



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

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#363

June 8, 1977

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Executive Officer

HAWAII PLANNING COMMISSION  
25 Aupuni Street  
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on June 2, 1977, the Land Use Commission voted to approve a Special Permit request by Domingo Nazara, Sr., Hawaii (SP77-263) to allow an existing building to be used for the baking and commercial sale of Portuguese sweet bread on approximately 2.73 acres within the State Land Use Agricultural District at Halekii, South Kona, Hawaii, Tax Map Key 8-1-1: 29.

Approval of this Special Permit is subject to the conditions imposed by Hawaii County Planning Commission.

A copy of the staff memorandum is enclosed for your information.

Sincerely,

GORDAN Y. FURUTANI  
Executive Officer

GYF:jy  
Encl.

cc: Domingo Nazara, Sr.  
Dept. of Taxation, Hawaii  
Tax Maps Recorder, Dept. of Taxation  
Real Property Tax Assessor, Dept. of Taxation  
Dept. of Planning & Economic Development  
Property Technical Tax Assessor, Dept. of Taxation  
Office of Environmental Quality Control  
Division of Land Management, DLNR

STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission June 2, 1977  
9:00 a.m.

FROM: Staff

SUBJECT: SP77-263 - Domingo Nazara, Sr.

The petitioner, Domingo Nazara, Sr., is requesting a Special Permit to allow an existing building within the State Land Use Agricultural District to be used for the baking and commercial sale of Portuguese sweet bread. The subject property is located approximately 1,400 feet mauka (east) of the Mamalahoa Highway (Hawaii Belt Highway) and the Kona Community Federal Credit Union building in Haleki'i, South Kona, Hawaii, Tax Map Key 8-1-1:29.

The subject site is approximately 2.73 acres in size. An existing dwelling and carport are located within the makai or western portion of the subject parcel. It is the petitioner's intent to construct a kitchen for the baking of Portuguese sweet bread in the area that is presently a carport. The remainder of the parcel is principally utilized for the cultivation of macadamia nuts, bananas, avocados and guavas.

The Kona Hospital, Hawaii National Guard Armory and Kealakekua village are located in the near vicinity of the subject property. Lands surrounding the subject property are in residential, agricultural or vacant use.

In support of the request, the petitioner has in part, stated the following:

"This application for a Special Permit to build a kitchen is being requested due to the Department of Health's requirement that any food products to be sold to the public cannot be prepared in my own home kitchen.

"...The location of the kitchen is such that it will not hinder or interfere with my neighbors or any public agencies, change the character of the land or its present use as a Macadamia Farm but will bring the value of this property up, (and) make it possible to provide for the public a desired product..."

"...My house is located by the entrance of the property. The carport is adjoining the existing dwelling, so the

location of the proposed kitchen will be to the back left corner of the carport area. I intend to use it for the baking of Portuguese sweet bread for as often as I need to bake bread, as I bake according to the orders I have in advance. This might be daily if I have that many orders. At present, I intend to bake only sweet bread as I do not have the time for other projects.

"I intend to deliver these orders and not to be selling here on the premises as I do not wish to have my property opened to the public. This is my macadamia nut farm and my intentions are to continue working the farm.

"The sales of bread will help me pay for this farm as I have had to buy the 2.7 acres farm lease which has unexpectedly been put up for sale.

"I am still having orders for bread but have not been able to make the bread for selling purposes due to the Board of Health's requirement for a special kitchen for that purpose and for this reasons am anxiously waiting your approval."

The subject parcel is zoned Agricultural 5-acres (A-5a). The General Plan Land Use Pattern Allocation Guide Map designates the makai (west) portion of the subject property for Medium Density Urban Uses, while the mauka (east) portion is designated Orchards. The requested use is to be situated within that portion of the property designated for Medium Density Urban Uses.

The area under consideration consists of Honuauulu extremely stony silty clay loam soils. The surface layer is very dark brown silty clay loam about 9 inches thick, with stones covering from 3 to 15 percent of the surface. The subsoil is dark-brown cobbly and stony silty clay loam between 2 to 2½ feet thick. This soil is used mostly for pasture, coffee, bananas, macadamia nuts and avocados.

The Land Study Bureau's master productivity rating for the subject site is "E", which indicates that the overall agricultural suitability of the land is very poor.

Average annual rainfall is approximately 40 inches.

Pertinent comments from governmental agencies:

1. Fire Department:

The Fire Department stated that protection is provided by the Captain Cook Fire Station located 2.5 miles away and that the nearest fire hydrant is situated near the Kona Adult Housing.

## 2. Department of Water Supply

While the Department of Water Supply had no objections to the Special Permit request, it did remark that water service to the subject property would be limited to an existing 5/8-inch meter.

## 3. Department of Health

"Mr. Nazara Sr.'s request is for a food manufacturing permit which regulates bakeries. To communicate the enormous task involved in meeting the requirements of a bakery, the following detailed comments are made.

"The Public Health Regulations, Chapter 1-A, Food Service and Food Establishment Sanitation Code require:

1. Three compartment sinks for washing, rinsing and sanitizing equipment and utensil.
2. One compartment preparation sink.
3. Handwash basin in the food preparation area.
4. Hot and cold running water.
5. Hood to cover all baking ovens with ducts to the open air.
6. Toilet facilities for foodhandlers.
7. An approved sewage disposal system.
8. Vermin proofed structure.
9. Approved floors, walls and ceiling within the bakery.

"Request is made to Mr. Nazara Sr. to contact our registered sanitarian in Kona for consultative inspection."

All other cooperating agencies, including the U. S. Soil Conservation Service, Hawaii County Police Department and Hawaii County Department of Public Works had no comments on or objections to the subject request.

At the public hearing held by the Hawaii County Planning Commission on March 23, 1977, the only person to testify on the permit request was the applicant.

On April 14, 1977, the Hawaii County Planning Commission voted to recommend approval of the Special Permit based upon the following findings:

"That approval of the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the subject request is essentially to allow a kitchen to be constructed within an existing dwelling-carport structure. The proposed kitchen will be used by the petitioner's family to bake Portuguese sweet bread which will be sold as a commercial product. The amount of bread baked would be dependent upon orders received by the petitioner. Most of the subject property is currently in orchards, primarily macadamia nuts. The petitioner's intent is to continue the existing agricultural use of the subject property as a primary activity. The proposed use which is being requested would be secondary to the established agricultural use. It is therefore determined that approval of the subject request would not be contrary to the State Land Use Law and Regulations inasmuch as the major portion of the area under consideration will be used agriculturally, in keeping with the District Regulations. The establishment of the proposed use is not expected to detract from that agricultural use.

"Further, the proposed use will not substantially alter the essential character of the subject property and its present use, nor will it adversely affect surrounding properties. All of the facilities necessary for the establishment of the proposed use will be housed within an existing structure, namely within the petitioner's carport. Any changes will be interior ones and as such will not disrupt or interfere with other existing uses or the agricultural character of the parcel. The proposed use is also to be on a small scale, of a home occupation nature. In addition, the petitioner has stated that the baked product will be delivered to his customers, which will alleviate potential traffic and possible adverse or bothersome impacts upon surrounding properties.

"The establishment of the proposed use will also not unreasonably burden public agencies to provide additional services and facilities. The subject property is adequately served by existing services and facilities and the proposed use will not significantly increase the demand for such services and facilities."

The favorable recommendation was subject to the following conditions:

- "1. That the proposed use shall conform substantially with the representations made by the petitioner.
- "2. That the petitioner or his authorized representative shall submit plans for plan approval within six (6)

months of the effective date of the Special Permit. Operation of the proposed use shall be established within one (1) year thereafter.

- "3. That the petitioner shall comply with the rules and regulations of the Department of Health.
- "4. That all other applicable rules and regulations shall be complied with."

It was further stated by the Planning Commission that:  
"Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."