

LAND USE COMMISSION

Public Hearing

LUC Hearing Room

Honolulu, Hawaii

December 19, 1962 - 9:00 A.M.

Commissioners

Present:

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

Absent:

Roger T. Williams

Ex-Officio Members

Present:

Philip T. Chun
E. H. Cook

Staff Members

Present:

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

The public hearing was called to order by Chairman Bryan, who followed with an opening prayer.

PETITION OF CADINHA INVESTMENT COMPANY (A(T) 62-21), FOR CHANGE OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY CERTAIN PROPERTY AT MAILE, WAIANAE, OAHU FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION: Described as TMK 8-7-03: 10.

The FO outlined the petition and described the property in question.

Chairman Bryan asked if there were someone present representing the Cadinha Investment Company.

Because there was no one present consideration of this petition to be heard later in the hearing was suggested. However, since no one in the audience stated an interest in the Miguel application, Chairman Bryan continued the public hearing in the matter of the Cadinha Investment Company.

The FO presented the following communication concerning the Cadinha Investment Company's petition:

1. From the City and County Public Works Committee, recommending that the matter be referred to the Mayor for study and the Planning Director for his recommendation.

2. From the City Planning Commission, dated 10/30/62, recommending that the request to change the district designation from Agricultural to Urban district be denied on the basis that the area is predominantly used for farming purposes and the roadway fronting the subject property is substandard for urbanization.

The FO was sworn in and gave an oral presentation of the staff report as follows:

"The property is adjacent to the Land Use Commission's Interim Urban-Agricultural boundary line and the consultants, Harland Bartholomew and Associates, have recommended an extension of the district for the final district proposals which will include this property in an area approximately 1,000-1,500 ft. mauka of Mailiili Road. Staff recommends while the proposals are not firm since they have not been accepted by the Commission, the staff at this time would recommend approval of the Cadinha petition pending Commission's acceptance of the final proposals by the consultants."

Chairman Bryan questioned the provisions necessary in meeting the County's requirements.

The FO replied that the provisions are not set by the Land Use Commission as this is a district boundary change. What the Commission would do would be to designate this area Urban and any subsequent development by the petitioner would be up to the City Planning Commission and the City Council, as they have complete control in the Urban district. The petitioner would have to meet all the requirements as posed in the letter of recommendation from the Planning Commission.

Chairman Bryan asked if there were anyone present who wished to comment on the matter before the Commission. There was no response.

The public hearing was closed in the matter of Cadinha Investment Company. However, the public hearing in this matter was reopened due to an error on the part of the Secretary in notifying the petitioner that the hearing was for 10:00 a.m.

Mr. Cadinha of the Cadinha Land Investment Company was sworn in by the Chairman. He informed the Commissioners that he bought and now owns 3.215 acres in Maile and stated that this area is just one block from the highway. At the time of the sale two years ago, the area was zoned under Rural Protective. He stated that in May of this year, the Company called the City Planning Department and informed them of the fact that there was a potential buyer of the property to build homes, and was given the go-ahead as this was in Rural Protective. The Company did not know of this Greenbelt Law which had already been passed so we assumed we could go ahead and build. We were stopped and were told to file an application for the release of this property from the Greenbelt zone. He pointed out the present line designation which is just a block mauka of the highway, the surrounding make-up of the area which is encroached with homes, and stated he saw no use for farming in this area. He submitted that the Land Use Commission deeply concern themselves with this area and the proper use which

should be applied to the land, and requested their petition be favorably considered.

Commissioner Sunn informed Mr. Cadinha that the consultants have recommended that the area which he is requesting for Urban be included in the amended Urban boundaries, and that the staff has recommended approval of his request.

There were no further questions; and the hearing on the matter of Cadinha Investment Company was closed.

APPLICATION OF BENIGNO MIGUEL (SP(T) 62-34), FOR SPECIAL PERMIT TO CONSTRUCT A TOTAL OF EIGHT (8) DWELLINGS ON PROPERTY LYING ALONG AN UNIMPROVED ROAD WHICH IS THE EXTENSION OF KUMUHAU STREET IN THE NORTHWEST CORNER OF WAIMANALO VALLEY, OAHU: Described as First Division, TMK 4-1-10: 39.

The FO briefly described the request and outlined the area on the map.

The following communication was received and read to the Commission by the FO:

1. Letter from the City and County Public Works Committee recommending that the matter be referred to the Mayor for study and the Planning Director for his recommendation.
2. Letter from City Planning Commission, dated December 12, 1962, recommending that the Special Permit be denied for the following reasons:
 1. Roadway leading to the lot is substandard. It is only a dirt road with a right-of-way of about 15 to 16 feet.
 2. The existing water line in the area cannot service adequately any kind of residential development.
 3. The General Plan of Waimanalo designates the area for Agricultural use. The granting of the Special Permit would create non-conforming uses.

The FO stated that the Board of Water Supply, Land Study Bureau, Department of Health were solicited for their comments and recommendations and no reply has been received.

Question was raised by Commissioner Ige whether 4 houses existed, to which the FO replied in the affirmative.

There was no reply to the Chairman's question as to whether there was anyone present who wished to be heard. The Chairman called upon the FO for the staff report.

The FO was sworn in by the Chairman and read the staff report recommending disapproval of the application.

Commissioner Sunn questioned whether Mr. Miguel stated why he needed these additional four houses. The FO replied that he has not received any information

in this regard but received correspondence from Mr. Miguel informing of the groundwork that has been done. This statement was later corrected by the FO who stated that the application states that these additional homes are for rental units.

The Chairman made all letters, documents referred to in the hearing as part of the record, and informed the public that it will be 15 days before the Commission will take action on Mr. Miguel's Special Permit, and 45 days before the Commission will take action on the Cadinha Investment Company's petition.

The public hearing was closed at 10:00 A.M.

The public hearing was reopened due to an error on the part of the secretary in notifying the petitioners that the hearing was for 10:00 a.m. The hearing on the application of Benigno Miguel (SP(T) 62-34) was reinstated by the Chairman.

Mr. Benigno Miguel was sworn in by the Chairman.

The FO briefly redescribed the request and outlined the area on the map.

Mr. Miguel informed the Commissioners of the problem he is faced with, with his contractor who is handling the job. He stated that after being given the approval to go ahead with his plans and having started on the groundwork, he has now been stopped in the middle of the operation. He informed the Commissioners that his contractor is complaining because the operation has been stopped and because of the money he is losing which he has put into the operation.

Chairman Bryan asked Mr. Miguel when he was given the approval to go ahead. Mr. Miguel did not give a definite day except stating this year.

Commissioner Gregg attempted to find out the time and date the contract was signed, as he felt that most contractors are familiar with the law and would know definitely that the contract could not be processed until the matter was cleared with this Commission.

Mr. Miguel was informed that the Commission would not be able to take action until 15 days from today or later, and that the staff would inform him as to when the Commission would meet.

The public hearing was closed.