2005-11-08-OA-FONSI-THE CONTEMPORARY MUSEUM VOL II.

NOV -8 2005
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FINAL ENVIRONMENTAL ASSESSMENT FOR USE OF A HISTORIC SITE THE CONTEMPORARY MUSEUM

Honolulu, Oahu, Hawaii
Tax Map Key: 2-5-8: 1, 2 and 4

THE CONTEMPORARY MUSEUM
2411 MAKIKI HEIGHTS DRIVE
HONOLULU, HAWAII 96822

APPLICANT

VOLUME 2

KUSAO & KURAHASHI, INC.
PLANNING AND ZONING CONSULTANTS
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

AGENT

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OFC. OF ENVIRONMENTAL QUALITY CONTROL

AUGUST 2005

APPENDIX XIII

NOISE STUDIES

D. L. ADAMS ASSOCIATES, LTD.
Consultants in Acoustics and Performing Arts Technologies

July 19, 2005

Heath Construction Services, Inc.
1210 Ward Avenue, Suite 201
Honolulu, Hawaii 96814

Attn: Mr. Ed Farwell

RE: Contemporary Museum - Art Spree Noise Assessment (DLAA #05-43A)

Dear Mr. Farwell:

We have completed our noise assessment of the Contemporary Museum's Art Spree event held on July 9, 2005. Noise level measurements were taken during the event to assess the noise impact at the surrounding residential property boundaries. The event, held from 10:00 a.m. to 4:00 p.m., was located on the lawn of the Contemporary Museum, the tennis court, the Contemporary Café lanai, and garden, as shown in Figure 1. The event utilized pre-recorded amplified music and live bands using a portable sound reinforcement system. All loudspeakers for the live music and pre-recorded music were located on the lawn and the café lanai. In addition, a beverage station was set up in the vicinity of the tennis court that utilized a blender to crush ice. The following report summarizes our findings.

Noise Measurements

A continuous long term ambient noise level measurement was conducted at Location 1 between 10:00 a.m. on May 24, 2005 and 9:00 a.m. on May 25, 2005 to assess the ambient environment in the vicinity of the Contemporary Museum. The measurement was conducted near the loading/garbage area 10 feet from the museum property line. Continuous, hourly, equivalent sound levels, L_{eq}, were recorded during the measurement period. The measurement was taken using a Larson-Davis Laboratories, Model 820 Sound Level Meter.

Continuous sound level measurements were taken from 9:00 a.m. to 4:30 p.m. on July 9, 2005 in two locations in the vicinity of the event. Location 2 was in the corner of the tennis court, approximately 35 feet from the edge of Makiki Heights Drive and 100 feet from the lawn area of the Contemporary Museum. There was a direct line-of-site from the measurement location to the residences across the street. The dominant noise source in this location was vehicular traffic and the noise from the Art Spree event, especially the beverage station and tennis workshop held on the tennis court between 10:00 a.m. and 2:00 p.m. Location 3 was on the edge of the Spaulding property, approximately 60 feet from the lawn area, overlooking the gardens at a slightly lower grade than the location of the activities on the lawn. The predominant noise source was noise

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from the Art Spree event, especially the activity tents and live music. Secondary noise sources in both locations included birds, wind, and rain. These noise level measurements were taken using two Larson-Davis Laboratories Model 820 Sound Level Meters.

Short term spot measurements were also taken at the property line of the closest residences, 2 feet from the roadway, to obtain the sound levels of various events occurring on the museum grounds. The nearest homes are approximately 150 feet from the lawn area of the Contemporary Museum. These noise level measurements were taken using a Larson-Davis Laboratories Model 824 sound level meter.

Noise Measurement Results

The equivalent hourly ambient sound levels, L_{eq}, in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. For purposes of comparison, ambient sound levels between 10:00 a.m. and 4:00 p.m. ranged from 52 dBA to 54 dBA.

The approximate sound levels measured at the edge of the driveway of the nearest residences are summarized below in Table 1. Noise from the event when there was no music was relatively quiet, where words were not at all distinguishable unless someone was shouting. Residential noises, such as dogs barking, birds chirping, doors closing, were clearly audible. The noise created by the blender at the beverage station was also clearly audible. Measurements taken while a country band was playing live music on the Contemporary Café lanai show that the sound levels were not overly offensive while the live reggae band performing on the lawn of the museum was very noisy. The noise levels due to the reggae band were slightly louder at the residences located across from the Petersen Residence driveway.

Table 1. Measured Sound Levels of Various Events

Noise Event	Sound Level (dBA)
General Art Spree Event Noise	45-48
Music at Café Lanai (Live Band)	48-52
People Shouting at Event	48-52
Birds	48-52
Dogs Barking	49-53
Blender Noise	51-52
Music on Lawn (Live Band)	55-62
Cars on Makiki Heights Dr.	60-70
Shuttle Bus on Makiki Heights Dr.	70-80

After assessing the long term noise measurement results at measurement Locations 2 and 3, noise levels for the loudest event were calculated at the property lines of residences closest to the Contemporary Museum. These calculated sound levels, shown in Table 2, are comparable with the measured sound levels summarized in Table 1 above.

Table 2. Calculated Sound Levels at Neighboring Residences

Noise Event	Location	Sound Level (dBA)
Event Noise Without Music	A - 2364 Makiki Heights Drive	48-51
Live Band at Stage 1	A - 2364 Makiki Heights Drive	57-60
Live Band at Stage 1	B - 2350 Makiki Heights Drive	61-64
Live Band at Stage 1	C - 2310 Makiki Heights Drive	58-61

Discussion and Conclusions

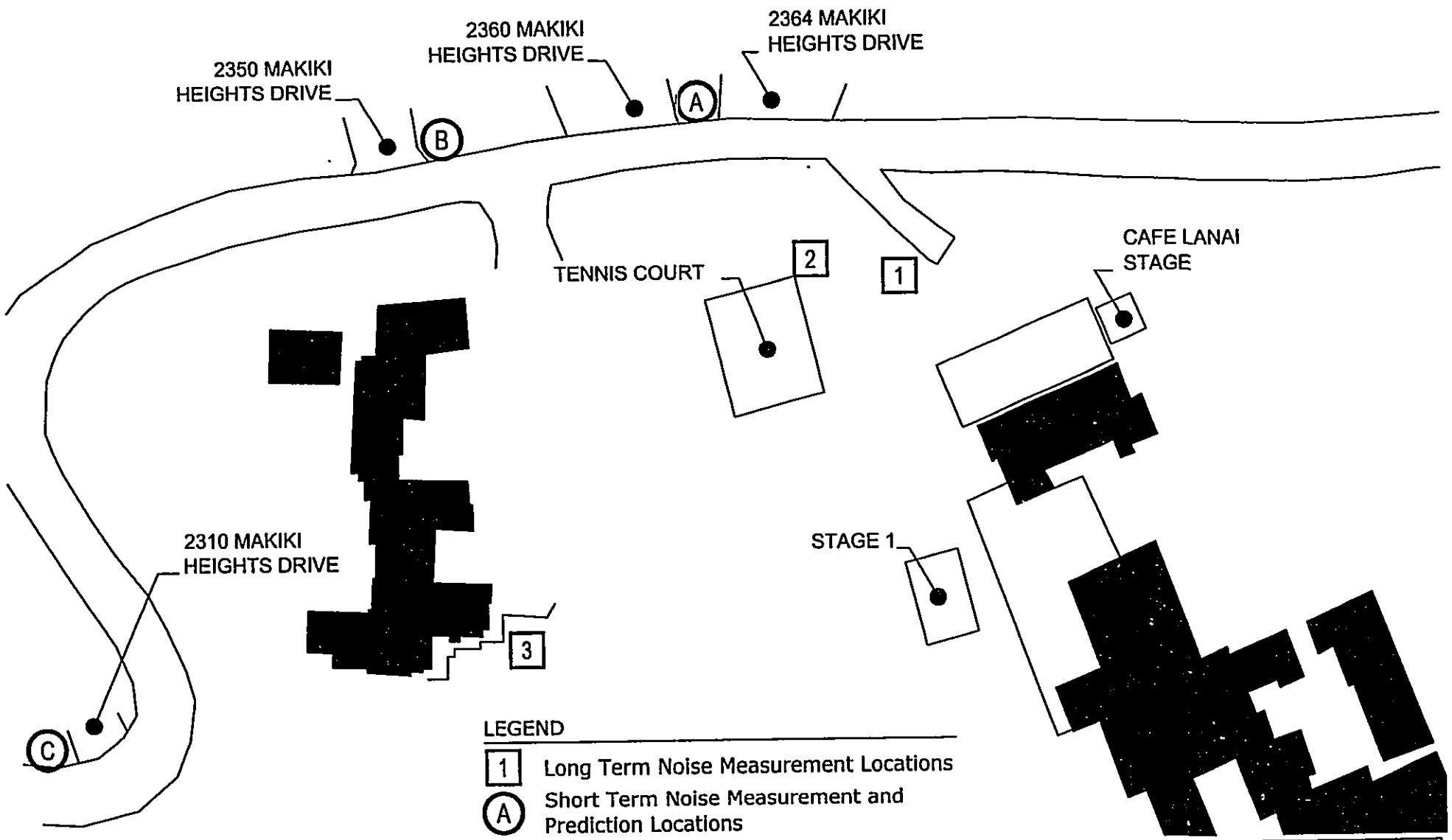
There are no current regulations that control noise from crowds or gatherings unless alcohol is served. Calculated noise levels due to outdoor events can be compared to existing ambient sound levels that occur at the same time of day to determine whether there will be a noise impact on the neighboring residences. As shown in Figure 2, measured sound levels at the Contemporary Museum's annual Art Spree event were, for the most part, close to the ambient sound levels measured at the museum. Calculated sound levels were higher than the ambient noise levels when the live bands, e.g., Thick Tubes or James McCarthy Irish Band, performed on the lawn of the Contemporary Museum because the stage and loudspeakers were oriented so that the sound was projected in the direction of the residences across the street. However, noise from the Art Spree event is not expected to cause significant complaints from neighbors when bands such as these do not perform. It should be noted that when a band was not performing, sound levels from neighborhood activities, e.g., dogs, birds, traffic on Makiki Heights Drive, etc., were also higher than the ambient background sound level.

Future events that would most likely cause complaints among residents are the live performances held on "Stage 1", e.g., live bands. To reduce the noise from Stage 1, the stage and loudspeakers should be reoriented such that sound is directed away from the neighbors. Loudspeakers should be configured to face away from neighboring residences and several loudspeakers should be distributed throughout the listening area and set to lower sound levels to reduce the overall sound. Other noisy activities that could be considered offensive, i.e., the beverage station operating the ice blender, could be located farther away from the property line. It should also be noted that the proposed Contemporary Museum improvements call for the completion of new galleries, to be positioned where the tennis court is currently located. Future events held on the lawn of the Spaulding property will be shielded by these galleries. This will further reduce the noise level at the residences across the street by approximately 4 to 5 dB.

Please call if you have any questions

Sincerely,

Dana Dorsch



Noise Measurement and Prediction Locations

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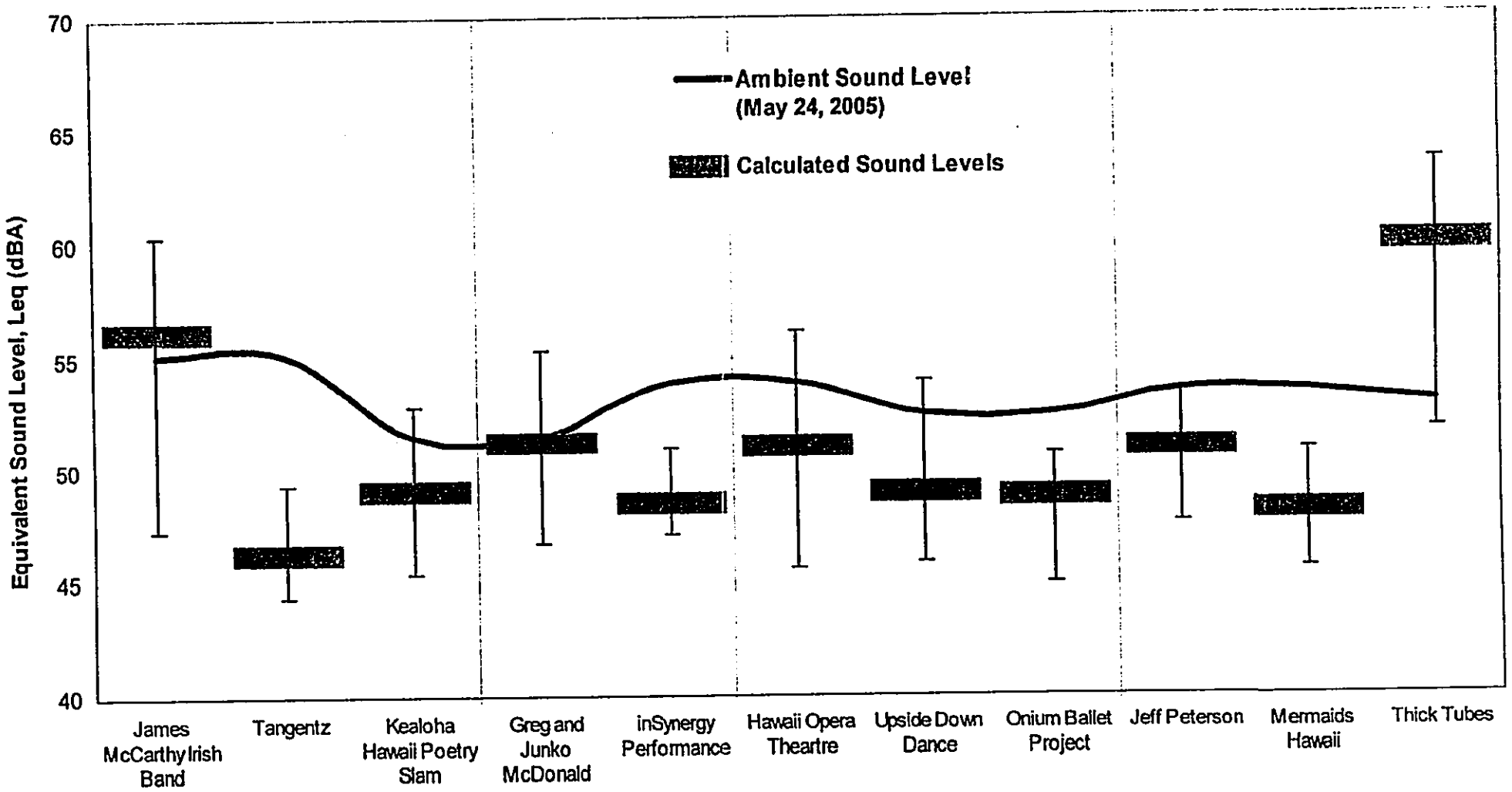
808/254-3318 FAX 808/254-5295

Contemporary Museum Art Spree Assessment

Not to Scale

Date	Project No.	Drawn By
July 19, 2005	05-43A	DFD

Figure No 1



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Calculated Sound Levels of Various Art Spree Events

Contemporary Museum Art Spree Assessment

Not to Scale

Date	Project No.	Drawn By
July 19, 2005	05-43A	DFD

Figure No
2

D. L. ADAMS ASSOCIATES, LTD.
Consultants in Acoustics and Performing Arts Technologies

July 7, 2005

Heath Construction Services, Inc.
1210 Ward Avenue, Suite 201
Honolulu, Hawaii 96814

Attn: Mr. Ed Farwell

RE: Contemporary Museum Noise Assessment (DLAA #05-43)

Dear Mr. Farwell:

We have completed our noise assessment for the expansion of the Contemporary Museum. We assessed the outdoor mechanical equipment noise from the mechanical area, noise from the rooftop equipment at the café, and noise from the café patrons at the outdoor pavilion area.

Part I – Museum Equipment Area

Noise Measurements

Continuous long term ambient noise level measurements were conducted at one (1) location between 10:00 a.m. on May 24, 2005 and 9:00 a.m. on May 25, 2005. The measurements were taken at the approximate location of the future mechanical equipment room, 10 feet from the property line. Continuous, hourly, equivalent sound levels, L_{eq}, were recorded during the measurement period. The measurement was taken using a Larson-Davis Laboratories, Model 820, Type-1 Sound Level Meter together with a Larson-Davis, Model 2560 Type-1 Microphone. Calibration was checked before and after the measurements with a Larson-Davis Model CAL200 calibrator. Both the sound level meter and the calibrator have been certified by the manufacturer within the recommended calibration period. A windscreen covered the microphone during the entire measurement period. The sound level meter was secured in a weather resistant case.

Noise Measurement Results

The equivalent hourly sound levels, L_{eq}, in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA.

The loudest noise levels were most likely due to activities in the loading/garbage area and garden area which was adjacent to the measurement location and future equipment area. Other noises at the measurement locations include wind, birds, conversation, and vehicular traffic.

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Noise Regulations

The State of Hawaii Department of Health Community Noise Control Statute [Reference 1] defines three classes of zoning districts and specifies corresponding maximum permissible sound levels due to stationary noise sources such as air-conditioning units, chillers, exhaust systems, generators, compressors, pumps, etc., and equipment related to agricultural, construction, and industrial activities. These levels are enforced by the State Department of Health (DOH) for any location at or beyond the property line and shall not be exceeded for more than 10% of the time during any 20-minute period. The specified noise limits which apply are a function of the zoning and time of day as shown in Figure 1. With respect to mixed zoning districts, the statute specifies that the primary land use designation shall be used to determine the applicable zoning district class and the maximum permissible sound level.

The Contemporary Museum is zoned as R-5 residential, or Class A, thus the maximum allowable property line noise limits are 55 dBA during the daytime hours (7:00 a.m. to 10:00 p.m.) and 45 dBA during the nighttime hours (10:00 p.m. to 7:00 a.m.). Since the equipment is to run 24 hours a day, we need to meet the DOH's nighttime limit of 45 dBA at the nearest residence. In order to reduce complaints from neighboring residents, mechanical noise should be reduced to meet the ambient noise levels that occur at night, i.e. 40 dBA,

Calculated Noise Levels

Based on mechanical equipment noise data provided by the Mechanical Engineer and the latest equipment layout, we have calculated the noise levels of the mechanical equipment at the closest residence, approximately 74 feet from the proposed mechanical equipment area. The calculated noise level is 50 dBA if the enclosure walls are 6" above the top of the chiller, as indicated in the drawings, and if no other attenuation measures are employed.

Recommendations

To reduce the equipment noise to below 45 dBA, we recommend that the height of the three sided enclosure be extended to at least 30" above the top of the chiller, where the fourth wall will be the proposed lower level (storage) wall. To reduce to equipment noise to below 40 dBA, the walls must be extended to the full height of the lower level, i.e. 14 feet measured above grade. We recommend the following construction:

1. The enclosure should have no holes, gaps, or openings.

2. The enclosure should be constructed of a material having a minimum density of 2.5 psf, e.g., ¾" plywood, 4" thick CMU, a prefabricated acoustical panel, e.g., Empire Acoustical Systems Type Silent Screen Panels etc.

3. The enclosure should have an absorptive material applied to the side facing the equipment. This absorptive material could be Pyrok Acoustement 30 spray-on acoustical treatment, 3" thick fiberglass, or a prefabricated absorptive panel, e.g., Kinetics Type KNP panels or Empire Acoustical Systems Type M-90 panels.

4. We also recommend that the chiller compressors be wrapped with Sound Seal B-10 Lag/QFA-3 acoustical lagging.

In lieu of extending the height of the mechanical equipment area enclosure, the opening could be covered by acoustical louvers. We recommend Industrial Acoustics Company (IAC) Acoustical Noishield Louvers Model LP.

Part II - Contemporary Museum Café (Petersen Residence)

Existing Environment

The Petersen Residence is exposed to the same acoustical environment described in the Noise Measurements Results section above. The pavilion café dining area is in a relatively quiet area where the dominant noise sources are wind, birds, and traffic from Makiki Heights Drive, located next to the future café. The rooftop equipment of the kitchen is located on the adjacent rooftop, approximately 20 feet from the outdoor café. The ceiling of the café pavilion is currently treated with cork while the floor has a hard finish.

Relevant Noise Standards, Regulations, and Guidelines

State of Hawaii Department of Health

Noise from the kitchen rooftop equipment must comply with the State of Hawaii Department of Health Community Noise Control Statute [Reference 1] described above. Again, for Class A zoning, the maximum allowable noise levels are 55 dBA during the daytime hours (7:00 a.m. to 10:00 p.m.) and 45 dBA during the nighttime hours (10:00 p.m. to 7:00 a.m.). Because the café will only be open from 11:30 a.m. to 2:30 p.m., the rooftop equipment noise at the neighboring residences will need to be below 51 dBA, the existing ambient sound level. If the café is open between the hours of 5:00 p.m. and 8:00 p.m., the rooftop equipment noise at the neighboring residences will need to be below 46 dBA. This ensures that the noise from the rooftop equipment will be no louder than the noise level currently being experienced at the nearby residences.

Complaints of noise from the people at the outdoor café would be handled under the nuisance law which is administered by the police department and provides no maximum noise levels. There are no current regulations that control noise from crowds or gatherings unless alcohol is served. Even so, there are guidelines and policies that may be used to determine what would generally be acceptable people noise emanating from the pavilion café:

Liquor Commission of the City and County of Honolulu

The Rules of the Liquor Commission of the City and County of Honolulu [Reference 2] state that no licensee shall make or permit noise which results in a complaint from one or more residents or tenants in the vicinity and exceeds the maximum permissible sound levels (MPSL) when liquor is being served on licensed premises or any adjacent areas under the licensee's control. The MPSL's are established by Zoning Districts as defined by the State Department of Health (DOH) and shall not be exceeded for more than 10% of the time during any 20-minute period. The MPSL's set forth by the Liquor Commission for Class A Zoning Districts, which includes residential, conservation,

preservation, public space, and open space, are 55 dBA daytime (7:00 a.m. to 10:00 p.m.) and 45 dBA nighttime (10:00 p.m. to 7:00 a.m.). Noise levels are measured on the complainant's property. Although this regulation does not apply to the café, it can still be used as a good noise guideline for the café.

U.S. Environmental Protection Agency (EPA)

The U.S. EPA has identified a range of yearly day-night equivalent sound levels, L_{dn}, sufficient to protect public health and welfare from the effects of environmental noise [Reference 3]. The day-night equivalent sound level is the energy mean sound level for a 24-hour period where a 10 dB penalty has been applied to the nighttime hours of 10:00 P.M. to 7:00 A.M. In other words, any noise occurring during the nighttime hours is considered to be 10 dB greater than the actual level. The EPA has established a goal to reduce exterior environmental noise to an L_{dn} not exceeding 65 dBA and a future goal to further reduce exterior environmental noise to an L_{dn} not exceeding 55 dBA. Additionally, the EPA states that these goals are not intended to be viewed as regulations as it has no authority to regulate noise levels, but rather they are intended to be viewed as levels at which the general population will not be at risk from any of the identified effects of noise.

City and County of Honolulu, Department of Planning and Permitting, Land Use Ordinance (LUO)

Although only applicable to installed sound systems, the City and County Department of Planning and Permitting regulations [Reference 4] states that for any commercial or industrial development, no public address system or other devices for reproduction or amplifying voices or music shall be mounted on the outside of any structure on any lot which is adjacent to any lot in a county, residential, apartment, apartment mixed use, or resort zoning district. The only exception to this regulation applies to drive-thru facilities. It is our understanding that an installed sound system is not planned for the outdoor café.

Calculated Noise Levels

Based on mechanical equipment noise data for the rooftop fan provided by the Mechanical Engineer, the calculated noise level due to the kitchen rooftop fan at the closest residence, approximately 90 feet from the proposed café area, is 41 dBA. The calculated noise level of the rooftop fan at the pavilion café, approximately 20 feet from the pavilion is 54 dBA.

Calculated noise levels due to café patrons in the pavilion, at full capacity of 55 people, range from 41 dBA to 47 dBA at the nearest residence, depending on vocal effort. However, some short term noises that exceed this level might be expected. Umbrella tables on the lawn of the Petersen Residence may also be provided as additional seating and will be further from the neighboring residences than the pavilion area. It has been estimated that when patrons are seated on the lawn the noise level at the nearest residence may increase by approximately 2 decibels.

Discussion

There are no current regulations that control noise from crowds or gatherings unless alcohol is served. Future noise levels due to day and evening functions with outdoor seating can be compared to existing ambient sound levels to determine whether there will be a noise impact on the neighboring residences.

In this way, the noise limits mirror those of the DOH property line noise limits for stationary mechanical equipment. The measured ambient noise levels are shown in Figure 2 where hourly average equivalent sound levels (Leq) are graphed as a function of time. During the café's regular afternoon hours exterior noise levels at the nearest residences are predicted to be below the existing ambient background sound levels, State DOH noise regulations, Liquor Commission MPSL, and EPA Guidelines. However, some noise from the outdoor café may still be heard at neighboring residences. This noise is not considered to be excessive and would not be expected to cause complaints from most people. Noise levels during the extended evening hours are not expected to be above the existing ambient noise levels until around 7:00 p.m. After 7:00 p.m. predicted noise levels at neighboring residences due to the outdoor café may be above the existing ambient noise levels and may cause complaints. If the recommended absorptive treatment described below is installed in the ceiling of the pavilion, an atmosphere will be created where patrons can speak in a "casual" or "normal" voice instead of a "raised" voice. This could result in a further reduction in projected noise levels generated by the café patrons in the pavilion.

An installed public address system is not planned for use at the Contemporary Café. However, a single guitarist may occasionally perform at the café using a portable sound amplification system. Since this is an infrequent event, we do not foresee it causing significant complaints. In addition, a portable public address system will be employed during annual events such as ArtSpree. This noise is not expected to be louder than the traffic noise from Makiki Heights Drive. To minimize noise during these events, loudspeakers should be configured to face away from neighboring residences and several loudspeakers should be placed throughout the listening area and set to lower sound levels to reduce the overall sound.

Currently, one to three deliveries are made to the Contemporary Café three to four times per week between the hours of 8:00 a.m. and 11:00 a.m. for approximately 15 minutes at a time. The number of deliveries made to the new café located at the Petersen Residence is not expected to increase. Due to space constraints, only smaller trucks or vans will be delivering goods to the future location. These vehicles will not be equipped with backup alarms. The noise emanating from the vehicles during the delivery process is expected to be less than that of normal traffic along Makiki Heights Drive.

Recommendations

Architectural Acoustics

The reverberant nature of the pavilion may cause conversations to be strained and patrons to raise their voice due to the buildup of sound within the pavilion and vehicular noise from the roadway. We recommend installing acoustically absorptive treatment at the pavilion ceiling. Not only will treatment provide for a quieter environment within the café, but the patrons will be able to speak at lower vocal levels as well, reducing the noise levels emanating from the café to the surrounding neighborhood. There are many types of absorptive treatment that can be used to control the reverberant nature of the space. The recommendations listed in Table 1 below provide several options to improve the acoustics. As we discussed, for aesthetic purposes, we will leave the selection of which materials to use to you and the Contemporary Museum personnel.

Table 1. Acoustical Treatment Options

Treatment Options	*Recommended Treatment*	*Manufacturer Website*
Wood Panels	- Ventwood with 1" thick fiberglass - Decoustics Acoustical Panel Type AP 1" thick with Quadrillo Finish	www.ventwood.com www.decoustics.com/finishes/quadrillo/quadrillo-1.html
Metal Panels	- Al Pro perforated aluminum panels with 1.5" thick fiberglass	www.gordongrid.com/alpro
Panels with Gypsum Appearance	- Decoustics Acoustical Panel Type AP 1" thick with Claro Finish	www.decoustics.com/finishes/claro/claro-1.html
Vinyl Panels	- Decoustics Acoustical Panel Type AP 1" thick with Vinyl Finish	www.decoustics.com/finishes/vinyl/tech-info/vinyl_techinfo.html
Spray-On	- Pyrok Acoustement 30	www.pyrokinc.com

Additional Sound Masking

The rooftop equipment should not adversely affect the café experience since exterior noise levels from cars and people will be approximately the same as the fan noise level. Even so, noise from the fan as well as intermittent traffic noise from Makiki Heights Drive may be a disturbing source of noise at the café. While a sound barrier would effectively lower the sound level caused by passing automobiles, this solution is impractical given the design and architecture of the building. Instead, sound masking such as a fountain or other water fixture could be installed to mask the traffic noise and rooftop mechanical noise within the café. Noise from a continuously running fountain or fountains will make passing cars and mechanical noise appear to be lower than without a fountain.

References

1. Chapter 46, *Community Noise Control*, Department of Health, State of Hawaii, Administrative Rules, Title 11, September 23, 1996.

2. *Rules of the Liquor Commission of the City and County of Honolulu, State of Hawaii,* City and County of Honolulu, August 1998.

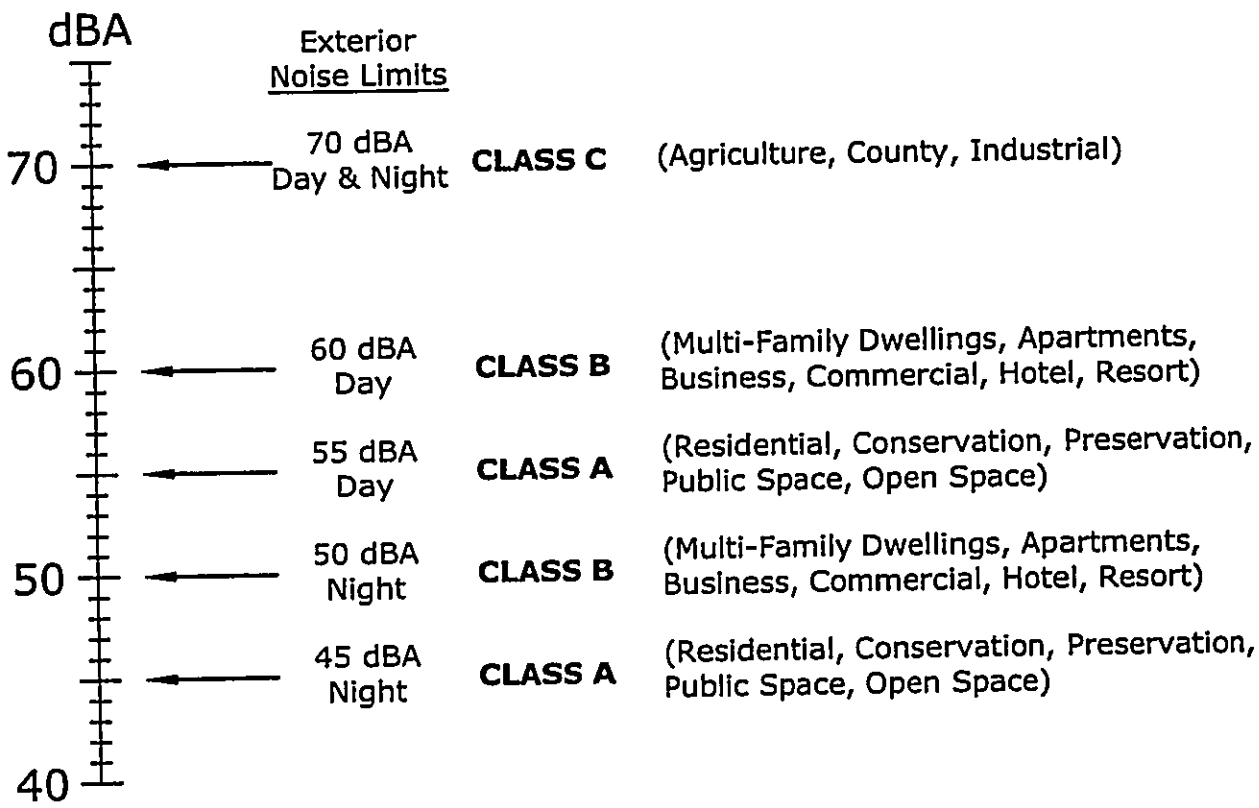
3. *Toward a National Strategy for Noise Control*, U.S. Environmental Protection Agency, April 1977.

4. *Land Use Ordinance*, Department of Planning and Permitting, City and County of Honolulu, April 2003.

Sincerely,

Dana Dorsch

Zoning District	Day Hours (7 AM to 10 PM)	Night Hours (10 PM to 7 AM)
CLASS A Residential, Conservation, Preservation, Public Space, Open Space	55 dBA (Exterior)	45 dBA (Exterior)
CLASS B Multi-Family Dwellings, Apartments, Business, Commercial, Hotel, Resort	60 dBA (Exterior)	50 dBA (Exterior)
CLASS C Agriculture, County, Industrial	70 dBA (Exterior)	70 dBA (Exterior)



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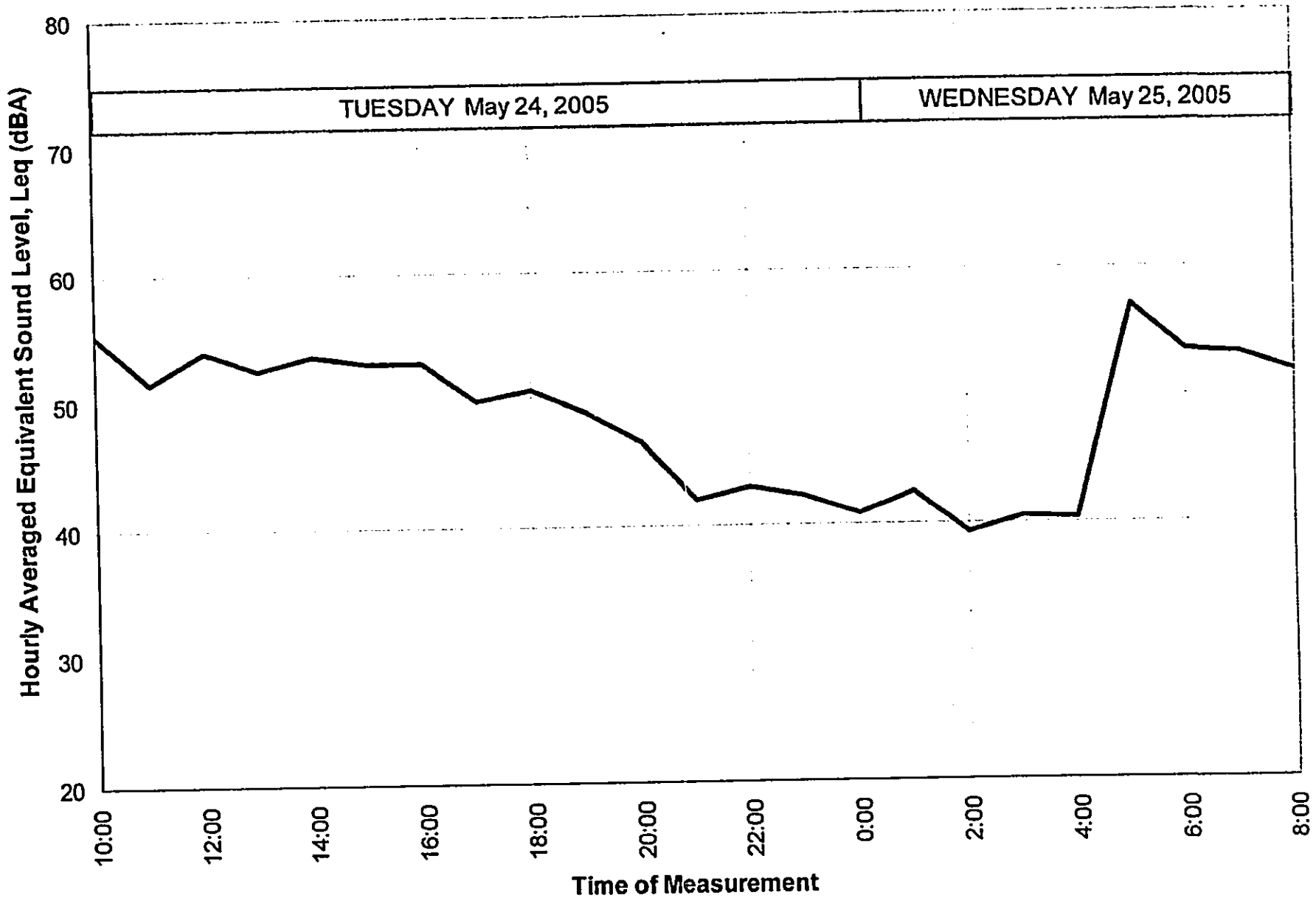
Hawaii Maximum Permissible Sound Levels for Various Zoning Districts

Contemporary Museum

Not to Scale

Date	Project No.	Drawn By
June 2005	05-43	TRB

Figure No
1



Noise Measurements of Existing Ambient Noise Environment

Contemporary Museum

Not to Scale

Figure No 2

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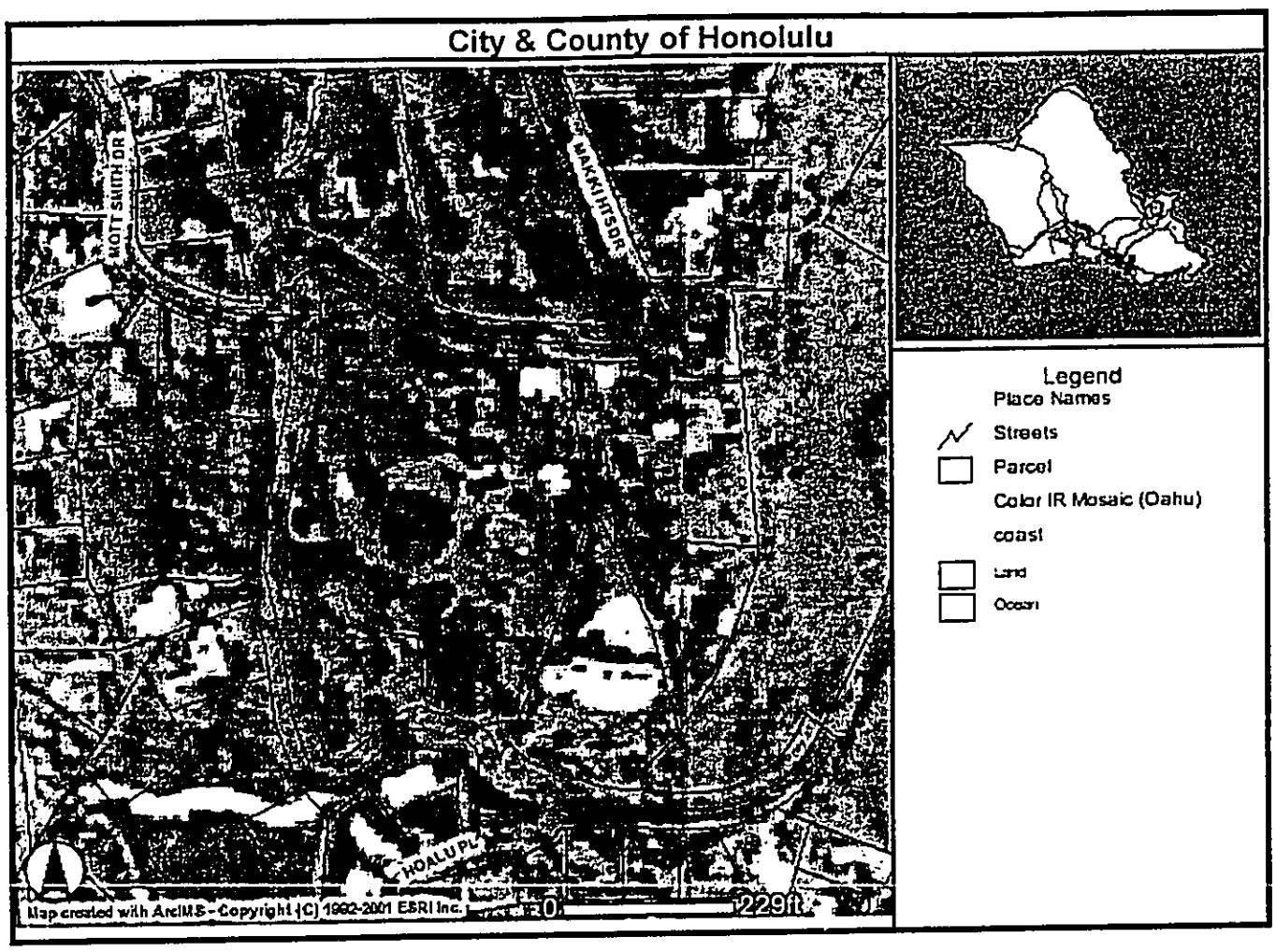
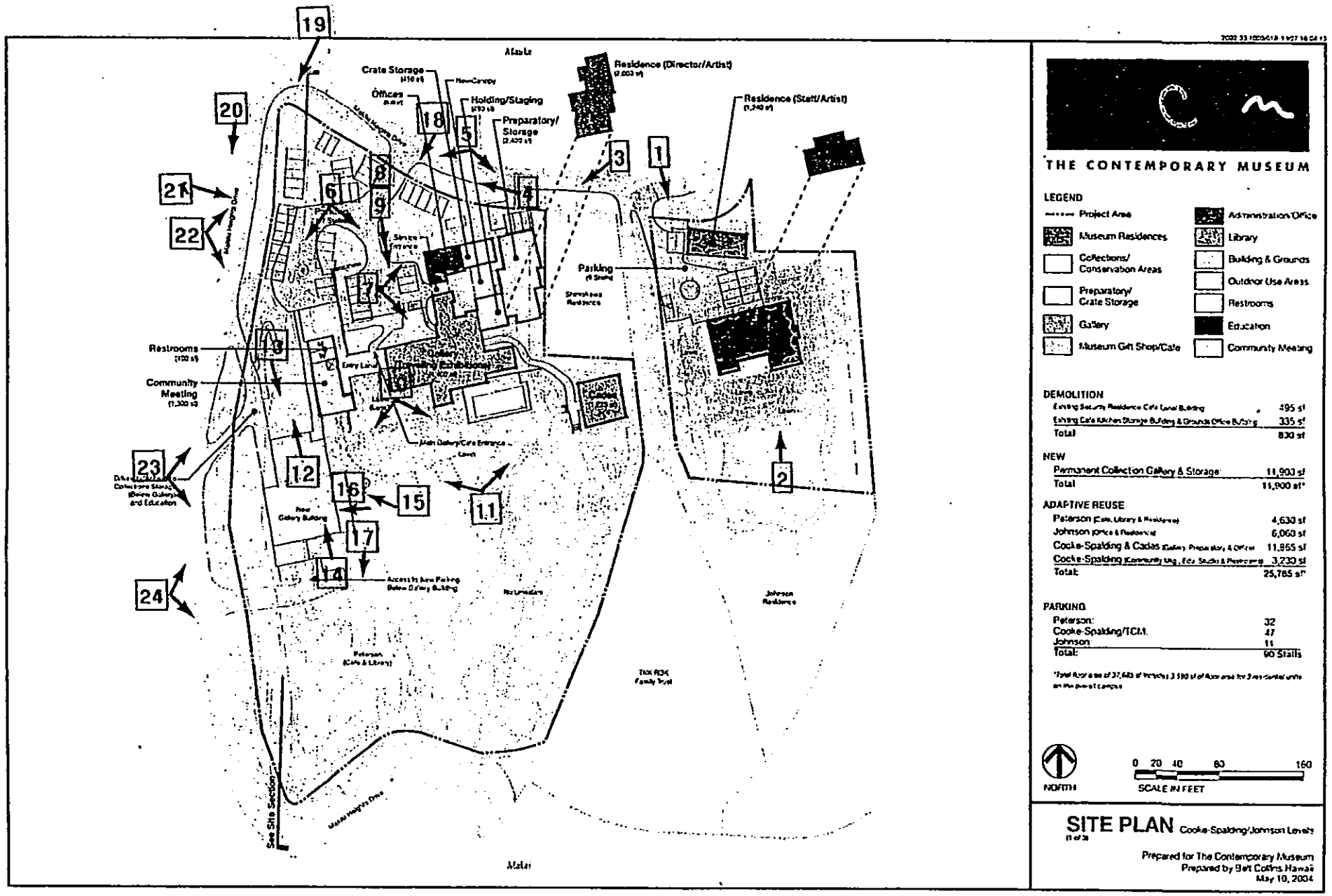
Date	Project No.	Drawn By
July 2005	05-43A	DFD

APPENDIX XIV

PHOTOGRAPHS


City & County of Honolulu
MOTT SMITH DR
MAKAHIKI DR
HOALU PL
Map created with ArcIMS - Copyright (C) 1992-2001 ESRI Inc.
229ft
Legend
Place Names
Streets
Parcel
Color IR Mosaic (Oahu)
coast
Land
Ocean



THE CONTEMPORARY MUSEUM

LEGEND

- Project Area
- Museum Residences
- Collections/ Conservation Areas
- Preparatory/ Crate Storage
- Gallery
- Museum Gift Shop/Cafe
- Administration/Office
- Library
- Building & Grounds
- Outdoor Use Areas
- Restrooms
- Education
- Community Meeting

DEMOLITION

Existing Security Residence Cafe Lanai Building	495 sf
Existing Cafe Kitchen Storage Building & Grounds Office Building	335 sf
Total	830 sf

NEW

Permanent Collection Gallery & Storage	11,900 sf
Total	11,900 sf*

ADAPTIVE REUSE

Peterson (Cafe, Library & Residence)	4,630 sf
Johnson (office & Residence)	6,060 sf
Cooke-Spalding & Cades (Gallery, Preparatory & Office)	11,955 sf
Cooke-Spalding (Community Mtg., Edu. Studio & Restrooms)	3,230 sf
Total:	25,785 sf*

PARKING

Peterson:	32
Cooke-Spalding/TCM:	47
Johnson:	11
Total:	90 Stalls

*Total floor area of 37,685 sf includes 3,590 sf of floor area for 3 residential units on the overall campus

NORTH

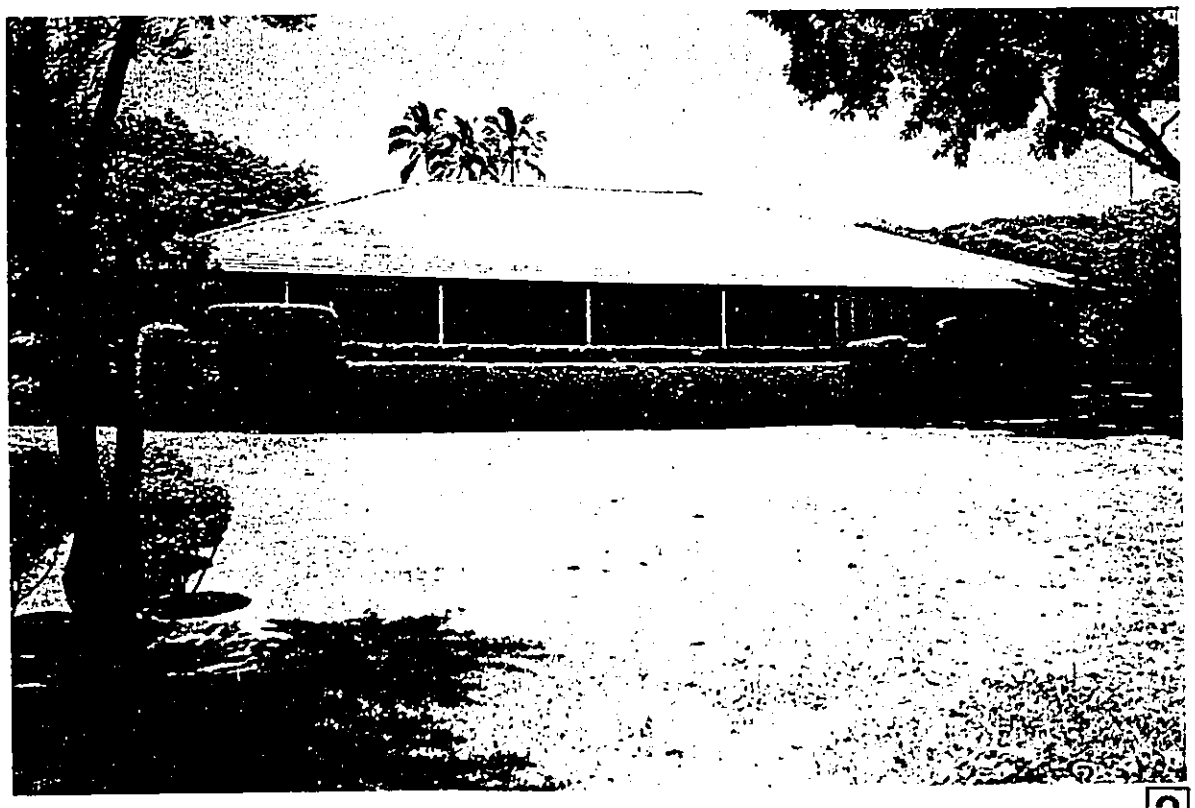
0 20 40 80 160
SCALE IN FEET

SITE PLAN Cooke-Spalding/Johnson Levels

(1 of 3)

Prepared for The Contemporary Museum
Prepared by Belt Collins Hawaii
May 10, 2004

1



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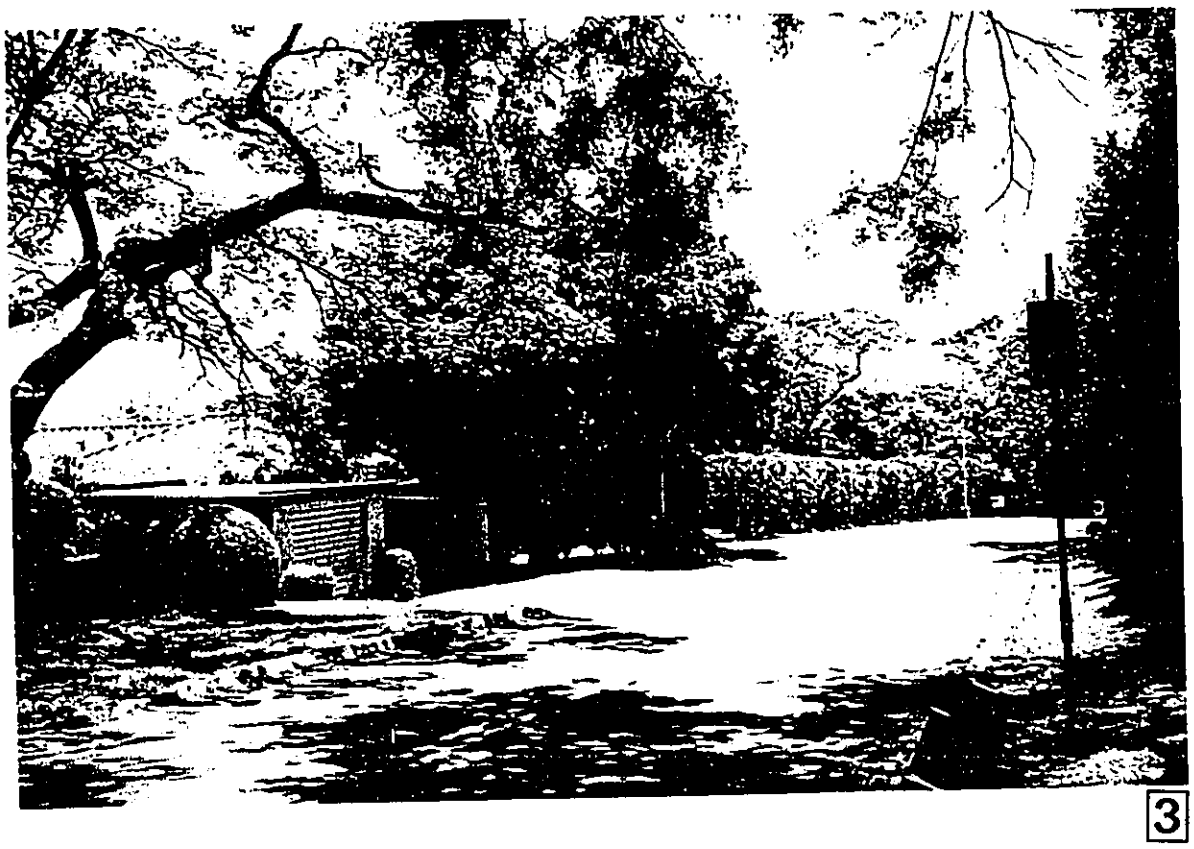

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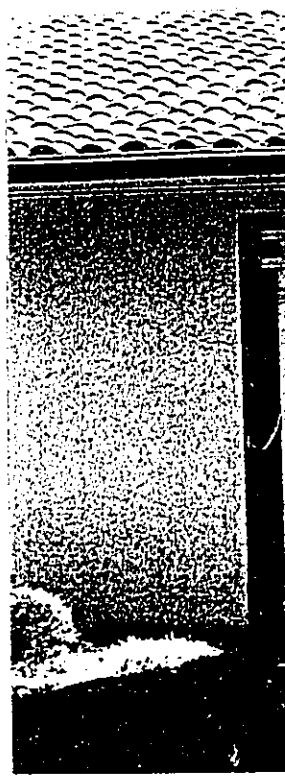

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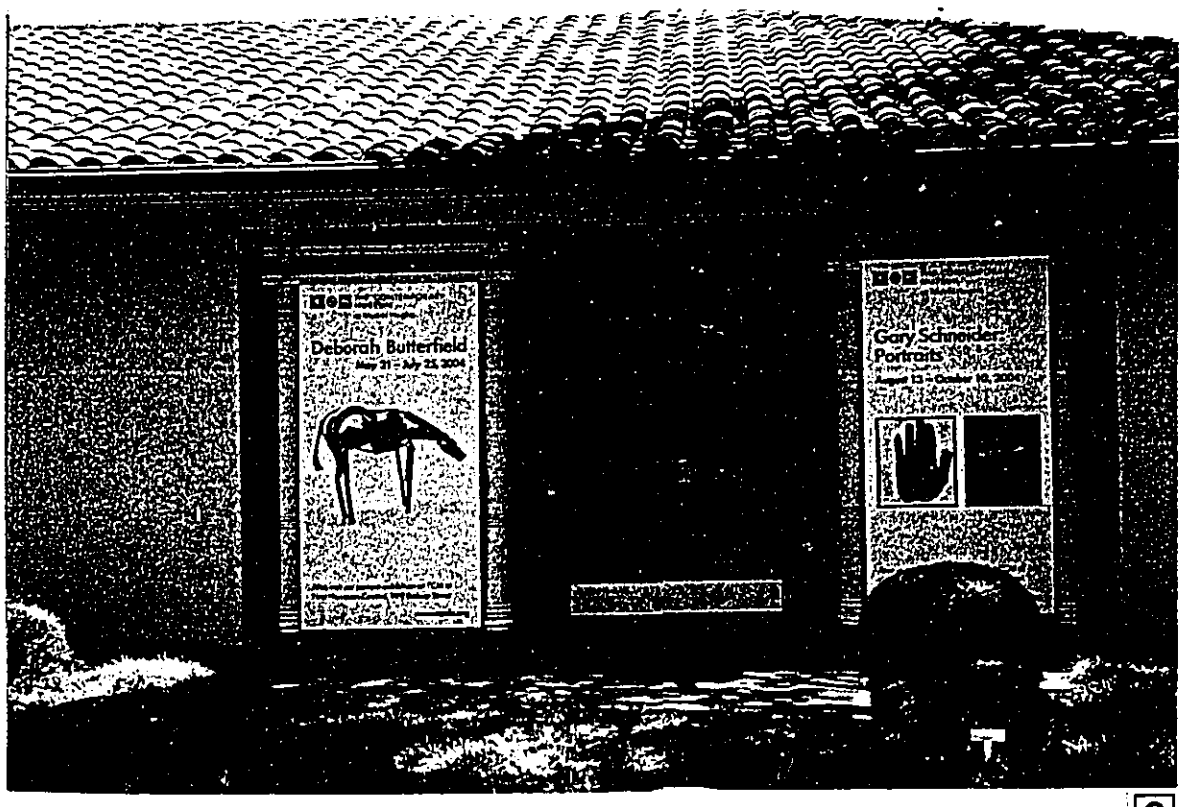

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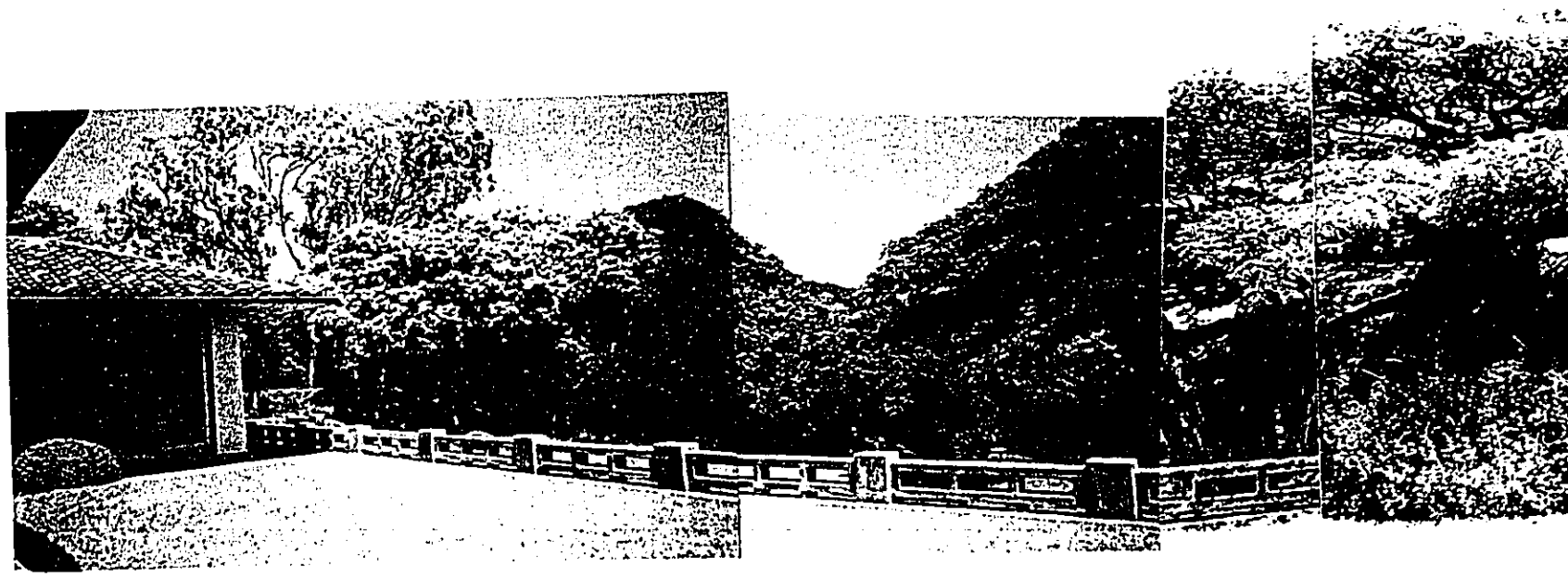

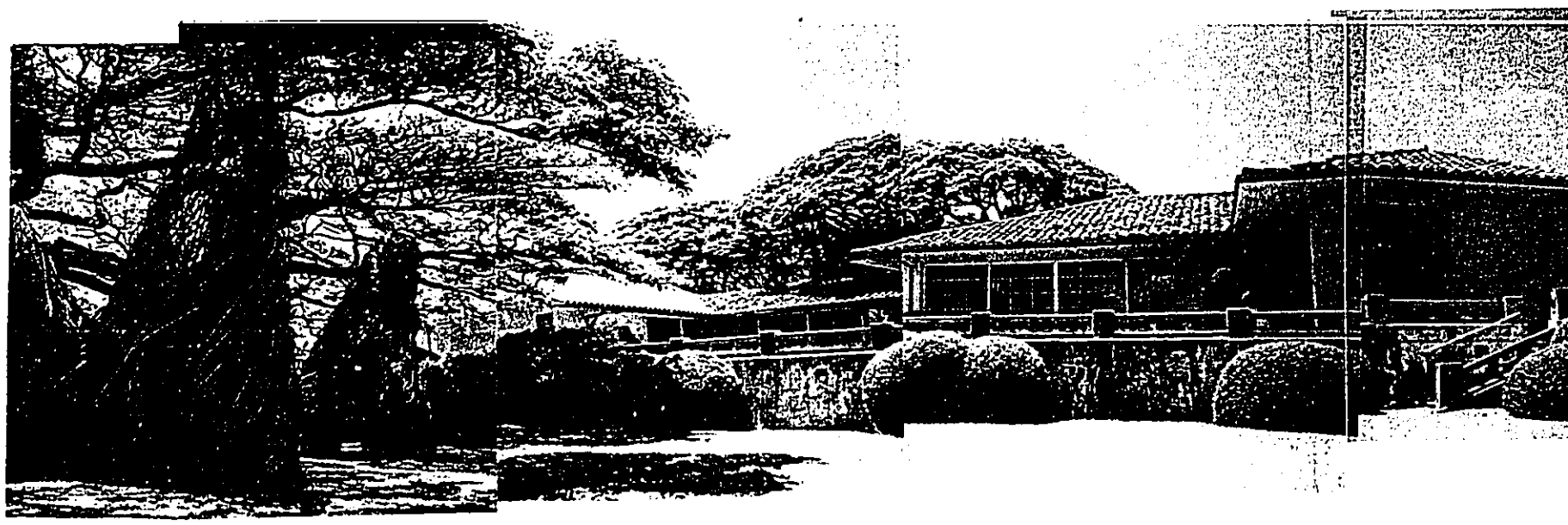

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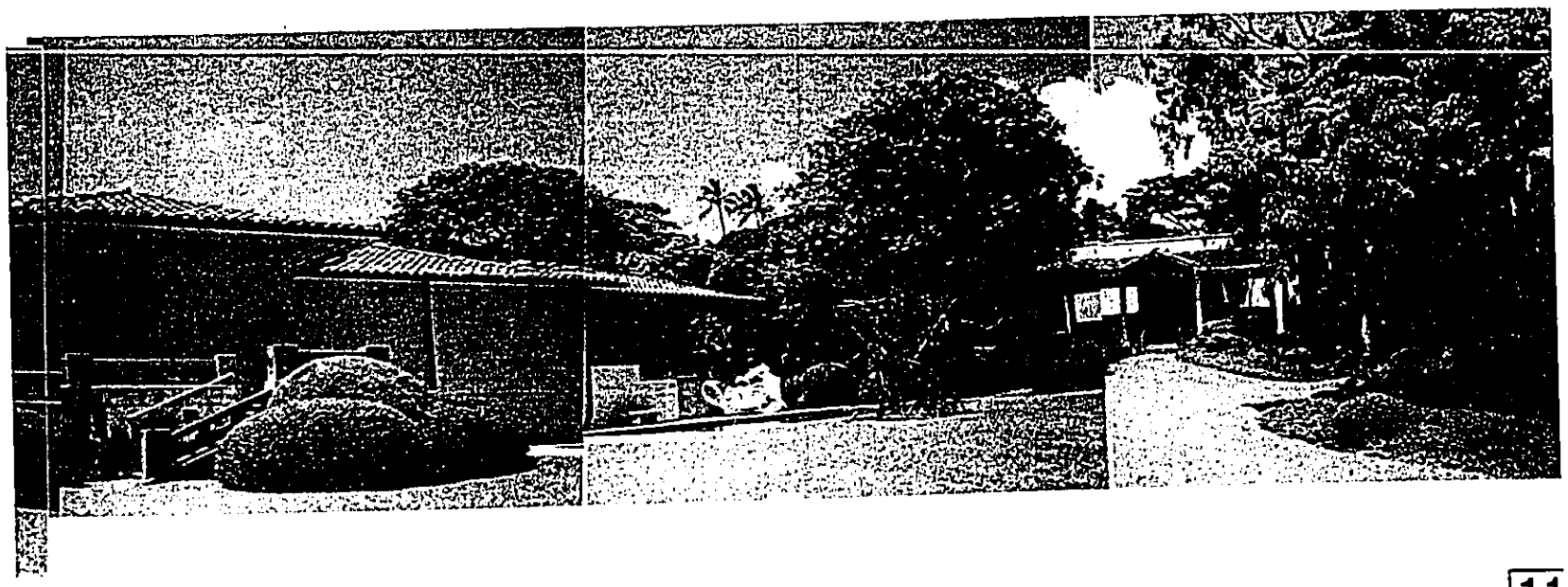

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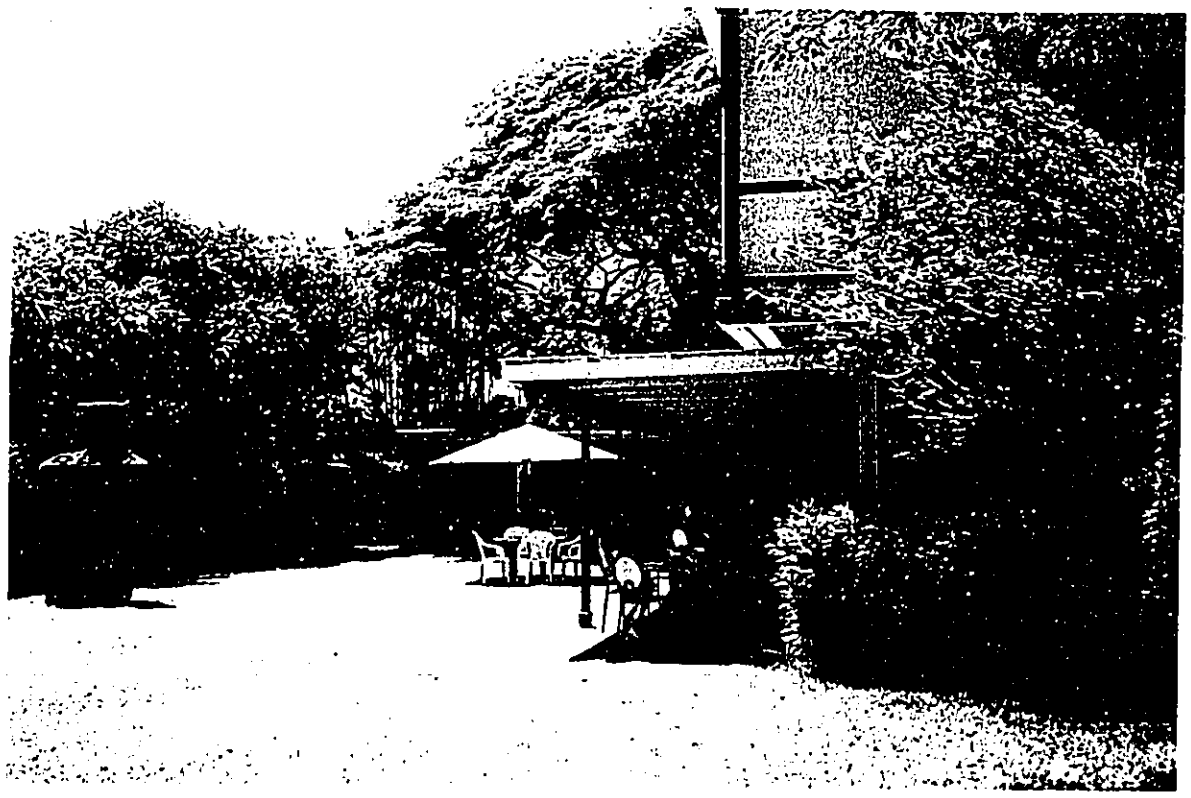

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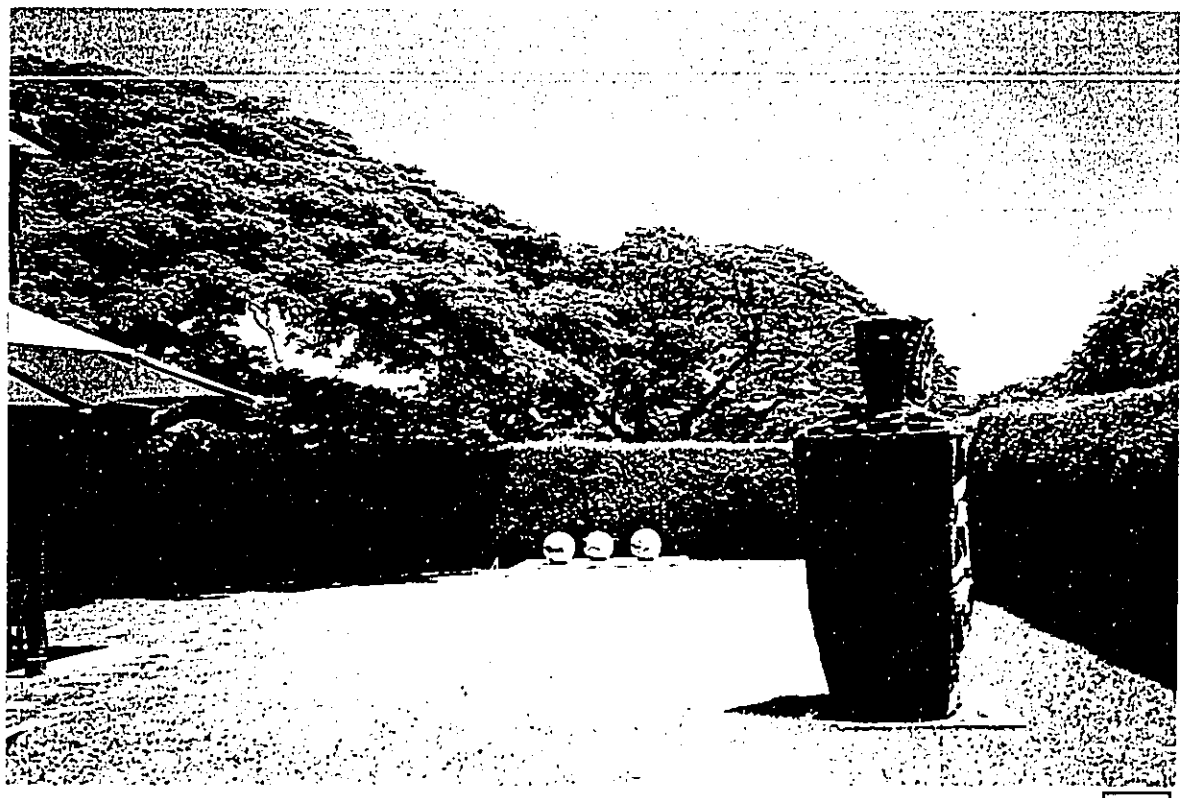

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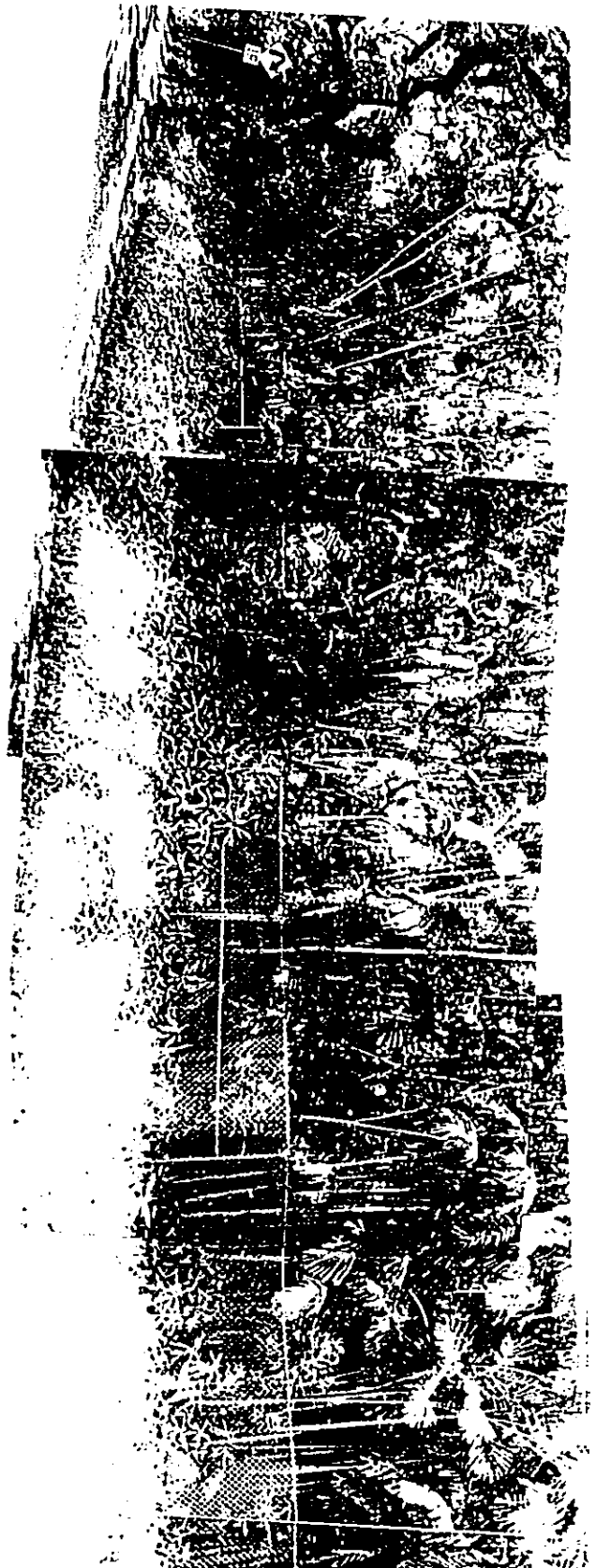

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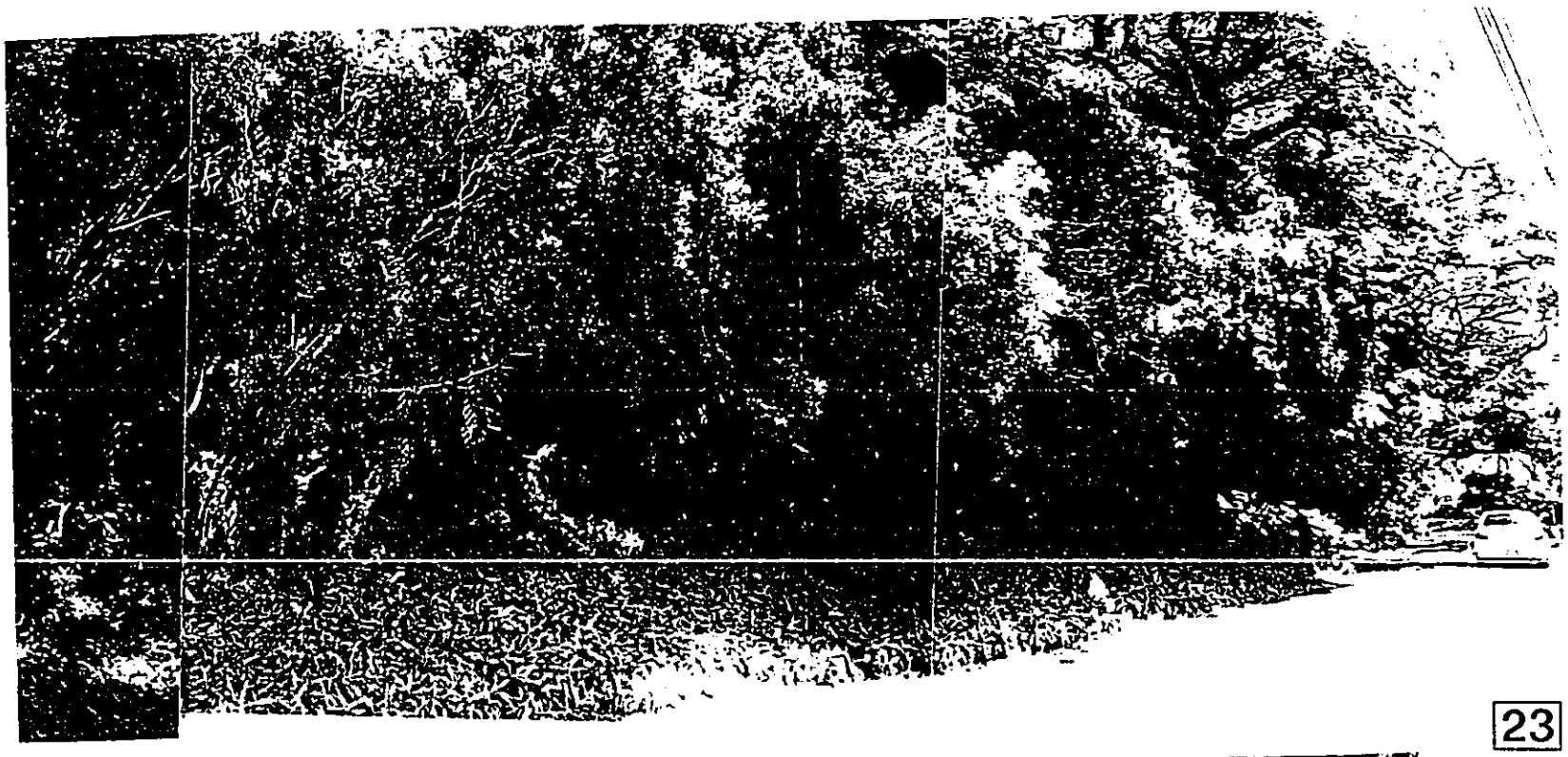

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APPENDIX XV

COMMUNITY CORRESPONDENCE

MAKIKI NEIGHBORHOOD BOARD

MINUTES OF SPECIAL MEETING
MAY 5, 2005
MAKIKI DISTRICT PARK
ARTS AND CRAFTS BUILDING

Board members in attendance: Craig Thistleton, Richard Kawano, Henry McCullough V, Martin Schiller, John Steelquist, Charles Carole, Sam Mitchell, Philip Hauret, Joe Zuiker, and John Bigay.

This Special Meeting was called to order by Chair John Steelquist at 7:15 pm. A quorum was present and the meeting proceeded to review and discuss the proposed Contemporary Museum development plans.

Following were key points presented by TCM:

1. TCM desires to build a new facility consisting of three buildings for the primary purpose of additional exhibit space, to increase library capacity, add employee parking, create additional storage areas and relocate the restaurant. The three new buildings footprint will be approximately 6,500, of which one building would be underground.

2. TCM has asked that the setback line be reduced to 25 feet from 30 feet.

3. TCM requested increased restaurant operating hours. Seating capacity will remain the same.

4. TCM requested to increase patron capacity 'limitations' for general operations plus adding additional special events.

5. On an annual basis, TCM proposed increase activities could increase museum attendance by 20%.

Following were key concerns expressed by area residents:

1. Considering the present traffic concerns on the road that fronts TCM and the surrounding the area, any increased activity at TCM will only exacerbate safety problems within the overall residential community.

2. By increasing open hours and the attractiveness of the restaurant location (at the Peterson House), there'll most likely be additional traffic to TCM, thus creating additional safety problems.

3. Additional TCM operational activity will increase commercial activity and noise within the

residential
community.

4. That TCM, in the spirit of being "a good neighbor" should extend the public comment deadline date for the
Environmental Assessment to June 2nd.

TCM agreed to extending the deadline, to May 26th.

The Special Meeting was then adjourned at 9:40 p.m.

Submitted by:

Martin D. Schiller (Designated Secretary)
The Schiller Agency, LLC
233 Merchant St. #200
Honolulu, Hawaii 96813
Tel: 808-537-5270
Fax: 808-528-4194
Cell: 808-227-6002
mschiller@tsg-hawaii.com

Monday, May 16, 2005

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MAKIKI/LOWER PUNCHBOWL/TANTALUS NEIGHBORHOOD BOARD

REGULAR MEETING MINUTES
THURSDAY, MAY 19, 2005
MAKIKI DISTRICT PARK
ARTS AND CRAFTS ROOM

CALL TO ORDER: Chair John Steelquist called the meeting to order at 7:20 p.m. with a quorum present.

MEMBERS PRESENT: Richard Kawano, John Bigay, Henry McCullough IV, Martin Schiller, John Steelquist, Susan Lai-Young, Charles Carole, Sam Mitchell, Philip Hauret, Norma Nicholls and Joseph Zuiker.

MEMBERS ABSENT: Richard Soo, Craig Thistleson and Tracy Ryan.

GUESTS: Capt. Charles Roberts (Honolulu Fire Department), Lt. Robert Green (Honolulu Police Department), Georgiana Lagoria (Director, Contemporary Art Museum), Allen Bromley, Ray Sasaki (Makiki Community Association), Bernice Hayashida, Bob Lagons, Betty Lou Williams, Ronald Nakata, Patsy Bun, Gertude Kamikawa, Mindy Tucker, Lillian Chang, Vai Lu, Karen Kasasa, Johnathan Stob, Did Leong, Freddy Heath, Nate Obataki (7-Eleven), Councilmember Rod Tam, Senator Carol Fukunaga, Representative Sylvia Luke, Representative Gordon Trimble, Tracy Okubo (Governor's Representative), Mary Pat Waterhouse (Mayor's Representative), Kelley Santiago (Neighborhood Commission Office staff).

APPROVAL OF MINUTES FOR THE APRIL 21, 2005 REGULAR MEETING AND MAY 5 SPECIAL MEETING: There were no corrections.

Without objections, the board unanimously, approved the Regular Meeting Minutes of April 21, 2005 and the May 5 Special Meeting Minutes.

FILLING OF VACANCIES, TWO SEATS IN SUBDISTRICT 2: There were no volunteers interested in filling the vacancies.

TREASURER'S REPORT: Martin Schiller reported the following account balances for the month of May 2005: (1) Operating: $1038.11 (2) Publicity: $2894.00 (3) Refreshment: $120.00

COMMUNITY CONCERNS:

Honolulu Fire Department – Capt. Charles Roberts reported the following: (1) Statistics: There were 2 structure and 3 rubbish fires, 65 medical and 10 miscellaneous emergencies. (2) Fire Safety Tip: Set your water heater at 120 degrees Fahrenheit, or call an electrician or plumber to set it for you. Temperatures higher than 120 degrees Fahrenheit may cause scalding.

Questions, comments and answers: (1) In relation to the recent brush fires, question was raised if they were started by "natural causes". Capt. Roberts stated that arsonist deliberately set some fires and

others are believed have been caused naturally.

Honolulu Police Department – Lt. Robert Green reported the following:

(1) Statistics for the month of April 2004 include 2 robbery, 11 burglary, 22 unauthorized entry of motor vehicle (UEMV), 7 auto theft, 2 aggravated assault, 17 simple assault, 80 motor vehicle collision (MVC), 1 graffiti, 12 family and 5 drug offense cases.

(2) Click It or Ticket: The Click It or Ticket campaign will begin on May 23 thru June 5, 2005. Hawaii's seat belt law requires those riding in the front seat to use their seat belts, and those

17 and under to use their seat belts in the back seat. HPD will be issuing citations to those who do not adhere to the seat belt law.

Questions, comments and answers:

(1) Graffiti: It was noted that HPD no longer provides the paint to cover-up graffiti. HPD will start another Graffiti Task Force to address graffiti concerns within the State.

(2) In response to a question raised regarding citing motorist who drive without their headlights on, Lt. Green noted that a citation may be issued if it is dark and a motorist is seen without their headlights on.

(3) Concern was raised of SUV drivers who do not stop for the "red light" at busy intersections.

(4) A criminal property damage case has been made after receiving a call after the Makiki Community Library was vandalized and left with numerous broken windows. The Department of Parks and Recreations was contacted and asked to replace the windows.

Residents' Concerns – None.

DEPARTMENT OF PARKS AND RECREATION – No report.

BOARD OF WATER SUPPLY – Chair Steelquist reported that there were no water main breaks.

The agenda was taken out of order.

Susan Lai-Young recused herself from taking any action on the Contemporary Art Museum Construction Plan.

CONTEMPORARY ART MUSEUM CONSTRUCTION PLAN – Museum Director, Georgianna Lagoria briefly summarized the expansion plans of the museum. She reiterated that they are seeking to better serve the community by adding a permanent storage space and a new research library. Presently, a majority of the museum's collection is held in off-site facilities. The new wing would allow the community to view all of the collection each year on a rotating basis. The education programs for children and adults are held outdoors when weather permits, or on the Museum's lanai when it rains. The Museum plans to relocate the Café and Gift Shop to provide school children, adults and volunteers a sheltered space to gather, create and learn. Also, staff offices are presently inadequate and will be relocated with parking for ten staff members, to the historic Johnson Home.

Area residents and neighbors of the museum expressed both opposition and support of the expansion plans.

Some concerns raised include:

(1) Roadway is not suitable for increase of traffic to the Museum. It is too narrow for school buses to make hairpin turns.

(2) Area is currently zoned for "residential" use and not "commercial".

(3) Violations to the previous Conditional Use Permit (CUP) obtained by the Museum were not addressed.

(4) Plans to expand the museum were not included in the original agreement.

Various supporters noted the following:

(1) The Museum provides a great learning tool for students and adults alike.

(2) Before the Museum, there was no place to take students to see contemporary art.

(3) Expansion of the museum would be essential in continuing programs and activities currently offered.

Zuiker moved seconded by Schiller to support the expansion of the Contemporary Art Museum and the inclusion of the traffic and community concerns road maintenance and accidents in the Environmental Assessment.

Discussion followed:

(1) Carole suggested that the motion be separated to address issues separately. The amendment was accepted without objections.

The motion was withdrawn.

McCullough moved seconded by Bigay to table the issue until next month. The motion failed, 3-7-1. (Aye: Bigay, McCullough IV, Carole. Nay: Steelquist, Schiller, Mitchell, Hauret, Nicholls, Zuiker, Kawano. Abstain: Lai-Young)

Zuiker moved seconded by Schiller to support the expansion of the Contemporary Art Museum.

Discussion ensued.

The motion failed, 6-3-2, due to the lack of the necessary nine (9) votes required. (Aye: Steelquist, Schiller, Mitchell, Hauret, Nicholls, Zuiker; Nay: Kawano, Bigay, McCullough IV; Abstain: Carole, Lai-Young.

NEW BUSINESS:

7-Eleven construction at Wisteria Site – Nate Obataki and Kenneth gave the Board a brief informational presentation on plans to construct a 7-Eleven Store on the corner of Piikoi and King Streets. The store is in the process of obtaining a liquor license for which a public hearing will be held on June 16. Currently, they are negotiating gas operations for the store. They are hoping to begin construction by the end of this year.

Makiki Library Construction Plans – No report.

Construction at Shriner's Hospital – No report.

The agenda resumed order.

NETWORKING OF NEIGHBORHOOD BOARDS:

Makiki Stream – No report.

Sidewalk improvements – Councilmember Rod Tam reported that the Mayor's Administration is checking on the American Disabilities Act (ADA) to meet federal guidelines.

Pawaa Park – No report.

Handicapped walkway at Makiki District Park – No report.

Neighborhood Board Chairs' Meeting – No report.

LEGISLATIVE ELECTED OFFICIALS:

Representative Sylvia Luke – Representative Luke distributed her report and highlighted the following: (1) Legacy Land Act, a mechanism to preserve and protect valuable resource lands having natural, environmental, recreational, scenic, cultural, agricultural production, or historic value to Hawaii. (2) Campaign Spending Reform. (3) Electronic voting Requirements.

Representative Gordon Trimble – Representative Trimble distributed his report and was available for questions.

Senator Carol Fukunaga – Senator Fukunaga distributed her report, which included brief descriptions of Condo Legislation that passed in the 2005 Legislative Session.

Governor's Representative – Tracy Okubo distributed the Governor's report and highlighted the following: (1) Governor signs bill increasing public access to the sex offender information – Governor Lingle signed Senate Bill 708 into law, giving Hawaii residents greater access to information about registered sex offenders. (2) Key Upcoming Events: May 16 – Governor Lingle and Lt. Governor Aiona will attend the Recognition of Students' National Achievement. May 17 – Governor Lingle will hold a news conference to announce the details for an official state mission to China and Korea. The June trip will focus on six primary tracks to enhance opportunities in business, education, tourism, architecture/development, technology and arts and culture, Hawaii State Capitol, Executive Chambers, 2:00 – 2:30 p.m. May 18 – Governor Lingle will continue her weekly radio show on KHVH 830 Am with host Rick Hamada, 7:05 – 8:00 p.m.

Councilmember Rod Tam – Councilmember Tam distributed his report and highlighted the following: (1) City's Excise .5% Tax Increase Proposal – At this time, Councilmember Tam is collecting comments and opinions from my constituents regarding the proposed increased. The public hearing process has commenced and any comments are welcomed. (2) Bill 35 has been deferred regarding the establishment of a program to allow the City to sell naming rights to City facilities and parks. (3) Zoning Committee Meeting on May 17 relating to Piikoi Vista Affordable Elderly Rental Apartment Development in Makiki. (4) Road Work – curb ramps at Piikoi Street and Wilder Avenue, Liholiho Street and Wilder Avenue: upgrade traffic signal system (Estimated completion date, June 2005) (5) Makiki Stream Improvement Project – Still awaiting information from the administration regarding the maintenance and liability issues. Once the information received, Councilmember Tam will consult with the administration and members of the community as to the logistics in pursuing the project.

10:00 p.m. – The Neighborhood Assistant left the meeting.

Submitted by:

Kelley Santiago
Neighborhood Assistant

Wednesday, June 15, 2005

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Meetings with Neighbors of The Contemporary Museum to discuss Master Plan:

August 25, 2003
Georgianna Lagoria, Director, The Contemporary Museum, meet with Tony Sussex, outgoing President of Makiki Heights Community Association and Bob Laguens, incoming President of Makiki Heights Community Association at The Contemporary Museum

September 2, 2003
Georgianna Lagoria meets with immediate neighbors Bob Laguens and Debbie Putnam at their home to discuss Master Plan and hear their concerns.

September 8, 2003
Georgianna Lagoria meets with immediate neighbors Bernice Hayashida and Georgia Rush at The Contemporary Museum to discuss Master Plan and hear their concerns.

September 10, 2003
Georgianna Lagoria meets with immediate neighbor Gertrude Kamikawa at The Contemporary Museum to discuss Master Plan and hear her concerns.

September 12, 2003
Georgianna Lagoria meets with immediate neighbor Louise Shimokawa at The Contemporary Museum to discuss Master Plan and hear her concerns.

September 14, 2003
Georgianna Lagoria writes a letter to immediate neighbor Ray Sasaki requesting a meeting to discuss the TCM Master Plan (after unsuccessfully trying to reach him by phone.)

September 16, 2003
Georgianna Lagoria writes a letter to immediate neighbors Suzie and Dennis Fitzgerald requesting a meeting to discuss the TCM Master Plan (after unsuccessfully trying to reach them by phone.)

October 19, 2003
Georgianna Lagoria and Gene Yong, TCM Master Planning Consultant, present Master Plan to a group of neighbors at the request of Bob Laguens and the Makiki Heights Community Association. Meeting held at the home of immediate neighbor Georgia Rush to discuss Master Plan and hear their concerns.

October 30, 2003
Georgianna Lagoria and Violet Loo, TCM Board President, meet with immediate neighbor Allison Gendreau. Master Plan was discussed.

October 31, 2003
Georgianna Lagoria and Violet Loo meet with immediate neighbor Suzie Fitzgerald. Master Plan was discussed.

December 22, 2003
Georgianna Lagoria meets with Shawn Hamamoto, Honolulu City Council Member Rod Tam's Office, to discuss Master Plan. Meeting held onsite at the Museum.

February 10, 2004
Georgianna Lagoria and Keith Kurahashi meet with Rod Tam and Shawn Hamamoto to tour Museum grounds and discuss Master Plan.

March 8, 2004
Georgianna Lagoria, Gene Yong, and Keith Kurahashi, TCM Permit consultant, address neighbors to further to discuss Master Plan and hear their concerns. Meeting held at The Contemporary Museum, with representative from Rod Tam's office present.

April 7, 2004
Georgianna Lagoria, Gene Yong, and Keith Kurahashi meet with Senator Carol Fukunaga and Representative Brian Schatz at State Capitol meeting room to discuss Master Plan.

April 8, 2004
Georgianna Lagoria, Gene Yong, and Keith Kurahashi meet with neighbors from nearby Hoalu Place to discuss Master Plan, tour Peterson Property, and hear their concerns.

April 15, 2004
Georgianna Lagoria, Gene Yong, and Keith Kurahashi give presentation on Master Plan before Makiki/Lower Punchbowl/Tantalus Neighborhood Board.

April 21, 2004
Georgianna Lagoria gives brief presentation on Master Plan at Town Meeting organized by Representative Brian Schatz to discuss Master Plan and hear concerns.

May 10, 2004
Neighbors are invited to hear about Master Plan and view the Cooke Spalding and Peterson Properties at The Contemporary Museum. Two meetings are held that day – 12 noon and 6 p.m. to discuss Master Plan and hear concerns.

May 23, 2004
Georgianna Lagoria, Gene Yong, and Keith Kurahashi briefly present Master Plan to neighbors and hear neighbors concerns at meeting called by Makiki Heights Community Association at Roosevelt High School.

July 11, 2004

Georgianna Lagoria, Gene Yong, and Keith Kurahashi present Master Plan and updated information on wastewater and other issues to neighbors and hear neighbors concerns at meeting called by The Contemporary Museum at Roosevelt High School.

August 29, 2004
Meeting at The Contemporary Museum with designated representatives from Makiki Heights Community Association, Makiki Ohana Community Association, and The Contemporary Museum to dialogue about issues of concern and find a common ground.

May 5, 2005
Presentation of building model and design by Fred Fisher & Partners Architects to community at special session of the Makiki/Tantalus/Punchbowl Neighborhood Board No. 10.

May 17, 2005
Makiki/Tantalus/Punchbowl Neighborhood Board No. 10 regular meeting. Board receives community testimony on The Contemporary Museum Construction Plan and votes 6-3-2 in favor of the project. Motion fails due to the lack of necessary 9 votes required.

Makiki Heights Community Association

Meeting: Oct 19, 2003 at 1 P.M.
2177 Mott-Smith Drive
(home of Georgia and Dwight Rush)

In 1984, the Makiki Heights Community Association was formed solely to monitor the actives of the The Contemporary Museum. As President of the Association since 1997, I have represented the community at Board Or Trustee's meeting at the Museum, their by monitoring their activities.

Recently, I stepped down as President of the Association, and Vice President Bob Lagueus has stepped forward to fill the Presidency.

The Museum has been moving forward with their plans for expansion, and there are many considerations, which will affect the neighbors and the community surrounding the museum regarding their plans. Therefore, a meeting of the Association is set for Sunday, Oct 19, at 1:00 PM in the afternoon to formularize the neighbors of the museum of their plans.

THIS IS YOUR OPPERTUNITY TO DO SOMETHING ABOUT A MATTER WHICH WILL INPACT YOU, AND THE NEIGHBORHOOD IN GENERAL .....FOREVER!

PLEASE MAKE EVERY EFFORT TO ATTEND!

IN NUMBERS, WE HAVE STRENGTH!

Formal election of officers will be held at the meeting. Membership in the Association is implicit in your residence in the Makiki Heights neighborhood. Please come ready to support your organization.

Your participation will be greatly appreciated. We will endeavor to hold the meeting to one hour in duration.

Thank you,

Tony Sussex,
Former President,
Makiki Hts Community Association

Bob Lagueus
President,
Makiki Hts Community Association

PS: If you cannot attend, but would like to stay abreast of ongoing activities of the Association, please call Bob at 521-7882 and leave message with your name, address, email address, and phone number.

Bob Laguens
2364 Makiki Hgts. Dr.
Honolulu, HI 96822
(808) 521-7882
(808) 521-7133 Fax

Makiki Heights Community Association

A meeting of the Makiki heights community was held at the home of Georgia Rush on October 19, 2003.

The purpose of the meeting was to inform the neighbors of the Contemporary Museum, of the changes that will be involved with the new Master Plan, recently passed by the Board of Directors of the Museum. There were about thirty members of the community present, as well as Councilman Rod Tam.

Gene Young of Belt Collins and Georgianna Lagoria Director of the Contemporary Museum gave about a one-hour presentation of the changes the museum will be seeking to implement in the future.

There were many questions from the community members on past, present, and future concerns with the Contemporary Museum that will need to be addressed in future meetings and discussions. The following page is a list of concerns that were brought up at the meeting.

Councilman Rod Tam suggested that the community put in writing the many concerns that were brought up at the meeting and present those to the planners.The planners may then respond in writing to the community addressing the many concerns, thus avoiding misunderstandings as this process moves forward.

The meeting was adjourned after one hour and forty-five minutes.

Respectfully,

Bob Laguens
President

November 6, 2003

Mr. Bob Laguens
President
Makiki Heights Community Association
VIA FAX 521-7133

Dear Bob,

Thank you for inviting my colleagues and me from The Contemporary Museum to address the Makiki Heights Neighborhood Association on Sunday, October 19, 2003. We greatly appreciate having the opportunity to share our plans with our neighbors, and to hear their comments and suggestions, particularly at this early stage of the planning process.

Attached please find our response to the written list of concerns you compiled subsequent to the meeting and faxed to The Contemporary Museum on October 23, 2003. I also include a summary of Gene Yong's presentation.

Let me reiterate our intentions to work with you and the MHNA throughout the planning and realization of this proposed development of The Contemporary Museum. As I stated at the end of the gathering, our intent is to be a great museum and a great neighbor. Thank you for our invaluable assistance with this effort.

With aloha,

Georgianna M. Lagoria
Director

cc: Honolulu City Council Member Rod Tam
Makiki/Lower Punchbowl/Tantalus Neighborhood Board Chair John Steelquist

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President
Makiki Heights Community Association
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With aloha,

Georgianna M. Lagoria
Director

cc: Honolulu City Council Member Rod Tam
Makiki/Lower Punchbowl/Tantalus Neighborhood Board Chair John Steelquist

The following list of concerns compiled by Bob Laguens, President of the Makiki Heights Community Association, was faxed to The Contemporary Museum on October 23, 2003. The following includes these concerns followed by *TCM's response and follow-up.*

1. Should the existing Conditional Use Permit (Case #86/CUP 10) consisting of 3.44 acres be carried over to include the new properties acquired by the Museum"

TCM will be applying to combine the use of the three properties under one Conditional Use Permit. However, the Department of Planning and Permitting will decide if the properties should be combined under one CUP or if there should be three separate CUPs.

2. Traffic – Makiki Heights Drive is a substandard road with no sidewalks. There are many senior citizens that walk, bicycle riders, joggers, and students training. Will the infrastructure of the road (hair pin turns, blind corners) take the school buses, cement trucks, and construction trucks necessary for this project?

The poor condition of the road is of a physical nature, which we cannot correct. However, we can instruct bus and truck drivers coming to the museum to drive slowly, carefully, and to follow the route already taken by The Bus (i.e. to take Mott-Smith to Makiki Heights Drive). This would assist with the wear and tear on the lower portion of Makiki Heights Drive. We can also work with the Department of Planning and Permitting to advise on options for creating pathways for walkers and joggers. However, we must be careful with any thought of widening the roads, which may make it easier for drivers to speed.

3. Waste Water - Where will the new sewer line run?

TCM will work with the City to determine the best routing of the new sewer line.

4. The Pietsch Property -
A. Concerns of erosion on Diamond Head embankment, that flow down Makiki Heights Drive.

TCM will work with engineers to look at the current drainage from this property and return with a report on how best to have a zero impact or even improve existing drainage.

B. Noise from the Café: both from trucks making deliveries with beepers, and from the clientele.

TCM will have someone directing the trucks so they will be able to safely maneuver the driveway and, if possible, disable their beepers. The Café will operate publicly from11:30 to 2:30 Tuesday through Saturday, and 12 to 2:30 on Sunday. TCM will explore and implement plantings and other barriers to control the sound.

C. Will there be public parking in the underground lot for the Café?

There will be no public parking in the underground lot for the Café, with the exception of disabled patrons. The public will have to park at the existing upper lot using the existing entrance. Only staff and volunteers will be able to utilize the underground parking.

D. Will there be a drop off area for the Café in front of Pietsch property, even if "supposed" to be only handicapped?

Patrons will not be allowed to enter the café from the street at the Pietsch property. TCM will post a guard at this gate to enforce these regulations.

E. Will there be after-hours or evening events at the Pietsch property?

TCM would like to utilize the Pietsch site on a limited basis for groups of up to 25 couples (50 persons/25 cars), up to 12 times per year.

F Will there be Circle members functions at the Pietsch property?

There will be no events over 50 persons at the Pietsch property.

5. New Permanent Collection building

A. Will underground parking be solely for employees?

Underground parking will be for employees and volunteers, with vehicle accessibility for disabled patrons.

B. How much truck traffic will be generated?

This new building will contain a permanent collection gallery and storage facility. After the initial move to the facility, truck traffic will be minimal as artworks will be stored onsite and transported to the gallery upstairs, rather than shipped in crates from off-site.

C. Where will current trash dumpster be relocated?

TCM will work with site planners to locate and adequately screen the dumpster.

6. General Concerns in regard to existing Conditional Use Permit:

A. The snack bar becoming a restaurant with website listing menu. Alcohol permitted even if without a license.

The Café is open on a limited basis, no more than 3 hours per day, six days per week. Aside from one hot and one cold special, the Café serves light appetizers, soups, salads, and sandwiches. The Café attracts museum visitors, local clientele, and is also the main source of lunch for museum staff and volunteers. Guests are allowed to bring a bottle of wine and are charged a small corkage fee. The overwhelming majority of Café patrons do not bring wine.

B. Loud amplification used at exterior events.

TCM has been and will continue to be vigilant about noise levels at its events. For outdoor events, we employ an individual to constantly monitor the sound at the periphery of the property.

C. Main events are supposed to be limited to 150-200 invited guests. Current public advertisement invites many more.

Since 1988, TCM has continued to offer 5-6 evening member events each year after regular museum hours. These events are never advertised to the general public. The only event advertised to the general public is our annual community open house, ArtSpree. Each year, we inform the surrounding neighborhood of this event, and have developed a successful system for traffic control to minimize the impact to our neighbors on this day.

Other Concern expressed:

PERMANENT COLLECTIONS GALLERY BUILDING:
Concerns about impact on trades and breezes onto properties across the street.

Evaluate impacts of proposed structure on cross breezes. Ensure scale of proposed building to be compatible with predominant residential scale and character of adjoining properties.

Bob Laguens
2364 Makiki Hgts. Dr.
Honolulu, HI 96822
(808) 521-7882
(808) 521-7133 Fax
February 7, 2004

attn: Georgi

Makiki Heights Community Association

Aloha Neighbors.

Thank you to all who were able to attend the community meeting on Oct. 19 2003. I want to update you on the progress regarding changes at the Contemporary Museum. The Contemporary was granted historic designation for the Cooke-Spalding property and well as the Pietsch (originally and now known as the Peterson property). Historical designation allows for the properties to be used for other than residential use and opens the doors for federal grants or funds. Historical designation also means they have to maintain the architectural integrity of the structures.

At the last board meeting in January, 2004, it was noted that Mr. Twigg-Smith has gifted the property at 2447 Makiki Heights Dr. to the Contemporary Museum. Also, Georgi Lagoria reported that the Contemporary is moving ahead with the permitting process, environmental impact report, and searching for an architectural firm for the design. Georgi is planning on making a presentation to the Makiki Neighborhood Board in March. To refresh your memories, their Master Plan calls in part for a 31 car parking garage (where the tennis court is) with a main exhibit building above it, and the Peterson property to be used as the "snack bar" (restaurant) and a library.

Enclosed you will find the list of concerns the neighbors had at the last meeting which I presented to Georgi and her response.

I think it is important that the meeting of the Makiki Neighborhood Board on March 18th (meets the 3rd Thursday of month at 7:15 at the Makiki Park, behind swimming pool) be attended by all who are concerned about the changes the Contemporary Museum's Master Plan will have on our neighborhood.

Please share this information with other neighbors. If you are interesting in assisting me on a committee to deal with these issues, please contact me.

Aloha,
Bob Laguens
Bob Laguens

Makiki Heights Community Association

At meeting of the Makiki Heights Community Association on October 19, 2003 many concerns and questions were asked about the proposed Master Plan of the Contemporary Museum.

Councilman Rod Tam suggested that the concerns of the community be put in writing and presented to the planners for review and written response is issued so there will be no misunderstandings.

This list of concerns is not in order of priorities.

1. Should the existing Conditional Use Permit (Case # 86/CUP-10) consisting of 3.44 Acres be carried over to include the new properties acquired by the Museum?
2. Traffic--Makiki Heights Drive is a substandard road with no sidewalks. There are many seniors citizen that walk, bicycle riders, joggers, and students training, Will the infrastructure of the road (hair pin turns, blind corners) take the school buses, cement trucks, and construction trucks necessary for this project?
3. Waste Water-- Where will the new sewer line run?
4. The Peitsch Property—
   A. Concerns of erosion on Diamond Head embankment, that flow down Makiki Heights Drive.
   B. Noise from Café: both from trucks making deliveries with beepers, and from the clientele.
   C. Will there be public parking in the underground lot for the café?
   D. Will there be a drop off area for the café in front of Peitsch property, even if 'supposed' to be only handicapped?
   E. Will there be after hours or evening events at the Peitsch property?
   F. Will there be circle members functions at the Peitsch property?
5. New Main Exhibit Building.
   A. Will underground parking be solely for employees?
   B. How much more truck traffic will be generated?
   C. Where will current trash dumpster be relocated?
6. General Concerns in regards to existing Conditional Use Permit
   A. The snack bar becoming a restaurant with website listing menu. Alcohol permitted even if without a license.
   B. Loud amplification used at exterior events.
   C. Main events are supposed to be limited to 150-200 invited guests. Current public advertisement invites many more.

Bob Laguens, President

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065 / TELEPHONE 547-7000

ROD TAM
COUNCILMEMBER
DISTRICT VI
Phone: (808) 547-7006
FAX: (808) 523-4220
rtam@co.honolulu.hi.us

February 12, 2004

Georgianna Lagoria, Director
Contemporary Art Center
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

Dear Ms. ~~Lagoria~~, Georgianna

Aloha! At this time I would like to express my appreciation for your hospitality during my recent visit to the Contemporary Art Center (CAC). The tour of the Contemporary Art Center's property was very informational. It was a pleasure to see school students and other patrons enjoying the museum's contemporary art and serene settings.

I commend your efforts in communicating with your neighbors and proactively addressing their concerns. I believe that such partnerships are vital in fostering a healthy and vibrant community.

If I can be of any assistance to you, please feel free to contact me at 547-7006. It was a pleasure to meet you, and I thank you for your participation in improving our community.

Sincerely,

Rod Tam
Councilmember District VI

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

April 10, 2004

Dear Neighboring Property Owner:

Subject: Proposed Conditional Use Permit Application for Use of an Historic Site to Allow Expansion of the Existing Contemporary Museum in Makiki, Located at 2411, 2345, and 2447 Makiki Heights Drive, Tax Map Key 2-5-008: 001, 002, and 004

On behalf of the applicant, The Contemporary Museum, and in accordance with the requirements of the Department of Planning and Permitting (DPP) of the City and County of Honolulu, we are providing you as an adjoining property owner, notification of our upcoming presentation before the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10. This notice is also being sent to neighboring property owners. On the evening of April 15, 2004, we will be presenting the proposed conditional use permit application for the Contemporary Museum and will explain the process and attempt to answer your questions and/or concerns.

Date: April 15, 2004
Time: 7:15 p.m.
Place: Makiki District Park
1527 Keeaumoku Street
Honolulu, Hawaii 96822

We have enclosed a **summary** of the conditional use permit request and a location map for your review. Should you have questions, please do not hesitate to call our office.

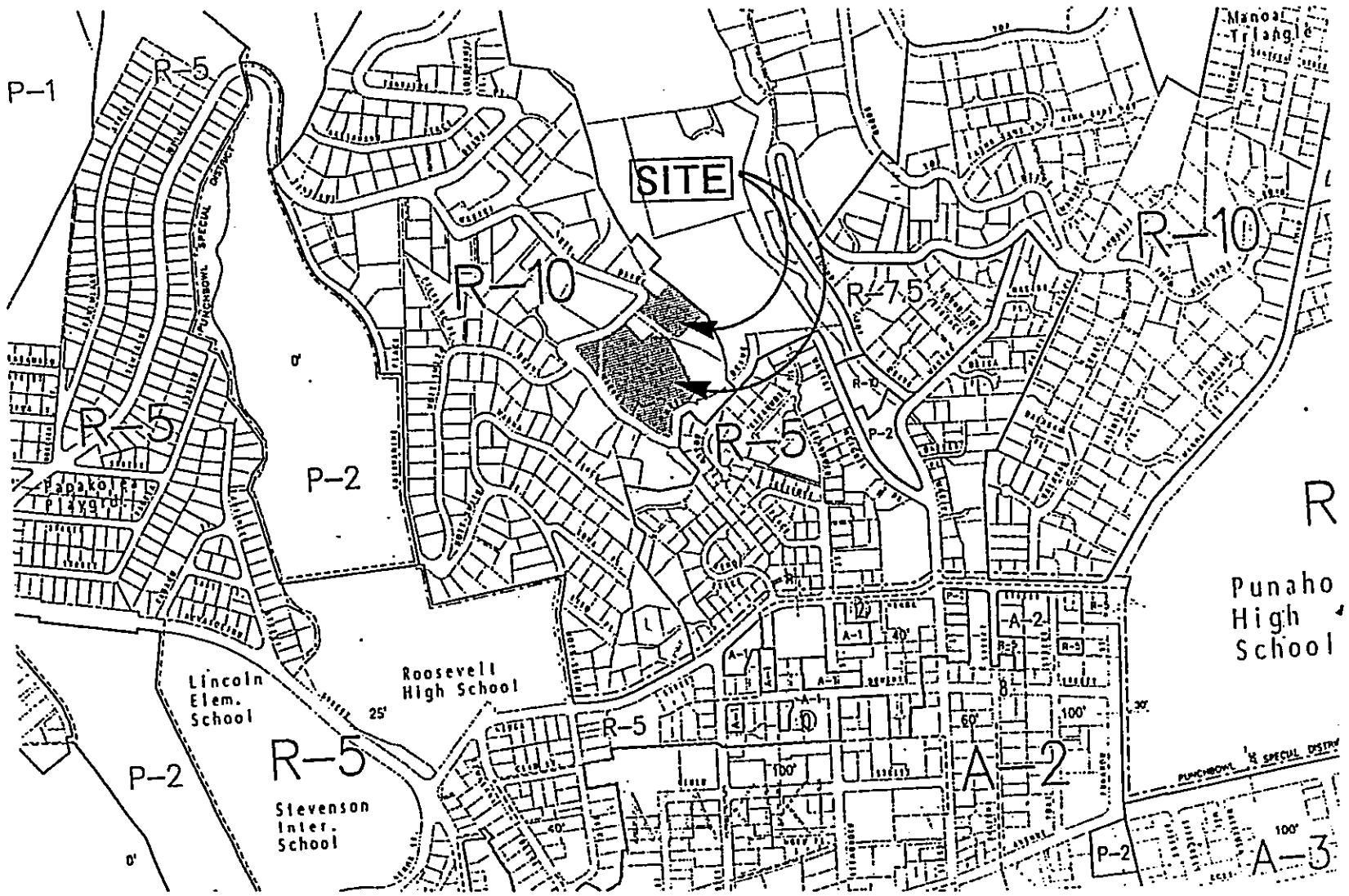
Very truly yours,

Keith Kurahashi

Keith Kurahashi

encls.

cc: The Contemporary Museum
Department of Planning and Permitting



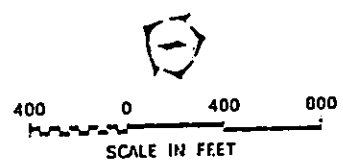


EXHIBIT 1
LOCATION AND ZONING MAP

SUMMARY OF REQUEST FOR CONDITIONAL USE PERMIT FOR THE CONTEMPORARY MUSEUM

The applicant, The Contemporary Museum (Museum) has met on several occasions with community members, including two meetings with representatives of the Makiki Heights Community Association and one meeting with other neighbors and representatives of the Makiki Heights Community Association.

These preliminary meetings were helpful in understanding the concerns of the neighbors and to clear up some misunderstandings about the proposed application for a Conditional Use Permit and the proposed development. We hope to continue these meetings and to be able to reach a consensus on proposed conditions that would be appropriate for the operation of the Contemporary Museum.

The Museum finds that after operating for about 18 years under the existing Conditional Use Permit approval for the Museum, it needs to expand its development to better serve the community; to provide a structure to display and store its permanent collection (presently stored off-site); and to improve it's space for education (children and adult) at the Museum.

At the present time, the Museum has no exhibits to view (except for a relatively small children's exhibit) for about 10 weeks out of the year while the traveling exhibits are being taken down and new traveling exhibits are being put up in the main gallery. The Museum hopes to develop a new Permanent Collection Gallery, storage area for the Permanent Collection and staff parking on a new structure that will be situated over and under (parking lot) the existing tennis court and extending toward the southwest corner of the Museum.

The Museum presently accommodates educational classes (for schools and adults) on the lawn area next to the Museum when weather permits, otherwise, classes are held on the open covered lanai between the main gallery and the gift shop. To provide a more permanent area with more privacy for educational programs, the applicant plans to redevelop the existing café into an education room. The area above the café (gift shop, education office and restrooms) would be converted to a Community meeting room. In addition, a small wing would be added to accommodate new restrooms, a new Museum gift shop and offices for the gallery and education program.

The Museum has acquired two additional properties, the former Pietsch/Peterson Residence located on a lot surrounded by the Museum and Makiki Heights Drive and the Johnson Residence/Persis Offices located two lots away (one lot and a flag lot stem) from the Museum.

The Museum would like to adapt the use of the Pietsch/Peterson Residence to allow a Café, Docent Office and Library.

The Museum plans to move some of the offices that are presently located in extremely cramped quarters on the Museum property into the Persis Offices and continue the office use on the property (Persis Offices presently approved under a separate Conditional Use Permit for Use of a Historic Site).

HAWAII STATE LEGISLATURE
STATE CAPITOL
HONOLULU, HAWAII 96813

April 13, 2004

Ms. Georgianna M. Lagoria
The Contemporary Museum (TCM)
2411 Makiki Heights Drive
Honolulu, HI 96822

Dear Ms. Lagoria:

Thank you for discussing The Contemporary Museum's proposed expansion plans with us last Thursday (4/7/04). We appreciated learning more about the plans; and hope you will keep us advised of your timeline, progress and discussions with neighboring residents in coming weeks.

As discussed at our meeting, several Makiki Heights Drive and Hoalu Place residents have heard of TCM's plans second-hand, and would benefit from a briefing and site walk-through. While you have stated that your plans are in the preliminary stages, we believe it is vital that the museum's immediate neighbors have an opportunity to discuss the plans and their concerns.

We request a briefing and site visit for TCM's immediate neighbors on Makiki Heights Drive and Hoalu Place within the next two weeks. It appears that the greater number of concerns would arise over the proposed restaurant operations; and we would like to work with you and Makiki Heights residents to find the best means of addressing their questions.

We would appreciate a response by Tuesday, April 20, so we can schedule a meeting as expeditiously as possible.

Sincerely,

Senator Carol Fukunaga
District 11

Representative Brian Schatz
District 25

FAX COVER

To: Georgianna Lagoria (Director The Contemporary Museum)
Phone-536-5973

From: Bob Laguens, President Makiki Heights Community Association
Aloha Georgi,
Since we received a formal notice in accordance with the (DPP) that a presentation is going to made at the Makiki Neighborhood Board #10 on April 15, 2004 concerning the new proposed CUP.
The Makiki Heights neighbors felt we should state in writing our objections to the new Master Plan and proposed CUP for The Contemporary Museum.

Aloha, Bob Laguens
Phone-521-7882
Fax- 521-7133

Copy to: Senator, Coral Fukunaga
Representative, Brian Schatz
Councilman, Rod Tam & Shawn Hamamoto
Makiki Board #10-John Steelquist
Mr. Eric Crispin Department of Planning and Permitting
Keith Kurahashi (Planning and Zoning Consultants)
Georgianna Lagoria Director The Contemporary Museum
Mitch & Bernice Hayashida
Ms, Ruth Judd
Mr. Paul Loewe
Mack & Gertrude Kamikawa
Mr. Ray Sasaki
Tracy Miyahara
Henry Lopes
Tony Sussex
Glen Fong
Deborah Putnam

Bob Laguens
2364 Makiki Hgts. Dr.
Honolulu, HI 96822
(808) 521-7882
(808) 521-7133 Fax
April 13, 2004

Makiki Heights Community Association

A meeting of the Makiki Heights neighbors was held March 8, 2004 at the request of the Contemporary Museum and was held at the Contemporary Museum. The purpose of the meeting was to present the proposed changes the Museum would like to make to the original Conditional Use Permit (Case no. 86/CUP-10). Keith Kurahashi (Kusao & Kurahashi, Inc-Planning and Zoning Consultants) made the presentation. Their plan is to apply for a new Conditional Use Permit to include all the properties under one permit.

Copies of the proposed changes (Comparison of Existing CUP and MHCA Agreements with Proposed New Agreements) were passed out for review. We were told the new application would probably be submitted within five to six months.

I am enclosing three pages from the original CUP (86/CUP-10) to address concerns by the neighbors that were not mentioned in the proposal. The neighbors agreed in 1986 that there could be a gift shop and snack bar as long as they would not be traffic generators or otherwise impact public infrastructure. It is very obvious that over the years the snack bar has grown into a complete restaurant with advertising, reservations, web site, and indoor-outdoor seating and wait staff.

Recently the Contemporary Museum was gifted (purchased) an adjoining multimillion dollar home with a beautiful view of Diamond Head, landscaped gardens, swimming pool, and library. With the help of Don Hibbard, former head of historic designation, they acquired historical designation for their properties. Now the Contemporary Museum wants to move the snack bar-restaurant to their new property's location. A restaurant in the residential community of Makiki Heights will directly adversely affect the immediate neighbors as well as destroy the intent of the original Conditional Use Permit.

The Contemporary Museum has not adhered to the present Conditional Use Permit. They have not earned the right to expect a new one. If they feel their goals would be better met with a new larger permanent exhibits structure, expanded facilities for meetings and education, a larger restaurant, larger and longer parties with sound amplification, a 30+ parking garage, etc., they might best be served in another, non-residential location with adequate infrastructure to handle the increased traffic, noise, and non-residential activities.

The Makiki Heights Community Association has not been and is not now in favor of the proposed expansion to TCM nor of a new CUP.

Respectfully,

Bob Laguens

Bob Laguens
President

Copy to: Senator, Coral Fukunaga
Representative, Brian Schatz
Councilman, Rod Tam & Shawn Hamamoto
Makiki Board #10-John Steelquist
Mr. Eric Crispin Department of Planning and Permitting
Keith Kurahashi (Planning and Zoning Consultants)
Georgianna Lagoria Director The Contemporary Museum
Mitch & Bernice Hayashida
Ms, Ruth Judd
Mr. Paul Loewe
Mack & Gertrude Kamikawa
Mr. Ray Sasaki
Tracy Miyahara
Henry Lopes
Tony Sussex
Glen Fong
Deborah Putnam

CAPITAL MULTI MEDIA — #12

DEPARTMENT OF LAND UTILIZATION OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

MIKE DILL
1 800 - 688-6262
NOBLE INVEST.
P. BEACH FLR.

IN THE MATTER OF THE APPLICATION OF CONTEMPORARY ARTS CENTER FOR A CONDITIONAL USE PERMIT	CASE NO. 86/CUP-1C

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER

I. APPLICATION

APPLICANT	:	Contemporary Arts Center
AGENT	:	CJS Group Architects, Limited
LANDOWNER	:	ASA Properties Hawaii
LOCATION	:	2377 Makiki Heights Drive
TAX MAP KEY	:	2-5-08: 1 and 7
LAND AREA	:	3.44 Acres (TMK 2-5-08: 1 - 2.987 acres) (TMK 2-5-08: 7 - 0.453 acres)
REQUEST	:	A Conditional Use Permit to establish a museum and art gallery in existing residential structures in an R-3 Residential District.

The application was processed in accordance with Section 21-7.13(c) of the Comprehensive Zoning Code.

A public hearing on the application was held by the Department of Land Utilization on June 25, 1986. The applicant and all other interested persons in attendance were given an opportunity to present their testimony.

FILE COPY

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director has found:

1. Development Plan: Residential.

2. Existing Zoning: R-3 Residential District.

3. State Land Use: Urban.

4. Existing Land Use: A residential estate of four dwellings totalling approximately 13,000 square feet of floor area: A main dwelling with attic and basement - 7,700 square feet of floor area, with attached dwelling (Spalding Wing) with two floors - 3,000 square feet of floor area, a guest dwelling - 500 square feet of floor area, and a maid's dwelling - 1,600 square feet of floor area. Also, a tennis court, two swimming pools, and a parking area. Approximately two-thirds of the site is landscaped with sculptured gardens.

5. Existing Surrounding Use: Residential single-family dwellings on varied lot sizes served by Makiki Heights Drive and Mott Smith Drive.

6. Proposal: To establish an art museum in the existing residential structures. Existing building interiors will be renovated to accommodate gallery and exhibition spaces, administrative offices, a dwelling for a resident supervisor, a library, and a gift shop and snack shop. Proposed additions to existing facilities include five kiosk pavillions for art displays scattered along the southeastern boundary of site, filling in one of two pools and conversion of a tennis court into outdoor exhibit decks, redesigning of the parking area to accommodate 65 parking stalls and the relocation of the existing vehicular entry on the west to the north side of the site.

   The proposal incorporates the provisions of an agreement reached between the applicant and the Makiki Heights Community Association. (See Exhibit C.)

Community Concerns: The applicant proposes mitigative measures in response to concerns raised during the previous submittal and review of the proposal (84/CUP-9) by members of the Makiki Heights Community Association (MHCH) and the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10. Citizen input during the redevelopment of the site will be assured by the presence of a MHCH representative on the applicant's Board of Trustees.

A. Incompatibility of Non-Dwelling Use: The museum is permitted at the site as a conditional use and will retain a residential function by serving as a dwelling for the museum administrator or a resident caretaker. The presence of atypical residential vehicles such as large buses and activities generating light and noise such as film production and large gatherings will be limited. The food service and retail shop are incidental uses for the benefit of museum users and will not be a primary traffic generator or otherwise impact public infrastructure. The applicant agrees that the property will not be converted to church or school use within the next three years, at minimum.

B. Traffic: The applicant estimates that the typical daily attendance of between 60-80 visitors would add between 10 to 30 additional cars per hour to existing traffic. Since the hours of operation are from 10:00 a.m. to 4:00 p.m., Monday through Saturday, conflicts with the peak commuting hours would be avoided. Evening functions will be limited to 6 activities per year and 150-200 invited guests. Potential on-street parking impacts and congestion will be avoided by the use of parking attendants and security personnel. An existing vehicular entry to the northwest will be relocated to the northeast of the site for safety reasons. Finally, the scheduling of service vehicles such as refuse collections and artwork delivery should be limited to non-peak hours to avoid conflicting with commuter traffic by residents of the area.

Populate

April 13, 2004

To: Mr. Keith Kurahashi
Kusao & Kurahashi, Inc.
2752 Woodlawn Drive Suite 5-202
Honolulu, HI 96822

fax no. 988-1140
total 6 pages

Re: Present Conditional Use Permit (CUP)
Expanded To Two Acquisitions

Thank you for updating the Makiki Hts residents of your letter dated April 10, 2004 regarding the present CUP to further expand the usage of the Contemporary Museum Center (CMC) to two additional properties.

The legality of piggy-backing the recently acquired properties to the original CUP is highly questionable. Let us first address the impact on increased traffic - increased speeding cars and motorcycles, heavy equipment (buses, vans delivery trucks), cesspool, water pressure and erosion.

The existing Makiki Hts Drive is a narrow, winding poorly constructed neighborhood road. The road is sub-standard and does not meet today's codes. Because of poor visibility, several accidents have occurred: two cars flipped over, motorbikes have tumbled down, etc. The road along our property has no shoulder to speak of and the rockwall is perched on the edge which drops 30 + feet into our backyard.

The wall construction was so poorly done that the shallow foundation and the constant vibration of vehicles have loosened the core of the blacksand foundation. The deterioration and constant erosion have accelerated along the edge of the rockwall, especially inside of our boundary.

1. 2001 It appears that erosion along the wall has exposed the foundation and any dirt which used to hold up the wall is gone. I called the Dept. of Design and Construction (DDC). The engineer and his staff member took several photos. He stated that the city was not at fault. That the responsibility and liability belonged to me.

2. Nov. 20, 2003 Several boulders came cascading down our backyard. Several rocks are still loose and ready to dance down and give us a lump (s). The DDC was called again. The same engineer came with his photographer. The city again denied all responsibilities and liability.

On January 1st of 2004, the entire hillside above the blind S-curve collapsed covering both lanes. This closed the road for the entire day as the debris was cleared. This is likely to happen again unless the erosion is addressed. Increasing traffic with more vehicles and especially heavy construction equipment will only hasten another landslide. The S-curve or the blind corner is near the entry of Hoalu Place.

We have noticed that from the vicinity of the foundation opening, water is now trickling down the steep slope. Said rockwall appears to be within the Angle of Repose. Therein looms all this pilikia. The wall is sure to give later.

Please address this concern in your presentation April 15, 2004.

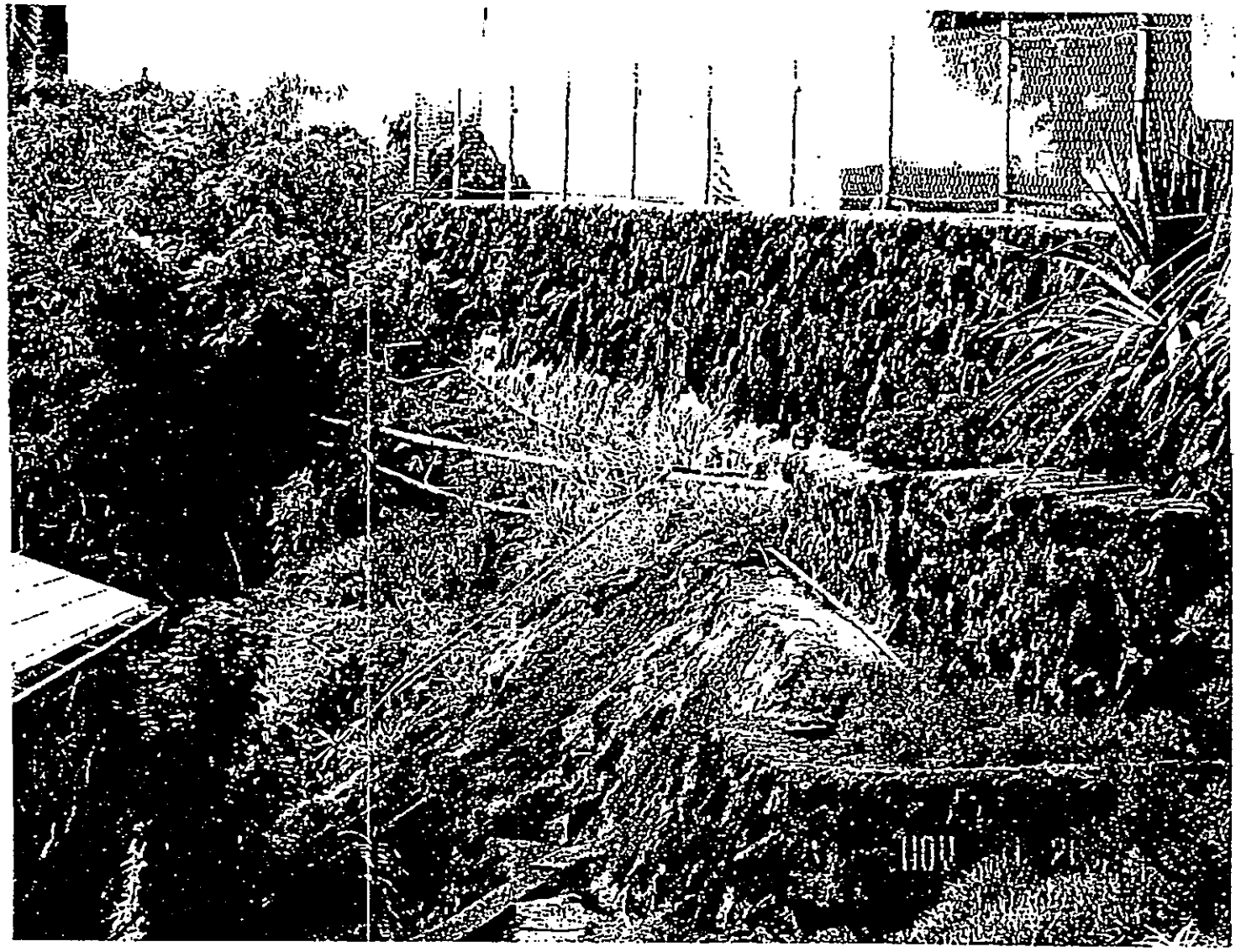
Mahalo,

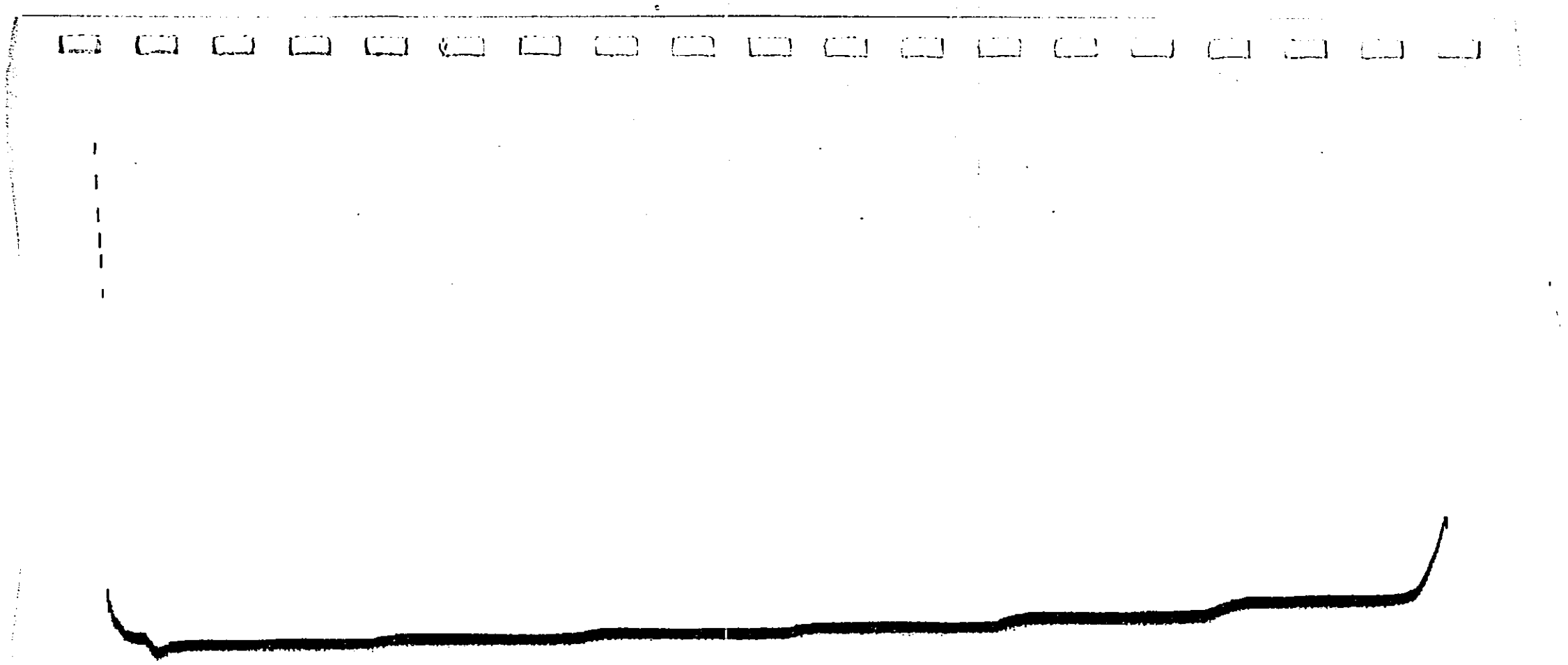
Mack Y. Kamikawa
2310 Makiki Hts Drive
Honolulu, HI 96822-2544

Attachments 4 photos - rockslide

Copy to:
Makiki Neighborhood No. 10
Councilmember Rod Tam
Senator Carol Fukunaga
Rep. Brian Schatz
Mr. Eric Crispin - Director DPP
Mr. Timothy Steinburger - Director DDC
Mr. Bob Laguens - Makiki Hts Res. Ass'n
Michi & Bernie Hayashida - Makiki Hts
Hoalu Place (Glenn, Tracy & Henry)

1





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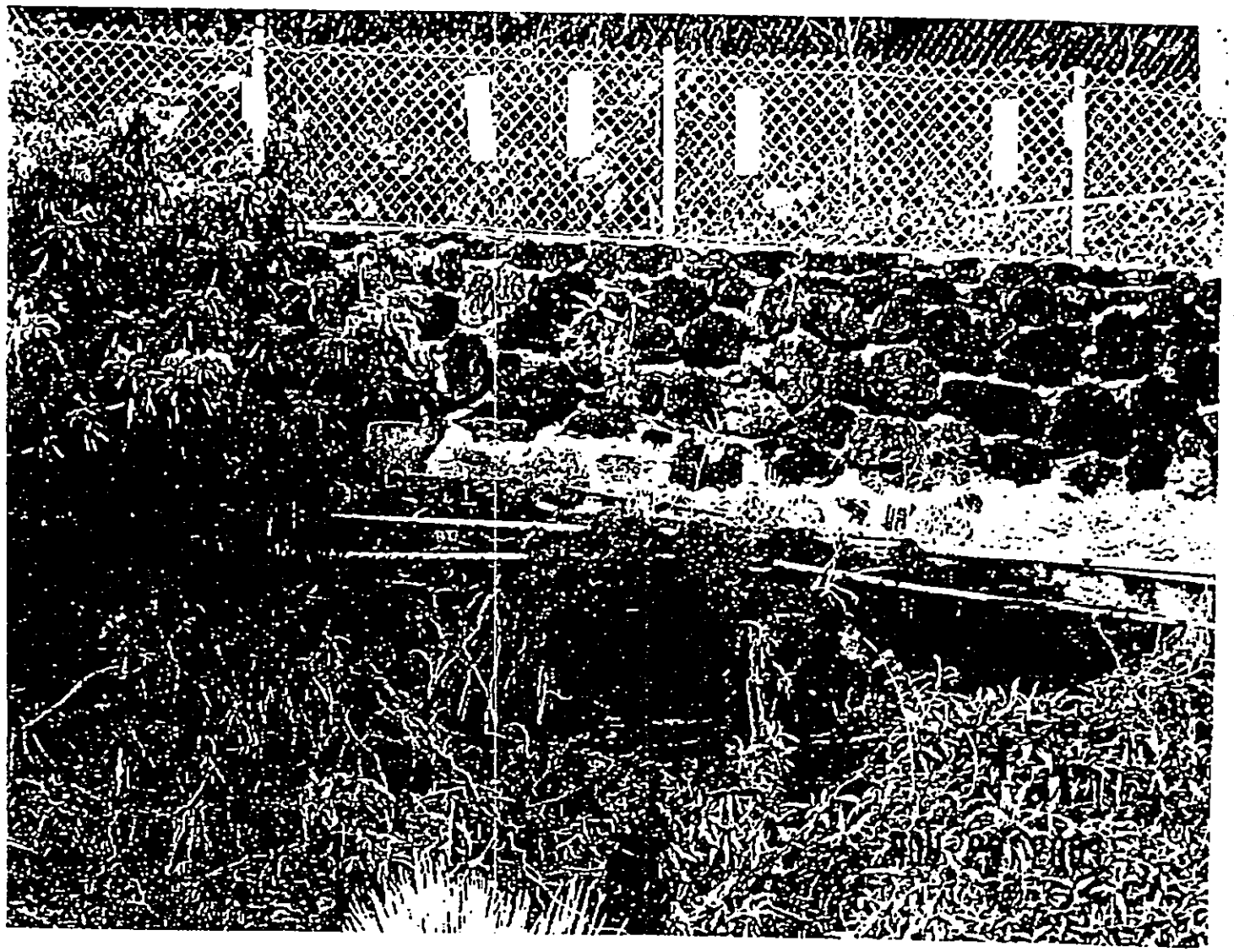

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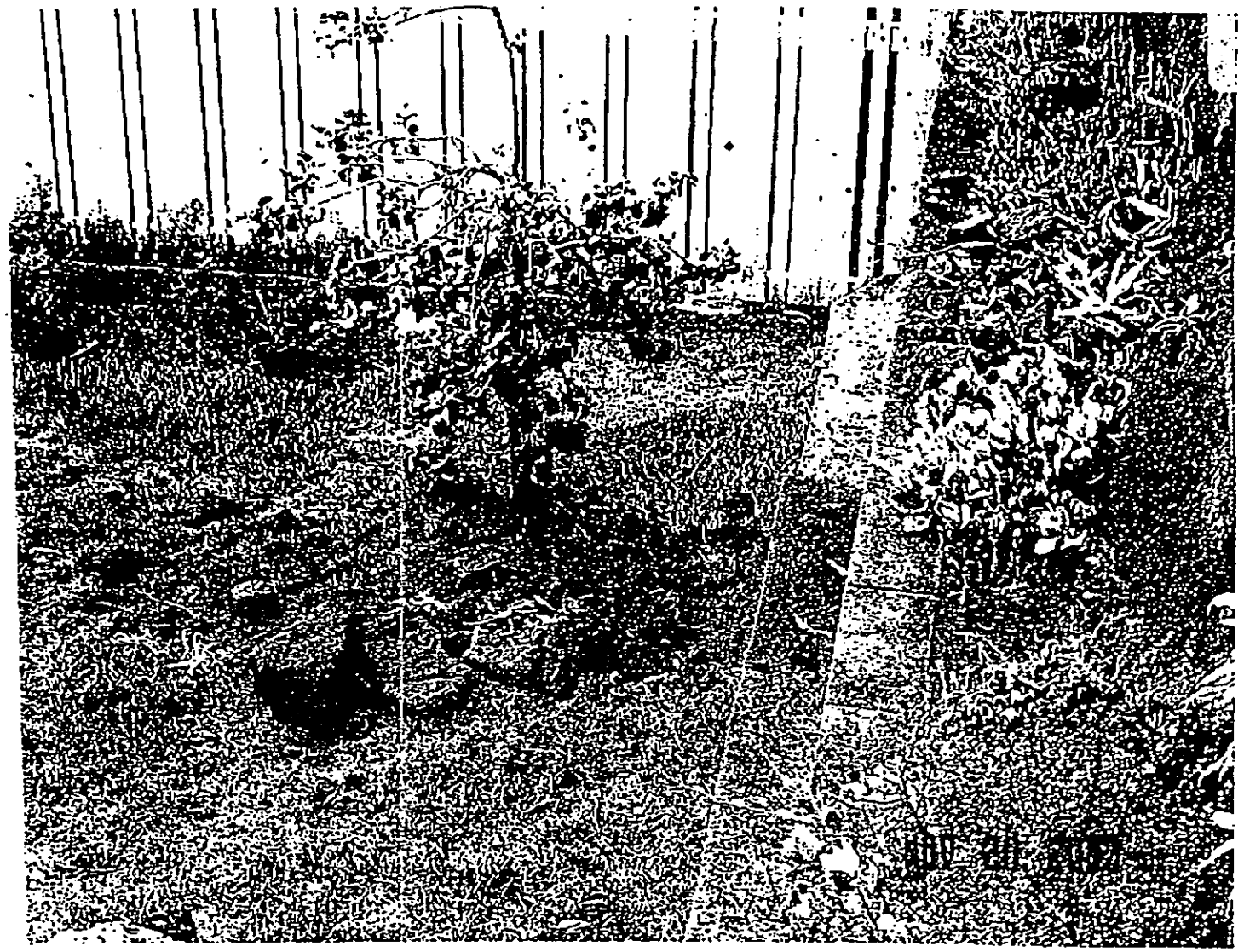

CONTEMPORARY MUSEUM
MAKIKI/LOWER PUNCHBOWL/TANTALUS
NEIGHBORHOOD BOARD PRESENTATION
April 15, 2004

Good evening Chair Steelquist, Members of the Makiki/Lower Punchbowl/Tantalus Neighborhood Board and Members of the audience. My name is Keith Kurahashi and I am the Planning and Zoning Consultant for the Applicant, the Contemporary Museum in their upcoming application for an Environmental Assessment and Conditional Use Permit application.

We have met with members of the community on three occasions and Ms. Georgianna Lagoria has met with individual neighbors on several other occasions. We initially focused on the Makiki Heights Community Association which helped to formulate the conditions of approval of our earlier Conditional Use Permit. We have since met with other members of the community and hope to have combined meetings with both groups to work to establish acceptable conditions for the continued Museum operation.

Ms. Georgianna Lagoria will now present you with some background on the need for the proposed expansion of the Contemporary Museum to better serve the community.

Georgianna Lagoria presentation, including discussion of the Contemporary Museum's work with the Department of Land and Natural Resources, State Historic Preservation Division and the Board of Land and Natural Resources, to have the Main Museum Campus and the Peterson/Pietsch property on the State Register of Historic Places.

Thank you Georgianna.

On behalf of the Contemporary Museum, I will be submitting an Environmental Assessment to the Department of Planning and Permitting for Use of a Historic Site to continue the existing Contemporary Museum operation on the property and to allow the planned improvements and use of the Pietsch property for Museum activities. This submittal may occur in the next one to two months. This environmental review process is expected to take approximately 90 days. After completion of the environmental review and completion of our meetings with the Community, I will be submitting an

application for a Conditional Use Permit for use of a historic site to the Department of Planning and Permitting. This process will include a public hearing and will take approximately 90 days.

The Applicant has also acquired the Johnson Residence/Persis Offices lot located two parcels away from the Museum. This property has been approved for use for offices through a Conditional Use Permit for use of a historic site. After completion of the processing of permits for the Main Museum campus, we will be requesting a minor modification to the existing Conditional Use Permit to allow the Museum administrative offices to replace the Persis Offices on the Johnson property.

Mr. Gene Yong, planner from Belt Collins described the proposed improvements.

Thank you Gene.

Mr. Mack Kamikawa, one of the neighbors that we have met with in a community meeting has asked me to respond to his concerns at this Board meeting. With the Board's indulgence, I will provide responses to Mr. Kamikawa's concerns.

Questioned the legality of piggy backing the recently acquired properties to the original Conditional Use Permit approval.

The proposed Museum expansion will be processed as a new Conditional Use Permit for use of a historic site. This permit will cover the existing Museum property and the Pietsch/Peterson residence. As mentioned earlier this process will take about 90 days and includes a public hearing.

The second property acquired is the Johnson Residence/Persis Office property. As mentioned earlier we will be requesting a minor modification to an existing Conditional Use Permit for use of a historic site that approved office use to accommodate the Persis Offices.

Concerns about increased traffic and increased number of speeding cars and motorcycles.

We do not foresee a significant increase in the normal day to day activity at the Museum site and there should not be a significant increase in traffic from the day to day operations. There will, however, be an increase in the number of special events at the site and for the larger events, the Applicant will hire an off duty police officer to direct traffic at the Museum entrance. This presence should serve as a calming function, slowing traffic down near the entry to the museum. I understand that the Makiki Heights community has been concerned about speeding in the evenings and the possibility of greater police enforcement to slow traffic down.

Heavy equipment traffic, including buses and vans and delivery trucks.

We do not foresee an increase in buses, vans and delivery trucks for normal day to day operations.

There is normally just one school bus on certain days that travels to the Museum for educational activities. Due to the length of the school bus, it is unable to safely travel on Mott-Smith Drive, since it would require traveling forward and reversing several times to make the turn onto Makiki Heights Drive. For this reason, the school bus drivers find it safer to maneuver through the S-curve on Makiki Heights Drive.

There will be a one time need to transport the Museum's permanent collection to the Museum's planned Permanent Collection Exhibition space and storage to be located over the tennis court.

The other increase in construction vehicles will be a short term impact over the construction period of about one year.

We have spoken with our construction manager and have learned that because of the location of the project and the size and nature of the planned construction, to a great extent smaller construction vehicles will be utilized. In instances where larger construction vehicles are required or on occasion when impact to the travel lane is necessary the construction vehicles will travel along the most direct and safest route and the contractor's will use flag men and will provide for safe access around the construction site.

We can request that workers and contractor's utilize specific routes, such as Mott-Smith Drive, if the community agrees that this would be the safest and most acceptable route. We can further ask that the contractor's inform their employees of the neighbors concerns about speeding and ask them to follow the posted speed limit. Construction vehicles on the whole are slow moving vehicles and are not expected to contribute to the speeding problem.

Concern about the existing cesspool.

Our civil engineer is working with the City and the Department of Health to determine if the proposed development can continue on the existing cesspool system, or if it will have to be upgraded and connected to the municipal sewer system. There is an existing sewer line in the mauka portion of Hoalu Place and if a connection to a municipal sewer line is required, capacity permitting, the Hoalu Place line affords the most convenient connection location.

Concern about water pressure.

Our engineering consultant will be working with the Board of Water Supply to ensure that the proposed development will not adversely affect water pressure to surrounding properties.

Concern about erosion.

Erosion in the Makiki Heights area is generally a result of storm runoff during heavy rains. The City will require, that any new development on the property will not increase the existing storm water runoff leaving the property. The Applicant plans to go a step further and will ask the civil engineer to design the project to actually reduce storm water runoff leaving the property below the existing levels. We hope to accomplish this with detention and/or retention basins or other grading solutions. A reduction of storm water runoff from our property should reduce the potential for erosion due to storm flow.

Existing Makiki Heights Drive is a narrow, winding, poorly constructed, substandard neighborhood road.

As mentioned earlier, we can request that workers and contractor's utilize

specific routes, such as Mott-Smith Drive, if the community agrees that this would be the safest and most acceptable route. We can further ask that the contractor's inform their employees of the neighbors concerns about speeding and ask them to follow the posted speed limit. We can also ask our visitors to consider utilizing Mott-Smith Drive for access to the Museum.

In order to minimize the potential for further slides from the hillside related to the Museum property, the Applicant will continue to maintain landscaping along the slopes of the S-curve to hold the dirt in place.

Mr. Kamikawa also discussed his experience with the City in seeking some assistance in dealing with the wall that is being undermined and a problem with boulders coming down in his backyard.

The Applicant is hopeful that a reduction in storm flow from the Museum property will lessen the erosion impact to Mr. Kamikawa's wall and reduce the potential for boulders dislodging and coming down in his backyard. However, if the major storm runoff is coming from upper mountain properties and following Makiki Heights Drive our reduction in storm flow may have minimal impact on the storm runoff problems that Mr. Kamikawa is experiencing.

MAKIKI/LOWER PUNCHBOWL/TANTALUS NEIGHBORHOOD BOARD

REGULAR MEETING MINUTES
THURSDAY, APRIL 15, 2004
MAKIKI DISTRICT PARK
ARTS AND CRAFTS BUILDING

CALL TO ORDER: The meeting was called to order by chair John Steelquist at 7:15 p.m.

MEMBERS PRESENT: John Steelquist, John Bigay, Charles Carole, Joseph Zuiker, Tracy Ryan, Philip Hauret, Henry McCullough V, Sam Mitchell, Martin Schiller, Craig Thistleton, Richard Egged, Richard Kawano, and Susan Lai-Young.

MEMBERS PRESENT: Richard Soo, Mario Macagba, David Lusk, and Norma Nicholl.

GUESTS: Tracy Miyahara, Bernice Hayadidu, Ray Sasala, Millie Yee, Tracy Okubo, Captain Tim Turgeon (Honolulu Fire Department), T. Turgeon Smith, Susan Soorg and Marcey Kats (The Contemporary Museum), Keith Kurahashi (Kusao and Kurahashi, Inc.), Gary Kuso, Deborah Patnam, Lt. Green (Honolulu Police Department), Councilmember Rod Tam, Shawn Hamamoto and Al Canopin (Councilmember Rod Tam's Office Staff), Senator Carol Fukunaga, Kathleen Watanabe (Governor's Representative), and Kimberly Kaupu (Neighborhood Commission Staff).

The agenda was taken out of order due to no quorum at this time. There were no objections.

COMMUNITY CONCERNS:

Honolulu Fire Department: Captain Turgeon, from the Makiki Fire Station, reported the following:

(1) Monthly statistics for the month of March 2004. There were 4 structure, 7 brush, and 3 vehicle fires, 63 medical emergencies, 1 search/rescue, and 11 miscellaneous alarms.

(2) Fire Safety Tip: When cooking, roll up your long sleeves. Long sleeves are a hazard, as they may get caught on a pot handle or brush against a flame.

(3) General Safety Tip: Residents may call the City's Household Hazardous Waste Hotline at 692-5411 or log onto their website at www.opala.org for information on proper recycling and waste disposal.

Questions, answers, and concerns:

1. Kawano asked if people that are lost or need to rescued while hiking, do they pay any fees for the rescue. Captain Turgeon replied there are no current charges for such rescues.

2. Chair Steelquist asked how car fires are started. Captain Turgeon mentioned the fuel leaks are the main cause.

The Board has quorum at this time.

Honolulu Police Department: Lt. Green, from District One, gave the statistics for the month of March 2004. (1) There were 4 robberies, 26 burglaries, 31 unauthorized entry into motor vehicle, 19 auto thefts, 1 aggressive assault, 8 simple assaults, 115 motor vehicle collisions, 7 driving under the influence, 12 family offenses, and 8 drug offenses.

APPROVAL OF REGULAR MEETING MINUTES OF MARCH 19, 2004: The following amendment was made:

Page 3: under Briefing by Rod Haraga, Director, State Department of Transportation – add the following under Questions, answers, and concerns: The Board and the neighborhood expressed concern and will be keeping close watch in when there's a community briefing.

The minutes were approved as corrected.

The agenda returned to order at this time.

COMMUNITY CONCERNS:

Residents' Concerns: Tracy Miyahara, a resident of Tantalus, mentioned there is now a Makiki Ohana Community Association (MOCA) website. They had established this site that consist of residents, family and friends of the Makiki area. Could now use this forum to keep everyone informed of any individual issues and concerns that may affect the scenic, old style, neighborhood, and community.

Department of Parks and Recreation: No representative was present.

Board of Water Supply: No representative was present. Chair mentioned there was one main break in the month of March 2004.

Networking of Neighborhood Boards:

- **Makiki Stream** – Chair Steelquist mentioned there would be a meeting next week.
- **Sidewalk Improvements:** No report.
- **Pawaa Park:** No report.
- **Makiki Master Plan:** No report.
- **Handicap Walkway at Makiki Park:** No report.
- **Other Neighborhood Board networking Information:** No report.
- **Makiki District Library:** No report.

The agenda was taken out of order at this time with no objections.

TREASURER'S REPORT: Schiller gave the update for the March 2004 financial statement.

LEGISLATIVE ELECTED OFFICIALS:

Senator Carol Fukunaga: Senator Fukunaga distributed a handout highlighting the following:

(1) The March 31 briefing on the baseball and softball field construction (scheduled for

this summer at Stevenson Middle School) stimulated lively discussion. This was the first time that nearby residents and the general public could learn about the projected sports and recreation facilities planned for Roosevelt-Stevenson softball and baseball teams. Although no one voiced objections to much-needed sports/recreation facilities for the area, neighbors brought up concerns over the late timing of community notice, the facility's long-term operations, its security, maintenance, and impacts upon the community (including danger from foul balls and increased traffic and congestion).

Representative Luke and Senator Fukunaga submitted questions from the briefing to the Department of Education (DOE) on long-term operations and maintenance. To help develop immediate solutions to neighborhood concerns, a Stevenson Sports Complex Community Task Force with members from state/county departments, school/park and sports users, neighbors in single-family and multi-family residences, school administrators from Roosevelt, Stevenson and Lincoln, and district legislators will be formed. Concerns regarding any on-site construction issues should be directed to Clyde Kumabe, DAGS (Department of Accounting and General Services), at 586-0408 or 586-0414.

(2) Senator Fukunaga along with Representative Schatz met with TCM (The Contemporary Museum) staff and its design consultant after neighborhood concerns were brought up at last month's Board meeting. They have asked the museum to meet with its Makiki Heights Drive and Hoalu Place neighbors on-site so that they can work together to address neighbors' concerns over the proposed expansion.

Senator Gordon Trimble: No representative was present.

Representative Brian Schatz: No representative was present, but a handout was distributed on the Representative's behalf. Representative Schatz will sponsor a Town Meeting on Wednesday, April 21, 2004 at the Makiki District Park Arts and Crafts Room from 6:30 p.m. to 8:00 p.m.

Representative Sylvia Luke: No representative was present.

GOVERNOR'S REPRESENTATIVE: Kathleen Watanabe was open for any questions.

City Council:

Councilmember Ann Kobayashi: No representative was present.

Councilmember Rod Tam: Councilmember Tam distributed a handout and highlighted the following: (1) Bill 74 (2003) CD1- Primary Urban Center Development Plan. The purpose of this bill is intended to bring the Primary Urban Center Development Plan into compliance within the City General Plan. (2) Councilmember Tam has arranged a meeting in the next week with Gregory Dunn, Executive Director for the Hawaii Nature Center; representatives from the City's Department of Design and Construction (DDC) and members of the Makiki Vision team to further discuss the issue.

Questions, answers, and concerns:

1. Carole would like to know if there are any meetings scheduled for the Young Street bicycle lane project. Councilmember Tam replied he has not been informed of any.

2. Bigay would like any explanation to Bill 7. Councilmember Tam mentioned this would amend the city traffic code to allow for issuance of administrative citations for violations of the traffic code. The procedure is intended to be voluntary on the part of those who have been charged with an administrative offense. On April 14, 2004 the city Council amended this Bill to a FD1, which added a new section 10 that states that monies received in payment of administrative fines shall be used to pay for all costs association with the administration, implementation and enforcement of the administrative fine program.

MAYOR'S REPRESENTATIVE: No representative was present.

UNFINISHED BUSINESS:

Makiki/Tantalus Recreation Area - No report.

Primary Urban Center Development Plan – Carole will deferrer until committee reports.

Project to Young Street – No report.

Spotlight at The Schuman Carriage Company – A resident living at 1415 Victoria Street expressed frustration with the spotlights that beam into his windows from the car lot of Schuman Carriage. It was mentioned the company had agreed to turn off the lights between 10:00 p.m. and 11:00 p.m. But in the past recent months the spotlights have been on from 6:00 p.m. until 4:00 a.m. the resident would like the company to at least dim the lights at 11:00 p.m. if they are not going to be turned off.

Questions, answers, and concerns:

1. Ryan mentioned if their keeping the spotlights on for security reasons, then they shouldn't be turned off at 4:00 a.m.

2. Schiller pointed the resident into may be getting a petition signed to show how the other residents feel.

3. Ryan told the resident to call the management of the condominium or see if the condo board has taken up the issue.

4. Chair Steelquist mentioned to the resident to be in touch with Schuman Carriage and some neighbors and call him and they'll figure out what's next. Chair also pointed out the Board passed a motion about two years ago saying they where concerned and they should work it out, and they did for a couple of months.

Bulky Item Problem: The Board expressed the same concerns that bulky items are always visible in the district. Councilmember Tam mentioned if the Board could work with the residents and explain when to bring out the bulky items.

NEW BUSINESS:

Contemporary Museum Construction Plan: Keith Kurahashi, from Kusao and Kurahashi gave the following background regarding the Contemporary Museum Center. The applicant, The Contemporary Museum has met on several occasions with community members, including two meetings with representatives of the Makiki Heights Community Association and one meeting with other neighbors and representatives of the Makiki Heights Community Association.

These preliminary meetings were helpful in understanding the concerns of the neighbors and to clear up some misunderstandings about the proposed application for a Conditional Use Permit (CUP) and the proposed development.

The Museum finds that after operating for about 18 years under the existing Conditional Use Permit approval for the Museum, it needs to expand its development to better serve the community to provide a structure to display and store its permanent collection (presently stored off-site); and to improve the space for education (children and adult) at the Museum.

At the present time, the Museum has no exhibits to view (except for a relatively small children's exhibit) for about 10 weeks of the year while the traveling exhibits are being taken down and new traveling exhibits are being put up in the main gallery. The Museum hopes to develop a new permanent collection Galley, storage area for the permanent collection and staff parking on a new structure that will be situated over and under (parking lot) the existing tennis court and extending toward the southwest corner of the Museum.

The Museum presently accommodates educational classes (for schools and adults) on the lawn area next to the Museum when weather permits, otherwise, classes are held on the open covered lanai

between the main gallery and the gift shop. To provide a more permanent area with more privacy for educational programs, the applicant plans to redevelop the existing café into an educational room. The area above the café (gift shop, education office and restrooms) would be converted to a community meeting room. In addition, a small wing would be added to accommodate new Museum gift shop and offices for the gallery and education program.

The Museum has acquired two additional properties; the former Pietsch/Peterson residence/Persis Offices located two lots away (one lot and a flag lot stem) from the Museum. The Museum would like to adapt the use of the Pietsch/Peterson Residence to allow a café, docent office, and library.

The Museum plans to move some of the offices that are presently located in extremely cramped quarters on the Museum property into the Persis Offices and continue the office use on the property (Persis Offices presently approved under a separate Conditional Use Permit for Use of a Historic Site).

Kurahashi read a letter sent to him from a concerned Makiki Heights resident.

"Thank you for updating the Makiki Hts. Residents of your letter dated April 10, 2004 regarding the present Conditional Use Permit (CUP) to further the usage of the Contemporary Museum Center (CMC) to two additional properties.

The legality of piggybacking the recently acquired properties to the original CUP is highly questionable. Let us first address the impact on increased traffic – increased speeding cars and motorcycles, heavy equipment (buses, delivery vans, trucks), carpool, water pressure, and erosion.

The existing Makiki Hts. Drive is a narrow, winding poorly constructed neighborhood road. The road is sub-standard and does not meet today's codes. Because of poor visibility, several accidents have occurred: two cars flipped over, motorbikes have raced down, etc. The road along the residents property has no shoulder and the rock wall is perched on the edge which drops 30 + feet into their backyard.

The wall constructed was so poorly done that the shallow foundation and the constant vibration of vehicles have loosened the core of the black sand foundation. The deterioration and constant erosion have accelerated along the edge of the rock wall, especially inside of their boundary.

1. 2001 it appears that erosion along the wall has exposed the foundation and any dirt, which used to hold up the wall is gone. The Department of Design and Construction (DDC) was called. The engineer and his staff member took several photos, and he stated the City was not a fault for the problem. The responsibility and liability belonged to the homeowner.

2. November 2003, several boulders came cascading down into the backyard. Several rocks are still loose and ready to fall at anytime. The DDC was called once again, and the same engineer came with his photographer. The City again denied all responsibilities and liability.

On January 1, 2004, the entire hillside above the blind s-curve collapsed covering both lanes. This closed the road for the entire day as the debris was cleaned. This is likely to happen again unless the erosion is addressed. Increasing traffic with more vehicles and especially heavy construction equipment will only hasten another landslide. The s-curve or the blind corner is near the entry of Hoalu Place.

Residents have also noticed that from the vicinity of the foundation opening, water is now trickling down the steep slope. The rock wall appears to be within the angle of repose."

Questions, answers, and concerns:

1. Other residents also expressed their concerns about the increase in traffic, the dangerous curves in the road that make it tremendously hard for the commercial vehicles to maneuver. They expressed the danger that the joggers are confronted with everyday.

2. Some Board members feel that the two parties should meet and discuss the proposal on the table and see if they can reach a point that the parties can agree on.

3. Chair Steelquist mentioned to the parties should find a solution and keep in touch with the Board.

Problem on Ho'olai Street: Chair Steelquist mentioned Ho'olai Street lies in another neighborhood and not in the boundaries of the Makiki Board.

COMMITTEE REPORTS:

Planning and Zoning: Carole mentioned the City Council on April 27, 2004 at 1:00 p.m. would take into consideration two motions for the following Primary Center Urban Development Plan.

Transportation: No report.

Health, Welfare, and Public Safety: No report.

ANNOUNCEMENTS: Chair Steelquist updated on the mail received at the Neighborhood Commission Office.

ADJOURNMENT: Chair Steelquist adjourned the meeting at 9:45 p.m. with no objections.

Submitted by,
Kimberly Kaupu
Neighborhood Assistant

Monday, May 17, 2004

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April 28, 2004

Dear Neighbors:

Subject: Site Visit to The Contemporary Museum, May 10, 2004

The Contemporary Museum is providing an opportunity for our neighbors and interested residents to take a tour of the Museum property and to learn more about our proposal for developing exhibition space and parking in a new structure located over the tennis court and on the grounds between the tennis court and the main building. We will also describe our plans for reuse of existing spaces, including plans to utilize the Peterson property for a café, library, and docent offices, while providing enclosed spaces at the existing café for educational programs and offices.

We have enclosed information about the proposed development for your review prior to our tour/meetings. These are provided to allow for a meaningful discussion on concerns that may not have been addressed in this material or that needs further discussion.

Two opportunities (at noon and in the evening) are being provided for the tour and meeting/presentation on the proposed new development:

Date	:	Monday, May 10, 2004
Times	:	First tour - 12:00 noon
		Second tour - 6:00 pm
Place	:	The Contemporary Museum

Since we are planning to have light refreshments at the two tours/meetings and need to plan accordingly, we request your rsvp to Kim Jensen, at The Contemporary Museum, at 526-1322, by May 6, 2004.

Your presence at either of these tours and meeting/presentation would be extremely helpful in providing community input on our proposed development. Should you have questions concerning the development, please contact Georgianna Lagoria, Executive Director of The Contemporary Museum, at 526-1322, extension 14

Very truly yours,

Keith Kurahashi

Keith Kurahashi
cc: The Contemporary Museum

SUMMARY OF REQUEST FOR CONDITIONAL USE PERMIT FOR THE CONTEMPORARY MUSEUM

The applicant, The Contemporary Museum (Museum) has met on several occasions with community members, including two meetings with representatives of the Makiki Heights Community Association and one meeting with other neighbors and representatives of the Makiki Heights Community Association.

These preliminary meetings were helpful in understanding the concerns of the neighbors and to clear up some misunderstandings about the proposed application for a Conditional Use Permit and the proposed development. We hope to continue these meetings and to be able to reach a consensus on proposed conditions that would be appropriate for the operation of The Contemporary Museum.

The Museum finds that after operating for about 18 years under the existing Conditional Use Permit approval for the Museum, it needs to expand its development to better serve the community; to provide a structure to display and store its permanent collection (presently stored off-site); and to improve it's space for education (children and adult) at the Museum.

At the present time, the Museum has no exhibits to view (except for the relatively small David Hockney exhibit) for about 10 weeks out of the year while the traveling exhibits are being taken down and new traveling exhibits are being put up in the main gallery. The Museum hopes to develop a new Permanent Collection Gallery, storage area for the Permanent Collection and staff parking on a new structure that will be situated over and under (parking lot) the existing tennis court and extending toward the southwest corner of the Museum.

The Museum presently accommodates educational classes (for schools and adults) on the lawn area next to the Museum when weather permits, otherwise, classes are held on the open covered lanai between the main gallery and the gift shop. To provide a more permanent area with more privacy for educational programs, the applicant plans to redevelop the existing café into an education room. The area above the café (gift shop, education office and restrooms) would be converted to a Community meeting room

The Museum has acquired two additional properties, the former Pietsch/Peterson Residence located on a lot surrounded by the Museum and Makiki

Heights Drive and the Johnson Residence/Persis Offices located two lots away (one lot and a flag lot stem) from the Museum.

The Museum would like to adapt the use of the Pietsch/Peterson Residence to allow a Café (with seating for 55 visitors, same as the existing Café), Docent Office and Library.

The Museum plans to move some of the offices that are presently located in extremely cramped quarters on the Museum property into the Persis Offices and continue the office use on the property (Persis Offices presently approved under a separate Conditional Use Permit for Use of a Historic Site).

SUMMARY OF PROPOSED AMENDMENTS TO THE 1986 CONDITIONAL USE PERMIT CONDITIONS AND THE 1986 MAKIKI HEIGHTS COMMUNITY ASSOCIATION AGREEMENT

1. Allow extended hours for the Museum on Thursday nights (presently 10:00 am to 4:00 pm, allow opening until 9:00 pm). This evening opening for an additional five hours on Thursdays only will accommodate visitors that are unable to visit during regular museum opening hours during the day.

2. Allow opening two hours earlier on Sundays (change from 12:00 noon to 4:00 pm to 10:00 am to 4:00 pm) to allow sufficient time for Museum visits on Sundays.

3. The applicant's initial request was for use of the public address system for up to three events per year. This second draft request that a public address system be permitted on up to two special events per year, to accommodate the annual Art Spree event which provides an open house and free admission to The Contemporary Museum from 10:00 am to 4:00 pm and allows neighbors and the art community an opportunity to enjoy the museum. The second event is the Contempo which presently occurs at the Neiman Marcus store in the Ala Moana Shopping Center. The applicant is extremely happy with this venue for the Contempo event, however, in event that the Neiman Marcus store is not able to offer its Ala Moana store as a venue, the event will be moved onto the museum property.

4. Increase the visitor occupancy from 80 persons to 100 persons. The increase in occupancy is needed to accommodate the occupancy of the museum during periods when school students are receiving art education at the museum. These students and their teachers can number up to 60 persons per visit which presently leaves only an additional 20 that can be on site at the same time for museum visitation.

5. Increase the number of persons in attendance at the six permitted evening functions from 200 to 300. These six evening functions provide for attendance at gallery openings (about six per year).

6. Modify an existing condition which stated that school buses allowed and that all other buses are limited to a capacity of 20 passengers. The applicant is asking that the 20 passenger limitation be increased to 25 passengers because most smaller size buses are now 25 passenger buses rather than the 20 passenger buses of the past. In this second draft, the applicant has also added a clause that the applicant with work with the Department of Education in an attempt to facilitate the use of smaller buses.

7. The applicant is requesting an additional large event (500 persons) each year to accommodate the Contempo on the museum property. In the past, this event was held on the museum property (1988 through 1994). The applicant is extremely happy with this venue for the Contempo event, however, in event that the Neiman Marcus store is not able to offer its Ala Moana store as a venue, the event will be moved onto the museum property.

8. The applicant is requesting formal approval of the Art Spree (annual community open house). The annual Art Spree event provides an open house and free admission to The Contemporary Museum from 10:00 am to 4:00 pm and allows neighbors and the art community an opportunity to enjoy the museum.

9. The applicant initially requested 12 additional evening events for a maximum of 50 cars/100 persons. In our second draft of proposed conditions, we are requesting 9 evening events. These evening events will allow an opportunity to welcome prospective donors to the museum and help to promote fund raising efforts to allow continued operation of the museum.

10. Although café hours were never established, the applicant would like to self impose a limitation on café hours from 11:30 am to 2:30 pm on Tuesday through Sunday and from 6:00 pm to 8:00 pm on Thursday evenings. In our second draft of proposed conditions, the applicant is proposing evening openings on just 2 Thursdays per month.

RESPONSES TO COMMUNITY CONCERNS

1. Should the existing Conditional Use Permit (File No. 86/CUP-10) consisting of 3.44 acres be carried over to include the new properties acquired by the Museum?

   The applicant understands that the Department of Planning and Permitting (DPP) will process a new Conditional Use Permit for The Contemporary Museum to allow use of a Historic Site for the existing Museum property and the Peterson property.

   The Johnson/Persis offices property has an existing Conditional Use Permit that allows office use on the property. Upon completion of DPP's review and recommendation on the Conditional Use Permit for the main Museum campus, they will consider a minor modification to the Persis office Conditional Use Permit to allow the Museum office use to replace the Persis office use.

2. Traffic - Makiki Heights Drive is a substandard road with no sidewalks. There are many senior citizens that walk, bicycle riders, joggers, and students training. Will the infrastructure of the road (hair pin turns, blind corners) take school buses, cement trucks, and construction trucks necessary for this project?

   The applicant will have their traffic consultant determine the best route for construction vehicles to take in bringing materials or equipment to the property. The school buses presently maneuver on Makiki Heights Drive to reach the Museum because drivers have indicated that they cannot safely maneuver through the turn from Mott-Smith Drive. The applicant will work with the Department of Education in an attempt to facilitate the use of smaller buses.

The applicant will work with the Department of Transportation Services (DTS) to see if clearing and creating a natural pathway across the street from the Museum from Mott-Smith Drive to across the Museum entrance would help in providing safer access around the turn fronting the Museum.

The applicant is willing to clear a path initially and request that DTS maintain the pathway.

The applicant believes that further improvements such as road widening or straightening out existing curves may be cost prohibitive and could lead to greater problems with speeding.

3. Wastewater - Where will the new sewer line run?

Our civil engineer is working with the City and the Department of Health to determine if the proposed development can continue on the existing cesspool system, convert to a new on-site septic system, or if it will have to be upgraded and connected to the municipal sewer system. There is an existing sewer line in the mauka portion of Hoalu Place and if a connection to a municipal sewer line is required, capacity permitting, the Hoalu Place line affords the most convenient connection location.

4. The Pietsch (Peterson) Property -

A. Concerns of erosion on the Diamond Head embankment that flow down Makiki Heights Drive.

The applicant will ask its civil engineering consultant to try to provide some reduction from current storm runoff, improving the existing situation even after development of the Museum expansion.

B. Noise from the Café: both from trucks making deliveries with beepers, and from the clientele.

The applicant will only permit handicap parking for the general public at the Pietsch property and parking for staff workers in the parking lot under the tennis courts. In order to minimize in and out traffic, only

workers that will not be leaving the site during there shift will be allowed to park at the underground parking.

The applicant will have someone directing delivery trucks to the Café so that they will be able to safely maneuver the driveway and if possible, disable their beepers. Café hours will be restricted to 11:30 am to 2:30 pm on Tuesday through Sunday and to 6:00 pm to 8:00 pm on two Thursdays each month. With these limitations on use, we foresee less impact than would be expected with typical residential use, in the Pietsch property that has been designed for entertaining. We understand that neighbors in the past have complained about frequent late night parties at the property when it was occupied by a private resident.

C. Will there be public parking in the underground lot for the Café?

There will be no public parking in the underground lot for the Café, with the exception of handicap parking. The public will park at the existing upper lot. Only staff and volunteers who will not leave the property during their shifts will be able to utilize the underground parking.

D. Will there be a drop off area for the Café in front of the Pietsch property, even if "supposed" to be only for handicapped?

Only handicapped patrons and staff will be allowed to enter the Café from the street at the Pietsch property.

E. Will there be after-hours or evening events at the Pietsch property?

The Pietsch property Café will be open only on two Thursday evenings per month from 6:00 pm to 8:00 pm.

5. New Permanent Collection Building

A. Will underground parking be solely for employees?

Underground parking will be handicapped patrons and staff and volunteers who will not leave the property during their shifts.

B. How much truck traffic will be generated?

The new building will contain a permanent collection gallery and storage facility. After the initial move to the facility, truck traffic willbe minimal as artworks will be stored onsite and transported to the gallery upstairs, rather than shipped in crates from off-site.

C. Where will the current trash dumpster be relocated?

The applicant will work with site planners to better screen the dumpster which will remain in approximately the same location.

D. Concern about impact on trades and breezes onto properties across the street.

The proposed Permanent Collections Building is set back 30 feet from the property line and when the width of Makiki Heights Drive is factored in the property line across the street is 80 feet away from the proposed Permanent Collections Building. In a residential district, the minimum front yard is 10 feet, which results in the closest residence being located at least 90 feet away, which minimizes the impact on trades and breezes.

6. General concerns in regard to the existing Conditional Use Permit:

A. The snack bar becoming a restaurant with website listing menu. Alcohol permitted even if without a license.

The Café is open on a limited basis, no more that 3 hours per day, six days per week. Aside form one hot and one cold special, the Café serves light appetizers, soups, salads, and sandwiches. The Café attracts museum visitors, local clientele, and is also the main source of lunch for museum staff and volunteers. Guest are allowed to bring a bottle of wine and are charged a small corkage fee. The overwhelming majority of Café patrons do not bring wine.

B. Loud amplification used at exterior events

The applicant has been and will continue to be vigilant about noise levels at its events. For outdoor events, we employ an individual to walk the perimeter of the property and to monitor the sound levels.

C. Main events are supposed to be limited to 150-200 guests. Current advertisement invites many more.

Since 1988, the applicant has continued to offer 5-6 evening member events each year after regular museum hours. These events are never advertised to the general public. The only event advertised to the general public is our annual community open house, Art Spree. Each year we inform the surrounding neighborhood of this event, and have developed a successful system for traffic control to minimize the impact to our neighbors on this day.

The traffic control system includes the following:

a. Shuttle buses to off-site parking and an off-duty policeman for each of the six larger evening events, as well as Art Spree and Con Tempo.

b. Hiring of an individual to monitor sound around the perimeter of the property during large events.

c. Routing of shuttle buses up and down Mott-Smith Drive.

d. Routing of shuttle buses so that the back-up "beeper" will not disturb residents.

e. "Caution Tape" placed temporarily of neighboring properties, at owner's request to prevent parking during events.

f. Paid parking attendant during mid-day to manage parking and traffic.

7. Concerns about increased traffic and increased number of speeding cars and motorcycles.

The applicant does not foresee a significant increase in the normal daytime activity at the Museum site and there should not be a significant increase in traffic from the daytime operations. There will, however, be an increase in the number of special events at the site and for the larger events, the applicant will hire an off duty police officer to direct traffic at the Museum entrance. This presence should serve as a calming function, slowing traffic down near the entry to the museum. The applicant understands that the Makiki Heights community has been concerned about speeding in the evenings and the possibility of greater police enforcement to slow traffic down.

8. Heavy equipment traffic, including buses and vans and delivery trucks.

The applicant does not foresee an increase in buses, vans and delivery trucks for normal daytime operations.

The only large bus that visits the site during the day are school buses that travel to the Museum for educational programs. Due to the length of the school bus, it is unable to safely travel on Mott-Smith Drive, since it would require traveling forward and reversing several times to make the turn onto Makiki Heights Drive. For this reason, the school bus drivers find it safer to maneuver through the S-curve on Makiki Heights Drive. As mentioned earlier, the applicant will work with the Department of Education in an attempt to facilitate the use of smaller buses.

There will be a one time need to transport the Museum's permanent collection to the Museum's planned Permanent Collection Exhibition space and storage to be located over the tennis court. After this initial move to the facility, truck traffic will be minimal as artworks will be stored onsite and transported to the gallery upstairs, rather than shipped in crates from off-site.

The increase in construction vehicles will be a short term impact over the construction period of about one year. The applicant will have their traffic consultant determine the best route for construction vehicles to take in bringing materials or equipment to the property. Our construction manager has indicated that because of the location of the project and the size and nature of the planned construction, to a great extent smaller construction vehicles will be utilized. In instances where larger construction vehicles are required or on

occasion when impact to the travel lane is necessary the construction vehicles will travel along the most direct and safest route and the contractor's will use flag men as needed to provide for safe access around the construction site.

The applicant can request that workers and contractor's utilize specific routes, as recommended by our traffic consultant. The applicant can further ask that the contractor's inform their employees of the neighbors concerns about speeding and ask them to follow the posted speed limit. Construction vehicles on the whole are slow moving vehicles and are not expected to contribute to the speeding problem.

9. Concern about water pressure.

Our engineering consultant will be working with the Board of Water Supply to ensure that the proposed development will not adversely affect water pressure to surrounding properties.

10. Concern about erosion.

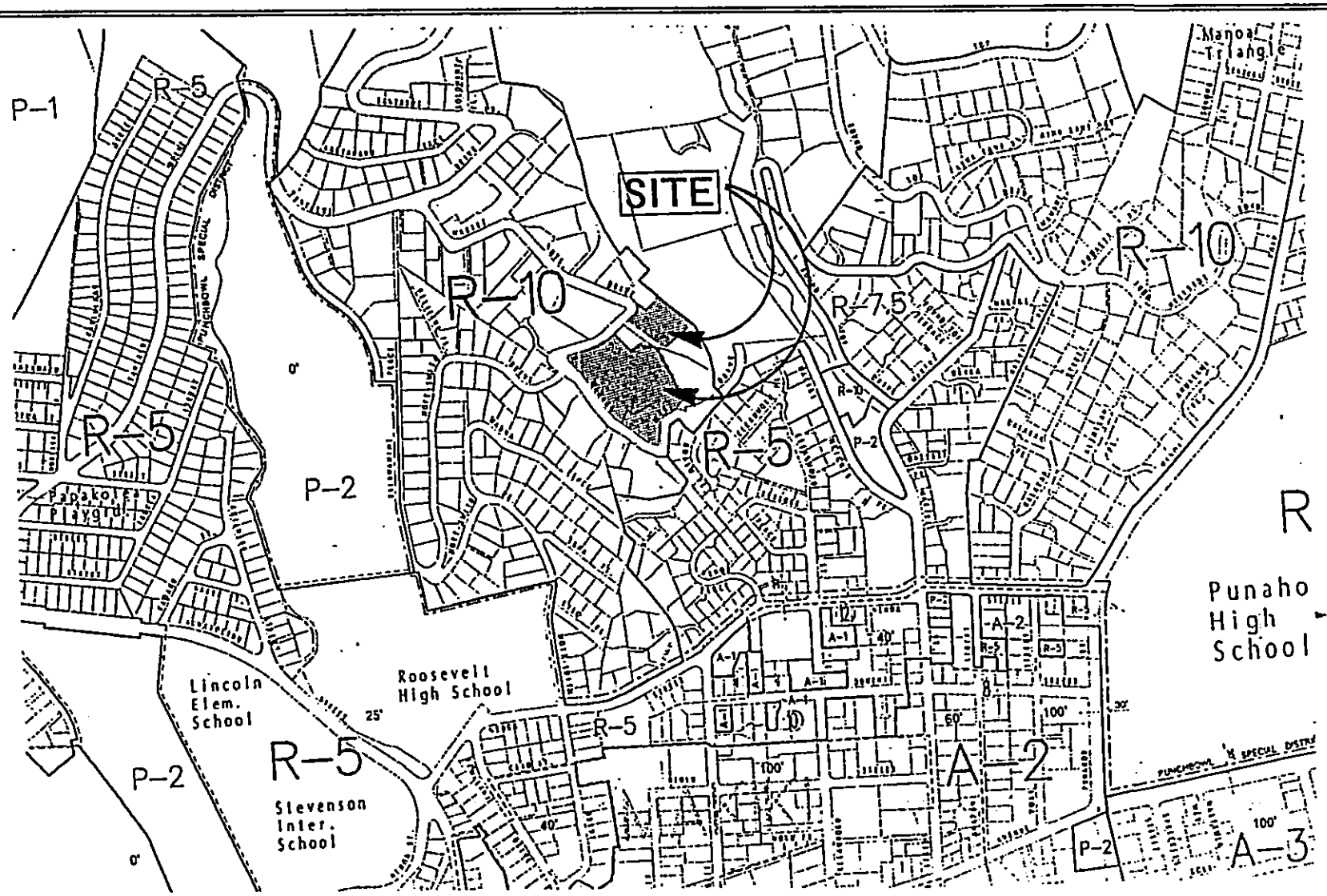
Erosion in the Makiki Heights area is generally a result of storm runoff during heavy rains. The City will require, that any new development on the property will not increase the existing storm water runoff leaving the property. The Applicant plans to go a step further and will ask the civil engineer to design the project to actually reduce storm water runoff leaving the property below the existing levels. We hope to accomplish this with detention and/or retention basins or other grading solutions. A reduction of storm water runoff from our property should reduce the potential for erosion due to storm flow.

12. A neighbor also discussed his experience with the City in seeking some assistance in dealing with the wall that is being undermined and a problem with boulders coming down in his backyard.

The applicant is hopeful that a reduction in storm flow from the Museum property will lessen the erosion impact to the neighbor's wall and reduce the potential for boulders dislodging and coming down in his backyard. However, if the major storm runoff is coming from upper mountain properties and following Makiki Heights Drive our reduction in storm flow may have minimal impact on the storm runoff problems that the neighbor is experiencing.

1986 CUP	1986 MHCA AGREEMENT	PROPOSED NEW CUP/AGREEMENT
10 to 4 weekdays and Saturday	Same	10 a.m. to 4 p.m. Tuesday, Wednesday, Friday, Saturday; **Thursday's 10 a.m. to 9 p.m.;**
12 to 4 Sundays & holidays	Same	**Sundays open at 10 a.m.to 4 p.m.**
No picnicking		same
No weddings		same
No non-museum programs		same
No exterior p.a. system	Same, with add'l restrictions	***Public address system allowed for up to [3]*** _2_ special events per year with the agreement that all noise must remain within the decibel limits for normal residential usage as set forth in the code of the City and County of Honolulu, with sound limits being mutually agreed upon and review to be coordinated with the DLU.
No filming, except museum education or advertising	Same, with add'l restrictions	Same
On site parking only	Same	Same
Valet parking and off-duty police assistance during evening functions	Same	Same
Service vehicles 9 a.m. - 4 p.m.	Same	Same
6' solid wall along Shimokawa boundary with 2; thick foliage	Same	fulfilled
Occupancy: **80** persons		Occupancy: **100** persons
200 at 6 evening functions		**300** persons at six evening functions
Kiosks permitted		Same
Retain all mature trees		Same
watch sewer, drainage water service for all functions		Same
	Entrance requirements	fulfilled
	Transfer of fee title	fulfilled

	Maintain gardens	same
	Use grasscrete to control runoff	same
	Comply with Health Dept. regs re sewer and snack bar operations	same
	Require director to live on premises for 3 yrs	fulfilled
	Maintain one resident caretaker	same
	Avoid drainage damage to residents	same
1986 CUP	**1986 MHCA AGREEMENT**	**PROPOSED NEW CUP/AGREEMENT**
	MHCA resident voting member of TCM Board	Same
	School buses allowed; all other buses limited to 20 passenger capacity	School buses allowed ***but TCM will work with the DOE in an attempt to facilitate the use of smaller buses***; all other buses limited to 25 passenger capacity
		One (1) evening event per year up to 500 persons ***(only in the event that Neiman Marcus is not able to offer its Ala Moana store as a venue)*** 6 p.m. to midnight
		One (1) annual community open house (ArtSpree) 10 a.m. to 4 p.m.
		Up to [twelve (12)] ***nine (9)*** **evening events maximum of 50 cars/ 100 persons** on Cooke-Spalding site only
		Café Hours: Tues,-Sunday 11:30 a.m. -2:30 p.m; ***Two Thursday evenings per month*** **6-8p.m.**
		Museum Shop Hours: same as Museum Hours
		Galleries, Museum Shop, and Contemporary Café closed to the general public on Mondays
		TCM to give MHCA advance notice of all events by mail



400 0 400 800
SCALE IN FEET

EXHIBIT 1
LOCATION AND ZONING MAP

TO: **Director Georgianna Lagoria**
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

BY CERTIFIED MAIL,
RETURN RECEIPT
REQUESTED

FROM: **Ms. Tracy Miyahara, Chair**
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, Hawaii 96822

Tel (808) 781-2807

Georgi / Keith

DATE: May 7, 2005 Saturday

RE: **The Contemporary Museum, 2411 Makiki Heights Drive, Honolulu 96822**
(Tax Map Key Nos. 2-5-08: 1,2,4, & 7)

Mahalo for Extending the Public Comment Deadline from May 7 to May 28, 2005 Regarding The Contemporary Museum's Second Draft Environmental Assessment

Thank you very much for agreeing to extend the deadline for public comment concerning the second Draft Environmental Assessment to May 28, 2005. The original deadline of today, May 7, 2005, left the community with less than 48 hours after Thursday evening's presentation to submit comments. We appreciate the additional three weeks.

The presentation, specifically the 3-dimensional model, was very helpful for residents to visualize The Contemporary Museum's proposed plans. As demonstrated by the substantial attendance of more than 50 persons, especially in consideration of the short notice for the meeting, I hope to see many responses to the Department of Planning and Permitting.

Regretfully, due to lack of prior notice, many of our members were unable to attend. But with the additional three weeks, we hope to be able to share with them what we viewed. Especially helpful is your commitment to post the entire revised Draft Environmental Assessment on your website. We look forward to everyone being able to access this text in the immediate future.

Again, mahalo for your agreement to extend the comment deadline for the concerned residents and general public that took the time and effort to attend Thursday night's meeting. MOCA's comments will be submitted before the extended May 28, 2005 deadline and we will be contacting all of our available members to inform them of The Contemporary Museum's updated Draft Environmental Assessment and revised design plans, first shown to the community at the Makiki Neighborhood Board's special meeting on Thursday, May 5, 2005.

Tracy Miyahara
Chair
Makiki Ohana Community Association

cc: Director Henry Eng, FAICP, Department of Planning & Permitting
Sharon Nishiura, Department of Planning & Permitting
Keith Kurahashi, Kusao & Kurahashi
Office of Environmental Quality Control
John Steelquist, Chair, Makiki Neighborhood Board No. 10
Councilmember Rod Tam, Honolulu City Council, District 6
Councilmember Ann Kobayashi, Honolulu City Council, District 5
Hawaii State Senator Carol Fukunaga, District 11
Raymond T. Sasaki, Jr., President, Makiki Heights Community Association

THE CONTEMPORARY MUSEUM

2411 Makiki Heights Drive
Honolulu, Hawaii 96822
Tel (808) 526-1322
Fax (808) 536-5973
www.tcmhi.org

May 16, 2005

Ms. Tracy Miyahara, Chair
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, Hawaii 96822

Dear Ms. Miyahara:

Thank you for your letter of May 7, 2005. We are pleased that we were able to extend the comment period to our draft EA an additional three weeks until May 28, 2005.

As I committed to doing at the May 5 Neighborhood Board meeting, I have looked into the possibility of creating a PDF file for posting on our website. After consulting with the individual who manages our website, we have determined that it is not feasible to link the entire document. The entire document measures over 17 megabytes and will take an unreasonable amount of memory and time to download, and therefore would be of little help to the public.

Fortunately, the entire EA is immediately available to the community for viewing at (1) Makiki Library (2) Manoa Public Library and (3) Department of Planning and Permitting. I understand that you have a copy and, of course, any of your members are welcome to come to The Contemporary Museum to view our copy, which is with my assistant Kim Jensen at our administrative office.

Please communicate this to your membership, and we look forward to receiving further comments and questions as we continue with this public process.

Yours truly,

Georgianna M. Lagoria
Director

cc:
Director Henry Eng, Department of Planning & Permitting
Sharon Nishiura, Department of Planning & Permitting
Keith Kurahashi, Kusao & Kurahashi, Inc.
Office of Environmental Quality Control
John Steelquist, Chair, Makiki Neighborhood Board No. 10
Ray Sasaki, Makiki Heights Community Association
J. Thomas Heinrich, Attorney at Law
Councilmember Rod Tam, Honolulu City Council District 6
Councilmember Ann Kobayashi, Honolulu City Council, District 5
Hawaii State Senator Carol Fukunaga, District 11

FAX COVER

To: Georgianna Lagoria
Phone-536-5973
May 21,2004
From: Bob Laguens, President Makiki Heights Communlty Association
Aloha Georgi,
This is a copy of the hand out I was referring to the other day.
My intent is to inform neighbors that have no idea who or why the Makiki Heights Community Association is in existence. Also, and over view in my opinion of the relationship with the museum and the new master plan proposal as well as CUP additions.
Aloha, Bob
Phone-521-7882
Fax- 521-7133
E-mail boblag@hawaii.rr.com

Cc. Georgianna Lagoria

The Makiki Heights Community Association
History & Background

In 1985 the Makiki Heights Community Association (MHCA) was formed for the purpo. : of regulating the Conditional Use Permit (CUP) which The Contemporary Muse m was applying for.

In 1986 the Makiki Heights neighbors and The Contemporary Museum agreed on the Conditional Use Permit (CUP) Case no. 86/CUP-10.

The intent of the Association (MHCA) was to minimize traffic and noise and the impact of a large non-residential operation in the middle of a very quiet residential neighborhood. Makiki Heights Drive and Mott-Smith Drive are very narrow sub standard roads with blind curves and no sidewalks.

Over the years, that Georgianna Lagoria has been director, The Contemporary Museum has done a good job of listening to the concerns of the neighbors, and many are now members of the Museum. Even though the snack bar has become a restaurant, and there is amplification at main events, we have all gotten along well.

The Contemporary Museum has recently acquired new properties and has a master plan in the works to make one of the properties the new restaurant and library, while using the old restaurant for an educational facility for children. Also in the master plan is a new building on the site of the old tennis court, there will be a main exhibit hall of 6000 sq.ft. On the top floor (same level as the grounds) with a storage area below that and then a 21+ car parking structure on the same level as the Peterson property. The entrance to the parking garage will be on Makiki Heights Dr. where the Peterson property is now.

The Contemporary Museum would also like to have a new Conditional Use Permit that would encompass all the properties under one (CUP). The new proposed (CUP) wants to expand the hours of operation, Sundays 10a.m. -4 p.m., the museum open Thursday night till 9PM and the café every other Thursday night till 8pm, Public address system at 2 events, daily visitors from 80 to 100, from 200 visitors at special events to 300, one evening event per year up to 500 (Contempo), one annual community open house 10a.m-4p.m. Up to nine- (9) evening events maximum of 50 cars and 100 persons (Cooke-Spalding site only). As one can see the new Master Plan would impact the neighborhood dramatically. The roads are the same ones that were used eighteen years ago, no sidewalks, no drainage system, blind curves that school buses have a hard time to traverse. Makiki Heights Dr. still has senior citizens walking, pleasure bicycles, and bicycle tours, skateboarders, and racers,

Although one can understand the goals The Contemporary Museum has for the future, the neighbors voice many of the same concerns now where voiced by the neighbors 18 yrs. Ago, increased traffic increased noise, safety issues with the inferior roadways and <u>loss of a residential neighborhood feeling.</u>

Bob Laguens, President Makiki Heights Community Associations

The Makiki Heights Association

A Group of Concerned Residents & Neighbors

For Further Information & Concerns Regarding the Museum's Expansion, Contact Any of the Following:

Bob Laguens (Pres.) 521-7882 / F: 521-7133 / E-Mail: BOBLAG@HAWAIILRR.COM

Bernice Hayashida: 538-1589 / EMail: Berhaya@aol.com

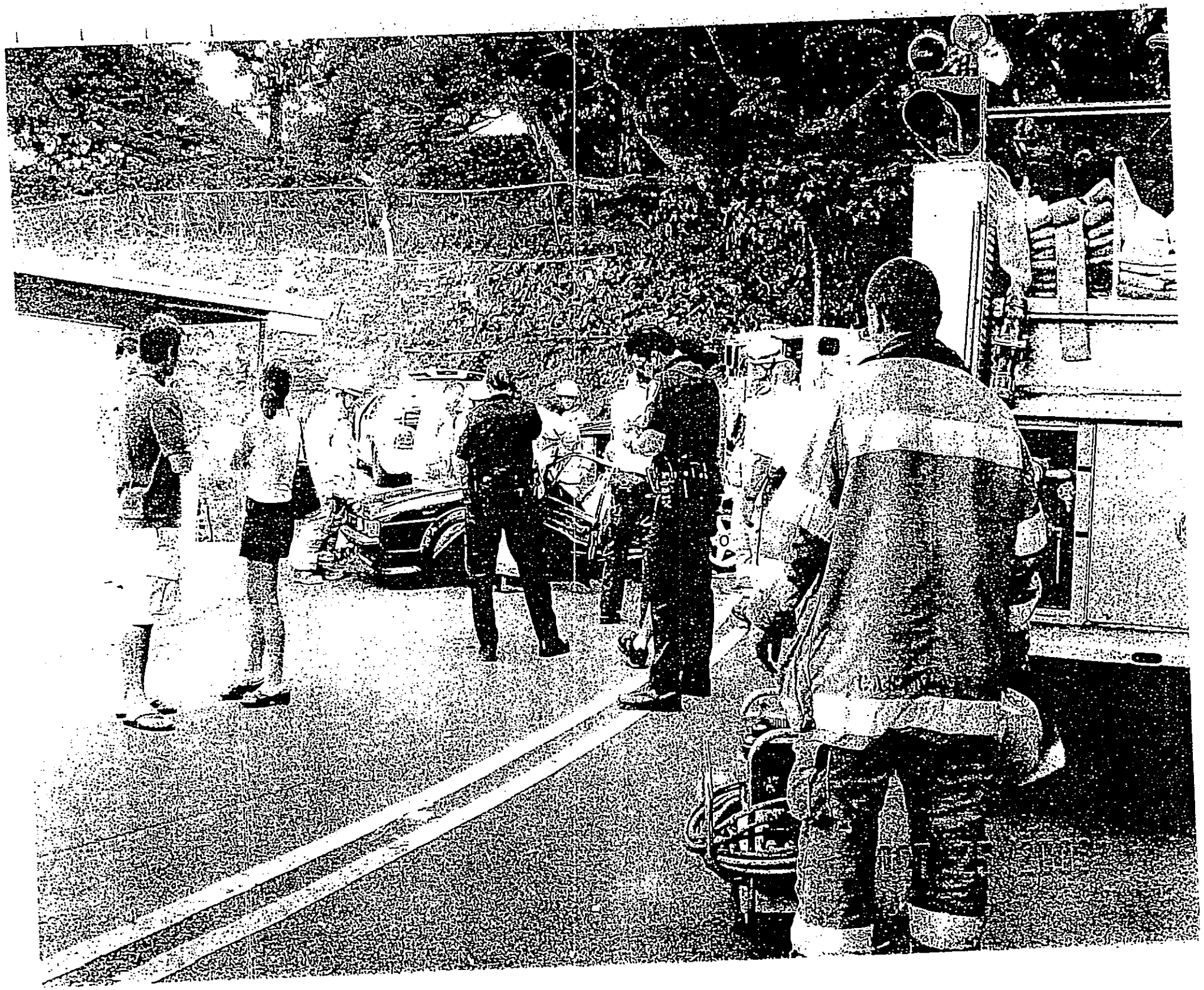
Georgia Rush: 521-1988 / EMail: RUSHG@HAWAII.rr.com

Ray Sasaki: 524-2276 /EMail: rsasakijr@aol.com

Tony Sussex: 523-2053 / EMail: TONYSUSSEX@HAWAIILRR.COM

Please join hands with us & support the efforts of your friends & neighbors in keeping the community safe & pleasant for everyone!

IMPORTANT MEETING: Sunday, May 23, 1:00 pm – 2:00
Location: Either Stevenson Intermediate (cafeteria) OR Roosevelt High School
Call numbers of cover page to confirm location. TELL YOUR NEIGHBORS!



Everyone's Safety is Threatened!!

...by the Contemporary Museum's Expansion Plans

The Museum's expansion plans include: Constructing a large underground parking structure, exhibit hall, storage area and loading dock; converting the Peitsch home to a restaurant for both day & evening operations, increasing the number of school busses daily on Makiki Heights Drive, and drastically expanding operating hours and events (day/evening). The expansion will dramatically *increase* public traffic from the approximately 3,000 current visitors a year *plus* their large, special events which attracts over 500 people to a traumatic number which will impact everyone along Makiki Heights Dr., Mott-Smith, & nearby areas.

The Expansion will affect everyone in these negative ways:

Safety: The roads along both Makiki Heights & Mott-Smith Drives are sub-standard, old, without sidewalks, and has several, treacherous blind-turns. Many Senior citizens, families, joggers, and bicyclists use these roads daily for their exercise. School children use both roads for their physical education class. The museum is planning to increase the number of school busses daily to an average of 16-trips up/down the heights. The narrow roads and blind turns do not allow the busses to safely maneuver these turns w/o endangering citizens and oncoming traffic. The frightening question is not *if* an accident will happen, but *when*. It may involve YOU or loved ones! (see HPD photo of just one such accident on the blind-turns).

Increased Traffic: Expanding their hours of operation on Sundays, *Adding* Thursday evening to 9:00 pm, *Increasing* the amount of guests at special events and *extending* hours to midnight, *Increasing* the number of evening events to one per month, and *extending* restaurant hours to 9:00 pm every other Thursday evening will greatly impact traffic (guests, large delivery & food service trucks) daily and will often go into late evening further endangering & disturbing everyone. Studies also show that an increase in traffic usually brings an *increase* in crime.

Increased Noise: The Museum is requesting new, public address and sound amplification systems at 3 evening events (including the midnight event) which will disturb the neighborhood. Many of the residents are ailing, senior citizens; one of whom experienced health traumas from the noise by the Museum's evening events.

Danger by Old Infrastructure: Increased public attendance, more public evening events, and the restaurant's expanded operations; may place unnecessary and dangerous pressure on the old sewage pipes that service residents on the lower slopes of Makiki Heights. Further ground erosion may occur with daily traffic of heavy delivery and construction trucks, busses, and large vehicles servicing the Museum. (Remember the rock slide that occurred from construction on Round Top Drive??)

The Makiki Heights Community Association

Agenda

Meeting of 5/23/04

1:00 pm: Call to Order: Bob Laguens – Pres. /MHCA
General Announcements
- Refreshments
- Sign-In Sheets

Acknowledgements/Introductions (2-minutes)
Brief History & Background of MHCA (5-minutes)

1:10 pm: Brief Presentation by Contemporary Museum (10-minutes)

1:15 pm: State Purpose of Meeting: Bob Laguens

GENERAL COMMENTS FROM AUDIENCE (30-minutes)
To allow everyone an opportunity to speak, please limit your comments to no more than *three-minutes.*

1:45 pm: QUESTIONS 7 ANSWERS (30-minutes)
To allow everyone an opportunity, please limit your question & answer to *one-minute.*

2:15 pm: General Housekeeping Announcements (Bob Laguens)
Closing Remarks (Bob Laguens)

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065 / TELEPHONE 547-7000

ROD TAM
COUNCILMEMBER
DISTRICT VI
Phone: (808) 547-7006
FAX: (808) 523-4220
rtam@co.honolulu.hi.us

June 15, 2004

Georgianna M. Lagoria, Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

Dear Ms. ~~Lagoria~~, Georgianna

Aloha! At this time I would like to thank you and the Contemporary Museum for your efforts in communicating with your neighbors with respect to your expansion plans. As you know, I am in full support of the community utilizing the CUP process as dictated by the City's Department of Planning & Permitting.

It is my hope that there will be open and civil communication between the Contemporary Art Center and members of the community. I believe it is very important that misunderstandings and miscommunication be prevented as to facilitate an amicable environment amongst neighbors.

It has been brought to my attention that members of the Makiki Heights community have been circulating a petition to request that your organization delay the submittal of its CUP application in order to thoroughly understand and discuss the ramifications of your proposed expansion. As such, I encourage the Contemporary Art Center to discuss with the community a proper and reasonable timeline in which all information and community concerns can be thoroughly disseminated, discussed and mitigated prior to the formal submittal of the Contemporary Museum's CUP application.

I thank you for your time and consideration in this matter. If you have any questions or concerns, please feel free to call me at 547-7006.

Sincerely,

Rod Tam

Rod Tam
Councilmember, District VI

Cc: Makiki Heights Community Association
Makiki Ohana Community Association

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

June 28, 2004

Dear Neighbors and Interested Community Members:

Subject: Community Meeting on The Contemporary Museum Expansion

The Contemporary Museum is hosting a community meeting to provide further opportunity for our neighbors and interested residents to discuss the proposed improvements and expansion of The Contemporary Museum.

These improvements include developing exhibition space and parking in a new structure located over and under the existing tennis court and on the grounds between the tennis court and the main museum building. We will also describe our plans for reuse of existing spaces, including plans to utilize the Peterson property for a café, library, and docent offices, while providing enclosed spaces at the existing café for educational programs and offices.

The meeting information is as follows:

Date	:	Sunday, July 11, 2004
Times	:	1:00 pm to 3:00 pm
Place	:	Roosevelt High School Cafeteria

Your presence at this meeting would be extremely helpful in providing community input on our proposed development. Should you have questions concerning the development, please contact Georgianna Lagoria, Executive Director of The Contemporary Museum, at 526-1322, extension 14.

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: The Contemporary Museum

THE CONTEMPORARY MUSEUM

2411 Makiki Heights Drive
Honolulu, Hawai'i 96822
Tel (808) 526-1322
Fax (808) 536-5973

www.tcmhi.org

July 1, 2004

Ray Sasaki, Jr.
2350 Makiki Heights Drive
Honolulu, HI 96822

Subject: Makiki Heights Community Association Petition Requesting a 10-Month Waiting Period

Dear Mr. Sasaki:

Thank you for your letter requesting that The Contemporary Museum delay the formal submission of their Conditional Use Permit application to the Department of Planning and Permitting for 10 months or until the Makiki community has adequate time to gather, organize, and analyze applicable information relating to the process and receive input from concerned citizens about its impact on the community.

We have enclosed a Chronology of the Community Outreach for The Contemporary Museum that has occurred since August 25, 2003. Initially, between August 25, 2003 and September 16, 2003, Ms. Georgianna Lagoria met with the outgoing and incoming Presidents of the Makiki Heights Community Association and with immediate neighbors to discuss the Master Plan for The Contemporary Museum (Museum) and to discover concerns that the neighbors have about the proposed Master Plan.

On October 30, 2003, Ms. Lagoria and Museum consultants met with neighbors and the Makiki Heights Community Association to present the Master Plan for the Museum and to discuss neighbors concerns. Councilmember Rod Tam was in attendance at that meeting and provided guidance on continued dialogue with the community.

Since October 30, 2003, Ms. Lagoria has continued to meet with individual neighbors, the Makiki/Lower Punchbowl/Tantalus Neighborhood Board, Makiki Ohana Community Association, Councilmember Rod Tam, Representative Brian Schatz, and Senator Carol Fukunaga. These included one Neighborhood Board Meeting, three meetings/site visits (two occurring on May 10, 2004) at the Museum, one community meeting organized by Representative Schatz and one community meeting organized by the Makiki Heights Community Association.

The Museum has scheduled another community meeting for July 11, 2004 and will be providing another opportunity for community input.

Based on this extensive community outreach, the Museum will submit their Conditional Use Permit application to the Department of Planning and Permitting on September 1, 2004.

The Museum will continue to meet with the community and work to mitigate the concerns raised by community, through September 1, 2004 and beyond, during the application process.

Very truly yours,

Georgianna Lagoria
Director

cc: Mayor Jeremy Harris
Councilmember Rod Tam
Councilmember Ann Kobayashi
Senator Carol Fukunaga
Representative Brian Schatz
Neighborhood Board #10
Bob Laguens
Tracy Miyahara
Keith Kurahashi

THE CONTEMPORARY MUSEUM

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Tel (808) 526-1322
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July 1, 2004

Senator Carol Fukunaga
Senate District 11
Legislature - State Capitol
Honolulu, Hawaii 96813

Subject: Makiki Heights Community Association Petition Requesting a 10-Month Waiting Period

Dear Senator Fukunaga:

Thank you for your letter dated June 10, 2004, supporting the Makiki Heights Community Association request that The Contemporary Museum delay the formal submission of their Conditional Use Permit application to the Department of Planning and Permitting for 10 months or until the Makiki community has adequate time to gather, organize, and analyze applicable information relating to the process and receive input from concerned citizens about its impact on the community.

We have enclosed a Chronology of the Community Outreach for The Contemporary Museum that has occurred since August 25, 2003. Initially, between August 25, 2003 and September 16, 2003, Ms. Georgianna Lagoria met with the outgoing and incoming Presidents of the Makiki Heights Community Association and with immediate neighbors to discuss the Master Plan for The Contemporary Museum (Museum) and to discover concerns that the neighbors has about the proposed Master Plan.

On October 30, 2003, Ms. Lagoria and Museum consultants met with neighbors and the Makiki Heights Community Association to present the Master Plan for the Museum and to discuss neighbors concerns. Councilmember Rod Tam was in attendance at that meeting provided guidance on continued dialogue with the community.

Since October 30, 2003, Ms. Lagoria has continued to meet with individual neighbors, the Makiki/Lower Punchbowl/Tantalus Neighborhood Board, Makiki Ohana Community Association, Councilmember Rod Tam, Representative Brian Schatz, and yourself. These included one Neighborhood Board Meeting, three meetings/site visits (two occurring on May 10, 2004) at the Museum, one community meeting organized by Representative Schatz and one community meeting organized by the Makiki Heights Community Association.

The Museum has scheduled another community meeting for July 11, 2004 and will be providing another opportunity for community input.

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Very truly yours,

Georgianna Lagoria
Director

cc: Mayor Jeremy Harris
Council Member Rod Tam
Councilmember Ann Kobayashi
Representative Brian Schatz
Neighborhood Board #10
Ray Sasaki, Jr.
Bob Laguens
Tracy Miyahara
Keith Kurahashi

Meetings with Neighbors of The Contemporary Museum to discuss Master Plan:

August 25, 2003
Georgianna Lagoria, Director, The Contemporary Museum, meet with Tony Sussex, outgoing President of Makiki Heights Community Association and Bob Laguens, incoming President of Makiki Heights Community Association at The Contemporary Museum

September 2, 2003
Georgianna Lagoria meets with immediate neighbors Bob Laguens and Debbie Putnam at their home to discuss Master Plan and hear their concerns.

September 8, 2003
Georgianna Lagoria meets with immediate neighbors Bernice Hayashida and Georgia Rush at The Contemporary Museum to discuss Master Plan and hear their concerns.

September 10, 2003
Georgianna Lagoria meets with immediate neighbor Gertrude Kamikawa at The Contemporary Museum to discuss Master Plan and hear her concerns.

September 12, 2003
Georgianna Lagoria meets with immediate neighbor Louise Shimokawa at The Contemporary Museum to discuss Master Plan and hear her concerns.

September 14, 2003
Georgianna Lagoria writes a letter to immediate neighbor Ray Sasaki requesting a meeting to discuss the TCM Master Plan (after unsuccessfully trying to reach him by phone.)

September 16, 2003
Georgianna Lagoria writes a letter to immediate neighbors Suzie and Dennis Fitzgerald requesting a meeting to discuss the TCM Master Plan (after unsuccessfully trying to reach them by phone.)

October 19, 2003
Georgianna Lagoria and Gene Yong, TCM Master Planning Consultant, present Master Plan to a group of neighbors at the request of Bob Laguens and the Makiki Heights Community Association. Meeting held at the home of immediate neighbor Georgia Rush to discuss Master Plan and hear their concerns.

October 30, 2003
Georgianna Lagoria and Violet Loo, TCM Board President, meet with immediate neighbor Allison Gendreau. Master Plan was discussed.

October 31, 2003
Georgianna Lagoria and Violet Loo meet with immediate neighbor Suzie Fitzgerald. Master Plan was discussed.

December 22, 2003
Georgianna Lagoria meets with Shawn Hamamoto, Honolulu City Council Member Rod Tam's Office, to discuss Master Plan. Meeting held onsite at the Museum.

February 10, 2004
Georgianna Lagoria and Keith Kurahashi meet with Rod Tam and Shawn Hamamoto to tour Museum grounds and discuss Master Plan.

March 8, 2004
Georgianna Lagoria, Gene Yong, and Keith Kurahashi, TCM Permit consultant, address neighbors to further to discuss Master Plan and hear their concerns. Meeting held at The Contemporary Museum, with representative from Rod Tam's office present.

April 7, 2004
Georgianna Lagoria, Gene Yong, and Keith Kurahashi meet with Senator Carol Fukunaga and Representative Brian Schatz at State Capitol meeting room to discuss Master Plan.

April 8, 2004
Georgianna Lagoria, Gene Yong, and Keith Kurahashi meet with neighbors from nearby Hoalu Place to discuss Master Plan, tour Peterson Property, and hear their concerns.

April 15, 2004
Georgianna Lagoria, Gene Yong, and Keith Kurahashi give presentation on Master Plan before Makiki/Lower Punchbowl/Tantalus Neighborhood Board.

April 21, 2004
Georgianna Lagoria gives brief presentation on Master Plan at Town Meeting organized by Representative Brian Schatz to discuss Master Plan and hear concerns.

May 10, 2004
Neighbors are invited to hear about Master Plan and view the Cooke Spalding and Peterson Properties at The Contemporary Museum. Two meetings are held that day – 12 noon and 6 p.m. to discuss Master Plan and hear concerns.

May 23, 2004
Georgianna Lagoria, Gene Yong, and Keith Kurahashi briefly present Master Plan to neighbors and hear neighbors concerns at meeting called by Makiki Heights Community Association at Roosevelt High School.

THE CONTEMPORARY MUSEUM
RESPONSES TO COMMUNITY CONCERNS
July 11, 2004

A. TRAFFIC

THE TRAFFIC ENGINEER INDICATED THAT DURING HIS SITE VISIT IN THE MORNING HOURS (7:00AM TO 8:30 AM), TRAFFIC FROM THE MUSEUM WAS MINIMAL(LESS THAN 10 VEHICLES TRAVELING IN AND OUT). DURING THE AFTERNOON PEAK HOUR THERE WERE 6 VEHICLES ENTERING THE MUSEUM PROPERTY AND 16 VEHICLES LEAVING. WITH THE FUTURE EXPANSION, TRAFFIC IS EXPECTED TO INCREASE TO 9 VEHICLES ENTERING AND 24 VEHICLES EXITING DURING THE PM PEAK HOUR. THIS PROJECT IMPACT IS EXTREMELY SMALL AND WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING STREETS.

DURING THE MIDDAY PEAK HOUR THERE ARE 15 VEHICLES ENTERING THE MUSEUM PROPERTY AND 27 VEHICLES EXITING. WITH THE FUTURE EXPANSION, TRAFFIC IS EXPECTED TO INCREASE TO 22 VEHICLES ENTERING AND 40 VEHICLES EXITING. WITH THE INCREASE IN TRAFFIC, THE FREQUENCY OF VEHICLES IN EACH DIRECTION ON MAKIKI HEIGHTS DRIVE WILL BE ABOUT ONE VEHICLE EVERY 30 TO 40 SECONDS . THIS INCREASE IN TRAFFIC WILL HAVE MINIMAL IMPACT ON MAKIKI HEIGHTS DRIVE AND SURROUNDING STREETS.

THE TRAFFIC ENGINEER NOTED THE FOLLOWING:

1. PROVIDING ADEQUATE SITE LINES AT THE DRIVEWAYS.

2. TURNS ALONG DIFFERENT ROUTES

   a. MOTT-SMITH DRIVE ROUTE - ONE SHARP "HAIRPIN TURN" AND TWO TIGHT TURNS.

   b. MAKIKI STREET ROUTE - ONE SHARP "HAIRPIN TURN" AND FIVE TIGHT TURNS.

   c. TANTALUS DRIVE - THREE TIGHT TURNS.

3. AFFECTED RESIDENCES ON ROUTE

a. MOTT-SMITH DRIVE ROUTE - 125 RESIDENCES

b. MAKIKI STREET ROUTE - 40 RESIDENCES

c. TANTALUS DRIVE - 120 RESIDENCES

SAFETY CONCERNS AT THE S-TURN ON MAKIKI HEIGHTS DRIVE. THE MUSEUM WILL DISCUSS WITH THE CITY'S DEPARTMENT OF TRANSPORTATION SERVICES THE POSSIBILITY OF THE CITY STRAIGHTENING OUT THE S-TURN AND IF NECESSARY THE CITY'S ACQUISITION OF A PORTION OF THE MUSEUMS PROPERTY AT THE S-TURN TO IMPROVE TRAVEL THROUGH THE S-TURN.

B. CONSTRUCTION

IN SPEAKING WITH A CONTRACTOR FAMILIAR WITH THE PROJECT, WE LEARNED THE FOLLOWING:

THE NUMBER OF TRUCK LOADS OF MATERIAL THAT POTENTIALLY WOULD BE REMOVED FROM THE SITE (BASED ON THE SCHEMATIC DESIGN BY BELT COLLINS AND ASSUMING ALL MATERIAL WILL BE REMOVED) IS CLOSER TO 250 THAN 350.

THE CONTRACTOR'S PRELIMINARY PROJECT SCHEDULE INDICATES A 12 MONTH CONSTRUCTION PERIOD.

THERE WILL NOT BE ANY BLASTING. PILE DRIVING IS UNLIKELY. HARD STUFF WILL BE EXCAVATED WITH A HOE-RAM.

NOISE AND AIR QUALITY SURROUNDING CONSTRUCTION PROJECTS ARE REGULATED. THE CONTRACTOR WILL ADHERE TO THE REGULATIONS GOVERNING THESE AREAS. WE WILL REQUIRE A DUST FENCE AROUND THE PROJECT SITE WITH ADEQUATE DUST CONTROL AND MANDATED EROSION CONTROLS MEASURES.

FOR TRAFFIC SAFETY WITH CONSTRUCTION VEHICLES, THE CONTRACTOR WILL UTILIZE AN ESCORT TRUCK WITH A STROBE

LIGHT AS A LEAD TO OVERSIZE VEHICLES TRAVELING ON MAKIKI HEIGHTS DRIVE.

FLAG MEN WILL BE UTILIZED AS NEEDED TO ASSIST VEHICLES ENTERING AND EXITING THE SITE.

THE PLAN IS TO STAGE EQUIPMENT ON THE PROPERTY WITH LARGE CONSTRUCTION EQUIPMENT/VEHICLES REMAINING ON SITE FOR EXTENDED PERIODS OF TIME. THIS EQUIPMENT AND VEHICLES WILL NOT BE TRAVELING UP AND DOWN MAKIKI HEIGHTS ON A DAILY BASIS.

C. WASTEWATER INFRASTRUCTURE

BASED ON DISCUSSIONS WITH THE DEPARTMENT OF HEALTH, THE PROPOSED EXPANSION AND RENOVATION OF THE MAIN MUSEUM WILL REQUIRE UPGRADING OF THE TWO EXISTING CESSPOOLS TO SEPTIC TANK SYSTEMS AND THE EXISTING SEPTIC TANK SYSTEM WOULD CONTINUE IN PLACE. THE MUSEUM WILL NOT BE REQUIRED TO CONNECT TO THE MUNICIPAL SYSTEM LOCATED IN HOALU PLACE.

IN ADDITION, FORMER PIETSCH/PETERSON RESIDENCE HAS AN EXISTING CESSPOOL THAT WILL BE UPGRADED TO A SEPTIC TANK SYSTEM.

THE JOHNSON RESIDENCE/PERSIS OFFICE PROPERTY IS PRESENTLY SERVED AND WILL CONTINUE TO BE SERVED BY AN ON-SITE CESSPOOL. CONTINUING USE OF THE PROPERTY FOR RESIDENTIAL AND OFFICE USE WILL RESULT IN NO INCREASE IN EXISTING WASTEWATER FLOW.

D. DRAINAGE INFRASTRUCTURE

CITY APPROVAL OF DRAINAGE PLANS WILL BE REQUIRED DURING THE PROJECT DESIGN PHASE. TYPICAL REQUIREMENTS WILL BE THAT THERE BE NO INCREASE OF OFF-SITE RUNOFF GENERATED BY THE PROPOSED IMPROVEMENTS. ALL INCREASED RUNOFF WILL NEED TO BE DISPOSED ON SITE OR DETAINED ON SITE TO MINIMIZE IMPACT TO SURROUNDING PROPERTIES. IN ADDITION,

THERE ARE OPPORTUNITIES TO REDUCE THE QUANTITY OF RUNOFF LEAVING THE SITE AT THE PRESENT TIME.

MOST OF THE STORM WATER RUNOFF ON THE MAIN MUSEUM PROPERTY DISCHARGES TO AN OFF-SITE SURFACE DRAINAGE SUMP AT THE BOTTOM OF THE ON-SITE GULLY (NU'UMEALANI). IT IS EXPECTED THAT THE SUMP CAN CONTINUE TO BE USED FOR DISPOSAL OF MUCH OF THE SITE RUNOFF AFTER COMPLETION OF THE PROPOSED IMPROVEMENTS.

RUNOFF FROM THE PARKING LOT AREA CURRENTLY FLOWS OFF-SITE TO MAKIKI HEIGHTS DRIVE THROUGH AN EXISTING 12-INCH DRAIN LINE. THIS RUNOFF WILL BE INTERCEPTED AND DISCHARGED TO AN ON-SITE DRYWELL, AS PART OF THE PROPOSED SITE IMPROVEMENTS, REDUCING CURRENT FLOWS ON MAKIKI HEIGHTS DRIVE.

THERE ARE SOME EXISTING ON-SITE DRAINAGE PROBLEMS ABOVE THE CURRENT OFFICE AND COLLECTION/STORAGE BUILDINGS THAT CAN BE MITIGATED WITH IMPROVEMENTS TO THE ON-SITE DRAINAGE COLLECTION INFRASTRUCTURE DURING CONSTRUCTION OF THE PROPOSED SITE IMPROVEMENTS.

MOST STORM WATER RUNOFF FROM THE FORMER PIETSCH/PETERSON RESIDENCE CURRENTLY FLOWS TO MAKIKI HEIGHTS DRIVE. THIS RUNOFF WILL BE SIGNIFICANTLY REDUCED BY INSTALLATION OF ONE OR MORE DRYWELLS DURING INSTALLATION OF THE PLANNED IMPROVEMENTS.

TO: **Ms. Violet S. Loo, President**
Board of Trustees
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

BY CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Tel (808) 526-1322
Fax (808) 536-5973

CC: All Members of The Contemporary Museum's Board of Trustees
Georgianna M. Lagoria, Director, The Contemporary Museum
Eric Crispin, Director, Department of Planning & Permitting
Elaine Marks, Department of Planning & Permitting
Councilmember Rod Tam, Honolulu City Council, District 6
Councilmember Ann Kobayashi, Honolulu City Council, District 5
John Steelquist, Chair, Makiki Neighborhood Board No. 10
Hawaii State Senator Carol Fukunaga, District 11
Hawaii State Representative Brian Schatz, District 25

FROM: **Mr. Raymond T. Sasaki, Jr., President** RTS
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, Hawaii 96822

Tel (808) 524-2276

Ms. Tracy Miyahara, Chair
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, Hawaii 96822

Tel (808) 781-2807

DATE: July 19, 2004

RE: The Contemporary Museum's Announced Plan to Submit a Conditional Use Permit (Major) Application to the City & County of Honolulu Department of Planning & Permitting on September 1, 2004 (Tax Map Key Nos. 2-5-08: 1 & 7)

1. Request for a Meeting with The Contemporary Museum's Full Board of Trustees or Duly Designated Representatives;
2. Preliminary Questions in Preparation for the Meeting;
3. Copy of Community Petition Requesting More Time and Letter Dated June 10, 2004 from Senator Carol Fukunaga and Councilmember Ann Kobayashi to Director Georgianna Lagoria.

Aloha! Thank you for your participation in the community meeting called by The Contemporary Museum and held on Sunday July 11, 2004 at 1:00 P.M. at the Roosevelt High School cafeteria. Including yourself, Georgianna Lagoria, Keith Kurahashi, Rod Tam, Carol Fukunaga, and Brian Schatz, approximately 32 persons attended the meeting which lasted just over two hours.

We were disappointed to learn at the July 11, 2004 meeting that the attached petition, which was sent to Director Georgianna Lagoria on June 2, 2004 for consideration by the Board of Trustees -- respectfully requesting more time for the community to become familiar with the specifics of The Contemporary Museum's proposal and the Department of Planning & Permitting's Conditional Use Permit process -- was considered only by yourself and Director Lagoria, and not by the full Board of Trustees.

We have been informed that the matter of the petition and its request was not reported to or otherwise considered by the Board of Trustees at its June 14, 2004 meeting.

Further, while acknowledging the Makiki Heights Community Association's petition, Director Lagoria announced in her letter dated July 1, 2004 (mailed on June 28, 2004) -- the invitation to the July 11, 2004 meeting at Roosevelt -- that The Contemporary Museum would be filing its Conditional Use Permit application on September 1, 2004.

Pursuant to the July 11, 2004 discussion concerning continued communication in this matter, especially emphasized by Councilmember Rod Tam, representatives of both the Makiki Heights Community Association and Makiki Ohana Community Association would appreciate the opportunity to meet with the full Board of Trustees - or, in the alternative, the Board's formally designated representatives -- prior to The Contemporary Museum's submission of its Conditional Use Permit application to the Department of Planning & Permitting on September 1, 2004.

We continue our request that The Contemporary Museum give the community additional time to become familiar with the Museum's proposal and the Conditional Use Permit process.

We appreciate the statements by Keith Kurahashi on July 11, 2004 that the application would be for a Conditional Use Permit (Major), which requires the Department of Planning & Permitting to conduct a public hearing.

We are especially concerned about the continued lack of project and conditional use permit application specifics, especially based on the brief presentations made by Keith Kurahashi (May 23 and July 11, 2004) and Gene Yong (May 23, 2004) at Roosevelt, and the reliance on two "aerial view" parcel maps to show the site plan.

We do not know exactly where The Contemporary Museum is in this project development and permitting process, noting (1) Keith Kurahashi's statement at the July 11, 2004 meeting that the Draft Environmental Assessment has not been completed, and

(2) Director Lagoria's statement at the July 11, 2004 meeting that this project was not yet in the "design phase."

We would greatly welcome the opportunity to meet with The Contemporary Museum's Board of Trustees to discuss the community's present concerns, the proposed project development, and the permit processes involved.

President Loo, you stated at the July 11, 2004 meeting that "the studies have taken time, now we have some answers."

In the spirit of cooperation, the community would appreciate some time **prior to the formal initiation of the Conditional Use Permit process** to become familiar with The Contemporary Museum's complete proposal. We understand that more answers will come later – however, it is vital that these answers come **before** the 90-day Conditional Use Permit application process period begins.

If the Conditional Use Permit application is in fact filed on September 1, 2004, then all of the pertinent information and "answers" should also be publicly available by or before that date.

As Director Lagoria stated at the end of the July 11, 2004 meeting, while noting the helpfulness of the Makiki Ohana Community Association website, "nothing matches this type of conversation."

We look forward to having this type of conversation with The Contemporary Museum's Board of Trustees.

Please contact us at the addresses above at your earliest convenience. ***Thank you!***

Raymond T. Sasaki, Jr.
President
Makiki Heights Community Association

Tracy Miyahara
Chair
Makiki Ohana Community Association

* *

In anticipation of meeting with the Board of Trustees, it would be extremely helpful if the following informational questions could be answered in writing to us in advance.

1. When the full Board of Trustees is unavailable, who serves as the Board's duly designated representative(s) in this Conditional Use Permit matter?

2. When is the next meeting scheduled for the full Board of Trustees?

3. Could a special meeting be scheduled for the full Board of Trustees in order to meet with representatives of the Makiki Heights Community Association and Makiki Ohana Community Association concerning this matter?

4. When did the Board of Trustees first take formal action to authorize initiation of this project?

5. When did the Board of Trustees take formal action to authorize submittal of the Conditional Use Permit application on September 1, 2004?

6. Who are the members of the project team -- consultants, architects, engineers, construction contractors, etc.?

7. What conditional use permit conditions are presently applicable to the land use and operations of The Contemporary Museum?

8. What amendments, revisions, or repeal of conditions are presently planned to be proposed by The Contemporary Museum?

9. What is The Contemporary Museum's proposed timetable for the full implementation (start to finish) of the proposed project – including, but not limited to, fundraising, planning, design phase, lighting plan, acquisition of all necessary permits, construction activities, relocations, and grand opening/celebration?

TO: Keith Kurahashi
9-988-1140

HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

July 23, 2004

Ms. Georgianna Lagoria
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

RE: Community Discussion and Request for Waiting Period

Aloha Georgianna:

I have been following the community discussion regarding The Contemporary Museum's expansion plans over the last few months. I credit all parties for handling the discussion in a professional and amicable manner.

I believe that that the ten month waiting period presently requested is unnecessarily long. I, however, support granting the community an additional length of time to further study the issue. I recommend a four month waiting period.

I believe that changing the location of the cafe is a "change in use" and must be viewed as such. I further don't see any compelling reason that would prevent students from using an educational facility at the Peterson house. After all, a five-minute walk through the grounds may be of educational value. I also believe that the increase in evening hours was not what the community bargained for originally, and may change the residential nature of the neighborhood. I urge you to work with the two relevant community organizations to work out a compromise.

I am generally supportive of the museum's efforts to upgrade, but I urge you to reach an acceptable compromise with neighbors that will be immediately affected and have legitimate concerns.

Very Truly Yours,

Representative Brian Schatz
House District 25
Makiki – Tantalus

Mr. Ray Sasaki
Mr. Bob Laguens
Ms. Tracy Miyahara
Ms. Faith Wong
Mr. Eric Crispin
Councilmember Ann Kobayashi
Senator Carol Fukunaga
Councilmember Rod Tam
John Steelquist, Chair, Makiki
Neighborhood Board

TO: Ms. Violet S. Loo, President
Board of Trustees

Ms. Georgianna M. Lagoria, Director

The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

BY FAX AND USPS
FIRST CLASS MAIL

FROM: Tracy Miyahara, Chair
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, Hawaii 96822

Tel (808) 781-2807

DATE: July 30, 2004 Friday

RE: Response to Your Letter of July 26, 2004;
Effort to Meet with The Contemporary Museum's Full Board of Trustees or The Board's Duly Designated And Identified Representatives in Relation to The Contemporary Museum's Announced Plan to Submit a Conditional Use Permit (Major) Application to the City & County of Honolulu Department of Planning & Permitting on September 1, 2004
(Tax Map Key Nos. 2-5-08: 1 & 7)

I received President Loo's letter dated July 26, 2004 and its enclosure of Director Lagoria's e-mail dated July 23, 2004 on July 29, 2004. (The envelope was postmarked July 28, 2004.) As I had earlier informed President Loo, Director Lagoria, and Consultant Keith Kurahashi, I was on a trip to Philadelphia from July 22 to 29, 2004.

As discussed at page 2/4 in the July 19, 2004 memo from Raymond Sasaki, Jr. and I to President Loo, The Contemporary Museum announced on July 1, 2004 that it would be submitting its Conditional Use Permit (Major) application to the City & County of Honolulu Department of Planning & Permitting on September 1, 2004.

As emphasized in our July 19, 2004 memo, pursuant to the July 11, 2004 discussion (at the meeting held in the Roosevelt High School cafeteria) concerning continued communication in this matter, especially emphasized by Councilmember Rod Tam, representatives of both the Makiki Heights Community Association and Makiki Ohana Community Association would appreciate the opportunity to **meet with the full Board of Trustees – or, in the alternative, the Board's formally designated and identified representatives -- prior to** The Contemporary Museum's submission of its Conditional Use Permit application to the Department of Planning & Permitting on **September 1, 2004.**

We would greatly welcome the opportunity to meet with The Contemporary Museum's full Board of Trustees to discuss the community's present concerns, the proposed project development, and the permit processes involved.

Neither Director Lagoria's July 23, 2004 e-mail or President Loo's July 26, 2004 letter address the first three questions of the July 19, 2004 memo:

1. When the full Board of Trustees is unavailable, who serves as the Board's duly designated representative(s) in this Conditional Use Permit matter?

2. When is the next meeting scheduled for the full Board of Trustees?

3. Could a special meeting be scheduled for the full Board of Trustees in order to meet with representatives of the Makiki Heights Community Association and Makiki Ohana Community Association concerning this matter?

The July 26, 2004 letter refers to "the museum's representatives" and "Thurston Twigg-Smith, another of our designated representatives". The July 23, 2004 e-mail refers to "The Contemporary Museum Board of Trustees' formally designated representatives". As posed in question 1 above, **who in fact are the duly designated representatives of the Board of Trustees in this matter?**

The July 23, 2004 e-mail lists seven potential dates and times for meeting, and the July 26, 2004 letter states that President Loo "will be leaving Honolulu for a long-planned trip on July 31 and Thurston Twigg-Smith ... is leaving on August 6". The first four of the alternative dates (July 26, 27, 28, & 29, 2004) were when I was out of town (or immediately upon my return on July 29), and communicated after I had left Honolulu on July 22, 2004. The final three dates (August 2, 3, & 5, 2004) are after President Loo is unavailable. No dates of return to Honolulu are given for President Loo and Mr. Twigg-Smith.

What is important is that a direct discussion between representatives of the Makiki Heights Community Association, the Makiki Ohana Community Association, and The Contemporary Museum (but preferably the full Board of Trustees) regarding the community's present concerns, the proposed project development, and the permit processes involved be meaningfully conducted prior to The Contemporary Museum's announced Conditional Use Permit (Major) application submittal deadline of September 1, 2004.

In relation to the nine questions asked in the July 19, 2004 memo, President Loo's last paragraph in the July 26, 2004 letter states that "we will have the answers ready for discussion at this coming meeting." That is acceptable for questions 4 to 9 (although written answers are preferred in advance of the meeting), but answers to the first three questions (set forth above) are truly necessary **now** for us to be able to best proceed in working with you.

We look forward to learning when the full Board of Trustees (or its duly designated and identified in advance representatives) may be able to meet with us.

As a separate note, I wish to gratefully acknowledge receipt of an "advance copy" of the Draft Environmental Assessment from Keith Kurahashi. He stated that "the Draft Environmental Assessment will be submitted to the Department of Planning and Permitting for processing on August 4, 2004."

Tracy Miyahara
Chair
Makiki Ohana Community Association

CC: All Members of The Contemporary Museum's Board of Trustees
Eric Crispin, Director, Department of Planning & Permitting
Elaine Marks, Department of Planning & Permitting
Councilmember Rod Tam, Honolulu City Council, District 6
Councilmember Ann Kobayashi, Honolulu City Council, District 5
John Steelquist, Chair, Makiki Neighborhood Board No. 10
Hawaii State Senator Carol Fukunaga, District 11
Hawaii State Representative Brian Schatz, District 25
Keith Kurahashi, Agent for The Contemporary Museum
Ray Sasaki, Jr., President, Makiki Heights Community Association

TO: Representative Brian Schatz
Hawaii State Capitol
415 South Beretania Street, Room 425
Honolulu, Hawaii 96813

FROM: Tracy Miyahara, Chair Tel 781-2807
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, Hawaii 96822

DATE: August 3, 2004 Tuesday

RE: Your Letter Dated July 23, 2004 to Ms. Georgianna Lagoria, Director, The Contemporary Museum

Thank you for sending me a copy of your July 23, 2004 letter to The Contemporary Museum Director Georgianna Lagoria concerning "Community Discussion and Request for Waiting Period."

I appreciate your recommendation to The Contemporary Museum of a four month waiting period, consistent with the community's request for more time to become familiar with the specifics of The Contemporary Museum's proposal and the Department of Planning & Permitting's Conditional Use Permit process.

The community's petition requesting that The Contemporary Museum delay its plans regarding formal submission of its Conditional Use Permit application for ten months "or until the Makiki community has adequate time to gather, organize, and analyze applicable information relating to the process and receive input from concerned citizens" was sent to Director Lagoria on June 2, 2004 for consideration by the Board of Trustees. (Ray Sasaki and I sent a copy of the petition to you with our memo dated July 19, 2004.)

In a letter dated July 1, 2004 and signed by Director Lagoria, The Contemporary Museum announced that it "will submit" the Conditional Use Permit application to the Department of Planning & Permitting on September 1, 2004. The matter of the community's petition request for a delay was **not** on The Contemporary Museum Board of Trustees' June 15, 2004 meeting agenda.

The Makiki Ohana Community Association will continue to work with the Makiki Heights Community Association and other interested persons in evaluating The Contemporary Museum's proposal as more details become known -- especially as Director Lagoria stated at the July 11, 2004 meeting at Roosevelt High School that this project was not yet in the "design phase."

We are hoping to meet with the full Board of Trustees or its duly designated representatives concerning the proposed Conditional Use Permit application prior to The Contemporary Museum's September 1, 2004 submittal deadline in order to discuss the community's present concerns, the proposed project development, and the permit processes involved.

We appreciate your continued interest and assistance in this matter.

Tracy Miyahara
Chair
Makiki Ohana Community Association

cc: Georgianna M. Lagoria, Director, The Contemporary Museum
Raymond T. Sasaki, Jr., President, Makiki Heights Community Association
Bob Laguens, Immediate Past President, Makiki Heights Community Assn.
Faith Wong
Eric Crispin, Director, Department of Planning & Permitting
Eileen Mark, Department of Planning & Permitting
Councilmember Ann Kobayashi, Honolulu City Council, District 5
Councilmember Rod Tam, Honolulu City Council, District 6
Hawaii State Senator Carol Fukunaga, District 11
John Steelquist, Chair, Makiki Neighborhood Board No. 10

THURSDAY - August 5th 2004 11:50 pm

TO: Director Georgianna M. Lagoria
RE: Your "Correction" letter dated August 3rd 2004

Just got home and opened today's mail including your latest letter. Your correction letter is dated August 3rd, postmarked August 4th, and delivered August 5th after 1 pm.

It is beyond me why you simply did not call me about this.

Please see my letter of earlier today in response to your letter of August 2nd 2004 transmitted to you by fax per your request that "in the interest of time, please let us know via facsimile 536-5973".

In the interest of time, please feel free to directly call me at 781-2807 as indicated in my previous letters to you

Tracy Miyahara
TRACY MIYAHARA
CHAIR
W.O.C.A.
cc: RAY SASAKI

TO: Director Georgianna M. Lagoria
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

BY FAX AND USPS
FIRST CLASS MAIL

FROM: Tracy Miyahara, Chair
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, Hawaii 96822

Tel (808) 781-2807

DATE: August 5, 2004 Thursday

RE: Your Letter dated August 2, 2004;
Proposed Meeting on "Friday August 5 at 10 a.m."

I received your August 2, 2004 letter in the mail late yesterday - Wednesday August 4, 2004. I have not yet had a chance to check my email.

You refer to "C/O FACSIMILE, (594-0544)" - I have no idea what this represents as it is **not** my fax number. I do have fax capability but it is not a dedicated line and must be switched on by first contacting me personally.

Thank you for the further information in response to questions 1 and 2.

"Friday August 5" does NOT work for me or MOCA's representatives, especially as it does not exist in 2004. To best coordinate our group's schedules, I have repeatedly requested two weeks lead time. Whenever this meeting can be held, I would especially appreciate President Violet Loo's attendance.

It is preferred that the community have an opportunity to meet with the full Board of Trustees.

Will the matter of the Conditional Use Permit application and the community's petition request for additional time be on the Board of Trustee's agenda for August 30, 2004?

Please advise me and Ray Sasaki, President of the Makiki Heights Community Association, when **all** of the Museum's representatives may be able to meet at one time after President Loo's return on or about August 25, 2004.

Mahalo and Aloha,

Tracy Miyahara
Chair
Makiki Ohana Community Association

CC: All Members of The Contemporary Museum's Board of Trustees
Eric Crispin, Director, Department of Planning & Permitting
Elaine Marks, Department of Planning & Permitting
Councilmember Rod Tam, Honolulu City Council, District 6
Councilmember Ann Kobayashi, Honolulu City Council, District 5
John Steelquist, Chair, Makiki Neighborhood Board No. 10
Hawaii State Senator Carol Fukunaga, District 11
Hawaii State Representative Brian Schatz, District 25
Keith Kurahashi, Agent for The Contemporary Museum
Ray Sasaki, Jr., President, Makiki Heights Community Association

August 19, 2004

3007 La Pietra Circle
Honolulu, HI 96815

Mr. Eric Crispin, AIA
Director of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

Dear Mr. Crispin,

I am writing in support of The Contemporary Museum's request for a new Conditional Use Permit.

As a Museum docent for over fifteen years, I have had the opportunity to share the work and views of local and visiting artists with many school children and adults. Due to the frequent rains over Makiki Heights, our site is a verdant oasis. However, the inclement weather has often led to a crowded situation of visitors and children using the same area on the entry lanai. More than once I have had to be careful not to step on any toes, fingers or art works in progress. The Museum definitely needs more space dedicated to arts education.

Also, when the galleries are not open during the weeks between exhibits, I have experienced the disappointment of locals and tourists alike, who have to be informed that our one exhibition hall is temporarily closed. The addition of another wing to house the museum's permanent collection would eliminate that problem.

I understand the neighbors' concerns regarding traffic and noise. My family and I live in an area adjacent to a private school. During the week, we hear delivery vans, garbage trucks, and a multitude of cars arriving and departing. And on the weekends, there is noise from fundraisers and concerts, but our entire neighborhood is tolerant. We realize that the school serves a larger community, one that we are all a part of.

Please consider the needs of our community-at-large when you make your decision.

Sincerely,

Susan M. Soong

cc: Councilman Rod Tam, Representative Brian Schatz, Senator Carol Fukunaga, TCM Director Georgianna Lagoria

cc - George

Li Lundin
6246 Keokea Place
Honolulu, HI 96825
Tel: 396-9529

August 23, 2004

Mr. Eric Crispin, AIA
Director of Planning and Permitting
City and County of Honolulu
650 S. King St.
Honolulu, HI 96813

Dear Mr. Crispin,

I urge you to support the granting of a new Conditional Use Permit for the Contemporary Museum.

Coming from Virginia, the first time I drove up to Makiki Heights, I thought I was on my way to a monastery!

Since I became a frequent visitor to the Contemporary Museum in recent years, I've never experienced any traffic chaos or excessive noise pollution caused by school buses, special events, or lunch time visitors. The Museum's traffic attendants and security guards have always directed parking in an efficient and orderly manner.

I have good reasons to believe that the Museum would take every step necessary to make sure the new project would not affect the life style of the residents in the Makiki Heights community.

Art museums such as The Contemporary Museum are a critical part of our rich and diverse culture, and its impact on our society's creativity is immeasurable.

Yours sincerely,

L. Lundin

Li Lundin

Cc: Honorable Rod Tam; Senator Carol Fukunaga; Representative Brian Schatz

Hi George, I'm rally all the support I can for TCM's effort.
Mahalo for your hard work! L.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-4414 • FAX: (808) 527-6743 • INTERNET: www.co.honolulu.hi.us

JEREMY HARRIS
MAYOR

ERIC G. CRISPIN, AIA
DIRECTOR

BARBARA KIM STANTON
DEPUTY DIRECTOR

KATHY SOKUGAWA
CHIEF PLANNER

August 27, 2004

2004/ED-22(sn)

Mr. Keith Kurahashi
Kusao & Kurahashi, Inc.
2752 Woodlawn Drive, Suite 5-202
Honolulu, Hawaii 96822

Dear Mr. Kurahashi:

Draft Environmental Assessment No. 2004/ED-22
Chapter 343, Hawaii Revised Statutes

Project	:	The Contemporary Museum
Location	:	2345, 2411 2447 Makiki Heights Drive - Makiki
Tax Map Keys	:	2-5-8: 1, 2 and 4
Received	:	August 4, 2004

We have reviewed the above draft Environmental Assessment (EA) for the expansion of the Contemporary Museum on three properties listed on the Hawaii Register of Historic Place, and regret to inform you that we are unable to process the document because it is incomplete. Additional information must be included in the EA in order to adequately assess the impacts of the proposal, including:

1. A preservation plan, including:

   a. Comments from the State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources on the proposed project and how the applicant proposes to address these comments, as well as the comments provided in a November 24, 2003 letter from the Chairperson of the Hawaii Historic Places Review Board.

   b. Discussion on the potential impacts that the proposed expansion and improvements may have on the historical characteristics of the structures and grounds.

   c. Explanation on how the expanded use and improvements will support the retention and maintenance of the historic structures.

2. A landscape plan, identifying the significant (e.g., trees and hedges) plant materials, particularly those which contribute to the historical significance, on the properties. The plan should also identify existing plant materials to be removed or replaced.

3. Exterior elevations or conceptual drawings of the proposed gallery building and any other exterior physical improvements, including the new canopy between the holding/staging and preparatory/storage areas of the existing museum building.

4. Additional details on the operation of the museum, including:

   a. Estimate the number of staff residing in each of the residences identified on the floor plans.

   b. Estimate the number of visiting artists occupying each of the residences identified on the floor plans. Also, estimate the frequency and length of the visits.

   c. Clarify the operation of the café, since it will be relocated to the Peterson building. The EA should also be revised to correctly state that the current Conditional Use Permit (CUP No. 86/CUP-10) limits the café to an accessory and/or incidental use to the museum.

      Explain whether the café will continue to be operated as an accessory to the museum or will it be a separate eating establishment that will be available for parties, showers and other non-museum functions.

   d. Clarify whether there are any regular museum functions (e.g., board meetings, client meetings) that will be held beyond the proposed operating hours for the museum. If so, please identify the type of functions, the hours and the estimated attendance.

   e. Describe the proposal to relocate some of the museum offices to the Johnson Residence (subject to CUP No. 96/CUP2-3), including the hours of use, estimated number of staff and/or visitors and whether the building will accommodate other museum. Also, please describe whether staff and visitors will park on the site or park on the museum site and walk to Johnson residence. If staff and visitors will walk between both sites, then please identify the access route on the site plan.

      Please note that the proposed changes may not be considered a minor modification to the existing CUP and may require a new CUP.

5. Describe the measures to mitigate traffic impacts from special events, particularly since the applicant is requesting an increase in the number and size of the events.

6. Expand on the project's compliance with the zoning code, including the underlying R-10 Residential District development standards for height and height setbacks. Revise the plans for the new gallery building to show the building height envelope, as explained in Section 21-3.70-1(c) of the LUO, and finished grades.

We look forward to the resubmittal of your Draft EA. Please note that we are only returning one set of documents; the other set has been retained for our files. Should you have any questions, please contact Sharon Nishiura of our staff at 523-4256.

Sincerely yours,

ERIC G. CRISPIN, AIA
Director of Planning
and Permitting

EGC:pl
Encl.

cc: The Contemporary Museum

Henry Lopez

To: Georgianna Lagoria
The Contemporary Museum

From: Tracy Miyahara
M.O.C.A.

FRIDAY - August 27, 2004

Confirmed with Ray Sasaki, M.H.C.A. meeting at The Contemporary Museum on SUNDAY - August 29th at 10:30am. M.O.C.A. will attend.

Mahalo!

Tracy

phone 781-2807

Makiki Heights Community Association

September 6, 2004

Ray Sasaki Jr.
President
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, HI 96822

Georgianna M. Lagoria
Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

Aloha Georgianna:

On behalf of the designated representatives of MHCA and myself, thank you for calling the meeting on Sunday, August 29, 2004, between MHCA, MOCA, and TCM's designated trustees (President Vi Loo, Trustee Galen Leong, Trustee Paul deVille, and yourself).

I appreciate and could not agree more with your statement to TCM's Board of Trustees at the meeting on Monday, August 30, 2004 that the joint meeting on Sunday 29 between the two community associations and TCM was not only long awaited and essential; but also the first real opportunity where key representatives from both associations and TCM could come together to "break bread" and begin meaningful dialogue.

I fully concur with President Vi Loo's comment at the joint meeting on August 29 that *"there seems to be miscommunication all over the place,"* and Trustee Galen Leong's observation that he *"sees a lot of confusion."* Along with the representatives of MHCA, I'm certain you and the trustees will agree that both statements serve to emphasize the need for additional meetings and discussions between both community associations and the trustees.

Again, I appreciate your informing the trustees at the August 30 meeting that TCM would <u>not</u> be filing the Conditional Use Permit with the Department of Planning & Permitting on September 1, 2004 as originally planned; but, rather, on September 2nd at the earliest or at a later, unspecified date. I further appreciate your announcement at the same meeting that both MHCA and MOCA <u>will</u> receive a copy of the final CUP application on the same day it is formally submitted to the DPP. For where we are now and in view of the new information that TCM has extended the date of filing of the CUP application with the DPP, may I again express MHCA's sincere desire to meet again with your trustees to

resolve present confusion and to better understand TCM's expansion and master plans *prior to TCM's formal filing of the CUP application with the DPP.*

Please be advised I am in receipt of your two-page memo dated August 31, 2004 (postmarked September 2, 2004) responding to seven of the nine questions MHCA and MOCA jointly posed in our memo of July 19, 2004 to President Vi Loo. I am also in receipt of the three-page grid of present conditions enclosed with your memo. May I comment for MHCA on item #3 in your memo (see attached copy) that although we appreciate meeting with TCM's designated representatives (identified in your memo as President Vi Loo, Galen Leong, Thurston Twigg-Smith, Paul deVille, Kitty Wo, and yourself), it certainly remains our preference to have a meeting with the full Board of Trustees and MOCA prior to the date of your submitting the formal CUP application to the DPP. I am hopeful that both you and the TCM trustees will see the need and agree that continued dialogue would not only be *"useful and warranted"*; but, just as importantly, essential to the efforts of cultivating meaningful communication and understanding among all concerned and in encouraging the cooperative development of *everyone together* building a greater sense of community.

I close with warmest appreciation for your ongoing efforts, and MHCA looks forward to continued discussions as your proposed project proceeds.

Mahalo,

Ray Sasaki, Jr.

Ray Sasaki, Jr.
President, Makiki Heights Community Association

encls.

cc: All Members of The Contemporary Museum's Board of Trustees,
Eric Crispin, Director, Department of Planning & Permitting
Eileen Mark, Department of Planning & Permitting
Councilmember Rod Tam, Honolulu City Council, District 6
Councilmember Ann Kobayashi, Honolulu City Council, District 5
John Steelquist, Chair, Makiki Neighborhood Board No. 10
Hawaii State Senator Carol Fukunaga, District 11
Hawaii State Representative Brian Schatz, District 25
Tracy Miyahara, Chair, Makiki Ohana Community Association
Robert Laguens, Immediate Past President, Makiki Heights Community Association
Keith Kurahashi

TO: **The Contemporary Museum Board of Trustees Members**
& **Ms. Georgianna M. Lagoria, Director**

The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

Tel (808) 526-1322
Fax (808) 536-5973

Ms. Sharon Nishiura
Department of Planning & Permitting
City & County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel (808) 523-4256

FROM: **Ms. Tracy Miyahara, Chair**
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, Hawaii 96822

Tel (808) 781-2807

Mr. Raymond T. Sasaki, Jr., President
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, Hawaii 96822

Tel (808) 524-2276

DATE: September 14, 2004 Tuesday

RE: Preferred Contact Information Update for Matters Related to
The Contemporary Museum
(Tax Map Key Nos. 2-5-08: 1, 2, 4, & 7)

Please use the above address and telephone contact information to communicate with us and our respective community organizations at any time.

Thank you!

TO: **Ms. Violet S. Loo, President**
Board of Trustees
& **Ms. Georgianna M. Lagoria, Director**

BY CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

Tel (808) 526-1322
Fax (808) 536-5973

FROM: **Ms. Tracy Miyahara, Chair**
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, Hawaii 96822

Tel (808) 781-2807

Mr. Raymond T. Sasaki, Jr., President
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, Hawaii 96822

Tel (808) 524-2276

DATE: September 14, 2004 Tuesday

RE: Update on Matters Related to The Contemporary Museum's Announced Plan to Submit a Conditional Use Permit (Major) Application to the City & County of Honolulu Department of Planning & Permitting on September 1, 2004 (Tax Map Key Nos. 2-5-08: 1, 2, 4, & 7)

1. Appreciation for August 29, 2004 Meeting
2. Request for Regular Periodic Meetings with The Contemporary Museum's Full Board of Trustees or Duly Designated Representatives
3. Department of Planning & Permitting Letter Dated August 27, 2004 to Mr. Keith Kurahashi – Notice That the Draft Environmental Assessment Received August 4, 2004 is "Incomplete", is Returned to Applicant, and Cannot Be Processed Until Additional Information is Included

Aloha! On behalf of the Makiki Ohana Community Association and Makiki Heights Community Association leadership and representatives who participated, we wish to express our appreciation for the approximately 1.5 hour meeting held on Sunday August 29, 2004 at 10:00 A.M. at The Contemporary Museum with both of you, Trustees Galen Leong and Paul de Ville, and Agent Keith Kurahashi.

Periodic Meetings to Promote Communication. We remain very interested and once again request further meetings with **both** The Contemporary Museum's designated representatives (President Violet Loo, Trustees Paul de Ville, Galen Leong, Thurston Twigg-Smith, Kitty Wo, and Director Georgianna Lagoria) **and** the full Board of Trustees on a regular periodic basis regarding progress on The Contemporary Museum's expansion proposal. We ask that you duly consider and in fact establish a periodic meeting schedule with Makiki Ohana Community Association and Makiki

Heights Community Association representatives for the purpose of maintaining timely discussions regarding The Contemporary Museum's current expansion proposal, long-range master planning efforts, and evaluation of The Contemporary Museum's present performance under the existing Conditional Use Permit(s) conditions.

We strongly believe that timely, regular, open, and fully informative communication by and between The Contemporary Museum, the Makiki Ohana Community Association, the Makiki Heights Community Association, the City & County of Honolulu Department of Planning & Permitting, and our elected officials regarding The Contemporary Museum's immediate and long-range plans, and present performance under existing permit conditions, is in the best interests of both The Contemporary Museum and the community at large.

More communication between The Contemporary Museum and the surrounding community regarding these matters we believe would help promote a better working relationship among us as neighbors, and should go a long way toward addressing President Loo's comment at the August 29, 2004 meeting that "there seems to be miscommunication all over the place," and Trustee Galen Leong's observation at the same meeting that he "sees a lot of confusion." We strongly believe that periodic meetings are "useful and warranted"* from the community perspective, and trust that the Board of Trustees will agree.

> * -- Please note that this criteria was established by The Contemporary Museum in its August 31, 2004 memo to the Makiki Heights Community Association and the Makiki Ohana Community Association, in the statement that "[a] special meeting could be scheduled in the future for the Board of Trustees to meet with representatives from the two Makiki neighborhood associations, should such a meeting be useful and warranted in the discretion of the Trustees." (Bottom of page 1 of the 2-page August 31, 2004 memo, copy included as an enclosure to Ray Sasaki's letter dated September 6, 2004.)

Draft Environmental Assessment. As gratefully noted at the end of Tracy Miyahara's letter dated July 30, 2004 to President Loo and Director Lagoria, Agent Keith Kurahashi had provided an "advance copy" of the Draft Environmental Assessment to both Ray Sasaki for the Makiki Heights Community Association and Tracy Miyahara for the Makiki Ohana Community Association <u>prior</u> to its scheduled submittal to the Department of Planning & Permitting for processing on August 4, 2004.

As of the August 29, 2004 meeting, no notice had yet been published in the Office of Environmental Quality Control bulletin to announce the availability of the Draft Environmental Assessment and set the 30-day public comment period. At the August 29, 2004 meeting it was stated by The Contemporary Museum's representatives that the separate Conditional Use Permit application would <u>**not**</u> be submitted to the

Department of Planning & Permitting on September 1, 2004 as earlier announced, but soon thereafter.

What has since been discovered is a 3-page letter from the Department of Planning & Permitting to Keith Kurahashi (and copy to The Contemporary Museum) dated August 27, 2004 – which may not have been received or read prior to the August 29, 2004 meeting – stating that the Department of Planning & Permitting had reviewed the Draft Environmental Assessment but was "unable to process the document because it is incomplete." Six major comments are set forth in the letter regarding the "[a]dditional information [that] must be included in the EA in order to adequately assess the impacts of the proposal". (See enclosed copy of the August 27, 2004 letter.)

It would seem that an immediate pragmatic effect of the August 27, 2004 letter is to give the community additional time to become familiar with The Contemporary Museum's proposal and the Conditional Use Permit process – exactly what had been respectfully requested in a community petition first sent to Director Lagoria on June 2, 2004, and sent by us via Certified Mail to all members of The Contemporary Museum's Board of Trustees, the Department of Planning & Permitting, and our elected officials as an enclosure with our memo dated July 19, 2004.**

** -- Please note that our July 19, 2004 memo was prepared and sent subsequent to Director Lagoria's statement at the Sunday July 11, 2004 meeting held at Roosevelt High School that (1) the petition had not been presented to or considered by the full Board of Trustees, but (2) the Conditional Use Permit application would nevertheless be filed with the Department of Planning & Permitting on September 1, 2004. The community petition's request for additional time was supported by Senator Carol Fukunaga and Councilmember Ann Kobayashi (letter dated June 10, 2004), Councilmember Rod Tam (letter dated June 15, 2004), and Representative Brian Schatz (letter dated July 23, 2004) – which they communicated to The Contemporary Museum.

It is unknown to us how much time and effort will be required for The Contemporary Museum to do the additional work necessary to complete the Draft Environmental Assessment so that it may be accepted for processing by the Department of Planning & Permitting. However, based on a reasonable interpretation of the comments listed in the August 27, 2004 letter, it seems unlikely that The Contemporary Museum would be able to initiate (through formal acceptance of the documents for processing by the Department of Planning & Permitting) and complete both the Environmental Assessment process and Conditional Use Permit application process by January 2, 2005 – the official end date of Mayor Jeremy Harris' Administration – which has been stated as The Contemporary Museum's goal.

As we have been informed by The Contemporary Museum's duly designated representatives, to date the proposed project is not yet in the "design phase"; no architects, engineers, or construction contractors have been retained for the project; and no timetable has been established for the full implementation (start to finish) of the project.

Further, in response to the question "what conditional use permit conditions are presently applicable to the land use and operations of The Contemporary Museum?" (posed in our July 19, 2004 memo), Trustee Galen Leong specifically stated at the August 29, 2004 meeting that it was ***our*** responsibility to discover and verify the presently applicable conditions (which The Contemporary Museum has summarized in its 3-page "grid" – enclosed with Ray Sasaki's letter dated September 6, 2004), ***not*** The Contemporary Museum representatives' responsibility. Accordingly, we intend to fully research the above question and authenticate our findings with the Department of Planning & Permitting.

Conditional Use Permit Application. We appreciate Director Lagoria's informing the Trustees present at the Monday August 30, 2004 Board of Trustees meeting that:

(1) The Contemporary Museum would not be filing its Conditional Use Permit application with the Department of Planning & Permitting on September 1, 2004 as originally announced to the community, but on September 2, 2004 at the earliest or at a later, unspecified, date; and

(2) The Contemporary Museum would provide a copy of the Conditional Use Permit application to both the Makiki Heights Community Association and the Makiki Ohana Community Association on the same day it is formally submitted to the Department of Planning & Permitting.

With the new knowledge of the Department of Planning & Permitting letter dated August 27, 2004, it now seems reasonable to expect that it may take considerably more time before **both** the Draft Environmental Assessment and Conditional Use Permit application may be filed with the Department of Planning & Permitting.

We believe this unexpected delay in The Contemporary Museum's efforts to proceed with the current expansion proposal in fact presents new opportunities in project development and management, relationship-building, and long-range master planning.

(1) The Contemporary Museum and the community – *together* – may use this time to proactively address the "miscommunication" and "confusion" that Trustees Loo and Leong acknowledged at the August 29, 2004 meeting. Most frustrating has been the inconsistent, incomplete, and insufficient information about the genuine intent, scope, and design of the expansion project.

(2) The Contemporary Museum may take the necessary steps to be able to present a "complete" proposal for proper evaluation by the City & County of Honolulu Department of Planning & Permitting, other City agencies, the State of Hawaii Historic Preservation Division, and all other interested persons in the community.

(3) The Contemporary Museum may also choose to concurrently take significant steps in terms of its own strategic and master planning for its Makiki campus.

(4) The Contemporary Museum may finally clarify with the Department of Planning & Permitting exactly what permits may be required to fully realize the proposed project. (For example, see the August 27, 2004 letter at page 2, item 4.e.: "Please note that the proposed changes may not be considered a minor modification to the existing CUP and may require a new CUP.")

In keeping with our request for regular periodic meetings, we look forward to continued discussions with you in this matter, and thank you for your continued consideration of our respective community organization members.

Tracy Miyahara
Chair
Makiki Ohana Community Association

Raymond T. Sasaki, Jr.
President
Makiki Heights Community Association

Enclosure: Letter Dated August 27, 2004 from the Department of Planning & Permitting to Mr. Keith Kurahashi (3 pages)

Contact Information Sheet

cc: All Members of The Contemporary Museum's Board of Trustees
Eric G. Crispin, Director, Department of Planning & Permitting
Eileen Mark, Department of Planning & Permitting
Sharon Nishiura, Department of Planning & Permitting
Councilmember Rod Tam, Honolulu City Council, District 6
Councilmember Ann Kobayashi, Honolulu City Council, District 5
John Steelquist, Chair, Makiki Neighborhood Board No. 10
& All Members of the Makiki Neighborhood Board No. 10
Hawaii State Senator Carol Fukunaga, District 11
Hawaii State Representative Brian Schatz, District 25
Robert Laguens, Immediate Past President, Makiki Heights Community Assn.
Keith Kurahashi, Agent for The Contemporary Museum

THE CONTEMPORARY MUSEUM

2411 Makiki Heights Drive
Honolulu, Hawai'i 96822
Tel (808) 526-1322
Fax (808) 536-5973

www.tcmhi.org

November 2, 2004

Ray Sasaki, Jr., President
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, HI 96822

Tracy Miyahara, Chair
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, HI 96822

Dear Mr. Sasaki and Ms. Miyahara:

In response to your letter dated September 14, 2004, TCM wishes to assure you that it will be responding to the letter dated August 27, 2004 to Keith Kurahashi from the Department of Planning and Permitting.

When any new developments regarding TCM's plans have been formulated, TCM will communicate these to you. In the interim, your associations have in detail the items which TCM wishes to achieve in its application for a conditional use permit and is awaiting any overtures from you aimed at arriving at a mutually acceptable agreement. While the TCM representatives feel that they have set out clearly to you all of their desired initiatives, there has been a disappointing lack of response to the individual items from the respective associations, which nevertheless continue to cite general reasons for opposing TCM's plans.

We do not anticipate the need for any meetings of the two associations with the full Board of Trustees of TCM but, if meetings with the duly appointed TCM representatives are deemed to be of substantial utility, TCM would be willing to hold those meetings at appropriate times.

If an agreement cannot be negotiated before TCM has made its proper filing, both of your associations will have ample time as provided by law to respond to TCM's application. In the meantime, we repeat we are interested in your specific reactions to our proposed items and await your response.

Yours truly,

Violet Loo
President

Galen Leong
Treasurer

Paul de Ville
Trustee

Thurston Twigg-Smith
Trustee

Kitty Wo
Trustee

Georgianna Lagoria
Director

Cc: All Members of The Contemporary Museum Board of Trustees
Eric Crispin, Director, Department of Planning and Permitting
Patrick Seguirant, Department of Planning & Permitting
Eileen Mark, Department of Planning & Permitting
Sharon Nishiura, Department of Planning and Permitting
Councilmember Rod Tam
Councilmember Ann Kobayashi
John Steelquist & All Members of the Makiki Neighborhood Board
Hawaii State Senator Carol Fukunaga
Hawaii State Representative Brian Schatz
Robert Laguens
Keith Kurahashi

TO: **Ms. Violet S. Loo, President**
Board of Trustees
& **Ms. Georgianna M. Lagoria, Director**

BY CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

Tel (808) 526-1322
Fax (808) 536-5973

FROM: **Mr. Raymond T. Sasaki, Jr., President**
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, Hawaii 96822

Tel (808) 524-2276

DATE: January 25, 2005 Tuesday

RE: January 10, 2005 Agreement to Have the Designated Representatives Meet Again Concerning Matters Related to The Contemporary Museum's Expansion Plans and Intent to Submit a Conditional Use Permit (Major) Application to the City & County of Honolulu Department of Planning & Permitting (Tax Map Key Nos. 2-5-08: 1, 2, 4, & 7)

On behalf of the members of the Makiki Heights Community Association (**MHCA**), may I express our appreciation to the both of you and Trustee Kitty Wo, Facilities Committee Chair, for agreeing on January 10, 2005 to meet again with the designated representatives of both MHCA and the Makiki Ohana Community Association (**MOCA**) as suggested by The Contemporary Museum Board of Trustees member James Growney. I further appreciate the support given to Mr. Growney's suggestion by all of the Trustees present at The Contemporary Museum (**TCM**) Board of Trustees meeting on Monday January 10, 2005.

As I relayed to the Trustees present at the January 10, 2005 meeting, there was very strong disappointment and frustration felt by the members of both MHCA and MOCA upon receiving the letter of November 2, 2004 signed by TCM's designated representatives – five Trustees and Director Lagoria – stating, "We (TCM) do not anticipate the need for any meeting of the two associations with the full Board of Trustees." We were puzzled as to how we would together build a sense of community and neighborly relations after TCM's refusal to continue dialogue and decision to keep the associations out of TCM's still developing process.

May I now convey our gratification for TCM's reconsideration and willingness to continue meaningful discussions so as to allow the community to better understand TCM's current and future expansion plans and the greater impact it will have upon nearby residents and the community at large. Our members fully realize that meetings and discussions are time consuming and even tedious; but we, and presumably TCM, are also aware of the need to make concerted and conscientious efforts in meeting to promote a greater understanding of each other's concerns.

Since the TCM Board of Trustees meeting of January 10, 2005, I am continuing to check with the designated representatives of both MHCA and MOCA to ascertain schedules and available dates and times to submit to the TCM designated representatives for consideration of potential meeting times. Also, per Trustee Growney's suggestion – to which all Trustees present agreed, both MHCA and MOCA will jointly prepare and provide the agenda for the next meeting. We will send the agenda to all of the designated representatives at least six (6) calendar days prior to the agreed date of the meeting.

May I again reiterate my request made at the January 10, 2005 TCM Board of Trustees meeting that you send both MOCA Chair Tracy Miyahara and myself the written responses of TCM to the nine (9) questions which were submitted by our community associations to you on July 19, 2004 -- prior to our so far only meeting of Sunday August 29, 2004. Neither Ms. Miyahara nor I show any receipt in our files of the written responses which both of you claim was sent to us prior to August 29, 2004.

It continued to confuse me to hear you say that TCM had sent written responses to the nine (9) written questions posed by MHCA and MOCA in our letter to you dated July 19, 2004, as the questions were in several cases identical to those posed by the Department of Planning & Permitting in its letter of August 27, 2004 to TCM which returned the Draft Environmental Assessment on the basis that it was incomplete and therefore not accepted for formal processing.

I was saddened to learn at the January 10, 2005 meeting that Paul de Ville will be resigning from the TCM Board of Trustees. As Mr. de Ville is also one of TCM's designated representatives to meet with MHCA and MOCA, may I offer the suggestion that Trustee James Growney be appointed to serve as Mr. de Ville's replacement. Trustee Growney is not only equally respected by his colleagues on the Board and familiar with TCM's process and inner workings; but further, is a resident of Makiki Heights and comes with past experience regarding land use issues. I believe his presence at the meetings with our community associations will be valuable to everyone's efforts.

May I again join you in your earlier stated open invitation to **all** Trustees that they attend the meetings to be held with MHCA and MOCA, if only to better perform their fiduciary duty as Trustees in understanding the issues and process, and to foster cooperation among all parties.

Again, on behalf of the members of the Makiki Heights Community Association, our deepest appreciation for consenting to meet again with both MHCA and the Makiki Ohana Community Association.

Raymond T. Sasaki, Jr.
President
Makiki Heights Community Association

cc: All Members of The Contemporary Museum's Board of Trustees
Keith Kurahashi, Agent for The Contemporary Museum
Tracy Miyahara, Chair, Makiki Ohana Community Association
Henry Eng, FAICP, Director, Department of Planning & Permitting
Eileen Mark, Department of Planning & Permitting
Sharon Nishiura, Department of Planning & Permitting
Councilmember Rod Tam, Honolulu City Council, District 6
Councilmember Ann Kobayashi, Honolulu City Council, District 5
John Steelquist, Chair, Makiki Neighborhood Board No. 10
& All Members of the Makiki Neighborhood Board No. 10
Hawaii State Senator Carol Fukunaga, District 11
Hawaii State Representative Brian Schatz, District 25

TO: **Director Henry Eng, FAICP**
Department of Planning & Permitting
City & County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

BY CERTIFIED MAIL,
RETURN RECEIPT
REQUESTED

FROM: **Ms. Tracy Miyahara, Chair**
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, Hawaii 96822

Tel (808) 781-2807

Mr. Raymond T. Sasaki, Jr., President
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, Hawaii 96822

Tel (808) 524-2276

DATE: February 9, 2005 Wednesday

RE: The Contemporary Museum, 2411 Makiki Heights Drive, Honolulu 96822
(Tax Map Key Nos. 2-5-08: 1, 2, 4, & 7)

1. Request That the Department of Planning & Permitting Require The Contemporary Museum to Duly Inform the Community of its Expansion of Facilities and Use Plans Through a Timely Presentation to the Makiki Neighborhood Board.

2. Request That the Department of Planning & Permitting Hold Public Hearings on Any and All Conditional Use Permit Applications Which May Be Filed by The Contemporary Museum.

There has been considerable discussion and speculation in our community about the possible expansion of facilities and new use plans reportedly being developed by The Contemporary Museum. To the best of our information to date, no conditional use permit applications have been filed with the Department of Planning & Permitting regarding any such plans. We understand that one or more conditional use permits will be required due to the current zoning of the property and the presence of structures that are listed on the State Historic Register.

On behalf of the members of our respective community organizations, the Makiki Heights Community Association and the Makiki Ohana Community Association respectfully request that the Department of Planning & Permitting require The Contemporary Museum to **make a public presentation** before the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 -- concurrent with the Museum's filing of any conditional use permit application and prior to the Department's formal acceptance of any application for processing -- concerning the specifically proposed facility developments and any changes in use.

In addition, based on the level of community interest in the building plans and operations of The Contemporary Museum and its café, we respectfully request that the Department of Planning & Permitting **hold public hearings on any and all conditional use permit applications**, whether major or minor, which may be filed by The Contemporary Museum.

Through both of these reasonable means, the Makiki Neighborhood Board and community at large may then be more appropriately informed and able to address The Contemporary Museum's building and use plans, and responsibly communicate any concerns to the Department of Planning & Permitting prior to any decision-making.

Thank you for your consideration of our requests.

Tracy Miyahara
Chair
Makiki Ohana Community Association

Raymond T. Sasaki, Jr.
President
Makiki Heights Community Association

cc: Eileen Mark, Department of Planning & Permitting
Sharon Nishiura, Department of Planning & Permitting
All Members of the Contemporary Museum's Board of Trustees
Georgianna M. Lagoria, Director, The Contemporary Museum
Keith Kurahashi, Agent for The Contemporary Museum
Councilmember Rod Tam, Honolulu City Council, District 6
Councilmember Ann Kobayashi, Honolulu City Council, District 5
John Steelquist, Chair, Makiki Neighborhood Board No. 10
& All Members of the Makiki Neighborhood Board No. 10
Hawaii State Senator Carol Fukunaga, District 11
Hawaii State Representative Brian Schatz, District 25

TO: **Ms. Violet S. Loo, President**
Board of Trustees
& **Ms. Georgianna M. Lagoria, Director**

The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

BY HAND DELIVERY

Tel (808) 526-1322
Fax (808) 536-5973

FROM: **Mr. Raymond T. Sasaki, Jr., President**
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, Hawaii 96822

Tel (808) 524-2276

DATE: March 7, 2005 Monday

RE: Follow-up to (1) My Receipt of Information from Trustee James Growney, and (2) My Letter to You Dated January 25, 2005

Aloha, Vi and Georgi –

I am in receipt of The Contemporary Museum's (**TCM**) list of responses to the 9 written questions which were first submitted to you on July 19, 2004. The list was faxed to me on February 9, 2005 by TCM Trustee James Growney. Since then, I have spoken with Trustee Growney regarding the following concerns with the fax.

1. The list of responses was not on TCM letterhead and was not signed by all or any of TCM's six designated representatives in accordance with the established conduct and procedure for communication as set by TCM's designated representatives in their letter dated November 2, 2004 to both the Makiki Heights Community Association (**MHCA**) and the Makiki Ohana Community Association (**MOCA**).

2. To the best of my knowledge, only I received a copy of the list, and Tracy Miyahara, Chair of MOCA, has not been sent a copy. I am very sensitive to the distinctions and independent roles of our two community organizations, and my also serving as a member of the TCM Board of Trustees. If this document was intended for release to Ms. Miyahara and MOCA, it must be directly communicated to her by TCM.

3. I have not, to date, been informed by TCM that the MHCA suggestion to have Trustee James Growney appointed by the TCM Board of Trustees to succeed Trustee Paul de Ville as a TCM designated representative has been effected, nor have I received any notice that Trustee Growney is authorized to speak on behalf of TCM's present designated representatives.

Although Trustee Growney, with every good intention, has stated that there is no need to stand on formality, in the best interests of all concerned – TCM, MHCA, MOCA, and the City Department of Planning & Permitting – may I respectfully request that the list of responses be placed on TCM letterhead and properly sent directly by mail to both

myself for MHCA and Ms. Miyahara for MOCA (2342 Hoalu Place, Honolulu, HI 96822).

Upon receipt of the responses on TCM's letterhead, the designated representatives of both MHCA and MOCA will convene to prepare the draft agenda for our next meeting with TCM's designated representatives as suggested by Trustee Growney and approved by the TCM Board of Trustees at its January 10, 2005 meeting. When it is ready, I will forward the draft agenda and proposed meeting dates to you for coordination with all of the designated representatives.

If I remember correctly, I believe that the full TCM Board of Trustees was to receive a presentation from the new architects on the project at the February 14, 2005 Board meeting, but their appearance was cancelled and no new date has been announced to my knowledge.

Also, it may behoove TCM to make a presentation to the community at large regarding TCM's revised design plans and project scope as requested in the MHCA and MOCA letter to Department of Planning & Permitting Director Henry Eng dated February 9, 2005 -- even prior to the next meeting of all of the designated representatives, to ensure a much more productive and meaningful discussion.

On behalf of the members of the Makiki Heights Community Association, thank you for your consideration of the community's need for information concerning the future plans of The Contemporary Museum. Our designated representatives look forward to meeting with you in the very near future.

Sincerely,

Raymond T. Sasaki, Jr.
President
Makiki Heights Community Association

cc: James Growney, Trustee, The Contemporary Museum
Tracy Miyahara, Chair, Makiki Ohana Community Association
Henry Eng, FAICP, Director, Department of Planning & Permitting
Eileen Mark, Department of Planning & Permitting
Sharon Nishiura, Department of Planning & Permitting
Keith Kurahashi, Agent for The Contemporary Museum

2493 Makiki Heights Drive
Honolulu HI 96822

May 23, 2004

Mr. Eric Crispin, AIA
Director of Planning and Permitting
City and County of Honolulu
650 South King St
Honolulu, HI 96813

Dear Mr. Crispin,

I live at the above address, and have since 1967. I am aware of the application of The Contemporary Museum for a modification of its Conditional Use Permit.

The Museum has been an excellent neighbor, and, in my opinion, a much better one than the previously proposed subdivision on the Spaulding property would have been. The existence of the Museum has preserved the lovely gardens at that location, and added to the cultural life of Honolulu.

As neighbors, my family and I pass the Museum several times a day, most days, and we have never been obstructed in our use of the roads, or aware of any undue concentrations of people there. They are very careful to abide by their old CUP.

The conversion to museum use of the Peterson and Persis Corp properties will not create any undue use of the lands involved, and, in our opinion, will probably create less additional traffic than residential use of those properties by persons who would be unrestrained in loud private parties, as to both as to numbers of persons and noise levels.

The value to the community of having a place for more of the Museum's permanent collection to be displayed, and providing for an additional 20 person occupancy (as well as other modest changes proposed), are, in our opinion, very worthwhile.

Please grant the revisions to the Museum's Conditional Use Permit, as applied for.

Very Truly Yours

Robert B. Bunn

Robert B. Bunn

CC: Honorable Rod Tam
Senator Carol Fukunaga
Representative Brian Schatz

May 24, 2004

Mr. Eric Crispin, AIA
Director of Planning and Permitting
City and County of Honolulu
650 S. King St.
Honolulu, HI 96813

Dear Mr. Crispin:

As a resident of Honolulu and as a writer, I have reaped the benefits of The Contemporary Museum since its inception. It has served as a green and peaceful sanctuary, provided aesthetic enlightenment and education, and opened my eyes to the prolific arts and artists of Hawai'i. The museum has never deviated from its high standards of aesthetics, taste and judgment, and it is a source of pride for myself and everyone else I know, young and old, whom it has touched.

I fully support the museum's plans and hope that you will grant it the Conditional Use Permit it needs to complete its mission. I have no doubt that its record of discretion and judiciousness will continue. As one of the most respected institutions in Hawai'i, it deserves the support of government and community.

In writing this letter, I am reminded of the times when citizens have opposed certain projects that have turned out to become the favored destinations of even its most ardent opponents. I opposed the Halekulani renovations years ago and now am a habitué. I recall how the Black Point community mistrusted the plans for Shangri La, only to see it become one of Honolulu's greatest cultural assets, well-managed and tasteful. Because of its forward thinking and high standards, I feel that The Contemporary Museum will only get better with time.

Many thanks for your consideration.

Respectfully submitted,

Jocelyn Fujii

Cc:
Mr. Rod Tam, City Council
Sen. Carol Fukunaga, Hawai'i State Legislature
Rep. Brian Schatz, Hawai'i State Legislature

TO: **Director Henry Eng, FAICP**
Department of Planning and Permitting (DPP)
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

FROM: **Ms. Tracy Miyahara, Chair** **Tel 781-2807**
Makiki Ohana Community Association (MOCA)
2342 Hoalu Place
Honolulu, Hawaii 96822

DATE: May 27, 2005

RE: **The Contemporary Museum (TCM)**
2411 Makiki Heights Drive

Last August, TCM submitted a Draft Environmental Assessment (DEA) to DPP. Director Crispin rejected it as incomplete. The current revised DEA is dated March 2005. By review of the two documents, the scope and scale of the project has doubled within six months. Clearly there is no definitive master plan guiding TCM's vision for their future. There seems to be a collection of shotgun ideas of the moment depending upon succession of project firms representing TCM. The plan and physical model displayed last year by TCM at no less than 4 separate community meetings is considerably different from the current one. The model of the project in the revised DEA was displayed to the public only once, 3 weeks ago, at the May 5, 2005 special meeting of the Makiki Neighborhood Board. The community received the agenda on Monday the 2nd for the Thursday nights meeting yet more than 50 people were in attendance, ten times that of most regular meetings. At one of TCM's presentations last year, with proper notification, we had over 100 people in attendance at Roosevelt High School.

I am sure there has been a considerable amount of questions submitted by the community regarding the DEA. This is to be expected for two reasons – first, there was only 1 two-hour opportunity for direct questions to TCM staff and planners, and secondly, none of the major questions from the August 2004 DEA have ever been answered. I hope that DPP will ensure that each and every letter and query on file is responded to in a timely fashion. At the May regular meeting of the Makiki Neighborhood Board (May 19, 2005), Director Georgianna Lagoria was asked about timely response to the community's questions by Chair Stoelquist. Director Lagoria deferred to Mr. Keith Kurahashi of Kusao and Kurahashi, Agent for TCM, who said that although TCM is required to respond to all questions submitted by May 28th, there is no deadline on response time. This was disconcerting for the community to hear.

The following community concerns were brought up to me by MOCA membership.

1. **ARE 68 EVENINGS THE TOTAL NUMBER OF NIGHTTIME OPERATIONS THAT TCM IS NOW PROPOSING?**

As part of The Contemporary Museum's proposed development, TCM "will request the following amendments to the 1986 Conditional Use Permit and the 1986 Makiki Heights Community Association Agreement:" [Draft Environmental Assessment dated March 2005(DEA), p. 12]

"i. Allow extended hours for the Museum on Thursday nights (presently 10:00 am to 4:00 pm, allow opening until 9:00 pm). This evening opening for an additional five hours, on Thursdays only, will accommodate visitors that are unable to visit during regular Museum hours of operation." [DEA, p. 12]

Currently allowed to operate during the day only on Thursdays for 6 hours. This would be an increase of 83% to 11 hours per each Thursday, until 9:00 pm at night.

Current Conditional Use Permit - 6 nights per year
Additional 52 weeks per year of Thursdays -- 52 nights per year
Sub total - 58 nights per year

(Item ii. relates to increase of Sunday operation hours.) [DEA, p. 12]

(Item iii. relates to addition of outdoors public address system.) [DEA, p. 12-13]

(Item iv. relates to increase in visitor occupancy.) [DEA, p. 13]

(Item v. relates to increase in attendance at 6 current evening events) [DEA, p. 13]

(Item vi relates to increase in size of allowable buses.) [DEA, p.13-14]

"vii. Allow an additional large event (500 persons) to accommodate the Contempo on the Museum property. In the past, this event was held on the Museum property (1988 through 1994). The applicant is extremely happy with the existing venue for the

Contempo event (the Neiman Marcus Store), however, in the event that the Neiman Marcus Store is not able to offer its Ala Moana store as a venue, the applicant would like to move the event onto the Museum property." [DEA, p. 14]

Current Conditional Use Permit - 6 nights per year
Proposed - 52 Thursdays per year
Plus – Contempo – (500 persons) – until 12:00 midnight
Subtotal – 59 nights per year

"ix. Allow 9 new evening events for a maximum of 50 cars/100 persons. These evening events will allow an opportunity to welcome prospective donors to the Museum and help promote fund raising efforts to allow continued operation of the Museum." [DEA, p. 15]

Current Conditional Use Permit – 6 nights per year
Plus – Contempo – until 12:00 midnight
Plus – 9 new nighttime events
Proposed – 52 Thursday nights per year

THIS BRINGS THE TOTAL PROPOSED NIGHTTIME OPERATIONS TO: 68 NIGHTS PER YEAR.

2. THE TRAFFIC ASSESSMENT (APPENDIX IV) IS OUTDATED AND INCOMPLETE

The information for Table 1 – Existing Traffic Volumes on page 2 of Appendix IV has statistics that are over 12 years old (1993) for some of the busiest streets. It seems unrealistic that the Lunalilo onramp project would have been taken on with the listed, outdated, statistics.

The only category with data that is less than 5 years old is the driveway counts taken in September 2003. **Please note that the only actual counts taken (Appendix of Appendix IV) were done within a 24-hour period from Tuesday, June 29, 2004 (03:30PM - 08:00PM) and Wednesday, June 30, 2004 (10:30AM - 02:00PM).** Neither of these counts was taken while school would be in session (summer break) nor during an evening to accurately show the impact on local traffic. The smaller nighttime events, the Thursday nights and 9 events of 100 persons would add corresponding numbers of personal vehicles. The 6 night events of 300 and Contempo would require shuttle buses running up and down the hill for the duration of each event.

Under the Recommendations listed on page 8 of Appendix IV, there is a concern listed regarding the routing of construction vehicles. At the May 19, 2005 regular meeting of the Makiki Neighborhood Board, Mr. Ray Heath was introduced as the construction manager for TCM. He was the manager for the Hanahaoli School expansion and should be familiar with the traffic flow at that end of Makiki Heights Drive, especially during the school day mornings. Several members brought up the concern that during school days, there is no room for construction vehicles. Further, who will be the community liaison from TCM during the construction phase? Apparently there were numerous complaints for over 9 months of construction from the community regarding the Hanahaoli expansion, specifically hours of construction, especially on the weekends, and continuous noise from construction trucks backing up (beeping).

The traffic assessment does not mention or address the sub-standard roads of Makiki Heights. In many items of correspondence, that have not been included in the DEA, the residents of Makiki Heights as well as the Makiki Neighborhood Board have addressed this issue. It is a standing agenda item for the Makiki Neighborhood Board and has been for the last year. For the portion of Makiki Heights Drive between TCM and Nehoa Street, State Senator Fukunaga, Councilman Tam, and three different teams of city engineers have looked at and addressed this problem within the last year. This was in response to 3 landslides that created complete road closures within the last six months on the limited section of Makiki Heights Drive extending from TCM to Nehoa Street.

3. **WHERE IS ALL THE COMMUNITY CORRESPONDANCE DATED AFTER JULY 2004?**

It appears that as stated previously, this DEA is incomplete, copying on many parts the rejected DEA of last year with no new updates. This displays a complete lack of recognition regarding community concerns that have been brought up after July of last year by MOCA, MHCA, the Makiki Neighborhood Board, and other members and residents of the Makiki area.

I reviewed the current DPP file with Ms. Sharon Nishiura's permission. If all the correspondence within it were included in the draft DEA, there would be many more questions on file for the applicant's response as well as an accurate timeline and sum total of the community's questions and requests for information.

4. **IS TCM ACKNOWLEDGING THAT IT HAS VIOLATED THE 1986 CUP FOR THE PAST 11 YEARS WITH ARTSPREE?**

"viii. Provide formal approval of the ArtSpree (annual community open house). The annual ArtSpree event provides an open house and free admission to (sic) Museum

from 10:00 am to 4:00 pm and allows neighbors and the art community an opportunity to enjoy the Museum free of charge." [DEA, p. 14]

By consensus of the 20-year plus residents surrounding TCM, and the records on file at the Department of Planning and Permitting, there was NEVER any approval for ArtSpree during the past 11years. During the second community meeting held in July 2004 at the Roosevelt High School Cafeteria, TCM Director Lagoria was asked about the inception of ArtSpree and whether the applicable permits had been taken out each year with the City and County of Honolulu. She disavowed all knowledge of any permits and placed the blame on the volunteer who ran ArtSpree the previous year. This lady was sitting in the audience and replied that she did not know that any permits were required.

At the May 19, 2005 regular meeting of the Makiki Neighborhood Board, the same lady was present, introduced as a docent of TCM and once again said to the Board that she was responsible for the oversight.

The larger question concerns the oversight of the staff of TCM. Who is ultimately responsible?

5. THE RCUP-10 (APPENDIX III OF THE DEA) IS INCOMPLETE AS PUBLISHED AND IS THERE A FURTHER VIOLATION INDICATED?

Page 2 under FINDINGS OF FACT refers to an "Exhibit C" but none is documented. Where is Exhibit C?

Further, several residents have noted at community meetings that valets and police assistance are not provided for all museum functions, just ArtSpree, a daytime event. With the addition of so many nighttime events, this is a particular concern. Will this same condition apply to every Thursday night? Are the nights that the restaurant is open considered an "event"? What if there is a larger event on a Thursday Night when the restaurant is open? Are the guests of the event allowed to go to the restaurant? How does the community know which of the several different capacity nighttime events are happening at any given evening, e.g. Thursday restaurant/TCM, 100 persons, 300, or 500? See next question.

6. IS THE RESTAURANT ANCILLARY TO TCM?

"iv. Increase the visitor occupancy from 80 persons to 100 persons. The increase in visitor occupancy is needed to accommodate the visitor occupancy of the Museum particularly during periods when school students are receiving art education at the Museum. These students and their teachers can number up to 60 persons per visit

which presently leaves only an additional 20 that can be on site at the same time for Museum visitations." [DEA, p. 13]

Increase of 25% at any given time during TCM's daily operating hours.
Does this include the occupancy limit of 55 persons in the café?
As affirmed by TCM Board of Trustees President Vi Loo, the Board has made the decision to maintain TCM's CURRENT policy of NOT restricting café admittance to museum patrons, and not to surcharge anyone wishing to dine at the café without visiting any exhibits.

6. WHY WAS THE PROPOSED TENT NOT INCLUDED IN THE PHYSICAL MODEL SHOWN TO AT THE SPECIAL MEETING OF THE NEIGHBORHOOD BOARD? IS THIS TENT PERMANENT?

Page 11 of the DEA describes a "new tent canopy structure of 2,160 square feet for staging opening and re-packing of storage crates in a protected area". This was not displayed on the model at the May 5, 2005 meeting. TCM presenters did not bring it up. This is a significant amount of ground cover and brings up several questions. If the structure is permanent, is it safe with the heavy winds Makiki Heights has been experiencing? Evidence the several downed trees over the past year? If the tent is temporary, how often will it go up/down and will staff do this or will professional crews and equipment have to be enlisted to accomplish this each time?

I sent a letter to DPP this week regarding the DEA. I hope that Ms. Nishimura has received the CD. Although the uploading of the DEA might not have helped many for the deadline of the 28th, it was a commitment made to MOCA membership and further, will be the only opportunity for many members to view the proposed expansion plans of TCM. We recognize the continuing process and want to contribute to it.

Sincerely,

Tracy Miyahara
Chair
Makiki Ohana Community Association

5/28/05

TO: TCM (536-5973)
Georgianna

From: TRACI
MOCA

Copy for you.

SEVEN (7) pages
including this one.

Mahalo!
Tracy

CONTEMPORARY MUSEUM
EMAILS

The following represents emails sent and received. Email addresses have been deleted for privacy and security reasons. Emails with confidentiality statements have not been included.

Keith - here are the e-mails in chronological order -

Georgianna M. Lagoria
Director
The Contemporary Museum, Honolulu
2411 Makiki Heights Drive
Honolulu, HI 96822
808-526-1322 xt. 14
808-536-5973 fax

Begin forwarded message:
From: Georgianna Lagoria
Date: Wed Mar 17, 2004 2:07:52 PM Pacific/Honolulu
To: Anthony Sussex
Subject: Add to MHCA

Tony:

The following two neighbors, from Hooalu Place, have been asked to be added to your mailing/calling list:

Glen Fong
Tracy Miyahara

Thanks -
Georgi

Begin forwarded message:
From: Georgianna Lagoria
Date: Tue Apr 13, 2004 8:38:09 AM Pacific/Honolulu
To: glennfong
Subject: Mahalo

Glenn -

Thanks for your phone call on Friday - we enjoyed having the opportunity to meet with you and your neighbors on Hoalu Place to discuss the museum's plans. We certainly appreciate the chance to provide you with information, and to hear your concerns.

I gave Tracy a stack of business cards on Saturday morning, and I hope one has found its way to you. In any event, please feel free to contact me at any time, and I look forward to seeing you soon.

Georgianna

Thank you for your letter of July 19, 2004. We welcome the opportunity to meet with you and The Contemporary Museum Board of Trustees' formally designated representatives on any of the following dates and times:

Monday, July 26, 2 p.m.
Tuesday, July 27, 2 p.m.
Wednesday, July 28, 2 p.m.
Thursday, July 29, 3 p.m.
Monday, August 2, 2 p.m.
Tuesday, August 3, 3 p.m.
Thursday, August 5, 10 a.m.

If these days and times are not possible for you, we welcome your suggestions. We will be responding to your letter in writing, but wanted to get these dates out there to you quickly in the interest of time -

With aloha,
Georgianna

Georgianna M. Lagoria
Director
The Contemporary Museum, Honolulu
2411 Makiki Heights Drive
Honolulu, HI 96822
808-526-1322 xt. 14
808-536-5973 fax

From: "Tracy M."
Date: Fri Jul 16, 2004 6:37:47 AM Pacific/Honolulu
To: "Ray Sasaki", "Georgianna Lagoria"
Cc: "Violet Loo, "keith kurahashi", "Councilman Tam", "Rep. Schatz", "Carol Fukunaga)"
Subject: Re: Meeting to Discuss Timing and Review Conditions
Reply-To: "Tracy M."

Georgianna - Mahalo for your invitation. Ray and I have been contacting our members. Have tried several dates without success. Will continue trying and keep you informed. Tracy
Begin forwarded message:

From: Georgianna Lagoria
Date: Fri Jul 16, 2004 7:32:52 AM Pacific/Honolulu
To: "Tracy M."
Cc: "Ray Sasaki", "Violet Loo", "keith kurahashi", "Councilman Tam", "Rep. Schatz", "Carol Fukunaga"
Subject: Re: Meeting to Discuss Timing and Review Conditions

Thank you, Tracy. To reiterate, we would like to sit down with whomever you feel is appropriate and representative of MOCA-Hawaii and MHCA in a small enough group to have a productive conversation. We are open to whatever day and time would work for you and Ray.

Look forward to hearing from you - I will continue to check my e-mail through the weekend.

Aloha,
Georgianna

From: Georgianna Lagoria
Date: Fri Jul 16, 2004 7:40:02 AM Pacific/Honolulu
To: Rsasakijr
Cc: "Tracy M."
Subject: Re: Meeting w/Board of Trustees

Ray -

Are you still looking at early August for the meeting? That is fine with us.
We will prepare a notebook for you and telephone you when it is ready for pick-up.

Georgianna

Begin forwarded message:
From: Rsasakijr

Date: Fri Jul 16, 2004 9:08:04 AM Pacific/Honolulu
To: glagoria
Cc: tracym, Violet Loo, keith kurahashi, Councilman Tam, Rep. Schatz, Carol Fukunaga
Subject: Re: Meeting w/Board of Trustees

At this date & time, yes...we are possibly looking toward early August; however, that is dependent upon the schedule for the off-island workshops I am awaiting from the DOE. Thank you for preparing the materials I requested as a member on your Board of Trustees. I will await your call.

Begin forwarded message:
From: Georgianna Lagoria
Date: Mon Jul 19, 2004 9:16:24 AM Pacific/Honolulu
To: Rsasakijr
Cc: tracym, Violet Loo, keith kurahashi, Councilman Tam, Rep. Schatz, Carol Fukunaga
Subject: Re: Meeting w/Board of Trustees

Ray -

As I indicated in my phone message this morning, there is a packet for you with my assistant, Kim Jensen, containing (1) list of Trustees (2) TCM Statement of Purpose/Mission and History (3) By-laws (4) Articles of Incorporation. Please come to our administrative offices (to the left of the Museum entrance - under the bougainvillea archway) and ask for Kim.

Thanks, Ray. Let me know if you have any further questions.

Georgianna

Begin forwarded message:
From: Rsasakijr
Date: Tue Jul 20, 2004 7:39:56 AM Pacific/Honolulu
To: glagoria
Subject: Re: Meeting w/Board of Trustees

Thank you, Georgie. Got in late last evening and got your message. I will call Kim to be sure she's in just b4 I come by. Hope to do today or by Thursday @ latest.

Begin forwarded message:
From: Georgianna Lagoria
Date: Fri Jul 23, 2004 5:00:27 PM Pacific/Honolulu
To: Rsasakijr, tracym
Cc: Violet Loo, keith kurahashi, Councilman Tam, Rep. Schatz, Carol Fukunaga
Subject: Re: Meeting w/Board of Trustees

Dear Ray and Tracy,

Thank you for your letter of July 19, 2004. We welcome the opportunity to meet with you and The Contemporary Museum Board of Trustees' formally designated representatives on any of the following dates and times:

Monday, July 26, 2 p.m.
Tuesday, July 27, 2 p.m.
Wednesday, July 28, 2 p.m.
Thursday, July 29, 3 p.m.
Monday, August 2, 2 p.m.
Tuesday, August 3, 3 p.m.
Thursday, August 5, 10 a.m.

If these days and times are not possible for you, we welcome your suggestions. We will be responding to your letter in writing, but wanted to get these dates out there to you quickly in the interest of time -

With aloha,
Georgianna

Georgianna M. Lagoria
Director
The Contemporary Museum, Honolulu
2411 Makiki Heights Drive
Honolulu, HI 96822
808-526-1322 xt. 14
808-536-5973 fax

Begin forwarded message:
From: Georgianna Lagoria
Date: Wed Apr 21, 2004 2:07:27 PM Pacific/Honolulu
To: senfukunaga
Subject: Question re: MOCAHawaii Website

Senator Fukunaga,

I spoke with Virginia about a matter of concern, and she suggested I direct my question to you. I logged onto Tracy Miyahara's website, and was dismayed to read some inaccurate and misleading information about the Museum's master plans.

Quoting:
2) CONTEMPORARY MUSEUM, has been moving forward with their plans for expansion and is planning to present a new CUP which will significantly change the current CUP which was established in 1986. It will call for major construction to include a new building with an underground parking structure. It will ask for an increased ability to transport more and larger vans and buses. A outdoor P.A. system and a new and larger cafe. The new CUP will also ask for extended hours of operation as well as an increase in the number of large parties being able to use the property. --Henry Lopes

We are not building an underground parking structure, but a permanent collection gallery and storage area with basement parking for 22 staff/volunteer cars. We are not asking to be able to have larger buses - we are only requesting that the current requirement of 20 seat buses be increased to 25, because 20 seat buses are no longer commonly available for rental. We are not planning on a larger cafe - the relocated cafe will be the same size it is now. We are not asking for an increase in large parties, only to be able to bring back ConTempo (our one annual fundraiser at which we raise up to 20% of our budget) which we have held off-site at Neiman Marcus for the last 4 years. (It was held on property from 1995 - 2000).

Your help and advice in continuing to present accurate information to our neighbors is most appreciated -

Georgianna

Begin forwarded message:
From: Georgianna Lagoria
Date: Wed Apr 21, 2004 2:17:21 PM Pacific/Honolulu
To: repschatz
Subject: Information on MOCAHAWAII website

Dear Representative Schatz:

I logged onto Tracy Miyahara's website, and was dismayed to read some inaccurate and

misleading information about the Museum's master plans.
(See senfukunaga email above)
Your help and advice in continuing to present accurate information to our neighbors is most appreciated -

Georgianna

Begin forwarded message:
From: Georgianna Lagoria
Date: Wed Apr 21, 2004 4:35:56 PM Pacific/Honolulu
To: "Sen. Carol Fukunaga"
Subject: Re: Question re: MOCAHawaii Website

Thank you, Senator, for your quick response -
Georgianna

On Wednesday, April 21, 2004, at 03:35 PM, Sen. Carol Fukunaga wrote:

Hi Georgianna,

Thanks for your comments and corrections. I'll forward them to Tracy Miyahara so that she can update their website.

mahalo,
Carol Fukunaga

Begin forwarded message:
From: Georgianna Lagoria
Date: Fri Apr 23, 2004 11:13:44 AM Pacific/Honolulu
To: boblag, glennfong
Cc: senfukunaga, shamamoto2, Keith Kurahashi, gold, repschatz
Subject: URGENT - TCM Community Walk-thru

Dear Bob Laguens (MHCA) and Tracy Miyahara (MOCA-Hawaii) -

After speaking with our tenants at the Peterson property, they are not able to make the property available for viewing before noon, as noon is the earliest their housekeeper is able to be present for the walk-thru. Therefore, they have offered the following times to make the portion of the property proposed for the TCM cafe available for viewing:

Monday,May 10 - 12 noon to 12:45 and again at 6-6:45 p.m that evening.
We will also offer light refreshments at the museum, both immediately before and immediately after the walk-thrus, and we can also have a meeting after the walk-thru of the Peterson property back at the Museum.

If this date works for you and your members, we can mail the announcement for this walk-thru this weekend (Tracy, you had requested that the mailing go out 2 weeks before

the date), and need a mailing list from each of your organizations ASAP. We will also mail out to the general Makiki residents list we sent prior to the April 15 Neighborhood Board Meeting, and can provide e-mail notification, including any new names and those addresses which you have already provided to Keith.

If this day and time does not work, it would be helpful to receive suggestions from you both of specific days and times which would work (you had requested one daytime, one early evening), and I will go back to our tenants.

Please respond to me in writing via e-mail ASAP. I look forward to hearing from you, and thank you for your timely response.

Georgianna
Begin forwarded message:
From: Robert Laguens
Date: Fri Apr 23, 2004 11:56:50 AM Pacific/Honolulu
To: Georgianna Lagoria
Subject: Re: URGENT - TCM Community Walk-thru

Aloha Georgi,
I have no problem with those times and date.
I have given addresses that I have to Glen, they may be outdated, but they can always go to occupant. Aloha, Bob

Begin forwarded message:
From: Georgianna Lagoria
Date: Fri Apr 23, 2004 1:12:48 PM Pacific/Honolulu
To: Karin Gill
Subject: Re: FW: URGENT - TCM Community Walk-thru

Thanks, Karin -
Georgi
On Friday, April 23, 2004, at 11:31 AM, Karin Gill wrote:
Georgianna:

I have put this on Brian's calendar. I can also email the Tantalus Community Association Board as soon as you confirm the date and time.

Aloha,

Karin

Karin Gill
Office Manager to Rep. Schatz

Begin forwarded message:

From: Georgianna Lagoria
Date: Fri Apr 23, 2004 1:14:13 PM Pacific/Honolulu
To: Robert Laguens
Cc: senfukunaga, gold
Subject: Re: URGENT - TCM Community Walk-thru

Thanks, Bob, for your speedy reply - I have not heard from Tracy as yet, but will confirm once I have -
Aloha to you!
Georgi

On Friday, April 23, 2004, at 11:56 AM, Robert Laguens wrote:

Aloha Georgi,
I have no problem with those times and date.
I have given addresses that I have to Glen, they may be outdated, but they can always go to occupant. Aloha, Bob
Begin forwarded message:
From: Georgianna Lagoria
Date: Sat Apr 24, 2004 8:57:49 AM Pacific/Honolulu
To: glennfong
Cc: senfukunaga, shamamoto2, Keith Kurahashi , gold, repschatz, boblag
Subject: Testing

Tracy and Glenn -
Have not heard from you as yet - testing you have received this e-mail, and will be responding -
Mahalo -
Georgianna

From: Georgianna Lagoria
Date: Sat Apr 24, 2004 10:35:38 AM Pacific/Honolulu
To: "G FONG"
Cc: Senfukunaga, gold, repschatz, shamamoto2, Keith Kurahashi <kkurahashi, boblag
Subject: Re: Testing

Thanks, Glenn - have a great weekend -
Begin forwarded message:
From: Georgianna Lagoria
Date: Thu Apr 29, 2004 8:42:18 AM Pacific/Honolulu
To: boblag, glennfong, senfukunaga, shamamoto2, Keith Kurahashi, gold, repschatz
Subject: Confirmation of Community Walkthru

To follow-up my initial e-mail to you on April 23, I am sending you the following invitation mailed by Keith Kurahashi yesterday to Makiki Heights residents and representatives. I look forward to seeing all of you at either or both of these walk-thrus

scheduled for May 10, and invite you to phone or e-mail me should you have any questions. Thank you all for your help in coordinating this opportunity for dialogue and information about the Museum's plans.

Georgianna

The Contemporary Museum will be providing an opportunity for our neighbors and interested residents to take a tour of the Museum property and to learn more about our proposal for developing exhibition space and parking in a new structure located over the tennis court and on the grounds between the tennis court and the main building. We will also describe our plans for reuse of existing spaces, including plans to utilize the Peterson property for a cafe, library, and docent offices, while providing enclosed spaces at the existing cafe for educational programs and offices.

Two opportunities (at noon and in the early evening) are being provided for the tour and meeting/presentation on the proposed new development:

Date: Monday, May 10, 2004
Times: 12 noon
6 pm
Place: The Contemporary Museum

Since we are planning to have light refreshments at the two tours/meetings and need to plan accordingly, we request your rsvp to Kim Jensen at 526-1322 by May 6, 2004.

Your presence at either of these tours and meeting/presentation would be extremely helpful in providing community input on our proposed development. Should you have any questions concerning the development, please contact Georgianna Lagoria, Director of The Contemporary Museum, at 526-1322 xt. 14.

Yours truly,
Keith Kurahashi

Begin forwarded message:
From: Tracy
Date: Tue May 4, 2004 5:44:25 PM Pacific/Honolulu
To: senfukunaga, glagoria, Repschatz, rtam
Cc: glennfong
Subject: Response to Contemporary Museum email
Reply-To: Tracy

Senator Fukunaga,

Please excuse the length of time for this response. I wanted to verify all information. At a community meeting sponsored by Rep. Schatz on Wednesday April 21, 2004, I received a copy of an email sent to you by Ms. Lagoria of the Contemporary Museum. For all

other parties, I invite you to view the original email and proposal from the Contemporary Museum at mocahawaii.com.

1) Ms. Lagoria incorrectly identified mocahawaii.com as MY website. Mr. Fong is the webmaster and there are three names listed as authors (first page - left hand column).

2) The section she quoted is labeled Community Concerns. This is a bulletinboard with each posting clearly labeled to the author. She included Mr. Lopes name for the section she emailed to you.

3)UNDERGROUND PARKING STRUCTURE - I would like to understand Ms. Lagoria's definition of an "underground parking structure." On Friday, April 23rd, I called Mr. Keith Kurahashi of Kusao & Kurahashi, Inc., the planning and zoning consultants hired by the Contemporary Museum to oversee the expansion. Mr. Kurahashi stated that the parking structure would require excavating the tennis court and area immediately uphill. He called it the "underground parking lot." He asked me to confirm the exact dimensions with Mr. Gene Young of Belt Collins, the engineer. I contacted Mr. Young. He detailed that the proposal requires 13 FEET of downward excavation below the current level of 2/3 of the existing tennis court. Additionally, 20 FEET uphill of this area will be removed and excavated to the new depth of 13 feet below the existing tennis court to accommodate the permanent exhibition hall and parking lot. The proposed gallery and storage are would be built on top of this. Unless we are speaking strictly of the entrance to the parking garage, downhill at the Pietch property, I agree with Mr. Lopes. THIS IS AN UNDERGROUND PARKING STRUCTURE.

* Buses will be addressed last *

4) LARGER CAFE - The proposed number of seats would remain the same, but the physical size of the area would increase.

5) NOT ASKING FOR AN INCREASE IN LARGE PARTIES - At the date/time Ms. Lagoria emailed you, the only published information from the Contemporary Museum regarding the proposed expansion was a two-page handout received from Ms. Lagoria at a meeting with the MHCA on March 8, 2004 prior to my involvement. I verified the date and document with her. Page Two of this document lists;

A) One (1) evening event per year up to 500 persons (such as ConTempo) 6pm - midnight
Ms. Lagoria wishes to "bring back" Contempo which was held on property from 1995 - 2000.
Either the Contemporary Museum was in violation of the original CUP agreement (which by her document
does not allow any event of 500 persons - AND NOTHING UNTIL MIDNIGHT) - or this is a new event.

B) One (1) annual community open house (ArtSpree) 10 a.m. to 4 p.m.

Again, either a violation of the original agreement or a new event.

C) Up to twelve (12) evening events maximum of 50 cars/ 100 persons on Cooke-Spalding site only
Completely new proposal.

Unless "large parties" are more than 500 persons, this is asking for an increase in large parties. By request, over 2000 persons per year.

6) BUSES

A) Ms. Lagoria writes "We are not asking to be able to have larger buses - we are only requesting that the
current requirement of 20 seat buses be increased to 25, because 20 seat buses are no longer commonly
available for rental." If the café is not increasing in size because the number of seats isn't increasing
(only the physical space is) shouldn't the same standard apply to the buses (from 20 to 25 seats) ?
OR - are the buses not getting larger (same physical size) - but the café is?

B) Mr. Lopes mentions increased ability to transport, I see this as an inevitable outcome with the increase in
large parties cited in 5).

Mahalo for your time. Your help and advice in continuing to present accurate information to our neighbors is most appreciated.

Tracy Miyahara

Begin forwarded message:
From: Tracy
Date: Mon May 10, 2004 11:02:05 AM Pacific/Honolulu
To: rtam, Repschatz, senfukunaga
Cc: boblag, celiagourmet, glagoria, glennfong, kealalai, kmnakata, shawnhamamoto
Subject: May 10th Walk through of the Contemporary Museum
Reply-To: Tracy

Senator Fukunaga, Representative Schatz, and Councilman Tam,

I am concerned about the walk through that the Contemporary Museum is offering today. I was going to send my complaints earlier (May 10th, Mr. Shawn Hamamoto of Councilman Tam's office can verify my original email). After contemplation, I decided to give the Museum and Ms. Lagoria the benefit of my doubts and not send the complaint. However, due to events that I have been made aware of this past weekend, I feel I would be remiss if I did not document these issues.

MONDAY - MAY 10th -

Georgianna - Mahalo for your email to MOCA via Glenn on Friday, April 23rd. I left a voicemail for you that morning and currently have not heard back from you. Glenn informed me of the email on Saturday, April 24th. I canceled my plans and spent several hours with Keith Kurahashi to assemble a mailing list. Previously, we had set May 1st as a goal for a complete list. I feel that it is unrealistic for you to expect us to find out "if this date works for you and your members" when you emailed Glenn at 11:14am on Friday for a weekend mailing. I really appreciated the tremendous effort by Mr. Kurahashi. But please understand that unlike both of you, the members of MOCA are volunteers with other professional responsibilities.

Twice before, I have expressed concern on the timeliness of your proposals. First - your April 10th mailing (Saturday) for the presentation at the April 15th meeting of the Neighborhood Board. These letters were received on MONDAY giving us 3 days to change preset commitments. As I said at the time, there were several complaints and no-shows due to lack of notice.

Second, you called me at 1:30pm on Wednesday April 21st, requesting to know if April 29th or May 1st would work for our members as a site walk through. You wanted an answer that night at Representative Schatz's community meeting. That gave me less that six hours to try and contact our members. There was going to be another mailer to go out that weekend. If the date had been the 29th, once again it would have given people 3 days notice.

I spoke with Mr.Kurahashi today, Monday, to see if I could get extra copies of the mailer to hand deliver. He informed me that the mailer had not yet been completed and he anticipated mailing in the next two days.

Aloha - Tracy

Senator, Representative and Councilman - the mailer went out on WEDNESDAY - April 28th. Why did I give up my Saturday to respond to Ms. Lagoria's ASAP for a weekend mailing?

I made a personal visit to Mr. Kurahashi's office to pick up extra brochures to hand distribute. Our neighbor Mr. Anthony Smart had several interested friends including one, Ms. Celia Khim, that were very interested in the Museum's expansion plans. Ms. Khim's mother was a past member of the Contemporary Museum and she is an extremely active art afficianado herself. Ms. Khim called to RSVP an was told by Ms. Lagoria that she was not welcome as she did not reside in the immediate area. Ms. Khim contacted me via Mr. Smart and I apologized. Neither Ms. Lagoria nor Mr. Kurahashi EVER informed me that invitation was limited by residence. Our website and the information I spent several hours over with Mr. Kurahashi specifically denotes - RESIDENTS, FAMILY, AND FRIENDS of the Makiki Heights Area. This morning, Ms. Khim informed me that as a

result of the treatment she received from the Contemporary Museum she has volunteered to assist the Friends of the State Contemporary Art Museum.

I made several phone calls to other MOCA members and have been able to confirm the following. Mr. and Mrs. Gerry Nakata (whose mother owns 2337 Hoalu Place) resides in Washington State. He is on our mailing list. I confirmed this morning that they did not receive a mailer which would have allowed them to send another family member to the walkthrough. I have several other calls pending.

I appreciate your continued concern and assistance.

Tracy

Begin forwarded message:
From: Georgianna Lagoria
Date: Mon May 10, 2004 3:12:57 PM Pacific/Honolulu
To: Tracy
Cc: rtam, Repschatz, senfukunaga, boblag, celiagourmet, glennfong@hawaii.rr.com, kealalai, kmnakata, shawnhamamoto
Subject: Re: May 10th Walk through of the Contemporary Museum

Dear Tracy:

Thank you for your e-mail. Both the urgency of the meeting and the "limiting" of attendance to neighbors were due to my efforts to plan a meeting in a timely fashion and which would not inconvenience the private individuals who are currently renting the Peterson property from the museum. I understand that although Ms. Celia Khim was not on a resident mailing list, that she was given an invitation to the meeting. I have since invited her to attend the 6 p.m. reception.

Thank you for your understanding and appreciation of our good faith efforts to work with our neighbors toward a mutually beneficial outcome.

With aloha,
Georgianna

Begin forwarded message:
From: Georgianna Lagoria
Date: Mon May 17, 2004 8:52:49 AM Pacific/Honolulu
To: "G FONG"
Cc: senfukunaga, glagoria, Repschatz, rtam, Gill, shamamoto2
Subject: Re: MOCA website

Glenn -

Please add the following to the first page of your website, along with the letters from

Senator Fukunaga that you requested posting - Thank you -

Georgianna

The **FACTS** about **The Contemporary Museum's Plans**

The Contemporary Museum would like to set the record straight with respect to some of the misleading statements that have been made in a flyer distributed by one of the Neighborhood organizations. We believe that fruitful discussions and negotiations can only take place when all sides have an accurate understanding of the issues involved.

--Statement: "The Museum's expansion plans include: Construction of a large underground parking structure, exhibit hall, storage area and loading docks;"
FACT: The Museum plans to build a permanent exhibition space with a 6,000 square foot footprint, in the area currently occupied by the tennis court and the open area between the tennis court and the existing main struture. The proposed 6,000 square foot footprint is not unusual for an estate type home on the larger lots in the community. It's important to keep in mind that this is a 4 acre lot and that even with the proposed permanent exhibition space, the lot coverage will be well under the 50% allowed for residential lots. The parking area under the permanent exhibition space will include 22 spaces of parking on the ground level for staff cars.

--Statement: "converting the Peitsch home to a restaurant for both day and evening operations,"
FACT: TCM plans to relocate the Café and library to the Pietsch/Peterson property so that those spaces can be redesigned to provide for an adequate and protected space for education programs for children and adults. **The café's seating capacity and hours of operation during the day will remain the same.** The Museum proposes to open the café from 6-8pm on two Thursday evenings per month.

--Statement: "increasing the number of school busses daily on Makiki Heights Drive (to an average of 16 trips up/down the heights),"
FACT: This is a gross exaggeration. Currently, we usually schedule no more than one bus per day and don't foresee a change in that practice, unless the Department of Education is able to fund the use of two smaller buses (the request for using smaller buses came from neighbors concerns that the larger bus creates problems at the sharper turns on Makiki Heights Drive). By constructing a permanent exhibition space and protected education facilities, the Museum can provide classes for school children during the 10 weeks of the year that the temporary exhibition space is closed and no classes are scheduled. Thus, **the Museum does not foresee increased bus traffic on any day, except for possibility of replacing one long bus with two shorter buses .** The Museum will continue the practice of having the busses remain on campus while the children attend classes. In addition, the Museum is committed to working with the DOE in an attempt to facilitate the use of smaller busses.

--Statement: "and drastically expand operating hours and events (day/evening)."

FACTS:
Hours: The Museum is proposing to add two additional hours on Sunday (opening at 10:00 am as opposed to 12:00 pm). On Thursdays, the Museum seeks to extend the closing time from 4 pm to 9 pm.
Events: The Museum seeks to hold, in addition to existing approved events:
- **one** evening event per year up to 500 persons, only in the event that Neiman Marcus is not able to offer its Ala Moana store as a venue; 6pm to midnight;
- **one** annual community open house (ArtSpree) 10am – 4 pm;
- up to **nine** evening events with a maximum of 50 cars/100 persons at Cooke-Spalding site only. These evenings are for quiet gatherings of individuals to help raise private funds in support of the museum.

Begin forwarded message:
From: Bob Laguens
Date: Sat May 29, 2004 10:42:54 AM Pacific/Honolulu
To: Georgianna Lagoria
Subject: Re: Confirmation of Community Walkthru

Hi Georgi,
I am off to visit my sister in Oregon. She has MS and is not doing well. I will be back on Thursday.
Ray Sasaki will fax the addresses to Keith. There was some concern because 3 or 4 people who signed in requested their addresses not be circulated for security reasons. Obviously, not people who signed the petition asking for more time to analyze information. Aloha, Bob Laguens

Begin forwarded message:
From: Georgianna Lagoria
Date: Tue Jun 1, 2004 7:56:04 AM Pacific/Honolulu
To: Awesomepossm
Subject: Re: Contemporary Musem Expansion

Thanks, Mindy, on behalf of everyone who shares this hill for looking at the "big picture." We can all work together to address these larger issues, and again, thank you for your kind words about The Contemporary Museum -
Georgi
On Sunday, May 30, 2004, at 11:28 PM, Awesomepossm wrote:
Dear Sir:

14 years ago my husband and I lived in Maunalani Heights in a fixer upper home that, when we bought it, had planned to leverage and move up. Having done all the renovations on the A List, we started to look at property in East Oahu. My husband, not being an easy man to please, continued with renovations on the B List and C List until we found our house here on Makiki Heights Drive two years ago. Let me tell you, I can sit on my deck and point out eight homes that we looked at more than once and one that we even, unsuccessfully, put a bid on.

One of the accouterments that make this neighborhood so desirable is its ability to appear like a little pocket of "country," right here adjacent to the city of Honolulu. You can hear the breeze blowing through the trees. You are surrounded by the ripe freshness of greenery. Most of the lots are large and many of them bordered by conservation land.

One of the residents in this neighborhood is the Contemporary Museum. My husband and I consider this an asset to the neighborhood. The museum has friends visit that do not arrive in vehicles with stereos pulsing so loudly that you are digging around for the earplugs you used last New Year's Eve. In fact, the museum has friends that visit during the day time when most of us are at our jobs, outdoing our volunteer work, or are at home vigorously caring for our yards and houses. The museum not only has their friends visit but they ask us over too. We are welcomed at anytime to visit the current exhibit, walk through the gardens, and even grab a bite to eat.

I don't feel that what my neighbor, the museum, is planning in the way of expansion is exorbitant. In fact, says my husband the engineer, its design is thoughtful and considerate not only to the site they occupy, but looking from the street there is no visible change. Can you imagine adding a building with a footprint of 6,000 square foot to your property that no one can detect from outside? HolyToledo!

Can you imagine how the face of the neighborhood would change if the museum were to leave us, potentially selling their five acres out to a developer who would construct 18 to 20 single family homes on that lot? Families would move in. Nice families that would have lots of friends and relatives visit day and night. They would give lovely parties that would go on for all hours. After all, they would have the same covenant that my cherished neighbors do across the valley, the ones that play bongo drums and have disco parties to well past midnight. The museum is restricted by the city via their original conditional use permit to limit their evening functions by number per year and by curfew.

When I looked around at the community meeting on May 23, 2004, I saw a significant number of residents in this neighborhood who care enough about where we live and who we live with; I am honored. Here is a group of concerned citizens who has energy to challenge the issues that devalue the precious place in which we reside In my opinion the challenges are these:

1. Racers: Persons who choose our neighborhood to test the competence of their skill and vehicles on the streets where we live – day and night. We hear the whine of their engines, more often in the summer months than others. They might be the ones who get hurt in accidents from time to time. We are the ones who call 911. We are the ones who hear their screams of agony while waiting to be cut out of their mangled cars. And I am sorry to say after knowing all of this, we are the ones who hear the squeal of their tires and wonder if they are going to fly off the road land in our living rooms.
2. Drug Dealers/Drinkers: persons who select of our neighborhood parks and scenic vistas to solicit and distribute drugs and/or hold their own parties while imbibing in alcoholic beverages. Is this a great place to send our children out to play, or what! Something needs to be done to prohibit the transaction of drug deals and diminish the

amount of illegal drinking along our neighborhood streets – day and night.
3. Litter and Dumping. Both commercial enterprises and individuals from the community at large find our country roads appropriate for the disposal of unwanted items such as hot water heaters, televisions, car tires, empty beverage containers of all types, mattresses, etc. Posting of signs and immediate removal of debris by residents does not seem to deter these destructive incidences from occurring.
4. Other crimes. I have noticed that many of the residents in the neighborhood have alarm systems. Three out of the four times I parked my Honda on the street it has been broken into. Papakolea is just on the other side of the ridge where a drug-crazed robber shot a gentleman right on his own property After reading the 5/22/04 Advertiser, this is a place thieves go to after stealing or jacking cars – and then don't mind shooting police, dragging them with their stolen vehicles or even the danger they placeresidents in while they do so.

My fervent hope is that we can take our collective energy demonstrated at the May 23, 2004, meeting and address the issues that truly threaten the quality of life we share in this neighborhood. The museum is a terrific neighbor. Let's use that relationship to maintain the sophistication, the ambiance, and the dignity of where we choose to live.

Aloha, Mindy Tucker
2260 Makiki Heights Drive
Honolulu, HI 96822
537-9107

Begin forwarded message:
From: "Tracy M."
Date: Wed Jun 30, 2004 11:53:37 AM Pacific/Honolulu
To: "Keith Kurahashi", "Georgianna Lagoria"
Cc: "Ray Sasaki", tonysussex, "Shawn Hamamoto", "Rep. Schatz", knakata, "Kevin Keller", "Kathy & Gerry", "Henry & Netta", "GEORGIA Rush", "Councilman Tam", "Carol Fukunaga", "Bob Laguens", "Bernie Hayashida", achan
Subject: Community meeting/Trustee's meeting
Reply-To: "Tracy M."

Georgianna - I spoke with Bob Laguens on Monday, June 28th - regarding a "proposed" community meeting on the 11th of July. He stated that Keith Kurahashi was going to send out a mailer and requested that we get any new addresses to Keith. I informed Bob that this was not acceptable notification. I would have no way to adequately query MOCA members regarding the acceptability of the 11th - less than two week away - in order to provide Keith with adequate time for his mailing.

Imagine my surprise when I picked up my mail yesterday and found the printed announcement of your meeting on the 11th of July. Clearly mailed the day prior. The very day that I spoke with Bob.

Further - I am extremely disillusioned that our efforts over the past four months seem to

have fallen on deaf ears. MOCA has proven itself to be an active, aggressive, and viable community association interested in the welfare of Makiki Heights. We have been recognized in prior correspondance and communications by yourself and Keith Kurahashi. We have attended EVERY community and neighborhood Board meeting since March and in fact notified the Makiki Neighborhood Board of your expansion proposal in March of this year. Mr. Lopes and I were stunned to find out that the Contemporary Museum has planned not only a community meeting on July 11th, but a separate meeting between the MHCA and the Board of Trustees of the Contemporary Museum prior to the 11th, without even the courtesy of contacting MOCA. This is more offensive in light of the fact that our membership is ten times that of the MHCA. Please verify this with Mr. Kurahashi's mailing list submitted by us for the museum walk-through.

I am emailing this to you in the interest of timeliness and will further submit this in formal written communication.

Tracy Miyahara
Henry Lopes

Makiki Ohana Community Association

Begin forwarded message:
From: Georgianna Lagoria
Date: Thu Jul 1, 2004 5:27:19 PM Pacific/Honolulu
To: "Tracy M."
Cc: "Keith Kurahashi", "Ray Sasaki", tonysussex, "Shawn Hamamoto", "Rep. Schatz", knakata, "Kevin Keller", "Kathy & Gerry", "Henry & Netta", "GEORGIA Rush", "Councilman Tam", "Carol Fukunaga", "Bob Laguens", "Bernie Hayashida", achan
Subject: Re: Community meeting/Trustee's meeting

Tracy -

In response to your e-mail, the July 11 public meeting is planned for the same place (Roosevelt High School) and time (1 - 3 p.m.) as the May 23 community meeting organized by MOCA-Hawaii and MHCA. The notice was mailed on Monday, June 28, to nearby residents, everyone on the community mailing list including MOCA-Hawaii and MHCA members, those individuals who attended previous public meetings, and those who signed the recent MHCA petition. We are not able to contact everyone on this mailing list (200 plus persons) to agree on a date. We are hopeful that representatives from each organization will be able to attend this meeting and report back to their membership on what was discussed.

We were hoping to sit down with a small group of neighbors prior to this public meeting to determine if any common ground exists, and we are still open to doing so, should individual neighbors be so willing.

Georgianna M. Lagoria

Begin forwarded message:
From: Georgianna Lagoria
Date: Tue Jul 6, 2004 9:02:46 AM Pacific/Honolulu
To: tracym
Subject: Fwd: Community meeting/Trustee's meeting

Tracy -

I would appreciate your posting my response to your letter on your website. Thank you.

Georgianna

Begin forwarded message:
From: "Tracy M."
Date: Tue Jul 6, 2004 12:31:14 PM Pacific/Honolulu
To: "Georgianna Lagoria"
Cc: tonysussex, "Rep. Schatz", "GEORGIA Rush", "Councilman Tam", "Carol Fukunaga)", "Bob Laguens", "Bernie Hayashida", "Keith Kurahashi"
Subject: Re: Community meeting/Trustee's meeting
Reply-To: "Tracy M."

Georgianna - no problem - it will take me a couple of days. Normally we request a week's notice since this is a volunteer organization and with the summer/holiday schedule (like Bob) many of us who volunteer our time are out of town or otherwise committed. Mahalo for your input.

Begin forwarded message:
From: Georgianna Lagoria
Date: Tue Jul 13, 2004 4:28:34 PM Pacific/Honolulu
To: "Ray Sasaki", "Tracy M."
Cc: Violet Loo, keith kurahashi, "Councilman Tam", "Rep. Schatz", "Carol Fukunaga"
Subject: Meeting to Discuss Timing and Review Conditions

Dear Ray and Tracy,

We would like to invite three representatives from MHCA and three from MOCA-Hawaii to sit down with us to discuss a proposal we have on the timing of submitting our Conditional Use Permit to the City. (New information since Sunday.) We would also like to discuss the conditions we have proposed (posted on the MOCA-Hawaii website). We can be available in the day or evening over the next two weeks. (By "We" I mean me, Keith Kurahashi, President Vi Loo, and possibly one other Trustee, depending on when we meet.)

Could you get back to us by Thursday, July 15, with suggestions for dates and times? We

can meet here at the Museum, if this is most convenient. We understand that a portion of your membership is traveling, but if we could sit down with you in this small group and discuss the permit timetable and process, which conditions you may be willing to consider, and which conditions present the most problems for you, we are hopeful that you will have something of substance to discuss with your members upon their return.

Thank you both, and I look forward to hearing from you via e-mail.

Georgianna

Begin forwarded message:
From: Rsasakijr
Date: Tue Jul 13, 2004 4:42:35 PM Pacific/Honolulu
To: glagoria
Cc: tracym, achan, tonysussex
Subject: Re: Meeting to Discuss Timing and Review Conditions

Thank you, Georgie. With Bob out of town and as the new president with a lot of catching up to do, may I ask tow key members to also join as their history with MHCA goes back a long ways and are far enlightened on the genesus of MHCA up to the present. Their assistance at the meeting will be of great help to me in understanding many of the issues and in conveying the proper message to our membership.

Begin forwarded message:
From: Georgianna Lagoria
Date: Wed Jul 14, 2004 8:03:21 AM Pacific/Honolulu
To: Rsasakijr
Cc: tracym, achan, tonysussex, Violet Loo, keith kurahashi
Subject: Re: Meeting to Discuss Timing and Review Conditions

Ray -

Please invite anyone you feel would help to have a productive discussion, and let me know the days and times which would work so that I can get my folks on board as well.

Thanks -
Georgi

Begin forwarded message:

From: Rsasakijr
Date: Wed Jul 14, 2004 2:05:35 PM Pacific/Honolulu
To: glagoria
Cc: tracym
Subject: Re: Meeting to Discuss Timing and Review Conditions

Thank you for your reply & willinhgness to meet with any from our group who can assist in providing a clearer and more informed insight at the Board meeting. I am presently trying to ascertain which dates/times are best. I am trying to get committments within the next 2-weeks....however, it appears that the first week or weekend in August is appearing to look the best when residents (myself included) won't be traveling out of town. In the interest of having this meeting with your trustees efficient and involving the key people from all sides, I am hoping the first week or weekend in August will be satisfactory. However, I will get back to you once I get final schedules.

Begin forwarded message:
From: Georgianna Lagoria
Date: Wed Jul 14, 2004 2:58:59 PM Pacific/Honolulu
To: Rsasakijr
Cc: tracym, Violet Loo, keith kurahashi
Subject: Re: Meeting to Discuss Timing and Review Conditions

Thanks, Ray. I await your reply -
Georgi

Begin forwarded message:
From: Rsasakijr
Date: Thu Jul 15, 2004 10:08:49 PM Pacific/Honolulu
To: glagoria
Subject: Meeting w/Board of Trustees

Just got in but wanted to honor your request of responding by 7/15 regarding meeting with the Board of Trustees. We are having great difficulty in coordinating dates & times when our key members are available to meet by July 25th. My members are trying their best to see if any standing and prior commitments can be adjusted. As one of the State coordinators for the Federal *No Child Left Behind Act,* I just received a memo today that I may have to go off island within the next 3-weeks to conduct a tutor training workshop. I am still awaiting information on the confirmed dates for the workshop. I will continue to work at arranging a date/time that's workable for all concerned.

Bob informed me that as President of the MHCA, I will occupy a seat on TCM's Board of Trustees. As I wish to be a productive and informed member of the Board, may I request the following so that I will be prepared at the upcoming Board of Trustees meeting: Current By-laws, Articles of Incorporation, Current list of members on TCM Board of Trustees, and any other printed documents which will assist in my participation. I will be happy to come by and pick the items up at TCM if you will call me when they are ready (524-2276). Thank you, Georgie.

Begin forwarded message:

Subject: Re: Meeting to Discuss Timing and Review Conditions
Date: Friday, July 16, 2004 6:37 AM
From: Tracy M. <tracym99@earthlink.net>
Reply-To: "Tracy M." <tracym99@earthlink.net>
To: Ray Sasaki <Rsasakijr@aol.com>, Georgianna Lagoria <glagoria@tcmhi.org>
Cc: Violet Loo <loop003@hawaii.rr.com>, keith kurahashi <kkurahashi@hawaii.rr.com>, Councilman Tam <rtam@co.honolulu.hi.us>, "Rep. Schatz" <Repschatz@capitol.hawaii.gov>, "Carol Fukunaga (Lavanet)" <carolf@lava.net>

Georgianna - Mahalo for your invitation. Ray and I have been contacting our members. Have tried several dates without success. Will continue trying and keep you informed. Tracy
----- Original Message -----
From: "Georgianna Lagoria" <glagoria@tcmhi.org>
To: "Ray Sasaki" <Rsasakijr@aol.com>; "Tracy M." <tracym99@earthlink.net>
Cc: "Violet Loo" <loop003@hawaii.rr.com>; "keith kurahashi" <kkurahashi@hawaii.rr.com>; "Councilman Tam" <rtam@co.honolulu.hi.us>; "Rep. Schatz" <Repschatz@capitol.hawaii.gov>; "Carol Fukunaga (Lavanet)" <carolf@lava.net>
Sent: Tuesday, July 13, 2004 4:28 PM
Subject: Meeting to Discuss Timing and Review Conditions

> Dear Ray and Tracy,
>
> We would like to invite three representatives from MHCA and three from
> MOCA-Hawaii to sit down with us to discuss a proposal we have on the
> timing of submitting our Conditional Use Permit to the City. (New
> information since Sunday.) We would also like to discuss the
> conditions we have proposed (posted on the MOCA-Hawaii website). We
> can be available in the day or evening over the next two weeks. (By
> "We" I mean me, Keith Kurahashi, President Vi Loo, and possibly one
> other Trustee, depending on when we meet.)
>
> Could you get back to us by Thursday, July 15, with suggestions for
> dates and times? We can meet here at the Museum, if this is most
> convenient. We understand that a portion of your membership is
> traveling, but if we could sit down with you in this small group and
> discuss the permit timetable and process, which conditions you may be
> willing to consider, and which conditions present the most problems for
> you, we are hopeful that you will have something of substance to
> discuss with your members upon their return.
>
> Thank you both, and I look forward to hearing from you via e-mail.
>
> Georgianna
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>
> Georgianna M. Lagoria
> Director
> The Contemporary Museum, Honolulu
> 2411 Makiki Heights Drive
> Honolulu, HI 96822
> glagoria@tcmhi.org

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>> Georgianna M. Lagoria
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>> The Contemporary Museum, Honolulu
>> 2411 Makiki Heights Drive
>> Honolulu, HI 96822
>> glagoria@tcmhi.org
>> www.tcmhi.org
>> 808-526-1322 xt. 14
>> 808-536-5973 fax
>>
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>
Georgianna M. Lagoria
Director
The Contemporary Museum, Honolulu
2411 Makiki Heights Drive
Honolulu, HI 96822
glagoria@tcmhi.org
www.tcmhi.org
808-526-1322 xt. 14
808-536-5973 fax

Subject: Re: Meeting to Discuss Timing and Review Conditions
Date: Friday, July 16, 2004 7:32 AM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: "Tracy M." <tracym99@earthlink.net>
Cc: Ray Sasaki <Rsasakijr@aol.com>, Violet Loo <loop003@hawaii.rr.com>, keith kurahashi <kkurahashi@hawaii.rr.com>, Councilman Tam <rtam@co.honolulu.hi.us>, "Rep. Schatz" <Repschatz@capitol.hawaii.gov>, "Carol Fukunaga (Lavanet)" <carolf@lava.net>

Thank you, Tracy. To reiterate, we would like to sit down with whomever you feel is appropriate and representative of MOCA-Hawaii and MHCA in a small enough group to have a productive conversation. We are open to whatever day and time would work for you and Ray.

Look forward to hearing from you - I will continue to check my e-mail through the weekend.

Aloha,
Georgianna

On Friday, July 16, 2004, at 06:37 AM, Tracy M. wrote:

> Georgianna - Mahalo for your invitation. Ray and I have been
> contacting our
> members. Have tried several dates without success. Will continue
> trying
> and keep you informed. Tracy
> ----- Original Message -----
> From: "Georgianna Lagoria" <glagoria@tcmhi.org>
> To: "Ray Sasaki" <Rsasakijr@aol.com>; "Tracy M."
> <tracym99@earthlink.net>
> Cc: "Violet Loo" <loop003@hawaii.rr.com>; "keith kurahashi"
> <kkurahashi@hawaii.rr.com>; "Councilman Tam" <rtam@co.honolulu.hi.us>;
> "Rep.
> Schatz" <Repschatz@capitol.hawaii.gov>; "Carol Fukunaga (Lavanet)"
> <carolf@lava.net>
> Sent: Tuesday, July 13, 2004 4:28 PM
> Subject: Meeting to Discuss Timing and Review Conditions
>
>
>> Dear Ray and Tracy,
>>
>> We would like to invite three representatives from MHCA and three from
>> MOCA-Hawaii to sit down with us to discuss a proposal we have on the
>> timing of submitting our Conditional Use Permit to the City. (New
>> information since Sunday.) We would also like to discuss the
>> conditions we have proposed (posted on the MOCA-Hawaii website). We
>> can be available in the day or evening over the next two weeks. (By
>> "We" I mean me, Keith Kurahashi, President Vi Loo, and possibly one
>> other Trustee, depending on when we meet.)
>>
>> Could you get back to us by Thursday, July 15, with suggestions for
>> dates and times? We can meet here at the Museum, if this is most
>> convenient. We understand that a portion of your membership is
>> traveling, but if we could sit down with you in this small group and
>> discuss the permit timetable and process, which conditions you may be

Subject: Re: Meeting w/Board of Trustees
Date: Friday, July 16, 2004 9:08 AM
From: Rsasakijr@aol.com
To: <glagoria@tcmhi.org>
Cc: <tracym99@earthlink.net>, Violet Loo <loop003@hawaii.rr.com>, keith kurahashi <kkurahashi@hawaii.com>, Councilman Tam <rtam@co.honolulu.hi.us>, "Rep. Schatz" <repschatz@capitol.hawaii.gov>, Carol Fukunaga <carolf@lava.net>

At this date & time, yes...we are possibly looking toward early August; however, that is dependent upon the schedule for the off-island workshops I am awaiting from the DOE. Thank you for preparing the materials I requested as a member on your Board of Trustees. I will await your call.

Subject: Re: Meeting w/Board of Trustees
Date: Friday, July 23, 2004 5:00 PM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: <Rsasakijr@aol.com>, <tracym99@earthlink.net>
Cc: Violet Loo <loop003@hawaii.rr.com>, keith kurahashi <kkurahashi@hawaii.com>, Councilman Tam <rtam@co.honolulu.hi.us>, "Rep. Schatz" <repschatz@capitol.hawaii.gov>, Carol Fukunaga <carolf@lava.net>

Dear Ray and Tracy,

Thank you for your letter of July 19, 2004. We welcome the opportunity to meet with you and The Contemporary Museum Board of Trustees' formally designated representatives on any of the following dates and times:

Monday, July 26, 2 p.m.
Tuesday, July 27, 2 p.m.
Wednesday, July 28, 2 p.m.
Thursday, July 29, 3 p.m.
Monday, August 2, 2 p.m.
Tuesday, August 3, 3 p.m.
Thursday, August 5, 10 a.m.

If these days and times are not possible for you, we welcome your suggestions. We will be responding to your letter in writing, but wanted to get these dates out there to you quickly in the interest of time -

With aloha,
Georgianna

Georgianna M. Lagoria
Director
The Contemporary Museum, Honolulu
2411 Makiki Heights Drive
Honolulu, HI 96822
glagoria@tcmhi.org
www.tcmhi.org
808-526-1322 xt. 14
808-536-5973 fax

Subject: FW: Meeting w/Board of Trustees
Date: Sunday, August 1, 2004 12:05 PM
From: Georgianna Lagoria de la Torre <georgidlt@hawaii.rr.com>
To: Georgianna Lagoria <glagoria@tcmhi.org>

From: Rsasakijr@aol.com
Date: Sun, 25 Jul 2004 15:21:17 -0400 (EDT)
To: glagoria@tcmhi.org
Cc: tracym99@earthlink.net
Subject: Re: Meeting w/Board of Trustees

Thank you, Georgie, for your prompt response to our request and for demonstrating a spirit of cooperation and willingness to work together towards a resolution best for all concerned. Our members realize your difficulty in coordinating time schedules between your Board of Trustees and the two, seperate Associations, MHCA & MOCA. I'm sure you can also unerstand our difficulty in doing the same with many of the members from both Associations out-of-town for the summer as we anticipated earlier. Be assurred that I will do my best to check w/members and coordinate a date suitable to all. I am confident that Tracy will do the same with her people once she arrives back home in couple of weeks or so. I hope Tracy will be checking her email whil she is away. Thank you also for the packet requested. I picked it up from Kim this past Monday.

Subject: RESPONSE TO YOUR LETTER OF JULY 30, 2004
Date: Monday, August 2, 2004 2:36 PM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: <tracym99@earthlink.net>
Cc: <Rsasakijr@aol.com>, Violet Loo <loop003@hawaii.rr.com>, keith kurahashi <kkurahashi@hawaii.com>, Councilman Tam <rtam@co.honolulu.hi.us>, "Rep. Schatz" <repschatz@capitol.hawaii.gov>, Carol Fukunaga <carolf@lava.net>

August 2, 2004

Tracy Miyahara, Chair
VIA E-MAIL, US MAIL, AND C/O FACSIMILE, (594-0544)
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, HI 96822

Dear Tracy,

We are in receipt of your letter dated July 30, 2004, addressed to TCM Board President Violet Loo and sent to The Contemporary Museum via facsimile.

To answer your questions:

1. When the full Board of Trustees is unavailable, a number of Trustees, along with Director Georgianna Lagoria, are familiar with the Conditional User Permit matter and are authorized as needed as duly designated representatives. President Loo, who would normally join any designated group, is currently off-island through August 25 and has designated Trustees Thurston Twigg-Smith and Galen Leong to meet with representatives of your organization, along with representatives from the Makiki Heights Community Association, on Friday, August 5, at 10 a.m. at The Contemporary Museum.

2. The next meeting scheduled for the full Board of Trustees is Monday, August 30, at 12 noon.

3. A special meeting could be scheduled in the future for the Board of Trustees to meet with representatives from the two Makiki neighborhood associations, should such a meeting be useful and warranted.

In the interest of time, please let us know via facsimile 536- 5973 whether Friday, August 5, at 10 a.m. at The Contemporary Museum will work with you and your representatives.

With aloha,
Georgianna M. Lagoria
Director

cc:
All TCM Trustees
Eric Crispin, Director, Honolulu Department of Planning and Permitting
Elaine Marks, Department of Planning & Permitting
Councilmember Rod Tam, Honolulu City Council, District 5

John Steelquist, Chair, Makiki Neighborhood Board No. 10
Hawaii State Senator Carol Fukunaga, District 11
Hawaii State Representative Brian Schatz, District 25
Keith Kurahashi
Ray Sasaki Jr., President, Makiki Heights Community Association

Georgianna M. Lagoria
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2411 Makiki Heights Drive
Honolulu, HI 96822
glagoria@tcmhi.org
www.tcmhi.org
808-526-1322 xt. 14
808-536-5973 fax

Subject: CORRECTION: Thursday, August 5, 10 a.m.
Date: Tuesday, August 3, 2004 2:44 PM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: <tracym99@earthlink.net>
Cc: <Rsasakijr@aol.com>, Violet Loo <loop003@hawaii.rr.com>, keith kurahashi <kkurahashi@hawaii.com>, Councilman Tam <rtam@co.honolulu.hi.us>, "Rep. Schatz" <repschatz@capitol.hawaii.gov>, Carol Fukunaga <carolf@lava.net>

Tracy:

Please accept my apologies for this correction: In the interest of time, please let us know via facsimile 536- 5973 whether **Thursday**, August 5, at 10 a.m. at The Contemporary Museum will work with you and your representatives.

Look forward to hearing from you and Ray -
Georgi

Begin forwarded message:

From: Georgianna Lagoria <glagoria@tcmhi.org>
Date: Mon Aug 2, 2004 2:36:17 PM Pacific/Honolulu
To: tracym99@earthlink.net
Cc: Rsasakijr@aol.com, loop003@hawaii.rr.com (Violet Loo), kkurahashi@hawaii.com (keith kurahashi), rtam@co.honolulu.hi.us (Councilman Tam), repschatz@capitol.hawaii.gov (Rep. Schatz), carolf@lava.net (Carol Fukunaga)
Subject: RESPONSE TO YOUR LETTER OF JULY 30, 2004

August 2, 2004

Tracy Miyahara, Chair
VIA E-MAIL, US MAIL, AND C/O FACSIMILE, (594-0544)
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, HI 96822

Dear Tracy,

We are in receipt of your letter dated July 30, 2004, addressed to TCM Board President Violet Loo and sent to The Contemporary Museum via facsimile.

To answer your questions:

1. When the full Board of Trustees is unavailable, a number of Trustees, along with Director Georgianna Lagoria, are familiar with the Conditional User Permit matter and are authorized as

needed as duly designated representatives. President Loo, who would normally join any designated group, is currently off-island through August 25 and has designated Trustees Thurston Twigg-Smith and Galen Leong to meet with representatives of your organization, along with representatives from the Makiki Heights Community Association, on Friday, August 5, at 10 a.m. at The Contemporary Museum.

2. The next meeting scheduled for the full Board of Trustees is Monday, August 30, at 12 noon.

3. A special meeting could be scheduled in the future for the Board of Trustees to meet with representatives from the two Makiki neighborhood associations, should such a meeting be useful and warranted.

In the interest of time, please let us know via facsimile 536- 5973 whether Friday, August 5, at 10 a.m. at The Contemporary Museum will work with you and your representatives.

With aloha,
Georgianna M. Lagoria
Director

cc:
All TCM Trustees
Eric Crispin, Director, Honolulu Department of Planning and Permitting
Elaine Marks, Department of Planning & Permitting
Councilmember Rod Tam, Honolulu City Council, District 5
John Steelquist, Chair, Makiki Neighborhood Board No. 10
Hawaii State Senator Carol Fukunaga, District 11
Hawaii State Representative Brian Schatz, District 25
Keith Kurahashi
Ray Sasaki Jr., President, Makiki Heights Community Association

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2411 Makiki Heights Drive
Honolulu, HI 96822
glagoria@tcmhi.org
www.tcmhi.org

Subject: Meeting Date
Date: Wednesday, August 4, 2004 2:40 PM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: <Rsasakijr@aol.com>, <tracym99@earthlink.net>
Cc: Violet Loo <loop003@hawaii.rr.com>, keith kurahashi <kkurahashi@hawaii.com>, Councilman Tam <rtam@co.honolulu.hi.us>, "Rep. Schatz" <repschatz@capitol.hawaii.gov>, Carol Fukunaga <carolf@lava.net>

Ray and Tracy -

I've left a message on Ray's answering machine, as I have not heard back from either of you as to whether August 5 at 10 a.m. would work for a meeting between your organizations and the museum. This is the last of the dates we offered in my July 23 e-mail below. Please, either of you, e-mail or phone me at 526-1322 xt. 14 to let me know if we can expect you at 10 a.m. tomorrow morning. If not, please let us know if you have any dates to offer at this time. (We have been asking for a date to sit down with this small group since June.)

Thank you -
Georgianna

Begin forwarded message:

> From: Georgianna Lagoria <glagoria@tcmhi.org>
> Date: Fri Jul 23, 2004 5:00:27 PM Pacific/Honolulu
> To: Rsasakijr@aol.com, tracym99@earthlink.net
> Cc: loop003@hawaii.rr.com (Violet Loo), kkurahashi@hawaii.com (keith
> kurahashi), rtam@co.honolulu.hi.us (Councilman Tam),
> repschatz@capitol.hawaii.gov (Rep. Schatz), carolf@lava.net (Carol
> Fukunaga)
> Subject: Re: Meeting w/Board of Trustees
>
> Dear Ray and Tracy,
>
> Thank you for your letter of July 19, 2004. We welcome the
> opportunity to meet with you and The Contemporary Museum Board of
> Trustees' formally designated representatives on any of the following
> dates and times:
>
> Monday, July 26, 2 p.m.
> Tuesday, July 27, 2 p.m.
> Wednesday, July 28, 2 p.m.
> Thursday, July 29, 3 p.m.
> Monday, August 2, 2 p.m.
> Tuesday, August 3, 3 p.m.
> Thursday, August 5, 10 a.m.
>
> If these days and times are not possible for you, we welcome your
> suggestions. We will be responding to your letter in writing, but
> wanted to get these dates out there to you quickly in the interest of
> time -
>
> With aloha,
> Georgianna
>

Subject: Re: CORRECTION: Thursday, August 5, 10 a.m.
Date: Wednesday, August 4, 2004 9:31 PM
From: Rsasakijr@aol.com
To: <glagoria@tcmhi.org>, <tracym99@earthlink.net>
Cc: <ioop003@hawaii.rr.com>, <kkurahashi@hawaii.com>, <rtam@co.honolulu.hi.us>, <repschatz@capitol.hawaii.gov>, <carolf@lava.net>

I am replying via email as the fax at my school is out of order due to hurricane Darby last evening. The storm has caused serious water damage to the roof which is being redone this summer and all 2nd floor classrooms ceilings, including that in my classroom, is leaking seriously and causing considerable damage to files, computers, and personal property. All faculty were called this morning to report to help clear flooded classrooms and I have just returned (8:55 pm) to find copy of letter you posted to Tracy Miyahara (MOCA) requesting a meeting for Firday, Aug. 5, @ 10 am. Also, I just read your email sent this afternoon regarding correction of the date. First, thank you for the correction as I was confused about Friday, Aug. 5th which is now corrected to Thursday, Aug. 5th. I must again report to school tomorrow to continue the clean-up with which we are all assissting. I know you'll understand the emergency that prohibits me from attending any meetings scheduled this week and even into the weekend as I must sort to which of my files, records, and personasl belongings are salvagable.
Also, Keith Kurahashi delvered the Environmental Report at about 4:00 pm on Tuesday, July 27th. I have just completed reading the report and I am just now circulating it among those members who need to also read the report and familiarize themselves with the information before any meeting with the Board. As for the key leaders in MHCA who wish to be present at the meeting with your Board of Trustees, weekdays & week day evenings are extreemly bad due to their schedules. In your letter of July 23rd, we appreciate your willingness to work with the varied schedules of our members if none of the dates which you listed in your letter was workable. Despite none of the dates you had suggested were workable and despite our schedules and the emergencies which has arisen at school due to the storm, I am still attempting to coordinate dates/times suitable to all concerned. As for the phone message from you which I just received this evening, not only will tomorrow, Thursday, Aug. 5th be impossible for myself to make any meetings; but, I also am certain that the notice is far too short for two of our Association's key members.
I appreciate your concern and considerations and I again appologize for replying so late; however, I'm sure you can also understand the unexpected catostrophe at my school caused by the storm.

dates you had suggested were workable and despite our schedules and the emergencies which has arisen at school due to the storm, I am still attempting to coordinate dates/times suitable to all concerned. As for the phone message from you which I just received this evening, not only will tomorrow, Thursday, Aug. 5th be impossible for myself to make *any* meetings; but, I also am certain that the notice is far too short for two of our Association's key members. I appreciate your concern and considerations and I again appologize for replying so late; however, I'm sure you can also understand the unexpected catostrophe at my school caused by the storm.

Georgianna M. Lagoria
Director
The Contemporary Museum, Honolulu
2411 Makiki Heights Drive
Honolulu, HI 96822
glagoria@tcmhi.org
www.tcmhi.org
808-526-1322 xt. 14
808-536-5973 fax

Subject: Re: CORRECTION: Thursday, August 5, 10 a.m.
Date: Thursday, August 5, 2004 12:07 PM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: <Rsasakijr@aol.com>
Cc: <tracym99@earthlink.net>, <loop003@hawaii.rr.com>, <kkurahashi@hawaii.rr.com>, <rtam@co.honolulu.hi.us>, <repschatz@capitol.hawaii.gov>, <carolf@lava.net>

Dear Ray:

Thanks for getting back to us via e-mail and phone. The storm was fierce, and I am sorry that your classrooms sustained such damage. Please let us know if there is anything we can do to help.

I did get your messages in time to notify my Trustees that the meeting planned for this morning would not be taking place. Thank you for clarifying that weekdays and evenings are difficult for you and your representatives. Not counting this weekend, we have about three weekends left in this month. Please speak with Tracy and let us know what days and times would work for you, and I will check with our designated Trustees to see who would be available to join me in meeting with you.

WIth aloha,
Georgianna

On Wednesday, August 4, 2004, at 09:31 PM, Rsasakijr@aol.com wrote:

> I am replying via email as the fax at my school is out of order due to hurricane Darby last evening. The storm has caused serious water damage to the roof which is being redone this summer and all 2nd floor classrooms ceilings, including that in my classroom, is leaking seriously and causing considerable damage to files, computers, and personal property. All faculty were called this morning to report to help clear flooded classrooms and I have just returned (8:55 pm) to find copy of letter you posted to Tracy Miyahara (MOCA) requesting a meeting for Firday, Aug. 5, @ 10 am. Also, I just read your email sent this afternoon regarding correction of the date. First, thank you for the correction as I was confused about Friday, Aug. 5th which is now corrected to Thursday, Aug. 5th. I must again report to school tomorrow to continue the clean-up with which we are all assissting. I know you'll understand the emergency that prohibits me from attending any meetings scheduled this week and even into the weekend as I must sort to which of my files, records, and personasl belongings are salvagable.
> Also, Keith Kurahashi delvered the Environmental Report at about 4:00 pm on Tuesday, July 27th. I have just completed reading the report and I am just now circulating it among those members who need to also read the report and familiarize themselves with the information before any meeting with the Board. As for the key leaders in MHCA who wish to be present at the meeting with your Board of Trustees, weekdays & week day evenings are extreemly bad due to their schedules. In your letter of July 23rd, we appreciate your willingness to work with the varied schedules of our members if none of the dates which you listed in your letter was workable. Despite none of the

Subject: Re: CORRECTION: Thursday, August 5, 10 a.m.
Date: Friday, August 6, 2004 2:12 PM
From: Rsasakijr@aol.com
To: <glagoria@tcmhi.org>

Thank you for your understanding and generous offer to assist. We now have things a bit more under control and are preparing for the anticipated rain this weekend. I will keep trying to coordinate my members. Bob Laguens returns on the 15th; hopef7ully we can coordinate a weekend that's acceptable for all concerned.

Subject: Re: CORRECTION: Thursday, August 5, 10 a.m.
Date: Friday, August 6, 2004 2:44 PM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: <Rsasakijr@aol.com>

Great - Thanks Ray -
Georgianna
On Friday, August 6, 2004, at 02:12 PM, Rsasakijr@aol.com wrote:

> **Thank you for your understanding and generous offer to assist. We now have things a bit more under control and are preparing for the anticipated rain this weekend. I will keep trying to coordinate my members. Bob Laguens returns on the 15th; hopef7ully we can coordinate a weekend that's acceptable for all concerned.**

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www.tcmhi.org
808-526-1322 xt. 14
808-536-5973 fax

Subject: Meeting Date
Date: Friday, August 6, 2004 5:05 PM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: <Rsasakijr@aol.com>, <tracym99@earthlink.net>
Cc: <loop003@hawaii.rr.com>, <kkurahashi@hawaii.rr.com>, <rtam@co.honolulu.hi.us>, <repschatz@capitol.hawaii.gov>, <carolf@lava.net>

August 6, 2004 - VIA E-MAIL AND USPS

Ray Sasaki, Jr., President
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, HI 96822

Tracy Miyahara, Chair
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, HI 96822

Dear Ray and Tracy:

In our ongoing efforts to come to a mutually agreed upon time to meet with you and your representatives, and bearing in mind Ray's request to (1) meet on the weekend and Tracy's request to (2) have two weeks notice, we are left with the following days to meet:

Saturday, August 20
Sunday, August 21
Saturday, August 28
Sunday, August 29

We must hear from you both as to the days and times which work for you. I will then confirm with our Trustee representatives so that we can have this important meeting which we have all been trying our best to convene since June.

I look forward to hearing from you.

With aloha,
Georgianna M. Lagoria
Director

Georgianna M. Lagoria
Director
The Contemporary Museum, Honolulu
2411 Makiki Heights Drive
Honolulu, HI 96822
glagoria@tcmhi.org

Subject: Fwd: Meeting Date
Date: Friday, August 13, 2004 3:19 PM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: <Rsasakijr@aol.com>, <tracym99@earthlink.net>
Cc: <loop003@hawaii.rr.com>, <kkurahashi@hawaii.rr.com>, <rtam@co.honolulu.hi.us>, <repschatz@capitol.hawaii.gov>, <carolf@lava.net>

August 13, 2004

Dear Ray and Tracy:

A week has passed since I sent this e-mail. I am still hoping to hear from you as to which dates and times you are available to meet. (See below.). Looking forward to your timely response -

Georgianna

Begin forwarded message:

> **From:** Georgianna Lagoria <glagoria@tcmhi.org>
> **Date:** Fri Aug 6, 2004 5:05:30 PM Pacific/Honolulu
> **To:** Rsasakijr@aol.com, tracym99@earthlink.net
> **Cc:** loop003@hawaii.rr.com, kkurahashi@hawaii.rr.com, rtam@co.honolulu.hi.us, repschatz@capitol.hawaii.gov, carolf@lava.net
> **Subject:** Meeting Date
>
> August 6, 2004 - VIA E-MAIL AND USPS
>
> Ray Sasaki, Jr., President
> Makiki Heights Community Association
> 2350 Makiki Heights Drive
> Honolulu, HI 96822
>
> Tracy Miyahara, Chair
> Makiki Ohana Community Association
> 2342 Hoalu Place
> Honolulu, HI 96822
>
> Dear Ray and Tracy:
>
> In our ongoing efforts to come to a mutually agreed upon time to meet with you and your representatives, and bearing in mind Ray's request to (1) meet on the weekend and Tracy's request to (2) have two weeks notice, we are left with the following days to meet:
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> Saturday, August 20

Sunday, August 21
Saturday, August 28
Sunday, August 29

We must hear from you both as to the days and times which work for you. I will then confirm with our Trustee representatives so that we can have this important meeting which we have all been trying our best to convene since June.

I look forward to hearing from you.

With aloha,
Georgianna M. Lagoria
Director

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glagoria@tcmhi.org
www.tcmhi.org
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Subject: Re: Meeting Date
Date: Sunday, August 15, 2004 10:50 AM
From: Rsasakijr@aol.com
To: <glagoria@tcmhi.org>, <tracym99@earthlink.net>
Cc: <loop003@hawaii.rr.com>, <kkurahashi@hawaii.rr.com>, <rtam@co.honolulu.hi.us>, <repschatz@capitol.hawaii.gov>, <carolf@lava.net>, <achan@prodigy.net>, <tonysussex@hawaii.rr.com>, <Berhaya@aol.com>, <rushg@hawaii.rr.com>, <islarch@lava.net>, <boblag@hawaii.rr.com>

I appologize for the delay, but it has taken me all this time to contact & check with members as to a suitable meeting date.
Despite everyone being extreemly busy and still away or going away on trips, the date we are looking at is Sunday, August 29th either early morning
(8:30 / 9-ish) or 10:30 am. with many having precommitments for the alternate days and the afternoon of the 29th. I am awaiting confirmations from key members. Will respond with deffinite time on the 29th once I get replies from those concerned. Thank you for your understanding and efforts in trying to pull things together.

Subject: Re: Meeting Date
Date: Tuesday, August 17, 2004 11:28 AM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: <Rsasakijr@aol.com>
Cc: <loop003@hawaii.rr.com>, <kkurahashi@hawaii.rr.com>, <rtam@co.honolulu.hi.us>, <repschatz@capitol.hawaii.gov>, <carolf@lava.net>, <tracym99@earthlink.net>

Great, Ray - Thanks.

Georgianna
On Tuesday, August 17, 2004, at 08:44 AM, Rsasakijr@aol.com wrote:

> **I anticipate confirming a deffinite time for the 8/29 meeting with the Trustees by tomorrow afternoon as one of our key members returns from a trip the morning of the 18th.**

Georgianna M. Lagoria
Director
The Contemporary Museum, Honolulu
2411 Makiki Heights Drive
Honolulu, HI 96822
glagoria@tcmhi.org
www.tcmhi.org
808-526-1322 xt. 14
808-536-5973 fax

Subject: Re: Meeting Date
Date: Wednesday, August 18, 2004 10:43 AM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: <Rsasakijr@aol.com>

Ray - Don't know what e-mail you're referring to -

tracym99@earthlink.net is always the e-mail I've been using - Keith Kurahashi is always kkurahashi@hawaii.rr.com

G
On Wednesday, August 18, 2004, at 08:52 AM, Rsasakijr@aol.com wrote:

> **Noticed address failure in email you sent...Tracy Miyahara (should be tracym99@earthlink.net) and *Keith Kurahashi (don't know his address).***

Georgianna M. Lagoria
Director
The Contemporary Museum, Honolulu
2411 Makiki Heights Drive
Honolulu, HI 96822
glagoria@tcmhi.org
www.tcmhi.org
808-526-1322 xt. 14
808-536-5973 fax

Subject: Re: Meeting Date
Date: Wednesday, August 18, 2004 1:55 PM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: <Rsasakijr@aol.com>

Just wondering, because all of the e-mails were listed correctly on that message - G
On Wednesday, August 18, 2004, at 11:42 AM, Rsasakijr@aol.com wrote:

> **refering to your email of 8/16 awaiting our meeting time confirmation.**

Georgianna M. Lagoria
Director
The Contemporary Museum, Honolulu
2411 Makiki Heights Drive
Honolulu, HI 96822
glagoria@tcmhi.org
www.tcmhi.org
808-526-1322 xt. 14
808-536-5973 fax

Subject: Meeting with TCM Trustess
Date: Sunday, August 22, 2004 2:42 PM
From: Rsasakijr@aol.com
To: <glagoria@tcmhi.org>
Cc: <tracym99@earthlink.net>, <boblag@hawaii.rr.com>, <tonysussex@hawaii.rr.com>, <achan@prodigy.net>

At the MHCA meeting of 8/22, we have agreed that we are all able to meet with your Trustees on Sunday, Aug. 29, at 10:30 am at TCM. Please confirm and advise where on your campus the meeting will be taking place. Designated representatives from MHCA are: Anthony Chan, Anthony Sussex, Bob/Debbie Laguens, and myself as president. Although not deffinite, Anthony Suxxes will make every effort to attend. Thank you for your patience and we will look forward to a cordial and productive meeting with you and your Trustees.

Subject: The Contemporary Museum and Neighborhood Board Meetings
Date: Saturday, September 18, 2004 9:19 AM
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: <john@steelquist.com>
Cc: Violet Loo <loop003@hawaii.rr.com>, keith kurahashi <kkurahashi@hawaii.rr.com>, Rod Tam <rtam@co.honolulu.hi.us>, Shawn Hamamoto <shamamoto2@co.honolulu.hi.us>

Dear Mr. Steelquist:

As you know, The Contemporary Museum has been working with its neighbors in Makiki Heights to address concerns over our proposed master plan enhancements and Conditional Use Permit.

As of this date, a draft of our Environmental Assessment has been submitted to the City as well as our neighbors and we are in the process of completing our Conditional Use Permit Application, with the guidance of the Department of Planning and Permitting.

We are heartened by your statement in the May 20 meeting minutes that the "Contemporary Museum Construction Plan...would remain on the agenda month after month" and the Board would never approve or deny anything " by only listening to one side."

We are committed to working with our fellow Makiki Heights residents and the DPP to, as you stated in the minutes of the April 15 Neighborhood Board Meeting, "find a solution and keep in touch with the Board." In the interest of your and everyone's time, we will come before the Neighborhood Board when we have something new to report in terms of a definite agreement with our neighbors.

Please share this correspondence with your fellow Neighborhood Board members, and contact me at any time if I can be of any assistance in this matter.

Thank you for your good work on behalf of our community.

Georgianna M. Lagoria
Director
The Contemporary Museum, Honolulu
2411 Makiki Heights Drive
Honolulu, HI 96822
glagoria@tcmhi.org
www.tcmhi.org
808-526-1322 xt. 14
808-536-5973 fax

From: rsasakijr@aol.com
Date: Sat Apr 2, 2005 8:23:55 AM Pacific/Honolulu
To: glagoria@tcmhi.org
Subject: Re: EA

Thank you, Georgie. Copies rec'd. this week.

-----Original Message-----
From: Georgianna Lagoria <glagoria@tcmhi.org>
To: Rsasakijr@aol.com
Cc: keith kurahashi <kkurahashi@hawaii.rr.com>
Sent: Tue, 15 Mar 2005 11:23:47 -1000
Subject: EA

.AOLPlainTextBody { margin: 0px; font-family: Tahoma, Verdana, Arial, Sans-Serif; font-size: 12px; color: #000; background-color: #fff; } .AOLPlainTextBody pre { font-size: 9pt; } .AOLInlineAttachment { margin: 10px; } .AOLAttachmentHeader { border-bottom: 2px solid #E9EAEB; background: #F9F9F9; } .AOLAttachmentHeader .Title { font: 11px Tahoma; font-weight: bold; color: #666666; background: #E9EAEB; padding: 3px 0px 1px 10px; } .AOLAttachmentHeader .FieldLabel { font: 11px Tahoma; font-weight: bold; color: #666666; padding: 1px 10px 1px 9px; } .AOLAttachmentHeader .FieldValue { font: 11px Tahoma; color: #333333; }
Ray:

I've requested that Keith Kurahashi deliver a copy of our Final Environmental Assessment to you - he has printed only enough copies to distribute to the City and will provide you with a copy in the next two weeks.

Georgianna M. Lagoria
Director
The Contemporary Museum, Honolulu
2411 Makiki Heights Drive
Honolulu, HI 96822
glagoria@tcmhi.org
www.tcmhi.org
808- 526-1322 xt. 14
808-536-3858 fax

APPENDIX XVI

AGENCY AND PUBLIC COMMENTS ON THE DRAFT EA

Ms. Genevieve K. Y. Salmonson, Director
Office of Environmental Quality Control
Department of Health
State of Hawaii
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Ms. P. Holly McEldowney, Administrator
State Historic Preservation Division
Department of Land and Natural Resources
State of Hawaii
601 Kamokila Boulevard, Room 555
Kapolei, HI 96707

Mr. Harold Yee, Chief
Wastewater Branch
Department of Health
State of Hawaii
919 Ala Moana Blvd., Room 309
Honolulu, HI 96814

Mr. Russell Takata Manager
Noise Radiation & Indoor Air Quality Branch
Department of Health
State of Hawaii
591 Ala Moana Blvd., 1st Floor
Honolulu, Hawaii 96813

Dr. John Harrison, Ph.D., Director
UH Environmental Center
University of Hawaii
State of Hawaii
2500 Dole Street, Krauss Annex 19
Honolulu, HI 96822

Mr. Peter T. Young, Chairperson
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street
Honolulu, HI 96813

Mr. Rodney Haraga, Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, HI 96813

Mr. Wilfred Nagamine, Manager
Clean Air Branch
Department of Health
State of Hawaii
919 Ala Moana Blvd., Room 203
Honolulu, Hawaii 96814

Mrs. Lynn Nakasone, Program Manager
Food and Drug Branch
Department of Health
State of Hawaii
591 Ala Moana Blvd., 1st Floor
Honolulu, HI 96813

Ms. Nani Lee, Deputy Administrator
Office of Hawaiian Affairs
State of Hawaii
711 Kapiolani Boulevard, Suite 500
Honolulu, HI 96813

Post-it® Fax Note 7671	Date 3/29/05	# of pages ▸ 4
To Keith	From Gharori	
Co./Dept.	Co. DPP	
Phone #	Phone # 523-4230	
Fax # 988-1140	Fax #	

Board of Water Supply

CITY MESSENGER

Environmental Services Department

CITY MESSENGER

Honolulu Fire Department

CITY MESSENGER

Honolulu Police Department

CITY MESSENGER

Manoa Public Library
2716 Woodlawn Drive
Honolulu, HI 96822

McCully-Moiliili Public Library
2211 South King Street
Honolulu, HI 96826

Makiki/Lower Punchbowl/Tantalus
Neighborhood Board Number 10
C/O Neighborhood Commission

CITY MESSENGER

Representative Brian Schatz
C/O State Capitol, Rm. 425

STATE MESSSENGER

Senator Carol Fukunaga
C/O State Capitol, Room 216

STATE MESSENGER

Councilmember Rod Tam
City Council
City and County of Honolulu

CITY MESSENGER

Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, HI 96822

Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, HI 96822

Historic Hawaii Foundation
P. O. Box 1658
Honolulu, HI 96806

The Outdoor Circle
1314 South King Street, #306
Honolulu, HI 96814

AIA Honolulu
119 Merchant Street, #402
Honolulu, HI 96813

2-4-036:025
CHAN, ANTHONY S TR
2174 MOTT SMITH DR
HONOLULU, HI 96822

2-4-038:001
PUTNAM, DEBORAH A
2364 MAKIKI HTS DR
HONOLULU, HI 96822

2-4-026:083
KAMIKAWA, MACK T TR
2310 MAKIKI HTS DR
HONOLULU, HI 96822-2544

2-5-008:003
TNKRCK, FAMITY TRUST
2505 CONGRESS STREET
SAN DIEGO, CA 92110

2-4-026:084
MAK, LIN KUI TR
2321 HOALU PLACE
HONOLULU, HI 96822

2-4-036:023
HEGGENESS, STEVEN T
2178 MOTT SMITH DR
HONOLULU, HI 96822

2-4-035:002
2490 Makiki Heights Dr., LLC
235 Queen Street
Honolulu, HI 96813

2-4-035:019
GENDREAU, KEITH R
2420 MAKIKI HTS DR
HONOLULU, HI 96822

2-5-008:008
SHIMOKAWA, JOHN N
2439 MAKIKI HTS DR
HONOLULU, HI 96822

2-4-038:043
HAYASHIDA, BERNICE Y TRUSTEE
2360 MAKIKI HTS DR
HONOLULU, HI 96822

2-5-008:008
2445/2445-a MAKIKI HTS DR
C/O CONDO MASTER
2445 MAKIKI HTS DRIVE
HONOLULU, HI 96822

2-4-027:059
SASAKI, RAYMOND T TRUST
2350 MAKIKI HTS DRIVE
HONOLULU, HI 96822

2-4-037:010
RUSH, GEORGIA S TR
2177 MOTT SMITH DRIVE
HONOLULU, HI 96822

2-5-008:006
REESE, RICHARD E TRUST
2457 MAKIKI HTS DRIVE
HONOLULU, HI 96822

2-4-27:61 & 62
FITZGERALD, DENNIS W TR
2130 MAUNA PLACE
HONOLULU, HI 96822

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-4432 • FAX: (808) 527-6743
DEPT. INTERNET: www.honoluludpp.org • INTERNET: www.honolulu.gov

MUFI HANNEMANN
MAYOR

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

2005/ED-2 (sn)

June 6, 2005

Mr. Keith Kurahashi
Kusao & Kurahashi, Inc.
2752 Woodlawn Drive, #5-202
Honolulu, Hawaii 96822

Dear Mr. Kurahashi:

Draft Environmental Assessment No. 2005/ED-2
Chapter 343, Hawaii Revised Statutes

Project : The Contemporary Museum
Location : 2345, 2411 and 2447 Makiki Heights Drive
Tax Map Keys : 2-5-8: 1, 2 and 4

Transmitted are comments that the department has received regarding the above Draft Environmental Assessment (EA), subsequent to our initial May 6, 2005 transmittal of comments to you.

Should you have any questions, please contact Sharon Nishiura of our staff at 523-4256.

Sincerely yours,

for Pat B Sagrant
HENRY ENG, FAICP
Director of Planning
and Permitting

HE:pl
Encl.

doc 375271

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Henry Eng, FAICP, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Attention: Ms. Sharon Nishiura
Urban Design Branch

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Eng:

Thank you for providing the list of comments received by your department as of June 6, 2005. We will be providing a point by point response to each of the comments received and/or dated by the May 28, 2005 deadline and will include the comment letter and our response in the Final Environmental Assessment.

Very truly yours,

Keith Kurahashi

Keith Kurahashi

2364 Makiki Heights Drive
Honolulu, HI 96822
May 28, 2005

2005 JUN 1 PM 2 30
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLU

The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822
Attn: Georgianna Lagoria

City & County of Honolulu
Dept. of Planning and Permitting
650 S. King St.
Honolulu, HI 96813
Attn: Sharon Nishiura

In response to The Contemporary Museum's (TCM) Draft Environmental Assessment (DEA) of March 2005, I have multiple concerns, some of which I shall try to address below.

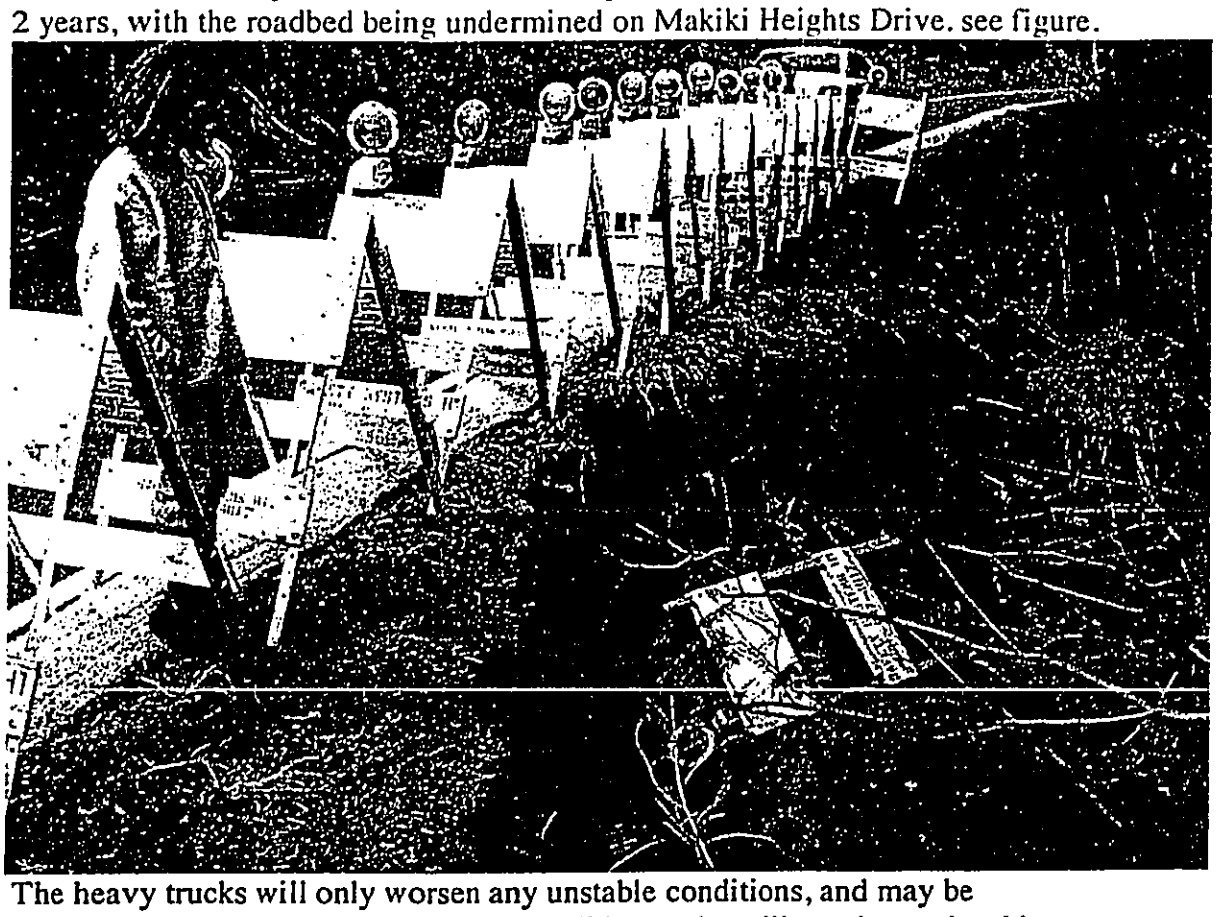
- They are requesting an increase in hours of operation to include being open at night. This is truly of great concern to me, as I do not feel this should be allowed in our residential area. It will add traffic, especially after dark on our narrow and winding roads, by people who are possibly unfamiliar with the location of the museum. It will add noise and light pollution. If they are allowed to build the presently proposed expansion buildings, they will need significantly increased lighting, which will infringe on my quiet enjoyment of my home, which is directly across Makiki Heights Drive from the site of the "improvements".
-
- Their architect, Frederick Fischer, at their presentation May 5th, 2005 at the Makiki Neighborhood Board Meeting, said that they want to maintain setbacks and all major trees. The DEA however, page 77, requests only a 25-foot setback instead of the required 30. They feel this is adequate even though the road is obviously too narrow at the entry to the Pietch Property and should be widened. Perhaps TCM should be required to do road improvements as part of their permitting process. If the road improvements were done, however, making the road use safer by adding sidewalks and widening to standard instead of the present 17-18 feet, then the 30-foot setback becomes truly necessary. The following photo shows the entrance to the Pietch Peterson property where page 77 of the DEA claims there is a 36 foot distance between the Pietch Peterson property line and the Makiki Heights Drive curb and/or edge of pavement. The following photo was taken 7/11/04 during TCM's annual ArtSpree, and shows the entrance to the Pietch Peterson driveway just to the left of the school bus in front. That 36 foot frontage between the property line and the asphalt gives ample space for road improvements which would be needed if this were to become, as proposed, the entry to the new underground parking structure as well as Café purveyor vehicles and handicapped parking.

- On p 77, the applicant mentions how the Pietch Residence encroaches 25 feet into the required front yard for Museum use, claiming its ok due to their landscaping which has been allowed to encroach on the road itself until buses and trucks need to cross the double yellow line there. TCM has had some trimming done there street side just this month. Their neglect of maintenance of their street frontage, increasing safety risks on the road, should not be allowed to let them claim a lessened setback from their property line. The road needs widening, and whether TCM or the C&C end up doing it, that area should be reserved for the roadway, not for allowing encroachments onto it by TCM or to justify existing ones, much less allowing for expansion.
- My husband and I were assured by representatives of TCM that the foliage along the roadways would not be removed if the project were to proceed. Yet Mr. Fischer said at that same May 5th presentation that looking to the west to see the horizon in the distance is important to the experience at the site of the addition, where the present tennis court is. I recently went there and looked, and see my daughter's bedroom windows where TCM has recently (March, 2005) cut away the mock orange trees as if for a driveway. (see two photos below, first showing the recently cut mock orange, the next towards my daughter's windows thru that same cut, from above their tennis court). I hope the hedge will be allowed to grow back if the expansion is built, and not be left open. They claim on p. 65 to "plan on retaining the lush landscaping that surrounds the property". However, if that lush landscaping happens to be outside their property line, and the road gets its needed improvements either by the City and County, or by TCM as a condition imposed with their permitting process in this expansion plan, then the "lush landscaping" will partly be removed. This will expose their large buildings, which with a footprint of 7508 sq. ft. and a 3 story height, including underground parking for 22 cars (!). In their drawings of the West and South elevations, this

building appears to exceed a 30 ft. height limit, though they seem to say on p. 79 that the maximum eight is 25 feet, but quote an exception (Sec. 21-3.70.1 c 1) of the LUO.

- I am concerned about the Makiki Heights Drive roadway. There are no drainage improvements. In the few years I have owned my home here, there have been at least one major land or tree slide each year that has closed the road.
- Construction trucks per the DEA will have the least impact on residences by using Makiki Heights Drive. Will TCM and/or their contractors be responsible for

damages to the roadway from the multiple heavy trucks they plan to use to remove their excavation materials as well as bring the construction materials to the site? We already have an eroded roadway that has not been repaired for almost 2 years, with the roadbed being undermined on Makiki Heights Drive. see figure.



- The heavy trucks will only worsen any unstable conditions, and may be proximate cause for further peel offs and slides...who will monitor or be able to require adequate repairs? Could TCM be required to post a bond guaranteeing roadway stability for a year or more after their improvements are completed?

- TCM already has a CUP they have flaunted for years. I had no idea when I moved in that they were not allowed to use amplification at evening events. They claim they have someone who walks the property to see if the sound gets too loud. They do get too loud. I consider it an inconvenience that happens rarely at present. I don't want them to be allowed to use amplification on a regular basis. On p 72 of the DEA, they say that their ArtSpree is the only "regularly scheduled event" that does so. However, their opening events and other non-regularly scheduled events have had amplification, and I see they want to allow it at Contempo, which they want to have until midnight! By the time the cleanup (putting away of tables and chairs, which has been quite noisy in the past) is done, the noise extends until 2-3am. No regularly scheduled or special event should be allowed nighttime amplification, and no regularly scheduled or special event should be allowed to go on past 10 pm. Even the Waikiki Shell has to be quiet at night, and I live much closer to TCM than the residences near the Waikiki Shell are close. All noise is

more noticeable at night, and to allow amplification at night in our quiet residentially zoned area is inappropriate.

- Even to ask for evening hours for their Café is inappropriate for the amount of noise it will engender. Laughing and partying are happy noises at noontime from their Café presently. In the quiet of the evenings, that is not the case, and becomes an annoyance to us neighbors. TCM is asking for earlier opening hours on Sundays, at 10 am. That would be appropriate, and could allow a Sunday brunch event. That should be enough for the neighbors to have to put up with. To allow the museum evening hours and/or extra evening events becomes truly an imposition on our residential community. Nowhere in their DEA does TCM mention considering other more appropriate sites, such as Kakaako, for their expansion, that could accommodate evening events much more easily.
- Their Café is supposed to be ancillary to the Museum, and not a people or money generator per their current CUP. As it is, they do not require Museum membership or admission fees to come in to the Café. The Pietch Peterson property could just as easily be turned into their education site, but their representatives claim that wouldn't work due to time constraints. Knowing the fabulous view and setting of the Pietch Peterson property, of course they want to use it for its beauty to share with their visitors. It could become a major tourist draw considering it would be the only restaurant with a view of Diamond Head and the city from a residential area. TCM wants to expand. They want to share their art. Why not require people coming to eat there buy admission or become members, which would only increase their cost of meal by a reasonable amount, especially as this would tend to make people want to see the art they have paid to do. The nearby Greystone mansion was not allowed to put in a restaurant, and they have nowhere near the view the Pietch Peterson property has, but serves as a precedent for denying TCM's request for evening restaurant hours.
- If it really becomes as popular as is its potential, will the proper infrastructure be required up front. I.e., grease-traps, adequate septic facilities, etc.
- Regulation of the Café was not included in the original CUP because all there was to be was a "snack bar". This seems to be another violation of the original CUP.

- TCM is asking to increase the number of evening events. This should not happen, partly because they are noisy, would require obtrusive lighting for safety on their expanded campus, and because it is too hard to monitor what they are up to! As it is, it's impossible for the neighbors to monitor their activities, and we shouldn't be required to do so. We should be able to trust TCM to adhere to its own rules. The only problem with that is that their track record of doing so has been abysmal. I only found out at their presentations regarding their expansion plans that they had never sought a permit for their ArtSpree, which was not allowed under their current CUP. Nor is any amplification, which they have used for years. Nor is attendance for large events allowed over 200 people. Now they are asking to have in addition to the currently allowed 6 evening events, an additional 9 evening events. I don't feel they should have evening events because of traffic, noise, and lights disturbing the neighborhood, but if they are allowed what they

are asking for, who monitors them? How do I know if the noise is from a "small" evening event or a "large' evening event? I don't want to be put in the position of having to call TCM or the HPD for noise at night. I want to enjoy my peace and quiet at home like everyone else.

- Why is TCM still allowing huge school busses to come there when the current roadways are inadequate and dangerous to travel with children? Why not require them to provide small busses or vans as was required for Doris Duke's Shangri La, which is also in a residential neighborhood concerned about traffic impacts. Their infrastructure is much better than that here on Makiki Heights Drive.

- The proposed new buildings are quite modern in design, apparently hoping to reflect the landscaping and sky by sheathing the buildings in glass. I am hoping that I will not have the sun reflecting down into my eyes here across the street. I do expect that many birds will lose their lives because of the glass, and only hope it will be more of the loud green parrots and the bulbuls than the doves that tend to fly into our (relatively) small picture windows.

- I suggest that TCM be allowed to build an expansion if they conform to current building codes and zoning without decreasing setbacks or increasing heights of their new buildings beyond 25 feet. I suggest that their hours be maintained at 10 am to 4 pm daily, which would allow extra Sunday hours to allow people who cannot come during usual hours to attend on the weekend. I suggest that any additional nighttime hours be denied, especially regarding their Café. I suggest that amplification be allowed only during daylight hours (i.e., until sunset at their special events). I suggest that TCM and the C&C of Honolulu negotiate the road improvements so that the increased traffic use, whether for construction or for attendance, be made more safe, especially as regards the school children.

- This expansion request by TCM gives a new opportunity to benefit our greater community as well as to preserve the residential character of the existing smaller neighborhood they inhabit.

Sincerely,

Deborah A. Putnam, MD, FACEP

Cc:
Keith Kurahashi, consultant, Kusao & Kurahashi, Inc.
Office of Environmental Quality Control
Ray Sasaki, pres., Makiki Heights Community Association

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Deborah A. Putnam, MD, FACEP
2364 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Dr. Putnam:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 28, 2005. The following responds to your comments:

- The applicant, The Contemporary Museum, understands your concern about evening operations, however, finds that in order to accommodate visitors, that are unable to visit during regular Museum hours of operation they need to provide, evening hours one night a week. The applicant is requesting extending hours for the Museum on Thursday nights (presently 10:00 am to 4:00 pm) to allow opening until 9:00 pm.

  The applicant is also requesting 9 new evening events for a maximum of 50 cars/100 persons. These evening events will have the same occupancy as the Museum's proposed daily operation and should not have a significant impact on the neighbors. These evening events will allow an opportunity to welcome prospective donors to the Museum and help promote fund raising efforts to allow continued operation of the Museum. The Museum operation could not continue without our donors, who fund most of the costs of our operation. The donors will also provide the funds necessary to maintain and upkeep the important historic structures (three of which are on the State Historic Register) and the historic grounds of the Museum. These funds will also help to restore certain

historic features of the Cooke-Spalding Residence, as recommended by the State Historic Preservation Division.

The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the Contempo was approved for up to 450 persons. In approving Contempo, the Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

> "If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event."

The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval.

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved Contempo event from 450 persons to 500 persons on the Museum property.

The Museum will be open one night a week for normal operations and an additional 16 nights a year for other existing and proposed evening events. These infrequent evening events should not pose a significant impact to surrounding residents.

Makiki Heights Drive is lighted and provides curve warning signs that provide driver notification of upcoming curves to help mitigate traffic safety for vehicles traveling to and from the Museum and other residences in the evening. Slower vehicle speeds are required to safely maneuver the curves on Makiki Heights Drive which should reduce the

noise impacts from vehicles traveling on Makiki Heights Drive at night. Vehicle lights in many instances around the curves are somewhat mitigated by lush landscaping and walls along Makiki Heights Drive. Vehicle lights are further mitigated due to the location of many homes at elevations above or below the roadway elevation.

It's important to note that traffic generated in the evenings by the Museum's proposed expansion will occur once a week and on 15 additional events throughout the year. The proposed Contempo event if held on the Museum property would end at midnight, however, other evening events would end at 10:00 pm.

Exterior lighting from the Museum will be shielded to minimize impacts to surrounding residents. The applicant has decided to modify their project design so that new structures on the property are to be situated at least 30 feet from the Makiki Heights Drive right-of-way which is approximately 50 feet wide, placing the closest residential property line over 80 feet from the new structure. This distance, existing and proposed landscaping and shielding of the lights will minimize the impact of new exterior lighting on the neighboring residents.

- As mentioned earlier, the new structures on the property are to be situated over 80 feet from the nearest neighboring residential structures. This distance coupled with the upslope from Makiki Heights Drive and lush landscaping will minimize impacts from the development on surrounding residences. The Contemporary Museum in the interest of pedestrian safety, has been trimming a pathway for pedestrians in the area fronting their property to provide a safer pathway outside of the lane of traffic. To further minimize impacts, the applicant has modified the design of the proposed new gallery structures to meet the 30-foot setback requirement which with landscaping will not significantly impact the surrounding neighbors.

- The existing Pietsch Residence (Pietsch-Peterson residence) does encroach into the required 30-foot yard, however, as mentioned on page 77 of the Draft EA, its setback from the Makiki Heights Drive edge of

pavement gives it the appearance of a much greater yard. The Contemporary Museum has been trimming a pathway for pedestrians in the area fronting their property to provide a safer pathway outside of the lane of traffic. The Contemporary Museum's new proposal to increase its setback from 25 feet to 30 feet, as required by the Land Use Ordinance, from Makiki Heights Drive for it's new Gallery Structures will not result in any encroachment into the Makiki Heights Drive right-of-way, since the entire 30-foot setback is outside of the right-of-way.

- The Contemporary Museum will utilize its proposed 30-foot front yard setback to provide landscaping to minimize the visual impact of its Gallery structures. This landscaping will include a mock orange hedge and may involve some other landscape treatment to screen the new structures. The lower two floors (storage and parking) will not have windows and will not afford any views. Views on the upper level will be focused on the courtyard between the upper level of Gallery A and Gallery B. Even without the landscaping provided on the Makiki Heights Drive right-of-way, the 30-foot setback will provide ample opportunity for landscaping.

- The proposed Gallery/Storage/Parking structure is allowed up to a height of 30 feet due to the sloping lot of the Museum. The 30-foot height is measured along a line that follows the slope of the property, as shown on the elevations in Appendix I of the Draft EA.

- The applicant expects to reduce the current storm water runoff volumes that presently leaves the property during a storm event, reducing storm water runoff impacts from this property on Makiki Heights Drive. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

- The Contemporary Museum contractors will be responsible to repair any damage to Makiki Heights Drive that may occur due to their construction vehicles.

  The embankment supporting a portion of Makiki Heights Drive between Hoalu Street and the Nature Center has been washed away, due to heavy rainfall. The City has provided a low berm along the edge of pavement to redirect water away from the embankment and flashing light barricades to mark the area. Based on discussions with staff at the Department of Facilities Maintenance and a review of the City's GIS website, the area that would need to be improved (embankment) is owned by the State. The City has been working with the State to determine jurisdictional responsibilities for improving the embankment. Until jurisdiction is determined, this portion of Makiki Heights Drive is not expected to be improved.

- The contractors working on the Museum will be responsible for damages occurring due to their construction vehicle traffic, but neither the Museum nor the contractor will be responsible for damages that may occur for a year after construction is completed.

- The Conditional Use Permit (CUP) states that no exterior amplification is permitted at The Contemporary Museum. However, the Museum is requesting that exterior amplification be allowed for only two events, the ArtSpree (held from 10:00 am to 4:00 pm) and Contempo (which ends at midnight). Other events will not have exterior amplification and will end at 10:00 pm as you have recommended. Contempo is an annual event and is the only evening event that would have exterior amplification.

- The proposed evening hours of the Contemporary Café coincide with the Museum's request to open the galleries and grounds on Thursday evenings. The Café would be open only two Thursday evenings per month and only until 8:00 pm. The applicant understands that the former owner's of the Pietsch-Peterson residence were very sociable and large parties that lasted well into the night were common place, on a much more frequent schedule than is planned by the Museum's Café. Could you imagine a neighbor agreeing to having dinner parties no more than twice a month and agreeing

to end those dinner parties by 8:00 pm? The Contemporary Museum is that neighbor, agreeing to those terms at the Pietsch-Peterson residence. Imagine now that this dinner party limitation is on 5 acres of residential development. This is the equivalent of 22 residences agreeing that each resident will have no more than 1.1 dinner parties a year and ending these parties by 8:00 pm. For the past several years, Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons. The applicant believes that the impact in the evenings from the Museum versus the equivalent residences that could be developed under a standard residential subdivision on the 5 acres is substantially less. Another important point is that for most of the rest of the year, this neighbor closes it's doors at 4:00 pm (except for the 16 evening events).

The other evening events are held or are planned to be held at the upper campus of the Museum.

- The café is not a money-making operation, it is break-even at best. It provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

- Locating the Café at the Pietsch-Peterson property will require visitors to travel through the garden exhibits and past the galleries, with the hope that many will stop along the way to enjoy the free garden exhibits or to pay to enter the Galleries. In any case, as in the Cafe's present operation, a Café exhibit will be provided to encourage art appreciation while dining.

- The Café will provide the necessary infrastructure improvements to support the proposed use, including a commercial kitchen, grease traps, and an adequate septic system to handle wastewater requirements for the Café.

- Our CUP allows us to provide refreshments to museum visitors. We have done that in our Cafe, which is a small operation serving soup, sandwiches, salads and a couple of daily specials to visitors who come to visit the museum. The café is not a money-making operation, it is break-even at best. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. As mentioned earlier, based on this description, the Café is permitted as an accessory use to the Museum.

- With the exception of Contempo, all evening events will end at 10:00 pm as you have recommended. Only Contempo, occurring one evening a year will be allowed to have exterior amplification. As mentioned earlier, exterior lighting from the Museum will be shielded to minimize impacts to surrounding residents. The new structures on the property are to be situated at least 30 feet from the Makiki Heights Drive right-of-way which is approximately 50 feet wide, placing the closest residential property line over 80 feet from the new structure. This distance, existing and proposed landscaping, and shielding of the lights will minimize the impact of new exterior lighting on the neighboring residents. The applicant has requested and received approval of the ArtSpree this year as a temporary use for the one day, once a year event. The applicant for the most part has met the conditions of approval and has done its best to operate within the intent of the CUP. The Contemporary Museum will abide by present and future restrictions set forth by the Department of Planning and Permitting (DPP). The applicant plans to notify DPP of each special evening event and ArtSpree and agrees to report on the attendance numbers at each of these evening events, allowing DPP to keep track of the number of events held each year and the attendance at each event. The applicant will further agree to notify neighbors of each event and the type of event

planned (100 prospective donors, up to 300 members attending the opening of a new exhibit, Contempo and ArtSpree).

- There was agreement with the Makiki Heights Community Association that large school buses would be allowed to transport students to The Contemporary Museum. Our initial contact with the Department of Education (DOE), we learned that the DOE does not have the funds for two smaller buses to transport students. The City Bus Route 15 travels up Mott-Smith Drive, along Makiki Heights Drive and onto Tantalus Drive making a total of 29 trips eastbound each weekday and 17 trips westbound each weekday. This compares to at the most, just one to two buses a day for students visiting the Museum. In 2004, there were 96 school buses visiting the Museum, which averages less than two school buses a week.

- The applicant believes that the muted glass will not produce a glaring effect which would disturb both neighbors and Museum visitors. The applicant further believes that the muted glass will not provide the clear reflections that appear to create the greatest danger for birds.

- The applicant appreciates your offer of support with certain conditions, however, the Land Use Ordinance allows the 30-foot height limit for developments in residential districts affecting by sloping land. The applicant has agreed to modify the design of the new galleries to provide a 30-foot setback (yard area) as you have recommended. As was mentioned earlier, the existing landscaping provides adequate screening and the applicant intends to provide additional landscaping to screen the new structure. The applicant's evening events are needed to support fund raising efforts and to find donors to provide the funding necessary to operate the Museum. Exterior amplification is needed only for one evening event per year, Contempo. The applicant will work with the City to determine appropriate and feasible roadway improvements that may improve traffic safety during construction, for attendance and for school children.

  Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS), the existing signing and pavement markings along Makiki Heights Drive will

be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

- As you have mentioned, the expansion request provides an opportunity to benefit the greater community and to preserve the residential character of the neighborhood, which we are attempting to provide.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

2005 MAY 31 PM 12 4

DEPT OF PLANNING and PERMITTING CITY & COUNTY OF HONOLULU

TO: Applicant — Director Georgianna Lagoria, The Contemporary Museum, 2411 Makiki Heights Drive, Honolulu, Hawaii 96822 — Tel. 526-1322, ext. 14

Approving Agency — Sharon Nishiura, Department of Planning & Permitting, City & County of Honolulu, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813 — Tel 523-4256

Consultant — Keith Kurahashi, Kusao & Kurahashi, Inc., 2752 Woodlawn Drive, Suite 5-202, Honolulu, Hawaii 96822 — Tel 988-2231

OEQC — Office of Environmental Quality Control, 235 South Beretania Street, Room 702, Honolulu, Hawaii 96813 — Tel 586-4185

FROM: J. Thomas Heinrich JTH, Attorney at Law, 2426 Armstrong Street, Honolulu, Hawaii 96822-1932 — Tel 988-3469, Fax 988-6689

DATE: May 28, 2005 Saturday

RE: **The Contemporary Museum (Applicant)**
2411 Makiki Heights Drive, Honolulu, Hawaii 96822

Comments on the Applicant's Draft Environmental Assessment for Use of an Historic Site (Dated March 2005) (Tax Map Key Nos. 2-5-8: 1, 2 & 4)

Aloha! I offer these comments on The Contemporary Museum's (**TCM**) above-identified Draft Environmental Assessment (**DEA**) in my individual capacity only and not as a member or officer of any organization. While I rely on my experiences as a member and leader of the Manoa Neighborhood Board No. 7, Neighborhood Commission, Vision Team No. 10 (Makiki-McCully-Mo`ili`ili-Manoa), Ala Wai Watershed Association, and Malama o Manoa, the views expressed herein are entirely my personal responsibility.

It is hoped that this environmental assessment/environmental impact statement process and conditional use permit application process to follow will serve to fully, fairly, and timely inform the public and Department of Planning & Permitting (**DPP**) -- the deciding authority -- about the plans, impacts, alternatives (on- and off-site), mitigation measures, and improvements to the public right-of-way which may be necessary, in order to reach

a reasonable decision concerning TCM's proposed expansion at its Makiki Heights campus.

While this process will evaluate and determine applicant TCM's entitlements under law, I believe the greater **challenges confronting TCM** concern its **reputation** -- how it may work to restore and foster the trust of its immediate neighborhood community and the community at large – and its **conduct to provide responsible stewardship** for the grounds, facilities, collections, members, and goodwill of the non-profit organization.

Since I first learned about TCM's initial expansion plans at a community meeting held on Sunday May 23, 2004 at the President Theodore Roosevelt High School cafeteria lanai, and have observed two other notable presentations by TCM on Sunday July 11, 2004 at the Roosevelt High School cafeteria meeting room and on Thursday May 5, 2005 at the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 special meeting held at Makiki District Park, I have noted the **significant changes** made by TCM in its proposed facilities expansion plan, use/activity relocations, and intended amendments to the conditions of just one (86/CUP-10) of the current Conditional Use Permits. I understand that architects for the project were hired by TCM about December 2004, further contributing to the scope and significance of changes made.

My consistent observation is that **time is not of the essence** with this project. The apparent disorganization of the effort; TCM's inconsistent representations to the community – especially its unrealistic and even antagonistic statements as to when things would be accomplished by TCM or DPP in the process; inconsistent and contradictory use of TCM's consultant in this process; delay in hiring design professionals; on-going significant changes to the scope and design of the intended project; lateness in seeking agency comments on significant elements of the project and their potential effects on public infrastructure and resources; and unknown efforts at fundraising -- have all contributed to TCM's slow advance.

The perception by many so far seems to be that **TCM intends to "just do it", rather than "do it right"** -- in the best long-term interests of The Contemporary Museum as a cultural asset and collection of built facilities, the natural environment in which TCM is located, the surrounding neighborhood, and the community at large.

What seems to remain unclear: What is the **vision** of The Contemporary Museum (as formally articulated by its Board of Trustees), and how does its current proposal (master plan or specific project) contribute to the achievement of that vision?

Visions; people (patrons, trustees, museum leadership and staff, volunteers, community, government), and times change. Where to from here?

1. **Abbreviations used in these comments:**

CUP	Conditional Use Permit
DEA	Draft Environmental Assessment
DPP	Department of Planning & Permitting, City & County of Honolulu
EIS	Environmental Impact Statement
FONSI	Finding of No Significant Impact
MHCA	Makiki Heights Community Association
MOCA	Makiki Ohana Community Association
OEQC	Office of Environmental Quality Control, Department of Health, State of Hawaii
SHPO	State Historic Preservation Office, Department of Land & Natural Resources, State of Hawaii
TCM	The Contemporary Museum
TMK	Tax Map Key

2. **Subject Parcels.** Three separate parcels are included in The Contemporary Museum's present campus and discussed in the Draft Environmental Assessment:

TMK No. 2-5-8: 1	**2411 Makiki Heights Drive** Cooke-Spalding Residence Listed on Hawaii Register of Historic Places Conditional Use Permit No. 86/CUP-10 (July 14, 1986)	3.433 acres	R-10
TMK No. 2-5-8: 2	**2447 Makiki Heights Drive** Johnson Residence/Persis Office Listed on Hawaii Register of Historic Places Conditional Use Permit No. ???	1.172 acres	R-10
TMK No. 2-5-8: 4	**2345 Makiki Heights Drive** Pietsch/Peterson Residence Listed on Hawaii Register of Historic Places Conditional Use Permit No. ???	0.569 Acres	R-10

As TCM's proposal includes all of its Makiki Heights property and the primary purpose of the environmental assessment is public disclosure of evaluative information to serve as a basis for public review and comment and agency decisionmaking, the DEA should be much more complete in its presentation of site characteristics and evaluative information, analysis of alternatives, and proposed mitigation measures for significant effects or impacts.

3. **Full Environmental Impact Statement Necessary.** Considerably more information is required from the applicant in order to satisfy the requirements of Hawaii Revised Statutes Chapter 343 and Hawaii Administrative Rules Section 11-200, and for the public and DPP to be fully informed prior to making a decision concerning the adequacy of the environmental disclosure documents.

No reasonable assertion that a "finding of no significant impact" **(FONSI)** is expected can be made until additional significant information and more thorough evaluation is provided concerning, but not limited to:

(3.1) the on-site and off-site facility, program, and storage alternatives considered;
(3.2) the long-term master plan as formally approved by the TCM Board of Trustees;
(3.3) the area geology and soil conditions;
(3.4) long-term wastewater management;
(3.5) storm water runoff management;
(3.6) water seepage/drainage problems presently experienced (cesspools, swimming pools, roadway drainage [no storm drains in place]);
(3.7) on-site traffic movement planning for staff, members, guests, service vehicles, buses and HandiVans, limousines, fire apparatus, and ambulance access (there is no internal flow-through driveway – the main entrance at 2411 Makiki Heights Drive and lower driveway at 2345 Makiki Heights Drive both dead end);
(3.8) the traffic study (need readings on regular school year days);
(3.9) emergency services impacts (police, fire, ambulance);
(3.10) public infrastructure adequacy and possible necessary improvements;
(3.11) Ordinance 2412 implications – improvements to the public right-of-way and infrastructure which may be required at the expense of the adjoining land-owner and permit applicant;
(3.12) possible legal liabilities if certain uses are allowed or expanded without making necessary public infrastructure improvements (e.g., roadway widening, addressing the "S curve" problem, traffic warning signage improvements, etc.), limiting noise levels, addressing the landslide problem, or addressing the underlying zoning classification.

Hawaii Administrative Rules Section 11-200-2 defines "environment" as "humanity's surroundings, inclusive of all the physical, economic, cultural, and social conditions that exist within the area affected by a proposed action, including land, human and animal communities, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

TCM's DEA does <u>not</u> adequately address many of the community's concerns that duly constitute "significant effects" as defined in Hawaii Administrative Rules Section 11-200-12, especially at subsections:

(4) – substantially affects the economic and social welfare of the community or state;
(5) – substantially affects public health;
(6) – involves substantial secondary impacts, such as effects on public facilities;
(8) – is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;
(10) – detrimentally affects air or water quality or ambient noise levels; and
(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.

Accordingly, I strongly recommend that DPP require applicant TCM to prepare a full environmental impact statement subject to the public notice, review, and comment process, or, in the alternative, to require applicant TCM to prepare a supplemental or revised Draft Environmental Assessment, publish an additional notice in the OEQC bulletin, and provide an additional minimum 30 day period for public review and comment before a Final Environmental Assessment could be prepared and submitted to DPP.

4. **Omissions from DEA.** At present there are major omissions from the March 2005 DEA, including, but not limited to:

Section V "Major Impacts and Alternatives Considered" (DEA, p. 55-57) and **Section VI** "Mitigation Measures" (DEA, p. 57-58) are especially brief and unresponsive to the scope of significant effects created or exacerbated by TCM's proposed expansion. The Mitigation Measures section begins with the premise that "[s]ince impacts from the proposed development are not expected to be significant, no extraordinary mitigation measures are planned." It then only briefly addresses construction period concerns. No other consideration is given to other on- or off-site issues such as those listed in section 3 above.

Appendices should include complete copies of (1) all relevant and current Conditional Use Permits and any and all amendments thereto for all parcels – TMK Nos. 2-5-8: 1, 2 & 4 – or any other applicability to TCM's Makiki Heights property and operations; and (2) the "1986 Makiki Heights Community Association Agreement" [DEA, p. 12].

Appendix III does not present the complete document of the "86/CUP-10, Conditional Use Permit Contemporary Arts Center" -- only the July 16, 1986 cover letter and 12 page Findings of Fact, Conclusions of Law, and Decision and Order dated July 14,

1986. Not included are Attachment A (Analysis – recommendations including fire protection, off-street parking and vehicular entry design, and sewage ground disposal capacity [p. 3]) and Exhibit C (Agreement between Contemporary Arts Center and the Makiki Heights Community Association [p.2]) as referred to in this permit document.

Appendix V Agency Comments includes only 2 letters: 1 letter from the Board of Water Supply dated June 23, 2004 and 1 joint letter from Senator Carol Fukunaga and Representative Brian Schatz dated April 20, 2004. Noticeably missing are any comment letters from the Honolulu Fire Department, Honolulu Police Department, Department of Transportation Services, Department of Emergency Services, Department of Environmental Services, Department of Facility Maintenance, utility companies, State of Hawaii Department of Land & Natural Resources, and any other relevant agencies.

Specific references were made to significant Honolulu Fire Department comments by HFD Captain Steven Kishida personally at the May 5, 2005 special meeting of the Makiki Neighborhood Board – that correspondence is not included in the DEA and therefore not known to be available for public review or comment as part of the review of the March 2005 DEA before us.

Appendix IX "Community Correspondence" curiously stops at July 23, 2004 – prior to TCM's submission of the first DEA to DPP, which was returned to the consultant by DPP (letter dated August 27, 2004 from DPP to Keith Kurahashi) on the basis that it was "incomplete" and would not be accepted for processing at that time. There has been considerable community correspondence with TCM since July 23, 2004, especially from Raymond T. Sasaki, Jr. -- President of the Makiki Heights Community Association (**MHCA**) and the MHCA representative serving as a voting member of the TCM Board of Trustees [pursuant to the present CUP], and Tracy Miyahara, Chair of the Makiki Ohana Community Association (**MOCA**). This correspondence should have been added to the DEA prior to its resubmittal to DPP (there were a considerable number of architectural and site plan renderings added to the revised DEA) and the publication of the "DEA notice pending 30-day public comment" in the April 8, 2005 OEQC bulletin (p. 5).

5. **Evaluation of Potential Cost Effects on City Resources.** Consistent with the above discussion, especially pending agency review and comment, I strongly suggest that the DEA/EIS and subsequent Conditional Use Permit application in this matter provide a detailed evaluation of potential cost effects on City & County of Honolulu resources, including, but not limited to:

(5.1) Review, evaluation, monitoring, and enforcement of existing and proposed conditional use permits. [Department of Planning & Permitting]

(5.2) Review, issuance, inspection, and enforcement of building permits. [Department of Planning & Permitting]

(5.3) Ordinance 2412 implications – improvements to the public right-of-way and infrastructure which may be required at the expense of the adjoining landowner and permit applicant. [Department of Planning & Permitting, Department of Design & Construction, Department of Facility Maintenance, Department of Transportation Services, et al., & City Council]

(5.4) Domestic water supply and fire water system infrastructure adequacy and improvements; sufficient water pressure, fire hydrants, and accessibility. [Board of Water Supply, Honolulu Fire Department]

(5.5) Emergency services responses which may increase due to the higher level of use of the facility and adjacent roadways. [Honolulu Police Department, Honolulu Fire Department, Department of Emergency Services (ambulance), Department of Facility Maintenance – Division of Road Maintenance]

(5.6) Responses to landslides, tree falls, vehicle accidents, downed utility poles, and flooding. [Honolulu Police Department, Department of Facility Maintenance – Division of Road Maintenance, Department of Transportation Services, utility companies, Oahu Civil Defense]

(5.7) Storm water runoff management. [Department of Facility Maintenance, Department of Environmental Services, Oahu Civil Defense]

(5.8) Refuse collection and green waste collection. [Department of Environmental Services – Refuse Division]

(5.9) Possible changes to TheBus schedule and routes; use of HandiVan service. [Department of Transportation Services – Public Transit Division]

(5.10) Possible legal liabilities if certain uses are allowed or expanded without making necessary public infrastructure improvements (e.g., roadway widening, addressing the Makiki Heights Drive "S curve" problem downslope of TCM, traffic warning signage improvements, etc.); limiting noise levels; addressing the landslide problem; or addressing the underlying zoning classification. [Department of the Corporation Counsel, Office of the Mayor, City Council]

(5.11) **Note:** Role of the State Historic Preservation Office, Department of Land & Natural Resources – possible counterpart cultural review and comment by the City & County of Honolulu.

6. **Master Plan/Site Plan Review Permit.** As TCM now claims to be presenting a master plan for its campus as a whole, would a site plan review permit also be necessary or appropriate to impose? Similar to educational institutions whose campuses are on land still zoned residential (e.g., nearby Punahou School and Mid-Pacific Institute), the Department of Planning & Permitting has required a periodic site plan review and the establishment of a master plan, which especially assists the City & County of Honolulu to anticipate and plan for public infrastructure needs. Such a review would seem prudent due to significant concerns about the adequacy of the roadways, fire department access, wastewater conveyancing, storm water runoff, geologic conditions, and public safety.

7. **Consolidation of TCM CUPs.** Similarly, for ease of reference and monitoring, I strongly suggest that all current Conditional Use Permits, as amended, be thoroughly reviewed and consolidated into a single permit applicable to all TCM Makiki Heights properties and activities. The present manner of seeking separate Conditional Use Permits for allegedly independent parts of TCM's integrated campus facilities and activities otherwise seems disingenuous and contributes to the increasing difficulty of the applicant, the community, and DPP to (1) know what the rules/conditions are, (2) monitor them fairly and effectively, and (3) enforce them properly.

8. **Support for Public Hearings by DPP.** I strongly support the request which was communicated to DPP by a letter dated February 9, 2005 by Tracy Miyahara, MOCA Chair, and Raymond T. Sasaki, Jr., MHCA President, that DPP hold public hearings on <u>any and all</u> Conditional Use Permit applications, whether major or minor, which may be filed by TCM.

9. **Additional Comments.** I will continue to review the March 2005 DEA and may submit additional comments for consideration by the applicant and approving agency. I note that the environmental disclosure process is independent of and, in this matter as directed by DPP, a condition precedent (not concurrent) for the Conditional Use Permit application process -- which will include a public hearing by DPP.

Thank you for your consideration of these comments and concerns. Please feel free to contact me at any time for further information or any clarifications of the above discussion.

Sincerely,

J. Thomas Heinrich

J. Thomas Heinrich

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August 18, 2005

J. Thomas Heinrich
Attorney at Law
2426 Armstrong Street
Honolulu, Hawaii 96822-1932

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Heinrich:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 28, 2005. The following responds to your comments:

You mentioned that, since May 23, 2004, there have been significant changes made by The Contemporary Museum in its proposed facilities expansion plan, use/activity relocations, and intended amendments to the conditions of 86/CUP-10. However, my files note that our intended amendments to the conditions of 86/CUP-10 have not changed since an April 28, 2004 correspondence (enclosed) was mailed to the neighbors, inviting them to an informational tour and meeting held at The Contemporary Museum on May 10, 2004. In fact, our project began it's community outreach in fall of 2003 and since that time there were changes to the intended amendments to the conditions of 86/CUP-10. The final changes, reflected in today's request, included:

1. Reducing our request for use of an exterior public address system from 3 special events to two special events.

2. Reducing our request for 12 additional evening events with a maximum of 50 cars/100 persons on the Cooke-Spalding site to just 9 such events.

3. Reducing our request to allow the Café to be open every Thursday evening from 6:00 pm to 8:00 pm to allowing the Café to open just two Thursdays a month.

These changes to intended amendments were proposed to mitigate some of the concerns that were presented in community meetings.

Other actions by the applicant to address concerns raised by the community include:

1. Clearing a pedestrian pathway through the overgrowth along portions of Makiki Heights Drive, clearing overgrowth and trimming trees back at the hairpin turn on the lower portion of The Contemporary Museum.

2. Focusing on providing an on-site septic system approved by the Department of Health rather than pursuing a connection to the municipal system through Hoalu Street, which presented concerns from Hoalu Street residents about construction impact to Hoalu Street and impact to the existing capacity of the wastewater system on Hoalu Street.

3. Applying for and receiving a temporary use permit with conditions for the ArtSpree event from the Department of Planning and Permitting (DPP).

As you have mentioned, since May 23, 2004 there have been changes to the proposed facilities expansion plan and use/activity relocations. In the Draft EA, the applicant has redesigned its proposed galleries to break up a former large gallery space (6,000 square feet) on the upper level into two smaller galleries (Gallery A - 2,300 square feet and Gallery B - 2,567 square feet) separated by a covered courtyard (620 square feet), reducing the bulk associated with the former design. This change was done to reduce the bulk and visual impact of the previous structure in response to concerns from residents about the massive size of the originally proposed upper level gallery. The applicant has also placed some gallery space underground (Gallery C) to minimize visual impacts on the

surrounding residences. With these changes, the applicant's proposed gallery space has been reduced from 8,500 square feet to 8,061 square feet, while the proposed storage space (including mechanical room and electrical room) went from 3,400 square feet to 6,338 square feet. This increased space will have minimal impact on operations due to its use as storage. The Galleries, storage and mechanical rooms went from 11,900 square feet to 14,399 square feet in the Draft EA. In order to increase the setback from Makiki Heights Drive from the 25 feet proposed in the Draft EA to 30 feet for the Final EA, the applicant has reduced the floor area for the Galleries, storage and mechanical rooms to 11,930 square feet, while maintaining the concept of breaking up the Gallery space into Gallery A and Gallery B separated by the covered courtyard and an underground Gallery C. While the floor area has remained about the same as the original 11,900 square feet, the impacts have been significantly reduced in relation to bulk since Gallery C is underground and Galleries A and B are separated by a covered courtyard.

In the Draft EA, the applicant has also relocated the Museum Gift Shop, originally planned to be located in the Pietsch property (Pietsch-Peterson property) to the upper floor of the Cooke-Spalding building at the site of the former library and added floor area for a gift shop office (139 square feet). The final change was to replace a couple of storage spaces that encroached into the front yard setback outside of the front yard setback rather than simply demolish those structures (165 square feet and 310 square feet). The applicant feels that these changes represent improvements over the previously presented design and will provide needed expansion areas that will allow the Museum to provide exhibits even during the weeks immediately preceding a gallery opening and periods immediately following a gallery opening. These changes will also allow the display of the Museum's permanent collection and storage of the remainder of the permanent collection on-site.

The applicant, in the interest of allowing adequate review time and time for meeting with the community has continually pushed back their schedule for the project. They have also been required to provide more detailed plans for the project as part of the Environmental Assessment process, rather than the conceptual plans originally submitted. This required the hiring of the design architect to provide more definitive plans with greater detail. The process schedules that have been presented since the inception of the project were based

on actual processing times for the different permits required. They were never unrealistic nor presented with antagonistic statements. They merely stated the normal processing times for permits of this nature.

The key agencies that would be reviewing the project were contacted early in the process, including the State Historic Preservation Division, DPP, the Department of Health and the Board of Water Supply. Review by other agencies was expected to occur during the Draft EA process and continue through the Conditional Use Permit process to follow.

The Contemporary Museum has taken many opportunities to extend the project schedule to allow them to "do it right" and not "just do it". The applicant has planned for the restoration of certain aspects of the Cooke-Spalding historic building to improve this cultural asset. The applicant has reduced its original request for 12 new evening special events (by 25%), night time openings of the Café from every Thursday to two Thursdays a month (by 54%) and the use of exterior public address systems (by 33%). The applicant has supported a redesign of the expansion to reduce the bulk of the structure at the upper level and to place some of the gallery space underground to further minimize visual impact of the expansion. The applicant's design architect has come up with a plan for a muted glass surface for the upper level of the structure that will blend in with the natural environment providing a filtered reflection of the surrounding gardens and landscaping. In addition, the applicant has trimmed back groundcover to provide a pedestrian pathway over portions of Makiki Heights Drive, trimmed back overgrowth at a hairpin turn on Makiki Heights Drive and focused on providing a septic system approved by the Department of Health, all in response to concerns raised by the community.

The following vision statement was agreed upon by the Board of Trustees in November of 2002:

"The Contemporary Museum will be a visionary museum which engages the public with contemporary art and artists in an environment unique to these islands."

The mission of TCM is to develop a public appreciation and understanding of contemporary art through exhibition and education programs, through the collection and preservation of art since 1940, and to preserve, maintain, and present the historic Spalding House and Gardens for the enjoyment and enrichment of Hawaii's residents and visitors. (Adopted by the Board of Trustees of The Contemporary Museum on December 18, 1995).

The current master plan is the result of a strategic planning process which began in the mid-1990's and centered upon the fulfillment of this mission and vision by (1) preserving our current resources (historic property, collections, education programs) and (2) making them more fully available to the public.

The location of the Museum is central to this vision - The Contemporary Museum is one of a very few museums of contemporary art worldwide which combines the intimacy of a domestic setting, the beauty of nature and gardens, with current art. The success of the Museum in meeting its mission is measured not by attendance numbers but by the quality of the viewers experience and the level of visitor engagement with the art on view.

The vision and mission of The Contemporary Museum will be implemented by the improvement and continuation of the educational program for school children; the continuation of displaying a wide variety of temporary exhibits of contemporary art in different mediums; the expansion of the Museum to provide adequate room to store and display it's permanent collection; and the improvement of fund raising efforts in support of the Museum operations, the restoration of the historic structure and the funding of the proposed expansion. In order to implement this vision, the applicant is proposing to expand The Contemporary Museum by adding three new Galleries, storage and underground parking to provide adequate viewing and storage area for the Museum's permanent collection. The applicant also proposes to improve and expand the available indoor space at the existing Café for education activities in an area convenient to the main entrance to minimize distractions to youngsters that a longer walk through the complex could create. The applicant is also proposing to provide greater opportunities to cultivate future donors who will provide the needed financial support to continue to operate the Museum, to restore the Cooke-Spalding historic structure, and to provide funding for the Museum expansion. These opportunities will come in the form of nine new

evening events to introduce prospective donors to the Museum. The cultivating of new donors will also be supported by the exhibit opening events which we propose to increase from 200 participants to 300 participants. And finally, in the event that the Neiman Marcus Store is not able to offer its Ala Moana store as a venue, the applicant would like to move the Contempo fundraising event back onto the Museum property.

This vision can continue under future - patrons, trustees, museum leadership, staff, volunteers, community and government. From here the applicant will continue to process the necessary permits to implement the vision of the Trustees.

1. Abbreviations - noted.

2. Site characteristics were presented in detail on the topographic Site Plan, including location of existing trees, structures, and slope contours (elevation); in the elevation drawings; and in the photographs of the site. Evaluative information, analysis of alternatives, and proposed mitigation measures will be discussed in greater detail in the Final EA.

3. In support of a "Finding of No Significant Impact" additional information will be provided in the Final EA on items 3.1, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8 (response from the traffic engineer on the need for readings on regular school days), 3.9, 3.10, 3.11, and 3.12.

   3.2 The long-term master plan as formally approved by The Contemporary Museum Board of Trustees is detailed in the Draft EA. The site development and proposed changes to the operation of the Museum have been approved by the Board.

   The following excerpts from the Draft EA have adequately addressed the following review criteria, however, we will add the information in italics to further support a Finding of No Significant Impact (FONSI):

   (4) - substantially affects the economic and social welfare of the community or state;

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

The development will give a temporary boost to the State's economy with the provision of short-term construction employment and related tax impacts, and a few long-term jobs in the form of security guard, collection staff, public relations assistant, education staff and exhibition staff.

The social welfare of the community would be positively affected by the development and renovation of the Museum which will provide better service in additional Permanent Collection Exhibition space and education areas conducive to learning. The Museum will continue to maintain the lush and beautiful gardens that residents and visitors have come to enjoy."

The economic welfare of the community will not be substantially affected since over the past 13 years (1992 to 2005) there have been 26 requests for Police assistance; 5 requests for ambulance services; and 1 request for Fire Department assistance. Projecting a 20% increase in calls, based on the increase in occupancy being proposed, the applicant projects the following increase in calls and costs per emergency service:

a. *Police assistance - 0.4 additional calls per year at an average of $100.00 (based on a two hour call including paper work, an officer with 10 years experience, one vehicle, and communication and administrative support) per call, results in an additional cost of $40.00 per year.*

b. *Ambulance service - 0.08 additional calls per year at an average cost of $545 per run (as of July 1, 2005) results in an additional cost of $43.60 per year. However, this cost is charged back to the patient and there is no cost to the City.*

c. *Fire department assistance - 0.02 additional calls per year at an average cost of $458 per call (based on an average two hour call with a fire truck and five firefighters) results in an additional cost to the City of $9.16 per year.*

Staff at the Honolulu Fire Department and the Department of Emergency Services provided the average cost per call noted above. Staff at the Honolulu Police Department provided the parameters to calculate the average cost per call for police service noted above.

Total additional costs to the City would be $49.16 per year.

The social welfare of the community will not be substantially impacted by the slight increase in traffic impacts during the regular operating hours of the Museum or the proposed extended operating hours due to the proposed expansion of the Museum and Museum operations. Based on the proposed 78 parking stalls rather than 90 parking stalls proposed in an earlier proposal, the regular operating hours traffic is projected to increase by 2 vehicles entering and 5 vehicles exiting during the afternoon peak hour and by 5 vehicles entering and 8 vehicles exiting during the midday peak hour.

(5) - Substantially affects public health;

"• **The proposed action does not substantially affect public health.**

The proposed action will not affect public health. The proposed land use provides for an appreciation of culture and the arts with preservation of the Historic resources on the property and provision of art appreciation and education with the improvements planned."

(6) - involves substantial secondary impacts, such as effects on public facilities;

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

No substantial impacts on population is expected from the development and renovation of the Museum. One residence will be lost in the development.

The existing water system is adequate to accommodate the proposed apartment building, according to a BWS letter dated January 24, 2002 (Appendix V, Agency Comments).

Julian Ng, Incorporated has prepared a traffic assessment report for the development. The Museum renovation and expansion, when completed in the year 2007, will not affect the Level-of-Service (LOS) at the existing study intersection at Mott Smith Drive and Makiki Heights Drive during the weekday commuter hours. As a result, no capacity mitigating actions are required due to the proposed development. The applicant will however, follow the recommendations of the traffic study to ensure that traffic impacts will be minimized."

In working with the Honolulu Fire Department, the applicant has determined and will provide additional on-site improvements (fire hydrant) necessary to provide adequate fire protection and adequate fire apparatus access.

The Department of Health (DOH) concurred with the applicant's proposal to abandon certain cesspools and replace them with septic systems. They noted that wastewater from commercial food preparation will need to be pretreated before entering a septic tank (the applicant will provide the necessary pretreatment). DOH further requested that the Johnson Residence/Persis Office be upgraded into a non cesspool system (the applicant will provide a septic tank system in accordance this recommendation).

The applicant expects to reduce the current storm water runoff volumes that presently leaves the property during a storm event through rerouting of stormwater to landscaped areas and use of a drywell, reducing storm water runoff impacts from this property on Makiki Heights Drive. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

Based on the proposed 78 parking stalls rather than 90 parking stalls proposed in an earlier proposal, the regular operating hours traffic is projected to increase by 2 vehicles entering and 5 vehicles exiting during the afternoon peak hour and by 5 vehicles entering and 8 vehicles exiting during the midday peak hour. This minimal increase in traffic will not have a significant impact on the surrounding roadway system.

(8) - is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;

"• **The proposed action does not involve a commitment to larger actions, nor would cumulative impacts result in considerable effect on the environment.**

The proposed development does not involve a commitment to larger actions nor will it result in cumulative impacts to the environment. The proposed modifications to The Museum will not generate future developments, creating a cumulative impact."

(9) - detrimentally affects air or water quality or ambient noise levels; and

"● **Air quality, water quality or ambient noise levels would not be detrimentally affected.**

Short term impacts on air quality are expected to be primarily related to dust generated by the construction activity. Dust will be generated in the course of excavating for foundations and utility lines. Dust control measures appropriate to the situation will be employed by the contractor, including where appropriate, the use of water wagons, erection of dust barriers and other methods for minimizing dust.

Short term noise impacts at construction sites are a normal result of construction activity. The State Department of Health administers rules and regulations relating to the hours during which construction is permitted and the noise levels permitted during those hours. The contractor will be required to apply for a permit from the State Department of Health should noise from construction activities exceed regulatory limits. The contractor will abide by the noise regulations incorporated into the permit.

Long term air quality and noise impacts from the proposed development are expected to be minimal due to the nature of the Historic Structure as a museum and the minimal projected traffic impact of the development.

Water quality would not be detrimentally affected by the proposed development with a limited increase of hard surfaces on the property."

Fugitive dust will be controlled by dust screens, watering and other standard means available to the construction trade. A dust control management plan will be developed by the General Contractor, and measures specific to each task, area and phase of the project will be

reviewed and approved by the Owner. The General Contractor will be notified and made aware of his responsibilities with respect to dust control. The General Contractor will be required to have an Environmental Control Officer present onsite during any activities that may generate dust, noise or any other activity that may have impact on the surrounding environment. All activities will conform to the Hawaii Administrative Rules on Fugitive Dust. Buffer zones will be implemented wherever possible on the site.

Based on the proposed 78 parking stalls rather than 90 parking stalls proposed in an earlier proposal, the regular operating hours traffic is projected to increase by 2 vehicles entering and 5 vehicles exiting during the afternoon peak hour and by 5 vehicles entering and 8 vehicles exiting during the midday peak hour. This minimal increase in traffic will not have a significant impact on the surrounding roadway system and will have minimal impact on noise and air quality in the area.

The move from the existing cesspool system to a septic tank system will reduce impacts to ground water and could improve the quality of the existing ground water system.

The applicant's noise consultant, D.L. Adams Associates, Ltd. conducted a noise assessment for the regular operating hours of the proposed Museum expansion and has determined that the equivalent hourly sound levels, L_{eq}, in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA. These measurements were taken 10 feet in from The Contemporary Museum property line. The noise levels at the nearest residence will be lower.

The Contemporary Museum is zoned as R-5 Residential, or Class A, thus the maximum allowable property line noise limits, in accordance with the State of Hawaii Department of Health Community Noise Control Statute, are 55 dBA during the daytime hours (7:00 am to

10:00 pm) and 45 dBA during the nighttime hours (10:00 pm to 7:00 am).

D.L. Adams has provided two sets of recommendations for attenuating noise from the proposed chillers that will serve new Gallery buildings. These recommendations will reduce equipment noise to either below 45 dBA or below 40 dBA (below existing ambient background noise levels during the evening hours).

D.L. Adams has determined that noise from the proposed Cafe's rooftop fan at the nearest residence will be 41 dBA. Calculated noise levels due to café patrons at full capacity will be about 40 dBA to 46 dBA. Exterior noise levels at the nearest residences have been calculated to be below the existing ambient background noise levels.

Based on the noise assessment done for the regular operating hours of the proposed Museum expansion, ambient noise levels in the surrounding neighborhood will not be detrimentally affected.

(10) - 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.

"• **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.**

The development site is in Zone X, an area determined to be outside the 500 year flood plain based on the Flood Insurance Rate Map (FIRM), Panel 360 of 395, dated November 20, 2000.

The development will not affect tsunami zones, erosion-prone areas, geologically hazardous land, estuaries, fresh water nor coastal waters."

Based on the limited impact that the proposed expansion and modifications to the operations will have on the environment, infrastructure, and the surrounding community with the proposed mitigation measures and additional mitigation measures to be presented in the Final EA a FONSI is warranted and will be requested.

4. The following responds to items in this section:

Section V and Section VI:

The applicant continues to believe that the proposed expansion of the Museum facility and the increase in hours of operation will not have a significant impact on the surrounding neighbors, the environment and infrastructure. The expanded facility with proposed conditions will allow an increase in occupant load during regular visiting hours of about 20 persons at any one time added to the 80 person limit at the present time. This increase does not represent a significant impact to the surrounding residents and the community. This load will also have minimal impact on wastewater, water and traffic in the area as discussed in the Draft EA. Visually, the proposed development, much of which will be underground will be screened with existing and proposed landscaping as discussed in the Draft EA. The proposed extended hours will result in the Museum being open till 9:00 pm one evening a week. With ten additional special evening events being proposed, the evening activities will not have a significant impact on the surrounding community. Nine of the additional evening events will end at 10:00 pm and Contempo will end at midnight. With this limited activity in the evening hours for the most part extending to 10:00 pm at the latest, the community will not be significantly impacted. The special event activities will be held at the upper campus of the Cooke-Spalding property providing the greatest setback from surrounding neighbors, further minimizing impacts to these neighbors.

Appendices:

The Final EA will include all relevant and current Conditional Use Permits and their amendments.

Appendix III:

The Final EA will include attachments A and C as recommended.

Appendix V:

The key agencies that would be reviewing the project were contacted early in the process, including the State Historic Preservation Division, DPP, the Department of Health and the Board of Water Supply. Review by other agencies were expected to occur during the Draft EA process and continue through the Conditional Use Permit process to follow.

Comments, if any received from the agencies that you have listed will be responded to and included in the Final EA. Specifically, a response will be provided to the Fire Department comments received during the Draft EA process.

Appendix IX:

Community Correspondence will be updated to reflect correspondence between the community and The Contemporary Museum received between July 23, 2004 and the present (until the Final EA is completed and packaged for printing).

5. Evaluation of Potential Cost Effects on City Resources

The following discusses any incremental increase in potential cost effects on the City and County of Honolulu resources (should the project be approved: the applicant does not see the relevance of including the costs of project approval in the evaluation of potential cost effects on City resources since these are one time costs and are part of the function and

responsibility of the various departments involved in project and permit reviews) for what appears to be a comprehensive list of impacts:

5.1 The review, evaluation, monitoring, and enforcement of existing and proposed conditional use permits.

DPP staff is presently responsible for the review, evaluation, monitoring and enforcement of the existing conditional use permit for the Johnson property and the existing non-conforming conditional use permit for The Contemporary Museum and no additional staff time will be required to continue these responsibilities for the new conditional use permits.

5.2 Review, issuance, inspection, and enforcement of building permits.

This is part of the project approval process.

5.3 Ordinance 2412

Based on discussions with staff at DPP, Ordinance 2412 is not enforced on residential zoned property.

5.4 Domestic water supply and fire water system infrastructure adequacy and improvements; sufficient water pressure, fire hydrants, and accessibility

This is part of the project approval process. The applicant will have to fund the necessary improvements to ensure adequate domestic water supply and fire protection. Additional water use will be paid for by the applicant.

5.5 Emergency services responses

As analyzed earlier, the total incremental increase in cost to the City for emergency services would be about $49.16 per year.

5.6 Responses to landslides, tree falls, vehicle accidents, downed utility poles, and flooding

Vehicle accidents directly related to the Museum are covered in 5.5 above. Downed utility poles are the responsibility of the affected utility companies. The downed utility pole and other actions would appear to be related to or may be caused by drainage and flooding problems or a catastrophic hurricane. A hurricane event will not be affected by the proposed redevelopment of the site. The applicant expects to reduce the current storm water runoff volumes that presently leaves the property during a storm event through rerouting of stormwater to landscaped areas and use of a drywell, reducing storm water runoff impacts from this property on Makiki Heights Drive. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall. As such, costs to the city related to landslides, tree falls, downed utility poles, and flooding should be reduced.

5.7 Storm water runoff management

As discussed in 5.6 above, costs to the city related to landslides, tree falls, downed utility poles, and stormwater runoff should be reduced based on reductions in stormwater runoff.

5.8 Refuse collection and green waste collection

The applicant composts its green waste on property and City green waste collection will not be affected. Refuse collection will not be

impacted by the minimal increase in solid waste which can be accommodated under current refuse operations. The limited additional waste will not require an increase in roll off bins presently picked up by private operators or the City provided bins currently picked up at the Johnson and Pietsch-Peterson properties.

5.9 Possible changes to TheBus schedule and routes; use of Handivan service

The proposed improvements and operational changes to the Museum will not affect changes to TheBus related to schedule and routes nor use of the Handivan.

5.10 Possible legal liabilities if certain uses are allowed or expanded without making necessary public infrastructure improvements (e.g. roadway widening, addressing the Makiki Heights Drive "S curve" problem downslope of The Contemporary Museum, traffic warning signage improvements, etc.); limiting noise levels; addressing the landslide problem; or addressing the underlying zoning classification.

These legal liabilities have been in effect since the opening of The Contemporary Museum in 1988. The applicant is not aware of any legal actions against the City related to the approval of the Museum since the Museum opened 17 years ago. The proposed development will result in a potential incremental increase over the impacts of the existing Museum operation but this impact, tied to traffic is not expected to be significant, based on the traffic assessment. The project does not create new slopes near the lot boundaries. Slope hazard to surrounding properties does not change. A secondary effect of the on-site infiltration system is a slight improvement in slope conditions for properties located makai of the site because of the reduced stormwater quantity flowing down Makiki Heights Drive. All other issues were presented at the time of the original Conditional Use Permit approval in 1986. The underlying zoning classification allows the proposed use of a historic site as a conditional use and the conditional use permit process is to provide

review of impacts to the community and appropriate conditions will be placed on the applicant to mitigate impacts of concern to DPP.

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

5.11 Role of the State Historic Preservation Office/possible counterpart cultural review by the City & County of Honolulu

This is part of the project approval process.

6. Master Plan/Site Plan Review Permit

In discussion with several staff members of DPP (including the staff person that worked on the recent CUP for MidPacific Institute and the staff person that worked on the minor modification to the Site Plan Review Permit for Punahou School), we learned that the Site Plan Review Permit process was the previous land use permit approval process for schools and both of these schools had existing Site Plan Review permits approved (grandfathered processes). The Punahou School processed a minor modification to their existing Site Plan Review permit for their expansion and continues to operate under their Site Plan Review permit. MidPacific Institute received a minor modification to their original Site Plan Review permit for an earlier improvement. However, more recently Midpacific Institute process a CUP major for their school expansion and this CUP superceded their earlier Site Plan Review permit which is no longer in force.

The Contemporary Museum has been operating under an earlier CUP approval. Up until October of 1986 museums were permitted as Conditional Uses in residential zoning districts. Under the Land Use Ordinance, which replaced the Comprehensive Zoning Code, museums are no longer permitted as conditional uses. The Land Use Ordinance allows use of a historic site as a CUP major, which is the permit process the applicant will pursue after completion of this environmental review. The Site Plan Review permit process is not an option for The Contemporary Museum.

7. Consolidation of The Contemporary Museum CUPs

There are two existing CUPs for the Museum and the office use of the Johnson property. The applicant has spoken with staff at DPP about the combining of the two CUPs and DPP will take it under advisement. The applicant met with DPP early in the process to discuss the appropriate venue for processing the application and based on that discussion proceeded to move forward with the Draft EA and a plan to process a CUP major for the main Museum campus and, subject to a comparison

of the approved and proposed office use, will be allowed to process a CUP minor or major for the continued office use on the Johnson property. The applicant has not been disingenuous about seeking permits for the two properties. In fact the applicant has been very up front in including both properties in the Draft and Final EA and describing the proposed uses in meetings with the community and in presentations to the community.

8. Support for Public Hearings by DPP

The applicant understands that a public hearing is required for the CUP major and defers to DPP on the need for a public hearing should an application for a CUP minor be accepted for processing for the Johnson property.

9. Additional Comments

The applicant understands that the decision to comment on the Draft EA after the scheduled deadline for comments is your prerogative and the applicant will consider your comments in their preparation of an application for a CUP major that will follow completion of the environmental review process.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

encl.
cc: Department of Planning and Permitting

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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April 28, 2004

Dear Neighbors:

Subject: Site Visit to The Contemporary Museum, May 10, 2004

The Contemporary Museum is providing an opportunity for our neighbors and interested residents to take a tour of the Museum property and to learn more about our proposal for developing exhibition space and parking in a new structure located over the tennis court and on the grounds between the tennis court and the main building. We will also describe our plans for reuse of existing spaces, including plans to utilize the Peterson property for a café, library, and docent offices, while providing enclosed spaces at the existing café for educational programs and offices.

We have enclosed information about the proposed development for your review prior to our tour/meetings. These are provided to allow for a meaningful discussion on concerns that may not have been addressed in this material or that needs further discussion.

Two opportunities (at noon and in the evening) are being provided for the tour and meeting/presentation on the proposed new development:

Date	:	Monday, May 10, 2004
Times	:	First tour - 12:00 noon Second tour - 6:00 pm
Place	:	The Contemporary Museum

Since we are planning to have light refreshments at the two tours/meetings and need to plan accordingly, we request your rsvp to Kim Jensen, at The Contemporary Museum, at 526-1322, by May 6, 2004.

Your presence at either of these tours and meeting/presentation would be extremely helpful in providing community input on our proposed development. Should you have questions concerning the development, please contact Georgianna Lagoria, Executive Director of The Contemporary Museum, at 526-1322, extension 14

Very truly yours,

Keith Kurahashi

Keith Kurahashi
cc: The Contemporary Museum

SUMMARY OF REQUEST FOR CONDITIONAL USE PERMIT FOR THE CONTEMPORARY MUSEUM

The applicant, The Contemporary Museum (Museum) has met on several occasions with community members, including two meetings with representatives of the Makiki Heights Community Association and one meeting with other neighbors and representatives of the Makiki Heights Community Association.

These preliminary meetings were helpful in understanding the concerns of the neighbors and to clear up some misunderstandings about the proposed application for a Conditional Use Permit and the proposed development. We hope to continue these meetings and to be able to reach a consensus on proposed conditions that would be appropriate for the operation of The Contemporary Museum.

The Museum finds that after operating for about 18 years under the existing Conditional Use Permit approval for the Museum, it needs to expand its development to better serve the community; to provide a structure to display and store its permanent collection (presently stored off-site); and to improve it's space for education (children and adult) at the Museum.

At the present time, the Museum has no exhibits to view (except for the relatively small David Hockney exhibit) for about 10 weeks out of the year while the traveling exhibits are being taken down and new traveling exhibits are being put up in the main gallery. The Museum hopes to develop a new Permanent Collection Gallery, storage area for the Permanent Collection and staff parking on a new structure that will be situated over and under (parking lot) the existing tennis court and extending toward the southwest corner of the Museum.

The Museum presently accommodates educational classes (for schools and adults) on the lawn area next to the Museum when weather permits, otherwise, classes are held on the open covered lanai between the main gallery and the gift shop. To provide a more permanent area with more privacy for educational programs, the applicant plans to redevelop the existing café into an education room. The area above the café (gift shop, education office and restrooms) would be converted to a Community meeting room

The Museum has acquired two additional properties, the former Pietsch/Peterson Residence located on a lot surrounded by the Museum and Makiki

Heights Drive and the Johnson Residence/Persis Offices located two lots away (one lot and a flag lot stem) from the Museum.

The Museum would like to adapt the use of the Pietsch/Peterson Residence to allow a Café (with seating for 55 visitors, same as the existing Café), Docent Office and Library.

The Museum plans to move some of the offices that are presently located in extremely cramped quarters on the Museum property into the Persis Offices and continue the office use on the property (Persis Offices presently approved under a separate Conditional Use Permit for Use of a Historic Site).

SUMMARY OF PROPOSED AMENDMENTS TO THE 1986 CONDITIONAL USE PERMIT CONDITIONS AND THE 1986 MAKIKI HEIGHTS COMMUNITY ASSOCIATION AGREEMENT

1. Allow extended hours for the Museum on Thursday nights (presently 10:00 am to 4:00 pm, allow opening until 9:00 pm). This evening opening for an additional five hours on Thursdays only will accommodate visitors that are unable to visit during regular museum opening hours during the day.

2. Allow opening two hours earlier on Sundays (change from 12:00 noon to 4:00 pm to 10:00 am to 4:00 pm) to allow sufficient time for Museum visits on Sundays.

3. The applicant's initial request was for use of the public address system for up to three events per year. This second draft request that a public address system be permitted on up to two special events per year, to accommodate the annual Art Spree event which provides an open house and free admission to The Contemporary Museum from 10:00 am to 4:00 pm and allows neighbors and the art community an opportunity to enjoy the museum. The second event is the Contempo which presently occurs at the Neiman Marcus store in the Ala Moana Shopping Center. The applicant is extremely happy with this venue for the Contempo event, however, in event that the Neiman Marcus store is not able to offer its Ala Moana store as a venue, the event will be moved onto the museum property.

4. Increase the visitor occupancy from 80 persons to 100 persons. The increase in occupancy is needed to accommodate the occupancy of the museum during periods when school students are receiving art education at the museum. These students and their teachers can number up to 60 persons per visit which presently leaves only an additional 20 that can be on site at the same time for museum visitation.

5. Increase the number of persons in attendance at the six permitted evening functions from 200 to 300. These six evening functions provide for attendance at gallery openings (about six per year).

6. Modify an existing condition which stated that school buses allowed and that all other buses are limited to a capacity of 20 passengers. The applicant is asking that the 20 passenger limitation be increased to 25 passengers because most smaller size buses are now 25 passenger buses rather than the 20 passenger buses of the past. In this second draft, the applicant has also added a clause that the applicant with work with the Department of Education in an attempt to facilitate the use of smaller buses.

7. The applicant is requesting an additional large event (500 persons) each year to accommodate the Contempo on the museum property. In the past, this event was held on the museum property (1988 through 1994). The applicant is extremely happy with this venue for the Contempo event, however, in event that the Neiman Marcus store is not able to offer its Ala Moana store as a venue, the event will be moved onto the museum property.

8. The applicant is requesting formal approval of the Art Spree (annual community open house). The annual Art Spree event provides an open house and free admission to The Contemporary Museum from 10:00 am to 4:00 pm and allows neighbors and the art community an opportunity to enjoy the museum.

9. The applicant initially requested 12 additional evening events for a maximum of 50 cars/100 persons. In our second draft of proposed conditions, we are requesting 9 evening events. These evening events will allow an opportunity to welcome prospective donors to the museum and help to promote fund raising efforts to allow continued operation of the museum.

10. Although café hours were never established, the applicant would like to self impose a limitation on café hours from 11:30 am to 2:30 pm on Tuesday through Sunday and from 6:00 pm to 8:00 pm on Thursday evenings. In our second draft of proposed conditions, the applicant is proposing evening openings on just 2 Thursdays per month.

RESPONSES TO COMMUNITY CONCERNS

1. Should the existing Conditional Use Permit (File No. 86/CUP-10) consisting of 3.44 acres be carried over to include the new properties acquired by the Museum?

   The applicant understands that the Department of Planning and Permitting (DPP) will process a new Conditional Use Permit for The Contemporary Museum to allow use of a Historic Site for the existing Museum property and the Peterson property.

   The Johnson/Persis offices property has an existing Conditional Use Permit that allows office use on the property. Upon completion of DPP's review and recommendation on the Conditional Use Permit for the main Museum campus, they will consider a minor modification to the Persis office Conditional Use Permit to allow the Museum office use to replace the Persis office use.

2. Traffic - Makiki Heights Drive is a substandard road with no sidewalks. There are many senior citizens that walk, bicycle riders, joggers, and students training. Will the infrastructure of the road (hair pin turns, blind corners) take school buses, cement trucks, and construction trucks necessary for this project?

   The applicant will have their traffic consultant determine the best route for construction vehicles to take in bringing materials or equipment to the property. The school buses presently maneuver on Makiki Heights Drive to reach the Museum because drivers have indicated that they cannot safely maneuver through the turn from Mott-Smith Drive. The applicant will work with the Department of Education in an attempt to facilitate the use of smaller buses.

The applicant will work with the Department of Transportation Services (DTS) to see if clearing and creating a natural pathway across the street from the Museum from Mott-Smith Drive to across the Museum entrance would help in providing safer access around the turn fronting the Museum.

The applicant is willing to clear a path initially and request that DTS maintain the pathway.

The applicant believes that further improvements such as road widening or straightening out existing curves may be cost prohibitive and could lead to greater problems with speeding.

3. Wastewater - Where will the new sewer line run?

   Our civil engineer is working with the City and the Department of Health to determine if the proposed development can continue on the existing cesspool system, convert to a new on-site septic system, or if it will have to be upgraded and connected to the municipal sewer system. There is an existing sewer line in the mauka portion of Hoalu Place and if a connection to a municipal sewer line is required, capacity permitting, the Hoalu Place line affords the most convenient connection location.

4. The Pietsch (Peterson) Property -

   A. Concerns of erosion on the Diamond Head embankment that flow down Makiki Heights Drive.

      The applicant will ask its civil engineering consultant to try to provide some reduction from current storm runoff, improving the existing situation even after development of the Museum expansion.

   B. Noise from the Café: both from trucks making deliveries with beepers, and from the clientele.

      The applicant will only permit handicap parking for the general public at the Pietsch property and parking for staff workers in the parking lot under the tennis courts. In order to minimize in and out traffic, only

workers that will not be leaving the site during there shift will be allowed to park at the underground parking.

The applicant will have someone directing delivery trucks to the Café so that they will be able to safely maneuver the driveway and if possible, disable their beepers. Café hours will be restricted to 11:30 am to 2:30 pm on Tuesday through Sunday and to 6:00 pm to 8:00 pm on two Thursdays each month. With these limitations on use, we foresee less impact than would be expected with typical residential use, in the Pietsch property that has been designed for entertaining. We understand that neighbors in the past have complained about frequent late night parties at the property when it was occupied by a private resident.

C. Will there be public parking in the underground lot for the Café?

There will be no public parking in the underground lot for the Café, with the exception of handicap parking. The public will park at the existing upper lot. Only staff and volunteers who will not leave the property during their shifts will be able to utilize the underground parking.

D. Will there be a drop off area for the Café in front of the Pietsch property, even if "supposed" to be only for handicapped?

Only handicapped patrons and staff will be allowed to enter the Café from the street at the Pietsch property.

E. Will there be after-hours or evening events at the Pietsch property?

The Pietsch property Café will be open only on two Thursday evenings per month from 6:00 pm to 8:00 pm.

5. New Permanent Collection Building

A. Will underground parking be solely for employees?

Underground parking will be handicapped patrons and staff and volunteers who will not leave the property during their shifts.

B. How much truck traffic will be generated?

The new building will contain a permanent collection gallery and storage facility. After the initial move to the facility, truck traffic willbe minimal as artworks will be stored onsite and transported to the gallery upstairs, rather than shipped in crates from off-site.

C. Where will the current trash dumpster be relocated?

The applicant will work with site planners to better screen the dumpster which will remain in approximately the same location.

D. Concern about impact on trades and breezes onto properties across the street.

The proposed Permanent Collections Building is set back 30 feet from the property line and when the width of Makiki Heights Drive is factored in the property line across the street is 80 feet away from the proposed Permanent Collections Building. In a residential district, the minimum front yard is 10 feet, which results in the closest residence being located at least 90 feet away, which minimizes the impact on trades and breezes.

6. General concerns in regard to the existing Conditional Use Permit:

A. The snack bar becoming a restaurant with website listing menu. Alcohol permitted even if without a license.

The Café is open on a limited basis, no more that 3 hours per day, six days per week. Aside form one hot and one cold special, the Café serves light appetizers, soups, salads, and sandwiches. The Café attracts museum visitors, local clientele, and is also the main source of lunch for museum staff and volunteers. Guest are allowed to bring a bottle of wine and are charged a small corkage fee. The overwhelming majority of Café patrons do not bring wine.

B. Loud amplification used at exterior events

The applicant has been and will continue to be vigilant about noise levels at its events. For outdoor events, we employ an individual to walk the perimeter of the property and to monitor the sound levels.

C. Main events are supposed to be limited to 150-200 guests. Current advertisement invites many more.

Since 1988, the applicant has continued to offer 5-6 evening member events each year after regular museum hours. These events are never advertised to the general public. The only event advertised to the general public is our annual community open house, Art Spree. Each year we inform the surrounding neighborhood of this event, and have developed a successful system for traffic control to minimize the impact to our neighbors on this day.

The traffic control system includes the following:

a. Shuttle buses to off-site parking and an off-duty policeman for each of the six larger evening events, as well as Art Spree and Con Tempo.

b. Hiring of an individual to monitor sound around the perimeter of the property during large events.

c. Routing of shuttle buses up and down Mott-Smith Drive.

d. Routing of shuttle buses so that the back-up "beeper" will not disturb residents.

e. "Caution Tape" placed temporarily of neighboring properties, at owner's request to prevent parking during events.

f. Paid parking attendant during mid-day to manage parking and traffic.

7. Concerns about increased traffic and increased number of speeding cars and motorcycles.

The applicant does not foresee a significant increase in the normal daytime activity at the Museum site and there should not be a significant increase in traffic from the daytime operations. There will, however, be an increase in the number of special events at the site and for the larger events, the applicant will hire an off duty police officer to direct traffic at the Museum entrance. This presence should serve as a calming function, slowing traffic down near the entry to the museum. The applicant understands that the Makiki Heights community has been concerned about speeding in the evenings and the possibility of greater police enforcement to slow traffic down.

8. Heavy equipment traffic, including buses and vans and delivery trucks.

The applicant does not foresee an increase in buses, vans and delivery trucks for normal daytime operations.

The only large bus that visits the site during the day are school buses that travel to the Museum for educational programs. Due to the length of the school bus, it is unable to safely travel on Mott-Smith Drive, since it would require traveling forward and reversing several times to make the turn onto Makiki Heights Drive. For this reason, the school bus drivers find it safer to maneuver through the S-curve on Makiki Heights Drive. As mentioned earlier, the applicant will work with the Department of Education in an attempt to facilitate the use of smaller buses.

There will be a one time need to transport the Museum's permanent collection to the Museum's planned Permanent Collection Exhibition space and storage to be located over the tennis court. After this initial move to the facility, truck traffic will be minimal as artworks will be stored onsite and transported to the gallery upstairs, rather than shipped in crates from off-site.

The increase in construction vehicles will be a short term impact over the construction period of about one year. The applicant will have their traffic consultant determine the best route for construction vehicles to take in bringing materials or equipment to the property. Our construction manager has indicated that because of the location of the project and the size and nature of the planned construction, to a great extent smaller construction vehicles will be utilized. In instances where larger construction vehicles are required or on

occasion when impact to the travel lane is necessary the construction vehicles will travel along the most direct and safest route and the contractor's will use flag men as needed to provide for safe access around the construction site.

The applicant can request that workers and contractor's utilize specific routes, as recommended by our traffic consultant. The applicant can further ask that the contractor's inform their employees of the neighbors concerns about speeding and ask them to follow the posted speed limit. Construction vehicles on the whole are slow moving vehicles and are not expected to contribute to the speeding problem.

9. Concern about water pressure.

Our engineering consultant will be working with the Board of Water Supply to ensure that the proposed development will not adversely affect water pressure to surrounding properties.

10. Concern about erosion.

Erosion in the Makiki Heights area is generally a result of storm runoff during heavy rains. The City will require, that any new development on the property will not increase the existing storm water runoff leaving the property. The Applicant plans to go a step further and will ask the civil engineer to design the project to actually reduce storm water runoff leaving the property below the existing levels. We hope to accomplish this with detention and/or retention basins or other grading solutions. A reduction of storm water runoff from our property should reduce the potential for erosion due to storm flow.

12. A neighbor also discussed his experience with the City in seeking some assistance in dealing with the wall that is being undermined and a problem with boulders coming down in his backyard.

The applicant is hopeful that a reduction in storm flow from the Museum property will lessen the erosion impact to the neighbor's wall and reduce the potential for boulders dislodging and coming down in his backyard. However, if the major storm runoff is coming from upper mountain properties and following Makiki Heights Drive our reduction in storm flow may have minimal impact on the storm runoff problems that the neighbor is experiencing.

1986 CUP	1986 MHCA AGREEMENT	PROPOSED NEW CUP/AGREEMENT
10 to 4 weekdays and Saturday	Same	10 a.m. to 4 p.m. Tuesday, Wednesday, Friday, Saturday; **Thursday's 10 a.m. to 9 p.m.;**
12 to 4 Sundays & holidays	Same	**Sundays open at 10 a.m.to 4 p.m.**
No picnicking		same
No weddings		same
No non-museum programs		same
No exterior p.a. system	Same, with add'l restrictions	***Public address system allowed for up to [3] 2*** special events per year with the agreement that all noise must remain within the decibel limits for normal residential usage as set forth in the code of the City and County of Honolulu, with sound limits being mutually agreed upon and review to be coordinated with the DLU.
No filming, except museum education or advertising	Same, with add'l restrictions	Same
On site parking only	Same	Same
Valet parking and off-duty police assistance during evening functions	Same	Same
Service vehicles 9 a.m. - 4 p.m.	Same	Same
6' solid wall along Shimokawa boundary with 2; thick foliage	Same	fulfilled
Occupancy: 80 persons		Occupancy: **100** persons
200 at 6 evening functions		**300** persons at six evening functions
Kiosks permitted		Same
Retain all mature trees		Same
watch sewer, drainage water service for all functions		Same
	Entrance requirements	fulfilled
	Transfer of fee title	fulfilled

	Maintain gardens	same
	Use grasscrete to control runoff	same
	Comply with Health Dept. regs re sewer and snack bar operations	same
	Require director to live on premises for 3 yrs	fulfilled
	Maintain one resident caretaker	same
	Avoid drainage damage to residents	same
1986 CUP	**1986 MHCA AGREEMENT**	**PROPOSED NEW CUP/AGREEMENT**
	MHCA resident voting member of TCM Board	Same
	School buses allowed; all other buses limited to 20 passenger capacity	School buses allowed ***but TCM will work with the DOE in an attempt to facilitate the use of smaller buses***; all other buses limited to 25 passenger capacity
		One (1) evening event per year up to 500 persons ***(only in the event that Neiman Marcus is not able to offer its Ala Moana store as a venue)*** 6 p.m. to midnight
		One (1) annual community open house (ArtSpree) 10 a.m. to 4 p.m.
		Up to [twelve (12)] ***nine (9)*** **evening events maximum of 50 cars/ 100 persons** on Cooke-Spalding site only
		Café Hours: Tues,-Sunday 11:30 a.m. -2:30 p.m; ***Two Thursday evenings per month*** **6-8p.m.**
		Museum Shop Hours: same as Museum Hours
		Galleries, Museum Shop, and Contemporary Café closed to the general public on Mondays
		TCM to give MHCA advance notice of all events by mail

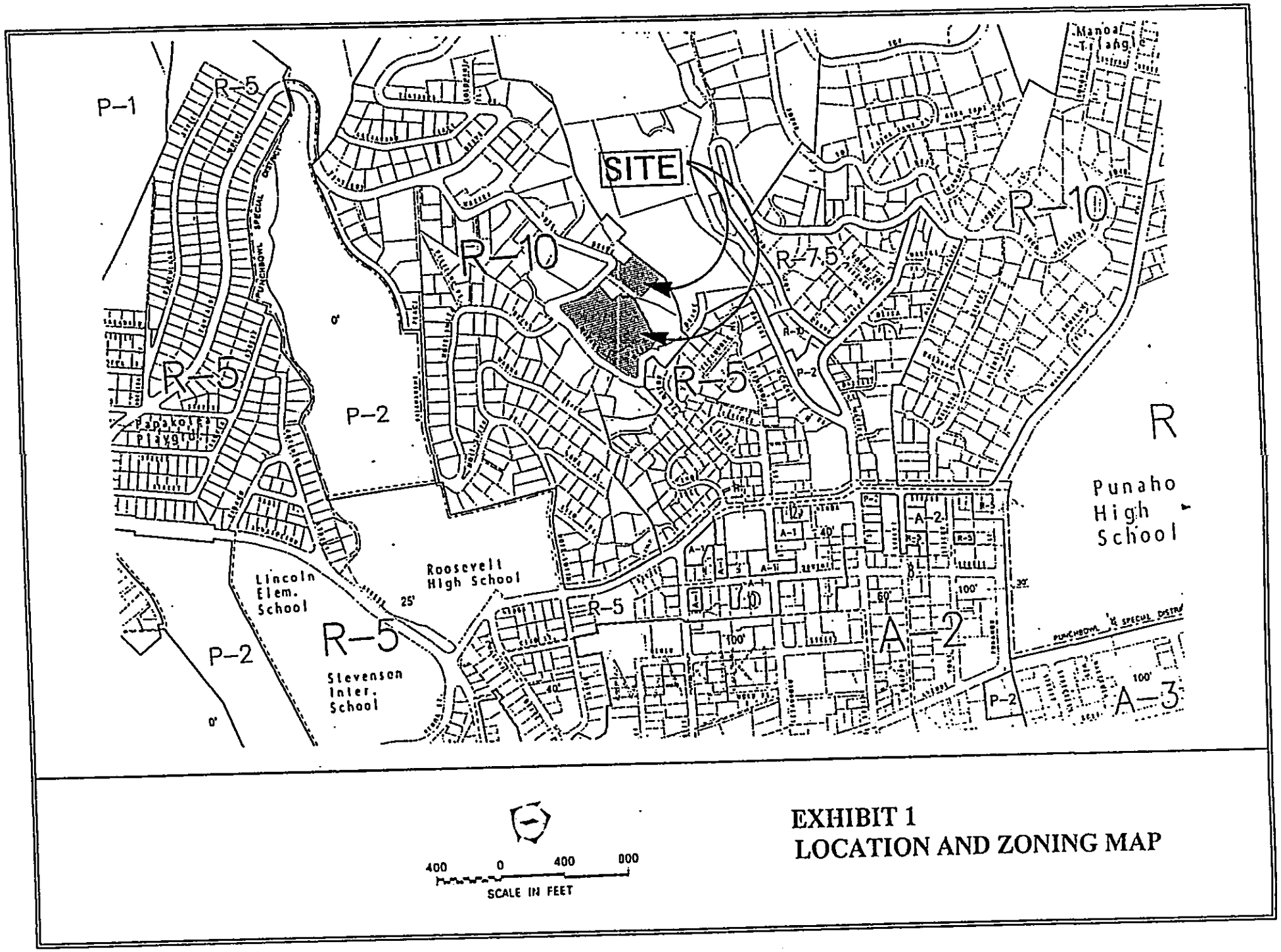

EXHIBIT 1
LOCATION AND ZONING MAP

TO: **Director Henry Eng, FAICP**
Department of Planning and Permitting (DPP)
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

2005 MAY 31 PM 12 45

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU
Tel 781-2807

FROM: **Ms. Tracy Miyahara, Chair**
Makiki Ohana Community Association (MOCA)
2342 Hoalu Place
Honolulu, Hawaii 96822

DATE: May 27, 2005

RE: **The Contemporary Museum (TCM)**
2411 Makiki Heights Drive

Last August, TCM submitted a Draft Environmental Assessment (DEA) to DPP. Director Crispin rejected it as incomplete. The current revised DEA is dated March 2005. By review of the two documents, the scope and scale of the project has doubled within six months. Clearly there is no definitive master plan guiding TCM's vision for their future. There seems to be a collection of shotgun ideas of the moment depending upon succession of project firms representing TCM. The plan and physical model displayed last year by TCM at no less than 4 separate community meetings is considerably different from the current one. The model of the project in the revised DEA was displayed to the public only once, 3 weeks ago, at the May 5, 2005 special meeting of the Makiki Neighborhood Board. The community received the agenda on Monday the 2nd for the Thursday nights meeting yet more than 50 people were in attendance, ten times that of most regular meetings. At one of TCM's presentations last year, with proper notification, we had over 100 people in attendance at Roosevelt High School.

I am sure there has been a considerable amount of questions submitted by the community regarding the DEA. This is to be expected for two reasons – first, there was only 1 two-hour opportunity for direct questions to TCM staff and planners, and secondly, none of the major questions from the August 2004 DEA have ever been answered. I hope that DPP will ensure that each and every letter and query on file is responded to in a timely fashion. At the May regular meeting of the Makiki Neighborhood Board (May 19, 2005), Director Georgianna Lagoria was asked about timely response to the community's questions by Chair Steelquist. Director Lagoria deferred to Mr. Keith Kurahashi of Kusao and Kurahashi, Agent for TCM, who said that although TCM is required to respond to all questions submitted by May 28th, there is no deadline on response time. This was disconcerting for the community to hear.

The following community concerns were brought up to me by MOCA membership.

1. ARE 68 EVENINGS THE TOTAL NUMBER OF NIGHTTIME OPERATIONS THAT TCM IS NOW PROPOSING?

As part of The Contemporary Museum's proposed development, TCM "will request the following amendments to the 1986 Conditional Use Permit and the 1986 Makiki Heights Community Association Agreement:" [Draft Environmental Assessment dated March 2005(DEA), p. 12]

"i. Allow extended hours for the Museum on Thursday nights (presently 10:00 am to 4:00 pm, allow opening until 9:00 pm). This evening opening for an additional five hours, on Thursdays only, will accommodate visitors that are unable to visit during regular Museum hours of operation." [DEA, p. 12]

Currently allowed to operate during the day only on Thursdays for 6 hours. This would be an increase of 83% to 11 hours per each Thursday, until 9:00 pm at night.

Current Conditional Use Permit - 6 nights per year
Additional 52 weeks per year of Thursdays – 52 nights per year
Sub total - 58 nights per year

(Item ii. relates to increase of Sunday operation hours.) [DEA, p. 12]

(Item iii. relates to addition of outdoors public address system.) [DEA, p. 12-13]

(Item iv. relates to increase in visitor occupancy.) [DEA, p. 13]

(Item v. relates to increase in attendance at 6 current evening events) [DEA, p. 13]

(Item vi relates to increase in size of allowable buses.) [DEA, p.13-14]

"vii. Allow an additional large event (500 persons) to accommodate the Contempo on the Museum property. In the past, this event was held on the Museum property (1988 through 1994). The applicant is extremely happy with the existing venue for the

Contempo event (the Neiman Marcus Store), however, in the event that the Neiman Marcus Store is not able to offer its Ala Moana store as a venue, the applicant would like to move the event onto the Museum property." [DEA, p. 14]

Current Conditional Use Permit - 6 nights per year
Proposed - 52 Thursdays per year
Plus – Contempo – (500 persons) – until 12:00 midnight
Subtotal – 59 nights per year

"ix. Allow 9 new evening events for a maximum of 50 cars/100 persons. These evening events will allow an opportunity to welcome prospective donors to the Museum and help promote fund raising efforts to allow continued operation of the Museum." [DEA, p. 15]

Current Conditional Use Permit – 6 nights per year
Plus – Contempo – until 12:00 midnight
Plus – 9 new nighttime events
Proposed – 52 Thursday nights per year

THIS BRINGS THE TOTAL PROPOSED NIGHTTIME OPERATIONS TO: 68 NIGHTS PER YEAR.

2. THE TRAFFIC ASSESSMENT (APPENDIX IV) IS OUTDATED AND INCOMPLETE

The information for Table 1 – Existing Traffic Volumes on page 2 of Appendix IV has statistics that are over 12 years old (1993) for some of the busiest streets. It seems unrealistic that the Lunalilio onramp project would have been taken on with the listed, outdated, statistics.

The only category with data that is less than 5 years old is the driveway counts taken in September 2003. **Please note that the only actual counts taken (Appendix of Appendix IV) were done within a 24-hour period from Tuesday, June 29, 2004 (03:30PM - 05:00PM) and Wednesday, June 30, 2004 (10:30AM - 02:00PM).** Neither of these counts was taken while school would be in session (summer break) nor during an evening to accurately show the impact on local traffic. The smaller nighttime events, the Thursday nights and 9 events of 100 persons would add corresponding numbers of personal vehicles. The 6 night events of 300 and Contempo would require shuttle buses running up and down the hill for the duration of each event.

Under the Recommendations listed on page 8 of Appendix IV, there is a concern listed regarding the routing of construction vehicles. At the May 19, 2005 regular meeting of the Makiki Neighborhood Board, Mr. Ray Heath was introduced as the construction manager for TCM. He was the manager for the Hanahaoli School expansion and should be familiar with the traffic flow at that end of Makiki Heights Drive, especially during the school day mornings. Several members brought up the concern that during school days, there is no room for construction vehicles. Further, who will be the community liaison from TCM during the construction phase? Apparently there were numerous complaints for over 9 months of construction from the community regarding the Hanahaoli expansion, specifically hours of construction, especially on the weekends, and continuous noise from construction trucks backing up (beeping).

The traffic assessment does not mention or address the sub-standard roads of Makiki Heights. In many items of correspondence, that have not been included in the DEA, the residents of Makiki Heights as well as the Makiki Neighborhood Board have addressed this issue. It is a standing agenda item for the Makiki Neighborhood Board and has been for the last year. For the portion of Makiki Heights Drive between TCM and Nehoa Street, State Senator Fukunaga, Councilman Tam, and three different teams of city engineers have looked at and addressed this problem within the last year. This was in response to 3 landslides that created complete road closures within the last six months on the limited section of Makiki Heights Drive extending from TCM to Nehoa Street.

3. **WHERE IS ALL THE COMMUNITY CORRESPONDANCE DATED AFTER JULY 2004?**

It appears that as stated previously, this DEA is incomplete, copying on many parts the rejected DEA of last year with no new updates. This displays a complete lack of recognition regarding community concerns that have been brought up after July of last year by MOCA, MHCA, the Makiki Neighborhood Board, and other members and residents of the Makiki area.

I reviewed the current DPP file with Ms. Sharon Nishiura's permission. If all the correspondence within it were included in the draft DEA, there would be many more questions on file for the applicant's response as well as an accurate timeline and sum total of the community's questions and requests for information.

4. **IS TCM ACKNOWLEDGING THAT IT HAS VIOLATED THE 1986 CUP FOR THE PAST 11 YEARS WITH ARTSPREE?**

"viii. Provide formal approval of the ArtSpree (annual community open house). The annual ArtSpree event provides an open house and free admission to (sic) Museum

from 10:00 am to 4:00 pm and allows neighbors and the art community an opportunity to enjoy the Museum free of charge." [DEA, p. 14]

By consensus of the 20-year plus residents surrounding TCM, and the records on file at the Department of Planning and Permitting, there was NEVER any approval for ArtSpree during the past 11years. During the second community meeting held in July 2004 at the Roosevelt High School Cafeteria, TCM Director Lagoria was asked about the inception of ArtSpree and whether the applicable permits had been taken out each year with the City and County of Honolulu. She disavowed all knowledge of any permits and placed the blame on the volunteer who ran ArtSpree the previous year. This lady was sitting in the audience and replied that she did not know that any permits were required.

At the May 19, 2005 regular meeting of the Makiki Neighborhood Board, the same lady was present, introduced as a docent of TCM and once again said to the Board that she was responsible for the oversight.

The larger question concerns the oversight of the staff of TCM. Who is ultimately responsible?

5. THE 86/CUP-10 (APPENDIX III OF THE DEA) IS INCOMPLETE AS PUBLISHED AND IS THERE A FURTHER VIOLATION INDICATED?

Page 2 under FINDINGS OF FACT refers to an "Exhibit C" but none is documented. Where is Exhibit C?

Further, several residents have noted at community meetings that valets and police assistance are not provided for all museum functions, just ArtSpree, a daytime event. With the addition of so many nighttime events, this is a particular concern. Will this same condition apply to every Thursday night? Are the nights that the restaurant is open considered an "event"? What if there is a larger event on a Thursday Night when the restaurant is open? Are the guests of the event allowed to go to the restaurant? How does the community know which of the several different capacity nighttime events are happening at any given evening, e.g. Thursday restaurant/TCM, 100 persons, 300, or 500? See next question.

6. IS THE RESTAURANT ANCILLARY TO TCM?

"iv. Increase the visitor occupancy from 80 persons to 100 persons. The increase in visitor occupancy is needed to accommodate the visitor occupancy of the Museum particularly during periods when school students are receiving art education at the Museum. These students and their teachers can number up to 60 persons per visit

which presently leaves only an additional 20 that can be on site at the same time for Museum visitations." [DEA, p. 13]

Increase of 25% at any given time during TCM's daily operating hours. Does this include the occupancy limit of 55 persons in the café?
As affirmed by TCM Board of Trustees President Vi Loo, the Board has made the decision to maintain TCM's CURRENT policy of NOT restricting café admittance to museum patrons, and not to surcharge anyone wishing to dine at the café without visiting any exhibits.

6. WHY WAS THE PROPOSED TENT NOT INCLUDED IN THE PHYSICAL MODEL SHOWN TO AT THE SPECIAL MEETING OF THE NEIGHBORHOOD BOARD? IS THIS TENT PERMANENT?

Page 11 of the DEA describes a "new tent canopy structure of 2,160 square feet for staging opening and re-packing of storage crates in a protected area". This was not displayed on the model at the May 5, 2005 meeting. TCM presenters did not bring it up. This is a significant amount of ground cover and brings up several questions. If the structure is permanent, is it safe with the heavy winds Makiki Heights has been experiencing? Evidence the several downed trees over the past year? If the tent is temporary, how often will it go up/down and will staff do this or will professional crews and equipment have to be enlisted to accomplish this each time?

I sent a letter to DPP this week regarding the DEA. I hope that Ms. Nishiura has received the CD. Although the uploading of the DEA might not have helped many for the deadline of the 28th, it was a commitment made to MOCA membership and further, will be the only opportunity for many members to view the proposed expansion plans of TCM. We recognize the continuing process and want to contribute to it.

Sincerely,

Tracy Miyahara
Chair
Makiki Ohana Community Association

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

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August 18, 2005

Ms. Tracy Miyahara, Chair
Makiki Ohana Community Association (MOCA)
2342 Hoalu Place
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Miyahara:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 27, 2005. The following responds to your comments:

You mentioned that, in the six months since our original Draft EA (July 2004) was filed and rejected as incomplete in August of 2004 and our March 2005 Draft EA was filed that the scope and scale of the project has doubled. On page 11 of the July 2004 Draft EA, it was noted that the proposed expansion included an 11,900 square foot new Permanent Collection Gallery and storage area for the Permanent Collection would be developed. On page 10 of the March 2005 Draft EA, it was noted that the proposed expansion to the existing Museum property would include 14,399 square feet in support of two Gallery Buildings, a covered courtyard, a storage level and a new basement Gallery. On page 11, the Draft EA went on to note that two new storage sheds (165 and 310 square feet, respectively) would replace two larger existing storage sheds and a new gift shop office (139 square feet) would be added. Other improvements noted in the narrative and on the plans for both Draft EA's result in no further increase in floor area between the July 2004 and March 2005 Draft EAs. The resulting 3,113 square foot increase in floor area in the March 2005 Draft EA represents a 26% increase in total floor area over the 12,900 square feet noted in the July 2004 Draft EA not a doubling of scope and scale which would represent a 100% increase. The proposed modifications to conditions have not changed and thus no greater impact is proposed between the

July 2004 and March 2005 Draft EAs. The applicant has not been able to find the doubling in the scope and scale of the project that you have referenced.

As you have mentioned, since May 23, 2004 there have been changes to the proposed facilities expansion plan and use/activity relocations. In the Draft EA, the applicant has redesigned its proposed galleries to break up a former large gallery space (6,000 square feet) on the upper level into two smaller galleries (Gallery A - 2,300 square feet and Gallery B - 2,567 square feet) separated by a covered courtyard (620 square feet), reducing the bulk associated with the former design. This change was done to reduce the bulk and visual impact of the previous structure in response to concerns from residents about the massive size of the originally proposed upper level gallery. The applicant has also placed some gallery space underground (Gallery C) to minimize visual impacts on the surrounding residences. With these changes, the applicant's proposed gallery space has been reduced from 8,500 square feet to 8,061 square feet, while the proposed storage space (including mechanical room and electrical room) went from 3,400 square feet to 6,338 square feet. This increased space will have minimal impact on operations due to its use as storage. The Galleries, storage and mechanical rooms went from 11,900 square feet to 14,399 square feet in the Draft EA. In order to increase the setback from Makiki Heights Drive from the 25 feet proposed in the Draft EA to 30 feet for the Final EA, the applicant has reduced the floor area for the Galleries, storage and mechanical rooms to 11,930 square feet, while maintaining the concept of breaking up the Gallery space into Gallery A and Gallery B separated by the covered courtyard and an underground Gallery C. While the floor area has remained about the same as the original 11,900 square feet, the impacts have been significantly reduced in relation to bulk since Gallery C is underground and Galleries A and B are separated by a covered courtyard.

In the Draft EA, the applicant has also relocated the Museum Gift Shop, originally planned to be located in the Pietsch property to the upper floor of the Cooke-Spalding building at the site of the former library and added a gift shop office (139 square feet) . The final change was to replace a couple of storage spaces that encroached into the front yard setback outside of the front yard setback rather than simply demolish those structures. The applicant feels that these changes represent improvements over the previously presented design and will provide needed expansion areas that will allow the Museum to provide exhibits even during the

weeks immediately preceding a gallery opening and periods immediately following a gallery opening. These changes will also allow the display of the Museum's permanent collection and storage of the remainder of the permanent collection on-site.

The current Draft EA plans and programs represent the long-range plan for the Museum. The applicant had been proceeding with conceptual plans to proceed through the environmental process. More detailed designs had been planned to be developed further along in the process. At the request of DPP greater effort was put into the design of the structures and a design architect was hired to provide greater detailed drawings.

You are correct in that the two neighborhood board meetings held in May 2005 on The Contemporary Museum were very well attended. The applicant and others in the audience noted that there appeared to be more attendees that supported the Museum expansion than opposed it. This was very evident in the number of persons testifying in support rather than in opposition to the Museum expansion.

The applicant further notes that many in attendance at the meeting held at Roosevelt High School were also there in support of the proposed Museum expansion.

DPP has received a significant amount of comment letters on the Draft EA and has provided them to the applicant for response. The applicant will provide responses to concerns raised in the comment letters.

We appreciate the concern that there is no deadline for the applicant's response to questions and comments on the Draft EA, however, the applicant intends to respond to these comments in a timely fashion, bearing in mind that some questions will be responded to with additional studies or comments by the applicant's consultants.

1. 68 Evenings

   The applicant concurs with your determination that the applicant is requesting opening the Museum until 9:00 pm on Thursday nights or one

night a week for regular operations; allowing the Contempo one night a year until midnight; allowing 9 additional events with about 100 persons in attendance until about 10:00 pm; and continuing to allow 6 night activities a year until about 10:00 pm. These 52 nights of regular Museum operation; 6 existing evening events; and 10 new proposed evening events will total 68 evenings per year as you have noted.

The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the Contempo was approved for up to 450 persons. In approving Contempo, the Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

> "If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event."

The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval.

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved Contempo event from 450 persons to 500 persons on the Museum property.

2. Traffic Assessment

Table 1 of the Traffic Assessment showed available existing traffic data in the upper Makiki area. There is other, more recent data available on Wilder Avenue and the freeway, however this data would not provide additional information regarding possible impacts of the proposed project due to the

distance of these travelways from the project site. The age of the count data was judged to be of little consequence, since the character of the neighborhood has not changed significantly over the last 15 years. The traffic due to The Contemporary Museum was identified and compared with other traffic on Makiki Heights Drive. The project's greatest impact to traffic is expected during the hours the Museum is open (10:00 AM to 4 PM), times during which school-related traffic is not an issue (while school-related traffic could contribute to volumes in the early afternoon, the peak afternoon traffic occurs later in the day). Regarding impacts during evening hours, the traffic assessment includes a graph showing the traffic volume distribution through the day; evening traffic volumes are considerably less than daytime volume. While this may indicate a greater impact in terms of the percent increase due to Museum activities, questions about the ability of the roadways to handle the traffic should be answered (note that the traffic due to the Museum was based on the parking provided on the site; therefore, one of the related conclusions is that if on-site parking is inadequate for the planned event, off-site parking with shuttle services will need to be provided).

The manual counts taken at the Museum's driveway were used to evaluate conditions at the driveway and would not be affected by school traffic, which affected volumes in the morning peak period (7:00 a.m. to 8:00 a.m.). The manual count did not include the morning and late afternoons since TCM is not open during these times. As far as the effect of "summer vacation" on the traffic volumes, we believe that this effect is minimal on Makiki Heights Drive, since school-related traffic is probably due to private schools in the area, all of which have summer programs that are well attended.

The Traffic Assessment in the Draft EA stated as follows:

"The larger facility could be expected to have higher number of attendees (300 instead of 200 people), which would require increased capacity in off-site parking and shuttle capacities. The proposed 90 parking spaces on-site would accommodate some of these visitors; others may need to park off-site and be transported to the property using shuttles. The project's potential impact to traffic on the adjoining streets has been estimated for full use of the off-street parking lot, with a complete turnover in one hour. Traffic in this highest hour would

increase from an existing 61 vehicles per hour each way (arriving at the site and leaving the site) to 90 vehicles per hour each way. During special events, the additional traffic due to shuttle buses used to transport visitors from off-site parking areas to The Contemporary Museum is estimated to be less than ten vehicles per hour in each direction. The project traffic would still be less than the threshold for preparing a traffic report that was cited above. The increase in traffic would not create congestion, with the frequency of a vehicle on the street increasing from an average of about one every 30 seconds to one every 20 seconds with consideration of the maximum impact of the six larger events."

"The potential increase in traffic from about 120 vehicles per hour (two-way volume) to 140 vehicles per hour on a typical day would not create congestion. Even during the infrequent special events, when traffic is estimated to double, from 90 vehicles per hour to 180 vehicles per hour(total in two directions), traffic volumes would be well below the capacity of the surrounding roadways (with capacities conservatively estimated at one vehicle every six seconds in each direction, or 600 vehicles per hour)."

The evaluation for construction access in the traffic assessment was done only for two criteria: the number of sharp curves on the alternate routes, and the number of affected residences. The evaluation was intended to be a starting point for the construction manager, who must also take into account physical conditions of the roadway, the type of vehicles, and any weight/height/width restrictions. The graph of traffic volumes in the Makiki heights area will also provide information for scheduling the movement of construction equipment and material.

The traffic assessment was intended to identify the project impact, rather than provide an assessment of existing conditions on the area roadways (note that the cited problem of landslides occurred after the traffic assessment was completed).

The concern about the routing of construction vehicles will be discussed in the project's traffic management plan for construction that will be developed prior to start of construction; will be a collaborative effort

between the Museum administrator, the traffic engineer, the construction manager and the contractor; will be reviewed and approved by DPP; and will consider the following:

1. Impacts to morning drop off at Hanahauoli School and Roosevelt High School (times may vary depending on construction during summer months or the regular school year).
2. Other construction sites in the area.
3. Roadway condition along different routes.

The construction manager will be the community liaison during the construction phase.

The applicant appreciates the efforts being made by all parties to address concerns about the roadway system in Makiki Heights. The applicant looks forward to participating in future meetings on this important issue.
The Contemporary Museum in the interest of pedestrian safety, has been trimming a pathway for pedestrians in the area fronting their property to provide a safer pathway outside of the lane of traffic. The Museum has also cleared overgrowth and trimmed back trees at the hairpin turn on the lower portion of The Contemporary Museum.

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

The embankment supporting a portion of Makiki Heights Drive between Hoalu Street and the Nature Center have been washed away, due to heavy rainfall. The City has provided a low berm along the edge of pavement to redirect water away from the embankment and flashing light barricades to mark the area. Based on discussions with staff at the Department of Facilities Maintenance and a review of the City's GIS website, the area that would need to be improved (embankment) is owned by the State. The City has been working with the State to determine jurisdictional responsibilities for improving the embankment. Until jurisdiction is determined, this portion of Makiki Heights Drive is not expected to be improved.

The project does not create new slopes near the lot boundaries. Slope hazard to surrounding properties does not change. A secondary effect of the on-site infiltration system is a slight improvement in slope conditions for properties located makai of the site because of the reduced stormwater quantity flowing down Makiki Heights Drive. This reduction in stormwater flow will reduce the potential for slides in the area.

3. Community Correspondence After July 2004

The Draft EA consultant apologizes for the oversight in not updating the community correspondence appendix in the current Draft EA. Community correspondence will be updated to reflect correspondence between the community and The Contemporary Museum received between July 23, 2004 and the present (until the Final EA is completed and packaged for printing).

4. ArtSpree

The Director of the Museum and the person in charge of coordinating the ArtSpree event were not aware that a permit process was available for the approval of ArtSpree as a temporary use. Since this was brought to their attention earlier this year, the Museum has applied for and received approval of a temporary use permit from Department of Planning and Permitting (DPP), with conditions to mitigate traffic impact. The Director of the Museum accepts full responsibility for the oversight in not processing the necessary permit for earlier events.

As mentioned earlier, the ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by an earlier minor modification approval.

5. 86/CUP-10 In Appendix III Is Incomplete

Exhibit C will be included in the Final EA.

Thursday night openings and restaurant evening hours every two Thursdays a month are considered part of the Museums normal operating hours and no additional traffic mitigation measures are planned. The nine 100 person events are also within the proposed occupancy limit for daily Museum operations (a 25% increase over the existing occupancy limit) and should not require extraordinary traffic mitigation measures. The ArtSpree, Contempo, and the six 300 person events will be provided with valet service, shuttle bus service and police assistance, as needed. The Café will be closed during these special events. The Director of the Museum agrees to contact the leaders of the two community associations (Makiki Heights Community Association and MOCA) that have been active in the review of the proposed Museum expansion in advance of these special events and will note the type of event occurring, ArtSpree, Contempo, 100 person event or 300 person event.

6. Restaurant (Café)

The applicant believes that the museum visitors dining at the Café (55 person seating capacity) are included in the 100 person maximum occupancy for the Museum. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces.

7. Proposed Tent

The tent (canopy) is a permanent structure. The presentation focused on the major improvements planned for the Museum expansion, including the new Galleries (A, B, and C) and the storage and underground parking. The proposed canopy is situated in a courtyard surrounded by buildings or structures on three sides and a roofed gate structure on the fourth side. Other minor planned improvements were also not included in the model that was presented. The structure will be designed to meet building code requirements related to its ability to withstand certain wind velocities.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

2493 Makiki Heights Drive
Honolulu, HI 96822
May 27, 2005

2005 MAY 31 PM 12 46

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

Re: Environmental Assessment on TCM's Expansion Plan

I have lived in Makiki Heights for almost 40 years. I am writing in support of The Contemporary Museum. Expansion Plan as described in the recently published Draft Environmental Assessment. The Contemporary Museum has been bringing the world of contemporary art to our island community through its innovative exhibitions and outreach to our schools. For seventeen years, the Museum has been a considerate and respectful neighbor. The Museum's plans to add a permanent collection gallery and the adaptive reuse of adjacent historic properties will allow the Museum to better serve the community, while having minimal impact on the surrounding neighborhood.

I have viewed the architects' designs and plans for the new wing and am very pleased with the care, creativity and consideration of neighborhood concerns that went into the designs. I am most impressed with the fact that the Museum is dedicated to preserving its several acres of green space and its current beautiful gardens. It is also important to me that the Museum is committed to maintaining its café service at its current levels. Finally, and most importantly, the Museum is an incredibly important community asset that I am proud to have as a neighbor.

I also would like to take issue with the "safety" concerns raised in opposition to the Museum's plans. For thirty-eight years I have driven up and down those roads. I have only witnessed one accident, and that was on a weekend morning, and was in no way connected to Museum visitors. While it is true that the nature of the roads present certain safety concerns, I do not believe that the Museum's presence or plans impact those concerns one way or the other.

Thank you for your consideration of my views. I hope you will approve the Museum's plans, for the benefit of the neighborhood and the state in general.

Yours truly,

Patsy Bunn

Patsy Bunn

cc: Georgianna Lagoria, Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

Honorable Rod Tam
City Council, C & C Honolulu,
530 S. King Street, Room 202
Honolulu, HI 96813

Senator Carol Fukunaga
Legislature - State Capitol
Honolulu, HI 96813

Representative Brian Schatz
Legislature - State Capitol
Honolulu, HI 96813

Mr. Henry Eng
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

KUSAO & KURAHASHI, INC.
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August 18, 2005

Ms. Patsy Bunn
2493 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Bunn:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 27, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

2005 MAY 31 PM 12 46

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

5/27/2005

Ms. Sharon Nishiura, Dept of Planning and Permitting
650 King Street
Honolulu, Hawaii 96813

Regarding the draft ea for use of a historic site (the contemporary museum), Honolulu , Hawaii

Dear Ms. Nishiura,

My family moved to this neighborhood in 1955. I remember the ambiance of spaulding house and its wonderful gardens. The new plans as indicated in the draft ea for the use of a historic site (the contemporary museum) do not seem to aim to retain that ambiance.

What has not been addressed by the ea are
1.The fixing of makiki heights drive to accommodate the current and increased traffic due to the construction of expanded facilities and expansion of museum activities (increased hours, increased number of events, and increased number of visitor
2. Alternatives before the road is fixed
3.Alternatives to the proposed expansion

1.The support of a section of makiki hts drive between the museum and the road to the Hawaii nature center has been eroded away so that a section of the road is hanging in mid air. The road needs to be repaired now and before any construction starts on the museum. Since rod tam has stated that the City has no funds to repair the road, how does the museum propose to have it fixed so that its visitors and its construction crew can safely go to and from the museum?.

2. , the museum has not stated in the EA how they will route traffic so that makiki hts drive will not be stressed to the point of collapse before the road is fixed.

3 the rationale for the expansion was not adequately explored in the ea. The ea doesn't explain why alternative sites of expansion cannot be used, such as
a. cooperation with the children's museum in kakaako
b. more outreach on site programs with makiki library, papakolea, Waianae, the north shore such as kahuku, Waimanalo. Some students in those areas would not be able to afford a field trip to the museum so the museum should be taken to them; so exhibition sites can be located in libraries, or recreation centers, or parks in those areas instead of increasing exhibition space in makiki hts.

I understand that the museum needs to expand their activities to be financially viable and to accomplish its goal of service. To keep the integrity of its unique current ambiance of quiet, cool gardens and to effectively reach many students who would not ordinarily make it to the museum, the museum can schedule many of its activities and facilities elsewhere

as suggested above.

Sincerely yours,

Lenora Springer 2749 Tantalus Dr, Hon HI 96813

Cc:
Ms. Georgianna Lagoria, Director, The Contemporary Museum
Mr. Keith Kurahashi, Kusao & Kurahashi
Director, OEQC
Mr. Ray Sasaki

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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August 18, 2005

Ms. Leonora Springer
2749 Tantalus Drive
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Springer:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 27, 2005. The following responds to your comments:

1. The Traffic Assessment in the Draft EA stated as follows:

   "The larger facility could be expected to have higher number of attendees (300 instead of 200 people), which would require increased capacity in off-site parking and shuttle capacities. The proposed 90 parking spaces on-site would accommodate some of these visitors; others may need to park off-site and be transported to the property using shuttles. The project's potential impact to traffic on the adjoining streets has been estimated for full use of the off-street parking lot, with a complete turnover in one hour. Traffic in this highest hour would increase from an existing 61 vehicles per hour each way (arriving at the site and leaving the site) to 90 vehicles per hour each way. During special events, the additional traffic due to shuttle buses used to transport visitors from off-site parking areas to The Contemporary Museum is estimated to be less than ten vehicles per hour in each direction. The project traffic would still be less than the threshold for preparing a traffic report that was cited above. The increase in traffic would not create congestion, with the frequency fo a vehicle on the street increasing from

an average of about one every 30 seconds to one every 20 seconds with consideration of the maximum impact of the six larger events."
"The potential increase in traffic from about 120 vehicles per hour (two-way volume) to 140 vehicles per hour on a typical day would not create congestion. Even during the infrequent special events, when traffic is estimated to double, from 90 vehicles per hour to 180 vehicles per hour(total in two directions), traffic volumes would be well below the capacity of the surrounding roadways (with capacities conservatively estimated at one vehicle every six seconds in each direction, or 600 vehicles per hour)."

The Contemporary Museum in the interest of pedestrian safety, has been trimming a pathway for pedestrians in the area fronting their property to provide a safer pathway outside of the lane of traffic. The Museum has also cleared overgrowth and trimmed back trees at the hairpin turn on the lower portion of The Contemporary Museum in an attempt to improve visibility around that turn.

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site

driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

2. Alternatives before the road is fixed

Maikiki Heights Drive will not be significantly impacted by the proposed expansion of The Contemporary Museum and has adequate capacity for the projected increase in vehicular traffic. Physical improvement of the road's travel lanes, except for the replacement of raised pavement markers, are not proposed.

3. Alternatives to the proposed expansion

The Draft EA discussed two alternatives to the proposed expansion. The Final EA will add a third alternative of relocating the Museum to another location.

1. The support of Makiki Heights Drive on the section between Hoalu Street and the Nature Center.

The embankment supporting a portion of Makiki Heights Drive between Hoalu Street and the Nature Center have been washed away, due to heavy rainfall. The City has provided a low berm along the edge of pavement to redirect water away from the embankment and flashing light barricades to mark the area. Based on discussions with staff at the Department of Facilities Maintenance and a review of the City's GIS website, the area that would need to be improved (embankment) is owned by the State. The City has been working with the State to determine jurisdictional responsibilities for improving the embankment. Until jurisdiction is determined, this portion of Makiki Heights Drive is not expected to be improved.

Should this section of the roadway not be improved by the time construction begins on the Museum expansion the applicant will recommend that it's

larger construction vehicles not travel down Makiki Heights Drive but find other routes after leaving the Museum.

The project does not create new slopes near the lot boundaries. Slope hazard to surrounding properties does not change from development on the Museum property. A secondary effect of the on-site infiltration system is a slight improvement in slope conditions for properties located makai of the site because of the reduced stormwater quantity flowing down Makiki Heights Drive. This reduction in stormwater flow will reduce the potential for slides in the area. This may help in improving the situation that led to the support problem presently experienced on Makiki Heights Drive.

2. Routing of traffic so as not to stress Makiki Heights Drive

As mentioned above, depending on the condition of Makiki Heights Drive the applicant will consider other routes for large construction vehicles. The applicant's contractor will be responsible for any damage to Makiki Heights Drive that occurs as a result of the contractor's large construction vehicles.

3. The rationale for expansion not adequately explored. Explain alternative sites such as cooperation with the children's museum in Kakaako and more outreach programs with Makiki Library, Papakolea, Waianae, the North Shore (Kahuku) and Waimanalo.

The Draft EA explained the need for the proposed expansion briefly in the Introduction section, as follows:

"Collectively the expansion onto the three parcels of land will allow the Museum to better serve the community; provide structures to display and store its permanent collection; provide space for the education of children and adults of the Hawaiian Isles and visitors alike; and provide needed expansion area to eliminate crowded office spaces, provide a larger area for the Library, provide space for Docents and provide additional parking stalls dedicated to employees and Docents."

The body of the Draft EA went on to expand on the needs described above.

The need for secure and climate controlled storage space for the storage of the Museum's permanent collection was a primary reason for the proposed expansion.

The exhibit space at the alternative sites mentioned are limited and would be able to handle only a fraction of the Museum's permanent collection, without a major land purchase and construction of a new major Museum facility, the cost of which would be difficult if not impossible to raise. Land costs will be especially high, particularly with the cost of land in the Urban areas of Honolulu. The Museum would like to maintain a convenient location for its members and Museum visitors. Operating costs at the new site would also be a concern. Locating at another site would also not help in the Museum's mission to develop a public appreciation and understanding of contemporary art through exhibition and education programs, through the collection and preservation of art since 1940, and to preserve, maintain, and present the historic Spalding House and Gardens for the enjoyment and enrichment of Hawaii's residents and visitors. The Museum could not afford to construct and open a new site and continue its mission to preserve, maintain and present the historic Spalding House. These locales while providing an opportunity to provide a brief introduction to contemporary art would not provide venues for more comprehensive exhibits. The Museum will continue to do these smaller exhibits to introduce residents to contemporary art, but still needs the expanded gallery space on property to provide a comprehensive exhibit for its permanent collection and storage space and additional employee parking to service the needs of the Museum.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

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DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Mr. Eric Crispin, AIA
Director of Planning and Permitting
City and County of Honolulu
650 So. King St, Honolulu, HI 96813

Dear Mr. Crispin,

I am writing to urge your support in the granting of a new Conditional Use Permit for The Contemporary Museum. The museum's plans for the future allow it to serve the community better and still keep our gracious and historic neighborhood undisturbed.
The museum has been a good neighbor in every sense. It has been considerate and caring about it's neighbors. It has a strong sense of its place in this historic area, and contributes to its preservation by keeping the beautiful gardens and the lovely estates.

Please allow The Contemporary Museum to realize its plans for the benefit of the people of Hawaii.

Thank you for your attention.

Nancy Williamson

Nancy Williamson
2659 Tantalus Dr.
Honolulu, HI 96813

Cc to: Honorable Rod Tam
Senator Carol Fukunaga
Representative Brian Schatz

KUSAO & KURAHASHI, INC.
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August 18, 2005

Ms. Nancy Williamson
2659 Tantalus Drive
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Williamson:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) received on May 27 by the Department of Planning and Permitting. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

2005 MAY 31 AM 10 22

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

May 27, 2005

Dear Ms. Nishiura,

I am writing in response to concerns about The Contemporary Museum's plans for expansion and the Draft Environmental Assessment.

I live in Palolo but have also lived in Aiea, Manoa, Kaimuki, and Tantalus. I appreciate good neighbors. I would definitely appreciate a neighbor who ended parties early, had on site security, took care of parking for their parties, offered me parking for MY parties, and did not put up architectural eyesores or build to the absolute zoning limit. I would definitely appreciate a neighbor who was willing to share beautiful gardens, exciting events, and artworks. I wish all my neighbors were as sensitive and responsive as The Contemporary Museum.

I am an artist, a painter. As an artist, I appreciate a museum that embraces nature as an meaningful context. Beautiful gardens, a view of fast-changing Honolulu, the ocean and sky beyond – this is an stimulating challenge to the equally challenging artwork the museum presents. The Contemporary Museum's unique mission and site are a great gift to us all. And expanded museum would be an even greater gift.

Thank you for allowing me this opportunity to express my support of TCM's plans for expansion.

Aloha,

Mary M. Mitsuda
2448 Halelaau Place
Honolulu, HI 96816

cc:
Georgianna Lagoria, Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Mary M. Mitsuda
2448 Halelaau Place
Honolulu, Hawaii 96816

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Mitsuda:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 27, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

GALEN C. K. LEONG
1717 MOTT-SMITH DRIVE, APT. 3411
Honolulu, Hawaii 96822

May 27, 2005

Mr. Keith Kurahashi
Kusao & Kurahashi
Manoa Market Place
2752 Woodlawn Drive, Suite 5-202
Honolulu, Hawaii 96822

Re: The Contemporary Museum

Dear Keith:

Enclosed are two copies of a compilation entitled Makiki Heights Owners, Residents and Former Residents Who Support The Contemporary Museum's Application for a Conditional use Permit – May 26, 2005. Please use this document as you deem appropriate in connection with the Draft Environmental Assessment which is presently pending with the Department of Planning and Permitting.

Sincerely yours,

Galen C. K. Leong, Trustee
The Contemporary Museum

GCKL:gckl
Enclosures

cc: The Contemporary Museum (Attn: G. Lagoria)
(with one copy of the enclosure)

MAKIKI HEIGHTS OWNERS, RESIDENTS AND FORMER RESIDENTS WHO SUPPORT THE CONTEMPORARY MUSEUM'S APPLICATION FOR A CONDITIONAL USE PERMIT

MAY 26, 2005

May 26, 2005

Mr. Henry Eng
Director
Department of Planning and Permitting
650 South King Street
Honolulu, Hawaii 96813

Re: **Draft Environmental Assessment for The Contemporary Museum; Tax May Key Nos. 2-5-8:1, 2 and 4**

Dear Mr. Eng:

The undersigned residents of Makiki Heights feel that the so-called Makiki Heights Community Association does not adequately represent the views of a majority of the owners and residents of homes in Makiki Heights.

We wish you to take note of the owners and residents of Makiki Heights who have signed petitions or written letters to evidence their support of the museum's current initiatives – all of these have been compiled in the accompanying document. All of these supporters understand The Contemporary Museum's plan to apply for a revised Conditional Use Permit and to obtain approval for the improvement of its historic structures in order to accommodate in a more appropriate fashion its numerous educational activities and for the construction of new galleries in order to exhibit works from its outstanding permanent art collection on a regular basis.

You will see that so far the owners or residents of at least 40 lots, representing no fewer than 59 individuals, have evidenced in writing their support of The Contemporary Museum's plans. We hope that you will consider the voices of this large number of Makiki Heights citizens who have gone on record in support TCM's efforts.

Sincerely yours,

Richard Reese
2457 Makiki Heights Drive

Jon Bryant
2457 Makiki Heights Drive

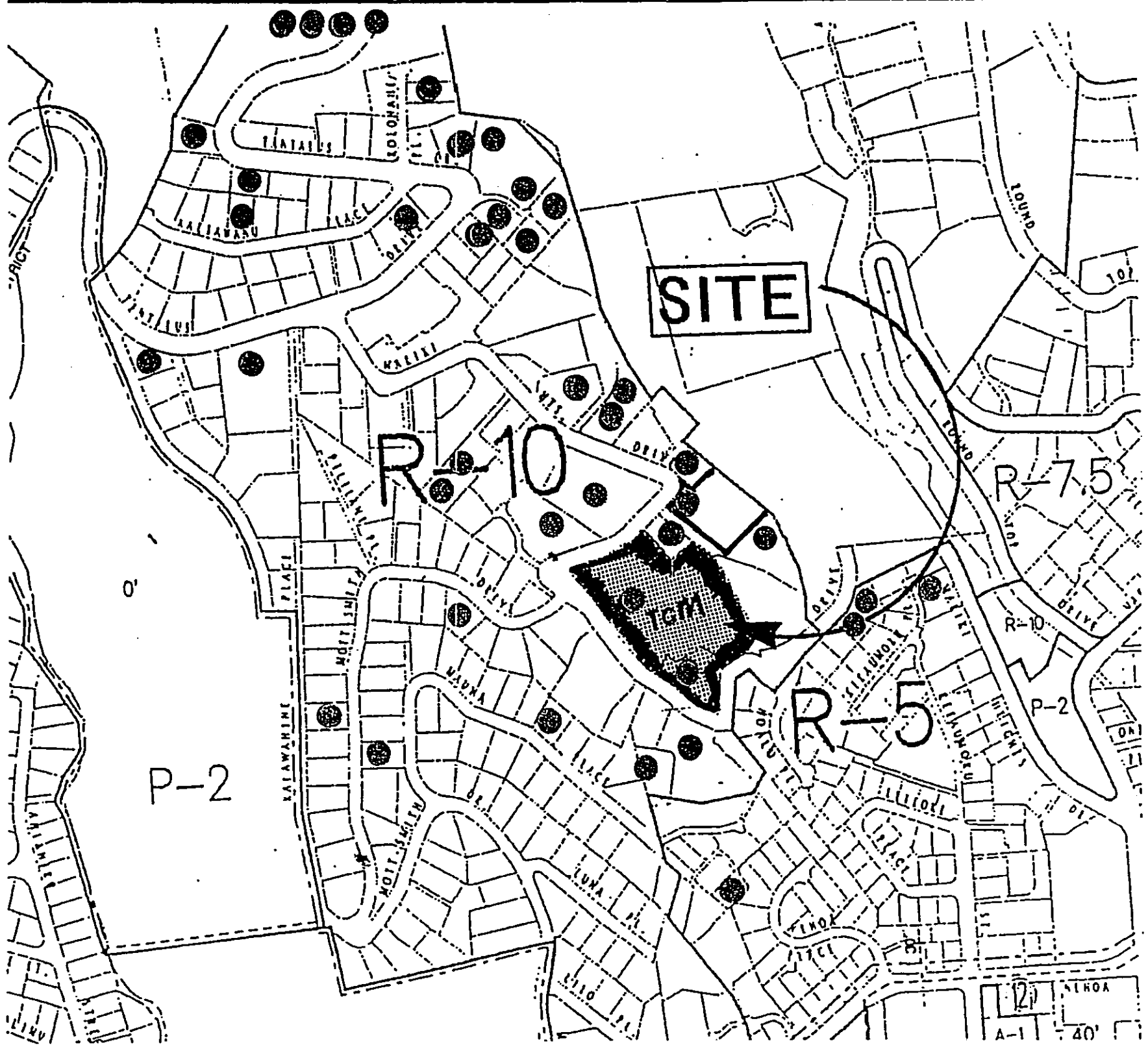
Didi Leong
2651 Tantalus Drive

cc: Keith Kurahashi
The Contemporary Museum

Makiki Heights Owners, Residents and Former Residents Who Support TCM's CUP Application as of May 24, 2005

No.	Name and Address	Address	Signed Petition	Letter
1.	Alan and Melinda Tucker	2260 Makiki Heights Dr.	Yes	Yes
2.	Francis T. C. Leong	2266 Makiki Heights Dr.	Yes	
3.	Dennis and Susan Fitzgerald	2338 Makiki Heights Dr.	Yes	
4.	Richard Chamberlain*	2345 Makiki Heights Dr.	Yes	
5.	Linda E. Dunn	2411 Makiki Heights Dr.	Yes	
6.	Keith and Allison Holt Gendreau	2420 Makiki Heights Dr.	Yes	
7.	John Shimokawa	2439 Makiki Heights Dr.	Yes	
8.	John and Karin Koga	2447 Makiki Heights Dr.	Yes	
9.	Richard Reese and Jon Bryant	2457 Makiki Heights Dr.	Yes	Yes
10.	Ramon and Oona Perez de Ayala	2490 Makiki Heights Dr.		Yes
11.	Robert B. and Frances B. Bunn	2493 Makiki Heights Dr.	Yes	Yes
12.	Robin B. Martin	2493A Makiki Heights Dr.	Yes	
13.	Joan Namkoong*	2495 Makiki Heights Dr.	Yes	
14.	Daniel and Ann Holt	2505 Makiki Heights Dr.	Yes	
15.	Claire Butler	2522 Makiki Heights Dr.	Yes	Yes
16.	Yukie Fujiyoshi	2507 Tantalus Dr.	Yes	
17.	Mike and Trish O'Neill	2549 Tantalus Dr.		Yes
18.	Didi Leong	2651 Tantalus Dr.	Yes	
19.	George and Patricia Schnack	2655 Tantalus Dr.	Yes	
20.	Harwood and Nancy Williamson	2659 Tantalus Dr.	Yes	
21.	James Growney	2667 Tantalus Dr.	Yes	Yes
22.	Linda Wong	2667A Tantalus Dr.	Yes	
23.	Faye Kimura	2667C Tantalus Dr.	Yes	Yes
24.	Doris Ogawa	2671 Tantalus Dr.	Yes	
25.	Don and Eunice Carroll	2756 Tantalus Dr.	Yes	
26.	Timothy Bostock and Melanie Holt	2766 Tantalus Dr.	Yes	
27.	Jefferson Finney	3302 Tantalus Dr.	Yes	Yes
28.	Jon Staub	3302A Tantalus Dr.	Yes	
29.	Jean and Robert Marchant	3830 Tantalus Dr.	Yes	Yes
30.	Karen C. Perkins	3798 Tantalus Dr.	Yes	
31.	Jay and Nancy Grekin	2636 Aaliamanu St.	Yes	
32.	Marian Chuck	2691 Aaliamanu St.	Yes	
33.	Doris Ip	2691 Aaliamanu St.	Yes	
34.	Cedric Chun	2721 Kolonahe Pl.	Yes	
35.	Steve and Karen Torkildson	2052 Mott-Smith Dr.	Yes	
36.	Robert Hartley	2094 Mauna Place	Yes	Yes
37.	Betty Ng Kamsat	2016 Mauna Place	Yes	
38.	Rosemary Fazio and David Randell	2150 Mauna Place	Yes	
39.	Kenneth Bushnell	2081 Keeaumoku Place	Yes	
40.	Juli Kimura Walters and Riley Jaschke	151 Kalaiopua Place	Yes	
41.	Blake Johnson	2445 Makiki Heights Drive	Yes	
42.	Todd and Kimberly Funasaki	2157 Mott-Smith Drive	Yes	

*Denotes former resident who signed Petition before moving


SITE
R-10
R-7.5
R-5
P-2
TCM
0'
40'
A-1

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

For seventeen years, The Contemporary Museum at the Cooke-Spalding House in Makiki Heights has been bringing the world of contemporary art to our island community through its innovative exhibitions and outreach to our public and private schools.

A permanent collection gallery on the existing unused tennis court and the adaptive reuse of existing structures, including the relocation (without expansion) of the Contemporary Café to the Cooke-Peterson property, will provide critically needed exhibition and storage space as well as dedicated covered space for the museum's vital education programs for children and adults. An exhaustive Environmental Assessment has been submitted.

For the above changes, a new Conditional Use Permit is required. We, the undersigned, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum which would allow the Museum to better serve the community.

Signature: Melinda A. Tucker Date: 5/25/05

Print Name: Melinda A. Tucker

Address: 2260 Makiki Heights Dr.

Signature: [illegible] Date:

Print Name: Alan Tucker

Address: 2260 Makiki Heights Dr.

Signature Date:

Print Name:

Address:

Signature Date:

Print Name:

Address:

Mindy & Alan Tucker
2260 Makiki Heights Drive
Honolulu, HI 96822

May 26, 2005

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

Thank you for the opportunity to address the expansion plans of The Contemporary Museum. I am a neighbor residing on Makiki Heights Drive, just down the hill from the museum. My overall points are these: In our American society a neighborhood has a responsibility to house schools, churches and museums; and, The Contemporary Museum is a good neighbor who has given thoughtful consideration to the residents and the greater community of Honolulu in fulfilling its mission.

I believe that it is an obligation of a suburban neighborhood to embrace the presence of schools, churches, and museums. Schools provide for the socialized and academic development of our children so that they can fully participate in a future community of educated, informed, responsible adult citizens. Churches contribute to our community by maintaining a spiritually based code of ethics and practices individuals use to govern their daily lives. Museums allow for cultural enrichment and a preservation of our rich history. Together they work to create a better society for us to live in and assure the continued evolution of a civilized world.

Our suburban neighborhood houses both private and public schools, numerous churches both large and small, The Hawaii Nature Center and The Contemporary Museum. Their facilities are sprinkled amongst our houses and apartment buildings from the top of the mountain down to the H-1 Freeway. Yes, we hear the laughter, cheers and roars of the students on campus. Yes, we hear the whine of the shuttle buses taking folks to and from church on Sundays. Yes, we hear the increased traffic delivering school children and adults to the Nature Center and The Contemporary Museum. Yet, at what cost...my family considers it a small price to pay for a better world.

One of the accoutrements that made this suburban neighborhood so desirable for my family is its ability to appear like a little pocket of "country," right here adjacent to the city of Honolulu. You can hear the breeze blowing through the trees. You are surrounded by the ripe freshness of greenery. Most of the lots are large and many of them bordered by conservation land.

My husband and I consider The Contemporary Museum an asset to the neighborhood. The museum has friends visit that do not arrive in vehicles with stereos pulsing so loudly that you are digging around for the earplugs you used last New Year's Eve. In fact, the

museum has friends that visit during the day time when most of us are at our jobs, out doing our volunteer work, or are at home vigorously caring for our yards and houses. The museum provides their guests with parking, and even allows us (all neighbors) to *utilize their parking lot for our own private functions.*

I don't feel that what my neighbor, the museum, is planning in the way of expansion is exorbitant. In fact, says my husband the engineer, its design is thoughtful and considerate not only to the site they occupy, but looking from the street there is no visible change. This expansion is essential for the museum in fulfilling their continuing mission to provide an accessible forum for provocative, dynamic forms of visual art, offering interaction with art and artists in a unique Island environment through innovative exhibition and educational programs.

To live this mission, The Contemporary Museum requires a campus that includes a new wing and properties which provide space for permanent collection and education programs with a minimal impact to neighborhood. They plan to use existing homes (historic properties) for programs that keep the museum at a residential scale. The new wing takes into consideration the residential nature of the neighborhood by calling for the construction of three smaller units in balance with the estate rather than one large facility. How fortunate for our suburban neighborhood that in addition to preserving art from 1940 to the present, the Museum also maintains and presents the historic homes and gardens for the enjoyment and enrichment of Hawai'i's residents and visitors.

You may be aware that not all of the work that The Contemporary Museum undertakes is on the Makiki campus. The Contemporary Museum houses an exhibition site in the First Hawaiian Tower in downtown Honolulu. Equally important to the museum is educational outreach. In addition to providing on-site educational materials and customized programs for individuals and groups, gallery talks and workshops relating to exhibitions are held throughout the year, outreach programs work with teachers throughout the state to develop individualized programs and curricula for classes in art, as well as integrating art with other areas of study.

Can you imagine how the face of the neighborhood would change if the museum were to leave us, potentially selling their five acres? Families would move in. Nice families that would have lots of friends and relatives visit day and night. They would give lovely parties that would go on for all hours. After all, they would have the same covenant that my cherished neighbors do across the valley, the ones that play bongo drums and have disco parties. The museum is restricted by the city via their conditional use permit to limit their evening functions by number per year and by curfew.

When I looked around at the community meetings on May 23, 2004, and May 19, 2005, I saw a significant number of residents who cared enough about where we live and who we live with, I am honored. Here is a group of concerned citizens who has energy to challenge the issues that devalue the precious place in which we reside. In my opinion the challenges are these:

1. Racers. Persons who choose our neighborhood to test the competence of their skill and vehicles on the streets where we live – day and night. We hear the whine of their engines, more often in the summer months than others. Of particular concern to some who live on Makiki Heights Drive is the possibility of them flying off the road land in our living rooms.
2. Drug Dealers/Drinkers: persons who select our neighborhood parks and scenic vistas to solicit and distribute drugs and/or hold their own parties while imbibing in alcoholic beverages. Something needs to be done to prohibit the transaction of drug deals and diminish the amount of illegal drinking along our neighborhood streets – day and night.
3. Litter and Dumping. Both commercial enterprises and individuals from the community at large find our "mostly quiet" roads appropriate for the disposal of unwanted items such as hot water heaters, televisions, car tires, empty beverage containers of all types, mattresses, etc. Posting of signs and immediate removal of debris by residents does not seem to deter these destructive incidences from occurring.
4. Other crimes. Papakolea is just on the other side of the ridge where a drug-crazed robber shot a gentleman right on his own property. There are numerous newspaper stories painting our suburban neighborhood a place thieves go to after stealing or jacking cars – and then have little regard for shooting police, dragging police officers with their stolen vehicles, or even the danger they place residents in while they do so.

My fervent hope is that we can take our collective energy demonstrated at the many neighborhood meetings pertaining to The Contemporary Museum's expansion plans and address the issues that truly threaten the quality of life we share in this neighborhood. The museum is a terrific neighbor. Let's use that relationship to maintain the sophistication, the ambiance, and the dignity of where we choose to live. After all it is our obligation to our society to be inclusive of schools, churches, *and* museums in our suburban community to assure the continued evolution of a civilized world.

Aloha,
Mindy Tucker

Honorable Rodney Tam
Senator Carol Fukunaga
Represenative Brian Schatz
Makiki Neighborhood Board

TO: ***HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu***

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

For seventeen years, The Contemporary Museum at the Cooke-Spalding House in Makiki Heights has been bringing the world of contemporary art to our island community through its innovative exhibitions and outreach to our public and private schools.

A permanent collection gallery on the existing unused tennis court and the adaptive reuse of existing structures, including the relocation (without expansion) of the Contemporary Café to the Cooke-Peterson property, will provide critically needed exhibition and storage space as well as dedicated covered space for the museum's vital education programs for children and adults. An exhaustive Environmental Assessment has been submitted.

For the above changes, a new Conditional Use Permit is required. We, the undersigned, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum which would allow the Museum to better serve the community.

Signature Francis T. C. Leong **Date:** 5/18/05

Print Name: FRANCIS T. C. LEONG

Address: 2266 Makiki Heights Drive

Signature _____ **Date:** _____

Print Name: _____

Address: _____

Signature _____ **Date:** _____

Print Name: _____

Address: _____

Signature _____ **Date:** _____

Print Name: _____

Address: _____

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

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For the above changes, a new Conditional Use Permit is required. We, the undersigned, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum which would allow the Museum to better serve the community.

Signature [signature] Date: 5/19/05

Print Name: Dennis Fitzgerald

Address: 2332 Makiki Hts.

Signature Susan R. Fitzgerald Date: 5-19-05

Print Name: 2332 Makiki Hts Drive 96822

Address:

Signature Date:

Print Name:

Address:

Signature Date:

Print Name:

Address:

We, the undersigned residents of Makiki Heights, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum, Honolulu, (TCM) which would allow the Museum to better serve the community.

Signature [illegible] Date: Sept. 8, 04 (4)

Name: RICHARD CHAMBERLAIN

Address 2345 MAKIKI HEIGHTS DR.

Signature Date:

Name: Jim Growney (21)

Address 2667A Tantalus 96813

Signature [illegible] Date: 10/26/04

Name: JOAN NAMKOONG (13)

Address 2495 MAKIKI HTS DR

Signature Joan Namkoong Date: 11/06/04

Name:

Address

Signature Date:

Name:

Address

Signature Date:

Name:

Address

Signature Date:

Name:

Address

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: *Councilman Rod Tam*, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

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For the above changes, a new Conditional Use Permit is required. We, the undersigned, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum which would allow the Museum to better serve the community.

Signature [signature] **Date:** 5/18/05

Print Name: John T. Koga

Address: 2447 Makiki Hts Dr

(8)

Signature Karin Koga **Date:** 5/19/05

Print Name: Karin Koga

Address: 2447 Makiki Hts Dr

Signature Linda E. Dunn **Date:** 5/19/05

(5)

Print Name: Linda E. Dunn

Address: 2411 Makiki Hts. Dr.

Signature **Date:**

Print Name:

Address:

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

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For the above changes, a new Conditional Use Permit is required. We, the undersigned, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum which would allow the Museum to better serve the community.

Signature Allison Holt Gendreau **Date:** 5-17-05

Print Name: Allison Holt Gendreau

Address: 2420 Makiki Hts. Dr.

Signature [illegible] **Date:** 5-17-05 (6)

Print Name: Keith Gendreau

Address: 2420 Makiki Hts. Dr.

Signature Karen Torkildson **Date:** 5-17-05

Print Name: Karen Torkildson (35)

Address: 2052 Mott-Smith Dr.

Signature Steve Tor[illegible] **Date:** 5-17-05

Print Name: Steve Torkildson

Address: 2052 Mott-Smith Dr.

To: Eric Crispin, AIA, Director, Department of Planning and Permitting, City and County of Honolulu cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

<u>From: Undersigned Residents of Makiki Heights</u>

The Contemporary Museum, Honolulu, Conditional Use Permit

For fifteen years, The Contemporary Museum at the Cooke-Spalding House in Makiki Heights has been bringing the world of contemporary art to our island community through its innovative exhibitions and outreach to our public and private schools.

A permanent collection gallery on the existing unused tennis court and the adaptive reuse of existing structures, including the relocation of the Contemporary Cafe to the newly acquired Pietsch/Peterson property, will provide critically needed exhibition and storage space, as well as dedicated covered space for the museum's vital education programs for children and adults.

For the above changes, a new Conditional Use Permit is required. We, the undersigned residents of Makiki Heights, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum, Honolulu, (TCM) which would allow the Museum to better serve the community.

Signature John N. Shimokawa **Date:** 31 Aug 04 (7)

Name: JOHN N. SHIMOKAWA

Address 2439 Makiki Heights Dr.

Signature R Hartley **Date:** 9/1/04 (36)

Name: ~~2094 Mauna Pl~~ Robert Hartley

Address 2094 Mauna Pl. Honolulu HI 96822

Signature [illegible] **Date:** (41)

Name: Blake Johnson

Address 2445 Makiki Hts Hon 96822

Signature Cedric **Date:** 9/7/04

Name: CEDRIC CHUN (34)

Address 2721 KOLONAHE PL 96813

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

For seventeen years, The Contemporary Museum at the Cooke-Spalding House in Makiki Heights has been bringing the world of contemporary art to our island community through its innovative exhibitions and outreach to our public and private schools.

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For the above changes, a new Conditional Use Permit is required. We, the undersigned, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum which would allow the Museum to better serve the community.

Signature Bud Spindt Date: 5/18/05

Print Name: BUD SPINDT

Address: 41-037 EHUKAI ST. WAIMANALO, 96795

Signature Jon Bryant Date: 5/18/05

Print Name: Jon Bryant

Address: 2457 Makiki Heights Dr. Honolulu 96822

Signature Rina Reese Date: 5/18/05

Print Name: 21 RICHARD REESE

Address: 2457 MAKI HTS. DR. HONO 96822

Signature Date:

Print Name:

Address:

(9)

Post-it™ brand fax transmittal memo 7671 | # of pages ▸

To Brian Leong	From Rina Reese
Co.	Co.
Dept.	Phone # 591-1155
Fax # 533-0945	Fax #

May 26, 2005

Mr. Henry Eng

Director of Planning & Permitting
650 South King Street
Honolulu, HI 96813

Dear Mr. Eng,

As one of the homeowners of 2457 Makiki Heights Drive, which is, adjacent to the Johnson home donated to the Contemporary Museum by Thurston Twigg-Smith. I feel it necessary to express how I feel about the current discussion of the expansion of the Contemporary Museum.

I would like for it to be on record that I have received and read the Draft Environmental Assessment For Use Of An Historical Site The Contemporary Museum. I would also like for it to be on record that I am in full support of the museum's initiatives. It seems that most of the reasons against the expansion that have been publicly discussed as major problems have nothing to do with the Contemporary Museum.

The problems that have affected the quality of my life as a resident is the lack of the Honolulu Police Department enforcing the speed limit in a residential zone and the fact that when two city buses meet in the curve in front of my house, they cannot pass. Another problem is that the car salesmen from the various luxury car dealerships bring potential buyers up to Tantalus Drive to see how well the cars handle (speed in the curves). The youth in Honolulu racing up Makiki Heightsa Drive and Tantalus Drive are not in a rush to get to the museum. They are street racers with identifiable cars.

I am relieved when the Contemporary Museum has an evening event because they hire off duty HPD to direct what little traffic might make it up the hill. Most attendees know that they have to park at Roosevelt High School with the Contemporary providing a shuttle. It is much more peaceful on those evenings because HPD's presence seems to deter racing on those nights.

If Makiki Ohana Community Association wants to preserve the a`ina of the land, then what better way than to have the homes donated to the museum declared historic and preserved? The museum has already done that. This also keeps these properties from being subdivided to create more housing resulting in more traffic. The Contemporary will use the sprawling properties as a place for children to release creative energy in a peaceful tropical garden. The great thing is that none of this is at the taxpayer's expense.

Jon Bryant

Jon Bryant
2457 Makiki Heights Dr
Honolulu, HI 96822

RAMON PEREZ DE AYALA
2490 Makiki Heights Drive
Honolulu, HI 96813

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

May 23, 2005

Ms. Nishiura:

We have recently purchased the property located at 2490 Makiki Heights Drive (TMK: (1) 2-4-035-002) which is located directly across the street from the Contemporary Museum.

My wife, my children, and I have enjoyed the museum and its grounds for many years.

We are writing you to express our support for The Contemporary Museum and its current expansion plans. We are confident that the proposed plans are not going to significantly change the residential and historic character of the neighborhood.

We feel that The Contemporary Museum makes very important contributions to our community such as: bringing contemporary art and artists to the islands, preserving historic building and spaces, and educating our children in art and art appreciation beyond anything that is available at their schools.

As new neighbors, we have been impressed by the professionalism and courtesy displayed by the museum administrators and their staff. We are convinced that their attitude, attention to detail, and careful planning will ensure that the proposed expansion occurs smoothly and becomes a great addition to the community and the neighborhood.

For these reasons, we support The Contemporary Museum, its current expansion plans, and we urge you to approve the project.

Sincerely,

Ramón Pérez de Ayala

cc. Georgianna Lagoria
Director, The Contemporary Museum

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: *The Contemporary* Museum Conditional Use Permit

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For the above changes, a new Conditional Use Permit is required. We, the undersigned, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum which would allow the Museum to better serve the community.

Signature Frances B. Bunn **Date:** 5/18/05

Print Name: FRANCES B. BUNN

Address: 2493 Makiki Hts Dr, Hon 96822

Signature Robert B. Bunn **Date:** 5/18/05 (11)

Print Name: Robert B. Bunn

Address: 2493 Makiki Hts. Drive, Honolulu 96822

Signature Robin B Martin **Date:** 5/19/05 (12)

Print Name: ROBIN B. MARTIN

Address: 2493-A MAKIKI HTS. DR HON HI 96822

Signature **Date:**

Print Name:

Address:

2493 Makiki Heights Drive
Honolulu HI 96822

May 23, 2004

Mr. Eric Crispin, AIA
Director of Planning and Permitting
City and County of Honolulu
650 South King St
Honolulu, HI 96813

Dear Mr. Crispin,

I live at the above address, and have since 1967. I am aware of the application of The Contemporary Museum for a modification of its Conditional Use Permit.

The Museum has been an excellent neighbor, and, in my opinion, a much better one than the previously proposed subdivision on the Spaulding property would have been. The existence of the Museum has preserved the lovely gardens at that location, and added to the cultural life of Honolulu.

As neighbors, my family and I pass the Museum several times a day, most days, and we have never been obstructed in our use of the roads, or aware of any undue concentrations of people there. They are very careful to abide by their old CUP.

The conversion to museum use of the Peterson and Persis Corp properties will not create any undue use of the lands involved, and, in our opinion, will probably create less additional traffic than residential use of those properties by persons who would be unrestrained in loud private parties, as to both as to numbers of persons and noise levels.

The value to the community of having a place for more of the Museum's permanent collection to be displayed, and providing for an additional 20 person occupancy (as well as other modest changes proposed), are, in our opinion, very worthwhile.

Please grant the revisions to the Museum's Conditional Use Permit, as applied for.

Very Truly Yours

Robert B. Bunn

Robert B. Bunn

11

CC: Honorable Rod Tam
Senator Carol Fukunaga
Representative Brian Schatz

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

For seventeen years, The Contemporary Museum at the Cooke-Spalding House in Makiki Heights has been bringing the world of contemporary art to our island community through its innovative exhibitions and outreach to our public and private schools.

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For the above changes, a new Conditional Use Permit is required. We, the undersigned, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum which would allow the Museum to better serve the community.

Signature [signature] Date: 5-19-05

Print Name: TIMOTHY BOSTOCK

Address: 2766 TANTALUS DRIVE, HON 96813

(26)

Signature [signature] Date: 5-19-05

Print Name: MELANIE H. F. HOLT

Address: 1908 JUDD HILLSIDE ROAD, HON 96822

Signature [signature] Date: 5-19-05

Print Name: Daniel Holt

Address: 2505 Makiki Hts. Dr. 96822

(14)

Signature [signature] Date: 5-19-05

Print Name: Ann Holt

Address: 2505 Makiki Hts. Dr. 96822

TO: **HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu**

cc: **Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz**

RE: **The Contemporary Museum Conditional Use Permit**

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Signature [signature] **Date:** 5/18/05

Print Name: CLAIRE BUTLER

Address: 2522 MAKIKI HTS DR. HONOLULU, HI 96822

(15)

Signature _____ **Date:** _____

Print Name: _____

Address: _____

Signature _____ **Date:** _____

Print Name: _____

Address: _____

Signature _____ **Date:** _____

Print Name: _____

Address: _____

Copy

5/17/05

MR. ERIC CRISPIN, AIA
DIRECTOR of Planning & Permitting
City & County of Honolulu
650 So King St, Honolulu, HI 96813

DEAR MR. CRISPIN,
I HAVE LIVED ON MAKIKI HEIGHTS DRIVE FOR OVER 50 YEARS. I URGE YOU TO SUPPORT THE GRANTING OF A NEW CONDITIONAL USE PERMIT FOR THE CONTEMPORARY MUSEUM. FOR 15 YEARS, THE CONTEMPORARY MUSEUM AT THE COOKE-PALDING HOUSE ON MAKIKI HTS. DR. HAS BEEN BRINGING THE WORLD OF CONTEMPORARY ART TO OUR COMMUNITY THROUGH ITS INNOVATIVE EXHIBITIONS & OUTREACH TO OUR SCHOOLS. I APPROVE OF THE PLAN TO ADD A PERMANENT COLLECTION GALLERY & THE ADAPTIVE REUSE OF ADJACENT HISTORIC PROPERTIES - THIS WILL ALLOW THE MUSEUM TO BETTER SERVE THE COMMUNITY, WHILE HAVING A MINIMAL IMPACT ON THE NEIGHBORHOOD.

THE MUSEUM HAS BEEN A WONDERFUL & RESPONSIBLE NEIGHBOR. I AM HONORED TO HAVE THE MUSEUM HERE & I FEEL THAT THE MAKIKI HTS NEIGHBORS SHOULD APPLAUD & SUPPORT IT EFFORTS FOR IMPROVEMENT ~~& GROWTH~~. GROWTH.

Thank You
Claire Butler

CLAIRE BUTLER
2522 MAKIKI HTS DR
HONOLULU, HI 96822

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional *Use Permit*

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Signature Yukie Fujiyoshi **Date:** 5/18/05

Print Name: Yukie Fujiyoshi

Address: 2507 Tantalus DR

Signature **Date:**

Print Name:

Address:

Signature **Date:**

Print Name:

Address:

Signature **Date:**

Print Name:

Address:

MICHAEL E. and PATRICIA J. O'NEILL
2549 Tantalus Drive
Honolulu, Hawaii 96813

May 10, 2005

Ms. Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Ms. Nishiura:

As residents of Makiki Heights for nearly five years, we enjoy and fully appreciate this exceptional neighborhood with its beautiful trees, the clean air, the winding roads and the majestic views of the city. We are also blessed to have The Contemporary Museum as part of our community.

With a keen ongoing interest in the Museum, we have reviewed its expansion plans and feel that the architect has developed a model that perfectly respects the neighborhood and the setting. Once the addition is built, it will seem as if it has always been there.

There are people who will object to any changes, wherever and whatever they might be. Hopefully, their objections will not stop you from allowing The Contemporary Museum to move forward with their plans. It is a landmark institution which brings much enrichment for Honolulu and all of Hawaii.

Sincerely,

Michael E. O'Neill

Patricia J. O'Neill

Michael E. O'Neill

Patricia J. O'Neill

(17)

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

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Signature [signature] **Date:** 5/18/05

Print Name: DIDI LEONG

Address: 2651 Tantalus Drive

Signature **Date:**

Print Name:

Address:

Signature **Date:**

Print Name:

Address:

Signature **Date:**

Print Name:

Address:

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

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Signature: Patricia T. Schnack Date: May 19, 2005

Print Name: Patricia T. Schnack

Address: 2655 Tantalus Drive, Hono 96813

Signature: George F. Schnack Date: May 19, 2005

Print Name: GEORGE F. SCHNACK

Address: 2655 Tantalus Drive, Honolulu 96813

Signature: George F. Schnack Date: 5/19/05

Print Name:

Address:

Signature Date:

Print Name:

Address:

(19)

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

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Signature Nancy Williamson Date: 5-24-05

Print Name: Nancy Williamson

Address: 2659 Tantalus Dr. Honolulu HI 96813

X Signature Harwood D. Williamson Date: 5/24/05

Print Name: Harwood D. Williamson

Address: 2659 Tantalus Dr. Honolulu HI 96813

Signature Date:

Print Name:

Address:

Signature Date:

Print Name:

Address:

May 12, 2005

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

Dear Ms. Nishiura:

I am a member of the Contemporary Museum and have been a member of the Board of Directors for more than a decade. I am also a resident of Makiki Heights and belong to the Makiki Heights Community Association.

During my entire association with the museum, it has made every effort to be a good neighbor and to abide by the rules and regulations of the CUP, and the Board of Directors is determined to continue these efforts as long as the organization remains in existence. This is the reason that the Makiki community has given the museum overwhelming support and continues to do so. The art exhibits, school programs, art workshops, lectures and other activities are supported by residents from Makiki and all over Oahu.

Expanding the facilities to provide more exhibit space and room for workshops can be accomplished with marginal impact on existing traffic and noise. The number of people coming to the museum will still be limited by the available parking. The restaurant will be the same size as previously, and the bookstore patrons will be limited to those visiting the site. Art and student workshops will be constrained by the need to provide hands-on teaching to each individual. I am confident that the staff will be able to answer all of your questions in this regard.

Although I belong to the MHCA, I have no idea where the organization stands with regard to this project because to my knowledge they have not taken a poll of their members to determine how many of them support or oppose the project. If they would do so, I think it would be helpful and would enable you to determine the number of people belonging to the organization.

Aloha nui loa,

Jim Growney

Jim Growney
2667-A Tantalus Dr.
Honolulu 96813

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

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For the above changes, a new Conditional Use Permit is required. We, the undersigned, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum which would allow the Museum to better serve the community.

Signature: [signature] Date: 5-18-05

Print Name: Linda Wong

Address: 2667-B Tantalus Dr., Honolulu 96813

Signature _____ Date: _____

Print Name: _____

Address: _____

Signature _____ Date: _____

Print Name: _____

Address: _____

Signature _____ Date: _____

Print Name: _____

Address: _____

TO: **HENRY ENG, *Director, Department of* Planning and Permitting, City and County of Honolulu**

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

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Signature _____ **Date:** 5/19/05

Print Name: Faye Kimura

Address: 2667C Tantalus Dr 96813

Signature _____ **Date:** _____

Print Name: _____

Address: _____

Signature _____ **Date:** _____

Print Name: _____

Address: _____

Signature _____ **Date:** _____

Print Name: _____

Address: _____

May 19, 2005

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

Re: Environmental Assessment on TCM's Expansion Plan

Dear Ms. Nishuira:

I am a longtime resident of Makiki Heights and want to express my support for the plans submitted by The Contemporary Museum as described in the recently published Draft Environmental Assessment. I have always found the Museum to be a considerate neighbor. I believe having such an important non-profit institution in our neighborhood only enhances the community and increases the value of the property in the area. The purpose of the Museum to bring important contemporary art to our state as well to provide arts education experiences to adults and children of all ages is vital and well served by the beautiful facility.

I think that the Museum's plans for expansion are well done and more than adequately take into consideration and help preserve the residential nature of its environment. I am reluctant to think about what would happen if the Museum could not realize its goals and chose to move to an alternate site. I've seen the consequences of new housing development in other parts of this island. I truly believe that the Museum would be a much better neighbor than purchasers of the tens of new houses that could and would be constructed on that property.

I hope you will support the Museum's plans for the good of the neighborhood as well as the people of Hawaii.

Yours truly,

Faye Kimura
2667 C Tantalus
Honolulu HI 96822

cc: Georgianna Lagoria, Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

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For the above changes, a new Conditional Use Permit is required. We, the undersigned, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum which would allow the Museum to better serve the community.

Signature Doris Ogawa **Date:** 5/16/05

Print Name: DORIS OGAWA

Address: 2671 TANTALUS DR.

Signature _____ **Date:** _____

Print Name: _____

Address: _____

Signature _____ **Date:** _____

Print Name: _____

Address: _____

Signature _____ **Date:** _____

Print Name: _____

Address: _____

TO: **HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu**

cc: **Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz**

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Signature: Don E Carroll Date: 5/19/05

Print Name: DON E. CARROLL

Address: 2756 TANTALUS DR.

Signature: Eunice N. Carroll Date: 5/19/05

Print Name: EUNICE N. CARROLL

Address: 2756 Tantalus Drive

Signature: Date:

Print Name:

Address:

Signature: Date:

Print Name:

Address:

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

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Signature Timothy Rostock **Date:** 5-19-05

Print Name: TIMOTHY ROSTOCK

Address: 2766 TANTALUS DRIVE, HON 96813

(26)

Signature M. F. Holt **Date:** 5-19-05

Print Name: MELANIE H. F. HOLT

Address: 1908 JUDD HILLSIDE ROAD, HON 96822

Signature D. Holt **Date:** 5-19-05

Print Name: Daniel Holt

Address: 2505 Makiki Hts. Dr. 96822

Signature Ann Holt **Date:** 5-19-05

Print Name: Ann. Holt

Address: 2505 Makiki Hts. Dr. 96822

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

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Signature _____ Date: 05-19-05

Print Name: JEFFERSON FINNEY (27)

Address: 3302 TANTALUS DR 96822

Signature _____ Date: 05-19-05

Print Name: JON STAUB (28)

Address: 3302 ~~A TANTALUS DR~~

Signature _____ Date: 05/19/05

Print Name: JULI KIMURA WALTERS

Address: 151 KALAIOPUA PL. 96822 (40)

Signature _____ Date: 5/19/05

Print Name: _____ 5/19/05

Address: H. Riley Jaschke
151 Kalaiopua Place
Honolulu, Hi 96822

san francisco [580 miles] los angeles

05-12-05

Ms. Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 South King St.
Honolulu, HI 96813

Greetings:

I attended the meeting at the Makiki Community Center on May 5th, and at the time didn't feel quite prepared to convey my thoughts and sentiments on the expansion of the Contemporary Museum with clarity and precision. The following is an attempt to do so.

I think that the proposed addition will be an asset not just to our islands as a whole, but also to our Makiki/Tantalus community. I feel fortunate to live in such close proximity to this beautiful cultural institution.

"Art is literacy of the heart" is how Elliot Eisner, one of my esteemed Stanford professors, described art by way of introduction to a lecture titled "Art and the Development of the Child."

Of course, art is equally important in the cultural development of adults as well. My own experiences at the Contemporary Museum have all been memorable. I always notice something refreshingly new and come away from my museum visit feeling inspired and uplifted in spirit and outlook. It is this process that creates intrinsic value - often far too complex for words to adequately capture. Art is indeed the "literacy of the heart."

Yes, there probably will be more traffic on the roads leading to Makiki/Tantalus, but I'd like to think that residents who have established themselves in our community would have an understanding of the "greater good" to which the museum contributes both by means of the enlightened values it fosters through its panoply of programs and, importantly, by its very presence in the community.

If you haven't done so recently, I would urge you to visit the museum, take time to ponder a few pieces of their art, take a leisurely stroll through their gardens and experience the rich surroundings.

I appreciate the Contemporary Museum's efforts to include the community in their planning process, and applaud their plans for expansion.

Sincerely,

Jefferson Finney

27

Jefferson Finney 3302 Tantalus Drive - Honolulu Hawaii 96822 808 599.1312 cjfinney@aol.com

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

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Signature Jean C. Marchant Date: 5/19/05

Print Name: JEAN MARCHANT

Address: 3830 TANTALUS DR. HONOLULU 96822 (29)

Signature Robert B. Marchant Date: 5/19/05

Print Name: ROBERT B. MARCHANT

Address: 3830 TANTALUS DR HOND. 96822

Signature Karen C. Perkins Date: 5/19/05 (30)

Print Name: KAREN C. PERKINS

Address: 3798 TANTALUS DRIVE, HON 96822-5013

Signature Date:

Print Name:

Address:

Honolulu, Hawaii
May 25,2002

Ms.Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 So.King Srteet Honolulu, HI 96813

Dear Ms. Nishiura,

I have been watching, with interest, the plans that the Contemporary Museum has been working on for some time. I attended a meeting, early on, when questions and answers were presented to interested community members. I also went to the Museum for another informational meeting, shortly after the first one - for a guided tour .

The Contemporary Museum has been my down-the-hill-neighbor for 17 years, and of course, I believe it to be an asset to the community. That part of Makiki has always been a place of large historic properties and beautiful houses. The Contemporary Museum is a nice way of using that sort of the "old times" for Honolulu's people. How much better than breaking up these large pieces into subdivisions and more of the density found down in Makiki itself!

I'm sure the immediate neighbors have been inconvenienced, from time to time by events held there, and the traffic added to the day-to-day life in the area. This, I believe, is a small price to pay for having a facility of this type in our area. I also understand that the Museum has been a good neighbor, as well, allowing parking in their lot for parties and functions on private properties. The street is fairly narrow (and there are no sidewalks), but I cannot see that the Museum adds to this in any way.

Others, no doubt, have written telling you of the good and not-so-good things about having this lovely facility in the neighborhood. I will add my voice, to URGE YOU TO ALLOW the changes and improvements to our Contemporary Museum !

Sincerely

Jean C.Marchant
3830 Tantalus Drive
Honolulu, HI 96822

cc: Georgiana Lagonia,Rod Tam, Carol Fukunaga and Brian Schatz

TO: ***HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu***

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

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Signature [illegible] **Date:** 5/17/05

Print Name: NANCY N. GREKIN

Address: 2636 Aliamanu Place

Signature [illegible] **Date:** 5/17/05

Print Name: JAY L. GREKIN

Address: 2636 Aliamanu Place

Signature [illegible] **Date:** 5/18/05

Print Name:

Address:

Signature **Date:**

Print Name:

Address:

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

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Signature Marian C. Ahuck **Date:** 5-17-05

Print Name: MARIAN C. AHUCK (32)

Address: 2691 Aaliamanu Pl. Hon 96813

Signature [illegible] **Date:** 5-14-05

Print Name: DORIS IP (33)

Address: 2691 Aaliamanu Pl., Hon. 96813

Signature **Date:**

Print Name:

Address:

Signature **Date:**

Print Name:

Address:

May 24, 2005

Dear Ms. Nishiura,

I am writing to support for the Contemporary Museum's plans to expand their grounds and services to the community of Honolulu.

I live at 2094 Mauna Place, which is probably just sixty yards from the museum grounds. My family has enjoyed the Contemporary Museum and its events for many years. They have always been good neighbors, and we have never been disturbed by traffic or noise generated by their functions.

As a teacher, I appreciate the service they offer to the community at large, particularly in giving young people a chance to experience and appreciate art. The museum grounds offer a green, quiet haven easily accessible from busy urban areas. I encourage you to allow them to realize their proposed expansion in order to better serve our community.

Thank you for your thoughtful consideration of my letter.

Sincerely,

Robert Hartley

Robert Hartley

cc: Georgianna Logoria, Director
The Contemporary Museum

36

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

For seventeen years, The Contemporary Museum at the Cooke-Spalding House in Makiki Heights has been bringing the world of contemporary art to our island community through its innovative exhibitions and outreach to our public and private schools.

A permanent collection gallery on the existing unused tennis court and the adaptive reuse of existing structures, including the relocation (without expansion) of the Contemporary Café to the Cooke-Peterson property, will provide critically needed exhibition and storage space as well as dedicated covered space for the museum's vital education programs for children and adults. An exhaustive Environmental Assessment has been submitted.

For the above changes, a new Conditional Use Permit is required. We, the undersigned, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum which would allow the Museum to better serve the community.

Signature Betty Ng Kamsat **Date:** 5/20/05

Print Name: Betty Ng Kamsat

Address: 2016 Mauna Place Honolulu, HI 96822

Signature **Date:**

Print Name:

Address:

Signature **Date:**

Print Name:

Address:

Signature **Date:**

Print Name:

Address:

37

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

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Signature David J. Randell **Date:** 5/17/05

Print Name: DAVID J. RANDELL

Address: 2150 MAUNA PLACE Honolulu 96822

38

Signature Rosemary Fazio **Date:** 5/17/05

Print Name: ROSEMARY FAZIO

Address: 2150 MAUNA PL. HONO 96822

Signature **Date:**

Print Name:

Address:

Signature **Date:**

Print Name:

Address:

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

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Signature [illegible] **Date:** 3/17/05

(39)

Print Name: Kenneth Bushnell

Address: 2081 Keeaumoku Pl, Honolulu 96822

Signature _____ **Date:** _____

Print Name: _____

Address: _____

Signature _____ **Date:** _____

Print Name: _____

Address: _____

Signature _____ **Date:** _____

Print Name: _____

Address: _____

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Signature [signature] Date: 5/23/-5

Print Name: KIMBERLY FUNASAKI

Address: 2157 MOTT SMITH DR. HON, HI 96822

Signature [signature] Date: 5/23/05

Print Name: Todd Funasaki

Address: 2157 Mott Smith Dr Hon HI 96822

Signature Date:

Print Name:

Address:

Signature Date:

Print Name:

Address:

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. Galen C. K. Leong, Trustee
The Contemporary Museum
1717 Mott-Smith Drive, Apt. 3411
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Leong:

Thank you for your comments and compilation of Makiki Heights Owners, Residents and Former Residents Who Support The Contemporary Museum dated May 27, 2005.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

RECEIVED

'05 MAY 31 P1:48

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Tel 781-2807

TO: Director Henry Eng, FAICP
Department of Planning and Permitting (**DPP**)
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

FROM: Ms. Tracy Miyahara, Chair
Makiki Ohana Community Association (**MOCA**)
2342 Hoalu Place
Honolulu, Hawaii 96822

DATE: May 26, 2005

RE: The Contemporary Museum (**TCM**)
2411 Makiki Heights Drive
Tax Map Key Nos. 2-5-8: 1, 2 & 4

Availability of the Draft Environmental Assessment for Public Review

At the May 5, 2005 special meeting of the Makiki Neighborhood Board, The Contemporary Museum's Director Georgianna Lagoria committed to extending the deadline for public comment on the Draft Environmental Assessment (**DEA**) dated March 2005 to this Saturday, May 28th. She further committed to posting the entire DEA on TCM's website, **www.tcmhi.org.**

On May 7, 2005, I sent Director Lagoria a letter thanking her for the commitments made to the community. Copies of that letter were sent to you and Sharon Nishiura. Being able to access this information via the Internet is extremely important to the members of both MOCA and the Makiki Heights Community Association (**MHCA**). We have just a few copies of the DEA to share between both memberships, and there is a considerable amount of reading and translation of the architectural drawings involved. The copies at Manoa Public Library and DPP are for reference use only and may not be taken home. This is especially difficult for members that are working during weekdays, handicapped, homebound, or do not reside on Oahu, e.g., children or grandchildren of current elderly homeowners. The one DEA copy at the Makiki Library is allowed to circulate, and is presently checked out.

On May 18, 2005, I received a letter from Director Lagoria (which was copied to you and Ms. Nishiura) stating that TCM had determined that it was not feasible to post the DEA on their website. I am concerned about the timeliness of this decision, announced almost 2 weeks after the special meeting and 10 days from the new deadline. Also, both MOCA and MHCA had informed our memberships that the DEA would be available on the Internet. I called Ms. Nishiura to see if DPP had a CD of the DEA, and was informed that an electronic version of the DEA was not required to be submitted to DPP.

To fulfill my commitment to the memberships of both community organizations, MOCA has loaded the text and all diagrams and photos excluding the 11" x 17" foldout pages of the DEA onto **www.mocahawaii.net**. Further, we have CDs of the DEA available for loan and have so far distributed 10 copies to interested members.

I am including a copy of the CD with Ms. Nishiura's letter, with my sincere thanks for all of her assistance. Please make sure that it is included in TCM's file for public use. Anyone with a laptop can download it while at DPP. Surveying several members of both MOCA and MHCA has determined a download time range of 1 to 5 minutes per section, depending upon your equipment.

I am hopeful that TCM will choose to place its current Conditional Use Permits as amended, Final Environmental Assessment, and, upon filing, Conditional Use Permit Application on its website for better public reference. **This may be an appropriate condition for any permit that DPP may issue to TCM.**

Sincerely,

Tracy Miyahara
Chair
Makiki Ohana Community Association

cc: Sharon Nishiura, Department of Planning and Permitting
Raymond T. Sasaki, Jr., President, Makiki Heights Community Association
Georgianna Lagoria, Director, The Contemporary Museum
Hawaii State Senator Carol Fukunaga, District 11
Councilmember Rod Tam, Honolulu City Council, District 6
John Steelquist, Chair, Makiki Neighborhood Board No. 10

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FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Tracy Miyahara, Chair
Makiki Ohana Community Association (MOCA)
2342 Hoalu Place
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Miyahara:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 26, 2005. The following responds to your comments:

The Contemporary Museum's Director, Georgianna Lagoria, in response to a request at the May 5, 2005 Makiki/Lower Punchbowl/Tantalus Neighborhood Board meeting to put the Draft EA on the Museum's website, asked a staff member if it could be done. The staff member felt it would be possible. After the meeting the staff person, upon further research, indicated that the Museum's website did not have adequate capacity to post the Draft EA. Ms. Lagoria appreciates your effort in placing the Draft EA on your website and making CD's available to the public.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

To: Ms. Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th floor
Honolulu, Hawaii, 96813

2005 MAY 27 PM 12 33
DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

From: Bernice and Michihiko Hayashida
2360 Makiki Heights Drive
Honolulu, Hawaii, 96822

Date: May 26, 2005

Subject: Further Observations of the Draft Environmental Assessment Submitted By The Contemporary Museum March, 2005

A common theme throughout the Draft Environmental Assessment is that "the proposed renovation and expansion will not have a significant impact on the surrounding area in terms of public services and the environment". Such is not the case. We strongly disagree.

INFRASTRUCTURE

1. Makiki Heights Drive leading to the museum is a narrow substandard residential road with "one milder "hairpin" turn and five other tight turns" (DEA p 34). Several accidents and countless near misses have occurred in the past several years, especially by the near blind sharp turn with a very steep embankment which prevents a clear view and also at the corner of Mott Smith Drive and Makiki Heights Drive which is located at another dangerous curve (the Rush property). Traffic has increased, especially in the past few years. The width of the paved area of the road measures a mere 16 to 17 feet by the Peterson -

Pietsch property. There are no sidewalks. This road is no longer used by tourist buses. Makiki Heights Drive must be improved.

2. There is a dangerous steep drop off caused by heavy rain runoff that extends to the edge of the paved area located below the museum. A low berm along the edge of the pavement and flashing light barricades mark the area. This must be corrected, before some serious injury or worse results.

3. There is no mention of the adequacy of the present fire fighting resources to combat a potential fire of a large structure. (DEA p 40) The present system in place is for residential properties.

4. Disposal of wastewater from the Peterson -Pietsch property is projected to increase from 400 gallons per day to more than 885 gpd (DEA p 37). The basis for the largely unoccupied Peterson -Pietsch property is not stated. Significant amounts will be contributed by the café with a potential of over 100 patrons during business hours, relocated offices, and a resident artist.

5. Water demand is projected to remain the same at 517 gpd for the Peterson -Pietsch property since" there is no increase in fixture units" (DEA p36). There is no mention of the water demands for a café to be relocated there with a capacity to serve over 100 patrons, the required commercial equipment necessary for the café, restrooms, relocated offices, and a resident artist. These will contribute greatly to the demand. The basis is not stated. The total water usage of a residential household of 3 persons probably averages around 350-400 gpd.

6. There is no drainage system in place on Makiki Heights Drive. No drainage system, no culverts. Rain

water rushes down and floods the surface of the road. Some of this works its way down onto the residential properties below the road level. There is now a 12 inch drain line from the museum property which empties onto Makiki Heights Drive (DEA p 38). Drywells are to be dug. The type of soil in this area is porous black sand so seepage of water to properties below the museum when large volumes of water are concentrated must be considered. This area has occasional very heavy downpours.

7. There are concerns that the capacity of the waste disposal systems will not be adequate for the increased numbers of people. According to the Conditional Use Permit 86/CUP-10 "The site's present single cesspool with a capacity of 800 gallons of sewage intake per day cannot be expanded because the Board of Water Supply notes that it's location in the "No-Pass" zone prohibits additional ground disposal systems",(86/CUP-10 page9).

   The shortcomings and deficiencies of the infrastructure are not minimal.

TRAFFIC AND PARKING

8. The traffic volume data and charts based on that data are outdated (Appendix 4 Traffic Assessment Report) Traffic volume data taken at the driveway of the museum during summer vacation is based on one afternoon one day and on one morning the other (Appendix 4 Manual Counts at Project Driveway). The traffic count taken on Makiki Heights Drive during Spring Break 2004 is not presented. There are no counts during periods when schools are in session. There are no counts in the evenings. The impact of increased traffic on narrow substandard streets without sidewalks and with many curves and poor lighting must be further evaluated using more current data. Data

must apply to such roads and not some wider safer well lit street with sidewalks.

The number of parking spaces proposed and listed in the DEA is 79 (Appendix 1 Plans). Page 32 of the DEA lists 90. The guidelines of the Comprehensive Zoning Code for museums and art galleries requires no less than 10 parking spaces with one additional space for each 300 square feet of floor area (86/CUP-10 page 5) A minimum of 46 stalls were required and met. With the addition of 17,173 square feet there must be a minimum of 103 parking spaces provided (DEA Appendix 1 Plans Proposed Site Square Footage).

The gift shop and café are traffic generators since they are open to those not attending the museum to view exhibits, contrary to the 86/CUP-10.
"The food service and retail shop are incidental uses for the benefit of museum users and will not be a primary traffic generator or otherwise impact public infrastructure" (86/CUP-10 page 7).

The amount of traffic generated on these substandard streets is not minimal.

DESIGN

9. The square footage will increase from about 28,000 to over 43,000, a 53% increase with the bulk of it in three new buildings with viewing galleries, storage space, and parking. (DEA Appendix 1)

   One wall of the glass enclosed structure will rise 41 feet from the driveway of the present Peterson -Pietsch property. This is out of scale with other properties in this R 10 zoned area. This building with it's reflecting surface will be a hazard to the many birds that fly about here and a distraction to passing motorists. (DEA Appendix 1 South Elevation)

The present café occupies 1791 square feet. (DEA p 24) The café with seating for 55, or 14 tables of 4, is to be relocated to the Peterson -Pietsch property, close to the street with much of it open. The café will occupy a large part of the property. The driveway of this property which leads to the café and galleries will become a convenient drop off point, at the narrowest portion of the paved road. It will be an added hazard to traffic with the nearby dangerous curve. There must be safeguards to prevent this.

ACTIVITIES

10. a. Daily visitor occupancy to increase from 80 to 100
b. Museum visitation hours to be increased 5 hours every Thursday and 2 hours on Sunday
c. Six evening functions to increase from 200 to 300, (only authorized night functions in 86/CUP-10 (DEA p 13)
d. Nine new evening events for 100 (DEA p 15).
e. Art Spree, an unauthorized daytime event held without a permit with an estimated attendance of about 2,500 last year. (DEA p 14)
f. Contempo, a nighttime event for 500 (DEA p 14).

Sixteen evening functions with 100 to 500 persons are listed. This is in addition to the weekly night openings on Thursdays with up to 100 persons. On 68 evenings a year, or more than once a week, there will be 100 or more persons at the museum with an open, unauthorized café close to the street at which alcoholic beverages are served and to which a succession of delivery vans will enter the premises of the Pietsch – Peterson driveway in a restricted turnaround space to deliver food and beverages.

A public address system for a function that lasts until midnight has no place in a residential neighborhood.

The impact of so many night events so many times a year - 68 - the volume of people, cars, and traffic, and the amount of noise generated is not minimal.

Bernice Y. Hayashida
Michihiko Hayashida

Bernice Y. Hayashida
Michihiko Hayashida, MD

Enclosure: Copy of Letter addressed to Ms. Sharon Nishiura, April 30, 2005

CC to:

1. Ms. Georgianna Lagoria, Director, The Contemporary Museum
2. Mr. Keith Kurahashi, Kusao and Kurahashi
3. Director, Office of Environmental Quality Control
4. Ray Sasaki

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Bernice and Michihiko Hayashida
2360 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Bernice and Michiko Hayashida:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 26, 2005. The following responds to your comments:

INFRASTRUCTURE

1. The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

   Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the existing signing and pavement markings along Makiki

Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

2. The embankment supporting a portion of Makiki Heights Drive between Hoalu Street and the Nature Center have been washed away, due to heavy rainfall. The City has provided a low berm along the edge of pavement to redirect water away from the embankment and flashing light barricades to mark the area. Based on discussions with staff at the Department of Facilities Maintenance and a review of the City's GIS website, the area that would need to be improved (embankment) is owned by the State. The City has been working with the State to determine jurisdictional responsibilities for improving the embankment. Until jurisdiction is determined, this portion of Makiki Heights Drive is not expected to be improved.

3. The applicant's consultant has had a preliminary meeting with Captain Stephen Kishida of the Honolulu Fire Department. Based on our review of the schematic design drawings the following were determined:

   a. An onsite hydrant in the Pietsch-Peterson exterior parking area will be installed.
   b. The fire department connection will be located in the property line wall adjacent to the Pietsch-Peterson driveway entry gates.
   c. The requirements for 2000 gpm at 20psi may be reduced to 1500 gpm at 20psi if the buildings are fully sprinkled (they are).
   d. The paved driveway surface meets HFD/s requirement for an all-weather surface capable of supporting their fire apparatus.
   e. A 20' drive aisle will be maintained from the driveway entry to the north retaining wall of the exterior parking area.
   f. The requirement for access to all building faces will be met by parking lot configuration as shown on the schematic plans.

4. The existing wastewater flow for the Pietsch-Peterson Residence is 400 gallons per day (gpd). This reflects the typical flow projected for a

single-family residence. The basis for the flow was the use of the Pietsch-Peterson property as a single-family dwelling, which continued until just recently when the tenant moved out.

The projected increase in flow to 885 gpd was based on the proposed relocated Café, Docent offices, Library and resident artist accommodation (maids quarters) in the Pietsch-Peterson property.

5. Water demand and use can be determined by the number of fixture units and any projected increase in fixture units. Since no increase in fixture units is planned, no increase in water use was projected.

   Another way is to look at the proposed use of the property. Based on the "State Water Projects Plan" dated February 2003, Table 3.1 "Domestic Consumption Guideline Average Daily Demand" (enclosed) the demand for a single family residence on Oahu is 500 gallons per unit. The demand for Commercial/Residential Mix development on Oahu is 120 gallons/1,000 square feet. The Pietsch-Peterson Residence has 4,667 square feet which would require 560 gallons per day which is very close to the projected 500 gallons per day noted in our Draft EA.

6. The applicant expects to reduce the current storm water runoff volumes that presently leaves the property during a storm event, reducing storm water runoff impacts from this property on Makiki Heights Drive. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

7. Based on discussions with the Department of Health (DOH), the proposed expansion and renovation of the Museum will require upgrading of the two existing cesspools to septic tank systems. DOH is

also recommending that the Johnson cesspool also be upgraded to a non cesspool system. The applicant will upgrade this cesspool to a septic tank system.

There are currently three wastewater disposal systems impacted by the project – (1) a cesspool in the lower section of the Cooke-Spalding main parking lot, (2) a septic tank and leach filed in the gardener's area below the Cooke-Spalding Café lawn, and (3) in the Pietsch-Peterson parking area. These will be replaced by septic system and leach field systems: (1) in the same area (under the asphalt and in landscaping of the Cooke-Spalding lower parking area; (2) on the great Lawn east of the upper monkey pod tree; and (3) in the same area under the asphalt of the Pietsch-Peterson parking area.

The converted systems will be designed to meet the capacity requirements of the proposed additions and revisions to the campus. The converted systems will be designed in accordance with State Health Department standards.

The infrastructure is adequate to support the proposed Museum expansion or will be upgraded by the applicant to support the proposed expansion.

TRAFFIC AND PARKING

8. Table 1 of the Traffic Assessment showed available existing traffic data in the upper Makiki area. There is other, more recent data available on Wilder Avenue and the freeway, however this data would not provide additional information regarding possible impacts of the proposed project due to the distance of these travelways from the project site. The age of the count data was judged to be of little consequence, since the character of the neighborhood has not changed significantly over the last 15 years. The traffic due to The Contemporary Museum was identified and compared with other traffic on Makiki Heights Drive. The project's greatest impact to traffic is expected during the hours the Museum is open (10:00 AM to 4 PM), times during which school-related traffic is not an issue (while school-related traffic could contribute to volumes in the early afternoon, the peak

afternoon traffic occurs later in the day). Regarding impacts during evening hours, the traffic assessment includes a graph showing the traffic volume distribution through the day; evening traffic volumes are considerably less than daytime volume. While this may indicate a greater impact in terms of the percent increase due to Museum activities, questions about the ability of the roadways to handle the traffic should be answered (note that the traffic due to the Museum was based on the parking provided on the site; therefore, one of the related conclusions is that if on-site parking is inadequate for the planned event, off-site parking with shuttle services will need to be provided).

The manual counts taken at the Museum's driveway were used to evaluate conditions at the driveway and would not be affected by school traffic, which affected volumes in the morning peak period (7:00 a.m. to 8:00 a.m.). The manual count did not include the morning and late afternoons since TCM is not open during these times. As far as the effect of "summer vacation" on the traffic volumes, we believe that this effect is minimal on Makiki Heights Drive, since school-related traffic is probably due to private schools in the area, all of which have summer programs that are well attended.

The Traffic Assessment in the Draft EA stated as follows:

"The larger facility could be expected to have higher number of attendees (300 instead of 200 people), which would require increased capacity in off-site parking and shuttle capacities. The proposed 90 parking spaces on-site would accommodate some of these visitors; others may need to park off-site and be transported to the property using shuttles. The project's potential impact to traffic on the adjoining streets has been estimated for full use of the off-street parking lot, with a complete turnover in one hour. Traffic in this highest hour would increase from an existing 61 vehicles per hour each way (arriving at the site and leaving the site) to 90 vehicles per hour each way. During special events, the additional traffic due to shuttle buses used to transport visitors from off-site parking areas to The Contemporary Museum is estimated to be less than ten vehicles per hour in each direction. The project traffic would still be less than the threshold for preparing a traffic

report that was cited above. The increase in traffic would not create congestion, with the frequency fo a vehicle on the street increasing from an average of about one every 30 seconds to one every 20 seconds with consideration of the maximum impact of the six larger events."

"The potential increase in traffic from about 120 vehicles per hour (two-way volume) to 140 vehicles per hour on a typical day would not create congestion. Even during the infrequent special events, when traffic is estimated to double, from 90 vehicles per hour to 180 vehicles per hour(total in two directions), traffic volumes would be well below the capacity of the surrounding roadways (with capacities conservatively estimated at one vehicle every six seconds in each direction, or 600 vehicles per hour)."

As mentioned earlier, the applicant met with The Department of Transportation Services (DTS) representatives on one occasion and with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005 to discuss potential traffic improvements.

The number of parking spaces being provided is 78 and the Draft EA will be revised to reflect 78 parking stalls. At the time the Traffic Assessment was done, there was a plan to provide about 90 parking stalls. Due to design changes and a request from staff of the Department of Planning and Permitting (DPP) the proposed gallery building and parking area was redesigned to protect the root system of the existing monkey pod trees. The current parking standards of the Land Use Ordinance for museums is one parking stall per 400 square feet. A parking table, enclosed, for the Museum expansion indicates that 72 parking stalls are required for the proposed Museum expansion. The applicant is providing 78 parking stalls, six more than required.

The gift shop and Café, are accessory uses to the Museum. The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including

those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. The gift shop is expected to continue to serve the Museum visitors, as it has since its inception. It is not a popular or well known retail outlet and functions as a typical accessory use to the Museum. People who have not visited the Museum are probably unaware that it has a gift shop. Based on this description, the Café and Gift Shop are permitted as an accessory use to the Museum.

The traffic engineer noted that for typical conditions, the proposed project's impact to traffic would be small. Even with the larger special evening events which would occur 16 times a year, the traffic is expected to increase to about 180 vehicles per hour which would mean one vehicle every 20 seconds which is not a significant volume of traffic since a conservative estimate of capacity would be 600 vehicles per hour or one vehicle every six seconds. ArtSpree, the largest function which occurs on Saturdays will not affect the heavier weekday peak hour traffic and with the use of shuttle buses is not expected to exceed the 600 vehicle per hour capacity of Makiki Heights Drive.

DESIGN

9. The applicant has redesigned its proposed galleries to break up a former large gallery space (6,000 square feet) on the upper level into two smaller galleries (Gallery A - 2,300 square feet and Gallery B - 2,567 square feet) separated by a covered courtyard (620 square feet), reducing the bulk associated with the former design. This change was done to reduce the bulk and visual impact of the previous structure in response to concerns from residents about the massive size of the originally proposed upper level gallery. The applicant has also placed some gallery space underground (Gallery C) to minimize visual impacts on the surrounding residences.

   Due to the existing topography of the site and the landscape screening that presently occurs along Makiki Heights Drive, the proposed gallery spaces

will not be visible for motorists traveling on Makiki Heights Drive, except at the driveway to the Pietsch property. The driveway view will be softened by landscaping situated above the underground parking garage that will screen the storage and galleries above. This screening will help to mitigate the height of the storage and galleries that occur at this location due to the topography of the property.

The gallery structures glass surface is the result of thoughtful planning to create a muted reflection that we expect will be dull enough to not mislead birds into thinking that there is no wall in front of them. It should not have the same impact as a window or other clear glass surfaces that provide clear reflections that may confuse birds into thinking that there is no wall surface in front of them.

The proposed Café will have the same seating capacity as the existing Café and will occupy about the same amount of space as the existing Café. In response to neighbors concerns, the applicant has agreed to limit the parking at the Pietsch property to employees and handicap parking stalls for the Café. Other Museum visitors will have to continue to park at the upper parking lot.

ACTIVITIES

10. During the 52 Thursday night openings and 9 new evening functions proposed, there will be 100 or less visitors to the Museum, similar to its current daytime operation.

During six existing evening events each year, there will be up to 300 visitors, an increase over the existing 200 visitors presently permitted.

Once a year the Contempo fundraiser with 500 guests may be held at the Museum.

This year ArtSpree is authorized by DPP as a temporary use and hopefully will be approved through the proposed Conditional Use Permit application for future years. The annual ArtSpree event provides an open house and

free admission to Museum from 10:00 am to 4:00 pm on one Saturday in July and allows neighbors and the art community an opportunity to enjoy the Museum free of charge. This event has proven to be popular among the Museum's neighbors (even some of its opponents) and the greater community. It provides an opportunity to educate the public on contemporary art and to increase awareness of The Contemporary Museum and the exhibits that are available for viewing. The proposed new Gallery space will provide additional viewing areas for visitors to ArtSpree.

The Contempo occurs only once a year and is an important fundraising event that provides some of the funding needed to keep the Museum open and operating and allows the Museum to continue to preserve the historic structures that house the Museum operations.

The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the Contempo was approved for up to 450 persons. In approving Contempo, the Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

> "If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event."

The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval.

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved Contempo event from 450 persons to 500 persons on the Museum property.

Only eight events are proposed to exceed the proposed occupancy limit for daily Museum operations (a 25% increase over the existing occupancy limit). Five of these eight events were approved under the existing Conditional Use Permit for the Museum and four involve an increase from 200 to 300 visitors, while Contempo involves an increase from 450 to 500 visitors. The traffic impact will not stress the surrounding roadways which have ample capacity to support these events. As was mentioned earlier, the Café is an approved accessory use to the Museum. Delivery vans will deliver goods to the Café about three times a week, which occurs with the existing Café and will not result in an increase in impacts to Makiki Heights Drive. If delivery vehicle size becomes a problem at the Café, the applicant will arrange for smaller delivery vehicles; will take deliveries at the large loading space; or take deliveries at the parking lot to the main Museum entrance. Only two events, ArtSpree and Contempo proposes to use outdoor amplification and these events will be monitored by a noise consultant hired by the applicant to minimize impacts to the surrounding neighbors.

As mentioned earlier, even during the infrequent special events, when traffic is estimated to double, from 90 vehicles per hour to 180 vehicles per hour(total in two directions), traffic volumes would be well below the capacity of the surrounding roadways (with capacities conservatively estimated at one vehicle every six seconds in each direction, or 600 vehicles per hour).

The applicant's noise consultant, D.L. Adams Associates, Ltd. conducted a noise assessment for the regular operating hours of the proposed Museum expansion and has determined that the equivalent hourly sound levels, L_{eq}, in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA. These measurements were taken 10 feet in from The Contemporary Museum property line. The noise levels at the nearest residence will be lower.

The Contemporary Museum is zoned as R-5 Residential, or Class A, thus the maximum allowable property line noise limits, in accordance with the

State of Hawaii Department of Health Community Noise Control Statute, are 55 dBA during the daytime hours (7:00 am to 10:00 pm) and 45 dBA during the nighttime hours (10:00 pm to 7:00 am).

D.L. Adams has provided two sets of recommendations for attenuating noise from the proposed chillers that will serve new Gallery buildings. These recommendations will reduce equipment noise to either below 45 dBA or below 40 dBA (below existing ambient background noise levels during the evening hours).

D.L. Adams has determined that noise from the proposed Cafe's rooftop fan at the nearest residence will be 41 dBA. Calculated noise levels due to café patrons at full capacity will be about 40 dBA to 46 dBA. Exterior noise levels at the nearest residences have been calculated to be below the existing ambient background noise levels.

Based on the noise assessment done for the regular operating hours of the proposed Museum expansion, ambient noise levels in the surrounding neighborhood will not be detrimentally affected.

A noise assessment done for the ArtSpree, the larger of the planned events, provides some insight into the noise impacts from the event. Noise from general activities on the property related to ArtSpree for the most part averaged from 45-53 dBA (decibels) which falls within ambient noise levels and within DOH guidelines for daytime hours (7:00 am to 10:00 pm). The three activities that exceeded these levels were live bands on the lawn (55-62 dBA); cars on Makiki Heights Drive (60-70 dBA); and shuttle buses on Makiki Heights Drive (70-80 dBA).

The noise consultant has recommended that loudspeakers should be faced away from neighbors to mitigate noise impacts from live bands and that multiple loudspeakers at various locations should be used to lower sound levels necessary when only one set of speakers needs to broadcast sound across the property. The consultant also noted that the proposed new galleries will provide some shielding for sound and should reduce noise impacts on the surrounding area. The only evening event planned with

outdoor amplification is the Contempo which may be relocated back to the Museum property.

The vehicular noise for evening events are expected to focus on a shorter period than the event itself as vehicles are expected to arrive shortly before the beginning of the event and just after closing of the event. Traffic noise is a normal occurrence on City streets and the traffic noise will not go on for an extended period of time.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi
encls.
cc: Department of Planning and Permitting

Table 3.1
Domestic Consumption Guideline
Average Daily Demand*

Zone	Hawaii	Kauai	Maui	Oahu
RESIDENTIAL:				
Single Family or Duplex	400 gal/unit	500 gal/unit	600 gal/unit or 3000 gal/acre	500 gal/unit or 2500 gal/acre
Multi-Family Low Rise	400 gal/unit	350 gal/unit	560 gal/unit or 5000 gal/acre	400 gal/unit or 4000 gal/acre
Multi-Family High Rise	400 gal/unit	350 gal/unit	560 gal/unit	300 gal/unit
COMMERCIAL:	3000 gal/acre	3000 gal/acre	6000 gal/acre	3000 gal/acre
Commercial/Industry Mix	–	500 gal/acre	140 gal/1000 sq. ft.	100 gal/ 1000 sq. ft.
Commercial/Residential Mix	–	3000 gal/acre	140 gal/1000 sq. ft.	120 gal/1000 sq. ft.
RESORT (To include hotel for Maui only):	400 gal/unit	350 gal/unit	350 gal/unit or 17000 gal/acre	350 gal/unit or 4000 gal/acre
LIGHT INDUSTRY:	4000 gal/acre	4000 gal/acre	6000 gal/acre	4000 gal/acre
SCHOOLS, PARKS:	4000 gal/acre or 60 gal/student	2500 gal/acre plus 20 gal/student	1700 gal/acre or 60 gal/student	4000 gal/acre or 60 gal/student
HOSPITAL:			1800 gal/acre	
AGRICULTURAL:			5000 gal/acre	

*Where two or more figures are listed for the same zoning, the daily demand resulting in higher consumption use shall govern the design unless specified otherwise.

Note: Table 3.1 is taken from Table 15, Domestic Consumption Guideline Average Daily Demand, Water System Standards, State of Hawaii, 1985, Volume I.

THE CONTEMPORARY MUSEUM
PARKING REQUIREMENTS

Use	Area	Parking Standard	Parking Required
Cooke-Spalding			
Museum	11,216 sf	1 per 400 sf	28.04
Storage and Exhibit Staging Area	4,057 sf	accessory	0
Residence	1,813 sf	2 per unit (up to 2,500 sf)	2.00
Garage	536 sf	accessory	0
Subtotal	17,622 sf		30.04
Sheds	475 sf	accessory	0
Pietsch-Peterson			
Museum	4,045 sf	1 per 400 sf	10.11
Maids Quarters	354 sf	2 per unit (up to 2,500 sf)	2.00
Garage	268 sf	accessory	0
Subtotal	4,467 sf		12.11
Johnson			
Office	4,819 sf	1 per 400 sf	12.05
Residence	1,242 sf	2 per unit (up to 2,500 sf)	2.00
Subtotal	6,061 sf		14.05

Use	Area	Parking Standard	Parking Required
New Buildings			
Upper Level Galleries A and B	4,518 sf	1 per 400 sf	11.30
Upper Level Covered Courtyard	500 sf	accessory	0
Lower Level - Storage	5,172 sf	accessory	0
Basement - Utility Rooms	535 sf	accessory	0
Gallery C	1,705 sf	1 per 400 sf	4.26
Subtotal	14,399 sf		15.56
Total	**43,024 sf**		**71.76**

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August 31, 2005

Bernice and Michihiko Hayashida
2360 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Bernice and Michiko Hayashida:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 26, 2005.

The following provides a correction to the following comment in the August 18, 2005 letter we sent responding to your section on Trafffic and Parking:

> "A parking table, enclosed, for the Museum expansion indicates that 72 parking stalls are required for the proposed Museum expansion. The applicant is providing 78 parking stalls, six more than required."

A revised parking table is provided, based on updated plans. The parking table indicates that about 75 parking stalls are required. The applicant is providing 78 parking stalls, three more than required.

This additional response will be included in the Final Environmental Assessment.

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

THE CONTEMPORARY MUSEUM
PARKING REQUIREMENTS

Use	Area	Parking Standard	Parking Required
Cooke-Spalding			
Museum	11,818.7 sf	1 per 400 sf	29.55
Storage and Exhibit Staging Areas	4,433.8 sf	accessory	0
Residence	2,330.8 sf	2 per unit (up to 2,500 sf)	2.00
Garage	536.0 sf	accessory	0
Lanai Entry	1,153.9 sf	accessory	0
Subtotal	**20,273.2 sf**		**31.55**
Cades	**1,619.0 sf**	1 per 400 sf	**4.05**
Pietsch-Peterson			
Café and Storage	1,692.0 sf	1 per 400 sf	5.63
Residence	366.0 sf	2 per unit (up to 2,500 sf)	2.00
Storage	291.0 sf	accessory	0
Office/Library	1,661.1 sf	1 per 400 sf	4.15
Bath/Lanai/Circulation	2,371.2 sf	accessory	0
Subtotal	**6,381.3 sf**		**11.78**
Johnson			
Office	4,819.0 sf	1 per 400 sf	12.05
Residence	1,242.0 sf	2 per unit (up to 2,500 sf)	2.00
Subtotal	**6,061.0 sf**		**14.05**

Use	Area	Parking Standard	Parking Required
New Buildings			
Upper Level Galleries A and B	4,018.0 sf	1 per 400 sf	10.05
Upper Level Covered Courtyard	500.0 sf	accessory	0
Lower Level - Storage	5,172.0 sf	accessory	0
Basement - Utility Rooms	535.0 sf	accessory	0
Gallery C	1,705.0 sf	1 per 400 sf	4.26
Subtotal	**11,930.0 sf**		**14.31**
Total	**46,264.5 sf**		**75.74**

The parking required for the proposed development is about 76 parking stalls. The applicant is providing 78 parking stalls.

Raymond T. Sasaki, Jr.
2350 Makiki Heights Drive
Honolulu, HI 96822

2005 MAY 31 AM 10 22
DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

May 26, 2005

Ms. Sharon Nishiura
Department of Planning & Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, HI 96813

RE: Comments to the Revised Draft Environmental Assessment (dated March 2005)
For Use of an Historic Site – Tax Map Key Nos. 2—5-8: 1,2 & 4
Applicant: The Contemporary Museum, 2411 Makiki Heights Drive, Honolulu, 96822

Dear Ms. Nishiura:

On April 28, 2005 I posted to your attention several of the comments voiced by various members of the Makiki Heights Community Association (MHCA) regarding the above Draft Environmental Assessment after which I was informed the deadline of March 5, 2005 for written public comment was extended by the Contemporary Museum (TCM) to May 28, 2005.

As a resident of thirty years on Makiki Heights, thank you for the opportunity to further review and submit additional comments to TCM's revised DEA.

Comments to TCM's Revised DEA:

1. Need for an Environmental Impact Statement

According to Hawaii Administrative Rules, section 11-200-2, the term "environment" is defined as"... humanity's surroundings, inclusive of all the physical, economic, cultural, and social conditions that exist within the area affected by a proposed action, including land, human and animal communities, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

Under chapter 343, Hawaii Revised Statutes, otherwise known as the State's Environmental Impact Statement Law, the law requires that, if a proposed project is found to have significant effect, an environmental impact statement must be conducted.

The contemporary Museum's Revised Draft environmental Assessment does not adequately address environmental concerns from the community, many of which constitute a "significant effect" as defined in the Hawaii Administrative Rules 11-200-12, particularly paragraphs (4) (substantially affects the economic and 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, (8) is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions, (10) detrimentally affects air or water quality or ambient noise levels, and (11) affects or is likely to suffer damage by being located in an environmentally sensitive area such as flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters, and therefore require that an environmental impact statement be performed.

In addition, according to Hawaii Administrative Rules section 11-200-10(6) and (7), the contemporary Museum is required to: identify and summarize the impacts and alternatives considered to its proposed project, and propose mitigation measures to ameliorate any impacts associated with the project.

Although the Contemporary Museum's Revised DEA lists a few impacts and mitigation measures (pages 55-57 of the March 2005 DEA), these listed impacts are simply a recitation of how the expanded facility will provide more jobs and that the project would create only minor inconveniences to the area's residents due to short-term construction-related noise. The Revised DEA should separate short-term from long-term impacts, and provide a complete accounting of how any negative long-term environmental impacts will be mitigated.

I have very serious doubts if the hazardous conditions on our substandard roads with many blind turns; the unstable, sub-surface conditions of the terrain where landslides have occurred during heavy rains; and the issues regarding public safety and fire safety can be satisfactorily mitigated.

2. Request for Expanded Events:

The request for expanded events, occupancies and evening hours is unclear and confusing. Please confirm or clarify our understanding of the of the request, as summarized below:

CURRENT	PROPOSED
Museum closes at 4:00 PM every Day except Monday	Extend hours to 9:00 PM on Thursdays; other days remain the same

CURRENT	PROPOSED
Café closes at 2:30 PM every day Except Monday, however, the Closing time is not mandatory	Café would close at same time, except on two Thursday's per month, when it would re-open from 6:00 PM to 8:00 PM. *Question: Are the evening hours the serving times only or will all the dinner guests be asked to leave promptly at 8:00 PM? What time will the Café & kitchen staff leave after guests have left?*
Six evening functions per year, With a maximum attendance Of 200	Increase attendance to 300 for the six existing events, and all 15 new evening events for attendance of 100 (or 50 cars)
A single large (500 persons) Annual (ArtSpree) occurs, But w/o formal authorization Under the existing CUP	Authorize ArtSpree event, in addition to a second (Contempo) annual event of *similar* size, "in case Neiman Marcus store is not available"; allow the use of public address system for both events. *Question: ArtSpree 2005 attracted 2,500 guests (per TCM Director, Georgianna Lagoria) – will Contempo, if held on TCM campus, be of "similar size"? ArtSpree is held from 10:00AM to 4:00 PM – will Contempo, if held on TCM campus, be the same hours or in the evening?*
Occupancy limited to 80 People during normal Museum hours	Increase occupancy limit to 100 people during normal museum hours. *Question: Will this include* Thursday *evenings?*
Sunday hours are Noon to 4:00 PM	Extend Sunday hours from 10:00 AM – 4:00 PM

If the proposed operating limitations are accepted by the DPP and incorporated into the CUP, they will be very difficult to monitor and enforce due to their sheer complexity.

TCM has exceeded limitations of the existing CUP (e.g, ArtSpree) and much of the responsibility for monitoring conditions has fallen on neighbors who call on DPP to investigate. What is to ensure the TCM will comply with even more complicated limitations? The proposed evening hours for the café are an example. Currently,

lingering lunchtime café guests go largely unnoticed because the museum remains open beyond 2:30 PM. Dinner is typically a more leisurely experience than lunch, so it is very likely that guests will want to linger beyond 8:00 PM. Does TCM have the will and intention to strictly enforce the café hours, even if it displeases the guests?

Evening functions will be very difficult for DPP to monitor and enforce. For one, no inspectors are available at that time. Making the task more complicated, the evening functions are not regular events and there are two types of functions, each with a distinct occupancy limit. How will DPP – or neighbors, for that matter- keep track of how many such events have been held within a calendar year and whether the attendance at a particular event meets the occupancy limit specified in the CUP?

3. Site Plan Graphics:

The site plan graphics are extremely difficult to read because they are reductions of much larger plans with detailed notations. The Revised DEA should include a more simplified circulation and parking map that clearly indicates the points of access to the site, drop-off and loading areas, and the location of parking areas, including the number of marked stalls in each area and the additional capacity of areas designated for valet parking for special events.

4. Nighttime Use of Roads:

The Revised DEA does not adequately address the impacts of shifting to greater nighttime use; e.g.:

- Added roadway traffic and activity at TCM during hours when nearby residents are most likely to be at home and would expect quiet enjoyment of their residence would have a more significant impact on the quality of life in this neighborhood that would current operations at TCM because they will be more readily and frequently perceived and experienced. This is a qualitative aspect that is ignored in the Revised DEA.
- A night-time dining experience at the café would become an attraction in itself (e.g., "Dine above Honolulu city lights"), thereby calling into question its "accessory use" status.
- Increased traffic and numbers of drivers (including tourists) who are unfamiliar with the route on this winding, narrow, poorly-lighted road at AFTER times when visibility is poor increases the potential for accidents and "missed turns". Consuming alcohol at the evening events and at the café during dinner hours further increases the accident potential. In addition, "racing" on these roadways occurs primarily at night, which increases the hazard.

Thank you, Ms. Nishiura, for allowing me as a resident to add to my comments regarding TCM's Revised DEA.

Sincerely,

Raymond T. Sasaki, Jr.

Raymond T. Sasaki, Jr.

cc: Georgianna Lagoria, Director (TCM)
Keith Kurahashi (Agent for TCM)
Office of Environmental Quality Control

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August 18, 2005

Mr. Raymond T. Sasaki, Jr.
2350 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Sasaki:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 26, 2005. The following responds to your comments:

1. Need for an Environmental Impact Statement:

The following excerpts from the Draft EA have adequately addressed the following review criteria, however, we will add the information in italics to further support a Finding of No Significant Impact (FONSI):

(4) - substantially affects the economic and social welfare of the community or state;

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

The development will give a temporary boost to the State's economy with the provision of short-term construction employment and related tax impacts, and a few long-term jobs in the form of security guard, collection staff, public relations assistant, education staff and exhibition staff.

The social welfare of the community would be positively affected by the development and renovation of the Museum which will provide better service in additional Permanent Collection Exhibition space and education areas conducive to learning. The Museum will continue to maintain the lush and beautiful gardens that residents and visitors have come to enjoy."

The economic welfare of the community will not be substantially affected since over the past 13 years (1992 to 2005) there have been 26 requests for Police assistance; 5 requests for ambulance services; and 1 request for Fire Department assistance. Projecting a 20% increase in calls, based on the increase in occupancy being proposed, the applicant projects the following increase in calls and costs per emergency service:

a. *Police assistance - 0.4 additional calls per year at an average of $100.00 (based on a two hour call including paper work, an officer with 10 years experience, one vehicle, and communication and administrative support) per call, results in an additional cost of $40.00 per year.*

b. *Ambulance service - 0.08 additional calls per year at an average cost of $545 per run (as of July 1, 2005) results in an additional cost of $43.60 per year. However, this cost is charged back to the patient and there is no cost to the City.*

c. *Fire department assistance - 0.02 additional calls per year at an average cost of $458 per call (based on an average two hour call with a fire truck and five firefighters) results in an additional cost to the City of $9.16 per year.*

Staff at the Honolulu Fire Department and the Department of Emergency Services provided the average cost per call noted above. Staff at the Honolulu Police Department provided the parameters to calculate the average cost per call for police service noted above.

Total additional costs to the City would be $49.16 per year.

The social welfare of the community will not be substantially impacted by the slight increase in traffic impacts during the regular operating hours of the Museum or the proposed extended operating hours due to the proposed expansion of the Museum and Museum operations. Based on the proposed 78 parking stalls rather than 90 parking stalls proposed in an earlier proposal, the regular operating hours traffic is projected to increase by 2 vehicles entering and 5 vehicles exiting during the afternoon peak hour and by 5 vehicles entering and 8 vehicles exiting during the midday peak hour.

(5) - Substantially affects public health;

"● **The proposed action does not substantially affect public health.**

The proposed action will not affect public health. The proposed land use provides for an appreciation of culture and the arts with preservation of the Historic resources on the property and provision of art appreciation and education with the improvements planned."

(6) - involves substantial secondary impacts, such as effects on public facilities;

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

No substantial impacts on population is expected from the development and renovation of the Museum. One residence will be lost in the development.

The existing water system is adequate to accommodate the proposed apartment building, according to a BWS letter dated January 24, 2002 (Appendix V, Agency Comments).

Julian Ng, Incorporated has prepared a traffic assessment report for the development. The Museum renovation and expansion, when completed in the year 2007, will not affect the Level-of-Service (LOS) at the existing study intersection at Mott Smith Drive and Makiki Heights Drive during the weekday commuter hours. As a result, no capacity mitigating actions are required due to the proposed development. The applicant will however, follow the recommendations of the traffic study to ensure that traffic impacts will be minimized."

In working with the Honolulu Fire Department, the applicant has determined and will provide additional on-site improvements (fire hydrant) necessary to provide adequate fire protection and adequate fire apparatus access.

The Department of Health (DOH) concurred with the applicant's proposal to abandon certain cesspools and replace them with septic systems. They noted that wastewater from commercial food preparation will need to be pretreated before entering a septic tank (the applicant will provide the necessary pretreatment). DOH further requested that the Johnson Residence/Persis Office be upgraded into a non cesspool system (the applicant will provide a septic tank system in accordance with this recommendation).

The applicant expects to reduce the current storm water runoff volumes that presently leaves the property during a storm event through rerouting of stormwater to landscaped areas and use of a drywell, reducing storm water runoff impacts from this property on Makiki Heights Drive. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils

underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

Based on the proposed 78 parking stalls rather than 90 parking stalls proposed in an earlier proposal, the regular operating hours traffic is projected to increase by 2 vehicles entering and 5 vehicles exiting during the afternoon peak hour and by 5 vehicles entering and 8 vehicles exiting during the midday peak hour. This minimal increase in traffic will not have a significant impact on the surrounding roadway system.

(8) - is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;

"● **The proposed action does not involve a commitment to larger actions, nor would cumulative impacts result in considerable effect on the environment.**

The proposed development does not involve a commitment to larger actions nor will it result in cumulative impacts to the environment. The proposed modifications to The Museum will not generate future developments, creating a cumulative impact."

(9) - detrimentally affects air or water quality or ambient noise levels; and

"● **Air quality, water quality or ambient noise levels would not be detrimentally affected.**

Short term impacts on air quality are expected to be primarily related to dust generated by the construction activity. Dust will be generated in the course of excavating for foundations and utility lines. Dust control measures appropriate to the situation will be employed by the contractor, including where appropriate, the use of water wagons, erection of dust barriers and other methods for minimizing dust.

Short term noise impacts at construction sites are a normal result of construction activity. The State Department of Health administers rules and regulations relating to the hours during which construction is permitted and the noise levels permitted during those hours. The contractor will be required to apply for a permit from the State Department of Health should noise from construction activities exceed regulatory limits. The contractor will abide by the noise regulations incorporated into the permit.

Long term air quality and noise impacts from the proposed development are expected to be minimal due to the nature of the Historic Structure as a museum and the minimal projected traffic impact of the development.

Water quality would not be detrimentally affected by the proposed development with a limited increase of hard surfaces on the property."

Fugitive dust will be controlled by dust screens, watering and other standard means available to the construction trade. A dust control management plan will be developed by the General Contractor, and measures specific to each task, area and phase of the project will be reviewed and approved by the Owner. The General Contractor will be notified and made aware of his responsibilities with respect to dust control. The General Contractor will be required to have an Environmental Control Officer present onsite during any activities that may generate dust, noise or any other activity that may have impact on the surrounding environment. All activities will conform to the Hawaii Administrative Rules on Fugitive Dust. Buffer zones will be implemented wherever possible on the site.

Based on the proposed 78 parking stalls rather than 90 parking stalls proposed in an earlier proposal, the regular operating hours traffic is projected to increase by 2 vehicles entering and 5 vehicles exiting during the afternoon peak hour and by 5 vehicles entering and 8 vehicles exiting during the midday peak hour. This minimal increase

in traffic will not have a significant impact on the surrounding roadway system and will have minimal impact on noise and air quality in the area.

The move from the existing cesspool system to a septic tank system will reduce impacts to ground water and could improve the quality of the existing ground water system.

The applicant's noise consultant, D.L. Adams Associates, Ltd. conducted a noise assessment for the regular operating hours of the proposed Museum expansion and has determined that the equivalent hourly sound levels, L_{eq}, in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA. These measurements were taken 10 feet in from The Contemporary Museum property line. The noise levels at the nearest residence will be lower.

The Contemporary Museum is zoned as R-5 Residential, or Class A, thus the maximum allowable property line noise limits, in accordance with the State of Hawaii Department of Health Community Noise Control Statute, are 55 dBA during the daytime hours (7:00 am to 10:00 pm) and 45 dBA during the nighttime hours (10:00 pm to 7:00 am).

D.L. Adams has provided two sets of recommendations for attenuating noise from the proposed chillers that will serve new Gallery buildings. These recommendations will reduce equipment noise to either below 45 dBA or below 40 dBA (below existing ambient background noise levels during the evening hours).

D.L. Adams has determined that noise from the proposed Cafe's rooftop fan at the nearest residence will be 41 dBA. Calculated noise levels due to café patrons at full capacity will be about 40 dBA to 46 dBA. Exterior noise levels at the nearest residences have been calculated to be below the existing ambient background noise levels.

Based on the noise assessment done for the regular operating hours of the proposed Museum expansion, ambient noise levels in the surrounding neighborhood will not be detrimentally affected.

(10) - 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.

"• **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.**

The development site is in Zone X, an area determined to be outside the 500 year flood plain based on the Flood Insurance Rate Map (FIRM), Panel 360 of 395, dated November 20, 2000.

The development will not affect tsunami zones, erosion-prone areas, geologically hazardous land, estuaries, fresh water nor coastal waters."

Based on the limited impact that the proposed expansion and modifications to the operations will have on the environment, infrastructure, and the surrounding community with the proposed mitigation measures and additional mitigation measures to be presented in the Final EA a FONSI is warranted and will be requested.

2. Request for Expanded Events:

The section on the analysis of alternatives and proposed mitigation measures will be discussed in greater detail in the Final EA.

The Final EA will separate out short term and long term impacts in the mitigation section.

The Final EA will provide additional information on the substandard roads, sub-surface conditions (soils) that have led to landslides during heavy rains and other issues concerning public safety and fire safety.

On Museum operating hours, you are correct that we are proposing to open from 10:00 am to 9:00 pm on Thursdays (currently 10:00 am to 4:00 pm on Thursdays) and to open from 10:00 am on Sundays (currently 12:00 pm to 4:00 pm on Sundays) with other days remaining the same (Tuesdays, Wednesdays, Fridays, and Saturdays from 10:00 am to 4:00 pm).

The Café would close at 8:00 pm with guests being asked to leave at 8:00 pm. It may take about an additional half an hour (to 8:30 pm) to clear the guests. The kitchen staff will leave by 9:00 pm.

The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the Contempo was approved for up to 450 persons. In approving Contempo, the Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

> "If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event."

The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval.

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved

Contempo event from 450 persons to 500 persons on the Museum property.

The applicant proposes 9 new evening events for attendance of 100 (with 50 cars).

The request is to authorize the annual ArtSpree event which supported about 2,500 guests in 2004. Due to the nature of the event as open to the general public, no maximum attendance is proposed. It would be difficult to turn people away from this event that is an open invitation to island residents and visitors.

The applicant, as you have noted, is requesting use of an exterior public address system for both of these events (ArtSpree and Contempo).

The applicant proposes to increase occupancy at the Museum to 100 visitors from the existing occupancy limit of 80 visitors. This occupancy limit will include Thursday evenings.

These are the changes needed to the City's Conditional Use Permit dated July 14, 1986.

The applicant will be responsible for meeting the operating and special event hours being requested. The applicant will be diligent about meeting these conditions.

As noted earlier, the guests will be asked to leave beginning at 8:00 pm and the applicant expects to be able to clear the Café of visitors by 8:30 pm. Café workers will leave the premises by 9:00 pm.

The applicant will provide notification in advance of each special event (17 events), as to the type of event being conducted, the time of each event and the approved capacity (with the exception of ArtSpree which does not have an attendance limit), to the DPP, the Makiki Heights Community Association and the Makiki Ohana Community Association.

3. Site Plan Graphics:

The two site plan graphics, the "TCM: Proposed Site Landscape Plan" and the "TCM: Existing Site Landscape Plan", that are reductions of much larger plans has details that requires magnification to read. The "TCM: Proposed Site Landscape Plan" will be replaced in the Final EA by an 11"x17" "Landscape Coordination Plan" that will provide a blow up of the portion of the project site where landscaping is being modified. A full sized plan of the "TCM: Existing Site Landscape Plan" will be included in the Final EA. The "TCM: Proposed Parking Plan" provided in Appendix I of the Draft EA provides the circulation plan and parking plan for the site, including points of access, loading areas and the location of parking areas, including the number of marked stalls in each area.

A shuttle bus operation with off-site parking at Roosevelt High School, Punahou School and/or Maryknoll School, as needed, is provided. The Final EA will note that drop-off at the Museum (Cooke-Spalding parking lot) is accommodated on site in the parking lot aisles for buses and for special events. The Final EA will provide a general location map, noting the areas designated for off-site parking and shuttle bus service for special events and the number of stalls available at each site.

4. Nighttime Use of Roads:

The Museum will be open one night a week for normal operations and an additional 16 nights a year for other existing and proposed evening events. These infrequent evening events should not pose a significant impact to surrounding residents.

It's important to note that traffic generated in the evenings by the Museum's proposed expansion will occur once a week and on 15 additional events throughout the year. The proposed Contempo event if held on the Museum property would end at midnight, however, other evening events would end at 10:00 pm.

The proposed evening hours of the Contemporary Café coincide with the Museum's request to open the galleries and grounds on Thursday evenings. The Café would be open only two Thursday evenings per month and only until 8:00 pm. The applicant understands that the former owner's of the Pietsch-Peterson residence were very sociable and large parties that lasted well into the night were common place, on a much more frequent schedule than is planned by the Museum's Café. Could you imagine a neighbor agreeing to having dinner parties no more than twice a month and agreeing to end those dinner parties by 8:00 pm? The Contemporary Museum is that neighbor, agreeing to those terms at the Pietsch-Peterson residence. Imagine now that this dinner party limitation is on 5 acres of residential development. This is the equivalent of 22 residences agreeing that each resident will have no more than 1.1 dinner parties a year and ending these parties by 8:00 pm.

As mentioned earlier, the applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the Contempo was approved for up to 450 persons.

The applicant believes that the impact in the evenings from the Museum versus the equivalent 22 residences that could be developed under cluster developments on the 5 acres is substantially less. Another important point is that for most of the rest of the year, this neighbor closes it's doors at 4:00 pm (except for the 16 special evening events).

The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

Makiki Heights Drive is lighted and provides curve warning signs that provide driver notification of upcoming curves to help mitigate traffic safety for vehicles traveling to and from the Museum and other residences in the evening. Slower vehicle speeds are required to safely maneuver the curves on Makiki Heights Drive which should reduce the noise impacts from vehicles traveling on Makiki Heights Drive at night. Vehicle lights in many instances around the curves are somewhat mitigated by lush landscaping and walls along Makiki Heights Drive. Vehicle lights are further mitigated due to the location of many homes at elevations above and below the roadway elevation.

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

The applicant understands that speeding on Makiki Heights Drive tends to occur during the early morning hours when violators expect little

traffic on the roadways. The evening events planned by the applicant end by 10:00 pm, except for the proposed Contempo. The Contempo event will be supported by an off-duty police officer which will provide additional enforcement on Makiki Heights Drive that would not otherwise be present and an opportunity for noting license numbers of violators.

Alcohol will be controlled by the applicant during special evening events and servers will be coached on when to withhold alcohol. The applicant expects that visitors dining at the Café will provide the same restraint as existing Café visitors in relation to alcohol consumption. The applicant's servers in the Café will also be coached to ensure that there is a designated driver for any patron that appears intoxicated.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Mindy & Alan Tucker
2260 Makiki Heights Drive
Honolulu, HI 96822

2005 MAY 31 AM 10 21

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

May 26, 2005

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

Thank you for the opportunity to address the expansion plans of The Contemporary Museum. I am a neighbor residing on Makiki Heights Drive, just down the hill from the museum. My overall points are these: In our American society a neighborhood has a responsibility to house schools, churches and museums; and, The Contemporary Museum is a good neighbor who has given thoughtful consideration to the residents and the greater community of Honolulu in fulfilling its mission.

I believe that it is an obligation of a suburban neighborhood to embrace the presence of schools, churches, and museums. Schools provide for the socialized and academic development of our children so that they can fully participate in a future community of educated, informed, responsible adult citizens. Churches contribute to our community by maintaining a spiritually based code of ethics and practices individuals use to govern their daily lives. Museums allow for cultural enrichment and a preservation of our rich history. Together they work to create a better society for us to live in and assure the continued evolution of a civilized world.

Our suburban neighborhood houses both private and public schools, numerous churches both large and small, The Hawaii Nature Center and The Contemporary Museum. Their facilities are sprinkled amongst our houses and apartment buildings from the top of the mountain down to the H-1 Freeway. Yes, we hear the laughter, cheers and roars of the students on campus. Yes, we hear the whine of the shuttle buses taking folks to and from church on Sundays. Yes, we hear the increased traffic delivering school children and adults to the Nature Center and The Contemporary Museum. Yet, at what cost...my family considers it a small price to pay for a better world.

One of the accoutrements that made this suburban neighborhood so desirable for my family is its ability to appear like a little pocket of "country," right here adjacent to the city of Honolulu. You can hear the breeze blowing through the trees. You are surrounded by the ripe freshness of greenery. Most of the lots are large and many of them bordered by conservation land.

My husband and I consider The Contemporary Museum an asset to the neighborhood. The museum has friends visit that do not arrive in vehicles with stereos pulsing so loudly that you are digging around for the earplugs you used last New Year's Eve. In fact, the

museum has friends that visit during the day time when most of us are at our jobs, out doing our volunteer work, or are at home vigorously caring for our yards and houses. The museum provides their guests with parking, and even allows us (all neighbors) to utilize their parking lot for our own private functions.

I don't feel that what my neighbor, the museum, is planning in the way of expansion is exorbitant. In fact, says my husband the engineer, its design is thoughtful and considerate not only to the site they occupy, but looking from the street there is no visible change. This expansion is essential for the museum in fulfilling their continuing mission to provide an accessible forum for provocative, dynamic forms of visual art, offering interaction with art and artists in a unique Island environment through innovative exhibition and educational programs.

To live this mission, The Contemporary Museum requires a campus that includes a new wing and properties which provide space for permanent collection and education programs with a minimal impact to neighborhood. They plan to use existing homes (historic properties) for programs that keep the museum at a residential scale. The new wing takes into consideration the residential nature of the neighborhood by calling for the construction of three smaller units in balance with the estate rather than one large facility. How fortunate for our suburban neighborhood that in addition to preserving art from 1940 to the present, the Museum also maintains and presents the historic homes and gardens for the enjoyment and enrichment of Hawai'i's residents and visitors.

You may be aware that not all of the work that The Contemporary Museum undertakes is on the Makiki campus. The Contemporary Museum houses an exhibition site in the First Hawaiian Tower in downtown Honolulu. Equally important to the museum is educational outreach. In addition to providing on-site educational materials and customized programs for individuals and groups, gallery talks and workshops relating to exhibitions are held throughout the year, outreach programs work with teachers throughout the state to develop individualized programs and curricula for classes in art, as well as integrating art with other areas of study.

Can you imagine how the face of the neighborhood would change if the museum were to leave us, potentially selling their five acres? Families would move in. Nice families that would have lots of friends and relatives visit day and night. They would give lovely parties that would go on for all hours. After all, they would have the same covenant that my cherished neighbors do across the valley, the ones that play bongo drums and have disco parties. The museum is restricted by the city via their conditional use permit to limit their evening functions by number per year and by curfew.

When I looked around at the community meetings on May 23, 2004, and May 19, 2005, I saw a significant number of residents who cared enough about where we live and who we live with, I am honored. Here is a group of concerned citizens who has energy to challenge the issues that devalue the precious place in which we reside. In my opinion the challenges are these:

1. Racers. Persons who choose our neighborhood to test the competence of their skill and vehicles on the streets where we live – day and night. We hear the whine of their engines, more often in the summer months than others. Of particular concern to some who live on Makiki Heights Drive is the possibility of them flying off the road land in our living rooms.
2. Drug Dealers/Drinkers: persons who select our neighborhood parks and scenic vistas to solicit and distribute drugs and/or hold their own parties while imbibing in alcoholic beverages. Something needs to be done to prohibit the transaction of drug deals and diminish the amount of illegal drinking along our neighborhood streets – day and night.
3. Litter and Dumping. Both commercial enterprises and individuals from the community at large find our "mostly quiet" roads appropriate for the disposal of unwanted items such as hot water heaters, televisions, car tires, empty beverage containers of all types, mattresses, etc. Posting of signs and immediate removal of debris by residents does not seem to deter these destructive incidences from occurring.
4. Other crimes. Papakolea is just on the other side of the ridge where a drug-crazed robber shot a gentleman right on his own property. There are numerous newspaper stories painting our suburban neighborhood a place thieves go to after stealing or jacking cars – and then have little regard for shooting police, dragging police officers with their stolen vehicles, or even the danger they place residents in while they do so.

My fervent hope is that we can take our collective energy demonstrated at the many neighborhood meetings pertaining to The Contemporary Museum's expansion plans and address the issues that truly threaten the quality of life we share in this neighborhood. The museum is a terrific neighbor. Let's use that relationship to maintain the sophistication, the ambiance, and the dignity of where we choose to live. After all it is our obligation to our society to be inclusive of schools, churches, *and* museums in our suburban community to assure the continued evolution of a civilized world.

Aloha,
Mindy Tucker

Mindy Tucker

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Mindy Tucker
2260 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Tucker:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 26, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

H. RILEY JASCHKE
151 KALAIOPUA PLACE
HONOLULU, HAWAII 96822
PHONE 808 949 7738

MAY 26, 2005

RECEIVED

'05 MAY 27 P12:59

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

MS. SHARON NISHIURA
DEPARTMENT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU, HI 96813

DEAR MS. NISHIURA: RE: TCM EXPANSION PLANS

THE CONTEMPORARY MUSEUM HAS AN ENORMOUS POSITIVE IMPACT ON OUR COMMUNITY. ITS IMPORTANCE AS AN EDUCATIONAL CENTER FOR CHILDREN FROM ALL WALKS OF LIFE, AS A VENUE FOR THE LOCAL, NATIONAL AND INTERNATIONAL ART WORLD AND AS A PRINCIPAL ADVOCATE OF LOCAL ARTISTS, HARDLY NEEDS RESTATING. I FEEL THAT IT IS A PRIVILEGE AS WELL AS A CIVIC DUTY OF EVERY NEIGHBORHOOD TO WELCOME AND SUPPORT THE EXISTENCE WITHIN ITS BOUNDARIES OF MUSEUMS, SCHOOLS, AND HOSPITALS.

TCM HAS ALWAYS BEEN EXTREMELY SENSITIVE TO ANY CONCERNS OF ITS NEIGHBORS WITH REGARD TO TRAFFIC SAFETY, NOISE LEVELS AND ANY POTENTIALLY NEGATIVE IMPACT. BECAUSE OF ITS POSITION IN THE COMMUNITY, IT HAS BEEN FAR MORE RESPONSIBLE AND RESPONSIVE AS A NEIGHBOR THAN MOST RESIDENTS WOULD BE. THE MUSEUM PROPOSES NOTHING MORE THAN WHAT IS ESSENTIAL TO THE ACCOMPLISHMENT OF THE MISSION IT HAS UNDERTAKEN, TO ENHANCE THE CULTURAL LIFE OF THE COMMUNITY.

I RECALL THAT WHEN THE CONTEMPORARY MUSEUM WAS FOUNDED, DESTRUCTION OF THE HISTORIC PROPERTY ON WHICH IT IS LOCATED WAS IMMINENT. ITS EXTRAORDINARY OPEN SPACES, GARDENS AND STRUCTURES WERE TO BE REPLACED BY A HIGH-DENSITY RESIDENTIAL DEVELOPMENT. THIS AGAIN BECOMES A POSSIBILITY IF, BECAUSE OF INABILITY TO BUILD A PERMANENT GALLERY AND RELATED STORAGE FACILITIES, THE MUSEUM IS FORCED TO LEAVE THE NEIGHBORHOOD. IT SHOULD BE NOTED THAT THE CUMULATIVE EFFECT OF CONSTRUCTION ON INDIVIDUALLY OWNED SITES ON MAKIKI HEIGHTS DRIVE AND ATTENDANT INCONVENIENCES HAVE FAR EXCEEDED ANYTHING THE MUSEUM HAS DONE OR PROPOSES TO DO.

AFTER 17 YEARS OF OPERATION, IN SPITE OF ITS SPLENDID REPUTATION WITH MOST OF ITS NEIGHBORS AS AN EXEMPLARY INSTITUTION TO HAVE WITHIN THE COMMUNITY, IT WOULD APPEAR THAT WE ARE ONCE AGAIN FACED WITH THE POSSIBLE IMMINENT DESTRUCTION OF THIS MAGNIFICENTLY MAINTAINED AND ADMINISTERED NON-PROFIT, COMMUNITY-SUPPORTED INSTITUTION. PLEASE TAKE THE OPPORTUNITY TO VISIT THE MUSEUM AND SEE FOR YOURSELF WHETHER YOU WOULD NOT WELCOME LIVING IN THE PROXIMITY OF SUCH AN UNPARALLELED ASSET TO OUR COMMUNITY.

FOR THE SAKE OF THE CULTURAL HERITAGE OF OUR CITY AND THE STATE OF HAWAII, PLEASE SUPPORT THE PLANS AND PROGRAMS BEING PROPOSED BY THE CONTEMPORARY MUSEUM.

SINCERELY,

H. RILEY JASCHKE

JULI M. KIMURA WALTERS

CC: MS. GEORGIANNA LAGORIA, TCM

KUSAO & KURAHASHI, INC.
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August 18, 2005

Mr. H. Riley Jaschke
and Ms Juli M. Kimura Walters
151 Kalaiopua Place
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Jaschke and Ms. Walters:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 26, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

The Senate
State of Hawaii

STATE CAPITOL
HONOLULU, HAWAII 96813

RECEIVED
'05 MAY 26 P4:35
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

May 26, 2005

Ms. Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Re: Contemporary Museum Expansion; Draft Environmental Assessment (HRS 343 DEA)

Thank you for the opportunity to provide comments on the Contemporary Museum's Draft Environmental Assessment. The Contemporary Museum (TCM), which is located on Makiki Heights Drive, is located in my senatorial district (Senate District 11).

During the last month, I have attended two forums on the museum's Draft Environmental Assessment (Special Makiki/Tantalus and Lower Punchbowl Neighborhood Board meeting held on May 5, 2005, and the regular Makiki/Tantalus and Lower Punchbowl meeting held on May 19, 2005).

Many positive comments in support of TCM's proposed expansion were made during the meetings. At the same time, neighbors residing on Makiki Heights Drive and on Hoalu Place raised concerns regarding potential environmental impacts of the TCM's expansion upon their residences and those of adjacent landowners.

I urge your department to address these concerns thoroughly during the environmental assessment process. Questions about infrastructure issues (e.g., capacity of Makiki Heights Drive, traffic volume, water capacity, wastewater disposal, drainage, and impacts associated with relocation of the café operation like noise, loading/delivery zones, parking, hours of operation, etc.) must be resolved before any development is authorized.

I have the following additional comments:

1. **Designation of Makiki Heights Drive route with access from Nehoa Street at Makiki Street as the best route** for construction vehicles, building materials, excavation equipment (short-term construction phase) or school bus transportation to the museum (long-term operations).

   Over the last 5 years, a higher number of traffic accidents and roadway obstructions (falling boulders, sections of the hillside, trees, etc.) have occurred along the section of Makiki Heights Drive between TCM and Hoalu Place.

This section of Makiki Heights Drive below TCM has experienced more hillside erosion and traffic mishaps than the routes from Nehoa Street along Mott-Smith Drive, or from Puowaina Drive along Tantalus Drive to Makiki Heights Drive.

I therefore disagree with the statement on pages 30-31 that "routing of construction vehicles or shuttles along Makiki Street and Makiki Heights Drive (with one sharp 'hairpin' turn and five other tight turns) would directly affect the smallest number of residents." I believe this route is more hazardous to motorists, passengers and residents than the other two access routes, in light of recent HPD reports of traffic accidents and roadway blockages that have occurred on Makiki Heights Drive as it passes Hawaii Nature Center and Archie Baker park.

2. **Incomplete information on excavation and removal of materials for new Permanent Collections Gallery.** I could not locate references to the depth of the basement storage and parking areas for the new Gallery extending below existing grade. From maps showing the Lower Level Plan, Basement Plan, Elevations (West/South) and Sections (A,B,C,D), it appears that the depth of the basement storage and garage sections will extend 32' below grade. Assuming that the foundation will be approximately 40' below grade, I have the following questions:

   How much soil and other material will be excavated in order to complete the new Gallery? What steps will the development team take to minimize impacts upon residents living on the portion of Makiki Heights Drive below Contemporary Museum, and continuing down to Hoalu Place?

   Where is the off-site drainage sump at the bottom of the on-site gully (Nu'umealani, reference at page 38) located, e.g., on the maps included in the DEA? Where will the on-site drywells (to divert parking lot and new gallery runoff) be located?

3. **Incomplete discussion of impacts and alternatives considered, and mitigation measures to ameliorate any impacts associated with the project.** During the public presentations, questions regarding siting of the new Gallery and café operations were raised because of their proximity to the existing roadway and neighbors.

   Have other locations on TCM properties been considered as alternative sites for the new Permanent Collections Gallery and café operations (e.g., café operation relocated to Johnson site rather than Peterson site)? If not, is another location on TCM properties feasible for the café operation?

Thank you for the opportunity to submit these comments.

Very truly yours,

Senator Carol Fukunaga
District 11 (Makiki/Tantalus, Punchbowl, Ala Moana)

C: Contemporary Museum
Kusao & Kurahashi, Inc.
OEQC

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August 18, 2005

Senator Carol Fukunaga
District 11 (Makiki/Tantalus, Punchbowl, Ala Moana)
The Senate, State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Senator Fukunaga:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 26, 2005. The following responds to your comments:

Questions about infrastructure will be discussed and along with mitigation measures, as needed, in the Final EA.

1. Designation of Makiki Heights Drive route with access from Nehoa Street at Makiki Street as the best route for construction vehicles, building materials, excavation equipment (short-term construction phase) or school bus transportation to the museum (long-term operations).

   The evaluation for construction access in the traffic assessment was done only for two criteria: the number of sharp curves on the alternate routes, and the number of affected residences. The evaluation was intended to be a starting point for the construction manager, who must also take into account physical conditions of the roadway, the type of vehicles, and any weight/height/width restrictions. The graph of traffic volumes in the Makiki heights area will also provide information for scheduling the movement of construction equipment and material.

The traffic assessment was intended to identify the project impact, rather than provide an assessment of existing conditions on the area roadways (note that the cited problem of landslides occurred after the traffic assessment was completed).

The concern about the routing of construction vehicles will be discussed in the project's traffic management plan for construction that will be developed prior to start of construction; will be a collaborative effort between the Museum administrator, the traffic engineer, the construction manager and the contractor; will be reviewed and approved by DPP; and will consider the following:

a. Impacts to morning drop off at Hanahauoli School and Roosevelt High School (times may vary depending on construction during summer months or the regular school year).
b. Other construction sites in the area.
c. Roadway condition along different routes.

2. Incomplete information on excavation and removal of materials for new Permanent Collections Gallery.

The Final EA will provide the following information on excavation and removal of materials:

The proposed structures extend at least one level below existing site grades; the project requires no structural fill. Excavations for Gallery C and Galleries A and B (including the lower level storage and underground parking) will extend 16 and 26 feet below adjacent grades, respectively. The two excavations will have steel and concrete shoring to support the vertical excavation sidewalls. Neither excavation is close enough to the property boundaries to create any risk of deflection or subsidence. The two excavations will generate a combined 7,400 cubic yards of soil that will be exported to other construction sites in Honolulu.

The drainage sump at the bottom of the on-site gully (Nu'umealani) and the on-site drywell will be shown on the "TCM: Proposed Site Square Footages" site plan.

3. Incomplete discussion of impacts and alternatives considered, and mitigation measures to ameliorate any impacts associated with the project.

   The sections discussing impacts, alternatives considered and mitigation measures will be discussed in greater detail in the Final EA.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Ms. Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii, 96813

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DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

April 30, 2005

Subject: Observations of the Draft Environmental Assessment Submitted by the Applicant, The Contemporary Museum, March 2005

Introduction

We have lived at 2360 Makiki Heights Drive since 1967. The Contemporary Museum opened across the street and since 1988 there has been a significant impact on our neighborhood. There is now an application to further expand the facility, to have even more nighttime events, and to continue activities not authorized in the present CUP. This is of great concern to us and we strongly object to the proposed expansion of the museum and the planned increase in museum activities. There has been no public presentation of the revised design plans of The Contemporary Museum. Following are our observations of the Draft Environment Assessment by the applicant, The Contemporary Museum.

1. Even as the development of any more museums has been discontinued as a Conditional Use of Residential Property, an application is now made to further expand an exception, The Contemporary Art Museum, located in the middle of a R10 residential zoned area, from a nearly 28,000 square foot facility to one over 43,000 square feet. To achieve that the Johnson and the Pietsch – Peterson properties have been obtained and placed on the Hawaii Register of Historic Places, and three buildings with a total of over 14,000 square feet are to be built. Requests are made to have nine more functions at night with up to 100 persons, in addition to those with up to 300 persons on six occasions and one for as many as 500 persons with the use of loud speakers at that gathering, for a total of 16 special night events each year. Also on two Thursdays a month the hours of operation are to be extended for 5 hours from 4:00 PM to 9:00 PM and the cafe is to be open for two hours on those nights. The museum is to be open two more hours on Sundays. These are all in addition to the Artspree, a daytime event with over 2000 attendees. Additional viewing galleries, storage space for artworks, relocation of offices, educational facilities, parking, and on site residences for artists and caretakers are also projected. The daily visitor count is to be increased from 80 to 100. Also noted is the relocation of a snack bar which has been converted to a cafe, with seating for 55 persons into a house recently designated as a State Historical Site.

Design

2. Three buildings with galleries, storage space and parking are to be built. Two of the gallery buildings (A and B) will be joined together below the top floor. The eyesore dumpster in its concrete enclosure remains in the same location, extending beyond the property line (Cooke - Spalding Lower Level Plan and Enlarged Education and Storage Area Plan), facing Makiki Heights Drive and facing our driveway. The gate is crooked, and the slats are broken.
This ugly gate of a museum also should be opened only to remove trash, but remains open often at other times, exposing the large dumpster to full view.

3. Gallery B will rise 41 feet from the present street level of the driveway leading to the Pietsch-Peterson property (West Elevation - view from the street of Gallery A, Gallery B, and Gallery C). This will be in full view as you pass the driveway. According to the drawings, that's the maximum height allowed from the original slope, but Gallery B is out of scale with the other properties in the area. The large glass enclosed buildings will be in stark contrast to the residences preserved as historic properties as well as the homes in the surrounding neighborhood. These glass buildings may cause distractions to motorists on Makiki Heights Drive and subsequently have an impact on the safety of pedestrians and others on the narrow street. Such large glass reflecting rectangular buildings are more suited to a commercially zoned area.

4. The Mech of Gallery A at the upper level is adjacent to the dumpster and is close to the street. We are concerned about the appearance, and amount of noise and pollution from this structure.

5. Dry wells are to be dug to help control the flow of rainwater. Huge downpours occur on Makiki Heights so the drywells may cause water to flow under the surface to lower placed properties. Cesspools and septic tanks will not adequately dispose of waste material from large gatherings. There is no mention of a grease trap for a commercial kitchen.

6. The newly relocated gift shop appears to be for the convenience of the general public.

Public Safety Issues and Security

7. There is an area of Makiki Heights Drive below the museum which is marked by a series of Safety Systems flashing light barricades to warn cars and pedestrians from falling into a steep embankment caused by repeated heavy rains. So much soil has washed from this area that the street continuing below it (after a hairpin turn by the Makiki Nature Center) overflowed with huge amounts of dirt, completely blocking traffic in both directions, twice, in recent months. A low berm placed along the edge of the paved area to divert water has only served to have the rush of rain water move down the road a few feet more before it cascades over the bank, further extending the area of erosion. A large steep vertical gully now extends to the edge of the low berm at one point. We believe that this portion of the road is at risk of collapse, causing injury or greater harm. The number of warning flashing barricades, for some reason, has varied from about a dozen to zero.

Of concern also is the area of Makiki Heights Drive which passes the house of Mack Kamikawa. His address is 2310 Makiki Heights Drive across the street from the Contemporary Arts Center. There is a large rock retaining wall which drops vertically from the curbing of the paved street into his property, which is rapidly deteriorating, and in fact was broken in one section with underlying soil exposed. A vehicular accident damaged the rock retaining wall above it. This has been repaired, but the underlying problem remains.

Recently a large bougainvillea at the southern end by the museum property across from the Kamikawa residence has fallen onto Makiki Heights Drive and a little below that the a large tree also from the museum side has fallen onto Makiki Heights, as have large rocks and boulders.

8. Potential construction traffic in the mornings and evenings in the same time frame as those going to and from work or school along Makiki Heights Drive in the Pietsch-Peterson driveway area passes around a near blind curve of a narrow, substandard two lane roadway without sidewalks. According to the Draft Environmental Assessment, studies have been done of the volume of traffic, but one performed on Makiki Heights Drive was at least partly done in a time frame of two weekends and a week when school was not in session - spring break (that was when the counter was in place on the road about the site of the aforementioned barricaded area). The traffic volumes shown on Table 1 (page 2 of the Traffic Assessment Report shows data collected from 4 sites in 1993, one in 1998, two in 1999, and one in 2003 are outdated. The traffic count of Makiki Heights Drive which was recently performed is not listed. The traffic counts

performed at the driveway sites of the museum were done during summer vacation - June 29 and June 30 2004, covering one afternoon one day and and one morning the other. There are no counts for periods when schools were in session and there is more traffic in the mornings and late afternoons. There are no counts for evenings. Further studies of the traffic on regular weekdays and when events are held at evening and night should be done, to better determine the present volume of traffic at various times. Traffic at the beginning and at the end of various events with 100 – 300 guests and especially at the Art Spree causes congestion. Five hundred guests for the Contempo will cause congestion.

9. Makiki Heights Drive has a 38 feet right of way with 18 feet of that paved. Actually the two lane paved roadway by the Pietsch - Peterson property measures 16 to 17 feet. There are no sidewalks. Pedestrians are forced to walk in the paved area of the street and jump to the side over a low berm to avoid being struck by vehicles. Two large vehicles can barely pass each other with caution. Bicyclists are at risk. The so called walking path noted on page 67 along the straight portion of the roadway fronting The Contemporary Museum is a foot to a foot and a half wide area adjacent to the paved street which was cleared of vegetation in July, 2004. Vegetation is growing back, the path is uneven, irregular and slightly sloped, and not fit to walk on.

10. Night functions with increased numbers of people and cars raise concern of criminal activity. Three cars in three different driveways across the street from the museum have been stolen since its opening. Burglaries have occurred. The security residence is to be demolished.

11. Consumption of alcohol on the premises will impair judgement to varying degrees so that there is concern for the safety of others on the poorly lit residential narrow roads with sharp turns (The Contemporary Museum Website – the TCM Masterplan).

Contemporary Cafe

12. The Pietsch-Peterson property is to have a cafe that seats 55 persons with modifications of the kitchen to support a commercial enterprise. Relocated offices and a residence are also planned. There will be a significant amount of noise from a cafe that seats up to 55 persons which is fairly close to the street (TCM Proposed Site Square Footage), even more so if it is partly in open space. Considerable noise will be created with the café open on the 16 requested night functions with hundreds of people who have access to it, in addition to the Thursday nights twice a month. Consumption of alcoholic beverages will increase the noise level.

Commercial vehicles that supply the café will potentially conflict with times of heavier traffic in the mornings and late afternoons. There must be no night deliveries. Delivery vans will have to back up in a limited turning area so there will be a constant loud annoying beep – beep.

An application to open a restaurant in a nearby residential area on Nehoa Street has been denied.

We are also concerned that the Pietsch-Peterson driveway could be used as a drop off and pick up area for non-disabled persons who want to go to the café or to the galleries.

13. The CUP of the CAC (Case No. 86/CUP-10) states that the "CAC will comply with Health Department requirements for sewage and snack bar operations". If it was meant for a cafe or restaurant it would have stated cafe or restaurant and not snack bar. The same CUP states on page 2 under Findings of Fact paragraph 6 "Existing building interiors will be renovated to accommodate gallery and exhibition spaces, administrative offices, a dwelling for a resident supervisor, a library, and a gift shop and a snack shop". Again, a snack shop is described, not a cafe or restaurant, yet there is now the Contemporary Cafe with seating for 55 persons, a

commercial enterprise of much wider scope than for the original intended purpose - a convenience for visitors to the museum and for the staff.

Contempo and Loud Speakers

14. The Draft Environmental Assessment does not indicate the night hours for the Contempo event for up to 500 persons (invited or in attendance), if it were to be held at The Contemporary Museum. This is to include the use of a public address system. Loud speakers or sound amplification of any sort have no place in the middle of a residential area at night. The only other use at present is the daytime Art Spree, an event not authorized in the original CUP (Case No.86/CUP-10) for which The Contemporary Museum now seeks formal approval. Amplification is not authorized for any event.

There is no indication of the agency responsible to monitor the numbers of persons and cars in attendance at the various functions.

Parking

15. The total number of parking spaces proposed and listed in the Draft Environmental Assessment is 79 (Appendix 1 Plans), but on page 32 it says that 90 parking spaces are proposed. The number 90 is repeated in the Traffic Assessment Report page 7. Eleven spaces are unaccounted for. There is no indication of any spaces for school buses. Potential construction workers will have little to no parking available around the worksite.

Unauthorized Changes

16. The Contemporary Museum has instituted unauthorized changes to the Conditional Use Permit (Case No. 86/CUP-10). There is the Art Spree, a daytime event with loud speakers, the snack bar which was converted to the Contemporary Café, and there were modifications to the Cooke-Spalding Residence, a State Historical Site, which are to be undone (page 41). We believe there are also additional reasons for concern, such as the dumpster in its present location and the serving or use of alcoholic beverages.

Summary

17. The museum in its various articles stresses that they are good neighbors, but good neighbors in a residential neighborhood do not have a large dumpster in full view of the street; construct a 41 foot tall large glass enclosed building in a residential neighborhood; have 16 night functions for 100 - 500 people and an unauthorized day function of over 2000 people with loudspeakers with all the added traffic and noise; request the use of loud speakers for another large night event; have an unauthorized cafe instead of a snack bar or snack shop, with seating for 55 persons to be open at night for those multiple functions as well as during their regular twice a month Thursday night openings; or make other unauthorized changes to the CUP.

A good neighbor would not subject children to hazardous driving conditions on large wide bodied buses on a dangerous narrow substandard road.

We strongly object to the proposed expansion of The Contemporary Museum and the planned increase in museum activities in this residential district. There have been problems in the past. The proposed changes will only make it much worse.

Michihiko Hayashida
Bernice Y. Hayashida

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August 18, 2005

Bernice and Michihiko Hayashida
2360 Makiki Heights Drive
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Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Bernice and Michiko Hayashida:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 30, 2005. The following responds to your comments:

Introduction

Since your letter of April 30, 2005, the applicant has presented the proposed expansion of The Contemporary Museum on May 5, 2005 and on May 19, 2005 at the Makiki/Lower Punchbowl/Tantalus Neighborhood Board.

1. The Contemporary Museum has been operating under an earlier Conditional Use Permit (CUP) approval. Up until October of 1986 museums were permitted as Conditional Uses in residential zoning districts. Under the Land Use Ordinance, which replaced the Comprehensive Zoning Code, museums are no longer permitted as conditional uses. The Land Use Ordinance, however, does allow the use of a historic site as a CUP major, which is the permit process the applicant will pursue after completion of this environmental review.

   The applicant, The Contemporary Museum, understands your concern about evening operations, however, finds that in order to accommodate visitors, that are unable to visit during regular Museum hours of operation they need to provide, evening hours one night a week. The applicant is requesting

extending hours for the Museum on Thursday nights (presently 10:00 am to 4:00 pm) to allow opening until 9:00 pm.

The applicant is also requesting 9 new evening events for a maximum of 50 cars/100 persons. These evening events will have the same occupancy as the Museum's daily operation and should not have a significant impact on the neighbors. These evening events will allow an opportunity to welcome prospective donors to the Museum and help promote fund raising efforts to allow continued operation of the Museum. The Museum operation could not continue without our donors, who fund most of the costs of our operation. The donors will also provide the funds necessary to maintain and upkeep the important historic structures (three of which are on the State Historic Register) and the historic grounds of the Museum. These funds will also help to restore certain historic features of the Cooke-Spalding Residence, as recommended by the State Historic Preservation Division. The cultivating of new donors will also be supported by the exhibit opening events which we propose to increase from 200 participants to 300 participants.

The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the Contempo was approved for up to 450 persons. In approving Contempo, the Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

"If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event."

The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval.

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved Contempo event from 450 persons to 500 persons on the Museum property.

Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons. The applicant will utilize off site parking and shuttle buses and will hire an off duty police officer to safely direct traffic and to minimize inconvenience to the neighbors.

The Museum will be open one night a week for normal operations and an additional 16 nights a year for other existing and proposed evening events. These infrequent evening events should not pose a significant impact to surrounding residents.

The outdoor amplification at events will not have a significant detrimental effect on ambient noise levels in the surrounding neighborhood. This outdoor amplification is requested for just two events, ArtSpree which occurs from 10:00 am to 4:00 pm on one Saturday a year and for Contempo. As mentioned earlier, Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons.

The applicant, further is requesting extending hours for the Museum to allow opening from 10:00 am to 4:00 pm (presently 12:00 pm to 4:00 pm) on Sundays in order to accommodate visitors with longer hours on Sundays.

This year ArtSpree is authorized by DPP as a temporary use and hopefully will be approved through the proposed Conditional Use Permit application for future years. The annual ArtSpree event provides an open house and

free admission to Museum from 10:00 am to 4:00 pm on one Saturday in July and allows neighbors and the art community an opportunity to enjoy the Museum free of charge. This event has proven to be popular among the Museum's neighbors (even some of its opponents) and the greater community. It provides an opportunity to educate the public on contemporary art and to increase awareness of The Contemporary Museum and the exhibits that are available for viewing. The proposed new Gallery space will provide additional viewing areas for visitors to ArtSpree.

The increase in visitor occupancy is needed to accommodate the visitor occupancy of the Museum from 80 to 100 particularly during periods when school students are receiving art education at the Museum. These students and their teachers can number up to 60 persons per visit which presently leaves only an additional 20 that can be on site at the same time for Museum visitation.

The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

Design

2. The applicant will, as part of this proposed expansion, improve the existing gate for the loading area facing your driveway and will keep the gate closed except on days needed to accommodate trash pick up.

3. As you have mentioned, the south elevation does provide a view at the full elevation of Gallery B, however, based on the Department of Planning and Permitting's measurement of height, since the parking garage is considered

underground on three sides and the applicant plans to maintain existing grade across a portion of the top the parking garage, the height of the galleries from this elevation is below the allowable 30-foot height limit. New landscaping to provide screening will be provided by mock orange hedges, along the Makiki Heights Drive frontage of the new galleries and Schefflera Arboricola 'Luceanne' in the area where the existing elevation has been retained above the underground parking garage entrance at the Pietsch-Peterson driveway court.

The proposed glass is not-reflective, but clear glass with a translucent frit coating. The gallery structures glass surface is the result of thoughtful planning to create a muted reflection that we expect will be dull enough to minimize glare and not have the same impact as a window or other clear glass surface. This muted reflection is designed to provide a dull reflection of the surrounding landscaping and scenery and to blend with the surrounding environment, minimizing the visual impact of the structure.

4. The applicant's noise consultant, D.L. Adams Associates, Ltd. conducted a noise assessment for the regular operating hours of the proposed Museum expansion and has determined that the equivalent hourly sound levels, L_{eq} , in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA. These measurements were taken 10 feet in from The Contemporary Museum property line. The noise levels at the nearest residence will be lower.

   The Contemporary Museum is zoned as R-5 Residential, or Class A, thus the maximum allowable property line noise limits, in accordance with the State of Hawaii Department of Health (DOH) Community Noise Control Statute, are 55 dBA during the daytime hours (7:00 am to 10:00 pm) and 45 dBA during the nighttime hours (10:00 pm to 7:00 am).

   D.L. Adams has recommended a first tier of improvements that would reduce the equipment noise from the proposed chiller (air conditioning equipment) to 45 dBA which would meet the noise requirements of DOH and a second tier of improvements that would reduce the equipment

noise from the proposed chiller to 40 dBA which would reduce the noise to the existing ambient noise level of the area in the evenings. The applicant will provide both the first tier and second tier of improvements to reduce noise levels from the chiller to the level of existing ambient noise.

5. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

   The Department of Health (DOH) is the agency responsible for determining what type of private wastewater system may be used for developments not connected to the municipal wastewater system. DOH concurred with the applicant's proposal to abandon certain cesspools and replace them with septic systems. They noted that wastewater from commercial food preparation will need to be pretreated before entering a septic tank (the applicant will provide the necessary pretreatment). DOH further requested that the Johnson Residence/Persis Office be upgraded into a non cesspool system (the applicant will provide a septic tank system in accordance with this recommendation).

   There are individual wastewater systems in place now supporting the Museum activities and these systems will be improved to further minimize impacts on surrounding neighbors.

   DOH will require a grease trap and one will be provided by the applicant.

6. The Gift Shop is currently located on the entry lanai, in proximity to the galleries and museum entrance. The Gift Shop is moving from its current location to make room for a centrally located public gathering space. The

Museum Shop will be relocated to what is now the Cades Library, which is being moved to the Pietsch-Peterson property. This new location for the Museum Shop maintains its current proximity to the galleries and the museum entrance.

Public Safety Issues and Security

7. The embankment supporting a portion of Makiki Heights Drive between Hoalu Street and the Nature Center have been washed away, due to heavy rainfall. The City has provided a low berm along the edge of pavement to redirect water away from the embankment and flashing light barricades to mark the area. Based on discussions with staff at the Department of Facilities Maintenance and a review of the City's GIS website, the area that would need to be improved (embankment) is owned by the State. The City has been working with the State to determine jurisdictional responsibilities for improving the embankment. Until jurisdiction is determined, this portion of Makiki Heights Drive is not expected to be improved.

   The project does not create new slopes near the lot boundaries. Slope hazard to surrounding properties does not change. A secondary effect of the on-site infiltration system is a slight improvement in slope conditions for properties located makai of the site because of the reduced stormwater quantity flowing down Makiki Heights Drive. This reduction in stormwater flow will reduce the potential for slides in the area.

   The applicant has been very responsive to concerns raised by Mr. and Mrs. Kamikawa and have trimmed trees and shrubbery at the curve on the Museum property near the Kamikawa's home. The applicant is unsure whether the bougainvillea tree and large tree and boulders mentioned came from the Museum property or the adjacent property on Makiki Heights Drive, however, the applicant will clear any boulders or trees from the Museum property that may fall into Makiki Heights Drive.

8. The impact of construction traffic can be managed by limiting the access during the morning hours when school-related traffic is on the roadway

(7:00 a.m. to 8:00 a.m.). Construction workers typically arrive at a work site before 7:00 a.m. and material delivery can be scheduled after 8:00 a.m.

Table 1 of the Traffic Assessment showed available existing traffic data in the upper Makiki area. There is other, more recent data available on Wilder Avenue and the freeway, however this data would not provide additional information regarding possible impacts of the proposed project due to the distance of these travelways from the project site. The age of the count data was judged to be of little consequence, since the character of the neighborhood has not changed significantly over the last 15 years. The traffic due to The Contemporary Museum was identified and compared with other traffic on Makiki Heights Drive. The project's greatest impact to traffic is expected during the hours the Museum is open (10:00 AM to 4 PM), times during which school-related traffic is not an issue (while school-related traffic could contribute to volumes in the early afternoon, the peak afternoon traffic occurs later in the day). Regarding impacts during evening hours, the traffic assessment includes a graph showing the traffic volume distribution through the day; evening traffic volumes are considerably less than daytime volume. While this may indicate a greater impact in terms of the percent increase due to Museum activities, questions about the ability of the roadways to handle the traffic should be answered (note that the traffic due to the Museum was based on the parking provided on the site; therefore, one of the related conclusions is that if on-site parking is inadequate for the planned event, off-site parking with shuttle services will need to be provided).

The manual counts taken at the Museum's driveway were used to evaluate conditions at the driveway and would not be affected by school traffic, which affected volumes in the morning peak period (7:00 a.m. to 8:00 a.m.). The manual count did not include the morning and late afternoons since TCM is not open during these times. As far as the effect of "summer vacation" on the traffic volumes, we believe that this effect is minimal on Makiki Heights Drive, since school-related traffic is probably due to private schools in the area, all of which have summer programs that are well attended.

The Traffic Assessment in the Draft EA stated as follows:

"The larger facility could be expected to have higher number of attendees (300 instead of 200 people), which would require increased capacity in off-site parking and shuttle capacities. The proposed 90 parking spaces on-site would accommodate some of these visitors; others may need to park off-site and be transported to the property using shuttles. The project's potential impact to traffic on the adjoining streets has been estimated for full use of the off-street parking lot, with a complete turnover in one hour. Traffic in this highest hour would increase from an existing 61 vehicles per hour each way (arriving at the site and leaving the site) to 90 vehicles per hour each way. During special events, the additional traffic due to shuttle buses used to transport visitors from off-site parking areas to The Contemporary Museum is estimated to be less than ten vehicles per hour in each direction. The project traffic would still be less than the threshold for preparing a traffic report that was cited above. The increase in traffic would not create congestion, with the frequency fo a vehicle on the street increasing from an average of about one every 30 seconds to one every 20 seconds with consideration of the maximum impact of the six larger events."

"The potential increase in traffic from about 120 vehicles per hour (two-way volume) to 140 vehicles per hour on a typical day would not create congestion. Even during the infrequent special events, when traffic is estimated to double, from 90 vehicles per hour to 180 vehicles per hour(total in two directions), traffic volumes would be well below the capacity of the surrounding roadways (with capacities conservatively estimated at one vehicle every six seconds in each direction, or 600 vehicles per hour)."

At the recent ArtSpree, on July 9, 2005, a one hour count from 11:15 am to 12:15 pm, there were 108 vehicles traveling up Makiki Heights Drive and 97 vehicles heading down Makiki Heights Drive at the Contemporary Museum driveway. This is a total of 205 vehicles in both directions, during the busiest event that occurs once a year at the Museum. This is

significantly less than the estimated conservative 600 vehicles per hour capacity of Makiki Heights Drive. The traffic flowed extremely well.

9. While the road is substandard, there is no basis to conclude that it is dangerous or that driving conditions are hazardous when appropriate care is taken and a reasonable speed is used. Professional school bus drivers typically have a much better driving history than an average driver.

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

The applicant continues to trim back the walkway about once a month and has provided for the most part a two to three foot walking path.

10. The presence of the Museum in Makiki Heights increases the security of the neighborhood as (1) all three properties will have staff members in

residence (2) security staff will be increased (3) security staff is always present during the open hours of the museum, and one security staff member is specifically designed to patrol and monitor the public parking lot. The proposed limit of 50 cars per evening event reflects the maximum of cars which can park in the Museum's upper lot without the need for valet parking.

11. Alcohol is served to museum members and patrons at evening events. Consumption is limited at our general member previews due to the fact that we obtain a temporary liquor license and require members to purchase beer and wine beverages. Our serving staff is instructed not to serve individuals who appear to be impaired.

Contemporary Café

12. The applicant's noise consultant, D.L. Adams Associates, Ltd. conducted a noise assessment for the regular operating hours of the proposed Museum expansion and has determined that the equivalent hourly sound levels, L_{eq} , in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA. These measurements were taken 10 feet in from The Contemporary Museum property line. The noise levels at the nearest residence will be lower.

    The Contemporary Museum is zoned as R-5 Residential, or Class A, thus the maximum allowable property line noise limits, in accordance with the State of Hawaii Department of Health Community Noise Control Statute, are 55 dBA during the daytime hours (7:00 am to 10:00 pm) and 45 dBA during the nighttime hours (10:00 pm to 7:00 am).

    D.L. Adams has determined that noise from the proposed Cafe's rooftop fan at the nearest residence will be 41 dBA. Calculated noise levels due to café patrons at full capacity will be about 40 dBA to 46 dBA. Exterior noise levels at the nearest residences have been calculated to be below the existing ambient background noise levels.

Based on the noise assessment done for the regular operating hours of the proposed Museum expansion, ambient noise levels in the surrounding neighborhood will not be detrimentally affected.

Deliveries to the Contemporary Café will be scheduled so as not to conflict with peak commute traffic on Makiki Heights Drive. To the extent possible, we will request that vendors utilize small delivery trucks which can turn in the entryway of the Pietsch-Peterson property.

The applicant will have either a security guard or an employee monitor the Café and underground parking area during Café hours to ensure that drop off is limited to handicap patrons only.

The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

13. The Café is intended to serve the Museum visitors and is not an income generator. It is an amenity that for the most part breaks even or loses money, just based on operational expenses and not including cost of the space or cost to maintain the structure.

    The Café is a small operation serving soup, sandwiches, salads and a couple of daily specials to visitors who come to visit the museum.

Contempo and Loud Speakers

14. The Contempo occurs only once a year and is an important fundraising event that provides some of the funding needed to keep the Museum open

and operating and allows the Museum to continue to preserve the historic structures that house the Museum operations.

In the past, Contempo was held on the Museum property (1988 through 1994). The applicant is extremely happy with the existing venue for the Contempo event (the Neiman Marcus Store), however, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons.. Contempo would be held in the evening from 5:30 pm to 12:00 midnight on one Saturday a year on the Museum property.

This year ArtSpree is authorized by DPP as a temporary use and hopefully will be approved through the proposed Conditional Use Permit application for future years. The annual ArtSpree event provides an open house and free admission to Museum from 10:00 am to 4:00 pm on one Saturday in July and allows neighbors and the art community an opportunity to enjoy the Museum free of charge. This event has proven to be popular among the Museum's neighbors (even some of its opponents) and the greater community. It provides an opportunity to educate the public on contemporary art and to increase awareness of The Contemporary Museum and the exhibits that are available for viewing. The proposed new Gallery space will provide additional viewing areas for visitors to ArtSpree.

This outdoor amplification is requested for just two events, ArtSpree which occurs from 10:00 am to 4:00 pm on one Saturday a year and for Contempo from 5:30 pm to 12:00 midnight on one Saturday a year.

A noise assessment done for the ArtSpree, the larger of the planned events, provides some insight into the noise impacts from the event. Noise from general activities on the property related to ArtSpree for the most part averaged from 45-53 dBA (decibels) which falls within ambient noise levels and within DOH guidelines for daytime hours (7:00 am to 10:00 pm). The three activities that exceeded these levels were live bands on the lawn (55-62 dBA); cars on Makiki Heights Drive (60-70 dBA); and shuttle buses on Makiki Heights Drive (70-80 dBA).

The noise consultant has recommended that loudspeakers should be faced away from neighbors to mitigate noise impacts from live bands and that multiple loudspeakers at various locations should be used to lower sound levels necessary when only one set of speakers needs to broadcast sound across the property. The consultant also noted that the proposed new galleries will provide some shielding for sound and should reduce noise impacts on the surrounding area. The only evening event planned with outdoor amplification is the Contempo which may be relocated back to the Museum property.

The applicant plans to notify DPP of each special evening event and ArtSpree and agrees to report on the attendance numbers at each of these evening events, allowing DPP to keep track of the number of events held each year and the attendance at each event. The applicant will further agree to notify neighbors of each event and the type of event planned (100 prospective donors, up to 300 members attending the opening of a new exhibit, Contempo and ArtSpree).

Parking

15. The number of parking spaces being provided is 78 and the Final EA will be revised to reflect 78 parking stalls. At the time the Traffic Assessment was done, there was a plan to provide about 90 parking stalls. Due to design changes and a request from staff of the Department of Planning and Permitting (DPP) the proposed gallery building and parking area was redesigned to protect the root system of the existing monkey pod trees. The current parking standards of the Land Use Ordinance for museums is one parking stall per 400 square feet. A parking table, enclosed, for the Museum expansion indicates that 72 parking stalls are required for the proposed Museum expansion. The applicant is providing 78 parking stalls, six more than required.

School buses used for special events do not park on site. School buses bringing students onto the property may or may not park on site. If drivers decide to park on site, the parking attendant directs the drivers to available stalls to park and wait for students to complete their program.

Unauthorized Changes

16. The applicant has requested and received approval of the ArtSpree this year as a temporary use for the one day, once a year event, including amplification.

The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

The applicant for the most part has met the conditions of approval and has done its best to operate within the intent of the CUP. The Contemporary Museum will abide by present and future restrictions set forth by the Department of Planning and Permitting (DPP).

Modifications to the Cooke-Spalding Residence occurred prior to the structure becoming a State Historical Site. The Contemporary Museum Board of Trustees President and Director committed to the State Historic Preservation Division (SHPD), based on their recommendations, to restore the view from the main living room area, and to restore the gift shop area to reflect its original sleeping porch condition. In addition the applicant agreed to follow their recommendation to restore the original entry door should it be encapsulated in the wall.

The dumpster has been situated at that location since the surrounding property was developed. There are no plans to change the existing use for refuse pick up at that location.

As mentioned earlier, alcohol is served to museum members and patrons at evening events. Consumption is limited at our general member previews due to the fact that we obtain a temporary liquor license and require members to purchase beer and wine beverages. Our serving staff is instructed not to serve individuals who appear to be impaired.

Summary

17. As mentioned earlier, the applicant will, as part of this proposed expansion, improve the existing gate for the loading area (dumpster) facing your driveway and will keep the gate closed except on days needed to accommodate trash pick up.

Based on the Department of Planning and Permitting's measurement of height, since the parking garage is considered underground on three sides and the applicant plans to maintain existing grade across a portion of the top the parking garage, the height of the galleries from this elevation is below the allowable 30-foot height limit. New landscaping to provide screening will be provided by mock orange hedges, along the Makiki Heights Drive frontage of the new galleries and Schefflera Arboricola 'Luceanne' in the area where the existing elevation has been retained above the underground parking garage entrance at the Pietsch-Peterson driveway court.

The proposed glass is not-reflective, but clear glass with a translucent frit coating. The gallery structures glass surface is the result of thoughtful planning to create a muted reflection that we expect will be dull enough to minimize glare and not have the same impact as a window or other clear glass surface. This muted reflection is designed to provide a dull reflection of the surrounding landscaping and scenery and to blend with the surrounding environment, minimizing the visual impact of the structure.

The applicant is requesting 9 new evening events for a maximum of 50 cars/100 persons. These evening events will have the same occupancy as the Museum's daily operation and should not have a significant impact on the neighbors. These evening events will allow an opportunity to welcome prospective donors to the Museum and help promote fund raising efforts to

allow continued operation of the Museum. The Museum operation could not continue without our donors, who fund most of the costs of our operation. The donors will also provide the funds necessary to maintain and upkeep the important historic structures (three of which are on the State Historic Register) and the historic grounds of the Museum. These funds will also help to restore certain historic features of the Cooke-Spalding Residence, as recommended by the State Historic Preservation Division. The cultivating of new donors will also be supported by the exhibit opening events which we propose to increase from 200 participants to 300 participants.

In the past, Contempo was held on the Museum property (1988 through 1994). The applicant is extremely happy with the existing venue for the Contempo event (the Neiman Marcus Store), however, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons.

The Museum will be open one night a week for normal operations and an additional 16 nights a year for other existing and proposed evening events. These infrequent evening events should not pose a significant impact to surrounding residents.

The outdoor amplification at events will not have a significant detrimental effect on ambient noise levels in the surrounding neighborhood. This outdoor amplification is requested for just two events, ArtSpree which occurs from 10:00 am to 4:00 pm on one Saturday a year and for Contempo.

The applicant has requested and received approval of the ArtSpree this year as a temporary use for the one day, once a year event, including amplification.

The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed

exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

The applicant for the most part has met the conditions of approval and has done its best to operate within the intent of the CUP. The Contemporary Museum will abide by present and future restrictions set forth by the Department of Planning and Permitting (DPP).

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

THE CONTEMPORARY MUSEUM
PARKING REQUIREMENTS

Use	Area	Parking Standard	Parking Required
Cooke-Spalding			
Museum	11,216 sf	1 per 400 sf	28.04
Storage and Exhibit Staging Area	4,057 sf	accessory	0
Residence	1,813 sf	2 per unit (up to 2,500 sf)	2.00
Garage	536 sf	accessory	0
Subtotal	17,622 sf		30.04
Sheds	475 sf	accessory	0
Pietsch-Peterson			
Museum	4,045 sf	1 per 400 sf	10.11
Maids Quarters	354 sf	2 per unit (up to 2,500 sf)	2.00
Garage	268 sf	accessory	0
Subtotal	4,467 sf		12.11
Johnson			
Office	4,819 sf	1 per 400 sf	12.05
Residence	1,242 sf	2 per unit (up to 2,500 sf)	2.00
Subtotal	6,061 sf		14.05

Use	Area	Parking Standard	Parking Required
New Buildings			
Upper Level Galleries A and B	4,518 sf	1 per 400 sf	11.30
Upper Level Covered Courtyard	500 sf	accessory	0
Lower Level - Storage	5,172 sf	accessory	0
Basement - Utility Rooms	535 sf	accessory	0
Gallery C	1,705 sf	1 per 400 sf	4.26
Subtotal	14,399 sf		15.56
Total	**43,024 sf**		**71.76**

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 31, 2005

Bernice and Michihiko Hayashida
2360 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Bernice and Michiko Hayashida:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 30, 2005.

The following provides a correction to the following comment in the August 18, 2005 letter we sent responding to your section on Parking:

> "A parking table, enclosed, for the Museum expansion indicates that 72 parking stalls are required for the proposed Museum expansion. The applicant is providing 78 parking stalls, six more than required."

A revised parking table is provided, based on updated plans. The parking table indicates that about 75 parking stalls are required. The applicant is providing 78 parking stalls, three more than required.

This additional response will be included in the Final Environmental Assessment.

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

THE CONTEMPORARY MUSEUM
PARKING REQUIREMENTS

Use	Area	Parking Standard	Parking Required
Cooke-Spalding			
Museum	11,818.7 sf	1 per 400 sf	29.55
Storage and Exhibit Staging Areas	4,433.8 sf	accessory	0
Residence	2,330.8 sf	2 per unit (up to 2,500 sf)	2.00
Garage	536.0 sf	accessory	0
Lanai Entry	1,153.9 sf	accessory	0
Subtotal	**20,273.2 sf**		**31.55**
Cades	**1,619.0 sf**	1 per 400 sf	**4.05**
Pietsch-Peterson			
Café and Storage	1,692.0 sf	1 per 400 sf	5.63
Residence	366.0 sf	2 per unit (up to 2,500 sf)	2.00
Storage	291.0 sf	accessory	0
Office/Library	1,661.1 sf	1 per 400 sf	4.15
Bath/Lanai/Circulation	2,371.2 sf	accessory	0
Subtotal	**6,381.3 sf**		**11.78**
Johnson			
Office	4,819.0 sf	1 per 400 sf	12.05
Residence	1,242.0 sf	2 per unit (up to 2,500 sf)	2.00
Subtotal	**6,061.0 sf**		**14.05**

Use	Area	Parking Standard	Parking Required
New Buildings			
Upper Level Galleries A and B	4,018.0 sf	1 per 400 sf	10.05
Upper Level Covered Courtyard	500.0 sf	accessory	0
Lower Level - Storage	5,172.0 sf	accessory	0
Basement - Utility Rooms	535.0 sf	accessory	0
Gallery C	1,705.0 sf	1 per 400 sf	4.26
Subtotal	**11,930.0 sf**		**14.31**
Total	**46,264.5 sf**		**75.74**

The parking required for the proposed development is about 76 parking stalls. The applicant is providing 78 parking stalls.

RAYMOND LEE
P.O. Box 352
Honolulu, Hi 96809

April 30, 2005

2005 MAY 3 AM 10 58
DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Board of Directors
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

Attention: Ms Georgianna Lagoria

RE: OBJECTION TO PROPOSED EXPANSION

Dear Directors,

This letter is to object to the proposed expansion of the Museum.

My message to you is simple: Back off. Leave well enough alone. Be happy and contented with what you already have.

I live at the cul-de-sac formed by the only hairpin turn on Mott-Smith Drive. That turn is dangerous. It is also a natural magnet for turning cars to toss out cigarette butts, trash, empty cups and cans thereby creating a sanitation problem.

I was there before the Museum when Makiki Heights was a bit of the country in the city. The Museum brought a bit of the city into the country. Continued Museum expansion would eventually and inevitably bring schlocky Waikiki into Makiki Heights. Any further commercial development, which is what the expansion really is, will destroy the residential character, and the peace and tranquility of the neighborhood.

Looking behind the public relations smoke screen noise of hype and rhetorics -- non-profit, community asset, educational benefits, social value, etc., etc., -- one finds that the real reason for the expansion is the pursuit of the dollar.

The proposed expansion is driven by greed and egotism: generate more dollars to build a bigger empire.

The Museum educational spiel is a front to tap into lucretive federal and state eduational financial grants; the art spiel is a try for art endowment grants.

The Museum will hold fund raisers among affluent art patrons. Alcoholic beverages will be served creating health and safety issues.

Expaning the restaurant means X number more plates must be served every day to be economically viable.

It is all about getting more and more money.

The expansion negatively impacts the neighborhood in so many ways that it is not possible to list them all here. There are environmental impacts that require an Environment Impact Statement (EIS), plus traffic, health, safety, social and moral issues that need to be addressed beforehand. Afterwards would be too late.

There are three roads to the Museum: (1) through Papakolea that impacts Hawaiian Homes land, (2) up narrow, winding Makiki Heights Drive, and (3) the route of choice, up Mott-Smith Drive.

I have first hand knowledge and experience of the Museum's use of Mott-Smith Drive. For example, take the Museum's Special Events that occur about three times a year. Ms. Lagoria will first mail out a sugary public relations letter promising minimal disruption to the neighborhood, but all that is beyond her control. The reality is that shuttle vans speed up and down Mott-Smith Drive all day. Those who drivc their own cars, will jimmy in around the Museum to park on the narrow roads. gouging up grassy areas, despite householders efforts to deter such parking by putting up signs, yellow boundary tapes and other obstacles.

Using the democratic process, I will join with my neighbors and any like-minded organizations -- neighborhood groups, Greens, drys, Native Hawaiians, anti-developers, anti-porns, anti-DUIs, politicians -- and use legal, bureaucratic, political and social means to resist the Museum expansion.

Please provide me written notice of all upcoming public hearings on this matter. Thank you.

Sincerely,

Raymond Lee

RAYMOND LEE

cc: City Dept. of Planning & Permit
State Office of Environmental
Quality Controls
Makiki-Tantalus Neighborhood Board
Office of Hawaiian Affairs
Councilmember Ann Kobayashi
Representative Brian Schatz
Senator Carol Fukunaga

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August 18, 2005

Mr. Raymond Lee
P.O. Box 352
Honolulu, Hawaii 96809

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Lee:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 30, 2005.

The hairpin turn on Mott-Smith Drive is very well cared for and provides excellent site lines through the turn, making it one of the safer hairpin turns in this Makiki Heights area. The tossing of litter from cars is an enforcement problem that is difficult for police officers to address and is a problem on all streets.

The Contemporary Museum is not a commercial enterprise. It is a non-profit organization that would be considered a quasi-public facility on the development plan land use map and is considered a Social and Civic Service use in the Land Use Ordinance (the City's zoning code). This quasi-public use depends on donations to survive as only a small fraction of its operating cost comes from income produced by entry fees. The Museum activities in no way represent the resort activities occurring in Waikiki.

The amount of grants available at the federal and state level are extremely limited. This Museum depends on the generosity of its donors to exist. These donors provide the bulk of the costs to operate and maintain the Museum and its historic structures.

The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the

Contempo was approved for up to 450 persons. In approving Contempo, the Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

"If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event."

The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval.

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved Contempo event from 450 persons to 500 persons on the Museum property.

Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons. The applicant will utilize off site parking and shuttle buses and will hire an off duty police officer to safely direct traffic and to minimize inconvenience to the neighbors.

Special evening events to support members and cultivate donors are held on the property, however, the one true fundraising event is Contempo.

Alcohol is served to museum members and patrons at evening events. Consumption is limited at our general member previews due to the fact that we obtain a temporary liquor license and require members to purchase beer and wine beverages. Our serving staff is instructed not to serve individuals who appear to be impaired.

Our Cafe is a small operation serving soup, sandwiches, salads and a couple of daily specials to visitors who come to visit the museum. The café is not a money-making operation, it is break-even at best. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. The Café will continue to seat 55 guests and will not increase its seating capacity in its new location at the Peterson Residence. Based on this description, the Café is permitted as an accessory use to the Museum.

The applicant does not feel that an Environmental Impact Statement is needed for the proposed expansion of the Museum as impacts will be mitigated and there will not be a significant impact on the neighbors. The following excerpts from the Draft EA have adequately addressed the following review criteria, however, we will add the information in italics to further support a Finding of No Significant Impact (FONSI):

(4) - substantially affects the economic and social welfare of the community or state;

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

The development will give a temporary boost to the State's economy with the provision of short-term construction employment and related tax impacts, and a few long-term jobs in the form of security guard, collection staff, public relations assistant, education staff and exhibition staff.

The social welfare of the community would be positively affected by the development and renovation of the Museum which will provide better service in additional Permanent Collection Exhibition space and education areas conducive to learning. The Museum will continue to maintain the lush and beautiful gardens that residents and visitors have come to enjoy."

The economic welfare of the community will not be substantially affected since over the past 13 years (1992 to 2005) there have been 26 requests for Police assistance; 5 requests for ambulance services; and 1 request for Fire Department assistance. Projecting a 20% increase in calls, based on the increase in occupancy being proposed, the applicant projects the following increase in calls and costs per emergency service:

a. *Police assistance - 0.4 additional calls per year at an average of $100.00 (based on a two hour call including paper work, an officer with 10 years experience, one vehicle, and communication and administrative support) per call, results in an additional cost of $40.00 per year.*

b. *Ambulance service - 0.08 additional calls per year at an average cost of $545 per run (as of July 1, 2005) results in an additional cost of $43.60 per year. However, this cost is charged back to the patient and there is no cost to the City.*

c. *Fire department assistance - 0.02 additional calls per year at an average cost of $458 per call (based on an average two hour call with a fire truck and five firefighters) results in an additional cost to the City of $9.16 per year.*

Staff at the Honolulu Fire Department and the Department of Emergency Services provided the average cost per call noted above. Staff at the Honolulu Police Department provided the parameters to calculate the average cost per call for police service noted above.

Total additional costs to the City would be $49.16 per year.

The social welfare of the community will not be substantially impacted by the slight increase in traffic impacts during the regular operating hours of the Museum or the proposed extended operating hours due to the proposed expansion of the Museum and Museum operations. Based on the proposed 78 parking stalls rather than 90

parking stalls proposed in an earlier proposal, the regular operating hours traffic is projected to increase by 2 vehicles entering and 5 vehicles exiting during the afternoon peak hour and by 5 vehicles entering and 8 vehicles exiting during the midday peak hour.

(5) - Substantially affects public health;

"● **The proposed action does not substantially affect public health.**

The proposed action will not affect public health. The proposed land use provides for an appreciation of culture and the arts with preservation of the Historic resources on the property and provision of art appreciation and education with the improvements planned."

(6) - involves substantial secondary impacts, such as effects on public facilities;

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

No substantial impacts on population is expected from the development and renovation of the Museum. One residence will be lost in the development.

The existing water system is adequate to accommodate the proposed apartment building, according to a BWS letter dated January 24, 2002 (Appendix V, Agency Comments).

Julian Ng, Incorporated has prepared a traffic assessment report for the development. The Museum renovation and expansion, when completed in the year 2007, will not affect the Level-of-Service (LOS) at the existing study at Mott Smith Drive and Makiki Heights Drive during the weekday commuter hours. As a result, no capacity mitigating actions are required due to the proposed development. The applicant will however, follow the

recommendations of the traffic study to ensure that traffic impacts will be minimized."

In working with the Honolulu Fire Department, the applicant has determined and will provide additional on-site improvements (fire hydrant) necessary to provide adequate fire protection and adequate fire apparatus access.

The Department of Health (DOH) concurred with the applicant's proposal to abandon certain cesspools and replace them with septic systems. They noted that wastewater from commercial food preparation will need to be pretreated before entering a septic tank (the applicant will provide the necessary pretreatment). DOH further requested that the Johnson Residence/Persis Office be upgraded into a non cesspool system (the applicant will provide a septic tank system in accordance with this recommendation).

The applicant expects to reduce the current storm water runoff volumes that presently leaves the property during a storm event through rerouting of stormwater to landscaped areas and use of a drywell, reducing storm water runoff impacts from this property on Makiki Heights Drive. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

Based on the proposed 78 parking stalls rather than 90 parking stalls proposed in an earlier proposal, the regular operating hours traffic is projected to increase by 2 vehicles entering and 5 vehicles exiting during the afternoon peak hour and by 5 vehicles entering and 8

vehicles exiting during the midday peak hour. This minimal increase in traffic will not have a significant impact on the surrounding roadway system.

(9) - detrimentally affects air or water quality or ambient noise levels; and

"● **Air quality, water quality or ambient noise levels would not be detrimentally affected.**

Short term impacts on air quality are expected to be primarily related to dust generated by the construction activity. Dust will be generated in the course of excavating for foundations and utility lines. Dust control measures appropriate to the situation will be employed by the contractor, including where appropriate, the use of water wagons, erection of dust barriers and other methods for minimizing dust.

Short term noise impacts at construction sites are a normal result of construction activity. The State Department of Health administers rules and regulations relating to the hours during which construction is permitted and the noise levels permitted during those hours. The contractor will be required to apply for a permit from the State Department of Health should noise from construction activities exceed regulatory limits. The contractor will abide by the noise regulations incorporated into the permit.

Long term air quality and noise impacts from the proposed development are expected to be minimal due to the nature of the Historic Structure as a museum and the minimal projected traffic impact of the development.

Water quality would not be detrimentally affected by the proposed development with a limited increase of hard surfaces on the property."

Fugitive dust will be controlled by dust screens, watering and other standard means available to the construction trade. A dust control management plan will be developed by the General Contractor, and measures specific to each task, area and phase of the project will be reviewed and approved by the Owner. The General Contractor will be notified and made aware of his responsibilities with respect to dust control. The General Contractor will be required to have an Environmental Control Officer present onsite during any activities that may generate dust, noise or any other activity that may have impact on the surrounding environment. All activities will conform to the Hawaii Administrative Rules on Fugitive Dust. Buffer zones will be implemented wherever possible on the site.

Based on the proposed 78 parking stalls rather than 90 parking stalls proposed in an earlier proposal, the regular operating hours traffic is projected to increase by 2 vehicles entering and 5 vehicles exiting during the afternoon peak hour and by 5 vehicles entering and 8 vehicles exiting during the midday peak hour. This minimal increase in traffic will not have a significant impact on the surrounding roadway system and will have minimal impact on noise and air quality in the area.

The move from the existing cesspool system to a septic tank system will reduce impacts to ground water and could improve the quality of the existing ground water system.

The applicant's noise consultant, D.L. Adams Associates, Ltd. conducted a noise assessment for the regular operating hours of the proposed Museum expansion and has determined that the equivalent hourly sound levels, L_{eq}, in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA. These measurements were taken 10 feet in from The Contemporary Museum property line. The noise levels at the nearest residence will be lower.

The Contemporary Museum is zoned as R-5 Residential, or Class A, thus the maximum allowable property line noise limits, in accordance with the State of Hawaii Department of Health Community Noise Control Statute, are 55 dBA during the daytime hours (7:00 am to 10:00 pm) and 45 dBA during the nighttime hours (10:00 pm to 7:00 am).

D.L. Adams has provided two sets of recommendations for attenuating noise from the proposed chillers that will serve new Gallery buildings. These recommendations will reduce equipment noise to either below 45 dBA or below 40 dBA (below existing ambient background noise levels during the evening hours).

D.L. Adams has determined that noise from the proposed Cafe's rooftop fan at the nearest residence will be 41 dBA. Calculated noise levels due to café patrons at full capacity will be about 40 dBA to 46 dBA. Exterior noise levels at the nearest residences have been calculated to be below the existing ambient background noise levels.

Based on the noise assessment done for the regular operating hours of the proposed Museum expansion, ambient noise levels in the surrounding neighborhood will not be detrimentally affected.

(10) - 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.

"● **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.**

The development site is in Zone X, an area determined to be outside the 500 year flood plain based on the Flood Insurance Rate Map (FIRM), Panel 360 of 395, dated November 20, 2000.

> The development will not affect tsunami zones, erosion-prone areas, geologically hazardous land, estuaries, fresh water nor coastal waters."

Moral issues are not included as part of the environmental review criteria, however, the applicant finds that the provision of art education to students and the greater community is a positive thing morally. An interest in contemporary art will provide a positive activity that will help keep our youth out of trouble. The Museum provides free classes and support for our schools and the proposed expansion will help to further improve the educational services provided to the schools and the general community.

Based on the limited impact that the proposed expansion and modifications to the operations will have on the environment, infrastructure, and the surrounding community with the proposed mitigation measures and additional mitigation measures to be presented in the Final EA a FONSI is warranted and will be requested.

The applicant understands your concern about the traffic on Mott-Smith Drive. The ArtSpree this year provided an opportunity to reroute the shuttle bus traffic to eliminate shuttle buses traveling up on Mott-Smith Drive. Shuttle buses from Roosevelt High School parking lot traveled to Nehoa Street and over to Makiki Heights Drive to eliminate the need for backing up at Roosevelt High School (eliminating the beeping sound from buses). The shuttle buses traveled down Mott-Smith Drive to return from the Museum to drop off volunteers at the Roosevelt High School parking lot.

The applicant has done its best to deter parking on private lawns and landscaped City right-of-ways surrounding the Museum, utilizing barricades to block parking.

The applicant also provided uniformed off-duty police officers at the Museum entrance and at the intersection of Mott-Smith Drive and Makiki Heights Drive.

The applicant understands and respects your right to resist and oppose the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

April 29, 2005

Ms Sharon Nishiura
Department of Planning and Permitting
650 So. King Street
Honolulu, Hawaii 96813

Re: Comments regarding Draft Environmental Assessment for use of an (sic) Historical Site, The Contemporary Museum (TCM, formally known as the Contemporary Art Center, CAC), and the attendant forthcoming Application for a new Conditional Use Permit (CUP) for the Property in Makiki Heights.

Ms. Nishiura,

This letter is in opposition to granting of a new Conditional Use permit as outlined in the Draft Environmental Assessment for Use of an (sic) Historic Site for The Contemporary Museum in Makiki Heights as prepared by Kusao & Kurahashi, Inc., dated March 2005.

The grounds for my objection to the issuance of a new CUP are many, and are not easily explained in a few words. Please bear with me, and I will attempt to be to the point.

In 1986, the community protested, and then reluctantly agreed to the issuance to conditional use of the residentially zoned property now known as The Contemporary Museum. At the time, the neighbors, through their organization of The Makiki Heights Community Association (MHCA) expressed their conviction that TCM could better serve the community if it were to locate someplace where it would be able to expand as the need arise, without the restrictions of a CUP. TCM chose to ignore this advice, and agreed to a number of restrictions authored by the MHCA, which clearly were designed to limit the impact of, and incursion on the residential nature of the Makiki Heights neighborhood. This agreement was incorporated as an Exhibit to the "Findings of Fact, Conclusions of Law, and Decision and Order" for 86/CUP-10. Interestingly, this amendment to 86/CUP-10 was not included in "Appendix III, 86/CUP-10, Conditional Use Permit Contemporary Arts Center" section of the therefore mentioned Draft Environmental Assessment of March 2005, thereby making it impossible for the reader of that document to fully understand entirely the conditions of operation TMC agreed to in 1986. Did they forget about the amendment? I don't think so. They refer to it in their discussion of the restrictions on the Cafe, nee Snack Bar. It's more likely that the museum doesn't consider their agreement with the community a part of the conditional use of the property. This, I believe, is in error on their part.

Those concerns raised in 1986 by MHCA remain today. Eighteen years of "sort of" complying with their agreement does not constitute any compelling reason for expanding on the "conditional" use of the property now. (I say " sort of" in that the current management of the museum, with a couple of exceptions, Snack Bar/Restaurant issue and Art Spree, of which I will go into below, has been largely sensitive to the issues, which affect the neighborhood. This was not always the case with prior administrations.)

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Plans for the expansion of TCM call for construction of new buildings, which will include an underground parking structure. The Draft Environmental Assessment states that will involve construction of 14,399 square feet of new building plus various construction to existing buildings included in the proposal. Total new construction is proposed at 17,173 square feet. This is a new proposal, which has not been explained to the community at this writing, so it is difficult to make any flat statements about the construction such as the quantities of mass excavation, or the quantities of materials such as concrete, which will be necessary to construct these structures. However, from a prior plan which TCM proposed, which comprised 16,000 square feet and was to be located in the same general vicinity, and included underground parking and storage as this proposed building will, I was able to calculate that the mass excavation would produce a very minimum of 2255 cubic yards of material which would require removal from the site. This figure does not take into consideration that more material will have to be removed to allow for formwork, nor does it account for the "fluff" factor (dirt in the ground is compacted; when it is dug up, it "fluffs up", ie; it's volume increases). A tandem semi dump truck is roughly 50 feet long, and can haul 15 cubic yards of material per load/trip.

It would take a minimum 187 trips to haul the mass excavation material away from the site. There is no place on the site to stockpile the dirt.

Now let's take a look at Makiki Heights Drive. Narrow, 18 feet wide at the proposed construction site, with no sidewalks and lots of beautiful trees overhanging the roadway. You really got to drive up the street to appreciate how narrow and curvy (and beautiful) it is. There are a number of "blind" turns. Two pickup trucks converging on this road is challenging for each driver. Imagine what it would be like attempting to negotiate that road with 50-foot dump trucks on it, or with 8 cubic yard concrete trucks together with a concrete pumping rig doing a continuous pour. As the Draft Environmental Assessment states, there are three possible routes to the site of the proposed work. Two of them have hairpin turns, which a 50-foot long tandem semi dump truck can't make without stopping and backing up, and the proposed site cannot accommodate a location for such a vehicle to turn around. The consequence is that each truck will have to negotiate at least one hairpin turn per round trip. The Draft Environmental Assessment in it's very limited discussion of the disruption from construction related activity states that they "...will utilize an escort truck with a strobe light as a lead for *oversized* construction vehicles traveling on Makiki Heights Drive." But they do not address how they will address all those trucks (I'm betting that they don't consider the dump trucks or concrete trucks "oversized").

Let's go back to the mass excavation. Say they have a fleet of 6 trucks hauling material from the mass ex. (Chances are that it will be a lot more than six). Of these trucks, say one is loading and three are in transit and two are waiting to be loaded. Where are they going to wait for their turn to be loaded? On the road? Most likely, since there is no other place for them. The construction site is very limited. Or take the example of the concrete trucks during a pour. Typically with a large pour, the concrete trucks are in line so that the pour can run uninterrupted (pauses in a pour produce cold joints, which are undesirable as they create weak areas in the concrete). In both of these instances, the

trucks are going to be stacked up on Makiki Heights Drive. With their engines running. So much for "quite peaceful enjoyment of the neighborhood"!

I believe that the Environmental Assessment should include a construction site analysis of how each phase of the work will be carried out, with particular attention paided to how the construction can be done within the constraints of the available space at the site, and how that will effect the neighbors. I would like to know, for instance, how they propose to accomplish the work, maintain dust and noise control and not block traffic on Makiki Heights Drive.

And then you have the issue of where the construction workers and sub contractors are going to park. They will be parking on the street. And please don't tell me that the museum will control the parking of the construction workers and the sub contractors. I've been in the business for 25 years, and my experience tells me you can be sure that 10% of the guys will do just as they damn well please regardless of the rules.

The proposed construction process will engulf the entire neighborhood! And for how long? I can't find an estimate of the time involved in the Draft Environmental Assessment. My guess is 18 mounts, give or take. I don't want to live thru that for 18 months. I like my quiet little street with trees hanging over it and just our normal traffic with bicycles and joggers and the old folks taking a walk with the dog. Eighteen years ago the museum asked for an inch, and the community gave it to 'em. Now they want the proverbial mile. It just doesn't make since. This is a residential neighborhood and the museum is here on a conditional basis. If the zoning laws mean anything, the museum has no status over that they had in 1986. If they had asked for these things then, they wouldn't have gotten anything. Nothing has changed. The zoning is still the same. They utilize the property on a conditional basis. To change those conditions is to change the neighborhood. The Makiki Heights Community Association united to oppose it then, and we unite to oppose this expansion now.

From the first day, the objective in our (MHCA) dealings with the organizers of TCM has been to limit the impact on the quiet peace we enjoy in this neighborhood. Every single proposal the museum has made in their request to expand the museum goes against that grain.

The museum doesn't need a fancy restaurant, in fact, it's currently only allowed a snack bar by the existing CUP, and the existence of a sit down restaurant is a violation of 86/CUP-10. The museum can provide their educational objectives in some other way than expanding this campus, or they can put the educational area in the Peterson house, as was my suggestion when I suggested that they buy that property in the first place. When I made that suggestion, it was with the idea that the museum could use that residence for their educational programs, office space for which they so sorely in need and for storage space. So they buy the space, but now want to put a restaurant there instead. And expand the hours. And increase the occupancy. And take a mile.

No. Build a campus in a more logical place, one that is zoned for such a use. There is no need for the museum to make a mess of our neighborhood for a year or two, and to change the complexion of the neighborhood forever to meet these ends. Museums across the country are branching out to the communities they serves with satellite campus. TMC could do the same.

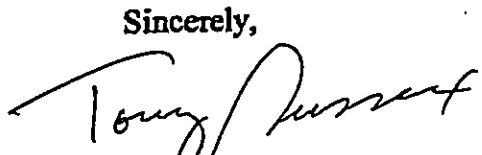
The management at the museum would say to that "But we want the children to enjoy the beautiful campus we have here in Makiki Heights. Fine. After the Art Spree, held someplace where the museum is not in breach of their agreement (3,000 people at the last one; so much for the agreed upon limit of 100-200 people per event!), invite them to the museum, but under the conditions WHICH THEY HAVE AGREED UPON. That's way they call it a "conditional use" permit!

The members of the MHCA have been put on the defensive here. We end up being the enforcers of the conditions of the conditional use permit. The museum has spent the last 3 or 4 years trying to figure out a way around us. It's a shame that we have to be put in this position. Many in the larger community (who are not directly effected by this expansion) are critical of the neighbors; consider us small minded that we can't see the value that the museum adds to the community as a whole. To the contrary. I personally am a member of the museum, and have been since it moved to Makiki Heights. I think they do an incredible job of exposing the community to contemporary art. However, they knew that they would not be able to expand in this site with out strong opposition from the neighborhood at the onset. Yet they persist. Now they want to put a 41-foot high edifice in the middle of our quaint little neighborhood, and a restaurant with night hours. We don't want it. Residential zoning was set up to protect neighborhoods from having this kind of encroachment by commercial establishments.

Please take a drive up Makiki Heights. Check out what a pretty place it is to drive thru. What a lovely quiet place it is to live in. Imagine what it will look like after a year or two of concentrated construction on a very restricted site. Imagine you lived across the street!

Thank you for taking the time to read this letter. It is my hope that it moves you to deny this proposed increased use of the subject property.

Sincerely,



Tony Sussex
2270 Makiki Heights Drive

cc: Ms. Georgianna Lagoria, Director, The Contemporary Museum
Mr. Keith Kurahashi, Kusao & Kurahashi, Inc.
Director, OEQC
Ray Sasaki, President, Makiki Heights Community Association

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
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August 18, 2005

Mr. Tony Sussex
2270 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Sussex:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 29, 2005.

The following responds to your concerns:

The Contemporary Museum - Makiki Heights Community Association 1986 Agreement will be included in the Final Environmental Assessment as part of Appendix III, 86/CUP-10, Conditional Use Permit Contemporary Arts Center. It was noted in the Findings of Fact for 86/CUP-10 that at the public hearing held on June 25, 1986, "...the President of the Makiki Heights Community Association, supported the inclusion of the agreement between the applicant and Makiki Heights Community Association as part of the application documents (Exhibit C)."

The applicant recognizes and has done its best to comply with the conditions of the Makiki Heights Community Association 1986 Agreement. This agreement was the result of negotiations with the neighbors to craft a project that they could support. The Department of Planning and Permitting included some, but not all of the conditions of the agreement, in the Conditional Use Permit.

The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the Contempo was approved for up to 450 persons. In approving Contempo, the

Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

"If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event."

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved Contempo event from 450 persons to 500 persons on the Museum property.

Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons. The applicant will utilize off site parking and shuttle buses and will hire an off duty police officer to safely direct traffic and to minimize inconvenience to the neighbors.

ArtSpree is the one event that was not approved and continued to be held annually at The Contemporary Museum. The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval. This year ArtSpree is authorized by the Department of Planning and Permitting (DPP) as a temporary use and hopefully will be approved through the proposed Conditional Use Permit application for future years. The annual ArtSpree event provides an open house and free admission to Museum from 10:00 am to 4:00 pm on one Saturday in July and allows neighbors and the art community an opportunity to enjoy the Museum free of charge. This event has proven to be popular among the Museum's neighbors (even some of its opponents) and the greater community. It provides an opportunity to educate the public on contemporary art and to increase awareness of The Contemporary Museum and the exhibits that are available for viewing. The

proposed new Gallery space will provide additional viewing areas for visitors to ArtSpree.

The applicant for the most part has met the conditions of approval and has done its best to operate within the intent of the CUP.

The Contemporary Museum will abide by present and future restrictions set forth by DPP.

Since your letter of April 30, 2005, the applicant has presented the proposed expansion of The Contemporary Museum on May 5, 2005 and on May 19, 2005 at the Makiki/Lower Punchbowl/Tantalus Neighborhood Board.

Excavations for the two buildings will generate approximately 7,400 cubic yards of surplus material. Trucks will comply with the erosion control Best Management Practices that pertain to traffic and transportation. Specifically, loads will be covered, a crushed rock construction entrance will control mud tracking, and pavements will be swept as needed to prevent muddy runoff and dust. Hauling time restrictions, flaggers, and escort vehicles will comply with the Traffic Management Plan that will be incorporated in the building permit. The Traffic Management Plan will determine the size of vehicles that will require escort vehicles.

Fugitive dust will be controlled by dust screens, watering and other standard means available to the construction trade. A dust control management plan will be developed by the General Contractor, and measures specific to each task, area and phase of the project will be reviewed and approved by the Owner. The General Contractor will be notified and made aware of his responsibilities with respect to dust control. The General Contractor will be required to have an Environmental Control Officer present onsite during any activities that may generate dust, noise or any other activity that may have impact on the surrounding environment. All activities will conform to the Hawaii Administrative Rules on Fugitive Dust. Buffer zones will be implemented wherever possible on the site.

The actual excavating, earthmoving, and bulldozing activity will not last a full year but is expected to occur during the early stages of development, over

approximately three to four months. The remaining activities, including construction and trucking of materials (occurring occasionally) are not expected to have significant impact on the roadway system as the frequency of oversize vehicles on the roadway will be lessened. The Traffic Management Plan will have further recommendations to mitigate construction trafffic on Makiki Heights Drive and other roadways in the area.

The roadway is capable of supporting access to the construction project. The haul-in and haul-out vehicles will be right-sized for the roadway and project size. Loading, deliveries and staging will be done on-site.

The applicant has disclosed in the Draft EA the problem of curves in the roadways providing access to the site and that a traffic management plan will need to address access to the site by large vehicles that will have difficulty negotiating the tight turns. If any construction activity blocks the roadway, a permit will be obtained from the City; this permit will include conditions for traffic control, including warning signs for public notification of upcoming street closure, management of detours around the closed lane, and maintenance of access to nearby properties.

The Final EA will provide a construction site analysis of how each phase of the work will be carried out, focusing on maximizing on site staging at the earliest possible time after the start of construction. Dust control was discussed earlier. The construction activity will have to block a lane on Makiki Heights Drive during certain construction activities. This blockage will be mitigated by the use of flag men to route traffic safely through the construction area.

The applicant will provide a parking area in the main campus parking lot for construction workers to park. The applicant will work with the contractor to request that workers park in designated areas off of the City streets. Actually, based on your experience and a projection that most of the time there will probably be no more than 10 to 20 workers on site at any time, only one or two workers will park on the street, even less if some of the workers share rides to work. Certain contractors have base yards where employees meet to carpool to construction sites, further reducing parking requirements for workers.

The significant earthmoving activity and bulldozing work and foundation work will be accomplished over a two to three month period with the remaining construction work being significantly less disrupting to the neighborhood.

The vision and mission of The Contemporary Museum will be implemented by the improvement and continuation of the educational program for school children; the continuation of displaying a wide variety of temporary exhibits of contemporary art in different mediums; and the expansion of the Museum to provide adequate room to store and display it's permanent collection. In order to implement this vision, the applicant is proposing to expand The Contemporary Museum by adding three new Galleries, storage and underground parking to provide adequate viewing and storage area for the Museum's permanent collection.

The proposed Café at the Peterson house will provide the same amount of seating for diners as the existing Café. There will be no increase in occupancy at the Café. The hours of the Café if approved would add 2 additional hours every other Thursday evenings and half an hour more on Sundays, just six additional hours a month.

The Peterson house is too small and due to it's historic designation would not lend itself to being used for Museum Storage.

The Contemporary Museum currently operates galleries off-site including The Contemporary Museum @ First Hawaiian Center, 999 Bishop Street and at other locales when the opportunity arises. The Museum also utilizes facilities at Punahou School and the University of Hawaii on a regular basis for evening education programs. However, these other facilities have limited space and do not allow the display of a significant amount of art pieces.

On-site facilities are needed to house the museum's current education activities, which happen in relation to exhibitions on view at the Cooke-Spalding House. On-site facilities are also needed to house and exhibit the museum's growing permanent collection, which is currently stored in three off-site facilities. These galleries and storage facilities must be on-site where the museum's exhibitions, collections, and security professionals are able to maintain and present these

holdings to the public in tandem with programs currently offered at our Makiki Heights facilities.

This year, the applicant corrected the oversight of not applying for a temporary use permit for ArtSpree, which this year was legally conducted with the temporary use permit approved by the Department of Planning and Permitting.

The Museum has grown over the past 18 years and in order to accommodate that growth without straining the main campus the applicant has acquired two additional parcels. These parcels will provide development support while allowing the applicant to maintain the large landscaped grounds and garden and the open space ambiance of the main Museum grounds.

Based on the Department of Planning and Permitting's measurement of height, since the parking garage is considered underground on three sides and the applicant plans to maintain existing grade across a portion of the top the parking garage, the height of the galleries from this elevation is below the allowable 30-foot height limit. New landscaping to provide screening will be provided by mock orange hedges, along the Makiki Heights Drive frontage of the new galleries and Schefflera Arboricola 'Luceanne' in the area where the existing elevation has been retained above the underground parking garage entrance at the Pietsch-Peterson driveway court.

Upon completion of construction, the applicant expects that with proper landscaping, the muted glass design of the building and the double loaded new galleries the new structures will blend into the surrounding environment and will not create a significant adverse impact on public views.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi
cc: Department of Planning and Permitting

2005 MAY 5 AM 4 07

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

April 29, 2005

Ms. Sharon Nishiura
Dept. of Planning and Permitting
850 King Street
Honolulu, Hawaii 96813

Re: DEA report for The Contemporary Museum (TCM)

Dear Ms. Nishiura,

I have been a resident of Makiki Heights for the past 21 years. I am also a member of the Contempory Museum. I am NOT in favor of TCM's current plans for expansion that involves the issuance of a new conditional use permit.

My husband and myself were actively involved with Makiki Hts. Community Association from the beginning due to the application of the original CUP. At the time, we all were concerned that the Museum would change the character of the residential neighborhood with commercial activity. The original intention, as understood by the neighborhood, is that the museum would remain small and camouflaged within the surrounding area with most of the activity between 10AM and 4PM. There would be a few small evening events between 6 and 8PM for about 100 people including one event at 300 people.
The neighbors soon found the Museum in violation of the conditions of the CUP. Cars were parking up and down Mott Smith Drive and Makiki Hts Drive. The "snack bar" turned into a "cafe" hosting bridal showers, birthday parties with a BYOB liquor policy. It was only after considerable effort from the neighbors that the museum stopped the parties but the snack bar continued as a restaurant open daily. In addition, the number of people attending their events exceeded the amount as a condition in the CUP to the point of Art Spree, which is now advertised and drew over 3000 people this past July.
My point is the neighborhood cannot trust the actions of The Contempory Museum. We have been told at numerous meetings that this expansion is necessary for the Museum to survive, to show it's permanent collection, to expand the children's programs etc. Why was this not thought of when the original CUP was applied for? It is obvious that the objectives of the Museum have changed. How can we believe that the Museum is considerate of the neighborhood when past experience has proved otherwise?
I would like to know if the Museum has considered any alternative locations to display and/or conduct it's children's programs. Many museums on the mainland have decentralized their exhibitions to attract a wider audience. This process has been started with space at First Hawaiian Tower. What about Waikiki, Kaka'ako or Kailua? There is aggressive development being planned for these areas that would provide locations a lot more convenient to their audience.

I am most concerned about moving the current cafe to the Peterson House. This nighttime traffic will be difficult to monitor and this is the time of the day when the residents are home enjoying the peace of their surroundings. The added traffic, smells and noise are not consistent with the character of this neighborhood. We have had 3 landslides on Makiki Hts Road this past year. One has still not been repaired. There have been lighted sawhorses on the side of the road to warn motorists to not get too close to the edge of the road. How can we expect this road to handle any more traffic?

In closing, I would like to comment that it is very difficult to comment on the DEA when we as neighbors have not seen the current plans from the Museum. I believe that they have a meeting set for mid May. All the previous meetings have been a waste of time because the questions that have been submitted by the neighborhood have not been addressed by the Museum. The comment has been that the questions will be addressed when the plans are done. It certainly appears that the Museum is only calling these neighborhood meetings as a requirement to meet the permit process. I favor no change to the existing CUP and strongly support the enforcement of the existing conditions of the C[illegible]nal Use Permit.

Sincerely,

Paula Sussex
2270 Makiki Hts Drive

cc: [illegible]r, The Contemporary Museum
[illegible]urahashi, Inc.

[illegible] Hgts Community Assoc.

Faith Wong

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Planning and Zoning Consultants
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August 18, 2005

Ms. Paula Sussex
2270 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Sussex:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 29, 2005.

The following responds to your concerns:

The Contemporary Museum opened in 1987 and found shortly thereafter that their gallery display area was very limited. To the point that about 90 percent of their permanent collection sits in storage and rarely gets presented to the public. The problem arises from the nature of contemporary art. In order to keep up with the latest trends and styles in contemporary art it is important to bring in temporary exhibits. These exhibits take up a major part of the exhibition space on the Museum campus leaving only the single work exhibit at the Cades Pavilion, the limited outdoor exhibits and the limited exhibits in the Café for a two to three month period each year. This is the period needed to set up and take down temporary exhibits and to display parts of the permanent collection. This also affects the applicant's ability to provide meaningful art education for the schools on the island for a two to three month period each year. The applicant has lived with this problem for many years for two reasons. The first being its commitment to the Makiki Heights Community Association. The second being a self imposed restriction on expansion that would significantly reduce the large open space and gardens on the property. After 18 years, the applicant was able to acquire two additional parcels of land that provided additional space for ancillary and accessory functions and provided an opportunity to minimize impact to the large

open space of the main campus. This coupled with a realization that after 18 years the expansion was desperately needed in order for the Museum to continue to survive.

The applicant has attempted to minimize parking impacts on the surrounding neighbors by providing shuttle bus service to the larger Museum events and by providing barricades to block parking on the neighbors lawn for neighbors that desire these barricades (in previous years plastic tape was used to discourage on-street parking).

Our Cafe is a small operation serving soup, sandwiches, salads and a couple of daily specials to visitors who come to visit the museum. The café is not a money-making operation, it is break-even at best. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. The Café will continue to seat 55 guests and will not increase its seating capacity in its new location at the Peterson Residence. Based on this description, the Café is permitted as an accessory use to the Museum.

The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the Contempo was approved for up to 450 persons. In approving Contempo, the Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

"<u>If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event.</u>"

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved Contempo event from 450 persons to 500 persons on the Museum property.

Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons. The applicant will utilize off site parking and shuttle buses and will hire an off duty police officer to safely direct traffic and to minimize inconvenience to the neighbors.

ArtSpree is the one event that was not approved and continued to be held annually at The Contemporary Museum. The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval. This year ArtSpree is authorized by the Department of Planning and Permitting (DPP) as a temporary use and hopefully will be approved through the proposed Conditional Use Permit application for future years. The annual ArtSpree event provides an open house and free admission to Museum from 10:00 am to 4:00 pm on one Saturday in July and allows neighbors and the art community an opportunity to enjoy the Museum free of charge. This event has proven to be popular among the Museum's neighbors (even some of its opponents) and the greater community. It provides an opportunity to educate the public on contemporary art and to increase awareness of The Contemporary Museum and the exhibits that are available for viewing. The proposed new Gallery space will provide additional viewing areas for visitors to ArtSpree.

The applicant for the most part has met the conditions of approval and has done its best to operate within the intent of the CUP.

The Contemporary Museum will abide by present and future restrictions set forth by DPP.

In 1987, the applicant opened and proceeded to operate under the approved CUP. Over the years, the problems with the opening and closing of exhibits became a concern. Over the years, the permanent collection grew and off-site storage space was acquired to store most of the permanent collection. This growth in the permanent collection occurred over the years and the opportunity for expansion

with two properties becoming available for acquisition by the applicant led to a plan to expand gallery space and storage space on site.

The Contemporary Museum currently operates galleries off-site including The Contemporary Museum @ First Hawaiian Center, 999 Bishop Street and at other locales when the opportunity arises. The Museum also utilizes facilities at Punahou School and the University of Hawaii on a regular basis for evening education programs. However, these other facilities have limited space and do not allow the display of a significant amount of art pieces.

On-site facilities are needed to house the museum's current education activities, which happen in relation to exhibitions on view at the Cooke-Spalding House. On-site facilities are also needed to house and exhibit the museum's growing permanent collection, which is currently stored in three off-site facilities. These galleries and storage facilities must be on-site where the museum's exhibitions, collections, and security professionals are able to maintain and present these holdings to the public in tandem with programs currently offered at our Makiki Heights facilities.

The applicant will provide a museum staff member during the evening hours to ensure that the only persons parking in the lower parking garage will be employees or the handicapped visitors to the Café. No other drop-offs will be allowed and other Museum and Café visitors will be directed to park in the main parking lot on the upper campus.

The Café will be open only two Thursdays a month from 6:00 pm to 8:00 pm and will maintain the seating capacity of the existing Café (55 persons) . This limited early evening operation and no increase in seating capacity will minimize evening impacts to surrounding residents related to traffic and noise.

Odors from the existing Café are not evident and given the existing slope separation and distance between the Café and surrounding residents, odors are not expected to be a problem.

The applicant's noise consultant, D.L. Adams Associates, Ltd. conducted a noise assessment for the regular operating hours of the proposed Museum

expansion and has determined that the equivalent hourly sound levels, L_{eq}, in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA. These measurements were taken 10 feet in from The Contemporary Museum property line. The noise levels at the nearest residence will be lower.

The Contemporary Museum is zoned as R-5 Residential, or Class A, thus the maximum allowable property line noise limits, in accordance with the State of Hawaii Department of Health Community Noise Control Statute, are 55 dBA during the daytime hours (7:00 am to 10:00 pm) and 45 dBA during the nighttime hours (10:00 pm to 7:00 am).

D.L. Adams has provided two sets of recommendations for attenuating noise from the proposed chillers that will serve new Gallery buildings. These recommendations will reduce equipment noise to either below 45 dBA or below 40 dBA (below existing ambient background noise levels during the evening hours).

D.L. Adams has determined that noise from the proposed Cafe's rooftop fan at the nearest residence will be 41 dBA. Calculated noise levels due to café patrons at full capacity will be about 40 dBA to 46 dBA. Exterior noise levels at the nearest residences have been calculated to be below the existing ambient background noise levels.

Based on the noise assessment done for the regular operating hours of the proposed Museum expansion, ambient noise levels in the surrounding neighborhood will not be detrimentally affected.

The embankment supporting a portion of Makiki Heights Drive between Hoalu Street and the Nature Center have been washed away, due to heavy rainfall. The City has provided a low berm along the edge of pavement to redirect water away from the embankment and flashing light barricades to mark the area. Based on discussions with staff at the Department of Facilities Maintenance and a review of the City's GIS website, the area that would need to be improved (embankment) is owned by the State. The City has been working with the State to determine

jurisdictional responsibilities for improving the embankment. Until jurisdiction is determined, this portion of Makiki Heights Drive is not expected to be improved.

The project does not create new slopes near the lot boundaries. Slope hazard to surrounding properties does not change. A secondary effect of the on-site infiltration system is a slight improvement in slope conditions for properties located makai of the site because of the reduced stormwater quantity flowing down Makiki Heights Drive. This reduction in stormwater flow will reduce the potential for slides in the area.

Traffic from the opening of the Café two nights a month is not expected to have a significant impact on evening traffic in the area.

Since your letter of April 29, 2005, the applicant has presented the proposed expansion of The Contemporary Museum on May 5, 2005 and on May 19, 2005 at the Makiki/Lower Punchbowl/Tantalus Neighborhood Board. The previous meetings were not a waste of time because many of the changes being proposed in the applicant's latest proposal respond to concerns raised in previous community meetings.

In fact, our project began it's community outreach in fall of 2003 and since that time there have been several changes to the intended amendments. These changes to intended amendments were proposed to mitigate some of the major concerns that were presented in community meetings:

1. Reducing our request for use of an exterior public address system from 3 special events to two special events.

2. Reducing our request for 12 additional evening events with a maximum of 50 cars/100 persons on the Cooke-Spalding site to just 9 such events.

3. Reducing our request to allow the Café to be open every Thursday evening from 6:00 pm to 8:00 pm to allowing the Café to open just two Thursdays a month.

Other actions by the applicant to address concerns raised by the community include:

1. Clearing a pedestrian pathway through the overgrowth along portions of Makiki Heights Drive, clearing overgrowth and trimming trees back at the hairpin turn on the lower portion of The Contemporary Museum.

2. Focusing on providing an on-site septic system approved by the Department of Health rather than pursuing a connection to the municipal system through Hoalu Street, which presented concerns from Hoalu Street residents about construction impact to Hoalu Street and impact to the existing capacity of the wastewater system on Hoalu Street.

3. Applying for and receiving a temporary use permit with conditions for the ArtSpree event from the Department of Planning and Permitting (DPP).

In the Draft EA, the applicant has redesigned its proposed galleries to break up a former large gallery space (6,000 square feet) on the upper level into two smaller galleries (Gallery A - 2,300 square feet and Gallery B - 2,567 square feet) separated by a covered courtyard (620 square feet), reducing the bulk associated with the former design. This change was done to reduce the bulk and visual impact of the previous structure in response to concerns from residents about the massive size of the originally proposed upper level gallery. The applicant has also placed some gallery space underground (Gallery C) to minimize visual impacts on the surrounding residences. With these changes, the applicant's proposed gallery space has been reduced from 8,500 square feet to 8,061 square feet, while the proposed storage space (including mechanical room and electrical room) went from 3,400 square feet to 6,338 square feet. This increased space will have minimal impact on operations due to its use as storage. The Galleries, storage and mechanical rooms went from 11,900 square feet to 14,399 square feet in the Draft EA. In order to increase the setback from Makiki Heights Drive from the 25 feet proposed in the Draft EA to 30 feet for the Final EA, the applicant has reduced the floor area for the Galleries, storage and mechanical rooms to 11,930 square feet, while maintaining the concept of breaking up the Gallery space into Gallery A and Gallery B separated by the covered courtyard and an underground Gallery C. While the floor area has remained about the same as the original 11,900 square

feet, the impacts have been significantly reduced in relation to bulk since Gallery C is underground and Galleries A and B are separated by a covered courtyard. The applicant feels that these changes represent improvements over the previously presented design and will provide needed expansion areas that will allow the Museum to provide exhibits even during the weeks immediately preceding a gallery opening and periods immediately following a gallery opening. These changes will also allow the display of the Museum's permanent collection and storage of the remainder of the permanent collection on-site.

The applicant has been very responsive to concerns presented by the community. These meetings have not been called to meet requirements of the permit process. The Conditional Use Permit process and the Environmental Assessment process requires that the applicant to present the project to the neighborhood board one time, which was initially done on April 15, 2004. The prior and subsequent meetings with the community were conducted to learn the concerns of surrounding residents and to attempt to address those concerns through the hiring of subconsultants and through the studies and reports that they have provided. The applicant understands that you and some of your neighbors would prefer that no changes occur in relation to the existing Museum.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

The Makiki Heights Community Association

2350 Makiki Heights Drive, Honolulu, HI 96822-2544

TO: Ms. Sharon Nishiura
Department of Planning & Permitting
City & County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

FROM: Mr. Raymond T. Sasaki, Jr., President
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, Hawaii 96822

2005 MAY 3 AM 10 59
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

DATE: April 28, 2005 Friday

RE: Comments to the Revised Draft Environmental Assessment (Dated March 2005) for Use of an Historic Site – Tax Map Key Nos. 2-5-8: 1, 2 & 4
Applicant: The Contemporary Museum, 2411 Makiki Heights Drive, Honolulu 96822

I am a resident of thirty years on Makiki Heights Drive, the current president of the Makiki Heights Community Association (MHCA), and MHCA's representative on the Board of Trustees at The Contemporary Museum (TCM).

The resident members of the Makiki Heights Community Association have met at length to discuss The Contemporary Museum's (TCM) revised Draft EA and wish to submit our concerns to the report. First, we greatly appreciate the efforts of DPP in mailing the revised Draft EA to some of our residents, but many of our neighbors whose properties immediately surround TCM did not receive the revised Draft EA and may still be in the dark as to what is currently going on.

Following are the Association's comments and concerns to the revised Draft EA.

- Although the traffic assessment in the report addresses congestion, it does not address the community's primary concern of public safety. The purpose of TCM's proposed expansion is focused on attracting a greater attendance, and as announced at a recent TCM Board of Trustees meeting, a story on an event on their campus was published in an airline magazine with a readership of 8,000,000 readers. With the expected increase of traffic on Makiki Heights, the report does not address safety measures or improvements to be done on our sub-standard roads with no sidewalks, blind turns on all accesses to TCM, inadequate lighting, poor visibility along our roads, and night conditions which will further exacerbate the conditions

and safety to those unfamiliar with our roads (e.g., guests attending day and evening events at TCM, bikers, joggers, walkers, etc.). Further, with alcohol being served at evening events at TCM, the judgment of those guests consuming alcohol in any amount will be affected and will impact public safety along our roads.

* TCM plans to expand their art education program by their new facilities and having school children transported in busses that cannot safely maneuver the many blind turns both on Makiki Heights Drive and Mott-Smith Drive without encroaching into the lane for traffic in the opposite direction. Our Association has asked TCM on several occasions to consider using alternative locations with a safer infrastructure that would not impact public safety by their expansion. I understand that state law requires the applicant to look at and report findings on other location alternatives -- there is no mention of alternative locations or of TCM's findings in the Revised Draft EA.

  Further, if TCM is sincere in the educational development and public safety of Oahu's school children, particularly those children in the Title One and Corrective Action schools who would benefit by TCM's art education programs, would it not best serve both the community and TCM's educational endeavors to expand its facilities to locations that provide safer, closer, and more convenient accessibility to the school children -- especially in the rural areas where there is a greater concentration of both Title One and Corrective Action schools. Alternative locations our Association has suggested to TCM include Kaka'ako Park where the State is willing to partner on appropriate organizations and where the Children's Discovery Center is located, Sea Life Park, Kapolei, Paradise Park, the unoccupied top floor of the Royal Hawaii Shopping Center in Waikiki giving convenient accessibility to tourists, the Aloha tower Market Place which provides convenient shuttle service, and other private partners such as First Hawaiian Bank Tower in Downtown Honolulu where TCM has an exhibition space in the lobby, etc.

- Both the area roads and particularly the blind S-turn on Makiki Heights Drive are designated by the City & County of Honolulu for modifications. There is no mention at all in the revised Draft EA on any follow-up meeting by TCM with the City regarding the necessary modifications. As TCM is

applying for a permit which allows commercial activity *in a residential* neighborhood, the improvements and modifications (e.g., paved sidewalks along the perimeter of TCM's property, bikeways, proper lighting, signs, and drainage modifications to the blind S-turn, etc.) should be incumbent upon TCM as the applicant and not upon the residents or the City alone. Further, does not Ordinance 2412 require the applicant to be responsible for improvements and their costs? (E.g. Central Union Church's DPP imposed condition to widen South Beretania Street along the entire length of the Church's makai boundary at the Church's expense.) The traffic engineer's report in the revised Draft EA is very unclear as to whose responsibility it is to make the improvements and modifications. Should DPP approve TCM's application for a CUP, the community requests in fairness that DPP make the costs for improvements and modifications the responsibility of TCM.

- The revised Draft EA only *claims* that the dry wells TCM proposes to install "will work", but the report does not disclose *how* the dry wells will work to prevent water from heavy rains from overflowing or springing up on properties of lower elevation directly across the street from TCM. *The community clearly needs more information on the subsurface conditions.*

- The revised Draft EA lacks information on TCM's costs for their proposed expansion and improvements, and exactly how TCM will offset the costs. The community needs to know if efforts to offset the costs will be through larger and more frequent on-campus fundraising events, thereby creating more traffic congestion, noise, and impacting public safety.

TCM reported that attendance at their annual on-campus Art Spree event in 2004 was 2,500 guests in a seven (7) hour period. Our Association particularly notes that TCM has never in the eleven years of sponsoring Art Spree obtained a permit from the City to have more than the eighty (80) persons capacity on their campus as specified in the original CUP. At the Board of Trustees meeting of April 18, 2005, TCM Director Georgianna Lagoria expressed to the Board the need to accelerate fundraising programs and the possibility that TCM's largest fundraising event, *Contempo,* may not be hosted at Neiman-Marcus but at a new location. The community is concerned that the event may be held on TCM's campus in the evening and with an even larger attendance. The community needs to know if TCM will be increasing its on-campus functions and how TCM will address not only traffic congestion, but, more importantly, public safety issues.

Comments Submitted by Ray Sasaki, Jr., President
Makiki Heights Community Association
The Contemporary Museum's Revised Draft Environmental Assessment
(Dated March 2005)
April 28, 2005

- Regarding the "Level of Use" in the revised Draft EA, several layers and types of limiting conditions are proposed. There are different day and evening events both of which have different numbers of attendees which makes the report confusing. The revised Draft EA report does not address the evening events which are the most problematic and create the greatest impact on public safety and noise as that is when most people are in residence at home. The revised Draft EA further omits any mention of an important benefit for those who are *Circle Club Members* of TCM – that being, the member can host an evening dinner event of up to fifty (50) guests in TCM's café. The report does not disclose the number of *Circle Club Members* who are entitled to this privilege, how many additional evening events to the already proposed events in the revised Draft EA the *Circle Club Members* will create, and, as *Circle Club Member's* dinners are not a regular function of the café, will the evening hours go beyond 8:00 PM as with the café's proposed commercial operations in the evening. Even more problematic, *who* from DPP will monitor all of the evening activities to both determine and assure that the number of people permitted at each event is not exceeded.

- Presently, the public address (PA) system used at TCM's evening events caused sound disturbance to the surrounding community; particularly to those residents who are ailing seniors who are on medication. One resident has informed TCM that past evening events with the current PA system caused disturbance to his disabled parent and jeopardized the medication schedule and rest, thereby creating the need for medical attention. In the revised Draft EA, TCM is requesting an increase in the decibles for the PA system for evening events. Again, the community is inquiring *who* from DPP will monitor the sound level of the PA system at TCM's evening events. Because Makiki Heights is an old, established residential neighborhood with many ailing senior citizens, in consideration of TCM's desire to be a "good neighbor" as stated in the report, the members of our Association unanimously request that NO evening events be permitted.

- The DPP requires TCM to act responsibly and abide by the conditions set forth in its original CUP and to inform residents about any approved changes to the CUP. The residents of Makiki Heights Drive were never informed or notified about any amendments to the original CUP which converted the "snack shop" to a full service restaurant/café that is advertised on the web as a destination apart from the museum. Is TCM seeking an

"after the fact" approval from DPP which is totally inappropriate in the application process? Has a precedent not already been set by DPP by its denial of an application for a restaurant at the "gray stone" home at 1302 Nehoa Street?

- With gusty winds which is part of the nature of Makiki Heights, the revised Draft EA does not address "fugitive dust" (dirt & concrete) during the construction period or the control thereof to homes directly across the street or below TCM. "Fugitive dust" blown by winds will not only create a pollution and environmental problem, but a serious health problem to senior residents with respiratory ailments, people walking, jogging, biking, and to traffic visibility.

- On page two, last sentence under "finding of facts", there is reference to "Exhibit C" and "attachments" – neither of which is included in the revised Draft EA. How can the community responsibly evaluate the revised Draft EA when supportive documents are omitted?

- And, most disturbing to our membership is that under "Community Correspondence" in the revised Draft EA, no communication after July 19, 2004 (which not only have been many but which DPP has on file from MHCA) is included in the revised Draft EA. The last letter (July 19, 2004) listing the nine questions both MHCA and the Makiki Ohana Community Association (MOCA) sent to TCM is included – but, not TCM's responses to those questions. Further there is not record in this section of the August 29, 2004 meeting with the designated representatives from MHCA, MOCA, and TCM, nor is there a record of the May 23, 2004 TCM meeting with neighbors – just to name a few. Where is the body of information between July 23, 2004 and May 5, 2005 in the revised Draft EA?

Comments Submitted by Ray sasaki, Jr., President,
Makiki Heights Community Association
on The Contemporary Museum's Revised Draft Environmental Assessment
(Dated March 2005)
April; 28, 2005

In closing, the comment the members of the Makiki Heights Community Association also asked me to clearly convey is that the proposed expansion by TCM was not at all part of the original agreement TCM made with the community which allowed TCM's establishment within the completely residential neighborhood. Many of our members recall being assured by TCM at the on-start of their establishment on Makiki Heights that they would not be expanding but would solely confine itself to the original Spalding house. If granted the CUP by DPP, will there be additional expansion in the years to come?

Finally, our membership questions how the community is to respond responsibly to the revised Draft EA when they have not seen nor been presented in a public meeting with TCM's significantly revised design plans before the required May 7, 2005 public comment deadline.

Thank you for your continued concern and support in assuring public safety and environmental preservation of our community.

Sincerely,

Raymond T. Sasaki, Jr.
President
Makiki Heights Community Association

cc: Ms. Georgianna M. Lagoria, Director, The Contemporary Museum
Mr. Keith Kurahashi, Agent for the Contemporary Museum
Office of Environmental Quality Control
Ms. Tracy Miyahara, Chair, Makiki Ohana Community Association

KUSAO & KURAHASHI, INC.
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August 18, 2005

Mr. Raymond T. Sasaki, Jr.
2350 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Sasaki:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 28, 2005. The following responds to your comments:

- The Museum has been trimming back their foliage, along their frontage on Makiki Heights Drive on a regular basis to provide better visibility and a safer pedestrian walkway.

  Makiki Heights Drive is lighted and provides curve warning signs that provide driver notification of upcoming curves to help mitigate traffic safety for vehicles traveling to and from the Museum and other residences in the evening. Slower vehicle speeds are required to safely maneuver the curves on Makiki Heights Drive particularly at night.

  It's important to note that traffic generated in the evenings by the Museum's proposed expansion will occur once a week (until 9:00 pm) and on 15 additional events throughout the year. The proposed Contempo event if held on the Museum property would end at midnight, however, other evening events would end at 10:00 pm.

  The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary

Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

Alcohol will be controlled by the applicant during special evening events and servers will be coached on when to withhold alcohol. The applicant expects that visitors dining at the Café will provide the same restraint as existing Café visitors in relation to alcohol consumption. The applicant's servers in the Café will also be coached to ensure that there is a designated driver for any patron that appears intoxicated.

- While the road is substandard, there is no basis to conclude that it is dangerous or that driving conditions are hazardous when appropriate care is taken and a reasonable speed is used. Professional school bus drivers typically have a much better driving history than an average driver.

The applicant spoke with staff at the Department of Education and although a final position has not been reached. The preliminary indication is that funds for two buses and two drivers to utilize smaller buses is not available and would not be possible. The applicant will continue to pursue the

possibility of some private funding for buses to offset DOE's costs to permit smaller buses.

The state law requires the applicant to note alternative development plans that were considered in arriving at the proposed development plan. It does not require the consideration of a different site for the development. The applicant will note providing off-site educational programs that are on-going at the present time. However, it will also be noted that these are normally in small exhibit spaces and do not provide the important experience of visiting a full size museum and enjoying art education activities at such a museum.

The Contemporary Museum currently operates galleries off-site including The Contemporary Museum @ First Hawaiian Center, 999 Bishop Street and at other locales when the opportunity arises. The Museum also utilizes facilities at Punahou School and the University of Hawaii on a regular basis for evening education programs. However, these other facilities have limited space and do not allow the display of a significant amount of art pieces.

- As mentioned earlier, DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

As mentioned earlier, the applicant has met on two occasions with staff from the Department of Transportation Services to discuss potential improvements at the project driveways and at the hairpin curves.

The Contemporary Museum is not a commercial enterprise. It is a non-profit organization that would be considered a quasi-public facility on the development plan land use map and is considered a Social and Civic Service use in the Land Use Ordinance (the City's zoning code). This quasi-public

use depends on donations to survive as only a small fraction of its operating cost comes from income produced by entry fees.

As mentioned earlier, the applicant has been trimming back their foliage, along their frontage on Makiki Heights Drive on a regular basis to provide better visibility and a safer pedestrian walkway. Makiki Heights Drive is too narrow to allow for a separate bike lane and due to its winding curves, it would probably not warrant establishing a bikeway. The applicant has been responsive in trimming back its trees to minimize impacts to safe travel on Makiki Heights Drive. The applicant will monitor the impact of its tree canopy on street lights and trim the canopy back as needed. The applicant's traffic engineer is providing a study of the existing curve warning signs and will be making recommendations for improving signage with the Conditional Use Permit application. The applicant expects to reduce the current storm water runoff volumes that presently leaves the property during a storm event through rerouting of stormwater to landscaped areas and use of a drywell, reducing storm water runoff impacts from this property on Makiki Heights Drive. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

Based on discussions with staff at DPP, Ordinance 2412 is not enforced on residential zoned property. As part of the Conditional Use Permit process, the applicant will make recommendations for traffic improvements, signage, trimming of foliage to improve sight lines at the driveways and curves. The applicant expects that the trimming of foliage will be the applicant's responsibility. The signage improvements may also be required of the applicant, subject to the approval of DPP.

- All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

- The proposed expansion of The Contemporary Museum will cost approximately $13,000,000. The applicant will continue to cultivate private donors through the limited additional evening functions being requested. These smaller evening events may include fundraisers. The only annual fundraising event is the Contempo.

- The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the Contempo was approved for up to 450 persons. In approving Contempo, the Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

  > "<u>If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event.</u>"

The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval.

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved

Contempo event from 450 persons to 500 persons on the Museum property.

Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons. The applicant will utilize off site parking and shuttle buses and will hire an off duty police officer to safely direct traffic and to minimize inconvenience to the neighbors.

This year ArtSpree is authorized by DPP as a temporary use and hopefully will be approved through the proposed Conditional Use Permit application for future years. The annual ArtSpree event provides an open house and free admission to Museum from 10:00 am to 4:00 pm on one Saturday in July and allows neighbors and the art community an opportunity to enjoy the Museum free of charge. This event has proven to be popular among the Museum's neighbors (even some of its opponents) and the greater community. It provides an opportunity to educate the public on contemporary art and to increase awareness of The Contemporary Museum and the exhibits that are available for viewing. The proposed new Gallery space will provide additional viewing areas for visitors to ArtSpree.

- The applicant is requesting that six evening events be increased from 200 to 300 and the return of Contempo to the Museum property if necessary. These evening events will be handled through on-site parking and off-site parking with shuttle bus service. These smaller shuttle buses are able to maneuver safely through the hairpin turns and reduce the number of vehicles traveling to and from the Museum. Traffic improvements planned were discussed earlier, including improvements for evening traffic. Only Contempo a planned 500 person event (presently approved for 450 persons) is contemplating use of a public address system in the evening and other evening events with no public address system should not have a significant impact on noise for the surrounding area. The Contemporary Museum has a level of annual membership ($1,000 and above). There are approximately

100 couples who are members of the Contemporary Circle. Benefits of this membership include an annual dinner. This dinner is held at an off-site location, such as the Halekulani Hotel. Circle Members are not able to host private events at The Contemporary Museum.

The applicant plans to notify DPP of each special evening event and ArtSpree and agrees to report on the attendance numbers at each of these evening events, allowing DPP to keep track of the number of events held each year and the attendance at each event. The applicant will further agree to notify neighbors of each event and the type of event planned (100 prospective donors, up to 300 members attending the opening of a new exhibit, Contempo and ArtSpree).

- As discussed earlier, only Contempo a planned 500 person event (presently approved for 450 persons) is contemplating use of a public address system in the evening and other evening events with no public address system should not have a significant impact on noise for the surrounding area. Should Contempo return to the Museum site, the applicant will hire an acoustical consultant to measure the noise impact on the surrounding neighbors and for recommendations to mitigate those noise impacts. These findings will be shared with DPP.

As mentioned earlier, The Contemporary Museum is not a commercial enterprise. It is a non-profit organization that depends heavily on donations to survive as only a small fraction of its operating cost comes from income produced by entry fees.

The amount of grants available at the federal and state level are extremely limited. This Museum depends on the generosity of its donors to exist. These donors provide the bulk of the costs to operate and maintain the Museum and its historic structures.

The proposed evening events are critical to attracting potential donors/members to the Museum. The proposed new evening events will have the same occupancy as the Museum's daily operation and should not have a significant impact on the neighbors. These evening events will allow

an opportunity to welcome prospective donors to the Museum and help promote fund raising efforts to allow continued operation of the Museum. The Museum operation could not continue without our donors, who fund most of the costs of our operation. The donors will also provide the funds necessary to maintain and upkeep the important historic structures (three of which are on the State Historic Register) and the historic grounds of the Museum. These funds will also help to restore certain historic features of the Cooke-Spalding Residence, as recommended by the State Historic Preservation Division. The cultivating of new donors will also be supported by the exhibit opening evening events which we propose to increase from 200 participants to 300 participants.

Your association request that no evening events be permitted would do irreparable damage to the Museum's primary funding source, our donors and Museum members. The applicant feels that the Museum would not be able to survive without these evening events.

- The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum. As such, an after the fact approval of the Café is not required. The applicant is not aware of the background behind the "gray stone" home at 1302 Nehoa Street. However, a Café as an accessory use to a Museum is not the same as a stand alone restaurant in a Residential zone district.

- The Draft EA noted that short term impacts on air quality are expected to be primarily related to dust generated by the construction activity. Dust will be generated in the course of excavating for foundations and utility lines. Fugitive dust will be controlled by dust screens, watering and other

standard means available to the construction trade. A dust control management plan will be developed by the General Contractor, and measures specific to each task, area and phase of the project will be reviewed and approved by the Owner. The General Contractor will be notified and made aware of his responsibilities with respect to dust control. The General Contractor will be required to have an Environmental Control Officer present onsite during any activities that may generate dust, noise or any other activity that may have impact on the surrounding environment. All activities will conform to the Hawaii Administrative Rules on Fugitive Dust. Buffer zones will be implemented wherever possible on the site.

- The applicant will include a copy of "Exhibit C" in the Final EA. It was inadvertently left out of the Draft EA.

- The Draft EA consultant apologizes for the oversight in not updating the community correspondence appendix in the current Draft EA. Community correspondence will be updated to reflect correspondence between the community and The Contemporary Museum received between July 23, 2004 and the present (until the Final EA is completed and packaged for printing). This correspondence file will include correspondence between the applicant and the community. This section will not cover comments received on the Draft EA, since these comments will be included in a separate appendix in the Final EA. The dates of community meetings that the applicant was involved in will be listed in the Final EA.

The reason the proposed expansion was not part of the original agreement with the Makiki Heights Community Association is because the applicant at the time was not aware of the need for this expansion. The Museum operated for over 15 years, before it became apparent that additional space would be needed. Had this need for expansion been anticipated back in 1986, it would have been mentioned and included in the agreement. The applicant does not believe that further expansion will be needed over the next 15 years, but cannot say that they would never expand.

Although the presentation on the proposed expansion of The Contemporary Museum was done on May 5, 2005 at the Makiki/Lower Punchbowl/Tantalus

Neighborhood Board, there is no requirement for a public or other presentation on the Draft EA. In fact presentations on Draft EAs are not that common, presentations on proposed developments to Neighborhood Boards are commonly done and in some instances required by the Department of Planning and Permitting (DPP), such as for major permits of the Land Use Ordinance. The proposed expansion of the Museum has been presented to the Board several times in the past. The Office of Environmental Quality Control (OEQC) recommends that the proposed development been presented to the Neighborhood Board, to gauge community concerns about a proposed development. But OEQC does not require that a briefing on a Draft EA document be done in the community.

Since your letter of April 28, 2005, the applicant has presented the proposed expansion of The Contemporary Museum on May 5, 2005 and on May 19, 2005 at the Makiki/Lower Punchbowl/Tantalus Neighborhood Board and the deadline for comments on the Draft EA had been extended to May 28, 2005.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

IPA ISLAND PACIFIC ARCHITECTURE, INC.
1188 Bishop Street Suite 3307, Honolulu, HI 96813-3313 Ph. (808)521-3828 Fax (808)526-0579

April 27, 2005

Henry Eng FAIPC, Director
Attn: Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 So. King Street 7th Floor
Honolulu, HI 96813

RECEIVED
'05 MAY -2 P5:37
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

Re: The Contemporary Museum
Request for Amendments to Conditional Use Permit (86/CUP)
Request for Conditional Use Permit (Historic Site Use)

Dear Mr. Eng,

As a former resident of Makiki Heights during the processing of the 1986 CUP, and as former president of the Makiki Heights Community Association and member of the Board of Directors for The Contemporary Museum, I wish to add my voice to the concerns expressed by members of the community and neighborhood surrounding the Museum property in regard to the above requests for conditional use of the residential zoned property.

I have reviewed the Draft Environmental Assessment and offer the following comments for your consideration:

1. Relocated gift shop: The new location of the gift shop allows patronage by the public without entering the museum. This relocation tends to a more commercial than accessory use.

2. Security after hours: As the security residence is to be demolished how is security after hours assured?

3. Public address system for ArtSpree and other events: Public address systems are incompatible with residential use and prevent the quiet enjoyment of residential property.

4. Contempo, or other event for 500 persons: I don't recall neighborhood consent to the very large events, although TCM has held these events "1988 through 1994" (page 14).

5. 6 events for 300 persons: The six events disrupt the neighborhood, especially in regard to traffic, with the present 200 person limit.

6. Café regulations: The lack of current regulations is not an oversight. No café was permitted in the original CUP, and therefore regulations for a café were irrelevant. Substitution of a café for the permitted snack bar is considered a violation of the existing CUP.

- The design, as described, is much more subtle from the interior of the property than the glass edifice over 40-ft in height facing the street adjacent to the Peterson house.
- More information is required in regard to the reflectivity of the proposed glass.
- The request for a 25-ft setback in lieu of 30-ft should not be granted, as the structure is intrusive even with a 30-ft setback. Should the road be widened as designated in the long range plans of the City, the landscaped area would be reduced and the setback would become more critical.
- The south face of the building is proposed to be 41-ft high facing the Peterson driveway. Even though the grade is higher at the east and west sides of the building, this elevation is 11-ft above the 30-ft height limit and appears to violate the LUO Section 21-4.60. As the driveway must remain open, landscaping cannot conceal the view of this oversized mass. The view through the driveway may be momentary when driving past, but it would have a greater impact on pedestrians and bicyclists passing, and would be a constant unsightly presence for the residents along the street.
- Has TCM considered constructing the large building further within their property to lessen the impact on the surrounding neighborhood?

11. Noise impact (long term): The statement (page 54) that the long term impact would be minimal if the Café is allowed to be open evenings is questionable. TCM would need to do more than "attempt" to schedule delivery trucks outside quiet hours (page 69). Again, the neighborhood residents should not be required to monitor and enforce conditions not normally permitted in residential zoned areas.

12. Social welfare of the community: The neighborhood residents disagree that the social welfare of the neighborhood "would not be substantially affected" (page 61). Some of the reasons are stated above.

13. Roadway straightening: Straightening the S-curves would undoubtedly cause more speeding.

14. Walking path along Makiki Heights Drive: The path would be more useful if continuous along the entire property from the museum entrance to below the Peterson residence. Will TCM be required to maintain a continuous path? Again, the neighborhood residents should not be required to monitor and enforce TCM responsibilities designed to mitigate conditions not normally permitted in residential zoned areas.

15. Response to community concerns:
    - TCM makes a promise to the community, which will be impossible to keep, to prohibit vehicle drop off at the Café (page 70). If the residence is allowed to be used as a café it will be impossible to control vehicle drop off.

- TCM did not answer the community concern regarding long term truck traffic. The terms "minimal" and "occasional" (page 71) are vague and subjective.
- TCM may have "worked hard" to manage traffic control for main event parking, but their efforts have been unsuccessful. Unachievable promises should not be considered to mitigate the disruptions which result from the non-residential use.
- If the café use is permitted, the neighbors should not be required to monitor and enforce compliance with the TCM promise.

16. Land Use Ordinance: The discussion of conformance to the LUO, fails to mention that the parking for the Cooke-Spalding property within the yard setbacks is non-conforming. With the present landscaping this is not objectionable, but all of the discussion regarding generous setbacks would be moot if road widening were to be done.

The 1986 CUP and TCM/MHCA agreement represents the compromise that the neighborhood agreed was acceptable for the non-residential use of the property. During the ensuing years TCM has not reliably controlled the conditions presently allowed. If the expansion request is granted, and TCM is unable to improve their control in areas required by the conditions of the permit, the neighborhood would be without realistic recourse. For this reason, it is likely that expansion of the non-residential use, will have an irreversible negative effect on the character and quality of the residential neighborhood. It is respectfully requested that your review of the TCM application for expansion give careful consideration to the valid and legitimate concerns of the neighborhood residents.

Very truly yours,

Carolyn Allerdice, President
Island Pacific Architecture, Inc.

Cc: Director, OEQC
Mr. Keith Kurahashi
Ms. Georgiana Lagoria, Director, TCM
Makiki Heights Community Association c/o Ray Sasaki

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
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FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Carolyn Allerdice, President
Island Pacific Architecture, Inc.
1188 Bishop Street, Suite 3307
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Allerdice:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 27, 2005. The following responds to your comments:

1. Relocated gift shop:

The gift shop is an accessory use to the Museum. The gift shop is expected to continue to serve the Museum visitors, as it has since its inception. It's change in location will not change its operations as non-paying Museum visitors can visit the gift shop at the present time and will be allowed to visit it at its new location. It is not a popular or well known retail outlet and functions as a typical accessory use to the Museum. People who have not visited the Museum are probably unaware that it has a gift shop. Based on this description, the Gift Shop is permitted as an accessory use to the Museum.

The Gift Shop is currently located on the entry lanai, in proximity to the galleries and museum entrance. The Gift Shop is moving from its current location to make room for a centrally located public gathering space. The Gift Shop will be relocated to what is now the Cades Library, which is being moved to the Pietsch-Peterson property. This new location for the

Gift Shop maintains its current proximity to the galleries and the museum entrance.

2. Security after hours:

The presence of the Museum in Makiki Heights increases the security of the neighborhood as (1) all three properties will have staff members in residence (2) security staff will be increased (3) security staff is always present during the open hours of the museum, and one security staff member is specifically designed to patrol and monitor the public parking lot.

The Pietsch-Peterson House contains an apartment over the kitchen which the applicant would like to use either for a live-in staff member (possibly security staff) or use for short-term (average 1-3 weeks) residence of artists presenting programming at the Museum. Ideally, the applicant will have a staff member residing on all three of the properties.

3. Public address system for ArtSpree an other events:

The outdoor amplification at events will not have a significant detrimental effect on ambient noise levels in the surrounding neighborhood. This outdoor amplification is requested for just two events, ArtSpree which occurs from 10:00 am to 4:00 pm on one Saturday a year and for Contempo which may return to the Museum grounds and last from 5:30 pm to 12:00 midnight. A noise assessment done by D.L. Adams Associates, Ltd. notes that: "In addition, a portable address system will be employed during annual events such as ArtSpree. This noise is not expected to be louder than traffic from Makiki Heights Drive. To minimize noise during these events, loudspeakers should be configured to face away from neighboring residences and several loudspeakers should be placed throughout the listening area and set to lower sound levels to reduce the overall sound."

Contempo is the only other event that would utilize outdoor amplification. Contempo would occur from 5:30 pm to 12:00 midnight.

Contempo would follow the noise assessment recommendations to minimize noise impact .

4. Contempo, or other event for 500 persons:

The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the Contempo was approved for up to 450 persons. In approving Contempo, the Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

> "If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event."

The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval.

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved Contempo event from 450 persons to 500 persons on the Museum property.

Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons. The applicant will utilize off site parking and shuttle buses and will hire an off duty police officer to safely direct traffic and to minimize inconvenience to the neighbors.

This year ArtSpree is authorized by DPP as a temporary use and hopefully will be approved through the proposed Conditional Use Permit application for future years. The annual ArtSpree event provides an open house and free admission to Museum from 10:00 am to 4:00 pm on one Saturday in July and allows neighbors and the art community an opportunity to enjoy the Museum free of charge. This event has proven to be popular among the Museum's neighbors (even some of its opponents) and the greater community. It provides an opportunity to educate the public on contemporary art and to increase awareness of The Contemporary Museum and the exhibits that are available for viewing. The proposed new Gallery space will provide additional viewing areas for visitors to ArtSpree.

5. <u>6 events for 300 persons:</u>

The Traffic Assessment in the Draft EA stated as follows:

"The larger facility could be expected to have higher number of attendees (300 instead of 200 people), which would require increased capacity in off-site parking and shuttle capacities. The proposed 90 parking spaces on-site would accommodate some of these visitors; others may need to park off-site and be transported to the property using shuttles. The project's potential impact to traffic on the adjoining streets has been estimated for full use of the off-street parking lot, with a complete turnover in one hour. Traffic in this highest hour would increase from an existing 61 vehicles per hour each way (arriving at the site and leaving the site) to 90 vehicles per hour each way. During special events, the additional traffic due to shuttle buses used to transport visitors from off-site parking areas to The Contemporary Museum is estimated to be less than ten vehicles per hour in each direction. The project traffic would still be less than the threshold for preparing a traffic report that was cited above. The increase in traffic would not create congestion, with the frequency of a vehicle on the street increasing from an average of about one every 30 seconds to one every 20 seconds with consideration of the maximum impact of the six larger events."

Traffic at three vehicles every minute would not have a significant impact on Makiki Heights Drive or surrounding streets.

6. Café regulations:

The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

7. 9 new evening events:

Parking for 50 vehicles at the nine new evening events will be conducted at the upper campus. Should valet parking be utilized, all parking can be accommodated on the parking lot on the main campus near the Museum entry. Only about four vehicles will have to be tandem parked and the valet parking should not impact the surrounding streets or neighbors.

The applicant plans to notify DPP of each special evening event and ArtSpree and agrees to report on the attendance numbers at each of these evening events, allowing DPP to keep track of the number of events held each year and the attendance at each event. The applicant will further agree to notify neighbors of each event and the type of event planned (100 prospective donors, up to 300 members attending the opening of a new exhibit, Contempo and ArtSpree).

8. Traffic Assessment Report:

- The number of parking spaces being provided is 78 and the Final EA will be revised to reflect 79 parking stalls. At the time the Traffic

Assessment was done, there was a plan to provide about 90 parking stalls. Due to design changes and a request from staff of the Department of Planning and Permitting (DPP) the proposed gallery building and parking area was redesigned to protect the root system of the existing monkey pod trees. The current parking standards of the Land Use Ordinance for museums is one parking stall per 400 square feet. A parking table, enclosed, for the Museum expansion indicates that 72 parking stalls are required for the proposed Museum expansion. The applicant is providing 78 parking stalls, six more than required.

The applicant's traffic engineer noted that if the number of parking spaces is less than the 90 used in the analysis of typical day conditions, the traffic impact would be smaller, since the increase in traffic was assumed to be in proportion to the increase in parking on the site. The conclusions that there would be minimal impact would not change.

- The analysis of traffic impacts during special events assumed that traffic management measures, including the use of a special-duty police officer at the site driveway, would relieve congestion on the street (the officer should be concerned with maintaining flow on the street, even if congestion occurs on the site). Other traffic management strategies to deter drivers from the site and to use off-site parking were assumed to be effective.

- The estimated increase of 10 vehicles per hour is due to increased shuttle bus service that would be needed to support the 50% increase in attendance; because this service is most desirably spread out, the expectation that the increase in traffic would not occur in a shorter period of time is reasonable.

- The addition of warning signs, where appropriate was identified as a measure to improve safety and its implementation should not be based on being "not in character with the neighborhood". On the contrary, where numerous curves exist, traffic warning signs are very

much in character with the neighborhood and are a necessity in adequate roadway condition information for safe maneuvering through the curves.

9. Café in Pietch-Petersen house:

- Water demand and use can be determined by the number of fixture units and any projected increase in fixture units. Since no increase in fixture units is planned, no increase in water use was projected.

  Another way is to look at the proposed use of the property. Based on the "State Water Projects Plan" dated February 2003, Table 3.1 "Domestic Consumption Guideline Average Daily Demand" (enclosed) the demand for a single family residence on Oahu is 500 gallons per unit. The demand for Commercial/Residential Mix development on Oahu is 120 gallons/1,000 square feet. The Pietsch-Peterson Residence has 4,667 square feet which would require 560 gallons per day which is very close to the projected 500 gallons per day noted in our Draft EA.

- The extent of cooking, food prep and dishwashing shall be similar to the existing café use and the septic system will be designed to handle all anticipated loads. The Department of Health will require a grease interceptor and the applicant will provide one.

- Based on discussions with the Department of Health (DOH), the proposed expansion and renovation of the Museum will require upgrading of the two existing cesspools to septic tank systems. DOH is also recommending that the Johnson cesspool also be upgraded to a non cesspool system. The applicant will provide a septic tank system in accordance with this recommendation.

  There are currently three wastewater disposal systems impacted by the project – (1) a cesspool in the lower section of the Cooke-Spalding main parking lot, (2) a septic tank and leach filed in the gardener's area below the Cooke-Spalding Café lawn, and (3) in the

Pietsch-Peterson parking area. These will be replaced by septic system and leach field systems: (1) in the same area (under the asphalt and in landscaping of the Cooke-Spalding lower parking area; (2) on the great Lawn east of the upper monkey pod tree; and (3) in the same area under the asphalt of the Pietsch-Peterson parking area.

The converted systems will be designed to meet the capacity requirements of the proposed additions and revisions to the campus. The converted systems will be designed in accordance with State Health Department standards. If required by DOH, a back up generator system will be provided in the event of power outages.

10. New Gallery/Parking structure:

- In the Draft EA, the applicant has redesigned its proposed galleries to break up a former large gallery space (6,000 square feet) on the upper level into two smaller galleries (Gallery A - 2,300 square feet and Gallery B - 2,567 square feet) separated by a covered courtyard (620 square feet), reducing the bulk associated with the former design. This change was done to reduce the bulk and visual impact of the previous structure in response to concerns from residents about the massive size of the originally proposed upper level gallery. The applicant has also placed some gallery space underground (Gallery C) to minimize visual impacts on the surrounding residences. With these changes, the applicant's proposed gallery space has been reduced from 8,500 square feet to 8,061 square feet, while the proposed storage space (including mechanical room and electrical room) went from 3,400 square feet to 6,338 square feet. This increased space will have minimal impact on operations due to its use as storage. The Galleries, storage and mechanical rooms went from 11,900 square feet to 14,399 square feet in the Draft EA. In order to increase the setback from Makiki Heights Drive from the 25 feet proposed in the Draft EA to 30 feet for the Final EA, the applicant has reduced the floor area for the Galleries, storage and mechanical rooms to 11,930 square feet, while maintaining the concept of breaking up the Gallery space into Gallery A and Gallery B separated by the covered

courtyard and an underground Gallery C. While the floor area has remained about the same as the original 11,900 square feet, the impacts have been significantly reduced in relation to bulk since Gallery C is underground and Galleries A and B are separated by a covered courtyard. The applicant feels that these changes represent improvements over the previously presented design and will provide needed expansion areas that will allow the Museum to provide exhibits even during the weeks immediately preceding a gallery opening and periods immediately following a gallery opening. These changes will also allow the display of the Museum's permanent collection and storage of the remainder of the permanent collection on-site.

- The two upper galleries are the only major structures that are fully visible (all other major structures are mostly underground on two sides or more). These two structures measure 2,300 square feet and 2,567 square feet which for this neighborhood would be considered rather small residential structures.

  The lower floors of the structure provide storage and parking and have only portions occurring above ground, except facing the Peterson residence driveway courtyard.

- Based on the Department of Planning and Permitting's measurement of height, since the parking garage is considered underground on three sides and the applicant plans to maintain existing grade across a portion of the top the parking garage, the height of the galleries from this elevation is below the allowable 30-foot height limit. New landscaping to provide screening will be provided by mock orange hedges, along the Makiki Heights Drive frontage of the new galleries and Schefflera Arboricola 'Luceanne' in the area where the existing elevation has been retained above the underground parking garage entrance at the Pietsch-Peterson driveway court.

  The proposed glass is not-reflective, but clear glass with a translucent frit coating. The gallery structures glass surface is the result of

thoughtful planning to create a muted reflection that we expect will be dull enough to minimize glare and not have the same impact as a window or other clear glass surface. This muted reflection is designed to provide a dull reflection of the surrounding landscaping and scenery and to blend with the surrounding environment, minimizing the visual impact of the structure.

Upon completion of construction, the applicant expects that with proper landscaping, the muted glass design of the building and the double loaded new galleries the new structures will blend into the surrounding environment and will not create a significant adverse impact on public views.

- As mentioned earlier, the proposed glass is not-reflective, but clear glass with a translucent frit coating. The gallery structures glass surface is the result of thoughtful planning to create a muted reflection that we expect will be dull enough to minimize glare and not have the same impact as a window or other clear glass surface. This muted reflection is designed to provide a dull reflection of the surrounding landscaping and scenery and to blend with the surrounding environment, minimizing the visual impact of the structure.

- The applicant has requested a 25-foot setback, in lieu of the 30-foot setback, in accordance with the Director of the Department of Planning and Permitting's (Director) authority to modify yard areas through the Conditional Use Permit process. We understand that the Director will not make a decision on this modification of the yard area until completion of the Conditional Use Permit application process.

  The City's road widening maps do not indicate a plan to widen Makiki Heights Drive fronting the proposed gallery structures. The wide setback should provide ample area for lush landscaping to screen the proposed gallery structures.

- This concern was addressed earlier. The view through the driveway will be screened by landscaping situated above the underground parking entry and will be further mitigated by the muted reflection that is designed to provide a dull reflection of the surrounding landscaping and scenery and to blend with the surrounding environment.

- The applicant had considered relocating the building further into the Museum grounds to further reduce impacts to surrounding residents. However, this would require removal of several of the large Monkey Pod trees that the applicant is trying to preserve. This would also eliminate greater portions of the large lawn and garden area which provides part of the historic character of the property.

11. Noise impact (long term):

The applicant's noise consultant, D.L. Adams Associates, Ltd. conducted a noise assessment for the regular operating hours of the proposed Museum expansion and has determined that the equivalent hourly sound levels, L_{eq}, in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA. These measurements were taken 10 feet in from The Contemporary Museum property line. The noise levels at the nearest residence will be lower.

The Contemporary Museum is zoned as R-5 Residential, or Class A, thus the maximum allowable property line noise limits, in accordance with the State of Hawaii Department of Health Community Noise Control Statute, are 55 dBA during the daytime hours (7:00 am to 10:00 pm) and 45 dBA during the nighttime hours (10:00 pm to 7:00 am).

D.L. Adams has determined that noise from the proposed Cafe's rooftop fan at the nearest residence will be 41 dBA. Calculated noise levels due to café patrons at full capacity will be about 40 dBA to 46 dBA. Exterior noise levels at the nearest residences have been calculated to be below the existing ambient background noise levels.

Based on the noise assessment done for the regular operating hours of the proposed Museum expansion, ambient noise levels in the surrounding neighborhood will not be detrimentally affected.

12. Social welfare of the community:

The applicant has done its best to address the statements within this letter on neighborhood impacts.

13. Roadway straightening:

The applicant would tend to agree with you that for those choosing to speed around the S-curves, straightening the curve would tend to cause greater speeding. Makiki Heights Drive is lighted and provides curve warning signs that provide driver notification of upcoming curves to help mitigate traffic safety for vehicles traveling to and from the Museum and other residences in the evening. Slower vehicle speeds are required to safely maneuver the curves on Makiki Heights Drive. The applicant's traffic engineer will be looking at other possible curve warning signs that may provide further deterrence of inadvertent speeding around the curves.

14. Walking path along Makiki Heights Drive:

The applicant's traffic engineer is studying additional measures to improve pedestrian safety around the curve below the Peterson residence. The feasibility of a pedestrian path in this area is being considered. The applicant has been diligent about having its landscaper trimming the path that it created at least once a month.

15. Response to community concerns:

- The applicant will have either a security guard or an employee monitor the Café and underground parking area during Café hours to ensure that drop off is limited to handicap patrons only.

- Existing long term, large truck traffic is expected to continue with refuse pickup occurring twice a week, delivery and pick up of temporary exhibit art occurring 12 times a year, and continued deliveries to the Café three times a week (some of these vehicles involve smaller trucks and vans). New long term truck traffic is expected to include delivery of large permanent collection purchases occurring possibly twice a year.

- The applicant will maintain regular café hours as requested, the addition of two Thursday evenings per month. The applicant will provide its own monitoring to ensure compliance with conditions of approval.

16. Land Use Ordinance:

Section 21-4.30(d) of the Land Use Ordinance states as follows:

"Parking and loading shall not be allowed in any required yard, except parking in front and side yards in agricultural, country and residential districts and as provided ..."

Parking is permitted in the front yard of this residential district. The applicant intends to maintain existing landscaping in most areas, except as needed to clear site lines at driveways and curves to improve traffic safety. Any other perimeter landscaping temporarily removed during construction will be replaced to continue to screen activities and structures on the Museum property.

ArtSpree is the one event that was not approved and continued to be held annually at The Contemporary Museum. The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by the minor modification approval mentioned earlier. This year ArtSpree is authorized by the Department of Planning and Permitting (DPP) as a temporary use and hopefully will be approved through the proposed Conditional Use Permit application for future years. The annual ArtSpree event provides an open house and free admission to Museum from 10:00 am to 4:00 pm on one

Saturday in July and allows neighbors and the art community an opportunity to enjoy the Museum free of charge. This event has proven to be popular among the Museum's neighbors (even some of its opponents) and the greater community. It provides an opportunity to educate the public on contemporary art and to increase awareness of The Contemporary Museum and the exhibits that are available for viewing. The proposed new Gallery space will provide additional viewing areas for visitors to ArtSpree.

The applicant for the most part has met the conditions of approval and has done its best to operate within the intent of the CUP.

The Contemporary Museum will abide by present and future restrictions set forth by DPP.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

THE CONTEMPORARY MUSEUM
PARKING REQUIREMENTS

Use	Area	Parking Standard	Parking Required
Cooke-Spalding			
Museum	11,216 sf	1 per 400 sf	28.04
Storage and Exhibit Staging Area	4,057 sf	accessory	0
Residence	1,813 sf	2 per unit (up to 2,500 sf)	2.00
Garage	536 sf	accessory	0
Subtotal	17,622 sf		30.04
Sheds	475 sf	accessory	0
Pietsch-Peterson			
Museum	4,045 sf	1 per 400 sf	10.11
Maids Quarters	354 sf	2 per unit (up to 2,500 sf)	2.00
Garage	268 sf	accessory	0
Subtotal	4,467 sf		12.11
Johnson			
Office	4,819 sf	1 per 400 sf	12.05
Residence	1,242 sf	2 per unit (up to 2,500 sf)	2.00
Subtotal	6,061 sf		14.05

Use	Area	Parking Standard	Parking Required
New Buildings			
Upper Level Galleries A and B	4,518 sf	1 per 400 sf	11.30
Upper Level Covered Courtyard	500 sf	accessory	0
Lower Level - Storage	5,172 sf	accessory	0
Basement - Utility Rooms	535 sf	accessory	0
Gallery C	1,705 sf	1 per 400 sf	4.26
Subtotal	14,399 sf		15.56
Total	**43,024 sf**		**71.76**

Table 3.1
Domestic Consumption Guideline
Average Daily Demand*

Zone	Hawaii	Kauai	Maui	Oahu
RESIDENTIAL:				
Single Family or Duplex	400 gal/unit	500 gal/unit	600 gal/unit or 3000 gal/acre	500 gal/unit or 2500 gal/acre
Multi-Family Low Rise	400 gal/unit	350 gal/unit	560 gal/unit or 5000 gal/acre	400 gal/unit or 4000 gal/acre
Multi-Family High Rise	400 gal/unit	350 gal/unit	560 gal/unit	300 gal/unit
COMMERCIAL:	3000 gal/acre	3000 gal/acre	6000 gal/acre	3000 gal/acre
Commercial/Industry Mix	--	500 gal/acre	140 gal/1000 sq. ft.	100 gal/ 1000 sq. ft.
Commercial/Residential Mix	--	3000 gal/acre	140 gal/1000 sq. ft.	120 gal/1000 sq. ft.
RESORT (To include hotel for Maui only):	400 gal/unit	350 gal/unit	350 gal/unit or 17000 gal/acre	350 gal/unit or 4000 gal/acre
LIGHT INDUSTRY:	4000 gal/acre	4000 gal/acre	6000 gal/acre	4000 gal/acre
SCHOOLS, PARKS:	4000 gal/acre or 60 gal/student	2500 gal/acre plus 20 gal/student	1700 gal/acre or 60 gal/student	4000 gal/acre or 60 gal/student
HOSPITAL:			1800 gal/acre	
AGRICULTURAL:			5000 gal/acre	

*Where two or more figures are listed for the same zoning, the daily demand resulting in higher consumption use shall govern the design unless specified otherwise.

Note: Table 3.1 is taken from Table 15, Domestic Consumption Guideline Average Daily Demand, Water System Standards, State of Hawaii, 1985, Volume I.

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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August 31, 2005

Ms. Carolyn Allerdice, President
Island Pacific Architecture, Inc.
1188 Bishop Street, Suite 3307
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Allerdice:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 27, 2005.

The following provides a correction to the following comment in the August 18, 2005 letter we sent responding to your section on the Traffic Assessment Report:

> "A parking table, enclosed, for the Museum expansion indicates that 72 parking stalls are required for the proposed Museum expansion. The applicant is providing 78 parking stalls, six more than required."

A revised parking table is provided, based on updated plans. The parking table indicates that about 75 parking stalls are required. The applicant is providing 78 parking stalls, three more than required.

This additional response will be included in the Final Environmental Assessment.

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

THE CONTEMPORARY MUSEUM
PARKING REQUIREMENTS

Use	Area	Parking Standard	Parking Required
Cooke-Spalding			
Museum	11,818.7 sf	1 per 400 sf	29.55
Storage and Exhibit Staging Areas	4,433.8 sf	accessory	0
Residence	2,330.8 sf	2 per unit (up to 2,500 sf)	2.00
Garage	536.0 sf	accessory	0
Lanai Entry	1,153.9 sf	accessory	0
Subtotal	**20,273.2 sf**		**31.55**
Cades	**1,619.0 sf**	1 per 400 sf	**4.05**
Pietsch-Peterson			
Café and Storage	1,692.0 sf	1 per 400 sf	5.63
Residence	366.0 sf	2 per unit (up to 2,500 sf)	2.00
Storage	291.0 sf	accessory	0
Office/Library	1,661.1 sf	1 per 400 sf	4.15
Bath/Lanai/Circulation	2,371.2 sf	accessory	0
Subtotal	**6,381.3 sf**		**11.78**
Johnson			
Office	4,819.0 sf	1 per 400 sf	12.05
Residence	1,242.0 sf	2 per unit (up to 2,500 sf)	2.00
Subtotal	**6,061.0 sf**		**14.05**

Use	Area	Parking Standard	Parking Required
New Buildings			
Upper Level Galleries A and B	4,018.0 sf	1 per 400 sf	10.05
Upper Level Covered Courtyard	500.0 sf	accessory	0
Lower Level - Storage	5,172.0 sf	accessory	0
Basement - Utility Rooms	535.0 sf	accessory	0
Gallery C	1,705.0 sf	1 per 400 sf	4.26
Subtotal	**11,930.0 sf**		**14.31**
Total	**46,264.5 sf**		**75.74**

The parking required for the proposed development is about 76 parking stalls. The applicant is providing 78 parking stalls.

2005 APR 27 PM 2 08

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

2174 Mott-Smith Drive
Honolulu, HI 96822-2516

April 26, 2005

Department of Planning & Permitting
City & County of Honolulu
650 South King St.
7th Floor
Honolulu, HI 96813

Attn: Sharon Nishiura

Re: The Contemporary Museum

Gentlemen:

The Contemporary Museum's (hereinafter "TCM") expansion plans graphically illustrate the dangers of setting foot on a slippery slope.

My home is less than 100 feet from TCM. I bought it in 1985, shortly before TCM moved into the neighborhood. At the time, I did not object to its existence: after all, the renovations were confined mostly to the interiors of existing structures, and the Conditional Use Permit (hereinafter the "CUP") restricted the hours of operation, the character of its use, and the number of people who could be onsite. I was even a dues paying member for some years.

But almost from inception, TCM either stretched the limits of its operating conditions or ignored them entirely. For example: TCM was supposed to handle traffic and parking at its six annual evening events by warning members not to park offsite around the neighborhood and to provide shuttles to TCM; it did not do so consistently until after several events in which traffic and parking (and the attendant safety and noise issues) caused neighbors to complain. TCM was permitted under the CUP to have a snack bar as an accessory and/or incidental use to the museum for museum goers, but the snack bar quickly became a café that was promoted in the dining supplements in the press as a nice venue to dine. Even now, neither paid entrance to TCM nor membership in TCM is a

prerequisite to dining in the café, leading to the inescapable conclusion that the café is not simply an accessory use whose function is incidental to the exhibition of art. TCM has also ignored the limitations on its onsite capacity by holding its annual ArtSpree event. However laudable its goals, ArtSpree is not one of the uses specified under the CUP.

Now, TCM has decided that it wants to undertake major new construction and expand its operations and activities, and in the process, drag the neighborhood down the slippery slope. TCM's Environmental Assessment (hereinafter "EA") bootstraps its way into concluding that the changes to the CUP will not detrimentally affect the environment of the Makiki Heights neighborhood. The EA assesses nothing on an absolute basis. It assesses everything on a relative basis, i.e., compared to the existing use.

Is it fair, however, to assess the impact only as to how it compares to use under the existing CUP? What if the existing use is already pushing the limits of what is tolerable in a residential community? Consider the following: assume that the neighborhood is like an elevator; assume further that the weight limit on the elevator is 700 lbs.; assume further that the people already in the elevator weigh 650 lbs. in the aggregate. What if a child who is 65 lbs. wants to get into the elevator? The child is only adding 10% more weight, so the increase is insignificant (a word used repeatedly in the EA) compared to the weight of the people already in the elevator. But the child would put the weight 15 lbs. over the limit! Thus, on a relative basis, the addition of the child might be insignificant, but on an absolute basis, adding the child might result in a disaster.

The same analysis applies with the proposed changes to the CUP. TCM conveniently ignores that it is engaged in commercial activity in a residential neighborhood. Concededly, the property could be subdivided and several residences built, and if that were to happen, each residence would generate traffic, noise, and sewage. But how many residences would require the excavation involved in construction of the proposed new structures, including an underground garage? How many residences would have buses bringing people to visit? How many residences would have on a daily basis 100 visitors (plus staff) at any given time during the day, including every Thursday evening? How many residences would have parties six times a year with 300 people, nine times a year with 100 people (and 50 cars), once a year with 500 people, and an event with unlimited numbers of people like ArtSpree? In fact, the existing CUP already pushes the limits of tolerable commercial activity in a residential neighborhood. The changes would put TCM past the limits of tolerability for a residential neighborhood.

By using activity under the current CUP as the baseline, the EA characterizes the proposed changes as insignificant, and by doing so, it bootstraps itself into concluding that the changes will not be harmful to the neighborhood. The proper analysis, however, should not be the incremental harm of the proposed changes, but the impact of the damage to a residential neighborhood of commercial activity.

TCM says that it needs the extra exhibition space because the existing space is inadequate to display its ever growing permanent collection and TCM "has no exhibits to view, except for the relatively small David Hockney exhibit, for about 10 weeks out of the year while traveling exhibits are being taken down and new traveling exhibits are being put up." Has TCM considered exhibiting fewer traveling exhibits? And if the growth of the permanent collection has been so great, isn't the collection likely to continue to grow? If so, will TCM ask for further expansion in due course? Undoubtedly, it will argue then that the investment in the expansion for which it is now applying compels the next expansion. One slip down the slope will justify the next until the slide is complete.

TCM, moreover, has requested operating conditions that are so complex that they would be difficult, if not impossible, to regulate and enforce. Who, for example, will keep count of the number of onsite visitors during its operating hours? Who will keep count at the six annual evening functions that are limited to 300 and the nine that are limited to 100? Who will ensure that the café is accessory or incidental to the exhibition of art and not an activity on its own?

Rather than dragging the neighborhood down this slippery slope, has TCM considered satellite locations, such as its gallery at the main office of First Hawaiian Bank, to display its permanent collection? Has it considered increasing its proximity to more people? Has it considered utilizing its resources to provide instruction in schools and community centers to enhance its educational purpose rather than in the construction of new edifices?

The Makiki Heights neighborhood, a residential community, has been extremely tolerant of TCM, but it can no longer afford to ignore TCM's failure to observe the conditions of the existing CUP or to allow TCM to drag it down a slippery slope.

Thank you for your consideration.

Very truly yours,

Anthony S. Chan

cc: The Contemporary Museum (attn: Georgiana Lagoria)
Kusao & Kurahashi, Inc. (attn: Keith Kurahashi)
Ofice of Environmental Quality Control
Makiki Heights Community Association (attn: Ray Sasaki, Jr.)

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August 18, 2005

Mr. Anthony S. Chan
2174 Mott-Smith Drive
Honolulu, Hawaii 96822-2516

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Chan:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 26, 2005. The following responds to your comments:

The applicant apologizes for the inconvenience that you experienced during our earlier six annual evening events. As you have noted, it did take several events to learn from our mistakes and to improve on the traffic situation from these events. The applicant is continuing to monitor and assess its larger events and has been making changes along the way to improve traffic flow during these larger events. The off-site parking and shuttles have been very successful in mitigating impacts to surrounding neighbors.

The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the Contempo was approved for up to 450 persons. In approving Contempo, the Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

> "If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event."

The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval.

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved Contempo event from 450 persons to 500 persons on the Museum property.

Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons. The applicant will utilize off site parking and shuttle buses and will hire an off duty police officer to safely direct traffic and to minimize inconvenience to the neighbors.

This year ArtSpree is authorized by DPP as a temporary use and hopefully will be approved through the proposed Conditional Use Permit application for future years. The annual ArtSpree event provides an open house and free admission to Museum from 10:00 am to 4:00 pm on one Saturday in July and allows neighbors and the art community an opportunity to enjoy the Museum free of charge. This event has proven to be popular among the Museum's neighbors (even some of its opponents) and the greater community. It provides

an opportunity to educate the public on contemporary art and to increase awareness of The Contemporary Museum and the exhibits that are available for viewing. The proposed new Gallery space will provide additional viewing areas for visitors to ArtSpree.

The applicant has viewed incremental increases in many instances in the Draft EA to determine the increase in impacts. Impacts are viewed on this level and also on the level of capacity. For instance, in each category, adequate capacity is always the goal. Agencies commenting often indicate that infrastructure or services are adequate or not adequate, a reflection of the absolute impact of the development.

A case in point, and the biggest concern to date has been on traffic impacts. The traffic engineer commented on the incremental increase in traffic in the Draft EA, but also points out the capacity of the roadway and notes that the projected increase in traffic does not come close to utilizing the capacity of the roadway. In addition, the infrastructure requirements in the Draft EA discusses total flows for each of the structures with restrooms and kitchens.

The Contemporary Museum is not a commercial enterprise. It is a non-profit organization that would be considered a quasi-public facility on the development plan land use map and is considered a Social and Civic Service use in the Land Use Ordinance (the City's zoning code). This quasi-public use depends on donations to survive as only a small fraction of its operating cost comes from income produced by entry fees.

The amount of grants available at the federal and state level are extremely limited. This Museum depends on the generosity of its donors to exist. These donors provide the bulk of the costs to operate and maintain the Museum and its historic structures.

The three properties if developed to its fullest extent (one residence per 10,000 square feet) could be developed with 22 residences. The excavation required for 22 residences on these sloping lots could very well total a similar or greater amount of grading than the proposed gallery structures. The length of construction for these 22 residences would probably take longer than the proposed gallery, as these homes will not be built all at once. The traffic from construction

crews working on these homes would be as severe. The total floor area from the proposed gallery and smaller additions on the campus total 17,173 square feet. The 22 residences, even at 3,000 square feet each would total about 66,000 square feet of construction. Infrastructure requirements would include the following:

	Museum	Residences
Wastewater	2,735 gallons per day (gpd)	8,800 gpd
Water	4,712 gpd	11,000 gpd

The 22 residences would have a total of 66 persons many of whom would be at home in the evenings from 6:00 pm to 7:00 am most nights of the week. That's 66 persons in the evening hours versus about maybe 9 at the three residences on the Museum property. Evening traffic on a steady basis, as well as morning peak hour traffic that is very limited with the Museum operation.

If on the weekends half these residences have about 6 guests for dinner and socializing, that's 100 persons on property 52 weeks out of the year. It would be easy to imagine even more evening parties occurring with these residences.

Imagine that on Easter, Mother's Day, Father's Day, Thanksgiving, Christmas, New Years Eve, and New Years Day half of these residences have about 25 relatives over for dinner. That's over 300 persons on property driving to these homes, not utilizing shuttle buses, six times a year. Fireworks at New Years Eve and Fourth of July, talk about noise impacts. How about birthday parties, graduations, and other parties. As a side note, the Museum is closed on Easter, Thanksgiving, Christmas and New Years Day.

Residential impacts, noise, traffic, water demand, sewer demand, all increase with the residential use. Keeping in mind that the noise assessment that will be included in the Final EA notes that traffic noise is louder than the Museum noise, even with outdoor amplification.

These residences do not have a limit on the number of evening events and the applicant understands that the Peterson residence under past owners received numerous complaints about noise from late night parties that went on past

midnight nearly every weekend. Complaints far greater in number and concern than those raised about the Museum activities. The daily evening activities from 22 residences and 66 full time residents can easily eclipse the impacts of the Museum with its occasional night time events.

The overall impact on the neighborhood has been included in the Draft EA and will be expanded, in terms of noise impact on the community. The main concern has been traffic and this impact in relation to even the 300 additional persons at six evening events is not significant and will not adversely impact the surrounding neighbors with the proposed off-site parking and shuttle bus operations.

The need for six temporary exhibits arises from the nature of contemporary art. In order to keep up with the latest trends and styles in contemporary art it is important to bring in temporary exhibits. As a Museum of contemporary art, temporary exhibitions are a key means by which the mission of developing a public appreciation and understanding of contemporary art is accomplished. The Contemporary Museum is the only venue in the entire state of Hawaii which presents the art of today from outside of the state and outside of the U.S. , and does so primarily through temporary, temporary exhibitions. These exhibits take up a major part of the exhibition space on the Museum campus leaving only the single work exhibit at the Cades Pavilion (David Hockney exhibit), the limited outdoor exhibits and the limited exhibits in the Café for a two to three month period each year. This is the period needed to set up and take down temporary exhibits and to display parts of the permanent collection. This also affects the applicant's ability to provide meaningful art education for the schools on the island for a two to three month period each year.

The permanent collection is likely to grow and the proposed storage area has been designed to accommodate additional growth, keeping in mind that in addition to storage, three new galleries will be available to display rotating exhibits from the permanent collection.

Further expansion on property will be extremely difficult without disturbing the historic buildings, major open space and gardens on the property and is extremely unlikely.

The applicant plans to notify DPP of each special evening event and ArtSpree and agrees to report on the attendance numbers at each of these evening events, allowing DPP to keep track of the number of events held each year and the attendance at each event. The applicant will further agree to notify neighbors of each event and the type of event planned (100 prospective donors, up to 300 members attending the opening of a new exhibit, Contempo and ArtSpree).

The Café will continue to operate as it has in the past with the same seating. The applicant expects that the longer walk from the parking to the Café, will allow visitors to enjoy the gardens and garden exhibits as they stroll to the Café. The Café also provides employees with a place to purchase and enjoy their meals.

The Contemporary Museum currently operates galleries off-site including The Contemporary Museum @ First Hawaiian Center, 999 Bishop Street and at other locales when the opportunity arises. The Museum also utilizes facilities at Punahou School and the University of Hawaii on a regular basis for evening education programs. However, these other facilities have limited space and do not allow the display of a significant amount of art pieces. The applicant will continue to pursue these off-site exhibits as a means to increase its proximity to more people. These exhibits are used to whet the interests of viewers and to draw them to the larger more complete Museum experience offered at the main campus.

The applicant hopes to continue to serve the community with the display of contemporary art and education opportunities for students and adults in keeping with their mission.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

TO: **Director Henry Eng, FAICP**
Department of Planning & Permitting
City & County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

BY CERTIFIED MAIL,
RETURN RECEIPT
REQUESTED

FROM: **Ms. Tracy Miyahara, Chair**
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, Hawaii 96822

Tel (808) 781-2807

Mr. Raymond T. Sasaki, Jr., President
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, Hawaii 96822

Tel (808) 524-2276

DATE: April 26, 2005 Tuesday

RE: The Contemporary Museum, 2411 Makiki Heights Drive, Honolulu 96822
(Tax Map Key Nos. 2-5-08: 1, 2, 4, & 7)

Notice That the Makiki Ohana Community Association and Makiki Heights Community Association **Support and Join** in the Makiki/Lower Punchbowl/-Tantalus Neighborhood Board No. 10's Request That the Department of Planning & Permitting Extend the Public Comment Deadline (Presently May 7, 2005) on The Contemporary Museum's Draft Environmental Assessment Until at Least Two Weeks After a Presentation is Made to the Community by the Applicant

By our letter to you dated February 9, 2005, the Makiki Ohana Community Association and Makiki Heights Community Association formally requested:

(1) that the Department of Planning & Permitting require The Contemporary Museum to duly inform the community of its expansion of facilities and use plans through a timely public presentation to the Makiki Neighborhood Board; and

(2) that the Department of Planning & Permitting hold public hearings on any and all conditional use permit applications which may be filed by The Contemporary Museum. (We understand that The Contemporary Museum plans to submit both Conditional Use Permit Major and Minor applications.)

We respectfully renew and continue these requests on behalf of our respective members and the community at large.

To date, **no** presentation to the Makiki Neighborhood Board or any other community gathering has been made by The Contemporary Museum concerning its **current** plans as summarized in the Office of Environmental Quality Control's April 8, 2005 The Environmental Notice at page 5 (copy enclosed).

This is particularly frustrating as the **now** stated plans are **significantly** different than The Contemporary Museum's original representations as made:

(1) to a group of Makiki Heights neighbors of The Contemporary Museum at a meeting held on its campus on March 8, 2004;

(2) to the Makiki Neighborhood Board at its regular meeting on April 15, 2004;

(3) to the community at the two meetings held on Sundays May 23 and July 11, 2004 at the President Theodore Roosevelt High School cafeteria;

(4) in the content of The Contemporary Museum's first Draft Environmental Assessment that was not accepted by the Department of Planning & Permitting (DPP) for formal processing on the basis that it was incomplete, and was returned by DPP to The Contemporary Museum's agent Keith Kurahashi with a letter dated August 27, 2004;

(5) at the one meeting by and between the designated representatives of The Contemporary Museum, Makiki Ohana Community Association, and Makiki Heights Community Association held on Sunday August 29, 2004; and

(6) to its own Board of Trustees. It was at the Makiki Neighborhood Board's February 17, 2005 regular meeting that both Raymond Sasaki and James Growney, members of The Contemporary Museum's Board of Trustees, informed the Makiki Neighborhood Board members and persons present that there had been significant changes made to the proposed project, especially when compared to the original April 15, 2004 presentation made by The Contemporary Museum before the Makiki Neighborhood Board – which in Mr. Growney's opinion had been extremely premature.

The draft environmental assessment notice pending 30-day public comment was published in the Office of Environmental Quality Control's bulletin on April 8, 2005.

By a unanimous vote of 11 in favor, none opposed, and no abstentions (11-0-0), the Makiki Neighborhood Board at its April 21, 2005 regular meeting adopted a motion to request the Department of Planning & Permitting to extend the public comment deadline (presently May 7, 2005) on The Contemporary Museum's Draft Environmental Assessment until after The Contemporary Museum makes a public presentation to the Makiki Neighborhood Board concerning its current project proposal. John Steelquist, Chair of the Makiki Neighborhood Board, was to prepare the letter to officially communicate this action to you.

We strongly believe that the present public comment deadline of May 7, 2005 – the minimum 30-day public comment period required by law – is unreasonable under the circumstances. Most of our members and many of the persons who attended

the meetings referenced above are **not** aware of The Contemporary Museum's current proposal and the specifics of the significant differences from the earlier representations made by The Contemporary Museum. As a result, many persons' reasonable understanding of the proposed project, based on The Contemporary Museum's earlier representations made in open public meetings, is now outdated.

The conduct of The Contemporary Museum has clearly demonstrated that **time is NOT of the essence in this matter.** Further, we are informed that the Department of Planning & Permitting would not allow concurrent processing of the Draft Environmental Assessment and Conditional Use Permit Major and Minor applications in this matter – a decision we greatly appreciate and believe best serves the interests of the community at large.

A reasonable extension of the public comment deadline until some time (e.g., 2 to 4 weeks) after a public presentation is made by The Contemporary Museum to the community at a Makiki Neighborhood Board meeting is certainly appropriate and would best serve both the community's interest to be fully and directly informed, and the Department's interest in receiving review comments relevant to the current, not prior, proposal.

We hope that The Contemporary Museum would readily agree to this reasonable extension of the public comment deadline on its Draft Environmental Assessment in keeping with its many expressions of wanting to be "a good neighbor."

Thank you for your consideration of the Makiki Neighborhood Board's request for an extension of the public comment deadline, and the support and joinder of the Makiki Ohana Community Association and Makiki Heights Community Association in that request. We strongly believe that the best interests of all parties in this matter would be best served by a reasonable extension of the public comment deadline – especially at this early stage of the Conditional Use Permit process.

Tracy Miyahara
Chair
Makiki Ohana Community Association

Raymond T. Sasaki, Jr.
President
Makiki Heights Community Association

cc: Eileen Mark, Department of Planning & Permitting
Sharon Nishiura, Department of Planning & Permitting
All Members of the Contemporary Museum's Board of Trustees
Georgianna M. Lagoria, Director, The Contemporary Museum
Keith Kurahashi, Agent for The Contemporary Museum

Councilmember Rod Tam, Honolulu City Council, District 6
Councilmember Ann Kobayashi, Honolulu City Council, District 5
John Steelquist, Chair, Makiki Neighborhood Board No. 10
& All Members of the Makiki Neighborhood Board No. 10
Hawaii State Senator Carol Fukunaga, District 11
Hawaii State Representative Brian Schatz, District 25

O'ahu Now

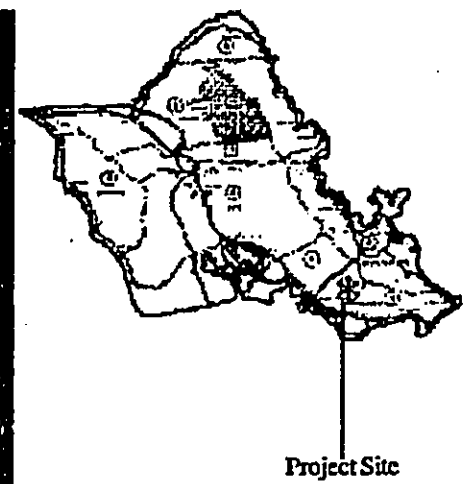
April 8, 2005

The Contemporary Museum Expansion (HRS 343 DEA)

District: Honolulu
TMK: 2-5-8: 1, 2, and 4
Applicant: The Contemporary Museum
2411 Makiki Heights Dr., Honolulu, HI 96822
Contact Georgianna Lagoria (526-1322 x 14)
Approving Agency: City & County of Honolulu, Dept. of Planning and Permitting
650 S King St., Honolulu, HI 96813
Contact: Sharon Nishiura (523-4256)
Consultant: Kusao & Kurahashi, Inc.
2752 Woodlawn Dr., Ste. 5-202, Honolulu, HI 96822
Contact: Keith Kurahashi (988-2231)
Public Comment Deadline: May 7, 2005
Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.
Permits Required: Conditional Use Permit, Major & Minor

The applicant, The Contemporary Museum, proposes to apply for a Conditional Use Permit (CUP) to utilize three properties, which are listed on the Hawai'i Register of Historic Places, for a museum and other related activities, including offices, café and gift shop. The applicant first established the museum use on Parcel 1 in 1988. The applicant now proposes to expand the existing facilities and operation by constructing new buildings on Parcel 1 and reusing the historic Pietsch/Peterson residence on an adjoining property (Parcel 4) to the south and the historic Johnson Residence/Persis Office (Parcel 2) located two lots away to the east.

The new buildings will be constructed over the existing tennis court, at the western portion of the site, to accommodate gallery areas, storage for the museum's permanent collection and staff parking. The applicant also proposes renovations and additions to the existing museum facilities, including a new gift shop office and tent canopy structure to be used as a staging area for the unpacking and packing of storage crates. Two existing storage sheds will be replaced with new sheds and several minor buildings (security residence, storage building and maintenance office building) will be demolished. Various museum functions/activities that occupy the existing facilities will be relocated to the two additional properties. The Pietsch/Peterson Residence will be adapted to accommodate the café, Foyer Gallery, docent and staff offices, library and a residence for visiting artists. The Johnson Residence was approved as offices for the Persis Corporation and an accessory caretaker's residence under a previous Conditional Use Permit for use of a historic structure. The applicant proposes to continue the office use for museum staff and the residence for staff/visiting artists. The applicant also proposes modifications to the existing museum operation, including the following: hours; maximum occupancy; use of amplification equipment; number and size of special events; and the size of buses to transport visitors.



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August 18, 2005

Ms. Tracy Miyahara, Chair
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, Hawaii 96822

Mr. Raymond T. Sasaki, Jr., President
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Miyahara and Mr. Sasaki:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 26, 2005. The following responds to your comments:

The applicant acknowledges your request for a timely public presentation to the Makiki (Lower Punchbowl/Tantalus) Neighborhood Board. Since your letter of April 26, 2005, the applicant has presented the proposed expansion of The Contemporary Museum on May 5, 2005 and on May 19, 2005 at the Makiki/Lower Punchbowl/Tantalus Neighborhood Board.

The applicant acknowledges your request to the Department of Planning and Permitting (DPP) for public hearings on the conditional use permit applications to be filed by the applicant.

It's ironic that your letter indicates a frustration over the now stated plans that are significantly different that the applicant's original representations, since most of

the following changes to intended amendments were proposed to mitigate some of the concerns that were presented in community meetings:

1. Reducing our request for use of an exterior public address system from 3 special events to two special events.

2. Reducing our request for 12 additional evening events with a maximum of 50 cars/100 persons on the Cooke-Spalding site to just 9 such events.

3. Reducing our request to allow the Café to be open every Thursday evening from 6:00 pm to 8:00 pm to allowing the Café to open just two Thursdays a month.

Other actions by the applicant to address concerns raised by the community include:

1. Clearing a pedestrian pathway through the overgrowth along portions of Makiki Heights Drive, clearing overgrowth and trimming trees back at the hairpin turn on the lower portion of The Contemporary Museum.

2. Focusing on providing an on-site septic system approved by the Department of Health rather than pursuing a connection to the municipal system through Hoalu Street, which presented concerns from Hoalu Street residents about construction impact to Hoalu Street and impact to the existing capacity of the wastewater system on Hoalu Street.

3. Applying for and receiving a temporary use permit with conditions for the ArtSpree event from the Department of Planning and Permitting (DPP).

In addition, design changes were made to address concerns raised by the community. In the Draft EA, the applicant has redesigned its proposed galleries to break up a former large gallery space (6,000 square feet) on the upper level into

two smaller galleries (Gallery A - 2,300 square feet and Gallery B - 2,567 square feet) separated by a covered courtyard (620 square feet), reducing the bulk associated with the former design. This change was done to reduce the bulk and visual impact of the previous structure in response to concerns from residents about the massive size of the originally proposed upper level gallery. The applicant has also placed some gallery space underground (Gallery C) to minimize visual impacts on the surrounding residences. With these changes, the applicant's proposed gallery space has been reduced from 8,500 square feet to 8,061 square feet, while the proposed storage space (including mechanical room and electrical room) went from 3,400 square feet to 6,338 square feet. This increased space will have minimal impact on operations due to its use as storage. The Galleries, storage and mechanical rooms went from 11,900 square feet to 14,399 square feet in the Draft EA. In order to increase the setback from Makiki Heights Drive from the 25 feet proposed in the Draft EA to 30 feet for the Final EA, the applicant has reduced the floor area for the Galleries, storage and mechanical rooms to 11,930 square feet, while maintaining the concept of breaking up the Gallery space into Gallery A and Gallery B separated by the covered courtyard and an underground Gallery C. While the floor area has remained about the same as the original 11,900 square feet, the impacts have been significantly reduced in relation to bulk since Gallery C is underground and Galleries A and B are separated by a covered courtyard.

In the Draft EA, the applicant has also relocated the Museum Gift Shop, originally planned to be located in the Pietsch property (Pietsch-Peterson property) to the upper floor of the Cooke-Spalding building at the site of the former library and added floor area for a gift shop office (139 square feet). The final change was to replace a couple of storage spaces that encroached into the front yard setback outside of the front yard setback rather than simply demolish those structures (165 square feet and 310 square feet). The applicant feels that these changes represent improvements over the previously presented design and will provide needed expansion areas that will allow the Museum to provide exhibits even during the weeks immediately preceding a gallery opening and periods immediately following a gallery opening. These changes will also allow the display of the Museum's permanent collection and storage of the remainder of the permanent collection on-site.

The applicant, in the interest of allowing adequate review time and time for meeting with the community has continually pushed back their schedule for the project. They have also been required to provide more detailed plans for the project as part of the Environmental Assessment process, rather than the conceptual plans originally submitted. This required the hiring of the design architect to provide more definitive plans with greater detail. The process schedules that have been presented since the inception of the project were based on actual processing times for the different permits required they were never unrealistic nor presented with antagonistic statements. They merely stated the normal processing times for permits of this nature.

Since your letter of April 26, 2005, the applicant on May 5, 2005 at the Makiki/Lower Punchbowl/Tantalus Neighborhood Board announced that the deadline for comments on the Draft EA had been extended to May 28, 2005. The deadline was extended about three weeks, in the middle of the range that you had found to be reasonable ("e.g. 2 to 4 weeks").

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU
3375 KOAPAKA STREET, SUITE H425 • HONOLULU, HAWAII 96819-1869
TELEPHONE: (808) 831-7761 • FAX: (808) 831-7750 • INTERNET: www.honolulufire.org

RECEIVED
'05 APR 27 A9:53
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

MUFI HANNEMANN
MAYOR

ATTILIO K. LEONARDI
FIRE CHIEF

JOHN CLARK
DEPUTY FIRE CHIEF

April 25, 2005

TO: HENRY ENG, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: ATTILIO K. LEONARDI, FIRE CHIEF

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT 2005/ED-2 (SN)
CHAPTER 343, HAWAII REVISED STATUTES
APPLICANT/
LANDOWNER: THE CONTEMPORARY MUSEUM
AGENT: KUSAO & KURAHASHI, INC.
LOCATION: 2345, 2411, AND 2447 MAKIKI HEIGHTS DRIVE
TAX MAP KEY: 2-5-008: 001, 002, AND 004
REQUEST: CONDITIONAL USE PERMIT (MAJOR) FOR USE OF A HISTORIC STRUCTURE
PROPOSAL: EXPANSION OF THE CONTEMPORARY MUSEUM ON THREE PROPERTIES LISTED ON THE HAWAII REGISTER OF HISTORIC PLACES

We received your memorandum dated March 28, 2005, requesting our review and comments on the above-mentioned project.

The Honolulu Fire Department (HFD) requires that the following be complied with for all new construction:

1. Provide a fire apparatus access road for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45 720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility. (1997 Uniform Fire Code, Section 902.2.1)

2. Provide a water supply, approved by the county, capable of supplying the required fire flow for fire protection to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed or moved into or within the county.

   On-site fire hydrants and mains capable of supplying the required fire flow shall be provided when any portion of the facility or building is in excess of the 150 feet (45 720 mm) from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building. (1997 Uniform Fire Code, Section 903.2 as amended)

3. Submit civil drawings to the HFD for review and approval.

Should you have any questions, please call Battalion Chief Lloyd Rogers of our Fire Prevention Bureau at 831-7778.

ATTILIO K. LEONARDI
Fire Chief

AKL/SK:bh

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Attilio K. Leonardi, Fire Chief
Fire Department
City and County of Honolulu
3375 Koapaka Street, Suite H425
Honolulu, Hawaii 96819

Attention: Battalion Chief Loyd Rogers

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Chief Leonardi:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 25, 2005.

The applicant's construction manager met with Captain Stephen Kishida of the Honolulu Fire Department. Based on our review of the schematic design drawings the following were determined:

1. The applicant will provide a fire apparatus access road that meets the minimum requirements cited in your letter.

   The paved driveway surface meets the Fire Department's requirement for an all-weather surface capable of supporting their fire apparatus. A 20' drive aisle will be maintained from the driveway entry to the north retaining wall of the exterior parking area. The requirement for access to all building faces will be met by parking lot configuration as shown on the schematic plans.

2. The applicant will provide a water system where all appurtenances, hydrant spacing, and fire flow requirements meet Board of Water Supply standards.

An onsite hydrant in the Pietsch-Peterson exterior parking area will be installed. The fire department connection will be located in the property line wall adjacent to the Pietsch-Peterson driveway entry gates. The requirements for 2000 gpm at 20psi may be reduced to 1500 gpm at 20psi if the buildings are fully sprinkled (they are).

2. The applicant will submit civil drawings to the Honolulu Fire Department for review and approval.

Your letter and this response will be included in the Final EA for the project.

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

2005 APR 29 AM 10 35

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Attn: Ms. Sharon Nishiura

Re: Draft Environmental Assessment For Use of an Historic Site
The Contemporary Museum

First of all I wish to thank your office for mailing my husband, Mack Kamikawa, a copy of the draft on March 29, 2005.

My primary concerns of the DEA of TCM:

1. Monitoring of TCM schedules and events

How are the various schedules and events of TCM to be carefully monitored in a timely manner? In spite of the fact that TCM apparently tried to have a positive presence, it also has put the current CUP on the "back burner" to accommodate some its projects. (e.g. Art Spree, Contemp. 1988 through 1994, occasional use of large capacity buses, etc.) Would TCM follow any new CUP diligently?

2. The proposed Café

The proposed Café may give TCM a possible "country club" offering at night. If it is to primarily serve the museum attendees and staff, shouldn't it be closed when the museum is closed? How could a Café be justified in a residential district for the purpose of increasing revenue? Allowing a bottle of wine for a small corkage fee is also questionable.

3. Traffic hazards

Heavier vehicles and an increase in traffic have caused damage to the city and residential stonewalls and roads. The vehicles probably caused ground vibrations that have contributed to the damage. Many accidents have been documented by HPD due to blind curves and poor traffic visibility.

4. Road hazards

This is an area of great concern to us residents living near TCM. Both the

City Road Division and HPD probably have chronological reports of the problems of Makiki Hts. Drive, especially during the 2000-2005 period. There have been myriad accidents, erosions, fallen trees and boulders, formation of ditches and gulches, black sand and rocks which have covered the road, etc..

Currently there are two different barricades in the vicinity of TCM due to fallen trees and erosion along the street. An emergency berm was placed almost a year ago when a large portion of the road caved in. Frequently the hazards have been treated with "band aids." Many of the barricades have fallen into the newly formed gulch only to be replaced with the same "band aid."

5. Future of Makiki Hts. Drive

If the TCM plans to continue using school and other buses to its site, Makiki Hts. Drive should be a safer thoroughfare. Makiki Hts. Drive should be upgraded, like Mott-Smith Drive with concrete culverts and a roadside drainage system. The fact that a portion of lower Makiki Hts. Drive is designated State Conservation Land has made it more difficult for concerned residents to request safety measures to the proper authorities.

Mahalo for allowing me to voice my primary concerns.

Sincerely,

Gertrude C. Kamikawa 4/24/05

Gertrude C. Kamikawa
2310 Makiki Hts. Drive
Honolulu, HI 96822-2544
Tel or Fax 533-6515

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Gertrude C. Kamikawa
2310 Makiki Heights Drive
Honolulu, Hawaii 96822-2544

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Kamikawa

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 24, 2005. The following responds to your comments:

1. Monitoring of TCM schedules and events

   The applicant plans to notify DPP of each special evening event and ArtSpree and agrees to report on the attendance numbers at each of these evening events, allowing DPP to keep track of the number of events held each year and the attendance at each event. The applicant will further agree to notify neighbors of each event and the type of event planned (100 prospective donors, up to 300 members attending the opening of a new exhibit, Contempo and ArtSpree).

   The Contemporary Museum will abide by present and future restrictions set forth by DPP.

2. The proposed Cafe

   The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum

visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

The Café is planned to be opened will be closed when the Museum is closed. The applicant is requesting opening of the Museum until 9:00 pm on Thursdays and is requesting Café hours of 6:00 pm to 8:00 pm two Thursdays a month.

The Café is intended to serve the Museum visitors and is not an income generator. It is an amenity that for the most part breaks even or loses money, just based on operational expenses and not including cost of the space or cost to maintain the structure.

The applicant expects that visitors dining at the Café will provide the same restraint as existing Café visitors in relation to alcohol consumption. The applicant's servers in the Café will also be coached to ensure that there is a designated driver for any patron that appears intoxicated.

3. Traffic hazards

The problems that you mention related to stonewalls and the roadway appear to be more related to storm runoff on Makiki Heights Drive rather than vibration from vehicles.

The applicant expects to reduce the current storm water runoff volumes that presently leaves the property during a storm event, reducing storm water runoff impacts from this property on Makiki Heights Drive. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration.

The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with you and your husband Mr. Mack Kamikawa and your two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

4. Road hazards

The applicant's traffic engineer has been unable to retrieve accident reports for the project area due to privacy requirements of the Police Department and a liability concern of the State Department of Transportation. As discussed in item 3 above, certain improvements are planned by DTS and the applicant has trimmed back foliage at the curve in response to your husband's concerns. Further improvements in signage and possible further

trimming of foliage to improve sight lines may be implemented by the applicant. The concern you have raised about erosions, fallen trees, and boulders, formation of ditches and gulches, and black sand and rocks which have covered the road appear to be related to storm runoff, which as mentioned earlier will be reduced in relation to the project site and should help to mitigate some of these concerns in relation to the project frontage.

The embankment supporting a portion of Makiki Heights Drive between Hoalu Street and the Nature Center has been washed away, due to heavy rainfall. The City has provided a low berm along the edge of pavement to redirect water away from the embankment and flashing light barricades to mark the area. Based on discussions with staff at the Department of Facilities Maintenance and a review of the City's GIS website, the area that would need to be improved (embankment) is owned by the State. The City has been working with the State to determine jurisdictional responsibilities for improving the embankment. Until jurisdiction is determined, this portion of Makiki Heights Drive is not expected to be improved.

5. Future of Makiki Heights Drive

As mentioned in item three certain traffic improvements are planned or have been implemented as recommended by your husband. Other improvements may be forthcoming, based on a planned review by the applicant's traffic engineer, subject to approval by the City. There are no plans for concrete culverts and a roadside drainage system which would take a neighborhood wide effort by all properties abutting Makiki Heights Drive and even then with the nature of the existing terrain may be cost prohibitive.

As you have noted and as detailed above the question over City or State responsibility on a portion of Makiki Heights Drive has created problems with maintenance of the roadway and shoulder.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU
801 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813 - AREA CODE (808) 529-3111
http://www.honolulupd.org
www.honolulu.gov

MUFI HANNEMANN
MAYOR

BOISSE P. CORREA
CHIEF

GLEN R. KAJIYAMA
PAUL D. PUTZULU
DEPUTY CHIEFS

OUR REFERENCE BS-KP

April 15, 2005

RECEIVED
'05 APR 19 A8:41
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

TO: HENRY ENG, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: BOISSE P. CORREA, CHIEF OF POLICE
HONOLULU POLICE DEPARTMENT

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT FOR USE OF A HISTORIC SITE, THE CONTEMPORARY MUSEUM, TMK: 2-5-8: 1, 2, AND 4

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

The project should have no significant impact on the facilities or operations of the Honolulu Police Department as long as appropriate attention is paid to traffic issues, particularly for the large, special events as described in Section IV, D, 1. The museum's practice of using special duty officers during such events has been working well.

If there are any questions, please call Major Kevin Lima of District 1 at 529-3386 or Mr. Brandon Stone of the Executive Bureau at 529-3644.

RECEIVED
APR 18 2005
DEPT. OF PLANNING

BOISSE P. CORREA
Chief of Police

By
KARL GODSEY
Assistant Chief of Police
Support Services Bureau

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Boisse P. Correa, Chief of Police
Honolulu Police Department
City and County of Honolulu
801 South Beretania Street
Honolulu, Hawaii 96813

Attention: Major Kevin Lima (District 1) and Mr. Brandon Stone
(Executive Bureau)

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Correa:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 15, 2005. The following responds to your comments:

The applicant appreciates your acknowledgement that with appropriate attention paid to traffic issues particularly for large, special events that the project should not have significant impact on the facilities or operations of the Honolulu Police Department. The applicant agrees that the use of special duty police officers during these large, special events has worked extremely well and the applicant will continue this practice.

Your letter and this response will be included in the Final EA.

Very truly yours,

Keith Kurahashi

Keith Kurahashi
cc: Department of Planning and Permitting

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843

RECEIVED

'05 APR 18 A8 :07

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

MUFI HANNEMANN, Mayor

EDDIE FLORES, JR., Chairman
HERBERT S. K. KAOPUA, SR.
DAROLYN H. LENDIO
RANDALL Y. S. CHUNG
SAMUEL T. HATA

RODNEY K. HARAGA, Ex-Officio
LAVERNE HIGA, Ex-Officio

CLIFFORD S. JAMILE
Manager and Chief Engineer

DONNA FAY K. KIYOSAKI
Deputy Manager and Chief Engineer

April 13, 2005

TO: HENRY ENG, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: for CLIFFORD S. JAMILE, MANAGER AND CHIEF ENGINEER
BOARD OF WATER SUPPLY

SUBJECT: APPLICATION FOR A DRAFT ENVIRONMENTAL ASSESSMENT, CONDITIONAL USE PERMIT (MAJOR) FOR THE CONTEMPORARY MUSEUM, 2005/ED-2(SN) TMK: 2-5-008: 001,002,004 MAKIKI HEIGHTS ROAD

The existing water system is presently adequate to accommodate the proposed renovation and expansion of the museum.

The availability of additional water will be confirmed when the building permit is approved. When water is made available, the applicant will be required to pay our Water System Facilities Charges for resource development, transmission and daily storage.

The project is subject to the Board of Water Supply's Cross-Connection Control and Backflow Prevention requirements prior to the issuance of the Building Permit.

The on-site fire protection requirement should be coordinated with the Fire Prevention Bureau of the Honolulu Fire Department.

If you have any questions, please contact Joseph Kaakua at 748-5442.

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

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

Attention: Mr. Joseph Kaakua

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Jamile:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 24, 2005. The following responds to your comments:

The applicant appreciates that the existing water system is adequate to accommodate the proposed renovation and expansion of the Museum.

The applicant further understands that the availability of water will be confirmed when the building permit is approved and that the applicant will be required to pay your Water System Facilities Charges for resource development, transmission and daily storage.

The applicant further understands that the proposed development is subject to Board of Water Supply Cross-Connection Control and Backflow Prevention requirement prior to the issuance of the Building Permit Application.

The on-site fire protection requirement has been coordinated with Captain Stephen Kishida of the Honolulu Fire Department.

Your letter and this response will be included in the Final EA.

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

RECEIVED

'05 APR 14 P2:37

April 12, 2005

To: Mr. Keith Kurahashi
Kusao & Kurahashi, Inc.
2752 Woodlawn Drive #5-202
Honolulu, Hawaii 96822

Re: Draft Environmental Assessment Report
for The Contemporary Museum (TCM)

I recently received a copy of your report on the above matter. Your report is well researched and documented. The Makiki residents will review and toothcomb the proposed expansion in the areas of piggy-backing, additional parking, underground parking, evening functions, loudspeakers, restaurant (55 seats with possible wine serving), infrastructure, etc..

I have written to you in the past year, but I will center my discussion to traffic which has always been my concern. I do not dispute your section on Makiki Hts. Traffic survey. Your daytime data on Makiki Hts Drive and Mott-Smith are right on the money. But the action occurs spontaneously, as do most accidents - violations such as burn-rubber speeding, crossing doubleline, driving with no lights, etc..

The causes for the horrendous accidents can be pinpointed at two S-Curbs:

1. The Peterson S-Corner. The corner is a challenge for the gusty speedsters. The road is narrow without a road shoulder and a perilous blind s-corner. We suggest this corner must be setback to get a better view for oncoming cars. With traffic ever increasing day and night, TCM should consent to give up a slice of the corner for safety and well-being of all concerned. Incidentally, the property above the TCM has applied CUP for a 20-bed care facility.

2. Makiki Hts-Hoalu S-Corner. The corner poses similar problem. We have petitioned the city to tackle the same. Still waiting. The crunching, maiming and damage can greatly be alleviated by taking action now. The residents have asked for the alignment for years. But with the incoming administration, hopefully the new broom sweeps clean. Work must start to make the s-corners more visible and safe for both downward and upward traffic.

Peterson S-Corner.
I request a meeting with you at the site to explain my concern.

Makiki Hts-Hoalu S-Corner. I am asking DOT, DPP and Facility/Maintenance to meet on the same problem, but different corner. Note: The Makiki Hts. residents want to thank the HPD for increasing their presence in our district.

Mahalo,

Mack Y. Kamikawa

Mack Y. Kamikawa
2310 Makiki Hts. Dr.
Honolulu, HI 96822
Tel/fax no. 533-6515

c. Senator Carol Fukunaga
Councilmember Rod Tam
Mr. Edward Hirata, Director DOT
✓Mr. Henry Eng, Director DPP
Mrs. Laverne Nance, Chief Engineer of Facility/Maint.
Honolulu Police Dept. - Makiki
Makiki Hts. residents: (R. Sasaki, T. Miyahara, C. Chun, P. Hardy, G. Rush, B. Laguens, M. Hayashida, G. Shimabukuro, G. Kam, F. Wong, G. Fong, H. Lopes, F. Emoto, T. Sussex)

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. Mack Kamikawa
2310 Makiki Heights Drive
Honolulu, Hawaii 96822-2544

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Kamikawa

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 12, 2005. The following responds to your comments:

1. The Peterson S-Corner.
2. Makiki Hts-Hoalu S-Corner

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with you and your wife and your two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by you, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on

June 30, 2005, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

The applicant is concerned that for those choosing to speed around the S-curves, straightening the curve would tend to cause greater speeding. Makiki Heights Drive is lighted and provides curve warning signs that provide driver notification of upcoming curves to help mitigate traffic safety for vehicles traveling to and from the Museum and other residences in the evening. Slower vehicle speeds are required to safely maneuver the curves on Makiki Heights Drive. The applicant's traffic engineer will be looking at other possible curve warning signs that may provide further deterrence of inadvertent speeding around the curves.

The applicant appreciates your efforts and recommendations and will keep you informed of further upgrades to the curves and signage that may be implemented by the DTS or the applicant.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Mary M. Flynn, MD
4959-1 Maunalani Circle
Honolulu, Hawaii 96816
April 11, 2005

The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

Re: Art museum plans for expansion

To Whom It May Concern,

This is a completely unsolicited letter of support for the planned expansion at The Contemporary Museum in Makiki Heights. I have read the article in The Honolulu Advertiser on April 10, 2005, and TCM master plan on their website. Today I had an opportunity to view the site and discuss the plans with docents and staff there.

As a member of The Contemporary Museum, practicing docent at the Honolulu Academy of Arts, former assistant director of an art gallery and an artist, I can attest to the unique value of TCM and it's education programs for children and adults in our community. I have observed and taken art studio classes there under the trees and on the lanai, exposed to the heat or wind and rain. Our programs at HAA enjoy the advantages of galleries for permanent collections, classrooms for lectures and art studio classes and an auditorium. Expansion plans at TCM will add these much needed facilities.

Over the years I have attended many day and evening events at TCM and have always been impressed with the quiet, organized operation. Of course, the average museum attendee is probably not likely disturb the peace of the neighborhood and the museum takes many steps to be a good neighbor in this very nice residential area. I cannot see that the minimal increase in function brought about by this expansion will be a problem for adjacent property owners.

I urge the consultant on this project and those in the city Department of Planning and Permitting, and the state Office of Environmental Quality Control to consider that the good to the community will far outweigh any minor inconvenience (one more bus per week, 20 more visitors per day, and no increase in size of the cafe).

Sincerely,

Mary M. Flynn, MD

Mary M. Flynn, MD

cc: City and County of Honolulu Department of Planning and Permitting
Project Consultant
State of Hawaii Office of Environmental Quality Control.

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mary M. Flynn, MD
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Doctor Flynn:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 11, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

LINDA LINGLE
GOVERNOR OF HAWAII

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186
E-mail: oeqc@health.state.hi.us

April 11, 2005

Henry Eng
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Eng:

Subject: Draft Environmental Assessment (EA), **The Contemporary Museum**

We have the following comments to offer:

Cultural impacts assessment:

A cultural impacts assessment was missing from the draft EA. This is an assessment of the project's impacts to current cultural practices. In the final EA include such an assessment.

For assistance in the preparation refer to our *Guidelines for Assessing Cultural Impacts.* Go to our homepage at *http://www.state.hi.us/health.oeqc/guidance/index.html* or contact our office for a paper copy.

Significance criteria: The fourth criterion was updated in 2000 by Act 50 to read: "Substantially affects the economic welfare, social welfare, *and cultural practices* of the community or State;" In your final EA modify your analysis of the project for this criterion.

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

Sincerely,

Genevieve Salmonson

GENEVIEVE SALMONSON
Director

c: Keith Kurahashi

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

April 27, 2005

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
State of Hawaii
236 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Attention: Ms. Nancy Heinrich

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Salmonson:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 11, 2005. The following responds to your comments:

Cultural impacts assessment

A cultural impacts assessment will be included in the Final EA.

Significance criteria:

The Final EA will be updated to reflect the current language for the fourth criterion.

Your letter and this response will be included in the Final EA for the project.

Very truly yours,

Keith Kurahashi

Keith Kurahashi
cc: Department of Planning and Permitting

LINDA LINGLE
GOVERNOR OF HAWAII

RECEIVED
APR 14 2005
DEPT. OF PLANNING & PERMITTING
650 SOUTH KING ST.
HONOLULU, HI 96813

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

CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
File:

02 5 008 001 etc.wpd
W12 wb050191

April 11, 2005

Ms. Sharon Nishiura
Subdivision Branch
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Ms. Nishiura:

Subject: **Department of Planning & Permitting Subdivision Transmittal**
Draft Environmental Assessment - Conditional Use Permit (Major)
for use of a Historic Structure, Chapter 343, Hawaii Revised Statutes
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive, Honolulu, Hawaii
TMK: (1) 2-5-008: 001, 002 and 004

Thank you for allowing us the opportunity to review the subject subdivision application. We have reviewed the plans submitted as part of the application which proposes the expansion of the Contemporary Museum on three (3) properties listed on the Hawaii Register of Historic Places. We have the following comments to offer:

> The project site is not within the vicinity of the City sewer system, and there are cesspools and treatment individual wastewater systems (IWSs) on the property. We concur with the proposal which calls for the abandonment of existing cesspools and converting them into septic systems. However, wastewater systems receiving wastewater from commercial food preparation areas need to be pretreated prior to entering a septic tank. We also recommend that the cesspool serving the Johnson Residence/Persis Office be upgraded into a non cesspool system. If this system receives wastewater from 20 or more persons on any given day or is capable of receiving this wastewater, it may be considered a Large Capacity Cesspool and should have been removed from service on or before April 5, 2005. You may wish to consult EPA on this matter by contacting Ms. Laura Bose at 1-866-372-9378.

All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules.

Should you have any questions, please contact the Planning & Design Section of the Wastewater Branch at telephone 586-4294.

Sincerely,

HAROLD K. YEE, P.E., CHIEF
Wastewater Branch

LNKM:mt

Enclosure

LINDA LINGLE
GOVERNOR OF HAWAII

RECEIVED
APR 4
DEPT. OF
HONOLULU

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

CHIYOME L. FUJIKO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
EMO / WB

Wastewater Branch
919 Ala Moana Blvd. Room 309
Honolulu, Hawaii 96814-4920
Phone (808) 586-4294 Fax (808) 586-4300

A septic tank file has been found and the following information is provided. In general, the Department of Health has reviewed and approved of the plans based on the information submitted as verification that a treatment individual wastewater system (IWS) such as a septic tank was constructed and authorized to be used for wastewater disposal from a building/dwelling.

Tax Map Key number (1) 2-5-008:001
Address 2377 Makiki Hts Drive
Septic Tank File # 229
Applicant Name Contemporary Art Museum

Submit Plan Date ___/___/___
Plan Approval Date ___/___/___
Inspection Date ___/___/___
System Approved for Use Date 01 / 01 / 1990
BPA Date ___/___/___

System / Disposal Via Septic tank, Trench
Use For Residential
Designed By
Percolation Rate / Capacity _____ min/in / _____ gallons

For further information, you may call the Wastewater Branch engineer as listed:

[ ] Mr. Johnny Ong at the Wastewater Branch office on Oahu at (808) 586-4294

[ ] Mr. Dane Hiromasa at the Kealakekua Health Center in Kona at (808)322-1507

[ ] Mr. Jerry Nunogawa at the Hawaii District Health Office in Hilo at (808)933-0401

[ ] Mr. Joe Tateyama at the Kauai District Health Office at (808)241-3323

[ ] Mr. Roland Tejano at the Maui District Health Office at (808)984-8232

cesspool faxes.wpd sam revised February 24, 2005

A cesspool survey card has been found in [redacted] files and a copy is attached below. The D[redacted]tment of Health (DOH) cannot guarantee t accuracy of the information nor the dimensions shown on the site plan on the survey card. In general, the DOH has accepted the information the survey card as a verification that a cesspool was constructed and authorized to be used for wastewater disposal from a building.

BWS (1) 2-5-8:04

JUL 25 1975 TK

SAN. FORM 40

FHA _____

STATE OF HAWAII
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH DIVISION
SANITARIAN'S REPORT OF CESSPOOLS

Cert. No. _____
Issued: _____
Date 7/23 1975

Property owner ~~Richard Cooke Jr.~~ Charles Pietsch III Address 2345 Makiki Height Rd.

Island Oahu City Honolulu District Kapahulu

Builder or Contractor Kalei Crane Service Intended for Dwelling

Primary yes Secondary — Seepage 0

Distances from building >25' Boundary >25' Stream, well, body or water, etc. NONE

Dia. (clear)-ft. 6' Depth-ft. 25' Capacity (Gal.) 5499 No. ft. down to water NONE

Ground slope level State soil or rock formation starting from surface 20' Black coarse cinder

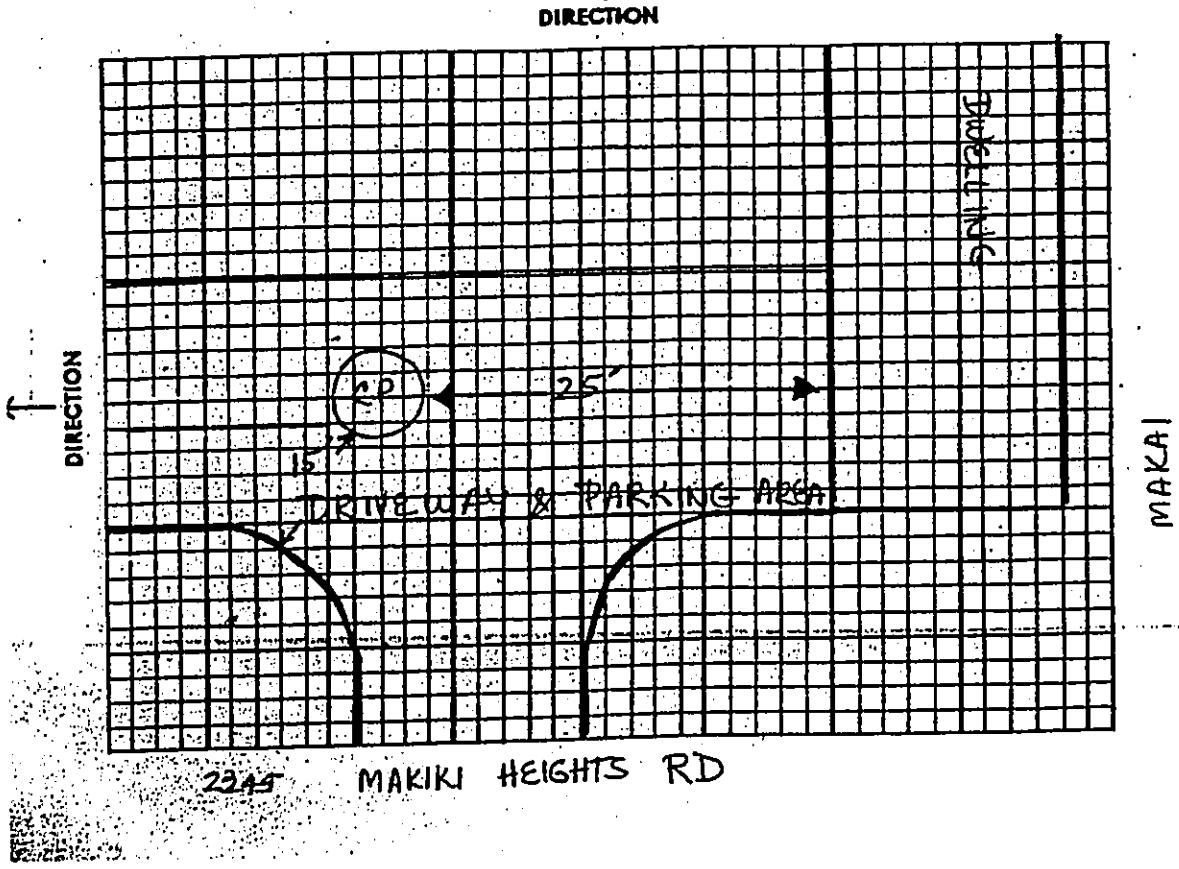
Kind of wall or curb Concrete tile 8"x 8"x 16" Reinforced concrete cover yes

Distance from surface of ground to top of cover-ft. 18"

Approved yes July 23 1975 Randall Hew
SANITARIAN

MAUKA
DIRECTION

REMARKS



A cesspool survey card has been found in [redacted] files and a copy is attached below. The D[redacted]tment of Health (DOH) cannot guarantee the accuracy of the information nor the dimensions shown on the site plan on the survey card. In general, the DOH has accepted the information on the survey card as a verification that a cesspool was constructed and authorized to be used for wastewater disposal from a building.

(1) 2-5-008:001

TERRITORY OF HAWAII
DEPARTMENT OF HEALTH
DIVISION OF SANITATION

JUN 10 1959

San. Form 40

Dist..... Prec't.....

Cert. No. 8

septic tank #229

SANITARY INSPECTOR'S REPORT OF CESSPOOLS

Date June 8, 1959

Property owner Mr. P. Spalding Jr. Address 2377 Nakiki Heights Rd.

Island Oahu City Honolulu District 21-Kapahulu

New Construction New Intended for Dwelling

Builder or Contractor Prien Concrete Rings

Distance from building 20' Boundary 30' Stream or well None

Diameter (clear)-ft. 6' Depth-ft. 25' No. ft. down to water if any None

Capacity (Gallons) 5287.75 Ground slope Level

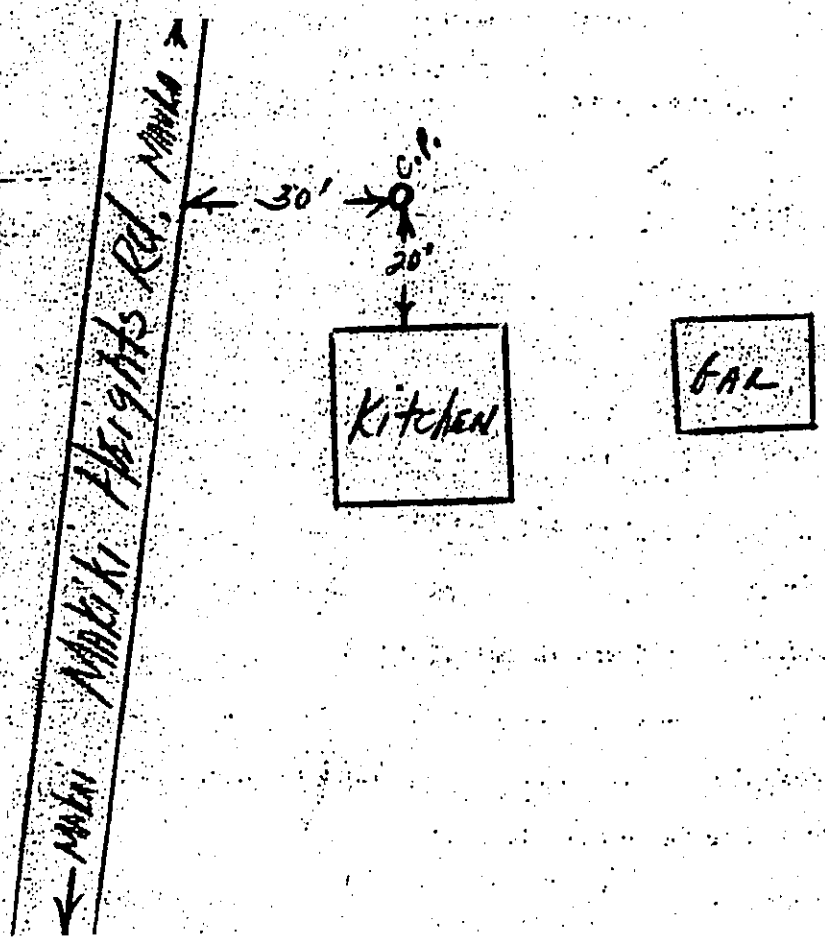
State soil or rock formation starting from surface 3' loose top soil; 22' loose black sand.

Kind of wall or curb Reinforced concrete rings Kind of cover Reinforced concrete slab

Distance from surface of ground to top of cover-ft. 1'

Approved June 8, 1959

Y. Nuto
Sanitary Inspector



A cesspool survey card has been found in [illegible]files and a copy is attached below. The De[illegible]ment of Health (DOH) cannot guarantee th[illegible] accuracy of the information nor the dimensions shown on the site plan on the survey card. In general, the DOH has accepted the information o[illegible] the survey card as a verification that a cesspool was constructed and authorized to be used for wastewater disposal from a building.

STATE OF HAWAII
DEPARTMENT OF HEALTH

AUG 12 8 06 AM '88

SANITATION BRANCH
ENVIRONMENTAL PROTECTION AND HEALTH
SERVICES DIVISION

CESSPOOL SURVEY

CERT. NO. 85912

Property Owner THE CONTEMPORARY MUSEUM Address 2411 MAKIKI HTS. DR.

Tax Map Key 2-5-008-001 AND 007 Lot No.

Island OAHU City HONOLULU District HONOLULU

Builder or Contractor BILL'S CRANE SERVICE Intended For VISITORS 40-60/DAY.

Primary ✓ VISITORS Secondary RESIDENTIAL - APPROX 4 PERSONS. Other

Distance From Building 50' Boundary 10' Stream, Well, Body of Water, Etc. N/A

Diameter (Clear) Ft. 8 FT. Depth-Ft. 28 FT. Capacity (Gal.)

No. Ft. Down to Water Table N/A Ground Slope N/A

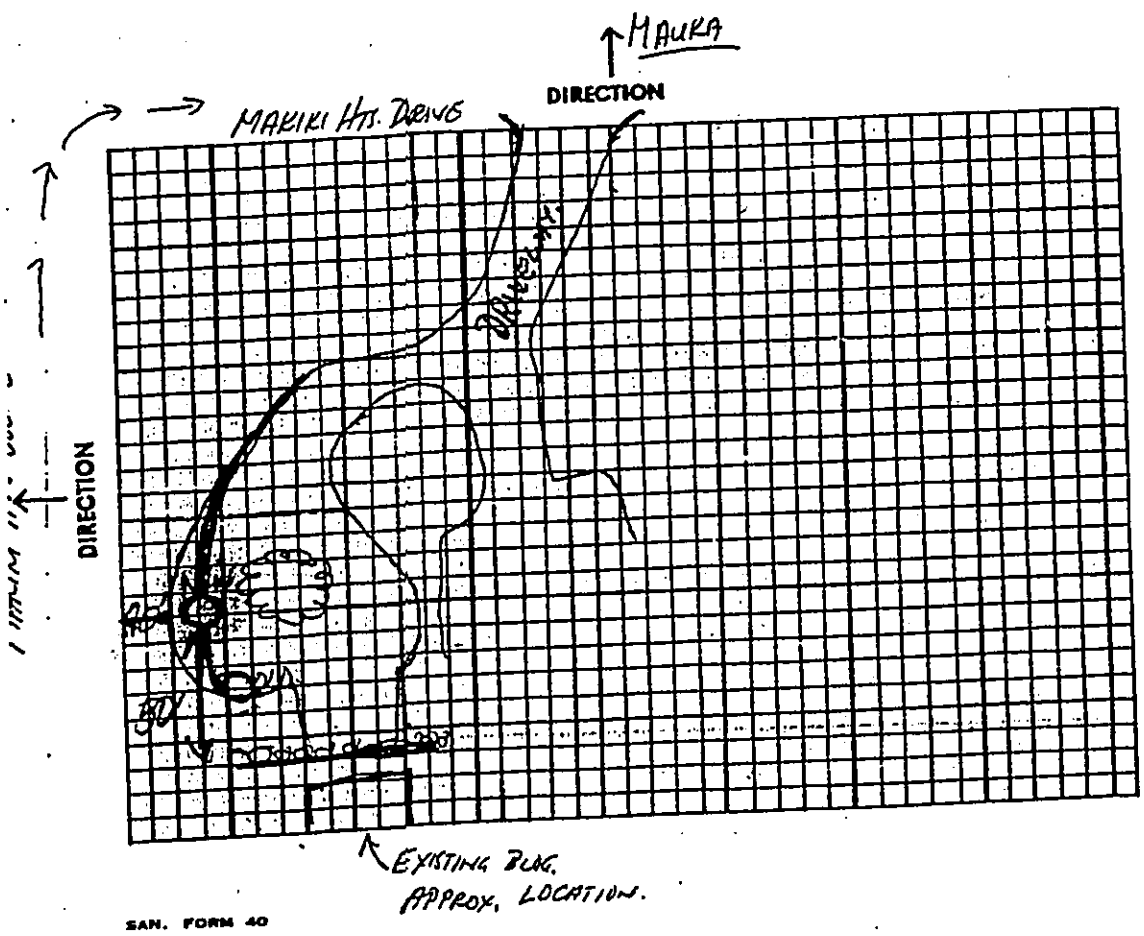
Soil Profile (Starting from Surface) TOP SOIL 4 FT, FINE RINDERS 8-10 FT, COARSE CINDERS 12-14 FT.

Type of Wall or Curb PRE-FABRICATED CONCRETE Reinforced Concrete Cover ✓

Distance from Finished Ground to Top of Cover (Ft.) 18 INCHES.

Date Certificate Issued 8-10-88

Date Approved 8-10 1988 Tony Kawamoto #314
Sanitarian



REMARKS

OLD CESSPOOL - FILLED.
NEW CESS POOL - APPROX 50' TO WALL OF EXISTING BLDG
10' FROM BOUNDRY AT MAKIKI HTS DR.

SAN. FORM 40

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. Harold K. Yee, P.E., Chief
Wastewater Branch
Department of Health
State of Hawaii
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Yee:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 11, 2005. The following responds to your comments:

The applicant will upgrade the Johnson Residence/Persis Office to a septic tank system as you recommended. The Johnson Residence/Persis Office system does not receive wastewater from 20 or more persons during any given day or is capable of receiving this wastewater and is not considered a Large Capacity Cesspool.

All wastewater plans will conform to applicable provisions of the Department of Health's (DOH) Administrative Rules, Chapter 11-62, "Wastewater Systems." The applicant will submit the detailed wastewater plans to DOH for review and approval.

Your letter and this response will be included in the Final EA.

Very truly yours,

Keith Kurahashi

Keith Kurahashi
cc: Department of Planning and Permitting

LINDA LINGLE
GOVERNOR OF HAWAII

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

RECEIVED
'05 APR 11 P3:03
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
File:

April 6, 2005

MEMORANDUM

TO: Henry Eng, FAICP
Director of Planning and Permitting

FROM: Russell S. Takata, Program Manager
Noise, Radiation & IAQ Branch

SUBJECT: Comments to the Draft Environmental Assessment (DEA) for Use of an Historic Site-The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Honolulu, Hawaii 96822
Tax Map Key: 2-5-8:1, 2 and 4

Our comments should be printed as follows:

"Project activities shall comply with the Administrative Rules of the Department of Health:

- Chapter 11-46 Community Noise Control

If you have any questions, please contact me at 586-4701.

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. Russell S. Takata, Program Manager
Noise, Radiation & IAQ Branch
Department of Health
State of Hawaii
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Takata:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated April 6, 2005. The following responds to your comment:

The applicant has hired a noise consultant, D.L. Adams Associates, Ltd., to conduct a noise assessment to ensure that the project activities will comply with the Administrative Rules of the Department of Health, Chapter 11-46, Community Noise Control.

Your letter and this response will be included in the Final EA.

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

RECEIVED
MAY 16 2005
DEPT. OF PLANNING AND PERMITTING
650 SOUTH KING ST.
HONOLULU, HI 96813

2360 Makiki Hts. Dr.
Honolulu, HI 96822
Feb. 2, 2005

Planning and Permit Department
Henry Eng, Acting Director
650 S. King St.
Honolulu, HI 96813

Subject: Commercialization of Makiki Heights

Our family has lived in Makiki Heights since 1967. In earlier years it was a nice quiet neighborhood of fine homes, lots of trees and not much traffic.

Persis Corporation was then granted a permit to have its corporate headquarters adjoining the Contemporary Museum. The Museum, earlier, was issued a conditional use permit to build a low-keyed museum to conform to the residential neighborhood. The Museum has since opened a restaurant within its compound. Daily traffic has increased with customers and delivery trucks of vendors. The Museum has since acquired more property and is even now planning to expand with more buildings and a full fledged restaurant facing Makiki Heights Dr. Permission for more attendees and functions and even the use of loud speakers is proposed.

Now a care home at 2514 Tantalus Dr. is requested. More noise, traffic, pollution problems will result. Makiki Hts. Dr. is a substandard two lane road with no sidewalks and drainage system. This latter condition has caused flooding and erosions to properties. Last year there was a landslide at the hillside,which has created a dangerous drop only inches from the road pavement.

The road is used extensively by walkers, bikers, hikers and students, from adjoining schools, for cross country training. Several accidents have already occurred at the notorious M shaped curve. It is only a matter of time before someone is very seriously injured or killed.

RECEIVED
'05 MAY 17 A8:27
DEPT OF PLANNING AND PERMITTING CITY & COUNTY OF HONOLULU

Sincerely,

Bernice Hayashida

Bernice Hayashida

Michihiko Hayashida

Michihiko Hayashida

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Bernice and Michihiko Hayashida
2360 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Bernice and Michiko Hayashida:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated February 2, 2005. The following responds to your comments:

The Contemporary Museum is not a commercial enterprise. It is a non-profit organization that would be considered a quasi-public facility on the development plan land use map and is considered a Social and Civic Service use in the Land Use Ordinance (the City's zoning code). This quasi-public use depends on donations to survive as only a small fraction of its operating cost comes from income produced by entry fees.

The amount of grants available at the federal and state level are extremely limited. This Museum depends on the generosity of its donors to exist. These donors provide the bulk of the costs to operate and maintain the Museum and its historic structures.

The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether

through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum. The Café will continue to seat 55 guests and will not increase its seating capacity in its new location at the Peterson Residence.

The vision and mission of The Contemporary Museum will be implemented by the improvement and continuation of the educational program for school children; the continuation of displaying a wide variety of temporary exhibits of contemporary art in different mediums; and the expansion of the Museum to provide adequate room to store and display it's permanent collection. In order to implement this vision, the applicant is proposing to expand The Contemporary Museum by adding three new Galleries, storage and underground parking to provide adequate viewing and storage area for the Museum's permanent collection.

The applicant is also proposing to provide greater opportunities to cultivate future donors who will provide the needed financial support to continue to operate the Museum, to restore the Cooke-Spalding historic structure, and to provide funding for the Museum expansion. These opportunities will come in the form of nine new evening events to introduce prospective donors to the Museum. The cultivating of new donors will also be supported by the exhibit opening events which we propose to increase from 200 participants to 300 participants. And finally, in the event that the Neiman Marcus Store is not able to offer its Ala Moana store as a venue, the applicant would like to move the Contempo fundraising event back onto the Museum property. The donor funding is critical since most of the funding required to operate the Museum comes from donors.

The outdoor amplification at events will not have a significant detrimental effect on ambient noise levels in the surrounding neighborhood. This outdoor amplification is requested for just two events, ArtSpree which occurs from 10:00 am to 4:00 pm on one Saturday a year and for Contempo which may return to the Museum grounds and last from 5:30 pm to 12:00 midnight. A noise assessment done by D.L. Adams Associates, Ltd. notes that: "In addition, a portable address system will be employed during annual events such as ArtSpree. This noise is not expected to be louder than traffic from Makiki Heights Drive. To minimize noise during these events, loudspeakers should be configured to face away from neighboring residences and several loudspeakers

should be placed throughout the listening area and set to lower sound levels to reduce the overall sound."

The applicant expects to reduce the current storm water runoff volumes that presently leaves the property during a storm event, reducing storm water runoff impacts from this property on Makiki Heights Drive. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

P.O. Box 61025
Honolulu, HI 96830-1925
May 25, 2005

2005 MAY 27 PM 12 45

Mrs. Sharon Nishiura
Deparment of Planning and Permit
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, HI 96813

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Dear Mrs. Nishiura"

I am strongly urging you to disapprove the Contemporary Museum's attempt to enlarge and increase its business enterprise under the cloak of Art in a residential district.

Be aware that the homes and estates are being "gobbled up" by the Museum and incorporating it as a part of their non-profit organization, while protecting these purchases from federal and state taxation.

With a cadre of legal and business advisors, political allies, and supporters, who may not live in Makiki or near the Museum, have sought "conditional use" after "conditional use" and "variances" after "variances" to undermine the residential code and disregard the objections and pleas of the Makiki Heights Association and the Makiki Ohana Community Association.

What is truly lacking is the ART of LOVE and RESPECT!

My home is on Hoalu Place, the 2300 block of Makiki Heights Drive with a cliff of about 152' at the NE end, just about 25' from Makiki Heights Drive and across the proposed site of the restaurant. One thousand sq. ft. of my property is up on the cliff, which is adjacent to the former Marcos estate, now owned by Dennis Fritzgerald.

Six years ago, Dennis Fritzgerald had earth movers, bulldozers level the terrain, which shook the grounds of my property, in particular, the hillside. This resulted with mounds of huge boulders, cinders, rocks, pebbles, and shrubbery filling my pool, covering the pool deck to three feet with debris, and littered my patio with boulders and cinders.

For the past six years, I have not been able to swim in my 45' pool and the erosion taking place daily!

The back end of my property had to have a new stonewall to stablize the base of the cliff and retain the erosion. The height of the wall is now about 10' at the NE end where erosion is very pronounced.

The 25'core of the ground taken by the Museum at the proposed site is only a pinch of the top layer of the grounds of Makiki Heights. A realistic knowledge of the gound may be seen at my residence and the Ishii's on Hoalu Plce. You can see a cross section of the ground with variegated layers of soil, pebbles, cinders, tightly packed cinders, a moist layer of granuales, and boulders.

Harry Sonoda, contractor for the Ishii's tile wall, said the excavating, the stacking of tile, and the pounding of the steel rods readily caused the cinders to erode.

The Museum estimates that the proposed addition will take one year. Just think what one whole year of agitation and vibrations from excavating, earthmoving, bulldozing, trucking, and constructing will do to the grounds of Makiki Heights!

Makiki Heights Drive is a SUB STANDARD ROAD FOR BUSINESS. Presently, drivers pay no heed to the speed limit sign and habitually cross the double center lines. Cyclists also speed down the hill and zoom around the hairpin curves. Additional business in Makiki will only magnify the hazards for Makiki Heights.

Last year, traffic at the Museum's Free Children's Day was disasterous! Pedestrians were walking on both sides of the pathless and narrow road, while the constant parade of cars, taxis, buses, and trucks made their debut.

The Museum has not respected the pleas of the associations, but still forges forth vehemently to pursue its so called venture in the name of Art in a residential district.

The Museum's proposal must be denied forever.

Sincerely yours,

Faith Wong

KUSAO & KURAHASHI, INC.
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August 18, 2005

Ms. Faith Wong
P.O. Box 61025
Honolulu, Hawaii 96830-1925

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Wong:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 25, 2005. The following responds to your comments:

The Contemporary Museum is not a business enterprise. It is a non-profit organization that would be considered a quasi-public facility on the development plan and is considered a Social and Civic Service use in the Land Use Ordinance (the City's zoning code). This quasi-public use depends on donations to survive as only a small fraction of its operating cost comes from income produced by entry fees.

The Museum has acquired two properties recently, while operating on the existing Cooke-Spalding property for the prior 18 years.

The Contemporary Museum has been operating under an earlier CUP approval. Up until October of 1986 museums were permitted as Conditional Uses in residential zoning districts. Under the Land Use Ordinance, which replaced the Comprehensive Zoning Code, museums are no longer permitted as conditional uses. The Land Use Ordinance allows use of a historic site as a CUP major, which is the permit process the applicant will pursue after completion of this environmental review.

The applicant has been reviewing the appropriate permit processes to pursue the expansion of the Museum and after much discussion with staff at the Department of Planning and Permitting has learned that the appropriate process is one new conditional use permit for use of a historic structure (for the Cooke-Spalding and Pietsch-Peterson properties), a modification to an existing conditional use permit (Johnson property, which contains an existing office use) and a conditional use permit for joint development to allow the Cooke-Spalding and Pietsch-Peterson properties to be developed as one lot. The applicant held numerous meetings with representatives of the Makiki Heights Community Association and Makiki Ohana Community Association and have modified their request for amendments to existing conditions for the Museum expansion and have redesigned their project in response to concerns raised by the two associations.

The Contemporary Museum has a lot of Aloha for its neighbors and has found a strong base of support among its neighbors, while other neighbors continue to oppose any change at the Museum.

Our civil engineering consultant notes that the two planned excavations for Gallery C and Galleries A and B (including the storage level and underground parking level) will have steel and concrete shoring to support the vertical excavation sidewalls. Neither excavation is close enough to the property boundaries to create any risk of deflection or subsidence.

As you have mentioned, construction is a natural occurrence on underutilized properties, whether it's a new residence or a museum expansion. The actual excavating, earthmoving, and bulldozing activity will not last a full year but is expected to occur during the early stages of development, over approximately three to four months. The remaining activities, including construction and trucking of materials are expected to have less vibrations and ground agitation.

One positive result of the proposed development that may help with the erosion problem that you are currently experiencing is the applicant's plan to reduce the current storm water runoff volumes that presently leaves the property during a storm event through rerouting of stormwater to landscaped areas and use of a drywell, reducing storm water runoff impacts from this property on Makiki

Heights Drive. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

Makiki Heights Drive is lighted and provides curve warning signs that provide driver notification of upcoming curves to help mitigate traffic safety for vehicles traveling to and from the Museum and other residences in the evening. Slower vehicle speeds are required to safely maneuver the curves on Makiki Heights Drive which should reduce the noise impacts from vehicles traveling on Makiki Heights Drive at night.

The Contemporary Museum in the interest of pedestrian safety, has been trimming a pathway for pedestrians in the area fronting their property to provide a safer pathway outside of the lane of traffic.

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the

existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

May 25, 2005

2005 MAY 27 PM 12 37

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

Dear Ms. Nishiura:

As a long-time resident of Makiki, I am writing to express my support of The Contemporary Museum's expansion plans. Please consider this letter in response to the publication of the Draft Environmental Assessment.

I see TCM as one of the neighborhood's many assets. Not only is TCM one of the loveliest properties in the neighborhood (upkeep is impeccable), it is one of the few places of cultural enrichment that our island has to offer. As a former volunteer of TCM, I am aware of the many projects that TCM has embarked upon and accomplished, all benefitting the public. TCM has always been a friendly and cooperative neighbor. It offers an unparalled experience through exhibits, its cafe, gardens, and special events. I am proud to tell mainlanders that we, too have a museum that features modern art.

TCM is truly a gem, and its expansion will serve to further enhance the cultural, intellectual, and spiritual awareness of all.

Sincerely,

Jo Ann Chinn

Jo Ann Chinn

cc:
Georgianna Lagoria, Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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August 18, 2005

Ms. Jo Ann Chinn

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Chinn:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 25, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Note: A mailing address for Ms. Jo Ann Chinn was not provided on her comment letter and the applicant is not able to provide a mailed response to Ms. Chinn.

Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

2005 MAY 31 AM 10 21

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Attention: Ms. Sharon Nishiura

Draft Environmental Assessment for Use of an Historic Site
The Contemporary Museum (TCM)

This is my second letter dated May 25, 2005. The first was written on April 24, 2005.

Since then I wish to share some observations and concerns.

1. School Buses

Big 60 passenger school buses seem to be utilized more often to go to The Contemporary Museum. As I am writing this on Wed., 5/25/05, about 9:00 a.m.., I heard the honking of a large school bus going uphill to TCM.

On Wed., 5/11/05, about 9:30 a.m., Robert's School Bus, Bluebird #382, License #P12176, attempted to turn around in front ofour house for about 8 minutes, while tooting the back-up horn. The students on the bus seemed visibly afraid, as the bus touched our guard rail and backed up to the plants along the TCM back gate. Until the driver was able to negotiate the turn after many attempts, cars were lined up going uphill and downhill. I phoned Robert's School Bus (832-4886) and spoke to a Barbara about the hazards of using large buses on Makiki Hts.Drive.

The proposed new CUP/Agreement states: School buses allowed but TCM will work with the DOE in an attempt to facilitate the use of smaller buses.
All other buses limited to 25-passenger capacity. (From the 1986 CUP and Proposed New CUP/Agreement in Draft Environmental Assessment.
No page number).

Let us hope that large school buses be banned for safety sake!

2. The Pietsch/Peterson Property Swimming Pool

The architectural presentation by TCM at the Neighborhood Board Meeting on May 25, 2005, did not include the swimming pool of the Pietsch/Peterson property. How would safety be addressed in regard to the existing pool?

3. TCM Night Activities

How much more of the ground area will be accessible to the attendees of both the TCM events and Café during night hours?

Since the Café will be opened to the public without a charge, will TCM grounds be monitored at night for safety? Recently I noticed a young couple in deep embrace after museum hours by the back gate. The secluded grounds may need to be monitored after dark for other types of "performing arts."

4. Subterranean Impacts

Since it is very difficult to gauge the subterranean impacts of TCM expansion, I trust that every effort will be made to minimize both short and long-term subterranean problems.

TCM has its virtues as an art facility. Safety and the multi-faceted environmental concerns must be balanced with its services.

Sincerely,

Gertrude C. Kamikawa

Gertrude C. Kamikawa
2310 Makiki Hts Drive
Honolulu, HI 96822-2544
Tel or Fax 533-6515

Ms.Georgianna Lagoria
Mr. Keith Kurahashi
OEQC
Mr. Ray Sasaki

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August 18, 2005

Ms. Gertrude C. Kamikawa
2310 Makiki Heights Drive
Honolulu, Hawaii 96822-2544

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Kamikawa

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 25,2005. The following responds to your comments:

1. School Buses

Based on a recent meeting at your home, I understand that the bus in question was carrying students and had passed the Nature Center and was trying to turn around to head back to the Nature Center. Art teachers that bring their students to The Contemporary Museum are aware of the location of the Museum and the applicant believes that this has not occurred with bus drivers coming to the Museum.

The applicant spoke with staff at the Department of Education and although a final position has not been reached. The preliminary indication is that funds for two buses and two drivers to utilize smaller buses is not available and would not be possible. The applicant will continue to pursue the possibility of some private funding for buses to offset DOE's costs to permit smaller buses.

2. The Pietsch-Peterson Property Swimming Pool

The swimming pool is accessible only via a pathway from the left of the makai lawn. A fence and gate shall be installed across that opening to secure the pool area.

3. TCM Night Activities

The Contemporary Museum special evening events will be contained in the existing gallery area and/or the new Galleries and on the garden grounds.

The Café visitors will be limited to the Café, the Galleries and the upper grounds of the Museum.

The grounds will be patrolled during operating hours, including evenings, by our security personnel.

4. Subterranean Impacts

Our civil engineering consultant notes that the two planned excavations for Gallery C and Galleries A and B (including the storage level and underground parking level) will have steel and concrete shoring to support the vertical excavation sidewalls. Neither excavation is close enough to the property boundaries to create any risk of deflection or subsidence.

One positive result of the proposed development that may help with the erosion problem that you are currently experiencing is the applicant's plan to reduce the current storm water runoff volumes that presently leaves the property during a storm event through rerouting of stormwater to landscaped areas and use of a drywell, reducing storm water runoff impacts from this property on Makiki Heights Drive. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell

designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Honolulu, Hawaii
May 25,2002

2005 MAY 19 PM 3 53
DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Ms.Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 So.King Srteet Honolulu, HI 96813

Dear Ms. Nishiura,

I have been watching, with interest, the plans that the Contemporary Museum has been working on for some time. I attended a meeting, early on, when questions and answers were presented to interested community members. I also went to the Museum for another informational meeting, shortly after the first one - for a guided tour .

The Contemporary Museum has been my down-the-hill-neighbor for 17 years, and of course, I believe it to be an asset to the community. That part of Makiki has always been a place of large historic properties and beautiful houses. The Contemporary Museum is a nice way of using that sort of the "old times" for Honolulu's people. How much better than breaking up these large pieces into subdivisions and more of the density found down in Makiki itself!

I'm sure the immediate neighbors have been inconvenienced, from time to time by events held there, and the traffic added to the day-to-day life in the area. This, I believe, is a small price to pay for having a facility of this type in our area. I also understand that the Museum has been a good neighbor, as well, allowing parking in their lot for parties and functions on private properties. The street is fairly narrow (and there are no sidewalks), but I cannot see that the Museum adds to this in any way.

Others, no doubt, have written telling you of the good and not-so-good things about having this lovely facility in the neighborhood. I will add my voice, to URGE YOU TO ALLOW the changes and improvements to our Contemporary Museum !

Sincerely

Jean C. Marchant

Jean C.Marchant
3830 Tantalus Drive
Honolulu, HI 96822

cc: Georgiana Lagonia,Rod Tam, Carol Fukunaga and Brian Schatz

KUSAO & KURAHASHI, INC.
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August 18, 2005

Ms. Jean C. Marchant
3830 Tantalus Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Marchant:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 25, 2005. The applicant appreciates your support of the proposed Museum expansion.

The Contemporary Museum in the interest of pedestrian safety, has been trimming a pathway for pedestrians in the area fronting their property to provide a safer pathway outside of the lane of traffic.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Allyn Bromley
2207 Mohala Way
Honolulu, HI 96822
abromley@hawaii.rr.com **Voice: (808) 946-7663** **Fax(808) 949-7138**

2005 MAY 26 PM 3 23
DEPT C PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

May 25, 2005

Ms. Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 So. King St.
Honolulu, HI 96813

Re: Environmental Assessment on the Expansion Plan of The Contemporary Museum

Dear Ms. Nishiura,

I am writing in support of The Contemporary Museum's expansion plan as described in the recently published Draft Environmental Assessment. I have been a Professor of Art at the University of Hawaii, Manoa for sixteen years and before that a teacher of art at Leeward Community College for ten years. As my entire life has been focused on the making and teaching of art, I feel qualified to comment on the Museum's importance today, and its potential role in the future.

Before The Contemporary Museum was established in 1988, there were no sites dedicated to the display of contemporary art in our State. The teaching of 'the contemporary' was addressed through books, periodicals and slides, while discussion attempted to make up for the lack of direct experience. In this sense, an art education in Hawaii was severely compromised when measured against other schools on the mainland and abroad.

All this changed when The Contemporary Museum was founded by the generosity of the site donor, Thurston Twigg-Smith. From it's inception, many museum professionals and volunteers have put their effort into establishing an institution which now includes a highly trained staff of curators, a first-rate collection of contemporary art, and changing exhibitions on a regular basis. The Museum's educational programs provide tours for kindergarteners through high school, as well as tours for adults from all walks of life--some disabled, some elderly, and many just interested in learning the differences between contemporary art and modern art.

The Museum in its ongoing commitment to our community, wants to honor its promise to the public as expressed in its mission statement. A close look at the building plans reveals that the additions are in scale and in keeping with concerns for open space and low impact on the neighbors. Further, a close reading of the plan demonstrates that TCM's goal of putting the facility to it's highest and best use requires that its limited space be rearranged and modestly increased. Creating the new structures to house parts of the permanent collection guarantees that there will be at least one gallery open to visitors at all times. The new structures are well designed and will be aesthetically integrated into the existing campus without compromising the look or feeling of a residential neighborhood.

While TCM began as a windfall, it developed within the mandate of the original CUP to become a valuable resource for the community in general. Besides being an educational venue, the museum provides cultural opportunities for all who visit it. With the addition of these modest changes requested by the applicant, The Contemporary Museum will become a unique jewel among museums of its size in the world. It will take it's place among the special sites for cultural tourism for the State of Hawaii, and provide educational experiences that will benefit our community as well as visitors from near and far.

I thank you for your attention and for the opportunity to express my views. I hope the DPP will decide in favor of this application.

Sincerely,

Allyn Bromley

Allyn Bromley,

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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August 18, 2005

Mr. Allyn Bromley
2207 Mohala Way
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Bromley:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 25, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

IOLANI SCHOOL

2005 MAY 26 PM 3 23

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

May 24, 2005

Ms. Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Ms. Nishiura,

I am writing this letter of support for The Contemporary Museum as it seeks approval to expand its educational facilities and add a permanent gallery collection wing. I am an art educator at Iolani School, teaching a basic art foundation course for all seventh graders. For fifteen years, I have been escorting my classes to the museum on field trips scheduled throughout the school year. Through these visits, every seventh grader has an opportunity to experience The Contemporary Museum and view artworks produced by internationally recognized contemporary artists. For many of our young students, this is their first opportunity to view contemporary art from around the world. The value of this experience and exposure is immeasurable. Students immediately become aware that art is a means of self-expression and imagination, and that art is diverse, incorporating a wide range of subject matter, media and techniques. Students are influenced by their exposure to art, increasing their appreciation for the visual arts in our home and community.

The Contemporary Museum's plan to provide space for their permanent collection and educational programs will be beneficial to the community at large. Having the entire collection available for the public to view during a visit to the museum would showcase the creative approaches of artists of different periods, as well as recent trends in contemporary art. The expansion of The Contemporary Museum's education department will continue to offer art education to students, allowing instructors much deserved space for studio work and for displaying student art.

I believe The Contemporary Museum has always been a good neighbor, cognizant of the need for preserving historic structures, open spaces and gardens. I am hopeful that The Contemporary Museum will realize its dream of expanding its facility to become a world-class venue for art. I am also confident that it will continue its mission to serve the community and the children of Hawaii.

Sincerely,

Holly Chung

Holly Chung
Upper School Art Teacher

Iolani School
563 Kamoku Street
Honolulu, Hawaii 96826

cc: Georgianna Lagoria, Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

Honorable Rod Tam
City Council
City and County of Honolulu
530 So. King Street, Room 202

Senator Carol Fukunaga
Legislature - State Capitol
Honolulu, Hawaii 96813

Representative Brian Schatz
Legislature – State Capitol
Honolulu, Hawaii 96813

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Planning and Zoning Consultants
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August 18, 2005

Ms. Holly Chung
Upper School Art Teacher
Iolani School
563 Kamoku Street
Honolulu, Hawaii 96826

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Chung:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 24, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

2005 MAY 26 PM 3 22

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

May 24, 2005

Dear Ms. Nishiura,

I am writing to support for the Contemporary Museum's plans to expand their grounds and services to the community of Honolulu.

I live at 2094 Mauna Place, which is probably just sixty yards from the museum grounds. My family has enjoyed the Contemporary Museum and its events for many years. They have always been good neighbors, and we have never been disturbed by traffic or noise generated by their functions.

As a teacher, I appreciate the service they offer to the community at large, particularly in giving young people a chance to experience and appreciate art. The museum grounds offer a green, quiet haven easily accessible from busy urban areas. I encourage you to allow them to realize their proposed expansion in order to better serve our community.

Thank you for your thoughtful consideration of my letter.

Sincerely,

Robert Hartley

Robert Hartley

cc: Georgianna Logoria, Director
The Contemporary Museum

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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August 18, 2005

Mr. Robert Hartley
2094 Mauna Place
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Hartley:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 24, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

RAMON PEREZ DE AYALA
2490 Makiki Heights Drive
Honolulu, HI 96813

2005 MAY 25 AM 11 59
DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

May 23, 2005

Ms. Nishiura:

We have recently purchased the property located at 2490 Makiki Heights Drive (TMK: (1) 2-4-035-002) which is located directly across the street from the Contemporary Museum.

My wife, my children, and I have enjoyed the museum and its grounds for many years.

We are writing you to express our support for The Contemporary Museum and its current expansion plans. We are confident that the proposed plans are not going to significantly change the residential and historic character of the neighborhood.

We feel that The Contemporary Museum makes very important contributions to our community such as: bringing contemporary art and artists to the islands, preserving historic building and spaces, and educating our children in art and art appreciation beyond anything that is available at their schools.

As new neighbors, we have been impressed by the professionalism and courtesy displayed by the museum administrators and their staff. We are convinced that their attitude, attention to detail, and careful planning will ensure that the proposed expansion occurs smoothly and becomes a great addition to the community and the neighborhood.

For these reasons, we support The Contemporary Museum, its current expansion plans, and we urge you to approve the project.

Sincerely,

Ramón Pérez de Ayala

cc. Georgianna Lagoria
Director, The Contemporary Museum

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August 18, 2005

Mr. Ramon Perez de Ayala
2490 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Ayala:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 23, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Nadine Ferraro 2703 Terrace Drive, Honolulu HI 96822-1709 808-988-7509

May 23, 2005

2005 MAY 25 AM 11 59

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu HI 96813

Dear Ms. Nishiura,

I am writing to you to you about The Contemporary Museum's proposed expansion project for its facilities in Makiki Heights. I want you to know that I am wholeheartedly in favor of their plans as a Master's in Fine Arts in Painting graduate of the University of Hawaii at Manoa; as a professional artist; as a member of the near-by neighborhood community; and, finally, as a grandmother.

TCM first became important to me during the late 1980's while I was an impassioned undergraduate art student wishing to learn all I could about my chosen field. TCM came along just at the right time for me and my fellow students. TCM exhibitions greatly enhanced our educational experiences; artists could now see more cutting-edge works here in Hawaii (instead of having to travel at great expense to the mainland.)

Of course being able to see the actual artwork at the museum is important to artists, yet, even more exciting was actual artists would coming to Hawaii for the openings, giving slide lectures at the university—the auditorium was packed! We all felt so fortunate to be able to hear from the artist, see images of their work, and even talk with them. One such artist I remember most vividly was Squeak Carnwath; her visit inspired me in my own work immensely.

TCM provides for art students in other ways as well. Curators from TCM often visit the university art exhibitions watching for promising emerging artists. There is an extensive library with current publications and art books available, too. TCM welcomes student groups to special tours and other events relating to an exhibition. We enjoyed these events as a way to network and socialize with others in our field.

Awhile after graduation, TCM Café gave me my first one-person exhibition. This was a tremendously important opportunity for me to be able to show my work. It was a great learning experience and was one which helped my confidence grow. I have continued to exhibit at the café in group exhibitions and greatly appreciate being able to have my work shown in such a prestigious museum.

As a docent for TCM for a few years, I got to know more about the inner workings of how a museum functions. The Director, Georgianna Lagoria sets the highest standards for the museum to be all that it is and points the way for a staff that is truly committed to their mission of serving the community in Hawaii. All of them give 100%+ to what they do.

Inspired and committed volunteers come from all over the island to assist at the museum and are greatly appreciated by TCM staff.

I live in Manoa Valley and appreciate having TCM as a near-by neighbor who keeps their property in pristine condition. Hawaii needs to protect and preserve her flora and fauna; TCM absolutely does their part with the award-winning gardens and green areas.

TCM is tops on my list of places I am proud to share with visiting family and friends. It offers a unique experience to them that is unmatched anywhere else on this beautiful island.

TCM is a contentious neighbor that carefully monitors noise levels, parking conditions and traffic flow during art openings and other events that I have attended.

Finally, and of great importance, I write of my TCM experiences over the last eight years of bringing my two most precious granddaughters to BE with the art and IN the gardens, (and, here we can do both at the same time!) Children know that they are not only welcomed, they are treasured and respected.

Kelly and Maddie love to see what is up on the walls at each new exhibit, moving through the rooms and over the fun ramp to show "Nana" their favorite piece. They love running on the grassy hillside near the art that is so accessible to them. The yearly Artspree event is a favorite day and we spend hours just enjoying the many gifts of hands-on artmaking experiences that TCM offers anyone and everyone. The girls are entranced by the Iona Dancers and one year they would not leave until the bagpipe players had finished their music (where else could one find such a wide variety of entertainment, what joy!)

One year my daughter went to Artspree on a day when it had been raining. With one child in hand and a toddler in a slightly muddy stroller, she hesitated at the door of the galleries. But, she was encouraged to go on in with the girls...and the stroller, too. Art is important to TCM and people, even little ones, are as well.

With sincere aloha,

Nadine Ferraro

Nadine Ferraro

cc:

Georgianna Lagoria, Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu HI 96822

Honorable Rod Tam
City Council
City and County of Honolulu
530 So. King Street, Room 202
Honolulu HI 96813

Senator Carol Fukunaga
Legislature – State Capitol
Honolulu HI 96813

Representative Brian Schatz
Legislature – State Capitol
Honolulu HI 96813

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
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BUS. (808) 988-2231
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Nadine Ferraro
2703 Terrace Drive
Honolulu, Hawaii 96822-1709

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Ferraro:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 23, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

PHONE (808) 594-1888

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

FAX (808) 594-1865

RECEIVED
'05 MAY 25 P4:48
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU
HRD051797

May 23, 2005

Henry Eng, FAICP
Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, HI 96813

Re: Draft Environmental Assessment, The Contemporary Museum, 2345, 2411 and 2447 Makiki Heights Drive, Honolulu, Island of O'ahu

Dear Mr. Eng:

The Office of Hawaiian Affairs (OHA) is in receipt of the Draft Environmental Assessment (DEA) regarding the proposal by The Contemporary Museum to develop a new structure and redevelop existing structures located on the main museum parcel (Cooke-Spalding residence), the adjacent Pietsch/Peterson property, and the nearby Johnson property.

After reviewing the submitted materials, OHA does not believe that the proposed action will adversely impact any native Hawaiian rights, practices or resources in the project area. We would, however, desire to be kept informed of any other actions regarding this particular project area.

If you have any questions or concerns, please contact Kai Markell, Policy Advocate, at 594-1945 or kaim@oha.org. Once again, thank you for your patience during our review and assessment of this important matter.

'O wau iho nō,

Clyde W. Nāmu'o
Administrator

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. Clyde W. Namu'o, Administrator
State of Hawaii
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Namu'o:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 23, 2005. The applicant appreciates your belief that the proposed action will not adversely impact any native Hawaiian rights, practices or resources in the project area.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

May 21, 2005

Charles J. W. Chamberland, AIA ME
2683 Aaliamanu Place
Honolulu, Hawaii 96813-1216

2005 MAY 25 PM 12 01

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Ms. Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Ms. Nishiura:

Subject: The Contemporary Museum
Proposed Expansion of Facilities

The Makiki Neighborhood Board meeting of May 05, 2005 featured a presentation by representatives of The Contemporary Museum (TCM) of the Design Development Studies for the projected expansion of its facilities. These studies represent physical and functional changes TCM anticipates implementing in its application for either a new Conditional Use Permit (CUP) or a revision of the existing CUP. From an Architectural standpoint the design scheme for the new structures seem to be quite handsome and well considered notwithstanding the questionably enhanced status of the relocated "accessory use" snack bar.

I request that before the Department of Planning and Permitting (DPP) consider any proposals for alteration(s) to the facilities and functioning of TCM, particularly those involving the substantial structural expansion and geological alteration envisioned, that the DPP thoroughly assess past incidence of TCM cavalier disregard for provisions of the existing CUP. The following delinquencies readily come to mind:

1. The original CUP permitted as an "Accessory Use" a snack bar principally for the benefit and convenience of the operators, employees, customers or visitors of the principal use. The snack bar, in reality, has been functioning as a quasi destination restaurant and "Principal Use" for the public and independently from the museum aspects of the development.

2. The TCM site is bordered by complex and inherently hazardous road conditions. It is my understanding that the development of the TCM was subject to the provisions of Ordinance 2412 whereby the property developer was obliged to provide certain improvements to remedy these conditions. This has not happened. The handsome foliage surrounding the site has prospered to the point of screening the original hazard of a narrow road, a tight radius turn, and the otherwise obscured visibility. No modifications have been made to ameliorate the dangerous ambiguity of traffic flow posed by the awkward intersection of Mott Smith Drive with Makiki Heights Drive.

3. TCM events have hosted use levels of attendees grossly in excess of those permitted in the CUP resulting in the nuisance of excessive noise and traffic.

I further request that the DPP require that *all* of the provisions of the original CUP be implemented in the existing plant and operations and that any future CUP would embody compensatory sanctions and any other necessary provisions to insure the enforcement of its mandates.

Most of the Makiki Heights neighbors admire and appreciate the mission of TCM; however, we do insist that it scrupulously conduct its affairs like a good and considerate neighbor.

Thank you for your attention to this matter

Sincerely,

Charles J. W. Chamberland, AIA ME

CJWC/cc

cc: Ms. Georgianna Lagoria, Director, The Contemporary Museum, 2411 Makiki Heights Drive, Hon 96822
Mr. Keith Kurahashi, Kusao & Kurahashi, Inc. 2752 Woodlawn Drive, Honolulu 96822
Director, OEQC, Leiopaea A. Kamehameha Bldg. 235 S. Beretania, #702 Honolulu 96813
Ray Sasaki 2350 Makiki Heights Drive, Honolulu 96822

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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August 18, 2005

Charles J. W. Chamberland, AIA ME
2683 Aaliamanu Place
Honolulu, Hawaii 96813-1216

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Chamberland:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 21, 2005. The applicant appreciates your professional opinion that the design scheme for the new structures seem to be quite handsome and well considered. The following responds to your comments:

1. The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

2. Based on discussions with staff at the Department of Planning and Permitting, Ordinance 2412 is not enforced on residential zoned property.

   Makiki Heights Drive is lighted and provides curve warning signs that provide driver notification of upcoming curves to help mitigate traffic safety

for vehicles traveling to and from the Museum and other residences in the evening. Slower vehicle speeds are required to safely maneuver the curves on Makiki Heights Drive which should reduce the noise impacts from vehicles traveling on Makiki Heights Drive at night.

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

The Contemporary Museum in the interest of pedestrian safety, has been trimming a pathway for pedestrians in the area fronting their property to provide a safer pathway outside of the lane of traffic, including the area fronting the intersection of Makiki Heights Drive and Mott-Smith Drive.

3. The only event that The Contemporary Museum has hosted with attendees "grossly" in excess of those permitted in the CUP is ArtSpree. This year ArtSpree is authorized by DPP as a temporary use and hopefully

will be approved through the proposed Conditional Use Permit application for future years. The annual ArtSpree event provides an open house and free admission to Museum from 10:00 am to 4:00 pm on one Saturday in July and allows neighbors and the art community an opportunity to enjoy the Museum free of charge. This event has proven to be popular among the Museum's neighbors (even some of its opponents) and the greater community. It provides an opportunity to educate the public on contemporary art and to increase awareness of The Contemporary Museum and the exhibits that are available for viewing. The proposed new Gallery space will provide additional viewing areas for visitors to ArtSpree..

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

RECEIVED

MAY 27 A11 :39

DEPT OF PLANNING AND PERMITTING CITY & COUNTY OF HONOLULU

TO: HENRY ENG, Director, Department of Planning and Permitting, City and County of Honolulu

cc: Councilman Rod Tam, Senator Carol Fukunaga, Representative Brian Schatz

RE: The Contemporary Museum Conditional Use Permit

For seventeen years, The Contemporary Museum at the Cooke-Spalding House in Makiki Heights has been bringing the world of contemporary art to our island community through its innovative exhibitions and outreach to our public and private schools.

A permanent collection gallery on the existing unused tennis court and the adaptive reuse of existing structures, including the relocation (without expansion) of the Contemporary Café to the Cooke-Peterson property, will provide critically needed exhibition and storage space as well as dedicated covered space for the museum's vital education programs for children and adults. An exhaustive Environmental Assessment has been submitted.

For the above changes, a new Conditional Use Permit is required. We, the undersigned, strongly urge you to approve a new Conditional Use Permit for The Contemporary Museum which would allow the Museum to better serve the community.

Signature Nancy Williamson Date: 5/20/05

Print Name: Nancy H. Williamson

Address: 2659 Tantalus Dr. Honolulu 96813

Signature _____ Date: _____

Print Name: Harwood D. Williamson

Address: 2659 Tantalus Dr. Honolulu 96813

Signature Harwood D. Williamson Date: 5/20/05

Print Name: HARWOOD D. WILLIAMSON

Address: _____

Signature _____ Date: _____

Print Name: _____

Address: _____

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. Harwood D. Williamson
and Ms. Nancy Williamson
2659 Tantalus Drive
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Williamson and Ms. Williamson:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 20, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Michelle Kono

for Keith Kurahashi

cc: Department of Planning and Permitting

2005/ELOG-1150

RECEIVED

'05 MAY 25 A7:36

DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

RAYMOND LEE
P.O. Box 352
Honolulu, HI 96809

May 20, 2005

Director
City Dept. of Planning & Permitting
650 S. King St., 7th Floor
Honolulu, HI 96813

RE: The Contemporary Museum's proposed expansion

Dear Mr. Director,

I live on Mott-Smith Drive whose home will be directly impacted by the Museum's proposed expansion.

I hereby request that you suspend and defer processing the Museum's recent application for expansion until after you investigate and conduct a hearing on the Museum's multiple violations, for years, of the existing conditional use permit, 86 CUP 10.

In the law, there is a well established and time honored "clean hands" doctrine that an applicant before the law for special considerations must come with clean hands. The Museum comes with unclean hands.

The Makiki-Tantalus Neighborhood Board meetings of May 5th and 19th, 2005, revealed that the Museum has not complied with its existing CUP.

Until the present on-going violations are remedied, it would not be proper and appropriate for your department to consider a new CUP for the Museum.

Your reply and attention to this letter will be truly appreciated. Thank You.

Sincerely,

Raymond Lee

RAYMOND LEE

cc: Georgianna Lagoria
Kusao & Kurahashi, Inc.
Makiki Heights Community Assn.
Makiki-Tantalus Neighborhood Board

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. Raymond Lee
P.O. Box 352
Honolulu, Hawaii 96809

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Lee:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 20, 2005.

ArtSpree is the one event that was not approved and continued to be held annually at The Contemporary Museum. This year ArtSpree is authorized by the Department of Planning and Permitting (DPP) as a temporary use and hopefully will be approved through the proposed Conditional Use Permit application for future years. The annual ArtSpree event provides an open house and free admission to Museum from 10:00 am to 4:00 pm on one Saturday in July and allows neighbors and the art community an opportunity to enjoy the Museum free of charge. This event has proven to be popular among the Museum's neighbors (even some of its opponents) and the greater community. It provides an opportunity to educate the public on contemporary art and to increase awareness of The Contemporary Museum and the exhibits that are available for viewing. The proposed new Gallery space will provide additional viewing areas for visitors to ArtSpree.

The applicant for the most part has met the conditions of approval and has done its best to operate within the intent of the CUP.

The Contemporary Museum will abide by present and future restrictions set forth by DPP.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

RECEIVED
MAY 24 2005
DEPT. OF PLANNING AND PERMITTING
650 SOUTH KING ST.
HONOLULU, HI 96813

May 19, 2005

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

Re: Environmental Assessment on TCM's Expansion Plan

Dear Ms. Nishuira:

I am a longtime resident of Makiki Heights and want to express my support for the plans submitted by The Contemporary Museum as described in the recently published Draft Environmental Assessment. I have always found the Museum to be a considerate neighbor. I believe having such an important non-profit institution in our neighborhood only enhances the community and increases the value of the property in the area. The purpose of the Museum to bring important contemporary art to our state as well to provide arts education experiences to adults and children of all ages is vital and well served by the beautiful facility.

I think that the Museum's plans for expansion are well done and more than adequately take into consideration and help preserve the residential nature of its environment. I am reluctant to think about what would happen if the Museum could not realize its goals and chose to move to an alternate site. I've seen the consequences of new housing development in other parts of this island. I truly believe that the Museum would be a much better neighbor than purchasers of the tens of new houses that could and would be constructed on that property.

I hope you will support the Museum's plans for the good of the neighborhood as well as the people of Hawaii.

Yours truly,

Faye Kimura
2667 C Tantalus
Honolulu HI 96822

cc: Georgianna Lagoria, Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

KUSAO & KURAHASHI, INC.
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Faye Kimura
2667 C Tantalus Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Kimura:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 19, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

DEBORAH GOTTHEIL NEHMAD
935 Kauku Place
Honolulu, HI 96825
808-396-1910
email: debnehmad@hawaii.rr.com

RECEIVED
MAY 23 2005
DEPT. OF PLANNING AND PERMITTING
650 SOUTH KING ST.
HONOLULU, HI 96813

May 18, 2005

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

Re: Environmental Assessment on TCM;s Expansion Plan

I am writing in support of The Contemporary Museum. Expansion Plan as described in its Draft Environmental Assessment. I wear several hats in relation to the Museum.

As a student pursuing my master of fine arts degree in the field of contemporary printmaking, I found the exhibitions as well as the library the only place in the state where I could get at least some exposure to the field I was pursuing. The library became a particularly valuable resource when the University started experiencing significant budget constraints and had to cut back on its book and periodical purchases.

As a practicing artist, I have been fortunate to have had my work exhibited by the Museum at both its downtown location as well as in Makiki Heights. The Museum also has several of my pieces in its permanent collection. I am hopeful that one day, my work will be on display in the new wing. Needless to say, the Museum's well being has been and will continue to be important to my career. I am not alone in this respect. Most of the artists practicing their vocation in Hawaii are dependent on the Museum as one of the major venues for exhibitions of their work. In addition, works of local artists are available at the Gift Shop, another way the Museum benefits an important segment of our community.

As a docent at the Museum, it is incredibly frustrating to see visitors who have made their way to the Museum only to find that there is no art on view during the ten weeks of the year when exhibitions are being changed. I look forward to the day when the new wing (which would allow the community to view up to 10% of the collection each year on a rotating basis) is constructed and patrons will always have an opportunity to view art. I also look forward to the day that the art classes for children and adults of all ages can take place in a dedicated, covered space.

As an individual who drives the roads to the Museum at least once a week during its operational hours, I have never been a witness to an accident or the problem drivers that the complaining neighbors refer to. I have found Museum patrons to be respectful drivers who follow the rules of the road. In fact, if a speeder found himself behind a Museum patron, it might slow him down and force him to drive more safely.

As a long time patron of the Museum, I have often found peace, quiet and solace in the Museum's grounds and am so grateful that the Museum is committed to preserving its beautiful environs. I can only imagine the kind of development that might take place if the Museum was unable to realize its goals and forced to relocate. I speak from personal experience in this respect.

As a resident of a neighborhood that has been subjected to an unbelievable explosion of new housing development over the last few years, I am envious of the Museum's neighbors. I only wish the developers of the housing developments in Hawaii Kai were as conscientious and solicitous of dealing with its neighbors as the Museum has been with the Makiki Heights residents.

I believe that the Museum's plans to add a permanent collection gallery and the adaptive reuse of adjacent historic properties will allow the Museum to better serve the community, while having minimal impact on the surrounding neighborhood. In the development of its plans, it's clear that the Museum has kept in mind the importance of continuing its role as a good neighbor. The proposed design takes into consideration the residential nature of the neighborhood by calling for the construction of three smaller units rather than one large facility. The historic status of two important Makiki Heights properties as well as the surrounding open space and gardens will be preserved. The master plan appears focused more on improving the experience of the Museum guest rather than vastly increasing the number of Museum visitors. Finally, and most importantly in my view, the Museum is committed to improving the quality of its art education role.

Please allow The Contemporary Museum to realize its plans - to create a space for its permanent collection and education programs - for the benefit of Hawaii's people.

Yours truly,

Deborah G. Nehmad

Deborah G. Nehmad

cc: Georgianna Lagoria, Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

Honorable Rod Tam
City Council
City and County of Honolulu
530 So. King Street, Room 202
Honolulu, Hawaii 96813

Senator Carol Fukunaga
Legislature - State Capitol
Honolulu, HI 96813

Representative Brian Schatz
Legislature - State Capitol
Honolulu, Hawaii 96813

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August 18, 2005

Ms. Deborah Gottheil Nehmad
935 Kauku Place
Honolulu, Hawaii 96825

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Nehmad:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 18, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Laura A. Friedman
957 Kealaolu Avenue
Honolulu, Hawaii 96816
(808) 732-7654

2005 MAY 17 PM 12 11
DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

Re: The Contemporary Museum's Expansion Plans

Dear Ms. Nishiura:

I am writing this letter to express my strong support for The Contemporary Museum and its expansion plans. The Contemporary Museum is a very important asset to our community. It provides everyone in Honolulu, and especially our children, an opportunity to see excellent contemporary art. The museum contributes enormously to the livability and vibrancy of our city.

The Contemporary Museum's facilities are inadequate for the missions it has embraced. With appropriate concern for the views of its neighbors, the museum has developed plans to permit it to increase its services to school children and to display parts of its collection that are seldom seen. The proposed changes will preserve and enhance the current facility with minimal adverse impact on the neighborhood.

I strongly urge your approval of The Contemporary Museum's expansion plans. It is extremely important to the people of Honolulu that we support and encourage institutions like The Contemporary Museum. Without them we would all lead poorer lives.

Sincerely yours,

Laura A. Friedman

cc: Georgianna Lagoria, Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Laura A. Friedman
957 Kealaolu Avenue
Honolulu, Hawaii 96816

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Friedman:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) received by the Department of Planning and Permitting on May 17, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

5/17/05

RECEIVED
'05 MAY 31 P1:46
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

MR. ERIC CRISPIN, AIA
DIRECTOR of Planning & Permitting
City & County of Honolulu
650 So King St, Honolulu, HI 96815

DEAR MR. CRISPIN,
I HAVE LIVED ON MAKIKI HEIGHTS PRIVE FOR OVER 50 YEARS. I URGE YOU TO SUPPORT THE GRANTING OF A NEW CONDITIONAL USE PERMIT FOR THE CONTEMPORARY MUSEUM - FOR 15 YEARS, THE CONTEMPORARY MUSEUM AT THE COOKE-SPALDING HOUSE ON MAKIKI HTS. DR. HAS BEEN BRINGING THE WORLD OF CONTEMPORARY ART TO OUR COMMUNITY THROUGH ITS INNOVATIVE EXHIBITIONS & OUTREACH TO OUR SCHOOLS.
I APPROVE OF THE PLAN TO ADD A PERMANENT COLLECTION GALLERY & THE ADAPTIVE REUSE OF ADJACENT HISTORIC PROPERTIES - THIS WILL ALLOW THE MUSEUM TO BETTER SERVE THE COMMUNITY, WHILE HAVING A MINIMAL IMPACT ON THE NEIGHBORHOOD.
THE MUSEUM HAS BEEN A WONDERFUL & RESPONSIBLE NEIGHBOR. I AM HONORED TO HAVE THE MUSEUM HERE & I FEEL THAT THE MAKIKI HTS NEIGHBORS SHOULD APPLAUD & SUPPORT IT EFFORTS FOR IMPROVEMENT & ~~GROWTH~~. GROWTH.

Thank you
Claire Butler

CLAIRE BUTLER
2522 MAKIKI HTS DR
HONOLULU, HI 96822
521-7808

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Claire Butler
2522 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Butler:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 17, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

RECEIVED
MAY 20 2005
DEPT. OF PLANNING AND PERMITTING
650 SOUTH KING ST.
HONOLULU, HI 96813

May 16, 2005

Dear Ms. Nishiura,

Admittedly, I live in Kane'ohe but am quite a fan of The Contemporary Museum. Their expansion plans sound both exciting and very well thought-out, so I am writing in response to the Draft Environmental Assessment.

Many who live in Makiki will agree that TCM has been not only a good but also an elegant neighbor. Parking for other people's private events is in the aloha spirit. Free art instruction is invaluable at a time when art programs in so many schools have been cut.The preservation of gardens and historic residences are likewise of great value of a different kind.

For these few reasons among many others, I strongly support TCM's expansion plans. Thank you for this chance to express my views.

Aloha,

Waimea Williams

Waimea Williams
45-539 Pahia Road
Kaneohe, Hawaii 96744

cc:
Georgianna Lagoria, Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Waimea Williams
45-539 Pahia Road
Kaneohe, Hawaii 96744

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Waimea Williams:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 16, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Richard Gerage
1030 Luapele Drive
Honolulu, Hawai`i 96818

RECEIVED
MAY 2 4 2005
DEPT. OF PLANNING AND PERMITTING
650 SOUTH KING ST.
HONOLULU, HI 96813

15 May 2005

To: Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

My name is Richard Gerage, and I have lived in Hawai`i since November of 1981. I am a retired teacher of fine arts and have a degree from Cal. State University at Long Beach. I also have a secondary teaching credential and in 1968 started teaching art and drama at Corvalis Intermediate in Norwalk, California. In November 1975 I was in an automobile accident that rendered me a quadriplegic, and after a year of rehabilitation, I was bound and determined to prove that I could continue teaching. I did so until 1981 when I moved to Hawai`i.

I did not choose to be hired as a permanent teacher in the Hawai`i school system, but decided to devote my time and talent as a volunteer, first at the Academy of Arts and then at The Contemporary Museum. I have been a member of TCM since it first opened and over the years have taught many art classes at the Saturday Expression Sessions. I am currently on the board of the Friends which is a guild that supports the museum in many facets.

My passion for the arts and visual arts in particular has allowed me to contribute to a much needed art support program provided by TCM. Today's educational system, not only here in Hawai`i, but also on the mainland seems to forget how important it is that the arts contribute to a well rounded educational experience for people of all ages. It takes us into our adult lives where we can learn to stimulate our senses and hopefully, better understand who we are as human beings and how we relate to others.

I firmly believe that the museum needs to expand its facilities to achieve its future goals in the area of education. This can be accomplished while being a good neighbor to the entire community. I understand the concerns and fears of some community members, but I feel that if both sides have truly honest discussions about those concerns, a win-win situation can occur. Please consider TCM as a gift to the entire community which will provide us with gifts for future generations. Hopefully, all of you can get excited about being a creative force for us at TCM and for yourself.

Sincerely,

Richard Gerage

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
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August 18, 2005

Mr. Richard Gerage
1030 Luapele Drive
Honolulu, Hawaii 96818

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Gerage:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 15, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

May 12/05

RECEIVED
MAY 13 2005
DEPT. OF PLANNING AND PERMITTING
650 SOUTH KING ST.
HONOLULU, HI 96813

Mrs Sharon Nishiura
Dept of Planning & Permitting
650 King Street
Honolulu, Hi, 96813

Dear Mrs Nishiura:

This letter to you is in regard to the Contemporary Museums (T.C.M.) application for a Conditional Use Permit for various changes on the existing Museum and it's properties.

They ask for the Paterson-Pietsch (P.P) home to be converted into a restaurant, to be open from 6-8 pm every other Thursday. I cannot see dinner "guests" walking to the P.P. home carrying their bottle of wine - after parking at the Museum or the "Johns" property. (It is a rather long walk) (no parking at the P.P. property except for the disabled.) And after the "guests" are told to leave at 8:00 - then the clean up process takes over - more noise for the neighbors to contend with. The P.P. home is beautiful with view of Diamond Head and the ocean and a "jewel box" light as the city comes to life. Not easy to ask "guests" to leave when they are enjoying the view and their dinner.

In case the T.C.M. is granted a permit, we can only hope that their request sticks to the written word. Not changing their request to "every other Thursday - hours from 6-8 pm." We all remember when the snack-shop, which was approved by the MHCA. Then, all of a sudden, food trucks were hauling up Mili-Smith Dr. and people were making reservations for lunch at the full service restaurant scape.

If a permit is granted for the restaurant that is asked for - it would be inviting others to ask for CUP's for - weddings and who knows what else someone could dream up.

Another very difficult problem is the traffic. This is a very old established neighborhood (I've lived here for 55 years). We, who live here, know the difficulties with our sub-standard roads and the hair-pin turns. Just yesterday, when I drove home, a huge stretch-out taxi came around the P.P. curve, fast and I ended up on the dirt shoulder - safe but shaken.

We do not have side walks or even enough space to walk on off of the road. The spaces that have been cleared since all of these requests have surfaced, are now covered with vines and are very narrow. With "Go Slow" and other signs stuck in middle of the so called "Cleared Walkways". Not getting any use.

I'm sorry to have to write this. I have a brace on my hand and can't type or do much else for awhile. Hope you can read this and Thank you.

Sincerely,
Ruth Judd
Ruth M Judd

C.C. to
Raymond Sasaki
2350 Makiki Hts Dr
Hon Hi 96822

Ms. Georgianna Lagora
The Contempory Museum
2411 Makiki Hts Dr
Hon Hi 96822

CC. to
Mr Keith Kurahashi Inc.
2752 Woodlawn Drive
Hon. Hi 96822

Director
OEQC Leiopapa
Kamehameha Bldg
[illegible]

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Ruth M. Judd
2414 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Judd:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 7, 2005. The following responds to your comments:

Locating the Café at the Pietsch-Peterson property will require visitors to travel through the garden exhibits and past the galleries, with the hope that many will stop along the way to enjoy the free garden exhibits or to pay to enter the Galleries. In any case, as in the Cafe's present operation, a Café exhibit will be provided to encourage art appreciation while dining.

The Café would close at 8:00 pm with guests being asked to leave at 8:00 pm. It may take about an additional half an hour (to 8:30 pm) to clear the guests. The kitchen staff will leave by 9:00 pm.

The applicant understands that weddings are presently permitted as home occupations under stringent requirements and that weddings have been permitted at another historic site on another part of the island. This applicant has a condition that does not allow weddings on the property and has no plans to allow weddings on the property.

Makiki Heights Drive is lighted and provides curve warning signs that provide driver notification of upcoming curves to help mitigate traffic safety for vehicles traveling to and from the Museum and other residences in the evening. Slower vehicle speeds are required to safely maneuver the curves on Makiki Heights Drive which should reduce the noise impacts from vehicles traveling on Makiki Heights Drive at night.

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

The Contemporary Museum in the interest of pedestrian safety, has been trimming a pathway for pedestrians in the area fronting their property to provide a safer pathway outside of the lane of traffic, including the area fronting the intersection of Makiki Heights Drive and Mott-Smith Drive.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

May 12, 2005

RECEIVED
MAY 16 2005
DEPT. OF PLANNING AND PERMITTING
650 SOUTH KING ST.
HONOLULU, HI 96813

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

Dear Ms. Nishiura:

I am a member of the Contemporary Museum and have been a member of the Board of Directors for more than a decade. I am also a resident of Makiki Heights and belong to the Makiki Heights Community Association.

During my entire association with the museum, it has made every effort to be a good neighbor and to abide by the rules and regulations of the CUP, and the Board of Directors is determined to continue these efforts as long as the organization remains in existence. This is the reason that the Makiki community has given the museum overwhelming support and continues to do so. The art exhibits, school programs, art workshops, lectures and other activities are supported by residents from Makiki and all over Oahu.

Expanding the facilities to provide more exhibit space and room for workshops can be accomplished with marginal impact on existing traffic and noise. The number of people coming to the museum will still be limited by the available parking. The restaurant will be the same size as previously, and the bookstore patrons will be limited to those visiting the site. Art and student workshops will be constrained by the need to provide hands-on teaching to each individual. I am confident that the staff will be able to answer all of your questions in this regard.

Although I belong to the MHCA, I have no idea where the organization stands with regard to this project because to my knowledge they have not taken a poll of their members to determine how many of them support or oppose the project. If they would do so, I think it would be helpful and would enable you to determine the number of people belonging to the organization.

Aloha nui loa,

Jim Growney
2667-A Tantalus Dr.
Honolulu 96813

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. Jim Growney
2667-A Tantalus Drive
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Growney:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 12, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Ms. Sharon Nishiura
Department of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

RECEIVED
MAY 23 2005
DEPT. OF PLANNING AND PERMITTING
650 SOUTH KING ST.
HONOLULU, HI 96813

May 12, 2005

Dear Ms. Nishiura,

I urge you to support the granting of a new Conditional Use Permit for The Contemporary Museum. For seventeen years, The Contemporary Museum at the Cooke-Spalding House in Makiki Heights has been bringing the world of contemporary art to our island community through its innovative exhibitions and outreach to our schools. The Museum's plans to add a permanent collection gallery and the adaptive reuse of adjacent historic properties will allow the Museum to better serve the community, while continuing to have minimal impact on the surrounding neighborhood.

Besides the world class collection of art, TCM is in a unique setting and the experience for the local visitors there is enriched by this setting. Also, I truly believe that the Museum is protecting the neighborhood from random over development of that acreage by owning those three properties and devoting them to its present use.

Seventeen years ago I jumped into the Docent training at TCM to escape the renovation chaos of our home. I continue to give tours there and the experience of reaching out to local residents and their keikis to enhance their understanding and enjoyment of art continues to feed my soul. TCM also continues to be a respite from the constant construction and traffic in our Oahu neighborhoods, as folk all around Oahu enlarge and rebuild their own homes due to increasing family size. As the collection grows, it too needs to expand it's home to house their collection and keep up with their goals of making the art available to our local residents. Unlike other neighborhoods, construction at TCM will be done at one time.

TCM is doing everything through proper channels and is very sensitive to balancing it's needs with that of the local community. I know that many Makiki Heights homeowners are grateful that the Museum is their single neighbor who respects noise, height and setback limitations and goes out of its way to be a good neighbor.

Please allow The Contemporary Museum to realize its plans - to create a space for its permanent collection and education programs - for the benefit of all of Hawaii's people.

Yours truly,

Marcy Katz

Marcy Katz
cc:
Georgianna Lagoria, Director, The Contemporary Museum
Honorable Rod Tam, City Council
Senator Carol Fukunaga
Representative Brian Schatz

Marcy A. Katz
1020 Waiholo St.
Honolulu, HI 96821

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

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FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Marcy Katz
1020 Waiholo Street
Honolulu, Hawaii 96821

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Katz:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 12, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

san francisco (580 miles) los angeles

05-12-05

Ms. Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 South King St.
Honolulu, HI 96813

Greetings:

I attended the meeting at the Makiki Community Center on May 5th, and at the time didn't feel quite prepared to convey my thoughts and sentiments on the expansion of the Contemporary Museum with clarity and precision. The following is an attempt to do so.

I think that the proposed addition will be an asset not just to our islands as a whole, but also to our Makiki/Tantalus community. I feel fortunate to live in such close proximity to this beautiful cultural institution.

"Art is literacy of the heart" is how Elliot Eisner, one of my esteemed Stanford professors, described art by way of introduction to a lecture titled "Art and the Development of the Child."

Of course, art is equally important in the cultural development of adults as well. My own experiences at the Contemporary Museum have all been memorable. I always notice something refreshingly new and come away from my museum visit feeling inspired and uplifted in spirit and outlook. It is this process that creates intrinsic value - often far too complex for words to adequately capture. Art is indeed the "literacy of the heart."

Yes, there probably will be more traffic on the roads leading to Makiki/Tantalus, but I'd like to think that residents who have established themselves in our community would have an understanding of the "greater good" to which the museum contributes both by means of the enlightened values it fosters through its panoply of programs and, importantly, by its very presence in the community.

If you haven't done so recently, I would urge you to visit the museum, take time to ponder a few pieces of their art, take a leisurely stroll through their gardens and experience the rich surroundings.

I appreciate the Contemporary Museum's efforts to include the community in their planning process, and applaud their plans for expansion.

Sincerely,

Jefferson Finney

RECEIVED
MAY 13 2005
DEPT. OF PLANNING AND PERMITTING
650 SOUTH KING ST.
HONOLULU, HI 96813

Jefferson Finney 3302 Tantalus Drive - Honolulu Hawaii 96822 808 599.1312 ejfinney@aol.com

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
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August 18, 2005

Mr. Jefferson Finney
3302 Tantalus Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Finney:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 12, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

MICHAEL E. and PATRICIA J. O'NEILL
2549 Tantalus Drive
Honolulu, Hawaii 96813

RECEIVED
MAY 16 2005
DEPT. OF PLANNING AND PERMITTING
650 SOUTH KING ST.
HONOLULU, HI 96813

May 10, 2005

Ms. Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Ms. Nishiura:

As residents of Makiki Heights for nearly five years, we enjoy and fully appreciate this exceptional neighborhood with its beautiful trees, the clean air, the winding roads and the majestic views of the city. We are also blessed to have The Contemporary Museum as part of our community.

With a keen ongoing interest in the Museum, we have reviewed its expansion plans and feel that the architect has developed a model that perfectly respects the neighborhood and the setting. Once the addition is built, it will seem as if it has always been there.

There are people who will object to any changes, wherever and whatever they might be. Hopefully, their objections will not stop you from allowing The Contemporary Museum to move forward with their plans. It is a landmark institution which brings much enrichment for Honolulu and all of Hawaii.

Sincerely,

Michael E. O'Neill

Patricia J. O'Neill

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. Michael E. O'Neill
and Ms. Patricia J. O'Neill
2549 Tantalus Drvie
Honolulu, Hawaii 9613

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. and Mrs. O'Neill:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 10, 2005. The applicant appreciates your support of the proposed Museum expansion.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Makiki Heights Community Association
2350 Makiki Heights Drive, Honolulu, HI 96822 2005 MAY 12 AM 10 36

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

TO: Ms. Georgianna Lagoria, Director
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, HI 96822

FR: Ray Sasaki, President
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, HI 96822

May 8, 2005

RE: The Contemporary Museum (Tax Map Key Nos. 2-5-08: 1, 2, 4, & 7)
Appreciation for granting extension of the public Comment Date from May 7 to May 28, 2005 regarding TCM's revised Draft Environmental Assessment.

May I convey the Makiki Heights Community Association's gratitude to you for extending the deadline for public comment on TCM's revised Draft Environmental Assessment to Saturday, May 28, 2005.

Although we had requested and hoped that TCM would oblige the residents with an extension of four to six weeks as several residents are out of town while other residents have communicated never having received a copy of the revised Draft EA, we are, never-the-less, appreciative of the extension. It is regrettable that many residents were not able to be present at the only community presentation of TCM's revised, expansion plans prior to the new deadline date for public comment.

We sincerely hope the comments made by those present at the Makiki Neighborhood Board's special meeting on May 5, 2005, were helpful to TCM in better understanding the community's concerns. I'm certain the contingent present from TCM took appropriate notes of the community's, many comments and we look forward to TCM's responses to the voiced concerns in the very near future.

Again, our heartfelt appreciation for the extension on the deadline date for public comment.

Mahalo,

Ray Sasaki

Ray Sasaki
President: Makiki Heights Community Association

cc: Sharon Nishiura, Department of Planning & Permitting
Keith Kurahashi, Kusao & Kurahashi
Office of Environmental Quality Control
John Steelquist, Chair, Makiki Neighborhood Board #10
Councilmember Rod Tam, Honolulu City Council, District #6
Councilmember Ann Kobayashi, Honolulu City Council, District #5
Senator Carol Fukunaga, District 11
Tracy Miyahara, Chair, Makiki Ohana Community Association

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. Ray Sasaki, President
Makiki Heights Community Association
2350 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Sasaki:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 8, 2005. The following responds to your comments:

The applicant agreed to the extension of the deadline to provide additional time for community review and input.

The Final EA will address many, if not all of the concerns presented at the Neighborhood Board Meeting. The applicant will rely on notes taken and the published Neighborhood Board minutes.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

TO: **Director Georgianna Lagoria**
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

BY CERTIFIED MAIL,
RETURN RECEIPT
REQUESTED

FROM: **Ms. Tracy Miyahara, Chair**
Makiki Ohana Community Association
2342 Hoalu Place
Honolulu, Hawaii 96822

Tel (808) 781-2807

DATE: May 7, 2005 Saturday

RE: **The Contemporary Museum, 2411 Makiki Heights Drive, Honolulu 96822**
(Tax Map Key Nos. 2-5-08: 1,2,4, & 7)

Mahalo for Extending the Public Comment Deadline from May 7 to May 28, 2005 Regarding The Contemporary Museum's Second Draft Environmental Assessment

Thank you very much for agreeing to extend the deadline for public comment concerning the second Draft Environmental Assessment to May 28, 2005. The original deadline of today, May 7, 2005, left the community with less than 48 hours after Thursday evening's presentation to submit comments. We appreciate the additional three weeks.

The presentation, specifically the 3-dimensional model, was very helpful for residents to visualize The Contemporary Museum's proposed plans. As demonstrated by the substantial attendance of more than 50 persons, especially in consideration of the short notice for the meeting, I hope to see many responses to the Department of Planning and Permitting.

Regretfully, due to lack of prior notice, many of our members were unable to attend. But with the additional three weeks, we hope to be able to share with them what we viewed. Especially helpful is your commitment to post the entire revised Draft Environmental Assessment on your website. We look forward to everyone being able to access this text in the immediate future.

Again, mahalo for your agreement to extend the comment deadline for the concerned residents and general public that took the time and effort to attend Thursday night's meeting. MOCA's comments will be submitted before the extended May 28, 2005 deadline and we will be contacting all of our available members to inform them of The Contemporary Museum's updated Draft Environmental Assessment and revised design plans, first shown to the community at the Makiki Neighborhood Board's special meeting on Thursday, May 5, 2005.

Tracy Miyahara
Chair
Makiki Ohana Community Association

cc: Director Henry Eng, FAICP, Department of Planning & Permitting
Sharon Nishiura, Department of Planning & Permitting
Keith Kurahashi, Kusao & Kurahashi
Office of Environmental Quality Control
John Steelquist, Chair, Makiki Neighborhood Board No. 10
Councilmember Rod Tam, Honolulu City Council, District 6
Councilmember Ann Kobayashi, Honolulu City Council, District 5
Hawaii State Senator Carol Fukunaga, District 11
Raymond T. Sasaki, Jr., President, Makiki Heights Community Association

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Tracy Miyahara, Chair
Makiki Ohana Community Association (MOCA)
2342 Hoalu Place
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Miyahara:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 7, 2005. The following responds to your comments:

The applicant agreed to the extension of the deadline to provide additional time for community review and input. Although the presentation on the proposed expansion of The Contemporary Museum was done on May 5, 2005 at the Makiki/Lower Punchbowl/Tantalus Neighborhood Board, there is no requirement for a public or other presentation on the Draft EA. In fact presentations on Draft EAs are not that common, presentations on proposed developments to Neighborhood Boards are commonly done and in some instances required by the Department of Planning and Permitting (DPP), such as for major permits of the Land Use Ordinance. The proposed expansion of the Museum has been presented to the Board several times in the past.

The review time for the public is the 30 days from publication of the Draft EA in The Environmental Notice, a semi-monthly publication of the Office of Environmental Quality Control (OEQC). This occurred on April 8, 2005, hence the May 7, 2005 deadline for comments. The Draft EA document, however, was mailed out one to two weeks before the publication of The Environmental Notice and provided more than 30 days of review time. The mailing list, prepared by DPP, included the Neighborhood Board, various State and City agencies, the

Manoa Public Library, the McCully-Moiliili Public Library, the Makiki Heights Community Association, the Makiki Ohana Community Association, and certain residents in the surrounding area.

Although the design plans for the Museum have been changed, and these changes were first publicly presented to the community through the Neighborhood Board on May 5, 2005, the Draft EA was available for review for over a month before that. In fact, our project began it's community outreach in fall of 2003 and since that time the changes to design were in large part in response to community concerns. In the Draft EA, the applicant has redesigned its proposed galleries to break up a former large gallery space (6,000 square feet) on the upper level into two smaller galleries (Gallery A - 2,300 square feet and Gallery B - 2,567 square feet) separated by a covered courtyard (620 square feet), reducing the bulk associated with the former design. This change was done to reduce the bulk and visual impact of the previous structure in response to concerns from residents about the massive size of the originally proposed upper level gallery. The applicant has also placed some gallery space underground (Gallery C) to minimize visual impacts on the surrounding residences. With these changes, the applicant's proposed gallery space has been reduced from 8,500 square feet to 8,061 square feet, while the proposed storage space (including mechanical room and electrical room) went from 3,400 square feet to 6,338 square feet. This increased space will have minimal impact on operations due to its use as storage. The Galleries, storage and mechanical rooms went from 11,900 square feet to 14,399 square feet in the Draft EA. In order to increase the setback from Makiki Heights Drive from the 25 feet proposed in the Draft EA to 30 feet for the Final EA, the applicant has reduced the floor area for the Galleries, storage and mechanical rooms to 11,930 square feet, while maintaining the concept of breaking up the Gallery space into Gallery A and Gallery B separated by the covered courtyard and an underground Gallery C. While the floor area has remained about the same as the original 11,900 square feet, the impacts have been significantly reduced in relation to bulk since Gallery C is underground and Galleries A and B are separated by a covered courtyard. The applicant feels that these changes represent improvements over the previously presented design and will provide needed expansion areas that will allow the Museum to provide exhibits even during the weeks immediately preceding a gallery opening and periods immediately following a gallery opening.

These changes will also allow the display of the Museum's permanent collection and storage of the remainder of the permanent collection on-site.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

TO: Director Georgianna Lagoria (Applicant)
The Contemporary Museum
2411 Makiki Heights Drive
Honolulu, Hawaii 96822

FROM: J. Thomas Heinrich JTH
Attorney at Law
2426 Armstrong Street
Honolulu, Hawaii 96822-1932

Tel 988-3469
Fax 988-6689

DATE: May 6, 2005 Friday

RE: Appreciation for Extending the Public Comment Deadline from May 7 to May 28, 2005 on The Contemporary Museum's Draft Environmental Assessment (Tax Map Key Nos. 2-5-8: 1, 2 & 4)

I wish to thank you, the architects, and the other representatives of The Contemporary Museum (TCM) who participated in making the informative presentation concerning TCM's currently proposed expansion project at the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 special meeting held on Thursday May 5, 2005 at 7:15 P.M. at the Makiki District Park Arts & Crafts Room.

I especially wish to thank and commend you for positively responding to the requests of the Makiki Neighborhood Board and community members present by agreeing to extend the public comment period deadline – as a "compromise in the spirit of being a good neighbor" and after a "caucus" with the project team members present – for a period of three (3) weeks from this Saturday May 7, 2005 to Saturday May 28, 2005.

Notice of the Draft Environmental Assessment (**DEA**) being available for public review and comment was published in the April 8, 2005 Office of Environmental Quality Control bulletin at page 5. The public comment deadline was stated as Saturday May 7, 2005.

I understand that the Makiki Neighborhood Board at its April 21, 2005 regular meeting took formal action to direct its Chair John Steelquist to communicate (1) the board's request that TCM make a presentation concerning the expansion project to the board and community at a regular or special meeting of the board, and (2) the board's request that TCM and the Department of Planning & Permitting (as the approving agency) extend the public comment period deadline until a reasonable date after TCM's presentation.

Fortunately, TCM's presentation was then able to be scheduled for the special meeting on May 5, 2005 – just 2 days before the postmark deadline for the timely submission of public comments on the DEA. This concern about the shortness of time to submit

comments after the presentation was expressed at the May 5 meeting. Several persons stated that the current TCM proposal was significantly different in size and scope than what had been first disclosed to the community in 2003. I agree with that observation based on my attendance at the Sunday May 23, 2004 community meeting held at the President Theodore Roosevelt High School cafeteria lanai at which Keith Kurahashi (TCM's agent), Gene Yong of Belt Collins, and you described what was then planned as the size and scope of the expansion project.

By the conclusion of the May 5, 2005 Makiki Neighborhood Board special meeting and TCM's presentation, several board members stated that they would read and prepare written comments on the DEA, and appreciated the extension of the public comment deadline to May 28, 2005.

Chair John Steelquist especially noted that TCM's extension of time now provided the opportunity to prepare for possible board action on this matter at the board's Thursday May 19, 2005 regular meeting – the last meeting of the 2003 to 2005 Neighborhood Board System term. (The 2005 to 2007 term begins on June 1.)

With the benefit of TCM's May 5, 2005 presentation – and especially the architects' use of the scale model to more clearly show the spatial relationships of the structures on the topography of the TCM campus and the accessibility for vehicles and pedestrians, I know the written comments that I submit by May 28, 2005 will be more informed, better prepared, and hopefully more useful in this process as a result.

Again, my thanks and commendation for your positive decision to extend the public comment period deadline from May 7 to May 28, 2005 on The Contemporary Museum's Draft Environmental Assessment.

Aloha,
Tom Heinrich

cc: Director Henry Eng, Department of Planning & Permitting
Sharon Nishiura, Department of Planning & Permitting
Keith Kurahashi, Kusao & Kurahashi, Inc.
Office of Environmental Quality Control
Chair John Steelquist, Makiki Neighborhood Board
President Ray Sasaki, Makiki Heights Community Association
Chair Tracy Miyahara, Makiki Ohana Community Association

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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

J. Thomas Heinrich
Attorney at Law
2426 Armstrong Street
Honolulu, Hawaii 96822-1932

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Heinrich:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 6, 2005. The following responds to your comments:

You mentioned that, since May 23, 2004, there have been significant changes made by The Contemporary Museum in its proposed facilities expansion plan, use/activity relocations, and intended amendments to the conditions of 86/CUP-10. However, my files note that our intended amendments to the conditions of 86/CUP-10 have not changed since an April 28, 2004 correspondence (enclosed) was mailed to the neighbors, inviting them to an informational tour and meeting held at The Contemporary Museum on May 10, 2004. In fact, our project began it's community outreach in fall of 2003 and since that time there were changes to the intended amendments to the conditions of 86/CUP-10. The final changes, reflected in today's request, included:

1. Reducing our request for use of an exterior public address system from 3 special events to two special events.

2. Reducing our request for 12 additional evening events with a maximum of 50 cars/100 persons on the Cooke-Spalding site to just 9 such events.

3. Reducing our request to allow the Café to be open every Thursday evening from 6:00 pm to 8:00 pm to allowing the Café to open just two Thursdays a month.

These changes to intended amendments were proposed to mitigate some of the concerns that were presented in community meetings.

Other actions by the applicant to address concerns raised by the community include:

1. Clearing a pedestrian pathway through the overgrowth along portions of Makiki Heights Drive, clearing overgrowth and trimming trees back at the hairpin turn on the lower portion of The Contemporary Museum.

2. Focusing on providing an on-site septic system approved by the Department of Health rather than pursuing a connection to the municipal system through Hoalu Street, which presented concerns from Hoalu Street residents about construction impact to Hoalu Street and impact to the existing capacity of the wastewater system on Hoalu Street.

3. Applying for and receiving a temporary use permit with conditions for the ArtSpree event from the Department of Planning and Permitting (DPP).

As you have mentioned, since May 23, 2004 there have been changes to the proposed facilities expansion plan and use/activity relocations. In the Draft EA, the applicant has redesigned its proposed galleries to break up a former large gallery space (6,000 square feet) on the upper level into two smaller galleries (Gallery A - 2,300 square feet and Gallery B - 2,567 square feet) separated by a covered courtyard (620 square feet), reducing the bulk associated with the former design. This change was done to reduce the bulk and visual impact of the previous structure in response to concerns from residents about the massive size of the originally proposed upper level gallery. The applicant has also placed some gallery space underground (Gallery C) to minimize visual impacts on the

surrounding residences. With these changes, the applicant's proposed gallery space has been reduced from 8,500 square feet to 8,061 square feet, while the proposed storage space (including mechanical room and electrical room) went from 3,400 square feet to 6,338 square feet. This increased space will have minimal impact on operations due to its use as storage. The Galleries, storage and mechanical rooms went from 11,900 square feet to 14,399 square feet in the Draft EA. In order to increase the setback from Makiki Heights Drive from the 25 feet proposed in the Draft EA to 30 feet for the Final EA, the applicant has reduced the floor area for the Galleries, storage and mechanical rooms to 11,930 square feet, while maintaining the concept of breaking up the Gallery space into Gallery A and Gallery B separated by the covered courtyard and an underground Gallery C. While the floor area has remained about the same as the original 11,900 square feet, the impacts have been significantly reduced in relation to bulk since Gallery C is underground and Galleries A and B are separated by a covered courtyard.

In the Draft EA, the applicant has also relocated the Museum Gift Shop, originally planned to be located in the Pietsch property to the upper floor of the Cooke-Spalding building at the site of the former library. The final change was to relocate a couple of storage spaces that encroached into the front yard setback outside of the front yard setback rather than simply demolish those structures. The applicant feels that these changes represent improvements over the previously presented design and will provide needed expansion areas that will allow the Museum to provide exhibits even during the weeks immediately preceding a gallery opening and periods immediately following a gallery opening. These changes will also allow the display of the Museum's permanent collection and storage of the remainder of the permanent collection on-site.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

encl.
cc: Department of Planning and Permitting

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
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BUS. (808) 988-2231
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E-Mail: kkurahashi@hawaii.rr.com

April 28, 2004

Dear Neighbors:

Subject: Site Visit to The Contemporary Museum, May 10, 2004

The Contemporary Museum is providing an opportunity for our neighbors and interested residents to take a tour of the Museum property and to learn more about our proposal for developing exhibition space and parking in a new structure located over the tennis court and on the grounds between the tennis court and the main building. We will also describe our plans for reuse of existing spaces, including plans to utilize the Peterson property for a café, library, and docent offices, while providing enclosed spaces at the existing café for educational programs and offices.

We have enclosed information about the proposed development for your review prior to our tour/meetings. These are provided to allow for a meaningful discussion on concerns that may not have been addressed in this material or that needs further discussion.

Two opportunities (at noon and in the evening) are being provided for the tour and meeting/presentation on the proposed new development:

Date	:	Monday, May 10, 2004
Times	:	First tour - 12:00 noon
		Second tour - 6:00 pm
Place	:	The Contemporary Museum

Since we are planning to have light refreshments at the two tours/meetings and need to plan accordingly, we request your rsvp to Kim Jensen, at The Contemporary Museum, at 526-1322, by May 6, 2004.

Your presence at either of these tours and meeting/presentation would be extremely helpful in providing community input on our proposed development. Should you have questions concerning the development, please contact Georgianna Lagoria, Executive Director of The Contemporary Museum, at 526-1322, extension 14

Very truly yours,

Keith Kurahashi

Keith Kurahashi
cc: The Contemporary Museum

SUMMARY OF REQUEST FOR CONDITIONAL USE PERMIT FOR THE CONTEMPORARY MUSEUM

The applicant, The Contemporary Museum (Museum) has met on several occasions with community members, including two meetings with representatives of the Makiki Heights Community Association and one meeting with other neighbors and representatives of the Makiki Heights Community Association.

These preliminary meetings were helpful in understanding the concerns of the neighbors and to clear up some misunderstandings about the proposed application for a Conditional Use Permit and the proposed development. We hope to continue these meetings and to be able to reach a consensus on proposed conditions that would be appropriate for the operation of The Contemporary Museum.

The Museum finds that after operating for about 18 years under the existing Conditional Use Permit approval for the Museum, it needs to expand its development to better serve the community; to provide a structure to display and store its permanent collection (presently stored off-site); and to improve it's space for education (children and adult) at the Museum.

At the present time, the Museum has no exhibits to view (except for the relatively small David Hockney exhibit) for about 10 weeks out of the year while the traveling exhibits are being taken down and new traveling exhibits are being put up in the main gallery. The Museum hopes to develop a new Permanent Collection Gallery, storage area for the Permanent Collection and staff parking on a new structure that will be situated over and under (parking lot) the existing tennis court and extending toward the southwest corner of the Museum.

The Museum presently accommodates educational classes (for schools and adults) on the lawn area next to the Museum when weather permits, otherwise, classes are held on the open covered lanai between the main gallery and the gift shop. To provide a more permanent area with more privacy for educational programs, the applicant plans to redevelop the existing café into an education room. The area above the café (gift shop, education office and restrooms) would be converted to a Community meeting room

The Museum has acquired two additional properties, the former Pietsch/Peterson Residence located on a lot surrounded by the Museum and Makiki

Heights Drive and the Johnson Residence/Persis Offices located two lots away (one lot and a flag lot stem) from the Museum.

The Museum would like to adapt the use of the Pietsch/Peterson Residence to allow a Café (with seating for 55 visitors, same as the existing Café), Docent Office and Library.

The Museum plans to move some of the offices that are presently located in extremely cramped quarters on the Museum property into the Persis Offices and continue the office use on the property (Persis Offices presently approved under a separate Conditional Use Permit for Use of a Historic Site).

SUMMARY OF PROPOSED AMENDMENTS TO THE 1986 CONDITIONAL USE PERMIT CONDITIONS AND THE 1986 MAKIKI HEIGHTS COMMUNITY ASSOCIATION AGREEMENT

1. Allow extended hours for the Museum on Thursday nights (presently 10:00 am to 4:00 pm, allow opening until 9:00 pm). This evening opening for an additional five hours on Thursdays only will accommodate visitors that are unable to visit during regular museum opening hours during the day.

2. Allow opening two hours earlier on Sundays (change from 12:00 noon to 4:00 pm to 10:00 am to 4:00 pm) to allow sufficient time for Museum visits on Sundays.

3. The applicant's initial request was for use of the public address system for up to three events per year. This second draft request that a public address system be permitted on up to two special events per year, to accommodate the annual Art Spree event which provides an open house and free admission to The Contemporary Museum from 10:00 am to 4:00 pm and allows neighbors and the art community an opportunity to enjoy the museum. The second event is the Contempo which presently occurs at the Neiman Marcus store in the Ala Moana Shopping Center. The applicant is extremely happy with this venue for the Contempo event, however, in event that the Neiman Marcus store is not able to offer its Ala Moana store as a venue, the event will be moved onto the museum property.

4. Increase the visitor occupancy from 80 persons to 100 persons. The increase in occupancy is needed to accommodate the occupancy of the museum during periods when school students are receiving art education at the museum. These students and their teachers can number up to 60 persons per visit which presently leaves only an additional 20 that can be on site at the same time for museum visitation.

5. Increase the number of persons in attendance at the six permitted evening functions from 200 to 300. These six evening functions provide for attendance at gallery openings (about six per year).

6. Modify an existing condition which stated that school buses allowed and that all other buses are limited to a capacity of 20 passengers. The applicant is asking that the 20 passenger limitation be increased to 25 passengers because most smaller size buses are now 25 passenger buses rather than the 20 passenger buses of the past. In this second draft, the applicant has also added a clause that the applicant with work with the Department of Education in an attempt to facilitate the use of smaller buses.

7. The applicant is requesting an additional large event (500 persons) each year to accommodate the Contempo on the museum property. In the past, this event was held on the museum property (1988 through 1994). The applicant is extremely happy with this venue for the Contempo event, however, in event that the Neiman Marcus store is not able to offer its Ala Moana store as a venue, the event will be moved onto the museum property.

8. The applicant is requesting formal approval of the Art Spree (annual community open house). The annual Art Spree event provides an open house and free admission to The Contemporary Museum from 10:00 am to 4:00 pm and allows neighbors and the art community an opportunity to enjoy the museum.

9. The applicant initially requested 12 additional evening events for a maximum of 50 cars/100 persons. In our second draft of proposed conditions, we are requesting 9 evening events. These evening events will allow an opportunity to welcome prospective donors to the museum and help to promote fund raising efforts to allow continued operation of the museum.

10. Although café hours were never established, the applicant would like to self impose a limitation on café hours from 11:30 am to 2:30 pm on Tuesday through Sunday and from 6:00 pm to 8:00 pm on Thursday evenings. In our second draft of proposed conditions, the applicant is proposing evening openings on just 2 Thursdays per month.

RESPONSES TO COMMUNITY CONCERNS

1. Should the existing Conditional Use Permit (File No. 86/CUP-10) consisting of 3.44 acres be carried over to include the new properties acquired by the Museum?

   The applicant understands that the Department of Planning and Permitting (DPP) will process a new Conditional Use Permit for The Contemporary Museum to allow use of a Historic Site for the existing Museum property and the Peterson property.

   The Johnson/Persis offices property has an existing Conditional Use Permit that allows office use on the property. Upon completion of DPP's review and recommendation on the Conditional Use Permit for the main Museum campus, they will consider a minor modification to the Persis office Conditional Use Permit to allow the Museum office use to replace the Persis office use.

2. Traffic - Makiki Heights Drive is a substandard road with no sidewalks. There are many senior citizens that walk, bicycle riders, joggers, and students training. Will the infrastructure of the road (hair pin turns, blind corners) take school buses, cement trucks, and construction trucks necessary for this project?

   The applicant will have their traffic consultant determine the best route for construction vehicles to take in bringing materials or equipment to the property. The school buses presently maneuver on Makiki Heights Drive to reach the Museum because drivers have indicated that they cannot safely maneuver through the turn from Mott-Smith Drive. The applicant will work with the Department of Education in an attempt to facilitate the use of smaller buses.

The applicant will work with the Department of Transportation Services (DTS) to see if clearing and creating a natural pathway across the street from the Museum from Mott-Smith Drive to across the Museum entrance would help in providing safer access around the turn fronting the Museum.

The applicant is willing to clear a path initially and request that DTS maintain the pathway.

The applicant believes that further improvements such as road widening or straightening out existing curves may be cost prohibitive and could lead to greater problems with speeding.

3. Wastewater - Where will the new sewer line run?

Our civil engineer is working with the City and the Department of Health to determine if the proposed development can continue on the existing cesspool system, convert to a new on-site septic system, or if it will have to be upgraded and connected to the municipal sewer system. There is an existing sewer line in the mauka portion of Hoalu Place and if a connection to a municipal sewer line is required, capacity permitting, the Hoalu Place line affords the most convenient connection location.

4. The Pietsch (Peterson) Property -

A. Concerns of erosion on the Diamond Head embankment that flow down Makiki Heights Drive.

The applicant will ask its civil engineering consultant to try to provide some reduction from current storm runoff, improving the existing situation even after development of the Museum expansion.

B. Noise from the Café: both from trucks making deliveries with beepers, and from the clientele.

The applicant will only permit handicap parking for the general public at the Pietsch property and parking for staff workers in the parking lot under the tennis courts. In order to minimize in and out traffic, only

workers that will not be leaving the site during there shift will be allowed to park at the underground parking.

The applicant will have someone directing delivery trucks to the Café so that they will be able to safely maneuver the driveway and if possible, disable their beepers. Café hours will be restricted to 11:30 am to 2:30 pm on Tuesday through Sunday and to 6:00 pm to 8:00 pm on two Thursdays each month. With these limitations on use, we foresee less impact than would be expected with typical residential use, in the Pietsch property that has been designed for entertaining. We understand that neighbors in the past have complained about frequent late night parties at the property when it was occupied by a private resident.

C. Will there be public parking in the underground lot for the Café?

There will be no public parking in the underground lot for the Café, with the exception of handicap parking. The public will park at the existing upper lot. Only staff and volunteers who will not leave the property during their shifts will be able to utilize the underground parking.

D. Will there be a drop off area for the Café in front of the Pietsch property, even if "supposed" to be only for handicapped?

Only handicapped patrons and staff will be allowed to enter the Café from the street at the Pietsch property.

E. Will there be after-hours or evening events at the Pietsch property?

The Pietsch property Café will be open only on two Thursday evenings per month from 6:00 pm to 8:00 pm.

5. New Permanent Collection Building

A. Will underground parking be solely for employees?

Underground parking will be handicapped patrons and staff and volunteers who will not leave the property during their shifts.

B. How much truck traffic will be generated?

The new building will contain a permanent collection gallery and storage facility. After the initial move to the facility, truck traffic willbe minimal as artworks will be stored onsite and transported to the gallery upstairs, rather than shipped in crates from off-site.

C. Where will the current trash dumpster be relocated?

The applicant will work with site planners to better screen the dumpster which will remain in approximately the same location.

D. Concern about impact on trades and breezes onto properties across the street.

The proposed Permanent Collections Building is set back 30 feet from the property line and when the width of Makiki Heights Drive is factored in the property line across the street is 80 feet away from the proposed Permanent Collections Building. In a residential district, the minimum front yard is 10 feet, which results in the closest residence being located at least 90 feet away, which minimizes the impact on trades and breezes.

6. General concerns in regard to the existing Conditional Use Permit:

A. The snack bar becoming a restaurant with website listing menu. Alcohol permitted even if without a license.

The Café is open on a limited basis, no more that 3 hours per day, six days per week. Aside form one hot and one cold special, the Café serves light appetizers, soups, salads, and sandwiches. The Café attracts museum visitors, local clientele, and is also the main source of lunch for museum staff and volunteers. Guest are allowed to bring a bottle of wine and are charged a small corkage fee. The overwhelming majority of Café patrons do not bring wine.

B. Loud amplification used at exterior events

The applicant has been and will continue to be vigilant about noise levels at its events. For outdoor events, we employ an individual to walk the perimeter of the property and to monitor the sound levels.

C. Main events are supposed to be limited to 150-200 guests. Current advertisement invites many more.

Since 1988, the applicant has continued to offer 5-6 evening member events each year after regular museum hours. These events are never advertised to the general public. The only event advertised to the general public is our annual community open house, Art Spree. Each year we inform the surrounding neighborhood of this event, and have developed a successful system for traffic control to minimize the impact to our neighbors on this day.

The traffic control system includes the following:

a. Shuttle buses to off-site parking and an off-duty policeman for each of the six larger evening events, as well as Art Spree and Con Tempo.

b. Hiring of an individual to monitor sound around the perimeter of the property during large events.

c. Routing of shuttle buses up and down Mott-Smith Drive.

d. Routing of shuttle buses so that the back-up "beeper" will not disturb residents.

e. "Caution Tape" placed temporarily of neighboring properties, at owner's request to prevent parking during events.

f. Paid parking attendant during mid-day to manage parking and traffic.

7. Concerns about increased traffic and increased number of speeding cars and motorcycles.

The applicant does not foresee a significant increase in the normal daytime activity at the Museum site and there should not be a significant increase in traffic from the daytime operations. There will, however, be an increase in the number of special events at the site and for the larger events, the applicant will hire an off duty police officer to direct traffic at the Museum entrance. This presence should serve as a calming function, slowing traffic down near the entry to the museum. The applicant understands that the Makiki Heights community has been concerned about speeding in the evenings and the possibility of greater police enforcement to slow traffic down.

8. Heavy equipment traffic, including buses and vans and delivery trucks.

The applicant does not foresee an increase in buses, vans and delivery trucks for normal daytime operations.

The only large bus that visits the site during the day are school buses that travel to the Museum for educational programs. Due to the length of the school bus, it is unable to safely travel on Mott-Smith Drive, since it would require traveling forward and reversing several times to make the turn onto Makiki Heights Drive. For this reason, the school bus drivers find it safer to maneuver through the S-curve on Makiki Heights Drive. As mentioned earlier, the applicant will work with the Department of Education in an attempt to facilitate the use of smaller buses.

There will be a one time need to transport the Museum's permanent collection to the Museum's planned Permanent Collection Exhibition space and storage to be located over the tennis court. After this initial move to the facility, truck traffic will be minimal as artworks will be stored onsite and transported to the gallery upstairs, rather than shipped in crates from off-site.

The increase in construction vehicles will be a short term impact over the construction period of about one year. The applicant will have their traffic consultant determine the best route for construction vehicles to take in bringing materials or equipment to the property. Our construction manager has indicated that because of the location of the project and the size and nature of the planned construction, to a great extent smaller construction vehicles will be utilized. In instances where larger construction vehicles are required or on

occasion when impact to the travel lane is necessary the construction vehicles will travel along the most direct and safest route and the contractor's will use flag men as needed to provide for safe access around the construction site.

The applicant can request that workers and contractor's utilize specific routes, as recommended by our traffic consultant. The applicant can further ask that the contractor's inform their employees of the neighbors concerns about speeding and ask them to follow the posted speed limit. Construction vehicles on the whole are slow moving vehicles and are not expected to contribute to the speeding problem.

9. Concern about water pressure.

Our engineering consultant will be working with the Board of Water Supply to ensure that the proposed development will not adversely affect water pressure to surrounding properties.

10. Concern about erosion.

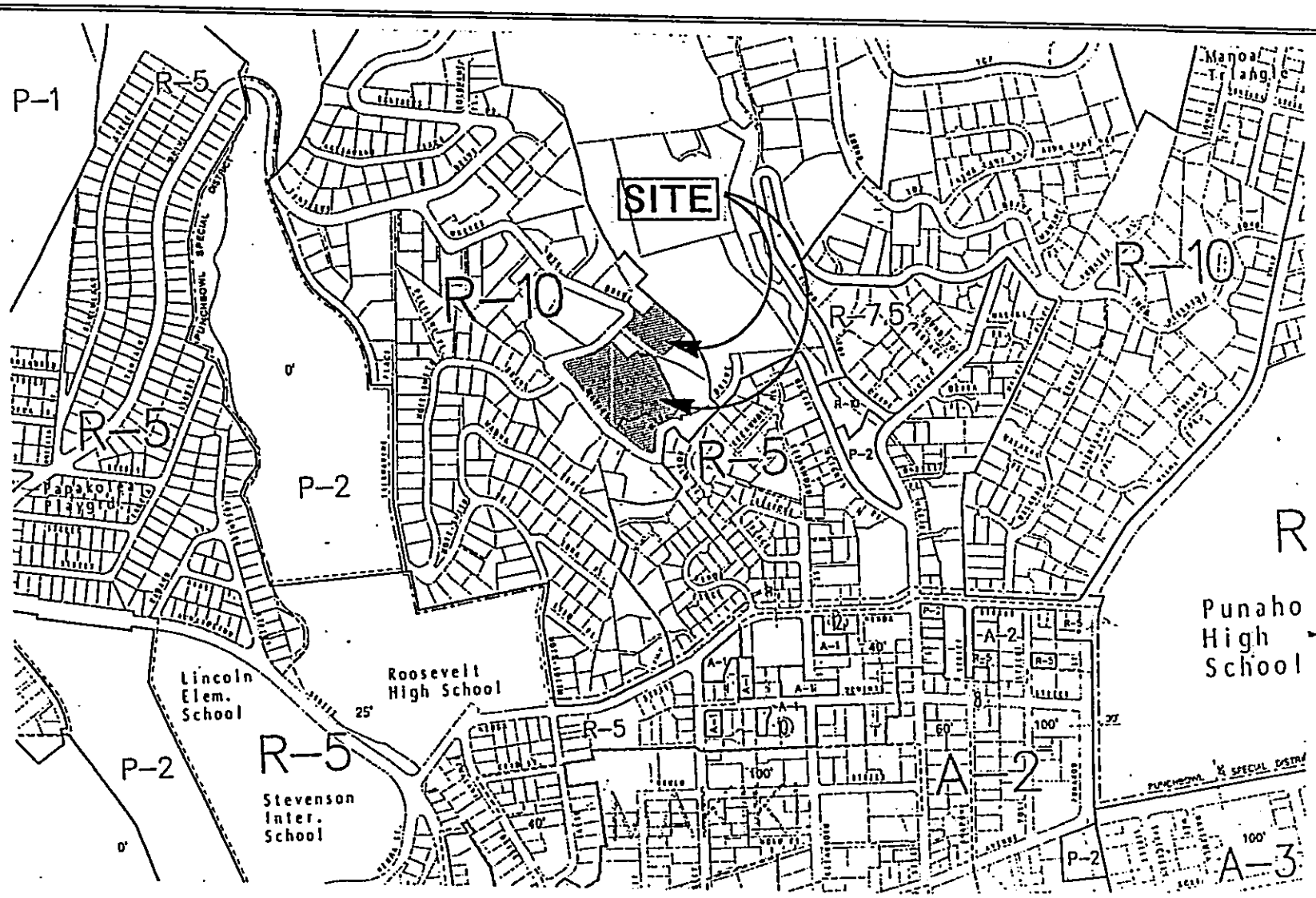
Erosion in the Makiki Heights area is generally a result of storm runoff during heavy rains. The City will require, that any new development on the property will not increase the existing storm water runoff leaving the property. The Applicant plans to go a step further and will ask the civil engineer to design the project to actually reduce storm water runoff leaving the property below the existing levels. We hope to accomplish this with detention and/or retention basins or other grading solutions. A reduction of storm water runoff from our property should reduce the potential for erosion due to storm flow.

12. A neighbor also discussed his experience with the City in seeking some assistance in dealing with the wall that is being undermined and a problem with boulders coming down in his backyard.

The applicant is hopeful that a reduction in storm flow from the Museum property will lessen the erosion impact to the neighbor's wall and reduce the potential for boulders dislodging and coming down in his backyard. However, if the major storm runoff is coming from upper mountain properties and following Makiki Heights Drive our reduction in storm flow may have minimal impact on the storm runoff problems that the neighbor is experiencing.

1986 CUP	1986 MHCA AGREEMENT	PROPOSED NEW CUP/AGREEMENT
10 to 4 weekdays and Saturday	Same	10 a.m. to 4 p.m. Tuesday, Wednesday, Friday, Saturday; **Thursday's 10 a.m. to 9 p.m.;**
12 to 4 Sundays & holidays	Same	**Sundays open at 10 a.m.to 4 p.m.**
No picnicking		same
No weddings		same
No non-museum programs		same
No exterior p.a. system	Same, with add'l restrictions	***Public address system allowed for up to [3] 2*** special events per year with the agreement that all noise must remain within the decibel limits for normal residential usage as set forth in the code of the City and County of Honolulu, with sound limits being mutually agreed upon and review to be coordinated with the DLU.
No filming, except museum education or advertising	Same, with add'l restrictions	Same
On site parking only	Same	Same
Valet parking and off-duty police assistance during evening functions	Same	Same
Service vehicles 9 a.m. - 4 p.m.	Same	Same
6' solid wall along Shimokawa boundary with 2; thick foliage	Same	fulfilled
Occupancy: **80** persons		Occupancy: **100** persons
200 at 6 evening functions		**300** persons at six evening functions
Kiosks permitted		Same
Retain all mature trees		Same
watch sewer, drainage water service for all functions		Same
	Entrance requirements	fulfilled
	Transfer of fee title	fulfilled

	Maintain gardens	same
	Use grasscrete to control runoff	same
	Comply with Health Dept. regs re sewer and snack bar operations	same
	Require director to live on premises for 3 yrs	fulfilled
	Maintain one resident caretaker	same
	Avoid drainage damage to residents	same
1986 CUP	**1986 MHCA AGREEMENT**	**PROPOSED NEW CUP/AGREEMENT**
	MHCA resident voting member of TCM Board	Same
	School buses allowed; all other buses limited to **20** passenger capacity	School buses allowed ***but TCM will work with the DOE in an attempt to facilitate the use of smaller buses***; all other buses limited to **25** passenger capacity
		One (1) evening event per year up to 500 persons ***(only in the event that Neiman Marcus is not able to offer its Ala Moana store as a venue)*** 6 p.m. to midnight
		One (1) annual community open house (ArtSpree) 10 a.m. to 4 p.m.
		Up to [twelve (12)] ***nine (9)*** **evening events maximum of 50 cars/ 100 persons** on Cooke-Spalding site only
		Café Hours: Tues,-Sunday 11:30 a.m. -2:30 p.m; ***Two Thursday evenings per month*** **6-8p.m.**
		Museum Shop Hours: same as Museum Hours
		Galleries, Museum Shop, and Contemporary Café closed to the general public on Mondays
		TCM to give MHCA advance notice of all events by mail



400 0 400 800
SCALE IN FEET

EXHIBIT 1
LOCATION AND ZONING MAP

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-4432 • FAX: (808) 527-6743
DEPT. INTERNET: www.honoluludpp.org • INTERNET: www.honolulu.gov

MUFI HANNEMANN
MAYOR

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

2005/ED-2(sn)

May 6, 2005

Mr. Keith Kurahashi
Kusao & Kurahashi, Inc.
2752 Woodlawn Drive, #5-202
Honolulu, Hawaii 96822

Dear Mr. Kurahashi:

Draft Environmental Assessment No. 2005/ED-2
Chapter 343, Hawaii Revised Statutes

Project	:	The Contemporary Museum
Location	:	2345, 2411 and 2447 Makiki Heights Drive
Tax Map Keys	:	2-5-8: 1, 2 and 4

Transmitted are comments that the department has regarding the above Draft Environmental Assessment (EA).

In accordance with the provisions of Chapter 343, Hawaii Revised Statutes, you must respond, in writing, to these and any other comments that were received during the 30-day comment period, which began with the publication of a notice of availability of the Draft Environmental Assessment (EA) in The Environmental Notice on April 8, 2005. The Final EA must include these comments and responses, as well as the revised text, where needed.

Also, the following are comments on the Draft EA from the Department of Planning and Permitting's (DPP) Land Use Permits, Site Development and Planning Divisions:

Land Use Permits Division

1. Identify the existing and proposed number of employees and estimate the number of visitors to the Art Spree.

2. Provide the frequency and size of school groups visiting the museum. Is the proposed increase in visitor occupancy based on the art education for school groups or are additional visitors to the museum anticipated since there will be larger galleries, library and a separate café?

3. Clarify whether the Peterson House will accommodate an artist's residence or a caretaker's residence. The Draft EA generally indicates that the Peterson House will have an artist's residence, however, on Page 29, the EA indicates that a caretaker will replace the current resident.

4. Clarify whether the dwelling on the Johnson property will continue to be occupied by a caretaker for the property or by others.

5. Describe the location of the proposed and existing leach field and septic tanks.

6. The Draft EA indicates that a minor modification to Conditional Use Permit (CUP) No. 96/CUP2-3 will be requested to allow the applicant to continue the office and residential uses on the Johnson property. Clarify that the DPP has not made a determination on whether a minor modification or a new CUP will be required. A minor modification may be processed in the proposed use of the Johnson property is similar in operation (e.g., hours, intensity of use) and land use impacts to the use approved under 96/CUP2-3.

7. Explain how the applicant proposes to facilitate traffic flow at the café drop off area and how access to the basement parking will be controlled since the parking is limited to only employee and accessible spaces.

8. Clarify whether the café will be open to non-museum visitors, such as people wanting to only eat lunch, or rent it for birthday parties, showers or other non-museum related functions. Also, clarify whether café visitors will be included in the maximum number of visitors permitted on a daily basis.

9. A minor modification to CUP No. 86/CUP-10 was approved, with conditions, on February 23, 1995 to allow four evening functions and one fund-raising event, instead of the six evening functions previously allowed. Attendance at the fundraising event was limited to 450 persons. The Draft EA should be revised accordingly.

10. On March 4, 1986, the application and the Makiki Heights Community Association entered into an agreement regarding the operation of the museum. This agreement is separate from CUP No. 86/CUP-10 and is not administered by the City. The limitation on the bus size was part of that agreement and not a condition of the CUP. The Draft EA should be revised accordingly.

11. Further discuss how parking and traffic impacts associated with all special events (including the annual art spree) will be addressed, particularly since the applicant is proposing to increase the frequency and size of the special events. The discussion should identify those events for which on-site parking will be inadequate and provide more specific details on the measures to mitigate adverse impacts, such as the location and size of off-site parking areas and frequency of the shuttle buses.

12. Expand the discussion that the proposed project will not affect the residential character or culture of the residential neighborhood with more details. It is not clear how the proposal, especially the conversion of a third property from residential to museum use, the construction of a new gallery building, and the increase in the hours of operation, including night-time hours and larger and more frequent special events, will not affect the residential character or culture of the neighborhood.

13. Provide a visual analysis, including photo simulations, which clearly shows how much of the gallery building will be exposed to the surrounding areas and Makiki Heights Drive. The visual analysis should take into account the removal of existing landscaping to construct the new building and ensure adequate sight lines at driveways within the vicinity of the new building. The potential visual impacts from exterior lighting should also be discussed.

14. Discuss the potential noise impacts from the proposed use of a public address system, the increased night functions, the outdoor seating of the café and delivery vehicles. The discussion should also explain whether the special events will be held outside, on the lawns or open terraces, and whether music or any type of amplification equipment will be used.

15. Clarify the project boundaries as the property lines for the Johnson property (Parcel 2) appear to be incorrectly drawn and Exhibit 1 did not include Parcel 2. Also, clarify whether there will be any improvements within the City right-of-ways, including off-street parking and loading spaces, maneuvering areas and landscaping. For example, clarify how the loading space and pits, off of Makiki Heights Drive, functions.

    Discuss proposed changes to existing surface parking areas in greater detail. Identify any new areas of paving and its impact to existing trees. Include an arboreal assessment to determine the impact of the changes. The required number of off-street parking for the proposed use will be determined during the CUP process.

16. The building height of the new gallery building is measured from existing or finished grade, whichever is lower, and not the grade at the "profile of terrain after mass grading" or "profile of regarded area". Clarify whether the proposed building will exceed the residential height limit because of the existing grade of the tennis court. If it exceeds the height limit, then the building must be redesigned or the applicant must apply for a zoning variance to exceed the height limit.

    Clarify the height of the mechanical equipment and the walls surrounding the equipment, fronting the proposed building along Makiki Heights Drive. Other than those listed in the Land Use Ordinance Section 21-4.30, mechanical equipment over 30 inches in height is not permitted in the required front yard. Also, clarify whether any existing landscaping will be removed to accommodate the equipment.

17. Clarify whether interior or exterior alterations to the Peterson Residence will be necessary to accommodate the proposed uses.

18. Discuss other alternatives to the proposal, including those involving no new gallery building, a smaller gallery building, conducting special events at an off-site location and retaining the café in the main museum building while relocating other functions to the Peterson Residence.

19. Clarify whether the project proposal and plans in the Draft EA are the same as those presented at previous community and neighborhood board meetings.

20. Expand Section VI mitigative measures to address short-term and long-term solutions to the project impacts. For short-term construction impacts, a construction management plan should be developed which minimizes impacts to pedestrians and motorists. In addition, physical project improvements to mitigate traffic concerns should be clearly identified. For example, will a flashing warning light be installed near the parking structure entrance as recommended by the traffic consultant or are physical changes to the 'S' curve proposed? Further, long-term traffic solutions for daily and special event traffic should be mitigated through the development of a traffic management plan.

Site Development Division

1. The section plans appear to indicate that the project will require grading. Describe the quantity (cut/fill) and square footage of the proposed grading.

2. If a grading permit will be required for the project, revise Section VII Government Permits and Approvals Required.

3. Clarify whether the grading work will trigger a slope hazard report in accordance with Section 14-14.2(d)(2) of the Revised Ordinances of Honolulu.

4. Revise the Draft EA to clearly explain that the project area is serviced by a privately owned, individual wastewater disposal system and that sewer approvals fall under the jurisdiction of the State Department of Health.

   The project area is within the proposed Makiki Heights and Puowaina Drive I.D. project area. Construction of this sewer project is tentatively scheduled to begin construction in 2013.

5. Provide a project schedule that identifies the anticipated start dates of the various phases or major components for the proposed project. The estimated costs associated with each phase should also be included.

6. The number of participants and workers, including the number of parked cars on the site and on surrounding streets, at the coinciding events during various periods of the day, should be tabulated and graphed to provide a better description of the total number of people and vehicles involved in both daily activities and during large events.

7. The traffic consultant should work with the City to identify which specific locations may have potential sight line deficiencies and which roadway curves should be modified to better facilitate traffic. This information must be included in the Final EA.

Planning Division

1. The Location and Zoning Map (Exhibit 1) should clearly delineate the three parcels of the proposed project with corresponding labels showing the tax map key and the existing use, e.g., existing Contemporary Museum, Pietsch/Peterson

Residence, Johnson Residence/Persis Offices. Exhibit 1 should also include an inset map of the island of Oahu with the approximate location of the project site shown.

2. The Final EA should include a discussion of how the proposed project is consistent and supportive with the vision and policies contained in the Primary Urban Center Development Plan (PUC DP, June 2004), including the following:

   - The Final EA should state that the proposed project is within the Urban Community Boundary.

   - Include a description of how the proposed project supports the vision for the PUC's future, as stated in Chapter 2 of the PUC DP, particularly how it supports the protection and enhancement of Honolulu's natural, cultural and scenic resources.

   - The PUC DP contains a policy pertaining to preserving historic and cultural sites (Section 3.1.2 on page 3-10). It specifically mentions to allow adaptive reuse of historic buildings to serve a new function and/or enhance interpretive value without destroying the historic value of a site. The Final EA should state that the proposed project supports this policy.

   - The PUC DP contains a policy pertaining to appropriate building design in mauka residential neighborhoods (Section 3.2.2.2 on page 3-25). It states that street facing building elements should be attractive, designed for human scale, and have clear points of entry. Service and utility elements should be located out of site from the street and away from residences. The Final EA should include a description of how the proposed project supports this policy.

3. Revise the Draft EA to make the following minor edits:

   - On page 11, last paragraph, fourth line: delete the extra word "café".

   - Spelling of "Spalding" in several places in the report.

   - On page 79, item #5: delete the second "as permitted" phrase.

   - To avoid confusion to the reader, references to the three parcels of the proposed project should be consistent throughout the document, e.g., existing Contemporary Museum, Pietsch/Peterson Residence, Johnson Residence/Persis Offices.

Should you have any questions, please contact Sharon Nishiura of our staff at 523-4256.

Sincerely yours,

for HENRY ENG, FAICP
Director of Planning
and Permitting

HE:pl

posse doc 368405

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Henry Eng, FAICP, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Attention: Sharon Nishiura

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Eng:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 6, 2005. The following responds to your comments:

Land Use Permits Division (LUPD)

1. The existing employees total 40. The proposed expansion will require an estimated 46 employees. ArtSpree visitors totaled 2,500 in 2004, however, due to the nature of the event as being open to the general public attendance varies each year. It would be difficult to turn people away from this event that is an open invitation to island residents and visitors.

2. Current frequency and size of School Groups: one 60 person group per open weekday, four (60 person groups) per week for 40 weeks per year = 9,600.

   Proposed frequency and size of School Groups: one 60 person group per open weekday, four (60 person groups) per week for 52 weeks per year = 12,480.

Proposed occupancy reflects increase in number and size of school groups as well as slight increase in daily visitors.

3. The Pietsch-Peterson House contains an apartment over the kitchen which the applicant would like to use either for a live-in staff member (possibly security staff) or use for short-term (average 1-3 weeks) residence of artists presenting programming at the Museum. Ideally, the applicant will have a staff member residing on all three of the properties. Whether the Pietsch-Peterson apartment will be used by staff or short-term artist in residence will depend on the housing requirements of staff.

4. The dwelling on the Johnson Property will continue to be occupied by Museum staff who have additional security and caretaking duties on the property.

5. There are currently three wastewater disposal systems impacted by the project – (1) a cesspool in the lower section of the Cooke-Spalding main parking lot, (2) a septic tank and leach field in the gardener's area below the Cooke-Spalding Café lawn, and (3) in the Pietsch-Peterson parking area. These will be replaced by septic system and leach field systems: (1) in the same area (under the asphalt and in landscaping of the Cooke-Spalding lower parking area; (2) on the great Lawn east of the upper monkey pod tree; and (3) in the same area under the asphalt of the Pietsch-Peterson parking area.

6. The Final EA will note that the Department of Planning and Permitting has not made a determination on whether a minor modification or a new Conditional Use Permit (CUP) will be required. The Final EA will also note the criteria under which a minor modification may be processed.

7. Patrons of the relocated Contemporary Café must park at the current entrance of the Museum at the Cooke-Spalding House and walk down to the Pietsch-Peterson property. A security staff member will be posted at the Pietsch-Peterson gate to prevent drop-offs and parking during Café hours, with the exception of disabled individuals and volunteers/staff utilizing the available parking.

8. The Contemporary Café is open to all Museum visitors, whether they are viewing exhibitions in the galleries, the grounds, or just coming to the Museum for lunch. While the Café is never for "rent", an individual may reserve a table or tables beforehand for lunch. We do not prevent individuals from celebrating a birthday, anniversary, or exchanging gifts over a private lunch. Café visitors are included in the overall occupancy of the Museum.

   As a clarification, Condition No. 7 of the Findings of Fact, Conclusions of Law and Decision and Order of Conditional Use Permit Case No. 86/CUP-10, dated July 14, 1986 states as follows:

   "Occupancy shall be limited to 80 persons during typical daily operations and limited to 200 persons at the 6 evening functions."

   The applicant understands this to mean that no more than 80 visitors are permitted on the property at any one time in the case of daily operations. If this is to be an attendance limit total number of persons allowed on property over the six hour operating hours then the 80 or even 100 persons will not even cover a full 60 student/teacher load and the proposed 46 employees on property. This would allow no additional visitors on days when two classes visit the Museum.

9. The Final EA will reflect the minor modification approved on February 23, 1995 which allowed four evening functions and one fund raising event with attendance limited to 450 persons.

10. The Final EA will reflect that the conditions on bus size is a separate agreement between the applicant and the Makiki Heights Community Association and is not a condition of the CUP.

11. The Final EA will include a Traffic Management Plan that will detail how parking and traffic impacts will all special events, including ArtSpree, will be addressed. The Final EA will also note that the events for which on-site parking will be inadequate include ArtSpree, Contempo, and the six larger evening events with a maximum attendance of 300 visitors.

12. The Final EA will provide more details supporting the concept that the residential character or culture of this neighborhood will not be affected by the proposed expansion and increase in activity at the Museum. These will include the density of the development, lot coverage and other physical attributes of the development and the impacts of the Museum in relationship to the expected impacts of a residential development on the four acre lot that includes the Cooke-Spalding property and the Pietsch-Peterson property.

13. The applicant has provided computer renderings showing the new gallery building from Makiki Heights Drive. The building was modeled and inserted into actual photos from the site. Essentially the building is not visible except for a brief glimpse as one passes the lower driveway. Site lighting will be minimal, as the proposed exterior lighting will be low level and shielded.

14. The potential noise impacts from the proposed use of a public address system, the increased night functions, the outdoor seating of the Café and delivery vehicles will be included in the Final EA. The discussion will also describe the indoor or outdoor nature of special events and whether music or any type of exterior amplification will be used.

15. The confusion appears to be in the grant lines that were picked up from the topographic site plan. The architect will eliminate the grant lines and will darken the property lines to provide better definition of the property lines. Exhibit 1 will be revised to include Parcel 2. No improvements are planned in the City right-of-ways. However, the existing large loading space and the pits that serve the Cooke-Spalding and Pietsch-Peterson properties are situated partially in the City right-of-way.

    There will not be any additional paved areas in the vicinity of the existing monkey pod or other specimen trees. An Arboreal Assessment (Tree Preservation and Protection Plan) will be provided as part of the development of design documents. The applicant understands that the required number of off-street parking stalls will be determined during the CUP process.

16. The height of the new gallery building will be within the zoning envelope. We have lowered the overall building 12" taking 6" out of the two lower levels and we are dropping the height of Gallery A by an additional 8". These heights are measured per the zoning from the existing grades. The building will not exceed the height limit and therefore no variance will be needed.

    The mechanical equipment is located below grade in a walled areaway adjacent to the building. There will be a 6" to 18" curb at the top of the area, going from 6 to 18" as the slope descends. Only some bushes and ground cover will be removed to build this, no trees are coming out.

17. The Peterson Residence will be altered as follows:
    Exterior:

    a. There will be a door added to the ewa side of the garage, providing access to the garage stair.

    b. There will be a door added to the mauka wall leading to the former master bedroom. This is for handicap access to this room from outside.

    c. No other changes are anticipated to the exterior of the house other than repairs of existing materials.

    Interior:

    a. The kitchen cabinetry will be substantially changed to accommodate the new café kitchen. The wood flooring in this area will also be changed to something more durable and water resistant. The wood ceiling and skylight will be retained.

    b. A small bathroom will be removed from a guest bedroom and the room reconfigured to provide two accessible restrooms.

c. Some additional shelves will be added to the former library to better serve the Museum Library. Existing cabinetry in this area will be largely preserved and reused.

d. No other significant changes are anticipated on the interior. The entry foyer, living room, dining room, all four of the other bathrooms, and the bedrooms will remain largely unchanged.

18. The Final EA will discuss other alternatives to the proposal, including those involving no new gallery building, a smaller gallery building, conducting special events at an off-site location and retaining the café in the main museum building while relocating other functions to the Peterson Residence.

19. The Final EA will clarify whether the project proposal and plans in the Draft EA are the same as those presented at previous community and neighborhood meetings.

20. The applicant will expand Section VI mitigative measures to address short-term and long-term solutions to project impacts. A construction management plan will be developed which minimizes impacts to pedestrians and motorists. A flashing warning light was not recommended by our traffic consultant. Physical changes to the S-curve will be limited to improved maintenance of roadside areas to keep the height of the ground cover as low as possible. Long-term solutions to mitigate traffic impacts will include dissemination of bus and ridesharing information to volunteers and visitors and traffic management plans for special events.

Site Development Division

1. The proposed structures extend at least one level below existing site grades; the project requires no structural fill. Excavations for Gallery C and Galleries A and B (including the lower level storage and underground parking) will extend 16 and 26 feet below adjacent grades, respectively. The two excavations will have steel and concrete shoring to support the vertical excavation sidewalls. Neither excavation is close enough to the

property boundaries to create any risk of deflection or subsidence. The two excavations will generate a combined 7,400 cubic yards of soil that will be exported to other construction sites in Honolulu.

2. Section VII. Government Permits and Approvals Required will be modified in the Final EA to note that a grading permit will be required for the project.

3. The project does not create new slopes near the lot boundaries. Slope hazard to surrounding properties does not change. A secondary effect of the on-site infiltration system is a slight improvement in slope conditions for properties located makai of the site because of the reduced stormwater quantity flowing down Makiki Heights Drive.

   All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

4. The Final EA will explain that the project area is serviced by a privately owned, individual wastewater disposal system and that sewer approvals fall under the jurisdiction of the State Department of Health.

   The Final EA will further note that the project area is within the proposed Makiki Heights and Puowaina Drive I.D. and that construction of this sewer project is tentatively scheduled to begin construction in 2013.

5. A project schedule with the estimated cost for each phase is enclosed and will be included in the Final EA. The $7,117,000 total construction cost covers the building shell and utilities. Another $5,883,000 will be spent on architectural and engineering services; contingencies; consultant fees; storage systems; fixtures, furnishings and equipment; moving and storage

expenses; permitting fees; insurance costs; utility connection fees; security and fire alarm systems; shipping costs; construction management fees, and legal fees.

6. The Final EA will provide the projected number of participants and workers, including the number of parked cars on site and off site coinciding with daily activities and special events during various periods of the day. The information will be provided in tables that provide a better description of the total number of people and vehicles involved in both daily activities and during large events.

7. The traffic consultant has met with the staff from the Traffic Review Branch of the Site Development Division and staff from the Department of Transportation Services and has been tasked to determine which specific locations may have potential sight line deficiencies and to recommend improvements to improve the sight line. The traffic consultant has also been asked to recommend improvements which should be made to improve safety at the roadway curves. This information will be included in the Final EA.

Planning Division

1. The Location and Zoning Map will clearly delineate the three parcels of the proposed project with corresponding labels showing the tax map key and the existing use and an inset map of the Island of Oahu with the approximate location of the project site.

2. The Final EA will include a discussion of how the project is consistent with the Primary Urban Center Development Plan including the vision and policies.

   - The Final EA will state that the proposed project is in the Urban Community Boundary.

   - The Final EA will include a description of how the proposed project supports the vision for the PUC's future and how it supports the

protection and enhancement of Honolulu's natural, cultural and scenic resources.

- The Final EA will state that the proposed project supports the adaptive reuse of historic buildings to serve a new function and/or enhance interpretive value without destroying the historic value of the site. This policy will be further implemented during the design review and approval by the State Historic Preservation Division.

- The Final EA will include a description of how the proposed project supports the policy that street facing elements should be attractive, designed for human scale and have clear points of entry. It will also describe how it complies with the policy that service and utility elements should be located out of site from the street and away from residences.

3. The Final EA will include the following changes:

- On page 11, last paragraph, fourth line: the extra word "café" will be deleted
- The spelling of Spalding will be corrected where misspelled.
- On page 79, item #5: the second "as permitted" will be deleted.
- References to the three parcels will be consistent throughout the document, with the following names: Cooke-Spalding, Pietsch-Peterson, and Johnson.

Your letter and this response will be included in the Final EA.

Very truly yours,

Michelle Kono

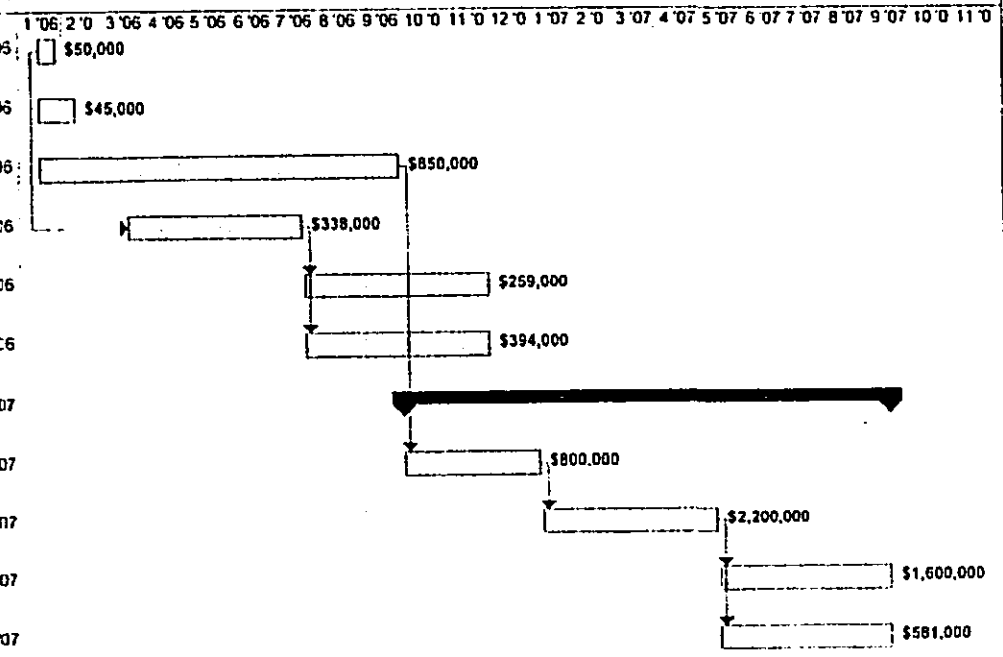
for Keith Kurahashi

THE CONTEMPORARY MUSEUM

Project Phasing Schedule and Associated Construction Costs

Print Date: Mon 7/25/05

ID	Task Name	Duration	Start	Finish
1	Cooke-Spalding cesspool conversion	2 wks	Mon 1/16/06	Fri 1/27/06
7	Cooke-Spalding galleries screenwall	4 wks	Mon 1/16/06	Fri 2/10/06
9	Cooke-Peterson (Café, Library, Docent areas)	37 wks	Mon 1/16/06	Fri 9/29/06
8	New Gift Shop and Courtyard	18 wks	Mon 3/20/06	Fri 7/21/06
10	Education space and maintenance buildings	19 wks	Mon 7/24/06	Fri 12/1/06
11	Meeting Room and restrooms	19 wks	Mon 7/24/06	Fri 12/1/06
2	New Galleries Building	250 days	Mon 10/2/06	Fri 9/14/07
3	Foundation and mass excavation	14 wks	Mon 10/2/06	Fri 1/5/07
4	Superstructure	18 wks	Mon 1/8/07	Fri 5/11/07
5	Interiors and equipment	18 wks	Mon 5/14/07	Fri 9/14/07
6	Site improvements, hardscaping and landscaping	18 wks	Mon 5/14/07	Fri 9/14/07



Project: CM - Phasing Plan
Date: Mon 7/25/05

Task | Split | Progress | Milestone | Summary | Project Summary | External Tasks | External Milestone | Deadline

File: CM - Phasing Plan

Prepared By:
HEATH CONSTRUCTION SERVICES, INC

LINDA LINGLE
GOVERNOR

RODNEY K. HARAGA
DIRECTOR

Deputy Directors
BRUCE Y. MATSUI
BARRY FUKUNAGA
BRENNON T. MORIOKA
BRIAN H. SEKIGUCHI

RECEIVED
'05 MAY 19 A10 :44
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

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

IN REPLY REFER TO:
STP 8.1732

May 5, 2005

Mr. Henry Eng
Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Eng:

Subject: The Contemporary Museum – Draft Environmental Assessment for Conditional Use Permit (Major)

Thank you for your transmittal requesting our review of the subject project.

The proposed action will not impact our State transportation facilities.

We appreciate the opportunity to provide comments.

Very truly yours,

RODNEY K. HARAGA
Director of Transportation

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. Rodney Haraga
Director of Transportation
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Haraga:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 5, 2005 and your determination that the proposed action will not impact State transportation facilities.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

THE OUTDOOR CIRCLE

2005 MAY 5 AM 4 12
DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

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May 3, 2005

Ms. Sharon Nishiura
Department of Planning and Permitting
650 South King Street
Honolulu, HI 96813

RE: The Contemporary Museum Expansion
Draft Environmental Assessment

Dear Ms. Nishiura:

On behalf of The Outdoor Circle I would like to thank you for accepting our comments on the above referenced Draft Environmental Assessment (DEA). The applicant has applied for a Conditional Use Permit (CUP) to expand the museum's facilities and operation. We have reviewed the DEA and would like to have the following items clarified and addressed before a Finding of No Significant Impact and CUP are granted.

Appendix VI, the Botanical Resource Assessment Study, states that the "...proposed redevelopment of the project site is not expected to have a significant negative impact on the botanical resources. The use of more native species for landscaping is recommended." The botanical assessment does not mention, nor is it stated elsewhere in the DEA, that there are several significant Monkeypod Trees on the museum's property. The trees provide significant positive environmental impacts to the property as well as to surrounding properties.

These important Monkeypod Trees should be assessed by a qualified certified arborist, the trees' evaluations should be publicized in the Final Environmental Assessment, and if the trees are deemed to be healthy, plans should be included in the DEA and CUP applications for tree protection during construction. The trees' canopies, trunks and roots need to be protected throughout the construction process. The Outdoor Circle will strongly object if plans include tree removal because they are in the way of construction.

1314 South King Street, Suite 306 • Honolulu, Hawaii 96814
Telephone: 808.593.0300 • Fax: 808.593.0525 • Email: mail@outdoorcircle.org • www.outdoorcircle.org

In addition, the DEA does not disclose what other landscaping is planned for the site. Nor does it state how the other trees on the property will be protected throughout the process. Please include this as well.

Thank you for the opportunity to comment.

Sincerely,

Mary Steiner
CEO

cc: Keith Kurahashi
Ms. Georgianna Lagoria
Office of Environmental Quality Control

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Mary Steiner, CEO
The Outdoor Circle
1314 South King Street, Suite 306
Honolulu, Hawaii 96814

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Steiner:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 12, 2005. The following responds to your comments:

The Final EA will note that there are several significant Monkeypod Trees on the Museum's property and that the trees provide significant positive environmental impacts to the property as well as to surrounding properties.

Heath Construction Services, Inc. of Honolulu, a consultant to the Museum has hired Mr. Stephen M. Nimz a qualified certified arborist to provide guidance in the preliminary design of the building and to develop a Tree Preservation and Protection Plan to help reduce the impact to trees located in close proximity to excavation work during the construction project.

Based on discussions with Mr. Nimz, the original design plans have been altered in relation to protection of an Opiuma Tree and the large specimen Monkeypod Trees located in the front parking and rear lawn areas. These discussions resulted in a reassessment of the new design placement of walls and buildings.

Much of the planned expansion occurs over the existing Pietsch-Peterson driveway and the existing tennis court and does not affect landscaped areas.

The proposed expansion will result in removal of a shower tree, three plumeria trees, one golden bamboo tree and several sections of mock orange hedges and tree.

New landscaping to provide screening will be provided by mock orange hedges, along the Makiki Heights Drive frontage of the new galleries and Schefflera Arboricola 'Luceanne' in an area where the existing elevation has been retained above the underground parking garage entrance at the Pietsch-Peterson driveway court.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

20051ELOG-986

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065 / TELEPHONE 547-7000

ROD TAM
COUNCILMEMBER
DISTRICT VI
Phone: (808) 547-7006
FAX: (808) 523-4220
rtam@co.honolulu.hi.us

May 4, 2005

Henry Eng, Director
Department of Planning & Permitting
City & County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear ~~Director~~ Eng, Henry

Aloha! It is my understanding that the public comment deadline regarding the Contemporary Museum's Draft Environmental Assessment is May 7, 2005. On behalf of the Makiki Heights Community Association and the Makiki Ohana Community Association, I respectfully request that this deadline be extended to May 22, 2005.

The residents in the affected area require more time to properly review and assess the Contemporary Museum's Draft Environmental Assessment due to its length and complexity.

I appreciate your time and consideration in this matter. If you have any questions or concerns, please feel free to call me at 547-7006.

Sincerely,

Rod Tam

Rod Tam
Councilmember District VI

Cc: Makiki Heights Community Association
Makiki Ohana Community Association

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
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FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Honorable Rod Tam
Councilmember District VI
City Council, City and County of Honolulu
530 South King Street, 2nd Floor
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Councilmember Tam:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 4, 2005. As discussed with you previously, based on your recommendation, the applicant agreed to the extension of the deadline to May 28, 2005 to provide additional time for community review and input.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

2005 MAY 9 PM 3 13

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

May 2, 2005

Ms. Sharon Nishiura
City & County of Honolulu
Dept. of Planning & Permitting
650 South King St. 7th Fl.
Honolulu, HI 96813

RE: The Contemporary Museum Expansion and Draft Environmental Assessment

Dear Ms. Nishiura,

Please register our opposition to the proposed expansion of The Contemporary Museum and any change to the existing Conditional Use Permit. . As members of the museum and neighbors, we consider this expansion to the museum to be too commercial and therefore detrimental to the residential ambiance of the Makiki Heights neighborhood.

In addition, the proposed new CUP is so convoluted and complicated (i.e. event hours and number of attendees, etc.) as to be un-monitorable. Since the museum violated the parking and café provisions of the existing CUP, it would be naïve to believe the new CUP provisions would be adhered to.

We might also point out that the Draft Environmental Assessment, did not address how the expansion would affect the monkeypod trees that are in or near the construction areas. Are any monkeypod trees to be removed or cut back? How will they be protected (i.e. root systems etc.) during construction?

Sincerely,

Paul & Naomi Loewe
2163 Mott Smith Drive
Honolulu, HI 96822

Cc: The Contemporary Museum
Kusao & Kurihashi Inc.
State of Hawaii, Office of Environmental Quality Control
Makiki Heights Community Assn.

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

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FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. and Mrs. Paul Loewe
2163 Mott Smith Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. and Mrs. Loewe:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 2, 2005. The following responds to your comments:

The Contemporary Museum is not a commercial enterprise. It is a non-profit organization that would be considered a quasi-public facility on the development plan and is considered a Social and Civic Service use in the Land Use Ordinance (the City's zoning code). This quasi-public use depends on donations to survive as only a small fraction of its operating cost comes from income produced by entry fees.

The applicant has requested and received approval of the ArtSpree this year as a temporary use for the one day, once a year event. The applicant for the most part has met the conditions of approval and has done its best to operate within the intent of the CUP. The Contemporary Museum will abide by present and future restrictions set forth by the Department of Planning and Permitting (DPP). The applicant plans to notify DPP of each special evening event and ArtSpree and agrees to report on the attendance numbers at each of these evening events, allowing DPP to keep track of the number of events held each year and the attendance at each event. The applicant will further agree to notify neighbors of each event and the type of event planned (100 prospective donors, up to 300 members attending the opening of a new exhibit, Contempo and ArtSpree).

Heath Construction Services, Inc. of Honolulu, a consultant to the Museum has hired Mr. Stephen M. Nimz a qualified certified arborist to provide guidance in the preliminary design of the building and to develop a Tree Preservation and Protection Plan to help reduce the impact to trees located in close proximity to excavation work during the construction project.

Based on discussions with Mr. Nimz, the original design plans have been altered in relation to protection of an Opiuma Tree and the large specimen Monkeypod Trees located in the front parking and rear lawn areas. These discussions resulted in a reassessment of the new design placement of walls and buildings.

Much of the planned expansion occurs over the existing Pietsch-Peterson driveway and the existing tennis court and does not affect landscaped areas.

The proposed expansion will result in removal of three plumeria trees, one golden bamboo tree and several sections of mock orange hedges and tree.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

LINDA LINGLE
GOVERNOR OF HAWAII

RECEIVED
'05 MAY -6 A9:42
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

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

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
File:

May 2, 2005

05-406A CAB

Mr. Henry Eng, FAICP
Director of Planning and Permitting
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Eng:

SUBJECT: Draft Environmental Assessment for Use of an Historic Site, The Contemporary Museum, Honolulu, Oahu. Ref: 2005/ED-2(sn)

This letter is to transmit the following comments for the subject document:

Construction/Demolition Involving Asbestos:

Since the proposed project would entail renovation/demolition activities which may involve asbestos, the applicant should contact the Asbestos Abatement Office in the Noise, Radiation and Indoor Air Quality Branch at 586-5800.

Control of Fugitive Dust:

A significant potential for fugitive dust emissions exists during all phases of construction and operations. Proposed activities will occur in proximity to existing residences and thoroughfares, thereby exacerbating potential dust problems. It is recommended that a dust control management plan be developed which identifies and addresses all activities that have a potential to generate fugitive dust. Implementation of adequate dust control measures during all phases of development, construction and operation activities is warranted.

Activities must comply with the provisions of Hawaii Administrative Rules, §11-60.1-33 on Fugitive Dust. In addition, we strongly recommend that a buffer zone be established, wherever possible, in order to alleviate potential nuisance problems associated with mixed land use.

The contractor should provide adequate measures to control dust from the road areas and during the various phases of construction. Possible measures include, but are not limited to, the following:

a) Planning the different phases of construction, focusing on minimizing the amount of dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
b) Providing an adequate water source at the site prior to start-up of construction activities;
c) Landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase;
d) Minimizing dust from shoulders and access roads;
e) Providing adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
f) Controlling dust from debris being hauled away from the project site.

If you have any questions, please contact Mr. Barry Ching of my staff at 586-4200.

Sincerely,

WILFRED K. NAGAMINE
Manager, Clean Air Branch

BC:jhm

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
2752 WOODLAWN DRIVE, SUITE 5-202
HONOLULU, HAWAII 96822

BUS. (808) 988-2231
FAX. (808) 988-1140
E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Mr. Wilfred K. Nagamine, Manager
Clean Air Branch
Department of Health
State of Hawaii
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Attention: Mr. Barry Ching
Clean Air Branch

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Nagamine:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 2, 2005. The following responds to your comments:

Construction/Demolition Involving Asbestos

Prior to renovation/demolition activities involving asbestos, if any is present, the applicant will contact the Asbestos Abatement Office in the Noise, Radiation and Indoor Air Quality Branch of the Department of Health at 586-5800.

Control of Fugitive Dust

Construction activities will comply with the provisions of Hawaii Administrative Rules, Section 11-60.1-33 on Fugitive Dust.

The applicant will develop a dust control management plan, including, as needed, the following:

a. Plan the different phases of construction, focusing on minimizing the amount of dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;

b. Provide an adequate water source at the site prior to start-up of construction activities;

c. Landscape and provide rapid covering of bare areas, including slopes, starting from the initial grading phase;

d. Minimize dust from shoulders and access roads;

e. Provide adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and

f. Control dust from debris being hauled away from the project site.

Your letter and this response will be included in the Final EA.

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

2005 MAY 3 AM 10 57
DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

May 2, 20005

Department of Planning and Permitting
City & County of Honolulu
650 S. King St.
Honolulu, HI. 96813

Attention: Sharon Nishiura

Re: The Contemporary Museum (TCM)

Dear Ms. Nishiura,

As a resident of Makiki Hts. Dr. There are concerns about the expansion of TCM..

I live in close proximity to the museum, down a private lane.

One of my concerns is the substandard road, Makiki Hts. Dr., that we travel on a daily basis. As a walker it is always a challenge to be very aware of the traffic on this road. There are no sidewalks. In some places one must step off the road to avoid a car. Sometimes a car will move over the yellow line to give a walker, runner, biker more space. When big school buses venture to the Nature Center you had better be completely off the road. I have not been walking when big buses venture to TCM, but I have witnessed children being let off on the road side to the property, and then blocking two lanes as the bus backs onto the property. Not an easy task and quite dangerous for either a car going up or down Makiki Hts. Dr., because you would not see the bus until you went around the curve in the road. How much of an impact do these buses have on our roads?

There is an area on Makiki Hts. Dr. where rain water has created a big gully. A berm was built, safety system barriers were put up. There is a section where the drop is parallel with the road. The city is aware of this. If this expansion is allowed with heavy equipment trucks going back and forth, school buses and daily traffic, is it a possibility the road could collapse?

Also, not frequently, but cars have parked in our private lane going to TCM. We have not complained. We, also, try to be good neighbors.

TCM has claimed that they will expand the educational area for children to the café site and move the café to the Petersen/Pietch property. It has been suggested that the Petersen/Pietch property be used as an educational center for the children programs. This would eliminate the need to open a café there and no evening dinners would be necessary there. The original intent of the café was to be a snack bar to serve sandwiches and beverages to those visiting the museum. It has turned into a lovely café where anyone with a reservation can go.

Does a two hour dinner at the proposed café seem feasible? Who would monitor this out by eight policy? Would you enjoy going to a nice place to eat and then told it is time to leave? Do the neighbors become the police? The immediate neighbors living next to the proposed café would be impacted with daily noise (lunch time) and evening noise two times per month. Noise carries in this neighborhood however minimal. This sounds like a money making venture and TCM claims to be non profit.

If Contempo is allowed in this neighborhood. A group of up to five hundred people would impact the neighbors. Just getting five hundred people on the property would require many trips up and down Makiki Hts Dr. or Mott-Smith Dr. Tantlus is another alternative but Makiki Heights Dr. would still have to be used to get to the museum. Even with the use of small buses there is a possibility of a traffic jam.

TCM has tried to be good neighbors and for the most part they have, but this expansion in the neighborhood is less than desirable. Will this expansion enhance our quality of living in this neighborhood? Safety is a major issue on our substandard roads. The noise level of the proposed café and its impact on the immediate neighbors needs to be considered as well as the proposed additional events which would bring more traffic and more noise to the neighborhood.

Thank you for taking the time to read this.

Sincerely,

Phyllis Hardy

Phyllis Hardy
2410 A Makiki Hts. Dr.
Honolulu, HI. 96822

cc: Ms. Georgianna Lagoria
Mr. Keith Kurahashi
OEQC
Ray Sasaki

KUSAO & KURAHASHI, INC.
Planning and Zoning Consultants
MANOA MARKET PLACE
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E-Mail: kkurahashi@hawaii.rr.com

August 18, 2005

Ms. Phyllis Hardy
2410 A Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Hardy:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 2, 2005. The following responds to your comments:

The Contemporary Museum in the interest of pedestrian safety, has been trimming a pathway for pedestrians in the area fronting their property to provide a safer pathway outside of the lane of traffic.

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on June 30, 2005, the

existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

The City Bus Route 15 travels up Mott-Smith Drive, along Makiki Heights Drive and onto Tantalus Drive making a total of 29 trips eastbound each weekday and 17 trips westbound each weekday. This compares to at the most, just one to two buses a day for students visiting the Museum. In 2004, there were 96 school buses visiting the Museum, which averages less than two school buses a week.

The embankment supporting a portion of Makiki Heights Drive between Hoalu Street and the Nature Center has been washed away, due to heavy rainfall. The City has provided a low berm along the edge of pavement to redirect water away from the embankment and flashing light barricades to mark the area.

One positive result of the proposed development that may help with this erosion problem is the applicant's plan to reduce the current storm water runoff volumes that presently leaves the property during a storm event through rerouting of stormwater to landscaped areas and use of a drywell, reducing storm water runoff impacts from this property on Makiki Heights Drive.

The applicant appreciates your consideration in allowing visitors to The Contemporary Museum to park in your private lane. The Museum makes every effort to accommodate parking on site for regular operations and for the proposed special evening events that will total 100 visitors. Upon completion of the Museum expansion the applicant will have 78 parking stalls that should be more than adequate to accommodate visitors and employees for their operation and these smaller events. For the six events proposed for up to 300 visitors, the Contempo proposed for up to 500 visitors and ArtSpree which accommodated 2,500 visitors last year, the applicant provides off-site parking and a bus (25 passenger) shuttle service to reduce parking impacts to neighbors.

Much thought was given to locating the education spaces in the site of the current Contemporary Café. Doing so locates the education programs at the center of the

Museum's property, between the galleries for temporary exhibitions and permanent collections, where all spaces are easily accessible during school visits, which are always on a limited time schedule. Further, relocating the Contemporary Café to the Pietsch-Peterson property will draw a broader range of museum visitors to see this historic property than if the property were solely used for education programs.

The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

The Café would close at 8:00 pm with guests being asked to leave at 8:00 pm. It may take about an additional half an hour (to 8:30 pm) to clear the guests. The kitchen staff will leave by 9:00 pm.

The applicant's noise consultant, D.L. Adams Associates, Ltd. conducted a noise assessment for the regular operating hours of the proposed Museum expansion and has determined that the equivalent hourly sound levels, L_{eq}, in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA. These measurements were taken 10 feet in from The Contemporary Museum property line. The noise levels at the nearest residence will be lower.

The Contemporary Museum is zoned as R-5 Residential, or Class A, thus the maximum allowable property line noise limits, in accordance with the State of Hawaii Department of Health Community Noise Control Statute, are 55 dBA during the daytime hours (7:00 am to 10:00 pm) and 45 dBA during the nighttime hours (10:00 pm to 7:00 am).

D.L. Adams has determined that noise from the proposed Cafe's rooftop fan at the nearest residence will be 41 dBA. Calculated noise levels due to café patrons at full capacity will be about 40 dBA to 46 dBA. Exterior noise levels at the nearest residences have been calculated to be below the existing ambient background noise levels.

Based on the noise assessment done for the regular operating hours of the proposed Museum expansion, ambient noise levels in the surrounding neighborhood will not be detrimentally affected.

The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February 23, 1995, the Contempo was approved for up to 450 persons. In approving Contempo, the Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

> "If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event."

The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval.

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved Contempo event from 450 persons to 500 persons on the Museum property.

Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons. The applicant will utilize off site parking and shuttle buses and will hire

an off duty police officer to safely direct traffic and to minimize inconvenience to the neighbors.

The applicant appreciates your acknowledgement that, for the most part, The Contemporary Museum has been a good neighbor.

The applicant believes that based on the additional information provided in this letter that the proposed expansion will not have a significant detrimental impact on the Museum's neighbors.

Your letter and this response will be included in the Final EA.

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

Georgia S. Rush
2177 Mott-Smith Drive
Honolulu, HI 96822
May 1, 2005

2005 MAY 2 AM 11 15
DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Ms. Sharon Nishiura
Dept. of Planning & Permitting
City & County of Honolulu
650 South King St.
Honolulu, Hi., 96813

Re: The Contemporary Museum's (TCM) Application for Draft Environmental Assessment (EA)

Dear Ms. Nishiura:

Café - To begin with, the museum has never adhered to the Conditional Use Permit (CUP) issued in 1986. It was to be a snack bar (prepared food was to be brought onto the premises). Guests were to pay on entry to the museum and then were able to enjoy these refreshments. Without notice, there was a kitchen and it became a café and guests came to the café without having to enter the museum.

Proposed Restaurant - Not a good idea in a R10 zoned residential area. Evening service will disrupt the tranquility of the neighborhood. People, after enjoying food and alcohol will raise their voices and the cars leaving the area will create traffic problems. I do not want night time events scheduled . And why a commercial kitchen? Seems to me this is merely going to be a social club for the affluent. The more dollars you contribute to the museum the more the facilities are available to you. For instance "The Circle Club" .

Gift Shop - Is some of the merchandise on consignment? If so, is this allowed under the CUP? The move to the Pietsch-Peterson property will allow shopping by the public without being a member or paid guest of the museum.

Events - Originally all parking was to be on site, but as time went by, guests were parking on and off the streets creating serious traffic problems. At certain spots only one lane was available for driving on the road. Then TCM placed colored tape on certain off street parking areas. Now, at the last two Thursday night functions, they have placed lighted barriers on the grassy areas between property lines and the street. I have had to call to have these barriers removed. (I live at 2177 Mott-Smith Dr.) as my yardmen cannot maintain this area.. And, why should I be denied the use of the off street parking fronting my home? Increased number of Events , Day & Night - Just too much traffic for this small neighborhood to absorb. The extra traffic and noise from amplification will disturb the quietness of the area. Since I've lived here on the corner of Mott-Smith Dr. and Makiki Heights Dr. three cars have careened off of Makiki Heights Drive into the hedge on my corner and one car coming up Mott-Smith Dr. went through my chain-link fence gate into the lower yard.

Traffic during Construction -These roads cannot accommodate heavy equipment for 12 to 18 months. Where will all these workers park their vehicles? Off street parking on the lower section of Makiki Heights Dr. is all ready taken up by students from surrounding schools and other people. Who is going to maintain the roads to keep them safe? How will residents, emergency vehicles, bikers, runners, walkers, etc. travel along Makiki Heights Dr. during construction? This road is very narrow without sidewalks. There are no storm drains to carry off excess water and mud.. Pollution from dust, noise (constant drilling and pounding of support beams) will cause me mental anguish.

New Structure - The design of the glass edifice will no doubt reflect the surrounding trees. This may cause the birds (which are numerous in the area) to fly directly into the glass. Also, this glass structure

does no conform to the other surrounding homes giving it a commercial appearance.

Delivery Vans - Delivery vans are noisy, especially when they back up, beeping constantly, I know, as I live directly across from TCM parking lot. Some are extremely large and have difficulty negotiating driving in and out of the driveway and turning around in the parking area.

S and Hairpin Turns - Who is responsible for the road improvements such as correcting the hairpin turns, erecting street signs, installing sidewalks, street lighting, trimming of trees, etc. I understand the City has no money for improvements.

Alternative Sites - The Draft EA does not address moving some of it's art collection and restaurant operation to another location.

Submitted by

Georgia S. Rush

Georgia S. Rush

CC: Ms. Georgianna Lagoria, Director
2411 Makiki Heights Dr.
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August 18, 2005

Ms. Georgia S. Rush
2177 Mott Smith Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Ms. Rush:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 1, 2005. The following responds to your comments:

The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

The applicant's noise consultant, D.L. Adams Associates, Ltd. conducted a noise assessment for the regular operating hours of the proposed Museum expansion and has determined that the equivalent hourly sound levels, L_{eq}, in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA. These measurements were taken 10 feet in from The Contemporary Museum property line. The noise levels at the nearest residence will be lower.

The Contemporary Museum is zoned as R-5 Residential, or Class A, thus the maximum allowable property line noise limits, in accordance with the State of Hawaii Department of Health Community Noise Control Statute, are 55 dBA during the daytime hours (7:00 am to 10:00 pm) and 45 dBA during the nighttime hours (10:00 pm to 7:00 am).

D.L. Adams has determined that noise from the proposed Cafe's rooftop fan at the nearest residence will be 41 dBA. Calculated noise levels due to café patrons at full capacity will be about 40 dBA to 46 dBA. Exterior noise levels at the nearest residences have been calculated to be below the existing ambient background noise levels.

Based on the noise assessment done for the regular operating hours of the proposed Museum expansion, ambient noise levels in the surrounding neighborhood will not be detrimentally affected.

A commercial kitchen is a State Department of Health requirement for food service providers, such as the Café.

The Café is not a social club for the affluent. The Café serves very affordable meals and all Museum visitors have equal rights to reserve a table at the Café, whether they are Museum visitors, Museum members or "The Circle Club".

The Gift Shop may have certain artists work being sold on consignment which provides an opportunity for local artists to market their work. The CUP did not place conditions on the Gift Shop sales. The Gift Shop is currently located on the entry lanai, in proximity to the galleries and museum entrance. The Gift Shop is moving from its current location to make room for a centrally located public gathering space. The Gift Shop will be relocated to what is now the Cades Library, which is being moved to the Pietsch-Peterson property. This new location for the Gift Shop maintains its current proximity to the galleries and the museum entrance.

The Museum makes every effort to accommodate parking on site for regular operations and for the proposed nine special evening events that will total 100 visitors. Upon completion of the Museum expansion the applicant will have 78

parking stalls that should be more than adequate to accommodate visitors and employees for their operation and these smaller events. For the six larger events proposed for up to 300 visitors, the proposed Contempo for up to 500 visitors and ArtSpree which accommodated 2,500 visitors last year, the applicant provides off-site parking and a bus (25 passenger) shuttle service to reduce parking impacts to neighbors.

The applicant has been providing the barriers to deter parking with the approval of neighboring residents; where a resident was opposed to the mitigation measure, no barriers were placed. Any increase in traffic could be expected to increase the number of incidents such as vehicles running off of the road; however, an increase in the number of events and the related need to shuttle visitors from off-site parking areas may not necessarily translate to increased number of incidents, if the increase in traffic is due to properly trained shuttle drivers.

The construction management plan will provide plans for parking of construction workers' vehicles, either on-site or in a remote lot with a means to get the workers to the site. Tandem style parking for construction workers could be utilized to increase parking on site allowing workers convenient access to tools and equipment.

The responsibility for road improvements and maintenance is shared. The Contemporary Museum in the interest of pedestrian safety, has been trimming a pathway for pedestrians in the area fronting their property to provide a safer pathway outside of the lane of traffic. The City is responsible for maintaining the streets. However, the applicant's contractor will be responsible for any damage to Makiki Heights Drive that occurs as a result of the contractor's large construction vehicles.

To ensure the safe movement of construction vehicles, the contractor will utilize an escort truck with a strobe light as a lead to oversize construction vehicles traveling on Makiki Heights drive. Flag men will be utilized as needed to assist vehicles entering and exiting the construction site.

The plan is to stage construction vehicles and equipment on the property with large construction vehicles and equipment remaining on site for extended periods

of time. This equipment and vehicles will not be traveling up and down Makiki Heights on a daily basis.

The applicant's contractor will utilize best management practices to manage and control runoff, dust , noise and other impacts to the surrounding neighbors.

The proposed glass is not-reflective, but clear glass with a translucent frit coating. The building will be hidden behind dense landscaping and will not be visible from off-site. The gallery structures glass surface is the result of thoughtful planning to create a muted reflection that we expect will be dull enough to not mislead birds into thinking that there is no wall in front of them. It should not have the same impact as a window or other clear glass surfaces that provide clear reflections that may confuse birds into thinking that there is no wall surface in front of them. The applicant has redesigned its proposed galleries to break up a former large gallery space (6,000 square feet) on the upper level into two smaller galleries (Gallery A - 2,300 square feet and Gallery B - 2,567 square feet) separated by a covered courtyard (620 square feet), reducing the bulk associated with the former design. This change was done to reduce the bulk and visual impact of the previous structure in response to concerns from residents about the massive size of the originally proposed upper level gallery. These two upper level structures have a very residential scale. The lower floors of the gallery are well screened by existing landscaping.

Deliveries to the Contemporary Café will be scheduled so as not to conflict with peak commute traffic on Makiki Heights Drive. To the extent possible, the applicant will request that vendors utilize small delivery trucks which can turn in the entryway of the Pietsch-Peterson property. The Contemporary Café will also ask larger delivery vehicles to utilize delivery personnel or request Museum employees to assist in guiding vehicles to safely reverse so that back up alarms can be turned off.

In residential areas such as Makiki Heights, the City is responsible for the hairpin turns, erecting street signs, installing sidewalks, and street lighting. The trimming of trees is the responsibility of the abutting land owners. The Museum has been

The Contemporary Museum in the interest of pedestrian safety, has been trimming a pathway for pedestrians in the area fronting their property to provide a safer pathway outside of the lane of traffic.

The applicant has trimmed back foliage and the trees fronting on the Museum property at one of the hairpin curves to improve visibility around the curve. The Museum has been trimming back their foliage, along their frontage on Makiki Heights Drive on a regular basis to provide better visibility and a safer pedestrian walkway.

The Final EA will discuss the provision of off-site exhibits and locating the Café at its existing location or other location on the property.

Your letter and this response will be included in the Final EA.

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

2005 MAY 12 PM 4 47

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Bob Laguens
2364 Makiki Hgts. Dr.
Honolulu, HI 96822
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May 1, 2005

Sharon Nishiura
Department of Planning and Permitting
City and County of Honolulu
650 S King St. Honolulu, HI 96813

Draft Environmental Assessment for The Contemporary Museum
Tax Map Key: 2-5-8: 1, 2 and 4

I have lived in Hawaii for 26 years and for the last 4 years I have lived at 2364 Makiki Heights. I am the past president of the Makiki Heights Community Association. Our one-acre parcel is directly across from the museum property on Makiki Hgts. Drive. We can see the tennis court (New Exhibit building) and Peterson property (New Restaurant) from our house.

My wife and I are members of the Contemporary Museum and have enjoyed the peaceful quiet nature of the museum and view the museum as an asset to the neighborhood as it is currently functioning. Their few events throughout the year create traffic and noise, but we have managed to live and deal with the inconvenience.

In reviewing the EA I would like to draw your departments attention to concerns that would take the museum from being an asset to the neighborhood to a liability.

First and foremost we need to keep in mind that Makiki Heights is a residential neighborhood with an R-10 zoning. The museum has been allowed to operate since 1986 with a conditional use permit (86/CUP). The proposed new Master Plan will circumvent the original 86/CUP, adding large commercial style buildings, and underground parking garage, and a restaurant to this quiet neighborhood.

#1 Question, Does R-10 zoning permit a large-scale commercial type expansion without rezoning the property?

Page #9 EA, The original size of the property was 3.433 acres and covered by (86/CUP). The property is now 5.174 acres, as well-to-do patrons have donated properties to the museum, thus creating a need for a new CUP.

#2 Question, Can and will the museum keep acquiring neighboring properties to further expand their campus in this residential neighborhood?

Page #11 and 22 EA The Peterson property to be new Café. CUP/86 allowed for a snack bar (think Movie Theater) not a Café for up to 55 customers that may bring in alcoholic

beverages such as wine. There were no hours established, as it was not intended for the snack bar to be a gathering place. There are currently no restaurants on any of the heights in Honolulu. To allow a restaurant in a residential area with a stunning view of Honolulu, Diamond Head, and the city lights will create a major draw for the museum and a major headache for neighbors. In (86/CUP) it states, "the snack bar and gift shop are not to be people or revenue generators".

#3 Question, If a restaurant were allowed in the Peterson property, how many after hour fundraisers would be held there? Will circle club members have parties or gatherings there after hours? What would be the time limit on these events? Who will monitor any of these events?

Page #18, 19, and 20 EA Increase hours and open on Thursday nights. To argue that the museum should be open on Thursday nights because some patrons cannot come at other times is ridiculous. The museum is open six days a week including Saturday and Sunday. The few nighttime events that happen now are disruptive enough, but to be open on a regular basis at night will greatly impact the immediate neighbors.
(19f) Provide formal approval for ArtSpree, this event has been happening for years in violation to (86/CUP).
Contempo was in violation of (86/CUP) from (1988 through 1994) was not one of the approved events. Contempo goes until midnight with 500 people in attendance. This event in Makiki Heights with our substandard roads would become a major public safety issue for the City and County.

#4 Question, Is it true that Neiman Marcus Store is no longer going to provide a place for Contempo?

#5 Question, With the new openings and closing times, expanded events (16), fundraisers for up to 100 people and 50 cars. How will DPP or the neighbors be able to monitor which event is happening when? Who will be counting cars and people?

Page #23, 25, 26 EA, The Cooke-Johnson property has parking for eight of the thirteen staff members that leaves five additional spots need. The proposed underground parking and Peterson property will provide and additional twenty-two stalls. On page 26 it says there will be 11 parking stalls provided at the Johnson offices.
#6 Question, Just how many employee-parking stalls will there be overall? How many employees does the museum have? How many employees does the museum anticipate if this master plan is approved?

Page #26, Construction over 12 months is probably a low estimate and will create a real inconvenience on surrounding neighbors.

#7 Question, Page 26 EA mentions the use of a hoe ram. Hoe rams can reverberate on to adjoining properties and cause unsettling of ground or potential for erosion. Who will be liable if this were to happen?

Page #27 Short-term noise impacts are normal for construction. In the residential neighborhood of Makiki Heights with a project that will last at least a year I find the words short-term noise impact an understatement. What is being built are three large buildings with underground parking and a restaurant, the immediate neighbors will have noise impacts forever.

Page #35, Designating Makiki Heights Drive, as the main corridor for the construction vehicles is a disaster in the making. There have been 2 major landslides and peeloffs of foliage in the last year. In one place the road is so eroded the city and county have put up blinking light barriers so cars will not get too close. It is conceivable that there will be hundreds of truckloads of material, excavation from the underground parking lot, being taken off site. There will be cement trucks and loads of building materials delivered on site.

#8 Question Who is liable if Makiki Heights Drive should collapse under the increase truck weight and traffic?
#9 Question, Can the City and County Department of Transportation do an evaluation of Makiki Heights Drive to ensure the surrounding neighbors that the road will be safe to travel during and after such a massive construction undertaking?

Page 36, EA The Board of Water reminds residence to watch their water use; the museum is going to almost double their water use.

Page 37, 38 EA These pages deal with the upgrading of cesspools to septic system and dry wells to hold water run off. There is no engineering report of how these dry wells are built, how much water will they hold? Will the wells handle the volume of water that happens in major rains?

#8 Question, Does the Department of Planning and Permitting allow for the use of a septic system in a residential neighborhood to accommodate commercial restaurant? The seating capacity for the restaurant is 55, with two seating it could be as many as110.

#9 Question, The museum is going to almost double their ground water use, have one cesspool and two septic systems, and dry wells for run off control. There are five or more properties that are across from the museum and down slope, (50 to 80 feet). How are we to be assured that sewage or ground water won't percolate on our properties? Who would be liable?

Page #44, The Peterson property kitchen will be modified for commercial use.
#10 Question, Will Department of Health required them to have a grease interceptor? How much cooking, food prep, dishwashing will be done? Will the septic system be adequate to handle the volume of water from the restrooms and commercial kitchen?

Page # 44, 45, and 46. There are many references made for the need to have additional fundraisers to support the new expansion and to continue the existing operation. The comments make it appear as if the new galleries and restaurant are mainly to attract wealthy donors who will continue to attend the after hour events to be wined and dined.

#11 Question, Should the need for all the additional fundraisers be allowed to impact this quiet residential community? Could they be held at another more appropriate location?
#12 Question, There is no mention in the EA as to how much money this project is going to cost. What is the estimated cost of the over all project?
#13 Question, The museum has a track record of violating the original 86/CUP, (ArtSpree, Contempo, amplification, exceeding numbers allowed, snack bar into Café etc. How are the neighbors to be protected from the museum becoming an after-hour's hangout for the elite donors of the community?

Page #46, "The three simple pavilions are in scale with the houses of the neighborhood." This is a false statement. The structure by the Peterson property will have an underground parking lot, and from the Peterson driveway will rise 40 plus feet. This building will be visible from Makiki Heights Drive.

#14 Question, What is the allowed building height? Is that being exceeded? We were told there would be a 30-foot setback, is that now changed to 25 feet?

Page #46, The buildings are to be clad in glass. I am sure that will be nice from the grounds of the museum, though many birds may fly into them.

#15 Question, What will these buildings look like to adjoining neighbors, and roads when the sun sets? Will we be blinded by the reflections?

Page #54 H. EA Noise, "Due to minimal increase in traffic short and long term noise will be minimal." The museum is not doing this project so no one will come. All the added events and increase in numbers of patrons is going to bring more traffic, and more trucks, thus more noise.

Page #61, Social welfare of the community would be positively affected. That statement may be true, but what about the social welfare of the neighborhood. To have a restaurant, open evenings, and amplification at events, 16 plus events with anywhere from 100 to 500 people, school buses up and down the hill, these are not positive effects.

Page #70, c. Underground parking for employees. How is a neighbor to know who is an employee or not. This puts the neighbors in the position of being watchdogs, which should not happen.

Page#70, d., Drop off at the Café restricted to handicap. This is another promise to the neighbors that may be impossible to keep. And who monitors it, again? The neighbors?!

Page #71, a. Alcohol permitted with corkage fee. The overwhelming majority of Café patrons do not bring wine. This is probably a true statement considering the location of the Café now (courtyard). What happens when the Café moves to a multimillion-dollar estate with stunning ocean and city views and is open in the evening?

Concerns not mentioned in EA

#16 Question, The EA does not address lighting of these buildings. If they are glass, will there be lights on all night? How will the security lights shine in the neighborhood? If they are open at night, how far will the lights be visible from around the neighborhood and city?
#17 Question, The EA does not mention air conditioning. How will these buildings be air-conditioned? *Will the immediate neighbors hear the noise from them?*
#18 Question, The EA addresses traffic. What the EA does not address is the narrow roadway fronting the Peterson property. The driveway that will be the main access to the underground parking garage and main delivery area for the museum and restaurant is 60 feet away from a blind curve and the S turns. Makiki Heights Drive fronting the driveway is only 16 feet total width, with a double yellow line. Trucks going in or out will have to cross over the double line. This proposed entrance is inadequate for the amount of traffic it will handle and proposes a major public safety concern.

Comments on Community Concerns

I have attended all of the community meetings with the museum. There have been many concerns voiced by neighbors and many suggestions made. Unfortunately there has been little in the way of mitigation.

Over one year ago it was suggested that small school buses be used to bring the children to the museum for safety reasons, nothing has happened.

It was suggested that since many neighbors were opposed to the Café moving, that it remains in the same location, and make the Peterson property the education center for the children. School busses could pull in and out and there is already a library. The response was that the children would have to walk 5 minutes to reach the main campus.

It was suggested that their master plan would impact the neighborhood so much that maybe they should look at places like Kakaako, where the Children's Museum is, and commercial enterprises are welcome. The response was that they did, but like the special setting on Makiki Heights.
#19 Question, Why hasn't the museum looked at having a second or third campus that would not so dramatically impact a residential community? Many museums spread their campuses out to reach a greater number of patrons.

In closing, I would like to ask the Department of Planning and Permitting to take a hard look at what is in the best interest of the neighborhood and in particular public safety. Makiki Heights is a major recreational area for walkers, joggers, and bicyclist. We have no sidewalks and the roadways are very narrow with blind curves. There are no storm drains and the water runs down Makiki Heights Drive and causes mud and rockslides. The neighbors are also concerned with the growing ice epidemic and property crime. For one neighbor to be able to have commercial-type events night and day and on weekends, that encourage tourist and non-residents by the hundreds, into the surrounding neighborhood is putting the neighbors at considerable risk.

Over the years, the Contemporary Museum has violated its 86/ CUP. The museum has had amendments done to the CUP without neighborhood input. The museum has been totally "self-regulating," and has blatantly ignored the conditional use permit.

I feel that in another twenty years the neighbors are going to have a restaurant that will be open Thursday, Friday and Saturday nights with a Sunday brunch from 10am to 2pm. Will fundraisers be the rule rather than the exception?

Sincerely,

Bob Laguens

Bob Laguens

Cc: Ms. Sharon Nishiura, Dept. of Planning and Permitting
Ms. Georgianna Lagoria, Director, The Contemporary Museum
Mr. Keith Kurahashi
Director, OEQC
Mr. Ray Sasaki, President Makiki Heights Community Association

2005 MAY 12 PM 4 47

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

Bob Laguens
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May 8, 2005

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Draft Environmental Assessment for The Contemporary Museum
Tax Map Key: 2-5-8: 1, 2 and 4

The enclosed photo's are of Makiki Heights Drive below The Contemporary Museum.
Makiki Heights Drive in the vicinity of the Peterson property driveway is a substandard 16 feet wide road with no sidewalks, and close to blind turns.
The museum proposes to use this driveway for entrance to an underground parking lot, loading dock for art galleries and drop off for handicapped patrons using the restaurant.

Photo taken 7/11/04

Makiki Heights Drive, just before Mott-Smith, the museum dumpster is on the right. There is no room for walkers, joggers or bicyclist during these events.

Photo taken 7/11/04
School buses on way to ArtSpree, over double line, no sidewalks. The bus on the right had to pull into neighbors driveway to let other bus pass. Public safety is of great concern.
Makiki Heights Drive, by Peterson property and tennis court, site of new exhibition building, underground parking and restaurant.

Photo taken 7/11/04
School buses on way to ArtSpree, over double line, no sidewalks. On right of bus (where car is) is the location of the dumpster. On the left of bus are three neighbors driveways that enter onto Makiki Heights Drive.

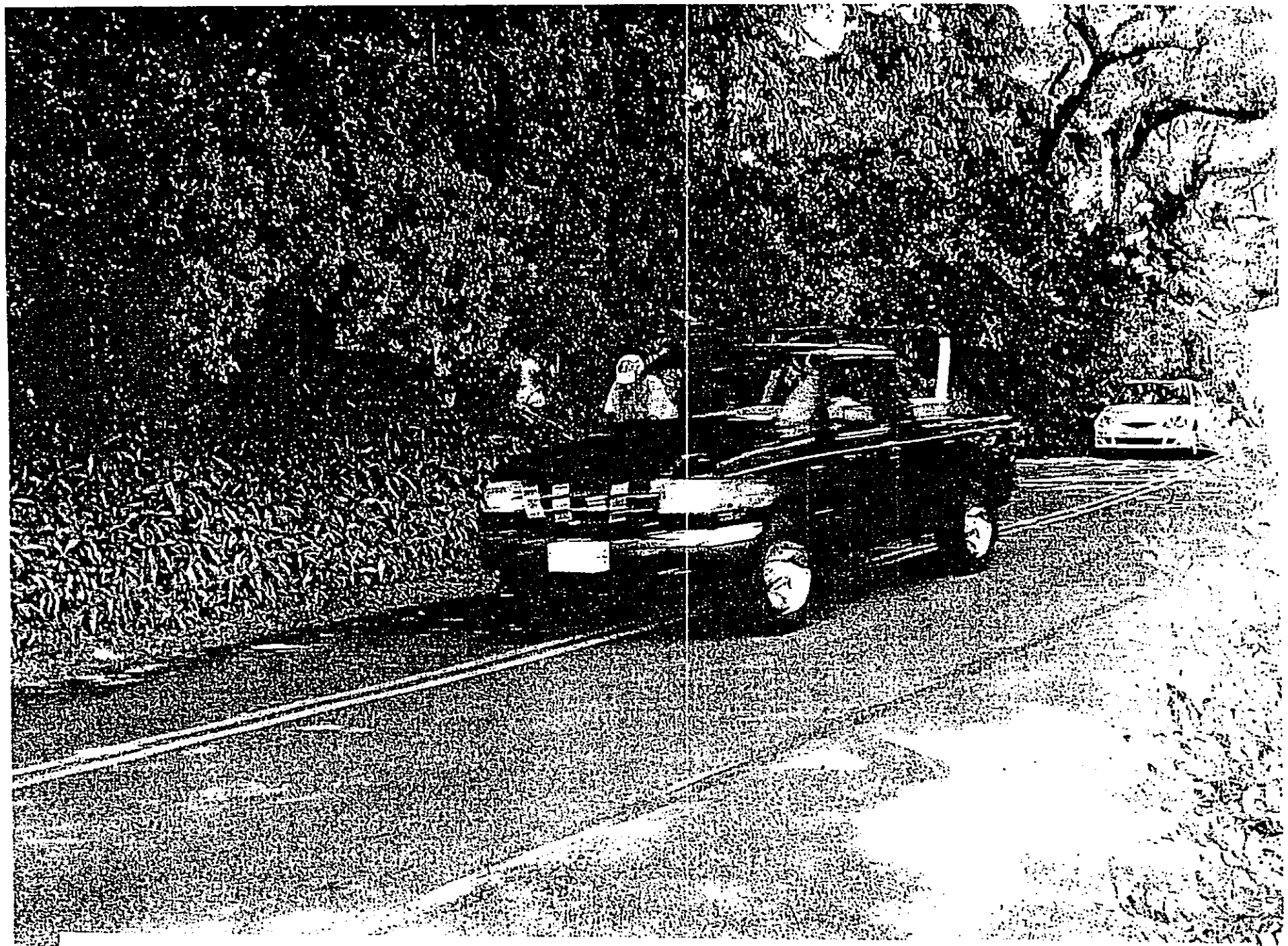


Photo taken 7/11/04
Truck passing bicyclist, crossing over double yellow line.
Makiki Heights Drive, by Peterson property and tennis court, site of new exhibition building, underground parking and restaurant.

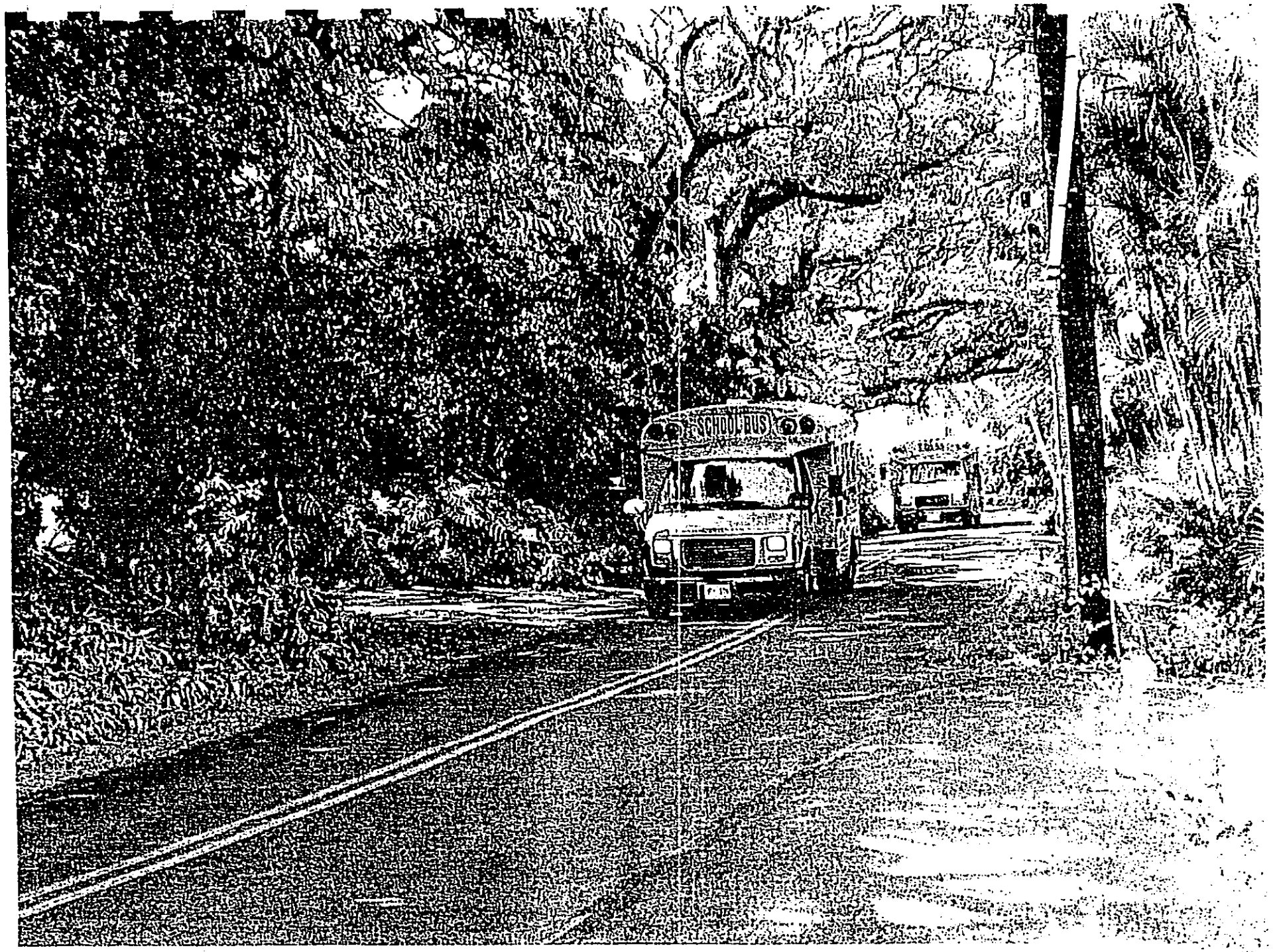


Photo taken 7/11/04
School buses on way to ArtSpree, over double line, no sidewalks. The road is total 16 feet wide in front of Peterson property.
Makiki Heights Drive, by Peterson property and tennis court, site of new exhibition building, underground parking and restaurant.

Photo taken 7/11/04
The Contemporary Museums, ArtSpree, has been happening for years in violation of 86/CUP. They wish to make this a legal event

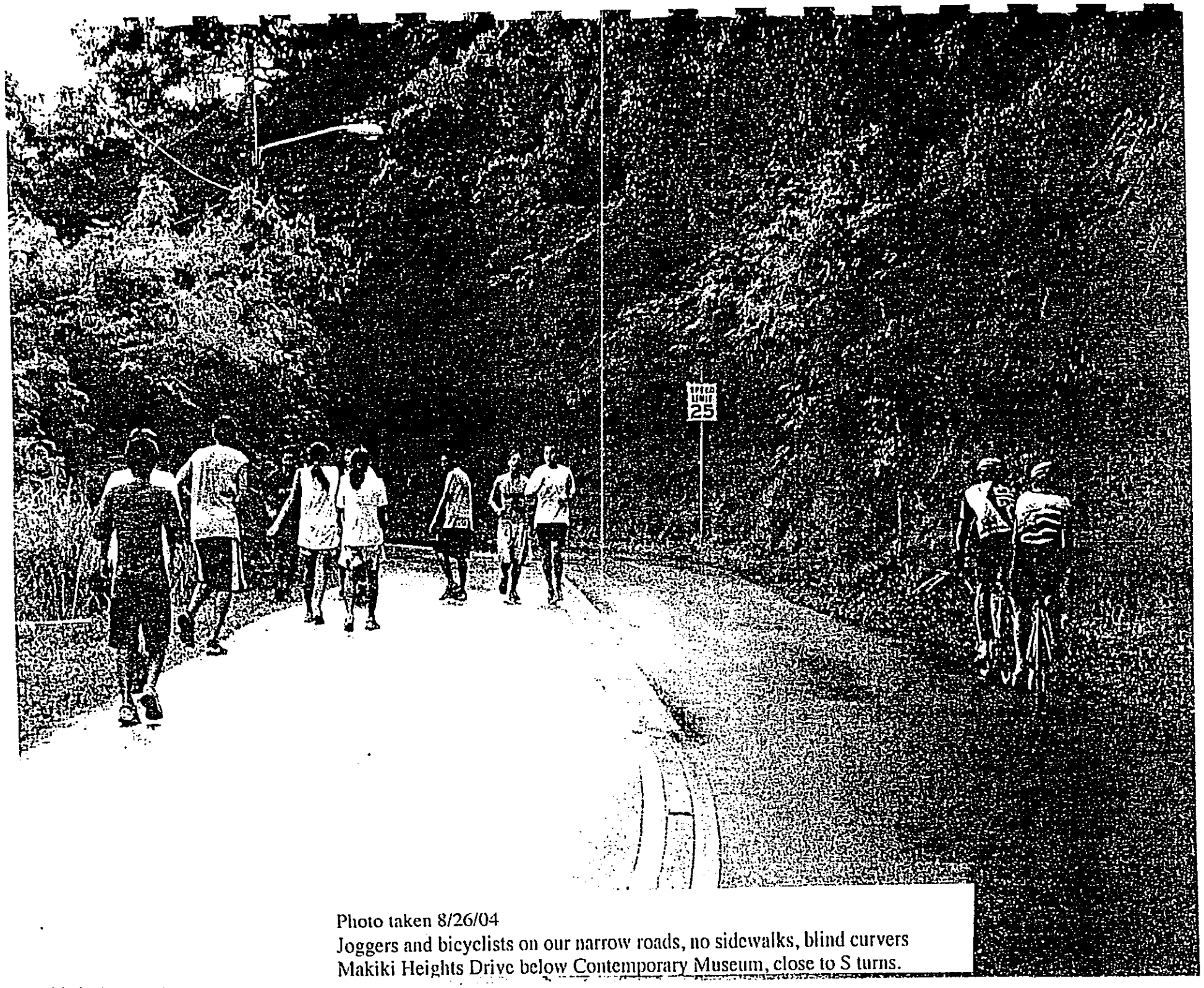


Photo taken 8/26/04
Joggers and bicyclists on our narrow roads, no sidewalks, blind curvers
Makiki Heights Drive below Contemporary Museum, close to S turns.

Photo taken 8/04/04
Makiki Height Drive below Contemporary Museum. The road was washed away in storm and undermined. City put burm and flashing barriers. To date has not been repaired.

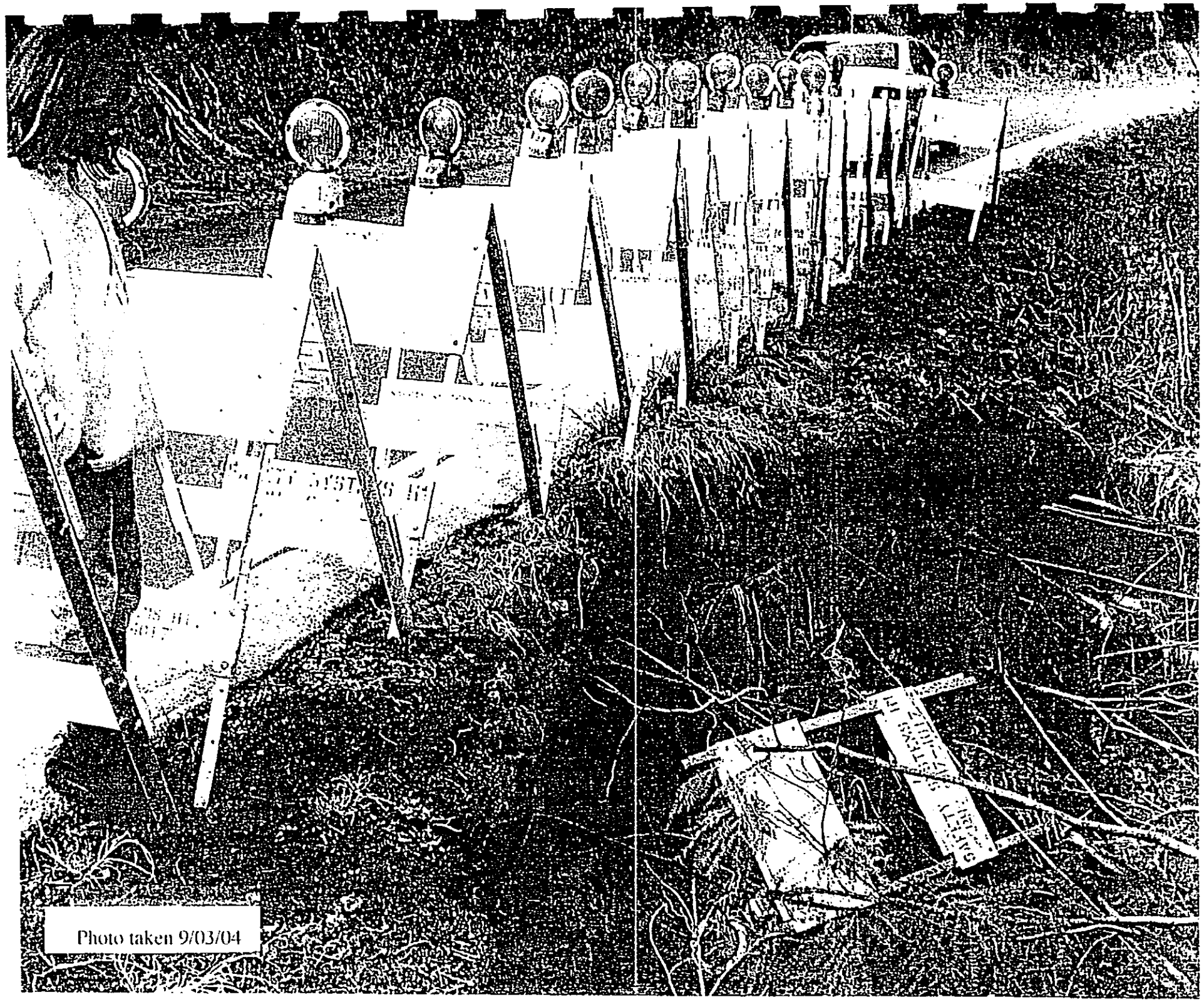


Photo taken 9/03/04

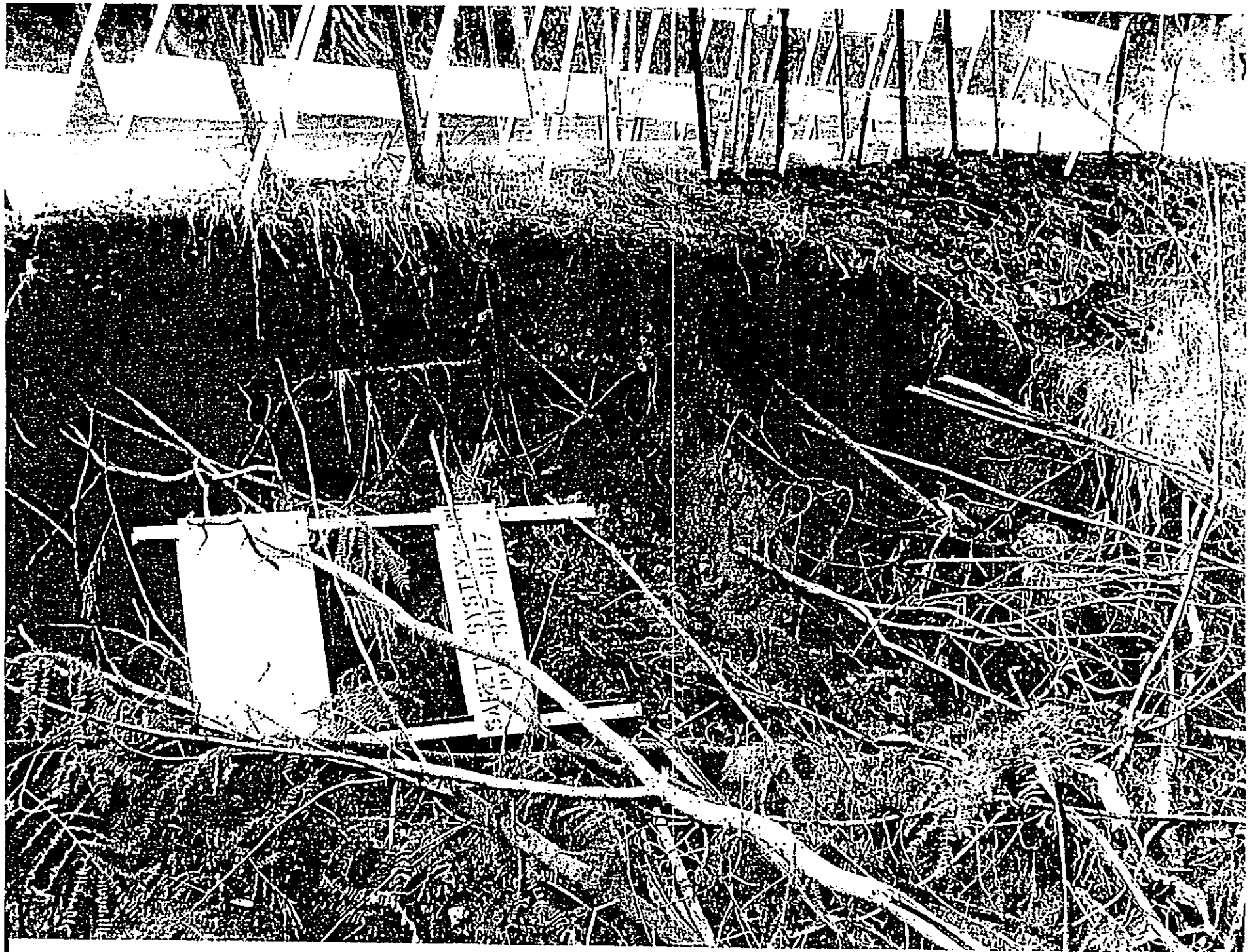
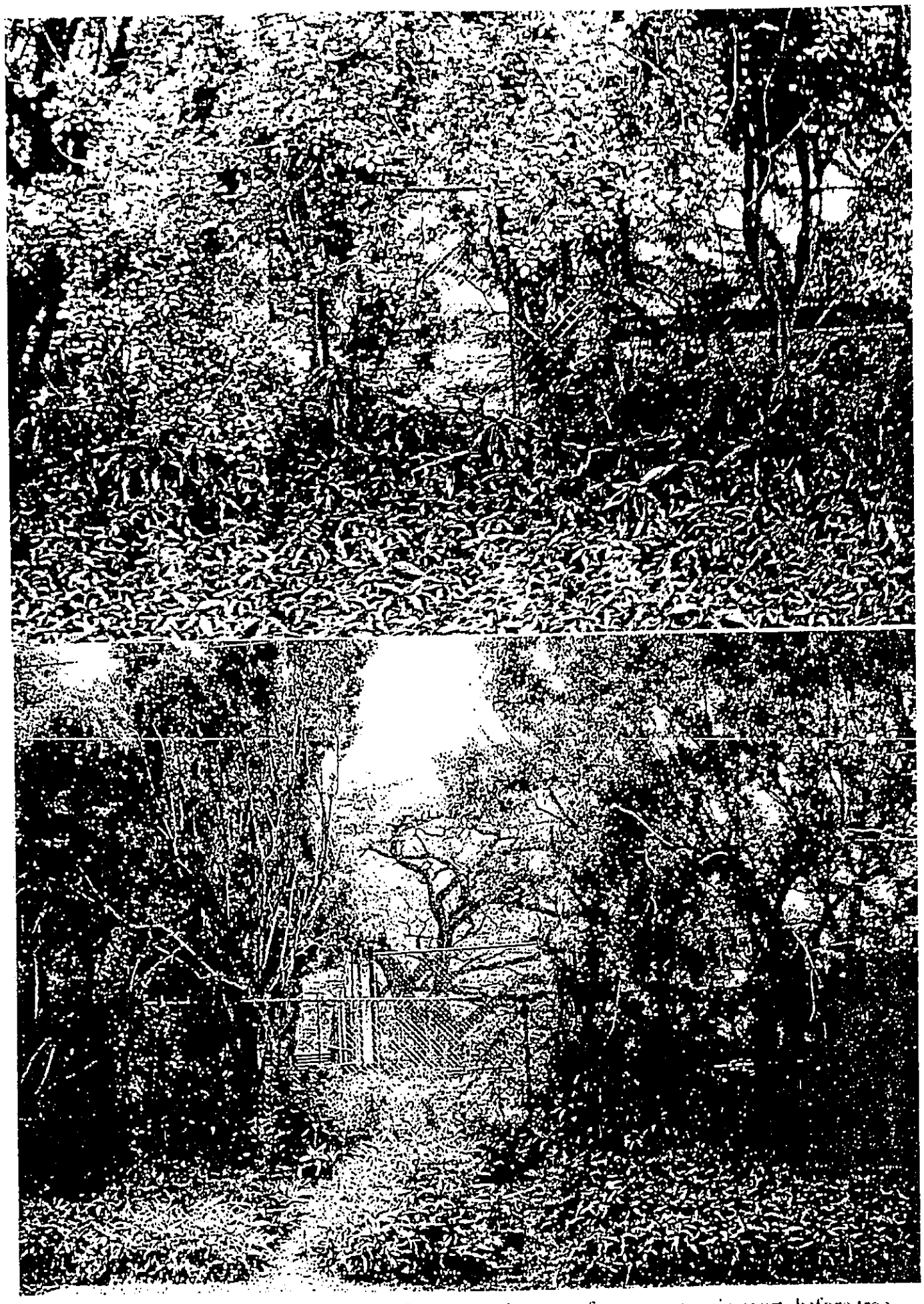


Photo taken 9/03/04
Makiki Height Drive below Contemporary Museum. The road was washed away in storm and undermined. City put burm and flashing barriers. To date has not been repaired.



Upper photo taken 7/11/04 view across from our driveway of museum tennis court, before tree trimming.
Lower photo taken 5/04/05 view of museum tennis court after trimming and site of new exhibition building, that will be higher than fence line.

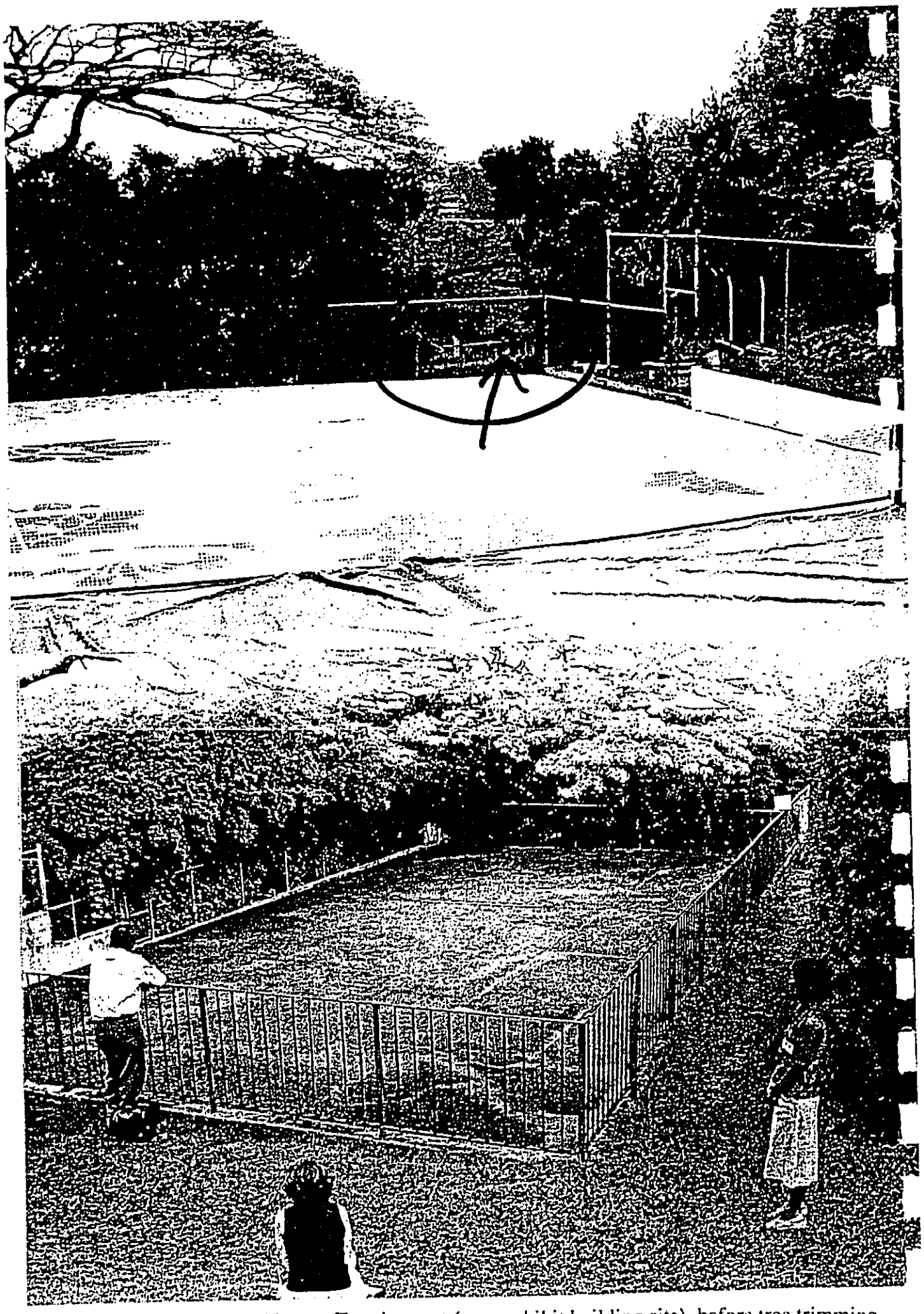


Photo taken 5/11/04 lower, Tennis court (new exhibit building site), before tree trimming.
Photo taken 5/04/05 upper, after tree trimming, across Makiki Hgts. Dr. exposing our house a
daughters bedroom window

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August 18, 2005

Mr. Bob Laguens
2364 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Laguens:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 1, 2005. The following responds to your comments:

"#1 Question, Does R-10 zoning permit a large-scale commercial type expansion without rezoning the property?"

> The R-10 zoning allows use of a historic site subject to approval of a Conditional Use Permit, major without rezoning the property. The Contemporary Museum is not a commercial enterprise. It is a non-profit organization that would be considered a quasi-public facility on the development plan land use map and is considered a Social and Civic Service use in the Land Use Ordinance (the City's zoning code). This quasi-public use depends on donations to survive as only a small fraction of its operating cost comes from income produced by entry fees.

"#2 Question, Can and will the museum keep acquiring neighboring properties to further expand their campus in this residential neighborhood?"

> The Museum, realizing a need to expand to accommodate needed growth; having a strong desire to maintain the large gardens and landscaped areas; and having an opportunity to acquire neighboring properties that would help fulfill their expansion needs, acquired two properties in the neighborhood

that became available. The Museum feels that the proposed expansion will meet their needs for many years to come. However, if adjacent properties became available, a decision to purchase to add more parking stalls on-site is a possibility.

Page #11 and 22 EA, Cafe:

The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

The Café and the gift shop are intended to serve the Museum visitors and neither are significant income generators, they are amenities that for the most part break even with the gift shop generating a small amount of income on certain months that does not cover its operating costs, maintenance or rent on their portion of the Museum.

"#3 Question, If a restaurant were allowed in the Peterson property, how many after hour fundraisers would be held there? Will circle club members have parties or gatherings there after hours? What would be the time limit on these events? Who will monitor any of these events?"

After hour (after closing of the Museum) events will not be held at the Peterson property or the Café at the Peterson property.

The Contemporary Museum has a level of annual membership ($1,000 and above) called the Contemporary Circle. There are approximately 100 couples who are members of the Contemporary Circle. Benefits of this membership include an annual dinner. This dinner is held at an off-site

location, such as the Halekulani Hotel. Circle Members are not able to host private events at The Contemporary Museum.

The applicant, The Contemporary Museum, understands your concern about evening operations, however, finds that in order to accommodate visitors, that are unable to visit during regular Museum hours of operation they need to provide, evening hours one night a week. The applicant is requesting extending hours for the Museum on Thursday nights (presently 10:00 am to 4:00 pm) to allow opening until 9:00 pm. As you have mentioned in your second paragraph, "the few events throughout the year create traffic and noise" and what we have found to be a common concern are the larger events held on the property. Very little concern has been raised about normal operations, other than the use of school buses by the classes that visit the museum. The evening operations on Thursday nights will not generate school buses which was the primary concern about normal operations. It will give an opportunity for certain visitors to view the Museum should they happen to work days or have other responsibilities during the day. I know when I was going to college, I worked almost every weekend and went to school during the week. For a working college student, a Saturday or Sunday without work was extremely rare. I did have some nights off and although I didn't visit museums, this was my time for recreation when not studying.

The evening events that some neighbors find disruptive have about 200 visitors, twice the number of visitors that will be on property at any time during our regular operations, day or at night.

The applicant has requested and received approval of the ArtSpree this year as a temporary use for the one day, once a year event. The applicant for the most part has met the conditions of approval and has done its best to operate within the intent of the CUP. The Contemporary Museum will abide by present and future restrictions set forth by the Department of Planning and Permitting (DPP).

The applicant has learned from the Department of Planning and Permitting (formerly Department of Land Utilization) that as of February

23, 1995, the Contempo was approved for up to 450 persons. In approving Contempo, the Department of Land Utilization reduced the formerly approved six evening functions per year to four evening functions per year. This approval went on to state in part:

"If all parking cannot be provided on-site, then the applicant shall provide alternatives, such as the parking system instituted at the July 16, 1994 'Artspree '94' event. A written description of the alternative parking system shall be subitted to the Department of Land Utilization at least three weeks prior to the special or fundraising event."

The ArtSpree event although not specifically approved by the Department of Land Utilization was recognized by this minor modification approval.

Based on this information the applicant will revise their requested amendment to conditions to include allowing an increase in the approved Contempo event from 450 persons to 500 persons on the Museum property.

Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons. The applicant will utilize off site parking and shuttle buses and will hire an off duty police officer to safely direct traffic and to minimize inconvenience to the neighbors.

"#4 Question, Is it true that Neiman Marcus Store is no longer going to provide a place for Contempo?"

The Neiman Marcus Store has notified the applicant that Contempo will be allowed at the store next year.

"#5 Question, With the new openings and closing times, expanded events (16), fundraisers for up to 100 people and 50 cars. How will DPP or the neighbors be

able to monitor which event is happening when? Who will be counting cars and people?"

> The applicant plans to notify DPP of each special evening event and ArtSpree and agrees to report on the attendance numbers at each of these evening events, allowing DPP to keep track of the number of events held each year and the attendance at each event. The applicant will further agree to notify neighbors of each event and the type of event planned (100 prospective donors, up to 300 members attending the opening of a new exhibit, Contempo and ArtSpree).

"#6 Question, Just how many employee-parking stalls will there be overall? How many employees does the museum have? How many employees does the museum anticipate if this master plan is approved?"

> The applicant plans to have 33 employee parking stalls with 22 at the underground parking garage and the Peterson residence and 11 at the Johnson residence. The existing employees total 40. The proposed expansion will require an estimated 46 employees.

"#7 Question, Page 26 EA mentions the use of a hoe ram. Hoe rams can reverberate on to adjoining properties and cause unsettling of ground or potential for erosion. Who will be liable if this were to happen?"

> The applicant and the contractor for the project will work together to minimize ground settling problems on the neighborhood that may be caused by the construction activities at the project site. As recommended by one of the neighbors, subject to receiving approval for access onto the neighbors properties, photographs will be taken of the condition of existing structures, including swimming pools on the neighboring properties prior to start of construction on the new galleries to establish a baseline for any damages that may be a result of construction activities. Shortly after completion of the earthwork and pouring of footings, the applicant and contractor will again ask for permission for access onto the neighbors properties to again photograph existing structures to determine if any damage was caused by the earthwork and pouring of footings. For neighbors that cooperate with

the taking of photographs, the contractor will be responsible for correcting any damage to neighboring residences and their accessory structures, including swimming pools that are determined to be the result of the earthwork and pouring of footings at the Contemporary Museum.

The actual excavating, earthmoving, and bulldozing activity will not last a full year but is expected to occur during the early stages of development, over approximately three to four months. The remaining activities, including construction and trucking of materials (occurring occasionally) are not expected to have significant noise impacts on the neighbors.

Page 27, short-term noise:

The applicant continues to feel that the construction noise which is temporary in nature is considered short-term noise, even with the projected one year term of construction.

Noise impacts forever:

The applicant's noise consultant, D.L. Adams Associates, Ltd. conducted a noise assessment for the regular operating hours of the proposed Museum expansion and has determined that the equivalent hourly sound levels, L_{eq} , in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA. These measurements were taken 10 feet in from The Contemporary Museum property line. The noise levels at the nearest residence will be lower.

The Contemporary Museum is zoned as R-5 Residential, or Class A, thus the maximum allowable property line noise limits, in accordance with the State of Hawaii Department of Health Community Noise Control Statute, are 55 dBA during the daytime hours (7:00 am to 10:00 pm) and 45 dBA during the nighttime hours (10:00 pm to 7:00 am).

D.L. Adams has determined that noise from the proposed Cafe's rooftop fan at the nearest residence will be 41 dBA. Calculated noise levels due

to café patrons at full capacity will be about 40 dBA to 46 dBA. Exterior noise levels at the nearest residences have been calculated to be below the existing ambient background noise levels.

Based on the noise assessment done for the regular operating hours of the proposed Museum expansion, ambient noise levels in the surrounding neighborhood will not be detrimentally affected.

"#8 Question, Who is liable if Makiki Heights Drive should collapse under the increase truck wight and traffic?"

The applicant's contractor will be responsible for any damage to Makiki Heights Drive that occurs as a result of the contractor's large construction vehicles. Damage that may occur due to normal automobile and truck traffic is the responsibility of the City.

"#9 Question, Can the City and County Department of Transportation do an evaluation of Makiki Heights Drive to ensure the surrounding neighbors that the road will be safe to travel during and after such a massive construction undertaking."

The concern about the routing of construction vehicles will be discussed in the project's traffic management plan for construction that will be developed prior to start of construction; will be a collaborative effort between the Museum administrator, the traffic engineer, the construction manager and the contractor; will be reviewed and approved by DPP; and will consider the following:

1. Impacts to morning drop off at Hanahauoli School and Roosevelt High School (times may vary depending on construction during summer months or the regular school year).
2. Other construction sites in the area.
3. Roadway condition along different routes.

To ensure the safe movement of construction vehicles, the contractor will utilize an escort truck with a strobe light as a lead to oversize construction

vehicles traveling on Makiki Heights drive. Flag men will be utilized as needed to assist vehicles entering and exiting the construction site.

The plan is to stage construction vehicles and equipment on the property with large construction vehicles and equipment remaining on site for extended periods of time. This equipment and vehicles will not be traveling up and down Makiki Heights on a daily basis.

The construction manager will be the community liaison during the construction phase.

The applicant appreciates the efforts being made by all parties to address concerns about the roadway system in Makiki Heights. The applicant looks forward to participating in future meetings on this important issue.
The Contemporary Museum in the interest of pedestrian safety, has been trimming a pathway for pedestrians in the area fronting their property to provide a safer pathway outside of the lane of traffic. The Museum has also cleared overgrowth and trimmed back trees at the hairpin turn on the lower portion of The Contemporary Museum.

The Department of Transportation Services (DTS) representatives (Mr. Jack Patterson and Mr. Steven Inenaga) met with Mr. and Mrs. Mack Kamikawa and their two sons, Ms. Georgianna Lagoria (Director of The Contemporary Museum), Mr. Julian Ng (traffic engineer/consultant) and myself to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005. The applicant understands that DTS will be replacing the raised pavement markers (RPM) that are missing around the curves. This will help with visibility and definition of the curve, particularly in the evenings. It also provides a vibration effect to let drivers know when they are crossing over the centerline of the roadway. As requested by the Kamikawa's, the applicant has trimmed back foliage and the trees fronting on the Museum property at the hairpin curve to improve visibility around the curve.

Based on a meeting with staff from the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) on

June 30, 2005, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified. These evaluations will be completed by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

"Page 37, 38 EA These pages deal with the upgrading of cesspools to septic system and dry wells to hold water run off. There is no engineering report of how these dry wells are built, how much water will they hold? Will the wells handle the volume of water that happens in major rains?

The applicant expects to reduce the current storm water runoff volumes that presently leaves the property during a storm event through rerouting of stormwater to landscaped areas and use of a drywell, reducing storm water runoff impacts from this property on Makiki Heights Drive. All stormwater runoff from the project will be routed to a new on-site infiltration facility. Roof gutter downspouts and the lanai area drain will connect through buried pipes to a vegetated swale incorporated in the landscape design. The swale removes sediment and nutrients, improving water quality before infiltration. The swale flows into a single drywell designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

"#8 Question, Does the Department of Planning and Permitting allow for the use of a septic system in a residential neighborhood to accommodate commercial restaurant? The seating capacity for the restaurant is 55, with two seating it could be as many as 110." *#8 repeated by Mr. Laguens.*

The Department of Health (DOH) is the agency responsible for determining what type of private wastewater system may be used for developments not connected to the municipal wastewater system. DOH concurred with the applicant's proposal to abandon certain cesspools and replace them with septic systems. They noted that wastewater from commercial food preparation will need to be pretreated before entering a

> septic tank (the applicant will provide the necessary pretreatment). DOH further requested that the Johnson Residence/Persis Office be upgraded into a non cesspool system (the applicant will provide a septic tank system in accordance with this recommendation).

"#9 Question, The museum is going to almost double their groundwater use, have one cesspool and two septic systems, and dry wells for runoff control. There are five or more properties that are across from the museum and down slope, (50 to 80 feet). How are we to be assured that sewage or ground water won't percolate on our properties? Who would be liable?" *#9 repeated by Mr. Laguens.*

There are individual wastewater systems in place now supporting the Museum activities and these systems will be improved to further minimize impacts on surrounding neighbors.

Based on discussions with the Department of Health (DOH), the proposed expansion and renovation of the Museum will require upgrading of the two existing cesspools to septic tank systems. DOH is also recommending that the Johnson cesspool also be upgraded to a non cesspool system. The applicant will provide a septic tank system in accordance with this recommendation.

There are currently three wastewater disposal systems impacted by the project – (1) a cesspool in the lower section of the Cooke-Spalding main parking lot, (2) a septic tank and leach filed in the gardener's area below the Cooke-Spalding Café lawn, and (3) in the Pietsch-Peterson parking area. These will be replaced by septic system and leach field systems: (1) in the same area (under the asphalt and in landscaping of the Cooke-Spalding lower parking area; (2) on the great Lawn east of the upper monkey pod tree; and (3) in the same area under the asphalt of the Pietsch-Peterson parking area.

The converted systems will be designed to meet the capacity requirements of the proposed additions and revisions to the campus. The converted

systems will be designed in accordance with State Health Department standards.

As mentioned earlier, the single drywell will be designed, built, and maintained in accordance with Hawaii and Federal rules governing underground injection facilities. The cinder soils underlying the site have very high permeability; the facility has adequate capacity to receive and dispose of intense rainfall.

Our civil engineer responsible for designing the septic systems and the drywell will be responsible for any design errors, which should be minimized by design review by the Department of Health for the septic systems and the City for the drywell.

Our contractor will be responsible for meeting the design parameters, during construction.

"#10 Question, Will Department of Health required them to have a grease interceptor" How much cooking, food prep, dishwashing will be done? Will the septic system be adequate to handle the volume of water from the restrooms and commercial kitchen?"

The Department of Health will require a grease trap (interceptor). The extent of cooking, food prep and dishwashing will be similar to the existing café use and the septic system will be designed to handle all anticipated loads.

"#11 Question, Should the need for all the additional fundraisers be allowed to impact this quiet residential community? Could they be held at another more appropriate location?

The applicant is requesting one fundraiser on the property, Contempo. As mentioned earlier, Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons.

The other events include exhibit openings and events to introduce prospective donors to the Museum. Neither of these events are fundraising events but provide opportunities for members and prospective donors to enjoy refreshments and private viewing of exhibits and the Museum's permanent collection.

#12 Question, There is no mention in the EA as to how much money this project is going to cost. What is the estimated cost of the over all project?"

The proposed Museum expansion will cost approximately $13,000,000.

#13 Question, The museum has a track record of violating the original 86/CUP, (ArtSpree, Cotempo, amplification, exceeding the numbers allowed, snack bar into Café, etc. How are the neighbors to be protected from the museum becoming an after-our's hangout for the elite donors of the community?"

The applicant has requested and received approval of the ArtSpree this year as a temporary use for the one day, once a year event, including amplification.

The Café provides an amenity for Museum visitors providing for a comfortable on-site location for a meal. All persons dining at the Cafe are Museum visitors who are members of the Museum visiting the enclosed exhibits (including those paying for a one day membership fee) or Museum visitors viewing the Café exhibitions (no fee or membership required), along with the adjacent garden exhibits and museum pieces. One of the goals of the Museum is to educate the public about Contemporary Art and they take every opportunity to do this whether through their formal gallery setting or the less formal garden exhibit and Café exhibit. Based on this description, the Café is permitted as an accessory use to the Museum.

The applicant for the most part has met the conditions of approval and has done its best to operate within the intent of the CUP. The Contemporary Museum will abide by present and future restrictions set forth by the Department of Planning and Permitting (DPP).

> The applicant is requesting an increase in the number of visitors for it's nighttime events from 200 to 300 to ensure that the members invited to exhibit openings will not be just the elite donors.

"Page 46, 'The three simple pavilions are in scale with the houses of the neighborhood'. This is a false statement. The structure by the Peterson property will have an underground parking lot, and from the Peterson driveway will rise 40 plus feet. This building will be visible from Makiki Heights Drive."

The three galleries, with 2,566 square feet, 2,300 square feet and 1,705 square feet are much smaller than the typical residences in this neighborhood. Galleries A and B have been reduced even further in size to 4,018 square feet with a 500 square foot covered courtyard in the Final EA to allow the applicant to meet the 30-foot yard area along Makiki Heights Drive.

Even the 6,356 square foot second level provides a building footprint that is not out of scale with the large estate lot that it is located on. With most of the storage level and all of the underground parking situated below existing grade on two elevations (east and north) and with a portion of the storage level and all of the underground parking located below existing and finish grade from the south elevation, the building is very much residential in scale. This building has been reduced to 5,172 square feet.

As you have mentioned, the final south elevation does provide a view at the full elevation of the building, however, based on the Department of Planning and Permitting's measurement of height, since the parking garage is considered underground on three sides and the applicant plans to maintain existing grade across a portion of the top the parking garage, the height of the galleries from this elevation is below the allowable 30-foot height limit. New landscaping to provide screening will be provided by mock orange hedges, along the Makiki Heights Drive frontage of the new galleries and Schefflera Arboricola 'Luceanne' in the area where the existing elevation has been retained above the underground parking garage entrance at the Pietsch-Peterson driveway court.

"#14 Question, What is the allowed building height? Is that being exceeded? We were told there would be a 30-foot setback, is that now changed to 25 feet?"

> The allowed building height is 30 feet. That building height is not being exceeded. The applicant has requested a 25-foot setback, in lieu of the 30-foot setback, in accordance with the Director of the Department of Planning and Permitting's (Director) authority to modify yard areas through the Conditional Use Permit process. We understand that the Director will not make a decision on this modification of the yard area until completion of the Conditional Use Permit application process.

"Page #46, The buildings are to be clad in glass. I am sure that will be nice from the grounds of the museum, though many birds may fly into them."

> The proposed glass is not-reflective, but clear glass with a translucent frit coating. The building will be hidden behind dense landscaping and will not be visible from off-site. The gallery structures glass surface is the result of thoughtful planning to create a muted reflection that we expect will be dull enough to not mislead birds into thinking that there is no wall in front of them. It should not have the same impact as a window or other clear glass surfaces that provide clear reflections that may confuse birds into thinking that there is no wall surface in front of them.

"#15 Question, What will these buildings look like to adjoining neighbors, and roads when the sun sets? Will we be blinded by the reflections?"

> The proposed glass is not-reflective, but clear glass with a translucent frit coating. The gallery structures glass surface is the result of thoughtful planning to create a muted reflection that we expect will be dull enough to minimize glare and not have the same impact as a window or other clear glass surface.

"Page #54 H. EA Noise, 'Due to minimal increase in traffic short and long term noise will be minimal.' The museum is not doing this project so no one will come. All the added events and increase in numbers of patrons is going to bring more traffic, and more trucks, thus more noise."

Due to the existing low volume of traffic and the projected increase in traffic, noise is not expected to be a problem in relation to traffic. As discussed earlier and based on the noise assessment done for the proposed Museum expansion, ambient noise levels in the surrounding neighborhood will not be detrimentally affected.

"Page #61, Social welfare of the community would be positively affected. That statement may be true, but what about the social welfare of the neighborhood. To have a restaurant, open evenings, and amplification at events, 16 plus events with anywhere from 100 to 500 people, school buses up and down the hill, these are not positive effects."

The Café is open just two nights a month until 8:00 pm. The evening opening for the museum is one night a week again until 9:00 pm. The noise assessment has indicated that ambient noise levels in the surrounding neighborhood will not be detrimentally affected. The outdoor amplification at events will not have a significant detrimental effect on ambient noise levels in the surrounding neighborhood. This outdoor amplification is requested for just two events, ArtSpree which occurs from 10:00 am to 4:00 pm on one Saturday a year and for Contempo. As mentioned earlier, Contempo has been held off campus and the Museum hopes to continue that off campus relationship with Neiman Marcus or another site. However, if Neiman Marcus ends this relationship or another suitable site cannot be found, the applicant is asking that the 450 person limit for Contempo be increased to 500 persons.

Except for the two larger events, ArtSpree and Contempo, six events will support 300 visitors in the evening and six events will support 100 visitors which is the same occupancy as proposed for the daily operations. These events are not expected to significantly affect the community in the way of noise or traffic.

"Page 70, c. Underground parking for employees. How is a neighbor to know who is an employee or not. This puts the neighbors in the position of being watchdogs, which should not happen."

The applicant will issue employee passes that will be placed on the employees dashboard or some other decal to be placed on the vehicle so that security can patrol the underground parking lot to have unauthorized vehicles towed from the parking garage. This will ensure that only employees will be parking in the garage.

"Page #70, d., Drop off at the Café restricted to handicap. This is another promise to the neighbors that may be impossible to keep. And who monitors it, again? The neighbors?!"

The applicant will have either a security guard or an employee monitor the Café and underground parking area during Café hours to ensure that drop off is limited to handicap patrons only.

"Page #71, a. Alcohol permitted with corkage fee. The overwhelming majority of Café patrons do not bring wine. This is probably a true statement considering the location of the Café no (courtyard). What happens when the Café moves to a multimillion-dollar estate with stunning ocean and city views and is open in the evening?"

The applicant expects that visitors dining at the Café will provide the same restraint as existing Café visitors in relation to alcohol consumption. The applicant's servers in the Café will also be coached to ensure that there is a designated driver for any patron that appears intoxicated.

"#16 Question, The EA does not address lighting of these buildings. If they are glass, will there be lights on all night? How will the security lights shine in the neighborhood? If they are open at night, how far will the lights be visible from around the neighborhood and city?

The glass surface will occur over a solid concrete wall and interior lighting will not affect the surrounding neighbors.

As mentioned earlier, exterior lighting from the Museum will be shielded to minimize impacts to surrounding residents. The new structures on the

property are to be situated at least 25 feet from the Makiki Heights Drive right-of-way which is approximately 50 feet wide, placing the closest residential property line over 75 feet from the new structure. This distance, existing and proposed landscaping, and shielding of the lights will minimize the impact of new exterior lighting on the neighboring residents.

The Museum is open until 9:00 pm only one night a week, except for 16 special evening events. The 16 evening events except for Contempo will end at approximately 10:00 pm and lighting for the most part, except for security lighting will be turned off shortly after 9:00 pm during one night a week and shortly after 10:00 pm for 15 evening events. Only Contempo will end at midnight. These early evening closures and shielding of lights coupled with the distance between the new galleries and surrounding residents will minimize light impacts on neighbors.

"#17 Question, The EA does not mention air conditioning. How will these building be air-conditioned? Will the immediate neighbors hear the noise from them?"

The applicant's noise consultant, D.L. Adams Associates, Ltd. conducted a noise assessment for the regular operating hours of the proposed Museum expansion and has determined that the equivalent hourly sound levels, L_{eq} , in A-weighted decibels (dBA) ranged from 40 dBA at nighttime to a maximum of 54 dBA during daytime hours. Daytime sound levels ranged from 46 dBA to 54 dBA. These measurements were taken 10 feet in from The Contemporary Museum property line. The noise levels at the nearest residence will be lower.

The Contemporary Museum is zoned as R-5 Residential, or Class A, thus the maximum allowable property line noise limits, in accordance with the State of Hawaii Department of Health (DOH) Community Noise Control Statute, are 55 dBA during the daytime hours (7:00 am to 10:00 pm) and 45 dBA during the nighttime hours (10:00 pm to 7:00 am).

D.L. Adams has recommended a first tier of improvements that would reduce the equipment noise from the proposed chiller (air conditioning equipment) to 45 dBA which would meet the noise requirements of DOH and a second tier of improvements that would reduce the equipment noise from the proposed chiller to 40 dBA which would reduce the noise to the existing ambient noise level of the area in the evenings. The applicant will provide both the first tier and second tier of improvements to reduce noise levels from the chiller to the level of existing ambient noise.

"#18 Question, The EA addresses traffic. What the EA does not address is the narrow roadway fronting the Peterson property. The driveway that will be the main access to the underground parking garage and main delivery area for the museum and restaurant is 60 feet away from a blind curve and the S turns. Makiki Heights Drive fronting the driveway is only 16 feet total width, with a double yellow line. Trucks going in or out will have to cross over the double line. This proposed entrance is inadequate for the amount of traffic it will handle and proposes a major public safety concern."

As discussed in "#9 Question", the applicant met with staff from the Department of Transportation Services (DTS) to discuss possible improvements to the two curves on Makiki Heights Drive near the Kamikawa's home on May 13, 2005 and again with staff from the Department of Planning and Permitting (DPP) and DTS on June 30, 2005 to discuss possible traffic improvements. Based on these meetings, the existing signing and pavement markings along Makiki Heights Drive will be evaluated and sight lines from the project site driveways will be evaluated and any trimming of hedges or other landscaping , or grading that may be needed will be identified by Julian Ng, the project traffic engineer, and recommendations for changes will be included in the Final EA.

These improvements are expected to provide better visibility for sight lines from the project driveways. The applicant will also consider widening of the driveway for right turns to allow a better turning radius to minimize a need to cross the center line to maneuver into the travel lane on right turns out of the driveway.

"I have attended all of the community meetings with the museum. There have been many concerns voiced by neighbors and many suggestions made. Unfortunately, there has been little in the way of mitigation."

In fact, our project began it's community outreach in fall of 2003 and since that time there have been several changes to the intended amendments. These changes to intended amendments were proposed to mitigate some of the major concerns that were presented in community meetings:

1. Reducing our request for use of an exterior public address system from 3 special events to two special events.

2. Reducing our request for 12 additional evening events with a maximum of 50 cars/100 persons on the Cooke-Spalding site to just 9 such events.

3. Reducing our request to allow the Café to be open every Thursday evening from 6:00 pm to 8:00 pm to allowing the Café to open just two Thursdays a month.

Other actions by the applicant to address concerns raised by the community include:

1. Clearing a pedestrian pathway through the overgrowth along portions of Makiki Heights Drive, clearing overgrowth and trimming trees back at the hairpin turn on the lower portion of The Contemporary Museum.

2. Focusing on providing an on-site septic system approved by the Department of Health rather than pursuing a connection to the municipal system through Hoalu Street, which presented concerns from Hoalu Street residents about construction impact to Hoalu Street and impact to the existing capacity of the wastewater system on Hoalu Street.

3. Applying for and receiving a temporary use permit with conditions for the ArtSpree event from the Department of Planning and Permitting (DPP).

In the Draft EA, the applicant has redesigned its proposed galleries to break up a former large gallery space (6,000 square feet) on the upper level into two smaller galleries (Gallery A - 2,300 square feet and Gallery B - 2,567 square feet) separated by a covered courtyard (620 square feet), reducing the bulk associated with the former design. This change was done to reduce the bulk and visual impact of the previous structure in response to concerns from residents about the massive size of the originally proposed upper level gallery. The applicant has also placed some gallery space underground (Gallery C) to minimize visual impacts on the surrounding residences. With these changes, the applicant's proposed gallery space has been reduced from 8,500 square feet to 8,061 square feet, while the proposed storage space (including mechanical room and electrical room) went from 3,400 square feet to 6,338 square feet. This increased space will have minimal impact on operations due to its use as storage. The Galleries, storage and mechanical rooms went from 11,900 square feet to 14,399 square feet in the Draft EA. In order to increase the setback from Makiki Heights Drive from the 25 feet proposed in the Draft EA to 30 feet for the Final EA, the applicant has reduced the floor area for the Galleries, storage and mechanical rooms to 11,930 square feet, while maintaining the concept of breaking up the Gallery space into Gallery A and Gallery B separated by the covered courtyard and an underground Gallery C. While the floor area has remained about the same as the original 11,900 square feet, the impacts have been significantly reduced in relation to bulk since Gallery C is underground and Galleries A and B are separated by a covered courtyard. The applicant feels that these changes represent improvements over the previously presented design and will provide needed expansion areas that will allow the Museum to provide exhibits even during the weeks immediately preceding a gallery opening and periods immediately following a gallery opening. These changes will also allow the display of the Museum's permanent collection and storage of the remainder of the permanent collection on-site.

"Over one year ago it was suggested that small school buses be used to bring the children to the museum for safety reasons, nothing has happened."

The applicant spoke with staff at the Department of Education and although a final position has not been reached. The preliminary indication is that funds for two buses and two drivers to utilize smaller buses is not available and would not be possible. The applicant will continue to pursue the possibility of some private funding for buses to offset DOE's costs to permit smaller buses.

"It was suggested that since many neighbors were opposed to the Café moving, that it remains in the same location, and make the Peterson property the education center for the children. School buses could pull in and out and there is already a library. The response was that the children would have to walk 5 minutes to reach the main campus."

The addition of school buses would add traffic from larger vehicles to a driveway at which the applicant has sought to minimize traffic in response to neighbors concern. For this reason the applicant placed employees in this garage to minimize in and out traffic of visitors to the museum. The placement of school buses at this location would be at odds with the concerns of other surrounding residents.

"#19 Question, Why hasn't the museum looked at having a second or third campus that would not so dramatically impact a residential community? Many museums spread their campuses out to reach a greater number of patrons."

The Contemporary Museum currently operates galleries off-site including The Contemporary Museum @ First Hawaiian Center, 999 Bishop Street and at other locales when the opportunity arises. The Museum also utilizes facilities at Punahou School and the University of Hawaii on a regular basis for evening education programs. However, these other facilities have limited space and do not allow the display of a significant amount of art pieces.

On-site facilities are needed to house the museum's current education activities, which happen in relation to exhibitions on view at the Cooke-Spalding House. On-site facilities are also needed to house and exhibit the museum's growing permanent collection, which is currently stored in three off-site facilities. These galleries and storage facilities must be on-site where the museum's exhibitions, collections, and security professionals are able to maintain and present these holdings to the public in tandem with programs currently offered at our Makiki Heights facilities.

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

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting

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August 31, 2005

Mr. Bob Laguens
2364 Makiki Heights Drive
Honolulu, Hawaii 96822

Subject: Draft Environmental Assessment No. 2005/ED-2
The Contemporary Museum
2345, 2411 and 2447 Makiki Heights Drive
Tax Map Key: 2-5-8: 1, 2 and 4

Dear Mr. Laguens:

Thank you for your comments on The Contemporary Museum Draft Environmental Assessment (EA) dated May 1, 2005.

The following provides a correction to the following comment in the August 18, 2005 letter we sent responding to your #6 Question:

> "The applicant plans to have 33 employee parking stalls with 22 at the underground parking garage and the Peterson residence and 11 at the Johnson residence. The existing employees total 40. The proposed expansion will require an estimated 46 employees."
>
> The number of stalls at the underground parking and the Peterson residence will be 21 stalls. The parking layout was modified to provide for two handicap stalls, which required the loss of one stall as an access aisle between the stalls. The applicant plans to have 32 employee parking stalls.

This additional response will be included in the Final Environmental Assessment.

Very truly yours,

Keith Kurahashi

Keith Kurahashi

cc: Department of Planning and Permitting