

LAND USE COMMISSION

Public Hearing

Hearing Room

Honolulu, Hawaii

November 20, 1962 - 7:00 P.M.

Commissioners

Present:

Edward C. Bryan
Stanley C. Friel
Wayne D. Gregg
Yuichi Ige
Edward Kanemoto
Franklin Y. K. Sunn
Roger T. Williams

Ex-Officio Members

Absent:

E. H. Cook
Frank Lombardi

Staff

Present:

R. J. Darnell, Executive Officer (XO)
W. M. Mullahey, Field Officer (FO)
John Canright, Legal Counsel

Chairman Bryan called the public hearing to order.

APPLICATION OF GEROGE K. SING (SP(T) 62-24), FOR SPECIAL PERMIT TO CREATE FOUR RESIDENTIAL LOTS AND ONE RESIDUAL LOT ON LAND LOCATED IN LUALUALEI HOMESTEADS, 3RD SERIES, WAIANAE, OAHU: Described as First Division, TMK 8-6-03: 6.

Chairman Bryan asked if there were anyone present representing the applicant.

Mr. Frank Fasi stated that he would speak for the applicant, and was sworn in by the Chairman.

The FO outlined the application and described the area under consideration, using a wall map of the Waianae coast.

The Chairman asked Mr. Fasi to outline the reasons for the application.

Mr. Fasi stated that the property had been purchased from the Territory of Hawaii in 1914 by the applicant's grandmother, and that the land had been in the family for 28 years. In all that time the land had never been used for farming purposes. Mr. Sing came to his firm in January stating that it was his intention to improve and subdivide the front portion of the parcel and then eventually work down into the remainder of the property. Now the applicant had a mortgage with a bank and Mr. Sing now wants to sell the front four units to pay off the mortgage. If the applicant is denied subdivision he will always

have to remain in the rental business which was not his intention in the first place. Mr. Fasi then submitted that the original intent of the applicant should be taken into consideration.

Chairman Bryan asked if the Commissioners had any questions to ask of Mr. Fasi. There was no response.

The Chairman asked what the extent of improvements on the parcel by way of utilities was.

Mr. Fasi stated that all utilities had been provided and that a road had been provided for within the proposed subdivision plan. He further stated that the only reason that the applicant had not improved earlier was that his mother was too old to obtain financing, and that he did not have the capital to go forward with improvements.

Commissioner Sunn asked about the road fronting the property and the adequacy of the water line serving the property.

Mr. Sing stated that the road was improved and that an 8-inch water line served his property.

Commissioner Ige asked if it were correct that the applicant's intention was to subdivide into five residential lots with four lots fronting Halona road.

Mr. Fasi stated that to be correct, noting that it was also the applicant's intention to subdivide the entire parcel, until the interim districts took effect.

Commissioner Ige asked the applicant's intention concerning the remaining four acres of his parcel. Mr. Sing stated that eventually he wanted to improve it and cut it up to add more houses on it.

The Chairman asked if there were anyone present who wished to speak. There was no response.

The Chairman asked the XO to read all pertinent correspondence received on this matter.

The following were read:

1. Letter from the City Council stating that the matter had been referred to the Public Works Committee.
2. Letter to R. M. Towill Co. from Frederick Lee, Planning Director of the City Planning Department.

The XO read the staff report, recommending approval of the subdivision on the basis that it merely recognizes the existing situation.

Chairman Bryan asked if the applicant had questions of the staff.

Mr. Fasi stated that he wished to thank the staff and the Commission.

Commissioner Sunn questioned the ownership of Halona Road as he understood that it was partially in private ownership. The XO replied that the matter would be investigated.

Chairman Bryan closed the public hearing on the matter of George K. Sing.

APPLICATION OF ALBERT SHIBUYA (AS AGENT FOR THE OWNER FRANK MONIZ), SP(T) 62-28, FOR SPECIAL PERMIT TO CONSTRUCT THREE ADDITIONAL SINGLE-FAMILY DWELLINGS ON LAND LOCATED IN LUALUALEI HOMESTEADS, 2ND SERIES, WAIANAE, OAHU: Described as TMK 8-6-03: 39.

Chairman Bryan asked if anyone were present to speak for the applicant.

Mr. Frank Moniz was sworn in as the owner of the parcel under application.

The FO outlined the area under application.

Mr. Moniz stated the following as the reason for his request: two homes existed on the property and he wished to move in three more homes for rental units, as water and utilities exist to serve his property. He stated that the only conceivable use of his property was for residences.

Chairman Bryan asked if it were the applicant's intention to subdivide the land and convey the lots.

Mr. Moniz stated that he did not intend to subdivide at present. He stated further that his daughter had just gotten married and was in need of a home; and that another daughter was about to get married, and she wanted to move onto the property. Also Mr. Moniz said that his wife was crippled and that his child was crippled and retarded, and that it was his wish to have the family together, in their own homes, so that if his wife were in need of help his daughters would be close by.

The Chairman asked Mr. Moniz how long he had owned the property? Mr. Moniz replied that he had owned the land for approximately 14 years.

The Chairman asked if there were anyone who wished to speak on the matter. There being no response the Chairman asked the FO to read the correspondence relative to the matter.

The FO read the following:

1. Letter from the City Council stating that the item had been referred to their Committee on Public Works.

The Chairman asked the FO to present the staff report. The report stated that the staff would withhold recommendation until the recommendations of the Commission's HHFA 701 project were available.

The Chairman receiving no further comments, closed the public hearing on the matter of Albert Shibuya.

APPLICATION OF JOSEPH R. SOUZA (SP(T) 62-27), FOR SPECIAL PERMIT TO CONSTRUCT TWO NEW SINGLE-FAMILY DWELLINGS ON LAND LOCATED IN LUALUALEI HOMESTEADS, 3RD SERIES, WAIANAE, OAHU: Described as First Division, TMK 8-6-11: 3.

There was no one present representing the applicant.

The FO outlined the area on the map and explained the request.

The Chairman asked if there were anyone present who wished to speak on the matter. There was no response and the Chairman called for the staff report.

The FO read the following correspondence:

1. Letter from the City Council stating that the matter had been referred to their Committee on Public Works.

The FO stated that the staff would withhold recommendation pending receipt of the Commission's HHPA 701 project consultant's recommendation on the final district regulations and boundaries.

There were no further discussion and the public hearing was closed on the matter of Joseph R. Souza by the Chairman.

11/24/62
7:00 pm
Honolulu

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PETITION OF JOE DRAKE, ET. AL. (A(T) 62-17), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT OF LAND IN LUALUALEI, WAIANAE: Described as First Division, TMK 8-7-21: 13, 17-19, 21-25, 30, 32; 8-7-22: 2, 3, 5-11, 13-14, 19-29, 31, 32.

The XO outlined the area and request involved in this petition and pointed out the location on the map.

The petitioner, Mr. Joe W. Drake, was present at this hearing and was sworn in by the Chairman.

Mr. Drake described the area and the desire of the people in the community who did not want to go into farming but would like to develop the community for better living. He described the land as not being good for agriculture since it consisted mostly of coral. He stated that when he and his family bought their place they could put a house on each five thousand square feet, the area was zoned Rural Protective. He stated that the present zoning allows one house on two acres of land. They are presently trying to change this zone to one house per acre, in which attempt they have the City Council's backing. He stated that they have a petition before this Commission requesting that their land be taken out of "Greenbelt" designation and be included in Urban designation.

Chairman Bryan asked the Commissioners if they had any questions of Mr. Drake. Commissioner Ige questioned whether Mr. Drake had stated that all these people's lands were primarily zoned for Agriculture. Mr. Drake replied in the negative, stating that when he had bought their land it was zoned as Rural Protective and they could put a house on each 5,000 sq. ft. of the lot.

Commissioner Ige stated, "That is when you bought your land. Prior to that when did you buy your land?" Mr. Drake replied, "In 1950." Commissioner Ige questioned, "The people who bought their land prior to Mr. Drake's: Was their land zoned for agriculture?" Mr. Drake replied in the negative, stating that it was zoned Rural Protective.

Chairman Bryan asked if there were anyone else present who wished to be heard. Mr. Antonio E. Ypil introduced himself as the President of the Mikilua Community Association. He was sworn in by the Chairman. Mr. Ypil stated that there are approximately 700 acres, more or less involved, which involves about 300 people, more or less. He stated that because of the condition of the land, which is mostly coral or boulders, farming is a grave problem. Mr. Ypil pointed out that maybe one acre would be suitable for farming, but the remaining acres would be useless. Therefore, he felt it was undesirable to go into farming. He informed the Commission that these people do not know how to farm, and had bought these lands for the purpose of retiring. He stated that the people would like to have this area changed as they are paying high taxes and are not deriving an income from their land.

Mrs. Hooliku Drake was sworn in by the Chairman. Mrs. Drake described the background of the community: how it began; the problems it was faced with (water, money, lights, roads, fire-safety facilities, etc.); the kind of people living in the community; and the struggle and hardship to build the community to its present situation. She informed the Commissioners of the land condition, and the desires of the landowners to change this area from Agriculture to Urban.

Mrs. Irene P. Choy was sworn in by the Chairman. Mrs. Choy, who was speaking against the petition, stated that she and her husband have been living in this area longer than the Drakes. She stated that when they moved into the area they stayed with her husband's cousin. She stated that at that time her husband was out of work and he remained out of work for six months. Since that time they have gone into their own business and have purchased land adjacent to the land they are living on. She pointed out that they are farming on this land and do not intend to put any more houses on it and are not interested in rentals. She stated that they have their lot mortgaged in order to borrow money to build pens to raise animals, and informed that their whole future is at stake. Mrs. Choy stated that Mrs. Drake has informed them that we cannot farm in this area, but yet Mr. Miguel has been raising vegetables for his own consumption; has been asked by the ILWU, during a strike, to raise vegetables for the consumption of other strikers. She stated, "Here you have an example of how the land, which has been stated is poor for farming, is expected to help out other people who are on strike." Mrs. Choy pointed out that the land owned by Mr. Maximum Concepcion at one time produced rice and brought quite a fair price for those who cared to eat that type of rice. She informed the Commissioners that there is almost without exception not a single lot in this area, although they might regard themselves strictly as residence, which either has pigs, ducks, goats, rabbits, chickens; but Mrs. Drake says you cannot raise anything on the land. Mrs. Choy stated that she would like to be informed as to the type of houses these people intend to bring in for rentals, and pointed out the housing situation as it existed in that area.

Mrs. Choy summarized her case by stating that they have found that they can farm in this area and felt if more houses are going to be brought in, then the people will find some reason or complaint and have those who are interested in farming moved out or have the zoned changed, whereby they cannot farm any longer. Once this area requested for change is off the farming list, they probably might increase back through the valley and have that area all cut out from farming.

Commissioner Ige asked Mrs. Choy, "When you bought that land, was that land zoned for Agriculture?" Mrs. Choy replied in the affirmative. Commissioner Ige asked, "What year was that?" Mrs. Choy replied in 1961. Commissioner Ige asked, "How many acres do you own?" Mrs. Choy replied, "One acre plus expansion."

Mr. Fujii speaking against the petition, was sworn in by the Chairman. Mr. Fujii read a rough draft of a letter on behalf of the Mikilua farmers as follows:

"Dear Commission Members:

"We farmers of Mikilua Valley, Waianae, greatly appreciate what your body

has done for us in the past. We are in full accord in your consideration of continuing the area in the farm zoning in the Rural Master Plan for the Waianae area. By keeping this area as a farm zone, we farmers, can continue to farm and produce agricultural products amounting to slightly over a million dollars each year. These products are produced by 56 farmers of which 26 are hogs, 19 are truck crops, 11 are poultry and 3 are dairies. We have also 22 part-time farmers. Total acreage in farming is 130 acres. The farm zoning that has been given us has given us much security. Today more and more of us are building permanent residences for our families. In the past it was just a number of quonset and old-built homes. By building more permanent residences our area is gradually becoming a model farm area of the State. Besides, by building more permanent homes for our families we are investing more and more into our farms. We are doing the above because we have found security here. This has created a happier family situation. Family security has given us an opportunity to take more and more an active part in the development of the total Waianae district. We are participating in the many Waianae District Council activities, police activities as the members of the Mikilua Juvenile Association, PTA's of Waianae and Nanakuli schools, and other civic groups in our area. Our wives and children are also participating in the activities of our community. In the opinion of many experts, as well as ours, the area we are now farming is by far one of the most favorable locations for agriculture on Oahu. Its climate, soil and its nearness to the markets are some of the factors that substantiate the above. One of the most important factors to us is that this is the last area in fee simple land that can be leased for farming. Lands for farming in Honolulu are being gradually taken up by urbanization. By keeping this area as a farm zone we can continue to produce because of this area is so well suitable for agriculture. To replace it for other uses will mean a loss to one of the most important natural resources. It is the thought that this area should be urbanized. We should look at the entire area in Waianae before deciding this area be zoned for housing. By keeping this area as a farm zone the interests of the entire island and community will be protected. In 1947 we bought the land on which we are now farming. Many of us were forced to move from the area of Waiialae, Moiliili, Oili Road and Kalihi Valley. During the early periods it was on a nip-and-tuck basis. We did not know whether we could continue as farmers because of the many stages we did not come to, such as lack of domestic water, poor homes, and distances we had to travel. You will recall during the early days because of the lack of domestic water we had to bring water every day in gallon bottles and other containers. Today because of the wonderful water system, we do have domestic water. These past few years have given us much security because of farm zoning, better roads, domestic water supply, schools, and understanding in our community. By being happy because of the security we have found here we know that we can continue to give more to our community so that the total community can prosper. Your consideration in our behalf to provide security for our members is greatly appreciated."

There was a question and answer session between Commissioner Sunn and Mr. Fujii which ended in the result that Mr. Fujii was speaking on behalf of approximately 7 farmers in the area for which the request for change was being made.

Commissioner Ige asked Mr. Fujii, "Is your place in that area?" Mr. Fujii^x replied in the negative, stating it was near it.

Chairman Bryan asked Mr. Fujii, "What is the average size of the farms of the people you are speaking for?" Mr. Fujii replied, "Close to 10 acres, though it may be less, as I farm on 16 acres. But my neighbor farms on 3 acres, so I would not know what the average may come to."

Commissioner Gregg commented that during inspection of the area he had the impression that the area was laid out for farm lots. He asked the staff whether they had any records whether the area was laid out for farming or not, as he could not obtain it from the testimonies given. The XO stated **that** the staff has been informed that the area was bought and settled by people who ostensibly intended to go into small livestock farming, including the raising of chickens and horses.

Chairman Bryan called upon the Drakes to give a summation in answer to some of the questions raised by the protesters.

Mr. Drake stated that the request for change in the area stops about a mile from Mr. Fujii's property. He informed the Commissioners that Mrs. Choy has a house rented and does not live on the property herself. He stated that the Choys work and derive their livelihood from their salary and not from the land. He stated that it is true that most of the people in the area are raising some livestock, but because they cannot derive a livelihood from it, are requesting that the area be reclassified. He stated that they have drawn the line up to a certain point because it **is** the feeling that this area the land is not good for agriculture, and there are no Farm Bureau people in this area.

Mrs. Drake clarified a point that there is only one area within the area being requested for reclassification that is deriving any money actually from the livelihood of farming. She informed that the man who had just spoken (Mr. Fujii) represented the Farm Bureau. We, the Drakes, et. al., are speaking on behalf of the landowners in this area and it covers approximately 95% of the people.

The XO read two communications received relating to the subject.

1. A letter from the City Council informing that the matter had been referred to the Committee on Public Works.
2. A letter from the City Planning Department, Mr. Frederick K. F. Lee, Planning Director, informing that the Planning Commission considered the Planning Director's recommendation, and voted to accept the findings of the Planning Director's report to recommend that the subject area be retained for agricultural use on the basis **of** the land use study, which does not indicate any central urban concentration. 41% of the land is still in agricultural use, 14% in residential use, and 45% vacant. Also that it would be in contrary to the Waianae General Plan to include this area for residential purposes.

The XO was sworn in by the Chairman. The XO read a prepared staff report which

stated that the staff will not make further recommendations pending receipt of Harland Bartholomew and Associates final report on district boundaries and regulations (expected before the end of the 45-day waiting period).

The XO asked the Legal Counsel to clarify a point whether the acceptance of a petition for change of boundary of a whole area without the signatures of all the landowners was acceptable. The legal counsel replied that it would be all right. He stated that anyone could file an application for change of boundary, and it does not necessarily have to be in respect to his own land.

The Chairman requested that the FO within the 45-day period query each one of the landowners in the area who might not have signed the petition to be sure that the Commissioners will understand their desires. The FO stated that he understood that all the petitioners who signed the petition were all the landowners involved in the change. The Chairman informed that there are about 7 or 8 landowners who did not sign the original petition; and as this Commission has done in the past an attempt should be made to locate all the landowners to find out what their desires are.

There was no further discussion, and the Chairman informed the petitioners that the Commission cannot take any action until 45 days at least. As soon as the Commission decides which meeting after the expiration of the 45 days it will take action, the staff will notify you the petitioners. The Chairman also informed the petitioners that there will be a period of 15 days, beginning now, in which the Commission will be happy to receive any letter or comments from anyone who is interested in this case.

The public hearing was closed in the matter of Joe Drake, et. al.

PETITION OF HAROLD J. SILVA, ET. AL. (A(T) 62-20), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT DESIGNATION FOR LAND IN WAIANAE: Described as First Division, TMK 8-5-04: 2, 9-19, 23, 25.

Mr. Harold Shintaku, who represented the people requesting the change was sworn in by the Chairman.

The FO pointed out the area on the map and described the request.

Mr. Shintaku stated that he had only one thing to add to what the FO had stated and that is, the timing aspect: the subdivision coming into being prior to the Land Use Commission Act taken into effect. He pointed out the fact that certain portions of this land, which consists of 12 lots, have received tentative approval, and are considered non-conforming under the Land Use Commission's Regulations. These lots have been subdivided and sold as houselots. He informed that these further subdivisions, 16 lots in all, in this area, are affected by the Land Use Act, and the reason why they were before this Commission today. He informed the Commission members that a one-acre lot in an agricultural zone, used for agriculture, is economically almost impossible; and that further, under the public policies as provided by the Legislature, he believed that the highest and best economic use for the public welfare is to have the area reclassified to Urban.

Chairman Bryan questioned the accessibility, and whether there was limited frontage? Mr. Shintaku used a map on the wall to illustrate his reply, pointing out the lots which had direct access onto the highway.

Commissioner Ige questioned whether Mr. Shintaku had stated that these lots were approved prior to April. Mr. Shintaku pointed out that the one-acre-lot subdivisions were approved prior to April. However, the further subdivisions the one acre to smaller lots were done just prior to April 21st. It is the people who have not yet resubdivided to smaller lots that are here today requesting the change.

Mr. Harold J. Silva, petitioner, was sworn in by the Chairman. He stated that he was the original broker who handled the sales in this development. He, in turn, purchased 4 acres and resubdivided it into houselots. He informed that all improvements have been put in; that this is not a proposed subdivision; and that improvements were put in to meet the original subdivision requirements. He added that to farm on a one-acre parcel and make a livelihood is an impossibility.

The XO presented the following communications relating to the subject:

1. Letter received from the City Council informing that the matter was referred to the Public Works Committee.
2. Letter received from the City Planning Department, Frederick K. F. Lee, Planning Director, informing that the Planning Commission voted to recommend that the temporary district boundary designating the petitioned land for agricultural use be amended to an Urban district, on the basis that Waihona Tract was subdivided under the existing zoning ordinances and subdivision rules and regulations with all site improvements complying with the City and County subdivision requirements for residential subdivision.

The XO gave an oral staff report after being sworn in by the Chairman. The recommendation was that the Commission await the recommendation of Harland Bartholomew and Associates, at which time the staff will give its further recommendation.

The Chairman informed the petitioner that the Commission will have to wait for a 45-day period before it will be able to take action and as soon as the Commission decides which meeting after the expiration of the 45 days it will take action, the staff will notify the petitioner. The Chairman also informed that there will be a period of 15 days in which the Commission will be happy to receive any comments or additional information for or against from anyone who is interested in the matter.

The public hearing was closed in the matter of Harold J. Silva, et. al.

Public hearing was reopened after completing business, due to an emergency, on the Commission's agenda for business meeting.

PETITION BY THE LAND USE COMMISSION (A(TR) 62-1), FOR AMENDMENT OF CERTAIN PORTIONS OF THE COMMISSION'S INTERIM REGULATION 2.1(b) AND 2.1(d) RELATING TO "AGRICULTURAL DISTRICTS."

The XO presented an additional recommendation, received from Harland Bartholomew and Associates, that "Single family dwellings when located upon lots comprised of 5 or more acres" be included as an allowable primary use in an Agricultural district.

There were no further comments and the public hearing was closed.