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JOHN A. BURNS
GOVERNOR

RAYMOND S. YAMASHITA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF PLANNING AND ECONOMIC
DEVELOPMENT
LAND USE COMMISSION

426 QUEEN STREET
HONOLULU, HAWAII 96813

Ref. No. LUC 530

November 24, 1964

CHAIRMAN
MYRON B. THOMPSON

VICE CHAIRMAN
C. E. S. BURNS

GORO INABA
SHIRO NISHIMURA
CHARLES S. OTA
ROBERT G. WENKAM
LESLIE E. L. WUNG

JAMES P. FERRY, EX-OFFICIO
LAND AND NATURAL RESOURCES

SHELLEY M. MARK, EX-OFFICIO
PLANNING AND ECONOMIC DEVELOPMENT

Zoning Board of Appeals
City and County of Honolulu
Honolulu Hale Annex
Honolulu, Hawaii 96813

Attention: Mr. Frederick K. F. Lee, Planning Director

Gentlemen:

The Land Use Commission met on November 20, 1964 at 426 Queen Street, Honolulu. The petition for special permit by the Department of Land and Natural Resources, for the improvement and/or expansion of an existing convalescent home located at Waialea, Oahu, TMK 5-8-01: 51 and containing an area of 12.13 acres, was considered. This petition was unanimously approved by the seven (7) Commissioners present. Approval was based on the attached staff report.

Again, the Land Use Commission wishes to extend their compliments to the Zoning Board of Appeals for the thoroughness of the records submitted. These records made an expeditious decision by the Land Use Commission possible.

Very truly yours,

RAYMOND S. YAMASHITA
Executive Officer

Enclosure

cc: Mr. Jim P. Ferry, Chairman
Dept. of Land & Natural Resources
Mr. Myron B. Thompson
Mr. Roy Y. Takeyama, Legal Counsel for the Commission
Department of Taxation

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

DP&ED Hearing Room

Honolulu, Hawaii

1:30 P. M. - November 20, 1964

Commissioners

Present:

Myron B. Thompson, Chairman
C.E.S. Burns, Jr., Vice Chairman
Charles S. Ota
Goro Inaba
Shiro Nishimura
Jim P. Ferry
Robert G. Wenkam
Leslie E. L. Wung

Absent:

Shelley M. Mark

Staff

Present:

Raymond S. Yamashita, Executive Officer
Roy Y. Takeyama, Legal Counsel
Richard E. Mar, Assistant Planner
Amy Y. Namihira, Stenographer

Chairman Thompson called the meeting to order followed by a short prayer. The members of the staff who would be giving testimonies were sworn in at this time.

PETITION FOR SPECIAL PERMIT, SP64-3, BY DEPARTMENT OF LAND AND NATURAL RESOURCES

Mr. Richard Mar presented a summary of the background of the staff report and outlined the area on a map. The Zoning Board of Appeals of the City and County of Honolulu transmitted its approval of the special permit application by Department of Land and Natural Resources "based on the fact that the use sought is a reasonable use within an Agricultural District, and would promote the effectiveness and objectives of Chapter 98H, RLH, 1955, as amended."

Chairman Thompson asked, "What does the Health Department say?" Mr. Mar stated that the Health Department is in favor of this and that this operation is quite desirable.

Commissioner Burns asked whether there were any conflict between the home and the University of Hawaii operations. Mr. Mar replied in the negative.

Chairman Thompson stated this kind of operation relieves the State Hospital from hospitalizing people too long. The State Hospital is becoming acutely crowded and is trying to find additional facilities to place people in. They want the people to get back into the community as fast as possible.

Mr. Mar continued with the discussion and recommendation of the staff report as follows: staff recommended approval of the special permit application for Oahu TMK 5-8-01: 51 containing an area of 12.13 acres. Staff felt that the Department of Land and Natural Resources' application for a special permit substantially met the guidelines of Section 2.24 of the State Land Use District Regulations.

Commissioner Burns moved to accept the application for special permit based on the staff report. Commissioner Inaba seconded the motion.

The Executive Officer polled the Commissioners as follows:

Approved: Commissioners Wung, Inaba, Ota, Wenkam, Burns, Nishimura,
and Chairman Thompson.

Disapproved: None.

The motion to approve the special permit application was carried.

PETITION FOR SPECIAL PERMIT, SP64-5, BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES

Mr. Mar presented the background of the staff report and outlined the area on a map. The Maui Planning and Traffic Commission transmitted its unanimous approval of a special permit to the Department of Land and Natural Resources for the purpose of constructing a YMCA recreational camp in Keanae,

STATE OF HAWAII
LAND USE COMMISSION

1:30 P. M. to 4:00 P. M.
November 20, 1964

Hearing Room
Honolulu, Hawaii

STAFF REPORT

Subject: Petition for Special Permit, SP64-3, by Department of Land and Natural Resources.

Background

The Zoning Board of Appeals of the City and County of Honolulu has transmitted its approval of a special permit to the Department of Land and Natural Resources, "based on the fact that the use sought is a reasonable use within an Agricultural District, and would promote the effectiveness and objectives of Chapter 98H, RLH, 1955, as amended." A copy of the application, a map of the existing convalescent home, the County's "Findings of Fact, Conclusions of Law, and Decision and Order", and transcript of the public hearing have been transmitted to you for your perusal.

A field investigation of the site in question was made by the staff on November 10, 1964. The field inspection revealed that the lands surrounding the convalescent home are used for agricultural purposes. On the petitioner's land itself there are three main structures. The first structure is a two story building which resembles a dilapidated Italian villa. The second floor of this building is being used as a dormitory which contains 22 beds. The main floor is used for patient recreation and occupational therapy classes. According to a Mr. Loo who is the manager of the home, tentative plans have been made to replace the roof and floors of this building.¹

¹ A telephone conversation with Mr. Loo on November 12, 1964 revealed tentative plans for expansion and construction of the home. The home can care for a maximum of 58 male patients.

The second building is used as an administrative office. This one story structure resembles a large mansion and houses administrative personnel and employees permanent quarters. Tentative plans are to convert this dwelling into facilities for occupational therapy classes. If the plans for this existing administrative building are carried through, a new building will be built to house administrative offices.

The third structure is the main building which contains a large dormitory, dispensary, and kitchen and dining facilities. As of this date, no tentative plans have been made to eliminate this structure.

Behind the administrative offices and the main building are hothouses and a Hibiscus flower bed. Near the hothouses is an old shed which is used as a laundry storeroom. Not far from the Hibiscus flower bed is a livestock pen containing a few calves. The keeping of the livestock is for occupational therapy and are not of any materialistic value to the operations of the home such as the provision of milk or meat for the patients.

The land in front of the buildings is being used for the growing of diversified crops. These crops are raised by the patients and are used for their own consumption. The growing of these diversified crops fulfills two functions: (1) it provides a means of occupational therapy, and (2) it fulfills the palatable needs of some patients who have a desire for certain types of vegetables such as onions and bitter melons. The remaining portions of the land are in lawns and gardens which again are maintained by the patients.

As one is looking towards the ocean from the petitioner's land, the University of Hawaii's Waialeale Experimental Farm is on the left hand side. There are a total

of 16 single family dwellings on both sides of Kamehameha Highway which are for the housing of the University's employees. In addition to the family dwellings, there are at least a dozen structures which are ancilliary to the activities of the farm. The large "U" shaped building on the mauka side of the road is the main building for the livestock department. It has an office, storageroom, feedroom, slaughter section, repair shop, laboratory and student living quarters. Bice Hall, which is across the highway, is the office and laboratory for the pountry science department. The operations of this farm consists of the raising of poultry, sheep, meat cattle, and dairy cattle. Much of the area is in pasture and consists of grasses such as Pangola, Napia, Panicum and Kikuyu. The grasses are used for animal feed purposes.

Just opposite and across the highway from the convalescent home are three vacant buildings. These buildings are used as warehouses by the Experimental Farm. Not far from these vacant buildings is the Kalou fish pond which has an abundant growth of Panicum. Fresh water seeps into this pond and the water is used for irrigational purposes by the University. Not far from the pond are a number of beach homes along the shoreline. Field investigation indicates that about 14 houses are sprinkled along the Waialeale coastline.

To the right of the petitioner's land is a large parcel of vacant land containing about 20.828 acres. This land is leased by the Kaneohe Dairy Farms Co., Ltd. Across the road from this land is a 11.582 acres parcel of land leased to the same company. Diversified crops are being grown on this particular parcel. Not far from this area are the cane lands of Kahuku Plantation.

The Land Use Commission's district classification for the particular parcel is Agricultural. All the lands in the immediate vicinity are also in the Agricultural District.

According to Mr. Chew of the Honolulu Board of Water Supply, the convalescent home utilizes water from two water tanks with a capacity of 50,000 gallons each. These water tanks also service the people in the Waialeale, Koolauloa area including the University Experimental Farm. A five inch water line runs through the subject property to Kamehameha Highway, which connects to a twelve inch line on the highway. In addition to the water tanks, there is a well near the main building of the livestock farm. This well is used as drinking water for the livestock.

Mr. Morita, manager of the livestock experimental farm, mentioned that an existing sewer line serves both the convalescent home and the University's experimental farm. This sewer line was put in by the State many years ago and has been serving the home and the University. A few homes in the area are also serviced by this existing sewer line.¹

The land in question is relatively flat and has been classified as Urban by the Land Study Bureau. However, a portion of the land which is presently in diversified agriculture has been designated as Class A land. There is a total of approximately 5.67 acres in diversified agriculture on the property in question. Of the 5.67 acres, approximately 3.83 acres are in the Class A Agricultural lands. The remaining area has been classified as Urban by the Land Study Bureau.

A study of the City and County's general plan reveals that the land is in the Agricultural District as one may expect. Lands makai of the proposed new highway have been put in the residential district.

¹ Telephone conversation with Mr. Morita on November 13, 1964. The main sewer line is 8" while the secondary lines are 6" and 4". The sewer goes through two large ceptic tanks which in turn is disposed in the ocean.

Discussion

This application for a special permit conforms to the established guidelines except for subsection 2.24 (e) and (f) of the State Land Use District Regulations.

The established guidelines are as follows:

- (a) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.
- (b) That the desired use would not adversely affect surrounding property.
- (c) Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.
- (d) Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.
- (e) That the land upon which the proposed use is sought is unsuited for the uses permitted within the District.
- (f) That the proposed use will not substantially alter or change the essential character of the land and the present use.
- (g) That the proposed use will make the highest and best use of the land involved for the public welfare.

Subsection (d) is not applicable to this application for a special permit and subsection (e) is adverse. As mentioned earlier, there are approximately 3.83 acres of prime agricultural lands on the property which at present is being planted with garden crops. An additional 1.84 acres are being used for other agricultural purposes such as hothouses, flower gardens, and livestock raising. To re-emphasize the fact that the land is fit for agricultural purposes, item 5 under the Findings of Fact, and item 3 in the Conclusions of Law from the Zoning

Board of Appeals of the City and County of Honolulu reads as follows:

FINDINGS OF FACT

5. Most of the subject land is being utilized for some form of agricultural pursuits, such as truck farming and animal husbandry, for the benefit of the patients who are able to participate in this type of activity.

CONCLUSIONS OF LAW

3. The use sought is compatible with and will not affect any of the surrounding uses. Most of the parcel of land is being used for agricultural purposes and the University of Hawaii Experimental Farm which surrounds this parcel also utilizes its land for truck farming and animal husbandry.

Although item 2.24 (e) raises an important question on the unsuitability of the land for agricultural purposes, there appears to be no current major disadvantage in which the public's interest would be jeopardized.

The land is in the Agricultural District and almost 50% of the land will be utilized for agricultural purposes for the benefit of the patients as a means of occupational therapy.

The existing and proposed use does not jeopardize the existing agricultural operations of the area and will not change the essential character of the land.

Expansion and the remodeling of the convalescent home would not be contrary to the objectives of the Land Use Law. The land will not be blighted in case of discontinuation since the structures already exist. It was also mentioned that

if the present use is discontinued, the buildings could be utilized for the operations of the University of Hawaii's Experimental Farm.¹

There will be no unreasonable burden on public agencies for the provision of facilities and services. Roads, power, water, and other public services are adequate at present to accommodate the needs of the convalescent home.

In addition to other requirements, the lessee is expected to spend at least \$100,000 to improve and expand the existing facilities on the land in question.

Finally, the convalescent home will make the highest and best use of the land involved for the public welfare as indicated as follows:

The continued operation of this facility as a convalescent home would be most desirable. The facility takes care of male patients, all but a few of whom come from Hawaii State Hospital. If this home were to be discontinued, practically all of the patients would have to be returned to the State Hospital until other placements were made, a situation that would not be the best interest of the patients or the State Hospital.²

Recommendation

The staff feels that the Department of Land and Natural Resources' application for a special permit substantially meets the established guidelines of Section 2.24 of the State Land Use District Regulations. Therefore, it is recommended that the Land Use Commission approve the applicant's request for a special permit for Oahu TMK 5-8-01: 51 containing an area of 12.13 acres.

¹ Mr. Eugene Apoliona of the Department of Land and Natural Resources - Statement made during public hearing for the special permit application of the Department of Land and Natural Resources, September 17, 1964.

² See special permit application attachments submitted by Department of Land and Natural Resources, October 28, 1964.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP 64-3 (DPED-Oahu)
 DATE 11/20/64
 PLACE LUC Hearing Room
 TIME 2:00 pm

NAMES	YES	NO	ABSTAIN	ABSENT
WUNG, L.	✓			
INABA, G.	✓			
OTA, C.	✓			
WENKAM, R.	✓			
BURNS, C.E.S.	✓			
NISHIMURA, S.	✓			
MARK, S.				✓
FERRY, J.				✓
THOMPSON, M.	✓			

COMMENTS: Burns - grant approval
 Inaba - Sec