

# REPORT OF THE COMMITTEE ON ZONING

Charles K. Djou, Chair; Barbara Marshall, Vice-Chair  
Romy M. Cachola, Nestor R. Garcia, Ann H. Kobayashi, Members

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Committee Meeting Held  
July 5, 2006

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

Mr. Chair:

Your Committee on Zoning, to which was referred Resolution 06-239 entitled:

"RESOLUTION APPROVING AN EXTENSION OF TIME TO OBTAIN BUILDING AND GRADING PERMITS FOR THE SUNSET BEACH AGRICULTURAL SUBDIVISION UNDER THE SPECIAL MANAGEMENT AREA USE PERMIT GRANTED BY RESOLUTION NO. 02-211, CD1,"

as transmitted by Departmental Communication No. 0595 from the Department of Planning and Permitting (DPP), dated June 20, 2006, reports as follows:

The purpose of Resolution 06-239 is to approve an extension of time to Edward and Sylvia Ing ("Applicants") to obtain building and grading permits for the Sunset Beach Agricultural Subdivision under the Special Management Area Use Permit (SMP) granted by Resolution No. 02-211, CD1 so that the project can be completed as originally proposed.

At your Committee's meeting on July 5, 2006, a representative of the Applicant testified that the delays to date were not the fault of the Applicant, but rather the result of a drainage issue with the city and state agencies involved. Your Committee expressed concerns that this will be the third extension of time.

Your Committee notes that the DPP, with the understanding that no major changes to the approved project will occur, that all conditions of the approved permit will be met, and that the applicants will obtain all other required land use permits, recommends that the requested SMP extension be approved to August 7, 2007.

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON \_\_\_\_\_

COMMITTEE REPORT NO. **322**

# REPORT OF THE COMMITTEE ON ZONING

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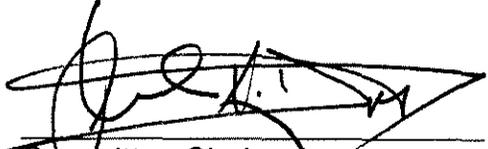
Committee Meeting Held  
July 5, 2006  
Page 2

Your Committee amended the Resolution to a CD1 version that makes the following changes:

- A. The CD1 amends the fifth WHEREAS paragraph to add a reference to Resolution 05-293, by which the Council approved the second extension of time.
- B. The CD1 makes minor technical and nonsubstantive amendments.

Your Committee on Zoning is in accord with the intent and purpose of Resolution 06-239, as amended herein, and recommends its adoption in the form attached hereto as Resolution 06-239, CD1. (Ayes: Djou, Cachola, Garcia, Kobayashi, Marshall - 5; Noes: None.)

Respectfully submitted,



Committee Chair

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON JUL 19 2006

COMMITTEE REPORT NO. 322



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## RESOLUTION

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APPROVING AN EXTENSION OF TIME TO OBTAIN BUILDING AND GRADING PERMITS FOR THE SUNSET BEACH AGRICULTURAL SUBDIVISION UNDER THE SPECIAL MANAGEMENT AREA USE PERMIT GRANTED BY RESOLUTION NO. 02-211, CD1.

WHEREAS, by Resolution No. 02-211, CD1, adopted on August 7, 2002, the Council granted a Special Management Area Use Permit (SMP) for the Sunset Beach Agricultural Subdivision, located at 59-426 Kamehameha Highway, Sunset Beach, Oahu (File No. 2001/SMA-66); and

WHEREAS, Condition C of the SMP required that the project obtain a building/grading permit within two years of the date of the permit. Condition C further provided that the Department of Planning and Permitting (DPP) may extend the period if the applicants demonstrate good cause, but the period shall not be extended beyond one year from the initial deadline without the approval of the Council, which may grant or deny the approval in its complete discretion; and

WHEREAS, pursuant to Condition C, the DPP granted a one-year extension of the deadline, to August 7, 2005; and

WHEREAS, the applicants, Edward and Sylvia Ing, requested an additional extension to obtain the building and grading permits so that the project can be completed as originally proposed; and

WHEREAS, pursuant to Condition C, the City Council granted an additional one-year extension of the deadline, to August 7, 2006, by Resolution No. 05-293; and

WHEREAS, the applicants, Edward and Sylvia Ing, have requested an additional one-year extension to obtain the building and grading permits so that the project can be completed as originally proposed; and

WHEREAS, the Council finds that good cause has been demonstrated for the extension, now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the deadline to obtain building and grading permits under Condition C of the SMP granted by Resolution No. 02-211, CD1, is hereby extended to August 7, 2007; and



RESOLUTION

BE IT FURTHER RESOLVED that any further extensions of this deadline shall require the approval of the Council pursuant to the procedures set forth in Condition C of the said SMP; and

BE IT FINALLY RESOLVED that the Clerk transmit copies of this Resolution to the Director of Planning and Permitting, Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, Hawaii 96826, Bow Engineering and Development, Inc., 1953 South Beretania Street, PH-A, Honolulu, Hawaii 96826, and Edward and Sylvia Ing, 3138 Paty Drive, Honolulu, Hawaii 96822.

INTRODUCED BY:

Donovan Dela Cruz (BR)

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DATE OF INTRODUCTION:

June 27, 2006  
Honolulu, Hawaii

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Councilmembers

(OCS/063006/ct)