



'Aina Haina Library
5246 Kalaniana'ole Highway
Honolulu, Hawai'i 96821

Wayson Chow
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Devon James

Ex-Officio
Lenore Johnson

February 12, 2013

Via Facsimile (808) 768-6041 & U.S. Mail

Jiro Sumada, Acting Director
City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Sumada:

Property Address: 1031, 1055 and 1057 Hao St.
Honolulu, HI 96821
Tax Map Key: 36024001
Building Permit # A2012-10-0162
A2012-10-0150
Property Owner: Residences at Aina Haina, LLC
1100 Alakea Street, 25th Floor
Honolulu, Hawaii 96813
Subject: Suspension/Revocation of Building Permits
Issued January 28, 2013

The 'Aina Haina Community Association respectfully requests that the City Dept of Planning and Permitting (DPP) promptly suspend and revoke the DPP's January 28, 2013 Building Permits for two separate two story single family dwellings, with maximum fifteen foot (15' retaining walls, topped by a six foot maximum height chain link fence, and a 20' wide electronic driveway gate), at the 1031 Hao Street entrance, at the foot of the Wailupe Valley trail, a State Dept of Land and Natural Resources Na Ala Hele recognized mountain trail

The DPP's two above mentioned Building Permits authorizing the Property Owner to construct a maximum six foot high chain link fence and a private electronic gate violates the City's duties to defend, enforce and protect public rights of way and public access on recognized mountain trails, across private lands, including the above mentioned parcel. H.R.S. § 46-6.5 and Revised Ordinances of Honolulu (ROH) § 22-6.1—§22-6.5.

The DPP's Director's April 27, 2007 DEFERRAL decision, page 2, ¶ 5, ¶6 and ¶7 regarding RAH's 2007 Sub-88 Subdivision Permit Application (**Exhibit "1"**) and the State Dept of Land and Natural Resources May 24, 2007 (**Exhibit "2"**) and the DLNR's April 25, 1996 Letter (**Exhibit "3"**) expressly recognized the Property Owner's duties to comply with DLNR's Na Ala Hele Trails and Access requirements mandating traditional public access to the mountains, along the Wailupe Valley trail. See **Exhibits "1", "2" and "3"**.

Jiro Sumada, Acting Director
City Dept of Planning & Permitting
February 12, 2013
Page 2

Lastly, ROH §22-6.3 and §22-6.4 requires that any City Building Permits for the above two single family dwellings plus an additional six dwellings (totaling eight single family dwellings) described in the September 9, 2012 Shinsato Soil Engineering Report, Appendix's Plot Plan, Plate 2 (**Exhibit "4"**), the DPP's approved 2011 Sewer Connection Permit 2011-SCA 0211 for eight single family homes, and RAH's Architect Gary L. Heald's April 6, 2011 letter to Board of Water Supply's Chief Engineer Requesting Water Flow Availability, Pressure Data and Offsite Fire Protection, for a Proposed Eight Unit Single Family Dwellings development, on TMK 3-6-24:1 (**Exhibit "5"**) consistently reflect the Property Owner's residential development plans for eight single family homes, triggering the City's duties to promptly protect and obtain dedicated public rights of way along the Wailupe Valley trail, across private lands, such as the subject parcel.

In summary, the AHCA respectfully requests that the City Department of Planning & Permitting and Mayor Kirk Caldwell, promptly respond to this Building Department Permit Suspension/Revocation request.

If additional information is needed, if any questions or problems arise regarding your suspending and/or revoking the DPP's above-mentioned January 28, 2013 Building Department Permits, please contact me via email: waysonc@gmail.com, by fax (888) 461-4884 (toll free) or by phone: 599-8844 at any time.

Sincerely,

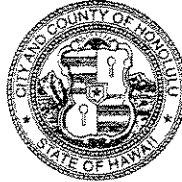


Wayson Chow, President
Aina Haina Community Association

Cc: Mayor Kirk Caldwell
City Councilman Stanley Chang

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
 TELEPHONE: (808) 766-8000 • FAX: (808) 527-6743
 INTERNET: www.honolulu.gov • DEPT. WEB SITE: www.honolulu.gov



MUFI HANNEMANN
 MAYOR

HENRY ENG, FAICP
 DIRECTOR

DAVID K. TANOUE
 DEPUTY DIRECTOR

2007/SUB-88

SUBDIVISION	
File Number	: 2007/SUB-88
Project	: SUB / Aina Haina--Hao Street Subdivision / TMK: 3-6-024: 001
Location	: 1031 Hao Street
Tax Map Key	: 3-6-024: 001
Owner	: Residences at Aina Haina LLC
Surveyor	: Hida, Okamoto & Associates
Agent	: Craig Oyadomari

Description of the Proposal: Subdivision of Lot 1593, as shown on Map 223 of Land Court Application 656 into 11 residential lots: Lots 1 to 11 with areas ranging from 8,123.55 square feet to 98,444.87 square feet, a private park (Lot 12) of 46,859.10 square feet, a 44-foot wide right-of-way (Hao Street Extension), and the designation of Easement W-1 (for access and water purposes in favor of the Board of Water Supply) affecting Lot 3, and Easements A-1 and A-2 (for access purposes in favor of the Board of Water Supply, the City and County of Honolulu, the Department of Land and Natural Resources and Lots 4 and 3 respectively) affecting Lots 3 and 4.

Action on the proposal was **DEFERRED** pending:

1. Submission by the applicant and approval by our Civil Engineering Branch of: a) A geotechnical assessment addressing if there are any hazards associated with slope stability and rockfall, and b) A stream setback boundary report, under the provisions of Sections 2-201(c)(7) and 2-201(d) of the Subdivision Rules and Regulations. Should you have any questions regarding this requirement, please contact Mr. Melvin Takakura of our Civil Engineering Branch at 768-8104.
2. Compliance with the requirements of our Wastewater Branch on confirmation of sewer capacity reservation. Sewer capacity reservation is contingent on the submittal and approval of a "Sewer Connection Application" form, available at the Service Counter of our Wastewater Branch on the First Floor of the Frank F. Fasi Municipal Building. Should you have any questions regarding this requirement, please contact Mr. Wayne Nakamura at 768-8198 or Mr. Terry Arnobit at 768-8208.

EXHIBIT 1
 Page 1 of 3

3. Submission by the applicant of a completed Park Dedication application in accordance with Section 22-7 of the Revised Ordinance of Honolulu and the Park Dedication Rules and Regulations, and determination of an acceptable method of compliance. Should you have any questions regarding this requirement contact Mr. Jeff Lee at 768-8099 or Mr. Dennis Silva at 768-8101.
4. Clarification by the applicant as to the name of the person signing on behalf of the fee owner of the property.
5. Receipt of comments and recommendations from the Department of Land and Natural Resources (DLNR) Division of Forestry and Wildlife's (DOFAW's) Na Ala Hele Trails and Access Program as to whether the proposed subdivision meets requirements to provide public access to the mountains.
6. Receipt of comments and recommendations from the Department of Parks and Recreation (DPR) regarding compliance by the applicant with statutes requiring the provision of public access to the mountains, and whether DPR will accept the deeds of conveyance to such public access under the provisions of Article 6, Chapter 22, ROH.
7. Clarification of the improvements proposed within access easements A-1 and A-2 to provide public access to the mountains.
8. Submission by the applicant of topographic plans showing by shading, coloring or other means, that each of the proposed lots in the subdivision shall be provided with a minimum buildable area equal to half the minimum lot size of the zoning district within which the finish grades shall be less than 40 percent grade. Any filling of the lots to obtain slopes of less than 40 percent shall not exceed 5 feet in depth, under the provisions of Section 4-411 of the Subdivision Rules and Regulations, as amended.
9. Submission by the applicant of preliminary sketches showing how homes and off-street parking will be constructed on lots with slopes of 30 to 40 percent grade that meet all applicable Land Use Ordinance (LUO) requirements. The applicant shall demonstrate that the lots can be developed without the need for the City to grant any zoning variances from height, setback, off-street parking or other LUO requirements.
10. Clarification as to whether Lots 1, 3 and 4, which are more than twice the minimum required lot size in the R-7.5 district, will be further developed with additional housing units under future subdivision or cluster permits.
11. Clarification as to whether Hao Street Extension will meet maximum allowable gradients for streets and turnaround areas, as well as other applicable City street standards without the granting of modification from such street standards.

EXHIBIT

Section 2-203(c) of the Subdivision Rules and Regulations states that the deferral shall be for a period of 90 days from the date of this action, unless a written request for an extension of the deferral is submitted to the Director of Planning and Permitting prior to the expiration of the 90 day period. The subdivision application will automatically expire and become null and void if the 90-day period passes without a request for an extension of the deferral. Any further action will require the submission of a new application including 20 prints of the map, a new filing fee and necessary documents.

THIS COPY IS NOTIFICATION OF THE ACTION TAKEN AND THE DATE IT WAS SIGNED.

	DIRECTOR	April 27, 2007
SIGNATURE	TITLE	DATE

This approval does not constitute approval of any other required permits, such as building or sign permits. Should you have any questions, please call Jeff Lee at 768-8099 or Dennis Silva at 768-8101.

EXHIBIT 1
Page 3 of 3

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813
TEL (808) 587-0100 FAX (808) 587-0100

May 24, 2007

ALLAN A. SMITH
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

PETER T. YOUNG
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MAIL ROOM
RECEIVED

Mr. Henry Eng, FAICP, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, HI 96813

Dear Mr. Eng:

Subject: Proposed Subdivision -- TMK: 3-6-024: 001.

Your request to Alan A. Smith, Interim DLNR Director to determine whether this proposed subdivision requires the applicant to provide public access to the mountains was referred to the DLNR, Division of Forestry and Wildlife. The response to Mr. Patrick T. Onishi, Director, Department of Land Utilization on April 25, 1996 from DLNR, Chairperson Michael D. Wilson remains relevant to this request. The attached correspondence is provided for your reference. In addition, we request a provision to include a five car parking area at the end of Hao Street for hiker parking and any over-spill parking will be allowed along either side of this street.

We encourage the developer/applicant to work with DLNR to provide appropriate access amenities to public lands mauka of this proposed subdivision. Please call Mr. Aaron Lowe, Oahu Trails and Access Manager at 973-9782 if you have questions regarding our review of this subdivision request. We appreciate the opportunity to comment on your request.

Sincerely yours,

Paul J. Conry
Paul J. Conry
Administrator

C: Aaron Lowe, Oahu DOFAW

Attachment

Post-It® Fax Note	7671	Date	5/21/07	# of pages	3
To	CECILE OYADOMAKI	From	JACK LOWE		
Co/Dept	HISA OKAMOTO	Co	DFP		
Phone #		Phone #	768-8099		
Fax #	947-7546	Fax #			

EXHIBIT 2

WENJUNSON J. CAYTANO
GOVERNOR OF HAWAII



MICHAEL D. WILSON
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY
GILBERT S. COLOMA-AGARAN

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P.O. BOX 821
HONOLULU, HAWAII 96808

APR 25 1996

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

Mr. Patrick T. Onishi
Department of Land Utilization
650 South King Street
Honolulu, HI 96813

Dear Mr. Onishi:

Subject: Proposed subdivision located in Aina Haina-Hind Iuka Drive area, owner
Volumus Co. LTD

I apologize for the late comments and recommendations. The Department of Land and Natural Resources (DLNR) Division of Forestry and Wildlife's (DOFAW) Na Ala Hale (NAH) Trails and Access Program has been working with the Volumus Co. in establishing public access to the Honolulu Forest Reserve via Wailupe trail (OAL5009) which traverses a section of Volumus property.

DOFAW staff has reviewed the tax map key (TMK 3-6-04:01), forestry boundary and trail inventory maps and visited the location with Keith Kurahashi, of Kusao & Kurahashi, Inc. On April 17, 1996 NAH staff met with representatives from Volumus Co. and discussed some possibilities which are outlined in the following comments and recommendations below.

Comments:

1. The proposed subdivision located Aina Haina-Hind Iuka Drive (TMK 3-6-04:01) overlaps the Wailupe gulch trail head (OAL5009) which is located on the West side of the lower Wailupe portion of the Honolulu Forest Reserve. The subdivision also overlaps access to the east side of the lower portion of the reserve. (see attached map). Therefor the proposed subdivision request must comply with Honolulu City and County Ordinance 4311.
2. Access to the Wailupe Gulch trail needs to be maintained for hiking and hunting but also for management purposes - such as wild-land fire suppression.
3. Access to the east side of the Honolulu Reserve needs to be maintained for management purposes - such as wild-land fire suppression.

EXHIBIT 3

Page 1 of 2

Patrick T. Orishi
Page 2

Recommendations:

1. The Volumns Co., upon completion of the subdivision will establish an easement through their land starting at the end of Hao street along either the established trail or reroute the trail to take the shortest route from Hao street to the forest reserve. Any trail rerouting will be to NAH specifications. For example: The trail would only be for pedestrian access, with width dimensions not exceeding a 36 inch tread-way with 2-3 feet of cleared vegetation on either side of the tread and a gradient of no more than 15%.
2. The Volumns Co. upon completion of the subdivision needs to give key to DOPAW staff for access to the east part of the lower Waiupe portion of the Honolulu Forest Reserve for purposes of management.

Agreement thus far:

1. NAH staff is willing to explore the possibility of selecting a new mauka access route through the subdivision to the forest boundary prior to the completion of the subdivision and consult on proper trail construction.
2. The Volumns Co. has agreed to submit a revised map showing the different easement possibilities.
3. The Volumns Co. has agreed to allow access to DOPAW staff through the east side of the subdivision for management purposes.
4. An MOA will be drafted that delineates vehicular access for DLNR through Volumns property for management purposes.

If you have any further questions, please contact Aaron Lowe, Oahu Trails and Access Specialist.

Attached: Enlarged topographic map showing trail and forest boundary
Subdivision map showing purposed subdivision boundary and Hao street
NAH trail specifications

Aloha,

Michael D. Wilson
MICHAEL D. WILSON

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Page 2 of 2

SP# 4545

2012/CP-263

11/7/12

REPORT
SOILS INVESTIGATION

PROPOSED AINA HAINA DEVELOPMENT
1031 HAO STREET
HONOLULU, HAWAII
TMK: (1) 3-6-024: 001

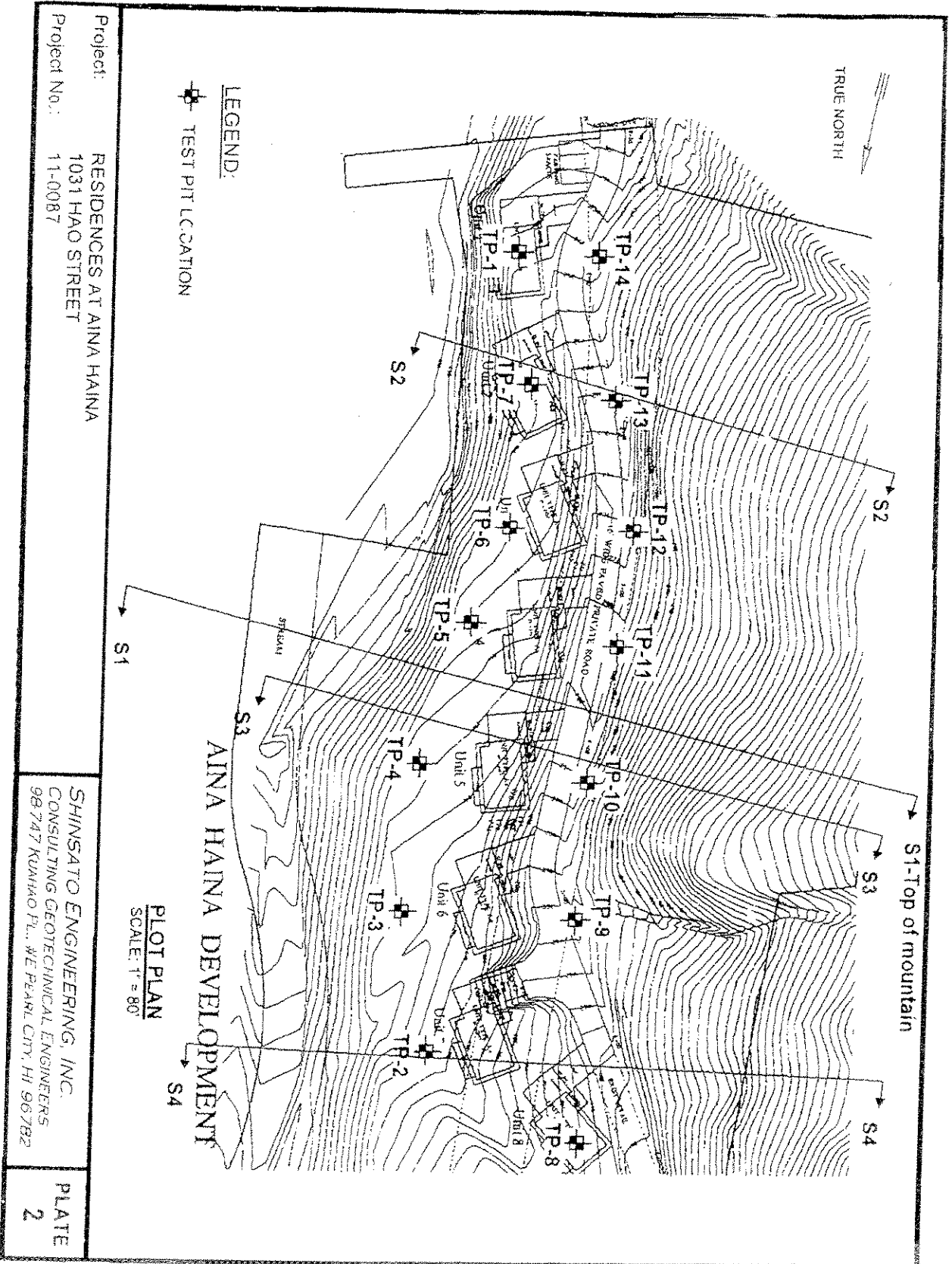
for

RESIDENCES AT AINA HAINA LLC

Project No. 11-0087
September 9, 2011

SHINSATO ENGINEERING, INC.
98-747 KUAHAO PLACE, #E
PEARL CITY, HI 96782

EXHIBIT 4
Page 1 of 2



Project: RESIDENCES AT AINA HAINA
 1031 HAO STREET
 Project No.: 11-0087

SHINSATO ENGINEERING, INC.
 CONSULTING GEOTECHNICAL ENGINEERS
 98747 KUAHMO PL., W. PEARL CITY, HI 96782

PLOT PLAN
 SCALE: 1" = 80'

PLATE
 2

EXHIBIT 4
 2 of 2

REC 4/12/11
due 4/19/11

msw

RECEIVED
BOARD OF WATER SUPPLY
2011 APR 12 A 8 17

ARMSTRONG DESIGN, LTD.
80 Sand Island Access Road #209
Honolulu, Hawaii 96819
Phone 848-2484

110355

CE/FIN

April 6, 2011

Mr. Wayne M. Hashiro, P.E.
Manager and Chief Engineer
Board of Water Supply
630 South Beretania Street
Honolulu, Hawaii 96813

Re: Request for Water Availability Inquiry & Offsite Fire Protection Study

Dear Mr. Hashiro:

I am requesting an inquiry of water availability and offsite fire protection study for the proposed building of eight new single family dwellings on the described lot at 3031 Hao Street (Aina Hina), City & County of Honolulu, Hawaii. The existing lot is vacant.

Following is a description of the lot & project:

Tax Map Key:	3-6-024:001
Address:	1031 Hao Street
Property size:	9.532 acres
Project:	Build eight new single family dwellings on this lot
Property Access:	Hoa Street
Elevations:	See attached site plan
Layout:	See attached site plan
Site:	See attached site map
Contact:	Gary Herald, AIA 80 Sand Island Access Road #209 Honolulu, Hawaii 96819

Should you need any additional information, please contact me at your earliest convenience at 848-2484 x22 or Email at gary@armstrongbuilders.com. Thank you.

Sincerely,

Gary L. Herald, AIA
Architect

EXHIBIT 5