

**AMENDMENT 2 TO
DEVELOPER'S PUBLIC REPORT
FOR A CONDOMINIUM**

CONDOMINIUM PROJECT NAME:	"S & F DOMINGO CONDOMINIUM"
PROJECT ADDRESS:	1412 B, C, D & E Gulick Avenue, Honolulu, Hawaii 96819
REGISTRATION NUMBER:	6674 (conversion)
EFFECTIVE DATE OF REPORT:	November 3, 2010
THIS AMENDMENT:	<input checked="" type="checkbox"/> Must be read together with <input checked="" type="checkbox"/> Developer's Public Report dated <u>September 16, 2008</u> <input checked="" type="checkbox"/> Amended Report dated <u>May 4, 2009</u> <input type="checkbox"/> Supersedes all prior amendments: Includes all prior amendment(s) and <u>must</u> be read together with <input type="checkbox"/> Developer's Public Report dated _____ <input type="checkbox"/> Amended Report dated _____
DEVELOPER(S):	SAMUEL PAGUIRIGAN DOMINGO, JR., and FRANCES ORDINADO DOMINGO, husband and wife, and JO ANNE DOMINGO LEMUS, wife of Abel Estuardo Lemus

Preparation of this Amendment

The Developer prepared this amendment pursuant to the Condominium Property Act, Section 514B-56, Hawaii Revised Statutes (HRS), as amended from time to time. Section 514B-56, HRS, requires that after the Commission has issued an effective date for the Developer's Public Report, if there are any changes, either material or pertinent changes, or both, regarding the information contained in or omitted from the Developer's Public Report, or if the developer desires to update or change the information set forth in the Developer's Public Report, the developer shall immediately submit to the Commission an amendment to the Developer's Public Report or an amended Developer's Public Report clearly reflecting the change, together with such supporting information as may be required by the Commission, to update the information contained in the Developer's Public Report.

The law defines "material change" as used in parts IV and V of Chapter 514B, HRS means any change that directly, substantially, and adversely affects the use or value of (1) A purchaser's unit or appurtenant limited common elements; or (2) Those amenities of the project available for the purchaser's use.

The law defines "pertinent change" to mean, as determined by the commission, a change not previously disclosed in the most recent public report that renders the information contained in the public report or in any disclosure statement inaccurate, including, but not limited to (1) The size, construction materials, location, or permitted use of a unit or its appurtenant limited common element; (2) The size, use, location, or construction materials of the common elements of the project; or (3) The common interest appurtenant to the unit. A pertinent change does not necessarily constitute a material change.

The filing of an amendment to the Developer's Public Report or an amended Developer's Public Report, in and of itself, shall not be grounds for a purchaser to cancel or rescind a sales contract. A purchaser's right to cancel or rescind a sales contract shall be governed by sections 514B-86 and 514B-87, HRS, the terms and conditions of the purchaser's contract for sale, and applicable common law.

This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at (808) 586-2643 to submit your request.

This Amendment has not been prepared or issued by the Real Estate Commission or any other governmental agency. The issuance by the Commission of an effective date for this amendment to the Developer's Public Report (1) does not mean that the Commission approves or disapproves of the project; (2) does not mean that the Commission thinks that either all material facts, material changes, or pertinent changes about the project have been fully or adequately disclosed; and (3) is not the Commission's judgment of the value or merits of the project.

The law defines "material facts" to mean any fact, defect, or condition, past or present that to a reasonable person, would be expected to measurably affect the value of the project, unit, or property being offered or proposed to be offered for sale.

This amendment may be used by the Developer for promotional purposes only if it is used with the last Developer's Public Report in its entirety.

Prospective purchasers and purchasers are encouraged to read this amendment carefully and to seek professional advice.

Summary of Changes from Earlier Developer's Public Report are Described Beginning on the Next Page

Summary of Changes from Earlier Developer's Public Report:

This summary contains a general description of the changes, if any, made by the developer since the last Developer's Public Report was issued an effective date. It is not necessarily all inclusive. Prospective purchasers and purchasers must read this amendment together with the last Developer's Public Report with the effective date as noted on the top of page 1 if they wish to know the specific changes that have been made.

Changes made are as follows (include a description of what the change is and page number and or exhibit alphabet or number; additional pages may be used):

PAGE 10:

3. CREATION OF THE CONDOMINIUM AND CONDOMINIUM DOCUMENTS

3.1 Declaration of Condominium Property Regime

SECOND Amendment of Declaration Submitting Property to the Condominium Property Regime "S & F DOMINGO CONDOMINIUM" dated February 12, 2010, Recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2010-023338.

Amends Declaration by attaching as an exhibit letter from the Department of Planning and Permitting, City and County of Honolulu, dated December 11, 2009 and subjecting the project to the terms and conditions of said permit. (See attached Exhibit "A")

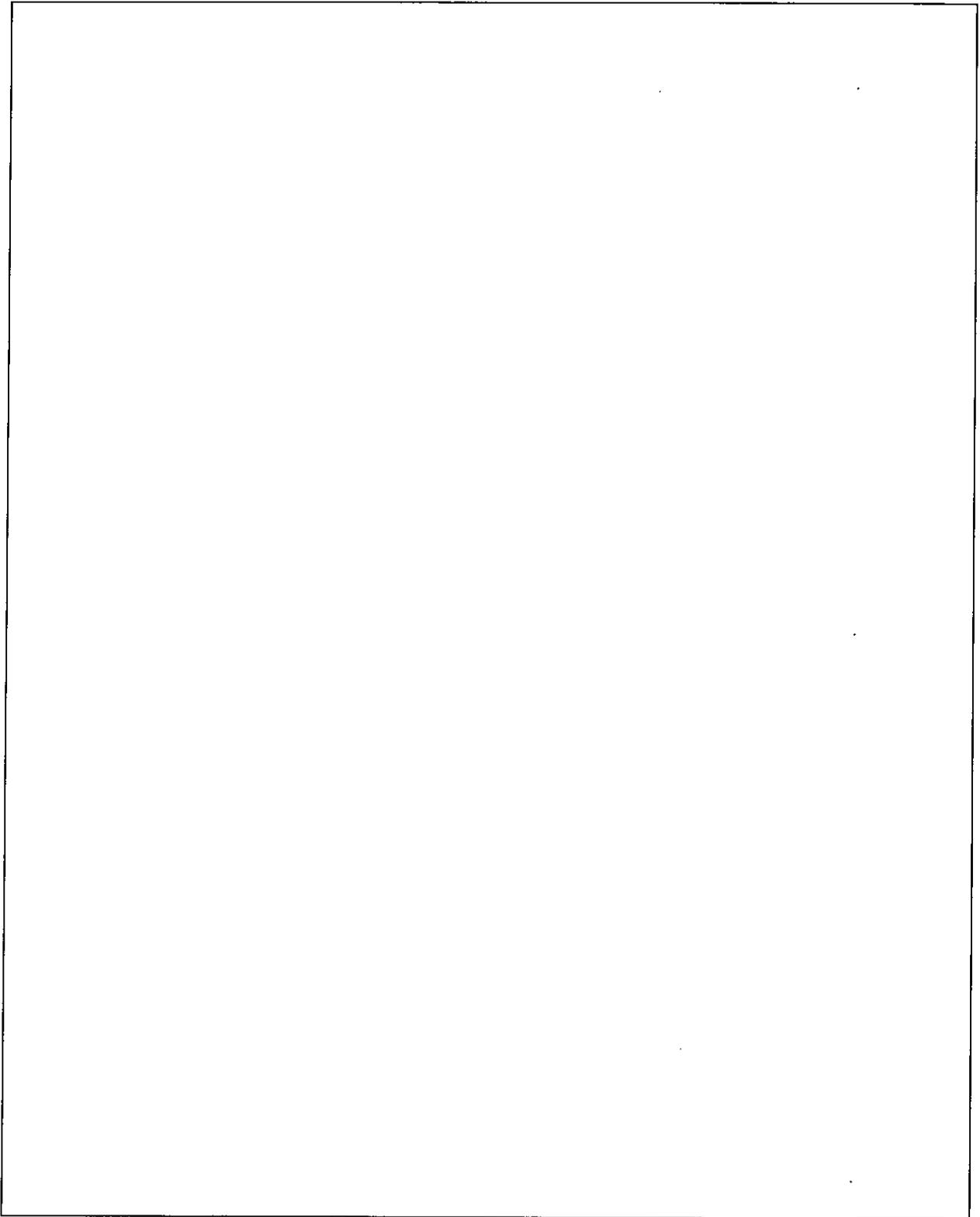
Also amends the description of Units B, C, D and E. Amendment reflects corrections in description of Units B, C, D and E.

THIRD Amendment of Declaration Submitting Property to the Condominium Property Regime "S & F DOMINGO CONDOMINIUM" dated October 15, 2010 to amend incorrect statement that the are of Site 4, being the limited common element of Unit E, as 9,014 sq. ft. instead of 8,265 sq. ft. and amending subparagraph (d) of paragraph 5, that the area of Site 5, being the common driveway to be 1,177 sq. ft., instead of 1,777 sq. ft. (See attached Amended Condominium Map Sheet No. A-1)

- 3.3 Condominium Map:** Amended Condo Map recorded February 19, 2010. Amended Condo Map is attached hereto.

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Changes continued:

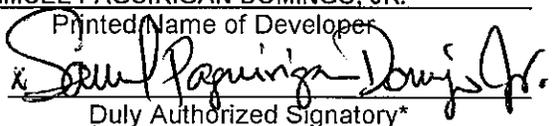


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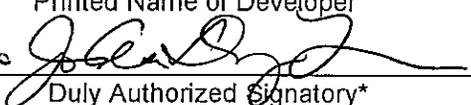
The Developer declares subject to the penalties set forth in Section 514B-69, HRS that this project continues to conform to the existing underlying county zoning for the project, zoning and building ordinances and codes and all applicable permitting requirements adopted by the county in which the project is located, all in accordance with Sections 514B-5 and 32(a) (13), HRS.

For any conversion, if any variances have been granted, they are specified in Section 1.14 of this report as amended, and, if purchaser deposits are to be used by the Developer to cure any violations of zoning, permitting requirements or rules of the county in which the project is located, the violation is specified in Section 1.15 of this report as amended, along with the requirements to cure any violation, and Section 5.5 specifies the date by which the cure will be completed.

The Developer hereby certifies that all the information contained in this report as amended and the exhibits attached to this report (if any) as amended and all documents to be furnished by the Developer to purchasers concerning the project have been reviewed by the Developer and are, to the best of the Developer's knowledge, information and belief, true, correct and complete. The Developer hereby agrees promptly to amend this report as amended to report and include either or all material facts, material or pertinent changes to any information contained in or omitted from this report and to file annually a report to update the material contained in this report as amended at least 30 days prior to the anniversary date of the effective date of this report.

SAMUEL PAGUIRIGAN DOMINGO, JR.
Printed Name of Developer
By: 
Duly Authorized Signatory*
Date: AUG 04 2010

FRANCES ORDINADO DOMINGO
Printed Name of Developer
By: 
Duly Authorized Signatory*
Date: AUG 04 2010

JO ANNE DOMINGO LEMUS
Printed Name of Developer
By: 
Duly Authorized Signatory*
Date: AUG 04 2010

Distribution:

Department of Finance, City and County of Honolulu

Planning Department: City and County of Honolulu

***Must be signed for a corporation by an officer; for a partnership or limited liability partnership (LLP) by the general partner; for a limited liability company (LLC) by the manager or an authorized member; and for an individual by the individual.**

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3. CREATION OF THE CONDOMINIUM AND CONDOMINIUM DOCUMENTS

A condominium is created by recording in the Bureau of Conveyances (Regular System) or filing in the Office of the Assistant Registrar of the Land Court, or both, a Declaration of Condominium Property Regime, a Condominium Map and the Bylaws of the Association of Unit Owners. The Condominium Property Act (Chapter 514B, HRS), the Declaration, Bylaws and House Rules control the rights and obligations of the unit owners with respect to the project and the common elements, to each other, and to their respective units.

3.1 Declaration of Condominium Property Regime

The Declaration of Condominium Property Regime contains a description of the land, buildings, units, common interests, common elements, limited common elements, and other information relating to the condominium project.

Land Court or Bureau of Conveyances	Date of Document	Document Number
Bureau of Conveyances	May 15, 2008	2008-090026

Amendments to Declaration of Condominium Property Regime

Land Court or Bureau of Conveyances	Date of Document	Document Number
Bureau of Conveyances	January 22, 2009	2009-063984
Bureau of Conveyances	February 12, 2010	2010-023338
Bureau of Conveyances	October 15, 2010	2010-158337

32. Bylaws of the Association of Unit Owners

The Bylaws of the Association of Unit Owners govern the operation of the condominium project. They provide for the manner in which the Board of Directors of the Association of Unit Owners is elected, the powers and duties of the Board, the manner in which meetings will be conducted, whether pets are prohibited or allowed and other matters that affect how the condominium project will be governed.

Land Court or Bureau of Conveyances	Date of Document	Document Number
Bureau of Conveyances	May 15, 2008	2008-090027

Amendments to Declaration of Condominium Property Regime

Land Court or Bureau of Conveyances	Date of Document	Document Number

3.3 Condominium Map

The Condominium Map contains a site plan and floor plans, elevations and layout of the condominium project. It also shows the floor plan, unit number and dimensions of each unit.

Land Court Map Number	
Bureau of Conveyances Map Number	4645
Dates of Recordation of Amendments to the Condominium Map: Amended Map Recorded February 19, 2010	

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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MUFL HANNEMANN
MAYOR



DAVID K. TANOUÉ
DIRECTOR

ROBERT M. SUMITOMO
DEPUTY DIRECTOR

2009/ELOG-2779(TC)
2001/EU-21

December 11, 2009

Mr. Ted Ah You
57 A-1 Kalie Street
Wahiawa, Hawaii 96786

Dear Mr. Ah You:

Subject: Request for Minor Modifications and
Review of Revised Condominium Property Regime (CPR) Map
Existing Use Permit No. 2001/EU-21
Domingo Residences - 4 Units
1412-D Gulick Avenue - Kalihi
Tax Map Key 1-3-15: 19 and 80

This is in response to your letter and documents (received November 23, 2009) regarding your request for minor modifications and review of the revised CPR map for the above-mentioned project.

We have reviewed your requests for minor modifications and they are discussed below in the same order as your letter.

1. Required Yards - In Condition 7 of the Existing Use (EU) Permit, it states that all work shall comply with the applicable Land Use Ordinance (LUO) standard for the underlining zoning district (R-3.5 Residential District) and if the project is condominiumized then the buildings shall comply with required yards and height setbacks of the underlining zoning district as measured from the limited common element (CPR) lines. So your request that the front yard setbacks be taken from the common element (Site No. 5) is reasonable and consistent with Condition 7. For clarification purposes, the required 10-foot front yard for Unit B would only apply to that portion of the common element with the 13-foot wide driveway frontage and the required 5-foot side yard would apply along the turn around portion of the common element. As such, Condition 7b shall remain in effect.
2. Maximum Building Area - You requested that a maximum building area of 50 percent be allowed for each limited common element and 20 percent be allowed for the original lot area (26,085 square feet). In Condition 7c, it states that the maximum building area shall not exceed 35 percent of each limited common element and 15 percent of the original lot area. From our calculations of the existing building areas (lot coverage) for

each limited common element, they range between 8 to 42 percent of the net lot area. The net lot area does not include those portions located within Kalihi Stream (26,085 square feet - 2,786 square feet = 23,299 square feet). With limited common elements of varying sizes, we would be amendable to vary the maximum building area for each CPR lot to allow for reasonable improvements of the existing dwelling units. Units B and C have lot areas of about 2,100 square feet each and Units D and E have lot areas of about 10,200 and 7,000 square feet, respectively. Units D and E are unique in that most of their lot areas are located on the other side of the stream and have a relatively small usable lot area. To allow a similar maximum building area of 50 percent as the other smaller CPR lots could not be achievable anyway with the required yards and setbacks. As such, Condition 7c should be modified with a maximum building area of 50 percent for Units B and C and 20 percent for Units D and E. Similarly, with an existing building area of 15.2 percent for the overall net lot area of 23,299 square feet, we would be amendable to adjusting the maximum building area to 20 percent (from 15 percent).

3. Guest Parking - You requested that Condition 10 be eliminated because a guest parking stall would be provided. In Condition 10, it requires that a reconstructed dwelling shall have a minimum 16-foot driveway depth fronting the carport or garage. This is a standard condition for all existing use permits. In the event that the existing dwelling is reconstructed, it has been the policy of the department to require that a minimum depth of 16 feet be provided fronting the new carport or garage for potential guest parking spaces. This reduces the demand for on-street parking in the surrounding area. This is also a typical requirement for carports and garages in most residential subdivisions, cluster housing, and planned development housing projects. As such, Condition 10 shall remain in effect.

We are pleased to inform you that we have APPROVED the modifications to Condition 7 as follows:

- c. Maximum building area shall not exceed [15] 20 percent of the [original] net lot area of [26,085] 23,299 square feet. If the property is condominiumized, then, within each limited common element, the maximum building area shall not exceed [35] 50 percent of the CPR lot area for [each limited common element] Units B and C and 20 percent of the CPR lot area for Units D and E.

All other conditions of the EU Permit shall remain in effect.

Please note that these maximum building area percentages are for those lot areas shown in the revised CPR map (received November 23, 2009). The Director of the Department of Planning and Permitting may adjust those percentage figures listed above should the lot areas change significantly.

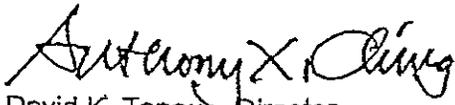
Mr. Ted Ah You
December 11, 2009
Page 3

We have reviewed your revised CPR map and have the following comments:

1. Unit B will not be able to construct a carport along the dwelling unit because it would not meet the minimum five-foot side yard required for residential districts. We would recommend making the CPR lot lines along the common element to be parallel with Unit B and the opposite side of the common element. This would give Unit B a little more side yard and possibly allow a future carport.
2. Unit E will not be able to construct a carport because of the required 10-foot front yard along the common element. A carport would be allowed along the right side of Unit E if it would be set back the minimum 10 feet from the common element (turn around) and 5 feet along the side CPR lot line.
3. The CPR lot lines through the existing four-stall carport (between Units C and D) make it a nonconforming structure because it lacks the required five-foot side yard of the underlining R-3.5 Residential District (per Condition 7). This carport structure was legally established back in 2002 prior to this proposed CPR map and may continue as such but it would not be able to be replaced in the future under the proposed CPR map.

We have enclosed a receipt for the application fee. Should you have any questions or need additional information, please contact Anthony Ching of our Urban Design Branch at 768-8028.

Very truly yours,


FOR David K. Tanoue, Director
Department of Planning and Permitting

DKT:nw

Encl: Receipt No. 77947

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