

Bayer Estate Wedding Services

DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 523-4414 • FAX: (808) 527-6743

JEREMY HARRIS
MAYOR



RECEIVED

JAN NAOE SULLIVAN
DIRECTOR

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LORETTA K.C. CHEE
DEPUTY DIRECTOR

98-00689 (ST)

97/CUP2-10

February 10, 1998 (OFC. OF ENVIRONMENTAL QUALITY CONTROL)

The Honorable Gary Gill, Director
Office of Environmental Quality Control
State of Hawaii
State Office Tower, Room 702
235 South Beretania Street
Honolulu, Hawaii 96813

Dear Mr. Gill:

CHAPTER 343, Hawaii Revised Statutes (HRS)
Environmental Assessment (EA)/Determination
Finding of No Significant Impact

Recorded Owner : Carl M. Mirikitani Trust, et al.
Applicant : The Bayer Estate, LLC
Agent : Kusao & Kurahashi, Inc.
Location : 5329 Kalaniana'ole Highway, Aina Haina, Oahu
Tax Map Key : 3-6-03: 12
Request : Conditional Use Permit, Type 2
Proposal : Use of historic site for wedding services
Determination : A Finding of No Significant Impact is Issued

Attached and incorporated by reference is the Final EA prepared by the applicant for the project. Based on the significance criteria outlined in Chapter 200, Title 11, Hawaii Administrative Rules (HAR), we have determined that preparation of an Environmental Impact Statement (EIS) is not required.

We have enclosed a completed OEQC Bulletin Publication Form and four (4) copies of the Final EA. If you have any questions, please contact Steve Tagawa of our staff at 523-4817.

Very truly yours,

JAN NAOE SULLIVAN
Director of Land Utilization

JNS:am
attachs.
cc: Kusao & Kurahashi, Inc.
The Bayer Estate, LLC
g:ppd\bayeroeq.sht

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Wedding Services

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**FINAL ENVIRONMENTAL ASSESSMENT
FOR USE OF A HISTORIC SITE, THE BAYER ESTATE
FOR WEDDING SERVICES**

5329 Kalaniana'ole Highway, Aina Haina, Oahu, Hawaii
Tax Map Key: 3-6-03: 12

The Bayer Estate, LLC
5329 Kalaniana'ole Highway
Honolulu, Hawaii 96821

APPLICANT

Kusao & Kurahashi, Inc.
Planning and Zoning Consultants
1314 S. King Street, Suite 1263
Honolulu, Hawaii 96814
AGENT

January 1998

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Final Environmental Assessment
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LIST OF APPENDICES

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II	Plans
III	Administrator, State Historic Preservation Division - Approval
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**FINAL ENVIRONMENTAL ASSESSMENT
FOR USE OF A HISTORIC SITE, THE BAYER ESTATE
FOR WEDDING SERVICES**

5329 Kalaniana'ole Highway, Aina Haina, Oahu, Hawaii

Tax Map Key: 3-6-03: 12

I. INTRODUCTION

- A. Applicant : The Bayer Estate, LLC
5329 Kalaniana'ole Highway
Honolulu, Hawaii 96821
- B. Approving Agency : Department of Land Utilization
City and County of Honolulu
650 So. King Street, 7th Floor
Honolulu, Hawaii 96813
- C. Recorded Fee Owner : Carl Mirikitani, as Trustee of the
Carl M. Mirikitani Trust, et. al.
225 Kaalawai Place
Honolulu, Hawaii 96816
- D. Agent : Kusao & Kurahashi, Inc.
Planning and Zoning Consultants
1314 So. King Street, Suite 1263
Honolulu, Hawaii 96814
(808) 538-6652
- E. Tax Map Key : 3-6-03: 12
- F. Location : 5329 Kalaniana'ole Highway
Aina Haina on the makai side of
Kalaniana'ole Highway at East Hind
Drive (Exhibit 1)

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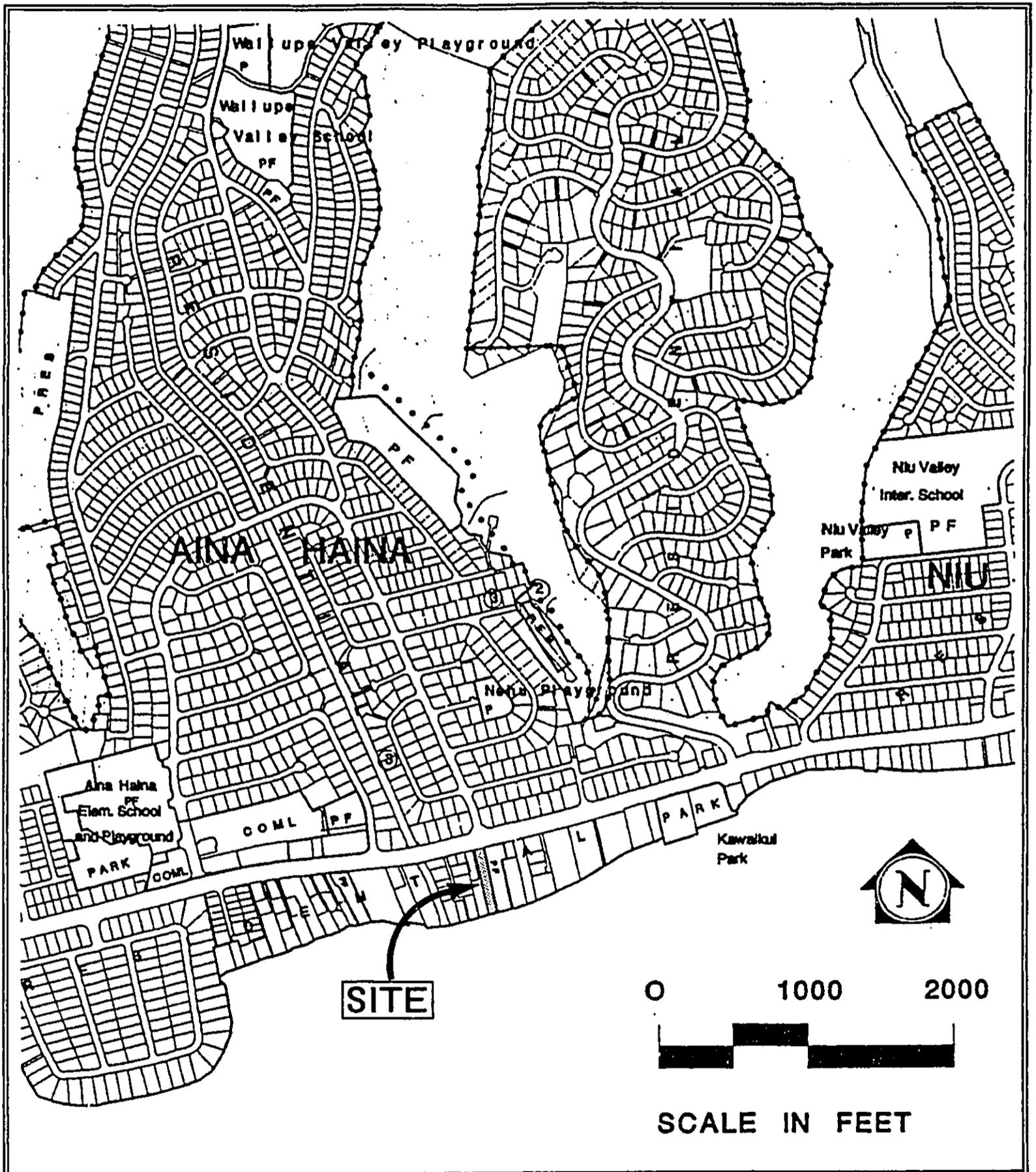


EXHIBIT 1
PORTION OF EAST HONOLULU
DEVELOPMENT PLAN LAND USE MAP

Final Environmental Assessment
The Bayer Estate in Aina Haina

- G. Lot Area : 32,624 square feet
- H. State Land Use : Urban
- I. Development Plan
- Land Use Map : Residential
- Public Facilities Map : No improvements affecting this site. The Kalaniana'ole Highway widening project has been completed for this portion of the highway.
- J. Zoning : R-10 Residential District (Exhibit 2)
- K. Existing Use : Residential - single family dwelling
- L. List of Agencies Consulted : Department of Land Utilization
Department of Land and Natural Resources, State Historic Preservation Division
Board of Water Supply
Department of Public Works
Department of Transportation Services
Department of Wastewater Management
Honolulu Police Department
Honolulu Fire Department
Building Department
Department of Parks and Recreation
Planning Department
Office of Environmental Quality Control
Historic Hawaii Foundation
Department of Health
Office of Hawaiian Affairs
Department of Transportation (State)

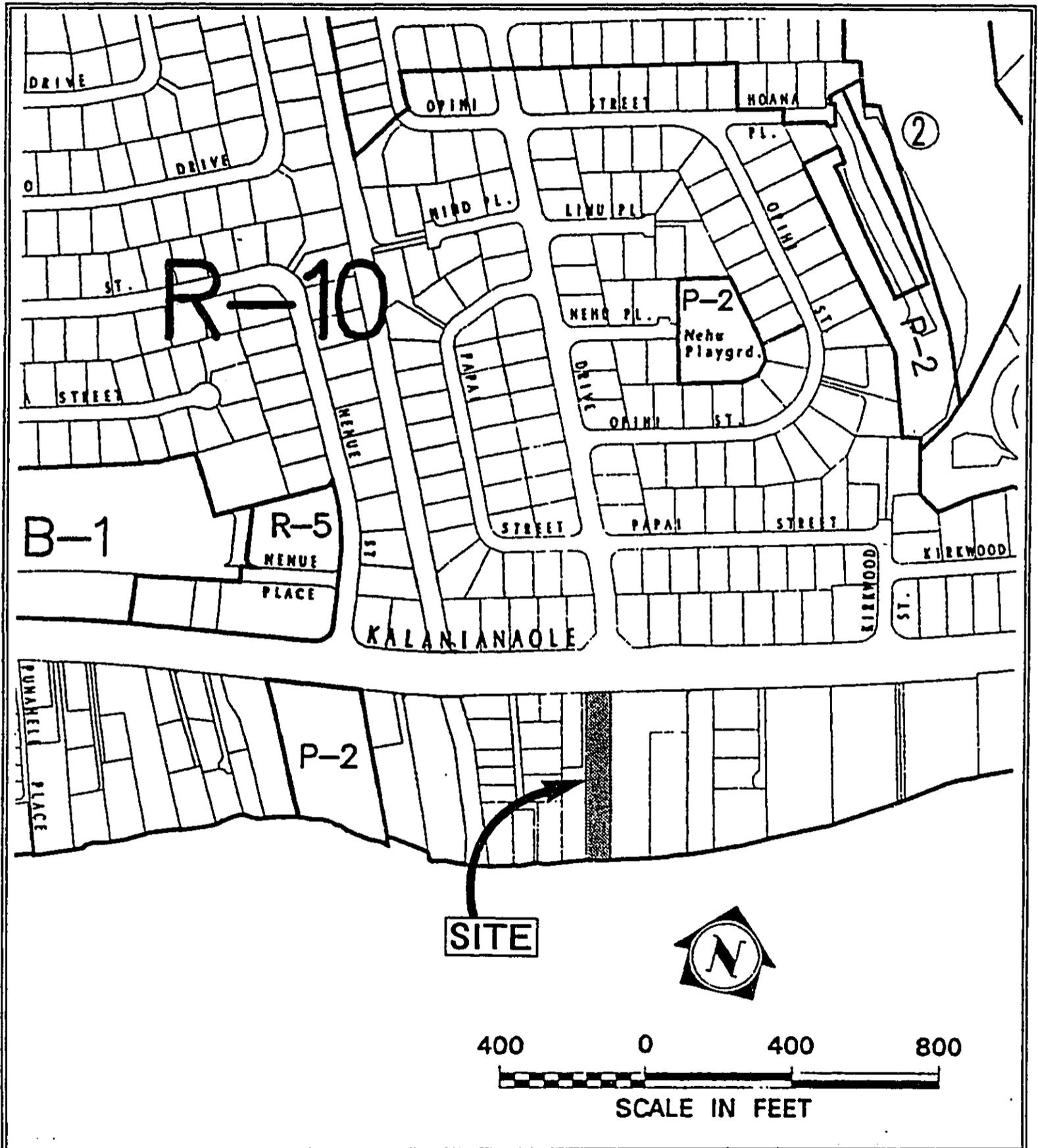


EXHIBIT 2
PORTION OF
KAHALA TO KULIOUOU
ZONING MAP

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II. DESCRIPTION OF THE PROPOSED ACTION

A. General Description

1. Proposed Development

Although no development or construction was originally planned on the project site, based on concerns raised by the State Department of Transportation (DOT), we may widen the driveway in the future to accommodate the turning movements of limousines entering the project site. In the interim period, prior to the widening of the driveway, in order to accommodate the turning movements of limousines, we intend to require limousines to enter the Bayer Estate driveway with left turns only. This movement can be easily negotiated and will not require demolition of the wall or widening of the driveway. This left turn movement is also accommodated by a separate left turn phase on the signal lights which adds to the safety and ease of the movement into the Bayer Estate driveway. Limousines heading in the east bound direction on Kalaniana'ole Highway will travel about 1,800 feet east of the Bayer Estate and turn at the jug handle turnaround located at Puuikena Street

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to turn back towards the Bayer Estate to negotiate a left turn into the Bayer Estate driveway. Limousine drivers or companies that do not comply with our left turn in directions will be terminated. Limousines will be scheduled to arrive at the Bayer Estate no earlier than 8:45 a.m., Monday to Friday, to insure that the cones have been picked up; the contra-flow lane has been eliminated; and the left turn cycle restored for the town bound lane at the intersection of Kalaniana'ole Highway and East Hind Drive. In order to accommodate traffic circulation on the property, a turnaround area will be provided next to the existing garage, as indicated on the revised site plan in Appendix II. The turnaround area will be provided through the use of grasscrete or grass paver block to minimize the impact to the large lawn on the property. No additional structures or physical alterations to existing structures are planned. The subject property, the Bayer Estate, has been placed on the State Register of Historic Places, and has been nominated for placement on the National Register of Historic Places. Appendix I provides documentation of the Bayer Estate's acceptance on the State Register of Historic Places and its nomination for placement

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on the National Register of Historic Places. The Bayer Estate is a "Historic Structure" as defined in Article 9, Definitions, of the Land Use Ordinance (LUO). This application is for an environmental assessment for use of this Historic Structure as a site for non-denominational wedding ceremonies in a non-traditional, tropical estate setting. The Historic Structure will not be a church or chapel, and no renovations or construction of new structures is proposed. Interior furnishings will be consistent with this tropical estate setting.

2. Location

The subject property is located in Aina Haina, east of the Aina Haina Shopping Center, on the makai side of Kalaniana'ole Highway at East Hind Drive.

3. Surrounding Area

The subject property is rectangular in shape and is bounded by Kalaniana'ole Highway to the north; a church complex including wedding chapel, meeting facilities, preschool and thrift shop to the east; the shoreline and Maunalua Bay to the south; and two residences and a rental unit to the west.

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4. Land Use Approvals

a. State Land Use

The project site is located within the State Land Use Urban District. The proposed wedding service use is consistent with the State's Urban District designation.

b. Development Plan

The East Honolulu Development Plan (DP) Land Use Map designates the project site as Residential. The proposed wedding service use on the site is permitted as an accessory use to churches which are considered an appropriate use in the Residential District.

c. Zoning

The site is zoned R-10 Residential District and the proposed wedding service use may be permitted subject to approval of a Conditional Use Permit, Type 2 for Use of a Historic Structure.

B. Technical Characteristics

1. Use Characteristics

Daily hours of operation will be between 8:00 a.m. and 6:00 p.m., up to seven days a week, with a maximum of eight weddings per day. Anticipated number of persons on the site at any time will be (i) one staff member, (ii) one wedding couple, (iii) 0-12 guests (6 average) and (iv) 1-2 limousine drivers, 1 photographer and 1 minister.

Every hour during the proposed hours of operation, one to two limousines will drive onto the property from Kalaniana'ole Highway and park in the parking stalls provided on the site, depositing the wedding couple and guests. Wedding ceremonies will take place either within the Historic Structure or in the ocean front garden area, and the wedding couple may pose around the landscaped premises for photographs.

Taped mood music will be played only within the structure. No amplified music will be played outside. Live music by a Hawaiian band or string quartet may be engaged for certain special ceremonies. Their music will include vocals and use of guitars, ukuleles, bass,

violin, viola, cello, and/or flutes with no electronic amplification.

Light refreshments will be served after each wedding.

2. Physical Characteristics

The existing Historic Structure consists of a two-story, wood frame Craftsman style structure (designed by renowned 1930's architect, Raymond Llewellyn Morris of Lewers & Cooke) which sits on the south (makai) side of an expansive, flat 32,624 square foot ocean front lot. The Historic Structure includes: downstairs - 1 bedroom, 1 bath, living room, family room, kitchen and den with adjacent ocean-side covered lanai; and upstairs - 2 bedrooms, 2 baths and makai side deck. The gross living area of the structure is about 2,490 square feet. In addition to the enclosed living area, the structure has a covered 372 square foot lanai on the ground floor on the makai side of the structure; an open 411 square foot deck on the second floor, also on the makai side of the structure; a 160 square foot front porch; 72 square foot side porch; and a 24 square foot laundry area. Historic photographs and mementos and descriptions of the history and architecture of the

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Historic Structure and the Bayer family will be displayed in the interior.

The entry area to the Historic Structure is approximately 350 feet from Kalaniana'ole Highway. The Historic Structure has a detached, wood frame, two-car garage. A 12-foot wide, concrete driveway extends north to south (mauka to makai) from Kalaniana'ole Highway to the garage, and includes a parking/apron area adjacent to the garage which can accommodate parking (in addition to 2 cars in the garage) for up to 5 additional cars. The 7 parking stalls should be more than adequate to accommodate the staff and wedding guests for most services. If additional parking is necessary, overflow parking can be accommodated on the concrete driveway (13 stalls) and the expansive lawn fronting the Historic Structure. A plot plan detailing the parking and location of the Historic Structure is included in Appendix II.

3. Construction Characteristics

Although no construction was originally proposed for the site, based on concerns raised by the State Department of Transportation (DOT), we may widen the driveway in the future to accommodate the

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turning movements of limousines entering the project site. In addition, a portion of the grass lawn will be converted to grasscrete or a grass paver block to provide a turnaround area adjacent to the existing garage and driveway apron. No additional structures or physical alterations to existing structures are planned. The State Historic Review Board has recommended and requested that the expanse of lawn between the Historic Structure and Kalaniana'ole Highway be preserved to maintain its historic quality as an example of a "great Hawaiian lawn", and that it not be subdivided or improved. We feel that using either grasscrete or grass paver block will minimize the impact to the lawn and maintain its natural appearance, while allowing us to resolve traffic circulation concerns of the DOT.

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III. IMPACTS

A. Demographic Impacts

1. Residential Population

The proposed Historic Structure will include a caretaker's room which will allow a continuation of the existing residential use for a portion of the property.

2. Visitor Population

The proposed wedding service operation will provide a service that may encourage a modest increase in the visitor population on Oahu.

3. Character or Culture of the Neighborhood

The proposed use will have negligible or minimal impact on the surrounding neighborhood and will not alter or interfere with the use or enjoyment of surrounding properties or the character of the neighborhood or surrounding area. The surrounding area is a mixed residential and commercial use area traversed by Kalaniana'ole Highway, a major 6-lane highway. The Historic Property is located

directly off of the recently widened Kalanianaʻole Highway. The surrounding Kalanianaʻole Highway corridor is characterized by a mix of residential, commercial and institutional uses which are permitted uses within the zoning districts surrounding the Historic Property.

The proposed use will have no or negligible impact relating to noise, traffic, parking, visual effect, lighting, construction (e.g. dust, runoff, erosion) or other impact. In addition, the Historic Property is large and adequately buffered from adjacent properties.

4. Displacement

The Historic Structure is currently occupied by a caretaker who will continue to live on the property and will not be displaced.

B. Economic Impacts

1. Economic Growth

The proposed development will have modest impact on the existing economic growth for the area providing an opportunity for an increase in revenues from the visitor industry.

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2. Employment

The proposed development will provide a modest increase of employment with about four to five employees needed for the operation, including the staff member, one to two limousine drivers, the photographer and the minister.

3. Government Revenues (taxes)

The proposed development will provide a modest increase in government revenues (taxes) for this site with the related employment that will be provided.

4. Location vis-a-vis Intended Market

The Historic Structure is well located on a beautifully landscaped, ocean front lot along a major thoroughfare. It is located relatively close to the resort areas at Kahala and Waikiki and will provide a pleasant nuptial experience for the wedding couple and their guests. It is situated next to an existing church that also has wedding services.

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C. Housing Impacts

1. Increase Supply

The proposed change in use will not affect housing or population, except to reduce the potential for additional residential structures on the property. Based on the existing zoning, this parcel could be developed with two additional single family residences, for a total of three.

2. Affordable Units

The proposed wedding service use does not include new residential units and therefore will not provide affordable units.

D. Public Services

1. Access and Transportation

Ingress and egress from the property will be provided by Kalanianaʻole Highway. The property is located directly off of the makai side of Kalanianaʻole Highway, at the East Hind Drive intersection.

Traffic generated by the proposed wedding service use of this historic structure will have negligible impact on traffic on Kalanianaʻole Highway, particularly during the morning peak hour, when travel to

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the project site will be in the off-peak direction or if in the peak hour (ewa) direction will leave the queue, in Aina Haina, well before the freeway entrance. It is projected that there will be approximately three vehicles travelling to the site during the morning peak hour, transporting the staff person, the minister and the photographer. Throughout the day approximately two limousines per hour are expected to arrive and depart from the project site carrying the bride and groom and guests.

Safe entry and exit onto and from the property is also facilitated by traffic lights at the regulated Kalaniana'ole Highway/East Hind Drive intersection which is directly across the property's driveway.

The characteristics of the subject property allow for adequate access to and circulation within the property. Unlike many nearby properties along the makai Kalaniana'ole Highway corridor, the subject property extends unsubdivided from Kalaniana'ole Highway to the ocean, is not a flag lot and does not share a driveway with other adjacent lots. This allows for adequate access to and from the property without imposition or impact on adjacent or nearby neighbors.

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Final Environmental Assessment
The Bayer Estate in Aina Haina

Although no development or construction was originally planned on the project site, based on concerns raised by the State Department of Transportation (DOT), we may widen the driveway in the future to accommodate the turning movements of limousines entering the project site. In the interim period, prior to widening of the driveway, in order to accommodate the turning movements of limousines, we intend to require limousines to enter the Bayer Estate driveway with left turns only. This movement can be easily negotiated and will not require demolition of the wall or widening of the driveway. This left turn movement is also accommodated by a separate left turn phase on the signal lights which adds to the safety and ease of the movement into the Bayer Estate driveway. Limousines heading in the east bound direction on Kalaniana'ole Highway will travel about 1,800 feet east of the Bayer Estate and turn at the jug handle turnaround located at Puuikena Street to turn back towards the Bayer Estate to negotiate a left turn into the Bayer Estate driveway. Limousine drivers or companies that do not comply with our left turn in directions will be terminated. Limousines will be scheduled to arrive at the Bayer Estate no earlier than 8:45 a.m.

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Final Environmental Assessment
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to insure that the cones have been picked up; the contra-flow lane has been eliminated; and the left turn cycle restored for the town bound lane at the intersection of Kalaniana'ole Highway and East Hind Drive.

To further reduce turning conflicts at the intersection of East Hind Drive and Kalaniana'ole Highway we will also require vehicles exiting the Bayer Estate driveway to turn right only. Vehicles that need to travel back to town (west bound) can use the conveniently located jug handle at Puuikena Street, discussed earlier, to turn back towards town.

In the future we may consider widening the driveway, at which time we would allow limousines to negotiate right turns into the driveway. We understand, based on a telephone conversation with staff at your department that ADA requirements would have to be met if we improve the driveway at a later date.

In addition, a portion of the grass lawn will be converted to grasscrete or a grass paver block to provide a turnaround area adjacent to the existing garage and driveway apron. No additional structures or physical alterations to existing structures are planned.

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2. Water

No additional fixtures are planned for the site and no increase in water service requirements is projected with the proposed wedding service use.

3. Wastewater

No additional sewer fixtures are planned for the site and no increase in wastewater service requirements is projected with the proposed wedding service use. The existing sewer lateral connects to the municipal system.

4. Drainage

The property was graded in 1974 by Hawaiian Dredging, and effective drainage exists. No new construction is proposed, and accordingly, the grading for the property will retain the existing flow patterns.

The property is in Flood Zone AE with flood elevation of 5 feet. Since no new construction is proposed the proposed change in use will not affect the flood zone.

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5. Solid Waste

Refuse generated by the proposed use is expected to be similar to the existing residence. Refuse from the proposed use will primarily consist of yard trimmings/cuttings and paper goods (napkins and plates) from light refreshments. Accordingly, normal, existing City & County refuse service provided in the neighborhood will effectively handle refuse needs.

6. Schools

The proposed wedding service use will not affect enrollment in surrounding schools.

7. Parks

The proposed wedding service use will not affect the existing parks or recreation areas in the surrounding neighborhood.

8. Police

The Aina Haina area is under the jurisdiction of the Honolulu Police Department's (HPD) District 7 command which covers the area from Punahou Street to Makapuu Point, excluding Waikiki. There are plans for a police substation in Aina Haina which will provide a more

convenient base for officers assigned to the East Honolulu area. The proposed change in use will not have a significant impact on the services provided by HPD.

9. Fire

Fire protection for the Aina Haina area is provided by Wailupe Fire Station, Engine Company 23. With no new structures planned, the proposed change in use will not impact on the services provided by the Fire Department.

10. Utilities

a. Electric

The existing Historic Structure has adequate electrical service to support the wedding service use.

b. Gas

The existing Historic Structure and the proposed wedding service use will not require gas service.

c. Telephone

The existing Hawaiian Telephone Company service line is adequate to service the wedding service use.

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E. Environmental Impacts

1. Historic and Archaeological Resources

The property is listed on the Hawaii Register of Historic Places and has been nominated for placement on the National Register (Appendix I). No structural alterations or renovations are being proposed and the proposed use has been concurred with by the "Administrator" of the "State Historic Preservation Division" (Appendix III).

2. Natural Features

a. Water Resources

There are no potable water resources within the project site.

b. Flood Plain Management

The property is in Flood Zone AE with flood elevation of 5 feet. Since no new construction is proposed the proposed change in use will not affect the flood zone.

c. Wetlands Protection

The project site does not contain wetlands and will not affect any wetlands.

d. Coastal Zone Management

The project site is situated along the coastline. However, with no new structures planned, improvements limited to possible future widening of the driveway entry and the addition of a grasscrete or grass paver block turn around area, and the passive nature of the wedding service activity, the proposed use will have no impact on the coastline or near shore ecosystem.

e. Unique Natural Features

The project site is relatively level and has no unique natural features.

f. Flora and Fauna

The project site is an urbanized residential lot and with no new construction planned will not impact on endangered or rare flora or fauna.

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g. Agricultural Lands

The proposed wedding service use is in an urbanized area and will not affect the agricultural industry.

h. Open Space

Since new development is limited to a widening of the existing driveway and use of grasscrete or grass paver block to provide a turnaround area, the proposed wedding service use will not affect open space on the parcel.

3. Noise

The proposed use will not adversely impact the noise quality for the site or the surrounding neighborhood.

Hours of operation will be from 8:00 a.m. to 6:00 p.m. This operating schedule should mitigate any concerns of the immediate surrounding community regarding adverse noise impacts, by avoiding operation during the quieter early morning and evening hours.

No amplified music will be played outside of the Historic Structure, and any music within the structure will fully comply with all applicable noise regulations. No live organ music will be played. No

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or minimal noise will be emitted from inside of the structure. Any noise emanating from the property will be buffered by existing sideyard walls, fences and foliage which provide effective buffering and screening. Noise regulation limits will be met at the property line.

4. Air Quality

The proposed wedding service use will not adversely impact the air quality for the site or the surrounding neighborhood, with a projected traffic impact of only two vehicles per hour visiting the project site.

5. Hazards

a. Nuisances and Site Safety

The proposed wedding service use will not introduce a use associated with nuisances and site safety.

b. Thermal Explosive

The proposed wedding service will not impact or be situated near thermal explosive storage areas.

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c. Airport Clear Zone

The proposed wedding service use will not affect the Airport Clear Zones.

IV. ALTERNATIVE CONSIDERED

The alternative considered for the project site was a standard residential subdivision or cluster development which would eliminate the large lawn area which the State Historic Preservation Division and Hawaii Historic Places Review Board felt was a very important feature of this Historic Site. Two additional dwellings on the lot would also block and possibly eliminate the existing view of the Historic Structure from Kalaniana'ole Highway.

V. MITIGATION MEASURES

Since the only new construction planned is the possible future widening of the existing driveway and provision of a grasscrete or grass paver block turnaround area on the site no mitigation measures are planned, except for restricting wedding service hours to between 8:00 am and 6:00 pm to avoid the early morning and

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evening hours. As mentioned in this report, the proposed change in use will have minimal impact on public services and the surrounding neighbors.

VI. BASIS FOR A NEGATIVE DECLARATION FOR THE PROPOSED BAYER ESTATE FOR WEDDING SERVICES

A. Description of the Proposed Action

As described earlier, this application is for use of this Historic Structure as a site for non-denominational wedding ceremonies in a non-traditional, tropical estate setting. The Historic Structure will not be a church or chapel, and no renovations or construction of new structures is proposed. Interior furnishings will be consistent with this tropical estate setting.

B. Determination and Reasons Supporting Determination

The proposed project would not have a significant effect on the environment and therefore preparation of an environmental impact statement is not required. Based on the "Significance Criteria", Section 12 of Hawaii Administrative Rules Title 11, Chapter 200, "Environmental Impact Statement Rules", which were reviewed and analyzed, we have come to the following conclusions:

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1. **No irrevocable commitment to loss or destruction of any natural or cultural resource would result.**

The proposed wedding service use does not involve new construction, except for possible future widening of an existing driveway and provision of a grasscrete or grass paver block turnaround area on the site, or commitment or loss or destruction of any natural or cultural resource, over 92% of which is valuable, undeveloped open space. In fact the use of this Historic Structure will allow preservation of this historic resource, The Bayer Estate.

No significant natural resources are present on the site. The project site is listed on the State Historic Site Register, and the State Historic Preservation Division agrees with and supports the proposed wedding service use of the site.

2. **The action would not curtail the range of beneficial uses of the environment.**

The proposed wedding service use will involve minimal new construction as described earlier and will not curtail the range of beneficial uses of the environment. The project site will continue to

provide a well maintained large landscaped lawn and provide views of the Historic Structure from Kalanianaʻole Highway.

3. **The proposed action does not conflict with the state's long-term environmental policies or goals and guidelines.**

The State's environmental policies and guidelines are set forth in Chapter 344, Hawaii Revised Statutes, "State Environmental Policy". The broad policies set forth include conservation of natural resources and enhancement of the quality of life. As discussed earlier, the project does not affect significant natural resources, with minimal construction proposed. The proposed wedding service use will provide a modest amount of employment which will benefit the economy and provide a few much needed jobs for residents.

4. **The economic or social welfare of the community or state would not be substantially affected.**

The proposed wedding service operation would provide a modest boost to the economic welfare of the island community. The project will provide a modest expansion of the existing wedding service industry. The proposed use will also provide about four to five jobs at this site.

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The State of Hawaii and the City and County of Honolulu have recognized that historic property is an important community asset and resource, and that preserving historic property is in the public interest and in furtherance of public policy. Use of the Historic Property for wedding services will provide an economically feasible alternative to subdivision and development of this 32,624 square foot property, allowing for the preservation of this Historic Structure and valuable open space for the enjoyment of visitors and residents.

5. The proposed action does not substantially affect public health.

The proposed action will not affect public health.

6. No substantial secondary impacts, such as population changes or effects on public facilities, are anticipated.

The proposed wedding service operation will have no impact on population and minimal impact on public facilities since the infrastructure requirements of the proposed wedding service operation will be similar to that of a single family residence.

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7. No substantial degradation of environmental quality is anticipated.

The project will have minimal impact on environmental quality with minimal new construction planned.

8. The proposed action does not involve a commitment to larger actions, nor would cumulative impacts result in considerable affects on the environment.

The proposed project does not involve a commitment to larger actions nor will it result in cumulative impacts to the environment. The wedding service operation is a singular operation that will not lead to a larger development on the project site with cumulative impacts.

9. No rare, threatened or endangered species or their habitats would be affected.

As mentioned earlier, no rare, threatened, or endangered species or their habitats will be affected.

10. Air quality, water quality or ambient noise levels would not be detrimentally affected.

Air quality, water quality or ambient noise levels will not be detrimentally affected since minimal new construction is proposed. The change in use for wedding services, represents a passive activity that will have minimal environmental impact.

11. **The project would not affect environmentally sensitive areas, such as flood plains, tsunami zones, erosion-prone areas, geologically hazardous lands, estuaries, fresh waters or coastal waters.**

With minimal new construction, no environmentally sensitive areas would be affected. The project site is in a flood district, as mentioned earlier, however, no new structures are proposed.

12. **Substantially affects scenic vistas and viewplanes identified in county or state plans or studies.**

With the only construction activity being at grade for the possible future widening of the existing driveway and placement of grasscrete or grass paver block to create a turnaround area, the project will not affect existing scenic vistas or viewplanes.

13. **Requires substantial energy consumption.**

The proposed wedding service operation will not require substantial energy consumption and its energy use will be similar to that of a single family residence.

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Final Environmental Assessment
The Bayer Estate in Aina Haina

VII. AGENCY COMMENTS

Agency and community comments on the Draft Environmental Assessment are included in Appendix V, along with our point by point response to those comments.

VIII. CONCLUSION

Based on the foregoing report, the applicant respectfully requests your approval of a Finding of No Significant Impact for this Environmental Assessment to allow the proposed wedding service use of this Historic Structure. The proposed use will involve minimal new construction and will have minimal impact on the environment or public services in the area.

0000 0006 0911

APPENDIX I

HISTORIC PLACES DOCUMENTATION

0000 0006 09 12

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



MICHAEL D. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

Gilbert Coloma-Agaran

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

AQUACULTURE DEVELOPMENT
PROGRAM

AQUATIC RESOURCES
CONSERVATION AND

ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT

CONVEYANCES

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION

DIVISION

LAND MANAGEMENT

STATE PARKS

WATER AND LAND DEVELOPMENT

July 24, 1997

Richard K. Mirikitani
60 Pilipu Place
Kailua, Hawaii 96734

Dear Mr. Mirikitani:

Site: Carl & Florence (Gurrey) Bayer Residence

The Hawaii Historic Places Review Board is pleased to inform you that at its hearing on July 19, 1997, a decision was made to place the property described above on the Hawaii Register of Historic Places and to recommend to the State Historic Preservation Officer that he place the property for eligibility on the National Register of Historic Places.

If you have any questions, please do not hesitate to call 587-0047.

Sincerely yours,

Richard K. Paglinawan
RICHARD K. PAGLINAWAN
Chairperson

RP:jen

c: County of Honolulu Planning Department
Sooz & Richard Mirikitani, 60 Pilipu Place, Kailua, HI 96734
Spencer Leineweber, Architect

0000 0006 09 13

NPS Form 10-900
(Rev. 10-90)

OMB No. 1024-001

**United States Department of the Interior
National Park Service**

**NATIONAL REGISTER OF HISTORIC PLACES
REGISTRATION FORM**

This form is for use in nominating or requesting determinations for Individual properties and districts. See instructions in How to Complete the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Carl and Florence (Gurrey) Bayer Residence

2. Location

street & number 5329 Kalaniani'ole Highway not for publication N/A
city or town Honolulu vicinity Honolulu City
state Hawaii code HI county Honolulu code _____ zip code 96821

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this ___ nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ___ meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant ___ nationally ___ statewide ___ locally. (___ See continuation sheet for additional comments.)

Signature of certifying official Date

State or Federal agency and bureau

In my opinion, the property ___ meets ___ does not meet the National Register criteria. (___ See continuation sheet for additional comments.)

Signature of commenting or other official Date

State or Federal agency and bureau

4. National Park Service Certification

I, hereby certify that this property is:
___ entered in the National Register
 ___ See continuation sheet.
___ determined eligible for the National Register
 ___ See continuation sheet.
___ determined not eligible for the
 National Register
___ removed from the National Register
___ other (explain): _____
Signature of Keeper _____
Date of Action _____

0000 0006 09 14

USD/NPS NRHP Registration Form
Bayer Residence Page 3

Areas of Significance (Enter categories from instructions)

Architecture and Art
Period of Significance
1936-1974

Significant Person
(Complete if Criterion B is marked above)
Carl Bayer
Florence Gurrey Bayer (Mrs. Carl Bayer)
Raymond Llewellan Morris

Significant Dates
1936 and 1941

Cultural Affiliation
N/A

Architect/Builder
(designer/engineer) Raymond Llewellan Morris
(builder) Lewers and Cooke
(fabricator) N/A

Narrative Statement of Significance (Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS)
 preliminary determination of individual listing (36 CFR 67) has been requested.
 previously listed in the National Register
 previously determined eligible by the National Register
 designated a National Historic Landmark
 recorded by Historic American Buildings Survey #
 recorded by Historic American Engineering Record #

Primary Location of Additional Data
 State Historic Preservation Office
 Other State agency
 Federal agency
 Local government
 University
 Other (Name of repository):

10. Geographical Data

Acreage of Property Less Than One Acre (32,624 square feet)

UTM References

(Place additional UTM references on a continuation sheet)

Zone Easting	Northing	Zone Easting	Northing
1	3		
2		4	

See continuation sheet.

Verbal Boundary Description

The nominated property is one parcel identified by Tax Map Key: (1) 3-6-3-12

Boundary Justification

The nominated structure includes the entire original subdivided parcel.

USD/NPS NRHP Registration Form
Bayer Residence Page 3

Areas of Significance (Enter categories from instructions)

Architecture and Art
Period of Significance
1936-1974

Significant Person
(Complete if Criterion B is marked above)

Carl Bayer
Florence Gurrey Bayer (Mrs. Carl Bayer)
Raymond Llewellan Morris

Significant Dates
1936 and 1941

Cultural Affiliation
N/A

Architect/Builder

(designer/engineer) Raymond Llewellan Morris
(builder) Lewers and Cooke
(fabricator) N/A

Narrative Statement of Significance (Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS)

- preliminary determination of individual listing (36 CFR 67) has been requested.
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey #
- recorded by Historic American Engineering Record #

Primary Location of Additional Data

- State Historic Preservation Office
- Other State agency
- Federal agency
- Local government
- University
- Other (Name of repository):

10. Geographical Data

Acreage of Property Less Than One Acre (32,624 square feet)

UTM References

(Place additional UTM references on a continuation sheet)

Zone Easting Northing Zone Easting Northing

1 3 _____

2 _____ 4 _____

____ See continuation sheet.

Verbal Boundary Description

The nominated property is one parcel identified by Tax Map Key: (1) 3-6-3-12

Boundary Justification

The nominated structure includes the entire original subdivided parcel.

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USD/NPS NRHP Registration Form
Bayer Residence Page 4

11. Form Prepared By

name/title	Sooz and Richard Mirikitani; Spencer Leineweber, Architect	date	May 15, 1997
organization	NA	telephone	(808) 263-9341
street & number	60 Pilipu Place	zip code	96734
city or town	Kailua state Hawaii		

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A USGS map (7.5 or 15 minute series) indicating the property's location.
A sketch map for historic districts and properties having large acreage or numerous resources.

Photographs

Representative black and white photographs of the property.

Additional items

(Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of the SHPO or FPO.)

name	Carl M. Mirikitani Trust; Andrew K. Mirikitani	telephone	808-737-0357
street & number	c/o 225 Kaalawai Place	state HI	zip code 96816
city or town	Honolulu,		

name	Richard K. Mirikitani	telephone	808-263-9341
street & number	60 Pilipu Place	state HI	zip code 96816
city or town	Honolulu		

name	Clifford K. Mirikitani Trust; John M. Mirikitani, Clifford K. Mirikitani, Jr.	telephone	808-949-4264
street & number	c/o 2336 Oahu Avenue	state HI	zip code 96822
city or town	Honolulu,		

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reduction Project (1024-0018), Washington, DC 20503.

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Bayer Residence Continuation page 1
NPS Form 10-900-a
(8-85)

OMB No. 1024-0018

United States Department of the Interior
National Park Service

**NATIONAL REGISTER OF HISTORIC PLACES
CONTINUATION SHEET**

Section 7 Page 1 Carl and Francis Gurrey Bayer Residence
5329 Kalaniani'ole Highway
Honolulu, Hawaii

Narrative Description

The Carl and Francis Bayer House is a two storey wood frame simple Craftsman style building that sits prominently on a flat lot on the ocean in Aina Haina. The property has a commanding presence on the wide expanse of lawn on the *makai* side or south side of Kalaniani'ole Highway, the entry area being approximately 350 feet from the highway. A small wood frame two car garage is on the right side of the property and the house sits crossways to the long narrow lot. The property is accessed from Kalaniani'ole Highway.

The "T" shaped plan has a predominant gabled roof form covered in asphalt shingles with an outset gable end and an extended eave at the outset entry porch. A modern flat roofed addition is on the *makai* (ocean) or south. The walls are exposed 12" wood shingle construction. The gable ends are wood boards and are outset slightly set off by rounded brackets. The wood framed windows are double hung grouped in a paired configuration. The pattern of the individual window sash is eight glass lites over a larger single glass lite. Windows are generally centered in the individual walls. The large outset entry porch faces *mauka* (north) and the street; it is divided into three bays by wood columns supporting a simple beam with curved rafters tails. The second storey addition covers the original ocean side *lanai* or porch; the original porch elements still remain. The sun room has large bifold glass paneled doors.

Access to the interior is gained through the outset entry porch and a single wood entry door. The living room space has a high peaked ceiling following the gable direction. The finishes in this room are simple exposed tongue and groove wood finish and canoe, a board product made from bagasse as a by product of the sugar cane process. The floor is wood plank in a variable size configuration. Open to the right of the living room is a small dining area below the open loft access to the second floor bedrooms. The kitchen and a first floor bedroom enclose the west or Diamond Head side of the house. The first floor bedroom was designed to have the effect of being aboard a small ship, as the decorative ceiling beams curve slightly to give the feeling of a curved ship's "deck"; the tongue and groove woodwork has a midpoint groove to provide a more intimate scale. This scale of the woodwork in this room reinforces the nautical feeling. A small bathroom is attached to this room and still maintains its original masonite tile wainscot. To the left of the dining area is the kitchen with original tongue and groove woodwork on the walls and ceiling and original cabinetry and simple moldings. Access to the second floor is by means of an open riser plank style wood stairs with simple railing. The second floor master bedroom and bathroom remain in the original design with separate dressing room and attached bathroom. The walls are plywood with millwork at the ceiling. The new modern addition at the second floor is through a door that was an original window opening.

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Bayer Residence Continuation page 2

NPS Form 10-900-a
(8-86)

OMB No. 1024-0018

United States Department of the Interior
National Park Service

**NATIONAL REGISTER OF HISTORIC PLACES
CONTINUATION SHEET**

Section 8 Page 1 Carl and Francis (Gurrey) Bayer Residence
5329 Kalaniani'ole Highway
Honolulu, Hawaii

Narrative Statement of Significance

The Carl and Francis Bayer House is significant under Criterion B (significant persons) and Criterion C (design). It is an early and excellent example of the simple Craftsman style homes designed by architect Raymond Llewellyn Morris for Lewers and Cooke. The Bayer House, built in 1936, was a collaborative effort between Raymond Morris and Florence Gurrey Bayer. [Bayer, March 1997] Morris' philosophy was to "first accommodate the desires and needs of the client and then to express his architectural skill and individualism in the roof design." [Bouslog, p. 104] The house incorporates the graceful characteristics of the simple "Hawaiian" style house popularized by Morris during this period with its high-pitched roof, extended eaves and lanai, as well as the design aspects of a French farmhouse. [Bayer, March 1997]

This home is one of the first Lewers and Cooke homes to have been built along Oahu's southeastern coastline which was pig farms, chicken farms, the Hind-Clarke Dairy, and a lot of keawe trees at the time that the house was constructed. The lot on which the Bayer House is constructed was part of the *Wailupe Ili*, a subdivision of the ahupuaa of Waikiki, in the *moku* or district of *kona*. The area was divided during the Great Mahele between Kamehameha III and Kamaha, the *konohiki* of the ahupuaa. The area was most likely a prime settlement area of the early Hawaiians due to the proximity to the ocean and Wailupe Stream. [Krauss March 1997]. Today the area is known as Aina Haina, and the alignment of the highway, originally the pre-historic trail, and later known as the "Government Road", was renamed in 1929 to Kalaniani'ole Highway. The Bayer parcel was partitioned in 1923 and was originally owned by a group of prominent members of Hawaii society including Judge Antonio Perry, a Chief Justice of the Hawaii Supreme Court (1926-1934) and Judge Alexander D. Lamach, Judge Perry's brother-in-law and a Second District Magistrate of Honolulu. The residential character of the area was not established until the large farm parcels in the area were subdivided in the mid 1950s.

The house has an unusual foundation system designed at the request of Carl Bayer. This foundation was a five foot thick pad of concrete anchoring the house with steel bolts. This foundation system has withstood several tidal waves in the area; the worst one was in 1946 when eleven foot waves rolled across the yard and through the house. Unfortunately, the house next door was lifted off its foundation and moved across the highway with the family still trapped inside.

After the December 7, 1941 attack on Pearl Harbor, the Army, in fortifying Hawaii's shorelines against further attack, set up temporary installations all around the island of Oahu under the command of Colonel Merrick, a personal friend of the Bayer family. The coastline near the Bayer home was strategic due to the depth of the flat reefs, shallow enough to easily push up landing craft. The Army leased the backyard of the Bayer Home for \$1.00 to set up an installation shown on a World War II military map. A telephone communications center, range finders, and telescopes were set up at the Diamond Head *makai*-or southwest corner of the yard and a 75mm French Howitzer placed in the opposite coast side corner. [Bayer March 1997]

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Bayer Residence Continuation page 3
NPS Form 10-900-a OMB No. 1024-0018
(8-86)

United States Department of the Interior
National Park Service

**NATIONAL REGISTER OF HISTORIC PLACES
CONTINUATION SHEET**

Section 8 Page 2 Carl and Francis (Gurrey) Bayer Residence
5329 Kalaniani'ole Highway
Honolulu, Hawaii

The lawn of the house has twelve of the original thirty two coconut trees germinated from coconuts from the island of Niihau; these coconuts were a gift of Carlos Long, a close personal friend of both the Bayers and the Robinson family of Kauai and Niihau. These trees because of their isolation on the island of Niihau do not have the varietal cross breeding with the Samoan coconut as do most other coconut trees on the island of Oahu and therefore are closer to the botanical variety of the early Polynesian voyagers. The missing twenty trees were used to landscape Aloha Stadium.

The architect for the residence was Raymond Llewellyn Morris who was born in New Jersey on October 11, 1892 and was the son of Ephraim Walter and Helen Francis Morris. His formal schooling ended after he had completed his second year of high school. With a natural talent for drawing he became an expert draftsman and designed submarines for the Simon Lake Torpedo Boat Company in Connecticut. In 1921 he moved to San Francisco to work for a millwork shop. This shop made the windows and doors for the Diamond Head home of Walter Dillingham, La Pietra. While in San Francisco, Morris met Frederick Lowrey, manager of Honolulu's largest building materials company, Lewers and Cooke, and Guy Rothwell. He moved to Hawaii in 1926 and went to work for prominent architect, Charles W. Dickey for a brief period.

Morris was astute in recognizing that there was a great need for affordable housing in Honolulu. Most of the smaller home design was left to contractors rather than architects with rather pitiful results. Morris was able to convince Frederick Lowrey to hire him as the "in-house" architect to design these small homes; Lewers and Cooke would provide the financing and the building materials. By his own estimate, Morris designed 3,000 homes, no two of which were alike. Morris refused to design a house that would exceed \$5,000, and later when building material costs got too high, the limitation became no more than 2,000 feet. As evidenced by Lewers and Cooke newspaper advertisements of the 1920s and 1930s Morris may be credited with an extraordinary variety of small to medium sized homes, many of which were very adventuresome in the height and the complexity of the roof configurations.

The home was designed for Carl Bayer and his wife Francis Gurrey Bayer in 1936. Mr. Bayer's biography is published in both Men of Hawaii and The Story of Hawaii and Its Builders, a standard reference work and a record of men who deservedly occupy a high place in the industrial and cultural history of the Hawaiian Islands. He was born in Waldkirch, Germany in 1884 to August and Bertha Bayer. He arrived in Hawaii in 1901 after he was recruited by the prominent Honolulu firm of H. Hackfield & Company. Bayer moved to the island of Hawaii in 1908 after accepting the position of store manager for the Hutchinson Sugar Company in Naalehu, then owned by Kau Sugar Plantation. In 1910 he joined the firm of Alexander and Baldwin as manager of the store for Hawaiian Sugar Company in Makaweli, Kauai. Under the good business and organizational skills of Mr. Bayer, the Makaweli store became one of the largest stores of its kind. Highly dedicated to the growth and organization of business, Mr. Bayer was instrumental in the organization of the Kauai Chamber of Commerce in 1913 and served as a Director of the organization for the first two years, and later was the sole proprietor of Rice Stix Dry Goods Company on Bethel Street in Honolulu.

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Bayer Residence Continuation page 4
NPS Form 10-900-a OMB No. 1024-0018
(8-85)

United States Department of the Interior
National Park Service

**NATIONAL REGISTER OF HISTORIC PLACES
CONTINUATION SHEET**

Section 8 Page 3 Carl and Francis (Gurrey) Bayer Residence
5329 Kalaniani'ole Highway
Honolulu, Hawaii

In 1915, Carl Bayer married Florence Maguerite Gurrey, daughter of renowned local artist Alfred Gurrey, and they had one son, Walter Gurrey Bayer. Their desire to provide their son with the best possible education led the Bayers to move to Honolulu where Walter could attend Lincoln School and then Punahou School. Florence Gurrey Bayer was an expert horsewoman and a champion of animal rights, serving as a Secretary for the Hawaiian Human Society. She, with Lucy Ward, was instrumental in forming the Society as a group of people interested in protecting the dray horses of Manoa quarry from abuse by their drivers. Her father was Alfred Richard Gurrey, Sr., an insurance adjuster and secretary of the Board of Fire Underwriters of the Territory of Hawaii. Although Mr. Gurrey lacked any formal art training he was a member of the Pallet Club of San Francisco and was elected to the Kilohana Art League and exhibited in their exhibitions from 1900 -1907. Many of his paintings depicted ocean scenes due to his love of the ocean and sailing. Mr. Gurrey was one of the early members of the Outrigger Canoe Club and was Commodore of the Corinthian Yacht Club of San Francisco. Florence Bayer hung many of her father's paintings depicting marine vistas in her Aina Haina home. In 1996 Walter Bayer donated 30 of his grandfather's paintings to the Kauai Museum in Lihue which is planning a 1998 exhibition.

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Bayer Residence Continuation page 5
NPS Form 10-900-a OMB No. 1024-0018
(8-86)

United States Department of the Interior
National Park Service

**NATIONAL REGISTER OF HISTORIC PLACES
CONTINUATION SHEET**

Section 8 Page 4 Carl and Florence (Gurrey) Residence
5329 Kalaniani'ole Highway
Honolulu, Hawaii

Major Bibliographical References

Bayer, Walter G., Telephone Interview with S. Mirikitani, March 1997

Bouslog, Charles et al., Manoa: The Story of a Valley, 1994

Daniel, Howard Publications Manager, Alexander and Baldwin, Inc., Telephone Interview with S. Mirikitani, March 1997

Honolulu City Directory, 1936

Hawaii State Bureau of Conveyance Records, Partition Deed dated November 19, 1923

Mason, Glenn, et al., Oral Histories of 1930s Architects, 1982

Nellist, George F. ed., The Story of Hawaii and Its Builders. 1925

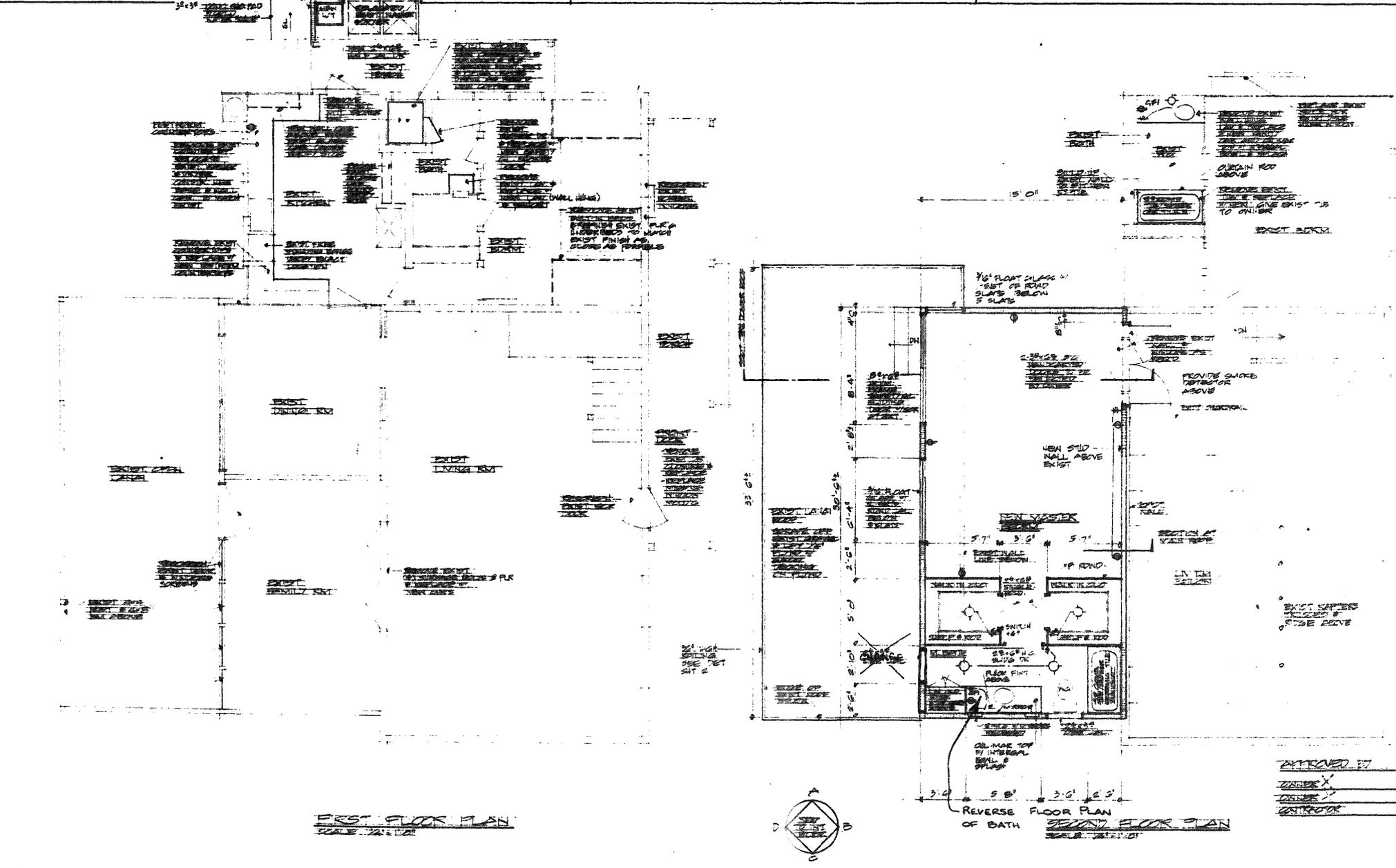
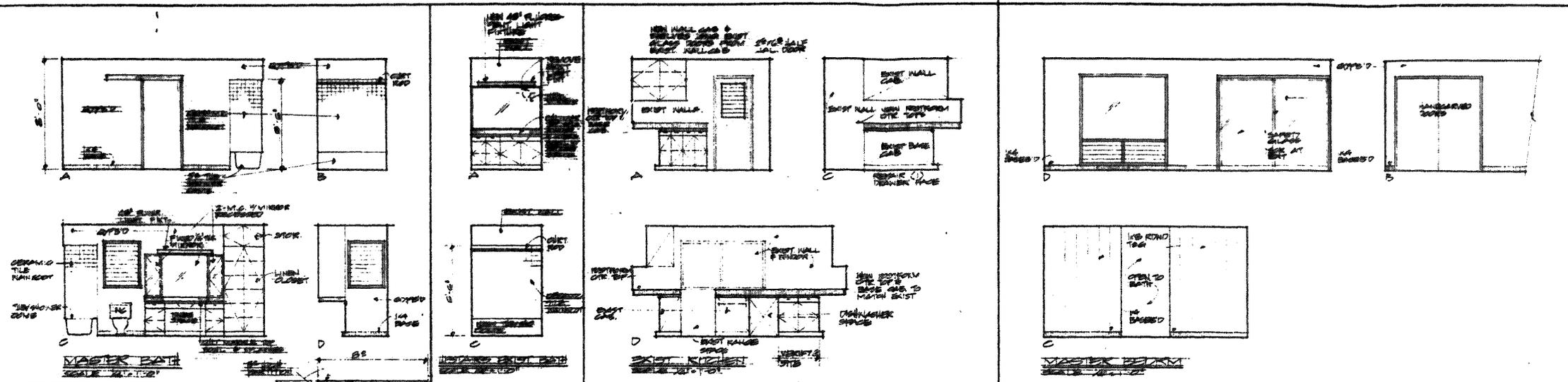
Ogata, Carol I., Settlement Survey of Wailupe ili Waikiki Ahupuaa, Kona District, Island of Oahu, unpublished manuscript, 1992

Simpich, Frederick, Jr. Dynasty in the Pacific 1974

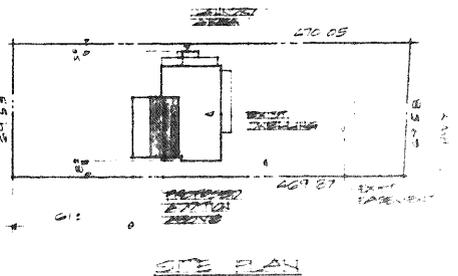
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APPENDIX II

PLANS



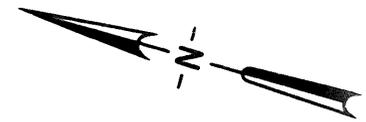
GENERAL NOTES:
 1) ALL FRAMING LUMBER TO BE NOMINIZED OR GRADE TREATED
 2) ALL PLUMBING FIXTURES SHALL BE AMERICAN STANDARD OR EQUAL
 3) ALL CERAMIC TILE SHALL BE OF AMERICAN MAKE



REVISIONS:
 NO. 1: ADDED PLUMBING TO BATH AND KITCHEN
 NO. 2: CHANGED SIZE OF LIVING ROOM AND DINING ROOM
 NO. 3: CHANGED SIZE OF BATH AND KITCHEN
 NO. 4: CHANGED SIZE OF BATH AND KITCHEN
 NO. 5: CHANGED SIZE OF BATH AND KITCHEN

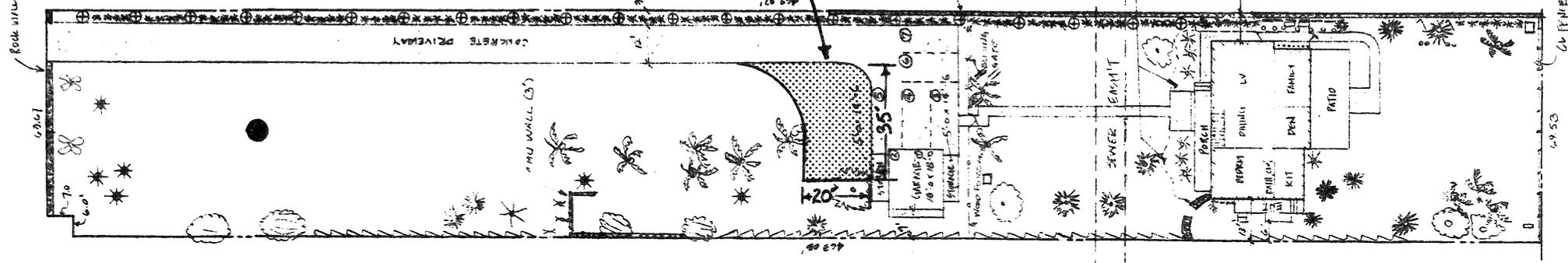
K ARCHITECT V. VAYDA 2145 1/2
 ADDITIONAL ARCHITECTS: DR. ALFRED K. & CARL M. STREIBER
 5001 BELLEVILLE AVE. ST. LOUIS, MO.
 TEL. 524-1111
 7/2/76

KAL HWY →



LEGEND

- 1. GARDENIA
- VETCHIA JOHANNIS PALM
- COBANU ROYAL PALM
- MULBERRY TREE
- X TREE FERN (AUSTRALIAN)
- Y CASSIA TREE
- SPATHIPHYLLOM
- o GINGER
- I TI LEAF
- o MILO
- Flower symbol PLUMERIA
- ⊕ MANILA PALM
- * GUAVA
- Star symbol ARECA PALM
- NOBELIA (5m.)
- Circle symbol HAU
- Star symbol HIBISCUS PALM
- Circle symbol ROYAL PALM
- Star symbol K-MO BERT
- Circle symbol IRONWOOD
- Star symbol COCONUT
- Star symbol SEQUOIA
- Star symbol PANEX HEDGE (8')

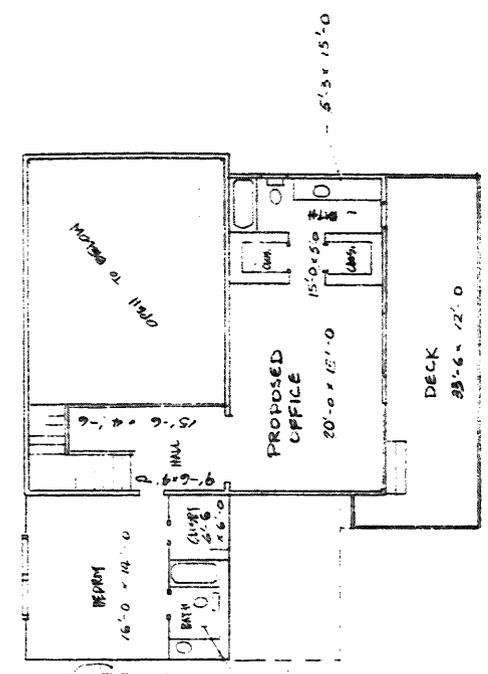


PROPOSED TURNAROUND AREA GRASSCRETE OR GRASS PAVER BLOCK

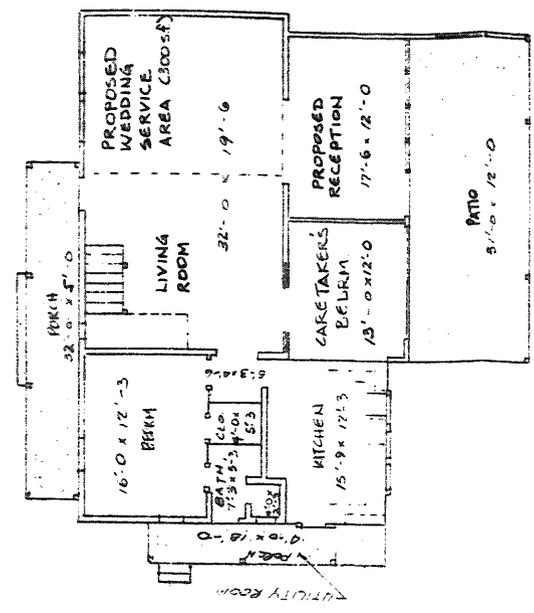
7 PARKING STALLS 8'6" X 18'0"

CONCRETE DRIVEWAY

PLANTING AREA 2
 BLUE DART
 VINCA
 LAMPAI
 BESOJIA
 ANTHURUM
 SPATHIPHYLLOM
 TREE FERN
 TI LEAF
 IXORA



SECOND FLOOR PLAN 1/8"



FIRST FLOOR PLAN 1/8"

BAYER ESTATE
 5329 KALANIANA'OLE HWY.
 HONOLULU, HAWAII
 TAX MAP KEY 3-6-03: 12

DATE: 8/25/97

0000 0006 0926

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

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CORRECTION

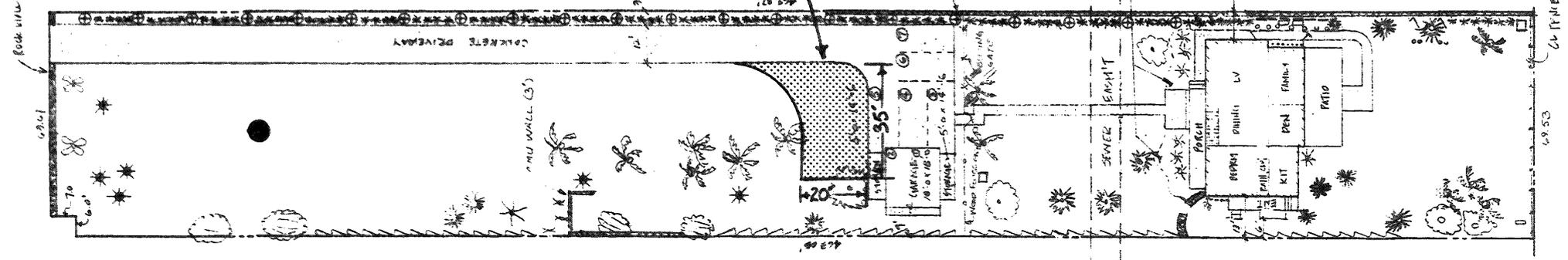
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SEE FRAME(S)
IMMEDIATELY FOLLOWING

KAL HWY →

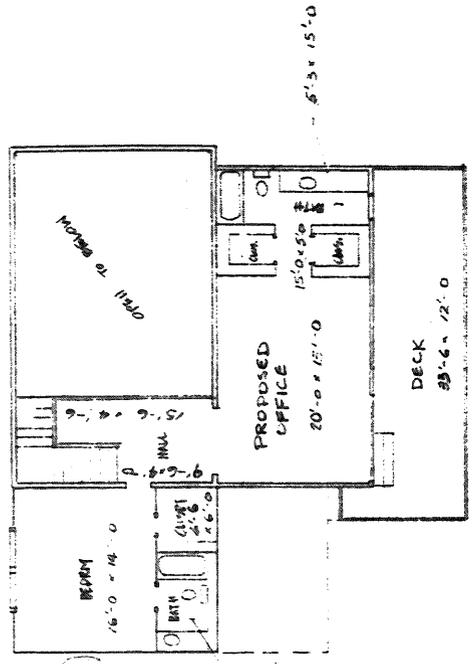


LEGEND

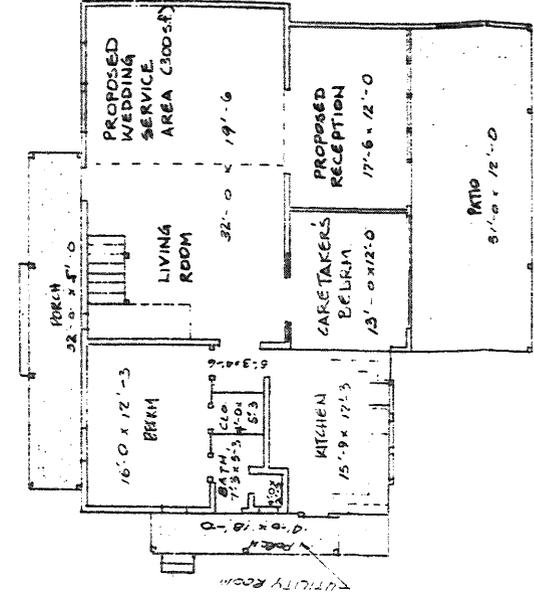
- 1. GARDENIA
- VETCH (JOUANNIS PALM)
- CUBAN ROYAL PALM
- MULDOBY TREE
- ✱ TREE FERN (AUSTRALIAN)
- Y CASSIA TREE
- SPATHOPHYLLUM
- GINGER
- I TI LEAF
- MILK
- ✱ PLUMERIA
- MONILA PALM
- ✱ GUAVA
- ✱ ARECA PALM
- HIBBLE (15 FT)
- HAU
- ✱ HONEYLOC PLUM
- ROYAL PALM
- ✱ KAWA BERRY
- IRONWOOD
- COCONUT
- ✱ SEACREST
- ⚡ PANEX HEDGE (8')



**PROPOSED TURNAROUND AREA
GRASSCRETE OR
GRASS PAVER BLOCK**



SECOND FLOOR PLAN
1/8"



FIRST FLOOR PLAN
1/8"

BAYER ESTATE
5329 KALANIANA'OLE HWY.
HONOLULU, HAWAII
TAX MAP KEY 3-6-03: 12

DATE: 8/25/97

PLAN
1" = 20'

0000 0006 0930

APPENDIX III

STATE HISTORIC PRESERVATION OFFICER -

USE APPROVAL

0000 0006 0931

NAAMINI CAVITANO
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 8TH FLOOR
HONOLULU, HAWAII 96813

MICHAEL D. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

Gilbert Coloma-Agaran

AQUACULTURE DEVELOPMENT
PROGRAM

AQUATIC RESOURCES
CONSERVATION AND

ENVIRONMENTAL AFFAIRS
CONSERVATION AND

RESOURCES ENFORCEMENT
CONVEYANCES

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION

DIVISION
LAND MANAGEMENT

STATE PARKS
WATER AND LAND DEVELOPMENT

August 14, 1997

Mr. Richard K. Mirikitani
60 Pilipu Place
Kailua, Hawaii 96734

LOG NO: 19968
DOC NO: 9708tm08
Architecture

Dear Mr. Mirikitani:

**SUBJECT: Bayer Residence
5329 Kalaniana'ole Highway
Conditional Use Permit Application
TMK: 3-6-003:012, Aina Haina, Honolulu, Oahu**

Congratulations on the placement of your property to the Hawaii Register of Historic Places. We concur that the proposed use of the Bayer Residence for wedding ceremonies is consistent with the intent of the City Land Use Ordinance, Section 4.40-18. Since you will not need to alter the property to accommodate the proposed use, we believe this change in use will have no effect on the historic character of the property. We concur with the proposed use because not only will the wedding ceremonies provide economic viability for the maintenance of the structure and open space, but it will allow a greater segment of the population to view and appreciate this historic site.

Thank you for your interest and dedication to preserving the Bayer Residence and its "great Hawaiian lawn" and for keeping us informed of your plans. Should you have further questions, please feel free to call Tonia Moy at 587-0005.

Aloha,

DON HIBBARD, Administrator
State Historic Preservation Division

TM: els

0000 0006 0932

APPENDIX IV

PHOTOS

0000 0006 0933



1 - View of the Historic Structure and Property from Across Kalaniana'ole Highway



2 - Close-Up View of the Historic Structure

0000 0006 0934

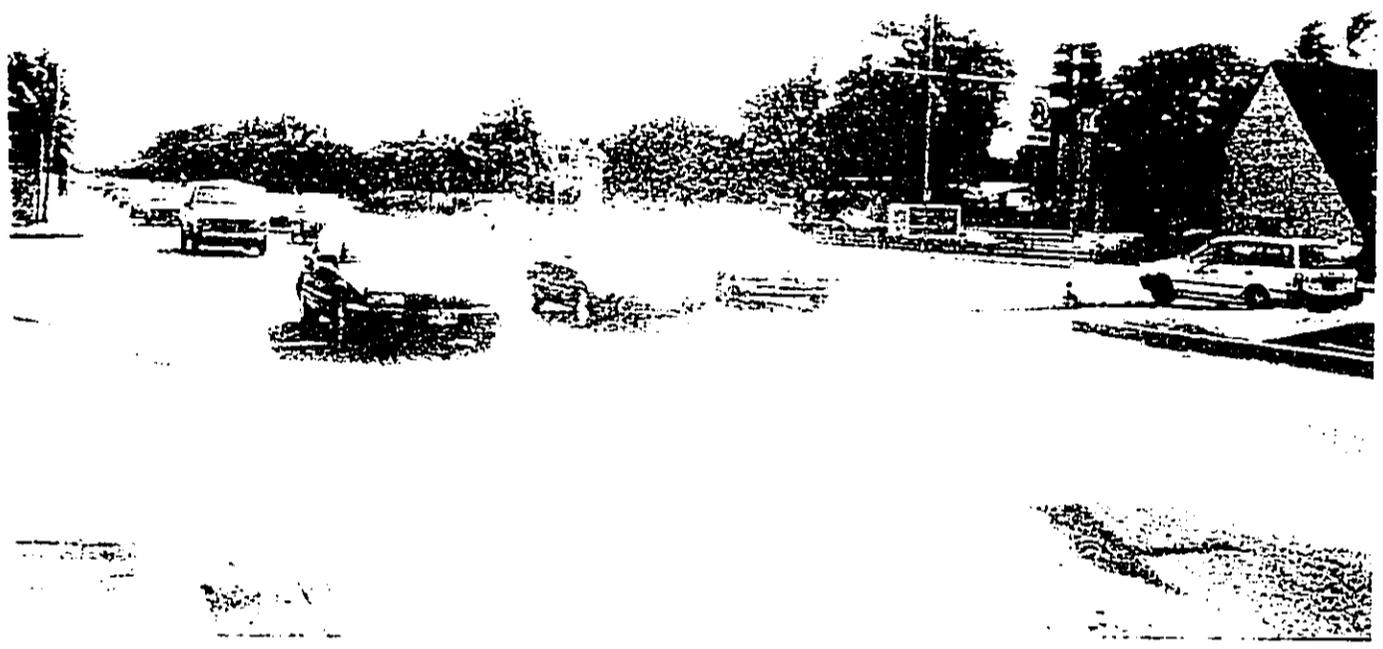


3 - View of the Lawn Fronting the Historic Structure



4 - View of the Historic Structure from the Shoreline (Rear Property Boundary)

0000 0006 0935



5 - View of Abutting Properties East of the Historic Site
Makai Side of Kalaniana'ole Highway



6 - View of Abutting Properties West of the Historic Site
Makai Side of Kalaniana'ole Highway

0000 0006 0936



7 - View of Abutting Properties East of the Historic Site
Mauka Side of Kalanianaole Highway



8 - View of Abutting Properties West of the Historic Site
Mauka Side of Kalanianaole Highway

0000 0006 0937

APPENDIX V
AGENCY COMMENTS AND
APPLICANT'S RESPONSE

0000 0006 0938

97-08371

1997 NOV 12 AM 7:53

File No.: 97/CUP2-10(JL)
Page 2 of 2

DEPT. OF LAND UTILIZATION
CITY & COUNTY OF HONOLULU

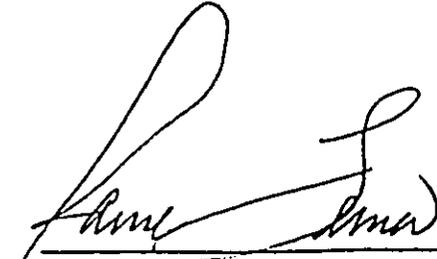
DEPARTMENT OF LAND UTILIZATION

SUMMARY DESCRIPTION

Honolulu Police
Department

Comments:

This project should have no significant impact on the operations of the Honolulu Police Department.

 , 11-10-97

By JAMES FEMIA, Assistant Chief Date

0000 0006 0939

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4292

December 15, 1997

Mr. James Femia, Assistant Chief
Honolulu Police Department
801 S. Beretania Street
Honolulu, Hawaii 96813

Dear Assistant Chief Femia:

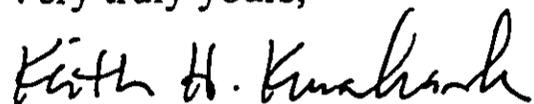
**Subject: Draft Environmental Assessment and Conditional Use Permit,
Type 2 for the Bayer Estate, LLC
TMK: 3-6-03: Parcel 12**

Thank you for your prompt response to the Department of Land Utilization's request for comments on the proposed Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,



Keith H. Kurahashi

cc: The Bayer Estate
Department of Land Utilization

0000 0006 0940

File No.: 97/CUP2-10(JL)
Page 2 of 2

DEPARTMENT OF LAND UTILIZATION

SUMMARY DESCRIPTION

Building

Department

Comments: None

1997 NOV 14 AM 8:20
DEPARTMENT OF LAND UTILIZATION
CITY & COUNTY OF HONOLULU


_____, Nov. 10, 1997
By _____ Date _____
RANDALL K. FUJIKI, Dir. & Bldg. Supt.

0000 0006 0941

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4292

December 15, 1997

Mr. Randall K. Fujiki, Director
Building Department
650 S. King Street, 2nd Floor
Honolulu, Hawaii 96813

Dear Mr. Fujiki:

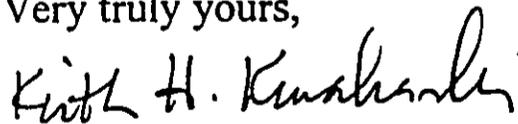
**Subject: Draft Environmental Assessment and Conditional Use Permit,
Type 2 for the Bayer Estate, LLC
TMK: 3-6-03: Parcel 12**

Thank you for your prompt response to the Department of Land Utilization's request for comments on the proposed Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,



Keith H. Kurahashi

cc: The Bayer Estate
Department of Land Utilization

0000 0006 0942

97-08636

BENJAMIN J. CAYETANO
GOVERNOR



GARY GILL
DIRECTOR

7 JUN 21 AM 10 25

DEPARTMENT OF LAND UTILIZATION
CITY & COUNTY OF HONOLULU

STATE OF HAWAII

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETAMA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186

November 12, 1997

Jan Naoe Sullivan, Director
Department of Land Utilization
650 South King Street
Honolulu, Hawaii 96813

Attention: Jeffrey Lee or Steve Tagawa

Dear Ms. Sullivan:

RE: Draft Environmental Assessment (EA) for Bayer Estate Wedding Services, Aina Haina

We have the following comments to offer:

1. Community contacts: Notify the Historic Hawaii Foundation and the nearest neighbors or neighboring landowners regarding this project, allowing them sufficient time to review the draft EA and submit comments. Document all contacts in the final EA and include copies of any correspondence with the Foundation or any other community groups or individuals.
2. Timing: What is the anticipated starting date of this project?
3. Significance criteria: Section VI of the draft EA discusses findings and reasons that support the anticipated Finding of No Significant Impact (FONSI) determination according to the significance criteria listed in HAR Title 11-200-12. The discussion did not include the two new criteria numbers 12 and 13. Please include this in the final EA. A copy of 11-200-12 is enclosed for your reference. Also note that the term 'negative declaration' has been replaced with Finding of No Significant Impact (FONSI).

If you have any questions call Nancy Heinrich at 586-4185.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Gill".

Gary Gill
Director

c: Sandra McDowell, Bayer Estate
Keith Kurahashi

notices of determination in accordance with section 11-200-9(a) or 11-200-9(b), and file the notice with the office addressing the requirements in subsection (c), along with four copies of the supporting final environmental assessment, provided that in addition to the above, all notices of determination for any applicant action shall be mailed to the requesting applicant by the approving agency;

(1) Environmental impact statement preparation notice. If the proposing agency or approving agency determines that a proposed action may have a significant effect, it shall issue a notice of determination which shall be an environmental impact statement preparation notice and such notice shall be filed as early as possible after the determination is made pursuant to and in accordance with section 11-200-9.

(2) Negative declaration. If the proposing agency or approving agency determines that a proposed action is not likely to have a significant effect, it shall issue a notice of determination which shall be a negative declaration, and the proposing agency or approving agency shall file such notice with the office as early as possible after the determination is made pursuant to and in accordance with section 11-200-9.

(b) The office shall publish the appropriate notice of determination in the periodic bulletin following receipt of the documents in subsection (a) by the office in accordance with section 11-200-3.

(c) The notice of determination shall indicate in a concise manner:

- (1) Identification of applicant or proposing agency;
 - (2) Identification of accepting authority;
 - (3) Brief description of proposed action;
 - (4) Determination;
 - (5) Reasons supporting determination; and
 - (6) Name, address, and phone number of contact person for further information.
- (d) When an agency withdraws a determination pursuant to its rules, the agency shall submit to the office a written letter informing the office of its withdrawal. The office shall publish notice of agency

Withdrawals in accordance with section 11-200-3. (Err and comp AUG 31 1996) (Auth: HRS §§343-5, 343-6) (Imp: HRS §§ 343-5(c), 343-6)

511-200-12 Significance criteria. (a) In considering the significance of potential environmental effects, agencies shall consider the sum of effects on the quality of the environment, and shall evaluate the overall and cumulative effects of an action.

(b) In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it:

- (1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;
- (2) Curtails the range of beneficial uses of the environment;
- (3) Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders;
- (4) Substantially affects the economic or social welfare of the community or State;
- (5) Substantially affects public health;
- (6) Involves substantial secondary impacts, such as population changes or effects on public facilities;
- (7) Involves a substantial degradation or environmental quality;
- (8) Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;
- (9) Substantially affects a rare, threatened, or endangered species, or its habitat;
- (10) Detrimentally affects air or water quality or ambient noise levels;
- (11) Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone,

- beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;
- (12) Substantially affects scenic vistas and viewplanes identified in county or state plans or studies; or,
- (13) Requires substantial energy consumption. [Eff 12/6/85; am and comp AUG 3 1 1996] (Auth: HRS 55343-5, 343-6) (Imp: HRS 55343-2, 343-6)

511-200-13 Consideration of previous

determinations and accepted statements. (a) Chapter 343, HRS, provides that whenever an agency proposes to implement an action or receives a request for approval, the agency may consider and, when applicable and appropriate, incorporate by reference, in whole or in part, previous determinations of whether a statement is required, and previously accepted statements.

(b) Previous determinations and previously accepted statements may be incorporated by applicants and agencies whenever the information contained therein is pertinent to the decision at hand and has logical relevancy and bearing to the action being considered.

(c) Agencies shall not, without considerable pre-examination and comparison, use past determinations and previous statements to apply to the action at hand. The action for which a determination is sought shall be thoroughly reviewed prior to the use of previous determinations and previously accepted statements. Further, when previous determinations and previous statements are considered or incorporated by reference, they shall be substantially similar to and relevant to the action then being considered. [Eff 12/6/85; am and comp AUG 3 1 1996] (Auth: HRS 55343-5, 343-6) (Imp: HRS 55343-5, 343-6)

SUBCHAPTER 7

PREPARATION OF DRAFT AND FINAL ENVIRONMENTAL IMPACT STATEMENTS

511-200-14 General provisions. Chapter 343, HRS, directs that in both agency and applicant actions where statements are required, the preparing party shall

200-23

prepare the EIS, submit it for review and comments, and revise it, taking into account all critiques and responses. Consequently, the EIS process involves more than the preparation of a document; it involves the entire process of research, discussion, preparation of a statement, and review. The EIS process shall involve at a minimum: identifying environmental concerns, obtaining various relevant data, conducting necessary studies, receiving public and agency input, evaluating alternatives, and proposing measures for avoiding, minimizing, rectifying or reducing adverse impacts. An EIS is meaningless without the conscientious application of the EIS process as a whole, and shall not be merely a self-serving recitation of benefits and a rationalization of the proposed action. Agencies shall ensure that statements are prepared at the earliest opportunity in the planning and decision-making process. This shall assure an early open forum for discussion of adverse effects and available alternatives, and that the decision-makers will be enlightened to any environmental consequences of the proposed action. [Eff 12/6/85; am and comp AUG 3 1 1996] (Auth: HRS 55343-5, 343-6) (Imp: HRS 5343-6)

511-200-15 Consultation prior to filing a draft environmental impact statement. (a) In the preparation of a draft EIS, proposing agencies and applicants shall consult all appropriate agencies noted in section 11-200-10(10) and other citizen groups, and concerned individuals as noted in sections 11-200-9 and 11-200-9.1. To this end, agencies and applicants shall endeavor to develop a fully acceptable EIS prior to the time the EIS is filed with the office, through a full and complete consultation process, and shall not rely solely upon the review process to expose environmental concerns. At the discretion of the proposing agency or an applicant, a public scoping meeting to receive comments on the final environmental assessment (for the EIS preparation notice determination) setting forth the scope of the draft EIS may be held within the thirty-day public review and comment period in subsection (b); provided that the proposing agency or applicant shall treat oral and written comments received at such a meeting as indicated in subsection (d).

200-24

0000 0006 0945

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4282

December 16, 1997

Mr. Gary Gill, Director
Office of Environmental Quality Control
State of Hawaii
236 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Dear Mr. Gill:

**Subject: Draft Environmental Assessment and Conditional Use Permit,
Type 2, for the Bayer Estate, LLC - TMK: 3-6-03: Parcel 12**

Thank you for your letter dated November 12, 1997, to the Department of Land Utilization with comments on the Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

The following are our responses to your comments:

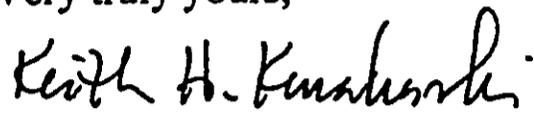
1. As requested by your office, we notified the Historic Hawaii Foundation and the nearest neighbors regarding this project. A copy of our Draft Environmental Assessment was sent to each of these parties on December 4, 1997. We will document all contacts in the final Environmental Assessment and include copies of any correspondence with the Foundation or any other community groups or individuals.
2. We anticipate the starting date of this project to be April, 1998.
3. We have corrected Section VI of our Draft EA to include criteria numbers 12 and 13, in our reference to the significance criteria listed in HAR Title 11-200-12.

Your comments and this response will be included in the Final Environmental Assessment.

0000 0006 0946

Should you have questions, please feel free to contact me.

Very truly yours,



Keith H. Kurahashi

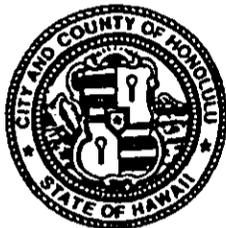
cc: The Bayer Estate
Department of Land Utilization

0000 0006 0947

97-08609

FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

3375 KOAPAKA STREET, SUITE H425
HONOLULU, HAWAII 96819-1869



ANTHONY J. LOPEZ, JR.
FIRE CHIEF

ATTILIO K. LEONARDI
FIRE DEPUTY CHIEF

EREMY HARRIS
MAYOR

November 14, 1997

TO: JAN NAOE SULLIVAN, DIRECTOR
DEPARTMENT OF LAND UTILIZATION

FROM: ANTHONY J. LOPEZ, JR., FIRE CHIEF

SUBJECT: REQUEST FOR COMMENTS
ENVIRONMENTAL ASSESSMENT, CHAPTER 343, HRS
CONDITIONAL USE PERMIT, TYPE 2
FOR USE OF HISTORIC STRUCTURES
THE BAYER ESTATE, LLC
5329 KALANIANAOLE HIGHWAY - KULIOUOU
TAX MAP KEY 3-6-03: 12
HFD INTERNAL NO. OL 97-269

DEPT. OF LAND UTILIZATION
CITY & COUNTY OF HONOLULU
NOV 17 2 21 PM 1 04

We have reviewed the above-referenced Environmental Assessment and have no comment to offer on this matter.

Should you have any questions, please call Captain Manuel P. Neves of our Fire Prevention Bureau at 831-7769.


ANTHONY J. LOPEZ, JR.
Fire Chief

AJL/MPN:bh

0000 0006 0948

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4292

December 15, 1997

Mr. Anthony J. Lopez, Jr.
Fire Chief
City and County of Honolulu
3375 Koapaka Street, Suite H425
Honolulu, Hawaii 96819

Dear Chief Lopez:

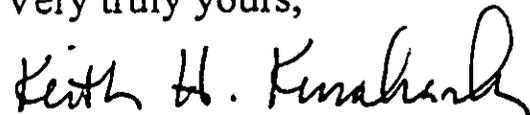
**Subject: Draft Environmental Assessment and Conditional Use Permit,
Type 2 for the Bayer Estate, LLC
TMK: 3-6-03: Parcel 12**

Thank you for your prompt response to the Department of Land Utilization's request for comments on the proposed Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,



Keith H. Kurahashi

cc: The Bayer Estate
Department of Land Utilization

0000 0006 0949

DEPARTMENT OF WASTEWATER MANAGEMENT
CITY AND COUNTY OF HONOLULU

97-08558

650 SOUTH KING STREET, 3RD FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 527-6663 • FAX: (808) 527-6675



KENNETH E. SPRAGUE, P.E., Ph.D.
DIRECTOR

CHERYL K. OKUMA-SEPE, ESQ.
DEPUTY DIRECTOR

In reply refer to:
WCC 97-263

November 17, 1997

MEMORANDUM

TO: MS JAN NAOE SULLIVAN, DIRECTOR
DEPARTMENT OF LAND UTILIZATION

FROM: KENNETH E. SPRAGUE, DIRECTOR *CKS*
DEPARTMENT OF WASTEWATER MANAGEMENT

SUBJECT: REQUEST FOR COMMENTS, ENVIRONMENTAL ASSESSMENT,
CHAPTER 343, HRS AND CONDITIONAL USE PERMIT, TYPE 2
FOR USE OF HISTORIC STRUCTURES
THE BAYER ESTATE, LLC
5329 KALANIANAOLE HIGHWAY - KULIOUOU
TMK: 3-6-3: 12

NOV 19 8 26 AM
DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU

The municipal sewer system is available and adequate to accommodate the subject project. The applicant proposes to use a 2,490-square foot existing single-family dwelling (also known as The Bayer Estate, LLC) to provide wedding services. The maximum number of people at the site will be 20. This includes one staff person, the wedding couple, twelve guests, two limousine drivers, one photographer, and one minister. Additionally, the existing dining room will be used as a caretaker's bedroom.

This statement shall not be construed as confirmation of sewer capacity reservation. Sewer capacity reservation is contingent on submittal and approval of a sewer connection application form. This project may also be liable for payment of a Wastewater System Facility Charge.

If you have any questions, please contact Ms. Tessa Ching of the Service Control Branch at 523-4956.

0000 0006 0950

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4292

December, 15, 1997

Mr. Kenneth E. Sprague, Director
Department of Wastewater Management
City and County of Honolulu
650 S. King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Sprague:

**Subject: Draft Environmental Assessment and Conditional Use Permit,
Type 2 for the Bayer Estate, LLC
TMK: 3-6-03: Parcel 12**

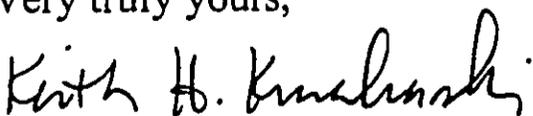
Thank you for your prompt response to the Department of Land Utilization's request for comments on the proposed Draft Environmental Assessment and Conditional Use Permit, Type 2 applications.

We appreciate your comments and the applicant is aware that sewer capacity reservation is contingent on submittal and approval of a sewer connection application. The applicant further understands that they may also be liable for payment of a Wastewater System Facility charge.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,


Keith H. Kurahashi

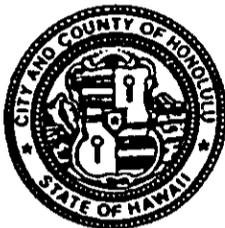
cc: The Bayer Estate
Dept. Of Land Utilization

0000 0006 0951

97-08679

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 10TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 523-4182 • FAX: (808) 523-4054



WILLIAM D. BALFOUR, JR.
DIRECTOR

MICHAEL T. AMII
DEPUTY DIRECTOR

JEREMY HARRIS
MAYOR

November 20, 1997

1997 NOV 24 PM 1:32
CITY & COUNTY OF HONOLULU

TO: JAN NAOE SULLIVAN, DIRECTOR
DEPARTMENT OF LAND UTILIZATION

FROM: WILLIAM D. BALFOUR, JR., DIRECTOR

SUBJECT: ENVIRONMENTAL ASSESSMENT, CHAPTER 343, HRS
CONDITIONAL USE PERMIT, TYPE 2
FOR USE OF HISTORIC STRUCTURES
THE BAYER ESTATE, LCC
5329 KALANIANAOLE HIGHWAY, KULIOUOU, OAHU, HAWAII
TAX MAP KEY 3-6-003:012
97/CUP2-10 (JL)

The above-described project will not impact the facilities and services which are planned or provided by our department in the Kuliouou area.

Thank you for the opportunity to review the project.

Please have your staff contact Mr. Lester Lai, Planner, of our Advance Planning Branch at extension 4696 if you need further information.

W.D. Balfour, Jr.
WILLIAM D. BALFOUR, JR.
Director

WDB:ei

0000 0006 0952

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4292

December, 15, 1997

Mr. William D. Balfour, Jr.,
Director
Department of Parks and Recreation
City and County of Honolulu
650 S. King Street, 10th Floor
Honolulu, Hawaii 96813

Dear Mr. Balfour:

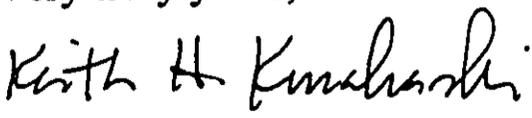
**Subject: Draft Environmental Assessment and Conditional Use Permit,
Type 2 for the Bayer Estate, LLC
TMK: 3-6-03: Parcel 12**

Thank you for your prompt response to the Department of Land Utilization's request for comments on the proposed Draft Environmental Assessment and Conditional Use Permit, Type 2 applications.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,


Keith H. Kurahashi

cc: The Bayer Estate
Department of Land Utilization

0000 0006 0953

97-08965

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



MICHAEL D. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY
GILBERT COLOMA-AGARAN

NOV 25 PM 3 U2
DEPARTMENT OF LAND UTILIZATION
CITY & COUNTY OF HONOLULU

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

November 25, 1997

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
DIVISION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

Ms. Jan Naoe Sullivan
Department of Land Utilization
City and Count of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

LOG NO: 20595
DOC NO: 9711tm06
Architecture

Dear Ms. Sullivan:

SUBJECT: Conditional Use Permit, Type 2
The Bayer Estate, LLC
5329 Kalaniana'ole Highway
TMK: 3-6-03:12, Kuliouou, Honolulu, Oahu

Thank you for transmitting the Draft Environmental Assessment and Conditional Use Permit Application of The Bayer Estate, LLC to use the historic Bayer Residence for wedding services. Since no physical alterations of the historic site is planned for this conditional use permit, we believe that there will be "no effect" on the historic character of the property. Therefore, we concur with the issuance of a Finding of No Significant Impact for this project.

We would just like to make a small correction to the Draft Environmental Assessment under E. Environmental Impacts (page 19). The proposed use has been concurred with by the "Administrator" of the "State Historic Preservation Division," not the "State Historic Preservation Officer."

Thank you for the opportunity to comment. Should you have further questions, please call Tonia Moy at 587-0005.

Aloha,

DON HIBBARD, Administrator
State Historic Preservation Division

TM:jk

c: Kusao & Kurahashi, Inc.

0000 0006 0954

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4292

December 15, 1997

Mr. Don Hibbard, Administrator
State Historic Preservation Division
State of Hawaii
Department of Land and Natural Resources
33 S. King Street, 6th Floor
Honolulu, Hawaii 96813

Dear Mr. Hibbard:

**Subject: Draft Environmental Assessment and Conditional Use Permit,
Type 2 for the Bayer Estate, LLC
TMK: 3-6-03: Parcel 12**

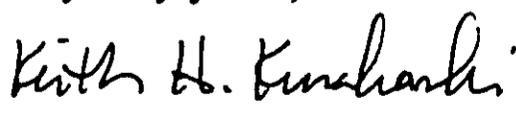
Thank you for your prompt response to the Department of Land Utilization's request for comments on the proposed Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

We appreciate your comments and we have corrected our report to reflect your requested change.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,


Keith H. Kurahashi

cc: The Bayer Estate, LLC
Dept. Of Land Utilization

0000 0006 0955

97-08808

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



LAWRENCE MIKE
DIRECTOR OF HEALTH

DEC 2 AM 10 36

DEPT OF LAND UTILIZATION
CITY & COUNTY OF HONOLULU

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:

November 28, 1997

97-254/epo

Ms. Jan Naoe Sullivan, Director
Department of Land Utilization
City & County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Ms. Sullivan:

Subject: CONDITIONAL USE PERMIT, TYPE 2 FOR USE OF HISTORIC
STRUCTURES [97/CUP2-10]
Project: The Bayer Estate
Location: 5329 Kalaniana'ole Highway
Kuliouou, Oahu, Hawaii
TMK: (1) 3-6-03: 12

Thank you for allowing us to review and comment on the subject project. We do not have any comments to offer at this time.

Sincerely,

BRUCE S. ANDERSON, Ph.D.
Deputy Director for Environmental Health

0000 0006 0956

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4292

December 15, 1997

Bruce S. Anderson, Ph.D.,
Deputy Director for Environmental Health
Department of Health
State of Hawaii
P.O. Box 3378
Honolulu, Hawaii 96801

Dear Dr. Anderson:

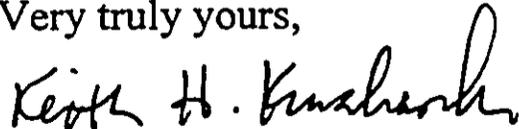
**Subject: Draft Environmental Assessment and Conditional Use Permit,
Type 2 for the Bayer Estate, LLC
TMK: 3-6-03: Parcel 12**

Thank you for your prompt response to the Department of Land Utilization's request for comments on the proposed Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,



Keith H. Kurahashi

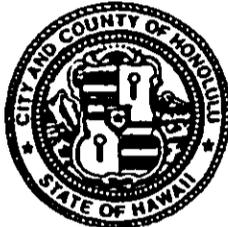
cc: The Bayer Estate
Department of Land Utilization

0000 0006 0957

DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET
HONOLULU, HAWAII 96813

JEREMY HARRIS
MAYOR



JONATHAN K. SHIMADA, PhD
DIRECTOR AND CHIEF ENGINEER
ROLAND D. LIBBY, JR.
DEPUTY DIRECTOR
ENV 97-263

December 1, 1997

MEMORANDUM:

TO: JAN NAOE SULLIVAN, DIRECTOR
DEPARTMENT OF LAND UTILIZATION

FROM: JONATHAN K. SHIMADA, PhD
DIRECTOR AND CHIEF ENGINEER *J. Shimada*

SUBJECT: ENVIRONMENTAL ASSESSMENT (EA)
THE BAYER ESTATE, LLC
TMK: 3-6-03: 12

RECEIVED
3 PM 8 31
CITY & COUNTY OF HONOLULU

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

Should you have any questions, please contact Alex Ho at Local 4150.

0000 0006 0958

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4282

December, 15, 1997

Jonathan K. Shimada, PhD.
Director and Chief Engineer
Department of Public Works
City and County of Honolulu
650 S. King Street,
Honolulu, Hawaii 96813

Dear Dr. Shimada:

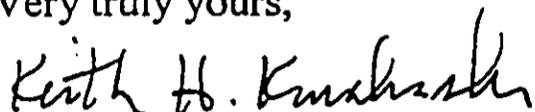
**Subject: Draft Environmental Assessment and Conditional Use Permit,
Type 2 for the Bayer Estate, LLC
TMK: 3-6-03: Parcel 12**

Thank you for your prompt response to the Department of Land Utilization's request for comments on the proposed Draft Environmental Assessment and Conditional Use Permit, Type 2 applications..

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,



Keith H. Kurahashi

cc: The Bayer Estate
Department of Land Utilization

0000 0006 0959

BENJAMIN J. CAYETANO
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

December 15, 1997

97-09238

KAZU HAYASHIDA
DIRECTOR

DEPUTY DIRECTORS
BRIAN K. MINAAI
GLENN M. OKIMOTO

IN REPLY REFER TO:

HWY-PS
2.7396

Ms. Jan Naoe Sullivan, Director
Department of Land Utilization
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Ms. Sullivan:

Subject: Draft Environmental Assessment (DEA), Conditional Use Permit,
Type 2 (97/CUP2-10), The Bayer Estate, LLC, Aina Haina,
TMK: 3-6-3: 12

Thank you for requesting our review of the DEA and application for a Conditional Use Permit for the proposed project.

We have some concerns about the ability of limousines to negotiate the relatively narrow access driveway without encroaching on other traffic lanes or other problems, such as limousines having to back out of the driveway onto the highway.

Please have the applicant submit verification that limousines can adequately negotiate the access driveway without affecting or impeding traffic operation in the vicinity. In addition, an adequate turnaround area must be provided within the property to forestall limousines having to back out of the driveway onto Kalaniana'ole Highway.

Very truly yours,


KAZU HAYASHIDA
Director of Transportation

1997 DEC 17 PM 1:27
CITY AND COUNTY OF HONOLULU

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KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4292

January 27, 1998

Mr. Kazu Hayashida, Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813

Dear Mr. Hayashida:

**Subject: Environmental Assessment and Conditional Use Permit, Type 2
For the Bayer Estate, LLC, Tax Map Key: 3-6-03: 12**

Thank you for your prompt response letter to the Department of Land Utilization's request for comments on the Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

We have reviewed construction drawings for the Bayer Estate driveway and have overlaid the striping plan for the intersection of Kalaniana'ole Highway and East Hind Drive. We have also overlaid a turning template for right turns into the Bayer Estate driveway (Exhibit 1) for a SU Design Vehicle (Single unit truck or bus), from the State Design Standards, with a 20-foot wheel base, a 30-foot vehicle length and an 8.5-foot vehicle width. This design vehicle is wider than the typical limousine that we would be using which would have a 20-foot wheel base, a 30-foot vehicle length and a 6-foot vehicle width, but was the closest template that we could find. Upon overlaying the right turn template, we found that the SU Design Vehicle could not negotiate a right turn into the property without encroaching into the second lane over. In order to improve the turning radius to accommodate limousines, we would have to demolish about 11 feet of an existing wall and widen the driveway by about 15 feet.

We then overlaid the SU Design Vehicle for a left turn into the Bayer Estate (Exhibit 2) from the dedicated left turn lane in the town bound direction on Kalaniana'ole Highway. The SU Design Vehicle can negotiate the left turn into the Bayer Estate driveway.

In order to accommodate the turning movements of limousines, we intend to require limousines to enter the Bayer Estate driveway with left turns only. This movement can

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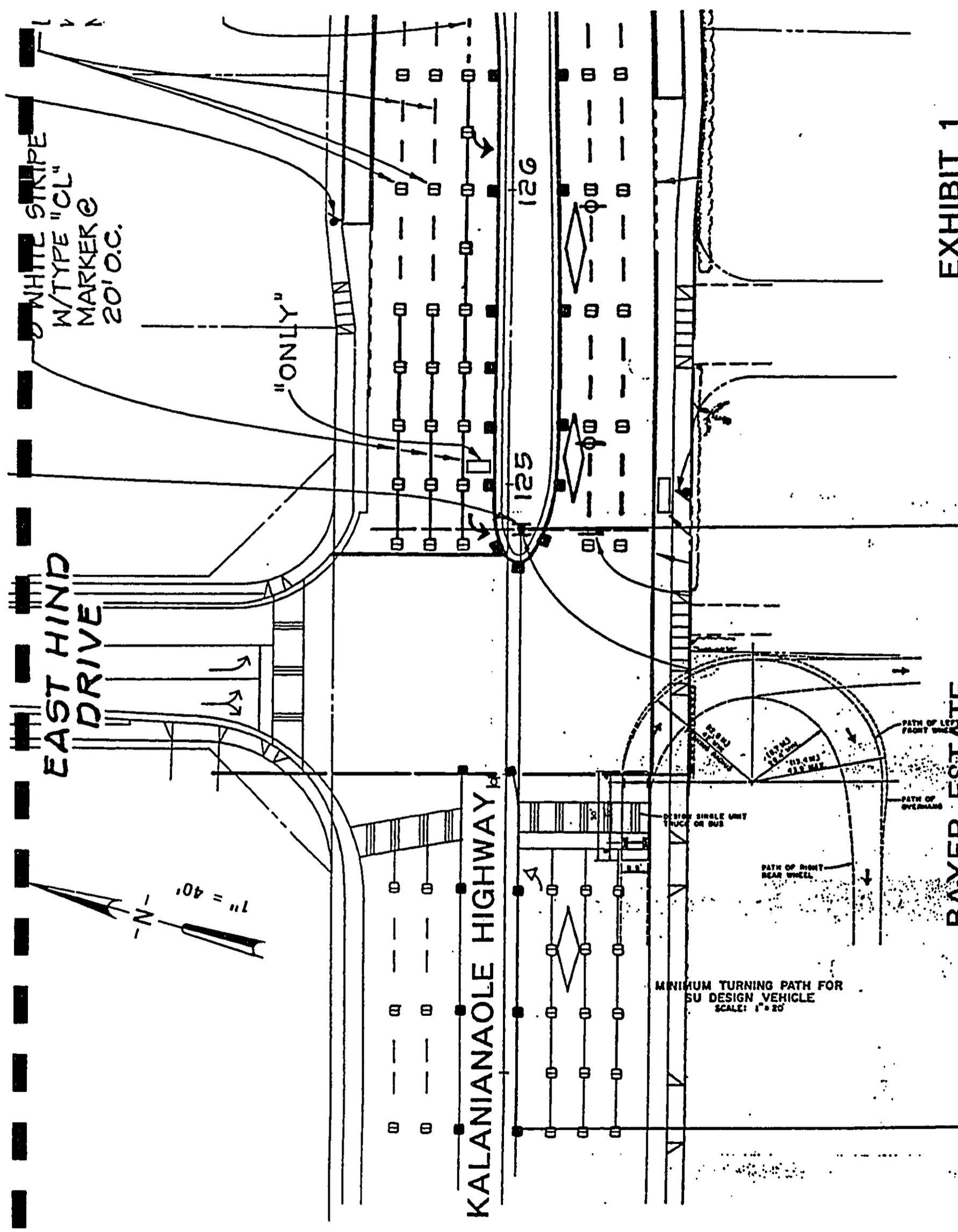


EXHIBIT 1

BAYER ESTATE

2 TIME VAL E SA S CC ING FED I AR THE ING -AB- CI ENAT NFL ON H OI -I G- JOT IE I VAL IDE RAC ONE :MS

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be easily negotiated and will not require demolition of the wall or widening of the driveway. This left turn movement is also accommodated by a separate left turn phase on the signal lights which adds to the safety and ease of the movement into the Bayer Estate driveway. Limousines heading in the east bound direction on Kalaniana'ole Highway will travel about 1,800 feet east of the Bayer Estate and turn at the jug handle turnaround located at Puuikena Street to turn back towards the Bayer Estate to negotiate a left turn into the Bayer Estate driveway. Limousine drivers or companies that do not comply with our left turn in directions will be terminated. Limousines will be scheduled to arrive at the Bayer Estate no earlier than 8:45 a.m. to insure that the cones have been picked up; the contra-flow lane has been eliminated; and the left turn cycle has been restored for the town bound lane at the intersection of Kalaniana'ole Highway and East Hind Drive.

To further reduce turning conflicts at the intersection of Kalaniana'ole Highway and East Hind Drive, we will also require vehicles exiting the Bayer Estate driveway to turn right only. Vehicles that need to travel back to town (west bound) can use the conveniently located jug handle at Puuikena Street, discussed earlier, to turn back towards town.

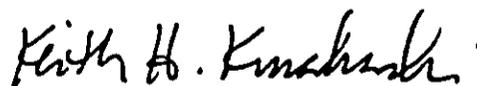
In the future we may consider widening the driveway, at which time we would allow limousines to negotiate right turns into the driveway. We understand, based on a telephone conversation with staff at your department that ADA requirements would have to be met if we improve the driveway at a later date.

In order to accommodate traffic circulation on the property, a turnaround area will be provided next to the existing garage, as indicated in Exhibit 3. The turnaround area will be provided through the use grasscrete or grass paver block to minimize the impact to the large lawn on the property.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,



Keith H. Kurahashi

cc: The Bayer Estate, LLC
Department of Land Utilization

0000 0006 0965



STATE OF HAWAII

OFFICE OF HAWAIIAN AFFAIRS

711 KAPI'OLANI BOULEVARD, SUITE 500

HONOLULU, HAWAII 96813-5249

PHONE (808) 594-1888

FAX (808) 594-1885

December 05, 1997

Ms. Anne Kusao
Kusao and Kurahashi, Inc.
Planning and Zoning Consultants
1314 S. King St., Suite 1263
Honolulu, HI 96814

Subject: Draft Environmental Assessment (DEA) for Use of a
Historic Site, the Bayer Estate for Wedding
Services, Aina Haina, Island of Oahu.

Dear Ms. Kusao:

Thank you for the opportunity to review the Draft Environmental Assessment (DEA) for use of the Bayer Estate for wedding services. The applicant proposes to use this historic structure to conduct a wedding business operation in a residential zone.

Based on information contained in the DEA, the Office of Hawaiian Affairs (OHA) at this time finds no significant adverse impacts of the proposed use on either the environment or nearby residential areas.

But OHA has serious reservations about the proposal to use this historic landmark for a commercial wedding operation based on the premise that wedding services, as accessory outlets of churches, are a permitted use in residential areas. Based on the narrative in page five of the DEA, the proposed wedding outlet is a non-denominational, standing-alone, business venture.

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Letter to Ms. Kusao
December 05, 1997
Page 2

Please contact Colin Kippen (594-1938), Officer of the Land and Natural Resources Division, or Luis A. Manrique (594-1758), should you have any questions on this matter.

Sincerely yours,



Randall Ogata
Administrator



Colin Kippen
Officer,
Land and Natural
Resources Division

LM:lm

cc Trustee Frenchy DeSoto, Board Chair
Trustee Abraham Aiona
Trustee Rowena Akana
Trustee Haunani Apoliona
Trustee Clayton Hee
Trustee Moses Keale
Trustee Colette Machado
Trustee Hannah Springer

0000 0006 0967

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4292

January 27, 1998

Mr. Randall Ogata, Administrator
State of Hawai'i
Office of Hawaiian Affairs
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawai'i 96813-5249

Dear Mr. Ogata:

**Subject: Environmental Assessment and Conditional Use Permit, Type 2
For the Bayer Estate, LLC, Tax Map Key: 3-6-03: 12**

Thank you for your prompt response letter to the request for comments on the Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

We appreciate your determination that the proposed use will have no significant adverse impacts on either the environment or nearby residential areas.

It is important to understand that the basis for the use of the Historic Site for wedding services is found in Section 4.40-18, of the LUO dealing with use of historic structures, to "provide an incentive for owners of historic structures to retain them, by allowing uses not otherwise permitted in the underlying zoning district." Section 4.40-18 further provides in relevant part that "Any structure on the State or National Register of Historic Places may be occupied by a use not otherwise permitted in the underlying zoning district, provided that any proposed alteration, repair or renovation beyond its original design and the proposed use is approved by the State Historic Preservation Officer." In furtherance of this, LUO Section 4.40-18 on Historic Structures appears to create a presumption in favor of allowing such uses of Historic Structures provided that (1) the director does not find "major adverse effects on the neighborhood that cannot be mitigated" and (2) "the proposed use is approved by the State Historic Preservation Officer". No new construction (except for a possible future

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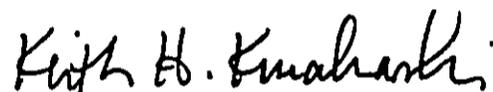
widening of the existing driveway), structural alterations or renovations are being proposed and the proposed use has been approved by the Administrator for the State Historic Preservation Office.

The criteria in this section of the LUO in determining whether a certain use is appropriate is not the use itself, but the impacts of the proposed use on the neighborhood. As the report notes and as you have concurred, the proposed use will have no significant adverse impacts on the environment or the nearby residential areas.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,



Keith H. Kurahashi

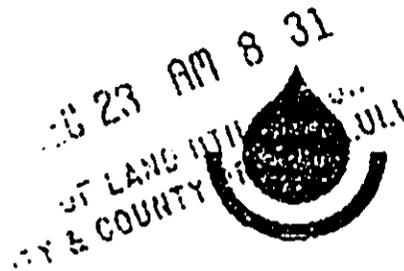
cc: The Bayer Estate, LLC
Department of Land Utilization

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97-09348

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
830 SOUTH BERETANIA STREET
HONOLULU HAWAII 96813
PHONE (808) 527-6120
FAX (808) 533-2714



December 18, 1997

JEREMY HARRIS, Mayor
WALTER O. WATSON, JR., Chairman
MAURICE H. YAMASATO, Vice Chairman
KAZU HAYASHIDA
MELISSA Y. J. LUM
FORREST C. MURPHY
JONATHAN K. SHIMADA, PhD
BARBARA KIM STANTON

RAYMOND H. SATO
Manager and Chief Engineer

TO: JAN SULLIVAN, DIRECTOR
DEPARTMENT OF LAND UTILIZATION

FROM: *Raymond H. Sato*
RAYMOND H. SATO, MANAGER AND CHIEF ENGINEER
BOARD OF WATER SUPPLY

SUBJECT: YOUR TRANSMITTAL OF NOVEMBER 6, 1997 ON THE DRAFT ENVIRONMENTAL
ASSESSMENT AND CONDITIONAL USE PERMIT, TYPE 2 FOR THE BAYER ESTATE,
AINA HAINA, OAHU, TMK: 3-6-03: 12

Thank you for the opportunity to review and comment on the proposed commercial project.

We have the following comments to offer:

1. The existing off-site water system is presently adequate to accommodate the proposed wedding facility.
2. There is an existing 3/4-inch water meter serving the property currently classified for residential use. The applicant will be required to pay the applicable non-residential Water System Facilities Charges for resource development, transmission and daily storage.
3. The on-site fire protection requirements should be coordinated with the Fire Prevention Bureau of the Honolulu Fire Department.
4. The proposed project is subject to Board of Water Supply cross-connection control requirements prior to the issuance of the building permit application.

If you have any questions, please contact Barry Usagawa at 527-5235.

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KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4292

January 27, 1998

Mr. Raymond Sato
Manager and Chief Engineer
Board of Water Supply
City and County of Honolulu
630 So. Beretania Street
Honolulu, Hawaii 96813

Dear Mr. Sato:

**Subject: Environmental Assessment and Conditional Use Permit, Type 2
For the Bayer Estate, LLC, Tax Map Key: 3-6-03: 12**

Thank you for your prompt response to the Department of Land Utilization's (DLU) request for comments on the Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

The following are our responses to your comments in that letter:

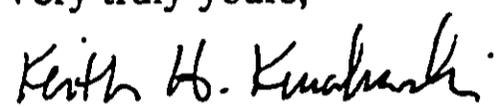
1. The applicant understands from your comments that the existing off-site water system is presently adequate to accommodate the proposed wedding facility.
2. The applicant further understands that they will be required to pay the applicable non-residential Water System Facilities Charges for resource development, transmission and daily storage.
3. We will coordinate the on-site fire protection requirements with the Fire Prevention Bureau of the Honolulu Fire Department.
4. We understand that the project is subject to Board of Water Supply cross-connection control requirements prior to the issuance of the building permit application.

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Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,



Keith H. Kurahashi

cc: The Bayer Estate, LLC
Department of Land Utilization

0000 0006 0972

DEC-19-97 FRI 10:10

LAND UTILIZATION

FHA NO. 0000210143

P. UZ
91-07107

PLANNING DEPARTMENT
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 8TH FLOOR • HONOLULU, HAWAII 96813-3017
PHONE: (808) 523-4711 • FAX: (808) 523-4950



PATRICK T. ONISHI
CHIEF PLANNING OFFICER

DONAL HANAINE
DEPUTY CHIEF PLANNING OFFICER

RR 11/97-2193

December 16, 1997

TO: JAN NAOE SULLIVAN, DIRECTOR
DEPARTMENT OF LAND UTILIZATION

FROM: PATRICK T. ONISHI *[Signature]*
CHIEF PLANNING OFFICER

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT (EA)
CONDITIONAL USE PERMIT HISTORIC STRUCTURES,
5329 KALANIANA'OLE HIGHWAY, TAX MAP KEY 3-6-03: 12

CITY & COUNTY OF HONOLULU
1997 DEC 13 PM 7:59

We have reviewed the above Draft EA and Application for Conditional Use Permit, Type 2 (CUP2) and have the following comments to make.

GENERAL PLAN OBSERVATION

1. The proposal raises the question whether the proposed use is compatible with the existing community. While non-residential activities exist on numerous parcels in the area, is this sufficient justification to admit more non-residential activities into this community? (GP: VII. Objective E, Policy 5)
2. The proposal is also unclear about how the proposed commercial use would be compatible with the historical nature of the site; nor does the draft EA denote how such a use would preserve the site's historical character. (GP: X., Objective B, Policy 6)

DEVELOPMENT PLAN OBSERVATIONS

1. The East Honolulu Development Plan and its special provisions do not contain any specific provisions that support or deny the project.

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DEC-18-97 FRI 10:10

LAND UTILIZATION

FAX NO. 8085216743

P.03

Jan Naoe Sullivan, Director
Department of Land Utilization
December 16, 1997
Page 2

2. While we can sympathize with the property owner that they are proposing a use that is allowed in churches, we are concerned with the proliferation of such uses in residential areas. The proposal for wedding chapels is for the purpose of generating commercial income and, therefore, is commercial in nature. Instead of piecemeal approval of such conditional uses, the City might review its polices to assure these conditional uses do not circumvent the land use objectives of the City's planning process.

Should you have any questions, please contact Rob Reed of our staff at 523-4402.

PTO:ft

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KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4292

January 27, 1998

Mr. Patrick T. Onishi
Chief Planning Officer
Planning Department
City and County of Honolulu
650 So. King Street, 8th Floor
Honolulu, Hawaii 96813

Dear Mr. Onishi:

**Subject: Environmental Assessment and Conditional Use Permit, Type 2
For the Bayer Estate, LLC, Tax Map Key: 3-6-03: 12**

Thank you for your prompt response to the Department of Land Utilization's (DLU) request for comments on the Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

In general, the subject property and its proposed use are surrounded by unique circumstances. The proposed use of this historic property (i) is compatible within the Kalaniana'ole Highway mixed-use neighborhood, (ii) is compatible with the historic nature of the property, (iii) will help to preserve its historic character, and (iv) is consistent with and in furtherance of City and State policies and objectives. This is manifest in the following:

- (1) The proposed use of this 32,000 square foot historic property will actually promote and preserve open space, makai view planes and not allow an increase of density (floor area) on the property;
- (2) The Historic Preservation Office of the State Department of Land and Natural Resources (DLNR) has wholeheartedly supported the proposed use as being consistent with and in furtherance of the objectives of the State of Hawaii historic preservation program, pursuant to Section 6E of the Hawaii Revised Statutes (HRS); and

Mr. Patrick T. Onishi
Page 2

- (3) The Kuliouou-Kalani Iki Neighborhood Board is responsible for the area within which the subject property lies, and has been extremely vigilant and conservative with respect to any and all non-residential uses proposed in the subject neighborhood. This Neighborhood Board pursuant to (i) a site inspection of the subject property, (ii) review of materials regarding the proposed use and (iii) due consideration of extensive testimony at a duly noticed regular monthly meeting held on November 6, 1997, voted overwhelmingly in support of the proposed use (11 in favor, 1 opposed and 1 abstention).

The following specifically addresses each of your comments to Ms. Jan Sullivan, Director of DLU:

GENERAL PLAN OBSERVATIONS

1. The answer to the question of whether the proposed use is compatible with the existing community can be found by determining the impact that the proposed use will have on the surrounding community. This is in fact a key criteria for approval of a conditional use permit in Section 4.40-18 of the Land Use Ordinance (LUO) dealing with use of historic structures. With most of the weddings having about 6 to 12 guests and with only eight weddings per day, the impact to the surrounding residents will be minimal. There will on average be two limousines per hour arriving and departing from the historic site. Noise at the property lines will be minimal with most weddings held in the historic structure with music played at a level at which it will be nearly inaudible at the property lines. On very rare occasions will there be music played outdoors, and if and when it does occur the instruments will not be amplified. Live music will be limited to soft chamber music by a string quartet or soft Hawaiian music by a small group.

The comparison between the non-residential activities that exist on numerous parcels in the area was done to provide some insight into the impact that will be experienced with the modest activity of the wedding services planned on the Bayer Estate as compared with existing meeting

Mr. Patrick T. Onishi
Page 3

facility (church) uses and other institutional uses such as schools in the surrounding neighborhood. We felt that it was appropriate to understand the existing uses in the neighborhood that are permitted in residential areas, subject to a Site Plan Review Permit approval, in determining whether the impacts of the wedding services of the Bayer Estate are so onerous that they should not be permitted, even though meeting facilities, which generally have greater impacts, are permitted.

2. In support of the proposed use of the historic site, in a letter to Mr. Richard Mirikitani, dated August 14, 1997, and included in Appendix III of our Draft Environmental Assessment, the DLNR stated as follows:

"We concur that the proposed use of the Bayer Residence for wedding ceremonies is consistent with the intent of the City Land Use Ordinance (LUO), Section 4.40-18. Since you will not need to alter the property to accommodate the proposed use, we believe this change in use will have no effect on the historic character of the property. We concur with the proposed use because not only will the wedding ceremonies provide economic viability for the maintenance of the structure and open space, but it will allow a greater segment of the population to view and appreciate this historic site."

The DLNR, which is tasked with the responsibility for insuring the preservation and maintenance of historic structures on the Hawaii Register of Historic Places, with their assessment that the proposed change in use will have no effect on the historic character of the property and their concurrence with the proposed use of the property recognizes that this use is compatible with the historic structure and will provide economic viability for the maintenance of the structure and open space.

Such a use will preserve the site's historical character by providing an income stream to upkeep the historic structure and large Hawaiian lawn and landscaping on the property. This use will also protect the property from being developed with a heavier density residential use through subdivision or cluster development which would permit an additional two residences on the property, which would destroy the large Hawaiian lawn

Mr. Patrick T. Onishi

Page 4

that was recognized as an important component of the historic property and may obstruct views of the historic structure from Kalaniana'ole Highway.

3. The General Plan objectives and policies related to Culture and Recreation, provide clear support for the protection of historic sites and architectural resources on the island. Objective B and Policies 2, 5, and 6 in Section X, Culture and Recreation, state as follows:

Objective B

"To protect Oahu's cultural, historic, architectural, and archaeological resources."

Policy 2

"Identify, and to the extent possible, preserve and restore buildings, sites, and areas of social, cultural, historic, architectural, and archaeological significance."

Policy 5

"Seek public and private funds, and public participation and support, to protect social, cultural, historic, architectural, and archaeological resources."

Policy 6

"Provide incentives for the restoration, preservation, and maintenance of social, cultural, historic, architectural, and archaeological resources."

These three policies and Objective B support the concept of the proposed wedding service use of the Bayer Estate. Policy 2 encourages identifying historic sites and preserving and restoring structures with historic and archaeological significance and is consistent with the plan to preserve the Bayer Estate. DLNR in justifying nomination of the Bayer Estate to the National Register of Historic Places recognized two areas of significance, Architecture and Significant Persons - Carl Bayer (former owner and occupant of the Bayer Estate), Florence Gurrey Bayer (Mrs. Carl Bayer) and Raymond Llewellyn Morris, the architect. Mr. Bayer's biography is

Mr. Patrick T. Onishi
Page 5

published in both "Men of Hawaii" and "The Story of Hawaii and Its Builders", standard reference work and a record of important men in the industrial and cultural history of the Hawaiian Islands. Policy 5 recommends that we seek private funds to protect historic and architectural resources, as is planned by the applicant who will on the basis of the income stream provided have an economic basis for maintaining the Bayer Estate in its present form and protecting it from further residential development. Policy 6 encourages the provision of incentives for the restoration, preservation and maintenance of historic and architectural resources, which is precisely the intent of Section 4.40-18 of the LUO, under which we are proposing the use of the Bayer Estate for wedding services.

DEVELOPMENT PLAN OBSERVATIONS

1. We would agree that the East Honolulu Development Plan and its special provisions do not contain any specific provisions which support or deny the project. However, the Development Plan Common Provisions, Section 24-1.6 "Identification of areas, sites and structures of historical significance" states as follows:

"The principal areas, sites and structures of historical, archaeological or architectural significance include, but are not limited to, those registered under the National and Hawaii Register of Historic Places, as amended. The continued use, enhancement or preservation of such areas, sites and structures shall be incorporated or promoted in any applicable action by the City. Such actions shall be permitted in all areas designated for any use on the land use map."

This section clearly supports the preservation of the Bayer Estate which is a historic structure on the Hawaii Register of Historic Places.

2. In considering the appropriateness of the proposed use, it is important to understand the intent of the conditional use permit for historic structures and the criteria for approval of the proposed use of the historic structure,

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Mr. Patrick T. Onishi
Page 6

within the LUO. The intent of Section 4.40-18, of the LUO dealing with use of historic structures, is to "provide an incentive for owners of historic structures to retain them, by allowing uses **not otherwise permitted** in the underlying zoning district." Section 4.40-18 further provides in relevant part that "Any structure on the State or National Register of Historic Places may be occupied by a use not otherwise permitted in the underlying zoning district, provided that any proposed alteration, repair or renovation beyond its original design and the proposed use is approved by the State Historic Preservation Officer." No new construction (except for a possible future widening of the existing driveway), structural alterations or renovations are being proposed and the proposed use has been approved by the Administrator for the State Historic Preservation Office.

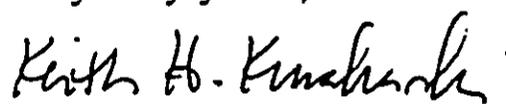
In furtherance of this, LUO Section 4.40-18 on Historic Structures appears to create a presumption in favor of allowing such uses of Historic Structures provided that (1) the director does not find "major adverse effects on the neighborhood that cannot be mitigated" and (2) "the proposed use is approved by the State Historic Preservation Officer".

The criteria in this section of the LUO in determining whether a certain use is appropriate is not the use itself, but the impacts of the proposed use on the neighborhood. As the report notes and as we stated earlier in this letter, the proposed use will have no significant adverse impacts on the environment or the nearby residential areas.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,



Keith H. Kurahashi

cc: The Bayer Estate, LLC
Department of Land Utilization

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97-08690

Ms. Jan Sullivan, Director
Steve Tagawa/Jeff Lee
Environmental Assessment/CU Permit
Dept. of Land Utilization
City & County of Honolulu
650 S. King St
Hon Hi 96813

1997 NOV 24 PM 4:13

CITY & COUNTY OF HONOLULU

Re: Environmental Assessment /CU Permit app
Proposed wedding ceremony use on Bayer
Estate parcel, Aina Haina : comments from adjacent property owner

To Whom It May Concern:

Please refer to the Appendix for my testimony presented at the Neighborhood Board and a copy of my brother's testimony. Nona Andrews, my sister, will send hers and other neighbors'. The purpose of this letter is to supplement what is already on the public record (Neighborhood Board minutes), and to provide further information. Please incorporate these as inputs into your planning report and forward copies of the foregoing (including the NB minutes) and this letter to the applicant's planning consultant, OEQC, and applicable City and State agencies as part of the env. assessment process and subsequent conditional use permit report. This should all take place prior to the DLU public hearing.

RECOMMENDATIONS

1. Should the managing partner not be able to perform the business in the future, the business terminate, as proposed. The conditional use permit should be declared null and void.
2. Ceremony frequency should not exceed 8 small weddings daily and hours of operation limited from 8 am to 6 pm., as proposed. Ceremony size should be limited to small groups so as not to create adverse vehicular fumes and noise, as proposed.
3. No alcoholic beverages should be permitted on historic site.
4. Small outdoor ceremony with quiet, low-key music should not to exceed one per week with 24 hr. notice given to immediate neighbors.
5. No major capital improvements to the business should be allowed, including impermeable driveway/parking surfaces. Minor repair/maintenance of historic structures should be regulated by DLU.
6. Applicable State/City traffic agencies investigate /curtail current traffic violators who ignore the one-way sign on the church driveway abutting applicant's driveway.
7. It is further recommended that the DLU or applicant investigate the existing level and frequency of noise created by the neighboring Church and remedies be sought to alleviate such, to maintain the character of the Residential zone, Special Management Area, and historic site, to bring current noise levels into compliance with existing State and County laws, ordinances, and codes.
8. All other applicable State and County laws, ordinances, codes be complied with.

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CITY & COUNTY OF HONOLULU

APPENDIX

FINDINGS:

Following is data on number of traffic accidents at East Hind Drive and Kalaniana'ole Hwy intersection (*resulting in death, injury, and/or \$3000 minimum damage). Source: HPD Research

<u>Year</u>	<u>Major*</u>	<u>Minor</u>
1997	2	1
1996	15	10
1995	11	8
1994	3	6
1993	19	7
1992	19	15

During public hearings for Kalaniana'ole Highway improvements and realignment made over the recent decade, ingress/egress of residential was stated as a safety concern. Pedestrian death has occurred at the Holy Trinity church juxtaposition in Kuliouou. Holy Trinity operates church and school activities. Calvary By The Sea, adjacent to the subject property, operates church, preschool, and wedding business. Vehicles, including limousines, currently ignore the posted one-way signs on the driveway adjacent to the applicant's driveway, and enter the E. Hind Drive/Kalaniana'ole intersection to make left-hand turns. Ceremony traffic includes florist and video vehicles besides personal autos.

Based on observations, the majority of vehicles currently using Kalaniana'ole in the vicinity do not obey the posted speed limit.

Provided is a neighborhood TMK map showing the subject Bayer Estate and our parcel immediately Ewa.

An alternative to the proposal is to develop two more dwellings on the subject site, as stated by applicant's consultant at the Board meeting. NB testimony stated the subject property's beachfront dwelling generated past rental income of \$3500 monthly.

Based on a \$250 wedding fee, the proposal is anticipated to generate approximately \$720,000 annual gross income.

At the Neighborhood Board hearing, one of the Board indicated the organ music at existing Calvary Church functions is often too loud.

The abutting Church wedding business could be in violation of SMA as neighbors (including applicant) have complained about existing adverse noise impacts. The applicant proposes a similar use on their subject historic site. Calvary's wedding business has recently raised the frequency of weddings to one every twenty minutes. The business never was envisioned in the original grandfathered church for a residential zone in 1954. It is uncertain whether the wedding activity is a primary or secondary activity.

The wedding business now has reached unanticipated volumes. Calvary did not contract Japanese wedding business when the Church, originally by the Highway, began back in 1954. A new sanctuary, built near 1980 (SMA-7 Permit), prompted commercial interests to subsequently approach Calvary. The new location, while closer to the beachfront, is closer to neighboring dwellings. Complaints in recent decades on increasing noise have been made by the applicant's family to the Church.

Based on statements of Mark Shigei, owner-resident of the parcel immediately Koko Head of the Church parcel, he notes Japanese wedding interests approached his property and tried to obtain permission for ceremonies in the past. He also mentions the adverse noise as his dwelling

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is approximately 20 feet from the sanctuary.

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CITY & COUNTY OF HONOLULU

Following are excerpts from the DLU Content Guide for Conditional Use Permit Type 2:
Sect. 4.40 - 18 Use of Historic Structures paragraph one states "...the director may deny any request which is judged to have major adverse effects on the neighborhood that cannot be mitigated."

Sect. 4.10 Conditional uses and principal uses with conditions: Purpose and intent "the director is further empowered to condition the conditional use permit to ensure compatibility with adjacent uses and structures."

Sect. 4.30 General requirements "...the proposed use will not alter the character of the surrounding area in a manner substantially limiting, impairing or precluding the use of surrounding properties for the principal uses permitted in the underlying (Residential) zoning district...will contribute to the general welfare of the community-at-large or surrounding neighborhood."

Sect. 4.30 (d) "...director will, where applicable, consider traffic flow and control...hours and manner of operation; and noise, odors and fumes."

The intent of the Special Management Area state law is to preserve and maintain existing character/uses in the SMA. The SMA is regarded as a fragile State resource. Proposed uses/development must mitigate any adverse impacts anticipated. The proposal is located in the SMA.

Applicant has testified on the record at Neighborhood Board that existing R-10 zoning would allow two additional dwelling units on the subject parcel. Managing partner of the wedding business stated should she not be able to run the business in the future, the business and commercial use would be terminated.

Managing partners M/Mrs. Mirikitani have met with Dorothy Ako to discuss controls to parameters of the business so as to mitigate and preserve the existing serenity, beauty and privateness of the surroundings (neighbors). A list of concerns was provided at that time to the applicant.

Several other wedding ceremony use applications, historic site or otherwise, in Residential zones elsewhere on Oahu, have recently appeared before the City 1996-1997.

EVALUATION:

Paramount is preservation of the existing serenity and privacy of the Aina Haina shoreline. State and County agencies are charged with the responsibility of implementing these laws and guidelines. Several Japanese wedding businesses are now being proposed in Residential zones. Existing land use laws, such as the fragile Special Management Area and historic site use guidelines, were created to protect the character of existing neighborhoods such as the subject site's.

The increasing adverse noise impacts created by the current Church sanctuary and business is an existing concern in the SMA/Residential zone and may be a current violation. Whether or not the application is approved as proposed, there remains the existing Church noise impacts which could be further compounded by the applicant's proposal. It is anticipated there may be simultaneous ceremonies with noise overlap which will not contribute to the neighborhood's welfare. It behooves the applicant and the Church, who both stand to benefit from weddings, to develop a coordinated plan to mitigate noise in the neighborhood.

We must be careful in not setting a precedence. Due to the enormous economic opportunity of Japanese wedding market, a potential flood of applications for historic sites and/or Residential zone could occur with ensuing commercial use proposals. Enforcement of conditions (where the DLU allows) is paramount. With increased demand for Hawaiian wedding sites, the likelihood of attractive sites

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being proposed for wedding uses is anticipated to keep increasing. Furthermore, the State's SMA regulations for the fragile coastline would be violated. Irreversible impacts to the SMA and Residential zone are evidenced at the nearby tennis club and Kansai Gaidai school; both were implanted years ago and now have questionable viability. It is questionable if their commercial uses would automatically revert to private dwellings, the previous land use.

1997 NOV 26 PM 4:14
CITY & COUNTY OF HONOLULU

The alternative for the subject site is development of two more dwelling units which is anticipated to create less vehicular traffic, odors, fumes, and noise impacts to surroundings. The historic site was last used as a rental dwelling.

The subject proposal is not anticipated to benefit the immediate neighborhood; it is anticipated to benefit the applicants in terms of business revenues, the City and State in terms of tax revenues on commercial enterprise, and historic site advocates from outside the immediate neighborhood. The subject proposal will increase vehicular traffic and increase odors and fumes at a minimum of eight times the level ordinarily anticipated for two dwelling units.

Vehicular egress and ingress to Kalaniana'ole from the subject parcel is estimated to be, at a minimum, eight times the volume predicted for 2 additional dwellings. Limousine, florist, photographer, and visitor traffic is anticipated with each ceremony. This increases traffic hazards, especially during peak hours on the Highway. Current one-way signage on the church entry driveway abutting the applicant's driveway must be adhered to, with the anticipated increase and frequency of applicant's vehicles and limousines. Egress into the Highway must be directed Koko Head. Limousines and autos criss-crossing each others paths as they egress into the E. Hind - Kalaniana'ole intersection are a traffic and safety hazard, especially if there are back-to-back ceremonies or wedding parties arrive early/late.

Existing driveway and turn-around on subject site limits the number of vehicles per ceremony. This control in and of itself should be maintained into the future. Perchance there be overflow, permeable turf inserts could be installed to maintain the character of the historic site.

LIST OF EXHIBITS

- Exhibit 1: Letter from Michael Ako, future owner of Dorothy Ako residence
- Exhibit 2: Testimony given by Curtiss Ako at Neighborhood Board 11/97 meeting
- Exhibit 3: Location map 3-6-03 of subject site with immediate neighborhood dwellings

Curtiss Ako
11-23-97

Curtiss & Yvonne Ako
777 Elepaio Street
Honolulu, HI 96816

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10/30/97 THU 17:29 FAX 1 804 253 8841

ADAMS MARK

97-08690

001

Fax 808/533-0173

To: YVONNE AKO - Bank of Hawaii/Residential Loans

From: Michael C. Ako

Re: Commercial Use of a Historic Site

1997 NOV 26 PM 4:14
CITY & COUNTY OF HONOLULU

As a 30 year resident of 5325 Kalaniana'ole Highway, I have come to appreciate the serenity, beauty, and privacy of being raised along the beach in Aina Haina. Though my work has most recently taken me to Florida, my future plans are to return to this residence to raise a family one day.

The Bayer Estate (owned by the Mirikitani family) next door to us, has been approved as a historic site, which is fine, however commercial use of this site is now being requested. My concern is that commercial use may alter the residential ambiance by:

- 1) Increasing traffic - limousines and pedestrians in and out of property.
- 2) Performing up to eight weddings per day, 7 days per week, 8am-6pm.
- 3) Outdoor ceremonies, music, photo-taking in the yard adjacent to our yard.

Calvary By the Sea Church, 2 doors from us, already is performing weddings throughout the week with organ music and I have a difficult time condoning the fact of compounding the situation by increasing the number of wedding ceremonies around us and having them performed even closer to where we eat, sleep, and live.

M/M Mirikitani were very considerate to call me to explain their situation, personal business venture, plans to slowly upgrade their property, and how they would oversee this commercial operation so as not to disrupt the residential nature of the area. Our discussion was positive and I felt reassured that the serenity of the area would not be affected by their operation as most all of the weddings would be performed indoors with taped music.

After pondering our discussion overnight, however other questions arose in my mind to which I need answers. How would the Mirikitani's guarantee not affecting the residential ambiance? What would happen if the property were sold? Control and parameters of the commercial use? Could weddings turn into outdoor luaus, cocktail parties, entertainment events, etc., 7 days per week, 8am-6pm? What would be the community's recourse for annulment of the commercial use permit be if the ambiance of the area changes or affects my privacy?

The thought of further commercialization along this beachfront, especially next door to us, is one of apprehensiveness. I would not want to see the residentialness and privacy disappear. I would prefer to have friendly neighbors with whom we could visit with and have BBQs on the weekends, rather than strangers coming in and out daily.

Michael C. Ako 10/30/97

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Testimony Before the Neighborhood Commission
Speaking On Behalf of Dorothy Ako and Michael Ako

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My name is Curtiss Ako and I am the son of Dorothy Ako and brother of Michael Ako. Dorothy resides next door and Michael Ako is the future owner by Dorothy's plan. Michael and I during our youth resided here. I frequent the property several times weekly to visit my mother and recreate on the shoreline and in the family pool, frequently with my children.

First of all, I read my brother's testimony. (Excerpt)

Second, I would like to comment as I have lived in the neighborhood for forty plus years. My mother's residence stands to be most affected by the proposal, positive or negative, as her dwelling is approx. 10 feet from the main structure on the subject site. Furthermore, her residence is immediately Ewa or downwind of the proposed use.

A central issue is compatibility. Although the proposal proposes mitigating measures which we applaud, this is still a commercial use. A logical question would be what means are there to effectively regulate the business should there be future changes, if any, in the business which would negatively impact 10 to 20 feet away? Businesses can change due to the nature of business and its changing market.

To date, the Mirikitani couple are courteous and neighborly in presenting the proposal to us. But, after prudent reflection, there are several factors to consider. Ownership or control of a business can change quickly over time. Consider the downside risk, if the proposed business changed its direction, to the serene neighborhood. Once a commercial use implants, it is unlikely the land use will revert back to its original status.

Consequently, the character of the surroundings could potentially suffer irreversible impairments. Examples of non-residential along this serene beachfront are the Kansai Gaidai school and the tennis club the Ewa side of the Aina Haina stream. Several years ago, both sites were serene beachfront. The school will be shutting down and the tennis club's viability is now questionable. Is it likely the level of property usage will potentially revert to residential serenity?--immediately not likely, given the structural capital investments made on both parcels.

Therefore, I would argue that if the subject proposal proves on its own merits to be compatible, the use be strictly conditional and temporary with automatic annulment if the use, as proposed, changes. At the very least, applicants would be required to re-apply for the conditional use and again hear the public evaluate a proposal on its merits, positive or negative, at that time. Additionally, no additional structural improvements should be allowed to expand the proposed commercial usage, as structural capital investments would hamper the automatic annulment alternative.

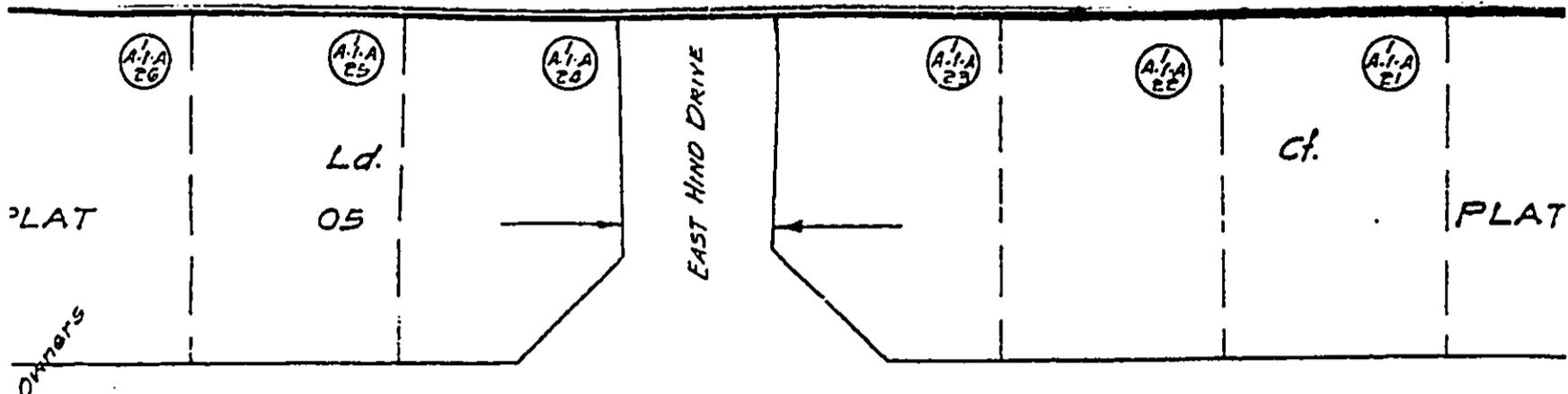
My mother is near eighty years of age, recently was part of an automobile collision on Kalaniana'ole, and will not be able to adjust the channel on her TV when the noise level

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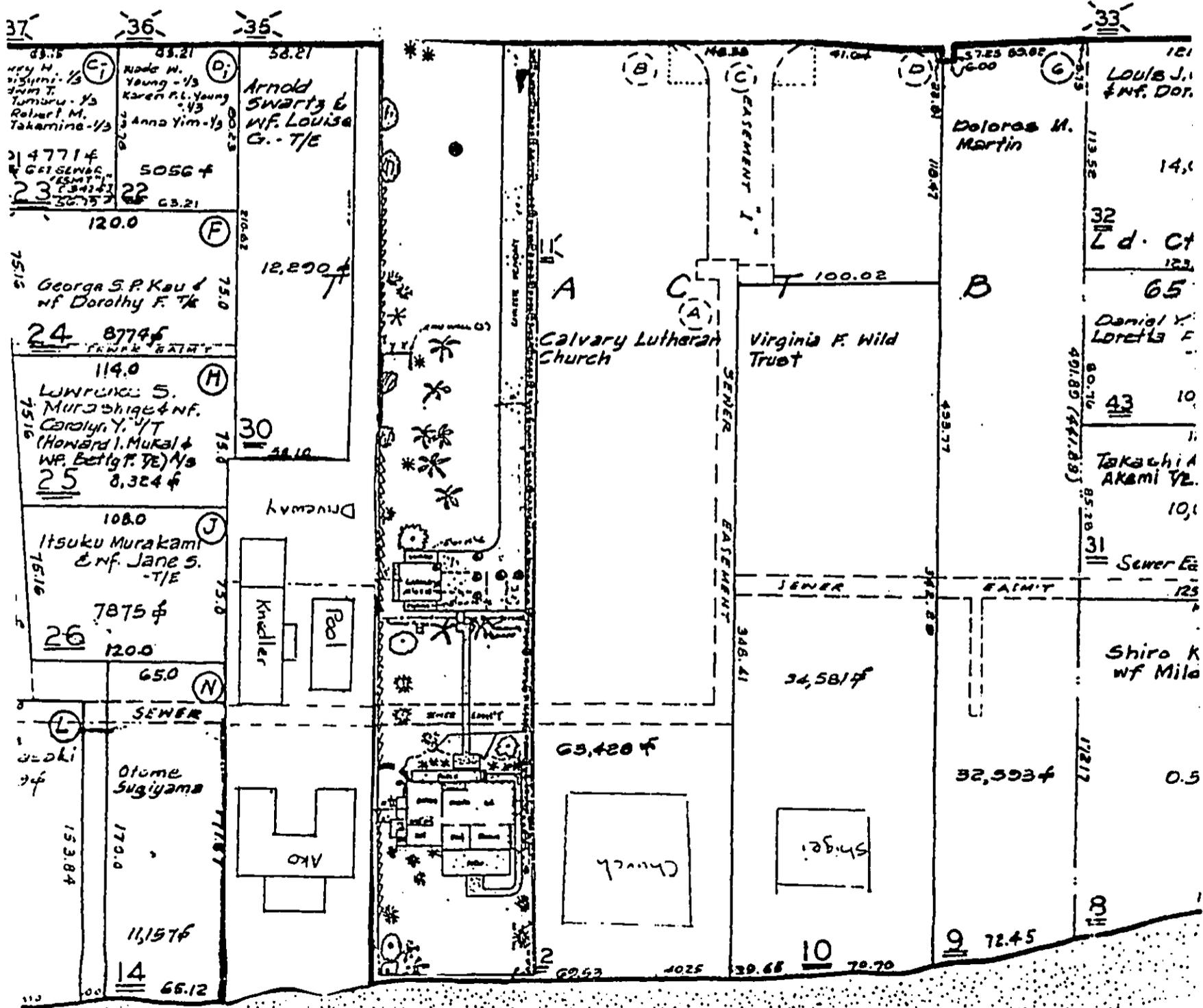
outside is not to her liking. In addition to the potential adverse noise impact, there are anticipated adverse impacts on our immediate security. With an influx of strangers entering the subject property daily, plus those who enter ours by accident, the likelihood of potential crime increases as populations became familiar with the adjacent private and serene properties.

The subject parcel currently serves us as a buffer from the Calvary By the Sea daily weddings. To expand this use a few yards from where we eat, sleep and relax effectively eradicates this privacy buffer. Furthermore, commercial use poses a potential adverse impact to residences immediately Ewa and downwind of us. A bird's eye view of neighboring parcels in the vicinity of the subject parcel indicates parcels Ewa are much smaller than the large estates Koko Head side and, consequently, dwellings are closer to each other downwind of the proposal and susceptible to adverse noise and security impacts. In conclusion, it is questionable if the proposal will add to the general welfare of the existing neighborhood.

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KALANIANA'OLE



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KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6852
FAX (808) 521-4282

January 27, 1998

Mr. Curtiss Ako
Ms. Yvonne Ako
777 Elepaio Street
Honolulu, Hawaii 96816

Dear Mr. and Mrs. Ako:

**Subject: Environmental Assessment and Conditional Use Permit, Type 2
For the Bayer Estate, LLC, Tax Map Key: 3-6-03: 12**

Thank you for your letter dated November 23, 1997, with attached enclosures, to the Department of Land Utilization (DLU) with comments on the Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

The following are our responses to your recommendations in that letter:

1. The applicant does not intend to assign its rights to anyone or to have wedding activities continue if and when the applicant ceases to participate in the operations. Approval of the conditional use permit will help to ensure preservation and maintenance of the historic structure within the control of the applicant, rather than a third party. We understand, however, that Conditional Use Permit, Type 2, application approvals run with the land, and are not specific to an individual. Nevertheless, consistent with your concern, we understand that in any event, a new operator would be required to comply with the same conditions of approval or risk rescission of that approval.
2. Your recommendation is consistent with the proposed use of the property.
3. The applicant does not intend to provide alcoholic beverages on the historic site during wedding service operations. However, market research by the

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Mr. Curtiss Ako and Ms. Yvonne Ako

Page 2

applicant has indicated that many domestic and foreign wedding couples consider a traditional celebratory toast with champagne to be an integral part of their ceremony, and the applicant would not want to foreclose wedding couples from bringing a bottle of champagne for this purpose. We understand that the sale of alcoholic beverages in quantities which may be of concern would require a liquor license, and the applicant has no intent to engage in or allow activities which would require such a license. The owners and applicant also reserve the normal residential right to serve alcoholic beverages, from time to time, to friends and family not in connection with the wedding services, such as during private social gatherings hosted in accordance with the residential use of the property.

4. The applicant will meet the City and State noise standards at their property line, just as other neighbors would in the residential district. The applicant expects to operate well within these noise standards, but does not, however, wish to be held to a higher standard on noise, than would normal residential property owners. In connection with wedding services, it is intended that there will be no amplified music outdoors and that live music, if any, would be rare.
5. No major capital improvements are necessary or contemplated. The applicant and owner consider the green, open space surrounding the property to be an important asset to the property and the neighborhood. Accordingly, the applicant does not intend to develop any major capital improvements on the property, including impermeable driveway and parking surfaces, unless required to do so by departments of the City and/or State of Hawaii. We will be working with the State Department of Transportation on improving traffic circulation by possibly widening the existing driveway to improve the turning radius into the property for limousines and by providing a grasscrete or grass paver block turnaround area adjacent to the existing garage. The intent in utilizing grasscrete or grass paver block is to preserve the appearance of the "great Hawaiian lawn".

Minor repairs, improvements, and maintenance which would not require a

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Mr. Curtiss Ako and Ms. Yvonne Ako
Page 3

building permit may not receive City review. However, improvements over 18 inches in height would require a building permit and review by appropriate agencies, including DLU. In addition, any improvements requiring a building permit would also require the approval of the Historic Preservation Office of the State of Hawaii Department of Land and Natural Resources to ensure compatibility with the historic nature of the property and structure.

6. & 7. These recommendations are not within the control of the applicant or directly relate to the applicant's project.
8. All other applicable State and County laws, ordinances, and codes will be complied with.

Our response to paragraph two of your Appendix:

Our project should have minimal impact on peak hour traffic, with traffic for the most part, traveling in the off-peak direction during the peak hours. To further mitigate traffic impact, we intend to direct visitors to the site (including limousine drivers) to turn right only, when exiting the property. The garage and long driveway provide ample parking for vehicles involved in the wedding service operation.

Our response to paragraph eight of your appendix:

The applicant will meet the City and State noise standards at their property line, just as other neighbors would in the residential district. The applicant expects to operate well within these noise standards, but does not, however, wish to be held to a higher standard on noise, than would normal residential property owners.

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Mr. Curtiss Ako and Ms. Yvonne Ako
Page 4

Our response to Memorandum dated 10/30/97 from Mr. Michael C. Ako to Ms. Yvonne Ako:

Most of the concerns in Mr. Michael C. Ako's memorandum to Ms. Yvonne Ako are similar to and embodied in the concerns of Mr. Curtiss Ako. However, in response to the concern that the wedding service use of the property could turn into outdoor luaus, cocktail parties, entertainment events, etc., the applicant has no intent to engage in these kind of operations (other than perhaps in connection with the normal residential use e.g. private social gatherings, from time to time, not having to do with the wedding operation). In any event, we believe that these types of expanded commercial operations would not be permitted under the Conditional Use Permit, Type 2, that we are requesting for wedding services on the property. We believe that in order to engage in these types of commercial operations, we would be required to apply for a new Conditional Use Permit, Type 2, which would provide an opportunity for public input and a neighborhood board review and recommendation and a DLU public hearing.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me. Ms. Susan Mirikitani has informed me that she and Mr. Richard Mirikitani discussed these concerns with you, your mother, your sister Nona and your brother Michael, and accordingly, you should feel free to also contact them (Susan and Richard) if you would like to discuss any of these matters. In addition, we would appreciate it if you would forward a copy of this letter to your brother Michael.

Very truly yours,


Keith H. Kurahashi

cc: The Bayer Estate, LLC
Department of Land Utilization

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CITY & COUNTY OF HONOLULU

Nov. 28, 1997

Ms. Jan Sullivan, Director
Steve Tagawa/Jeff Lee
Environmental Assessment/CU Permit
Dept. of Land Utilization
City & Cty of Honolulu
650 S. King St
Hon Hi 96813

Re: Proposed Wedding Services at Bayer Estate
5329 Kalanianaole Hwy.
Cond. Use Permit app. and Environ. Assess.

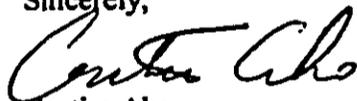
To Whom It May Concern:

I've completed review of a copy of the Kuliouou-Kalani Iki Neighborhood Board #2 regular meeting minutes dated 11-6-97. In my letter to you last week I asked that such minutes be included into the planning and env. assessment process.

Item #6 "Residents' concerns and comments" I wish to clarify. The Ako estate was purchased around 1966, prior to the times the church sanctuary was relocated to the beachfront near homes and prior to the escalation of wedding ceremonies primarily catering to Japanese visitors. The relationship of the wedding business, which now occurs every 20 minutes, to church religious activities, is uncertain. Based on observations, the total number of hours consumed by Japanese weddings on-site currently outweighs the number of hours devoted to other on-site religious activities.

Previous to 1966, the Akos lived at 5325 Kalanianaole, two doors Koko Head of the church. I am very familiar, and remain familiar, with the native neighborhood.

Sincerely,


Curtiss Ako

Curtiss & Yvonne Ako
777 Elepaio Street
Honolulu, HI 96816

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KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-6652
FAX (808) 521-4282

January 27, 1998

Mr. Curtiss Ako
777 Elepaio Street
Honolulu, Hawaii 96816

Dear Mr. Ako:

**Subject: Environmental Assessment and Conditional Use Permit, Type 2
For the Bayer Estate, LLC, Tax Map Key: 3-6-03: 12**

Thank you for your letter dated November 28, 1997, to the Department of Land Utilization (DLU) with comments on the Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

Your clarification of the Kuliouou-Kalani Iki Neighborhood Board minutes is acknowledged by the applicant.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,

Keith H. Kurahashi
Keith H. Kurahashi

cc: The Bayer Estate, LLC
Department of Land Utilization

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DEC 4 11 00

LAND UTILIZATION

FILE NO. 0000210143

F. 03

97-08891

Mr. Steven Tagawa
Director of Environmental Assessment
Department of Land Utilization
City and County of Honolulu
6550 South King Street
Honolulu, Hi 96813

DEC 3 AM 10 17
DEPT. OF LAND UTILIZATION
CITY & COUNTY OF HONOLULU

Dear Mr. Tagawa,

Subject: Proposed Conditional Use Permit, Type 2, for Use of a Historic Site,
The Bayer Estate, for Wedding Services, in Aina Haina at
5325 Kalaniana'ole Highway, Tax Map Key: 3-6-03-12

ON BEHALF OF A NEIGHBORING PROPERTY OWNER, I OPPOSE THE ABOVE PROPOSED
CONDITIONAL USE PERMIT, TYPE 2, FOR THE FOLLOWING REASONS:

**ADVERSE IMPACT ON TRAFFIC IN AN ALREADY DANGEROUS INTERSECTION, THE
INTERSECTION OF EAST HIND DRIVE AND KALANIANA'OLE HIGHWAY:** Over the last five
years, there have been over sixty major accidents and nearly as many minor accidents reported at this
hazardous intersection. Honolulu Police Department records show that this intersection has a history of
vehicle collisions going back to the days when Kalaniana'ole Highway was just a two-lane road. I grew up
in this neighborhood, and I can remember the sounds of screeching brakes, crushing metal, and shattering
glass followed by ambulance sirens year after year after year. The combination of a major highway, a
relatively high traffic residential outlet (E. Hind Drive), a Church property with two vehicle outlets, and
several private driveways make this an even more dangerous situation. To make matters worse, I have seen
stretch limousines from the Church property nextdoor to 5329 Kalaniana'ole Hwy. pulling out of its
driveway marked "Entrance" and shooting through this intersection heading east towards Honolulu. I have
also seen stretch limousines parking alongside the highway in front of the Church, directly in front of a "No
Parking" sign. You can bet that the addition of another commercial site for wedding services will just
increase the likelihood of these ACCIDENTS JUST WAITING TO HAPPEN. I am terrified at the thought
of more stretch limousines and lines of cars coming and going from the Mirikitani property eight times a
day, seven days a week. This is in addition to the congestion caused by the Church traffic immediately east
of the Mirikitani's small one-way driveway. Imagine the congestion if one wedding party is attempting to
depart the property at the same time as another wedding party is arriving. Multiply the congestion tenfold if
this occurs on a Sunday morning immediately following a church service nextdoor. Please...no more
hazardous traffic in an already dangerous intersection.

ADVERSE IMPACT ON A QUIET RESIDENTIAL ENVIRONMENT: The proposed conditional use
permit would allow wedding services to be conducted indoors or outdoors, with live entertainment and
music, up to eight times a day, seven days a week. That is fifty-six times a week, with an unlimited number
of persons at any time. Immediately to the west of this property is a relatively densely populated residential
neighborhood which has for decades enjoyed peace, quiet, and tranquility. The closest neighbor to the
proposed site of the wedding chapel lives in a residence only about ten feet away, separated by sparse
hedges and a chainlink or old wooden fence. These poor neighbors would have almost no privacy, having
to put up with party chatter and live music every day of the week—practically in their front yard. The other
residents in the neighborhood would also have to bear the constant intrusive party noises and music,
although to a lesser degree. But if you think they won't hear it, just ask them if they can hear the noises
from the Church just beyond the proposed wedding chapel site! All the property owners in the affected
neighborhood moved there and live there because it is a quiet, tranquil residential area. By seeking to turn
their residential property into a historic site with a commercial wedding chapel, the owners are hoping to
cash in on the peace and quiet of the area at the expense of all their neighbors.

Nona Aiko Andrews
% 5325 Kalaniana'ole Hwy.
Honolulu, HI 96821

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KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

INTERSTATE BUILDING
1314 S. KING ST., SUITE 1263
HONOLULU, HAWAII 96814

BUS. (808) 538-8652
FAX (808) 521-4282

January 27, 1998

Ms. Nona Ako
5325 Kalaniana'ole Highway
Honolulu, Hawaii 96821

Dear Ms. Ako:

**Subject: Environmental Assessment and Conditional Use Permit, Type 2
For the Bayer Estate, LLC, Tax Map Key: 3-6-03: 12**

Thank you for your response, to the Department of Land Utilization's (DLU) request for comments on the Draft Environmental Assessment and Conditional Use Permit, Type 2, applications.

The following are our responses to your comments in that letter:

1. Our project should have minimal impact on peak hour traffic, with traffic for the most part, traveling in the off-peak direction during the peak hours. To further mitigate traffic impact, we intend to direct visitors to the site (including limousine drivers) to turn right only, when exiting the property. The garage and long driveway provide ample parking for vehicles involved in the wedding service operation.
2. We project that most wedding services will have about 6 to 12 guests. We expect only a very few wedding services to exceed 25 guests. Live music will be used only on rare occasions, with no electronic amplification. The applicant will meet the City and State noise standards at their property line, just as other neighbors would in the residential district. The applicant expects to operate well within these noise standards, but does not, however, wish to be held to a higher standard on noise, than would other residential property owners.

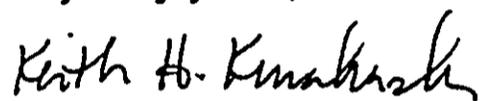
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Ms. Nona Ako
Page 2

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me. Ms. Susan Mirikitani has informed me that she and Mr. Richard Mirikitani discussed these concerns with you, your mother, your sister Nona and your brother Michael, and accordingly, you should feel free to also contact them (Susan and Richard) if you would like to discuss any of these matters.

Very truly yours,



Keith H. Kurahashi

cc: The Bayer Estate, LLC
Department of Land Utilization

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Dec. 7, 1997

Keith Kurahashi
Kusao & Kurahashi, Inc
1314 S. King #1263
Hon Hi 96814

Re: Draft Env. Assessmt. dtd. October, 1997 for Bayer Estate Wedding Service App
TMK 3-6-03:12 Conditional Use Permit Type 2

Dear Mr. Kurahashi;

I am in receipt of the above document sent me Dec. 4, 1997. Thank you for sending a copy for review and comment, and for requesting my input at the Neighborhood Board meeting held November.

Further comments on behalf of myself following the Neighborhood Board minutes are already on record with the Dept. of Land Utilization, written by Curtiss Ako and Nona Ako Andrews. Curtiss had requested the DLU to send copies to you and other pertinent agencies as part of the E.A. revision process.

Richard and Sus Mirikitani met with myself, Curtiss and Nona following the Neighborhood Board meeting.

Should you have any questions, please feel free to call Curtiss Ako at 732-1890 (r). Nona has returned to her residence in McLean, Virginia. Thank you for keeping me informed on the steps in the process.

Sincerely,



Dorothy Ako
5325 Kalanianaole Hwy
Hon Hi 96816

cc: Richard & Sus Mirikitani
Dept. of Land Utilization, C & C Honolulu

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BUS. (808) 538-6852
FAX (808) 521-4282

January 27, 1998

Ms. Dorothy Ako
5325 Kalaniana'ole Highway
Honolulu, Hawaii 96821

Dear Ms. Ako:

**Subject: Environmental Assessment for the Bayer Estate, LLC
Tax Map Key: 3-6-03: 12**

Thank you for your letter dated December 7, 1997, responding to the receipt of the Draft Environmental Assessment we sent to you for your review.

Your comments and this response will be included in the Final Environmental Assessment.

Should you have questions, please feel free to contact me.

Very truly yours,

Keith H. Kurahashi

Keith H. Kurahashi

cc: The Bayer Estate, LLC
Department of Land Utilization