

AIRPORT ZONING BOARD
Special Meeting
Friday, February 27, 1953

A special meeting of the Airport Zoning Board was held in the Office of City Planning Commission on Friday, February 27, 1953.

The meeting was called to order by Mr. Pietsch at 2:40 p.m.

Present: Mr. O. V. Andrew, Member
Mr. C. J. Pietsch, Member
Mr. George Houghtailing, Chairman
(Called away briefly at beginning of meeting)

Attending: Mr. Mark E. Martin, Airport Manager, Honolulu Airport
Mr. Frederick K. F. Lee, Civil Engineer,
City Planning Commission

MINUTES: The minutes of the meeting held on December 22, 1952, were approved as circulated.

COMMENTS ON CIVIL AERONAUTICS ADMINISTRATION
PROPOSED

AIRPORT ZONING RULES & REGULATIONS Mr. Martin presented the letter written by Mr. Edgar N. Smith, CAA Regional Director, dated February 10, 1953, and stated that the letter contained the opinions of the Attorneys in the General Counsel's Office in Washington. Mr. Martin commented on some of the points of their letter as follows:

1. CAA questioned the advisability of one set of regulations being applied to eleven separate airports, and also referred to Section 6 of the Hawaii Airport Zoning Act (Act 182, S.L. 1945). They felt it was doubtful that such composite regulations would satisfy statutory and constitutional requirements. They also mentioned that they know of no other instance in which the procedure of zoning the approaches of more than one airport in a single set of regulations has been adopted.

In the discussion that followed, the concensus of the board was that we should go on with our present method of zoning and the fact that it has not been attempted in the past should not be a reason for changing our course of action at present.

2. It was pointed out by the CAA that we should not make restrictions that might cause an undue financial burden, such as in the matter of restrictions being overous to the extent of being confiscatory, in which case the property owners would require compensation. *overous*

Mr. Martin stated that a study has been made on the extent of restrictions and that the Airport Zoning Board would have the power to make exceptions to the regulations.

3. Attention was called to regulation 9 regarding the prohibition of transmission lines.

Mr. Pietsch observed that the board could hardly prohibit transmission lines but steps should be taken to prevent such installations from interfering with airport operations.

4. The CAA questioned the advisability of imposing standards in excess of TSO-N18 unless convincing and compelling reasons exist for the establishment of more exacting regulations.

Mr. Martin restated the fact that TSO-N18 is not an unchangeable standard. He presented as an example that the proposed regulations called for 1,000 feet clearance off the end of certain runways but TSO-N18 called for 200 feet; he further stated that this would not cause any hardship on property owners around Honolulu Airport.

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(At this point Mr. Houghtailing entered the meeting and the discussions were summarized by Mr. Pietsch.)

Mr. Martin questioned Mr. Lee on the situations which might arise after a permit has been issued.

Mr. Lee stated that he thought the Law would question outright prohibition of uses as presently required in regulation 9, but that if a "new use" should be created the board could stop such use.

Mr. Houghtailing summarized the foregoing by stating that even if it is a permissible use at the time of issuance of permit, if it causes unusual hazard to aviation, the more stringent of the regulations would take precedence.

It was agreed that Section 9 should be reworded accordingly.

5. The CAA closed their comments, referring to a previous letter written October 13, 1952, by saying that although they have made certain suggestions they assume no responsibility in connection therewith.

THURSTON'S LAND IN KONA: The matter of Thurston's land in Kona was brought up. It was mentioned that he probably cannot even build a one-story house on the land in question. Mr. Houghtailing suggested that there should be a meeting with Mr. Thurston on this. Mr. Martin stated that Mr. Thurston is aware of the present progress of the Airport Zoning Regulations.

ACKNOWLEDGMENT OF LETTERS: Mr. Houghtailing requested that a memo be incorporated in the minutes to show that letters have been presented to the board for review.

Mr. Martin stated that according to the Act these letters or appeals should first be submitted to the HAC and the Commission will transmit to the board all the papers relating to the appeals. Mr. Houghtailing and Mr. Pietsch disagreed on Mr. Martin's interpretation of the clause and felt that all action should come from the board or on behalf of the board and that HAC, being the working body only, is not in a position to have authority on this matter. After much discussion, it was agreed that Mr. Sharpless should be present at the next meeting to clarify this question.

OTHER LETTERS:

BOARD OF SUPERVISORS, CITY & COUNTY

Public Works Committee report No. 58 acknowledged the receipt of notice of public hearing and proposed regulations. The comments were referred to the Chief Engineer, Superintendent of Buildings, City Planning Commission, and Board of Parks and Recreation.

BOARD OF PARKS & RECREATION, CITY & COUNTY

Letter of January 6, 1953, by Mr. Theodore F. Nobriga, Assistant Superintendent, acknowledged proposed regulations and stated that the regulations will be studied by their park designers and any recommendations will be filed within the specified time.

CITY PLANNING COMMISSION (Acknowledgment)

Speaking on behalf of the City Planning Commission, Mr. Houghtailing made verbal acknowledgment of the foregoing regulations and assured the board that their comments will also be ready on time.

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SUPT. OF BUILDINGS, CITY & COUNTY

Letter of January 6, 1953, by Mr. Arthur Akinaka, Superintendent of Buildings.

In addition to acknowledgment of regulations he called attention to regulation 9 which was previously discussed.

CALIFORNIA-EASTERN AIRWAYS

Letter of January 7, 1953 by Mr. J. F. Davidson, Vice-President, concurred with draft of regulations and made no comments.

Mr. Martin was asked by the board if there were any more letters or comments. The answer was no.

The Chairman then requested Mr. Martin to acknowledge receipt of the letters received on behalf of the board.

CAA LETTER TO HAC RE: ENGINEERING SURVEY: Mr. Harrison, Director of HAC, requested that the matter of engineering survey be referred to the Airport Zoning Board. Mr. Martin explained that the HAC has not been able to provide airlines such as PAA and United with information regarding conditions contrary to zoning regulations.

Following some discussion on the matter Mr. Houghtailing suggested that as long as there are funds earmarked for such purposes in the Budget the Board should ask the HAC to get contour aerial photos.

Mr. Lee asked if it will be in order to ask the U.S. Coast & Geodetic agency to help with this work. He added that they fly verticals and obliques.

It was moved by Mr. Andrews, seconded by Mr. Pietsch, and carried, that Mr. Martin investigate the matter and report at the next meeting.

MEETING DATE: Mr. Houghtailing stated that between now and April 1, the board should have weekly meetings.

He asked that Mr. Sharpless be notified to be present at the next meeting.

It was moved and seconded that the next meeting date be Friday, March 6, 1953, at 10:30 a.m.

ADJOURNMENT: Meeting was adjourned at 3:38 p.m.

Respectfully submitted,


George Houghtailing, Chairman