

REPORT OF THE COMMITTEE ON ZONING

Charles K. Djou, Chair; Rod Tam, Vice-Chair
Romy M. Cachola, Ann H. Kobayashi, Barbara Marshall, Members

Committee Meeting Held
January 13, 2004

Honorable Donovan Dela Cruz
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning, to which was referred Resolution 03-349 entitled:

"RESOLUTION APPROVING AND CONSENTING TO THE TRANSFER OF
INTEREST IN PROPERTY LOCATED IN KAHUKU, OAHU, HAWAII,"

introduced on December 30, 2003, reports as follows:

The purpose of Resolution 03-349 is to give the Council's approval and consent to a transfer of interest in property associated with the Kahuku Sugar Mill commercial site.

The subject property (TMK 5-6-002: 017) is owned by the Estate of James Campbell ("Campbell Estate") and is subject to Ordinance 4347, which took effect in 1974 and redesignated part of a Residential Zoning District to a Planned Development-Shopping Center District. Condition 11 of Ordinance 4347 requires that any assignment and/or transfer of any substantial interest in the land designated as a Planned Development District shall be subject to the approval and consent of the Council. The resolution seeks Council approval and consent for Campbell Estate to transfer the property to Tetra Tech, Inc.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. 4

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By Council Communication No. 251 (2003), your Committee Chair requested the Director of Planning and Permitting to review and make a recommendation on the proposed transfer. By Departmental Communication No. 1141 (2003), the Director responded that the Department of Planning and Permitting (DPP) had no objections to the transfer, and also stated that the buyers must comply with both the underlying zoning district and the conditions of the Ordinance 4347.

Thereafter, the DPP recommended that certain conditions be added to the resolution. At your Committee's meeting on January 13, 2004, your Committee considered a CD1 version of the resolution, attached hereto, that incorporated the DPP's recommendations. The CD1 inserts two WHEREAS clauses after the seventh WHEREAS clause, relating to the Kahuku Sugar Mill's importance as a landmark in the area, and adds five conditions to the Council's consent and approval to the transfer of the property.

On January 13, 2004, a representative of Tetra Tech, Inc. ("Tetra Tech") testified before your Committee. He stated that Tetra Tech was an international environmental company that initially had been in negotiations with Campbell Estate to perform an environmental cleanup of the Sugar Mill property. Those negotiations resulted in an agreement to sell the property to Tetra Tech, which will perform the cleanup and then sell the property. Tetra Tech plans to demolish the main mill building and possibly the smokestack, but will attempt to retain the existing support buildings.

The DPP Director stated that his department had met with Tetra Tech representatives and they have reached agreement on the conditions set forth in the CD1. He stated the DPP was concerned about the proposed demolition of the mill because of the mill's importance as an architectural landmark in the area. However, based on discussions with Tetra Tech, the DPP recognizes that the main mill building, and possibly the smokestack, are in such a state of disrepair that they pose a potential hazard to the community, and demolition appears to be the only viable option.

CITY COUNCIL

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The Director stated that the DPP's recommended conditions require the owner to document, by photographs and drawings, the existing mill structures prior to any demolition. Any future development is required to reflect the architectural character of those buildings. The owner also is required to provide to the DPP feasibility studies showing the economic and structural viability of retaining, renovating important architectural elements such as the smokestack.

In response to a question, the Director stated that the proposed conditions contemplate that demolition will occur, and that no further Council approval will be required for the demolition.

The Tetra Tech representative stated that they have discussed the demolition with the State Historic Preservation Division, and that the Division has no objections to the demolition. The representative also stated that both Campbell Estate and Tetra Tech representatives had appeared on multiple occasions before the Kahuku Neighborhood Board, and that the Board supports the demolition. The representative estimated that the cleanup will take two years. He stated that during that period, Tetra Tech intends to meet with the community to keep it informed of the progress and to get input on what should be developed there.

After discussion, your Committee amended the bill to the form of the proposed CD1.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. 4

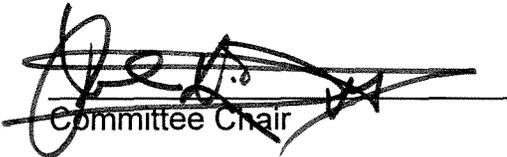
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Your Committee on Zoning is in accord with the intent and purpose of Resolution 03-349, as amended herein, and recommends its adoption [in the form attached hereto as Resolution 03-349, CD1. (Ayes: Djou, Cachola, Kobayashi, Marshall, Tam - 5; Noes: None.)

Respectfully submitted,


Committee Chair

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON JAN 28 2004

COMMITTEE REPORT NO. 4



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 03-349, CD1

(DPP-#2)

RESOLUTION

APPROVING AND CONSENTING TO THE TRANSFER OF INTEREST IN PROPERTY LOCATED IN KAHUKU, OAHU, HAWAII.

WHEREAS, Tax Map Key 5-6-002: 017 ("the property") consists of approximately 14 acres and is associated with the Kahuku Sugar Mill commercial site; and

WHEREAS, the property is currently owned by the Estate of James Campbell; and

WHEREAS, the property is subject to Ordinance 4347, which took effect on August 12, 1974 and redesignated a portion of a Residential Zoning District to a Planned Development-Shopping Center District, known as "Kahuku Mill"; and

WHEREAS, Condition 11 of Ordinance 4347 requires, in part, that "[a]ny assignment and/or transfer of any substantial interest in the land parcel designated as a Planned Development District by ordinance shall be subject to the approval and consent of the City Council"; and

WHEREAS, by Miscellaneous Communication 1097, dated September 12, 2003, SSFM International, Inc., notified the Council of the planned sale of the property to the company of Tetra Tech, Inc.; and

WHEREAS, by Council Communication 251, dated October 29, 2003, the Chair of the Zoning Committee noted that the Land Use Ordinance provision relating to Planned Development-Shopping Center Districts no longer exists and requested the Director of Planning and Permitting to review and make a recommendation upon the proposed sale of the property; and

WHEREAS, by Departmental Communication 1141, dated December 3, 2003, the Director of Planning and Permitting informed the Zoning Committee Chair that the Department of Planning and Permitting (DPP) had no objections to a transfer of ownership of the property, and also stated that the buyers must comply with both the underlying zoning district and the conditions of the Planned Development-Shopping Center District (Ordinance 4347); and

WHEREAS, the Kahuku Sugar Mill and its structures have helped define the economic base and the history of the area; and



RESOLUTION

WHEREAS, the Sustainable Communities Plan for the area recognizes the importance of the architectural elements of the Mill Warehouse, its smokestack and other elements as important landmarks of the area; and

WHEREAS, based on the foregoing, the Council wishes to give its approval and consent to the planned sale of the property, subject to the conditions set forth herein; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that pursuant to Ordinance 4347, Condition 11, it approves of and consents to the transfer of interest in the property identified by Tax Map Key 5-6-002: 017, and which is associated with the Kahuku Sugar Mill commercial site, from the Estate of James Campbell to the company of Tetra Tech, Inc. subject to the following conditions:

1. The transferee and all lessees, successors and permitted assigns, shall comply with the more restrictive of:
 - a. The general and underlying zoning district regulations of the Land Use Ordinance; or
 - b. The conditions of Ordinance 4347.

In no case, however, shall any development of the property conflict with the environmental and architectural character or design concept of the project as indicated in the DPP Planned Development Shopping Center File No. 73/PDSC-6. Any future development shall reflect the architectural character of the existing complex of Mill buildings and smokestack.

2. Within 60 days from the date of this resolution, and prior to the demolition of any existing buildings, the owner shall provide to the DPP documents, including photographs, site plans, floor plans, and elevations, with dimensions and notations recording the existing buildings.
3. Within 90 days from the date of this resolution, the owner shall provide to the DPP feasibility studies showing the economic and structural viability of retaining, renovating and maintaining important architectural elements such as the smokestack.
4. This resolution shall not be deemed to approve or consent to any further assignment and/or transfer of any substantial interest in the property. Any



RESOLUTION

further assignments and/or transfers shall continue to be subject to Condition 11 of Ordinance 4347.

- 5. Failure to comply with the above conditions shall result in the denial of any future permits.

and

BE IT FINALLY RESOLVED that the Clerk is directed to transmit copies of this resolution to the Director of Planning and Permitting and to SSFM International, Inc., 501 Sumner Street, Suite 502, Honolulu, Hawaii 96817.

INTRODUCED BY:

Charles Djou (BR)

DATE OF INTRODUCTION:

December 30, 2003

Honolulu, Hawaii

Councilmembers

(OCS/011304/ct)