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LAND USE COMMISSION  
STATE OF HAWAII

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Attorneys for Director of the  
Department of Planning and Permitting

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of

HAWAIIAN MEMORIAL LIFE PLAN, LTD.,

To Amend the Conservation Land Use  
District Boundary Into the Urban Land Use  
District for Approximately 53.449 Acres of  
Land at Kaneohe, Island of Oahu, State of  
Hawaii, Tax Map No. (1) 4-5-033: por. 001

DOCKET NO. A17-804

WRITTEN TESTIMONY OF KATHY K.  
SOKUGAWA, ACTING DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND  
PERMITTING; CERTIFICATE OF  
SERVICE

**WRITTEN TESTIMONY OF KATHY K. SOKUGAWA, ACTING  
DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING**

For the record, my name is Kathy Sokugawa and I am the Acting Director of the  
Department of Planning and Permitting of the City and County of Honolulu.

DPP supports the Petition of Hawaiian Memorial Life Plan, Ltd., to reclassify  
approximately 53.449 acres of land at Kaneohe, Koolau Poko, Oahu, from the  
Conservation Land Use District to the Urban Land Use District. If approved, the

reclassification will increase the acreage of Oahu's Urban District and place these lands under the zoning jurisdiction of the City and County of Honolulu.

By way of background, Hawaii Revised Statutes (HRS) §46-4(a) provides that “[z]oning in all counties shall be accomplished within the framework of a long-range, comprehensive general plan prepared or being prepared to guide the overall future development of the county.” The Revised Charter of the City and County of Honolulu §6-1507 provides that the City’s general plan and development plans, also known as sustainable communities plans, “are to recognize and anticipate the major problems and opportunities concerning the social, economic and environmental needs and future development of the city and to set forth a desired direction and patterns of future growth and development.” The City’s development plans also require “maps, statements of standards and principles with respect to land uses, statements of urban design principles and controls, and priorities as necessary to facilitate . . . major development activities.” RCH §6-1509.

The City’s development plan for the region is the Koolau Poko Sustainable Communities Plan, dated August 2017. The KPSCP, which is not a regulatory document, presents a vision for Koolau Poko’s future development. It consists of policies, guidelines, and conceptual schemes that will serve as a policy guide for more detailed zoning maps and regulations and for public and private sector investment decisions.

Beginning in 2009, the City facilitated the comprehensive update of the KPSCP through community and government agency involvement. The community outreach process included four focus group meetings, three community-at-large meetings, and

two briefings to each of the region's four Neighborhood Boards. The final draft of the updated KPSCP contained revised policies and guidelines to address community concerns. The City's Planning Commission recommended to the City Council, adoption of the revised KPSCP with modifications. The City Council, through its public review process, included policies and guidelines that supports the Project and adopted the revised KPSCP under Ordinance No. 17-42.

On April 23, 2019, I testified before the Land Use Commission at the hearing on the acceptance of the Final Environmental Impact Statement for the Petition that the Project is consistent with the KPSCP, which specifically indicates that the Petitioner's lands are proposed for cemetery expansion. The 28.2-acre expansion of the cemetery and 14.5 acres for the proposed Kawaewae Heiau cultural preserve are included within the KPSCP's Community Growth Boundary.

In addition, pursuant to Section 3.1.3, Elements of Open Space of the KPSCP, guidelines for cemeteries emphasize very low lot coverage ratios; minimally visible above-grade structures; measures to mitigate, reduce, or rectify adverse impacts on sensitive species or the environment; and specific to any proposed expansion of Hawaiian Memorial Park, a 150-foot buffer from homes, a 2,000-foot buffer from Pohai Nani senior living community, and a phased approach to cemetery interment so that the land adjacent to the residential homes on Lipalu Street are the last to be used in order to minimize potential impact to neighboring residents.

The KPSCP guidelines also state that Hawaiian Memorial Park should record with the State of Hawaii Bureau of Conveyances or the State of Hawaii Land Court, or both, as appropriate, a conservation easement on the entirety of the 156-acre

undeveloped portion of the Pikoiloa Tract property (Tax Map Key 4-5-033: 001) that would limit any other future development on the property, except for the 28.2-acre portion of the property that encompasses the proposed expansion site, and the 14.5-acre portion of the property that encompasses the proposed Kawaewae Heiau cultural preserve.

I note that the Final Environmental Impact Statement for the proposed Project and the Second Amendment to Petition for Land Use District Boundary Amendment on pages 2-49 and page 262, respectively, states that the details of this conservation easement would be developed later between the Petitioner and the Hawaiian Islands Land Trust (“HILT”) upon reclassification approval of this Petition. Furthermore, the FEIS states that it is expected that the easement would be a condition of approval by the LUC.

I would like to emphasize that should the subject Petition be approved, Conservation District lands reclassified to Urban, would be subject to uses and standards set forth under the P-2 General Preservation District, per Chapter 21 of the Revised Ordinances of Honolulu, otherwise known as the Land Use Ordinance. Cemeteries and cultural preserves are uses permitted in the P-2 General Preservation District, and thus would not trigger the need for additional discretionary land use approvals where the City has the ability to impose conditions. The Project will require, pursuant to HRS §441-4, approval of the location and boundaries of the cemetery expansion by City Council resolution.

I further reiterate that as stated in the adopting ordinance for the KPSCP in Section 24-6.2(c) of the ROH, “the provisions of this article and the Koolau Poko SCP

are not regulatory. Rather, they are established with the explicit intent of providing a coherent vision to guide all new public and private sector development within Koolau Poko.” As such, and given that no discretionary land use approvals at the City level are needed, the guidelines contained in the KPSCP pertaining to cemeteries and specifically the expansion of the Hawaiian Memorial Park could not be required unless they were adopted by the LUC as conditions of its Decision and Order approving the subject Petition.

Furthermore, while the City supports the subject Petition, we have concerns regarding the loss of forest as a result of the cemetery expansion which is contrary to the City’s efforts to encourage the planting and preservation of trees to offset the effects of carbon production or the loss of resources that sequester carbon. While we are encouraged by the Petitioner’s plan to mitigate potential impacts through: 1) the open landscaped character of the cemetery consisting mainly of grass; 2) seeds or cuttings from existing indigenous and endemic plant species to be replanted around the cemetery expansion area; 3) establishment of the cultural preserve to continue cultural practices and collecting plants; and 4) the Petitioner’s partnership with the Hawaiian Islands Land Trust to create a conservation easement for 156.5 acres of the 164.4-acre parcel, we suggest that the Petitioner provide additional information to address the effects of the Project on carbon sequestration and options to offset the loss of forest and tree canopy.

Given the above, the City recommends the following be considered as conditions of approval of the subject Petition:

1. Establishing a buffer between the proposed cemetery expansion, Pohai Nani project, and other adjacent residential properties shall be required.

2. The Petitioner shall record with the State of Hawaii Bureau of Conveyances or the State of Hawaii Land Court, or both, as appropriate, a conservation easement and related declaration of restrictive covenant on the entirety of the 156.5-acre undeveloped portion of its Pikoiloa Tract property (TMK No. 4-5-033: 001) that limits, in perpetuity, any other future development on the property, except for the 28.2-acre portion of the property that encompasses the proposed Hawaiian Memorial Park expansion site, and the 14.5-acre portion of the property that encompasses the proposed Kawaewae Heiau cultural preserve.

A copy of the recorded conservation easement and declaration of restrictive covenant shall be submitted to the City and County of Honolulu, Department of Planning and Permitting, prior to the issuance of any grading permit or any other permit which involves ground disturbance.

Should the Petitioner desire to make any major changes to the conservation easement or the declaration of restrictive covenant, a request to amend the Decision and Order shall be made to the LUC.

3. Prior to the issuance of a grading permit, the Petitioner shall submit to the City and County of Honolulu, Department of Planning and Permitting, a landscape plan and schedule of planting. Within the Petition Area, the loss of mature trees, defined as having a trunk diameter of six inches or greater, shall be replaced on a one-for-one basis, at a minimum, with preferably field stock trees that will have approximately similar size canopy coverage within a reasonable period of time. The location of replacement trees are not limited to the Petition Area.

I maintain that DPP reserves the right to modify any of the City's recommended conditions of approval as this matter proceeds through the hearing and decision-making process.

DATED: Honolulu, Hawaii, December 23, 2019.



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Kathy K. Sokugawa, Acting Director  
Department of Planning and Permitting  
City and County of Honolulu

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In the Matter of the Petition of  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this date and by the method of service noted below,  
a true and correct copy of **WRITTEN TESTIMONY OF KATHY K. SOKUGAWA,**  
**ACTING DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING** was  
served upon the following individuals at their last known address:

	DELIVERY	MAIL
Mary Alice Evans, Director Office of Planning 235 South Beretania Street Honolulu, Hawaii 96813	X	
Dawn Takeuchi-Apuna, Esq. Deputy Attorney General Department of the Attorney General 425 Queen Street Honolulu, Hawaii 96813	X	
Curtis T. Tabata, Esq. Matsubara, Kotake & Tabata 888 Mililani Street, Suite 308 Honolulu, Hawaii 96813	X	



Kathy Sokugawa, Acting Director  
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DELIVERY  
X

MAIL

Hui O Pikoiloa  
Attention: Grant Yoshimori  
45-464 Lipalu Street  
Kaneohe, Hawaii 96744

X

DATED: Honolulu, Hawaii, December 23, 2019.

PAUL S. AOKI  
Acting Corporation Counsel

By: 

DUANE W. H. PANG  
Deputy Corporation Counsel  
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Department of Planning and Permitting