

October 4, 1963

Ref. No. LUC 664

Mr. Michael P. L. Chun
41-725 Kumuahu Street
Waimanalo, Oahu, Hawaii

Dear Mr. Chun:

On behalf of Dr. Shelley M. Mark, director of this department and ex-officio member of the State Land Use Commission, I am undertaking to advise you of the status of your application to the Commission for a special permit.

Unauthenticated records show that your application was denied by the Commission during its meeting on January 28, 1963 in Honolulu. Enclosed are minutes of the meetings and hearing concerning your application for your review.

The term of the last Commission expired on May 3, 1963, and a new Commission has not yet been appointed in its place. You may have further questions which you may wish to have answered. Please feel free to call Mr. Gordon Soh, who is covering in absence of a Land Use Commission's executive officer, at telephone number 504426.

Sincerely,

CLARENCE L. HODGE
Acting Director

Enclosure

cc: Roy Takeyama, Attorney General's Office

LAND USE COMMISSION

FIELD OFFICER PUBLIC HEARING

LUC Hearing Room

Honolulu, Hawaii

January 10, 1963 - 9:00 A.M.

Present: W. M. Mullahey, Field Officer (FO)

APPLICATION OF MACHAEL P. L. CHUN (SP(T) 62-39), FOR SPECIAL PERMIT TO MOVE TWO ADDITIONAL HOMES ONTO ONE ACRE OF LAND IN AN AGRICULTURAL DISTRICT IN WAIMANALO, OAHU: Described as First Division, TMK 4-1-25: 51

The Field Officer declared the public hearing open.

The Field Officer stated that this hearing is being held before a Field Officer and not before the full Commission because the provisions of Act 187/61 provide that, "Notwithstanding the provisions of Sections 6 and 7 requiring a hearing by the full commission if any application requiring a hearing is received which the commission in the course of its regular meetings shall not be able to hear for more than 60 days, it may authorize a field officer to conduct such a hearing and make a recommendation, provided all other necessary rules for hearings are adhered to. The recommendations of the field officer shall be submitted to the commission at its next meeting, and any recommendation, or rulings by the commission as a result of this recommendation, shall be subject to a review of the full commission at the next hearing date scheduled for the County in which the land concerned is located, if either the commission or the applicant notified the other party at least 20 days prior to this date."

The Field Officer outlined the procedures to be followed:

1. All persons and government agencies having an interest will be given an opportunity to be heard.
2. Formal rules of evidence will not be applied but all participants are urged to confine their comments to the matters in issue.
3. All interested persons and agencies will be permitted to file written comments, recommendations and protests to the Commission within 15 days following the close of this hearing.

The FO asked if there were anyone present representing the applicant.

Mr. Philip Pang introduced himself as the representative of the applicant, and was sworn in by the FO.

The FO noted that comments and recommendations were solicited from the following and to date no reply has been received:

1. City Planning Department
2. City Council
3. Board of Water Supply
4. Department of Health
5. Land Study Bureau

The FO noted for the record that recent testimonies have been submitted by the applicant in the form of a request for emergency ruling procedure which ruling was denied the applicant on December 19, 1962.

Mr. Pang stated that Mr. Chun purchased two homes from the Hilton Hawaiian Village and wanted them moved to his property for these reasons:

1. Mr. Chun is quite ill and wants his brother to go and live on the property in one of the cottages to take care of him and to help maintain his property. Mr. Chun feels it is good to have some relative near because of his illness.
2. Mr. Chun is helping to relocate a family who was being moved because of the redevelopment project in the Kukui Street area, and who wanted a house quite badly because of their large family. This family cannot find a lot large enough that they can afford, so Mr. Chun feels that he would provide one house to help them out.

Mr. Pang stated that Mr. Chun bought these two houses, but before he was able to move, he discovered that he was blocked because of certain regulations under the Land Use Commission Act, and therefore Mr. Pang was representing him to request permission to move these houses. Mr. Pang noted that these houses would have to be moved by a certain day; otherwise, there would be a certain fee which would need to be paid by Mr. Chun. Mr. Pang stated that an emergency hearing was requested of the Commission but was turned down; and presently he was going through the normal channels to receive approval for Mr. Chun's request. Mr. Pang also pointed out that the houses Mr. Chun has purchased are located in such a position making it very difficult for the other homes in the court to be moved out, unless the subject two houses are moved first. These other homes were also up for auction and many were bought, but because Mr. Chun's homes are there, these people are detained from moving their houses out. Mr. Pang stated that these people are under the stipulations that they must move their houses

out at a certain date and Mr. Chun feels that he is holding these people back.

The FO asked whether Mr. Pang has received any letters or conversations with the Hawaiian Village. Mr. Pang replied, "Not directly. I haven't spoken to any of them nor have they mentioned anything so far." The FO asked whether Mr. Chun's intention is to rent one of these houses. Mr. Pang replied, "It is not exactly for rent. Mr. Chun is **just trying** to help these people and do a favor for the family. There might be a price, as the family wants to pay something, but it would not be considered rent as it would be inadequate."

The FO asked, "Have you or the applicant explored the possibility of moving these houses onto an interim lot for storage in the Urban district before moving to Waimanalo?" Mr. Pang replied, "Mr. Chun has thought of that since he did not get his emergency hearing, but he cannot find an empty lot to store these homes, nor is he in the financial position to rent storage space in Waimanalo." The FO asked, "How long has Mr. Chun owned the land in Waimanalo?" Mr. Pang replied, "I believe he has owned that property since the middle of 1940." The FO asked if Mr. Chun's house has been built for that number of years? Mr. Pang replied, "Mr. Chun's house was built sometime in 1950." Mr. Pang added that Mr. Chun has tried farming on the property but because of its condition, as much of the property is on a slope, he found the soil being not fit for farming, and that is why he is considering putting these homes up for these people. The FO asked, "Did you know the zoning on the land?" Mr. Pang replied in the negative, stating that when Mr. Chun bought the property he was told that he would be able to put up more houses in the future, if he wanted to. The FO asked whether this was a City ordinance, to which Mr. Pang replied in the affirmative. The FO informed that this City ordinance was in effect up to April of 1962 when the Land Use Commission's interim regulations took effect.

The FO asked if there were anyone present who wished to speak for or against the application. There was no response.

The FO informed Mr. Pang that there are 15 days of waiting period before this Commission can make or render a decision, after the close of this hearing. He stated that additional testimony will be received during this period and that the staff will notify Mr. Chun of the time and place the Commission will meet to make its decision.

The public hearing was closed.