I think the 17 conditions that have been laid down by the department are stringent enough to curtail any of these kinds of objections. So, I will have to speak against the motion.

TAKEHARA: I'm reversing my decision. I'm supporting Dr. Choy's motion for various reasons. We've received various communcation from the community people including one from the Waianae Farm Bureau which stresses the need for agricultural land. At this time, in their own studies made by the United States Department of Agriculture, it shows that the soil is suitable for agriculture in cultivating and also for things such as pasture, poultry and livestock. I feel for the community people and also for the applicant because there is a need for the kennel as they expressed at the hearing. However, I feel when the landowner bought his property, he realized it was AG-1. He knew his obligation to this property. There is a need at this time to preserve our agricultural lands.

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HOSAKA: I'd like to reply to that remark about need for agricultural land. I'm all for agricultural land. Don't misunderstand me. But, this guy has sat on this property for a number of years and it hasn't been cultivated. There is a potential for truck farming as indicated but there's no evidence at the present or even in the future that he is going to make this land productive in an agricultural sense. So therefore, I would need to speak against.

CHAIRMAN: Further discussion?

CHOY: Question.

CHAIRMAN: All those in favor of the motion raise your right hand?

(The motion to deny carried.)

AYES - Choy, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - Duke, Hosaka
ABSENT - None

PUBLIC HEARING
GENERAL PLAN AMENDMENT
DELETION OF PORTION OF
PLANNED CIVIC CENTER &
REDESIGNATION TO
RESIDENTIAL; COMMERCIAL
TO CIVIC CENTER; RELOCATION OF SCHOOL/PARK
COMPLEX; MAKAKILO
DRIVE REALIGNMENT;
BOUNDARY ADJUSTMENTS
BETWEEN RESIDENTIAL
& PRESERVATION;
DESIGNATION OF BOARD
OF WATER SUPPLY FACILITY
ON MAKAKILO DRIVE
MAKAKILO CITY
FINANCE REALTY CO.,LTD.
(FILE #290/C1/30)

A public hearing was held to consider a proposal to amend the General Plan for the northwesterly portion of Makakilo City (Tax Map Key: 9-2-03: portion of 2) by modifying the currently designated land use pattern as follows:

1. Deletion of the planned Civic Center site (except for the portions now occupied by a fire station and a Board of Water Supply facility) and redesignation of this area for Residential use.

2. Redesignation of a 2.8-acre portion of the 25-acre town center site from Commercial to Civic Center use.

3. Relocation of a planned school/park complex in the northwesterly corner of the community to a site adjoining Makakilo Drive. The currently designated school site would be deleted but the park site would be retained.

4. Realignment of a portion of the planned Makakilo Drive right-of-way through land with a more moderate slope.

5. General adjustments to the boundaries between residential and preservation

areas in order to better reflect topographic conditions.

6. Designation of a Board of Water Supply facility site on Makakilo Drive opposite the proposed new school/park site.

Publication was made in the Sunday Star-Bulletin/Advertiser on January 5, 1975. No letters of protest were received.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer. The requested amendments affect several scattered parcels of land within the proposed Palehua PDH development which is located in the north central portion of Makakilo. The proposed Palehua PDH encompasses 293 acres of land and is tentatively planned to accommodate 2,755 dwelling units when completed. In addition to housing, an elementary school, a public park, a private community center, eight private secondary recreation centers, and numerous tot lots are planned.

The basic problem which this amendment request addresses is the inadequacy of the generalized land use pattern which was initially established for Makakilo on the General Plan in 1964. The preparation of plans for its development has generated more detailed information concerning terrain conditions, planned population density and distribution, traffic and pedestrian circulation networks, the need for parks, schools and other services, etc., which was not available at the time the General Plan was prepared. The intent of this request is to adjust the permitted development pattern so that it takes into account this new information and better reflects the character of the land and the need of the prospective residents. The development policy and basic land use pattern shown on the General Plan would be retained.

Based upon an analysis of the request, it is the recommendation of the Chief Planning Officer that the land use pattern shown on the General Plan for this section of Makakilo be amended as indicated in his report.

Discussion followed.

TAKEHARA: What was the rationale for lessening the acreage of the school from 12.0 to 6.2? Why is that park next to the school so large, 8.5, when the guidelines for an elementary school states a minimum of 2.5 acres?

PORTMORE: First with respect to the school, they're asking for 6.7 acres because it is an elementary school and their standard is basically six acres. What happens is we have a two-thousand scale map which somebody drew a blob on back in 1964. When you blow it up to 100-foot scale and measure it, it comes out to 12 acres. I don't know that there was any conscious

effort to put a 12-acre school site on the 1964 plan is what I'm saying. I don't think you can put any importance into the fact that there happens to be 12 acres within that area once it's blown up. What is important is the school people feel they need a 6.7-acre site to provide a school for 800-900 students. They don't need any more and therefore there's no point in purchasing more land.

With regard to the park, the 2.5 acres is the minimum. That's all it is. Generally what we have is a 4-acre park next to a school through general practice as in the case of this school/park complex. The school opened in 1973. However, this park is tending to be more than just a neighborhood park. It's going to serve community park needs for people who live in the makai portions of Makakilo as well as the people in Palehua PDH. I believe it's going to have an olympic size swimming pool, for example. There is no community park facility in the existing portions of Makakilo so it's intended to provide more for the 10,000 people that will live here. They wanted more area to provide more expansive and more variety a facility.

TAKEHARA: I realize it was DAGS who made that recommendation for 6.8 acres for a school but it just got me that it's a very small area for a school. They must anticipate a low enrollment.

PORTMORE: The enrollment anticipated is 800-900 which I guess is somewhere in the standard of what they build elementary schools for. This is their general policy around a 6-acre site for an elementary school. There's no departure here. The question you raise may be one of their general policy rather than a specific one.

DUKE: This 6-acre park is not too large a park for a 10,000 populated community is it?

PORTMORE: There is another public park next to Mauka Lani School. According to the Department of Parks and Recreation, the service area boundary for this park includes the people who will live in Palehua PDH. Also, within the PDH there are extensive private recreational facilities that will be provided in addition to the 8½-acre park. There will be a community center of 7 some acres. There will be 8 secondary recreation centers, each half to an acre in size throughout the PDH which will have swimming pools and small play areas. There will also be numerous tot lots throughout the development. So, it's a case where they will be providing extensive private recreational facilities which the Department of Recreation likes to recognize. If you do a strict numbers game and count all the people they say will be in the Mauka Lani park service area, the number left over (or within the proposed new park's service area) is only about 4,600. Multiplying that by 2 is 9.2 acres. This is close to 8.5.

DUKE: That looks pretty good to me.

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HOSAKA: What are the major changes?

PORTMORE: Major changes are the civic center and retaining the park.

TAKEHARA: I realize that after the developer's proposal was received that the community objected to the deletion of the civic center. Now, the planning officer has added 2.8 into the town community center. Have we had any feedback from the community as far as their feelings on this reduction of 7 point whatever to 2.8?

PORTMORE: No, we have not. I think their main concern was that there would be no facility. In their letter objecting to the deletion, they didn't really get into how much. I'm sure they're not that familiar with it. We did communicate with all possible agencies that might want to locate something in the area, checked them all out, and we came out with 2, and then proceeded to leave enough--2 to 2½ times the area that they indicated would be necessary in any case.

TAKEHARA: Why does the police department say there is no need, that Pearl City services are sufficient for Makakilo? Is this a statement made with knowledge of population projection for Makakilo, or is it just present?

PORTMORE: I believe it's with knowledge of the projection. They are aware of what the projected population is. I did communicate with the person responsible for that on the phone and he did ask me that question--how many people? So, I'm sure they are aware of what the ultimate population of Makakilo was expected to be.

(There were no further questions of staff.)

Testimony in SUPPORT--

Mr. Journ Yee, representing Finance Realty Company

YEE: In relation to the material presented by the Department of General Planning, we are in agreement with all the changes recommended; however, I want to make sure the boundary does not interfere with the PDH application. I don't think there's a problem there. In fact, I think it serves and improves the situation as far as the PDH application is concerned.

In connection with the relocation of the civic center to the town center site, we are in agreement that's probably the best location for us in terms of service and convenience to the people in Makakilo, both the present and the future. One of our representatives have contacted some people in Makakilo. I don't know their names. We had indicated no objection to relocating the site to the town center. They weren't too sure about the size of that site until we had taken

that person on the site and showed them what 2.9 acres looked like. It appears that they are satisfied. I might further comment that in the event at some future time there is a need for a police station, that's another function that might require additional space. I believe that we can provide for it because we have reserved sufficient areas in the town center to meet future unforeseen needs. I believe 25 acres in that area is adequate for both the commercial activities plus the City activities and sufficient space for expansion in event 15 or 20 years might require when Makakilo develops more fully.

One comment in connection with the community park. The swimming pool is a 25-yard pool and not an olympic size pool. In connection with the PDH, Finance Realty will build the swimming pool at their own expense and will dedicate that to the City and County so that both the residents of the planned development and of the area, plus existing residents in Makakilo will utilize the pool.

I will be happy to answer any questions.

TAKEHARA: I know your development has started already, Mr. Yee. Also, this is a general plan amendment. There are a lot of PDHs developing at this point. Could you tell us the estimated cost per unit?

YEE: That's a real tough question. When we started the application on the PDH about a year ago, we had made estimates of certain housing costs. In between that time and this time, the cost of construction has increased about 20%. So, even the information we submitted a year ago is out of date. I think the best answer I can give you is along this line. We recognize housing is a real, real problem here on Oahu. We intend to serve that market to the best of our ability based on cost. We would try to do as many things as we can to do a good job and still try to get it within as many income groups as we can. Right now our townhouses are selling on the average price of about $48,000. We are extremely concerned about inflation and costs as I'm sure you people are. We want to provide many of these additional facilities because we think on the long term basis, they are needed. However, we have to constantly relate that to the ability of the people to pay for them. I certainly recognize your concern on that. We are more concerned on it because if we can't provide any housing the people can afford, we simply won't be able to remain in business.

TAKEHARA: What's the cost of Makakilo Hale?

YEE: That's $48,000. We have not been able to raise the price to compensate for the increase in construction cost.

CLEGG: How many parking spaces you anticipate at the commercial center?

YEE: Sorry, I can't answer that. That would depend on the ultimate floor area and the types of other facilities.

CLEGG: I'm alerting you to the fact that if you're going to build a thousand, you're going to have to get a building permit from the Environmental Protection Agency, if you didn't know that.

YEE: I don't anticipate that we'll get into that problem for a number of years and at that time, we'll probably design it for 999.

CLEGG: No, they have another rule in there that if you add 500 you've been had. You can't escape.

YEE: We don't anticipate this to be a regional shopping center. It's primarily a community shopping center for the convenience and use of the Makakilo residents.

CLEGG: It's really your problem because the fine is $25,000 per day.

YEE: Thank you. I appreciate that.

CHOY: I'd like to your rationale for deleting the civic center from your proposal.

YEE: I have personally been involved in planning work for a number of years. It's my personal feeling that the civic center function should be where it's most convenient to the residents. The library for instance should be located where you could drop the kids off and then do your shopping. Also from the traffic pattern, that probably would make more sense. Secondly, the existing site for the civic center is steep and not really suitable. Development costs would be very high. The present policy in the City and County agencies has been to take the best sites available for functions such as schools and playgrounds.

CHOY: Being that the civic center is reduced to 2.8 acres, if I understood Mr. Portmore correctly that the City would purchase the land, could it possibly be that you people would make this 2.8 acres a gift to the City?

YEE: Even if the civic center were to stay at its present location, it's still the present public policy to either purchase or develop your own facility. I'm afraid I can't go along with the suggestion.

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

Public testimony followed.

Testimony AGAINST--

Mr. John Meatoga, President, Makakilo Community Association, expressed opposition over deletion of the civic center site

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pointing out the need for a police station in their area. Even though existing population does not indicate a need, Makakilo's geographical remoteness and eventual population will require a civic center facility.

The public hearing was closed, on motion by Mr. Duke, seconded by Mr. Hosaka and carried.

ACTION: The Commission adopted the proposal of the Chief Planning Officer and recommended approval of the request, on motion by Mrs. Wikum, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

PUBLIC HEARING
CONDITIONAL USE PERMIT
MODIFICATION
(REBUILD INTERMEDIATE
CARE FACILITY IN R-3
RESIDENTIAL DISTRICT)
2670 PACIFIC HEIGHTS
DR. HENRY MANAYAN
(FILE #72/CUP-1)

A public hearing was held to consider a request for a modification of the approved plan to reduce the floor area by approximately 4,000 square feet while maintaining the same bed count, for an intermediate care facility located at 2670 Pacific Heights, Tax Map Key: 2-2-23: 36. Further change would involve the use of a pitched roof instead of the previously approved flat roof. These changes are being requested in an attempt to reduce the cost of rebuilding the facility.

Publication was made in the Sunday Star-Bulletin/Advertiser on January 5, 1975. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report of the request. The requested reduction in floor area does not adversely affect the public interest and is therefore acceptable. The revised plans further unify the project by placing all bed facilities under one structure. This would tend to promote greater efficiency and surveillance in the operation of the proposed facility. The change to a pitched roof would render the facility more in keeping with the residential character of the area.

The Director recommends approval of the request as indicated in his report.

No discussion followed.

Public testimony followed.

Testimony in SUPPORT--

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Mrs. Henry Manayan, Administrator, Hale Ho Aloha, indicated the present shortage and existing need for this type of care facility on Oahu. She requested the Commission's favorable action on this matter.

Testimony AGAINST--

None

The public hearing was closed, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the Conditional Use Permit, subject to the conditions contained in the Director's report, on motion by Mr. Duke, seconded by Mr. Kahawaiolaa and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

PUBLIC HEARING
ZONING CHANGE
(B-2 COMMUNITY BUSINESS TO R-6 RESIDENTIAL)
WAHIAWA
MRS. SOON YEE CHOI SONG
(FILE #74/Z-51)

A public hearing was held to consider a request for a change in zoning from existing B-2 Community Business District to R-6 Residential District in conformity with the Detailed Land Use Map for this area in Wahiawa, Tax Map Key: 7-4-05: portion of 30.

Publication was made in the Sunday Star-Bulletin/Advertiser on January 5, 1975. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The applicant proposes to retain the residential uses on the subject site in lieu of commercial uses. The parcel is split-zoned B-2 Community Business and R-6 Residential District. The requested change would be a reasonable extension of the existing residential distirct since it conforms to the DLUM. Its approval will bring the entire parcel involved into a single zoning district. Residential uses already exist on the premises.

The Director recommends approval of the request.

No discussion followed.

No one spoke either for or against the request.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

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ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mrs. Takehara and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

PUBLIC HEARING
CZC AMENDMENT
CHAPTER 21, REVISED ORDINANCES OF HONOLULU, 1969, AS AMENDED, RELATING TO IDENTIFICATION SIGN FOR BLDGS.
(BILL NO. 140 (1974)
(FILE #74/CZC-13)

A public hearing was held to consider a proposed amendment to the Comprohensive Zoning Code, Chapter 21, Revised Ordinances of Honolulu, 1969, as amended, relating to identification sign for buildings.

Publication was made in the Sunday Star-Bulletin/Advertiser on January 5, 1975. No letters of protest were received.

Staff Planner Jack Gilliam presented the Director's report of the proposed amendment to the sign regulations in the various commercial and industrial districts. The amendment permits a building to have one wall sign with a maximum area of 12 square feet to identify the particular building. This building identification sign would be counted as one of the present permitted signs and, therefore, there would be no increase in the number of size of signs allowed by existing regulations.

The Director recommends approval of the proposed amendment.

There were no questions from the Commission concerning the Director's report.

No one spoke either for or against the request.

The public hearing was closed, on motin by Mr. Hosaka, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the proposed amendment, on motion by Mrs. Takehara, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

ADJOURNMENT: The meeting adjourned at 3:30 p.m.

Respectfully submitted,
Henrietta B. Lyman
Secretary-Reporter

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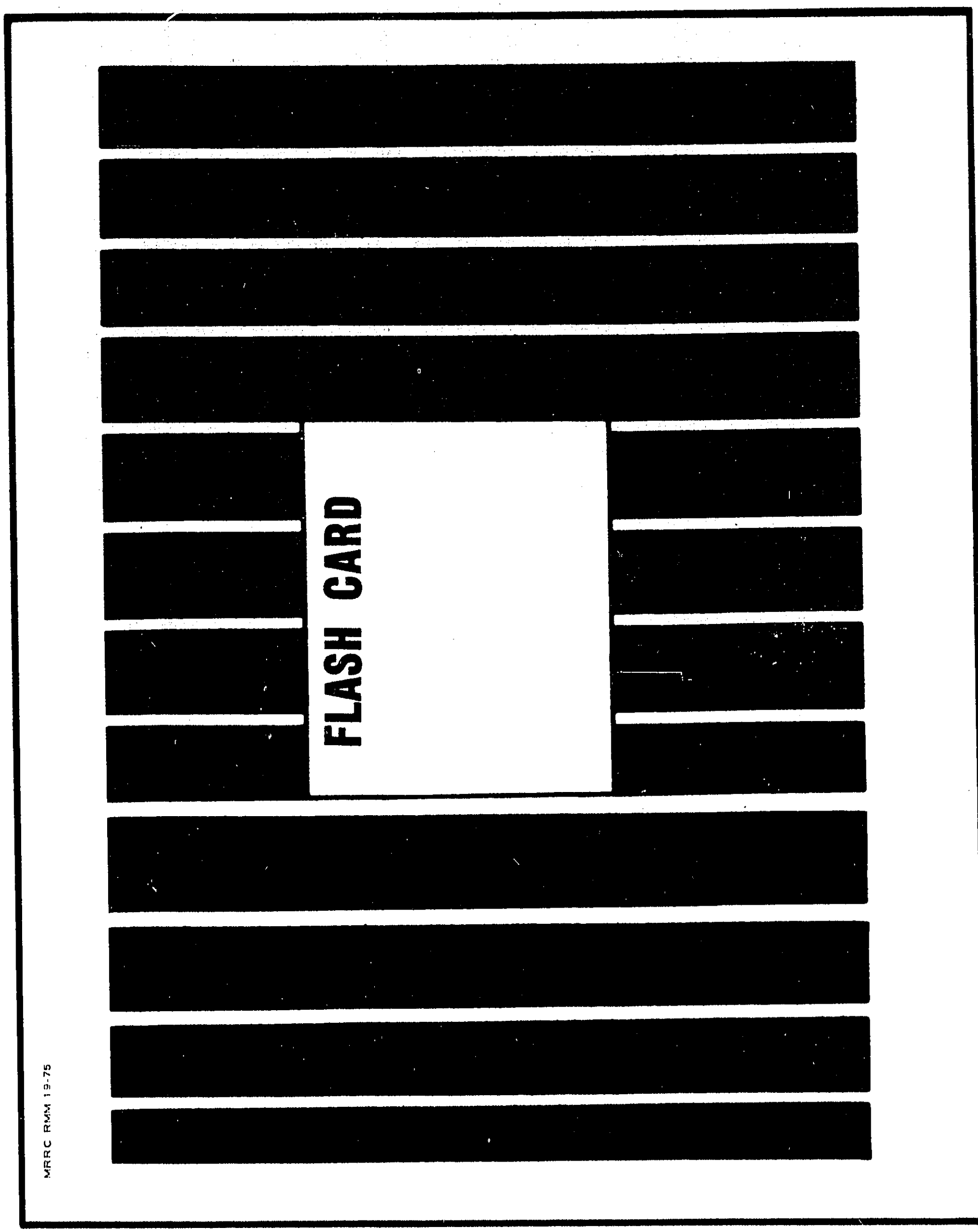
FLASH CARD



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MRRC RMM 13-75

JAN 29 1975

Meeting of the Planning Commission
Minutes
January 29, 1975

The Planning Commission held a meeting on Wednesday, January 29, 1975 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:
Randall Kamiya, Chairman
Charles Duke, Vice Chairman
Dr. Wilbur Choy
Alice Takehara
Harriet Wikum

ABSENT:
Donald Hosaka
Antone J. Kahawaiolaa

STAFF PRESENT:
Donald Clegg, Deputy Chief Planning Officer
Eugene B. Connell, Executive Secretary
Ali Sheybani, Assistant Director,
Department of Land Utilization
Loretta Chee, Staff Planner
Henry Eng, Staff Planner
Johan Ronningen, Staff Planner
Carl Smith, Staff Planner

UNFINISHED BUSINESS
CONDITIONAL USE/
SPECIAL USE PERMIT
(DOG KENNEL)
WAIANAE
SER CAM KENNELS, INC.
(FILE #74/CUP-27 &
#74/SUP-11)

A public hearing was held and closed on December 18, 1974 and action deferred to January 15, 1975. On January 15, 1975, the CUP was denied, and action deferred on the SUP to January 29, 1975.

No further staff presentation was made.

The following transpired.

MOTION

DUKE: I move to approve the SUP.

WIKUM: Second.

DUKE: We all know from the last meeting that the CUP was denied. If we deny the SUP, then we close the door on this applicant completely without permitting him to go before the Council and elected people that make the planning decisions. I feel it is only proper that this applicant be given a chance to air his case before the City Council.

I also would like to amend my motion, if my second would permit me to, in this respect--

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I move that we pass the SUP and ask guidance from the City Council on conditional use permits where it does not agree with the general plan, because I know that sometime in the future, we are going to have problems come before us and we're going to probably rue the day that unless we have guidance that we set a precedent on this general plan versus CUP.

CHAIRMAN: Maker of the second, do you agree with the amendment?

CHOY: Mr. Chairman, I feel that the amendment to the motion is not applicable because the SUP is one directed to the State Land Use Commission and not the City Council. In my motion at the last hearing for the denial on the CUP, we did ask, in fact, for the Council to clarify the CUP. I think this is just a repetition.

CHAIRMAN: Your point is well taken, Dr. Choy.

DUKE: I would like to have that clarified. I recall your motion quite well, Doctor. Maybe we could look up the minutes and determine whether you asked Council for clarification or not.

CHOY: On the last motion, I had selected Alternative #4 that was forwarded to us by staff which reads--

"To recommend denial on the basis that the proposed use is not in conformance with the purpose and intent of the General Plan for this area. To further recommend that because the Commission finds that numerous conditional uses as indicated in the CZC are not compatible with agricultural uses, that the City Council has the following section reviewed: 21-401(c). To have deleted any and all uses which are not directly related to the agricultural industry.

DUKE: If you had not put in agriculture per se, I'd buy that. But, when you say agriculture only that you want a ruling on, then I think you're wrong because the general plan covers many things besides agriculture. We will have CUPs requested for other areas in the general plan besides those zoned for agriculture.

CHAIRMAN: Point of clarification. I think Commissioner Choy's point is well taken that this will be going into agriculture. I would suggest to work on a motion to accept or deny, and to follow that, we also write a letter to the Council asking the Council to study portions of the CZC and if possible, make the corrections.

I think we are arguing over a point that can't be handled very easily.

DUKE: Well Sir, I think you're somewhat correct there, other than the fact that the whole thing was brought up as a technicality anyway. So, why compound the technicality by not straightening out another technicality. Your suggestions that we ask the Council for guidance in a letter, is well taken. As a result, I withdraw my amendment to the motion.

???

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TAKEHARA: I would like to speak against the motion. My reason for this is in relation to the material we received, the reference being the State Land Use Commission Rules and Regulations, 2.24 and 2.28. Section 2.24 titled Test to be Applied, the guidelines presented to us have two sections that I feel we are qualified for this proposal, sections--

(e) That the land upon which the proposed use is sought is unsuited for the uses permitted within the District; and

(g) That the proposed use will make the highest and best use of the land involved for the public welfare.

I think with both these guidelines, I feel that we just haven't had enough evidence to show us that this land is not suitable for agriculture.

DUKE: I also read those items. Alice, if you're speaking against the motion, we only have five here and it couldn't possibly carry without everyone for it. Therefore, I'd like to get clarification on one item from Mr. Way regarding the SUP and the CUP. Then, I would like to prevail on you to maybe reconsider.

Mr. Way, the question is if the Commission does not approve of the SUP, the question is dead.

WAY: Yes.

DUKE: Even the CUP cannot go before the Council.

WAY: I guess in a technical sense, the CUP would probably proceed but it would be more on the basis of an informational item rather than an item for action before the Council. I think what would happen, and I'm a little uncertain here, that we would probably forward it saying we had received this, however, the Commission had recommended denial of the SUP therefore, the matter is moot before the Council, in effect.

To answer the first part of your question, the Commission does have jurisdiction or to put it the other way around, the approval of the Commission must be received before the State can further process SUPs.

DUKE: That's the way I understood it. If the applicant wants to pursue this before the Council, it is then a moot question because he couldn't do anything before the Council anyway.

Now, if we approve the SUP even though we denied the CUP, Council still has an opportunity to decide for or against the applicant.

WAY: That's correct.

DUKE: So, by not approving the SUP, we are denying him his right to further consideration. I think each applicant has that right, not to let us be the deciding body on this. We make recommendations and we recommended denial. Yet, he still has the right

to go before the Council and maybe he can prove his point there. I don't know. But, unless we approve the SUP, he's a dead man and I don't like him to be a dead man merely because we're fighting over words.

CHOY: If I read you right, whenever an applicant submits an application to us, in essence what you're saying is we should keep it in the ball park by passing and rubber stamping everything that's coming through here especially where an SUP is concerned. You readily realize there's several commissioners, especially myself being the maker of the original motion, that we do have the jurisdictional power or right on the SUP. I don't think we're usurping the privilege of the applicant in this instance.

DUKE: Doctor, I think some of us have this twisted in our mind. I'm not saying you're one of us but, the CUP we have denied. As far as we're concerned, we are recommending to the Mayor and the City Council that the dog kennels not be constructed on this agricultural land. That's a fact and we all know that.

But, the SUP is a State obligation. If we do not approve of the SUP, we are not giving this applicant due process. We're shutting the door in his face right now because we're the ones that act on the SUP, not the City Council. Every applicant should be given due process. I don't think we should shut the door in his face, really, even though we're denying the CUP.

CHOY: Mr. Chairman, I think this is ending up as a debate between Mr. Duke and myself. I'm not convinced, really, that the best use of this piece of land should be for dog kennel. Unless I could be convinced and proven, if there's no other question, I would like to ask for the question.

CHAIRMAN: The question has been called for.

DUKE: Clarify the motion.

CHAIRMAN: You want a clarification on the motion?

DUKE: Well, I want everyone to have clarification. I made the motion. I'm moving that we approve the SUP. I just want everyone to understand that.

CHAIRMAN: All those in favor of the motion, raise your right hand.

(The motion to approve the SUP failed to carry.)

AYES - Duke, Wikum
NAYES - Choy, Kamiya, Takehara
ABSENT - Hosaka, Kahawaiolaa

The Chairman called a recess.

Upon resuming the meeting, the following discussion transpired:

TAKEHARA: Mr. Chairman, I'd like to make some corrections to the statement I made in regards to speaking against the motion. It was pointed out to me that guidelines (e) and (g) I quoted for the test to be applied from the State Land Use Regulations, do conform with this SUP. This is because there is a discrepancy between the SUP and what I felt was our guidelines for the County general plan. The SUP does include domestic animals as part of its allowable usage. Our County general plan does not include it. I do feel in looking at Section 2.23, Petition Before County Planning Commission, it states that this is part of our duty, Mr. Duke, to deny or to recommend acceptance on the SUP. At this point, I can find no justification for denying it according to the State Land Use Regulations.

CHAIRMAN: Is there a motion?

TAKEHARA: I would like to make a recommendation after the motion does pass.

CHAIRMAN: There's no motion on the floor.

TAKEHARA: When I do vote for the motion, I'd like to see the CUP evaluated at the Council level.

ACTION:

DUKE: Mr. Chairman, if it's in order, I'd like to move that we approve the SUP.

WIKUM: Second.

CHAIRMAN: It's been moved and seconded.

TAKEHARA: Is it possible to attach a recommendation in an amendment form that we pass only because we'd like to have this CUP evaluated, as was in the original motion made last meeting?

DUKE: I'm sure that will follow.

Mr. Chairman, I think Alice has clarified, in my mind, everything that's in favor of this motion. Therefore, I see no reason for me to speak for the motion at this time. If it's in order, I'd like to ask for the question.

CHOY: Mr. Chairman, if I may have the floor.

Mr. Duke, if I'm going to reverse my vote, I would like to be able to clarify it. As far as I'm concerned, this is a compromise. I do agree with Commissioner Takehara. In my mind, I'm still not convinced that the intended usage is the thing we want for the area. But for the sole purpose of redirecting this issue to the City

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Council to clarify some of those problems that confront this body, then I would vote for the motion.

Then again, the Chair had clarified also that this body does have the right to deny or approve the SUP, and it's not a recommendation. I think we should all be cognizant of this one particular fact.

CHAIRMAN: Further discussion? If not, all those in favor raise your right hand.

(The motion to approve the SUP was unanimously carried.)

AYES - Choy, Duke, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka, Kahawaiolaa

ENG: Mr. Chairman, I have a few points of clarification for the record.

First of all, the public hearing on this matter was held on the 15th of December, 1974. In accordance with the CZC, I believe the Commission has 30 days to transmit this to City Council. The 30 days have lapsed so it would be wise to send it up as soon as possible.

The second point is the Department of Land Utilization would like to have clarified, the basis for denial of the CUP. As we understand it, it relates to Item #4 of the Memorandum dated January 3, 1975 from Mr. Way to the Planning Commission; that is, to deny on the basis that the proposed use is not in conformance with the purpose and intent of the etc.?

TAKEHARA: Yes.

CHAIRMAN: Yes.

ENG: Okay, I just wanted that clarified. Thank you.

PUBLIC HEARING BILL NO. 184 (1971) CZC AMENDMENT RELATING TO AUTOMOBILE REPAIR ESTABLISHMENTS INITIATED BY CITY COUNCIL (L&R/CZC-1974-12)	A public hearing was held to consider a proposed amendment to the Comprehensive Zoning Code, Chapter 21, Revised Ordinances of Honolulu, 1969, as amended, relating to automobile repair establishments. Publication was made in the Sunday Star-Bulletin/Advertiser on January 19, 1975. No letters of protest were received.

Staff Planner Johan Ronningen presented the Director's report of the proposed amendment. It's purpose is to delete from permitted principal uses in B-2 Community Business Districts those activities of automobile repair establishments which by their nature are more

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properly located in industrial zoning districts, namely body and fender work, and including the straightening of automotive frames or body parts.

The Director concurs with the proposal and recommends its adoption.

No discussion followed.

No one was present to speak either for or against the proposal.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the proposed amendment, on motion by Mr. Duke, seconded by Mrs. Wikum, and carried.

AYES - Choy, Duke, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka, Kahawaiolaa

PUBLIC HEARING
ZONING CHANGE
(R-6 RESIDENTIAL TO
A-3 APARTMENT)
SHERIDAN TRACT
JANE MURAMATSU
(FILE #74/Z-49)

A public hearing was held to consider a request for a change in zoning from R-6 Residential to A-3 Apartment on approximately 4,796 square feet of land located in Sheridan Tract--off Piikoi Street between Hoolai and Rycroft Streets, Tax Map Key: 2-3-10: 03.

Publication was made in the Sunday Star-Bulletin/Advertiser on January 19, 1975. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The applicant proposes a three-story apartment structure with six parking spaces at ground level and a total of eight studio units on the second and third levels. Access would be from Piikoi Street. The proposed change in zoning conforms to and implements the adopted GP/DLUM for the area, and is compatible with surrounding uses. Public facilities and services are adequate to support the proposed use.

The Director recommends that the request be approved.

No discussion followed.

No one was present to speak either for or against the request.

The public hearing was closed, on motion by Mr. Duke, seconded by Dr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Duke and carried.

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AYES - Choy, Duke, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka, Kahawaiolaa

PUBLIC HEARING
CONDITIONAL USE PERMIT
(PRIVATE TENNIS CLUB
WITHIN RESIDENTIAL
DISTRICT)
WAILUPE
JAMES MACARTHUR
(FILE #74/CUP-33)

A public hearing was held to consider a request for a Conditional Use Permit to construct and operate a private tennis club within an R-3 Residential District in Wailupe at 5275 Kalanianaole Highway, Tax Map Key: 3-6-02: 04.

Publication was made in the Sunday Star-Bulletin/Advertiser on January 19, 1975. No letters of protest were received.

Staff Planner Carl Smith presented the Director's report of the request. The applicant proposes to establish a private tennis club with seven tennis courts and a small clubhouse containing locker rooms, a pro shop, and a small lounge area. The tennis courts will be lighted for evening use till 10:00 p.m. The Director recommends approval, subject to the conditions contained in the report.

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

Public testimony followed.

Testimony in SUPPORT--

Mr. Stanley Hattie, copartner with Mr. James MacArthur, was questioned by the Commission and indicated the following:

1. They agree with the conditions and see no problem complying with them.

2. They understand that use of the clubhouse permits only legitimate business of the club such as annual meetings, special tournament meetings, trophy awards and the like. Use of the clubhouse for wedding receptions and private parties is prohibited.

   Mr. Stanley also indicated that a condition of their lease from the Mormon Church is that they will not obtain a liquor permit.

3. Concerning the use of lights for evening tennis play till 10:00 p.m., adjacent property owners were contacted and had no objection.

4. The existing day school operation for retarded children will be relocated. There are plans to acquire property in the Fort Ruger area.

Testimony AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the Conditional Use Permit, subject to the conditions contained in the Director's report, on motion by Mrs. Takehara, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka, Kahawaiolaa

PUBLIC HEARING
SPECIAL USE PERMIT
(POLICE & FIRE TRAINING
FACILITY WITHIN AG-1
RESTRICTED AG.DISTRICT
WAIPAHU-WAIPIO
PENINSULA
BUILDING DEPARTMENT,
C&C OF HONOLULU
(FILE #74/SUP-2)

A public hearing was held to consider a request for a Special Use Permit for the City and County of Honoluou to construct and operate a police and fire training facility within an AG-1 Restricted Agricultural District located on approximately 15 acres of land in Waipahu--Waipio Peninsula, Tax Map Key: 9-3-02: portion of 9.

Publication was made in the Sunday Star-Bulletin/Advertiser on January 19, 1975. No letters of protest were received.

Staff Planner Carl Smith presented the Director's report of the request. The applicant proposes to establish a police and fire training facility on the site. The facility will include six buildings housing classrooms and offices, a gymnasium, a firing range office and firing sheds, a canine training facility, a fire training facility, and a radio facility.

Based upon review and analysis of the request, the Director of Land Utilization concludes that the proposed police and fire training facility is:

1. Not contrary to the objectives of the Land Use Law and Regulations.

2. Capable of being conditions so as not to adversely affect surrounding property.

3. Not an unreasonable burden to public agencies or facilities.

4. No substantial alteration of the character and use of the land; and

5. The highest and best use of the land involved for the public welfare.

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The Director recommends approval of the request.

Questions were raised by the Commission.

WIKUM: About the noisiness, I'm not clear as to who enforces the condition about firing during tradewind weather only. If that's one of the conditions of the permit, how does it get enforced? I'm looking on page 9.

SMITH: The conditions start on page 11. We did not say anything about the noise during tradewind weather. We were talking about airborne emissions, smoke.

TAKEHARA: The report states that the U.S. Navy expressed concern for safety baffling. Could you describe to us what precautions will be taken?

SMITH: This (referring to building plan displayed) is the plan of the firing ranges. What they're talking about is assuring a baffling system which will prevent a stray slug from escaping from the range. They have, as shown in the plans here, provided for this as shown by the hanging baffles which would prevent anything from escaping.

TAKEHARA: One of the conditions states that landscaping plans are in progress. Will there be a buffering zone of this area?

SMITH: The site plan shows buffering all the way around as well as a certain amount of internal landscaping. This is probably very schematic. What we're saying in the condition is we want to see what you're actually going to put in there and have the right of approval over it.

DUKE: You state that the State Land Use boundary is AG. What about our general plan?

SMITH: The general plan designates it as a public facility.

DUKE: Is it a dump at the present time?

SMITH: It is not an active dump. The active dump is across the road from it.

DUKE: Was this formerly a dump?

SMITH: I believe so. This area was turned over to the City and County by the Federal government for purposes of rubbish disposal.

DUKE: You say it's lower than the surrounding area. How much lower?

SMITH: A foot or two. It's not all that much lower.

DUKE: It's not a lake during the rainy season.

SMITH: The proposal is to build it up.

DUKE: Presently, is it a catch basin?

SMITH: None of the agencies indicated that it was. It's a pretty marginal piece of ground.

DUKE: The emission of smoke, by any stretch of the imagination, that couldn't be more than cane field burning could it?

SMITH: I doubt very seriously it could be.

TAKEHARA: But aren't we being assured whenever there is a need for a fire, it will be done only on tradewind days?

SMITH: Yes, that's basically our intent, that if air emission standards have to be exceeded, that they would only be exceeded at such time as tradewinds are blowing taking it away from the town of Waipahu.

(There were no further questions of staff.)

Public testimony followed.

Testimony FOR--

Mr. Boniface K. Aiu, Fire Chief, Fire Department, was questioned by the Commission.

DUKE: Just for my own information more than to make any decisions on this application, where does the Fire Department do their practice now when they're burning? If this is going to create a problem maybe in that area, where do you presently do it?

AIU: We presently train on the public streets, parks, private areas that are made available to us. When I say private, I'm talking about highrise buildings that we could use to stretch our ladders out. We don't have any particular area that we can train. We go out and we beg. Many times when we use the park areas, we flood the parks and we get complaints, then we're not there anymore. We really don't have any place to train. We're just doing the best we can.

DUKE: Well, undoubtedly you've needed a facility similar to this for such a long time, have you not?

AIU: Yes. I've been in the fire service for over 32 years and we've been trying for the last 32 years.

DUKE: Have you read the conditions and do you have any objection to any of them?

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AIU: Yes, I've read them. I think we can live with those conditions. I think it will be better than what we have now. We have nothing.

DUKE: Is there a problem on the smoke emission you're going to create?

AIU: No, we don't think this is going to be a problem. We're not going to be burning eight hours. We will burn maybe five to ten minutes. We burn and we put it out. Unfortunately, we've got to burn. We've got to expose the smoke conditions to our fire fighters. They've got to have the feel of heat so we've got to do this. But, I'm sure we will come out with some device. We've been looking at other training facilities where the smoke would practically come out with no color at all. I think we can come about with something. We don't feel that burning and smoke is going to be a problem. It's because people don't understand what we're going to do

DUKE: Well, if you'd explain it to us, all of us would understand it.

AIU: As I said, we're not going to be burning eight hours. It'll be like five to ten minutes where in this training building and this fire tower, it will be constructed where we could start a fire right in this building. It will be contained. It would take about a minute to get this building probably to the size that we want as far as heat and smoke is concerned, then we get our men in there. See, if we can't put it out in five minutes, then we're not going to be doing our job.

Of course, we do have some pits outside in the open area where we will have some fuel, where we will burn and put out. But, these techniques or drills that we go through will not take more than five minutes to complete.

DUKE: Your anticipated training schedule, would you be operating there daily?

AIU: Not daily but we will be operating there pretty much the time most of the days. We will have to bring in the various fire stations throughout the island to the site. We might bring one station one day and the next day and then probably rest. It won't be everyday. Unless we have a new group of recruits, then we will be there daily for maybe about four to six weeks, Monday to Friday.

CHOY: I know that departments do grow and do evolve to be quite sophisticated. We have 52,200 square feet of land there. The projection into the immediate future, do you see any conflict in the usage of that premises with the Police Department as far as training is concerned?

AIU: I don't think there will be any conflict. The way

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we have arranged the facility by joint use, I can't see any conflict.

CHOY: Usually how large is a group of recruits and also the training personnel?

AIU: We never start a class unless we have six men which is the minimum. We don't feel it is practical to train a class less than six. Six is usually the amount of men that we assign to a station on one shift. We have trained as many as forty men at one time.

CHOY: I'm really concerned about the possibility of not having a facility that is large enough for future uses. This is the direction of my question. As far as your parking facilities are concerned, you think you have adequate parking when the Police Department also will be using the facilities on the same day, or will use of these facilities be staggered, and you'll work on some schedule with Mr. Keala?

AIU: I'm sure we'll have to work out a schedule.

CHOY: So, you won't be coming back here in three years asking us for another piece of land?

AIU: I don't think so, Dr. Choy, no.

(There were no further questions of Chief Aiu.)

Testimony AGAINST--

Mr. Irby C. Tallant, Jr., Engineer in Charge-WP, Federal Communications Commission, Field Operations Bureau, Waipahu Monitoring Station.

Objections--

1. Agriculture, rather than urbanization is more compatible with our mission in that the electro-magnetic atmosphere of plants and animals is more sterile, i.e., less sources of electro-magnetic interference, than that of electronic or electro-mechanical devices associated with urbanization.

2. The Police and Fire Training Facility as it is presently planned should not create any problems, however, once the foot is in the door, changes could be made which, while compatible with the proposed special use permit, may jeopardize the accuracy of our equipment. In the 19 years prior to our locating in Waipio in 1959, exhaustive studies of soil conditions, topography, and electro-magnetic atmosphere were made on all the islands attempting to find the "right" spot, but the three ideal conditions could not be found together

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suitable for erection of our precise direction finding equipment.

3. The golf course adjacent to the proposed site has restrictive limitations on it which might create problems for the facility, i.e., there is a 500-foot airspace restriction over the Monitoring Station which may be a problem as the helicopters drop on to the proposed landing pad.

4. Presently, there are only plans for mobile radio communcation stations; however, comments by the Fire Department indicate that base stations may be proposed. A 7-story building as such may not cause problems now but sets precedent for the possibility of a 30-story building which could cause problems for their director finder.

Mr. Tallant was questioned by the Commission.

DUKE: The application before us today, never mind the future, do you have any objection to the Fire and Police fixing this facility as presently planned?

TALLANT: Not as presently planned. I can agree with it as it states today, the 7-story highrise and limited communication facilities.

DUKE: Have you read the conditions?

TALLANT: No, I haven't.

DUKE: Well, you can have mine. In many respects they are quite stringent because they cannot change any without permission from the City Council. Quite often it is misunderstood. If those conditions are met, then it's not truly a foot in the door, then you would not have any objections?

TALLANT: Right.

DUKE: We have heard from the Fire Department as to their use of the facility. I'd like to ask a member of the Police Department a question. The present plans as presented, do you anticipate in the foreseeable future, need for expansion in that area?

POLICE MAJ. BERNARD SUGANUMA, POLICE TRAINING DIVISION: The way the plan is now, we don't anticipate any expansion maybe for another 20-30 years. We would be glad to have this facility.

SMITH: Mr. Chairman, I would like to draw your attention to Condition #3, that the building of the facility be built according to submitted plans, which are these plans. That is pretty good assurance that expansion is not going to take place unless another public hearing like this is going to be held.

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(There were no further questions.)

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

The matter was deferred for a statutory period of 15 days.

ADJOURNMENT: The meeting adjourned at 3:08 p.m.

Respectfully submitted,

Henrietta B. Lyman
Secretary-Reporter

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FLASH CARD

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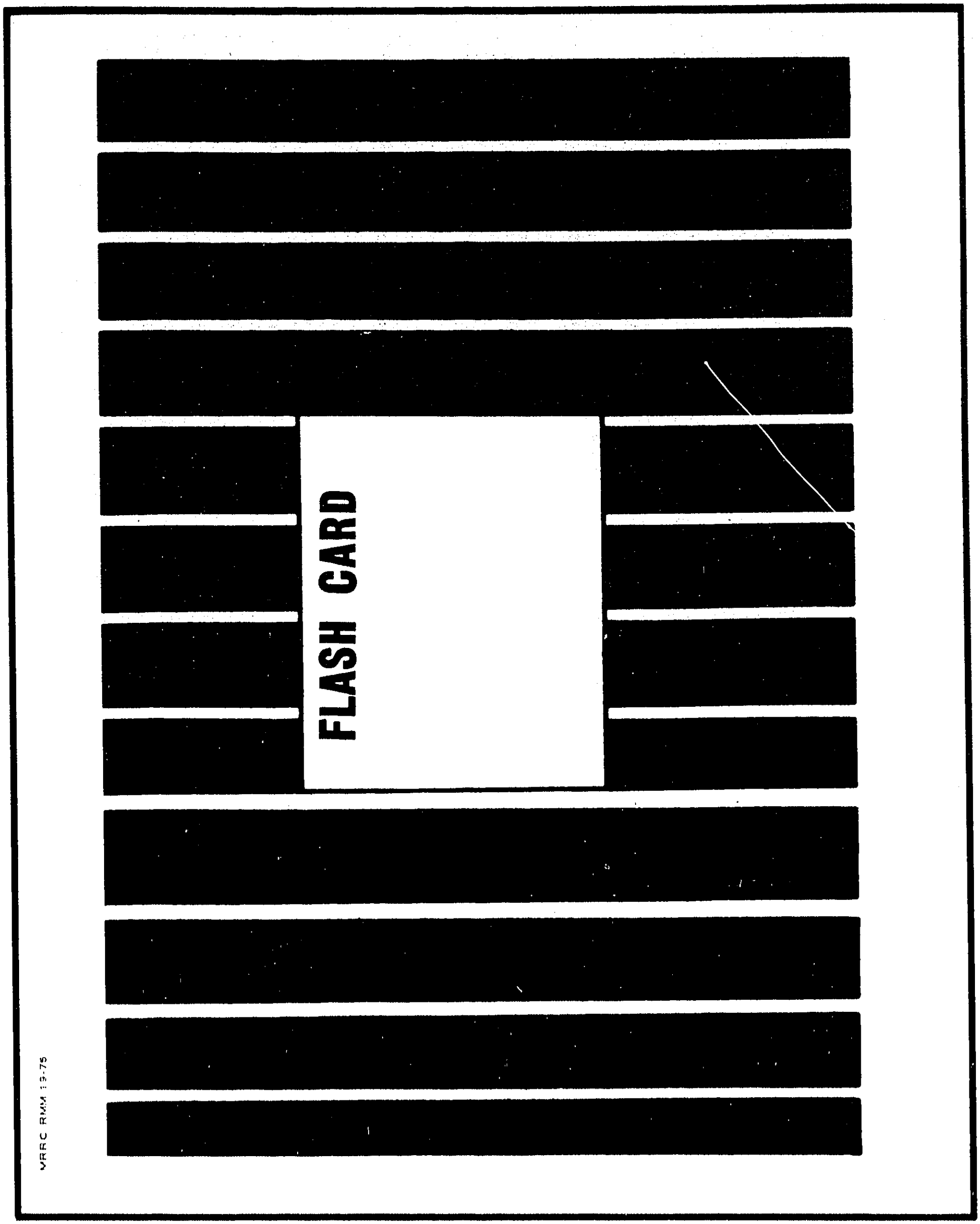
FLASH CARD



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Meeting of the Planning Commission
Minutes
February 5 and 6, 1975

The Planning Commission met on the evenings of Wednesday and Thursday, February 5 and 6, 1975 at 7:30 p.m. in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:
Randall Kamiya, Chairman
Charles Duke, Vice Chairman
Dr. Wilbur Choy
Donald Hosaka
Alice Takehara
Harriet Wikum

ABSENT: Antone Kahawaiolaa

STAFF PRESENT:
Donald Clegg, Deputy Chief Planning Officer
Eugene B. Connell, Executive Secretary
Ali Sheybani, Assistant Director, Department of Land Utilization
Herbert Mark, Staff Planner

PUBLIC HEARING DIAMOND HEAD HISTORIC, CULTURAL AND SCENIC DISTRICT ORDINANCE

A public hearing was held to consider a proposed ordinance for establishment of Historic, Cultural and Scenic District No. 2, the Diamond Head District.

Publication was made in the Sunday Star-Bulletin/Advertiser on January 26, 1975. Correspondence received both FOR and AGAINST the proposal is summarized in public testimony.

Presentation of the proposal was made by Mr. Ali Sheybani and Mr. Herbert Mark. The Department of Land Utilization report was prepared based on updating the 1971 report and the requirements of Article 12, as revised. The 1971 report has been revised in the following areas--addition of a design control system consisting of five general criteria precincts with height restrictions, improvement guidelines, landscaping and architectural treatment guidelines.

Also accompanying the report is a proposed ordinance (Ordinance Draft No. 2) that modifies certain sections of Ordinance Draft No. 1 dated January, 1971. These modifications are:

1. Changing the requirement for 10% landscaping of parking lots to apply to lots exceeding 2500 square feet instead of 4000 square feet.

2. Repair and maintenance of nonconforming structures to comply with the CZC, Section 21-107(d) rather than up to 100% of the replacement value of the structure.

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3. Addition of nonsignificant projects, mainly the inclusion of the Kapahulu GNRP area within the nonsignificant project category, not requiring public hearing or City Council review for issuance of certificate of appropriateness.

The outside boundaries of the district remains as proposed in the 1971 report.

Public testimony followed.

Testimony in SUPPORT--

Twenty-two witnesses testified in FAVOR of the Diamond Head ordinance at the Planning Commission public hearing on February 5, 1975. Those who testified included:

Written--

1. Senator Jean King
2. Senator John Leopold
3. *Representative Steve Cobb
4. *Representative Jack Larsen
5. Representative John Carroll (represented by Elaine Morinaga)
6. Mr. Aaron Levine (Oahu Development Conference)
7. Dr. E. Alison Kay (Save Diamond Head Assn.)
8. Alice Spalding Bowen
9. Mrs. Robert Creps (Outdoor Circle)
10. *Mr. Robert Fujiwara (American Society of Landscape Architects)
11. Mr. Leonard Hoshijo (ILWU)
12. Mr. Jack Lindsey (Friends of Waipahu Cultural Garden Park)
13. Mrs. Jack Lindsey (Hawaiian Federation of Garden Clubs, Inc.)
14. Mrs. J. P. Cooke (Garden Club of Honolulu)
15. *Mr. Jack Lynch (Diamond Head resident)
16. Mr. L. W. Schutz (Diamond Head resident)
17. Mr. R. Alexander Anderson (President, Diamond Head Homeowners Assn.)
18. Diane D. Hastert (League of Women Voters)
19. Mrs. Daniel Herbert (Homeowner, Kaalawai Tract)
20. Mrs. Edward Frank (Homeowner, Kaalawai area)
21. Mr. Owen Chock (Hawaii Chapter AIA)
22. Joan P. Lawson (The Junior League of Honolulu, Inc.)

* Oral testimony

Written testimony was received from 18 of the 22 witnesses and is noted in the record.

The testimony in favor of the ordinance is summarized in the following points:

1. Ordinance needed so that highrise construction will not block view of Diamond Head from any of the proposed vistas.

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2. The value of property was created by zoning given by the government and the public facilities that were provided.

3. The need for a change in attitude about property. It should be judged by more than development potential.

4. Diamond Head area is appropriate area for legislative intent of Article 12, CZC, to be applied.

5. Ordinance needed to preserve Diamond Head because it is important scientifically and historically. The former because it is the most accessible tuff cone. The latter because of its importance in Hawaiian history and religion, as well as its historical significance in World War II.

6. A needed response to the state legislative Act 249 which created the Diamond Head State Monument.

7. Ideal thing would be to zone whole area for park use.

8. Needed in order to lessen possibility of increased density and added pressure for more public facilities.

9. Additional development would increase transportation demands which would cause problems on Diamond Head Road.

10. City needs additional park and open space. Public will benefit by not only being able to see Diamond Head, but by being able to be in the area.

11. No highrises and also no squatty low rises should be allowed in the district.

12. There is a need for strong controls on landscaping and exterior changes.

13. The recent Supreme Court decision puts Diamond Head in jeopardy. This ordinance is needed promptly to protect Diamond Head's view and slopes.

Suggested changes to the ordinance are summarized as follows:

1. Exceptions for non-conforming structures so that if destroyed, they could be replaced between 60%-100% of replacement value.

2. Delete historical and cultural from title of ordinance, but accelerate timetable for a Hawaii Historic Preservation Plan and include all appropriate Oahu sites.

3. Have City purchase air rights of lands zoned apartment or business, but only for those who purchased property before 1969.

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4. Re-examine the B-2 business areas in Kapahulu to see if they can be excluded without impairing the scenic view.

5. Changing grubbing requirements because they are too rigid. Relax requirement so certification of appropriateness is not necessary unless slope is 10% or more.

6. Do not allow State properties to be exempted.

7. Suggest that a Review Committee concept be retained in the ordinance and include representatives of the City and County, State and private sector.

8. Immediately establish 3-month moratorium by City Council on new construction so as to forestall a rush for building permits.

9. Question whether PUD should be allowed in district.

10. Extend Kapiolani Park to the lighthouse and also extend park by using available lands between existing highrises.

11. Include in District the Kaalawai area. This will help preserve the eastern view of Diamond Head and also views from sea, air and beach.

Testimony AGAINST--

Thirteen witnesses testified AGAINST the Diamond Head Ordinance on February 5 and 6, 1975. Written testimony was received from 9 witnesses:

1. Mr. Jim Hall (past President, Diamond Head Terrace Assn.)
2. Mr. Putman D. Clark (President, Diamond Head Terrace Comm. Assn.)
3. Mr. Wendell Marumoto (Attorney for Diamond Head Terrace Assn.)
4. Mr. Frank Hecht (Resident, Diamond Head Road)
5. Mr. Niels Stoermer (Resident and Architect, Diamond Head Road)
6. Mr. Allan Renton (Resident, Diamond Head Road)
7. Penny Bradley (Diamond Head Terrace Tract, Secretary)
8. Mr. Hector Matsuda (Board of Directors, Diamond Head Terrace Assn.)
9. Mr. Gerald Moynihan (Board of Directors, Diamond Head Terrace Assn.)
10. James C. Ching (Natatorium-Poni Moi Association)
11. Mr. Melvyn S. C. Ho (President, Mac's Market)
12. Mr. Akira Otani (President, Market Place Ltd., owners of property on Diamond Head Road)
13. Mr. T. L. Goo (Resident, Diamond Head Terrace)

* Oral testimony

The objections are summarized as follows:

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1. Community homeowners in the area are being treated unfairly. They are pawns in a political struggle.

2. The majority of property owners in Diamond Head Terrace do not want highrises and are not on slopes or in the profile of Diamond Head. The present residential general planning and zoning is sufficient to give the protection desired.

3. This is unconstitutional - it is a taking of property rights for public purposes without compensation.

4. It is a ploy to extend Kapiolani Park by driving down property values and making it cheaper for the City in condemnation.

5. The Save Diamond Head issue is built on hysteria - sufficient height protection already exists against highrises under present zoning.

6. Question the validity of historical and cultural being included in the ordinance.

7. Question the necessity for any other restrictions to be placed on homeowners other than height restrictions which are already controlled by CZC.

8. The certificate of appropriateness is another layer of government and will add delays and additional expenses to home improvement and maintenance.

9. Proposed boundaries are discriminatory. If all views are to be protected and boundaries equitable, a point should be selected in Diamond Head and a radius drawn from that point in all directions.

10. The forty feet allowed in the Kapahulu District is not equitable to other areas. If maximum height of 25 feet is proper, then all areas should be 25 feet, i.e., height limits should be the same in all areas.

11. Properties zoned A-4 will be reduced in value when given a maximum height of 25 feet.

12. Rather than downzoning properties, City should buy all land from the Natatorium to Poni Moi Road.

13. Legal air rights are being confiscated without compensation.

14. It is unconstitutional to condemn land and air rights for only the sake of beauty.

15. Ordinance will place numerous buildings into nonconformity, lower values and make it difficult to obtain repair and expansion permits.

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16. Properties from the Natatorium to Poni Moi Road do not block the Diamond Head view because the ocean area is not urbanized.

17. Properties from the Natatorium to Poni Moi Road should be exempted from the ordinance.

18. To put a 25-foot height limit on B-2 properties in the Monsarrat area and to allow 40 feet for B-2 properties along Kapahulu is discriminatory.

19. The ordinance is a hastily developed, stop-gap measure, until lands can be condemned for park use at a lesser value.

20. The proposed ordinance allows for exceptions to height limits if approved by the City Council. Then, whether increased heights came through a PUD or this ordinance, the only safeguard is the Council.

21. Question whether City will require government agencies to get certificates of appropriateness for repair, building modifications to restrooms in parks/golf course, at the Shell or the bandstand. Two-thirds of property is owned by government, why does government need restrictions?

22. Property values will be lowered. Properties the city has taken over are poorly maintained in the area and are lowering property values.

23. Height limits of 25 feet measured parallel from the ground are unnecessarily severe. Such a regulation will cause hardship to small property owners and restrict design by architects.

24. Would not be against ordinance if we could be assured that Kapiolani Park will not be extended and our land condemned.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

DISCUSSION FOLLOWED.

DUKE: We have had so much testimony that it is difficult to make a decision without discussing quite a few points of great significance. I would like to point out a few facts that came from the testimony. First, let's take a few facts that were brought forth by the people who testified as being for the ordinance. Many people said we are for the ordinance, but almost invariably they came to the area of grubbing, grading and so forth. I think this grubbing deal has been brought out sufficiently well for us to consider the possibility of eliminating it from the ordinance.

I was rather amused with the lady from the Outdoor Circle. If the Outdoor Circle ever says, I don't want to have permission to

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have to cut down a tree, that's going a long way conversely, meaning that if you want to cut down a tree, you'll have to get permission to do it.

To get back to the grubbing and for the knowledge of the people present, I'd like more information on these permits or certificates that must be filled out and processed before going into the next point. I'd like for staff to read me the fees involved in obtaining the certificates in order to do things under this ordinance.

SHEYBANI: The fees for the certificate of appropriateness whether significant or nonsignificant would be the same and is according to a schedule, based on the cost of action taken. For example, if it's from $0 to $500, the fee would be $3. If it's from $500 to $1,000, it's $1 plus $.50 per $100. The cost of a $1,000 project would be $5. From $1,000 to $20,000 it's $3 plus $.30 and so on. For example, an action--construction, demolition--that would cost $20,000, the fee would be $23. It goes up to $500,000. It would be $350 plus $.50 per $1,000 of expense. We have not calculated that but most of the normal action usually doesn't exceed $20,000 which is a $22 fee for the certificate of appropriateness.

DUKE: I know Article 12 of the CZC cannot be changed by this Commission but we can make recommendations on changes. Items that are read into the problem that do not specifically appear in Article 12, they may be changed in this ordinance?

SHEYBANI: Yes.

DUKE: Is it possible to take out grubbing?

SHEYBANI: Grubbing is not called for by Article 12. It's only put in this ordinance and it can be modified as you wish.

DUKE: In our action, if we should, in addition to other things, delete grubbing, would that permit the people in this area to remove trees and shrubbery, etc. without getting out certificates and paying out $3 and going to the humbug of coming downtown?

SHEYBANI: Yes, that is true. There is another point that refers to trees but that is trees of historic significance or value. Most trees of a backyard are not considered significant value or historic value, just scenic value. By deletion of the grubbing requirement, you practically delete the requirement of getting permits for cutting trees and grubbing the site.

DUKE: I wanted that clarified because in the motion tonight, I'm certainly going to move that grubbing be removed from the ordinance.

CLEGG: To clarify the cost, Ali, if a particular kind of action is on the list of nonsignificance, then no cost is required to get a permit of nonsignificance?

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SHEYBANI: The cost applied is irrelevant whether it's significant or nonsignificant In the capital district the way it was before Article 12 was a flat $100 fee for public hearing. That applied even if someone wanted to add a window on the outside of the building. When they changed the ordinance to Article 12, the assumption was there are a lot of small projects that would pay fees for significant or nonsignificant and a few large projects. But, it balances out that some of the projects that are small and require public hearings was supported in another way by larger projects that pay larger fees. The fee schedule is according to the national building code.

CLEGG: I recall that there would be a number of actions which would be declared automatically nonsignificant and all that would be necessary would be really just coming down to the Building Department and automatically getting a permit.

SHEYBANI: No. To clarify that, all action within the ordinance that requires a certification of appropriateness falls into two categories, nonsignificant and significant. Nonsignificant would have no requirement for public hearing and Council review. It's only line agency taking 15 days, The fee for both are the same.

CHAIRMAN: You stated that with the deletion of grubbing, it practically wipes out the need for getting the certificate.

SHEYBANI: Right.

CHAIRMAN: The exception comes where?

SHEYBANI: The exception is further down under landscaping requirements on page 5. If we delete grubbing, no certificate would be required. On page 5, item D, landscaping, paragraph 2, it says all yards within the district shall be landscaped, planted and maintained in a park-like atmosphere. All trees and other planted landscaping of special historic and significant scenic value shall be retained in the natural setting.

By deleting grubbing, it does not delete that all trees of scenic value shall be retained. In case they wanted to remove those, that would require a permit.

DUKE: Who determines whether a tree is of scenic value or not?

SHEYBANI: That has to be determined. The tree plan for the district has to be updated and an inventory made.

DUKE: Is it a matter of record at the present time?

SHEYBANI: No. This item is the same in the capital district, trees and landscaping.

CONNELL: How do the fees you mentioned for the certificate

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of appropriateness compare to the fee and cost categories for a building permit?

SHEYBANI: It is slightly lower, I believe, because this was amended recently for Building Department's building permits. But, the ordinance refers to the older version of the building code. Whether it's lower or the same, I am not too sure but it is very close.

CONNELL: Who establishes these fees?

SHEYBANI: The applicant by cost estimate.

CONNELL: No, I mean in terms of the category and the whole fee structure?

SHEYBANI: It's nationally established.

CONNELL: It's nationally established in terms of building permits, isn't that right?

SHEYBANI: Right, and the ordinance written took the same percent.

CONNELL: If I build a home that will cost $85,000, in order to get a certificate of appropriateness, I would assume that I would have to have pretty much my working drawings.

SHEYBANI: No. For certificate of appropriateness you need only preliminary drawings, preliminary cost estimates.

CONNELL: So, the fees I would be charged would be the same cost or would be almost the same fee I would be charged to having the Building Department check working drawings.

SHEYBANI: Very close, yes. But at that stage, you probably would not have the exact cost estimate so it's based on preliminary cost estimate too.

CONNELL: It would seem to me that possibly the Commission should give some thought to this because I have a feeling that in terms of construction, what we're really talking about is virtually a double building fee, which I would question whether or not that's really appropriate. It seems to me that you have to have a certificate of appropriateness in order to be able to eventually get a building permit. It seems to me this is a regulation and it's not unlike regulations that we have in terms of our building permit.

SHEYBANI: That's true. There's one thing, that for getting building permits, you don't require a public hearing and Council consideration. This money would pay for that.

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CONNELL: But, is that appropriate even though there's not a public hearing? We still have a fee structure.

SHEYBANI: It is to balance that, right. The reason for this I believe was because of the complaints of small projects. If someone wanted to add a louvre or a door or repaint or repair his house, he had to pay $100 flat for public hearing. This way he pays less, and larger projects pay more, and they balance out to pay for all public hearings.

CONNELL: Although it's another issue, perhaps the Commission and the two departments should give some consideration to recommend to Council that we look at the whole public hearing fee schedule because it's still a $100 fee whether the application is for let's say zoning which will eventually pertain to 1,500 units or whether it's two units. I think we need to raise the question of the whole fee schedule, and also whether or not, in a sense, a double fee is appropriate or necessary.

SHEYBANI: That's a good suggestion.

CHAIRMAN: Does that answer your question, Commissioner Duke?

DUKE: Well, it answers it somewhat. I think it will probably permit us to eliminate some of the harassment the citizens might receive if this ordinance is passed. I think part of that harassment should be considered now.

While we're talking about double fees, it brings up another point of double standard. How far can we go in having some sort of assurance that state-owned property which is about two-thirds of the entire area under discussion will abide by the ordinance since they're not required to abide by the ordinances? If we cannot have assurances that the state will abide by the ordinance, then it seems to me we are doing a great injustice to our citizens. My question is, how strong and how far can we go to have some assurance that will be a fact?

SHEYBANI: I could not answer whether state would abide by the rules or not. At this point, they are not.

DUKE: We all know that the state did not decide to go by the rules of the capital district. Therefore, they can build indiscriminately and do other things that are against the ordinance of the capital district. It appears to me they could likewise do things here that would be very embarrassing and be very unfair. Maybe staff or the members here would have some answer to that. I think the citizens are due at least that consideration, double penalties for one and double standards for another.

CLEGG: I couldn't agree with you more. The City Administration and the City Council quite frankly are very concerned that the state has taken themselves out by ordinance and I'm not sure that I can really blame the state administration. It's the

state legislature that did it They've taken themselves out of the capital district ordinance. When you ask for assurances, I can only point to past experience and the assurances are zero. Now, I would have one suggestion for the city, that if the state should withdraw themselves from this district, then we should also repeal the ordinance. That might have some influence on the state. We've had some assurances from several state legislators last evening that they were for it, both from the majority and minority party, but I cannot, to use an expression, guarantee.

DUKE: I did not ask for a guarantee. I know that's impossible. We undoubtedly need advice in order to make it as strong as possible to have the state go along with the ordinance, otherwise we're kind of spinning our wheels.

CLEGG: I agree. Unfortunately, I don't see any legal means except possibly recommending to the Council that they pass a resolution requesting that the state abide by the rules. This does nothing more, but it does bring it out into public focus, a recognized city position with regard to the state. If the state does, for whatever reasons, pull certain areas out of the district, at least we have something to point to. If it gets too bad, I suggest we just get rid of the whole ordinance.

DUKE: Another person questioned why Kapahulu was included. How did you arrive at the boundary line?

SHEYBANI: The boundary line in detail was discussed in the report. The basic pattern of it was the land ownership. Waikiki was not included since it was all developed. Another reason was the 40-foot view in Kapahulu is because the trees in that area are 35 to 40 feet high. The buildings and trees blend together at that point. Very exceptionally two or three buildings right now protrude above the trees. So, from a distant view of Diamond Head, the tree tops and buildings still blend into the lower slopes of Diamond Head.

DUKE: Would it be permissible to make suggested changes in the boundary as a recommendation?

SHEYBANI: No. You are free to make all the recommendations you wish. As part of the consideration for this boundary, we had one alternative to delete one area of Kapahulu. I had an overlay over the existing map. The reason we did not include that in the existing ordinance or delete that area from the ordinance was that corporation counsel advised no matter how we want to guarantee that this area would not be upzoned or considered for higher building, we cannot guarantee it with the regulations of this ordinance if it's out of the boundaries. So, in five or ten years from now those who decide on zoning matters might look at an application and see it outside the boundary of the district and possibly permit a PD to go higher or upzone an area and go higher because it is outside the height restriction of this ordinance. That was the reason we did not pursue that alternative.

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DUKE: Is it not also true that X number of years hence the same thing could happen to other districts that are covered by this ordinance?

SHEYBANI: Sure, but that would be an intentional change disregarding the view matter. Once it's outside the district, then there is no view protection regulation on it.

WIKUM: I'd like to pursue the boundary question. Several people brought up last night the question why was the eastern side of Diamond Head, the slopes and beyond, not considered in the district. Can you tell us what the thinking was then?

SHEYBANI: I'm not quite familiar with the study which was 1971 but I believe that's one point that was included and for some reason, I believe at the Council, it was taken out. But, I can't recall at this point, any objection to it that we had. Another reason was that if you include that, why not go further and include more areas. We could go all the way to the highway, which still has a view of Diamond Head, and go all the way to the Kahala Hilton. The district then becomes unmanageably large to control.

WIKUM: Could one of the reasons perhaps have been that the traditional view of Diamond Head, that profile that everybody considers Diamond Head, is not seen from that side of the crater?

SHEYBANI: It might have been. On this ordinance by the way, we put just as much emphasis on the view from the sea and from other shores of Oahu, Ala Moana Park and further back even to Ewa to view the far distant view of Diamond Head as it is visible from within.

WIKUM: When Representative Cobb was here last night, he said he thought that all the state land in the district this proposed ordinance would create is in conservation. Do you know if that's true or not?

SHEYBANI: No. The conservation area is only the area of one of our precincts, that's the area zoned P-1.

WIKUM: Is that the crater itself, and the golf course?

DUKE: And the golf course.

SHEYBANI: No.

DUKE: You mean the Council didn't pass the preservation of golf courses?

SHEYBANI: The consideration now is zoning at Council level.

WIKUM: That's state conservation land.

DUKE: I see.

WIKUM: Does the varying state designations of these state parcels affect the city's control over those state parcels?

SHEYBANI: That's right. Let me mention that if over the state land, the state builds a building and comes in with an application, it doesn't have to come for an application under the present Act. But, if there is a turnkey project on state land, that is built on state land but by private contractor or developer, then they have to comply with the zoning. We had examples of that in the capital district. For example, over state land when a private developer wanted to add to a second floor structure, he complied with the capital district regulations. So, the zoning applies in that case.

WIKUM: So, the assumption we're working on is correct, the city does have no control.

SHEYBANI: That's right. On the park, the state owns the park but the Department of Recreation is operating the park, so it's the city agency really, who has to comply with the permit.

TAKEHARA: If we were to include that Black Point area as a recommendation to this ordinance, would we need a public hearing with these residences involved?

SHEYBANI: Because the boundary is expanded, yes. Deletion does not require another public hearing but addition does.

CHOY: Then it also holds true that if a radius was used to determine the district, and if the radius should include an area that is not now included, then we will have to have another public hearing?

SHEYBANI: That's right. However, I should mention that I don't believe in a geometric circle for a topographically, completely organic shape of land. The views are not exactly seen the same way. If it was a flat land--like the gentleman exampled Paris with star-shaped streets--maybe, but with this configuration, it doesn't apply that way.

CHOY: On the significant and non-significant projects, I wasn't quite satisfied with your explanation to Commissioner Duke. Is there a possibility whereby we could refine, restrict or delete some of the harassment that would be encumbered with the significant or the nonsignificant requirements for the certificate of appropriateness? As an example, could we impose a certificate of appropriateness only for a significant project and delete the nonsignificant projects?

SHEYBANI: I believe that is not possible at least as of now and as corporation counsel has advised us. Whatever action that

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are listed in Article 12, landscaping, park, grubbing, and grading are all specific to this ordinance. But, those actions that are in Article 12 which I will read--for construction, alteration, repair, relocation or demolition within the historic district, whether significant or nonsignificant, you need a certificate of appropriateness.

CHOY: A question of Mr. Clegg. You made a suggestion that possibly the ordinance would run concurrent, if the state takes themselves out of the district, could we recommend that it will run concurrent to the possibility whereby this particular ordinance be repealed?

CLEGG: You said recommend that, I guess I would suggest that there might be areas that the state might wish to take out which would not seriously effect the ordinance or the intent, and to put a blanket concern that if the state took anything out, then the whole thing should go, might be going too far.

CHOY: Don, wouldn't this create a credibility between the power that might be in and the private citizens that live within the area? I think this is why we're here to discuss it. What are the possibilities, the limitations?

CLEGG: Yes. I'm concerned and I appreciate your concern and I don't quite know what to do about it. But, I think there's a degree of intent there in terms of what we're trying to accomplish with the ordinance is a much bigger thing than if the state wants to pull out one or two acres. If the state wants to pull out half of their acreage, possibly that's too much and we would say no. If they're going to do that then we may as well take the whole thing out cause what we're doing is penalizing the private sector at the expense of the public sector and that would not be fair. What I'm suggesting is that we wait and see or as an alternative, to alert the council to the problem as a part of your recommendation that they might want to, and as I think I mentioned before, caution the state that it would be inappropriate for them to take a significant portion of their lands out of the district and leave the remainder in.

CHOY: Addressing the 25-foot height limit, I certainly appreciate the architect's explanation and his drawing. I'm quite concerned with the increased cost in construction if the 25-foot limit would actually in fact prohibit the property owner from designing a home to the extent that it will be aesthetically appreciative in the area and also one that would express his personality. Ali, can you expand on that in comparison to what the architect explained to us?

SHEYBANI: As I mentioned in other states or cities, they have slope zoning, density as compared with slope. To bring an example, Santa Barbara has a very definite density control that as slope increases, the density goes down under the same zone

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but as the density increases, the number of units per acre goes down. For example, a person can build on a 10% slope four or five units per acre. When it gets to 30%, he's allowed only to put one.

Here in Honolulu, we don't have this. If this had resulted in single families in Aina Haina or the hillside, that built one single-family and it's over poles that are about 80 feet high, this is used in the San Francisco area very efficiently because if they built those poles for the use of space underneath, the effect is they're building an apartment because it's a vertical structure and the unit built in the hillside, whether they put windows under it or poles at 80 feet, it really doesn't matter because the impression is apartment. In this case, if a person is interested to build on a 30% slope and has a structure that is 80 feet high, it shouldn't be under the nomenclature of R-3. It should be under A-2 or A-1. By putting the height over the area keeps it from densely developed areas on hillsides, the structures that have high poles underneath or make the developer with good justification to ask for higher zoning and build that kind of structure.

DUKE: While you're on this 25-foot business, my question as I understand the slope and you only covered the slope area. But, all of the area is not on slope. There's a lot of level area, particularly along the oceanfront, also in Kapahulu, and also all around, two sets of 25-foot limit for those level areas, really.

SHEYBANI: The 25-foot limit is for residential zoning.

CHAIRMAN: Would it be possible for residents to ask for some sort of variance to build higher?

SHEYBANI: Of course, that's what I was referring to that all the height limits are not absolute. If there is good reason, there are always exceptions to make through a variance through the City Council.

WIKUM: That brings up another central issue. Under R-6 zoning which a good share of the residential land that will be included in this district is now zoned, variances are possible through zoning changes. Many people who have testified have said if what you have just said is true, if the district does become a district and the council and whatever the process is can make exceptions through the 25-foot limit, then what have we gained? Is the process more difficult? Is it more expensive? Is it longer?

SHEYBANI: The only thing is to create a consciousness about the view at this time. It means even a variance if the ZBA is considering a variance, the ZBA realizes it is a view district, in addition to all other considerations.

WIKUM: So, it's a psycological inhibition rather than a true mechanical or legal one of any sort.

SHEYBANI: It's not psycological. It's legal, a legal layer of control over the development.

WIKUM: I'm not sure I see why yet.

SHEYBANI: It's not psycological in terms of the ordinance.

WIKUM: Well, if it could be changed now, it's presently zoned R-6, and the height limitations can be exceeded once it is a district, I still don't understand the difference in this case.

SHEYBANI: In that case, you are mentioning that if they want to make some exceptions to the height limitation under this, means that the Council or ZBA has to look at it to see whether views of Diamond Head would be blocked or not. If we don't put it in the district, they would look at it whether it infringes on the next door property or other reasons.

WIKUM: I got it, thank you.

HOSAKA: We've had some people testify about the word historical or cultural aspects of Diamond Head and it seems like there's a question as to the definition of these terms. I'd like to have Don expand on that as to what's historical. Mr. Marumoto mentioned about what's cultural about Diamond Head and perhaps you can expand on that.

CLEGG: Just quickly about historical, one question I would raise is to placing a time limit on historical. Is something that happened 10 years historical or something that happened 20 or 30 or does it have to be a thousand?

With regard to Diamond Head, I would suggest that one of the ladies who testified indicated that it is one of the finest cinder cones known in the world and that perhaps after several million years it qualified to be historical. At the other end spectrum, the remnants of the gun emplacements and the fortress that we had for the presumed section of Hawaii also has some possible historical significance. Time is a difficult thing to place as far as historical is concerned.

When we deal with the cultural aspects of Diamond Head, I think we can consider what does Diamond Head symbolize? It symbolizes in many senses, Hawaii. That has a very definite cultural meaning to Hawaii. I'm not an expert on Hawaiiana but I would expect that we've dug into it far enough that the Hawaiian people who were here also recognize the uniqueness of Diamond Head and consider this in their lives. I think one of the reasons to preserve scenic views is cultural. If you don't have it culturally, why preserve it scenically?

DUKE: We've been talking about testimony from people who stated they were for the ordinance with certain exceptions, they don't like the grubbing, they don't like this and they don't like that.

I would like to point out that many people appeared that were against it. One of the major points brought up from the people who testified against the ordinance was individual rights. In many cases, they referred to air rights since seemingly heights would be limited against present zoning. I will definitely include in the motion to make a very strong recommendation that council get legal opinion on the rights of the citizens before they consider the ordinance, otherwise, it could be very embarrassing to the city and very costly. That point must be clarified. Since we can only make recommendations, that is one I will certainly make.

There was another point raised by people who testified against the ordinance which maybe staff could explain. In the area encompassed by the present boundaries, there are two business districts, one being on Kapahulu Avenue and the other on Monsarrat. Why the discrimination between height limits in one versus height limits in the other? What is the difference in elevation?

SHEYBANI: (From map displayed) I believe you're referring to this area as well as this area. There are higher buildings here than here. This is a more prominent location, closer to Diamond Head than this is. The view you see from here, blends into the tree tops. But on Monsarrat, the building penetrates the tree tops and can be seen. Monsarrat is higher than Kapahulu by 35 feet.

DUKE: I just wanted to know the rationale on how certain things were figured out in this ordinance seemingly very hastily. That's the whole thing. If you didn't even take the trouble to get the difference in elevation, why did you take the trouble to go from 40 feet to 25?

SHEYBANI: No, we mentioned that the problem was taken from the 1971 ordinance. A lot of study went into that. The updating of it was fast but just because I am not very exact as to the height elevation here doesn't mean no study was made. There were a lot of photographs taken, a contour map made, there was a study of tree heights and locations were made. This is just a very small sample of the studies and maps that went into the study of 1971. For the most part, the natural part of the analysis of the area hasn't changed. As a matter of fact, most of the structures are the same. This study was prepared in a short time but the background study took several years.

WIKUM: Can you briefly outline the differences between the 71 and 75 versions?

SHEYBANI: As you know, the 71 ordinance was written under the

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old Article 12 so it didn't have a design requirement for design precincts. That was added and the area was divided into five general criteria precincts. That is the basic part of it. Also, the area that is different is in architectural and landscaping performance standards. As a matter of fact, this grubbing, grading and stockpiling was added mainly because of that. Subdivision improvements were not in the ordinance and its added here. The background of studies, the boundaries, the view analysis remains the same. The fee structure, the time limit for processing, the significant and nonsignificant project analysis are new and the certificates of appropriateness, the way it's issued, the time limit that we have, at that time we didn't have.

WIKUM: Am I to understand then there have been relatively none, relatively hardly any buildings of any size to change the overall view points or to change the effectiveness of the viewplanes that were studied in 71?

SHEYBANI: Very few.

WIKUM: Someone went out and checked, I hope?

SHEYBANI: Yes.

WIKUM: You didn't find any glaring differences.

SHEYBANI: No.

HOSAKA: I have a question. The Outdoor Circle in their testimony mentioned the design controls in terms of height regulations relating to PUDs. If this ordinance is passed, apparently a PUD can be applied for and gotten within that district. Are there any differences with or without the ordinance?

SHEYBANI: The PUD under conventional zoning can build structures that compare with the present A-1. So when we have an A-1 structure that permits 30 feet, the PUD structure under our zoning can go as much as 30 feet. If it's on sloping land and measured according to the CZC, it would be from the highest point of the lot. If we did not have this additional height restriction, it could go that high. A PUD can be applied for under both conditions--one, with specific requirements that the height would not go above 25 feet under this ordinance. Without it, it can go up to 30 feet and more if it's on slope.

HOSAKA: So primarily the concern of the Outdoor Circle might have been in terms of density, more people on say a minimum acre lot.

SHEYBANI: That might be but that might have a transportation impact or congestion impact, not height. It wouldn't be the view.

HOSAKA: Right, the scenic aspect of it.

SHEYBANI: Right.

HOSAKA: Because there isn't that much difference, I'm wondering why the Outdoor Circle had included this in their testimony to ask and question the inclusion of something like this? Is there any provision by which the ordinance can preclude any PUD?

SHEYBANI: There wouldn't be a need to knowing that PUD has to go to Council for approval and to the Planning Commission. If there is a height limit like this, a PUD would be only applicable as you brought up, increasing the density. Certainly if you wish to add another clause that PUD shall not be permitted or PUDs permitted shall not increase the density in any way, that can be included.

HOSAKA: I think there are some lots along Diamond Head Road that exceed an acre, aren't there?

SHEYBANI: Yes.

HOSAKA: So presumably they could go with a PUD.

SHEYBANI: Certainly under present zoning. Again, if the height limit is imposed, the way the ordinance requires whether PUD or not, under PUD also the height measurement would be under 25 feet parallel to the ground. Again the density problem would be a higher density but the height would be controlled.

HOSAKA: The height would be controlled.

SHEYBANI: Right.

HOSAKA: How many pieces of property are there that's close in proximity on the toe of Diamond Head that exceed an acre?

SHEYBANI: That I'd have to measure but you'd have to realize that consolidation could always take and create lots of more than one acre. Some are one acre but not many are that size.

CHOY: Mr. Allan Renton who lives by the Otani place, on the makai side of Diamond Head Road, seemed to get the impression that he had the dilemma because he's living there with his sister. I understand his piece of property there, 30,000 square feet, is just short where he could build a PUD.

SHEYBANI: Right.

CHOY: Considering individual rights, the present zoning there would be R-3?

SHEYBANI: R-3 on one side and R-6 on the lower side.

CHOY: Then, Mr. Renton could subdivide his 30,000 square foot property, one for him and one for his sister.

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SHEYBANI: Yes, most likely

CHOY: I have the impression that because of the trees on the property at the present time, possibly a subdivision would not be feasible unless he has a certificate of appropriateness. My question is still directed to individual rights.

SHEYBANI: The subdivision needs a permit anyway and has to get the certificate of appropriateness for subdivision alone. Improvement for subdivision involves grading, stockpiling, building retaining walls which require a certificate of appropriateness. It can be all under one, cutting the trees and doing subdivision work. It does not have to come separately for individual work. It can come all at once.

CHOY: The reason I expand on this is that I wanted Mr. Renton to feel he is not being unduly suppressed or harassed because the size of his property is quite considerable for an R-6 Residential area.

DUKE: In other words, whether the ordinance passes or not would not affect Mr. Renton in anyway. He would have to, if he wanted to build two homes there, go through the same process whether the ordinance passes or does not pass.

SHEYBANI: That's right. If we don't have an ordinance, there would be no need for the certificate of appropriateness but they have to come to our office to get the subdivision permit and to the Building Department and the Department of Public Works to get the grading permit for the building permit. The only thing not presently required is the certificate of appropriateness but nonetheless, anybody who's going to subdivide has to come to our office for the permit. In addition, there would be a certificate of appropriateness that can include not only subdivision and building plans but cutting the trees or changing the location and everything else under one certificate of appropriateness.

DUKE: How much is a citizen harassed by getting the certificate?

SHEYBANI: I hate to think the word is harassed because one process of it is coming before you. If it's considered nonsignificant, it's just a matter of within 15 days to approve the permit. As soon as the project is considered nonsignificant, it means approval at the same time. If you want to call the fee harassment, I don't know?

DUKE: Well, the time element and getting necessary information that may be required. I don't know what is required for this certificate.

SHEYBANI: We have right now and will probably develop for this district, a two-page guideline. Whoever comes will see that as a questionnaire type of thing and can fill it out most likely at the counter. That would be the application for it.

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CHOY: I'd like to go back on Mr. Ching's testimony. He claims air rights; however, he did testify that on his property he has a six-story apartment building. Is this particular building a nonconforming structure at the present time?

SHEYBANI: All those structures are nonconforming because of the present zoning.

CHOY: They are nonconforming but not conforming in height, right?

SHEYBANI: Whether you call it in height is a combination of setback and height. If the height is reduced, the setback might be all right but with the present setback, height is too much or with the height, the setback is not enough. It's a matter of how you interpret.

CHOY: As an example, in the event Mr. Ching's six-story structure on his piece of property does not have the required setback, then he really doesn't have any air rights.

SHEYBANI: He cannot expand his present building vertically or side-wise.

HOSAKA: There was another point on the Diamond Head advisory committe that could be created. You mentioned before that the 25-foot height regulation could be pierced through a variance. I believe in the 71 ordinance, the Diamond Head advisory committee was included. Can you expand a little on that as to the inclusion on that in this ordinance?

SHEYBANI: The committee is always a permitted possibility. It's permitted by Charter. The Mayor as well as the Department of Land Utilization select committee members as many as they require. The ordinance refers to that, but as a suggestion. It's not a requirement. I'm pretty sure if the ordinance is established, due thought would be given to this by the Mayor and the Department to establish it.

HOSAKA: What's the difference between 71 and 75? In 71 it was included. Now, do we just assume if there's enough interest and it's important enough that one would be created?

SHEYBANI: Yes, because this ordinance very clearly states that it's not mandatory to create because by Charter, all departments can create as many advisory committees as they wish, whether technical or lay citizens.

HOSAKA: If the ordinance is passed, we will have an advisory committee made up of citizens in order for input as to any kind of variance?

SHEYBANI: It's not mandated by the ordinance, so it's not in the ordinance at this point. But, that does not preclude that

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we would not have one. As you may know, the Council may have their own committee. So does every department of the city.

DUKE: I'm going to have to ask the basic question that has been brought up many times. This ordinance was hastily conceived, and it was conceived immediately following the supreme court decision putting the land back in the old zone that had been removed at the time parks and so forth were abdicated. In order to satisfy my conscience, bearing in mind the testimony the citizens gave, other than the scenic views, is there any other motive for this ordinance? The historic, cultural and scenic area of Diamond Head, I appreciate that and I think it certainly should be preserved. However, there are a few other ramifications that stick out that possibly should be answered. The hastiness of getting this ordinance through, is it a--I don't really mean a stop-gap--but is there another reason for it that comes to your mind by just protecting Diamond Head?

SHEYBANI: Not to my mind. We have had this ordinance for four years at the Council. One reason Council would not act on it was we had one capital district under the old Article 12. We wanted to gain experience to see what was the shortcomings of that ordinance. After 2½ years of processing over 60 to 70 major applications under the Hawaii Capital District, Article 12 was revised. Immediately after that, the Council asked DLU to compare the old 71 draft ordinance with the requirements of the new Article 12. We did that and pointed out the changes that had to be made. This is now the chance to go ahead and make those changes. Although it might seem hasty, the background study that went to the report and conclusions of it definitely were not hasty. As a matter of fact, it came to the Planning Commission and was the subject of lengthy discussion in 71.

DUKE: Then I must ask, if the supreme court had not ruled otherwise, would you have submitted this ordinance to us to make an area similar to the capital district soon or timely or--

SHEYBANI: Very possibly because before any court action was taken, we had the correspondence to the Council comparing the 71 ordinance draft with mandates of Article 12 as amended. That was a few months before any court action took place.

DUKE: But, there was nothing in the mill truly regarding this until court action. Is that more or less true?

SHEYBANI: Not other than the comment that we made on what had to be done with the 71 ordinance to bring it up to date, no.

CLEGG: If I may comment as to what might have gone on. I think what we're observing here is a phenomenon of action under crisis. I don't think it would be truthful to say that the initiation of this ordinance or processing at this time is entirely independent of the court decision, nor would I say that the processing of this is solely because of the court decision. In fact,

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this has been hanging as far as we know since 1971. The modifications that have been made since the 71 ordinance are reasonably minor and are made possible by some previous modification to the general CZC. I think we can truthfully say that the court decision created what we felt was a crisis situation that needed some kind of action. We are going far beyond the area that will be covered by a park, obviously, or the old park ordinance, and we are going in this ordinance far less than would be done to this property under a park ordinance as we are not in anyway attempting with this ordinance to condemn them, to buy it, to do anything except to restrict in certain areas of height. In all truthfulness, I must say I think that the supreme court decision created a crisis by taking away all control over Diamond Head that we did not have before.

I think you are familiar with the phenomena of this problem or the motivation for dealing with this. What I'm saying I guess is this is not a stop-gap measure until we can go ahead and get a park, and then we'll forget about it. In no way is that the case. The supreme court decision created the motivation to go ahead and do something which had been kind of hanging fire for many, many years.

DUKE: If by some stretch of the imagination some angel would come forth with the necessary funds to purchase the Diamond Head property, would that be carried out as proposed in the park plan?

CLEGG: I don't know what kind of angel would do that.

DUKE: The park plan is still in existence, is that true or not?

CLEGG: The intent, but first what would be required is the general plan amendment to put it into park. At that point, then the city has the option of eminent domain to buy the park land or let the people go ahead. In other words, just because we put it into park doesn't mean that the city automatically has to make it park. In order to make it park, we've got to buy it.

DUKE: This I understand. Many people are concerned that it's really what possibly you intend to do. This is what we would try to do. There are two separate issues.

CLEGG: What I would say is, there is now on file, a letter of intent by the Department of Parks to develop a general plan amendment to put certain area in Diamond Head into park. I don't know whether the total area is the same as the old one or would be a new area. There is that letter of intent within the Department of General Planning now. Now, what I am saying is that the Diamond Head ordinance will go ahead or we propose that it go ahead regardless of the park. If the park went ahead and we were able to be successful in that in somehow finding that angel, in getting that GP amendment, we would not cease to push for the Diamond Head ordinance.

DUKE: Well, I know certain properties have been acquired there under the park deal.

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CLEGG: Two, and we're working on a third.

DUKE: This is an aside but I'm certainly concerned whether it's park and recreation that is responsible or who is responsible that proper attention is not given to city-owned properties.

CLEGG: That's a very good point. I think like any property owner who does not take proper care of their property, there are city mechanisms.

DUKE: Including the city.

CLEGG: By all means. I suggest that a call to the Office of Information and Complaint, not the Department of Parks, might be quite fruitful for the property owners who are concerned. That is, we in the city have as much a responsibility to maintain city property certainly as an individual property owner. If the city is not doing so, then the property owner should be called to task for it.

DUKE: I must of course feel for certain citizens and I know they have been living under a cloud. I have some very definite ideas on the protection of citizens and the elimination of harassment.

CLEGG: Let me make it clear there's a very serious intent on the part of the city administration anyway to do both of these things, to get the area Diamond Head of Kapiolani Park and to make that into park. Maybe we can't do it but there is a serious intent to do so. There is also a serious intent to make that area a historical, cultural district. Both of these are part of our desires. It is not a matter of either/or. That's not true at all.

DUKE: I know it takes capital to acquire this park land. Would you hazard a guess as to when you might be able to acquire that property or give up the idea?

CLEGG: There are certain aspects which go through the general plan process which as Bob Way originally said in 1969 that required about a 9-month study analysis. I suspect that the longer period of time past that would be attempting to accumulate the cash required to secure these properties if that can happen at all. I do not have any estimate of what the amount of money is required to purchase the property for park. Of course, if we cannot purchase it for park, then they don't go to park. They stay as individual residences. Under the rules for park, the individuals have the right to do with their property what is allowed to under the zoning unless we buy it.

DUKE: I understand and you can't buy it unless you have the money. But, the condemnation could still hang over there in their minds for many years to come.

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CLEGG: Well, I think the possibility of condemnation for one reason or another hangs over everybody's head.

DUKE: Well, not quite, no.

CLEGG: It's a little closer to these people that their land is general planned for park, I agree.

DUKE: I'm sorry you said that because that is not really a true statement when the intent is there, certain properties have been acquired, and then to use the generalogy of condemnation of everyone. I don't think that's proper.

CLEGG: The intent is there.

DUKE: So, the people living in the Diamond Head area are under a cloud more so than other citizens.

CLEGG: There are other citizens who are under similar clouds.

DUKE: One other point, is there any valid reason why that very expensive beach property makai of Diamond Head road should be limited to 25 feet and, this may not be a true statement, possibly less expensive property on Kapahulu Avenue be given 40 feet, even though it is presently zoned B-2 and R-6 and R-4, however, there are properties makai of Diamond Head road that are also zoned A-3 and so forth that likewise be given 25 feet?

SHEYBANI: The height limitation is mainly for the view. Wherever there was park and there is no structure and it's open park, there was the zero height. Wherever there were structures on private property, there was the 25-foot height limitation with the exception of the B-2 area in Kapahulu. These are all basically because of the view.

DUKE: Well, it appears to me it's easier to see over a 25-foot building than you can see over a 40 foot.

SHEYBANI: That's depending if they are in the same place, right?

DUKE: Why is the Kapahulu 40 and the beach property 25?

SHEYBANI: You are comparing the business district with the beach property. The highrises at the foot of Diamond Head are very important in the view of Diamond Head. When you are talking about the general view of Diamond Head, you see these needles standing at the bottom slope of Diamond Head that otherwise would have gone to the sea in the natural curvature of the air.

Kapahulu does not get into the natural curvature if you compare the two. Kapahulu is in plain view among the trees that are at the base of Diamond Head. Postcards of Diamond Head indicate

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the needles at the foot of Diamond Head. In most of the postcards, the end of Diamond Head is cut out to delete the buildings to make the Diamond Head scene natural.

CHOY: Clarification. What are the ramifications if this Commission decides to downzone the Kapahulu business district to 25 feet to make everything consistent?

SHEYBANI: That's a possible recommendation.

CHOY: From your professional judgment?

SHEYBANI: We chose 40 because most of the structures would be within 40 feet. The trees there are already at 35 feet. The structures are about 25 feet. These three basic features made us to choose the 40 feet.

CHOY: The view plane, if I'm driving on the H-1 freeway, isn't there a possibility that a 40-foot height would obstruct?

SHEYBANI: From this point (referring to map displayed), 40 feet would not.

CHOY: The closer, it will?

SHEYBANI: Yes.

CHOY: So then, are we not considering the view plane for the benefit of all directions and all viewing at this particular western profile?

SHEYBANI: Yes, we should but we are saying if you allow buildings to go to 90 to 100 feet, that can happen on some of these lots with the sizes they have, then you're beginning to block the views of all residential areas that have this open space, uncluttered view of Diamond Head. Forty feet, we're saying blends into the trees and doesn't penetrate above the tops of the trees as much, as 92 feet for example would do.

CHOY: A 40-foot structure would take into consideration the elevator on top of the building or would that be extra?

SHEYBANI: In this ordinance, the only thing allowed on the rooftop are parapets or decorative features. The elevator shaft allowed in the capital district has been a problem that was under consideration also because those are the most unsightly features on the rooftops. So, it's disallowed.

CHOY: If this Commission should downzone this business district to 25 feet, that would be a valid recommendation?

SHEYBANI: It certainly may be with the reasoning you might have.

CLEGG: I'd just like to make the point, it's not downzoning. It's overlay zoning.

(There was no further discussion.)

ACTION: The Commission, on motion by Mr. Duke, seconded by Dr. Choy and carried, accepted the Director's recommendation with the following exceptions:

1. Recommend that the wording of Section 5,b.,(1) shall read as follows:
   "(1) No grading or stockpiling, except those required for improvement and maintenance of landscaping, shall be commenced without a Certificate of Appropriateness in compliance with the requirements of Sections 21-1204 and 21-1205 of Article 12, Comprehensive Zoning Code."

2. That the Council seek legal advice from Corporation Counsel on citizens' rights, as voiced at the Planning Commission public hearings, before deliberating on this ordinance.

3. Recommend that a resolution from the City Council be sent to the President of the Senate, Speaker of the House, and the Governor expressing the need for the State's cooperation with the provisions of this ordinance.

4. That Council include the Black Point area. Since some of the residents have indicated they wish their area included, and so as not to forestall the consideration of this ordinance, that Black Point be included at a later date.

5. That the Department of Land Utilization have a list of nonsignificant items that would not require a Certificate of Appropriateness, in order to lessen harassment or need for residents of the affected area to go to City Hall.

6. That all fees for this district be waived for certificates of appropriateness or non-appropriateness.

7. That a Diamond Head Advisory Committee be established by the administration as soon as possible for public input.

AYES - Choy, Duke, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

(The Commission recessed on February 5, 1975 at 11:00 p.m.)
ADJOURNMENT: The meeting adjourned at 12:00 midnight.

Respectfully submitted,
Henrietta B. Lyman
Secretary-Reporter

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MRRC RMM 19-75

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Meeting of the Planning Commission
Minutes
February 26, 1975

The Planning Commission held a meeting on Wednesday, February 26, 1975 at 1:30 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Charles W. Duke, Vice Chairman
Dr. Wilbur Choy
Donald Hosaka
Antone J. Kahawaiolaa
Alice Takehara
Harriet Wikum

STAFF PRESENT:

Donald Clegg, Deputy Chief Planning Officer
Eugene B. Connell, Executive Secretary
Loretta Chee, Staff Planner
Henry Eng, Staff Planner
Gerald Henniger, Staff Planner
Johan Ronningen, Staff Planner

MINUTES:

The minutes of January 29, 1975 and February 5 and 6, 1975 were approved, on motion by Mr. Kahawaiolaa, seconded by Mrs. Takehara and carried.

PUBLIC HEARING
ZONING CHANGE
R-6 RESIDENTIAL TO
A-2 APARTMENT
PALAMA
CLIFFORD P.S. SHIN
(FILE #74/Z-54)

A public hearing was held to consider a request for a change in zoning from R-6 Residential to A-2 Apartment for land situated in Palama--Pua Lane, mauka of Kanoa Street, Tax Map Key: 1-7-31: 5.

Publication was made in the Sunday Star-Bulletin/Advertiser on February 16, 1975. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report of the request. The applicant proposes a three-story apartment structure containing 11 one-bedroom units of 594 square feet each and a laundry area on the ground floor. Off-street parking for 11 cars is also proposed. Research revealed a 24-foot strip of R-6 Residential zoning on the adjoining parcel which splits the parcel into two zoning districts, R-6 Residential and A-3 Apartment. The 24-foot strip had been set aside for the future extension of Kukui Street which has been abandoned. This strip should more logically be zoned in accordance with the A-3 zoning on the remainder of the parcel and will not adversely affect existing or planned development.

It is the Director's recommendation that the request be approved.

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Additionally, it is also recommended that the 24-foot strip of R-6 Residential on the adjoining parcel (Tax Map Key: 1-7-31: 4) be rezoned to A-3 Apartment in accordance with the remainder of the parcel.

Public testimony followed.

Testimony in SUPPORT--

Attorney Herbert Ikazaki and Mr. Clifford Shin, the applicant, were present. Questioned by the Commission, the following additional information was given:

1. Eleven one-bedroom units just under 600 square feet will replace six existing 50-year wooden dilapidated structures.

2. Cost of these units has not been set. Economics of the area and existing fluctuating costs will dictate what the applicant will be able to charge in order to realize a reasonable return. Present rental costs range from $175 to $200.

4. Relocation assistance by the applicant will be given to present tenants who will also receive first priority to the new units. The applicant feels that a total relocation time of nine months commencing with the approval of this request is adequate for their tenants. They believe displacement will be at a minimum.

5. The objection raised by an adjoining property owner concerned

   a. Zoning more apartment area than is necessary for the area and a population increase as well.

   b. An infringement upon the single-family area located at the rear of the subject property.

Testimony AGAINST--

None

The public hearing was closed, on motion by Mr. Hosaka, seconded by Mrs. Takehara and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
(MECHANICAL EQUIPMENT
ROOM AT CITY HALL)
C&C BUILDING DEPARTMENT
(FILE #75/HCD-7)

A public hearing was held to consider a request for the issuance of a Certificate of Appropriateness for construction of an equipment room at basement level, construction of a wall along Hotel Street, installation of cooling equipment, and landscaping along Hotel Street sidewalk frontage as well as within the courtyard at City Hall.

Publication was made in the Sunday Star-Bulletin/Advertiser on February 16, 1975. No letters of protest were received.

Staff Planner Gerald Henniger presented the Director's report of the request. A central cooling system is proposed to eliminate the window air conditioning units presently in use. An existing courtyard wall and a garden tool shed of inappropriate design will be removed and replaced with a higher wall and roof tiles of compatible material to match the existing architectural treatment of the building. The new wall will screen off the cooling tower from Hotel Street. Landscaping along the Hotel Street sidewalk and within the courtyard are proposed.

It is recommended that the request be approved, subject to the conditions contained in the Director's report.

Testimony in SUPPORT--

Mr. Ernest Yuasa, Director and Building Superintendent, Building Department, was present to answer any questions the Commission might have.

There were no questions from the Commission.

Testimony AGAINST--

None

The public hearing was closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Mr. Hosaka, seconded by Mrs. Takehara and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

PUBLIC HEARING
CZC AMENDMENT
(MEASUREMENT OF HEIGHT
OF STRUCTURE)
(FILE #L&R/CZC-1975-2)

A public hearing was held to consider a request to amend Chapter 21, R.O. 1969, Measurement of Height of Structures.

Publication was made in the Sunday Star-

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Bulletin/Advertiser on February 16, 1975.
No letters of protest were received.

Staff Planner Johan Ronningen presented the Director's report of the proposed amendment. Its purpose is to revise the wording of various district regulations on height of structures so that the measurement of height will be uniform within all districts. The existing Code provides that in business and industrial districts the height of a structure at any point is measured perpendicularly from the existing or finihsed grade of the ground level at that point. However, within preservation, agricultural, residential, apartment and hotel districts, the Zoning Code provides that the height of structure is measured only from the "high point of the buildable area". The proposed change has already been incorporated in Draft 4 of Bill 75 (1972), which is now before City Council. The present Code, where it includes the phrase, "from the high point of the buildable area", may permit a high rise building on a slope to have as many as six or seven extra stories, and from some portions of the lot or neighborhood to actually rise a considerable number of feet beyond the stated maximum, thus damaging view planes from other properties or encroaching more than intended into spaces planned to remain in open space in order to provide necessary light and air to neighboring structures.

Questions were raised by the Commission.

DUKE: Mr. Chairman, I would appreciate it if staff maybe has the drawings or perhaps could use the blackboard to illustrate on a slope, even though it doesn't have to be great you have to level off the land before you can build anything, what do you do about the center portion if you want back yard and front yard because you have to touch the land in order to level it on a slope. Would you explain how this would be accomplished?

RONNINGEN: Well, you don't always need to level the ground. Some slopes having a split-level home takes care of it.

DUKE: Well, you don't want the home to be built on an incline even though you have the split level.

RONNINGEN: Well, you may not want to Sir, but there are very many built that way today. I can show you any number in Honolulu that are built on split level.

DUKE: Surely, I understand split level.

RONNINGEN: What I'm saying is sometimes that is enough to fit into this concept, not in all cases no, but in some cases it would be.

DUKE: Okay, the question is, on a slope where there is no level portion--and you want to have a level portion in the middle of this particular lot--where do you start your height from? I

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That is not a particularly good illustration because as a matter of fact, he had an access down here when it was originally subdivided with the intention he build down here. He had a much more gradual slope in this area that he could have built on without exceeding the height. But, you have on some slopes homes that are built in various fashions on split levels.

There are problems on some of the steeper slopes. There also are some various precarious homes that have been built on steep slopes up on stilts.

DUKE: Yes but by the same token, some of our finer homes are built on the heights in order to give them a view.

RONNINGEN: I cannot discuss the question of aesthetics here as to whether they're fine or not.

DUKE: Well, I still don't understand how the gentleman that wants to put his house on slope, how is he going to resolve it? How does he build his house up there?

RONNINGEN: Well, it's not the intent of the zoning code to permit everyone to do everything they want with their land. We're thinking of their neighbors as well as the community, as well as the individual on their own land. That's the whole intent and purpose of the zoning code.

DUKE: So, he can't build a house up there under this ordinance, is that correct?

RONNINGEN: I don't think you could make any flat statement like that, no, because every lot is different, and unless we have an actual case before us, I couldn't make any generalization. It'll make some buildings that have been built recently more difficult to build, yes.

DUKE: Well on the slope where from every point on the slope the height is determined, is that correct?

RONNINGEN: From the high point of the buildable area.

DUKE: No, under the proposed change it will be from every point.

RONNINGEN: That's right. He's only be allowed 25 instead of 36. In otherwords, he'd be forced into a split level, or else move his house further down if he had that option, or else to have a shelf if it were possible to build one according to the code as it many times is.

DUKE: Okay, let's get to the shelf. If he wants to excavate in order to get a buildable parcel of land on his property, when he digs in, where do you determine the height?

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understand what you're saying in your proposal but now, we're going to build a house on this. Show me how you do it and where do you start from?

RONNINGEN: If that shelf is permitted by the grading ordinance, you would have a uniform height from which to measure the height of the structure.

DUKE: Well, show me how it works and maybe I'll understand it.

RONNINGEN: For example, we recently had a case before the Zoning Board where a house was proposed on a rather steep slope. The idea was to build in the steeper portion of the slope. This (illustrating on blackboard) is the property line and he did encroach in his front yard. At this point, he was also below street level. He was going to bridge from the street level to his house in order to have a level commensurate with the street level. At this point, the front wall of his house was already about 10 feet below the street level. He didn't have any particular trouble with the zoning code except for his encroachment within the front yard. But, when he got back down the slope to put this wall up, that wall became 36 feet. That threw him within the area where he required a height variance and also required an additional side yard area which put him in violation of the code.

In another case if you have the same sort of slope, and you have an apartment district, and they build down here, and the buildable area in which they're allowed to build begins somewhere up here, they could number one, get from the beginning an additional height for the building down at this point, equal to maybe one floor, two floors, three floors. So, if the height is measured from here, and they're allowed to go up 40 feet, they build on the lower end of their lot and can get by all the codes, they would actually be building to 50 feet at that point, and if this is say 15 feet lower than this point, then on this side they could go up 15 feet more or 65 feet. If there's another development on lots in this area, they would be subjected to a bulk of a building that extended up to 65 feet rather than the 40 feet they might have expected when they built their home or apartment house or whatever it was on the adjoining lot. If the adjoining lot they had only built to 40 feet, maybe they didn't have this advantage, they didn't have this steeper slope, they couldn't build as high, then this man is encroaching in the space for air, sunlight and so on of the adjoining neighbor which thought was open to him when he built.

DUKE: Under the proposed ordinance, the gentleman at the top that wanted to put his house on the hillside, how would he resolve that? He can only go 25 feet at any point on the lot. So, how is he going to build his house?

RONNINGEN: Well for one way, he might have been able to get within all the codes including the height if he had built his house starting at this level (illustrating on blackboard) rather than this level. This would require steps down to his house, that's true.

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RONNINGEN: Well, if the shelf is level, I would--

DUKE: No, it's on the hillside. It's not level. He's going to make one.

RONNINGEN: I'm not an expert on the grading ordinance. I'd have to defer that question unless there's someone here that would like to speak about the grading ordinance.

DUKE: All I want to do is build a house on slope. From every point here (illustrating on blackboard), I can only go up 25 feet according to this new ordinance.

RONNINGEN: Right.

DUKE: Okay, let's say that I want to cut and fill. Can I do that? Can I level across here, take this and fill it out here, because I can only start from here, right?

RONNINGEN: You don't measure until after you have this shelf built. What I'm saying is that must agree with the grading ordinance. Once it is, you have your shelf and you have your level area to build your house on.

DUKE: Well, if the grading ordinance would permit him, he could fill this portion and build from 25 feet here.

RONNINGEN: No, he couldn't do it according to his proposal. He could ask for a modified proposal but he wasn't willing to do that. That was decided, incidentally, not according to the code but out of an emotional issue that his young wife might some day get pregnant, and you couldn't ask a pregnant woman to do up and down stairs to split levels.

DUKE: Unless I can get a somewhat better explanation than you have not given me on how you're going to build a house?

RONNINGEN: Well, there's some slopes we don't want people to build on also.

DUKE: Well, this I understand.

RONNINGEN: Well, our engineers have examined that and for a long time. They are satisfied that in the majority of cases, it will be buildable. I'm not an engineer so I can't, unfortunately, go further than that.

DUKE: One other question doctor, do you anticipate trouble with the change in this ordinance?

RONNINGEN: We anticipate many objections, yes, because some people will be restricted more than they were before. Anyone who loses money because he has to build a more expensive house or cannot build a house on a given slope, of course, will be unhappy about it.

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DUKE: Other than permitting people to build on top of their slope the required height, whether it be 40 or 25, and getting additional height at the bottom of the slope, other than that, is there any purpose for this change?

RONNINGEN: I listed several purposes. Would you like me to read them?

DUKE: I read your poop sheet but is there any ulterior motive to this that I can't see in your poop sheet?

RONNINGEN: No, you asked me that same question when I was here one day to change a four letter word to three letter word. No, there's no ulterior motive. We think it would result in sounder building, a more beautiful Honolulu, and that there would in the end be fewer problems by having it uniform in all districts. There are still variance procedures for the difficult lots.

DUKE: What's included in Bill 75 that's not included in this proposal, regarding slope?

RONNINGEN: May I turn this over to Mr. Eng?

ENG: Bill 75 would limit the height in the A-3, A-4 and A-5 Apartment Districts to 120 feet, height between 120 feet and 350 feet which is presently permitted would be permitted through a Conditional Use Permit.

DUKE: It also takes into consideration, slope?

ENG: Yes, it does.

DUKE: What they're considering now is it any different from what you're proposing?

ENG: From this proposal?

DUKE: Yes.

ENG: This proposal would involve the residential districts as well as the apartment districts. In other words, if this proposal is adopted as I understand it, there may be a need to adjust Bill 75 so you don't pass the same legislation twice.

CHOY: I'd like to commend Commissioner Duke for disagreeing and not being disagreeable. I will expand on Commissioner Duke's line of questioning.

I personally find a lot to be desired in your proposal. I'm not quite satisfied with your illustration. Am I correct then that this is an extension of a bill that was before this Commission during the Diamond Head hearing where the building height would be measured perpendicular from the buildable area.

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RONNINGEN: No. This was a part of the original draft of the Comprehensive Zoning Code quite a few years ago before it was altered to the present statement on height.

CHOY: Wouldn't this bill then propose to concur the height on multiple unit development?

RONNINGEN: It was proposed for the reasons I gave to make it uniform in all districts. We were in favor of this at the time the original CZC was being developed and we're still in favor of it.

CHOY: Well, I hate to disagree with you but I could see the rationale in zoning a control over a multiple unit development and commercial and apartment. But, I have to concur with Commissioner Duke's thinking. Given a situation where an individual has an R-6 or R-5 hillside lot, would your proposal, if it were to pass, because we're perpetuating high cost of building for an individual property owner going into split level type of building. I think the reason is rather faulty.

RONNINGEN: I came to Hawaii in 1957. At that time, the Bishop Estate has allowed some homes to be built on the steep slopes above Aina Koa along the road going up the hill. The neighbors down below were aghast at the structures sitting up on tall stilts. There was quite a bit of neigborhood opposition to what they saw. I believe that sort of complaint we still get.

CHOY: Then don't you think the extreme slope on the hillside would be a zoning matter of our predecessor that have rezoned land that is too steep for building, and just giving the condition that you have just cited? What I'm directing my question to is a slope that is gradual, possibly a 10% slope. You are asking this particular owner of this small parcel of R-6 or R-5 to fall into an expensive category which we are trying to initiate today. Could there be an alternative to this proposal, this amendment, where an R-6 or R-5, whether a certain amount of slope not to exceed a ball park figure say of 15 degrees, to be excluded from this particular amendment?

RONNINGEN: Number one, on the 10% slope, I doubt that very many single-family structures would be in any difficulty.

CHOY: I will. I have a 10 degree slope and if I build I'll be fighting that exact thing you're trying to propose.

RONNINGEN: If you allow a great height on a number of the smaller residential lots, and you're going to get a lot of verticalism which is going to create a lot of unsatisfactory conditions in the neighborhood.

CHOY: I would like to know whether there's any possibility of any possible alternative to this amendment, where there should be an exclusion of the individual who would be pressed into a position of hardship. I feel the underlining factor on this particular amendment is to control the multiple family development and not to

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impose an undue hardship on the individual single-family plot owner. In this particular case, we are imposing a condition and an expense that the individual will not be able to redevelop his property.

RONNINGEN: I just point out that the City Charter does provide for hardship. The Zoning Board--

CHOY: Would you elaborate on the condition that would relieve the hardship of the individual?

RONNINGEN: Yes. Any hardship caused by the terrain or the section of the various codes, the zoning code on the terrain, is adjustable by the Zoning Board through variance under the three conditions specified in the City Charter.

CHOY: Then under this condition, the applicant will have to make a separate application to the Zoning Board?

RONNINGEN: We don't anticipate that these--

CHOY: No, my question is does that applicant have to make a special application to the Zoning Board?

RONNINGEN: He always has, yes.

CHOY: So, it would cost him an additional $100.

RONNINGEN: Well, if you want to violate the code, it will cost you $100, yes.

CHOY: You still haven't answered my question.

RONNINGEN: But, we don't anticipate that these will be in the thousands. There are individual lots that cannot meet the zoning code now and that do come in for variance.

TAKEHARA: Would this automatically eliminate the pole houses that are becoming the popular thing today?

RONNINGEN: No, not necessarily. I myself have seen very many of them that would not be eliminated.

TAKEHARA: They are lower than 25 feet?

RONNINGEN: There are many of them that are. They aren't all the same height, the same as any other type of house. You don't get them all the same height. For example, there are pole houses I have seen in Haiku Gardens.

TAKEHARA: Aren't these pole houses used on slopey properties in order to--

RONNINGEN: Sometimes but not always.

and Makalapa Gate including the Navy Exchange and Commissary facilities. According to the 14th Naval District, this request would resolve an unacceptable geometric configuration where five roads intersect at Radford/Plantation Drive and the new access road to Hale Keiki School. All of the interested parties, the Navy, Amfac, the Federal Highway Administration and the State Department of Transportation have agreed upon the requested road alignment. The information submitted by the property owners and supported by the State Department of Transportation indicates that there is a need for the proposed road extension. Both the State Department of Transportation and the City and County Department of Transportation Services are in agreement that the road should be extended. The road extension is also appropriate from the perspective of providing a transportation corridor between Pearl Harbor and the proposed major Navy housing area in the Aliamanu Crater. The location of the proposed road extension is the only alignment which can provide a direct connection from the Aliamanu housing area to Pearl Harbor.

Based upon review and analysis of the request, the Chief Planning Officer recommends approval of the proposal as contained in his report dated February 11, 1975.

Questions were raised by the Commission.

DUKE: Who designated that park area originally?

PRENTISS: The park was originally in the 1964 general plan. We don't have a documentation of all the reasons why these things were done. There was some speculation that it may have been put there in order to provide some buffer between the school and the industrial area, but it may have been put there also because they didn't know what to do with it.

DUKE: Well, it seems strange that it's designated as park and now it's too small, it's too steep, it's too isolated and it's of no consequence. We're not as slipshod as all designations on the general plan, are we?

PRENTISS: I hope not, Sir. We have a number of park[redacted] designations like that, when the Department of Parks and Recreation finally takes a look at them, they find that some of the park sites are not suitable. There's a larger one of 10 acres on the other side of the road which they also say is not suitable because of the topography which is very rugged.

DUKE: I know the main issue today is the extension of the road, not to resolve the park problem, but it did occur to me that all of a sudden it's not suitable.

PRENTISS: We did review the park needs for the area and the requirements of the general plan in that area. In the report I think it spells out in detail why we came to the conclusion that park standards according to the general plan can be met in that

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TAKEHARA: Economically speaking, aren't these pole houses quite expensive?

RONNINGEN: I don't know. I'm not an expert on building costs.

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

Public testimony followed.

Testimony in SUPPORT--

None

Testimony AGAINST--

Mr. Andy Woebel, representing Beken Corporation

OBJECTIONS:

1. Hardship resulting from the 25-foot height restriction from any point on slope would be placed on their firm which specializes in pole house construction.

2. Construction costs on slope would be too high and difficult especially for single-family home owners who may wish to build new homes.

3. Present structures would become nonconforming and make it difficult for residents to repair or remodel their homes.

The public hearing was kept open and deferred for notification to all hillside community associations, and for further information from the Department of Land Utilization, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

PUBLIC HEARING GP/DLUM AMENDMENT HALAWA, EWA QUEEN'S MEDICAL CENTER, B.P.BISHOP ESTATE, UNITED STATES NAVY (FILE #312/C3/32)	A public hearing was held to consider a proposal for a change in the General Plan and Detailed Land Use Map to accommodate the extension of Bougainville Drive, expand the existing Industrial designation, eliminate a planned park and military designations and expansion of the existing school designation for approximately 2.8 acres of land situated in Halawa, Ewa, Oahu, Tax Map Key: 8 parcels of 9-9-02: 2, 3, 18, 23.

Publication was made in the Sunday Star-Bulletin/Advertiser on February 16, 1975. No letters of protest were received.

Staff Planner Charles Prentiss presented the report of the Chief Planning Officer. The basis for the request is the need to accommodate existing and anticipated traffic between Salt Lake Boulevard

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area without that piece of property.

TAKEHARA: The report states another alternative of retaining Plantation Drive and extending it over Salt Lake Boulevard. Could you go over that?

PRENTISS: We looked at basically two other alternatives to extending Bouganville Drive in the location that we have it. One alternative is to retain Plantation Drive at its existing location. It would create a five-corner intersection at a very busy location and would not match up with the road coming down from the housing area so that there would have to be a turn here (referring to map displayed), and a turn back this way. Mainly for these two reasons, we felt that was not a better alternative for bringing the road through there.

The other alternative was not to have a road at all which would cause the need to take a very circuitous route to get down to Pearl Harbor which is a very poor alternative.

TAKEHARA: Presently then, the people mauka of Salt Lake Boulevard need to make that turn on Salt Lake and then down into Plantation Drive to get to the commissary. The report states it would mean extending this alignment across the boulevard to connect with the Navy right-of-way makai of existing Aliamanu.

PRENTISS: Yes. Another alternative considered was taking Plantation Drive and extending it here (referring to map displayed), taking it right through the park which is the only park that has a baseball field. It would cut through the ball field and we would have to delete that park also. It's very tight with the park, the apartments, and the roadway coming down.

TAKEHARA: I'd like clarification on the environmental impact statement.

CLEGG: This one involves quite a number of jurisdictions according to the, what I consider, a very inadequate environmental impact law that we have and may lobby a little bit. First of all, I'm not sure whether the Navy, because there's Navy land involved, in a general rule requires an EIS.

With regard to the general plan amendment itself, no EIS under our interpretation is required for a general plan amendment except that there's an interesting point here which would require an interpretation where we have a general plan amendment associated with City and County land. There's another stipulation in the bill that says any action utilizing City and County land shall require an EIS. Now, when that action involves a general plan change, we have some question. However, the department involved--and in this case I presume that all the City and County land is park land, is that correct?

PRENTISS: No. We have one of those unusual situations here. It's the school site that the City and County originally owns and

now the State has control of it. Technically, the City and County still owns it.

CLEGG: What department in the City and County might have charge of that?

PRENTISS: The Department of Finance.

CLEGG: Well, in this case the rule says the Department of Finance and the Department of Parks would have to determine whether there would be significant environmental impact by making this road, and if so, shall state whether an EIS shall be necessary. If they determine negative in that declaration, then no EIS would be required and the decision is up to them.

TAKEHARA: Would this be in the stage of the general plan?

CLEGG: That's an interesting point that's never come up before. I would so rule at this time from the Department of General Planning that the determination as to whether an EIS is needed will be left to the Department of Finance for that area associated with the school, and with the Department of Parks for that area associated with parks. I may be overruled momentarily.

WIKUM: That part overseen by the Department of Finance, does that include Radford High School?

PRENTISS: Yes.

WIKUM: I'm really concerned about boxing that school in with a three-lane highspeed highway. It seems to me kind of insane especially when I see here the rationale in our poop sheet for that being okay, and there are a lot of other lousy high schools in Honolulu that suffer the same situation. It doesn't seem to me a very exciting or plausible reason for doing it to yet another. The rationale given us for not extending Plantation Drive which seems a lot less disruptive to civilian enterprises is that it's going to destroy a park, yet the extension of Bouganville Drive is going to eliminate one too. So, I have a question about the little triangle of land just on the other side of Salt Lake Boulevard, from the existing Aliamanu Park. That's military land, right?

PRENTISS: Yes.

WIKUM: It looks empty there. You know if it still is or not?

PRENTISS: I think it's the same as it looks here (referring to map).

WIKUM: It occurs to me if they want to move people from their housing center down to their PX, that maybe they could just transfer the baseball diamond from Aliamanu Park to that triangle of military land, and at least give Radford one side of their facility that they could have some quiet on. That's all I have to say.

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TAKEHARA: I have something else to say on that. I wasn't very happy with the justification of saying let's put another noisy street next to the school because that's how our urban schools are, Farrington and McKinley. It doesn't seem to be good reasoning. It's like what's good for the right hand is good for the left.

PRENTISS: Just to point out that the school system can take measures to do something about the noise. Some of the schools are purposely air conditioned just to block out noise, for example.

TAKEHARA: And yet they're showing concern.

PRENTISS: Really what we're saying is we can look at that at the rezoning stage.

CHOY: We're constantly being told we're having another crack at it at the rezoning stage. How good is this second crack at this noise impact statement? What are the safeguards built into it? Would we just gloss over the problem that the school would be confronted with and pass this on to Council?

PRENTISS: From what I understand, the Department of Land Utilization can if they so desire request an EIS as part of the justification for the zoning change.

CLEGG: I think some of these issues are still being clarified in terms of what are the rules and regulations of the EIS Act 246. It is my present interpretation that like GP amendments, zoning changes under existing wording of the act do not fall under a project or program and therefore are not subject to Act 246. That may be changed this session but that's my present interpretation.

TAKEHARA: Is it possible then to recommend this EIS at this general plan stage to the Department of Finance and Department of Parks?

CLEGG: Any zoning associated with the City's portion of the land, the Department of Land Utilization at that point could request, right?

ENG: I respectfully differ.

CLEGG: You are the approving agency at that point, right?

ENG: Yes. Projects that come before the Planning Commission for changes in zoning which result from changes in the general plan in our view are subject to Act 246. We have been reviewing each project individually to determine whether the EIS would be required. Rightly or wrongly, this is the way we are operating.

CLEGG: Well, we're squaring away our own procedures in the department too. In light of not having yet received the rules and regulations from the Environmental Commission--well, there's

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no point airing this particular point until we have determined what it is. Each will be determined upon its own merits.

(There were no further questions of staff.)

Public testimony followed.

Testimony in SUPPORT--

1. Mr. George Houghtailing, Planning Consultant and President of Community Planning

   Mr. Houghtailing acknowledged receipt of a copy of the report and concurred with the recommendation of the Chief Planning Officer contained therein.

Mr. Houghtailing was questioned by the Commission.

HOSAKA: Would you expand on your plans in the industrial area?

HOUGHTAILING: To go back on this Bouganville Drive, the State Highway in building the H-1 in putting in the overpass actually started Bouganville Drive. The developers, Amfac, could have lived with Plantation Drive but as a matter of cooperation to tie in and make a more desirable roadway tying in Kam Highway with Salt Lake, and in tying in with what is now being built by the State in connection with H-1 which has already built a big portion of Bouganville, we accepted the deletion of Plantation Drive, and are concentrating on Bouganville Drive which is going to be a far superior road than Plantation Drive. True, the school does bring in some of their indications that there's noise. I think they've got noise there now. This is going to be an improvement as far as traffic movement. I think that's a big plus instead of minus. We could have lived with Plantation Drive and improved it. But, it gives you a five-point intersection which is a traffic hazard and would have been a detriment to the area. This is a line where government agencies, the Navy's cooperating. Hawaiian Electric--you've got a problem as far as the utilities are concerned to take care of Pearl Harbor, Hickam Field and all that area out there--they're going to expand that to quite an extent. This is where the cooperation is coming in to tie in with what government needs.

I feel the plan and your staff has made a very thorough analysis. We accept that.

HOSAKA: My question however, is what are you going to do with that industrial area?

HOUGHTAILING: We will follow light industrial and build it accordingly. We're going to make a subdivision of an industrial park.

CHOY: What type of tenants will you have in this industrial

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area? What are the projected possibilities?

HOUGHTAILING: We have none. We can't move until this whole general plan is amended. We can't really project this.

CHOY: Then the DOE's fear is a real fear that you may have tenants in here that may cause and increase the noise pollution to the school.

HOUGHTAILING: It's light industrial, not heavy industrial.

CHOY: Say if you have a string of body fender shops, is that considered light industry?

HOUGHTAILING: They've got requirements as far as noise.

CHOY: They'd have to be housed in an air-conditioned, sound-proof building?

HOUGHTAILING: They'd have to meet the noise requirements under the ordinance.

CHOY: So I can see body fender work going up sky high if they're going to have to be housed in an air-conditioned unit.

HOUGHTAILING: Their limits are pretty well spelled out.

CLEGG: Do you represent the City and County of Honolulu in this general plan amendment?

HOUGHTAILING: No, it's put in as part of your folk's amendment.

CLEGG: You don't represent the Navy?

HOUGHTAILING: Navy gave us authorization to represent them.

CLEGG: It would appear to us for completeness that Parks and Finance should be making an application for a general plan change for the portions they're involved in and that they in effect are the requestor. In that case, they are the agency which determines whether an EIS is required or not in all cases.

PRENTISS: The way we handled that was we notified both departments that we were making the request.

CLEGG: I think this is something we might want to discuss as to the role of Parks and Finance in this in terms of who is the proper agency to be making the request for the general plan change so that we keep ourselves within the law.

HOUGHTAILING: I'd like to point out that Bouganville extension is an emergency. School is going to be on vacation and they would like that road built before September if possible. This has been carried on for sometime now and we're trying to get this on so

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that the road be built before school starts in September, at least the portion responsible of the developer.

CLEGG: I understand your concern; however, emergencies are relative. We too have to abide by our crisis situations and what is required of us.

HOUGHTAILING: I'm not questioning you but I'm referring to the report where it says the impact statement should come after the zoning. If that's in the report and if that's the truth, we'll go through that.

CLEGG: I'm suggesting that possibly we would want to review our own report.

HOUGHTAILING: I hope this thing does not get held up any longer because the Navy is anxious to get this road built. Hale Keiki is also involved.

CLEGG: The real question is whether there is a significant environmental impact or not. If it's determined there is not a significant environmental impact, then that's it. If it's determined at the general plan stage that there's not a significant environmental impact, then it's my understanding that any further stage, as long as the plans remain the same, determination of non-impact could hold. Let me say we are working our way through this new impact law. Having been getting involved with state, county and Navy land, we're trying to work our way through it. Otherwise, we'll all end up in a law suit and even more time will be delayed.

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

2. Lt. Rice, representing the Commandant of 14th Naval District.

RICE: The Navy is in favor of the plan. If I might answer a few questions that have been asked already, the Navy has entered into an agreement with Community Planning in that we will grant them a right-of-entry to build a road. That's as far as our agreement goes. We are in favor of the road, certainly. We're not building the road.

As far as an environmental assessment, it would be required by the Navy when we grant an easement for the road. Of course, the environmental assessment would determine whether or not there's an EIS required.

CLEGG: That's under NEPA rules?

RICE: Yes.

It's my understanding the Department of Parks doesn't own any land. The land zoned park, I believe, is privately owned. I just want to clarify that.

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PRENTISS: He's talking about the park that was deleted on this (referring to map displayed) side.

RICE: I might point out the Navy has offered or intends to excess the less than acre of land which is separated on the Ewa side now designated military. Also, we intend to excess approximately seven acres. This land which we intend to excess could be used for park or school use. We're in the process of excessing three acres right behind the Makalapa Elementary School that they already have playground equipment on.

If I may, I commute through the area. Plantation Drive is a very poor two-lane road. It's a private road which the Navy has access to. The entry on to Salt Lake Boulevard is dangerous at best especially when Radford High School is getting out. It's the only access from Kam Highway to Salt Lake Boulevard right now.

TAKEHARA: In this report it states that DOE is requesting the owners of two remnant parcels. Is that the parcels you were referring to?

RICE: One of those is Navy property zoned military use. That would be excess through our normal procedures. We've had no trouble turning it eventually over to the school. It comes at no cost when it goes through HEW.

Perhaps someone else could talk about the other parcel.

HOSAKA: When you say the Navy is intending to deed this excess land, how do you show your intention?

RICE: In the case of the three acres behind Makalapa Elementary School, we've given a right-of-entry to the school. We have excessed that piece, subject to highway right-of-way boundaries. I believe our intention was expressed in a letter in January of 1974 to the Planning and Zoning Committee.

HOSAKA: Of all of your said parcels?

RICE: The seven acres and the 35,000 square feet were addressed. The three acres were already in the process. I don't believe that was addressed here.

(There were no further questions of Lt. Rice.)

3. Mr. Chew Hoy Lee, representing Amfac Properties.

LEE: In response to Mrs. Takehara's question, the other parcel is owned by Queen's Hospital. It will be made available to the school at normal procedures we go through at Queen's Hospital which is an eleemosynary organization. In other words, you will now have a contiguous parcel of land Ewa of that Bouganville Road of school. The school has asked us to put in an entrance way to their park for their baseball/football field in which we concurred.

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(There were no questions of Mr. Lee.)

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Wikum.

ACTION: The Commission accepted the recommendation of the Chief Planning Officer for approval and, further, that a recommendation be made by the Department of General Planning regarding an Environmental Impact Statement.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

PUBLIC HEARING
CONDITIONAL USE PERMIT
(EXPANSION OF TENNIS FACILITY)
WAIALAE-KAHALA
BEKEN CORPORATION
(FILE #74/CUP-36)

A public hearing was held to consider a proposal to expand the tennis facility by adding a practice land and warm-up area at 4997 Kahala Avenue, Tax Map Key: 3-5-12: 3 and 38.

Publication was made in the Sunday Star-Bulletin/Advertiser on February 16, 1975. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. The applicant proposes to expand the tennis facility by adding a practice land and a warm-up area on the Diamond Head side of the existing tennis courts and locker room structure. These facilities will consist of 3 ten-foot high concrete block wing walls running from the existing fences and extensions thereof to the property line. A 160-foot long, 10-foot high chain-link fence is proposed to extend between the mauka and makai wing walls along the property line. The proposed new facilities which encompass an area of 160 feet by 40 feet will lie entirely within the required 50-foot side yard in the P-1 Preservation District.

It is felt that the proposed additions are inappropriate. As previously stated, these additions lie entirely within the required 50-foot side yard in the P-1 District and they extend to the property line, leaving no side yard clearance to the abutting property. While the Director may recommend and the Council may take action to permit a conditional use certain reasonable deviations from the bulk requirements of the Code, permitting an encroachment of this extent appears to be unreasonable and outside of the intent of the Code. Walls of this type are not permitted in conjunction with principal uses. There is no reason to permit them in conjunction with conditional uses. It is apparent that the Waialae Country Club with its 140 acre golf course could easily find a more appropriate location for the proposed facilities without violating the basic side yard for the P-1 district.

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It is recommended that this Conditional Use Permit be denied.

Questions were raised by the Commission.

CLEGG: I notice it will be within the 50-foot P-1 Preservation district. The P-1 has a 50-foot setback. Therefore in any case, the applicant needs a variance, in addition.

ENG: Well, that's a possibility also. We are recommending denial so we haven't suggested.

CLEGG: Right, but whatever happens, if it gets approved for some reason, the variance process has to get started because the CUP is not able--and correct me if I'm wrong--to override the need for a variance.

ENG: In this case, it seems to be the case. Actually, the deputy director brings up an interesting point. Although a variance could be granted for the construction, there would still be a need to establish the use. In other words--

CLEGG: I'm suggesting both are required.

ENG: Right.

CLEGG: You have a nonconforming use within a setback.

ENG: That's correct.

CLEGG: Therefore, you need the CUP to get rid of the nonconforming use and the variance to get rid of the setback problem.

ENG: Yes.

CHAIRMAN: Their taking out the hedge and they've laid out a base court, what bearing does it have on this CUP?

ENG: That's what the CUP is requesting, to establish this use, this tennis warm up facility. The applicant has apparently gone ahead and made preparations for it.

CHAIRMAN: Didn't you just state whatever they've done up to now is legal?

ENG: Legal in the sense that a building permit is not required but it would not be permitted to be used unless the CUP is adopted.

CHAIRMAN: So if this CUP is denied, whatever they've done up to now, what happens?

ENG: They've done nothing illegal. The rebars stick up out of the ground. They can build a wall that's less than 30 inches in height apparently, without a building permit. That's the extent of the construction.

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CLEGG: How about a variance?

ENG: A variance would permit them to go beyond the height or to do the construction in the side yard but the use of the facility would still require a CUP.

CLEGG: Is what they have done now in violation of not having a variance?

ENG: No. If they had gone beyond the height limit as they propose to do, then they would have to.

CHAIRMAN: Can you at this time also suggest what areas might be appropriate for this type of facility?

ENG: The warm up lane is customarily accessory to a tennis club facility. We see nothing inappropriate about that. We just fail to see the need to include it in the sideyard. We feel the club with its land resources might find a more appropriate location for this facility.

CHAIRMAN: At this time, you have no idea as to where they might put this?

ENG: No, except that it shouldn't be in the side yard.

(There were no further questions.)

Public testimony followed.

Testimony in SUPPORT--

1. Mr. Lyman Blank, Member, Tennis Committee, Waialae Country Club, submitted letter dated Feb. 25, 1975 requesting that the public hearing be continued to the next meeting due to the absence of their Chairman, Mr. Frank Damon who is out of town and is desirous of making the presentation on behalf of the Club.

2. Mr. Andrew Peter Woebel representing the applicant, Beken Corporation.

   WOEBEL: I'll be happy to answer any questions.

We're in the middle of the operation and did some renovating to the tennis and swimming locker rooms. Along with this they asked us to go ahead with this tennis procedure. At this time there was a driveway in there and the existing tennis courts are there at the present which evidently they have been therefore quite a few years. Now, all of a sudden I notice by that map they outlined in red that calls for a 50-foot setback. Evidently, some new zoning code comes in. Now, they're in violation also of the present tennis courts.

The warm up lane that we're putting in there--and this is true, the places outlined in dark color as he says we're strictly legal in this thing. There were some reinforcing bars put up there. We're anticipating the footing but at this point, we stopped the construction because I wasn't about to get involved in anything that was illegal and jeopardize our license. So, we're holding fire right at this point until there's a decision made.

There's two or three things that could be done that I can see, but it seems a little ridiculous to me. There's a recreation area on the Waialae side. I can't anticipate putting a warm up court half a mile away from the tennis courts. This seemed to me the logical place to put the warm up court. Right next to this is recreation likewise. The City and County has a park there. The only reason of the 10-foot high fence or 4 feet higher than called for with the present 6-foot high fence going in there would be so you don't jump over the fence and shag the tennis balls. I guess they could put stairs over the fence and back down again and go shag your ball but I don't see where it makes that much difference to it.

One other thing we could do, and I would stand corrected, but I think we could put up a temporary fence there which I suggested to the golf course and put it on rollers and set it up there when they're not using the courts to save the balls from going over the fence. This is basically the idea of the 10-foot high fence.

Mr. Woebel was questioned by the Commission.

CHOY: As a builder, isn't it the general rule for you to check the regulation regardless of whether you have the right to build without a building permit?

WOEBEL: The existing facility is in there. Now I understand according to this they're in violation of that, but what was existing there originally to me wasn't in violation if it was in there before.

CHOY: So with what you did thus far, you felt it was legal and could be put in and you later discovered that it was within the--

WOEBEL: No.

CHOY: But then you also made the statement, and I stand to be corrected, that you felt the 50-foot sideyard setback in P-1 was something new to you. What I would like to know is, isn't it general procedure for any builder or contractor to check the CZC before you proceed?

WOEBEL: Well, basically when they put in the tennis courts it was way, way, before my time. I guess on the old code, they put it in and it's existing. I had nothing to do with the existing court.

CHOY: But, following the CZC of 1969 which has been in

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existence, it hasn't been revised, this is the code we're talking about.

ENG: Getting to your question, Dr. Choy, it seems to me that if the scale drawing as part of this application is correct, the area encompassed by the proposed new use or expanded use might possible be accommodated in this particular location (referring to site plan displayed). It should also be clarified that the application was submitted in full awareness of the P-1 zoning district. We have a copy of the application.

HOSAKA: What really irks me and disturbs me about this application is that it's quite presumptious of Waialae Country Club to start constructing something like this without getting an approval. You yourself have admitted that this was proposed with full view that you were going to put up a wall. Look's like somebody just got caught with their finger in the cookie jar.

WOEBEL: I don't think so because if this was the case, we would continue to try and put the wall over the fence. But, there was no intention to put this thing up until naturally, it was cleared by you people or whatever it takes to get the permit to do it.

ENG: I've been asked to clarify. The construction that the country club has undertaken to date is not illegal. It's entirely legal to pave or to build a wall up to 30 inches in height without securing a building permit. However, upon completion of what construction can be accomplished without building permits, there remains the logic question as to whether the use would be considered appropriate. That's the subject of this request, the CUP.

I would also comment that the proposed construction would leave no room for landscaping on the property boundary which is normally a consideration in CUPs.

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

The public hearing was kept open to the next meeting, as requested by the applicant. The Commission also requested that appropriate conditions be prepared should the request be approved.

PUBLIC HEARING
CZC AMENDMENT
REDEFINITION OF ZONING LOT
(FILE L&R/CZC/1975-3)

A public hearing was held to consider a proposal to amend the Comprehensive Zoning Code, Chapter 21, R.O. 1969, Redefinition of Zoning Lot, provisions for lots in two districts with common uses, and revised provisions for joint development of two or more adjacent lots.

Publication was made in the Sunday Star-Bulletin/Advertiser on February 16, 1975. No letters of protest were received.

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Development Plan, and Comprehensive Zoning Code" as proposed by the City Council in Bills 101-105.

Questions were raised by the Commission.

CHAIRMAN: I still have the question in my mind, what can he do with this lot? Development of Resort-Hotel would seem incompatible. Commercial structure would be difficult and an incompatible use.

ENG: If you permit me, the DLUM designates the subject parcel for Commercial. The City Council has expressed it's intent to rezone Waikiki in conformance with the DLUM. This would make this area a B-5 district which presently permits Resort, Commercial, Hotel, Apartment. But, the City Council has also expressed its intent to exclude Hotel and Apartment from the Commercial district. Therefore, even if this parcel were zoned in accordance with the adopted land use policy, the City Council's intent is not to permit Hotel or Apartment development on this parcel. Going back to the present H-2 zoning, the City Council's intent here is to reduce the density to that of H-1, and also to eliminate Apartment units from the H-1 district, H-2 presently, so that the proposal for Apartment-Hotels would appear to be inconsistent on all counts with the City Council's intent and thinking.

CHAIRMAN: Isn't it a fact that because it is not consistent that they're applying for this?

ENG: I'm not in position to defend the proposed legislation. It simply says that's what we have to find. We're not unsympathetic to Mrs. Pai's problem; however, the enabling legislation asks us to look at certain things, and based on these things we're asked to look at, we find this proposal is inconsistent.

CLEGG: I think until the moratorium is lifted, that we have no alternative but to obey it. City Council may in their ultimate wisdom, I suppose, grant some variance but--

ENG: Yes, I think this aspect or these sections of Ordinance 4362 provide a vehicle for the applicant to get to the City Council to appeal these objectives.

CLEGG: Would you explain the EIS.

ENG: It has been determined--this has come from City Council. The application was filed with an agency other than the Executive Branch. In other words, the pertinent portions of Ordinance 4362 require the applicant to make a request to City Council rather than to DLU which is normally considered an agency of the Executive Branch.

CLEGG: A building permit has been requested, is that correct?

ENG: The building permit application is required as part of

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Staff Planner Henry Eng presented the Director's report of the request. The purposes of this proposed amendment are several. The general purpose is to clarify the Code and make it more workable in the areas of joint development and split-zoned parcels where uses are common. Specific points are addressed in the Director's report.

The Director recommends adoption of this amendment.

There were no questions from the Commission regarding the Director's report.

No one spoke either for or against the proposed amendment.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the proposed amendment, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

PUBLIC HEARING VARIANCE OF THE PROVISIONS OF SECTIONS 3-A-(1)-(a) OF ORDINANCE NO. 4362, AS AMENDED (FILE 75/MOD-1)

A public hearing was held to consider a request for a variance of the Provisions of Sections 3-A(a) of Ordinance No. 4362, as amended, for property located in Waikiki, Tax Map Key: 2-6-23: 49.

Publication was made in the Sunday Star-Bulletin/Advertiser on February 16, 1975. No letters of protest were received.

Staff Planner Gerry Henniger presented the Director's report of the request. The applicant proposes to erect a building with a floor area of 27,500 square feet as permitted under the H-2 Hotel District. In examining his statements of justification, it would appear safe to assume that he is proposing neither a resort hotel nor a commercial structure. His building permit request, however, indicates hotel and apartment use. Since both the existing DLUM and the DLUM proposed under Bill 101 show the area for commercial use, there would appear to be little question that the proposal is inconsistent with the Council's basic land use policy. The fact that it is the Council's intent, through Bill 104, to eliminate the mixing of hotels and apartments with commercial uses within the Waikiki commercial districts furthers this inconsistency.

Based upon review and analysis of this application contained in his report, it is the Director's recommendation that the request be denied, on the basis that it is not consistent with "the spirit of the amendment to the General Plan, Detailed Land Use Map,

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the filing material to the City Council. I'm not certain as to whether this had gone to the Building Department.

CLEGG: An EIS determination then should be made by the Building Department, prior to any permit being issued.

ENG: Certainly prior to any permit being issued.

(There were no further questions from the Commission.)

Public testimony followed.

Testimony AGAINST--

None

Testimony in SUPPORT--

1. Mr. Joseph Farrell, Architect and Agent for Mrs. Inez Kong Pai, applicant.

FARRELL: I would like to make two additional points. Mrs. Pai's request is in fact consistent with the spirit of Bill 104. Mrs. Pai's property is quite enclosed by highrise apartment structures on almost all sides except one, a six-story hotel. The existing DLUM and the Bill 101 proposed DLUM indicates Commercial for this site. Of course, it's all surrounded by Apartment and Hotels. Therefore, it seems that what is going to happen if her request is not granted is that a Commercial pocket will be created which is just the antithesis of the spirit of Bill 104 which is the intent of the City Council to separate Hotel and Apartment uses from Commercial uses in Waikiki, and moreover to limit the Commercial activity permitted in Resort area. Well, if this parcel stays Commercial, it's going to be just the opposite of the intent of Bill 104.

DLU's analysis appeared to be somewhat academic and ideal as if they were looking on to a piece of paper rather than to an existing situation. We feel that if you look at it from a very factual standpoint on the ground, that the intention would be or it would be a good idea to include this as an H-2 piece of property and allow apartments to be built.

The second point I wish to make is that Mrs. Pai's request is the proposal that what is done in Waikiki is for the general health, safety, morals, and welfare of the community. I thought this was going to be B-2, or is it B-5?

ENG: Well, B-2/B-5, but in Commercial it would be. So at this point, the Council is reviewing a proposal to eliminate B-5 and replace it with B-2.

FARRELL: Anyhow, this is B-2 and if you look at the sort of things that can be built in there, it doesn't seem like it's consistent with the general welfare of the community nor consistent

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with Bill 104--automobile service station, automotive repair establishments, commercial recreation facilities, eating and drinking establishments, passenger transportation terminals, veterinary establishments, wholesale distributing and operations. In that result, it seems to me like it would be the intention of the Council to approve this rather than to disapprove this request. That's all the comments I have.

CLEGG: Is the proposed construction as you've seen it, would that fit in with the proposed Kuhio widening, or is that a concern here?

ENG: We've not looked at the proposal in that detail because we recognize there is a widening on Kuhio Avenue. However, the plans as submitted are insufficient in detail to make a judgment as to whether the proposed construction would or would not respect that setback.

(There were no questions of Mr. Farrell.)

2. Mr. Gregory Pai, Son of Mrs. Inez Kong Pai

PAI: In a space of several years since 1967, this parcel has undergone reduction of allowable floor areas from 500% before the zoning change in 1969 to 230% as a result of the H-2 change, and now it's going down to .65. That's a net reduction of 47,000 square feet in 1967 to 7,480 square at present.

In terms of developing at H-1 under the interim zone, as stated in the letter would not be feasible to make an operable Hotel-Apartment. The alternative for Commercial development would entail bringing in a use in a prevailing Apartment-Hotel area which in fact is inconsistent with the objectives of Bill 104. This puts us in a bind. On the other hand, as was stated in Section 1(b)(4) in Bill 101 the objective of Bill 101 would be to protect Waikiki from physical deterioration, overcrowding, traffic congestion, etc., is the primary objective of the bill. In relation to this objective, I notice on the agenda that the property at present is vacant. This is not the case. Presently on the property exists three separate buildings which were built around 1915 and 1920, and one concrete building containing 10 units built around 1950. Subsequent to that, two of the buildings burned down. One is now completely level and the other is a rotted hulk of a building which we have not been able to tear down yet because of this pending variance, therefore leaving one dilapidated stucco cottage structure and the two-story ten-unit building which is in very bad shape at the present time. It is our intent to tear this down and develop something suitable and nice for the area. We have been thinking about this since 1967. Therefore, we are presented with the unviable situation of neither being able to develop anything profitably other than an Apartment or Hotel, or to go into a Commercial development which in of itself would violate the situation which presently exists. We really don't know where to go and this is an appeal of a last resort.

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We seem to have been caught in a contradiction between two developments, one starting from 1967 where the actual zoning of this area was H-2 and the DLUM at that time was designated Commercial. This contradiction of the two plans left the options open as to what particular development the property owners in that area wanted to do. Consequently because of the prevailing land use in terms of feasibility and the existing uses, all of the area in that block actually went to Apartment-Hotel. None of the property owners there elected to go to Commercial even though at the time that was given as an option. So it appears that, in fact, this has been a sort of defacto development of Apartment-Hotel in that area responsive to the economic condition and the feasibility of development in that area which in itself, in fact, is at variance with the objectives of the designated land use map. As a consequence, we who had an opportunity to develop in 1967 and try to beat the zoning change at that point decided not to because we didn't want to go into 500% building, and held off until the present time, and are now caught in the vise of the zoning change and the pre-existing H-2 designation. We are caught between the objectives of the DLUM and what in fact presently prevails in the area in terms of what the actual development there is, and that what we would like to do is in fact in conformance with what is actually happening.

Mr. Pai was questioned by the Commission.

WIKUM: You told us that this parcel is located on the edge of a badly deteriorated section of Waikiki. It's my understanding the City Council is aware of that, and that looking towards redevelopment of Waikiki they have decided certain kinds of redevelopment would be possible.

PAI: Yes.

WIKUM: How long have you owned the parcel?

PAI: 38 years.

WIKUM: My next question doesn't need to be asked because I'm concerned with the financial loss that this bind presents to you, so my question was, if this proposal is denied by the Council and if the Council passes Bill 104, would the value of your property be much less than your original purchase?

PAI: It has already gone down.

WIKUM: No, your original purchase price. As I said, your answer to the first question. I was trying to assess the real loss to you if this proposal should be denied, rather than your potential loss. You understand?

PAI: Yes.

WIKUM: Thank you.

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

3. Mrs. Inez Kong Pai, Applicant

Mrs. Pai concurred with previous testimony presented and added her support in the spirit and intent of the Waikiki ordinance, as well as her past support of the Kuhio Street widening project. However, she questioned her predicament of being forced to consolidate and construct another highrise structure in Waikiki, rather than being able to build a small, low-rise, first-class 40-unit apartment/hotel. Although admittedly her area is blighted with existing dilapidated structures, it is the only area in Waikiki with a dozen full-grown trees.

The public hearing was closed, on motion by Mr. Duke, seconded by Dr. Choy and carried.

Discussion followed.

DUKE: I understand there's a lot of things going on at Council level regarding that. However, your recommendation that this be denied is based only on the fact that there are many things happening at Council level which doesn't qualify this application.

ENG: Yes. Based on the intent expressed in the bills that the Council is considering, using the adopted land use policy as the guideline also, we find that the proposal would be inconsistent.

DUKE: The fact that Council is considering adoption doesn't--and I know they're more involved with what's taking place--necessarily mean they're really going to adopt all of these assumptions, does it?

ENG: That is correct. They are presently reviewing, they may amend some legislation, they may drop some, but the one bill that has been enacted as an ordinance indicates that this procedure is appropriate for reviewing this kind of appeal. Regardless of our recommendation, the Commission's recommendation, the City Council will take all these factors into consideration before they make their decision.

DUKE: Well, it seems to me that the permitted building area of H-1 of 7,000 square feet is most inappropriate for this particular parcel with all of the development of the area surrounding it.

WIKUM: On page 7 of your analysis it says the Council's intent to Bill 104 is to eliminate the mixing of hotels and apartments with commercial uses within the Waikiki commercial district, and that this proposal, you feel, is inconsistent with that intent. Can you briefly tell me what is the rationale behind the wish to eliminate the mixing of hotels and apartments with commercial uses?

ENG: The City Council retained an independent consultant to prepare these bills. They feel the elimination of the mix would be desirable for Waikiki.

WIKUM: What about the people staying in the hotels? They walk out of one hotel and all they can find is another hotel. I kind of like walking out of a hotel and running into that little delicatessen down there, and some of the other shops and things that I find, aside from the same, plastic, everywhere shops inside of the hotels themselves. Does anyone here have any notion what the rationale behind this is? It seems to me that's important. If we're being told this proposal is inconsistent with the intent of this bill and we don't agree with the intent of the bill, that may help somebody.

CLEGG: When the proposal of the consultant's came in, it appeared that what was being done was a strip-Waikiki in the sense that the strip along Kalakaua, makai would be all Resort, the area between Kalakaua and Kuhio would be all Commercial, and the area between Kuhio and Ala Wai would basically be all Apartment. The rationalization behind all this is in the consultant's head. There was a rash of reports purporting to be plans that was submitted along with this. The Department of General Planning has taken the position that justification for general plan changes that would implement this, that the reports behind that are insufficient to justify them.

DUKE: Well, I know you're referring to Bill 101, and I have to be consistent in my opinion of Bill 101 in that I had made the motion not to adopt Bill 101. Therefore, I will not be inconsistent in stating that Bill 101 is the answer to our problem.

A C T I O N

Therefore, I would like to make a motion at this time that this particular piece of property be given due consideration in development that's compatible with the surrounding area that is located there, and I must go against the Director's recommendation that it be denied. I think it should be given great consideration and recommend to the Council that they do give it consideration and proper development.

CHAIRMAN: Are you saying you approve the application?

DUKE: Well, I certainly go against denial of the application. Therefore, I would recommend that it be approved, yes.

CHAIRMAN: Is there a second?

AMENDMENT TO MOTION

CHOY: I will second that motion with an amendment, if it's permitted. I would also like to include an amendment that the privilege for development pre-date to an H-2 zoning rather than H-1. My rationale is given that the property is only 9,690 square feet, and being that she'd be losing some of that, I don't think the bulk in itself would really hurt the area in its present posture.

DUKE: I think the amendment to my motion is in order.

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CLEGG: I realize this is a difficult decision to make. I would like to remind the Commission there are a number of property owners in Waikiki under a similar problem situation, that the moratorium itself is due to be up in June of this year. The purpose for the moratorium is so that certain options in Waikiki would not be preempted. There is great concern about the increasing density in Waikiki. We are attempting to free-up funds from the State so that we can perform proper planning and urban design for what is left of Waikiki that has not already been preempted. I would feel that any construction in a sense would be a preemption of an option and would caution the Commission on terms of the intent of the moratorium and the need to leave our option open for any future urban design.

(There was no further discussion.)

The motion carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya
NAYES - Takehara
ABSTAINED - Wikum
ABSENT - None

UNFINISHED BUSINESS
SPECIAL USE PERMIT
(POLICE & FIRE TRAINING FACILITY WITHIN AG-1 RESTRICTED AG.DISTRICT)
WAIPAHU-WAIPIO PENINSULA
BUILDING DEPARTMENT, C&C OF HONOLULU
(FILE #74/SUP-2)

The public hearing held January 29, 1975 was closed, and the matter deferred for the 15-day statutory requirement.

Since the closing of the public hearing, the Commission received the following communication:

1. Petition containing approximately 285 signatures against the proposed facility.

2. Letter dated Feb. 20, 1975 from Mr. John Moriyama, Chairman, Planning Committee, Waipahu Community Assn.

3. Letter dated Feb. 20, 1975 from Hideo "Major" Okada, Second Vice-President, Waipahu Community Assn., and President, Friends of Waipahu Cultural Garden Park.

Both Mr. Moriyama and Mr. Okada were called upon and questioned by the Commission regarding their concerns about the proposed facility. The following additional information was given:

1. Noise generated from the firing range and helicopter. Even though noise requirements and conditions will be placed on this application, there is no assurance that these conditions will be adhered to because past commitments made by the City on the incinerator and the STP were not kept. Therefore, the City will be compounding the problem.

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Mr. Clegg commented that problems on the STP have been corrected. When the STP first operated and failed, no further STPs were allowed. The situation has been corrected and as a result, the State Department of Health has allowed further hookups.

2. Request that a land use study be made of the 100 acres owned by the City. There are no studies as to future land use. Because of its central location on the island, other city agencies may also see need to centralize their facilities at the same site.

   Questioned by the Commission if a land use study of the 100 acres determined inclusion of the police/fire training facility, Mr. Moriyama stated their objection would remain unchanged, the facility would not be compatible with surrounding uses.

3. The community is interested in the area for a regional park.

4. They would have no objection if the subject site were used for mixed income housing development rather than strictly low-cost housing as long as social problems do not occur.

At this point, Mr. Ernest Yuasa, Director and Building Superintendent, was called upon and questioned by the Commission.

1. Concerning noise generated by gunfire, sound baffles designed in construction of the facility will cushion most of the noise.

   As to helicopter noise, the helicopter will be used for emergency purposes only. It will not be used as part of the daily training exercises and therefore will not be at the site. Its main station is at the Honolulu International Airport.

2. Concerning site selection of the proposed facility, studies of various sites on Oahu were conducted jointly by them, and the Police and Fire Departments. Results of this study are contained in their draft Environmental Impact Statement. Eight locations on Oahu were studied and narrowed to two--Koko Head and Waipahu. Problems encountered at Koko Head involved sharing the existing public rifle range controlled by the Parks Department, plus the fact that the Koko Head site is already earmarked for park use.

3. Location within the subject 100-acre site was made in conjunction with the Department of Public Works, owners of the property. Reasons for the particular site selection is also contained in the draft Environmental Impact Statement.

   Questioned as to the possibility of locating the facility further makai, Mr. Yuasa stated that it would encroach into the Navy's restricted blast zone area.

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The matter was deferred for a field trip to the site with representatives from the Fire, Police, and Public Works Departments, and the Waipahu Community Association. Maps of the subject area were also requested.

ADJOURNMENT: The meeting adjourned at 7:15 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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MAR 12 1975

Meeting of the Planning Commission
Minutes
March 12, 1975

The Planning Commission held a meeting on Wednesday, March 12, 1975 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Charles Duke, Vice Chairman
Dr. Wilbur Choy
Donald Hosaka
Antone J. Kahawaiolaa
Alice Takehara
Harriet Wikum

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Henry Eng, Staff Planner
Stan Mofjeld, Staff Planner
Charles Prentiss, Staff Planner
Johan Ronningen, Staff Planner
Carl Smith, Staff Planner

STATE LAND USE COMMISSION REFERRAL HEEIA (LAND USE DISTRICT MAP 0-12)

Pursuant to Section 205-4, Chapter 205, Hawaii Revised Statutes, the Planning Commission has received for review and recommendation, a petition from the State Land Use Commission to amend the urban Preservation District boundary in the Heeia Area.

Mr. Charles Prentiss presented the report of the Chief Planning Officer. The petition includes a land area of .43 acres for a HECO substation and 2.84 acres for an access road to serve an apartment and regional shopping center area being proposed by Foremost-McCormack in the Heeia meadowland area. The changes requested in the petition are directly related to a major urban development project of 668 acres that the petitioner is proposing in the Heeia meadowland area. The Department of General Planning is currently evaluating a General Plan amendment request covering the 668-acre area.

The petitioners proposed development could increase the possible housing density from about 2,500 dwelling units to approximately 5,800. This could result in a population of approximately 19,000 people in the meadowland and the Heeia Fish Pond area. Other changes being requested to the General Plan address road, school, park, open space and commercial (retail and office requirements).

A fundamental consideration is that petitioners proposed uses do not conform to existing City and County policy for the subject

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sites. Current land use policy is, however, under review at the present time, including an evaluation of alternative land use policies for the area. This analysis of the requested changes to County policy is nearing completion. It is premature to consider adjusting the State Land Use District boundaries without the benefit of the detailed analysis currently under way.

Based upon review of this petition, it is recommended that the petition be deferred until final action has been taken on the requested General Plan amendment for the area.

Reported into the record was the receipt of a letter dated March 11, 1975 from Harvey F. Gerwig, Vice President and Projects Coordinator, Foremost Homes Hawaii, Limited, concurring with the recommendation for deferral on this matter until final action has been taken on the requested General Plan Amendment for the area, and requesting the same.

No discussion followed.

The matter was deferred, as recommended by the Chief Planning Officer, on motion by Mr. Duke, seconded by Dr. Choy and carried.

PUBLIC HEARING
CONDITIONAL USE PERMIT
(PARKING IN RESIDENTIAL AREA TO SUPPORT HOTEL IN H-1 RESORT-HOTEL DISTRICT OF SAME LOT)
PUNALUU
W & C, LTD.
(FILE #75/CUP-2)

A public hearing was held to consider a request for a Conditional Use Permit to allow use of the residentially zoned area for required parking to support a proposed hotel to be constructed within the H-1 Resort-Hotel District area of the same lot located in Punaluu, Tax Map Key: 5-3-05: 2 and 38.

Publication was made in the Sunday Star-Bulletin/Advertiser on March 2, 1975. No letters of protest were received.

Mr. Henry Eng presented the Director's report of the request. The subject parcel is split-zoned. Submitted plans show 27 parking spaces and landscaping with trees, shrubs and grass. Access to the off-street parking facility is proposed to be through the H-1 Resort-Hotel District area and thence onto Kam Highway. A private STP will also be located on the site. The plant is covered by Chapters 321 and 342, H.R.S. and Public Health Regulations of the State Department of Health, effective August 5, 1973, and does not require a CUP. Private utilities are permitted as accessory uses under the provisions of Ordinance No. 4412.

Based upon review of this request, it is the Director's recommendation that the request be approved, subject to the conditions contained in his report.

There were no questions regarding the Director's report.

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Public testimony followed.

Testimony in SUPPORT--

Mr. Walter Zane, representing the applicant.

ZANE: In regards to this application, by zoning, it is possible to put additional units on that site. We feel it would be much more conducive to have parking there rather than units. By not going into shore parking, our time of construction will be minimized much more and we will avoid pile driving there. Taking all these things into consideration, we feel this is good planning and would be very well done as to the environmental impact and so forth and so on.

(There were no questions of Mr. Zane.)

Testimony AGAINST--

Mrs. Kathleen Mattoon, Secretary, Punaluu Community Association

MATTOON: I was before you at the time you discussed the STP. The 2200 square foot lot in question at this time cannot be used for additional units. So, to say it would be best not to use additional units there is not necessary.

Our concern at the time the STP was put on, is probably the same concerns for this--flooding, poor drainage and no solutions at all to the problem.

The natural flow of water comes from the Kaneohe side and floods Punaluu Stream, cuts across a dozen house lots plus pasture, goes into Green Valley Road, should be relieved by the ditch that is supposed to be maintained, and exits on Kam Highway. They are depending on a six-by four-inch culvert to drain all of the runoff from that entire area.

At the time we were speaking in City Council, we had an agreement to maintain the ditch. This is on Bishop Estate land and so it really is not his ditch but he is directing flow to that ditch. He agreed verbally to maintain that ditch but he refused to maintain the culvert.

I have investigated with the state. The kinds of answers we have gotten with regards to the culvert were--

> The developer said we will clear the ditch and maintain it. The culvert is the responsibility of the State Highway Department. It's too much to ask us to maintain it.
>
> The State Highway Department says sand blocked culvert to stream openings are too numerous to be properly maintained by this department. We are under staffed and see no improvement of service in the near future.

Now, we can't get an answer. No one wants to be responsible. I have a folder here of contacts with the various agencies to please come and stop us from drowning. Civil defense has reports on it and still, here we are again. Thank goodness, a CUP is necessary to bring it up again. Perhaps this concern can be made evident to someone who can find a solution for us.

The culvert is nonfunctional. It's a standard problem that goes on and on. The water keeps flowing.

They're proposing to raise that entire area up to 9 or 10 feet. All of that is going to flow to that little corner. All of us depend on that one little culvert. I'm asking that you deny this at least until some solution is arrived at in regard to the flow of this water. If it becomes necessary, perhaps it can become a condition on approval that the developer design something that will function so that the water will indeed flow out to that culvert. His plan is excellent up to that point. It's going to flow backwards, to the people on either side. You saw the photos. If he's going to raise all of that and redirect the water, it's going to end up going mauka again because the ditch won't hold it off and it's got to flow somewhere.

That's all I've got to say. If you have any questions, I've got lots of information.

Mrs. Mattoon was questioned by the Commission.

DUKE: Do you have any objection to the gentleman putting in a parking lot there?

MATTOON: We have an objection to the entire project.

DUKE: Well, today to the parking lot.

MATTOON: Yes, because we feel it will be a solid area and cause more water to runoff. If there were grass swales, perhaps it would absorb more of the moisture and not run it off into another area. The whole area is tremendously solid. There is very little grass area. The whole area--the resort area as well as the sewage treatment plant--is being drained to one area.

DUKE: All this water then, where does it go? Does it not go to the ocean?

MATTOON: Because the drainage is not adequate at the corner of the lot that they're depending on, the culvert, the water normally flows--and there are maps to show this--the Punaluu Stream overflows regularly. It flows across the lots, across the field, to Green Valley Road, through the lot, continues on and goes down about a quarter of a mile. There is another stream which often backs up. Unless we're screaming very loudly or go out with our shovels and dig it ourselves, who will take care of it?

We're asking at this time that something very specific be designed. They cannot depend on that six by four culvert. It is non-functional. It never has worked. It doesn't work now and they're depending on that.

DUKE: Your objection really is to control of the water through the culvert and proper drainage for the whole area there, rather than disliking a little parking lot.

MATTOON: Yes. I have to be honest about this. Our primary concern has been that we were very unhappy that we have a resort stuck in the middle of a residential area. We're sorry we didn't get started early enough to make a change. Secondly, we're really distressed about the STP. Unfortunately, the Health Department seems to be very happy with it. We are not.

Adding the parking lot simply gives him more opportunity to build more units because he does not have enough parking on the resort area so he can put parking into the R-6 lot allowing him more land to put up more units. The part that bothers us the most is the fact that we have been going over and over this drainage problem since 1972.

DUKE: Question of the Executive Secretary. I think you were Chairman at the time the hearing took place regarding the STP. You stated then it would be in order for us to attempt to assist the citizens in getting some relief regarding drainage. Could you tell us to what extent we went to give them some relief?

CONNELL: I would have to go back to check the minutes to show what the Commission actually said and did regarding this. From memory, it would be my recollection Mr. Zane indicated that he would do certain things in terms of the ditch in keeping it clear. We also recommended to the people in the area at the time that because the problem was one that related to the state, we suggested that their state representative be contacted to put a certain amount of pressure on the Department of Transportation in order to take care of the problem. To my recollection, there has been no response from the Department of Transportation regarding this.

DUKE: Has Mr. Zane been tending to the ditch?

MATTOON: The ditch has not been maintained but he now has a resident manager in the house who often goes out and shovels the sand away from the mouth to try to assist in the drainage. It's not sufficient.

DUKE: But, even if the ditch was maintained adequately, the culvert that passes under the highway which is state responsibility, that is really where you need attention.

MATTOON: That's right.

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DUKE: I just wanted to pinpoint the responsibility.

MATTOON: I am fully aware that the state is responsible. Mr. Zane is fully aware and so he thumbs his nose and says, not my problem. It is the state's problem. You're telling me the same thing.

You're going to allow a tremendous structure to come up with a tremendous amount of water. You're going to pass on something that's going to place us in a more difficult situation. Yes, the City is attempting to assist. In the capital improvement budget the Mayor has listed that there's concern and flooding for our area. Wonderful. It takes years to get actual help in this area. I don't think it's much to ask a developer who wants to make all that dough over there to put a little money into developing a better culvert, a better drainage. I think it should be a condition of allowing him to build this at least solve this drainage problem right down to the end or at least he get the state to solve this problem right down to the end. We're worn to a frazzle. Perhaps he's got more influence on the state. Perhaps he should be responsible to get it approved, worked out and built by the state. I really feel strongly that he may have more influence. If he wants that hotel, perhaps he'll put more time, effort and knowhow into it. We're just lay people.

KAHAWAIOLAA: Back to the parking lot, what's the ulterior motive for the extra parking lot?

ENG: The parking lot being requested is to meet the minimum requirements for parking for the proposed hotel in the adjoining district. He's not getting extra units. He's limited in terms of his H-1 zone as to how many units he can get. Having gotten this point, he has several options. One is to provide all the parking within the H-1 in which this request would never come before the Commission, or to propose parking on another portion of his lot which is in another zoning district. We believe that he can build the number of units he proposes and provide the parking within the H-1. He has indicated that he would prefer to have the parking on the residential portion.

KAHAWAIOLAA: Providing he go down with a basement type of parking and end up with a swimming pool later.

ENG: That may be necessary, yes.

If you'll recall at the time the STP was being proposed, there was no discussion of parking on the residential portion. At that time the thinking was to provide parking totally within the H-1 zone.

HOSAKA: Is there anyway the City can help to correct the situation? Are there any alternatives along those lines or do we just say it's not within our jurisdiction and try again?

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As we see it, if it is a state responsibility and that seems to be the case here, the state should find funds to rectify the situation. I might add that whether the subject parcel is developed or not, you do have the flooding situation. I think perhaps with some attention given to engineering the proposal that the situation could be somewhat improved. I believe Mrs. Mattoon has shown quite conclusively that even the subject property floods and it is not the subject property which is causing the flooding. The property owner is in a similar situation to other property owners in the area.

If the Commission wishes, it could ask for a representative from the appropriate agency to comment on this situation and get some satisfaction in terms of what solutions are available.

HOSAKA: Might it also be appropriate to ask the applicant to be responsible entirely for clearing the culvert or is this too much of a burden outside of our jurisdiction to do this as a condition? I realize we're talking just about the parking lot.

ENG: That situation has many aspects. There's a legal aspect. There's a moral aspect. I really can't speak for the developer as to what he would accept in the way of responsibility.

HOSAKA: Has it ever been a condition where the applicant was willing to accept the responsibility and therefore the condition was inserted?

ENG: I believe this was discussed in the earlier application but it was never resolved because the matter of the STP was taken out of our jurisdiction. So having been taken out of our jurisdiction, we have no permit to condition, so to speak.

HOSAKA: Yes, but my question is if there's a willingness on the applicant's part to accept the responsibility, can we put it in as a condition?

ENG: I believe you can make it part of the recommendation. I would see no problem there.

HOSAKA: I would like to question the applicant again.

It seems, Mr. Zane, that the primary objection to this is drainage. Are you willing to accept, perhaps, the financial responsibility even though it isn't within your jurisdiction and your responsibility for something like this? It was indicated in your previous testimony you indicated as such but it was never resolved. Would you expand on that?

ZANE: At that time, the City thought they had jurisdiction on the STP. Therefore, we went through all this with the City engineers. In fact, when we went up to Council, they brought in the state into this picture to explain how this culvert would be done. It was determined at that time that the applicant W&C could

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not be responsible for the culvert as such because it was under the state's jurisdiction, from the standpoint of legality.

As far as the residents are concerned, they should realize this is trying to put the entire burden on this flooding upon 1½ acre of land.

HOSAKA: Do you know from what agency that state representative was from?

ZANE: I don't remember.

CHOY: I was on the Commission when the STP came before the Commission. It seems to me your commitment as far as I'm concerned the way I understood it at the time, you have only made token effort to clear the culvert although I heard from Mrs. Mattoon that you do have a resident manager and he's out there trying to clear the culvert but still it leaves a lot to be desired.

Will you then assume the responsibility of cleaning the culvert until the state could find it expeditious to go ahead with their manpower and finance to take over the burden?

ZANE: I think it was stated at that time I would cooperate with the state to clean that culvert. I stated that it behooves me to keep that culvert open because I wouldn't want the flooding to go into my complex. From the standpoint of saying I would assume the entire problem of keeping that culvert open definitely, perhaps would just be asking too much. I would assist in all ways possible in keeping that culvert open.

(There was no further discussion.)

The public hearing was closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

The Commission deferred action on this matter to the next meeting for a representative from the State Department of Transportation as to what is being done about clearing the culvert, on motion by Mr. Kahawaiolaa, seconded by Dr. Choy and carried.

Commissioners Duke and Kamiya dissented for the following reasons:

1. The responsibility of clearing the culvert has already been determined and therefore the issue is not germane to the request for the parking lot.

2. This parking lot is not the cause of flooding in the area and does not generate anymore flooding than already exists.

AYES - Choy, Hosaka, Kahawaiolaa, Takehara, Wikum
NAYES - Duke, Kamiya
ABSENT - None

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PUBLIC HEARING
CONDITIONAL USE PERMIT/
SPECIAL USE PERMIT
(MOVIE STUDIO IN AG-1
RESTRICTED AG.DIST.)
KIPAPA GULCH, WAIPIO
OSCAR STUDIO CITY, INC.
(FILE #74/CUP-34 &
74/SUP-16)

A public hearing was held to consider a request for a Conditional Use Permit/ Special Use Permit to establish a movie studio in an AG-1 Restricted Agricultural District on approximately 82.6+ acres of land in Kipapa Gulch, Tax Map Key: 9-4-05: 10.

Publication was made in the Sunday Star-Bulletin/Advertiser on March 2, 1975. No letters of protest were received.

Before proceeding with this public hearing, the Chairman reported receipt of a document from the applicant entitled Cancellation of Deposit Receipt Offer and Acceptance, dated March 5, 1975 between Dairy Co., Inc., Seller, and Oscar Studio City, Inc., Buyer, which states in part:

> ..."That the parties hereto do mutually contract and agree that said Deposit Receipt, Offer and Acceptance herein identified and described and with respect to the premises particularly described herein, is hereby cancelled and terminated and of no further relief and effect after this date."...

The Chairman pointed out that this document invalidates the application before the Commission.

To the Chairman's call for public testimony either for or against the application, no one responded.

The public hearing was closed, on motion by Mr. Duke, seconded by Mrs. Wikum and carried. The matter was considered withdrawn.

UNFINSIHED BUSINESS
SPECIAL USE PERMIT
(POLICE & FIRE TRAINING
FACILITY WITHIN AG-1
RESTRICTED AG.DISTRICT
WAIPAHU-WAIPIO
PENINSULA
BUILDING DEPARTMENT,
C&C OF HONOLULU
(FILE #74/SUP-2)

A public hearing held on January 29, 1975 was closed and the matter deferred for the 15-day statutory requirement. On February 26, 1975, the matter was again considered and deferred for a field trip to the site.

Discussion followed.

HOSAKA: To start the ball rolling, rather than get into a lengthy discussion, I would like to move that we accept the Director's recommendation with the following conditions:

1. That all conditions as outlined in the report be met.

2. That the Police/Fire departments work together with the Waipahu Community Association to allow use of their facilities such as the pool, gym, and firing ranges.

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3. That the Department of General Planning move with deliberate speed together with input from the Waipahu Community and work out a concept and general plan for the 100-acre city-owned land.

I'd like to discuss each of these points as to why I'm making these recommendations. On the field trip, we spent considerable time talking to representatives from General Planning, the Police and Fire Departments, as well as representatives from the Waipahu Community Association (WCA). I got the feeling from talking to these people, especially the residents, that they really did not object to the training site as such but what irked them was their past experience with the city in the fact that the city had not lived up to their promises, for example, the incinerator. However, I think we have a new Commission today, unlike the one that was here previously. I believe, at least in my own mind, that all the conditions that are outlined by General Planning will be met and will continue to be met in the future, otherwise, the training facility will be closed. Past actions by the city have been the point of contention by the city, as they expressed a feeling of being had by the city agencies.

Point number 2 about the Police/Fire departments working together with the WCA in terms of using their facilities. Again, the WCA reacted strongly about this, with the site there as to the use of it. First priority should be to the Police/Fire; however, night activities in terms of use of the pool, afternoon activities as possible recreational outlets for the residents might be a point that could be shared with the neighboring area. This could provide for additional recreational activity.

Point number 5 about General Planning working out a concept and conceptual design and a more detailed general plan for the 100-acre city-owned land. Again, this is a point of contention with WCA in that we've had this vacant land and the city has come in and put this incinerator over the objections of WCA. At this point and time, the city is trying to put in a training facility. There seems to be a disjointedness about putting different kinds of facilities on vacant land. I think there's better use for just the plain vacant land than just for ash fill which is proposed by the Public Works people. I think the residents feel strongly about having an overall concept for the area.

There are many possibilities that can be utilized and explored, one of which would be housing, a golden opportunity to meet the housing shortage. A park complex or even a light industrial area to accommodate the Leeward directed growth thrust as outlined by the city. I think this will benefit not only the city but also people in the Waipahu community which would provide additional jobs in close proximity to the job sites. For these reasons, I speak for the motion.

TAKEHARA: After the hearings we've had and after many reviews of the staff report, I'd like to speak against the motion.

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To begin with, the statement is a project draft environmental impact statement and still has to go before review in the Governor's Executive Order. So as far as accuracy and completeness of this statement, I feel it at this point questionable.

Reviewing the criteria guidelines as outlined by the State Land Use Regulations for SUP, I don't feel this application qualifies for this particular parcel of land. I really don't have any objections for the need of this Police/Fire facility in our county but I cannot agree that placing this facility fulfills the highest and best use of this particular parcel. Throughout the report, I note agency concerns and statements that are completed with minimal effect, minimal impact, and I do feel that this project will have a diverse effect on the health, safety and comfort of the people in Waipahu. I don't think a project like this should have any kind of effect for the surrounding area. In my good conscious, I cannot support this motion.

As far as the suggestion of possibility for housing, again we have to look at the EIS and the concerns which may affect this possible housing area that may come up.

DUKE: I must speak for the motion. I did talk with many community leaders there. I'm in accord with them that the city is getting another foot in the door and as a result it could use up the 100 acres without looking for their concerns. However, in this particular instance, this parcel of land is adjacent to an existing incinerator. That in itself doesn't indicate to me that housing isn't going to be constructed adjacent to this facility. Furthermore, the city is going to spend about one million dollars in order to keep pollutants out of the air. It appears to me that one of the best uses of the property would be this facility because goodness knows, we need it. We're long overdue. Why we've waited till 1975 to get a proper Police/Fire training facility, I'll never know.

The greatest objection WCA offered to me was the possibility of noise. The noise would be generated from three sources. First and most often mentioned was the firing range, secondly the helicopter, and thirdly from fire trucks when they go through their training phases. As far as the firing range is concerned, I believe that we could recommend that it be a must that the quiet of enjoyable living not be disturbed and condition it to that effect. I spent 30 years in the army and have fired on many ranges. I know that a firing range can be constructed whereby you cannot be disturbed by the noise it generates.

I did speak to the Police concerning hours of operation and they stated that with the exception of a very short phase during the night, the firing range would be used only during the day. Day or night noise could be eliminated.

As far as the helicopter is concerned, I did speak to the Fire Department as to what the helicopter would be used for and why.

I was told that it would only be used for training purposes whereby the firemen would be taught how to remove injured people from the helicopter and to learn the working mechanics of that equipment. We could recommend that it be used for emergency only and not for training in that area if we wanted to eliminate that one objection.

So far as the fire trucks when we were on location, we did ask the Fire Chief to start up the engines to the extent that it would be used for training. In my opinion, that would not interfere with the enjoyment of living in the area.

To get back to the location, it would be better for a facility of this nature to be adjacent to that incinerator that's existing and is going to continue to exist. If we wanted a buffer zone between the facility, there is approximately 15 acres that is pinpointed in a plan as a community park to give that buffer to the area that is now populated by light industrial and homes. I personally believe this is probably one of the best uses that we can make of an area where it is really situated.

KAHAWAIOLAA: I have no quarrels as far as the training area but I think we have to look a little further. We need an area where we can expand. The community after hearing so many promises about the incinerator going up and the area is going to be beautified in such a way you won't even notice the incinerator, and then now to come up and say the training area is compatible with the incinerator. If the incinerator wasn't there, there would have been a much better use for the whole 100 acres.

General planning of the whole are is better than this spot kind of thing whereby we now have this training area, then now we're going to look at what's compatible to the training facility and the incinerator, what's compatible to this and what's compatible to that, instead of planning the whole area. If it were planned, I don't believe the incinerator would be there nor the training area. So, I'm voting against the motion.

WIKUM: I'm sympathetic with the concerns of the people that live in Waipahu. I have a larger concern. I am fully convinced that there seems to be no other place for such a facility. I asked quite a few questions about the site search for the facility and was thoroughly satisfied that this is the place. If that's true and believing it as I have no other way of finding out otherwise, it seems to me we have a pressing need for the whole county. My concern is for that too as I'm quite sure it is with the rest of you. It's too bad we can't have a Police/Fire training facility that will not have an adverse effect at all on the neighboring community but it seems to me more problematic not to have a Police/Fire facility at all with a well-known adverse effect on the total county. I just wanted to make that point about two levels of concern that we have.

CHOY: I too feel the Police/Fire facility is sorely needed; however, I will have to speak against the motion for the simple

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fact I feel that all alternatives for the search of this particular facility have not been exhausted to my entire satisfaction.

Commissioner Hosaka mentioned the fact that the incinerator was placed in the back yard of Waipahu. I would like to correct him in that it was placed in the front yard of Waipahu.

As far as this facility being shared with the good fortune of the community, I doubt this very, very much.

As far as planning for future residents in that area, even low-income housing, I don't think that's feasible.

I would think there should be some area on this island where it's so isolated that these facilities could be built. As a suggestion, I think Camp Erdman or that area would be an excellent place. It would be out of everybody's reach. Even out in Kahuku, the air strip where people will not necessarily build a housing development, then we won't have noise problems and we don't have pollution problems.

KAHAWAIOLAA: Talking about the Kahuku Air Strip, during the field trip, the Fire Department said they never carry anybody over land on a helicopter. They usually go down to the ocean. The Kahuku Air Strip is right next to the ocean.

HOSAKA: In talking about the site itself, we were told by the Building Department that 12 or so sites were evaluated thoroughly and this site seemd to offer the best advantage for a training site. The community association rebutted by saying it's city land and we're paying it through our taxes and the like. It was countered, I thought, by the statement that if we don't put the site on this particular land, that another site which might not be owned by the city would require expenditure of more funds to acquire the land. For that reason, I'm satisfied completely that the Building Department and other agencies have evaluated all the sites that can be possibly built on and Waipahu was selected. I agree with Commissioner Wikum about the overall future need for a training site. I don't think there's any question that we should have one. This kind of training site is sorely needed not only for today but for the future.

DUKE: It seems, Mr. Chairman, we're going to be at an impasse. Therefore, I must ask that we consider the motion on its merits. Consider the area, consider its location within the area, consider its impact upon the community. I'm talking about the benefits of it being located in this dump area versus other facilities that might be placed there.

I asked Mr. Okada on two occasions if he objected to the facility per se, and both times he said he objected to not having a general plan for the 100 acres, he objected to the city not keeping its word to landscaping around the incinerator and he objected to

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the city maybe getting their foot in the door and having another facility in there without proper landscaping. I believe it is the best use of the land where it is located and it is greatly needed not only by the community of Waipahu but by the whole island.

KAHAWAIOLAA: I'd like to remind Commissioner Duke when we discussed the quarry at Waianae, I think it's the Halawa Quarry where they have those holes. They're going to backfill. They're going to open up a new quarry and backfill, make another dump. On that dump, they're going to build a beautiful housing area. The idea to say that the 100 acres is a dump, sure it is now but it can be planned for something beautiful like that quarry.

WAY: One minor point before action, if you will, directing my concern to Commissioner Hosaka's concern and interest about having a plan for the entire 100 acres. Maybe in this area your comments were a little too explicit to direction as regards the Department of General Planning's efforts in this. I think it would be more appropriate for the Building Department, and the Department of Public Works as the custodian agency, if you will, of the property--the dump, the Department of Recreation, and other agencies working with General Planning to follow through on the kind of planning that you had in mind which is really a detailed sort of thing, site planning for the whole 100 acres. I would suggest a little change in the suggestions you have for agencies to follow through.

Secondly related to that, any concerns the Commission might have that are directed toward city activity I think would not attach themselves to this SUP but might want to be the subject of some other action of the Commission that would get it to the proper city agency. What I'm saying is what is before us is a SUP and we're responding back to the SLUC. So, if you have some other concerns that you want to bring to the attention of city agencies, you'll have to send some communication or some follow-up that would make certain it gets to the proper place. For example, you may want to bring this to the attention of the City Council as well since they're really not parties to the issue at hand because of the SUP nature of the application, suggesting that they assist, if appropriations are necessary to undertake these kinds of planning studies, that they should be aware of your concerns on that point.

DUKE: In approving this SUP, the SLUC would be compelled to go along with our recommended conditions?

WAY: They could add further conditions.

DUKE: My whole point is I don't want to add all of these conditions on the SUP and have the SLUC erase them because we wouldn't be acting properly for the community or for the facility.

HOSAKA: I also share that concern because as the maker of the motion, as a result of input from WCA which I sympathized

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with all the way, I tried to be fair in making these conditions so that the association would be satisfied with this facility, with these conditions being met fully. If we get an adverse decision on this, then I will consider withdrawing my motion.

DUKE: The question is, can we recommend to the SLUC certain restrictions or recommendations on the use of this site?

WAY: The answer is yes.

DUKE: They cannot detract or eliminate any recommendation in the use of this area, facility.

WAY: That is correct. They may add.

One comment having to do with the SUP process from the rules and generally consistent with our practice under the charter. There is a statement that a decision approving a SUP shall require a total membership of the county planning commission and shall be subject further to approval of the LUC. In essence, I would interpret that to mean to approve the permit, a majority vote of this full membership is required or five votes.

DUKE: Full membership being nine?

WAY: That is correct.

WIKUM: That wording seems ambiguous to me, however. Has that interpretation been supported before, because the full membership to me is sitting here, seven.

WAY: Yes. We've had numerous occasions in the past where we've had this similar problem.

HOSAKA: I would like to amend my motion to include more explicit language as suggested by Mr. Way, and that is when I mentioned about General Planning being responsible for the overall concept and general plan of that city-owned property, that the custodian of the land being Public Works, along with other appropriate agencies working in close alliance with General Planning to come up with an overall concept.

Secondly, recommendation that the City Council assist the city agencies responsible for this overall concept and also the conditions outlined in the report, to be carried out with support in terms of finances so that the conditions can be clearly met.

DUKE: I seconded the motion and I agree.

CHOY: In the event of an impasse, how does this go to the LUC?

WAY: I would suggest that it go simply with the record advising that the vote was whatever short of the five. I would pass it on to the LUC with your vote as is. It's their ball but again, I think it would be viewed as a vote for non approval

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since you can't muster the votes for approval.

TAKEHARA: In regards to the SLUC's Rules and Regulations, it's been clarified that whenever desirous to use this land within agricultural rural district for other than that purpose, in looking at the criteria of guidelines for these regulations that discusses the agricultural aspect of this land as being very marginal for agricultural use, not for the tillage type of agriculture, but it also adds that it could be used for nurseries and so forth.

Another guideline is that it shouldn't have any adverse effect on people and the surrounding area. Yet still in the report it says that it can have adverse effect on the residential properties lying mauka of the old Oahu Railroad, and that there is a concern as far as the Board of Health goes in regard to air emissions. They say they need a variance for the air quality standard. That would be required.

In regards to Tony's response to Commissioner Duke, I do agree with Tony. They call this place a dump area. Further on page 10 in the report, they call this area a ~~dump~~ characterless area. I think that's in the eye of the beholder. I can envision this parcel to be very beautiful, very worthy and very contributing to the Leeward people.

As far as Harriet's comment on whether we really exhausted all parcels in the county for this facility, I'm beginning to question as Tony brings forth Kahuku Air Strip, as Dr. Choy brings forth other ideas, and I cannot hastily make a decision to favor this application.

(There was no further discussion. The motion failed to carry.)

AYES - Duke, Hosaka, Kamiya, Wikum
NAYES - Choy, Kahawaiolaa, Takehara
ABSENT - None

A motion to defer the matter by Mr. Duke, seconded by Mr. Hosaka also failed to carry for the same reasons previously discussed. Additionally, Mr. Kahawaiolaa stated that he will not be present at the next meeting.

AYES - Duke, Hosaka, Kamiya, Wikum
NAYES - Choy, Takehara
ABSENT - None
ABSTAINED - Kahawaiolaa

UNFINISHED BUSINESS
PUBLIC HEARING
CZC AMENDMENT
MEASUREMENT OF
HEIGHT OF STRUCTURES
(FILE #L&R/CZC/1975-2)

The public hearing held February 26, 1975, was kept open and deferred for notification to all hillside community associations and for more information from the Department of Land Utilization.

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Notification was given to hillside community associations. No response was received.

Staff Planner Stan Mofjeld presented various architectural design sketches of homes constructed on slope, and from these illustrations explained various ways of building a home on slope.

Public testimony followed.

Testimony in SUPPORT--

None

Testimony AGAINST--

Mr. Leonard Hoshijo, representing ILWU Local 142, presented written testimony dated March 12, 1975

Objections:

1. The intention of discouraging unsightly architecture on the slopes is a good one but the adverse effects of this amendment must be considered.

2. The individual intending to build or rebuild a single-family dwelling, or the developer putting in an increment of housing would have to either build at varied levels of slope, grade the slope, or be fortunate enough to own a large parcel to allow for adequate setback.

3. The developer of an apartment building, possibly a public entity or a private non-profit organization, would encounter similar problems, and be unable to reach potential densities.

4. Members who want to live in town may find it impossible to do so if development of buildable slopes is made more difficult, more expensive.

5. There already exists intense pressure on Oahu's agricultural land, and in response, plans for development have been made. Innovative development within the present urban bounds would be wiped out in favor of scattering the population to the flatter rural areas.

The public hearing was closed, on motion by Mr. Duke, seconded by Mrs. Wikum and carried.

MOTION: A motion to accept the Director's recommendation by Mr. Hosaka, seconded by Mr. Duke, failed to carry.

AYES - Duke, Hosaka, Kamiya, Wikum
NAYES - Choy, Kahawaiolaa, Takehara
ABSENT - None

Due to the impasse, the matter was deferred to the next meeting.

UNFINISHED BUSINESS
CONDITIONAL USE PERMIT
(EXPANSION OF TENNIS FACILITY)
WAIALAE-KAHALA
BEKEN CORPORATION
(FILE #74/CUP-36)

The public hearing of February 26, 1975 was kept open at the request of the applicant.

Public testimony followed.

Testimony in SUPPORT--

1. Mr. Duncan McNaughton, representing the applicant

MCNAUGHTON: To date, the subject before you is whether or not we can improve the existing asphalt area with some 10-foot fences which would limit the tennis balls from going from the area. The question before you is the effect of the 10-foot fences. We're not talking about a brand new 10-foot fence--this is not permitted--but in addition to the 6-foot fence which is permitted in the area. We're talking about an additional 4-foot above and beyond the 6-foot height of the fences.

The effect of the additional 4 feet would be upon the adjacent property which is a city-owned park. The park is separated by a major drainage canal which services the entire part of the area of this island. In this immediate area is a sewer pump station. There's a supporting parking lot. Down towards the beach is restrooms. These are all the abutting uses of the area in question. In addition, the Parks Department maintains their rubbish containers immediately adjacent to the existing fence which belongs to the City and County.

It is the position of the club that an additional 4 feet on top of the fence we propose would be nill or very insignificant to the uses of the adjacent park. All of the recreational activity of the park are either on the ocean front of this particular area or across the canal where there is open grass space and it's closer to the ocean.

It is our request that you approve the CUP and forward it on to the City Council. We believe it is reasonable that the additional 4 feet would service the area and benefit tennis members and users of the club.

As you are aware, this portion of the island is intensely developed. The use of land in the area is always a concern. It is the position of the club that this particular use of this sliver piece which is otherwise unusable is a good use, and is in line with the activity of not only the club but also the park adjacent to the subject area. All parks have tennis courts in them and they are compatible to a park atmosphere.

Mr. McNaughton was questioned by the Commission.

TAKEHARA: You're stating that you're just requesting a 10-

foot high chainlink fence along the boundary of the tennis courts.

MCNAUGHTON: Our proposal is to build a 10-foot fence along the property line which would stretch from the road to the ocean. In addition, we would have three-wing walls coming off that fence at right angles. These would be used as back boards. It would be made of hollow tile.

TAKEHARA: You are saying then there are three 10-foot high concrete block walls running perpendicular to that wire fence?

MCNAUGHTON: Yes. The exposure on the property line would be about 6 inches at the most.

TAKEHARA: Also the fact that the entire facility is lying within the 50-foot sideyard.

MCNAUGHTON: That is the reason for being before you today.

TAKEHARA: So it isn't just those tile block walls.

MCNAUGHTON: Yes, but those tile block walls would be permitted up to 6 feet. We're talking about 4 feet on top of that.

TAKEHARA: So, would 6 feet be sufficient?

MCNAUGHTON: No, because beginners in tennis hit erratically and we'd be chasing balls consistently all over the place if it were 6 feet high. All tennis courts are 10 feet in height.

DUKE: Could you clarify what is wrong and right for them to have?

SMITH: We are talking about a CUP. If all we were talking about was an additional 4 feet on height, this would not be before the Commission. This would be before the ZBA.

Under P-1 zone with nothing there, a 50-foot sideyard is required. The existing facility presently encroaches into that 50-foot yard. Under a CUP, the Director may recommend and the City Council may grant certain waivers to these yard areas that would be consistent with the use and would be reasonable and proper considering the rest of the neighborhood. The proposal for the use, not for the height of fence nothing else, is to encroach entirely, not only in the yard, but completely occupy the yard. The property line is being encroached upon and the total yard is being encroached upon as a total use. That's the way we analyzed it.

HOSAKA: Can you cite from past experience other instances where this 50-foot setback has occurred?

SMITH: I cannot from my experience and one of the reasons is we don't deal that much with P-1 zones. This P-1 zoning only occurred last September and it occurred in conjunction with an

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island-wide campaign of getting all of the golf courses on the island into a P-1 district. At the largest point, they have about a 15-to 20-foot encroachment.

WIKUM: Let's say it's unprecedented to allow someone to encroach, obliterate the setback. If their use of the setback is not going to interfere, encroach upon or bother any of the uses immediately adjacent, what then would be the objection or would there be an objection? Is it a matter of principle?

SMITH: I think the objection would be the fact that these side yards--the whole notion behind the side yards is preservation of light, air, privacy, that type of thing. Certainly if you're dealing with two private pieces of property, the owner of the abutting property is entitled to the protection that those side yards guarantee him. I don't see how that changes by the fact that the abutting owner here happens to be the city.

WIKUM: What if the abutting property use needs no protection in one instance, this instance?

SMITH: I would hate to have to accept in the case of a very unique situatuion which would generate hardship and that kind of thing. I would hate to generalize.

WIKUM: I'm not asking you to generalize. I'm asking about a very specific situation. I agree with the setback, but we are considering a specific instance and I haven't heard anything that tells me that a complete obliteration of part of the setback is going to encroach in any adverse way upon the adjacent use. The owner of the parcel in this case is irrelevant to me.

HOSAKA: I understand what you're saying, Harriet, and from personal experience, we've had picnics right in that area. It's right next to the parking lot.

I believe what Carl is speaking about is that feeling of spaciousness. If a wall were there or even a chainlink fence, that feeling of spaciousness will be enfringed on.

SMITH: If you refer to the pictures, I think it's rather dramatic what has happened not only to the landscape from the park area itself but even from out on Kahala Avenue as you come across the bridge. It seems to me to impact on the neighborhood. It seems to me to have an adverse effect on the aesthetics, if you will, of the neighborhood.

WIKUM: I agree with you on that. If we deny this permit, what happens to all the asphalt that's been put down, the shrubs are already gone. Can somebody demand that the asphalt be rolled up again and the shrubs be put back?

SMITH: No. As the applicant points out, they are perfectly within their rights to pave their side yard.

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CHAIRMAN: Actually, what we're talking about is a 4-foot difference in height when you talk about the legal question. What they'd be gaining right now is a difference of 4 feet.

HOSAKA: I disagree with that. We're not really talking about the additional 4 feet because if they do put up a chainlink fence right at that property line adjacent to the park, it does give less of a feeling of spaciousness.

TAKEHARA: Clarification. Isn't there an oleander hedge on the park side of that fence as the report states?

MCNAUGHTON: You're correct. The report mentions that. It was removed when he put in the asphalt. The hedge prior to its removal--and it does belong to the club, not the park. It's on club property. That hedge was in excess of 12 feet when it was removed. The fence we're talking about was only 10 feet. The Commissioner's comment that perhaps the fence would give you a lack of feeling of open space, that hedge eliminated that openness that formerly existed.

TAKEHARA: The report also states that the Director and Council can recommend action to permit this need for certain reasonable deviation from the requirements of the code. At this point is whether we feel it is a reasonable deviation or not.

SMITH: The Director does not recommend that this deviation take place.

MCNAUGHTON: I am here today to request that the use is reasonable.

WIKUM: What if this permit is denied, do you know what plans the club has for the area in question?

MCNAUGHTON: The teaching alley would then have to be deleted in total from any plan in the club. That's the only location the Board of the club will allow the teaching alley.

WIKUM: What would happen to the asphalt and the walls already there?

MCNAUGHTON: That would be a matter of economics. I believe the club would like to restore the landscaping but that would be only something we would like to do as a last resort.

I did not ask that question of the Board and I could not make that representation.

HOSAKA: How would you respond to the report that the club with its 140-acre golf course could easily find a more appropriate location?

MCNAUGHTON: I touched on that in my testimony by saying this area of the island is intensely developed. It's my position that

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good utilization of land makes a lot of sense. I believe because this particular area we're talking about is contiguous to the existing facility and also the tennis professional shop, the tennis pro can easily supervise this area without having to reestablish himself somewhere else. Its in conformance with the existing facilities there and is compatible with the adjacent property line, and is a reasonable use of the setback area.

As far as location on the other 140 acres, basically it is the position of the Board that all tennis activity be limited to the makai side of the road. Tennis and golf uses are not compatible partners.

The area that would be in question is the area between the existing tennis courts and the existing club which is an entranceway to both the swimming, tennis courts and club facility. By locating the teaching alley in that area would substantially fill up that entire area and detract very much from location. Also, it would have a bad effect upon the social atmosphere as a use of the club as the woman's social dining area is right in that area. To have that fence right immediately outside that window would not be a compatible use.

WIKUM: One of the things that troubled us, I know it troubled me, about this application is the amount of work that was done before the application was made. I understand it was legal, but I think it is a disturbing element in the whole proposal because we feel--you have already committed yourself and then you come to us and say help us accomplish this.

MCNAUGHTON: I concur with your feeling in total. I was very much to my surprise that the work proceeded without approval as it was a surprise to those people in a senior position in the club.

The contractor is here. He proceeded in goodwill and intent. I'm sure he would be in a good position to apologize for his actions in light of your comment. He would not have proceeded willingly in any anticipation of approval at all. This appeared to have gotten out of hand of the senior people in the club and we should have insured that work had not gone ahead till we had received the approval. As you can see, the contractor is the applicant, not the club.

TAKEHARA: Would you be willing to replace that oleander hedge in order that there won't be that wire fence?

MCNAUGHTON: I am not in position to make a representation of the club. I have talked briefly about that possibility because I too would like to see it happen. We have landscaping beside the existing courts and along the existing parking lot. It is oleander and it's in excess of the 10-foot fence. I would propose, yes, that is a reasonable condition for the approval of say having a planting bed of 2½ feet or something like that. Waialae would make certain

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that oleander is planted. I think that's the width of the existing planting bed along the parking lot. From my personal point of view, my answer is yes. I would defer to Mr. Damon and he can confirm that.

CHOY: A question of the Director of Land Utilization. By setting this precedent if we did approve this permit, how would it affect permits in the future?

MORIGUCHI: It would have no bearing on any other situation. Each would have to be handled and reviewed separately under its own circumstances.

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

2. Mr. C. F. Damon, Jr., Chairman of the Tennis Committee at Waialae Country Club.

Mr. Damon concurred with the statements made by Mr. McNaughton, and confirmed replacement of the oleander hedge. He also pointed out that picnics occur on the Ewa side of the canal, rather than immediately adjacent to the courts. This particular situation does not involve adjoining residences as the nearest residence is located 200 yards away.

3. Mrs. Patty Summerville, Assistant Tennis Pro at Waialae

(Concurred with testimony of Mr. McNaughton and Mr. Damon.)

TESTIMONY AGAINST--None

The public hearing was closed, on motion Dr. Choy, seconded by Mr. Duke.

A motion to recommend denial of this request by Mr. Hosaka, seconded by Mr. Kahawaiolaa, failed.

AYES - Hosaka, Kahawaiolaa
NAYES - Choy, Duke, Kamiya, Takehara, Wikum
ABSENT - None

The matter was deferred to the next meeting for preparation of appropriate conditions should the Commission recommend approval of the request, on motion by Dr. Choy, seconded by Mrs. Takehara and carried. The proposed conditions should include--

1. Replacement of the oleander hedge
2. The subject area be restricted to the specific use only.

ADJOURNMENT: The meeting adjourned at 6:00 p.m.

Respectfully submitted,
Henrietta B. Lyman
Henrietta B. Lyman
Secretary-Reporter

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MRRC RMM 19-75

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APR 2 1975

Meeting of the Planning Commission
Minutes
April 2, 1975

The Planning Commission held a meeting on Wednesday, April 2, 1975 at 1:45 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:	Randall Kamiya, Chairman Charles Duke, Vice Chairman Dr. Wilbur Choy Donald Hosaka Alice Takehara Harriet Wikum
STAFF PRESENT:	Robert R. Way, Chief Planning Officer Eugene B. Connell, Executive Secretary Henry Eng, Staff Planner Gerald Henniger, Staff Planner
MINUTES:	The Minutes of February 26, 1975 and March 12, 1975 were deferred to the next meeting.
UNFINISHED BUSINESS SPECIAL USE PERMIT (POLICE & FIRE TRAINING FACILITY WITHIN AG-1 RESTRICTED AG.DISTRICT) WAIPAHU-WAIPIO PENINSULA BUILDING DEPARTMENT, C&C OF HONOLULU (FILE #74/SUP-2)	A public hearing was held on January 29, 1975 and action deferred for the 15-day statutory requirement. On February 26, 1975, the matter was again considered and deferred for a field trip to the site. At its meeting on March 12, 1975, the matter was deferred for lack of a quorum vote. Discussion followed.

CHAIRMAN: In view of the fact that the commission has received some new information concerning site selection, the Chair will declare that this matter be deferred for one month. I would also like to appoint four members of the commission to sit on a committee to review all site selection procedures as well as possible site selection, and to take a closer look into the EIS as presented in the study. The four commissioners are Dr. Choy, Charles Duke, Tony K., and Commissioner Wikum. Any questions?

TAKEHARA: Is this a motion or a mandate?

CHAIRMAN: Mandate of the Chair.

HOSAKA: Are you open for discussion?

CHAIRMAN: Yes.

HOSAKA: May I ask your rationale on this?

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CHAIRMAN: Due to the fact that I think the commission has not received enough information, there are other people that are interested in the site selection or possible site selection other than Waipahu, and in view of the fact we have received from Mr. Yuasa some additional information.

TAKEHARA: I would like to know if this is our responsibility as a commissioner to actually look for alternative sites for this facility. Isn't that somebody else's jurisdiction?

CHAIRMAN: I think one of the questions brought up from the commission itself at one time was if there was anyone against this Waipahu site, the question brought up was because we all know there is a need for this facility, would there be any possibility of other sites? So, one of the procedures from the Building Department was to take into consideration several sites before they picked Waipahu. So, I would like to know exactly what procedures they had gone through, what possible sites they looked at before Waipahu was chosen.

DUKE: Mr. Chairman, had you not deferred the hearing, I would have requested it because on the table today, I received probably 100 pages of information that I did not receive till I arrived here today. As a result, I could not possibly glance at that, scan it and rationalize any opinion from it. I think we would have more input and make more intelligent decisions as a result of the deferment.

HOSAKA: I'd like to discuss why just a portion of the commission is being appointed in order to bird dog this thing. Shouldn't it be a committee of the whole rather than just selected members? If more information is needed on site and procedures as to what the Building Department did in terms of their discussions and criteria, I think this should be presented for a workshop of some kind to the full commission. What would be the difference between the four of them working and the whole body working?

CHAIRMAN: What I'm concerned about here is I'd like the commission members to do a lot of leg work rather than just sitting and expecting the information to come to us. I'm sure for this particular application the commissioners themselves have gotten some additional information, and that was purely not through a workshop procedure but through their own doing.

DUKE: I see no objection to a committee of the whole but if you should decide to have a committee of four, I also could see no objection to the committee reporting back to the commission in a workshop form prior to a meeting of the commission.

CHAIRMAN: My question to the other commissioners would be do you feel you might have additional information that might help the commission as a whole and if you do, I would welcome you both on the committee.

CHOY: I do concur with your suggestion; however, according to your plan of selection of four of the commissioners, being that

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we only have seven, this would leave out Commissioners Takehara and Hosaka. I would have to concur with Commissioner Hosaka that we should have a committee as a whole in order to be fair.

CHAIRMAN: The only thing I'm concerned about is the workability of the size of the committee itself. If you feel that the entire commission can do the leg work to find facts for the commission, I'd welcome any commissioner who's excluded from the committee. Commissioner Takehara? Commissioner Hosaka?

HOSAKA: I'd welcome joining the committee as a whole; however, I'm not really sure about what the purpose of forming this committee is. We have most of this material in front of us. It would just be a matter of reading and digesting it. Specifically, what kind of leg work or further investigation do we need to accomplish? Are we suppose to do this on our own? I just don't understand the specifics of this committee.

CHOY: Commissioner Hosaka, this is a surprise to me as much as it is to everybody else here. If we're talking about new input of information concerning this item before us, I agree with you with the tremendous amount of material before us which we have to digest. Possibly, if the commission then would look favorably on the individual that prepares a presentation to this commission only as an input and not as a reopening of the hearing but as an informational basis.

If I'm in order, I would like to make a motion that we permit Mr. Carroll to present whatever he has at the present time as input to the commission pertaining to this particular item, and it is not a public hearing. Will I have that privilege, Mr. Chairman?

TAKEHARA: I second the motion.

CHAIRMAN: Dr. Choy, I'm going to call your motion out of order at this time.

CHOY: Fine.

CHAIRMAN: We're discussing a committee we're going to have. If we have this committee set up and the committee wishes to talk to whoever might have some ideas, that committee can talk to any individual and report back to the commission itself. That should cover.

CHOY: I understand. Then, aren't we setting a new precedent at this particular point and time that after the public hearing had been closed on any item on the agenda, the commission members will then have no privilege in calling forth any new information pertaining to the matter that had been unresolved.

CHAIRMAN: The commission as a whole, if it wishes, can call on any person after the public hearing is closed to answer questions, but not to testify any more. The only thing we can do is ask questions.

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CHOY: Yes, so Mr. Carroll would be here not as testimony for or against. It's just input on new information that was not made available to the commission at the last two hearings. It's under this particular single condition that I make my move. It is not reopening the hearing neither is it testimony It's just a new input of information that was not available to us.

CHAIRMAN: What I'm trying to get at is the formation of the committee. If the committee could handle it from that level, I'd appreciate it.

TAKEHARA: Can you repeat to me the objective of this committee?

CHAIRMAN: I'm asking that this committee be formed in view of the fact that we have received additional information from Mr. Yuasa as well as others. I want this committee to look at this report. If they have any questions concerning the report, they can go out to Mr. Yuasa and ask him questions.

TAKEHARA: But isn't that what our role was all the time, to operate independently in reading all this material before us, considering public input and then making our decision within our own conscience for what we feel is the best public welfare. What is the need for this committee? Aren't we suppose to be dealing with this all on an individual basis as a commissioner?

CHAIRMAN: Well, let me ask the question again, what commissioners have done their work?

TAKEHARA: I prefer--well, that's subjective, Randy. What do you mean what commissioner has done his work?

CHAIRMAN: My feeling is we have not received enough information concerning this particular project. I feel that the commissioners themselves, if we form a committee, can get more information rather than just sitting here and trying to get information from others.

TAKEHARA: I have a feeling that sets a precedent with this particular application only. We haven't done it with others. We've gotten reports, tried to get the fullest type of public input from materials that are given to us and then make our own independent decision without committees going into every application that we receive.

HOSAKA: I think perhaps conducting interviews on our own for this committee of four and transmit it to the commission as a whole would just be hearsay evidence. It's just paraphrasing what they heard from somebody else. I don't think that kind of environment would lead to a prudent decision.

TAKEHARA: I agree with Mr. Hosaka. I would prefer to hear all of that right here in front of the public.

CHAIRMAN: That's why I say we should form a committee to have enough commission members on it. Then it doesn't become the opinion of an individual.

TAKEHARA: I thought these meetings were open meetings, where the public although they may not be able to testify can sit and be part of whatever goes on amongst us.

CHAIRMAN: That's very true, Commissioner Takehara. I think whatever the commission finds will be made public record because they must report to the commission as a whole.

TAKEHARA: Why can't it be done before us?

CHAIRMAN: We can still do that.

Commissioner Choy?

M O T I O N

CHOY: Mr. Chairman, would I be in order that the commissioners here take a vote on the Chairman's suggestion that we form a special committee to make an indepth study of this particular Police/Fire facility.

TAKEHARA: I second the motion.

CHAIRMAN: Okay. It's been moved and seconded. I think we've had enough discussion.

Commissioner Wikum?

WIKUM: Are you asking this committee to be a fact-finding committee?

CHAIRMAN: Yes.

TAKEHARA: Why can't this fact finding be done right here? Whoever is available as a resource can come and present to all of us as individuals as well as the public who's sitting.

CHAIRMAN: Because that is something we have tried and it always happens that after a meeting, there's a lot of questions--

TAKEHARA: Are we going to do this with every application?

CHAIRMAN: And the questions do not come only from the commission members themselves but we have also received letters from the public showing concern.

TAKEHARA: I feel like we're setting a precedent.

DUKE: Mr. Chairman, may I interject a little thought here. As long as I've been on the commission which has been about a year and a half, we have never made any decision other than right here at the table. However, we do homework and I do ask questions. I do try to find out information but I bring that information here in order to make decisions. I see nothing wrong, really, whether it be a committee of four or a committee of the whole to really dig

down into this to see if we can't solve it some way or other. I don't believe we're setting any precedent by information be obtained and digested and presented. No decision will ever be made and will not be made in this case.

To get on to the tangent of setting precedent, I don't think that's proper right now. I don't think we are setting a precedent. We're trying to do a job and do it in the best way possible.

TAKEHARA: I agree with you. But, I always thought my role here was to be part of a decision-making body to make recommendations in an open meeting.

DUKE: Well, how much plainer can I state it? I don't know.

TAKEHARA: Well, we can independently make our decision.

CONNELL: Mr. Chairman, perhaps I can clarify something in terms of precedent. The establishment of special committees by the Planning Commission is not a new precedent. Though this commission in the last couple of years has not done this, it was a regular procedure by former commissions on such things as the capital improvement budget, the Hawaii Capital District and many other issues which have come before the Planning Commission in the past. In your Parliamentary Rules you will find under Rule 4: Committees may be established among the appointed and ex-officio members as necessary to the business of the commission. In terms of precedent, you are not establishing a precedent. You are simply following one which has long been established.

HOSAKA: How much good was the formation of these committees for these projects you just mentioned? Did they come in with any kind of recommendation or just findings of fact? If they did, was it fairly presented?

CONNELL: The word fairly I'm a little bothered with. It's a little subjective kind of--

HOSAKA: Well, fairly in that you know there's an impasse, 4 to 3. I think the Chairman has been fair in appointing people that are for and against, 2 for and 2 against, at least that's what they voted the last time. That's what I mean by fairly.

CONNELL: I think it would be possible if the committee spent some time looking at the full study which had been done on this which could only be presented to the commission in a synopsis form. The committee would at least have a better understanding of the criteria which are used for site selection, some of the areas which have already been investigated and proved not to be possible. There is more evidence that can be brought up.

There is another area which I was going to mention prior to the Chairman's action. In discussions with Corporation Counsel, we have become somewhat concerned because the Planning Commission does make a decision on special use permits that the commission falls

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under the Administrative Procedures Act of the Hawaii Revised Statutes. The commission at the present time does not have rules of procedure which qualify under the Administrative Procedures Act. In discussing this with Corporation Counsel just before this meeting, it is their opinion at this time the commission should have rules regarding special use permits that do qualify under APA. I would have suggested prior to the Chairman's action, if I have the opportunity, that action be deferred on that until the commission does adopt such rules.

TAKEHARA: I agree with this fact finding business and having the best kind of input so we can have a very thorough investigation. I disagree with the synopsis idea. I'd like it to be right here and tell us in front of the public what they have to offer.

DUKE: Mr. Chairman, if my suggestion that we have a workshop with the commission as a whole is objectionable, I see no reason not to withdraw that suggestion. As far as the commission as a whole finding out the facts right here before the public, that's the only way we can operate. We couldn't do it otherwise whether we had a workshop before or not. However, I believe there is a motion on the floor.

HOSAKA: Before we consider the motion, I would go along with the idea that if any investigation be done it be done by the commission of the whole with some leg work done by individual commissioners to be inputted in terms of having people readily available as to who they talked with in our proposed workshop so that everything can be clear all at one time.

CHAIRMAN: That's exactly why I'm saying we form a committee so we can all go in and talk to the individuals.

AMENDMENT TO MOTION

CHOY: Mr. Chairman, as maker of the motion I will amend my motion to include the commission as a whole.

DUKE: What was your motion?

CHOY: My motion was to move in favor of the Chairman's recommendation of the four named commissioners to head a committee to study the training facility comprehensively. My amendment is to include the commission as a whole rather than the four appointed members by the Chairman.

TAKEHARA: Where does the public fit in?

CHOY: My feeling on this, Commissioner Takehara, is after we have completed our study then in an open hearing such as this we can make our decision. At that time, the findings we had concluded will be discussed before action is taken.

CHAIRMAN: Does the maker of the second agree to the amendment? Maybe we should have the secretary read the motion.

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HOSAKA: To save some time, I believe your motion was to call for a vote on whether we should have a committee of four or a committee of the commission. Your motion was not, originally, to accept the Chairman's suggestion for the committee of four.
MOTION WITHDRAWN

CHOY: Mr. Chairman, the maker of the motion withdraws.

TAKEHARA: I withdraw.

CHAIRMAN: Okay, as stated earlier, the Chair will declare this matter deferred, and rather than having the committee of four, we will have the seven members look into this fact finding.

HOSAKA: Mr. Chairman, can we be a little more specific. If it's agreeable to you, I'd like to suggest to the Chair that he also include my point about we conducting our own investigation or leg work as you called it, and invite the people that we did talk with that had pertinent information, including the Waipahu Community Association as well as city agencies so that we can all gather them together in a workshop.

CHAIRMAN: That will be the prerogative of the committee. It's up to the committee if they want to call those people in.

HOSAKA: Are you agreeing with me then?

CHAIRMAN: Yes, as long as we go into the fact finding in bringing out the new information. What I'm saying is this committee is not limited to the City and County people. They can go out and ask questions to whomever they want to but they must do it as a committee of the whole.

HOSAKA: Did you mention a time on this?

CHAIRMAN: One month.

HOSAKA: Correct me if I'm wrong. In one month, we are to investigate and invite people whoever they may be that have pertinent information for a workshop one month from now.

CHAIRMAN: I would expect the committee to come out with some kind of report at the end of one month. It's during that one month the committee will be doing the work.

HOSAKA: What committee are you referring to?

CHAIRMAN: The fact-finding committee.

HOSAKA: You mean the commission of seven members.

CHAIRMAN: Yes.

HOSAKA: Well, I'd like to make a motion then if it's in order, unless again--I don't quite understand. I'm trying to ask you some questions so I can clarify in my own mind what you want to do. Let's say two weeks from now we do the leg work and perhaps have a

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workshop, and then one month from now we pass a decision.

CHAIRMAN: That's correct. During the one month, it's up to the commission to decide on their own after reading whatever material they have now, if they have any questions, they can talk to whomever they want to. In other words, we don't have to call a special meeting like this to go fact finding. It will be up to you commissioners.

HOSAKA: And all to be thrashed out in a workshop.

CHAIRMAN: If you want a workshop we can do it.

HOSAKA: When do you want this workshop?

CHAIRMAN: That's up to the commission, as long as they can do it within a month's period. See, I'm giving the commissioners some flexibility whereby they don't have to say we've got to meet next week Wednesday. I want to give them time to read whatever material they have, if they have any questions, they can all decide among themselves whether we want a workshop or not, if you do want a workshop who we want to call at the workshop.

HOSAKA: May I make a more specific suggestion, Mr. Chairman, that in two weeks or thereabouts we have a workshop in bringing all these testifiers, and in four weeks have this all out in an open public hearing and then arrive at a decision. Is that agreeable to you?

CHAIRMAN: Not in a public hearing.

HOSAKA: I mean at this regular commission meeting.

CHAIRMAN: Right.

CHOY: Mr. Chairman, there's a concerned citizen here who I think has gone through great lengths in preparing some material. May I ask, would this individual be permitted to attend the workshop and present his presentation.

DUKE: He already knows.

CHOY: Mr. Carroll, when the workshop is actually scheduled, will you come?

RESPONSE FROM AUDIENCE: Yes.

CHOY: Will you leave your phone number and address with the secretary?

RESPONSE FROM AUDIENCE: Yes.

HOSAKA: Mr. Chairman, I don't think the commission knows this Mr. Carroll. Could Commissioner Choy tell us who Mr. Carroll is,

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just real short, his name and what he's going to do?

CHOY: Commissioner Takehara has more of that information than I do.

TAKEHARA: The results of our last meeting were published in the newspaper. The article discussed the whole issue and mentioned my name. It was the only name listed. Mr. Carroll read that article in the paper and didn't know who to contact as far as his input was to go to. The Office of Information and Complaint telephoned me at school and told me that he did have an alternative site available. He is with the General Aviation Council of Hawaii. At that time what I did was--great, we all feel there is a critical need for this facility. It's the location we're questioning. I referred this call to Ernest Yuasa in the City. He also wanted to know if he could come and be present at the next commission hearing. The public is invited to come. That's the reason he's here.

CHAIRMAN: Do we have everything clear?

(NO RESPONSE)

CHAIRMAN: The matter is deferred for one month.

UNFINISHED BUSINESS PUBLIC HEARING CZC AMENDMENT MEASUREMENT OF HEIGHT OF STRUCTURES FILE #L&R/CZC/1975-2)	The public hearing of February 26, 1975 was kept open and deferred for notification to all hillside community associations and for more information from the Department of Land Utilization. On March 12, 1975 action was deferred for lack of a quorum vote.

Discussion followed.

CHOY: Mr. Chairman, the only objection I have as far as the height is concerned would be on item C of the proposed ordinance which would restrict the residential area. If item C could be deleted, I would change my vote to an affirmative vote for the Director's recommendation.

DUKE: If I recall correctly during discussion on this matter, this same suggestion was made and staff at that time explained to us that would either be impossible or would defeat the whole motion. Maybe we could ask staff at this time what their opinion would be on item C.

ENG: I believe staff has reviewed the suggestion and the Director of Land Utilization is confirming his report that is, inclusion of item C. I might suggest, if the Commission should disagree, that they might make another recommendation that the bill be adopted without item C. The Department of Land Utilization has reviewed the circumstances and feels that the inclusion of item C would be in the best interest of the public.

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HOSAKA: Today is April 2nd since--and we just got the minutes here. Commissioner Choy, possibly you could refresh our memory just briefly, about your objection to C.

CHOY: I think if we're going to defer the minutes, I would like to defer my comments on section C. I really see no reason, Commissioner Hosaka, my contention was why involve the small property owner who actually owns a small property of 5,000+ square feet to such a stringent type of control. I know that the Director spoke of the increase in height would be a trade off with the increase in space in a yard. When you have a small piece of property and the continuation of your property is probably a narrow and long one, that doesn't give the independent homeowner much of an arm-space to build or rebuild. This is my contention.

Commissioner Hosaka, you should realize living on a hill yourself some of your neighbors will be in a highly precarious situation if their homes should burn down. If they were to reconstruct, they'll have to appear before the Department of Land Utilization and there'd be an entire new procedure to ask for a zoning variance. I think this is unfair.

HOSAKA: Commissioner Choy, I thought we had that cleared up in that we were assured from DLU that there wouldn't be that much of a hassle. In other words, it wouldn't be a big thing in order to rebuild not an entirely different structure but rather a similar structure on that land. I think your main contention is replacement of the home, whether that person would be required under the new ordinance to go through a lot of rigmarole and you want to cut that out. But, my question to you is in trying to remember what DLU--I thought they satisfied us by saying that as an individual homeowner that kind of rigmarole would not occur. In other words, they would just get a simple certificate or whatever they need in order to rebuild on that land exactly the same structure that burned down. Correct me if I'm wrong.

CHOY: I respect your recalling what the Director of Land Utilization had discussed with us; however, as far as I'm concerned, his explanation still leaves a tremendous question in my mind. I hope you could respect that also.

HOSAKA: I do. I just wanted to clarify in my own mind whether you remembered, and I remembered correctly.

CHOY: Yes.

CHAIRMAN: I feel we've had enough discussion. What is the pleasure of the Commission? Commissioner Duke?

M O T I O N

DUKE: I move that we accept the Director's recommendation.

HOSAKA: Second.

CHAIRMAN: It's been moved and seconded. Further discussion? All those in favor of the motion, raise your right hand.

(The motion failed to carry.)

AYES - Duke, Hosaka, Kamiya, Wikum
NAYES - Choy, Takehara
ABSENT - Kahawaiolaa

A C T I O N

DUKE: Mr. Chairman, if I counted the votes correctly, there was 4 for it and 2 against it, therefore another impasse. By our rules of procedure, I now move that we send this to the City Council with no recommendation.

CHAIRMAN: Do we have a second?

HOSAKA: Second.

CHAIRMAN: Discussion? All those in favor of the motion, raise your right hand.

(The motion carried.)

AYES - Choy, Duke, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

UNFINISHED BUSINESS CONDITIONAL USE PERMIT (PARKING IN RESIDENTIAL AREA TO SUPPORT HOTEL IN H-1 RESORT-HOTEL DISTRICT OF SAME LOT) PUNALUU W & C, LTD. (FILE #75/CUP-2)	The public hearing held March 12, 1975 closed and action deferred for a representative of the State Department of Transportation to appear and explain what is being done about clearing the culvert. Mr. Tetsuo Harano, Chief, Highways Division, State Department of Transportation was questioned by the Commission.

CHAIRMAN: I believe we did come across this problem before about clearing the culvert.

HARANO: Yes.

CHAIRMAN: And as I understand from one of the letters we had received, there might be possibly something that can be done.

HARANO: The problem that we run into related to that culvert is due to the restricted maintenance manpower that we have when our Hauula crew assigned to the maintenance of that section covered the area from Haleiwa to Kahekili Highway. Also, based on the manpower phrase imposed on our maintenance program, our normal

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complement of eight employees was down to two at one time. Since last October, we have gone into an effort to build up that crew. As of today we have five. So, we still lack the full complement. This crew goes from Kahekili out to Haleiwa. They take care of the roadside as well as cleaning of culverts, picking of litter, mowing of grass, and general routine highway maintenance effort. We do try to clean out the culvert. This particular culvert, as I recall, has been a problem in the past. We do go there to clean out the culvert as need be.

However, related to cleaning the culvert is also the other problem of the sandbar closing out the mouth of that drainage way. The highway responsibility is for the area within the highway rights-of-way. This sandbar buildup is outside of the highway rights-of-way and thereby it does create another problem where we're not sure who is responsible to clear off this drainage outlet. However, to protect ourselves, we do go out from time to time to clean this particular drainage outlet.

CHAIRMAN: You have a letter, as I understand, to Mr. Zane that you're recruiting to fill positions.

HARANO: Yes, we are.

CHAIRMAN: These positions are for what?

HARANO: Well, as I mentioned, the crew consists of eight people--one foreman, one truckdriver, two tractor mower operators, one tractor operator, and three general laborers.

CHAIRMAN: That's primarily for maintenance of the road?

HARANO: Yes, roadside maintenance from Haleiwa to Kahaluu.

CHAIRMAN: When you say roadside, it's not the sandbar that comes up?

HARANO: No, it's primarily the highway rights-of-way.

CHOY: Sir, I have a photograph here. Is this the culvert we're talking about?

HARANO: Yes, I believe so.

CHOY: The responsibility of the highway department which is the highway right-of-way, is it just the road? Does it go beyond the road? What is the extent of the responsibility?

HARANO: The extent of the highway rights-of-way is from one right-of-way all the way--

CHOY: All the way--from one shoulder to the other.

HARANO: No. It extends from a point approximately at this location (referring to photograph) to a point on the opposite side.

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It could go to the shoulder as well as limit the area outside of the shoulder.

CHOY: In terms of approximate footage, how many feet would you say, a ball park figure?

HARANO: The right-of-way there is 40 feet.

CHOY: Then am I correct that your agency's primary responsibility is to see that this culvert is cleaned?

HARANO: Yes.

CHOY: How often does your crew get out to this culvert?

HARANO: It depends on the manpower available, and because the range of their responsibility covers an extended mileage, it's a matter of just going back on a periodic basis once a month to try and maintain the culvert.

CHOY: And this seems to leave a lot to be desired.

HARANO: Lacking manpower it certainly does.

CHOY: Being the culvert could be blocked presently with the existing situation, and being a highway expert and spokesman for the highway department responsible for clearing this culvert, do you foresee any increased blockage if there is any type of further development in this particular area?

HARANO: As far as our responsibility, I'm sure with the build up of our crew, we will be able to maintain it to a better level than we have had in the past. However, as I said, maintenance of that drainage outlet, we feel, should be looked into. At one time as I recall, they had the City and County of Honolulu taking care of all of these stream and drainage outlets. However, as I understand, that activity has somewhat diminished with the understanding that they don't really feel that should be their responsibility.

CHOY: You didn't answer my question. I didn't ask you whether an increase in your crew would facilitate better care of this culvert. My question was, being the spokesman for the highway department and being you probably are the one with expertise sitting here in this room, my question then was do you foresee an increasing problem in this particular area with increased development, specifically a parking lot facility and a condominium with a hotel. You must have some kind of ball park projection.

HARANO: I do not feel that there will be increased problems. The culvert capacity itself in our review indicated that it was adequate. Based on anticipated development, we feel it is still adequate.

CHOY: When your crew visits this culvert once a month, what is the condition of that culvert? Is it partially filled, half filled?

HARANO: It depends on the season and time of year. If there has been stormy weather, wave action would bring the sand up the mouth of that drainage outlet and thereby cause silting of the drainage channel. Then we find that the culvert itself is filled at least half level.

CHOY: Has your department ever been called out on an emergency request to clean out this culvert at any time?

HARANO: Yes we have from time to time.

CHOY: And what was your response to the emergency call? Here again it has always been a problem where emergency calls. If we had a crew out there, we normally call that crew to go down and service that culvert but because we lack manpower, we have to depend on the Honolulu crew going out. In many instances, we have problems sending the crew out from Honolulu out to Punaluu.

CHOY: From the time you receive an emergency request to clean the culvert, what's the time involved before you get somebody out there to do the work?

HARANO: It depends because if there is an emergency out there, most likely there's emergencies elsewhere also. We might find ourselves out on other calls when this call comes in. It's very difficult to say. If this is the only call then it's a matter of just getting together say 4 or 5 people to send out to the location.

CHOY: Would you say it could be anywhere from half-a-day to a week?

HARANO: It could be half-a-day. I don't say it would be a week.

CHOY: Most likely a day or so.

HARANO: I would say so, yes.

CHOY: But you can't substantiate to that.

HARANO: No.

CHAIRMAN: With your recruitment of new personnel, do you think your work crew can better facilitate the clearing of the culvert?

HARANO: Yes, I'm sure of that.

HOSAKA: You mentioned that the culvert is four by six. It seems to me the whole thing centers around this culvert that doesn't seem to be functioning. Four by six and I don't know anything about culverts, but apparently for this particular one it's causing some back flow especially at high tide or whenever the sand backs up. Why can't your department just build a bigger culvert? Wouldn't that be less expensive than hiring four other guys?

HARANO: Four other guys really is not to take care of the culvert itself. It involves the entire roadside maintenance program for this crew. The cleaning of the culvert is just one of the tasks they go through as far as their daily activity.

HOSAKA: Don't misunderstand me, Mr. Harano. I did not mean to infer having loss of anyone's jobs or anything like this. I think what you ask for is legitimate. You probably can justify it very strongly for the additional manpower and I concur.

However, I'm just thinking out aloud. Why not build a bigger culvert? What's wrong with that?

HARANO: As I mentioned, we did review the capacity of this culvert. The contour hydraulicsy for it is adequate but the back up is being created by the tidal action which brings in the sand which blocks the outlet. Of course, if you don't maintain it then the gradual build up gets greater and greater. So, it's really not the capacity itself. It might be the location of the culvert may be in the wrong spot where possibly the highway itself is so close to the shoreline that--

HOSAKA: You mean build another culvert?

HARANO: It might be that the highway itself may have to be moved.

HOSAKA: The highway moved?

HARANO: Yes.

HOSAKA: Move the highway instead of making another culvert?

HARANO: Well here again--

HOSAKA: I'm not trying to be facetious. You're the expert.

HARANO: I realize that.

HOSAKA: I chuckle because you just don't move highways, right?

HARANO: Well, as I mentioned we did check the capacity of the culvert and we find that it's adequate. Then, we can't see any justification for building a new culvert. If we build a bigger culvert, I think we'll still have the same problem with the sand build up.

HOSAKA: I'm always leary about--even myself when I say, I think. Really, I don't know. Are there any larger culverts than four by six?

HARANO: Oh, we can put in whatever size necessary to take care of the flow.

HOSAKA: Would you be able to accommodate it under the present highway?

HARANO: No. Where the existing highway is located, the elevation will not permit too big a size culvert especially with the height of the culvert to be increased.

HOSAKA: Are you saying then at this particular point you cannot engineering-wise build another culvert that is larger than four by six? Is that what you're saying?

HARANO: It should be four by twelve. It could be a wider culvert but headroom wide, I believe there's limited headroom because of the elevation of the highway.

CHAIRMAN: Maybe a better question would be, is there any possible way we could solve this sandbar problem?

HARANO: I think it's a matter of--right now, if we're going to retain the culvert as is, the only solution is to maintain an adequate maintenance program where periodically we go out and clean the culvert as well as clean the drainage outlet.

WIKUM: Did I hear you say earlier that at one time you had the full complement of eight workers covering this area?

HARANO: Yes.

WIKUM: At that time, did they keep the sand out of the culvert as far as you know?

HARANO: No, it was still a difficult problem because our crew really takes care of the highway rights-of-way. They don't go out and clean the shoreline.

WIKUM: Is it legal for them to if they're so instructed?

HARANO: No. It's illegal for us to send our manpower--

WIKUM: So you built the culvert. Somebody built the culvert in the highway division that cannot work because it's too close to the ocean, and no one is empowered to keep the culvert in operating condition? This is the craziest thing I've ever heard.

HARANO: Well, it happens elsewhere too. It's not here alone.

WIKUM: Well, we have lots of crazy things going on by the ocean. Really, what we're talking about is some way to protect the other residents as well as this parking lot under discussion today if it should go in. I think, really, the question is how much does the addition of this parking lot increase the flooding danger to the people who are already flooded out all the time because somebody built a culvert that can't work.

DUKE: Mr. Chairman, the point right now is we want to prevent the flooding not only on Mr. Zane's property but particularly on adjacent properties. If the culvert is clear and the ditch is

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clear, you couldn't make a great deal of improvement at that particular site, could you or could you not?

HARANO: If the upper portion of the ditch is clear and the culvert is clear, the outlet needs to be clear also.

DUKE: The outlet meaning entering the ocean?

HARANO: Yes, over and beyond the culvert.

DUKE: I know the elevation is very low there. I think the highway is only about eight feet above sea level.

When this matter came before the Commission, I believe in the fall of '73, we had a terrific weekend rain and I made it a point to go out to Punaluu to see how the drainage worked. We had a pretty good rain this past weekend. How did it work?

HARANO: I had no complaints so I would assume everything went along fine.

DUKE: No one called you for any emergency or anything?

HARANO: No.

DUKE: The culvert to the best of your knowledge was clear at that time?

HARANO: Yes, as far as I know.

DUKE: The big point now is I know it's a flood area and we're not going to change the rainfall nor are we going to change the elevation. Therefore, we have to work out some solution not to add to the situation.

Your whole purpose coming here today, and Commissioner Hosaka verified this, was to determine responsibility for the culvert. You admit this.

HARANO: The culvert is our responsibility, yes, within the highway rights-of-way.

DUKE: The highway rights-of-way go 20 feet beyond each side of the shoulder of the road or thereabouts?

HARANO: On an emergency call, for self-protection purposes whenever we go out on emergency in that particular location as well as any others as far as plugging of the outlet end, we have our crew accomplish that. Otherwise, there's no sense in cleaning the culvert outlet. But, as a matter of responsibility, I feel someone else as far as highways, should be responsible for cleaning of the drainage outlet beyond the highway rights-of-way.

DUKE: In your expert opinion, if we did a condition in this conditional use permit to require the landowner to keep the outlet next to the ocean clear, would that eliminate the flooding? We're trying to find a solution here.

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HARANO: I'm not sure whether you can impose that on the owner. I agree someone should maintain the outlet. It would help but whether it should be the owner or whether it should be someone else--

DUKE: Well, I have a little information from the minutes of the meeting that happened in '73. Among other items it states that no one is responsible in the City and County or State. There is no responsibility for assurance that the mouth is always clear. The ditches along side that enter into it are all privately owned. These ditches will not be maintained by the City and also the culvert. However, the engineering firm recognized this and they have promised us to make strong attempts to get the state to clean the culvert. You are going to clean the culvert.

HARANO: That we will. That is our responsibility.

DUKE: It seems to me that was the focal point that created severe flooding conditions when we had the big rain.

HARANO: What I want to impress on the Commission is the culvert is our responsibility. We in the past have tried to maintain the culvert crossing; however, because of the lack of manpower but with the additional manpower we anticipate having, we will as a matter of routine activity clean the culvert. In addition to cleaning the culvert, if someone could look after clearing the outlet, I believe the flooding problem will be minimized.

CHOY: Back to Commissioner Duke's question regarding the last rainfall last weekend, to your knowledge it did not create a problem in blockage of the culvert?

HARANO: As far as I know, there was no call-in so I assume there was no flooding.

CHOY: Then, may I present you with a photograph that I received in a packet from a concerned citizen dated March 27th and it shows the culvert absolutely blocked. Can you explain that situation?

HARANO: No, I can't.

CHOY: Then could it possibly be that because of past lack of responsibility the department had, the people living in the neighborhood now have taken an apathetic attitude and say well hell, why call them up they're not going to come within a week anyway.

HARANO: It might be so, yes.

CHOY: Thank you very much.

WIKUM: Who owns the sand that blocks the mouth of the culvert, do you know?

HARANO: No, I'm not sure. I believe the State of Hawaii is the owner of the shoreline.

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WIKUM: Is there any department in the State government that you know of, since the State owns it, somebody must sort of be responsible for it somehow. Can you find out if somebody will dig it out and coordinate with your department? You keep the culvert clean and they'll clean out the mouth?

HARANO: Really, I tried to get that answer because that was the very question that came to my mind. I've not been successful.

WIKUM: You let God take care of the sand at the mouth.

HARANO: Well, it always comes back that the City Public Works Department as being responsible.

WIKUM: But they won't operate on State land, right?

HARANO: No, they're responsible for drainage and stream outlet, based on that responsibility.

WIKUM: Stream outlet, drainage outlet. Is a drainage outlet a man-made outlet and a stream a natural one?

HARANO: No. It's a natural one.

WIKUM: Either one can be a natural one?

HARANO: As far as we're concerned, a drainage outlet is a natural outlet.

WIKUM: I see. Is a culvert--no, never mind. It's crazy.

TAKEHARA: May I clarify some statements you made. You say that the culvert is your responsibility, you don't have the manpower now but you anticipate manpower later to clear that up.

HARANO: Well, during the past two years, we were down to two people. Of course, because of the manpower freeze we'e not able to fill the vacancies. As people left, the position got frozen. That's the reason why we came down to two. By the middle of last year we finally convinced manpower people that we needed to fill these positions because these emergencies do come up. Based on that, we have gradually tried to build up our staff. It has not been easy filling these positions out in the rural area. Right now we're up to five of the eight.

TAKEHARA: If you had what you say was the right number of personnel to clear the culvert, would it still improve the situation if the outlet is plugged?

HARANO: No. I think the outlet is the key to the whole problem.

TAKEHARA: All right, so even if you have this manpower, if the outlet is not taken care of, this flooding situation in the culvert would continue.

HARANO: Well, with the manpower, what we will do on a monthly basis we will go out and clean the culvert crossing. But then, the build up of the sand at the outlet will be a gradual process. So, somewhere along the line, there will be this build up taking place. Of course with the culvert cleaned, it lessens the flooding problem where there may be a big rainfall say next weekend, we hope there is adequate flow out.

TAKEHARA: Is the outlet clean now?

HARANO: We did go in on the last call to clean that out.

TAKEHARA: But you feel that isn't your responsibility.

HARANO: Yes.

TAKEHARA: The other question I had was that in one of the reports we received, it stated that the westerly corner of the lot would be filled to an elevation so that there would not be a flooding condition in this parcel we're discussing. Presently when it floods there, that land is under water, right?

HARANO: I believe so.

TAKEHARA: Then, wouldn't that increase the flow of water into the ditch and the culvert if they fixed this parcel so that it doesn't have this flooding condition because of the landfill and the way it will enter?

HARANO: Well, I'm not familiar with what the landfill will be and what the development plans are. I don't feel I can answer that question.

TAKEHARA: But if it were built up so that all that increased water that usually accumulates from that parcel, if that property was made so that the water drains free and easily into the drainage and culvert, wouldn't that increase the flooding situation in the culvert area?

HARANO: I don't think so.

TAKEHARA: Why not?

HARANO: Because the build up has more water going into the drain--

TAKEHARA: Into the drainage and culvert?

HARANO: No, it's the same water going through it.

TAKEHARA: No, but ordinarily that land is down in a flooded condition. It's retaining it's rainfall water, right? When it's built up it's going to flow--

HARANO: But if the outlet is open--unless there's a heavy concentration which dumps an exceedingly large volume of water within a short period of time.

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TAKEHARA: So then the real issue is the fact that this whole area flooding problem can be handled if that outlet was cleared regularly.

HARANO: Yes.

TAKEHARA: And that we don't know who owns it or whose responsibility it is. What attempts are being made to find out whose responsibility it is? Have you made any attempt?

HARANO: Well, I did try to find out.

DUKE: The question really before the Commission today is to decide whether or not a conditional use permit would be issued for this parking lot, and also from discussions at the public hearing to definitely decide the responsibility for the clearing of the culvert. We have decided that.

In your expert opinion, do you believe making the parking lot there would have any ill effects or no effects or a lot of effects on the flooding of that area?

HARANO: Well, I'm really not familiar enough with the parking lot plans per se. I understand there is a parking lot being proposed there, parking lot being such that it involves an extended paved area does lend itself to more runoff from that area compared to a natural ground condition where you can anticipate certain seepage into the ground. So I would say, the parking lot does increase, promote the runoff.

DUKE: Increase in runoff to the whole area or just into the ditch or the ocean? Does it increase flooding conditions for the area there, particularly the adjacent property?

HARANO: It increases runoff which will go into that drainage ditch and flow through the culvert out to the ocean eventually, assuming that the drainage way is clear.

DUKE: And if the drainage area is not clear, we have a flooding condition anyway.

HARANO: Right.

DUKE: I'm not attempting to go around in a circle here but if the drainage ditch is open and the culvert is open, the parking lot would not create any hazardous condition or would it?

HARANO: I don't think so. I don't think it will.

CHAIRMAN: Further questions? If not, thank you very much Mr. Harano.

Commissioners?

M O T I O N

DUKE: I move that we accept the Director's recommendation with the conditions as listed.

WIKUM: Second.

CHAIRMAN: Moved and seconded. Further discussion? Commissioner Choy.

CHOY: With due respect to Mr. Harano of the Highway Department, from what I gathered this afternoon there's a lot of I think and nothing conclusive. Because of a great doubt in some reasonable question concerning the increased runoff and the oftentimes blockage of the culvert, I'm afraid I must speak against the motion.

WIKUM: I'm speaking for the motion, Mr. Chairman. It's appeared to me that the negative testimony and the objections to this application have rested entirely on the drainage problems in the area. It also appears to me that the drainage problems are caused by a closed culvert and that the problem is going to persist whether the parking lot is built or not. Be that fortunate or unfortunate, that's the way I see the objections to the application. I'm speaking for the motion because I'm not convinced that the building of a parking lot is going to make the drainage problem any worse than it already is.

TAKEHARA: I'd like to speak against the motion. In looking at the way the parking area is to be built, it stands very logical to me that the water runoff will increase into the culvert. A conditional use permit is not going to have any adverse effects on surrounding areas and residences. I do feel by increasing that runoff into the culvert will definitely have some effects on the flooding condition in the surrounding areas and residences. Until a solution is found in clearing that culvert and opening, no other increased development should be allowed there until that water situation is taken cared of.

HOSAKA: I would express some concern about having answers to our questions and concur with Commissioner Choy on this. I don't think we've really gotten a solution on this problem. It's up in the air. I can't put my finger on it but it seems like perhaps the problem still exists.

CHAIRMAN: I wonder for myself too whether it becomes the responsibility of the Commission to penalize the developer when it's something he's not solely responsible for. In other words, will this parking lot make more the flooding situation? The flooding already exists. Do we then become policemen to decide who's responsibility it is to clear the sand?

DUKE: I'm inclined to go along 100% with your remark. I do feel though that we do have some responsibility in assisting, if possible, adjacent property owners when an applicant comes forth with a proposal. I don't know how much further we can go. We did

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at this time certainly pinpoint the responsibility. Seemingly that was the big question before that needed to be clarified. It is the State Highway Department and not Mr. Zane. In my opinion, the preparation of whatever is necessary to put in a 27-car parking lot will not greatly, and I don't even believe one iota, create additional flooding because so much water runs down. If you don't increase it in putting in a parking lot, you might divert it slightly but the amount of water is still there. Therefore, I think we're going just a little bit away from our responsibility by trying to take care of the whole flooding condition when our problem before us right now is to decide whether or not we give this gentleman a conditional use permit or we don't.

CHAIRMAN: Further discussion? If not, all those in favor of the motion, raise your right hand.

(The motion failed to carry.)

AYES - Duke, Hosaka, Kamiya, Wikum
NAYES - Choy, Takehara
ABSENT - Kahawaiolaa

CHAIRMAN: The matter will be deferred.

CONNELL: Under the Comprehensive Zoning Code, Action by the Planning Commission, you have 30 days after the hearing to respond to the Mayor and the City Council. Time can only be extended upon agreement with the applicant.

CHAIRMAN: Commissioner Duke?

DUKE: If you desire to request from the applicant that it be extended, fair enough. Otherwise, it appears to me that unless I can prevail upon the Doctor or Alice to change their mind, we have no other choice but to forward this to the Council without recommendation.

TAKEHARA: What is an impasse vote to the Council? Is an impasse a yes vote or an impasse a no vote?

CONNELL: Under the present rules of the Commission, if you send forth a no recommendation vote it is a negative vote. That is in accordance with the parliamentary rules of the Commission.

DUKE: Unfortunately, I am aware of that. We had two decisions by Corporation Counsel within about a week of each other and one said it was affirmative and one said it was negative. I feel that even sending it forward with a no recommendation with the minutes showing the facts of the case, even though it is a negative recommendation, it should still go forward.

M O T I O N

HOSAKA: I move we send it up to Council with no recommendation.

DUKE: I second.

CHAIRMAN: It's been moved and seconded. Discussion?

TAKEHARA: Don't our minutes go up anyway whether it goes with a no recommendation of impasse?

DUKE: Whether they read them or not, I don't know.

CHAIRMAN: Further discussion? All in favor of the motion, raise your right hand.

AYES - Duke, Hosaka, Kamiya, Wikum
NAYES - Choy, Takehara
ABSENT - Kahawaiolaa

CONNELL: Mr. Chairman, unless the applicant would agree, the Commission it would seem to me would have no choice but to forward this up to the Mayor and the City Council. If you don't come to a quorum vote, I don't see how you can do anything else but send it up according to your rules with a no recommendation vote.

WAY: Automatically.

CONNELL: Automatically. Your voting against this it seems to me puts you in a position of voting against your own parliamentary rules which I believe you need a two-thirds vote in order to change.

TAKEHARA: Then why is it necessary to have even a no recommendation vote?

DUKE: Because it has to get out of Commission today and we have to do something with it. So, let's send it forward.

CHAIRMAN: May we have the representative from the developer? Would you agree to an extension?

ZANE: I would like to have you move it up to the Council.

CHAIRMAN: Now we know the developer does not agree to an extension.

DUKE: It automatically goes forward then by the rules of our own body. I don't understand though the votes against it since it's according to the rules. That's befuddling to me.

TAKEHARA: So it's really not necessary to have that motion. Right?

DUKE: I'm not so sure about that either. I think we at least need be somewhat definite in what we're doing and leave it out in limbo. Either we're going to send it forward or we're not or we're going to try to do something else. That's my whole point.

CONNELL: The rules of the Commission indicate that if we have an impasse vote, you defer it for one meeting. If you still

have an impasse, you send it up. As I read the action of the Commission last time, you closed the hearing and you asked for additional testimony. You are now at an impasse. The other dynamic that has come in, you are stuck on a 30-day requirement. So, it varies somewhat from your parliamentary procedure. Therefore, it would seem to me that it would be proper to vote a no recommendation and send it up to Council. I think you should have the vote. I don't believe it is automatic.

M O T I O N

DUKE: Mr. Chairman, I move we send this to City Council with no recommendation.

WIKUM: I second.

CHAIRMAN: Moved and seconded. All those in favor?

(The motion failed to carry.)

AYES - Duke, Hosaka, Kamiya, Wikum
NAYES - Choy, Takehara
ABSENT - Kahawaiolaa

TAKEHARA: May we have some clarification from Mr. Way on this because I find this goes automatic anyway, that this was not necessary. Would you find out?

CHAIRMAN: What's the reason for voting against no recommendation?

DUKE: That's a double negative because you're really voting for this motion.

CHOY: That's right.

DUKE: Right. You voted against it, now you vote against a no recommendation, therefore in legality you're voting for it.

CHOY: That's right.

DUKE: You are.

CHOY: Yes, that's right.

DUKE: Well then, maybe I should make the motion again.

HOSAKA: Mr. Executive Secretary, would you reinterpret the rule? Possibly it may lead to an automatic sending up to the Council.

CONNELL: I think possibly some of the confusion may be coming in because you are confusing two parts of your parliamentary procedure.

If you had a no quorum vote at the last meeting on this issue, it would have been automatically deferred to this meeting. If at

this meeting you could not get a quorum vote, you'd automatically send it up.

The facts are that at the last meeting, you closed the public hearing and requested more information. You did not take a vote on the issue.

At this meeting, faced with a 30-day requirement of sending it up, you have come to an impasse in your voting. Therefore under the CZC, you need to send it up. It seems to me you have to make some kind of recommendation as you have indicated in the past, be it for, be it against, or be it no recommendation. It would seem to me you are at a point of no recommendation.

HOSAKA: So you're reiterating the fact that we need to have a motion that needs to be carried by quorum vote in order to send it up to Council, yes?

CONNELL: That's the way I see it.

CHOY: Clarification. If there was a quorum to send this on to Council with no recommendation, then this matter would go as a no recommendation from this body.

DUKE: Definitely.

CHOY: Or against or for?

CONNELL: The present standing opinion of Corporation Counsel is that a no recommendation vote is viewed as a negative vote. Therefore a no recommendation vote would be a no vote. In transmitting to the Mayor and Council, we would include the minutes, and in the letter of transmittal an indication of the reasons why the Commission was at an impasse.

DUKE: Don, you make the motion this time.

HOSAKA: I did and it was defeated, Sir.

DUKE: Well, let's try again.

A C T I O N

HOSAKA: I think Commissioner Takehara and Commissioner Choy see the only alternative is to send it up. Since you both voted against, that vote on a no recommendation would be viewed as a negative vote.

Therefore, I would like to make a motion that we send this up to Council with a no recommendation.

TAKEHARA: May I have it included in the minutes what we've discussed that a no recommendation is a negative vote as part of the record.

CONNELL: Mr. Chairman, the Council is aware of that.

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TAKEHARA: I'd still like it to be put in the record.

CHAIRMAN: All those in favor raise your right hand?

(The motion carried.)

AYES - Choy, Duke, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

PUBLIC HEARING (1) BILL 25 AMENDING ORDINANCE 3947 RE HISTORIC, CULTURAL & SCENIC DISTRICT NO. 1, THE HAWAII CAPITAL DISTRICT (2) BILL 26 TO ESTABLISH HISTORIC, CULTURAL & SCENIC DISTRICT NO. 3, THE PUNCHBOWL DISTRICT	A public hearing was held to consider (1) A bill for an ordinance to amend Ordinance No. 3947 relating to the "Historic, Cultural and Scenic District No. 1, The Hawaii Capital District (Bill 25);" (2) A bill for an ordinance to establish "Historic, Cultural and Scenic District No. 3, The Punchbowl District (Bill 26)." Publication was made in the Sunday Star-Bulletin/Advertiser on March 23, 1975. Comments received are included in public testimony both for and against the proposed bills.

Staff Planner Gerald Henniger presented the Director's report of the proposals. In 1974 and 1975, proposals for high-rise structures in the Punchbowl area at 944 and 982 Prospect Street were met with strong opposition from the community, objecting to view obstruction, and by the Veterans' Administration concerned about adverse effects on the National Monument. On February 12, 1975, the City Council denied application for Certificates of Appropriateness for these structures in the Hawaii Capital District and introduced Drafts No. 1 of ordinances as follows:

a. Bill 25 to delete from the Capital District the area where the two structures were proposed (passed 2nd reading Feb. 26, 1975);

b. Bill 26 to establish HCD No. 3, the Punchbowl District, (passed 2nd reading Feb. 26, 1975); and

c. Bill 27 to establish an interim development control over the slopes of Punchbowl (Ordinance 4436, March 18, 1975).

The overall objective for the establishment of the Punchbowl District is to protect, preserve, and enhance the natural setting and unique character of Punchbowl specifically as follows:

a. To preserve the view of Punchbowl's profile and green vegetated slope in the area of the scenic overlook, as seen from H-1

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Freeway in a Diamond Head direction, from imminent encroachment by public or private high-rise structures.

b. To preserve the view of Diamond Head from the Punchbowl overlook from imminent encroachment by public or private high-rise structures in the immediate vicinity of Punchbowl.

c. To preserve the landscaped open space at the makai base of Punchbowl in A-3 and A-4 Apartment zones which provides a park-like setting adjacent to Punchbowl.

d. To preserve the view of Punchbowl from prominent public vantage points and heavily-traveled areas outside the Punchbowl District from encroachment by public or private high-rise structures.

Questions were raised by the Commission.

HOSAKA: The height of those buildings in that view corridor from the H-1 are approximately how high?

HENNIGER: Many of them are less than 25 feet. There are several family dwellings in there, so 20 to 25 feet. There may be some in there with one story.

HOSAKA: And the ordinance would curtail any higher than present structures.

HENNIGER: No. In many cases the ordinance would permit higher structures than are there at the present time. It varies to a minimum of 25 feet which would be along the highway to a minimum of 25 feet at the base of Punchbowl with variations generally between 35 feet and 60 feet, depending on the contour of the Punchbowl slope.

HOSAKA: So that 50 years from now, this view plane will be somewhat lessened because of that height allowance. We would see less of Punchbowl.

HENNIGER: You'd be able to see Punchbowl only as those structures on the very top, Prospect Street, because the view plane between Punchbowl and there would be a constant line.

HOSAKA: But my point is that 50 years from now, you will be able to see less of Punchbowl. Is that correct?

HENNIGER: This drawing shows (referring to drawing displayed) that the red line would be the rear property line in the uppermost lot above Prospect Street. It's unlikely that the building would get that high because it would drop down utilizing 50% of the open space. Therefore, we don't think that would happen. We figure it would be something just above here (referring to drawing) meaning that yes, that line would be elevated somewhat in order to make use of those lots at the rear but with a 50% open space shouldn't be a problem.

HOSAKA: Has the planning department had open hearings to listen

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to the residents in that area, this view plane that's going to be affected?

HENNIGER: In this case we have not.

HOSAKA: The Council is going to have a public hearing on April 16th and we're having one here on April 2nd. Are we on a time constraint to pass the recommendation to City Council prior to their public hearing on the 16th?

ENG: Perhaps I can respond to that. The City Council has set their public hearing date to follow two weeks after the Planning Commission public hearing date primarily because of their sense of urgency in the situation. I don't believe this places you under any constraints. It simply means at the time of the City Council public hearing, if the Commission wishes to have its recommendation known prior to that then you are under a time constraint. The normal procedure calls for the City Council to hold the public hearing and to discuss the matter further in committee, subsequent to the hearing. Does that answer your question?

HOSAKA: Yes it does but I'm just thinking the impact of a recommendation from this Commission would be lessened if it came after their public hearing. The City Council will meet on the 16th regardless what we do here, right?

ENG: Yes.

HOSAKA: Say for example there is a deferral and we have a meeting after the 16th and then come up with a recommendation, it would be anticlimatic in terms of a recommendation to the Council.

ENG: This is a judgment that the Commission should make. The Commission perhaps should consider this as one aspect of the very many aspects of the situation in assisting the Council in making a decision. The question of impact is somewhat subjective.

HOSAKA: The imaginary drawing of the proposed apartments that were denied by the City Council, the highest structure seems to be taller from the H-1 freeway. There's been a question and I think one of the strongest objections from the community as well as from the people that handle the cemetery was the fact that the higher apartments of these buildings would overlook and see right into the Punchbowl Crater. Has that been determined if that were to be constructed?

HENNIGER: No, that's not the case. You're looking at a plane from the H-1 so actually the top of this building appears above Punchbowl from that vantage point. But, when you look at it from the overlook itself, you're overlooking those two structures.

HOSAKA: From the penthouses of those two buildings--

HENNIGER: You will not be able to see into Punchbowl Crater.

HOSAKA: Are you saying then it was just an emotional saying

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people were saying you could look into the crater and that's really not true?

HENNIGER: No, I think there's a very real threat in this area of buildings going high enough to look into the crater. On page 14 we share the potential highrise building which would be 300 feet high above Prospect Street which would overlook the crater and go into the crater. There are other areas where this might happen on either side abutting this area which are in the interim control district. There is concern by the cemetery people that this entire area, the semi-interim district as well as this district would permit that. It is not the intent of this report, however, to look at the entire problem of Punchbowl. It is a recommendation that there be further study not only as a possibility of height encroachment above the crater rim but also of looking at Punchbowl from various public and highly traveled vantage points which is not only in a Diamond Head direction but what would be from H-1 in the other direction, from the Pali Highway, from Bishop Museum, Ala Wai Boulevard and various other places.

HOSAKA: Then are you saying this ordinance can be viewed as a stop-gap measure?

HENNIGER: This ordinance would be used as a measure within the area of the interim boundary which we were given to start with. It is an area which is in imminent danger. We think the other areas may be taken cared of by Bill 75 which would be a limitation of the 120 feet.

(There were no further questions from the Commission.)

Public testimony followed.

Testimony in SUPPORT--

1. Mrs. Kay M. Landrum, Chairman, Public Affairs, The Outdoor Circle (Submitted statement dated Apr. 2, 1975, attached)

   The Commission had no questions of Mrs. Landrum.

2. Mrs. Dorothy Chang Meadows, President, Punchbowl Community Assn. (Submitted statement dated Apr. 2, 1975, attached)

   Mrs. Meadows was questioned by the Commission.

   WIKUM: Can you tell me the rationale behind the wish to raise the height limitation mauka of Prospect Street from 25 to 40 feet?

   MEADOWS: Well, we weren't aware of that 25-foot limitation.

   ENG: If I may refer to the map, the properties mauka of Prospect Street are slated for 35 and 25 feet height limit. So, this would be more restrictive than your 40 feet. I think the

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Commission is questioning is there some rationale to your recommending a less stringent height restriction.

WIKUM: That is the question.

MEADOWS: The members haven't been notified about this height restriction.

WIKUM: You think they're under the impression that 40 foot limitation they ask for might be less than the ordinance calls for?

MEADOWS: They're main concern at the present time was within 40 feet would be satisfactory.

WIKUM: So you're happy with 25 and 35. Your association would be happy with that?

MEADOWS: The association members have not been advised of the 25-35 feet limitation.

WIKUM: I know you can't speak for them without having spoken to them but is your feeling, as you listen to the discussion about asking for a 40-foot height limitation, that they would more than likely be pleased at the limitation imposed by the ordinance is even less than 40 feet?

MEADOWS: Well, I can't say for the members.

WIKUM: Did you have a feeling about it? You don't want to speak about that either?

MEADOWS: My personal feeling is I'd like to see the contour of Punchbowl if possible. Many of the people living in that area have purchased lots with the understanding that it's apartment district.

WIKUM: Some of you will be for and some of you will be against, perhaps.

MEADOWS: Yes, well, I think everybody would be in agreement if it didn't affect their property.

WIKUM: I understand. Thank you.

HOSAKA: How many members are there in the Punchbowl Community Association?

MEADOWS: We represent about 300 members in that area.

HOSAKA: And geographically it's just the surrounding area of Punchbowl?

MEADOWS: Well, we go down as far as Pensacola, down to Lusitana. It encompasses the top area of Punchbowl, Auwailimu.

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HOSAKA: Did you have a chance to meet with people from the City agencies to express your viewpoints?

MEADOWS: What do you mean by City agencies?.

HOSAKA: Apparently there's no public hearing on this by the city planning people but did your association do this informally on your own?

MEADOWS: No. I came here on my own representing my neighbors to testify and was sort of surprised. When I read the notice it mentioned if we had any objections to come to the Planning Commission. So, I made a whole list of things and when I came I was surprised because when I read all the complaints against the highrise, I was told that the only concern was the architectural effect of the building. I was embarrassed and I said they should have mentioned it on the notice I received because had I known, I would not have come saying that. That's how we started the association also.

HOSAKA: Are you speaking for the association right now?

MEADOWS: Yes.

HOSAKA: When was your last meeting?

MEADOWS: We had an executive board meeting Tuesday. We had a general meeting February 20th.

HOSAKA: When your vote was taken on this matter?

MEADOWS: This highrise situation was what started this association. It originated the petition way back in August. This petition specified that we would like to see the historic landmark of Punchbowl, also saying that we would like to have a 40-foot height limitation.

HOSAKA: I don't want to belabor the point but in other words, you're speaking for the association as a result of a vote.

MEADOWS: Yes.

DUKE: I recall your having appeared here on the first proposal. I think we conveyed our feelings to you, we were also somewhat embarrassed because at that time it was felt that particular applicant was going to build a building we thought was in the capital district and therefore, we only went by color and design. However, our recommedation to you on how to do something about it, I think, was very effective because you did get your message across the City Council where it did matter. We were somewhat restricted at the time.

There is one point today though. The property owners that you represent and you would like to have permission to build up to

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40 feet rather than 25 feet, is that economic purposes because your property has been acquired with the expectation of building?

MEADOWS: No, I'm sorry. The members consist of property owners and residents. They are not all aware of the 25-foot height limitation.

DUKE: Well, it's not truly a 25-foot limit. It varies.

MEADOWS: No, I think this is fairly new what we're discussing today.

May I speak as a property owner?

DUKE: Surely.

MEADOWS: The reason I got into this is because I live right adjacent where they're going to put this 18-story building. I've lived there 17 years and I did mention about the traffic and everything else. I did mention the Prospect Tower and with all these highrise buildings they constructed, we live there and just wonder with all these highrises, I got my view blocked. I feel well, that's just part of living, you just have to contend with it. I was not aware of public hearings. I think most of the people are not aware of complaining. They say well, it's just--they make the rules, that has to be expected. But, when I saw all these highrises coming up, I said yee God, what's going to happen. That's the reason I got involved and appreciate all the help I got by everyone.

DUKE: By an large, you feel that this proposal will be good for the whole district there? I have to ask that again because you have some exceptions in your recommendation.

MEADOWS: Of course, in this particular district I myself am not involved in this new district because I'm within the Hawaii Capital District. We don't mind getting the open space but they're saying they pay taxes and yet their potential is much greater than ours. Where you have a small lot, you can't build. We have been approached by developers to go highrise. But then, it's a consecrated proposition because we've lived there so long.

ENG: To correct a few perhaps mistaken notions, Bill 25 would not jeopardize that area of Prospect Street that Mrs. Meadows is concerned with. Bill 25 and Bill 26 are tandem bills. The moment that segment of the capital district is taken out of the capital district, a moment later it will be immediately in the Punchbowl District. In other words, it's not the City Council's intent, I believe, to adopt one bill and not the other thereby putting that area without control. I believe this was Mrs. Meadow's concern.

With regard to the 40-foot height limitation, this area of Punchbowl which is presently in the Hawaii Capital District

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has, I believe, a 350-foot height limitation. So you could very well have a situation where for differing objectives you might have a considerable difference in height limitation. I think the 350 feet here (referring to map displayed) is recognized as a problem area and the legislation before you is in response to that problem.

DUKE: You live right on the corner?

MEADOWS: Yes. I live adjacent to 944. They're allowed to go 350 feet and I'm restricted to 40 feet and we're both in the Hawaii Capital District.

DUKE: And you're on the mauka side of Prospect.

MEADOWS: Yes Sir.

ENG: If Mrs. Meadows could pinpoint the precise property.

MEADOWS: I'm just out of the Punchbowl Scenic District.

ENG: You're out of the interim district.

MEADOWS: Yes.

ENG: Okay so there's no change insofar as her property is concerned. It stays in the Hawaii Capital District and is subject to a 40-foot height limitation.

DUKE: Well, I just wanted to clarify this because she did bring in some exceptions. I just wanted to see precisely what they were, and how the property owners were affected by the proposal versus her recommendations of exceptions.

(There were no further questions of Mrs. Meadows.)

3. Mr. Frank Skrivanek, Member, City Council's Capital District Advisory Committee (Submitted statement dated Apr. 2, 1975, attached. Mr. Skrivanek had to leave the meeting.)

4. Mary M. Flynn, Punchbowl Resident (Submitted statement dated Apr. 2, 1975, attached)

Mrs. Flynn was questioned by the Commission.

DUKE: I think we should start item by item and let staff explain why the areas were deleted and if in fact they are deleted. Would you start where the capital district is adjacent to the proposed district and let staff explain it to you.

FLYNN: It's my understanding from the map that I have that the Hawaii Capital District goes as far as Emerson. The height limit there I think is 40 feet.

ENG: I believe that's correct.

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FLYNN: And right next door there will be a place that's not in either scenic district which would be A-3, 350 feet. Why was that?

ENG: If you permit me the opportunity, I'd like to explain. Bill 27 was adopted by City Council declaring the dotted green line (referring to map displayed) as the interim control district. Using that district, the Department of Land Utilization staff set itself to determine whether in fact there was a view channel left. We did find one. The view channel that we did find is outlined in heavy blue (referring to map displayed). The Department of Land Utilization's recommendation is that the interim control area be maintained except where the Punchbowl district would be established so that these areas-- our recommendation would be that these areas be maintained in the interim district control until such time as the staff or perhaps the consultant has had the opportunity to further evaluate this. We see the blue line as by no means the only view that's legitimate. But, within the interim control area, that is the only view that presently exists from the heavily traveled H-1. We would like very much to include these areas (pointing to map displayed). This is not the end product. We see the establishment if the City Council concurs, of this Punchbowl district, only as a beginning. There is always the possibility of expanding the district.

FLYNN: I understand but this is a view corridor and what you're protecting is the scenic portions of these historic, cultural scenic district. What about history and culture? I think we're on the road talking about looking at Punchbowl where the other area obviously has social values and other things to consider.

ENG: Yes, that is correct, but the primary emphasis at this point within the blue line is a scenic area rather than historic, cultural which is not to say those objectives are not important. It's just that within the time frame that we had to work a proposed ordinance out, we felt this would be the most effective way to satisfy the maximum number of objectives.

DUKE: In other words, you are afraid that if you do not protect the view plane now, it will be lost to you because the property owners do have rights to build certain heights on certain parcels. If the area is not protected, then you will have no chance to protect the view plane. Is that the reason for the hastiness of this ordinance?

ENG: There is the sense of urgency. You are correct, it is zoned for high rise structures. Were it not for the adoption of the interim development control for the area that's dotted green (referring to map), perhaps the view corridor could today not be there. We do know of some instances where building permits are pending in areas immediately surrounding and we would like to have the opportunity to further look into those areas.

FLYNN: Is it necessary to have two bills to delete one portion from one district and add it to another?

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ENG: It's necessary to have one bill to delete from the Hawaii Capital District. It's necessary to have a distinctly separate bill to establish a new Punchbowl district. It's our recommendation that the two go hand-in-hand and that one not be adopted without the other.

FLYNN: Would there be any objection if one inserted a phrase in Bill 25 stating that the parcel must go to district number 3 if it is removed from district number 1?

ENG: I'm not sure whether that isn't already covered. If the Commission wishes, they could make this as a clarification. It's always been our understanding that Bill 25 and 26 would be simultaneously adopted.

FLYNN: The other side of the deleted area I also question because the downward swing above the green line (referring to map) which is Makiki Cemetery--it's state-owned land though--and I wondered at the time why that was deleted. It seems that's quite a historic landmark also.

ENG: The interim control district was established by the City Council. Given that as a frame of reference, we've attempted to develop something in here which we think is worthwhile. Makiki Cemetery is outside of this interim district but it is in an area which the Department of Land Utilization feels can be further considered. So, the City Council by its adoption offers no protection to this but that area, I understand, is currently zoned R-6 and would not permit structures beyond 25 feet in height in any case so that if there were pressure to rezone, any request for rezoning would again have to come before public hearing such as this.

(There were no further questions of Mrs. Flynn.)

5. Mr. Clarence Beck representing the Downtown Improvement Assn.

Mr. Beck appeared to reaffirm their position taken in 1972 supporting this proposal.

6. Letter dated April 1, 1975 from the Veterans Administration, Regional Office, William C. Oshiro, Director, attached.

Testimony AGAINST--

Violet C. King, Punchbowl Community Association Legislative Chairman

Mrs. King wanted the Hawaii Capital District height and open space provisions for the Punchbowl area to be included in Bill 26.

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The public hearing was closed, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

ACTION: The Commission, on motion by Mrs. Takehara, seconded by Mr. Duke and carried, concurred with the Director's recommendation with the added condition that Commission approval is contingent upon the inclusion of those properties deleted from the Hawaii Capital District under Bill 25 in the boundaries of Bill 26, and with the understanding that Bill 25 and 26 are companion bills.

AYES - Choy, Duke, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

UNFINISHED BUSINESS
CONDITIONAL USE PERMIT
(EXPANSION OF TENNIS FACILITY)
WAIALAE-KAHALA
BEKEN CORPORATION
(FILE #74/CUP-36)

The public hearing held February 26, 1975 was kept open at the request of the applicant. On March 12, 1975 the public hearing was closed and action deferred for the preparation of conditions.

Discussion followed regarding:

1. Conditions for lighting and hours of operation inasmuch as lights could be installed after approval of this CUP. If lights are installed, then hours of evening tennis play should be specified. Reflection of adjacent park lights on to the tennis practice area could permit night play.

   The Executive Secretary explained that inasmuch as plans for the facility which are a part of the CUP do not show lighting fixtures, installation of lights by the applicant would mean revocation of this CUP. Players desiring evening practice would have to rely on whatever sunlight is available to play.

2. Concern that because oleander is poisonous, designation as to the type of hedge should be left to the discretion and approval of the Director of Land Utilization.

3. Location of the practice walls to begin at the Koko Head edge of the planting area.

ACTION: The Commission, on motion by Mrs. Takehara, seconded by Mr. Duke and carried, rejected the Director's recommendation, and recommended that the permit be approved, subject to the following conditions:

1. The plans as submitted, marked as Exhibit "A" and on file with the Department of Land Utilization, shall be followed except as may be altered by the conditions stated herein.

2. Landscape plans clearly showing a 12-foot hedge on the Diamond Head sideyard to mask the proposed tennis court activity from the park area shall be submitted to the Director of Land Utilization for his review and approval. Prior to the commencement of the use

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of the proposed facility, the landscaping shall be completed utilizing plants with a minimum height of 4 feet set within a 4-foot wide planting bed. The concrete block wing walls shall commence at the Koko Head edge of the planting bed.

3. In the event the approved use of this permit is discontinued by the applicant for a period of six consecutive months, the subject permit shall be declared null and void. The applicant shall notify the Director of Land Utilization of such discontinuance.

4. Within one year of the date of the Conditional Use Permit approval, the applicant shall properly file for a building permit with the Building Department and commence construction. If necessary, the time limit may be extended by the Director of the Department of Land Utilization provided the applicant makes a request in writing and submits reasons which, in the opinion of the Director, justify the time extension.

5. Prior to obtaining a building permit:

   a. The recorded owner of the land encompassed by this Conditional Use Permit shall file with the Bureau of Conveyances or Assistant Registrar of the Land Court of the State of Hawaii, a declaration of the above-mentioned restrictive conditions.

   b. A certified copy of the documents as issued by the Bureau of Conveyances or Assistant Registrar shall be presented to the Department of Land Utilization as evidence of recordation prior to the issuance of the building permit.

6. In the event all conditions as set forth herein are not complied with, the City Council may authorize the Director of Land Utilization to take action to terminate the use or halt its operation until such time full compliance is obtained.

7. Any major modifications to the conditions stated herein shall be subject to approval of the City Council (the Director may approve any request for modifying the submitted plans which he considers to be a minor revision.)

8. The City Council may at any time impose additional conditions when it becomes apparent that a modification is necessary and appropriate in accordance with Section 21-242 of the Comprehensive Zoning Code (Ordinance No. 3234).

AYES - Choy, Duke, Kamiya, Takehara, Wikum
NAYES - Hosaka
ABSENT - Kahawaiolaa

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ADJOURNMENT: The meeting adjourned at 6:00 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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APR 2 1975

THE OUTDOOR CIRCLE 200 No. Vineyard, Honolulu, Hawaii 96817

April 2, 1975

The Honorable Randall Kamiya, Chairman,
and Members
Planning Commission, City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Mr. Chairman and Members:

The Outdoor Circle supports Bill No. 25 amending Ordinance No. 3947 relating to H.C.S. District No. 1, the Hawaii Capital District, as legislation needed for implementation in the establishment of H.C.S. District No. 3, the Punchbowl District.

Our organization supports Bill 26 relating to the establishment of H.C.S. District No. 3, the Punchbowl District, in order that this significant landmark may be protected from further intrusion and preserved for future generations.

Helen S. Davis

Mrs. Alan S. Davis,
President

Kay W. Landrum

Mrs. James E. Landrum, Jr.,
Chairman, Public Affairs

HSD:kl:aa

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APR 2

PUNCHBOWL COMMUNITY ASSOCIATION
902-E PROSPECT STREET
HONOLULU, HAWAII 96822
April 2, 1975

Testimony before a public hearing of the Planning Commission of the City and County of Honolulu, regarding Bill No. 25 and No. 26.

Mr. Chairman and Members of the Planning Commission:

My name is Dorothy Chang Meadows, President of the Punchbowl Community Association. We wish to thank all members of this commission for your previous action in recommending that the City Council establish the Punchbowl Historic, Cultural & Scenic District.

The Punchbowl Community Association supports Bill No. 26 establishing the new Historic, Cultural, and Scenic District No. 3. We suggest a maximum height limit of 40 ft. with 50% open space for the area above Prospect St.

We are not in full agreement with Bill No. 25. Bill No. 25, if passed would eliminate certain areas on the slopes of Punchbowl Crater from the Hawaii Capital District. We recommend that this area not be removed from the Hawaii Capital District until the Punchbowl Historic, Cultural and Scenic District No. 3 is established.

Thank You,
Respectfully yours,

Dorothy Chang Meadows
Mrs. Dorothy Meadows

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APR 23 1975

Statement by
Frank Skrivanek, Member
City Council's Capital District Advisory Committee
before the
Planning Commission, City & County of Honolulu
April 2, 1975

BILL 25 - A Bill for an Ordinance to Amend Ordinance No. 3947 Relating to the "Historic, Cultural and Scenic District No. 1, the Hawaii Capital District."

Our Committee has reviewed Bill 25 earlier and submitted comments to the City Council. A copy of that letter is attached for your information. In summary the comments were directed to four areas as follows:

1. We believe that Precincts 12 and 13 should be detached from the Hawaii Capital District and be included in the proposed Punchbowl District which is before you for a public hearing today also.

2. We believe that design review is not needed for Precinct 8, on the makai side of Punchbowl because the height remains at 40 feet and 50 per cent open space. These requirements can be monitored through the review process for all building permit applications in the precinct.

3. Properties lying within Precinct No. 1 and fronting Alakea Street be restricted by design control as well as the height and open space requirements of the Comprehensive Zoning Ordinance.

4. We recommend that a Capital District Coordinating Committee representing the three levels of government be appointed to coordinate development of the Hawaii Capital District. Perhaps this need not be in the ordinance itself; it can be done by administrative action of the Governor and the Mayor.

The other portions of the letter are self-explanatory. We recommend your favorable action on this Bill and urge its implementation thereafter by the detailed studies needed for the Precise Plan Precincts. Thank you for the opportunity to offer these comments.

Attachment

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SUITE 1203 / DAVIES PACIFIC CENTER / 841 BISHOP STREET / HONOLULU, HAWAII 96813 / (808) 521-6547

December 4, 1974

Honorable George Akahane, Chairman,
and Members, City Council
City and County of Honolulu
Honolulu, HI 96813

Gentlemen:

SUBJECT: THE HAWAII CAPITAL DISTRICT ORDINANCE NO. 3947

By letter dated July 23, 1973, your Capital District Advisory Committee forwarded and endorsed the recommendations of the John Carl Warnecke and Associates' Report. That report recommended (1) that the Comprehensive Zoning Ordinance procedures for the establishment and regulation of historic, cultural and scenic districts be amended to incorporate design control system concepts, including an advisory design review committee to be made up of professionals in the field, and an advisory citizens committee; and (2) that the Hawaii Capital District Ordinance be amended to conform with the new design control procedures.

On May 24, 1974, the City Council adopted the recommendations of your Committee for the design control system. Enclosed is a proposed ordinance and map which would apply the design control system to the Hawaii Capital District.

Please note that the Warnecke report recommended that Precincts Nos. 12 and 13 be detached from the Hawaii Capital District and be included in a proposed Punchbowl Historic Cultural and Scenic District. Design review is not recommended for Punchbowl District No. 8 because the height limit remains at 40 feet.

Also note that the Warnecke report recommends that properties lying within Precinct No. 1ϕ and fronting Alakea Street be restricted by design control as well as the height and open space requirements of the Comprehensive Zoning Ordinance. Your Committee concurs with this recommendation, since these properties do not relate to, or interfere with, the mauka-makai view planes of the Capital District.

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Your Committee strongly recommends that a Capital District Coordinating Committee representing three levels of government be appointed in the near future. The highlight of the Hawaii Capital District is the Civic Center, which includes federal, state, and city government facilities. Clearly, the intent of the Hawaii Capital District Ordinance cannot be achieved unless all three levels of government work together to physically complete the dramatic Warnecke concept of a functional Civic Center in a "Great Park", with tree shaded malls reaching ewa, mauka towards Punchbowl and makai towards the sea. A Civic Center Coordinating Committee must be established if this concept is to be realized.

As you know, a beautiful civic center for Honolulu has been talked about and planned for over 30 years. The Warnecke "Great Park" concept is 10 years old.

Your Advisory Committee further recommends that these matters be submitted to the Council's planning advisors, namely the Director of Land Utilization and the Planning Commission, for their study and recommendations. We shall be happy to assist in any way.

Aloha,

Robert R. Midkiff, Chairman
Citizens Advisory Committee
to the Capital District

Enclosures

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TESTIMONY PREPARED FOR PRESENTATION TO THE PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU AT A PUBLIC HEARING HELD ON 2 APRIL 1975.

Mr. Chairman and Membors of the Planning Commission:

My name is Mary M. Flynn and I am a resident of the Punchbowl area. I live on the 7th floor of a 15 story high-rise on Thurston Ave. From my lanai, I can see parts of Makiki (between the buildings), two ends of Diamond Head (a high-rise blocks the middle), the upper levels of Waikiki, and until they build that towering "compromise" at the United Methodist Church, I can even see the ocean. In turn, I'm sure that my building blocks the view of those further up the slopes of Punchbowl Crater.

There is, however one remaining swath of low-rises which still permit a view of the Diamond Head side of Punchbowl. The area indicated as revision No. 2 to Ordinance No. 3947 (roughly between Ward Ave. and Magazine St. on the mauka side of Prospect St.) is the one area where Punchbowl is still visible from Waikiki or on H1 traveling in the Ewa direction.

I would like to express my support of Bill No. 26 establishing the Punchbowl District, Historic, Cultural and Scenic District No. 3, on the basis of protecting the views both from below and from the lookouts on the crater. I believe that in establishing height limits, other problems associated with high density housing (such as heavy traffic, parking shortages, overloads on the sewage disposal system and noise) may also be curtailed.

I advocate that a ~~40~~ 25 foot maximum height limit be established consistant with the adjacent Hawaii Capital District.

I also am concerned about the area deleted from the proposed District between Prospect St. and Pensacola St. To what purpose has the cemetery and the Prospect Place area been omitted? I urge the Commission to include this area in the new District No. 3.

Regarding Bill No. 25, I object to deleting the area in question from one District without placing it in another with an established height limit. Enough "mistakes" have been make in the zoning of this parcel. Now is the time to rectify our mistakes by establishing a 40 ft. height limit for this area and safeguarding its placement in the new District No. 3 by clearly stating this in Bill No. 25.

Thank you.

Mary M. Flynn

Mary M. Flynn
Punchbowl Resident

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Dept 4/25-915

VETERANS ADMINISTRATION

REGIONAL OFFICE
P.O. BOX 3198
HONOLULU, HAWAII 96801

Date: April 1, 1975

In Reply Refer to: 359/02

Mr. Randall Kamiya
Chairman, Planning Commission
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

Dear Mr. Kamiya and Members:

SUBJ: Bill 26 -- A Bill For an Ordinance to Establish "Historic, Cultural and Scenic District No. 3, The Punchbowl District."

The Veterans Administration wholeheartedly supports the establishment of a Historic, Cultural and Scenic District for Punchbowl.

We believe the proposed ordinance should provide the protection necessary for our historic National Memorial Cemetery of the Pacific.

We respectfully urge your favorable consideration of this Bill.

Sincerely,

WILLIAM C. OSHIRO
Director

RECEIVED
'75 APR 1 PM 3:15
DEPT. OF GENERAL PLANNING C & C HONOLULU

Show veteran's full name, VA file number, and social security number on all correspondence.

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Meeting of the Planning Commission
Minutes
April 16, 1975

The Planning Commission held a meeting on Wednesday, April 16, 1975 at 1:42 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT: Randall Kamiya, Chairman
Charles W. Duke, Vice Chairman
Dr. Wilbur Choy
Donald Hosaka
Alice Takehara
Harriet Wikum

ABSENT: Antone J. Kahawaiolaa

STAFF PRESENT: Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Loretta Chee, Staff Planner
Henry Eng, Staff Planner
Gerald Henniger, Staff Planner

MINUTES: The minutes of February 26 and March 12, 1975 were approved, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

PUBLIC HEARING
PLANNED DEVELOPMENT
HOUSING
WAIALAE-NUI
EXOTICS HAWAII LTD.
(FILE #74/PDH-3)

Chairman Randall Kamiya declared a conflict of interest and disqualified himself from any deliberation on this matter because Mr. Kalfred Yee (developer) doing business as Exotics Hawaii Ltd. is a Commissioner on the Board of Agriculture who determines milk prices for Kamiya Dairy Inc.

A public hearing was held to consider a request for redesignation of approximately 9.1 acres of land at Waialae-Nui to Planned Development Housing under Article 10 of the Comprehensive Zoning Code, Tax Map Key: 3-5-24: 7.

Publication was made in the Sunday Star-Bulletin/Advertiser on April 6, 1975. Letters protesting the proposal have been received from community representatives.

Staff Planner Gerald Henniger presented the Director's report of the proposal. The applicant proposes condominium townhouse units in 13 buildings. The units will be staggered and stepped to conform with the slope of the hillside. Agency comments on the proposal indicate public services would be adequate. Parking will be prohibited by the Department of Transportation Services on the 20-foot wide Hiikala Place access road prior to issuance of a grading permit. An Environmental Impact Statement was submitted by the applicant describing anticipated effects of both the housing proposal and a proposal to landscape adjacent conservation lands. Proposed ordinance conditions have been addressed to impacts covered in the EIS.

It is recommended that the application be approved based on the conditions enumerated in the report.

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Questions of staff.

HOSAKA: In our report, it mentions that the Board of Land and Natural Resources denied the applicant's conservation use application. Could you briefly go over that and what the ramifications are of that denial?

HENNIGER: This being the subject site (referring to map displayed), the proposal here is all in R-4 and does not require an EIS. The area above the site is being leased to put the landscape back into the area. So, there had to be an EIS done for that particular proposal because it's in the conservation district which DLNR controls. So the application for landscaping which is shown on the landscape plan which is in a heavily landscaped area in a P-1 area was denied.

HOSAKA: Are you saying then it was just the goodness of the applicant perhaps to apply for such buffering or landscaping above this PD?

HENNIGER: I think perhaps because the applicant is in the landscape business, he's very much interested in landscaping. He owns the land. It would be an asset to the project to have the garden up there. Another reason for doing that was it would provide protection against brush fires which might occur in that abutting area.

HOSAKA: It had nothing to do with say a bonus effect.

HENNIGER: There's a pro and con, I think, to that. The cost of each unit in here would be $5,000 more. Whoever bought the unit would have to pay for it.

HOSAKA: I appreciate that. The word bonus, I used in the context of additional units, perhaps.

HENNIGER: No, there would be no additional units.

HOSAKA: The cost figures in the report for all the dwellings are approximately $10,000 more than those you just gave us. I realize building costs are going up and so forth. I can see a couple or $3,000 but we're talking about $10,000.

HENNIGER: I can explain how this happened and I'm sorry the information is not consistent. The application is now about a year or so old. The original prices have been somewhat increased. The applicant could clarify that.

(There were no further questions of staff.)

Public testimony followed.

Testimony in SUPPORT--

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1. Attorney Clinton Ching for Exotics Hawaii Ltd.

CHING: Exotics Hawaii Ltd. has received a copy of the Director's report and recommendation dated April 4, 1975. We've had an opportunity to review the report and the proposed ordinance. We are in accord with the recommendation of the Director of Land Utilization. Exotics Hawaii will comply with all of the standard PDH conditions contained in the proposed ordinance.

In summary, I'd like to emphasize what I believe to be the key findings of the Director. First of all, all application requirements have been met. Secondly, the site meets all the requirements for PDH. Thirdly, the agency comments on the proposal indicate public services would be adequate. Fourth, the proposal conforms with all applicable provisions of Section 21 of the CZC. Finally, although not required by law, an extensive Environmental Impact Statement was submitted by the applicant.

In conclusion, I urge approval of the Exotics Hawaii application, and would appreciate the opportunity to rebut any presentation that might be made today in opposition to the PDH request. Thank you.

Mr. Ching was questioned by the Commission.

CHOY: Would you clarify the unit cost.

CHING: We have here two officers of Exotics Hawaii, Kalfred Yee and Alfred Yee, and also Mr. John Web of Anbe Associates, and Ed Michaels of the Bishop Estate. I would ask Kalfred Yee to answer those questions.

KALFRED YEE: These original prices were stated over a year ago. You do know the cost of living has spired to roughly 18%-20%. I am also aware of the cost of housing adjoining the entire area. I believe those houses have gone up 20% to 30%.

CHOY: You're not answering my question. Specifically, what is the unit cost for that 18 units of 1,350 square feet? Is it $130,000 for those units?

YEE: Yes Sir.

CHOY: The next, 18 2-bedroom units of 1,270 square feet, is that presently listed at $128,000?

YEE: That's correct.

CHOY: Next item, 20 2-bedroom units of 1,450 square feet. Is that presently listed at $132,000?

YEE: Yes.

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CHOY: The last, 20 1-bedrooms of 690 square feet, that is presently listed at $90,000.

YEE: That's correct.

HOSAKA: In regard to the community's reaction and concerns, if you'd care to comment on any particular item and what you've done about it.

CHING: I think it's fair to say what has happened is the community association would prefer not to see a project of this nature in the valley. They have raised very legitimate concerns but these are the same concerns that accompany the development of any property. I think what's important here is that this land on the outset was zoned as urban residential for all purposes, both the State Land Use Commission as well as the City have had it so designated. The applicant merely seeks now to develop the land in accordance with the highest and best use.

A question was raised earlier as to landscaping. To some extent, there was a desire at that time to pioneer something and to do something slightly different. The idea was to create an Exotics Hawaii type garden in conjunction with the project. There's no question that such landscaping would enhance the project not only aesthetically, but also for practical consideration such as clearing some of the bees and destruction of the dry brush land. This would greatly assist in preventing brush fires. That in itself has some definite advantage to the townhouse development.

Maybe it would be best to address each of the items listed in the Director's report on pages 9 and 10. Is that what you had in mind?

HOSAKA: Yes, and those that probably will be raised by the community association.

CHING: I have to add that what might be very legitimate concerns, there is a certain degree of emotion that goes along with seeing a development in close proximity to your residence. Some of these have tended to overcome the rationale processes. For instance, on several occasions before the Land Use Commission as well as DLNR, map projections were thrown on the board which had no relation to what the project was. There were some astounding claims as to how much of this hillside would be covered. When you take a look at the projections that were shown on the board, you can get a better idea as to the height of these units, about the 200-foot level. I think that is comparable to the units on the other side. But, in no way will this development encompass the entire hillside as explained by the community association. In fact, they were so persuasive in their claim that the community association at the top of the hill got all concerned that we were going to creep right up and be looking right into their windows. Well, it just isn't so.

In addition to legitimate community concerns, there are some outstanding emotional concerns.

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Let me address myself to some listed here.

HOSAKA: Since these were expressed at the community meeting, let's get your responses to each one.

The community apparently was under the impression the site was only to be used for nursery. How would you respond to that?

CHING: They had based that statement upon the terms of the underlying lease but as you know, my neighbor is not necessarily the third party beneficiary of a lease I may have with my lessor. In this case, essentially the initial lease was for development of a nursery and there is a nursery there on one portion of the leased premises. Bishop Estate is here and they have gone on record before this body as well as all other public agencies stating that if this PDH is approved, they will amend the lease accordingly to provide for that which needs to be done to accomplish the PDH and to subsequently convey the various townhouses out. So, all I think may be said here is that the agreement between a landlord and his tenant is not such a thing that they are forever bound, that they may not at any future date amend it, and that all other parties in the world will hold them to their initial agreement. I think that is essentially what the community association position is, that we looked at your lease and it said you have to have a nursery there and you can't change it, you can't do anything else with it notwithstanding zoning or land use planning. They're saying it has to be a nursery, that's all. I think that's erroneous.

HOSAKA: I understand and appreciate what you're saying; however, there was a nursery and that was the understanding--

CHING: The nursery is still there, Sir.

HOSAKA: Yes but your property is supposed to be a nursery. That was the intended use of it at least in the original agreement. Is that correct?

CHING: The initial agreement indicates that there shall--

HOSAKA: However, it has been changed because of the proposal by your developer.

CHING: No, that's not so.

HOSAKA: I think I read you wrong then. I thought you said that the lease agreement with Bishop Estate is for a nursery right now for that subject parcel.

YEE: The original lease was for a nursery. Subsequently, the Land Use Commission redesignated the 15 acres into urban area. After I initiated my regional nursery, it was subsequently zoned urban.

HOSAKA: Prior to that, what was it zoned? Preservation? Agriculture?

CHING: I'm sorry. I don't recall what the original zoning was, but I think this happened in about June of 1972 when Bishop Estate amended the lease.

HOSAKA: So as the lease stands now, it is urban and it's zoned R-4. Is that what you're saying?

All I'm doing is questioning as if a public citizen would, okay? I just want some straight answers if you can give it to me. If not, then we can ask the department.

CHING: Well, I think what's important is that the Bishop Estate has gone on record and said that if this is approved, and they've indicated what kind of lease they'll give, that they would make whatever changes necessary to effectuate transfer of interest in the PDH.

CHAIRMAN: Why don't we have staff give the land use designations of this property and the dates they took place.

HENNIGER: The initial land use designations as far as zoning was in 1957--that's 12/14/57--was zoned in Class A-1 which is 7500 square feet and is comparable to the existing zoning we have now under R-4. So, the zoning designation change, the land use so far as zoning is concerned, did not change.

Then in 1964--8/23/64--the State Land Use urban conservation line was drawn which is the line I think Mr. Yee is referring to. The date of his lease I think is prior to that, 1961 as I recall.

Then, on 1/22/69, the area was rezoned R-4 and the preservation land above was zoned P-1.

So, we have three changes of zoning, the first two being the same.

CHING: Mr. Henniger, if I'm not mistaken, the 1964 designation was based upon the Land Use Law which prior to that had no such designation.

HENNIGER: That's correct.

CHING: At that time, they drew the line and they say this land will be in urban, that above it will be in conservation. That's what the line is. That was the governmental action taken. Prior to that date, there was no Land Use Law, there was no designation.

HOSAKA: Item number 2, they claim that drainage is a problem.

CHING: I think the report of the Department of Public Works is the complete answer to that, that drainage is not a problem. There is a huge drainage ditch that runs alongside of this project and it has been sufficiently sized to take care the entire valley including development of this parcel. There should be no problem.

HOSAKA: Okay fine. I just want reiteration from the developer. That's why I'm going point by point.

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Item number 3, streets are inadequate to handle the traffic.

CHING: Again I think the answer of the Department of Transportation Services answers that, that streets are adequate, that this entire valley was sized properly both with streets and facilities, and that there is no street problem, there is no traffic problem.

HOSAKA: Number 5, noise pollution would be generated by construction.

CHING: I think that is answered by the Environmental Impact Statement. I think the departments that have reviewed it are satisfied that sufficient control during construction can minimize the noise pollution problem. There will always be noise pollution as long as there is construction. The only question is whether or not reasonable steps can be taken to minimize that noise pollution. The developer has already stated he is willing to take all reasonable steps necessary. The departments have reviewed it and they are satisfied with the control measures that he has suggested.

HOSAKA: Item number 6, existing homes across the drainage channel would have their privacy invaded.

CHING: That's a very difficult kind of thing to fight. As I say, as long as you have a neighbor your privacy will be invaded. The question that should be asked is whether or not the land in this valley zoned R-4 should be developed, or whether or not you will leave properly designated lands properly zoned and go to other parts of the island seeking rezoning and reclassification in order to accommodate the housing needs of this central Oahu population.

HOSAKA: Not to belabor the point, items 7, 8 and 10 I can see answers for. How about number 9, the proposal would open the door for more development?

CHING: Well, I'm not sure what they're talking about because there is no other land in this valley that is properly zoned at this time. So, if they're saying that by virtue of this development other people will act to develop the conservation lands, that's something that none of us here can speculate on. If they're saying that other parcels properly zoned in this valley would then be developed, then I must ask which parcels they have in mind, or are they talking about other developments in the State of Hawaii somewhere, some place?

HOSAKA: Are you saying then there are no other lands in that valley for development?

CHING: As far as I know this is the last undeveloped parcel of residential land.

CHOY: Commissioner Hosaka bypassed item number 4, the high cost of units. You spoke of the need to help make up some of the drastic housing shortage. But, I can't get it clear in my mind where 76 units at the exorbitant prices you're asking for will even help alleviate some of the people that are really in need of housing. Can you justify that, please?

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CHING: I think the concept here--and again, I'm not a developer and I'm not well versed in the planning process but the concept that has been related to me as to this project is such that if you can take the elderly in the higher income bracket and move them out of the single family dwelling and put them into this type of pleasant surroundings that is not as large as taking care of the whole house and lot with the amenities and all of the built-in conveniences, then you will free all of those single-family dwellings for the younger couples that need the room for their children et cetera. That was the basic approach.

CHOY: If I read you correctly, your developer has the intention of using these units for the elderly retirees?

CHING: No.

CHOY: No? Will you please clarify that?

CHING: I'm sorry I can't find it in the report but the concept was though not necessarily--we're not talking about retirees. We are talking about those people who are still in the productive years and whose children are in college and they don't find a need to maintain a large home and yet they are far from being retirees.

CHOY: What is your projection on cost of maintenance on these townhouses? Certainly there's some form of cost projection to take care of the premises and the common areas.

CHING: Mr. Yee informs me that this projection was on the basis of $70 per unit per month. One of the problems we're facing is this process has taken longer than we had anticipated and some of the original cost projections such as landscaping and the grounds has been radically altered at this point.

CHOY: The project maintenance cost per month is $70 per month. Projected further say for 12 months, would $70 cost per month be maintained or will there be substantial increase?

CHING: That's a very difficult question to answer because I myself live in a highrise condo. Our maintenance cost is determined by the apartment owners association.

CHOY: Given a ballpark figure of the condominium you live in, how much has the maintenance cost escalated since you moved in?

CHING: It's almost tripled. Again, this is something none of us had anticipated. I don't think any of us hope to see that kind of increase over the years but this is something that's beyond the control of the unit.

WIKUM: Mr. Yee, you now own the nursery on site so you're familiar with the valley.

YEE: That's correct.

WIKUM: How would you estimate the average resale value of a single-family dwelling in the valley?

YEE: I know homes in the valley are selling for $135,000 up to $190,000, and that's 15 and 18 years old.

WIKUM: Referring to your statement, item (e) although not required by law, an extensive Environmental Impact Statement was submitted by the applicant. Now, on page 11 of the report, a letter was received from the City Council on August 7, 1974 requesting that the equivalent of an environmental impact statement, not an extensive one but the equivalent of one, must be submitted by the applicant and studied by the Department of Land Utilization prior to making any recommendation. The extensive environmental impact statement mentioned by you in letter (e), was that in response to this request by the City Council?

CHING: Yes, it was in response to the request by City Council. At the time the City Council made the request, a portion of our application involved that--

WIKUM: Preservation land, I understand that.

CHING: DLNR required an environmental impact. So at the time, that portion of the project did require--

WIKUM: I understand.

CHING: That we submit to the Council and at the same time we submit it to DLNR which we did do.

WIKUM: I guess I'm puzzled by the wording, although not required by law. A request by the City Council is not a law--of course it isn't.

CHING: I guess what I'm really saying is--and I think you'll find the expression also on page 12-13 of this particular submittal. But, if we take the project that is presently before the Commission now, there is no legal requirement for an environmental impact statement. I suppose if the Commission said notwithstanding that lack of legal requirement we're going to request that you do it, we will do it. To that extent, it would be as binding upon us as if it were in law. But, I'm saying as a matter of law there is no requirement for an environmental impact statement after this project.

YEE: On this slope business, the Land Use Commission checked our slope. When they found that 18.4%, they agreed and approved retention of this particular land for R-4 zoning. In the beginning when we submitted this project, the boundary between the urban zone and the conservation zone was set at a slightly higher location. The Land Use Commission subsequently lowered one end of the boundary. As a result, our slope has been more favorable. In the beginning, the slope for that lot was 22% and now it's down to 18.4%.

CHOY: How solid and how sound will a townhouse be built on a very rocky hillside?

YEE: Actually it's extremely sound because on a rocky hillside you don't have a slide problem where you have unstable dirt. It's actually more expensive for us mainly because we have to cut through rock but once it's done and we set the house on good solid rock foundation, we don't have any sediment problem and we don't have a slide problem in the future.

However, the landscaping we will have to introduce a lot of top soil to provide the necessary landscaping.

CHOY: If I understand you correctly, that whole hillside the subject parcel that's on rock, is completely solid.

YEE: I wouldn't say completely solid. For example, the two houses we built, we encountered what we call a mud rock which is easy enough to cut and very stable.

CHOY: In your dirt fill for landscaping, wouldn't the foundation being rock, there would be a tremendous runoff of your top soil?

YEE: No mainly because in grading we will be sure to bench the rock so that it will hold the top soil in place.

(There were no further questions by the Commission.)

2. Mr. E.M. Michael of Kamehameha Schools representing Bishop Estate, owners of the subject property.

   Mr. Michael indicated their support of the project and gave additional information as to the annual leasehold rental which will run for 30 years--$420 per unit for the first 15 years, increased to $630 per unit for the remaining period.

Testimony AGAINST--

1. Mr. Tom Nekota, President, Waialae Nui Valley Community Assn. (Submitted testimony dated April 16, 1975 with attachments, and Petition dated June 1974 containing 226 signatures)
2. Letter dated April 16, 1975 from Senator Fred W. Rohlfing
3. Letter dated March 31, 1975 to Mr. Eddie Tangen, Chairman, State Land Use Commission from Mr. Tom Nekota, President, Waialae Nui Valley Community Association, and Representative Steve Cobb, Vice-President, Waialae Nui Community Association
4. Letter dated October 11, 1974 to Land Use Commission from Senator Donald S. Nishimura
5. Representative Steve Cobb, Vice President, Waialae Nui Valley Community Association (Submitted testimony dated April 16, 1975)
6. Mr. Jack Larsen, adjoining resident

OBJECTIONS:

1. Increased density of the proposed development will create an

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adverse impact on existing single-family life-style of residents within the valley.

2. Residents were informed at the time they bought their homes that the hillside was intended to be for nursery use and that it was to be maintained as part of a plant nursery.

3. Streets are inadequate to handle traffic. Hiikala Place, a 19-foot wide roadway presently serves only 10 single-family residential units. Based on the density comparison provided in the application report, traffic over this 19-foot wide roadway will increase by 660%.

4. Of significant concern is the proposed banning of parking deep within the heart of a residential subdivision only to accommodate a higher density type of development.

5. The very basic planning concept is to keep high density developments in very close proximity of major arteries and conversely low density developments, i.e., single-family residential development on secondary and feeder routes. The application proposes to transform a 19-foot wide feeder route into a primary artery only to accommodate a higher density development.

6. No alternate routes have been considered nor the widening of Hiikala Place to 24 feet which is the width of roadway for the PDH.

7. The statement that a roadway from Hoakoa Place is unfeasible.

8. It is our understanding that the City uses a slope of 20% as a guide to differentiate between land that is developable and land that is not. Only 19% of the total parcel area is 20% slope or less.

9. The PDH will create a density increase of 90%, almost double over that permitted by present R-4 zoning. This could be construed as cramming two R-4 zoned subdivisions into one.

10. Increased flooding and runoff will occur.

11. The proposal opens the door for further development.

12. Overload on public facilities in the area--parks and schools.

13. Despoilation of the natural hillside.

14. High cost of the units are far beyond the medium and low-priced housing market needs.

15. The site should be rezoned to preservation.

16. The statement that single-family dwellings generate more runoff is questionable. A PD has more developed surface area where more runoff would occur.

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The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

ATTORNEY CLINTON CHING: Mr. Chairman, may I just clarify for my purposes. Am I correct that the Chair has ruled that I may not ...

CHAIRMAN: This is a public hearing, Sir, and not a debate. You had your chance to put all of the input. We gave you plenty of time.

CHING: No, I'm asking for the Chairman's ruling on this. I'm not trying to be--

CHAIRMAN: Well, the ruling is that no, you cannot comment now regarding their testimony.

CHING: Even if that which has been stated may not have any basis and fact?

CHAIRMAN: I believe the commissioners are pretty wise in what they hear, and I believe that they will take in consideration anything that was not actually factual.

CHING: May I ask for another ruling.

There has been shown to the Commission several exhibits. I'm asking whether or not those exhibits may not be formally submitted to the Commission so that they be an official part of the record.

CHAIRMAN: To the best of my knowledge, are you referring to the area photos that were passed around?

CHING: There have been a number of documents, and this has happened in prior public hearing, where documents are referred to and then they never become a part of the record and yet they are constant references to things that were shown to the Commission, and there's always question as to what in fact was shown to the Commission. What I would like to ask the Chairman is to require that all those documents that were shown be made an official part of this record.

CHAIRMAN: I see no objection to that.

CHING: Thank you.

CHAIRMAN: And you may have access to anything that is an official part of this record.

TOM NEKOTA: I would like to make one comment regarding the exhibits, if we could submit it at a later date because these are the originals that we have. We do not have extra copies. We would run the copies and submit it to the Commission.

CHAIRMAN: I see no objection to that. If you will give it to our Executive Secretary, he will see that it is made a part of the record. You gentleman can see them anytime that you desire to.

PUBLIC HEARING
ZONING CHANGE
B-2 COMMUNITY BUSINESS
TO A-4 APARTMENT
MOILIILI
HAUSTEN GARDENS
ASSOCIATES
(FILE #74/Z-18)

A public hearing was held to consider a request for a change in zoning from B-2 Community Business to A-4 Apartment and construction of a 9-story building for low to low-medium income range on approximately 14,400 square feet of land located in Moiliili, Tax Map Key: 2-7-09: 16.

Publication was made in the Sunday Star-Bulletin/Advertiser on April 6, 1975. No letters of protest were received.

Mr. Robert Jones presented the Director's report. Forty-eight units containing 578± square feet each are intended for small families, couples or singles in the low to low-medium income range.

Comments from governmental agencies are favorable. However, the Department of Transportation Services indicates that due to the changing character of the area, improvements to Hausten Street should be done as soon as possible. Hausten Street will be upgraded by an improvement district program (CIP 1975-1980). The Honolulu Police Department indicated its concern for increasing traffic particularly at the intersections of King and Hausten and Date and Hausten Streets.

It is the Director's recommendation that the request be approved.

Public testimony followed.

Testimony in SUPPORT--

Mr. George Kam represented the applicant and offered to respond to any questions the Commission might have. There were no questions from the Commission.

Testimony AGAINST--

Mr. Francis Akamine, VISTA worker assigned to the Three M Community Council, a non-profit community organization which serves as the clearing house for neighborhood community associations, agencies, and residents of lower Manoa, McCully, and Moiliili.

OBJECTIONS--

1. Impact generated by the proposal on existing street conditions due to narrow street width, inadequate on- and off-street parking, and heavy commercial traffic (buses and cars coming

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to or from The Willows), will be worsened. Adequate visitor parking should be provided on site.

2. There are 12 Hausten Street landowners whose frontage has been designated for rights-of-way but has never been acquired although rights-of-way have been acquired from all other property owners. Inequitably, these property owners are being forced to pay property taxes on land they cannot use.

3. Timing of the street widening project is slated for sometime after 1980. Consideration should be given as to whether this is an appropriate time to recommend approval of the zoning change.

4. The fact that the surrounding land use and zoning designations are A-4 High Density Apartment is irrelevant. They do not correspond to the actual and probable Hausten Street land uses and should not be used as a criteria for recommending approval of the zone change. Due to existing land use patterns, existing structures, and existing property size and ownership characteristics, most Hausten Street properties are undevelopable except as low-rise, low-density walk-up apartments.

5. The 3MCouncil is not against development of Hausten Street but rather when development does occur, it actually improve the quality of Hausten Street life rather than create additional problems.

6. They are not confident that the parking and traffic problem has been fully appreciated and addressed. Even with proposed street widening, existing on- and off-street parking problems will increase.

The public hearing was closed, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Hosaka, seconded by Dr. Choy.

Discussion followed.

Mrs. Takehara indicated her disagreement with the motion because she preferred "to see the CIP program in effect first to see that this area can be improved for better facilities for the residents, and then plan for what would be suitable for this parcel, rather than accentuate the parking and traffic problem."

Mr. Hosaka commented on the extent and magnitude of parking and traffic problems which would result by development under B-2 Community Business zoning. Further, the proposal is geared to the low-income group and would alleviate some of the existing housing problem for that group.

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The motion carried.

AYES - Choy, Duke, Hosaka, Kamiya, Wikum
NAYES - Takehara
ABSENT - Kahawaiolaa

PUBLIC HEARING
STATE SUP/CUP
(PRIVATE SANITARY
LANDFILL)
WAIPIO
OCEANIC PROPERTIES, INC.
(FILE #74/SUP-12 &
#74/CUP-29)

A public hearing was held to consider a request for a State Special Use Permit and Conditional Use Permit for Private Sanitary Landfill on approximately 9.5± acres of land located in Waipio, Tax Map Key: 9-5-03: portion of 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on April 6, 1975. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report of the proposal. The applicant indicates that an existing landfill site is nearing its capacity shortly. Since there is a continuing need for such operations, the establishment of a satisfactory substitute location is not only necessary but essential to the operations of Castle and Cooke, Inc., primarily Dole Company and Mililani Town, Inc. All land in the area is currently being used for agricultural purposes. The site is not suitable for agricultural use in its present condition. Hours of operation will be restricted to 8:00 a.m. to 4:00 p.m., Monday through Friday. Access to and from the site will be controlled by fences and gates will be kept locked when an attendant is not on duty. Approximately 10-12 loads per day will be dumped daily. Noise, dust and odor will be controlled through provision of Chapter 46 of the Public Health Regulations relating to Solid Waste Management. Review by governmental agencies indicate no objection to the proposal.

It is the Director's recommendation that the request be granted.

Questions were raised by the Commission.

TAKEHARA: Lorrie, in this report from OEQC (Office of Environmental Quality Control) number 3 states that it recommends provisions be made for groundcover or landscaping during and after operations. As certain sections are being filled, they recommend a groundcover to prevent runoff. Is this taken cared of in the conditions?

CHEE: The site plans do not indicate any provisions for landscaping and groundcover; however, this would be under the jurisdiction of the Department of Health which the applicant has to get another permit for the sanitary landfill.

TAKEHARA: The concern too was the fact that there would be runoff because part of this landfill is in a gully.

CHEE: That is correct. They're proposing diversion ditches. This also will be removed as a technical aspect under the health regulations.

DUKE: If the Planning Commission is the agency that has the authority to approve or disapprove the SUP, it appears to me it should be the same agency that would do something with the permit if something happens to it. For instance on page 21 of the report, condition number 6, on the SUP what does the Director of the Department of Health have to do with the SUP?

CHEE: The SUP is separate from the permit that is required by the Department of Health. The department's review of concurrent requests for CUP and SUP has been on this bases--that the recommendation for review of certain minor modifications, or in this case say a transfer, we felt in the interest of expediency that the Director of Land Utilization and the Department of Health who is the technical reviewing agency could make this recommendation to allow a transfer or approve a minor modification, rather than having the applicant go through Planning Commission and the Land Use Commission for something like that. There are three different kinds of permits that are involved in a sanitary landfill--a CUP which is final disposition by the City Council, the SUP which is final disposition by the State Land Use Commission, and another separate permit issued by the Department of Health.

DUKE: I understand. My whole point is I believe we should undoubtedly have corporation counsel's opinion on whether or not other agencies can truly do something with an SUP besides the Planning Commission. I don't believe they can. In several instances here you refer the SUP to the Department of Land Utilization, to the Department of Health, whereby they're going to have decisions to make on the SUP. Therefore, I think you are a little bit off base as to what you can do with the SUP.

CONNELL: Mr. Chairman, I believe the Commission can modify the conditions so that they come in line with the SLUC (State Land Use Commission) regulations which outline what the Planning Commission should do in relationship to an SUP. Condition 3 could be modified where the City Council indicated in this report, these permits may upon their expiration, be renewed by the City Council, I believe under the SLUC regulations, renewal is not a City Council prerogative. I would therefore suggest that this might be changed to simply cover the CUP which the City Council can renew, and a subsequent sentence be added to that condition which would indicate that the SUP would be renewed upon the renewal of the CUP by the City Council. That would be one suggestion.

In condition 5 where it says if necessary this time limit--the time limit in terms of establishing the use--may be extended by the Director of Land Utilization subject to the State Land Use Commission approval, I believe that the regulations of the State Land Use Commission indicates that an extension of the time limit is to be approved by the Planning Commission. I would recommend

therefore that this condition be changed to state that the time limit may be extended by the Director of Land Utilization, subject to the State Land Use Commission and Planning Commission approval. I believe those are the two major condition areas which should be modified. In terms of minor modification, I believe this Commission could certainly ask the Director of Land Utilization to tend to minor modifications.

DUKE: I see nothing wrong with the application if those suggestions made by the Executive Secretary are made a part of the conditions. Do you think the Director of Land Utilization would object to those modifications?

CHEE: The recommendation is as submitted to the Planning Commission. It would be your prerogative to make these amendments or these modifications to the Director's recommendation.

DUKE: Since we're just in discussion now, when it comes time for action, I will so state.

CHEE: I understand there is a request, the Commission has a copy, that has asked for a minor amendment of one of the conditions, not so much the conditions but the applicant in his specifications had said that he would be constructing a fence around the entire sanitary landfill site. However, in reviewing it with the Department of Health, and Health has agreed to this amendment, they wish to provide--access to the facility shall be controlled in the form of fences and gates that shall be kept locked when an attendant is not on duty rather than fencing the entire landfill site. The Director of Land Utilization is in concurrence with this amendment.

(There were no further questions of staff.)

Public testimony followed.

Testimony FOR--

Mr. Gene Ferguson of Mililani Town, representing Oceanic Properties, acknowledged receipt of the Director's report and agreed to comply with all conditions contained therein.

Testimony AGAINST--

None

The public hearing was closed, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

The matter was deferred for a statutory period of 15 days.

PUBLIC HEARING
ZONING CHANGE
R-6 RESIDENTIAL TO
B-2 COMMUNITY BUSINESS
WAIMALU
HERBERT K. HORITA
REALTY, INC.
(FILE #74/Z-55)

A public hearing was held to consider a request for a change in zoning from R-6 Residential to B-2 Community Business on approximately 5.9+ acres of land located in Waimalu, Tax Map Keys: 9-8-08: portion of 3 and 9-8-20: 1.

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Publication was made in the Sunday Star-Bulletin/Advertiser on April 6, 1975. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report of the request. The applicant has submitted conceptual drawings indicating three-story commercial structures with parking and landscaping on the periphery of the parcel. Thus far, the applicant indicates that inquiries from prospective tenants include such uses as medical office and clinic, professional offices, retail garden shop, drive-in restaurants, a sit-down restaurant, and a service station. Public agencies reviewing the request indicate no objection to the proposed rezoning.

At the public information meeting, residents expressed their concerns on increased traffic problems and the height and setback proposal of the structures. The residents appeared to be satisfied when informed that the applicant's proposal for 3-story structures, approximately 40 feet high and minimum setbacks of 25 feet and 100 feet could be assured through conditional zoning.

It is the Director's recommendation that the request be granted. Further, that conditional zoning be applied to insure compliance for adequate buffering and the visual impact of the proposed commercial use to neighboring uses. This has been resolved by proposed additional yard setbacks and a maximum 40-foot height limitation set by the applicant.

Public testimony followed.

Testimony in SUPPORT--

Mr. Tosh Hosoda represented the applicant. The close proximity of the proposed neighborhood shopping center to the Pearl Ridge Shopping Center was questioned. Mr. Hosoda pointed out that Pearl Ridge is a regional shopping center whereas their project would mainly service the immediate surrounding neighborhood. Some shops within this development include Safeway Supermarket, Pay Less Store, a hardware store, a barber shop, and a beauty salon.

Testimony AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the request, on motion by Mrs. Takehara, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

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PUBLIC HEARING
TWO STATE SPECIAL USE PERMITS--
(1) PRIVATE SEWAGE TREATMENT & DISPOSAL SYSTEM
(2) PROPOSED WATER SYSTEM
KAHUKU
GROSVENOR-INTERNATIONAL (HAWAII) LTD.
(FILE #74/SUP-14 & #75/SUP-2)

A public hearing was held to consider a request to construct and operate a private sewage treatment and disposal facility and to construct a water system within an agricultural district on approximately 404 acres of land located in Kahuku, Tax Map Key: 5-6-06: 6.

Publication was made in the Sunday Star-Bulletin/Advertiser on April 6, 1975. A letter received from the Kaaawa Community Association dated April 15, 1975 states in part: "...we feel a delay on this project is in order until we have more information to know the effects on our shore line protection."

Mr. Robert Jones presented the Director's report of the request. The applicant has applied for two Special Use Permits to enable them to (1) construct and operate a private sewage treatment system, and (2) construct a water system which will service their proposed Malaekahana Development which will contain approximately 499 units of a second home leisure type, recreation-oriented community. Mini-ranch type lots ranging in size between two to ten acres are also proposed.

The sewerage system proposed consists of collection, treatment, and disposal facilities. Provisions for eventual integration with the future municipal sewerage system will be included in this system. Presently, the homes in this vicinity utilize cesspools for their sewage disposal. The water system proposed consists of source, storage and distribution facilities. It is anticipated that this system, initially restricted to the development, will eventually be expanded and incorporated as an integral part of the future regional municipal water system.

Review of the proposals has revealed no major anticipated adverse effects or incompatibility with existing uses and other uses normally permitted within the agricultural districts. It is recommended that the applications be approved, subject to the conditions contained in the Director's report.

Questions were raised by the Commission.

DUKE: Is it a general practice to use agricultural land to assist you in developing urban area?

JONES: I can't answer whether that is a general practice and I can't name a specific example where that does occur. I do know in locating the ponds in this particular case, it was done in conjunction with the State Department of Health and the Board of Water Supply in finding a location that would not interfere with the water supply or contaminating Malaekahana Bay or adjacent waters. This particular location which does happen to be in the agricultural district was selected best to provide facilities for

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that section. It does happen to be an area that is low and not a good parcel for a specific agricultural use.

DUKE: Was a good survey made to put the facility on his own property rather than to use outside property so that he could utilize 100% of his urban property?

JONES: I had asked that question about surveying--if sites had been looked at that would best suit this, and this was the location he said that met the criteria best for locating it. I would assume he did investigate locating it on his property.

(There were no further questions of staff.)

Public testimony followed.

Testimony in SUPPORT--

1. Mr. Ralph Hayward, President, Grosvenor-International (Hawaii) Ltd.

   Mr. Hayward acknowledged receipt of a copy of the Director's report and agreed with the conditions as set forth. He was questioned by the Commission.

CHOY: Would you clarify your intent and purpose concerning the mini ranch?

HAYWARD: This is an area of approximately 300 acres which we presently have in mind to subdivide to a total of approximately 60 lots which will be ranging in size between 2 and 10 acres. Our intention is to market these toward the equestrian oriented members of the community. This area is a second-home area and the interest of equestrian activity is very high. We feel there is substantial demand for this type of use.

CHOY: Am I correct in assuming that the intended purposes of these 2 to 10 lots will afford the owners 4-H privileges, in other words livestock would be permitted on the premises?

HAYWARD: Horses as opposed to cattle and pigs et cetera.

CHOY: Then what type of land designation has your organization projected for this area? Will it remain in agriculture?

HAYWARD: It will be developed under the present zoning which is AG-1.

CHOY: Realizing the cost of land, will this be a leasehold basis or fee simple?

HAYWARD: Be on leasehold.

CHOY: You have any cost on this, the acquisition of a 2-acre ranch?

HAYWARD: We have no projection at this stage.

WIKUM: The application before us today is for facilities designed to support all the yellow and all the green (referring to map displayed)?

HAYWARD: That is correct.

DUKE: I read over the informational sheet that DLU presented us with and I have read memorandums from the Chief Planning Officer. Yet, I have to get it straight in my mind how you can state that you're going to develop this under AG-1 but in reality I don't think it's going to be viable for true agriculture area. Do you really think it is?

HAYWARD: For the type of uses which we have in mind, I think it is. As I said earlier, we would be looking more for the equestrian oriented members of the community and they would require pasture areas to keep their horses. I believe what we are proposing is acceptable under the present conditions for AG-1 area.

DUKE: There may be good question as to whether that's true or not. In essence you are more or less going to establish an estate there?

HAYWARD: That's correct.

DUKE: On agricultural land. I see no objection to that except it appears to me like you're going about it backwards. You're going to make it more or less an estate but it's going to be urban, not agriculture.

HAYWARD: Well, I think a 10-acre parcel is substantial an estate--

DUKE: I'm sure it is if it were used for agriculture.

HAYWARD: We're looking at a total of 60 units over a total of 300 acres. My own feeling is this still retains very substantially the agricultural environment.

DUKE: I believe we're probably going to have to get an opinion from corporation counsel on whether or not you would qualify to do this on agricultural land.

HAYWARD: Our application this afternoon--

DUKE: I appreciate that but it also brings out what you intend to do with the SUP you're applying for.

HAYWARD: This is just part of our overall development plan. The principal areas of development will be on the other side of the highway where the larger percentage of the units will be developed.

DUKE: The STP and the other facilities that you desire to

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locate in the ag. area, have you ever considered developing the area without going into ag. land?

HAYWARD: We are largely dependent upon the advice of our engineers in this respect. They have researched the area with the various departments and have come up with this area to be most successful for disposal of the sewage effluent. As far as the water is concerned, it is essentially the only area where we can establish the water system that would comply with the standards set by the Board of Water Supply.

DUKE: To your knowledge when this was ag. land, you're not really growing any crops there now are you?

HAYWARD: The land is presently used as grazing land for cattle.

DUKE: Even before the mill closed you had sugar cane there?

HAYWARD: Oh yes.

DUKE: The 7 acres where you propose to put in your STP, was that productive acreage or was it not?

HAYWARD: I think it was. As I stated earlier, this is subject to flooding and perhaps is not prosperous as good ag land.

DUKE: Concerning the flooding, this is quite removed from the residential area down on the beach.

HAYWARD: That's true.

DUKE: What's the difference in elevation if you recall?

HAYWARD: I'm afraid I can't give you a specific answer.

DUKE: One way or another you're going to have to do a lot of pumping, obviously.

HAYWARD: That is correct. The STP we have envisions a pump at the highway pumping the sewage effluent up to the oxidation pond. It will be a force main.

DUKE: You also plan to turn the STP, particularly the water supply, over to the city, is that true?

HAYWARD: The STP would be retained as a private system. We are developing the water system to the standards required by the Board of Water Supply. At this time, we haven't finalized any agreement regarding turning over the system to them but it is in all probability that this is what will happen.

DUKE: Question of staff. Was that not true that in the proposal it stated the intention was to do certain things?

JONES: The STP will be privately operated. At such time when the municipal one comes into operation, then the applicant will tie into the public sewer and remove the oxidation pond that he is using now. The maintenance of it, building of it, will be done by the applicant. Until such time as the public system is in, then he will abandon this system.

DUKE: Would you expound on the water system?

JONES: The water will be privately built but as I understand, it will be turned over to the Board of Water Supply. It will not remain in private operation. It will be built to their standards.

DUKE: Question of the secretary. If the STP being in ag. land and was ultimately going to be operated by the city, then it would have to be rezoned because the city couldn't use an SUP forever and ever could it?

CONNELL: The Department of General Planning feels that facilities of this type should be recognized on the general plan with suitable designation; i.e. a public facility, that in a sense it depends upon which attorney you talk to whether the general plan controls or whether the underlying zoning controls. It is the position of the Department of General Planning as indicated before that the general plan would need to be changed and indicate a public facility.

DUKE: If the general plan would then have to be changed, what is the feeling then on horse farms out there? Does that qualify for ag. use or do you think they'd have to have a general plan change to qualify that type of operation? I'd just like to save this man some time, not to embarrass him, just want to get some facts.

CONNELL: The Department of General Planning at this point has not taken a position regarding mini ranches though questions have been raised by the Department of General Planning to the Department of Land Utilization regarding the use. I believe some of the issue would be the purpose and intent of the general plan for an agricultural district and to what extent the present permitted uses within AG-1 is totally representative of the purpose and intent of the general plan.

As I read the legislative intent of an AG-1 district, the purpose of a restricted agricultural district is to protect and preserve agricultural land for the performance of agricultural functions and to encourage concentration of such uses in areas where potential friction with urban uses will be minimized. I believe we are in an area that is going to need a certain amount of interpretation.

DUKE: The question on the floor today is we're not going to decide whether a mini ranch is good or bad, but I thought possibly if the STP and water systems were put in with the expectation of

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using an additional 400 or 500 acres that might not come to be, then maybe we're getting into areas that are considerably larger than necessary.

CONNELL: You mentioned the fact you read the report and conditions from the Department of Land Utilization and agreed to them. I don't think the Planning Commission agrees to the conditions for these reasons, the State Land Use Regulations indicate that county planning commissions shall establish among other conditions, a reasonable time limit suited to establishing the particular use. "Establishing particular use" goes a little further than getting a building permit. It means establishing that particular use. Therefore, I need to ask the question, how are you going to phase in the STP?

HAYWARD: We plan to start construction of the facility in approximately October of this year. The first phase would be sufficient for phases 1 and 2 of the development which are located on the makai side of the highway. As phase 3 is developed, the 2nd phase of the oxidation pond--I believe it's required to satisfy the demand for effluent disposal.

The water system itself would be developed initially with a 500 gallon reservoir and ultimately we would build a one-million gallon reservoir, if this is required by the board.

CONNELL: When you say ultimately, what kind of time are we talking about?

HAYWARD: This would be developed in conjunction, if necessary, with phase 6 which is development of the mini ranch.

CONNELL: Inasmuch as we have to, in terms of the SUP tie down some definite dates, it would seem to be that perhaps certain portions of the STP and water system should come in at a later date for an additional SUP, that the Commission should concern itself with those parts of the two systems which are to be built within a reasonable period of time. Otherwise, we are simply giving a Carte Blanche special permit.

HAYWARD: We anticipate commencing development of the phase 3 portion during the early part of next year. This would require to start moving ahead with the 2nd phase of the oxidation pond at that time. Essentially the majority of the sewage disposal system and the water system would be developed within a reasonable period.

CONNELL: The first pond will only take care of phases 1 and 2?

HAYWARD: Phases 1 and 2.

CONNELL: And the second pond would take care of areas 3 and 4?

HAYWARD: That is correct.

CONNELL: 5 and 6 would be taken cared of how?

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HAYWARD: We have our engineer here and he could respond to technical questions.

DUKE: Now's a good time to clarify 5. What's necessary to get number 5 going? He can develop it because it's on the general plan even though the state designation is not compatible with that?

CONNELL: If it's going to have an urban development, it would require a redesignation by the State Land Use Commission. It would require proper redesignation in terms of zoning.

DUKE: Therefore, 5 at this moment is in limbo whether you can use it or not use it.

CONNELL: It's in an agricultural limbo.

DUKE: You say you're going to start 1 and 2 in October, and 3 and 4 going by early next year. That's pretty quick isn't it?

HAYWARD: I didn't say 4.

DUKE: Well, 3 even.

HAYWARD: Our plan is to move ahead with construction of phase 1 in October. Then, during the early course of next year moved ahead with phases 2 and 3.

DUKE: How many units you plan in phase 1?

HAYWARD: The first phase is 129 units, the second phase is 112, and the third phase I think is 73.

DUKE: You understand about phase 5?

HAYWARD: Oh certainly, Sir, yes. Our overall plan includes phases 5 and 6. As I said earlier, the majority of the development is comprised in phases 1 through 4. I think it's nearly 70% of the total number. This is the area where we would be putting our main thrust.

DUKE: It still appears to me we're getting the cart before the horse on this on the whole development because at what time you require additional facilities is unknown right now.

HAYWARD: As far as phases 1 through 4, we know exactly what our requirements are. As far as the STP is concerned, it's my understanding that in order to develop phases 1, 2 and 3, we would require the development of the second oxidation pond which will in fact have a capability of providing adequate sewage disposal facilities for the remaining phases which have far fewer units in them than the first three phases. Similarly for the water. We are in discussion with the Board of Water Supply concerning the reservoir. We feel development of a 500-gallon reservoir would be sufficient

for the whole development. It is required for phase 1 to establish a certain fire flow requirement. It, in fact, has the capability of supplying water for a considerable number of units in excess of phases 1, 2 and 3.

DUKE: I don't know whether this is a precedent or not. Do we use agricultural land to help you develop your urban land? That's the question in my mind.

CONNELL: Under the CZC it was considered as a conditional use. Under the SLUC regulations on agriculture, under primary uses sewage treatment plants are specifically denied. They create a variance route via the special permit.

DUKE: Generally speaking on very valuable beach property, is it a rule where possible to locate the STP away from the beach property in agricultural land?

CONNELL: I would suspect putting aside some of the environmental considerations, it would be much better to an STP on cheaper agricultural property than expensive residential beach property.

DUKE: Well from the economics of it, naturally. But, do we ordinarily do this or have we done it?

CONNELL: I would have to defer to the STP experts in the Department of Land Utilization.

JONES: The only two that come to mind are the ones at Kuilima. They have an oxidation pond. I'm not sure whether that's in the urban area right on the boundary or whether it's in the agricultural district. The other would be Makaha and I'm not sure whether that's in agriculture or not.

CONNELL: I think the best answer to your question is it is allowed under CZC. The question in terms of the SUP is whether or not an STP or the water facility meets the test criteria of the Land Use Commission in the estimation of land use. If it meets the test criteria, then you can go ahead and grant a special permit.

I would like to tie down the time for the specific part of the permit. We're going to have to have some dates. The one I have in terms of the STP is you contemplate beginning construction in October 1975 with total completion of both ponds and the full system in operation by then.

HAYWARD: The system would be timed to be operational when the first phase is complete which is scheduled for the end of next year, approximately October or November of next year. The second phase of the sewage system would be complete at a time after that. I would envision it would be under construction before the first phase is complete.

CONNELL: What I assume from that is it takes one year to complete the first phase and you begin with reasonable time after-

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wards, say November or December 1976, that we might say on this permit that it would run until December 1977?

HAYWARD: I think that would be reasonable.

CONNELL: What about the water system?

HAYWARD: Similarly.

CHOY: It's not clear in my mind about the mini ranch. Will you have any restricted covenants in your lease to the mini ranches?

HAYWARD: It is our intention presently that we would have certain restrictive covenants but at this time we haven't worked anything out.

CHOY: Mr. Secretary, can a developer such as in this case proposing a mini ranch in AG-1 designation, place any restrictive covenant in his lease prohibiting the lessee restricted agricultural activities?

CONNELL: The ruling has been that the landowner may lease and put in restrictive covenants, whether they may relate to the CZC or not, they are ones which have enforcement by the landowner and not one that would be enforceable by the city.

CHOY: Being the mini ranch is in AG-1 designation and assuming the owner of a 10-acre parcel decides to convert his parcel into a chicken farm, it's AG-1, wouldn't he be within his rights to start a chicken farm?

CONNELL: I will defer on your question, Dr. Choy. It is more properly a question that should be addressed to a lawyer.

CHOY: I'm a little afraid, Mr. Hayward, this 300 acres may be a piggyback into possibly a high density development.

HAYWARD: That is not our intention.

CHOY: I know it's not your intention but things could develop to the extent that it may be, and because my question cannot be answered at the present time. It's conceivable in my mind that you may have a contingency plan for this 300 acres which bothers me at the present time.

HAYWARD: The requirements to construct a further one million gallon reservoir as part of the second stage of development of utilities for this overall project is essentially dictated by the total maximum permissible number of units that could be developed on the 300-acre parcel situated mauka of the highway. The Board of Water Supply has taken the position that technically under the CZC this could be developed for a total of approximately 300 units, i.e. one units per acre, which would mean we would have to construct an extra one million gallon reservoir to satisfy this. We are

presently in discussion with the Board of Water Supply whereby we would agree to make a restriction on the whole of this land so that we would in fact restrict the number of lots to be developed on this 300-acre parcel, so that we would in fact not have to develop a further one-million gallon reservoir. We do not wish to develop this to the maximum permissible density which is 300 units. We are prepared to agree with the Board of Water Supply that we will comply legally with a restriction below this number.

CHOY: You still didn't answer my question. If it was not economically feasible for your company to develop area number 6 (referring to map displayed) into a mini ranch, would you be satisfied not to expand your development to a higher density designation?

HAYWARD: We do not contemplate that and do not wish to do that.

CHOY: I wish I could be reassured of that.

CONNELL: Upon completion of the city's sewerage system, what happens to the ponds?

HAYWARD: I think we have to dispose of them.

CONNELL: That would be an acceptable condition to you?

HAYWARD: Yes it would.

CHAIRMAN: I myself too am rather disturbed about this mini ranch concept. Have you ever considered rather than breaking it up into parcels of 2 to 10 acres, what would be the possibility of having say 30 houses on 10 acre parcels, and having those 10 acres open to all types of farming rather than just horses, like dirt farming? The reason I'm asking is it was also stated in the staff report there is an excellent potential for recycling waste water for pasture or irrigational use. This becomes twofold.

HAYWARD: This is something we have considered. At this time we haven't developed our plan at all for phase 6. We have considered a number of alternatives. We haven't finalized on really any one in particular. This is a concept that is enclosed in our report. It is one we intend to favor but we haven't at this time finalized our plans for this area at all.

CHAIRMAN: I imagine then if you were to enter into such a concept your sewage system possibly would be smaller?

HAYWARD: The total number of units would probably be the same. We would be looking to that type of number of units. Therefore, the total sewage disposal requirements would be of similar size.

CHAIRMAN: Because even on your concept of 2 to 10 acres, I also wonder in line with Commissioner Choy, rather than chicken farming what would prevent the owner of the 10-acre parcel from dividing it up into 2 acres and get 5 units additionally rather than one?

HAYWARD: This definitely would be one of the restrictive

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covenants that we would wish to incorporate into the lease.

CHAIRMAN: You have any idea how many 2-acre parcels or 10-acre parcels you have?

HAYWARD: At this time, no.

TAKEHARA: Could you describe more in detail what is meant by second home, leisure and recreation-oriented type of community?

HAYWARD: This area has for many, many years been an area used as a second home where people have houses situated in Honolulu and use this area as a leisure vacation home. They come out here essentially on weekends and during vacations in the summer.

TAKEHARA: You have any idea what the cost will be?

HAYWARD: We'll be looking probably in the region of $75,000 and up.

CHAIRMAN: Could you look into the possibility of making these 10-acre parcels rather than 2 to 10. What's the feasibility of having such a concept like the 10-acre parcel rather than 2 or 5. I'd sure appreciate that.

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

2. Mr. August Aulf, Project Engineer with the firm of Sunn, Low Tom and Hara

AULF: I'll respond to some of the technical questions which were raised.

Regarding location of the oxidation pond, we wanted to keep it as far from the highway as we could. It is located about 1500 feet from the highway. The particular area where it is located at one time was used for production of cane but it's over an artesian basin that leaks. The groundwater is actually under artesian pressure and is up to the surface so it's not a very good agricultural production area and probably never will be. The elevation is about four feet higher than where the sewage lift station will be. We will have to pump up to it.

The sewage lift station will be right next to the highway at which point it can collect all of the sewage by gravity from areas 1, 2, 3, 4 and 5 and will pump it up to the oxidation. There will be a force main which would take it back to an infiltration pit at that point. The reason at that point is that the Board of Water Supply would not let us permit infiltration at any other point further mountain-ward because of the artesian basin. The lift station will be used only until such time as the city sewerage system comes in. It will be necessary to collect the sewage of area 1 and will have to be carried along area 5 parallel to Kam Highway. I'm not sure

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whether your SUP has to mention the fact that there will be a gravity sewer parallel to the highway to the length of area 5 to the lift station, and then from the lift station going up to the oxidation pond.

The first oxidation pond is sufficient size to take care of areas 1 and 2. After 1 and 2 is developed and during the development, the second pond can be constructed and will service areas 3, 4 and 5. The lift station in initial stage will be large enough to service all of the areas.

Area 6 is all very high ground and that would be served by gravity. There's no need to have a sewage lift station even to the extent of conveying the sewage by gravity to Kam Highway.

I made a preliminary layout of the lot of unit 6. The criteria we based on was divided into a number of parcels which would have about 3 acres of area which was flatter than 20%. Most of that area is very hilly, very rough. We can get about 60 or so units in there, each of which would have about 2 to 3 acres of less than 20%. The remainder of the area would be greater than 20%. In other words, it would really not be buildable land. This would give the people privacy and also an opportunity to run their horses. That area 6, only a portion has ever been in agriculture. It was in cane at one time and has now been abandoned. In the middle of that is a small watermelon farm. Beyond that there is no agriculture in that area. Of that entire 300 acres, I doubt if there would be more than 100 acres which would be suitable for any type of agriculture even for cane, but now that has all been phased out.

DUKE: The lift station adjacent to the highway, how is the odor going to be controlled?

AULF: It'll be completely enclosed and buried. There will be a gravity line which comes from area 1. By the time it gets to area 2, they're about 20 feet under the ground. The lift station itself will be buried better than 20 feet. When you see it, you see nothing but a chainlink fence with some hibiscus. It will be completely enclosed. It will remain enclosed until you get to the oxidation pond at which time it becomes an open area. The lift station will all have to be the same size for all the units. The only thing will be to enlarge the oxidation to one more pond.

DUKE: The open oxidation ponds will be aerated to keep the odor down.

AULF: The ponds will be made large so that the production of odor will be small. It depends upon photosynthesis. These ponds could not be too deep. That's why they have to be large. They depend upon the sunlight to produce the algae which then decomposes the solids. There may be a slight amount of odor but generally there's not much with the size of ponds which we have in mind. With the prevailing winds being toward the mountains in which there is no other development, we expect no problems at all.

Mr. Jones mentioned an oxidation pond near the Kahuku Golf Course

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which is about 200 or 300 feet from the highway. I've been by there a number of times and even I who know it is there could not detect any odor.

DUKE: When the sewage is treated, you have to get it out of the pond.

AULF: It decomposes in the pond.

DUKE: It stays there? Eventually it's going to get full.

AULF: It generally disintegrates pretty well. I suppose if you had a pond for 10 years or more you might have to take out something but the sewage goes to a sludge on the bottom.

DUKE: So these would be good for 10 years possibly without having to clean them out.

AULF: Right.

DUKE: Does the artesian water have a tendency to carry things down to the sea because it has to go some place.

AULF: The reason the effluent from the treatment pond will be going to an infiltration well which is close to the highway, the reason we know we have artesian pressure with the pond is our first proposal was to have an infiltration well in which we would then inject the effluent from the pond itself. It would go down into the ground and be dissipated enough that it would not come out on the beach nor come into any of the channel. Within our exploration for that, we found we were still in the artesian basin. The Board of Water Supply then refused permission to use that point. So, we are now taking the effluent near the highway at which point there is a clay layer between the sand which we're injecting the material and the artesian basin. So, the Board of Water Supply and the Board of Health approved that location. We don't expect to have any problem with injection at that point.

We had originally thought of using that, and I think our report shows, the effluent for the treatment plant might be used for the growing of pastures. That is still a possibility but before we could proceed on that basis, we had to have assurance and the Board of Water Supply required that we have assurance, that someone would use it.

The area to the left of the treatment plant (referring to map displayed) getting into the Malaekahana Valley, is presently being used to grow passion fruit and is an area where they're growing some silage. If that develops any further, then this effluent could be used for irrigation purposes. So they may have a benefit from it some day.

DUKE: Have you drawn up plans for area 5?

AULF: No, we haven't drawn any plans other than we know where

the roads are going to have to be for phase 1 and 2. They will serve area 5. It will not have its own access to Kam Highway. The architects plan for phase 5 is a continuation of the same development which is along phase 1 and 2, cluster type of homes, or design for the water requirement and the sewer requirement has been based upon that concept.

DUKE: Therefore the cluster types are rather high density.

AULF: No, I don't think it's too high a density. They have quite a bit of open space.

DUKE: Well certainly higher density than area 6.

AULF: Yes.

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

Testimony AGAINST--

1. Dianne L. Kiel representing the Sierra Club, Hawaii Chapter (Submitted testimony dated April 16, 1975)
2. Mr. Olin Pendleton, Chairman, Council of Presidents (Submitted testimony dated April 15, 1975)
3. Mr. Steven Gendel, Administrative Assistant to Senator D. G. Anderson (Testified regarding State plans)
4. Mr. Alan Tyler representing Friends of the Earth
5. Mr. David H. Fry, Resident and Chairman, Transportation Committee, Koolauloa Research and Action Committee (Submitted Position Paper One, The Kam Highway Dilemma)

OBJECTIONS--

1. Development of approximately 500 housing units 15 to 20 years prior to city planned services is contrary to the objectives of the Land Use Law which purpose is not to expedite development, but to conserve and protect agricultural lands. The proposed use would shift these lands into sewage and water systems to support premature development.

2. Both City and State General Plans are directed at policies of slowed and directed growth but development of lands 15 to 20 years ahead of time is not an example of slowed growth.

3. It would adversely affect adjacent makai property. Private development of beachfront land is not in the best interest of public welfare and will be forever lost to the public as beach parks and open shoreline.

4. Inadequacy of public facilities--parks, increased traffic congestion on existing streets, impact on school facilities is questionable, not realistic to state that only minimal fire and police protection is required. Water and sewage are only minimal services in the complete overview.

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5. It is stated that the phasing out of Kahuku Plantation has created unusual conditions and needs in that 95% of the area's employment opportunities have been lost. It is not stated for whom and what kinds of jobs would be offered by the proposal to support 500 vacation homes in the area.

6. The proposed use will alter the essential character of the land and present use. Ponds and reservoirs will use about 10 acres of land without consideration of access and other land uses as for pipelines, pumping and injection wells. The State Land Use District Review states in regard to Kahuku agricultural districts that "the intermixing of sugar with grazing, fruit and vegetable production has characterized the area and can be expected to continue."

7. Present housing need is toward low and moderate income, not vacation homes. It is in the best interests of public welfare to preserve the makai lands as a park.

8. The wise planning of growth and development is based on comprehensive planning involving government, private and community interests to avoid our limited and valuable lands being used to accomplish short term gains for a few and long term loss to the income and growth potential of our economy.

9. Changes in land use, regardless of zoning, should be held in abeyance until the Oahu General Plan is completed, and until the new interim Shoreline Protection law and Federal Coastal Zone Management Plan is put into effect.

10. Another reason changes in land use should be delayed is the need for professional assessment of potable water supplies for present and future populations of Oahu for which studies are presently underway.

11. Need for additional parks along the windward shore is more than evident. Plans are under consideration by both City and State to acquire additional lands for public beach parks in this area. The 1975 State Legislature has appropriated $150,000 for acquisition of 33 acres of Malaekahana Beach Park.

12. Sludge disposal and what will happen to the sludge upon expiration of the SUP should be considered.

13. Even though the STP will be located mauka, away from the highway, proposed realignment of the highway is in the mauka direction.

14. The STP should remain operational and in good condition for 20 years instead of 10.

Suggestion was made by the community that the commissioners consider a field trip to the subject site.

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Due to the lateness of the hour, the public hearing was kept open and the matter deferred to the next meeting, on motion by Dr. Choy, seconded by Mr. Duke and carried.

ADJOURNMENT: The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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NO.

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NO.

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NO.

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NO.

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PLANNING COMMISSION

MINUTES

MAY 7, 1975 TO DECEMBER 17, 1975

BOOK NO. 137

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PLANNING COMMISSION

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MRRC RMM 19-75

FLASH CARD

FLASH CARD

MRRC RM 19-75

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Meeting of the Planning Commission
Minutes
May 7, 1975

The Planning Commission held a meeting on Wednesday, May 7, 1975 at 1:47 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Charles Duke, Vice Chairman
Dr. Wilbur Choy
Donald Hosaka
Antone Kahawaiolaa
Alice Takehara
Harriet Wikum

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Gerald Henniger, Staff Planner
Herb Mark, Staff Planner

MINUTES:

The minutes of April 2, 1975 were approved, on motion by Mr. Duke, seconded by Mr. Hosaka and carried.

The minutes of April 16, 1975 were deferred to the next meeting.

PUBLIC HEARING
GP/DLUM AMENDMENT
VARIOUS USES--SCHOOL, PARK, COMMERCIAL, RESIDENTIAL
MANANA UKA, EWA
1) INTERNATIONAL MANAGEMENT CORP.
2) PACIFIC PALISADES COMMUNITY ASSN.
(FILE #311/C1/32)

Before proceeding with the public hearing on this matter, Commissioner Hosaka declared a conflict of interest because he has limited partnership in International Management Corporation for the development of the Palisades area. He did not participate in any deliberation on this matter.

A public hearing was held to consider the Chief Planning Officer's proposal to amend the General Plan Detailed Land Use Map for a portion of Pacific Palisaes, Manana Uka--

1) International Management Corporation
Tax Map Key: 9-7-25: portion of 19
Area: 98,374 sq. ft. or 2.3 acres

2) Pacific Palisades Community Association
Tax Map Key: 9-7-59: 100
Area: 63,808 square feet

by modifying the currently designated land use pattern as follows:

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1. Reduce the size of the planned Commercial area as requested in A-1 and to specify in relatively greater detail its location.

2. Establish a small park along Auhuhu Street as requested in A-2.

3. Realign and extend a portion of Auhuhu Street.

4. Redefine the school/park complex situated along Auhuhu Street, and

5. Extend the DLUM boundary to include the residential area along the Waiawa side of Aupaka Street and the upper Residential area above the School/Park/Commercial complex.

Staff Planner Herb Mark presented the report of the Chief Planning Officer. The information provided in the request and subsequent analysis by the Department of General Planning have shown that:

1. There is less of a need for commercial lands than originally anticipated, and that a reduction in the amount of commercial designation is reasonable.

2. Addition of a public park is also reasonable and desirable as it increases recreation facilities to meet the needs of the community.

3. Some modification of the land use pattern indicated in the school/park/commercial area is required to clarify General Plan policy with respect to development. The alignment of the right-of-way of Ahuhu Street should be delineated; the school, park and commercial areas should be redefined to the same degree of specificity as is now indicated on the DLUM for the makai area.

4. The boundary of the DLUM should be extended to incorporate the lower residential strip along Aupaka Street and the upper residential area above the school, park and commercial complex in order to reflect the extent of current policy.

It is the recommendation of the Chief Planning Officer that the proposal be approved as reflected in his report.

Questions of staff.

DUKE: The park, since it was a community park planned originally, did the applicant dedicate the land for a community park at the time he came in for development of the area?

MARK: The community retains title to the land at the present time; however, there are documents in our hands and at the Mayor's office that the community will be willing to submit the property to the city, assuming that the general plan amendment will go through.

DUKE: If you turn this land over to City and County undeveloped, the cost to the city will be considerable where maybe they have an

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obligation to make a park out of it.

MARK: I see your point which is a valid point; however, the other side of the question might be according to our own general plan standards, the policy, the city standard is for two acres of park per thousand population. By city standards we should be providing 16 acres of park in this area. It is deficient at the present time.

DUKE: Is there any reason the developer can't provide part of that 16 acres?

MARK: No reason but at this point it would be difficult since the area is already developed. You're asking why the developer didn't develop the park when the area was developed in 1965--

DUKE: Well, he has the land and it was planned for a community park, more or less a private park for that area?

MARK: I can't answer that. Possibly the representative from Park Engineering may be able to answer that.

RESPONSE FROM AUDIENCE: My understanding is that the developer in developing the land retained a portion of the land to be turned over to the community association. He is not the owner of the land. It was turned over to the community association.

DUKE: The community association owns the property and is going to turn it over to the City and County for development into a park.

RESPONSE FROM AUDIENCE: That is correct.

DUKE: Originally though, the community association was going to develop this park for the community.

CHAIRMAN: Commissioner Duke, let's limit the questions to staff.

DUKE: Well, he was not able to answer, Sir.

CHAIRMAN: When they come up then you can ask them the questions. Otherwise we don't have their names and who they represent.

DUKE: It's going to cost the City and County money to develop this park now. That's a fact. Was the community obligated to develop the park as a community project? That's the question.

MARK: I'm sorry, I'm not able to answer that. I suggest that question be addressed to the community association when they come to testify.

DUKE: Regarding the commercial district there, presently what is constructed there?

MARK: The land is vacant.

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DUKE: The new commercial area, that is in the area that is designated on the DLUM as commercial or has that been shifted a bit?

MARK: That has been shifted a bit. Most of the business area at the present time is in the residential DLUM area.

DUKE: Well, the whole point it would be impossible to put a business in the area that's zoned business when there's already a school there.

MARK: That's right but we have to recall that when this DLUM was drawn up in 1965, this was only a general indication of the layout of the area. It was not an exact plan for the area. The area was not developed and only subsequently has the area developed. It has developed, we believe, in the spirit of the general plan, in general conformity with the general plan that there was commercial, school and a playground in the area. However, the development did not follow this exactly. For one thing, it couldn't follow it exactly because it's just a general indication--no roads shown, etc.

DUKE: Well, it didn't follow the DLUM in its development.

MARK: That's right. In the exact boundaries, the present development did not follow the DLUM. But, I modify that statement with the fact that it could not have followed this indication because this being a very general indication showing none of the streets etc., the development could not follow what was shown there.

DUKE: Is it required to get variances to develop areas that do not coincide with the DLUM but yet may fit in with the general plan?

MARK: Well, there's no such thing as a variance to the DLUM. It's an amendment to the DLUM.

DUKE: It has not been amended though, has it?

MARK: Yes, I see your point. This happens to be a fairly peculiar case where a general description of development was shown on the DLUM whereas in general practice, DLUMs can be very, very specific where every road is shown, every school site and every park site is shown exactly in its proper location. It happens that in this area for some reason or other, and we don't know why, an exception was made. This was a general indication of development in this area. So here yes, we do have a conflict here between the very specific DLUM and just a generalized indication of development on the same DLUM. The development proceeded, we feel, in the spirit of what was indicated, however, not specifically as DLUMs generally require.

DUKE: The whole question is you say in the spirit but a DLUM is to show in detail the use of that land. I don't know what caused the changes but is that DLU's responsibility? Is it a mistake? Is it a happen-stamp?

MARK: I don't know. This happened before any of us was on the planning staff, about 1965-66.

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DUKE: That matters nothing. Everyone has responsibility and all are experts in their field whether they worked in '64 or '74. I'm sure that's a fact.

MARK: My only point is I can't explain why this was done.

DUKE: Okay, you can't explain why the changes, you can't explain why the parcel is not developed, you can't answer the cost of the park to the City and County, is that more or less correct?

MARK: I'm sorry I didn't get the last part of your question.

DUKE: The cost of developing the area into a usable park doesn't come for free you know.

MARK: Yes, that's right.

DUKE: Well possibly we can get some answers from the applicant when he comes forth.

(There were no further questions of staff.)

Public testimony followed.

Testimony in SUPPORT--

Mr. Robert Hiegel, President, Pacific Palisades Community Association

HIEGEL: I'd like to give a real brief rundown why we are supporting this proposed change to the general plan.

In 1973, the Board of Directors became quite concerned with the land that the proposed shopping center is put on and also the land that the community association was titled to at that time. It was then used as a garbage dump by residents outside the community and probably even by residents within our community. It was getting to be quite an eyesore for the community. To try to do something in this regard we held a survey within the community to try and determine what could be done about it. Also, what type of things we should ask for to be developed on this land.

In March of '73, we put together a survey and asked the residents in our community to indicate whether they would one, support a small general store in this area across from the school, or whether they would prefer some other type of development in this area. The results of the survey was roughly 54% of 635 people contacted, were very strong in favor of a limited type of shopping center as opposed to an original plan by the developer for a large shopping center in the area. People in the community felt that a large shopping center could not be supported up there due to subsequent development in the area like Pearl Ridge and Pearl City Shopping Center. The community wasn't really large enough. There was 1850 homes up there.

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So to sum it up, the community did want a small shopping center up there because there's no present facilities up there at all and there is a number of people that do not have a car and find it very hard to get down to the store, approximately 5 miles away.

Secondly, the people indicated strongly that they needed additional recreational facilities.

Third, people wanted a fire station. After discussing this with the City and County, our representative Toraki Matsumoto indicated it was not feasible for a fire station in a pocket community such as that.

So, we were left with two alternatives--developing the park and also requesting the developer, who originally promised the community to put in a shopping center, to follow through with his previous commitment. International Management Corporation was contacted by our Board of Directors and we came up with the proposal that was presented to the general membership and is basically summarized in the proposed amendment. At the meeting, the membership unanimously supported the proposal and therefore, I come here today requesting the Planning Commission to approve it.

Mr. Hiegel was questioned by the Commission.

DUKE: You stated that the developer had an obligation to develop a shopping center. Therefore, I wonder whether he had an obligation to develop a park for you too?

HIEGEL: No. From the documents I have seen and what their obligations were, is that Lewers and Cook dedicated the land to the community association. The community association was tasked with the responsibility of developing that park. I have a copy of the deed to the land. It required that this land be developed into a park for recreational use. However, it was zoned residential. That's one of the reasons why the community association had not developed it itself.

One question brought up why the community association had not developed the park land. Presently we have approximately 1,750 homes. Each homeowner is required to pay a $15.00 membership dues per year. This totals about $27,000 per year that our community association receives in funds. We are presently maintaining a one-acre park site, a private park in our community, which is costing us about $24,000 to maintain, for salaries and a lifeguard. That leaves $3,000 for parties--Halloween and Christmas--and the community newspaper.

A detailed study was accomplished to try to determine whether we could develop this. It was determined that with large community participation, we probably could put a park in but the community association could not bear the burden of another $24,000 a year park to maintain. Being the bylaws and charter of our association

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limits our dues till 1995, it is basically impossible for us to build and maintain a park on a community basis. It was on this aspect that we contacted Councilman Matsumoto to identify the need of inadequate park space and request that this be passed. The community as a whole voted on dedicating this land to the city in hopes that they would provide adequate park space for our community. That has been done and the deed has been turned over to the city.

DUKE: You mentioned you had a general meeting to determine what should or should not be done. How many attended that meeting?

HIEGEL: I would say about 45.

DUKE: And yet you have 7,800 living in that area?

HIEGEL: That's true; however, I feel our survey where 635 people responded and which I do have right here, is a fairly good representative sample of our community.

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

2. Mr. Chad Taniguchi, University Student

TANIGUCHI: I have a question of the report where it mentions that reduction of 50% of the acreage has not been substantiated. The request is justifying the reduction of commercial land by saying that because the shopping center is not feasible and since the shopping center would take about 50% of the income of the shopping area, that means half of the acreage does not have to be there. Staff report simply says this is not substantiated. My question is how are you going to deal with that part of the staff report and how is that going to affect your decision?

MARK: The report that was submitted by the applicant indicated he had done a study, well actually not a study but over the years he had attempted to get a major retailer to come into this area. He felt the major retailer would be the supermarket or a major drug store like Longs Drug Store, that type of outlet would be necessary to serve a community of this sort. The applicant proceeded on the assumption that since he could not get a major retailer to come into this area that according to his thinking there was not enough population to support that type of facility. The DLUM indicates about five acres there at the present time. This is based on the assumption there would be a major retail type facility. So, the applicant made the deduction that since there was not the market to support this facility, that he could assume that half of that area, on his own calculation assuming that the supermarket or Longs Drug Store operation could take up about 2½ acres of a 5-acre commercial area. So on his calculation, he was thinking in terms of half of the 5 acres for the retail operation.

Now, we could not go out and substantiate this type of report. We did do a couple of analysis of how much retail space could be

supported in this area. These are Appendix A and Table B which are in the report indicating the type of studies we had done in order to show that possibly 2 acres was the commercial need in this type of neighborhood area.

TANIGUCHI: So it is the general feeling of the Commission and of the staff that this type of rationalization or deduction is appropriate, enough to justify a reduction?

WAY: I'm really not going to speak for the Commission since there has not been a decision on it at this point. But, from what Mr. Mark indicated, I'm satisfied that it is a reasonable basis to address the amount of land designated for commercial use in this specific instance.

Testimony AGAINST--

None

At this point, Mr. Yukio Taketa of the Department of Recreation was called upon and questioned by the Commission.

DUKE: Does the parks department have any objection to accepting this land and developing it into a park? What if they don't want it?

TAKETA: We have already accepted the property.

DUKE: What's the cost to develop the park?

TAKETA: Well, we're investigating the possibility of a swimming pool there. The community has asked for a swimming pool but we don't have any estimate or design on it. We're just checking the feasibility of a swimming pool. From preliminary observations, it looks like it may be possible.

DUKE: It looks like we're wasting our time here. You bring a subject before the Commission that apparently has already been decided. Land has been transferred, DLUMs have been changed, and I don't really follow the logic of this.

WAY: One of the points in connection with the proposal as it relates to park is that while the land may in fact at this time be transferred and in public ownership, there is a question as to the appropriateness of development occurring on that land should the city decide to proceed with extensive development. More particularly and in accordance with Charter requirements for provision of public facility, there has to be some conformance to the adopted general plan and DLUM. So in part, one of the practical reasons of having these lands appropriately designated on whatever basis that it appears that they are not precisely designated has to do with the future expenditure of public funds on the park for example. That's one point.

The other point has to do with the private use of the land for

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commercial purposes and the fact that we've reasonably concluded it's reasonable to assume that there was an over designation, if you will, of commercial use. Therefore, why not bring that into conformity, assigning another designation to the land, and third, recognizing the fact there are park and school facilities already designated with metes and bounds and bring these into harmony or conformity with the facts as part of the bases for this proposal. So, it isn't entirely just a matter of bringing the situation into conformity for conformity's sake but rather to also look a little bit further ahead to this question of public expenditure for capital improvements on some of the land, in this case, park. That's part of the rationale.

DUKE: I understand what the Director has stated; however, I can't help but feel this matter has been handled very slipshod, not according to the DLUM, only followed the general plan a bit. Changes have already been made that have not been approved, really, as far as general plan is concerned. It is rather frightening, really. I hope that this is an exception. If it's the rule, we're in pretty big trouble.

CHOY: You brought up an interesting point when you mentioned the community had asked whether a swimming pool can be constructed. Was there any commitment by your department in accepting the deed that you would build such a swimming or any other recreational facilities?

TAKETA: No, I don't believe there was a commitment on that.

CHOY: Is it possible that the Board of Directors could have misconstrued your intent and be under the impression that the pool would be built, contingent to handing over the deed?

The reason for my line of questioning is I'm quite concerned about the type of expenses like Commissioner Duke that if in fact these things have already been decided and then come before the Planning Commission, then I must agree with Commissioner Duke that we are wasting our time.

TAKETA: I can't give you an answer and will have to go back and check. I did not know you were discussing this matter today. I am here on another matter.

CHAIRMAN: Dr. Choy, we have an indication from Mr. Hiegel that he might be able to answer the question.

HIEGEL: Initially when the community decided to dedicate the land to the city, we had requested and indicated preference if a park be developed, the possibility of putting in a swimming pool be top priority. We have a very small swimming pool in our community right now and some kids have been hurt because of its size. There is very heavy use of the pool.

The initial letter that went to Mayor Fasi dedicating the land to the city did have a stipulation in there in regards to a swimming

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pool being built on the property. However, that letter was sent back and indicated that the city could not accept the land with any strings attached. Therefore, the land was dedicated to the city only with the feeling and agreement that we would like to work with the parks people in developing a park that would be beneficial to the community. But, there's no strings attached. The land was dedicated with the hope that sometime in the future when a park was developed, there would be a pool. But, the land was dedicated with no encumbrances.

(There were no further questions.)

The public hearing was closed, on motion by Mr. Duke, seconded by Dr. Choy and carried.

ACTION: The Commission accepted the recommendation of the Chief Planning Officer and recommended approval of the proposal as outlined in the report, on motion by Mr. Duke, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka (conflict of interest)

PUBLIC HEARING
TWO STATE SPECIAL USE PERMITS--
(1) PRIVATE SEWAGE TREATMENT & DISPOSAL SYSTEM
(2) PROPOSED WATER SYSTEM
KAHUKU
GROSVENOR-INTERNATIONAL (HAWAII) LTD.
(FILE #74/SUP-14 & #75/SUP-2)

The public hearing held on April 16th was kept open and action deferred for further information from the Department of Land Utilization.

Public testimony was continued.

Testimony in SUPPORT--

1. Mr. Fred Trotter, Trustee of the Estate of James Campbell

TROTTER: I would like to focus on what the trustees of Mr. Campbell's estate have in mind for the overall property that exists there for some 15,000 acres. Our planning for this area started back in 1950 which planning was redone in 1970.

As early as 1972 we had some discussions with Mr. Way explaining what we had in mind. Obviously, he had not said yes or no but he was informed. We began submitting early in 1970. The plantation went out of business and left us without a major tenant on that land. We since have recommitted 95% of the agricultural land to long term 30-year leases on this property. I believe one question raised is whether or not we were going to try and urbanize all of the land we had. The answer to that is no. We've got a very difficult business because agricultural businesses require a lot of capital and in the process we've had two bankruptcies in Kahuku and we're still

looking for somebody to pay those moneys. Unfortunately, the State of Hawaii did not help us there as they did in other areas that were off Oahu and therefore required more time and effort.

We do have 1200 people that live at Kahuku. Because the major tenant, Alexander and Baldwin offered to go out of business, the only person left there is ourselves, the landowner. We have become the mother hen to the people that live in the town. As a result of this, approximately 245 houses born into the plantation that the people obviously were concerned about being allowed to stay on, and between Alexander and Baldwin and ourselves, we have formed the first cooperative housing corporation in this state, at this point and time we don't get anything in the way of rent. They operate their own business.

There are a great many problems involved with housing because there's no sewers, no private water--the Board of Water Supply does not supply water. When the water stops, everybody from school goes home because they can't flush the toilets and they can't cook. So, we're very deeply involved in the area because there's no public facilities.

Getting specifically down to Malaekahana, the trustees had the idea of developing it as it exists today in 1954. It was rethought in 1964 and finally in 1971. So, we've given a lot of time and a lot of thought. We originally thought that piece of property would make a good hotel/resort area. As a matter of fact, that was proposed to us on the plan in 1971. The trustees decided against this and downgraded that particular thought to using the existing R-6 zoning that exists there today. It would have been much simpler to go for a conventional subdivision with streets, roads and gutters than to go to the trouble we have gone through. The disappointing thing is we have reached this point and time in a project we feel is an excellent project. We don't intend to run a bulldozer there and take all the trees off. That's why it's a cluster development. Our attorneys told us we could have had this done already if we had simply gone ahead with a conventional R-6 subdivision.

In finally giving you our thoughts on it, the DLUM all these years had parks on either side of the bay where the Zion Securities property is where they use to hold the hukilau, there is a major park there. There was a major park thought out on what is called the Makahoa Point side which is the Waianae side of the bay. We've never quarreled with those ideas. As a matter of fact from what we would tell you today and what has happened, our plan hopefully adds park land in those two areas. As to how much and as to when and so forth is really left for somebody else to tell you.

My disappointment as a trustee, and I'll be very frank with you, is that nobody from either the state or the city or any private association has ever come to us and said we are going to take away that land and put in a much needed park. We have proceeded to the point where this permit, which you may or may not issue and the approval of the State Land Use Commission, is all that's needed. We're not fast-buck fly-by-night artists who buy, sell and run away. We've gotten this far in what we think is a very good project.

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We are for a park. We are very much against the method and the timing in obtaining these parks. Hopefully because we are the landowner and because we believe in planning, and because we know that parks and rights-of-way are needed and should be planned, that we are naturally disappointed.

Mr. Trotter was questioned by the Commission.

DUKE: Of that 15,000 acres, how many acres of urban land does your master plan call for?

TROTTER: As it exists today has gotten some urban land where the Kuilima Hotel is. In addition, we were granted 83 acres in the last 5-year boundary review for housing in Kahuku town. We don't have immediate plans presently for additional urban zoning other than what already exists. The reason is 9,000 of the acres we own are leased to the government or dedicated to forest reserve and therefore not available. We have really 3,000 acres to long term 30-year agriculture. What's left are lands that don't lend themselves in total to urbanization. We do have this project at Malaekahana which has always been on our books.

DUKE: Precisely that area shown as green or Increment VI (referring to map displayed), that is presently zoned agriculture.

TROTTER: Right.

DUKE: Your mini farm concept you feel that fulfills the requirement of agricultural land?

TROTTER: That particular land is not really the best agricultural land. It's very rocky. The idea was to allow some people to live on it and try to preserve that land within Increment VI that still could be farmed.

DUKE: It appears to me the mini farm concept is a form of urbanization. Do you intend to carry this concept to other areas?

TROTTER: At this point and time we do not because the problems of water and sewers are so immense. The cost to do this is almost prohibitive. If we were to do this again, we would probably want to put as many people as possible into the town where other facilities exists. We have tremendous requests from people who want 2 or 5 or 10 acres. The problem is that they want to live where they farm. We don't really have any housing available in Kahuku at this time. So, this is thought of as one possible alternative.

DUKE: In your opinion, do you think the Kuilima venture is a successful operation, economically speaking?

TROTTER: I guess it depends from whose standpoint you're trying to measure the success. From our standpoint I would say it accomplished what we wanted to. From the people who live in the community

standpoint at Kahuku who lost their jobs, I guess this might have accomplished their end. I think there are 100 full-time people who live in Kahuku town.

From the pure operation of the hotel going back in 1968, you may or may not recall the tremendous push at that time to diversify hotel/ resort outside of Waikiki. In fact, this is one of the areas that was designated and therefore zoned. From that standpoint, I believe it was successful. There were no city or state funds put into this project for public utilities. This was a complete private project. Therefore, it's generated 8 times as much tax money. It supplies at least 300 jobs. I really couldn't answer whether it's a financial success because we're not involved with running the hotel.

DUKE: The reason I asked is because you mentioned your plan at one time called for resort at the bay which subsequently was changed. I wondered if the success or non success of Kuilima had any bearing on your change of plans.

TROTTER: No, our idea was prompted on looking at the property feeling pretty well that the character of it was to get as many people on it without destroying it. That seemed to be the best way to accomplish that.

CHOY: When Mr. Hayward was here at the last hearing, it was very definite and absolutely emphatic that area number 6, the 60 mini farms that would be created would definitely be reserved as a mini ranch for horses only. This afternoon you mentioned it will be a mini farm and that the lessee will be able to farm that area. One of my major questions at the last hearing was, will the lessee be permitted to use the mini ranch as he saw fit. One of my examples was a hatchery or would I be permitted to raise chickens. I was told very definitely, no. Would you please clarify?

TROTTER: I think Mr. Hayward was right. My referring to it as a farm is because I am a farmer and I just associate things done in an agricultural area as a farm. But, there are going to be very definite restrictions in that we are going to follow a very definite plan. It's not such that these will be sold and any kind of farming activity can be carried out.

CHOY: So, these 60 mini ranches would definitely have very limited usage and it will be part of the covenant that you people would have with the lessee.

TROTTER: As I understand it, that's true. Mr. Hayward will address himself to that particular question also.

CHAIRMAN: Are you aware of the letters from Governor Ariyoshi as well as from Senator Anderson asking for a deferral of this matter?

TROTTER: I have had the privilege of seeing Senator Anderson's letter and I have been informed of the Governor's letter but I have not as yet seen it.

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CHAIRMAN: Are you also aware of the letter that the Mayor wrote to the Governor asking the state to work on purchasing of this--

TROTTER: No, as of this time I'm not on the Mayor's mailing list. I am aware of those letters going, Mr. Chairman, I just haven't seen them.

I might point out here that I have looked Senator Anderson in his blue eyes and told him what I have told you. As a matter of fact, I was disappointed that it's almost like a comedy of errors, well meaning but nonetheless errors. In the last night of the session in the Senate, this particular item labeled Malaekahana but tax keyed Sunset Beach 5 dash 8, not 5 dash 6 which is Malaekahana, almost went through. In fact, it passed in the House. They appropriated money for Malaekahana and Sunset Beach. Senator Anderson, because it was brought to his attention by somebody, corrected the issue. It was on the tape of the proceedings. When I asked him about this property, he told me that yes, he knew it was in Malaekahana. I said could you tell me where it was and he put his hand on the very middle of the bay. I said that's not exactly where you're backing up taking this 30 acres. Where you're taking it is what we call Cooke's Point. It's on the Laie side of the bay. I think Senator Anderson really wasn't sure where this property was either.

I'm just hopeful that you have the facts, and with the benefit of the Mayor's, Senator Anderson's and the Governor's letters, can make whatever decision you feel is fair.

HOSAKA: Probably then you were intimate with the closing session to the bill being passed. As I read the documents here, one particular bill was $400,000 and another $1.4 million. That $400,000 was to start the acquisition of that 30 acres and the $1.4 million to follow up, I guess, on that acquisition. You think that's enough to acquire that kind of property?

TROTTER: It's my recollection there were two appropriations--one for $150,000 and one for $250,000, making a total of $400,000. In addition to that, Senator Anderson referred to several other bills. Our going to those bills can find none of what Senator Anderson referred to. Somebody in the State of Hawaii has made the comment that $1.4 million is available. In all of our diggings, we cannot find any more than the $400,000 that was directly appropriated. It may be that we do not have the benefit of all of the information that they do over at the state but we can find the reference in the capital improvement budget. We cannot find in going to the statutes that money exists in those accounts.

To answer your last question, the land at Malaekahana, if any of you know Laie Point which is that big hunk of rock, and having lived out there for 10 years, I would never have guessed that big hunk of rock would ever go for figures of $5 and $7 per square foot. It has no beach at all. It's pure solid rock. I think Malaekahana is every bit as good, if not better than that $5 to $7 a square foot. So, based on those values that one acre may cost

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what Senator Anderson has appropriate. I don't know. My own feeling is if condemnation is necessary, that because we have been here and are responsible--as a matter of fact, our plans call for additional parks, some 6 acres at no cost to anybody. We're certainly willing as you'll hear today to discuss it further and to make more park land available.

In this particular instance, it's my feeling the only reason this park situation exists is to kill this project. It will kill this project. That is the only reason that I personally am disappointed.

HOSAKA: There seems to be some confusion. You say you've researched the bills. Maybe our Executive Secretary can shed some light on this.

CONNELL: I will pass this question on to Mr. Jones of the Department of Land Utilization who has been researching it.

JONES: The staff has been in the process of trying to sift out the facts and intent of the legislative act. As far as we can determine at the present time, and I want to qualify it because we have submitted a letter to the Director of the Department of Land and Natural Resources asking for clarification of this point, but at this point we cannot find any funds beyond the $400,000. However, we should receive confirmation one way or the other from the Department of Land and Natural Resources. We attempted to have the answer for you today; however, they could not produce a report in writing for us before this meeting.

HOSAKA: Am I correct in reading along that $1.4 million? It sticks in my mind for one reason or another.

CHOY: Commissioner Hosaka, I was in communication with Senator Anderson before he left on a trip yesterday afternoon. Being that I was the commissioner that moved to keep the public hearing/and open defer action, Senator Anderson had informed me that there will be $1.4 million seed money to start this project. I have his assurance that when he returns in two weeks, he will pursue this seed money very shortly and we would have a letter to that effect.

HOSAKA: The reason I question it is because I think it's very important if this argument is used to defer the public hearing even further than what we have today, this would be a very important consideration, that there is in actuality a $400,000 bill, and secondly, is there a $1.4 million bill. If this bill has been passed, it should be in the record. Apparently Senator Anderson is talking about something that hasn't even passed yet.

CHOY: All I can do is relate to you my conversation with Senator Anderson quote, when I return in two weeks, I will have a letter of intent that will state that there will be $1.4 million available for this particular project, unquote.

HOSAKA: I understand that any kind of bill that appropriates

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money is identified by number. If he's talking about seed money, I don't know what he's referring to. In other words, he's saying yes he's going to clarify this in two weeks but we're meeting today and I want the clarification today.

CHAIRMAN: Before we get into a debate, do we have any more questions for Mr. Trotter?

WIKUM: According to a letter I have in front of me, the $1.4 million should show in Part IV of Senate Bill 535. Do you remember looking at that Senate Bill?

TROTTER: I didn't myself but some of my people looked at it and they could not identify there were any funds attached to those bills. It could be those funds are available and are coming from a source which has yet to be disclosed.

WIKUM: May I ask Mr. Jones if his people have checked out Bill 535?

JONES: Yes, we've contacted several agencies. One was the State Department of Budget and Finance, another was the House Finance Committee staff, and another was the Department of Planning and Economic Development. To their knowledge, the funds referred to in the bill have lapsed. They do not exist. But, I still want to hold for reservation a final clearance from the Department of Land and Natural Resources because the park would be under their department.

WIKUM: I'm happy to hear you say you're all for parks and you're concerned for parks too. We are, for parks and for other things. I'm glad the city and the state are getting concerned for parks however belatedly. In your instance, I'd like to assure you that at least speaking for myself, the Commission is not interested in killing your development or anybody else's development.

TROTTER: I appreciate that. My comments were not aimed at the commission. They were aimed at what I read in the paper.

WIKUM: I can understand where you are standing when you do have a tremendous invested interest.

TROTTER: I might point out here this whole question of park is a very difficult one particularly for the city, and the state. When we developed the Kuilima Hotel, we at that point had 68 acres which existed on the general plan then and exists on the general plan today, about six years ago and those parks have yet to be taken or accepted. We've all agreed on where they are. My only point is planning for park and recreational areas is very important. I only hope those can be done before a project gets to the point where it's to be completed. I think we lease in Kahuku well over 165 acres for the grand sum of $1 to the City and County of Honolulu. We were well aware of the advantages to the public, that because we are charged with a fudiciary responsibility, we are not in the position of giving for free unless an ordinance exists. If an ordinance

exists, then we are going to comply with the ordinance.

WIKUM: You explained to us how Campbell Estate has been left willy-nilly in the position of mother hen to Kahuku. Very shortly thereafter you said the development is an excellent one. You gave one of the reasons, I believe, when you said you had no intention of bulldozing the land away. I think that's good, but in what other way would this development benefit the residents of Kahuku that are there now?

TROTTER: Again it's like Commissioner Duke's good question about hotels and financing. At this point and time, we suffered tremendous financial loss when the plantation went down because they were in the habit of paying their bills on time. We at this point in time have just gotten back to where we were before the plantation went out of business which is neither here nor there. Jobs is definitely one of the things we're interested in. I think we have accomplished that. We haven't asked for a great deal of help.

WIKUM: How does this proposal provide jobs?

TROTTER: We know out of this will come some jobs which people may or may not take in the way of maintenance, quite a few of the ladies there work for the people at Malaekahana now taking care of the house and looking after the yard. They have for a long time. Our main reason for the project is not that thought. We have to operate on a profit basis the same as anybody else. This project where we're getting nothing for the 125 acres that we have given to the Kahuku Housing Corporation, we would intend to get some of it back through the rent we would get on this project. At some point in time we come to the point of having to get income from our land. We're perfectly willing to cooperate. We're working now with the assistance of Councilman Matsumoto to turn over the 83 acres that we have land use to a developer for a nonprofit proposition, and cut our rent so that people who are there and living in older houses can have a chance to buy. We are not going to get rich on that.

Councilman Matsumoto and the City and County have done a great deal to help us because there's no water and no sewers. We're happy to do those things but at the same time we do have some projects we would like to do which keep us continuously ahead in the profit business.

HOSAKA: Just for the benefit of the public here and also Mr. Trotter, and because I brought it up, I hope to clarify this point about the $400,000 and $1.4 million, and that is both are items under Senate Bill 535. That's the point of clarification there. Until I'm corrected otherwise, I will just assume that.

TAKEHARA: In reference to Mr. Eichelberger's correspondence with us, this 28 acres on Makahoa Point and the 36 acres, what's presently at that location?

TROTTER: That 28 acres is unemcumbered. The 36 acres is

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presently under lease to about 15 different individuals. The 28 acres has a few horses on it at this time.

TAKEHARA: In your personal opinion, would you say that frontage of beach and feasibility by the public there is just as pleasurable as the other parcel?

TROTTER: Yes I do. I think there is very little beach in the red (referring to Makahoa Point on map displayed) but there is beach in the yellow (referring to 36 acres on map displayed). I have lived out there for 10 years. Both sites are very attractive. The site contemplated by Senator Anderson is extremely, densely wooded. I personally wouldn't take my family there if that were a public park unless they cleaned out the trees and had guards around that place. It would be very dangerous to have that become a park. Obviously, the trees could all be cut down but that I think is what we were all trying to conserve. So, I don't think there's any difference between the 30 acres than the other, personally. It just depends on what kind of park you want to have. The swimming is the same.

Our thought was that since the 28 acres is on the DLUM there should be additional park added to that. Since on the Laie side of the bay there is a park planned, the 5 acres the developer is willing to give free of charge only added to what would already exist. I don't believe there is any difference in my mind.

TAKEHARA: It's the same bay.

TROTTER: It is. It's separated by a stream about as wide as this table.

TAKEHARA: Is there more open space?

TROTTER: Much more open. There are trees but it's not as densely wooded as the other 30 acres.

TAKEHARA: According to Mr. Eichelberger, he's willing to negotiate.

TROTTER: Yes, and we would have made that proposition had anybody asked us before Senator Anderson introduced his bill. But, I guess he was busy and we were busy and we never got together.

KAHAWAIOLAA: Earlier you said you dedicated 68 acres in the Del Webb area as park and so far nothing has been done with it.

TROTTER: No. The land has not been dedicated but the land is on the DLUM as parks, the 68 acres. We have made several offers to the city and to the Council. I believe an ordinance has been passed but the city has not had the funds to acquire the property. So, those 68 acres to be given over and acquired by the city is still there, still unemcumbered, still hopefully will be put into park land but that's been almost 6 years now.

KAHAWAIOLAA: What area is that located?

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TROTTER: The 68 acres, there's some land at Kawela Bay, some land at what is called Turtle Bay which is a little beach right next to the hotel, and approximately 30 some-odd acres at the Kahuku air base runway. These were worked out with the parks department but they've never been acquired.

DUKE: When you say acquired, would you elaborate on that?

TROTTER: I think the developer who was Del Webb and Prudential Insurance Company offered to give free of charge one 3-acre park next to the hotel. In addition, we made an offer for the city to acquire the additional park lands that we owned at a stipulated price. I don't recall what the price was at that time. We engaged in discussions but it never came down to acquiring the land.

I would like to clarify something that gets in our way all the time. Mr. Campbell's will really prohibits us without an ordinance to give land or anything away. In this case, there is no giving on our behalf. It's the developer that is paying, buying it from us and he is giving. As far as the proposition that Mr. Eichelberger and the trustees stand back of, we are willing to negotiate with the city and/or the state to accomplish that or some part of it. It seems to us that in total, there would be more park acquired in a better location and it would tie in with the existing land use plan.

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

2. Mr. Wade McVay representing Estate of James Campbell (Submitted letter dated May 7, 1975 from Harold C. Eichelberger, Chairman, Board of Trustees, The Estate of James Campbell, attached)

Mr. McVay was questioned by the Commission.

HOSAKA: Why all of a sudden a letter from Mr. Eichelberger? Was this an after-thought perhaps in terms of offering these things or were these items discussed earlier and agreed on? Was it something just decided on after the public hearing?

MCVAY: I'd say this week. We've been working many years with the planning department on this project starting in 1972. In fact, I have a letter here that I signed addressed to Mr. Way, July 27, 1972--as you will recall, on Feb. 14, 1972 and on Feb. 29, 1972 we met with you and your staff. We gave them our master plan for Kahuku. We asked them for their comments. We point out in here that we were proceeding with the Malaekahana development and the Kahuku Mill project. We wanted their comments to incorporate them in our planning. There weren't any. I have a response from Mr. Way that they would get around to this as part of the general plan review process which is understandable.

Shortly thereafter, the Grosvernor people were given the development agreement for the property and started meeting with the planning department. I attended some of the meetings. As we mentioned earlier, there are no parks on the DLUM and there are no parks on

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the general plan involving any of this land. So, there were no discussions by the parks department or the planning department to my knowledge as to taking of 33 acres or any other part other than access point in the middle of the bay and the 5.2 acres on the far side.

Now, we could have gone on the regular R-6 subdivision and not been involved in any of this. Grosvernor came in with an outstanding plan on which every tree is shown, everything is shown. It shows the buildings on there with a little over half the density permitted are such that it disturbs a minimal amount of trees. Parking is not by unit. We've clustered the parking in big lots and small lots.

So, Grosvernor had purchased and are willing to give--the deeds are already in the city's hands for review by city attorneys for those properties. We really felt we had done just about everything you can do to get a project moving. Here we are for a special use permit just for the sewer and water up in the valley necessary for the entire development and it's being stalled because of this move by the state, possibly, to acquire the 33 acres for park. We're trying to figure out what can we do to keep this thing going. A lot of time has been expended on a good project. Grosvenor has spent over a million dollars in time and actual contracts.

We are really kind of at the end of the rope trying to work out something. We felt if we could make this proposal to the city, to the Mayor and we met with him yesterday, and we delivered a copy of the proposals to he and the Governor today, in hopes really that they would do something about acquiring the parks.

HOSAKA: So, this is a very recent proposal on your part. You've met with the Mayor?

MCVAY: Yes, not with the Governor.

HOSAKA: What was his reaction?

MCVAY: The Mayor?

HOSAKA: Yes.

MCVAY: He didn't think it was a good enough offer. He suggested that we come back if we'd like to discuss it further. The trustees considered it further and responded in writing today that they felt this was a very fair offer.

CHOY: Has there been any plan to give these tenants first preference in acquiring a townhouse with the Grosvenor people?

MCVAY: They had been offered that initially by the Grosvenor people. Some of them subsequently instituted a suit which drug on for over a year. I think Mr. Hayward should respond to that as to what we're not prepared to do.

CHOY: Presently along the beach front, are there well marked

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public rights-of-way to the beaches?

MCVAY: There are no rights-of-way. These lands were leased before the present trustees were in office. It was solid with beach lots.

CHOY: Am I to assume, correct me if I'm wrong, that up to the time this particular item came to this Commission, Malaekahana Bay beach area then was virtually a private beach frontage by omission perhaps by the Campbell Estate?

MCVAY: People came in from the ends. There was a vacant lot in the center where for many years people parked and trespassed through. Surely, for the most part people driving down the highway unless they knew it was there would miss it.

CHOY: Would anybody be denied the usage of the beaches there if they chose to venture into and have benefit of usage of the beaches? Would they have been ejected from the premises?

MCVAY: Well, when we lease something, we give the people prime enjoyment. They had it for 30 years. I can assure you some of them were very active in chasing people off their property. We did not.

CHOY: So in other words, it's an attitude I'm here first so kick everybody else out.

MCVAY: Well, I don't know if you have a piece of property on the beach but I think you know how people generally react to others coming in.

CHOY: Mr. Trotter mentioned earlier that quite a sizeable parcel was offered to the city when Kuilima was built for park usage; however, the city was not able to financially acquire the area. My question is directed to the present 28 and 36 acres. Could the price then be so exorbitant that your offer may not be exercised by the city or the state?

MCVAY: I don't know if Mr. Trotter said exactly that. The deal was that the proposal on the 68 acres near Kuilima was accepted by the City Council. They did appropriate the money. The administration didn't spend the money.

CHOY: Perhaps the inability of the city to acquire possibly could have been that the price was exorbitant. Couldn't the same incident exist with the present 28 and 36 acres? Couldn't that be so exorbitant after appraisal that your offer will be moot?

MCVAY: The particular 33 acres you're talking about is fairly narrow. It's probably 350 feet average depth. The closer the ocean, the more valuable the property. The 36 acres on the other side of the bay has a fair amount of beach frontage but it is slightly deeper. So, I would say the value would not be more.

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If anything, they should be slightly less.

As to the point, we pointed out to the Mayor yesterday it's shown as agricultural on the city general plan and the DLUM. Acquisition would probably be cheaper because of that.

CHOY: If this Commission chose to have a field trip, would Campbell Estate be conducive to showing the Commission this particular project and the beach front?

MCVAY: We'd be very happy to. We made the same offer to Senator Anderson but he chose to go out on his own. Anytime you'd want to go, we'd take you.

DUKE: You stated that at anytime after the R-6 zoning became-- If you develop this according to R-6 and you develop it according to the PD, what is the difference in number of units that you will have for sale?

MCVAY: We would have gotten 8 to 9 units on the R-6. We're getting about 5 with the PD. We're not doing it because we're getting something extra. We're doing it because we didn't want to put in the conventional holes, gutters and regular streets and cut this up into 6,000 square foot lots. It would ruin the property. So, we're taking less rent, less other property. We're really good guys, I'm telling you.

Mr. Trotter is the beneficiary of the estate. He is very concerned about the property. We all are. I'm been there 20 years. I'm very fond of that property. I think we did a good job. To go in and cut it up like a typical developer would, would have been a crime.

When you look at it, you tell me how you're going to develop a park without cutting down half of the trees. It's impossible. This whole thing is ridiculous. That the public should get substantial access to Malaekahana, nobody will argue but I don't think you can expect the Campbell Estate people to give all that property away. No one else is. But, we will take less units, less rent to have a good project.

DUKE: I know nothing about it but I certainly read the papers that present occupants of the bay, I'm not for sure they consider you a good guy.

MCVAY: Well, Dr. Choy put his finger on it. They have had a very exclusive, private, and beautiful secluded place at a rental of about $140 per lot per acre for 30 years. Many of them are heartbroken. I don't blame them. It's really tough. But, when you consider that 70 families roughly have dominated that place and most of us didn't even know it was there, and to have it taken away from them and let's say several hundred families can use it plus the public, it breaks them up. Grosvernor offered them units in the condominiums but they said there's going to be

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four to the acre, we don't want that. Well how about up in the ranchettes, they say well, we want this we want that. You can see the problem. If I were there, if I had an acre on the beach, I wouldn't like it either.

Mr. Trotter was the manager for the Kahuku Plantation for 10 years and lived there. He knows these lands very well.

DUKE: I went to Kuilima when it first opened. I enjoyed the hotel tremendously but the wind was no good. When I left the hotel proper whether it was golf course or along the shoreline, it was not comfortable. Is the wind at this bay all the same or is it stronger on one side? Does the wind make a difference depending on where you're standing there?

MCVAY: I would say the prevailing winds hit Cooke Point, and the 36 acres would be facing the wind also.

DUKE: So it would be very windy.

MCVAY: Just like the bulk of the 33 acres, that would be very windy too.

CONNELL: Back to the possibility of a subdivision. Do you have the sewer and water facilities for a subdivision?

MCVAY: No, we would have the same thing. If we had gone for a typical R-6 subdivision in 1972 I think this thing would have been built already.

CONNELL: You still would have had to come in before the Planning Commission and get the SUP.

MCVAY: Yes Sir.

CONNELL: So if you're talking about what might have happened, it's just possible the people might have objected to a conventional subdivision.

MCVAY: Possibly, surely.

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

3. Mr. Ralph W. Hayward, President, Grosvenor International (Hawaii) Ltd. (Submitted statement dated May 7, 1975, attached)

Mr. Hayward was questioned by the Commission.

DUKE: Mr. Secretary, would you read the rules that we must follow in using agricultural land for other purposes, or subdividing agricultural land when it is zoned agriculture.

CONNELL: I believe there's actually two. There are rules which are found under the CZC and also the rules for the State

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Land Use Commission.

DUKE: If I take a 300-acre plot I subdivided in various sections in 2 to 10 acres each, what requirement would I have to meet in order to fulfill the requirement of those rules?

CONNELL: In terms of usage?

DUKE: As it presently is listed on the general plan.

CONNELL: The general plan indicates in terms of the area designated for agriculture where it needs to be preserved for the encouragement and development of agricultural pursuits. Therefore, I would assume that mini ranches it would be necessary to determine that they were encouraging agricultural pursuits, that it would be in terms of cultivating land, raising of animals, horses, and the many things which do fall under agriculture.

DUKE: Under that explanation, would it be necessary for me to derive income from these efforts?

CONNELL: The State Land Use Commission under their definition seems to indicate that if one has a home on a farm area or in an agricultural area, the definition of farm dwelling shall mean a single-family dwelling located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling. Those this is not mentioned in the CZC, generally the more stringent regulations, be it state or city and county, rule in an agricultural area. It seems to me it might be incumbent upon the applicant to indicate to the Commission that those people who would be on the 2 to 10-acre parcels would be deriving a portion of their income from the raising of horses or one of the activities their going to be carrying on.

DUKE: If I wanted to get me some riding horses up there, would I be required to sell my horses to get income before I qualify to live on that 10 acres?

CONNELL: A stable is an acceptable use both under the CZC and under the State Land Use Regulations. I would imagine if you had a stable you would be deriving a portion of your income from the operation of the stable.

DUKE: I just wanted that clarified because agriculture and large country estates to keep horses happy on is not very compatible in my opinion.

CHOY: If I happened to be a tenant on the mini ranch and according to the regulations just read to us, conceivably I could be able to start a chicken farm. Would you have any restrictions on that?

HAYWARD: I believe we would probably develop restrictive covenants regarding use of the land. At this time we haven't defined definitely what those specific covenants would include and not include.

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CHOY: The same question, would it be compatible to the agricultural zoning if a chicken farm was prohibited?

CONNELL: I think it would be quite possible to prohibit certain types of agricultural practices as long as those practices which were being performed on the land were of an agricultural nature. In other words, you might be able to in AG-1, pig farming is not prohibited though pig farming certainly is a prohibited practice under the state agricultural rules. To prohibit the raising of pigs, it would be assumed you would be engaged in some other agricultural practice--the raising of chickens, fruits or whatever else.

CHOY: Would you have a negative attitude to a park complex connecting their sewer line on to your development line without any cost, providing your permit is granted?

HAYWARD: As far as the water facilities are concerned, yes. At this point, I don't think we've addressed ourselves to the question of sewer facilities but I can't see on the face of it any objection. The sewer facilities would not be too substantial.

CHOY: So if there's need for a sewer hookup, your company would be very compatible to permitting such usage.

HAYWARD: It depends on what park site you're talking about.

CHOY: Let's assume Makahoa Point.

HAYWARD: The cost of extending the line to the Makahoa Point area would be very substantial. We would not be prepared to put that in ourselves. It has to be something the city would have to do.

CHOY: Wouldn't Phase III be in that area or is there a substantial distance between Phase III and the 36-acre parcel?

HAYWARD: From Makahoa Point, yes.

CHOY: There is.

CONNELL: You indicate in Area V, the density is planned for approximately four units to the acre. I notice on the general plan it's listed as residential. Is that listed as urban on the state land use map?

HAYWARD: No. This is listed as agriculture. We would have to go to the Land Use Commission to reclassify this to urban.

CONNELL: In terms of utilities, it's not violating the intent and purpose of Section 205.6, it's interesting to note that the STP is one of the specific items under the State Land Use Commission is not a permitted use in an agricultural area. Therefore, the only way one can get a STP in an agricultural area is to get a special variance through the SUP. So there is question of whether or not the intent is violated.

HAYWARD: Perhaps my wording there is slightly incorrect, Sir.

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CONNELL: On page 4, you indicate the Department of Land Utilization has indicated to this Commission that the SUP should be granted. I would like Mr. Jones to respond to this whether or not the Department of Land Utilization is still holding to this, and their position as per their memo today?

JONES: We did indicate in a memorandum to the Commission that in the event the park is finalized in the location under discussion and that would be Phase I, in that event we would want to reevaluate the extent of the sewer facilities, the plant facilities and also the water system because if the park is designated on Phase I, this would eliminate 129 units which would be a substantial reduction of units to be served by the facility. In that event, we would want to reanalyze our report.

CONNELL: I don't know whether or not you have a copy of that memo.

HAYWARD: No, I don't.

DUKE: You just made a statement, Mr. Jones. I'm a firm believer that landowners have certain rights. You say if the property is going to be acquired for park purposes then you would reevaluate the facilities that would be necessary to develop the remaining area. I understand that. The whole thing is time. I think everyone is entitled to know when certain decisions will be made or not made. Therefore, your reevaluation if necessary, you intend to do this when?

JONES: This would be dependent upon the response we would get from the Department of Land and Natural Resources which in essence would be hopefully very soon.

DUKE: Certainly before the next meeting or it would be a moot question. Is that correct?

JONES: Yes.

DUKE: In your general plan for the area, was the 36 acres master planned for other than park use in your development of the bay?

HAYWARD: That is not part of our development of the bay. The leases there expire in 1983 and these were excluded from that development of the bay.

DUKE: Did weather conditions or anything else maybe cause you not to include that in your area of development?

HAYWARD: We wanted it to be included. It was the decision by the Campbell Estate. I think the decision was made because of the long leases that existed on the property to 1983. Our development agreement was signed in 1972.

DUKE: The area colored yellow (referring to Campbell Estate map), is that a desirable piece of property beach-wise for public park purposes?

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HAYWARD: I would say it's one of the better areas of Malaekahana Bay. The swimming is good and the beach is good.

DUKE: Notwithstanding the wind and all that business?

HAYWARD: Notwithstanding the wind and all that business.

DUKE: The area back of the beach it's rather deep there. In your opinion what could the public use that for, camping sites or would you leave that up to the imagination of the Department of Recreation?

HAYWARD: I would leave that up to the Department of Recreation.

WAY: As to any alternatives which you may have considered on either the reservoir or the STP, in the event that neither the ranchette portion or the mauka lands, and/or the park lands, and/or Area V which is in the state agricultural designation are available for the form or extent of development that you contemplate, the question is would this have a bearing on your design location and all the rest having to do with these facilities you're proposing, any one or all three?

HAYWARD: I think as far as the water is concerned, I don't think there could be any other alternative. The design has been worked out by our engineers in conjunction with the Board of Water Supply. I don't think there's possibility of changing the location. In fact, the Board of Water Supply had specifically suggested an elevation for the reservoir so that it would in fact tie in with the remaining reservoir in their system.

WAY: What about the size?

HAYWARD: The size of the water facilities I'd have to refer to our engineer.

WAY: What I'm getting at is it appears there are obviously some concerns about the use of those three specific areas--one, possible park, two a question of the mauka land usage in the form described to us, and three the fact that a Land Use Commission boundary change is required for Area V. So, somewhat these three areas seem to be rather indeterminate. The question then is what then becomes the viability of the plan now before us regarding sewers and water in light of these other uncertainties?

HAYWARD: The total area of land under consideration amounts to 111 acres. Most of this is taken up by the oxidation ponds for the sewage treatment. The water facilities occupy a very small area of land, 1 to 1½ acres. As such, even if the facilities would stay around tremendously, the total land area would still be around the same.

As far as the sewage facilities are concerned, if we took off one oxidation pond which in all probability we would be able to do,

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if this development were scaled down, if we did this I think the size of the sewer facility would be reduced substantially in size.

WAY: How about the other point with reference to location depending on where some of these things occur may not--you actually seek another location for the STP that might now serve in a more central position with relation to the new development that would be permitted if you extract out the other one or up three possible other areas for development.

HAYWARD: I think at this stage we would not consider that.

WAY: I guess I was saying do we know that this is now the best place to have an STP in light of some of these uncertainties? Maybe it is a question that needs to be subject to some engineering analysis. But, do you have any indications at this time?

HAYWARD: No.

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

At this time, Mr. Ramon Duran, Deputy Director of the Department of Recreation was called upon and questioned by the Commission.

DURAN: Just as openers, as you know our department is charged with providing and meeting the recreational needs of the City and County of Honolulu. Without a doubt, the biggest demand on our recreational facilities is for beach or water-oriented facilities. Even the Mayor in his long range goals and objectives has set as a specific item of providing more access to the ocean for the people in the City and County of Honolulu. Now, our 1964 general plan failed to do this. As was mentioned earlier, Red Hill was retained by the department to review the existing general plan and develop a report that also was stated as not ever having been adopted. The only question is for our immediate acquisition program at the department. Since the Hill report, we have been constantly updating this report and refining it. In this process, and particularly when helicopters became available to the city, we recognized the potential of beaches all along the North Shore and the Kahuku area. I remember specifically flying over this spot and taking many pictures. So, it has been for a number of years the desire of our department on a long range basis to have a park at Cooke's Point.

Needless to say, we were shocked. We were disappointed when we found out a development plan had been prepared for this very site. True, there was no indication on the general plan. I don't believe we had made our wishes known to the landowners because it was just in the thinking stage. We were developing a long range plan. We're still working on that plan.

We met with the developers as was pointed out in Mr. Hayward's testimony. We advised him and his people that we were interested in a 15-20 acre park site beyond Cooke's Point. This would have

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taken both sides of the point, the good and the bad. But, the development as it was presented to us provided no alternative. This was to be in my opinion, a very good townhouse development, very well done, very well executed. But, this was to be a very exclusive development, secured. They were to have a full-time security man up the highway. We really had no lever to work with in the sense that the general plan didn't reflect the park site in this area. So, we were looking for a park site. If we had to reduce the area to something much smaller than 5 acres, we still had chosen the point that this wasn't possible to allow their development to proceed because of the operation they had envisioned for this exclusive development. There's no way you could have had a public park at the point and had a security guard at the road. So in order for their project to proceed, the only alternative we had so that I just want to point out the term, jointly agreed, should be evaluated was the 5-acre park site that is shown on that site. Yes, we had that one alternative to agree to that site and of course, the access in the middle of the bay of one acre at a future increment. But under the circumstances, this was our alternative. We have agreed to this.

However, a new development occurred just recently as you well know and that is that the legislature appropriated funds to acquire Cooke's Point. We again see an array of hope of beach park for the public in this area. We wholeheartedly endorse the acquisition of this site by the state or somebody for public use.

Our records show that we did submit a letter to Bob Way to amend the general plan to designate 15 acres on that point but it was obviously too late. You know how long it takes to amend the general plan. This was when we were apprised of the pending development. So, negotiation was the only way we could salvage any park land within this area.

That's sort of the history from our department with regard to Cooke's Point, Mr. Chairman.

CHOY: We were told by the Campbell Estate people Makahoa Point is a better site than Cooke's Point. What's your opinion?

DURAN: First of all, we had our eyes on both sites.

CHOY: Would you say they're comparable sites?

DURAN: Malaekahana is a magnificent bay. We just felt it would be desirable to have both points as park sites for access to this bay. We had sketched in this area about a 40 to 50-acre park site. It doesn't necessarily follow the configuration that is shown here but we have had discussions with this thought with the staff for a park site in this area. I think Cooke's Points is a much better site than this one.

CHOY: It was also stated that because of the heavy wooded area it would be very undesirable for a park site. What is your feeling?

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DURAN: My personal feeling is that heavily wooded areas and beach parks and camping sites complement each other.

CHOY: Do you think it's feasible that the state jointly with the city could acquire this parcel of land?

DURAN: That's very difficult to say what the priorities may be in terms of acquisition money. We really hadn't intended to purchase any of the property on Campbell Estate for park site but we anticipated that it would be deeded to the city as they requested general plan and zoning changes.

CHOY: With your past experience in acquiring land for park, what does this seed money really mean?

DURAN: This to me means that you begin a project and later fund it. You purchase incrementally. It's very common in our department to purchase property this way.

For example, if the property were threatened with development, condemn it without the entire amount of funds. That would stop the development, that would transfer the land to our jurisdiction. It would only be a matter of paying the landowner for the property as the funds become available plus a penalty for the balance of the funds.

CHOY: Would you consider $1.4 million to be an adequate amount for seed money?

DURAN: Oh yes, no question about that.

TAKEHARA: When you talk about park lands, where specifically are you referring to, Parcel I and V or just Parcel I?

DURAN: When we originally anticipated acquiring property or designating the area for park site, there were no boundary lines at that time. We just generally said and it was very diagrammatically 15 or 20 acres at the point. It is a substantial piece of that property. Their first increment is 30 years so it's just as much as their first increment that we'd be talking about.

DUKE: The Campbell people stated that certain lands, I assume, were agreed on for park purposes, some 60 some-odd acres without money even being appropriated by the Council for acquisition of the property but nothing happened. What really did happen as far as parks are concerned?

DURAN: On that particular large parcel, our department had an entirely different configuration of what was offered to us. The 60 acres that we envisioned of a major park would have been parallel to the beach. It's a rectangular piece of property. The longest side would be beach frontage. The offer from Campbell Estate was reverse rectangular with the shorter side to the beach.

Again we go back to this idea that the City and County doesn't

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have unlimited funds to acquire property. So, when major developments are occurring such as in the Kahuku area, it's been our policy to wait for the development to occur, earmark these park sites and then have the developer donate them to the city. So, although funds were available, they were never encumbered for the acquisition of this property.

DUKE: So in this case it was 5.3 acres that you did acquire.

DURAN: The 5.3 acres again was an offer from the developer to deed to the city. Incidentally, it was with our understanding we would not permit camping on this park. This was a gift to the city.

DUKE: But your 15 or 20 acres to get the point wouldn't necessarily connect with the 5.3 acres that they presently have.

DURAN: No, this was an alternative.

KAHAWAIOLAA: When did you put in your acquisition for the 33 some-odd acres of land for park? You also said you were looking at both ends so they had full control of the total bay. But, seeing the developer gave 5.3 acres on one and 1 acre in the center portion of the development, wouldn't that give public entry to the whole area of the bay?

DURAN: Access would be provided to the bay with the 5.3 and the 1-acre easement in the center of the bay. It would not give us the backup land to accommodate substantial numbers of people with the facilities they would demand, comfort stations, picnic areas, parking areas, that sort of thing.

KAHAWAIOLAA: With the latest offer by Campbell Estate, the 28 acres plus the 36 acres, I guess they're using that as a trade off--

DURAN: Excuse me, this is the first time I have heard of this offer being made to our department for a park site.

KAHAWAIOLAA: I'm trying to see if that would be sufficient as far as the parks department is concerned.

DURAN: Our original intent was to have parks at both points. The demand hasn't changed. If anything, it's increased.

KAHAWAIOLAA: But your vision of both points being the developer would deed both points, hopefully.

DURAN: Hopefully. If the demand is such that we can't wait for the development to occur and we have to provide the facilities, we try to budget the acquisition of it. This may mean city funds, city and state, or federal, state and city funds. Otherwise we would in the case of a large landowner and where the demand isn't pressing, wait until the development occurs and have them provide the land as a donation to the city.

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KAHAWAIOLAA: You were here when Mr. Trotter stated the trustees cannot give land.

DURAN: That's right, I understand that. We've discussed that many times. We also discussed it with regard to the donation of the 5.3 acres. Somehow it was possible.

KAHAWAIOLAA: The way I heard it is that the developer bought the land and then deeded it.

DURAN: I see. So, it was still a donation to the city.

CHOY: Being it the desire by the Governor, the Mayor and the Senator of this area to acquire this area for a beach park, would you consider this a rather unusual good omen to the acquiring of this land.

DURAN: I'm frankly quite surprised and pleased. It's not usual that the Governor jumps in, and the Mayor agree on an issue, let alone the legislature.

CHOY: We do have letters to that effect. So in other words, as far as your past experiences are concerned, this is a highly unusual and perhaps a blessing to your department.

DURAN: I look at it that way.

HOSAKA: You are at a disadvantage and so are we because this is the first time we've heard about this offer by the trustees of Makahoa Point and the 36 acres adjacent to that. Is it some pie in the sky, that we're looking at something that is unacquirable since your approach has been wait for major development get land free from the developer, that financially it would take millions of dollars I suppose to acquire that kind of piece of property. Is it something out in the distance, the offer sounds good but it's not really attainable?

DURAN: I think there's a good potential of obtaining the desired amount of park land and beach frontage property all along Campbell's property. We've talked to the staff for a number of years now exchanging preliminary ideas which included something like 40-50 acres at Makahoa Point.

If you haven't seen the site, Makahoa Point is all coral outcropping. The beach actually begins fronting the yellow, the 36 acres. So, it doesn't have as much recreation potential as say the 36 acres or Cooke's Point. But, we do have the use of the golf course on a dollar a year. There are plans to move the golf course and expand it to 18 acres. As I say, we have discussed with them many park sites up and down that coastline, all anticipating dedication when development occurs.

HOSAKA: My question is with acquisition of that whole 36 acres and Makahoa Point, would that satisfy your department?

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DURAN: It's all developed with houses and the leases won't expire until sometime in the 80's. The red (referring to Makahoa Point) is vacant. The yellow (referring to 36 acres adjacent to Makahoa Point) is all developed. Acquisition wouldn't occur for another 15 years, perhaps.

HOSAKA: I'm just trying to determine, here they're offering us 36 acres but this would be sometime in the future, 1983 I believe the leases are up. So, you don't put much credence to that kind of offer in terms of reliability as to its functional, immediate use of the area.

DURAN: An offer to acquire to me doesn't mean very much because our department when it determines it wants a park site, and this Commission and the Council agrees with us, it's so designated on the general plan and moneys are appropriated and we buy it, even if through condemnation. So, the 36 acres is an offer for us to acquire it at market value, I'm sure.

HOSAKA: So in your approach to the viewing of recreational land, you're confining your thoughts just to that 1 acre and the 5.3 acre parcels, that this new offer does not alter your approach.

DURAN: I wish you'd restate that to me.

HOSAKA: Well, you heard the offer and I heard the offer on this 36 acres. I'm just trying to get your expert opinion as to how we should view this offer of the 36 acres at fair market value, that if it's 12 years from now, we should dismiss that entirely and just look at the 1 acre and 5.3 acres. Now, does the offer by the trustees alter your thinking? Are you happy that they offered this 36 acres or are you saying it's a lot of bull--

DURAN: I wouldn't go that far. No, I'm very indifferent to the 36 acres. Let me put it this way. As I mentioned earlier, we're looking at a 40 to 50-acre park on that site which would include a part of the 36 acres, it would include a part of the 28 acres (Makahoa Point), and we would like the plan on a long range basis which would be a beach park site. We would hope that we would be able to acquire it through dedication as the development of Kahuku and the rest of the Campbell Estate lands occur. I view the 36-acre offer to us, and I presume since we're going to have to buy it at fair market value, immaterial really.

HOSAKA: All right. Then, you hope in the future if they do come in with another development that includes the 36 acres, that possibly they would deed part of that to the city, so that it would be immaterial in terms of our approach in terms of thinking about this particular project. It has nothing to do with this project. All you're thinking about is the fact that you're against the wall and the only thing you could negotiate really was for the 5.3 and the 1 acre.

DURAN: That's correct. We hope to amend our park plan to include Makahoa Point for a beach park and other land as we deem

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necessary along the coastline, not just on Campbell Estate land. We can have them identified so that as development occurs we would be in a position to acquire then schedule our acquisition or have them dedicated.

HOSAKA: That 1 acre I guess was just for accessibility to the beach. What can you put on 1 acre?

DURAN: A comfort station, showers, just enough to provide the bear minimum necessities.

HOSAKA: Would there be parking?

DURAN: There's not much space you could use on 1 acre with the comfort station and parking. If anything, three or four spaces.

HOSAKA: Can you park along the road?

DURAN: Possibly. It's not desirable.

HOSAKA: So, on paper it looks good. There is an acre of public land there that we could go across to go to the beach. But in practicality, they wouldn't offer accessibility in terms of people having to drive their cars, park it and go through that parcel.

DURAN: It's been our experience that wherever we have beach easements 10 feet wide, 20 feet wide or in this case--and this is obviously much better--an acre and especially if it's fronting a beautiful beach like this, people are going to park on both sides of the road so long as it's legal. We have this problem at Bonsai Pipeline, Laniakea when the surf's up, and we're trying to acquire park properties in those areas to eliminate that problem. This is as I say, the only option we have.

HOSAKA: How about the 5.3 acres? Do you envision any problems in terms of parking there?

DURAN: No, we think we could accommodate the parking that's necessary for that small area off the road but it would be limited. The access to the water is really just on the very tip. You have to realize that the bay cuts across at the very end of that area in actuality. That stream is standing water most of the time except when it rains then it flushes out to the ocean. The access is maybe about 100 feet on the tip. It's not really a beach park but it provide access to the beach.

HOSAKA: Not to belabor the point but that 1 acre piece of property provides public access to the beach frontage but really, it's not going to be a functional piece of property.

DURAN: I'm sure that it will present problems in actuality. We have to contend with that at some future date.

CHOY: If the money were available between city, state and

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federal funds to acquire the 30 acres at Cooke's Point versus the 36 acres presently occupied by tenants, it would be cheaper to acquire the undeveloped 30 acres at Cooke's Point than the developed 36 acres?

DURAN: Yes, I believe you're right.

CHOY: So under those conditions, we should really consider Cooke's Point as the primary choice.

DURAN: Of course, every year that you wait the cost of land will go up also.

CHAIRMAN: When did you write that letter to the general planning department, the amendment?

DURAN: In February 7, 1973 we advised Bob Way of our interest in the property and on February 12 we actually sent him a letter of intent. We submitted this map with our letter of intent which includes the land on the bay side of the point also.

CHAIRMAN: You have any follow up after that letter?

DURAN: No, that was when we began discussing the project with field trip to the site, it was determined the only possible site would be in this corner and an easement at some future time to the bay.

CHAIRMAN: When were you notified by the developers about the 5.3-acre parcel?

DURAN: When you say notified, notified of what?

CHAIRMAN: When they told you they're going to have 5 acres for park use?

DURAN: It was probably 10-12 months ago.

CHAIRMAN: So about a year ago you knew about the development?

DURAN: We knew of it early in '73.

CHAIRMAN: Then why is it in the staff report there was no comments from the Department of Recreation concerning objections or whatever?

DURAN: At the point that this matter reached your Commission, we had resolved ourselves that the only park land possible would be the 5.3 and 1 acre sites from the information we received from the developer. We had no objection to the development based on what was possible at that time. Now, it's a new ball game as I see it.

CHAIRMAN: I have some feelings like Mr. Duke concerning the

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developer where they have put in some work and yet they have no indication where the parks department is going. So, at this time do you have any plans concerning other park lands irregardless of whether they're going to be acquired, purchased or sat on, concerning the general plan.

DURAN: Yes, Sir.

CHAIRMAN: How soon are you going to get that done?

DURAN: A year ago I would have said a year. Today, we're proposing some intermediate amendments right now. We've submitted a letter of intent to Mr. Way's office and we have in final draft right now a series of amendments that involve perhaps almost two dozen different park sites on the island, just water frontage park sites. So, if it's agreeable to Mr. Way's office, this matter should be coming before you in a matter of months. In addition to that, we're working on a long range plan to update all of our park needs. That should be before you in perhaps another year or more.

CHAIRMAN: Because my feeling is this Commission shouldn't be using the SUP to decide whether it's going to be a park or a development. It really has become a vehicle for deciding whether it's going to be a park or development. So, what I'm saying is it would have been much simpler if you had notified landowners or even in the future if you notify landowners, I think something can be worked out. So, I would appreciate it more if you would follow up on what you intend to do. I'm all in favor of having parks.

DURAN: Often what happens, Mr. Chairman, is we're working to put out brush fires because like Cooke's Point we hadn't anticipated development there for a number of years. So, we were working in areas that were threatened that we might lose. Suddenly, it comes to our attention, the wheeling begin spinning, and sometimes you're successful and sometimes you aren't. It wasn't too long ago when the community of Kailua brought to our attention the old skeet range was up for sale, the last vacant large parcel of land fronting Kailua Bay. There was a concerted effort by the community to get in there and get that site for a park. We attempted to do this. We reacted to the public's wishes. We filed letters of intent with Bob Way's office but as you know, it takes about a year or more to get a general plan amendment. As you know, today those lots are up for sale for development. We tried but we weren't successful. It's often difficult to anticipate the landowner's actions. We're trying our best with what little staff we have and what funds are available. I agree 100% that we shouldn't be put in a position of having to stop a development that's proceeded as long as it has, as far as it has. On the other hand, you've got the responsibility of weighing this against the public needs and the intent of government. I don't envy your position.

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

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Testimony AGAINST--

1. Mr. David Fry, Resident, Malaekahana Bay
2. Mr. Steve Gendel, Member, Shoreline Protection Alliance
3. Mr. Howard C. Geiger, President, Kaaawa Community Association and Council of Presidents Steering Committee
4. Mr. Olin Pendleton, Chairman, Council of Presidents

ADDITIONAL OBJECTIONS--

1. The offer by the developer of 28 acres at Makahoa Point plus the adjoining 36 acres is unfair. Makahoa Point is desolate, rocky, has no access except through private property, is dangerous for swimming compared to Cooke's Point which has calm waters, a sandy beach and access to Goat Island. Further, the city must acquire the adjoining 36 acres at cost of fair market value.

2. The offer contained in the letter from Campbell Estate dated May 7, 1975 signed by Harold C. Eichelberger, Chairman, Board of Trustees, is not valid unless signed by all trustees.

3. Existing utilities for park purposes would suffice inasmuch as cost of the city's connection into the developer's sewer and water facilities would be exorbitant.

4. The comment condemning the parks department for not requesting the subject property nor having it appraised is unrealistic. It is obvious by testimony presented that had the parks department requested the subject lands, the developer would consider their request ridiculous.

The public hearing was kept open and action deferred for a field trip to the subject site, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

PUBLIC HEARING AMENDMENTS TO THE PLANNING COMMISSION RULES RELATING TO ADMINISTRATIVE PROCEDURE (H.R.S. CHAPTER 91-3)	A public hearing was held to consider under the provisions of Chapter 91-3, Hawaii Revised Statutes, amendments to the Planning Commission rules relating to administrative procedure. Publication was made in the Star-Bulletin/ Advertiser on Sunday, April 13, 1975. No letters of protest were received.

The Executive Secretary reported that Corporation Counsel had previously ruled that the Commission in handling Special Use Permits should have rules and regulations conforming to the Administrative Procedure Act of the state statutes. The staff has taken previously adopted procedures by the Planning Commission

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in 1962 and amended them to indicate change of address, functions, etc. To these were added basic procedures for Special Use Permits as outlined in the State Land Use Rules and Regulations and Chapter 205 of the Hawaii Revised Statutes. The third area added are the Parliamentary Procedures of the Commission.

Questions were raised by the Commission.

CHOY: Would you elaborate on the kanalua principle?

CONNELL: Essentially, the Commission is voting a no recommendation which becomes an affirmative vote in support of the recommendation.

HOSAKA: In other words, if it were a stalemate of 4 to 2 and it di not consist of a majority, it would be forwarded with a positive or affirmative or approval kind of vote. In the past a stalemate 4 to 2 was viewed as a negative vote but because of the administrative procedure changes, this would be changed to an affirmative. Is that correct?

CONNELL: Yes.

KAHAWAIOLAA: A kanalua vote would be an affirmative on the motion and not the recommendation. In other words, if the application was for approval and the motion was for denial and the kanalua vote came out, the approval would be for the motion or the application?

CONNELL: It would be for the application. It would be the recommendation of either the Chief Planning Officer or the Director of Land Utilization.

DUKE: Let's say that we vote for the recommendation and we have an impasse. Under this rule, we would be for the recommendation. Let's reverse it and we're voting against the recommendation of the Director and we have an impasse. You say the recommendation of the Director goes?

CONNELL: The point on this is especially in terms of a general plan amendment. If there is a motion to vote against the Chief Planning Officer's recommendation and you have a non majority vote, you have a non action. Under your rules, we send it up as a no recommendation which then in previous rule is a negative. It puts the City Council in the position of having to vote two-thirds in order to pass it. If it goes up registering an affirmative vote, it simply makes it a little easier for the Council to vote on it. But, you are still really transmitting a no recommendation. You are still transmitting a majority nor minority report.

DUKE: Then you haven't answered my question. How do you vote against anything if we have an impasse?

CONNELL: The first thing you have to do is stop having impasses.

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DUKE: No, the only reason for this is because of impasse. Let's resolve that. Let's don't hedge. How do we convey to the Council that we're against it if the motion was against it and there is an impasse?

CONNELL: I think as a matter of fact what you have been doing is sending up to Council actions in which a majority of the Commission are for--

DUKE: It doesn't matter. Reverse it. Don't use an example for. Use one against and tell me how it works.

CONNELL: What you would be doing is transmitting a kanalua vote saying we really have no recommendation. It would be interpreted as an acceptance of the Chief Planning Officer's or Director of Land Utilization's recommendation. Along with this would go the majority or minority report as we are presently doing. They would still recognize it as a no recommendation.

WIKUM: I remember in most all recommendations whether they have been for or against the Director's recommendation, we've said we'll let the Council decide on the basis of the testimony we've received and the information we've had, that if we could not come to an agreement, let the Council decide. I think what's happened is if a no recommendation is taken as a negative, then Council has to have a two-third vote to pass it. So, if we keep that kanalua vote a negative, it would be very difficult for the Council to decide which I think has been our intent many times. We are admitting to them that we cannot make up our minds. You are the final deciding body, you decide. With the kanalua vote in the past being negative, we've said but, you have to have two-thirds vote to decide. I think that is a sticky problem.

I would like once more for the public record for the few public ears I have left at this time of night to state that we have these impasses when the majority of us that sit on an issue and listen to the testimony, the majority of us say one thing and it's an impasse. That's because the Commission that is empowered to have nine commissioners and the rule states we have to have five votes to carry anything. There are only seven of us. We have to a majority of those people who have really done their work. That point has bothered me ever since I've been here.

CHOY: I certainly would like to speak in rebuttal to Harriet. We have seven members, and certainly have five votes if the issue were compatible to the thinking of the Commission. We have in many instances have come up with a majority. Again, I would like to ask the question, are we here to please the Council?

Another question, if it were an impasse, isn't it better then for the Council to come up with two-thirds vote to make a decision? Isn't this a much more democratic way of doing it rather than pleasing the Council and having the kanalua?

CHAIRMAN: Before going any further, why don't we keep to questions pertaining to the amendment and after we have a motion, then we can go into discussion.

CONNELL: If I may clarify that. Under the APA, we're going to have to wait 15 days for any further written testimony before you can make a decision. So, there's plenty of time before voting on this.

DUKE: Didn't you say generally speaking, the legislature and the Council have adopted this kanalua plan?

CONNELL: The legislature has. For the City Council, it is not provided in the City Charter. The City Charter, in fact, is rather silent when it comes to impasse both in terms of the authors of the City Charter did not envision there would be impasse votes.

DUKE: How do they operate for decision-making particularly after a very lengthy and detailed public hearing? Do they make a decision immediately following the public hearing or do they take it under advisement and give commissioners to digest part of the input? I'm speaking about the Council and legislature.

CONNELL: I can't really speak for the legislature. I imagine through their public hearing process generally, they have a lengthy period to make up their mind.

The Council, because of the fact there has to be three readings plus the hearing also has a lengthy period of time and they have to digest the material from public testimony, it has been suggested for this Commission though it is not in the rules, that possibly a layover similar to the State Land Use Commission might be advisable to defer for 10 days an application, to have a meeting in which you have all public testimony and then defer to the next meeting which would be your decision meeting. This is a possibility and your rules could be amended to cover that.

TAKEHARA: Everything that goes to Council is approved if it has a majority vote of approval of the recommendation or an impasse vote. It's a negative if five votes are against the recommendation. Is this kanalua vote applicable to State Land Use Commission matters?

CONNELL: In discussion with Corporation Counsel, there would have to be a majority vote under special use permits.

HOSAKA: You're saying that if the recommendation was for approval and the motion was for denial and there was an impasse of 4 for denial and 3 against, it would go to City Council as an approval?

CONNELL: It would go up as an affirmative vote but as a no recommendation. The technicality is you would not be putting the Council in the position of having a two-thirds vote. I can see where there would be some concern when the majority is against

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something but as a matter of fact, what has happened is the majority has generally been for, 3 have been against. Therefore, the 3 or the minority is requiring the Council to take a two-thirds vote. I question whether that is necessarily democratic.

KAHAWAIOLAA: I understand what Gene is saying but, the only problem is this. If the majority votes against an application, I think the majority or the 4 should be able to dictate what should happen. I understand the rationale of kanalua but I'm talking about kanalua on the motion. If everybody agrees that the Director's recommendation is right, and the motion is made for the recommendation and 4 out of 7 vote for the motion, then I can see sending up an approval vote. But, if it were turned around where the Director's recommendation is for approval, and the 4 commissioners disapprove, I can't see it being sent up as an approval.

CHOY: This is a suggestion. Perhaps if the report were deleted of any recommendation, perhaps the kanalua could work.

WAY: You won't get anything if there isn't a recommendation in case of general plans and in fact of zoning ordinances. Under the Charter, the respective directors are the initiators. So if it isn't before you, you won't see it; that is, if it isn't for not going to bring a zoning change before you that is not for it.

Public testimony followed.

Representative Steve Cobb testified neither for nor against the proposed amendment but for informational purposes of the kanalua vote in the legislature.

COBB: I wanted to bring to your attention the implications of this kanalua. In the House, if you vote on a roll call kanalua three times, it's automatically recorded as an aye vote. In the Senate you're permitted to do that once. The second time your name is called if you say kanalua, the presiding officer will say aye for you. Again it's recorded as an aye vote.

The practical effect of this is it really becomes an affirmative mouse trap in the sense that any decision to overturn it with a kanalua rule would then take five votes. Otherwise you could have 4 to 3 in the negative at any time within this body here even though you only have 7 members, but nevertheless it would be construed by the Council for practical purposes as being in the affirmative, even though there is no recommendation. That's one of the practical side effects. If the Council is worried about getting a two-thirds vote to override, and you folks are concerned about preserving power, if you will, in the transmittal level from here, it would have a heck of an implication.

We went round and round on the kanalua question during the reorganization of the House last time as to whether or not we should abolish it. The only way we've retained it now is

you can't do it in committee reports any longer. On the floor of either house, if you express yourself kanalua three times in the House and twice in the Senate, the vote is automatically recorded as aye unless you then cast a no vote.

WIKUM: How do you feel about that?

COBB: As long as you're forced to take a position one way of the other, I agree with that concept. But here, it's reverse. Here you end up with an impasse say 4 to 3 either way and then in effect, kanalua is being used for constructive purposes towards the affirmative. In the legislature, the individual legislator is required to say no or aye on the second or third call depending on which body. Over here, you're in a situation where everyone votes, you're voting kanalua in an affirmative proposition.

Whatever implications are in this, good or bad, I don't want to try to influence you. I'm just telling you the procedure how it goes in the legislature and what some of the practical side effects could be.

WAY: One of the points to make in this is the fact that the charter does require 5 affirmative votes for action. We sort of start from that point. In certain circumstances, there is this two-thirds requirement where the Commission takes a position that requires a two-thirds vote of Council to override. As you know, there is the question of the fairness as Gene pointed out, of 3 or the minority causing that kind of reaction to have to take place. It has been the situation of the Commission in the past where they were at an impasse point, to literally end up saying we haven't arrived at a decision and in accordance with the chater, pass it on to Council and let them at least have a chance to deal with it on a simple majority basis, a 5 to 4 vote. But, when the impasse situation causes a two-thirds vote on the part of the Council to be invoked, so to speak, then raises a question of the equity. So, we are operating within some specific perameters here brought to us by the charter, essentially.

COBB: If I might respond, one of my first disappoints is there aren't nine full members of the Commission. The other thing is that 3 vote could really be a two-head sword. Three votes could require at this level a two-third vote on the Council. At the same time if you have a 4 to 3 adverse position, the majority of those present here, even though it may not be the required 5, would have their wishes in a sense, ignored.

(There were no further questions of Representative Cobb.)

No other person was present to speak either for or against the proposal.

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

UNFINISHED BUSINESS
STATE SUP/CUP
(PRIVATE SANITARY LANDFILL)
WAIPIO
OCEANIC PROPERTIES, INC.
(FILE #74/SUP-12 & #74/CUP-29)

The public hearing held on April 16 was closed and action deferred for the 15-day statutory requirement on the Special Use Permit and concurrent action with the Conditional Use Permit.

ACTION: The Commission, on motion by Mr. Hosaka, seconded by Mr. Duke and carried, recommended approval of both the Special Use Permit and the Conditional Use Permit, subject to the conditions in the Director's report, with the following modifications:

Condition No. 3

The Special Use Permit and Conditional Use Permit granted shall expire at the end of five years from the date of issuance of the Conditional Use Permit. (These permits) The Conditional Use Permit may upon (their) its expiration, be renewed by the City Council upon written application provided further that such renewal may be refused to any person who has violated the conditions of the permit during its term, or if conditions in the area have changed in such a manner as to justify refusal of the renewal. No fee shall be required for the issuance of the renewal permit(;). The Special Use Permit will be recommended for renewal by the Planning Commission subject to approval by the Land Use Commission if the Conditional Use Permit is renewed by the City Council;

Condition No. 5

Use of the subject site for landfill purposes, in accordance with pertinent conditions set forth by the Board of Water Supply, Department of Public Works, State Fire Marshall, and the resolution adopting the Conditional Use Permit, shall be established within one year of the date of issuance of the Conditional Use Permit. If necessary, this time limit may be extended by the Director of Land Utilization subject to State Land Use Commission and Planning Commission approval, provided that the applicant makes his request in writing and submits reasons which justify the time extension;

Condition No. 7

In the event the approved use of this permit is permanently terminated by the applicant, the applicant shall submit notification of the same to the Director of Land Utilization and the Planning Commission. Upon submission of such notification, the subject permit shall be declared null and void;

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AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

UNFINISHED BUSINESS
SPECIAL USE PERMIT
(POLICE & FIRE TRAINING
FACILITY WITHIN AG-1
RESTRICTED AG.DISTRICT
WAIPAHU-WAIPIO
PENINSULA
BUILDING DEPARTMENT,
C&C OF HONOLULU
(FILE #74/SUP-2)

A public hearing was held and closed on January 29, 1975 and action deferred for the 15-day statutory requirement. On February 26, 1975 the matter was deferred for a field trip to the site. On March 12, 1975 the matter was again deferred for lack of quorum vote. The Commission on April 2, 1975 deferred action for 1 month and a committee was appointed to study site selections and the Environmental Impact Statement.

ACTION: The Commission, on motion by Dr. Choy, seconded by Mr. Hosaka and carried, recommended approval of the request for a Special Use Permit, subject to the conditions, attached and made a part of these minutes.

AYES - Choy, Duke, Hosaka, Kamiya, Wikum
NAYES - Kahawaiolaa, Takehara
ABSENT - None

Commissioners Kahawaiolaa and Takehara still objected mainly to the location of the proposed facility in Waipahu for the reasons previously mentioned.

UNFINISHED BUSINESS
PLANNED DEVELOPMENT
HOUSING
WAIALAE-NUI
EXOTICS HAWAII LTD.
(FILE #74/PDH-3)

Commissioner Kamiya, who had declared a conflict of interest on this matter, was not present during deliberation and action on this item.

A public hearing held on April 16, 1975 was closed and action deferred for a field trip to the site.

As a result of the field trip, it was the feeling of the Commission that the proposed development would be appropriate, provided there is adequate access to the development either by an eased curve into the bridge on Oili Loop to effect an adequate turning radius ingress and egress of the development, or an alternate access to Hoakoa Place.

ACTION: The Commission recommended acceptance of the Director of Land Utilization's recommendation of approval, with one additional condition, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

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In the event that the applicant is unwilling to provide an alternate access to Hoakoa Place, the Commission recommends that an eased curve be provided into the bridge to provide an adequate and safe ingress and egress.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Takehara, Wikum
NAYES - None
ABSENT - Kamiya (conflict of interest)

ADJOURNMENT: The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

THE ESTATE OF JAMES CAMPBELL

May 7, 1975

City Planning Commission
650 South King Street
Honolulu Municipal Bldg., 8th Flr.
Honolulu, Hawaii 96813

Gentlemen:

The Trustees of the Estate of James Campbell respectfully urge granting of the Special Use Permit requested for the construction of sewer and water facilities which are an essential part of the development of a portion of the Estate's properties at Malaekahana, Kahuku, Oahu.

As planned, this will, we sincerely believe, be an outstanding project. In addition to the opening for productive use by several hundred occupants of this long secluded area, the public will, for the first time, be granted over six acres of sea-frontage land for access and park purposes (colored green on the attached map). These six acres are to be dedicated to public use without cost to the Government.

During the closing hours of the recent session of the State Legislature, an item was approved specifying the acquisition by the State of some 33 acres of Malaekahana ocean-front land. This was not proposed by either the State or City and County Administration. There was no public hearing on the matter. It is, we think, unfair for the Planning Commission to be put in the uncomfortable position of being asked to deny or delay the Special Use Permit requested. The facilities to be constructed are in an agricultural zone and are not a part of the proposed park. The effort apparently to have you deny the Permit being made as an indirect means of killing or delaying the project.

Should you, however, grant the Permit and this project is allowed to proceed, there remains a considerable acreage and shore frontage at Malaekahana Bay which can be acquired by the public for park purposes. It is with this in mind that the Trustees have today addressed letters to both Governor Ariyoshi and Mayor Fasi with the following proposal:

If the Malaekahana development is permitted to proceed, the Trustees offer to the State of Hawaii or the City and County of Honolulu a license for the nominal sum of one dollar to

James Campbell Building Suite 500 828 Fort Street Mall Honolulu, Hawaii 96813 Telephone 536-1961

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utilize approximately 28 acres of land at Malaekahana Bay (pink on the attached map) for public park purposes for a period commencing forthwith and ending July 1, 1976 on condition that: (1) the Government undertakes during this period an evaluation of the said 28 acres plus any portion of the additional adjoining area, colored yellow on the attached map, that the Government might deem essential to acquire for park purposes; (2) if the finding is affirmative, the Government will have an appraisal made of the properties it would seek to acquire and will commence negotiations (under threat of condemnation) with the Trustees on values, timing of acquisition and method for payment; (3) if mutually agreeable solutions to these matters are forthcoming, the appropriate governmental entity will present a request to the appropriating body to ratify the arrangement; (4) if the Government and the Trustees are unable to agree on the values, the Government could move to condemn the land for park purposes (in the Court) so that the Court-established values could be set at the earliest feasible date; (5) this offer is subject to the Estate disencumbering at the earliest possible date the land at Makahoa Point (pink on the attached map); (6) as to the remainder of the land (yellow on the attached map), which is leased by the Trustees until 1983, the Government, as the new owner thereof, could make arrangements with those lessees as to when their property would be vacated; (7) this offer to be without prejudice and not to be relevant in any proceedings for determination of values; and (8) unless sooner accepted in writing by the State or City and County delivered to the Trustees, this offer will be deemed withdrawn and no longer effective August 1, 1975.

If the Government is willing to work out the park matter as proposed, and the Grosvenor Malaekahana development is permitted to proceed, the public would obtain for park use at no cost, the 6+ acres that Grosvenor has agreed to dedicate to the City plus approximately 64 acres which the State could acquire by mutual agreement as to value or at a value established by condemnation proceedings.

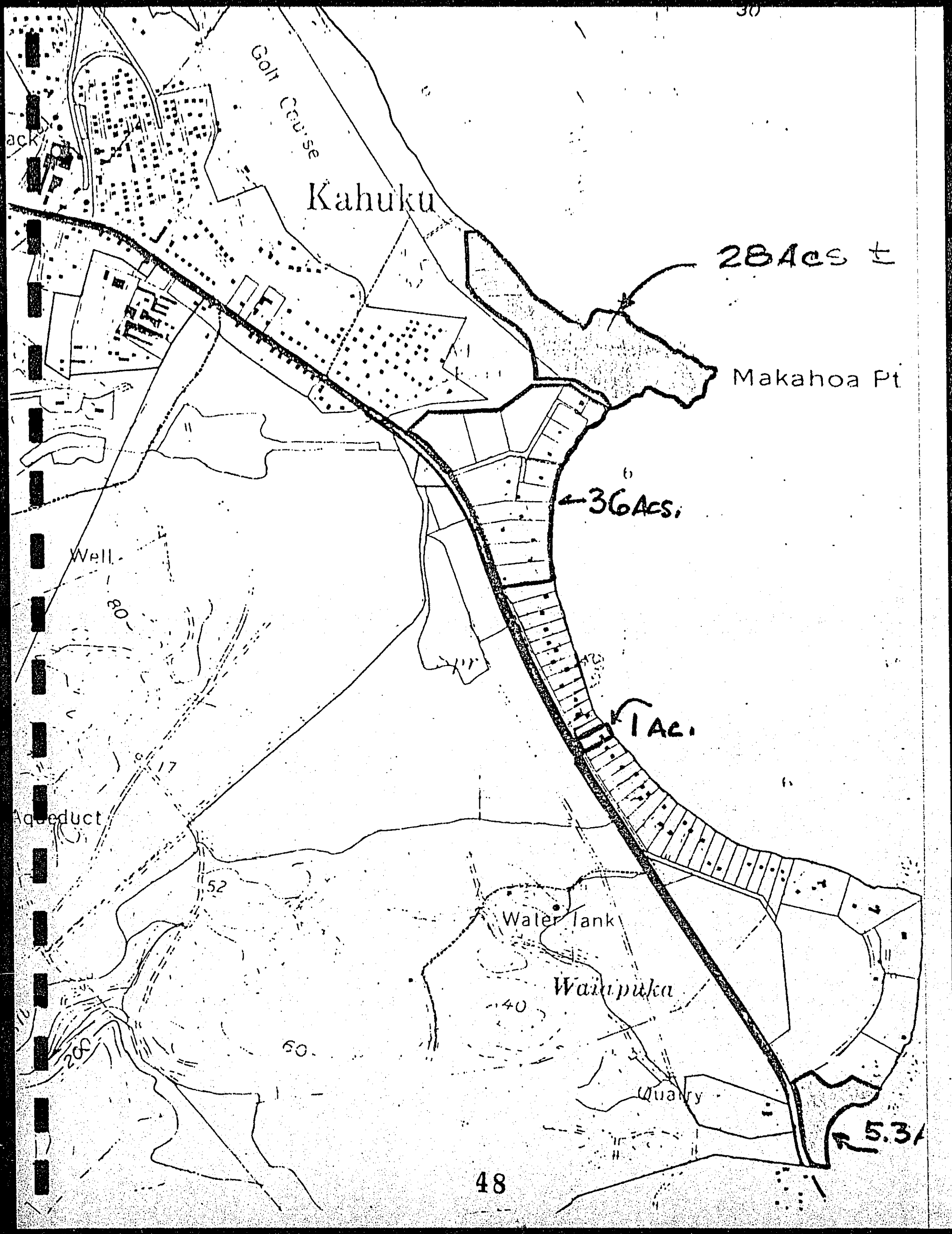
Very truly yours,

Harold C Eichelberger
Chairman, Board of Trustees

HCE/ag

Att: Map

1298ORP-1


Golf Course
Kahuku
284cs ±
Makahoa Pt
36Acs.
1Ac.
Well
80
Aqueduct
52
Water Tank
Waiupuka
40
60
20
Quarry
5.3A

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GROSVENOR INTERNATIONAL
SUITE 2222 DAVIES PACIFIC CENTER
841 BISHOP STREET HONOLULU, HAWAII 96813

May 7, 1975

City Planning Commission
City and County of Honolulu
City Hall,
Honolulu, Hawaii 96813

Attention: Mr. Randall Kamiya, Chairman

Mr. Chairman and Commission Members:

My name is Mr. Ralph Hayward, President of Grosvenor International (Hawaii) Limited, Developers of Malaekahana.

At your meeting of April 16th, my presentation to the Commission was confined to the subject of the permit request now before you and dealt primarily with the matter of the sewer and water facilities.

During ensuing testimony, information presented evolved primarily with the proposed Makai development, Malaekahana Bay, and matters relating to parks, open spaces and shoreline protection.

In order for the Commissioners to fully understand the scope of our entire project, our testimony today deals with these points.

We feel it necessary that we take the opportunity to clear up a number of questions raised by various testimony presented at your last meeting. I have with me our engineer, who will deal and review with you the technical aspects of the project, if you so request. We also have with us today, representatives from The Estate of James Campbell, the Landowner, to present to you their master plan for the total Kahuku area, in order that you may have an overview of The Estate's long range land use schedule for the Kahuku area.

GROSVENOR INTERNATIONAL

To further provide you with information of our Company, we wish to present testimony in this area. Grosvenor International (Hawaii) Limited is a Hawaii based subsidiary of Grosvenor International Holdings Limited of

GROSVENOR INTERNATIONAL (HAWAII) LTD. TELEPHONE (808) 537-6132 CABLE PADDOX, HONOLULU TELEX 634-123

1298DRP-1

Vancouver, Canada. Our initial introduction to Hawaii was in 1965 when we were engaged by The Trustees of The Bishop Estate to prepare a master plan for the development of their lands at Keauhou, in the Kona District on the Island of Hawaii.

Since that time we have undertaken numerous planning studies for various landowners including Alexander & Baldwin, Campbell Estate, and the Hawaiian Sugar Planters Association.

In addition, we have developed a number of projects including the Davies Pacific Center, located in downtown Honolulu and have several other projects in the final construction and design stages.

In all of our projects, we have stressed the appropriate balance of urbanization, quality development with good design and the preservation of open space. This balance will also be achieved at Malaekahana.

MALAEKAHANA PROJECT

Our project at Malaekahana envisages a low-rise, low density, cluster development which has been designed to preserve views, protect the shoreline and preserve the present sand dunes and vegetation at a density of approximately 5 units to the acre.

The present zoning for Phases I, II, III and IV is designated Urban, under State Land Use Zoning and City General Plan R-6. Our development will be substantially below the permitted densities for this area. At our previous presentation, you expressed certain concerns with regard to the presently agricultural zoned 44 acres lying makai of the highway and the 300 acres located mauka of the highway. At that time, we were unable to respond to your inquiries specifically because we had not completed detailed studies and evaluations.

Because construction of Phases V and VI are not planned to commence for approximately 3 years, we have not at this time expended funds for detailed studies of these areas.

We wish to state, however, that our initial planning studies indicate to us that Phase V should be developed to accommodate larger single family units with greater open space and privacy together with recreational amenties to service all phases. The density of Phase V is planned to be approximately four (4) units to the acre.

12980RP-1

Similarly with Phase VI (300 acres located mauka of the highway) our preliminary studies indicate to us that there is a high demand for sites located within agricultural AG-1 districts which will permit a dwelling with large surrounding acreage oriented towards equestrian activities. Such use is not ordinarily permitted within an urban zone or with close neighbors as is typical of an urban zone but is very complementary to the type of uses planned for the rest of the area. With this concept in mind, the lots have been preliminarily planned to assure that at least every lot will have approximately 2 acres of land with a slope less than 20%. Of the total 300 acres, approximately 150 acres of the area is classified as E-115 category under Detailed Land Classification of the Land Study Bureau and as such is not suitable for the usual agricultural uses as contemplated by the CZC requiring mechanical cultivation.

Our research of the permitted uses within this area indicates that the uses we envision meets the stated purpose and intent of the State Land Use Law (Hawaii Revised Statutes, Chapter 205, Section 2) and the County Zoning Code as found in Section 21-401.

We have planned the area to create 2-acre to 10-acre "ranchette" lots and are prepared to commit ourselves to these densities if required. As you know, our submittals now before the City will require further review of this area by City agencies before we are able to proceed.

In order to give you an insight as to the schedule and time involved in the planning, design and processing of the various permits for this project, our initial contact with the City commenced in April, 1972, approximately 2 1/2 years ago, with a formal application submitted on December 8, 1972. We have met all of the requirements of the Planning Department's staff and have received continued encouragement by the department. In addition as part of the review process all City Agencies were contacted by the Department of Land Utilization for their review of the plan and their comments. The City Agencies contacted were the City Sewers Division, Board of Water Supply, State Department of Health, State Department of Transportation, City Department of Transportation Services, State Department of Agriculture, State Department of Education and the Fire Marshalls Office. All these Agencies gave favorable written comments which are on file at the Department of Land Utilization.

PARKS

With regard to the need for parks, we are aware of the City's and State's program for park acquisition. None of these plans indicate park sites at Malaekahana.

12980Rp-1

The matter of the Malaekahana park site was first discussed with City officials in April, 1973. Following these discussions, we made site visits with officials from the Parks Department and as a result, we jointly selected the 5.4 acre beach park which gives access to the beach on the Laie side of Cooke Point and which is adjacent to the proposed Laie Regional Beach Park. We also jointly selected a 1 acre beach access lot in the center of Malaekahana Bay to give access to the center and the remaining portions of the bay. We also visited the Makahoa Point area and adjacent beach property in this vicinity for future park sites. Following these discussions, we submitted our revised application to the Department of Land Utilization on March 15, 1974. Following this submittal, it has been indicated to us by the Department of Land Utilization that our application would be approved under the present format and as part of the further approval of this project, the Department has recommended to this Commission that the application for the permit to construct sewer and water facilities under consideration today be granted.

We wish to point out that our development program includes dedication of approximately 10% of the beach land area to the City for Park use at no cost to the City. In the development of Phase I, 5.3 acres of land will be deeded to the City which will immediately provide public access to the beach and Malaekahana Bay, where none exists at the present time. Another one acre park will be deeded in Phase IV. Thus, this project will provide public parks access to Malaekahana Bay at no cost to the taxpayer - at a ratio greater than that presently contained in the City's proposed park dedication ordinance.

Regardless of whether or not the State proceeds with this acquisition of the park site, it is still necessary to provide sewer and water facilities for the remaining area under our development plan, and further, in the event the State proceeds with the development of a park site at Malaekahana, the sewer and water facilities would still be necessary to provide services for the park site to accommodate park activities.

PENDING APPLICATION

The application before you, which is the purpose of this public hearing, is for approval of our use of approximately 11 acres of land for utility purposes, i.e., sewer and water facilities of which only 1/2 acre is in agricultural production. After a long period of investigation of alternative sites by our engineers and planners and the public agencies involved, it was the concensus that the sites selected are the most suitable for the particular utilit

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The sites involved are unsuitable for intensive agricultural use. Its location within an agricultural district does not violate the intent and purpose of Section 205-6 and is a reasonable use within the applicable zoning district.

We wish to thank you for permitting us the opportunity to be heard on this matter. Unless you have any questions, Mr. Fred Trotter, of The Campbell Estate, will review with you their master plan for the Kahuku area to give you an insight to the total land use plan for the surrounding 14,000 acres of Campbell Lands.

Respectfully yours,

Ralph W. Hayward
President

RWH:da

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CONDITIONS IMPOSED BY THE PLANNING COMMISSION
for
WAIPAHU--WAIPIO PENINSULA--SPECIAL USE PERMIT
Police/Fire Training Facility--(74/SUP-2)(CS)
May 7, 1975

1. Within one year of the approval of the Special Use Permit, the applicant shall properly file for a building permit with the Building Department and commence construction. The total construction shall be completed in five years. If necessary, the time limit may be extended by the Director of the Department of Land Utilization provided the applicant makes a request in writing and submits reasons which, in the opinion of the Planning Commission, justifies the time extension;

2. The applicant shall comply with all air and water quality standards of the State of Hawaii. In the case that a variance to the air quality standards is necessary for the fire training facility, those exercises which require the variance shall be conducted only during tradewind conditions;

3. The plans as submitted, marked EXHIBIT A and on file with the Department of Land Utilization, shall be followed except as may be altered by the conditions stated herein;

4. Police firearms training is prohibited;

5. The helicopter pad and related helicopter activities connected with the training facility shall be prohibited;

6. Landscape buffering for this facility, including the adjoining incinerator, shall be created and maintained to a standard acceptable to the Director of Land Utilization for as long as this facility exists;

7. Waipahu Depot Road shall be improved and paved to a width of 24 feet from the Oahu Railroad right-of-way makai to the makai border of the project site;

8. At such time as 50 acres are landfilled and suitable for Park and Recreation use, the Department of Parks and Recreation shall establish a park on this site. The Department of Parks and Recreation shall request the Chief Planning Officer to initiate a General Plan amendment to change the use of the 50 acres from Public Facility to Park use.

9. The Director of the Department of Land Utilization may make minor modifications to the conditions stated herein when it becomes apparent that such modification is necessary and appropriate;

10. In the event any condition as set forth herein is not complied with, the Director of the Department of Land Utilization shall be authorized by the Planning Commission to take action to terminate the use or halt its operation until such time as full compliance is obtained.

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11. The Police/Fire Departments will make the facilities available to community groups when not required for training purposes.

PLANNING COMMISSION
May 7, 1975

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MAY 21 1975

Meeting of the Planning Commission
Minutes
May 21, 1975

The Planning Commission held a meeting on Wednesday, May 21, 1975 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Charles W. Duke, Vice Chairman
Dr. Wilbur Choy
Donald Hosaka
Antone J. Kahawaiolaa
Alice Takehara
Harriet Wikum

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning, Department of Land Utilization
Arthur Muraoka, Acting Design Division Head, Department of Land Utilization

MINUTES:

The minutes of April 16, 1975 were approved, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

PUBLIC HEARING
ZONING & CZC AMENDMENT
(1) FROM EXISTING ZONING TO P-1 PRESERVATION: ALL LAND FOR PARKS AND RECREATION, CEMETERY, PRESERVATION, OR OTHER OPEN SPACE USES
(2) CZC AMENDMENT: SECTION 21-301, P-1 PRESERVATION DISTRICT MODIFYING RESTRICTIONS ON NON-CONFORMING USES AND STRUCTURES CREATED BY THE REZONING
(FILE #75/Z-6
L&R/1975-5(JR))

A public hearing was held to consider a request for rezoning of land general planned for preservation uses and amendment of Section 21-301, P-1 Preservation District, Comprehensive Zoning Code, modifying restrictions on non-conforming uses and structures created by the rezoning.

Publication was made in the Sunday Star-Bulletin/Advertiser on May 11, 1975. Letters received both in support and against the request are included in public testimony for and against the proposal.

Staff Planner Jack Gilliam presented the Director's report of the request. The purpose of the proposed action is to gain added protection for the land, expedite conversion to general planned land use and reduce the costs of such conversion, resolve zoning inconsistencies, and to expand the policy begun by the City Council last year to conserve planned open space through the zoning power. The request includes any additional land designated on a Detailed Land Use Map or a Development Plan with any of the following words: park, beach park, neighborhood park, regional park, playground, playing field, open space, preservation, golf course, cemetery, botanical garden, zoological garden, marina, flood plain, pond, stream R/W, or drainage canal.

1298ORP-1

Concurrent proposal by the Director of Land Utilization, the zoning code amendment is a necessary adjunct of the rezoning action. It has no validity except in connection with the rezoning action and should be processed concurrently.

The Director recommends approval of the proposed ordinances.

QUESTIONS OF STAFF

DUKE: I believe there's some 500 acres of privately owned land. What happens to it?

GILLIAM: The present policy again adopted by the city is for this to be in an open use. This policy was not just arrived at by throwing colors on the map. These areas sometimes are probably steep lands. Much of the area is steep land and adjacent to the conservation district and are not considered developable lands. These lands and designating the public facilities to serve those areas have not been computed out in terms of public facility needs to service those areas. Yet, they might come in, even though in most cases it's probably not lands that we would like to be developed because of terrain, topography or other purposes which warranted that designation to begin with on the general plan. They are not forever frozen. There is the means for them to be reviewed in subsequent general plan amendments or the general plan as future urban areas. But in that review, then we would also have the coordinated review of the necessary public facilities to serve which we haven't programmed at this time on the basis of the present general plan because we have programmed the public facilities to serve that area as open space. But, it's in that public interest, we feel, that it's time to catch up with our planning. That's a little roundabout way to answer your question, but yes, they would have certain open type uses which are permitted in the preservation district. If they feel it should be to some other use, then they would be going through the procedures of coordinating whatever proposed use with all other facilities related to that particular use, and it could be related which it isn't at this particular time.

DUKE: The main question is privately owned property that is going to be put into preservation presently is undeveloped, most of it according to your information. Do you have a means whereby they can, once it's put into P-1, come in and request that the P-1 district be changed to some other zoning?

GILLIAM: They will go through a general plan change prior to changing the zoning.

DUKE: I'm just trying to rationalize in my mind the impact it would have on privately owned property and what recourse they might have.

CHAIRMAN: How many of the landowners were notified of this change?

GILLIAM: We notified no specific landowner on this request.

CHAIRMAN: Do you have any idea who might be the big landowners that might be affected?

GILLIAM: No.

CHAIRMAN: How about the estates?

GILLIAM: I'm sure they would have some land but to what extent, we have not gone into individual ownership or who they may be if any particular parcel.

HOSAKA: If the downzoning is permitted on privately owned land and if a property owner had a fire and wished to replace his home, he would be exempt under this rezoning.

GILLIAM: On the companion amendment to the P-1 district, he would be able to rebuild, yes.

HOSAKA: The taxes he would be paying then would be on the P-1 rather than the R-6 if it were on an R-6.

GILLIAM: That depends on how the assessor looks at it. We have nothing to do with the taxes. It's determination of the tax assessor at the state.

HOSAKA: Well, if it's zoned in P-1, couldn't you give me a categorical answer as to the fact that it would be downzoned from R-6, for example, and I would assume that it would be on a lower tax basis.

GILLIAM: What I gather from the tax assessor, they don't always necessarily tax by zoning district. They tax by highest and best use.

HOSAKA: So you're saying it would be the same.

GILLIAM: No, I'm not saying because I don't speak for the tax assessor. What I'm saying is this is two potential schools of thought--one, he could say it is P-1 it is a lower classification, or he could say the highest and best use is still residential because he can always rebuild his house, or he might have a compromise figure in there.

HOSAKA: I can't put my finger on it but in this report it talks about the loss of tax money.

GILLIAM: There is that potential, yes. On vacant land, I would assume you were talking about a specific house. On vacant land, I would assume there may be a change in the tax base. We have assumed that.

CHAIRMAN: If you never notified any of the landowners, what happens to the landowners who are already in the process of planning something for their particular land?

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GILLIAM: Well, it depends on what stage they are in planning for that. Any building permit that comes in is based on the zoning at the particular day it comes in.

DUKE: Is it a general practice for DLU to submit a plan that will downzone land without notifying the property owners that will be affected?

GILLIAM: On individual applications, yes. But, this is not the first example of large scale zoning changes that have gone without notifying property owners. The last major one was the adoption of the CZC in 1969. In that particular ordinance, there were probably twice as many acres involved in changes of zoning, some of it up, some of it down, some of it staying where it is. Substantial amounts of that were in the terms downzoned to various categories. At that time, there was no notification to individual property. Throughout the history of zoning, not only here but in other jurisdictions, area wide rezoning has taken place. Generally, area wide rezoning does take place without formal individual notification; otherwise, the restrictions on ever achieving any area wide rezoning would be so great in terms of man hours, red tape involved, that you would never accomplish any substantial zoning that only tend to process 4,000 square feet here 10,000 square feet there. We feel this approach legitimate. We feel it is the proper way to start implementing the very substantial portions in terms of public interest of the present general plan.

DUKE: Would you read to me the notice you put in the paper regarding this property and let me see if I was a landowner, if I could comprehend whether I was affected or not.

GILLIAM: The notice in the paper was zoning and CZC amendment, from existing zoning to P-1 preservation, all land on Oahu general planned for parks and recreation, cemetery, preservation or other open space uses.

DUKE: I question whether that would really put me on notice that my property was being affected in any way, and I think I have a right to know when my property is going to be downzoned. Do you think that's not correct?

GILLIAM: No, I don't know whether you're talking from a legal standpoint or whether you're talking from a moral obligation.

DUKE: A moral standpoint right now.

GILLIAM: I think if the city makers of the charter and the various laws that we are governed by felt that there was a specific moral obligation on behalf of the city to have individual notifications, they would perhaps have made that a requirement for us to administer. They have felt that the public notice in the paper is sufficient.

DUKE: Well, probably it would be if it really notified them. I question whether your notice notified any one or not. Anyway, I still believe that right is right. You just don't do things to

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people without letting them know that you're doing it. If that be the rule, then the rules are wrong.

(There were no further questions of staff.)

Public testimony followed.

Testimony in SUPPORT--

1. Mrs. Muriel B. Seto, The Lani-Kailua Outdoor Circle, Chairman, ad hoc Committee for Kawainui Regional Park (Submitted statement dated May 21, 1975)
2. Mrs. Muriel Lufenui, Waialua Landowner
3. Mr. Shigero Kunihiro, Waialua farmer and Lessee of Mrs. Lufenui
4. Mrs. Kay Landrum, Acting President, The Outdoor Circle (Submitted testimony dated May 21, 1975)

Reasons in SUPPORT--

1. The proposal supports the need for the highest protection for park lands and other open space and is a significant forward step in planning for the future of Oahu.

2. Zoning inconsistencies have been an expensive deterrent to an orderly parks acquisition program and have been a major cause of delay in completion of a comprehensive parks plan. These inconsistencies have caused unnecessary hardship and to landowners and developers who would not have initiated projects had the land been zoned to conform to the general plan.

3. The City Council in its recent commendable action designating existing golf courses P-1 preservation, has already set the precedent for further protective legislation for these areas.

4. The proposal provides additional protection for yet-to-be-acquired lands in the Kawainui Regional Park area to preclude inappropriate private development taking place under existing city zoning.

Testimony AGAINST--

1. Mr. Fred Trotter representing the Estate of James Campbell
2. Mr. Peter K. Hanohano, Landowner Punaluu and Waialua area
3. Letter dated May 21, 1975 from Joseph J. Ramia, Vice President and General Manager, Foremost Homes Hawaii, Limited
4. Letter dated May 21, 1975 from Barry R. Okuda, Executive Vice President, Kaiser Aetna.

OBJECTIONS--

1. Adequate notice in this case has not been provided to all affected property owners and developers. In order to accomplish the analyses required to pursue a rezoning proposal of this magnitude, considerably more time would be required.

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2. The same detailed information required for a zoning application should be imposed in this rezoning proposal. Zoning is a complicated process which requires thorough study of parcels on a very individual basis. In order to effect efficient land use, careful engineering studies must be initiated and correlated so that the optimum results are obtained and development and housing economies are correspondingly preserved.

3. On occasions, a designated site for parks, golf course, etc. is relocated or its proposed use is considered no longer appropriate. In this event, the use of the area for some other authorized purpose is restricted if the land has been rezoned to P-1 Preservation. Similarly, future changes in configuration of land parcels which may be necessary to fit the final development plans could not be made without another zoning change. These add to the city's administrative costs with no apparent benefits.

4. Normally, park and recreation and cemetery types of uses support other land uses shown on the general plan such as residential, apartment and resort. For any development, all are part of an integral plan. To down zone the recreation portion of the total plan without a commitment to zone other areas to be developed for housing or hotels would not be equitable.

5. There may be a legal question as to the chronology of the proposed rezoning plan, i.e., should land be down zoned prior to condemnation.

6. It does not seem apropos to effect the proposed rezoning while a general plan revision for Oahu is currently being established.

7. Present benefits by property owners under existing zoning will be lost and none will be gained by the proposal.

The public hearing was kept open and action deferred pending notification of community associations, special interest groups, and large landholders of the proposed zoning change, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

PUBLIC HEARING
CZC AMENDMENT
RELATING TO FINISHED
GRADE OF THE ACCESS
DRIVE OF FLAG LOTS
(FILE #L&R/1975-7)

A public hearing was held to consider a proposed amendment to Section 21-201(c)(1)(vi) of the Comprehensive Zoning Code relating to finished grade of the access drive of flag lots.

Publication was made in the Sunday Star-Bulletin/Advertiser on May 11, 1975. No letters of protest were received.

Mr. Arthur Muraoka presented the Director's report of the proposal. The proposed amendment allows a steeper grade of the access drive to a maximum of 19%. A steeper grade would reduce the amount of excavation and construction of retaining walls. A grade steeper than 19% would be allowed by the Director of Land Utilization because of topography, subdivision lot arrangement and design, and

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upon recommendations of the Departments of Public Works and Transportation Services. The Director may impose conditions such as fencing, walls, and safety barriers to insure the safety and general welfare of the area. Vehicles are able to negotiate a driveway grade of 19%. In addition, streets in the City and County of Honolulu have been constructed with grades of 19%.

It is recommended that the proposed amendment be approved.

Question was raised whether fire trucks could negotiate the 19% grade. Mr. Muraoka responded affirmatively and stated that the city requires reinforced concrete pavement on grades of 19%. The proposal was discussed with the Fire Department and they had no objection.

No one spoke either FOR or AGAINST the proposed amendment.

The public hearing was closed, on motion by Mrs. Takehara, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the proposed amendment, on motion by Mr. Duke, seconded by Mrs. Takehara and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

PUBLIC HEARING
CZC AMENDMENT
OFF-STREET PARKING
STANDARDS IN AG-1 AND
AG-2 AGRICULTURAL
DISTRICTS
(SECTION 405(c))
(FILE #L&R/CZC-1975-8)

A public hearing was held to consider an amendment to Section 405(c) of Chapter 21, R.O. 1969 (Comprehensive Zoning Code), off-street parking standards in AG-1 and AG-2 Agricultural districts.

Publication was made in the Sunday Star-Bulletin/Advertiser on Sunday, May 11, 1975. No letters of protest were received.

Staff Planner Jack Gilliam presented the Director's report of the proposed amendment. The purpose of the amendment is to delete the requirement in agricultural districts that off-street parking spaces for dwellings be constructed with an all-weather surface. In lieu of an all-weather surface, crushed rock or limestone may be used. All other uses in the district will be required to comply with the off-street parking standards.

The proposed amendment originated with the City Council.

The Director recommends adoption of the proposed amendment.

No discussion followed.

No one spoke either FOR or AGAINST the proposal.

The public hearing was closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended adoption of the proposed amendment, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

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AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

PUBLIC HEARING
TWO STATE SPECIAL USE
PERMITS--
(1) PRIVATE SEWAGE TREATMENT & DISPOSAL SYSTEM
(2) PROPOSED WATER SYSTEM
KAHUKU
GROSVENOR-INTERNATIONAL (HAWAII) LTD.
(FILE #74/SUP-14 & #75/SUP-2)

The public hearing held on April 16 was kept open and action deferred for further information from the Department of Land Utilization. On May 7, 1975, the public hearing was kept open and action deferred for a field trip.

The following transpired.

DUKE: Mr. Chairman, I believe additional input was requested particularly from the state as to their intentions. I see that Senator Anderson is here.

SENATOR D.G. ANDERSON (3RD SENATORIAL DISTRICT): I have before me copy of a letter, hand delivered today from Christopher Cobb from the Department of Land and Natural Resources. The letter demonstrates the state's continued interest. It further amplifies the Governor's letter that I understand you received on May 6th. If I may read it--

> We share the Legislature's interest in acquiring land for parks, especially along the shoreline. Purchase of land at Malaekahana seems particularly appropriate because it will make available to the public, a prime beach which has previously been inaccessible. The lack of beaches is serious on Oahu and particularly so on the windward side where there are few prime beaches and beach areas with sufficient distance between the belt highway and shoreline.
>
> We therefore intend to initiate land acquisition proceedings for the 30-acre area, assuming the appropriated item becomes law--(ANDERSON: And that would be July 1st when the budget becomes effective.) It is also assumed the Legislature will provide future appropriations necessary to complete the acquisition and develop a park.
>
> Thank you for providing us the opportunity to comment on this Park acquisition project.

I don't know how much more I can say on the subject. I'd be happy to answer any questions.

DUKE: Senator, I appreciate your concern regarding this area. When the appropriation becomes law on July 1, how much money do you have earmarked for acquisition or for preliminary steps to condemnation and acquiring?

ANDERSON: We have in the budget, $400,000 in cash in CIP or bonds. We have also in a proviso in 1971, Senate Laws of Hawaii, Act 68, transferred $785,000 from another Bellows appropriation. So, we have right now $1,185,000 ready to acquire Malaekahana. I might say that not appropriating the full amount is very customary. We in the state acquired Kahana Valley over a 5-year period. The state negotiated with the property owners, I believe it was the

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McCandless heirs, and incrementally paid a million dollars acquisition for Kahana Valley. We have now incrementally over the past four years have committed four million dollars, and I understand just this morning got a $1.4 million dollars for the Heeia-Keia Matson Point area. It is very common to start off with an appropriation. It'll take 5 or 6 months to get the appraisal and the land values out there so that a fair price can be taken for it. The legislature convenes in January. I would imagine the second or third appropriation would be very common and forthcoming.

DUKE: Just for the record, the $400,000+ and now the one million, is that definitely earmarked for this particular parcel of land?

ANDERSON: Yes.

CHOY: How long do you think it will take to acquire the entire bay for park? Down the road a bit, how much money will be required and how soon will we be able to acquire this land or a great portion of this land? The landowner has some rights and just so he'll know exactly how he stands as far as his development is concerned.

ANDERSON: I couldn't give you an exact figure because I have no idea what the appraised value would be. But, if we're talking anywhere from three to five million dollars for the first 31 acres, that could be made available in a 2 to 2½ year period with no difficulty at all. We already have 1.1. Based on the appropriation next year, we could come up with two million dollars or if need be, again it's very common for the state to negotiate. Sometimes they cash out or the one payment for the property owner isn't to his benefit in condemnation. There might be some land value exchanges or some land exchanges.

I might say for the record, I'm most sympathetic to the estate. I read last night when I received a copy of a clipping, a commissioner was quite critical of your own parks department and those in the state for not having earmarked this parcel earlier. I would fully agree and I would share that responsibility. I think the state and the county are long overdue in getting together and once and for all earmarking these large parcels so that property owners and developers can plan intelligently in the future. While it is difficult and I find myself at a real embarrassing position in opposition to Mr. Trotter and his group, I would only commit here that I will do all I can financially through the legislature to make sure that any outer-pocket expenses that the gentlemen have thus far spent be compensated fully. But, I do not believe that we ought to let that bay go at this point for the benefit of 250-300 people only as an exclusive townhouse development. It would be a shame.

CHOY: Four of the commissioners did take a field trip to Malaekahana Bay. We were told in the last two hearings that Grosvenor had already spent a million dollars in developing this present plan. Am I correct that all of this or part of this

money spent would probably be reimbursed by the state if the state did pursue to acquire the entire bay as a regional park?

ANDERSON: I can only give you a similar incident where we have gone in and and are in the process of condemning and acquiring the Matson Point and Heeia Fishpond area. Matson Point is owned by Bishop Estate. McCormack has the development rights and he has since sold the development rights to Makaha Land. We have been working and Makaha Land has been very cooperative. Mr. Moriguchi has received a letter from the Governor informing him of the commitment to condemn. The appraiser has just come in this week with the appraisal for Matson Point. In this appraisal, I understand in talking to Mr. Cobb this morning, is a figure to accommodate those who have had outer-pocket expenses legitimate. The figures I have heard is not in excess of a million but close to $800,000 to this particular one. But, I think the gentlemen who have in all good sincerity spent outer-pocket money should be compensated.

CHOY: What is your feeling on the 28-acre Makahoa Point area compared to the Cooke Point area?

ANDERSON: I met with Mr. Trotter and the Grosvenor people two weeks after the legislature adjourned to go over the entire area. I have been out in the area from point to point. I would agree with the comment made by somebody that Makahoa Point is not ideally suited for a park. This kind of exchange, I think the city or the state or both would be short changed in accepting that as a compromise. Mr. Trotter and I have met several times. He wants to know what the state intentions are also in the future. I have three more years to serve in the state senate. I'm going to take Mr. Trotter up on an invitation to go from Makahoa Point all the way out to the far point where Campbell has property. I would like to incrementally purchase every bit of sandy beach front that we have from the Zion Security point bay which is before this 30 acres and acquire all of the beach in this particular area. It's beautifully suited. I think if we look 20 or 25 years down the road when most of us are gone when our children are here, park and open beach front is going to be needed badly. I have this year joined the city in buying Pounder's Beach. Councilman Toraki Matsumoto came up with $1½ million for Pounder's Beach. We appropriated a half million for a $2-million acquisition. We funded $3 million this year for Sacred Falls Park. We appropriated another million for Matson Point Heeia Fishpond. We appropriated $1 million for purchasing or starting on the same concept on Coconut Island in Kaneohe Bay for a ski park. I would like to continue this policy as long as I am in elected office acquiring large parcels for our people.

CHOY: Am I correct in understanding when you mentioned that acquisition of this bay would be through condemnation?

ANDERSON: That's the normal process.

CHOY: How soon can this be implemented?

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ANDERSON: First thing you have to do is get a letter from the Governor to the city asking that no further action be taken on issuing permits to developers and the property owners. It normally takes 4 to 6 months for a complex appraisal as Matson Point has. By the time the budget becomes effective July 1st, it'll take a month or two to get the papers. By the end of the year, we should have an appraisal. The legislature will be back in session in January. The supplemental funds would be forthcoming. I would say within a year or year-and-a-half we should be down the road.

CHOY: Then in the meantime while all of this is working in the mill, the general public would still be prohibited from using the beach, that particular bay, because of lack of access. Things would be at a status quo.

ANDERSON: I believe that's the common practice because of the liability of the suits.

HOSAKA: Not being real familiar with governmental procedures, I understand that your senate bill and your house bill even after being passed in order to be law has to be signed by the governor. I understand this is the thing you're waiting for right now. However, even after the law is signed, there's no guarantee that the funds will be released. What kind of assurance is there other than what the Governor has written to us?

ANDERSON: Being that the Governor is the releasing agent and that he had taken the initiative to write you a letter asking for delay for consideration, and now with a department head from the Department of Land and Natural Resources writing you a second letter announcing his intent to initiate, I would say I can go no higher in the state giving you some assurance that the project is a high priority and that we are looking at it seriously and we just need some time to come up with necessary motions and actions because government moves very slow. It's very unusual for a governor to single out a project this early and show an interest in it. This is very unusual to have the Department of Land and Natural Resources single out a project before the budget is even signed, which is their intent. So, I would say the project is a high priority.

HOSAKA: I just wanted to hear it from you.

ANDERSON: Thank you.

KAHAWAIOLAA: Would it be for the best interest of the tax payer for the amount of expenditure to buy the whole beach at whatever price it's going than to buy a portion on both ends and have access to the whole beach at lesser cost?

ANDERSON: My philosophy is I would believe acquisition of the whole bay would be more beneficial to the public in the long hall. You and I may not be able to enjoy this beach in our lifetime or in the next five years but if you look down the road 20 years, and if you drive windward on any 3-day holiday you can see how many people pitch tents on the highway, you have to believe

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that we're overcrowded already. Windward for all practical purposes with your directional growth of leeward that the city is taking, windward is going to be pretty much the playground, and open park is a pretty good investment.

KAHAWAIOLAA: I notice that usually when park is in an area, it usually benefits the surrounding area. Would this park benefit Kahuku or the people from Honolulu? There's another park there that became nothing but a rubbish dump where the people of Kahuku had to clean up. Usually a park is put there for the community rather than outsiders.

ANDERSON: I would think that a park of the nature we're talking about a state park is unlike a city park where you play baseball and football. This kind of a park lends itself to a picnic or a camping area where you come with your family for a weekend and spend the night. Definitely, this park will benefit the entire City of Honolulu, all the people and not Kahuku only. When you go to the windward side on any weekend, 99% of the people using the park, beaches or camping there are from leeward and downtown Honolulu, not windward.

TAKEHARA: You mentioned this is one of your highest priorities. I'd like to know how much input you've had from communities in that area and what communities that would be affected in the surrounding area.

ANDERSON: I haven't per se--I've had much communication you might say with any particular community, being a park of this nature that benefits the entire island. I haven't thought to get accordance or support from a particular community. It ties in with my own personal philosophy, I guess, of acquisition of large parcels down the road. I don't think any one community could say, even Kahuku who's right across the street that we need this or should have this because I think the person from Kaimuki or Pearl City would have just as much right or interest in acquiring this for their children. This has been going on for a while. I'm not in communication with some of these people who have been here from the community. I have not attended any of their meetings. I'm not and was not sympathetic to their law suit. I'm not anti-developer. So, I don't belong to any one of those clicks, you might say, who have been selfishly trying to preserve a bay for their own benefit.

DUKE: Is it your recommendation at this time that the bay as it presently is remain and permit the state to acquire it in increments as money becomes available? First you're starting with some 30 acres.

ANDERSON: 33 acres.

DUKE: And then gradually leaving status quo until you can acquire it. Is that your recommendation?

ANDERSON: I would think that would be the most economical because the other parcel offered you as a compromise swap has a

1983 year lease commitment. So, we could not move into there at this time. But, even that might be negotiated with the estate people at this time so that we can benefit from the lower appraised value and not in 1983. Arrangements might be worked out to even purchase that. My intention is to continue this during the next three years so that if I'm not around anymore, we've at least salvaged that bay completely.

DUKE: Do you envision that this park will be a state park or will it be under city and county?

ANDERSON: At this point, it's a state park. Again, I would like to see because I believe there is an area, another 40 acres in that loop behind the 33 acres, that might lend itself for a recreational park where the city and the state might join hands and jointly participate in this park. A joint city-state effort would be an ideal situation in this area. I'm not really interested in who acquires it city or state. I just want it acquired.

CHOY: It's quite unfortunate that only a handful of present residents have had the privilege of enjoying that bay. From what I gather, you kept referring that we may not be able to enjoy the bay park when it's finally developed but that our children will. Then, it will take quite some time to acquire that park to the extent that any appreciable amount of the citizens would be able to enjoy the area. Being then it's going to be a status quo, the handful of residents there will still be enjoying the exclusive amenity of this particular area.

ANDERSON: When I said in our lifetime, I probably oversimplified it and I probably ought to clarify it. I see no reason why acquisition of the 33 acres, once that's completed, couldn't be available to us in a limited scope as far as development is concerned. I have a habit of saying in our lifetime. But no, all things on time frame that within 1983 we couldn't move in that second 30 acres but in the next 10 or so years we should be able to have the entire bay. The first half could be made available to most of us on some sort of a limited basis the next three years.

CHOY: Could this commission receive some sort of definite commitment by the state, a follow-up letter by the Governor or a letter from the Attorney General's office informing us of the intent to proceed with condemnation or proceed with whatever procedural vehicle that is usually used by the state to acquire land like this?

ANDERSON: I'm not an attorney so I couldn't say for sure. I don't see how the AG would get involved in it. I really think the letter from the Executive Chambers signed by the Governor--I respectfully request deferral of any action by the City Planning Commission in consideration of a cluster development be held. He goes on asking for complete review and study and we're talking about 30 or 60 days. I say the budget would be available until July 1st at which time, legally, it's only then that we can contract for an appraiser to go out and appraise the property. We're asking for

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some time to get the money released and an appraiser appointed. Further, Chris Cobb's letter commiting his intent to condemn is pretty definite.

CHAIRMAN: Did you receive the letter to the Governor from Kahuku Housing Corporation?

ANDERSON: No, Sir.

CHAIRMAN: There is a cc here to you. It's signed by the Kahuku Housing Corporation, the Kahuku Community Association, Kahuku High and Elementary School, Hauula Community Association and Laie Community Association. We just received this letter ourselves.

ANDERSON: The letter is in opposition to acquisition. I'm not in the same position, I guess, as my constituents in Kahuku even though Mr. Primacio and some of these gentlemen have been some of my strong supporters. I just happen to believe that the bay doesn't belong to Kahuku per se, the bay doesn't belong to windward. That bay belongs to all the people of the island. While I don't like to disagree with my voters in the Kahuku area, I really think the issue is larger than one community.

CHAIRMAN: I don't really think they're against the park but I think they have shown some concern as to getting moneys for a community park.

ANDERSON: I might say, and I don't mean to express sarcasm in anyway toward the estate but I would venture to say most of Kahuku is owned by the estate. I'm sure they have much support in the community. Being the landowner has its benefits.

(There were no further questions of Senator Anderson.)

Public testimony followed.

Testimony in SUPPORT--

Mr. Tom Nakayama, President of the Kahuku Housing Corporation and the Kahuku Community Association (Presented letter dated May 16, 1975 to Governor Ariyoshi from John Primacio, Manager, Kahuku Housing Corporation; Thomas Nakayama, Kahuku Community Assn.; Takashi B. Matsuyama, Kahuku High and Elementary School; Warren D. Harlow, Sunset Beach Community Assn.; R. F. Waldin, Hauula Community Assn.; Roland M. Logan, Laie Community Assn. Also presented testimony dated May 20, 1975 to the Planning Commission from Thomas Nakayama, President, Kahuku Housing Corporation. Copies of both letters attached)

Mr. Nakayama was questioned by the Commission.

WIKUM: I sympathize with your needs for park facilities but I don't know that you're ever going to get them from Governor

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Ariyoshi though. The kinds of park activities you need out there and that you want, I believe, are city county.

NAKAYAMA: Right.

WIKUM: So that whether or not the Governor releases the funds to buy whatever part or all of Malaekahana Bay eventually, will not release funds for your facility is what I'm saying. So, maybe you should have sent a copy of this to the Governor and addressed the letter to the Mayor. It seems an important issue for the community. The follow-up letter that along with all of us wants more beaches and more parks, wants them closer to Kahuku, I think as the development is now planned, the public part of Malaekahana Bay which really isn't on the bay at all but on the Laie side would be the furthest point from Kahuku and would be as far away from Kahuku as it could get. I just want to share your concerns for your park needs and maybe allay some of your concerns that if indeed the state does move on this park, it should have nothing to do whatever with your other recreational needs. You should go pound on the door of the city and county for that.

NAKAYAMA: Definitely I think that is the way to do it but we presented all of these things to not only the commission members but to all elected people and those concerned about it.

WIKUM: I just want to see you direct the inquiry to the people who can do it for you. The concern is fine, but somebody's got to do it for you.

TAKEHARA: In relation to that 250 acres of land the state has acquired at Waialee, where is that?

NAKAYAMA: It's between Kawela Bay and Sunset Beach.

TAKEHARA: You say it's being used as a dumping ground.

NAKAYAMA: It has a lot of junks in that area.

TAKEHARA: How about public facilities?

NAKAYAMA: Well, they have their water system. As far as restrooms, I don't think they have but I'm pretty sure there is a water system and houses there.

TAKEHARA: That is a state park.

NAKAYAMA: That is state-owned land.

HOSAKA: I'm interested in the fact that you people formed a corporation called the Kahuku Housing Corporation, and that you received the moneys on the rent to form this corporation from Campbell Estate. You do all the repair and maintenance of these houses, you mentioned street lights also, as a voluntary type of thing. Do you know that the government agencies have responsibility for this. Is it perhaps because of lack of cooperation from these agencies that you've taken it upon your responsibility to do these things? What is the situation?

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NAKAYAMA: When the plantation was in existence, they themselves carried on the street lights, water system, all on their own. That was passed on to the village corporation when we formed a non profit organization when we formed housing for our people. We assume all those responsibilities. The city never came about helping us out at all. We're in the process right now of getting funds from HHA for our water system. City will not come in nor the state. They want us to build a system and then probably present to the city to get it in. That will cost us money.

HOSAKA: I don't understand. It's a housing area that would allow you people to ask the governmental agencies to maintain these things. Is this because your houses are on a conditional use permit or something that perhaps requires you people to do it rather than the agencies?

NAKAYAMA: Perhaps it is still under Campbell Estate lease. It's a private thing so we cannot get the city to help us out.

HOSAKA: It's a private subdivision I've been told. The plantation closed at which time the Campbell Estate said if we help you out through these times, it seems like it was a private agreement between your corporation and the Campbell Estate people. I'm just wondering how it affects this proposal in terms of the fact that I don't think it has any relationship.

NAKAYAMA: There was no agreement that they help us out and we support them. In any agreement whatsoever, that has never been brought up. The fact remains that they were very generous in caring or letting us have the free lease rental until 1983 which is the year when the lease term with the former plantation expires.

CHAIRMAN: I believe what Commissioner Hosaka is getting at is your problem of maintenance of the roads, electricity and what not, whatever you're doing on your own now, did you at any time get in touch with any of the various city agencies to see whether they would help you in that area or not.

NAKAYAMA: We talked to a few people like Toraki Matsumoto. As far as street lighting or the roadway, there was no possibility. However, recreational park he's looking into and helping us out in that area.

HOSAKA: My line of questioning was merely--are you saying you didn't have an agreement, and yet in the letter to Governor Ariyoshi that you read, it says and I quote, sure we had some help from Campbell Estate who told us if we supported a few commercial developments on the property to help replace the loss income from the plantation, they would see us through the bad times. That sounds like an agreement to me.

NAKAYAMA: I believe that is an agreement, no question, but not in the respect of what has come up presently. This is what I'm after. In other words, in the Malaekahana Beach park if you're referring to that.

HOSAKA: Yes I am.

NAKAYAMA: We had no commitment to that park. As we said, we were in favor of getting like any public beach park a parcel of that for the people, not a big 30, 40 or 50 acres.

HOSAKA: It sounds like it was an open handed kind of agreement that if they helped you out after the plantation closed down whatever properties for commercial that were proposed, they would get some support from you people. Has Campbell Estate contacted you people for some support?

NAKAYAMA: Yes.

HOSAKA: On this development?

NAKAYAMA: Not on this development but more on the Kuilima development because our people were in need of jobs. What we did was support Kuilima. In that way our people could have jobs and would not have to go on welfare in that case.

HOSAKA: Then they did not contact the community association specifically to lend some support for this project we're talking about today.

NAKAYAMA: Not for support but I asked them for the facts. They gave me all the facts. We will decide what steps we will take.

HOSAKA: That stand today by your community association and this corporation is the fact that you oppose this application.

NAKAYAMA: If you take it in a big way, we're opposed to it. In other words, a big beach park.

HOSAKA: You're opposed to the big beach park but you're in favor of the application to have commercial development on beach land.

NAKAYAMA: We don't have any commercial--

HOSAKA: Not commercial but the fact they are going to build cluster townhouses, you're in favor of that.

NAKAYAMA: Right. We're not in favor. We are for the small park for access to the beach.

HOSAKA: On this map you provided us for the Kahuku Town Center, who did that?

NAKAYAMA: Campbell Estate.

HOSAKA: It's their proposal?

NAKAYAMA: Right. This was sort of drawn up. From our map,

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the various shopping center and all these things were inserted. This is the development the Campbell Estate wants to put up in our community.

HOSAKA: You're in full accord with what's on this map.

NAKAYAMA: Right, we are in full accord.

CHOY: In order to be fair to Tom, those of us who attended the field trip--unfortunately, Commissioner Hosaka, you weren't there. We had met with the Kahuku Community Association at the field trip. We were given their opinion, feelings and philosophy about the total Kahuku area prior to receiving this letter. Really what we're looking for at the present time is total access to Malaekahana Beach. I fully concur with most of the things that were discussed Saturday afternoon. The people in Kahuku at the present time are rather fearful that a beach park per se may not be used by the people within the general vicinity or along the windward coast but rather by transient residents, and there would be lack of policemen of that large area whereby it would create much hazard. We visited Cooke Point and met with some of the residents there who have weekend homes. We were told that between weekends, there are numerous break ins into their homes. So, I assume the entire area at the present time which is heavily wooded with ironwood trees are nothing more than a second Sherwood Forest like Waimanalo. The only thing that the Kahuku people wanted was more access to the beach. Presently and unfortunately enough, just a handful of residents at Malaekahana Beach have had the privilege of enjoying the serenity they are not willing to give up at the present time. I would like to have Tom elaborate on what he told us at Saturday's field trip as to what would happen to Malaekahana Beach if it was made into a regional state park.

NAKAYAMA: I mentioned to the members who came out that should there be a large regional park out there, I'm sure we'll have so many people come out camping and there will be so much vandalism, so much more other things happening. First thing you know, we'll require more police force maintenance out there. Presently it's quite difficult for us to get in but a small park would suffice so that we can have an access to the beach. As far as beach, it's public beach as far as I can see along that shoreline.

HOSAKA: I appreciate your comments. At the last public hearing we had, I brought up the fact about parking on a one-acre piece of property. You're saying that the one acre you're in favor of and that's strictly sufficient for the public to go down to the beach as opposed to the present where it's very difficult to get on the beach. However, where does one park? That one acre would perhaps provide parking for six cars. How about the other 50 cars?

NAKAYAMA: We feel on the Kahuku side of the bay you can start with an acre or two and then acquire after 1983, the large portion of that area because the lease expires 1983. There you can have five acres or whatever amount. To start off you can have a couple of acres.

HOSAKA: You're saying the fellows outside of Kahuku or Honolulu have to wait eight years to use this beach land. I'm just wondering whether we shouldn't open it now.

NAKAYAMA: I didn't say that. You mentioned that.

HOSAKA: All I'm concerned about and I share your feelings, but yet I'm a little concerned about some of the things you did mention, one of which is just the access to the beach property. I cannot see people using it much more in use from one acre versus 30-odd acres. If we could do it now, we should do it now.

CHOY: The fact mentioned here about no one being on welfare was very important to me. If this cluster development were to come up, can you foresee more jobs for your people out there?

NAKAYAMA: Definitely there will be quite a bit of job opportunity. The trend today, as we all know, the state has six or seven per cent unemployment. This will take up some of the employment there. There are quite a number of jobs coming up--construction, maintenance, janitorial.

CHOY: In view of the fact that the Kahuku Housing Corporation has undoubtedly conducted a comprehensive study of the proposed development versus a regional state park facility, has your corporation drawn up any projected conclusion of the Kahuku community posture of cluster development versus a regional park? By that I mean how beneficial would it be?

NAKAYAMA: Definitely we haven't gone too deeply into the idea of park versus a cluster of homes. We think the cluster would be beneficial as far as jobs are concerned.

CHOY: Are there any reasonable police protection presently at Kahuku or its general vicinity?

NAKAYAMA: We want more because of the fact that we have some vandalism in our town. We've had senior citizen women walking along with their purse in hand and they've been grabbed off their hand. We've had houses looted right in our town. This is why we very much want police protection.

CHOY: How many uniformed policemen are assigned in that general vicinity?

NAKAYAMA: I don't really know but they're from the Kaneohe station.

CHOY: In other words, the police protection you have in the Kahuku area would be the policemen on motor duty. If you need police protection you have to call into the Kaneohe station.

NAKAYAMA: Yes.

CHOY: How long would it take a policeman from Kaneohe to respond to your call?

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NAKAYAMA: That depends on the whereabouts of the motor vehicle policeman. If they're nearby with the radio call, they'd come in five or ten minutes, generally. If they're in Kaneohe, it would take anywhere from a half hour.

CHOY: So, if we have a state park facility without adequate control, the people in Kahuku will have quite a dilemma on their hands.

NAKAYAMA: We feel that will be the thing.

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

At this point, Mr. Fred Trotter of Campbell Estate was called upon and questioned by the Commission.

DUKE: If the state should acquire the 33 acres they are presently proposing to condemn and purchase, what would the estate's position be on development of the additional land or not the development of it?

TROTTER: I think we would have to immediately sit down with our developer. It's his money that's going into the project. The Campbell Estate has no money in the project. We simply have the property put up in a development agreement. My personal feeling is if the 31 acres was lost, a strip approximately 300-600 feet wide along the beach, the project would have some serious jeopardy. I would hesitate to speak for the trustees and the developers because we'd have to ask them what would be the economics without the 31 acres. It would definitely raise some rather serious clouds.

DUKE: I would think so. It appears to me like the state is definitely going to pursue acquisition of that.

TROTTER: I'm sorry Senator Anderson didn't stay. I had prepared a few comments which try to get at the question you're asking.

Again, I'm a layman so I'm not nearly as well educated on the political process that Senator Anderson is. As I understand it, the fact that money is appropriated means that it has to be signed and released by the Governor. I don't believe there's anything in writing that says the Governor is going to release that money. He asked you out of respect for your position to defer that. Yet again, the Governor if he receives the recommendation from you, has really to act through the State Land Use Commission and let them make the referral. I appreciate your problem that you have these requests from both the Mayor and the Governor. But, it would seem the Governor is pretty well protected by the SLUC which in essence is a state group. If the Governor has any questions to ask, hopefully you would send him whatever information you have. The Governor can then say to the SLUC don't do anything with this. I seriously question Senator Anderson at this time whether that money

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will be released. However, let's assume it is released. It then becomes a case of the Attorney General initiating a condemnation against the project. It happens all the time. As a landowner, you simply prepare yourself for a court case.

In my layman's position, it seems the city has its responsibility which includes parks. But in this case, there are no city funds. It's state funds. Maybe city will be stuck with maintenance and so forth.

I'd like to comment on a question Commissioner Hosaka raised. The implication that we made a gentleman's agreement that we would stand behind the Housing Corporation so long as they came in and backed us up in the public hearing is a very poor choice of words. In my definition, support means cooperation, planning input and communication. As a matter of fact, I could show you some very large bruises where the community does not agree with us. One of the reasons that we walked in the door together today is that we have asked the community association to plan their own community. They have come to us saying no, we don't buy your idea. The rationale behind trying to have a good relationship is pretty much what it is the city is trying to accomplish in the neighborhood commissions.

TAKEHARA: This memo given to us today from Mr. Hayward, number four, a 1-acre temporary parking area will also be licensed by the Campbell Estate to the City, this is your commitment.

TROTTER: Right.

TAKEHARA: I want to clarify in my mind after the two hearings, there was a discrepancy in the discussion of park between Cooke's Point and Makahoa Point. One time we hear it will cost less to acquire Makahoa Point. Next time we hear it will cost more. Can we hear from you as the landowner?

TROTTER: I can only give you my best thought on it. I'm not an appraiser. My impression is the Cooke's Point area will be the most expensive property that anybody would try to acquire because in the configuration that Senator Anderson wants to acquire it, involves the greatest length of beach frontage and a strip only 300-600 feet wide. Therefore, the appraiser has valued the land on the theory that the beach front is the most expensive and the backup is less expensive and then the way back land. Because it's only beach frontage and no backup land, my offhand impression is on an average per acre basis it would be way more expensive than the other property which includes backup land.

TAKEHARA: Regarding that 1983 lease expiration on Makahoa Point, is it negotiable to acquire that now rather than to wait until 1983?

TROTTER: Our suggestion in the letter which Senator Anderson may not have seen but I did discuss it with him before he went off to Japan, was that if his intent was to acquire the whole bay,

certainly the property today is going to be cheaper than in 1983.

TAKEHARA: The Makahoa Point section, will that be available to us?

TROTTER: I think in the letter there is the time of approximately 3 years where we would not make commitments to the property if some segment of government said it's our intent to condemn and institute some action. You'd have to wait to 1983 to use the 36 acres because it is lease rent. You could acquire the land today. Certainly you wouldn't have to acquire the improvements. You could acquire the basic land and the state or city gets the rent instead of the Campbell Estate.

CONNELL: I would point out to the Commission that Mr. Trotter has indicated that the Governor would have the opportunity to let the SLUC know his feelings. The feelings of the Governor that I get from his letter is asking for a deferral in order to have sufficient time for the state to conduct the necessary studies. If the Commission made a decision, let's say they closed the public hearing and 15 days from today you made a decision, and we transmit it within a week to the SLUC, from the time the SLUC receives your decision, they have 45 days in which to act. If we look at a July 1 date as the time of approval of the state budget and add an additional period of time for the Governor to begin to release those funds, I think you would find the SLUC would have to act well before those funds could be released. I think if I can second guess the Governor, this may be why he has asked the Planning Commission to defer action on this because this body is not held to a 45-day time limit. You can act within a reasonable period of time which as I understand some planning commissions on some neighbor islands have stretched it 1 or 2 years. That may be part of the Governor's thinking, who I am sure was advised by the Attorney General in terms of time limit which the SLUC has before it.

TROTTER: I can understand that. In other words, statutory time runs immediately with SLUC where it could be deferred here.

TAKEHARA: As far as the release of funds from the Governor, is it specifically for Cooke's Point?

CONNELL: It is for Malaekahana as I understand from Senator Anderson and also from the letters from DLNR.

TAKEHARA: In total.

CONNELL: No, for 30 acres which is also the area which the county parks and recreation has sent in a letter of intent for a general plan change to park.

CHAIRMAN: Further discussion?

HOSAKA: I didn't have the privilege of going to the bay. Perhaps one of the commissioners that went could give a briefing of what they saw, particularly from what I've heard from some people

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that went, that Makahoa Point seems to be the better spot than Cooke's Point. I was lead to believe by testimony that it's the complete opposite. I'd like to hear from fellow commissioners.

CHOY: Makahoa Point is a land area where I would disagree with Mr. Duran. Although it's not optimum beach area but certainly the land itself once used by the 298 National Infantry as the bivouac area. I camped on that for several months. I would consider the topography of the land to be very conducive to park usage. I could see maximum usage of this land. It's not as rocky as you were led to believe. There's some coral area on the entire beach front. Certainly, the coral beach could be improved by the state if this land were to be acquired. The low water area there's quite a bit of coral rock on both the Cooke Point area and the Makahoa Point area. The sandy beach is within the boundary of the bay area fronting the present residential leaseholds. Not being a professional but just a layman, I would say Makahoa Point is comparable to Cooke's Point as far as park usage is concerned. On the Cooke Point area the city or the state will have to do something about the coral reef. It is not as sandy as we were led to believe.

One of the concerns was additional access to the beach. Primarily I feel that we wanted to open up the Malaekahana Bay for public usage. With the generous offer with two additional accesses by the developers plus Campbell Estate's offer of parking facilities, I think it more than adequate.

My personal feeling on this is that total of 64 acres that was offered to the state as a possible park site on the Kahuku end of this bay I think is certainly one we should give careful consideration.

HOSAKA However, that's realizing that the offer will not be in effect until 1983. If we can't use it right away and we have to wait 8 years--

CHOY: Then the opening of the additional access to the Malaekahana beach area plus the additional parking certainly would open up the beach to immediate usage with minimal expenses, notwithstanding whether the state would move rapidly or not. Presently, there's no way you can get out to the beach except if you went from both ends of the bay. To begin with, all of this is private land.

HOSAKA: So, you're saying the further counter offer or the counter proposal that we see before us is appropriate and sufficient for public access and that it still save the bay for public use.

CHOY: Certainly it will open up the beach front which seems to be presently the overriding factor.

HOSAKA: And yet that still seems to be contrary to the legislature and also the city administration.

CHOY: Yes, and again if we went back to my question of Senator Anderson, how far down the road would we be able to realize the opening of this beach park. If I remember correctly, Senator

Anderson spoke of incremental acquisition. Incremental acquisition could take forever if the Governor don't release his funds. But, with this counter proposal certainly, I think it gives the Commission some incentive to consider it very seriously for immediate access to the bay area which is not now available to us.

TAKEHARA: I'd like to share some of my personal feelings also after our field trip. Looking at both points, somehow the Makahoa Point area seems to provide a better variety of outdoor activity than Cooke's Point. The reason is Makahoa Point is off the ground to an extent. I recall going there as a teenager to go moi fishing and you can also get lobster out in that area. It gradually goes down to the bay at ground level with the sand which is identical to the other side of the bay. Cooke's Point doesn't have the height or the character that Makahoa Point seemed to have. Like the other side when you look in the water, you do see all the rocky coral type of rough bottom. The bay itself is beautiful, sandy, swimmable and enjoyable. I just feel a lot more character on the Makahoa Point side in the sense of the possibilities of cottages, lodges and such, that I question if we're only going to get 300 to 400 yards in from the ocean frontage. That's my personal feeling.

DUKE: I greatly appreciate the description given. It appears to me though that we're hardly in a position to make recommendations because we're not buying the land. It seems to me like the purchaser, whether this be the state or the city and county is going to put up the dough, he would undoubtedly make his choice of the property to acquire because even though Campbell made these two areas available, they also made it quite clear under the will they're not able to give away property therefore it's just available to purchase. In spite of how we might feel, I question whether we're in a position to truly make recommendations as to what the state does with their money or does not do with their money.

MOTION

My feeling is that I have received about as much input as I believe I can get from Campbell, the developer, the community, the state, city and county and all concerned. I would at this time would like to move that we close the public hearing.

CHOY: I'll second.

CHAIRMAN: Discussion?

(NO RESPONSE)

CHAIRMAN: All in favor, raise your right hand.

(The motion to close the public hearing carried.)

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

Upon closing the public hearing, no action can be taken for a statutory period of 15 days.

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UNFINSIHED BUSINESS
REFERRAL BACK TO
PLANNING COMMISSION FROM
CITY COUNCIL
CONDITIONAL USE PERMIT/
SPECIAL USE PERMIT
(DOG KENNELS)
WAIANAE
SER CAM KENNELS, INC.
(FILE #74/CUP-27 &
#74/SUP-11)

A public hearing was held and closed on December 18, 1974. The Special Use Permit was deferred for the 15-day statutory requirement to the next meeting on January 15, 1975. The Conditional Use Permit was deferred to the next meeting, January 15, 1975 for action. On January 15, 1975, the Planning Commission voted to recommend denial of the Conditional Use Permit on the basis that the proposed use is not in conformance with the purpose and intent of the General Plan for this area, and further recommended that because the Commission finds that numerous conditional uses as indicated in the CZC are not compatible with agricultural uses, that the City Council have the following sections reviewed: 21-401(c) and 21-411 -- to have deleted any and all uses which are not directly related to the agricultural industry.

The Special Use Permit was recommended for approval on January 29, 1975.

No discussion followed.

ACTION: The Commission, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried, voted not to reconsider the Conditional Use Permit application based upon lack of any new pertinent information that would constitute sufficient cause to move for reconsideration.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

ADJOURNMENT: The meeting adjourned at 6:00 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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KAHUKU HOUSING CORPORATION
P.O. BOX 278 • KAHUKU, HAWAII 96731
PHONE: 293-9569

May 20, 1975

Planning Commission
Honolulu, Hawaii

Members of the Planning Commission,

This is a follow-up of a letter that was dated May 16, 1975, and signed by the various community associations on the North Shore and addressed to the Honorable Governor George R. Ariyoshi.

This follow-up letter or testimony gives you some idea of what we want out here and just what we can do to provide beach park for ourselves and the public.

Kahuku Community and Kahuku High and Elementary School are in need for a recreational center to provide outdoor athletic activities. We have at present a baseball field (Adams field) located on Laie end of Kahuku Village. This park is leased by the City through Campbell Estate. This baseball field does not have any proper permanent facilities, and is neglected, and not located to provide the most use of it.

Our present outdoor tennis and basketball courts are run-down due to negligence of proper maintenance care and age.

With the construction of a new gym, Kahuku will not have any outdoor tennis or basketball courts.

We urge you strongly that if tax monies are to be spent, we would preferably see it spent as we proposed.

If beach park is the "thing" than we say spend these monies on already acquired propose beach parks land and develop it so the public can use it.

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We are opposing the acquiring of beach park land at "Cooke's Point" area in Malaekahana.

Members of the Commission, the State has 250 acres of land already acquired and about 65 acres or more can be put for beach park at Wailae. Presently, this area is being used as a dumping ground. This land, if developed can become one of the most beautiful public beach park on this side of the island. There are other areas planned for beach parks such as Kawela Bay, Kuilima, Kahuku Air Base, that are not being developed neither by the City or State.

Members of the Commission, do not get us wrong, we'd like to have beach parks for us as well as the rest of the public. All we ask is that you consider an area, preferably close to Kahuku to build a beach park.

You will find, attached to this testimony a drawing of what we have planned for Kahuku Town. Pertaining to park, our plan calls for a recreational center adjacent to Kahuku High and Elementary School.

We ask that in making your decision, you consider our plea to have our tax dollars spent wisely and to consider what we and our neighboring communities want as far as public beach parks and a recreational center adjacent to our school.

Respectfully submitted,

Thomas Nakayama
President

JP:jcm

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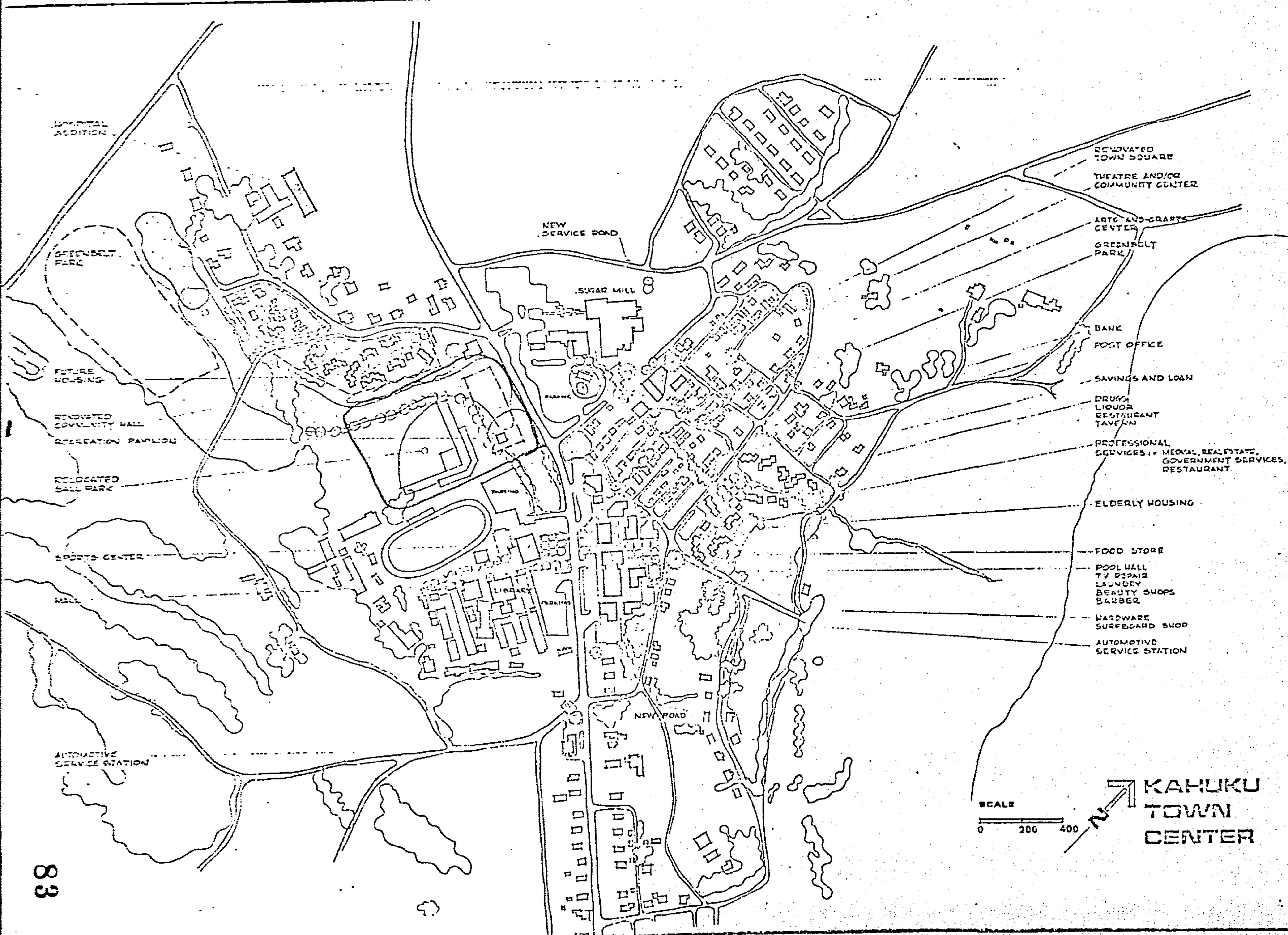
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RECREATION PAVILION
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AUTOMOTIVE SERVICE STATION
NEW SERVICE ROAD
SUGAR MILL
PARKING
LIBRARY
NEW ROAD
RENOVATED TOWN SQUARE
THEATRE AND/OR COMMUNITY CENTER
ARTS AND CRAFTS CENTER
GREENBELT PARK
BANK
POST OFFICE
SAVINGS AND LOAN
DRUGS
LIQUOR
RESTAURANT
TAVERN
PROFESSIONAL SERVICES: MEDICAL, REAL ESTATE, GOVERNMENT SERVICES, RESTAURANT
ELDERLY HOUSING
FOOD STORE
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SURFBOARD SHOP
AUTOMOTIVE SERVICE STATION

KAHUKU HOUSING CORPORATION

P.O. BOX 278 • KAHUKU, HAWAII 96731
PHONE: 293-9569

May 16, 1975

Honorable George R. Ariyoshi
Governor, State of Hawaii
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Governor Ariyoshi:

This letter is intended to give you information on how the leaders of the community organizations on the North Shore feel about the expenditure of tax money for parks in our area.

I'm sure you know most of the facts concerning the situation which faced the Kahuku community when the plantation went out of business in 1971. With the help of the ILWU, Alexander and Baldwin and the Campbell Estate, we formed a housing cooperative to save our homes. The Campbell Estate gave up their right to take rent money from us and helped us set up our own community and collect our own rents. We were even given the authority to collect and keep the commercial rents. Since that time we have formed our own community and we think we've done a pretty good job. We also fix and maintain our own water system, we fix the roads, we repair the houses, and we even replace our own street lights. These are things most citizens take for granted as tax payers. But we pay taxes and in addition do all the things government does for people.

Since the plantation closed, we have all become employed; none of us went on welfare. Sure we had some help from the Campbell Estate who told us if we supported a few commercial developments on the property to help replace the lost income from the plantation, they would see us through the bad times. They told us there would be a hotel and a theme park and a development at Malaekahana. But that, overall, Kahuku would remain as we wanted it and that all of the agricultural land would be put back to agricultural use and that the community would continue to be a rural community. They have kept their word. And we believe in them.

Now we learn that our tax money is to go to buy a beach park at Malaekahana. We want you to know (and we are supported by the community leaders who have signed this letter) that we do not want our tax money spent for a beach park. As we understand the project, a beach park will be provided by the developer at no cost to the tax payers. That is all we want at Malaekahana. Just a place to have access to the beach and restroom facilities. As you know, it is wasteful to buy beach property when you have a small park near a big

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beach because the whole beach belongs to the public if you have access. What we do want and need is a recreation park in our community for our children and all the people up and down the North Shore who go to school in our area. A new gym is being planned next to the school and this will take up the area used now for outdoor basketball, volleyball and tennis. We've had meetings with the Department of Education and they agree a district park next to the school is something they support and that we all need.

We appeal to your good judgment (and we are sening copies of this letter to the Mayor, the Planning Commission, Senator Anderson and Councilman Toraki Matsumoto) not to spend our money on a beach park but spend it in our community where the people who live and work here want and need a park. And remember we are tax payers who have built our community without tax money.

Sincerely,

John Primacio, Jr., Manager
Kahuku Housing Corporation

Kahuku Community Association

Kahuku High and Elementary School

Sunset Beach Community Association

Hauula Community Association

Laie Community Association

cc: Mayor Frank F. Fasi
The Planning Commision
Senator D. G. Anderson
Councilman Toraki Matsumoto
Campbell Estate

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MRRC RM# 13-75

FLASH CARD

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MRRC RMM 19-75

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JUN 4 1975

Meeting of the Planning Commission
Minutes
June 4, 1975

The Planning Commission held a meeting on Wednesday, June 4, 1975 at 1:35 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:
Randall Kamiya, Chairman
Charles Duke, Vice Chairman
Dr. Wilbur Choy
Donald Hosaka
Alice Takehara
Harriet Wikum

ABSENT: Antone Kahawaiolaa

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Jack Gilliam, Staff Planner
Ralph Portmore, Staff Planner
Johan Ronningen, Staff Planner

MINUTES: The minutes of May 7, 1975 were approved, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

PUBLIC HEARING
GP/DLUM AMENDMENT
WAIAWA-HALAWA
RESIDENTIAL TO PARK
MANANA, PEARL CITY
C&C DEPT. PARKS &
RECREATION
(FILE #287/C2/32)

A public hearing was held to consider a proposal to amend the General Plan and the Waiawa-Halawa DLUM by redesignating the subject site (approximately 4.1 acres) to park use in order to permit the establishment of a public neighborhood park to serve the surrounding community in Manana, Pearl City, Tax Map Key: 9-7-24: portion of 6.

Publication was made in the Sunday Star Bulletin/Advertiser on May 25, 1975. No letters of protest were received.

Staff Planner Ralph Portmore made the staff presentation. The Parks Department bases its need for the neighborhood park on (1) the inadequacy of existing parks in the Pearl City-Waimano area to serve the current and projected population within this area; and (2) The lack of a public park within a one-quarter mile radius of existing residences in the Hooli Circle area and in the Hale Ola condominium development, as well as the homes which are likely to be built in the future on other residentially designated land in the vicinity of the proposed park site.

The information provided in the request and subsequent analysis by staff have shown that:

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1 The proposed Manana Kai Park is needed to provide adequate neighborhood recreation facilities to residents in the Manana area.

2. The proposed site is centrally located within the service area and is suitable for the construction of park facilities.

3. Although only pedestrian access will be available to the public, this should be sufficient given the closeness of the residences to be served by the park.

4. No suitable alternative sites exist in the area for the provision of a park.

5. Given the access restrictions, park use is the most appropriate use for the proposed park site.

The Chief Planning Officer recommends that the subject 4.1 acre parcel be redesignated from Residential to Park use

QUESTIONS OF STAFF

TAKEHARA: First of all I'd like to express my happiness that at least some facilities are being provided for this rapidly growing community in Pearl City. It's always been noted as an area that's growing so rapidly but for which parks have not adequately been planned. I'm dismayed at the same time with this report when I hear of the inadequacy of existing parks for Pearl City.

Your explanation of the pedestrian easement and also an easement for construction and maintenance vehicles, where did you get this easement from, the Navy or is it part of the park?

PORTMORE: The easement will be along the private road belonging to the condominium. The Board of Directors of the condominium have given the City the easement for the maintenance vehicles. The easement from Hooli Circle which is a loop road will involve taking 3 feet each from two abutting properties to create a 6-foot walkway. I am not sure if that has been actually condemned or negotiated yet. I believe they're waiting for the amendment but they intend to negotiate to obtain an easement or if necessary, to condemn to obtain that easement.

TAKEHARA: When you state that this easement is adequate for maintenance vehicles, does this include emergency vehicles such as fire trucks and ambulances and so forth?

PORTMORE: Yes. The roadway is already adequate for that because the roadway serves an apartment development.

TAKEHARA: If I were going there to take my son to watch a little league game, where would I park?

PORTMORE: Probably you would have to park, if they were to hold little league games and they might not because of the parking problem, on Hooli Circle and use that pedestrian easement.

TAKEHARA: How long is that walk?

PORTMORE: Just guessing, the lots are about 100-150 feet in depth.

(There were no further questions.)

Public testimony followed.

Testimony in SUPPORT--

1. Lt. R. H. Rice, C.E.C., U.S.N., Deputy Director Civil Engineer, Fourteenth Naval District

RICE: The Navy concurs with the Chief Planning Officer's recommendation. The paper work for the excessing action is about complete. We expect to report it in about 30 days to the General Services Administration. They typically take about 18 months to totally process the application.

The Navy did offer a license in the spring of 1973. That offer is still valid. I understand upon approval of this change in land use which I had thought would be from military to park because it is military land--it doesn't matter--if this is approved then the Navy and the City will execute the license.

TAKEHARA: Is this back to back to those warehouses we see on Waimano?

RICE: Yes, this is 4 acres out of the warehouse land. It's about the last land available without taking out a warehouse which we cannot do.

TAKEHARA: There's no warehouse to be taken out?

RICE: No. The only cost to the City in acquiring the land assuming that GSA and everyone follows our recommendation would be relocation of the chain link fence. It's all within the Navy fence right now.

(There were no further questions of Lt. Rice.)

2. Senator Joseph T. Kuroda, Fourth Senatorial District, representing the residents of Hale Ola Condominium Apartments in Pearl City (Submitted written testimony in support dated June 4, 1975)

Senator Kuroda was questioned by the Commission.

DUKE: Do you consider the no-road access to be an advantage or disadvantage to the park?

KURODA: I will say it is not a disadvantage solely for the purpose of having approval. However, as it is true in any situation

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when you don't have vehicular access you're going to find parking problems. There is no real place at this time to develop any parking area. As long as the residents who own the access will permit the maintenance and emergency type vehicle to come through, I don't think we're going to face too much difficulty even if we do schedule ball games there. There are other parks with supposedly adequate parking facilities that really are inadequate. I hope you would favorably consider a park there in the absence of adequate parking.

TAKEHARA: The first area you pointed out as supposedly designated for park is now being built or filled with residences? Where is that?

KURODA: That's Momilani Subdivision. In the General Plan it's park and school but the school has not been built there. So, that park and school is not in existence.

TAKEHARA: The other area for the school which may not need to be, where is that?

KURODA: That's Waiau Estates

TAKEHARA: What's there now?

KURODA: It's vacant space originally planned for the new Waiau Intermediate and High School. The DOE is now reaching a decision that the school need not be built.

CHAIRMAN: I'm wondering whether you yourself or any of the community organizations have pursued further planning of park sites for this particular area with the Recreation Department?

KURODA: The community people are working with the Recreation people. In the case of the more established areas such as the Manana Community, there are what is known as the Community Recreation Advisory Committee that works with the parks and recreation people.

In the case of the proposed Hale Ola Park, that has not yet been taken into account, meaning those residents representing Hale Ola has not yet been approached to form the recreation committee by the council.

CHAIRMAN: Do you know whether the Department of Recreation has any plans?

KURODA: The parks and recreation people have talked about expanding Pearl City Kai Field but we have been stymied there because of the unavailability of land. They've also talked in terms of acquiring the Navy land which has not been declared surplus. So, the Parks and Recreation people at this time have not gone beyond planning for parks spaces other than the proposed Hale Ola Park and those two that I just mentioned. I am planning

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to meet with parks and recreation people, Mr. Matsuno, because of the possible availability of land I pointed out to you and also a part of the Pearl City High School complex. I hope that I'm not providing you information about possible available land to the detriment of our cause here meaning I don't want to say we may have other lands available here and then have Hale Ola turned down. I hope that doesn't happen.

(There were no further questions of Senator Kuroda.)

Testimony AGAINST--

None

None

The public hearing was closed, on motion by Mrs. Takehara, seconded by Mr. Duke and carried

ACTION: The Commission, on motion by Mrs. Takehara, seconded by Mr. Hosaka and carried, accepted the Chief Planning Officer's recommendation for approval, and further recommended that the Parks Department begin to work immediately with the various communities in the Pearl City area in looking at the park needs for the total area and in finding sites that would suitably meet those needs.

AYES - Choy, Duke, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

PUBLIC HEARING
GENERAL PLAN
AMENDEMNT
KAPALAMA
(EXPANSION OF HONOLULU
COMMUNITY COLLEGE)
DEPT. OF ACCOUNTING &
GENERAL SERVICES,
STATE OF HAWAII
(FILE #274/C2/7)

A public hearing was held to consider a proposal to amend the General Plan by expanding the size of the Honolulu Community College site by 3.4 acres to accommodate needed additional educational facilities, Tax Map Keys: 1-5-05: portion of 3; 1-5-06: portion of 28; 1-5-17: portions of 1, 4 and 5, and portion of 6.

Publication was made in the Sunday Star-Bulletin/Advertiser on May 25, 1975. No letters of protest were received.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer. The State Department of Accounting and General Services (DAGS) is planning to expand the existing community college facilities to incorporate a new Trade-Industrial Complex which is intended to provide more classroom and laboratory space to service the expanding apprentice and journeymen training program. This would also relieve the crowded classroom conditions presently found elsewhere at the college and specifically permit the Applied Arts Program to be properly expanded and accommodated. In summary, the need to expand the HCC boundaries to permit the construction of the Trade-Industrial Complex is

indicated by the crowded conditions to the existing HCC facilities, the increasing enrollment, the absence of a suitable alternative facility, and the availability and suitability of the 3.4 acres of land adjoining the existing HCC site. These bases are considered sufficient justification for the explanation of the HCC boundaries.

Location accessibility, availability, and the fact that there is no significant need for retaining the existing apartment designation, make the use of the 3 4-acre site adjoining the existing Honolulu Community College the most appropriate alternative use.

The Chief Planning Officer recommends that the General Plan be amended to redesignate the subject 3.4 acres of land from Apartment use to Public Facility use.

QUESTIONS OF STAFF

DUKE: The report states the property owner is the State and the City and County. Could you show us which is City and County land?

PORTMORE: There's a right-of-way which is owned by the City. It's actually in the process of being abandoned and turned over to the State. The resolution abandoning the right-of-way is actually up for second reading. It's an unimproved right-of-way which simply runs through the middle of the existing State-owned land. That's the only parcel owned by the City. The rest which involves 4,000 square feet is owned by the State.

DUKE: When did this request come to you for a change in the General Plan?

WAY: In that connection, I have the information you're asking for. The letter of intent was received December 1972. It was a general outline prepared in January of '73. The formal request was received in October of '73 but was found to be inadequate with regard to the justification of need and selection of alternatives. Accordingly, some additional information was requested. We finally received following some correspondence and meetings, the supplemental information on December 10, 1974. But, to answer your question, the letter of intent was received December '72. The formal request October of '73.

DUKE: My point in asking is, is this more or less a general rule on time required to change the General Plan on a request of this nature?

WAY: I don't think that we could really respond to that in a general rule way. I think from the standpoint of a relatively modest amendment to the DLUM, we might say that something on the order of nine months to a year would be required after receipt of the formal request. But, I think it's important to note that much of the information requirements are dependent upon the applicant following the work program or work outline we provide to them.

So much of that time is, in fact, up to him. There are of course certain statutory requirements -the notice of hearing before the Commission, the three readings before the Council. You normally have built into any application probably something on the order of approaching 60 to 90 days. That's just to allow for the reading times, the transmittal times, the notices of public hearing and so forth.

DUKE: My main purpose in trying to ascertain the time element is in light of a communication we received from the Department of General Planning regarding federally funded projects. In this communication, there has been a request to City Council to permit the State on State-owned property to set aside the General Plan on federally funded projects. Do you think this is a good idea or not?

WAY: To set aside the General Plan?

DUKE: Yes, on applications of this nature.

WAY: In this specific instance, I think there's a real question as to the appropriateness of the request to set aside the General Plan. That request appeared on a Council agenda May 28, 1975 in the form of a letter from the State Comptroller requesting the set aside of this issue which is before you on June 4th. I don't know that by the time the Council gets the opinion from the Corporation Counsel, proceeds to have their required hearings in order to set aside the plan, discusses it before their Planning and Zoning Committee and what other procedures there might be, whether in fact there's any real basis to ask to have the General Plan set aside. I think it's quite inappropriate, frankly.

DUKE: Well, I can envision in my own mind that where federal funds are involved--because if federal funds were involved in expansion of the College in 1972 and we're now acting in 1975, I'm sure those funds would probably not be available now. I think they appropriate and operate on some fiscal year basis. It might be appropriate to set aside the General Plan where federal funds are involved.

WAY: If I might comment on that. This was recognized by the framers of the City Charter. There was such a provision in the Charter to allow setting aside of federal funds where there is clear indication that such funds are in jeopardy which raises another point in this specific instance and that is, what is the jeopardy to the federal funds. From the communication I've reviewed I see no basis, that is no justification to show exactly what the situation is with regard to the federal funds being in jeopardy. In other words, do they lapse and if so, when? What is the hazard? How long have they been made available and not used? Is there evidence from a federal agency that they're going to cut off the funding? It's this kind of information that's simply not available, not shown.

DUKE: In the report, you state that an application from the Department of Accounting and General Services has been made to

have the General Plan set aside on three federally funded projects, this being one of them. The question is, are the funds in jeopardy?

WAY: That's my point too, I don't know either.

DUKE: You further state that in light of this request from DAGS, you think it would be appropriate to keep this hearing open and maybe not act on it presently until Corporation Counsel comes down with a decision regarding setting aside the General Plan. That seems very much in order to me.

Let the record show I am not against the expansion of the College. That's in order.

I do think it will take until our next meeting to get an opinion from Corporation Counsel. Deferring it for two weeks appears to me certainly in order. Possibly we can get more answers on setting aside the General Plan between now and the next meeting.

TAKEHARA: The residents there, are they aware of possible displacement and is something being done to relocate them?

PORTMORE: Yes, there's one combined residence and restaurant. There's also a service station. The rest of the facilities there is part of the Community College. They've been aware of that since the initial letter of intent was submitted. The City Department of Housing and Community Development is aware of this need and is acting accordingly.

(There were no further questions of staff.)

Public testimony followed.

Testimony FOR--

Mrs. Alice Kailewa, Chairman, Census Tract 57, indicated her support of the proposal, but expressed serious concern over displacement and relocation of some 8 to 10 remaining residents on Akepo Lane who financially cannot afford to relocate.

At this point, Mr. Henry Yasuda representing the Department of Accounting and General Services, Planning Branch; and Mr. Robert Hara from the Planning Office of the Community College System, were called upon and questioned by the Commission.

HOSAKA: The entire brown area (referring to map displayed), is that State-owned land?

YASUDA: I believe the State owns the immediate adjoining parcels to Akepo Lane down to Dillingham Boulevard.

HOSAKA: Then are we to assume that with increased enrollment and increased need for land, that would be the logical extension of the school, that two remaining parcels?

YASUDA: I would prefer to have the Community College representative answer that.

HARA: Yes, I would have to admit it's a possibility we may expand in that area. It's also a possibility to expand in the blue area (referring to map) that goes up to King Street which is already zoned for public use, as I understand.

HOSAKA: Was that one of the sites evaluated as one of the possible alternative sites for expansion of your school? That blue area (referring to map), is it State owned?

YASUDA: No, those are privately owned The one leading to King Street is an alternative site.

HOSAKA: Had that site been evaluated as one of the sites?

YASUDA: When they evaluated the site, they mentioned an area of approximately 40 acres. I believe that was part of the area.

HOSAKA: You said it was one of the other evaluated sites?

YASUDA: No, it was part of the site of the Honolulu Technical School. It was one of the sites that was evaluated as one of the Community College sites. The site they were looking at was 40 acres which is larger than the Technical School site. So, it did include a section of the former Technical School area.

HOSAKA: When and if you people want the State-owned land for possible extension of the College, I imagine you would make provisions for relocating the tenants in those buildings as this woman had come up and expressed her concern.

HARA: Yes, we would have to make relocation plans and have approval as mandated by the legislature.

HOSAKA: How long does that take? What kind of lead time do you take to relocate people?

YASUDA: Insofar as the State is concerned, we may implement the plan but until we can find suitable housing, the people do not have to move. We have to find something that is suitable to relocate the people.

An example would be the restaurant owner occupant. They did find a home but they couldn't find a restaurant. We don't want to just kick them out. That's their livelihood. We're trying to find somewhere where they can continue their business.

HOSAKA: You indicated you're mandated by law to relocate people so that we can assure this woman and all the other people, 8 to 10 people living on the other parcels of land, that they will be adequately provided for prior to you people condemning their building, perhaps, to expand the College if sometime in the future this is needed. Can we give that assurance?

YASUDA: I believe so, yes. I'm not the one who makes the decision but I can say we will follow the law.

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HOSAKA: And in compliance with the law, your responsibility is to adequately relocate people.

YASUDA: That's right. But, the term adequacy is different from individual viewpoints. We will comply by the law what has to be done or do whatever we can to help them. But, if the guy says he's not going to move, again we will follow the law. We have also been instructed that if we cannot find something, we will not move them out.

HOSAKA: That's seems clear enough to me that you will be responsible for your actions.

CHOY: What will your department do in order to create a safe residential area, since you're going to permit the restaurant and the residents to continue?

YASUDA: DLNR is right now taking care of being landlord. They have hired a private concern to oversee the facility and collect rent. As complaints come in or if there's anything needed to be done, they go ahead and fix it. We have to comply with Department of Health regulations. It is interesting to note that the complaints will come in after the State owns the piece of property. There weren't much complaints prior to it. Knowing that people do live there, what we try to do, if people move out we ask them to move into the better unit and take away the old one.

CHOY: Has the University started research into a master plan of the Community College system?

HARA: I should make one correction on that. We do have a development plan on that particular area that is in question. What we don't have is the long range plan to enter some of the concerns that was expressed here whether there is a need for additional lands to expand beyond what we have as a development plan. In other words, we're talking about 15 to 20 years hence.

CHOY: With your present extension if granted today, how far down the road would it remain adequate with the increased population and the increased enrollment?

HARA: It's a little difficult to express what the enrollment increase will be in the foreseeable future. But, as far as the present policy of the Board of Regents of the University, they have set a policy where the Community College should not exceed an enrollment of 5,000 full-time students. The full-time equivalent students can be translated to 6,000 or 6,500 depending on the formula used to translate the full-time equivalent to head count students. We have also noted that lately we've experienced increase in the evening enrollment. If this is so, there's some relief in the day time enrollment. All I can say for now is with the extension we're proposing for Honolulu Community College, we can accommodate maybe up to 5,000-5,500 daytime students.

CHOY: The foreseeable future, would that be into the 1980's or the next 10 years?

HARA: Approximately.

CHOY: I also notice if any expansion is needed, perhaps the Community College would encroach into the Kaiulani School property which is presently owned by the State. What is that possibility as far as your Community College planning is concerned?

HARA: As far as Kaiulani School, we checked with DOE who told us there is a need for Kaiulani Elementary School. If the University takes over Kaiulani Elementary School, they would have to look for another site for Kaiulani Elementary School.

CHOY: Then if Kaiulani Elementary School is left at its present site, the area Ewa of Kaiulani School and makai of the present Community College, you also stated that's a possible alternative expansion. How do you justify a Community College during the day with light industry uses bordering an elementary school? Wouldn't there be a sound problem?

HARA: We have to consider that in our design. We did consider as far as the construction technology building is concerned that we had to make certain modifications to the design to minimize the noise problem.

DUKE: The incinerator, do you know when that may be phased out?

PORTMORE: We have an amendment which will be before you shortly for a shredder and transfer station at Shafter Flats. That amendment will have to be processed and then the site will have to be constructed. The shredder will have to be constructed before this incinerator could be phased out

I was at another meeting in Kailua where we were talking about shredders. They talked in the range of two years including the GP amendment. So, a year to a year-and-a-half.

DUKE: My purpose in wanting to know when it was phased out brings up the question, if this GP change is permitted, for you to implement the addition to your school, how long will that take?

HARA: The plans are okayed by the federal government. We are hopeful, with the necessary approval, that we would begin advertisement for the job in July, and construction in July.

DUKE: With a completion date a year's hence, two years?

HARA: Normally takes to 18 months for completion.

DUKE: Question of DAGS. I understand it was your department that has applied to the City Council to have the GP set aside. Is that correct?

YASUDA: That's right.

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DUKE: What advantages do you feel this request would do for you?

YASUDA: When I initiated that request, our amendment for Honolulu Community College wasn't scheduled for presentation to the Planning Commission. So, I wasn't certain exactly when it would reach the Planning Commission. I was informed that by the end of September, we would need to initiate construction otherwise we would lose federal funding. Therefore, I submitted my request to the City Council.

DUKE: I'm to understand now if you do not start construction on this addition, you will lose the federal funds.

YASUDA: Yes. The Community College has asked for an extension to September 30 to start construction.

DUKE: The letter of intent first went in 1972.

YASUDA: That's right.

DUKE: The federal funds were appropriated when?

YASUDA: I'm not sure but I think '73.

DUKE: So therefore, time is not really the essence. I thought it would probably be within the fiscal year. If you didn't do something or get extensions why then you would be penalized.

YASUDA: 18 months.

DUKE: 18 months. Do you think your request to City Council is still in order, Sir?

YASUDA: I intended to write to the City Council to omit from my request for Honolulu Community College, however, to maintain the other two projects.

Let me say this, we will whenever possible go through the regular procedures in amendment to the General Plan. However, to me it's pretty difficult when it comes to the wire when you're going to lapse in spending at the same time. It's kind of difficult for us. For our part, we would like to have it as early as we can. I did process three amendments. One I delegated to the Department of Land and Natural Resources. The other one also took 20 months to process. It could be that we are not providing adequate information. I really don't know. But, under the circumstances, that's another reason why I did ask the City Council for setting aside the General Plan.

DUKE: You did hear the director make the statement that part of that time was created by requested information which did not come forward. Therefore, it delayed changes and so forth.

YASUDA: Right.

DUKE: Are there reasons for delays in supplying information?

YASUDA: I did prepare reports myself. I find it very difficult just to correspond to a person asking them for information through correspondence. I find that in preparation of a report, if you'd like to get some information, you would have to sit with the person for days maybe in order to get the adequate information to prepare a report. Our relationship with the planning department has been some meetings, writing to them and sending them some information. I think the problem may be communication. It's very difficult to find out what they really want. Unless I know exactly what the person who's preparing the report wants, it's very difficult for me to get the information to them.

DUKE: I can appreciate that.

YASUDA: I think that's the problem at this stage. I have asked one of the employees, like this report before you, I asked them for a report like that to find out what kind of information is needed so that I can gather the information for them wherever I can. I haven't had that luxury shall I say, prior to this.

DUKE: Mr. Way, this request from DAGS through Corporation Counsel to City Council, if City Council permits them to set aside the General Plan for certain projects, can it be limited to just the request or does that become a precedent where State-owned land is involved and they're requesting to set aside the General Plan to do thus and so with it?

WAY: I think in that regard it would be on a separate and individual application for specific projects. The Charter is quite clear that it pertains only to those where there is some jeopardy to the receipt of federal aid. I would say it's strictly on a project by project basis and not a matter of general application. That's my view of it.

DUKE: In view of the hearing today, would you prefer that the Planning Commission consider this change or would you prefer we defer it waiting the opinion of Corporation Counsel on your proposal to City Council?

YASUDA: I would prefer that it go the regular route provided we can make the deadline. I would very much hate to see a situation to ask the City Council to defer or shall I say omit my request from my original three and find that we have not received the General Plan change so we can get started with the construction.

DUKE: Mr. Way, if we should defer action on this for two weeks waiting for Corporation Counsel's decision, do you think it would expedite things to have City Council act on a set aside deal or do you believe it could be handled timely by going to normal process of General Plan change?

WAY: I think time wise we're not talking that much difference, either route, a matter of a couple of weeks one way or the other

and at this point I'm not sure which way. I believe that the Council would in considering a set aside provision, or they are mandated to hold a public hearing themselves. Let's assume they get an opinion in two weeks, proceed to set a public hearing, another couple weeks goes by, then they refer back to committee and probably two more weeks goes by. We're into my estimate of something on the order approaching 60 days at kind of the optimum with a little allowance for slippage under the set aside approach. I don't see that it would be much different if this Commission acted in two weeks, transmitted it to Council, they proceeded to hearings and to review in the committee format. Possibly another two weeks on top of the set aside. But again, it could work out either way. I just don't see that much difference.

DUKE: Bearing in mind the City Council takes a vacation during the summer and generally speaking it's the month of August, I think this year it overlaps part of July, but with their vacation is it possible to get this change made in order to take advantage of federal funds by deadline of September? It seems to me like we're going to have problems.

WAY: If it's the 30th and we take out a month between now and the month of August or part of July, I see no problem either way, at least from the standpoint of having an approved General Plan amendment assuming everybody agrees, and more particularly Council agrees to the amendment.

(There were no further questions of Mr. Yasuda and Mr. Hara.)

The public hearing was kept open and action deferred as requested by the Chief Planning Officer, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

PUBLIC HEARING CONDITIONAL USE PERMIT (TRAP & SKEET SHOOTING) MAKAHA VALLEY HAWAII DAIICHI KANKO, INC. (FILE #74/CUP-32)	A public hearing was held to consider a request for a Conditional Use Permit to establish and operate, on a temporary basis, a facility for trap and skeet shooting within an R-6 Residential District located on approximately 2.84± acres of land located in upper Makaha Valley near the condominiums and the east golf course, Tax Map Key: 8-4-02: 55.

Publication was made in the Sunday Star-Bulletin/Advertiser on May 25, 1975. Approximately 15 letters against the proposal were received. No letters in support of the proposal were received.

The Chairman announced the applicant's withdrawl of the proposal by letter dated June 4, 1975 to Mr. Eugene Connell, Executive Secretary to the Planning Commission, Department of General Planning.

The public hearing was closed, on motion by Mr. Hosaka, seconded by Mr. Duke and carried. The matter was considered moot.

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UNFINISHED BUSINESS
ZONING & CZC AMENDMENT
(1) FROM EXISTING ZONING TO P-1 PRESERVATION: ALL LAND FOR PARKS & RECREATION, CEMETERY, PRESERVATION, OR OTHER OPEN SPACE USES
(2) CZC AMENDMENT: SECTION 21-301, P-1 PRESERVATION DISTRICT MODIFYING RESTRICTIONS ON NON-CONFORMING USES & STRUCTURES CREATED BY THE REZONING
(FILE #75/Z-6
L&R/1975-5(JR))

A public hearing was held on May 21, 1975. The Planning Commission voted to keep the public hearing open, and that community association, special interest groups, and large landholders be notified of the proposed zoning change and public hearing date of June 4, 1975 so that they may comment either in writing or in person.

Public testimony was continued.

Testimony in SUPPORT--

1. Mrs. Sarah Sheeley, Vice-President, Kaneohe Outdoor Circle (Submitted testimony dated June 4, 1975)
2. Letter dated June 3, 1975 from Mr. Ludwig E. Armerding, President, Waikiki Residents Association

The above organizations urge favorable consideration of the proposed ordinance, and that the rezoning action be applied expeditiously in order to protect and preserve the valuable park land and open spaces in the best interest of the citizens residing in the community at large.

Testimony AGAINST--

1. Mr. Jack Larsen, Vice President and Director, Mokuleia Ranch Company
2. Mr. William H. Miller representing the Estate of James Campbell (Submitted written testimony dated June 4, 1975)
3. Mr. Walter Bliss, Attorney for Castle Estate
4. Mrs. Zetta Ravekes, representing Hawaiian Trust Company, Ltd. and The Queen's Medical Center (Submitted letter dated June 3, 1975 from Zetta Ravekes, Property Management Department, Hawaiian Trust Company, Limited; and letter dated June 3, 1975 from K. R. Nurse, Vice President and Secretary, The Queen's Medical Center)
5. Mr. Tosh Hosoda, Resident and Landowner, Enchanted Lakes
6. Mr. Arthur Goto, Resident and Landowner, Enchanted Lakes
7. Mr. Allan Napoleon, Assistant Secretary, Damon Estate (Submitted letter dated June 3, 1975)

OBJECTIONS--

1. Zoning inconsistencies between the General Plan and DLUM, i.e.--

   a. Enchanted Lake area - 4½-acre parcel designated Park on DLUM. Land was recently subdivided and developed into a Residential area of 28 lots. Question whether the City would implement the DLUM Park designation.

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b. Coconut Grove area - Years ago, Castle Estate made an optional offer of a 40-foot strip to residents adjoining their various residential lots. Some residents purchased it, some did not, resulting in irregular property lines. The area is zoned Residential but the strip appears on the GP as Open Space.

c. Other flat, obvious developable lands within urban areas are designated Open Space on the GP.

2. The suggested Ordinance is premature and not consistent with the New Charter. It would be wiser to wait for the General Plan revision which is now being considered by the Council before proceeding with sweeping changes under the old Charter.

3. Under the New Charter, no zoning should be initiated or adopted unless it conforms to and implements the Development Plan. As yet, funds have not been made available for the preparation of these Development Plans.

4. There has not been enough time to evaluate all of our property in terms of our own plans as they relate to public need.

5. There is question whether or not all of these areas need to be changed to Preservation at this time. It would be more consistent with good planning procedures to make these changes on an incremental basis as needed.

6. Suggest that the Council move with expediency in adopting the revised General Plan and funding the preparation of Development Plans as outlined in the New Charter.

Discussion followed.

TAKEHARA: I can appreciate the purpose and intent of the proposed ordinance; however, I question to what extent did staff members look at the parcels that will be affected or is this just a sweeping blanket approach?

GILLIAM: It's not a bill we just pulled out of a desk drawer and said let's go with it. There is approximately one man's year work that went into it. Of course, we couldn't get into who owned this parcel and who owned that parcel. I think again, you do start out with the broad brush thinking. Why have a general plan if you're going to ignore it by not zoning?

Even going back a little further, probably 90% or a majority of the parcels affected became zoned at the zoning classification were the result of broad brush zoning. Going back to 1930 where very few lands were zoned at the time of initial zoning, there were broad brush amendments saying all lands not classified outside the district of Honolulu are hereby zoned rural protective. At that time, rural protective meant one-acre type lots. Through the years someone had problems with some of the closer urbanizing areas and they said well, let's change the lot size of that one-acre rural

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protective saying it's too big. They said, let's take out the minimum lot size of the rural protective. Then rural protective became a highly urbanized zone of the minimum subdivided lots and became 5,000 square feet. Through this process, originated by broad brush zoning upward, mistakes were created.

Then we come into a later date of 1964 of adopting more specific plans, the general plan and subsequently the more detailed land use map for specific areas, being at the time the goal was to achieve DLUMs for the whole island, that goal never accomplished.

In our research digging into the places like Kailua and looking at the effect of the bill, this is one of the reasons because of the research we did was the companion bill for the residential uses where we did feel where there was some significant effect such as the Enchanted Lake area. We felt the main purpose of the bill and the overriding advantages basically from a community interest, from a city interest, far outweighed the hardships you might say of the individual properties. Things came up even administering the zoning on the building permit where we get articles in the paper such as this--Error on Permit Costly to City. This happens because you have general plan areas that the city wants to buy but the zoning map says residential or something else. The clerks, not attuned to automatically checking for example, the DLUM, look at the zoning, make a quick decision and that quick decision cost the taxpayers maybe $100,000. It is this type of protection from the public interest that we feel is overwhelming in going the route that we did in bringing this particular bill to you.

Again, we feel in the circumstances in the community interest that it is not a one-stop end result that individual hardship cannot be resolved. The Damon Estate for example, over one year ago in this very room, the same comments were made why can't you ask for a General Plan amendment? One year has past and they are no closer to developing the 15 acres than they were at that particular time and are no closer to resolving what they are going to do to that land. We have heard, let's wait for the development plan. You can't down zone until we have a development plan. But, we can go ahead and apply for up zoning without any so-called development plan under the new charter. Are they asking for a complete freeze on all zoning?

We feel in our review of it, and it is substantial. In mapping it out, there's a great deal of work just pinning down these parcels and picking it out by tax key you might say. To list it out in the owner's name, you have to weigh the cost involved in doing that. If you're going to go on an individual basis, forget it. We haven't been able to do anything on an individual basis since 1964, 11 years. We feel this is probably the only area in the public interest that we can accomplish the particular goal that's set up in the general plan and provides some protection for the public interest.

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TAKEHARA: Can you tell us, Bob, is this ordinance compatible with the Revised General Plan?

WAY: I don't think the GPRP has all that much to do with it. As I mentioned earlier, I think there was a similar question that came up where I feel the relationship is much closer to the Development Plan than the General Plan per se.

One other point that hasn't been touched on that maybe should be mentioned, the DLUMs will remain in force and effect until such time as the Development Plans are adopted for the various areas in the city. It should be realized that we will be living with the DLUMs for some years. Don't ask me for exactly how long but I think the Charter Commission in its wisdom in this case also recognized that we simply couldn't over night create a new model Development Plan and have them supersede everything that existed up to that time. So, they did allow for this transition period saying that we should move with all good speed in everything but recognizing it would take some time to accomplish a new formed Development Plan.

TAKEHARA: How long would that take?

WAY: It will be some years, I'm sorry to say, but the work effort is a substantial one. It is contingent, as all bureaucracies know, upon availability of funds and staffing which is not a readily available resource.

TAKEHARA: The reason I ask is because legally speaking, we could have a reasonable moratorium period where a good job on the development plan could be done. Would that be possible?

WAY: Yes, although I think maybe not necessary. I think and not speaking legally but since the charter did provide for the continuation of the DLUM, I think it was recognized there would be this interim period.

HOSAKA: We've heard from a lot of the large landowners. In principle they support this ordinance, and that in large measure they would go along to put their lands in P-1. However, on the nitty-gritty aspect, how would you resolve for example the Coconut Grove area? It's the little thing that makes this sweeping change impossible to live with. Would it be because it's in open space, and the residents did not elect to purchase the land, therefore it's still in limbo in open space, therefore it would be qualified under the P-1.

GILLIAM: I would like to resolve it like we tried to do in 1968 but Corporation Counsel told us we couldn't. Maybe present Corporation Counsel is more liberal in their thinking. We do feel even without precise General Plan boundaries like we do have and precise interpretations that they seem to think we make, we had a provision in the zoning code we presented and was subsequently thrown out. I think it's quite legitimate and has been used some-

what on the mainland with legal precedent that would resolve this type of situation where it gives some flexibility in determination of zoning boundary.

For example on a split-zoned lot, zoning would be determined where in essence it follows property lines, would in effect follow property lines. Adjustment, say up to 100 feet, could be made by the Director. In fact, we did write this into the original CZC we presented to Council. I think this avenue could be explored further with the Corporation Counsel. Actual determinations of these insignificant petty details where zoning lines fall, that where the interpretation or the line you don't read it precisely 20 feet here. But it was obvious I think in drafting up the DLUMs and also the zoning map that the intention was to follow those specific property lines. This approach could be explored. We have language we feel is rather pertinent in our files that would handle this.

HOSAKA: Perhaps we could use this as an adjunct, another ordinance to satisfy these landowners to reassure them that if there are any discrepancies in line boundaries that what you just said, up to 100 feet, will be resolved in favor of the property owner.

GILLIAM: Maybe you want to recommend another companion ordinance.

HOSAKA: Would it be proper to do something like that? That I think would reassure the property owners.

GILLIAM: I think that's a proper thing for us to look at.

HOSAKA: And that should be part of these two ordinances and go with it as a one-shot deal.

GILLIAM: I think you have to, in perspective, give total judgment and weigh the considerations. If you feel a few minor problems to property owners in terms of an immediate effect, and we're really not talking about an immediate effect because obviously there's no development on the properties at the time. Perhaps you might say it is catering to this proposed or speculative development of sites unplanned for. If giving them the consideration outweighs the public interest of the larger portion of it, this is something you have to weigh in your own mind. We feel the weight is the other way otherwise we wouldn't have initiated the bill.

HOSAKA: I think it's the responsibility of this Commission to weigh all factors. If this is a significant response to come up with an ordinance of this kind to reassure, we want to be fair with everyone. How long would it take for you to come up with an ordinance? I think the landowners have a right and the public has a right.

GILLIAM: We could come up with a recommendation by the next meeting.

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CHOY: I'm interested in the 28 residences in the Enchanted Lakes area. Is it possible to have the Director initiate a rezoning on the 28 lots?

GILLIAM: I would think it would be the other director, the Chief Planning Officer to initiate a General Plan amendment. It's probably unfortunate that when they did have General Plan amendments for the other parks in Enchanted Lakes that this wasn't picked up. It was perhaps an oversight of the staff planner not seeing it at the particular time. That possibility does exist.

CHOY: I feel at this time it's definitely the responsibility of either DLU or DGP to move ahead and reassure the 28 residents there in the Enchanted Lake area that something meaningful will be done.

CHAIRMAN: I think application can be made to all such instances.

CHOY: Actually, it's a fully developed property. I think it could be made for fully developed properties to be excluded.

WAY: May I comment by way of discussion on this it seems there are a couple of ways to approach this. We've identified one by way of amending the general plan. However, does this necessarily mean that initiation of the P-1 would not continue forward. Would in fact the Director withhold the P-1 application to these, the Enchanted Lake, and any other kind similar situations where the property is fully developed? I don't know. That's a question.

The other thing is why initiate a P-1 zoning at this time? That is to say, it is not necessary to do so. It can be approached, I believe, on an incremental basis. That's the way we've done zoning. Let's face it. The Planning Commission considers an occasional commercial zone here. That doesn't mean we have to rezone the whole island commercial. We've done an occasional apartment zone another place. We haven't rezoned every single piece of apartment designated property on the island. So, there are I'm sure criteria, rules and approach that could be developed that would allow us to approach it on some kind of incremental basis. What I'm saying is other than initiating it as a General Plan change, there may be another way of achieving the same end, of exempting or holding back on the reclassification of these and similar properties.

CHOY: My main concern is to give the gentleman from Enchanted Lakes some assurance that something meaningful will be done.

DUKE: I would like some clarification from Mr. Way since the General Plan is your responsibility. It seems to me zoning comes in to implement the General Plan when and if it's needed. For instance Makaha or some place else is general planned for some purpose but nothing develops there. Therefore, nothing happens. That's because it's not needed. Is that more or less correct?

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WAY: Yes. That is correct. I think there's a couple of more features of zoning that we might touch on. One is it is a mechanism to allow for the logical expansion and direction of urban growth. That is to say, it serves as a device to pace our development. It's kind of our last check, if you will, in assuring ourselves there are adequate public facilities, roadways, schools and all the rest that says from the public standpoint, it's now okay to proceed. This essential need, however, is really a consideration of the General Plan itself which says in this area we will need a shopping center. Now zoning says okay, there's a market area built up here, all the utilities are in, now we can have it. That's the timing component of it that I think is most important. I would read zoning more from the standpoint of the pacing and timing of urban development. It's a need as to time.

DUKE: That brings up one of the basic questions I'd like to have answered. In your experience, have you ever implemented a General Plan by blanket zoning?

WAY: I have not, no. That's generally not the custom. But, somewhat in defense of my answer or elaboration, you might observe that communities--and we're no exception--came into the planning and zoning business essentially through zoning first and planning second. This is quite unfortunate but it's a fact of life. It's the realities of the situation. That's why we have a number of areas that are zoned quite in contrast to the General Plan. Much of this through the years has been attempted to be modified or mollified to some extent by, as Jack Gilliam mentioned, everything outside of the Honolulu district was put into a blanket rural protective. Well, that could be considered as a kind of holding action, if you will, until such time as the plan was brought up and then you could zone into more specific and appropriate categories to correspond with what your planning objectives were; i.e., apartment, hotel resort, commercial and so forth. So, I think that's another feature of this. We have to keep in mind that maybe it would be quite ideal, if we were starting on a clean piece of paper and on an uninhabited island to do a plan and then to almost blanket zone it. But, I still think you do it in increments. You would have a General Plan that said we're going to plan for a new city of 100,000 but we know we're not going to have 100,000 over night. We're going to build it in a 10,000-person increment first. That 10,000 increment may not have a very big industrial area, a big commercial area but even that would be built in increments. With that modification, I think you have to understand that's kind of the way cities grew.

DUKE: Taking parks for instance, to your knowledge is there a master plan that has been prepared by Parks and Recreation covering all of the parks presently general planned or that appear on the DLUM?

WAY: The answer to that is the plan is that which shows up on the General Plan or the DLUMs. That is the official policy and statement of the city. In the meantime, Parks has had another study--we're talking about the '64 model plan. In the late 60's they had additional park studies done that brought in some of the concerns, new developments and what not. There were some amend-

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ments and there are on-going amendments to the General Plan to this date.

Specifically with reference to parks, they're one of our biggest customers we have in our office for General Plan amendments. I think they have requests in for some 20 or 27-odd amendments. We're in the process of consolidating those. We try to deal with them on an overall basis rather than on an individual basis as we have in the past. I think the pace of our community's development has possibly outstripped the ability to keep ahead in terms of planning the recreational facilities that we really need in the community. Parks is proceeding--I think we had testimony last meeting from the Deputy Director--with a major thrust into an island-wide planning effort.

DUKE: Do you have any idea how many areas that maybe designated on the General Plan or on the DLUMs for park purposes that are really not usable for park purposes or are usable that the city does not own or has not tried to acquire?

WAY: No, I have no specific idea of that kind of information. It's just not immediately at hand. I suspect that's the kind of information the Commission might feel would be beneficial in consideration of this issue before you.

DUKE: I would think so.

WAY: Yes.

DUKE: But now how do we get that information?

WAY: I think it's available through resources of the various departments of the city--ours, parks, DLU and so forth.

DUKE: Just generally speaking when the city fails to acquire property that is once designated for parks but then was zoned otherwise, and it is then subdivided and homes are constructed, it appears to me like it's just common sense that will no longer be for a park. That seems logical to me. As I understand it, there's two ways to get an amendment to the General Plan. One is for an applicant to come forth and the other is for the planning director to request it.

In the case of Enchanted Lakes, it appears to me like it would behoove a change since it's obviously not going to be a park. Wouldn't it be proper for planning to help the citizens a bit under his prerogative for a GP change rather than the other way for the applicant to come forth?

WAY: May I comment. Really, the two ways is for Council to initiate or the Chief Planning Officer to initiate. The most common way of getting me to initiate one is someone brings a matter before me, but they simply apply. The choice I have is to initiate or not.

But, a point I was getting to in discussion with Dr. Choy earlier is there are alternatives to this. There's no urgency as far as I'm concerned to amend that GP as long as the situation remains status quo that is zoned in R-5. Also, in light of the fact that parks and recreation is embarked upon a major island-wide reconsideration of all recreational areas, it seems to me this is the appropriate time to deal with the question of amending the GP. This get's back to the point I made before, we're trying to get them to consolidate all of these and handle them on a more island-wide scale to take into account these problems.

Let me come back to one other point we've touched on in this specific instance and I have personal knowledge. Maybe it's a confession. I actually approved that subdivision back in 1969 or thereabouts. The circumstances were that the Department of Parks and Recreation at that time signed off on it. In effect they said no, we don't have the money--I don't remember exactly--but we're not in position to acquire it at this time. It had further, if my memory serves me correctly, it had been reserved by the developer for a number of years in anticipation that the city might pick it up. In other words, it was almost on an option. The developer simply said look, I can build elsewhere in this Enchanted Lakes community first. I can come back to that one later. If you in the meantime want to come up with the money, sure, take it, be my guest. Pay me of course. But, this went on for some years. It was agreed in preliminary subdivision application stage on the overall plan that he would reserve it and in fact did for many years, I don't know how many, till he finished out much of the area. Then, he came back and said now, I really want to proceed with this. I want to go over the final subdivision. Now it's your last chance. If you want to buy it--the city opted out. That's kind of the history of that. That's a fact of life.

I would also point that we had no other, upon legal advice, legal means to forestall this subdivision since it was zoned R-5 or whatever.

DUKE: The areas on the DLUM and GP designated for park purposes and presently have other zoning and are presently vacant, and parks department and/or the city choose not to place the park there, then what happens? It gets quite involved then. Under P-1, what does that do? I know it downgrades the property. Does it cheapen the property insofar as city purchasing it? If the city decides not to buy it, what does the owner have to do? He has to come forward for a GP and zoning change to get it out of P-1. Where parks are designated and parks aren't going to happen, why should they be put under P-1? Can you answer me that?

WAY: Me?

DUKE: Yes, please.

WAY: No, I don't think I can specifically answer that. I think the point is a valid one. There may be situations where it's

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inappropriate to apply P-1 classification even though designated on the GP for the corresponding use.

DUKE: I agree. Another question, I think we have undoubtedly picked out an isolated case in the case of Enchanted Lakes. I can't really recite all of the sites or areas that might be affected. But, I'm sure some of the properties are classified other than residential, i.e. industrial or business or other uses, How do we take care of those instances? We're covering slightly the residential problem. What about other zoning factors such as business or industrial or what have you?

WAY: I don't think it's appropriate for me to respond. The initiator of this proposal is the Director of Land Utilization. I think his staff is the one to respond to that question. We had some similar questions that we raised in communcation with them. But, maybe they have answers. I think, likewise, it would be reasonable or fair for them to respond to your other question about how we take care whether it's necessary to apply P-1 zoning to all open space designated areas.

There might even be other ways, as suggested earlier, of getting at the problem. In fact, the very use of P-1 in all of the GP designated situations is maybe questionable, something to look into.

DUKE: Well, I would hope so we'd look into it. If we don't, well--

WAY: I know you're looking into it but I mean more specifically as the zoning code might be applied to these areas.

DUKE: Harriet made a statement and I'm sure that her statement as she understood it was correct, that P-1 cannot be applied piecemeal. It has to be applied according to some, this particular proposal. Can you spot zone P-1 in this proposal?

WAY: I'd have to say no, you can't spot zone to start with.

DUKE: Then how can we take Enchanted Lakes out of P-1 because there's houses built there?

WAY: I haven't made any kind of analysis of the zoning issue.

DUKE: I know.

WAY: And as I say, maybe it was a consideration of DLU's recommendation to you. But, a point I tried to make had to do with Commissioner Wikum's question was the application of zoning does not necessarily have to be done island wide and in its entirety at one time. I made the point we've used zoning as a timing device and that we do it in increments. Somebody might say piecemeal. I prefer to say increment. We do it on a staged program basis to permit development to occur a pace with public facility. That's the general thesis and approach to what zoning is all about.

DUKE: That I appreciate, Mr. Way.

WAY: What I'm saying is you don't have to do it all at once on the island.

DUKE: Maybe I used the wrong word there. In fact, I believe that's the way it should be done. Where the need is and where the situation changes, the zoning possibly might change too. To get on a blanket proposition--you have not had the experience of ever having been confronted with a blanket zoning deal?

WAY: No, the nearest thing to that was in 1969 when the CZC came into being. But, that was a transition and a changing over, codifying, reorganizing and so forth.

DUKE: Well, I hate to put you on the spot like this but as written, do you think this is a good proposal, Sir?

WAY: Well, I raise some questions in connection with this which had to do with much of what we've just been discussing, and that is the extent and depth of the analysis undertaken and alternative means of trying to address the problem, the problem being how do we overcome some of the difficulties that we've seen in terms of obtaining parks, open space and assuring the preservation and implementing the GP. From that standpoint, I'd say that unless and until those questions are resolved, then I have reservations about it.

DUKE: Well, do you think it is proper to make some sort of detailed study maybe of a few areas, but yet blanket the whole island using the premise that in this study of these few areas, it applies to every place? Do you think that's proper?

WAY: That's a leading question. I think I would say that I would approach it on a basis of looking at a number of ways of trying to solve the problem and then coming up with a recommendation. To the extent that was done I think has got to be a question to DLU.

HOSAKA: Apparently through all these questions by Commissioner Duke I gather your attitude toward this ordinance rather than, just to reiterate, that to take the whole island with a blanket zoning that you would do it by increments, incrementally through timing. What I want to know is what's your definition of increments? Are you meaning by increment parts of the island or are you talking about perhaps by time phases in terms of increment or are you thinking about perhaps the presently GP or DLUM designation to eliminate perhaps some of the designations under consideration?

WAY: I think it could take several shades. One is incrementally, if you will, by regions of the island, possibly geographic areas. Another says we will implement those portions that deal with steeply sloping lands or we will deal those areas designated for golf courses, parks or something else subsequently, or which ever one you feel gets the priority, and then proceed on that basis. It might then be island wide. You might say look,

we're going to take all of steep sloping lands first; we're going to take beach parks second; we'll take neighborhood parks third; something like this. I'm just trying to describe a concept because I don't know. We aren't in that kind of detail of the zoning business. But this as a possibility needs to be given some consideration. That's the point I'm talking about when I talk about incrementally approaching it. If that's not feasible, maybe then having all the necessary detail and all the necessary information on a geographic region basis might be a better approach.

HOSAKA: Well, certainly these are all alternatives to the opposite of this particular ordinance here. Now that we're discussing this ordinance, I imagine we can make recommendations with either an approval of rejection of DLU's recommendation with the kinds of suggestions that you've made.

WAY: Well, when it comes to your position, it's for or against or with modification. Anything you wish to make in the way of recommendation is your prerogative.

DUKE: I have a question of Jack. I know you have told us three times the purpose of this, how much good it's going to do versus how much bad it can offset. I'm going to ask once more, what is the reason for this blanket ordinance to implement a GP and DLUMs that are at least 11 years old with a new GP coming up and under consideration. It seems to me like the timing is somewhat off.

GILLIAM: I think you've heard that no one knows when there will be a new GP. It's years away. Secondly, you won't have DPs, I think it's safe to say, for at least five years. The existing DLUMs are the DPs that we are implementing, our department being charged with the responsibility to implement the plan. We are only following that responsibility. We did view the alternative of going lot by lot and exploring that with the manpower that we had. The most detailed alternative in doing some very detailed studies of smaller areas and then calculating out our man-time necessary for that would take a staff for over two years to do a very detailed study. We don't have that manpower of spending $50,000 to $100,000 in providing that type of detail you're talking about in looking at the various needs and coming up with individual parcels.

We also explored going incrementally. Historically we have found through the past 11 years that in context of zoning, yes, you do zone incrementally for apartments, commercial, because those types of uses require certain types of public facilities. If you zone the open space incrementally, by the time the increment comes up, there is no open space to zone to open space. You have a completely different context and these classifications of uses on the GP than you do those other types of uses where you need commercial to support population and you zone for the population in relation to the commercial and take those relationships and also the public facilities relationship in consideration in implementing that type of zoning. The open space determinations on the plan are in a completely different context in terms of developing or implementing them

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incrementally. We have found through the incremental process that as time passes, there's no open space but a completed subdivision. So, these alternatives we feel were completely infeasible. We might as well forget the open space in terms of implementing it. The alternatives that we did look at, with the manpower that we had, we initiated this particular alternative.

DUKE: I realize the amount of work would be required to make a proposal on an individual basis but it appears to me like that is not unreasonable to ask that this be done because so many thousand acres of property are involved. Just studying a few areas is not giving good consideration to property owners, land use or best use.

GILLIAM: I think the study we did on one-third of the total 25,000 acres and if you're talking about the other existing uses of that 8,000--the 6 acres that's going to have problems and that's precisely what we're talking about, 6 acres out of 8,000 acres. Now, if you want to weigh that 6 acres against the potential cost to the city, the potential loss of open space, the potential development unplanned for, perhaps crowding of some schools or some parks, we've not tried to hide that.

DUKE: Well, I question the 6-acre bit. In fact, the 27 homes, there's almost 6 acres there, and there are many other areas that have come to light that is affected because the DLUMs of the GP do not delineate boundaries and so forth. Who knows what's affected? How do you arrive at the 6 acres? Not that I'm begging that question because I think that has very little bearing on the big picture. Why do you say 6 acres when you've only made a study of only 3 areas?

GILLIAM: The 3 areas contain 8,000 acres on which we looked at the land use file for that 8,000 acres.

CHAIRMAN: I think one of the questions is, if the city is losing money in the sense that there have been mistakes made, then don't we also need to consider what property owners would lose? What will they lose? If this thing is so important, why doesn't the department get the money and the staff to do it? Apparently somebody doesn't think it's important because they don't have the staff and the money.

DUKE: I think it's important. What did you have in mind for those areas designated on the GP under the categories you're going to change or downgrade that possibly are zoned other than residential? How are you going to cover those areas in your ordinance? Would they become nonconforming?

GILLIAM: You're talking about the 6 acres.

DUKE: No, Sir. I'm talking about any one. Undoubtedly there are businesses or commercial buildings.

GILLIAM: That's the 6 acres I'm talking about.

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DUKE: Then you're not talking about the residential acreage.

GILLIAM: No. I'm saying in our initial presentation we did show approximately 50 acres. We presented that to you last week of residential which we felt was sufficient or not to come up with the companion amendment. The residential does not have the non-conforming. If the building is torn down, they can replace it. They can add a room. They can expand their dwelling. I'm saying from a practical effect, the residential is constructed, the 2 acres of church and the 4 acres of commercial or other uses out of the 8,000 that we looked at would fall under the nonconforming provisions.

DUKE: What would happen to them?

GILLIAM: They would become nonconforming uses. To expand or further develop their business, they would one, either go to the GP amendment and rezoning provisions, or if there is a hardship to them created, they have the right of appeal to the Zoning Board of Appeals which we have a number of that type of nonconformities going to the ZBA for variances at the present time.

CHAIRMAN: Further discussion?

WIKUM: I'll move to keep the public hearing open.

DUKE: Second.

CHAIRMAN: All in favor of the motion?

(The motion was unanimously carried.)

CHAIRMAN: Do you feel two weeks is adequate time for the landowners to make their review?

HOSAKA: It seems that because of the magnitude of this situation that there have been instances where these people with large land holdings may need additional time. So perhaps we might want to consider something more than two weeks. I would suggest then a month.

CHAIRMAN: I think a month is adequate time.

HOSAKA: I would move to defer for a month and at that time have the Director of Land Utilization, George Moriguchi, physically here to answer any questions from the commissioners.

CHOY: I second the motion and with his permission, make an amendment to the motion.

It seems as though much new information has been imparted to us this afternoon. With this deferral of a month, I would like to have the large owners present with more precise planning for their parcels because I don't think we would like to hold this another month after that. I think a month is long enough for them to come up with some kind of plan.

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HOSAKA: The maker of the motion agrees with the amendment and would like to throw in another amendment that DLU come out with an ordinance for the express purpose of reassuring landowners about the discrepancies on boundaries and what you referred to, Jack, and I don't know specifically if you had a number on that ordinance. You know what I'm talking about in terms of that 100 feet that you were favoring the landowner where there are these discrepancies so that we can have some kind of reassurance for these people. Could we have that ready in a month?

GILLIAM: Yes, we could.

CHOY: The second agrees to the amendment.

TAKEHARA: May I also suggest that other alternatives be put into writing.

CHOY: You want that as an amendment?

CONNELL: The alternatives will be in the minutes.

CHAIRMAN: To get one thing clear, Commissioner Hosaka, you're asking for another ordinance?

HOSAKA: Right.

CHAIRMAN: So that's going to require publication for public hearing again being that it becomes another ordinance.

JONES: Mr. Chairman, if I may, DLU will respond to the question that has been raised but I would suggest that we not be held to having it prepared in the form of an ordinance. We will make a recommendation. If it is in an ordinance, then it will be in an ordinance but it may be that we feel that it would not be necessary to do or we would not recommend such to the Commission. So, we would like that freedom in responding to the question.

HOSAKA: Well if you make a suggestion though, I would appreciate it if you make it in a positive manner whether you believe in it or not--

JONES: Yes.

HOSAKA: Because it will be for our consideration to be included as an amendment to this ordinance here for another ordinance. So, could you put it in a positive manner?

JONES: Yes. The question that comes to mind if we are talking about an ordinance, we may need to have Corporation Counsel clear it and there may be other complications. This is why I'm asking for the leeway.

HOSAKA: Right. I would go along with the leeway but could you do it with all haste on that to complete all the requirements perhaps in an ordinance form for our consideration not necessarily to be considered at a public hearing.

JONES: Yes.

CHAIRMAN: Further discussion? All in favor raise your right hand.

(The motion carried.)

AYES - Choy, Duke, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

UNFINISHED BUSINESS AMENDMENTS TO THE PLANNING COMMISSION RULES RELATING TO ADMINISTRATIVE PROCEDURE (H.R.S. CHAPTER 91-3)	The public hearing was held on May 7, 1975, closed, and action deferred to June 4, 1975 for the 15-day statutory requirement. The Commission deferred this item to its first meeting in July, on motion by Dr. Choy, seconded by Mr. Duke and carried.
NEW BUSINESS ELECTION OF OFFICERS	This matter was deferred for a special meeting on June 30, 1975 at 4:00 p.m., on motion by Mr. Duke, seconded by Dr. Choy and carried.
ADJOURNMENT:	The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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JUN 13 1975

Special Meeting of the Planning Commission
Minutes
June 13, 1975

The Planning Commission held a special meeting on Friday, June 13, 1975 at 4:07 p.m., in the City Council Chambers, City Hall. Chairman Randall Kamiya presided.

PRESENT:	Randall Kamiya, Chairman Charles Duke, Vice Chairman Dr. Wilbur Choy Donald Hosaka Alice Takehara Harriet Wikum
ABSENT:	Antone Kahawaiolaa
STAFF PRESENT:	Eugene B. Connell, Executive Secretary Henry Eng, Staff Planner
PUBLIC HEARING CZC AMENDMENT RE NON-SIGNIFICANT PROJECTS WITHIN HISTORICAL, CULTURAL AND/OR SCENIC DISTRICTS (BILL NO. 62)	A public hearing was held to consider a Bill for an Ordinance to amend Chapter 21, Revised Ordinance of Honolulu, 1969, as amended, by amending Article 12 thereof, relating to Historic, Cultural and/or Scenic Districts. Publication was made in the Star-Bulletin/ Advertiser on Wednesday, June 4, 1975. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the proposed amendment. Bill 62 would provide for exempting certain non-significant projects from the certificate of appropriateness requirement. The City Council has observed that the present requirement creates hardship and unnecessary inconveneince to property owners in the Hawaii Capital District. Ordinance No. 4319, dated May 24, 1974, eliminated the need for City Council action on projects in the Historic, Cultural and Scenic Districts which were non-significant. Since that time, non-significant projects have been reviewed for certificates of appropriateness by the Director of Land Utilization. Since the effective date of Ordinance No. 4319, 52 HCD applications have been reviewed and processed. Forty-three requests or 83 percent have been of the non-significant variety.

In addition to the inconvenience to property owners, staff time devoted to processing these applications could be more appropriately reallocated toward further development of on-going programs and toward the more expeditious handling of other more significant applications and requests.

The Director recommends approval of the proposed amendment.

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QUESTIONS OF STAFF

DUKE: What is non-significant under this new bill?

ENG: This is enabling legislation permitting the City Council in individual HCS districts to indicate specifically what are to be non-significant. In other words, what is non-significant in one district may not necessarily be non-significant in the other. Under the Hawaii Capital District through Ordinance 4319 certain types of projects are specifically indicated as non-significant. They presently require the Department of Land Utilization to review and to issue a certificate of appropriateness. We feel it is not in the public interest to spend so much staff time on these because they are determined to be insignificant.

DUKE: I agree with you but I'd like to know what you consider to be non-significant.

ENG: It's been determined that interior work is non-significant. Exterior work which is of such a nature so as not to change the character of the existing structure is again non-significant. Since the adoption of the ordinance, these have not been coming before the Planning Commission. These have been handled administratively. Nevertheless, the present HCD does require that these undergo staff review and valuable staff time is allocated toward processing these applications.

DUKE: I'm not trying to determine what the City Council might or might not do but I assume that Diamond Head is one of the areas--

ENG: That and Punchbowl. There is a representative of the City Council. You may wish to question Mr. Sheybani as to what the City Council has in mind as to what would be considered non-significant in those districts. Also bear in mind these amendments would be subject to the usual processing.

DUKE: So far, there are no rules and regulations suggested whereby people could either come forth and ask if this is significant or non-significant.

ENG: Some procedures have been established in the only HCS district that we now have, the Hawaii Capital District. Ordinance 4319 does specify in detail what are non-significant projects. When we receive a project, we review it to determine whether it meets the criteria of being non-significant.

DUKE: Well, hopefully we're all planning ahead a little bit. You being part of DLU, have you given some thought what might be significant or non-significant so far as Diamond Head or Punchbowl?

ENG: I'm not prepared to respond to that question. I believe the staff people who prepared that did look toward that. I know concerning Punchbowl, there is discussion as to what is and what is not significant.

DUKE: I do recall many items coming before us in the capital district. Paint is very important and sidings of buildings and

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whether they reflect or not reflect and various other items that must meet a criteria.

Would you enumerate a few of the 86% that were non-significant in the capital district?

ENG: We've had applications for interior electrical work. A good number of the applications pertain to renovation work going on at City Hall as well as the new Municipal Office Building. We've had requests for certificates of appropriateness for termite treatment.

DUKE: Interior I follow you but we've had requests for a parking lot but without, let's say, proper planning around it or grassy areas and so forth, it might be or might not be significant. Do you recall those?

ENG: Yes, the department has on occasion reviewed these and determined that if certain things were done, that could be considered non-significant. On the other hand if they were not done, the effect could be significant. We use a certain amount of professional judgment in these cases.

DUKE: There's no hard and fast rule whereby a citizen that desires to do something for instance says, therefore I am free to do this because it is non-significant.

ENG: I am not aware that any citizen has taken it upon himself to make that judgment.

DUKE: Do you have a list of things that are considered to be non-significant?

ENG: The only list that's available are the items cited in Ordinance 4319 under the capital district. I don't have a copy of it but Mr. Sheybani indicates this is only interior work.

(There were no further questions of staff.)

Public testimony followed.

Testimony SUPPORT--

Letter received dated June 13, 1975 from Mrs. Alan S. Davis, President, and Mrs. James E. Landrum, Jr., Chairman, Public Affairs Committee, The Outdoor Circle.

The Outdoor Circle urges "recommendation for passage of this bill in the hope that it will expedite the establishment of the Diamond Head and Punchbowl HCS Districts now under consideration."

Testimony AGAINST--

None

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The public hearing was closed, on motion by Mr. Duke, seconded by Dr. Choy and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the request, on motion by Mr. Duke, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

ADJOURNMENT: The meeting adjourned at 4:15 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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JUN 18 1975

Meeting of the Planning Commission
Minutes
June 18, 1975

The Planning Commission held a meeting on Wednesday, June 18, 1975 at 1:35 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:
Randall Kamiya, Chairman
Charles Duke, Vice Chairman
Dr. Wilbur Choy
Antone Kahawaiolaa
Alice Takehara
Harriet Wikum

ABSENT: Donald Hosaka

STAFF PRESENT:
Donald Clegg, Deputy Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning, Department of Land Utilization
Roger Harris, Staff Planner
Ralph Portmore, Staff Planner

MINUTES: The minutes of May 21, 1975 were approved, on motion by Mr. Duke, seconded by Mrs. Takehara and carried.

PUBLIC HEARING
GP/DLUM AMENDMENT
MOILIILI
COMMERCIAL TO PARK USE
DEPT. OF PARKS AND RECREATION, C&C OF HONOLULU
(FILE #297/C2/14 WL)

A public hearing was held to redesignate the Honolulu Stadium and Stadium Bowl-O-Drome sites from Commercial use to Park use, and to redesignate several nearby parcels on Makahiki Way and one parcel on Isenberg Street from Commercial to High Density Apartment use, Tax Map Keys: 2-7-06: 7; 2-7-07: 15; 2-7-08: 2, 9, 10, 11, 12, 18.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 8, 1975. No letters of protest were received.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer. DPR indicates that there is a continuing growth in the demand for additional recreational opportunities and the need for additional park lands on Oahu, and attributes this to increases in family income, leisure time, and population. A shortage of public recreational facilities compared to General Plan standards is also cited. According to the request, the service area has five public recreational facilities within its boundaries, but "not one is available for a broad variety of recreational uses." Essentially, DPR concludes that there is a greater, unmet need for additional recreation space than for commercial space, that ample commercial designated land is available to meet shopping needs well into the foreseeable future.

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The analyses have shown that there is a need for a district park to serve the McCully Moiliili area, and that the Honolulu Stadium and Bowl-O-Drome site is the most appropriate site for a district park in terms of location, accessibility, and availability. These factors, as well as the fact that withdrawing the area from Commercial use would have little impact on commercial requirements, make the use of this site for a district park the most appropriate use The Chief Planning Officer proposes that the General Plan, the University Community Plan Detailed Land Use Map, and the University Community Plan Development Plan be amended to redesignate the subject 9.2 acres of land from Commercial to Park use. In addition, other parcels of land abutting the Honolulu Stadium and on the ewa side of Makahiki Way are proposed for redesignation from Commercial to High Density Apartment use.

There were no questions of staff regarding the report.

Public testimony followed.

TESTIMONY IN SUPPORT

1. Kathy Miyashiro, Vice President and Chairperson, Recreation Committee, Three M Community Council (Submitted testimony, undated)
2. Francis Akamine, VISTA worker assigned to the Three M area and the Three M Community Council, presenting testimony on behalf of the Three M Executive Board (Submitted testimony dated June 18, 1975)
3. Representative Carl Takamura
4. Zachery K. Kapu, Moiliili resident
5. Edwin Cathcart, Moiliili resident
6. James C. Ching, Secretary, McCully Business and Professional Association (Submitted letter dated June 16, 1975 supporting the proposal but requesting that the 131-foot strip along King Street remain commercial.)
7. Letter received dated June 10, 1975 from Senator John Leopold, Sixth Senatorial District, supporting the amendment to redesignate the Honolulu Stadium and Stadium Bowl-O-Drome from commercial use to park use.
8. Letter received dated June 17, 1975 from John W. Elliott, President, Lunalilo Community School Association, supporting redesignation of Honolulu Stadium-Stadium Bowl-O-Drome from commercial to park use.

Reasons in SUPPORT--

The need for a community playfield is clearly indicated by the crowded conditions of the existing park facilities in the service area, the large number of people to be served, the absence of suitable alternative facilities, and the availability and suitability of the 9.2 acre stadium site.

The Three M Executive Board addressed the portion of the request concerning redesignation of parcels abutting the proposed park

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site from commercial to high density apartment use. Although they support apartment use of the subject parcels, they do not feel automatic redesignation to high density should necessarily follow, except for the 19-story parcel which apparently was constructed without conforming to the General Plan. Their reasons follow:

1. The existing and planned population densities in the 3M area are already too high for the existing and proposed public recreation facilities. If the need for a community playfield is clearly indicated by the crowded conditions of the existing park facilities, the large number of people to be served, and the absence of suitable alternative facilities, shouldn't these reasons also be sufficient justification for placing limits on any increase in the high density apartment land use inventory?

2. There should be more substantial reasons for high density apartment than that "the land use pattern will be consistent and compatible with the pattern designated on the DLUM. It is our experience that DLUM designations often bear no relationship to what is actually constructed. We note in this respect that the subject parcels cannot be utilized for high density apartment unless they are consolidated.

3. There is a need to begin to implement urban design somewhere within the Three M community, especially if it is to be part of the city's high density urban corridor. When the Three M Council initiated the Honolulu Stadium Park project, it looked to the park site as the focal point for the Three M community's public activities. High density apartment construction around the perimeter of the park would have the following deleterious effects:

   a. Visually, high-rise construction would diminish, if not destroy, the open space value of the proposed park.

   b. Climatologically, high-rise construction would eliminate afternoon sunshine in the park: it would instead cast shadows that would increase and lengthen until sundown.

   c. Physically, high-rise construction would impose a barrier between the McCully Library and the park, two public facilities whose value could be enhanced if they were inter-related and interdependent.

In view of the above concerns, it is suggested that the parcels abutting the proposed park site be redesignated for low density apartment use. This designation would not materially increase population densities. It conforms to the existing and probable future land use and it does not have the negative impact of high rise apartment construction.

Discussion followed.

DUKE: The adjacent area where high density is now proposed, who owns that?

AKAMINE: It's privately owned.

DUKE: What rationale did you have for putting it in high density?

PORTMORE: The rationale was since this parcel already has a high rise structure on it, it's already zoned for high density apartment. The plan doesn't reflect the existing condition so this brings the plan into conformity with the existing condition. As for the four parcels, because of the small size of the parcels themselves, how high they can go under consolidation, I don't know because you still have only 20,000 square feet and a rather narrow lot. The intent here, I think Mr. Akamine is putting much more weight into what we're doing here than really is there. It's not trying to do any significant policy change. It's simply reflecting use and what happens is no longer a sensible commercial area left once you subtract the stadium. It would be a rather spot strip commercial zone along a local street. It doesn't make sense to have a narrow strip commercial zoned along a local street. So, we're taking what we consider a remnant and putting it in a use which is consistent with what is on the properties now, and with what the character is designated of the land uses are for the surrounding area.

DUKE: Would it be possible for any private landowner to develop it above a low density unless it was consolidated?

PORTMORE: I don't think so, not on 5,000 square feet. If it were consolidated, I suppose it could be possible to build as high as 19 stories.

DUKE: The 19-story is already there. Do you object to that being there?

AKAMINE: It's after the fact. There's nothing we can do about that now. As to the other ones, we'd like to see some sensitivity to urban design.

DUKE: I still don't see your rationale for putting it in high density because of complications of consolidation. Why do you choose high density?

PORTMORE: Working with the tool we have now-- Perhaps what you're saying and what Mr. Akamine is saying, and I'm not going to question the validity of it, is maybe there's some kind of total new study that's required here. What we're working with here now is an existing DLUM. All we're doing is responding to an amendment for one parcel, and then what I would call cleaning up some remnant situations making them somewhat better, maybe not perfect but somewhat better. It's the best we can do given the tool we're working with. If we're talking about urban design in the area, that's a good concept but this is not the tool for it--the existing DLUM as it's presently made up.

DUKE: In reality, you have created a situation that does not exist and will not exist until such time as people come in for a zone change.

PORTMORE: Yes. What we've done is we have two choices and which do we think is better. Would it be better to retain the existing commercial designation or would it be better to make it the same as the surrounding property? Out of those two choices, we chose the second one.

DUKE: Is that clear to you, Sir?

AKAMINE: It's clear to me but what we're learning at the community level is that the DLUM is unrealistic. We do have all kinds of acres designated for A-4. What that is doing, however, is creating hardship for the small property owner who cannot utilize that designation and zoning. You are getting anyway low density. There is an inconsistency between what is planned and what is actually happening. We don't have anywhere else except in these public hearings to bring this to your attention and to try and get some kind of resolution. I guess what we're saying is don't give us something that is not going to be achievable. We would like some kind of urban design focused around the park.

DUKE: Is there any reason why the small parcels there couldn't be redesignated low density and still be compatible with the surrounding area?

PORTMORE: I don't think it would be incompatible but immediately it raises question of where logically do you stop the low density and start the high density? We start getting into the whole issue of what is the best designation for this area. I think the department's basic approach to the inadequacies of this and other DLUMs is to proceed with adoption of the Revised General Plan and then the new Development Plan rather than to spend a lot of time trying to refine these existing maps which have basic inadequacies in structure. That's why we're not spending a lot of time trying to refine what we think is a fundamentally inadequate document in the first place.

DUKE: Maybe you shouldn't pinpoint certain little parcels to be changed simultaneously with the stadium becoming a park until possibly development plan studies are made for the entire area. Would that not be a more logical approach?

PORTMORE: We try to be very conservative in terms of our going beyond what the initial request involves. It's only when it seems rather apparent to us that when the change involved creates some inconsistency that didn't exist before. We feel this does. Where there are inconsistencies created as a result of the rest of the amendment and where it seems to us it's highly logical to make the change, we feel we should go ahead. We try to be very conservative about going beyond what the initial request is involved in. Here, we feel it's fairly clear to us anyway that it would be logical to make the change and it doesn't involve any kind of substantive policy change. It's a minor amount of acreage involved and a good part of it is already apartment.

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One advantage of putting in apartment is then it becomes a conforming use. It's now nonconforming and people can't make structural repairs. That's probably the most significant effect it will have. Property owners in the area did call up and express positive reaction to this thing, the ones that called.

DUKE: Maybe the gentleman here has a good point that maybe it's not proper planning. Would you, Mr. Akamine, elaborate one more time on your feelings for the small parcels and why the community objects to high density apartment.

AKAMINE: As models we can evaluate for high density, high rise development in the city, we have Waikiki, Makiki and Salt Lake. These to us have a number of problems--inadequate public facilities, loss of open space, the fact that in our community and elsewhere where you have high rises the number of children living in the community decreases. What we would like to see happen even with a high density Three M area is that the place be a livable community. When we look at the other areas that have already gone, we don't see any evidence of the things we value and would like to keep are going to be kept. We don't know where to begin because the existing planning framework doesn't really admit, I guess, these kinds of considerations. We don't know where to make the changes except here at today's hearing.

Another consideration is that with the A-4 designation on zoning what happens to the small property owner? Because he is a small property owner, he lacks capital and land area to utilize the A-4 density. He is then subject to pressure by developers who want him to lease or sell. In other words, he is not going to be the primary recipient of the benefits that could accrue to someone who has an A-4 zoning. What happens when you don't have resident landowners is that you have people who don't necessarily care about how your community develops both physically as well as socially. These are reasons why we feel the A-4 zoning should really be looked into more closely. If you are going to have it then you're going to have to compensate in other areas to take care of the deficiencies that emerge as a result of a high rise, high density neighborhood.

CHOY: You said the department chose alternative 2. Couldn't it possibly relieve the fear of the community if we looked at alternative 1 a little closer, that perhaps the pressure to develop a commercial establishment in this strip area you speak of would probably be less than the pressure within the next ten years to consolidate these four parcels and develop into high density. Therefore, we should look at alternative 1 because it creates a better safety valve.

PORTMORE: If that were true, I would say yes but I don't know that's true. We do have a surplus of commercial designated land as indicated in the report. I think the nature of use in the area that even though all the area is shown for high density apartment and has been shown that way since 1968, it isn't occurring very quickly, that it's being redeveloped with that kind of

increase. I'm not at all sure, if there's not at least for the existing condition and maybe for the next 10 years, that there might be a surplus of high density as well as commercial, and which would create more pressure for development, I don't know.

CHOY: Because we don't know, perhaps we should leave well enough alone until we come up with a new general plan and DLUM.

AKAMINE: We've been told when we went down for the GPRP program, when the Development Plan is formulated that is the time and place to raise our considerations. We said fine and when is that DP going to be coming out? They said five or ten years if we're lucky. By that time, the considerations we're raising today, the opportunity would have been lost. So, where do we begin? We can't get an answer to that. We keep getting put off. We raise it on the DLUM hearing. If it's brought up in the zoning hearing, it's too late. We get the run around. Where do we begin with or without your cooperation?

PORTMORE: I don't know whether that's a statement or a question. I don't have the answer. That really is above my level in the department.

CLEGG: I'd like to make a couple of points. One has to do with Ralph's comment on nonconforming uses. It does work a hardship on existing property owners who have a nonconforming use within a commercial zone. They are not able to repair their property and generally, this has resulted in deterioration of the area. Under a nonconforming use, this has the tendency to pressure the property owners to convert to a conforming use. I point this out for your consideration.

CHOY: Why don't we start here now since we still have to have Council confirm that if we took this and downzoned it to A-2, and begin to see how legal or what kind of ground we're on, if we're going to change zoning at all.

I see another possibility too, that in the future after the park has been established would require more land than is perhaps economically sound to condemn and acquire A-2 parcel rather than high density.

PORTMORE: The last point is valid but as far as the first part changing some of the higher density to lower density apartment zoning in this area is a rather basic question. It would be a precedent setting move which immediately would require similar kinds of treatment throughout Honolulu. What the department is essentially saying is the city would be better served by putting its resources into getting out development plans, a better kind of document which addresses this kind of issue in a better fashion than spending a considerable amount of time which under the existing Dalton constraints require a rather thorough analysis on developing the kind of change you're talking about.

CHOY: Francis, if you had a choice between keeping this at its present commercial designation rather than high density, which would your community association prefer?

AKAMINE: The question on that matter is not something we considered. What we took was what was in the memorandum to this Commission. We would like to preserve and make the park as valuable as possible for the community. In that perspective, we would like to see low rise around the park. Whether it's commercial or apartment is in our mind not the problem.

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

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

Discussion followed.

TAKEHARA: Regarding the statement the Deputy Chief Planning Officer made that there is no alternative that we could make that parcel low density?

CLEGG: I would judge that because of the requirements for review and analysis for a GP amendment, if that alternative were to be imposed that the required analyses have not been accomplished. In order to propose that, it would certainly be necessary to consider all of the other lands around the perimeter of the proposed park. The change of those lands was not considered as a part of the analysis presented.

DUKE: As I understand it, can we make a park out of the property that the state purchased for park purposes and leave the other remaining parcels as they are without changing those simultaneously?

CLEGG: Yes. You have the alternative of making that recommendation.

DUKE: That seems to be the issue here. Therefore, if it's in order, I'd like to move that the area that was purchased by the state for park purposes be redesignated on the DLUM for park purposes, and the other areas brought into this question remain as they are presently zoned.

CHOY: Second.

CONNELL: Inasmuch as the motion is suggesting that only a portion of the Chief Planning Officer's proposal be accepted, that portion which is not being accepted would be a negative. I would hope that the Commission will remember that we have to turn in Findings of Fact. The negative aspect will therefore have to be supported by substantial evidence given by the Commission.

DUKE: To substantiate my move, I would like to state that the recommendation made by the Chief Planning Officer including

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some adjacent property is not germane to the issue. I see no reason that we have to include it even though he has included it. I believe it is a fact it is not necessary to zone that highrise just to make the color scheme work clear down to the border of the stadium.

It's another fact that before too long hopefully, a comprehensive study will be made of the area. What we are doing is kind of rounding out a color scheme rather than putting good thought and good comprehension into the whole area. Why is that part of an issue now? Why can't we just make a park out of the stadium and let it be that issue only right now.

CLEGG: Can I suggest that if the Commission is going to keep the parcel in question in commercial, that possibly you would want to put the piece that is already in highrise and make it conforming; that is, confine your amendment or change just to the concerned area.

DUKE: Possibly I wasn't explicit on that. I really am concerned with a little insignificant thing that really is not going to make a great deal of difference whether it is A-3, A-4 or B-2. Therefore, the 20,000 or so square feet that has been proposed to go into A-4, leave it B-2. The other parcel that was included which seems to be part of the complex there which has the 19-story building on it, it appears that the Chief Planning Officer had a little rationale in his thoughts there. Therefore, my exclusion would be that property consisting of four parcels of approximately 20,000 square feet.

CHOY: The second disagrees with the motion as far as this high density existing apartment is concerned. I also understand from Mr. Portmore there's another alternative before us. That is to isolate these two items and possibly have the entire area bordering the proposed park to be addressed and possibly a redesignation which would put the existing 19-story apartment in a nonconforming use. I feel we should delete the entire extraneous recommendation aside from the issue before us which is the stadium park. In other words, go back to your original motion.

DUKE: I appreciate what you're saying. There is no question in my mind what appears on the DLUM and what actually exists are two different things. My greatest concern is it is not proper to penalize people because they did something that was permitted at one time and is no longer permitted. You could build a highrise or else the 19-story wouldn't be there. Furthermore, to make that nonconforming is an undue penalty. That's my reason for excluding the little portion but including the big one. We're not gaining anything by excluding both.

CHOY: Your argument is well taken. However, I have visions of seeing this entire area from King Street to Makahiki down Isenberg and even down to Citron Street, the whole area made into a park eventually. Hopefully and if we do permit high density

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development through consolidation in the future which is down the road say 20 years, I would say the need of park space would be lost perhaps another 100 years. I would rather see a 19-story apartment which exists at the present time be left in nonconforming usage with the possibility that 50 years from now we could acquire that and turn the whole thing into park. If we're going to talk about park and have it shown that the residential density is going to increase anyway, I'm all for deleting everything that's aside from the issue before us.

CHAIRMAN: The original motion was to redesignate only the state-owned parcel which was seconded. The added amendment was not seconded, so we have one motion on the floor. Do we have further discussion?

DUKE: I'll go along with that.

(There was no further discussion. The motion was unanimously carried.)

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka

PUBLIC HEARING
CONDITIONAL USE PERMIT
(RECREATIONAL USES IN
RESIDENTIAL DISTRICT)
HALAWA
RIVERSIDE DEVELOPMENT
CORPORATION
(FILE #75/CUP-3 RH)

A public hearing was held to consider a request for a conditional use permit for recreational uses in an R-6 Residential District to support an adjacent A-3 Apartment District in Halawa, near Pearl Harbor, Tax Map Key: 9-9-64: 25.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 8, 1975. No letters of protest were received.

Staff Planner Roger Harris presented the Director's report of the request. Riverside Development Corporation has developed the A-3 zoned portion of the site with a nin-story 63-unit condominium named the "Halawa Grand." Part of the R-6 zoned portion of this site has been developed into a parking area which partially fulfills the parking requirements for the Halawa Grand. The remainder of the R-6 zoned area of the site was intended for development as a seven-unit residential cluster. The applicant, however, has elected not to go ahead with the cluster and has instead proposed to use this area as recreation space for the Halawa Grand. Submitted plans for the recreation area call for a pool, a shuffleboard, a volleyball court, and a picnic area.

The Director recommends that City Council Resolution No. 231 adopted October 9, 1973 granting approval of the Conditional Use Permit for an off-street parking facility within an R-6

Residential zoning district at Halawa on land identified as a portion of Tax Map Key 9-9-64: 25, to Central Hawaiian, the "applicant", be rescinded, and that simultaneously a new CUP resolution for parking and recreation use on the same site be approved, subject to the conditions contained in the report.

There were no questions from the Commission regarding the Director's report.

Testimony in SUPPORT--

None

Testimony AGAINST--

Mr. Thomas E. Arizumi representing the Halawa Valley Estates Community Association

ARIZUMI: My testimony really isn't against it but about it. It's just to confirm our considerations about the proposed CUP. After deliberation with DLU and the developer, we have come about with a compromise that was presented before you.

We felt with the CUP and the conditions stated, we'd like it to be static; in other words, a year from now a guy can't tear down the wall and provide vehicular or pedestrian ingress and egress to the parcel that would of course generate noise, traffic, pedestrial problems along the residential district. If in anyway something in the new proposed resolution could be covenant to the effect that no deletions or modifications of the aforementioned conditions in whole or in part should be made that would violate the intent and purposes of the said conditions or found not to serve the best interest of Halawa Valley Estates.

Often times--and I guess it's lease land from the Bishop Estate--however, with the new lessees in there, there's nothing to say we'd like to get access to Ohiaku Loop because it's nice residential property that they'd rather drive through than through the apartment district. We'd like to ascertain that the conditions are adhered to and that this be the situation five to ten years from now. That is the only other consideration in addition to what Mr. Harris has done. Otherwise, I say it's a very excellent idea.

Mr. Arizumi was questioned by the Commission.

DUKE: Have you read the proposed ordinance?

ARIZUMI: Yes, I have.

DUKE: Do you agree with the wording in that ordinance?

ARIZUMI: As presented, yes.

DUKE: As a matter of clarification, in order to even punch a hole in the fence and put a gate in there, would it not be required to come back to City Council for a change in the ordinance?

HARRIS: Yes. In condition number six, the Director of DLU may approve any request for modifying the submitted plans which he considers to be a minor revision. We would not consider a new access point to be a minor revision. That's why our condition number three we specifically called out no pedestrian or vehicular access to the residential streets. The question of whether he could come back in the future and apply for a change--

DUKE: That's unknown.

CONNELL: I think you might also look at condition number five, in the event that all the conditions set forth herein are not met, the Director of DLU may pull the conditional use permit.

ARIZUMI: I see. That would invalidate the whole thing.

CONNELL: Right, and the final condition nine, any major changes have to be approved by City Council. So, I think you can be assured that you're pretty well protected against them punching holes in the wall.

ARIZUMI: I guess that would suffice pretty much. Thank you.

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

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Takehara and carried.

ACTION: The Commission accepted the Director's recommendation for approval, subject to the conditions contained in the report, on motion by Dr. Choy, seconded by Mrs. Takehara and carried.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka

UNFINISHED BUSINESS
TWO STATE SPECIAL USE PERMITS--
(1) PRIVATE SEWAGE TREATMENT & DISPOSAL SYSTEM
(2) PROPOSED WATER SYSTEM
KAHUKU
GROSVENOR-INTERNATIONAL (HAWAII) LTD.
(FILE #74/SUP-14 & #75/SUP-2)

Public hearings were held April 16, 1975, May 7 and 21, 1975. At the meeting on May 21, the public hearing was closed and action deferred for a statutory requirement of 15 days.

Discussion followed.

DUKE: Mr. Chairman, I greatly appreciate all of the input we have received regarding this proposal. I also am acquainted with the amount of work the applicant has gone to probably without ever being discouraged at any level, at the time he was making his plans, other than the time he got before us requiring an SUP.

I also know that the state, in my opinion, should have acted many years ago in acquisition of the property on the bay if they so desired it for park purposes. But, human nature tells me that you never want anything so badly as when it's being denied you. I must admit that the state has come forth at the 11th hour with the request that they be given an opportunity to purchase some 33 acres. I am of the opinion that the 33 acres taken away from the original proposal might make it very difficult to develop it and plans would have to be revised and so forth. However, I do feel for the good of posterity and also for the people here that the public should not be denied an opportunity if they act timely, assuming this is timely.

MOTION

At this time, Mr. Chairman, I move that we defer the SUP for a period of 90 days from now, not July 1. That puts it sometime in the middle of September.

I further move that if the state does not show good faith in acquisition of the property, that we act in favor of the applicant on the SUP at that time.

CHOY: I second the motion for discussion purposes.

For clarification, at the end of this stipulated time, you stated that if the state did not move to acquire the land, this body would move in favor of the application. Is that correct?

DUKE: Certainly should be given due consideration. I'd like to make a little point of that. I feel, personally, that land-owners and developers also have rights. I feel they should not be kicked around forever. I think there should be some sort of a definite period of time where everyone knows where they stand, both the developer and the state. The situation is let everyone know where they stand and try to make it equitable and fair. Even though the state came in late, give them an opportunity for the good of the public to acquire property.

CHOY: This is my concern and your justification is well taken. However, I think again you will concur with me that there is a limitation of time being imposed on the developer at the present time because of the shoreline protection bill. If I remember correctly, unless the developer has the permit in hand and begin construction, the shoreline protection bill will be imposed on him. Your motion would take this deferral up to September. Between Setember and December 1, I wonder if we're tying the hands of the developer if we decide to move in that direction.

DUKE: Okay, let's look at a time frame. What is a reasonable length of time for the state to act and what is fair to the applicant backing off from December 1 to permit him to act if the

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state does not fulfill their intentions or so he doesn't get caught with the shoreline deal. In essence, that's what it is.

CHOY: Yes. We also have to realize this also has to have approval of the Land Use Commission and they could drag their feet under the mud again reducing the time frame to, in my mind, a very unhealthy situation.

DUKE: There are rules on that also. It is my understanding that once an SUP is recommended to the Land Use Commission, they are required to act on it within 45 days.

CHOY: I agree with you wholeheartedly. The thing that bothers me is this. There's a surplus of fifty million dollars. If the state is really earnest about this, they could come up with the money in a very short order. Under these conditions if we delay it for 45 days, the agency of the state government could go in to this fifty seven million dollars which is surplus money and at the end of 45 days we may having nothing.

DUKE: Well, what about 60 days that comes out to about October 1 leaving all of November and December. Do you think that's unreasonable.

CHOY: No, now we're in the ball game.

CLEGG: May I for your consideration point out that since the shoreline has entered in here, it is this body that will be giving the permit in the shoreline. Second, if the project is undesirable before the shoreline bill takes effect, we shouldn't be playing a slip-under-the-wire game here. I think that is also unfair.

CHAIRMAN: In this concern of time, is it possible that if we were to send it up to the Land Use Commission with the condition that they will wait--they will act no sooner than 45 days? Get this period for the state to come up with the money to run concurrently with the 45 days.

DUKE: That would simplify things.

CONNELL: I don't believe the Planning Commission can set limits upon the Land Use Commission. It simply says within 45 days after receipt of the county agency's decision, the Commission shall act to approve, approve with modification or deny the petition. They can take 45 days or they can do it within 2 or 3 days. I don't think it's up to this Commission to tell the State Land Use Commission how to function.

CHAIRMAN: No maybe we're not telling the Commission to wait 45 days but if we set a condition of a 45-day waiting period for the state to come up with the money.

CLEGG: I think this Commission can place conditions on the project but not upon procedures of the Land Use Commission. I

think that's getting pretty much into the procedures of the Land Use Commission.

DUKE: Don brought up a good point about the desirability of whether they slip-under-the-gun or don't slip-under-the-gun but I still believe they should be given an opportunity to make a move before all the new rules and regulations come into being, not knowing what they might be because that's an unknown to all of us right now.

AMENDMENT TO MOTION

In order to possibly effect a compromise on the time frame, may I amend my motion to read a special meeting to consider this deferral on August 6, 1975.

CHOY: The second agrees.

(The motion to defer the matter for a special meeting on August 6, 1975 was unanimously carried.)

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka

Further discussion followed.

TAKEHARA: When can we ask for further questions on this development? May I ask some questions of a representative of Campbell Estate regarding this development?

In regards to this letter we received from Grosvenor-International, the colored map, I thought when we took our field trip, we had agreed to move that one-acre park boundary. Looking at this map it's back to where it was.

(At this point, Messrs Bill Miller representing Campbell Estate and Oswald Stender representing Grosvenor-International were called upon upon to respond to questions by the Commission.)

STENDER: As far as the access way, the red line (referring to map), it is our understanding that this was the right-of-way. As far as the one-acre park site, that would remain. In other words, you still have the one-acre park site which is the blue, and the two red lines are the two access ways, in addition to the parking which is colored in green.

CHOY: So you will be giving the 20 acres to the state without any encumbrances--

STENDER: Yes.

CHOY: And to be set within this 2nd and 3rd increment?

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STENDER: Yes.

CHOY: Is that the way you folks want it?

STENDER: Yes. So, you have the access way next to the yellow area and the access way near to the green.

CHOY: So in other words, this one acre would be practically lost on both sides then, prior to development.

STENDER: Yes.

CHOY: Mrs. Takehara is contending would this one acre be moved here (referring to map)? Ultimately, you will be permitting this to be an unemcumbered development.

STENDER: Yes. There's no reasons not to do it. We just felt that if the yellow area becomes a park, then we really have lost an access in the center of the bay. You'd have the right-of-way and when you acquire the yellow, you'd have all of that in park. You'd still have the blue in the center which gives you still an additional park. Otherwise, we thought you'd lose that altogether. If it's merged with the other, then you still have the problem of more than adequate access in the center of the bay. So, during the interim you have the two red and the blue. Once the yellow is acquired, you still have the blue, rather than having the blue merged against the yellow and that total area being wiped out.

CHAIRMAN: Before August 6, can you get an updated map to the Commission?

TAKEHARA: This is it. I guess I was confused. I thought in our discussion we had moved that blue one-acre park over to the yellow boundary.

STENDER: Yes. I'm sorry I didn't get back to you when we did this map. The idea was we did consider that as still possible where we still felt you might want the one acre in the center of the bay. If you've got the red which gives you the access right now, when you acquire the yellow you merge the red with the yellow and you still have the blue. Otherwise when you move the blue over and you acquire that, you've lost something in the center of the bay.

CONNELL: Mr. Chairman, for edification of the staff, I don't believe we have the blues and yellows and greens, et cetera, that are being discussed. It would be helpful if we knew what was being talked about.

TAKEHARA: This is a memo we all received.

STENDER: This is a memo we submitted at the last public hearing. We presume the distribution would go to everyone else.

CONNELL: It may have but it isn't here now.

Which area is being referred to in terms of the park?

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TAKEHARA: The little blue one acre in the center of the bay. I thought we had discussed a place on the red line by the yellow. But in referring to this again, I see it back in the center of the bay and wondered how come.

STENDER: During the field trip the commissioners suggested putting the blue one-acre site next to the yellow, and at the time the yellow was acquired, we merge that part of it. In our review of it afterwards, we felt if we had an access way next to the yellow and when you acquire the yellow, you haven't lost anything. If you move the blue next to the yellow, when you acquire the yellow and merge that, you've lost the one acre in the center of the bay.

CONNELL: When you talk about acquiring the yellow, you're talking about the further end.

STENDER: Yes.

CONNELL: I think the Commission needs to be aware of the fact that what is before you are two special use permits. The state and Park and Recreation Department, especially the latter, have put in a letter of intent for a General Plan change. I don't believe it's in the area marked yellow. I think the Commission needs to be very clear in terms of what their decision-making power is in terms of the special use permit. Until Parks and Recreation would come in for a General Plan change in the upper area, it would seem to me that in terms of the state and the city and county at this moment, the thought in terms of park are in the lower area. There may be another access within that letter of intent.

I think it's important that the Commission get the perameters. Also during this waiting period if there are other issues, and as I review the minutes of past discussions, there are a number of other issues which possibly the applicant may want to respond to or the Commission may want the applicant to respond to at the end of the period.

STENDER: That sounds reasonable to me.

TAKEHARA: Is the letter of intent by Parks and Recreation 33 acres on the Cooke's Point and is that your total phase 1?

STENDER: Yes.

CONNELL: In going over the various meetings the Commission has had, in relationship to the water system and also to the STP, in the event that phase 1 were acquired by the state and/or city and county, this may have some effect upon the size of the water system and also upon the STP. There are also some other issues in terms of the mini ranches. Numerous questions have been raised on these. In the event that area is not considered in the application, what would be it's effect upon the water system and the STP?

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There is an area which is makai of the highway which is zoned by the SLUC as agriculture--I believe that would be increment 5. If that was not included, what effect would it have on the SUP. On the development, the only relationship that it has to the SUP is the fact that those uses within the SUP would be used to service the development. The question becomes how much Ag land is needed in order to service the development.

I think you may get yourself way out on a limb in terms of park which is an issue, but it is not the prime issue which is before the Commission.

KAHAWAIOLAA: I understand that to be correct, that the issue before us is the SUP. What I think Commissioner Takehara wants to get straightened out is we're trying to resolve the problem by coming to some kind of compromise by giving the state time to acquire the 33 acres on the Laie side of the bay. If they don't acquire the land, we want to be sure the other commitments Grosvenor and Campbell Estate made as far as the two parking lots on the highway, the two rights-of-way, is still in the picture at the time we approve their sewer and water. This is the area we're discussing. We've trying to get these commitments in order to open up the whole bay, at the same time waiting whether the state will pick up the other 64 or some-odd acres on the Kahuku end. Basically, that's the commitment we're trying to hold Campbell Estate and Grosvenor to.

CONNELL: There is some concern in terms of the commitment regarding parking lots, accesses, et cetera, as to what extent do these relate to the request for two SUPs. Do they really fall within the jurisdiction of this Commission to negotiate? Some of these issues may fall more into the cluster development which would come before the Department of Land Utilization.

The major issue before the Commission is whether or not to utilize X number of acres within an area designated for agriculture in order that an urban area may be developed. It is certainly true the uses in the SUP cannot be considered in isolation. But I think the Commission has to draw some perameters in terms of what they can negotiate and what they cannot negotiate. In making a decision you are going to have to function on the basis of the SLUC Rules and Regulations and the General Plan for the Island of Oahu. It doesn't do much good to put in conditions for negotiation which in fact cannot be supported in law. If Campbell Estate wishes to make a unilateral agreement with the City and County of Honolulu, that is another issue. This would be made with the City Council.

KAHAWAIOLAA: In that case, I see no reason why we should give the state 45 days to acquire the land because I don't know why we delayed the issue so long on the basis of trying to give the state a chance to acquire the park site. If we're talking strictly on the SUP, I think we would address ourselves to that and not get into the issue of the park, and make a motion to that effect.

CONNELL: The park becomes an issue only insofar as one, if it is acquired then increment 1 is no longer there. Is there a project? Number two, if there is a project, what are going to

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be the size of the uses that are being requested? The third aspect to it is that the project in terms of mini ranches plus utilization of certain agricultural properties on the makai side of the road have still not been answered. So it is not simply an either/or situation. There are a series of questions which perhaps need to be answered before you make a decision.

MILLER: I think that's quite not the case in that it's almost certain, I think--and the developer sitting here with me will bear me out--that if the state or the county moves to condemn that 33 acres, then this project is dead and the rest is a moot point.

STENDER: One of the points I'd like to cover is as far as the developer is concerned, time is of the essence. Decisions are made in a timely manner. I think this has been the entire crux of the whole problem since the first hearing. The fact that a certain sum of money had been appropriated and the fact that an intent had been filed to amend the General Plan doesn't really change the facts of the matter as the zoning exists now, as the information we had submitted to the Commission, and as to the requirements of sewer and water. If we go beyond what happens to this, that happens or this doesn't happen, many times intents have been filed but never carried out. If someone intends to do something, you either do it or you don't do it. Until it's done, what is a reasonable time to wait for someone to carry out his intention?

CLEGG: I think it's clear that issuance of the SUP is the main decision to be made. But, as Gene points out, that decision then is permissive of another action. It is a necessary condition to another action, namely development of a piece of land. We have a conflicting or competing request for uses of that piece of land. We must consider those competing uses of that land in considering the SUP.

Our review of the request for park has come from the Mayor, the Governor, from the legislature, specifically from Senator Anderson. I think that's a fairly imposing body of individuals who represent a considerable portion of the population, has a considerable weight of opinion, and their request has been for delay. I feel that's a legitimate request on their part and that the Commission should give them an opportunity to do what they need to do if they can do it in order to achieve their desires which apparently is the desires of a large sector of the community as noted by their elected representative.

I think Charlie's suggestion of taking this up on August 6 is very appropriate. In some sense, I feel we've opened the public hearing again, almost. I would caution you.

MILLER: The only other thing I'd like to say, we agree with the philosophy behind the needs of the public in terms of the state or city and county. We think this Commission has been more than fair to us. We feel they've been more than fair in giving the

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Governor or the Mayor time to acquire this park. The only thing we're asking is to give us a reasonable time in order for us to know whether or not this project is go or no go.

(This concluded the discussion.)

(Mr. Kahawaiolaa left the meeting at this point.)

UNFINISHED BUSINESS
PUBLIC HEARING
GENERAL PLAN
AMENDMENT
KAPALAMA
(EXPANSION OF HONOLULU
COMMUNITY COLLEGE)
DEPT. OF ACCOUNTING &
GENERAL SERVICES,
STATE OF HAWAII
(FILE #274/C2/7)

The public hearing held June 4, 1975 was kept open and deferred to June 18 as requested by the Chief Planning Officer, pending City Council's receipt of opinion from Corporation Counsel.

Memorandum dated June 12, 1975 to Gene Connell, Executive Secretary, from Corporation Counsel's office states in part: "...This is to advise you that our office has rendered the attached opinion (M-75-48) to the Planning and Zoning Committee of the City Council with regard to said projects, the key ruling being that it is not necessary to amend the General Plan or GP-DLUM before the State can construct these facilities. We believe this opinion negates the necessity of the Planning Commission's review of these projects."

ACTION: The Commission closed the public hearing and filed the matter, on motion by Dr. Choy, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka, Kahawaiolaa (left meeting early)

REQUEST FOR
RECONSIDERATION
SPECIAL USE PERMIT
(POLICE & FIRE TRAINING
FACILITY WITHIN AG-1
RESTRICTED AG.DISTRICT)
WAIPAHU-WAIPIO
PENINSULA
BUILDING DEPARTMENT,
C&C OF HONOLULU
(FILE #74/SUP-2)

This matter was considered by the Commission on the following dates:

Jan. 29, 1975 - Public hearing closed, action deferred for 15-day statutory requirement.
Feb. 26, 1975 - Deferred for field trip.
Mar. 12, 1975 - Deferred, lack of quorum vote
Apr. 2, 1975 - Deferred 1 month and a committee appointed to study site selections and EIS.
May 7, 1975 - Recommended approval with conditions.

The Executive Secretary reported the receipt of memorandum dated

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June 16, 1975 to the Planning Commission from Francis Keala, Chief of Police requesting:

"...that you reconsider the condition of having no firing range at the police training facility and permit us to build a shorter firing range that would be enclosed.

'...that you delete the condition requiring that the facility be available for community use. We feel that our utilization of the facility will leave very little time when it is not being used for training purposes. Further, problems of securing the facility against vandalism, and difficulties of scheduling and resolving conflicts are likely to create problems and community resentment which will be detrimental rather than beneficial to police-community relations."

Inasmuch as the commissioners just received the memo at this meeting, Dr. Choy moved, seconded by Mrs. Wikum and carried, that the matter be deferred to the next meeting on July 2, 1975 to permit them time to review the material and to so advise the State Land Use Commission.

ADJOURNMENT: The meeting adjourned at 4:20 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary Reporter

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MRRC RMM 19-75

FLASH CARD

FLASH CARD

MRRC RMM 19-75

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MRRC RMM 19-75

Special Meeting of the Planning Commission
Minutes
June 30, 1975

The Planning Commission held a special meeting on Monday, June 30, 1975 in the Conference Room, City Hall Annex, Honolulu, Hawaii for the purpose of electing officers for the ensuing year. The meeting was called to order at 4:00 p.m. by Chairman Randall Kamiya.

PRESENT: Randall Kamiya, Chairman
Charles Duke, Vice-Chairman
Dr. Wilbur Choy
Donald Hosaka
Antone Kahawaiolaa
Harriet Wikum

ABSENT: Alice Takehara

STAFF PRESENT: Robert R. Way, Chief Planning Officer
Donald Clegg, Deputy Chief Planning Officer
Eugene B. Connell, Executive Secretary

ELECTION OF PLANNING COMMISSION OFFICERS

The Chairman declared that nominations were open for Chairman of the Planning Commission. Mr. Duke nominated Randall Kamiya and indicated that although the chairmanship should change each year, Mr. Kamiya should have the opportunity of serving a complete term of his own.

Dr. Choy moved that the nominations be closed; Mr. Hosaka seconded the motion.

ACTION: The vote, a show of hands, revealed:

FOR Randall Kamiya as Chairman -	5
AGAINST	0
ABSENT	1
ABSTAINED	1

Randall Kamiya was elected as Chairman, June 30, 1975-76

The Chairman asked for nominations for Vice-Chairman. Mr. Hosaka moved that Mr. Duke be the Vice-Chairman. Dr. Choy moved that the nominations be closed. Mrs. Wikum seconded the motion.

ACTION: The vote, a show of hands, revealed:

FOR Charles Duke as Vice-Chairman -	5
AGAINST	0
ABSENT	1
ABSTAINED	1

Charles Duke was elected as Vice-Chairman, June 30, 1975-76

ADJOURNMENT: The meeting adjourned at 4:45 p.m.

Respectfully submitted,

Mary C. King

Mary C. King
Hearings Reporter

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JUL 2 1975

Meeting of the Planning Commission
Minutes
July 2, 1975

The Planning Commission held a meeting on Wednesday, July 2, 1975 at 1:35 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Charles Duke, Vice Chairman
Dr. Wilbur Choy
Donald Hosaka
Antone Kahawaiolaa
Alice Takehara
Harriet Wikum

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Asst. Director, Zoning
Department of Land Utilization
Jan-Peter Preis, Staff Planner

MINUTES:

The minutes of June 4 and June 13, 1975 were approved as circulated, on motion by Mr. Hosaka, seconded by Mr. Kahawaiolaa and carried.

The minutes of June 18, 1975 were also approved, with the following corrections, on motion by Mr. Hosaka, seconded by Mr. Duke and carried:

(1) Page 9, line 1 - Insert the word "not" before the word germane.

(2) Page 13, line 10 - Change the word "prosperity" to "posterity."

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
(TWO-STORY APT.BLDG.)
LUSITANA AND PUNCHBOWL
STREETS
RALSTON HO NAGATA FOR
PARAMOUNT ENTERPRISES
(FILE #75/HCD-27 JPP)

A public hearing was held to consider a request for approval of plans for a 2-story apartment building by raising the existing structure, constructing a new first floor and demolishing an existing carport at Lusitana and Punchbowl Streets, Tax Map Key: 2-1-22: 3.

Publication was made in the Sunday Star-Bulletin/Advertiser on June 22, 1975. No letters of protest were received.

Mr. Jan-Peter Preis presented the Director's report of the request. The proposed apartment building meets the 40-foot height limit and 50% open space requirements for the district. Proposed landscaping includes retention of most existing trees, and an

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additional buffer of trees which will give a park-like character to much of the site. The design of the apartment building appears to be compatible with the Hawaii Capital District.

Responding to a question regarding landscaping, Mr. Preis stated that the applicant is providing additional landscaping which more than meets landscaping requirements for the district.

The public hearing was closed, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

REQUEST FOR RECONSIDERATION SPECIAL USE PERMIT (POLICE & FIRE TRAINING FACILITY WITHIN AG-1 RESTRICTED AG.DISTRICT) WAIPAHU-WAIPIO PENINSULA BUILDING DEPARTMENT, C&C OF HONOLULU (FILE #74/SUP-2)

This matter was considered by the Commission on the following dates:

Jan. 29, 1975 - Public hearing closed, action deferred for 15-day statutory requirement.
Feb. 26, 1975 - Deferred for field trip.
Mar. 12, 1975 - Deferred, lack of quorum vote
Apr. 2, 1975 - Deferred 1 month and a committee appointed to study site selections and EIS.
May 7, 1975 - Recommended approval with conditions.
June 18, 1975 - Request for reconsideration, matter deferred to read material and to communicate with State Land Use Commission.

CHAIRMAN: Unfinished business, a request was received for reconsideration and action was deferred to July 2, 1975 to read the material and to communicate with the State Land Use Commission. Did we get the communication out?

CONNELL: We have communicated with the SLUC who has returned the permit to the Planning Commission so that the Commission can reconsider it.

MOTION:

CHAIRMAN: Do we have a motion for reconsideration at this time?

HOSAKA: So moved, Mr. Chairman.

DUKE: Second.

CHAIRMAN: Moved and seconded for reconsideration. All those in favor, raise your right hand.

(The motion failed to carry.)

AYES - Duke, Hosaka, Wikum
NAYES - Choy, Kahawaiolaa, Takehara
ABSTAINED - Kamiya
ABSENT - None

DUKE: Mr. Chairman, maybe I got lost in the shuffle here. The move was to reconsider. As a result of the vote, are you telling me it's now a dead issue?

CHAIRMAN: Yes.

DUKE: Well then I did get lost in the shuffle here because I believe certainly, Sir, that I assume everyone read the Chief's letter, read the request that was made. It seems very inconsistent to me that we gave them the area to put a training facility and now all they want to do is make it a complete training facility that will not be detrimental to the community as far as the firing range is concerned which is necessary to have a training facility. To not consider that to me is wrong. If it's soundproof, it can't possibly be a noise factor. If it's enclosed, it can't possibly be a safety factor to the community. If we're going to have the training facility in there without the firing range which the Chief has pointed out will be within the facility and will not be detrimental to the community. I just can't understand how we can consider one and not consider the other. That doesn't make sense to me.

CHOY: Mr. Chairman, I would like to call a point of order. This issue is moot and is not debatable.

CHAIRMAN: The vote for reconsideration was 3 and 3. To carry the motion for reconsideration it must have 5 votes. Dr. Choy is correct.

DUKE: Well, then I have a point of order. If that be true according to our rules, anytime we have a 3 and 3 vote, no decision is made. It is carried over to the next meeting. We have an impasse here therefore it is not a decisive vote. That's according to our own rules.

CHOY: Mr. Chairman, this question is moot due to the reconsideration factor only, Commissioner Duke. It's not on the issue that it's being deliberated. I think we do use Robert's Rules of Order. The question before the floor is definitely a dead issue.

DUKE: I disagree, Sir.

CHAIRMAN: At this point, the reconsideration motion is dead. However, as far as deferment, the deferment is not necessary because

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of the 3 and 3 vote. Reconsideration can be brought up at any meeting at anytime.

DUKE: Well then, I am completely lost.

CONNELL: Mr. Chairman, I think under your Parliamentary Procedures that Commissioner Choy is probably correct that it does become a moot issue. I am somewhat confused by the Commission's action. There was a majority vote to defer a reconsideration until the 16th. If that move had not been taken, this would have been considered by the SLUC toward the end of last month. This action, therefore, would seem to me to be somewhat inconsistent because the Commission was aware that the SLUC was on a 45-day count down on this and that they were going to hear this particular application. You asked for an additional period of time in order to consider reconsideration. I think the question may be asked if it's the feeling of a number of members of the Commission, why did you vote for the extra period of time for reconsideration?

CHAIRMAN: I think one of the reasons was that at the time the Commissioners received additional information, it was at a time when they did not get a chance to read whatever was passed out. So it was at that time also critical that there was a 45-day waiting period for the SLUC to act. Now, I think one of the questions for the recall of the permit from the SLUC was that if it was--if there was no time for the SLUC to give us back the permit, then there was no point of reconsideration. I think what we were asking the SLUC was to give us the time for reconsideration.

HOSAKA: Possibly what we could do, if the people that objected or voted against reconsideration might reconsider their reconsidered vote on one of the two issues. Apparently, we have two issues--one would be the firearms and the actual site of the firing range, and the other would be the community's use of the facility. Possibly we could discuss one of the two issues if that's agreeable to the other Commissioners.

MOTION:

Let me just try it on for size. I move that we reconsider just the firing range.

DUKE: I second.

CHAIRMAN: Would you repeat that motion again, Commissioner Hosaka?

HOSAKA: Yes. Apparently, there seems to be two issues on the agenda that Chief Keala has asked us to reconsider--one is the firing range and the other would be the use of the facility by the community. I'm asking for perhaps a compromise to talk about one of the two issues. Just for size, I'm making a motion to reconsider just one of the two since my original reconsidered motion was for the both items. What I'm trying to do is break it down.

CHAIRMAN: Do we have further discussion?

CHOY: Mr. Chairman, I'm speaking against the motion. Again, I call the Chair for a point of order. Since the question is moot, I don't think we can disect this reconsideration, discuss it and try to reconsider it in part.

CHAIRMAN: Would you repeat that again, Commissioner Choy?

CHOY: Yes. I speak against the motion and call a point of order from the Chair that if the question to begin with is moot, then I don't see why we should take this and bisect the reconsideration in two parts and take one part at a time since it's a dead issue.

DUKE: Mr. Chairman, as I understand the motion, it appears to me that Commissioner Hosaka has moved for the Commission to reconsider the reconsideration. Therefore, that's what the deal is now. Therefore, I don't think it's a moot question, Sir.

HOSAKA: Well because it encompassed both issues. All I'm trying to do is break it down by segments, one of the two. Apparently my motion must be in order since it was seconded and we're having discussion at this time.

CHAIRMAN: The motion is in order, Dr. Choy. We're considering only part.

DUKE: Mr. Chairman, then of course I have to speak in favor of the motion. We are now considering the firing facility at the police training facility.

It seems rather funny that I even have to speak for the motion because we have voted to give them an area of land there to put in a training facility. At the time because of certain noise factors that could not be answered, we did put a condition in that use of land to deny them the training facility. They have come forth now stating that even suggestions we made at the time, if noise was a factor or if safety was a factor, that it could probably be accomplished by enclosing the firing facility. They have now admitted that is true. They have agreed that the expense is not too great because of well, I assume, modern techniques or know-how. I certainly agree with the Chief of Police that it is not rationale to have a physical training facility at one end of the island and a firing range on the other end of the island, not only for time loss. If it was not compatible with the community, peace and enjoyment of living, I'd say maybe lose the time and go to Koko Head. But, it's not going to interfere with their enjoyment of living with a fully enclosed firing facility. We have a firing facility at the present police station that's not interfering with the activities in the community immediately around it. I know of many firing ranges that are enclosed that you can live next door and people swearing would be louder if they were outside the door than the shots fired inside the facility. Really, there's nothing

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wrong with an enclosed facility. But, there is a great deal wrong with having a training facility without having proper training. It just seems inconceivable to me that we would permit them to use the land for a training facility and then not permit them to have a training facility. All the objections that were voiced against the firing range, they have been overcome. Therefore, I just can't see why we should be against it. Therefore, I certainly hope that you will reconsider and at least give them the firing facility so that they can have a training facility.

HOSAKA: Mr. Chairman, it seems like we're basing our thoughts on Chief Keala's memo to us. Possibly we could have the project architect, Mr. Tagawa, help to throw out some light on the situation. At first he said the price would be too high to include a soundproof firing range but apparently this is turned around a little bit and apparently he can accommodate a range of this size to be included in the facility. What I'm trying to ask for then is a point of information by calling Mr. Tagawa up to the stand.

CHAIRMAN: Before we call anybody up, a vote must be taken to determine whether there will be reconsideration. If the motion carries for reconsideration, then we can go into thorough discussion where we can call--

HOSAKA: However, if the negative, then we can't call them up.

CHAIRMAN: Right.

HOSAKA: So what I'm trying to say then is for the reconsideration aspect only, people who are voting for it do not necessarily have to vote in favor of Chief Keala's suggestion. This is just a motion to reconsider. We're just throwing the discussion open again for us to hear further testimony. All I'm asking for is a chance to ask Mr. Tagawa to throw more light on it before we vote for reconsideration because if it is a stalemate again, then we won't have that opportunity.

DUKE: Mr. Chairman, I think we should be privileged to know the reason why the Commissioners are not in favor of this reconsideration. I'll invite the Commissioners to educate me, inform me.

HOSAKA: Before you answer that question other Commissioners, would you rule on my request, Mr. Chairman?

CHAIRMAN: For the simple sake of parliamentary procedure, a reconsideration must be voted on first, before calling up of witnesses can be made.

HOSAKA: If the vote is negative or stalemated, we are not able to call Mr. Tagawa?

CHAIRMAN: No, you cannot.

HOSAKA: But I thought you said we could reconsider this matter at any time.

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CHAIRMAN: That's what we're doing right now. We're reconsidering a portion of the permit.

HOSAKA: Yes, so after the vote can't I ask for a reconsideration by asking Mr. Tagawa to throw some light?

CHAIRMAN: If the Commissioners feel that reconsideration--

HOSAKA: You mean we have to take a vote on that?

CHAIRMAN: Yes.

HOSAKA: No, I'm not asking for a reconsideration. I'm just asking for more information from one of the people that testified who's an expert in that area.

CHAIRMAN: Okay. This is one area where we must also consider the Commissioners who feel at this time that reconsideration is not in order because they themselves think possibly they don't need additional information.

HOSAKA: Well, I beg to differ, Mr. Chairman, because I don't think we've ever needed to vote on having someone asked by one of the Commissioners to testify. I can't recall a vote of that nature.

CONNELL: Mr. Chairman, the issue before the Commission is whether or not to reconsider, as I understand it, opening up the issue of a firing range. That is the issue. Any architectural plans for the firing range or anything related to that matter is another issue. Therefore, calling witnesses at this point will be out of order. There is nothing before the Commission until you vote to have it before you.

HOSAKA: I understand what you're saying, Gene. When can I call Mr. Tagawa or any of the police or fire representatives?

CONNELL: The ruling would be up to the Chairman. His ruling, of course, could be challenged by the Commission. But, I would say following a strict parliamentary procedure, you would not call witnesses on this issue until you have made a decision to reconsider the issue.

HOSAKA: I'd like to explore that a little bit more in that if a witness is not permitted to testify to throw more light on the reconsideration, how can we make a sensible enough vote? In other words, when we vote on this reconsideration, it will be dead if it's a negative vote. We cannot call any people up. All I'm asking for is that opportunity for witnesses to come up prior to that vote of reconsideration since the result of which will be a final issue. It will be either a dead issue or a live issue. I think because of the import of the motion that we should be able to call anyone we want to.

CONNELL: Mr. Chairman, as I indicated previously, the ball is in your court.

DUKE: Tony wanted to say something but I also have to ask you this, Mr. Chairman, as a point of order. I'd like to hear from Tony.

We had a motion to reconsider, it did not receive five votes and therefore it did not carry. If that had been reversed, a motion not to reconsider, and it would have been 3 to 3, then I wonder what the ruling might have been? It brings up an interesting question. I just thought I'd throw that out. I'd like to hear the reason not to reconsider.

KAHAWAIOLAA: The reason I'm against this continuing is because I think the public hearings we had and the votes that were taken by this Commission showed first, not having a majority for the facility being built in Waipahu on the basis of what we call kanalua vote. I don't think it's a kanalua vote but it was a 4 to 3 vote, not having the majority to pass having the facility in Waipahu. As a compromise after 15 days, the last time we met, I think we put down this added restriction for the facility--that the police firearms facility be prohibited, the helicopter pad be prohibited. I think you had changed one Commissioner's mind to vote for the facility. As far as Alice and myself, we have not changed our position. So, I remain objecting to the facility being built in Waipahu. That's my reason for not reconsidering.

CHOY: Mr. Chairman, Tony, since Commissioner Hosaka and Commissioner Duke insist on being redundant in their testimony, I was the member of the Commission that took this thing up dead center. I did read a position paper on this. As far as I was concerned, Commissioner Duke, I believe I had gone to the extreme extent in compromising. The compromise and the lengthy and numerous amount of meetings we had in workshop on this, to further ask that I further compromise a point that was thoroughly discussed, and if Mr. Tagawa is considered to be a professional, he definitely at the last meeting before we took a vote, answered my question very lucidly, very intelligently, that the faciltiy would be too expensive. I feel, Commissioner Duke, we have gone the full swing. As far as considering the firing range, at that particular hearing when we took the vote, the deciding factor was left up to a professional, as we would like to call Mr. Tagawa. I find this to be a very, very weak point.

To begin with, the hearing was dragged on and on because the appendixes that should have been given to the Commission at the very beginning was not. It was withheld until about the third workshop. My stand at that time specifically was that I felt all alternative choices were not exhausted until I had gone through Appendixes A to D. Now, to further ask for a total compromise or total capitulation, Mr. Duke, you're going to have to come up with some awful good reason.

DUKE: Well, Mr. Chairman, for the record I'd like to state that I resent the word redundant to begin with. Secondly, I want to thank the Doctor very much for permitting the them to get the property for a training facility. I don't think it's a matter of

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going even another step. The property, 15 acres, has been given to them to construct a training facility.

There was some objection about the noise of the firing range being objectionable to the community. I can appreciate that. When the noise factor is eliminated and the safety factor is eliminated, and yet they have permission to build a training facility, I don't know why, Sir, we don't permit them to do so. I don't know why we don't permit them to build a facility in which they can train. It's not a compromise and it's not really giving in anymore points. It's merely a reconsideration of a point that was made at the time the training facility came up regarding a firing range.

I must admit, Sir, that Mr. Tagawa was his own worst enemy in getting the firing facility there. I must admit that even the Police Department was not very cooperative, particularly in answering questions that might permit a firing facility to be there. I also admit that the Police Department even stated that Koko Head was operative. I'm not sure it's adequate but at least they were presently using it. Since the noise factor seemed to be the major thing and Koko Head was available, if the noise factor is eliminated and there's no more space required to build the facility, why in the world don't we permit them to have a training facility? That's the whole point.

I'm not asking you to give any more points, Doctor. I'm not asking you to compromise your thinking any more. All I'm asking you, Sir, is to give them an opportunity to train people properly and timely. For goodness sakes, it's for the good of the community on which we've all agreed. That's a point we've all agreed on that the facility is necessary. Whether it's located at Waipahu or anywhere else, it's necessary. But, this very Commission gave them permission to locate at Waipahu and now we want to tie their hands and have only a half-training facility. This point I knew at the time. But, at that time they couldn't answer the question regarding the objections of the community. I agreed definitely if they were going to bother the community, if there were noise or safety, then let them go to Koko Head.

CHAIRMAN: Commissioner Duke?

DUKE: Mr. Chairman, I surely should have the opportunity to do my best to help our community. Time is not that short, Sir.

CHAIRMAN: I think we did go through all of this before.

DUKE: Well--

CHAIRMAN: And the issue before us today is for reconsideration--

DUKE: The firing range, and that's what I'm trying to get done.

CHAIRMAN: Reconsideration and the firing range is not the issue. The issue is whether we should reconsider or not to reconsider.

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DUKE: Would you read the motion?

HOSAKA: Mr. Chairman, I believe my motion was to reconsider only a part of this situation. It's a two part thing. I don't want to reiterate the whole thing but it's a two part issue. All I'm asking for is reconsideration of the first part which happens to be the firing range. That's all. That's my motion.

CHOY: Mr. Chairman, if I'm in order, I'd like to ask for the question.

HOSAKA: Mr. Chairman, have you ruled already on my request to have someone up?

CHAIRMAN: Yes.

HOSAKA: What was that ruling again?

CHAIRMAN: I'm going to rule against you that we are discussing only reconsideration now and not the firing range itself.

HOSAKA: Wait a minute but that's my motion. It's the firing range. Remember, I just got through telling you I wanted to break it up into two parts. The first part is the firing range and I got a second to that motion. If there is information that is pertinent to that issue, we ought to be given an opportunity to call anyone we want to.

CONNELL: Mr. Chairman, as I understand the motion, to paraphrase the motion, accept the Chief of Police request to reconsider one of the conditions. The issue before the Commission is whether or not you're going to reconsider. Until that issue has been settled, there is really nothing else that is germane. The rest would be argumentation for or against changing the condition.

DUKE: I'm not even sure we have an issue on the floor or not. It seems to me that's been decided already.

HOSAKA: I understand what you're saying, Gene, but it doesn't seem to sink in, in terms of my concurrence with it fully in that if we are talking about the reconsideration of the firing range, then any information pertinent to that issue should be discussed. We're not talking about whether we want the firing range in there or not. All we're doing is, I'm asking for a reconsideration of the issue of the firing range. If that is the issue, then anyone that has information should be able to be called up.

CHOY: Mr. Chairman, I call for the question.

CHAIRMAN: This Chair has been real lenient in this matter of reconsideration. According to your parliamentary rules of order, any motion for reconsideration does not have any discussion at all. So, all of this half-hour and what you've all had to say, I think you're lucky to get it from me.

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So, the call for the question by Dr. Choy is certainly in order.

All those in favor for reconsideration of the firing range, raise your right hand.

(The motion failed to carry.)

AYES - Duke, Hosaka, Wikum
NAYES - Choy, Kahawaiolaa, Takehara
ABSTAINED - Kamiya
ABSENT - None

MOTION

HOSAKA: Mr. Chairman, I'd like to make a motion to reconsider the second portion of the request and that is on the use of the facility by the community.

CHAIRMAN: Do we have a second to the motion for reconsideration?

WIKUM: I'll second.

CHAIRMAN: Moved and seconded to reconsider the portion which concerns use of the facility by the community.

DUKE: Point of order, Sir. If I understand the Executive Secretary, this is all extraneous, that we move to reconsider or we don't reconsider. It doesn't matter what we consider or reconsider. Therefore, it appears to me like the firing range or use of the facility by the public is a side issue that is not in order to be even brought in the form of a motion right now.

HOSAKA: Mr. Chairman, the motion has been seconded.

DUKE: We can discuss it can't we?

CHOY: Question?

CHAIRMAN: Question has been called for. All those in favor of the motion to reconsider the portion of the condition which allows community sharing of the facility, raise your right hand?

(The motion failed to carry.)

AYES - Duke, Hosaka, Wikum
NAYES - Choy, Kahawaiolaa, Takehara
ABSTAINED - Kamiya
ABSENT - None

UNFINISHED BUSINESS
AMENDMENTS TO THE
PLANNING COMMISSION
RULES RELATING TO
ADMINISTRATIVE
PROCEDURE
(H.R.S. CHAPTER 91-3)

The public hearing was held and closed May 7, 1975, and action deferred to June 4, 1975 for the 15-day statutory requirement. At its meeting June 4, 1975 meeting, the Commission deferred the matter to July 2, 1975 for further study.

ACTION: The Commission accepted Draft 3 of the Rules Relating to Administrative Procedure with the following changes, on motion by Mr. Hosaka, seconded by Mr. Kahawaiolaa and carried:

4.4 Submission of Records to the Land Use Commission

(a) A copy of the decision of the Planning Commission permitting such use, together with the Planning Commission's findings, shall be transmitted to the State Land Use Commission within 10 days after the decision is rendered.

(b) The Director of the Department of Land Utilization shall transmit a written copy of said decision to the State Land Use Commission together with, but not limited to, the following records:...

5.4 Committees

Committees may be established among the (appointed) members as necessary to the business of the Commission.

5.5 Voting

All (appointed) members may vote. Voting may be by voice, by a show of hands, or by ballot.

5.9 Reconsideration

(a) Whenever any action fails to get either an affirmative or negative vote equal to a majority of (appointed members,) the entire membership, that matter shall be a special order of the day for the next regular meeting. If a majority vote is still not possible, the Commission shall vote a ("kanalua") "no recommendation" on the action and transmit to the City Council and Mayor or to the appropriate state agency indicating the reasons for and against the proposal. A ("kanalua") "no recommendation" vote shall be counted as a negative vote.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

UNFINISHED BUSINESS
GENERAL PLAN/DLUM AMENDMENT
PORTION OF HEEIA
PORTION OF HAIKU RD.
PORTION OF KAM HWY.
C&C HONOLULU TRAFFIC DEPARTMENT
(FILE #165/C3/25 WL)

The Commission voted to keep the public hearing open on June 7, 1972 in order to allow the effective property owners and community organizations additional opportunity to evaluate and present their views on the proposal. Subsequent studies and discussions have led to a revision of the initial request by the Department of Transportation Services. It is therefore

recommended that the public hearing be closed. A new public hearing will be set by the Planning Commission upon receipt of the new proposal from the Chief Planning Officer.

ACTION: The Commission closed the public hearing, on motion by Mr. Kahawaiolaa, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Hosaka, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - None

ADJOURNMENT: The meeting adjourned at 4:00 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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JUL 16 1975

Meeting of the Planning Commission
Minutes
July 16, 1975

The Planning Commission held a meeting on Wednesday, July 16, 1975 at 1:43 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:
Randall Kamiya, Chairman
Charles W. Duke, Vice Chairman
Dr. Wilbur Choy
Donald Hosaka
Alice Takehara

ABSENT:
Antone J. Kahawaiolaa
Harriet Wikum

STAFF PRESENT:
Donald Clegg, Deputy Chief Planning Officer
Eugene B. Connell, Executive Secretary
George S. Moriguchi, Director
Department of Land Utilization
Stan Mofjeld, Staff Planner
Ralph Portmore, Staff Planner

MINUTES:
The minutes of June 30, 1975 and July 2, 1975 were approved, on motion by Mr. Hosaka, seconded by Mr. Duke and carried.

PUBLIC HEARING
GENERAL PLAN AMENDMENT
WAHIAWA-WHITMORE VILLAGE
AND MAPUNAPUNA-FORT
SHAFTER
CHANGE CURRENTLY
DESIGNATED USE TO
PUBLIC FACILITY
DEPT. OF PUBLIC WORKS,
C&C OF HONOLULU
(FILE #309/C2/35 &
344/C2/4 RP)

A public hearing was held to consider a proposal to change the currently designated use for each site to Public Facility in order to permit the establishment of (1) Landfill operation for demolition material and tree trimmings, and a transfer station operation at Wahiawa; and (2) Refuse processing and transfer station operation at Shafter Flats, Tax Map Keys: 6-5-02: portion 1 & 26; 7-1-01: portion 1; and 1-1-06: portion 3.

Publication was made in the Sunday Star-Bulletin/Advertiser on July 6, 1975. No letters of protest were received.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer. The proposal would permit the establishment of solid waste disposal facilities alongside and within the upper reaches of a gully off Wilikina Drive at a point about two miles north of Wahiawa Town, and at Shafter Flats in Honolulu. Based upon an analysis of the request, it is the recommendation of the Chief Planning Officer that the proposal be approved as reflected in his report.

Questioned by the Commission concerning the report, Mr. Portmore stated that the Department of Public Works will bear the cost for

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modification of the Waialua Irrigation Ditch to ensure that no obstruction will occur from landfill material which may fall into the ditch.

Public testimony followed.

Testimony in SUPPORT--

Mr. Herbert Minakami, Chief of Refuse Collection and Disposal, Department of Public Works, responded to questions by the Commission as follows:

1. The proposed facility at Shafter Flats will be a 3-story Butler type building, rectangular in shape 150 feet by 200 feet, and is compatible with existing surrounding buildings.

2. To handle additional burning material, the Waipahu Incinerator will be modified to burn a maximum capacity of 600 tons per day. Approximately 10% or 60 tons per day of ash residue material remains and is used for landfill. The Waipahu site can accommodate 15 to 20 years of ash disposal.

Testimony AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the recommendation of the Chief Planning Officer and recommended approval of the proposal, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Takehara
NAYES - None
ABSENT - Kahawaiolaa, Wikum

PUBLIC HEARING
GP/DLUM/DP AMENDMENT
MEDIUM-DENSITY
APARTMENT & RESIDENTIAL
TO STREET USE
ALIAMANU-SALT LAKE
INTL. DEVELOPMENT CO.
BY: DONALD K. IWAI,
ATTORNEY & AGENT
(FILE #302/C3/3 WPE)

A public hearing was held to consider a proposal to amend the Aliamanu-Salt Lake DLUM and DP by redesignating approximately 4.05 acres of medium-density Apartment and Residential designated land to Street use, Tax Map Key: 1-1-63: portions of 1, 6 & 7.

Publication was made in the Sunday Star-Bulletin/Advertiser on July 6, 1975. No letters of protest were received.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer which summarizes the information submitted in the request and the comments received from concerned public agencies and community

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groups, an analysis of that information, and a detailed listing of the areas affected by the proposed amendment. It is the recommendation of the Chief Planning Officer that the proposal be approved, as reflected in the report.

The Commission had no questions regarding the report.

Testimony in SUPPORT--

Mr. Donald Iwai, Attorney and Agent for the applicant, acknowledged receipt of a copy of the staff report and offered to respond to questions the Commission might have.

There were no questions from the Commission.

Testimony AGAINST--

None

The public hearing was closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission concurred with the recommendation of the Chief Planning Officer and recommended approval of the proposal as reflected in the report, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Takehara
NAYES - None
ABSENT - Kahawaiolaa, Wikum

PUBLIC HEARING
PLANNED DEVELOPMENT
HOUSING
WAHIAWA
QUALITY PACIFIC
HOMES CORP.
(FILE #75/PDH-5 GH)

A public hearing was held to consider a proposal for 154-leasehold condominium townhouse units on a 22.7-acre, R-4, site in Wahiawa, Tax Map Keys: 7-5-27: 1 & 3; 7-5-15: 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on July 6, 1975. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the proposal which recommends approval of the application, based upon application drawings attached to the ordinance and subject to provisions of the ordinance conditions.

Discussion followed concerning the possibility of a walkway through the gulch area which would provide a connection between the PD areas as well as a pathway for children who traverse the gulch area to Iliahi Elementary School.

Public testimony followed.

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Testimony in SUPPORT--

Mr. George Cathcart represented the applicant, was amenable to a condition for provision of a walkway through the gulch area, and suggested that their landscape architect review the matter as to feasibility of the terrain to accept such a proposal.

Question was raised relative to a possible increase in unit price from $50,000-$60,000 to $70,000-$90,000. Mr. Cathcart stated that an increase would be very undesirable from their marketing viewpoint because of today's prices which fluctuate constantly.

Testimony AGAINST--

None

The public hearing was closed, on motion by Mr. Duke, seconded by Mr. Hosaka and carried.

In the discussion that followed, the Commission favored an additional condition for a walkway through the gulch area but requested further study by DLU as to feasibility of the walkway and to make recommendations of necessary safety factors related to the gulch--i.e., posting of precautionary signs, safety fencing along both sides of the proposed PD, consideration of possible flooding and damage to the walkway during the rainy season or a flash flood.

The Chairman deferred the matter for two weeks.

PUBLIC HEARING
PROPOSED ORDINANCE TO AMEND ORDINANCE NO. 3891 RE WAOKANAKA PDH IN NUUANU
(COMMITTEE REPORT 568)
INITIATED BY CITY COUNCIL
(FILE #71/PDH-11 SM)

A public hearing was held to consider a proposed ordinance to amend Ordinance No. 3891 by adding two conditions relating to transfer of rights and time limit referring to the Waokanaka PD-H in Nuuanu, Tax Map Key: 1-9-02: portion of 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on July 6, 1975. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report of the proposed ordinance which would update the original ordinance and include the two conditions. The Director recommends approval of the proposal.

Questioned by the Commission, Mr. Mofjeld indicated that the two conditions are typical conditions placed in all PDs today but was not included in the Waokanaka development which is one of the earlier PDs under the then adopted PD-H ordinance. To date, there is no development on the property. A transfer of ownership has occurred.

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Testimony in SUPPORT--

None

Testimony AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Hosaka.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the proposed ordinance, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Takehara
NAYES - None
ABSENT - Kahawaiolaa, Wikum

UNFINISHED BUSINESS
ZONING & CZC AMENDMENT
(1) FROM EXISTING ZONING TO P-1 PRESERVATION: ALL LAND FOR PARKS AND RECREATION, CEMETERY, PRESERVATION, OR OTHER OPEN SPACE USES
(2) CZC AMENDMENT: SECTION 21-301, P-1 PRESERVATION DISTRICT MODIFYING RESTRICTIONS ON NON-CONFORMING USES AND STRUCTURES CREATED BY THE REZONING
(FILE #75/Z-6
L&R/1975-5 JR)

The public hearings held May 21, 1975 and June 4, 1975 were kept open. At the June 4th meeting, the matter was deferred for the following reasons:

(1) Landowners be given time to review the effect of the amendment upon their lands;

(2) A proposed draft ordinance be prepared by the staff of DLU;

(3) The Director of Land Utilization be invited to respond to questions by the Planning Commission.

Public testimony continued.

Testimony in SUPPORT--

1. Lola N. Mench, Conservation Chairman, Hawaii Chapter, Sierra Club (Submitted letter dated July 16, 1975).

2. Testimony dated July 16, 1975 from Dave Raney, Chairman, SCORE Committee for Zone II-A of Oahu which includes Makiki, Punchbowl, Kakaako, Nuuanu, Alewa, Kalihi, and Palama.

Reasons in SUPPORT--

1. Studies indicate increased pressures on existing recreational sites, and the need for new sites as population growth continues.

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2. The proposed ordinance is a positive step to assure that existing parks, recreational sites, cemeteries, and other open areas receive the protection they deserve and require.

3. This amendment will result in consistency between the General Plan and Zoning.

4. If these land uses were automatically zoned P-1 Preservation, it would be impossible to make facetious changes and changes beneficial to particular parties, but not necessarily to the advantage of the public as a whole. Any contemplated change would have to undergo public scrutiny.

Testimony AGAINST--

1. Mr. Allan Napoleon, Assistant Secretary, Damon Estate

2. Mr. William H. Miller representing the Estate of James Campbell

3. Mr. Dick Hagstrom, Hawaiian Trust

4. Ms. Zetta Ravekes, Hawaiian Trust, Property Management Department (Submitted letter dated July 15, 1975)

5. The Queen's Medical Center represented by Ms. Zetta Ravekes, Property Management Department, Hawaiian Trust, Agent (Submitted letter dated July 15, 1975)

6. Mr. George Houghtailing, Consultant, Kaneohe Ranch

7. Letter received from R. Eugene Platt, Vice President, Bishop Trust Co., Ltd., dated June 13, 1974

The above-named individuals raised their same objections and concerns given previously at the hearings on May 21 and June 4, 1975. They indicated difficulty trying to identify affected land areas using the DLUM color code as suggested by the Department of Land Utilization, and requested compilation of a list of affected land areas by tax map key for their use.

Mr. George Moriguchi, Director of the Department of Land Utilization was called upon and questioned by the Commission. The following additional information was given:

1. Concern was expressed whether park lands designated on the GP/DLUM are appropriate for park use, and whether they will in fact be acquired by the Department of Recreation for such use. Mr. Moriguchi indicated that he is following the Council's policy decision established by the Council when it adopted the GP/DLUMs.

2. The economic effect of the proposal would be minimal because of approximately 25,000 acres affected, one-half is state-owned and the balance private owned. Acquisition of private land would be at the existing surrounding land use.

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3. Developed properties or those lands with an established use would be placed in a nonconforming use category. Exclusion of other uses may be possible. It was anticipated more problems would result from residential areas while other uses would be minimal and could be handled through variance procedures.

4. The proposal will make landowners aware of the County's intent and purpose regarding these lands.

5. Realizing that timing and phasing of zoning right now are not necessary, the City at the same time cannot accommodate urban use with the high cost of public facilities necessary for the public safety, health and welfare. Implementation of the P-1 proposal would not cause that problem.

6. With assistance from the Department of General Planning providing a computerized tape of tax map keys, there would be no problem to compile and publish a tax map key list of properties affected by the proposed P-1 zoning.

MOTION: Mr. Hosaka moved, seconded by Dr. Choy and carried, that the public hearing be kept open and the matter deferred to the next meeting on July 30, 1975. The Department of Land Utilization was requested to obtain and publish tax map keys of all properties that would be affected by the proposed P-1 zoning.

AYES - Choy, Duke, Hosaka, Kamiya, Takehara
NAYES - None
ABSENT - Kahawaiolaa, Wikum

ADDENDUM ITEM
UNFINISHED BUSINESS
SPECIAL USE PERMIT
(POLICE & FIRE TRAINING
FACILITY WITHIN AG-1
RESTRICTED AG. DISTRICT)
WAIPAHU-WAIPIO
PENINSULA
BUILDING DEPARTMENT,
C&C OF HONOLULU
(FILE #74/SUP-2)

Following is a chronology of the subject application:

January 29 --- Public hearing held and closed, matter deferred for 15-day statutory requirement.
February 26 -- Deferred for field trip.
March 12 ----- Deferred, lack of quorum vote.
April 2 ------ Deferred for 1 month and a committee appointed to study site selections and EIS.
May 7 -------- Recommended approval with 11 conditions.
June 18 ------ Request received for reconsideration of conditions #4 and #11. Action deferred to July 2 for communication to the State Land Use Commission.
July 2 ------- Planning Commission unable to achieve a majority vote to reconsider the two conditions.

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The Chairman reported that new information received from the Waipahu Community Association prompted the placement of this matter on the agenda. However, no written communication had been received from the association; therefore, the matter is moot.

ADJOURNMENT: The meeting adjourned at 5:55 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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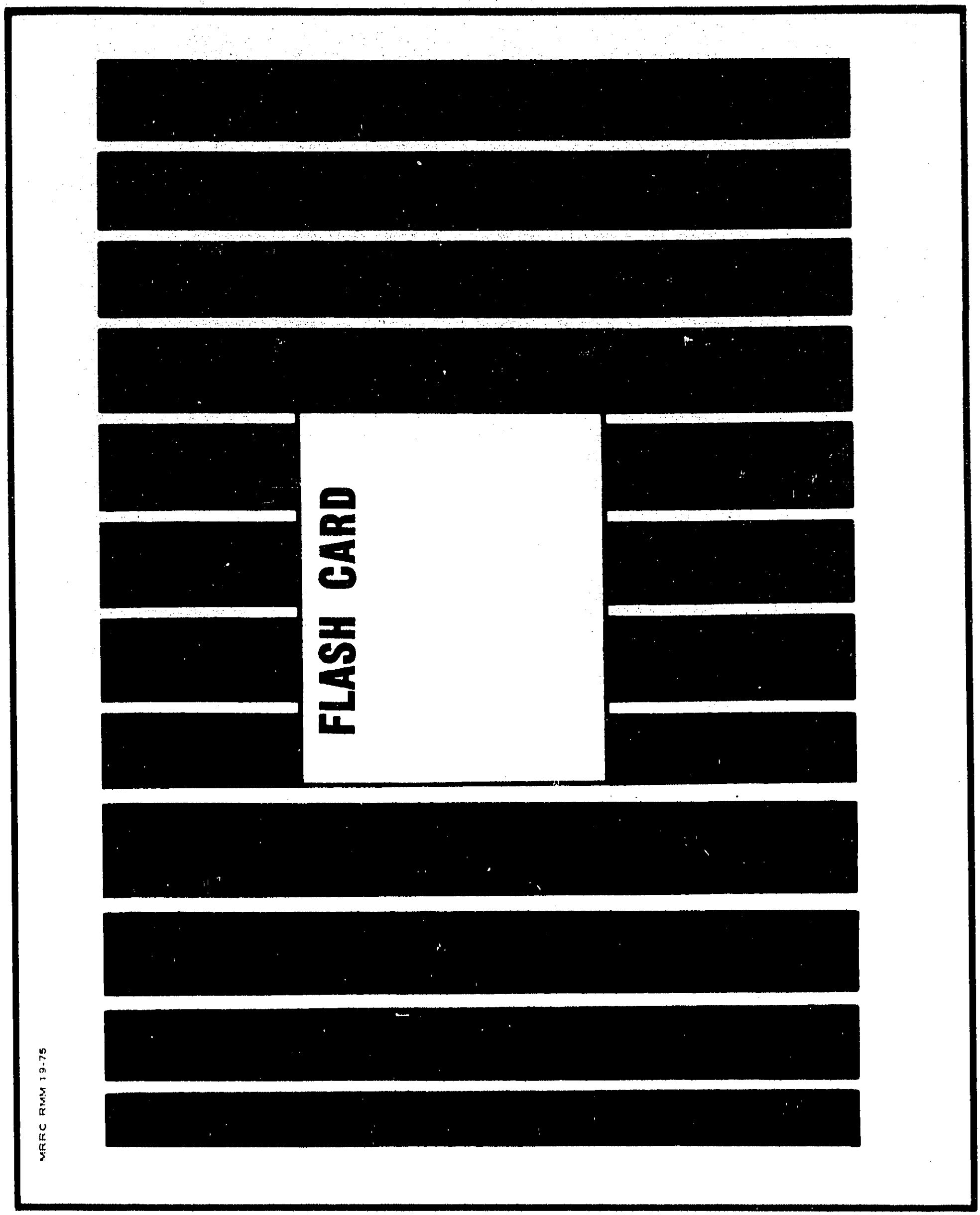

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JUL 30 1975

Meeting of the Planning Commission
Minutes
July 30, 1975

The Planning Commission held a meeting on Wednesday, July 30, 1975 at 1:34 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:	Randall Kamiya, Chairman Charles Duke, Vice Chairman Dr. Wilbur Choy Donald Hosaka Alice Takehara
ABSENT:	Antone Kahawaiolaa Harriet Wikum
STAFF PRESENT:	Robert R. Way, Chief Planning Officer Eugene B. Connell, Executive Secretary Robert B. Jones, Assistant Director, Zoning Department of Land Utilization Lorrie Chee, Staff Planner Henry Eng, Staff Planner Ian McDougall, Staff Planner Stan Mofjeld, Staff Planner
PUBLIC HEARING CONDITIONAL USE PERMIT (PRIVATE RECREATION FACILITY) LAIE THE ULUNIU SWIMMING CLUB (FILE #75/CUP-4 LC)	A public hearing was held to consider a request for a Conditional Use Permit for establishment of a private recreation facility of an outdoor nature on approximately 38,319± square feet of land in Laie, Tax Map Key: 5-5-2: 22. Publication was made in the Sunday Star-Bulletin/Advertiser on July 20, 1975. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report of the request. In effect, the facilities will provide a place to change, swim, shower and picnic for its members. Based upon review of the proposal, the Director recommends approval of the request.

QUESTIONS OF STAFF

A question was raised as to the possibility of deviating from the 20-foot widening of the driveway to provide for two-way traffic. Mr. Eng stated that this matter can be handled by the Department of Land Utilization, the Department of Transportation Services and the applicant.

TESTIMONY IN SUPPORT--

Mrs. Margaret Camp, President of the Uluniu Swimming Club, presented written testimony dated July 30, 1975 (copy attached)

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Questioned by the Commission regarding parking improvements, Mrs. Camp felt the existing paved parking area is adequate to handle the club's parking needs throughout the year. Their relocation from Waikiki to Laie has caused a drop in membership and as a result, use of the premises is infrequent and on an individual rather than group basis. Surfacing the additional parking stalls would spoil existing landscaping, create less green areas and devalue the property.

She also stated that widening the driveway to 20 feet would be costly, involve removing one of two stone pillars plus two coconut trees. She suggested a widening of 17½ feet.

TESTIMONY AGAINST--

None

The public hearing was closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission, on motion by Mr. Hosaka, seconded by Dr. Choy and carried, accepted the Director's recommendation for approval, with the exception that Condition No. 3 be deleted in the proposed Resolution. The basis for this decision was that adequate parking could be provided on the grass areas to meet the Club's general needs as outlined on Exhibit A, without the added requirement of paving and marking the parking area.

AYES - Choy, Duke, Hosaka, Kamiya, Takehara
NAYES - None
ABSENT - Kahawaiolaa, Wikum

PUBLIC HEARING
GP/DLUM AMENDMENT
LOWER PAUOA-WEST SLOPE
OF PUNCHBOWL
DELETING 20-FT. R.O.W.
BETWEEN KAMAMALU AVENUE
AND HUALI STREET
RALPH S. INOUYE
(FILE #308/C3/11 RP)

A public hearing was held to consider the Chief Planning Officer's proposal to amend the Lower Pauoa-West Slope of Punchbowl Detailed Land Use Map and the Central Business District Development Plan by deleting a 20-foot right-of-way located between Kamamalu Avenue and Huali Street at a point 250 feet from the intersection of these two streets, Tax Map Key: 2-2-03: portion of 29.

Publication was made in the Sunday Star-Bulletin/Advertiser on July 20, 1975. No letters of protest were received.

Staff Planner Ian McDougall made the staff presentation. The proposal would delete a planned but unconstructed 20-foot wide road right-of-way between Kamamalu Avenue and Huali Street in lower Pauoa at a point 250 feet from the intersection of the two streets. The amendment is necessary in order to allow the construction of apartments on this parcel and the adjoining property. The Chief Planning Officer recommends approval of the proposal as reflected in the report.

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QUESTIONS OF STAFF

Responding to a question as to how the roadway was placed on the General Plan, staff indicated it may have resulted through earlier government ownership of the subject parcel which subsequently the City Council abandoned.

TESTIMONY IN SUPPORT--

Mr. Ralph S. Inouye was present and offered to respond to any questions the Commission might have.

There were no questions from the Commission.

TESTIMONY AGAINST--

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

ACTION: The Commission concurred with the recommendation of the Chief Planning Officer, and recommended approval of the proposal as reflected in the report, on motion by Mr. Hosaka, seconded by Mrs. Takehara and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Takehara
NAYES - None
ABSENT - Kahawaiolaa, Wikum

PUBLIC HEARING
STATE SPECIAL USE PERMIT AND CONDITIONAL USE PERMIT
(PRIVATE RECREATIONAL CAMP)
WAIANAE
REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
(FILE #75/SUP-3 & #75/CUP-7 LC)

Before proceeding with the hearing, Chairman Randall Kamiya declared a conflict of interest because he is a member of the Board of Directors of the Hawaii Farm Bureau Federation who is against the request. He did not participate in any deliberation on this matter.

A public hearing was held to consider a request for a State Special Use Permit and Conditional Use Permit to construct and operation a private recreational camp on approximately 10.53 acres of land in Waianae--86-210 Puhawai Road, Tax Map Key: 8-6-08: 2.

Publication was made in the Sunday Star-Bulletin/Advertiser on July 20, 1975. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report which recommends denial of the request on the basis that the use is not compatible with adjacent existing farms, and that it could effect the economic viability of property and improvements in the surrounding area for agricultural activities.

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QUESTIONS OF STAFF

1. There was discussion comparing a recent dog kennel CUP application and the subject proposal. Mrs. Chee pointed out that the dog kennel was enclosed and more related to agricultural use. The intensities and scope of the proposed private facility for 250 people is inappropriate for the subject site.

2. Relative to soil conditions on the property, although it is difficult to cultivate, the land can also be used for grazing, poultry production, or nursery.

3. Questioned why the land has remained fallow for approximately 18 years, Mrs. Chee stated the economic inability of farmers to purchase the land may be a reason.

4. Staff questions whether a condition in the Conditional Use Permit that the church will not file any nuisance complaints of odor or noise related to agricultural use of the area is legally enforceable.

TESTIMONY IN SUPPORT--

1. Mr. Everett Graffeo, Branch President, Reorganized Church of Jesus Christ of Latter Day Saints (Submitted testimony dated July 23, 1975, copy attached)
2. Mr. Peter K. Ahuna, Member, Reorganized Church of Jesus Christ of Latter Day Saints
3. Mr. Howard Sakima, Member, Reorganized Church of Jesus Christ of Latter Day Saints
4. Mrs. Healani A. Ellis, Member, Reorganized Church of Jesus Christ of Latter Day Saints

Comments made by the above-named individuals support the testimony of Mr. Graffeo which is attached and made a part of these Minutes.

Questioned by the Commission, Mr. Graffeo gave the following additional information:

1. In the two-and-a-half years they have been on the property, they have received no complaints of irritation caused by pesticides.

2. He has not been approached by the Hawaii Farm Bureau regarding a possible land exchange.

3. Fees that will be charged to non-members are mainly to cover the cost of equipment used on site.

TESTIMONY AGAINST--

Mr. Milton Warne, Chairman, Land Committee, Hawaii Farm Bureau Federation (Submitted letter dated April 30, 1975 to Mr. William E. Wanket, Deputy Director, Department of Land Utilization, copy attached)

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Discussion followed as to whether there was any attempt by the state to condemn high-priced agricultural land. Mr. Warne stated that the Farm Bureau is presently working in the legislature to establish an agricultural park. However, the subject area is too small to be acquired by the state for that purpose.

Concerning a land exchange, the Hawaii Farm Bureau would not effect such an exchange. Their comment was a suggestion that other lands not in agricultural use be pursued.

Due to the absence of Commissioner Randall Kamiya who had declared a conflict of interest on this matter, the Commission at that point lost its quorum. The public hearing was kept open and the matter deferred to September 17, 1975.

UNFINISHED BUSINESS
PLANNED DEVELOPMENT
HOUSING
WAHIAWA
QUALITY PACIFIC
HOMES CORP.
(FILE #75/PDH-5 GH)

The public hearing held July 16, 1975 was closed and the matter deferred two weeks to permit the Department of Land Utilization time to study the possibility of a walkway through the gulch area and to make recommendations of necessary safety factors related to the gulch.

Staff Planner Stan Mofjeld reported that engineering and landscape studies were undertaken by the applicant in response to the Commission's concerns. Messrs. Carl Muroda of Muroda and Associates, Inc., and Ted Green, Landscape Architect, were called upon and questioned by the Commission. The following recommendations were made:

1. Construction of a 3-foot wide path of asphalt concrete with wooden steps, night-lighted for safety purposes, as shown on Mr. Green's Gulch Path Study dated July 18, 1975.

2. Provision of a culvert designed to carry drainage runoff that would occur through the gulch area.

3. Safety fencing be provided at steeper portions of the gulch.

The question of liability was discussed inasmuch as the pathway would be a convenience for the general public rather than used exclusively for the development. Suggestions were made that the pathway be dedicated to the City or its responsibility remain with the community association of the proposed development.

ACTION: The Commission accepted the Director's recommendation and conditions for approval, and recommended an additional condition which would require that the applicant incorporate a gulch pathway and safety fencing as proposed to the Commission in the exhibit submitted by Mr. Ted Green. The final plans for the connecting walkway and safety fencing would be subject to the approval of the Director of Land Utilization. The motion was made by Dr. Choy, seconded by Mr. Duke and carried.

AYES - Choy, Duke, Hosaka, Kamiya, Takehara
NAYES - None
ABSENT - Kahawaiolaa, Wikum

UNFINISHED BUSINESS
ZONING & CZC AMENDMENT
(1) FROM EXISTING ZONING TO P-1 PRESERVATION: ALL LAND FOR PARKS & RECREATION, CEMETERY, PRESERVATION, OR OTHER OPEN SPACE USES
(2) CZC AMENDMENT: SECTION 21-301, P-1 PRESERVATION DISTRICT MODIFYING RESTRICTIONS ON NON-CONFORMING USES & STRUCTURES CREATED BY THE REZONING
(FILE #75/Z-6
L&R/1975-5 JR)

Public hearings were held on May 21, June 4, and July 16, 1975. At its July 16, 1975 meeting, the Commission kept the public hearing open and requested that the Department of Land Utilization prepare a list of tax map keys of all properties that would be affected by the proposed P-1 zoning.

Mr. Bob Jones requested additional time for preparation of the tax map key list.

MOTION: The public hearing was kept open and action deferred to August 27, 1975, on motion by Mr. Duke, seconded by Mr. Hosaka and carried.

AYES - Choy, Duke, Hosaka, Kamiya Takehara
NAYES - None
ABSENT - Kahawaiolaa, Wikum

ADJOURNMENT: The meeting adjourned at 4:50 p.m.

Respectfully submitted,

Henriette B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

July 23, 1975

The Planning Commission
City & County of Honolulu
Honolulu, Hawaii

Dear Commissioners:

The following statement is submitted by the Reorganized Church of Jesus Christ of Latter Day Saints as testimony for the approval of a request for a Conditional Use Permit to construct and operate "a private recreational camp" with overnight accommodations.

We appreciate your every consideration in the approval of this request.

Yours respectfully,

Everett Graffeo

EVERETT GRAFFEO
Branch President

Encl
EG:eis

HONOLULU METROPOLITAN BRANCH

METRO-OFFICE
1666 Mott-Smith Dr.
Honolulu, Hawaii 96822
Telephone: 536-6330

MAKIKI CONGREGATION
1666 Mott Smith Dr.
Honolulu, Hawaii 96822

KALIHI CONGREGATION
2319 Rose St.
Honolulu, Hawaii 96819

KANEOHE CONGREGATION
45-119 Kaneohe Bay Dr.
Kaneohe, Hawaii 96844

WAIPAHU CONGREGATION
94-130 Mokukaua St.
Waipahu, Hawaii 96797

WORLD HEADQUARTERS ● P.O. BOX 1059 ● INDEPENDENCE, MISSOURI ● 64051

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The Reorganized Church of Jesus Christ of Latter Day Saints is requesting a Conditional Use Permit for a "private recreational camp" to be built on 10.5 acres of land zoned Ag I located in Lualualei Valley, Waianae. We need the permit for developing overnight sleeping accommodations in order to serve both the Church and the public-at-large. The Reorganized Latter Day Saints should not be confused with the much larger and more influential group called "Mormans" and the Ploynesian Cultural Center tourist attraction at Laie. We are a small group of some 980 members who meet in four congregations in the Honolulu, Kaneohe and Pearl City-Waipahu communities. The Church, though small, has an active program of community service. Camping and children and youth programs have always been considered of prime importance. An annual family camp was held at Camp Erdman for 24 years until rising costs made it impracticable to continue holding such camps there. Two and one-half years ago the Church purchased the property currently in question. The site, set in among several small truck farms, poultry and dairy operations, was considered ideal, assuring a continued rural setting for future family camps. The land was cleared of Keawe and weeds after lying fallow for over 18 years.

As only a small percentage of the less than 1000 members are active contributors, purchase of the land at a quarter million dollars, was a demonstration of a certain conviction that this project was valuable for the people of Hawaii no matter how great the personal cost might be. It is economically unfeasible for a group of approximately 250 people to develop a park-type facility for an area 50 miles from their places of residence where only day-time activities would be possible. The basic objective of the Church in acquiring the land is to have a site where family or youth groups ~~could~~ can periodically meet for a week of camping. Average income Hawaiian people have given literally thousands of dollars toward the fulfillment of this dream.

A summer youth volunteer and children's program was developed previous to the purchase of the Waianae property. The program envisioned working with socially and physically handicapped children, with potential for helping children with Cystic Fibrosis (the Church is a leader in the U.S. in such camps), diabetics, the deaf and blind, as well as financially underprivileged children of areas in Honolulu such as Kuhio Park Terrace. We also note that the community in the area of the property has a great number of children and teenagers who can benefit from the use of such a recreational facility. We need this camp to serve all of these young persons.

The term "private recreational camp" is also misleading. Although privately owned, the camp is offered for the public benefit by a non-profit, service-oriented Church. The following briefly states our position:

1. Children and adults living in the city will be able to experience for a short period of time (from 3 to 5 days) rural life of Hawaii. This means that the smells, sounds and activities of rural Lualualei Valley are an essential part of the total experience in the development of the program. Agricultural and recreational use are compatible, even necessary to meet the objectives of the camp. We will accept a covenant in the Conditional Use Permit that states, "we will not file complaints about smells, odors or noise related to the agricultural use of the area."

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2. Children and adults of the neighboring community in Lualualei will have access to recreational facilities and an expanded opportunity for enrichment of life. Neighborhood days will be planned as a regular part of the program schedule.

3. It is felt that in the best interest of the community-at-large, the facilities should be used by individuals and groups other than the small number of constituents of the Church. There is currently a great need for over-night camp facilities on the Island of Oahu. We do not consider our proposal High Density Use of the grounds for most camps will be limited to approximately 60 persons, this being the size for maximum benefits to the camper. There will only be limited occasions when the camp will be used to maximum.

4. Plans for busing of in-town groups would substantially limit vehicular traffic congestion in the area.

5. A high, thick hedge of ironwood and other hedge trees and bushes will be planted along the windward perimeter of the property to cut down on wind, eliminating the possible wind-carry of pesticides from neighboring farms. This, in addition to fencing of the property with a five-foot chain-link fence, will protect property adjacent to the camp from intrusion, while maintaining reasonable security for the camp facilities and personnel.

6. According to the Master Plan, approximately 10% of the land will be in buildings, which leaves nine acres of open space. Architecturally, the buildings will be rustic, fitting into the rural and mountainous setting of Lualualei Valley.

7. The Church feels that during the past two years it has proven itself a good neighbor to landowners immediately adjacent to the property. We want to assure them that we will make every effort to continue to be the best neighbor possible. This includes the larger community of Lualualei Valley. We recognize their concerns and dedicate ourselves to preserving the rural way of life.

8. People from many walks of life have committed their monies, time and physical effort toward the purchase and development of these grounds because of a dream of being able to give service to others. It is to their devotion that this testimony is dedicated and it is they who ask your approval of this Conditional Use Permit.

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HAWAII FARM BUREAU FEDERATION

1513 Young Street, Room 202 • Honolulu, Hawaii 96814 • Telephone (808) 946-1435

PRESIDENT
Wallace Ohta
1st VICE PRESIDENT
Ernest Arakaki
2nd VICE PRESIDENT
Randall Kamiya
3rd VICE PRESIDENT
Walter Kuioka
4th VICE PRESIDENT
Jack Hata
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James Nishida
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SECRETARY
E. Milton Warne
TREASURER
Isaac Higashi
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Tametsu Kubota
OAHU WEST COUNTY
Wallace S. Uyehara
HILO COUNTY
Kazuto Takayama
KAUAI COUNTY
Antone Silva
KOHALA COUNTY
Maurice Payne
KONA COUNTY
Toshio Yoshizaki
MAUI COUNTY
Mitsugi Yamamura

July 30, 1975

Randall Kamiya, Chairman
Planning Commission
City and County of Honolulu
Honolulu, Hawaii 96813

Reference: State Special Use Permit/Conditional Use Permit.
Private Recreational Camp with Overnight
Accomadations.
Location: Waianae--86-210 Puhawai Road.

Dear Mr. Kamiya,

The Hawaii Farm Bureau Federation would like to submit the letter we sent to Mr. William E. Wanket, Deputy Director on April 30, 1975.

Attach is the letter and this would be our testimony on the subject matter.

Thank you.

Sincerely yours,

E. Milton Warne

Milton Warne, Chairman
Land Committee

Enc: 1

HAWAII FARM BUREAU FEDERATION

1513 Young Street, Room 202 • Honolulu, Hawaii 96814 • Telephone (808) 946-1435

HILO COUNTY
KAUAI COUNTY
Antone Silva
KOHALA COUNTY
Maurice Payne
KONA COUNTY
MAUI COUNTY
Masugi Yamamura

April 30, 1975

William E. Wanket, Deputy Director
Dept. of Land Utilization
City & County of Honolulu
550 South King Street
Honolulu, Hawaii 96813

Reference: Conditional Use Permit - Private Recreational Camp
Waianae - 86-210 Puhawai Road Tax Key: 8-6-08:2
75/CUP-7 (LC) 75/SUP - 3

Dear Mr. Wanket,

The Hawaii Farm Bureau Federation opposes the use of the subject land for purposes other than agriculture because we believe that it is to the benefit of the people of Hawaii in the long run to preserve our farm lands for food production.

In response to the matter of potential use for intensive agriculture, it is our opinion that this parcel has excellent potential. Similar land within a short distance supports excellent truck crops, fruit trees, ornamental nurseries, etc. We realize that not all lands are highly productive at present but they could be made so by cultivation. Also, the soil quality is entirely satisfactory for the very intensive purpose of poultry production, greenhouse shade crops, etc.

In a broad sense, we believe that the purpose of the land use laws is to keep agriculture alive in Hawaii. Highest and best use could be preservation of this land for the future needs of our future population.

There is also a real problem with encroachment on existing farms in the area. Use of chemical sprays is essential to farming and could be very objectionable to senior citizens, children and others. Likewise, poultry houses have an odor problem that causes trouble with people living nearby.

We agree that the purpose of this application is excellent, being devoted to public service. However, we would like to see a land exchange arranged so that this worthy project would not take good crop land.

Finally, we would hope that rules and regulations for land use in ag districts can be clarified, or perhaps the laws be amended, so that all of us, farmers, homeowners, developers, everybody, can know just what can be planned and carried out.

Sincerely yours,

Milton Warne
Chairman, Land Committee

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MRRC RMM 19-75

FLASH CARD

FLASH CARD

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FLASH CARD

MRRC RMM 19-75

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FLASH CARD

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Special Meeting of the Planning Commission
Minutes
August 6, 1975

The Planning Commission held a special meeting on Wednesday, August 6, 1975 at 1:30 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Charles W. Duke, Vice-Chairman
Dr. Wilbur Choy
Antone J. Kahawaiolaa
Alice Takehara

ABSENT:

Donald Hosaka
Harriet Wikum

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning, Department of Land Utilization
Ian McDougall, Staff Planner

PUBLIC HEARING
BILL NO. 76 TO AMEND ORDINANCE NO. 2443 RELATING TO THE GENERAL PLAN AND THE DETAILED LAND USE MAP.
BILL NO. 77 TO REPEAL ORDINANCE NO. 3147 RELATING TO THE DETAILED LAND USE PLAN AND MAP FOR THE KALIA, WAIKIKI & DIAMOND HEAD AREAS OF THE CITY AND COUNTY OF HONOLULU AS SHOWN ON THE MAP WAIKIKI-DIAMOND HEAD (SECTION A).

A public hearing was held to consider the following:

Bill No. 76 - A Bill to amend Ordinance No. 2443 relating to the General Plan clarifying the relationship between the General Plan and the Detailed Land Use Map. The intent of this Bill would be to delete from the text of the General Plan the provision which states: "Any inconsistencies existing between the General Plan Map and such Detailed Land Use Maps will be resolved in favor of the detailed maps."

Bill No. 77 - A Bill to repeal Ordinance No. 3147 relating to the Detailed Land Use Plan and Map for the Kalia, Waikiki and Diamond Head areas of the City and County of Honolulu as shown on the map Waikiki-Diamond Head (Section A).

Publication was made in the Sunday Star-Bulletin/Advertiser on July 27, 1975. Three letters were received and are included in public testimony for and against the proposal.

Staff Planner Ian McDougall presented the report of the Chief Planning Officer. Based upon a review of Bill Nos. 76 and 77, the Chief Planning Officer concludes that said bills and other

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documents related to these bills indicate that the proposals made therein have no apparent justification and, in any case, fail to meet the requirements of the Dalton decision for amending the General Plan. The problems being addressed are not adequately defined and are based on unsubstantiated and highly questionable interpretations of the Dalton and Hall decisions. In addition, alternatives to resolve the stated problem are not identified and evaluated, and no basis for selecting the proposed amendments as the best solution to the problem is provided. The amendment proposed in Bill No. 77 also fails to meet the requirement for comprehensiveness and is in conflict with the provisions of Section 15-106 of the Revised City Charter. It is recommended that Bill Nos. 76 and 77 not be adopted by the City Council.

QUESTIONS OF STAFF

DUKE: Sir, I assume that your report does not represent the applicant.

MCDOUGALL: That's correct. The applicant in this case is the City Council. Both bills were initiated by the City Council.

DUKE: Do we have a representative of the applicant here now?

MCDOUGALL: Not to my knowledge.

DUKE: Then, Mr. Chairman, I think it is timely and undoubtedly appropriate for me to give you some of my thoughts on this procedure. Ordinarily I speak off the cuff but in this case, I made a few notes.

Sir, and I read this for the record, I do find myself in a bit of a quandry because after reading the material that was furnished, I find that these two bills are coming to us in a different form than we normally get them. Secondly, they appear to have some rather long range implications. Let me explain.

First, we normally get a proposal from the Chief Planning Officer and a complete report accompanying that giving us reasons pros and cons, a study and so forth. I know that the Council can also propose General Plan amendments but I cannot seem to find the analysis for this proposal. What I find is a rather skeptic statement from City Council and a negative report from Bob Way. So, we really seem to be on our own and I think we need to set up our own ground rules for this question. This I think is especially important in light of some past criticism that we have received, and I'm talking about the Planning Commission, that we have received from Corporation Counsel.

Corporation Counsel in his 1975 opinion regarding the General Plan indicated the Planning Commission needed to keep in mind the high standards imposed by prior Hawaii Supreme Court decisions in conducting its public hearings. We might also note that in the Corporation Counsel opinion of March 21, 1975, Dalton was quoted

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and in part, the following was stated:

> The Planning Commission is required to follow a course of conduct consistent with the safeguards that were required in the initial adoption of the General Plan.

Therefore, we need to examine the bills before us in light of these opinions which would seem to mean we have to first have a full grasp of what is being proposed by City Council and its implications. Secondly, we need to examine and evaluate the studies with special emphasis upon the Dalton requirements. As stated by staff, the Dalton decision requires three things--first, the definition of the problem and the need; secondly, an analysis of alternatives; and third, proof that the proposal is the best alternative. Then, we need to receive public testimony and to ask as many questions as possible and to make sure that the views and concerns of the residents have been fully expressed and heard. To do this properly and to be consistent with our usual procedure, we need to hear from staff but we have no really staff report on the proposal. If City Council's representatives were here it would be good. Then, of course, we should hear from the Chief Planning Officer, Bob Way. Secondly, it would appear that a lot of our discussion may involve legal opinions. So, next we might hear from Corporation Counsel. Thirdly, we need to hear from the public and following, to deliberate and to make a decision. If we don't follow such a procedure, I feel we may not be doing our job and certainly would have problems in coming up with proper findings of fact. Furthermore, we could be subject to criticism.

Those are my thoughts on it. In addition, I'd like to know a few facts.

Your report, Mr. McDougall, was negative. Therefore, I would like to hear from someone that has some positive information to give us regarding the implications of these two bills. Is anyone present that could give us some answers to questions?

MCDOUGALL: Mr. Commissioner, I can only address the information that's provided in the Chief Planning Officer's report.

DUKE: I have several questions, possibly you can answer them. First it appears to me that this is a change in the General Plan.

MCDOUGALL: Yes, that's the conclusion of the Chief Planning Officer that in fact repealing the DLUM would be an amendment to the General Plan as well as the other bill which deletes text from the General Plan which is also an amendment to the General Plan.

DUKE: Well, I hate to get negative replies to my questions. Therefore, I'm not so sure I'm directing my questions to the proper person. If I should ask you since it is a change and amendment to

the General Plan, and if I ask you if a proper procedure was followed I'm sure I would get a negative answer. Is that not true?

WAY: If I might respond to Commissioner Duke's question, this is our view and that which we have stated in the report covering the proposal for the amendment requested in the two bills. The answer is yes. I might add one thing and that is the information before you which we have presented including the two bills is the only information that we have that is in anyway expressive of the study, analysis, background or rationale from the City Council. It is that which is expressed simply in those bills.

DUKE: After your work with the General Plan and the DLUMs for many years, possibly you could tell me how many inconsistencies exist between DLUMs and the General Plan?

WAY: In terms of number, for example?

DUKE: That's correct.

WAY: I have no idea but to say there's a real question what is meant by inconsistencies. You noticed in our report we used that term within quotation marks because it seems to us that by virtue of adoption of the DLUM, the ordinance which typically in a procedural sense is drawn up in a fashion so that it amends the General Plan, inconsistencies are resolved; that is to say there are none. The recent expression of the will of the Council through adoption of a Detailed Land Use Map for a given area resolves the inconsistencies and favors the Detailed Land Use Map. This has been the traditional long held view and is expressed in the General Plan text itself that it was intended the Detailed Land Use Maps would be adopted to further express the Council's more detailed consideration on an area by area basis throughout the city. That was the basis for the development.

DUKE: Well, in reading the proposed ordinances, I believe that I recall correctly one of the reasons and intent for proposing this is to remove the inconsistencies. Is that not so stated there?

WAY: Yes.

DUKE: Possibly since they didn't come forth with a proposal without doing proper study and usually ordinances are approved by Corporation Counsel prior to presentation, maybe our legal officer here could assist us in our trying to get some facts.

Do you know whether a comprehensive study was made before these ordinances were composed and proposed?

CLAIRE MARUMOTO, DEPUTY CORPORATION COUNSEL: No, I don't know.

DUKE: Is that not one of the requirements?

MARUMOTO: As far as studies are concerned that's for the department, I believe.

DUKE: Which department? In this case it's City Council I would think. They're proposing it.

MARUMOTO: I think according to the Charter, General Plan amendments proposed by the Council are to be processed in the same way as amendments proposed by the Chief Planning Officer. So, the studies would be perhaps initiated by Council Services but the resources are with the Department of General Planning.

DUKE: Is that the usual procedure when City Council proposes an amendment to the GP rather than originating at say the Chief Planning Officer level?

MARUMOTO: I don't know. According to the Charter, Council initiated amendments are to be processed in the same way as those originating from the Chief Planning Officer.

DUKE: I as a citizen if I want to propose a change in the General Plan, there is a certain procedure which I must follow in making the application for the change. The only reason I know that for sure is because in briefings when we became members of the Planning Commission, that happens to be one of the items that is in our little workbook that came with the care package. Therefore, it is very involved and very lengthy and requires considerable study. I wonder if these ordinances are backed up with studies that are necessary to bring them before us?

MARUMOTO: I've just been informed that the--I didn't note this myself--but the City Council did not ask for a study by General Planning.

DUKE: They did not.

MARUMOTO: No, they just asked for a public hearing which is what's being done right now.

DUKE: Do you know how many property owners are affected by this proposal?

MARUMOTO: I don't know.

DUKE: And you don't know how many inconsistencies exist?

MARUMOTO: I don't have the maps before me but when I drafted my memo last May, I did look at the map but I didn't count the number of properties exactly that were affected.

DUKE: Well, that's not very comprehensive then is it?

MARUMOTO: Well, I'm not supposed to do a comprehensive study.

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DUKE: No, but it's required by the Dalton decision. This is a General Plan change or amendment. We can't go against a Supreme Court decision, I don't think.

MARUMOTO: My opinion stated that this was not a General Plan amendment but a recision of the DLUM.

DUKE: Would you answer me this, the General Plan amendment does not necessarily have to do with changing lines or changing classification of lands, could it not also if you change the text of the General Plan wouldn't that likewise be an amendment?

MARUMOTO: Yes.

DUKE: In the text of the General Plan, do you know what the General Plan states in regard to the DLUM?

MARUMOTO: That the DLUM should prevail.

DUKE: No, that's not the precise question I asked. The DLUMs are referred to in the text of the General Plan as being a part and parcel of the GP. Is that not true?

MARUMOTO: I assume so.

DUKE: Yet, if you delete all DLUMs in an area, it appears to me like that would change--be an amendment to the GP by changing part of the text. It seems that way to me. I'm not a lawyer or anything like that but I was quite sure today I could get answers to those questions because they bother me.

MARUMOTO: Your concern is with the deletion of this particular sentence?

DUKE: Precisely, that's one of the questions. Is that an amendment to the General Plan?

MARUMOTO: Yes, I guess it would be.

DUKE: If that be an amendment to the General Plan then it appears to me that the Dalton opinion by the Supreme Court should prevail, and that stipulates certain requirements. It spells them out. He did enumerate them in Mr. Way's report. Number 1, definition of the problem or need forming the basis for the proposed amendment; number 2, identification and analysis of alternative ways for meeting the problem or need; number 3, demonstration that the selected alternative is the most appropriate. Do you feel Bills 76 and 77 fulfills these three requirements?

MARUMOTO: Well, focusing on Bill 76 at this point, the deletion of this sentence and any inconsistencies et cetera was to conform to Dalton.

DUKE: It so states but is that a fact?

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MARUMOTO: Well whether it's a fact or not, I think the intent is pretty clear and this would accomplish that intent.

DUKE: The whole thing then and what bothers me is if there are inconsistencies and it needs to be changed, what are the inconsistencies and was a study made on them according to the Dalton decision of forming a need or a basis for this change? If so, were all alternative ways pursued? If they were, did you pick the right one? That's the whole thing and I don't have answers to those. You don't know how many inconsistencies nor do you know any property owners affected.

MARUMOTO: No, I don't.

DUKE: And you do not know whether the Dalton decision was used as the basis for this change. I'm not so sure that's a fact.

MARUMOTO: Do you have my memo before you?

DUKE: What's your memo?

MARUMOTO: It's M, 7538 of May 13th.

DUKE: I'm sure I do not have the May 13th memo.

MARUMOTO: Your question was whether the procedures that were required by Dalton have been carried out.

DUKE: That's one of the questions. In your opinion, do you think so?

MARUMOTO: Well, I thought that the procedures required by Dalton referred to actual general plan, the land use changes. The deletion of this sentence was an intent to conform to Dalton. So, I don't think it's at cross purposes.

DUKE: You think that you eliminate the DLUMs from an area that doesn't affect land use?

MARUMOTO: Well not if it returns to a conformity to the original General Plan. There was a General Plan to begin with.

DUKE: I understand that but the procedures have not been followed in my opinion. If you in your opinion think they have been, of course I disagree with you.

You have stated that this is an amendment to the plan. The very first thing then, it appears that we have two sets of standards. Number one, Council wants to change and make an amendment to the plan. Therefore what do they do? They give us a skimpy little ordinance and say this is it. Have a public hearing. Where, if I wanted to propose a change in the General Plan, I'd have to

follow the whole procedure of making an application, have a study made by the Department of General Planning, have public hearings, that I would have some backup work by someone to show me that it was good or bad and furthermore that it did fulfill the requirements of the Dalton decision. Now, that's what I'd have to do. But, seemingly Council doesn't have to do that.

MARUMOTO: Well, the deletion of this sentence I don't believe is an amendment to the General Plan as Dalton focused itself on.

DUKE: Let's go to 77. Now, that's a deletion which is in the text of the General Plan. Therefore, to delete the DLUM in any area or entirely, it appears to me like you are amending the General Plan. Even in conformity that would tie in with the Dalton decision because you would still have to make a comprehensive study, you would have to show the problem of why and then you find the best solution and so forth.

MARUMOTO: Well, the DLUMs aren't being eliminated.

DUKE: Bill 77, I believe for Waikiki, does it not state that-- Bill 77 so states the ordinance which adopts the Detailed Land Use Plan and Detailed Land Use Map for the Kalia, Waikiki and Diamond Head areas is herewith repealed in its entirety. If that doesn't delete it, I don't know what words you use to delete it.

MARUMOTO: Well, Bill 76 speaks to DLUMs in general and Bill 77 is to the DLUM in Waikiki. The repeal of that DLUM was to resolve the differences between the DLUM and the GP.

DUKE: What are the differences?

MARUMOTO: Well, when I had the two maps before me I could see them.

DUKE: If you had the two maps you could point out all the inconsistencies and the differences?

MARUMOTO: Well two examples. There were some spots of Resort use now on Kuhio Avenue where the General Plan proposes Apartment use. There's Commercial use where the General Plan proposes Resort use.

DUKE: That's some. You don't know how many though.

MARUMOTO: No, I don't know.

DUKE: And you don't know how many property owners are affected.

MARUMOTO: No.

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DUKE: And were those property owners notified that they might be affected?

MARUMOTO: No. I assume they were.

DUKE: Well to satisfy me a little bit more, how were the property owners notified that we're going to eliminate the DLUMs in Waikiki by an advertisement, what did it state? Were they cognizant of the fact they might be affected?

MARUMOTO: I don't know. Notice to landowners is something that I wasn't--well, it wasn't within this area of my research to answer the Council's question.

DUKE: Do you believe that Corporation Counsel could give us, in order to clear the Planning Commission, a statement that would state that all obligations of the Planning Commission have been fulfilled in regard to these two resolutions insofar as notification of property owners, insofar as making a comprehensive study, insofar as telling us the need and the alternatives? Do you think Corporation Counsel could give us a clean bill of health in regards to all of those questions?

MARUMOTO: Well, I don't believe a comprehensive study was made because I don't believe Council thought they were really amending the General Plan which Dalton requires a comprehensive study.

DUKE: Well, that of course doesn't take away the necessity for notifying affected property owners. Furthermore, why did you just pick Waikiki? Why didn't you pick Moiliili too to throw out their DLUM?

MARUMOTO: Well, this was Council's decision.

DUKE: Why don't you throw all the DLUMs out?

MARUMOTO: I don't know.

DUKE: It seems to make more sense to me.

MARUMOTO: Well, this is all within the prerogative of Council. They just asked me about rezoning Waikiki or asked our office.

DUKE: Well, what did they ask you?

MARUMOTO: Whether reliance on the General Plan is a legally sound method of resolving the differences between the DLUM and the General Plan?

DUKE: What was your opinion?

MARUMOTO: It was yes, with a caveat that in downzoning if a property owner has expended any amount of money that they would--that they could be reimbursed for any expenditures.

DUKE: I notice you used the word would and changed it to could. There's quite a difference there. I'm not being picky.

MARUMOTO: Well, the City has been liable for damages in downzoning so property owners would not have their properties so-called taken without proper compensation if they have expended funds.

DUKE: Mr. Way, you heard Corporation Counsel tell us that the method in which they proceeded to make this change and it was seemingly not necessary to go the routine procedure of requesting going through Department of General Planning and so forth and so on the way we ordinarily handle changes of this nature. That is a fact. They did not go through you to make any studies or to give the Commission the benefit of enlightment regarding the General Plan, the DLUM and Development Plans and so forth?

WAY: Well, this probably won't cast much light on the issue. The fact of the situation is, however, that there was initially a referral by way of a resolution from the Council to both the Commission and to my office for consideration, report, public hearing. Subsequently, and this would be following the notice of public hearing, additional resolutions were passed rescinding that prior resolution and referring to this body for public hearing and to my office for information. Now, we had already proceeded with the preparation of the report that you have before you which represents the scope and extent of the studies that my department was able to undertake in connection with that. That's sort of the facts of the situation before us at this time with response to your question. I don't know that it fully answers your concerns.

DUKE: Well, since a comprehensive study was not made possibly you can let us know what really are the implications that would result if these bills became law?

WAY: Well, I'm unsure specifically. We have in terms of the specific concerns to Waikiki with regard to land use for example only rather tentative information. Coming to your question earlier about what are the changes, how many and what extent, this is not clear. When we looked at the proposed bill, we looked at them in what we considered to be a larger context; that is, a point you made why not rescind all of the DLUMs or what is the implications for the future with reference to all of the DLUMs affecting the City and County of Honolulu in terms of its relationship to what we have understood has been appropriate and proper procedures and statements of the Court with respect to planning affairs. I think it may be a little bit pertinent to note what the Supreme Court said in Dalton as it may pertain here. It says: "A careful review of the legislative history of Section 5-515 of other

pertinent sections of the Charter compels this Court to conclude that the amendment process must meet certain strict procedural hurdles. Looking at the totality of the problem before us with the whole of Honolulu as one indivisible unit, we conclude that the better and correct interpretation of Charter 5-515 requires that in the process of amending the General Plan, not only a public hearing is necessary but the Council, the Planning Commission, and the Planning Director are required to follow a course of conduct consistent with the safeguards that were required in the initial adoption of the General Plan. This interpretation will not only meet the spirit of the law but fulfills the true intent of the laws governing the General Plan."

I must further conclude in my own words that the Supreme Court didn't make a distinction between words in the General Plan and the map of the General Plan.

DUKE: That was my question. Do you believe that this is--

WAY: This is apparently Council's conclusion but I certainly don't think--

DUKE: Do you believe that this is in reality a General Plan amendment?

WAY: Yes that in fact, the words of the General Plan are as much a part of the ordinance as the map of the General Plan.

DUKE: Do you feel that Council has fulfilled the requirement for an amendment to the General Plan per se?

WAY: To answer the question, no, and in fact I have further questions even which for example take us into an area that is something of this nature. In the case of a proposal by the Council to amend the General Plan, are they not obliged as would any other applicant would be to undertake the necessary analysis or to provide it, and more specifically to follow the rules of procedure that are adopted under the Charter by the Department of General Planning having the force and effect of law? This even is another question.

DUKE: Well the main question is are we operating legally right here at this hearing today? Is it illegal to do things that are against court opinions as to how they should be done?

WAY: I will not answer the question.

DUKE: We have been criticized; therefore, we have to be very careful not to be criticized because we do not ask questions and do not get answers. You think we're operating legally right now? That these ordinances are legal?

MARUMOTO: I think we'll have to reconsider Bill 77 because of the Charter provision.

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DUKE: So we should withdraw that right now from discussion?

MARUMOTO: Yes, I would think so.

DUKE: What about 76?

MARUMOTO: I think both of them should be reviewed again by our office but the intent of 76 was to conform to Dalton.

DUKE: It so states but does it? I've asked you that before. I read the bill too you know. Thank you very much.

Mr. Chairman, I think I have sufficient answers to most of my questions now and I think it would be very appropriate if we could maybe get a little public testimony on this subject.

CHAIRMAN: Before we proceed to receive public testimony, Commissioners do you have any other points of discussion or questions?

MARUMOTO: The public hearing can be continued just subject to our review but I didn't want to eliminate any discussion.

CHAIRMAN: There's one question I have. You have read the staff report, right?

MARUMOTO: No, I have not.

DUKE: What is distribution on staff report?

WAY: Apparently in this case, there was not distribution to the Office of Corporation Counsel. I might observe that the report was not even requested by the Council. We initiated this on our own. As I said, it was already in the hopper.

DUKE: Since in your report many legal questions are brought to light, even though it is addressed to the Planning Commission, it appears to me like it would only be proper for Corporation Counsel to say yes or no or this is wrong or this is not wrong or at least an opportunity to discuss the legality of your statement. That seems like common sense to me.

WAY: Well, I don't think the statements have the implication of legality. They're in terms of administrative interpretation, the practice having gone before and in that context I don't think it's necessary for us to obtain approval of the Corporation Counsel on the legality of any of our planning technical reports. There are two areas of expertise here. We report on fundamentally planning issues and in terms of the administration of the General Plan.

DUKE: Well, don't you think Sir, that the Planning Commission though being laymen and not being experts as the people in the Department of General Planning are, and the legal people in Corporation Counsel are, don't you think we should be at least given the

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benefit of the doubt of Corporation Counsel and also for the Department of General Planning on statements that are presented to us?

WAY: Certainly where you have questions I think to whatever agency you think they are appropriately directed, this is your prerogative.

CHAIRMAN: I have another question. In a situation like this where Council initiates a bill like 76 and 77, what body is responsible for the creation of a staff report? Because, I have one question. There is mentioned possible alternatives but yet no alternatives have been presented to the Commissioners here.

WAY: If I might comment, the basis upon which we initially proceeded to prepare a report was with the information at hand which is simply a resolution and a couple of bills, 76 and 77 with all the whereases as contained therein, and that following the general guidelines from the Charter that they would be processed in the same manner as if proposed by the Chief Planning Officer, I prepare the report because that's the same manner in which we do it should a member of the public come in and propose such an amendment. It was on that basis of authority that we prepared our report. But, I think as we examined the question, there become these larger issues that we thought were important to bring forward to the Commission of what are the implications of this kind of change in terms of our total system; that is, how does it affect the DLUMs throughout the island, not just Waikiki; that the so-called inconsistencies question became a secondary one--I'm not saying minor mind you because it certainly impacts upon individual property and the property rights and the owner-development potential too. But, as they came to us and as it could have became apparent to us that the Council seemingly was interested in early response to these bills, we then forwarded it to the Commission with simply using the information that we had at hand. Incidentally, we have done that on other occasions. I would say that were any other applicant to present us with this mere sketch kind of data, we would probably not have forwarded it to the Commission as having been rather an incomplete application, insufficient available data.

DUKE: So what I said that we do have two separate standards seemingly is a fact.

CHAIRMAN: I think this is exactly what you're getting at, that the report itself is not complete. Apparently somebody thought of alternatives but nothing was mentioned.

(There was no further discussion.)

PUBLIC TESTIMONY

Testimony in SUPPORT--

Letter received from Mr. Ludwig E. Armerding, President, Waikiki Residents Association dated July 29, 1975, copy attached

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Testimony AGAINST--

1. Letter received from C. W. Stevenson, Vice President and Trust Officer, Liliuokalani Trust, dated August 6, 1975, copy attached

2. Letter received from Mr. Donald A. Bremner, AIP, Executive Vice President, Waikiki Improvement Association, Inc., dated August 6, 1975, copy attached

MOTION

DUKE: Sir, I move at this time that we close the public hearing on the bills as presently presented.

CHOY: Second.

CHAIRMAN: I have one suggestion as you brought it up earlier, it might be good to get some information from the Council.

DUKE: Well, that's the second part. We should close the public hearing first.

CHAIRMAN: I was going to suggest that you keep the public hearing open and have them come in.

DUKE: Well then, question, Sir. If we close the public hearing and assuming the Commission would go along with a suggestion that we deny the present resolution as presented and request a more detailed and comprehensive bits of information regarding implications and so forth so that we can intelligently look at this problem, then by closing the public hearing right now would that close it on the revised bills that would come forth?

CHAIRMAN: The revised bills would call for a new public hearing.

DUKE: Then if that be true, in order to get on with the problem today, it appears in order to close this public hearing and then possibly depending on the Commission move accordingly.

CHAIRMAN: Well, that was a suggestion. Further discussion? All those in favor raise your right hand?

(The motion to close the public hearing carried unanimously.)

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara
NAYES - None
ABSENT - Hosaka, Wikum

ACTION

DUKE: Mr. Chairman, I move that we return the resolution to the City Council and request that they be presented to us in a more comprehensive and proper manner, and in particular I would like

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information regarding implications to be made known to us on their future presentation of their thoughts, possibly other things but I think that would be suffice to get the wheel rolling.

CHOY: I'll second the motion for discussion purposes.

CHAIRMAN: Moved and seconded. Discussion?

CHOY: Commissioner Duke, I would like to suggest that rather than returning the two bills back to Council for further clarification, I would like to amend your motion to read that we deny the City Council's request at this particular time returning the bills to them and have Council redraft a new set of bills with comprehensive studies as you had suggested.

DUKE: If that is an amendment, the maker of the motion is in accord.

CHOY: Yes.

CHAIRMAN: Further discussion? If not, all those in favor for denial of the bills, raise your right hand?

(The motion carried unanimously.)

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara
NAYES - None
ABSENT - Hosaka, Wikum

UNFINISHED BUSINESS
TWO STATE SPECIAL USE PERMITS--
(1) PRIVATE SEWAGE TREATMENT & DISPOSAL SYSTEM
(2) PROPOSED WATER SYSTEM
KAHUKU
GROSVENOR-INTERNATIONAL (HAWAII) LTD.
(FILE #74/SUP-14 & #75/SUP-2)

Following is a chronology of the subject application:

April 16, 1975--Public hearing held and kept open for information from DLU
May 7, 1975-----Public hearing kept open, matter deferred for field trip.
May 21, 1975----Public hearing closed, matter deferred for 15-day statutory requirement.
June 18, 1975---Action deferred for special meeting on August 6, 1975.

The following transpired:

CHAIRMAN: Unfinished business, number two, Kahuku, two State Special Use Permits, private sewer treatment and disposal system and proposed water system.

CHOY: Mr. Chairman, in view of the fact that we held this particular item on the agenda for quite a few months. I would like to move that we accept the Director's recommendation and permit the Grosvernor industry to go ahead and build their townhouses. That's the motion.

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CHAIRMAN: Do we have a second?

DUKE: Second.

CHAIRMAN: Discussion? Commissioner Duke?

DUKE: I think it is only proper that we should bring to light this letter that we have received from the Governor dated August the 5th, and possibly with the help of the other commissioners, it might be possible to maybe interpret what the Governor is saying. We all have copies of the letter and it's a very short letter and it so states that this is to inform you that I intend to proceed with the Malaekahana Beach acquisition as soon as practicable. As you know, the Legislature appropriated $400,000--and then he goes into the number of the bill--for acquisition of the proposed beach park. It is my understanding that the appropriation is not sufficient to acquire the entire 30-acre parcel as specified by the Legislature. Therefore, I intend to request additional funds during the next legislative session in order to proceed with the acquisition of all or portions of the above lands. During the interim, I have instructed the Department of Land and Natural Resources to study the matter further in order to ascertain the most desirable acreage, its appraised value, and the additional funds necessary to complete acquisition.

The reason I bring this matter up right now is because we deferred action on this, I think in June until August 6 in order to get an answer from the Governor as to what their intentions were. I'm not trying to analyze what the Governor is saying here; however, he does not state--well of course he does tell us emphatically that he does not have the money but intends to request funds at a later date. I wish I knew for sure what lands he's referring to because he said all or portions, and that doesn't tell us very much. Furthermore, he says he's going to direct the Department of Land and Natural Resources to study the matter in order to ascertain the most desirable acreage. Now there again he doesn't say 33 acres and whether the 33 acres in question are the desirable acreage, I don't know. And, all or portions, that worries me a little bit too.

I believe that we acted in real good faith when the request was made to the Commission to defer for a period of time to permit the powers-that-be to acquire the land by condemnation. Our action in June was made known to all of the people that were directly interested which happened to be Senator Anderson and I believe the Governor was notified and undoubtedly other people. But, I think we have acted in excellent faith. I do feel that the landowner is due consideration. I do feel that undoubtedly this property will be condemned. I believe that too. What portion of it, I have no idea. It depends on the money, I assume. I would also like to ask one question of staff regarding another portion of Malaekahana which has to do with the City and County

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and their intentions on possible acquisition of park space. Give it to me factually and not--is action going to be taken or not, Mr. Way, regarding park space, City and County level?

WAY: Let me respond by saying from the standpoint of the City at this time, the action that has been initiated is a request from the Department of Parks and Recreation to amend the General Plan which is the first kind of step in the relatively orderly process that we have of proceeding to establish a policy and proceed with the purchase of park sites. This first step has been taken. Beyond that, there are no other indicators other than the expressions of the Chief Executive, the Mayor, who's indicated an interest in obtaining park properties along Malaekahana Bay. But, at this point it is possibly premature that, for example, there be a budgetary allotment for such purpose. My recollection simply is there is not such an allocation. I think that's about as far as I can go. It may not be a very--as you can see, I can't say yes or no but these are the signs before us.

DUKE: Sir, could you tell us which parcel or parcels that the GP change has been submitted?

WAY: My recollection is it was for both parcels, both points of the bay encompassing 60+ or 70+ acres, on that order of magnitude more than the 30 more or less acres indicated earlier.

DUKE: Our experience with General Plan changes have been that the time element on a GP amendment or change is about two years plus?

WAY: Not necessarily. It is considerable. As a matter of fact, we and the Department of Recreation are moving toward a program that would consolidate all of the shoreline or beach front requests that they have before us into one large scale request for bringing forward to the Commission and the Council for consideration. But, it certainly may take some time. I would not say to the two-year period that you indicate. Maybe about half that.

DUKE: Mr. Chairman, I'd like to make an amendment to the motion.

CHAIRMAN: Before we proceed with the amendment, Mr. Duke, the maker of the motion as well as the second, your motion was to accept the Director's recommendation. Am I correct?

CHOY: Yes.

CHAIRMAN: You had also stated--

CHOY: With the original Director's recommendation of permitting and granting the double SUP.

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CHAIRMAN: I think your motion also included the approval or getting along with the processing of the townhouses. But I think at this time, the motion should not include that because the cluster development is not part of the SUP.

CHOY: All right, thank you. Then the maker of the motion will correct the motion by moving to grant the developers the double SUP that is before us.

KAHAWAIOLAA: Second.

DUKE: Well, my amendment that I had in mind was to clarify this fact that we don't operate the developer's business.

CHOY: Right.

DUKE: He may never develop, I don't know. When we get down the line a little bit more, I do have some definite ideas regarding the development.

CHAIRMAN: Further discussion? If not, all those in favor of the motion raise your right hand?

(The motion was unanimously carried.)

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara
NAYES - None
ABSENT - Hosaka, Wikum

DISCUSSION ITEM PLANNING COMMISSION MEETING DAY — On several occasions, questions were raised regarding the Planning Commission meeting day and time. The last decision made was to wait until after the City Council had completed its study on meetings and hearings. The Council has completed their study and by-and-large will continue to follow the same procedures.

The Chairman deferred this matter for the presence of a full Commission.

ADJOURNMENT: The meeting adjourned at 3:15 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

12980RP-1

DOP 7/25-2019

Waikiki Residents Association

2222 KALAKAUA AVE SUITE 1308
HONOLULU, HAWAII 96815

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BETSY CUNNINGHAM
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July 29, 1975

Mr. Randall Kamiya, Chairman
Planning Commission
City and County of Honolulu
Honolulu Hale,
Honolulu, 96813

Dear Mr. Kamiya,

We wish to acknowledge receipt of the notice which you have so kindly sent us concerning the hearing to be held with reference to Bills Nos. 76 and 77.

As we understand the content and purpose of these bills, they will make possible other changes in Zoning which will enhance the quality of life in Waikiki by improving the zoning and the utilization of the land and other resources in our neighborhood.

Therefore, while we do not feel competent to deal with the technical aspects of the bills themselves nor with the issues which are related, we do wish to go on record as being in favor of the passage of these bills in the belief that they are necessary steps toward the improvement in our environment for which we are very anxious.

It is not our purpose to present additional verbal testimony but we do ask that this communication be passed on to the members of the Commission and made a part of the testimony.

Sincerely,

Ludwig E. Armerding

Ludwig E. Armerding
President

RECEIVED
'75 JUL 30 PM 1:28
DEPT. OF
GENERAL PLANNING
C & C HONOLULU

12980RP-1

DEP 8/75-2117

WAIKIKI
IMPROVEMENT
ASSOCIATION, INC.

SUITE 1410 • 2222 KALAKAUA AVE. • HONOLULU, HAWAII 96815 • TEL. 923-1094

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Executive Vice President
Hawaii Hotel Association

August 6, 1975

RECEIVED
'75 AUG 12 PM 1:35
DEPT. OF
GENERAL PLANNING
C & C HONOLULU

Mr. Randall Kamiya, Chairman
City Planning Commission

Re: Bills #76 & 77

Dear Mr. Chairman and Members:

The Planning Commission should be the body most concerned with the fact that the City's planning function is disjointed and inconsistent. It is made up of a lot of pieces which do not necessarily fit together. In theory, the three major pieces of the process, the General Plan, the DLUMs and the DPs are all one and the same, implementing the General Plan but varying in degree of detail only. In practice this is not so! In many cases, DLUMs vary significantly in substance from the General Plan. In other cases they do not exist at all. By virtue of the reference to DLUMs in Ordinance 2443, they take on a separate and distinct significance. This separateness and individual significance was recently confirmed by the State Supreme Court in the "Diamond Head" case. The logic of the court conclusion was unavoidable due to the wording contained in Ordinance 2442 and the existing inconsistencies between General Plan and DLUM. From a planning standpoint, however, it created an illogical situation. Why should there be three officially adopted and <u>different</u> plans for the same area of the City? Such a situation is as unproductive as it is confusing. The Supreme Court, faced with this dilemma, concluded that the General Plan logically had to be the controlling document, not the DLUM, as the General Plan ordinance tries to intimate. This conclusion is now corroborated by a Corporation Counsel opinion.

Consequently, beside making good sense, eliminating an impasse and helping the planning process become a more meaningful and effective element in the decision-making process, Bill #76 is necessary to reflect a legal dictum governing the process.

#77 directly solves the problem of the substantive differences between the General Plan and the DLUM proposals for Waikiki. If planning is to be an effective tool for guiding public decisions as they apply to land sue, it must be consistent and relevant. Elimination of the Waikiki DLUM renders the official plan for the area both consistent and more relevant to proper land use policy for the area. As cases in point, we offer the following:

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(1) The present DLUM supports high-density apartment development in much of the area mauka of Kuhio Avenue. WIA and others (see Mayor's Planning Advisory Committee Report on Waikiki, 1971) have calculated that continuation of such a policy will lead quickly to a density and population size that cannot be handled by the area. The General Plan does not contain such misdirection.

(2) The DLUM calls for resort land use mauka of Kuhio Avenue and along Ala Wai Blvd. These areas have no special characteristics that render them suitable for resort development. Proposals for these areas being developed into resort operations are at variance with the reality of market demands for such uses in these locations. Resort uses in these locations, we believe, would be marginal and poor quality operations. In addition, if they were developed, they would allow the visitor plant to overload the Waikiki area. The General Plan proposals are directly at variance with the DLUM in these two areas and exhibits a much better grasp of appropriate and relevant land use for the area in question. (see Mayor's Planning Advisory Committee Report for Waikiki - 1971)

Consequently, the proposal to render the General Plan as the controlling document and to eliminate the Waikiki DLUM, not only a legal necessity but a planning necessity since it resolves glaringly conflicting planning proposals in favor of the more comprehensive and realistic recommendation, failing to take positive action at this time or delaying a decision on the strength of further plan development would leave the planning function of this community in a shambles and render it totally ineffective as a decision-making tool.

We hope that the City Planning Commission would not lend itself to any such irresponsibility.

Very truly yours,

Donald A. Bremner, AIP
Executive Vice President

DAB/dt

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Trustees of the

LILIUOKALANI TRUST

Clorinda Lucas, Gordon S. May, First Hawaiian Bank

P. O. Box 3200, Honolulu, Hawaii 96801

August 6, 1975

Mr. Randall Kamiya, Chairman
Planning Commission
City and County of Honolulu
City Hall Annex
Honolulu, Hawaii 96813

Dear Sir:

Testimony on City Council Bill Nos. 76 and 77

The Liliuokalani Trust is one of the major landowners in Waikiki and is deeply concerned about the orderly growth of the area. In 1967, our consultants prepared a master plan for the development of the 16-acre tract of Trust Lands bounded in part by Liliuokalani Avenue, Paokalani Avenue and Wai Nani Way, and extending from Kalakaua to the Ala Wai. The master plan was based on the land use policies as set forth in the County General Plan's Detailed Land Use Map for Waikiki. Since then, we have followed this plan to create a resort and residential complex which is of the highest quality, and one which will provide the highest degree of long term economic benefits for our programs to aid orphaned Hawaiian children for whose benefit Queen Liliuokalani created this Trust.

We are concerned with the proposals set forth in Bills 76 and 77 because our planning and the development of the Trust's lands to date have been in conformance with the Waikiki Detailed Land Use Map (DLUM) as it currently exists. If the DLUM is to become void and the land use pattern changes as proposed on the General Plan becomes the official land use map, the following potential conflicts will arise:

1. An approximately 200 foot wide strip fronting Kalakaua would be changed from Resort to Commercial. Liliuokalani Trust lands within this strip are presently developed with substantial structures which include the Hawaiian Regent, Foster Tower and Pacific Beach hotels. The possibility exists that a portion of this new hotel

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development could become a non-conforming use should the zoning ordinance be amended to allow only commercial uses in this strip.

2. The resort land use would be further reduced by extending the apartment use from 200 feet makai of Kuhio Avenue. Within this affected area, final drawings have been filed for one project, a major hotel, and planning is underway for another complimentary development. Should the General Plan become the adopted land use map, both projects could become non-conforming uses if the zoning is changed to conform to the General Plan.

In summary, in 1967 the Liliuokalani Trust prepared a master plan for the development of its Waikiki Lands in conformance with the Waikiki DLUM, and has since endeavored to encourage development which meets the standards of their master plan. If Bills 76 and 77 are enacted, and the General Plan becomes the official land use map in lieu of the DLUM, the change could have a significant impact on the Trust's master development plan and on both ongoing and future projects to be developed within the Trust's properties. The seriousness of this impact is dependent on the implementation measures (i.e., changes in the zoning map and ordinance) which are not included in these bills.

Sincerely yours,

FIRST HAWAIIAN BANK
Managing Trustee

By _____
C. W. Stevenson
Vice President and Trust Officer

CWS:sd

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MRRC RMM 19-75

FLASH CARD

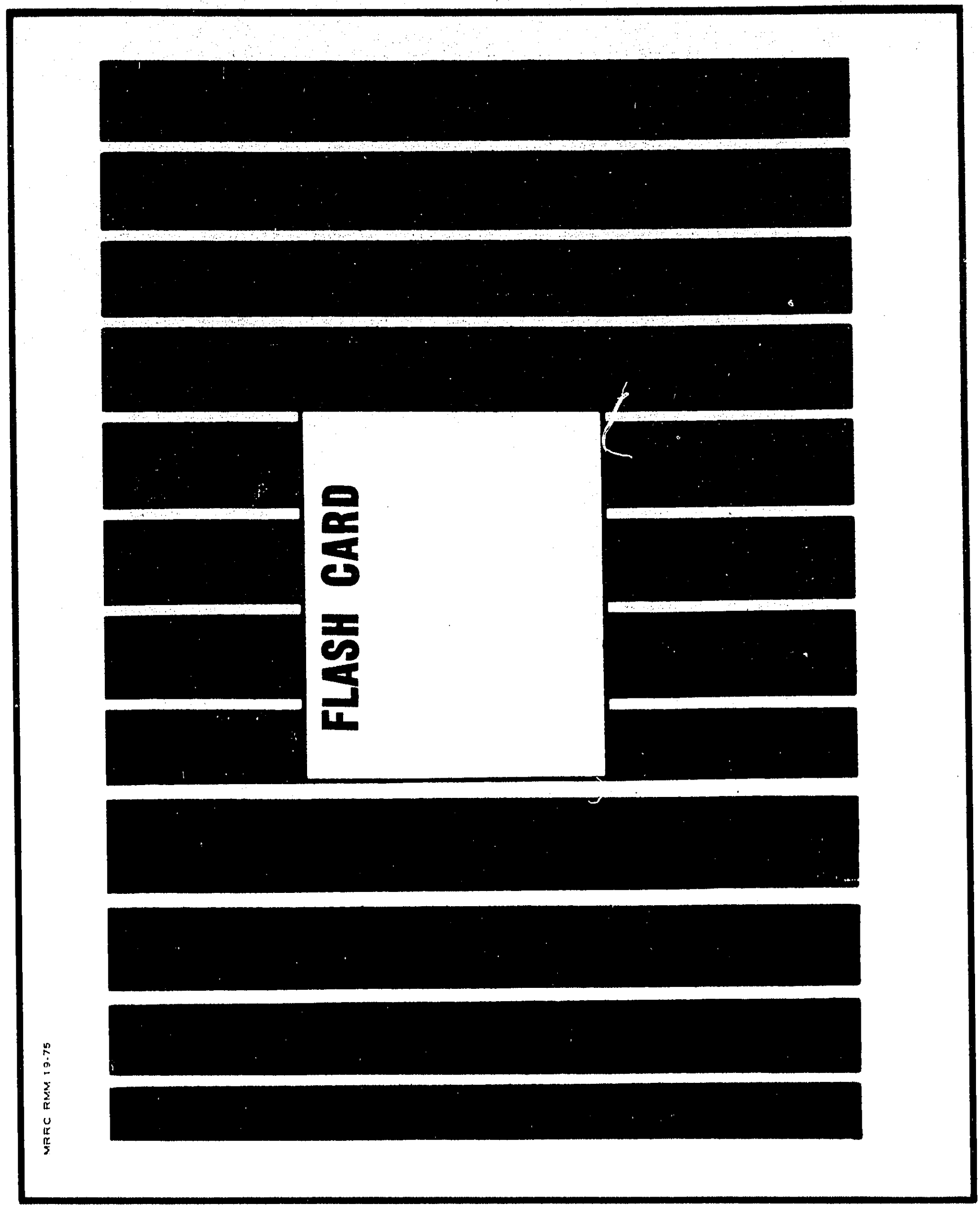
FLASH CARD

MRRC RMM 19-75

FLASH CARD

FLASH CARD

FLASH CARD



AUG 27 1975

Meeting of the Planning Commission
Minutes
August 27, 1975

The Planning Commission held a meeting on Wednesday, August 27, 1975 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:	Randall Kamiya, Chairman Charles Duke, Vice Chairman Dr. Wilbur Choy Antone Kahawaiolaa Alice Takehara
ABSENT:	Donald Hosaka
STAFF PRESENT:	Eugene B. Connell, Executive Secretary Lorrie Chee, Staff Planner Henry Eng, Staff Planner Jack Gilliam, Staff Planner Walter Lee, Staff Planner Ralph Portmore, Staff Planner Carl Smith, Staff Planner
PUBLIC HEARING GP/DLUM AMENDMENT HEEIA (KANEOHE-KUALOA) REDUCING DESIGNATED STREET R.O.W. WIDTHS DEPT. OF TRANSPORTATION SERVICES C&C OF HONOLULU (FILE #165/C3/25 WL)	A public hearing was held to consider the Chief Planning Officer's proposal to amend the Kaneohe-Kualoa DLUM by reducing designated street right-of-way widths on approximately 256,600 square feet (5.9 acres) of land in Kaneohe, Koolaupoko, Tax Map Keys: 4-6-11, 12, 18, 24 & 26 Haiku Road and Tax Map Keys: 4-6-4, 5, 7, 16, 18, 19, 20, 21 & 22 Kamehameha Highway.

Publication was made in the Sunday Star-Bulletin/Advertiser on August 17, 1975. No letters of protest were received.

Staff Planner Ralph Portmore presented the report of the Chief Planning Officer.

Mr. Mike Oshiro of the Department of Transportation Services responded to the following concerns regarding traffic in the area:

1. Effect of the proposal on traffic at Heeia Elementary School on Haiku Road, and King Intermediate School on Kamehameha Highway.

   Traffic studies conducted in 1972 by consultants for their department indicate a peak traffic period from 6:45 a.m. to 7:45 a.m. Parents drop off their children after this period.

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Concerning a left-turn stacking lane fronting Heeia Elementary School, the Department of Transportation Services feels no immediate need for one at this time. Proposed improvements for the area which include sidewalks, traffic lights at Alaloa Street and consideration of an overpass at Heeia Elementary School are safety measures provided in the interest of the children. There are no studies underway for an overpass at King Intermediate School.

2. Question was raised whether property owners will be assessed for improvements. The Bishop Estate and the City who are the landowners of property affected by the proposal on Haiku Road will be assessed for the improvements.

   Improvements on Kamehameha Highway are a joint city/state project. Thirty-foot roadwidening easements were set aside for street widening purposes as indicated on the general plan. Condemnation of affected property involves taking of 20 feet. Abutting property owners will not be assessed for improvements, and will be compensated at fair market value for condemned property.

3. Concerning future plans for Kahekili Highway, the state plans to widen Kahekili from four to six lanes at the Likelike/ Kahekili interchange for a connection at that point to TH-3.

4. The Commission questioned whether traffic studies conducted in 1972 accurately reflect today's traffic situation. Mr. Oshiro indicated that the consultant's studies are projected to 1995 and assume all commercial/apartment facilities fully developed.

TESTIMONY IN SUPPORT

1. Mr. Mike McCormack, Foremost-McCormack Development
2. Mr. Edgar A. Jones, Kaneohe Business Group (Submitted testimony dated July 23, 1975)

   Mr. McCormack was in agreement with the proposal as it related to Haiku Road, but wanted to maintain the present 100-foot right-of-way designation for Kamehameha Highway in order to accommodate possible development of the Heeia Meadowlands. The Kaneohe Business Group requests Haiku Road as the number one priority project because it will spearhead the establishment of more business firms in the Kaneohe area creating more jobs for local employment. Additionally, the traffic situation appears more critical on Haiku Road where two schools are located compared to one school on Kam Highway.

TESTIMONY AGAINST--

1. Mr. Bruce Anderson, Resident, 46-255 Haiku Road
2. Ms. Sarah Sheeley, Acting President, Kaneohe Outdoor Circle (Submitted letter dated August 27, 1975)
3. Petition dated August 26, 1975 by Frances J. Halualani containing approximately 44 signatures

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OBJECTIONS--

1. The Department of Transportation's traffic studies and analysis conducted in 1972 cannot adequately support the need for widening of either Haiku Road or Kam Highway. Current evaluation is necessary.

2. Recommend an examination of the total impact and effects of change on the Heeia-Kaneohe community by preparation of an Environmental Impact Statement on the proposed widening.

3. There is question as to which lands and how much land will be taken by condemnation.

4. Property owners will be assessed for improvements.

Mr. George Okihiro representing the Kaneohe Community Council spoke neither for nor against the proposal but requested a postponement of the public hearing to allow further study of the proposal by the Council. Some of their concerns are:

Haiku Road - Widening be limited to 60 feet, bikeways be installed in lieu of bike routes, no land from private landowners be condemned, safety measures to protect elementary students be installed.

Kamehameha Highway - Widening be limited to 64 feet, no widening past King Intermediate School, bikeways instead of bike routes be installed.

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Takehara and carried.

ACTION: The Commission, on motion by Mr. Duke, seconded by Dr. Choy and carried, recommended approval of the Chief Planning Officer's proposal as enumerated in the report.

Mrs. Takehara dissented because she felt the community should be given additional time to study the proposal.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Wikum
NAYES - Takehara
ABSENT - Hosaka

PUBLIC HEARING
CONDITIONAL USE PERMIT
(PRIVATE TENNIS CLUB)
WAIAU
PHILLIP LYON, GORDON
AND COMPANY
(FILE #75/CUP-9 EY)

A public hearing was held to consider a request for a Conditional Use Permit to allow the establishment of a recreation and amusement facility of an outdoor nature (private tennis club) on approximately 323,826± square feet of land located in Waiau, Tax Map Keys: 9-8-12: 3, 14 & 47 and 9-8-17: 8.

Publication was made in the Sunday Star-Bulletin/Advertiser on August 17, 1975. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report recommending approval of the request. The applicant proposes to construct and establish a recreation and amusement facility of an outdoor nature consisting of six regulation tennis courts, a clubhouse facility containing women and men's lockers, toilet and shower facilities, kitchen and bar facilities, a lounge area, a spectator seating area for 300 persons, and a pro shop and office on the subject site.

There were no questions from the Commission concerning the report.

No one spoke either for or against the request.

The public hearing was closed, on motion by Mr. Duke, seconded by Dr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, subject to the conditions enumerated in the Director's report, on motion by Mr. Duke, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka

PUBLIC HEARING
CONDITIONAL USE PERMIT
(PRIVATE TENNIS CLUB)
KAILUA
KAILUA RACQUET
CLUB, LTD.
(FILE #74/CUP-39 LC)

A public hearing was held to consider a request for a Conditional Use Permit for a recreational land amusement facility of an outdoor nature to permit the Kailua Racquet Club (a private tennis club) to expand and improve an existing nonconforming use established in 1938, Tax Map Key: 4-3-66: 24.

Publication was made in the Sunday Star-Bulletin/Advertiser on August 17, 1975.

Staff Planner Lorrie Chee presented the Director's report recommending approval of the proposal.

There were no questions from the Commission regarding the Director's report.

TESTIMONY IN SUPPORT

Mr. B. A. Getschmann, Jr., President, Kailua Racquet Club, agreed to all conditions except the last sentence of Condition No. 11 which does not permit parties, banquets or receptions.

They request an amendment of that condition to read: "The clubhouse shall only be used for events normally related to the promotion of recreation and tennis." The Board feels that the original wording could be strictly interpreted so as to preclude any such gathering.

TESTIMONY AGAINST

Letter dated August 22, 1975 signed by Ralph S. Hayashida, 558 Punaa Street, Kailua; Velma Johnson, 604 Punaa Street, Kailua; Ronald Johnson, 604 Punaa Street, Kailua; Lloyd N. Hayashida, 558 Punaa Street, Kailua.

The above individuals objected mainly to noise generated from the present club facility late at night and its effect on their infant children. The proposed tennis courts will be located 50 feet from their home.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Duke and carried.

ACTION: The Commission accepted the Director's recommendation, and recommended approval of the proposal subject to the conditions contained in the report, with the exception of the last sentence of Condition No. 11 which should be changed to read: "The clubhouse shall be used only by and for members of the club for club-related activities." The motion was made by Mr. Duke, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka

PUBLIC HEARING
ZONING CHANGE
AG-1 RESTRICTED
AGRICULTURE TO R-6
RESIDENTIAL, A-1 &
A-2 APARTMENT, B-2
COMMUNITY BUSINESS &
P-1 PRESERVATION DISTRICT
WAIPIO-MILILANI TOWN
MILILANI TOWN, INC.
(FILE #74/Z-33 CS)

A public hearing was held to consider a request to change the zoning of a parcel of land in Waipio from AG-1 Restricted Agriculture to R-6 Residential, A-1 and A-2 Apartment, B-2 Community Business and P-1 Preservation Districts in Waipio-Mililani Town, Tax Map Key: 9-4-05: portion of 11.

Publication was made in the Sunday Star-Bulletin/Advertiser on August 17, 1975. No letters of protest were received.

Staff Planner Carl Smith presented the Director's report of the applicant's proposal to rezone an additional 244-acre increment of Mililani Town. The Director recommends approval of the request.

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QUESTIONS OF STAFF

Responding to a question as to why this application was not submitted to the Department of Agriculture for review, Mr. Smith stated that normally DLU refers requests to the Department of Agriculture where the zoning is Agriculture and where the land use policy is Agriculture. In this case, the area has been designated Urban by the State and has also been established on the adopted DLUM for a variety of uses. The requested zoning is simply to bring this land by virtue of zoning in conformity with previously adopted policy. Therefore, DLU did not feel there was any need to contact the Department of Agriculture since the land use policy decision had already been made.

TESTIMONY IN SUPPORT

Mr. Wendell Brooks, General Manager, Mililani Town concurred with the recommendation of the Director. He offered further information concerning the inquiry by the Department of Agriculture. By mutual agreement with Mr. Fred Erskine the then Chairman of the Department of Agriculture, there was no objection for urbanization of this subject parcel with the understanding that no development occur in the area across Kipapa Gulch which the Department had hoped would be viable diversified agricultural activity; i.e., potatoe farming.

TESTIMONY AGAINST

None

The public hearing was closed, on motion by Mr. Duke, seconded by Dr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

Mrs. Takehara commended the developer for his commitment to provide low/moderate income housing.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka

PUBLIC HEARING
PROPOSED ORDINANCE
TO AMEND ORDINANCE
NO. 3947 RELATING
TO HISTORIC, CULTURAL
& SCENIC DISTRICT
NO. 1, THE HAWAII
CAPITAL DISTRICT,
BY EXEMPTING NON-
SIGNIFICANT PROJECTS

A public hearing was held to consider a proposed ordinance to amend Ordinance No. 3947 relating to Historic, Cultural and Scenic District No. 1, The Hawaii Capital District, by exempting non-significant projects.

Publication was made in the Sunday Star-Bulletin/Advertiser on August 17, 1975. No letters of protest were received.

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Mr. Art Muraoka presented the Director's report of the proposed amendment which would exempt certain non-significant project (any and all interior alterations, repairs and renovations) from the requirement of a Certificate of Appropriateness. Since the inception of Ordinance No. 4319 which eliminated the need for City Council action on projects in the Historic, Cultural and Scenic Districts which were non-significant, the department has processed 52 Hawaii Capital District applications. Of this total, 83 percent were for interior alterations, repair or renovations, which were not in conflict with the intent of the district objectives. The Director recommends approval of the proposed amendment.

No questions were raised by the Commission concerning the report.

No one spoke either for or against the proposal.

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the proposed amendment, on motion by Mr. Duke, seconded by Dr. Choy and carried.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka

PUBLIC HEARING
CZC AMENDMENT TO
SECTION C OF ARTICLE
10, CHAPTER 21, R.O.
1969, PLANNED
DEVELOPMENT RESORT
(BILL NO. 88)
INITIATED BY CITY
COUNCIL
(FILE L&R CZC
1975-14 JG)

A public hearing was held to consider a proposed amendment to Section C of Article 10, Chapter 21, R.O. 1969 (Comprehensive Zoning Code), Planned Development-Resort (PD-R).

Publication was made in the Sunday Star-Bulletin/Advertiser on August 17, 1975. No letters of protest were received.

Mr. Jack Gilliam presented the Director's report recommending approval of the proposed amendment. The purpose of the proposed amendment is to revise the Planned Development-Resort section of the CZC to enable more parcels to qualify for application and to provide for more flexible standards for development. The proposed amendment provides a Legislative Intent for Low Density Resort, provides that these districts be applicable only in areas designated Resort on the General Plan, in lieu of the Preservation, Agricultural and Residential Districts, adds dwelling and multiple-family dwelling as permitted uses, reduces the minimum lot area from 10 acres to one acre, increases the building coverage from 20% of the district area to 50% of the lot area, changes the maximum floor area ratio from 20% to use of LUI 63 which is a 100% FAR and requires that 40% of the lot area be open space for landscaping and open area recreation.

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The Commission expressed serious concern over increased densities possible comparing the present Low Density Resort requirement of 6 units per acre, and 100 units per acre by the amendment. There was question whether the proposed amendment should be used as a vehicle to create single-family and multi-family dwellings in Resort areas. This in reality was considered a change in zoning where proper studies should be conducted relative to the availability of utilities, and notification be made to affected property owners.

The Commission also questioned the Council's reasoning behind amendments like this, whether such amendments result from complaints or needs expressed to Councilmen, or whether a committee of the Council studied the CZC and this is an attempt to correct a deficiency.

No one spoke either for or against the proposed amendment.

The public hearing was closed, on motion by Mr. Duke, seconded by Mrs. Wikum and carried.

MOTION: The Commission, on motion by Mrs. Takehara, seconded by Dr. Choy and carried, moved to defer action on this matter to September 17, 1975 for a representative from City Council to explain the purpose of the proposed ordinance.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka

UNFINISHED BUSINESS
ZONING & CZC AMENDMENT
(1) FROM EXISTING ZONING TO P-1 PRESERVATION: ALL LAND FOR PARKS & RECREATION, CEMETERY, PRESERVATION, OR OTHER OPEN SPACE USES
(2) CZC AMENDMENT: SECTION 21-301, P-1 PRESERVATION DISTRICT MODIFYING RESTRICTIONS ON NON-CONFORMING USES & STRUCTURES CREATED BY THE REZONING
(FILE #75/Z-6
L&R/1975-5 JR)

Public hearings were held May 21, June 4, and July 16, 1975. On July 16, 1975, the Commission kept the public hearing open and requested that the Department of Land Utilization prepare for publication a list of tax map keys of all properties that would be affected by the proposed P-1 zoning. At the last meeting on July 30, 1975, DLU had requested additional time to prepare the list.

Mr. Jack Gilliam presented an opinion from Corporation Counsel (copy attached), advising "...the publication of Notice of Public Hearing on May 11, 1975 for the hearing on May 21, 1975 is legally valid and that the proposed second notice of hearing listing some 3,000 tax map keys to apprise the affected property owners is not required under the provisions of RCH Section 12-106 and will serve no useful purpose."

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ACTION: The Commission, on motion by Mr. Duke, seconded by Dr. Choy and carried, closed the public hearing and recommended that all publicly owned lands designated on the General Plan for park, recreation, cemetery, preservation, or open space use be rezoned to P-1 Preservation; that all privately owned lands be exempted from the proposal until adequate studies have been made. The Commission further recommended that the City Council consider initiating an interim development control on those privately owned lands designated for park use on the General Plan which have not been developed, and that the Department of Parks and Recreation be requested to determine if the park designations are appropriate.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Hosaka

UNFINISHED BUSINESS
STATE SPECIAL USE PERMIT AND CONDITIONAL USE PERMIT
(PRIVATE RECREATIONAL CAMP)
WAIANAE
REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
(FILE #75/SUP-3 & #75/CUP-7 LC)

Chairman Randall Kamiya, who had declared a conflict of interest, did not participate in any deliberation on this matter.

The public hearing held July 30, 1975 was kept open and action deferred to September 17, 1975 for lack of quorum.

Public testimony was continued.

TESTIMONY IN SUPPORT

Mr. Akira Sakima, Member, Reorganized Church of Jesus Christ of Latter Day Saints, agreed with previous testimony presented in support of the request.

TESTIMONY AGAINST

1. Mrs. T. Takahashi, Resident and Farmer, 86-148 Puhawai Road, Waianae
2. Mr. Ernest Adaniya, First Vice President, Hawaii Farm Bureau

Both individuals concur with previous testimony by Mr. Milton Warne, Chairman of the Land Committee for the Hawaii Farm Bureau Federation against the proposal.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Kahawaiolaa and carried.

MOTION: The Commission, on motion by Mrs. Takehara, seconded by Dr. Choy and carried. deferred action on both permits to September 17, 1975 at which time conditions that are sensitive to the concerns of the public particularly on the Special Use Permit be presented.

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AYES - Choy, Duke, Kahawaiolaa, Takehara, Wikum
NAYES - None
ABSENT - Hosaka, Kamiya

UNFINISHED BUSINESS
TWO STATE SPECIAL USE PERMITS--
(1) PRIVATE SEWAGE TREATMENT & DISPOSAL SYSTEM
(2) PROPOSED WATER SYSTEM
KAHUKU
GROSVENOR-INTERNATIONAL (HAWAII) LTD.
(FILE #74/SUP-14 & #75/SUP-2)

Following is a chronology of the subject application:

4/15/75 - Public hearing held and kept open for info from DLU
5/7/75 - Public hearing kept open, action deferred for field trip
5/21/75 - Public hearing closed, action deferred for 15-day statutory requirement
6/18/75 - Action deferred for special meeting on August 6, 1975.
8/6/75 - Action silent on the conditions, deferred to August 27, 1975 to accept the conditions as recommended by the Director of DLU in whole or part, with or without modifications.

ACTION: The Commission, on motion by Mr. Duke, seconded by Dr. Choy and carried, recommended approval of the Special Use Permits, subject conditions imposed by the Commission (attached and made a part of these Minutes) which were acceptable to the landowner and the applicant.

The Commission also requested that a letter of the Commission's action and of commitments made by the developer be forwarded to the Governor, the Director of Land Utilization, and the Director of the Department of Parks and Recreation.

Commissioner Wikum who was absent from the Special Meeting held August 6, 1975, abstained from voting.

AYES - Choy, Duke, Kahawaiolaa, Kamiya, Takehara
NAYES - None
ABSENT - Hosaka
ABSTAINED - Wikum

ADJOURNMENT: The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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DEPARTMENT OF THE CORPORATION COUNSEL

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

BARRY CHUNG
CORPORATION COUNSEL

August 27, 1975

MEMORANDUM

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

FROM : ANDREW J. SATO, DEPUTY CORPORATION COUNSEL

SUBJECT: NOTICE OF PUBLIC HEARING - NOTIFICATION OF 3,000 PROPERTY OWNERS BY USE OF TAX MAP KEY NUMBERS

In a rezoning application pending before the Planning Commission, you requested an opinion in your letter of August 13, 1975 as to whether or not the Commission is required to publish a second Notice of Public Hearing, listing some 3,000 tax map key numbers, so that the affected property owners can be duly apprised of the proposed rezoning matter.

We answer in the negative.

You advised us that on May 11, 1975, a Notice of Public Hearing was advertised to rezone all land designated on the General Plan for Parks and Recreation, Cemetery, Preservation or other Open Space Uses to P-1 Preservation. Thereafter, a public hearing was held by the Planning Commission on May 21, 1975 and the hearing has been held open since that date and additional testimony was received at various meetings.

After further deliberation, the members of the Planning Commission have indicated that, since numerous parcels are affected, all parcels should be identified and some type of more specific notification be given in addition to the required legal notice which was published. The Commission concluded that a publication of tax map key numbers from the Land Use Data file of the Department of General Planning for

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private parcels would be adequate to meet the Planning Commission's concern. Such a proposed publication would result in the printing of over 3,000 tax map key numbers.

RCH Section 5-406(c) provides that the Planning Commission shall:

> Review land subdivision and zoning ordinances . . . developed by the director of land utilization. The commission shall, after public hearings, transmit such proposed ordinances, with its findings and recommendations thereon, through the mayor to the council for its consideration and action.

RCH Section 12-106.2 provides:

> Notice of any public hearing shall be adequately publicized at least ten days prior to such hearing in a daily newspaper of general circulation . . . . The notice shall include:
>
> (a) The date, time and place of such hearing.
>
> (b) A statement in plain language of the nature or purpose, including the issues involved, if any, of such hearing.
>
> (c) A statement that all interested persons shall be afforded the opportunity of being heard.

In reviewing your Notice of Public Hearing for the May 21, 1975 hearing, said Notice provided for the place, date, time and the purpose of the zoning amendment and the change of zoning from the existing zoning of all land on Oahu general planned for Parks and Recreation, Cemetery, Preservation or other Open Space Uses to P-1 Preservation. That Notice complies with the requirements of RCH Section 12-106.

Based on the foregoing, we advise that the publication of Notice of Public Hearing on May 11, 1975 for the hearing on May 21, 1975 is legally valid and that the proposed

MEMORANDUM

TO: GEORGE S. MORIGUCHI, DIRECTOR
DEPARTMENT OF LAND UTILIZATION -3- August 27, 1975

second notice of hearing listing some 3,000 tax map keys to apprise the affected property owners is not required under the provisions of RCH Section 12-106 and will serve no useful purpose.

ANDREW J. SATO
Deputy Corporation Counsel

APPROVED:

BARRY CHUNG
Corporation Counsel

AJS:gk

1298ORP-1

CONDITIONS IMPOSED BY THE PLANNING COMMISSION
for
GROSVENOR-INTERNATIONAL
SPECIAL USE PERMITS
(74/SUP-14) and (75/SUP-2) (RH)
August 6, 1975

A. SEWAGE TREATMENT PLANT PERMIT

1. The submitted sewage master plan report and site plans prepared by Sunn, Low, Tom & Hara, Inc., environmental engineers, dated March 1974, and modified so as to be acceptable to the Division of Sewers of the Department of Public Works and the State Department of Health shall be part of the permit. This master plan shall be kept on file with the Department of Land Utilization and shall be followed except as may be altered by the conditions stated herein;

2. Certificates of approval shall be required from the State Department of Health and the Board of Water Supply;

3. The sewage treatment oxidation ponds shall be enclosed in such a manner as to prevent access except by means of a locked gate;

4. The applicant shall provide sureties satisfactory to the City to insure the proper installation, operation and maintenance of the sewage treatment plant if required by the Department of Public Works. The applicant shall also provide sureties to the City if required to insure removal or other acceptable disposition of the treatment plant, oxidation ponds and connection to the public sewage treatment system when it becomes available. These provisions shall be subject to the approval of the Chief Engineer and Director of the Department of Public Works;

5. A maintenance schedule, approved in writing by the Director of the State Department of Health is required. The owner or his successors and assigns shall be responsible for the operation and maintenance of the plant in accordance with the approved schedule for the life of the plant;

6. The entire cost of the construction of installation of such sewage treatment system, the responsibility for its operation repair, maintenance, and eventual hookup to a future public system shall be that of the owner (or his successors and assigns) of the sewage treatment system;

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7. The owner (or his successors and assigns) agrees not to exclude by lease or covenant those agricultural uses permitted by the Oahu General Plan, the State Land Use Commission District Regulations and the Comprehensive Zoning Code of the City and County of Honolulu on any and all lands to be serviced by the facilities permitted under the Special Use Permit and which are designated as Agriculture on the Oahu General Plan or are in a State Agriculture District;

8. Compliance with all current and future pollution control standards to the satisfaction of pertinent government agencies is required;

9. The applicant/developer shall be required to inform potential buyers, through the sales agreement, that the subject project or portions thereof lies within a Flood Insurance Administration flood hazard area;

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

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

12. Within one year of the approval of the Special Use Permit by the State Land Use Commission, the applicant shall file an application for a building permit with the Building Department, and the sewage treatment plant and disposal facility shall be completed by May 31, 1978. If necessary, this time limit may be extended by the Director of Land Utilization with concurrence of the Planning Commission provided that the applicant makes his request in writing and submits reasons which justify the time extension;

13. In the event all conditions as set forth herein are not complied with, the Director of Land Utilization may take action to terminate the use or halt its operation until such time full compliance is obtained; and

14. The Director of Land Utilization may approve any request for modifying the submitted plans which he considers to be a minor revision.

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B. WATER SYSTEM PERMIT

1. The submitted water master plan report and site plans prepared by Sunn, Low, Tom & Hara, Inc., environmental engineers, dated March 1974, and as acceptable to the Board of Water Supply shall be a part of the permit. This master plan shall be kept on file with the Department of Land Utilization and shall be followed except as may be altered by the conditions stated herein;

2. The entire water system shall be constructed in accordance with the requirements of the Board of Water Supply. Approval of the final plans prior to construction by the Board of Water Supply is required;

3. Compliance with all current and future pollution control standards to the satisfaction of pertinent government agencies is required;

4. The owner (or his successors and assigns) agrees not to exclude by lease or covenant those agricultural uses permitted by the Oahu General Plan, the State Land Use Commission District Regulations and the Comprehensive Zoning Code of the City and County of Honolulu on any and all lands to be serviced by the facilities permitted under the Special Use Permit and which are designated as Agriculture on the Oahu General Plan or are in a State Agriculture District;

5. The applicant/developer shall be required to inform potential buyers, through the sales agreement, that the subject project or portions thereof lies within a Flood Insurance Administration flood hazard area;

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

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

8. Within one year of the approval of the Special Use Permit by the State Land Use Commission, the applicant shall file an application for a building permit with the Building Department and the entire water system shall be completed by May 31, 1978. If necessary, this time limit may be extended by the Director of Land Utilization with concurrence of the Planning Commission provided that the applicant makes his request in writing and submits reasons which justify the time extension;

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9. In the event all conditions as set forth herein are not complied with, the Director of Land Utilization may take action to terminate the use or halt its operation until such time full compliance is obtained; and

10. The Director of Land Utilization may approve any request for modifying the submitted plans which he considers to be a minor revision.

PLANNING COMMISSION
August 6, 1975

EBC:mk

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Meeting of the Planning Commission
Minutes
September 10, 1975

The Planning Commission held a meeting on Wednesday, September 10, 1975 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:	Randall Kamiya, Chairman Dr. Wilbur Choy Donald Hosaka Alice Takehara Harriet Wikum
ABSENT:	Antone Kahawaiolaa
STAFF PRESENT:	Robert R. Way, Chief Planning Officer Eugene B. Connell, Executive Secretary Robert B. Jones, Assistant Director, Zoning Department of Land Utilization Lorrie Chee, Staff Planner Henry Eng, Staff Planner Don Fowler, Staff Planner Art Muraoka, Staff Planner
PUBLIC HEARING ZONING CHANGE R-6 RESIDENTIAL TO A-2 APARTMENT DISTRICT LOWER MANOA INITIATED BY CITY COUNCIL FOR LAND RESEARCH & INVESTMENT (FILE #74/Z-52 HE)	A public hearing was held to consider a request for a change in zoning from R-6 Residential District to A-2 Apartment District on approximately 41,153± square feet of land located at Vancouver Drive, Hunnewell Street and Seaview Avenue, Tax Map Key: 2-8-16: 28. Publication was made in the Sunday Star-Bulletin/Advertiser on August 31, 1975. Correspondence was received opposing the request and is included in testimony against the proposal.

Staff Planner Henry Eng presented the Director's report recommending that the request be denied for the following reasons:

1. The proposed rezoning is in conflict with the objectives of the General Plan.

2. The proposed rezoning is in conflict with the Revised City Charter.

3. The proposed improvements are not adequate to service the development and could be detrimental to the community.

QUESTIONS OF STAFF

Discussion followed as to the possibility of initiating an Improvement District for the area. Attempts to initiate such a district over the

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past 8 to 10 years have been futile due to lack of community support. A Resolution of Intent, the initial step of approximately 19-20 procedural steps for an ID district, was adopted.

TESTIMONY IN SUPPORT

1. Mr. Philip Ladd, Architect
2. Mr. Dennis Krum, President, L R & I (Submitted testimony dated 9/10/75)
3. Gail Toyooka, Executive Vice President, L R & I

Reasons in Support

1. The proposed rezoning to Apartment usage in the University area conforms to and implements the objectives of the General Plan. The Supreme Court in the recent Hall decision ruled that the Detailed Land Use Map merely provides in more detail the specific boundaries of the various land use activities shown on the General Plan.

2. The proposed rezoning complies with the requirements of the Revised City Charter as defined by the Supreme Court of the State of Hawaii.

3. The proposed rezoning conforms to and implements the policies established by the policy making branch of the City government, the City Council.

4. Proposed improvements paid for by the developer will mitigate the public burden by placing the burden for meeting public service demands created by the proposal directly on the developer.

5. The proposal will alleviate an existing student housing shortage of approximately 5,000 units in the University area as indicated by the UH Housing office.

6. Present college trend is toward apartment rental rather than dormitories.

7. Proposed unit cost is $42,000.

8. Existing apartments and offices in the immediate surrounding area indicate a medium-density character for the Lower-Manoa area.

9. The proposal affects 106 property owners in the improvement district, some of whom support the proposal, yet petitions against the project contain thousands of signatures by people in upper Manoa not affected by the rezoning.

10. Opponents have not investigated the merits of the project but have decided to fight it whatever it is.

Questioned by the Commission, staff clarified that existing apartments in the area are nonconforming while other uses exist by variance procedures. Also, similar rezoning requests by a number of adjacent property owners, who rent their units and reside elsewhere, were denied.

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TESTIMONY AGAINST

1. Sen. Jean King (No written testimony submitted)
2. Sen. Anson Chong (Submitted statement dated Sept. 10, 1975)
3. Letter dated Sept. 8, 1975 from Sen. John Leopold
4. Rep. Neil Abercrombie (Submitted letter dated Sept. 2, 1975 to Mayor Fasi)
5. Mr. Timothy Kroll, Manoa Resident
6. Mr. Roy W. Emery, Manoa Property Owner's Assn.
7. Miss Loraine Kuck, Lower Manoa Ad Hoc and Residents' Group
8. Letter dated Sept. 8, 1975 from Martha Jane Smith, Manoa Resident (Submitted testimony dated Sept. 8, 1975)
9. Letter dated Sept. 8, 1975 from Dr. and Mrs. Thomas F. Fujiwara, M.D., Manoa Residents
10. Letter dated Sept. 7, 1975 from Mr. and Mrs. Doak C. Cox, Residents
11. Letter dated Sept. 8, 1975 from Mrs. Helene W. Scholl, Resident, 2146 Kamehameha Avenue, Honolulu 96819
12. Letter dated Sept. 3, 1975 from K. K. Lee, Manoa Resident
13. Mr. Tim C. Leedom, Member, Manoa Valley Association (Submitted testimony dated Sept. 10, 1975)
14. Lila Sahney, Manoa Property Owners and Residents Association (Submitted testimony, undated)
15. Jeanne Wiig, Manoa Property Owners and Residents Association (Submitted testimony dated Sept. 10, 1975)
16. Mr. Paul Brumage, Manoa Property Owners and Residents Association (Submitted testimony, undated)
17. Mr. Hartwell Doane, Jr., Lower-Manoa Home Owner Ad Hoc Committee (Submitted testimony dated Sept. 4, 1975)
18. Mr. Calvin J. H. Chun, Lower-Manoa Resident (Submitted letter dated Sept. 8, 1975)
19. Sherri Giannotti, Manoa Resident (Received copy of her letter to City Council dated Sept. 8, 1975)
20. Mr. George G. T. Lee, Manoa Resident
21. Hilde K. Cherry and David H. Cook, Manoa Property Owners and Residents Association (Submitted letter dated Sept. 9, 1975)
22. Mr. Robert H. Sekiya, Manoa Resident (Received copy of his letter to City Council dated Sept. 8, 1975)
23. Shirley Kamins, Manoa Resident (Received copy of her letter to City Council, undated)
24. Maureen Kahanamoku, Manoa Resident (Received copy of her letter to City Council dated Sept. 8, 1975)
25. Hendrik Mills, Manoa Residents and Property Owners Association (Submitted copy of his letter to City Council dated Sept. 8, 1975)
26. Mrs. Philip Whitney, Manoa Resident (Received copy of her letter to City Council dated Sept. 8, 1975)
27. Mr. Norman Geschwind, Manoa Resident (Received copy of his letter to City Council dated Sept. 9, 1975)
28. Vivian Tuggle, Manoa Resident (Received copy of her letter to City Council dated Sept. 8, 1975)
29. Diane Nakamura, Manoa Property Owners and Residents Association (Received copy of her letter to City Council dated Sept. 8, 1975)
30. Dr. and Mrs. Yen Pui Chang, Manoa Property Owners and Residents Association (Received copy of their letter to City Council dated Sept. 8, 1975)

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31. A. W. Meyer, Manoa Resident (Received copy of her letter to City Council dated Sept. 8, 1975)
32. Frances R. Takahashi, Manoa Resident (Received copy of her letter to City Council dated Sept. 8, 1975)
33. Mr. Larry Wright, Manoa Resident (Received copy of her letter to City Council, undated)

Rep. Ambercrombie presented copies of 84 additional letters addressed to the City Council against the project.

Objections

1. A survey conducted by the Lower Manoa Homeowner's Association indicates an overwhelming majority of residents who wish to keep the area as it is. As a result, a Letter of Intent has been filed with Mayor Fasi to change the General Plan Apartment designation for the area back to Residential.

2. Comments made by the developer regarding housing needs at the University should be made by someone on the University Housing Committee. Students are enrolling at other community colleges on Oahu.

3. The applicant's request does not comply with the General Plan.

4. The request is contrary to the Revised City Charter which provides that no project shall proceed unless it implements the Development Plan for the area. There is no Development Plan for the area under the Revised Charter and there cannot be until the City Council acts on the Revised General Plan.

5. The Department of Recreation indicates a shortage of recreational areas in the neighborhood which would be compounded by the proposed development.

6. The proposed development sets a precedent for future apartment development in the valley.

7. The community outlook on land values today has shifted in time from a commodity to a resource.

8. The aesthetic, environmental quality of the area will be destroyed. Request an Environmental Impact Statement for the area.

9. The developer's nobility to alleviate the student housing problem seems out of character for someone who has expressed a desire to primarily make money.

10. The existing intolerable traffic congestion and parking problems will be compounded.

11. An Improvement District will raise assessments of property owners.

12. Rental prices in Lower Manoa will be economically unfeasible for students.

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The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Takehara and carried.

ACTION: The Commission accepted the Director's recommendation and recommended that the request be denied, on motion by Dr. Choy, seconded by Mrs. Takehara and carried.

AYES - Choy, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

PUBLIC HEARING
CZC AMENDMENT RELATING TO PLANNED DEVELOPMENT PROCEDURES
(BILL NO. 92)
(FILE #L&R/CZC/1975-15 AM)

A public hearing was held to consider a request to consider a proposal to amend Article 10 of the Comprehensive Zoning Code, Chapter 21, R. O. 1969, as amended, relating to planned development procedures (Bill No. 92).

Publication was made in the Sunday Star-Bulletin/Advertiser on August 31, 1975. No letters of protest were received.

Staff Planner Art Muraoka presented the Director's report concurring with the City Council's intent of reducing the time limit of planned development processing and recommend that applications be submitted to the Department of Land Utilization; City Council to be notified with a set of application documents as soon as it is received by the Department of Land Utilization; establish specific guidelines and contents of an application document; set definite time limit for agencies' review and comments; and increase the time limit for the Director of Land Utilization to prepare a report.

Discussion followed.

1. Questions were raised regarding the time element for agency review. Is it realistic? Can agencies adequately respond within the time period? Can state agencies be held to the time frame? If no response is forthcoming and a report lacks information, on what basis does the Director make his recommendation, and the Commission who reviews the Director's recommendation?

   The time constraint on DLU and the Commission is one sided. Was any study made of the Council's timetable?

   Mr. Art Muraoka stated where additional time is needed by an agency, an extension may be permitted if agreed by the applicant and the Director. If the applicant disagrees, the report is forwarded as is and the Director may recommend denial on the basis of inadequate studies.

   Comment was made that the Commission would be shirking its responsibility if it considered an incomplete application.

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Suggestion was made that Council might authorize the Director to deny improper applications stopping the developers' timetable, and starting it again when proper application is made.

2. Regarding preliminary approval by Council, the Commission felt a precedent would be set, and questioned the need for Commission review if ultimately Council approval is evident. Question was also raised concerning the legality of Council to receive PD applications.

Mr. Ali Sheybani of Council Services explained that the proposal is an attempt to streamline PD procedures as a result of complaints from developers of the exorbitant time to process a PD application and the uncertainties he faces, decisions made by DLU concerning design, and submittal of the project to public scrutiny and emotional reaction.

Preliminary approval of an application does not guarantee final approval. The Council will delete a present two-year preapplication review and furnish a list of design guidelines for developers. Council's review of agency responses reveal in some cases that responses were not that conclusive and could have taken 30 days instead of 2 years. Presently agencies are under no time limit to respond to DLU, and the Planning Commission has no time limit to close its public hearing.

The Commission questioned the legitimacy of developer's complaints inasmuch as they have been the cause of excessive delays in failing to respond with adequate studies, and their non-complaint for bonuses received out of "horsetrading" in the PD process.

Mr. Sheybani stated that since DLU and the Planning Commission would be bound by a time limit, the responsibility rests with the City Council, elected officials who can be removed from office.

The public hearing was closed, on motion by Mr. Hosaka, seconded by Mrs. Wikum and carried.

MOTION: The Commission deferred action to October 1, 1975 for further study by the Executive Secretary, the Department of Land Utilization, and Council Services of alternatives or modifications, and requested--

1. Consideration of time element, realistic?

2. Legal opinion from Corporation Counsel as to whether the City Council, as a legislative body, received Planned Development applications.

The motion was made by Mr. Hosaka, seconded by Dr. Choy and carried.

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PUBLIC HEARING
HAWAII CAPITAL DISTRICT
VINEYARD AND QUEEN
EMMA STREETS
MR. JERRY PARK &
MR. MIKE OTA
(FILE #75/HCD-44 DF)

A public hearing was held to consider a request for approval of plans for the demolition of existing dwelling and construction of a new office building situated within the Hawaii Capital District, Tax Map Key: 2-1-18: 8.

Publication was made in the Sunday Star-Bulletin/Advertiser on August 31, 1975. No letters of protest were received.

Staff Planner Don Fowler presented the Director's report recommending approval of the applicant's proposal for a 3-story commercial building and demolition of existing structures on the site.

The Commission had no questions concerning the Director's report.

TESTIMONY IN SUPPORT

Questioned by the Commission, Mr. James Young, Architect, stated that parking requirements, lot size, and floor area requirements make construction of a taller building unfeasible.

TESTIMONY AGAINST

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

AYES - Choy, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
HALEKAUWILA STREET
OAHU SALES, INC.
(FILE #75/HCD-45 GH)

A public hearing was held to consider a request to build a two-story building for sales and servicing of commercial refrigeration equipment situated within the Hawaii Capital District, Tax Map Key: 2-1-30: 9, 10 and 11.

Publication was made in the Sunday Star-Bulletin/Advertiser on August 31, 1975. No letters of protest were received.

The Executive Secretary reported that the application has been withdrawn.

The public hearing was closed, on motion by Mr. Hosaka, seconded by Mrs. Wikum.

The matter was considered withdrawn.

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PUBLIC HEARING
CZC AMENDMENT
TO PERMIT COMMERCIAL
KENNELS AS A PRINCIPAL
USE WITHIN I-1 AND I-2
LIGHT & HEAVY INDUSTRIAL
DISTRICTS
(INITIATED BY CITY
COUNCIL)

A public hearing was held to consider an amendment to the Comprehensive Zoning Code to permit commercial kennels as a principal use with certain conditions under Section 21-901(a) and as a conditional use without specific conditions under Section 21-901(c) within I-1 and I-2 Light and Heavy Industrial Districts.

Publication was made in the Sunday Star-Bulletin/Advertiser on August 31, 1975. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report recommending approval of the proposed amendment.

The Executive Secretary reported that Council initiation of this amendment was prompted by a previous dog kennel issue (Ser Cam Kennels) which the Commission in its review noted a lack of areas where dog kennels could be placed. The Chief Planning Officer has indicated that it is inappropriate to permit Commercial development within Industrial areas. On the other hand, Corporation Counsel has indicated with this proposed amendment, Commercial use within an Industrial area is appropriate.

The public hearing was closed, on motion by Mrs. Wikum, seconded by Mr. Hosaka and carried.

ACTION: The Commission adopted the Director's recommendation and recommended approval of the proposed amendment, on motion by Mrs. Takehara, seconded by Dr. Choy and carried.

AYES - Choy, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

PUBLIC HEARING
ZONING CHANGE
B-2 COMMUNITY
BUSINESS TO R-6
RESIDENTIAL DISTRICT
MANANA-UKA
(PACIFIC PALISADES)
INTERNATIONAL MANAGEMENT
CORPORATION
(FILE #75/Z-15 LC)

Before proceeding with the hearing, Commissioner Donald Hosaka declared a conflict of interest because he has limited partnership in International Management Corporation for the development of the Palisades area. He was not present during deliberation of this matter.

A public hearing was held to consider a request for a change in zoning from B-2 Community Business District to R-6 Residential District in Manana-Uka, Pacific Palisades, Tax Map Key: 9-7-25: portion of 19.

Publication was made in the Sunday Star-Bulletin/Advertiser on August 31, 1975. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report recommending approval of the request.

There were no questions from the Commission concerning the report.

No one testified either for or against the proposal.

With the absence of Commissioner Donald Hosaka who had declared a conflict of interest, the Commission lost its quorum. The public hearing was kept open and action was deferred to October 1, 1975.

PUBLIC HEARING
CONDITIONAL USE PERMIT
(PRIVATE TENNIS CLUB)
KANEOHE
BAYVIEW TENNIS CLUB
(FILE #74/CUP-35 LC)

A public hearing was held to consider a request for a conditional use permit for a recreational facility of an outdoor nature (private tennis club facility) in Kaneohe, Tax Map Key: 4-5-30: portion of 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on August 31, 1975. Correspondence received AGAINST the request is included in testimony against the project.

Staff Planner Lorrie Chee presented the Director's report recommending that the Conditional Use Permit be issued, subject to the conditions contained therein.

QUESTIONS OF STAFF

A question concerning community use of the club facilities was deferred for response by the applicant.

TESTIMONY IN SUPPORT

1. Mr. Gerald Tokuno, Architect (Submitted testimony dated Sept. 9, 1975)
2. Mr. Ron Shimoko, Developer
3. Mr. Richard Yonemura, Aiea School teacher and past partner of the applicant

The above individuals were questioned by the Commission and gave the following information:

1. The project is geared toward the general public and the average tennis player rather than an exclusive club. Fees include $45 initiation, $10 monthly fee, $4 an hour's tennis play ($1 an hour per person for doubles). Use of the tennis courts will be by appointment only.

2. The applicant would be amenable to community use of its clubhouse facilities by cubscouts. Public use of the courts would be dependent upon use by an anticipated membership of 500.

3. Their preferred hours of operation would be 8:00 a.m. to 12:00 midnite on school days--11:00 p.m. lights out and 12:00 midnite closing of the clubhouse--and 7:00 a.m. to 12:00 midnite on weekends. It takes at least an hour to close the clubhouse after lights are turned off allowing members time to lock their equipment, time to lock all gates, etc.

4. Traffic - Peak traffic hours between 7:00 a.m. and 8:00 a.m. are generated mainly by parents dropping their children off at Puohala Elementary School. Opening their facility at 8:00 a.m. after peak traffic hours eliminates traffic at their location.

   Concerning traffic increase which may result from tennis exhibitions, the applicant indicated that exhibitions would be infrequent and there may be an attendant on site at that time to control parking.

5. Regarding sidewalk improvements for the area in the interest of safety for school children, the applicant felt it would be economically unfeasible for his project.

6. The applicant has objection to provide professional tennis instruction for an hour, one day a week, for the sixth graders at Puohala Elementary School.

7. As to the noise factor and possible classroom disruption, the applicant is agreeable to buffering and landscaping which would offset visual attraction of the tennis courts. The courts are located approximately 200 feet from Puohala Elementary School and 300 feet from the nearest residence which should not cause a noise problem.

TESTIMONY AGAINST

1. Mr. Francis I. Miyahira, Principal, Puohala Elementary School (Submitted testimony dated Sept. 10, 1975)
2. Letter dated Sept. 4, 1975 from Mr. Richard H. Ishida, a tenant on Wena Street.

Objections:

1. Disturbance of school classroom activities by noise generated by tennis activities.

2. The tennis club will generate additional traffic which may compound existing traffic congestion and create a hazard for children walking to and from school.

The public hearing was closed, on motion by Mrs. Wikum, seconded by Mr. Hosaka and carried.

Discussion followed relative to including (1) a condition for sidewalk improvements by the applicant and (2) professional tennis instruction for students. There was question whether a condition for tennis instruction could be imposed. This should be voluntarily initiated by the applicant.

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As to sidewalk improvements, the comment was made to suggest that the City Council undertake an Improvement District for the area.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the request, subject to the conditions contained in the report with the following additional conditions:

1. Hours of operation - From 8:00 a.m. to 11:00 p.m. school days, and 7:00 a.m. to 11:00 p.m. holidays and weekends.

2. Buffering and landscaping to offset visual attraction of the tennis courts.

3. Professional tennis instruction 1 hour, 1 day a week for sixth-graders at Puohala Elementary School.

4. The clubhouse shall be used only by and for members of the club for club-related activities.

5. A noise condition be included.

The Commission further suggests that Council initiate an Improvement District for the area.

The motion was made by Mrs. Takehara, seconded by Dr. Choy and carried.

AYES - Choy, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

PUBLIC HEARING
CONDITIONAL USE PERMIT
(OFF-STREET PARKING)
KALIHI
COMMUNITY SYSTEMS CORP.
(FILE #75/CUP-13 EY)

A public hearing was held to consider a Conditional Use Permit for off-street parking uses in adjoining districts in Kalihi, Tax Map Key: 1-2-09: 47 (lot C) and portion of 78 (lot B).

Publication was made in the Sunday Star-Bulletin/Advertiser on August 31, 1975. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report recommending approval of the applicant's request to use Residential and Industrial zoned areas for required parking to support his proposed commercial facility.

There were no questions from the Commission concerning the Director's report.

TESTIMONY IN SUPPORT

Mr. Merritt Sakata, representing the applicant, concurred with the Director's report and had nothing further to add.

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TESTIMONY AGAINST

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the Conditional Use Permit, subject to the conditions enumerated in the Director's report, on motion by Mr. Hosaka, seconded by Mrs. Wikum and carried.

AYES - Choy, Hosaka, Kamiya, Takehara, Wikum
NAYES - None
ABSENT - Kahawaiolaa

ADJOURNMENT: The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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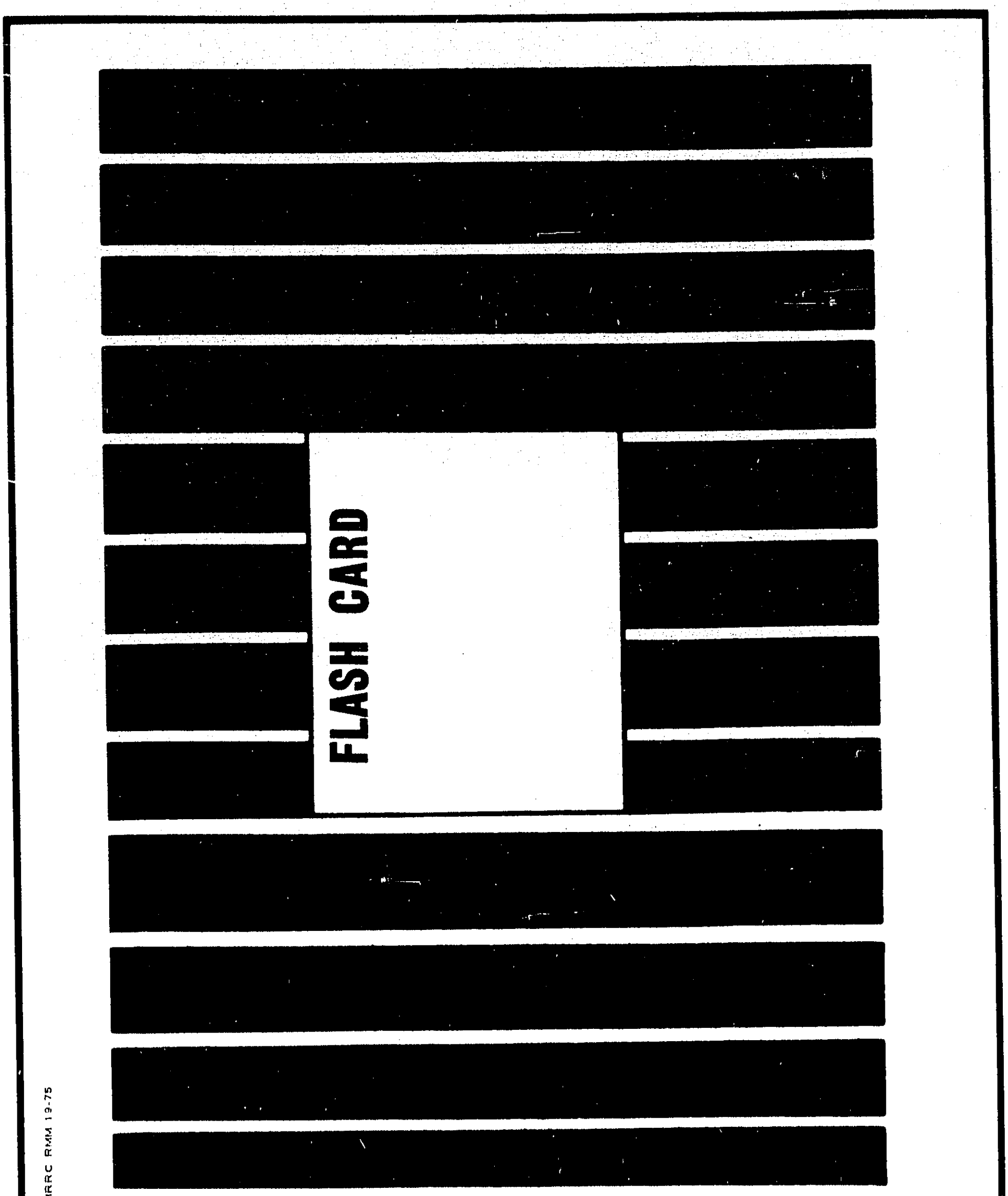

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Meeting of the Planning Commission
Minutes
September 17, 1975

The Planning Commission held a meeting on Wednesday, September 17, 1975 at 1:31 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Dr. Wilbur Choy
Donald Hosaka
Yuklin Kuna
Sylvia Sumida
Ned Wiederholt
Harriet Wikum

STAFF PRESENT:

Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Henry Eng, Staff Planner
Lorrie Chee, Staff Planner
Jack Gilliam, Staff Planner

MINUTES:

The minutes of July 16, July 30, August 6, and August 27, 1975 were approved as circulated, on motion by Mr. Hosaka, seconded by Mrs. Kuna and carried.

PUBLIC HEARING
CZC AMENDMENT TO
PERMIT BUSINESS STUDIOS,
OFFICES, CLINICS AND
MEDICAL LABORATORIES
AS CONDITIONAL USES
WITHIN THE I-1 LIGHT
INDUSTRIAL DISTRICT
(BILL #87)
INITIATED BY CITY
COUNCIL
(FILE #L&R/CZC/1975-6)
(JEG)

A public hearing was held to consider an amendment initiated by the City Council (Bill No. 87) to the Comprehensive Zoning Code to permit business studios, offices, clinics and medical laboratories as conditional uses within the I-1 Light Industrial District.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 7, 1975. No letters of protest were received.

Staff Planner Jack Gilliam presented the Director's report which recommends that office uses continue to be prohibited in industrial districts as a principal or conditional use in order to protect the integrity of the industrial districts from the intrusion of unrelated uses. Today and in the years to come, industrial sites will be more difficult to achieve than office and commercial sites. Commercial uses in an industrial district should relate directly to the service needs of employees and uses in the district as recognized in current regulations.

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If office uses are to be permitted on land currently set aside for industrial uses, then the following alternatives are recommended for consideration:

1. Investigate the sites which are considered appropriate for office or commercial use and instigate a General Plan and/or zoning change to commercial if the industrial classification does not conform to the best use of the property.

2. Consider the establishment of a special district incorporating industrial and commercial uses. The special district would be designated at locations where because of unusual site or area conditions this type of regulation would fit the particular use circumstances. An example of this could be future rapid transit station locations in mixed industrial-commercial areas.

3. Allow office uses as a conditional use on individual sites wherein they are associated with and accessory to a permitted use in the district. This would include headquarter offices for industries located in the district.

QUESTIONS OF STAFF

Concerning a question of precedence being set by introducing unrelated uses in industrial areas, staff indicated that their recommendation which prohibits office uses in industrial districts still holds. However, if office uses are permitted, then each CUP would be reviewed upon its own merits by one of the three recommended alternatives.

TESTIMONY IN SUPPORT

Mr. Ali Sheybani of Council Services responded to questions from the Commission as follows:

1. What was Council's rationale and intent behind the proposed ordinance? The City Council initiated the proposed ordinance as a result of requests received from various industrial firms that wished to locate their offices near, but not necessarily attached to their plants, for convenience sake.

The Commission felt if it was the Council's intent that business uses in industrial areas be related, the proposed ordinance should state that intent.

The Commission questioned if the proposed ordinance is to allow other activities which relate to existing industrial activities, what would be the justification for medical laboratories and clinics?

2. Clarification of the term "business studio." This term was taken from the B-2 Community Business District regulation of the CZC. All requirements of the B-2 district would be applicable in this proposed ordinance.

3. Impact of the CUP process on market values. Office use which is a higher use (as noted in the Director's report) alters values considerably and could invoke an adverse effect on industrial use. For example, the situation may occur where the State of Hawaii may wish to become a commercial center for the entire Pacific in which case there could be reasonable conjecture that national corporations could find it advantageous to develop heavy office utilization as part of their total Pacific operation, not simply as an adjunct to a given industrial use, which could create heavy pressure. Does the CUP provide adequate protection against such adverse condition?

   Mr. Sheybani commented that the adverse effect might be the unrelated office use within the industrial area. Office use could not be considered a higher use because it is conditional compared to industrial which is unconditional. As long as the applicant can justify the related use, the CUP would be issued. Review and analysis by DLU plus two public hearings at the Commission and Council levels provide adequate protection against any adverse situation.

TESTIMONY AGAINST

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

A motion by Dr. Choy to defer the matter for two weeks because the ordinance presently does not justify use of scarce industrial land, failed for lack of a second.

ACTION: The Commission, on motion by Mrs. Wikum, seconded by Mrs. Sumida and carried, recommended denial of the proposed ordinance.

Following is an excerpt of the Commission's action.

CHOY: I speak against the motion because I see a need for part of it.

WIKUM: I don't see why we couldn't indicate some of the objectives that have certainly emerged during this discussion, and discuss that what seems to be the real intent of the ordinance be reflected in the language that's put before us.

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It seems the more we talk to staff, the real intent was to allow uses other than strict industrial uses that were related to industries within the industrial zoning, either industries already there or perhaps industries that are proposed to be there. So that now, maybe proposals could come in with a factory and offices connected with them and that those both could now be put in industrial districts. Well, if that's really what they want, I don't know why we're talking about clinics and medical laboratories, business studios, especially when we don't know what those are yet and probably never will.

I'm still not entirely clear about Ali's response to Ned's concern about the impact of the CUP process on market values. The answer was not clear to me. I'm not sure what market values are going to be affected whether it's a CUP or not. I don't personally feel that CUPs are that difficult. This thing would be difficult. I just want the ordinance to say what they wanted it to say.

SUMIDA: I seconded that motion because if the intent of the 1969 CZC was to minimize encroachment, and if DGP had estimated need for more industrial land, and since authorities in putting their thoughts in the literature had strongly advised against the restricting of commercial uses in industrial districts, then I would certainly be in favor of modification of one of the sections in the existing ordinance to allow for those facilities designed strictly for the convenience of occupants. But, I would hesitate without much more clarification of the proposed bill to vote favorably for it.

AYES - Hosaka, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - Choy
ABSENT - None

PUBLIC HEARING ZONING CHANGE FROM R-6 RESIDENTIAL TO A-3 APARTMENT KUAKINI IMPERIAL DEVELOPMENT CORPORATION (FILE #75/Z-13 LC)	A public hearing was held to consider a request for a change in zoning from R-6 Residential to A-3 Apartment District in Kuakini, Tax Map Key: 1-7-11: 9 and 17. Publication was made in the Sunday Star-Bulletin/Advertiser on September 7, 1975. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report recommending approval of the request. The Commission also received as part of the record, the Unilateral Agreement for Conditional Zoning mentioned in the Director's report which indicates a 7-story structure and

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no vehicular access off Muliwai Lane. It is also recommended that the stream greenbelt area and land within the stream bed remain in R-6 Residential District.

QUESTIONS OF STAFF

1. Question was raised concerning the effect of the proposed development on existing traffic and sewer facilities in the area. Review by the Department of Transportation indicates major access off Kuakini Street which is fully improved and can accommodate additional vehicles generated by the development. Kuakini Street which is programmed for a 50-foot right-of-way is in the 1975-1980 CIP. Planning and engineering funds are programmed for 1976 but an improvement district as yet has not been initiated.

   Muliwai Lane a narrow private roadway in poor condition which abuts the subject parcel and presently serves a total of 19 single-family dwellings will, by unilateral agreement, have no vehicular access.

   The Department of Public Works indicates that public sewers are available and adequate to serve the proposed development.

2. Concerning a question whether a precedent for A-3 Apartment zoning in the area would be set, staff responded affirmatively. Although the height of this proposed strucutre is restricted to seven stories, other applicants could apply for A-3 Apartment (350 feet) zoning.

TESTIMONY IN SUPPORT

Questioned by the Commission, Mr. Mervin Lee, Attorney for the applicant, gave the following additional information:

1. The request results from a Fire Department notification that the building is below electrical standards. Temporary repairs have been made but it would be economically impractical to continually repair an old building. A six-month notice will be given to tenants for relocation purposes but none has been made pending the outcome of this request. Demolition would occur at the latest possible date providing the Fire Department would allow them to remain.

2. Projected unit cost will be in the low fifties geared toward the high-medium income group; however, with ever rising construction costs, time is the controlling factor. A market study conducted about a year ago revealed an inventory of 6,000 available units.

TESTIMONY AGAINST

None

The public hearing was closed, on motion by Mr. Hosaka, seconded by Mrs. Wikum and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

Mrs. Sumida voted against the motion for the reason that the proposal sets a precedent for further highrise development in the area.

AYES - Choy, Hosaka, Kamiya, Kuna, Wiederholt, Wikum
NAYES - Sumida
ABSENT - None

PUBLIC HEARING
ZONING CHANGE FROM
R-7 RESIDENTIAL TO
A-4 APARTMENT
PAUOA--NUUANU AVENUE
HALE OLU GARDENS
ASSOCIATES
(FILE #74/Z-57 EY)

A public hearing was held to consider a request for a change in zoning from R-7 Residential District to A-4 Apartment District in Pauoa--2003 Nuuanu Avenue, Tax Map Key: 2-2-10: 32.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 7, 1975. No letters of protest were received.

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

QUESTIONS OF STAFF

None

TESTIMONY IN SUPPORT

Mr. Iwao Yokooji representing the applicant stated that the request involves technical adjustment of a remaining Residential strip adjoining a portion of an abandoned roadway on Judd Street now designated as a culdesac on the Detailed Land Use Map.

They agree with the Department of Recreation's recommendation that a children's play equipment area be provided in the area designated for lawn use to prevent the children from playing in the streets and paved parking areas.

TESTIMONY AGAINST

1. Representative Ike Sutton
2. John Lyles, Resident, 2033 Nuuanu Avenue
3. Darrell B. Groover, Resident, 2033 Nuuanu Avenue
4. Charles Zimmer, Resident and Board Member, 2033 Nuuanu Avenue (Submitted petition, undated, containing 70 signatures)

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5. Carter S. Hamilton, Resident and Vice President of 2033 Nuuanu Condominium Association

OBJECTIONS:

1. Increased densities and traffic generated by the proposed development will create a strain on existing facilities because Judd Street and Nuuanu Avenue are presently overloaded. Lack of sidewalks on one side of Judd Street creates a traffic hazard for children who walk to school.

2. Off-street parking problems will be compounded.

3. Phasing of the development is premature. Overall development of the entire area should be reviewed.

4. The residential character of the area should be preserved. The proposal introduces highrise development into Nuuanu Valley which will create a concrete jungle, destroy existing views, and ruin the aesthetics. Nuuanu Valley has played a major role in Hawaii History and is a great tourist attraction.

5. If any land should be preserved for the green belt area, the lands that should receive first consideration for this purpose should be those lands which have been kept off the tax base by a religious institution for years and years. It is unreasonable that religious institutions whose primary purpose should be to obtain a closer relationship between their parishioners and their creator should instead be in real estate development.

Questioned by the Commission, staff clarified that the applicant can presently develop A-4 density but the added rezoning area is simply to give him greater flexibility in terms of locating his building, motivated to preserve the temple presently on the site. The rezoning permits greater density but the applicant's proposal does not indicate that he will take advantage of the added density.

Mr. Yokooji when recalled and questioned by the Commission stated that without the rezoning, pure economics would dictate a higher structure to compensate for the additional cost of new plans. The additional space would allow them to preserve the temple and several monkeypod trees which would otherwise have to be destroyed. A higher structure and its new location within the confines of their property under existing zoning, may obstruct some views from nearby condominiums.

The public hearing was closed, on motion by Mr. Hosaka, seconded by Mrs. Wikum and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

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AYES - Choy, Hosaka, Kamiya, Kuna, Wikum
NAYES - None
ABSTAINED - Sumida, Wiederholt
ABSENT - None

PUBLIC HEARING
ZONING CHANGE FROM
R-3 RESIDENTIAL TO
A-2 APARTMENT
KANEOHE--LILIPUNA ROAD
T.F. MCCORMACK AND
BOW YEE TONG SOCIETY
(FILE #75/Z-7 RH)

A public hearing was held to consider a request for a change in zoning from R-3 Residential to A-2 Apartment District in Kaneohe--Lilipuna Road, Tax Map Key: 4-6-02: 24 and 39.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 7, 1975. No letters of protest were received.

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

QUESTIONS OF STAFF

Questions were raised regarding the amount of grading that might occur and the availability of sewer facilities in the area. Staff indicated that minimal grading would occur on the 1.5 acre site proposed for a five-story structure. There will be some grading with the slopes to incorporate parking at ground level. Concerning sewer facilities, the Department of Public Works has a policy to monitor the available STP capacity and issues commitments upon request for specified periods of time. Hookup into the STP system is available to the applicant.

Concerning the Department of Transportation Services comment that existing Lilipuna Road should be upgraded to support additional traffic generated from the proposed development, Mr. Eng stated that the applicant will improve a 400-foot strip on his side of the road.

TESTIMONY IN SUPPORT

1. Mr. Francis Liu, President, Bow Yee Tong Society
2. Mr. Kam Tai Lee, Developer

The proposal provides a means to generate income that will be used by the Bow Yee Tong Society, a benevolent society, to aid the poor in the community. The society presently assists the old Chinese men's home in Palolo.

Mr. Lee indicated that $156,000 will be spent for improvements only on their side of Lilipuna Road.

TESTIMONY AGAINST

1. Sarah Sheeley, President, The Kaneohe Outdoor Circle (Submitted testimony dated Sept. 17, 1975)

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2. Valerie Humphries, President, Windward Action Group and Kaneohe Makai Neighborhood Association (represented by Miss Gertrude Humphries)
3. Miss Gertrude Humphries, interested citizen

OBJECTIONS:

1. Siltation of Kaneohe Bay as evidenced in Dr. Banner's report given during the Planning Commission's consideration of the Lilipuna Hillside development.

2. Increased densities and traffic generated from the proposed development.

3. The proposed development would change the character of the entire area.

4. The environmental effect of the development upon the surrounding area should be reviewed.

5. The subject property may be situated within the coastal management zone.

6. Recommend an overview of the open space needs and requirements of the Kaneohe community in terms of park and recreational requirements not presently being programmed for the people of the Kaneohe community.

7. Request that the matter be deferred until interested parties presently away from the islands have had a chance to testify.

The public hearing was closed, on motion by Mrs. Wikum, seconded by Mr. Hosaka and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the proposal, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

AYES - Choy, Hosaka, Kamiya, Kuna, Sumida, Wikum
NAYES - None
ABSTAINED - Wiederholt
ABSENT - None

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
(STORE DEMOLITION)
FIRST HAWAIIAN BANK/
DEXTER HIGA PROPERTY
MANAGEMENT
(FILE #75/HCD/54 JFP)

A public hearing was held to consider a request to demolish an existing single-story wooden frame store located at 1664 Lusitana Street near Puowaina Drive within the Hawaii Capital District, Tax Map Key: 2-2-02: 46.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 7, 1975. No letters of protest were received.

Staff Planner Jan-Peter Preis presented the Director's report recommending approval of the proposal.

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There were no questions concerning the Director's report.

No one testified either for or against the request.

The public hearing was closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

AYES - Choy, Hosaka, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
(DESIGN EVALUATION)
BANK BUILDING CORP.
(FILE #75/HCD/30 BL)

A public hearing was held to consider a request for a new 6-story office building at 222 Vineyard Street, within the Hawaii Capital District, Tax Map Key: 2-1-19: 9 and 10.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 7, 1975. No letters of protest were received.

Staff Planner Benjamin Lee presented the Director's report recommending approval of the proposal.

There were no questions of staff.

No one spoke either for or against the request.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the request, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

AYES - Choy, Hosaka, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

UNFINISHED BUSINESS
STATE SPECIAL USE PERMIT AND CONDITIONAL USE PERMIT
(PRIVATE RECREATIONAL CAMP)
WAIANAE
REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
(FILE #75/SUP-3 & #75/CUP-7 LC)

Chairman Randall Kamiya, who had declared a conflict of interest, did not participate in any deliberation on this matter.

The public hearing of July 30, 1975 was kept open due to lack of a quorum vote and deferred to August 27, 1975. The public hearing was closed August 27, 1975 and action deferred on both permits to September 17, 1975 at which time conditions would be presented that are sensitive to the concerns of the public, particularly on the Special Use Permit.

Dr. Choy was elected Chairman pro tem. He briefed the commissioners on the subject request.

MOTION: Mr. Hosaka moved to recommend approval of the request, subject to the recommended conditions.

The motion failed for lack of a second.

MOTION: Mrs. Wikum moved, seconded by Mrs. Sumida, to deny both the Conditional Use Permit and the Special Use Permit.

The motion failed for lack of a majority vote.

AYES - Kuna, Sumida, Wikum
NAYES - Choy, Hosaka, Wiederholt
ABSENT - Kamiya (conflict of interest)

MOTION: Mr. Hosaka moved to recommend approval, subject to the recommended conditions, seconded by Mr. Wiederholt.

The motion failed for lack of a majority vote.

AYES - Hosaka, Wiederholt, Choy
NAYES - Kuna, Sumida, Wikum
ABSENT - Kamiya (conflict of interest)

The Chairman deferred the matter to October 1, 1975.

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UNFINISHED BUSINESS
CZC AMENDMENT TO
SECTION C OF ARTICLE
10, CHAPTER 21, R.O.
1969, PLANNED
DEVELOPMENT RESORT
(BILL NO. 88)
INITIATED BY CITY
COUNCIL
(FILE L&R CZC
1975-14 JG)

The public hearing held August 27, 1975 was closed and action deferred to September 17, 1975. The Planning Commission had requested a meeting with a representative from Council Services regarding this proposed amendment.

Mr. Ali Sheybani from Council Services responded to questions posed by the Commission. The proposed ordinance was initiated as a result of descrepancies between General Plan Resort designations and zoning plus the fact that CZC Planned Development Resort requirements are too restrictive and unworkable. All areas designated Resort would be affected by the proposed ordinance and would fall within the Coastal Management Zone. Notification of community groups and landowners was not made. The Council feels the review process which involves the following is sufficient:

1. Coastal Management Zone which requires an EIS study, review and public hearing

2. The Planned Development Resort requirements in the CZC subjects the request to further review and two public hearings at the Planning Commission and City Council levels.

The need for increased densities is not readily known but the projection recognizes the current housing shortage on Oahu and a continuous population growth.

The Chief Planning Officer was not consulted regarding the proposed ordinance. It is the Corporation Counsel's opinion that the City Council has the authority to prepare zoning ordinances.

ACTION: The Commission recommended approval of the proposed ordinance with the recommendation that the Land Use Intensity be 60 units per acre rather than 100 units per acre.

AYES - Choy, Hosaka, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

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ADJOURNMENT: The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Henrietta B. Lyman
Secretary-Reporter

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APPROVED

Meeting of the Planning Commission
Minutes
October 1, 1975

The Planning Commission held a meeting on Wednesday, October 1, 1975 at 1:35 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Dr. Wilbur Choy
Donald Hosaka
Yuklin Kuna
Sylvia Sumida
Ned Wiederholt
Harriet Wikum

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Henry Eng, Staff Planner
Gerald Henniger, Staff Planner

MINUTES:

The minutes of September 10, 1975 were approved as circulated, on motion by Mr. Hosaka, seconded by Mrs. Wikum and carried.

PUBLIC HEARING
CZC AMENDMENT TO CREATE SPECIAL DESIGN DISTRICTS FOR SPECIFIC AREAS OF THE CITY BY SEPARATE ORDINANCES
(BILL NO. 96)
COUNCIL INITIATED
(FILE L&R/75/CZC-16/RBJ)

A public hearing was held to consider a City Council-initiated bill to amend Chapter 21 of the CZC to create Special Design Districts for specific areas of the city by separate ordinances.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 21, 1975. No letters of protest were received.

Mr. Robert Jones presented the Director's comments regarding Bill 96. The CZC regulations are related more directly to individual parcel development rather than to large scale projects involving diverse land use opportunities or in instances of abrupt changes in land use intensities. The CZC does not provide adequate flexibility for mixed use projects nor is the CZC sensitive to design considerations in areas of transition between low and high intensity uses.

The Planned Development regulations in the CZC for housing, resort, and shopping center areas are not adaptable for Special Design Districts since the PD regulations were intended for large scale projects primarily in undeveloped areas within which a wide range of mixed uses were not intended. On the other hand, the SDD has significant emphasis for application within the currently urbanized areas as well as undeveloped areas.

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The Director of Land Utilization concurs with the intent of the proposed SDD ordinance. However, several amendments are suggested for clarification of intent and to establish procedural matters consistent with comparable existing and proposed CZC regulations. In summary, the procedural requirements of the proposed ordinance should parallel comparable procedures in the proposed amendments to the PD regulations. This will provide the Director of Land Utilization and the Planning Commission with a degree of consistency in application review.

QUESTIONS OF STAFF

Discussion followed relative to--

1. Whether there are guarantees within the proposed ordinance to insure that future development will be made compatible with existing surrounding uses, especially in older communities.

   There would be guarantees within the ordinance designed to fit a particular designated SDD area.

2. The process necessary to establish an SDD is almost the same as the PD procedures in Bill 92 which is still pending before the Commission. The Commission had questioned the mechanics of those procedures.

   DLU is aware that the Commission has not made a final determination of the PD procedures; however, they feel that procedures for both bills should coincide.

3. Concern that the proposed amendment supercedes all district zoning regulations. There is an underlying factor that this bill would supercede Bill 102 recently passed for the Waikiki district. If much of the concern is directed to the Waikiki area and the present code is deficient in this respect, then there should be enabling legislation to cover this one particular deficient area rather than the proposal for broad powers that ultimately affect the entire island.

Mr. Jones clarified that the intent would not be simply to supercede zoning regulations entirely. Where the CZC can meet the needs of an area, it should prevail. However, there may be districts where regulations, not presently in the CZC, may be necessary. In others, the underlying zoning may apply with modification. Some districts might require a particular condition while others might combine underlying regulations and a condition. In any event, establishment of the district should be based upon evidence of need to impose the SDD ordinance.

Zoning regulations tend to be rigid, were designed primarily for individual parcels and cannot encompass the multiplicity of events which occur in urban development. The proposal is a tool to do the things that are necessary to achieve the various development objectives within the city.

4. Conceivably, the whole island could become a series of SDDs under the proposed amendment. Theoretically, this takes the planning duties and responsibilities stated in the Charter from DGP, the line department in the administrative branch of government, to the City Council which is the legislative branch of government.

5. Lately, there has been a rush of these types of ordinances appearing before the Commission.

TESTIMONY IN SUPPORT

Mr. Ali Sheybani of Council Services was present. In discussing the proposed ordinance with him, the Commission pointed out the following:

1. The proposed ordinance appears to be premature in relation to the Revised General Plan presently before the Council. Many of the issues addressed by this ordinance relate more appropriately to the Development Plan.

2. Questioned Council's authority and basis upon which they would approve or deny preliminary applications without any sort of public hearing. The impact and effect of the proposed ordinance upon the entire island should bear some public scrutiny.

3. Questioned Council's imposition of time constraints on agency review and the Commission, yet the Council has no time limit of its own.

4. Some of the goals proposed in the ordinance come from the new Charter which has no GP and DP. As a result, implementation ordinances are being developed before there is something to implement.

Mr. Sheybani pointed out that in many areas, the present zoning applies but no utilities exist. Under the proposed ordinance, utilities could proceed before development. The proposal also provides a recourse other than the Zoning Board of Appeals which has no design review.

The following persons also testified in SUPPORT of Bill 96:

1. Dr. Frances Sydow, Waikiki resident
2. Mr. Douglas Meller, Member, Shoreline Protection Alliance (Submitted testimony of Steve Goodenow, President, Shoreline Protection Alliance, dated Sept. 30, 1975)
3. Mr. Randolph Hara, Vista Worker assigned to 3M Community Council (Submitted testimony dated Oct. 1, 1975)
4. Mr. Frank Brunings, Makiki Community Association (Submitted testimony dated Oct. 1, 1975)
5. Mr. Lee Gray, President, Punchbowl Community Association (Submitted testimony dated Oct. 1, 1975)
6. Letter received dated Oct. 1, 1975 from Charles W. Coupe', General Manager, Marina Division, Kaiser Aetna

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REASONS IN SUPPORT

1. The intent of this Bill appears to be the establishment of Special Design Districts for areas possessing unusual civic significance. However, the criteria listed to determine qualification for a Special Design District in its generality could include most lands on Oahu. It would seem that the proposed Bill is aimed at certain significant civic areas, such as Waikiki, Kakaako, etc., which warrant Special Design considerations. Accordingly, it is suggested that the Bill be more specific as to the lands which would be affected by the Special Design District.

2. It could well be that the provision which allows Special Design Districts to supersede all existing zoning regulations will be beneficial to all parties by allowing flexibility in multiple uses of land, density and site planning. However, provisions should be provided to insure that what was originally allowed under the existing zoning or DLUM is not significantly reduced by the SDD in order to preserve the economic viability of the project.

3. Public input should be obtained. However, the concept of allowing individuals or citizen groups to initiate applications on lands not owned by them and to become involved in approval of project design when they have no risk of financial success or failure of the project goes beyond what is practical. Would suggest that right to initiate an application and involvement in any project design be given to the owners and/or developers and appropriate levels of government.

4. An ongoing master-planned area such as Hawaii Kai which is being controlled by one owner and master developer should not be included except at the election of the owner and developer.

5. Concern expressed of the fact that the Department of General Planning does not have a role in the processes involved with this ordinance. Would encourage that some coordination be developed among the City Council, Department of Land Utilization and Department of General Planning to assure that conflicts which might occur between the SDD and the Development Plans (mandated by the City Charter) are worked out systematically..

6. One of the applicability factors refers to "underutilized urban areas". Consider the importance of adding <u>overutilized</u> urban areas.

7. Need for a "Special Design District Advisory Council," a citizens group to aid in formulating design and land use control guidelines and needs for their own communities.

8. In the applicant procedures, communities should be allowed to make their own case for qualifying as a SDD. In this way, communities can cite a combination of the acceptance standards

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outlined by the proposed bill and also introudce elements, such as density, which are not outlined but certainly merit consideration.

9. Concern of the impact of Bill 96 on landowners in the SDD, and the possible inclusion of system of compensation.

10. Criteria for non-significant projects should be specified.

11. Since the Council has not enacted a park dedication ordinance, would recommend that Bill 96 place greater emphasis on meeting public needs for park space and recreational amenities.

TESTIMONY AGAINST

1. Representative Neil Abercrombie, 13th Representative District
2. Mr. Charles P. Goldsmith, Manoa Resident

OBJECTIONS--

1. The proposal looks good on paper but is really an end run on the revised General Plan and Development Plan process.

2. The proposal supercedes all district zoning regulations.

3. Citizen input in setting design and land use control criteria is not provided for. Residents should have some channels available to them in order to express the design needs of their particular community.

4. Definition and criteria for non-significant projects should be specified. The proposal permits non-significant projects to remain but again is trying to end run the whole philosophy of citizen participation and governmental response as embodied in the existing General Plan processes.

5. General analysis of district objectives are contained in the Revised General Plan which provides guidelines and is what the the Council should address and come to some conclusion. This proposal without guidelines lets politicians have a field day.

The public hearing was closed, on motion by Mrs. Wikum, seconded by Mr. Hosaka and carried.

The following motion was made:

KUNA: I move that we recommend rejection, based upon the following reasons:

They have not specifically set forth, for example, how district objectives are to be determined.

I also feel that in certain areas they have not provided adequately

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for citizen participation.

I am concerned about the possibility of the City Council's ability to deny or approve a preliminary application without any sort of public hearing. Even though it is not an ordinance, it does involve something magnitude which I don't think should be arbitrarily decided without citizen participation, at that level.

I also feel that they have been very lacking in a specific definition of "nonsignificant" although it was explained that this would be defined in the ordinance--in the event a special design district is set up. I feel that is too late a stage to be determined nonsignificant. It should be done prior to that--some sort of criteria not just three lines under Nonsignificant Projects and that's it--and we're supposed to have some sort of confidence that this determination will be made with reliable, acceptable criteria.

I also would vote for rejection on this because in the initiation of an application for special design districts, they have a position that you must either be a landowner or a holder of a 5-year lease--a lease in excess of five years. I question the intent behind this because, it seems to me, they consider that someone who has land has an interest sufficient to initiate an application. An application would mean ownership of land. I really question that, because we have people who do not live in the district. I think the time has come to change and go away from this ownership--that is the interest that will be recognized. We've got to start recognizing people who live there and, who, perhaps, have a shop in a district other than just someone who owns--especially because of the way land is held in Hawaii today. I don't think this is the proper way to give someone the standing to initiate an application.

WIKUM: I second the motion. I wonder if the Commission would add another reason. That would be the untimeliness of this ordinance in relation to the GPRP now in front of the City Council.

WIEDERHOLT: The document does provide for a rather serious redistribution of authority and power, even though it is masked in a process that's associated with the designation of a district. It sounds as though it is with a limited objective and for a limited area. But, when you construe item one to mean possibly the entire island, then it becomes a substitute for the general planning process. In effect, it could bypass some carefully designed City Charter planning processes.

The arguments for this with the confusion of ends and means in which alterations are proposed to major planning principles are justified on the basis of limited but very narrow technical problems. I think there is something seriously defective in this although the objectives of achieving a greater degree of detailed control are very clear, very strong, and, from what I read in the papers, the public concern. I can see none of these objectives being achieved within this instrument.

KUNA: I have no objection to those additions in the motion.

WIKUM: No objection.

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(The motion was unanimously carried.)

AYES - Choy, Hosaka, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

PUBLIC HEARING
RESOLUTION 154
COUNCIL-INITIATED AMENDMENT TO THE DEVELOPMENT PLAN FOR THE PUUNUI-NUUANU-DOWSETT AREA PERTAINING TO THE WIDTH AND REALIGNMENT OF MCGREW AND KAENA LANES

A public hearing was held to consider a City Council-initiated Amendment to the Development Plan for the Puunui-Nuuani-Dowsett area pertaining to the width and realignment of McGrew and Kaena Lanes.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 21, 1975. No letters of protest were received.

The Executive Secretary reported the receipt of an opinion dated September 18, 1975 regarding Resolution Nos. 276, 205, and 154 from Corporation Counsel. According to the opinion, Resolution No. 154 is to be processed in the following manner:

1. General Plan amendments to the Detailed Land Use Map are not necessary because the proposed widths and realignments implement the General Plan.

2. Amendments to the Development Plan are necessary and the Planning Commission is to process them in the same manner as Resolutions 205 and 267--that is, to hold public hearings and make a recommendation to City Council through the Mayor.

3. Detailed Studies and Analysis by the Chief Planning Officer are not required by the Planning Commission for the public hearing.

4. A new Resolution from City Council is not necessary. Resolution 154 is sufficient to proceed with the amendment process through the Planning Commission.

No staff presentation was made.

Mr. Ali Sheybani of Council Services gave an oral report of the proposal to provide two culdesacs--one from Nuuanu Avenue and one from School Street. The culdesac at School Street would be constructed first to serve a proposed apartment development by Budget Realty, Ltd. The other culdesac at Nuuanu Avenue will not be immediately constructed thus permitting existing residences whose owners presently do not wish apartment development to remain.

The Detailed Land Use Map shows a curvilinear loop extending from Nuuanu Avenue to School Street with a centered culdesac. If effected, this plan would eliminate a number of residences.

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The Commission raised questions about the opinion from Corporation Counsel and processing of amendments to the General Plan, Detailed Land Use Map, and Development Plans in light of their understanding of the Charter requirements that Council-initiated amendments are to be processed in the same manner as the Chief Planning Officer. Without a written report and studies, the Commission felt it could not render a decision. The Planning Commission was informed that the Department of General Planning and City Council are discussing means by which this might be resolved.

TESTIMONY IN SUPPORT

1. Mr. Larry M. Sumida, Budget Realty, Ltd.
2. Mr. Christopher N. Visher of Ikazaki, Devens, Lo, Youth and Nakano, Attorneys for Budget Realty

There was discussion again concerning the procedures of Council-initiated amendments. The Commission questioned why the route to the City Council to initiate the amendment was used rather than procedurally to the Chief Planning Officer. Mr. Visher indicated that application was made to the Department of General Planning but no action was received. They followed the next step available in the Charter which is through the City Council.

TESTIMONY AGAINST

None

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

The matter was deferred for the following reasons, on motion by Mr. Hosaka, seconded by Dr. Choy and carried:

1. Request an opinion from Corporation Counsel as to the precise process that is to be used related to amending the General Plan.

2. Request that Council prepare a staff report of the proposal.

3. Request a 30-day extension from Council because of a lack of studies on the proposal and a lack of clarity in terms of process.

This matter was deferred to October 15, 1975.

PUBLIC HEARING
RESOLUTION 267
COUNCIL-INITIATED AMENDMENT TO THE DEVELOPMENT PLAN FOR THE MOILIILI-UNIVERSITY-MANOA AREA INVOLVING WIDTH OF STREETS IN THE AREA GENERALLY BOUNDED BY VANCOUVER DR., UNIVERSITY AVE., METCALF ST., WILDER AVE., AND CLEMENT ST.

A public hearing was held to consider a Council-initiated Amendment to the Development Plan for the Moiliili-University-Manoa area involving width of streets in the area generally bounded by Vancouver Drive, University Avenue, Metcalf Street, Wilder Avenue and Clement Street.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 21, 1975. No letters of protest were received.

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No staff presentation was made.

Mr. Ali Sheybani of Council Services gave an oral report of the proposed ordinance which reduces 56-foot street widths designated on the Development Plan to existing 40-foot widths. A representative from the Department of Transportation Services who was to report on the proposal left the meeting due to the lateness of the hour.

Questions were raised concerning the basis for the reduction of street widths and whether the more appropriate approach might be to amend the General Plan from Apartment back to Residential use.

TESTIMONY IN SUPPORT

None

TESTIMONY AGAINST

1. Mr. Charles P. Goldsmith, Manoa Resident
2. Representative Neil Abercrombie
3. Mr. John James, Lower Manoa Homeowners Association
4. Mr. Hal Jordan, Manoa Resident
5. Mr. Tim Geschwind (Present testimony of Mr. Tim C. Leedom, President, Manoa Valley Community Assocation, undated)
6. Letter dated Sept. 29, 1975 from Martha Jane Smith

OBJECTIONS:

1. There is no rationale for selecting the reduction of certain street widths.

2. Any push of city improvements that pave the way for highrise development is a step in the wrong direction.

3. Proper action would be to downzone the area from Apartment to Residential use. Until this priority action is taken, all other steps are a waste of money and add further to the planning mess that has developed in Central Honolulu and now threatens to engulf the Manoa Valley area.

4. Request the Commission to take a clinical look at this resolution and judge whether this is functional or dysfunctional to keeping a neighborhood residential and content.

5. Request that no action be taken which may be adverse to the Residential classification applied for in the Letter of Intent dated May 1, 1974 to the Chief Planning Officer.

6. The Revised General Plan presently before the City Council should be considered.

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

The Commission deferred action on the matter to October 15th for further information from Council Services.

PUBLIC HEARING
RESOLUTION 205
COUNCIL-INITIATED AMENDMENT TO A PORTION OF THE DEVELOPMENT PLAN FOR THE UNIVERSITY COMMUNITY TO DELETE A PORTION OF KALEI ROAD, DELETING MALIKO ROAD, AND DESIGNATING A TURN-AROUND AREA (BILL NO. 93)

A public hearing was held to consider a Council-initiated Amendment to a portion of the Development Plan for the University community to delete a portion of Kalei Road, dleting Maliko Road, and designating a turn-around area (Bill No. 93).

Publication was made in the Sunday Star-Bulletin/Advertiser on September 21, 1975. No letters of protest were received.

No staff presentation was made.

Mr. Ali Sheybani of Council Services suggested that the matter be deferred inasmuch as the Commission lacked a report and studies of the proposed Resolution.

TESTIMONY IN SUPPORT

None

TESTIMONY AGAINST

None

The public hearing was closed, on motion by Mrs. Wikum, seconded by Mr. Hosaka and carried.

The matter was deferred to October 15, 1975 for further information from Council Services.

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
VINEYARD BLVD. & QUEEN EMMA STREET
OSSIPOFF, SNYDER, ROWLAND AND GOETZ
FILE #75/HCD-52 DF)

A public hearing was held to consider plans for a one-story open pavilion, and the on-site relocation of approximately 12 trees within the Hawaii Capital District, Tax Map Key: 2-1-19: 14 and 15.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 21, 1975. No letters of protest were received.

Staff Planner Don Fowler presented the Director's report recommending approval of the request.

There were no questions from the Commission concerning the Director's report.

TESTIMONY IN SUPPORT

Mr. Carl Saake, Architect, represented the applicant and offered to respond to any questions the Commission might have.

There were no questions of Mr. Saake.

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TESTIMONY AGAINST

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the proposal, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

AYES - Choy, Hosaka, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

PUBLIC HEARING
CONDITIONAL USE PERMIT
(PRIVATE RECREATION
CENTER FACILITY)
WAIANAE
HOOKELE COMMUNITY ASSN.
(FILE #75/CUP-14 EY)

A public hearing was held to consider a request for a conditional use permit to allow the establishment of a private recreation center facility in Waianae--87-228 Hookele Street, Tax Map Key: 8-7-29: 44.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 21, 1975. No letters of protest were received.

Staff presentation was made by Mr. Henry Eng. The Director recommends approval of the CUP, subject to the conditions enumerated in the report.

QUESTION OF STAFF

A question regarding group activity beyond 10:00 p.m. was deferred for response by the applicant.

TESTIMONY IN SUPPORT

Mr. Joseph Hannahs, Agent for the applicant, indicated that the proposal is mainly a convenience facility for approximately 250 families in the community. Residents presently hold meetings in their homes because there are no facilities for community meetings in the area.

Request was made to change the closing hours of operation to 10:00 p.m. weekdays, and 12:00 midnite Fridays, Saturdays, and the eve of Holidays simply to allow more time during the weekends and on the eve of Holidays. Residents support this time period.

TESTIMONY AGAINST

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

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ACTION: The Commission accepted the Director's recommendation and recommended approval of the Conditional Use Permit, subject to the conditions enumerated in the report. The Commission also recommended that Condition No. 6 be changed to reflect closing hours of operation as follows: 10:00 p.m. weekdays, 12:00 midnite Fridays, Saturdays, and eve of Holidays.

The motion was made by Mr. Hosaka, seconded by Dr. Choy and carried.

AYES - Choy, Hosaka, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

UNFINISHED BUSINESS
ZONING CHANGE
B-2 COMMUNITY
BUSINESS TO R-6
RESIDENTIAL DISTRICT
MANANA-UKA
(PACIFIC PALISADES)
INTERNATIONAL MANAGEMENT
CORPORATION
(FILE #75/Z-15 LC)

Commissioner Donald Hosaka had declared a conflict of interest on this matter and was not present during deliberation of this matter.

The public hearing of September 10, 1975 was kept open and the matter deferred to October 1 due to a lack of quorum.

No one testified either for or against the proposal.

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

AYES - Choy, Hosaka, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

UNFINISHED BUSINESS
CZC AMENDMENT RELATING
TO PLANNED DEVELOPMENT
PROCEDURES
(BILL NO. 92)
(FILE #L&R/CZC/1975-15 AM)

The public hearing held September 10, 1975 was closed and action deferred to October 1, 1975 for further study by the Executive Secretary, the Department of Land Utilization, and Council Services of alternatives or modifications. (If modifications are major, a new public hearing will be necessary.) Points to be considered are: (a) Realistic time element; (b) Legal opinion from Corporation Counsel: "Can City Council, as a legislative body, receive Planned Development applications?"

The Executive Secretary reported that a meeting was held with Councilman Rudy Pacarro, Mr. Ali Sheybani of Council Services, and Messrs. Art Muraoka and Bill Wanket of the Department of Land Utilization at which time the issues raised by the Commission were discussed.

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1. DLU indicated that the time element for review is realistic. If DLU needs additional time, Mr. Pacarro suggested that the Commission's time be lessened from 45 days to 30 days. Mr. Connell stated that the Commission could probably handle most PDH applications within the 30-day period but suggested an additional clause within the ordinance to allow the Commission to request additional time in the event the Commission did not receive all of the reports necessary.

2. The legal opinion received from Corporation Counsel is verbal. The Executive Secretary awaits receipt of a written opinion.

The Commission deferred the matter for two weeks for receipt of the opinion as requested from Corporation Counsel, on motion by Mrs. Wikum, seconded by Dr. Choy and carried.

UNFINISHED BUSINESS
STATE SPECIAL USE PERMIT AND CONDITIONAL USE PERMIT (PRIVATE RECREATIONAL CAMP)
WAIANAE
REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
(FILE #75/SUP-3 & #75/CUP-7 LC)

The Chairman had declared a conflict of interest on this matter. Before excusing himself from the meeting, he appointed Dr. Wilbur Choy Chairman pro tem.

The public hearing of July 30, 1975 was kept open for lack of a quorum vote to August 27. The public hearing of August 27 was closed and action deferred for conditions to be presented at the September 17 meeting. The matter was deferred on September 17 to October 1, 1975 for a lack of quorum.

A motion made by Mrs. Wikum, seconded by Mrs. Kuna to deny both permits failed to carry.

Mrs. Sumida had visited the site and pointed out the following which changed her position on the matter.

1. The area is in diversified agriculture and the subject parcel is a relatively small portion of land being used for diversified agricultural purposes.

2. The effect of pesticide drift on residents presently living in the area is not known. This effect is dependent upon the amount of exposure upon the individual. Since the applicant indicated limited use of the facility by large groups of people, except for an annual or biannual retreat, the pesticide exposure to the membership will be relatively minimal.

AYES - Kuna, Wikum, Wiederholt
NAYES - Choy, Hosaka, Sumida
ABSENT - Kamiya

Two other motions by Mr. Hosaka failed for lack of a second--(1) submit no recommendation for both permits; (2) recommend approval of the SUP and submit no recommendation on the CUP.

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The matter was deferred two weeks for a field trip to the site, on motion by Mr. Hosaka, seconded by Mrs. Wikum and carried.

ADJOURNMENT: The meeting adjourned at 11:00 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

MRRC RMM 19-75

FLASH CARD

FLASH CARD

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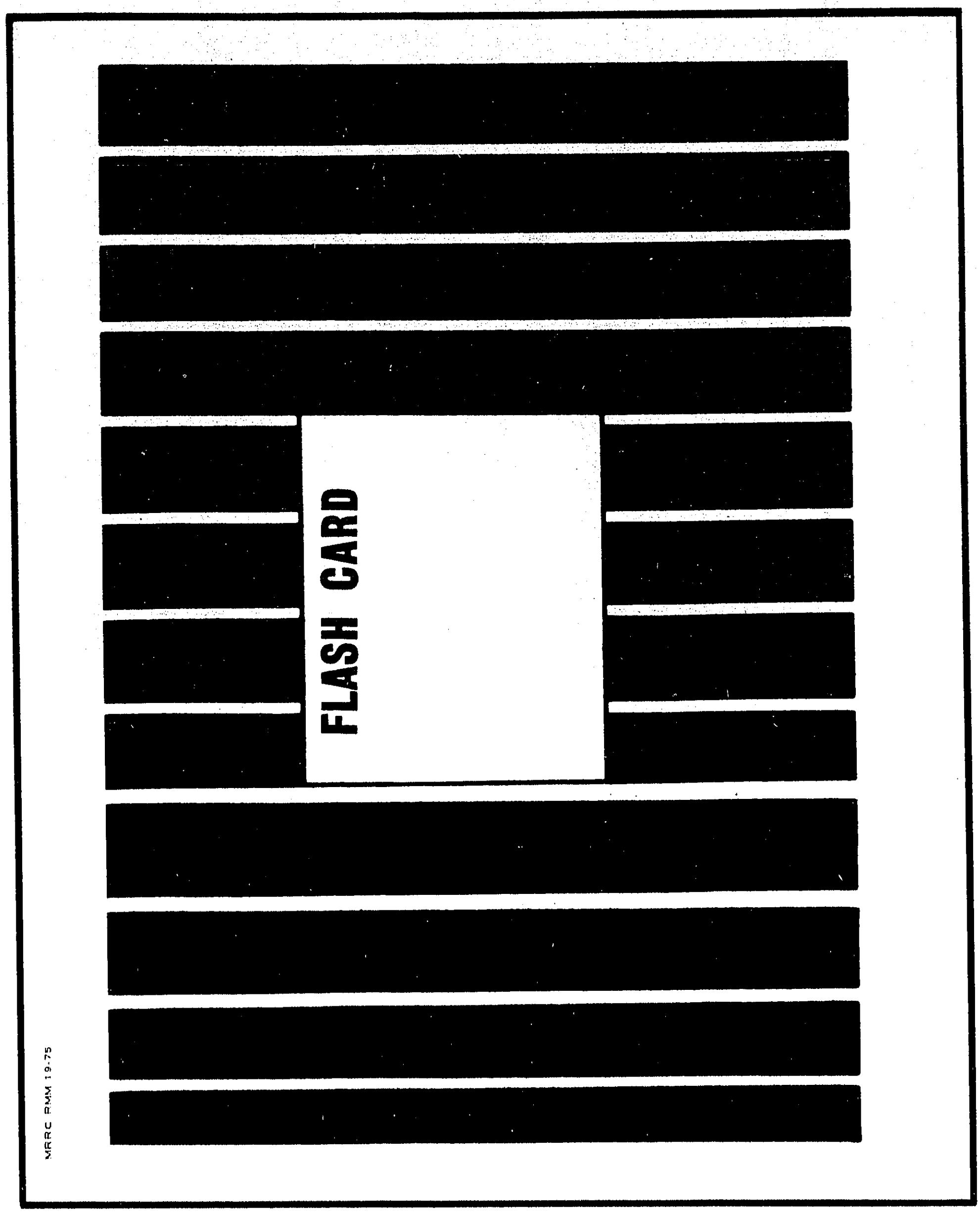
FLASH CARD



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Meeting of the Planning Commission
Minutes
October 15, 1975

The Planning Commission held a meeting on Wednesday, October 15, 1975 at 1:40 p.m., in the Conference Room of the City Hall Annex.

The Chairman arrived at 3:00 p.m. Mrs. Harriet Wikum was elected Chairman pro tem.

PRESENT:

Randall Kamiya, Chairman
Dr. Wilbur Choy
Charles Izumoto
Yuklin Kuna
Sylvia Sumida
Ned Wiederholt
Harriet Wikum
Donald Hosaka

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Roger Harris, Staff Planner

MINUTES:

The Minutes of September 17, 1975 were deferred to the next meeting.

PUBLIC HEARING
CONDITIONAL USE PERMIT
FOR PET CEMETERY AND
CONCURRENT ZONE CHANGE
I-1 LIGHT INDUSTRIAL TO
P-1 PRESERVATION
AHUIMANU VALLEY, KAHALUU
VALLEY OF THE TEMPLES CORP.
(FILE #75/CUP-11 RH)

A public hearing was held to consider a request for a conditional use permit for a pet cemetery and concurrent zone change from I-1 Light Industrial to P-1 Preservation District at Valley of the Temples, Kahaluu, Tax Map Key: 4-7-51: portion of 2.

Publication was made in the Sunday Star-Bulletin/Advertiser on October 5, 1975. No letters of protest were received.

Staff Planner Roger Harris presented the Director's report recommending approval of the proposal.

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

TESTIMONY IN SUPPORT

Messrs. Larry Clapp, President, Valley of the Temples and John Powers, Vice President and General Manager, Valley of the Temples, represented the applicant. To a question whether tomb markers would be permitted, Mr. Powers responded negatively.

TESTIMONY AGAINST

None

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The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Sumida and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the Conditional Use Permit and concurrent zone change, on motion by Dr. Choy, seconded by Mrs. Sumida and carried.

AYES - Choy, Izumoto, Kuna, Sumida, Wiederholt, Wikum, Hosaka
NAYES - None
ABSENT - Kamiya

PUBLIC HEARING
SLUC SPECIAL USE PERMIT
(RESERVOIR)
INSCON DEVELOPMENT CO.
(FILE #75/SUP-4 RH)

A public hearing was held to consider a request for an SLUC Special Use Permit to construct a water reservoir within an agricultural district defined by the State Land Use Commission and the City and County zoning ordinances at Kahuku, Oahu, Tax Map Key: 5-7-02: portion of 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on September 17, 1975. No letters of protest were received.

Staff Planner Roger Harris presented the Director's report recommending approval of the proposal.

In the discussion that followed, the Commission felt the capacity of the proposed two million gallon reservoir too excessive for the development it is intended to serve, encourage development beyond what is zoned and take away more prime agricultural land. Even though zoning issues for this matter were analyzed and approval granted in 1971, the Commission in rendering a decision on this SUP must consider the impact of today's issues. For example, the impact of 3,000 units on the highway today and in 1971 varies significantly.

TESTIMONY FOR

Mr. Tom Low, Engineer, responded to questions relative to the adequacy of existing water facilities to service existing development and the requirement and justification of the two million gallon reservoir to service future development. Mr. Low stated that one million gallons is required for fire flow protection which is presently deficient in the area, and the other million gallons for development.

(The Chairman was present at this point of the meeting.)

Mr. Bill Miller of Campbell Estate gave background information concerning the approval of their zoning application in 1971. He also pointed out that the two million gallon reservoir will service all of the zoned area makai of Kam Highway. Another proposed 1½ million gallon reservoir will accommodate future development other than what is presently zoned.

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TESTIMONY AGAINST

1. Mr. James Shon, Member of the research staff of the Council of Presidents and Member of the Coastal Zone Management Statewide Citizens Forum. Authorized to speak for Friends of the Earth. (Submitted testimony, undated, attached)
2. Mr. Joe Wildman presented written testimony for Representative Neil Abercrombie dated Oct. 15, 1975, attached.
3. Mr. Doug Meller, presented testimony for Shoreline Protection Alliance, dated October 15, 1975, attached.
4. Mr. Alan Tyler, Member, Friends of the Earth (No written testimony submitted. Mr. Tyler agreed with all testimony presented and reminded the Commission of the recent Grosvenor-International application at Malaekahana which relates to this whole issue.)
5. Testimony of James Hoffman dated Oct. 18, 1975, attached (All written testimony submitted is attached and made a part of these minutes.)

The public hearing was closed, and the matter deferred for a statutory period of 15 days, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

PUBLIC HEARING CONDITIONAL USE PERMIT (OFF-STREET PARKING USE IN R-6 RESIDENTIAL DISTRICT) HALEIWA HALEIWA SUPER MARKET, LTD. (FILE #75/CUP-15 RH)	A public hearing was held to consider a request for a conditional use permit for an off-street parking use in an R-6 Residential District in Haleiwa, Tax Map Key: 6-6-09: 21. Publication was made in the Sunday Star-Bulletin/Advertiser on October 5, 1975. No letters of protest were received.

Staff Planner Roger Harris presented the Director's report recommending approval of the proposal.

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

TESTIMONY IN SUPPORT

Mr. Bruce Duncan represented the applicant and offered to respond to any questions the Commission might have.

There were no questions of Mr. Duncan.

TESTIMONY AGAINST

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Sumida and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the Conditional Use Permit,

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subject to the conditions enumerated in the Director's report, on motion by Mrs. Wikum, seconded by Mr. Hosaka and carried.

AYES - Choy, Hosaka, Izumoto, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

UNFINISHED BUSINESS
RESOLUTION 154
COUNCIL-INITIATED AMENDMENT TO THE DEVELOPMENT PLAN FOR THE PUUNUI-NUUANU-DOWSETT AREA PERTAINING TO THE WIDTH AND REALIGNMENT OF MCGREW AND KAENA LANES

The public hearing held on October 1, 1975 was closed, and action deferred for further information from Council Services.

The Chairman reported the receipt of a communication from Ikazaki, Devens, Lo, Youth, and Nakano (Christopher N. Visher) on behalf of Budget Realty, Ltd., dated October 14, 1975, containing background information of the proposal.

Mr. Ali Sheybani of Council Services circulated and reviewed a report of background information on Resolution 267. Mr. James Dwight of the Department of Transportation Services assisted in the presentation. Questioned by the Commission, Mr. Dwight indicated that the proposal results from a request by the developer that the City either permit him to develop his property or that the City purchase approximately 8,000 square feet of his apartment zoned property. Various alternatives were studied and the recommended proposal results in acquisition of approximately 1,200 square feet instead of 8,000 square feet.

ACTION: The Commission, on motion by Mr. Hosaka, seconded by Dr. Choy and carried, accepted in full the proposal of the City Council in Resolution 154 that the Development Plan for Puunui-Nuuanu-Dowsett be amended by realignment of McGrew and Kaena Lanes and a reduction of the width of Kaena Lane from 56 feet to 24 feet.

AYES - Choy, Hosaka, Izumoto, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

UNFINISHED BUSINESS
CZC AMENDMENT RELATING TO PLANNED DEVELOPMENT PROCEDURES
(BILL NO. 92)
(FILE #L&R/CZC/1975-15 AM)

A public hearing was held on September 10, 1975, closed, and action deferred to October 1 for further study of alternatives or modifications. On October 1 action was deferred for an opinion from Corporation Counsel.

The Executive Secretary reported that to date, he has not received Corporation Counsel's opinion.

The matter was deferred for receipt of Corporation Counsel's opinion, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

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UNFINISHED BUSINESS
RESOLUTION 267
COUNCIL-INITIATED AMENDMENT TO THE DEVELOPMENT PLAN FOR THE MOILIILI-UNIVERSITY-MANOA AREA INVOLVING WIDTH OF STREETS IN THE AREA GENERALLY BOUNDED BY VANCOUVER DR., UNIVERSITY AVE., METCALF ST., WILDER AVE., AND CLEMENT ST.

The public hearing held October 1, 1975 was closed and action deferred for more information from Council Services.

Mr. Ali Sheybani circulated and reviewed a report of Resolution 267 dated November 19, 1974.

The Executive Secretary discussed paragraph 3 on page 2 of the report. Procedural problems were encountered. In the past, most Council-initiated resolutions were processed by DGP, Council awaited a full and complete report, and the Planning Commission held a public hearing. Presently, Council-initiated resolutions are referred to the Chief Planning Officer only for information and sent to the Planning Commission for public hearing and recommendation. The 30-day time limit for Planning Commission decisions began after the closing of the public hearing. A subsequent opinion from Corporation Counsel states that the 30 days commences upon receipt of Council's resolution. It was indicated that DGP and the Council are meeting to find means of eliminating the procedural problems.

The Commission felt that even though the proposed resolution enables improvements sorely needed in the district, apartment development could still occur if it adopted Resolution 267. The Commission recognized the desire of the residents to leave the area Residential and that a letter of intent has been filed in that connection to amend the General Plan from Apartment to Residential.

ACTION: The Commission voted that Resolution 267 be denied, with the recommendation that the General Plan for the Moiliili-University-Manoa area be amended from Apartment to Residential use, on motion by Mrs. Wikum, seconded by Mrs. Kuna and carried.

AYES - Choy, Hosaka, Izumoto, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

UNFINISHED BUSINESS
RESOLUTION 205
COUNCIL-INITIATED AMENDMENT TO A PORTION OF THE DEVELOPMENT PLAN FOR THE UNIVERSITY COMMUNITY TO DELETE A PORTION OF KALEI ROAD, DELETING MALIKO ROAD, AND DESIGNATING A TURN-AROUND AREA (BILL NO. 93)

The public hearing held October 1, 1975 was closed and action deferred for more information from Council Services.

Mr. Ali Sheybani of Council Services circulated and reviewed a report of Resolution 205 dated August 27, 1975.

No discussion followed.

ACTION: The Commission accepted the proposal of the City Council as stated in Resolution 205 dated August 27, 1975, and in Council Bill No. 93 (1975), on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

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AYES - Choy, Hosaka, Izumoto, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

UNFINISHED BUSINESS
STATE SPECIAL USE PERMIT AND CONDITIONAL USE PERMIT
(PRIVATE RECREATIONAL CAMP)
WAIANAE
REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
(FILE #75/SUP-3 & #75/CUP-7 LC)

The Chairman had declared a conflict of interest on this matter and did not take part in any of the deliberation. Mrs. Wikum was Chairman pro tem.

The public hearing of July 30, 1975 was kept open for lack of a quorum. The public hearing of August 27 was closed and action deferred for conditions to be presented at the September 17 meeting. On September 17, the Commission did not have a quorum and the matter was deferred to October 1. Action was deferred on October 1 for a field trip to the site.

The Commission expressed the following concerns:

1. Surrounding uses are agricultural. Allowing this type of use encourages urban development in the area and adds to the fear farmers have of urban encroachment.

2. Concern of impact of this use on market prices of the land.

3. The present plan indicates a lot of concrete on the site. Perhaps a portion of the site could be set aside for some agricultural activity.

MOTION: A motion to recommend approval of both the Conditional Use Permit and the Special Use Permit by Dr. Choy, seconded by Mr. Hosaka failed to carry.

AYES - Choy, Hosaka, Izumoto, Sumida
NAYES - Kuna, Wiederholt, Wikum
ABSENT - Kamiya (conflict of interest)

MOTION: Dr. Choy moved, seconded by Mr. Hosaka, to recommend approval of the Special Use Permit and to deny the Conditional Use Permit. The motion failed to carry.

AYES - Choy, Hosaka
NAYES - Izumoto, Kuna, Sumida, Wiederholt, Wikum
ABSENT - Kamiya (conflict of interest)

The matter was deferred for a special meeting on October 22, 1975. The Commission requested that conditions be developed to insure that an agriculture educational program be provided in the proposed recreational camp.

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ADJOURNMENT: The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Henrietta B. Lyman
Secretary-Reporter

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My name is James Shon. I am a member of the research staff of the Council of Presidents and a member of the Coastal Zone Management Statewide Citizens Forum. I am ~~also~~ authorized to speak on behalf of Friends of the Earth.

Today I would like to express a concern that the proposed reservoir under consideration by the Commission is a preliminary step to massive, and as yet unauthorized, development of our coast in the Kahuku area. As you know, the planned reservoir will have an initial capacity of two (2) million gallons, which can support a population of approximately 14,000 people. At the present time, the population in Kahuku is estimated at about one thousand. For what reason, we might ask, is this facility needed? One answer can be found in Mr. Moriguchi's September 12 memorandum to the Commission in which he states the reservoir "will service proposed future developments at Kahuku."

What future developments are planned? In March of 1974 Donald Wolbrink & Associates prepared a report for Campbell Estate detailing plans for a KAHUKU TOWN CENTER, which will require a support community of not less than 12,000 people. The dramatic increase is needed, says the report, to support a business community which will include food, drug and liquor stores, restaurants, taverns, real estate offices, a pool hall, and so on. It should be noted that the reservoir has built-in space for the addition of another 1.5 million gallons, which brings the service capacity up to approximately 24,000 residents. This is 24 times the current population. According to the Hawaii Tourism Impact Plan, Vol 1, 1972, Inscon Development Company's proposed reservoir is only part of their long range plan to construct over 7,000 hotel units on 294 acres. Most of these proposals have not yet been approved.

I would urge the Commission to consider that the proposed sewage treatment plant at Malaekahana has not received approval from the Land Use Commission. The State has indicated it intends to purchase that land for a park with funds provided by the last legislative session. No approval has been received for a Kahuku Town Center. And finally

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the City Council has not yet decided just what the boundaries will be for the Special Management Area mandated by the Shoreline Protection Bill. Without their decision on this matter, it would be highly inappropriate to commit those lands to uncertain development. In fact, it would be unfair to grant such permission when the county might then prohibit future developments. That would only waste the time and money of those intending to development the area.

More important, if Inscon is acting in good faith in terms of compliance with Hawaii's statutes, there should be no problem in waiting for a judgement on the coastal zone. Attempting to obtain permission before-hand tends to frustrate the intentions of our state legislature, which enacted the Shoreline Protection Act to prevent capricious development of the coast.

In conclusion, I would urge the members of the Commission to deny the special use permit for a reservoir. It is clearly a foot-in-the-door for extensive developments that have not yet been approved, and may <u>never</u> be approved. The time for the construction of such a facility is after the appropriate government agencies have clarified how we will utilize our precious coastal areas.

Thank you.

1298ORP-1

JAMES H. WAKATSUKI
RICHARD GARCIA
TED YAP
CHARLES T. USHIJIMA
ROBERT KISHIMURA
DAVID K. SEWA
STANLEY H. ROEHRIG
HERBERT A. SEGAWA
MASHITO TAKAMINE
MINORU INABA
ANTHONY T. AMARAL
GERALD K. MACHIDA
RONALD Y. KONDO
VIRGINIA M. SANTOS
DONNA R. IKEDA
W. BUDDY SOARES
STEVE COBB
JACK K. LARSEN
DAN S. HAKODA
TED T. MORIOKA
KEN KIYABU
LINDA NAITO
JOHN S. CARROLL
KINAU BOYD KAMALII
CLARENCE Y. AKIZAKI
CARL T. TAKAMURA
NEIL ABERCROMBIE
HIRAM L. FONG, JR.
CHARLES T. USHIJIMA
RUSSELL BLAIR
KATHLEEN STANLEY
ROBERT KIMURA
RICHARD IKE SUTTON
AKIRA SAKIMA
TED YAP
RICHARD GARCIA
KENNETH LEE
MITSUO UECHI
JAMES H. WAKATSUKI
BENJAMIN J. CAYETANO
NORMAN MIZUGUCHI
DANIEL J. KIHANO
MASCO SHITO
RICHARD C. S. HO
HENRY HAALILIO PETERS
OLIVER LUNASCO
EDWARD K. ODA
GEORGE W. CLARKE
RALPH K. AHUE
KEITH P. EVANS
JOHN J. MEDEIROS
ANDREW K. POEPOE
JOHN L. YUEN
RICHARD A. KAWAKAMI
TONY T. KUNIMURA
DENNIS P. YAMADA

HOUSE OF REPRESENTATIVES
THE EIGHTH LEGISLATURE
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

October 15, 1975

Room 440
548-7805

To: City Planning Commission

Re: State Special Use Permit for Iscon Development Co.

I can find no justification whatever for this request, unless the intent is to recklessly urbanize the Windward Side. The particular instance before us is Kahuku. The resevoir has nothing to do with agricultural needs. It fails utterly to take into account efforts to keep such areas in agriculture with small populations reflecting the diversified agricultural goals that are infinitely more justifiable than speculative ventures for which this resevoir is but a stalking horse.

We are in the midst of preparing a General Plan at the State level-- i.e., goals to be written in statute as desirable for the State's welfare. The ruination of agriculture in Kahuku will certainly not be a part of this Plan.

This permit is sought for one reason and one reason only: as the opening wedge of urbanization for speculative purposes, with no thought to the genuine needs, of housing in particular, or of the interests of the Windward Side in general.

The approval of the Department of Health alone should be sufficient to hold up a favorable vote. All the Boards and Departments referred to in various memoranda before you are answering only the narrowest of questions.

Of course it is possible to put in this resevoir. The question is: is it desirable from a policy standpoint? The answer is clearly "no."

"Unusual and reasonable use" is the basis of this request. It fails to meet the tests applied.

It is contrary to "objectives sought to be accomplished by the Land Use Law and Regulations." There is

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no way speculative urbanization, which is what is being sought here, is compatible with proper land use.

The statement, "There is no indication that the reservoir will stimulate additional non-agricultural uses adjacent to it," is ridiculous on its face. It is singularly untrue. I can't believe any reasonable person could think such a statement anything but illusory.

The resevoir would "adversely affect surrounding property." The "trends and needs" are being manufactured, and are not a natural outgrowth of land usage in Kahuku. Above all, the "proposed use" will not "make the highest and best use of the land involved for the public welfare" (emphasis added). It will serve only private interests.

In other words, all these memos focus on the resevoir as if it were the real question at hand when obviously it is only the vehicle for un-needed and undesirable urban development.

I urge any authoritative body before whom this question arises to have the courage and forthrightness to address the real point-- the disease, not the symptoms. To encourage the symptom is to encourage the disease.

Do not favor this individual project unless you intend to say you favor its goal: the speculative urbanization of Kahuku.

Thank you,

Neil Abercrombie
Representative, 13th District

1298ORP-1

813 ALAKEA STREET
MAIL ADDRESS: P.O. BOX 4247
HONOLULU, HAWAII 96813
TELEPHONE: 523-2400

SHORELINE PROTECTION ALLIANCE

October 15, 1975

Planning Commission
City and County of Honolulu
650 S. King Street
Honolulu, Hawaii 96813

Members of the Planning Commission:

The Shoreline Protection Alliance opposes unconditional approval of a Special Permit to allow Inscon Development Company to construct a 2-million-gallon water reservoir within an agricultural district at Kahuku.

Presently, on lands inland from the Kuilima hotel, there are 368 condominium units on a 32 acre site. On both sides of the hotel, a total of 95 acres of beach front land is zoned A-1 apartment. Inscon Development Company "projects" that it will build 1,000 condominium units on both sides of the hotel. However, there are no general plan or zoning restrictions to keep Inscon from constructing 3,000 condominium units right on the beach. Inscon has not indicated plans to dedicate land for public parks. The City Council has not enacted an ordinance which would require park dedication by Inscon. (Act 140, Session Laws of Hawaii 1970, requires that all counties must enact park dedication ordinances to require subdividers to dedicate park land or money in lieu of land.)

Mr. Koga from the Honolulu Board of Water Supply Engineering Division informs us that a 2-million-gallon reservoir would probably meet the needs of 3,000 condominium units. Excluding needs for fire prevention, average reservoirs must store 180 gallons per person served. Mr. Koga believes that average occupancy for condominiums is between 2 and 2.5 people per unit.

We are opposed to construction of high density condominiums on the beach. We feel that the land adjacent to the Kuilima hotel is a prime beach park site of great natural beauty. We feel that the City Council was very short-sighted when it allowed the zoning for high density condominiums at Kahuku.

In the event that you do decide to grant the Special Permit for the 2-million-gallon water tank, then we recommend that you attach two conditions. We feel that these conditions will preserve the appearance and recreational value of the 95 acres of beach frontage for the benefit of the entire public while still allowing profitable development to take place.

(1) Condominiums on the 95 acre site should be limited to a

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maximum of 5 units per acre.

(2) 3 acres of beach park land should be dedicated to the City for every 1,000 people who will occupy the condominium units.

Thank you for listening to our concerns.

Respectfully,

Steve Goodenow
President

cc/SG

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DGM 0975-2681

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DEPT. OF
GENERAL PLANNING
C & C HONOLULU

October 21, 1975

City Planning Commission:

As a resident of the Kahuku area, I would like to voice my opposition to the proposed two million gallon reservior by Inscon Development Company.

My reasons for opposition are numerous, but mainly I agree with Representative Neil Abercrombie that the proposed reservoir will pave the way for more speculative urbanization at the expense and rumination of agriculture in Kahuku. Most of the residents in the area feel that the North Shore cannot handle a great influx of population. Their are already too many automobiles crowding our roads.

What is needed is more formal planning before decisions of this magnitude take place.

Thank you,

James Hoffman
Po Box 246
Kahuku, Hi 96731

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Special Meeting of the Planning Commission
Minutes
October 22, 1975

The Planning Commission held a special meeting on Wednesday, October 22, 1975 in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Sylvia Sumida, Vice Chairman
Dr. Wilbur Choy
Donald Hosaka
Charles Izumoto
Yuklin Kuna
Ned Wiederholt
Harriet Wikum

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Art Muraoka, Staff Planner

MINUTES:

The minutes of September 17, 1975 were approved as circulated, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

UNFINISHED BUSINESS
STATE SPECIAL USE PERMIT AND CONDITIONAL USE PERMIT (PRIVATE RECREATIONAL CAMP)
WAIANAE REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
(FILE #75/SUP-3 & #75/CUP-7)

The Chairman had declared a conflict of interest and did not take part in any deliberation on this matter. Mr. Hosaka was appointed Chairman pro tem.

The public hearing of July 30, 1975 was kept open for lack of a quorum. The public hearing of August 27 was closed and action deferred for conditions to be presented at the September 17 meeting. Action was deferred on September 17 for a lack of quorum and on October 1 for a field trip to the site. On October 15, the Commission requested that conditions be developed to insure that an agriculture educational program be provided in the proposed recreational camp.

Copies of the requested proposed conditions were sent to the Commission. Mr. Everett Graffeo was recalled and questioned regarding the conditions. He felt that the following condition seemed to restrict the location of the agricultural activity to one area which he felt should not be specified in order to allow some flexibility: "A minimum of 20% (2.10 acres) of the subject property shall be utilized for agriculture educational purposes. That 20% will be located in that area which has the highest capacity for agricultural production." Their proposal includes a fruit orchard, garden vegetables, garden flowers, papaya grove, pineapple plot, a Hawaiian native plant area of coconuts, lauhala, bananas, and a taro patch.

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The Executive Secretary presented a Memorandum to the Commission from the Chief Planning Officer dated Oct. 22, 1975, responding to the Commission's concerns (copy attached).

The Commission felt--

1. The proposed conditions would meet the objections of the various agencies and witnesses.

2. The exact location of the 20% agriculture portion of the site need not be established to allow the architect flexibility in redesigning the facility. Modification of that condition should so reflect.

3. The proposed agriculture educational program will create a compatible use with the surrounding properties and that the proposed uses are in conformance with the spirit of the General Plan, the CZC, and the Rules and Regulations of the SLUC.

ACTION: The Commission voted to recommend approval of the Conditional Use Permit and the Special Use Permit, subject to the modified conditions (copy attached), on motion by Mrs. Wikum, seconded by Dr. Choy and carried.

(The Director of Land Utilization recommends denial of this request.)

AYES - Choy, Hosaka, Izumoto, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Kamiya (conflict of interest)

UNFINISHED BUSINESS
CZC AMENDMENT RELATING TO PLANNED DEVELOPMENT PROCEDURES
(BILL NO. 92)
(FILE #L&R/CZC/1975-15 AM)

The public hearing held September 10, 1975 was closed, and action deferred to October 1 for further study of alternatives or modifications. On October 1 and 15 action was deferred for an opinion from Corporation Counsel.

The Executive Secretary reported the receipt of Corporation Counsel's opinion as to whether or not the City Council may accept planned unit development applications (copy attached).

ACTION: The Commission, on motion by Mrs. Wikum, seconded by Dr. Choy and carried, recommended denial of both the City Council proposed ordinance (Draft 1), and the recommendation of the Director of Land Utilization regarding the proposed amendment to Article 10 of the CZC (Draft 2).

The Commission based its denial on the following reasons:

1. No provision is made for design review of planned developments prior to the Planning Commission public hearings and City Council hearings and action.

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2. Sixty days is an inadequate amount of time for the Department of Land Utilization to review the applications and submit complete reports to the Commission.

3. In light of the second reason, the 45-day time limit on the Commission is unreasonable.

4. Either proposal (City Council's or the Director of Land Utilization's) will generate more denials from both the Director of Land Utilization and the Planning Commission than are generated out of the present procedure. The Commission believes that such denials will put the applicants under unnecessary and undue stress.

AYES - Choy, Hosaka, Izumoto, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

ELECTION OF VICE-CHAIRMAN

With the resignation of past Vice Chairman Charles Duke, who accepted an appointment on the State Land Use Commission, the Commission held an election of a Vice Chairman.

Dr. Choy declined a nomination which was made by Mr. Hosaka, seconded by Mrs. Sumida. He then nominated Mrs. Sumida who was unanimously elected Vice Chairman. Mr. Izumoto seconded the nomination.

ADJOURNMENT: The meeting adjourned at 3:20 p.m.

Respectfully submitted,

Henrietta B. Lyman
Secretary-Reporter

Attachments: (1) Memorandum dated Oct. 22, 1975 to Planning Commission from Chief Planning Officer

(2) Conditions related to the Reorganized Church of Jesus Christ of Latter Day Saints dated 10/22/75.

(3) Opinion from Corporation Counsel dated 10/10/75 re Proposed Amendment of CZC (Bill 92)

DEPARTMENT OF GENERAL PLANNING

CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

ROBERT R. WAY
CHIEF PLANNING OFFICER

75/SUP-3 and
75/CUP-7 (LC)

October 22, 1975

MEMORANDUM

TO : PLANNING COMMISSION

FROM : ROBERT R. WAY, CHIEF PLANNING OFFICER

SUBJECT: CONDITIONS FOR REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS--75/SUP-3 and 75/CUP-7 (LC)

The Planning Commission, at the October 15, 1975 meeting, requested that conditions be developed to insure that an agriculture educational program would be provided in the proposed recreational camp.

After discussion with the applicant, it was agreed that a percentage of the property could be set aside forthe proposed agriculture program. Twenty per cent or approximately 91,476 square feet was suggested. Its exact location has not been established in order to allow the architect flexibility in redesigning the facility. The condition does indicate that the 20% will have to be located in that area that has the highest capacity for agricultural production. The proposed conditions (1 and 2) for the CUP and SUP provides for design flexibility.

The condition for the program has been written in the form of goals. At this point in time, it would be difficult to outline the details of the program.

We have proposed an additional condition which would allow the Planning Commission to monitor the progress of the program.

In reviewing the conditions, which were previously submitted to the Commission, we find the need for modifications. The landscaping requirement (condition 4 for SUP/CUP) should have the word "detailed" removed. We suggest that condition 2 be modified by adding, "construction and landscaping" following the word "submit".

The parking requirements should also be modified. The present requirement of 103 spaces is required by the CZC. The assumption is

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made that the Church, the multi-purpose room, and the living areas would contain maximum numbers at the same time. The ground capacity has been figured at 250 persons which would require 50 parking spaces. It is suggested that the required parking be kept at 103 spaces, but require the applicant to provide for 50 spaces in accordance with the CZC standards and to have the recreational areas (tennis and volley ball courts and ball field) to be available for the additional 53 spaces when required. This would require a modification of condition 3. The words "phase 3" should be deleted and add, "those areas set aside for recreational activities when more than 250 people are in attendance."

ROBERT R. WAY
Chief Planning Officer

RRW:mk
Attch.

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REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

CONDITIONS

October 22, 1975

1. A minimum of 20% of the subject property shall be utilized for agriculture educational purposes. That 20% will be located in that area which has the highest capacity for agricultural production.

2. An educational program in agriculture will be established by the applicant which will have the following goals:

   (a) To establish an environment in which the participants will be exposed to general agricultural activities in a farm area.

   (b) To develop a program in which the participants will be taught basic agricultural skills.

   (c) To encourage the participation of the members of the immediate farming community and the assistance of public and private agricultural organizations in the development of the agricultural program.

3. Annual evaluations shall be submitted to the Planning Commission by the applicant through 1982 so that they may be kept informed on the progress of the agriculture program. (Only in SUP)

ROBERT R. WAY
Chief Planning Officer

RRW:mk

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File Copy

C O N D I T I O N S

Related To

REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
Special Use Permit (75/SUP-3)(LC)
October 22, 1975

1. The provisions of the plans, including the phasing timetable marked Exhibit A, approved as a part of this permit, and on file with the Director of the Department of Land Utilization, dated May 31, 1974, shall be followed except as may be altered by the conditions stated herein.

2. Prior to the construction of each phase of the proposed development, the applicant shall submit construction and landscape plans for the increment to be developed to the Director of the Department of Land Utilization for his review and approval.

3. A minimum of 103 automobile parking spaces shall be provided in two increments. Fifty spaces will be provided in Phase I and the remainder will be provided for in those areas set aside for recreational activities when more than 250 people are in attendance. The fifty spaces in Phase I shall be provided in conformance with the off-street parking requirements as set forth under Section 21-204 of the Comprehensive Zoning Code.

4. A grading plan shall be submitted to the Director of the Department of Land Utilization for review and approval prior to commencement of the initial phase. In addition, general landscape plans shall be submitted simultaneously and shall be prepared by a registered landscape architect. These plans shall be designed so as to afford the maximum buffering between the proposed use and the surrounding properties.

5. A private sewage disposal system shall be provided in a manner acceptable to the State Department of Health.

6. Within one year of the approval of the Special Use Permit, the applicant shall file an application for a building permit with the Building Department, and the proposed facility, consisting of nine phases, shall be completed by December 31, 1984. If necessary, the time limit may be extended by the Director of the Department of Land Utilization with concurrence of the Planning Commission provided that the applicant makes his request in writing and submits reasons which justify the time extension.

7. Only one identification sign shall be permitted. Said sign shall not exceed 12 square feet in area, and its type and location shall be approved by the Director of the Department of Land Utilization prior to obtaining a building permit.

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8. All utilities shall be underground.

9. The entire perimeter of the property shall be fenced with six-foot-high fencing. The plans for the fencing shall be submitted to the Director of the Department of Land Utilization for his approval prior to obtaining the building permit, and the fence shall be installed during the construction of the first phase.

10. A drainage study, as approved by the Department of Public Works, is to be incorporated into the approved plans, Exhibit A.

11. The applicant is aware that the permitted uses in this agricultural area, including chicken farming, are considered to be permitted uses, and the effects of these uses in terms of odors, noise, and insects are not to be considered as nuisances. The applicant and any persons utilizing this facility shall in no way interfere with, or object to, the lawful agricultural uses or effects generated by those uses.

12. A minimum of 20% of the subject property shall be utilized for agriculture educational purposes.

13. An educational program in agriculture will be established by the applicant which will have the following goals:

    (a) To establish an environment in which the participants will be exposed to general agricultural activities in a farm area.

    (b) To develop a program in which the participants will be taught basic agricultural skills.

    (c) To encourage the participation of the members of the immediate farming community and the assitance of public and private agricultural organizations in the development of the agricultural program.

14. Annual evaluations shall be submitted to the Planning Commission by the applicant through 1982 so that they may be kept informed on the progress of the agriculture program.

15. The applicant shall produce evidence that it carries liability insurance prior to commencing operation of the facility. This evidence shall be submitted to the Director of the Department of Land Utilization.

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

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17. In the event all conditions as set forth herein are not complied with, the Director of the Department of Land Utilization may take action to terminate the use or halt its operation until such time full compliance is obtained.

18. The recorded owner of the land encompassed by these permits shall be required to file with the Bureau of Conveyances or the Assistant Registrar of the Land Court of the State of Hawaii a declaration of the above-mentioned restrictive conditions.

19. A certified copy of the documents as issued by the Bureau of Conveyances or Assistant Registrar shall be presented to the Department of Land Utilization as evidence of recordation prior to issuance of a building permit.

20. The Director of the Department of Land Utilization may approve modifications which in his determination are minor in nature.

#

EBC:mk

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Bill 92

DEPARTMENT OF THE CORPORATION COUNSEL

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

BARRY CHUNG
CORPORATION COUNSEL

October 10, 1975

TO : HONORABLE RUDY PACARRO
COUNCILMAN, CITY COUNCIL

FROM : YOSHIAKI NAKAMOTO, ACTING CORPORATION COUNSEL

SUBJECT: PROPOSED AMENDMENT OF COMPREHENSIVE ZONING CODE (CZC)

This is in reply to your inquiry regarding the above-captioned matter as to whether or not the City Council may accept planned unit development applications.

We answer in the affirmative, provided that Bill No. 92, as proposed, is adopted as an ordinance.

The purpose of Bill No. 92 is to expedite the PUD processing and review. Under the proposed draft, subsection 21-1004(a)(1), the amendment reads:

> Any developer who desires to initiate a planned development project shall submit to the [Planning Director] City Council an application for the approval of such project designating the type of district proposed to be created.

If the intent of the City Council for receiving the application is to insure the exact date of filing of an application by the applicant in order to monitor the time for processing by the Department of Land Utilization and the Planning Commission, then we see no conflict with the provisions of the Revised Charter or the CZC. However, if the receipt of application by the City Council is to make an initial determination on approval or denial of the application, then this action would be in conflict with the Charter and the CZC requirements for the processing of such applications.

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Therefore, we recommend that should the Council wish to receive the applications and transmit such applications to the DLU for further processing without making a decision on the final outcome of the application, the draft ordinance under item 21-1004 (B)(b) should be amended to include the following:

> After receipt of the application by the Council, the application shall be forwarded for processing to the Director of Land Utilization.

For the reasons stated above, we have no objections to the adoption of Bill No. 92.

YOSHIAKI NAKAMOTO
Acting Corporation Counsel

YN:gk

cc: Planning Commission

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Meeting of the Planning Commission
Minutes
November 5, 1975

The Planning Commission held a meeting on Wednesday, November 5, 1975 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Sylvia Sumida, Vice Chairman
Dr. Wilbur Choy
Charles Izumoto
Yuklin Kuna
Ned Wiederholt
Harriet Wikum

ABSENT:

Donald Hosaka

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Lorrie Chee, Staff Planner
Henry Eng, Staff Planner
Herbert Mark, Staff Planner

MINUTES:

The Minutes of October 1, 1975 were deferred to the next meeting.

PUBLIC HEARING
GENERAL PLAN AMENDMENT
RESIDENTIAL TO COMMERCIAL
AINA HAINA
CHUN, KERR & DODD
ATTORNEYS AT LAW
(FILE #315/C4/20 MM)

A public hearing was held to consider a proposal to amend the General Plan map by redesignating the 30,000 square foot subject parcel located in Aina Haina from Residential to Commercial use, Tax Map Key: 3-6-8: 51.

Publication was made in the Sunday Star-Bulletin/Advertiser on October 26, 1975. No letters of protest were received.

Mr. Herbert Mark presented the Chief Planning Officer's report recommending that the proposed General Plan be amended to redesignate the subject 30,000 square foot parcel from Residential to Commercial use.

There were no questions of staff regarding Chief Planning Officer's report.

TESTIMONY IN SUPPORT

Messrs. Edward Y. C. Chun, Attorney, and Howard Wong, Architect, both concurred with the Chief Planning Officer's report.

TESTIMONY AGAINST

None

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

ACTION: The Commission concurred with the recommendation of the Chief Planning Officer and recommended approval of the proposal, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

AYES - Choy, Izumoto, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Hosaka

PUBLIC HEARING
ZONING CHANGE FROM
R-6 RESIDENTIAL TO
B-2 COMMUNITY BUSINESS
KAWAILOA
MYRTLE SAKAI
AGENT: ROBERT B. DUNCAN
(FILE #75/Z-19 EY)

A public hearing was held to consider a request for a change in zoning from R-6 Residential to B-2 Community Business District in Kawailoa, Tax Map Key: 6-2-05: 8.

Publication was made in the Sunday Star-Bulletin/Advertiser on October 26, 1975. No letters of protest were received.

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

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

TESTIMONY IN SUPPORT

Mr. Bruce Duncan appeared as agent for the applicant and offered to respond to any questions the Commission might have.

There were no questions of Mr. Duncan.

TESTIMONY AGAINST

None

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

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

AYES - Choy, Izumoto, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Hosaka

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NOV 5 1975

PUBLIC HEARING
ZONING CHANGE FROM
R-6 RESIDENTIAL TO
A-2 APARTMENT DISTRICT
AND CONCURRENT REQUEST
FOR CONDITIONAL USE
PERMIT FOR HEADQUARTERS
AND MEETING HALL FACILITY
FOR LABOR UNION
PALAMA
TEAM PACIFIC, INC.
(FILE #74/Z-43 &
#74/CUP-30 LC)

A public hearing was held to consider a change in zoning from R-6 Residential to A-2 Apartment District and concurrent request for a conditional use permit for headquarters and meeting hall facility for a labor union in Palama, Tax Map Key: 1-7-44: 13.

Publication was made in the Sunday Star-Bulletin/Advertiser on October 26, 1975. No letters of protest were received.

Staff Planner Lorrie Chee presented the Director's report recommending approval of both the zoning change from R-6 Residential to Apartment District and the concurrent Conditional Use Permit, subject to the conditions contained Draft 1 of the proposed Resolution.

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

TESTIMONY IN SUPPORT

1. Mr. Albert Keamo, Business Agent, Laborers' International Union of North America, Local 368, AFL-CIO.
2. Mr. Wallace Omori, Project Architect
3. Mr. Revocato Medina, President, Kalihi-Palama Model Cities

The applicant raised concern regarding dedication of a 12-foot strip. The labor union will do the necessary 12-foot roadwidening improvements but objects to dedicating the land to the City. The subject parcel is owned by approximately 4,500 union members throughout the state.

Also pointed out was the fact that usually land acquisition for road improvements occurs on both sides of the street; however, in this case, a retail store located across the street from the proposed development and situated on the property line would have to be demolished if acquisition occurs on that side of the street. The union feels the taking on one side of the street is unfair. If the community uses the street, they should compensate for a portion of it. Also, sewer improvements which the applicant will provide is a fair trade-off for the 12-foot strip.

Responding to questions raised by the Commission, staff indicated:

1. The applicant could retain title to the land after road improvements are made but liability would then rest with the property owners should there be any problems. The 12-foot strip would be in the public roadway. Should off-street problems occur, the City would have no control over that 12 feet. Dedication in this respect would clear any problem of ownership as well as liability for the applicant.

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2. Land acquisition costs to the City for the 12-foot portion is not known. Presently, City CIP funds are not available to either improve or acquire that portion. Since the Planning Commission no longer reviews the CIP program, the City Council is the more appropriate body to consider the land dedication issue.

ACTION: The Commission accepted the Director's recommendation and recommended approval of both the zoning change and the concurrent request for a CUP for headquarters and meeting hall facility for a labor union, subject to the conditions contained in the draft resolution.

AYES - Choy, Izumoto, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Hosaka

UNFINISHED BUSINESS
SLUC SPECIAL USE PERMIT
(RESERVOIR)
INSCON DEVELOPMENT CO.
(FILE #75/SUP-4 RH)

A public hearing was held and closed on October 15, 1975. Action was deferred for the 15-day statutory requirement.

MOTION: Dr. Choy moved, seconded by Mr. Izumoto, to accept the Director's recommendation for approval of the Special Use Permit, subject to the conditions contained in the report.

The motion failed to carry for lack of a majority vote.

AYES - Choy, Izumoto, Sumida
NAYES - Kuna, Wiederholt, Wikum
ABSTAINED - Kamiya
ABSENT - Hosaka

ACTION: The Commission accepted the Director's recommendation for approval of the Special Use Permit, subject to the conditions contained in the Director's report, on motion by Dr. Choy, seconded by Mr. Izumoto and carried.

Commissioners Wiederholt and Wikum both reluctantly voted in support of the motion. They felt that the SUP appears to be a small technical issue which really has larger ramifications that ultimately affect a policy decision. However, both agreed that voting against the motion does not help to reshape that policy.

AYES - Choy, Izumoto, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Hosaka

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ADJOURNMENT: The meeting adjourned at 5:30 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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MRRC RMM 19-75

FLASH CARD

FLASH CARD

MRRC RMM 19-75

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MRRC RMM 19-75

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FLASH CARD

Meeting of the Planning Commission
Minutes
November 19, 1975

The Planning Commission held a meeting on Wednesday, November 19, 1975 at 1:37 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Sylvia Sumida, Vice Chairman
Dr. Wilbur Choy
Yuklin Kuna
Charles Izumoto
Ned Wiederholt
Harriet Wikum

ABSENT:

Donald Hosaka

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Henry Eng, Staff Planner

MINUTES:

The Minutes of October 1, October 15, and October 22, 1975 were approved, on motion by Mrs. Wikum, seconded by Mr. Izumoto and carried.

PUBLIC HEARING
BILL NO. 115
CITY COUNCIL-INITIATED
BILL FOR AN ORDINANCE TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1969, AS AMENDED BY FURTHER AMENDING SECTION 21-402 RELATIVE TO MINIMUM LOT AREA, LOT WIDTH, YARD SPACING AND MAXIMUM LOT COVERAGE REGULATIONS AND BY AMENDING SECTION 21-412 RELATIVE TO OTHER REQUIREMENTS GENERALLY.
(COM.RPT. 53)
(FILE #L&R75/CZC-
AMEND. #13 HE)

A public hearing was held to consider a City Council-initiated Bill for an Ordinance to amend Chapter 21, Revised Ordinances of Honolulu 1969, as amended by further amending Section 21-402 relative to minimum lot area, lot width, yard spacing and maximum lot coverage regulations and by amending Section 21-412 relative to other requirements generally.

Publication was made in the Sunday Star-Bulletin/Advertiser on November 9, 1975. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report recommending approval of the proposed ordinance.

The Commission felt the $1,000 gross income requirement for agricultural production on agricultural land (Section (a)(6) is rather low. This question was reserved for response by the State Department of Agriculture.

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To another question concerning the 150-foot minimum lot width, Mr. Eng stated that this requirement presently exists in the CZC.

TESTIMONY IN SUPPORT

1. Mr. James Kirchhofer representing the State Department of Agriculture (Presented Statement of Board of Agriculture Chairman John J. Farias, Jr., dated Nov. 19, 1975, copy attached)
2. Mr. J. Milton Warne, Land Committee Chairman, Hawaii Farm Bureau (Submitted testimony dated Nov. 19, 1975, copy attached)
3. Mr. Terril Takeshita representing Hawaii Young Farms Association (Presented testimony of Mr. Dexter Dickson dated Nov. 19, 1975, copy attached)
4. Charlene Ho, representing Kahaluu Coalition (Presented testimony of Bob Nakata, President, dated Nov. 18, 1975)
5. Diana Tsuhako representing Waiahole and Waikane Community Assoc. (Presented testimony of Robert Fernandez, President, dated Nov. 18, 1975, copy attached)

   (Copies of all of the above written testimony are attached and made a part of these Minutes)

6. Mr. Jerry Booth, Hawaii Association of Nurserymen and Oahu Nurserymen and Grocers Association (No written testimony submitted)

   Mr. Booth commented on the following:

   a. Their intent is not to look toward restriction of lot size but more at the actual intended use of the property if it is to be subdivided.

   b. Existing front, side and rear yard setback requirements reduces the productive area creating a loss in agricultural production.

   c. The requirement of no more than one dwelling unit on a five-acre agricultural lot (Section (a)(3)) is too restrictive. Dairies can be operated on five acres but require two or three homes.

   d. Height of structures should be eliminated. Higher structures provide for better plant ventilation.

   e. Reduce the required distance between structures.

Mr. Kirchhofer was questioned and commented on the following:

1. Whether control mechanisms are adequate to insure conformance of agricultural usage in agriculture subdivisions.

   Bill 115 is not the answer but is the start--a tool that will make it more difficult and discourage some anticipation of speculation or subdivision. It is an interim step that will help stop

agricultural subdivisions which should not occur. It will prevent large track subdivisions presently pending before DLU in Mokuleia and Waikane.

There was no backup work with criteria to develop controls. A number of concepts were examined--development rights, purchase, transfer, agricultural parks--but because of the constitutionality and cost consideration, no one has what they believe is the answer.

Concerning a suggested possible alternative of agricultural dedication whereby the land is taxed to agricultural use, Mr. Kirchhofer said this may provide a tax shelter. It would be possible to rescind the dedication by payment of back taxes. The benefit gained to break that dedication far outweighs the penalty.

They feel the intent and purpose of Bill 115 is strongly spelled out.

2. They believe the $1,000 gross income requirement for agricultural production is very low. Presently there is no figure on the books and recommendation of a higher figure would create many objections. The $1,000 was a recommended minimum limit because it had recently been adopted at the federal level as a definition of a "farm". The United States Department of Agriculture recently revised their definition of "farm" and the State DAG proposed to do the same in the City and County of Honolulu.

   They proposed that the State Land Use Commission adopt the $1,000 in their Rules and Regulations, but they were not able to convince the SLUC that the small farmer would not be hurt by the $1,000 requirement. There is great concern for part-time farming in the production of fresh vegetables. Problems arise in distinction between the legitimate part-time farmer, versus back-yard gardening or those who wish to "live off the land" which should not be a purpose of agricultural subdivision.

TESTIMONY AGAINST

1. Letter received from Mr. Mervin Gilliland, Vice President, Pearl Harbor Heights Developers dated Nov. 19, 1975, copy attached)
2. Letter received from John Henry Felix, Managing Partner, Windward Partners dated Nov. 18, 1975, copy attached)

   (Copies of the above letters are attached and made a part of these Minutes.)

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Sumida and carried.

The matter was deferred for two weeks on motion by Dr. Choy, seconded by Mrs. Sumida. The following information was requested:

1. The proposed Agricultural Park Study by the State Department of Agriculture.

2. From the Department of Land Utilization and Corporation Counsel:

   a. The rationale for front, side and rear yard setbacks in agricultural areas and the basis for the proposed footage.

   b. Alternative mechanisms for control which will insure conformance of agricultural usage in agriculture subdivisions--what conditions might be set, what mechanisms are possible for long-term monitoring, and what penalties can be imposed if conditions are not fulfilled.

ADJOURNMENT: The meeting adjourned at 4:00 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

Presented by James Kirchhofer

STATMENT OF BOARD OF AGRICULTURE CHAIRMAN JOHN FARIAS, JR.
ON
BILL NO. 115 OF THE CITY & COUNTY OF HONOLULU - NOVEMBER 19, 1975

In addition to transmitting Bill 115 (1975) to the Planning Commission for review, public hearing and recommendations, Committee Report No. 1233 also requested the Chairman of the Board of Agriculture to respond to a series of questions related to the Bill. Therefore, before proceeding with our comments on the Bill itself, with your permission, we would like to attempt to answer the Council's questions at this time.

The first question posed was, "What is the potential income that a family can expect on two acres versus five acres?" Attached to this testimony you will find a short paper prepared by Dr. Alexander Dollar of our Department which attempts to answer the question. Very briefly, the study shows that the average potential gross personal income a family can expect for farming a two-acre versus a five-acre farm is $5,165 and $17,485, respectively.

Caution must be exercised in using these figures, however, because they represent <u>averages</u> based upon statistics for 24 different types of crops. In fact profitable operations can be realized from farming less than two acres for certain types of crops, such as string beands and tomatoes, while other types of crops, such as papayas and bananas, require more than five acres. The point being stressed is that <u>many factors</u> enter into the farm income question; thus, it is not practical to generalize except for broad analytical purposes.

The second question asked in Committee Report No. 1233 was "What would be the average lease on two- and five-acre farm lots?" Because of the highly variable nature of lease agreements, we have concluded that a calculated, over-all average of lease rents would not provide useful information. However, a survey of current lease rents charged by the largest lessors in the State provides

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some insight. For example, the State of Hawaii's average lease rent for its fifty-one general agricultural leases on Oahu, totaling 800 acres, is $54.90 per acre per year with most at 20-year terms. In Kahuku, the Campbell Estate's agricultural lease rents per acre per year are approximately $35.00 for the first two years, $50.00 for the third year, and somewhere between $100 and $200 for the next ten years with varying lease terms. In Kona, Bishop Estate lease rents per acre per year range from $20 - $40 with 45-year terms.

Lease rents vary greatly for agricultural lands. Besides location and type of soil, the availability of an adequate water supply affects the lease rental.

The third question we have been asked is: "If diversified agriculture is to be subsidized by government, should certain industries also be subsidized since both are important aspects of the State's economy?" We believe the determination of which industries should receive government subsidy is beyond the scope of our department, and, therefore, we will not attempt to answer that question at this time.

Our inability to answer the Council's questions to our own satisfaction as well as theirs, is apt demonstration of the difficulty of trying to generalize about an industry as diverse as agriculture. Apparently it is still true that one cannot compare apples and oranges. We have been concerned that the discussions relating to Bill 115 (1975) are getting bogged down in exactly this kind of quandary. Too much attention is being paid to the minimum lot size issue; too little attention is being given to the intent of Bill 115 (1975) which is to prevent the subdivision of agricultural lands for non-agricultural purposes.

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The Department of Agriculture strongly supports this intent. A recent opinion of the Attorney General (attached) confirms our contention that the subdivision of agricultural lands for strictly residential purposes is a subversion of the intent of the State Land Use Law. We would add that it is also a subversion of the General Plan of the City and County of Honolulu, as well as the legislative intent of the Comprehensive Zoning Code.

We would like to suggest certain amendments to Bill 115 (1975) which we believe would serve to satisfy the intent of the bill without requiring a change in the minimum lot size. We propose these changes because of the concern expressed by some, that the small or part-time farmer will be hurt if the minimum lot size is raised to five (5) acres.

1. We suggest the Comprehensive Zoning Code be amended to state that the subdivision of agricultural land be permitted only for the purpose of promoting agricultural production.

   In other words, the applicant for a subdivision would be required to present evidence demonstrating to the satisfaction of the Director of the Department of Land Utilization that the subdivision would be for farming purposes. (The Department of Agriculture would be happy to assist the Department of Land Utilization in this process, if our participation would be helpful.)

   As presently written, Bill 115 (1975) proposes this kind of examination of subdivision applicants for special permits between two (2) and five (5) acres. We are suggesting that <u>all</u> proposed agricultural subdivisions - no matter what the resulting lot size - should undergo the same scrutiny. This is because we would be just as concerned about a massive five-acre subdivision of prime agricultural land in Central Oahu, for example, as we would be

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about a two-acre subdivision of the same land. In either instance, our concern would be over the purpose of the subdivision, not the resulting lot size.

2. As presently written, Bill 115 (1975) proposes that all structures on agricultural lots shall have a maximum lot coverage of 20%. Under the existing ordinance, structures used for agricultural production are exempted from the maximum lot coverage requirements. We strongly urge the existing exemption be continued. As proposed, the bill would force a farmer who requires crop or animal shelters in his production to limit the utilization of his land to one (1) acre (20%) of a five-acre farm lot. As proposed, this Section of Bill 115 (1975) would be prohibitive to agriculture development on Oahu.

3. Our final suggestion relates to the minimum front, rear, and side yard setbacks required in the existing Comprehensive Zoning Code for agricultural lots. We would like to propose that consideration be given to reducing these setbacks. On Page 2 of Dr. Dollar's report, you will find figures showing the effective available cropland on two- and five-acre lots. These figures demonstrate that the existing setback requirements significantly reduce the amount of cropland which can be utilized for farming. On a two-acre parcel, 19,460 square feet must be set aside by the farmer to meet the setback requirements; on a five-acre parcel, 31,468 square feet must be set aside. We suggest consideration be given to changing the front yard setback from 25 to 10 feet and reducing the side and rear yard setback requirements from 15 to 5 feet.

Thank you for this opportunity to comment.

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COMPARATIVE FARM INCOME ESTIMATES FOR TWO- AND FIVE-ACRES FARMS ON OAHU

INTRODUCTION

Individual farm enterprise income data is not generally available due to the confidential nature of such data. Therefore, income analyses must be derived by extrapolation from the best available data - published statistics on Hawaiian Agriculture and periodic census and balance sheet analyses published by the U. S. Department of Agriculture - Agricultural Statistical Service.

Basically, two factors need to be determined in order to derive comparative farm income estimates for farms of different sizes:

1. Income per acre of cropland
2. Cropland acreage per farm

After these determinations are made it becomes a relatively simple task to calculate comparative farm income using the formula:

(INCOME/ACRE)(CROPLAND ACRES) = FARM INCOME

FARM INCOME/ACRE OF CROPLAND

Gross personal income from farming is derived from available data on potential gross crop sales. The data base utilized involves 19 vegetable and 5 fruit crops produced on Oahu.*

First, each of the 24 crops is weighted according to its relative value to the total:

W = Weighting factor

$W_1 \ldots W_{24}$ = Weighting factors for each of 24 crops

$$W_1 \ldots W_{24} = \frac{\text{Annual Gross Crop Sales of Each Crop (1--24)}}{\text{Total Annual Gross Crop Sales of 24 Crops}}$$

With weighting factors (W) established for each crop, a weighted average potential gross crop sales per acre of cropland is then calculated:

$C_1 \ldots C_24$ = Potential Gross Crop Sales/acre cropland for each of 24 crops

C_A = Weighted Average Potential Gross Crop Sales/acre cropland

$$C_A = \frac{(C_1)(W)+(C_2)+\ldots(C_{24})(W_{24})}{24}$$

By this process the weighted average potential gross crop sales value for 24 crops produced on Oahu is determined to be $10,440** per cropland acre.

Note: Definitions used and statistical data sources are attached to this report.
* See sources 1 and 2
** Rounded to nearest $10

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Farm operating expenses, exclusive of labor expenses, for Hawaii has been estimated at 56.6% of gross crop sales.*** This net farm income (equivalent to gross personal income), therefore, is:

$$\begin{aligned} \text{NET FARM INCOME} &= (C_A) - [(C_A)(56.6\%)] \\ &= \$10,440 - [(\$10,440)(.566)] \\ &= \$10,440 - \$5,909 \\ &= \$\ 4,530** \end{aligned}$$

CROPLAND AVAILABLE ON FARM LAND

The amount of the total land in a farm unit available for crop production is never equal to 100 %. This is due to use of a portion of the farm land for non-crop production which, nevertheless, is either required by governmental regulation or is necessary to support farm operations. Commonly, these are:

1. Zoning yard setback requirements
2. Housing
3. Storage
4. Access roads
5. Service areas
6. Parking

Estimates based on observations of actual farms, five acres or less in size, yield the following allowances which can be used as guidelines for determining the available cropland:

Housing - 10,000 sq. ft.
Other (storage, access, service and parking) - 8,000 sq. ft.

Zoning yard setbacks on Oahu are calculated to be 19,460 sq. ft. and 31,468 sq. ft. for two- and five-acre farms, respectively. This is based on a 25-foot front yard setback and a 15-foot side and rear yard setback.

For two- and five-acre farms, then, the land area not normally used for crop production and the land area available for crop production is:

		2-Acre Farm	5-Acre Farm
Total Farm Area		87,120 s.f.	217,000 s.f.
Less:	Housing	10,000 s.f.	10,000 s.f.
	Zoning Setbacks	19,460 s.f.	31,468 s.f.
	Other	8,000 s.f.	8,000 s.f.
	Total Non-Crop Land:	37,460 s.f.	49,468 s.f.
Available Crop Land		49,660 s.f. (1.14 acres)	68,332 s.f. (3.86 acres)

***See sources 3 and 4

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COMPARATIVE FARM INCOME: TWO- AND FIVE-ACRE FARMS

At this point the necessary inputs have been derived to solve the equation:

FARM INCOME = (INCOME/ACRE) (CROP LAND ACRE)

F_2 = 2-Acre Farm Income
F_5 = 5-Acre Farm Income

F_2 = ($4,530) (1.14 acres) = $5,165*
F_5 = ($4,530) (3.86 acres) = $17,485*

CONCLUSION

In tabular form, the comparative farm income picture for two- and five-acre farms is:

Farm Land	Crop Land	Gross Crop Sales	Gross Personal Income (Net Crop Sales)
2 acres	1.14 acres	$11,900	$ 5,165
5 acres	3.86 acres	$40,300	$17,485

In the absence of specific individual enterprise data on farm income, a model has been developed herein which utilizes the best available information. This particular model provides for comparisons of farm income on the basis of the amount of farm land under consideration. Certain other variables, such as agricultural management skills, type crops, or cost of land have been fixed to allow focusing upon the amount of land variable.

FARM INCOME ESTIMATES - OAHU

I. DEFINITIONS

Farmland - The total land area of a farm.

Land Acre - A unit of land measurement that may or may not include crop land.

Crop Land - Land used only for crop production, including the necessary roads, borders, and spaces between rows of crops.

Crop Acre - A unit of crop harvest measurement; one land acre may produce more than one crop cycle per year, yielding more than one crop acre.

Crop Cycle - The entire crop production cycle beginning with the preparation of the land and terminating after harvesting of the crop.

*~~Rounded to~~ nearest $5.00

1298ORP.1

Gross Crop Sales - The gross annual monetary value derived from the sale of crops.

Gross Personal Income - The gross annual personal income to the proprietor farmer before taxes and fringe benefits. This is the equivalent of net farm income exclusive of labor costs.

II. SOURCES OF DATA

1. "Potential Gross Crop Sales for Fruit and Vegetable Crops Produced on Oahu - 1974" - (table), Planning & Development Office, State Department of Agriculture.

2. Statistics of Hawaiian Agriculture, 1974, Hawaii Crop and Livestock Reporting Service, United States Department of Agriculture - Statistical Reporting Services.

3. 1969 Census of Agriculture: Volume V, Special Reports, Par. II, Farm Finance, United States Department of Agriculture.

4. 1969 Census of Agriculture: Volume I, Area Reports, United States Department of Agriculture

5. Preliminary Projections for Diversified Agriculture Land Use Planning, 1973, State Department of Agriculture.

Alexander M. Dollar, Ph.D.
Department of Agriculture
State of Hawaii

November 14, 1975

State of Hawaii
Department of Agriculture
November 14, 1975 (revised)

POTENTIAL GROSS CROP SALES FOR FRUIT AND VEGETABLE CROPS PRODUCED ON OAHU - 1974

Crop	Estimated No. Crops[1]	Yield Per: Crop Acre (1,000 lbs.)[2]	Yield Per: Land Acre (1,000 lbs.)[3]	Price[4]	Potential Gross Crop Sales Per:[5] 1 Land Acre	2 Land Acres	5 Land Acres
Snap Beans	2.5	11.8	29.50	46.3	13,658	27,317	68,292
Head Cabbage	2.9	15.0	43.50	11.4	4,959	9,918	24,795
Mustard Cabbage	4.0	13.3	53.32	19.2	10,237	20,474	51,187
Sweet Corn	3.7	2.5	9.25	17.4	1,610	3,220	8,050
Cucumbers	2.6	14.4	37.44	20.7	7,750	15,500	38,750
Chinese Cabbage	4.3	30.0	129.00	12.1	15,609	31,218	78,045
Daikon	3.8	22.3	84.74	12.5	10,592	21,185	52,962
Ginger Root	1.0	34.7	34.70	65.4	22,694	45,388	113,469
Green Onions	4.7	11.4	53.58	43.6	23,361	46,722	116,804
Lettuce, Semi-head & Romaine	4.4	16.4	72.16	21.9	15,803	31,606	79,015
Dry Onions	2.8	16.6	46.48	25.2	11,713	23,426	58,565
Green Peppers	2.4	18.3	43.92	35.5	15,592	31,184	77,960
Eggplant	1.3	24.9	32.37	24.6	7,963	15,926	39,815
Pumpkins	1.7	8.0	13.60	17.0	2,312	4,624	11,560
Sweet Potato	2.5	16.5	41.25	17.4	7,178	14,355	35,890
Tomato	2.0	33.8	67.60	37.9	25,620	51,240	128,100
Squash, Italian	3.0	10.0	30.00	25.0	7,500	15,000	37,500
Watercress	1.0	52.8	52.80	23.6	12,460	24,920	62,300
Watermelon	1.2	8.0	9.60	18.7	1,795	3,590	8,975
Banana, all varieties	0.9	10.5	9.45	13.6	1,285	2,570	6,425
Papaya	0.7	23.5	16.45	17.8	2,928	5,856	14,640
Avocado	0.8	7.0	5.60	20.0	1,120	2,240	5,600
Oranges	0.8	4.8	3.84	16.4	630	1,260	3,150
Tangerines	0.8	8.8	7.04	20.0	1,408	2,816	7,040

1 Estimate of number of potential crop cycles (crop acre) per year.
2 Average yield per crop cycle in 1,000 lbs.
3 Estimated land area required = (number crop cycles x yield per crop cycle).
4 Average annual price in cents per lb.
5 Gross Farm Sales = price per lb. x estimated yield per land acre.

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ADDRESS REPLY TO
THE ATTORNEY GENERAL OF HAWAII
AND REFER TO
INITIALS AND NUMBER

MSK:lt
Op. No. 75-8

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
STATE CAPITOL
4TH FLOOR
HONOLULU, HAWAII 96813

HAWAII DEPT OF AGR
SEP 3 4 26 PM '75

CABLE ADDRESS
ATTGEN

[redacted]
ATTORNEY GENERAL

September 3, 1975

Honorable John Farias, Jr.
Chairman, Board of Agriculture
Department of Agriculture
State of Hawaii
Honolulu, Hawaii

Dear Mr. Farias:

Re: Proposed Subdivision of Agricultural Land at Mokuleia, Waialua, Oahu

By memorandum dated August 18, 1975, you requested our opinion on whether a proposed subdivision of agricultural land at Mokuleia, Waialua, Oahu, would be in violation of the intent of the State Land Use Law. Based on the factual representations you made, we believe that the proposed subdivision would be in violation of the State Land Use Law.

The land proposed to be subdivided is presently divided into three lots totalling 141.456 acres in an agricultural district established by the State Land Use Commission. A portion of the land is presently under sugar cultivation and the remaining portion is abandoned cane land. The major portion of the land has soil rated excellent for agricultural production and can be used for sugarcane, truck crops, and pasture. The landowner has applied to the Department of Land Utilization, City and County of Honolulu, for approval of his plans to consolidate the three lots and to subdivide the consolidated lots into sixty-five lots with a minimum lot area of two acres. Your Department has been requested by the City and County's Department of Land Utilization to submit comments on the proposed subdivision.

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Upon investigation of the proposed subdivision, you learned that in December 1972 the landowner petitioned the State Land Use Commission for a land use district boundary change to reclassify the same land from agricultural to urban use. The landowner at that time proposed to construct approximately 700 residential units on the land. The State Land Use Commission did not approve the boundary change. During the State Land Use Commission's five-year boundary review made in 1974, the landowner presented a letter of intent suggesting that the same land be reclassified from agricultural to urban use because the landowner intended to construct approximately 1,500 planned development housing-type units and a 15,000 square-foot commercial convenience center, planned for a population of approximately 5,800. The State Land Use Commission did not formally consider the suggestion.

Although the current subdivision application named the landowner as an individual, you have learned that the land is actually owned by two corporations involved in the business of real estate development. The individual named as the landowner in the subdivision application is an officer of one of the corporations. On April 20, 1975, the landowners resubmitted to the Hawaii Housing Authority a previously made proposal for a joint venture to construct on the land approximately 1,000 residential units, primarily in townhouse-type structures. Although this most recent proposal has not yet been rejected by the Hawaii Housing Authority, the landowners apparently are proceeding on the assumption that the proposal will be rejected.

Although there may be some types of intensive agricultural use, such as nursery operations, that would be economically feasible on two-acre lots, you questioned the availability of an adequate water supply to support such intensive operations on the subject land and you also questioned the availability of qualified individuals to operate such intensive-use operations on each of the proposed sixty-five lots. It is unlikely that the sixty-five lots will be used for such intensive-use agricultural operations. Consequently, in light of the landowners' usual business activity of real estate development and of their previous attempts to develop the land for high-density residential use, you believe that the proposed subdivision is intended for residential purposes, not agricultural purposes, and that the proposed subdivision will result in an irretrievable loss of valuable agricultural land.

Op. No. 75-8

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In further support of your belief, you cited examples of agricultural land subdivided into several small lots (most of which were less than three acres) that are not in agricultural use. Information provided by the Department of General Planning, City and County of Honolulu, indicated that of the 185 lots of the Haiku Plantations, the 41 lots of the Waipio Farm Lots, the 530 lots of the Pupukea Highlands, and the 27 lots of the land at Pupukea subdivided by Tyau Dairy Farms, only five lots of the Pupukea Highlands are actively used for agriculture. In the County of Hawaii, several large subdivisions of agricultural lands were created primarily for the sale of lots only: Hawaiian Paradise Park (8,843 one-acre lots), Orchid Land Estates (2,491 one- to two-acre lots), Hawaiian Acres (3,944 three-acre lots), Eden Rock Estates (539 one-acre lots), Leilani Estates (2,266 one-acre lots), and Alohaland Meadows (1,043 one- to three-acre lots). These subdivisions were intended to be sold for residential purposes. The Planning Department of the County of Kauai reported two recent examples of the subdivision of agricultural lands for residential purposes: a subdivision at Keapana (eight lots of two acres or less) and a subdivision in the Wailua Homesteads (six lots of one acre).

We understand that these examples were cited in support of your belief that subdivision of agricultural land into several small lots of three acres or less will not result in agricultural use of the land and that these examples were not cited to necessarily indicate violations of the State Land Use Law, HAW. REV. STAT. ch. 205 (1968, Supp. 1974), or of the State Land Use District Regulations. Some of the subdivisions were subsequently included in urban use districts and some of the subdivisions still in agricultural districts are presently vacant and unused. Subdivision into lots of three acres or less, but not less than one acre, per se, does not violate chapter 205 or the State Land Use District Regulations because HAW. REV. STAT. § 205-5(b) (Supp. 1974) (emphasis added) states that "[t]he minimum lot size in agricultural districts shall be determined by each county through its zoning ordinances, subdivision ordinances or other lawful means, provided that in no event shall the minimum lot size for any agricultural use be less than one acre."

Furthermore, the construction of a dwelling on a one- to three-acre lot in an agricultural district does not per se violate chapter 205, because HAW. REV. STAT. § 205-2 (Supp. 1974), as amended by Haw. Laws 1975, ch. 193, § 3, at _____, states in part as follows (emphases added):

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> Agricultural districts shall include activities or uses as characterized by the cultivation of crops, orchards, forage, and forestry; farming activities or uses related to animal husbandry, and game and fish propagation; services and uses accessory to the above activities including but not limited to living quarters or dwellings, mills, storage facilities, processing facilities, and roadside stands for the sale of products grown on the premises; agricultural parks and open area recreational facilities.

Moreover, pursuant to the authority granted in HAW. REV. STAT. § 205-7 (1968), the State Land Use Commission adopted regulations having force and effect of law. Part II, "State Land Use District Regulations," as amended effective January 5, 1975, lists, in section 2.72, the "Permissible Uses Within the 'A' Agricultural District," including the following (emphasis added):

> (d) Farm dwellings, farm buildings, or activities or uses related to farming and animal husbandry.

However, a "farm dwelling" is defined in section 2.3(a)(9)of the State Land Use District Regulations as follows (emphasis added):

> "Farm dwelling" shall mean a single-family dwelling located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling.

Therefore, the "living quarters or dwellings" that are permissible in agricultural districts under section 205-2 as "accessory to" the statutorily specified and permitted activity have been further defined by sections 2.3(a)(9) and 2.72 of the State Land Use District Regulations to be permissible only when "located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling."

If any owner of a lot located within an agricultural district uses his lot as a one- to three-acre residential estate and not as "a farm where agricultural activity provides income to the family occupying the dwelling" located on the lot, he would appear to be in violation of chapter 205 and the

State Land Use District Regulations. As we discussed in our Opinion No. 70-22, the counties are charged with the duty of enforcing chapter 205 and the State Land Use District Regulations under HAW. REV. STAT. § 205-12 (1968), which reads as follows:

> The appropriate officer or agency charged with the administration of county zoning laws shall enforce within each county the use classification districts adopted by the land use commission and shall report to the commission all violations.

Violators are subject to a fine under HAW. REV. STAT. § 205-13 (1968):

> Any person who violates any provision of this chapter, or any regulation established pursuant to this chapter, shall be fined not more than $1,000.

Furthermore, as we stated in our Opinion No. 70-22, violators are subject to whatever legal or other corrective measures that may be necessary to insure compliance with chapter 205.

Although individual violations can be handled by the counties through after-the-fact corrective measures, we believe that the counties cannot rely only on after-the-fact measures when a large area of agricultural land is involved. If, for example, the 19,126 lots of the six subdivisions previously referred to in the County of Hawaii were all sold to different individuals who constructed dwellings on the lots and used the lots as residential estates without agricultural activity that "provides income to the family occupying the dwelling," the County's enforcement agency may encounter some difficulty in prosecuting all of the violators. Although a smaller subdivision such as the subject proposed subdivision of the Mokuleia land would not present such a seemingly insurmountable after-the-fact enforcement problem, the subject proposed subdivision of sixty-five lots would still involve a significant number of potential violators as well as other important considerations.

The landowner-developer, having managed to obtain county approval for his subdivision without a land use district boundary amendment, could sell the two-acre agricultural lots at residential-lot prices, with or without houses already constructed thereon. The purchasers may purchase the various lots or houses and lots for use as residential estates with

no intent to engage in agricultural activity. If the purchasers do not engage in agricultural activity that "provides income to the family occupying the dwelling," they would, of course, be in violation of chapter 205 and the State Land Use District Regulations. Unfortunately, the purchasers, having purchased the lots for residential purposes and at residential-lot prices, in all likelihood would not be able or qualified to engage in economically feasible agricultural activity on such small agricultural lots. Therefore, after houses and other improvements have been constructed on each lot, economically feasible agricultural activity may no longer be possible on once prime agricultural land. The developer, who profited from the sale of the subdivided agricultural land at residential-lot prices, may not be accountable for his actions under chapter 205 because he would no longer be the landowner. After-the-fact enforcement measures alone, consequently, cannot preserve prime agricultural land if developers are allowed to subdivide large areas of prime agricultural land into many small lots for purposes other than agricultural use. We believe that pursuant to their enforcement duties under section 205-12 the counties must take before-the-fact measures to insure the preservation of prime agricultural land.

Since subdivision of large areas of prime agricultural land into many small lots appears to result, with few exceptions, in the withdrawal of that agricultural land from economically feasible potential agricultural use, we believe that such subdivisions strongly indicate a contemplated change of use from agricultural to rural or urban in violation of chapter 205. When the Legislature created the State Land Use Commission and provided for the first three State land use districts, the Legislature found and declared as follows:

> Inadequate controls have caused many of Hawaii's limited and valuable lands to be used for purposes that may have a short-term gain to a few but result in a long-term loss to the income and growth potential of our economy. Inadequate basis for assessing lands according to their value in those uses that can best serve both the well-being of the owner and the well-being of the public have resulted in inequities in the tax burden, contributing to the forcing of land resources into uses that do not best serve the welfare of the State. Scattered subdivisions with expensive, yet reduced, public services; the shifting of prime agricultural lands into nonrevenue producing residential uses when other lands are available that could serve adequately the urban needs; failure to utilize fully

> multiple-purpose lands; these are evidences of the need for public concern and action.
>
> Therefore, the Legislature finds that in order to preserve, protect and encourage the development of the lands in the State for those uses to which they are best suited for the public welfare and to create a complementary assessment basis according to the contribution of the lands in those uses to which they are best suited, the power to zone should be exercised by the State and the methods of real property assessment should encourage rather than penalize those who would development [sic] these uses. Haw. Laws 1961, ch. 187, § 1, at 299 (emphases added).

The Hawaii Supreme Court has stated that "the history of the statute, the objects to be accomplished, the evils and mischiefs to be remedied, . . . the history of the passage of the Act, the reports of committees, etc." may be used to construe a statute. Employees' Retirement System v. Wah Chew Chang, 42 Haw. 532, 541 (1958). Thus, chapter 205 should be construed in light of the stated "evils" of "inadequate controls" and of "the shifting of prime agricultural lands into nonrevenue producing residential uses when other lands are available that could serve adequately the urban needs."

In 1975, the Legislature was still concerned about the "evils" aimed at in 1961. Act 142, Session Laws of Hawaii 1975, Haw. Laws 1975, ch. 142, § 1, at ____, amended HAW. REV. STAT. § 46-15(a) (Supp. 1974) to delete the exception of a county from the requirement of obtaining a land use district classification change when "a proposed project is located on land within or contiguous to" an urban district established by the State Land Use Commission. The House Committee on Housing reported as follows:

> Your Committee finds that the purposes of Hawaii's pioneering Land Use Law remains even more valid today than at the time of its enactment in 1961. The purposes of the Land Use Law include 1) the provision of adequate devices to insure Hawaii's limited and valuable land not be used for short-term gain for a few with a resultant long-term loss to income and growth potential of our economy and 2) preservation of our prime agricultural lands.

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> Your Committee is aware of steps being taken during the 1975 Legislative Session to improve and strengthen the Land Use Law by requiring the development of State planning policies and criteria and b[y] reforming the procedures followed by the Land Use Commission in order to effect more openness and accountability to the public.
>
> Your Committee believes that the present provisions of Section 46-15 might be construed to create a serious loophole which, unless amended as provided in this bill, could open the door to significant circumvention of the Land Use Law. The existing statute permits the counties to develop experimental and demonstration housing projects in agricultural and conservation districts without regard to the Land Use Law as long as the project is adjacent to or within an existing urban district. HAW. H. STAND. COMM. REP. NO. 488 (Mar. 11, 1975) (emphases added).

The Senate Committee on Housing and Hawaiian Homes concurred:

> While recognizing the great need for housing for low and moderate income households your Committee believes that the Land Use Law should not be circumvented. HAW. S. STAND. COMM. REP. NO. 820 (Apr. 2, 1975) (emphasis added).

Furthermore, by Act 193, Session Laws of Hawaii 1975, Haw. Laws 1975, ch. 193, § 10, at ___, the Legislature added a new section to chapter 205, providing an "Interim Statewide Land Use Guidance Policy" that states in part as follows (emphases added):

> (1) Land use amendments shall be approved only as reasonably necessary to accommodate growth and development, provided there are no significant adverse effects upon agricultural, natural, environmental, recreational, scenic, historic, or other resources of the area.

The Legislature also substantially amended chapter 205 to "establish procedures intended to insure the effective application of established State land use policies by the Land Use

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Commission through an adversary process in which diverse interests will have an opportunity to compete in an open and orderly manner and public participation and citizen input will be encouraged." HAW. CONF. COMM. REP. NO. 23 (Apr. 10, 1975). As amended by Act 193, Haw. Laws 1975, ch. 193, § 5, at ____, section 205-4 requires that amendments to land use district boundaries be made by the State Land Use Commission only after a hearing conducted in accordance with the contested case formalities of the Hawaii Administrative Procedure Act, HAW. REV. STAT. ch. 91 (1968, Supp. 1974), and only after the State Land Use Commission has found that, upon the clear preponderance of the evidence, "the proposed boundary is reasonable, not violative of section 205-2 and consistent with the interim policies and criteria."

We believe that the "evils" to be remedied by chapter 205 have been rather clearly stated by the Legislature. Chapter 205, as construed in light of the "evils" to be remedied, governs the use of land, the change of use classifications, and the enforcement of the land use restrictions. Because the Legislature has charged the counties with the very important duty of enforcing the land use classifications of chapter 205 and the State Land Use District Regulations, the counties must insure that the provisions of chapter 205 and the State Land Use District Regulations are not circumvented. To insure the preservation of prime agricultural land, especially when a relatively large area of prime agricultural land is involved, the counties must take positive preventive measures against potential violations of the land use restrictions of chapter 205 and the State Land Use District Regulations. Therefore, the counties should thoroughly investigate any application for subdivision of a large area of agricultural land into lots that appear to be too small for economically feasible agricultural activity. If the investigation and the comments and recommendations from other governmental agencies indicate that the proposed subdivision appears to be intended for purposes contrary to the existing land use classification and in violation of chapter 205 and the State Land Use District Regulations, the subdivision application should be disapproved. Any doubt as to whether a proposed subdivision will result in a significant change of land use should be resolved in favor of a disapproval.

Accordingly, we conclude that the proposed subdivision of 141.456 acres of substantially prime agricultural land at Mokuleia into sixty-five lots that appear to be too small

for economically feasible agricultural use is, in all likelihood, intended for purposes contrary to the Legislature's stated goal of preservation of prime agricultural land and contrary to the established land use classification under chapter 205 and the State Land Use District Regulations; that when a relatively large area of prime agricultural land is involved such as in the case of this proposed subdivision, the City and County of Honolulu, pursuant to its enforcement power under section 205-12, must take positive preventive measures to insure that the proposed subdivision will not result in an adverse effect on the agricultural resources of the area; and that when, as in this instance, the proposed subdivision in all likelihood will not be used for agricultural purposes and may be an attempted circumvention of the land use district amendment procedure and controls provided in chapter 205, the Department of Land Utilization, City and County of Honolulu, should disapprove the subdivision application.

Sincerely yours,

Maurice S. Kato

Maurice S. Kato
Deputy Attorney General

APPROVED:

Ronald Y. Amemiya

Ronald Y. Amemiya
Attorney General

HAWAII FARM BUREAU FEDERATION

1513 Young Street, Room 202 • Honolulu, Hawaii 96814 • Telephone (808) 946-1435

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1st VICE PRESIDENT
Ernest Adamiya
2nd VICE PRESIDENT
Randall Kamiya
3rd VICE PRESIDENT
Wallace Kimura
4th VICE PRESIDENT
Dan Hata
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Maurice Payne
KONA COUNTY
Toshio Yoshizaki
MAUI COUNTY
Mitsugi Yamamura

November 19, 1975

Randall Kamiya, Chairman
City Planning Commission
Honolulu, Hawaii 96813

Hawaii Farm Bureau Federation approves of the ~~interest~~ intent of Bill #115 (1975) to restrict the subdivision of agricultural lands. We favor changing the size to five acres or more provided there are exceptions for intensive operations such as nurseries and hot-house vegetable growing.

We believe that the provision for smaller lots under the special conditions is necessary. The limitation of six lots would work against breaking up of the large land holdings.

Any provision that speaks for agricultural production must have careful attention to the words used. To say "provides income" is not enough because it would allow operation of gentlemen's farms with the prospect of having no production for the market and no true economic value to the community.

On page 2, paragraph (f) the exception for farm production buildings must be kept in order to allow nurseries and certain other operations to exist.

Also, the restriction of one house per lot is not realistic for such farms as dairies where employee housing is almost essential.

We believe that the real meat of this draft is contained in paragraph 1, which require evidence that the resulting subdivided lots would be large enough for efficient, economic, and profitable agricultural production which would produce a living for the farmer. This paragraph could be reworded so that it has something of the guideline value of impact statements on the environment. These would be statements supporting the thesis that the subdivision would be beneficial to the agricultural industry, and the decision to allow the subdivision of agricultural land would then be dependent upon the benefits to agricultural production.

Respectfully submitted,

Milton Warne

Milton Warne, Land Committee Chairman

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November 19, 1975

Presented by Terrill Takeshita

Mr. Chairman and Members:

My concern on the matter of agriculture subdivision stems from my being active and affiliated with the agricultural organizations in the State of Hawaii. I am a part-time farmer at heart--having raised my own livestock, worked on farms, and a past president of the Hawaii Young Farmers Assn.

I feel confident that the knowledge and experience I present here today is in the best interest to all types of farmers in our great state.

No. 1 - <u>The Subdivision</u>.

The subdivision, when declared by the subdivider to be for agricultural purposes, should follow the intent and purposes for which it was intended. This being the development of agriculture in the state, completely restricting the speculative and resident-type of purchases. This control can easily be accomplished through the City and State agencies already in operation.

No. 2 - Once declared for agricultural use, the land should be governed under conditions or regulations specifically designed for ag. use and not conform to residential requirements simply because it is another subdivision where the farmer may also reside. By this, I mean, for example, the setbacks should not exceed 10 feet on the front and 5 feet on the side and rear.

Where lots are bordered by more than one road, only the road bearing the address should be considered the front.

The 50 ft. setback on major highways should be amended to 10 ft.

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The height regulation in Section 21-403 should not apply to agricultural lands; therefore should be restricted to residential subdivisions.

There are other codes that do not apply here today but are enforced by government agencies which restrict farmers in the best use of their land. If subdivisions are allowed to continue under an agricultural heading with residential restrictions and with limitations set on dwellings, it would mean that the bonified farmers [redacted] MAY have to acquire a 5-acre parcel to utilize only 4 acres of [redacted] farming.

Animal or crop shelters requiring a minimum of 15 ft. setback on side and rear of the lot represents 15 sq. ft., per lenial ft., of wasted land to the farmer, and no matter what he paid for that parcel of land, the restricted area would not be income property.

In conclusion, gentlemen--on behalf of my Assn. and associates--I ask for your fair consideration regarding the intent and purpose of subdivision of agridultural lands. The restrictions should provide for the best in land utilization to the bonified farmers.

DEXTER DICKSON
H.H. GIBSON CHAPTER
YOUNG FARMERS' ASSN

12980RPJ

KAHALUU COALITION

THE COMMUNITY THAT HELPS ITSELF

PHONE 239-9294

OFFICERS
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President
HARRY AOKI
1st Vice President
CHARLES TOGUCHI
2nd Vice President
SHERI STURM
Corresponding Secretary
JOAN LEE
Recording Secretary
CONNIE JO NAKAMOTO
Treasurer
JOE HARPER
Executive Secretary

ASSOCIATION
KAHALUU PARKS & RECREATION
HUI MALAMA AINA O KO'OLAU
HAWAII RURAL HOUSING
KAHALUU LIONS CLUB
KO'OLAU SENIOR HUI
KAHALUU MEDICAL CLINIC BOARD
WAIAHOLE ELEMENTARY SCHOOL PTA
KAHALUU COLONY HOMEOWNERS ASSOCIATION
KAHALUU UNITED METHODIST CHURCH
KAALAEA VIEW ACRES COMMUNITY ASSOCIATION
HUI KO'OLAU
KUALOA-HEEIA ECUMENICAL YOUTH PROJECT
KAHALUU BOY SCOUTS
ST. JOHNS BY THE SEA
CLUB VIEW GARDENS I
WAIAHOLE-WAIKANE COMMUNITY ASSOCIATION
AHUIMANU HOMEOWNER'S ASSOCIATION
WAIAHOLE ELEMENTARY SCHOOL PTA
AHUIMANU GARDENS
HAKIPUU-KUOLOA COMMUNITY ASSOCIATION

November 18, 1975

Mr. Randy Kamiya, Chairman
Planning Commission

Dear Mr. Kamiya and Commissioners,

The Kahaluu Coalition urges that you recommend approval of the ordinance to increase the minimum lot size from two (2) acres to five (5) acres in an agricultural district. We agree with its intent, which is the protection and preservation of agriculture.

There is some controversy over this because some landowners are concerned that their children will not be able to build homes on their land. We do not believe this to be a problem as the ordinance calls for a special permit system allowing the subdivision of a lot into as many as six (6) lots, provided none are smaller than two (2) acres (the present minimum), and also provided that the lots are used for agricultural production. If however, the landowner or his children wish to go out of farming, then the problem is to obtain a variance or a zoning change, which is the same as would be required under the two (2) acre minimum lot size now in existence.

One improvement to the ordinance we would suggest is a penalty clause for noncompliance. An ordinance without teeth means nothing. A yearly fine equal to the $1,000 minimum production required by this ordinance seems reasonable.

We thank you for the opportunity to speak on this ordinance.

Sincerely,

310

Bob Nakata, President

47-232 WAIHEE ROAD, KAHALUU, HAWAII 96744

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PEARL HARBOR HEIGHTS DEVELOPERS

P. O. BOX 3230 · HONOLULU, HAWAII 96801 · TELEPHONE 546-8422

November 19, 1975

Honorable Randy Kamiya, Chairman
and Members of the Planning Commission
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Gentlemen:

Re: Bill No. 115 - A Bill for an Ordinance to Amend Chapter 21, Revised Ordinances of Honolulu, 1969, As Amended, by further Amending Section 21-402 Relative to Minimum Lot Area, Lot Width, Yard Spacing and Maximum Lot Coverage Regulations and by Amending Section 21-412 Relative to Other Requirements Generally

On behalf of Pearl Harbor Heights Developers this letter is submitted in opposition to the subject bill.

In the interest of fairness and equity, due consideration should be given to the applicants seeking agricultural zoning under the existing minimum 2-acre requirement.

The proposed bill will not stimulate interest in diversified agriculture by arbitrarily adjusting minimum acreage requirements. The more important method in encouraging diversified agriculture would be the actual use of acreage rather than by arbitrarily adjusting minimum acreage requirements.

It is our belief that raising the minimum requirements for agriculture subdivision from 2 to 5 acres as this bill proposed might tend to take agricultural land out of actual agricultural uses and defeat the underlying purpose of diversified agricultural uses. The minimum five acres, in our opinion, would be too large a parcel for residents who might be interested in truck farming and/or subsistence farming to satisfy their needs.

The present 2-acre parcel requirement puts within the reach of our citizens an opportunity to live on such parcels and farm for their respective needs. Adopting this measure providing for a 5-acre minimum lot would, in effect, deny the people their right to diversified farming by putting the land cost beyond their economic reach.

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For reasons set forth herein, we urge your Honorable Board to recommend to the City Council that Bill No. 115 not be adopted.

Very truly yours,

PEARL HARBOR HEIGHTS DEVELOPERS

Mervin Gilliland
Vice President

MG:ms

cc: Lone Star Hawaii, Inc.
Bishop Estate
Mr. Jiro Matsui
Community Planning, Inc.

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WINDWARD PARTNERS

1020-G KEOLU DRIVE
KAILUA, HAWAII 96734
PHONE (808) 261-3348

November 18, 1975

Honorable Randy Kamiya, Chairman
and Members of the Planning Commission
City and County of Honolulu
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Re: Bill No. 115 - A Bill for an Ordinance to Amend Chapter 21, Revised Ordinances of Honolulu 1969, As Amended, by Further Amending Section 21-402 Relative to Minimum Lot Area, Lot Width, Yard Spacing and Maximum Lot Coverage Regulations, and by Amending Section 21-412 Relative to Other Requirements Generally

Gentlemen:

This testimony is submitted by Windward Partners in opposition to the subject bill.

First of all, we would urge that in the interest of fairness and equity that this measure, if ultimately enacted into law, would be prospective in nature only, and not apply to applications seeking an agricultural subdivision under the existing minimum 2 acre requirements.

As to the substance of the bill, we wish to set forth our opposition for two reasons, which are as follows:

1. Fundamentally, any attempt to preserve agricultural lands with a desire to stimulate diversified agriculture thereon will not be attained by arbitrarily adjusting minimum acreage requirements. In our view, whatever the minimum acreage requirements, it would seem the more important task would be to see to the actual use of such acreage in agricultural pursuits. In fact, as set forth immediately below, if there is an adjustment in minimum requirements as proposed in this bill, such adjustment might well tend to take land out of actual agricultural use and thereby defeat the underlying desire to diversify our agricultural base.

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2. It is the feeling of Windward Partners that any adoption of a minimum 5 acre requirement for agricultural sub-divisions would tend to put such acreage in "no man's land," that is, the minimum 5 acres would be too large a parcel for many of our residents who might be interested in truck farming and/or subsistence farming to satisfy their own needs.

It is our feeling that at the moment 2 acre parcels would be within the reach of many of our citizens who would care to live on such parcels and to farm the same, thus keeping within the general policy of advancing diversified agriculture in our community. To deny such people the fulfillment of their desires by adopting a 5 acre minimum lot requirement (and thereby putting it out of their reach economically), would only be to defeat our desire to broaden and diversify agricultural pursuits in the community.

In conclusion and for the reasons set forth hereinabove, we would urge your Honorable Body to recommend to the City Council that Bill No. 115 not be adopted into law.

Respectfully submitted,

John Henry Felix
Managing Partner

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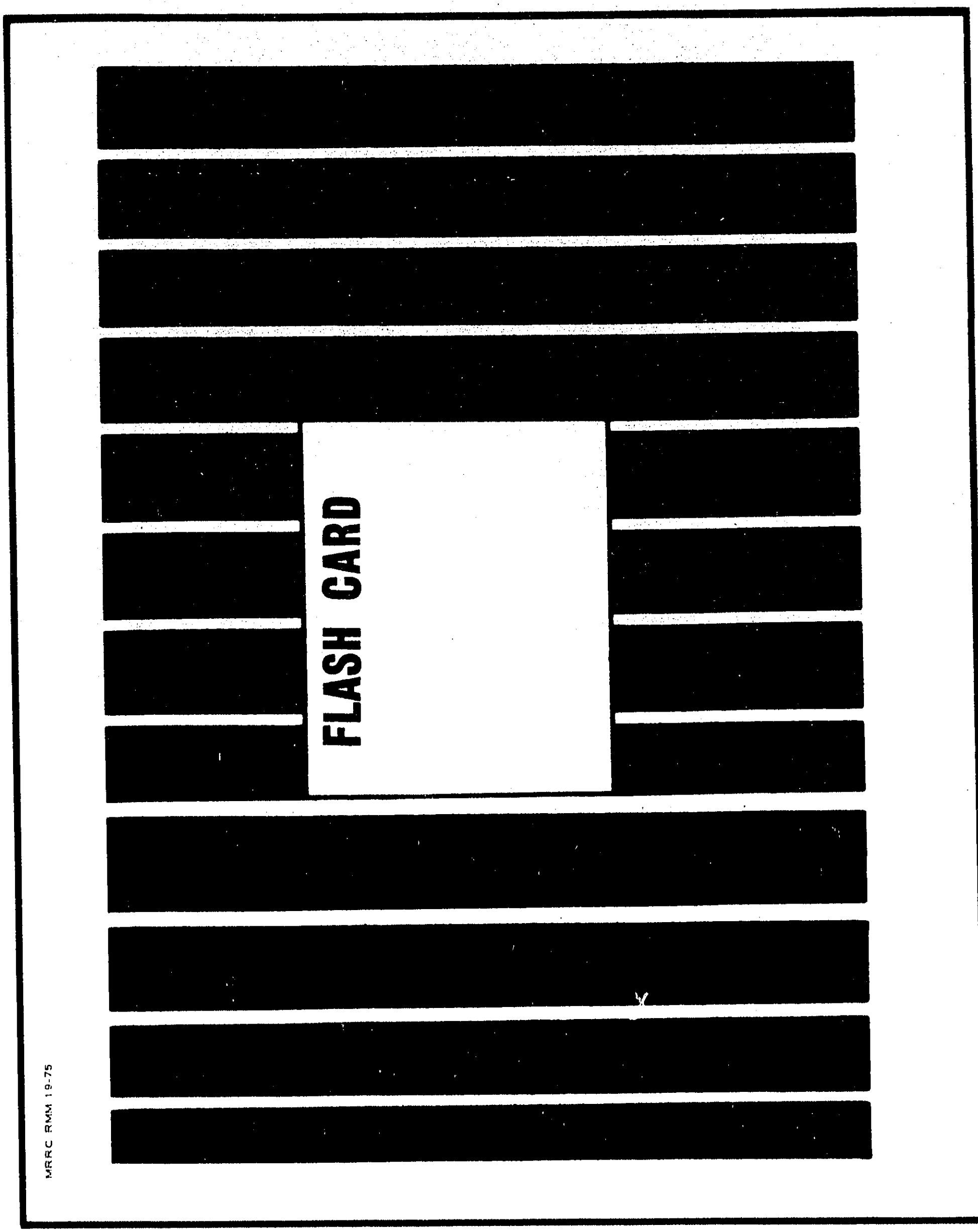
FLASH CARD



MRRC RMM 19-75

FLASH CARD

FLASH CARD

MRRC RMM 19-75

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Meeting of the Planning Commission
Minutes
December 3, 1975

The Planning Commission held a meeting on Wednesday, December 3, 1975 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:
Randall Kamiya, Chairman
Sylvia Sumida, Vice Chairman
Dr. Wilbur Choy
Charles Izumoto
Yuklin Kuna
Sylvia Sumida
Ned Wiederholt
Harriet Wikum

ABSENT:
Donald Hosaka

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Henry Eng, Staff Planner
Jack Gilliam, Staff Planner
Stan Mofjeld, Staff Planner

MINUTES:
The minutes of November 5 and November 19, 1975 were approved, on motion by Dr. Choy, seconded by Mr. Izumoto and carried.

PUBLIC HEARING
BILL NO. 140
INITIATED BY CITY COUNCIL
AMENDMENT TO VARIOUS SECTIONS OF R-4, R-5, R-6 AND R-7 RESIDENTIAL DISTRICTS RELATING TO DUPLEX DWELLINGS, LOT WIDTH AND YARD SETBACKS.
(L&R/CZC-1975-19 JG)

A public hearing was held to consider an amendment to various sections of R-4, R-5, R-6 and R-7 Residential Districts relating to duplex dwellings, lot width and yard setbacks.

Publication was made in the Sunday Star-Bulletin/Advertiser on November 23, 1975. No letters of protest were received.

Staff Planner Jack Gilliam presented the Director's report of the proposed amendment. There was question as to how modification of minimum lot areas and widths were derived for the R-4, R-5, R-6 and R-7 districts. Staff pointed out that there were two separate lot width requirements for one and two family dwellings. They do not feel there is adequate public interest to require the extra

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frontage for the duplex. Therefore, the proposed change, which would apply the existing width for one family dwelling, makes the requirement consistent for one and two family dwellings in the R-4, R-5, R-6 and R-7 districts.

TESTIMONY FOR

None

TESTIMONY AGAINST

1. Representative Steve Cobb (Presented summary of Bill 140, copy attached)
2. Received letter dated Dec. 3, 1975 from Steve Goodenow, President, Shoreline Protection Alliance (copy attached)
3. Mrs. Norma Carr, representing the Aina Haina Community Association and the Kuliouou Community Association.

   Mrs. Carr requested a deferral of the public hearing inasmuch as she had received notice of this matter last evening. She expressed concern on the effect this bill might have on areas already built up on Kalanianaole Highway. Existing residents may try to squeeze in another unit on their property and thereby destroy an otherwise beautiful neighborhood.

The public hearing was kept open and the matter deferred to the next Commission meeting on December 17, 1975. It was requested that the Executive Secretary notify the community organizations that the public hearing has been kept open. The motion was made by Dr. Choy, seconded by Mrs. Wikum and carried.

PUBLIC HEARING
BILL NO. 144
INITIATED BY CITY COUNCIL
A PROPOSED ORDINANCE FOR ESTABLISHMENT OF THE WAIKIKI SPECIAL DESIGN DISTRICT
(FILE #75/SDD-1)

A public hearing was held to consider a proposed ordinance initiated by the City Council for establishment of the Waikiki Special Design District (Bill No. 144).

Publication was made in the Sunday Star-Bulletin/Advertiser on November 23, 1975. No letters of protest were received.

Mr. Bob Jones discussed the portion of the bill which dealt with land use controls and Mr. Stan Mofjeld covered urban design controls.

Questions were raised concerning:

1. Does the proposed ordinance eliminate the Conditional Use Permit/ Special Use Permit procedure?

   Staff indicated that the CUP/SUP process will be eliminated. Each project will be reviewed by the Director of Land Utilization and the City Council.

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2. Are there are controls to preserve historic places, i.e., Halekulani Hotel?

   Under the project review procedure, attempts could be made to preserve such areas but there are no particular mechanisms to stop redevelopment of the area.

3. How many were in attendance at the public information meeting held at Jefferson Elementary School?

   Six people were in attendance. Notices were sent to community organizations in addition to coverage by the news media.

4. Does the proposed ordinance eliminate Planning Commission review?

   In the Special Design District regulations, there are two procedures by which SDD districts can be established--

   a. Establishment of a Special Design District (like the Waikiki Special Design District) would be subject to Planning Commission review.

   b. Initiation of projects within the established Special Design District will not be reviewed by the Commission. An opinion from Corporation Counsel to the City Council advises that under the Charter, Planning Commission review is not necessary because (1) these projects are subject to review and the regulations were already established under the SDD; and (2) these issues do not involve a zoning change.

TESTIMONY IN SUPPORT

Written--

1. Representative John S. Carroll (Submitted testimony dated Dec. 3, 1975, copy attached)
2. Senator John Leopold (Submitted testimony dated Dec. 3, 1975, copy attached)
3. Mr. Don Bremner, Executive Vice President, Waikiki Improvement Association (Submitted testimony dated Dec. 3, 1975, copy attached)
4. Mr. Donald R. Hanson, Waikiki Residents Assocation (Submitted written testimony, undated, copy attached)
5. Mr. Stanley Shin, State Department of Accounting and General Services (Submitted testimony, undated, copy attached)
6. Mr. Richard Wong, Helumoa Land Company (Submitted testimony dated Dec. 3, 1975, copy attached)
7. Gerri Lee, Waikiki Community Center (Presented testimony, undated, copy attached)
8. Ann Scheufele, Waikiki Community Center (Presented testimony, undated, copy attached)
9. Mr. Philip F. Thayer (Submitted testimony dated Nov. 26, 1975, copy attached)

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10. Mr. Manuel Woo, General Manager, Kuhio Hotel/Waikiki (Submitted testimony dated Nov. 20, 1975, copy attached)
11. Letter dated Nov. 19, 1975 from Lyman J. Blank, President, Tropic Isle Hotel (copy attached)

Oral testimony--

12. Mr. Gordon H. Damon, Waikiki property owner
13. Mr. Bill Cameron, Waikiki Resident and member of Waikiki Improvement Association and Waikiki Community Center
14. Mr. Bill Winchell, Architect
15. Mr. L. E. Armerding, Waikiki Resident
16. Dorothy W. Lindley, Chamber of Commerce Planning Commission

Oral testimony presented generally supported the proposed ordinance. An additional comment by Dorothy Lindly of the Chamber of Commerce Planning Commission suggested a Waikiki Design Board.

TESTIMONY AGAINST

Mr. Gregory Pai, Waikiki property owner, 2455 Kuhio Avenue (Written testimony attached)

The public hearing was kept open and the matter deferred two weeks for the following:

1. Notification be made to all small property owners in Waikiki.

2. Press Release sent from the Planning Commission to the news media stating the concerns of the Commission as to why the public hearing is being kept open, and to entertain the concerns of the public.

3. In the event the City Council decides affirmatively to pull this matter from the Commission, a verbatim transcript of Mr. Pai's testimony be forwarded to the City Council by December 12, 1975.

UNFINISHED BUSINESS
BILL NO. 115
CITY COUNCIL-INITIATED
BILL FOR AN ORDINANCE TO
AMEND CHAPTER 21, REVISED
ORDINANCES OF HONOLULU
1969, AS AMENDED BY
FURTHER AMENDING SECTION
21-402 RELATIVE TO MINIMUM
LOT AREA, LOT WIDTH, YARD
SPACING AND MAXIMUM LOT
COVERAGE REGULATIONS AND
BY AMENDING SECTION 21-412
RELATIVE TO OTHER
REQUIREMENTS GENERALLY.
(COM. RPT. 53)
(FILE #L&R75/CZC-
AMEND.#13 HE)

A public hearing was held and closed on November 19, 1975. Action was deferred for additional information and study by the Planning Commission.

The Executive Secretary reported the receipt of a memorandum dated December 3, 1975 from George S. Moriguchi, Director of Land Utilization, in response to questions posed by the Commission at its November 19, 1975 meeting (copy attached). No response was received from the State Department of Agriculture.

Commissioner Wiederholt presented a summary of issues concerning the proposed ordinance and for this reason requested that the matter be deferred to the next Commission

meeting to permit further review of the proposed ordinance.

The Commission deferred action on this matter to the next meeting on December 17, 1975 for further study. An ad hoc committee, of any commissioners willing to participate, was formed to study the issues presented by Commissioner Wiederholt in addition to other concerns which the commissioners might have regarding the proposed ordinance. The motion was made by Mrs. Sumida, seconded by Mr. Wiederholt and carried.

ADJOURNMENT: The meeting adjourned at 6:05 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

2980RP-1

Summary only

SUBJECT: Bill No 140 (1975)(Draft No 1) To amend Chapter 21, Rev Ord of Honolulu 1969, as amended (Comprehensive Zoning Code)

Reference: (1) Comprehensive Zoning Code (CZC) 1969, C&C Honolulu Ordinance No 3234, Effective Date January 2, 1969.

(2) 1975 Cumulative Supplement of the Comprehensive Zoning Code 1969 (CZC) (Contains all amendments through December 31, 1974).

Sec 21-110 Definitions	ADDS: definition of Duplex Dwelling to others ie Dwelling unit, Dwelling One-Family, Dwelling Two-Family, Dwelling Multiple Family, Dwelling Detached, Dwelling Semi-Detached, Dwelling attached.
Sec 21-202 yards	ADDS yard requirement for duplex dwelling.
Sec 21-531(a) (Use Reg)	No change from 1969 wording.
Sec 21-533(a) (Min. Lot Area)	Deletes from original 1969 Act ...."provided that if the cross slope of the zoning lot is greater than 30 per cent , one family semi-detached and two-family detached dwellings shall not be permitted.
	ADDS new subsetion - Minimum lot area for duplex dwelling shall be 7,000 sq ft.
Sec 21-533(b)1	AMENDS: Sets minimum lot width for one-family and two-family detached dwelling at 65 feet. Previous width, 50 feet. (1975 Sup pg 42)
Sec 21-533 (b)(2) (Lot Width)	ADDS duplex and reduces minimum lot width from 70 ft to 35 feet (Sup 1975 pg 43)
Sec 21-533 (d) (lot Width)	REDUCES minimum set back for side and rear yard from 6 to 5 feet.
	ADDS - statement for duplex dwelling requirement.
R-5 Residential Sec 21-543(a)(2) (Lot Area)	DELETED one family semi-detached dwelling from restriction of 11,000 sq ft (SUPP Pg 42)
Sec 21-543 (a) (Lot Area)	ADDS - Duplex dewlling with minimum lot area of 5,500 sq ft.
Sec 21-543 b 1	ADDS - two family dwellings to classification - no change in minimum lot width of 60 ft. (Original act based on size of lot).
Sec 21-543 b 2 (Lot Width)	DELETES - one family semi-detached dwelling, changes to Duplex dwellings. Changes min lot widèh from 75' to 35' (Original Act 1969 was for 80').
Sec 21-543(d) (Side & Rear Yd)	CHANGES - Minimum side and rear yard setback from 6 to5 feet. ADDS provision for duplex dwelling.

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R-6 Res Dist Sec 21-553(a)(2) (Lot Width)	REMOVES one family semi-detached dwelling from 7,500 sq ft restriction, two-family dwelling remains same.
Sec-553(a)(4) (Lot Area)	ADDS - Duplex dwellings - sets minimum area to 3,750 sq ft.
Sec 21-553(b)(1) (Lot Width)	ADDS - two family detached dwellings to restriction of 50 foot minimum lot width. Reduced from 70 feet (SUPP pg 43)
Sec 21-553(b)(2) (Lot Width)	DELETES - one family semi-detached and two family-detached dwelling at min lot width of 70 feet - Establishes minimum lot width for duplex dwelling at 30 feet.
Sec 21-563(a)(1) (Lot Area)	ADDS - Duplex dwelling to one-family detached dwelling with minimum lot area 3,500 sq ft.
Sec 21-563(a)(2) (lot Area)	DELETES - one family semi-detached dwelling from minimum lot area of 7,000 sq ft.
Sec 21-563(b)(1) (Lot Width)	ADDS - two family detached dwelling to minimum lot width of 50 feet.
Sec 21-563(b)(2)	DELETES - one family semi-detached and two family detached dwelling from minimum lot width of 70 feet. ADDS duplex dwelling at a minimum lot width of 30 feet.

12/3/75/McT

12880RP-1

MP 12/75-3049

813 ALAKEA STREET
MAIL ADDRESS: P.O. BOX 4247
HONOLULU, HAWAII 96813
TELEPHONE: 523-2400

SHORELINE PROTECTION ALLIANCE

December 3, 1975

Planning Commission
650 South King Street
Honolulu, Hawaii 96813

Re: Bill No. 140-1975 Draft 1

Members of the Planning Commission:

The Shoreline Protection Alliance is opposed to Bill No. 140 as it is now written. The bill would allow increases in the population density in R-4 through R-7 residential districts without provision for adequate open space or park areas. We would like to point out that clustered housing and duplex units are already possible through planned unit development review procedures. The PUD process allows the City Department of Land Utilization to preserve amenities such as trees, streams, and privately maintained landscaping in exchange for authorizing denser housing than ordinarily possible under the CZC. Bill No. 140 would give land owners the power to indiscriminately cover their property with buildings without preserving such amenities.

Thank you for considering our position.

Respectfully,

Steve Goodenow

Steve Goodenow
President

SG:dk

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Nineteenth District
BENJAMIN J. CAYETANO
*NORMAN MIZUGUCHI
Twentieth District
DANIEL J. KIHANO
MITSUO SHITO
Twenty-First District
RICHARD C. S. HO
**HENRY HAALILIO PETERS
Twenty-Second District
OLIVER LUNASCO
HOWARD K. ODA
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GEORGE W. CLARKE
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RALPH K. AJIFU
FAITH P. EVANS
Twenty-Fifth District
JOHN J. MEDEIROS
†ANDREW K. POEPOE
Twenty-Sixth District
ANN L. YUEN
Twenty-Seventh District
RICHARD A. KAWAKAMI
**TONY T. KUNIMURA
DENNIS R. YAMADA

Assistant Majority Leader
*Assistant Majority Floor Leader
†Minority Leader
††Minority Floor Leader
Assistant Minority Floor Leader

HOUSE OF REPRESENTATIVES
THE EIGHTH LEGISLATURE

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

December 3, 1975

Mr. Chairman and
Planning Commission Members

Over the past four years, I have introduced building moratorium resolutions in the Hawaii State Legislature. The purpose of those resolutions was to effectuate with a shotgun approach what is now being attempted by rifle shot with the City Council Bill #144.

I am in support of this bill's purpose and intent. It is unfortunate that this type of bill could not have been passed many years ago. The building density in the Waikiki area has been the subject of much academic discussion and virtually no action. I urge passage and implementation of Bill #144.

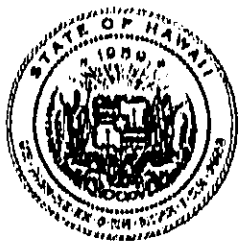
Thank you for this opportunity to testify.

John S. Carroll

John S. Carroll
Representative, 11th District

1980RP-1

JOHN LEOPOLD
6th District



HAWAII STATE SENATE
HONOLULU 96813

December 3, 1975

Mr. Randall Kamiya
Chairman, Planning Commission
City and County of Honolulu
c/o Department of General Planning
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Chairman:

I support the establishment of a Waikiki Special Design District as provided in Bill Number 144 and urge the City Planning Commission to recommend favorable consideration of the measure by the City Council.

I do not share the view expressed by the Chief Planning Officer of the City and County of Honolulu that there still remains a need for a comprehensive plan for Waikiki. What is needed is an implementation of the recommendations contained in existing plans to establish limits on the number of hotel rooms and apartment units in the area. What is long overdue is a definite limit on the growth of Waikiki, and Bill 144, by controlling the denisty of Waikiki, provides that limit.

Waikiki presently has about 9,000 housing units with a resident population of about 14,000. In the Ena Road-Hobron Lane area of Waikiki the living densities are comparable with those of Hong Kong, San Francisco and New York; the density rate is about 42,000 persons per square mile. The present City Administration has ignored the obvious overload in this small area of Waikiki and has continued to allow the construction of more high-rises there, even though the legislature and the governor indicated their concern for this overburdened, overpopulated area by enacting the Environmental Impact Statement Law, Act 246, in 1974. The effort of the City Council, in its initiation of Bill 144, to control apartment and hotel unit density in Waikiki is a mandatory and vitally important step to halt the overload situation in Waikiki and preserve the quality of life for those who live, work and visit there.

John Leopold

324 State Sen. John Leopold

12980RP-1

WAIKIKI
IMPROVEMENT
ASSOCIATION, INC.

SUITE 1410 • 2222 KALAKAUA AVE • HONOLULU, HAWAII 96815 • TEL 923-1094

DONALD A. BREMNER, AIP, *Executive Vice President*

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Kuhio Hotel

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President
Hawaii Visitors Bureau
CLEMENT R. JUDD
Executive Vice President
Hawaii Hotel Association

December 3, 1975

Mr. Randall Kamiya, Chairman
Members of the City Planning Commission

Re: Council Bill #144 - Waikiki Rezoning

Mr. Chairman and Members:

Council Bill 144 rezones Waikiki to reduce allowable building densities, to establish a maximum size for the area, to create more appropriate land use patterns and relationships in the area and to introduce the "design zoning" concept for development there.

It is the culmination of much study and deliberation over the period of many years. It can even be said to have been stimulated originally by a report.submitted to the Council by the Planning Director in 1970, which called the density problem in Waikiki the most critical concern facing the area. In 1970 also, the need to reduce building densities in Waikiki was endorsed by the Governor's Travel Industry Congress, a representative group of people from the travel industry and the community in general. In 1971, Mayor Fasi's Planning Advisory Committee on Waikiki recommended such re-zoning, as well as the application of the "design zoning" concept to Waikiki. Since those ancient beginnings, the idea has been endorsed by many others. Among them, both houses of the State Legislature in 1972; the Temporary Visitor Industry Council in 1973; Dr. Robert Freilich, a City Council consultant on the matter, in 1974; and along the way many individual citizen organizations.

Of much greater importance to you however, is the fact that the proposed bill is "consonant with the guidelines set forth" in the General Plan for Oahu. It implements the officially adopted general plan proposals for Waikiki. Bill 144 does this in two specific ways:

1. It creates a pattern of proposed land uses, i.e., zoning districts, that are consonant with the guides set forth in the General Plan. As a matter of fact, the proposed zoning precincts conform precisely to those shown on the General Plan. Even if these were varied somewhat to recognize the trends of development in certain areas and other changes in conditions since 1964, they still would be consonant with guidelines of the plan.

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2. It applies for the first-time, under zoning, unit densities specified in the General Plan for "hi-density" resort development, which also happens to be some 40% lower than those allowed under present zoning.

The Planning Commission, as the one lay group concerned with making the planning function work, ought to be extremely interested in implementing officially adopted plans. That, afterall, is the primary purpose of planning - to solve problems, to stimulate decisions which incorporate long-range considerations; to implement plans. A planning function that never achieves implementation, but finds itself in the closed cycle of constantly avoiding positive action in deference to more planning, is in trouble. It becomes more a contributor to the problem than to the solution.

For instance, New York City has been pursuing the development of the "ultimate" in comprehensive plans for forty years. Years of inaction went by while everybody waited for the great panacea to nagging problems. A few years ago, they woke up suddenly to a crisis created by the delay. New York City was zoned to allow some 55 million people, yet its comfortable carrying capacity was calculated at 11 million and rapid growth was fast approaching the latter figure. Waiting any longer would have eliminated their ability to achieve the critical planning goal of avoiding overcrowding. They acted and re-zoned New York to reduce allowable building densities without waiting for the "ultimate" plan. The similarities to Waikiki's situation should be obvious.

We do not imply that continuous refinement of plans is not desirable. It is necessary. But the continuum of planning has to be punctuated by a series of actions also - implementing various aspects of existing plans and planning principles at appropriate times - if the planning function is to provide a meaningful impact on problems facing the community. No one need fear that action now pre-cludes refinements later on. Such refinements, when they are produced by a continuing planning function, can supplement immediate action and refine it at a later date. To take no action at all, awaiting the refined plan in Waikiki however, is to risk losing the opportunity to properly control densities in Waikiki and courts disaster for the future of this important area.

We have had time for enough planning to put us on the proper course; we have had considerable study; we have had a moratorium on building for over a year. It is time to act - to do otherwise at this time, under these circumstances, could easily qualify as a badly mis-guided planning strategy.

We urge you therefore, to act positively on Bill #144.

Very truly yours,

D. A. Bremner

Donald A. Bremner, AIP
Executive Vice President

1298ORP-1

STATEMENT OF WAIKIKI RESIDENTS ASSOCIATION ON A BILL FOR AN ORDINANCE TO ESTABLISH "THE WAIKIKI SPECIAL DESIGN DISTRICT"

Donald R. Honson

The Waikiki Residents Association strongly supports the intent of this Bill since it recognizes that the qualities of Waikiki, that have made it world-famous, should be both preserved and enhanced. Four separate groups of people have looked on Waikiki as something special: First, the Royalty of Hawaii who made it their haven of rest and recreation; second, the millions of tourists and servicemen who remember it as an unforgetable place, have returned again and again, and have told millions of other persons about the scenery and the gracious people of Waikiki and Hawaii; third, there are the millions of persons who dream of the day when they can visit Waikiki Beach and see it as they have seen it on posters, film, and on photographs and slides; fourth, there are the residents who live here because they know it is a special and precious place in the world.

Please do not betray these people when passing this Bill and when implementing the urban and land-use design standards in the Bill. The best publicity for tourism, our central economic base, is for a place to live up to all expectations or, better yet, to exceed hopes of visitors. Symptoms of impending failure have appeared recently when a water main broke causing the beach closure, and when a group declared they would not return to Hawaii because they were robbed in their hotel. As much as we need professional tourist promotion, it is,in the final analysis, most effective when visitors and residents tell their friends about the continuing and improving qualities that Waikiki has and can offer. Implementation of this Bill can assist them to do this successfully.

We propose the following changes to the Bill:

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Section I.

H. After "climate", eliminate "life-style and the resort-oriented environmental", then add "and character of Hawaii." Eliminate last phrase.

I. Eliminate last words, "in Waikiki".

K. Re-phrase: "to encourage the development of a variety of land uses which are compatible....".

Section IV. B.I. Apartment Precinct

h. Replace "provided that" with "but not".

i. After "activity" add "of these uses shall not be allowed."

-- Add: n.All other uses are prohibited.

B.2 Resort Hotel Precinct

c. Add improved parking facilities, together with appropriate landscaping and screening as required by the Council.

e. Replace "provided" with "but not".

i. Eliminate Carnivals-Circuses.

-- Add: n. All other uses are prohibited.

B.3 Resort Commercial

j. Replace "provided that" with "but not". Eliminate "shall not be permitted.

l. Replace "provided that" with "but not". Eliminate last phrase "shall not be permitted."

m. Rewrite to: "Automobile gasoline service stations, but not garage repair or rental car activities provided 40% or more of the area is landscaped."

p. Add improved parking facilities together with appropriate landscaping and screening as required by the Council.

q. Eliminate "Carnivals, circuses".

Section V. Design Control

A. Add: "3. Off-street loading for passengers as well as freight be provided."

1298ORP-1

B. 3. After "compatible with", add and to harmonize with natural surroundings and be in keeping with Hawaii's historic...."

B. 5. Add, after automobile, "gasoline"

B. 5. c. Add "40% of surface shall be landscaped and..."

C. 1. c. (4) Add "...and there shall be not more than 60 units per acre."

C. 3. b. (4) Add "All front yards shall be landscaped."

C. 3. c. Add after "ground level", exclusive of required setback areas".

Section VI. Non-Conformity

Add after ~~"nonconforming, from its original use and which...."~~ non-conformity "no change the original use, and..." , and add ~~new sentence: "Any change in non conforming use requires the approval of the Council."~~

Section VII. Non-significant Projects

A. Add after "signs" other than those provided for under Section V.E.

B. Add after "space, from its original use."

E. Eliminate "Carnival, circuses..."

Section XIII. Building Permit

B. Change "shall" to must, and add after "permit", "or the construction work will be stopped."

Mr. Chairman, members of the Commission, my name is Stanley Shin, and I am here to represent the State Department of Accounting and General Services.

We have reviewed the proposed ordinance for the Waikiki Special Design District and would like to make certain recommendations which we feel will improve this ordinance.

The main recommendation is to amend the proposed boundary to delete Thomas Jefferson Elementary School and the Waikiki-Kapahulu Library which are located at the corner of Kapahulu Avenue and Ala Wai Blvd. The basis for this recommendation is that these facilities are now within the Diamond Head Historic, Cultural, and Scenic District. Thus, these facilities must now meet the requirements of the Comprehensive Zoning Code and the Design Control System for the Diamond Head District.

We believe the CZC and the Diamond Head Design Control System which includes restrictions for:

(a) Height
(b) Grading and Stockpiling
(c) Subdivision Improvements
(d) Landscaping Regulations
(e) Architectural Appearance and
(f) Utility Lines

are adequate provisions for the County to control development of these sites. Although the objectives of the Diamond Head H.C.S. District and the Waikiki S.D. District are different, the controls to be exercised for Public Precincts appear to be similar.

I might add that Jefferson Elementary Schoo, the Waikiki-Kapahulu Library and most of the Ala Wai Canal are the only areas that are included in both the Diamond Head H.C.S. and Waikiki S.D. Districts. If our main recommendation to amend the boundary is not acceptable, then we would like to make several other recommendations.

The first concerns permissible uses within the Use Precincts. The "Use Precinct Map" shows that Jefferson Elementary and the Waikiki-Kapahulu Library are within the Public Precinct and the proposed ordinancepermits "public uses and structures" within this precinct. This is acceptable to us.

However, the permissible use listed as Item (g) under Apartment Precinct on page 3 appears to be out of place and unnecessary. It states, as a permissible use: "Public and private schools devoted to primary and secondary general education but not trade, vocational or business schools or colleges". We recommend that this item be deleted.

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The second recommendation concerns the design control provision for the Public Precinct dealing with:

(a) Floor Area Ratio
(b) Height
(c) Yard Requirements and
(d) Other Things

These items will be subject to approval of the Council under the proposed ordinance whereas they are specified for the other use precincts. If these items are not specified in the proposed ordinance, we will have a problem in designing facilities since our consultants will not know what their design constraints are until an application is submitted. We therefore recommend that these design control provisions be specified for the Public Use Precinct.

The third recommendation concerns the approval process. The proposed ordinance will require that almost all applications be submitted to the City Council for approval. We would prefer a procedure similar to that established for the Diamond Head Historic, Cultural and Scenic District where the Director of Land Utilization can issue a Certificate of Appropriateness if the application meets all of the provisions of the Waikiki Special Design District. This should speed up the application process.

HELUMOA LAND CO., INC.

700 BISHOP STREET
SUITE 601
HONOLULU, HAWAII 96813
TELEPHONE (808) 531-4895

December 3, 1975

Mr. Randall Kamiya, Chairman
and Members of the Planning Commission
City and County of Honolulu
Honolulu, Hawaii 96813

SUBJECT: Waikiki Special Design District
(Bill 144)

Gentlemen:

As you know, Helumoa Land Company has been deeply involved with plans for the redevelopment of the commercial property along the makai side of Kalakaua Avenue from Lewers Street to the Outrigger Hotel site. Our intentions were presented to you as a request for a change to the General Plan, at your meeting of July 10, 1974. By recommending approval of this change, we believe that you have agreed that our project is a good one. Bill 144, with revision to the setback and yard requirements, would allow our project to proceed. We therefore support its enactment.

However, our presence here in urging passage of Bill 144 is not solely tied to our development. Bill 144 provides a bold and imaginative means to regulate future development in Waikiki. It addresses itself not to the question of development or no development, but rather how to encourage good development. We think that this is important.

The flexibility provided in Bill 144, exemplified by the provisions for more density in return for more public open space, will prove to be an effective tool in encouraging the development of high quality projects. The time schedule which is provided will give builders some cause for concern because of its length at a time when costs continue to skyrocket. None the less, it provides the only means whereby the developer can schedule his plans and preparations for development with some certainty. This is good.

We are concerned about the yard requirements of the Bill. We suggest that the same flexibility shown in the parking requirements also be incorporated in establishing yard and setback requirements.

All and all, we feel that the Bill is a good one and urge its adoption. We thank you for the opportunity to testify and will be pleased to respond to any questions you may have.

Very truly yours,

Richard S. H. Wong
Vice President

RSHW/imt

Enclosure

City Council Bill #144

Mr. Randall Kamiya, Chairman
City Planning Commission

Honorable George Akahane, Chairman
City Council

Mr. Chairman:

I am Ann Scheufele, a resident of Waikiki and an employee of the Waikiki Community Center.

Some solution to the density problem in Waikiki is sorely needed. It isn't important that the present proposal be perfect, it does address the problem in a significant way. What is important, is that some action be taken without further delay.

Waikiki has grown rapidly during the last 10 - 12 years. Open space has disappeared - views plocked - wall to wall buildings created - until it appears Waikiki may burst at the seams.

My deepest concern as a resident and apartment dweller is the implementation of these plans and the effect it will have on me as an individual. I like Waikiki- Will there be apartments that I can afford in plans?

These thoughts I would kike to leave with you.

Thank you,

Ann Scheufele

1298RP-1

City Council Bill #144

Mr. Randall Kamiya, Chairman
City Planning Commission

Honorable George Akahane, Chairman
City Council

Mr. Chairman:

I am Gerri Lee, Director of the Waikiki Community Center. I am here to support this bill for an ordinance to establish Special Design District No. 1, the Waikiki Special Design District.

After reading the reports, I know that there is much agreement and support for this by my agency. The basic area of concern is the implementation and transitional period. If I can be of help in the future when these concerns are brought up, please call upon me.

Thank you,

Gerri Lee

DEPT. OF GENERAL PLANNING
C & C HONOLULU

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RECEIVED

Philip F. Thayer
5511 Kanau Street
Honolulu, Hawaii 96821
November 26, 1975

Mr. Randall Kamiya, Chairman
Members of the City Planning Commission
Municipal Office Building
Honolulu, Hawaii 96813

RE: Waikiki Special Design District - Bill #144

Dear Mr. Chairman and Members:

As a former businessman involved in the visitor industry and Waikiki, I have been acutely aware of the need to preserve Waikiki's health and physical attractiveness.

As a charter member of the Waikiki Improvement Association, I was involved in analyzing what needed to be done to secure Waikiki's future.

The threat of overcrowding through excessive building density loomed as the most critical problem to contend with immediately.

Many years have passed since the recognition of the problem and time in which to apply meaningful action is running out. I am therefore pleased that you have a proposal before you which does deal with the problem. I am further convinced that Council Bill #144 deals quite adequately with the problem and deserves your positive approval. I don't believe that remedial action on Waikiki's problems can be held off any longer if we are to prevent later deterioration in this important area.

Consequently, I urge your prompt, positive action on Bill #144.

Very truly yours,

Philip F. Thayer

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DSP 75-338
Agenda
Bill No. 144
Copies to PC 11/24
DK

MIRAMAR HOTEL(HAWAII) INC. dba

KUHIO
HOTEL/WAIKIKI

2345 KUHIO AVENUE, HONOLULU, HAWAII 96815 / PHONE (808) 922-2077

November 20, 1975

Chairman of the City Council
City Hall
Honolulu, Hawaii 96813

Dear Mr. Chairman and Members:

The management of this hotel would like to place on record its support of your action to rezone Waikiki.

Controlling the building density in Waikiki area has been a critical problem in the past years and definitely needs to be done without further delay, if over-crowding in the area is to be prevented.

We very much hope the final action will be forthcoming soon, as it has been long overdue.

Sincerely yours,

KUHIO HOTEL/WAIKIKI

Manuel Woo
General Manager

MW:jy
cc: Planning Commission
Municipal Office Building
Honolulu, Hawaii 96813

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REPEAT REPEAT

REPEATED NEXT

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DGP11/75-2938
Rezoning
Bill No. 144
Copies to PC 11/24

MIRAMAR HOTEL(HAWAII) INC. dba
KUHIO HOTEL/WAIKIKI
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KUHIO HOTEL/WAIKIKI

Manuel Woo

Manuel Woo
General Manager

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C & C HONOLULU

MW:jy
cc: Planning Commission
Municipal Office Building
Honolulu, Hawaii 96813

DEPT 11/25-2909
Agenda
Bill No. 144
Oppose to DPC 11/24
SMK

HOTEL Tahitian Isle

271 BEACHWALK AVE. WAIKIKI, HAWAII 96815

November 19, 1975

Chairman, City Council
City Hall
Honolulu, Hawaii 96813

Dear Mr. Chairman and Members:

I would like to go on record in support of your action to rezone Waikiki.

Controlling the building density in Waikiki has been a problem for a long time and needs to be done now if overcrowding in the area is to be prevented.

I hope that final action will be coming soon. It is long overdue.

Very truly yours,

Lyman J. Blank, Pres.

cc: Planning Commission
Municipal Office Bldg.

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GENERAL PLANNING
C & C HONOLULU

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AN OPEN LETTER TO THE MEMBERS OF THE CITY PLANNING COMMISSION CONCERNING THE IMPACT OF BILL 144 TO ESTABLISH THE WAIKIKI SPECIAL DESIGN DISTRICT ON SMALL PROPERTY OWNERS AND FUTURE DEVELOPMENT PATTERNS WITHIN THE WAIKIKI AREA

The importance of Bill 144 for the future growth and development of Waikiki is enormous. It is the most significant piece of urban policy legislation to affect Honolulu in recent years. It is significant first, because it bears directly on the important tourist based economy of the islands, and second, it attempts to control the haphazard growth of Waikiki. It is also significant in the precedent set by the legislative means used to achieve its objectives. As an urban design and planning policy instrument, therefore, it will indeed create and give form to what we as the citizenry of Hawaii, as well as the millions who will visit the islands in the following decades, will come to know as the symbol of the life style, culture and environment of the Hawaiian people. Because of the great economic, social and cultural significance of Waikiki, therefore, it is incumbent upon all concerned citizens to direct close scrutiny and attention to what the bill proposes to do, how it proposes to do it, and what its consequences will be for the people of Hawaii.

In summary, the objectives of the bill are as follows:

A. To guide the development of Waikiki with due consideration to optimum community benefits;
B. To promote the health, safety, social and economic well being of the community as a whole;
C. To protect, by means of proper planning and control, the value of private and public investment within the district and its surrounding communities;
D. To encourage developments that would improve and complement the physical and visual aspects of the urban environment in the area;
E. To ensure that future development would alleviate traffic

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and utility problems and prevent any detrimental impact on existing development;

F. To bring about, within the district, a desirable level of urban design compatible with the climate, life style and the resort oriented environmental character of Hawaii within the district and its surrounding areas;

G. To provide a means to control apartment and hotel unit densities.

To accomplish these objectives, the bill proposes a variety of zoning, design control, density, height and setback requirements. Most important of these are:

1. The zoning of Waikiki into apartment, resort hotel, resort commercial, and public precincts;
2. The designation of reduced floor area ratios for each of the first three categories for lots ranging in size above 10,000 square feet;
3. The requirement for increased setbacks of 30 feet along all major streets including Kapahulu Avenue, Ala Moana and Ala Wai Boulevards and Kuhio Avenue, and 20 feet along all other streets.

The objectives stated in the bill are commendable. They reveal a strong concern for the welfare of the community, the physical and aesthetic qualities of Waikiki, and the prevention of any untoward consequences of private development without due regard to community well being. If they can be achieved with minimum loss to the community, they deserve our full support. However, to the extent that they entail prohibitive costs to the taxpayer and potential losses to a significant proportion of the residents and property owners of Waikiki to the point that many would be worse off because of the passage of the bill, they should be examined and modified.

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The three most critical weaknesses of the bill are: first, its lack of understanding of the basic forces of urban growth and development; second, its complete insensitivity to the economic well being of small property owners who constitute a large majority of the total number of property owners in Waikiki; and third, its inability to project a unifying and consistent vision of not only the physical, but the social and cultural quality of Waikiki. A study of the 1975 Tax Map reveals that within the Special Design District of Waikiki now under consideration, there are approximately 800 private parcels of land of which roughly 570 or 70 per cent are below 10,000 square feet.

First, concerning the issue of zoning controls. Perhaps the most controversial area in Waikiki is that portion of central eastern Waikiki extending Diamond Head to Kapiolani Park comprised largely of small undeveloped or underdeveloped parcels of land heavily dominated by the Lilioukalani Trust properties, in common parlance, the "jungle". It is understood that the future of the Lilioukalani Trust calls for high density and residential development. It is to service these developments as well as to relieve traffic congestion along Kalakaua Avenue that plans have been laid for the widening of Kuhio Avenue to 78 feet or a six lane highway from Kaiulani to Kapahulu Avenue, imposing an additional 30 foot property line setback, and the zoning of the entire area as apartment residential. Unfortunately however, these plans ignore the lesson illustrated by the widening of Kuhio Avenue between Seaside and Kaiulani Avenues. It was the initial widening of that section that stimulated traffic and pedestrian movement, on-street parking and the rise in the commercial value of the lands adjoining the street. What was once parking lots and back entrances serving commecial establishments on Kalakaua Avenue is now the site of mammoth hotels, shops, theaters, and other commercial facilities, with still more such structures to come. One of the basic laws of urban growth is that if large masses of people are moved through a given space, that space inevitably will become the site of highly intensive commercial activity.

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Hence, if Kuhio Avenue is widened, inducing high volumes of pedestrian and vehicular movement, as we have seen, there will be an upward pressure on land values, demands for higher densities by existing large land owners, high proliferation of commercial and other secondary uses, and eventually the total transformation of the area from low and medium density residential apartments to high density resort and commercial uses. The net result will be a highly developed secondary resort commercial strip and increased commercial competition with Kalakaua Avenue. Most important of all, it would render Bill 144 completely obsolete.

Next, concerning the numerous small property owners in this area. The result of the changes predicated in Bill 144 will force the small property owners to move in one of two directions -- those who can and want to consolidate will do so and build still more high rises and create more density, which is certainly not what Bill 144 intends. On the other hand, the bill systematically discriminates against the isolated small property owner who cannot or does not want to consolidate. He is denied the right to significant construction, his property is decimated by increased set-backs, and is rendered unable to sell except at great financial loss. What he has left can then only disintegrate into substandard and slum dwellings. Ironically, by trying to avoid high densities and urban deterioration, Bill 144 will actually stimulate them.

As for alleviating traffic congestion by widening Kuhio Avenue into a six lane highway from Kaiulani Avenue to the Zoo, the solution is only partial at best. The fact is that Kuhio Avenue Ewa from Seaside Avenue to Kalakaua is only a four lane street. No plan to widen that section is mentioned in Bill 144. A true solution to the problem of traffic congestion should mandate a similar widening of that section of Kuhio Avenue.. Of what use is it to draw an increased traffic load into Kuhio Avenue only to have it bottled up for seven blocks between Seaside and Kalakaua Avenues? The wisdom of such a plan is questionable at best.

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As for the 30 foot setback proposed for the major rights of way, we seem to be witnessing another exercise in urban design daydreaming at the expense of the community which, incidentally must pay for all of this in increased taxes should the plan be realized. 30 foot setbacks along the Ala Wai, Kalakaua and Kuhio are both irrelevant and misleading. The planning staff has stated that the major reason for this measure is for the benefit of pedestrians and the creation of open view lanes through Waikiki. This is misleading because Kalakaua Avenue and the Ala Wai are not urban "lanes" in the technical sense of the word. In planners jargon they are "edges" and as such contribute nothing to enhancing a sense of urban space or alleviating visual clutter. Furthermore, it is irrelevant, because for all intents and purposes, the entire length of Kalakaua and the Ala Wai are now almost all lined with high rises. This places the burden of the 30 foot setback solely on those who have not yet built, in large part again, the small property owners. Owners of large parcels need not worry as much about these setbacks since higher density allowances produce economies of scale that encourage narrower and higher buildings. Smaller lots with lower densities must maximize ground coverage in order to minimize construction costs. This means that the direct cost of increased setbacks is paid for most heavily by small lot owners in terms of foregone development potential, often at a margin that can mean success or failure of a building project. In the meantime, large land owners are able to provide front yards at a cost lower in terms of foregone economic gain than small owners. In other words, the setback a small property owner must provide under this plan simply destroys his property as a possible investment while benefitting the large property owner next door who ironically has already built on the past 10 foot setback. This is an injustice to the small property owners of Waikiki that cannot be ignored.

The planning staff envisages a pedestrian oriented environment for Waikiki. However, it is not clear how high density building and 30 foot setbacks will achieve this. One need only ask whether Collins Avenue in Miami Beach or the strip in Las Vegas is any more "pedestrian oriented" than Ghiardelli Square in San Fransisco, Greenwich Village in

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New York, Picadilly or Trafalgar Squares in London or the Left Bank in Paris. Indeed, in Waikiki itself perhaps the most interesting area from a pedestrian's point of view is the mauka side of Kalakaua Avenue between Lewers Road and Kaiulani Avenue. The reason for this is the myriad of small shops, theaters, restaurants, night clubs and points of high and sustained pedestrian interaction such as the International Market Place. All of this is based on intimacy of scale, interactions of many and diverse activities, and person to person contact between small commercial establishments and pedestrians. Large imposing monoliths behind 30 foot setbacks are hardly conducive to this type of spatial intimacy and in fact militate against the kind of people to people interactions that should be the hallmark of a truly urban environment.

Further scrutiny into the determinants of successful urban environments reveal that the primary ingredient is the small shopkeeper, the small hotel owner, the family restaurant, all the humble institutions that fill the empty interstices of harried urban living and bless it with the touch of human concern. A "successful" urban environment, economically, socially and culturally, is nothing but people; people given the chance to express their humanity in a social and economic environment that is conducive rather than contradictory to these humble ends. Hawaiian culture is unique in this regard, and to see the potential for human warmth so rich in the people of Hawaii stifled and muzzled by the grandiose fantasies of urban planners is a tragedy indeed. It is the dilemma of contemporary urban planning and design that all it can offer society are outdated Orwellian utopias of massive concrete towers lined in uniform rows. The people of Hawaii have a right to demand more than this.

However, the most serious weakness of the bill lies in its total indifference to the plight of the small property owner. It is also dangerous. It is dangerous in a legal sense in that it usurps from the owner of a lot, <u>without due compensation</u>, the right to develop his own land as he chooses. It is also dangerous in a constitutional sense in that it is a blatant violation of the right to private property. Bill 144 is at once discriminatory and destructive to a significant proportion of the community of Waikiki.

The United States Constitution forbids any taking of land through urban renewal under the powers of eminent domain without just and due compensation. In a Time Magazine article of April 21, 1975, it noted that recent constitutional developments also forbid any action that lowers land values by banning certain types of development without compensation. To request a general down zoning of densities for the good of the community is one thing, but to totally ban the very uses that might provide for the the future lives of the hundreds of small lot owners in Waikiki, all for the satisfaction of a vague notion of community welfare that is at best lopsided and distorted, moreover, without compensation, constitutes a form of confiscation which is totally unnaceptable if not illegal and certainly morally reprehensible.

The significance of these remarks bear home when it is recognized, to repeat, that of the approximately 800 listed property owners in the Waikiki Special Design District, over 570 or roughly 70 per cent own lots below 10,000 square feet. To what extent these lots consist of fully developed or undeveloped lots could not be determined from the data at hand. However, it remains abundantly clear that it is not an insignificant minority that is being legislated and discriminated against, but the very people who constitute the living community of Waikiki itself.

What, in fact, happens to small lot owners under Bill 144 is this:

1. For those located in Apartment use precincts, multiple family dwellings are expressly banned. However, permitted uses include single family dwellings, health centers, public uses, educational facilities private clubs, museums, galleries and outdoor recreation facilities. Now, the fact is that of the total number of lots under 10,000 square feet in Waikiki a full 40 per cent fall between 4000 and 6000 square feet. Is it possible to imagine over three hundred lot owners trying to build museums, outdoor recreations facilities, educational facilities, private clubs and galleries? With parking nonetheless? The absurdity of this kind of planning is a bit obvious.

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2. For those located in Resort Hotel use precincts, any kind of hotel structure is banned. Alternative uses are similar to apartment precincts with the addition of small commercial development projects including retail establishments, banks, restaurants theaters and commercial recreation facilities.
3. For those located in Resort Commercial Areas, any dwelling construction whatsoever is expressly banned. However, the list of commercial alternatives is considerably expanded to allow service stations and other commercial uses.

The impact of these restrictions should be patently clear:

Opportunities for any form of multi-family construction are effectively eliminated and those who have not yet built are penalized for not building.

Small lot owners are being forced into the position of being the suppliers of "secondary goods and services" to the "principal income generators", that is, the larger hotels and apartments. It is clearly stipulated in the bill that all alternative uses must be "customarily accessory and clearly incidental and subordinate to principal uses and structures". The implications are clear. Multi-family apartments and hotel developments are awarded to larger land owners who become the "principal" income generators of the community, while small lot owners must scramble for the crumbs. Small lot owners as a class are relegated to an inferior position in the economy by government fiat. However, as grotesque as it is, that is not the end. First of all, because of overall reduced densities for all lots, larger lots developing multi-family housing or hotels will be forced to incorporate commercial developments within their projects to compensate for reduced income and cover costs, thus reducing even further the alternative opportunities for small owners.

Furthermore, the pattern of development alternatives offered to small owners runs directly contradictory to the pattern of small lot distribution. Of the small lots, the most numerous are those in the outlying apartment residential areas of Waikiki. The second highest are the

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lots in hotel resort districts and the lowest are those in the central resort commercial areas. However, in terms of distribution of commercial alternatives, the more central resort commercial lots receive the highest options while the apartment zone lots receive practically no alternative options of any commercial value. This is clearly unfair as the greater majority of small lot owners are precisely those in apartment zones separated from the central areas of Waikiki. What right does the government have to deny small property owners the right to build multi-family dwelling units and yet mandate alternative uses that these people may not want, and which in most cases are absolutely useless. This is a clear and unwarranted abuse of power!

Once again it is apparent that small lot owners are being manipulated to achieve a naive and distorted vision of community welfare. The entire system of controls is systematically biased, granting ever increasing benefits and lower costs to larger land owners, and those lucky enough to be in spatial proximity to them, and ever decreasing benefits and higher costs to the smaller lots. This can only be regarded as a travesty of social justice. Whether through ignorance or mal-intent, if this bill is passed in its present form it will only perpetrate the ever increasing pattern of social injustices suffered by the weak at the hands of the powerful. Any system of power that, for whatever reasons, either wittingly or unwittingly, not only allocates benefits to a privileged minority but forces to the majority to pay for those benefits is fundamentally morally and ethically wrong!

Decisions as to what, how much and when to build should not be in the purview of any centralized decision making structure that exercises the kind of responsibility evident in Bill 144. These decisions should and must be made by lot owners themselves. Freedom does not mean license to harm others; so free enterprise does not mean the right to dominate the weaker segments of society. What free enterprise does mean is the right to make and accept the responsibility for one's own decisions within the allocative structure of market forces and a form of political regulation that is truly concerned with the welfare of the entire community.

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Furthermore, large landowners and powerful interests have little reason for complacency. Any economist or businessman would recognize the dangers implicit in an overconcentration of markets, especially in periods of unstable consumption as is being presently experienced in the United States. The consequence of Bill 144 would be to push market forces exactly into the position of concentrating heavily in large scale, high overhead operations increasingly dependent on a more affluent market, a market that recent economic trends have shown to be decreasing rather than increasing. This further places the tourist industry in a more unstable and volatile position relative to swings in the world economy. What Waikiki needs, in fact, is more diversification. Broadening the options for tourist accomodations could not help but contribute positively to the tourist industry. What Waikiki sorely lacks are more small hotels and apartment houses, operations at smaller scale and lower overhead, run by a small staff or a family which by their very definition can give the intimacy and hospitality the visitor would not find in the impersonality of large hotels.

More and more of today's tourists reflect an increasing range of affluence. A large bulk of travelers are ordinary working people, retirees, students and families. To accomodate this broadening demand should we not try to make a place for small hotels and apartments who would not compete against large hotels but rather complement them, taking their overflows in time of seasonal rush and providing accomodations to those unable to afford high hotel rates. A significant lesson to be learned from Europe in this regard is that a major proportion of the tourist industry in many countries is consciously channelled through small hotels, "pensiones," specialized hostels, and even private homes with rooms to spare. In practically all continental countries national tourist agencies are established to assist travellers in locating inexpensive accomodations. This increases the travel market enormously especially for those such as working people and students, many of whom would not travel if faced with only limited and high cost accomodations. On the other hand, in the same countries, these small establishment exist hand in hand with the larger hotel chains such as the Hiltons and the Intercontinentals. Both the stability of the tourist industry and the

economy of the state as a whole would benefit from this kind of diversification. Contrary to myth, smaller lot owners do not compete directly with larger hotels as they respond to a qualitatively different market, a market that would be eliminated if Bill 144 is passed. As there is a place for a Hilton in Waikiki, so should there be one for a small hotel or apartment. Larger property owners should therefore see it in their own interests to protect smaller lot owners. The true welfare of the community lies not in unbridled self-interest and complacent non-action, but rather in cooperative concern for the larger interests of the entire community. It is at this point that the true self interest of the individual property owner and the welfare of the community go hand in hand.

The question remains, what can be done for the small lot owner. Before discussing concrete proposals, however, the issue should be clearly stated. Small property owners should either be allowed to develop their lots or if not, be compensated for their loss. If allowed to develop, it would not be impossible to work out equitable guidelines to allow development to occur within clearly defined constraints relative to environmental quality. On the other hand, if not allowed to develop, provisions must be made for some form of just compensation. Small property owners cannot and should not be expected to passively accept urban planning decisions that usurp them of the right to their private property without any form of recognition for what they must forego in terms of economic opportunities. As proposals themselves, the following are only a few in probably a much larger range of possible ideas. If the basic intent of either allowing small property owners to build or compensating them is maintained, some solution can be reached. The following are but a beginning.

First, if allowed to build, small property owners might be granted one or several of the following provisions:

1. a negative Floor Area Ratio scale;
2. a system of overall height restrictions;
3. overall minimum FAR allowances; or,
4. reduced setback requirements.

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A negative Floor Area Ratio scale is similar to the negative income tax, that is, smaller parcels of land are granted larger FAR allowances. At present the minimum FAR allowance is 1.0 for lots of 10,000 square feet. This figure would be allowed to increase for smaller lots down to 2000 to 3000 square feet. A measure of this sort would obviate the handicaps suffered by small lot owners, while awarding the smaller owners a form of FAR bonus. However, there are several problems. First, lots at the 10,000 square foot cutoff point would be unduly penalized as they would receive the smallest FAR allowance under the existing scale. Moreover, it does not control smaller lots from building tall and narrower buildings which would violate the overall objective of maintaining low building profiles.

A system of overall height restrictions would simply impose a height limitation of say, forty feet, while allowing maximum development below that, subject to setback and sideyard requirements. This type of building control is commonly used in Europe and in certain eastern states such as Massachusetts. Its primary virtues are low building profiles, applicability of landscape quality and open space requirements, and sufficient density for a profitable operation. This type of measure grants, in fact, large FAR bonuses to small lots compared to larger lots, due to the fact that achievable densities under height restrictions are higher than under FAR restrictions. However, on the other hand, this also allows greater leeway for environmental quality standards.

In the case of overall minimum FAR allowances, the smallest FAR allowance of 1.0 for lots of 10,000 square feet in apartment zones, and 1.5 for lots of 10,000 square feet in hotel zones would simply be extended down to all smaller lots. This measure would allow all small lots to develop according to size potential providing enough square footage on each lot for some form of profitable development. However, this type of measure continues to bias against smaller lots, and is more restrictive in the amount of square footage allowed than uniform height restrictions. However, the bias against smaller lots might be rectified by certain allowances such as reduced setback requirements.

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Reduced setback requirements should be considered as complementary to any of the former measures. The question of setbacks can be approached in two ways; first as a uniform requirement for all lots, or secondly, as a function of lot size or some other size criterion. In the first case, set-back requirements might be uniformly reduced to some acceptable level for all lots under 10,000 square feet, both on major throughways and secondary streets. In the second case, setbacks could be made to increase with lot size in the same manner as FAR limits, with the difference that while FAR increases augment buildable floor area, setback increases reduce buildable floor area, as long as height restrictions remain constant. This would tend to equalize the hardships suffered by smaller lots with lower FARs and thus would work well with the proposal for minimum FAR requirements above.

Any final policy concerning density and setback requirements for small lots would have to involve much closer and substantive research both in terms of the kinds of instruments used, the different types of variations possible, and their net effects for gross buildable area and net economic return on lotsof varying sizes. The suggestions presented above are merely indications of ways in which thinking could be directed. On the other hand, at present, no considerations for small lot owners to develop multi-family dwellings even under extreme hardship conditions, exist outside of possible variance procedures. Given the conditions outlined in Bill 144, and the enormous restrictions placed on so many people, variance procedures would become irrelevant if not a farce. So many land owners would be applying for variances that either the whole system would break down or no variances would be permitted at all. In any case, the situation would be made ripe for political favoritism and corruption. Variance procedures cannot be depended upon as a corrective mechanism for a plan that is basically at fault. Hence provisions must be made in the plan for all expected contingencies. To the extent that Bill 144 fails to do this, it should be corrected.

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If, however, Bill 144 is approved as presently proposed, some policy must be created for compensating the small land owner. An idea worth considering is a property tax adjustment. If small property owners are to be prevented from developing their land, then they most certainly should not be expected to pay property taxes that will most likely have to increase in the future to pay for increased municipal services to accomodate the larger land owner. Even as it presently stands, on the basis of uniform land evaluations, property taxes are a net transfer of income from the small lot owner to the large lot owner. Expecting small owners to pay equal property taxes while taking away their right to develop only exacerbates the injustice of the property tax system in Waikiki.

Rates of adjustment can be formulated in several ways among which two might be; first, an across the board reduction for all small lot owners, or second, some form of proportionate reduction based on some criterion such as lot size, gross building area, service demands, or economic opportunities foregone. Workable criteria for such a policy should evolve from further policy research. The point of such a policy, however, should be clear, small property owners should not have to bear the brunt of the cost of municipal services and further development in Waikiki from which they will receive no benefit. Furthermore, they should be compensated for the losses they must incur in terms of foregone economic opportunities.

In addition, property taxes can also be used as an additional density control instrument such that higher users of municipal facilities should pay higher costs than smaller users. The thought that a small hotel would pay the same property tax rate on his land as a Sheraton is both ludicrous and absurd, but unfortunately true. The use of property taxes can be a powerful tool if used wisely for equalizing the costs of development to the community.

Bill 144, while admirable in its objectives, is as yet imperfect as a policy instrument. Gross inequities exist both in the distribution

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of benefits to be derived as well as the distribution of costs. However, there is no reason why the bill cannot be modified and improved to answer to these weaknesses. Given the overall concern for a Waikiki that we as citizens of Hawaii can be proud of as a true expression of the life style, culture and environment of the Hawaiian people, as well as what should be our concern for the economic and social well being of the community, it is within our power to bring these changes about. To do so would be a testament to the true democracy of the political process. To fail to do so would be another victory for indifference and apathy, and the possible destruction of Waikiki as the unique image of a Hawaii that is held by all visitors who have come here and all the rest who yearn to come.

With sincere hopes for a better Waikiki,

Gregory Pai

There will be a public hearing on Bill 144 on December 17th at the City Planning Commission Conference Room at 1:30 PM. All concerned citizens are encouraged to attend and present their views.

1298ORP-1

DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

GEORGE S. MORIGUCHI
DIRECTOR

(HE)

December 3, 1975

MEMORANDUM

TO : PLANNING COMMISSION

FROM : GEORGE S. MORIGUCHI, DIRECTOR OF LAND UTILIZATION

SUBJECT: BILL 115--SUPPLEMENTARY INFORMATION REGARDING SETBACKS, CONTROL MECHANISMS AND PENALTIES

The following additional information related to Bill 115 is provided to you pursuant to your request for same at the public hearing of November 20, 1975 on this matter:

1. With respect to the basis for the front, side and rear yard setbacks, it should be noted that the Zoning Code presently contains these standards. The proposed amendment would simply reduce the requirement for a 50-foot front, side or rear yard setback to 25 feet where such yard adjoins a major street or highway.

   Setbacks were initially established to accomplish several objectives:

   a. To maintain and preserve the open and rural character of the Agricultural District.

   b. To provide a separation between buildings on adjacent property so as to achieve some degree of privacy particularly for residential quarters and to minimize potential adverse effects of noise, odors, and flies created by some agricultural activities.

   c. To provide protection to adjoining property owners in the event of fires.

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In the case of agricultural areas, insecticides, herbicides, and fumicides are used for various purposes and the yard requirements for structures provide some degree of separation from adjacent uses.

Some agricultural areas border urbanized areas in which adjacent activities may not be totally compatible with normal agricultural pursuits. Finally, some conditional use permits are benefited by the separation of structures from adjoining property lines.

2. Alternative control mechanisms are being considered by the Corporation Counsel. Bill 115, Draft No. 2, proposes to control agricultural subdivisions between 2 and 5 acres by a Special Permit requirement. Penalties for non-compliance with conditions are the same as those for non-compliance with other Zoning Code violations. Comprehensive Zoning Code, Section 21-106, addresses these issues clearly:

> "Section 21-106. Violations and Penalties.
>
> "(a) The City may maintain an action for an injunction to restrain any violation of the provisions of this Chapter and may take any other lawful action to prevent or remedy any violation.
>
> "(b) Any person violating any provision of this Chapter shall upon conviction, be punished by a fine not exceeding $1,000 or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. The continuance of any such violation after conviction shall be deemed a new offense for each day of such continuance."

We trust that the foregoing information will assist you in developing your recommendation on the proposed bill.

GSM:fm

GEORGE S. MORIGUCHI
Director of Land Utilization

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Meeting of the Planning Commission
Minutes
December 17, 1975

The Planning Commission held a meeting on Wednesday, December 17, 1975 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Sylvia Sumida, Vice-Chairman
Dr. Wilbur Choy
Donald Hosaka
Charles Izumoto
Yuklin Kuna
Ned Wiederholt
Harriet Wikum

STAFF PRESENT:

Donald Clegg, Deputy Chief Planning
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Henry Eng, Staff Planner
Gerald Henniger, Staff Planner
Stan Mofjeld, Staff Planner

MINUTES:

The minutes of December 3, 1975 were approved, on motion by Mr. Wiederholt, seconded by Dr. Choy and carried.

PUBLIC HEARING
DETERMINATION OF EXISTENCE OF NON-CONFORMING USE IN ACCORDANCE WITH STATE LAND USE DISTRICT REGULATIONS
SHELTER CORPORATION/PACIFIC CONSTRUCTION
(FILE #DGP 12/75-3005 (ICM)

Commissioner Sylvia Sumida declared a conflict of interest and was not present during deliberation on this matter because the attorney who prepared a definitive brief related to this issue is a senior partner in her husband's law firm--Carlsmith, Carlsmith, Wichman and Case.

A public hearing was held to consider the existence of a non-conforming use pursuant to Section 2.84 of the State Land Use Commission regulations to be decided by the Planning Commission before a one-year extension is granted by the City Council--Ordinance 4242.

Publication was made in the Sunday Star-Bulletin/Advertiser on December 7, 1975. No letters of protest were received.

Staff Planner Verne Winquist presented the report of the Chief Planning Officer which recommends that the Commission find as fact that a non-conforming use exists for that 62-acre portion of the property which is the subject of Ordinance No. 4242 Planned Development-Housing District No. R-35.

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Discussion followed.

It was felt the issue for consideration should be whether the land is currently in use or not in use. Mr. Clegg stated the present use of the land is not a consideration in terms of non-conformity with regard to the Land Use Commission rules. The SLUC rules on non-conforming areas indicate that "Any proposed subdivision of land which is not in conformity with these regulations, but which has received approval by the County having jurisdiction on or before the date of adoption of these regulations, shall be permitted as a non-conforming area..." The subject parcel is a proposed subdivision which has received approval, not a subdivision in fact.

Other comments expressed were that the merits of the PDH project should be considered. The fact that the previous Planning Commission recommended denial of the PDH project was another point which the Commission felt should be considered.

No one spoke either FOR or AGAINST the matter.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

ACTION: The Commission accepted the recommendation of the Chief Planning Officer and did find as fact that a non-conforming use exists for that 62-acre portion of the property which is the subject of Ordinance No. 4242 Planned Development-Housing District No. R-35, on motion by Mr. Wiederholt, seconded by Mr. Hosaka and carried.

AYES - Hosaka, Izumoto, Kamiya, Wiederholt, Wikum
NAYES - Choy
ABSTAINED - Kuna (arrived later at meeting)
ABSENT - Sumida (conflict of interest)

PUBLIC HEARING
CHINATOWN
A BILL FOR AN ORDINANCE TO ESTABLISH "HISTORIC, CULTURAL, AND SCENIC DISTRICT NO. 4, THE CHINATOWN DISTRICT"--BILL NO. 141

A public hearing was held to consider a bill for an ordinance to establish "Historic, Cultural, and Scenic District No. 4, the Chinatown District"--Bill No. 141.

Publication was made in the Sunday Star-Bulletin/Advertiser on December 7, 1975. No letters of protest were received.

Staff Planner Gerald Henniger presented the Director's report recommending approval of the proposed ordinance.

There was question why two HUD projects in Precincts 1 and 2 (the Pauahi Urban Renewal Project and the Beretania-Smith Project) having already

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been determined non-significant projects in the ordinance were singled out and not automatically issued certificates of appropriateness as would be issued for all other non-significant projects in the area as specified in Section 21-1205 of the CZC. Staff suggested it might be appropriate to rewrite this particular section of the ordinance to clarify that non-significant aspect.

Questioned further by the Commission, staff indicated that both projects have received Council approval. Public hearings are being held to comply with HUD requirements which subject federal projects to public scrutiny.

TESTIMONY IN SUPPORT

1. Nancy Bannick, interested citizen (Submitted testimony dated Dec. 16, 1975)
2. Jane Silverman, State Historic Preservation Officer (Submitted testimony dated Dec. 17, 1975 with attachment entitled "Chinatown National Register Historic District and the affect of the Pauahi Urban Renewal Project, H-15")

   Questioned by the Commission, Mrs. Silverman stated that the Memorandum of Agreement mentioned in her testimony involves agreement of three parties--the Federal Advisory Council, HUD (the funding agency), and herself as the State Historic Preservation Officer. She was neither contacted to assist in formulating the proposed ordinance nor was she consulted as to whether both projects conform to HUD regulations. In her opinion, both projects will be adverse effects on Chinatown as reflected in her testimony. Although the projects fall within the boundaries of the Chinatown HCSD as shown on the national register, it is not necessary under federal funding requirements that these projects be included within the local created scenic district.

3. Mr. Dale M. Lanzone, Architect Specialist, State Office of Historic Preservation (Submitted statement dated Dec. 17, 1975)
4. Mr. Harold B. Senter, Jr., Downtown Improvement Association
5. Mr. On Char representing the Ket On Society

   Mr. On Char indicated his wish to contribute $100,000 for restoration of an old Chinese temple situated above a butcher shop on Maunakea Street. He feels this would refresh Chinese culture and hopefully reunite their religious society.

TESTIMONY AGAINST

None

The public hearing was kept open and the matter deferred to the next Commission meeting to obtain clarification from the Department of Housing and Community Development, Housing and Urban Development, and the Department of Land Utilization on previous agreements related to design and the basis for Housing and Community Development's two projects being declared non-significant in the proposed ordinance.

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The motion was made by Dr. Choy, seconded by Mrs. Wikum and carried.

UNFINISHED BUSINESS
PUBLIC HEARING
BILL NO. 144
INITIATED BY CITY COUNCIL
A PROPOSED ORDINANCE FOR
ESTABLISHMENT OF THE
WAIKIKI SPECIAL DESIGN
DISTRICT
(FILE #75/SDD-1)

The public hearing held December 3, 1975 was kept open for notification of all small property owners in Waikiki.

The Executive Secretary presented a list of all small property owners in Waikiki which will be transmitted to the City Council for their information.

Public testimony was continued.

TESTIMONY IN SUPPORT

1. Received letter dated Dec. 5, 1975 from Clement M. Judd, Jr., Executive Director, Hawaii Hotel Association
2. Received letter dated Dec. 9, 1975 from Clyde W. Doran, President, InterIsland Resorts

TESTIMONY AGAINST

1. Mrs. Inez Pai, small Waikiki property owner (Submitted testimony dated Dec. 17, 1975 and Petition containing approximately 320 signatures of small Waikiki property owners)
2. Mrs. Lily Lim, small Waikiki property owner (Submitted testimony, undated)
3. Mrs. Peggy Kim, small Waikiki property owner (Submitted testimony dated Dec. 17, 1975)
4. Mr. Gregory Pai (Elaborated on previous testimony given)
5. Mr. Lawrence Pang, small Waikiki property owner
6. Mr. Harold K. Pulliam, small Waikiki property owner
7. Helen Simonton, small Waikiki property owner

All submitted testimony is attached and made a part of these minutes. Oral testimony presented by Messrs. Lawrence Pang, Harold K. Pulliam and Ms. Helen Simonton support testimony given by Mr. Pai.

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Sumida.

Following is an excerpt of the Commission's action.

WIEDERHOLT: I would like to make a motion and I may have to carry it out with some assistance from others. But, this would be the sense of it, that this body would act to approve the intent and purpose of this legislation, but to disapprove the ordinance as written for reasons of construction that it does not in the ways that we've outlined in the last hour is not written to achieve the intent of the ordinance itself.

Maybe we can clean that up. Is that a reasonable motion?

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CHOY: I'll second the motion for discussion and refinement purposes.

CHAIRMAN: Shall we clarify the motion first?

CHOY: I think I understand the motion about approving the spirit and intent of this particular bill. However, because of certain discrepancies we deny the bill as written. In other words from what I got is that we all agree on the intent and spirit but we cannot totally agree on the bill the way its written.

CHAIRMAN: Don?

CLEGG: It would appear that the prime area that there's some concern about is that it does not adequately take care of the small property owner. I didn't hear that mentioned in the--

WIEDERHOLT: Well, I could add the items that I think are critical. I'm not sure that the equity question relative to the small property owner is one that would have real standing as a question. Certainly it would have some standing in terms of accommodation to the citizens of Hawaii and some standing if the act is of a discriminatory nature of this. Even that's a harsh word but if it is in a discriminatory form, it would have some standing in terms of equal treatment of all citizens.

The other two items which I think is crucial, one is by eliminating the small businessman, the very quality of Waikiki, the marketable quality, I'm sure this viability would be destroyed. So it has some practical reality.

The second point is somewhat a combination of the tendencies starting with the land control would tend to create--there's a better word than slum--there would continuously be a tendency to reduce the quality of the living quarters constructed there in terms of size and amenities, and of course, concurrently progressively displace 8,000 residents. The two issues are the detrimental effect broadly, including the equity question of the elimination of the small businessman and the small landowner as a participant in the economic growth and the tendency toward overcrowding congestion built into the land control system.

That's the summary of the things to be attached to the motion.

KUNA: I'd like to add also to your first point which was that by excluding the small property--this bill would serve to exclude the small property owners from the economic development in Waikiki. Also, that by excluding the small property owners, we would be moving toward too great a scale in Waikiki.

One of the things that attracted me with both Mr. Pai and his mother was the fact that we have no accommodations for small hotels. The way it is now, it's only feasible to go big and consolidate. They haven't seriously examined whether or not Waikiki may end up with only big hotels and going to be the kind of Waikiki that they want 20 years from now.

Therefore, I feel the bill is defective in that it does not adequately recognize the need for alternatives for large hotels and for smaller scale in Waikiki. They have attempted making the smaller FAR but they should also explore accommodating small property owners and development of small lots as another means to their end of a smaller scale Waikiki.

WIEDERHOLT: I think isn't there a question whether Waikiki can even survive on a scale of bigness, whether these small businesses are a vital, essential part of Waikiki.

CHAIRMAN: Before we go too heavy into discussion, let's get our motion straight first.

IZUMOTO: Mr. Chairman, since he asked for some views on how the motion should read, may I express mine, and that's to the effect, move to approve the proposed WSDD but with the recommendation that the expressed and merited concerns as brought out in the public hearing by small property owners be given consideration over and above those provided under the proposed ordinance.

CHOY: Mr. Chairman, I call the Chair to a point of order. There's a motion on the floor.

CHAIRMAN: Yes, I know that. With that motion, it was called for more points which was given by Ned and Yuki. What Charlie has done now is in his own words explaining or putting into more stricter terms, the motion you had made.

KUNA: But Ned's motion was a motion to deny. I just want to ask a question, which is more effective? I kind of hate to vote approve because this is a major thing. They're saying 70%. Now, I don't know the land and how it's owned or owners in Waikiki. That point I haven't gotten straight but there's a significant number of people involved here and affected by this who have not really been given a forum. I hate to go and say I approve it but I have these recommendations. I think we feel strongly about it but the fact that we just don't like it.

CHAIRMAN: To get the motion clear, your motion is to accept in concept and yet denying that small lot owners weren't recognized. Is that correct?

WIEDERHOLT: But deny the ordinance as written.

CHAIRMAN: So Dr. Choy's point of order is in order.

CONNELL: Mr. Chairman, do you wish me to respond to Yuki's question?

CHAIRMAN: Yes.

CONNELL: Listening to the discussion, it would seem to me that you have by-and-large bought most of the provisions of the bill in terms of the legislative intent, the land use control system and much of it. I think a lot of the question that is being raised is in terms of the small property owners and whether or not there is not a possibility of a further accommodation in terms of height, bulk, setback regulations and so forth being able to meet their particular problem.

It would seem to me that in a sense you are already accepting a major portion of this proposed ordinance but are asking for sections of it to be re-written in order to accommodate the small property owner.

KUNA: The way I see it is no because it's going to have to go to everything for every single precinct, I mean commercial, apartment and resort, bulk, density, setback requirements. So, it's going to permeate the entire bill. Also, the criteria they're using, I can see in my mind it may have an effect possibly on everything else. Maybe the 30-foot setback requirement will be applied to every lot. They may apply a whole different criteria to it. To me it could possibly affect everything. I hate to stop the small property owners saying it's just a thing that kicked off this whole inquiry into the criteria. That's a really major thing that they're going into.

I just want to make another comment. This nonconforming Section 6 if you think about it, every single high rise that's in their now that has a setback under the old CZC, when their building gets torn down, they could still use their old setback as long as they do not exceed this prior nonconforming use. So what you're going to have--I mean this Section 6 does nothing. We're going to have these setbacks going like this forever and ever. It's going to mean that every building that's down there now that's not 30 feet back can go out forever, that piece of property the way this bill is now. To me the setback thing does really have to be looked into. Setback is pretty important. If they haven't thought that much about what they would put into a bill, to think about what that is going to cause, unless this is a little stop-gap measure. I don't know. I'd like to think, okay, this is serious. Let's take it seriously. If I take it seriously, I can just think of this zig-zag. One little 15 words causes Waikiki to be forever isolated from this act.

CHAIRMAN: So, I gather from your motion to accept the intent of the bill, but the intent is just limited to the fact that there is some control that is needed in Waikiki.

WIEDERHOLT: Well, it could be more specific. The properties on the-- The view, the height limitations and studies done relative to the view corridors from Punchbowl and Diamond Head are worthy of being protected. The other construction of the bill, I feel that the purposes of the bill will not be served, will not be achieved, that the bill will tend toward the opposite direction. It will be achieved the reverse of what the bill is intended to achieve.

SUMIDA: I'd like to amend Ned's motion by sticking in that word you were looking for. At the time you were stating the motion, you said approve of the intent. If I could suggest amending that to read agree with. Then, as the motion reads, disapprove, would clear it up with this.

WIEDERHOLT: Of the bill as written.

SUMIDA: Right. So, it would read we agree with the intent of the bill. We do not approve the bill as written.

WIEDERHOLT: That's okay.

CHOY: Okay.

SUMIDA: Then I'd like to repeat something that I said earlier. I remind the commissioners that we are voting on Draft 2 although we keep thinking in terms of Draft 3. Draft 3 is an improvement on 2 but still falls far short of what the commissioners would like to see in this bill. I just want to make that clear again.

CHAIRMAN: I think we have had enough discussion. Are you ready for the question? All those in favor?

(The motion was unanimously carried.)

AYES - Choy, Izumoto, Kamiya, Kuna, Sumida, Wiederholt
NAYES - None
ABSENT - Hosaka, Wikum (left meeting)

UNFINISHED BUSINESS
BILL NO. 115
CITY COUNCIL-INITIATED
BILL FOR AN ORDINANCE TO
AMEND CHAPTER 21, REVISED
ORDINANCES OF HONOLULU
1969, AS AMENDED BY
FURTHER AMENDING SECTION
21-402 RELATIVE TO MINIMUM
LOT AREA, LOT WIDTH, YARD
SPACING AND MAXIMUM LOT
COVERAGE REGULATIONS AND
BY AMENDING SECTION 21-412
RELATIVE TO OTHER
REQUIREMENTS GENERALLY.
(COM. RPT. 53)
(FILE #L&R75/CZC-
AMEND.#13 HE)

The public hearing held November 19, 1975 was closed and action deferred to December 3, 1975 at which time an ad hoc committee was formed to study the proposed bill.

The report of the ad hoc committee dated December 11, 1975 is attached and made a part of these minutes.

ACTION: The Commission accepted in full the report and recommendation of the Director of Land Utilization, and further recommended Item 2 of its committee report for consideration by the City Council. The motion was made by Mr. Wiederholt, seconded by Dr. Choy and carried.

AYES - Choy, Sumida, Izumoto, Kuna, Kamiya, Wiederholt
NAYES - None
ABSENT - Hosaka, Wikum (left meeting)

UNFINISHED BUSINESS
BILL NO. 140
INITIATED BY CITY COUNCIL
AMENDMENT TO VARIOUS
SECTIONS OF R-4, R-5, R-6
AND R-7 RESIDENTIAL
DISTRICTS RELATING TO
DUPLEX DWELLINGS, LOT
WIDTH AND YARD SETBACKS.
(L&R/CZC-1975-19 JG)

The public hearing held on December 3, 1975 was kept open and deferred to December 17, 1975 for notification of community organizations.

Public testimony was continued.

No other person was present to speak either for or against the proposed ordinance.

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Izumoto and carried.

Following is an excerpt of the Commission's action on the proposed ordinance.

CHAIRMAN: The Chairman will entertain a motion.

CHOY: In view of the fact that staff told us the bill has to be rewritten to begin with, I'm a little disturbed about receiving a defective bill so I'll move that we deny the Director's recommendation.

CHAIRMAN: Is there a second?

WIEDERHOLT: I second.

Again we're looking at something inadequately explained. The only action is to deny it. I suppose it can be brought to us when its adequately explained.

CLEGG: I might say after my discourse and after reviewing the words and definition, it does not increase the permitted densities if that is the concern of the Commission. It does not increase the permitted densities in any area if that is a concern.

SUMIDA: I'd like to thank the Deputy CPO but that is not my concern. My concern is that if the bill has to be rewritten, I would greatly appreciate it being rewritten and submitted to the Commission in a form that we can pass on.

CONNELL: The Commission's concern of singular and plural statements that are in the ordinance, another course of action would be to send it back to DLU to have the ordinance rewritten to reflect the changes and send it back to the Commission for review and recommendation.

CHOY: In view of the alternative Mr. Connell gave us, I withdraw my second if the first withdraws his and make another motion.

WIEDERHOLT: I withdraw.

CHOY: I would move that we defer action on this bill until DLU submits--

CHAIRMAN: Before going any further, did we close the public hearing?

CHOY: Yes we did.

I share the concern with the rest of the commissioners that I don't think this body should act on any defective bill. In view of the alternative given us, I would like to move to defer action until DLU could submit a more reasonable and concise bill to this body for deliberation.

WIEDERHOLT: Second.

CHAIRMAN: All in favor raise your right hand?

(The motion was unanimously carried.)

AYES - Choy, Izumoto, Kamiya, Kuna, Sumida, Wiederholt
NAYES - None
ABSENT - Hosaka, Wikum (left meeting)

ADJOURNMENT: The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

DEPARTMENT OF GENERAL PLANNING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

ROBERT R. WAY
CHIEF PLANNING OFFICER

Bill No. 115

December 11, 1975

MEMORANDUM

TO : PLANNING COMMISSION

FROM : PLANNING COMMISSION COMMITTEE ON BILL NO. 115

SUBJECT: RECOMMENDATION ON BILL NO. 115

Based upon discussions of the various issues and alternatives which were examined in two meetings of the Committee, and consultation with a representative from the State Department of Agriculture, we suggest the following for the consideration of the Planning Commission:

1. Though Bill No. 115 does not answer all of the problems, it is a step in the right direction and should be given favorable consideration.

2. We recommend that a second action be considered by the Planning Commission. We suggest that we recommend that the City Council consider requesting the Department of Land Utilization to study the possibility of amending the CZC in order to strengthen the protection of agricultural lands. The areas that the Planning Commission believes should be amended are as follows:

   a. Section 21-401, CZC, be amended by removing all uses and structures which are not related to agricultural functions. This would include the following: churches, dwellings, schools, recreational areas, and golf courses.

   b. These uses should be placed under Section 21-401(c), CZC, Conditional Uses and Structures.

   c. Employees' dwelling units (Sec. 21-401(b)(1), CZC) should also be placed under conditional uses.

   d. The use, "Dwellings, one-family detached" should be amended to read, "Farm dwelling." A definition of "farm dwelling" should be added to Section 21-110, CZC. The Planning Commission recommends that the State Land Use Commission

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definition be used. The State Land Use Commission definition reads, "'Farm dwelling' shall mean a single-family dwelling located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling."

e. Section 21-402(a)6, of Bill No. 115 needs to receive further evaluation. The figure of $1,000 gross income does not appear to be a sufficient safeguard on a five-acre lot.

f. The Planning Commission recognizes the need for setbacks for light, air, emergency vehicle access and buffer areas against noise and pesticide intrusion. The Commission does question whether these standards reflect urban requirements rather than agricultural needs. Given the cost of agricultural lands, the recognized need for increasing agricultural production and the increased use of greenhouse farming, the Planning Commission recommends that the setback requirements be given further examination.

g. In light of some of the inconsistencies between State and County agricultural allowable uses, which have been noted by various city agencies, the Commission suggests that this may be an appropriate time for the City & County to consider a broader study of our present agricultural policies in light of current state laws, legal opinions, and a growing understanding of the critical need to retain and protect our agricultural lands.

RANDALL KAMIYA
CHAIRMAN, PLANNING COMMISSION

Randall Kamiya

RK:mk

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NANCY BANNICK

871 Kapiolani Boulevard, Room 3
Honolulu, Hawaii 96813 (808) 537-6348

December 16, 1975

Mr. Randall Kamiya, Chairman, and Members
Planning Commission
City and County of Honolulu
Honolulu Municipal Building
Honolulu, Hawaii 96813

TESTIMONY ON BILL NUMBER 141, FOR AN ORDINANCE TO ESTABLISH "HISTORIC, CULTURAL, AND SCENIC DISTRICT NUMBER 4, THE CHINATOWN DISTRICT," FOR HEARING DECEMBER 17, 1975.

Dear Mr. Kamiya and other members of the Planning Commission:

I very much favor placing the protection of historic, cultural, and scenic district zoning upon our Chinatown, recognized as a Historic District on the National Register of Historic Places.

I have worked over plans for Chinatown for at least 10 years--as chairman of the old Historic Buildings Task Force and recently as a director of the new Historic Hawaii Foundation--and helped to bring about national recognition for this lively, authentic old quarter of our city, and to provide Article 12, the Historic, Cultural, and Scenic Districts section, in our Comprehensive Zoning Code.

I agree wholeheartedly with the intent and objectives of the proposed ordinance--to encourage all the traditional Chinatown activities and living patterns--the mix of living quarters with shops and markets and small factories, to control changes to the valuable old buildings, and to guide the appearance of new ones. But I feel the proposed measure has a few weaknesses and inconsistencies that ought to be cleared up.

It would be wise, I think, for the ordinance to establish a height limit and provide for a special Building Code for the district in line with its objectives of preserving and enhancing Chinatown's historic architecture and human scale and of insuring new developments compatible with the historic structures and with Chinatown's character. According to the adopted Chinatown Historic Preservation Plan which is one of the bases of Bill 141, new buildings are supposed to blend with the old in height and vertical and horizontal facade treatments. They are also supposed to encourage the district's traditional ways of life to continue. It is hard to see how high-rises makai of Beretania and Waikiki of Nuuanu Stream in the Chinatown precincts can fill these requirements. And to encourage owners to remodel in historic districts, building requirements have to show an understanding of the building on small lots and the types of construction that were prevalent in an earlier time.

I feel City Council should be asked to reconsider its acceptance of the proposed Beretania-Smith Parking-Residential-Commercial Project (Precinct 2) on the grounds that the procedures of Section 106 of the National Historic Preservation Act of 1966 have not been followed. This project, in my opinion, goes against the adopted Memorandum of Agreement between the United States Department of Housing and Urban Development, the Federal Advisory Council on Historic Preservation, and the State Historic Preservation Officer in its ignoring of design concerns and the findings of the Chinatown Design Review Advisory Committee that was appointed in fulfillment of the Memorandum.

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The Committee reported to the Department of Housing and Community Development that it was not satisfied with any of the Beretania-Smith block proposals, that they pre-dated the design standards adopted. It asked the Department of Housing and Community Development to submit a revised proposal, but the Department has not done this.

The parking garage and apartment towers are both out of scale and out of character for Chinatown--wrong from both visual and social standpoints, as I testified last week on the draft Environmental Impact Statement for the project. The complex is poorly focused. It would include relatively low-cost apartments, but apartments still too expensive for most of the residents being uprooted, and insensitive to their life style, with living quarters far above the streets on which they congregate. The complex would not encourage open-front shops and socializing at the street level, but rather empty sidewalks at nightfall--sidewalks that become dangerous to stroll. Conversely, the apartments in the condominium tower are not likely to attract buyers who would take to the traditional Chinatown way of life.

A recreation deck up on a sixth level is not at all fitting for the people of Chinatown, and it seems to me hard to justify five levels of parking in buildings for people, many of whom will not have cars, and in buildings so close to the proposed Downtown mass transit station. The garage seems aimed at outsiders coming into Downtown to do business and shop, but a nationally-recognized Historic District should not be used as space for a parking garage for Central Downtown. Parking facilities still projected for Chinatown are really out of date--they stem from the Victor Gruen plan for Downtown of more than a decade ago.

I also feel the Pauahi Urban Renewal Project (Precinct 1) should be reconsidered by City Council because it, too, has features which are inconsistent with the Chinatown Historic Preservation Plan. In Pauahi, as in all of Chinatown, we should preserve everythin we possibly can and renovate all the buildings still standing for living quarters and small enterprises and build contemporary structures only in holes--but make them of similar size and plan to blend with the old harmonious ensembles.

Instead, high-rises are planned for Pauahi. These would not only be out of keeping with Chinatown, but they would encroach upon the marvelous view we still have along Nuuanu Stream with its arched bridges up through Nuuanu Valley to the Pali. The College Walk side of this picturesque watercourse has turned out quite attractive with some handsome old buildings saved, the fine pedestrian mall, and the pleasing design of most new buildings. It would be even more attractive if all the high-rises in Aala, Kukui, and Kauluwela were set well back from the stream. We can still keep the Chinatown scale along the River Street side of the stream--and we should.

I am concerned, too, about the Pauahi pedestrian mall which could be very out of character for Chinatown and certainly should be discussed further.

Thus, neither Precinct 1 nor Precinct 2 should be "grandfathered" in by this ordinance.

I think the proposed ordinance should provide for all projects to be reviewed by the Chinatown Design Review Advisory Committee. Not only was it established as a result of the Memorandum of Agreement mentioned above, but such a committee is supposed to be set up for each district zoned under Article 12.

I should also feel happier if there were added to Bill 141 some language that would

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guarantee that the ill-advised widening of Nuuanu Avenue and King Street still shown on the General Plan would never take place. In the case of both of these streets, widening would wipe out rows of our finest old buildings.

I am pleased that this protective zoning for Chinatown is in the works and should be glad to help in any way you might suggest with getting it into a final draft for early adoption.

Sincerely,

Nancy Dammick

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GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

CHRISTOPHER COBB, CHAIRMAN
BOARD OF LAND & NATURAL RESOURCES

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FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

December 17, 1975

Mr. Randall Kamiya, Chairman
Planning Commission
Honolulu Municipal Building

Dear Mr. Kamiya:

Subject: Proposed Historic, Cultural and Scenic District No. 4, the Chinatown District

As State Historic Preservation Officer, I support the concept of this ordinance for designating Chinatown an Historic, Cultural and Scenic District. The Preservation Officer is the federal liasion person responsible for review, consultation and recommendations prior to the release of federal funding for projects which effect National Historic Register Districts. Chinatown was placed on the National Register on January 17, 1973.

Following the procedures set out in the Code of Federal Regulations (36 CFR 800) it was determined that the Pauahi project, the first section of the Chinatown General Neighborhood Renewal Area, would have an adverse effect on the Chinatown Historic District. A memorandum of agreement was entered into detailing the steps to be taken to mitigate adverse effects. This memorandum, June 11, 1973, was signed by the U. S. Department of Housing and Urban Development, the Advisory Council on Historic Preservation and the Hawaii Historic Preservation Officer. This memorandum was also adopted by the Honolulu City Council through resolution No. 174, July 24, 1973.

The Memorandum required that the City establish a Design Review Board which would adopt preservation and rehabilitation criteria as standards for all preservation and rehabilitation projects and Design Criteria for the relatedness of proposed new construction for the Chinatown Historic District. These criteria were adopted by the Design Review Advisory Committee (February, 1975) and should be made a part of this Ordinance by reference.

Under the memorandum, the Honolulu Redevelopment Agency, now part of the Department of Housing and Community Development was to develop a preservation plan for the Chinatown GNRA in consultation with the Design Review Board. This plan was to:

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1. preserve the historic significance of the area as cited on the National Register

2. preserve the district's historical architecture

3. preserve the district's characteristic uses

4. meet the needs of the present population

The memorandum state that, "The HRA will adopt the Historic Preservation Plan after it has been approved by the City Council to guide its activities in the Pauahi project and will, if necessary amend the Pauahi Urban Renewal Plan to conform with its Historic Preservation Plan."

The Historic Preservation Plan was adopted by City Council Resolution No. 268 on November 11, 1975. If a "reassessment" of the Pauahi project has been undertaken on the basis of the adopted historic preservation plan, the Historic Preservation Officer has not been notified. The Pauahi plans attached to this proposal are substantially the same as those which were judged to have an adverse effect in 1973. Attached is an evaluation of the HPO office of the project at that time.

The Pauahi project is the subject of very detailed mitigating procedures in a signed memorandum of agreement and is not in any sense a"non-significant" project.

The Beretania-Smith project also falls within the Chinatown Historic District as listed on the National Register. The Historic Preservation Officer has asked the Agency requesting the Block Grant to proceed with the code requirements for a determination of effect on this project. In the Histoirc Preservation Officer's view, the effect is adverse and will require a memorandum of agreement prior to release of funds for that project.

The Design Control Section of the proposed ordinance, would be strengthened by the addition of an item E. grandfathering in the present lot size and setting a minimum and maximum lot size. The minimum lot size in the French Quarter section of New Orleans is 1,500 square feet.

In regard to parking and traffic, the memorandum stated that the HRA was to request the City to review plans for street widening and automobile parking in the GNRA to assure no significant adverse effects would be imposed through destruction of historic architecture or the introduction of additional vehicular traffic into the historic area.

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The Beretania-Smith EIS on which a hearing was held last Friday indicates that this reevaluation has not been done. Parking and street widening plans are still based on the CBD Development Plan growing out of the 1968 Victor Gruen plan. The Gruen plan concentrates parking in Chinatown for a pedestrian CBD Diamond Head of Nuuanu Street. This concept is out of date. Since it was designed, major parking has been built between Nuuanu and Alakea Streets and Chinatown has been designated of historic importance to the nation.

This CBD plan would also narrow Bishop Street into a ceremonial street and send traffic down Nuuanu. Nuuanu would be widened by tearing down all of the buildings on the Chinatown side, destroying the longest continuous facade rated in the zone A in the Historic Preservation Plan. It also calls for the widening of King Street on the Mauka side, eliminating thirteen buildings in the A zone and would cut the open air produce market section off from the rest of Chinatown and encourage cross island traffic to come through Chinatown.

The ordinance should require deletion from the General and CBD plans of the widening of Nuuanu and King Streets in the Chinatown Historic District.

I will be pleased to work further with the City to strengthen this ordinance for the preservation of the historic and cultural qualities of the Chinatown National Register historic district.

Sincerely yours,

Jane L. Silverman
Historic Preservation Officer
State of Hawaii

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CHINATOWN NATIONAL REGISTER HISTORIC DISTRICT
AND THE
AFFECT OF THE PAUAHI URBAN RENEWAL PROJECT, H-15

Small and varied lot sizes and density and diversity of small businesses are characteristic of Chinatown. Every effort should be made to lower the minimum lot size zoning requirement for the Chinatown District and to resell parcels of the smallest feasible and varied lot sizes. This will encourage buildings compatible in scale with the present buildings. The Survey and Marketing Study interviews indicate that Chinatown businessmen are not anxious to combine with others in condominium or planned unit developments, but desire to continue as independent operators. The sale of small lots would enable the displaced Chinatown businesses to repurchase at a price they could afford, otherwise giving them first opportunity to repurchase will simply be a form having no meaning.

Mixture of commercial and residential use. The LPA plan is to concentrate commercial activity in Block B and residential use in Block A. To insure continuation of mixed uses, some Residential units above the first floor should be required in the redevelopment of Block B. In Block A commercial use on the ground floor needs to be required rather than just encouraged. Some of this space should be used for entertainment facilities to continue that present use.

The District setting of Chinatown along the harbor and bordering Nuuanu Stream with views to the harbor and the mountains is a part of the historical structuring of the Chinatown District. In all redevelopment along Nuuanu Stream below the Mauka Freeway, high rise buildings have been set back a block away from the stream. The same policy should be followed in Chinatown redevelopment, especially in the Pauahi project Block A, where high rise buildings are out of scale with Chinatown's historic character. This is particularly true when placed along the River between the new low rise Cultural Plaza and the intensive old Chinatown business core.

Diversity of races and cultures, low residential rentals, a retirement area for older single men, a large number of Filipino residents and a place of transition for new immigrants are all characteristics of Chinatown. The social, ethnic, age and cultural characteristics of the area can best be preserved by continuing predominately low income housing, both elderly and non-elderly, and moderate income housing. If no positive commitment can be made to build new low income housing, the three residential buildings in Block A constructed since 1962 which contain 127 units of low income housing should be retained to continue the traditional historical-cultural characteristics of the area. The use of high

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rise construction (18 stories) for an elderly low income residence is against the desires of the present elderly occupants of Chinatown expressed in the SMS interviews. The redevelopment plan purposes to build 140 units of low income elderly public housing. If this is built it is estimated that residents requiring rental subsidies would rise from 11% to 70%. Rental is expected to be at least $125 a month. Under State law, rental subsidies to displacees can be given up to $70 a month which could result in a substantial continuing burden in addition to the intial cost of land acquisition and development.

This project would replace and upgrade 127 low income units which are already modern and safe and would add an additional 13 units. However, this is a luxury in a market where Hawaii Housing Authority has a waiting list of 1,500 applicants for public elderly housing and where there is a stated need to produce 8,103 to 9,680 additional units of low incoming housing on Oahu before 1980. No units for non-elderly low income residents are planned for the development.

The present moratorium on Federal low income public housing funds and the lack so far, of alternate funding means that this redevelopment project could go dominantly to market housing (income about $15,000 a year) causing a sudden revolutionary change in the ethnic, age and social composition of the present neighborhood. One high rise (18-20 stories, 172 units) gives preference to market housing, the other high rise (18 stories, 140 units) to low income elderly; but the design plan states that if Hawaii Housing Authority is unable to build the low income elderly housing, that moderate and market housing could be built instead.

The drastic change in ethnic composition which will occur in a dominately market housing project can be seen by Queen Emma Redevelopment a few block away.

	Before Redevelopment 1950 Census	After Redevelopment 1970 Census
Hawaiian & Part Hawaiian	732	40
Caucasian	180	908
Japanese	1,596	109
Chinese	770	49
Filipino	623	14
Korean		15
Negro	192	24
Indian & Other		3
Total	4,093	1,162

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This downtown area which had an extremely mixed ethnic population with a small minority of Caucasians, after redevelopment into market housing had approximately 80% Caucasian with the greatest proportionate drop in the Japanese, Hawaiian and Filipino groups.

There is no social or economic need for building market housing in this public project. The DMJM report states that "no projections for market housing are given since there is an over production of this type of housing (Page 55)." The John J. Hulten Associates, "Marketability Study and Reuse Appraisal" recommends only low and moderate income housing in the Pauahi Project and proposes market housing in a later phase along Nimitz.

Continuous street facades, narrow rear alleys and interior courtyards are all characteristic of Chinatown. The present design of the center mall (Block B) and the alley entrance on Maunakea do not reflect these characteristics, which they could easily be redesigned to do.

The overall design of malls, reflecting pool, mall plantings and the use of open space is incompatible with the Chinatown District's traditional design and should be redesigned.

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
~~XXXXXXXXXXXXXXXX~~
P. O. BOX 621
HONOLULU, HAWAII 96809

DIVISIONS:
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

FILE NO. _____

December 17, 1975

Mr. Randall Kamiya
Chairman, Planning Commission
Honolulu Municiple Building
Honolulu, Hawaii 96801

Dear Mr. Kamiya:

Subject: Proposed Historical, Scenic and Cultural District No. 4, The Chinatown District

1. The concepts and directions implied by Bill No. 141 are to be commended; although in general terms the Bill is to be applauded for it's intent and purpose there is a major issue left unresolved: the cause allowing the Pauahi, and Beretania Street Housing and Urban Development Projects to be classified as non-significant projects.

2. A non-significant classification of these projects circumvents the intent and purpose of both City Council Resolution 174, endorsing the Chinatown National Historic District Memorandum of Agreement, and Ordinance No. 4319, Article 12, the enabling legislation for this proposed Bill.

3. Pursuant to Section 106 of the National Historic Preservation Act of 1966 the Department of Housing and Urban Development (HUD) entered into an agreement with respect to the Pauahi Urban Renewal Project (Hawaii R-15) in order to satisfactorily mitigate adverse effects on the Chinatown Historic District, Honolulu, Hawaii, which is listed on the National Register of Historic Places.

4. This agreement established, along with other specification, a Design Review Board. The Design Review Board, as defined by the memorandum of agreement, "shall adopt Preservation and Rehabilitation Criteria to serve as standards for all preservation and rehabilitation projects and Design Criteria for the relatedness of proposed new construction for the Chinatown Historical District."

5. It was further specified by the memorandum of agreement that the geographic area of jurisdiction of the DRB would cover the area designated as the Chinatown Historical District, as recorded on the National Register of Historic Places. This would include, but not be limited to, the Pauahi Project (Hawaii R-15) and the Chinatown General Neighborhood Renewal Area (Hawaii R-14).

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6. Beginning on page two (2) section B. of the Memorandum of Agreement is a listing of what the design criteria should cover but not necessarily be limited to. The criteria there listed has been satisfied by the GUIDELINES FOR CHANGE IN CHINATOWN: section Chinatown Design Criteria, developed by the DRB.

7. The Design Review Board has been charged by the Memorandum of Agreement with overseeing for the public benefit, "the general design excellence and compatibility with the Design Criteria." The DRB is also charged with the responsiblity of overseeing and establishing design excellence and compatiblity with Preservation, Rehabilitation and Design Criteria.

8. It is reiterated within the Memorandum of Agreement the importance, as a mitigating factor for both the Pauahi and Beretania-Smith Street projects, design excellence, and the necessity for compatibility of specific new development projects with the existing historic urban cluster.

9. City Council Resolution 174, of July 24, 1974 endorsed the Memorandum of Agreement for the Preservation of the Chinatown Historic District.

THE BERETANIA-SMITH PARKING PROJECT:

10. In order to satisfy the requirements set forth in the Memorandum of Agreement the DRB has reviewed, and commented on the proposed projects for the Beretania-Smith parking lot. In a March 25, 1975 memo to William Blackfield, Director, Department of Housing and Community Development, Jack K. Palk, Chairman, Design Review Advisory Committee, makes the following statement: "Our committee reviewed five proposals for the subject project and faced the dilemma that none of the proposals satisfied the design criteria established by this committee." He then goes on to qualify the aforementioned statement: "This is, of course, because the proposals predate the criteria with the result that all of the solutions lacked an essential sensitivity to the existing environment of Chinatown." Mr. Palk goes on to say "The committee nevertheless identified the most promising proposals with the hope that the scheme finally selected would be modified to satisfy the requirements of the design criteria." Unfortunately, this hope was not satisfied by the proposed development projects.

11. The five proposed projects were scored by, and in accordance to the design criteria: GUIDELINES FOR CHANGE IN CHINATOWN: the projects received the following scores:

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Project	Score	Developer
I	+1	HCHA
II	-3	Business Investments
III	+1	Reliance Contractors
IV	-6	Rognstadt
V	-3	Headricks

None of these projects satisfied the design criteria established by the Design Review Board.

12. The prospective developers were advised of their projects' shortcomings, and asked to revise their initial proposals for the Beretania-Smith project.

13. On June 10, 1975 a design subcommittee met composed of Mr. Grant, Mr. Iwamoto, and Mr. Oda to review resubmitted projects. Projects I through IV showed no significant design changes and therefore no score revisions were made. Project V (Headricks) showed considerable design changes. Mr. Oda commented that proposal number five is still aesthetically inappropriate to Chinatown although a good attempt was (sic) to solve the social problems in the high rise. The reason for this inappropriateness is the multi-storied parking structure that compromises the street facade of the project. The street facade is almost identical to that of the earlier submittal and falls far short of acheiving the intergration of new construction with the existing Chinatown intended by the DRAC design criteria. The sub-committee firmly agrees that all of the proposals are similarly penalized in design because of the excessive parking requirements. Project number V was recorded -4, one point lower than it's previous listing.

14. This is the project defined as Precint 2, the Beretania-Smith Housing Project (Exhibits D and E, Bill No. 141) and classified as a Non-Significant Project.

15. The Federal advisory council felt it necessary to enter into a Memorandum of Agreement approved by the City Council, and centered upon the significance of both the Pauahi and Beretania-Smith Street projects impact and effect upon the Chinatown National Historic District.

16. Exemption of the Pauahi and Beretania Street Projects presupposes final design and project exceptance; such a presupposition is premature. As of this date the criteria of mitigation specified by the Memorandum of Agreement has not been met.

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17. The impact upon the Chinatown Historic District by these projects cannot be mitigated by claiming them "non-significant projects." In fact they do not qualify as non-significant projects as specified by Article 12. We highly recommend that these projects be classified significant, and come under the full purview of this proposed Bill.

Dale M. Lanzone
Architect Preservation
Specialist

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HAWAII HOTEL ASSOCIATION
SUITE 907
2270 KALAKAUA AVENUE
HONOLULU, HAWAII 96815
TELEPHONE 923-0407

December 5, 1975

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GENERAL PLANNING
C & C HONOLULU

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

Subject: Council Bill No. 144
The Waikiki Special Design District

Dear Chairman:

The Hawaii Hotel Association strongly supports the efforts to create a Special Design District for Waikiki, City Council Bill No. 144. We have continually supported an action program for Waikiki during recent years.

We are sure that the present proposal will not be perfect for all future needs, but it does attack the problem on an immediate basis; any necessary corrective action can be taken in the future.

A major emphasis, therefore, is for an action program and we feel this step must be taken since any long moratorium will cause time consuming legal questions. The important thing in Waikiki's case now is that, for the first time, action be taken.

We would like to ask for one amendment in the resort hotel precinct use. There exists in Waikiki already and there is a continuing need for child care operations for the residents and employees of the Waikiki area. We would like to make this a permitted use since one of the possible alternatives would be to have existing hotel space used for this purpose in the future.

Your immediate consideration and action will be much appreciated.

Aloha,

Clement M. Judd, Jr.
Executive Director

CMJ:er

American Hotel & Motel Association

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A82-13/55-305

Interisland
RESORTS

CLYDE D. DORAN
VICE PRESIDENT

December 9, 1975

Chairman, City Council
City Hall
Honolulu, Hawaii 96813

Dear Mr. Chairman and Members:

May I add my voice to those of many other concerned citizens who deplore the overcrowding and uncontrolled growth of Waikiki and who can at last see a remedy to this deplorable situation in the Council's efforts to pass the Waikiki rezoning bill #144.

Throughout this area the overcrowded conditions are not only a deterent to the growth of one of the State's most valuable industries but if allowed to continue unchecked will eventually, in my opinion, create a community so overloaded with apartment and hotel units that it will have little appeal to residents and visitors alike. Waikiki should be the show place of the Islands, an exciting and stimulating place for our visitors as well as a pleasant place to live for its many thousands of residents.

The entire Oahu community looks to you for redress of this situation, and I certainly hope that final action on the bill can be taken soon.

Sincerely,

CDD:m

cc: Planning Commission

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1298ORP-1

December 17, 1975

TO: MEMBERS OF THE CITY PLANNING COMMISSION OF HONOLULU

FROM: INEZ KONG PAI, A SMALL PROPERTY OWNER IN WAIKIKI

RE: TESTIMONY AGAINST BILL 144: THE WAIKIKI SPECIAL DESIGN DISTRICT

I am a small property owner in Waikiki, here to testify against Bill 144. Before I begin, I would like to take the time to thank each member of this Planning Commission for the attention and consideration given to the testimony of Gregory Pai given on December 3rd and who was the only one who testified against Bill 144. I would also like to thank them for the sincerity, integrity and conscientiousness displayed in the unanimous decision to notify all property owners in Waikiki and to defer the question to this day. It was very late when we finished but your spirit was very inspiring and moving that day.

I would like to begin my testimony by submitting a report of the activities were engaged in with several other small property owners in Waikiki since December 3rd. On December 4th, Mr. Pai and I with the cooperation of Wilson Lau, spent some time to study the 1975 Tax Map covering properties involved in the Waikiki Special Design District. We counted a total of roughly 800 property owners of which 570 had less than 10,000 sf. or about 70%. Then of these 570 small property owners, we found roughly 400 had lots less than 6,000 sf. The highest number of small property owners in this 400 group or just about 200 property owners own lots in the 4,000 sf. to 5,000 sf. category. In other words, these figures indicate a significant majority of property owners in Waikiki are small property owners.

However, we realized that these figures could not tell us how many of these small property owners of 1975 were consolidated. Therefore, on December 7th, I spent the day walking up and down all the streets from McCully to the Kapiolani Zoo. Admittedly, one can't tell how many have consolidated to build under the Grandfather Clause, but I could see there are a distressingly large number of small properties many of which are isolated and surrounded by existing high rises. Incidentally, under the Grandfather Clause, Jerry Tune reveals in a Star-Bulletin article of December 13 that the City has "a flood of building applications with a total value of $240 million in construction" and that these developers with building permits "will be allowed three years to complete the structure from the effective date of the design district." In other words, Bill 144 intends to penalize those who intended to abide by the new building codes and reward those who

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circumvented the law. The injustice of this to the small property owner in Waikiki is so patently clear, on this point alone, I feel Bill 144 should be rejected.

Subsequently we received several phone calls from fmall property owners who had read about Gregory Pai's testimony in the newspapers. None had known about the December 3rd hearing let alone been notified. At this point I would like to remind the members of this Commission that the property owners were not notified of today's meeting in accordance with the decision to do so made on December 3rd. A small notice appeared in the back pages of the Sunday paper. I wonder if we would not have a large turn out today if the property owners had been properly notified. In any case, all of the property owners who called us expressed their dismay and protestations against Bill 144. As a result, we drafted a petition addressed to this body and the Honolulu City Council protesting the passage of Bill 144 and requesting further study of the plan "to give tge bill's objectives true meaning and allow small property owners either the opportunity to develop their properties on a basis that ensures a reasonable return or devise some form of just compensation for what the small property owners must sacrifice." We, Mrs. Peggy Kim, Mrs. Lorraine Carson, myself and others solicited the signatures from concerned citizens, Waikiki property owners and residents.

I herewith submit the Petition which to this date, December 17, 1975, contains 322 signatures.

I now wish to present my personal testimony against Bill 144.

When I first read through Bill 144, I was struck, indeed absolutely flabbergasted by certain facts. First of all, under the nine items listing the lofty purposes of legislative intent on the first page, it is the last item, the 9th one which states the most crucial one, "to control apartment and hotel unit density." YET, mind you, yet, under each of the Precincts subsequently planned for: Apartment Precinct (page 2) and Resort Hotel (page 3), the very first item eliminated the small property owner from building a multi-family dwelling because he has a lot less than 10,000 sf. Under Resort Commercial (page 5) he is not even mentioned. Furthermore, from pages 14 to 19, five pages of Bill 144 is concerned with what kind of signs would be allowed on grounds and buildings! In other words, against five pages of gobble-de-gook about signs, in only a few words, Bill 144 intends to destroy the present and future livelihood of hundreds of Waikiki property owners without even a word about some compensation or more equitable taxation. And right now, I pay the same property tax on my small lot which I cannot improve or build on and have been paying the same property tax that Chris Hemmeter pays on his land with his two forty story towers. Where is the justice here? I challenge the REAL legislative intent expressed in Bill 144, page 1. To me, Bill 144 is a subconscious if not conscious and willful intent to eliminate all small property owners in Waikiki and thereby pave the way for more future high rises and more density in that area.

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Now I would like to call attention to the list of Permitted Uses mentioned for all small property owners with less than 10,000 sf lots. Although they are not allowed to build multi-family dwellings or apartments or hotels, however small, they are permitted to build (page 2) hospitals, nursing and convalescent homes, care centers, public and private schools, private clubs, museums, art galleries, outdoor recreational facilities, etc. in the Apartment Precinct. Just to be brief, the alternative uses for small property owners in the other two Precincts are almost as wildly imaginative. I would like to ask those who thought up this list -- were you at least enjoying yourselves when you concocted it? If you were serious, how do you expect a small lot to hold museums and hospitals, etc. if it could not hold a small apartment house? With parking too? Besides, how many museums, public and private schools, hospitals, etc. are we supposed to have in this apartment precinct? Furthermore, if the City Council tells us we cannot build an apartment house on our lot, what right does it have to tell us to build anything else -- this anything else being totally unfit for the small lots in question to begin with?

I believe the preceding revelations expose a very dangerous attitude held by the members of the City Council. They expose an attitude of ridicule, indeed contempt for not only the small property owners of Waikiki, but for people and people's welfare in general. In reality then, I challenge the City Council to answer: Are you not telling the small property owners you don't give a damn what happens to them?

Now let us take this one step further and try to see the more specific picture of Waikiki should Bill 144 be approved. In other words, what are the consequences of not fiving a damn about the small property owners.

For example, let's take my case. I have a 9,690 sf lot -- 85 feet deep and 114 feet long on Kuhio Avenue. I am surrounded by high rises, on the right and left and in the back. Incidentally, in February of this year, the City Planning Commission had unanimously recommended a variance for us to build a modest apartment house and on this basis we petitioned the City Council. We received no reply -- neither approval nor denial. We called the concerned officials several times. The verbal answers were were always, "we are looking into the matter." That petition was submitted in March of this year.

To go on with my case: Bill 144 intends to take away 15 feet of my property for the Kuhio Street widening. It also ordains that I take a 30 feet property line set-back. With the other existing boundary set-backs, my building area is reduced to 2,820 sf. Can I build a museum, a hospital, or a public or private school on this space?!?

Let's take another real case -- the median small property owner with 5,000 sf. Under Bill 144 consolidation is meaningless because it says you need one acre of land or 43,560 sf. to build 60 units or use the the Floor Area Ratio (FAR) of 1.35 or 58,806 sf. Tell me where in Waikiki

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this small property owner could cosolidate with enough adjacent small property owners to create for himself a meaningful investment. There are too few such possibilities left in Waikiki anymore. The big developers have already built or have put their stakes down to build under the Grandfather Clause.

In my case, I cannot consolidate, I cannot build, I cannot improve, so I lose. In this fellow's case, consolidation is really only a theory, so he loses too. So what is the consequences these situations invite: deterioration of the existing improvements and the very slum dwellings we want to avoid!

Let us take one more property owner who has 5,000 sf. the most average size of lots in Waikiki. This one, however, is on a corner and isolated by high rises. I saw quite a few of these with two street fronts. Bill 144 takes away 20 feet in property set-backs from these two street frontages. Add the existing boundary set-backs required and this property is left with 1,400 sf of building area. Now I ask, what's going to happen to this small property owner?

I would like to have these questions answered by the conceivers of this Bill 144. And I believe that the City Council, in the process of answering these question which they must -- it will discover it has opened a Pandora's box; in other words, a can of worms.

In essence the, all that I have said before leads me to believe that Bill 144 really means there should be no further building of apartments and hotels by small property owners. On the other hand, it means to profit those who have already built their apartments and hotels and those who got their permits to build three more years after this bill becomes law and those very few who can consolidate to build more high rises and create more density in Waikiki. This is a blatant violation of the legislative intent of Bill 144. This is horrendous injustice to the small property owners in Waikiki. Above all, this means the destruction of Waikiki and its transformation into another Miami Beach.

Now I am not here only to oppose Bill 144. I am here also to advocate a totally different concept for Waikiki which I expressed in the earlier letter to the City Council which was ignored.

By way of introduction to this part, may I say that in my time, I have lived many years in several large American cities and foreign countries. I have travelled through and visited many more. Abroad, I have lived in London, Paris, Tokyo and Seoul in terms of years. By good fortune, I have lived in or been in some of the most fashionable hotels of these cities. I have also known or lived in some of the most charming, small hotels, pensions and apartment-hotels in these same cities. It was the happier memories of my stay in these small places as well as my experience operating my small apartment-hotel in Waikiki that moved me to say in my letter to the City Council and I quote:

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"I say, let the small property owner who wishes and can do so feasibly develop his modest, low-rise apartment. Pockets of these small places, improved and landscaped, will help to break the tension and stifling monotony of relentless concrete. Aerial corridors over these lower building will frame the views of our mountains, seas and skies. landscaping and greenery should be mandated to retain, replace and expand the natural landscape.

I feel the development of these small places should not only be permitted, they should be encouraged. It will help to bring the Waikiki scene down to a more human scale, to preserve the kind of life style that is fast disappearing. Small hotels and apartment houses or youth hostels, or European type pensions run by a family or a small staff, by their very nature, can give the intimacy and hospitality the visitor would not find in the impersonality of our mammoth hotels. There are many travellers who dislike staying in large hotels period. Having been on both sides of this situation, I believe the reason for this is the one to one relationship that usually develops between an owner-manager of a small hotel and his guest which can never be duplicated in large hotels.

"We should also examine this proposition from an economic point of view. Broadening the options for visitor accomodations could not help but contribute positively to our tourist industry. Statistics tells us but we see it every day ourselves. More and people are travelling who are less and less affluent. A large bulk of them are ordinary working people, retirees, students and families. To meet the needs of these people should we not plan for small hotels and apartments which could operate on smaller overheads and therefore charge lower rates? Would they not complement the big hotels -- taking their seasonal overflows and those who wish to stay longer? In London, Paris, Tokyo, Seoul, San Francisco, New Orleans, there are myriads of these small hotels and apartment-hotels existing side by side with the big hotels. In other words, why can't we do the same for Waikiki -- of all places in the world, in Hawaii, where I have been told a thousand times that it is the warmth of the people and our unique life-style that brings the people back again and again?"

In conclusion, I would like to say: The passage of Bill 144 would wreak untold hardships for hundreds of small property owners in Waikiki, it will create more, not less blight and in the end prove to be another exercise in futility for allconcerned with the future of Waikiki.

Before closing, I would like to say a few words about Bregory Pai who has spent a great deal of thought and time on the testimony he will give today. Mr. Pai received his Architecture degree from the University of Hawaii. He attended the Yale Graduate School of Architecture and received his graduate degree in same from Harvard. He is presently doing his doctoral studies in Urban Design and Planning at MIT. For the last year he was the Associate Chairman of the University of Hawaii, Department of Architecture. In the last five years he attended three International Conferences concerned with urban planning and design.

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TO: MEMBERS OF THE CITY PLANNING COMMISSION AND THE HONOLULU CITY COUNCIL

FROM: CONCERNED CITIZENS, WAIKIKI PROPERTY OWNERS AND RESIDENTS

RE: BILL 144: TO ESTABLISH THE WAIKIKI SPECIAL DESIGN DISTRICT

I. We, the undersigned, believe there should be some plan to control density and haphazard development in Waikiki. We also believe there should be reasonable set-backs, landscaping and design controls to beautify Waikiki.

II. On the other hand, we feel that the proposed Bill 144, not only fails to accomplish these objectives, but will set into motion development patterns directly contradictory to them.

Bill 144 is strongly deficient in the following ways:

A. Instead of reducing densities in Waikiki, it will force a pattern of consolidation of lots and produce higher densities in the form of more high rises.

B. It completely bans all small property owners from building any multi-family dwellings which in the form of small apartment houses and hotels could give Waikiki the diversity and variety it needs. It will force those who cannot consolidate to suffer great financial loss because of their inability to sell or improve their lots. The fact that small property owners constitute a significant if not majority segment of the Waikiki property owners means this bill is totally discriminatory against the larger interests of the community.

C. Bill 144 poses grave legal and constitutional questions which are not resolved and demand further clarification.

III. Therefore, we the undersigned, protest the passage of Bill 144 and instead recommend to the Planning Commission and the City Council that further study be given to the plan in order to allow small property owners either the opportunity to develop their property on a basis that ensures a reasonable return, or if not, that some form of just compensation be provided to small lot owners in consideration for what they must forego.

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PETITION ON BILL 144

	NAME	ADDRESS	PHONE NO.
1	[redacted] Sue Scott	95-000 #112 Hakaimoa St. Mililani	623-5127
2	[redacted] Lorraine Williams	84-327 B Pokai Rd.	696-6007
3	[redacted] Joyce A. Howard	1860 Ala Moana Blvd #708	941-6183
4	[redacted] Jean M. Howard	" " " "	"
5	Melba Kesterman	1625 Quincy Place	732-0817
6	Cheryl Perez	95-317 Waiamuhea Pl.	623-2649
7	[redacted] E. Rosete	445 A Oneawa St	262-8316
8	Lei G. Yonemura	1582 Kilohana St.	845-5552
9	[redacted] William N. Chang	2033 Metcalf St.	9414784
10	[redacted] A. Clicker	461 Kekuanaoa St.	395-9696
11	[redacted] Jerry Carter	PO Box 10489, Hono.	737-6179
12	MARI HUDSON	3577 PINAO #21	988-6617
13	[redacted]	351 Seaside Ave	923-2902
14	[redacted] Mrs P.D. Lubin	351 Seaside Ave.	"
15	Valerie De Mello	92-487 Akaula Pl.	672-3324
16	Melvanne Ornga	55-506 B Makinpacc St	293957
17	[redacted] Catherine Young	1506 Kaumualii St.	845.3160
18	[redacted] Jinny Tabisula	512 B. Oahu St., Kahului, Maui	877-0207
19	[redacted] Darlene Chin	2001 B Puaala Lane	847-3366
20	[redacted] Colleen Miller	1566 WILDER AV RM 303	941-2231
21	[redacted] L. Edwards	2432-D Date St.	none
22	[redacted] Beck	1935a Kahakai	
23	[redacted] Wyatt	1426 Victoria #1401	533-1981
24	[redacted] Troy R. Tom	437 Nin St.	239-9773

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Coral Smith

PETITION ON BILL 144

(2)

	NAME	ADDRESS	PHONE NO.
25	L. Rkalea	819 Hookena St.	455-8386
26	[redacted] [illegible signature]	Waialua	none
27	[illegible signature]	411 Hobron Lane	955-4924
28	[redacted] Mr. & Mrs. Albert C.K. Kim		261-9107
29	[redacted] Brenda Kaneta	409 Kailua Rd.	
30	Vanessa Hunter	1993 Ala Wai Blvd. Apt 201	955-2477
31	[redacted] Judee LaScola		
32	[redacted] Masako Ageta	1816-C So King St	
33	Margaret Quinn	209-4 Kawaihae	
34	[redacted] Thomas Matias		377-9362
35	[redacted] Wendy Ishida	1131 Ali'ali St.	845-2485
36	[redacted] Milton Morikawa	716 Lukepane St. #403	737-4684
37	[redacted] Susan Abe	1423 Kapiolani Bl.	949-9262
38	[redacted] Lorna Lerry	2510 Date St. Apt. P	949-1250
39	Leona Hulotte	41-163 Poliala St.	259-9317
40	[redacted] Chris Tallo	44-101 Keaalau Pl.	247-3162
41	L. Lampitoc	533-A Hanana Pl.	595-7132
42	[redacted] Charlotte Okubo	99-079 Ohiaka St	487-1612
43	Cheryl Mossman	47-051 Laenani Drive	239-8358
44	[redacted] HENRY C.F. LAU JR.	47-358 LULANI St.	239-8744
45	[redacted] Jerry Jayabu	1816-F Palolo ave.	732-1158
46	Linda Riggan	46-112 Nahiku St.	235-1766
47	[redacted] Rosalie R. Soto	92-844 Kinohi Pl. #47	672-3393
48	Jane Dudoit	1338 Waiaka St	
49	[redacted] Billy Toledo	1717 Kapike St.	395-5554
50	[redacted] Joe Blanco	1213 Kapiolani St	734-7218
51	Tom Cuyle	1923 Wilhelmina Rise	

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(3)

PETITION ON BILL 144

NAME	ADDRESS	PHONE NO.
[redacted] Saracino	2525 Date St.	
53 - Duane Ujiie	1020 Isenberg St.	
[redacted] - Aaron Fujii	1020 Isenberg St.	
55 - Owen Ebata	1020 Isenberg St.	
[redacted] - Darrell Ishii	1020 Isenberg St.	
57 - [illegible]	[illegible]	
[redacted] - Catherine [illegible]	1220 Peterson Ln.	
59 - Cardenas [illegible]	"	
[redacted] - Calvin [illegible]	3315 [illegible]	
61 - Rodney Lam		
62 - Lincoln Lam	"	
[redacted] - Maile Kane	1205 [illegible] St	261-2431
64 - Brenda Pao	976 Paako St	
[redacted] - Kamalani Kaupu	1710 9th Ave.	
[redacted] - Lionel Cazimero	2333 Aamanu St	
67 - Luana Hutchins	2333 Apoepe St	
[redacted] - Jerry Reynolds	757 Kaipuu St.	
[redacted] - Joe Harris		
70 - Roberta Saga		
[redacted] George Kane	1141 Newcomb Ave. #B	
72 - Cloris Walker	1067 Green St #3	
[redacted] - Jim Timbal	469 Ena Rd.	
[redacted] Janet Bush	3149 Lincoln Ave.	
75 - Janet [illegible]	P.O. Box 88145 Hnl 96815	
[redacted] Pamela Kealoha	54-307 Kawaewae Way, Hauula	
[redacted] Kelly Pakopala	350 Ohua Ave. Honolulu	
78 - Elaine [illegible]	1793 Hoawa St B.C.	
[redacted] Kay K. Whitford	45037 Kaneohe..	
80 - [illegible]	757 Wiliwili St.	

(4)

[redacted] - Vikkie McClary — 747 Wilhelm St
72 - Rowell Barcelo — 2271-C Lilike St.
[redacted] - almira ahgon — 54-063 Hauula Home St
74 - Robert Mendonca — 2066 Hilawe St.
[redacted] - May Duncan — 1000 Kalapaki St.
[redacted] - Walter Kahale — 1689-B Ahiahi-Pl
77 - Matty Ho — 8659 - AHE St
[redacted] - Richard — Kalihi st.
79 - Russell A. Kaneshiro
[redacted] - [illegible] — 1503 Emerson St.
[redacted] - R Kaau — 1024 Kolua St
— 1993 CALIF AVE WA.
92 - Bernard K. Marie — 4470-A Puu-Panini Ave
[redacted] - Nicholas Ferri — 946-B PROSPECT ST. 96822
94 - Gene Lelano — 3031 Nilo St.
[redacted] - RAY RESURRECTION — 2109 JENNIE ST.
[redacted] - Lui Ko — 606 D ISENBERG St 96814
[redacted] - JUDY DACANAY — 543 Koa St. #12
[redacted] - Kaulia de Silva — 1069 LUNALILO PL.
99 - Ken Taniguchi — Anela PL. "
[redacted] - Hiram Holi
101 - Ronny Kealoha
102 - Glen Kaio — 1689-C Ahiahi Pl.
[redacted] - Wyatt Jeung — 2290 Makanani Dr.
104 - Michael DeBoise — 98-1623 Kaahumanu St
[redacted] - Brenda Ho - Nakasone — 98-1623 Kaahumanu St.
[redacted] - Eileen H. High — 1441 Pali Hwy.
107 - Vivian Bobrownik — 3420 Kahawalu Dr
[redacted] - Sarah Yee — 47-219 Ahuimanu Rd.
[redacted] - Joseph Yee — " " "
110 - J.A. Bobrownik
111 - Melvin F. Lee — 1257 Kaumuali Street
112 - Ella Wong — 3650 Waokanaka St

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PETITION ON BILL 144

(5)

NAME	ADDRESS	PHONE NO.
Linda L. Do	2440 Campus Road. P.O. 221 96822	9882814
Hayk I C[illegible]	1319 Kalaepohaku Pl. 96816	7344963
wes adachi	1437 Onipaa St 96819	839-5290
Bill Hacker	949 B Prospect	
James M. Chibana	1911 Kalakaua Ave 96922	536 0926
Ernest S. Shinjo	HA. Mokihana 96815	949-2229 948-6225
[illegible]	[illegible]	84[illegible]
[illegible]	114 ~~Anoholo~~ 8 96825	395 4080
121 Dave Davids	~~[illegible]~~ Aukai Ave	
122 Robert J. Cullen	172 KuuHALE ST' KAILUA, Hi	262-4728
123 Sue Yoshimasu	2642 Booth Rd.	536-9031
124 W. Newman	2845 OAHU AVE Hon	No PHONE
125 W Powell	46-229 KAHUHIPA	247 2959
126 Kekua Mahoe	41-159 Paliala St.	2599641
127 Esther Rapoza	1568A Ohe St	8414366
128 Sybil Burmingham	2849 Pali Hwy	595-3044
129 Lance Kasaki	1694 Kuahaka St,	
130 Frances Berlano	85-114C Ala Akau Waianae	455-9558
131 [illegible] Gopal	Same	696-4584
132 Morgan Chung	23 Kamila St	—
Robert Lau	47 " "	—
Georgia [illegible]	917-A Hala Drive	5378371

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PETITION ON BILL 144

No.	NAME	ADDRESS	PHONE NO.
135.	Leo Lee	1309 McCully St.	9498428
136.	H. Lee	1014 Makua St.	422-0787
137.	A. [illegible]	1118 Olowalu Ave	395-8025
138.	M. Park	87-1682 Mohihi St	6682252
139.	D. Gerard	87-217 Kahau St.	668-7611
140.	E. Cantonne	324 ala [illegible] St.	855-3595
141.	E. DiPonte	420 N. King St. #108	
142.	C. Omura	423 Kekupua St.	395-2479
143.	Mary P. Jones	1754-B. Lusitana St.	538-1874
144.	WAYNE [illegible]	726 Kapaia St.	395-1536
145.	Ruth [illegible]	1826 Eluwene St	8475163
146.	Stephen Kapaia	470 Krauss St.	5314487
147.	George [illegible]	554 Laukoa St	
148.	Anthony Taviulmang	1890 East-West Rd.	948-8762
149.	Peterus T. Tavirumgny	Hoonanea St.	949-9044
150.	Frank Magdonell	939A Akepo Ln.	8474701
151.	Ronny A. H. Young	656 Auwaiolimu St.	537-2009
152.	Marion R. Park		737-8764
153.	Fred B. KALUNA	1717 MAKIKI	9557341
154.	Tommy Lee	1636 MAKIKI	9557699
155.	Dabney B. Morell	962-D Prospect St.	524-0656
156.	Edward R. Burney	91690 KEKUNA St	689-7425

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PETITION ON BILL 144

	NAME	ADDRESS	PHONE NO.
157.	Audrey Watanabe	3305 Lower Road	988-6182
158.	Carol Kuwahara	2846 Lawa Place	988-3958
159.	Reid Marcoso	99-1398 B. Nola St.	455-9535
160.	Joy Wells	1415 Victoria St.	521-5446
161.	R. Cometiado	2525 Date St.	941-3518
162.	[illegible]	45-161 Ekepaa Pl.	
163.	Michael Tokuna	PO BOX 31 P.C. 96882	N/A
164.	[illegible]	3562 AKAKA PLACE	9883237
165.	Rachel Kekumoku	2376-Tantalus Dr.	5368900
166.	Aaron Kanaeholo	45-624 APUAPU St.	235-1913
167.	Brian K. Keira	44-334 Hui Koloa Pl.	239-9174
168.	Mr. Malcolm L. Lum	304 Ainakea Way	923-8773
169.	Dorothy G Kaumehana	3151 Monsarrat Ave 96815	
170.	Mr. Theodore Iwasaki	3223 Ala Haukulu St	7348169
171.	Mrs. Sharon Iwasaki	3233 Ala Haukulu St	8392303
172.	Mr. Melvyn Kaneshiro	3225 Ala Haukulu St.	8392303
173.	Mrs. Pat Kaneshiro	3225 Ala Haukulu St	8390276
174.	Mrs. Peggy Kim	423 Olokea St.	8390276.
175.	Edward Emma	584 Cooper St.	N/A.
176.	[illegible]	637 Puna Pl.	734-2256

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PETITION ON BILL 144

	NAME	ADDRESS	PHONE NO.
177.	[redacted] Kurt Schroeder	2415 ALAWAI Blvd.	923-0902
178	[redacted] Grace Gunn	1741 Nalulu Pl.	-
179.	[redacted] Phillip Deming	96-035 WAIAWA st Pic.	4558769
180	[redacted] Rose D.	"	"
181	[redacted] L. Deming	Kaneohe 45-454 Kulauli ST.	247-4340
182	[redacted] Nora Nakayama	1628 Pali St. #707	941-7129
183	[redacted] Ann Pahia	1148 aloa aina Way	395-8025
184	[redacted] Linda Murphy	1441 Aupuni ST.	839-2954
185	[redacted] John Kamae	365 Nuuanu ST.	261-0467
186	[redacted] Juliet Shinchiro	1506 Mohana St	737-0560
187	[redacted] Theodore Fraites	2444 Paua Rd.	536-8480
188	[redacted] Tiong Chong Tow	3126 Mokihana St	737 9690
189	[redacted] Charles Chun	1258 Pabla Ave.	737 3187
190	[redacted] Irene Miranda Jr	2348 Orchid St.	732 1235
191	[redacted] Jesus M Alvarez	2464 Kuhi Kalani	845-3441
192	[redacted] Paco M Cuerva	1319-A Alani St	845-1617
193	[redacted] Elizabeth Dixon	1233 Young ST apt 107	523-1803
194	[redacted] Willy Wu	1341 NANAWALE	262-55-97
195	[redacted] Eduard Law	3125 WAIALAE #205	732352
196	[redacted] Mabel Bird	Pearl City	
197	[redacted] Mary Johnson	1718 KAUMAKAI ST	847 1735
198	[redacted] Pat Cikuna		
199	[redacted] Robert Kealoha	2188 Kam HWY	841-0951

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PETITION ON BILL 144

	NAME	ADDRESS	PHONE NO.
200	[redacted]	220 Makuu	
201	[redacted]	Ewa Beach Halieya 84-917 HANA ST	695-8179
202	[redacted]		
203	Charles M. Crowell III	91-1217 Kauiki ST.	
204	Carla Freundt	1894-A-Mahannah Cir.	254-1477
205	[redacted]	91-712 Kelinahe St.	
206	[redacted]	2465 Kuhio Ave. #1804	922-4557
207	[redacted]	2356-B University Ave.	946-1042
208	[redacted]	3603 Kumukoa St.	988-7220
209	[redacted]	1401 Kiwalo St. Apt-36	
210	[redacted]	3229 Woodlawn Dr.	988-4420
211	[redacted]	417 Kanekapulei #302	923 8215
213	[redacted]	2429 Coyne St	94600 16
214	[redacted]	605. School St.	533-1506
215	[redacted]	2734 Lanihua Rd.	536-0697
216	[redacted]	2050 Leiloke Dr	536-0444
217	[redacted]	2336 Kaululaau St.	537-5462
218	[redacted]	2525 DATE St.	941-3518
219	[redacted]	1415 Victoria St	521-5446
220	[redacted]	1415 Victoria St	521-5446
221	[redacted]	3609 Kumukoa St	

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PETITION ON BILL 144

	NAME	ADDRESS	PHONE NO.
220	[redacted] Phillip Rudas	2525 Date St	941-3518
221	[redacted] Edward Kresge	1215 Luawai St.	734-7405
222	[redacted] Linda Colby	750 Amana St	946-7357
223	[redacted] Toni Tom	954 32nd Ave	
224	[redacted] Jim Nakamoto	1768 Manawahua Pl.	946-5967
225	[redacted] M Chun	126 Hawaii Loa	373-3159
226	[redacted] Ron Davis	1456 Thurston	531-5626
227	[redacted] Mrs Helen C. Simonton	435 & 435A Olokana St. 96815	9555353
228	[redacted] Greg Pai	1852 Lui Way	737-5604
229	[redacted] Gregory Pai	"	"

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PETITION ON BILL 144

	NAME	ADDRESS	PHONE NO.
232	Terence E.C. Pang	5411 Opihi St	3734283
233	Robin Kam	768 Kapahulu Av	7374012
234	John Nakano	348 Kuyen PL.	5955252
235	Vivian Kimura	1545 Linapuni St.	8457470
236	Yvonne Gonsalves	574-A Kamoku St.	955-2933
237	BENSON Wong	4889 Aliikoa	7344064
238	Marguerite Pang	2159 Ala Wai Blvd.	923-4847
239	Helen B. Walsh	2163 Ala Wai Blvd	~~546-2120~~ 546-2120
240	Lowell Pang	2163 Ala Wai Blvd	944-2362
241	Norma MacKeeby	662 Kaumakani St.	395-2076
242	Paul [illegible]	662 Kaumakani	3952076
243	Dush MacKeeby	662 Kaumakani	395-2076
244	Brian Young	3525 Woodlawn Dr.	9882425
245	Steven Pang	94717 Waipahu St	6713068
246	Jerry S.K. Pang	1712 Houghtailing St	845-0051
			8450051
		Houghtailing St	
247	Edith Pang	1712	845-0051
		1712 Houghtailing St.	
248	Ho Sey Moe Pang	4012 Kilauea Av	7372904
249	Jackie Pang	94717 Waipahu St	6713068
250	Donald Kato		
251	Douglas Chang	1856 Puowaina	5368034

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PETITION ON BILL 144

	NAME	ADDRESS	PHONE NO.
252.	Doreen J Camm	2165 Ala Wai	923 4256
253.	Gladys M. Tsuda	2169 Ala Wai	923-4225
254.	Lee Tsuda	2167 Ala Wai Blvd.	923-7136
255.	Rae Fukuda	727 Puiki St.	395-6693
256.	Patricia Liendo	1541 Alamoana St.	839-4834
257.	Dorothy Olsen	99-508 Kahuhini Pl. Aiea	#
258.	Ted Kemp	3553 Woodlawn Dr.	9882607
259.	Leslie Powell	352 Lewers St.	923.3282
260.	A L Powell	352 Lewers St.	9233282
261.	[illegible]	4377 Kahala Ave	7348344
262.	Laura L Costa	2084 Kuhio ave #5	9498539
263.	Gloria Camp	2084 Kuhio	9498539
264.	Sabina Thain	2084 Kuhio Ave	949-8863
265.	Susan Kemp	2084 Kuhio Ave	9465-832
266.	Rose Lum	2084 Kuhio	9461829
267.	Robert Costa	325 Puamamane	7372866
268.	Charles A. Pardee	428B Launiu St.	9232780
269.	Marian J Pardee	428B Launiu St.	9232780
270.	Heather B MacGregor	437 Launiu St.	922-2930
271.	Marie Bond —	" " "	" "
272.	Mary Overland	400 434 Launiu St & Nahua St	922-2930

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PETITION ON BILL 144

	NAME	ADDRESS	PHONE NO.
[redacted]			
281.	Kelvin Young	3525 Woodlawn Drive	9882425
282.	Florence Young	3525 Woodlawn Drive	9882425
283.	Henry Chang	1856 A Punaluu Dr.	536-8034
284.	Joseph Pang	94-717 Waipahu St	6713065
285.	Marianne Pang	94-717 Waipahu St	6713065
286.	Mandy Jew	718-B 22nd Ave	732-3451
287.	Reginald Chang	1856-A Punaluu Drive	536-8034
288.	Wanda Jew	718-B 22nd Ave	732-3451
[redacted]			
289.	Lora Fat Jew	4002 Kilauea	737-3904
[redacted]			
290.	Rebecca Young Kubo	94717 Waipahu St	6713065
[redacted]			
291.	Valerie Young	3525 Woodlawn Dr.	9882425
[redacted]			
292.	Kuai Yee Young	3525 Woodlawn Drive	9882425
293	Lorraine Pullman	4161 Luna Pl	734-7718
294	Harold K Pullman	4161 Luna Pl	734-7718
[redacted]			
295.	Don Kong	943 Holcon Lane	—

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PETITION ON BILL 144

	NAME		ADDRESS	PHONE NO.
143-	Patricia Carter	296.	3259 Hiwaano St.	737-1294
144-	Queen Carter	297.	3259 Hiwaano St.	737-1294
145-	Karen Texeira	298.	3503 A Pauoa St.	735-1839
146-	Richard S Yoshimura	299.	1732-1 Linapuni St.	845-4877
147-	Grace Omai	300.	99-876 Aiea Hts. Dr.	488-593
148-	Lottie K. Topley	301.	P.O. Box 2491 Kanakuli Hawaii 96792	668-7538
149-	Alvin A. Higa	302	956 Fuaua Street	422-7793
150-	Celia Kanui	303	3549 A Pali Hwy	595-7471
151-	Leslie Camara	304.	38495 Pali Hwy	595-747
152-	Tauneya Dominga	305.	3484 Campbell Ave.	7344225
153-	Clyde L. Cady	306.	477 Kaumakani St.	395-7091
154-	Segundo Jara Jr.	307.	695 Waikamilo St	3953736
155-	Coral Akiu	308.	2563 Jasmine St.	7375760
156-	Florence Takiya	309	3456 Hardesty St.	7321520
157-	Nancy Ichikawa	310.	2134 Alexander	7320040
158-	Arthur Domingo	311.	3484 Campbell Ave	73 44225
159-	Elsie Hirata	312	2029 Nuuanu Ave.	531476
160-	Ron Bronson	313.	7264 Kualono St	395-2331
161-	Yolanda J. Ng	314	257-7th Ave	737.3347
162-	Eva M. Jara	315.	695 Waikamilo St	395.3736
163-	K. W. Sader	316.	Box 88128 Honol.	955-5087
164-	Ernest K Inui	317.	1807 Waiola St Hono.	955-2897
165-	Mrs Helen C Simonton	318	4350 Lohaia	95553 53
166-	Suname Canon	319.	2165 Aewai	9234256
167-	Gladys Tsuji	320	2169 Kalihi	923-4228
168-	Vera G. Hee	321		
169-	Rosalind Ky Hee	322		
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DLNR 12/15 - 3200

Dec. 17/1975

Ladies & Gentlemen;

I am a Wikiki property owner, recently widowed w with 3 children to support, 2 girls, high school teenagers and a college student son who is in his last year in college and has asked me to help him through mainland graduate school. Therefore I was not able to beat your poposed bill #144, before the moriatorium, as many others who has the money has been able to do so.

I cannot tear the present building I have now because I need the income to live on and support the childrenright now. It isn't the first class type but the original building built many years ago and it is an uphill battle to keep it rentable condition, with inflation (maintainace cost keep rising, tax keep rising, etc.) Also recession causing renters moving out faster because of lost of jobs. My tenants are mostly people who work in Waikiki, because they do not have cars and prefer to live there and walk to work. Also people on Welfare.

The proposed bill renders my property useless with its area limitation, the types of uses suggested, museum, etcetra, and the darnest is park use when right around the corner there is already a mini park planned, and also the great big Kapiolani park & beaches for recreation.

Right now, there is a huge hotel, condominium combination, with a penthouse for the foreign owner to stay in when he is not at his legal resident in another country. I want to point out that this is really unfair to us little guys who are going to be limited as to what they can build & limiting the area plus additional set back, We who have been in Waikiki for many years & kept it going just for millionaires to take the "gravy."

It is easy to say consolidate, but what if you are hemmed in by buildings already improved, & the other side neihbor already has sufficient land and doesn't want to conslidate, so where does that leave me, I've already bought from the city, the easement in the back but it still doesn't give me 10,000 Sq.Ft.

If you ladies & gentlemen have not read the Sat. Dec 13, issue of Hon. Star Bulletin, captioned "Grandfather clause in Waikiki District", let me read the first & last paragraph. "Even with the passage of the Waikiki special design district, all new constrction will not conform to the plan's tighter restrictions and lower densities. Last paragraph, "Many of the permits pending

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in Waikiki would, if constructed block off the Daimond Head-Punchbowl view corridor spelled out in the bill's urban design section.

Therefore I propose that the zoning be left as is without any changes because the small guys are being denied the fullest use of their land as they had originally bought it with the zoning of Apt. Hotel zone. Bill #144 is not able to save density, because the density and the saving the view of Daimond Head Punchbowl will be gone when all the backlog of permits are given to start building. Give us, the small land owner some consideration to build multiple units when the termites get ouf wooden strudtures.

Concerned land Owner

Mrs. Peggy Kim

Peggy P. S. Kim
637 Pana Place
Honolulu, Hawaii 96816

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DEPT. OF
GENERAL PLANNING
C & C HONOLULU

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DGPO/75-3190

MEMO: to Secretary of the Planning Commission

Enclosed is my testimony given at the meeting on December 17, 1975 on Bill 144.

The chairman requested that it be submitted in writing.

I might add that the following was not included in the oral testimony.

> "I also own 3,600 sq. ft. on Seaside Ave. The building is old and termite eaten....although income now is about $780 monthly. Under the proposed 144, we could build 1800 sq. ft.(roughly about 3 1 bedroom apartments). It would be economically unfeasible for the existing building to be demolished and only 3 units built."

If there are any questions, please do not hesitate to call me.

Lily Lee

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T E S T I M O N Y

Mr. Chairman, members of the Planning Commission, my name is Lily Lim and I am speaking as a property owner.

I feel Bill 144 does not treat all property owners equally...especially the small property owner.

1. It singles out a special area...Waikiki, for zoning changes and consequently penalizes owners there. When the CZC was amended in 1967, it was a uniform zoning plan change for all of Oahu and whether you had an apartment land in Waikiki, Makiki, Wahiawa or Salt Lake, the zoning requirements were the same. Under Bill 144, a land owner in Makiki can still build what he was allowed to build under the CZC but the Waikiki owner cannot....and the Waikiki owner has been paying more property taxes all these years.

2. Bill 144 may interefere with a citizens due process because if he purchased property in Waikiki relying on the existing zoning after which the city changes that zoning to the detriment of his land use...without just compensation...it may be questionable.

3. Bill 144 favors existing owners of hotels and apartments, although it may be unintentional.....as one of the objectives is to provide a means to control apartment and hotel unit densities. With less hotel and apartments being built, the existing ones will enjoy higher and higher occupancy as the tourist industry grows every year. I might add at this point that Mr. LIm and I own a small hotel in Waikiki and my first reaction to this bill was "great"....in a few years we will be enjoying 100% occupancy.

4. Bill 144 favors some owners over others in Waikiki. Those that have already built are definitely favored as they do not have to comply....while those that have not built because of financial or other reasons have to comply ..so even if both buildings next to your lot are only 5 feet from the street, you may have to set your building back 20 - 30 feet....and you may not be able to build at all because of the proposed density decrease.

5. Bill 144 will encourage slum areas in Waikiki. If the existing building on a property is old and termite eaten and yet is bringing in some income, the owner probably won't demolish it if he cannot build anything, or if he cannot build anything substantial enough for a fair return on his investment.

I see nothing wrong with a small apartment building of 4 to 12 units on a small lot. I think its better to have 3 or 4 small apartment buildings rather than have them combine to put up another concrete giant.

I'm sure some of these problems can be worked out for the small property owners as I do not believe it is the intent of this proposed bill to penalize them.

Lily Lim
2114 Manoa Road
Honolulu, Hawaii
Phone 949-1142

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NO.

5

NO.

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NO.

5

NO.

5

NO.

5

PLANNING COMMISSION

INDEX TO MINUTES

JANUARY 7, 1976 TO MARCH 31, 1976

BOOK NO. 138

PLANNING COMMISSION

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MRRC RMM 19-75

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Meeting of the Planning Commission
Minutes
January 7, 1976

The Planning Commission held a meeting on Wednesday, January 7, 1976 at 1:35 p.m., in the Conference Room of the City Hall Annex. Acting Chairman Sylvia Sumida presided.

PRESENT:

Sylvia Sumida, Acting Chairman
Dr. Wilbur Choy
Donald Hosaka
Charles Izumoto
Yuklin Kuna
Ned Wiederholt
Harriet Wikum

ABSENT:

Randall Kamiya, Chairman

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Henry Eng, Staff Planner
Jack Gilliam, Staff Planner
Stan Mofjeld, Staff Planner

MINUTES:

The minutes of December 17, 1975 were approved, on motion by Mr. Hosaka, seconded by Mr. Izumoto and carried.

PUBLIC HEARING
CONDITIONAL USE PERMIT
(ROOFTOP HELISTOP)
HONOLULU
QUEEN'S MEDICAL CENTER
(FILE #75/CUP-17 EY)

A public hearing was held to consider a conditional use permit to permit installation of a Rooftop Helistop on Queen's Medical Center off-street parking structure (under construction) in the Central Business District area, Tax Map Key: 2-1-35: 3.

Publication was made in the Sunday Star-Bulletin/Advertiser on December 28, 1975. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report recommending approval of the proposal.

There were no questions of staff concerning the report.

TESTIMONY IN SUPPORT

Attorney Clesson Chikasuye represented the applicant and requested that the Commission expedite action approving this CUP. Present temporary emergency landings on the state capitol grounds granted by the Governor have inconvenienced the public.

TESTIMONY AGAINST

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the conditional use permit, subject to the conditions in the Director's report, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

AYES - Choy, Hosaka, Izumoto, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Kamiya

PUBLIC HEARING
ZONING CHANGE
R-4 RESIDENTIAL TO
I-1 LIGHT INDUSTRIAL
DISTRICT
KANEOHE
T. IIDA CONTRACTING, LTD.
(FILE #75/Z-27 EY)

A public hearing was held to consider a request for a change in zoning from R-4 Residential District to I-1 Light Industrial District on approximately 11,201 square feet of land situated in Kaneohe, Tax Map Key: 4-5-39: 19.

Publication was made in the Sunday Star-Bulletin/Advertiser on December 28, 1975. No letters of protest were received.

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

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

No one spoke either FOR or AGAINST the proposal.

The public hearing was closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

AYES - Choy, Hosaka, Izumoto, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Kamiya

PUBLIC HEARING
PROPOSED AMENDMENT TO THE
CZC RELATING TO LOT DEPTH
(L&R/75/AMEND 18 AM)

A public hearing was held to consider a proposed amendment to the Comprehensive Zoning Code relating to lot depth. The purpose of the proposed amendment is to regulate and control the depth of a zoning lot. The minimum lot width, depth, and area requirements are to insure that adequate buildable areas are provided on each zoning lot.

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Publication was made in the Sunday Star-Bulletin/Advertiser on December 28, 1975. No letters of protest were received.

Staff Planner Art Muraoka presented the Director's report recommending approval of the proposed amendment.

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

No one spoke either FOR or AGAINST the proposed amendment.

The public hearing was closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

MOTION: Dr. Choy moved to accept the Director's recommendation for approval, seconded by Mr. Hosaka.

Discussion followed.

Mr. Wiederholt felt the proposed amendment would be an added restriction to the present rigid subdivision process. He questioned whether studies were undertaken to determine whether parcels of 40 feet in depth (the cited example in the staff report) could be buildable depending upon its configuration. Also, whether consideration was given to the role this amendment might have on subdivisions in agricultural areas.

The motion carried.

AYES - Choy, Hosaka, Izumoto, Kuna, Sumida, Wikum
NAYES - Wiederholt
ABSENT - Kamiya

PUBLIC HEARING
VARIOUS AMENDMENTS TO
THE BANYAN TREE PDH,
ORDINANCE 3639,
COMMITTEE REPORT 1664,
DEC. 17, 1975
WAIMANALO
HAWAII COUNCIL FOR
HOUSING ACTION
(FILE #70/PDH-7 SM)

A public hearing was held to consider a request for various amendments to the Banyan Tree Planned Development Housing (Waimanalo) Ordinance No. 3639, and a draft ordinance incorporating the requested amendments in accordance with Hawaii Council for Housing Action's recommended metes and bounds description.

Publication was made in the Sunday Star-Bulletin/Advertiser on December 28, 1975. No letters of protest were received.

Staff Planner Stan Mofjeld presented the Director's report recommending approval of the proposed ordinance amendments.

Discussion followed regarding:

1. Guarantees on preserving the central open space area between the existing and proposed developments. The subject area which is leased and maintained by the Waimanalo Residents Housing Development Corporation (WRHDC) should remain as a common open space buffer area.

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2. Concern as to the reason for elimination of the 80' DLUM road (Condition 13 of the staff report). Mr. Mofjeld indicated that construction of the subject roadway may or may not be necessary depending upon the future State highway pattern presently under study. When the 80' DLUM road is deemed necessary, development of that roadway should be the responsibility of the State.

TESTIMONY IN SUPPORT

Mr. Robert Kamalu, Executive Director, Hawaii Council for Housing Action, testified regarding the 80' DLUM road. Mr. Kamalu stated: "There was an agreement prepared at the time the first permit was made that we would do incremental construction. By doing so, they were willing to allow putting the DLUM road in the final rather than initial construction phase. We were given that option on the basis that the State was not fully prepared to agree and confirm that this was the exact location they wanted the DLUM road. So, they allowed us at this time to come up with an amendment or prepare a revision to the DLUM. It was to have been through studies being done by the Department of Land and Natural Resources. To date they have still not completed their studies. It was originally intended there would be an amendment to the DLUM but it had to be backed up by specific data. State studies were then underway but to date have not been completed. The State knowing that the responsibility was with them to confirm the need for the road, did indicate as a result of their lacking sufficient data, that they would be responsible for construction at such time that it was determined and needed."

TESTIMONY AGAINST

None

The public hearing was closed, on motion by Mrs. Wikum, seconded by Mr. Hosaka and carried.

ACTION: The Commission recommended approval of the proposed ordinance amendments with the understanding that the open space amenities between the two areas would be preserved in the future use of this land, on motion by Mr. Wiederholt, seconded by Mrs. Kuna and carried.

AYES - Choy, Hosaka, Izumoto, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Kamiya

UNFINISHED BUSINESS
CHINATOWN
A BILL FOR AN ORDINANCE TO ESTABLISH "HISTORIC, CULTURAL, AND SCENIC DISTRICT NO. 4, THE CHINATOWN DISTRICT"--
BILL NO. 141

The public hearing held on December 17, 1975 was kept open to obtain clarification from Housing and Community Development, Housing and Urban Development, and the Department of Land Utilization on previous agreements related to design and the basis for Housing and Community Development's two projects being declared non-significant in the proposed ordinance.

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Public testimony was continued.

TESTIMONY IN SUPPORT

1. Messrs. Tyrone Kusao, Deputy Director, and Hiromi Shiramizu of the Department of Housing and Community Development (Submitted testimony dated Jan. 7, 1976, copy attached)

   The Commission questioned the effect of declaring both the Pauahi and Smith-Beretania projects significant, and what attempts, if any, were made by the Department of Housing and Community Development, to comply with the Historic Preservation plan. Mr. Kusao explained that significant projects are subject to public hearing and review by the Planning Commission which would cause a delay of both projects while non-significant projects are not. The Department of Housing and Community Development is hopeful of expediting both projects.

   Concerning the Pauahi project, attempts were made to comply with findings of the State Historic Preservation Office. Buildings assigned preservation status were slated for demolition. Upon review, one of the structures will be retained. Three other structures are still being reviewed. As to the Smith-Beretania project, they must meet the requirements of the Federal Advisory Council on Historic Preservation which considers the environmental aspect of projects and presently has objections to the Smith-Beretania project.

2. Mr. Charles Miner, Jr., Member, People Against Chinatown Eviction (PACE)
3. Mr. Emile Makuakane, Steering Committee Member, PACE

   Testimony presented by the above-named individuals was ruled out-of-order by the Chairman. Following is an excerpt of that presentation.

MINER: Madam Chairman, members of the Commission, my name is Charles Miner, Jr., and I have come to speak on behalf of PACE, People Against Chinatown Eviction. I'm presently living at the Pauahi Project area where I've resided for 47 years. One Hundred Eighty-Seven individuals, one to one family and numerous businesses, will be directly affected by Bill 141 if it is allowed to become a city ordinance in its present form. The general intent of Bill 141 is commendable. We strongly support the objective to preserve the unique lifestyle and ethnic atmosphere to meet the needs of the present population, and to promote higher standards of health, safety and welfare of the residents.

I wish to speak on special designations in the bill of the Pauahi Urban Renewal projects and the Smith-Beretania Housing project. I hope this statement relates to this bill and I will not try to get carried away.

As nonsignificant projects, the bill clearly defines as nonsignificant tool, those projects which entail only exterior repair of structures and buildings which do not change the character or visual appearance of the building. Present plans for Precincts 1 and 2 will entail complete demolition and massive redevelopment of three city blocks. Furthermore, present plans are in process of evicting 188 individuals, 28 families and numerous small businesses. People and workers, this is very significant to us. We live and work in Chinatown. It is where we can find low-cost housing and store fronts which we can afford. Ninety-three precent of the residents plus 50% of the small residents in the Pauahi Project want to remain in Chinatown.

CHAIRMAN: Mr. Miner, if I may, the Chair is appreciative of your concern about the Pauahi Project but I don't think this is the right forum for your concern about eviction and about the building. So at this time, although I thank you for coming--

MINER: Yes, well, I thought that we might have some significance in the bill.

CHAIRMAN: Thank you but the testimony is not in order at this time.

Is there further testimony FOR the ordinance?

EMILE MAKUAKANE: Madam Chairman, mine is almost in like with Charles Miner's testimony, my testimony that I have before me.

CHAIRMAN: Mr. Makuakane, your testimony is AGAINST?

MAKUAKANE: FOR.

CHAIRMAN: FOR the ordinance. Does your testimony relate to the specifics within the ordinance or to the--

MAKUAKANE: It's not necessarily a duplicate of what Charles Miner has been talking about but it's in line with that.

CHAIRMAN: As I told Mr. Miner, the Planning Commission can hear what you have to say but we really have no power to deal with the concerns that you have. I would suggest that to maximize the use of your energy and time and cares that you would address your concerns to the proper forum, to the place it can do the most good for you in achieving your goals. So although we would like to accommodate you, in the interest of time that we are going to devote to consideration of this ordinance, I will have to consider your testimony also not in order at this time.

MAKUAKANE: Can I just read this position? I think it will be apart from what has been discussed.

CHAIRMAN: Yes, the Chair will allow it.

MAKUAKANE: I am a resident of Chinatown residing at 1133 Maunakea Street. I am also a steering committee member of the present PACE organization. In view of this, PACE recommends that

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the Pauahi Urban Renewal Project and Smith-Beretania Housing Project not be excluded from the jurisdiction of Bill 141, the designation on nonsignificant. We further recommend that the needs and welfare of the present residents, small businesses and workers, be given priority and be assured by retaining within the content of the bill specific conditions within the bill which will insure that the needs of the present population are met, and PACE should have full participation in this process.

That's all I have to offer. Thank you very much.

4. Mr. Dale Lanzone, Architectural Specialist to the State Preservation Office (Presented additional material on Design Criteria for Chinatown, copy attached)

TESTIMONY AGAINST

None

The public hearing was closed, on motion by Mrs. Wikum, seconded by Mr. Wiederholt and carried.

The Commission deferred action on the matter for two weeks for a workshop to review additional testimony presented by Mr. Lanzone of the State Preservation Office.

UNFINISHED BUSINESS
BILL NO. 140
INITIATED BY CITY COUNCIL
AMENDMENT TO VARIOUS SECTIONS OF R-4, R-5, R-6 AND R-7 RESIDENTIAL DISTRICTS RELATING TO DUPLEX DWELLINGS, LOT WIDTH AND YARD SETBACKS.
(L&R/CZC-1975-19 JG)

Public hearings were held on December 3, and 17, 1975. At its December 17, 1975 meeting, the Commission deferred action for preparation of a second draft due to typographical errors in Draft 1 which DLU staff indicated needed to be changed.

Mr. Jack Gilliam reviewed the changes in Draft 2 which are as follows:

1. Correcting the typographical error in the title from "R-3" to read "R-4".

2. Insert "and measured perpendicular to" in Section 21-202 for clarification.

3. Reduced the front yard requirement in the R-4 district from 15 feet to 10 feet as requested by the Building Department to make it consistent with the R-5, R-6 and R-7 districts.

The singular and plural words in the proposed bill are consistent with the language of the CZC. Definitions are singular and Use Regulations are in the plural. The preamble of Section 21-110 Definitions states "words used in the singular number include the plural and the plural the singular."

There were no questions of Mr. Gilliam.

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ACTION: The Commission recommended approval of Draft 2 of the proposed ordinance, on motion by Mr. Wiederholt, seconded by Dr. Choy and carried.

AYES - Choy, Hosaka, Izumoto, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Kamiya

ADJOURNMENT: The meeting adjourned at 4:40 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET
HONOLULU, HAWAII 96813
PHONE 523-4161

FRANK F. FASI
MAYOR

RICHARD K. SHARPLESS
MANAGING DIRECTOR

WILLIAM BLACKFIELD
DIRECTOR

TYRONE T. KUSAO
DEPUTY DIRECTOR

January 7, 1976

STATEMENT TO THE CITY PLANNING COMMISSION

Presented by
TYRONE KUSAO, Deputy Director
Department of Housing and Community Development

To acquaint you with the activities that have transpired in Chinatown, attached is a map of the Chinatown General Neighborhood Renewal Plan area and two lists of significant dates and events related to the Pauahi Urban Renewal Project and the Chinatown Historic District. Also attached is a chart showing the elements of the Memorandum of Agreement.

As indicated by the dates, plans for renewal of the Chinatown area were initiated prior to placement of Chinatown on the National Register of Historic Places. Establishment of the Chinatown Historic District coincided with completion of renewal plans and preparation being made to obtain federal funds for the Pauahi Project. This situation led to execution of the Memorandum of Agreement by the Department of Housing and Urban Development, the National Advisory Council on Historic Preservation and the State Historic Preservation Officer.

It is our judgment that we have substantially fulfilled our obligations under the Memorandum of Agreement. In so doing, we have coordinated very closely with the State Historic Preservation Office (SHPO). The Design Review Advisory Committee (DRAC) was established in place of the proposed independent Design Review Board (DRB) in compliance with an opinion of the Corporation Counsel that the establishment of the Design Review Board would violate the City Charter. DRAC was formed under provisions of Section 4-103 of the Charter and members appointed included nominees from the State HPO.

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The basic framework of the Design Criteria and the Chinatown Historic Plan were prepared by Aotani and Hartwell Associates, Inc., who worked very closely with the SHPO staff. The Design Criteria was finalized by DRAC and included as part of the "Guidelines for Change in Chinatown." The Guidelines was adopted by the Department of Housing and Community Development in April 1975.

The Historic Plan was completed in December 1974 and submitted to the City Council for approval in January 1975. Copies of the Plan were also sent to the SHPO and the National Advisory Council for comments. The Council accepted the Plan in November, 1975 and has declared its intention to use the Plan as a guide in establishing the Chinatown district, now being considered by this body.

There is one additional point that needs clarification. Creation of a Chinatown historic district under Article 12 of the CZC is <u>not</u> a prerequisite for additional federal funding. While there is no doubt that historical preservation interests will be better served with the establishment of a historic district, current federal regulations and existing agreements do not require that such action be taken to obtain release of federal funds.

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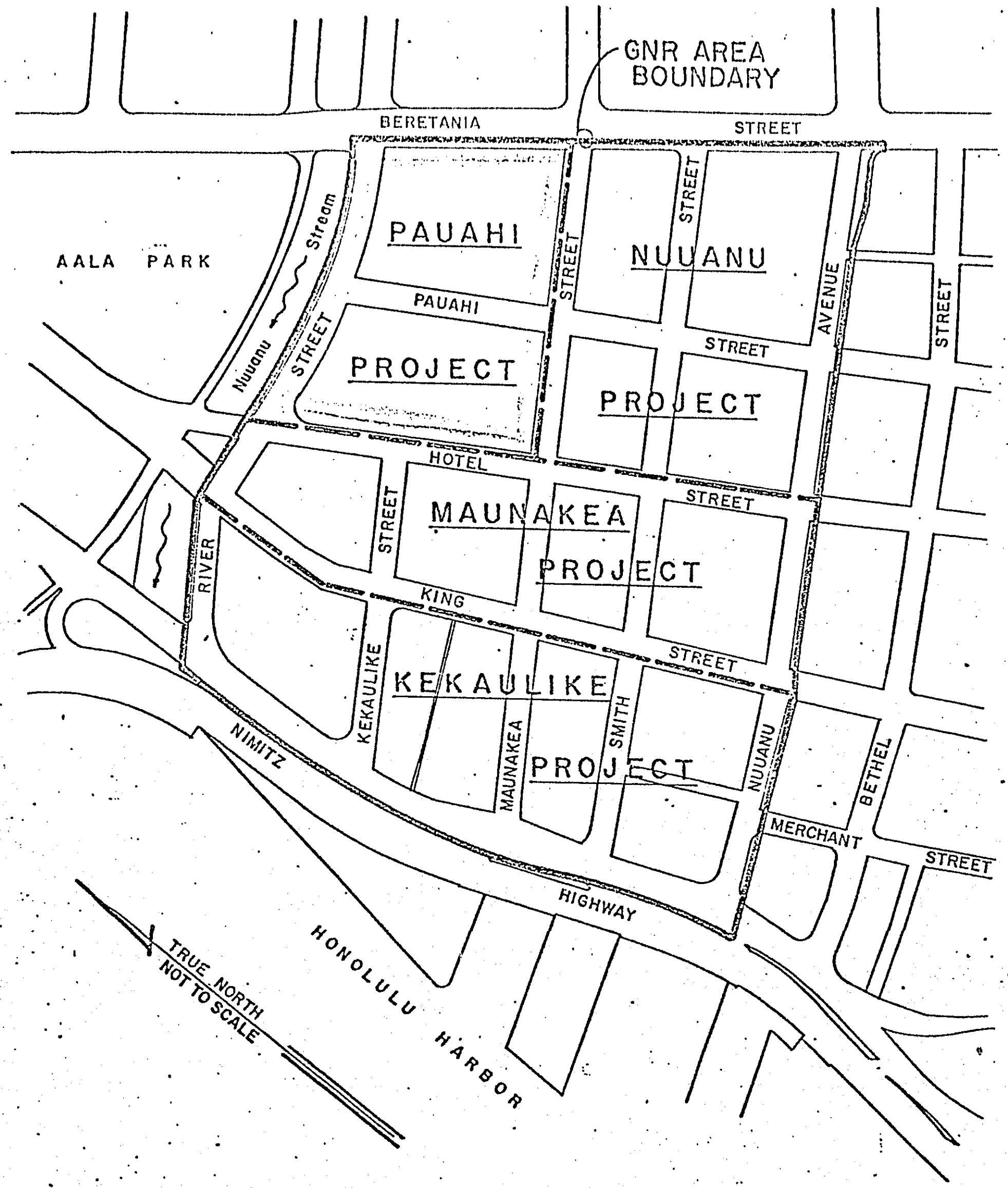

CHINATOWN GENERAL NEIGHBORHOOD RENEWAL AREA 11

PAUAHI URBAN RENEWAL PROJECT

May 1966 - Blight study (An Analysis for Urban Renewal, Central Business District) completed by Planning Department.

April 1970 - Filing of Survey and Planning (S&P) Application authorized by City Council and HRA Board and application submitted to HUD.

July 1970 - S&P Application approved by HUD.

January 1973 - Chinatown General Neighborhood Renewal Plan (GNRP) and Pauahi Urban Renewal Plan approved by HRA Board.

- Chinatown GNRP and Pauahi Urban Renewal Plan approved by Planning Commission and Planning Director subject to final approval of amendments to General Plan.

March 1973 - Chinatown GNRP and Pauahi Urban Renewal Plan approved by City Council.

April 1973 - General Plan Amendments approved by Planning Commission.

June 1973 - General Plan Amendments approved by City Council.

July 1973 - Federal funding for Pauahi project approved by HUD.

October 1973 - Loan and Grant Contract executed between HRA and HUD.

July 1974 - Acquisition and relocation process initiated.

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CHINATOWN HISTORIC DISTRICT

January 17, 1973	- Chinatown placed on National Register of Historic Places.
May 31, 1973	- HUD and HRA execute "Proposal for the Pauahi Urban Renewal Project" to mitigate adverse effects on Chinatown Historic District.
June 11, 1973	- Hawaii State Historic Preservation Officer (Sunao Kido), HUD and Advisory Council on Historic Preservation, execute "Memorandum of Agreement" which incorporates "Proposal."
July 1, 1973	- HRA Board pass resolution endorsing "Memorandum of Agreement."
July 24, 1973	- City Council pass resolution authorizing Mayor to endorse "Memorandum of Agreement."
	- Mayor endorse "Memorandum of Agreement."
February 27, 1974	- Legal Opinion received from Corporation Counsel that creation of Design Review Board is not permitted by City Charter.
April 18, 1974	- Contract executed with Aotani & Hartwell to prepare Historic Plan and Design Criteria.
June 5, 1974	- Chinatown Design Review Advisory Committee created by HRA Board, Resolution 74-19.
October 8, 1974	- Approval of appointment of Design Review Advisory Committee by Mayor.
December, 1974	- Historic Plan completed.
January, 1975	- Historic Plan distributed to HUD, SHPO and National Advisory Council on Historic Preservation.
March, 1975	- Approval of "Guidelines for Change in Chinatown (Design Criteria)" by Design Review Advisory Committee.
April 25, 1975	- Approval of "Guidelines for Change in Chinatown (Design Criteria)" by Director.
May 12, 1975	- Historic Plan submitted to City Council.
November 11, 1975	- Historic Plan accepted by City Council.

12980RP-1

1298ORP-1

MEMORANDUM OF AGREEMENT

PROPOSAL FOR THE PAUAHI URBAN RENEWAL PROJECT

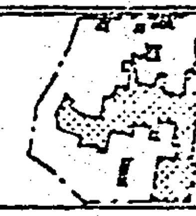
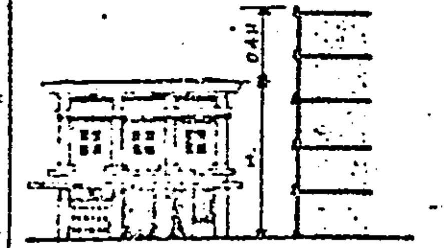
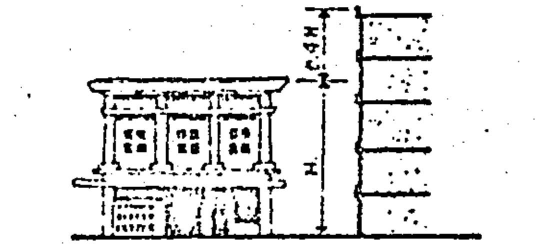
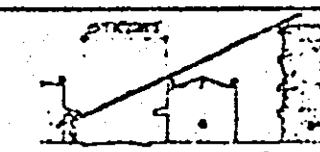
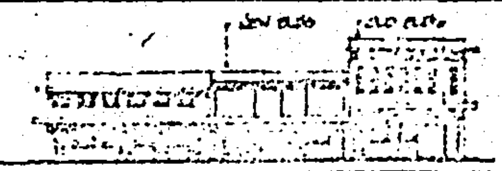
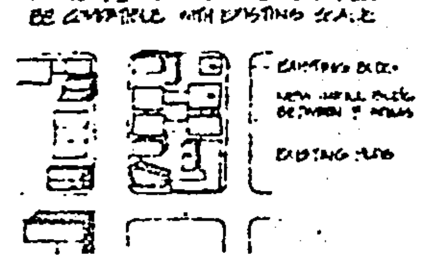
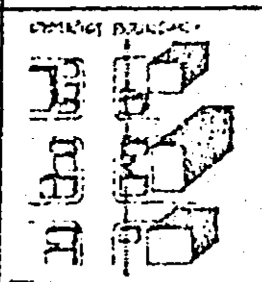
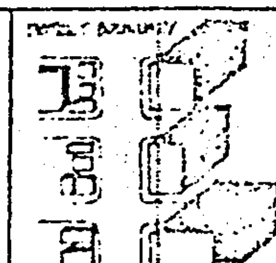
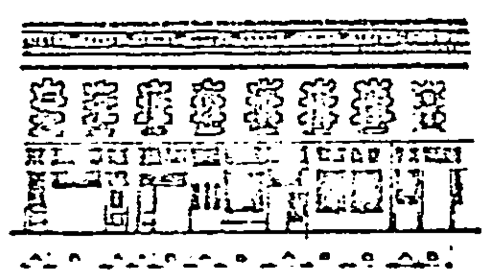
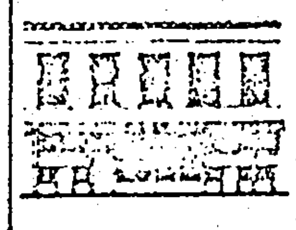
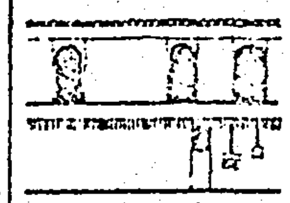
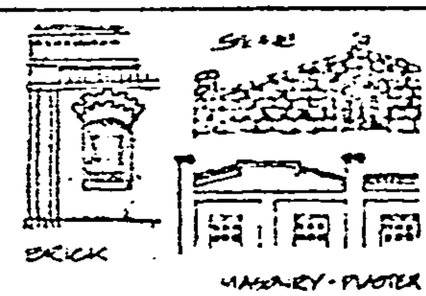
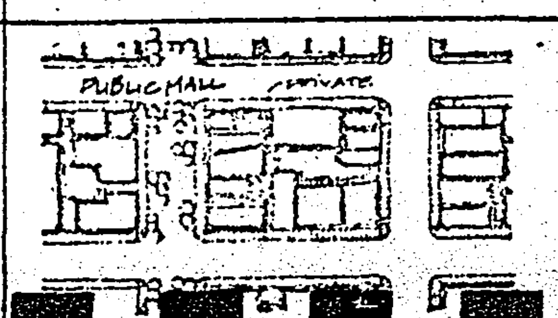
Establishment of a Design Review Board

Development of a Historic Preservation Plan

Adopt Design, Preservation and Rehabilitation Criteria

1298ORP-1

CHINATOWN : DESIGN CRITERIA

ELEMENT (1) [illegible] (2) [illegible]	APPLICATION TO TREATMENT AREAS: A	B	C	COMMENTS
	A	B	C	 AREAS: A B C
1 (1) HEIGHT — Measured vertically from the [illegible] to the [illegible] of the [illegible]. PERIMETER HEIGHT DETERMINED BY AVERAGE HEIGHT OF BUILDINGS ALONG STREET FRONTAGE IN BLOCK. FOR MAXIMUM HEIGHT IN BLOCK, SEE AMENDMENT NO. 1	WITHIN 30% OF AVERAGE HEIGHT OF BUILDINGS ALONG STREET FRONTAGE	WITHIN 40% OF AVERAGE HEIGHT OF BUILDINGS ALONG STREET FRONTAGE 	WITHIN 60% OF AVERAGE HEIGHT OF BUILDINGS ALONG STREET FRONTAGE 	 VISUAL IMPACT OF [illegible] OR HIGHER [illegible] SHOULD NOT [illegible] VIEWS ALONG STREETS. GENERALLY, HEIGHT SHOULD BE [illegible] THE [illegible] OF THE DISTRICT, [illegible] AS A TRANSITION [illegible] AREAS. OVERALL, THERE SHOULD BE A GRADUAL TRANSITION FROM [illegible] TO [illegible]
2 SCALE — [illegible]			This 	[illegible]
2a (1) GRADUAL TRANSITION IN SCALE — [illegible]	REFER TO AREA 'C'. THIS REQUIREMENT IN A AREAS IS CONTROLLED MORE BY HEIGHT, SINCE IT WILL USUALLY INVOLVE ONE NEW BUILDING IN A ROW OF SEVERAL STRUCTURES TO REMAIN	[illegible] BETWEEN ISOLATED EXAMPLES TO BE COMPATIBLE WITH EXISTING SCALE 	This  Not this 	THIS ILLUSTRATION APPLIES TO ALL TREATMENT AREAS, [illegible] ALONG [illegible], TREATMENT AREAS 'A' AND 'C', WHERE A TRANSITION IS [illegible] PLACE. CAREFUL TRANSITIONS SHOULD [illegible] WHERE AREA 'C' ABUTS AREA 'A', WHERE 'B' ABUTS 'C', AND AT ALL BOUNDARIES OF THIS DISTRICT.
2b (1) DIVISION OF GROUND FLOOR FACADE — [illegible]		FOR ISOLATED BUILDINGS EMPHASIS SHOULD BE ON MAINTAINING ORIGINAL FACADE [illegible] OR TYING INTO EXISTING FACADE CHARACTERISTICS	This  Not this 	GROUND FLOOR FACADE SHOULD BE DIVIDED INTO SMALLER UNITS BY VERTICAL ELEMENTS, [illegible]. THIS PRINCIPLE APPLIES TO ALL TREATMENT AREAS WHERE STREET LEVEL COMMERCIAL ACTIVITY TAKES PLACE [illegible] AREAS WHICH [illegible] INTERESTING [illegible] OPPORTUNITIES.
2c (1) RELATIONSHIP OF MATERIALS & TEXTURES — [illegible]		FOR ISOLATED BUILDINGS MATERIALS SHOULD REFLECT EXISTING CONDITIONS THAT REFLECT ORIGINAL USE OF MATERIAL.	MATERIALS AND TEXTURES SHOULD BE COMPATIBLE WITH THOSE PREDOMINANT THROUGHOUT THE DISTRICT	IN 'B' AND 'C' AREAS MATERIALS SHOULD HAVE SIMILAR QUALITIES TO PREDOMINANT MATERIAL. ROUGH TEXTURE SMALL-SCALE UNITS WHICH RELATE TO HUMAN SCALE. IN 'A' AREAS MATERIALS SHOULD MATCH AS MUCH AS PRACTICAL THE ORIGINAL QUALITY OF FACADES
2d (1) SCALE OF OPEN SPACES — [illegible] PLAZAS AND OTHER OPEN AREAS	NOT APPLICABLE SINCE THE MAJORITY OF AREA 'A' HAS BUILDING COVERAGE PRESENTING CONTINUOUS FACADES	NOT APPLICABLE EXCEPT WHERE 'C' AREA ABUTS 'B'		LARGE OPEN AREAS [illegible] AND PLAZAS ARE INAPPROPRIATE TO CHINATOWN'S SCALE AND CHARACTER. INTIMATE SCALED OPEN SPACES SHOULD BE ENCOURAGED. THERE SHOULD BE A TRANSITION IN SCALE FROM PUBLIC SPACES TO SMALLER PRIVATE SPACES, COURTYARDS AND WALKWAYS, WHICH [illegible] ACCESS TO BUILDINGS. THIS TREATMENT APPLIES PRIMARILY TO TREATMENT AREA 'C'.

1298ORP-1

KUKUI PROJECTS

BRITANIA STREET

Aala Park

Groups of Preservation Values
Historic District Boundary
area A
area B
area C

22 TREATMENT AREAS

0 100 400
50 200 Ft.

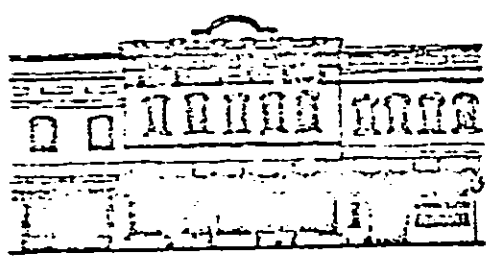
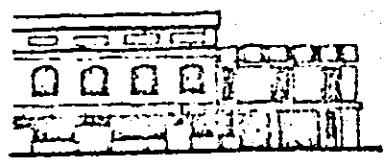
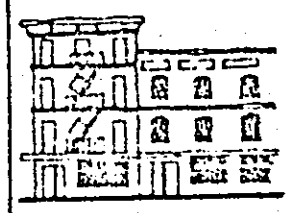
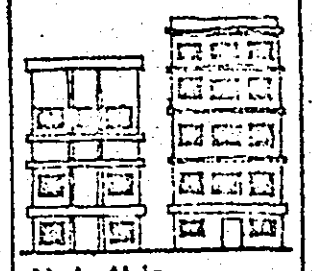
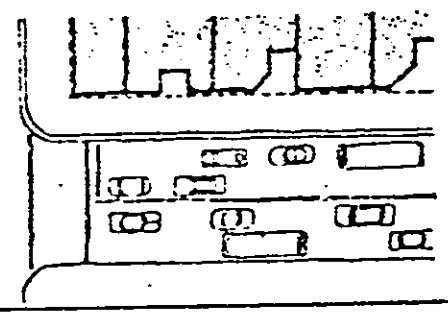
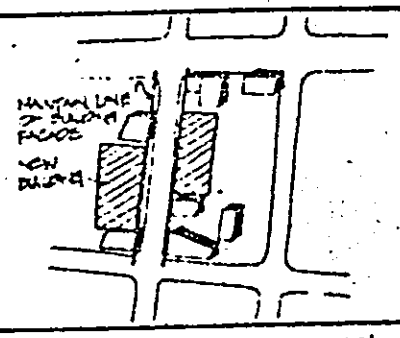
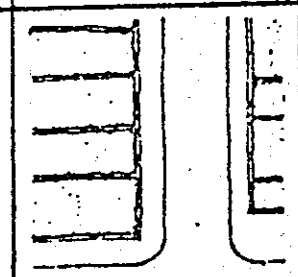
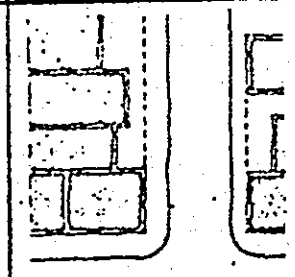
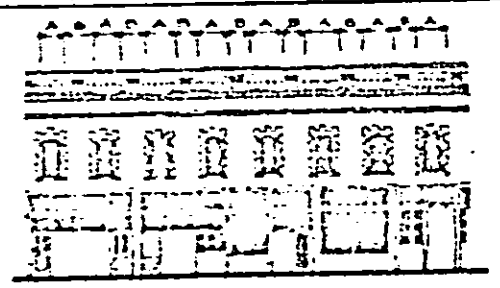
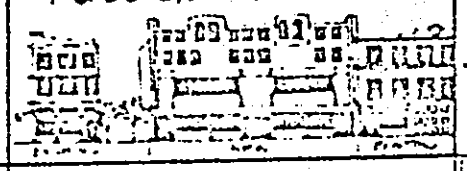
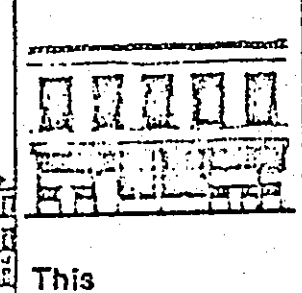
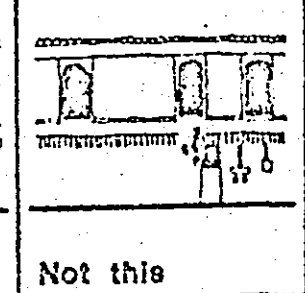
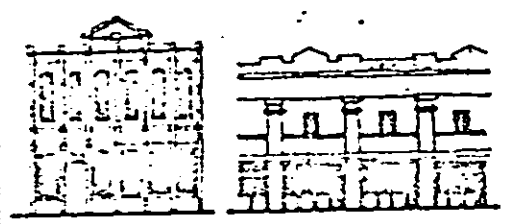
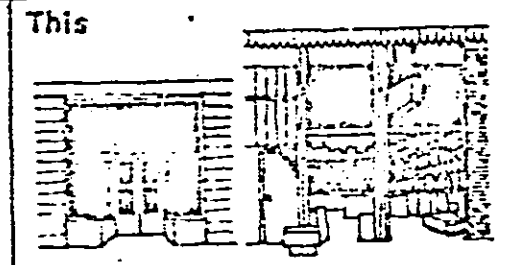
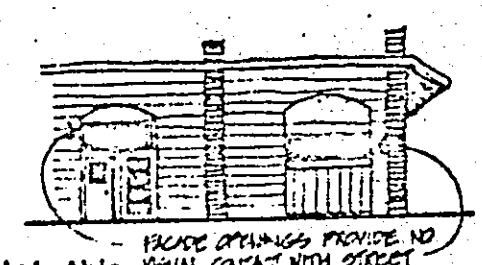
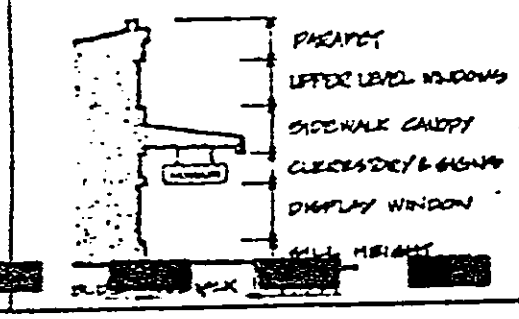
FORT STREET MALL

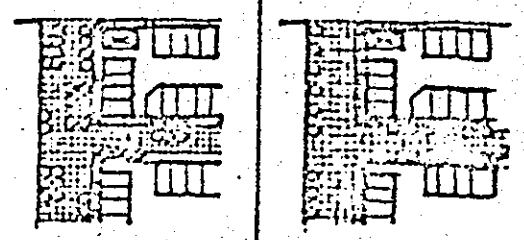
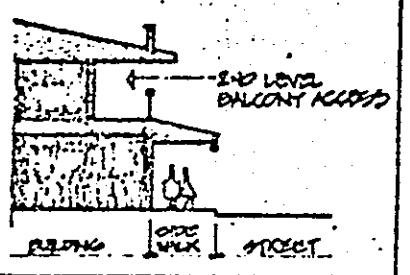
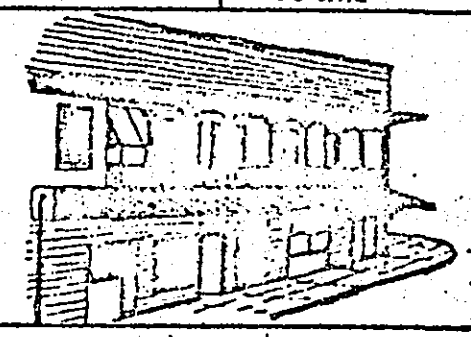
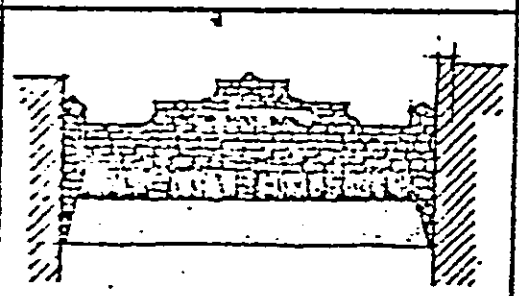
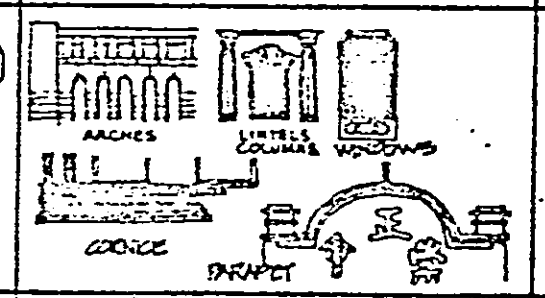
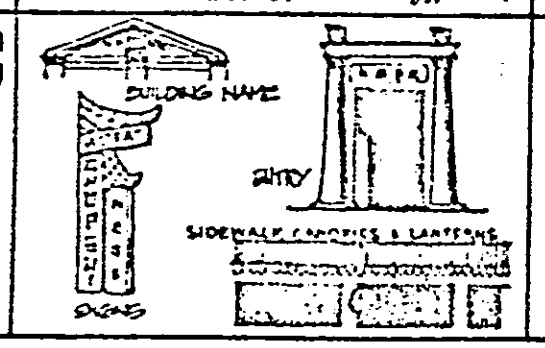
BETHEL

MERCHANT

NIMITZ HIGHWAY

DOWNTOWN OFFICES

ELEMENT a) PRIMARY b) SECONDARY	APPLICATION TO TREATMENT AREA A	B	C		COMMENTS
3a FACADE THE EXTERIOR WALL OF A BUILDING OR ANY SIMILAR PROMINENT OR OPEN PUBLIC EXPOSURE.		NEW STRUCTURES CAN ACHIEVE FACADE CONTINUITY WITH EXISTING STRUCTURES BY RELATING TO HORIZONTAL LINES, DIMENSIONS AND SPACING OF OPENINGS, ETC. 	 This	 Not this	FACADE CONTINUITY APPLIES MOST SPECIFICALLY TO 'A' AREAS, WHERE SIMILAR DIMENSIONS. IN 'B' AND 'C' AREAS, NEW STRUCTURES CAN ALSO ASSIST THROUGH A CONTINUITY BY RESPECTING MATERIALS, TEXTURES, DETAILS, AND BUILDING LINE OF ADJACENT EXISTING STRUCTURES
3a FACADE CONTINUITY SEVERAL ADJACENT BUILDINGS WITH CONTINUOUS SIMILAR BUILDING ELEMENTS ARRIVED AT THROUGH SIMILAR MATERIALS, TEXTURES, AND DETAILS.					
3b BUILDING LINE UP TO EDGE OF SIDEWALK EXTERIOR BUILDING WALLS IN GENERALLY ALIGNED ALONG THE FRONT PROPERTY LINE.			 This	 Not this	HISTORIC BUILDING SETBACKS SHOULD BE DISCOURAGED IN 'B' AND 'C' AREAS EXCEPT TO FORM PLAZAS OR OTHER OPEN SPACES IN 'A' AREAS BUILDING LINES SHOULD MATCH ADJACENT STRUCTURES, TO MAINTAIN A CONTINUOUS LINE OF FACADES ALONG THE SIDEWALK.
3c PROPORTION AND RHYTHM OF UPPER LEVEL OPENINGS THE RELATIONSHIP OF FACADE OPENINGS AND THE SPACING BETWEEN OPENINGS.		TO ACHIEVE COMPATIBILITY WITH EXISTING FACADE BUILDING IN AREA B NEW ADJACENT CONSTRUCTION SHOULD CONTINUE SIMILAR PROPORTION & RHYTHM OF FACADE OPENINGS. 	 This	 Not this	IN AREA 'A' REGULATED RHYTHM OF UPPER LEVEL OPENINGS SHOULD BE RESTATED IN INTERPRETATION AND CARRIED OVER INTO NEW STRUCTURES IN 'B' AND 'C' AREAS, NEW CONSTRUCTION SHOULD RELATE WHERE POSSIBLE TO RHYTHM AND PROPORTION ESTABLISHED BY EXISTING BUILDINGS TO REMAIN.
3d DIRECTIONAL EXPRESSION OF ELEVATION THE DOMINANT VISUAL ORIENTATION OF FACADES IN A VERTICAL OR HORIZONTAL MANNER AS EXPRESSED BY STRUCTURAL ELEMENTS, DETAILS, AND OPENINGS.	 VERTICAL HORIZONTAL	TO BE COMPATIBLE WITH ADJACENT BUILDINGS.	TO BE COMPATIBLE WITH ADJACENT BUILDINGS		APPLIES TO ALL TREATMENT AREAS, PRIMARY CONSIDERATION IS TO BE COMPATIBLE WITH EXPRESSION OF STREET ELEVATION WHICH CAN BE EITHER HORIZONTAL OR VERTICAL DETERMINED BY STRUCTURAL SHAPE, PLACEMENT OF OPENINGS AND DETAILS.
3e STORE FRONTS THE TREATMENT GIVEN TO FACADES IN BUILDING GROUND FLOOR AREAS.	This  CLOSED FRONT OPEN FRONT	REFER TO 'A' NEW STRUCTURES ADJACENT 'B' 'B' AREAS SHOULD RESPECT THEME OF OPEN STORE FRONTS AS MUCH AS POSSIBLE	 FACADE OPENINGS PROVIDE NO VISUAL CONTACT WITH STREET Not this		SHOULD BE AS OPEN AS POSSIBLE TO REVEAL MERCHANDISE AND CREATE INVITING ENVIRONMENT CLOSED FRONTS SHOULD USE AS MUCH GLASS AS FEASIBLE. IMPROVEMENTS TO EXISTING SHOP FRONTS SHOULD CONFORM TO TYPICAL PATTERNS - DOUBLE DOORS CENTERED BETWEEN SPLAYED DISPLAY WINDOWS OR FLAT DISPLAY WINDOWS AND CLERESTORY WINDOWS ABOVE
3f VERTICAL FACADE RELATIONSHIP THE BASIC ELEMENTS OF TYPICAL LOW-RISE STORES AND THEIR VERTICAL ORGANIZATION RELATING WINDOWS AND PROJECTING CANOPIES	 PARAPET UPPER LEVEL WINDOWS SIDEWALK CANOPY CLERESTORY & SIGNS DISPLAY WINDOW SILL HEIGHT BULKHEAD	CARRY THROUGH COMMON ELEMENTS FOUND IN AREA 'A'.	CARRY THROUGH COMMON ELEMENTS FOUND IN AREA 'A'.		TO BE USED AS A GUIDE TO ASSURE FACADE CONTINUITY IN TREATMENT AREA 'A'. TO BE USED MORE GENERALLY IN 'B' AND 'C' AREAS TO CARRY THROUGH COMMON THEMES SUCH AS STOREFRONT CANOPIES.

ELEMENT (P) PRIMARY (S) SECONDARY		APPLICATION TO TREATMENT AREAS A	B	C	COMMENTS
(S) RELATIONSHIP OF PLANTING DESIGN THE APPLICATION OF PLANT MATERIALS IN RESPECT TO BUILDINGS TO ACT AS SPACE DEFINING ELEMENTS.	4	PLANTING MATERIALS ARE LIMITED TO WINDOW BOXES AND INTERIOR BLOCK COURTYARDS. STREET PLANTING SHOULD BE USED PRIMARILY AS A SCALE ELEMENT TO BREAK UP EXPANSIVE OPEN SPACES.	REFER TO 'A' AND 'C' TREATMENT AREA APPLICATIONS.	 This Not this	LANDSCAPING SHOULD BE USED WHENEVER POSSIBLE TO SUBDIVIDE MALLS AND OPEN SPACES TO CREATE MORE INTIMATE SCALE.
(S) SECOND FLOOR FACADE RELIEF THE USE OF SECOND FLOOR LEVEL BALCONIES, EITHER RECESSED OR PROJECTING, FOR ACCESS ACCESS TO UPPER LEVELS.	5	NOT APPLICABLE TO AREA 'A', THIS CHARACTERISTIC IS NOT PRESENT IN EXISTING BUILDINGS WITH HIGH PRESERVATION VALUE			THIS CHARACTERISTIC OF OLDER WOODEN STRUCTURES SHOULD BE EMULATED WHERE POSSIBLE TO CONTINUE THIS THEME IN NEWER CONSTRUCTION. APPLIES PRIMARILY TO AREA 'C' WHERE WOODEN STRUCTURES EXIST TODAY. BUT WILL BE REPLACED BY NEW STRUCTURES
(S) RELATIONSHIP OF COLORS THE APPLICATION OF COLORS OR USE OF NATURAL FINISH ON FACADES.	6	USE OF ACCENT COLORS ON TRIM AND DETAILS AROUND WINDOW AND DOOR OPENINGS. USE OF PREDOMINANT FACADE MATERIAL USE OF NATURAL MATERIALS LIKE BRICK AND STONE.	COMPATIBLE WITH EXISTING BUILDINGS TO REMAIN.	COMPATIBLE WITH EXISTING BUILDINGS TO REMAIN.	USE OF NATURAL COLOR OF MATERIALS. PREDOMINANT COLORS OF AREA, AND USE OF ACCENT COLOR ON TRIM AND DETAILS.
DETAILS SMALL-SCALE DESIGN ELEMENTS APPLIED TO FACADES.	7		DISPLAY OF BUILDING NAME AND DATE USE OF DISTINCTIVE SILHOUETTE TO EMPHASIZE THIS DETAIL	DISTINCTIVE SILHOUETTE	THE INTENTION IS NOT TO DUPLICATE EXISTING STYLE OF DETAILS BUT TO RELATE THEM BY CARRYING THROUGH SIMILAR LINES AND TEXTURES PORTRAYED BY MATERIALS.
(P) PARAPET SILHOUETTE THE ELEVATED SHAPE GIVEN TO THE UPPERMOST PORTION OF A STREET FACADE.	7a				
(P) ARCHITECTURAL DETAILS THE TREATMENT GIVEN TO ENTRY, WINDOW, CORNICE, AND OTHER BUILDING ELEMENTS THAT CONTRIBUTE TO STYLE.	7b		TO BE COMPATIBLE WITH EXISTING BUILDINGS TO REMAIN.	TO BE COMPATIBLE WITH EXISTING BUILDINGS TO REMAIN.	IN AREA 'A', DETAILS SHOULD BE CARRIED THROUGH IN REHABILITATION OF EXISTING BUILDINGS AND NEW INFILL STRUCTURES BY RELATING TO HORIZONTAL BUILDING LINES AND USE OF SIMILAR CHARACTER IN DETAILS.
(S) EMBELLISHMENTS DECORATIVE ELEMENTS WHICH ARE APPLIED TO A BUILDING'S EXTERIOR FACADE	7c		TO BE USED WHERE APPROPRIATE TO ACTIVITIES WITHIN EXISTING BUILDINGS TO REMAIN OR IN NEW BUILDINGS.	TO BE USED WHERE APPROPRIATE TO ACTIVITIES WITHIN NEW BUILDINGS.	SIDEWALK CANOPIES ARE DOMINANT THROUGHOUT THE DISTRICT AND SHOULD BE ENCOURAGED FOR ALL COMMERCIAL FRONTAGES. CALLIGRAPHY SHOULD BE ENCOURAGED ON SIGNS AND THREE-FOOT DECORATIONS PRIMARILY FOR ETHNIC-RELATED FUNCTIONS. NEON SIGNS ARE A DOMINANT ELEMENT IN THE HOTEL STREET ENTERTAINMENT AREA AND SHOULD REMAIN A PART OF THE NITE-LIFE SCENE. DESIGN CONTROL OF SIGNAGE SHOULD BE SUBJECT TO C.I.C. REGULATIONS.

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MRRC RMM 19-75

FLASH CARD

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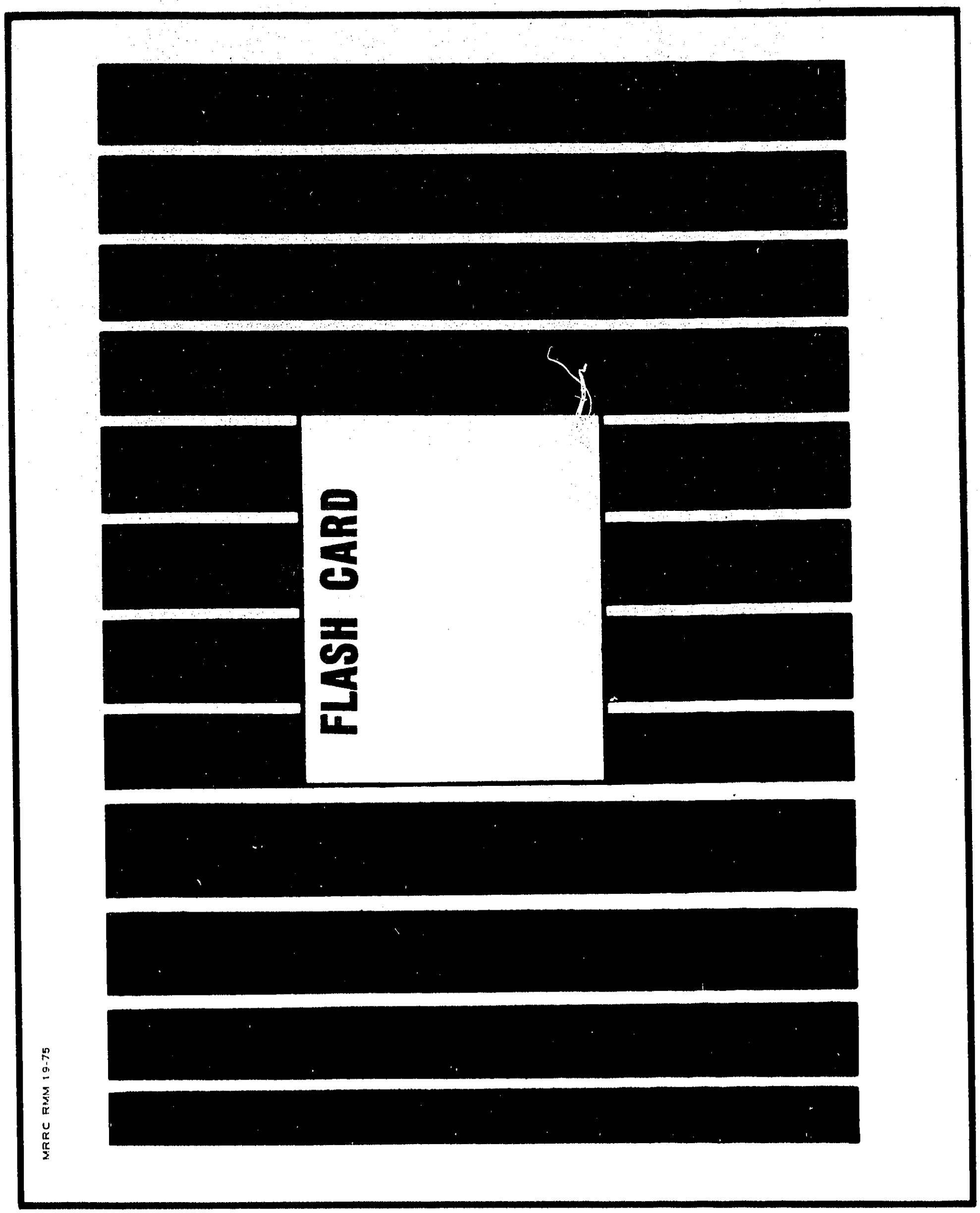

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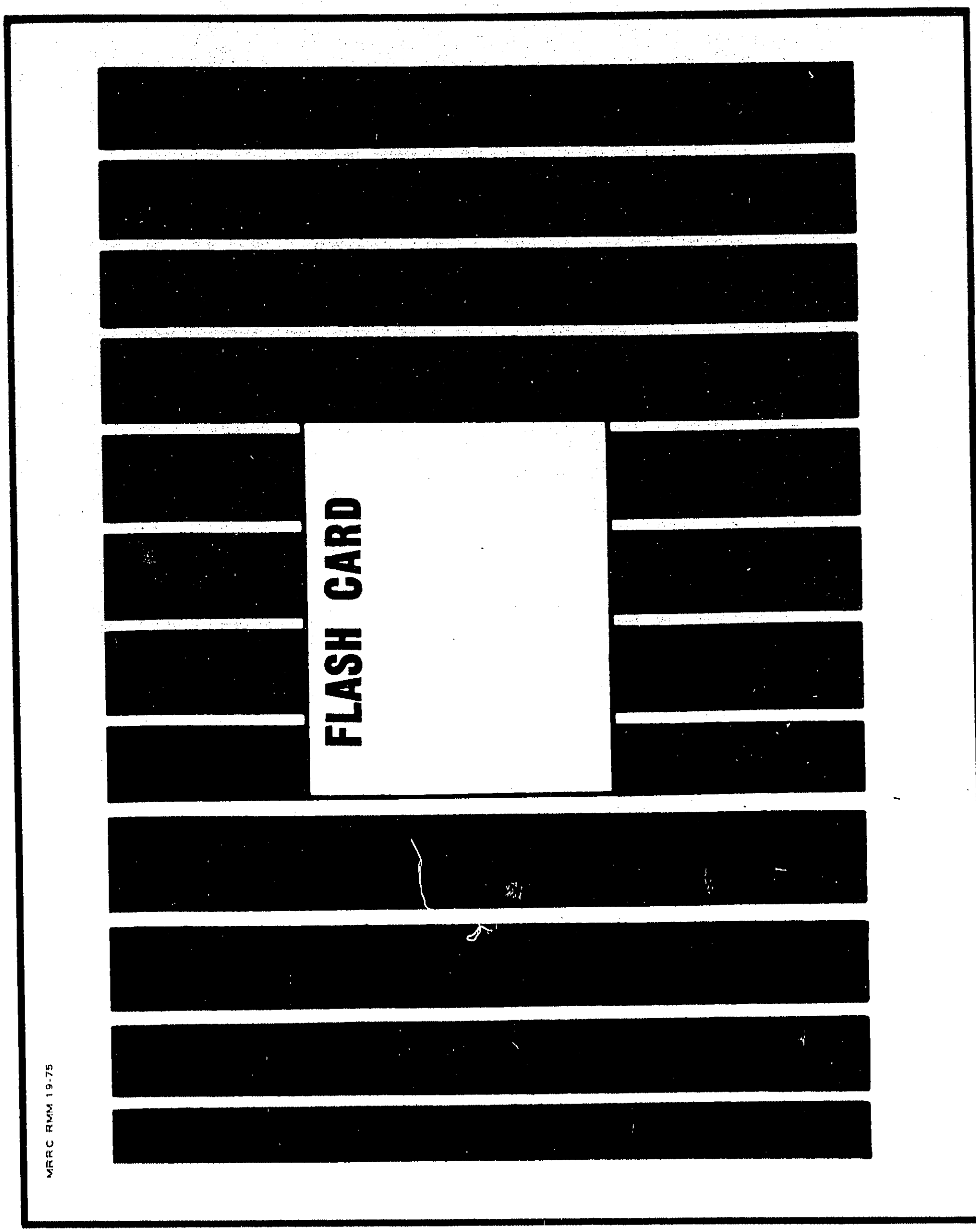

Meeting of the Planning Commission
Minutes
January 21, 1976

The Planning Commission held a meeting on Wednesday, January 21, 1976 at 1:35 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:

Randall Kamiya, Chairman
Sylvia Sumida, Vice Chairman
Dr. Wilbur Choy
Donald Hosaka
Charles Izumoto
Yuklin Kuna
Ned Wiederholt
Harriet Wikum

STAFF PRESENT:

Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Henry Eng, Staff Planner
Gerald Henniger, Staff Planner
Art Muraoka, Staff Planner

PUBLIC HEARING
CONDITIONAL USE PERMIT
(TENNIS PARK FACILITY)
AINA HAINA
HAINES, JONES, FARRELL,
WHITE, GIMA,
ARCHITECTS, LTD.
(FILE #74/CUP-37 LC)

A public hearing was held to consider a request for a conditional use permit to construct and operate a tennis park facility on approximately 85.8 acres of land situated in Aina Haina, Tax Map Keys: 3-6-04: 1 and 3-6-24: portion of 1.

Publication was made in the Sunday Star-Bulletin/Advertiser on January 11, 1976. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report recommending that the request be denied, and that consideration be given to changing the General Plan designation from Residential to Open Space and Preservation because of these concerns.

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

TESTIMONY IN SUPPORT

1. Dr. Philip Lee, co-owner and co-developer
2. Mr. David A. Miller, Project Architect, Haines, Jones, Farrell, White, Gima (Submitted testimony, undated)
3. Mr. Richard Fewell, Soils Engineer, GJ Hawaii, Ltd., Consultants in the Applied Earth Sciences (Submitted Soils Data dated April 23, 1975)

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Questioned by the Commission, the following additional information was given:

Even though slides have occurred in this area, a soils study revealed no adverse effect from the proposed development on adjacent property. These are two separate sites with no intermovement of soil. The stability of the proposed site is not in anyway dependent upon the stability of the adjoining site. The Department of Public Works says there is no effect from the project on existing soil conditions. In the event of damages, the developer feels they should not be held accountable for problems off-site.

The proposed tennis park use is appropriate for the subject site. National figures--40 people per tennis court--indicate a need for tennis courts. Both the tennis courts and the clubhouse were designed in anticipation of minor soil movement. Should any soil movement occur, the tennis courts will move as a unit. The clubhouse will be on jacked poles on footings with a designed connection that can be adjusted to any soil movement.

Concerning traffic impact and drainage, the Department of Transportation Services has indicated that existing road widths are adequate to serve the proposed development as well as the existing use. The drainage system is designed to carry the flow of water around the tennis courts.

TESTIMONY AGAINST

1. Mr. Thomas J. Wells, Tennis Committee Member, Aina Haina Community Association (Submitted testimony dated Jan. 21, 1976, copy attached)
2. Mrs. Norma Carr, President, Aina Haina Community Association
3. Letter received from Represenative Donna Ikeda, undated, copy attached
4. Letter received from Representative Steve Cobb dated Jan. 13, 1976, copy attached

OBJECTIONS:

1. Agree with the objections of the Director of Land Utilization as contained in the staff report.

2. The applicant plans to sell shares to divest themselves of the project which leaves them unresponsible to the community. The nearby MacArthur tennis facility which charged a membership fee of approximately $2,000 per year plus $40 per month, failed to obtain sufficient membership and folded its operation. Should this project fail, the community is left with the tennis courts.

3. The proposal is incompatible with the community. Many residents in the valley who are approaching their senior citizenry feel their community has a country atmosphere. The noise and traffic generated from cheering crowds attending championship and exhibition matches would create disturbing elements.

3. Construction on this site will aggravate soil conditions below where residences are located, one residence approximately 900 feet from the entrance to the tennis courts.

4. They do not object to development of the land and commend the architect on their project. However, they feel the land might more appropriately be used to raise fruits and vegetables.

The public hearing was kept open action deferred for the following, on motion by Dr. Choy, seconded by Mr. Wiederholt and carried:

1. Advice from Corporation Counsel regarding possible legal implications against the city should further damage occur;

2. A field trip to the site, and a representative from the Department of Public Works and the project soils engineer to be present at the site;

3. Conditions to be drawn up should the Commission recommend approval.

UNFINISHED BUSINESS
CHINATOWN
A BILL FOR AN ORDINANCE TO ESTABLISH "HISTORIC, CULTURAL, AND SCENIC DISTRICT NO. 4, THE CHINATOWN DISTRICT"--
BILL NO. 141

The public hearing held on December 17, 1975 was closed on January 7, 1976 and action deferred to January 21, 1976.

The Commission had received a letter dated January 12, 1976 from PACE (People Against Chinatown Eviction) requesting that the Commission reopen the public hearing on this matter (copy attached).

Mrs. Sylvia Sumida, Vice-Chairman, who presided at the January 7, 1976 public hearing, stated for the record, her decision regarding PACE's testimony. A copy of her decision is attached.

ACTION: The Commission voted to reopen the public hearing, on motion by Mrs. Wikum, seconded by Dr. Choy and carried.

AYES - Choy, Hosaka, Izumoto, Kamiya, Kuna, Sumida, Wikum, Wiederholt
NAYES - None
ABSENT - None

TESTIMONY IN SUPPORT

1. Mr. Charles Correa, presented testimony of Mr. Emile Makuakane, Steering Committee Member, PACE, copy attached)
2. Irene Chang, VISTA volunteer, presented testimonies of Mr. Charles Miner, Member of PACE, and Mr. David Kimura, VISTA volunteer. Copy of Mr. Miner's testimony is attached.

Mr. Kimura's concerns are as follows:

1. Nonsignificant designations for the Pauahi and Smith-Beretania projects would exempt both projects from the public process and give the City Council full authority over them. No public hearings will be required so no other input will be allowed unless specifically requested by the City Council.

2. Prohibiting the issuance of building permits for buildings within the Pauahi Urban Renewal area unless final drawings are approved by the City Council is not the usual procedure. Approval of final drawings is usually given by the Building Department in order to assure conformance with buildings codes. Therefore, such controls particularly over the Pauahi project limits the decision of how the two blocks will be redeveloped, how it will look, and who will get the redevelopment rights, to the City Council.

3. Present conceptual plans for the Pauahi Urban Renewal Project attached to Bill 141 are so vague that almost anything can be built there if the bill is allowed to become an ordinance in its present form. The B-4 zoning for the area will encourage maximum development of these two blocks.

4. There are no assurances that the needs of the present population will be taken cared of. The effects are mass evictions of the present residents and small businesses. Many small businesses will be forced out of business if the survival rate follows the pattern of the Queen Emma, Kukui, and Aala redevelopment projects. Many of the present residents and small businesses were victims of the previous redevelopment project. For some of them, this is their fourth or fifth eviction in a span of less than 15 years.

5. VISTA supports the recommendations of PACE.

The public hearing was closed, on motion by Mr. Hosaka, seconded by Dr. Choy and carried.

ACTION: The Commission voted to accept the Director's recommendations and Draft No. 2 of Bill No. 141 with the following modifications:

1. To delete all references in Draft No. 2 in Section 4, D, 1 & 2 to exhibits B, C, D, & E. Final development plans should conform to design control system and design criteria noted in modification 3.

2. To delete Precincts 1 & 2 from Section 9 of Draft No. 2.

3. To request the establishment of design control systems and to adopt design criteria consistent with that adopted by the State Historic Preservation Office for all five precincts and that these be made part of Bill 141.

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4. Alter minimum lot size requirements to correspond to the existing land ownership pattern and lot sizes.

The motion was made by Mr. Wiederholt, seconded by Dr. Choy and carried.

Mr. Izumoto voted against the motion.

AYES - Choy, Hosaka, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - Izumoto
ABSENT - None

MISCELLANEOUS INFORMATIONAL MATERIAL

Submitted to the Commission for information were the following items:

1. A letter from the Mayor to the City Council dated Jan. 6, 1976

2. A letter from Mr. Robert Dodge, Attorney, who served on the Charter Commission, to the Mayor.

3. A bill for the Legislature prepared by the Department of Land Utilization related to Special Use Permits.

4. A bill for the Legislature prepared by the Department of Land Utilization related to Preservation Districts.

ACTION: The Commission voted that the Chairman be authorized to forward a letter to the Mayor indicating their strong objections to Item 3, proposed legislation regarding State Special Use Permits which in effect turns the responsibility of SUPs to the City Council. The Commission was disturbed at the manner in which the proposed bill was prepared by DLU without direct contact with the members of the Commission that such legislation was being proposed.

The motion was made by Mrs. Kuna, seconded by Dr. Choy and carried.

AYES - Choy, Hosaka, Izumoto, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - None

ADJOURNMENT: The meeting adjourned at 4:45 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

Testimony for the Proposed Tennis Park; Wailupe, Oahu, Hawaii.

MR. CHAIRMAN, COMMISSIONERS, MY NAME IS DAVID MILLER, PRINCIPAL OF HAINES, JONES, FARRELL, WHITE, GIMA, AND I AM HERE TO DISCUSS THE DESIGN ASPECTS OF THE PROJECT THAT IS NOW BEFORE YOU. OUR FIRM HAS BEEN INVOLVED WITH THIS PROJECT SINCE APRIL 1974 WHEN IT WAS FIRST CONCEIVED OF BY OUR CLIENTS, HOLIDAY MART, INC. AND DR. PHILIP LEE. THE PROJECT TEAM, INCLUDING OURSELVES AND REGISTERED SOILS, TRAFFIC, STRUCTURAL AND CIVIL ENGINEERS, HAS COMPLETED NECESSARY FEASIBILITY STUDIES AND MET WITH PUBLIC AGENCIES IN PUTTING TOGETHER THIS APPLICATION. WE HAVE READ AND DISCUSSED THE "DIRECTOR'S REPORT" FROM THE DEPARTMENT OF LAND UTILIZATION AND OFFER THE FOLLOWING COMMENTS AND CONCLUSIONS:

1. HIND IUKA DRIVE

I WOULD LIKE TO EMPHASIZE OUR CLIENT'S CONCERN FOR THE CONDITION OF HIND IUKA DRIVE AND ITS EFFECT UPON ACCESS TO THE PROPOSED TENNIS PARK. WE FEEL THAT THIS PUBLIC RIGHT-OF-WAY SHOULD BE MAINTAINED TO PROVIDE ACCESS TO ALL ABUTTING PROPERTIES. WE HAVE EXPRESSED OUR CONCERN TO THE DEPARTMENT OF PUBLIC WORKS (DPW) AND HAVE DISCUSSED WITH THEM THE CITY'S CONTINUING RESPONSIBILITY FOR INSURING ADEQUATE STREET IMPROVEMENTS.

AS THE VALLEY'S ULTIMATE DEVELOPMENT WAS TAKEN INTO ACCOUNT BY THE CITY IN THE DESIGN OF HIND IUKA, IT MUST BE ASSUMED THAT FUTURE CAPACITIES WILL BE ACCOMMODATED. THIS HAS BEEN VERIFIED BY OUR TRAFFIC CONSULTANTS, ALAN M. VOORHEES AND ASSOCIATES.

THEIR TRAFFIC STUDIES SHOW THAT INCREASES DUE TO TENNIS PARK TRAFFIC WILL BE MINIMAL AND WELL WITHIN DESIGN CAPACITIES. DURING THE 5 O'CLOCK PEAK HOUR, APPROXIMATELY 200 VEHICLE TRIPS WILL BE ADDED TO THE CURRENT 485 TRIP MOVEMENTS (A 41% INCREASE). THUS, THE PROJECTED VOLUME/CAPACITY RATIOS WILL

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Testimony for the Proposed Tennis Park; Wailupe, Oahu, Hawaii.

REMAIN WITHIN 50%. THIS IS BASED ON TRAFFIC COUNTS TAKEN AT HIND IUKA AND EAST HIND DRIVES WHERE THE VOLUME IS THE HIGHEST. HOWEVER, THE VOLUME CAPACITY RATIOS WILL BE LOWER IN THE SECTION OF HIND IUKA ABOVE MONA STREET WHICH NOW SERVES 40 RESIDENCES. EVEN AFTER COMPLETION OF THE TENNIS CLUB, TRAFFIC IN THIS AREA WILL PROBABLY NEVER EXCEED 40% OF THE STREET'S DESIGN CAPACITY.

THE DEPARTMENT OF TRANSPORTATION SERVICES (DOTS) HAS ACCEPTED THE FINDINGS OF THE ENGINEER'S REPORT. THE DEPARTMENT'S MAIN CONCERN HAS BEEN WITH THE RETENTION OF TWO TRAVEL LANES. IF THE ROADWAY WIDTH IS LESS THAN 36', THEN ON-STREET PARKING BECOMES DIFFICULT AND MUST BE ELIMINATED FROM ONE OR TWO SIDES. HOWEVER, BOTH TRAFFIC AND ON-STREET PARKING SHOULD BE EASILY ACCOMMODATED AS DPW HAS ALREADY COMPLETED TEMPORARY IMPROVEMENTS FOR A 36' ROADWAY.

DPW FEELS THAT THE TENNIS PARK'S IMPACT ON HIND IUKA WILL BE MINIMAL. THE IMPACT OF HEAVY EQUIPMENT USING THE STREET DURING CONSTRUCTION HAS BEEN THEIR MAIN CONCERN. AS THE NEED FOR SUCH VEHICLES WILL BE LIMITED, THEY HAVE EXPRESSED NO FURTHER CONCERN ON THIS POINT.

THEIR LETTER TO DLU RECOMMENDING APPROVAL STATES:

(READ LETTER)

Testimony for the Proposed Tennis Park; Wailupe, Oahu, Hawaii.

2. SOILS

OUR CLIENT HAS BEEN PARTICULARLY CONSCIOUS OF EXISTING SOILS PROBLEMS, BOTH ON AND OFF-SITE. PRELIMINARY EVALUATIONS BY OUR SOILS ENGINEER WERE NOT ENTIRELY ACCEPTABLE BY DPW AND MORE STUDIES WERE REQUESTED. ADDITIONAL AND EXTENSIVE SOILS TESTING AND ANALYSES WERE THEN UNDERTAKEN. THE SOILS CONSULTANT, G.J.HAWAII, WORKED CLOSELY WITH THE ENGINEERS IN DPW THROUGHOUT THIS PERIOD TO INSURE THAT CITY REQUIREMENTS WERE MET. THESE STUDIES WERE COMPLETED AND WERE SUBMITTED ON APRIL 23, 1975. SUBSEQUENTLY, DPW RECOMMENDED:

> "ON THE BASIS OF THE SUBMITTED SOIL DATA AND THE INTENDED CONDITIONAL USE OF THE LAND, WE RECOMMEND THAT THE DEVELOPMENT ON A PRIVATE TENNIS CLUB AT THIS SITE BE PERMITTED."

THE DEPARTMENT RECOGNIZED THE SOILS ENGINEER'S RECOMMENDATIONS FOR RESITING SOILS MOVEMENT AND THEIR CONCLUSIONS THAT:

1. GRADING WILL BE MINIMAL

   AND

2. ON-SITE CONSTRUCTION WILL NOT CREATE UNFAVORABLE CONDITIONS WITHIN THE SOILS OF ADJACENT PROPERTIES.

Testimony for the Proposed Tennis Park; Wailupe, Oahu, Hawaii.

3. TENNIS STRUCTURES & SAFETY

THE STABILITY AND SAFETY OF THE TENNIS PARK STRUCTURES HAVE ALSO BEEN OF PARTICULAR CONCERN. ALL STRUCTURES ARE DESIGNED TO BE AS SAFE AS ANY OTHER BUILDINGS RECENTLY CONSTRUCTED IN HAWAII. WORK WILL BE DONE IN ACCORD WITH ALL REQUIRED BUILDING CODE STANDARDS AND PROCEDURES.

SCHEMATIC SOLUTIONS HAVE BEEN DEVELOPED BY A REGISTERED STRUCTURAL ENGINEER FOR THE CLUBHOUSE RECREATION COMPLEX, CHAMPIONSHIP COURT, 8 SLAB-ON-GRADE COURTS, AND 31 WOOD FRAME TENNIS COURTS. THE CLUBHOUSE RECREATION COMPLEX AND CHAMPIONSHIP COURT ARE BOTH DESIGNED TO RESIST ALL EARTH MOVEMENT. 4-FOOT CAISSONS, SUNK INTO BEDROCK, WILL BE UTILIZED TO RESIST SOILS CREEP. THE BASIC ENGINEERING CONCEPT IS THE SAME AS THAT FOR THE DESIGN OF BRIDGE PIERS WHICH SUPPORT VERTICAL LOADS AS WELL AS RESIST THE FLOW OF WATER.

AS PLANNED, THE IMPACT OF SOILS MOVEMENT UPON THE TENNIS COURTS WILL BE SIGNIFICANTLY LESS THAN ON A NORMAL RESIDENTIAL STRUCTURE. IN A RESIDENCE, A SETTLEMENT OF AS LITTLE AS 1/2" IS SIGNIFICANT IN ITS EFFECT UPON THE FUNCTIONING OF DOORS AND WINDOWS. ON THE OTHER HAND, A SETTLEMENT OF AS MUCH AS 12" ACROSS THE LENGTH OF A TENNIS COURT IS CONSIDERED MINOR AND WILL NOT AFFECT ITS PLAYING CHARACTERISTICS.

EACH TENNIS COURT WILL BE OF LIGHTWEIGHT, POST AND BEAM CONSTRUCTION, BUILT TO BE EASILY ADJUSTED SHOULD SIGNIFICANT DISPLACEMENT OCCUR. LOCATED ON THE MORE STABLE SOIL WILL BE 8 POST TENSIONED SLAB-ON-GRADE COURTS.

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Testimony for the Proposed Tennis Park; Wailupe, Oahu, Hawaii.

4. ON-GOING MAINTENANCE

THE FULL USE OF ALL FACILITIES AND THE SUCCESSFUL FUNCTIONING OF THE TENNIS PARK IS DEPENDENT UPON THE CONTINUING AND ACTIVE MAINTENANCE OF ALL ASPECTS OF THE CLUB. IN ADDITION TO THE USUAL MAINTENANCE REQUIREMENTS, THE PROGRAM PROPOSED FOR THE TENNIS PARK INCLUDES THE ON-GOING PARTICIPATION OF PROFESSIONAL ENGINEERING CONSULTANTS. IT WILL BE THE RESPONSIBILITY OF REGISTERED SOILS AND STRUCTURAL ENGINEERS TO MAKE PERIODIC INSPECTIONS OF THE SITE AND DIRECT THE ADJUSTMENT OF THE TENNIS COURTS AS REQUIRED.

DUES WILL BE CHARGED TO MEMBERS, IN ADDITION TO AN INITIATION FEE, FOR THE USE OF THE FACILITIES. THESE WILL INCLUDE ALL COSTS NECESSARY FOR CLUB MAINTENANCE. MAINTENANCE WILL BE ASSURED BY THE PROJECTS' DEVELOPERS, WHO INTEND TO BE THE PERMANENT OWNERS AND OPERATORS OF THE TENNIS CLUB.

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Testimony for the Proposed Tennis Park; Wailupe, Oahu, Hawaii.

5. CONCLUSION

THE PROPOSED PROJECT SHOULD BE RECOMMENDED FOR APPROVAL AS HAVING MET ALL PROVISIONS OF THE COMPREHENSIVE ZONING CODE AND THE TECHNICAL REQUIREMENTS OF DPW AND DOTS. IN GREATER DETAIL:

A. ALL FACETS OF THIS PROJECT HAVE BEEN STUDIED AND DESIGNED TO MEET SPECIFIC SITE REQUIREMENTS. EVEN THE RAINFALL HAS BEEN CONSIDERED. UPPER AINA HAINA ESTIMATED ANNUAL RAINFALL OF 42"-48" COMPARES FAVORABLY WITH THE 56" PER YEAR THAT FALLS IN THE AREA OF THE KAILUA RACQUET CLUB. ALL WORK HAS BEEN COMPLETED BY SOME OF HAWAII'S MOST EXPERIENCED ARCHITECTURAL AND ENGINEERING PROFESSIONALS AND HAS BEEN REVIEWED AND APPROVED BY PROFESSIONAL PUBLIC ENGINEERS.

B. HIND IUKA DRIVE HAS BEEN REPAIRED TO A 36' ROADWAY WIDTH. THIS IS MORE THAN SUFFICIENT TO CARRY PEAK HOUR TRAFFIC WHICH IS NEVER EXPECTED TO EXCEED 50% OF THE CAPACITY OF THE HIND IUKA/EAST HIND INTERSECTION. FURTHER, IF APPROVED AND BUILT, TRAFFIC VOLUMES WILL BE "FROZEN" AS THIS PROJECT REPRESENTS THE LAST DEVELOPABLE LAND IN THE VALLEY.

C. EXISTING SOILS HAVE BEEN PROVEN TO BE CAPABLE OF SUPPORTING THE DEVELOPMENT WITHOUT AFFECTING NEIGHBORING PROPERTIES. AGAIN, APPROVAL HAS BEEN RECEIVED FROM DPW.

THE RECOMMENDATION PRESENTED BY THE DEPARTMENT OF LAND UTILIZATION IS BASED ON THEIR CONCERNS FOR THE TECHNICAL ASPECTS OF SOILS, STREET ACCESS AND TRAFFIC. NO OTHER CONCERNS HAVE BEEN EXPRESSED BY THE DEPARTMENT THROUGHOUT OUR ASSOCIATION WITH THEM ON THIS PROJECT. AS THESE HAVE ALL BEEN ANSWERED TO THE SATISFACTION OF EACH RESPONSIBLE TECHNICAL AGENCY WITHIN THE CITY, THERE CAN BE NO DOUBT THAT THE PROJECT SHOULD BE RECOMMENDED FOR APPROVAL.

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GJH GJ HAWAII, LTD.
807 ILANIWAI STREET • HONOLULU, HAWAII 96813 • PHONE (808) 523-1661
Consultants in the Applied Earth Sciences

File No. R-0034-H1
23 April 1975

Department of Public Works
City and County of Honolulu
Honolulu, Hawaii 96813

Attention: Mr. Kazu Hayashida
Director and Chief Engineer

Subject: Aina Haina Tennis Park
Aina Haina, Oahu, Hawaii
Tax Map Key: 3-6-04:1
3-6-24:1
SUBMISSION OF REQUESTED SOILS DATA

Gentlemen:

Transmitted herewith is the data requested by your Department in your letter of March 14, 1975 and during our meeting on 7 April 1975 to substantiate the information contained in our letter dated 12 February 1975 to Haines, Jones, Farrell, White and Gima. In our letter of 12 February 1975, we stated our belief that the proposed grading profile on this site, necessary to construct the Tennis Park under present design concepts, should have no adverse effect on adjacent properties. The results of our Soils and Geophysical Investigation to date indicate this belief for the following reasons:

1. The general movement of native soils on the site is from the Ewa and Koko Head sides of

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the valley downward to the center of the valley (i.e. toward the stream).

2. Movement from mauka to makai in the valley is essentially non-existent with the exception of a few small isolated areas.

3. Our information indicates that the geophysical limits of large masses of earth that have a potential for movement lie within the property boundaries of the site, rather than extend into adjacent properties, with minor exceptions.

4. In our investigation to date, we were unable to detect any direct connection between a major potential slide mass within the limits of the site and presently existing movements south of the project.

5. The locations of facilities and amounts of increased soil loading from the placement of fill required in the present development concept for the Tennis Park, are such that no significant additional subsurface soil stresses will be realized on adjacent properties.

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File No. R-0034-H1
23 April 1975

We are aware of soils performance in past years in the Aina Haina Valley, and have made our soils information available to other project consultants, and have incorporated this information into our preliminary soils evaluation.

As you are aware, although a substantial amount of field exploration, and engineering analysis on this project has been accomplished to date, no formal Soils Investigation Report has yet been prepared. Prior to the submission of our final Soils Investigation Report, additional field, laboratory, and engineering work will be accomplished. This is particularly true in relation to the clubhouse complex itself. However, the work performed by our firm to date has been sufficient to develop appropriate engineering parameters for the planning and preliminary design phases of the project. We do anticipate that revisions of these parameters will be effected as a result of information developed during subsequent work.

At our meeting on 7 April 1975, members of the City and County of Honolulu, Department of Public Works, requested that, in particular, data be furnished by our firm relating to the following:

1. The general direction of movement of the soil.

2. The directional component of movement in the

mauka (north) to makai (south) direction.

3. Definitions of the limits of moving masses.

4. An estimate of the rate of creep of the soils.

To comply with requests 1, 2, and 3 above, we are herein transmitting the following items:

1. An unmarked pair of aerial infra-red stereo photographs of the general area of the site flown by the R. M. Towill Corporation.

2. Xerox print of an aerial photograph delineating approximate limits of areas of movement or potential movement.

3. A site plan showing the locations of test borings, geophysical seismic profile lines, and cross-sections.

4. Logs of Test Borings.

5. Geophysical seismic profile time-distance curves.

6. A plan showing the approximate thickness of slide mass (isophachs).

7. A plan showing a structure contour map.

8. A site plan showing the approximate limits of potential slide and creep areas.

9. Downslope and downvalley cross-sections.

10. Selected stress distribution patterns illustrating the approximate transmission of soil stress resulting from the placement of fill.

11. Tables showing extracts of pertinent laboratory test data.

The stabilities of the slopes on the site were calculated utilizing the following parameters:

1. A total unit weight of soil equal to 112 pounds per cubic foot.

2. A frictional resistance to sliding of 0.194 was utilized to evaluate slope stability. (additionally, frictional resistance was checked using the factor of 0.141).

3. The cohesion of the native soils was assumed to be equal to 0 p.s.f.

4. The assumption was made that no seepage forces were present.

5. All cross-sections were developed utilizing

presently available topography and geophysical data.

With regard to the request for an estimate of the rate of creep that will occur, we stated at the meeting on 7 April 1975 that under no condition can the rate of creep be predicted with any degree of accuracy by our firm or others. Variations in soil composition, slope, thickness of materials, introduced moisture, and vegetation have direct effects on the rate of creep. Further, the rate of creep at a particular location will vary with depth.

We believe that the rate of creep in soils such as those encountered in this site may be in the order of 1/4 to 1/2 inch per year on natural slopes of 11 to 14 degrees. This rate would likely be encountered as an average over an extended time period, but would vary within the time period as a function of the items described in the previous paragraph.

In a meeting held with representatives of your organization, and the project consultants, on 27 January 1975, it was determined that two primary considerations were pertinent. One involved the effect of the proposed Tennis Park development on adjacent properties, and the second was related to what effect the proposed construction would have on the facilities of the proposed Tennis Park themselves.

File No. R-0034-H1
23 April 1975

In our letter dated 12 February 1975 to Haines, Jones, Farrell, White and Gima, we stated that we believed the presently proposed location of facilities was such that only insignificant soil stresses would be transmitted to the adjacent properties. The information enclosed herein will, we believe, substantiate this to your satisfaction. Further, the attached information should also illustrate that the proposed final grades for the Tennis Park complex do not change the existing stability conditions within the site to any significant degree.

While seepage forces were not included in our calculations, these forces would affect the site as it exists now, as they would also affect the proposed graded condition. Therefore, their effect has not been included. It is our intent to recommend in our final Soils Investigation Report, measures that will minimize potential seepage forces.

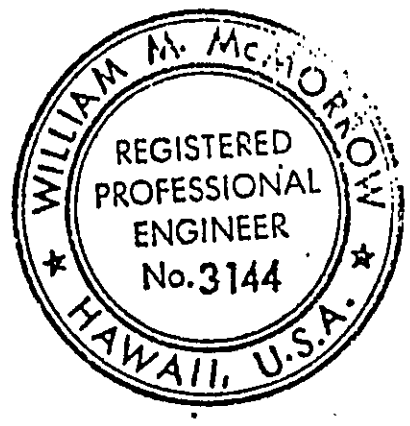
We have previously stated that additional field, laboratory, and engineering work will be required in the clubhouse complex proper prior to the completion of our final Soils Investigation Report. It should be noted, however, that we have recommended to the project consultants that the foundations for this complex extend into a firm bearing material below any possible slip plane, and that they be constructed with sufficient reinforcement to withstand anticipated lateral forces. Under these conditions, the clubhouse complex should

transmit no soil stresses to adjacent properties.

Should you have any questions relative to the information developed by our firm during this project, please contact us at your convenience. We sincerely hope that the information transmitted herewith is sufficient to satisfy your needs.

Very truly yours,

GJ HAWAII, LTD.



William M. McMorrow

William M. McMorrow, P.E.
President

WMM:ln

Copies: 1 to Department of Public Works (Attn: K. Hayashida)
1 to Haines, Jones, Farrell, White and Gima (Attn: D. Miller)
1 to Holiday Mart, Inc. (Attn: E. Yee)
1 to William Hee & Associates (Attn: W. Hee)

Statement Before the Planning Commission
City and County of Honolulu
21 January 1976
by the Aina Haina Community Association

The Aina Haina Community Association appointed a committee to investigate the proposed Conditional Use Permit requested by the architects and owners of an 86 acre undeveloped area in upper Aina Haina for the construction of a private tennis club. The committee has studied the proposal in considerable detail and has come to the conclusion that the request should be denied. At several public hearings, testimony detailing the objections to the proposed development were given and this testimony remains part of the record.

Without imposing upon the time of this Commission by repeating the considerable testimony of this case, attention is called to major points raised by the community and briefly summarized in the memorandum addressed to the Planning Commission by the Department of Land Utilization and signed by George S. Moriguchi dated 17 December 1975.

Summary

1. The proposal does not benefit the community.
2. It is not compatible with the community.
3. The area has severe problems of soil creep, flooding and drainage.
4. Hind Iuka Drive is in poor condition and inadequate as access to the tennis facility. The City is presently spending substantial sums of money in an effort to stabilize soils in the area to prevent further movement.
5. The proposal's feasibility is questioned in light of apparent difficulties of another nearby tennis facility (MacArthur).
6. Traffic congestion would increase. Hazards to children attending nearby schools and churches would increase.
7. The heavy rainfall in the upper valley areas as well as winds render the site unusable for an outdoor tennis park.

While not included in the Moriguchi memorandum, it was brought out at the hearing of 25 September, 1975 that the owners plan to sell shares in the proposed tennis club to the public and thus divest themselves of further interest in the project. Should this divestment take place and the club subsequently find it impossible or impracticable to carry on, the neighborhood would be left with an attractive nuisance on its hands. It is the opinion of the Aina Haina Community Association that should this situation come to pass, the City and County would be importuned to take over the facility at considerable further expense to the taxpayers.

This memorandum of the Department of Land Utilization, after detailed consideration of the project has recommended that the request to carry it out be denied, and further, that consideration be given to changing the General Plan designation of the area from residential to open space and preservation.

The Aina Haina Community Association concurs in the above recommendation.

For the Association

Norma Carr

Norma Carr
President

Thomas J. Wells

Thomas J. Wells
Tennis Committee

12980RP-1

(Letter from Representative Donna Ikeda)

To Whom It May Concern:

The Aina Haina district is one of the few remaining areas on Oahu where a "Country - Like" atomosphere still exists. It is a relatively small community made up of elderly citizens with set life styles. The proposed Aina Haina Tennis Club would not only put a "crunch" on the life styles of these people but more significantly it would create traffic problems which the current area could not possibly handle without a complete revamping of existing streets and highway on-ramps. To add to this problem, the erection of such a club could seriously affect the soil stabalization of many of the houses in the area. This stiuation known as "creeping" is a dangerous one, and the proposed club site would only accelerate the problem. For those people living near such a site, tennis whether one liked it or not could prove to be a nuisance, considering that the courts and glaring lights will be open from 7:00 A.M. to 11:00 P.M all week. Finally, decreased property values though not likely at the moment would undoubtedly be a reality if such a project was initiated.

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Perhaps the only advantage of such a club would be its obvious proximity to the community. But with its single membership cost of $3,000.00 ($3,500.00 for family membership), the average Aina Haina resident might find it prohibitive.

Because of these and possibly other disadvantages of such a club, I Donna Ikeda Representative of the Seventh District do hereby oppose this project.

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DGP1/76-091

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Seventh District
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††W. BUDDY SOARES
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NORMAN MIZUGUCHI
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Assistant Majority Leader
*Assistant Majority Floor Leader
†Minority Leader
††Minority Floor Leader
‡Assistant Minority Floor Leader

HOUSE OF REPRESENTATIVES
THE EIGHTH LEGISLATURE

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

January 13, 1976

RECEIVED
'76 JAN 15 PM 2:56
DEPT. OF GENERAL PLANNING C & C HONOLULU

Chairman and Members, Planning Commission
Of the City and County of Honolulu
Department of General Planning
Honolulu Municipal Building
650 South King Street
Honolulu, Hawaii 96813

Gentlemen:

I refer to the public hearing which you are scheduled to conduct on Wednesday, January 21, 1976, dealing with AINA HAINA--Conditional Use Permit--74/CUP-37 (LC). The permit relates to the construction and operation of a tennis park facility in Aina Haina at the mauka end of Hind Iuka Drive and Mona Street.

The convening of the second session of the Eighth Legislature of the State of Hawaii on January 21 precludes my appearance as a witness in this matter. Accordingly, I take this means of offering comment upon the pending application and request that it be duly received and considered by the Planning Commission.

While the proposed project is architecturally of a sound design concept, there are important collateral considerations which make the approval of the project highly undesirable:

(a) The road network serving the site and immediately adjacent area is inadequate to sustain the increased use which would surely follow the establishment of the facility.

(b) Relating thereto, the resultant average daily traffic with attendant compaction, noise and confusion would be more than should be inflicted upon the residents of that vicinity. Doubtless the problem would be intensified on weekends and holidays.

(c) The proposed site is in the wettest and

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windiest part of the valley, meteorologically undesirable for good tennis.

(d) Composition of the soil in the upper valley leads to "soil creep," a condition which can severely complicate the engineering and construction problems involved in laying foundations for the structural elements of courts, supporting buildings, and parking facility. The further back in the valley, the worse becomes the "soil creep" factor.

For these reasons I strongly recommend against the approval of this application.

Sincerely,

Steve Cobb

STEVE COBB
Representative

12980RS

January 21st, 1976

MEMORANDUM

TO: THE PLANNING COMMISSION

FROM: Sylvia Whitehead Sumida, Vice-Chairman

SUBJECT: Decision ré P.A.C.E. Testimony at the January 7th Public Hearing

Although I have no objection to the reopening of discussion on this matter, I want to state clearly for the record the context in which the original ruling was made and the reasons for the ruling.

The matter before the Commission was a public hearing on proposed Bill 141 for an ordinance to establish "Historic, Cultural, and Scenic District #4, the Chinatown District." This hearing was conducted in accordance with the Commission's responsibility to recommend approval or disapproval of the proposed bill.

It should be noted that the Chinatown area was designated a National Historic District in 1973. However, prior to this designation, the area was slated for redevelopment under the general neighborhood renewal program, and the Smith-Beretania and Pauahi projects had been approved. Therefore, any action by the Planning Commission on the proposed bill would have no effect upon the two projects, both of which are already underway.

The purpose of the proposed bill is twofold:

1. the bill is a precondition to the release of federal funds for the Pauahi project, and
2. the bill seeks to preserve certain characteristics of the Chinatown area and to ensure the compatability of proposed plans for the renewal and revitalization of the Chinatown area.

By classifying the Smith-Beretania and Pauahi projects "non-significant", the bill intends to "grandfather" these two projects. However, the "non-significant" designation is a technical designation for legal purposes; obviously, both projects are "significant" in the popular sense of the word.

Because these two projects had previously been approved and are now underway, and because the proposed bill seeks only to "grandfather" these two projects, it was felt that testimony concerned primarily with eviction processes was not directly relevant to the matter before the Commission at its January 7th hearing. The evictions, which are being protested by organizations such as P.A.C.E., are the result of a previous decision by the City Council to undertake the Smith-Beretania and Pauahi projects as part of the general neighborhood renewal project for the Chinatown area. The Planning Commission at this point has no power to alter that previous decision.

Therefore, the Chair concluded that the testimony proposed to be given by the representatives of P.A.C.E. was not directly related to the matter before the Commission. It was for this reason and for this reason only, that the Chair did not accept the full testimony offered by the P.A.C.E. representatives.

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Contrary to the quote included in the letter of protest from the P.A.C.E. representatives that Mr. Miner was informed by the Chair that the Planning Commission was not the proper forum for his concern, the Chair actually told Mr. Miner (and I quote from the tape recording of the proceedings), "I don't think this is the right forum for your concerns about evictions..." In addition, the Chair suggested that the P.A.C.E. representatives direct their concerns to those forums which have the responsibility for the Smith-Beretania and Pauahi projects.

In order to ensure that no relevant testimony would be inadvertently excluded, the Chair specifically asked the P.A.C.E. representatives if they wished to testify on specific aspects of the proposed bill -- other than the matter of evictions. Mr. Makuakane indicated that the thrust of his testimony, like Mr. Miner's. centered upon the matter of evictions. However. Mr. Makuakane requested leave of the Chair to read a general position statement, which the Chair was pleased to permit. (Again, to quote from the tape recording of the proceedings:)

Mr. Makuakane: Mine is almost in like with Charles Miner, my testimony that I have before me.

The Chair: Does your testimony relate to the specifics within the ordinance?

Mr. Makuakane: It's not necessarily a duplicate of what Charles Miner has been talking about, but it's in line with that.

The Chair: As I told Mr. Miner, the Planning Commission can hear what you have to say, but we really have no power to deal with the concerns that you have. And I would suggest that, to maximize the use of your energy and time and cares, that you...address your concerns to the proper forum, to the place where it can do the most good for you in achieving your goals. So, although we would like to accommodate you, in the interest of the time that we are going to devote to consideration of this ordinance, I will have to consider the testimony...not in order at this time.

Mr. Makuakane: Can I just read this position? I think it will be apart from what has been discussed

The Chair: Yes, the Chair will allow it.
Whereupon, after stating his name, address and affiliation, Mr. Makuakane read three P.A.C.E. recommendations from the testimony.

I have herein set down the context and rationale for the ruling on the P.A.C.E. testimony of January 7th and will concur with whatever decision the Planning Commission makes regarding the reopening of the Public Hearing on Bill 141.

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DGP1/76-109

People Against Chinatown Eviction
P.O. Box 27448
Honolulu, Hawaii 96827

January 12, 1976

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DEPT. OF
GENERAL PLANNING
C & C HONOLULU

Mr. Randall Kamiya, Chairman
Planning Commission
Honolulu Municipal Building
Honolulu, Hawaii 96813

Mr. Kamiya,

Our organization, People Against Chinatown Eviction (PACE), petitions that the Planning Commission reopen the public hearing for Bill #141.

On January 7, 1976, our organization was prepared to present two testimonies directly regarding Bill #141, which was scheduled on the agenda. One of our members, Mr. Charles Miner, Jr. was called to present his testimony. However, just after opening his testimony, Mr. Miner was informed by Vice-Chairperson Sylvia Sumida that "your concern is very much appreciated but this is not the proper forum." Mr. Emile Makuakane also attempted to present testimony but was similarly cut short.

Enclosed is a copy of the two testimonies which we were prepared to present at the public hearing on January 7. Clearly, these testimonies were addressed directly to Bill #141 and therefore the Planning Commission public hearing was the proper forum at which to present our testimonies.

It is clear to us then that we were denied our right to present testimony without justifiable grounds. We therefore strongly protest this denial of our constitutional right and demand that the public hearing for Bill #141 be reopened so that we may present our testimonies.

Thank you for your attention.

Sincerely,

Charles Miner, Jr.
Mr. Charles Miner, Jr., Member

Emile Makuakane
Mr. Emile Makuakane, Member
Steering Committee

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January 7, 1976

Mr. Randall Kamiya, Chairman
Planning Commission
Honolulu Municipal Building

Mr. Kamiya, members of the commission, I am Charles Miner, Jr. and I have come to speak on behalf of P.A.C.E., People Against Chinatown Eviction. I am presently living in the Pauahi Project area where I have resided for 47 years. I, along with 187 other individuals, 21 families, and numberous small business people will be directly affected by Bill #141 if it is allowed to become a City ordinance in its present form.

The general intent of Bill #141 is commendable. We strongly support the objectives which seek to preserve the Chinatown Historic District. We are particularly concerned about the objectives which seek to preserve unique lifestyle and ethnic atmospher, meet the needs of the present population, and promote higher standards of health, safety and welfare of the residents.

I wish to speak to the special designations in the bill of the Pauahi Urban Renewal Project and the Smith-Beretania Housing Project as non-significant projects. The bill clearly defines as non-significant, those projects which entail only "exterior repair of structures or buildings which do not change the character or visual appearance of a building...." Present plans for Precinct 1 and 2 will entail the complete demolition and massive redevelopment of three city blocks. Furthermore, the present plans for the urban renewal of Precinct 1 are in the process of evicting all the present residents, small business people and workers. This is very significant to us.

We live and work in Chinatown because it is where we can find low-cost housing a storefronts which we can afford. Ninety-three percent of us residents plus 57% of the small business people in the Pauahi Project want to remain in Chinatown. But the plans for the Pauahi Project are kicking us all out. We residents are losing our homes only to be forced to move to other slums because of our limited incomes. The median gross monthly income of singles, the largest group in Chinatown, is only $229. The majority of the small business people will be forced out of business and lose their livelihoods. And the workers will lose their jobs.

Not only are we being evicted, but we are being evicted at least 3 to 4 years before the actual demolition of the buildings we are living and working in. In several of the sound structures in the Pauahi Project, some 80 bachelor's units stand vacant while we are experiencing a severe shortage of low-cost housing in Hawaii. Furthermore, it has been admitted to us by Beatrice Ing, administrator of the Department of Housing and Community Development's Site Relocation Office, that the City has no adequate relocation plan as required by the Department of Housing and Urban Development. So the present renewal plans for the Pauahi Project is destroying our community's unique lifestyle and ethnic atmosphere and demoting our stands of health, safety and welfare. These are the adverse effects which the Memorandum of Agreement sought to mitigate

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The Smith-Beretania Housing Project's primary goal is supposedly "to fulfill the housing and social needs of the present Chinatown residents to provide decent housing within their economic capabilities." However there are a total of 209 households being displaced from the Pauahi Project alone but Smith-Beretania will make available only 120 low-cost units. This is clearly inadequate, particularly in view of the fact that many residents in other parts of Chinatown are also facing eviction through code enforcement.

Furthermore, although evictees from the Pauahi Project are supposedly given first priority to move into the Smith-Beretania Housing Project, the fact is, we are being evicted now, at least 3 to 4 years before the project will be completed. Also, there areno guarantees that we will be able to afford to move back. Although projected rentals will be fairly low, they are nonetheless beyond the means of a large number of those being evicted from the Pauahi Project. The rental for studios are projected at $60 per month. However, more than 50% cannot afford to pay even that amount of rent according to the City's own survey conducted by Survey Marketing Service. The Department of Housing and Community Development makes vague references to Section 8 subsidies in an attempt to assure us of financial assistance. But there were only 228 subsidies allotted to the entire island of Oahu for which anyone with an income of $12,000 per year was eligible to apply. The Department of Housing and Community Development cannot give us any guarantees that we will be able to obtain the subsidies. Neither can they guarantee that the projected rentals will not be increased with the constant rise in the cost of construction.

Whose interest does the Smith-Beretania project serve? Well, clearly the 900 parking stalls are clearly for the DIA and some 200 market rental apartments are for the developer.

Even the basis for the selection of the developer for the Smith-Beretania project is questionable. I personally sat on the Design Review Advisory Committee which developed the design criteria for the project. The Committee rated the Headrick's proposal as one of the worst of the five proposals submitted. Was Headricks selected because it submitted one of the worst proposals which did not meet the design criteria or because Headricks was the second largest contributor to Mayor Fasi's gubanatorial campaign?

Clearly, the present plans for the Pauahi Project and the Smith-Beretania Housing Project will create tremendous adverse effects upon the present population which the Memorandum of Agreement was executed to mitigate. Furthermore, it will bring in massive construction to three of the fifteen blocks of the Chinatown Historic District which should instead be developed as an integral part of the entire Chinatown special design district. Plans for the Pauahi Project area are very vague and undefined as included in the Bill #141.

In view of the fact that the present population and the Pauahi Urban Renewal Project and the Smith-Beretania Housing Project are integral parts of the Chinatown Historic District and the Special Design District which Bill #141 seeks to preserve, P.A.C.E. recommends the following:

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1. The Pauahi Urban Renewal Project and the Smith-Beretania Housing Project, because the adverse social and structural impact which the Memorandum of Agreement, between the Department of Housing and Urban Development and the City and County of Honolulu, was executed to mitigate have not been adequately addressed, should not be designated as non-significant.

2. The needs and welfare of the present residents, small business people and workers of the Chinatown community be assured by detailing within the content of the bill the provision of an adequate number of decent, safe and sanitary low-cost housing and storefronts so that the objective of Bill #141, "to meet the needs of the present population," will be fulfilled.

3. PACE should have full participation in the planning of the redevelopment of Chinatown as an integral whole.

Thank you.

Charles Miner, Jr.
People Against Chinatown Eviction

1298ORP-1

January 7, 1976

Mr. Randall Kamiya, Chairman
Planning Commission
Honolulu Municipal Building

Mr. Kamiya, members of the commission, I am Emile Makuakane, a resident of Chinatown residing at 1133 Maunakea St. Today, I am speaking on behalf of P.A.C.E., People Against Chinatown Eviction. P.A.C.E. was recently formed to protect the interests of the residents, small business people, and workers of the Chinatown community.

Chinatown is a living community. This is a fact that very few people are aware of. There are people there - living, working, doing business. There are 1,500 of us who call Chinatown home plus hundreds of small business people and workers. The great majority of us want to stay in Chinatown - 92% of the residents and more than half of the small businesses. We are the most important factor which creates the unique lifestyle and ethnic atmosphere of Chinatown which Bill #141 wants to preserve. Yet we are the very people who have been forgotten in the plans for the redevelopment of Chinatown. The focus of Bill #141, the Chinatown Historic Preservation Plan, the DHCD's renewal plan, the Downtown Improvement Association's Chinatown plans, and those of the Oahu Development Conference are variously concerned about preserving historic buildings, building more parking lots, expensive condominiums and more office space. But what about us, the people of Chinatown.

No, we are not completely forgotten. We are to re relocated - a nice way of saying that we are being kicked out to make room for a whole new class of people, richer and "more desirable." Sure the City says they will give us first priority to move back. But this brings up two questions in our minds. One, where do we go in the mean time? We live and work in Chinatown because it is what we can afford. Many of us residents live on fixed incomes. The gross monthly income for singles, the largest group in Chinatown, is only $229 a month. We have few alternatives as to where we can move to.

Our second question is whether we will really be able to move back to Chinatown after it has been redeveloped. Redevelopment will result in higher rents. Fifty per cent of the households in Chinatown pay less than $56 a month for rent and cannot afford to pay any more. But the only low-cost housing planned for Chinatown, the Smith-Beretania Housing Project, will provide only 120 units when 657 such units are required to meet the needs of the present residents. There are no plans for low-cost storefronts. Furthermore, projected rentals for the low-cost units in the Smith-Beretania Housing project, contrary to the testimony presented by the Downtown Improvement Association on December 17, are beyond the means of the majority of the present residents. Therefore, the "privilege" of having first priority to move back to Chinatown proves to be a farce from the beginning.

The redevelopment of Chinatown, if it follows present plans, will mean the eviction of the 1500 residents and hundreds of small business people and workers. We are touched that the City expresses such concern that we are living in a slum.

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However, if we are evicted, we will merely be forced to move to other slums. Low-cost housing is all we are able to afford and they are rarely safe, decent, and sanitary. So if the City was truly concerned about us, why weren't the building codes diligently enforced to ensure that landlords maintained their buildings in safe condition? If the City was genuinely concerned, why didn't it develop a plan to insure those of us affected by redevelopment safe, decent, sanitary housing we can afford? The City anticipated massive redevelopment of Chinatown over eight years ago.

Clearly, the redevelopment of Chinatown, as it is planned now, will not serve the interest of the present community. Whose interests does it serve? DIA will get its 900 parking stalls in the Smith-Beretania Housing Project. Large business concerns in general will profit from the construction of office space and expensive condominiums. This is a gross misplacement of priorities and a gross injustice to the present population.

The redevelopment plans for Chinatown, by evicting the present community, will bring about the destruction of the very qualities which they seek to capitalize upon. No more unique lifestyle, no more ethnic atmosphere. Just a hollow shell with a few old buildings sandwhiched between new concrete monstrosities which will be as appealing and profitable as the Cultural Plaza.

In view of the fact that the present population is an integral part of the Chinatown Historic District and the Special Design District which Bill #141 seeks to preserve, PACE recommends:

1. The Pauahi Urban Renewal Project and the Smith-Beretania Housing Project, because the adverse social and structural impact which the Memorandum of Agreement, between the Department of Housing and Urban Development and the City and County of Honolulu, was executed to mitigate have not been adequately addressed, should not be designated as non-significant.

2. The needs and welfare of the present residents, small business people and workers of the Chinatown community be assured by detailing within the content of the bill the provision of an adequate number of decent,safe and sanitary low-cost housing and storefronts so that the objective of Bill #141,"...to meet the needs of the present population...," will be fulfilled.

3. PACE should have full participation in the planning of the redevelopment of Chinatown as an integral whole.

Thank you.

Emile Makuakane

Emile Makuakane, Member
PACE Steering Committee

1298ORP-1

Meeting of the Planning Commission
Minutes
February 4, 1976

The Planning Commission held a meeting on Wednesday, February 4, 1976 at 1:45 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:	Randall Kamiya, Chairman Sylvia Sumida, Vice Chairman Dr. Wilbur Choy Yuklin Kuna Ned Wiederholt
ABSENT:	Donald Hosaka Charles Izumoto Harriet Wikum
STAFF PRESENT:	Robert R. Way, Chief Planning Officer Eugene B. Connell, Executive Secretary Robert B. Jones, Assistant Director, Zoning Department of Land Utilization Henry Eng, Staff Planner Jack Gilliam, Staff Planner Roger Harris, Staff Planner
MINUTES:	The Minutes of January 7 and January 21, 1976 were approved, on motion by Dr. Choy, seconded by Mrs. Sumida and carried.
PUBLIC HEARING BILL FOR AN ORDINANCE TO AMEND SECTIONS 21-280 & 21-561, R. O. 1969, AS AMENDED, RELATING TO CLUSTER DEVELOPMENTS COUNCIL INITIATED BILL NO. 1 (FILE #76/L&R/CZC-1)	A public hearing was held to consider a bill initiated by the City Council for an ordinance to amend Sections 21-280 and 21-561, R. O. 1969, as amended, relating to cluster developments. Publication was made in the Sunday Star-Bulletin/Advertiser on January 25, 1976. No letters of protest were received.

Staff Planer Jack Gilliam presented the Director's report recommending approval of the proposed bill. The intent of the proposed bill is to:

1. Require Council's approval of the cluster applications by Resolution;

2. Clarify the text of the CZC to permit development of both cluster subdivision and cluster condominium developments at the same density as is permitted for subdivision but with a great flexibility; and

3. Require a time limit of 60 days for processing of applications by the Department of Land Utilization before they are forwarded to the City Council for consideration.

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

TESTIMONY IN SUPPORT

Mr. Wendell Brooks, Jr., President and General Manager, Mililani Town Inc. (Presented testimony dated Feb. 3, 1976, copy attached)

Questioned by the Commission, Mr. Brooks stated that the proposed ordinance provides cost savings in the following ways:

1. Time - They would support any program which gives a precise work schedule. It is the unknowns of time and costs related thereto that developers bear and must recover in the ultimate cost of units which are passed on to the public. Cluster development is not subject to the public review process which requires additional time.

2. Land development - Leaving slope areas, which account for major construction costs, in open space and clustering units on level areas reduces site development costs. The proposed ordinance has the effect of responding to the present housing market which tends toward single-family dwellings rather than townhouse units.

3. Reduction of standards on street facilities. This does not mean cheaper street facilities. Some residential areas with curbings alone (rather than sidewalks and curbings) are quite attractive.

TESTIMONY AGAINST

Mr. Charles P. Goldsmith, interested citizen, stated that development should be channelized. Cluster development is costly and results in higher taxes for increased sewer and transportation facilities.

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Sumida and carried.

The Commission deferred action on the matter to March 3, 1976 for review of Bill No. 1, Draft 1, which it received at the meeting today.

PUBLIC HEARING
ZONING CHANGE
R-4 RESIDENTIAL TO
B-2 COMMUNITY BUSINESS
DISTRICT
WAIAU
STATE OF HAWAII
DEPT. OF LAND AND
NATURAL RESOURCES
AGENT: JALA, INC.
(FILE #75/Z-24 RH)

A public hearing was held to consider a request for a change in zoning from R-4 Residential to B-2 Community Business District on approximately 3.781 acres of land in Waiau, Tax Map Key: 9-8-13: 14.

Publication was made in the Sunday Star-Bulletin/Advertiser on January 25, 1976. No letters of protest were received.

Staff Planner Roger Harries presented the Director's report recommending approval of the request subject to the

12980RP-1

unilateral agreement (attached to the report) assuring provision of adequate sewage connection and treatment services at the expanded Pearl City Sewage Treatment Plant.

QUESTIONS OF STAFF

Discussion followed regarding timing and completion of the environmental impact statement, and intended use of the property as to what is actually being proposed. Concerning the EIS statement, staff indicated that timing of the EIS will be resolved between the two state agencies--the Department of Land and Natural Resources and the Office of Environmental Quality Control. DLNR has indicated that the EIS assessment is not imminent at this time and will be completed prior to release of the property for development.

TESTIMONY IN SUPPORT

Mr. George Houghtailing, representing Jala, Inc., stated that the state is seeking the proposed zoning which is the highest and best use for the property. Bids by developers will be based upon that highest and best use.

TESTIMONY AGAINST

None

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Sumida and carried.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request subject to the unilateral agreement (attached to the Director's report) assuring provision of adequate sewage connection and treatment services at the expanded Pearl City Sewage Treatment Plant, on motion by Dr. Choy, seconded by Mrs. Kuna and carried.

AYES - Choy, Kamiya, Kuna, Sumida, Wiederholt
NAYES - None
ABSENT - Hosaka, Izumoto, Wikum

UNFINSIHED BUSINESS
PUBLIC HEARING
CONDITIONAL USE PERMIT
(TENNIS PARK FACILITY)
AINA HAINA
HAINES, JONES, FARRELL,
WHITE, GIMA,
ARCHITECTS, LTD.
(FILE #74/CUP-37 LC)

The public hearing held January 21, 1976 was kept open and deferred for:

1. Advice from Corporation Counsel regarding possible legal implications against the city should further damage occur;

2. A visit to the site by the Planning Commission;

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3. A representative from Mr. Hayashida's office, and the project soils engineer to be present at the site;

4. Conditions to be drawn up should the Planning Commission recommend approval.

Public testimony was continued.

TESTIMONY IN SUPPORT

1. Mr. David A. Miller, Architect (Submitted additional testimony, undated, copy attached)
2. Mr. Wendell Kwan, Kalani High School Tennis Coach
3. Mr. John McClellan, Tennis Player
4. Dr. Philip Lee, co-owner and co-developer
5. Mr. Richard Fewell, Soils Engineer, GJ Hawaii, Ltd.

Need for the facility was again brought up Mr. Wendell Kwan, Kalani High School Tennis Coach. They presently pay to use the facilities at the Hawaii Kai Recreation Center. Some matches are held on weekends due to the shortage of courts. Dr. Philip Lee stated that he would be willing to allow tennis teams of schools in the area to use their facilities during off hours for practice and matches.

TESTIMONY AGAINST

1. Mr. Roy Yoshimura, Member, Aina Haina Community Association
2. Mrs. Norma Carr, President, Aina Haina Community Association
3. Marjorie M. Higa, Member, Aina Haina Community Association

The same objections regarding soil conditions, traffic, noise, incompatibility of the proposal with the community, and high membership fees were mentioned.

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

MOTION: Mrs. Sumida moved, seconded by Dr. Choy that the request request be approved, subject to Corporation Council's approval of the 18 conditions imposed by the Planning Commission, and subject further to legal and liability questions being resolved at the Council level.

Discussion followed.

The Executive Secretary indicated that the 18 conditions developed for consideration of the Commission, in the event that a favorable decision is made, are preliminary and still under review by Corporation Counsel. Because of the legal complexities of the liability question, Corporation Counsel has requested a deferral of three weeks to render an opinion.

The motion failed to carry.

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AYES - Choy, Sumida, Wiederholt
NAYES - Kuna
ABSTAINED - Kamiya
ABSENT - Hosaka, Izumoto, Wikum

The matter was deferred to March 3, 1976 for further study by Corporation Counsel. The Commission also requested that Corporation Counsel consider whether the developer's offer to allow tennis teams to use the facilities during off hours could be included as a condition or through a unilateral agreement.

ADJOURNMENT: The meeting adjourned at 5:50 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

Mililani Town Inc

130 Merchant Street
P O Box 2780
Honolulu Hawaii 96803
Telephone (808) 548-4811

February 3, 1976

Planning Commission
City and County of Honolulu
629 Pohukaina Street
Honolulu, Hi. 96813

Attention: Mr. Randall Kamiya, Chairman

Gentlemen:

My name is Wendell Brooks, Jr., General Manager of Mililani Town and I am here to speak in favor of the proposed bill for an Ordinance to amend Sections 21-280 and 21-561 of the Comprehensive Zoning Code relating to cluster developments.

The bill proposes to expand the residential districts in which clusters are permitted by including the R-7 residential district and incorporating the use of duplex dwellings within the R-4 through R-7 residential districts. These actions, together with changes proposed in bill Number 140, draft No. 2, which is currently before the Council, will have a favorable impact on the cost of housing in Hawaii.

Further, the proposed bill permits better land utilization by providing a higher degree of flexibility for both cluster subdivisions and cluster condominium developments without compromising the density which otherwise would have been allowed under a standard subdivision. There are many situations where this approach to development will result in substantial savings in site development costs which should reflect a reduction of the price of the end product.

One of the specific advantages of the proposed bill is the provision for alternative methods of ownership for common open space, including streets. The bill provides that these may be developed according to City and County standards for dedication or owned and maintained privately by either the Homeowners' Association or by the developer of the tract.

The latter two alternatives again provide for significant cost reductions through the elimination of certain County standards without compromising the quality of construction or design.

Bill 1 specifically provides for a checklist of the items which developers are required to submit to the Director of Land Utilization when processing a cluster project. This clarification greatly simplifies the pre-application efforts of the developer and provides the Department of Land Utilization with the detailed information which it requires for processing the application expeditiously.

From a developer's point of view, one of the most significant additions to the cluster ordinance is the time constraints placed upon the Department of Land Utilization for processing the application. Today, more than ever, time is money for the developer, in that, as a result of inflation over the last several years, the holding costs for a project have become extremely burdensome. Interest, real property tax, insurance and general overhead must be recovered in the project sales price. The inclusion of reasonable time constraints will tend to minimize this problem. It should be noted that in the case of controversial or particularly difficult applications needing more extensive study, a vehicle for extending the time limit does exist.

In conclusion, the proposed bill improves the cluster ordinance substantially and I believe will have a beneficial impact on the cost of housing on Oahu. I would, therefore, encourage your favorable recommendation to the City Council.

Very truly yours,

Wendell Brooks, Jr.
President and General Manager

WBJ:cau

Testimony for the Proposed Tennis Park; Wailupe, Oahu, Hawaii.

MR. CHAIRMAN, COMMISSIONERS, AS A RESULT OF YOUR PREVIOUS PUBLIC HEARING AND SITE VISIT, I WOULD NOW LIKE TO PRESENT ADDITIONAL INFORMATION CONCERNING THE FOLLOWING FOUR POINTS.

1. MEMBERSHIP STRUCTURE

THERE WILL BE A DIVERSIFIED RANGE OF MEMBERSHIPS AND USE ARRANGEMENTS AVAILABLE AT THE AINA HAINA TENNIS PARK. THE PROPOSED MEMBERSHIP FEE SCHEDULE OF INITIATION AND MONTHLY DUES IS AS FOLLOWS:

MEMBERSHIP TYPE	INITIATION	MONTHLY DUES
SINGLE	$1,950.00	$25
COUPLE	$2,200.00	$32
FAMILY	$2,500.00	$35

THIS IS BASED ON OUR CONSTRUCTION COSTS. IN EACH CASE, ONLY $500 DOWN WILL BE REQUIRED TO BECOME A REGULAR FULL-TIME MEMBER. THIS IS COMPARABLE TO THE KAILUA AND OAHU RACQUET CLUBS.

AS AN EXAMPLE, THE OAHU RACQUET CLUB WILL HAVE A STANDARD ENTRANCE FEE OF $2,000 FOR A SINGLE MEMBERSHIP AND $3,000 FOR A FAMILY. THE INITIATION FEE FOR THE PROPOSED AINA HAINA CLUB WILL BE $1,950 AND $2,500 RESPECTIVELY. MONTHLY MEMBERSHIP DUES FOR THE OAHU RACQUET CLUB WILL BE $50 SINGLE AND $65 FAMILY.

THE AINA HAINA TENNIS CLUB IS BEING PROGRAMMED TO REACH OUT TO INVOLVE BROAD-BASED COMMUNITY PARTICIPATION. TENTATIVE ARRANGEMENTS HAVE BEEN MADE WITH THE KALANI TENNIS TEAM FOR THE USE OF THE PARK IN SLACK PERIODS. IN ADDITION, THE CLUB WILL HAVE A SEMI-PRIVATE NATURE WHEREBY NON-MEMBERS WILL BE ABLE TO USE THE FACILITIES DURING OFF-HOURS.

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Testimony for the Proposed Tennis Park; Wailupe, Oahu, Hawaii.

THIS PROJECT WILL BE QUITE DIFFERENT IN ITS ATTRACTIVENESS TO THE COMMUNITY THAN THE EARLIER PROPOSAL MAKAI OF KALANIANAOLE HIGHWAY. IT IS OUR UNDERSTANDING THAT THAT CLUB WAS TO BE VERY EXCLUSIVE, LIMITED TO ADULT MALE MEMBERS BY INVITATION ONLY. WITH SUCH A RESTRICTED MEMBERSHIP, IT HAS HAD DIFFICULTY ESTABLISHING AN ADEQUATE BASE FROM WHICH TO BEGIN CONSTRUCTION.

I WOULD LIKE TO REITERATE THAT THE OWNERSHIP AND OPERATION OF ALL CLUB FACILITIES WILL REST WITH THE APPLICANT. MOST MEMBERS WILL BE AT THE PARK TO PLAY TENNIS. MEMBERS CAN BE EXPECTED TO BE INTERESTED IN THE WELL-BEING AND SECURITY OF THE AINA HAINA NEIGHBORHOOD AFTER HAVING MADE A FINANCIAL COMMITMENT TO THE CLUB.

2. COMMUNITY INTEREST IN TENNIS FACILITIES

THERE CAN BE NO DOUBT THAT TENNIS HAS ENJOYED TREMENDOUS EXPANSION AND SUPPORT BOTH LOCALLY AND NATIONALLY. LOCAL DESIRE TO PARTICIPATE HAS INCREASED RAPIDLY DURING THE LAST FEW YEARS. HAWAII'S WEATHER ALSO CONTRIBUTES TO MAKING THE SPORT CONDUCIVE TO OUR REGION. INTEREST IS ALSO ATTESTED TO BY PACKED AUDIENCES AT SUCH EVENTS AS THE ARTHUR ASHE - RAUL RAMIREZ TENNIS MATCH RECENTLY HELD HERE IN HONOLULU.

WE STRONGLY FEEL THAT TENNIS HAS COME OF AGE AND IS HERE TO STAY IN HAWAII. LOCAL HIGH SCHOOLS SUCH AS KALANI ARE QUICKLY OUTGROWING THEIR TENNIS FACILITIES AS MORE AND MORE STUDENTS ARE ATTRACTED TO THE SPORT. THE PROPOSED 40-COURT TENNIS FACILITY WILL HELP FILL THIS UNMET DEMAND.

THIS DEMAND IS FURTHER SUPPORTED BY THE FACT THAT THE CITY'S DEPARTMENT OF PARKS AND RECREATION FEELS THIS PROPOSAL WILL HELP TO ALLEVIATE PRESSURES ON EXISTING TENNIS FACILITIES.

(READ FROM LETTER)

Testimony for the Proposed Tennis Park; Wailupe, Oahu, Hawaii.

3. CONSTRUCTION AND PHASING

DEVELOPMENT OF THE TENNIS PARK WILL INCLUDE CLEARING, GRADING, FILLING, DRAINAGE AND COVERING WITH STRUCTURES AND PLANT MATERIALS. AS PREVIOUSLY INDICATED, ALL STRUCTURES WILL BE BUILT IN ACCORD WITH REQUIRED BUILDING CODE STANDARDS AND PROCEDURES. PURSUANT TO THE CITY'S GRADING ORDINANCE, THREE CONSTRUCTION STAGES CORRESPONDING TO SUB-AREAS OF THE SITE HAVE BEEN ESTABLISHED. THESE SUB-AREAS ARE:

A. THE UPPER 19 TENNIS COURTS ON THE KOKO HEAD SIDE OF THE VALLEY.

B. THE LOWER SECTION OF THE SAME SIDE.

C. THE DIAMOND HEAD SIDE OF THE PARK.

EACH PHASE WILL INCLUDE THE TASKS OF CLEARING; GRADING AND FILLING WHEN REQUIRED; CONSTRUCTION; AND IMMEDIATE HYDROMULCHING OF CLEARED AREAS. THIS PHASED APPROACH WILL PREVENT EROSION.

GRADING IS A CRITICAL CONCERN, EFFECTING BOTH THE OVERALL DEVELOPMENT COSTS AND IMPACT UPON THE ENVIRONMENT. WE HAVE COMPLETED FURTHER CONCEPTUAL GRADING STUDIES TO DETERMINE THE AMOUNT OF NEEDED EXCAVATION AND TRANSPORTING OF SOIL FROM THE SITE.

DRAINAGE WILL BE HANDLED THROUGH THE CONTROL AND USE OF SHEET FLOW AND OPEN AND COVERED CULVERTS. ALL GRADED AREAS WILL BE QUICKLY HYDROMULCHED TO MINIMIZE EROSION.

THE DEVELOPMENT OF BOTH GRADING AND DRAINAGE DESIGNS HAS BEEN AND WILL CONTINUE TO BE DEVELOPED IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC WORKS AND THEIR REQUIREMENTS.

Testimony for the Proposed Tennis Park; Wailupe, Oahu, Hawaii.

4. UTILITIES

LIKE OTHER FACETS OF THIS PROJECT, OUR DESIGN OF UNDERGROUND UTILITIES RECOGNIZES THE SPECIAL NATURE OF THIS SITE. SEWER LINES WILL BE CAST-IRON IN AREAS OF POTENTIAL MOVEMENT, AND VITRIFIED CLAY ELSEWHERE. FLEXIBLE JOINTS WILL BE USED THROUGHOUT. SEWER TRENCHES WILL BE THOROUGHLY DRAINED. BACKFILL SOIL FOR UNDERGROUND UTILITY LINES SUCH AS WATER AND ELECTRIC WILL BE COMPACTED NATIVE SOIL WHICH DOES NOT READILY TRANSMIT OR CONDUCT WATER.

CONCLUSION

IN CONCLUSION, I WOULD LIKE TO REITERATE THAT ALL OF THE ABOVE PROPOSALS FOR HANDLING VARIOUS SITE CONSTRAINTS HAVE BEEN STUDIED AND INVESTIGATED BY PROFESSIONAL DESIGN CONSULTANTS. IN ADDITION, THESE HAVE ALSO BEEN REVIEWED BY VARIOUS TECHNICAL AGENCIES OF THE CITY.

THANK YOU FOR YOUR CONSIDERATION OF THIS MATTER.

DEPARTMENT OF RECREATION

CITY AND COUNTY OF HONOLULU

1455 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96814

FRANK F. FASI
MAYOR

PAUL DEVENS
MANAGING DIRECTOR

YOUNG SUK KO
DIRECTOR

RAMON DURAN
DEPUTY DIRECTOR

LU 12/74-4507

December 23, 1974

APPENDIX B

Mr. George Moriguchi, Director
Department of Land Utilization
City and County of Honolulu
Honolulu, Hawaii

Attention Mr. Carl Smith

Dear Mr. Moriguchi:

SUBJECT: CONDITIONAL USE PERMIT - AINA HAINA TENNIS PARK, PROJ. REF. NO. 74/CUP-37

We have no objection to the proposed project, as addition of new tennis courts will greatly help to alleviate the shortages of tennis courts in the City and County of Honolulu.

The subject project is located adjacent to an area where public hunting is permitted (see attached map). Under City Ordinance 4311, Public Access to Shoreline and Mountain Areas, a public access is required to the hunting area. The applicant should be informed of this requirement, and provisions should be made to designate a 12-foot public access route through the project.

Should you need additional information, please contact Mr. Jason Yuen, telephone 955-3711, ext. 157.

Sincerely,

Young Suk Ko

YOUNG SUK KO, Director

Attach.

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DIVISION OF FISH AND GAME

Showing Areas Where Public Hunting [illegible]ed [illegible]

Portion of
Pupukea-Paumalu Forest Reserve

Portion of
Kaipapau Forest Reserve

Portions of
Hauula Forest Reserve

Portions of
Kuaokala Game Management Area
and
Kuaokala Forest Reserve

Wahiawa

(Kahana)

Mokuleia
Forest
Reserve

Portion of
Makua Keaau
Forest Reserve

Portions of
Ewa Forest Reserve

Waimano

Portion of
Waianae-Kai Forest
Reserve (Kumaipo)

Waiakuli
Forest Reserve

Portion of
Waimanalo
Forest
Reserve

(Wailupe)

Portions of
Honolulu Watershed
Forest Reserve

Kuliouou Forest Reserve

Unit A

Unit B

Unit C

Unit D

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MRRC RMM 19-75

FLASH CARD

FLASH CARD

1298.0RP-1

MRRC RMM 19-75

FLASH CARD

FLASH CARD

MRRC RMM 19-75

FLASH CARD

FLASH CARD

APPROVED

Meeting of the Planning Commission
Minutes
February 18, 1976

The Planning Commission held a meeting on Wednesday, February 18, 1976 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:
Randall Kamiya, Chairman
Sylvia Sumida, Vice Chairman
Dr. Wilbur Choy
Charles Izumoto
Yuklin Kuna
Ned Wiederholt
Harriet Wikum

ABSENT: Donald Hosaka

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Henry Eng, Staff Planner
Don Fowler, Staff Planner
Gerald Henniger, Staff Planner

MINUTES: The Minutes of February 4, 1976 were approved, on motion by Dr. Choy, seconded Mr. Izumoto and carried.

PUBLIC HEARING
HAWAII CAPITAL DISTRICT
APPLICATION
(TWO-STORY RESIDENCE)
JAMAL, INC.
(FILE #74/HCD-88 DF)

A public hearing was held to consider a request for a Certification of Appropriateness for a two-story residence, demolition of an existing garage, and landscaping at 1666 Kamamalu Avenue, Honolulu, situated within the Hawaii Capital District, Tax Map Key: 2-2-3: 35.

Publication was made in the Star-Bulletin/Advertiser on Sunday, February 8, 1976.

Staff Planner Don Fowler presented the Director's report recommending approval of the proposal.

There were no questions concerning the Director's report.

No one spoke either for or against the request.

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

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Dr. Choy, seconded by Mrs. Kuna and carried.

AYES - Choy, Izumoto, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Hosaka

1298ORP-1

CITY COUNCIL VARIANCE FROM SECTION 3, SCOPE OF CONTROLS, SUBSECTION A, (1)(a) OF ORDINANCE NO. 4362
WAIKIKI
CARWIN CORPORATION
(FILE #XDGP1/76-169)

The City Council referred to the Planning Commission for review, an application seeking a City Council variance from Section 3, Scope of Controls, Subsection A, (1)(a) of Ordinance No. 4362.

Staff Planner Henry Eng presented the Director's report recommending approval of the request since the building modifications will improve the operational functions of the building and the improvements will not adversely impact upon the proposed Waikiki Special Design District.

There were no questions concerning the Director's report.

ACTION: The Commission accepted the Director's recommendation, on motion by Mrs. Wikum, seconded by Dr. Choy and carried.

AYES - Choy, Izumoto, Kamiya, Kuna, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Hosaka

PUBLIC HEARING
(a) BILL NO. 4 - A BILL FOR AN ORDINANCE TO AMEND A PORTION OF THE GENERAL PLAN ORDINANCE NO. 2443, DATED MAY 7, 1964, FROM AGRICULTURAL TO CERTAIN URBAN USE DESIGNATIONS FOR LAND SITUATED IN WAIPIO, EWA, OAHU, HAWAII
(b) BILL NO. 5 - A BILL FOR AN ORDINANCE TO AMEND A PORTION OF THE GENERAL PLAN DETAILED LAND USE MAP ORDINANCE NO. 2473, DATED JULY 29, 1964, FROM AGRICULTURAL TO CERTAIN URBAN USE DESIGNATIONS FOR LAND SITUATED IN WAIPIO, EWA, OAHU, HAWAII
CITY COUNCIL-INITIATED FOR: THOMAS H. GENTRY

A public hearing was held to consider the following bills:

(a) Bill No. 4 - A bill for an ordinance to amend a portion of the General Plan Ordinance No. 2443, dated May 7, 1964, from agricultural to certain urban use designations for land situated in Waipio, Ewa, Oahu, Hawaii.

(b) Bill No. 5 - A bill for an ordinance to amend a portion of the General Plan Detailed Land Use Map Ordinance No. 2473, dated July 29, 1964, from Agricultural to certain Urban use designations for land situated in Waipio, Ewa, Oahu, Hawaii.

Publication was made in the Sunday Star-Bulletin/Advertiser on February 8, 1976. All correspondence received either FOR or AGAINST the proposal are included in public testimony in support or in opposition to the proposal.

Mr. Ali Sheybani from the Office of Council Services made the presentation.

SHEYBANI: Mr. Chairman, the initiation of this application was as a result of Gentry firm applying to the City Council by letter of January 5th requesting that the Council take action on initiating on his request to amend the General Plan and DLUM for a portion of land in Waipio.

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The applicant also submitted as part of his request to the Council six exhibits--one was the applicant's letter of January 5, that was the request; a letter of May 14 from the Department of General Planning to Gentry Pacific; Exhibit 3 was Gentry-Waipio report dated September '75 on a proposed General Plan Amendment; and Exhibit 4, Appendices on the Gentry Waipio Report; Exhibit 5, Report on Governmental Agencies comments; and the last was Summary of Agency Comments on Gentry-Waipio Report.

The request was by Gentry that the Council initiate the amendment to General Plan and DLUM as requested for the following justification. Apparently Gentry-Pacific had applied over three years ago on August 14 to the Department of General Planning with a Letter of Intent for amendment to General Plan to redesignate the area from agricultural to urban uses. It took nearly two years on May 14 '74 that Gentry received a letter from the Chief Planning Officer saying that "I have decided not to propose your request to amend the General Plan. This means that I have discontinued processing your request."

Then as part of justification, the applicant indicates that in 1974 Gentry-Pacific requested that Land Use Commission consider the property in question for a change from change of designation from state agricultural to urban designation. In December '74 Land Use Commission considered the request and redesignated a little over the area that the applicant is asking for. The applicant was asking for 510 acres of redesignation from agricultural to urban and the Land Use Commission redesignated 536 acres including the 510 acres from agricultural land designation to urban designation.

The Gentry-Pacific proposal also is content that it meets the housing needs and community requirements both quantitatively and qualitatively.

As a result of discussions between Gentry-Pacific and Department of Housing and Community Development in 1975, which the negotiations took a good portion of that year, the Department of Housing and Community Development apparently seriously considered the site and this was after it was designated as urban for development of low-moderate income housing. From all correspondences between the agency and Gentry-Pacific, was that the site--this is Department of Housing and Community Development opinion--the site is one of the most suitable properties for housing development on Oahu, or it has the development potentialities for moderate-income housing, and the Department has the desire to acquire the property for its housing development. We found later in the correspondence that the Department had actually offered the price to Gentry-Pacific to purchase the property but it wasn't acceptable to Gentry, and according to their cost it was only two-thirds of the cost to the applicant at that time.

Also, the applicant's team had worked on a set of plans to develop moderate and low income housing type in the area in conjunction with working with the Department of Housing and Community Development.

The general community support has been expressed by the Crestview, Seaview Association, and Waipahu Businessmen's Association and Waipahu Community Association.

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The last justification in this line was in view of the Department of General Planning's earlier review, it appears that further inquiry by Gentry-Pacific through the Department of General Planning for reconsideration of this application would be to no avail and would cause unreasonable delay.

If I may go, Mr. Chairman, into a brief summary of the proposal and what it is, and then the procedure that the report was referred to the Planning Commission for comment.

The location of the site is in this area (pointing to map displayed) Mililani Town being here, which has been in agricultural use but within the last three years it has been discontinued from agricultural use, or on the DLUM area you see it in this location. The state designation is urban. The General Plan is agricultural, DLUM agricultural, and zoning Ag. 1. The area is 510 acres and the slope on the area is from 2% to 7% throughout the site except around the edges and near the gulch. Annual rainfall, 13 inches. The soil suitable for construction. Drainage through Kanakauahi Gulch into Middle Loch Pearl Harbor. Access, Kam Highway and Lumikula.

The assessed valuation prior to sale to Gentry was $206,000 in 1970 and after sold to Gentry it was $6,800,000. Annual property tax prior to sale to Gentry was $5,000 and from 1970--it was different in 1970--and after to Gentry, rose to $202,000 at this time. Apparently it began with under $60,000 and gradually increased.

The adjoining development is the 270 acre Crestview/Seaview Subdivision to the south containing 450 single-family units and an intended addition of 100 multi-family units.

Now the proposed request is for the following land use designations: Residential for 144 acres, low density apartment 126 acres, medium density apartment 24 acres, Light Industrial 120 acres, Commercial 10 acres, Public Facilities 26 acres, Open Space 20, Right-of-Way 40 acres, and a total of 510 acres.

This is the aerial photograph of the area. It shows this portion of the site still being in signs of pineapple cultivation. When this was taken, we found the date of it in 1972. The proposal is indicated on this map, proposed DLUM and gives the acreages on the right hand side. The Residential development alone is the development of 268 acres in 4300 residential units at the average density of 16 units per acre with the bulk of dwelling units falling in a price range of $40,000 to $75,000 per unit, and the total area as I mentioned was 268 acres under that part of Residential use.

Services and distribution center, 120 acre industrial complex with potential employment of 2400 to 2600 persons is being considered in the plan, that's on the upper portion of the site.

Twenty-six acres would be devoted to a neighborhood park, a district park and an elementary school--in addition, a temporary school--and a 10-acre commercial center will be provided.

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Under utilities eventually development would require the following utilities: Water supply 2½ million gallons per day. The water supply system will be developed by the applicant per Board of Water Supply requirement. Sewage treatment and disposal by the Honouliuli will adequately the proposed development prior to its completion. Other environmentally acceptable alternatives can be considered with the approval of the Department of Health. Refuse disposal, approximately 57 tons of solid waste per day to be disposed either by public or by private system. Drainage, the existing 84-inch culvert under H-2 Freeway and new onsite drainage structure on to Panakauahi Gulch will adequately handle the drainage from the development.

Phasing for the project is proposed to be ranging from 500 to 600 housing units annually. It takes nearly 7 to 10 years for completion of all the units.

Agency comments, generally the comments received range from no objection to approving the proposal with certain conditions that can be met by the applicant in future development of the plan. Exception at that time where Department of Transportation Services--we have now the comment by Department of Transportation Services. Department of Accounting and General Services, we have not received yet. Department of Health, we now have received a comment from them. Department of Planning and Economic Development, State, we have not received as yet comment from them. The U. S. Soil Conservation Service, although agrees with the suitability of the soil for urban development is making a side comment that agricultural land should be preserved for agricultural use. The Department of Agriculture, however, has no comment on the proposal. Apparently, the site had been after pineapple gone into other experimental agricultural use and did not work out because of the lack of adequate water on the site.

Evaluation of the request, based on the foregoing information, the Office of Council Services found that Gentry-Pacific had followed the General Plan Amendment Procedures for filing an application which means beginning with the Letter of Intent to Department of General Planning, and also applying through Department of--through State Land Use Commission for change of designation from agricultural to urban. Also, the communication received from the Corporation Counsel dated December 4, 1975 ruled in effect that the proposed General Plan Revision Program should not provide the Department of General Planning with the basis to refuse to process applications for General Plan and DLUM amendments by the Department of General Planning during the interim period. And apparently, applicant finds this to be different at that point at least when he applied to the Department of General Planning. On the basis of these, the Office of Council Services prepared resolution and draft ordinances so if the Council wishes to proceed with initiation of the matter, they could proceed with that.

On January 20th the Planning and Zoning Committee reviewed the report by the Office of Council Services and comment in a statement by the Chairman was as follows: "I believe in the applicant's sincere effort to meet the requirement of the Department of General Planning, and the mere fact that he has been taxed in the past three years on the

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basis of urban rather than agricultural use on the property, it would seem reasonable for the Council to initiate the requested General Plan DLUM amendment. For clarification, I would like to emphasize that initiation of General Plan DLUM amendment by the Council does not necessarily mean that the Council will approve the amendment. After the public hearings have been held on the matter and agency comments and other facts received pertinent to the applicant, the Council may decide to approve, deny or approve with modification the proposed amendment." Also, the Chairman of the Planning and Zoning Committee indicated that there are some agencies that have not responded to the applicant's request for comments on the proposal. These agencies will be advised by the Planning and Zoning Committee to respond as soon as possible or make an oral testimony when the matter is before Planning Commission and City Council for public hearing. Pursuant to that, a letter went out to all the agencies who had not commented at that time and they were requested to do so.

Mr. Chairman, this concludes my presentation.

CHAIRMAN: Commissioners, before you begin to ask questions, we have some representatives from various departments from both the City and the State. So possibly if you have further questions concerning the departments, maybe you can refer it to the department head.

Do you have any questions for Ali at this time? Harriet?

WIKUM: Could you help me understand something that you read from whose report was that, Pacarro's or Akahane's, on the tax burden that Gentry has been laboring under? What does that tax burden have to do with the General Plan amendment or the suitability of the General Plan amendment? I've never understood that as many times as I've seen it in the material.

SHEYBANI: Apparently the increase in taxation and assessment was based on the land being no longer suitable for agricultural use and due to the fact that it was sold to Gentry, maybe, it's more appropriate use for it would be urban. And, as soon as the use becomes from agricultural to urban, it's taxed accordingly.

WIKUM: Well, that explains how the taxes or why they went up but it doesn't explain to me why that rise in taxes should have any predisposing impact on a General Plan amendment.

SHEYBANI: It doesn't. As a matter of fact, Land Use Commission it wasn't until 1974 two years after the taxes had gone up that Land Use Commission changed the designation from agricultural to urban. But, the Tax Office apparently uses its own criteria for assessment.

WIKUM: What criteria was Mr. Akahane using when he felt that a rise in taxes should somehow justify a General Plan amendment?

SHEYBANI: It's not justifying General Plan amendment. It's justifying to listen to request by the applicant. We are not saying that the General Plan is appropriate at this time, amendment, or not

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appropriate. The fact that the applicant had requested to agency for consideration and was refused or denied any consideration, this is what the justification is all about. We are not--The Council clearly indicates that it's not the approval.

WIKUM: Yeah, I heard that. But consideration is due because taxes had been raised?

SHEYBANI: This is one of the justifications, that the applicant has been paying taxes whether rightly or wrongly on the basis of the use of land being for urban. In other words, another agency being Tax Department has assumed that the land is suitable for urban use, Land Use Commission has assumed the same. So this justifies consideration at Council level.

CHAIRMAN: Further questions, Commissioners? We have representatives from Public Works, Transportation, Parks, Department of Health, Department of Agriculture. Maybe if you have questions that pertain to those departments, maybe it would be best to refer it to those department heads.

WIEDERHOLT: Ali, since I'm relatively new on this honorable group, I need some background information. As I understand it, certain procedural requirements were set up relating to General Plan amendments, right, and then subsequently defined in what was known as the Dalton case. I'm interested to know if this report that comes out from Council Services represents the necessary kind of review and work. Does it meet that criteria that was established there?

SHEYBANI: The Council Services Office is not there to write planning reports or accounting reports or other reports, engineering reports. However, the Office of Council Services assisting the City Council in evaluating whatever is before the Council. What you see before you is an evaluation of what was submitted by applicant, the evaluation of the request and possible recommendation in what is the next step. This doesn't necessarily say approval, disapproval, the applicant justifiable or unjustifiable. It's just getting more information, hearing the applicant for one in front of public rather than by one agency, and evaluating, getting your comments and other facts from other departments before making any decision. Then to respond to your question, no, the Office of Council Services Report does not qualify for planning report on the matter.

WIEDERHOLT: Well then is it appropriate to have this request before this body? I'd like to have someone explain this to me. What it is, it constitutes the necessary, legally required review by the City in the terms of that decision which is a comprehensive review of all considerations about the island, pre-season to making any kind of decision. Where is that body of work?

SHEYBANI: The first one is--

WIEDERHOLT: Wait a minute, I asked two questions there. The first one is, what is the definition of the body of work that needs to be done, and the second one is, where is it?

SHEYBANI: The definition for planning study, we had one at Department of General Planning. Whether the Department of General Planning has to always do that report or not, that's another point. There might be a consultant or other planner to follow that and come up with a report exactly as good if not better than Department of General Planning as long as those rules are met. We have rules. But, whether this particular report meets all those planning points, I would say that has to come out of your suggestion, other agency comments and one suggestion would be that it doesn't, and it would require further study for example.

WIEDERHOLT: I hadn't asked the question that you just answered. I don't know what the question would be. I was still back in the beginning of the questions. As I remember reading that, I don't have it in front of me, requirements from the General Plan amendment called for consideration of a wide range of social, economic, environmental, et cetera, et cetera. Now, the question that I have being a new and amateur member of this group is who is to do that, and if so--who is to do that?

SHEYBANI: Applicant or Department of General Planning.

WIEDERHOLT: Okay and then the next question I guess is the one you answered afterwards is, when? And, you're saying after we review it here? It appears to me that there's something screwed up here, that we have had a premature request for a decision.

SHEYBANI: Well, you don't know that it's premature or not because you haven't really seen an evaluation of the report to know whether it has met the requirements or not yet.

WIEDERHOLT: I read every last cotton-picking page of this stack here including the duplicate pieces. Now, I have read everything that's been given to me. I didn't find any social discussion--discussion of social impact; environmental impact was limited to the effects of the land construction on the land itself, some technical discussion; disposal of solid and liquid waste were talked of in terms of a report on sewage which was incomprehensible. I couldn't figure out who was proposing to do what. But, the broader social, economic--if there are broader dimensions--are not in this six or eight inch stack of pieces of paper. Now, I don't know quite who I should be asking this question of, the Attorney General, Council Services or who does this represent the kind of review necessary to meet the criteria established by that--was it the Supreme Court of the State of Hawaii?

SHEYBANI: I can't respond to that, who you want to. But, the very first thing is the Council's response that this doesn't seem to meet or we don't know whether it meets or not the requirement, or our comment is that the report is incomplete in these aspects, social and economic aspects. I don't know whether you wish to write to state or federal court or whatever. That's beyond my--

WIEDERHOLT: No, I don't care to write anything. I don't want to act illegally, very simple. At this moment, you're the expert on this subject that's available, and I'm trying to find out where we stand.

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SHEYBANI: Corporation Counsel probably can help on that saying what is the next step or what should we do if the report is not complete, or is it how we establish whether the report is complete or not. Probably Corporation Counsel can help.

WIEDERHOLT: Then there's something out of phase here, isn't there?

SHEYBANI: No, the referral of the matter to the Planning Commission is according to Charter requirement. Now, it doesn't mean that by this action the matter is totally reviewed and completed as far as public review of it is concerned. As you know, even with this application which might have further review necessary even for these amendments, for zoning they have to go through another detailed review and public review. So, this just opens the door but definitely not closes it.

WIEDERHOLT: Well, I picked up that much in the last couple of months that zoning is not the same as General Plan change. I know that. I got that one down.

Let me ask you then as the representative of the Council who started this, in your opinion, does the information in this set of reports which were pretty well done, as a professional planner representing the City and the public interest, does this set of documents cover all the necessary points of concern and contain the data and analysis of the data and conclusion that deal with the social, political, environmental impact that should be considered in this kind of question? Does it meet that criteria, in your opinion?

SHEYBANI: I would say at this point and at this stage of the report--as you know, even Council doesn't have some of the agency comments. Some of the agency comments are very schematic, if I may use the word, at this stage. Some might need more elaboration. But, the decision would be with the Council whether to how far in depth they want to go to this review at this stage, whether it's adequate, whether it's not adequate, it has to be decided by the Council. There is no really degree of saying when the social analysis is complete because we can expand the social impact island-wide as well as to only include West Oahu or to Mililani Town and surrounding area. I would say this report focuses on one area that probably would be the portion of the Development Plan in quotes in future development plan for the area. It does not go to an island-wide consideration except that it uses, I believe, the same data that was prepared by Department of General Planning for housing policies as far as the figures are concerned.

WIEDERHOLT: As I read the Supreme Court decision, the consideration must be island-wide. Council does not have the option to constrain it to be a single area.

SHEYBANI: Right.

WIEDERHOLT: Then in a sense you've just said it does not meet the criteria set down by the Supreme Court decision.

SHEYBANI: Not in that extent. Not to the deeper extent. As I mentioned, it uses the same figure and analogy used by the Department of General Planning for housing policy in Ewa although it's located

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in some other location. So, the same data and analysis that went into general planning--General Plan Revision Program is the basis for this study.

WIEDERHOLT: Yes, but that's of no consequence because the Department of General Planning has been known to be wrong too.

SHEYBANI: I can't agree with you more on that.

WIEDERHOLT: Sorry about that but that of itself doesn't verify, that it's used by someone else doesn't verify the quality of the information or the quality that the conclusions reach.

SHEYBANI: Right.

WIEDERHOLT: And further as I understand it, there has been no action on that. That particular set of policy options have been just allowed to rest some place up there and gather dust. So they can't be trotted out for justification for a decision either. There are serious policy considerations here. But, you've just said in your opinion that it does and it doesn't meet the criteria set down by the Supreme Court.

SHEYBANI: Right now there are some agencies that have not commented so from that point of view it does not meet this document right before you unless we have agency comments to even meet the basic requirement. As far as the extent of social economic aspect of it, I cannot comment on that. It's really--Corporation Counsel has to draw the fine lines where we say it's adequate and where we say falling short of being adequate information.

WIEDERHOLT: Okay, there are several other questions here. Considering that in this document some place, in this resolution there's a demand, a command from the City Council to respond within 30 days which means we may reach a conclusion at this particular meeting or miss that requirement. We are expected to make a reasonable set of recommendations on the basis of incomplete information by your own statement on a serious question such as this?

SHEYBANI: No, you don't have to make a decision for one thing. You can say you don't have adequate information. Based on that, we return the report with no comment, the perfect comment that is expected from you. You can say on these areas we have adequate information. We don't know whether it's legal or illegal to do such and such. That's another comment. You can do any sort of comment. You can return it without comment. You might request that this be given another chance in front of Planning Commission for consideration after such and such is completed.

WIEDERHOLT: Well why go through that mickey mouse when it could have been put together completely in the first place?

SHEYBANI: Because you would not have seen the report. The report would not have ever been published if we hadn't taken this route. It would have gone to Department of General Planning and put to sleep there.

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WIEDERHOLT: Well, I have a whole stack of stuff about that thick at home. On the top it says for information purposes. It can be sent out at any time in advance for any kind of meeting. You should have informed us all.

SHEYBANI: You are saying why Council doesn't do that?

WIEDERHOLT: Yeah.

SHEYBANI: Well the Council is using what the Charter is giving the power to do.

WIEDERHOLT: Wait a minute, let me go back. On that question I don't question the Council's right to do this. I'm questioning the quality of this work up, this incomplete thing that has been chartered out here that you've admitted is incomplete for a serious question and we're suppose to take some kind of action within 30 days. Ridiculous?

SHEYBANI: No. The applicant thinks it's complete with the exception of some agencies that--

WIEDERHOLT: Wait a minute, let's not get the applicant into this yet. Let's talk about City Council and it's responsibilities and this Commission and it's responsibilities and the legal requirements that should be known and we're asked to act on something that's incomplete at this stage.

Let me ask you another question, then. In view of the report, do you as Council Services' planner verified and checked out the information and the statements, the claims, the reports, in all the categories that were included in this report yourself so that you're satisfied with the validity of the statements that are made there?

SHEYBANI: No. We are not required as I mentioned to really go through the planning. It's by administration.

WIEDERHOLT: Okay, wait a minute. Who is then?

SHEYBANI: All of the departments of the City including Department of General Planning. Of course, Department of General Planning has refused to work on the project so that eliminates one department. But, I cannot comment as you mentioned on environmental effect of it. Department of Public Works has to. Other departments which as of today have not commented, their comment is valuable input to the report before you can evaluate it really. So, this was one means of bringing all the agencies who have refused to comment on it before to a point to comment on the project.

WIEDERHOLT: That's the only reason for this meeting, to sort of crack the whip over a few agencies?

SHEYBANI: Including the public hearing, the public input and your recommendation at this point for whatever worth the report is.

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WIEDERHOLT: It's a screwy procedure. Seems to me as a group of ordinary citizens, non-political, we're being victimized by a group of bureaucrats who are having a fight amongst themselves. Now, I'll have to stop and think what kind of action will be justified but this is somewhat insulting in a way.

CHAIRMAN: Ned, we know for a fact that according to the Charter, the City Council can initiate. I think we've come across this problem many times. Somebody's got to change the procedure, I think, but at this meeting today, we've been going round and round for quite a while. And, we know for a fact that Council Services cannot provide us the kind of information that we want. So, why don't we just go ahead and ask the departments to verify some of the facts that were mentioned in the report from the developer and then after all the testimony has been received, then we'll decide whether the report is incomplete, complete or whether it needs more information. I think we're just going around in circles at this time.

Yuki?

KUNA: I have one question. Is the City Council planning at any time to evaluate all the information here to see whether the bases have been established that were set down in the Dalton decision?

SHEYBANI: Apparently when the report from other agencies are complete. At least we know right now there are some missing information in the package.

KUNA: Plus the reports that have been submitted by the developer.

SHEYBANI: Right.

KUNA: Are all going to be evaluated as to whether or not some total of the information supplies information that is required by Dalton?

SHEYBANI: Definitely.

KUNA: And that can be done by whom?

SHEYBANI: This can be done by Corporation Counsel before a bill on the matter is finally approved.

KUNA: That's already been--you've already made arrangements for that did you?

SHEYBANI: Well, no bill would be approved until Corporation Counsel's agreement on it and that subjects the whole study to review whether this is proper or not.

WIKUM: I have a problem with listening to the agency reviews. First of all it just sort of sets aside the thing Ned has been concerned about and I wonder if as we listen to them and ask questions and perhaps

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try to establish that the reviews and comments are indeed adequate, that we may be giving the impression that well, if we can just here today whip this thing up into technically good shape, we have a good proposal which helps us forget some of the major issues behind it. Two other things happen. If we listen to agency reviews because we've already determined and we all here know that the material we have here before us, voluminous as it is, is incomplete, then as Commissioners we're asked to evaluate that and coordinate the information we hear today with this pile of paper, it's pretty difficult to do especially in light of 30-day deadline that we're operating under, it has always appeared to me--at least I've always thought the year or more that I've been on the Commission--that one of our big jobs was to give the public a chance to review the application. They're being asked to hear the application and review it in the same day. That seems to me a difficult task. In spite of what you said that we have had some incomplete applications, that hasn't happened all the time I've been here. It's happened a lot in the last three months and I get a little confused about what we're doing here too. Are we suppose to put this application together so Gentry-Hawaii can make it? That's not our job.

CHAIRMAN: That's not our job but I think from the report that we have here, the departments are here to verify whatever you want. Now if you don't want to hear the departments, we don't have to. It's similar to a lot of other applications where we did search into various departments on certain comments.

WIKUM: Absolutely. We did question department heads or representatives on material that we've already been provided but if we're going to be getting new material today, I think that's excessive, quantitative difference over our practices in the past.

CHAIRMAN: The department heads are being called up to answer questions from the Commission, okay? They are not going to give a report themselves. I have a list of departments and I'll call them.

Gene?

CONNELL: Mr. Sheybani, were all of the departments supplied copies of all of this information?

SHEYBANI: They were given the summary report and it mentioned in the letter that if you should need additional information before making the comment to call Mr. Dyer of Gentry-Waipio for report or additional information and detail.

CONNELL: Then I understand your answer to be that the departments were not supplied with all of the information included in the application.

SHEYBANI: No, the Department of Public Works may need way more information than you have under your hand before they comment and depending on extent of information that they need, they can call and ask for the additional information.

CONNELL: I think my question was not whether they have more than we have in hand but whether they got what we have in hand.

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SHEYBANI: Yes, with the option to get whatever they want. They got the summary report with the option to get as much detail information as they want.

CONNELL: The summary report I would imagine is what Mr. Sheybani--

SHEYBANI: It's the yellow pages, document 4, I believe.

CONNELL: One more question, your January 19th statement, you indicate this was referred to Council Services for review and report. What constitutes review and report by Council Services if you do not authenticate the information which has been submitted?

SHEYBANI: The report I think is part of the material that you have and that's exactly what Office of Council Services constitutes a report. A report can be two page evaluation of the material in front of Council depending on the time available and the deadline, the report may vary in length or emphasis. The other thing I would like to call your attention is not to review it from planning concept point of view. That was not the point?

CONNELL: But I notice, Mr. Sheybani, that under the evaluation for the request you indicate that Gentry Pacific had followed the General Plan Amendment Procedures.

SHEYBANI: For applying.

CONNELL: Well, does that--when you say that, does that mean that they fulfilled the letter of intent section, a formal report, a formal submittal?

SHEYBANI: Well, let me interrupt right there because after letter of intent, if the applicant has been refused to proceed, there's no other step. That just finish the applicant right at the first step. So--

CONNELL: But within the procedures under item 7 page 6, it refers back to the fact that if the Chief Planning Officer denies the request, the person may submit the request to the City Council which is what happened.

SHEYBANI: Yes.

CONNELL: It then comes under section 5-412 of the City Charter and it says and shall be processed in the same manner as if proposed by the Chief Planning Officer.

SHEYBANI: Right.

CONNELL: The Council is initiating an amendment to the General Plan, is that correct?

SHEYBANI: That's true and shall be processed the same way as if it was the report submitted by--

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CONNELL: And if I understand your report, and I think this is important for future applications, the City Council may initiate General Plan amendments without ascertaining whether or not they fulfill the requirements of the Dalton case, to the Dalton decision?

SHEYBANI: Yes.

CONNELL: Council Services attorneys do not check these things?

SHEYBANI: They would check when they are required to.

CONNELL: They are not required in preparing an application?

SHEYBANI: For sending an application to Planning Commission, it's not required. Kaena-McGrew Lane--

CONNELL: The Commission is not required to receive bonafide, legal applications?

SHEYBANI: Not necessarily. There's no requirement for it.

CONNELL: I am not aware of a Corproation Counsel opinion that has ever said that or anywhere in the same Charter that says that.

SHEYBANI: I don't hear the reverse of it, that the City Council report should be exactly--

CONNELL: Silence does not condone approval.

SHEYBANI: Well, let me just mention that one that it does not require--the Council initiation material that is required for initiation of General Plan change to be exactly as if Department of General Planning prepares that report. It should be treated by Planning Commission in the same manner.

CONNELL: You have an opinion from Corporation Counsel that says that?

SHEYBANI: No, I'm just responding to your question.

CONNELL: Where has this body of procedural data emerged from that says the City Council may have General Plan amendments--or can have a General Plan amendment procedure different than that which has been adopted by he City and County of Honolulu?

SHEYBANI: Where do you see that it says that? So really, you should ask this question of attorneys, not myself cause I don't see the other way saying this.

CONNELL: Well, I assume then inasmuch as you said they have fulfilled the requirements, that you must have looked into it.

CHAIRMAN: Commissioners, you have any other questions? If not, Bob, do you have anything?

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WAY: Mr. Chairman, members of the Commission, you had received the report that we prepared in connection with this application submittal from the City Council. I have a statement summarizing some of the points there and responding in part, I think, to some of the questions that may have been raised. But first, let me back up a little bit and talk about some of the broader context of the issue that we're dealing with.

(See Statement of Robert Way Before the City Planning Commission Regarding the City Council's Proposal to Amend the General Plan in Waipio, February 18, 1976, copy attached)

The Commission had no questions of Mr. Way.

Representatives from the various governmental agencies commented on the project.

AGENCY COMMENTS

1. Mr. William Blackfield, Director, Housing and Community Development

BLACKFIELD: My testimony on this matter will be very brief. The primary consideration to this matter is the assurance that the development of the City and County of Honolulu progresses in a logical and well-considered manner, and that major development proposals be considered in an equitable manner. The logical and well-considered development of our City is dependent upon the development and approval of the Revised General Plan. To achieve equity and the consideration of major development proposals, no proposal can be singled out for special consideration. Major development proposal approval must await the development and Council approval of the Revised General Plan which clearly states development policies of Oahu.

That is the end of my statement and I'd like to add to it. Mr. Sheybani made some statements relative to the participation of our department with the developer on the Gentry-Waipio proposal. During the latter part of 1975, the developer initially approached our department for financial assistance as well as help in overcoming problems relating to land use control.

From the outset we advised the developer that problems connected with land use control had to be resolved with the Department of General Planning and not with our department. As a result, the discussion turned to the possibility of the City acquiring the land for its housing development. Our department was interested in this site only if the land sales price was such that the low-moderate income housing project would be feasible. In this connection, it was felt that negotiation with the owner prior to his obtaining general plan and zoning amendment which would dramatically increase the sales price would be in the City's best interest.

Further, and in consultation with the Planning Officer, it was decided that should our department be successful in obtaining the subject parcel, we would not develop it until the General Plan Revision matter was resolved. In the event the Revised General Plan excluded the site from urbanization, we would have proceeded under Act 108 with the development. The development of an entire community for those of

low-moderate income would certainly meet the test of public purpose, thus justifying the City's use of Act 108 power. In contrast, the developer's proposal calls for a meager 10% of the total development to be sold at cost. Depending on what cost finally turns out to be, there's a distinct possibility that these so-called at-cost units may be out of reach for those of low-moderate income category.

Another thing that concerns us greatly at this time is why the great motivation and urgency of putting this proposal before the department as it is now when we have had various proposals for housing and projects before the City Council and have been informed many times until the Revised General Plan is settled, that there would be no discussions or any housing programs proposed by the City. Now, why do they want to do this on a private developer's basis?

WIKUM: Mr. Blackfield, you mentioned the 10% at-cost unit.

BLACKFIELD: Yes.

WIKUM: You know of any mechanism that would guarantee that 10% would in fact exist when the development were completed?

BLACKFIELD: No, we have not been able to devise a means for that because if you will recall many years ago, Mililani Town made a proposal that they were going to build houses for $12,500, 3-bedroom bath-and-a-half houses. That never was supplied on that basis. We have no control in guaranteeing that.

WIEDERHOLT: You were quoted in this comment from the Department of Housing and Community Development recorded in this report under Item 6. Would you care to comment on the items under 6?

BLACKFIELD: We did say that it is a suitable site. That is correct. And, it did have the potential for development of a moderate income housing project if the City were to do it because there was no profit motivation in our doing it. The third one, we did have the desire to acquire the property for its housing development but we could not get the money from the City Council to buy any property because we had previously been told that until the Revised General Plan was settled, there was no use in our discussing it.

WIEDERHOLT: In the context of that report, someone reading it could draw conclusions about the viability of this--approval of this project, this particular set of comments appear to support the proposed project. Would that be the sense of your comment?

BLACKFIELD: We would only support it if the City would do it for a moderate income project or if the developer could deliver a complete moderate income housing project.

WIEDERHOLT: That would mean it is not in support of the project as it is presently shown because it only has 10% of--

BLACKFIELD: Under those basis we would not develop there.

WIEDERHOLT: So this is not in support of the project.

BLACKFIELD: On that basis, no.

CHAIRMAN: Mr. Blackfield, what would you consider low-moderate income?

BLACKFIELD: Houses from $32,000 to $35,000 with a subsidy of approximately $5,000 or $6,000. The housing that cover the income--what we call the gap unit, the $12,500 to $20,000 a year. That's what we call moderate income housing.

CHAIRMAN: Thank you. Further questions, Commissioners? If not, thank you Mr. Blackfield.

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2. Mr. John Farias, Chairman, Board of Agriculture, State of Hawaii

FARIAS: My name is John Farias and I am Chairman of the Board of Agriculture, State of Hawaii. We've had time to review this project, Mr. Chairman and members of the Commission. We've decided to present our testimony this afternoon this way.

It would seem to us at this time that we should perhaps look at the broader picture in that area. A few of us have been talking about the problems of the propensity to urbanize central plains and in that context, I'd like to ask the Commission to perhaps step back and look at that whole arena and that whole area.

First of all, I'd like to say that if this body and the County Council deems it in their best interest to put this land back into agriculture, that the land will be utilized for agricultural purposes. I'm convinced of that. However, there are public statements made in times past and here today that the push for urbanization and for housing will take land out of agriculture, to a large extent prime agricultural land. If we were to look at the central plains area, we will find that these areas are in jeopardy of danger but the areas north of this parcel, the areas east of this parcel and surely the areas west and southwest of this parcel is in jeopardy. If we do need housing then, we're wondering then what are the tradeoffs. This Commission it would appear to me is very critical to that overall planning perspective. This is to say, to take this parcel out of the urbanization area that the land use has designated already and put it back into agriculture, are we then prepared to say that we're going to do the same thing with the other lands surrounding this area? Are we going to do the same thing with the lands in Waiawa, the lands north of this area and, of course, west of this area the whole Ewa plain. And to us, this is a very uncomfortable option. We're looking at a parcel here that is for planning purposes bordered in the east by a gully or ravine or gulch, to the west by a highway, south by an urban boundary and the north by, of course, agriculture and the rest urban. We're looking about 600 acres.

If we were to look at the lands and the plains west of this area mainly the Ewa plains, we're looking at 10 times the amount of acreage that can possibly be taken out of agriculture and that concerns us very much because that is a great value and asset to the State with reference to agricultural economics and dollars into the State.

So, I'm not prepared at this time--and it's not because the State Land

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Use Commission as an appendage of the State has already made a decision. We're not afraid at often times to make observations along these lines, a decision was made in the past so therefore we're not going to make decisions in the future. So, I'm going to ask you Commissioners here to take the bigger and broader look of the whole area. That if you are prepared to take this land back into agriculture, then we ask you in the future to be prepared to protect all agricultural lands in that area. And, this is a very uncomfortable position to take but this is the problem that we're faced with agricultural lands throughout this whole State and surely on Oahu.

Mr. Chairman, I'm prepared to answer some questions if I can.

CHAIRMAN: Commissioners? Harriet?

WIKUM: Sometimes I like to restate what I've heard to be sure I heard what you said, okay? You said if we would not recommend taking this land out of agriculture, we should be prepared to defend the rest of the agricultural lands around it and north of it. Is that right?

FARIAS: I'm saying if we are to put this land back into agriculture, there would be a drive to take other lands out of agriculture. And, this is my assessment of the statement because we've heard testimony that lands are needed for urbanization for housing.

WIKUM: That doesn't necessarily mean you have to use agricultural lands for housing.

FARIAS: I agree with you; however, history proves us too different.

WIKUM: Are you for or against changing this land, this particular parcel?

FARIAS: I think we're all caught in the same bind, you Commissioners and myself. We're asking ourselves at this point and time what do we trade this with in our own respective assessment of the future. Do we put this land into urban use, perhaps keep other lands out of urban use that are already in agriculture, or do we in fact attempt to revert this land back into agricutlure and leave the option in the future to urbanize other lands. I made the assessment that this land is bordered by natural planning boundaries. Other lands aren't. That is a fear that we have. There are certain areas in the central plains once the wage of urbanization gets into that area, I'm afraid we aren't going to see all of 600 acres but we're going to see 2,000 acres or more going to urban.

WIKUM: Are you for or against the urbanization of this parcel?

FARIAS: I'm caught in a bind like you are.

WIKUM: I'm not in a bind.

FARIAS: We'd like to, of course, see agricultural land kept in agriculture.

WIKUM: That's why I'm confused by what you say.

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FARIAS: I'm saying that we're caught in an overall problem here. If we do take this land out of agriculture--I'm sorry, if we take this land out of urbanization, are we prepared to keep other agricultural lands out of urban in the future or are we saying that we will take this land out of urban or back into agriculture however when the need comes to get other areas out of agriculture into urban, because of the need for urban lands, that is for housing, we must capitulate to that need.

You've heard cases made that you must have an urban development plan so to speak. Well, I take issue with that. You've got to be able to have an agricultural development plan.

WIKUM: When will we have one?

FARIAS: We're working on it, obviously it's very difficult. Why should we always capitulate to the urbanization profit? Why can't the urbanization process capitulate to the agricultural development process is what I'm saying.

WIKUM: I hear you.

FARIAS: The trade off here has to be with you who are public decision makers like we are. Statements have been made; one, we do need land and two, it shall be agriculture for the most part.

WIKUM: That statement is up for grabs, I think. Don't you?

FARIAS: Yes but nonetheless, it has been made.

CHAIRMAN: Ned?

WIEDERHOLT: Mr. Farias, are you in this question of urbanization versus agriculture as being the only option? Are you aware of the studies that have been made in the past, I believe one by Mr. Wolbrink who's a very respectable planner who indicated there was enough land on Oahu zoned urban currently and that was something like three years ago or four years ago to meet the population needs through the year 2000?

FARIAS: Yes.

WIEDERHOLT: It would seem to raise the question about that singularization of that option, urbanization or agriculture. There are some other options for urbanization and agriculture where you could protect and provide for the needs of both.

FARIAS: Yes, I'm aware of that. I agree with the planning consultant. The point he makes is very fine.

CHAIRMAN: Commissioner Choy.

CHOY: Are you familiar with Dr. Lorenz study of the University of California at Davis?

FARIAS: Yes.

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CHOY: He made a study of the subject parcel and his conclusion was that the subject parcel was not economically feasible for the present form of agriculture. Being the Chairman of the Agriculture Department, Mr. Farias, can you respond to how your department would implement any agriculture venture on this subject parcel?

FARIAS: Doctor, I'm not prepared to say how we would implement any agricultural development on that parcel. However, I think we can say that the price of the land has direct bearing on the viability of agriculture. How you arrive at the cost of land, the less viable agriculture becomes. So to that extent, Dr. Lorenz is correct except that there's been no reason why lands ought to be that high for agricultural purposes. This is why we're attempting to implement agricultural parks in this State so we can get lands at reasonable rates to the farmer or farming enterprise so that he can in fact make a profit in that enterprise. Nobody can buy land at these kind of prices and attempt to raise anything. But, to answer your question specifically, Dr. Lorenz made his assessment based on a higher priced land and I just believe that the land has to be at a high price.

CHOY: Also in Dr. Lorenz' study on the crop comparison table and he also stated that the only possible crop that could be feasible on the subject parcel would be dry onions and perhaps potatoes, marginal at best. Do you have any response to that particular part of his study?

FARIAS: Pineapple would be good in there.

CHOY: Let me ask you another question. You brought this up by mentioning an agricultural park. I've sat on this Commission for quite sometime now and I've heard about agricultural park or the establishment of an agricultural park. Now, how far are we down the road planning for such a park?

FARIAS: Doctor, we are now preparing the final draft for report to the Department of Land and Natural Resources for their assessment in acquisition of a leasehold interest of three parcels of land--one in Kunia 600 acres, and two parcels just bordering to the west of this parcel, about 250 acres a piece. The idea here is that if we were to acquire these lands, the leasehold interest that is, then the sugar company that has Kunia lands now would take over these lands and would implement the Kunia agricultural park right in Kunia. We've had a very difficult time in negotiations with the landowners. It seems that while the landowners agree in principle of an agricultural park, when we get down to the discussions on land exchanges and that sort of thing, this is when there are other observations being made. We hope that the land board will make a decision in about two weeks to proceed with the condemnation grant for agricultural purposes in that area.

CHOY: Then you bring up another very interesting question when you mention that perhaps this is the time that we should take parcels that are designated for urbanization and revert it back to agriculture. Of course I'm thinking of on-going development at the present time which has not been completed and which in essence occupy prime agricultural land which is perhaps much better than the subject parcel at the present

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time. If we revert this particular Gentry parcel back to agriculture, how do you propose then, to be fair with Gentry, to revert and reverse the other agricultural lands that are being urbanized at the present time. Again, the mechanism--or does the Department of Agriculture or the State Department of Planning and Economic have a plan or a vehicle to be equitable to such as Mr. Gentry?

FARIAS: Doctor, in due process I can appreciate your concern because we're at that point across this state. Lands have been purchased at rates that are over and above economic value for agriculture. Does the state or the public ask a developer to revert his land back to agricultural production, and under what economic criteria? It's a very delicate and very difficult situation. We're now faced with a prospect of going through that with some 7,000 or 8,000 acres of land in Kauai. Lands have been purchased up to $10,000 an acre, no way economical for agricultural purposes. But, these people are holders in due course of the land where we're looking at the prospect of acquiring the leasehold interest for the public good and public purpose in agriculture.

I think I asked you to field the question in my testimony and to field it in a bigger context because of this very problem of having a difficult time to revert it back that maybe public bodies in this state ought to look at the big picture, say that if we are intending to keep land in agriculture in the central plains and the Ewa plains, Waiawa and these areas, then determination has got to be made so the landowners are not lead to a point where they can let their land off for six of the value. But, the landowners too have a problem. Historically, they could let their lands go and historically, purchase of the land had their urbanization. It's always been for the most part agricultural. They put a very bad crimp in the agricultural development process. We're forever looking at diminishing agricultural acreage. I think what I'm saying here is we're prepared to hold the line on agricultural land in the State of Hawaii and we're going to do it.

CHOY: Now, I'd like to ask two questions. The first question would be that I have consistently been looking forward to some form of preliminary study from your department concerning the agricultural park concept. That's number one. If this study is pretty well on the way, is it possible that this body be privileged with some preliminary finding from your department concerning agricultural situations as far as the State is concerned?

FARIAS: Yes.

CHOY: Question number two and this maybe loaded. Your department is definitely not in accord to having this subject parcel developed in urbanization presently? In other words, you want this back in agriculture.

FARIAS: You're asking me a specific question.

CHOY: Yes.

FARIAS: Doctor, my concerns to that question is equally loaded. If I say yes, I would like to have this back in agriculture and because statements are made that land is needed for housing in the future, am

I selling the future urbanization down the--you know? I come to Honolulu and I see the CIP developed along those lines and in no way can I--it's like a snowball. It's geared to urbanization of those plains and this concerns me very much. If we are prepared to say we'd like to urbanize West Oahu, then let's say it. If we're not, then let's say that. For me to say this land ought to revert back to agriculture and I know because capital improvements have gone into this whole West Oahu area it's prone to see the urbanization process then I'm being a hypocrite. I'm not prepared to do that.

CHAIRMAN: Ned?

WIEDERHOLT: I'd like to pursue something similar. There are several applications that have to do with agricultural lands and conversion to urban uses in the past several months and there are several coming up. I have to say that we too have had the problem of trying to deal with that island and state-wide problem in the absence of both City and State policy. We had to carve our own way through it. But, in the process of examining these things we have identified several processes. The one that seems to be operating right now is a neat circle. It comes to us usually in the statement that these lands are too expensive to be put into economic agricultural use. And then, we look at that process and we see that the reason that lands generally on Oahu that are called agricultural lands now carry a price tag too high for economic agricultural use is because the historic process lead speculators to have reasonable expectations that any application for conversion would be recognized and they could convert their lands from agricultural to urban uses. Therefore, that immediately implies an urban use price to all the land. So, we're faced with the question too. Do we intervene at this particular moment, significant moment that we've considered pieces of land as small as 10 acres to try to break this damaging direction. Now, we strangled under the 10-year thing because it didn't seem to be large enough to make a big issue about it. Five-hundred is. I guess the question we're dealing with right now is should we at this stage begin to carve out agricultural land policy even though the state or the city has, and should this be the point because of this economic change. You have any comments on the adverse effects of the speculative expectations of urbanization on the land prices and any profitable reversal of that?

FARIAS: Yes Ned, I think that if the state is successful in its condemnation proceedings for some 7,500 acres of land in Kilauea, we would immediately see a curve in speculation of agricultural lands in this state because the speculators will then become aware that the state the public, that is, is not afraid to intervene in the speculative process of land in this State. You're correct of your assessment of what's happened throughout this State. Well, we think now that it's high time we officially contravene on the plan.

WIEDERHOLT: It sounds as though the State is getting ready to declare agriculture as something of a public purpose if you can use the powers of eminent domain and condemn.

FARIAS: The State Agricultural Parks Law in 1972 defines the public purpose.

WIEDERHOLT: Is that the framework, that's the backbone of the State policy about agriculture? I mean that's a significant thing.

FARIAS: That's right.

WIEDERHOLT: It's a high public purpose.

FARIAS: If it's deemed to the public purpose, the State can acquire the fee interest or the leasehold interest of these lands.

WIEDERHOLT: Are you approaching, calling agriculture of uses in the interest a high public purpose?

FARIAS: We have proceeded--the Governor made that statement some months back with reference to the process of acquiring the Kilauea lands in Kauai because as you know those former sugar lands sold for various huis--they kept spinning it off among themselves to a point now where none are economical agriculturally. The logical thing of course is if they go to urbanization you get your dollars out. We prefer to say we think that's enough.

WIEDERHOLT: So this could be the beginnings of a formally enunciated State policy.

FARIAS: We hope so, yes. You've got to wrestle with this problem here. What are the trade offs here? It's a very delicate thing. If we are to accept the premise that the lands are to be urbanized and they're going to be agricultural lands, look around. Where are the agricultural lands? Where are the best lands for urbanization for housing development? It's the best agricultural lands in this State and in this county. So you know, you've got to wrestle with it. I don't envy your position.

CHAIRMAN: Further questions, Commissioners?

WAY: Mr. Chairman. Mr. Farias, somewhat in keeping with your concept of holding the line and in fact I guess I hear in part you're saying that maybe any decision is to continue the change on this site is inappropriate. I'm possibly putting words in your mouth at this time but in view of your interest in the broad issue of agriculture, what we're dealing with as Ned indicated, Commissioner Wiederholt, we're dealing with some 500 acres here, not a relatively nominal change, that a more prudent course might be at this time to defer commitment fully.

Now, one other thing and I think for clarification of my thinking on this and for others too, you've mentioned urbanization but I would like to make it quite clear that only means that the urban district has been applied by the Land Use Commission, that the City's policy for the use of this property is agricultural at this time, and that in fact the City is "holding the line" in terms of the agricultural use of the land. So maybe with that background of thinking on it--in fact as I remember the administration of the Department of Agriculture at the time, December of 1974, that this was before the Land Use Commission took a position that it should not be classified urban.

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FARIAS: That's right.

WAY: With all of this beginning to emerge and with that kind of background to it, it seems to me at the very least that a holding pattern for this property might be quite appropriate. Would you care to comment on that thought?

FARIAS: Mr. Way, I think here we have your procedural problems here. I'm saying--you're right. One, the Department of Agriculture opposed the initial Land Use Commission Petition to urbanize this land but I'm prepared to say and I am saying that if the plan is reverted and kept in agriculture, that it will be used. What I'm careful not to do, Mr. Way, this has very wide implications and ramifications. It's to develop a procedure for the City and County. That is a delicate thing that I must recognize. This is a jurisdiction here you have or the Commissioners or City Council. I hope you understand what I'm saying.

WAY: Well I guess I'd say that the procedural aspect is that we have an arena within which to make the policy at this level and it's called the General Plan in dealing with land use issues. That's kind of what we're wrestling with right now. But, I'm encouraged by some of the thoughts that you've brought to us today about some more specific mechanisms for really implementing agricultural programs, of course the ag park concept. That's on the way. But more so, I think the view that you express as to the State's intervention I guess is the way to say it in the Kilauea situation and it's applicability to other areas as well. All of this sort of leads me to conclude that maybe we better wait awhile here: A, come up with again our long term objectives for urbanization and agriculturalization, a comprehensive plan for the Island of Oahu and then proceed after having defined or set forth those areas that we want to have for agricultural and urban purposes, proceed to implement them by whatever is available to us--CIP in the case of urbanization, acquisition if essential, ag park, the whole set of tools to cause this to actually happen. So again I'm more inclined to think that we really ought to pause awhile longer, if you will, and take a hard look at some of the points that you've made as to how they might be applied on this site and other places as well which I think I heard you say also.

FARIAS: My concern is that big picture, Bob. Where do we go with agriculture in the future?

WIEDERHOLT: I'm interested in one statement you just made. I think I remember you making it earlier that this land would be used for agricultural purposes. You're confident that it would be.

FARIAS: I cannot warrant that it will be used for agriculture. I can represent that from my knowledge of agricultural development enterprises it can be used for agriculture.

WIEDERHOLT: It's an important point in view of the documented reports and analyses here which lead to the conclusion two statements and there are statements also. The soil analysis, the analysis of the various crops--tomatoes, broccoli, onions, lettuce and all that--the statements from adjacent landowners all lead to the conclusion that this land has no agricultural uses whatsoever. Therefore it would only

remain barren or the two options would be to have it remain bare, covered with scrub brush and wild pineapple or houses.

FARIAS: That's difficult to accept that it would remain barren.

WIEDERHOLT: Well, that's the nature of the documents being presented in terms of, for this General Plan amendment in terms of analysis of the agricultural potential of this land. This report is making it negative.

FARIAS: The report speaks to the value, the value paid for the land, the present economics of the land that would render agriculture uneconomical, unviable. Then, I agree if you pay too much for your land and you can't make any return raising fruit, the price of the land is the criteria it talks about. If the land was inexpensive enough or reasonable enough for agricultural purposes, then I think agricultural products could be grown there, raised there.

WIEDERHOLT: The question of cost, I don't know whether the appraised value relates to the purchase value, purchase cost but the six million dollar figure mentioned is about 31¢ a square foot, somewhere around $13,050 per acre.

FARIAS: That is the appraised value you say?

WIEDERHOLT: Yeah, well, 500 acres in the six million which is referred to here comes out to be $13,050 an acre.

KUNA: No, that should be--

WIEDERHOLT: Well, I need a computer. That should be $13,500? So that's $3.00 a square foot.

FARIAS: That to me can be very expensive.

WIEDERHOLT: That's still substantially below some of the agricultural land prices we've told.

FARIAS: $13,000 an acre?

WIEDERHOLT: Well, $25,000 has been floating around, $15,000 has been floating around.

FARIAS: If you're looking at very expensive agriculture, Commissioner, nursery products et cetera, then the enterprise can afford higher priced land. If you're looking for a bit more extensive type agricultural development--forage crops, pineapple, sugar, these things--then those prices are very high.

CHAIRMAN: John, one of concerns from this Commission is that the agricultural land that we have surrounding this property, do you consider that prime agricultural land?

FARIAS: Mr. Chairman, the word prime has been floating around rather loosely over the time I've been in this business for 10 years. I consider the classification from the Land Study Bureau or the Soil Conservation people. They release certain kinds of soil conditions.

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CHAIRMAN: Maybe I should state it another way. Both of the lands involved that are involved around this property is in sugar and pineapple. Would you consider sugar and pine viable enough economically to remain in this area?

FARIAS: I think sugar would have a difficult time in this area. The pineapple people might refute this because they have better access to their economic data than we do. I would consider pine as an option for this area but not sugar. I think we would have a little difficult time with irrigation over there. Sugar takes lots more water than pineapple and that would be a problem.

CHAIRMAN: Because the Commissioners here have always wondered whether the land should be left in agriculture. They really don't know what lands should be kept. So at this time, I have a feeling with the discussion that has been going on that what you're asking this Commission is that in a sort of way a commitment should be made to preserve some of the lands in this area.

FARIAS: Yes, Mr. Chairman. I think what I'm saying here is if we intend to revert this land back to agriculture, that is if you did, will you also be prepared to hold all agricultural land or will you be like so many organizations in the past become victims of the process of urbanization? And, if we were to step back and look at the capital improvements over the last few years for only that region, on a cordial relationship you can see where the urbanization process is going. That scares some of us.

CHAIRMAN: Gene?

CONNELL: Mr. Farias, a number of times people have come before the Commission and talked about the different grades of land. Is the Department of Agriculture going to be prepared in the near futrue to indicate what agricultural land should possibly be put into other uses?

FARIAS: I think yes. We're attempting to do that. It is a very difficult process. The agricultural lands actually used today is somewhat less than that which is zoned agriculture. If we attempt to say, "Well, we will only keep trying" to keep lands in agriculture, that is subject to interpretation because the soil conditions, accessibility, water et cetera. This would further undermine the agricultural enterprises. It's a thing we're quite aware of, wrestling with even in-house, quite frankly.

CONNELL: The reason I ask the question, Mr. Farias, is because I think certainly this County is very dependent upon direction from the State Department of Agriculture. This County does not have its own Department of Agriculture, any agency dealing with that. It would seem that our General Plan agricultural policy has been very much dependent upon direction from the State but we constantly have pressure as you have alluded to from nonagriculturalists who tell us which land should not be used for agriculture. I think as you have also indicated, quite often the very prime agricultural lands are also prime development land. Development costs are lower, et cetera. And, if we are to work

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through this dilemma, somewhere along the line the Department of Agriculture is going to have to say in order to reach a self-sufficiency food level in the State, these are the lands which have to be retained.

FARIAS: I agree.

CONNELL: And, as you say that we've got a dilemma, I think really it's your dilemma because we need your direction from the Department of Agriculture.

FARIAS: Yes, okay. Thanks but no thanks, you know.

CONNELL: Yeah well, it's your shoe, it's your kuliana so okay. The Governor has apparently come out very strongly in his State message and has indicated the need to preserve agricultural land. Apparently he's really going to push in this area. As we are in this dilemma, we are looking to you, your department, the University of Hawaii and its agricultural school to give us the direction that we need in order to be able to make this decision because without that direction, I don't think this Commission or the City Council--I'm not aware of anyone on the City Council who is a farmer. And, we need your expert direction if we're going to work through this dilemma.

FARIAS: Bob, we ought to tell them what my background is.

CONNELL: You're the head of the Department of Agriculture.

FARIAS: You're right, Mr. Connell. The direction probably has been lacking. It's a more recent move, if you like, by State agencies. Looking into the records, correspondence of the past, we found that the agency over time had developed a highly regulatory approach. Only recently it has been taken on new field, so to speak, department funds into developmental agriculture which means land, water, transportation, and natural management systems all under consideration. So I think we're now developing a planning staff that I would consider to be, if not now it will be shortly, the foremost agricultural planning staff in the State, at least we hope that to be. Hopefully, we can afford the planning department, various planning commissions, various councils throughout the State and private sector, some guidance with reference to where agricultural development will be and how. We might take sometime, Mr. Chairman. If I might just add this, and I don't mean to be facetious, but it's going to take about eight years.

WIEDERHOLT: You've been asked an awful lot of questions and you've asked this board one question whether this Commission would be willing to address the question of holding the line. My observation of this group over the last several months is as it is presently constituted, it would. It has taken the question that agricultural land policy, agricultural land diversion quite seriously and has made an effort to resist this unnecessary diversion of agricultural lands. I won't say what any future boards would be. The composition changes and if we make too much trouble, we get the ax and things like that. But, as of this moment, it seems to me the group would carefully consider the question.

FARIAS: I think so, Ned. I'm impressed with what I see.

CHAIRMAN: Well Mr. Farias, with your commitment to work with General Planning, from now on we'll expect the staff reports to come out with a lot of comments from the Department of Agriculture concerning agricultural lands anyway.

WAY: Mr. Chairman, one other thought and question. One is I'm glad to see that we have a shared dilemma here. We were sort of aware of it for some time. The question then following on one of the Chairman's observations, you mentioned the suitability of agricultural use of this property for pineapple as being quite possible, for sugar not so possible. Are there other specific crops that fall into the category of likely on this particular site?

FARIAS: Mr. Way, we may have a situation where or a problem with water on some of these other crops. That'll be a limiting factor maybe in some forage crops but my guess is if we get into a more intensive use, there could be crops--but well, I'm getting in more specifically but probably then you know, probably not utilize that much area. These are some of your nursery operations and that sort of thing. It'd be highly intensive. This, of course, would take a lot of water but less land area. Your extensive type of crops--sugar, pine, forage, your feed crops maybe would take water. That would be a limiting factor in this area. That's why I precluded sugar. I think sugar is a problem crop.

CHAIRMAN: Okay, John. We've had you here for almost an hour. So, thank you very much for making your presence here today.

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3. Mr. Shinji Soneda, Division Chief, Environmental Protection and Health Services Division, State Department of Health

SONEDA: I've been asked to come here to repeat our concern on this matter which has already been conveyed to the City Council. Briefly stated, our concern focuses on the rate of development rather than whether to develop or urbanize and non urbanize.

The sewage facility serving this area which exists is grossly inadequate and will not accommodate any part of this new development. So, we would like to see the timing of this development controlled so that it will be more consistent with the new Honouliuli facility becoming operational at some point in the future. That briefly is my statement.

CHAIRMAN: Commissioners, you have any questions?

WAY: Mr. Soneda, what if any observations does your department have with reference to water quality and thinking of runoff as it might affect the coastal areas?

SONEDA: Are you talking about the developmental phase or are you talking about being left alone as compared to houses on it?

WAY: The latter.

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SONEDA: If it's compared to raw land, sometimes raw land produces more undesirable conditions so its hard to say. About fifty-fifty I would say. Some bad things come with urbanization but urbanization solves some of the existing problems also.

WAY: At this point you don't have an analysis of that whether one way or the other, is that correct?

SONEDA: Well, if it were in pine say for example and you were urbanizing, I would think the facts would be that it would be a deterioration. But, if it's raw, uncovered land and you're going to urbanize, I think it would be plus.

WAY: Less degradation of coastal waters.

SONEDA: Due to runoff, right.

WAY: In the case of urbanization as a result of runoff. No other questions.

WIKUM: I think this is a tiny point but I have a hard time understanding how land remains raw enough to pollute the water. Even if you don't plant something on it, mother nature does. It's been my experience within six months after I--six weeks after I make a nice bare piece of land in my garden it's covered with growth. Wouldn't that growth prevent runoff?

SONEDA: You notice that Mr. Farias mentioned the fact that water is a scarce item in this area but that doesn't mean that it doesn't rain but the rains are intermittment. So generally speaking, it will not support a cover. When it rains, because it's uncovered, it erodes very rapidly.

WIKUM: You mean it rains so little out there that the weeds wouldn't grow and it wouldn't be full of haole koa inside of a year?

SONEDA: Well, haole koa kind of thing but not the kind of--

WIKUM: My understanding is it's covered with all sorts of stuff right now. Have you seen it?

SONEDA: Yeah.

WIKUM: And it's not got weeds and old pineapples and stuff?

SONEDA: Yeah. If it's controlled agriculture enterprise, the entrepreneur who's engaged in that business probably would have soil conservation in mind so he would be minimizing the effect of rainfall on the area. But, if it's uncontrolled, raw land, probably in this kind of area it would not support sufficient ground cover to not cause a serious erosion problem from subsequent rain.

KUNA: You mentioned that the proposed rate of development would be the problem that you foresee.

SONEDA: We're concerned about that, right.

KUNA: Well, have you come up with what is a workable rate of

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development whereby the sewer lines could accommodate their plans to build X number of units for the next 10 years?

CHAIRMAN: Mr. Soneda, I think you're relating the development towards completion of the sewage plant.

SONEDA: Yes.

CHAIRMAN: Do you have the timetable for the sewage plant?

SONEDA: You probably can guess. I can give you an estimate but you can get a better estimate from the city agency, Public Works. Hopefully we're looking for that project and the initial phase of this development coming together like this. But, in one sector we're talking about private development and the other sector is a governmental development. Usually in this kind of thing when it's a race like that, the private sector wins out. So generally speaking, we're always looking for the public improvements to come as a lagging phase in this. We have a plan and we start working on a public improvement plan and it falls behind private sector improvement. So if this happens in this case, there will be no place to put the sewage.

KUNA: Do you require that they put in their own private sewage treatment plant for an interim period?

SONEDA: Yeah, we've been having all kinds of difficult things with these so-called private sewage disposal facility in this particular area.

KUNA: What is that?

SONEDA: Well, there's a number of combinations been tried. The most outstanding difficulty has been the oxidation pond which serves the Waipahu community at the present time.

KUNA: Because it was mentioned that in the event--in the interim period that they would come up with some suitable environmental something that would be acceptable to service their development but your feeling is that because of the conditions in this area even these interim measures, you don't really--

SONEDA: Yes, that's true and also the fact that the Honouliuli plant itself is imminent, that plans are being made now to actively start the facility's construction.

KUNA: So let's say they get the approval for the General Plan amendment and so now you're faced with a real possibility that this development is going to be put in. What would you do then at that point knowing that they're going to be lagging behind? Would you force them to conform to your sewer project in terms of their development, the rate of their development, or would you accept from them knowing that other similar interim measures have not worked out well in the area? Would you still accept from them their own private sewage facility until yours is ready?

SONEDA: I think ultimately that will be the case but we're suggesting that we do not do this kind of thing. We learned from the past mistakes and we bring those two factors into better alignment.

In this case, control your development rate such that you would not be ahead of coming into line with the Honouliuli facility.

KUNA: So thus far you haven't come up with a timetable for this development that would coincide with your sewer project.

SONEDA: We do know what the sewer plans are. We do know the fact that we've been told--you have been told that this development's going to proceed at 400 to 500 units per year. I don't know when it's going to start but you know those things. What we're saying is hopefully we can control the thing so that the earliest of these 400 or 500 things don't get occupied until the time that the Honouliuli facility goes into being.

KUNA: And when would that be?

SONEDA: Well, as I said before I can give you an estimate but your public works can give you a better--it's their facility. They'll be able to give you a better time.

KUNA: What's your estimate?

SONEDA: Well, various. We've heard lots of things. We're asked to address a 1978 date, a 1980 date or conceivably something beyond that.

KUNA: Oh, so now this is when the project starts or when it's completed?

SONEDA: The completion date.

KUNA: So you would ask the developer to wait until it's completed.

SONEDA: No, these things--you're also involved in the planning phase of this thing, early phase--the Detailed Land Use Map like that. The houses don't result immediately after you do these things. You've got to go through several processes. All we ask is that no houses get built which are occupied before there are sewage facilities to accommodate them.

KUNA: Thank you.

WIEDERHOLT: It's my understanding to comment on your statement there that under the General Plan revision process, there's no way to attach such conditions to the approval. This is just a question whether to alter the General Plan and then this other kind of consideration is completely open after that time. There's no way to assure that. Because, that's the request that you've just made here.

SONEDA: But hopefully all phases of this operation is under City control so all we're asking is that the various facets of government to consider all of these things and the whole is planned, rather than just worrying about one aspect for this thing and he's stuck with another problem. We really don't have to say that. I'm sure Mr. Way already takes that into consideration but we were asked to come down here to participate, repeating something that must be obvious to everybody concerned.

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CHAIRMAN: Okay, Mr. Soneda, thank you very much for coming.

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4. Mr. Kazu Hayashida, Director and Chief Engineer, Department of Public Works

HAYASHIDA: Our department has not received a copy of the report on the proposed General Plan DLUM amendment and therefore cannot comment on it specifically. However, in early 1975 my staff did review a preliminary development plan of the Waipio Gentry development for sewer requirement and found that the existing municipal sewer system was inadequate for the sewage flow from the proposed development. Connection to the municipal system would not be permitted unless the following conditions are met--

One, a trunk line is constructed from the project area to our existing Waipahu Sewage Pump Station, a distance of about 2½ miles;

Number two, the existing Waipahu Sewage Pump Station is modified to handle the increased flows; and

Three, the Honouliuli Sewer System extending from Waipahu Sewage Pump Station to the proposed Honouliuli Water Treatment Plant and Barbers Point Outfall is completed.

Now, these requirements are still valid today. The connection will not be allowed until the required actions are completed.

Our 6-year Capital Improvement Program does not reflect the trunk line project. So if the developer wishes to proceed ahead of schedule before City funds are available, then they will have to pay the entire cost.

The bid opening for the Waipahu Sewage Pump Station Modification project is scheduled for March 18, 1976 this year. Assuming no hang-ups, the construction should start in July 1976 and be completed by July of 1978. But, this is only one component in the total system.

The target date for the completion of the Honouliuli Sewer System is early 1979. Connection will be permitted when the system is operational. Now these projections, the target dates are contingent on federal funds being available because there's a tremendous amount of federal funds that need to be available before we can do all the construction. So if there's a shift priority by Congress or the President and they delay any of the federal funding, then of course the target date will have to be shifted, extended.

We have not had the opportunity to review the development's drainage plan but like any other developer, we will require a drainage plan be made. Also, the developer will have to meet the requirements of our grading plan and soil erosion standards.

That completes the testimony. Are there any questions?

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WIKUM: These three conditions about the sewer connection, I want to understand that. They sort of all have to happen at once. All three of those things have to be operational at one time to support the development. Is that what I heard you say?

HAYASHIDA: Yes. All three items have to be completed.

CHAIRMAN: Further questions, commissioners?

(NO RESPONSE)

CHAIRMAN: So your existing system right now cannot take anything.

HAYASHIDA: No Sir, not from this development.

CHAIRMAN: Have you considered a private sewage treatment plant?

HAYASHIDA: No, I think that would probably be better answered by Health Department. They approve private sewage treatment plants. Now if the developer wishes to turn over the plant to the City at the end of the project and dedicate it to us, then of course they will have to meet our design standards. But, there are other things that are considered like they have to meet the water quality standards, for instance.

CHAIRMAN: So you have your standards as far as accepting the dedication of it, of the sewage treatment plant.

HAYASHIDA: That's right. We do have a standard for the design of the treatment plant but there are other considerations as I say. They have to meet the State Water Quality Standards.

CHAIRMAN: If they follow the procedures then essentially they will have to see you for sort of an approval.

HAYASHIDA: We will look at the plans, yes, but the Health Department will approve it.

CHOY: The second sentence below your item number 3--Our 6-year Capital Improvement Program does not reflect the trunk line project--I would like to have you perhaps enlighten me and elaborate on this last sentence--The developer will have to construct the line at his cost. Does this mean that the developer or any developer for that matter who would implement this particular project, it may be Mr. Blackfield for that matter.

HAYASHIDA: This is right.

CHOY: The clarification I'm looking for, would that be the 2½ mile line?

HAYASHIDA: This is the 2½ mile line, yes.

CHOY: Okay, as an engineer and as the Chief Engineer of the City, would you like to hazard the approximate cost to the developer on such a line?

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HAYASHIDA: No answer to that at this time but he will have to weigh that cost into the cost of his construction.

CHOY: Regardless of who's going to be or whether the City, whether Mr. Blackfield is going to develop for the City or whether Gentry, this line has to be implemented at their cost provided your Honouliuli sewer system is not in existence.

HAYASHIDA: That's right. Any developer if he wants to come in with any subdivision and he wants to proceed with the project prior to the City being funded, then he will have to construct it at his own cost.

CHOY: And the smaller Waipahu facility certainly according to your testimony will not be able to support any development on the subject parcel at this particular time.

HAYASHIDA: That's correct. The existing system will not support the project at this time.

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

5. Mr. Yukio Taketa, Planner, Department of Parks and Recreation

TAKETA: The proposal for dedication of four acres of neighborhood park and 16 acres of district park together with the private recreational areas proposed will be adequate. Dedication of the park areas is subject to the agreement that the offsite improvements are installed by the developer and the rough grading and grassing is also included.

(There were no questions of Mr. Taketa.)

6. Letter dated Feb. 13, 1976 from Hideto Kono, Director, State Department of Planning and Economic Development, copy attached.
7. Letter dated Feb. 2, 1976 from Boniface K. Aiu, Fire Chief, City and County Fire Department, copy attached
8. Letter dated Feb. 11, 1976 from Koichi H. Tokushige, Assistant Superintendent, Office of Business Services, State Department of Education, copy attached

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TESTIMONY IN SUPPORT

1. Mr. Tom Gentry, Developer
2. Mr. Norm Dyer, Project Land Planner
3. Dr. Oscar Lorenz, Chairman, Department of Vegetable Crop, University of California at Davis.
4. Mr. Fred Rodriguez, President, Environmental Communications, Inc.

GENTRY: I haven't had the opportunity of meeting any of you, I guess, until today. I appreciate and you can really believe me, the opportunity after many years to have a public hearing on a project with respect to the City and County.

I guess I've been referred to earlier as a lot of things but I am a home builder not a property speculator. We are here to request that we be allowed to build homes, a school, churches and a modest commercial and employment facilities on 510 acres in Waipio, Oahu. The property is sandwiched between Castle and Cooke industrial zoned property to the North and the Crestview-Seaview property to the South, bounded by the H-2 Freeway, the gulch on the East, and Kam Highway on the West.

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I think some background is necessary. I feel that probably some of our presentation could have helped some of the earlier comments. At any rate, we acquired-- Let me start again.

In 1969 and 1970, the Dole Pineapple Company phased out the planting of pineapple on a Castle and Cooke property which is the subject property. I was contacted in 1971 to determine if I had any interest in the property. Everyone knows that land ownership on Oahu is limited relatively to major companies, the State and along with the City and Federal government. The opportunity to extend the community to Crestview and Seaview seemed logical on this ideally located parcel without difficult developmental conditions, unemcumbered by leasehold. After making an analysis of the housing needs, I felt that we could actively compete with developments nearby.

We purchased the property from Castle and Cooke in February of 1972. This may conflict with some of the earlier testimony but can be substantiated by our facts and records. The same year, a letter of intent to amend the General Plan was filed with the Department of General Planning. In May of 1974 we were notified that they had not decided to process the application. I believe a copy of this is enclosed in the material received. Naturally we were extremely disappointed by this action as we felt we are entitled to a fair and impartial hearing.

We will try to present the facts as we see them and hopefully, you will recommend that we will be able to proceed with our development. I would like to at this point ask a question with respect to our presentation. It appears to me that your Commission has done a great deal of work trying to go through this mountain of information. I noted seriously some of the comments indicated that the work was maybe not up to standard or possibly incomplete. I might add that we have been working continuously on the project for the last three years or better and that some of the work is still underway. There's an environmental impact report which we have been confused about as to whether or not--who it would be required by, who would process it and whether it could be processed. What really held us up in that area is whether or not we were actually going to get an opportunity to present our project because the problem in developing this type of information is that it becomes untimely. It might be interesting to note that we wrote our own environmental impact report on the property when we first acquired it, some of the work being done prior to acquisition in our normal research. This report was not required and there was no law at that time requiring it. So, I'm pointing out that things do change and it's not our attempt to circumvent nor to develop information which is lacking nor to jade, possibly, our testimony. It's my endeavor to see that our consultants and myself present the facts. We think that, you know, maybe nothing is perfect and there are some bad points as well as good points. We think in our opinion we have tried to present the facts as they are.

One more comment before I turn it over to Mr. Dyer that--maybe two. One is that I would like to comment personally on some of the previous testimony. I think that in the interest of being factual, that I would like my comment to be part of the record, that if some of the

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testimony is questionable or refuted that the facts be dug out and I hope this Commission--I feel that this Commission will spend the time and effort to do that. The further thing is that I think that we have to talk about in one sense is the motivation we're starting a project of this nature. I indicated that we are not land speculators. I had developed a company in the mainland which eventually expanded to Hawaii. I enjoyed the life in Hawaii very much and moved here. The company became quite large and very successful. The company was subsequently merged with Foremost and McKesson and carried my name for many years out here subsequent to the time that it was actually under the directorship of Foremost-McKesson. Until only recently they're called Foremost Homes of Hawaii.

I will say this and I think that no one else is tooting my horn a little so I think I'm going to take the opportunity. I've really been discouraged here today. I've got to tell you that. I think probably more so than any day that I've been faced with this type of situation. I feel that in the years that we've built houses and homes--by the way, we've participated at great lengths with companies like Stanford Research and what not that we have tried to put back into the business a real feeling and a product. I think that part of our presentation to the State Land Use Commission included--which we don't have here today--included a scenario or I guess an interview of homeowners that have bought our product. That came off very well. The homeowners came off very happy as far as I know. Maybe you don't satisfy them all but we were very pleased with this. I think if you don't live in one, you probably know somebody who does. We stand behind our product and we feel it an acceptable item in the community.

We also felt when we had the opportunity to purchase this property we had no idea of the length of time or the problems that we would run into such as we're encountering today. That, this was an opportunity for us to do what I think we did best and that is not just build houses but develop a community. We tried to bring in the latest land planning techniques. We were instrumental in development of the first park-dedication ordinance. It happened to be in Davis, California. We'd been longtime leaders in new innovations in housing. I just don't--I'm not--really, this isn't my day to come out here and tell you this because-- But, if you think it's important and it just disturbs me greatly to see and hear the picking between these agencies that have nothing to do with the fact that we're trying to develop a community out there.

As far as the financial facts go, we have made those available to anyone who is interested. The purchase price of the property, the financing with the Bank of Hawaii, there isn't anything secret. And, we didn't go to Mr. Blackfield and seek the financing. We went to Mr. Blackfield at the direction of the Mayor. But, we'll get into that later. At this time, I'm trying to convey to you that this is a sincere effort to build a housing project by a home builder who I believe is qualified. We've built five such projects as this and they're all successful. I currently am not building any and the reason has been that the company was sold. Our five-year agreement has long since gone. We're now able to build and develop and we'd like very

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much the opportunity to do that. I would appreciate greatly if we would really hustle the facts here and try to stick to exactly what the pros and cons are so that when it gets time to determine whether this is where the housing ought to be, at least we've got the facts straight as to what can be built, when it can be built and whatever other questions that you feel that's within your prerogative to ask. I think that we have answers to most of them.

At this time I'd like to introduce Mr. Norm Dyer. Norm Dyer has been associated with me since we graduated from the University of California. He's a land planner and experienced in the development of this type of community. He has been with me for years as an independent consultant so that my ideas and his aren't a product of direction but really one of association. He has gotten together a group of other consultants which he'll provide you with a list of names, addresses and whatever's necessary. Please feel free to ask any of those consultants their opinion.

CHAIRMAN: Mr. Gentry, before we go on to your staff, maybe the commissioners might have some questions for you.

GENTRY: Certainly.

CHAIRMAN: So commissioners, do you have any questions for Mr. Gentry? If not, we can proceed. Harriet?

WIKUM: This isn't really a question but I feel kind of bad that you feel bad today.

GENTRY: I feel bad. I hurt too.

WIKUM: But, what I wanted to say is that the heat that you're feeling around here--I'm sure you know this but I'd like everybodyelse to know it--is not directed against you as a builder of homes and schools and churches. We like those things, mothers and apple pies too. You understand, of course, that the heat is generated because of the political side issues that are involved.

GENTRY: I appreciate that. I feel--I don't know what to feel because politics is really not my bag. I hope we don't in anyway try to take a position on issues like that. We are here to represent the property and home building. That's really what I tried to get across. Thank you very much.

CONNELL: Mr. Gentry, you indicated that you hope that the Commission would dig into the facts and surface any facts that might be missing. You are aware that this Commission has been put under a time constraint of 30 days from the time they received all of these materials. As the principal, would you be amenable to the Commission being allowed sufficient time in order to be able to surface the facts?

GENTRY: As an individual and as the proponent, yes I would. I don't know whether or not this is possible under the planning--you know either the constraints of whatever the program is, that is not a problem that I can answer. Let me say one more thing with that respect.

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I feel that, and maybe this isn't pleasant to hear but we have been working on it a long time. Our problem is that--getting a hearing at all. After getting a hearing at all, getting someone to processing information is really sort of been our problem. We've been developing it but bear in mind, it hasn't been looked at not because it wasn't there but because it just maybe wasn't processed by these people. Those reasons, I can't help. I hope I answered your question truthfully.

CONNELL: I believe that a good percentage of what has come down to the Commission from the City Council has painted a picture of the time problem that you have had. Therefore, the Council has in a sense said in order to be fair, this thing ought to be processed. Therefore, it seems to me that the time factor is very much up to you. Not to draw you into a political situation but this is really your ball park.

GENTRY: Well, yes I think time is a factor whether--I thought your question was indicated a short period of time. I mean if we're going to be another four years, frankly I'm not interested. The question has been brought to me, is the property for sale or are you going to sell it, and my answer is, you betcha if I don't get the damn thing approved. That's it. I just--It's not a question of not wanting to. I don't think that--we just can't get our team organized and together and financial things. Again, I'm not a speculator. I'm a builder. I'm not saying we want to force anybody or push anything. I'm just saying that a reasonable length of time is amenable to me. It seems to me if--I would like the same thing in return. If you ask a question and I'm not able to answer, I would like a reasonable length of time to respond, to have my consultants do the work necessary to give you a fair and impartial answer. It would be silly of me to ask you to make a recommendation based on really partial information because it would probably be negative. If I were in your position, that's what it would be. So again hopefully--

CONNELL: So you would be amenable to a reasonable extension of time.

GENTRY: Yes. I really don't know what the question is going to be yet so I couldn't really say how long but I'm not amenable to three or four more years.

CONNELL: I don't think that probably would be a reasonable period of time. One other question, the Commission has been charged with being slow but I don't believe they have ever taken three or four years.

GENTRY: Not by me. Again, I'm thankful to be here.

CONNELL: The other question is that there is a great amount of material which was supplied to the Commission but as has been indicated, it was not supplied to various departments within the City. Now I don't know where we can lay the blame on that but the simple fact is that the materials were not given. Is your organization prepared to submit those materials to the various City agencies?

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GENTRY: Yes, we're in an awkward position here but I would assume if you are talking about the printed material that you have and it's possible for us to reproduce, we can submit it to anyone that you wish to have it submitted to, and why it hasn't gotten to the different agencies possibly on time or whatever, I'm just not aware of. There maybe more information in your package than is required to be submitted to the City and that maybe a reason that it's not all there. And, there is some information as I pointed out earlier that's not complete yet. This environmental impact thing is underway and in the process of its first pass I guess to get information back and then we had more information to it. I guess there's more work to be done. Mr. Dyer can answer that question better than I can.

CHOY: Mr. Gentry, I'm directing my question in the same direction as our Executive Secretary. Would you be amenable perhaps to an extension of 60 to 90 days for the Commission and especially myself to spend a little more time digesting some of the material?

GENTRY: Well, without--again I would preface my answer with the point I don't know whether that's my prerogative. The second thing I would say is that I didn't anticipate an approval within probably 60 or 90 days at any rate. Now what the procedures going to be, I don't know and I'm not sure that it's clear in fact in my mind as to where it has to go.

CHOY: I think we had this similar dilemma with this Commission in the past. The agreement of the extension of the time constraint that is placed before us by the City Council has to be in agreement by the applicant which is you. You either say yes or no to a reasonable time as I suggested of either 60 to 90 days which I think is rather reasonable. I'm not asking for another three years.

GENTRY: It's impossible for me to judge what's reasonable and what's unreasonable because I don't know what has to be done. I feel that we could come back with any answers almost to any questions you ask within 30 days in written report form. Now if you need 60 days to digest that, I guess that would be your opinion and I would then say--

CHOY: First of all, Mr. Gentry, you must understand that each of the Commissioners serves on this Commission as a public service. We're not being paid and all of us have to earn a living pursuing our own livelihood. May of us would have to allot special time in going over the material that you have presented to us. Because of this I think serving as lay members of this board, I don't think asking for 60 or 90 days would a horrendous encumberance on you.

CHAIRMAN: Dr. Choy, let's decide on the length of time at the end of the meeting if we are going to ask for an extension. At that time, we can ask Mr. Gentry--

GENTRY: Yes that would be--I might have an opportunity to talk with my consultants to see whether something--

CHAIRMAN: We can ask Mr. Gentry at that time.

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GENTRY: Yes, I want to give you all the time that's necessary. We will answer that.

CHAIRMAN: So may we have Mr. Dyer now?

GENTRY: Yes. Any more questions?

CHAIRMAN: Mr. Dyer?

DYER: Being an archtiect and a land planner for a project of this size is a very challenging opportunity. Sometimes in hearings like this, we don't relish it but we do appreciate the time. And, it requires the technical expertise of many collaborating consultants. Many are here still today to answer questions that are either now or in written form.

Earlier the Chairman of the Department of Agriculture got some serious questions regarding the agricultural capabilities of the property. Naturally, at the Land Use Commission public hearing in 1974 these were discussed in depth and one of the persons who testified on our behalf or as an advisor to us was a what we consider a highly qualified professional, Dr. Oscar Lorenz, who some of his information is included in the report. He is here today. I'd like to just blow a little smoke his way as far as his qualifications.

He is currently the Chairman of the Department of Vegetable Crop at the University of California at Davis. He's an elected Fellow in the American Association for the Advancement of Science, American Society of Agronomy and American Society of Horticultural Scientists. He is presently a consultant for the United Fruit Corporation, the California Department of Water Resources, the Bectel Corporation in Iran and Algeria and some work in Mexico. I think he is very interested in sharing his experience on the agricultural issue.

We have Mr. Fred Rodriguez, President of Environmental Communications, Inc., who is prepared to discuss some of the environmental considerations based on our land use proposal. I think they can only be considered in that light.

Other engineers as far as the sewer, the water, the traffic are also here or I believe they were here a few minutes ago.

More into the text now.

As Tom mentioned, the property was purchased in 1972 after the Dole Pineapple Company had started phasing out any further planning, and they had determined the land surplus. The purchase from Castle and Cooke precluded any further use of the Oahu Sugar at Waiahole Ditch water. We're presuming that they had other uses that they had more priority for that water. However, our agreement does provide for the necessary easements and rights for the development of new wells for domestic uses.

Some of the significant features of the property have been mentioned, the central location accessibility. The property is mostly level and

has no foundation problems. It was designated urban by the State Land Use Commission on December 20, 1974. Gentry-Pacific and the other participating builders are experienced and have the capabilities to provide a variety of homes competitively priced and in an attractive environment.

The neighboring communities have supported the development in the past and repeatedly support it today based on our current land use program. We have met on numerous occasions at general membership meetings to discuss our plan, and I have copies of their most recent correspondence which I will hand out when I'm finished.

To substantiate our request, two reports were prepared copies of which you have entitled the Gentry-Waipio General Plan Amendment and the related appendices.

During the last three years we received comments as best we were able to acquire them from most of the government departments which normally do General Plan changes. We believe nearly all the conditions had been accommodated in our amendment.

If the Commission so desires, and I realize this is a very long meeting, we have available a live presentation which has been shown on numerous occasions to community groups and other interested organizations and summarizes much of the information that is included in this report. We appreciate the interest on land use matters such as this one before you. Apparently there are still many others in attendance that wish to testify. We are available to offer any further explanation in order that the Commission fully understands our request.

I'd like to take a few moments to discuss some of the agricultural considerations and bring Mr. Lorenz in at this time. I mentioned earlier that we have no surface water rights to irrigation system in the area and have been unable to buy water from Oahu Sugar or Castle and Cooke since the acquisition. We have estimates of almost one million dollars to develop the wells necessary to deliver the 2½ million gallons per day that we would need for the completion of the entire project or generally most agricultural uses of the property. The average yearly temperature is approximately 73 degrees and the soil we discussed earlier in the 1972 soil survey by U.S.D.A. identified only 36 acres of our property that is with irrigation as their best soil, Class 1. Four Hundred and Twenty-Seven acres again with irrigation is Class 2, and 47 acres with irrigation Class 3, 4, and 6. Without irrigation most of the property was put into Class 4.

The Land Study Bureau at the University of Hawaii was also updating and improving their analysis and they issued a new bulletin in 1972. One of the basic improvements of this latest study is that it is moved from the theoretical consideration of a soil wherever it is located towards the real life consideration of the soil in place on specific pieces of property. This assessment reflects the real fact that there's no irrigation water on the property and analysis gave 48 acres of the property a B rating--next to the best, 130 acres a D rating, and 345 acres an E rating. All these ratings would be

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increased with irrigation. The various surveys in classifications as mentioned above are borne out by actual experience on the property. The 1970 tax record of the Dole Pineapple Company showed about 13% of the property the best, 12% good, and 75% average.

Dole management had a few comments which we used at the Land Use Commission which are on the consideration of pineapple. These are made by Mr. Henry Baldwin, Manager of the Dole operations of Wahiawa. He stated that the land was phased out because:

> One, the soils just aren't as good down there;
>
> Two, it's awful dry in the summer. We get six to seven inches of rain a year up near Wahiawa. There's a ridge that seems to bring the rain down where we need it.
>
> Three, traffic down there is a major problem. This is a fresh fruit operation now. We have to take our equipment down there and we have to bring the fruit back up to Wahiawa.

Similar comparison as far as the applicability of sugar was the same.

Mr. John Humme, President of Oahu Sugar Company has stated that "There's no way that particular piece of property could ever go back into sugar. It is isolated, cut off and not economically feasible. We do not claim that our soils are no good for agriculture, that the claim would be ridiculous but we do believe that if we had irrigation, our soils would be roughly comparable to soils in most of the other neighboring properties."

I'd like now to ask Oscar Lorenz to come up and maybe he'd like to say a few words or maybe just to answer questions you might have.

CHAIRMAN: Before we proceed, Commissioners, do you have any questions for Mr. Dyer? Harriet?

WIKUM: Mr. Dyer, did I hear you say that one of the reasons that farming was not a comparatively good idea on this parcel is that the farmers trucks have problems with the traffic?

DYER: The two principal ones that we believe are the reasons is an access from the sugarcane hauling operation has been you might say literally discontinued because there are no agricultural roads to this area now. The system, the intrastructure which is a planning term we all throw around, for agriculture for shorter operation is not there. The Oahu Sugar has extensive roadway access, inter-transit roadway system in the Waiawa area and also in the Ewa area.

WIKUM: So the transportation problem--

DYER: For sugar.

WIKUM: Just for sugar.

DYER: For sugar, okay. The pineapple issue was the logistics where this was the most further removed parcel at the lowest elevation

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that the Dole operation was planning. They felt that was considered surplus.

WIKUM: But for other kinds of farming, would there be a transportation problem?

DYER: Some I would imagine. I think logistically--

WIKUM: Would that problem be internal in terms of roads or no roads on the parcel or would some problems be related to the thoroughfares that are surrounding the property?

DYER: Yeah, I'd like to get Mr. Lorenz in to help me on some of these questions if that's okay. I'm not a farmer and he is.

WIKUM: Well, this last question is no harder than the other two. You were doing fine on both.

DYER: Well, you're talking about special vehicles aren't you when you're talking about pineapple and sugar.

WIKUM: But I'm not talking about them now. Now I'm talking about some of the kinds of farming.

DYER: Okay I guess, yes, the small pickup and that kind of operation.

WIKUM: So the problem is not with the major highways around the parcel.

DYER: On plantation, agriculture, I think it's a basic consideration.

WIEDERHOLT: Do you prefer to go to the agriculture questions right now and then return or after we deal with some of the other questions that come up?

DYER: I'd rather the agricultural questions be answered with Mr. Lorenz.

WIEDERHOLT: But do you want to go on to some of the other questions like traffic and some of the housing questions?

DYER: Whatever the pleasure is of the Commission. I'd be happy to answer questions.

WIEDERHOLT: In view that this is a request for a General Plan change, I have a report here and I can't testify to it's validity, it's accuracy but it says something like this. I'm interested in your comments on it--The general City and County General Plan Revision Program shows that there are over 18,000 acres of land right now available for housing on the existing Oahu General Plan. This consists of 14,469 acres of low density Residential land and 3,644 acres of medium and high density Residential land. According to the GRP this is approximately 244,000 dwelling units to be built on this land that's currently general planned for Residential. This potential supply can

be compared with the demand for housing identified in the GPRP which amounts to 140,400 housing units needed by 1995. So it appears we have an over supply of land currently general planned Residential. Did you look into it?

DYER: The question that you're phrasing is do we have an oversupply?

WIEDERHOLT: Yeah, how do you feel on that?

DYER: I think there's probably if you say there's an oversupply of land zoned Residential, however, I don't see very much of it in production at this time. We refer to in our report one that really we believe is actively providing good housing, low density housing and that's the Mililani project North of this property. They have done and are doing a substantial job in providing the type of housing that we believe the community needs. Now, where the other lands are located specifically, I know there are lands in Ewa. There's lands in Waianae. There's lands in the Windward area. Hawaii Kai has got lands. In our brief what we thought objective analysis are the alternatives to meet the housing demands which are in the report. We tried to bring out some of the issues of lands whether they were currently in production or being proposed for production. We discussed briefly some of the considerations that are issues.

WIEDERHOLT: Yeah, I read that part. This goes on to say that right now there are 56,000 housing units under construction or in various planning stages by private developers in this urban district right now. This total doesn't include your 4300 units. At the General Plan indicated rate of 5,000-6,000 units needed per year, these 56,000 units will satisfy the demands for the next 10 years. This is a market problem, isn't it?

GENTRY: Would it be possible for me to help on some of these questions inasmuch as I know something about housing?

In the interest of your earlier question might be Bob Way's recommendation and analysis that is a file bigger than ours. I think he did a pretty good job on analyzing the housing needs and population trends with respect to housing. I believe that he would state that his recommendation would be the additional lands be urbanized.

I think the problem really gets down to--what it really gets down to is not the theoretical holding capacity and maybe Bob is better able to answer this than I but really the size of unit that can be developed economically on a given piece of property and the desirability of that unit.

For example, single family units are currently selling at a brisk pace but highrise units are really sort of begging in the exact or identical price range but it's questionable whether there's a family need for an 850 square foot unit on the 23rd floor as opposed to a two-bedroom, two-bath home that would supply that need. It maybe 1100 or 1200 feet. So, theoretically that's true that there probably is enough land currently zoned. The question is, is it buildable and at what cost is it buildable on? I don't think the indepth study went into that, the zoning at the time that it was zoned. I don't think

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that downzoning has been a factor here in Hawaii like it has been in other areas for marginal or unsuitable land nor do I think--you know, we have probably gone into the question of suitability of the type of units as far as we could. Bob's work is the best that has been done and I think his points or his recommendations at least were that additional land be provided or urbanized for housing on the island--so, to add to the confusion.

WIEDERHOLT: Well, you understand the reason for the question because we have to reconcile some of these things.

GENTRY: Yes, why urbanize additional land?

WIEDERHOLT: When there's such an immense amount of currently so zoned.

GENTRY: I think you will find that it's unsuitable and that numbers that are applied against it are theoretical numbers, whether or not you can physically build on the property just because it's zoned that way at an economic price. It's the same thing as agriculture. I think Mr. Lorenz will say given enough water, you can grow it in your basement. The point is, is it economically feasible to produce housing on these properties. There maybe other considerations too that I think we don't know of yet when they get ready to build on site lines and other considerations when may reduce the density. Rarely does density approach a theoretical maximum as allowed under the--due to the zoning ordinance.

WIEDERHOLT: Yeah, I understand that. The ratio that you're talking about, the ratio of usable land to unusable inside of this 17,000 acres, it doesn't appear--I wouldn't think that all of it would be unusable. There would be some that would be and so on.

GENTRY: I think there's probably one more thing that I've omitted that would be a theoretical consideration but a very practical one in another sense and that is, if you zone the exact--well, let me put it another way. It's been the practice of zoning in communities, maybe not applicable here in Hawaii but in other parts of the world, to zone in excess of the current demand. In other words, lay property aside so that there's enough for a given period of time. In other words, phase the thing so that there always will be competition between the purchasers in the development of this property. In other words, say for example over the next five years you need 500 acres. Okay, 1500 acres will be zoned. At some intervening period of time this would be updated so that there's always a surplus of land therefore keeping but it is a consideration that if you take the reverse of that and zone the exact amount, then the person building the last house could charge whatever he wanted because that's all there is.

WIEDERHOLT: Yeah, I understand that. That's the way the diamond prices are supposed to be kept high.

GENTRY: Well, unfortunately we're not in that business.

WIEDERHOLT: But there are some who say that kind of control is

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used to keep the prices high here in Hawaii but I couldn't support that one. I've heard that argument.

GENTRY: Well, I think that Mr. Way has adequately--

WIEDERHOLT: He didn't make that argument. I heard about the--

GENTRY: But he adequately covered that field of the availability of land. I think there are some social concepts also that should determine whether or not people should live or whether they have a choice in where they want to live--half should live in highrises or whether they should, you know utilize more land.

It might be interesting to note that on this agricultural concept thing that an enormous projection to the year 2000 that this is a sizeable number of acreage but not significant as far as the Department of Agriculture who is concerned with the question.

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

* * * * *

The Commission recessed for dinner, and upon reconvening, Dr. Oscar Lorenz testified in support of the applicant's proposal.

LORENZ: Members of the Commission, I should like to fix my remarks to the probable or possible agricultural use Mr. Gentry talked about. It is safe to say that water, fertilizer, and the best agricultural chemicals, many different crops could be grown on the Gentry property but not in all of the same particular year and not all of the crops. We acknowledge that the land is average land. Some of it is a little bit better if it has water. I'd like to propose three questions. What crops can be grown well on this specific piece of property? Well, we might answer very little because it can be grown better elsewhere in the state on a different soil with a little better climate. And then we have to talk about the marketing outlet.... Now, if all the crops can be grown well on the Gentry property from an agronomic standpoint, we have to realize is it an economical, viable crop in that particular situation. And thirdly, we realize there is no crop which could be grown successfully on that land unless it had water.

I would like to just make a few statements about the crop, and that we would admit many of the temperate climate crops could be grown on that property. If you have a good warm climate and you have water, we would be able to grow many crops there. On the other hand, I think we have to realize that from an agronomic standpoint, that our climate here really works to our detriment. Many of the insects, diseases and so forth that we have here are largely controlled at least the summer climate when we have frost when they are killed out or blown in the wind. Fortunately, many of these can be controlled with chemicals but then again that has to be the financial and economical cost.

I'd like to just say a few words out of the several crops that have been proposed here. One of them is head lettuce. Why isn't more head

lettuce grown around here? Head lettuce is definitely a cool season crop. It precisely grows better in temperatures of about 65 to a maximum of 55 degrees where you get the optimum quality needed.... That's the reason why over six months of the year you get practically a good part of the lettuce shipped in here from Salinas Valley in California. Again potatoes are from that area. Potatoes do best in temperatures around 62 to 65 degrees. As a matter of fact, you can pretty well document it that anytime that the average temperature shows one degree higher than that, you suffer about a 5% decrease. You can come back to why potatoes are grown in Washington and Idaho and so forth and why not in California then? Because that's where the temperatures are the best for growing that particular crop.

I think we also have to mention that it's not only necessary to grow this particular crop but we must grow us a profitable crop. Not only that but it becomes marketing as well. The general factor with the general location specifically surrounds, the yearly expenses and all that maybe completely favorable for that particular crop but again, you have to watch it. That is the reason why it was brought up here and one of the statements was made, well what crop could we grow? And I mentioned that we might grow potatoes and onions. I said that because we're talking about a unit of some 500 acres. It's ridiculous to think of growing two or three acres, that's just all we'd need at any one time. We have to have a profitable venture if we're going to grow out there. In my judgment weighing all the various factors, I said there are only two crops of any volume that could grow on there from a vegetable standpoint and those are potatoes and dry onions. These crops grow well in a climate that's very acceptable and furthermore, they represent forage crops where they might be deposited and stored at least for a brief period of time. Even seed crops, I think we'd say, admit, that they do better at the higher elevation where they have more rain in that area in a climate that's very acceptable, and furthermore, they're going to make crops where they might be deposited and stored for at least a brief period of time. Even seed crops, I think we'd say, admit, that they would do better at the higher elevation where they have more rain in that area.

Now, when you talk about property, they would want some financing. This property was economically viable for sometime but certainly not as productive or attractive as some of the other pineapple land because it went out of prime land and it was sold to Mr. Gentry. I suggested to Tom Gentry one day they might go into marijuana or opium or something like that and could come out okay. There aren't many crops you can develop in there.

Apparently the old Department of Agriculture agrees with the point that there aren't many crops that can be grown. Leonard Boswell, Honolulu Advertiser stated in 1973, the agriculture department is... to acknowledge report that Gentry-Pacific has found it next to impossible to develop those lands into a possible venture in farming. I believe that conclusion is correct.

Gentry-Pacific has an estimate of about one-million dollars to develop new water resources for that land alone. That would provide

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about two-million gallons per day. The same amount of water would be used and/or roughly the same amount. It matters what their program is for some of their agricultural uses.

Now, if you ignore taxes here and found no value at all to the land, the capital advancement on the investment and water alone could be some $200 to $300 per acre. This is much more than say $100 an acre which might be considered typical agriculture rent. It was mentioned after the property was purchased for about $14,500 per acre as a sales price for agriculture lands when it was sold. We have taken the interest on that. We come out with well over a $1,000 per acre in interest alone. On the agricultural land, you couple that with your density in water, any crop that can possibly come out to be a viable unit for more than a few acres on land like that.

Now this problem of land economics is even more futile when you consider forage and some of the other crops have been mentioned that might be grown because the load volume is great.

Now another statement I'd like to mention, suppose the land were to go back into agriculture. Who would grow it? Who would risk on that value of land growing a crop? Who would subsidize the agricultural operation if it is put back into agriculture? State?

And, I was not prepared to tell you before this meeting--my interest would be classified. It's not my job. But, I am saying however that the agricultural use of this property, if any crops that I know anything about, it's agriculturally limited, and it's purely economically unsound.

QUESTIONS OF DR. LORENZ

WIKUM: Two things, Mr. Lorenz, you mentioned that the $100 an acre for water supply was an average for agriculture. Is that right?

LORENZ: $100 an acre is an average given for rent. I said for water, to develop water on this land would be something in the neighborhood of $200 to $300 an acre.

WIKUM: As compared to the usual you said was about $100 an acre, right?

LORENZ: No, I didn't say that.

WIKUM: Didn't you say that?

LORENZ: No. I talked about rent for agricultural.

WIKUM: No, I'm talking about water costs. You didn't say that?

LORENZ: No, I didn't say that.

WIKUM: Okay, then I'll ask another question. Your considerations about different kinds of crops that would be feasible, it turns out none of them is on that property, did you assume one owner for that property? I mean, one person trying to make a living off of those 500 acres?

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LORENZ: When I assume that I was saying that you could take not more than one or two crops and plant the entire area. Even if we did that, we'd have to develop some type of rotation.

WIKUM: Who's we?

LORENZ: Well we, anybody that farms it.

WIKUM: You are assuming essentially one owner for the 510 acres.

LORENZ: Or I assume you could say five owners at $100 per acre could go into a more specialized type of agriculture. Even then bear in mind the water and equipment and all of those things would have to be regenerated.

WIKUM: You talked about our climate and the bugs we have here and you're from California. Have you lived in Hawaii at all?

LORENZ: I've been here a number of times.

WIKUM: I know you have.

LORENZ: You have about every insect that we know though.

WIKUM: I'm sure. I guess I'm kind of curious as to--I don't know how to say this without intruding your expertise which I have no reason to do and no wish to do. I guess I'm curious as to why an agricultural study in Hawaii is done by someone on the mainland. You realize how ethnocentrisic we are here. You think if you're not from Hawaii you don't know anything about Hawaii. That's what my question is about, you know.

LORENZ: An expert again is always someone away from home.

WIKUM: I understand that. Do we the capacity in this State at the University or wherever for the kind of study that you just presented?

LORENZ: Yes, you have a good Ag department here.

WIKUM: Okay, thank you.

CHAIRMAN: Yuki?

KUNA: You mentioned that the cost to develop water resources on the property would be one-million dollars or $200 per acre. What is the usual cost say in a given piece of property to develop water resources in order to go into agriculture as opposed to you giving us the figure $100 per acre. I want to know if that's high or low compared to a norm.

LORENZ: Well, I couldn't tell you what it is generally in this State but I could say in California that would be about $100,000 for that pump line.

KUNA: For 500-acre piece of property.

LORENZ: About 2,000 gallons a minute, one pump.

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KUNA: And you said also that you estimate that in order to use this property with the adequate amount of water that it would need about the same amount as had been projected for an urban use, 2.2 mgs. per day. Is that correct?

LORENZ: Yes, that's a statement that's very often made. If you go into an intensive agriculture, that's not far from what is used per acre.

KUNA: And by intensive agriculture you don't mean onions and potatoes.

LORENZ: Oh yes, it's something like potatoes. It's irrigated heavily.

KUNA: So in order to get some other crop which has been evaluated and found not be feasible because of the scarcity of water--

LORENZ: I would imagine of all the crops they are really thinking about, pineapple would probably need the least water.

KUNA: Well, has there been any study by you as regards development of water resources in terms of a viable crop? Let's say you pick a crop, assuming it's pineapple, and you say it needs X amount of water and then you look into developing water resources.

LORENZ: All I could do is testify on that is that with many crops it comes up to good rule of thumb would be 20 to 24 even to 30 acres of water to grow a crop like potatoes or something like that. We have rainfall out there a total of 30 inches per year. If you're going to grow two crops of potatoes and and then something-else, you'll probably have to supplement that with water.

KUNA: So what does 30 acres come up to in terms of gallons per day?

LORENZ: I would have to figure it out.

KUNA: Is it 2.2 million?

LORENZ: Oh no, no.

KUNA: Is it a lot less than that?

LORENZ: Yes.

KUNA: Less than that. So, let's say you develop the property with potatoes and have you make a certain profit a year. Possibly it would not cost them one-million dollars to develop the water resources on that property because that type of crop is not required 2.2 million gallons per day.

LORENZ: A total commitment not only in words but to budget and priorities could become a very meaningful document. Ultimately,

all things would be tied into a system so that priorities become a reality.

WIEDERHOLT: Did I hear you say that a comparable situation might be $100,000 as compared to a million dollars? Did I hear you say that?

LORENZ: This is what the current practice is, I believe, in that area. Now the Board of Water Supply would have to confirm that. That is what their discussions have been. The Board of Water Supply has indicated this is the requirement, from the center of the property which elevation is approximately 400 feet.

WIEDERHOLT: We'll have to get the Board of Water Supply here because that sounds funny, having worked in the Water Supply on the outer islands.

LORENZ: The water resources--they're in that business of drilling wells, and it has come up that this is where they find acceptable level of water.

KUNA: I have a question about the water also. Does part of this one million dollar figure also include providing adequate water pressure for homes as opposed to agricultural lands?

LORENZ: I think you're really talking not much difference because I don't know what they're storing up in tanks but 30 feet or something like that so that's really the only difference that you're raising it.

KUNA: What about other things like outlets? Do you happen to all the factors involved?

LORENZ: Yes. To provide the resource of the water to the elevation of the property is a million dollars for the 2.5 million gallons. In addition to that, there would be storage requirements for residential development which doesn't imply I think the three-million gallon storage tank which is estimated to be approximately $800,000. So for residential development it would be another $800,000 in addition to the million dollars for domestic water service to meet the use and the fire protection.

KUNA: So this million dollars is only as regards getting the well and the pumps.

LORENZ: The pumps and the services to operate to the pumps and I'd say a minor amount of development in that area.

KUNA: Have you explored any of the other uses already in the CZC for agricultural lands in terms of their capabilities? They have things like nurseries, livestock, pig farms and things like that.

LORENZ: I would say on the nursery thing that if--you could come out very well if you had 2 or 3 or 5-acre nurseries at the most but bear in mind when we talk about developing the property for agriculture or anything else we're talking of 100 acres and you're not going to put 100 nurseries out there. There aren't that many people

that are going to grow nurseries. You couldn't sell it if you grew it.

DYER: We've had a variety of interesting requests on the property since it was required from Mr. Nichols, film studios to improvised ski resorts to do these kinds of things and none of them appeared to be feasible.

WAY: Mr. Lorenz, in the letter that was included in the exhibits to the Planning Commission, you had a statement, "The overwhelming factor parenthetically against the agricultural use of this land however is economics of agriculture on the property. The current taxes are about $200 for usable acre per year and while this tax rate might be lowered by dedicating the land to agriculture, the carrying costs in investment in the property is in excess of $2,000 per acre per year. This clearly precludes any legal agricultural use of that property. The question then is what's included in the $2,000 estimate on carrying cost?

LORENZ: The interest on the investment that the land has now acquired.

WAY: So in effect isn't it really the predominant factor working against agricultural use of this land isn't so much the productivity but the economics of land speculation?

LORENZ: Well, it's the economics of the land cost but bear in mind that was $13,500, I believe that's quoting your figure when it was purchased and zoned agriculture.

WAY: That wasn't my figure but--in fact, I think it was higher than that. But in fact, is not the speculation because of the price paid for that land, the factor that mitigates it's against its agriculture use?

LORENZ: Well, I can't answer your question, I--

WAY: Well, the $2,000 includes the investment factor.

LORENZ: Oh yes.

WAY: So that's what boost the price.

LORENZ: Yes, but I think it was you who quoted--who said it was zoned agriculture at the time it was purchased and that at wherever the price was $13,500 or something like that.

WAY: So, the point is that was the price that was paid for agricultural valued land. Was that a reasonable agriculture price then?

LORENZ: I couldn't answer that.

WAY: Well, your statement indicates though that the factor mitigating against it is really the carrying cost of $2,000 acre per year.

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LORENZ: The statement I made is money at the value of that land now and the money that's in it is just absolutely, economically unfeasible to grow any crop out there.

WAY: From an agricultural standpoint it was a bad investment.

LORENZ: Yes.

WAY: But yet that was the policy for the use of the land at the time it was purchased, public policy.

LORENZ: Well, I presume so.

WAY: That is correct. So then comes the factor speculation it seems to me and that's what it seems to me is making the price for agricultural use out of sight.

LORENZ: Well, I would agree with you that agriculturally it's out of sight.

WAY: Thank you.

CONNELL: Mr. Lorenz, in your study, what would you estimate would be an economically favorable cost per acre on agricultural land on Oahu?

LORENZ: You mean what would be the purchase price of land being economically feasible?

CONNELL: Well, if $13,000 and $15,000 an acre is not--you know if you can't make it economically, what would be a favorable price?

LORENZ: Well, I can't answer your question at all. All I can say is many places like the best land in California and so forth like that, the very best land would well rent up to $300 to $400 an acre. So, if you equate that to the purchase price on the interest, maybe we're talking in the same ball park.

CONNELL: Well, if we use those figures then no agriculture is possible on Oahu. I'm not aware of any agricultural land on Oahu and for that matter, I'm not sure on any of the neighbor islands that it's going at $400 an acre.

LORENZ: For rent you're talking, for sale?

CONNELL: For sale. I mean there are some where leasehold is beginning to push that. So therefore my question is then how in the world are farmers on Oahu making it? Kamilonui Valley in Hawaii Kai is sitting on lease that if it were sold off it would go at minimum buying leasehold at $310, $350.

LORENZ: Well, I don't think you'll accept the pineapple and the cane that they are--say come back to vegetables. Not very many people getting rich growing vegetables.

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CONNELL: Well, I'm trying to trace down these economic factors. Was your study reviewed by our Department of Agriculture or by the University?

LORENZ: No, not that I know of.

CONNELL: Your figures have not been authenticated.

LORENZ: No, not by them anyhow.

CONNELL: Well, I think you admitted we have some pretty good agricultural experts locally who might be able to answer some of these economic questions because we do have farmers who are buying property and they appear to be making a living. I wonder how they're doing it?

LORENZ: Well, I talked to a number of them. I guess I don't see very many rich vegetable growers on Oahu.

CONNELL: I didn't say rich. I said make a living. I mean I know a lot of rich wheat farmers in eastern Oregon.

DYER: Can I add a comment, Mr. Chairman? Approximately two years ago a potatoe attempt was made on 600 acres on Castle and Cooke property. The first crop there results were evidently quite good. The second crop wasn't so good and then the third crop was never harvested. There was never very much money paid for the water during this time even though there was an agreement for this and from what I understand, very little paid to the landowner because of inability of a farmer to operate on that scale in that area. This is an example of at the lower end of financial or economic viability of some of these crops. I think Mr. Lorenz' testimony was based just on the cost of providing water, the rate of that over a period of years would be more than what most farmers would be able to pay. There are probably places that you can buy land and hope that they will someday be converted to uses--to whatever uses, you know, as future crops. I think the statements here is on today's base of information, the State is trying to encourage this property is not the place to do it.

LORENZ: I could comment a little on that potatoe land. The fellow who did it was a student of mine. He took out bankruptcy after the third crop, so--

CHAIRMAN: Looks like you wasn't a good teacher.

LORENZ: Looks like you're right.

WIEDERHOLT: Well, your comments I would accept are based on accurate kinds of estimates, still aren't really to the point we're trying to get at here. We're talking about agricultural land in which we're involved in examining a project that is of the type--and I'm not criticizing the project because this has been the pattern for the last ten years--that is of the type that has forced us into this uncontrollable spiraling cost of agricultural lands but what I really can't quite accept is that's development pressure on land which has

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caused this spiraling cost is then used as the argument to justify further processes like this. Now the question that faces this board not only on this particular case but on other ones too is the question that agricultural land policies, that if you deal with it and at what point, is there some potential intervention possible to prevent the greater size significance than we have right now?

LORENZ: I would say absolutely yes. If it weren't for agriculture right now, our balance of payments would be completely different than they are. As it is, we're actually a little in the black.

WIEDERHOLT: So when we're talking about permanently converting I mean on a 20 to 50, 100-year basis, diverting a resource into a non-recoverable form, we may stand a chance of losing something quite important, even given the current economics.

LORENZ: That's right, with food crops we have a renewable natural resource while with their's it's going to give out someday.

WIEDERHOLT: So we might say let that stand for five years and someone will come along and it wouldn't be a bad policy decision.

LORENZ: I agree with you.

CHAIRMAN: Next?

RODRIGUEZ: Mr. Chairman, my function on this team is to prepare the required environmental document for Gentry-Waipio and we have completed our first draft which is now under review by the client. Some of the earlier statements during the afternoon almost dealt exclusively with the physical impact that this project would have in that sector. If I might, I'd like to first outline the procedures that this document has to go through, and then if I could I'd like to dwell principally on the sociological and economic impact, the physical impact of sewage treatment and disposal, the drainage, the traffic, the air qualities, flora and fauna, historical and archaeological, and I think some of the other aspects will be covered and it will be processed by the Department of General Planning.

This is our first draft of our environmental assessment as I said. It is now being reviewed by the client. And, as the Hawaii Revised Statutes, Chapter 343 require, the Department of General Planning will initially evaluate this assessment to determine if there is "significant impact" by this project. If after their evaluation they feel there is significant impact, then they would file a preparation notice to file an environmental impact statement with the state. This would be with the Environmental Quality Commission. We would enter into a consultation period at that time with the Environmental Quality Commission through their office and make the determination of the areas that they felt most significant. The review process of the draft or the consultation period EIS runs approximately 30 to 60 days. After all of the comments are received, we must respond to each one who makes the comment and incorporate wherever it's feasible in the final environmental impact statement. Copies of this are sent out to the people who have made comment.

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In total, I would say preparation time, our time for developing the study, the review by the county agencies, the Department of General Planning, review by the state through two documents, we're talking approximately 150 to 180 days. So it can't be--I hope it can't be said that as far as this area of interest and concern, there will be adequate review of this document.

So if I might now, I'd like to go to what we've done on the basis of the material that has been prepared initially by the client, Gentry-Waipio and also by our office. I'd like to describe what makes up the Ewa district in which this project will be located. The proposed Gentry-Waipio project adjoins the various urban uses of the surrounding area on the present General Plan Detailed Land Use Map. More specifically it abuts the existing 270 acre Crestview-Seaview Subdivision of 450 single family units and 100 multi-family units to be added in the near future. The existing housing units were developed during the 1970's. Mainly due to strong community action, land for a 4-acre neighborhood park site was acquired by the City from Gentry and the park was completed in 1974. It is proposed that the park be expanded to 8 acres in the near future as it represents the only public facility in the Crestview-Seaview community.

Approximately 2 miles north of the Gentry-Waipio project, Mililani Town was started in 1967 as a new town on 3,660 acres owned by Castle and Cooke. Approximately 2200 single family units and 1600 multi-family units including 232 HHA units have been completed. Community facilities include schools, parks, fire station, town and shopping center.

The Ewa central district has one-island wide activity center--the Aloha Stadium, one regional activity center--the Leeward Community College, and numerous community activity centers. Overall the district is adequately serviced by education and religious institutions, park, library, police and fire facilities. However, the Crestview-Seaview community is isolated and other public and private facilities are needed. Between 1960 and 1970, the population for the Ewa central district increased 68%, the highest rate of any Oahu central district compared to a 25% increase overall on Oahu. The average number of persons per dwelling unit in the Ewa central district has traditionally been larger than the overall Oahu ratio. While the average household size throughout Oahu is decreasing, the Ewa central district household remains higher than the Oahu average. Mililani and Crestview-Seaview have even larger households. Traditionally, family-oriented projects have been developed in the Ewa central district and specifically in the area of Crestview and Mililani. Crestview-Seaview families also include more grandparents which add to the larger family size compared to other communities within the Ewa central district.

In 1969, the family income level of the Ewa central district is slightly lower than that of Oahu. However, the family income in Mililani and Crestview-Seaview is slightly higher than that of Oahu. Nearly one-half of the women who live in Mililani and Crestview are employed which is a ratio similar to that of the overall island. Also within the families living in Mililani and Crestview-Seaview a slightly higher percentage

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of women with children under six years of age are working and this situation creates an additional need for child care facilities. In relationship to Oahu, a slightly higher percentage of families own their homes in the Ewa central district. The percentage of owner-occupants in Mililani and Crestview are far greater compared to Oahu. The medium rent of housing is slightly higher than that of Oahu and substantially greater in Mililani. The medium value of housing units is lower in the Ewa central district compared to that of Oahu.

So, what I'm saying is that this project, if you were to take it with its impact as one project and you tie it in with Mililani, Crestview, it is going to have, we feel, a beneficial impact on those districts. I think that when we look at one project, we look at the cumulative effect that it will have in that particular district. Now, while we can say you must provide this and you must do that before things are approved as for instance the sewage treatment requirement that was stated this afternoon by the Chief Engineer, these are things which I think a thrust has already been established. When you look at the map you can see that there is urban, residential districts established below the parcel, there is further to the north a rather substantial urban district established above it. So what we'd like to really state now is that the support of this project, I think we look at it from essentially four areas. One, the site is vacant therefore no families will be displaced or relocated by the project. On the other hand, the project will relieve the isolated feeling of the Crestview-Seaview Subdivision residents and provide needed community facilities, added community facilities.

The population which will be generated by the development is a function of the number and size of units and the number of persons per unit. Total population of the 4300 new housing units would be approximately 14,600 people. The target medium family income for Gentry-Waipio will be similar to Mililani and in that regard I think we feel that there will not be a wide diversion of conflict as far as people living in a district that is not compatible or incompatible. It is not, and I hate to pick any particular district but I would say it would not be--if you would try to put a typical median in some district like this, some project like this in Kakaako where you have a less developed area of urban residential, plus you've got your competitive industrial use. So, we feel the project is a compatible project. It's compatible to that district sociologically. I think that the type of units that are going to be put up there will be compatible to what is there now below the project as well as above.

The project also calls for the development of the light industrial and distribution center and is anticipated to provide approximately 3,000 jobs. These are jobs which while they may not be right in the area, they do exist but will be probably relocated to the light industrial and distribution center. Hopefully if the employees live nearby, they can work and live within one area rather than creating a bedroom community where they'll be commuting back and forth.

So, the lifestyle, the compatability of the project and makeup, these are the things that we feel in our very brief sociological examination are compatible for the project. I'd just like to close and say that

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we're going to continue. This as I say was a draft document that we have prepared and are now going to review with the client. But, at the time that this would be submitted to the Department of General Planning, we will have had, I hope, ample time to discuss with them some of the points that they'd like specifically covered in this document.

KUNA: What are some of the agencies that are required to comment?

RODRIGUEZ: Okay, starting at the state level I think definitely the Department of Health, Department of Agriculture of course, Department of Planning and Economic Development, Department of Land and Natural Resources, Department of Transportation, the Hawaii Housing Authority--I don't know about Taxation or Labor. They traditionally have not but I think essentially those.

KUNA: In your study did you take into account the additional 4,300 units on the existing highways out in that direction which would be used by the development plus the projected capacities?

RODRIGUEZ: Yes. Now, a separate traffic study has been prepared and the results are in here too. And, from the findings, I think there is going to be adequate capacity with both the H-2 as well as the existing Kam Highway. You're going to have your morning and afternoon peaks. I think this is traditional. You can't escape that. Hopefully with mass transit we can avoid some of it but you're going to have the traditional peaks.

KUNA: Now in your study you said you also gave consideration of the historical and archaeological sites on the property. Now in the report that has been submitted here, it made mention the fact that on the basis of existing studies at the Bishop Museum and the State Archives that they would say that there are no significant archaeological sites on this particualr parcel. Now, are you also coming to the same conclusion in your report?

RODRIGUEZ: That's right. What we've done is we have examined the site with the Department of Land and Natural Resources, their historical section and there are no recorded instances.

KUNA: Now this is based on the literature that is available right now. Do you happen to know when surveys were done by the Bishop Museum?

RODRIGUEZ: I can't tell you right now the particular date, no, but I think one would have to assume--and we go beyond that--but one would have to assume with the usage of that parcel which was in intensified agriculture with the exception possibly of the gulch, I would doubt that there would be anything around there. But, we have conducted with the State and the Bishop Museum the study and there's no known record.

KUNA: Was this an on site study?

RODRIGUEZ: Literature study.

KUNA: Literature study. Was this land ever evaluated by the

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State Historic Preservation Office as regards value for registration on the State register that you know of?

RODRIGUEZ: No.

KUNA: Thank you.

CHAIRMAN: Rather than going into the indepth questioning of the EIS itself knowing that it has to be reviewed by the Department of General Planning, maybe we could go into a broader type of questioning rather than indepth questioning of the EIS itself.

Harriet?

WIKUM: I have sort of a question for you and a question for me. That makes it all very clear, doesn't it. From what you said tonight I heard nothing that I had not already read in the application. So the question for me is and anybody can answer this, my understanding is that an EIS must consider the environmental impact of the project upon the whole island, is that true anybody, or must it concern itself with the local--

RODRIGUEZ: I think initially, Commissioner Wikum, the impact would be on the district and then in an economic or sociological analysis, the impact of the project on the district and on the county and in some instances--well not this necessarily--but say that it would be a project that would be an income generating like a destination resort, then it's impact on the State.

WIKUM: I meant to say the island, not the State.

RODRIGUEZ: This one I would say it would be primarily with the district.

WIKUM: Well, you would say that but would the people who require an environmental impact statement say that. That's what I need to know. And then my second--the question for you is does your study consider the impact of this development in the social, economic basis essentially on the rest of the island? This is one of the issues we've been bringing up you know.

RODRIGUEZ: I think our basic thrust at least in this draft has been on the district.

WIKUM: Okay, thank you.

CHAIRMAN: Further questions? Gene?

CONNELL: 2,000 jobs are going to be created.

RODRIGUEZ: 3,000. I didn't say they were new jobs though.

CONNELL: They going to be primarily in the light industrial area?

RODRIGUEZ: Well, this is the proposed plan for the light industrial and distribution center.

CONNELL: Do you have any idea how many jobs have been created by Mililani Town? They have an area general planned light industrial below them I think.

RODRIGUEZ: It hasn't been implemented though I don't believe. It has stuck pretty much to the residential sector.

CONNELL: But the proposed light industrial area in this particular proposal butts right into the Mililani--

RODRIGUEZ: Very close.

CONNELL: So I suppose the question that comes to my mind is if Mililani Town, you know Wendell Brooks turns a buck pretty good, if there is a need for industrial properties in that area, why haven't they been developed? Why haven't those jobs been created in Mililani Town?

RODRIGUEZ: I couldn't speak for Wendell Brooks.

CONNELL: Well, I suppose my question is then where do we get 3,000 jobs that are going to be created in this area?

RODRIGUEZ: Again I would restate these are not 3,000 new jobs and so as this project in its phasing is implemented, it may very well be that this distribution and light industrial will not be developed to that extent. Everything is going to be I'm sure contingent on marketability. These are the projected numbers.

CONNELL: These are businesses that are going to be what moved from Kakaako?

RODRIGUEZ: Hopefully, maybe from there, maybe from Waipahu or the Ewa district.

CONNELL: That's where housing is going to go in so that's going to kick people out of Kakaako, but then they can't--well, okay. Is part of your feeling that by the creation of a new community in this area that the socio-economic trade offs are going to be improvements for the total area, schools, park?

RODRIGUEZ: I think by developing this additional project there we feel trading off what is now vacant, fallow land that added facilities are going to be beneficial. One other criteria that I didn't have which is not here in the draft document but I think that one criteria that we looked for when we try to determine sociological impact, or maybe better stated sociological acceptability, is that maybe it's due to the fact that we're not displacing anybody off this land because there's no one on there. But adjacent communities that have been polled as to whether or not they would like to see this project, I think the support that has been developed by the applicant, has been something that we've not seen as a norm.

CONNELL: Have you done any studies of the social impact on children who are in temporary classrooms?

RODRIGUEZ: No, we've not had an assignment like that, no.

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CONNELL: Because apparently this proposal and the DOE goes along with it, at least initially, temporary classroom facilities. As so often happens on Oahu temporary becomes permanent.

RODRIGUEZ: Temporary becomes permanent.

CONNELL: I know Mililani Town is still functioning with temporary classrooms so I wonder what your socio-economic--well what the social gain? Are we going to end up with two communities in temporary classrooms and an unknown effect upon students in temporary classrooms?

RODRIGUEZ: Well in response to that I would certainly hope not because I think that while I haven't done a study on it, I'm sure that any study whether it's K through 6 or 7 through 12, if they have to function and be educated in a temporary facility is certainly not desirable as a permanent one. There are plans for school facilities in this project. Again I think implementation depends not only on the applicant but must depend on CIP funding that's provided through the DOE. The goal or the hope for objective would be as phasing at the rate of 400, 500 homes per year are built, sold and occupied, that the DOE having kept track of our project phasing schedule would meet and fulfill their needs and demands. Government unfortunately doesn't work that way.

CHAIRMAN: Okay, since this EIS is in its first draft form, it has to be reviewed by the Department of General Planning.

RODRIGUEZ: This is true. At the time that the client is satisfied with it, we would then provide to the Department of General Planning, copies for their review. But even prior to that I think we would want to sit down with staff and isolate those areas which are more significant in the minds of General Planning Department. We'll then--even if we have to redo it or correct and get much of the discussion done prior to the submittal officially of the documents.

CHAIRMAN: For this Commission itself I think it's good that we have established that at least an EIS is being made. So rather than going into indepth questioning of the EIS, why don't we leave it up to General Planning to criticize the EIS itself.

Sylvia you have any questions?

SUMIDA: Mr. Chairman, my question doesn't have to do with indepth questioning of the EIS but I do have a question of Mr. Rodriguez. Were you present at the hearing when the Crestview-Seaview Association, Waipahu Businessmen's Association, the Waipahu Community Association were in support for this?

RODRIGUEZ: No.

SUMIDA: Okay, then I need to address this to someone who can answer that question.

DYER: I believe I was present.

SUMIDA: Mr. Dyer, did these four groups understand that these 3,000 jobs would not be new jobs? Was it their understanding at that time?

DYER: I don't believe the new. It was the location of the jobs as the project was implemented. I don't think the emphasis was on new. It was a new location for jobs if I may clarify that in the way it was presented.

SUMIDA: So that the businessmen's association in their response to this prospect had what to say?

DYER: I have for distribution the most recent correspondence that we have received copies of from the various organizations and associations in the area. Specifically to what the Waipahu Businessmen's Association says as far as the jobs, let me just read if there's something in there in context. They do not specifically refer to the jobs in the area to answer your question.

WAY: Question for Mr. Rodriguez in terms of his experience with the development of evaluation of environmental impact statement, I wonder if you might be able just somewhat briefly describe the role of the EIS in this decision making process. I think this is a question somewhat in keeping with the Planning Commission Chairman's interest in a broader application of the concept of environmental statements. Could you kindly describe that point?

RODRIGUEZ: Well, I think there is the misunderstanding or a misconception of what function or role these documents play. First of all, I think it erroneous to think these are approval or disapproval documents. You can write a very good environmental document which clearly states the impact of the physical, sociological and economic aspects of a project. You can do such a good job that your EIS is accepted and maybe in the consequence the project is killed. I've never known that to happen locally yet. But, I think to answer Bob's question right to the point, these are nothing more than full disclosures of the impact that a project has on a district or as Commissioner Wikum would like, on the county and as I explained, maybe even further on the state. So essentially, it's a tool, it's an aid that helps decision making people as yourself in General Planning, as all of you here on this Commission to more fully evaluate whether or not a project is really going to be beneficial or adverse.

WAY: This response I'm not very surprised at and I think it's very good and certainly in keeping with the general idea of environmental assessment, environmental impact statements which leads me then to the next question. Since this body is to make a decision at least by way of an advice or recommendation to the Council and the community, should the Planning Commission not have the benefit of your assessment and including all agency responses and reactions prior to making a decision.

RODRIGUEZ: That's a procedural question I couldn't answer that. I think philosophically I would agree with you.

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WAY: Okay. There is no strict procedural requirement.

RODRIGUEZ: Under 343 it does not call for it, no.

WAY: Before this Commission we behave on a rather informal basis in many areas but a decision is still to be rendered by this body. I think to the extent that the maximum information can be brought before the Commission, it is beneficial toward the making of good decision making.

RODRIGUEZ: Well, I won't deny that.

CHAIRMAN: Mr. Dyer, do you have anybody else?

DYER: What we would like is to have some concluding remarks after they hear more testimony. There's people in the audience that obviously would like to testify.

CHAIRMAN: This is your last chance. Mr. Dyer, perhaps I should explain some of the procedures we follow here. The Commission will receive testimony for the project including yourself or other people. Then we'll receive testimony against. If at the end of receiving testimony, the Commissioners feel there might be some other questions, they may call on you or others to ask you questions. However at that time, you will not be allowed to give any final conclusion or further testimony. We try to avoid a debate.

GENTRY: Is it my understanding there will be no rebuttal?

CHAIRMAN: Yes. So do you have further testimony?

GENTRY: Yes. While Norm's preparing our slide presentation, I would like to cover a few items we were asked. There were two comments that were made earlier.

CHAIRMAN: Mr. Gentry, I'm going to ask you to speed it up because we have a long night ahead of us.

GENTRY: Well, I feel that the questions so far have been difficult for us to field without presenting our case in a normal manner. The questions have been directed sometimes in the wrong area. I feel that some of these things should be answered correctly. For example, with respect to the agricultural questions, our agricultural expert is that, an agricultural expert rather than an economic expert on future world needs for possible export crops or items to be used here in Hawaii. I feel that maybe sort of like you do that there's a lot to that question in that maybe that should be explored further. My question on that respect whether Mr. Way's ability to--at what level we're trying to deal with this whether it's on a local level, whether we're talking about housing in Waipio or whether we're talking on an island-wide basis or whether we're talking about the world impact on food. I just want to kind of in my own mind determine exactly what you're getting at so that we can respond directly to this type of question. I feel, I would question Mr. Way's ability to respond to our answer with respect to future world demand for--

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WIEDERHOLT: That was my question.

GENTRY: Yes. Well look, I'm not the smartest guy in the world but I have the responsibility of paying the bills here. Further I realize it's your time. I'm very, very aware of that and I'd like to cooperate. On the other hand, you expect from me honesty, sincerity in my area. I'm trying to determine in some of these questions what type of a response will be required. This goes even further how much time you're asking me to allow to do this and I have to evaluate from our point of view what amount of time it's going to take us to develop this kind of an answer. I'm looking now farther into some of these questions that I had sort of passed off earlier. Maybe Ned you could--that's just one I have here. But maybe you can fill me in on the written type of--

WIEDERHOLT: That's a fair line of questioning. You should be able to come up with some of these answers to some of these questions. However, this is the nature of the question that we face right here in this policy question.

GENTRY: All right.

WIEDERHOLT: When you get somebody that knows something about agriculture, I really like to get everything he's got if he can comment on those things. So I would think a good way to construe that kind of question is if you can add something to it. You don't necessarily have to be obliged to come up with that magic answer. That's some of the concerns that we have to face.

GENTRY: All right. Your last closing remark with respect to that dealt with future land value five years from now, is this correct? The possible land value of that based on the world economic demand for possible crops.

WIEDERHOLT: You know where all that comes from?

GENTRY: No, I don't have the slightest idea but in my mind you're relating that to a speculative value which Mr. Way is accusing me of speculating on the property and I'm getting super sensitive on that part I think. Mr. Way--and I would like to comment on this speculation on this property. We can prove beyond the shadow of a doubt that speculation was not our motive and that one of the major proofs is in the tax structure of our company in the purchase and the treatment and the expenses that are involved in the development of this information. You know I don't want to be chesty here but I'm just trying to figure out how your speculative question is relating to Mr. Way's accusation that I'm speculating on property.

WIEDERHOLT: Well, it's very simple that one of the few forms of long range planning is possible. I think it's in some of the environmental impact questions. Do you create an irreversible condition?

CHAIRMAN: Ned, let Mr. Gentry finish off what he has to say. When he completes his testimony then commissioners can ask him questions. Otherwise we'll be going back and forth all night.

GENTRY: Well I'm certainly available on a full-time basis to continue this questioning at some later date at anytime you should specify, I'd be there, in writing or in person or whatever consultants are necessary. I would like to make myself available to any member of commission on any basis that's legal--a little marijuana growing on the property. I haven't gone to jail yet and I hope I don't have to. Well, so much for that type of question. I would assume from your comment or request that innuendoes or hidden meanings in these things that may not be readily understandable be reduced to writing so that I have the ability to answer these questions, or my consultants have the ability to answer these questions. Is that a fair request?

CHAIRMAN: Yes.

GENTRY: Okay. With that comment then I would forego much of the criticism of Mr. Way's other comment and only point out that there is a current population growth in a current family formation rate in Hawaii which has been accounted for in Mr. Way's work. He further points out in his information that parcels of 50 acres and larger that are developable, the curve shows a significant decrease. It just drops off to almost nothing after 1975. Rather than speculate on agriculture, our feeling is to try to provide some of the needed housing here.

We further think that it's important to consider--when you consider housing that housing be competitive. I think there might be some underlying undercurrent with that respect also as to who the possible purchasers of the property would be if we were delayed as Mr. Way seems to indicate and also Mr. Blackfield that seems to be the correct approach. The point is that we are competitive builders. We intend to build a competitive community and compete competitively and I think this is the correct way to affect the right price not only in a competitive product which not only includes price but the product itself. Sometimes you compete in the quality of the product for the quality of life that you produce there. We would hoped to have shown this in our slide presentation which I am informed is not desirable.

I will comment on Mr. Way's comments with respect to the traffic interchange at northeast corner of the property. This is a freeway interchange which we are attempting to show the flexibility of our plan by accommodating such a freeway interchange. Our plan is not designed around it nor is it necessary that that interchange be constructed but only shows the flexibility of the plan. Our plan is intended to be developed on fairly sophisticated basis over the first several years and then drop off into a more generalized plan as the 7 or 8 years progress so that we can possibly utilize newer ideas and better economic data and design of the units and the density. We do have an overall plan but this is subject to zoning and many other aspects which I am sure will do the timing but our purpose here is to show a general broad brush picture of what we would like to do as a viewpoint at this time.

With respect to Mr. Blackfield's remarks, I would like to indicate the facts as I know them; that is, that we had a meeting with the Mayor to discuss this property and the possibility of shifting our 10% housing commitment from the HHA to the City and County. The HHA was not

interested and the City and County seemed to be interested in developing low cost housing. We take the position that we as the builder-developer can build houses as cheap as anyone, and that the City and County in order to reduce the cost of construction would really be in the function of subsidizing the units or reallocating the cost of construction. The point is that the Mayor indicated that 10% of the housing to be built was inadequate and he felt that the larger percentage should be built. My question was how large a percentage and we have lots of data and information that indicates that lower cost housing can be phased in certain percentages in a project but that when you exceed certain percentages, we would have trouble in selling the balance of the units. The Mayor indicated that he may have interest in buying the entire project and emphasized that the planning process could be greatly accelerated if he were able to do that and suggested that I meet with Mr. Blackfield.

I subsequently met with Mr. Blackfield the following Tuesday I believe, a few days later and he was determined that in discussions with Mr. Blackfield that the property would be appraised, and it was thereby appraised by the City and County of Honolulu and a contract for appraisal of the property for housing. I am not privileged to the results of that appraisal. I asked for it of Mr. Blackfield. The City and County did make us an offer to purchase the property which we determined was impossible to accept because it was below our original purchase cost in what we had currently financed the property. This meeting was in no way directed by us or did we direct--do our minutes indicate that there was any conversation about the City financing our project or any portion of it. The only comment that was made was that the City purchase the land on an acreage basis.

I would like to discuss for a moment the 10%, the major 10% that Mr. Blackfield refers to.

I've been requested to reduce our discussion here which I will. Just a few further points on Mr. Blackfield's testimony one being that the major 10% of the housing at cost, there was a question that requested justification or requested the method by which housing cost could be determined. The normal system in determining housing cost which we would attest to and suggest would be that used by large corporations which is called the audit. Therefore, we feel it's highly possible to produce this.

Secondly we believe this is not a meager nor guess but really is rather a forward thinking approach to low cost housing. I pointed out that we can build houses competitively and I think the statistics will show that our square foot for cost next to government construction is either at or below their cost of doing business and we're not very good at subsidation. On the other hand as far as the cost of construction goes we're highly competitive. But the point is if we who have pioneered patents in the field of building a Gentry plan and underground utilities and park dedication ordinances and that type of thing, we're to pioneer an approach to producing a reasonable percentage of our houses at cost. That our cost although maybe higher than some of our competitors, large companies or landowners who have property at very low bases--most of these large companies carry their land on the original book value--could

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be a significant impact if carried farther than just the Gentry home approach. After all, our project here envisions not building all of the housing needs for the island of Oahu but a relatively small percentage over a period of time somewhere in the neighborhood of 5% or 10%. So maybe a thinking application of this idea could be written into future ordinances and I don't know the legal technicalities. Every day becomes a little more complicated but this is a builder's approach to a practical solution for providing low cost housing. Our commitment suggest that these units be built by us at cost, that means our cost our original land cost, carrying cost plus the cost of construction at no profit to us. The profit is written off over the remaining units that we build and that the administration of the sale or the subsidizing of interest rates or whatever we need, the prerogative of the City--improvements or whatever would be the responsibility of others as long as they're non-competitive with our project we think it is an excellent idea and a way to provide that.

We also feel that we would augment this type of approach with further we'd call modest income housing or modest housing approach. There are government programs available such as FHA 235 which hasn't been funded lately but we've got reason to believe that will be back in the swing of things. There have been state programs. We recently had some lengthy discussions with a bonding company who has a new approach to something that our company proposed about 8 years ago. That is an interest-earned income approach from the lending institution. In other words, they currently are paying in Hawaii for example, the savings and loans are now paying a 30% fee or income tax on the earnings that they make from these loans. Now there is laws available and there is an approach whereby we can get internal revenue service to agree that this is a nonprofit and therefore we will get that wage, therefore that money being able to reduce the interest charges on homes which is the major portion of the monthly payments. This is what precludes people from occupying houses. The point is that our commitment was part of a plan to produce houses for people. This is what we do. There must be some profit in it. If we can't project profit in our business we haven't done a good job or the bank won't finance it. So this is really not to be lightly taken. I think that possibly some further look into that by the administration would prove fruitful.

The other comment I do say on Mr. Blackfield's approach to the problem is the fact that his statement of utilizing the property for housing and the appraisals were made on half and the whole parcel of property, that much we do know, should constitute some form of support for our request here and should be given some consideration, we think, by you people. With that, I conclude my comments on Mr. Blackfield.

In conclusion, we request that our 510-acre General Plan Amendment be approved. We believe our project is aesthetically and environmentally compatible providing a competitive priced variety of housing well located in centers of employment. We have worked closely with the local communities and we have support on our project. I or committee members of our consulting firm will be very happy to answer any questions and clarify any further comments that you may have. I do appreciate the time you've spent. I know it's difficult. I know it's late and I just want to say that although I find it difficult to field

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some of the questions, I have great sympathy for the fact that this is a part time thing and it's very difficult for you people to do it. Again I point out that I and my staff is 100% available for any questions and we will try to answer reasonably.

CHAIRMAN: Commissioner Izumoto?

IZUMOTO: I understand the total acreage of your project to be 646 acres, 510 acres of which has been under discussion today. What are your plans for the 136 acres east of the H-2 Freeway?

DYER: Up on the aerial photograph there on the left, there's the yellowish green and the deep green. The deep green is a gulch that was planted in the late 20's which we have recommended to whoever we talked to that it be preserved as a trailway area. Response has been favorably but no decision on how that can accomplish. There are approximately 25 acres of land on the Diamond Head side of the freeway which was designated urban. One is considered inaccessible because of the freeway. The other is just at the top of the property which we have no plans at this time.

KUNA: Earlier in the evening you had mentioned that part of the value that you assessed to this development is addressed to the need in the community toward single-family dwelling or low densities. It was brought up that there are existing general planned or already zoned acreages in the City and County of Honolulu to accommodate the housing in the given number of years and therefore why would you want to add more and your response was that you were seeking to address a need or desire to market for single family dwellings and low density dwellings. Is that correct?

DYER: Generally low density. The definition that the Department of Planning, I believe is up to 14 units per acre. Our current information on the success of projects in the area are of that type. Everyone is aware, I guess, of overbuilding but I guess I can't think of a better one in the Pearl Ridge area on the condominium market so we don't think a high density or intense use of land is appropriate now or in the foreseeable future but we think the single family, patio houses, the townhouses, some low density garden apartments are marketable in this location at this time again depending on the price that will be requested.

KUNA: Like the patio houses Gentry planned.

DYER: Yes, that's the one we refer to specifically, right.

KUNA: How many units is that?

DYER: Density it runs 9, 8, 10 units per acre. That's an average based on the street standards that are current here.

KUNA: And what about low rise condominiums? How many units per acre are those?

DYER: Utilizing generally two-story structure, we would anticipate 20 units per acre that's parking and more economy in the site development than in the previous 2 or 3.

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KUNA: Now when you say low rise condominiums, you projected two-story condos?

DYER: We would hope to have a variety of heights. I think one of problems of a lot of the development is that they're all the same. So we would say one, two and three stories but try to stay with two stories.

KUNA: So you would be going for 20 units per acre.

DYER: That would be our--right.

CHAIRMAN: Yuki, let's not go too indepth in the project itself. Let's stick to the General Plan amendment rather than questioning the project itself.

KUNA: Well, the reason I'm asking all these things is that you have here of your overall 4,300 units you say you're going to put out 2,600 of the units will come from low-rise and mid-rise condominiums. That's over half of the subtotal of your units and yet they do not fit into the definition of low density as I understand it's 14 units per acre.

DYER: Up to 14. I would say the townhouse getting back to single-family and the patio house are below the 14-units per acre, and the low-rise and the mid-rise are above that figure. It would normally be considered of a higher density.

KUNA: I was wondering about this because over half of the units is outside of what was presented to us as being the reason for this.

DYER: This about what I believe has been the current projection depending on the location on Oahu and across the nation as a balance as far as the number of higher density units in relationship to lower density units. I think Mililani went through a growing period that we might expect. Initially the single family that was popular. Currently they're doing about half townhouses, half single family. I believe they have--we've discussed increasing density. This gets back to the intense use of land or the objective of the intense use of land and still provide an attractive housing product.

KUNA: It was also mentioned in the report prepared by Council Services that the price range of the units is to be $45,000 to $75,000 generally. I don't know what $40,000 means. Is that for studio or mid-rise or is that required of family dwellings? I wondered if you are planning to offer single family dwellings at $40,000.

DYER: No, we are not planning to offer single family. We cannot produce single family dwellings at that price. We can produce a two-bedroom, bath and a half townhouse at that price. We can produce probably two-bath, three-bedroom townhouse at a $45,000 to $50,000 price. Tom cautions me that these are 1975, today's date not two years from now.

KUNA: So these are not firm prices anyway.

DYER: No, I don't think that could be expected of us.

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KUNA: Part of our assessment is to look to whether or not this development is going to answer a need in the community as regards one, the type of housing, and secondly, the price range. This kind of general figure presented to us without any correlation to the type of units that's going to be provided makes it difficult for us to evaluate or not your development is actually going to meet the need that you've expressed.

DYER: Let me run through this differently and sort of take my time. There's approximately 100,000 families currently renting on Oahu. Our indication's about 36% of these families are above the gap group that Mr. Blackfield mentioned and there's maybe an equal amount in this $12,000 or $20,000 price range that are in the gap group. So we have a possibility of attracting 50% to 60% of these renters into homeownership if we can provide an attractive product that they will be willing and acceptable to their standards. Now we think that this particular location is a desirable place to try to do that. The site characteristics are probably the least problem. It doesn't take a lot of comparatively a lot of off site improvements or any type reclamation on the property to make it usable. So, I think we can attract the above $20,000 some within the gap group and with subsidized programs will get below the $12,000 price range to integrate throughout the development.

KUNA: You also mentioned that the City had made an appraisal on the land on which they based their offer to you. You had no access to this appraisal. Is that correct?

DYER: That is correct. We asked them for a copy and we were not able to receive one.

GENTRY: We'd be happy to submit the letter.

KUNA: Okay, what I want to know is do you have an appraisal made on this property since the purchase?

GENTRY: Yes.

KUNA: Are these available to us?

DYER: Portions were made available, all the data that we used. All the data that we used was made available to the appraiser by the City.

KUNA: Could, you know, I come down to your office and look at the appraisal on the property? I mean I understand the function of an appraisal in getting the financing.

GENTRY: What is the function of the appraisal?

KUNA: Well I wanted to know what is the current appraised value do you have now on your property? Is it close to the original $13,500?

GENTRY: No, considerably higher.

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KUNA: What is it then?

GENTRY: Well, I would be willing to state that we have had sales or potential sales on the property but I would caution you that in determining the value of land you must determine the net or gross and take into consideration what we are getting--what funds have to be provided to develop the property, the off-track sewer, the two and a half miles of pipe, the water system, the park, the property that is not developable such as streets. So when we get into an appraisal it's a very complexed document about the size of this one here that says General Plan amendment application. So I don't want to be trapped into the kind of a question being completely subjected to earlier. But, information has been available. It's adequate. The City already has an appraisal which you, I'm sure, have access to. It's probably very, very close to ours. So I would suggest that--

KUNA: Talk to ours.

GENTRY: Yes, talk to their people.

KUNA: You indicated earlier that you were willing to consider having a certain percentage of the property or develop units offered at cost.

GENTRY: Yes, that included our original cost of the property, yes.

KUNA: Of the land.

GENTRY: But our original cost of the property is considerably higher than say maybe other landowners such as Bishop Estate or Castle and Cooke or whatever but that's another item. We say it maybe an advantage to the City in trying to get developers to go along with this kind of thing. I don't know whether it's legal to force them. We offer it. We want to participate with the community.

You know one of the things that's very difficult for me to get across to the people is that we are trying to build houses for people who need houses. If we're successful in doing that, we are entitled to a profit, that we are not trying to speculate in the property in that we have always had the attitude of trying to put things back into the project. This concept of 10% at cost may not be super attractive from our point of view but may get more attractice as other people pick it up. We didn't go down with our first park dedication ordinance and say well make it a law. We offered it because we thought it was an attractive adjunct and a feature to the project. Our project here includes some 20 acres of fully developed park that will never be the responsibility of the City. That's our plan, that it be maintained within the project because it's for the use. There are another some acreage within the project that will be maintained and operated by the City. So, you question and when you say who's going to do what, becomes rather complex. I don't mean to avoid it but I would like to answer in full terms.

KUNA: Well, how much would you be willing--you speak in terms of 10% of the project that you would be willing to offer at this cost.

GENTRY: Yes, I'm not offering anything really to the City. We're offering this to the buyers.

KUNA: I know.

GENTRY: Right. And by saying cost, this puts no additional burden on the balance of the project. It only means that we must absorb potential profit which we're willing to do. I think that's a very, very fair approach. I really think the attitude of meager is out of context or out of shape because who else is doing that? Name me one other builder in the United States that's doing that. So you know, I get a little sensitive in this area.

CHAIRMAN: One more question, Yuki.

KUNA: Well, this concept has been discussed by us before as regards an approach changing agriculture land into urban and that is that if the developer would be willing to hold the line on agricultural prices in terms of the land and then if he want to realize the profit on the cost of the dwelling, et cetera would you be willing to take that approach that in offering your property or the units for sale, in arriving at the sales price you utilize the cost of the land for a agricultural price of let's say $40,000--agree upon a price of $25,000 an acre as hypothetical, add on to that the cost of the building and then you would have to project some kind of profit margin based on structure but it could not--

GENTRY: Are you asking this question of me as an individual who is desirous of developing this particular property?

KUNA: Yes.

GENTRY: Or are you asking me as one of many builders who must answer the question if you're going to make it a requirement. I say that we are amenable to whatever reasonable requirements that the City puts in. We don't know what the costs are going to be because we don't know all the requirements. As far as me limiting my profit or me doing this, let me ask you a different question. Will you assure me that there won't be speculation on the home purchasing or can you assure me that I'll make a profit. I think some of these other areas come into this very carefully. What I'm saying is that without competitors like ourselves, and I include several other local builders to show that we can't just dial in the price where other builders have money in the project and are willing to go ahead and build on a competitive basis with us. We are a competitive force which is probably the best protection that there possibly is to anybody getting a fair deal on the product. But, precluding us from going in there, licenses, other major developers in the area who build 100% of all their product. All they have to do is have a sales meeting and automatically everything rises. There's no building competitive situation. This theory can be held down into your business and I don't please to tell you how to zone land or how to deal with the developers. I only submit what we think is a forward thinking approach and I've been criticized for it.

CHAIRMAN: Commissioners, you have further questions? Bob?

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WAY: Mr. Chairman, I have one final question. Mr. Gentry, the question of the transportation issue that I raised being unresolved has to do with the interchange proposal on the H-2. In your summation now I heard you indicate that this is some sort of alternative proposal and not all that firm or required. I guess I'm a little concerned on that point because that wasn't my understanding of exactly what was needed to provide traffic service for the area.

GENTRY: Well Bob, I'm not in a position of requiring anything really. I'm here in a position of asking for the opportunity to build and develop this property. As far as the access to the 510 acres that we intend to develop, there are two major accesses to Kam Highway which are sufficient to carry the traffic. I don't think we're far enough along at this point to determine the sizing. By the time you get to the second access on Kam Highway, there maybe different criteria as there is different criteria for an environmental impact study and this is another thing over a long period of time. We are not hard and fast in making any kind a requirement that there's an interchange at that section. As a matter of fact, an interchange at that point has been turned down by several agencies in the past. We only indicate that if the need presents itself, our plan is flexible enough to accommodate it. I think that our long range planning included that to show that we thought about it.

WAY: Well, I guess I'm still a little uncertain because reading from your appendix, page T8, the alternate scheme, scheme B which is I think the one we're talking about, differs from scheme A in that there is access to the H-2 Freeway with the construction of a new interchange or interconnecting ramp. This new interchange is essential in providing safe and convenient access to the development. Scheme B is the preferred scheme and offers the best design that will reduce traffic congestion, provide greater capacity, and speed the movement of traffic. I guess I interpreted that to mean that it was required.

GENTRY: Mandatory.

WAY: Well not mandatory but required for adequate level of traffic service because that's what we're talking about here.

GENTRY: I'm not a traffic engineer and maybe Norm can answer that.

DYER: I'm not a traffic engineer either. The report was written in our understanding that one, the highways have the capacity to serve the area; two, the ultimate development of an interchange or access on the H-2 Freeway at that location would have additional convenience to serve the project and other land.

WAY: Okay, now what about the cost of it? Have you projected the cost for such a facility and its impact on this 4300 some odd units proposed?

WAY: It becomes to me a rather critical issue which is why I raise the point on several counts. One, it's on an interstate

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federally supported highway. To my knowledge, there's never been an interstate highway interchange added in this state and it's highly unlikely that it will be possible to do so. It's certainly open to having an interchange added but I think we'd all agree that the procedures required to go through are extensive.

GENTRY: I will make one comment on this that you currently have zoned in the City and County a large or relatively large industrial area north of Mililani Cemetery Road, and that this interchange if it were to occur would be on a reasonable criteria distance between other interchanges. Norm is pointing out something I'm overlooking.

DYER: To be specific, in the response of our suggestion for the state to consider this they responded on July 1, 1975. Before an interchange can be approved for the interstate system and subsequently for design of construction, several criteria must be met. I'll list them. Justification based on actual traffic needs which is dependent upon actual urbanization of the subject plan. Benefit cost analysis, geometric and safety design standards, state and federal highway administration acceptance, public acceptance, financial arrangements, all costs for the preparation of traffic data reports etc., required for the above must be borne by the developer. If the developers wish to pursue the interchange matter with these understandings, place them at the requested data for review.

WAY: I guess that makes the point I was making about what the exercise necessary to go through to put such a facility on the highest level of freeway that is built in this country. And, I find a problem quite frankly in squaring this somewhat tentative indication of an interchange with a statement in the report that says this new interchange is essential in providing safe and convenient access to the development. And, if there's anything we want, it's safe and convenient access. And, if it's essential then we think we want.

GENTRY: Maybe we made a mistake. We're probably the only guys ever to make a mistake.

CONNELL: Maybe Norm can answer this question. On Kam Highway I know in the traffic study some of the figures that were developed on the basis of a four-lane divided highway, when is that going to go in?

DYER: I don't believe there is a schedule. Currently it may be part of the first increment of the H-2 Freeway was open. The Kam Highway section in this area was I think can be considered to be congested during certain periods during the day. Now with a partial opening, I don't know what the standing is. I know it's a lot easier to get in and out of Crestview now than it was at least when we visited the area. When the freeway is complete, I believe the projected traffic counts in the report showing a substantial decrease on Kam Highway as this is more of a transmission function of highway and not too much distribution and that this would permit an increment development. I believe the thought that went into the traffic was that ultimately it would be required to widen to four lanes in order to serve the area.

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I don't believe they have a date, that I'm not aware of the detail of that report. The right-of-way is there. Obviously the four-lane improvements are not, just three lanes.

CONNELL: That was part of my concern because it seems to indicate in the report that Kam Highway is done in an unusually high volume of traffic and there's an indication that Kam Highway needs to be improved in order to be able to take the added increase of over 2,000 cars.

DYER: At the time that we get towards the completion of the project, be 8 to 10 years from now.

CONNELL: Is it going to be done? I mean seriously.

GENTRY: If it were our responsibility, it would be a requirement and usually we figure out a way.

CONNELL: You would be willing to put in an extra lane? I mean as I understand it, that highway is really presently two lanes with a passing lane right?

DYER: I think it's really an upgrade lane. It gives the trucks an opportunity to pull over and traffic to continue. But, what the geometrics will be after the freeway, whether the trucks will be on the freeway, I don't know.

GENTRY: Your question to me is are we prepared to build and construct an extra lane, I would say yes if you're prepared to grant our proposal.

CONNELL: No, I think my question is if the interchange of the H-2 which this report says is essential, if that is not a possibility then to what extent is Kam Highway as it presently is, not as it maybe improved in the future, but as it is now to what extent can it handle the traffic? I'm really questioning the ingress, egress.

GENTRY: That's a good question and we'll have our traffic engineer respond to it. I believe it's adequate at the present time.

CONNELL: I think this is a specific enough question.

GENTRY: Yes, I think it's a good one. I like it.

CHAIRMAN: I think we've had enough discussion with the developer.

CHAIRMAN: Thanks a lot. I'm sorry we took so long.

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TESTIMONY IN SUPPORT (cont.)

5. Mrs. Valeria Humphries, President, Windward Action Group (Submitted testimony dated Feb. 18, 1976, copy attached)
6. Letter from James C. Ching, Executive Secretary, McCully Business and Professional Association dated Feb. 6, 1976, copy attached
7. Letter from Dr. Stanley J. Yamane, President, Waipahu Businessmen's Association dated Feb. 10, 1976, copy attached

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8. Letter dated Jan. 26, 1976 from Robert K. Knutson of Lanakila Baptist Church and Schools, copy attached
9. Letter dated Jan. 18, 1976 from Albert Alexander, Jr., President, Crestview/Seaview Community Association, copy attached
10. Letter dated Jan. 8, 1976 from Diane M. Akau, President, Waipahu Community Association, copy attached

TESTIMONY AGAINST

1. Mr. Leonard Wilson, interested citizen (Submitted testimony dated Feb. 18, 1976, copy attached)
2. Ms. Janet Gillmar representing the Hawaii Chapter, American Society of Landscape Architects (Submitted testimony dated Feb. 17, 1976, copy attached)
3. Mr. Richard G. Poirier, Chairman, Planning and Zoning Committee, Neighborhood Board No. 25 (Submitted testimony dated Feb. 18, 1976, copy attached)
4. Mr. Scott Nakagawa, Vice President, Life of the Land (Submitted testimony dated Feb. 18, 1976, copy attached)
5. Mr. Charles P. Goldsmith, interested citizen - Suggested consideration of hydroponics in use of the subject land area as well as a plan for channelized development.
6. Ms. Jane Helliwell representing the Mililani Town Association (Submitted testimony dated Feb. 18, 1976, copy attached)
7. Letter dated Feb. 17, 1976 from Mrs. John T. Humme, President, The Outdoor Circle, copy attached
8. Letter dated Feb. 10, 1976 from Herbert B. Weaver, Professor, Department of Psychology, University of Hawaii at Manoa, copy attached
9. Letter dated Feb. 17, 1976 from Milton Warne, Chairman, Land Committee, Hawaii Farm Bureau Federation, copy attached
10. Attorney Paul McCarthy, Life of the Land, testimony dated Feb. 18, 1976

The public hearing was closed, on motion by Mrs. Wikum, seconded by Mr. Izumoto and carried.

CHAIRMAN: Commissioners? Harriet?

WIKUM: Mr. Chairman, I have a small speech to give and then a motion.

It seems to me that because the stipulated GP amendment procedures have not been followed in this case, a public hearing in the true sense of the phrase has not been held. The public has been forced to sit thru hours of reports from departments who responses should have been available to the commissioners and to the public before the hearing was held. Because of this, the public has been expected to digest these reports and developers responses on the spur of the moment. In addition, the function of a public hearing is not to develop the application as this public hearing has attempted to do.

Secondly, because the real issue is apparently not the wisdom of urbanizing agricultural land nor the need for housing, but the need of the City Council and the Department of General Planning to do

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battle, and our charter-mandated responsibility is to review and advise, not to aid and abet a war, one of the most unhappy results of this fact and its truly regrettable that the Council has drawn Gentry-Hawaii into the line of fire today.

And, because considering the magnitude of the policy decisions explicit in this general plan amendment, the study and analyses that accompany the application are sometimes incomplete, sometimes inadequate, and in many instances as we've seen today, untimely, they're either here today or not here at all;

I move that the Commission refuse to recommend approval or denial of this amendment. I want it clearly understood that this is not a motion for one of those no-recommendation votes. It is a motion that says we refuse to consider the amendment because of the above-stated procedural problems and because the Commission does not choose to be caught in the Council-Administration cross-fire any longer, and because we are unable to consider an issue of such magnitude on this kind of information and analysis within the 30-day time constraint.

CHAIRMAN: Do we have a second to the motion?

WIEDERHOLT: Second so we can discuss it.

CHAIRMAN: The motion was made and seconded. Discussion?

KUNA: What happens when we have a no recommendation is essentially the same when we have a recommendation to deny in terms of what is required in City Council. When they vote on it, they must have two-thirds vote on the matter. The question in my mind is I feel that we should pass on comments however on what has been brought up in this hearing.

Number one, that there's no duplication of work for efficiency sake. I know the City Council is going to deal with it. I would like to pass on to them our suggestions and comments which have come about as a result of about six or seven hours of sitting here and listening. So, I don't know what you call that. Do I have to amend the motion in order to include the comments?

CHAIRMAN: Before you even consider that, taking Harriet's motion into consideration that we do not act entirely, then your motion specifically says this is not a no recommendation, that it's just a refusal to act on something.

WIKUM: Would this motion if it carries preclude sending up the information that we have received today?

CHAIRMAN: It seems to me that you're saying that we're not going to work but yet you're going to work.

WIKUM: I beg your pardon?

CHAIRMAN: It seems to me that you're making a motion that says you refuse to act and yet you're acting on giving recommendations.

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WIKUM: I didn't say recommendations. I said information.

CONNELL: All of the information which has been submitted to the Commission would be incorporated into the minutes and the minutes under the Sunshine Law have to be available within a 30-day period. These minutes are always forwarded to the City Council. Therefore the Council through those minutes would receive all testimony, questions, et cetera that has been received.

WIEDERHOLT: Mr. Chairman, I seconded this motion so we could discuss the subject. I do have some questions that I'd like to discuss relative to this.

There are several kinds of information that we didn't receive--some from the developer, Mr. Gentry said that he would like to bring to the board. There are several State and City departments that have still not been heard from either in the testimony or written form. Although I seconded so we could get this going, I wonder if it wouldn't be better to just defer consideration at this particular moment and keep the hearing--in some way allow additional information being brought to this board. It would mean that with the 30-day requirement, we'd have to request an extension which Mr. Gentry said wouldn't be too difficult. We could then take action either on a procedural--on the basis of principle or procedure or substance at that time. We would then have a more complete body of information to be attached to that action, whatever action is taken.

WIKUM: I appreciate that but one of my intents here is to say look, this is not a public hearing we're holding. You're asking us to develop your application and that's what you're saying would do further you see. And, we've been in this bind before remember Ned, maybe never as large as this one where we get these little fragments down here and then we have to develop something out of it, and then we get accused of being out in left field when we do. I would like that to stop. I don't know how to stop it. Maybe this isn't the way to do it but it seems to me--

Ever since I've been on this Commission until recently, our job has been to look at reasonably complete applications, analyses that have been run through, the charter-mandated procedures, and then we listen to the presentation and we hear testimony. Lately we get ourselves into developing the application. It's not that I don't want to do the job but it's not what we were appointed to do. Other department people, professionals are hired to do that. And, I'm not sure that we can do it well. And, I'd like it to stop. And, if you could find me another mechanism that would do that, I would be happy to develop this application further.

IZUMOTO: Mr. Chairman, what I have to say here perhaps borders essentially on what Harriet has brought out except for leaving out the pointed references you had to make which is of your concern. Might I be permitted to read the motion that I had with reference to in line with what you had and see how this sounds:

I move that the issue be referred back to Council as the Commission is unable to properly advise Council based on need for what appears to be more indepth data than thus far received. We also lack input by certain departments and lack of favorable recommendations by the department of public works.

I tried to keep this without getting into technical issues of personalities or political bodies but simply as a determination from this board.

WIKUM: I appreciate that and we've been trying to stay away from the political issues underlying this for months and it keeps happening. I would really urge that we call the political issues as we see them and they may be way off but that's the way they look to me. I'm really kind of tired of not naming them. I didn't name any personality.

WIEDERHOLT: In effect, these two motions are similar. In a sense, are we sending it back to the drawing board and say resubmit when it's ready?

WIKUM: Yes.

WIEDERHOLT: What's wrong with saying that?

KUNA: What I think will happen though is when we submit they will take it as a no recommendation. It's just like a blah. It just doesn't say anything.

WIEDERHOLT: Well, City Council can take any action it pleases. We're still advisory but at least they know they're out in left field themselves at this stage. There's no other thing that we can do. They're out of line. If they want to take action and they're out of line, that's their problem. At least the political issue is in their lap and not in ours. Is that a fair conclusion?

WIKUM: Yes and one of the reasons I made the point about the public hearing is that if they want to take action on what we consider an incomplete application, we have already stated here that we feel a public hearing has not been held. Whether or not that's true, legally, I don't know but I thought that was an important point to make.

WIEDERHOLT: Would it be worth adding to that statement that we're willing to reconsider when it's in complete form?

WIKUM: I would accept that as an amendment. You are the second. You can't make it I guess.

CHAIRMAN: What is your reason for not making a no recommendation? Would you explain that to me again?

WIKUM: My reason for not wanting a no recommendation vote?

CHAIRMAN: Yes.

WIKUM: Because that's a position of weakness, I think. My experience has been that it's accepted as that kind of position by

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the City Council. God knows we're weak enough as it is. I think the motion or something next to it that I suggested at least says that we didn't sit here all afternoon and all night and were not able to make up our minds which is the way a no recommendation vote inevitably gets read. That's my understanding. Mr. Connell says that true. And, I don't want to get read that way because I don't feel that way about this.

KUNA: I think that's a good position to take also because of two things that happened here. I don't think they can deal with it. There's two things that are usually followed in a general plan amendment that have not happened here and therefore we can't cope it because our function comes after these two things occur. I'm getting this from the General Plan Amendment Procedures put out by the Department of General Planning. One thing that has to happen is there must be an evaluation of the request, evaluation of the adequacy and appropriateness of the basis of the request. This evaluation according to Mr. Sheybani has never been made. Secondly, this request must be evaluated and reviewed in terms of the adequacy of the scope and technical content. In other words, checking the data and verifying it. This has never been done. Both of these reviews are required prior to the time the Planning Commission receiving the material and going over it. I question whether the--what I would like the City Council to be directed to the specific rule, 8.3 c. and d. and advise them or have them get some legal advice that they can't continue it because we simply cannot deal--we are not professionals. We cannot make those determinations, those two preliminary determinations.

CHAIRMAN: Commissioners, do you fully understand the motion?

CHOY: Mr. Chairman, I would like to call for a recess.

CHAIRMAN: Under the Sunshine Law, a recess is not allowed while a motion is in order.

CHOY: Mr. Chairman, I do agree with Commissioner Wikum and Commissioner Izumoto in part. However, I do agree with Commissioner Wiederholt. Several important items have not been made available to us. Although Commissioner Wikum has taken the point that a no recommendation is a weak point on the part of the Commission but perhaps aren't we being rather unfair after spending such long hours here that we should send a no recommendation. I just can't quite accept in total the motion that is before the board at the present time.

WIKUM: I don't want to be unfair and I'm very concerned about being fair to Mr. Gentry and his colleagues. I'm not recommending a no recommendation vote you understand. I'm recommending that we refuse to consider on these other grounds. Mr. Gentry is not going to be hurt by this because as Mr. Wiederholt points out, the Council is going to act one way or another or they can resubmit to us if they so choose if they so find that's the reasonable thing to do in which case nobody has been hurt.

CHOY: You've been on the Commission as long as I have and you know that the City Council would act irregardless of our recommendation

pro or con. I think you've taken a very strong position; however, in view of that, I can only agree with you in part. I think again the Chairman had suggested another alternative which you totally reject. Harriet I'm not saying that you're wrong. I would agree with you in part and because of this, I cannot consciously place my vote affirmatively for your motion in total.

WIEDERHOLT: In terms of this question of time and fairness, we might be doing everybody a favor. If this thing is running into a constitutional or legal question, we wouldn't be doing anybody a favor by passing on a kind of soft answer. I would be afraid as Harriet would be to know a no recommendation will be taken as a soft answer. We need to call City Council's attention to the fact that this is very likely to be an illegal process. Any action taken would be subject to action in the courts with losses to everyone. So, I think it needs to be fairly strong.

I'm concerned that we're not meeting specified criteria particularly from the Dalton case. This could run everybody into trouble. So it's back to the drawing board and do your homework up there is sort of the word.

I think there's another issue here too that's unfortunate. In effect what we've had happen several times here is that the Council apparently appears to feel that the burden of preparing the entire documentation is upon the developer. I don't think it is, and that the developer must make all of the case too. I don't think that's true either. This is kind of a bug-out, a side step. The Council asked the applicant to develop the entire documentation and I think this is improper.

CHAIRMAN: Further discussion?

KUNA: I'd like to make an amendment to Harriet's motion. Can I state it now?

Harriet began the motion by stating the reasons for the no recommendation.

CHAIRMAN: No, that was just a statement.

KUNA: And I would like to insert this in her statement: Because the stipulated general plan amendment procedures have not been followed in that Rule 8.3 section c. and d. of the General Plan Amendment Procedures as promulgated by the Department of General Planning require that first an evaluation of the adequacy and appropriateness of the basis for the request for a general plan amendment be made, and secondly, that this request be reviewed in terms of its adequacy of scope and technical content, and these procedures have not been done, said procedures being required prior to review or consideration by the Planning Commission (see 8.3 d.(3).

CHAIRMAN: Further discussion? Sylvia?

SUMIDA: If I understand your motion, part of the scope that this Commission would not consider that it had a public hearing this

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evening. Is that part of the motion or part of your explanation, Harriet?

WIKUM: I suggest that a public hearing in the true sense of the word has not been held.

SUMIDA: Is that part of the motion or is that part of the discussion before your motion?

WIKUM: It's part of the motion.

SUMIDA: It's part of your motion. Okay, that's one of the things I'm concerned about. We have in fact had a public hearing. We have sat here for many hours listening to testimony with a thought toward using the information as part of our decision-making process. I have concerns about negating that. A lot of people have come. A lot of thought and concern have been written and verbalized and I would not want to negate that.

The second concern that I have is Harriet's concern also, I think. How can we interrupt this situation that we seem to be in now? I have not known the day when complete reports were given so I don't have that nice comfortable thing to fall back on or the guideline. I'm concerned that I received a 20-page report the day of the hearing when I cannot review it and give it consideration. I'm concerned that as a commissioner who is charged with responsibility of reviewing summaries, reviewing complete reports that I don't get them. I would like to interrupt this process before we do in fact have a public hearing rather than have a public hearing and then in some way try to intervene. I think it's too late to intervene in this case. I think we can benefit from it in the future. Those kinds of things. I am concerned that we do not get complete reports. I don't know how to assist in making this intervening first of all so that this doesn't recur because I've been here now since September 17th and I've never seen a complete report. I want to intervene into that. I also want to be sure that people, developers, and we don't have to sit and not be able to have the equipment we need to discharge our civic responsibility. That basically is my concern, the way the motion is now stated, Harriet.

CONNELL: Mr. Chairman, I think that public hearing undoubtedly has been held but I would refer you back to a previous statement made by the Corporation Counsel as related to the GPRP public hearing where Mr. Chun indicated the courts had established certain high standards for public hearing and that one of the Commission's functions was to ask as many questions as it could. It would seem to me that though you have held a public hearing possibly following the high standard statements of the Corporation Counsel, the question might be raised to what extent you had all of the adequate material that were necessary in order to have an adequate public hearing that would meet the high standards that were established by the courts.

WIEDERHOLT: Mr. Chairman, it might even be a little more simpler than that. We've had a public hearing on a bunch of documents but it appears that missing information and conclusions and analysis is of

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such magnitude that we have not had a public hearing on the completed application. Therefore, we have not legally had a public hearing on this application at this moment based on that as fact.

WIKUM: Is it permissible to amend my own motion?

CHAIRMAN: Withdraw your motion.

WIKUM: No, I don't want to withdraw it. I just want to change one sentence.

IZUMOTO: Harriet, if I may with your indulgence. Mr. Chairman, if it's in order, could we declare a recess sitting right here at the table while the motion as amended can be put in proper form so you'd all understand. As it now stands, it seems a little muddled with some of us feeling that certain words should be deleted or certain sentences or phrases should be.

CHAIRMAN: Actually the motion could be very simple. All you have to say is no recommendation or refusal to act and that's all the motion needs.

WIKUM: And you can send the other things up as comments?

CHAIRMAN: Then the other things can be part of your discussion which is for the record which will be transferred out to Council.

WIKUM: It's okay with me as long as they read them. I thought if they had to read it all before they got to the motion, I might stand a better chance to get in my hearing.

CHAIRMAN: Because as part of the discussion if there's anybody against it, they'll vote against the motion.

WIKUM: I understand what you're saying. Okay, how do I agree to do that?

CHAIRMAN: We're still on discussion.

WIKUM: I beg your pardon?

CHAIRMAN: We're still on discussion yet so--

WIKUM: Keep this motion and I'll make--excuse me.

CHAIRMAN: Add on because the basic thing is acting on--not acting on this particular application. Isn't that correct?

CONNELL: Yes.

KUNA: Could we have a no recommendation for the following reasons and then list them?

WIKUM: No, I don't want that. Refusal to act.

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KUNA: Sometimes I feel they may receive all the minutes and things but it doesn't mean they have to look at it.

CHAIRMAN: Well, I'm pretty sure if we refuse to act on it, they'll surely look for why?

WIKUM: I still don't understand what my rights are. Can I just rephrase.

CHAIRMAN: Go ahead and see if the second approves.

WIEDERHOLT: Can you review what no recommendation means?

CONNELL: Mr. Chairman, as I read the City Charter, the Commission shall recommend approval in whole or in part and with or without modification or recommend rejection of such plan or revision. It seems to me that you are considering taking an action that really comes before that. You are refusing to act at all. It seems to me that many of the reasons that you have stated for not acting would still be included in the findings of fact which we are required to forward to the City Council. Therefore, I think what I'm suggesting is that I think the Chairman has in a sense stated what the motion could be and that Harriet and others who have joined in the discussion have in a sense made by job easier in terms of writing the findings of fact in explaining why you're refusing to act.

CHAIRMAN: You can make your restatement now.

WIKUM: Restate this. Do I discharge of the motion at this time?

CHAIRMAN: Keep your motion simple. That's where we always get the hangup.

WIKUM: I'm sorry about that Randy. I really didn't mean to make it any longer than it is. But do you just toss out the motion that's on the floor, that's my question.

CHAIRMAN: Withdraw.

WIKUM: I withdraw my motion and I want to move that--

CHAIRMAN: Wait, you have to see if the second agrees first. The maker of the motion wants to withdraw her original motion. Second agrees?

WIEDERHOLT: Will the reasons be included in the whereas?

WIKUM: They will be. I'll put them on here.

WIEDERHOLT: Okay.

WIKUM: Okay, now I move that the Commission refuse to recommend approval or denial of this amendment. This is not a motion for a no-recommendation but a motion that says we refuse to consider the

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amendment because of the following findings of fact and here they are but I won't say them because that confuses things, right?

CHAIRMAN: Okay. Ned, you going to second the motion?

WIEDERHOLT: Say it again.

WIKUM: I move that the Commission refuse to recommend approval or denial of this amendment. This is not a motion for a non recommendation but a motion that says we refuse to consider the amendment because of the following findings of fact--procedural issues with specifics cited; and the war, I want to mention the war that we're always caught in the middle of; and that the application has been forwarded to us in an incomplete way.

KUNA: Can we point out the specifics?

WIKUM: Yes, sure, get specific about that.

CHAIRMAN: Okay, do we have a second?

WIEDERHOLT: Second.

CHAIRMAN: Okay, discussion. You want to point out why you want to make that motion?

WIKUM: Call the question.

IZUMOTO: Call the question.

CHAIRMAN: The question has been called for. All in favor of the motion, raise your right hand?

(The motion failed to carry for lack of a majority vote.)

AYES - Izumoto, Kuna, Sumida, Wiederholt, Wikum
NAYES - Choy, Kamiya
ABSENT:- Hosaka

CHAIRMAN: I think with all of the discussion that we've had, I think all of the commissioners are aware of what is happening, what information is lacking. I think the hangup is whether we should refuse to act or whether we should pass on a no recommendation or approval or denial.

WIEDERHOLT: I'm still trying to understand what no recommendation means.

CONNELL: Mr. Chairman, again as I hear the motion that was defeated, as it was stated, it was not a no recommendation. A no recommendation has generally arisen at that point when the commission is unable to reach a majority vote or five members voting either for or against an application. And, under the rulings of Corporation Counsel, a no recommendation is viewed as a negative vote. But what I heard being discussed earlier was a no action, a refusal to act.

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WIEDERHOLT: And from what you stated, it's no meaningful action.

CONNELL: Who knows? You could let Corporation Counsel worry about it. It's never been tried before.

KUNA: Section 5-412 of the Revised Charter says if the Planning Commission fails to make its report within the 30 days, the Council may nevertheless adopt such revision or amendment, but only by the affirmative vote of at least two-thirds. So possibly our refusal to act may be considered a failture to make a report. I would say that's probably how they will treat it. It's got to fit into some little slot so that's how they'll do it and then it will create the same thing, no recommendation or recommendation against. That is a two-thirds vote. How does that sound? You were worried that it would leave everything in a vacuum?

WIEDERHOLT: Yes, especially the development process. We don't even know what is necessary. No recommendation can be taken as no action and therefore the City Council could speed up on it and somehow if they were to adequately evaluate this, suppose the Commission and the Council needs more information, needs more analysis, needs mor work out, I'd keep that process alive.

KUNA: They are required to have certain criteria themselves. Just by the Dalton decision, it can't be dismissed or ignored. I think the problem is that I don't see why the developer should sit here for weeks to come and still everything will be inadequate and then we try to shove things together. I would say rather than waste Mr. Gentry's time--we can't put it together to come up to standards that is required. I don't think we can at all. I don't think that any information that we've gotten or will receive will still be in compliance with the procedure and therefore it's useless to get any more information and delay it any further at this point. I mean that's one consideration, the developer has been waiting for so long. He may get all the way up to the Council and they're stuck with the issue.

CHOY: Mr. Chairman, since there's no motion on the floor, I would like to ask for a recess before we continue.

CHAIRMAN: Okay, what we can do too is since we have another public hearing and the people have been waiting patiently, I will defer this matter to the end of the second public hearing. So, we will have a recess.

* * * * *

CHAIRMAN: Okay, referring back to item 3, a motion is in order.

WIKUM: Thank you, Mr. Chairman. I labored so hard over that last motion. I welcome the opportunity to deliver a live baby at this time.

I move that the Commission refuse to recommend approval or denial of the Gentry-Hawaii General Plan amendment. This is not a motion for a

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no-recommendation but a motion that says we cannot act on the amendment for the reasons hereunto attached. And, one will be the procedural problems with specific stipulations; the second will be because those were not followed, the application is incomeplete and inadequate in cases; the third one will be because the previous two are true, we question whether or not we have had an adequate public hearing.

WIEDERHOLT: Second.

CHAIRMAN: Further discussion?

IZUMOTO: I call the question.

CHAIRMAN: Question has been called for. All those in favor of the motion, raise your right hand.

(The motion carried.)

AYES - Izumoto, Kamiya, Kuna, Wiederholt, Wikum
NAYES - Choy
ABSENT - Hosaka
ABSTAINED - Sumida

PUBLIC HEARING
PROPOSED ORDINANCE FOR ESTABLISHMENT OF HISTORIC, CULTURAL, & SCENIC DISTRICT NO. 5, THOMAS SQUARE/ ACADEMY OF ARTS DISTRICT INITIATED BY DEPARTMENT OF LAND UTILIZATION (GH)

A public hearing was held to consider a proposed ordinance for establishment of Historic, Cultural, and Scenic District No. 5, the Thomas Square/Academy of Arts District.

Publication was made in the Sunday Star-Bulletin/Advertiser on February 8, 1976. Correspondence received concerning the proposed ordinance is included in public testimony either FOR or AGAINST it.

Mr. Gerry Henniger presented the Director's report recommending approval of the proposed ordinance.

HENNIGER: Both the Academy and the Park were placed on the National Register in 1971-72. The area is low key. It has a great deal of serenity. The Square itself serves in the activity of the Academy in that it has some 14 different activities going on there. It includes arts and crafts festivals, music concerts, theatre festivals, school outings, and you may have noticed the dog shows which are not artistic in nature but 17 clubs use them regularly.

In recent years, the serenity of the Academy and of the interior courts of the Academy have been seriously affected by highrise structures which have come along, one 19-story here (pointing to map), a 15-story here, 12-story here and another one just completed but not shown on the map which is 21 stories.

Organizations and individuals have been concerned about this activity. More specifically, the Academy of Arts itself has taken issue with the proposal next to them and have been concerned with these highrises around them. The Daughters of Hawaii have expressed concern, the

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Garden Club of Honolulu, the Hawaii Museum Association, and the Outdoor Circle have all expressed their concern about this.

The objective for this district is basically to protect, preserve and enhance Thomas Square where the sovereignty of the Hawaiian Kingdom was restored by Great Britain, the historical consideration. We're concerned about the cultural uses which are in the Academy and there are also uses within the Park itself--the landscaping, architecture and the serene scenic quality of the Park itself.

The General Plan for the area is high density apartment. Around the Academy the General Plan calls for high density apartment use. In the area which is between basically the Square and the Capital District, there is some proposed public facilities use at the Blaisdell Center, the Academy Structure and also Lilikona School.

This map which I use to illustrate what's happening around the Square also gives you a sense of the relationship of Thomas Square to Fort Street Mall on through downtown, and to point out the boundary for the Kakaako District. So this area is in the interim district of Kakaako.

The existing zoning for the area is defined by these lines (pointing to map displayed) of red in the B-2 area which is between Thomas Square and the Capital District. B-2 also abuts the district. The A-4 Apartment area which surrounds the Academy area and includes the Square itself as far as zoning goes. B-1 and B-2 in this area with B-3 in between this little area on King Street and Victoria, and then there's R-6 which includes the Blaisdell Center in its entirety but in the district would include the performing art structures.

The design control system which was developed for this proposal was based on taking 12 sections through the Square and the existing zoning. This illustration indicates what can happen around the Square within the existing zoning. The studies which we did determined that the area is generally about 350 feet back. The property line at Lilikona School, the church property are generally a workable kind of line. The proposal calls for the area which is mostly in City ownership, the bus facility, the Straub Clinic and the existing Apartment, that that be connected with the capital district to make the transition from the capital district to the Square in that the height limit proposed there is 100 feet than to keep that relationship open. The envelope proposed around the Square would in case of the Academy start a 60-foot height and proceed then at an angle back to the district line and then go back up of course to the abutting 350-foot height. So, the envelope would provide for an ascending height. This line was established actually from the interior court of the Academy so that the structures back would not adversely affect any further to the interior court. This area which is R-6 would remain 25 feet.

The proposal calls for setbacks along the major highway, major streets, starting first here (referring to map displayed) along Ward Street at 80 feet which is a greater setback. This is because of the proposed mass transit station and there's need for improvement of a walkway in pass the Square to the higher density apartment area which is behind

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the Square. Also maybe setbacks along King Street, a lesser setback elsewhere, the purpose of the setbacks being for landscaping the streets and planting.

I've covered the height restrictions and setbacks. There's also open space restrictions called for which will be 50% open space keeping with the capital district. There will be landscaping guidelines which would require certificates of appropriateness for the removal of trees that are six inches in diameter, treating of parking lots, and architectural treatment review which is called for subdued bulk scale, exterior material, color and so forth in keeping with the park-like setting of the district. The district primarily would be that it be made up of non significant projects if those projects conform with the conditions in the ordinance. Those projects then that would go to City Council would be those which would not conform with those conditions.

(There were no questions of Mr. Henniger.)

TESTIMONY IN SUPPORT

1. Mr. Sullivan Washington, Assistant Director, Honolulu Academy of Arts (Presented testimony of James W. Foster, Director of the Honolulu Academy of Arts, copy attached)
2. Letter received dated Feb. 17, 1976 from Mrs. John T. Humme, President and Mrs. Theodore Croker, First Vice President, The Outdoor Circle, copy attached

TESTIMONY AGAINST

1. Dr. Lee Simmons, Physician at Straub Clinic and Hospital (Presented oral testimony; received his statement dated Mar. 3, 1976, copy attached)
2. Dr. John Lowrey, Chief of Staff, Straub Clinic and Hospital
3. Mr. James P. Conahan, Attorney for Straub Clinic and Hospital (Submitted testimony dated Feb. 18, 1976, copy attached)
4. Mr. Patrick J. Duarte, Associate Administrator, Straub Clinic and Hospital (Submitted testimony dated Feb. 18, 1976, copy attached)
5. Mr. Thomas Battisto, Executive Administrator, Straub Clinic and Hospital
6. Letter received dated Feb. 17, 1976 from Mr. Cyril Phillips, Chairman, Permanent Development Committee, First United Methodist Church, copy attached
7. Mr. Keith Johnson, Architect for Straub Clinic and Hospital

Mr. Johnson's testimony follows.

JOHNSON: I'm an architect with the firm of Stone, Marraccini and Patterson, the architects for Straub.

I'm going to touch briefly on the long range planning of Straub since 1966 and the development of the long range plan at which time Straub commenced with the development of the hospital expansion of the clinic.

The effort of long range planning is extremely important with what we're faced with now in Federal law, State law and City and County ordinances. Specifically, public law 93-641, the Health Planning Act passed in 1974 required long range planning for each institution. The legislation is very specific in justification for expansion and acquisition of equipment and City and County ordinances provide guidelines for development. Some shocking figures that require long range

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planning and development of facilities indicate that in 1973 Straub Hospital and Clinic completed their hospital at a cost of $48 a square foot. In 1976, today, that same hospital square footage costs $96. That's 50% increased.

The need for long range planning stems from the fact that once the facility is planned or designed, it is 7 or 8 years down the line before occupation. So in the development of the facility, efforts are made to provide the maximum amount of flexibility. It is done at a premium cost during the original construction. Straub has provided essentially the capacity to expand by 48.8%, almost 50%. To expand would require specific legislation and more importantly, community needs. But, the forethought of flexibility to maintain a viable institution that meets the state of the art in health care delivery, Straub is foremost in its thought.

The limitations that we are faced with in this ordinance, both the height limitations, setback and open space, are the three major points.

The height limitation of 100 feet presently has been observed by the first increment of the hospital. To expand 7 to 11 floors, 4 more floors, the hospital will reach a total height of 157 feet. This would be an increase in bed capacity and would require approval by the State Comprehensive Health Planning Agency for need legislation but would be a forethought in the phase development of Straub.

The setback requirements have the potential to reduce the buildable area of Straub's site by 17½% in its present B-2 zoning.

Dr. Simpson has pointed out Straub's interest in maintaining open space and character consistent with the scale of Thomas Square and the Academy of Arts. Straub presently has an open space allocation of 36% of its site and will maintain that open space to the betterment of the community as well as Straub's aesthetic appeal.

Specific to the issue that actually limits Straub, the maximum floor area presently allowable on the site is 346,815 square feet. Presently existing is 209,088 square feet. Straub has potential to develop 110,563 more square feet on the hospital and the clinic building 96,000 square feet for a total of 120,163 square feet. The potential of the parking structure could expand by 8 tiers or 4 levels will provide 392 stalls.

Even the 1976 costs we have taken a look at what investment Straub has made in literally the premium investment to provide flexibility and change for this 48.8% expansion. For the hospital it's a million and one, for the clinic around $200,000, for the parking structure about $420,000 for a total of 1.7 million dollars in investment in the facility itself. This is a staggering amount of money in today's cost. But, since 1973 moving from $48 to $96 in 1975 is reflective of our problems in the construction industry and the cost of building a quality health care facility.

We would like to maintain the flexibility of the site to expand. Work with the master plan has been updated yearly to conform with the

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CZC update, so from 1969.

In 1968, the statement under our planning proposal under the proposed CZC Straub's property located on South King and Hotel Street would be in the B-2 district. This classification permits clinic, hospital development in the B-2 zone with residential development as auxiliary use. We are concerned that Straub maintain its flexibility and not lose the investment they have made in the cumulative update to maintain a quality facility.

CHAIRMAN: Questions commissioners? Harriet?

WIKUM: The 1.7 million dollar figure that you mentioned, is that the total cost of the facilities that I see there?

JOHNSON: No. The total cost of the hospital facility, just the hospital not the clinic, was 6.8 million dollars.

WIKUM: Okay, then the 1.7 million is a percentage of the total investment that was incurred to accommodate growth.

JOHNSON: Yes, that can be attributed to structural, mechanical electrical flexibility of the building.

WIKUM: I was looking for that and I wasn't quite sure that's what you said.

KUNA: As I understand it, your projected building is going up to be 326,000 square feet? You lost me somewhere in your breakdown.

JOHNSON: No.

KUNA: According to the proposal, how much square feet are you planning to build?

JOHNSON: In the current B-2 zoning allowable, we would expand at the appropriate time the hospital, replace the clinic building when its usefulness has reached the point of change, and build on presently acquired property an office building adjacent to the parking structure. This would amount to a total floor area of 351,159 square feet which leaves an excess of approximately 25,000 square feet of available floor area under present B-2 zoning, that we would not be going to the maximum. Where there's this difference in this factor of maximum floor area, 346,000, we would incorporate into the site property of the site that has been acquired. The figure I gave you is for the present campus. This was not incorporated, what is known as the old Ivanhoe property.

KUNA: What is the maximum--you say the 346,000 square feet for the property excluding what's been recently acquired. What's the maximum under existing zoning for the whole thing? Is it 376,000?

JOHNSON: Yes.

KUNA: And you said that the setback requirements would reduce the buildable space by 17½%. Now buildable space meaning your projected buildable space or your maximum buildable space?

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JOHNSON: Maximum buildable space as defined in the B-2 zone.

KUNA: So you weren't planning to use another 25,000 square feet prior to this reduction of 17½% that could be offset by your other needed floor area in other areas of the site. Have you explored that at all?

JOHNSON: Yes. There's a problem in that we are dealing with expensive floor areas which require circulation patterns, utilities and use higher than open space, specifically the pathology lab which costs about $190 a square foot. To locate that apart from the campus itself or proximity to the hospital would incur problems of operation. We have explored the options available and the one option providing office space on the property adjacent to the parking structure, we're able to maintain much open space. We maintain the current 36% open space on the site.

KUNA: You said it so fast. You said according to the plan, you were going to have 36% open space.

JOHNSON: Which we presently have right now.

KUNA: Under the open space provision here they do connect it to credit 25%. You are required to have 50% open space, parks on top of your roof. Have you taken into consideration the impact of that possible premise?

JOHNSON: Yes. To answer an earlier question, we have worked with the Department of Land Utilization. Dating back to September 18 when the Thomas Square Historic and Scenic District was published in the paper, we met with the Department of Land Utilization and filed with the Director, Straub's plan for expansion and acquisition of property which was in September 1975. We have worked at each step with Gerry Henniger to be aware and to inform him of our intentions. That was at a meeting last week that we understand that provision of 25% will be taken out in the next draft. Now, whether or not that's a fact, I'm not sure.

KUNA: Is that a fact?

HENNIGER: Yes, it is our intent to do that, to make that recommendation because the rooftop open space is not meaningful to this district. It is in the district such as Punchbowl where somebody can look on top of the buildings but that isn't the case here in this district in any meaningful way. We did discuss relative to this, the possibility of an arcade being used for Straub and that some credit might be given for open space given an arcade. That is, as they build up they would also hollow out the structure underneath so you have an open walkway around the structure. That is meaningful towards the open space. I think there might be some limitation on that. That could become part of the ordinance.

KUNA: So you're considering an alternative to this rooftop.

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HENNIGER: That's a possibility to relieve the concern they have for open space in this project.

KUNA: So what we're coming down to are the setback requirements.

JOHNSON: Well, the zoning lot of 137,675 square feet, the buildable area as proposed would be setback is 108,000 which is a loss of 23,030 square feet times 2.5 multiplier comes up with potential loss of 67,575 square feet of floor area exclusive of bonuses for open space or arcade. That potentially negates any development on the Ivanhoe property which once incorporated would generate with bonuses and arcade space about 76,000 square feet. So what the setbacks actually do is reduce the facility to expand increments that are economically feasible to build and provide space. The most desirable project now for Straub is updating its pathology lab. To do that would require the use of the complete site. We would not be able to use the site with the setbacks.

The one setback that's very restrictive is the 50-foot setback off Ward. To be very realistic, it requires that we maintain the clinic building for the rest of its usable life and under whatever provisions we would upgrade those buildings by code to use them. We couldn't afford to lose that property. It reduces our ability to expand, the ability to provide services within those outpatient facilties. We find that specific 50-foot setback being most restrictive.

But, the 50% open space as its stated here without provisions for exceptance is restrictive. The height limitation that we have worked with the Department of Land Utilization does have that provision as an exceptance.

As stated by Dr. Simmons, Straub would like to have an exceptance to the ordinance itself, keeping in mind that there has to be guidelines by which Straub's development can work with the City and County zoning rules, and just wants to maintain the existing B-2 zone rule in the ordinance. This is consistent with our master plan which has been ongoing since 1966.

CHAIRMAN: Further questions? Ned?

WIEDERHOLT: In addition to the analysis you made about things you consider adverse impact, did you also study ways in which you could attempt to meet the intent and spirit of this ordinance, what ways your future development could accommodate the physical and aesthetic objective around Thomas Square or do they have to be totally disregarded?

JOHNSON: They don't have to be totally disregarded.

WIEDERHOLT: What ways could you deal with that?

JOHNSON: They become an economic problem at this point. We have considered development over the top of the existing parking structure. There are ways in which that can be accommodated but it'll extremely cost Straub. The loss of the clinic building within its total master

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plan and circulation on the site would cause fragmentation and higher operating costs which would be passed on to patients. There was consideration of developing on property off the present campus on the other side of Hotel Street next to Fronk Clinic. This again became an operational problem of maintaining some continuity with the existing circulation all of which will amount to an increase in construction costs, operating costs which will eventually be passed on to patients.

We regard Thomas Square and to be very candid, this ordinance is needed to protect the Thomas Square as well as the Academy of Arts. Straub though has an interest in maintaining the aesthetic quality of their buildings and have spent quite a bit of money landscaping, maintaining some architectural qualities of their building. Under the present B-2 zoning, there are limits. We feel that they are adequate to maintain the quality in the interest of Straub. The height limitations that we've discussed with the Department of Land Utilization, the orientation of the Straub Hospital is parallel to the line of sight from Thomas Square to the Capital District. It would not adversely affect the view planes or the building envelope with its orientation. That consideration was made in the early planning in the 60's for consideration and a great expense to some and mechanical equipment to aircondition the hospital. You notice one side of the hospital faces the sun. The other faces the north. You have hot and cold sides of the hospital as opposed to moving it in the other direction. It affects mechanical load.

The concerns for architecture, the concerns for design quality, maintaining a scale is appropriate. What buildings to replace the old clinic building would be of a low rise nature consistent with the scale of the Academy.

CHAIRMAN: Okay, I think we've had enough discussion with Mr. Johnson.

CONNELL: A question for Gerry. You indicated that another draft of this is coming out? I'm concerned about this procedurally and the changes that are going to be in Draft 2.

HENNIGER: Well, there's always changes you know, right through the very bitter end and we're going through in-house changes in the structure of all the ordinances we're putting before you. We're reviewing each ordinance with respect to each other ordinance to see if the language is consistent and it's thought out like in toto. So that's what's happening. Rather than come before you with really what are minute changes, we would prefer to come up with a comprehensive redraft based on the input to this body and the City Council.

CONNELL: You're saying then Draft 2 or 3 or 4 or whatever, that those are only going to be minor changes?

HENNIGER: Yes.

CONNELL: Because the Commission holds public hearings on drafts, makes recommendations but by the time it gets up to Council it suddenly is up to Draft 5. I begin to become concerned whether the Commission

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has really held a public hearing as called for by the Charter on all of these ordinances when they are constantly under revision.

HENNIGER: Well, that has always been the case to my knowledge.

CONNELL: It's been redrafted.

HENNIGER: Well, in my experience there's been no ordinance which has been drafted that has not gone through considerable change.

CHAIRMAN: Further questions of Mr. Johnson? If not, thank you, Mr. Johnson.

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

The Commission deferred action for two weeks for the following, on motion by Mrs. Kuna, seconded by Mr. Wiederholt and carried:

1. DLU staff meet with representatives of Straub Clinic to determine whether their objections and concerns related to exceptions could be adequately addressed.

2. Opinion from Corporation Counsel regarding the following:

   a. Are those property owners who have proceeded in good faith with development plans, based upon the existing provisions of the CZC being deprived of their vested property rights?

   b. Would an exemption as proposed by Mr. Conahan be a viable solution if in fact his assertions are correct?

   c. Would the exception provision as outlined in Section 5,A(2)(c) of the proposed ordinance be an adequate safeguard to meet the concerns raised by Mr. Conahan?

ADJOURNMENT: The meeting adjourned at 12:40 a.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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2/18/76

STATEMENT OF ROBERT WAY BEFORE THE CITY PLANNING COMMISSION REGARDING THE CITY COUNCIL'S PROPOSAL TO AMEND THE GENERAL PLAN IN WAIPIO

FEBRUARY 18, 1976

THE NEED FOR A POLICY TO DIRECT URBAN DEVELOPMENT ON THIS ISLAND HAS LONG BEEN EVIDENT. IT IS ONE OF THE MOST DISCUSSED AND DEBATED PLANNING ISSUES. EVERYONE BELIEVES SUCH A POLICY IS NEEDED.

IN THE PAST, NEW DEVELOPMENT OCCURRED OUTSIDE THE EXISTING URBAN BOUNDARY AS DEVELOPERS PETITIONED FOR THE URBANIZATION OF OPEN SPACE. EACH DEVELOPMENT WAS CONSIDERED IN ISOLATION OF ALL OTHERS AND, AS A RESULT, OUR URBAN BOUNDARIES HAVE EXPANDED IN A HELTER-SKELTER MANNER WITHOUT ANY OVERALL DIRECTION AND WITHOUT KNOWING THE FULL BENEFITS AND COSTS OF THESE DECISIONS.

IT IS PRECISELY THIS SITUATION WHICH LED ME TO EXAMINE THE BASIC ALTERNATIVES AVAILABLE TO THE COMMUNITY FOR MANAGING URBAN DEVELOPMENT. WE CAN PROCEED AS WE HAVE BEEN OR WE CAN TAKE ONE OF THE SEVERAL CHOICES FOR CHANNELING GROWTH IN SPECIFIC

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DIRECTIONS. EACH HAS ITS VARIOUS COSTS AND BENEFITS AND WE WERE ABLE TO CONSIDER THESE AS POPULATION GREW TO A LEVEL OF ONE MILLION AND BEYOND.

WE HAVE RECOGNIZED THAT THERE WILL BE SOME CONTINUING POPULATION GROWTH AND THAT THE PEOPLE IN THIS COMMUNITY HAVE NEEDS FOR OPEN SPACE, HOUSING, AND TRANSPORTATION, TO MENTION ONLY A FEW, WHICH SHOULD BE MET. BY EVALUATING THE ALTERNATIVES OPEN TO US, WE CAN MAKE A RATIONAL DECISION TO MEET THESE NEEDS AS EFFECTIVELY AS POSSIBLE AT A MINIMUM COST.

SELECTING A POLICY TO MANAGE GROWTH MEANS THAT WE MUST MAKE OUR DECISIONS IN THIS BROADER CONTEXT, LOOKING AHEAD TO THE IMPLICATIONS OF OUR DECISIONS. WE CAN NO LONGER CONTINUE THE PAST PRACTICE OF MAKING PIECEMEAL DECISIONS FOR DEVELOPMENTS WHICH BY THEMSELVES MAY NOT CHANGE THE TOTAL PATTERN OF GROWTH, BUT HAVE THE EFFECT OF FORECLOSING OPTIONS. FURTHERMORE, THE CUMULATIVE IMPACT OF SUCH PIECEMEAL DECISIONS IS TO SIGNIFICANTLY ALTER THE PATTERN OF URBAN DEVELOPMENT.

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THOUGH WE MAY TRY TO IGNORE THE IMPLICATIONS OF OUR DECISIONS FOR INCREMENTAL URBANIZATION, WE CANNOT ESCAPE THE FACT THAT BY MAKING THEM, WE ARE AT THE SAME TIME DECIDING OUR FUTURE.

I DOUBT VERY MUCH THAT ANYONE WOULD DISAGREE WITH THESE OBSERVATIONS. YET, WITH ALL OF THAT, WE ARE NOW, AT THIS MOMENT, CONSIDERING A PROPOSAL OF THE CITY COUNCIL FOR ANOTHER PIECEMEAL EXPANSION OF OUR URBAN BOUNDARY.

IS THERE REALLY JUSTIFICATION FOR SUCH AN ACTION?

THE COUNCIL HAS SOUGHT TO JUSTIFY ITS PROPOSAL BY STATING IN ITS RESOLUTION THAT I HAVE REFUSED TO CONSIDER AN AMENDMENT TO THE GENERAL PLAN FOR GENTRY-PACIFIC'S DEVELOPMENT AND THAT GENTRY-PACIFIC HAS BEEN PAYING TAXES COMMENSURATE WITH THE URBAN LAND USE DESIGNATION OF THE STATE LAND USE COMMISSION.

YOU SHOULD NOTE THAT THE PROPERTY WAS ASSESSED AT $206,499 OR APPROXIMATELY $400 AN ACRE IN 1970. THIS PROPERTY WAS THEN PURCHASED FOR $18,000 PER ACRE WHICH IS WELL BELOW THE VALUE OF URBAN LAND

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AND REFLECTS AN AGRICULTURAL USE. NATURALLY, THE ASSESSED VALUE INCREASED IN RESPONSE TO THIS TRANSACTION WHICH MADE EXPLICIT THE MARKET VALUE OF THE PROPERTY.

FIRST, IT IS ERRONEOUS TO STATE THAT I HAVE REFUSED TO CONSIDER THE GENTRY-PACIFIC PROPOSAL. IN 1972 I INFORMED THE APPLICANT THAT WE WERE PROCEEDING WITH AN EVALUATION OF ALTERNATIVES FOR URBAN DEVELOPMENT AND DISCOURAGED HIS PURSUING AN APPLICATION TO AMEND THE GENERAL PLAN. THE ESSENTIAL REASON WAS THAT HE WOULD BE REQUIRED TO CARRY OUT THE EXTENSIVE STUDIES WHICH WERE ALREADY UNDERWAY. IN 1974 I FORMALLY INFORMED GENTRY-PACIFIC THAT I WOULD NOT PROPOSE AN AMENDMENT TO THE GENERAL PLAN FOR THEIR PROPERTY SINCE SUCH AN ACTION WOULD UNDERMINE THE WORK UNDERWAY AND COMPROMISE THE OPTIONS AVAILABLE TO THE COMMUNITY. THUS, IT WOULD BE CORRECT TO STATE THAT I HAVE REFUSED TO CONSIDER THIS DEVELOPMENT IN ISOLATION OF THE ALTERNATIVES FOR MANAGING URBAN DEVELOPMENT ON OAHU.

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GENTRY-PACIFIC IS NOT THE ONLY LANDOWNER OR DEVELOPER WHO IS AFFECTED BY MY DECISION TO REFUSE TO CONTINUE THE PAST PROCESS OF PIECEMEAL DECISIONS. THERE ARE PENDING FIRM DEVELOPMENT PROPOSALS FOR SOME 2,846 ACRES OF AGRICULTURAL LAND. IN ADDITION, THERE ARE AN ADDITIONAL 13,557 ACRES OF PRIMARILY AGRICULTURAL LAND FOR WHICH DEVELOPMENT PLANS HAVE BEEN EXPRESSED IN SOME FORM OR ANOTHER.

IN THE PAST, WE HAVE BEEN CONSTANTLY CAJOLED, PRESSURED, AND SWEET-TALKED INTO MAKING THESE PIECEMEAL DECISIONS. IT IS TIME TO CALL A HALT TO THIS PROCESS IF WE ARE SERIOUS ABOUT MANAGING URBAN DEVELOPMENT.

THE GENTRY-PACIFIC SITE BEING PROPOSED FOR URBANIZATION BY COUNCIL WAS BOTH PLANNED AND USED FOR PRODUCTIVE AGRICULTURE WHEN IT WAS PURCHASED ON THE SPECULATION THAT URBAN ZONING COULD BE OBTAINED. LET'S BE VERY CLEAR ABOUT ONE FACT--THIS IS AGRICULTURAL LAND.

THE COUNCIL IS APPARENTLY RELYING ON TWO FACTORS IN SUBMITTING ITS PROPOSAL TO THIS COMMISSION. THE FIRST IS THE DECISION OF THE LAND USE COMMISSION TO PLACE

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THIS SITE WITHIN THE URBAN BOUNDARY AND THE SECOND IS THE BACK-UP SUPPORT FOR THE PROPOSAL PREPARED BY GENTRY-PACIFIC.

THE DECISION OF THE LAND USE COMMISSION IS NOTORIOUS FOR ITS INADEQUATE SUPPORTING RATIONALE. WE SHOULD NOT BLINDLY FOLLOW IN THE FOOTSTEPS OF A COMMISSION WHICH HAS BEEN OPERATING UNDER THE VERY SAME PIECEMEAL AND OBSOLETE PROCESS WE ARE SEEKING TO AVOID. THE COMMISSION LACKED THE VERY POLICY GUIDELINES WHICH EVERYONE AGREES IS SO NECESSARY. LET'S NOT PROCEED WITHOUT THAT POLICY.

IT IS TIME THAT THIS COUNTY EXERCISED ITS INITIATIVE IN DEMONSTRATING HOW GROWTH ON THIS ISLAND SHOULD BE MANAGED IN THE PUBLIC INTEREST. WE SURELY HAVE THE RESOURCES TO DO THIS. IF WE DO NOT TAKE THIS INITIATIVE, WE WILL CONTINUALLY BE FOLLOWING IN THE FOOTSTEPS OF OTHERS NO MATTER WHERE THEY LEAD.

THE SECOND FACTOR AS A BASIS FOR THE COUNCIL'S PROPOSAL IS THE GENTRY-PACIFIC REPORT. TO SAY THAT

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THE REPORT IS INADEQUATE IS AN UNDERSTATEMENT. THE ALTERNATIVES CONSIDERED IN THE REPORT TO THE URBANIZATION OF THE SITE ARE INCOMPLETE, INFORMATION PRESENTED HOPELESSLY BIASED, AND THE CONCLUSIONS DRAWN ARE DISTORTED AND WITHOUT FOUNDATION. IT IS UNFORTUNATE THAT THE COUNCIL WOULD EVEN CONSIDER PROCEEDING WITH A PROPOSAL ON THE BASIS OF SUCH A SELF-SERVING REPORT.

WHY IS COUNCIL PROCEEDING WITH THIS PROPOSAL AT THIS TIME? THERE ARE MANY DEVELOPERS STANDING IN THE WINGS READY TO COME ON STAGE. IS THIS A TEST CASE? IF COUNCIL SUCCEEDS, WILL WE THEN GO ON TO ANOTHER PROPOSAL, AND THEN ANOTHER?

THERE IS SURELY NOTHING UNIQUE IN THIS SITE. RESIDENTIAL AND INDUSTRIAL REQUIREMENTS MAY BE MET HERE OR ELSEWHERE. THERE IS REASON TO BELIEVE THAT THE COMMUNITY CAN GAIN FAR MORE AT LESSER COSTS AT OTHER SITES. BY THIS I SPECIFICALLY MEAN LOWER HOUSING COSTS WHICH BENEFIT A WIDER RANGE AND A GREATER NUMBER OF HOUSEHOLDS. ALSO, THERE IS ABSOLUTELY NO BASIS FOR MORE INDUSTRIAL LAND OUTSIDE THE PRESENT URBAN AREA. THE SUCCESSFUL AND GROWING INDUSTRIAL AREA AT BARBERS POINT, FAR

12980RP-1

REMOVED FROM THE PRIME AGRICULTURAL LAND IN CENTRAL OAHU WITH ADEQUATE CAPACITY, IS SUFFICIENT BASIS TO REJECT PROPOSALS FOR NEW INDUSTRIAL LAND IN THIS AREA.

THOUGH THE CITY COUNCIL HAS FORWARDED ITS PROPOSAL TO ME FOR MY "INFORMATION," I FEEL IT NECESSARY TO PROVIDE YOU WITH A REPORT WHICH I HOPE WILL GUIDE YOUR RECOMMENDATION ON THIS PROPOSAL. I HAVE TRANSMITTED THIS REPORT TO YOU AND I HOPE YOU WILL GIVE IT SERIOUS CONSIDERATION. PLEASE NOTE THAT AMONG OTHER ISSUES; THE DEVELOPMENT HAS MAJOR UNRESOLVED TRANSPORTATION PROBLEMS.

IN PROCEEDING WITH ITS PROPOSAL, THE CITY COUNCIL, UNFORTUNATELY, IS TAKING A COURSE OF ACTION WHICH ESSENTIALLY BY-PASSES THE CITY'S PLANNING PROCESS AND PLACES THE ADMINISTRATION IN THE MOST DISADVANTAGED POSITION POSSIBLE. APART FROM THE MAJOR PROBLEMS ALREADY NOTED, THERE ARE MANY SPECIFIC UNRESOLVED TECHNICAL ISSUES. THE FACT IS THAT CITY AGENCIES HAVE NOT HAD ADEQUATE TIME TO REVIEW THE COUNCIL'S PROPOSAL AND THEIR SUPPORTING INFORMATION.

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IN GENERAL, I FIND THE COUNCIL'S ACTION UNSUPPORTABLE, UNJUSTIFIED, AND EXTREMELY UNFORTUNATE. I URGE YOU TO RECOMMEND:

1. COUNCIL TAKE NO FURTHER ACTION OF THIS NATURE UNTIL AN ISLANDWIDE POLICY TO GUIDE GROWTH HAS BEEN ADOPTED;

2. COUNCIL ACT ON THE ALTERNATIVES SET FORTH IN THE PROPOSED REVISED GENERAL PLAN AS SOON AS POSSIBLE; AND

3. COUNCIL BE ADVISED THAT THE PROPOSAL, SUPPORTING DOCUMENTS, AND ANALYSIS DO NOT CONSTITUTE AN ADEQUATE BASIS TO AMEND THE GENERAL PLAN UNDER THE GUIDING STANDARDS SET FORTH BY THE SUPREME COURT IN "DALTON."

DEPT 376 - 356

GEORGE R. ARIYOSHI
Governor

HIDETO KONO
Director

FRANK SKRIVANEK
Deputy Director

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Kamamalu Building, 250 South King St., Honolulu, Hawaii • Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Ref. No. 0373

February 13, 1976

Mr. Robert R. Way
Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Way:

Thank you for your letter on the matter of the Gentry-Pacific land situated in Waipio, Ewa, Oahu, for a GP/DLUM amendment. In response to your request for our testimony on this matter at your public hearings, we wish to indicate that since the land use redistricting had been earlier evaluated within the statutory procedures of the Land Use Commission, we do not have further comments on it at this time.

The subject property is now situated within the State land use Urban district, being reclassified from the Agricultural district under the Land Use Commission's 1974 Five-Year Boundary Review. A copy of the Commission's Findings of Fact and Decision and Order is attached.

Thank you very much.

Sincerely,

HIDETO KONO

Attachment

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BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Classification and Districting of Certain Lands at Waipio, Island of Oahu

Docket No. 074-16

This is to certify that this is a true and correct copy of the Decision and Order on file in the office of the State Land Use Commission, Honolulu, Hawaii.

5/27/75 by [signature] Executive Officer
Date

DECISION AND ORDER

This matter, being a proceeding pursuant to Hawaii Revised Statutes, Section 205-11, to consider a proposed district boundary concerning certain lands situate at Waipio, Island of Oahu, was heard by the Land Use Commission at Waipahu, Oahu on October 9, 1974. Gentry-Pacific was admitted as a party in this docket. The Commission having duly considered the record makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The subject property contains approximately 536 acres and is described by Tax Map Key 9-4-6: 7, and a portion of parcel 8; and situate at Waipio, Ewa, Oahu. The subject property is owned by Tom H. Gentry.

2. The subject property is proposed for reclassification from an Agricultural District to the Urban District classification.

3. The subject property abuts the Crestview-Seaview Urban District on the south, Mililani Cemetery access road on the north, Kamehameha Highway on the west and H-2 Freeway on the east. Most of the subject property contains slopes of less than 5 percent. The elevation generally ranges from 200 to 450 feet above sea level. The subject property is in close proximity to other major urbanized areas such as Pearl City and Waipahu.

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4. With respect to soil suitability for agricultural uses, and on a rating scale ranging from "A" to "E", the Land Study Bureau in 1972 designated approximately 40 acres of subject land as Class "B",(next to best) 130 acres as Class "D" and 345 acres as Class "E"(the lowest rating) all ratings reflecting the lack of surface irrigation water.

5. According to agricultural experts, of all the imported major crops in Hawaii, there are two crops of major volume that might do well on the subject property--potatoes and dry onions-- and both of them would do better in higher elevations with more rain and cooler temperatures. The ideal growing temperature for potatoes, dry onions, lettuce, carrots, celery and broccoli is approximately 55° to 65° F. The temperature for subject property is too high for the above type of crops.

6. The Board of Water Supply has given approval to the planned location of wells for the development of a water supply and has stated that adequate capacity will be available.

7. Hawaiian Electric has adequate capacity to serve the proposed development; the entire on-site distribution system will be underground feeding from a new substation located within the subject property. Honolulu Gas Company has a line that extends to the boundary of the subject parcel. Hawaiian Telephone has a major trunk line passing through the subject property and has the capacity to provide telephone services for the entire project.

8. The Board of Water Supply has under contract all engineering necessary to complete the Honouliuli treatment plant and outflow structure including transmission lines from the Waipahu pumping stations.

9. The proposed development on the subject land will take approximately 10 years to develop and the entire project will contain approximately 6,000 units. The Hawaii Housing Authority has expressed interest in acquiring 10 percent of the dwelling

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units for the purpose of providing low-income family housing.

10. The reclassification of the subject property will help to accommodate foreseeable urban growth at a location which is convenient to existing employment and commercial centers as well as public facilities and services.

11. The developer proposes an overall land use plan involving separate neighborhoods with a residential density of 5 to 20 units per acre. Approximately 23% of the subject property will be left in open space. The plan includes an elementary school site to be located next to the Crestview Park; an additional elementary or intermediate school site near the center of the proposed development; a district park; a residential shopping center; community facilities; commercial and employment centers; buffer strips and landscaping along highway corridors; bikeways and pedestrian paths; and residential units involving single family detached units, townhouses, patio houses, terraced units and garden apartments.

12. Natural and man-made barriers will help to contain urban development in this area and will clearly define the boundary between the urban developments proposed on the subject property and active agricultural pursuits in the surrounding area. These barriers include Mililani Cemetery access road to the north, the H-2 highway and gulch to the east, Kamehameha Highway to the west and the existing Crestview-Seaview residential development to the south.

CONCLUSIONS OF LAW

Pursuant to Section 205-11, Hawaii Revised Statutes, and Sections 2.5 to 2.10 of the Land Use District Regulations, the Commission concludes that the proposed reclassification of the subject property from the Agricultural District to the Urban District is reasonable.

The proposed findings of fact submitted by Gentry-Pacific are answered as follows:

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DPA

Paragraph 1 is admitted with the exception that Docket 074-16 only covered approximately 536 acres to be considered for reclassification from the Agricultural to the Urban District. All other paragraphs are admitted.

ORDER

IT IS HEREBY ORDERED:

That approximately 536 acres covered by Docket 074-16, identified as Tax Map Key 9-4-6: 7, and a portion of parcel 8, situate at Waipio, Ewa, Island of Oahu are hereby reclassified from an Agricultural District to the Urban District.

Done at Honolulu, Hawaii, this 21st day of May, 1975, per motion passed by the Commission on December 20, 1974.

LAND USE COMMISSION
STATE OF HAWAII

Eddie Tangen
EDDIE TANGEN
Chairman

FIRE DEPARTMENT

CITY AND COUNTY OF HONOLULU

P. O. BOX 3085
HONOLULU, HAWAII 96802

FRANK F. FASI
MAYOR

B. K. AIU
CHIEF

February 2, 1976

Honorable Rudy Pacarro, Chairman
Planning & Zoning Committee
City Council
City and County of Honolulu
Honolulu, Hawaii 96813

Dear Councilman Pacarro:

Regarding the attached matter of Gentry-Pacific, I respectfully suggest you send one basic request to the Administration.

If this is done, the Managing Director and the Mayor can cause a fully-coordinated response as it would relate to each involved department.

Sincerely yours,

Boniface K. Aiu

BONIFACE K. AIU
Fire Chief

BKA:lhc

Attachment

CONCUR:

Richard K. Sharpless

RICHARD K. SHARPLESS, Managing Director

FRANK F. FASI, Mayor

Log #96-318

STATE OF HAWAII

DEPARTMENT OF EDUCATION

P. O. BOX 2360

HONOLULU, HAWAII 96804

OFFICE OF BUSINESS SERVICES

February 11, 1976

Mr. Robert R. Way, Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Way:

Subject: General Plan Amendment - Gentry-Waipio Proposal
To Designate 510 Acres from Agriculture to
Urban Use

In response to your letter of February 3, 1976, we are enclosing a copy of our review of the subject proposal (DOE's letter of April 22, 1975).

In reference to our request for written commitment to assist the Department of Education with land and temporary school facilities, please be advised that the developer has not as yet presented a proposal for our consideration.

Sincerely,

KOICHI H. TOKUSHIGE
Assistant Superintendent
Office of Business Services
KHT:JEE:yk
Enclosure

cc: Leeward Oahu District

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C & C HONOLULU

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April 22, 1975

Norman Dyer A.I.A. & Associates
130 Merchant Street, Suite 1804
Honolulu, Hawaii 96813

Gentlemen:

Subject: School Site Requirements for Proposed Gentry-Waipio Development

This is in reply to your letter of transmittal of April 18, 1975, requesting our comments regarding school requirements for the subject development proposal.

Enrollment Projections

Based on the proposal for 500 SF, 1300 semi-attached units, 1700 low-rise condominiums; and 1800 median-rise apartments, we tentatively estimate the following enrollment from the project area:

School	Grades	Approx. Enrollment
New School Required	K-6	900-1000
Waipahu Intermediate	7-8	250- 275
Waipahu High	9-12	400- 450

New Elementary School (Crestview Elementary)

A new school site, centrally located to serve the proposed development and the existing Seaview and Crestview subdivisions, will be required. The exact location will require a site selection study by the Department of Accounting and General Services. Your proposal to designate a site immediately makai of the future regional park is acceptable; however, the site must be considered tentative until a site study is completed.

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The proposal to temporarily lease approximately 7.5 acres immediately mauka of the existing neighborhood park for a temporary school is also acceptable.

We are prepared to negotiate a lease agreement with Gentry-McCormack for use of the 7.5-acre site and use of house "shells" for temporary classrooms. We anticipate that temporary facilities may be required for several years, pending construction of permanent facilities for Crestview Elementary.

Please be advised that under the Department of Education's policy, we request that the land required for the new elementary school be dedicated. A copy of the policy is attached.

We request that a written commitment to assist the Department of Education with land and temporary school facilities costs be submitted prior to submission of the subject development proposed to the City Council. Please contact our Facilities Branch, Advance Planning Section, regarding anticipated assistance.

Grade 7-12 Students

We anticipate that the projected enrollment can be accommodated with existing and planned facilities at Waipahu Intermediate and Waipahu High Schools.

Sincerely,

KOICHI H. TOKUSHIGE
Assistant Superintendent
Office of Business Services
KHT:JEB:yk
Attachment

cc: Leeward Oahu District
D.A.G.S.

1298ORP-1

February 18, 1976

TO:RANDALL KAMIYA, CHAIRMAN AND LADIES AND GENTLEMAN OF THE PLANNING COMMISSION:

RE: BILL #4 AND BILL #5 TO AMEND A PORTION OF THE GEN. PLAN ORDINANCE NO. 2443 DATED MAY 7, 1964 FROM AG TO CERTAIN URBAN USES AND TO FURTHER AMEND A PORTION OF THE GEN. PLAN DETAILED LAND USE MAP ORDINANCE NO. 2473 DATED JULY 29, 1964 FROM AG TO CERTAIN URBAN USE DESIGINATIONS FOR LAND SITUATED IN WAIPIO, EWA, OAHU, HAWAII.

I AM VALERIE HUMPHRIES, PRESIDENT OF THE WINDWARD ACTION GROUP, A NON PROFIT, PUBLIC INTEREST ORGANIZATION. THIS ORGANIZATION IN PART IS COMMITTED TO HOUSING, AS WELL AS AGRICULTURE AND GOOD PLANNING. THERE ARE OTHER AREAS OF INTEREST FORUS BUT IN THIS INSTANCE WE WISH TO ADDRESS OUR THINKING TOWARDS THE ABOVE MENTIONED.BEFORE READING ON, I SHOULD LIKE TO CALL TO YOUR ATTENTION WORDING THAT IS INCORPORATED IN THE ANOUNCEMENT NOTICES SENT OUT FROM THE PLANNING COMMISSION " ALL PROTESTS AGAINST, OR SUGGESTED CHANGES TO" I WOULD LIKE TO SUGGEST THAT THE PHRASE, ~~AND~~ ANY QUESTIONS YOU HAVE REGADING THE REQUEST" BE ADDED TO THAT SENTENCE. I SAY THIS BECAUSE VERY OFTEN A DILEMNA IS POSED, THERE IS NOT ALWAYS A FOR OR AGAINST POSITION, NO SHADES OF GREY ARE AVAILABLE, WICH IS IMPORTANT TO A LAY PERSON.

SUCH A TIME WE BELIEVE ARISES NOW. THE MEDIA AND THE ADMINISTRATION HAVE MADE IT APPEAR THAT THE PLANNING COMMISSION IS EXPECTED TO RESOVE THE POWER STRUGGLE WHICH EXSISTS BETWEEN THE MAYOR AD THE CITY COUNCIL. WE DO NOT WISH TO INVOLVE OURSELVES ~~HERE, BUT~~ In this regard, However IT IS NOT CLEAR ~~AS TO~~ WHETHER THIS COMMISSION IS BEING ASKED TO HEAR THE MERITS OF ~~THE ZONING~~, ~~OR RATHER~~ (Co Plan + DLUM AMMENDMENT ~~CHANGE~~ OR MAKE A DETERMINATION AS TO THE BENEFITS OF PICEMEAL PLANNING.

IN THE PAST WE HAVE BEEN OPPOSSED TO~~#~~ "SPOT ZONING""PIECEMEAL PLANING" WE ARE ~~ON~~ IN PRINCIPAL STILL UNHAPPY, AND WE HAVE BEEN AWAITING A GENERAL PLAN FOR A LONG TIME.

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OUR POSITION AT THIS TIME IS FAVORABLE TO THE WAIPIO-GENTRY PROJECT. THE LAND USE COMMISSION HAS PUT THIS AREA INTO URBAN USE, IT SEEMS TO US THAT THE PLANNING DEPARTMENT ISIN ERROR WHEN THEY CONTEND THAT THIS AREAIS IN "PRIME AGRICULTURE" IT ISM OUR UNDERSTANDING THAT THISIS NOT SO. HANVING CHECKED WITH THE LUC STUDIED REPORTS, VISTED THE SITE, AND ~~YOU~~ I'M SURE HAVE THE SAME MATERIAL BEFORE YOU. I WILL NOT GO INTO THE AGRICULTURE AREA IN DEPTH I AM SURE YOU WILL HEAR OR WILL HAVE ALREADY HEARD FROM AGRONOMISTS AND OTHERS BETTER ABLE TO SPEAK TO THIS POINT. WHAT WE HAVE LEARNED HOWEVER THAT THE LAND HAS BEEN IDLE FOR A GOOD MANY YEARS, AND WE ~~XXXXXXXXXXXXX~~ PONDER THE QUESTION, WHY IN ALL THIS TIME NO ATTEMPT HAS BEEN MADE TO FARM IT SINCE THEPINEAPPLE WAS PHASED OUT? MORE THAN LIKELY PART OF THE ANSWER IS THE EXPENSE INVOLVED. I SUGGEST THIS QUESTION BE EXAMINED THOROUGHLY BY THE COMMISSIONERS.

THE DEVELOPER PLANS TO BRING WATER TO THE AREA AT THEIR EXPENSE, IN THIS TIMES OF FISCAL PROBLEMS, THIS IS AN IMPORTANT FACT TO DEAL WITH. ~~XXXXXXXXXX~~ WE SUGGEST ALSO, THAT IT IS SO CLOSE TO FREEWAYS AND HI*WAYS THAT IT IS NOT THE BEST USE OF THE LAND AT THIS POINT ~~IN TIME~~ TO BE AGRICULTURE, THOUGH THIS IS A DESIGNATION PUT ON IT BY THEPLANNING DEPARTMENT., ~~XXX~~ CERTAINLY, THOSE OF YOU WHO HAVE VISTED THE SITE WOULD CONCUR, OR HAVE ANY OF YOU VISTED THE SITE, IF NOT WE WOULD SUGGEST YOU DO SO, SINCE THIS IS AN IM-~~PORTANT~~ PARCEL. THERE IS A LOT OF KIWE AND BRUSH, AND NOTHING GROWING, A BEAUTIFUL SITE WHICH ALSO INCLUDES A LOVELY AREA WHICH COULD BE USED FOR PARK PURPOSES, AND WHICH WOULD BE DEDICATED TO THE CITY., BY THE DEVELOPER. I'M SURE BOTH THE CITY AND THE STATE WOULD BE PLEASED NOT TO HAVE TO SPEND THIS KIND OF MONEY TOACQUIRE IT YEARS LATER, WHEN PRICES WOULD UNDOUBTEDLY ESCALATE AS TIME GOES ON.

IN SPEAKING WITH COMMUNITY Group REPRESENTATIVES AND LEGISLATORS TO ASCERTAIN THE FEELING OF THE SURROUNDING COMMUNITIES, IT IS OUR OPINION THAT THEY AGREE THERE IS A NEED FOR HOUSING AND THAT THIS PARTICULAR DEVELOPMENT IS AN ATTRACTIVE ONE. (ACCESSIBILITY TO A NEIGHBORHOOD SHOPPING C. AND LIGHT INDUSTRY)

THE PLANNING DEPARTMENT AT ONE OF THE INFORMATIONAL MEETINGS THAT XXXXX MEMBERS FROM OUR GROUP HAVE ATTENDED, SOME LIVING ELSEWHERE THAN WINDWARD, HAVE BEEN SAYING THAT THEY FAVOR A DIRECTED GROWTH EWA, I HAVE ALWAYS THOUGHT THE DESCRIPTION OF EWA WAS FROM THE PEARL HARBOR AREA TO THE WAINAE RANGE, THEREFORE THIS PROJECT IS EWA AND THISCONCEPT HAS BEEN ACCEPTABLE TO OUR GROUP.

THE POSSIBILITY OF TAKING PRODUCTIVE CANE OUT AND URBANIZING IT, IS FAR LESS PALATABLE THAN ALLOWING THIS HOUSING DEVELOPMENT.

H OW FAR EWA AND WHERE EWA.....I BELIEVE THE REVISED GENERAL PLAN ISFROM THE H-1 FREEWAY TO THE OCEAN XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXX BUT I HAVE NOT SEEN THE REVISED GENERAL PLAN AS IT LOOKS IN ITS LATEST FORM. WHEN WE SAY THE CONCEPT IS ACCEPTABEE IT DOES NOT MEAN THAT WE ENDORSE THAT EVERY SQUARE INCL EWA BE URBANIZED EITHER. THIS PARTICULAR PARCEL, I REITERATE HAS BEEN LYING IDLE...WE KNOW THAT SOME PRODUCE CAN BE GROWN BUT IT HAS NOT COME ABOUT.....WHETHER GETTING RIGHTS TO BRING IN THE WATER FROM WAIAHOLE IS TOO EXPENSIVE MAKING IT PROHIBITIVE OR LABOR COSTS MAKING IT PROHIBITIVE, WE DO NOT KNOW, BUT IT is SOMETHING FOR THIS COMMISSION TO THINK ABOUT. WE MOST CERTAINLY WOULD PREFER THAT THIS PROJECT BE ALLOWED,XX RATHER THAN WHAT IS TRULY PRIME BEING TAKEN OUT. THE PROPOSAL FOR XXX 10,000 ACRES NEAR KUNIA WOULD XX NOT BE FEASIBLE AT THIS TIME. THERE IS ONLY A TWO LANE HIWAY AND IT WOULD NOT BE ABLE TO A CCOMODATE THE POPULATION.

WHEREAS, THIS PARCEL IS ALREADY BOUNDED BY A FREEWAY THAT ACCORDING TO THE DEPARTMENT OF TRANSPORTATION WOULD BE ABLE TO HANDLE THE PROPOSED COMMUNITY.

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IN CONCLUSION WE THINK WE HAVE TOUCHED ON THE AGRICULTURE ASPECTS, TRANSPORTATION ASPECTS, WATER , RECREATIONAL AREAS, (PARK) AND HAVE RAISED SOME QUESTIONS .

IT IS OUR POSITION THAN THAT THIS REQUEST HAS MERIT, AND THOUGH WE WOULD PREFER THAT THE GENERAL PLAN BEEN AVILABLE AND A HEARING BEEN HELD, THE REALISTIC FACT IS THAT IT ISNOT BEFORE US. IF WE SAY THERE SHOULD BE NO AMMENDMENTS UNTIL THE PLAN IS RELEASED AND HEARD THAN ~~XXXXX~~ WE SUGGEST THAT THIS BODY DECLARE A MORATORIUM ON ALL DEVELOPMENT UNTIL THIS IS RESOVED.

THIS AVENUE HOWEVER TO EXCLUDE ALL DEVELOPMENT WOULD PENALIZE THOSE PERSONS IN NEED OF HOUSING.... IN THIS PROJECT THERE IS ALSO THE PROBABILITY THAT SOME OF THE AREA CAN BE LEASED TO THE HHA OR SOME OTHER GROUP FOR SOME LOW INCOME HOUSING AS WELL. THERE IS ALSO PROVISION FOR THE NEEDS OF SENIOR CITIZENS, ALL THESE THINGS ARE IMPORTANT, AND AS I STATED EARLIER IN THE TESTIMONY WE HAVE OPPOSSED MANY SPECULATIVE BUILDING AND UNSOUND ENVIROMENTAL PROJECTS, BUT DO NOT FIND THIS TO BE THE CASE HERE, WE HAVE EVEN BEEN OPPOSS ED IN THEPAST TO SOME PROJECTS THAT GENTRY HAS BEEN INVOLVED IN.

WE ARE SORRY NOT TO BE CLEAR CUT AS TO A YES OR NO, WE ARE SAYING THAT WITH THESE ~~XXXXXX~~ QUESTIONS BROUGHT UP IF ANSERED, AND THE PLANNING WTHIN THE PROJECT SATISFACTORY THAN IT'S REQUEST SHOULD BE GRANTED. IF THERE IS SOME OVERWHELMING EVIDENCE AGAINST THE NEED THAN THAT IT IS UP TO THIS COMMISSION. I DO HOWEVER URGE THAT THE SITE IS VISTED AND YOU DLIBERATE ON THEMERITS OF THE PROJECT ONLY.

Valerie Humphries

VALERIE R. HUMPHRIES, PRES.
WINDWARD ACTION GROUP

* 46-018 Kam Hi-way
Kaneohe 96744

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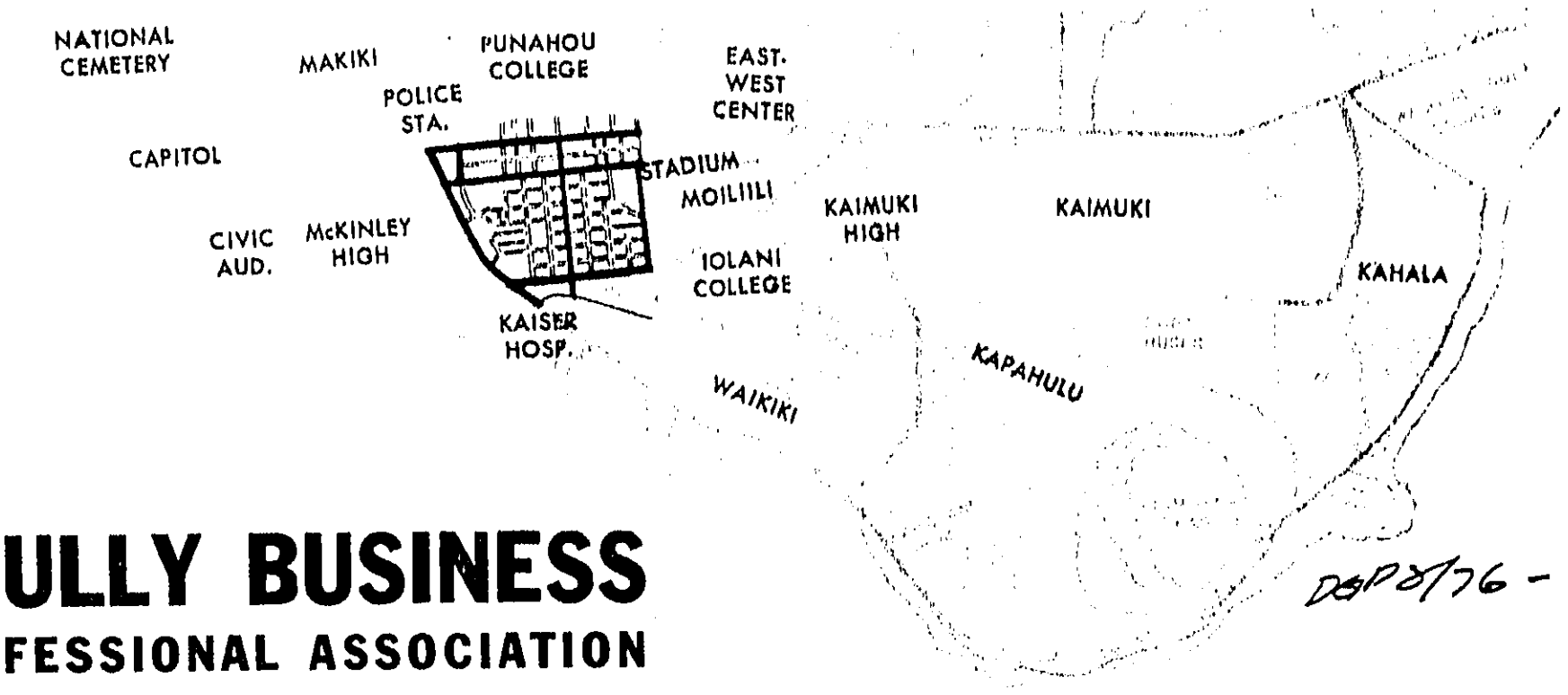

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McCULLY BUSINESS
& PROFESSIONAL ASSOCIATION

1806 S. KING STREET, SUITE 34
HONOLULU, HAWAII 96814

February 6, 1976

Department of General Planning
City and County of Honolulu
650 S. King Street
Honolulu, Hi. 96813

Gentlemen:

Gentry-Waipio Property

We believe that the Council's amendment to the General Plan to change the 500 acres of agriculture land of the Waipio Gentry property to urban uses is in order.

The land was primary used for pineaple growing previously and now is abandoned. We think the highest and best for the land is urban, like the Headrick Corporation has done to the nearby area.

This area will give housing to the workers from Pearl Harbor, Schofield and Pearl Ridge area.

We also hope the developer will build more single family homes than others.

Yours truly,

James C. Ching, Executive Secretary

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'Waipahu on the Move"

WAIPAHU BUSINESSMEN'S ASSOCIATION • P. O. BOX 1141 • WAIPAHU, HAWAII 96797

February 10, 1976

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GENERAL PLANNING
C & C HONOLULU

Mr. Robert R. Way, Chief Planning Officer
Department of General Planning
City & County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Way:

It has been brought to our attention that the Planning Commission has received a Council-initiated General Plan Amendment which will change some 500+ acres presently zoned agricultural to urban use. This area has been often referred to as the Gentry-Waipio property that lies north of Seaview & Crestview.

On two separate occasions, the members of the Waipahu Businessmen's Association Board of Directors met with representatives of the Gentry-Waipio project to discuss their proposed development. Following those meetings, the WBA Board of Directors unanimously voted to support the planned community concept as proposed by these representatives.

While we too are concerned about our green belts and our need to preserve agricultural lands, it is our understanding that the acreage in question has been reported to be unsuitable for agriculture by some experts. As leaders in the business and residential communities in the West Oahu area, we are very concerned about the lack of sufficient housing for the residents of our community. After listening to the representatives of the developers, we believe that this project is a sound, desirable, quality development that would enhance the quality of life here in our area.

We would urge your favorable consideration of this project. We believe that other community groups in the area also have voiced their support of the development and we join with them in seeking this action.

Sincerely,

Dr. Stanley J. Yamane
President

SJY:dm

1298RP-1

January 26, 1976

The Honorable Frank F. Fasi
Mayor of the City & County of Honolulu
Honolulu, Hawaii 96813

RE: GENTRY-WAIPIO/GENERAL PLAN AMENDMENT

Dear Mayor Frank F. Fasi:

On behalf of the membership of Lanakila Baptist Church and Schools, we would like to encourage you to take favorable action on the above proposed development.

We firmly back this development as a Bible Ministry to meet the needs of our community.

Sincerely yours,

Robert K. Knutson

RKK:kt

cc: Councilman Akahane
Mr. Norm Dyer

1298ORP-1

Crestview/Seaview Community Association
P. O. Box 382
Waipahu, Hawaii 96797

January 18, 1976

The Honorable Frank F. Fasi, Mayor
City and County of Honolulu
City Hall
Honolulu, Hawaii 96813

Dear Mayor Fasi:

The Crestview/Seaview Community Association, its Board of Directors and other interested members have met on many occasions with representatives of the Gentry-Waipio project. While most of us are not familiar with all aspects of housing and the building of new communities, we truly believe in, and the board unanimously supports, the development of this project. We urge that all the responsible government agencies expeditiously approve the developers' proposal. Our reasons are:

*Gentry-Waipio will provide needed housing and jobs in an attractive environment.

*Presently, our younger children are bused to August Ahrens School (supposedly the largest elementary school in the country). The Department of Education has indicated a priority for the construction of an elementary school in Gentry-Waipio to help relieve the need to expand the school. The developer will provide temporary classroom facilities until the permanent school is completed.

*The nearest shopping center is over two miles away, forcing our residents to drive on high-speed highways to reach any neighborhood convenience stores.

*The land use plan for Gentry-Waipio includes the expansion of the existing four-acre park to a much larger and usable facility and plans for a district park within walking distance of the residents.

*The proposed commercial facilities, employment, and distribution centers near Mililani Memorial Road will add jobs nearby, an obvious economic benefit to our community.

Last year, members of our association spoke in support of the

1298ORp-1

Gentry-Waipio project at the Land Use Commission Public Hearings as did representatives of many other organizations from the Leeward community. As expressed in the past, we like and want the Gentry-Waipio development and respectfully request your approval.

Sincerely,

Albert Alexander, Jr., President

cc: Chairman of the City Council; George Akahane, and members of the City Council

12980RP-1

Waipahu Community Association

HONOLULU SAVINGS AND LOAN BUILDING
94-111 WAIPAHU DEPOT STREET
WAIPAHU, HAWAII 96797

TELEPHONE 677-[illegible]

RECEIVED
JAN 12 4 17 PM '76
CITY COUNCIL
HONOLULU, HAWAII

January 8, 1976

The Honorable Frank F. Fasi, Mayor
City and County of Honolulu
City Hall
Honolulu, Hawaii 96813

Dear Mayor Fasi:

The Waipahu Community Association supports the Gentry-Waipio proposed development and requests that the project be given expeditious review and approval by all governmental agencies.

The property already has the highway and roadway capacity for new housing. This is especially true when compared to many of the lands in the general area of Waipahu whose development could increase an existing congested traffic situation. The development of this project and the improvement of temporary and permanent elementary school facilities could help reduce the number of students presently enrolled at August Ahrens and relieve the need to expand the already huge elementary school. The Crestview/Seaview Association, a member of our association, and most affected by the proposed project has repeatedly supported the Gentry-Waipio development.

We urge that the City Administration and Council take necessary actions to insure that the project receives a fair review and timely approval. Gentry-Waipio appears to have so many good features and can provide new affordable homes with jobs and services for our people.

Sincerely,

[signature]
DIANE M. [illegible]
President

DMA:tr

cc: Council Chairman, George Akahane ✓

88

Misc. Com. No. _____

Ref'd: P&Z COMMITTEE _____

Rept _____ Res _____ Bill _____

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[illegible]

1298ORP-1

24

"Waipahu on the Move"

WAIPAHU BUSINESSMEN'S ASSOCIATION • P. O BOX 1141 • WAIPAHU, HAWAII 96797

December 26, 1975

The Honorable Frank F. Fasi, Mayor
City and County of Honolulu
City Hall
Honolulu, Hawaii 96813

Dear Mayor Fasi:

Just over a year ago, the Board of Directors of the Waipahu Businessmen's Association met with representatives of the Gentry-Waipio project to discuss their proposed development. As a result of that meeting, the Board of Directors voted unanimously to support the concept presented by the Gentry people. We wish to reiterate our position.

As businessmen, we are aware of the shortage of land available for housing development and concur with the Gentry-Waipio proposal of community development. We urge government agencies involved to expeditiously review and approve the developer's plans.

It is hoped that our position will be added to the growing number of community groups that are voicing their support of the development and that it may help in assuring its successful implementation.

Sincerely,

Patrick A. Smith
President

PAS:dmy

cc: Chairman of the City Council, George Akahane
and members of the City Council

✓Mr. Norman Dyer

1298ORP-1

February 18, 1976

Public Testimony before the Planning Commission re: Gentry-Waipio Development.

Members of the Planning Commission, Good Afternoon. My name is Leonard Wilson. I am representing myself as a citizen of this State.

There is no doubt that housing is a major concern in our State. There is, however, much doubt as to where housing should be built, and what kind of housing is needed.

Unfortunately, the land in question for the proposed Gentry Development is prime agricultural land. According to the Department of Agriculture it is some of the best land in Hawaii. I consider agricultural land as a renewable resource when it is used for the production of food or fiber essential to the needs and welfare of people. When such fertile land is graded for construction, it essentially becomes a nonrenewable resource.

If the Planning Commission can somehow prevent the destruction of this prime agricultural land that is in question before us today, I urgently suggest you do so. None of us knows what the future direction of food production will be. On the other hand, if there is no way to prevent the destruction of this agricultural land from housing development, considerable thought should be given to make the development fit the needs of the future in terms of desirability for residents and environmental impacts upon the State.

I would therefore like to make the following suggestions. The number of units possibly could be reduced by at least one-third, to about 2,800 units instead of 4,300 units. With a reduction in units, more open space could be provided to future residents. By maintaining more open space, this would provide an area that could be used by the community to raise vegetables or fruit, not to mention added esthetic quality. Some type of "green-belt" area rather than roads might be considered to divide the community development into sections.

Of course a reduction of housing units, which may reduce the need of commercial and industrial space, would mean that other areas must be developed to accomodate future trends. In this case, maybe it would be more reasonable to rely upon the New State Plan that will be enacted next year, instead of current

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overlapping plans.

If the development is approved in its entirety, some type of regulation should be considered that might alleviate the potential solid waste problems of the State. The estimated solid waste for the proposed development is 57 tons per day. Collection centers for empty cans, beverage containers, and glass jars,as well as old newspapers and any other recyclable paper, should be provided at the entrances to the proposed project. Perhaps the community association could provide the necessary transportation of these items to recycling centers. This would promote some kind of conservation ethic as well as contribute to potential recycling markets in Hawaii.

Means of alleviating transportation problems might be considered in terms of a community bus or buses to transport workers and students. Such vehicles could be provided by the developer.

But most important, some consideration should be made of the energy that will be required to heat water. We all know that solar energy could be a cheap form of fuel in Hawaii. Maybe its mandatory use should be considered for all large community developments.

It is granted that some of these suggestions should be a legislative proceedure rather than a Planning Commission action. However, since we will all be affected by the future needs of open space, solid waste disposal, and energy consumption, the time is now to consider what the future will be. If this prime agricultural land is to be developed, hopefully it will be developed sensibly.

Thank you for this opportunity to express my views.

1298ORP-1

17 FEB 1976

TO: HONOLULU PLANNING COMMISSION

FROM: HAWAII CHAPTER, AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS

RE: URBANIZATION OF WAIPIO-GENTRY LAND IN CENTRAL OAHU

VOTE AGAINST URBANIZATION IN WAIPIO-GENTRY LAND

THE HAWAII CHAPTER OF THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS RECOMMENDS THAT THE PLANNING COMMISSION VOTE AGAINST BILLS #4 & #5 WHICH WOULD ALLOW THE WAIPIO-GENTRY LAND TO BE URBANIZED.

1 MAJOR CHANGES NEED TO FIT GENERAL PLAN

FIRST, CONSIDERATION OF SUCH MAJOR CHANGES IN LAND USE SHOULD HAVE THE BENEFIT OF A GENERAL PLAN.

2 WAIPIO-GENTRY LAND A KEY PIECE OF OPEN SPACE

SECOND, THE WAIPIO-GENTRY LAND IS AN ESPECIALLY STRATEGIC PIECE IN THE BASIC PATTERN OF OPEN SPACE AND URBAN MASS IN HONOLULU. IF THE WAIPIO-GENTRY LAND IS URBANIZED, THE URBAN MASS WOULD BE SOLID UP THROUGH WAHIAWA. AS LANDSCAPE ARCHITECTS AND PLANNERS, WE ARE CONCERNED THAT AN URBAN MASS BE RELIEVED BY A VARIETY OF SIZES AND TYPES OF OPEN SPACE, FROM THE SMALL SIZE OF NEIGHBORHOOD PARKS AND STREETS TO THE LARGE-SIZE PARKS AND OPEN SPACES WHICH GIVE STRUCTURE TO THE WHOLE CITY. AN IMPORTANT CONDITION TO THE SUPPORT FOR THE DIRECTED GROWTH CONCEPT THAT WE GAVE IN OUR TESTIMONY LAST YEAR WAS THAT SUFFICIENT 'GREEN BELT' OPEN SPACE WOULD HAVE TO BE PROVIDED.

3 CITY NOT OBLIGATED TO ALLOW URBANIZATION

THIRD, THE CITY IS NOT OBLIGATED TO FOLLOW UP ON THE STATE LAND USE COMMISSION'S SUGGESTION THAT URBANIZATION <u>COULD</u> OCCUR ON THE WAIPIO-GENTRY LAND. NEITHER SHOULD THE CITY FEEL OBLIGATED TO COMPENSATE FOR POSSIBLE POOR BUSINESS JUDGMENT OR BAD LUCK ON THE PART OF A PRIVATE DEVELOPER.

4 WEAKNESSES IN WAIPIO-GENTRY'S CASE FOR URBANIZATION

FOURTH, MAJOR PARTS OF THE CASE PUT FORWARD FOR THE URBANIZATION OF THE WAIPIO-GENTRY LAND HAVE WEAKNESSES.

A) THE CONCERN ABOUT THE HIGH TAXES NOW BEING PAID ON THE LAND AND

B) THE CLAIM THAT AGRICULTURAL USE IS PRESENTLY UNFEASIBLE BOTH DIRECTLY RELATE TO THE HIGH, SPECULATIVE PRICE PAID FOR THE LAND. THE TAXES, OF COURSE, STEM FROM THE HIGH 'VALUE' OF THE LAND AS DETERMINED FROM THE PRICE PAID FOR IT. THEN THE REPORT BY WAIPIO-GENTRY'S AGRICULTURAL CONSULTANT STATES THAT HIGH TAXES AND THE HIGH PRICE PAID FOR THE LAND ARE THE MAIN REASONS THAT SELECTED VEGETABLE CROPS CANNOT NOW BE ECONOMICALLY PRODUCED ON THE LAND.

C) THE WAIPIO-GENTRY PROJECT COULD MAKE A SIZEABLE CONTRIBUTION TO OAHU'S HOUSING SUPPLY, AS THE APPLICANT POINTS OUT. BUT THE LOCATION, TYPE, AND QUANTITY OF SIGNIFICANT AMOUNTS OF ADDITIONAL HOUSING SHOULD BE GUIDED BY A GENERAL PLAN.

URGENT NEED FOR A COMPREHENSIVE GENERAL PLAN

IN CONCLUSION, THE WAIPIO-GENTRY APPLICATION CALLS THE QUESTION ON THE URGENT NEED FOR A COMPREHENSIVE GENERAL PLAN FOR OAHU. BOTH THE DEPARTMENT OF GENERAL PLANNING AND THE CITY COUNCIL ARE AT FAULT HERE. CLEARLY, THERE MUST BE POSITIVE, COOPERATIVE ACTION SOON ON THIS FRONT.

HIGH COSTS FOR BOTH PUBLIC AND PRIVATE INTERESTS

THE 'PARKING METER' IS RUNNING UP HIGH COSTS -- BOTH FOR THE PUBLIC WELFARE, IN TERMS OF THIS KIND OF PRESSURE FOR PIECEMEAL PLANNING NOW UPON YOU, FOR INSTANCE, AND FOR PRIVATE DEVELOPERS, FOR WHOM TIME LOST IS MONEY LOST.

Janet Thebaud Gillmar

VICE-PRESIDENT, HAWAII CHAPTER/ . ASLA

STATEMENT OF

Richard G. Poirier, Chairman
Planning and Zoning Committee

Neighborhood Board No. 25

before the

CITY & COUNTY OF HONOLULU PLANNING COMMISSION

on

Wednesday, February 18, 1976

in consideration of

BILLS NO. 4 AND 5 RELATING TO GENERAL PLAN ORDINANCES NOS. 2443 AND 2473

1298DRP-1

Housing Needs

The City and County General Plan Revision Program (GPRP) indicates that there is over 18,000 acres of land available for housing on the existing Oahu General Plan. This consists of 14,400 acres of low-density residential land, and 3,044 acres of medium and high-density residential land. According to the GPRP, approximately 244,000 dwelling units could be built on this land.

This potential supply can be compared with the demand for housing identified in the GPRP which amounts to 140,400 housing units needed by 1995. Clearly an over supply of land.

In addition, the State Department of Planning and Economic Development (DPED) in its summary report of the Central Oahu Planning Study showed that there are already over 56,000 housing units under construction or in various planning stages by private developers in the urban district. Among the developments included were Mililani Town, Waimalu, Hawaii Kai, Heeia, Helemanu, Robinson Estate (Kunia Road), and other.. The total does not include the 4,300 units proposed by Gentry-Pacific. At the GPRP indicated rate of 5,000 to 6,000 units needed per year, the 56,000 units will satisfy demand Islandwide for about 10 years.

According to DPED, an additional 55,000 dwelling units are planned outside of the urban district in Central Oahu including Honouliuli, Waiawa Ridge, and Mililani Town. Any reasons used to justify an amendment to the General Plan for the Gentry property can also be used to justify developing these additional 55,000 units. It appears, therefore, that approving the Gentry amendment may have much greater consequences for agricultural lands than just the 510 acres in question. A serious precedent may be set if we change agricultural land to urban use when the data demonstrates that the existing urban land supply is sufficient for both the short and long range planning time frame.

The proposed Gentry amendment would also appear to be in conflict with the analytical process required by the Dalton decision which requires General Plan amendments to be based upon the conclusions of long-range comprehensive studies. We have seen no evidence thus far that such studies have been undertaken.

One of the constraints on the use of the existing urban residential land is the cost of the housing which could be built on such lands. There is little evidence to show that the needs for low and moderate income housing could be met by urbanizing the Gentry land.

The major demand for housing is from the low and moderate income group. At current price trends, the GPRP projected a need for 33,100 housing units requiring governmental assistance in the period 1971-85. This amounts to 41% of the total need for the period. There might be some justification for the proposed Gentry project if 41% of the proposed units were to be made available to low and moderate income groups. In this regard, 71% of the proposed 4,300 units would have to sell for less than $41,000. As far as we know, there is no intention on the part of the applicant to meet this serious market need.

By the same token, if government subsidy is necessary, it just as likely could be applied to the available land that is in the urban district, thereby negating any possible justification for changing the Gentry property from agriculture to residential uses.

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#9

Traffic Impact

A review of the traffic impact report submitted by the developer revealed some rather unusual conclusions. First, Kamehameha Highway was referred to as a 4-lane divided highway, when the road in fact is a 3-lane rural arterial. This changes the road's capacity from the 1700 vehicles per hour indicated by the developer to 970 vehicles per hour at service level E (bumper to bumper traffic).

The developer calculated the morning peak hour traffic volume to be 2800 vehicles per hour. At present, there is only one lane in the direction of this flow, and it has a capacity of only 970 vehicles. The need is nearly triple the capacity. This does not even consider traffic generated by areas other than the developer's project, e.g., people living in Wahiawa and Mililani who work in Waipahu, or people living in lower Mililani who would have to back-track to get to the Mililani H-2 interchange.

Secondly, the developer indicates that the property will have access to the H-2 freeway. How this statement can be made when the Federal Highway Administration has said that there will be no access is extremely puzzling.

Based upon the two reasons discussed, there is obviously grossly inadequate transportation facilities to serve the development, and there are no short range governmental plans to improve the situation.

Agricultural Needs

The land in question is part of the best agricultural land in the entire State of Hawaii. In fact, it is better than the land in the Waiahole-Waikane area. Policies calling for the retention, expansion, and diversification of agricultural land in Hawaii are referring to this property, and the owner purchased the property with full knowledge of its potential.

Public policy on the preservation of prime agricultural land is quite clear. The West Oahu Soil and Water Conservation District has stated that the subject land is among the very best land in the State for agriculture, even though it may be idle now.

In its Central Oahu Planning Study , the DPED showed that approximately 38,500 additional acres of land in the State are needed in order to meet projected increases in demand for various Hawaiian agricultural products for export and domestic consumption. Included in this estimate of need was 3,000 acres for vegetables, 2,000 acres for fruit, 6,000 acres for Macadamia Nuts, 1,000 acres for Papaya, and others. DPED concluded that the amount of agricultural land in Central Oahu should remain at least at its present levels in light of the projected need for agricultural land throughout the State and the fact that over 50% of the very best agricultural lands in the State are concentrated in Central Oahu.

In his 1976 State of the State address Governor Ariyoshi stressed that one of the primary goals of his administration is the preservation of agricultural land, not only to meet the agricultural needs of today, but also to preserve significant land use options for our children and their children. He said that "the time

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has come to meet this issue squarely and head-on. The farm land in our State is rapidly appreciating to a point far beyond its value for agricultural use. We must, therefore, regard our agricultural lands as a limited resource, not as a replaceable commodity. This can only be done by eliminating investment opportunities in agricultural land for other than agriculturally beneficial purposes."

Mr. Hideto Kono, Director of DPED, recently said that land is too precious in the Islands to be used simply for profit taking. "Some (farm) lands in Hawaii have been used for speculative purposes, increasing tremendously in paper value while they remain unused....This type of situation cannot be continued....It is a form of greed...."

Mr. John Farias, Director of the Department of Agriculture said that his Department is committed to the goal of broadening our agricultural base, and now is not the time to turn back on agriculture. The assistance brought into play through such new government programs as the farmer loan program the agricultural planning office, and the farm land tax reform program, to mention a few are just beginning to influence the State's agricultural activities.

Representative Spark Matsunaga said recently that 400 million people in the world now suffer from malnutrition. Each day there are 203,000 more mouths to feed, and in one year there will be 74 million more people in the world. He called for drastic and positive action, including stabilization of the world population and increasing food production.

Mayor Fasi has said that the agricultural land on Oahu should be preserved, especially for diversified agriculture. He said that unless more food is grown locally, Oahu will experience a worsening of food shortages and rising prices as the United States exports more food.

Public Facility Needs

The Mililani Town area is about to get its first baseball and football field after nearly eight years of development and a population which has grown to some 15,000 people. Children are housed in temporary classrooms fashioned from single-family house shells. A young person was killed by a car before the first traffic light was put into operation. It is obvious that public facilities in the area have not kept up with private development.

If the government cannot keep pace with the needs of one development, it makes little sense to us to add another major development in the district.

Summary and Conclusions

In summary, we have shown that there is nearly twice as much land on the existing General Plan than is needed by 1995 for housing purposes, and that the proposed project would not meet the need for low and moderate income housing.

The proposed change involves prime agricultural land which is needed to meet public goals and objectives which have been established for agriculture.

The existing road which services the subject site has only about one-third of the needed capacity at best, and no immediate improvements are planned.

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The County and State governments have been unable to keep up with the level of government services and facilities needed to keep pace with development that is already occuring within the district.

We ask that you recommend denial of the General Plan amendment request because of these important overriding issues which have not been resolved.

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12980RP-1

LIFE OF THE LAND
A GROUP FOR ECOLOGICAL RESEARCH AND ACTION

Feburary 18, 1976

Testimony of Scott Nakagawa before the Planning Commission.

My name is Scott Nakagawa and I am the Vice President of Life of the Land, a group for environmental research and action. I am testifying on behalf of Life of the Land and as an individual, 18 year resident of Central Oahu.

The agricultural potential of the tract of land presently before the Planning Commission is among the best in Hawaii. The Gentry--Waipio study states that the land is presently classified as Class IV. That figure does not show the agricultural potential of the land. It merely shows that the land is chall IV without water and without soil improvement techniques.

First, with irrigation, the land was classified as Classes I, II and III by the United States Dept of Agriculture. Second, it is a well known fact that most of the State's prime agricultural land is located in Central Oahu. The Central Oahu Planning Study stated: "Most of the very best agricultural lands in the State are concentrated in Central Oahu". (summary report, p. 45)

Agriculture can be a viable business on the Gentry land. The Gentry--Waipio study states that Agriculture is not feasible on the Gentry--Waipio land. However, a January, 1974 issue of the Honolulu Star Bulletin described a 640 acre potato farm in Mililani called "Mililani Farms". The venture is one of the largest diversified agricultural ventures in Hawaii. One of the owners of the farm stated: "On our figures alone our gross could go to $960,000 a year when we get the 640 acres in production. That's based on 4 harvests a year at about 240 sacks of Potatoes to the acre." The Gentry--Waipio study reported yeilds of 350 sacks per acre in the area near the Gentry site.

Agriculture is needed in the State of Hawaii. Agricultural land has immense aesthetic value for both residents and tourists. Agriculture provides jobs for workers and a source of business for local industry. Decreased agricultural income will adversely affect Hawaii's economy because the purchases and wage and salary payments of agriculture will be reduced. The Central Oahu Planning Study found that $25,800,000 will be lost annually if some agricultural land is taken out of production due to urbanization by the private sector. This figure includes the lost raw value of agricultural procuction as well as the value added in processing and the succeeding effects in the

404 PIIKOI STREET HONOLULU HAWAII 96814 TELEPHONE 521-1300

State economy which result from reduced payments and purchases by the agricultural sector.

The Gentry--Waipio study indicated that potatoes and dry onions are the best crop for the Gentry land. In 1970, 33,000,000 pounds of potatoes and 9,291,000 pounds of dry onions were shipped to Hawaii from the mainland. At the same time, only 620,000 pounds of onions and 110,000 pounds of potatoes were produced in in Hawaii. Therefore, if the Gentry--Waipio land is devoted to potato and onion production, then Hawaii's dependence on mainland food items would be substantially reduced.

It is Life of the Land's opinion, that the Gentry--Waipio developement will not satisfy the housing needs of Hawaii's citizens. Gentry projects that the dwelling units will cost from $40,000 to $75,000. This figure is a very low estimate of what the houses will actually cost. Like most developer, Gentry is predicting a low cost in order to justify the developement's potential for satisfying housing needs. The actual cost of housing will probably range from $50,000 to $95,000.

Even assuming that houses will cost from $40 to $75 thousand as Gentry predicts, those prices are too high to satisfy Hawaii's housing needs. The Central Oahu Planning study stated that most of Hawaii"s housing needs are in the low to moderate income level. Perhaps a $40,000 Dwelling unit may be classified as moderate income. However, I submit to you that most of the units in the Gentry--Waipio developement will cost well above $40,000.

Gentry is pushing the project because he is losing money on the high real property taxes he must pay. Tentry believes that diversified agriculture will not be viable, partly because of the high property taxes.

However, it is observable that speculators buy land zoned as agricultural, at prices well above agricultural value, in the hope that the land will be up zoned to urban. The speculators know that most of the land which they submit will be up zoned to urban. The fact that most agricultural land in the past has been up zoned further increased the value of the agricultural land because there is little risk that the agricultural land will remain in agriculture.

The government's response has been to approve urban zoning on a piecemeal basis partially because of the developer's monetary committment to the project. Life of the land has a better solution. The proposal for urban zoning should be flatly denied, no and for ever. The developer, knowing that there is no chance for urbanizing his land, will be forced to either sell out or go bankrupt. In either case, the land will be resold. The buyer of the land, also knowing that the land will not be upzoned to urban, will pay a lower price for the land. This will decrease the property taxes, which will make agriculture more profitable.

1298ORP-1

Conclusion

First, the Gentry--Waipio developement will eliminate scarce agricultural land. Moreover, it will eliminate the aesthetic beauty of agricultural land, which will adversly affect the tourist industry. Second, the developement will not satisfy Hawaii's housing needs. Finally, approval of the Gentry--Waipio developement will perpetuate a system which is presently causing agricultural land to be solk at urban prices, which thereby makes agriculture less profitable, due to high property taxes.

Therefore, the Gentry--Waipio application has no value to the State of Hawaii, and will adversly affect the State. The application should be flatly denied. This island cannot tolerate the loss of anymore of its agricultural land.

As to jobs and housing, both needs will be satisfied by the construction of high density, low cost housing, within the present urban boundary. Public assisted housing will more likely serve Hawaii's housing needs because profit is not the motive of such construction, as is the case with the Gentry--Waipio application. Such an alternative will save agricultural land, provide jobs for the construction, and provide low cost housing for citizens of Hawaii.

12980RP-1

CITY PLANNING COMMISSION HEARING February 18, 1976

I am Jane Helliwell representing the Mililani Town Association. We want to go on record as opposing the extra ordinary process by which this zone change is being considered and express our concern for the circumstances of this application.

Though we are in an area that would be greatly affected by housing on the Gentry land, we were not officially informed of this hearing nor was our input requested as it should be.

As we understand the situation, Mr. Gentry bought this land, declining to purchase the water rights for the purpose of preventing cultivation. Now his taxes have gone up. Perhaps the answer is to lower the taxes until the land is really needed for housing or at least until the impact of development can be fully assessed. A "rush, rush, hurry it through" job as this has appeared to be so far, is certainly not in the public interest.

Since we ~~didn't have~~ had but ~~about~~ 36 hours lead time to prepare for this hearing, it is impossible to give a well reasoned documented report. However, some things have come to light which give us reason to believe that a thorough study by normal means is justified.

1. Kam Highway is not a four lane divided highway as Mr. Gentry's application allegedly asserts.
2. He does not have access to H2 freeway as he also asserts so I understand. Therefore all the cars from this development will go out to Kam ~~Avenue~~ towards is now beyond capacity as anyone who lives out there can tell you.

1298ORP-1

3. State and city capital improvements are way behind in the central island already and this development would be in our same request district. It took many accidents and one death before we got traffic lights on Kam Highway. One third of our children are attending a temporary school. Other facilities planned for are cut or endlessly delayed when budgets are made. Such facilities are the library and park development. With another project competeing for limited funds this can only get worse.

4.

We in the central island don't want to be the victims of the power struggle between the administration and the city council. And this hurry up, push it through - we'll show the planning department a thing or two, could do just that - sacrifice the quality of life for the people of the central island to the benefit of one land speculator. Looking at the situation from the voters point of view, we can't help wondering why the city council feels so obligated to Mr. Gentry. There are 14,000 of us in Mililani Town alone and many thousands more in the rest of the central island and we had better count too.

You should either reject this application or give it the orderly and thorough study that any <u>irreversible</u> project such as this deserved.

1298ORP-1

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DGN 3/76-336

THE OUTDOOR CIRCLE

200 No. Vineyard, Honolulu, Hawaii 96817

RECEIVED
'76 FEB 17 PM 3:37
DEPT. OF PLANNING
GENERAL PLANNING
C & C HONOLULU

February 17, 1976

Mr. Randall Kamiya, Chairman
and Members
City Planning Commission
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Kamiya and Members:

In response to Mr. Way's letter of January 26, 1976, may I restate some of the items we listed for "Quality Growth Plans for the State of Hawaii" in 1973 as they affect the proposed General Plan Amendment which will change 500+ prime agricultural acres from agricultural use to urban use.

The goal of The Outdoor Circle is an environment that is pleasing to the senses and healthy to live in. This makes quality growth essential. "Quality Growth" has recently been defined as that growth which preserves the "Spirit of Hawaii" -- to us it means--

> "Our magnificent mountains, our palm-fringed coastline, our ocean waters and reefs, our splendid views which stretch from ocean to mountains, unimpeded by buildings or marred by development, a sense of openness, trees and other verdant green growth, clean air and water, sunshine and an equitable climate. All these have made us a people who seek their recreation and often their occupations in the "out-of-doors'."

Today, our major common goal is to preserve and cherish our beautiful physical environment. A clear expression of policy is needed -- a statement of intent from all legislative bodies insuring top priority to the preservation of open space. The preservation of our agricultural lands as a natural "green belt". A moratorium on the rezoning of all agricultural lands to urban use until a State Open Space Plan is adopted. Our outdated Oahu General Plan is a major deterrent to quality growth. If we are to Keep Hawaii Green, coordination of total environmental planning at all levels of government is needed.

Sincerely,

June T. Humme

Mrs. John T. Humme
President

JHH
njb

12980RP-1

DGP 2/76-271

University of Hawaii at Manoa

Department of Psychology
2430 Campus Road • Honolulu, Hawaii 96822
Cable Address: UNIHAW

February 10, 1976

RECEIVED
'76 FEB 11 PM 3:05
DEPT. OF
GENERAL PLANNING
C & C HONOLULU

Mr. Robert R. Way
Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Way:

This is in response to your letter regarding the Council-initiated General Plan Amendment to change 500+ prime agricultural acres of the Gentry-Waipio property from agricultural use to urban uses.

It is my considered feeling that the proposal is utter folly. Prime agricultural land is a precious resource. Oahu has all too little such land, and to remove almost another square mile of it from agricultural productivity would be an inexcusable disservice to the people of Hawaii and to their future generations. There is a grave and growing global food shortage; to misuse agricultural land is immoral. Let urban uses be confined to land not suitable for agriculture.

Sincerely,

Herbert B. Weaver

Herbert B. Weaver
Professor

HBW:mmn

AN EQUAL OPPORTUNITY EMPLOYER

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HAWAII FARM BUREAU FEDERATION

1513 Young Street, Room 202 • Honolulu, Hawaii 96814 • Telephone (808) 946-1435

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February 17, 1976

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Mr. Robert R. Way
Chief Planning Officer
City & County of Honolulu
650 S. King Street
Honolulu, Hawaii 96813

Dear Sir:

Subject: Gentry-Waipio Property

The Hawaii Farm Bureau Federation opposes the changing of this prime agricultural land to urban zoning. Preservation of agricultural lands has been our basic policy, and at our Convention last November, the delegates reaffirmed our efforts to resist any encroachment of urban use on existing lands in agricultural use or zoned for future agricultural use. In this specific case, we believe:

1. Such a large area would change the complexion of the central Oahu producing ag lands and would lead in the direction of solid subdivision all the way to Wahiawa, inasmuch as it would nearly join Waipahu and Mililani. Such a large block change would exert increased economic pressure on remaining pineapple and sugar lands in the area.

2. We see no assurance that housing would be built to provide homes for the ordinary working people at prices they can finance and afford to pay. While affluent Mainland people maybe able to buy homes in Hawaii, we do not believe that our ag lands should be broken up for that use.

Our policy does allow for some flexibility where need is justified. But before the Federation approved a change such as this, we would need to be shown firm plans for what kind of houses at what prices to be sold to what wage earners. Further, is there a market for such houses at the present time?

Please understand that we view agricultural lands, whether or not in use around the State, as a valuable land resource which will be needed for agricultural use in the future. This is why we jealously guard against any encroachment on these lands by every means available to us.

Sincerely,

Milton Warne

Milton Warne, Chairman
Land Committee

205

LIFE OF THE LAND
A GROUP FOR ECOLOGICAL RESEARCH AND ACTION

February 18, 1976

Testimony of Paul McCarthy before the Planning Commission:

My name is Paul McCarthy and I am an attorney on the staff of Life of the Land, a group for environmental research and action. I am testifying on behalf of Life of the Land, specifically, the Environmental Law Program.

The two Gentry-Waipio parcels in question are the subject of two seperate lawsuits, one against Gentry-Pacific and Tom Gentry individually, the other against Gentry-Pacific and Tom Gentry as members of a class of landowners. The first lawsuit is presently being appealed to the Supreme Court of Hawaii on the question on whether Life of the Land and other named plaintiffs had standing to contest the rezoning. The other is awaiting class action certification in the Circuit Court. Because different provisions of the Hawaii statutes are involved in this second lawsuit, we do not believe that standing will be as much of an issue in this case as it was in the first one.

Both of these lawsuits challenge the validity of the actions of the State Land Use Commission in originally changing the zoning designation of this land from agricultural to urban designation. As you are no doubt aware, the validity of the State-wide zoning change is a necessary precedent to this Commissions further enacting zoning designations within the general zoning designations promulgated by the Land Use Commission.

Either of these lawsuits, if successful, could result in the "urban" designation reverting back to "agricultural", as it was before the Land Use Commissions recent five-year boundary review. This would, of course, nullify the actions of this Commission and the City and County of Honolulu in further enacting zoning designations under the "urban" designation laid down by the Land Use Commission. Indeed, this agency would be in a most awkward position if it approved the Gentry and Gentry-Pacific requests, construction began on the proposed developments, and then the State "urban" designation was struck down by the courts. I need not invoke images of half-built houses crumbling in the rain while angry taxpayers looked for the parties to blame for you to appreciate this. The Mainland U.S. is replete with examples of highways that end in mid-air and gaunt house frames which dot beaches that are now State parks or National Seashores, because of the improvident granting of zoning changes and building permits by agencies in the face of ongoing litigation . It would be more prudent of this Commission to await the outcome of this litigation(class action certification is expected to be decided on the 26th of February, 1976) than to commit itself to

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404 PIIKOI STREET HONOLULU HAWAII 96814 TELEPHONE 521-1300

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a plan which may well turn out to be illegal.

One further point: In Town v. Land Use Commission, 55 Haw, 538 (1974) the Hawaii Supreme Court ruled that adjacent property owners were to be given "contested case" rights under the Hawaii Administrative Procedures Act in cases involving state-wide rezoning. Under the appropriate sections of the Administrative Procedures Act, notice is to be given to adjacent property owners which includes (1) notice of the date time and place of the hearing (2) The legal authority under which the hearing is to be held; (3) the particular sections of the statutes and rules involved; (4) An explicit statement in plain language of the issues involved and the facts alleged by the agency in support thereof, and (5) The fact that such adjacent property owners may retain counsel if they so desire.

The differences between that case, involving state-wide zoning, and this case, involving city and county-wide zoning, are minimal. I would therefore ask this Commission if they have located all the adjacent property owners and afforded them the requisite notice as required by the Administrative Procedures Act and the Hawaii Supreme Court in the Town case? Failure of this Commission to do so would probably be a violation of the Administrative Procedures Act and render it and the City and County liable to be sued in the courts of this state.

Respectfully Submitted

Paul McCarthy

Paul McCarthy

Honolulu Academy of Arts

OFFICE OF THE DIRECTOR

900 SOUTH BERETANIA STREET, HONOLULU, HAWAII 96814, TELEPHONE 538-3693

I am James W. Foster, Director of the Honolulu Academy of Arts.

In representing the Academy I do so at this time without having had the opportunity of reviewing the present proposal with my Board of Trustees.

However, I believe that in substance the proposed ordinance would achieve certain major objectives that would benefit Honolulu generally.

First, the ordinance would assure the perpetuation of an open oasis in mid-town Honolulu that embraces significant historic, cultural, architectural and scenic elements.

Second, the ordinance would prevent Thomas Square and the Academy from being overshadowed and downgraded by incompatible developments.

The establishment of a Historic, Cultural and Scenic District for the Thomas Square - Honolulu Academy of Arts area is a development that I heartily endorse and am most grateful for the concern expressed by the Department of Land Utilization in the preparation of this comprehensive Proposal.

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Honolulu Academy of Arts

OFFICE OF THE DIRECTOR

900 SOUTH BERETANIA STREET, HONOLULU, HAWAII 96814, TELEPHONE 538-3693

9 February 1976

Mr. Robert R. Way
Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Way:

This is to acknowledge your letter of 5 February which accompanied the report and proposed ordinance for establishment of Historic, Cultural and Scenic District No. 5, the Thomas Square/Academy of Arts District submitted by the Director of Land Utilization.

A quick reading reveals the merits of this proposed ordinance, which appears to be comprehensive in its consideration of and sensitivity to the concerns which have been expressed by many persons interested in preserving the quality of the area. We are reviewing the particulars with close attention, and should we have some constructive thoughts we will communicate with you.

Sincerely yours,

James W. Foster

James W. Foster, Jr.
Director

JWF:lh

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THE OUTDOOR CIRCLE 200 No. Vineyard, Honolulu, Hawaii 96817

February 17, 1976

Mr. Randall Kamiya, Chairman
and Members
City Planning Commission
650 South King Street
Honolulu, Hawaii 96813

Subject: Proposed Ordinance for Establishment of Historic, Cultural and Scenic District No. 5, The Thomas Square/ Academy of Arts District

Dear Mr. Kamiya and Members:

The Outdoor Circle wholeheartedly supports the proposed Ordinance to establish a Historic, Cultural and Scenic District for the protection of the Thomas Square/Academy of Arts area.

These two National Historic sites, and the sympathetically designed and situated Honolulu Concert Hall combine to form a compatible whole that has become one of Honolulu's great assets. We believe that HCS Districting presents the most reasonable and certain method of protecting and preserving our Cultural Center for future generations.

The Outdoor Circle strongly urges your favorable recommendation to the City Council for this proposed ordinance that is long overdue.

Very truly yours,

Jean W. Humme

Mrs. John T. Humme
President

Betty Crocker

Mrs. Theodore Crocker
First Vice President

TC
njb

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STRAUB
clinic & hospital

FOUNDED IN 1921
INCORPORATED 1970

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March 3, 1976

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

Gentlemen:

On behalf of Straub Clinic and Hospital and our consultants and associates, may I thank you for your patient consideration of our testimony on the proposed Thomas Square zoning district ordinance. Your patience in hearing us out and your diligent attention and concern over what we had to say were much appreciated and, parenthetically, much respected in view of your long day.

There was one question raised during discussion that I feel compelled to answer in this communique. That is, what percentage of our capital investment in our physical plant relates to investment for the future growth of the hospital and other structures. The answer by the respondent was in the range of 10% but the proper answer is that beginning with the construction of the hospital and parking facilities, the entire investment, e.g. some eight million dollars, was made to provide the capacity for future expansion. For, if there had been no capability for further expansion on this site, construction of the hospital and its related structures would never have been undertaken. In simpler words, the entire investment in the hospital structure was contingent upon the future ability to expand it to meet needs.

Our comments were confined to the merits of the proposed ordinance as it related to and created problems for our institution. With some time to reflect on the hearing, my personal comments as a citizen are offered as to the merits of the ordinance as a whole. There is no question of the desirability of the green oasis of Thomas Square being kept aesthetically as whole as possible. However, this gesture seems so far after the fact of currently developed structures and the six or seven years of the existence of the comprehensive zoning code, that I raise serious question as to the merit of this ordinance in trying retrospectively to protect the park-like mood of Thomas Square. In one sense, it seems an outgrowth of the Capitol district improvement concept.

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As a taxpayer and citizen, I have always regarded the decision to implant the State Capital Building in the heart of the business district of Honolulu as grossly unwise economically, unsound and highly politically motivated. The subsequent attempts to create a proper environment of restricted building heights and developments around the Capitol to provide view corridors, etc. further in the heart of the business district seems the dilemma of chasing one bad decision with sequentially poor ones. The heart and center of a city should be, indeed, the densest, most developed portion of it. It has peaked traffic flows, and the economic cost to the taxpayer of trying to recoup public open space in the heartland of the city seems far-fetched. I applaud every effort to provide disseminated open space, "greened" space and park space for recreational use throughout the city, but there must be a city center, there must be a business district and in reference to the Kakaako Improvement District, there must be an area for service industries within the metropolitan center. In short, the effort of these zoning ordinances appears to me to be too late and too expensive to achieve their undeniable public worthy aims.

Most sincerely,

E. Lee Simmons

E. Lee Simmons, M.D.

ELS:cam

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TORKILDSON, KATZ, CONAHAN, JOSSEM & LODEN
ATTORNEYS AT LAW, A LAW CORPORATION
700 BISHOP STREET
HONOLULU, HAWAII 96813

RAYMOND M. TORKILDSON
ROBERT S. KATZ
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E. C. MOORE, JR.
(1913-1972)

MICHAEL B. SHANE
OF COUNSEL

CABLE ADDRESS
COUNSEL

TELEPHONE
(808) 521-1051

February 18, 1976

Chairman Randall Kamiya, Commissioners, Ladies and Gentlemen:

Subject: Thomas Square Ordinance

My name is James P. Conahan. I am attorney for Straub Clinic & Hospital, Inc.

As earlier testimony indicated, the proposed ordinance will have a serious impact on Straub Clinic & Hospital, Inc.'s planned expansion and continued modernization of its medical facilities. The restrictions will prohibit or at least delay at undue expense, Straub's ability to provide superior and increasingly sophisticated medical services at a reasonable cost. This should be considered by this Commission in view of the present concern over skyrocketing medical costs. It is in the community interest to not add to such costs needlessly.

I say this because several years ago, Straub developed a plan for gradual expansion of its medical facilities and services to meet the needs of a growing, medically sophisticated and demanding community. This master plan was based on the existing zoning code requirements. As part of this plan, Straub recently purchased a property 12,244 square feet in size for $450,000.00, or $36.81 per square foot. Combined with adjacent properties, Straub would be able to add approximately 120,000 square feet of hospital, clinic and office space and 392 parking stalls under existing law. The effect of the proposed ordinance however, is to totally prohibit this planned growth.

Assuming land were available, if Straub were to buy the amount of land required by the proposed ordinance in order to complete its master plan, Straub would have to add approximately $2,000,000 to $3,000,000 to its costs. Naturally, these costs would necessarily be added to the cost of patient care.

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In addition to this point, my client felt that it would be helpful for me to call your attention to some legal considerations regarding the Thomas Square ordinance. I wish to make two points:

First, you should be made cognizant of the fact that as part of its master plan, Straub built its existing buildings to accommodate expansion under existing zoning laws. Specifically, the structural, medhanical and electrical components of the hospital and clinic were built to provide for added on capacity of approximately 120,000 square feet. The parking is structurally capable of expansion to another 392 stalls. The present day value of these built in components is estimated by Straub's architects to be in the neighborhood of $1.77 million.

The proposed ordinance would forbid Straub from utilizing and enjoying the benefit of this built-in capacity to expand. This would be tantamount to a taking of property--having the same effect as a condemnation. I suggest that Straub would have a claim against the City and County of Honolulu for compensation since our State constitution, Article I, §18 provides that "Private property shall not be taken or damaged for public use without just compensation."

Without burdening you with case citations, let me simply point out that courts have invalidated zoning laws on this ground. See, for example, 58 AmJur Zoning §149 and 158 and related annotations.

The second legal point I shall make is that by acting in substantial reliance upon a reasonable zoning code, Straub may have a vested right to the provisions of the present law. I have found cases in which the court has spoken in terms of vested rights which cannot be defeated when the owner has performed a series of acts in good faith. See, for example, Darlington v. Frankfort, 282 Ky. 778, 140 SW 2d 392 (1940).

My recommendation to this Commission would be to provide for an exemption for Straub--such an exemption could relate to quasi-public institutions such as medical clinics and hospitals which have spent substantial sums of money in good faith in reliance on existing ordinance. Such an exemption has been held to be nondiscriminatory in Baxley v. Frederick, 133 Okla 84 (1928). I suggest this approach because it will

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obviate the due process and compensation problems I outlined above and will not subject a landowner who has acted in substantial reliance upon the existing zoning provisions to costly variance and appeals procedures. Where there is a strong and reasonable likelihood that such landowner may prevail in a suit for damages or a suit to invalidate the application of law as to those with vested rights, it would be unreasonable of the lawmaking body to impose costly administrative obstacles to the enforcement of such rights.

If the Commission desires, I offer my assistance on behalf of Straub to draft such an exemption.

TORKILDSON, KATZ, CONAHAN,
JOSSEM & LODEN,
Attorneys at Law,
A Law Corporation

James P. Conahan

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clinic & hospital

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February 18, 1976

PROPOSED THOMAS SQUARE/ACADEMY ARTS
HISTORICAL, CULTURAL & SCENIC DISTRICT ORDINANCE

The previous testimonies on Straub's behalf convey our feelings regarding the proposed ordinance. Without duplicating the testimonies, let me re-emphasize some of the high points:

(1) Straub has been situated in its present location for over 40 years. A great deal of time, effort and money has been invested in Straub's growth to assure orderliness, efficiency and high aesthetic qualities. (May I point out that our most recent addition, the hospital, won an architectural design award). In short, we at Straub are as interested in preserving the aesthetics of the subject area as the authors of the ordinance.

(2) For years, Straub has strived to provide the State of Hawaii with the highest quality of comprehensive health care possible. Our 85 physicians presently care for close to 10% of the State's population. We cannot continue to provide top quality care, nor can we provide centralized comprehensive care at a reasonable cost if we are not permitted to expand. Expansion is necessary to improve operational efficiency and accommodate new technological innovations.

(3) For 9 years, we have planned to expand our hospital, and a substantial investment was made in additional structural, electrical and mechanical capability to permit future expansion. Expansion would only take place when a need exists in the community, and only after approval has been granted by the Comprehensive Health Planning Agency. It would be unfair to the physicians at Straub who made the investment, and to our patients who look to us for their health needs, if the expansion was restricted.

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(4) The rising cost of health care is something we must deal with everyday. We are very reluctant to raise our fees, and budgetary controls are probably more stringent than the best managed businesses in this State; however, unless we pass on our costs to our patients, our survival will be in jeopardy. The restrictions of the proposed ordinance will disallow any expansion on our present site. The cost of relocating our operation or expanding at a different site would be astronomical, and this cost would have to be passed on to our patients. We serve over 80,000 patients, not only from Honolulu but also from the neighbor islands, the Pacific Basin and tourists from all over the world. To restrict our growth is to deny these people the opportunity of receiving the high level of health care that Straub insists upon.

(5) The three buildings bordering Ward Avenue houses most of Straub's outpatient clinic. These buildings are 43, 25 and 13 years old. It is evident that two of the buildings will need to be replaced in the not-too-distant future. Maintenance expenses are rising in these buildings, and they are inefficient and impractical in coping with today's technological requirements. In all probability, Straub would have replaced these buildings with well designed low rise structures. The proposed ordinance necessitates that these buildings be used till they literally fall apart, as replacement would be impossible.

(6) Straub requests that it be completely exempt from the proposed ordinance for reasons previously stated. It should be kept in mind that Straub's expansion will come only as community needs dictate, and that the physicians and management at Straub are extremely concerned with preserving the aesthetics and serenity of the area that has been Straub's home for 43 years.

Submitted by,

Patrick J. Duarte

PATRICK J. DUARTE
Associate Administrator
Straub Clinic & Hospital, Inc.

PJD/sn

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First United Methodist Church

1020 S. BERETANIA STREET / HONOLULU, HAWAII 96814 / 533-1774

February 17, 1976

Mr. Randall Kamiya, Chairperson
Planning Commission of the
City & County of Honolulu
Honolulu, Hawaii 96813

Dear Mr. Kamiya:

Re: Proposed Ordinance for Establishment of Historic, Cultural and Scenic District No. 5, The Thomas Square/Academy of Arts District

Your attention is called to the following enclosures:

1. Letter Dated, March 4, 1975 from the First United Methodist Church to The Honorable Frank F. Fasi, Mayor, City and County of Honolulu, which reports on the compromise development proposal of the Church's property, across Victoria Street from the Academy of Arts, reached between the Church and the Academy;

2. Letter Dated, March 13, 1975 from The Honorable Frank F. Fasi, Mayor, to Mr. Cyril Phillips, Chairman, Permanent Development Committee, First United Methodist Church, responding to the Church's letter of March 4, 1975; and,

3. Editorial entitled, "Thomas Square 'saved'", appearing in the Honolulu Advertiser, dated March 7, 1975.

An analysis of the proposed ordinance indicates that its apparent purpose is aimed primarily at putting further control on the development of the Church's property across Victoria Street from the Academy of Arts. Moreover, this proposed ordinance is rendered superfluous in light of the projected enactment of the Kakaako Special Design District, which will give the City government extensive controls over developments in said District which includes the Thomas Square area.

It is our strong belief that the compromise development proposal acceptable to and agreed upon by both parties, by and large meets the requirements and the spirit of the proposed subject ordinance. The basis of the compromise is summarized in the enclosed copy of our letter to Mayor Fasi. Also, as the Mayor's letter and the editorial of March 5, 1975 suggest that not only the compromise but the spirit in which it was negotiated and reached obviate the need of further layering of controls.

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Re: Proposed Ordinance for Establishment of Historic, Cultural and Scenic District No. 5, The Thomas Square/Academy of Arts District

We also wish to point out to you and to your colleagues, that the Church is eminently sensitive to its Christian responsibility to not only its immediate neighbors but to the community at large. As our accord with the Academy attests, we have had the developer scale down the project to a level, below which its economic viability would be questionable.

Finally, there is a conviction on our part that there can be a balance between serving the public good and preserving private property rights, which has been one of the strengths of our free society. This balance voluntarily reached by responsible parties belies the necessity for controls which is ennervating to human freedom.

We, therefore, humbly suggest that you and your commission vote your disapproval of this proposed ordinance.

Yours very truly,

FIRST UNITED METHODIST CHURCH

Cyril E Phillips

Cyril Phillips, Chairman
Permanent Development Committee

CP:jc
Enclosures
cc: The Honorable Frank F. Fasi, Mayor
The Honorable George Akahane, Chairman, City Council
Mr. Samuel Cooke
Mr. Sheridan C.F. Ing

1298ORP-1

First United Methodist Church
1020 S. BERETANIA STREET / HONOLULU, HAWAII 96814 / 533-1774

March 4, 1975

The Honorable Frank F. Fasi
Mayor
City and County of Honolulu
City Hall
Honolulu, Hawaii 96813

Dear Mayor Fasi:

Re: First United Methodist Church - Proposed Development

Current Status

We wish to advise you that the First United Methodist Church and the Honolulu Academy of Arts have reached a mutually agreeable compromise on a proposed development master plan for a high rise condominium apartment project to be situated on the Church's property, which is bounded by Beretania, Victoria and Kinau Streets. The revised plan as developed by Messrs. Sheridan C. F. Ing and Bruce Stark compares with the original one submitted by them as follows:

	Revised Plan	Original Plan
Height	266 feet	350 feet
Reduction in Size	Approx. 35%	-
Setback on Victoria Street	72 feet	20 feet
No. of Apartments	189	300
Density (Units/Acre)	91	144
No. of Parking	400	550
Open Space at Beretania and Victoria	Landscaped	Landscaped

(See Exhibit A for Additional Project Information.)

Not only does this plan reduce the basic mass of the building as originally planned but it provides greater open space. Also, the developers have proposed a landscaping plan which will minimize the impact of the structure at eye level, as the total project relates to the Academy of Arts' property across the street.

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Re: First United Methodist Church - Proposed Development

At a meeting held on January 25, 1975 among the development committees of both the First United Methodist Church and the Honolulu Academy of Arts with Messrs. Ing and Stark, this revised master plan was presented. This new concept was enthusiastically received by the development committee from the Art Academy, and Mr. Ernest H. Hara, chairperson of said committee, has indicated that he on the behalf of the Academy would be willing to express the committee's favorable acceptance of this new plan to you personally, in the event that further elucidation is desired.

Inasmuch as this compromise position departs substantially from the limits permitted by the Compreshensive Zoning Code for apartment zone A-4, which is that designated for the Church's property, and because of the potential impact of this development on the Thomas Square area, we feel that it is important for you to be advised of the full details of our arriving at this compromise position. Furthermore, because of the intense public debate that ensued after the Church's acceptance of the original proposal on and after October 15, 1974, we feel that you should have the benefit of the chronological sequence of events which has led to the acceptance of the revised master plan from the standpoint of both the Church and the Academy.

Chronological Events

The Church started to think seriously about a possible development project in mid 1973 in response to increasing financial pressures caused by debt service and rapidly increasing maintenance costs. The congregation formally approved the concept of leasing the Church's property for income producing purposes in December of 1973, and a Development Committee was formed to work towards this goal.

During the first half of 1974, the Church's Development Committee held discussions with many community leaders, including several from the Art Academy, regarding the concept the Church had in mind. There was one suggestion which most of these leaders agreed upon, and that was that the Church should be careful in selecting a design for developing the property and that the design should relate well to the Art Academy and Thomas Square area. With this advice in mind, the Development Committee, with assistance from its legal counsel and development consultant, prepared a formal "Invitation to Bid" which was sent to twenty-seven prospective developers on July 3, 1974.

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Re: First United Methodist Church Property - Proposed Development

Committee did two things: first, it asked Ing and Stark to provide information about the feasibility and economics of a smaller scale project for evaluation by the Church; and, second, it sent a letter to Mr. Scott Pratt, Chairperson, Board of Trustees, Honolulu Academy of Arts, requesting that he name a committee, with a designated chairperson, to work with the Church's Development Committee to seek a mutually agreeable alternative for development. On October 31, 1974, Mr. Pratt sent a letter to us indicating that he had named a committee of five, with Mr. Ernest H. Hara, AIA, as chairperson, to work with our Development Committee.

On December 27, 1974, the first full meeting between the two committees was held and some general guidelines were agreed upon as the basis for a revised design concept. Ing and Stark were asked to convert these general guidelines into a set of specific drawings which could be reviewed by both groups at a follow-up meeting. The follow-up meeting was held on January 29, 1975, at which time a new development concept was presented and approved and accepted by both committees.

Conclusion

On the basis of the revised master plan which has been approved by the Honolulu Academy of Arts, the Church and the developers have agreed to proceed with the development based on said plan. Furthermore, the Church and the Academy are both desirous of making a public announcement of the accord it has reached, but prior to such announcement, it is our wish to present the current status of the project to you. Finally, if you desire further discussion on this matter prior to such announcement, we shall be pleased to meet with you.

Yours very truly,

FIRST UNITED METHODIST CHURCH

Cyril Phillips

Cyril Phillips
Permanent Development Committee,
Chairperson

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Re: First United Methodist Church Property - Proposed Development

On August 5, 1974, members of the Church's Development Committee met with members of the Board of Trustees from the Art Academy to inform them of exactly where the Church was at in its development efforts and to assure the Art Academy that we would review any proposals received from developers with representatives from the Art Academy before taking any official action on the proposals.

Five development proposals were received by the Church on August 30, 1974. All five proposals called for buildings 350 feet in height, making use of the maximum allowable densities under current zoning. The Development Committee immediately began evaluating these proposals both from the economic and the design points of view. The Committee decided that the joint proposal submitted by Messrs. Ing and Stark best fulfilled the development criteria formulated by the Church and their proposal was selected for further study. On September 27, 1974, a meeting was again held with representatives from the Art Academy to present them with all five design proposals and to explain to them in detail our evaluation and our choice. The Academy representatives agreed that the Ing and Stark proposal was the best of the five; however, they would reserve judgment until presentation of the design concept to the full Board of Trustees of the Art Academy, who would enunciate the Academy's official position on the whole matter.

On October 10, 1974, a letter was sent to the Board of Trustees of the Art Academy explaining that the Ing and Stark proposal would be presented to a Church conference on October 15, and that the Development Committee would be seeking congregational approval to enter into further negotiations with Messrs. Ing and Stark. On the day of said conference, October 15, 1974, a letter was received from the Art Academy stating that its position was that the building we were proposing to have built was inappropriate for that location. It did not offer any specific alternatives, but it did offer to discuss any alternatives further with the Church. The response from the Art Academy was presented at the Church conference that evening along with a full presentation of the Ing and Stark proposal. On the basis of the facts submitted, the Church conference granted the Development Committee the authority to continue negotiations with Mr. Ing and Stark.

The response to this meeting began with an article on the front page of the Honolulu Advertiser on October 17, 1974, and continued with many more newspaper articles during the next several weeks in both Honolulu daily newspapers. During this period of time, the Development

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First United Methodist Church

1020 S. BERETANIA STREET / HONOLULU, HAWAII 96814 / 533-1774

EXHIBIT A

Additional Project Information

Lessor:	First United Methodist Church
Lessee/Developer:	Messrs. Sheridan C. F. Ing and Bruce Stark
Property Location:	1020 Beretania Street, bounded by Beretania, Victoria and Kinau Streets, directly Kokohead of the Academy of Arts.
Area:	90,000 square feet
Zoning:	A-4
Tax Map Key:	First Division, 2-4-13: 19
Development Consultant:	Harry H. Otsuji & Associates
Lessor's Legal Counsel:	Wooddell, Mukai, Wirtz & Ichiki
Developer's Architect:	Boone and Brooks
Ad Hoc Academy Development Committee:	Ernest H. Hara, Chairperson Mrs. James F. Morgan, Jr. James W. Foster M. L. Randolph Duane Preble Thurston Twigg-Smith

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OFFICE OF THE MAYOR

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813 • AREA CODE 808 • 540-2760

FRANK F. FASI
MAYOR

March 13, 1975

Mr. Cyril Phillips, Chairman
Permanent Development Committee
First United Methodist Church
1020 South Beretania Street
Honolulu, Hawaii 96814

Dear Mr. Phillips:

Thank you for your letter of March 4, 1975 reporting on the compromise on the proposed development master plan for a high-rise condominium apartment situated in the area of Beretania and Victoria Streets.

The cooperative efforts of the First United Methodist Church and the Honolulu Academy of Arts in resolving the issue of the high-rise condominium design is extremely heartening to me and I commend you for such a fine public spirited effort. I hope that you are able to continue this relationship which, hopefully, would result in a mutually agreeable solution.

Since the public announcement of your accord has already been made as of this date, any comment on my part relative to the compromise is probably not warranted. However, should I be able to be of any assistance to you on the matter in the future, please feel free to be in touch with me.

With warm personal regards.

Sincerely,

FRANK F. FASI, Mayor
City and County of Honolulu

FFF:tl

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The Honolulu Advertiser

Established July 2, 1856

THURSTON TWIGG-SMITH — *President & Publisher*
GEORGE CHAPLIN — *Editor-in-Chief*
BUCK BUCHWACH — *Executive Editor*
JOHN GRIFFIN — *Editorial Page Editor*
MIKE MIDDLESWORTH — *Managing Editor*
GENE HUNTER — *Associate Editor*

Friday, March 7, 1975

Thomas Square 'saved'

The compromise reducing the size of a controversial church-sponsored condominium being planned for across from Thomas Square seems reasonable when compared with the monster that might have been.

But it does not settle the deeper issue about buildings that can soar up to 350 feet, including near historic areas such as this. That issue remains in the slow and sometimes uncertain hands of the City Council.

THE INFORMAL agreement between the First United Methodist Church and the Honolulu Academy of Arts is the product of long discussion.

It should still allow the church to make adequate profit to face rising costs as it seeks to protect the square and academy from dominating development.

How well it will do that must either be judged by the public later, or perhaps the City sooner.

IN A SENSE, we are fortunate the proposed massive development (initially 42 stories up 350 feet; now 31 stories up 266 feet, and with the added grace of a significant 70-foot setback from Victoria Street) involves a church responsive to public outcry and willing to compromise as a social responsibility.

The outcome might have been worse in view of the fact the City has not acted to meet the basic problem of controls which has been before the Council many months.

So it's well the Council has revived the bill that would change the apartment high-rise height limit from 350 to 120 feet — except under special conditions.

While drafting a good bill along those lines may not be as easy as it looks, it's hardly impossible. The Council has been stymied for too long. Meanwhile, the prospect of more 350-foot monsters still looms.

NOW THE EFFORT to work out a bill will reportedly stress some density formula more than height regulation.

Again, there may be something to that. But there is also sympathy for the idea of some quick interim controls and the point made by Council Chairman Akahane: "We've already had too many Punchbowls, Diamond Heads and Thomas Squares."

This is a new Council with some promising achievements, most notably on protecting Punchbowl. But it has to move both faster and better than the old Council on these issues where delays mean more ugliness and overdevelopment.

PCH

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Meeting of the Planning Commission
Minutes
March 3, 1976

The Planning Commission held a meeting on Wednesday, March 3, 1976 at 1:40 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:
Randall Kamiya, Chairman
Donald Hosaka
Dr. Wilbur Choy
Charles Izumoto
Ned Wiederholt (present at 1:50 p.m.)
Harriet Wikum
Yuklin Kuna

ABSENT:
Sylvia Sumida, Vice Chairman

STAFF PRESENT:
Robert R. Way, Chief Planning Officer
Eugene B. Connell, Executive Secretary
Robert B. Jones, Assistant Director, Zoning
Department of Land Utilization
Henry Eng, Staff Planner
Jack Gilliam, Staff Planner
Gerry Henniger, Staff Planner

PUBLIC HEARING
ZONING CHANGE
R-3 RESIDENTIAL TO
B-2 COMMUNITY BUSINESS
HEEIA
JOHN H. GROTE
(FILE #75/Z-31(EY)

A public hearing was held to consider a request for a change in zoning from R-3 Residential to B-2 Community Business District on 1,903± square feet of property located at 46-077 Kam Hwy., Heeia (Honey's Night Club), Tax Map Key: 4-6-02: portion of 50 (Lot 323).

Publication was made in the Sunday Star-Bulletin/Advertiser on February 22, 1976. No letters of protest were received.

Staff Planner Henry Eng presented the Director's report recommending approval of the proposal.

There were no questions from the Commission concerning the Director's report.

No one was present to speak either for or against the request.

The public hearing was closed, on motion by Mrs. Wikum, seconded by Mr. Hosaka and carried.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the request, on motion by Mrs. Wikum, seconded by Mr. Hosaka and carried.

AYES - Choy, Hosaka, Izumoto, Kamiya, Kuna, Wikum
NAYES - None
ABSENT - Sumida, Wiederholt

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UNFINISHED BUSINESS
PROPOSED ORDINANCE FOR ESTABLISHMENT OF HISTORIC, CULTURAL, & SCENIC DISTRICT NO. 5, THOMAS SQUARE/ ACADEMY OF ARTS DISTRICT INITIATED BY DEPARTMENT OF LAND UTILIZATION (GH)

On February 18, 1976, a public hearing was held, closed, and action deferred for additional information from the Department of Land Utilization and the Corporation Counsel.

HENNIGER: I believe the question was to meet with the people from the Straub Clinic and see if the question having to do with open space, setback, and height restrictions might be resolved. We did have such a meeting in contact by phone.

The request by Straub was for exemption from the conditions of the ordinance. The position of the Director of Land Utilization is that this should be handled through exception as was in the proposed ordinance perhaps with modification which would account for height and setback restrictions as well as--that is the setback and open space restrictions as well as the height restrictions. I believe you have my communication. In effect, it would include those two exceptions to the setback and the open space requirement. (copy of DLU communication attached).

In discussing this with Mr. Battisto, he mentioned that there was some question. Mr. Battisto took exception to our recommendation. They do prefer to have exemption as they requested. One question came up about the definition of open space in the CZC. There is no definition of open space in the CZC. That is a beneficial open space definition there. There also is no definition having to do with lot coverage which would be the alternative way to handle that. For clarification, that section 5(b) might be changed to read that within the Thomas Square District, the maximum lot coverage of all buildings and structures shall not be more than 50% at ground level if the Commission so desires.

That would complete my comments at this time.

CHAIRMAN: Commissioners, any questions?

CONNELL: Have you had an opportunity to look at the suggestions that have come to the City Council from Group Architects Collaborative, Inc. regarding establishment of a special hospital zone?

HENNIGER: I haven't looked into that thoroughly. I'm in the process of doing so. There is a precinct within that district, I'm aware, which has the hospital in it. It incorporates a larger area than the hospital itself.

CONNELL: Is it possible that if this type of hospital zones were created by the City Council they could become part of the Thomas Square area covering Straub?

HENNIGER: That would seem to be a possibility; however, to my knowledge that particular precinct which the hospital in the case of the capital district is located is not specifically a hospital district. It is a district which contains Queen's Hospital.

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CONNELL: It would appear from the Planning and Zoning Agenda that consideration is not a special hospital zone but is in the plural.

HENNIGER: I'm really not aware of that. I couldn't speak to that.

CONNELL: That's what the agenda seems to indicate and I think that's what the zoning committee indicated yesterday.

Is it possible in terms of exception that as the ordinance is presently written that setback and open space could also be included along with height in the event that the applicant is able to prove that the development was of greater importance in terms of the objectives or that the proposed development would not be in too much of a conflict with the objectives?

HENNIGER: Yes, I think perhaps that question of exceptions might be restructured in the ordinance so that it is a separate item and as I have indicated in the letter, that would be the case. So, it's exception to the height--to all regulations rather than to just the height regulations the way it was written previously.

CONNELL: The first item, you indicate an exemption would justify exemption of other structures providing medical, public or quasi-public services, I wonder to what extent are the general community objectives and needs as reflected by the services that those particular groups offer in the medical, religious educational areas, to what extent are they going to be hampered in the performance of their objectives to this particular ordinance?

HENNIGER: We don't really know but we do expect that there would be some adjustment because several projects anticipate expansion. Across the street the Medical Arts Building is making an application for rezoning from B-1 to B-2 to raise the height restriction in that case. Linekona School is planning to replace that school with a library facility. McKinley School is going through a study of expansion of that facility and replacing some of those structures. The Academy itself is planning an addition which would be restricted to the conditions of 46 feet which is proposed here. There is, of course, the proposed structure of the Methodist Church property which would exceed by far the restrictions that are here. So, there are many of those structures which anticipate additions or new structures.

CONNELL: I think that was really part of my question. To what extent is some of the other services in the area who also meet community needs and services which are objectives of the total community, to what extent is cutting down their height reducing density, requiring greater setbacks, to what extent does this cut into their ability of being able to perform their services?

HENNIGER: Well as I said I don't know because we haven't seen those plans. We have seen the Methodist Church plans and it would certainly be in conflict with their proposal. That, in fact, was the very thing that set this off, this proposed ordinance.

CONNELL: So really, the three objectives in terms of community is the preservation of a historical site, to preserve the Art Academy in

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order to perpetuate cultural uses of the Academy which is sort of viewing artifacts, and thirdly to protect and preserve scenic quality of Thomas Square, sort of an aesthetic control.

HENNIGER: Yes. In fact the Academy, the Square which has cultural activities, and the performing arts in the Blaisdell Center.

CONNELL: But in terms of the broader context in the meaning of culture, the affect of this ordinance upon the sciences, educational institutions, et cetera, has not really been measured.

HENNIGER: Well, as far as we could measure it, I think we have measured. As I stated last week, we are fully aware of the expansion plans of Straub Clinic. We've been in touch with the architects from the very outset. We're aware that the height restrictions exceeded that proposed. We did put an exception condition in there so it could be taken cared of. We feel that the expansion actually as it's proposed now is not in conflict with the aims of the district. The elevation of that building would be the smallest bulk oriented to the Square and it's setback far enough so that we feel it's a compatible kind of thing. The question is how to handle it and we don't know that the plans that Straub might end up with later on would be the same plans that we've looked at. We don't know the overall program. Things are always changing. We feel simply that there should be some way to look at this and primarily look at alternatives which they might not in their own interest find advantageous to do but in terms of the district, objectives might be explored and found to be of beneficial good.

WIEDERHOLT: Could you explain the rationale of the setbacks for this reason. That represents what the thinking was behind a number and what was the purpose.

HENNIGER: I think you might learn that it is somewhat arbitrary. There's no way really to determine whether it should be 45 feet, 50 feet exactly. The greater setbacks are on Victoria Street and Ward Avenue. Those are 50 feet. There's another setback of 80 feet which abuts Blaisdell Center. That 80-foot setback was to accommodate what needs to be a very large walkway and something of a promenade to the rapid transit station which is one block below King Street. In that case there isn't any real conflict because we have that public facility there that the City owns. The 50-foot setbacks on either side of Thomas Square would comfortably take care of canopy trees. You may have noticed that there are canopy trees sandwiched in an area of about 22 feet of the Medical Arts Building. They look like they are falling over. If there are basement structures and roof structures, those trees would have to be damaged. Frankly, I feel a little uneasy about it. Twenty-two feet for that type of tree is uncomfortable.

I think the basis of the 50-foot setback is that a canopy tree is somewhat comparable to those in the Square would be the ideal tree to have. Now, all the trees could be used in a lesser space. The other recommendation is that there be 50% open space for each project. Fifty-percent open space means that there would be open space and we

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would desire that portion of the open space front Thomas Square and give that generous setback to do the best job that we feel could be done.

The other 20 feet on King and Beretania, as I recall 15 on Hotel Street, those are areas of lesser consideration because they don't abut the Square. It's important, we feel, to get some trees to take care of the view channels which connect between the two districts--the capital district and this district. There are certain vistas, one in particular which is along Hotel Street which catches the City building. So it's just a matter of greater to lesser degree of concern and maintaining street trees with a canopy top abutting the Square.

WIEDERHOLT: What I was thinking of was design options of having hard boundaries to open space where you have softer material in the middle. The second reason I asked is because this has popped up on a couple of other ordinances where somehow I have an uneasy feeling that it's a statement of intention that can never be accomplished--that is, within the life expectancy of buildings, it will remain there as an obstacle to building but will never accomplish its initial purpose. It doesn't seem to be quite consistent. The potential of accomplishing the intent isn't there so that designation of the setback isn't consistent with something that can be accomplished. You get what I mean?

HENNIGER: I get what you mean. I think the benefit would be immediately in those structures which might be renewed such as Linekoa School Library. That means that automatically they would be setback 50 feet. Their open space would be in front. The same with any changes having to do with Blaisdell Center. I recognize it will be quite some time before some of the structures there will come down and one could benefit from that kind of setback. But, one might also take the position it really doesn't harm, that setback is there and that we are thinking 30 years ahead or 20 or whatever might be the life of those structures before they come down.

WIEDERHOLT: In a sense you are accepting the notion of a textural boundary rather than a tree boundary or a solid boundary. It's going to be textural for a long, long time to come.

HENNIGER: Yes, they're there and when you look at the Linekona School for instance and the setback of the Blaisdell Center, that those are very ideal. Those things perhaps are not very often accomplished. It doesn't mean that the setback couldn't be less and that some of the required open space couldn't be elsewhere. I think in the case of expansion of Straub, that their plans, physical set up is such that they couldn't really replace that old facility some place else on the site then the exception clause would come into effect. One might say then that exception is okay.

WIEDERHOLT: Let me ask you another kind of question that will have to be more of an opinion on your part because people in DLU will change over time.

HENNIGER: As will the City Council as had been pointed out to us.

WIEDERHOLT: There's two categories under this issue of exception versus exemption. One is which is an ongoing investment of good faith in which patterns have been set and are really difficult to break and the other is where no pattems have been set so that there is no investment. How would DLU approach that kind of a situation? What kind of flexibility of negotiation do you expect? I guess I'm asking are you an arbitrary bunch or aren't you?

HENNIGER: Aren't we all. Okay, now a pre-established investment kind of situation, an ongoing thing, that means there has been money out of pocket and I think what the answer is, is the legal question that was raised last time. But, under the exemption clause, the Council would have the way to handle that rather than to go into losses. In my opinion, they could avoid that through the way that the ordinance is written.

WIEDERHOLT: Do you approach it on a trade-off basis? That is, if you can't make the 50% open space you can trade off something else?

HENNIGER: That's correct looking at it in the public interest, in terms of the considerations you just mentioned.

CHAIRMAN: Do you know of any applications by the Academy for a CUP?

HENNIGER: No, I don't. Mr. Eng could probably answer that.

ENG: Yes, Mr. Chairman. The Department has received a request for a CUP relating to the Honolulu Academy of Arts. We're presently reviewing the request.

HOSAKA: What's the conditional use?

ENG: The museum. The museum is actually a conditional use in that district but because the Academy has existed for a number of years that operation continues. This would be for an expansion to increase administration and exhibition space.

WIKUM: I need to understand why the vistas, the view channels as you call them, need in your mind to be protected only by trees. How would a building within the 50-foot setback proposed in this ordinance impinge on the view channel of Ward Avenue toward the mountain or the other way for that matter?

HENNIGER: The trees would be a transitional element. The feeling as you walk along either Ward Avenue or Victoria is somewhat lopsided, buildings on one side and trees on the other. It's a softening. In some cases, it's a barrier, something set up to take care of some architecture which is perhaps not desirable as it might be and not in character with that district, the Square.

WIKUM: I suppose one could argue that if you're walking down a street and on the left hand are buildings and on the right hand is a

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park, the park could be even more exciting by contrast. Contrast has an aesthetic value too, I think, as well as continuity.

HENNIGER: I'm aware there's some very successful parks that have been handled that way, the character of the square in San Francisco, although the trees in that park are not the big canopy trees, the magnificent things that we have in this one. It's the character of the park that we're trying to retain and make the transition then with the structures on the other side.

CHAIRMAN: What's the pleasure of the Commission?

CONNELL: Mr. Chairman, the Commission has received a communication from the Corporation Counsel in response to the questions which the Commission raised (see copy attached).

For the record, we also have received communications which I believe has been distributed to the commissioners--one from Straub Clinic from Mr. Battisto; the second from The Fronk Clinic from Robert A. Short; another from the Honolulu Academy of Arts, Samuel A. Cooke, President of the Board of Trustees. We have also received from the Academy of Arts a response to Cy Phillips, Head of the Development Committee of the First Methodist Church, the response to his letter previously communicated to the Commission (copies attached).

CHAIRMAN: Commissioners, are you satisfied with the answers to your questions whether Straub Clinic will be able to continue their program, even with Corporation Counsel's answer to your questions?

WIKUM: No, nobody can be satisfied with that if it's in the future and you don't know what's going to happen. I keep getting a feeling we're cutting a very wide swat to preserve a very beautiful park. I mean, nobody is going to build anything in Thomas Square for a long time. We all know that aesthetics is a matter of personal judgment. I'm not convinced that trees all around the park are going to make the park look any nicer. I could argue very convincingly that it would make it less nice. Design concepts that we get are mostly in terms of space and trees. Those are important but so are facades. The Chinatown district concerned itself with the kinds of facades which are important.

I don't know how you go about the ways in which this ordinance fulfills it's intent. Nobody disagrees with the intent that's why it becomes difficult to argue with the ordinance. But, the argument that restriction of proper and adequate expansion of our medical facilities in this State is going to no doubt increase the cost of medicine to each and everyone of us is a powerful argument. I remember you, Ned, saying well, there are other ways to provide more services in less space than we're use to thinking of. I'm sure that's true. The question is the lag. Those are all great exciting ideas but how long is it going to take? In the meantime, what do we do? I think we should find some way, and I think it's possible, to meet the intent of the ordinance as it is now and not to unduly restrict the delivery of medical care to the community.

WIEDERHOLT: Since this is a question of medical care which is an area that I've looked at for sometime, let me express my biases about it. I think the stress that these kinds of things will raise the cost of medical care is improper. There are other things that are due more consideration. In fact, you can make a pretty strong case--which I don't plan to make at this stage--but you can make a case preventing expansion of the existing medical facility would be beneficial because of their kind of obsolescence. We haven't been able to build an up-to-date hospital for about 20 years. They're inefficient, disorganized buildings mandated by incredible complex building codes and demands so that by the time you get through, the machine that you have there is an ineffective machine. Pressures like this might contribute to innovative thinking which is available for this kind of medical care. That I don't take very seriously and if it is, I think it's an improper stress. However, in this particular case Straub has for about 10 years been embarking on not just a building program but quite an innovative one which represents not the most advancing but some fairly advanced thinking and probably the best in the State or that I know of in the whole western region. Many of their problems are prediction too but it's a pretty solid effort which has had a fair number of arbitrary obstacles thrown in its way. So, I don't think Straub in it's good conscious would follow through on that threat. They haven't done things like that in the past. But, where this might get in the way of that rather good thinking that they've gone through then it does begin to get serious because the full concept of their development there talks about quite a few things.

On the other side of it, I know how ingenious architects can be. Within certain limits, there are quite a few optional ways to do this. So, I'm ambiguous about this in my own mind. I would think setting up a situation in which each case gets a fair hearing by reasonable people rather than the blanket kind of exemption would probably be appropriate and provocative of creative thinking on both sides.

CHOY: I agree with Harriet and Ned. Not being redundant, I think we should look at the facts. Special District No. 5 is just another of Council's development plan. I would like to remind the Commission to be consistent, that we had unanimously recommended disapproval of the original special design district. The City Council has been committed to a development plan concept without considering the Revised General Plan before them at the present time. I do feel the present CZC does take care of conditions like this.

If we are to be consistent and if a motion is in order, I would like to move that we recommend denial of the special design district 5 and let the Council resolve the problem at the Council level.

HOSAKA: I'll second.

CHAIRMAN: Discussion?

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HENNIGER: I would like to point out that this is not a special design district but a preservation district, a historic, cultural, scenic district which to my knowledge goes back before 1969. Also, this ordinance is not Council-initiated. This is initiated by the Department of Land Utilization and specifically on the empathis of the Academy of Arts, the Daughters of Hawaii, the Garden Club of Honolulu, the Hawaii Musuem Association and the Outdoor Circle.

WIKUM: I'd like the Executive Secretary to recap for us our history with the original special design district ordinance and those special design districts that have come before us as a result of that ordinance.

CONNELL: I believe on the enabling legislation the Commission did vote in the negative. I would have to go back and check the Minutes to ascertain the action on the subsequent SDD's.

HENNIGER: The enabling legislation there would go back prior to 1969. This is the same type ordinance that would apply to the capital district which is now being revised.

WIKUM: Does anyone know how the Commission voted?

CONNELL: The record on the Commission was in favor of the capital district proposal after well over a year of meetings. Much of this centered around Queen's Hospital. The second district was the Diamond Head HCSD in which the Commission voted in favor of the district. The third, Punchbowl in which the Commission voted in favor, and the fourth, the Chinatown district which the Commission also voted in favor of.

There were a number of concessions which were made to Queen's Hospital, two essential points. One, the then Governor Burns convinced Queen's to stay in the area where they are located. Secondly because of their plans which called for higher towers than initially were going to be given and open space that went from 50 to 40. So, there were major modifications.

HOSAKA: So there were concessions specifically for Queen's Hospital. So, if we're to be consistent, perhaps concessions of this nature might be towards Straub and others.

CHOY: In view of what has been said, I would like to withdraw my motion and defer action on this particular item and ask the Executive Secretary to do a research on the type of exception that was granted to Queen's Hospital and see whether we could integrate that particular type of exception into this ordinance.

CHAIRMAN: Does the second agree to withdraw?

WIEDERHOLT: Yes.

CHAIRMAN: Do we have a second to the motion?

WIEDERHOLT: I second the motion.

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CHAIRMAN: Discussion?

WIEDERHOLT: I seconded this in order to talk about it. I think we're really falling into a trap here. Hospitals are not comparable in some very real way. The big issue in hospital planning right now is whether or not hospitals are part of our future. That isn't in answer to the question whether or not the two facilities will be needed or not. It's that the hospital as it is a presently physical, social, economic, commercial, educational institution is an obsolete form.

CHAIRMAN: Ned, before we go further into that, according to Dr. Choy's motion, the motion calls for the secretary to look into a matter such as we're talking about. So rather than discuss that, if the motion passes, then the secretary can listen to what has transpired in past HCSD ordinances that came up. And if there is one for Queen's Hospital, let's see how it can be worked out from there.

KUNA: I just question whether we would be able to work one out because I don't know how finalized plans are. It depends on the plans that Straub Clinic already has. It would involve a great deal of negotiations I would think between--

CHAIRMAN: That's why we can look into the past and see what already had transpired and we can work from there.

HOSAKA: Perhaps we ought to make it a little broader and open ended for the Executive Secretary to feel his way rather than to narrow his area of research.

CHAIRMAN: To make it broader, I think what we could do is go on the basis of consistency from the Commission's standpoint anyway, the Commission's action on--

HOSAKA: What I'd like to do is offer an amendment and that is rather than just to localize the Queen's Hospital, that it be expanded into others that maybe analogous to this situation. I didn't want to tie your hand, that's all.

CONNELL: There is a proposal which has come before the Planning and Zoning Committee which I referred to earlier to Mr. Henniger regarding special hospital zones which the Planning and Zoning Committee has sent out notification to various hospitals, to all the hospitals on the island asking them to respond by the middle of this month. I think this may relate possibly to this issue because what could possibly occur is to have three layers of zoning--the CZC, this particular district, and then a special hospital zone. I think the question can be legitimately be raised of whether we need that many layers of zoning.

CHAIRMAN: Okay, if the maker of the motion agrees then we'll broaden the scope of the study as well as include the research into the hospital zone that Council's initiating. Second agrees?

WIEDERHOLT: Yes.

CHOY: Question?

CHAIRMAN: Question has been called for. All those in favor raise

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your right hand?

(The motion to defer the matter was unanimously carried.)

UNFINISHED BUSINESS
CONDITIONAL USE PERMIT
(TENNIS PARK FACILITY)
AINA HAINA
HAINES, JONES, FARRELL,
WHITE, GIMA,
ARCHITECTS, LTD.
(FILE #74/CUP-37 LC)

Public hearings were held January 21 and February 4, 1976. On February 4, 1976, the public hearing was closed, and the matter deferred to March 3, 1976 for further review of the Conditions as requested by Corporation Counsel because of the legal complexities of the liability question.

Corporation Counsel has suggested, if the CUP is given a favorable recommendation, the addition of 11 conditions. Corporation Counsel also responded to the legal questions which were raised regarding this proposed tennis facility (copies of conditions and opinion attached).

CHAIRMAN: Commissioners?

KUNA: I would like to make a motion to recommend approval of the conditional use permit, subject to the revised conditions that have been supplied us, with a further motion that owners and/or developers of the subject property shall be required to enter into a unilateral agreement guaranteeing to a local public high school tennis teams in the area free use of three tennis courts, on Mondays through Fridays, from 2:30 p.m. to 4:00 p.m. If said hours are not amenable to the public high school making use of the courts, then the owner and/or developers of the subject site are to make said courts available at a time more convenient to the teams. Said unilateral agreement is also to guarantee that the tennis club will make every effort to make its courts available at a nominal cost for tournaments sponsored by local public high schools. This unilateral agreement is to be prepared by the applicant's attorney and executed by the applicant prior to the granting of a conditional use permit.

And also I would like to move that the City Council consider further conditions which would entail periodic monitoring of this area in order that there would be advance warning of any future landslide.

CHOY: Mr. Chairman, I would second the motion with perhaps an amendment that the unilateral agreement to be drawn up between the applicant and the school or the second party which would be subject to reasonable review of the City Council.

The addition to the amendment is that if I read the Executive Secretary correctly, we could make the recommendation for unilateral agreement to be drawn up between the parties and not for this Commission to spell out the unilateral agreement. Is that right?

KUNA: If it's unilateral, that means one sided.

CHOY: Yes I know but what you're doing, you're spelling it out for them.

KUNA: Well, I'm not going to buy an open unilateral agreement. They will only use the courts at a certain time on certain days.

CHOY: I second your motion with the addition to your amendment meaning that what I want to do is also ask--including in your amendment

that the City Council would review the reasonableness of your unilateral agreement and your condition. I think that's reasonable because after all they make the final decision anyway.

KUNA: Yes, they make the decision anyway. I don't know if the amendment is necessary then.

CHAIRMAN: You agree?

KUNA: Yes.

CHAIRMAN: Okay, further discussion? All those in favor of the motion raise your right hand?

(The motion carried.)

AYES - Choy, Hosaka, Izumoto, Kamiya, Kuna, Wiederholt
NAYES - Wikum
ABSENT - Sumida

JNFINISHED BUSINESS
BILL FOR AN ORDINANCE TO AMEND SECTIONS 21-280 & 21-561, R. O. 1969, AS AMENDED, RELATING TO CLUSTER DEVELOPMENTS
COUNCIL INITIATED
BILL NO. 1
(FILE #76/L&R/CZC-1)

The public hearing was held and closed on February 4, 1976 and action deferred to March 3, 1976 since the Commission had just received the Bill and needed further study.

No discussion followed.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the proposed ordinance, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

AYES - Choy, Hosaka, Izumoto, Kamiya, Wiederholt, Wikum
NAYES - None
ABSENT - Sumida
ABSTAINED - Kuna

CITY COUNCIL VARIANCE FROM PROVISIONS OF ORDINANCE NO. 4362 (ALTERATIONS ON EXISTING STRUCTURE)
WAIKIKI
MONROE JONG
(FILE #DGP2/76-369)

The City Council referred to the Planning Commission for review, a request seeking a City Council variance from provisions of Ordinance No. 4362, as amended, for the purpose of performing certain alterations on an existing structure.

Staff Planner Henry Eng presented the Director's report of the applicant's proposal to remove an existing stairway and to replace it with a new stairway and catwalk to serve the existing Mariposa Apartments. It is the Director's recommendation that the request be approved.

There were no questions concerning the Director's report.

ACTION: The Commission concurred with the Director's recommendation and recommended approval of the request, on motion by Mr.

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Hosaka, seconded by Dr. Choy and carried.

AYES - Choy, Hosaka, Izumoto, Kuna, Kamiya, Wiederholt, Wikum
NAYES - None
ABSENT - Sumida

ADJOURNMENT: The meeting adjourned at 3:25 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

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DEPARTMENT OF LAND UTILIZATION

CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

GEORGE S. MORIGUCHI
DIRECTOR

March 3, 1976

MEMORANDUM

TO : PLANNING COMMISSION

FROM : GEORGE S. MORIGUCHI, DIRECTOR OF LAND UTILIZATION

SUBJECT: PLANNING COMMISSION'S REQUEST FOR D.L.U. TO REVIEW THE PROPOSED THOMAS SQUARE/ACADEMY OF ARTS DISTRICT ORDINANCE (DRAFT 1) WITH RESPECT TO TESTIMONY BY PERSONS REPRESENTING STRAUB CLINIC

Straub Clinic's request for exemption from the Design Control System for the district should be denied for the following reasons:

1. Its exemption would justify exemption of other structures providing medical, public or quasi-public services including the Medical Arts Building, Linakona School, McKinley High School, the Blaisdell Memorial Center Concert Hall, the First Methodist Church and the Academy of Arts. Any such exemptions could result in developments incompatible with the objectives of the district.

2. Exemption would leave no public controls over future construction, and viable alternatives might not be explored to meet the objectives of the Thomas Square District.

Exception to height regulations proposed in Section A-2 may be modified to include exceptions to open space and building setback requirements which are of concern to Straub Clinic as follows.

"Exceptions to the regulations stated in Sections 5 and 6 of this ordinance may be granted by the City Council not to exceed the regulations contained in any underlying zoning district, if the applicant can demonstrate: 1) that the proposed development is necessary to achieve some public objective of relatively equal

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or greater importance than the objectives stated in Section 1B of this ordinance, or 2) that the proposed development is not in conflict with the objectives stated in Section 1B of this ordinance."

The exception provision as modified should allow for expansion of Straub Clinic and others while maintaining compatibility with the objectives for the district.

GEORGE S. MORIGUCHI
Director of Land Utilization

GSM:lh

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DEPARTMENT OF THE CORPORATION COUNSEL

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

BARRY CHUNG
CORPORATION COUNSEL

March 3, 1976

TO ROBERT R. WAY, CHIEF PLANNING OFFICER

FROM CLAIRE M. MARUMOTO, DEPUTY CORPORATION COUNSEL

SUBJECT: STRAUB CLINIC AND PROPOSED HCS DISTRICT NO. 4

This is in response to your letter of February 19, 1976, in behalf of the Planning Commission which requested our opinion on the questions listed hereafter concerning the effect of proposed "Historic, Cultural and Scenic [HCS] District No. 4, the Thomas Square/Academy of Arts District" on the planned expansion of Straub Clinic.

1. Are property owners, such as Straub Clinic, who have proceeded in good faith with development plans, based upon the existing provisions of the Comprehensive Zoning Code, being deprived of their vested property rights?

We cannot answer this question merely on the basis of the testimony of Mr. James P. Conahan, attorney for Straub Clinic. Establishing an HCS District is a proper exercise of Council's legislative powers. Every zoning measure affects property rights to some extent. Whether the doctrine of estoppel can be invoked by a property owner would depend upon a detailed analysis of the facts.

2. Would an exemption, as proposed by Mr. Conahan, attorney for Straub Clinic, be a viable solution if in fact his assertions are correct? The proposed exemption would relate to "quasi-public institutions such as medical clinics and hospitals which have spent substantial sums of money in good faith in reliance on existing ordinances."

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3. Would the exception provision as outlined in Section 5.A(2)(c) of the proposed ordinance be an adequate safeguard to meet the concerns raised by Mr. Conahan?

We answer the second and third questions together. Since the proposed bill is an expression of Council's policy, it would be for Council to determine whether Mr. Conahan's assertions and concerns are appropriate for consideration, by the Council.

In summary, we advise that (1) the question of deprivation of property rights cannot be answered with the information provided, and (2) the remaining two questions should be raised in the legislative forum as they are matters of Council policy.

Claire M. Marumoto
CLAIRE M. MARUMOTO
Deputy Corporation Counsel

CMM:ln

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PETER F. C. FRETD, M.D.
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ADOLESCENT MEDICINE
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(Onc.) REUBEN C. GUERRERO, M.D.
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ADMINISTRATION
THOMAS L. BATTISTO
PATRICK J. DUARTE
M. PETER HIGGINS
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DOROTHY A. PARK
RICHARD V. STENSON

STRAUB
clinic & hospital

FOUNDED IN 1921
INCORPORATED 1970

TELEPHONE (808) 523-2311 • 888 SOUTH KING STREET • HONOLULU, HAWAII 96813

RECEIVED
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DEPT. OF
GENERAL PLANNING
C & C HONOLULU

DATE: March 2, 1976

TO: MR. RANDALL KAMIYA, CHAIRMAN
CITY PLANNING COMMISSION

SUBJECT: THOMAS SQUARE/ACADEMY OF ARTS HISTORIC, CULTURAL & SCENIC DISTRICT.

I am submitting this correspondence in behalf of Straub Clinic & Hospital, Inc.

Although I did not personally testify at the Public Hearing held on February 18, 1976, I registered to participate in the discussion and was available. It is my recollection that the Commission's decision was to refer the proposed Ordinance to the Department of Land Utilization for further study. The intent of this action was to afford the Department of Land Utilization and Straub the opportunity to explore ideas which would make the Ordinance more palatable. The Department of Land Utilization was instructed to bring forth the results in two weeks.

If the Commission would permit me to do so, I would like to supplement Straub's previous testimonies with the following additional thoughts and remarks. These are:

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(a) The Ordinance states as its purpose that it is necessary to provide a vehicle by which the historic, cultural and scenic significance of Thomas Square and the Academy of Arts are preserved and protected. Moreover, the Ordinance was precipitated by the construction of high-rise apartment buildings which have adversely impacted the serenity of the interior courtyards of the Academy and the Square.

Straub supports the Ordinance relative to its purpose, however, we are classified as a quasi-public organization and certainly our facility is not a high-rise apartment. During our growth of over forty years (40) at Thomas Square, Straub has enhanced rather than tarnished the aesthetics of the Academy and the Square.

Of greater importance, we believe the Ordinance in its present form is deficient in that it has placed greater value and priority on cultural aspects as compared with the delivery of health services. Because we are a major health provider, it seems prudent to equate our position in the community to that of the Academy and the Square. In this regard, may we apprise you of these facts; namely:

. Straub is the only health provider in this State with all disciplines of medicine under a coordinated organizational setting.

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. We care for about 10% of the State's population, and in the Honolulu postal zone, this percentage is at 14.3% or 52,000 people.

. Straub is an integral part of the University of Hawaii School of Medicine, in that we provide training to medical students and are one of two hospitals engaged in the subspecialty training of physicians in residency.

(b) The Ordinance would affect Straub's growth as follows:

. Height Restriction of 100'

Our hospital is currently 99' and is designed to expand up to about 157'. As already stated, we have made a substantial investment in the structural foundation to achieve this expansion.

. King Street Setback of 20'

This would affect the expansion plans of our garage which is designed to accommodate six (6) additional parking tiers. Again, we have made a large investment in the structural foundation.

. Ward Avenue Setback of 50'

This would affect our outpatient buildings which are 43, 25 and 13 years old respectively. These buildings must eventually be replaced. The Ordinance would prohibit us from doing so.

. Hotel Street Setback of 15'

We have recently purchased a parcel of land on Hotel Street referenced the Ivanhoe Property. The price of this parcel was $450,000. It is our intent to build upon this property in 1976. The structure would be a medical support facility not to exceed 100' in height.

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. 50% Open Space Requirement

The Ordinance does not define open space. However, if this provision is intended to coincide with "Public Open Space" as currently defined under CZC, it is unduly restrictive. This definition is stated as "Public open space" is defined as that part of the net lot area which is open and unobstructed from its lowest level to the sky, except for roof eaves and overhangs is open to the public at all times, adjoins a public street for at least 20% of its perimeter at an average elevation which is not more than 30 inches above the adjoining public street and has a minimum of 25% of its total area devoted to and maintained in plants which shall be rooted directly in the ground and not in portable containers. Any area used for parking or maneuvering of automotive vehicles or storage of equipment or refuse shall not be deemed public open space."

This provision in itself would prohibit us from proceeding with <u>any further</u> construction.

In summary, we sincerely ask the Commission to exempt Straub from the Ordinance in view of our status as a quasi-public facility serving a large segment of the population and in light of the substantial investment made in good faith to provide for orderly expansion.

Sincerely,

STRAUB CLINIC & HOSPITAL, INC.

Tom L. Battisto

Tom L. Battisto
Executive Administrator

Reviewed & Approved by:

Reginald Ho

Reginald Ho, M.D.
President

1298ORP.1

DSP3/76-965

Allergy
R. E. Allen, M.D.

Dermatology
F. Maag, M.D.

Ear, Nose and Throat
W. S. Yokoyama, M.D.

Eyes
L. Anastasi, M.D.

Internal Medicine
D. R. Canete, M.D. (Cardiology)
J. Keenan, M.D. (Oncology)
W. P. Pumphrey, M.D. (Pulmonology)
W. H. Sage, M.D.
W. G. Schroffner, M.D. (Endocrinology)
J. Sol, M.D. (Cardiology)
M. E. Stevens, M.D.

Obstetrics Gynecology
A. J. Mundt, M.D.
W. S. Takemoto, M.D.

Pediatrics
R. S. Allen, M.D.
F. Patienza, M.D.

Surgery
A. C. Ivy, Jr., M.D. (General & Orthopedic Surgery)
T. H. Richert, M.D. (Surgery & General Medicine)
F. A. Warshauer, M.D. (General & Thoracic Surgery)

X-ray
T. A. Kendig, M.D.

Administration
R. A. Short
H. A. Chang

The Fronk Clinic

February 27, 1976

RECEIVED
'76 MAR 3 AM 7:36
DEPT. OF GENERAL PLANNING C & C HONOLULU

City and County of Honolulu
City Planning Commission
650 S. King St.
Honolulu, Hawaii 96813

Attention: Mr. Randall Kamiya
City Planning Commissioner

Re: A PROPOSED ORDINANCE FOR ESTABLISHMENT OF HISTORIC, CULTURAL AND SCENIC DISTRICT NO. 5, THE THOMAS SQUARE/ACADEMY OF ARTS DISTRICT

Dear Sir:

The following are my comments and opinions and the opinions of the Fronk Clinic and its physicians regarding your proposed new city ordinance.

The Fronk Clinic moved to 839 South Beretania Street from Union Square in 1961. We felt this area to be the Medical care center of Honolulu. I'm sure if you survey the general area, you will find more physicians per square foot than anywhere else on the Island.

Two years ago we expanded and remodeled our facility to improve our ability to deliver quality medical care. To prepare for our future growth in this ever expanding medical profession we spent an additional $93,000.00 during our recent construction to install sufficient footings and develope plans to allow us to grow vertically some 12 to 15 stories.

As you probably know, medical space is much more costly to build than regular office space. There are more small rooms and much higher plumbing and electrical costs. At the present time it costs about $30.00 per square foot to build first class office space and $60.00 to build first class medical space. As inflation will no doubt continue, these costs will get much higher and the spread will become ever greater between the two. Of course, these increased costs must be passed on to the patient in the form of higher charges for

839 South Beretania Street Honolulu 96813
Phone 531-6471

12980RP-1

medical care. There is no doubt in my mind that if the various medical clinics are forced to build new facilities out of this area, because of this ordinance, it will definitely increase the fees charged to patients for services and thereby raise the cost of medical care in the entire community.

What the ordinance will do:

1. Make us lose the $93,000.00 we have invested for future expansion in this building.

2. Force us to remain status quo as far as adding new medical specialities and procedures, etc., or

3. Force us to move from the area and incur additional costs which must be passed along to the patient.

4. Raise health care costs in the community.

Therefore, gentlemen, we urge you to exempt the health care and related facilities from your ordinance.

Also, I feel, it would have been prudent to have included us in your initial planning stage of the area as we feel we are a definite asset to the community and may have some valid ideas to offer.

Sincerely yours,

Robert A. Short
Clinic Administrator

RAS:lk

1298ORP-1

DLP 2/76-933

Honolulu Academy of Arts

900 SOUTH BERETANIA STREET, HONOLULU, HAWAII [illegible] TELEPHONE 538-3[illegible]

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DEPT. OF
GENERAL PLANNING
C & C HONOLULU

24 February 1976

STATEMENT BY THE BOARD OF TRUSTEES OF THE HONOLULU ACADEMY OF ARTS IN FAVOR OF THE ORDINANCE TO ESTABLISH "HISTORIC, CULTURAL AND SCENIC DISTRICT NO. 5, THE THOMAS SQUARE/ACADEMY OF ARTS DISTRICT"

We, the Trustees of the Honolulu Academy of Arts, are in accord with the intent and purpose of the bill for an ordinance to establish the Thomas Square/Honolulu Academy of Arts area as a historic, cultural and scenic district.

Inasmuch as both Thomas Square and the Honolulu Academy of Arts are designated for preservation on the State and National Registers as historic sites, and inasmuch as together the Academy and the Neal S. Blaisdell Memorial Concert Hall, flanking Thomas Square, constitute the cultural center of Honolulu, we endorse legislative action to prevent further incompatible projects being developed within the boundaries set by the Department of Land Utilization as the limits of the proposed District.

We hope the measures proposed by the ordinance will assure the serenity of the area as an appropriate, park-like setting for the cultural and passive recreational purposes the Thomas Square/Academy of Arts district has served for many years. We believe the perpetuation of an open oasis in mid-town Honolulu that embraces scenic, historic, cultural and architectural elements will benefit the City as a whole.

We wish to record our appreciation for the concern expressed and initiative taken by the Department of Land Utilization in their preparation of this comprehensive proposal.

Samuel A. Cooke
President
Board of Trustees

12980RP-1

2.5

Honolulu Academy of Arts

OFFICE OF THE DIRECTOR

900 SOUTH BERETANIA STREET, HONOLULU, HAWAII 96814, TELEPHONE 536-3693

25 February 1976

Mr. Cyril Phillips, Chairperson
Permanent Development Committee
First United Methodist Church
1020 South Beretania Street
Honolulu, Hawaii 96814

Dear Mr. Phillips:

Thank you for your courtesy in sending me a copy of your communication of 17 February 1976, addressed to Mr. Randall Kamiya, Chairperson of the Planning Commission, in connection with the proposed City and County ordinance to establish The Thomas Square/Academy of Arts Historic, Cultural and Scenic District. In return I enclose a copy of our official standing on this proposal, adopted at yesterday's meeting of the Trustees and forwarded today to Mr. Kamiya.

The Board has instructed that I write you and clearly define the Academy's position with respect to the proposed development of the First United Methodist Church property across Victoria Street from the Academy. It is true that our committee, in a meeting with your Permanent Development Committee, agreed informally that the revised plan of Ing and Stark was a considerable improvement over the initial massive concept for the Church's proposed high rise condominium apartment project. As the only available compromise solution to a development considered basically incompatible to the interests of the Academy and the whole Thomas Square area, this reduced plan was reviewed at a subsequent meeting of the Board and was conceded by the Trustees to be a preferable alternative to the first schematic design. The substance of this feeling was then verbally conveyed to the Church.

The Board of Trustees of the Academy did not commit itself to any formal agreement with the First United Methodist Church. At the time discussions were held with the Church, the Trustees could find no recourse to oppose development of the Church property. Now, however, the proposed ordinance before the Planning Commission offers hope for a means to protect the whole area of which the Academy is a part. The Board considers that such protection would be in the interest of the larger community, present and future. It considers that, as Trustees

12980RP-1

of a unique educational institution, it has the duty to try to protect the public interest as affected by possible developments adverse to the historic, cultural and scenic attributes of the Academy, which both the National and State registers of important places have recognized for purposes of preservation.

We regret we find it necessary to take a position on this proposed ordinance which is contrary to that of our neighbor institution, but we trust that our reasoning is understandable at least from our point of view.

Very truly yours,

Samuel A. Cooke
President
Board of Trustees

SAC:lh
encl
cc: The Honorable Frank F. Fasi, Mayor
The Honorable George Akahane, Chairman, City Council
Mr. Randall Kamiya
Mr. George S. Moriguchi
Mr. Robert R. Way
Mr. Sheridan C. F. Ing

1298-0RP-1

DRAFT NO. 2

CONDITIONAL USE PERMIT
RECREATIONAL FACILITY OF AN OUTDOOR NATURE
AINA HAINA
74/CUP-37 (LC)

CONDITIONS
February 27, 1976

1. The Plans submitted, marked Exhibit "A" and on file with the Department of Land Utilization, shall be followed except as may be altered by the conditions stated herein;

2. The tennis facility shall be developed on the approximately 54 acres identified in Exhibit "A" and the remaining 31 acres shall remain and be maintained in their natural state;

3. Proposed lighting fixtures shall be so shielded as to prevent any direct reflection toward residential properties. All structures and light standards shall conform to applicable State and City statutes, ordinances and regulations;

4. The applicant shall provide standard turnarounds as directed by the Director of Transportation Services at the end of each public right-of-way which is used for vehicular access to the site, and said turnarounds shall be dedicated to the City and County of Honolulu. Any work proposed for dedication to the City and County shall be bonded with the City according to the Subdivision Rules and Regulations prior to occupancy. Interior road turnarounds shall be provided for approval by the Department of Public Works to meet requirements for public refuse disposal;

5. Two hundred off-street parking stalls shall be provided in conformance with Section 21-204(a) of the CZC;

6. A 12-foot public easement recorded in favor of the State of Hawaii, through the project area shall be provided by the recorded owner of the land, and subject to the approval of the Director of the Department of Parks & Recreation;

7. On-site fire protection facilities shall be provided by the applicant as directed by the Fire Department;

8. Utilities--all utilities shall be underground within the project site and shall include:
   a. Installation of a complete water system to meet the Board of Water Supply's specifications.
   b. Construction of necessary sewer lines and provision of sewer easement to meet the Department of Public Works requirements;

9. Prior to commencing operation of the facility, proof shall be presented to the Director of Land Utilization for his approval and acceptance that an adequate fund has been established to provide for adjustments and repairs for the facility and abutting properties including the public right-of-way which might be necessitated by soil movement on the subject site;

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10. The owners of the subject site shall stipulate that the City and County of Honolulu shall be held blameless for any damages to the structures or facilities on the subject site or any damages to surrounding properties arising out of or proximately caused by the use of or improvements made to the subject site which might result from soil movement;

11. Refuse Collection. The applicant shall provide refuse storage and collection areas in accordance with the requirements of the Department of Public Works, Refuse Division. Such areas shall contain facilities for container scrubdown;

12. Prior to obtaining any building permits:

a. A landscape plan shall be submitted to the Director of Land Utilization for his review and approval. The plan shall be accompanied by an implementation timetable and a program for maintenance. All significant trees over 10" diameter for removal shall be identified and approved by the Department of Land Utilization prior to issuance of a grading permit. All trees to be retained shall also be identified. Pathways shall be according to plans approved by the Department of Land Utilization. Pathways shall be of concrete or other hard surface acceptable by the Department of Land Utilization;

b. Soils, Grading and Drainage. Grading and building placement shall comply with the State of Hawaii Water Quality Standards, recommendations of the U. S. Soil Conservation Service and a soils engineer, and be approved by the Department of Public Works and the Department of Land Utilization. The applicant shall provide any and all environmental safeguards and improvements as may be required by the Department of Land Utilization, the Department of Public Works, the Department of Health, and the Soil Conservation Service including but not limited to adherence to temporary erosion and dust control measures, revegitation of graded areas, installation of sediment traps, construction of temporary diversion ditches, prevention of rock fall and landslide, and compliance with conditions stated in Condition No. 25, "Environmental Protection During Construction." Soils engineering, grading work, footings, foundation, retaining walls and other structures shall be in accord with a final soils investigation report by G. J. Hawaii, Ltd., and as approved by the Department of Public Works;

Grading and construction monitoring and inspection of the site by a soils engineer shall be provided. Certification from the soils engineer that the grading work has been completed in accordance with G. J. Hawaii, Ltd. final soils report shall be submitted to the Department of Public Works, Building Department and the Department of Land Utilization for review and approval upon completion of the grading work and prior to issuance of building permit for the structures;

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12. c. Drainage Study. The applicant shall undertake as a prerequisite to issuance of the grading permit, a drainage study to determine and resolve any potential danger to affected areas due to drainage from the project site for review and approval by the Department of Health, the Department of Land Utilization, and the Department of Public Works. The study shall:

(1) Evaluate the existing flood drainage situation;

(2) Determine the increased runoff generated by the project and the resulting impact on and the flood aggravation to the affected areas; and

(3) Proposed measures to provide flood protection to resolve the problem, if any;

The applicant shall also provide at his own expense a drainage system to the stream as required by the Department of Public Works;

d. The applicant, at his expense, shall have tests made to determine whether the public right-of-way is capable of handling the stress of the construction equipment that will be required for grading and construction on the subject site. These tests shall be submitted to the Director and Chief Engineer of the Department of Public Works;

e. The recorded owner of the land encompassed by this Conditional Use Permit shall file with The Bureau of Land Conveyances of the State of Hawaii a declaration of these restrictive conditions;

f. A certified copy of the documents as issued by The Bureau of Conveyances shall be presented to the Director of Land Utilization as evidence of recordation prior to the issuance of the building permit; and,

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

13. Flexibility. The architect shall be provided a reasonable degree of flexibility in the preparation of detailed engineering and architectural plans for this project. As work progresses on these drawings, it may be found that it would be advantageous to shift the structures slightly in order to preserve a particularly desirable element of the landscape or to accommodate certain unforeseen site

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13. (continued)
conditions. In addition, as detailed architectural plans are developed, it may be found that certain structural configurations may need to be altered slightly also for the above reasons. The environmental character and the design concept of the project as indicated on the submitted plans shall be maintained;

14. Changes made to the site plan necessitated by additional soils, grading, drainage and/or stream studies shall be subject to the approval of the Department of Land Utilization;

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

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

This approval shall be obtained prior to issuance of building permit;

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

17. Maintenance of Areas, Utilities, and Structures. Legal documents shall be drawn up to ensure perpetual maintenance of landscaping and plants, grounds and structures including walls and repair and maintenance of all facilities and utilities by the designated management for the project. There is assurance of adequate provision for perpetual maintenance of the open areas, including those in excess of

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17. (continued)
that resulting from reduction in the lot sizes, by the inclusion of covenants running with the land in the deeds or other instruments of conveyance, delineating such open areas; and

a. Obligating members to participate in a members' association and to support maintenance of the open areas by paying to the association, assessments sufficient for such maintenance and subjecting the property to a lien for enforcement of payment of the respective assessments;

b. Obligating such association to maintain the open areas;

c. Empowering the City as well as the other members in the tennis club to enforce the covenants in the event of failure of compliance; and

d. Providing for agreement that if the City is required to perform any maintenance work pursuant to item (c) above, said members would pay the cost thereof and that the same shall be a lien upon the property until said cost has been paid; provided that the applicant shall be responsible for the formation of the members' association of which the applicant, or if the applicant is not the owner of the facility then such owner shall be a member. Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Director of Land Utilization and the Corporation Counsel. Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance will be evidenced by the recordation in the Bureau of Conveyances or with the Assistant Registrar of the Land Court, of a declaration providing for adequate perpetual maintenance of the open areas, as prescribed hereinabove, and identifying the tract. The declaration shall be included in the deed or other instruments of conveyance and shall be evidenced by the recordation in the Bureau of Conveyances of a declaration providing for adequate perpetual maintenance of the open areas, as prescribed hereinabove, and identifying the facility. The declaration shall be included in the sales agreement and shall be made binding on all members;

18. Transfer of Rights. Any assignment and/or transfer of any substantial interest in the land parcel designated as the Aina Haina Tennis Park shall be subject to the approval and consent of the Director of Land Utilization. Such approval and consent shall not be withheld provided that the assignee and/or transferee agrees in writing to comply with all the conditions imposed herein;

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19. In the event all conditions as set forth herein are not complied with, the City Council may authorize the Director of Land Utilization to take action to terminate the use or halt its operation until such time full compliance is obtained;

20. Any modifications to the conditions stated herein shall be subject to approval of the City Council. (The Director may approve any requests for modifying the submitted plans which he considers to be minor revision.);

21. The City Council may at any time impose additional conditions when it becomes apparent that a modification is necessary and appropriate in accordance with Section 21-242 of the CZC (Ordinance No. 3234);

22. Hours of operation of the courts shall be from 7:00 a.m. to 10:00 p.m.; the court lighting shall be extinguished at 10:00 p.m.; and the clubhouse facilities shall close at 11:00 p.m. except on Fridays, Saturdays and holiday eves, the clubhouse shall close at 12 o'clock midnight;

23. Any noise condition which exceeds the acceptable standards as provided in existing and future County and/or State statute, ordinance, or regulations will be remedied by the applicant at the direction of the Director of Land Utilization;

24. Within one year of the date of the approval of the Conditional Use Permit, the applicant shall properly file for a building permit with the Building Department and commence construction. If necessary, the time limit may be extended by the Director provided the applicant makes a request in writing and submits reasons which, in the opinion of the Director, justify the time extension;

25. Environmental Protection During Construction. Due to the present high concern for protection of the environment, the following environmental protection measures will be taken during construction of this tennis development:

a. Implementation. Prior to the commencement of work, the contractor shall meet with the owner and engineer to develop mutual understanding relative to the prevention of environmental pollution and the administration of environmental protection. During the construction period, the contractor shall meet with the owner and engineer at reasonable intervals on problems and methods of detection, prevention and correction of environmental pollution;

b. Applicable Regulations. In order to prevent and to provide for abatement and control of any environmental pollution arising from the construction activities of the contractor and his subcontractors in the performance

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25. b. (continued)
of his contract, the contractor shall comply with all applicable federal, state, and local laws, and regulations concerning environmental pollution control and abatement;

c. Air Pollution. The contractor shall not permit or cause air pollution from fugitive dust, mist, smoke, and other particulate matter, vapor, gas, odorous substances, or any combination thereof;

d. Rubbish Disposal.

(1) No burning and/or burying of debris and waste material shall be permitted on the project site;

(2) All debris and waste materials shall be hauled away from the job site. During loading operations, debris and waste material shall be watered down to allay dust;

(3) No dry sweeping shall be permitted in removing dusty rubbish from floors and paved areas. Vacuuming or wet sweeping is acceptable;

(4) Enclosed chutes shall be used to convey debris from upper floor to ground floor level;

e. Fugitive Dust. Dust shall be kept down at all times including non-working hours, weekends and holidays by keeping the ground damp. Precautions shall be taken at reasonable intervals to correct a nuisance or hazard to others. Examples of some reasonable precautions are:

(1) Use, where possible, of water or chemicals for control of dust in construction operations, the grading of roads or the clearing of land;

(2) Application of asphalt, oil, water or suitable chemical on road materials stockpiles and other surfaces which can give rise to airborne dust;

(3) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operation;

(4) Covering, at all times when in motion, open-bodied trucks transporting materials likely to introduce airborne dust;

(5) The paving of roadways and their maintenance in a

1298ORP-1

25. e. (5) (continued)
clean condition;

(6) Conduct of agricultural practices such as tilling of land, application of fertilizers, etc. in such manner as to minimize airborne dust;

(7) The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth-moving equipment, erosion by water, or other means;

(8) Only wet grinding will be allowed on external surfaces;

(9) Dry grinding will be allowed on interior surfaces provided all openings are covered;

(10) Only wet cutting of cement blocks, concrete and asphaltic concrete pavements will be permitted;

(11) No unnecessary shaking of bags is permitted where cement, mortar and plaster mixing is done unless the dust therefrom can be confined;

(12) No sandblasting will be allowed unless the dust therefrom can be confined;

(13) No dry power brooming may be used. Air blowing will be permitted only for cleaning of nonparticulate debris such as reinforcing bar, scraps, tie wire, etc.;

(14) The contractor shall not cause or permit to be emitted into the atmosphere any dust from any source in such a manner that the ground level concentration at a point selected by the owner-quality control engineer exceeds:

(a) 150 micrograms per cubic meter above upwind concentrations. Samples shall be obtained by using a high volume air sampler or other equivalent method for a 12-hour period; or

(b) A fallout of 3.0 grams of dust per square meter above upwind concentrations for any 14-day period. Dustfall samples shall be obtained by using fallout jars of 8" in diameter and 12" in depth or any larger jar of equivalent proportions;

f. Noise Control:

(1) All combustion engine-powered equipment shall have

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25. f. (1) continued

appropriate mufflers to minimize noise;

(2) No blasting and use of explosives will be permitted;

(3) Pneumatic chipping or pavement breaking operations shall be confined to the period between 8:00 a.m. to 4:00 p.m. Mondays through Fridays. Pneumatic chipping will not be permitted on Sundays, Saturdays, and holidays;

(4) Starting of equipment shall not be done prior to 6:45 a.m.;

g. Soil Erosion:

(1) During grading operations the grade shall be maintained to prevent erosion into adjoining property. Temporary berms, drainage outlets, silting basin and other provisions shall be installed as required. All cut and fill slopes shall be protected against storm run-off through the installation of diversion dikes or by other acceptable means. Where a cut or fill is greater than 15 ft. in height, terrace or benches shall be constructed at vertical intervals of 15 ft. except that where only one bench is required, it shall be at midpoint. The minimum width of such terraces or benches shall at least be 8 ft. (for 15-ft. vertical intervals) and provided with drainage provisions to control erosion on the slope face and bench surface;

(2) Adequate provisions shall be made to prevent surface waters from damaging the cut face of an excavation or the sloped surface of a fill. Positive drainage shall be provided to prevent the accumulation or retention of surface water pits, gullies, holes or similar depressions. All drainage facilities shall be designed to carry surface waters to a street storm drain or natural water course;

(3) No grading work shall be done between the hours of 6:00 p.m. and 7:00 a.m. on any day and no work shall be done on Saturdays, Sundays, and holidays;

(4) The maximum area of land that may be opened for grading or grubbing shall be determined by the Department of Public Works. The grading and grubbing shall be done by increment and the size and number of the increments shall be approved by the Department of Public Works. The area of land that may be opened may be reduced to control pollution and minimize storm damage;

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25. q. (continued)

(5) Cleared areas shall be revegetated as soon as possible to minimize erosion and soil run-off during heavy rains;

(6) The contractor shall not perform any grading operations so as to cause falling rocks, soil or debris in any form to fall, slide or flow onto adjoining properties;

(7) All grading operations authorized shall be performed in conformance with the applicable provisions of the "Water Quality Standards" contained in the Public Health Regulations, Department of Health, State of Hawaii, and in accordance with the Department of Public Works Regulations of the City and County of Honolulu;

h. Water Pollution. The contractor shall take all necessary precautions to prevent the pollution of water resources from fuels, oils, bitumens, calcium chloride, herbicides, pesticides, chemicals, or other harmful materials. The contractor shall conduct his operations so as to avoid or minimize the siltation of streams and coastal waters;

i. Washing and Curing Water. Water used in embankment material processing, aggregate processing, concrete curing, foundation and concrete lift cleanup, and other waste waters shall not be allowed to enter the water resources if an increase in the turbidity of the water will result therefrom. The contractor shall be solely responsible for removing from the cofferdam all wash, curing and waste waters derived from sources either within or outside the cofferdam;

j. Others.

(1) Whenever trucks and/or vehicles leave the site and enter surrounding paved streets, the contractor shall maintain within the job site a suitable wheel washing installation and crew to prevent any material to be carried onto the pavement. Waste water from wheel washing operations shall not be discharged into existing streams, waterways or drainage systems such as gutters and catch basins;

(2) Trucks hauling debris shall be covered as required by P.U.C. regulations. Trucks hauling fine materials shall be covered with tarpaulin;.

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25. j. (continued)

(3) No dumping of waste concrete will be permitted at the job site;

(4) Concrete trucks shall not be cleaned on the job site except where wheel washing is required;

(5) Vehicle fueling and maintenance shall be done in designated areas. A temporary berm shall be constructed around the area where runoff can cause problems. Oil pans shall be used to prevent seepage;

(6) Spray painting will not be allowed unless otherwise specified in the painting section of the specifications;

26. In the event the approved use of this permit is terminated by the applicant for a period of six consecutive months, the applicant shall submit notification of the same to the Director of Land Utilization. Upon submission of such notification, the subject permit shall be declared null and void.

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DEPARTMENT OF THE CORPORATION COUNSEL

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

BARRY CHUNG
CORPORATION COUNSEL

RECEIVED
'76 MAR 2 PM 4:23
DEPT. OF
GENERAL PLANNING
C & C HONOLULU

March 2, 1976

TO : ROBERT R. WAY, CHIEF PLANNING OFFICER

FROM : CLAIRE M. MARUMOTO, DEPUTY CORPORATION COUNSEL

SUBJECT: CONDITIONAL USE PERMIT - AINA HAINA TENNIS PARK (HIND IUKA DRIVE)

This is in response to your letters of January 28 and February 11, 1976, in behalf of the Planning Commission, which requested our opinion on (1) potential liability of the City if the subject Conditional Use Permit were granted, and (2) various conditions placed on the project.

It is our opinion that the potential liability of the City in granting the subject Conditional Use Permit [CUP] may be significant. However, the imposition of stringent conditions, which we have approved and discussed with the Executive Secretary of the Planning Commission for review by the Commission, may provide the proper safeguard of the public interest while allowing the property owners to exercise their right to develop their property.

The proposed use area abuts properties whose homes have been damaged by earth movement in the area. The damages have not been subject to a finding of liability on the part of the City, but the City has redeemed a costly moral obligation to the affected homeowners by making ex gratia payments. The statement in your January 28 letter that: "It has been inferred that the settlement by the City has established a basis for the City's liability" is totally incorrect.

We have misgivings concerning this CUP because of the notice of soil conditions the City has had. We may be open

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to suit and liability if damages are established for aggravation of existing condition based upon knowledge of the slide area of Hind Iuka Drive and Mona Street. A duty would be deemed to be imposed on the City to refrain from authorizing or participating in acts or conduct which unreasonably expose parties to the risk of injury or damage.

It may be far-fetched to imply that granting the subject CUP could be the proximate cause of any future injury, whether to property or person. However, the fact that the City has had notice of slide conditions in the area, to the extent of making payments to property owners, should be a prime consideration in the Council's compliance with the Comprehensive Zoning Code [CZC] Section 21-242(b), which states:

> No conditional use permit shall be issued except upon a finding by the City Council that the proposed use conforms to the requirements set forth in this Chapter, and that the proposed conditional use will have no more adverse effect on the health, safety, or comfort of persons living or working in the area, and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district. [Emphasis added]

At the same time, we recognize the property owners' right to use their property to the extent that the law allows. Under standards set forth in Section 21-242, the CZC empowers the Council to issue a CUP. Because of our past experience in the immediately surrounding area, we urge caution.

We also call your attention to a memo issued from our office on October 29, 1975. The area is different, but the City's concerns may be similar.

In conclusion, we advise particular scrutiny in the granting of this CUP, but we believe the conditions to be imposed on the project are a reasonable safeguard of the public interest.

APPROVED:

Barry Chung
BARRY CHUNG
Corporation Counsel

Claire M. Marumoto
CLAIRE M. MARUMOTO
Deputy Corporation Counsel

CMM:gk
Attach.

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RECEIVED
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GENERAL PLANNING
C & C HONOLULU

October 29, 1975

TO : RICHARD K. SHARPLESS, MANAGING DIRECTOR

VIA : BARRY CHUNG, CORPORATION COUNSEL

FROM : KENNETH P. H. NAM, DEPUTY CORPORATION COUNSEL

SUBJECT: SLIDE CONDITION - MOANALUA

We are party-defendants in a series of suits for damage to property resulting from a landslide in the Moanalua area.

Ms Nakama, 1534 Ala Iolani Place, TMK: 1-1-45-47 and R. Teruyama, 1538 Ala Iolani Place, TMK: 1-1-45-19, have brought suit against K. Ohta, 1549 Ala Lani Street, TMK: 1-1-45-30; S. Mew, 1553 Ala Lani Street, TMK: 1-1-45-29 and N. Sugimura, 155 Ala Lani Street, TMK: 1-1-45-28. (See photo dated August 31, 1975 in attached exhibit - Ala Iolani Place is the loop area and Ala Lani Street is lower portion of photo; Ala Iolani is on the lower portion of slope and Ala Lani Street the high portion). There is a profusion of defendants by way of crossclaims, counter-claims and third-party complaints.

We attended a conference on October 17, 1975, at the plaintiffs' attorney's office, and Richard B. Fewell, P.E., President, GJ Hawaii, Ltd., who had been retained by plaintiffs, presented an alarming prospect for the area in question. It was his opinion that the instant loss was a result of a pre-existing fault - earth movement due to inherent quality and structure of the subsurface materials (clay-like soil with high absorbance and retention of water). The movement or fault was observable as early as 1952, extension was apparent in 1959, 1963, 1967, 1968, 1972 and 1973. This information was gleaned from aerial photos completed by Towill and Co. (see photos dated 9-20-52, 1-6-59, 12-20-63 and 11-2-73.)

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The localized slide in question occurred on January 2, 1974, and the crown of this slide is situated on the Mew property, TMK: 1-1-45-29, and the toe is presently affecting the Teruyama and more particularly the Nakama property. At this time, there is no question that the habitability of the Nakama property is seriously compromised and the Teruyama property may ultimately be likewise affected. The Ohta and Sugimura properties, which flank the Mew property, are affected and the slide fans out laterally at the lower aspects of these properties (see photo dated 8-31-75).

From all indications, we have, potentially, another Waiomao landslide, but of a far greater magnitude. The possibilities portend a catastrophe which can be very substantial in loss of property but more importantly, in the cost of human lives.

Although the situation defies any reasonable prediction, it behooves the City and County of Honolulu or the State of Hawaii to implement procedures for monitoring the locality for purposes of early warning. In addition, aerial photo and reconnaisance should be made at reasonable intervals. Above everything else, no further construction should be permitted in the fault area and its immediate vicinity.

KENNETH P. H. NAM
Deputy Corporation Counsel

KPHN/ni
Encls.
cc: Mr. Ernest T. Yuasa
Honorable Frank F. Fasi, Mayor
Mr. Kazu Hayashida
Mr. George S. Moriguchi

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Meeting of the Planning Commission
Minutes
March 17, 1976

The Planning Commission held a meeting on Wednesday, March 17, 1976 at 1:42 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:	Randall Kamiya, Chairman Sylvia Sumida, Vice Chairman Dr. Wilbur Choy Donald Hosaka Ned Wiederholt Harriet Wikum
ABSENT:	Charles Izumoto Yuklin Kuna
STAFF PRESENT:	Robert R. Way, Chief Planning Officer Eugene B. Connell, Executive Secretary Lorrie Chee, Staff Planner Henry Eng, Staff Planner
PUBLIC HEARING ZONE CHANGES MAKIKI (1) R-6 RESIDENTIAL TO A-2 APARTMENT 1821 KEEAUMOKU STREET IKAZAKI, DEVENS, LO, YOUTH & NAKANO (FILE #75/Z-22) (2) R-6 RESIDENTIAL TO A-2 APARTMENT 1815 KEWALO STREET GAH, INC. (FILE #75/Z-23)	A public hearing was held to consider zone changes from R-6 Residential to A-2 Apartment in Makiki on (1) approximately 18,025 square feet of land located at 1821 Keeaumoku Street, Tax Map Key: 2-4-24: 11; and (2) 29,294 square feet of land situated at 1815 Kewalo Street, Tax Map Key: 2-4-25: 6. Publication was made in the Sunday Star-Bulletin/Advertiser on March 7, 1976. Comments received regarding the proposal are incorporated in public testimony FOR and AGAINST the proposal.

Staff Planner Loretta Chee presented the Director's report recommending approval of the proposal, subject to the conditions contained in the Director's report.

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

TESTIMONY IN SUPPORT

Mr. George Henrickson of GAH, Inc., agreed with the conditions in the Director's report.

The Commission questioned Mr. Henrickson concerning potential over-development and need for more apartment development in the area considering the availability of approximately 1,000 new, unsold units in various condominiums and apartments within a five block

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area. Mr. Henrickson stated that the sale of apartments depends on how well the market accepts the design of the apartment and its location. During the past couple of years, the market has been down and so has the economic situation. However, the Dillingham Study indicates that most of the units now on inventory should be sold by completion of their development in approximately 18 months.

TESTIMONY AGAINST

Miss Gertrude Humphries, Member, Makiki Community Association, felt that aesthetics should be considered in zoning, that the applicant's plans and pictures of the proposal should be available for review.

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

MOTION: Dr. Choy moved to accept the Director's recommendation for approval, subject to the conditions in the report.

Discussion followed.

Question was raised whether a policy review of the area is necessary. Staff indicated that the subject area for many years has been considered the Makiki Buffer Zone designated for medium density. For the past two years, the City Council has reassessed the area which assessment since then has occurred almost annually. Community concerns are particularly for height and transition from single family to medium and high density apartment.

The motion failed for lack of a second.

The matter was deferred to the next meeting on motion by Dr. Choy, seconded by Mr. Wiederholt and carried.

PUBLIC HEARING
CONDITIONAL USE PERMIT &
CERTIFICATION OF
APPROPRIATENESS
DIAMOND HEAD HISTORIC,
CULTURAL, SCENIC DISTRICT
NO. 2
CBS TELEVISION NETWORK
(FILE #75/CUP-19 HE)

A public hearing was held to consider a request for a Conditional Use Permit and Certificate of Appropriateness (Diamond Head Historic, Cultural, and Scenic District) for a facility for a television program production of Hawaii Five-O on approximately 4.8 acres of land situated at the intersection of Diamond Head Road and 18th Avenue, Tax Map Key: 3-1-42: portions of 9 and 20.

Publication was made in the Sunday Star-Bulletin/Advertiser on March 7, 1976. Comments received both in support and against the request are incorporated in testimony for and against the project.

Staff Planner Henry Eng presented the Director's report recommending approval of both the Conditional Use Permit and the Certificate of Appropriateness, subject to the conditions contained in the draft resolution attached to the report.

Questions raised by the Commission related to:

1. Removal of the proposed Butler Building should it become necessary for the applicant to terminate the operation before the end of the five-year period. Staff indicated that Hawaii 5-0 who has a State lease also has a revocable permit with the State upon 30 days notice. Condition 6 would apply: "Upon termination of the approved use and/or revocation of the State lease, the landowner shall be responsible for dismantling and removing the structures or for submitting plans for the alteration and/or re-use of the structures to the City Council for their review and approval as a separate application for a Certificate of Appropriateness under the Diamond Head District Ordinance and any other applicable ordinances."

2. Was overall planning of the area as to any adverse effect the project might have on the surrounding area considered? Since the site lies within the Shoreline Management Area and is State-owned land, a negative declaration on an environmental assessment required of the project was filed with the Office of Environmental Quality Control. All other State agencies involved in reviewing the request have consented to the proposal.

TESTIMONY IN SUPPORT

1. Mr. Robert W. Norvet, Vice President, CBS Television Network, Los Angeles, California (Testimony undated, attached)
2. Mr. Hideto Kono, Director, State Department of Planning and Economic Development (Testimony dated Mar. 17, 1976, attached)
3. Mr. Herman Wedemeyer, Employee, CBS-Hawaii 5-0
4. Mrs. Miriam C. Noh, Resident in concerned area
5. Mr. Art Rutledge, Waialae Kahala Resident
6. Mr. Kimo Wilder McVay, Interested Citizen
7. Mr. Don Over, Business Manager, Publisher and Entertainment Producer
8. Mr. Clifford D. Slater, Maui Divers of Hawaii
9. Mr. Joseph Ahuna II, I.A.T.S.E. Local 665 Stage Technicians
10. Mr. William A. Barron, Jr., Free Lance Producer, Director and Production Consultant
11. Mr. Gerald Fisher, Publisher, Hawaii Press and Waikiki Beach Press
12. Mr. Barry L. Adams, Senior Vice President, Hawaii Visitors Bureau (Presented testimony of John G. Simpson, President, HVB)
13. Letter dated Mar. 16, 1976 from Mr. Fred Dailey, President, Waikikian Hotel (copy attached)

REASONS IN SUPPORT

1. The proposal is a non-pollutant industry which provides varied employment throughout the State.

2. The Hawaii 5-0 TV series which is viewed throughout the nation and in various countries promotes tourism for Hawaii and contributes to the economy of the State.

3. The proposal is not obtrusive to the neighborhood.

4. The concerns of adjacent residents are minimal when weighed against the future of our children and the entire State.

5. The residents of the East Diamond Head Association support the proposal.

6. The East Diamond Head Association received $50,000 from CBS in an out-of-court settlement for a previous proposal to locate in the area which funds are now being used for attorney fees against CBS.

TESTIMONY AGAINST

1. Letter dated Mar. 15, 1976 from Mr. Sidney E. Snyder, President, Save Diamond Head Association (copy attached)
2. Letter dated Mar. 17, 1976 from Mrs. John T. Humme, President and Mrs. Al J. Pfaltzgraff, Diamond Head Chairman, Outdoor Circle (attached)
3. Mr. Wendell H. Marumoto, Attorney for East Diamond Head Assn. Following is an excerpt of Mr. Marumoto's presentation.

MARUMOTO: The thrust of my testimony goes to the question of whether or not this application is properly before you. But, before I get to that, on the basis of testimony I've heard, it would be pertinent if I responded to some of the testimony and some of the impressions I believe that have been left with the Commission.

I would beg your leave to explain how 5-0 got into this position at this time from a planning standpoint. The history that Mr. Norvet gave you was made possible, I believe by the application in 1967 by Hawaii Studios which was an independent Hawaiian organization which leased or had a permit from Land and Natural Resources to build the sound studio to be used by 5-0. My recollection is that the Planning Commission rejected their application for CUP. This preceded the CZC in 1967. After some appeal, the Zoning Board of Appeals granted a CUP on a year to year basis given to CBS.

The same residents who now call themselves the East Diamond Head Association banded together informally and protested here and at the ZBA. When the ZBA approved the CUP, the firm I was with was retained to seek judicial remedies against that. When we first went to court, the judge ruled that the residents as an unincorporated association were not proper parties to complain and therefore threw the case out without going to the case on its merits. After two years that it took to appeal the matter to the Supreme Court, the Supreme Court overruled the Circuit Court judge and said that the unincorporated association was a property party and that the Circuit Court should hear the case on its merits. This was sometime in 1971. At that time, rather than going to court, a settlement was reached with 5-0 and Hawaii Studios to permit 5-0 to continue to utilize that piece of property--that is where they were until the end of last year where they still are physically--until the end of 1974.

A condition of that Judgment stipulated was that every effort would be made for them to find alternative locations. This was a condition placed in a Judgment in 1971. Therefore, the residents of the Diamond Head area were somewhat kicked in the back when late in 1974 after the shooting season, they were approached by CBS to see whether or not a year extension to that CUP could be granted. Then we got back into the action and starting negotiating with CBS. It seems to us at that time that CBS really had not, or at least it was my personal opinion that they really had not tried the previous two years to find an alternate site. It seemed to me that based on what I understand of the industry that this is sort of an iffy thing that goes from year to year, and I don't blame them, it's a good economic guess why bother looking for a new location if you're not going to shoot next year.

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Anyway, it got popular and in 12/74 we got to negotiations about extending the term for another year at the present site. This took a lot of teeth pulling with the residents because we had a Judgment that we could have just gone to court with and they wouldn't have been able to stay where they were for another year. This is with respect to where that $50,000 comes in. CBS was paying rental for something in that order to Hawaii Studios for use of their premises. It was the feeling of the residents in the area that a private party shouldn't benefit by the year's extension nor should CBS be allowed to shoot their remainder for another year effectively rent-free on a deal that we made. Therefore, the rental which would have otherwise accrued to Hawaii Studios was diverted to the East Diamond Head Association presumably for purposes of either civic improvement or what not and one of the things that they knew they had to have some resources for were to protect proper planning and other things in that area.

It seems to me one of the funny things about this thing is everytime CBS runs against a time deadline, they're going to start shooting next month. As I recall, the shooting season is April to November. They could have come here a year ago. They've had since sometime in May or June 1971 to seek an alternative site. I don't think that they looked for an hour between '71 and '74 and I don't really know how hard they tried during the last year.

Also, a condition of the extension of that right to use the present location for the additional year was conditioned upon their removal from that site because if they were to shoot for another year, they were to do it some place else. If we're going to go to the matter of good faith, I think there's some question as to whether or not it's really fair to say that the residents there negotiating this would have permitted within the concept of moving away from the location a mere three or four blocks which is really what this is doing.

With respect to the considerable economic benefits of 5-0, no one can contest that. We're not going to contest that but I don't think that is a matter really which has any pertinence or relevancy to your consideration. For example, you've had witnesses come here with guns to your head. Either you give 5-0 this location or Hawaii's going to lose millions of dollars. This gives me an idea. I'll go to Don Ho or Danny Kaleikini, we'll get some money and say either we rebuild the Queen's Surf where it was, the way it is and we've got the money to do it or we're not going to perform anywhere else in this town. You know, that's silly. Five-0 can move elsewhere. It's simple for them and easy for them to go where they've suggested here but I don't think they tried to find an alternative location and I honestly don't feel it's the only place that they can move.

I also seriously question whether or not Hawaii 5-0 from the studio standpoint really has Hawaii at heart. Hawaii 5-0 is a production for CBS which is entitled to profit from a popular TV show. No one is contesting that. That's all it is. If Hawaii 5-0 is really tied in with the promotion of Hawaii, I would suggest that CBS sign a non-cancellation or some kind of agreement with the State or HVB that Hawaii 5-0 will run as a non-cancellable show for another five years. Now that

I know is not their intent. The year that the ratings go down they're going to cancel it and move out of here. That's they're right. They're in business. What the State and HVB should do is probably hustle all of the studios and get them to use Hawaii as a locale. If 5-0 becomes unpopular this year, you're not going to have 5-0 next year.

What we have here is a classic confrontation between the sovereign and its people. Now, if the State wants 5-0, wants the studios, and wants them to do and be here and give them whatever concessions they want to, the State as a sovereign has the means. There's a legislature in session. If they pass an Act that says 5-0 gets to shoot in the middle of Kapiolani Boulevard at 4:00 p.m., they can pass a law and there's nothing we can do about it. Unfortunately for CBS, that is not the situation. We have rules. We have laws. Just because they've got a lot of money, they've got a lot of emotional appeal, I don't think that gives them the right to ask you or to tell you, in fact dictate to you, that an exception should be made to procedure.

Under the CZC, under Section 21-241 an application for CUP may be made by a developer, an owner or a lessee. Now under that section, a lessee must hold under a recorded lease the unexpired term of which is five years from the date of filing of the application. I think it's safe to say that CBS does not hold such a lease. It is not recorded and it certainly does not have five years to run or more than five years to run from the date of filing of the application. It may be missing words but I have not seen the lease. Based upon the testimony that I've heard, I'm satisfied that there is a 30-day revocable provision in there. If a lease is revocable in 30 days, to ask for five years, that is not a lease for five years. That is a lease for 30 days, renewable for 30 days up to the end of five years. I contend here that on the basis of that analysis, the application by CBS is not properly before this Commission. Now, there may be an argument. I briefly discussed this with members of the Corporation Counsel's staff this morning. There maybe an argument here that CBS is not the applicant and that the State is, that CBS is merely the agent of the State.

Now, I've reviewed your file and for purposes of this particular hearing, the applicant is CBS. There's no question about it. If the Commissions would like to look it, it's clearly an application filed by CBS with Mr. Norvet's signature, I believe. Now, the State did authorize that application. This is done all the time as you know. But, an authorization by the State for CBS to apply for a CUP for TV production purposes is not the same as making CBS the State agent. Even if by some stretch of the imagination it was to be interpreted that CBS was the agent of the State, then we're at odds with the statement made by Mr. Kono. Mr. Kono said here the State was not interested in a movie or TV studio. They're only interested in buildings there for KCC. Now if that is true, what should properly be before you is a joint application for a CUP with both KCC usages as well as that of CBS.

We've got a problem here which your staff took over lightly--I take that back, they didn't think it over lightly but they just stopped without really thinking it through. In your report contains the statement that CBS has stated and maybe the State has too--this is Condition

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6 of the Resolution. We're going to be faced with the same thing. I don't know if you people will still be here but whenever that happens, it's going to happen when CBS either terminates its lease which maybe short of a year. It's going to be at the end of five years. Somebody's going to come to you and say hey, we've got buildings here. We're going to use them for warehouses. You're going to say that's not an intended use, that doesn't comply. They're going to cry, roll on the floor and say yeah but it's there. What are we going to do with it? You're going to be stuck. These are not buildings that are going to deteriorate in five years. They're permanent buildings. Under those circumstances, I think that's the purpose of putting into the CUP a requirement that any lessee asking for a CUP has a lease for more than five years because the CUP is not for a conditional use for a year or two. It's for a permanent use or at least a semi-permanent use. If that's the case, a proper application before this body would not only be one by CBS the present user but also one by the State, the reversionary user giving you some indication of what those buildings are going to be used for, what this property is to be used for. There's some statement in here about the huge building being used for a gym. If it's going to be used for a gym, you should now consider all of the ramifications of that use because once that building's in there, they're not going to move it. The problems that are going to be created by traffic and whatever else is going to flow into that thing five years from now or a year from now or whenever are things that you should be aware of. Those are matters which should be before this Commission at this time.

I would just set before you my opinion that the application itself is improperly before you and should not be considered.

QUESTIONS OF MR. MARUMOTO

CONNELL: Mr. Chairman, for the edification of the Commission, Mr. Marumoto was kind enough to suggest the possible processing problem this morning. Therefore, I have spent a portion of the day in consultation with Corporation Counsel.

The First Deputy Corporation Counsel has indicated verbally that our Corporation Counsel considers the applicant for this particular CUP to be the State of Hawaii. The application which can be entered in for the record indicates that the applicant recorded owner lists the State of Hawaii, Department of Defense and also the name of the second owner, University of Hawaii, Kapiolani Community College. Mr. Marumoto has indicated from the CZC in Section 21-241, page 48, that those who can apply for a CUP are a developer, owner or lessee holding under a recorded lease the unexpired term for which is more than five years from the date of filing of the application. Its possible that DLU in preparing the report to the Planning Commission has erred in describing some of the conditions. Hawaii 5-0 has been recorded as an authorized agent. The CZC under developer on page 10, a developer is described shall mean an owner or any person with written authorization from the owner who intends to improve or to construct improvements upon his property. We will receive a written opinion from our Corporation Counsel but I'm sure it will be along these general lines, that Hawaii 5-0 CBS can be considered as a developer who are authorized by the owner to act as an applicant.

In terms of Condition 6, I think Mr. Marumoto raises a legitimate question which can possibly be handled by striking State lease and putting in permit. Further on where it talks about submitting plans, properly if a new use is put in what should be done is to submit an application for a new CUP which would go through the same normal process as this proposed CUP. Therefore, I would suggest to the commissioners if they do approve this particular resolution and application, that Condition 6 be rewritten to reflect the problems which Mr. Marumoto suggested. It would also be possible to rewrite the resolution itself in the first resolved clause and to add clearly that this is for five years from the date of the issuance or the adoption of this resolution.

SUMIDA: Is the East Diamond Head Association the same association of which Mrs. Noh is a member or is it a different association?

MARUMOTO: I'll ask her. Are you a member?

NOH: Yes, I am a member.

CHAIRMAN: What's the difference between the East Diamond Head Association and the other Diamond Head Association?

MARUMOTO: I don't know. The East Diamond Head Association was at one time an unincorporated association made up of the owners around those state-auctioned lands on Akaka Place and so forth, and more recently they're incorporated.

CHAIRMAN: How many members do you represent?

MARUMOTO: Those questions might be better addressed to Mr. Carroll who is the president of that association. He'll also have testimony contradicting Mrs. Noh.

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

TESTIMONY AGAINST (Cont.)

4. Mr. Peyton Carroll, President, East Diamond Head Association
(Submitted testimony, undated, copy attached)

QUESTIONS OF MR. CARROLL

SUMIDA: Are you representing the East Diamond Head Association or are you speaking for yourself as a member of that community?

CARROLL: I'm speaking as the President of the East Diamond Head Assocation, Incorporated that was just incorporated in November. Before that it was a loose neighborhood thing.

SUMIDA: Could you give the commissioners an idea about the corporation.

CARROLL: Yes. The corporation has also been accepted as nonprofit by the internal revenue and the State of Hawaii. We have so far delivered one newsletter in the total area which has 686 homes. In our Bylaws we have a new requirement that you have to pay dues to be a member. Mrs. Machado the Membership Chairman was here until a couple of hours ago but I think I'm fairly correct in saying that we have 73 dues-paying members at this time.

CHAIRMAN: The 73 members represent what percentage of the community?

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It's been reported that Nephi Hannemann is about to be cast as a doctor in a medical series with Hawaii as the locale by ABC. Do we then come before you and oppose another application? NBC may have something in the wings. How about the major studios? The major independent producers? If one gets favorable treatment, why not the others? Of course , the City Council will be "great guys" for okaying all these leases at 7/10ths of a cent.

In conclusion, our research emphasizes many frailties in the planning for this area. The subject today is more important than the addition of another monolithic steel building...we are dealing with the State's most important visual asset. This Commission cam, with a denial of the viability of a certificate of appropriateness and a conditional use permit for this commercial use in the monument area, promote community betterment for years to come.

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CARROLL: Represents a little over 10% like the Outdoor Circle has 3,000 members representing all the housewives on Oahu. So, this is how it goes I think. But, we're only in the beginning of our membership drive. We think we'll have over 200 members by Fall.

WIKUM: Did you have a meeting of any kind to discuss this application and take any kind of vote?

CARROLL: Yes we had a meeting just about a week ago.

WIKUM: What was the result of the vote?

CARROLL: It was unanimous.

WIKUM: What meeting was Mrs. Noh in?

CARROLL: I'm just guessing because there'd be no way to know. But, the only time I remember a large-scale vote was when the Governor's letter was read to the membership. At that membership there was about 50 people. They voted about 31 to 14 something like that.

WIKUM: What was the date on the Governor's letter again?

CARROLL: February 4th, 1975.

WIKUM: By this question I don't mean to imply you have to solve CBS' problem but do you know of any alternative sites that are available?

CARROLL: No I don't personally but I know Mr. Norvet has made an effort in the last two years to find something suitable for their kind of production.

WIEDERHOLT: Could you comment on what appeared to be the UH plans for this area establishing a school and secondly, have you talked with to any UH planner?

CARROLL: Yes, we invited Mr. George Higa who's the Assistant Provost to come to our annual meeting and give us a description of their plans but they had none. He just gave a talk about what might be.

WIEDERHOLT: Maybe you could just comment on the notion of the school about the UH and Kapiolani College in this particular area. I comment on the owner a great deal like Mr. Eng does. We had a bit of a formal meeting in the Senate Chambers and one of the men that got up was knowledgeable about this kind of thing. He talked about --they would have to be considerable study on the drainage problem, particularly on the shoreline management permit changing the streets and the buildings and the parking lots and so forth.

WIEDERHOLT: There are other aspects to it too. A school generates traffic, generates buildings, generates foot traffic, densities of that kind which can be pretty intensive.

CARROLL: I don't think our Board feels the area is appropriate for any kind of a big educational plan.

WIEDERHOLT: Would you see this project encouraging the UH aspirations and hopes in the area?

CARROLL: You mean the CBS project?

WIEDERHOLT: Yes.

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CARROLL: No. The CBS project is an entirely different kind of a problem. The only reason there's any particular difference of opinion between Mr. Norvet and our Board is because of this crater park development. All of a sudden the importance of this scenic drive or the visitor industry in the community has just increased 100 times over what it was in November since the announcement of the possibility of a crater park.

WIKUM: I forgot to ask you how many of your approximately 73 members were at the meeting when you took the vote on this application?

CARROLL: I would guess those were pretty much around 90% that are members now that were at that vote.

WIKUM: So 60 some-odd people?

CARROLL: 50 I said, 31 to 14 so that's almost 50.

WIKUM: This is the most recent meeting.

CARROLL: That was the only meeting where there's been a membership vote to my memory and I've lived there since '61.

CHOY: Mr. Carroll, if I'm redundant, I would apologize but I would like to know what happened to the $50,000 that you had received from CBS and what was the nature of the contribution?

CARROLL: It reached us in two different checks in the amount of $44,000 not that it's materially different but the money is invested. We've waiting until there's a plan for the area and then it's going to be spent on beautification of the area. That is the general purpose of the Board at this time.

CHOY: Now I understand your plan but under what condition was the money offered to you and under what posture did you accept the contribution?

CARROLL: We had a vote in the Board in the meeting that I just described, the 31 to 14 meeting. The residents voted to accept the offer provided they stayed only one more year. The letter from the Governor was read, the vote was taken and that's the way it came.

CHOY: So am I to understand the contribution was made a year ago 1975, actually when Governor Ariyoshi had written to your--

CARROLL: Yes. The 31 to 14 vote was a direction for the Board of Trustees. They voted 7 to 3 backing up the membership.

CHOY: So you feel justified that by accepting this contribution from CBS that the community has more than lived up to their end of the bargain and you see fit to use the money the way the association deems necessary.

CARROLL: Yes, but the major gift will be used for beautification aims according to the Board's direction. We have it invested and we spend the interest from it on the newsletters, and in other ways particularly since we don't want the area to go to hell in a hand basket so we spend some of the income on attorneys too.

CHOY: I'm coming back to what Mr. Rutledge had implied that even politicians do not bite the hand that feed them. I'd like to get from you as the President of the association whether there was any double-

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crossing as far as this contribution was concerned? I just want clarification.

CARROLL: No, I don't believe that was Mr. Norvet's purpose when he said instead of paying the rent to Hawaii Studios Inc., we would give you the funds for the purposes of your association. I don't believe that was his purpose whatsoever.

CHOY: I hope you understand the line of questioning because of our Administrative Procedure Act and also by Corporation Counsel that it's incumbent on this body to explore all of the possible areas. You still haven't answered my question to my satisfaction. Has any part of this money been used to retain Mr. Marumoto?

CARROLL: No, he was paid direct by CBS. The actual amount, I believe, in round figures for the year 1975 was something in the area of $54,000. First of all, taxes had to be paid out of it and then CBS paid Mr. Marumoto's fee and the balance was sent to us.

CHOY: Am I to understand CBS paid Mr. Marumoto's fee to get a commission cost with them?

CARROLL: He sent his billing to them and they paid him, yes.

CHOY: That's a good business.

CARROLL: Those are the facts.

CHOY: In other words, am I to assume Mr. Wendell Marumoto appeared before us against CBS, against this application, that CBS paid the legal fees?

CARROLL: No, they deducted a certain amount and forwarded it after him. They deducted his fee from the gift.

CHOY: I believe Mr. Marumoto is in conflict of interest.

CARROLL: No, I wouldn't say so because the matter was closed by the time that the money was due to the East Diamond Head Association.

CHOY: I'm more confused by the minute.

CARROLL: Let's go back to the schedule, Dr. Choy.

The agreement that Mr. Marumoto worked out with CBS was in 1974. The money that they offered to send to the East Diamond Head Association came in two different checks--one in $10,000 approximately in February or March and the other in December. Now when we got the check in December of '75, they had deducted the taxes and Mr. Marumoto's fee.

CHOY: The second check.

CARROLL: That's correct. Much later, a year after the legal matter.

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CHOY: And that's the second check that was for $44,000?

CARROLL: No, the second check was for $33,000 something.

CHOY: Another question. Since that incident, has the East Diamond Head Association expended any more money from your treasury which I presume to be a deposit of the CBS check, to Mr. Marumoto as a legal retainer fee?

CARROLL: No, we have not.

WIEDERHOLT: The nature of the agreement was the money was to be used for civic purposes. At that moment, the initial chunk of this agreement is there was only going to be one more year and that would be the end of that. So, there was no more conflict involved. Is that right?

CARROLL: Yes Sir, that's correct. There wasn't any.

WIEDERHOLT: What appears to be a conflict then is there isn't since then.

CARROLL: There isn't since then, since the crater park discussion. In fact, I met with Mr. Norvet November 18th. It was before there was any knowledge of the crater park development. I told him at that time it didn't appear that there was any strong opposition because we felt how could we do anything with the Board of Regents. If they want to move them on a University lease, what could we do? And, it wasn't until we found out about negative declaration and these things that we began to get into an impact area.

WIEDERHOLT: This is a small digression. I don't understand the University role in this, this reference you made to the University lease. What is that?

CARROLL: The University with an environmental assessment report somehow got a lease on those 52 acres.

WIEDERHOLT: Who is leasing to whom?

CARROLL: Well what the Board of Regents does is beyond my ability to explain. I understand they're leasing it from the Department of Land and Natural Resources. DLNR who is our real foe in this matter signed the lease with the Board of Regents dated July of '75 after this Bill 826 went through the legislature. This is what I meant when I said they don't know how to read the law.

WIEDERHOLT: Is this parcel we're considering, is that a sublease then from the University?

CARROLL: It appears that it is. I can't legally define what it is either. I don't have any knowledge in the papers and I don't have any legal knowledge either how to interpret it.

WIEDERHOLT: Is it possible to have that information checked out?

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ENG: As far as DLU is concerned, CBS TV as an agent of the State can appropriately apply for the CUP. So as a consequence, we did not investigate in detail any contractural arrangements between the various State agencies. We only understand that the State does own the land and that the State has authorized CBS to act as its agent. If there's further information regarding the specific terms, the arrangements, that perhaps these can be directed at State agencies.

CONNELL: On the application standpoint, CBS' role is not too different from the role that Jala played in a rezoning application for DLNR. There's really two issues here. One, as applicant and secondly the construction of the buildings. As we indicated earlier, we do have a letter here from Christopher Cobb, Chairman of the Board of DLNR which authorizes CBS to make that application. Now, I don't think it's really encumbant upon the Planning Commission to begin to challenge the legality of the actions of DLNR.

CHOY: I'm still exploring the area of the contribution. I would like to make a request that you forward to the Executive Secretary your complete record of receiving the project the expenditure, the amount of money that you had received from CBS. I'd also like to make a request of Mr. Norvet that you forward the photostatic copy of both checks to the Commission.

CHAIRMAN: Dr. Choy, it is not within the jurisdiction of this Commission to make that request.

CHOY: Well Mr. Chairman, it's because an accusation or implication has been made in open hearing. I think it's incumbent on this Commission according to Corporation Counsel that we should explore all areas. I think this is quite a sensitive area when money has been passed.

CHAIRMAN: But this particular matter is not on the CUP use. It is beyond. It is something that had happened prior.

CHOY: In other words, the Chair is ruling that my request is irrelevant to what's happening.

CHAIRMAN: Yes.

CHOY: Then I can assume that those sitting in the gallery can assume that possible transaction of money that has been implicated in this application would be left unchallenged.

CHAIRMAN: Based on the fact that it has no bearing on the CUP.

CARROLL: Mr. Chairman, could I volunteer to send our financial report to Dr. Choy personally.

CHAIRMAN: (Nods.)

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

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

The matter was deferred for two weeks for the following, on motion by Dr. Choy, seconded by Mr. Hosaka and carried:

1. Request Mr. Christopher Cobb of the Department of Land and Natural Resources to attend the next meeting and respond to questions.

2. Request a representative of the University of Hawaii in charge of future planning for the Kapiolani Community College to attend the next meeting and respond to questions.

3. Request copies of Mr. Kazu Hayashida's letter dated March 16, 1976 to Mr. Carroll for the Commission.

4. Request a copy of the 5-year lease concerning Condition No. 5, or any permits, from Mr. Kono of the Department of Planning and Economic Development for the next meeting.

ADJOURNMENT: The meeting adjourned at 5:50 p.m.

Respectfully submitted

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

My name is Robert Norvet. I am a Vice President with the CBS Television Network.

Mr. Chairman and members of the Planning Commission, I welcome this opportunity to present a statement in favor of the approval of this request for a Conditional Use Permit and Certificate of Appropriateness for the location of a temporary motion picture production facility at the corner of 18th Avenue and Diamond Head Road.

This facility is required for the continued production of Hawaii Five-O.

Nine years ago when we started this enormously successful series we rented some offices on Piikoi Street and used an abandoned warehouse in Waiawa for a sound stage. It was soon apparent that we would not be able to continue production in Hawaii unless more suitable facilities become available.

With the support of the Governor and other public officials at both state and local levels plus the assistance of private industry, Hawaii Studios as it now exists in Fort Ruger, was created and the facilities were made available to us under an annual rental arrangement.

Shortly thereafter, a dispute developed between Hawaii Studios, the State of Hawaii, and the East Diamond Head Association relative to the legality of the installation of this studio facility. A settlement was reached and HAWAII FIVE-O was permitted to continue at this site through 1974. Subsequently we were granted an extension of this lease through 1975 which brings us up to date.

Beginning in April, 1975, in association with the Department of Planning and Economic Development a study was made of the many possible sites for a motion picture facility.

The basic requirements in the selection of such a site were that it should not be more than 30 minutes from Honolulu; not less than 3 acres in size; be in a quiet area compatible with sound recording and that we have access to these facilities for not less than five years.

Over 20 sites were considered but all were rejected as too noisy, too far from Honolulu, or unfeasible, with the exception of the location at 18th Avenue and Diamond Head Road.

We considered the reasonableness of our request for this location but concluded that inasmuch as we were across from a cemetery, adjacent to the National Guard Motor Pool, contiguous with the proposed Community College and outside the residential pattern, there would be a minium of opposition.

We explored industrial areas but generally they are located near a Freeway in an air traffic pattern or include an industry incompatible with the sound recording required for motion picture production. This is consistent with studio zoning patterns in Los Angeles where Studios are not located in industrial zones but in residential or commercial neighborhoods. For example, Twentieth Century Fox is located adjacent to Century City in Beverly Hills and CBS Studio Center has residential dwellings on 3 sides with commercial on the 4th.

In mid-July 1975, tentative accord was reached with the four state agencies involved for the use of the site at 18th Avenue and Diamond Head Road. Plans were discussed openly with all involved departments of Government as well as with members of the East Diamond Head Association. Requested changes were made but no opposition expressed. Therefore, in mid November, we filed for the Conditional Use Permit.

Our understanding with the University of Hawaii provides for access to these facilities over a period of five years. We will purchase the present office buildings and sound stage from Hawaii Studios Inc., The offices will be relocated to the new site. Possession of the stage will be given at no charge to the Department of Defense in exchange for the use of a soon to be abandoned motor pool shed. We will purchase a new 100 x 120 foot Butler building to be used as our sound stage. At the end of the five years or unless earlier terminated by CBS, we will deliver ownership of such building to the Kapiolani Community College (KCC) at no charge. Our plans for the development of this area include underground facilities, landscaping AND color coordination as required. As indicated to the East Diamond Head Association last Fall, we will direct all our heavier vehicular equipment through Fort Ruger rather than the residential section of this area.

This will be the 9th season of HAWAII FIVE-O. The episode that was broadcast in Hawaii last week achieved 9th place in the National TV rating service. It has an average weekly audience in the United States of 33,000,000 people and is presently distrubuted in 66 foreign countries.

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Since the beginning of the Series, we have spent in excess of $30,000,000 in the economy of Hawaii and this figure is probably insignificant compared to the Tourist income that is generated through the exposure of Hawaii Five-0 to world wide audiences.

The success of production of Hawaii Five-0 in Hawaii is the envy of many states who have established film commissions with the singular objective of attracting motion picture industry, an industry which is non-polluting and generates high expenditures.

We have been and are now deeply grateful for all the cooperation we have received to make it possible for us to produce this outstanding series. The talents of our production staff and crew combined with the natural beauty of Hawaii and its people has been a good partnership. We hope that it will continue and that you will favorably consider our request.

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STATEMENT OF

Hideto Kono, Director
Department of Planning and Economic Development

before the

Planning Commission
of the City and County of Honolulu

on

Wednesday, March 17, 1976

in consideration of

CONDITIONAL USE PERMIT AND CERTIFICATE OF
APPROPRIATENESS FOR FACILITY FOR TELEVISION
PROGRAM PRODUCTION OF HAWAII FIVE-O

The State is actively pursuing the goal of attracting new movie and television filming activities to Hawaii. There are numerous reasons why this type of activity can be considered a preferred industry in Hawaii:

Film production is a "clean" industry for Hawaii. It does not degrade the air, destroy the quality of water or scar the land as do some industries. An industry such as this would be favorable for Hawaii where pure air and water are precious resources and the land supply is limited. The fact that it is an activity which does not tie up scarce and expensive land certainly makes it a desirable activity.

An increase in employment can result from the filming industry. Most of this will yield greater opportunities for local people possessing the required talents or skills. Because jobs in this field require a relatively high level of talent or skill, these are generally high-paying jobs.

Further advantages include the fact that film production in Hawaii would naturally utilize the beauty of the State and serve as an excellent promotion of the State's assets to those who might be interested in visiting here. This economic spin-off would be difficult to measure but its impact on Hawaii's tourist industry would be considerable.

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About $32,000,000 has been spent and 100,000 man-days of employment of Hawaii residents resulted from the just completed eight years of CBS Five-O production. Considering the need for expansion of our economy to bring more dollars in and create more jobs for our people, it is important that we encourage this industry.

My department served as the lead agency for the State Government in locating a suitable new site for the CBS Five-O studio. More than twenty alternative locations were examined very thoroughly and systematically. We have worked very closely with the staff of the Department of Utilization, and we have worked closely with all State agencies including Kapiolani Community College, Department of Land and Natural Resources, Hawaii National Guard, and the Office of Environmental Quality Control.

All State agencies concerned concur with the findings of the Director of the State Office of Environmental Quality Control in that overall plans for the area including the temporary relocations of the television operations are "all in good order" with respect to environmental requirements.

For the reasons noted above, the State supports the granting of the Conditional Use Permit to CBS Television Network.

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TESTIMONY: JOHN G. SIMPSON, PRESIDENT, HAWAII VISITORS BUREAU

Tourism is a vital part of Hawaii's economic base, and from a marketing standpoint, we at the Hawaii Visitors Bureau feel that the television program, Hawaii 5-O provides considerable and valuable exposure to the Islands as a visitor destination.

Tourism is Hawaii's first and only billion dollar industry, providing some 25% of the State's total income as well as 25% of the tax revenues generated in the State. And, according to two different commissions, which recently studied the future of Hawaii's economy, it was concluded that tourism was essentially the State's only growth industry we can look to for new jobs and income needed.

It is important, therefore, that Hawaii compete aggressively in an extremely tough market for travelers around the world. For example, travel to Puerto Rico was up 11.7% this winter, and in 1976 they will be spending 50% more on their print and television advertising.

With this type of competition, the Hawaii Visitors Bureau desperately needs all the help we can get in exposing the Islands to potential visitors. We believe an important part of this assistance comes from the tremendous exposure Hawaii receives weekly from the television show Hawaii 5-O.

It is staggering to consider that each week some 40 to 45 million potential visitors to Hawaii in the United States are exposed to Hawaii's scenic beauty and balmy weather. Just as important are the some 300 million foreign viewers in 72 different countries around the world. Continued growth and viability for the visitor industry must look to foreign markets such as Japan, our number two visitor market, and Canada, which is number three. We must also continue to nurture budding new markets such as Australia, New Zealand and various European countries. As such this huge foreign exposure made possible through Hawaii 5-O is most valuable.

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Of course, television is the perfect medium for showcasing the beauty of these islands. An important part of the effectiveness of Hawaii 5-O is that it is shot live right here in the Islands -- at a cost I might add of over $300,000 every seven days of shooting. It is to the credit of CBS that they have not just tried to trade on the name of Hawaii and do a "budget" type production from some Hollywood sound stage.

In light of these benefits to the State's visitor industry, we urge that every consideration be given to retaining the production of Hawaii 5-O within the State.

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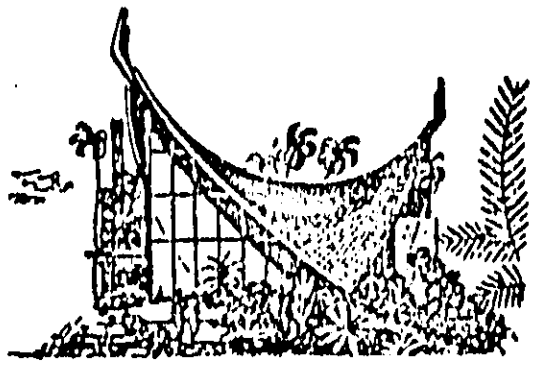

The **Waikikian** *Hawaii's Most Beautiful Hotel*
On the beach & lagoon at Waikiki

March 16, 1976

TO WHOM IT MAY CONCERN:

As a hotel operator it is my belief that everything possible should be done to retain the production of Hawaii 5-O in Hawaii. During the past years we have had an untold number of visitors both from the mainland and Europe comment favorably on the exposure that Hawaii 5-O gives Hawaii.

All of us in the hotel industry spend a great deal of time and money to bring additional tourists to the islands. Hawaii 5-O not only gives us tremendous publicity at no cost, but in addition creates jobs for our people. All of us in the tourist industry should therefore do everything possible to assist in the continuation of this production.

Yours very truly,

Fred Daffey, President
Waikikian Hotel

FD:bc

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Save
Diamond Head
Association
Room 508 - 119 Merchant St.
Honolulu, Hawaii 96813

President
Sidney E. Snyder, AIA
First Vice President
Dr. E. Allson Kay
Second Vice President
Mrs. Robert Creps
Secretary
Eddie Tangen
Chairman, Ways & Means Committee
Aaron Levine, AIP

March 15, 1976

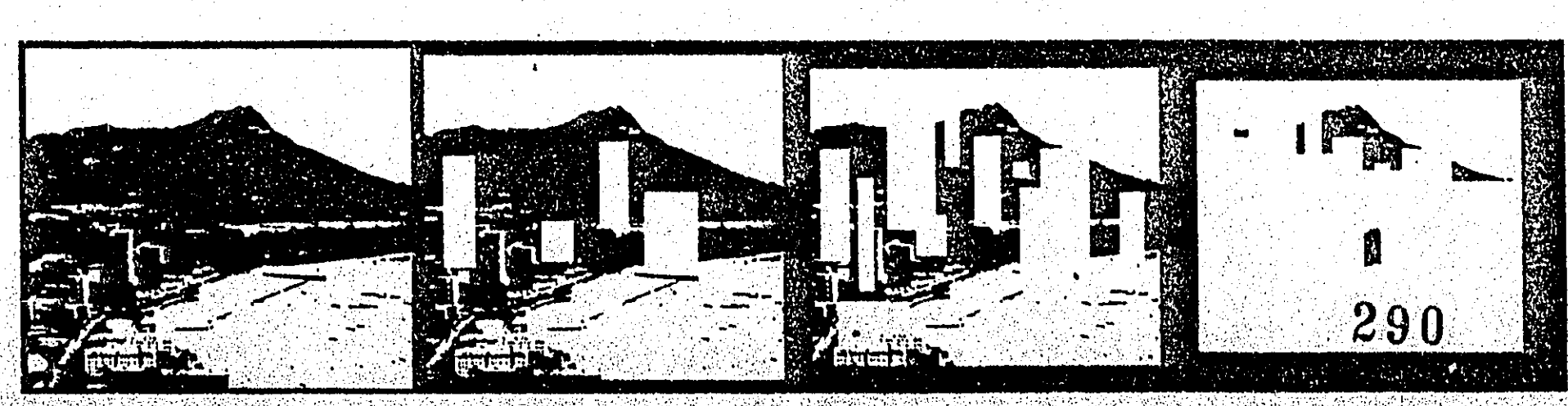
Mr. Randall Kamiya
Chairman
City Planning Commission
City & County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

re: Public Hearing - March 17, 1976
Conditional use permit and
Certificate of appropriateness
CBS Television Network

Dear Mr. Kamiya
and Members of the City Planning Commission:

The Save Diamond Head Association is greatly concerned about the proliferation of new buildings proposed for the East Diamond Head area. As we review the numerous projects proposed for that section of Diamond Head, it becomes apparent that piece-meal consideration of the proposed new structures in the area emphasizes the need for an overall plan. If those lands are to maintain the integrity of the Diamond Head State and Federal monument, it is essential to consider carefully the total character of development.

The Board of Directors of the Save Diamond Head Association suggests that interim development control measures or a partial moratorium be instituted in the East Diamond Head area until an overall plan is prepared, designating uses appropriate to the State's most famous landmark.



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Therefore, we recommend that approval of the conditional use permit and certificate of appropriateness be held in abeyance until an overall plan is prepared for the area in which the proposed facility for CBS Television Network is requested.

Thank you for your consideration.

Sincerely yours,

Sidney E. Snyder
President

cc: Robert R. Way
Eugene B. Connell

THE OUTDOOR CIRCLE 200 No. Vineyard, Honolulu, Hawaii 96817

March 17, 1976

The Honorable Randall Kamiya, Chairman
and Members
Planning Commission
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Subject: Public Hearing Regarding State-Owned Lands at Diamond Head.

Dear Chairman Kamiya and Members:

The Outdoor Circle would like to commend the Director and staff members of the Department of Land Utilization for the thoroughness of their review and analysis of this request for the use of the land at the Diamond Head State Monument. We appreciate this opportunity to express our concerns.

We have been most concerned recently with the numerous buildings appearing on its Eastern slopes, and with the requests for more buildings in this residentially zoned area. Although we are aware that some of the proposed structures are termed temporary, temporary has a way of becoming permanent.

To our knowledge, the State has no overall plans for the huge tracts of lands which it owns here, including no Master Plan for the Community College - hence each request is being considered separately, and not as a part of a total, well-conceived plan.

Because the City has no Development Plans for this area, the existing General Plan is being used as a guide for development and this alone is not a sufficient tool for good planning.

The Outdoor Circle supports the position of the Save Diamond Head Association for interim development control measures, or a partial moratorium to be instituted in the East Diamond Head area until the State has an overall plan that will protect and enhance this landmark.

We believe the Department of General Planning should begin work on the much-needed development plans for Diamond Head, which will properly establish land uses compatible to, and enhancing the characteristics of, the historic and scenic Diamond Head State Monument.

Thank you again for this opportunity to express our concerns.

Anne H. Humme

Mrs. John T. Humme,
President

Inci Pfaltzgraff

Mrs. A.J. Pfaltzgraff,
Diamond Head Chairman

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STATEMENT

East Diamond Head Association
Peyton Carroll, president

The staff report from the Dept. of Land Utilization compiles information favorable to the applicant and, since it carries a first draft City Council resolution attached, we must question most of it. There are these points that need further study, in our opinion, before the Commission can readily agree that the applicant should move into Historic, Scenic & Cultural District #2.

On page two of the staff report, under "Development Plan", the report describes a widening of 18th Avenue. The inclusion of that simple statement implies a benefit. ~~Here is a recent letter from~~ conversation with the Dept. of Public Works that eliminates this hope for the users of 18th Avenue at this time.

Page 3 has a short paragraph describing how Statute #343 was technically satisfied. The negative declaration described, but not identified, was filed by the State's Dept. of Defense -- practically speaking, one of the landlords. They are supplying the prop storage structure, another steel building for the site under discussion. Please bear in mind the applicant needs two large, steel buildings, not just one. The procedure evidently satisfies the requirements of statute #343. We, however, hope the questionable method of bypassing an Environmental Impact Statement won't satisfy the Planning Commission on the vital question of what should be in the area.

Page 4, this phrase: "The proposed facility is to be temporary in nature for the next five years." The residents have never seen anything erected around Diamond Head that was temporary. We can't even get a fire hazard demolished! For eight years we've tried to gain a plan for the area.

On page 5, the report says: "The facility is not oriented to receiving visitors and will be used primarily for indoor filming, storage and office operations." That was written by someone who's never seen a studio operation; never seen agents, actors, writers, extras, technicians, suppliers, etc. deluge a producer. Plus public curiosity. Our neighbors report that tour busses, one after another, stop outside 5-0. There they sit with air-conditioning full blast, engines turning over spewing out that diesel smell and a loud PA description going on. The busses can't park anywhere on Diamond Head Road -- it's so narrow it's posted -- but they will stop at the proposed

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location whether they block the intersection or not.

There's also an omission. Why no report from the Board of Education? Kaimuki Intermediate students, by the hundreds, walk to and from school. Many of them short-cut through that land. The location would be an attractive nuisance from that point-of-view.

On page 6, the Dept. of Land & Natural Resources states: "It does not foresee any signifigant adverse impact on adjacent state lands." To us, it appears they won't read the law of this State that means 'All lands in the area revert to the monument.'

On this page, there is also a comment from the University: "CBS has agreed to turn over the sound studio to the University at no cost after termination of the revocable (on 30 days' notice) permit." Mr. Norvet, CBS' West Coast vice-president, has stated on more than one occasion that the understanding is for five years. Yes, the "30 days" is in the lease; but there's an extraordinary understanding also.

The additional statement "studying an offer by CBS to participate in a curriculum" should be taken with a grain of salt. Experts in TV programming they are, professors in cinematography they are not. Scholarships they could easily supply; any recipient, however, should ask Manoa to transfer him to USC.

Now comes the Dept of Planning & Economic Development. The first statement: "We feel that the adjacent community will not be adversely affected by the location of the project." Since this department has a planning function, we hope this Commission will wonder why there was no interpretation of the future situation as it affects Oahu. In a few years, there will be a Crater Park. By that time, local associations hope to see the drive around Diamond Head a much more scenic attraction for the community, and for visitors who will be driven to the Crater Park. It's a treat to see the inside of a volcano...especially when it's only ten minutes from your hotel. The area involved is supposed to be our most important State monument...not a place for commercial developments. This same department then makes an asinine statement: "The project will indirectly contribute to the economic welfare of our State." Hawaii 5-0 would make the same contribution in an appropriate location.

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This Dept. of Economic Development then indicates its support for the conditional use permit without comment on the lease rate of 7/10ths of a cent per sq ft per month --no hawaiian business enjoys a rate like that. In other words, this department is "whitewashing" the subsidization of a mainland corporation earning millions a year.

On page seven, our City & County Dept. of Land Utilization sums up these statements: "Public agency reviews and comments have indicated that the proposal can be accomodated on the subject site." We claim these public agencies haven't done their homework and, therefore, have no right to impose on the Planning Commission for acquiescence to their summation.

The page seven staff report continues with this statement: "The request is for a temporary facility. That is not true. Dr. Matsuda's letter, part of the back-up to this report, reads: "Further, it appears that the sound stage at least -- if appropriately designed -- can be 'recycled' for community college use." Senate Resolution #92 makes a gaudier statement: "Whereas, the Columbia Television Network has committed itself to the expenditure of between $300,000 and $400,000 on the construction and landscaping of this facility primarily consisting of a sound stage measuring 100 feet by 140 feet with a height of 24 feet, the limit set for the Diamond Head preservation district, and will have plans for the structure approved by the Board of Regents, University of Hawaii, since the lease requires this building to revert to the University after five years to be used as a gymnasium for Kapiolani Community College..." The same kind of a sound stage has been reported sold to the National Guard for $23,000 after six years usage.

Another gymnasium project is about to start across 18th Ave at Kaimuki Intermediate. That one costs 1½ millions. This cost comaprison labels Senate Resolution #92 another of the smokescreens around this application. The thought of a college gym, which must include spectator parking, at the intersection of 18th & Diamond Head Road -- both narrow, no parking streets -- is an absurd conclusion from a planning point-of-view. Also, the proposed college has no authority from the Legislature for plans or construction; they are bound by legislative budget restrictions on the number of students they can transfer from Pensacola Street. How can they say where to orient a gym for the needs of an imaginary student body without plans in depth?

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Moving to page ten, the report continues: "Traffic is not expected to be a matter of concern." It is impossible to accept that bland statement on a serious matter. In this case, the Dept. of Transportation hasn't run a traffic count at 18th Ave & Diamond Head Road since August, 1971; yet, there's a traffic signal being erected on that corner now. Apparently, only the stoplight people, and us, know of the dangers of that uphill intersection.

Another important phase was omitted. The graveyard on 18th Ave has permission to build two 200-seat chapels with cafeterias, special service rooms and all the other accoutrements that go with that commercial business...within this five-year period. They are also desperate for parking. You only need to see one funeral procession on 18th Ave to realize how quickly that secondary street can be tied up.

Additionally, there are students at the remodeled dwellings on the Ruger site. The newspapers have said that the school can grow to 7,500 students. Our assessment shows there are now twelve active, or proposed, non-residential operations in the East Diamond Head area. The Commission's denial of appropriateness of this application will help avoid the area having at least 10,000 extra people by 1980. Today, Waikiki has some 19,000 transients daily. Should a residential area have that load on narrow, secondary streets?

The Commission knows that CBS is a large corporation. This is how big: they have over 33 million shares of stock quoted at about 58; they are worth some 1.8 billions; for the last 12 months, the corporation earned $100 millions. They could have bought anything they required on Oahu. We know the history well. Into court and out with a consent decree; one delay after another. Even a letter from the Governor that the majority of last year's Board felt must be respected. You have to wonder what was the purpose in needling so many people by pursuing a location in a residential area?

Our research also shows that Hawaii 5-O, in the first 13-week segment last fall, was rated 45th out of 66 shows. CBS then changed the show to a softer time spot, and it has ranked 20th three or four times, one of those times it ranked eleventh. The show was a perennial leader in its first seven years. But styles in shows change. What happens if CBS doesn't produce this show afer 1976?

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FLASH CARD

FLASH CARD

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FLASH CARD

Meeting of the Planning Commission
Minutes
March 17, 1976

The Planning Commission held a meeting on Wednesday, March 17, 1976 at 1:42 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:	Randall Kamiya, Chairman Sylvia Sumida, Vice Chairman Dr. Wilbur Choy Donald Hosaka Ned Wiederholt Harriet Wikum
ABSENT:	Charles Izumoto Yuklin Kuna
STAFF PRESENT:	Robert R. Way, Chief Planning Officer Eugene B. Connell, Executive Secretary Lorrie Chee, Staff Planner Henry Eng, Staff Planner
PUBLIC HEARING ZONE CHANGES MAKIKI (1) R-6 RESIDENTIAL TO A-2 APARTMENT 1821 KEEAUMOKU STREET IKAZAKI, DEVENS, LO, YOUTH & NAKANO (FILE #75/Z-22) (2) R-6 RESIDENTIAL TO A-2 APARTMENT 1815 KEWALO STREET GAH, INC. (FILE #75/Z-23)	A public hearing was held to consider zone changes from R-6 Residential to A-2 Apartment in Makiki on (1) approximately 18,025 square feet of land located at 1821 Keeaumoku Street, Tax Map Key: 2-4-24: 11; and (2) 29,294 square feet of land situated at 1815 Kewalo Street, Tax Map Key: 2-4-25: 6. Publication was made in the Sunday Star-Bulletin/Advertiser on March 7, 1976. Comments received regarding the proposal are incorporated in public testimony FOR and AGAINST the proposal.

Staff Planner Loretta Chee presented the Director's report recommending approval of the proposal, subject to the conditions contained in the Director's report.

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

TESTIMONY IN SUPPORT

Mr. George Henrickson of GAH, Inc., agreed with the conditions in the Director's report.

The Commission questioned Mr. Henrickson concerning potential over-development and need for more apartment development in the area considering the availability of approximately 1,000 new, unsold units in various condominiums and apartments within a five block

area. Mr. Henrickson stated that the sale of apartments depends on how well the market accepts the design of the apartment and its location. During the past couple of years, the market has been down and so has the economic situation. However, the Dillingham Study indicates that most of the units now on inventory should be sold by completion of their development in approximately 18 months.

TESTIMONY AGAINST

Miss Gertrude Humphries, Member, Makiki Community Association, felt that aesthetics should be considered in zoning, that the applicant's plans and pictures of the proposal should be available for review.

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

MOTION: Dr. Choy moved to accept the Director's recommendation for approval, subject to the conditions in the report.

Discussion followed.

Question was raised whether a policy review of the area is necessary. Staff indicated that the subject area for many years has been considered the Makiki Buffer Zone designated for medium density. For the past two years, the City Council has reassessed the area which assessment since then has occurred almost annually. Community concerns are particularly for height and transition from single family to medium and high density apartment.

The motion failed for lack of a second.

The matter was deferred to the next meeting on motion by Dr. Choy, seconded by Mr. Wiederholt and carried.

PUBLIC HEARING
CONDITIONAL USE PERMIT &
CERTIFICATION OF
APPROPRIATENESS
DIAMOND HEAD HISTORIC,
CULTURAL, SCENIC DISTRICT
NO. 2
CBS TELEVISION NETWORK
(FILE #75/CUP-19 HE)

A public hearing was held to consider a request for a Conditional Use Permit and Certificate of Appropriateness (Diamond Head Historic, Cultural, and Scenic District) for a facility for a television program production of Hawaii Five-O on approximately 4.8 acres of land situated at the intersection of Diamond Head Road and 18th Avenue, Tax Map Key: 3-1-42: portions of 9 and 20.

Publication was made in the Sunday Star-Bulletin/Advertiser on March 7, 1976. Comments received both in support and against the request are incorporated in testimony for and against the project.

Staff Planner Henry Eng presented the Director's report recommending approval of both the Conditional Use Permit and the Certificate of Appropriateness, subject to the conditions contained in the draft resolution attached to the report.

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Questions raised by the Commission related to:

1. Removal of the proposed Butler Building should it become necessary for the applicant to terminate the operation before the end of the five-year period. Staff indicated that Hawaii 5-0 who has a State lease also has a revocable permit with the State upon 30 days notice. Condition 6 would apply: "Upon termination of the approved use and/or revocation of the State lease, the landowner shall be responsible for dismantling and removing the structures or for submitting plans for the alteration and/or re-use of the structures to the City Council for their review and approval as a separate application for a Certificate of Appropriateness under the Diamond Head District Ordinance and any other applicable ordinances."

2. Was overall planning of the area as to any adverse effect the project might have on the surrounding area considered? Since the site lies within the Shoreline Management Area and is State-owned land, a negative declaration on an environmental assessment required of the project was filed with the Office of Environmental Quality Control. All other State agencies involved in reviewing the request have consented to the proposal.

TESTIMONY IN SUPPORT

1. Mr. Robert W. Norvet, Vice President, CBS Television Network, Los Angeles, California (Testimony undated, attached)
2. Mr. Hideto Kono, Director, State Department of Planning and Economic Development (Testimony dated Mar. 17, 1976, attached)
3. Mr. Herman Wedemeyer, Employee, CBS-Hawaii 5-0
4. Mrs. Miriam C. Noh, Resident in concerned area
5. Mr. Art Rutledge, Waialae Kahala Resident
6. Mr. Kimo Wilder McVay, Interested Citizen
7. Mr. Don Over, Business Manager, Publisher and Entertainment Producer
8. Mr. Clifford D. Slater, Maui Divers of Hawaii
9. Mr. Joseph Ahuna II, I.A.T.S.E. Local 665 Stage Technicians
10. Mr. William A. Barron, Jr., Free Lance Producer, Director and Production Consultant
11. Mr. Gerald Fisher, Publisher, Hawaii Press and Waikiki Beach Press
12. Mr. Barry L. Adams, Senior Vice President, Hawaii Visitors Bureau (Presented testimony of John G. Simpson, President, HVB)
13. Letter dated Mar. 16, 1976 from Mr. Fred Dailey, President, Waikikian Hotel (copy attached)

REASONS IN SUPPORT

1. The proposal is a non-pollutant industry which provides varied employment throughout the State.

2. The Hawaii 5-0 TV series which is viewed throughout the nation and in various countries promotes tourism for Hawaii and contributes to the economy of the State.

3. The proposal is not obtrusive to the neighborhood.

4. The concerns of adjacent residents are minimal when weighed against the future of our children and the entire State.

5. The residents of the East Diamond Head Association support the proposal.

6. The East Diamond Head Association received $50,000 from CBS in an out-of-court settlement for a previous proposal to locate in the area which funds are now being used for attorney fees against CBS.

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TESTIMONY AGAINST

1. Letter dated Mar. 15, 1976 from Mr. Sidney E. Snyder, President, Save Diamond Head Association (copy attached)
2. Letter dated Mar. 17, 1976 from Mrs. John T. Humme, President and Mrs. Al J. Pfaltzgraff, Diamond Head Chairman, Outdoor Circle (attached)
3. Mr. Wendell H. Marumoto, Attorney for East Diamond Head Assn. Following is an excerpt of Mr. Marumoto's presentation.

MARUMOTO: The thrust of my testimony goes to the question of whether or not this application is properly before you. But, before I get to that, on the basis of testimony I've heard, it would be pertinent if I responded to some of the testimony and some of the impressions I believe that have been left with the Commission.

I would beg your leave to explain how 5-0 got into this position at this time from a planning standpoint. The history that Mr. Norvet gave you was made possible, I believe by the application in 1967 by Hawaii Studios which was an independent Hawaiian organization which leased or had a permit from Land and Natural Resources to build the sound studio to be used by 5-0. My recollection is that the Planning Commission rejected their application for CUP. This preceded the CZC in 1967. After some appeal, the Zoning Board of Appeals granted a CUP on a year to year basis given to CBS.

The same residents who now call themselves the East Diamond Head Association banded together informally and protested here and at the ZBA. When the ZBA approved the CUP, the firm I was with was retained to seek judicial remedies against that. When we first went to court, the judge ruled that the residents as an unincorporated association were not proper parties to complain and therefore threw the case out without going to the case on its merits. After two years that it took to appeal the matter to the Supreme Court, the Supreme Court overruled the Circuit Court judge and said that the unincorporated association was a property party and that the Circuit Court should hear the case on its merits. This was sometime in 1971. At that time, rather than going to court, a settlement was reached with 5-0 and Hawaii Studios to permit 5-0 to continue to utilize that piece of property--that is where they were until the end of last year where they still are physically--until the end of 1974.

A condition of that Judgment stipulated was that every effort would be made for them to find alternative locations. This was a condition placed in a Judgment in 1971. Therefore, the residents of the Diamond Head area were somewhat kicked in the back when late in 1974 after the shooting season, they were approached by CBS to see whether or not a year extension to that CUP could be granted. Then we got back into the action and starting negotiating with CBS. It seems to us at that time that CBS really had not, or at least it was my personal opinion that they really had not tried the previous two years to find an alternate site. It seemed to me that based on what I understand of the industry that this is sort of an iffy thing that goes from year to year, and I don't blame them, it's a good economic guess why bother looking for a new location if you're not going to shoot next year.

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Anyway, it got popular and in 12/74 we got to negotiations about extending the term for another year at the present site. This took a lot of teeth pulling with the residents because we had a Judgment that we could have just gone to court with and they wouldn't have been able to stay where they were for another year. This is with respect to where that $50,000 comes in. CBS was paying rental for something in that order to Hawaii Studios for use of their premises. It was the feeling of the residents in the area that a private party shouldn't benefit by the year's extension nor should CBS be allowed to shoot their remainder for another year effectively rent-free on a deal that we made. Therefore, the rental which would have otherwise accrued to Hawaii Studios was diverted to the East Diamond Head Association presumably for purposes of either civic improvement or what not and one of the things that they knew they had to have some resources for were to protect proper planning and other things in that area.

It seems to me one of the funny things about this thing is everytime CBS runs against a time deadline, they're going to start shooting next month. As I recall, the shooting season is April to November. They could have come here a year ago. They've had since sometime in May or June 1971 to seek an alternative site. I don't think that they looked for an hour between '71 and '74 and I don't really know how hard they tried during the last year.

Also, a condition of the extension of that right to use the present location for the additional year was conditioned upon their removal from that site because if they were to shoot for another year, they were to do it some place else. If we're going to go to the matter of good faith, I think there's some question as to whether or not it's really fair to say that the residents there negotiating this would have permitted within the concept of moving away from the location a mere three or four blocks which is really what this is doing.

With respect to the considerable economic benefits of 5-0, no one can contest that. We're not going to contest that but I don't think that is a matter really which has any pertinence or relevancy to your consideration. For example, you've had witnesses come here with guns to your head. Either you give 5-0 this location or Hawaii's going to lose millions of dollars. This gives me an idea. I'll go to Don Ho or Danny Kaleikini, we'll get some money and say either we rebuild the Queen's Surf where it was, the way it is and we've got the money to do it or we're not going to perform anywhere else in this town. You know, that's silly. Five-0 can move elsewhere. It's simple for them and easy for them to go where they've suggested here but I don't think they tried to find an alternative location and I honestly don't feel it's the only place that they can move.

I also seriously question whether or not Hawaii 5-0 from the studio standpoint really has Hawaii at heart. Hawaii 5-0 is a production for CBS which is entitled to profit from a popular TV show. No one is contesting that. That's all it is. If Hawaii 5-0 is really tied in with the promotion of Hawaii, I would suggest that CBS sign a non-cancellation or some kind of agreement with the State or HVB that Hawaii 5-0 will run as a non-cancellable show for another five years. Now that

I know is not their intent. The year that the ratings go down they're going to cancel it and move out of here. That's they're right. They're in business. What the State and HVB should do is probably hustle all of the studios and get them to use Hawaii as a locale. If 5-0 becomes unpopular this year, you're not going to have 5-0 next year.

What we have here is a classic confrontation between the sovereign and its people. Now, if the State wants 5-0, wants the studios, and wants them to do and be here and give them whatever concessions they want to, the State as a sovereign has the means. There's a legislature in session. If they pass an Act that says 5-0 gets to shoot in the middle of Kapiolani Boulevard at 4:00 p.m., they can pass a law and there's nothing we can do about it. Unfortunately for CBS, that is not the situation. We have rules. We have laws. Just because they've got a lot of money, they've got a lot of emotional appeal, I don't think that gives them the right to ask you or to tell you, in fact dictate to you, that an exception should be made to procedure.

Under the CZC, under Section 21-241 an application for CUP may be made by a developer, an owner or a lessee. Now under that section, a lessee must hold under a recorded lease the unexpired term of which is five years from the date of filing of the application. I think it's safe to say that CBS does not hold such a lease. It is not recorded and it certainly does not have five years to run or more than five years to run from the date of filing of the application. It may be missing words but I have not seen the lease. Based upon the testimony that I've heard, I'm satisfied that there is a 30-day revocable provision in there. If a lease is revocable in 30 days, to ask for five years, that is not a lease for five years. That is a lease for 30 days, renewable for 30 days up to the end of five years. I contend here that on the basis of that analysis, the application by CBS is not properly before this Commission. Now, there may be an argument. I briefly discussed this with members of the Corporation Counsel's staff this morning. There maybe an argument here that CBS is not the applicant and that the State is, that CBS is merely the agent of the State.

Now, I've reviewed your file and for purposes of this particular hearing, the applicant is CBS. There's no question about it. If the Commissions would like to look it, it's clearly an application filed by CBS with Mr. Norvet's signature, I believe. Now, the State did authorize that application. This is done all the time as you know. But, an authorization by the State for CBS to apply for a CUP for TV production purposes is not the same as making CBS the State agent. Even if by some stretch of the imagination it was to be interpreted that CBS was the agent of the State, then we're at odds with the statement made by Mr. Kono. Mr. Kono said here the State was not interested in a movie or TV studio. They're only interested in buildings there for KCC. Now if that is true, what should properly be before you is a joint application for a CUP with both KCC usages as well as that of CBS.

We've got a problem here which your staff took over lightly--I take that back, they didn't think it over lightly but they just stopped without really thinking it through. In your report contains the statement that CBS has stated and maybe the State has too--this is Condition

6 of the Resolution. We're going to be faced with the same thing. I don't know if you people will still be here but whenever that happens, it's going to happen when CBS either terminates its lease which maybe short of a year. It's going to be at the end of five years. Somebody's going to come to you and say hey, we've got buildings here. We're going to use them for warehouses. You're going to say that's not an intended use, that doesn't comply. They're going to cry, roll on the floor and say yeah but it's there. What are we going to do with it? You're going to be stuck. These are not buildings that are going to deteriorate in five years. They're permanent buildings. Under those circumstances, I think that's the purpose of putting into the CUP a requirement that any lessee asking for a CUP has a lease for more than five years because the CUP is not for a conditional use for a year or two. It's for a permanent use or at least a semi-permanent use. If that's the case, a proper application before this body would not only be one by CBS the present user but also one by the State, the reversionary user giving you some indication of what those buildings are going to be used for, what this property is to be used for. There's some statement in here about the huge building being used for a gym. If it's going to be used for a gym, you should now consider all of the ramifications of that use because once that building's in there, they're not going to move it. The problems that are going to be created by traffic and whatever else is going to flow into that thing five years from now or a year from now or whenever are things that you should be aware of. Those are matters which should be before this Commission at this time.

I would just set before you my opinion that the application itself is improperly before you and should not be considered.

QUESTIONS OF MR. MARUMOTO

CONNELL: Mr. Chairman, for the edification of the Commission, Mr. Marumoto was kind enough to suggest the possible processing problem this morning. Therefore, I have spent a portion of the day in consultation with Corporation Counsel.

The First Deputy Corporation Counsel has indicated verbally that our Corporation Counsel considers the applicant for this particular CUP to be the State of Hawaii. The application which can be entered in for the record indicates that the applicant recorded owner lists the State of Hawaii, Department of Defense and also the name of the second owner, University of Hawaii, Kapiolani Community College. Mr. Marumoto has indicated from the CZC in Section 21-241, page 48, that those who can apply for a CUP are a developer, owner or lessee holding under a recorded lease the unexpired term for which is more than five years from the date of filing of the application. Its possible that DLU in preparing the report to the Planning Commission has erred in describing some of the conditions. Hawaii 5-0 has been recorded as an authorized agent. The CZC under developer on page 10, a developer is described shall mean an owner or any person with written authorization from the owner who intends to improve or to construct improvements upon his property. We will receive a written opinion from our Corporation Counsel but I'm sure it will be along these general lines, that Hawaii 5-0 CBS can be considered as a developer who are authorized by the owner to act as an applicant.

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In terms of Condition 6, I think Mr. Marumoto raises a legitimate question which can possibly be handled by striking State lease and putting in permit. Further on where it talks about submitting plans, properly if a new use is put in what should be done is to submit an application for a new CUP which would go through the same normal process as this proposed CUP. Therefore, I would suggest to the commissioners if they do approve this particular resolution and application, that Condition 6 be rewritten to reflect the problems which Mr. Marumoto suggested. It would also be possible to rewrite the resolution itself in the first resolved clause and to add clearly that this is for five years from the date of the issuance or the adoption of this resolution.

SUMIDA: Is the East Diamond Head Association the same association of which Mrs. Noh is a member or is it a different association?

MARUMOTO: I'll ask her. Are you a member?

NOH: Yes, I am a member.

CHAIRMAN: What's the difference between the East Diamond Head Association and the other Diamond Head Association?

MARUMOTO: I don't know. The East Diamond Head Association was at one time an unincorporated association made up of the owners around those state-auctioned lands on Akaka Place and so forth, and more recently they're incorporated.

CHAIRMAN: How many members do you represent?

MARUMOTO: Those questions might be better addressed to Mr. Carroll who is the president of that association. He'll also have testimony contradicting Mrs. Noh.

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

TESTIMONY AGAINST (Cont.)

4. Mr. Peyton Carroll, President, East Diamond Head Association (Submitted testimony, undated, copy attached)

QUESTIONS OF MR. CARROLL

SUMIDA: Are you representing the East Diamond Head Association or are you speaking for yourself as a member of that community?

CARROLL: I'm speaking as the President of the East Diamond Head Assocation, Incorporated that was just incorporated in November. Before that it was a loose neighborhood thing.

SUMIDA: Could you give the commissioners an idea about the corporation.

CARROLL: Yes. The corporation has also been accepted as nonprofit by the internal revenue and the State of Hawaii. We have so far delivered one newsletter in the total area which has 686 homes. In our Bylaws we have a new requirement that you have to pay dues to be a member. Mrs. Machado the Membership Chairman was here until a couple of hours ago but I think I'm fairly correct in saying that we have 73 dues-paying members at this time.

CHAIRMAN: The 73 members represent what percentage of the community?

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CARROLL: Represents a little over 10% like the Outdoor Circle has 3,000 members representing all the housewives on Oahu. So, this is how it goes I think. But, we're only in the beginning of our membership drive. We think we'll have over 200 members by Fall.

WIKUM: Did you have a meeting of any kind to discuss this application and take any kind of vote?

CARROLL: Yes we had a meeting just about a week ago.

WIKUM: What was the result of the vote?

CARROLL: It was unanimous.

WIKUM: What meeting was Mrs. Noh in?

CARROLL: I'm just guessing because there'd be no way to know. But, the only time I remember a large-scale vote was when the Governor's letter was read to the membership. At that membership there was about 50 people. They voted about 31 to 14 something like that.

WIKUM: What was the date on the Governor's letter again?

CARROLL: February 4th, 1975.

WIKUM: By this question I don't mean to imply you have to solve CBS' problem but do you know of any alternative sites that are available?

CARROLL: No I don't personally but I know Mr. Norvet has made an effort in the last two years to find something suitable for their kind of production.

WIEDERHOLT: Could you comment on what appeared to be the UH plans for this area establishing a school and secondly, have you talked with to any UH planner?

CARROLL: Yes, we invited Mr. George Higa who's the Assistant Provost to come to our annual meeting and give us a description of their plans but they had none. He just gave a talk about what might be.

WIEDERHOLT: Maybe you could just comment on the notion of the school about the UH and Kapiolani College in this particular area. I comment on the owner a great deal like Mr. Eng does. We had a bit of a formal meeting in the Senate Chambers and one of the men that got up was knowledgeable about this kind of thing. He talked about --they would have to be considerable study on the drainage problem, particularly on the shoreline management permit changing the streets and the buildings and the parking lots and so forth.

WIEDERHOLT: There are other aspects to it too. A school generates traffic, generates buildings, generates foot traffic, densities of that kind which can be pretty intensive.

CARROLL: I don't think our Board feels the area is appropriate for any kind of a big educational plan.

WIEDERHOLT: Would you see this project encouraging the UH aspirations and hopes in the area?

CARROLL: You mean the CBS project?

WIEDERHOLT: Yes.

CARROLL: No. The CBS project is an entirely different kind of a problem. The only reason there's any particular difference of opinion between Mr. Norvet and our Board is because of this crater park development. All of a sudden the importance of this scenic drive or the visitor industry in the community has just increased 100 times over what it was in November since the announcement of the possibility of a crater park.

WIKUM: I forgot to ask you how many of your approximately 73 members were at the meeting when you took the vote on this application?

CARROLL: I would guess those were pretty much around 90% that are members now that were at that vote.

WIKUM: So 60 some-odd people?

CARROLL: 50 I said, 31 to 14 so that's almost 50.

WIKUM: This is the most recent meeting.

CARROLL: That was the only meeting where there's been a membership vote to my memory and I've lived there since '61.

CHOY: Mr. Carroll, if I'm redundant, I would apologize but I would like to know what happened to the $50,000 that you had received from CBS and what was the nature of the contribution?

CARROLL: It reached us in two different checks in the amount of $44,000 not that it's materially different but the money is invested. We've waiting until there's a plan for the area and then it's going to be spent on beautification of the area. That is the general purpose of the Board at this time.

CHOY: Now I understand your plan but under what condition was the money offered to you and under what posture did you accept the contribution?

CARROLL: We had a vote in the Board in the meeting that I just described, the 31 to 14 meeting. The residents voted to accept the offer provided they stayed only one more year. The letter from the Governor was read, the vote was taken and that's the way it came.

CHOY: So am I to understand the contribution was made a year ago 1975, actually when Governor Ariyoshi had written to your--

CARROLL: Yes. The 31 to 14 vote was a direction for the Board of Trustees. They voted 7 to 3 backing up the membership.

CHOY: So you feel justified that by accepting this contribution from CBS that the community has more than lived up to their end of the bargain and you see fit to use the money the way the association deems necessary.

CARROLL: Yes, but the major gift will be used for beautification aims according to the Board's direction. We have it invested and we spend the interest from it on the newsletters, and in other ways particularly since we don't want the area to go to hell in a hand basket so we spend some of the income on attorneys too.

CHOY: I'm coming back to what Mr. Rutledge had implied that even politicians do not bite the hand that feed them. I'd like to get from you as the President of the association whether there was any double-

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crossing as far as this contribution was concerned? I just want clarification.

CARROLL: No, I don't believe that was Mr. Norvet's purpose when he said instead of paying the rent to Hawaii Studios Inc., we would give you the funds for the purposes of your association. I don't believe that was his purpose whatsoever.

CHOY: I hope you understand the line of questioning because of our Administrative Procedure Act and also by Corporation Counsel that it's incumbent on this body to explore all of the possible areas. You still haven't answered my question to my satisfaction. Has any part of this money been used to retain Mr. Marumoto?

CARROLL: No, he was paid direct by CBS. The actual amount, I believe, in round figures for the year 1975 was something in the area of $54,000. First of all, taxes had to be paid out of it and then CBS paid Mr. Marumoto's fee and the balance was sent to us.

CHOY: Am I to understand CBS paid Mr. Marumoto's fee to get a commission cost with them?

CARROLL: He sent his billing to them and they paid him, yes.

CHOY: That's a good business.

CARROLL: Those are the facts.

CHOY: In other words, am I to assume Mr. Wendell Marumoto appeared before us against CBS, against this application, that CBS paid the legal fees?

CARROLL: No, they deducted a certain amount and forwarded it after him. They deducted his fee from the gift.

CHOY: I believe Mr. Marumoto is in conflict of interest.

CARROLL: No, I wouldn't say so because the matter was closed by the time that the money was due to the East Diamond Head Association.

CHOY: I'm more confused by the minute.

CARROLL: Let's go back to the schedule, Dr. Choy.

The agreement that Mr. Marumoto worked out with CBS was in 1974. The money that they offered to send to the East Diamond Head Association came in two different checks--one in $10,000 approximately in February or March and the other in December. Now when we got the check in December of '75, they had deducted the taxes and Mr. Marumoto's fee.

CHOY: The second check.

CARROLL: That's correct. Much later, a year after the legal matter.

CHOY: And that's the second check that was for $44,000?

CARROLL: No, the second check was for $33,000 something.

CHOY: Another question. Since that incident, has the East Diamond Head Association expended any more money from your treasury which I presume to be a deposit of the CBS check, to Mr. Marumoto as a legal retainer fee?

CARROLL: No, we have not.

WIEDERHOLT: The nature of the agreement was the money was to be used for civic purposes. At that moment, the initial chunk of this agreement is there was only going to be one more year and that would be the end of that. So, there was no more conflict involved. Is that right?

CARROLL: Yes Sir, that's correct. There wasn't any.

WIEDERHOLT: What appears to be a conflict then is there isn't since then.

CARROLL: There isn't since then, since the crater park discussion. In fact, I met with Mr. Norvet November 18th. It was before there was any knowledge of the crater park development. I told him at that time it didn't appear that there was any strong opposition because we felt how could we do anything with the Board of Regents. If they want to move them on a University lease, what could we do? And, it wasn't until we found out about negative declaration and these things that we began to get into an impact area.

WIEDERHOLT: This is a small digression. I don't understand the University role in this, this reference you made to the University lease. What is that?

CARROLL: The University with an environmental assessment report somehow got a lease on those 52 acres.

WIEDERHOLT: Who is leasing to whom?

CARROLL: Well what the Board of Regents does is beyond my ability to explain. I understand they're leasing it from the Department of Land and Natural Resources. DLNR who is our real foe in this matter signed the lease with the Board of Regents dated July of '75 after this Bill 826 went through the legislature. This is what I meant when I said they don't know how to read the law.

WIEDERHOLT: Is this parcel we're considering, is that a sublease then from the University?

CARROLL: It appears that it is. I can't legally define what it is either. I don't have any knowledge in the papers and I don't have any legal knowledge either how to interpret it.

WIEDERHOLT: Is it possible to have that information checked out?

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ENG: As far as DLU is concerned, CBS TV as an agent of the State can appropriately apply for the CUP. So as a consequence, we did not investigate in detail any contractural arrangements between the various State agencies. We only understand that the State does own the land and that the State has authorized CBS to act as its agent. If there's further information regarding the specific terms, the arrangements, that perhaps these can be directed at State agencies.

CONNELL: On the application standpoint, CBS' role is not too different from the role that Jala played in a rezoning application for DLNR. There's really two issues here. One, as applicant and secondly the construction of the buildings. As we indicated earlier, we do have a letter here from Christopher Cobb, Chairman of the Board of DLNR which authorizes CBS to make that application. Now, I don't think it's really encumbant upon the Planning Commission to begin to challenge the legality of the actions of DLNR.

CHOY: I'm still exploring the area of the contribution. I would like to make a request that you forward to the Executive Secretary your complete record of receiving the project the expenditure, the amount of money that you had received from CBS. I'd also like to make a request of Mr. Norvet that you forward the photostatic copy of both checks to the Commission.

CHAIRMAN: Dr. Choy, it is not within the jurisdiction of this Commission to make that request.

CHOY: Well Mr. Chairman, it's because an accusation or implication has been made in open hearing. I think it's incumbent on this Commission according to Corporation Counsel that we should explore all areas. I think this is quite a sensitive area when money has been passed.

CHAIRMAN: But this particular matter is not on the CUP use. It is beyond. It is something that had happened prior.

CHOY: In other words, the Chair is ruling that my request is irrelevant to what's happening.

CHAIRMAN: Yes.

CHOY: Then I can assume that those sitting in the gallery can assume that possible transaction of money that has been implicated in this application would be left unchallenged.

CHAIRMAN: Based on the fact that it has no bearing on the CUP.

CARROLL: Mr. Chairman, could I volunteer to send our financial report to Dr. Choy personally.

CHAIRMAN: (Nods.)

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

The public hearing was closed, on motion by Dr. Choy, seconded by Mr. Hosaka and carried.

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The matter was deferred for two weeks for the following, on motion by Dr. Choy, seconded by Mr. Hosaka and carried:

1. Request Mr. Christopher Cobb of the Department of Land and Natural Resources to attend the next meeting and respond to questions.

2. Request a representative of the University of Hawaii in charge of future planning for the Kapiolani Community College to attend the next meeting and respond to questions.

3. Request copies of Mr. Kazu Hayashida's letter dated March 16, 1976 to Mr. Carroll for the Commission.

4. Request a copy of the 5-year lease concerning Condition No. 5, or any permits, from Mr. Kono of the Department of Planning and Economic Development for the next meeting.

ADJOURNMENT: The meeting adjourned at 5:50 p.m.

Respectfully submitted

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

My name is Robert Norvet. I am a Vice President with the CBS Television Network.

Mr. Chairman and members of the Planning Commission, I welcome this opportunity to present a statement in favor of the approval of this request for a Conditional Use Permit and Certificate of Appropriateness for the location of a temporary motion picture production facility at the corner of 18th Avenue and Diamond Head Road.

This facility is required for the continued production of Hawaii Five-O.

Nine years ago when we started this enormously successful series we rented some offices on Piikoi Street and used an abandoned warehouse in Waiawa for a sound stage. It was soon apparent that we would not be able to continue production in Hawaii unless more suitable facilities become available.

With the support of the Governor and other public officials at both state and local levels plus the assistance of private industry, Hawaii Studios as it now exists in Fort Ruger, was created and the facilities were made available to us under an annual rental arrangement.

Shortly thereafter, a dispute developed between Hawaii Studios, the State of Hawaii, and the East Diamond Head Association relative to the legality of the installation of this studio facility. A settlement was reached and HAWAII FIVE-O was permitted to continue at this site through 1974. Subsequently we were granted an extension of this lease through 1975 which brings us up to date.

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Beginning in April, 1975, in association with the Department of Planning and Economic Development a study was made of the many possible sites for a motion picture facility.

The basic requirements in the selection of such a site were that it should not be more than 30 minutes from Honolulu; not less than 3 acres in size; be in a quiet area compatible with sound recording and that we have access to these facilities for not less than five years.

Over 20 sites were considered but all were rejected as too noisy, too far from Honolulu, or unfeasible, with the exception of the location at 18th Avenue and Diamond Head Road.

We considered the reasonableness of our request for this location but concluded that inasmuch as we were across from a cemetery, adjacent to the National Guard Motor Pool, contiguous with the proposed Community College and outside the residential pattern, there would be a minium of opposition.

We explored industrial areas but generally they are located near a Freeway in an air traffic pattern or include an industry incompatible with the sound recording required for motion picture production. This is consistent with studio zoning patterns in Los Angeles where Studios are not located in industrial zones but in residential or commercial neighborhoods. For example, Twentieth Century Fox is located adjacent to Century City in Beverly Hills and CBS Studio Center has residential dwellings on 3 sides with commercial on the 4th.

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In mid-July 1975, tentative accord was reached with the four state agencies involved for the use of the site at 18th Avenue and Diamond Head Road. Plans were discussed openly with all involved departments of Government as well as with members of the East Diamond Head Association. Requested changes were made but no opposition expressed. Therefore, in mid November, we filed for the Conditional Use Permit.

Our understanding with the University of Hawaii provides for access to these facilities over a period of five years. We will purchase the present office buildings and sound stage from Hawaii Studios Inc., The offices will be relocated to the new site. Possession of the stage will be given at no charge to the Department of Defense in exchange for the use of a soon to be abandoned motor pool shed. We will purchase a new 100 x 120 foot Butler building to be used as our sound stage. At the end of the five years or unless earlier terminated by CBS, we will deliver ownership of such building to the Kapiolani Community College (KCC) at no charge. Our plans for the development of this area include underground facilities, landscaping AND color coordination as required. As indicated to the East Diamond Head Association last Fall, we will direct all our heavier vehicular equipment through Fort Ruger rather than the residential section of this area.

This will be the 9th season of HAWAII FIVE-O. The episode that was broadcast in Hawaii last week achieved 9th place in the National TV rating service. It has an average weekly audience in the United States of 33,000,000 people and is presently distrubuted in 66 foreign countries.

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Since the beginning of the Series, we have spent in excess of $30,000,000 in the economy of Hawaii and this figure is probably insignificant compared to the Tourist income that is generated through the exposure of Hawaii Five-0 to world wide audiences.

The success of production of Hawaii Five-0 in Hawaii is the envy of many states who have established film commissions with the singular objective of attracting motion picture industry, an industry which is non-polluting and generates high expenditures.

We have been and are now deeply grateful for all the cooperation we have received to make it possible for us to produce this outstanding series. The talents of our production staff and crew combined with the natural beauty of Hawaii and its people has been a good partnership. We hope that it will continue and that you will favorably consider our request.

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STATEMENT OF

Hideto Kono, Director
Department of Planning and Economic Development

before the

Planning Commission
of the City and County of Honolulu

on

Wednesday, March 17, 1976

in consideration of

CONDITIONAL USE PERMIT AND CERTIFICATE OF
APPROPRIATENESS FOR FACILITY FOR TELEVISION
PROGRAM PRODUCTION OF HAWAII FIVE-O

The State is actively pursuing the goal of attracting new movie and television filming activities to Hawaii. There are numerous reasons why this type of activity can be considered a preferred industry in Hawaii:

Film production is a "clean" industry for Hawaii. It does not degrade the air, destroy the quality of water or scar the land as do some industries. An industry such as this would be favorable for Hawaii where pure air and water are precious resources and the land supply is limited. The fact that it is an activity which does not tie up scarce and expensive land certainly makes it a desirable activity.

An increase in employment can result from the filming industry. Most of this will yield greater opportunities for local people possessing the required talents or skills. Because jobs in this field require a relatively high level of talent or skill, these are generally high-paying jobs.

Further advantages include the fact that film production in Hawaii would naturally utilize the beauty of the State and serve as an excellent promotion of the State's assets to those who might be interested in visiting here. This economic spin-off would be difficult to measure but its impact on Hawaii's tourist industry would be considerable.

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About $32,000,000 has been spent and 100,000 man-days of employment of Hawaii residents resulted from the just completed eight years of CBS Five-O production. Considering the need for expansion of our economy to bring more dollars in and create more jobs for our people, it is important that we encourage this industry.

My department served as the lead agency for the State Government in locating a suitable new site for the CBS Five-O studio. More than twenty alternative locations were examined very thoroughly and systematically. We have worked very closely with the staff of the Department of Utilization, and we have worked closely with all State agencies including Kapiolani Community College, Department of Land and Natural Resources, Hawaii National Guard, and the Office of Environmental Quality Control.

All State agencies concerned concur with the findings of the Director of the State Office of Environmental Quality Control in that overall plans for the area including the temporary relocations of the television operations are "all in good order" with respect to environmental requirements.

For the reasons noted above, the State supports the granting of the Conditional Use Permit to CBS Television Network.

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TESTIMONY: JOHN G. SIMPSON, PRESIDENT, HAWAII VISITORS BUREAU

Tourism is a vital part of Hawaii's economic base, and from a marketing standpoint, we at the Hawaii Visitors Bureau feel that the television program, Hawaii 5-O provides considerable and valuable exposure to the Islands as a visitor destination.

Tourism is Hawaii's first and only billion dollar industry, providing some 25% of the State's total income as well as 25% of the tax revenues generated in the State. And, according to two different commissions, which recently studied the future of Hawaii's economy, it was concluded that tourism was essentially the State's only growth industry we can look to for new jobs and income needed.

It is important, therefore, that Hawaii compete aggressively in an extremely tough market for travelers around the world. For example, travel to Puerto Rico was up 11.7% this winter, and in 1976 they will be spending 50% more on their print and television advertising.

With this type of competition, the Hawaii Visitors Bureau desperately needs all the help we can get in exposing the Islands to potential visitors. We believe an important part of this assistance comes from the tremendous exposure Hawaii receives weekly from the television show Hawaii 5-O.

It is staggering to consider that each week some 40 to 45 million potential visitors to Hawaii in the United States are exposed to Hawaii's scenic beauty and balmy weather. Just as important are the some 300 million foreign viewers in 72 different countries around the world. Continued growth and viability for the visitor industry must look to foreign markets such as Japan, our number two visitor market, and Canada, which is number three. We must also continue to nurture budding new markets such as Australia, New Zealand and various European countries. As such this huge foreign exposure made possible through Hawaii 5-O is most valuable.

3/17/76

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Of course, television is the perfect medium for showcasing the beauty of these islands. An important part of the effectiveness of Hawaii 5-O is that it is shot live right here in the Islands -- at a cost I might add of over $300,000 every seven days of shooting. It is to the credit of CBS that they have not just tried to trade on the name of Hawaii and do a "budget" type production from some Hollywood sound stage.

In light of these benefits to the State's visitor industry, we urge that every consideration be given to retaining the production of Hawaii 5-O within the State.

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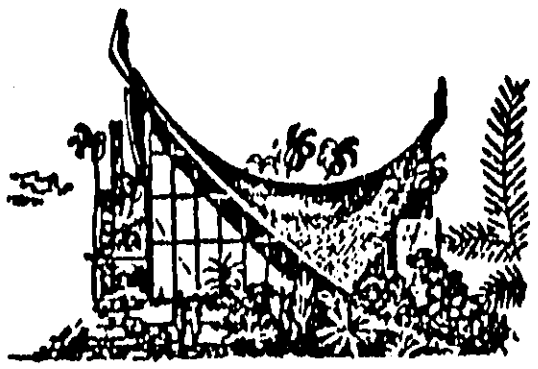

The **Waikikian** *Hawaii's Most Beautiful Hotel*
On the beach & lagoon at Waikiki

March 16, 1976

TO WHOM IT MAY CONCERN:

As a hotel operator it is my belief that everything possible should be done to retain the production of Hawaii 5-O in Hawaii. During the past years we have had an untold number of visitors both from the mainland and Europe comment favorably on the exposure that Hawaii 5-O gives Hawaii.

All of us in the hotel industry spend a great deal of time and money to bring additional tourists to the islands. Hawaii 5-O not only gives us tremendous publicity at no cost, but in addition creates jobs for our people. All of us in the tourist industry should therefore do everything possible to assist in the continuation of this production.

Yours very truly,

Fred Dailey, President
Waikikian Hotel

FD:bc

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Save
Diamond Head
Association
Room 508 - 119 Merchant St.
Honolulu, Hawaii 96813

President
Sidney E. Snyder, AIA
First Vice President
Dr. E. Alison Kay
Second Vice President
Mrs. Robert Creps
Secretary
Eddie Tangen
Chairman, Ways & Means Committee
Aaron Levine, AIP

March 15, 1976

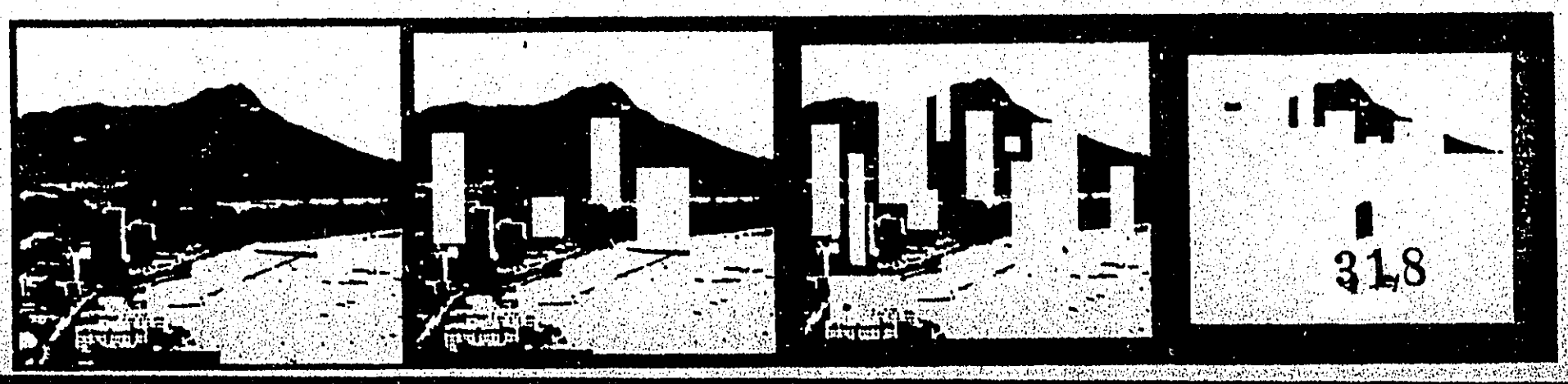
Mr. Randall Kamiya
Chairman
City Planning Commission
City & County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

re: Public Hearing - March 17, 1976
Conditional use permit and
Certificate of appropriateness
CBS Television Network

Dear Mr. Kamiya
and Members of the City Planning Commission:

The Save Diamond Head Association is greatly concerned about the proliferation of new buildings proposed for the East Diamond Head area. As we review the numerous projects proposed for that section of Diamond Head, it becomes apparent that piece-meal consideration of the proposed new structures in the area emphasizes the need for an overall plan. If those lands are to maintain the integrity of the Diamond Head State and Federal monument, it is essential to consider carefully the total character of development.

The Board of Directors of the Save Diamond Head Association suggests that interim development control measures or a partial moratorium be instituted in the East Diamond Head area until an overall plan is prepared, designating uses appropriate to the State's most famous landmark.



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Therefore, we recommend that approval of the conditional use permit and certificate of appropriateness be held in abeyance until an overall plan is prepared for the area in which the proposed facility for CBS Television Network is requested.

Thank you for your consideration.

Sincerely yours,

Sidney E. Snyder
President

cc: Robert R. Way
Eugene B. Connell ✓

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THE OUTDOOR CIRCLE 200 No. Vineyard, Honolulu, Hawaii 96817

March 17, 1976

The Honorable Randall Kamiya, Chairman
and Members
Planning Commission
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Subject: Public Hearing Regarding State-Owned Lands at Diamond Head.

Dear Chairman Kamiya and Members:

The Outdoor Circle would like to commend the Director and staff members of the Department of Land Utilization for the thoroughness of their review and analysis of this request for the use of the land at the Diamond Head State Monument. We appreciate this opportunity to express our concerns.

We have been most concerned recently with the numerous buildings appearing on its Eastern slopes, and with the requests for more buildings in this residentially zoned area. Although we are aware that some of the proposed structures are termed temporary, temporary has a way of becoming permanent.

To our knowledge, the State has no overall plans for the huge tracts of lands which it owns here, including no Master Plan for the Community College - hence each request is being considered separately, and not as a part of a total, well-conceived plan.

Because the City has no Development Plans for this area, the existing General Plan is being used as a guide for development and this alone is not a sufficient tool for good planning.

The Outdoor Circle supports the position of the Save Diamond Head Association for interim development control measures, or a partial moratorium to be instituted in the East Diamond Head area until the State has an overall plan that will protect and enhance this landmark.

We believe the Department of General Planning should begin work on the much-needed development plans for Diamond Head, which will properly establish land uses compatible to, and enhancing the characteristics of, the historic and scenic Diamond Head State Monument.

Thank you again for this opportunity to express our concerns.

Anne H. Humme

Mrs. John T. Humme,
President

Inez Pfaltzgraff

Mrs. A.J. Pfaltzgraff,
Diamond Head Chairman

KANEOHE OUTDOOR CIRCLE
BOX 32—KANEOHE, HAWAII 96744

KONA OUTDOOR CIRCLE
KAILUA-KONA, HAWAII 96740

LAHAINA OUTDOOR CIRCLE
LAHAINA, MAUI, HAWAII 96761

LANI-KAILUA OUTDOOR CIRCLE
BOX 261—KAILUA, HAWAII 96734

MAUI OUTDOOR CIRCLE
BOX 402—KAHULUI, MAUI, HAWAII 96732

WAI-MOMI OUTDOOR CIRCLE
BOX 435—AIEA, HAWAII 96701

100% Recycled Bond

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STATEMENT

East Diamond Head Association
Peyton Carroll, president

The staff report from the Dept. of Land Utilization compiles information favorable to the applicant and, since it carries a first draft City Council resolution attached, we must question most of it. There are these points that need further study, in our opinion, before the Commission can readily agree that the applicant should move into Historic, Scenic & Cultural District #2.

On page two of the staff report, under "Development Plan", the report describes a widening of 18th Avenue. The inclusion of that simple statement implies a benefit. ~~Here is a recent letter from~~ Conversation with the Dept. of Public Works that eliminates this hope for the users of 18th Avenue at this time.

Page 3 has a short paragraph describing how Statute #343 was technically satisfied. The negative declaration described, <u>but not identified</u>, was filed by the State's Dept. of Defense -- practically speaking, one of the landlords. They are supplying the prop storage structure, another steel building for the site under discussion. Please bear in mind the applicant needs <u>two</u> large, steel buildings, not just one. The procedure evidently satisfies the requirements of statute #343. We, however, hope the questionable method of bypassing an Environmental Impact Statement won't satisfy the Planning Commission on the vital question of what should be in the area.

Page 4, this phrase: "The proposed facility is to be temporary in nature for the next five years." The residents have never seen anything erected around Diamond Head that was temporary. We can't even get a fire hazard demolished! For eight years we've tried to gain a plan for the area.

On page 5, the report says: "The facility is not oriented to receiving visitors and will be used primarily for indoor filming, storage and office operations." That was written by someone who's never seen a studio operation; never seen agents, actors, writers, extras, technicians, suppliers, etc. deluge a producer. <u>Plus public curiosity</u>. Our neighbors report that tour busses, one after another, stop outside 5-O. There they sit with air-conditioning full blast, engines turning over spewing out that diesel smell and a loud PA description going on. The busses can't park anywhere on Diamond Head Road -- it's so narrow it's posted -- but they will stop at the proposed

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location whether they block the intersection or not.

There's also an omission. Why no report from the Board of Education? Kaimuki Intermediate students, by the hundreds, walk to and from school. Many of them short-cut through that land. The location would be an attractive nuisance from that point-of-view.

On page 6, the Dept. of Land & Natural Resources states: "It does not foresee any signifigant adverse impact on adjacent state lands." To us, it appears they won't read the law of this State that means 'All lands in the area revert to the monument.'

On this page, there is also a comment from the University: "CBS has agreed to turn over the sound studio to the University at no cost after termination of the revocable (on 30 days' notice) permit." Mr. Norvet, CBS' West Coast vice-president, has stated on more than one occasion that the understanding is for five years. Yes, the "30 days" is in the lease; but there's an extraordinary understanding also.

The additional statement "studying an offer by CBS to participate in a curriculum" should be taken with a grain of salt. Experts in TV programming they are, professors in cinematography they are not. Scholarships they could easily supply; any recipient, however, should ask Manoa to transfer him to USC.

Now comes the Dept of Planning & Economic Development. The first statement: "We feel that the adjacent community will not be adversely affected by the location of the project." Since this department has a planning function, we hope this Commission will wonder why there was no interpretation of the future situation as it affects Oahu. In a few years, there will be a Crater Park. By that time, local associations hope to see the drive around Diamond Head a much more scenic attraction for the community, and for visitors who will be driven to the Crater Park. It's a treat to see the inside of a volcano...especially when it's only ten minutes from your hotel. The area involved is supposed to be our most important State monument...not a place for commercial developments. This same department then makes an asinine statement: "The project will indirectly contribute to the economic welfare of our State." Hawaii 5-0 would make the same contribution in an appropriate location.

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This Dept. of Economic Development then indicates its support for the conditional use permit without comment on the lease rate of 7/10ths of a cent per sq ft per month --no hawaiian business enjoys a rate like that. In other words, this department is "whitewashing" the subsidization of a mainland corporation earning millions a year.

On page seven, our City & County Dept. of Land Utilization sums up these statements: "Public agency reviews and comments have indicated that the proposal can be accomodated on the subject site." We claim these public agencies haven't done their homework and, therefore, have no right to impose on the Planning Commission for acquiescence to their summation.

The page seven staff report continues with this statement: "The request is for a temporary facility. That is not true. Dr. Matsuda's letter, part of the back-up to this report, reads: "Further, it appears that the sound stage at least -- if appropriately designed -- can be 'recycled' for community college use." Senate Resolution #92 makes a gaudier statement: "Whereas, the Columbia Television Network has committed itself to the expenditure of between $300,000 and $400,000 on the construction and landscaping of this facility primarily consisting of a sound stage measuring 100 feet by 140 feet with a height of 24 feet, the limit set for the Diamond Head preservation district, and will have plans for the structure approved by the Board of Regents, University of Hawaii, since the lease requires this building to revert to the University after five years to be used as a gymnasium for Kapiolani Community College..." The same kind of a sound stage has been reported sold to the National Guard for $23,000 after six years usage.

Another gymnasium project is about to start across 18th Ave at Kaimuki Intermediate. That one costs 1½ millions. This cost comaprison labels Senate Resolution #92 another of the smokescreens around this application. The thought of a college gym, which must include spectator parking, at the intersection of 18th & Diamond Head Road -- both narrow, no parking streets -- is an absurd conclusion from a planning point-of-view. Also, the proposed college has no authority from the Legislature for plans or construction; they are bound by legislative budget restrictions on the number of students they can transfer from Pensacola Street. How can they say where to orient a gym for the needs of an imaginary student body without plans in depth?

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Moving to page ten, the report continues: "Traffic is not expected to be a matter of concern." It is impossible to accept that bland statement on a serious matter. In this case, the Dept. of Transportation hasn't run a traffic count at 18th Ave & Diamond Head Road since August, 1971; yet, there's a traffic signal being erected on that corner now. Apparently, only the stoplight people, and us, know of the dangers of that uphill intersection.

Another important phase was omitted. The graveyard on 18th Ave has permission to build two 200-seat chapels with cafeterias, special service rooms and all the other accoutrements that go with that commercial business...within this five-year period. They are also desperate for parking. You only need to see one funeral procession on 18th Ave to realize how quickly that secondary street can be tied up.

Additionally, there are students at the remodeled dwellings on the Ruger site. The newspapers have said that the school can grow to 7,500 students. Our assessment shows there are now twelve active, or proposed, non-residential operations in the East Diamond Head area. The Commission's denial of appropriateness of this application will help avoid the area having at least 10,000 extra people by 1980. Today, Waikiki has some 19,000 transients daily. Should a residential area have that load on narrow, secondary streets?

The Commission knows that CBS is a large corporation. This is how big: they have over 33 million shares of stock quoted at about 58; they are worth some 1.8 billions; for the last 12 months, the corporation earned $100 millions. They could have bought anything they required on Oahu. We know the history well. Into court and out with a consent decree; one delay after another. Even a letter from the Governor that the majority of last year's Board felt must be respected. You have to wonder what was the purpose in needling so many people by pursuing a location in a residential area?

Our research also shows that Hawaii 5-0, in the first 13-week segment last fall, was rated 45th out of 66 shows. CBS then changed the show to a softer time spot, and it has ranked 20th three or four times, one of those times it ranked eleventh. The show was a perennial leader in its first seven years. But styles in shows change. What happens if CBS doesn't produce this show after 1976?

It's been reported that Nephi Hannemann is about to be cast as a doctor in a medical series with Hawaii as the locale by ABC. Do we then come before you and oppose another application? NBC may have something in the wings. How about the major studios? The major independent producers? If one gets favorable treatment, why not the others? Of course , the City Council will be "great guys" for okaying all these leases at 7/10ths of a cent.

In conclusion, our research emphasizes many frailties in the planning for this area. The subject today is more important than the addition of another monolithic steel building...we are dealing with the State's most important visual asset. This Commission can, with a denial of the viability of a certificate of appropriateness and a conditional use permit for this commercial use in the monument area, promote community betterment for years to come.

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Meeting of the Planning Commission
Minutes
March 31, 1976

The Planning Commission held a meeting on Wednesday, March 31, 1976 at 1:46 p.m., in the Conference Room of the City Hall Annex. Chairman Randall Kamiya presided.

PRESENT:	Randall Kamiya, Chairman Sylvia Sumida, Vice-Chairman Dr. Wilbur Choy Charles Izumoto Ned Wiederholt Harriet Wikum
ABSENT:	Donald Hosaka Yuklin Kuna
STAFF PRESENT:	Robert R. Way, Chief Planning Officer Eugene B. Connell, Executive Secretary William Ducheck, Assistant Director, Design Department of Land Utilization Robert B. Jones, Assistant Director, Zoning Department of Land Utilization Lorrie Chee, Staff Planner Henry Eng, Staff Planner Gerald Henniger, Staff Planner
MINUTES:	The minutes of February 18, 1976 were approved, on motion by Mrs. Sumida, seconded by Mr. Izumoto and carried.
PUBLIC HEARING ZONING CHANGE B-1 NEIGHBORHOOD BUSINESS TO B-2 COMMUNITY BUSINESS DIST. MAKIKI RICHARD Y. SAKIMOTO, M.D. (FILE #76/Z-1 LC)	A public hearing was held to consider a request for a zoning change from B-1 Neighborhood Business to B-2 Community Business District on approximately 57,018 square feet of property situated in Makiki--corner South King, Victoria, and Young Streets (Medical Arts Building), Tax Map Key: 2-4-02: 6.

Publication was made in the Sunday Star-Bulletin/Advertiser on March 21, 1976.

Staff Planner Lorrie Chee presented the Director's report recommending approval of the request.

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

TESTIMONY IN SUPPORT

Mr. Arnold Abe, Attorney for the applicant, concurred with the comments contained in the Director's report. Questioned by the Commission, Mr. Abe acknowledged receipt of a letter from DLU

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apprising the applicant of the proposed Thomas Square HCSD ordinance. Since he did not review the ordinance and Dr. Sakimoto, due to emergency reasons, could not be present at today's hearing, Mr. Abe stated that they would submit their comments concerning the proposed ordinance as it affects their proposal, in writing.

TESTIMONY AGAINST

Mrs. Kay Landrum, Chairman, Committee for Thomas Square HCSD, The Outdoor Circle (Submitted letter dated Mar. 29, 1976, copy attached)

The public hearing was closed, on motion by Mrs. Wikum, seconded by Mrs. Sumida and carried.

The Commission deferred the matter until it acts upon the Thomas Square HCSD ordinance, on motin by Mrs. Wikum, seconded by Dr. Choy and carried.

UNFINISHED BUSINESS
PROPOSED ORDINANCE FOR ESTABLISHMENT OF HISTORIC, CULTURAL, & SCENIC DISTRICT NO. 5, THOMAS SQUARE/ ACADEMY OF ARTS DISTRICT INITIATED BY DEPARTMENT OF LAND UTILIZATION (GH)

The public hearing held on February 18, 1976 was closed and deferred to March 3, 1976 for further study by DLU and Corporation Counsel. At its meeting on March 3, 1976, the Commission deferred action to March 31, 1976 for further study by the Executive Secretary.

At the request of the Commission, representatives from the following organizations presented architectural scale models of their proposals:

1. Mr. Sheridan C. F. Ing, Architect, First Methodist Church
2. Mr. Robert A. Short, Clinic Administrator, Fronk Clinic
3. Messrs. Tom L. Battisto, Executive Administrator, and Patrick J. Duarte, Associate Administrator, Straub Clinic and Hospital

Each representative referenced their previous submitted testimony concerning the impact of the ordinance on their proposed developments (see Feb. 18, 1976 Minutes).

Concern was expressed regarding MTL's Bus Yard Diamond Head of Alapai Street of views from Thomas Square on buses traveling back and forth on Hotel Street between the parking lot and the maintenance area. Staff pointed out that bus yard is proposed for inclusion within the Hawaii Capital District. The Development Plan which indicates a mall on Hotel Street ends at Alapai.

Regarding the impact of the 30-story Makiki Cliff Apartment Building mauka of the Lunalilo Freeway and immediately adjacent to the Thomas Square HCSD, the structure will be visible to Thomas Square and to the interior court of the Academy of Arts. A Building Permit already issued for that project could not be rescinded. Legislation was initiated by City Council recently regarding an expanded Punchbowl District which would take into account review of all buildings mauka of the freeway.

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The Commission deferred action to April 21, 1976 for a walking field trip through the Thomas Square District, on motion by Dr. Choy, seconded by Mr. Wiederholt and carried.

UNFINISHED BUSINESS
CONDITIONAL USE PERMIT & CERTIFICATION OF APPROPRIATENESS
DIAMOND HEAD HISTORIC, CULTURAL, SCENIC DISTRICT NO. 2
CBS TELEVISION NETWORK
(FILE #75/CUP-19 HE)

The public hearing held on March 17, 1976 was closed and the matter deferred for additional information.

Representatives requested to appear from Kapiolani Community College, State Department of Land and Natural Resources and the State Department of Planning and Economic Development were questioned by the Commission.

1. Kapiolani Community College - Messrs. Robert Hara, Planning Office, Office of the Chancellor for Community Colleges, and George Higa, Administrative Assistant to the Provost, Kapiolani Community College

   a. Is there a master plan available for KCC and when will TV facilities be integrated into KCC's educational system?

      Presented for the Commission's perusal was a land use map plan of the subject area. Existing KCC facilities are presently being used by 750 students with a projected enrollment of 5300--1980, and 5600 - 1981. Integration of CBS' facilities into KCC's educational system has much to do with financial support from the legislature because of the extent of development, the time involved in design and construction to accommodate proposed academic facilities. Target completion date of the academic area is set for 1980-81. Development may necessarily have to include areas other than the academic facility.

   b. Will 5 years give enough time to implement their educational program?

      It would be difficult to respond definitely because the intercollegiate and intramural programs are presently being studied on a state-wide basis for all community colleges. Development of athletic facilities in anticipation is being provided and will become part of the community college. The existing Butler building with some modification could accommodate a basketball court. The new Butler building proposed by CBS, when vacated, could be utilized for indoor sports. Outdoor play courts for tennis could be part of the PE facilities in this area.

   c. What curriculum will be implemented at KCC?

      Community colleges have three major programs.
      (1) Liberal Arts which essentially provides requirements for the first two years, transferable to a 4-year college.

(2) Vocational which presently consists of business education, food service, nursing, and health service programs. KCC has the largest community college business education program state-wide as well as the only health service program state-wide.

(3) Para-legal training program.

2. State Department of Land and Natural Resources - Mr. Jack Kaguni, Land Management Division

DLNR owns the subject 51.6-acre property leased to UH effective July 1, 1975 for 65 years. The Board in December '75 granted a permit to CBS issued under state statute for one year, renewable annually with the Board's consent. The Board's decision to issue CBS a permit was based on whether or not UH could accommodate such activity for a short-term period of 5 years.

3. State Department of Planning and Economic Development - Mr. Henry Wong, Economist

Realizing through TV ratings that the currently popular Hawaii 5-0 TV series could eventually be discontinued, what justification is there for a short-term change of land use in a Residential area? Inasmuch as temporary structures often become permanent, what is the possibility of this facility becoming a permanent studio for UH?

With Hawaii 5-0 currently rated 9th in TV ratings, DPED has a favorable projection of that program for the next 2½ years. If the series is discontinued, the facilities are there for KCC use so that nothing is lost. Whether the UH decides to use the facility for some cinema educational program or PE is their prerogative. Even though athletic use is proposed, if need indicates a high demand for technicians, use of those facilities could change.

4. Mr. Peyton Carroll, President, East Diamond Head Association

In view of the University's plans, their association is now considering filing suit claiming that the lease made in July 1975 is improper because Statute 615 was amended in February 1975. Mr. Carroll stated: "We don't believe the UH should have had that lease handed to them without an EIS. They submitted only an environmental assessment report. This, of course, is a sublease and the Department that made the negative declaration is the Department of Defense and they're part of the sublease."

To another question, is the college consistent with the intent to retain a resource like Diamond Head, Mr. Carroll stated: "To put it bluntly, some of the members of our Board consider that $11½ million dollar potential piece of property, if it becomes a community college is a rape of the taxpayer's assets. These huge beautiful pieces of land are being used without enough people having any say about it."

There was no further discussion.

MOTION: A motion by Mrs. Wikum, seconded by Mrs. Sumida, to incorporate the suggested changes into the proposal (copy attached), was unanimously carried.

AYES - Choy, Izumoto, Kamiya, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Hosaka, Kuna

Following is an excerpt of the Commission's action. On the first vote, the motion failed to carry. Due to the impasse, and the hope that absent commissioners might attend the evening session, the matter was deferred to the end of the agenda. Upon reconvening, Mr. Wiederholt made his same motion for denial for the reasons so stated, seconded again by Dr. Choy, which carried unanimously.

EXCERPT

WIEDERHOLT: Mr. Chairman, I would like to move that this resolution be denied on the basis that it is truly inconsistent with the long term management and use of a vital resource that faces the State of Hawaii.

CHOY: I'll second.

CHAIRMAN: Discussion?

CHOY: Yes. Ned mentioned the inconsistency of the nature of the uses of the proposal. I hate to be redundant that whenever the government does anything on a temporary basis, I still feel there is always a tremendous possibility that it becomes a permanent fixture. My question to that extent has not been answered. I have nothing against CBS and the temporary facility neither am I overly fond of the series Hawaii 5-0 because I think there's too much violence to that. But, I believe that's beside the point.

I think many of the questions that have been asked were not addressed to completely and under those conditions I would agree with Commissioner Wiederholt's motion.

WIEDERHOLT: I think the reason that I've given here applies to a number of things, a number of the questions we've been asked to address the past two months that I've been here. It's also at the heart at the kind of complaint and comments you read continuously in the newspapers and you hear it from other citizens, good heavens why didn't they do

something about that. Now being on this board, I'm one of those. I'm really a bitcher from way back and I've tried to find a point at which they operate. I'm beginning to think that we are a small part of those days and that this kind of questions that we raise concerning agricultural lands, the use of resources that are State resources belong to all the people are the very subject that these complaints address. In a situation like this where the national figure, image of the State of Hawaii is being nibbled away by the apparently monolithic governmental forces, I think it might be reasonable for us to say, hold it for a while.

WIKUM: I would like to speak in favor of the motion and respond to one fact which kept appearing at our hearing two weeks ago and that is the need of the State in the economy for some kind of good, clean industry. That's a concern to me and I'm sure it's a concern to everybody on this table. I plan to vote against the application and for the motion inspite of the fact that I want to see movie industry in Hawaii. If Hawaii 5-0 is so popular, I cannot believe that they will not find someplace appropriate to film it the next year.

CHOY: I would like to remind the Commission for us to be consistent, this Commission quite some time ago had denied a studio proposal by Oscar Nichols also in a residential area. The present proposal before us is also in a residential area. I believe that to be consistent, we must deny the CBS application.

WIEDERHOLT: I have to speak to what Harriet just said. Somehow in this monolithic governmental process, we're placed in a position of having to choose between two mutually exclusive good things. There's no question that all of the arguments dramatized at the last meeting do represent a benefit. I think it's something that we might question why governmental processes that are suppose to be guarding the interest of the State on both sides, throw up to us this kind of a dilemma in which any choice is a loss and in which case then the only question left is which is the lesser of the losses. Diamond Head is an irreversible total loss to the whole State. Hawaii 5-0 unfortunately will have to have a little trouble but it is made up of humans with some capabilities that possibly, I hope, resolve their problems.

CHOY: I call the question.

CHAIRMAN: The question has been called for. All in favor, raise your right hand.

1st VOTE
AYES - Choy, Izumoto, Wikum, Wiederholt
NAYES - Kamiya, Sumida
ABSENT - Hosaka, Kuna

2nd VOTE
AYES - Choy, Izumoto, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Hosaka, Kuna, Kamiya (absent at 8:00 p.m.)

UNFINISHED BUSINESS
ZONE CHANGES
MAKIKI
(1) R-6 RESIDENTIAL TO A-2 APARTMENT
1821 KEEAUMOKU STREET
IKAZAKI, DEVENS, LO, YOUTH & NAKANO
(FILE #75/Z-22)
(2) R-6 RESIDENTIAL TO A-2 APARTMENT
1815 KEWALO STREET
GAH, INC.
(FILE #75/Z-23)

The public hearing held March 17, 1976 was closed, and action deferred for lack of a quorum vote.

Commissioner Sumida who had questioned the need for more apartment development in the area made a recheck of various condominiums and apartments she had questioned and found that approximately 80%-90% were either sold or occupied.

ACTION: The Commission accepted the Director's recommendation and recommended approval of the proposal, on motion by Dr. Choy, seconded by Mrs. Sumida and carried.

AYES - Choy, Izumoto, Kamiya, Sumida, Wiederholt, Wikum
NAYES - None
ABSENT - Hosaka, Kuna

PUBLIC HEARING
ZONE CHANGES
HAWAII KAI
(1) R-6 RESIDENTIAL TO A-1 APARTMENT*
KEALOHOU ST. (GOLF COURSE SUBDIVISION 4)
(2) R-6 RESIDENTIAL TO A-3 APARTMENT*
CORNER WAILUA ST. & LUNALILO HOME RD.
(MARINA 7-E) AREA 1
(MAUKA)
(3) R-6 RESIDENTIAL TO A-2 APARTMENT*
CORNER WAILUA ST. & LUNALILO HOME RD.
(MARINA 7-E) AREA 2
(MAKAI)
*CONDITIONAL ZONING IN ACCORDANCE WITH ORD. 4300
KAISER AETNA
(FILE #74/Z-58-LC)

A public hearing was held to consider zoning requests for two parcels of land in Hawaii Kai--Hawaii Golf Course Subdivision 4 (R-6 Residential District to A-1 Apartment District) and Marina 7-E (R-6 Residential District to A-2 and A-3 Apartment Districts), Tax Map Keys: 3-9-10: portion of 1, 3-9-08: portion of 10 & 16.

Publication was made in the Sunday Star-Bulletin/Advertiser on March 21, 1976. Comments either for or against the project are included in testimony in support or in opposition to the proposal.

Staff Planner Lorrie Chee presented the Director's report recommending approval of the proposal as enumerated in the report.

Concerns expressed by the Commission are:

1. Impact of the proposed development on Kalanianaole Highway, that Kal. Highway is presently serving beyond its load capacity.

   Staff indicated there would be no immediate impact since development would occur incrementally. Conditional zoning in this development will place controls on density.

2. Rationale for Department of Transportation Services' comment that the impact on traffic is not expected to be significant.

3. The State Department of Transportation's comment that the proposed development should have no serious impact on road improvements expected to be completed in 1980.

4. Discrepancies in travel time from Hawaii Kai into Honolulu.

   Staff indicated that these times were used to show that travel time from Hawaii Kai to Honolulu are comparable to other travel corridors to Honolulu throughout the island.

5. Whether there are policies by the State DOT regarding water taxis and highway widening which would affect development of Leeward and Windward Oahu as well as the Hawaii Kai area.

TESTIMONY IN SUPPORT

1. Mr. Barry Okuda, Kaiser Aetna
2. Mr. Charles Coupe, Kaiser Aetna
3. Mr. Robert Cort, Hawaii Kai Resident

Reasons in support:

1. All A-1 and A-3 zoned areas are fully developed.

2. The subject parcels are not agriculturally or otherwise productive land. Marina 7-E is reclaimed, filled land for which large expenditures were made for fill, marina walls, access, grading and utilities.

3. The request is in accord with the DLUM.

4. No immediate impact will be caused by zoning of the parcel. Occupancy of the units will not occur within the next two years. Time will be needed to prepare a detailed master plan of the parcels and construction financing only after zoning is obtained.

5. They agree with the recommended conditions which would provide more open space, greater setbacks, and less density which would other wise be granted by the Comprehensive Zoning Code.

6. Residents will know in advance what the intended uses are for all future development.

7. The proposal adds a variety of units, and is within walking distance of the mass transit system.

8. Development of highrise units provides architectural character to the development by creating some vertical relief to an otherwise monotony of low-rise development across the project.

9. The project will provide employment and assist the State's economy.

10. Traffic can be satisfactorily accommodated and the corridor is less congested than other major corridors leading into Honolulu.

11. The proposal provides needed housing.

12. Based on their record of good performance, their proposal should be approved.

TESTIMONY IN OPPOSITION

1. Mr. Charles Clark, Neighborhood Board No. 2 (Submitted testimony dated Mar. 31, 1976, attached)
2. Ms. Karen Bond, East Oahu Communities Council (Submitted testimony dated Mar. 31, 1976, attached)
3. Mr. Erik Soderholm, Legislative Aid to Rep. Donna R. Ikeda (Submitted testimony dated Mar. 31, 1976, attached)
4. Mr. Kenneth K. Nishibun, President, Hawaii Kai Communities Council (Submitted testimony dated Mar. 31, 1976, attached)

The public hearing was closed, on motion by Dr. Choy, seconded by Mrs. Wikum and carried.

Action was deferred to the next Commission meeting on April 21, 1976 for a field trip to the site, and for representatives from both the State and City transportation departments.

ADJOURNMENT: The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Henrietta B. Lyman

Henrietta B. Lyman
Secretary-Reporter

1298ORP-1

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Neighborhood Board #2
Kuliouou to Kalani Iki
PO Box 7062
Honolulu, Hi. 96821

TESTIMONY BEFORE THE PLANNING COMMISSION March 31, 1976

Mr. Chairman, members of the Planning Commission, ladies and gentlemen. My name is Charles Clark. I have resided at 1414 Ohiaioka Street for eleven years. I am a member of Neighborhood Board #2 which represents approximately 4250 households between Kuliouou and Kalani Iki.

THANK YOU FOR THIS OPPORTUNITY TO TESTIFY

The Planning and Zoning Committee of our Neighborhood Board, of which I am a member, ~~confers~~ with the following statement concerning the proposed Hawaii Kai zoning changes.

We have not studied nor have we any comment on the proposed Apartment zoning limitations and conditions.

We note that the apropriate agencies and departments have assured the Department of Land Utilization that there is water, sewers, police protection, fire protection, parks and schools. These facilities are already in place.

TRAFFIC CONSIDERATIONS:

Once one passes this heading in the report, assurance disappears to be replaced by disclaimers, a few inaccuracies and what appears to be wishful thinking. Let us examine a few.

"The report assumes there will be no change in the auto-carrying capacity of the highway during the report period." Well -- during the period 1977-80, Kalanianaole Highway Corridor, our only access to downtown Honolulu, will be completely rebuilt, 8.4 miles of it, at an expenditure of over $20,000,000. for construction alone.

4-1

Those of us who witnessed the traffic tie ups as our freeway system was extended out to Aina Koa recalling that every inch of that construction was paralleled by several alternate routes -- and that commuter traffic has grown -- do not agree that there will be "no change in auto carrying capacity".

Hawaii Kai had 6,635 occupied units as of July 1, 1975 the combination of units already zoned plus this rezoning will bring total occupied units to 10,108 at the end of 1980. That's a whopping increase to be carried over a road under construction with no parallel roads other than narrow residential side streets bypassing only part of the distance.

ON KH PROPOSED BUILDING SCHEDULE. MUCH HAS BEEN SAID ABOUT DELAYS. GRADUAL BUILDING WITH MAIN FACTOR THAT OCCUPIED DWELLINGS 334 PUT CARS ON THE ROADWAY DAY & TIME OF CONSTRUCTION

12980RP-1

It's no great surprise the State Department of Transportation refuses to comment on traffic congestion other than to note it will not seriously conflict with road improvements. We note no expressed concern that improvements will conflict with the flow of traffic.

The report offers three solutions to the traffic problem.

Carpool lanes are in place at the present time. They represent a solution not available to everyone.

The waterborn ferry has been studied extensively by the DOT. Using craft presently available the system has a present cost of $28,900,000 with capability to move only 1,750 commuters between 6:30 and 8:30 AM assuming a full load every trip.

The fixed guideway obviously will not be useable during the construction phase. There are serious doubts that, if implemented, it would ever be extended to Hawaii Kai. Light rail or buses seem logical occupants of the medial expressway. Neither could operate in a medial under construction.

What will happen to the express bus-carpool lane during construction is anyone's guess.

So much for solutions. So much for Park Engineering's driving times given in Appendix E.

The report presents statistics pointing to a trend away from single family residences to various configurations of condo apartments. We agree. Elsewhere it states that recent purchasers of Hawaii Kai condos don't join in the peak hour commuter traffic. The inference that a condo buyer becomes a different sort of person by virtue of his purchase does not, we assure you extend to his driving habits.

The report completely fails to deal realistically with the fate of rush hour traffic on Kalanianaole Highway Corridor over the three year period 1977-1980. During this period the majority of the units subject to the proposed rezoning will become occupied. We recommend rezoning at this time be denied.

1298ORP-1

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6027 Aimoku
Honolulu, HI. 96821
March 31, 1976

The Honorable Randall Kamiya, Chairman, and
Members of the Planning Commission
City and County of Honolulu
Honolulu City Hall Annex
Honolulu, Hawaii 96813

Subject: Request for zoning changes in Hawaii Kai

Gentlemen:

We feel strongly that the zoning request being considered tonight on parcels of land in Hawaii Kai (Golf Course 4, Marina 7-E, areas 2-Makai and 3-Mauka) are insupportable at this time.

Our concerns are mainly concentrated on the transportation needs of the communities served by Kalanianaole Highway. The Kalanianaole Highway Transportation Evaluation is in progress at this time and the Draft Environmental Impact Statement was published in November, 1975. Since this area is geographically linear and is limited to one highway, consideration and study were given to possible alternate routes -- the Mauka Corridor tunneling through the ridges of the Koolau Mountains and bridging the valleys and the Makai Corridor better known as the "Reef Highway". Both have been rejected as being excessively costly, presenting engineering concerns and creating severe adverse impacts on the natural environment. Thus since we are confined to one artery to serve these communities, transportation and population become irrevocably linked in planning the future of this area.

We feel that because of the necessarily long time needed to develop a study of the magnitude of the Draft EIS the population projections used were developed at a time of vigorous economic growth and commensurately were based on a land holding model -- that is, taking land available for residential use as outlined in the 1964 Oahu General Plan and multiplying it by density factors allowed by the Comprehensive Zoning Code. We feel however that the assumptions and recommendations predicted on these projections must be carefully reconsidered in terms of present economic predictions and current policies being developed to plan for their effect. For further discussion see enclosure Report on the Draft EIS on Kalanianaole Highway.

Therefore we oppose increasing zoning density until the Kalanianaole Highway Transportation Evaluation has been completed and a plan accepted, and until the Revised General Plan which contains current, directive policy has been adopted.

We thank you for this opportunity to express our views.

Sincerely,

Robert F. McGlone

Bob McGlone, Acting Chairman
East Oahu Communities Council

Karen F. Bond

Karen Bond
For the Acting Chairman

1298RP:1

REPORT ON THE DRAFT EIS ON KALANIANAOLE HIGHWAY

by Charles B. Sarber
Chairman, Transportation Committee

East Oahu Communities Council

January 16, 1976

Since receipt of the draft the Council has met in three successive monthly meetings on this subject. In addition to Council members, attendance has included from time to time Senators and Representatives within the district, interested faculty from the University of Hawaii, members of the Neighborhood Board and concerned residents. In between, members have caucused with their boards, transporation committees, and individual residents for additional input.

The initial result of these efforts was a preliminary statement presented at the December 17th public hearing. Since then the Council has considerably broadened its agreement regarding the draft proposals.

Underlying Assumptions

The highway proposals encompass a complex planning process with far-reaching implications on land use development and population growth. To adequately assess these proposals it is essential to identify the relevant underlying assumptions on which they are based. This task is not aided by the very size of the report and the fact that no single section is devoted to assumptions. However a number of relevant assumptions have been identified as follows:

1. The existing corridor is barely adequate to serve existing much less future travel demands. The proposed action is based on a projection of greatly increased travel demand in the future (II-5).

2. Travel demand is a function of population growth. An upper limit to population growth can be determined through a land holding model - that is, taking land available for residential use as outlined in the 1964 Oahu General Plan and multiplying it by density factors allowed by the City's comprehensive zoning code (Table 8, III-6).

1298ORP-1

16.

3. While traffic congestion would constrain development in a short period of time (V-8), implementing the proposal would promote development and is consistent with State and City goals for community growth (IV-4, V-9).

4. The evaluation area is an inherently desirable place to live and its growth is limited only by availability of housing (III-15). In other words, dwellings will be occupied as soon as they are built (constant demand). Under this assumption the upper limit of projected population also becomes essentially the lower limit.

5. A 14 mile fixed guideway rapid transit system with attendant express and feeder buses will be in operation by 1980 (B9). The busways feasibility is "inextricably related" to this system (II-18).

6. Current transportation planning policy is to not substantially expand auto capacity of the highway. The solution must be sought among mass transit alternatives.

Some of these assumptions should be challenged. This is important even if the only result is to demonstrate validity and provide reassurance. If on the other hand the process identifies areas of uncertainty or wider ranges of projections, we are all in a better position to assess alternatives.

Comparison With The Assumptions

First, we have attempted to review the proposals in terms of the given assumptions. Viewed in this context, the 6/4 proposal appears consistent with the assumptions although many questions of detail need to be raised and answered. In our testimony at the public hearing the Council expressed its unanimous concern that the question of traffic disruption had not been adequately dealt with and we continue to express that concern. Other groups have testified on such matters as jug handles through their communities and the safety problem of the curve at the Kilohana Methodist Church.

If the 6/4 appears consistent with the assumptions, the 6/6 does not and we fail to understand why it was included as an equal alternative. It is not required by the projected travel demand. The report states clearly that travel demand can be easily accommodated through either alternative (II-50).

12980RP-1

It is not consistent with policy to not substantially expand auto capacity and it is not consistent with a mass transit solution. Most important it creates a known imbalance through the funnel effect. This effect - that traffic becomes increasingly heavy as you travel inbound - is well known to everyone involved in transportation planning and negates any real advantage to the 6/6 unless the State is prepared to widen the highway at Aina Haina to 8 lanes and to double deck the H-1. In view of this it would seem a tragic decision to displace 60 more people from their homes. At the public hearing the State itself was lukewarm on the 6/6 and essentially down played it in favor of the 6/4.

Unfortunately, the 6/6 proposal has caused widespread confusion. Our experience indicates many well meaning people without adequate information could well conclude that if 4 is good, 6 must be better and surely the State wouldn't have recommended it if it weren't sound.

Likewise the Council found little to recommend the proposed supplementary marine bus system. This system is an excessively expensive diversion from the main problem. It would add less than 10% to the peak capacity of the corridor at a cost of 29.8 million dollars or approximately 55% of the cost of the whole project. We are not opposed to a marine transit solution per se. On the contrary we welcome further study to determine if a technology exists that would provide a true alternative to highway transit. Perhaps the SSP (Semi Submersible Platform) represents such a possibility.

Comparison to Other Alternatives

If the 6/4 proposal is consistent with the assumptions how then does it stand the challenge of comparison with the next best alternative.

Unfortunately the report does not identify a next best alternative. Of the five examined: namely, the mauka route, the makai route, the do nothing approach, controls on automobile use, and controls on travel; the first two are eliminated on the basis of excessive cost, engineering uncertainty, and severe environmental impacts; the last two are dismissed as unrealistic, leaving only the do nothing approach.

The do nothing alternative is defined as one that would maintain the approximate level of service of the existing highway (VII-2). However and paradoxically it is also defined as including improvements which could significantly improve capacity. For example, it assumes contra-flow bus lanes could be reserved for express buses and Figure 3 on II-19 indicates that alone would increase capacity by more than 50%.

1298ORp-1

It is unfortunate this alternative was labelled as a do nothing approach despite its assumption that improvements can be made. There is in fact overwhelming sentiment within the Council that a Do Something approach be thoroughly explored. Its objective would be to improve the level of service to the maximum extent through improvements to the existing highway. These would include signalization, intersection improvements to accommodate turns, over and under passes, change in Kalani High School hours and contra-flow lanes for express bus and carpool vehicles. When these improvements are translated into increased capacity we then have an alternative to compare to the 6/4.

Reviewing the Assumptions

An EIS takes months in the making and the draft obviously began in the economic and social climate prevailing till recently - that is, one of boundless confidence in Hawaii's ability and desire to grow. Within this climate the assumptions seem eminently reasonable. With run away economic growth in the late 50's and 60's and with a construction industry unable to keep up with housing demand it was not illogical to assume that population is simply a function of available housing and that dwellings will be occupied as soon as they are built.

But is this assumption reasonable today. Within the last 60 days we have had two warnings to the contrary. In a speech to the Maui Chamber of Commerce as reported in the November 28th Honolulu Advertiser, Thomas K. Hitch, First Hawaiian Bank Economist said he expected the State's economy to expand much more slowly than in the past. "In terms of growth we have now become an average State. I say this because the forces that moved us in the past no longer have the potential for expansion that they had before". Again as reported on December 10th by same newspaper; at a House Finance Committee hearing on economic conditions, the lawmakers were told it will be a long time before the islands see economic growth similar to that experienced in the late 50's and 60's. The article further quoted Joshua Agsalud, Director of the Labor Department as saying "Until we come out of the recession we are over built in expensive homes and condos". This statement comes as no surprise to the developers of unsold units in Hawaii Kai and elsewhere today. In view of these conditions does it seem reasonable to project the growth rate from 1975 to 1980 to continue at the same rate as 1970 to 1975 as was done in the report (V-10 and Figure 18).

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Similarly the report states the proposed action would promote development and this is consistent with State and City objectives on growth. However, in an address November 6th to the Cement and Concrete Products Industry, Lt. Governor Nelson K. Doi stated: "because of increasing public concern about the impact of over development, the State Administration has adopted what it calls a "slow growth" policy for the next 10 years". He went on to say that the plan is not yet complete but the preliminary indications are that it will include a slow down in Oahu's population growth from the present 2.7% to 1 or 1½% a year, that there will be a limited development of mass transit system and no new freeways on Oahu; and that in housing the supply of urban land will be constrained.

The report also assumes the 14 miles fixed guideway system will be in operation by 1980 and it underscores the importance of this assumption. Is this still a reasonable assumption? The legislature is giving indications it will take a very careful look before any decision is made. Estimated costs exceed 500 million dollars and it is known that mainland systems have cost double their original estimates.

In view of the above we feel the assumptions should be carefully reviewed based on current facts and either reaffirmed or modified. If the results are to modify the demand projections, the "do something" alternative could well become the recommended decision. Or alternatively if more capacity is required a new option is opened of adding a conventional 11 foot lane as the contra-flow bus lane rather than the dedicated 34 foot lane.

Summary and Conclusions

In summary we recommend the following:

1. That the question of travel disruption raised in our December 16th statement be adequately dealt with. As the single most significant short term adverse impact it should be described in detail and quantified.

2. That the 6/6 be eliminated on the basis it is unnecessary, inconsistent with the assumptions, and negated by the funnel effect.

3. That the supplementary marine bus system be eliminated as excessively expensive and a diversion from the main problem. We welcome, however any study that would lead to a true marine alternative to highway transit.

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4. That the "do something" alternative be thoroughly explored. Objective would be to improve the service level to the maximum extent through such improvements as signalization, intersection, over and under passes, change in Kalani High School hours and contra-flow lanes for express buses and carpools.

5. That the underlying assumptions on growth and housing development be thoroughly re-examined in the light of current forecasts of the State's economy and the current slow growth policy of the administration.

6. That the dedicated busway concept be re-examined in comparison to a conventional (and smaller) contra-flow lane in the light of possible modified projections and uncertainty regarding the fixed guideway system.

1298ORP-1

REP. DONNA R. IKEDA (R-7th District)
March 31, 1976
Position Statement on Zoning Requests in Hawaii Kai

I am opposed to further development in the district at this time due to our critical traffic congestion problems. There is no immediate relief in sight; and I seriously question the validity of some of the data on transportation that is included in the memorandum on this request.

For example--

1. The State Department of Transportation has stated that the information attributed to them which is contained in this memorandum is at least a year old.

2. Although the Department of Transportation alludes to several plans which are being considered for improvements within the Kalanianaole Highway Corridor, both Houses of the Legislature this Session have deleted funding for a proposed marine bus system for Hawaii Kai.

3. Several alternatives have been considered to improve the Kalanianaole Highway Corridor; yet at this point and time no definite, specific plan for improvement has been adopted.

12980RP:1

4. The City Transportation Office has stated that increased express bus service in the area could adequately handle the increase and population which these units would generate. However, the present system does not adequately service our present needs.

Therefore, I would like to go on record in opposition to this zoning change until such time that traffic can be adequately handled in the area.

1298ORP-1

Hawaii Kai Communities Council

A COUNCIL OF 25 COMMUNITY, SERVICE, AND BUSINESS ORGANIZATIONS IN HAWAII KAI

P.O. BOX 7543 / HONOLULU, HAWAII 96825

March 31, 1976

To: Planning Commission

From: Kenneth Nishibun, President: Hawaii Kai Communities Council

Subject: TESTIMONY IN REGARDS TO ZONING REQUESTS FOR TWO PARCELS OF LAND--HAWAII KAI GOLF COURSE SUBDIVISION 4 (R-6 RESIDENTIAL DISTRICT TO A-1 APARTMENT DISTRICT) AND MARINA 7-E (R-6 RESIDENTIAL DISTRICT TO A-2 AND A-3 APARTMENT DISTRICTS).

My name is Kenneth Nishibun. I am President of the Hawaii Kai Communities Council which represents 25 community, service, and business organization in Hawaii Kai.

The Hawaii Kai Communities Council at its most recent meeting held on March 22, 1976 voted to oppose the zoning requests by Kaiser Aetna for Hawaii Kai Golf Course 4 and Marina 7-E. Furthermore, the Council voted to oppose any new issuance of building permits on these parcels until two very critical conditions are met. First, that the capacity of the Kalanianaole Corridor be increased commensurate with the increase in population. Secondly, that a primary care or emergency care medical facilty be provided in the Hawaii Kai area.

The Hawaii Kai Communities Council is in complete agreement with the statement made on page 26 of the Director of Land Utilization's report that: "The major concern is the transportation network, the Kalanianaole Corridor. The corridor is already flowing at service level E(congested and over capacity)." It should be remembered that there are proposals for alternate modes of transportation such as a water borne system and a fixed guideway system. There are also proposals for expansion of the roadway capacity to six lanes from

Kirkwood Street to Hawaii Kai , which is strongly supported by the Hawaii Kai Communities Council. There are also proposals for a 6 and 4 lane configuration. Amid all these proposals, however, we have yet to see a firm commitment from the City and the State.

We should also be fully aware that one of the alternatives being given serious consideration by the State Department of Transportation is the "do nothing approach" which would merely make minor improvements to the existing highway and not offer any viable long term solution.

We, therefore, are in a situation presently of having no definite commitment to improve the Kalanianaole corridor. Inspite of this, however, there are definite plans to build approximately 2,594 units from 1976 to 1981 on land already zoned in Hawaii Kai, as indicated in Appendix F of the Director of Land Utilization's report. This represents an increase of 38% over the 6,864 units existing at the end of 1975. This zoning request by Kaiser Aetna, if approved, would add an additional 1,850 units by 1983, thereby increasing the present number of units by 70%.

It then becomes acutely evident that to even consider approval of this zoning request at this time without having a firm commitment for increasing the highway capacity would be against the spirit of proper planning and a detriment to the general welfare of the community.

Further examination of the Director's report indicates in Appendix E that: "Travel time to the Central Business District has been reduced from 45 to 60 minutes during peak hours to most recently, 15 to 20 minutes". These figures are misleading and in need of updating to

reflect current conditions and drive times. The 15-20 minutes figures were taken on September 19, 1975 during the initial trail period of the carpool lane. Traffic patterns have since adjusted and gotten considerably worse. An informal survey by Hawaii Kai residents on March 29-31, 1976 showed that it took 13-17 minutes in the carpool lane just to travel from Hawaii Kai Drive to Ainakoa St in Kahala. It took 25-30 minutes in the non-carpool lanes to travel the same distance during the peak travel hour . It should be remembered that this distance is just a little less half the distance from Hawaii Kai Drive to the Pali overpass as shown in the Kaiser survey. Our survey was not done by a certified engineering firm, however, they show enough of a discrepancy to indicate that the figures in Appendix E cannot be relied upon as being accurate for current traffic conditions.

In analyzing other support facilities in Hawaii Kai, we find that this community of over 20,000 people does not have any type of medical facility, nor does it even have an ambulance. The Hawaii Kai Communities Council is in complete agreement with a Queen's Medical Center study done in 1975 indicating that these facilities are greatly needed and should be provided. We have worked with government and private agencies to try and establish such facilities, however, no positive results have yet been realized. It is imperative that a primary care and/or emergency care facility be provided prior to any major increase in population in the area.

In conclusion, may we state that the Hawaii Kai Communities Council is not opposed to development "per se", however, we are opposed to

approving new developments without first developing and improving those support facilities that will service these developments. We in Hawaii Kai, as in other parts of the State, have been subjected to planning whereby developments have been allowed and approved to the point that accompanying population growth has overwhelmed existing support facilities. I believe that the time has come for us to revise our planning procedures to make sure that adequate long range improvements are made to support facilities prior to considering new development proposals.

The Hawaii Kai Communities Council, therefore, urges the members of the Planning Commission to deny approval on the aforementioned zoning requests.

Respectfully Submitted,

Kenneth K. Nishibun
President, Hawaii Kai Communities Council

ORGANIZATIONS IN SUPPORT OF THIS TESTIMONY

1. Aina Lunalilo Community Association
2. Friends of Kaiser High School
3. Friends of Kamiloiki Elementary School
4. Hawaii Kai United Church of Christ
5. Kalama Valley Community Association
6. Kawaihae Crescent East Owner's Association
7. Koko Head Community Association
8. Koko Head Villa Association
9. Koko Isle Association
10. League of Women Voters
11. Maunalua Triangle--Koko Kai Community Association
12. Portlock Community Association
13. Spinnaker Isle Community Association
14. Village Green Association
15. Rotary Club of Hawaii Kai
16. Hawaii Kai Merchants Association
17. Mariner's Ridge Maintenance Association

MRRC RMM 7-75

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1	Book 134 June 6, 1973
2	Book 135 February 6, 1974
3	Book 136 October 2, 1974
4	Book 137 May 7, 1975
5	Book 138 January 7, 1976
6	---------
END	March 31, 1976

I HEREBY CERTIFY THAT I HAVE ON THIS 29th DAY OF June 19 77 PHOTOGRAPHED THE DOCUMENTS APPEARING ON THIS ROLL OF FILM, THAT THEY ARE TRUE COPIES OF THE DOCUMENTS FOUND IN THE RECORD FILE DESCRIBED ABOVE, AND THAT THE INTEGRITY OF THE ABOVE DESCRIBED RECORD FILE HAS BEEN MAINTAINED ON THE FILM BY MICROFILMING EACH DOCUMENT IN THE EXACT ORDER IN WHICH IT WAS FOUND IN THE FILE, WITH THE EXCEPTION, IF ANY, OF DOCUMENTS OMITTED BECAUSE OF TECHNICAL DIFFICULTIES AND/OR BY ERROR, AS INDICATED ON THE FILM OR RETAKE CERTIFICATES.

IT IS FURTHER CERTIFIED THAT THE MICROPHOTOGRAPHIC PROCESSES WERE ACCOMPLISHED IN A MANNER AND ON FILM WHICH MEETS WITH REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC COPY.

Margaret Tong
Camera Operator

980RP-1

MRRC RMM 16-75

FILMED BY:

MUNICIPAL REFERENCE AND RECORDS CENTER
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

Department GENERAL PLANNING

Division PLANNING COMMISSION

Section

TITLE PLANNING COMMISSION MINUTES

Inclusive Dates June 6, 1973 to July 21, 1976

Arrangement Chronological

Roll # 35

Reduction: 20X

12980RP-1

MRRC RMM 12-78

END OF ROLL

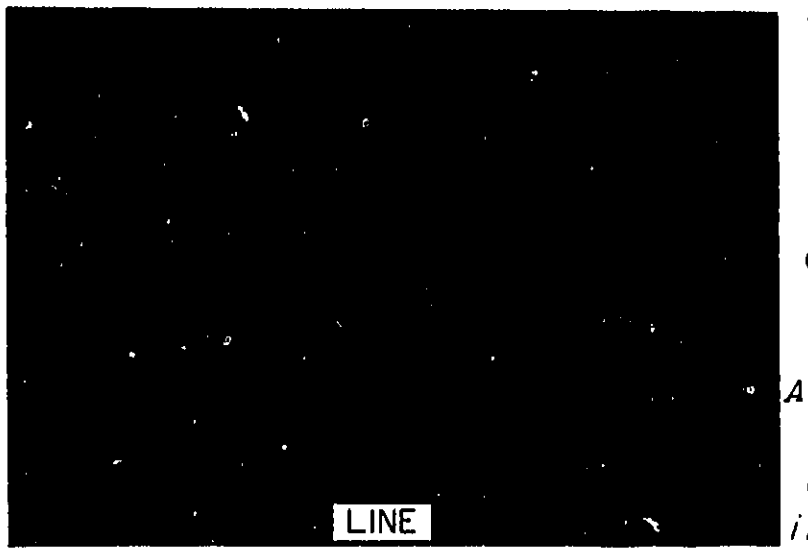
ROLL NO.

35

RECORDAK CONTROL TEST TARGET

FOR USE WITH RECORDAK FILMS PROCESSED IN THE RECORDAK PROSTAR FILM PROCESSOR

TEST OBJECT NO. 1



THIS TARGET FURNISHES A STAND
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ORDAK LABORATORY TECHNICIANS
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OPERATION OF THE RECORDAK MICROFILM
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Instructions: 1) Completely fill in spaces. 2) Microfilm at least three times at start and end of roll. 3) Replace when soiled or torn. 4) For professional analysis send RECORDAK film with test target images only in special mailer supplied to the nearest RECORDAK office.

Company _____ Department _____

Microfilmer _____ Film Type _____

	Operator	Date	Roll Number
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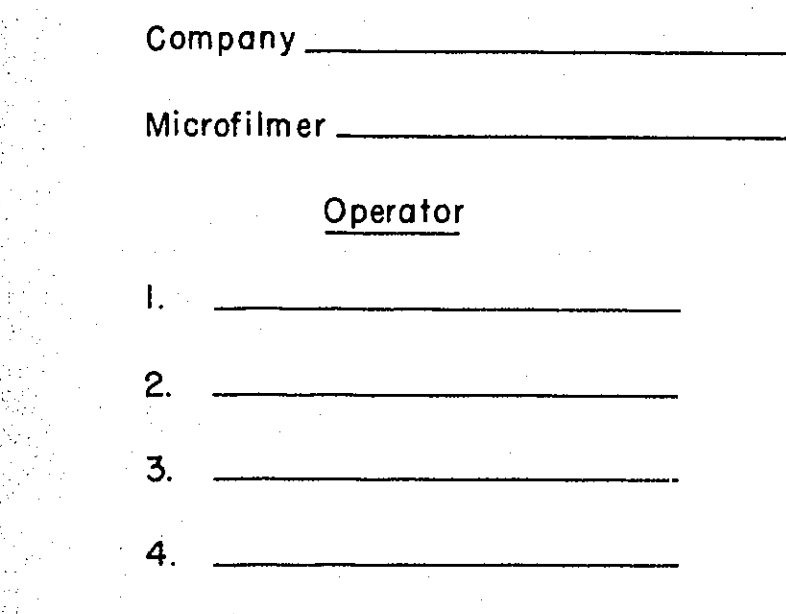
1298RP-1

RECORDAK CONTROL TEST TARGET

FOR USE WITH RECORDAK FILMS PROCESSED IN THE RECORDAK PROSTAR FILM PROCESSOR

TEST OBJECT NO. 1



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BACKGROUND

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