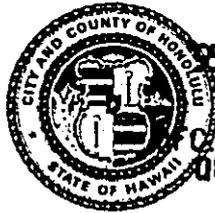


DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET
HONOLULU, HAWAII 96813 • (808) 523-4422

RECEIVED

JEREMY HARRIS
MAYOR



5 JUL 12 10:51

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

PATRICK T. ONISHI
DIRECTOR

LORETTA K.C. CHEE
DEPUTY DIRECTOR

95-03671 (JT)
95/ED-004 (JT)

July 11, 1995

The Honorable Gary Gill, Director
Office of Environmental Quality Control
220 South King Street, 4th Floor
State of Hawaii
Honolulu, Hawaii 96813

Dear Mr. Gill:

CHAPTER 343, HRS
Environmental Assessment/Determination
Negative Declaration

Owner/Applicant: Magoon Estate, Limited
Agent : Kusao & Kurahashi, Inc.
Location : 2170 Kuhio Avenue, Waikiki, Oahu
Tax Map Key : 2-6-17: 51
Request : Zoning Variance
Proposal : To allow (retain) a lattice fence and
concrete wall which exceed the 6-foot height
limit within the required yards; and a pool
equipment enclosure which encroaches into
the required yards and exceeds the allowable
density

Determination : A Negative Declaration Is Issued

Attached and incorporated by reference is the Final Environmental Assessment (FEA) prepared by the applicant for the project. Based on the significance criteria outlined in Chapter 200, State Administrative Rules, we have determined that preparation of an Environmental Impact Statement is not required.

1995-07-23-0A-*FEA- Kuhio Surf Club Zoning Variance* **FILE COPY** JUL 23 1995

**FINAL ENVIRONMENTAL ASSESSMENT AND
VARIANCE APPLICATION REPORT**

KUHIO SURF CLUB

2170 Kuhio Avenue, Waikiki, Oahu
TMK: ~~9-5-49-7~~
2-6-17:51

MAGOON ESTATE, LTD
P.O. Box 258
Honolulu, Hawaii 96809

Applicant

Kusao & Kurahashi, Inc.
Planning and Zoning Consultants
210 Ward Avenue, Suite 124
Honolulu, Hawaii 96814

Agent

JUNE 1995

95 JUN 21 PM 2 27
DEPT OF LAND UTILIZATION
CITY & COUNTY OF HONOLULU

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Final Environmental Assessment and
Variance Application Report - Kuhio Surf Club

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**FINAL ENVIRONMENTAL ASSESSMENT AND
VARIANCE APPLICATION REPORT
KUHIO SURF CLUB
2170 Kuhio Avenue, Waikiki, Oahu,
TMK: 2-6-17: 51**

I. INTRODUCTION

The applicant, Magoon Estate, Ltd., requests variances for an existing 16-foot, 2.5-inch high lattice fence and an existing 7-foot, 4-inch high CMU (concrete masonry unit) wall, both of which exceed the 6-foot height for walls within the side and rear yards of the Kuhio Surf Club timeshare operation, located on Kuhio Avenue in Waikiki, Island of Oahu as shown on Exhibit 1, Location Map and Exhibit 2, Zoning Map. The applicant further requests a variance for an existing pool equipment storage area, situated beneath a 4-foot, 6-inch high deck topped on its southeast edge by a 1-foot, 6-inch lattice barrier, which encroaches into the rear and side yard of the subject site and increases the floor area on the project site (which presently exceeds the allowable floor area) by an additional 73 square feet. The site is zoned Apartment Precinct within the Waikiki Special District (WSD) with a lot area of 13,200 square feet. The fence and wall provides security and privacy for both the Kuhio Surf Club swimming pool area and

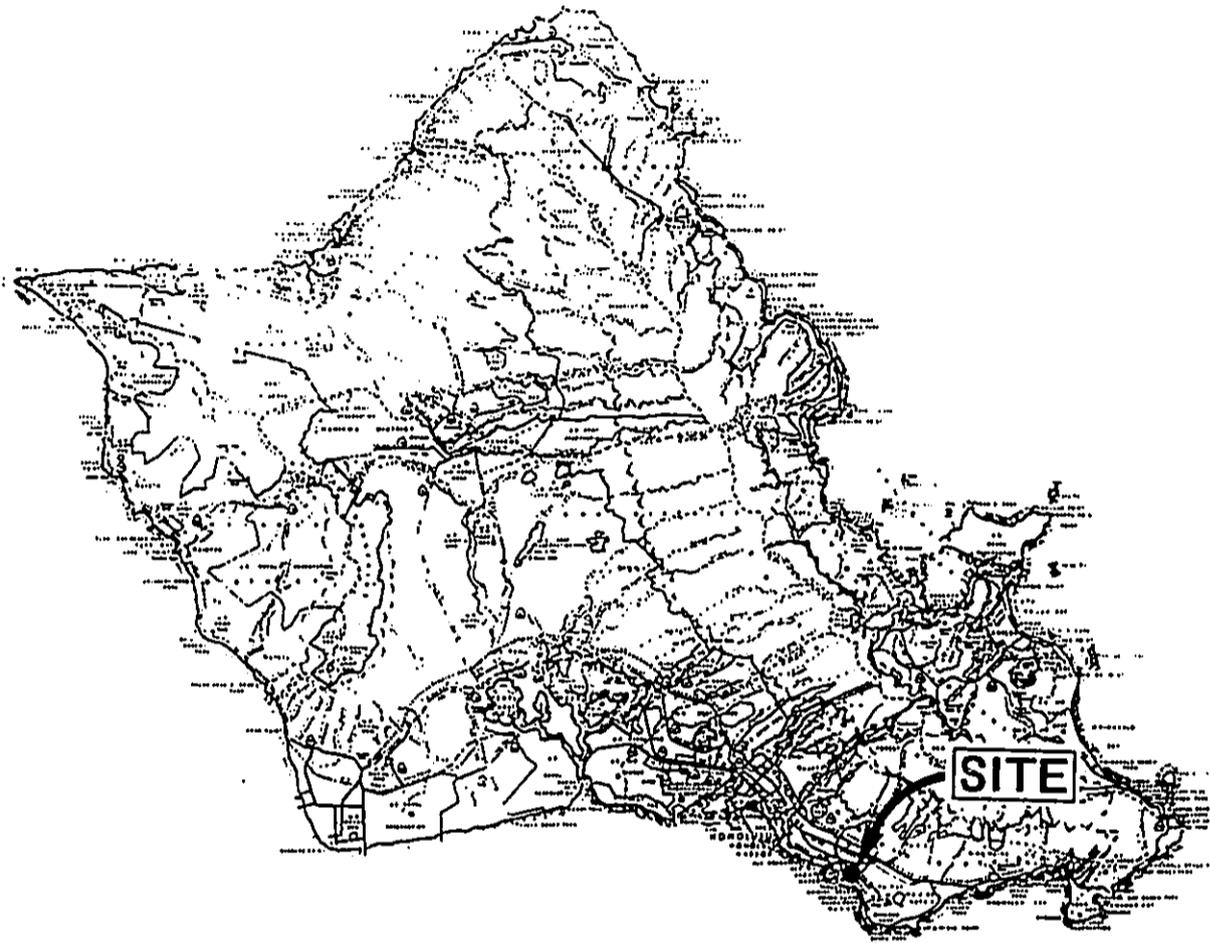


EXHIBIT 1
LOCATION MAP

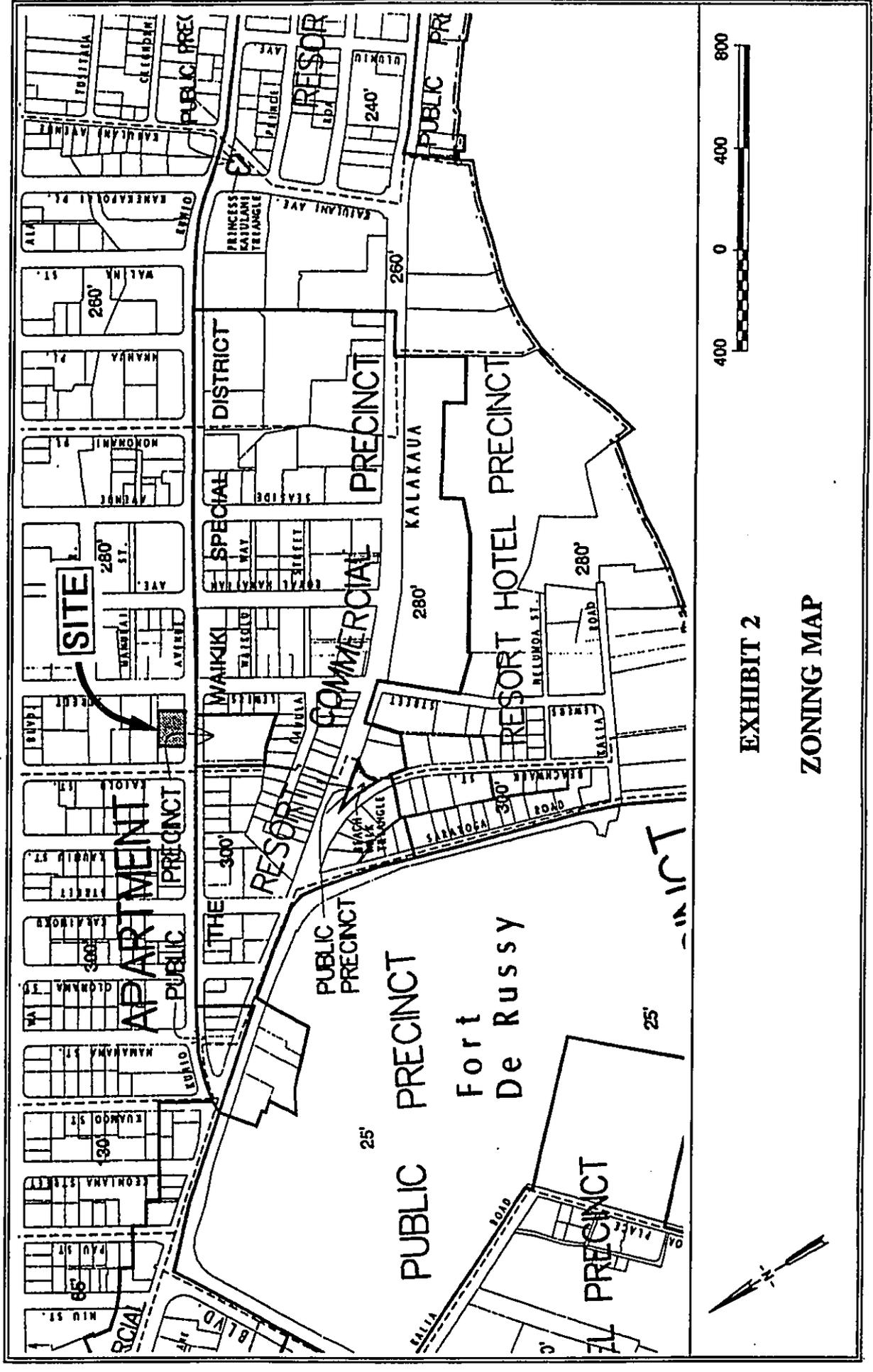


EXHIBIT 2
ZONING MAP

the adjacent apartment building located Ewa of the Kuhio Surf Club, while the pool equipment storage area provides cover for pool equipment in an area adjacent to a deck improvement (approved under an earlier building permit) which encroaches into the rear and side yards and provides cover for a water heater, filter and pump facility for the swimming pool and spa. The fence, wall and deck enclosure (storage space) has minimal impact on other surrounding properties.

A. GENERAL INFORMATION

1. Applicant : Magoon Estate, Limited
P.O. Box 258
Honolulu, Hawaii 96809

2. Recorded Fee Owner : Magoon Estate, Limited
P.O. Box 258
Honolulu, Hawaii 96809

3. Approving Agency : Department of Land Utilization

4. Agent : Kusao & Kurahashi, Inc.
Planning and Zoning Consultants
210 Ward Avenue, Suite 124
Honolulu, Hawaii 96814
(808) 538-6652

5. Architect : Kajioka Okada Yamachi
Architects
934 Pumehana Street
Honolulu, Hawaii 96826

Final Environmental Assessment and
Variance Application Report - Kuhio Surf Club

- | | | | |
|-----|--------------------------|---|---|
| 6. | Location | : | 2170 Kuhio Avenue - Waikiki
(see Exhibit 1). |
| 7. | Tax Map Key | : | 2-6-17: 51 |
| 8. | Land Area | : | 13,200 square feet |
| 9. | Zoning | : | Apartment Precinct of the
Waikiki Special District (see
Exhibit 2). |
| 10. | State Land Use | : | Urban |
| 11. | Development Plan | | |
| | Land Use Map | : | Medium Density Apartment |
| | Public
Facilities Map | : | No improvements affecting this
site |
| 12. | Special District | : | Waikiki Special District |
| 13. | Existing Use | : | Kuhio Surf Club Time Share
Operation |

II. PROPERTY DESCRIPTION

A. LOCATION

The subject property is located on the mauka side of Kuhio Avenue, between Kaiolu Street and Lewers Street.

B. TOPOGRAPHY

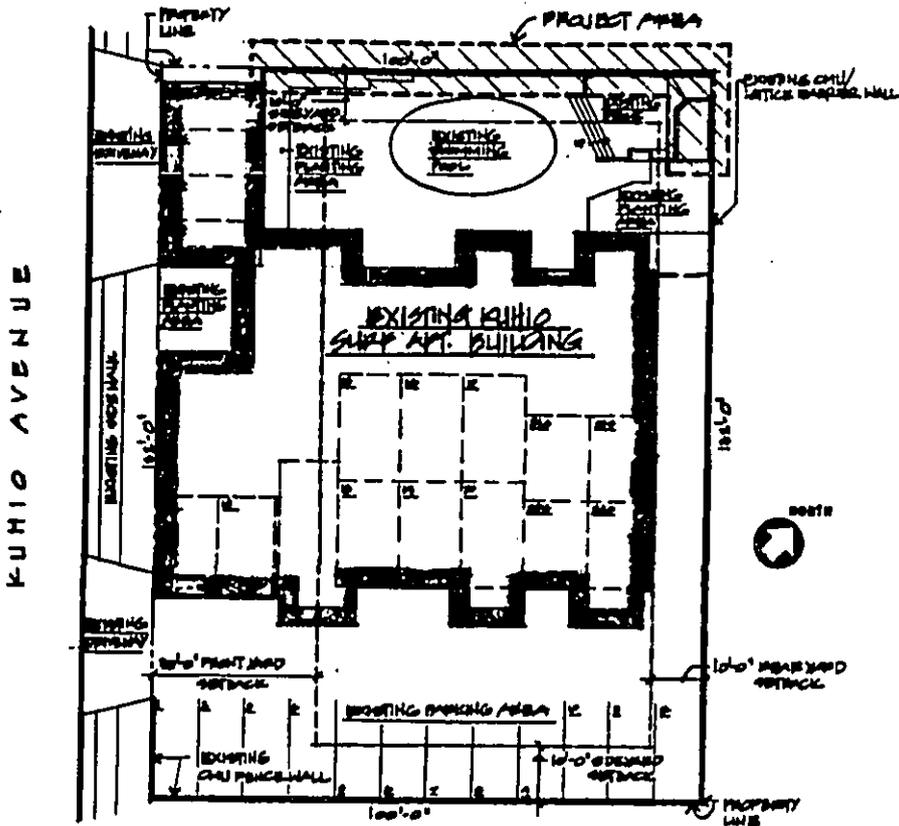
The subject site is level and is located in an urban setting. It contains the Kuhio Surf Club Structure, a swimming pool area and covered and open parking.

III. TECHNICAL CHARACTERISTICS

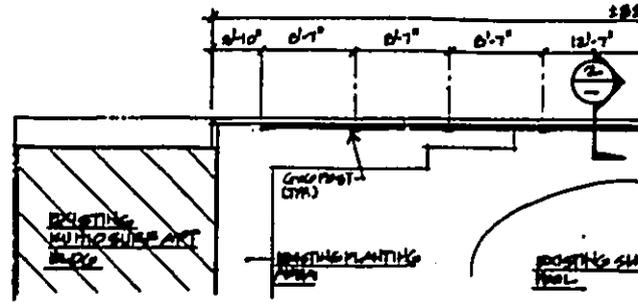
The environmental assessment was triggered by this application for variances from Section 3.30(d) of the General Provisions of the Land Use Ordinance (LUO) and Section 7.80-4(c)(3) of the LUO pertaining to regulations within the Waikiki Special District.

A. VARIANCE APPLICATION

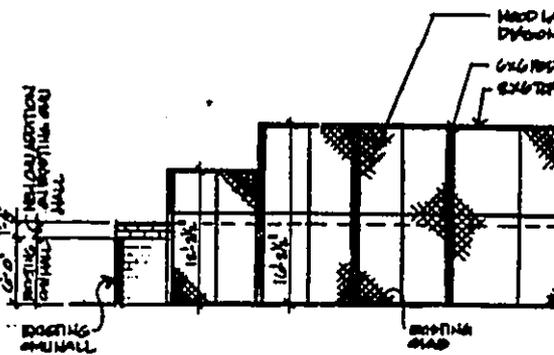
The applicant requests variances from Section 3.30(d) of the General Provisions of the Land Use Ordinance (LUO) pertaining to yards and street setbacks to permit the retention of a 16-foot, 2.5-inch high lattice fence and a 7-foot, 4-inch high CMU wall within the side and rear yard of the property (Exhibit 3). The applicant further requests a variance, from Section 7.80-4(c)(3) pertaining to maximum



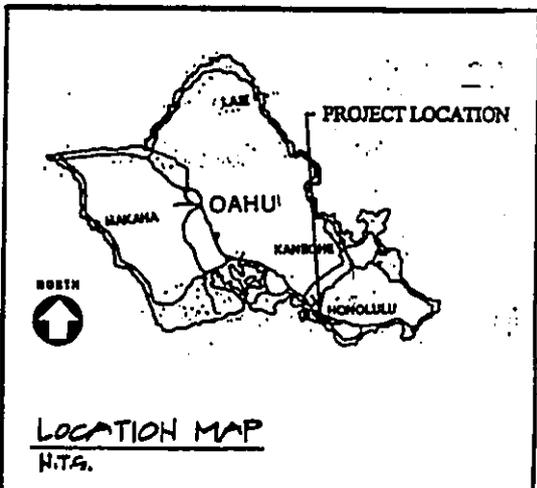
SITE PLAN
SCALE: 1/8"=1'-0"



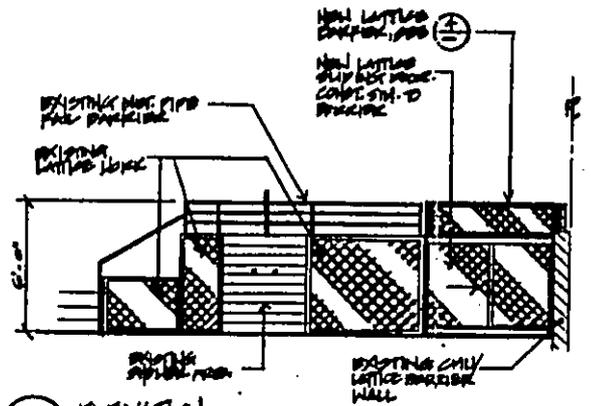
ENLARGED CHU WALL / LATTICE FENCE PLAN
SCALE: 5/8"=1'-0"



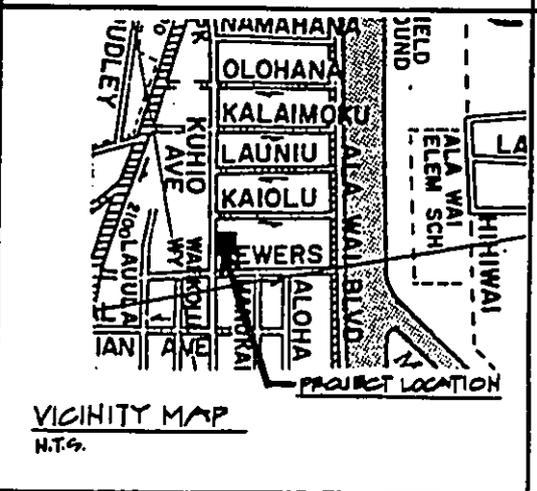
A ELEVATION
SCALE: 1/8"=1'-0"



LOCATION MAP
N.T.S.

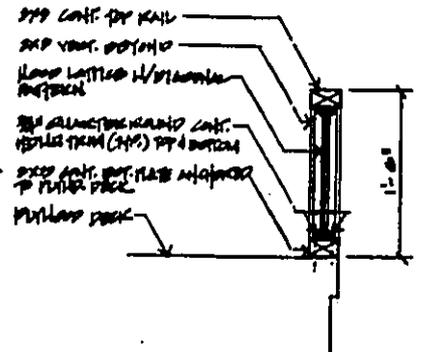


B ELEVATION
SCALE: 1/4"=1'-0"

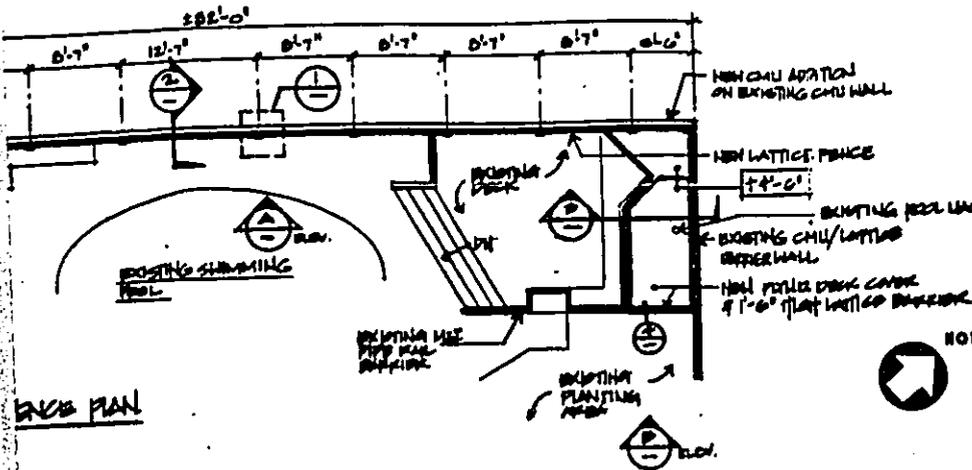


VICINITY MAP
N.T.S.

PROJECT NAME:	Proposed new CHU wall addition, Plywood deck & Lattice fence for 2170 Kahio Incorporated aka Kahio Surf Club
PROJECT ADDRESS:	2170 Kahio Avenue Honolulu, HI 96815
T.M.K.:	2-4-017-31
ZONING:	Apartment Precinct (Waikiki Special Design District)
OCCUPANCY:	R-1, Apartment houses
LOT AREA:	13,300 SF
FLOOR AREA:	Existing - 42,425 SF Addition - 73 SF Total - 42,498 SF
PARKING:	Existing - 28 Stalls (7 Compact, 21 Regular)
CODE INFORMATION	



4 LATTICE BARRIER DETAIL
SCALE: 1/4"=1'-0"



195 JUN 21 PM 2 27

OFFICE OF LAND UTILIZATION
HONOLULU, HAWAII

**KAJIOKA
OKADA
YAMACHI**

ARCHITECTS

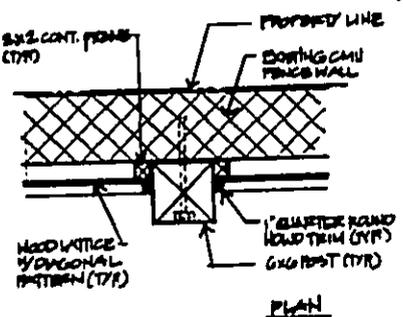
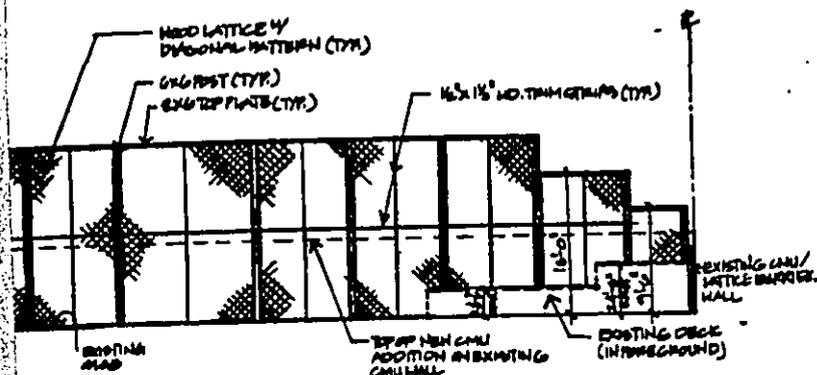
224 Puuhou Street, Honolulu, Hawaii 96805
Telephone (808) 943-7770 • Fax (808) 943-8880



This work was prepared by me or under my supervision and construction of this project will be under my supervision. ("Supervision of construction" shall be as defined in Chapter 10, Title of the Board of Professional Engineers, Architects and Surveyors, State of Hawaii, Chapter 1, Section 10-2.2.2. Definition, (Hawaii Revised Statutes, Chapter 10-2.2.2.))

Signature

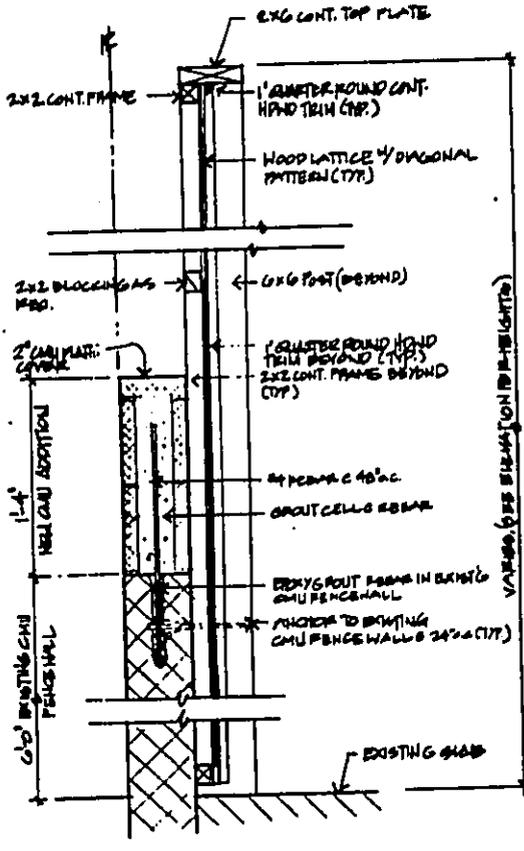
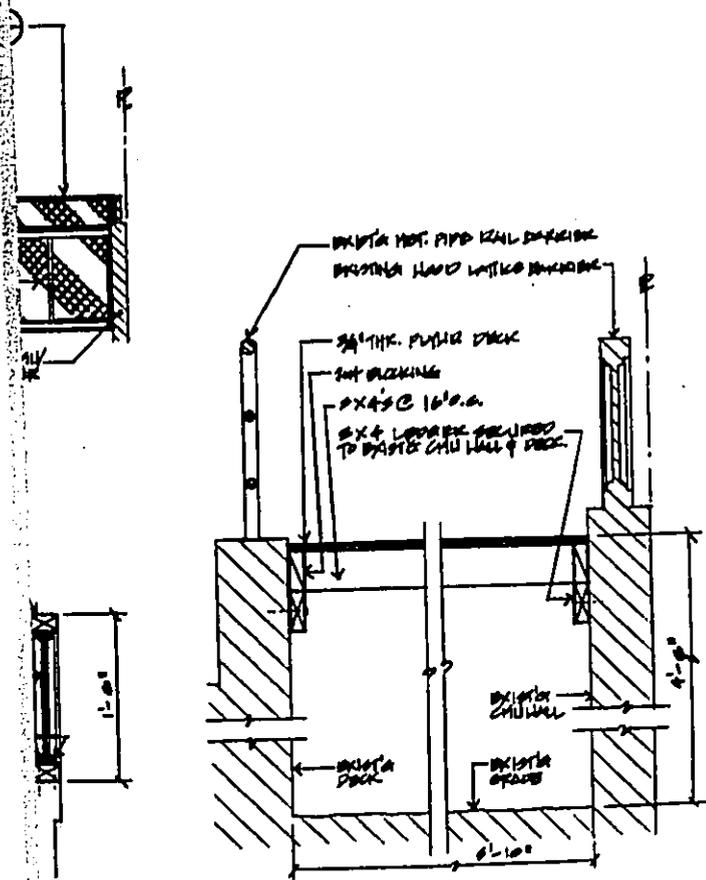
EXIST PLAN



1 TYPICAL POST DETAIL
SCALE: 1/2" = 1'-0"

PROJECT

PROPOSED NEW CHU WALL ADDITION,
PLYWOOD DECK & LATTICE FENCE FOR
2178 KUHIO INCORPORATED
aka KUHIO SURE CLUB
2178 KUHIO AVENUE
HONOLULU, HAWAII 96815
T.M.K.: 2-4-017: 51



2 SECTION
SCALE: 1/2" = 1'-0"

2 TYPICAL SECTION
SCALE: 1/2" = 1'-0"

REVISIONS

NO.	DATE	DESCRIPTION

Drawn by	Checked by
DATE	EVENT

SHEET TITLE
LOCATION MAP, VICINITY MAP,
SITE PLAN, ENLARGED CHU WALL/
LATTICE FENCE PLAN, ELEVATIONS,
SECTIONS, MISC. DETAILS

SHEET 1 **OF** 1
PROJECT NO. 94-108.02
SHEET **A-1**

EXHIBIT 3

permitted floor area for the time share operation, to permit retention of an existing pool equipment storage area, situated beneath a 4-foot, 6-inch high deck topped on its southeast edge by a 1-foot, 6-inch lattice barrier, which encroaches into the rear and side yard of the subject site and increases the floor area on the project site (which presently exceeds the allowable floor area) by an additional 73 square feet (Exhibit 3). Our reasons for this request are fully discussed under the Justification section of this report.

Should the Department of Land Utilization's analysis reveal the need for additional variance(s), we respectfully request that it be included as part of this application. If justifications are needed for the additional variance, please advise the agent for this application.

B. SITE DEVELOPMENT AND SURROUNDING USES

The Kuhio Surf Club, a 43-unit timeshare operation, is located on the 13,200 square-foot project site. The site is developed with a nine-story building in the center of the lot and an accessory swimming pool and deck area on the Ewa side of the lot. On the Kokohead side

of the time share building is an open parking lot for guests of the timeshare operation.

The fence and wall provides security and privacy for both the Kuhio Surf Club swimming pool area and the adjacent apartment building located Ewa of the Kuhio Surf Club, while the pool equipment storage area provides cover for pool equipment in an area adjacent to a deck improvement (approved under an earlier building permit) which encroaches into the rear and side yards and provides cover for a water heater, filter and pump facility for the swimming pool and spa.

The Kuhio Surf Club lot is bounded on its Ewa side by a two-story, six-unit, apartment building owned by the applicant. On the Ewa side of its mauka boundary is the 411 Kaiolu Apartments, an eight-story, 39-unit, apartment building on land owned by the applicant and leased to the apartment owners. On the Kokohead side of its mauka boundary is the Outrigger Waikiki Surf West Hotel, a six-story hotel with 110 units located on land owned by the applicant and leased to the hotel owner. On its Kokohead side is a two-story,

nine-unit apartment building owned by the applicant. On the Makai side, across Kuhio Avenue, the project site faces a municipal parking lot.

IV. JUSTIFICATION - THREE TESTS

- A. **"Description as to how the Applicant would be deprived of the reasonable use of such land or building if it were used only for the proposed allowed in that zone."**

The applicant would be denied reasonable use if not allowed to retain a lattice fence, 16 feet, 2.5 inches in height and a CMU wall, 7 feet, 4 inches in height, within the side and rear yards of this lot. The LUO states that fences up to 6 feet in height are permitted within the front, side or rear yard of the Apartment Precinct. The proposed fence is needed to provide security and privacy for both the apartment owners and the guests of the timeshare operation. When considering the 280-foot height limit of the property, the request for a 16-foot, 2.5-inch high lattice fence and 7-foot, 4-inch high CMU wall will result in a fairly modest height for this buffer of security and privacy.

The request for the modest increase in floor area and modest encroachment into the side and rear yard also appears reasonable in that it merely extends an existing approved encroachment and creates a more complete design for the existing deck feature which earlier had a void between itself and the property line. This void area was unusable since it had to be kept clear for access to the pool and spa equipment and an interesting design feature was not possible. The deck feature that replaced this void filled this gap area and created a more full design. The 73-square foot of encroachment is modest and is a vast improvement in the design of the deck feature. This deck encroachment is also protected from use by a rail which also separates the pool equipment area deck from the guests of the time share that may use the deck and pool area.

- B. "Describe how the request is due to unique circumstances and not the general conditions in the neighborhood, so that the reasonableness of the neighborhood zoning is not drawn into question."**

The reasonableness of the existing zoning is not drawn into question, since the encroachments in the yard are modest and are uses that are permitted on the zoning lot. There are unique circumstances

in this situation which are not duplicated in the neighborhood. The three properties that are affected by these encroachments into the side and rear yards are all owned by the applicant and will serve to enhance the three affected lots. The lattice fence and CMU wall provides a buffer between the apartment structure located about 5 feet from the property and the swimming pool also located 5 feet from the property line. This puts the swimming pool in close proximity to the apartment structure on the adjoining lot. The ground level deck area around the swimming pool extends right up to the property line placing it even closer to the apartment structure on the adjoining lot. The fence and wall will help to secure the side and rear of the property where the pool and deck are located and will help to provide privacy and security for the guests of the time share to enjoy these amenities and privacy and security for the residents of the apartment building on the adjoining lot.

- C. "Describe how the use sought to be authorized by the variance will not alter the essential character of the locality nor be contrary to the intent and purpose of the zoning code."

As discussed earlier, the requested variances to permit the retention of a 16-foot, 2.5-inch high lattice fence and a 7-foot, 4-inch high CMU wall within the side and rear yard of the property and to permit retention of an existing pool equipment storage area, situated beneath a 4-foot, 6-inch high deck topped on its southeast edge by a 1-foot, 6-inch lattice barrier will have minimal impact on the surrounding area. The minimal impact that does occur is positive resulting in a more pleasant design of the deck feature and providing privacy and security for the time share and the apartment on the adjoining lot.

D. CONCLUSION

Based on the foregoing, the applicant believes that there are sufficient justifications to warrant approval of this requested variance. Accordingly, the Director of Land Utilization is respectfully requested to grant the variance herein.

V. BACKGROUND

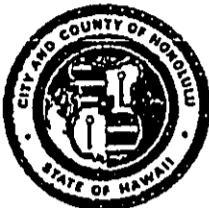
The 42 units of the Kuhio Surf Club belongs to a time share plan which was registered with the State in 1981. The nine-story structure was built in 1959. The Department of Land Utilization, by a letter to Mr. Michael Sakai, dated January 20, 1993 (Exhibit 4), confirmed that 42 of the Kuhio Surf Club units are exempt from obtaining nonconforming use certificates for transient vacation use. The letter was requested by Mr. Sakai in order to respond to a notice of violation issued to the Kuhio Surf Club for operating transient vacation rentals without nonconforming use certificates.

VI. SOCIO-ECONOMIC CHARACTERISTICS

The retention of the existing fence and wall which provides security and privacy for both the Kuhio Surf Club swimming pool area and the adjacent apartment building located Ewa of the Kuhio Surf Club will have no impact on the socio-economic character of the neighborhood. It will not

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CITY AND COUNTY OF HONOLULU

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FRANK F. FASI
MAYOR

RECEIVED

JAN 21 1993

Law Office of
MICHAEL SAKAI

DONALD A. CLEGG
DIRECTOR

LORETTA K.C. CHEE
DEPUTY DIRECTOR

92-05626 (CW)

January 20, 1993

Mr. Michael H. Sakai
201 Merchant Street, #902
Honolulu, Hawaii 96813

Dear Mr. Sakai:

Kuhio Surf Club
2170 Kuhio Avenue, TMK: 2-6-17: 51

This is in response to your letter to Alex Sugai of the Building Department, regarding the notice of violation issued to the Kuhio Surf Club for operating transient vacation rentals without nonconforming use certificates.

The State Time Share Administrator has confirmed that 42 of the 43 units in the Kuhio Surf Club belong to a time share plan, which was registered with the State in 1981. Therefore, these units are exempt from obtaining nonconforming use certificates for transient vacation use. The penthouse unit may not be used for transient rentals.

Should you have any questions, please contact Ernest Ota at 527-5871.

Very truly yours,

Handwritten signature of Donald A. Clegg in cursive.

DONALD A. CLEGG
Director of Land Utilization

DAC:fm
sakai.cbw

cc: Building Dept.

impact employment or any of the areas industries. The retention of the pool equipment storage area which provides cover for pool equipment will also have no impact on the socio-economic characteristics of the neighborhood.

VII. ENVIRONMENTAL CHARACTERISTICS

The retention of the existing fence and wall which provides security and privacy for both the Kuhio Surf Club swimming pool area and the adjacent apartment building located Ewa of the Kuhio Surf Club will have negligible impact on the environment. The retention of the pool equipment storage area which provides cover for pool equipment will also have negligible impact on the environment.

VIII. AFFECTED ENVIRONMENT

The affected environment is an urban area which is fully developed. There are no endangered flora, fauna or significant habitats in this urban area. Since the area is fully developed and no additional site work will be

done on the subject lot, the project will not impact on historical, archaeological or cultural sites.

The Ala Wai Canal is located approximately 550 feet mauka (north) of the subject lot. The Pacific Ocean (Waikiki Beach) is located approximately 2,000 feet makai (south) of the subject lot. The project will not have any effect on these two bodies of water.

IX. MAJOR IMPACTS AND ALTERNATIVES CONSIDERED

As discussed throughout this report, the retention of the existing fence and wall which provides security and privacy for both the Kuhio Surf Club swimming pool area and the adjacent apartment building located Ewa of the Kuhio Surf Club will have negligible impact on the environment and the surrounding area. The retention of the pool equipment storage area which provides cover for pool equipment will also have negligible impact on the environment and the surrounding area.

The only alternative considered was a removal of the existing fence, wall and deck storage, which would leave the Kuhio Surf Club Hotel and

the neighboring apartment building without security and privacy afforded by the fence and wall and would require storage of pool equipment in the open, unprotected from view and the elements.

X. MITIGATION MEASURES

Since impacts of retention of the existing fence, wall and deck storage are negligible, no mitigation measures are planned.

XI. RECOMMENDATION

Based on this draft environmental assessment, we respectfully request that the Director of Land Utilization grant a Negative Declaration for the planned retention of the existing fence, wall and deck storage for the Kuhio Surf Club.

Also, based on the foregoing, the applicant believes that there are sufficient justifications to warrant approval of this requested variance. Accordingly, the Director of Land Utilization is respectfully requested to

Final Environmental Assessment and
Variance Application Report - Kuhio Surf Club

grant a negative declaration for this Final Environmental Assessment and subsequently, your approval of our request for these variances. The project will be developed and constructed in a fashion that will be sensitive to the environment.