

JOHN WAIHEE
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 587-3822

RECORDED

APR 23 09:16

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

April 23, 1993

Mr. Brian Choy, Director
Office of Environmental
Quality Control
Central Pacific Plaza
220 S. King Street, 4th Fl.
Honolulu, Hawaii 96813

Dear Mr. Choy:

Subject: LUC Docket No. A93-688/John Hunt and Debra Hunt

At its meeting of March 31, 1993, the Land Use Commission issued a negative declaration for the final Environmental Assessment (EA) prepared for the subject docket.

In accordance with Section 343-5(c), HRS, as amended, we are filing four copies of the final EA and one copy of the Document for Publication form. The Commission's Order on the negative declaration determination was forwarded to you under separate cover on April 19, 1993.

Should you have any questions, please call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

A handwritten signature in cursive script, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:th

Encl.

cc: OSP (w/o encl.)
DGP (w/o encl.)
Roy Vitousek III, Esq. (w/o encl.)

1993-05-08-0A-FEA-Hunt Residence

MAY 10 1993

MAR 29 10 06 AM 1993

LAND USE COMMISSION
STATE OF HAWAII

FINAL ENVIRONMENTAL ASSESSMENT

HUNT RESIDENCE
Niu Valley, Hawaii

March 1993

**FINAL
ENVIRONMENTAL
ASSESSMENT**

HUNT RESIDENCE

Niu Valley, Hawaii

March 1993

In Support of a Petition to:
State Land Use Commission

Prepared For:
John & Debra Hunt

Prepared By:
Helber Hastert & Fee, Planners

1.0 INTRODUCTION AND SUMMARY

1.1 Intended Use of this Document

This final environmental assessment (FEA) is in support of a petition filed by John and Debra Hunt (the "Petitioners") for a State Land Use District Boundary amendment to reclassify 15,592 square feet of a 17,536-square foot parcel, identified as Tax Map Key (1) 3-7-13:17 (the "Property"), from the Conservation District to the Urban District (LUC Docket No. A93-688). About 1,944 square feet of the Property is already within the Urban District. The Property is located on the eastern side of Niu Valley, within the City and County of Honolulu.

This FEA is intended to comply with Chapter 343, Hawaii Revised Statutes, as amended (HRS), and the EIS regulations promulgated by Chapter 200 of Title 11, Department of Health. The purposes of this document are to provide information to public officials and members of the community about the nature of the proposed action; to assess existing environmental conditions of the Property; to evaluate potential impacts of the proposed action and to present mitigating actions for those impacts, if necessary; and, to consider alternatives to the proposed action.

1.2 Project Summary

*Petitioner/
Landowner:*

John & Debra Hunt
343 Mamaki Street
Honolulu, Hawaii
96821

*Preparers of
Environmental Assessment:*

Helber Hastert & Fee, Planners
733 Bishop Street
Suite 2590
Honolulu, Hawaii 96813
Attention: Scott Ezer

Location:

Niu Valley, Honolulu, Hawaii

Tax Map Key:

Division 1, Zone 3, Section 7, Plat 13, Parcel 71

Parcel Area:

17,536 square feet

*Existing State Land
Use District:*

Conservation, Urban

*City and County of
Honolulu Development Plan:*

Residential, Preservation

County Zoning:

R-7.5 Residential, P-1 Restricted Preservation

EA Approving Agency:

State Land Use Commission

Request:

Reclassify 15,592 square feet of
TMK (1) 3-7-13:71 to the Urban
District from the Conservation District

1.3 Alternatives Considered

Two alternatives to the proposed action were considered: "no action" and a Conservation District Use Permit (CDUP) alternative. The no-action alternative would not allow the Petitioners to correct the nonconforming status of the Property. It would be impossible to perform necessary repairs and alterations to the existing residence. The CDUP alternative would allow the Petitioners to make necessary repairs and alterations to the Property, but leave State and County land use designations inconsistent with the surrounding neighborhood and could adversely impact any future transactions with lending institutions and insurance companies. For these reasons, these alternatives were rejected.

1.4 Background

Property Location. The Property is located in East Honolulu, on the eastern side of Niu Valley, off Mamaki Street (Exhibit 1). This area of Honolulu was largely undeveloped until the 1950's and 1960's, when Honolulu's growing population created a demand for additional land for housing units.

Initial Zoning. Effective December 7, 1951, the City Planning Commission zoned the Property, and large portions of Niu Valley, as A-1 Residential District by Resolution No. 404. A copy of this Resolution is attached as Exhibit 2; the area covered by Resolution No. 404 is attached as Exhibit 3. This was part of a major rezoning of Niu Valley for residential use.

According to Section 21-2.5 of the Revised Ordinances of Hawaii in effect at that time, (the "ROH"), an A-1 Residential District required a minimum lot size of 7,500 square feet for each single family dwelling. The relevant section of the ROH is attached as Exhibit 4.

Development of Niu Valley. With zoning in place, development in Niu Valley proceeded. As part of the overall development occurring in the Valley, on August 16, 1962, the Planning Department of the City and County of Honolulu approved the Niu Estates - Unit 2 subdivision on the east side of Niu Valley. This subdivision created 68 residential lots, ranging in size from 7,619 square feet to 21,224 square feet, along the present Mamaki, Puamamane and Malaki Streets. Exhibit 5 shows the present configuration of Tax Map 3-7-13, which includes the subdivision. Exhibit 6 shows the Final Subdivision Map for the Niu Estates-Unit 2 subdivision. Of particular importance to the history of the Property are Lots 52 and 53 of the Niu Estates - Unit 2 subdivision. Their relationship to the Property will be discussed below.

Creation of the Property. On July 6, 1964, the Planning Department of the City and County of Honolulu received an application to consolidate lots 52 and 53 of the Niu Estates - Unit 2 subdivision with a portion of TMK 3-7-04:1 and resubdivide these properties into three parcels, one of which is the Property. The letter accompanying the subdivision application is attached as Exhibit 7. On August 6, 1964, the Planning Director approved the subdivision map which created the Property. This map is attached as Exhibit 8. The agent for the then-landowner received notice of the subdivision approval on August 19, 1964, a copy of which is attached as Exhibit 9.

Concurrent Creation of State Land Use Districts. As the development of Niu Valley was occurring, the Hawaii State Legislature was in the process of enacting the state land use laws. Effective July 11, 1961, the Hawaii State Legislature adopted Act 187 of the

Session Laws of Hawaii, 1961, which created the State Land Use Commission ("Commission") and the land use districts.

On April 21, 1962, the newly created Commission adopted Temporary Land Use Commission District Boundaries (Exhibit 10) which were intended to function as a guide for the Commission during its formal deliberations and decision-making for more permanent district boundaries. The temporary designation for the area which includes the Property was Urban.

The final boundaries were adopted by the Land Use Commission on July 2, 1964 and took effect on August 23, 1964 (Exhibit 11), seventeen days after final subdivision approval on the Property had been granted. The boundaries were based on a U.S. Geological Survey map dated 1959. This map did not reflect the recent urbanization of Niu Valley, specifically the creation of the residential lot which now constitutes the Property.

There are several possible explanations for this oversight. The Commission may have relied on State Tax Maps and on the Counties to identify lands which were either in urban use or earmarked for such use. For example, Niu Estates - Unit 2 was included in the Urban District on the official land use boundaries, even though it was not fully developed.

In the case of the Property, final subdivision approval was granted just seventeen days before the official land use boundaries were effective. It is highly unlikely that the State Tax Office would have received notice of the creation of the new subdivided lot (the Property), noted this on a new Tax Map, and transmitted the revised Tax Map to the Commission between August 6, 1964 (final subdivision approval of the Property) and August 23, 1964 (effective date of the Commission's boundaries).

Thus, it appears that in 1964, the very recent urbanization of the Property at the City and County level fell between the cracks, and was not reflected on the official land use boundaries.

Granting of Building Permit for the Property. Meanwhile, there was no indication to the owner that the Property might be outside the Urban District and development proceeded on the Property in a routine manner. On May 17, 1965, the City and County Building Department issued a building permit for the Property, attached as Exhibit 12. This was consistent with the zoning, which was still A-1 Residential District.

A single-family dwelling was built on the Property in 1965. This structure remains on-site today.

County Zoning. Zoning for the Property continued to be A-1 Residential until January 2, 1969, when the Comprehensive Zoning Code (CZC) became effective (Ordinance No. 3234). One section of the CZC (Section 21-1402(a)) contained a provision dealing with lands that had been placed in the State Conservation District by the State Land Use Commission (Exhibit 13). For the first time within the City and County of Honolulu, a County-level zoning designation was created (P-1 Preservation District) in recognition of the State-level Conservation district.

With the effective date of the CZC, all lands within the State Conservation district were to be automatically rezoned to the P-1 Preservation District. Apparently, even after the adoption of the CZC, the County continued to recognize the residential zoning of the Property parcel. In May 1969, the City and County Building Department issued a

building permit for a retaining wall on the Property, with the zoning for the Property clearly identified as R-4 Residential (the equivalent of the current R-7.5 Residential District) (Exhibit 14).

Boundary Interpretation. The issue of the possible location of the Property in the Conservation District did not arise until 18 years after the Commission's action in 1964. In 1982, the then-owner of the Property requested a State Land Use Boundary Interpretation. On July 27, 1982, the boundary between the Conservation and the Urban Districts was interpreted to run through a portion of the Property, as shown on Exhibit 15. Under this interpretation, the driveway of the Property lies in the Urban District, while the remainder of the Property lies in the Conservation District.

It is at this point that the nonconforming use of the Property, and its split designation into Urban and Conservation Districts, first arose. It is this situation that the Petitioners now seek to correct.

Petitioners Purchase Property. The Petitioners purchased the Property as their principal residence in 1985. At the time of purchase, they were given no reason to doubt that the Property was different from any other parcel in their neighborhood. There was no indication that the Property was in the State Conservation District, nor was there any reason to believe that the zoning was anything but for residential uses, the same zoning designation for other properties in the neighborhood. It was not until 1990, when the Petitioners submitted a request for a building permit to the Building Department that they learned that the Property was considered to be within the State Conservation District and zoned P-1 Restricted Preservation District

The land use designations and zoning problems of the Property should have been disclosed at the time of purchase in 1985. However, disclosure laws related to the sale of real estate were not enacted by the State Legislature until 1988 (Act 341, Session Laws of Hawaii, 1988). Thus, the Petitioners were unable to pursue the seller and/or the realtor involved for the failure to disclose the State Land Use and County zoning designations for the Property.

Recent Subdivision Action. The Property and an adjoining parcel (TMK No. 3-7-11:24) were recently consolidated and resubdivided to clearly define their common boundary. This subdivision action was approved by the Director of the Department of Land Utilization on May 21, 1992 and resulted in the addition of 384 square feet to the Property, all of which lies within the State Urban District (Figure 16). Thus, the area of the property is now 17,536 square feet. In addition to the area recently added to the Property which is within the Urban District, the existing driveway (1,560 square feet) also lies within the State Urban District. Therefore, the actual area of the Property which requires a boundary amendment is 15,592 square feet, as follows

| | | | |
|--|---|--------------|-------------|
| Total area of Property | | 17,536 | square feet |
| Less area from TMK 3--11:24 | - | 384 | square feet |
| Less area of the driveway | - | <u>1,560</u> | square feet |
| Total area requiring reclassification | | 15,592 | square feet |

Present Course of Action. Given the circumstances of the situation, and their desire to bring their residence into conformance with State of Hawaii and City and County of Honolulu land use laws, the Petitioners are left with two options: (1) to obtain a Conservation District Use Permit for the residence; or (2) to reclassify portions of the Property from the State Conservation District to the Urban District and to change the County zoning designation from P-1 Restricted Preservation District to R-7.5 Residential District.

In an effort to clear up this question to effect a long-term solution for the Property, the Petitioners have chosen to pursue Option 2.

Exhibits 17 and 18 are color reproductions of photographs showing the Petitioners Residence.

1.5 Determination

Under the provisions of Chapter 200 of Title 11, Administrative Rules, prepared by the Department of Health, and based on the analysis contained herein, the proposed action will not have any substantial adverse environmental or ecological effect.

1.6 Parties Consulted During the Preparation of the FEA

A notice of anticipated negative declaration for the Draft EA was published for the proposed boundary amendment in the OEQC Bulletin on February 23, 1993, following a determination by the Land Use Commission that the boundary amendment probably would not have a significant effect on the environment. The publication of the DEA began a 30-day public review period which ended on March 25, 1993. A copy of the DEA was mailed to the nine agencies listed below. The list contains parties believed to have an interest in the proposed boundary amendment.

By March 26, 1993, a total of agencies provided crittend comments on the DEA. The parties who responded to the DEA area identified by an asterisk (*) and their comments are reproduced in Appendix A.

State Agencies

- Office of Environmental Quality Control
- Department of Business, Economic Development and Tourism,
- * Land Use Commission
- Board of Land and Natural Resources
- Office of the Governor,
- Office of State Planning

County Agencies

- * Building Department
- * Board of Water Supply
- Department of General Planning
- Department of Land Utilization
- Department of Public Works

**2.0 GENERAL DESCRIPTION OF THE ACTION'S TECHNICAL,
ECONOMIC, SOCIAL AND ENVIRONMENTAL CHARACTERISTICS**

As discussed in Section 1.4, above, a single-family dwelling constructed in 1965 is located on the Property. It is the Petitioners understanding that the Property has been continuously occupied since 1965. The Property was also graded and landscaped in 1965. Elevations range from about 45 feet above mean sea level (msl) at the top of the access drive to about 75 feet above msl at the rear of the property. The topography in the vicinity of the single-family dwelling is relatively flat, averaging about 52 feet above msl.

The Property is similar in most respects to other single-family dwellings in the immediate neighborhood. It is connected to water, electric, sewer and cable utilities. Except for planned additions and/or improvements to the existing dwelling, no further development is planned for the Property. In fact, under the provisions of Section 3.20 of the Land Use Ordinance, the zoning regulations for the City and County of Honolulu, future subdivision of the Property would be impossible, since access drives for flag lots must be a minimum 12 feet in width and service only one parcel. Because the existing access drive to the Property is 12 feet in width, the Property cannot be further subdivided.

Reclassification of the Property will not add additional population to the community because the single-family dwelling is already occupied. Nor will traffic impacts to the area increase because the Petitioners already commute to and from work and otherwise contribute vehicle trips to the local circulation network typical of other families.

In summary, whatever impacts were created by the use of the property occurred some 25 years ago. There should be no environmental impact resulting from the proposed reclassification of the Property.

3.0 OTHER PERMITS REQUIRED

If a reclassification of 15,592 square feet of the Property from Conservation to Urban occurs, it will be necessary to change the County zoning designation for this area from P-1 Restricted Preservation District to R-7.5 Residential District. This zoning designation is consistent with the zoning for other residential properties in the neighborhood.

CITY PLANNING COMMISSION

of the

CITY AND COUNTY OF HONOLULU

Resolution No. 404

A RESOLUTION OF THE CITY PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU, CREATING CLASS 1-A RESIDENTIAL DISTRICT NO. 7, WAILUPE, NIU, AND KULIOUOU, HONOLULU, OAHU, T.H.

Be it resolved by the City Planning Commission of the City and County of Honolulu:

SECTION 1. Class A-1 Residential District No. 7 is hereby created in portions of Wailupe, Niū, and Kuliouou, Honolulu Oahu.

Class A-1 Residential District No. 7 shall include the portions of Wailupe, Niū, and Kuliouou within the following boundaries:

Beginning at a point on the East boundary of Class A-1 Residential District No. 4 (Alua Haina), 1000 feet perpendicular from the present North side of Kalanianaʻole Highway and running clockwise from South:

1. Northerly along the boundary of Class A-1 Residential District No. 4 (Alua Haina) to a point 2000 feet perpendicular from the present North side of Kalanianaʻole Highway; thence
2. Easterly and parallel to the present North side of Kalanianaʻole Highway to a point 1070 feet more or less from the Northwest corner of Class AA Residential District No. 2 (Kuliouou); thence
3. Easterly along a line of the extension of the North boundary of Class AA Residential District No. 2 to the Northwest corner of Class AA Residential District No. 2; thence
4. Southerly along the boundaries of Class AA Residential District No. 2 and Class A Residential District No. 20 (Moomuku Place) to a point 1000 feet perpendicular from the present North side of Kalanianaʻole Highway; thence
5. Westerly and parallel to the present North side of Kalanianaʻole Highway to the point of beginning.

SECTION 2. This resolution shall take effect as an ordinance as specified under the provisions of Section 6644, Revised Laws of Hawaii, 1945.

ADOPTED BY THE CITY PLANNING COMMISSION
THIS 1st DAY OF NOVEMBER, 1951.

(S) A. J. Gignoux, Chairman
CITY PLANNING COMMISSION

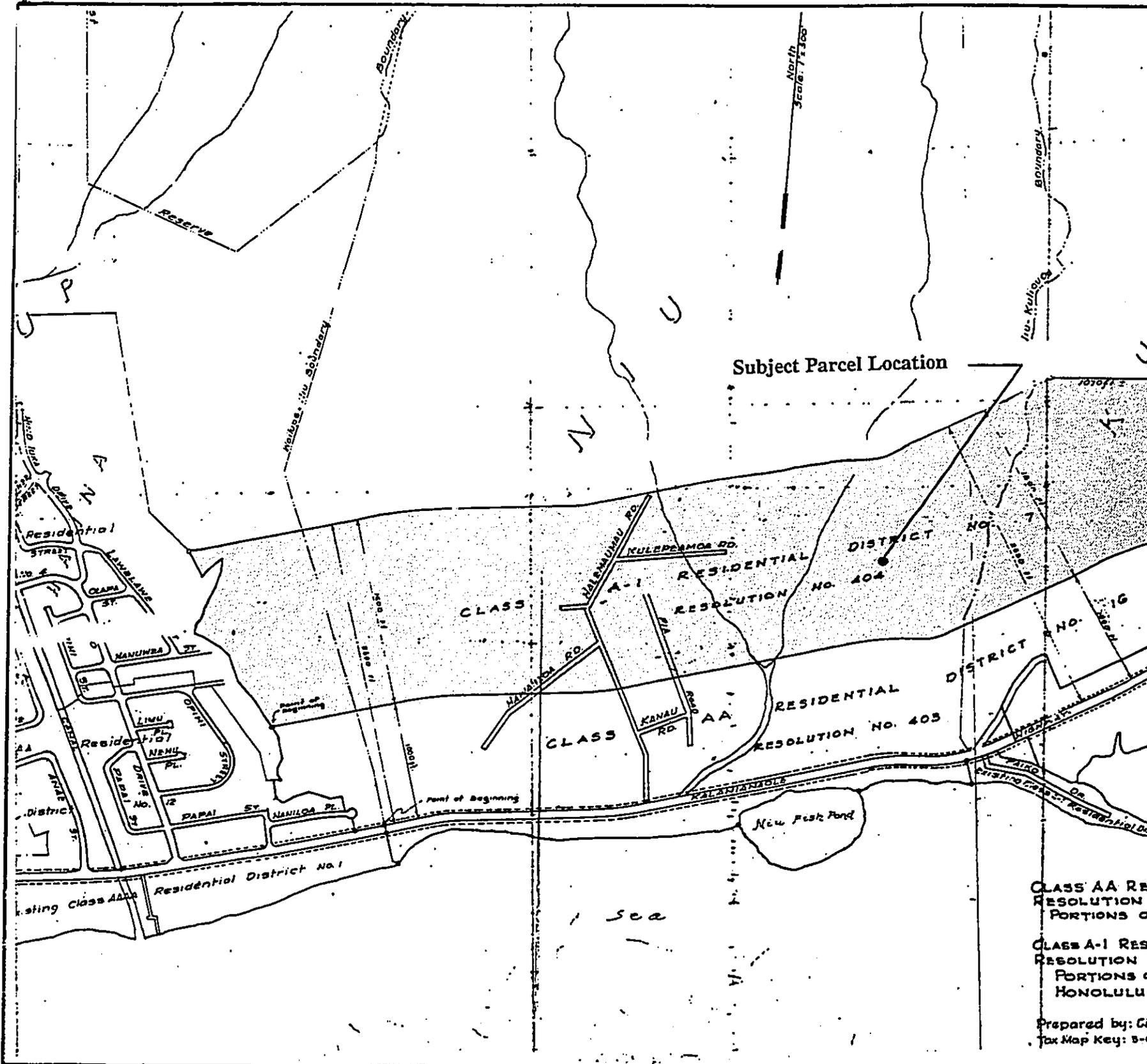
Certificate

I hereby certify that the foregoing Resolution, adopted by the City Planning Commission of the City and County of Honolulu, Territory of Hawaii, on the 1st day of November 1951, and not having been disapproved by the Board of Supervisors of said City and County by an affirmative vote of at least five members of said Board within thirty days from the date of filing, became effective as of the 7th day of December, 1951.

Given under my hand and the Seal of the City and County of Honolulu, Territory of Hawaii, this 7th day of December, 1951.

(S) LEON K. STERLING, SR.
City and County Clerk

(Seal)
(Hon. Adv.: Dec. 11, 1951)



Subject Parcel Location

CLASS AA RESIDENTIAL RESOLUTION NO. 403 PORTIONS OF DISTRICT NO. 16

CLASS A-1 RESIDENTIAL RESOLUTION NO. 404 PORTIONS OF DISTRICT NO. 7

Prepared by: City of Honolulu
Tax Map Key: 5-1

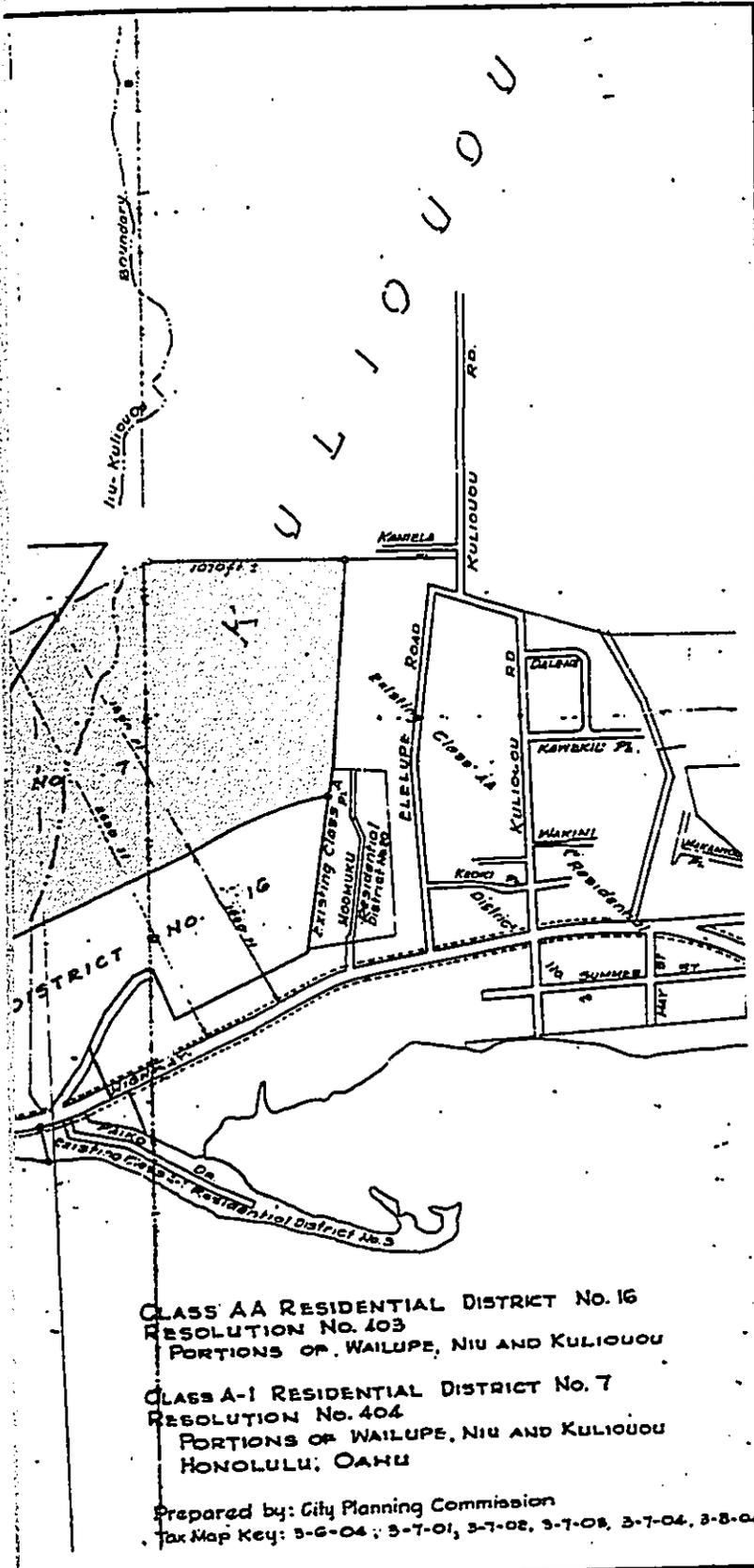


Exhibit 3

Area Covered by Resolution 404

Exhibit 4

**THE
REVISED ORDINANCES
of HONOLULU
1957**

*Comprising the Ordinances of the
CITY AND COUNTY OF HONOLULU,
through Ordinance No. 1620
(December 31, 1957)*



Effective, August 22, 1958

PUBLISHED BY AUTHORITY

**MAYOR
NEAL S. BLAISDELL**

BOARD OF SUPERVISORS

| | |
|-----------------------------|---------------------------|
| CLESSON Y. CHIKASUYE | NOBLE K. KAUHANE |
| MASATO DOI | EUGENE F. KENNEDY |
| RICHARD M. KAGEYAMA | HERMAN G. P. LEMKE |
| MATSUO TAKABUKI | |

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Sec. 21-22. Class "AAAA" Residential Districts.

Within any Class "AAAA" residential districts no dwelling referred to in Section 21-2.1. shall be constructed on any lot having an area of less than 20,000 square feet. There may be one or more such single family dwellings on any lot having an area of 40,000 square feet or more, provided there is not less than 20,000 square feet of lot area for each dwelling; provided, however, that this area requirement shall not apply to the construction of a single family dwelling on lots of less than 20,000 square feet in area, where the boundaries of such lots were established on or prior to July 5, 1944. (Sec. 1(d), Am. Ord. No. 1051)

Sec. 21-23. Class "AAA" Residential Districts.

Within any Class "AAA" residential districts no dwelling referred to in Section 21-2.1. shall be constructed on any lot having an area of less than 15,000 square feet. There may be one or more such single family dwellings on any lot having an area of 30,000 square feet or more, provided there is not less than 15,000 square feet of lot area for each dwelling; provided, however, that this area requirement shall not apply to the construction of a single family dwelling on lots of less than 15,000 square feet in area where the boundaries of such lots were established on or prior to July 5, 1944. (Sec. 1(e), Am. Ord. No. 1051)

Sec. 21-24. Class "AA" Residential Districts.

Within any Class "AA" residential district no dwelling referred to in Section 21-2.1. shall be constructed on any lot having an area of less than 10,000 square feet. There may be one or more such single family dwellings on any lot having an area of 20,000 square feet or more provided there is not less than 10,000 square feet of lot area for each dwelling; provided, however, that this area requirement shall not apply to the construction of a single family dwelling on lots of less than 10,000 square feet in area, where the existing boundaries of such lots were established on or prior to March 21, 1940. (Sec. 102, R.O. 1942; Sec. 1(c), Am. Ord. No. 982; Sec. 1(f), Am. Ord. No. 1051)

Sec. 21-25. Class "A-1" Residential Districts.

Within any Class "A-1" residential district no dwelling referred to in Section 21-2.1. shall be constructed on any lot having an area of less than 7,500 square feet. There may be one or more such single family dwellings on any lot having an area of 15,000

§ 21-2.6. REVISED ORDINANCES OF HONOLULU § 21-2.8

square feet or more, provided there is not less than 7,500 square feet of lot area for each dwelling; provided, however, that this area requirement shall not apply to the construction of a single family dwelling on lots of less than 7,500 square feet in area, where the existing boundaries of such lots were established on or prior to February 5, 1941. (Sec. 103, R.O. 1942; Sec. 1(c), Am. Ord. No. 982; Sec. 1(g), Am. Ord. No. 1051)

Sec. 21-2.6. Class "A-2" Residential Districts.

Within any Class "A-2" residential district, no dwelling referred to in Section 21-2.1., shall be constructed on any lot having an area of less than 6,000 square feet. The minimum lot width shall be 60 feet for all lots within this classification. There may be one or more such single family dwellings on any lot having an area of 12,000 square feet or more, provided there is not less than 6,000 square feet of lot area for each dwelling; provided, however, that neither this area requirement nor the minimum lot width requirement shall apply to the construction of a single family dwelling on lots of less than 6,000 square feet in area, where the existing boundaries of such lots were established on or prior to March 28, 1957. (Ord. No. 1566)

Sec. 21-2.7. Class "A" Residential Districts.

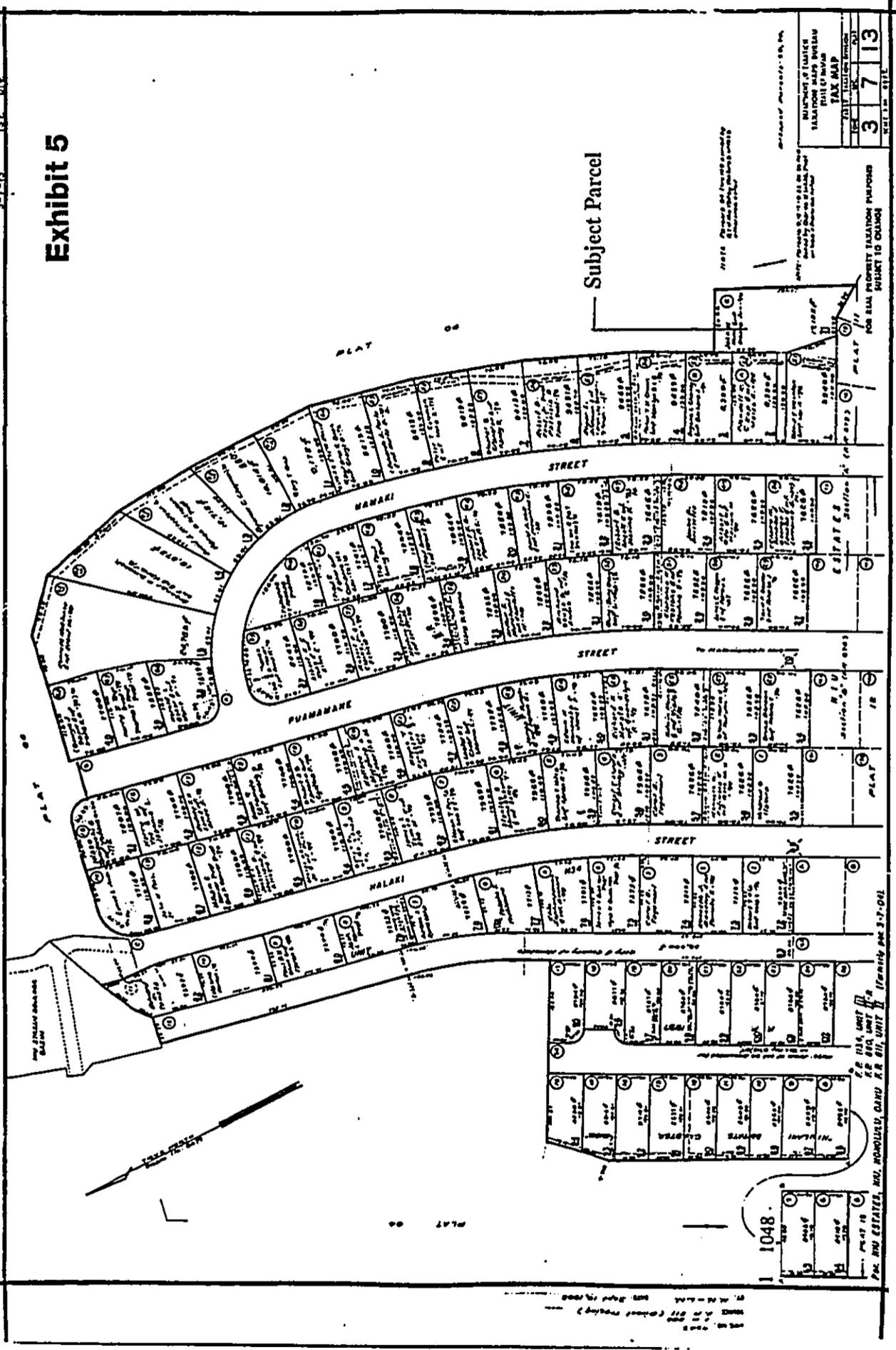
(a) Within any Class "A" residential district no dwelling referred to in Section 21-2.1. shall be constructed on any lot having an area of less than 5,000 square feet. There may be one or more such single family dwellings on any lot having an area of 10,000 square feet or more, provided there is not less than 5,000 square feet of lot area for each dwelling; provided, however, that this area requirement shall not apply to the construction of a single family dwelling on lots of less than 5,000 square feet in area, where the existing boundaries of such lots were established on or prior to February 6, 1940. (Sec. 104, R.O. 1942; Sec. 1(c), Am. Ord. No. 982; Sec. 1(h), Am. Ord. No. 1051)

(b) A duplex family dwelling may be constructed in lieu of two single family dwellings. The area requirement for a duplex family dwelling shall be equivalent to that required of two single family dwellings. (CPC Res. No. 604)

Sec. 21-2.8. Class "B" Residential Districts.

(a) Within any Class "B" residential district, no dwelling referred to in Section 21-2.1. shall be constructed on any lot having an area of less than 3,500 square feet. There may be one or

Exhibit 5



Subject Parcel

MUNICIPALITY OF HAWAII
 TERRITORY OF HAWAII
 TAX MAP
 3 7 13
 1913

FOR THE PROPERTY TAXATION PURPOSES
 THE DISTRICT OF HAWAII

1048

P.M. HUI ESTATE, INC. HONOLULU, HAWAII
 UNIT 10
 UNIT 11
 UNIT 12
 UNIT 13
 UNIT 14
 UNIT 15
 UNIT 16
 UNIT 17
 UNIT 18
 UNIT 19
 UNIT 20

Exhibit 7

R. M. TOWILL CORPORATION
223 MERCHANT ST. • TELEPHONE 53-261
HONOLULU, HAWAII 96813

July 6, 1964

Planning Department
City and County of Honolulu
Honolulu, Hawaii

Gentlemen:

SUBJECT: Consolidation of Lot 52 and 53 of File Plan 811
Niu Estates, Unit 2
Tax Map Key: 3-7-13 and 3-7-04
Land Owner: Charles W. Lucas Trust

Submitted herewith for your approval are ten (10) prints of a map showing the Consolidation of Lot 52 and 53 of File Plan 811, Niu Estates, Unit 2 and portion of R. P. 52, L.C. Aw 802 to Alexander Adams and resubdivision of said consolidation into Lots A (8,320 sq. ft.), B (8,320 sq. ft.) and C (17,100 sq. ft.) as a flag lot.

Attached also are check in the amount of \$13.00 to cover the cost of filing fee and letter of authorization from the owner of the land.

Very truly yours,

R. M. TOWILL CORPORATION


Watson Lee

WL:jg

Encls.

3231

8/3

Exhibit 8

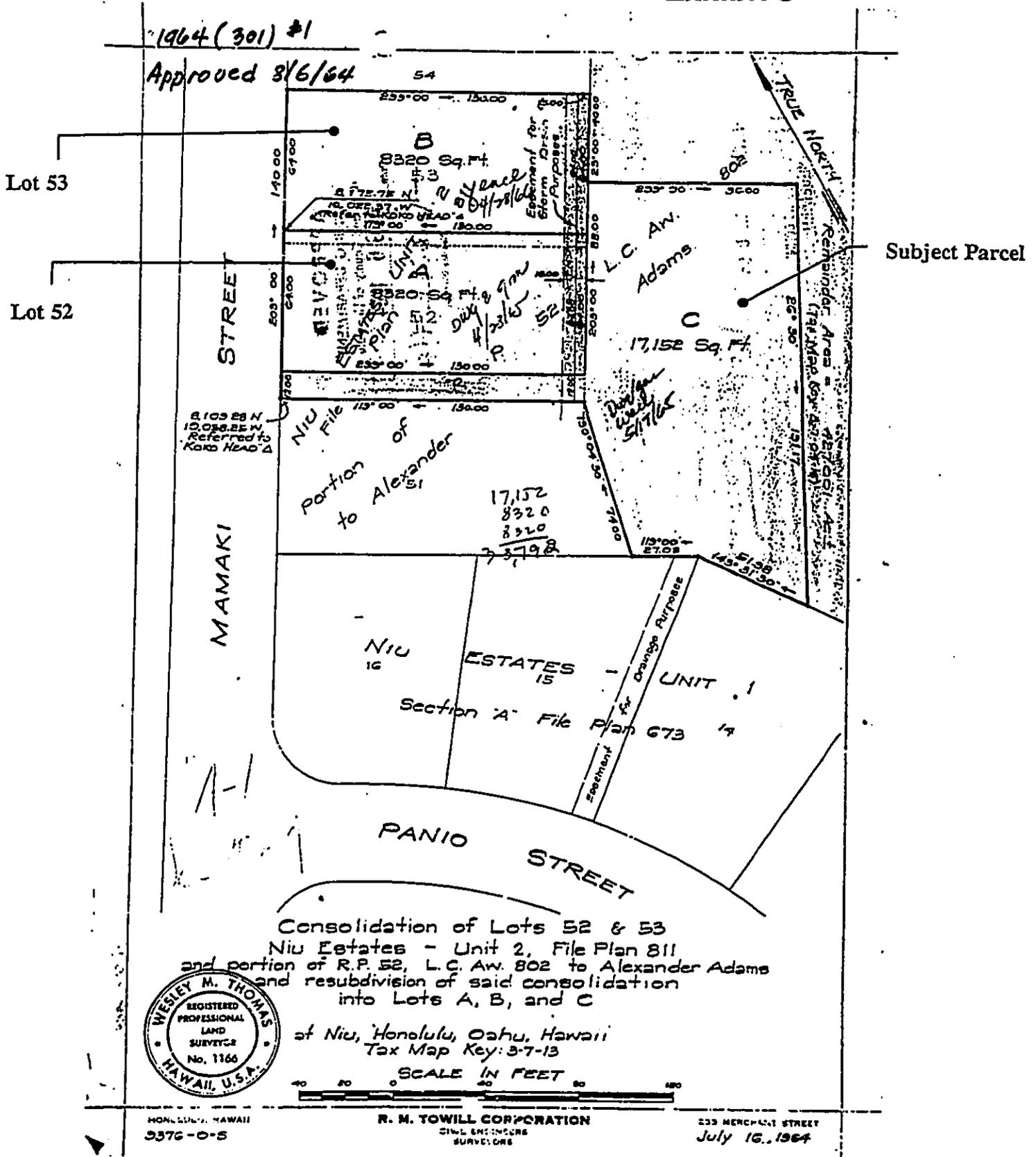


Exhibit 9

August 19, 1964

64(301)

**R. M. Towill Corporation
233 Merchant Street
Honolulu, Hawaii 96813**

Attention Mr. Watson Lee

Gentlemen:

**Proposed Subdivision: Hin - Mamaki Street
Tax Key: 3-7-13: 2 and 3 and 3-7-04: 16
Owner: Charles W. Lucas Trust
Surveyor: R. M. Towill Corporation**

Approval was granted by the Planning Director on August 6, 1964 to the proposed consolidation and resubdivision of Lots 52 and 53, Hin Estates - Unit 2, File Plan 811 and portion of Royal Patent 52, Land Commission Award 802 to Alexander Adams (Tax Map Key 3-7-04: 16) at Hin into 3 lots: Lot A of 8,320 $\frac{1}{2}$; Lot B of 8,320 $\frac{1}{2}$ and Lot C of 17,152 $\frac{1}{2}$; a 12-ft. flag lot and leaving a remainder area of 427,001 acres (Tax Map Key 3-7-04: 16) and showing the existing easement areas.

A copy of the final map bearing the stamp of approval is enclosed herewith.

Very truly yours,

PLANNING DEPARTMENT

**Frederick K. F. Lee
Planning Director**

**KY:my
Enc.**

SEE INSTRUCTIONS BELOW

PERMIT NUMBER

BUILDING DEPARTMENT
DIVISION OF BUILDING SAFETY
CITY AND COUNTY OF HONOLULU

10820 APPLICATION AND BUILDING PERMIT

Fee Received

| | | | | | | | | | | | |
|------------------------------------|----------------------|------------------|-----------------------|----------------|------|-----------|------------|--------|-----------------|------------|--|
| WRITE IN ALL INFORMATION | EST. VALUE | PERMIT FEE | CLASS OF CONSTRUCTION | NO. OF STORIES | ZONE | SEC. | PLAT | PARCEL | LOT NO. | DISTRICT | |
| | 19,100 ⁰⁰ | 60 ⁰⁰ | V.41 | 1 1/2 | 3 | 7 | 4 | 1 | C | NIU ESTATE | |
| CHECK BOX OR WRITE IN IF NECESSARY | NEW BLDG. | EXIST. BLDG. | OTHER STRUCTURES | | | ADD. | ALTER. | REPAIR | OTHER WORK | | |
| | FENCE WALL | RETAINING WALL | GARAGE UNDER | | | RECONSTR. | DEMOLITION | | BRIDGE BUILT 17 | | |

APPLICATION IS HEREBY MADE FOR PERMIT TO DO WORK AS FOLLOWS:

CLASSIFICATION OF OCCUPANCIES GROUP: I-DWLG.

| | | | | | | | | | |
|----------------------|-------------------------------------|--------|-----------|----------|------------|--------|---------------|---------|-----------|
| SHOW NUMBER OF UNITS | SINGLE FAMILY DWELLING | DUPLEX | APARTMENT | BUSINESS | INDUSTRIAL | PUBLIC | INSTITUTIONAL | STORAGE | HAZARDOUS |
| | <input checked="" type="checkbox"/> | | | | | | | | |

CLASSIFICATION OF CONSTRUCTION

| | | | | | | | |
|------------------|-------------------|-------------------------|-----------------------|-----------------------------|-------------------------------|-----------------------------|-----------------------|
| CHECK PROPER BOX | FIRE PROOF TYPE I | SEMI FIRE PROOF TYPE II | HEAVY TIMBER TYPE III | NON COMBUSTIBLE TYPE IV (1) | UNPROTECTED METAL TYPE IV (2) | ORDINARY MASONRY TYPE V (1) | WOOD FRAME TYPE V (2) |
| | | | | | (NO MARK) | | |

PROPOSED ADDRESS (NO.) 343 MAHAKI ST. (STREET) LOT AREA 1715⁰⁰ SQ. FT. USE DISTRICT

OVERALL DIMENSIONS 18x39, 20x78 FLOOR AREA 1762⁰⁰ SQ. FT. NO. OF STORIES 1 1/2

BASEMENT 560 SQ. FT. TYPE OF FOUNDATION Concrete TYPE OF FLOOR Wood

TYPE OF EXTERNAL WALLS Wood TYPE OF INTERNAL PARTITIONS Wood TYPE OF ROOF Side Gable

CONNECTION TO SEWER CONNECTION TO CESSPOOL

NO PART OF THIS BUILDING WILL BE NEARER THAN 19 FT. 3 INCHES TO NEAREST ADJOINING PROPERTY LINE AND NO PART OF THIS BUILDING WILL BE NEARER THAN _____ INCHES FROM 1ST STORY, NOR _____ INCHES FROM STORIES ABOVE THE 1ST FLOOR OF ANY BUILDING ON THE SAME LOT. NO EAVE, OVERHANG, OR OTHER PROJECTION WILL PROJECT MORE THAN 50% OF THE SPACE ADJOINING A PROPERTY LINE. UNDERSIDE OF FLOOR BILLS WILL BE AT LEAST 20 INCHES ABOVE HIGHEST PART OF GROUND. CEMENT FLOOR SLABS OF BUILDINGS SHALL HAVE MARGINAL WALLS 24 INCHES BELOW GRADE WHERE REQUIRED.

NAMES AND ADDRESSES OF:

BUILDING OWNER: William D. King Jr. ADDRESS: 1415 V. St., Apt 503, Honolulu

GENERAL CONTRACTOR: Herbert Bever STATE LICENSE NO. 4-1367 ADDRESS: 371 Kalia Drive, Honolulu

PLANNING DEPARTMENT: Herbert Bever ADDRESS: _____

PLUMBING SUB-CONTRACTOR: Herbert Bever

ELECTRICAL SUB-CONTRACTOR: Herbert Bever

DATE AND SIGNATURE OF APPLICANT: _____ DATE: _____

SIGNATURE OF OWNER OF BUILDING: William D. King Jr.

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL CITY AND COUNTY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION.

PERMISSION IS HEREBY GIVEN TO DO THE ABOVE WORK ACCORDING TO THE CONDITIONS HEREON AND ACCORDING TO THE APPROVED PLANS AND SPECIFICATIONS PERTAINING THERETO. SUBJECT TO COMPLIANCE WITH ORDINANCES OF THE CITY AND COUNTY OF HONOLULU, STATE OF HAWAII, CONSTRUCTION TO BE COMPLETED BY OR ABOUT _____ 19____

DATE: 5/17 1965 APPROVED: McCauley AGENT, BOARD OF HEALTH

DATE: 5/17 1965 APPROVED: R. Y. ... CHIEF, FIRE DEPARTMENT

WARNING! PERMIT PLACARD MUST BE POSTED ON THE SITE OF THE WORK. BE SURE YOU ARE FULLY INFORMED ON BUILDING AND ZONING LAWS BEFORE BEGINNING YOUR WORK. PLANTING HEDGES, TREES OR CONSTRUCTING FENCES BEYOND LIMITS OF YOUR PROPERTY LINE IS FORBIDDEN BY LAW. (PENALTY OF \$100.00 FINE AND/OR 30 DAYS IMPRISONMENT.)

PLANNING DEPARTMENT DATE: 5-17 1965

ZONE (USE DISTRICT) A-1 SUB-DIVISION PENDING NO

SET BACK None ON MASTER PLAN Yes

SUB-DIVISION FILED Yes COMMISSION REPORT 5/7 dwg / gpr

SUB-DIVISION APPROVED Yes RECOMMENDATION None

OFFICE INDEX COPY SIGNATURE A. Ukona

APPLICANTS WILL NOT WRITE IN THIS PART OF FORM

Exhibit 13

**COMPREHENSIVE
ZONING CODE**

(CZC)

1969

ORDINANCE NO. 3234

Effective Date: January 2, 1969

CITY AND COUNTY OF HONOLULU

Page 1 of 2

- (5) Noxious Industrial districts are redesignated as I-2 Heavy Industrial districts. (Am. Ord. 3234; 3392)

Sec. 21-1402. Classification of Lands Under State Land Use Districts.

- (a) All lands in the City and County of Honolulu presently in State Conservation districts shall also be included in P-1 Preservation districts of the City.
- (b) All lands in the City and County of Honolulu presently in State Agricultural districts shall also be included in AG-1 Restricted Agricultural districts of the City. (Am. Ord. 3234)

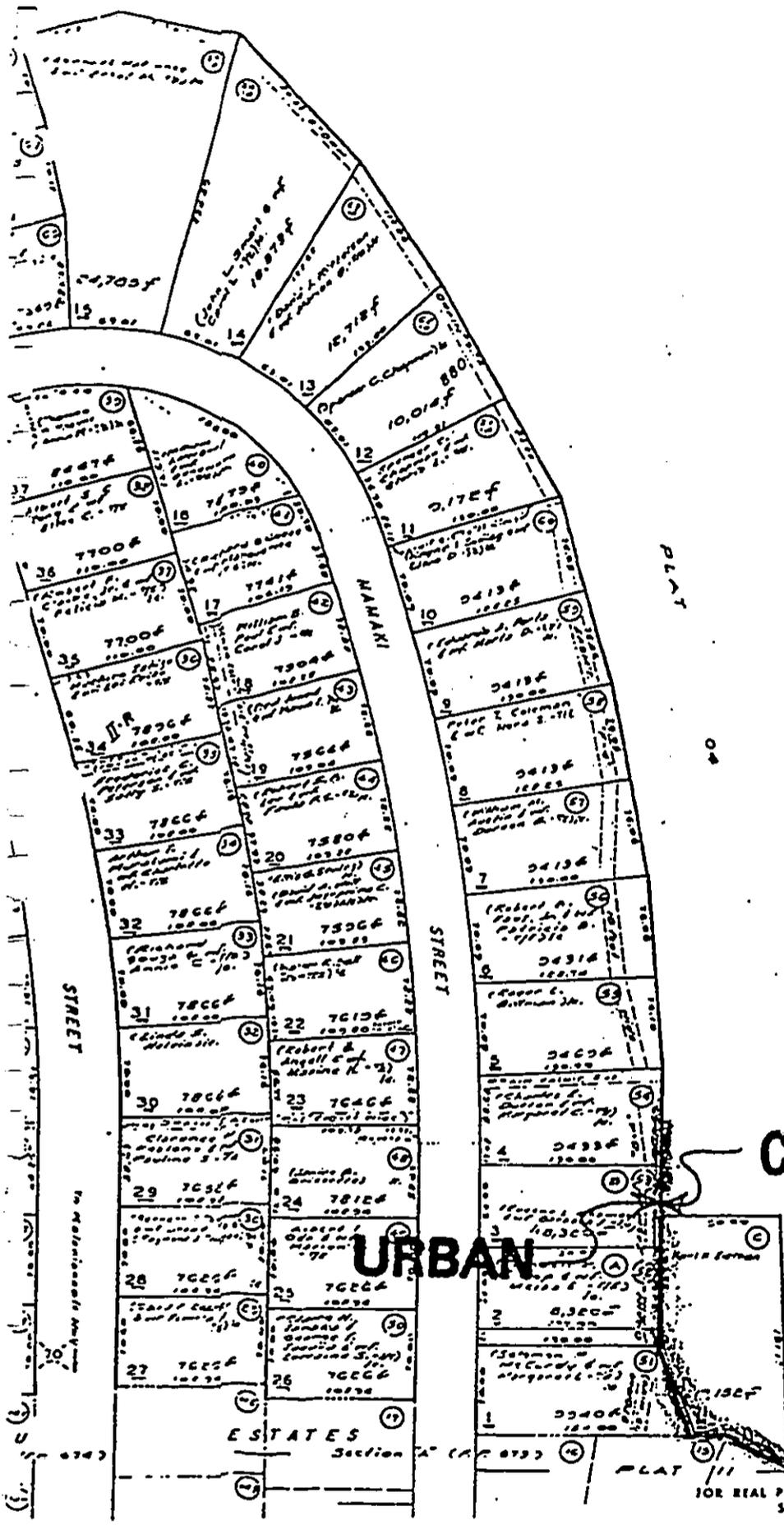
Sec. 21-1403. Exemption. There is exempted from the provisions of this ordinance urban renewal projects which have been approved by the City Council prior to the effective date of this ordinance; provided that the lands included in such urban renewal projects may be reclassified into new zoning districts by this ordinance. (Am. Ord. 3234)

Sec. 21-1404. Conflicting Ordinances. Ordinances in conflict with this ordinance are hereby repealed. (Am. Ord. 3234)

Sec. 21-1405. Severability. The provisions of Chapter 21, R. O. 1961, as enacted by this ordinance, are hereby declared to be severable. In accordance therewith, if any portion of said Chapter 21 is held invalid for any reason, the validity of any other portion of the Chapter shall not be affected and if the application of any portion of Chapter 21 to any person, property or circumstance is held invalid, the application thereof to any other person, property or circumstance shall not be affected. (Am. Ord. 3234)

Sec. 21-1406. Effective Date. Except as otherwise provided herein, this ordinance shall take effect on January 2, 1969; provided that it shall not be applicable to any

Exhibit 15



The boundary as located, named and delineated is hereby certified as the actual Land Use District Boundary adopted by the State Land Use Commission, Honolulu, Hawaii.

MAY 27 1982
Date

[Signature]
Executive Officer
STATE LAND USE COMMISSION
HAWAII
MAY 27 PM '90

CONSERVATION

URBAN

DEPARTMENT OF TAXATION
TAXATION MAPS BUREAU
STATE OF HAWAII
TAX MAP
FIRST TAXATION ENDORSEMENT
3 | 7 | 13

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

* REFERENCE FILE OAHU, ZONE 3, SECTION 7, VOL. 3 (FILED IN 3/2/72, TMK 3-7)

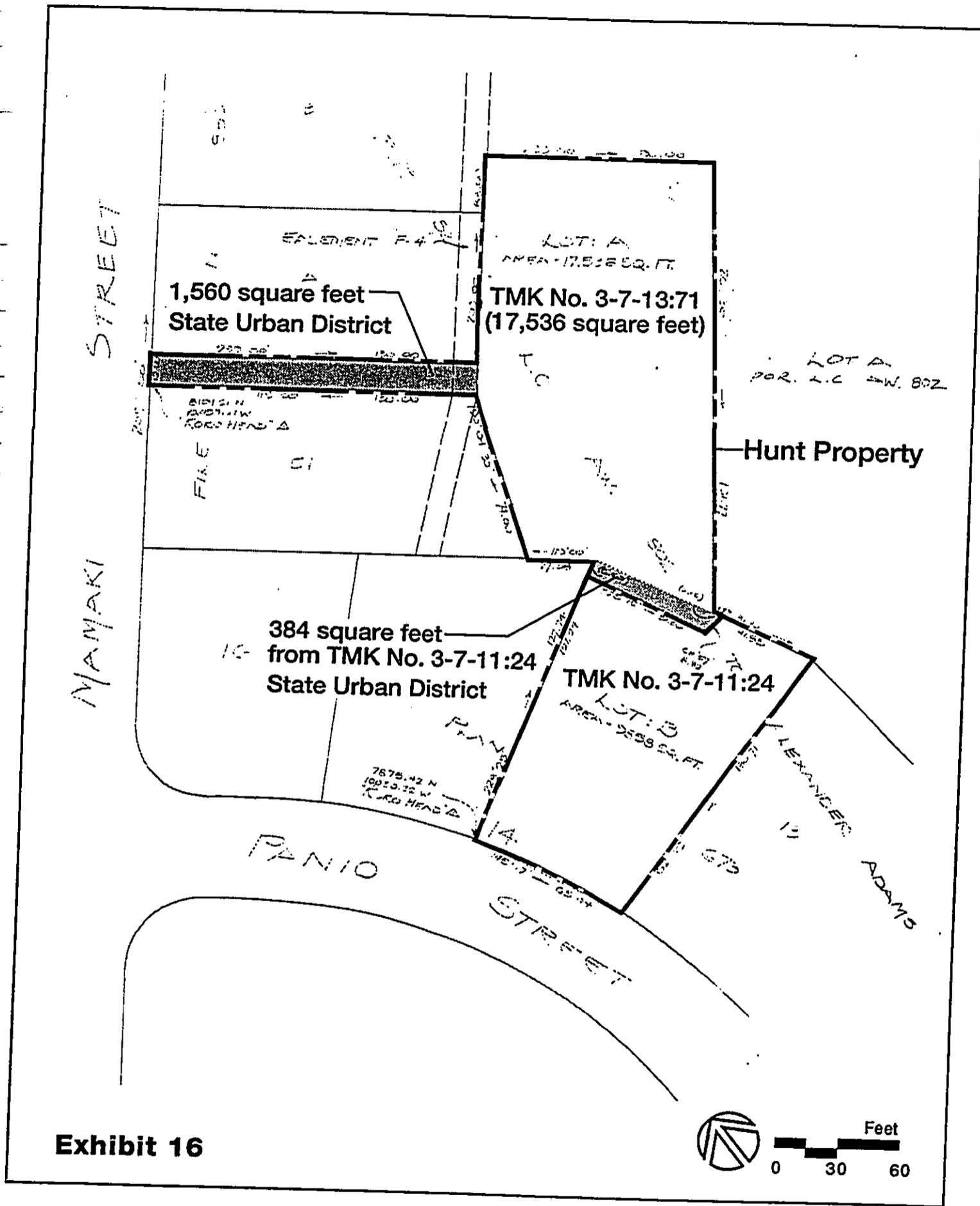


Exhibit 16



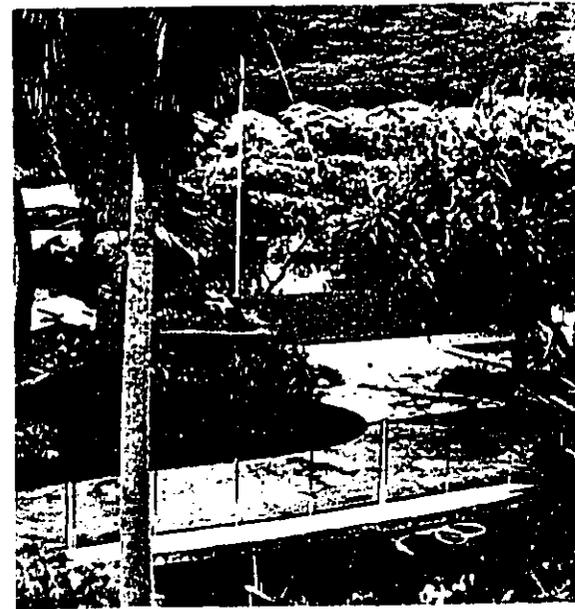
● View of Hunt Residence looking east from Mamaki Street.



● View of front of Hunt Residence looking south from garage.



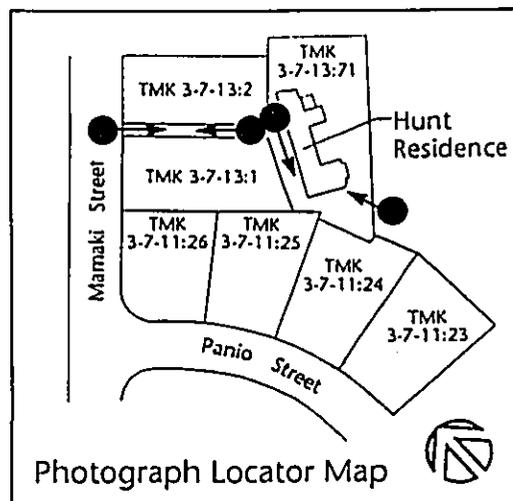
● View from Hunt garage looking west toward Mamaki Street.



● View of back of Hunt Residence looking west from above property



View of front of Hunt Residence
looking south from garage.



Photograph Locator Map



View of back of Hunt Residence
looking west from above property.

Exhibit 17

Prepared for: John Hunt

Prepared by:  Helber
Hastert &
Fee, Planners



Exhibit 18

APPENDIX A

**Comments and Responses Received
During the DEA Review Period**

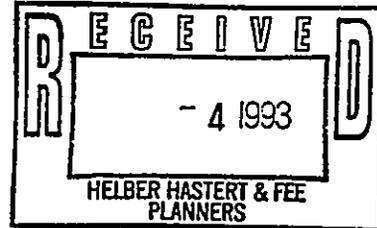
JOHN WAIHER
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 587-3822

March 2, 1993



Mr. Scott Ezer
Helbert, Hastert & Fee
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Dear Mr. Ezer:

Subject: LUC Docket No. A93-688/John Hunt and Debra Hunt

We have reviewed the draft Environmental Assessment prepared for the subject docket and have the following comments:

- 1) We suggest that reference to the July 27, 1964 adoption date of the State Land Use District boundaries for the City and County of Honolulu be included on page 3, paragraph 2 to reflect that the final district boundaries were already established prior to the effective date.
- 2) We request that the second statement on page 3, paragraph 5, beginning with: "It is reasonable to assume...the Commission would have included it in the Urban District" be deleted inasmuch as this assumption is not substantiated by the facts on record.

We have no further comments to offer at this time. We appreciate the opportunity to comment on this matter.

If you have any questions, please call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

A handwritten signature in cursive script, appearing to read "Esther Ueda".

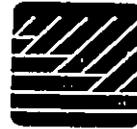
ESTHER UEDA
Executive Officer

EU:th

Helber Hastert
Planners

March 17, 1993

Ms. Esther Ueda, Executive Officer
State of Hawaii
Department of Business Economic Development and Tourism
Land Use Commission
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813



Dear Ms. Ueda:

John and Debra Hunt
Draft Environmental Assessment
Tax Map Key (1)3-7-13:71
LUC Docket No. A93-688

Thank you for submitting comments on the draft environmental assessment for the above boundary amendment by letter dated March 2, 1993.

In response to your comments, we will amend the final environmental assessment to reflect that the Land Use Commission adopted the State Land Use boundaries on July 2, 1964, to reflect that the final district boundaries were already established prior to the effective date.

Also, we have deleted the second statement on page three, paragraph 5, beginning with: "It is reasonable to assume".

Sincerely,

HELBER HASTERT & FEE, Planners

Scott Ezer
Associate

Helber Hastert & Fee
Grosvenor Center, PRI Tower

733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Telephone 808 545-2055
Facsimile 808 545-2050

BUILDING DEPARTMENT
CITY AND COUNTY OF HONOLULU

HONOLULU MUNICIPAL BUILDING
650 SOUTH KING STREET
HONOLULU, HAWAII 96813



FRANK F. FASI
MAYOR

HERBERT K. MURAOKA
DIRECTOR AND BUILDING SUPERINTENDENT

WILLIAM F. REMULAR
DEPUTY

PB 93-233

March 3, 1993

Helber Hastert & Fee
Grosvenor Center, PRI Tower
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813



Gentlemen:

Subject: Draft Environmental Assessment
Hunt Residence
TMK (1) 3-7-13:71, Niu Valley, Honolulu, Hawaii

We have no comments to offer regarding the subject draft environmental assessment. Thank you for allowing us the opportunity to review it.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Herbert K. Muraoka".

HERBERT K. MURAOKA
Director and Building Superintendent

cc: J. Harada

Helber Hastert
Planners

March 17, 1993

Mr. Herbert K. Muraoka, Building Superintendent
Building Department
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813



Dear Mr. Muraoka:

Draft Environmental Assessment
Hunt Residence
TMK (1) 3-7-13:71
Niu Valley, Honolulu, Hawaii

We acknowledge receipt of your letter dated March 3, 1993 concerning the above draft environmental assessment (DEA) and note that you have no additional comments.

Thank you for reviewing the DEA.

Sincerely,

HELBER HASTERT & FEE, Planners

Scott Ezer
Associate

cc: State Land Use Commission

BOARD OF WATER SUPPLY
CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96843



March 9, 1993

FRANK F. FASI, Mayor
WALTER O. WATSON, JR., Chairman
MAURICE H. YAMASATO, Vice Chairman
SISTER M. DAVILYN AH CHICK, O.S.F.
JOHN W. ANDERSON, JR.
REX D. JOHNSON
MELISSA Y.J. LUM
C. MICHAEL STREET
KAZU HAYASHIDA
Manager and Chief Engineer

Mr. Scott Ezer
Helber Hastert & Fee, Planners
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813



Dear Mr. Ezer:

Subject: Your Letter of February 19, 1993 Regarding the Draft Environmental Assessment (DEA) for the Request for Boundary Petition for the John and Debra Hunt Property, TMK: 3-7-013: 071, Mamaki Street

Thank you for the opportunity to comment on the DEA for the proposed boundary petition for the Hunt property.

Our pre-assessment comments of December 23, 1992 are still applicable. The boundary revision will not impact our water facilities in the area.

If you have any questions, please contact Bert Kuioka at 527-5235.

Very truly yours,

KAZU HAYASHIDA
Manager and Chief Engineer

Helber Hastert
Planners

March 17, 1993

Mr. Kazu Hayashida, Manager and Chief Engineer
Board of Water Supply
City and County of Honolulu
630 South Beretania Street
Honolulu, Hawaii 96813



Dear Mr. Hayashida:

Draft Environmental Assessment
Hunt Residence
TMK (1) 3-7-13:71
Niu Valley, Honolulu, Hawaii

We acknowledge receipt of your letter dated March 9, 1993 concerning the above draft environmental assessment and note that the boundary amendment will not impact water facilities in the area.

Thank you for reviewing the draft environmental assessment.

Sincerely,

HELBER HASTERT & FEE, Planners

Scott Ezer
Associate

cc: State Land Use Commission

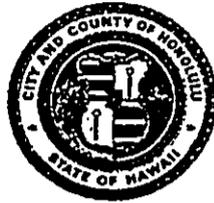
Helber Hastert & Fee
Grosvenor Center, PRI Tower

733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Telephone 808 545-2055
Facsimile 808 545-2050

DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET
HONOLULU, HAWAII 96813



FRANK F. FASI
MAYOR

C. MICHAEL STREET
DIRECTOR AND CHIEF ENGINEER

FELIX B. LIMTIACO
DEPUTY DIRECTOR

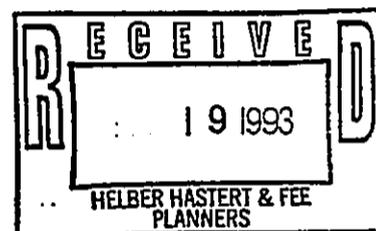
March 15, 1993

ENV 93-69

Mr. Scott Ezer, Associate
Helber Hastert & Fee, Planners
733 Bishop Street, Suite 2590
Honolulu, HI 96813

Dear Mr. Ezer:

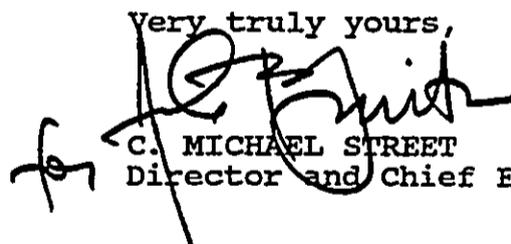
Subject: Draft Environmental Assessment (DEA)
Hunt Residence
TMK: 3-7-13: 71



We have reviewed the subject DEA and have no comments to offer at this time.

Should you have any questions, please contact Mr. Alex Ho, Environmental Engineer at 523-4150.

Very truly yours,


C. MICHAEL STREET
Director and Chief Engineer

Helber Hastert
Planners

March 19, 1993

Mr. C. Michael Street, Director and Chief Engineer
Department of Public Works
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813



Dear Mr. Street:

Draft Environmental Assessment
Hunt Residence
TMK (1) 3-7-13:71
Niu Valley, Honolulu, Hawaii

We acknowledge receipt of your letter dated March 3, 1993 concerning the above draft environmental assessment (DEA) and note that you have no comments to offer at this time.

Thank you for reviewing the DEA.

Sincerely,

HELBER HASTERT & FEE, Planners

Scott Ezer
Associate

cc: State Land Use Commisison

Helber Hastert & Fee
Grosvenor Center, PRI Tower

733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Telephone 808 545-2055
Facsimile 808 545-2050

DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET
HONOLULU, HAWAII 96813 • (808) 523-4432



FRANK F. FASI
MAYOR

DONALD A. CLEGG
DIRECTOR

LORETTA K.C. CHEE
DEPUTY DIRECTOR

93-01141(DT)

March 25, 1993

Mr. Scott Ezer
Helber Hastert & Fee, Planners
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813



Dear Mr. Ezer:

Draft Environmental Assessment (DEA)
For The Hunt Residence
343 Mamaki Street, Niu Valley, Oahu
Tax Map Key: 3-7-13: 71

We have reviewed your DEA for the above-described property and offer the following comments:

Site Plan

Where is the location of the existing dwelling on the property? A Site Plan indicating its location should be included in the EA.

Topographic Map

A topographic map should be included in the EA, along with a description of the existing topography.

Infrastructure

Does the applicant propose to construct another dwelling if the zone change is approved? If yes, comments from applicable agencies such as the Board of Water Supply and Department of Public Works should be included in the EA.

Special Management Area

The site is not within the Special Management Area.

Mr. Scott Ezer
Page 2
March 25, 1993

If you have any questions, please contact Dana Teramoto of our staff at 523-4648.

Very truly yours,



DONALD A. CLEGG
Director of Land Utilization

DAC:ak

Helber Hastert
Planners

March 26, 1993

Mr. Donald A. Clegg, Director
Department of Land Utilization
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813



Dear Mr. Clegg:

Draft Environmental Assessment
Hunt Residence
TMK (1) 3-7-13:71
Niu Valley, Honolulu, Hawaii

Thank you for responding to the draft environmental assessment (DEA) for the above project by letter dated March 25, 1993. We have responded to your comments in the order they appear in your letter.

Site Plan. Exhibit 16 of the DEA includes a site plan showing the location of the existing dwelling.

Topographic Map. Section 2.0 of the DEA contains a description of the topography of the property.

Infrastructure. The applicant does not intend to construct another dwelling if the zone change is approved.

Sincerely,

HELBER HASTERT & FEE, Planners

Scott Ezer
Associate