STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Niu Valley Intermediate School Cafetorium
Honolulu, Hawaii

APPROVED
AUG 24 1972

April 7, 1972 - 7:30 p.m.

Commissioners Present: Goro Inaba, Chairman
Eddie Tangen, Vice Chairman
Tanji Yamamura
Stanley Sakahashi
Leslie Wung
Sunao Kido

Commissioners Absent: Alexander Napier
Shelley Mark

Staff Present: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Gordan Furutani, Planner
Ben Matsubara, Deputy Attorney General

HAWAII LOA RIDGE

Chairman Inaba called the meeting to order and announced that this evening's assembly was not a public hearing but a meeting initiated by the Land Use Commission to give the developer or owner an opportunity to present a progress report on the development of Hawaiiloa Ridge and to also afford all interested parties an opportunity to express their views on this matter. Subsequently, Chairman Inaba called for the developer's presentation.

Mr. Russell Ellsworth, R. S. Ellsworth, Inc., reported that the ownership of subject lands has changed hands and the title has passed to a limited partnership formed by Michael Ross, Carlos Read, and himself, who will develop the ridge. All necessary documents with respect to ownership, commitment required to purchase and develop the land, and financing the project have been duly recorded. Regarding the financial aspect of this development, Mr. Ellsworth disclosed that funds have been acquired from an Eastern financial institution in concert with local financiers.

Mr. Brian Gray, consulting engineer for this development, submitted that action on the application for subdivision approval with the City Planning Department was deferred subject to consultation with the Department of Transportation regarding an access. Yesterday a plan was submitted showing the proposed access together with cross section, grading, etc. The City Department of Traffic was concerned about the developer's initial access route and therefore requested that another access on Hawaiiloa Street be included. Mr. Gray then pointed to a map of the proposed development indicating the Hawaiiloa Street access (as per the City's request) and an overpass across Kalanianaole Highway. The developers anticipate submitting a subdivision plan conforming to the new access layout within a few weeks. The City and State are considering a mass transit route down the center of Kalanianaole Highway.

Prior to receiving testimony from the audience, Vice Chairman Tangen stated that the land under question was retained in the Urban District in 1964 (adoption of final boundaries) and in 1969 (five year boundary review). No protests were received by the Land Use Commission during the public hearings to designate these lands to another classification in 1964 and 1969. However, due to the great concern respecting the ridge development as expressed by residents in the area, this Commission, upon its own initiative, called this meeting and directed the owner/developer to present a progress report in order to ascertain that there is a bona fide development program for this urban designated land.

Chairman Inaba then called upon Shannon Patten to present testimony. She prefaced her testimony by stating that she is a resident of Aina Haina and is not affiliated in any way with the Save Hawaiiloa Ridge Association. She then disputed the premise that subject lands were never included in the Conservation District, since there have been references to rezoning the area to Conservation, thereby indicating an earlier designation. She felt that an environmental impact statement for each boundary amendment petition should be required of this Commission, including the development of Hawaiiloa Ridge.

Thereafter, testimonies against the proposed development were received as follows (see copy of each testimony on file):

1. Norma Carr - Save Hawaiiloa Ridge Association,
2. Arvord Belden - Save Hawaiiloa Ridge Association,
3. John Kernell - Niu Valley Community Association,
4. Dr. Geoffrey C. Ashton - President, Aina Haina Community Association,
5. Ron Loftus - Save Hawaiiloa Ridge Association,
6. Kathleen Jones - resident in the area,
7. Beth Opperman - Save Wawamalu Association, and
8. Margaret Johnson - Secretary, Kuliouou Community Assoc.

Mr. Lewis Freitas, resident of Aina Haina and a member of the Aina Haina Association, suggested that if this development is approved, requirements be imposed on the development in order that the residents living on and under the ridge will not be threatened by slides.

Representative Dennis O'Connor testified that the development at hand is one which is opposed by approximately 90 percent of the residents in the area. In addition, the property has been zoned Urban and remained vacant for almost 10 years. Therefore, based on these factors, the development should not be permitted to proceed at this time.

Other residents in the area submitted testimonies with regard to traffic and engineering problems and the funding of the project.

A member of the audience indicated that he had circulated a petition in opposition to the proposed development during the course of this evening's meeting and had thus far secured over 150 signatures.

Concerning the transportation system in the area, Senator Tennyson Lum related that no actual plans for construction of any portion of Kalanianaole Highway from Aina Haina to Hawaii-Kai exist at the present time. However, it was learned through a correspondence from the Governor that although the highway could be expanded, such expansion will not be in conformance with Federal standards. Accordingly, any further construction or widening of this highway will have

to be undertaken with State and mass transit funds. A terminal of the mass transit system was originally planned to end at Kahala but may be extended to Hawaii-Kai depending upon traffic and population counts to substantiate the extension.

Chairman Inaba thanked everyone for attending tonight's meeting, then queried the Commissioners as to their opinion of this proposed development considering all the testimony that was heard this evening.

At this time Vice Chairman Tangen felt that if this matter was one of a boundary change petition, it would be denied based on data and evidence that has been presented to the Commission thus far. He went on to discuss a suggestion by a member of the audience that this Commission could downzone the subject property by stating that under the Commission's Rules and Regulations, such a "unique and serious" action could not be done at this meeting. With respect to Senator Tennyson Lum's statement that several land use bills are now pending before the legislature, especially the bill relating to imposition of conditions on boundary change petitions by the Land Use Commission, Vice Chairman Tangen was of the expressed opinion that this Commission would not be confronted with situations such as this in the future if this bill is enacted. In answer to a question raised earlier by a member of the audience, Vice Chairman Tangen replied that all interested and concerned parties should contact the City and County to voice their view points and concerns. He emphasized that the City is responsible for determining whether a development of this nature may be permitted within the Urban District.

This Commission is also looking into other vacant Urban designated lands to find out whether the owners/developers are proceeding with development plans, as it is most concerned about Hawaii's critical housing shortage.

Nevertheless, Vice Chairman Tangen was pleased with testimonies received by the Commission at this meeting with the major focus being on the problem of traffic.

Vice Chairman Tangen moved that "we request this developer to make a report to this Commission within the next 60 days of what progress they have made on the problems raised here tonight by these people." The motion was seconded by Commissioner Wung.

Someone from the audience asked for a clarification of the motion on the floor, to which Vice Chairman Tangen answered that in the event the developer does not submit a satisfactory progress report to the Commission within the next 60 days, the Commission could initiate a petition to rezone the area to the Conservation District.

A gentleman offered that in 1969 the residents of Hawaii-Kai were opposed to a similar development; namely, high rises in Haihaione Valley. At that time many of the same issues were also raised. He continued and emphatically stated that the Commission should not "hide behind the law" but should represent the people and make decisions based on what it believes will be in the best interest of the State.

Vice Chairman Tangen reminded the audience that there was a motion on the floor and reiterated his earlier statement that the Commission's actions are governed by its Rules and Regulations.

There was a request from a member of the audience for a copy of the Commission's meeting at which it was decided that tonight's meeting would be conducted and the purpose of this meeting and also a copy of the directive to the developer.

Other members of the audience raised questions as to the necessity for granting these "rip-off artists" another extension (as per Vice Chairman Tangen's motion), what the criteria for determining whether any further evidence submitted by the developer is satisfactory, and the reason for the Commission's not downzoning the property under discussion at this time.

In acknowledging a question that was addressed to Vice Chairman Tangen, Mr. Ben Matsubara, Deputy Attorney General, informed that the procedure for downzoning is as follows: The Land Use Commission or any governmental agency

of the State or County, or the property owner, or lessee must file a petition for change in district boundaries; within five days of receipt of the petition, this Commission must forward a copy of the petition to the respective County Planning Commission; within 45 days after receipt of the petition, the County Planning Commission must forward its comments and recommendations to the Land Use Commission--the Land Use Commission may grant a 15-day extension to the County Planning Commission for receipt of comments and recommendations; a duly advertised public hearing must be conducted by the Land Use Commission after 60 but within 120 days of the receipt of the petition; and the Land Use Commission shall render a decision on a petition within a period of 45 to 90 days from the date of the public hearing.

A resident demanded that the question as to why the downzoning could not be initiated be answered.

A resident sought an answer as to why the developer would need an additional 60 days to report back to this Commission and why the Commission could not initiate a downzoning petition within the next few days.

Vice Chairman Tangen again referred to his motion on the floor and called attention to the fact that the matter being considered and discussed at this meeting was not a boundary change petition. Thereafter, he withdrew his motion, and Chairman Inaba declared adjournment of the meeting.