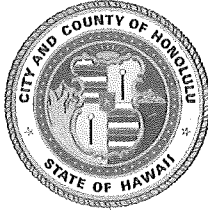


DEPARTMENT OF GENERAL PLANNING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET  
HONOLULU, HAWAII 96813



FRANK F. FASI  
MAYOR

DONALD A. CLEGG  
CHIEF PLANNING OFFICER

GENE CONNELL  
DEPUTY CHIEF PLANNING OFFICER

86/SUP-6 (BN)

March 4, 1987

Mr. Teofilo Tacbian  
State Land Use Commission  
Old Federal Building, Room 104  
335 Merchant Street  
Honolulu, Hawaii 96813

Dear Mr. Tacbian:

This is to inform you that the Planning Commission, on February 25, 1987 recommended approval of the State Special Use Permit application for Kuilima Development Company to construct a new wastewater treatment facility on 20 acres of land within the State Agricultural District in Kahuku.

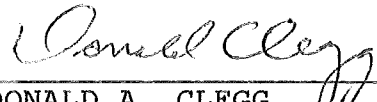
Attached is a copy of the Director's report, and the Commission's Findings of Fact and Conclusions.

Sincerely,

  
SHIGEYUKI NAKATANI, Chairman  
Planning Commission

Attachments

FORWARDED:

  
DONALD A. CLEGG  
Chief Planning Officer

cc: Department of Land Utilization  
Kuilima Development Company

LAND USE COMMISSION  
STATE OF HAWAII  
MAR 10 1 23 PM '87

Meeting of the Planning Commission  
Minutes  
February 25, 1987

The Planning Commission held a meeting on Wednesday, February 25, 1987 at 1:37 p.m. in the Civil Service Conference Room of the City Hall Annex. Commissioner Shigeyuki Nakatani, Chairman, presided.

PRESENT:	Shigeyuki Nakatani, Chairman Leslie Hirahara, Vice Chairman Linda Boxold Cherlyn Logan (arrived at 1:40 p.m.) Karen Nakamura Arturo Perez Cecilia Villafuerte
ABSENT:	Leonard I. Mednick Robert J. Rawson, Jr.
COMMISSION STAFF:	Patricia J. Kalapa, Secretary-Reporter
CORPORATION COUNSEL:	Jane Howell
DGP REPRESENTATIVE:	Donald A. Clegg, Chief Planning Officer
DLU REPRESENTATIVE:	Bruce Nagao, Staff Planner
MINUTES:	The minutes of February 11, 1987 were approved as circulated, on motion by Mrs. VILLAFUERTE, seconded by Mr. PEREZ and carried.
PUBLIC HEARING KAHUKU--STATE SPECIAL USE PERMIT (FILE 86/SUP-6(BN))	A public hearing was held to consider a request for a State Special Use Permit to construct a new wastewater treatment facility within the State Agricultural Land Use District.

MAR 17 1 00 PM '87  
LAND USE COMMISSION  
STATE OF HAWAII

Publication was made in The Honolulu Advertiser and Star Bulletin on Friday, January 23, 1987.

Contested case procedures were not requested.

BRUCE NAGAO made the staff presentation recommending the Special Use Permit be approved subject to three conditions stated in the Director's report. He distributed corrected pages 3, 4 and 5 of the staff report to the Commission.

Public testimony:

1. JAN SULLIVAN, Takeyama & Sullivan Attorneys at Law, testified in support of the Special Use Permit for a wastewater treatment facility. (written testimony attached)

QUESTIONS FROM THE COMMISSION

NAKATANI: Since 1985, the Kuilima Project, Prudential Life, applied for zone changes and so forth. And now you say this is the last item for the development. I thought Prudential was going to start their development already.

SULLIVAN: I think my answer to that question would be that... For instance, if you look at the timetable on this sewage treatment plant, it would take at least another year to complete engineering and planning studies before construction could actually begin on the plant. Our engineer has estimated it will take about three years to construct the plant.

This treatment plant, itself, is going to actually take longer to construct than a hotel would take. And until the infrastructure can begin, the actual construction of the hotels can't start at all. To answer your question, we really do not have all our permits at this point in time to the point where we could feasibly begin construction of the resort.

NAKATANI: In other words, you're telling me that without this Special Use Permit for this sewage treatment plant, Prudential Life cannot go ahead with any development in the area -- hotels, apartments or whatever?

SULLIVAN: They would not have the capacity with the existing STP to accommodate an expansion in that area. So they do need to build this treatment plant in order to expand the resort.

NAKATANI: In other words, until this project is completed, if it takes two or three years, then Kuilima cannot start their project, right? Is that what you're telling me?

SULLIVAN: No. I think the way we've looked at it on a time frame is it can be started simultaneously. But I think from Kuilima's point of view, the infrastructure has to be started first because it is going to take the longest.

HIRAHARA: Mr. Chairman, may I call on BRUCE NAGAO. BRUCE, why didn't the State Land Use Commission give this section an urban designation?

NAGAO: I can only take a guess, Commissioner. I would say that to put the site in urban would be spot zoning, in essence. Because the site is separated by the highway and also located about 700 feet off the highway.

HIRAHARA: So it's not normal to put a sewer plant right next to the hotel?

NAGAO: Right. The engineer could address that.

HIRAHARA: How many acres is this SUP?

NAGAO: Twenty acres.

HIRAHARA: So after the Planning Commission, it goes to the State Land Use Commission. Is that right?

NAGAO: That's correct, sir.

NAKATANI: The reason I asked that question is because when they really wanted to start their project, my understanding was that project was supposed to start already. Now you're telling me without this Special Use Permit to get this sewage plant, you cannot start the project. There's something contradictory from your group somewhere along the line.

QUON: Chairman NAKATANI, could I answer that?

NAKATANI: Go ahead.

QUON: My name is NORMAN QUON. I'm project director of the Kuilima Development Company. The project actually has been started already. The project obviously has many different parts to it. We've started working the test wells for the water system already. What is important for us in beginning the project is that there are two major what we call critical path items. That includes the sewage treatment plant and the golf course. This is one of the critical path items. Unfortunately, this particular project is the one that takes the longest. What we would like to do is get started on this.

What we have to do is we have to get the Special Permit and then we can start putting our design drawings together, our working drawings together. Hopefully, we can start construction, given the time frame from our engineer, somewhere about December, November or December. That's the time schedule that we can project.

To answer your question, we've started some parts. This part cannot be started, obviously, without the proper permits.

NAKATANI: I understand that, but what I'm saying...the other projects where you say you're going to build a hotel, you know.

QUON: That's a very good question. In terms of sewage capacity, we don't have enough sewage capacity right now with the present sewage treatment pond. We're maxed out. The sewage treatment pond occupies the sewage for the hotel and the two condominium projects, Kuilima Estates East and Kuilima Estates West. But we're maxed out to capacity over there, so there's no way we have additional capacity there. That's the reason for building the sewage treatment plant.

NAKATANI: So in other words, you're telling me that unless this project is completed, you cannot start any project out there?

QUON: That's right...or at least anything that has any sewage.

NAKATANI: So even if it's two years, three years? If we give you this approval, how long is this sewage plant going to take?

QUON: It's going to take about three years to do.

NAKATANI: So in three years, you're not going to move that area?

QUON: No, no, no. We're going to be doing it simultaneously.

NAKATANI: Simultaneously with what?

QUON: When we start the sewage treatment plant construction. What we're trying to do is we're trying to get the permits for the sewage treatment plant to start. Then once we do that, we can begin to start doing the other items which will probably begin between one to two years. This is one of the critical path items. It's going to be a project that takes the longest period of time, so we have to get this thing started.

NAKATANI: I recall when you people originally applied. You have presently the Kuilima Hotel. I think you were one of the persons who said that that place is not making money. In order for the place to survive, you have to additionally develop that place with hotels, apartments, condos and so forth to balance the original investment. You applied originally in 1985. You came before this body. That's when you told us that you need the project in order for Prudential to survive in that area. Now you're telling me with this it's going to take you another three years.

QUON: Unfortunately, that's...

NAKATANI: What I'm trying to lead to is, you know, you've got to show some sincerity. If you're going to develop, develop. If you develop the place, we know about the employment. You don't have to tell us that. That's automatic. But you people have got to be sincere because you're going to put us on the spot too because we have some opposition in the area, you know. If you're going to prolong your development, this is what I don't like.

QUON: It's a project that's had a lot of different approvals. What we're trying to do is we're trying to settle all the approvals together so we can proceed with the project. Unfortunately, it's a very long approval process we're going through. What we're saying is we're almost finished with this approval process, and hopefully everything will be in place, and from there we'll start construction.

We have started construction already for the water system by doing the construction of the test wells. A lot of that has been started already. We've done some preliminary surveying to get ready for this.

NAKATANI: Why then originally when you applied to develop that area, you know you need the sewage plant. Why at that time didn't you apply for this? Why only now?

QUON: It was tied together with our public facilities map which is what we're doing right now. What we've been trying to do is we've been trying to coordinate those two parts together. Right now the public facilities map is at the second reading at City Council.

PEREZ: Mr. QUON, to clarify what you're saying right now is you got the permit to build a hotel before?

QUON: We have what they call a Special Management Area Permit, but there are some other permits that you have to have in order to build. What we needed is this permit to tie the sewage with that hotel. There's no sense in putting up a hotel if you don't have the sewage capacity. Right now we're maxed out in the existing system. So there's no way we can build a hotel without building extra capacity.

PEREZ: You're saying that before, you didn't know the capacity for the sewer is not enough for both. I think the process is going backwards. You get the building permit first for the hotel, and you're not building the hotel. And then you've got to get the permit for the sewer.

QUON: No. There are other things we're working on. For instance, we're working on the golf course design. We're working on a lot of the sewage treatment plant design. We're doing a lot of different things. It's a very complicated process and many, many different projects.

SULLIVAN: Commissioner PEREZ, if I understand your question, when we originally came in here for a DP amendment back in '85, this treatment plant was reflected as being located right where you see the golf course now. That's how it's currently reflected on the DP public facilities map.

PEREZ: The white line? (referring to map)

SULLIVAN: No, it's not shown on there. It's in an area we're now showing as golf course. Since that time, after doing more engineering studies and seeing actually how much land that thing is going to occupy, the capacity it has to accommodate, the decision was made that to have a class resort like this, you cannot put the treatment plant right there so close to the resort.

PEREZ: Because of the expansion of the golf course?

SULLIVAN: Yeah, for that and because it would be too close to the resort itself.

2. PAUL LOW, EDP Hawaii, Inc., testified in favor of a Special Use Permit for a wastewater treatment facility. Mr. LOW stated that in addition to the project, itself, they will accommodate the wastewater from the existing condo units in the center of the golf course and also the fee simple homes on the west end of Kawela Bay. (written testimony attached)

#### QUESTIONS FROM THE COMMISSION

HIRAHARA: Mr. LOW, are they (the four emergency measures -- see written testimony) required by the Board of Health or are you folks initiating them?

LOW: Some of it we put in ourselves. The emergency generator is required by the Wastewater Department.

HIRAHARA: What additional measures are you taking?

LOW: Like I said, we have additional storage within the treatment plant site itself so that in case there's a great power failure or mechanical breakdown, we can store a three days flow or maybe more if we encroach upon the two foot freeboard we are provided. That's from the top of the pond to the top service of the water. We had that much storage. In addition to that, we can also send the effluent down to the holding ponds which are on the golf course. Each pond has about two days storage.

HIRAHARA: Mr. LOW, the State is monitoring your sewage plant. Is that correct?

LOW: That's correct.

HIRAHARA: So what you just stated is over and above what is required?

LOW: Yes.

3. RALPH PORTMORE, Group 70, testified in support of the Special Use Permit for a wastewater treatment facility. Mr. PORTMORE used illustrations during his testimony. (written testimony attached)

#### QUESTIONS FROM THE COMMISSION

PEREZ: What about the air quality, the pattern of wind that hits the project? Can you show us, RALPH?

PORTMORE: The prevailing winds are pretty much in this direction. If there is any odor, it would be taken in that direction or somewhat parallel and away from the site.

PEREZ: What happens if it blows the other way?

PORTMORE: That doesn't happen very often, but what would happen is it would catch the equestrian center which in and of itself might have some odors, the golf course and might...This is 1,200 feet here. (referring to map) So we're talking about over half a mile before you get to these condos here. By that point, if there are any odors in the wind blowing that way, it might well dissipate.

PEREZ: I understand you've got Hawaiian Electric...

PORTMORE: Up in the mountains.

PEREZ: Up in the mountains. So that means the wind is coming from the top of the mountain on that side?

PORTMORE: No, the winds are coming this way. (indicates on map) They mount the propellers on the back of the tower. So it might look like it's coming this way, but they mount the propellers on the back of the tower and then it's coming this direction.

HIRAHARA: RALPH, what you described previously with the landscaping and all, that nice building is a work of art, then?

PORTMORE: You'd have to talk to Mr. LOW about the work of art.

HIRAHARA: It seems like the more unpleasant the matter is, the more money is spent on it.



PORTMORE: It is a resort destination and they are, of course, very concerned about the appearance. There's an aesthetic importance to a successful resort so naturally it's in their own interest to make it very attractive to preclude any adverse impacts.

HIRAHARA: Something that you'd like to live next to, right?

PORTMORE: Sure.

MOTION: It was moved to close the public hearing and approve the Director of Land Utilization's recommendation, on motion by Mr. HIRAHARA, seconded by Mrs. VILLAFUERTE and carried.

AYES: NAKATANI, HIRAHARA, BOXOLD, NAKAMURA, PEREZ,  
VILLAFUERTE

NOES: NONE

ABSTAIN: LOGAN

ABSENT: MEDNICK, RAWSON

UNFINISHED BUSINESS  
PRIMARY URBAN CENTER  
DEVELOPMENT PLAN PUBLIC  
FACILITIES MAP  
(FILE 86/PUC-110(IC))

The public hearing held on February 11, 1987 was deferred to this meeting at the request of the landowner's attorney for more time.

STATEMENT FROM CORPORATION COUNSEL, JANE HOWELL:

The Commission has probably by now received a document entitled, "Petition for Declaratory Order Granting a Contested Case Hearing" with a memorandum in support of it and a supplemental memorandum in support of that petition. I was given copies by Mr. CLEGG of the first one yesterday and the second one this morning. Just recently, one was delivered to my office, as one of the messengers came down.

It is a petition for a declaratory ruling, and your rules do allow for such declaratory rulings. I think that certainly our preliminary recommendation would be that you respond to it in writing. There are various grounds outlined in the rules which are a basis for declining to issue a declaratory ruling. I'm not sure we would recommend anything like that at this point. I think you probably ought to make such a ruling, and I would be glad to help you draft it.

What it really boils down to, at least from a legal standpoint, is that the petitioners here are asking for a contested case hearing by which they apparently mean a trial type hearing where the parties or persons interested for and against the project are posed in an adversary proceeding represented by Counsel with cross examination, qualification as expertise, etc., more or less as it would be in court.

Actually, I don't think anything that sophisticated would be required even if this body were adjudicating, were acting in a quasi-judicial capacity and were indeed the body that was making the final decision on this item. I think the kind of hearings you have are just fine. But I would point out what I pointed out last week when this request was suggested in some preliminary papers filed by the appellant. Number one, you aren't adjudicating. You aren't acting in a quasi-judicial capacity. You are acting a) in an advisory capacity, and b) in an advisory capacity to what will ultimately be a legislative act of the City Council.

Even if you decided that you wanted to hear from all those lawyers and have that kind of hearing for fun, you could certainly have that kind of hearing for fun if you wanted. It wouldn't be a contested case hearing under Chapter 91 because it wouldn't be an adjudication of the rights and duties of individual parties, and it wouldn't be the last hearing before court. So there is absolutely no reason that we can see for you to change the kind of hearing that you're having.

Now there are some allegations. The first petition contained references to the provisions of the ordinances and the rules that are, in fact, obsolete. I think that the lawyer for the petitioners may have been led astray by the fact that the supplements to the revised ordinances are always behind and did not reflect extensive amendments made to the Development Plans in 1986 and the rules adopted by the Department to implement those amendments which were affected in January of 1987. So much of what is in the first set of papers is really...I would be kind of surprised if the attorney even wants to pursue those because they are based on out of date provisions. He realized that, apparently, in time to submit a second supplemental memo, and that does have reference to provisions currently in the law.

You probably would like to hear from Mr. CLEGG on the substantive issues -- basically, the charges that Mr. CLEGG has not processed his application correctly and mainly for failure to provide certain information. Now certainly if the Commission feels the information is not sufficient, you can always ask Mr. CLEGG, any other City agency or the people who are supporting or opposing this Development Plan Amendment to supply more. But I think maybe in view of the fact that it's Mr. CLEGG's actions that are under discussion, you might want to hear from him.

#### SUMMARY OF COMMENTS FROM MR. DONALD A. CLEGG:

Mr. DONALD A. CLEGG addressed the two petitions. He explained how the initial document refers to outdated rules and regulations, beginning on page three. The supplemental petition stated the Chief Planning Officer has failed to consider the social, economic and environmental impact of the proposed development. Mr. CLEGG stated

they did consider those, but were not able to produce a Certificate of Compliance because there is no process for producing one. The development is very definitely in compliance with the General Plan provisions and the Land Use and recreational aspects of the Development Plan as it exists today.

Mr. CLEGG explained there is no social impact management system in existence. It is not the role of the Planning Commission to establish a social impact management system. The process of the City acquiring that property may require the developer to give the City the money so the City can then acquire the property. If that's not required as determined at a later date by Corporation Counsel, then the developer can purchase directly and the funds would not funnel through the City. We don't know the answer to that yet.

Mr. CLEGG informed the Commission there is no Annual Amendment Review as mandated by the City Charter. The Charter states that the CPO shall prepare a General Plan and revisions thereof at least every five years and Development Plans and Annual Reviews, thereof, for the improvement and the development of the City.

#### DISCUSSION

HIRAHARA: I tend to agree with Ms. HOWELL's comments. While a contested hearing is appropriate for a quasi-judicial body, which we are on the first matter with Kuilima, we are not a quasi-judicial body in this particular application. It would be a waste of resources and time. We are just a recommending body. While it's good to voice this and air this matter in public, we should just conduct our hearing as a public hearing.

NAKAMURA: I seem to agree with LES, Mr. Chairman, and I hope you would take that into consideration.

BOXOLD: I've never been through a condemnation before. Could we hear the guidelines of what condemnation is to be used for?

HOWELL: As I indicated at the last hearing, I'm not a condemnation attorney, and we are not talking about condemnation. I think what you've got to remember is that what you're talking about is a rather narrow issue. What you're talking about when you're putting this park on the map is whether you think a park would be good at that site.

You have nothing to do with the condemnation. The condemnation actions are initiated at the City Council at the request of the agencies. In this case, it would come from Parks or DTS who are the agencies primarily interested. The Council inaugurates condemnation proceedings by resolution. Condemnation arises out of the constitutional provision that the government may take private property, but must provide just compensation. It has to be for a

public purpose, and we have to pay fair market value. Sometimes these purchases can be negotiated. Sometimes they do have to be litigated. If it ever happens, it's in the future and has nothing to do with this Commission. The Commission is now giving advice on a planning principle -- whether you think a park would be good at that site.

RECESSED AT 2:30 p.m.  
RECONVENED AT 2:38 p.m.

Mr. STANLEY YAMADA, attorney for Mr. FUKURODA, requested another continuance from the Commission. He needs more time to obtain information necessary to reasonably rebut the proposed amendment. Mr. YAMADA requested this item be deferred for two months.

MOTION: It was moved to continue this hearing to April 1, 1987, on motion by Mr. HIRAHARA, seconded by Mrs. LOGAN and carried.

AYES: NAKATANI, HIRAHARA, BOXOLD, LOGAN, NAKAMURA, PEREZ,  
VILLAFUERTE  
NOES: NONE  
ABSENT: MEDNICK, RAWSON

Public testimony:

1. FRED FUKURODA, President and Manager of Goodwear Dress Shop, testified against the amendment. (written testimony attached)

QUESTIONS FROM THE COMMISSION

PEREZ: Mr. FUKURODA, where do your clients park?

FUKURODA: I'm a speciality store for the past 50 years. We specialize to the working girls, that's the low and middle priced type merchandise. My people all work in town -- Hawaiian Telephone and the different high rises in town. Basically, I don't know how they come to work.

PEREZ: So there's no designation of parking for the people who own the building or for the clients?

FUKURODA: As far as parking affects my trade now, we don't rely on trade outside of the downtown area. We don't open evenings. Our business is done during the weekday. We don't get any trade during the weekday from housewives in the Waiialae-Kahala or Kaimuki area because when they come into town, you can't find parking. We lost a lot of our trade because of the lack of parking. It's been common knowledge for the past twenty some years. Even the professional people visiting me -- lawyers and my accountant -- can't find parking. I had to pick my man up this morning in Manoa because he was afraid to drive into town. That's how bad it is.

BOXOLD: Did you say something today about you were willing to negotiate a price?

FUKURODA: Was I willing to negotiate a price?

BOXOLD: Yes, you said something today about being willing to negotiate a price for your property.

FUKURODA: It wasn't sales price, per se. It was an agreement presented to me by the representative of Mr. KLAPPER, Mr. HUNG. I think they presented you with an exhibit which was prepared by me. We can go further into this, but it gets pretty involved.

BOXOLD: I just remember last time you didn't want anything to do with him, and you were not willing to sell at all.

FUKURODA: Definitely. It gets misconstrued along the way. We try to explain ourselves to people and it seems like we are trying to get so much more per square foot and things like this. I guess being landowners, they think our property is always up for sale. It was never up for sale. Not at any time in 55 years did we ever put it on the market.

2. GLADYS KIYOTA, beautician upstairs in Mr. FUKURODA's building, testified against the amendment. She needs to work in order to support her family. If this land is condemned, it would create a real hardship for her.

#### QUESTIONS FROM THE COMMISSION

NAKAMURA: What kind of business do you have?

KIYOTA: I have a beauty shop.

NAKAMURA: And how long have you been there?

KIYOTA: Almost as long as Mr. FUKURODA's building has been there. It's 44 years in that building. It was about a year after they built that place. After that many years, you would think I should be able to retire, but no -- not after supporting the rest of the family. I still think that I should work.

NAKAMURA: How many more years do you have on your lease?

KIYOTA: I don't know how long more I'm going to work, but I have to work longer to get myself enough to retire.

FUKURODA: There's no lease.

KIYOTA: No lease, month to month. Because Mr. FUKURODA has been one of the best tenants. He's not greedy, and the rentals are very low. If I had to vacate, I don't think I could ever do that because it's going to be a very high rental.

NAKAMURA: How large is your beauty shop?

KIYOTA: It's not too big. I work alone.

PEREZ: You mean to say if you move from one place to another place, you've got a hardship?

KIYOTA: Oh, that's definitely a hardship because you have to set up the dryers and everything.

PEREZ: Financially?

KIYOTA: Financially, yes. Financially as well as everything else.

PEREZ: What about other businesses that move from one place to another place and sometimes they upgrade it?

KIYOTA: No.

PEREZ: Like downtown to Ala Moana or downtown to Pearlridge. And they're making more money because they've got enough parking.

HIRAHARA: After 44 years you're going to upgrade?

KIYOTA: No, no. I've worked almost 25 years of my life supporting my family. I was one of the older ones. If my parents were poor, I had to help them. A lot of my brothers, I supported almost every one of them to get through school.

PEREZ: What do you mean by supporting them?

KIYOTA: Financially. When your poor parents cannot help, you have to do it. It's the Japanese style, isn't it? Or Oriental style, I should say.

NAKATANI: The Chair would like to rule that we're going off of the subject. You made a statement assuming the Commission is going to take action, that we're going to condemn the place. It's not so. The Commission is only going to make a decision whether to put this in the public facility map. As far as condemning or what's going to take place after, we don't know. You're way ahead of time. Maybe even some of the questions asked by the Commission are out of order.

3. YOSHIKO CHU testified for LOWELL TSUCHIYAMA, owner of the Music Box on Union Mall. He is opposed to the proposed amendment. Mrs. CHU was the original owner there for 25 years and recently sold it to Mr. TSUCHIYAMA. Mr. TSUCHIYAMA feels a consequence of the Commission's action could result in the closure of his business and very seriously drain his family's resources and undermine his livelihood. His suggestion is to renovate the site.

#### QUESTIONS FROM THE COMMISSION

HIRAHARA: You had a sort of tie previously when you sold your business.

CHU: That's the business I owned, the Music Box. And I sold it to this young man.

HIRAHARA: So your ties are over right now?

CHU: My ties are all over.

HIRAHARA: Do you think a park is appropriate there?

CHU: I don't think so because it's not large enough. It's very small. And with all these small businesses there, it will help the other business because you'll have more people coming in for a variety of things. And then you'll have more traffic and it will be much healthier for the other business.

HIRAHARA: So you are against the park?

CHU: Oh, yes, I am very much against it. When I was running the business, I was waiting for someone who would be knowledgeable and continue in the same kind of business. That's the reason I waited until I could find somebody. And he was a knowledgeable guy and he liked the kind of business, so I sold it to him.

He works alone and has all these obligations, all the loans he made. So every day means a lot to him. He needs that money. So he asked me if I would do this (testify) for him since I was coming, and I said I would be glad to and that he could keep on working.

4. ANN SOKABE, owner of parcels 41 and 11, testified against the proposed amendment. She feels the area isn't large enough for a park and there are already enough parks in the area.  
(written testimony attached - Pacific Business News 1985)

#### QUESTIONS FROM THE COMMISSION

PEREZ: You said FASI said or you just read in the newspaper?

SOKABE: In the newspaper, they say FASI says.

PEREZ: So FASI didn't tell you about that?

SOKABE: I just read it in this (newspaper). You don't want to hear about Mr. KLAPPER's offer?

NAKATANI: You're going into personalities. That's your opinion. We just want to stay on the subject matter about the park.

YAMADA: We feel it is tied together because when Mr. CLEGG made his presentation, he tied it together directly with Mr. KLAPPER's project.

NAKATANI: The Chair rules that's out of order. I made a statement at the beginning of this meeting to stick to the subject and no repetition. The Chair reserves the right.

5. CALVIN DEGUCHI, owner of parcels 41 and 11, testified against the proposed amendment. He explained that most of his testimony is about Mr. KLAPPER and the offers he made. (written testimony attached - letter to Mr. James S. Madden)

#### DISCUSSION

BOXOLD: They did tie it together the last time because the recommendation that was given to us said that this will involve an expenditure of public funds. Mr. KLAPPER explained that it's not public funds because they would be financing the park.

DEGUCHI: Everything is tied into this because Mr. KLAPPER is trying to buy us out, and we don't want to sell. If the City forces us to sell, it's like we're buying the park for the City.

NAKATANI: We're just talking about the public facility map. We're not talking about condemning the place.

DEGUCHI: You don't have any authority, but you make the recommendation to the City Council.

NAKATANI: Not as far as condemning the place.

DEGUCHI: This hearing is the first step in condemnation. We want to stop it now.

NAKATANI: We don't make the final decision. This goes to the City Council. City Council makes the final decision.



DEGUCHI: This has been going on for a year now, and it's costing us a lot of money because Mr. KLAPPER is spreading rumors that he's going to condemn us. We have to hire an attorney. I cannot rent out my space because people are afraid they're going to condemn the building. I want to stop it today.

HIRAHARA: Mr. Chairman, I've been on the Commission as long as you have, almost six years. I believe our role, although it is recommending and advisory, it does play a great deal in the decision making of the Council. Please don't lessen our recommendation. These people are here for their livelihood. The decision we make is important to them. They are telling us why they are against it. This is step one.

NAKATANI: I agree with you, LES. I sympathize with them too. But as a Chair, somewhere along the line I have to get this thing organized. If not, we can go on and on and just be repetitious. If I don't control this meeting, who is going to control this meeting? As the Chair, I control this meeting.

DEGUCHI: Mr. KLAPPER is using the City power to try and rezone our property into a park. That's what I'm trying to bring up.

6. WILLIAM E. WANKET, representing Fort Street Associates, testified in support of the proposed development. He introduced Mr. KLAPPER, the managing General Partner of Fort Street Associates, and JIM MADDEN, the project manager for Fort Street Associates.

Mr. WANKET testified in response to the Planning Commission meeting held on February 11, 1987. He submitted written testimony from Mr. KLAPPER, including exhibits which document the details of offers which have been made. (written testimony attached/exhibits in PC file)

#### DISCUSSION

NAKATANI: I cannot accept your statement because whatever took place in offers doesn't have anything to do with the subject matter.

WANKET: I agree, but I'm only responding to the wishes of the Planning Commission at the February 11, 1987 meeting.

7. LORRAINE KAWHO, employee of Thelma's Beauty Salon, testified against the proposed amendment.
8. THELMA OKAMURA, proprietor of Thelma's Beauty Salon, testified against the proposed park. She mentioned all the parks located in the nearby area and doesn't feel there is a need for any more open space. Ms. OKAMURA feels these buildings should be upgraded and preserved.

9. TSUTOMU ONOUE, tenant of Mr. FUKURODA, testified against the proposed park. He feels this is a dangerous location for a park and that there should be a wall surrounding the park. Mr. ONOUE suggested the Kress Store be condemned and made into a park.
10. HENRY LYUM, Vice President and Director of Lyum Enterprises, a family trust that owns parcel 12, testified against the proposed amendment. He feels the site is too small to be a useful park and it is in a dangerous location.

#### QUESTIONS FROM THE COMMISSION

BOXOLD: How did you arrive at the number that the park would cost 15 million dollars?

LYUM: The park would cost 15 million dollars. The figures we have indicate that Mr. KLAPPER paid approximately \$1,000 a square foot on the property that he recently purchased on the corner of Hotel and Union Mall. We heard estimates that it was up to \$1,000. Going on that figure with 11,265 square feet, just the land alone would cost 11 million dollars. Buying the business and relocating the people would cost upward to 3 or 4 million dollars. This is how we came up with 15 million dollars.

11. DAVID LYUM testified in behalf of LORI KANESHIRO who had to leave. LORI wishes to encourage the Commission to oppose the park.
12. DAVID LYUM testified in behalf of MILDRED KANESHIRO who wants to go on record that she is against the park.
13. DAVID LYUM testified in behalf of FRANK LYUM who also wants to go on record that he is against the park.
14. DAVID LYUM, President of Lyum Enterprises, Inc., testified that he is strongly against a park at this particular site. He feels the site is too small and narrow for a park.

The hearing will be kept open and continued on April 1, 1987.

ADJOURNMENT

The meeting adjourned at 4:20 p.m.

Respectfully submitted,

*Patricia J. Kalapa*

Patricia J. Kalapa  
Secretary-Reporter

Telephone:  
(808) 526-2416

**TAKEYAMA & SULLIVAN**

*Attorneys at Law*

Century Square, Suite 3404  
1188 Bishop Street  
Honolulu, Hawaii 96813

Rec'd 2-25-87  
CS conf. room  
1:25 pm  
pk

ROY Y. TAKEYAMA\*  
JAN NAOE SULLIVAN  
\*A Law Corporation

TESTIMONY BEFORE THE PLANNING COMMISSION  
OF THE CITY AND COUNTY OF HONOLULU

March 25, 1987 hearing

Jan Sullivan, Esq.  
Takeyama & Sullivan  
1188 Bishop Street #3404  
Honolulu, Hawaii 96813

Good afternoon Mr. Chairman and members of the Planning Commission. My name is Jan Sullivan. I am the attorney representing Kuilima Development Company in its application for a Special Use Permit that is before you today.

This permit would allow Kuilima to build a wastewater treatment plant to service the resort expansion that is being proposed in the area surrounding the Turtle Bay Hilton at Kahuku. I'd like to give a brief summary of the master plan and the permit history for this project, for those of you who may not be familiar with Kuilima's plans.

At completion, the resort will encompass approximately 800 acres, and will contain approximately 4,000 resort units. The resort will have numerous hotels and resort condominium complexes, two 18-hole golf courses, four parks, an equestrian area, and other recreational amenities. The entire resort is estimated to generate 6,300 direct and indirect jobs on Oahu, with 3,500 of those jobs taking place in the region.

Kuilima has been designated as a secondary resort on the County's General Plan. In 1985 we came before this Commission to amend the Development Plan, and received our requested amendment in May of that year. In March of 1986, the Land Use Commission granted our application for a district boundary amendment and placed the Agricultural areas of the resort into the Urban district. In 1986 we came before this Commission again for our zone change application, and in September of that year, Council passed an ordinance enacting our requested rezoning. One month later, in October of 1986, we obtained our Shoreline Management Area and Shoreline Setback Variance Permits for the project.

The Special Use Permit that is before you today is one of the last remaining land use permits that Kuilima must obtain. It is also a critical permit, since the expansion of the resort is dependent upon the development of the wastewater treatment plant in a timely manner.

The site for the treatment plant was carefully chosen to avoid prime agricultural lands wherever feasible. Dr. Frank Scott conducted an agricultural feasibility study for the property. His study concluded that the large majority of the site - approximately eighteen acres - has poor soil ratings, and sticky, plastic soils. Although about two acres of the site have good agricultural ratings, there is a limited market potential for feasible crops that could be grown on the property, and other environmental factors such as high winds in the area, high land costs and poor drainage on the property, further inhibit agricultural uses of the twenty acre parcel.

The property and the surrounding lands are fallow, and have not been in agricultural production for some time now. To the best of our knowledge, there are no current plans for the surrounding lands. However, Kuilima has taken the precaution of purchasing rights to a three hundred foot easement that surrounds the twenty acre parcel. This easement will provide a buffer area that will mitigate adverse impacts that the wastewater treatment facilities may have on any potential uses of the adjacent properties.

Our application for a Special Use Permit complies with the "unusual and reasonable use" test. The various components of the test have been thoroughly discussed in our application and in the Director's recommendation, so I will not reiterate them at this time.

This commission supported Kuilima's resort expansion when we came before you in 1985 and 1986. We ask for your support again by approving the Director's recommendation for our application, and by allowing us to begin to implement the necessary infrastructure for the resort.

Thank you.



# EDP Hawaii Inc.

Consulting Engineers

1164 Bishop Street, Suite 1515  
Honolulu, Hawaii 96813  
Telephone: (808) 526-1177

Rec'd 2-25-87  
CS conf 100m  
1:25 p.m.  
pk

Mr. Chairman and Members of the Planning Commission,

My name is Paul Low and I represent EDP Hawaii Inc., the civil consultant for the Turtle Bay Resort Project. I am here to provide supplementary information on the project and to answer any questions which you may have on the proposed wastewater treatment facility.

## TECHNICAL INFORMATION

The proposed treatment facility is being designed to provide secondary wastewater treatment for the 4000 hotel and condominium units of the Turtle Bay Resort Project.

The facility will treat a daily average flow of 1.3 million gallons of wastewater in 4 aerated ponds covering about 20 acres. The ponds will be lined to preclude infiltration of the wastewater into the groundwater table. The ponds will contain about 33 million gallons and provide a detention time of at least 24 days.

To accommodate emergency situations, the following have been provided:

1. A motor driven generator with a fuel supply of at least 7 days.
2. At least 3 days storage in the aerated ponds without encroaching on the 2 feet of freeboard.
3. 2 days of storage in the holding ponds to be located on the golf courses.
4. Injection wells located on the golf course below the Underground Injection Control line.

A building setback line 300 feet deep will encircle the plant site which is situated about 600 feet south of Kamehameha Highway and the prevailing wind is from the ENE direction away from any proposed development. These physical characteristics coupled with the foul air purification system at the headworks and mechanical aeration process in the ponds should minimize the potential odor problems and complaints.

## OPERATION AND MAINTENANCE

It is Prudential Insurance Company's intention to dedicate the wastewater treatment facility to the City and County of Honolulu, consequently all improvements will be designed and constructed according to the wastewater standards of the City and County of Honolulu.

Based on discussions with representatives of the Department of Wastewater Management of the City and County of Honolulu, the City will accept dedication of the wastewater facilities up to the effluent line. Prudential will be responsible for the operation and maintenance of the effluent line, the holding ponds, the filter and chlorination equipment at the holding ponds and the injection wells.

Recd 2-25-87  
CS Conf. room  
1:25 pm.  
pk

25 February 1987

Francis S Oda AIA, Inc  
Robert K L Wong AIA, Inc  
Norman G Y Hong AIA, Inc  
Sheryl B Seaman AIA, Inc

Roy H Nihei AIA  
Hitoshi Hida AIA  
Linda M Aniya  
Wan K Chew AIA

Brian T Takahashi AIA  
Kathleen K Saito AIA  
Vincent R Shigekuni  
Diana C Morris  
Barbara A Hirai

Ralph E Portmore AICP

Mr. Shigeyuki Nakatani, Chairman  
and Members of the Planning Commission  
City and County of Honolulu

Re: Application for a State Special Use Permit,  
Turtle Bay Resort Wastewater Treatment Plant

Mr. Chairman and Commission Members:

My name is Ralph Portmore, Senior Planner with Group 70, consultants to the applicant in the preparation of the Turtle Bay Resort Master Plan, and in the processing of the various approvals and permits required to implement the plan. I would like to conclude the applicant's testimony by describing the impacts that the proposed treatment plant will have on views, air quality, and archaeological resources.

#### Visual Impacts

The wastewater treatment plant should not be highly noticeable from either the Turtle Bay Resort or Kamehameha Highway. The lagoons will be "tucked" into the hillside, which will serve as the backdrop for the site, and will be masked by the earth slope in front of them.

The control building and other structures located between the lagoons will be relatively small in size and no more than 14 feet high. (See accompanying site plan.) A 6-foot high hedge along the site perimeter will be provided which will screen all but the top-most portion of the control building, and all of the lower, more mauka structures, from the view of motorists traveling along the highway. (See accompanying site sections.) Earthtone colors will also be used on the buildings to blend them with the surroundings. If the hedge is allowed to grow to 8 feet in height, it should completely screen all buildings from view.

The site's distance (700+ feet) from Kamehameha Highway will further minimize any possible visual intrusion on the environment.

MR. SHIGEYUKI NAKATANI  
25 FEBRUARY 1987  
PAGE 2

#### Air Quality/Odor

The aerated lagoon process which will be used for treatment is relatively odor free. However, should there be a system breakdown, there may be some odor for a short period of time after the treatment process is restarted.

The proposed location for the treatment plant has two important advantages which will minimize the potential for odor problems in the unlikely event that a breakdown occurs:

1. It is physically separated by a significant distance -- at least 1200 feet from the nearest resort condominiums and 700+ feet from Kamehameha Highway -- from any area which will be frequented by the public.
2. The prevailing winds blow in a northeast-southwest direction across the site. They will blow any odors away from the resort and the highway.

#### Archaeological Resources

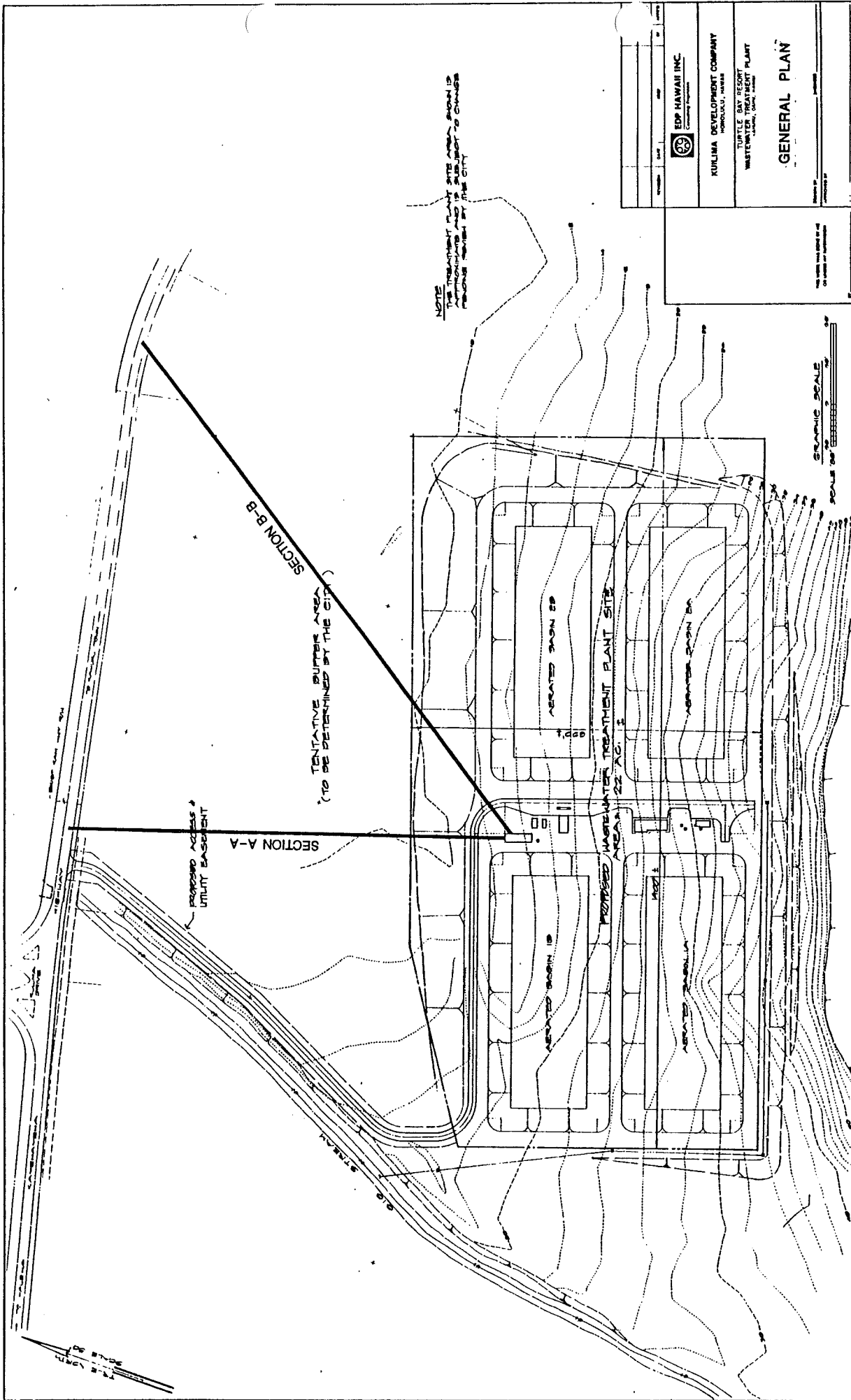
A field reconnaissance survey of the project site and 50+ surrounding acres was conducted in March 1986. A terrace, several irrigation ditches associated with past sugarcane cultivation, and two very small ceramic fragments were found along the perimeter of the survey area, outside of the treatment plant site boundaries. No potentially significant archaeological remains were found within the project site.

That concludes our testimony. Mr. Norman Quon, Project Director for the Turtle Bay Resort, is also here and, along with Ms. Sullivan, Mr. Low and myself, would be happy to answer any questions you may have.

Thank you.

0087B/rp



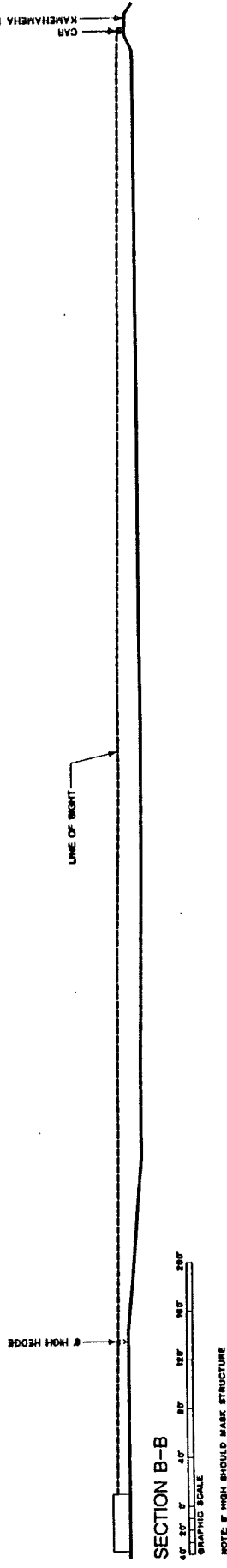
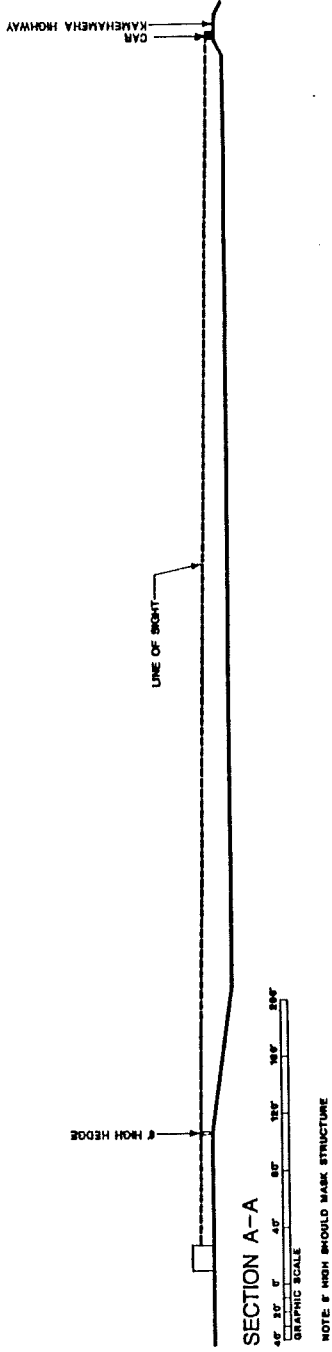


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TENTATIVE BUFFER AREA  
(TO BE DETERMINED BY THE CITY)

EDP HAWAII INC. Consulting Engineers	
KULIMA DEVELOPMENT COMPANY HONOLULU, HAWAII	
KULA WASTEWATER TREATMENT PLANT KULA, HAWAII	
<b>GENERAL PLAN</b>	
SHEET NO. 1 OF 1	DATE: FEB 23 1987

JAN 1987/1987 FEB 23 1987



# TURTLE BAY RESORT

KUILIMA DEVELOPMENT COMPANY  
 SITE VIEWS FROM KAMEHAMEHA HIGHWAY  
 WASTEWATER TREATMENT PLANT

GROUP 70  
 ARCHITECTS AND PLANNERS