

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM_	SP(T)63-1	Ermil	Sucres
DATE_	3/20	164		
PLACE_	LUC	Hearing	Room	24
TIME_	3:2	0 1		

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BURNS, C.E.S.				4
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FERRY, J.				
THOMPSON, M.				- APP

COMMENTS: Werhow - Petetris be approved on built in an urban onen, proper use as urban prind in exceptional bordelip, bailey and in the agent to agent contains

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Ref. No. LUC TOL March 24, 1964 Mr. Frederick K. F. Los Planning Director City Planning Commission City & County of Honolulu Homelule Hale Annon Romolulu, Rawaii Dear Mr. Lee: The Land Vee Commission, in section taken on Harch 20, 1964, voted to approve the potition for special permit by Mr. Ernest Sours to move and post five (5) second-hand houses for residential use on his lot as described on the Oshu tax maps as 8-7-04: 44. It is requested that notice of this approval by the Land Use Commission be served to the patitioner along with such awards and conditional awards as you may have elected to make. Should you have further questions, please feel free to contact

US.

Very truly yours,

RAYMOND S. YAMASBITA Executive Officer

ce: Mr. Myron Thompson Mr. Roy Takeyana Mr. Ernest Sousa

To Put 5 Houses on Land

The Land Use Commission voted unanimously yesterday—and with unanimous expressions of sympathy—to allow citizen Ernest Souza to place five second-hand houses on a lot now zoned for agricultural use facing St. John's Road in Maili, Oahu.

Souza, who has only a moderate income, bought the land years ago with hopes of putting rental income units on it. When he bought it, it was legal to put houses there. He recently finished paying for the land.

But the State changed its laws, and Souza found he

couldn't get City or State approval to put houses in the area. However, the State may—in about three months—re-zone the area urban.

Souza had purchased five Navy surplus houses for the lot from Frank Fasi. Fasi has been paying \$25 a day penalty to the Navy waiting for Souza to get governmental approval to have the houses moved.

Last October, the Star-Bulletin carried a lengthy story explaining the "legal runaround" Souza was getting due to the complexity of State and County red tape.

\$3,750 IN PENALTIES

Fasi told the Land Use commission yesterday he had paid \$3,750 in penalties to the Navy because the houses were still sitting on a Pearl City Government lot.

Souza had to get a big loan to buy the houses and must pay it off at the rate of \$265 a month—a big portion of his monthly income.

The Land Use Commission staff brought up legal technicalities and said it could not officially favor Souza's petition for a special per-

mit to put the homes on agricultural land.

After lengthy discussion, this solution emerged:

Souza may have a permit to park the houses on his land. By the time he has them ready for rental, the commission may well have gotten around to zoning the land urban.

"Anyway," said one commission staff member, "the land is next to a school and is poor agricultural land. It could probably accommodate chickens—and that would be pretty noxious."

Fasi thanked the board for strengthening his faith in the democratic process. STATE OF HAWAII LAND USE COMMISSION

LUC Hearing Room

426 Queen Street, Honolulu, Hawaii

2:00 P. M. March 20, 1964

STAFF REPORT

SP(T)63-1 - ERNEST SOUZA

moveel

Temporary District Classification: AGRICULTURAL

Background

The following memo in the files of the Land Use Commission is copied here for background information:

- Gordon Soh returned a call from Labriano Garcia, tel #82288 on 10/24/63, of FASI regarding the petition from Ernest Souza.
- 2. Mr. Labriano Garcia outlined Mr. Souza's predicament to Mr. Soh and requested advice regarding remedies available to Mr. Souza.
- 3. Mr. Soh advised him of procedures for processing applications for special permits and for processing petitions for boundary changes and offered to send him a copy of Act 205/SLH 1963.
- 4. Mr. Labriano Garcia requested advice on which of two remedies to take.
- 5. Mr. Soh recalled Mr. Wallace Kim's conversation of October 10, 1963
 in which Mr. Kim said he would advise Mr. Souza to withdraw his petition
 for a boundary change and apply to the Zoning Board of Appeals for a
 special permit instead. Mr. Soh expressed concurrence in this.
- 6. Mr. Labriano Garcia asked that if the special permit were denied, might Mr. Souza later seek relief under boundary change procedures. Mr. Soh read to him portions of Sec. 98H-4 of Act 205 and determined that the alternatives would be open to him.

The Zoning Board of Appeals of the City and County of Honolulu has referred to the Land Use Commission an application for special permit by Mr. Ernest Souza to use a parcel of land located within an agricultural district for residential use. The petitioner plans to move and post five (5) second-hand houses on his lot containing 2.190 acres, situated at 87-288K St. Johns Road in Maili, Waianae, Oahu.

The subject property has two existing single family dwellings. One of the houses is used by the Souzas for their abode while the other house is rented out to another family. The property is relatively flat and has been developed sufficiently for the posting of five houses. The northern border of the property is adjacent to the new Maili Elementary School. On the south east corner of the school's lot are two dwellings used for the housing of school teachers. One of the dwellings is a duplex. To the east of the Souza property is a single family quonset hut surrounded by numerous wrecked automobiles. The staff believes a that the property is being used as/junk car yard.

The western end of the property is bordered by a dirt road. Across the road is a large lot with an existing single family dwelling. A large area of this lot is covered by brush and kiawe trees. Just beyond this lot is a small poultry farm surrounded by a few acres of grazing areas. The properties to the south of the petitioner's land consist of a dense residential area. The staff estimates that there are some 50 - 60 single family units in the area. Except for a church, the land beyond this densely populated area is vacant and is covered with a growth of scrub brushes and kiawe trees.

Rainfall in the general vicinity is under 20" a year. 1 The Souza property is served by a 1" water line which in turn is taken from a 3" line which originates

^{1/} State General Plan, p. 32.

at Farrington Highway. $\frac{1}{}$ The subject land has been classified as "D" and "U" by the Land Study Bureau. $\frac{2}{}$

Subject property is now in the interim agricultural district but has been designated as an urban district in the proposed final district boundary maps.

The State General Plan and the Oahu General Plan both designate the area in which the petitioner's property is situated as residential use. $\frac{3}{}$

The area is zoned as "rural protective" by the City and County of Honolulu with a minimum lot size of 5,000 sq. ft.

The Zoning Board of Appeals, in action at its meeting on February 20, 1964, "voted to recommend that the applicant be granted the Special Permit on the basis that the result is not inconsistent with the general purpose of the area and for the following reasons:

- "1. The existing lots within the subject area located between Mailiilii
 Road and Kaukamanu Road are predominantly small lots and are residential
 in character;
 - 2. The proposed General Plan of Oahu designates this area for residential use:
 - The existing zoning is Rural Protective and outside of the existing zoned farm district; and
- 4. The character of the area is predominantly residential."

Board of Water Supply and Minutes of the Zoning Board of Appeals of the City and County of Honolulu, dated February 20, 1964.

^{2/} State General Plan, p. 32.

^{3/} See State General Plan and The Oahu General Plan for the Waianae District.

The Board also pointed out to the petitioner that its recommendation must be approved by the Land Use Commission and "upon approval by the Land Use Commission, the applicant must comply with existing regulations and laws which require that he obtain other permits from other government agencies."

Analysis

Petitions for special permits are based upon "certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified." The petitioner has proposed to move and post five second-hand houses on his property as rental units. The proposed use is for residential purposes and cannot be construed as an "unusual use," and approval of this petition would be contrary to the law.

Further, attention is invited to the following extracts from Attorney General's Opinion No. 62-38 which deals with residential uses in agricultural districts on another issue:

- 1. "Clearly the Land Use Commission cannot allow lands classified as agricultural for residential purposes if in so doing, the essential character of the area is changed from agricultural to urban. To do so would render the district boundaries meaningless and defeat the purpose of Act 187."
- 2. "To permit the use of areas classified as agricultural for single-family dwelling units having no direct relationship to primary agricultural activities would, in the absence of adequate standards and controls, constitute an unwarranted deviation from the policy and requirements of Act 187 that temporary district boundaries and Interim Regulations be designed to maintain existing conditions until final district boundaries and regulations are adopted. Any changes in district

boundaries or land use regulation during this period must be made by amendments approved by the Commission in accordance with procedures set forth in Act 187 and the rules of the Commission."

3. "In any given case involving the use of agricultural lands for single-family dwelling units, can a county planning commission approve such use with any degree of confidence that in so doing it is not violating the provision that areas may not be zoned by counties for urban uses except in those districts that are designated as urban by the Land Use Commission? In other words, there is a complete absence of guidelines and standards to enable the counties to properly administer and enforce the regulations relating to single-family dwelling units."

On the basis of the above statements, it would appear that there is no alternative but to deny this petition.

Further, the special permit procedure cannot be used as a procedure for expediency --in spite of the regrettable circumstances of this petition.

The proposed final district boundaries include this parcel in the urban district.

The adoption of the boundaries in its proposed form would grant a measure of relief to the petitioner but adoption is not anticipated for about three months.

Approval of this petition at this time, however, cannot be granted on this basis.

Recommendation

On the basis of this analysis, staff must recommend the denial of this petition
-- in spite of what now appears to be ill advice offered to petitioner.

ADDENDA TO SP(T)63-1 - ERNEST SOUZA

In view of the circumstances of this petition, staff has informally contacted the City Planning Department and Frank Fasi, representing an interest in this petition. It appears that should the petitioner be permitted to move the houses to the lot for temporary storage, it would grant him a great measure of relief until the final district boundaries are adopted. At the present time, a permit to move the houses to the lot for storage has not been granted by the City because such action would appear to be in conflict with the Land Use legislation. It appears that the City would favorably consider issuing a moving permit if the Land Use Commission would write a letter to the effect that the temporary storage of the buildings on the lot would not be in conflict with the law.

It is noted that both the City and the Land Use Commission concurred in the inclusion of this parcel in the proposed urban district. However, adoption of the final district boundaries is not now anticipated for about 3 more months. Although there are no objections now, there is no guarantee that the final district boundaries will be adopted as shown or in the anticipated time.

Should such a letter to the City be approved by the Land Use Commission, the petitioner, of course, must assume the full responsibility of making any further decision, taking any further action and assuming all the risks involved. Should the petitioner in anyway take or permit any action to affix any building to the parcel, it would constitute a violation of the land use law. Petitioner would then be subject to a fine of not more than \$1,000 or imprisoned for not more than one year, or both.

Because of the apparent hardship involved, the extenuating circumstances and the possibility of this Land Use Commission providing some relief, staff requests advice from Legal Counsel on possible conflict and, if not in conflict, permission from the Land Use Commission to submit such a letter to the City.

Ref. No. LUC 159 March 9, 1964 Mr. Ernest Souza 87-288K St. Johns Road Maili, Ochu, Hawaii Dear Mr. Souza: The Land Use Commission of the State of Hawaii will hold a meeting on the Island of Cahu on March 20, 1964 in the Land Use Commission hearing room, 426 Queen Street, Monolulu, Hawaii, at 2:00 p.m. As prescribed by SECTION 98H-6 of Act 205/63, your application for Special Fermit has been placed on the agenda for consideration by the Commission at this meeting. Final action may be taken at that time. Very truly yours, RATIOND S. YAMASHITA Executive Officer cc: Mr. Byron Thompson Mr. Roy Takeyama

NEAL S. BLAISDELL MAYOR



CITY AND COUNTY OF HONOLULU

PLANNING DEPARTMENT HONOLULU HALE ANNEX HONOLULU 13, HAWAII

February 25, 1964

PLANNING COMMISSION

135

THOMAS N. YAMABE, II, CHAIRMAN GEORGE F. CENTEIO FRANK W. HUSTACE, JR. KINJI KANAZAWA CYRIL W. LEMMON STANLEY T. HIMENO ALFRED A. YEE

BUDGET DIRECTOR, EX-OFFICIO MANAGING DIRECTOR, EX-OFFICIO ZONING BOARD OF APPEALS

HENRY C. H. CHUN-HOON, CHAIRMAN HAROLD K. KOMETANI, VICE-CHAIRMAN R. GIBSON RIETOW

PLANNING DIRECTOR

FREDERICK K. F. LEE



State of Hawaii LAND USE COMMISSION

Mr. Raymond S. Yamashita Executive Officer Land Use Commission State of Hawaii 426 Queen Street Honolulu, Hawaii 96816

Dear Mr. Yamashita:

SUBJECT: Petition for Special Permit

Waianae - 87-228 K St. Johns Road

Tax Map Key: 8-7-04: 44 Applicant: Ernest M. Souza

The Zoning Board of Appeals at its meeting on Thursday, February 20, 1964, considered again a petition by Mr. Ernest M. Souza, for Special Permit to use a parcel of land located within an Agricultural District for Residential use in order that five (5) second-hand houses may be moved and posted on the lot containing 2.190 acres, situated at 87-288K St. Johns Road in Maili, Waianae, for which a public hearing was held on January 23, 1964.

The Board, after careful study and evaluation of the testimonies made at the public hearing, voted to recommend that the applicant be granted the Special Permit on the basis that the result is not inconsistent with the general purpose of the area and for the following reasons:

The existing lots within the subject area located between Mailiilii Road and Kaukamana Road are predominantly small lots and are residential in character;

1.00 Mr. Raymond S. Yamashita -2-February 25, 1964 The proposed General Plan of Oahu designates this area for residential use; The existing zoning is Rural Protective and outside of the existing zoned farm district; and The character of the area is predominantly residential. The Board wishes to point out to the applicant that their action is a recommendation and requires further action by the Land Use Commission. Upon approval by the Land Use Commission, the applicant must comply with existing regulations and laws which require that he obtain other permits from other government agencies. Very truly yours, ZONING BOARD OF APPEALS Frederick K. F. Lee Planning Director cc: Ernest M. Souza RT: da Enc1s

Meeting of the Zoning Board of Appeals Minutes February 20, 1964

The Zoning Board of Appeals met in regular session on Thursday, February 20, 1964, at 3:00 p.m., in the Conference Room of the City Hall Annex with Chairman Harold K. Kometani presiding:

PRESENT:

4

Harold K. Kometani, Chairman George I. Brown Henry C. H. Chun-Hoon

Frederick K. F. Lee, Planning Director Wendell Kimura, Deputy Corporation Counsel

PUBLIC HEARING ZONING VARIANCE (CLASS AA RES.-LOT SIZE) KULTOUOU 319 DALLINE WAY DAVID CALIZAR A public hearing was held to consider an application for variance from the existing Class AA Residential regulations to permit the subdivision of a 18,0420 lot into two lots of 9,0030 and 9,0390 for a parcel of land at 319 Dalene Way, situated on the kokohead side of Dalene Way and approximately 150 feet mauka of Kawekiu Place in Kuliouou.

The public hearing notice published in the Honolulu Star Bulletin on February 8, 1964, was read by the Director who reported that no written protests had been filed.

He pointed out on the map the property in question situated in Kuliouou. The back boundary of this lot adjoins Kuliouou Stream and the City in 1959 acquired 235\$ of the property for the realignment of this stream, thereby reducing the land area from 18,277\$ to 18,042\$. The land is fairly level with no swale to cause drainage problem. There is a retaining wall along the back boundary of the lot. The existing dwelling is situated on the front portion of the lot.

No one spoke for or against this application. The public hearing was closed and the matter was taken under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.

In considering this matter later, the Board determined that there is sufficient evidence of hardship to meet the three conditions specified in the City Charter.

A motion to grant a variance from the Class AA Residential regulations to permit the two-lot subdivision for the subject property was made by Mr.Chun-Hoon, seconded by Mr. Brown, and carried.

ZONING VARIANCE (CLASS B RES.) PAUOA LUSITANA AND HUALI STREETS ROLAND L. CHUN

The Board again considered a request by the applicant to construct a five-story commercial-apartment structure in lieu of a four-story structure on land containing an area of 7,8820 situated at the corner of Lusitana and Huali Streets in Pauca.

The Board on January 23, 1964, after a public hearing, granted a variance from the Class B Residential regulations to permit the proposed structure, limited to four stories, to encroach upon that portion of the lot still in residential zone. The majority of the lot is in business zone. The Board, after reconsidering this matter, approved a five-story structure from the frontage of Lusitana Street subject to a determination by the Corporation Counsel that another public hearing on the revised height was not necessary.

Deputy Corporation Counsel Kimura stated that if the public hearing notice indicated that the variance application was for the purpose of a commercial-apartment structure without a designation of the size or height of the structure then a change from four to five stories will not necessitate an additional hearing. The Director read the public hearing notice to confirm that no height or size limitation of the proposed structure was mentioned in the hearing notice. Mr. Roland Chun, the applicant, and his architect were present. This matter was taken under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown. In considering this matter later, the Board approved the construction of a five-story structure with the stipulation that the construction plan be filed with the Planning Director and made a part of this record. LAND USE COMMISSION The Board considered an application for special permit rouse a certain parcel of land located within an Agricultural District of the Land Use Commission's SPECIAL PERMET Temporary District Boundary for residential use in order WALAN E-MAILI 87-238K ST. JOUNS ROAD that five second-hand houses may be moved and posted on the subject property containing 2.190 acres situated ER'MEST SOUZA at 87-288K St. Johns Road in Maili, Waisnae. A public hearing was held and closed on January 23, 1964, and the Board is required to take action after 15 days from the public hearing date. The Director reported that a letter has been received from the Department of Health indicating that it has no objection to the request for Special Permit to use the subject parcel for residential use; however, it recommended that when a permit is issued, the following stipulations be included: "The land should be filled to an elevation of at least 5 feet above the normal water table with earth material which would provide good drainage and permit the proper construction of cesspools." Noting that a representative from the Board of Health was present, the Board asked him whether or not there has been any desspool problem in this Waianae area. The representative replied that he is not familiar with problems in this particular area but he believed that the field staff must have made a check and the report submitted by the Department of Health. Mr. Ernest Souza, applicant, stated that so far there has been no cesspool trouble in the area. In reply to the Board's question, he stated that he must dig 6 feet or more before hiting water. The Board took this matter under advisement on motion of Mr. Chun-Hoon and second of Mr. Kometani. In discussing this matter later, the Board noted that although it may approve the special permit for residential use of the property, the applicant must also obtain approval from the Land Use Commission then meet the - 2 -

requirements of the various City and State departments before he can obtain a building permit to post the five homes.

The Board considered the fact that the applicant's property is situated outside of the farm district zone and is zoned Rural Protective. A check of the tax map showed that there are numerous lots 10,000% in area and below used for residential purposes; therefore, the request for residential use of the applicant's property seems reasonable. The Board, however, was reluctant to grant the special permit knowing that the applicant may not be able to meet the requirements of some of the City departments with reference to water, sewer, roads, etc. The Board of Water Supply has stated that its water system facilities do not extend into this area and that the nearest adequate water system facilities are located on Farrington Highway, quite a distance from this subject area.

The Board took into consideration the fact that the applicant has a 1" line water meter on his property and although the Board of Water Supply will not grant him additional water meters, he may service the five houses from this one meter. Since this is not a proposed subdivision, the requirement of the Board of Water Supply may not be applicable.

The Board asked the Deputy Corporation Counsel whether or not it may place a condition to its approval; that is, approval subject to meeting all of the requirements of the various departments.

Mr. Kimura stated that he is not prepared to answer that question at this time although he personally felt that this type of application is similar in nature to the granting of a zoning variance so that conditions could be imposed. He felt that the Board's scope of determination at this time should be whether or not residential use is desirable for the subject property, that the use is reasonable and unusual within the agricultural district. The Board certainly may take into consideration the requirements of the other departments in making this determination.

After further deliberation, the Board voted to grant a Special Permit to Wr. Souza to permit him to use his property for residential use. The Land Use Commission is to be advised of the Board's action accompanied by facts relating to existing land uses, lot sizes, and present zoning in this area to support the fact that the lot is urban in character; background information on the creation of the farm district and its boundary; and that the applicant must still comply with the requirements of the various City and State departments before he is granted a building permit to move and post the five second-hand houses on the lot. The motion was made by Mr. Chun-Hoon, seconded by Mr. Brown, and carried.

The Board members, with the exception of Mr. Kometani, visited a 37,221# parcel of land in Waianae situated right next to the Makaha Surfing Beach. The owner of the property had requested a variance from the provisions of Ordinance No. 2109, Section 1(d), relating to height restriction within Resort-Hotel District No. 1 zone, to

ZONING VARIANCE (RESORT-HOTEL DISTRICT NO. 1) WAIANAE MAKAHA BEACH MAKAHA SHORES, INC.

permit the construction of a 6-story apartment-hotel structure in lieu of a 3-story structure as required by this ordinance. The applicant had appeared before the Board at its previous meeting to present evidence in support of his application. Mr. Chun-Hoon who had visited the site stated his belief that the subject area was very desirable for a resort type development but felt that a six-story structure may not be compatible with the surrounding area. He saw no hardship relating to the physical condition of the land itself. He felt that a better approach to this problem may be to have the Planning Commission or the Director recommend to the City Council to change the ordinance to permit high-rise structures in this area. Mr. Brown was of the same opinion. He felt that the low rise resort development for this area was created for a reason and the Board should not be the one to change it. It was difficult for him to find hardship relating to the physical condition of the land since the resort zoning was based on a minimum lot size of 20,000# limited to three story structures and here, the applicant has a larger lot of 37,221# in area. Mr. Kometani agreed with the other two members. Since this is the first major project in the area, he felt that the Board should accept the low rise resort development planned for this area by the Planning Commission and not deviate from it. However, in view of the restrictive covenant, which prohibits spartment use, imposed on adjoining properties also designated on the General Plan for resort use, he felt that a recommendation to the Planning Commission may be in order to have this entire area re-studied and if resort use is not practical then to change it to another use. A motion to deny this application for variance on the basis that there is insufficient evidence to meet the three conditions of hardship specified in the Charter was made by Mr. Brown, seconded by Mr. Chun-Hoon, and carried. The Board also made a recommendation to the Planning Commission that it consider re-studying this entire Makaha Beach area in view of the restrictive covenant imposed on the properties which precludes apartment development in the area. ZONING VARIANCE The Board members visited the property at 1862 Puowaina Drive in Pauoa-Punchbowl. There are two dwellings on (CLASS A RES.) this property containing an area of 8,840\$ and the PAUCA 1862 PUOWAINA DR. applicant has requested a variance from the Class A SALVADOR C. Residential regulations to permit the replacement of an VILLAROZ old dwelling on the front portion of the property with a new dwelling. The Director reported that the proposed General Plan for this area is medium density apartment use or Apartment District C zoning. The applicant had made a request to the Planning Commission for a change in zoning to Apartment District C and the Commission was in the process of calling a public hearing to consider the request when the injunction was filed by Judge Jamieson precluding further consideration of this request. The applicant requests a variance so that he may proceed with the replacement of the old dwelling. - L -

The Director estimated that the new General Plan may be approved in about a month or two months.

Mr. Chun-Hoon who had visited the site indicated that the old dwelling seems as though three families were living in it. Since the area is zoned Class A Residential but

old dwelling seems as though three families were living in it. Since the area is zoned Class A Residential but the General Plan designation is apartment, he asked whether the Board should consider this matter under the Class A Residential use or under the future use of multiple family use.

The Director stated that in the field of planning, when an area is designated for apartment use, the owners should be required to build apartments; otherwise, the plan for the area is defeated. The staff had studied this Pauca-Funchbowl area and found that there are many illegal rental units. There is a demand for apartment units in this area. Many of the dwellings are very old; therefore, through proper zoning and increase in tax rate, the people would be forced to demolish these old buildings and construct new apartment buildings.

The Board determined that there is insufficient evidence to meet the three conditions of hardship outlined in the City Charter. Since the general plan is to be adopted very shortly and the applicant's proposed use of his property complies with the medium density apartment use proposed for the area, the Board felt that the proper action would be to have the property zoned for apartment use as soon as the general plan is adopted.

A motion to deny this application for variance was made by Mr. Brown, seconded by Mr. Chun-Hoon, and carried.

The Board deferred action for visit of site, a request for variance from the existing Class A Residential regulations to permit the use of the/rear portion of a lot containing an area of 9,982\$\mathref{\textit{g}}\$ situated at 3118 Waielae Avenue in Palolo as an off-street parking area for a business-apartment structure to be constructed on the front portion of this property zoned for business use.

The motion was made by Mr. Chun-Hoon, seconded by Mr. Brown, and carried.

The Board considered a request for variance from the existing Hotel and Apartment regulations to permit the construction of a commercial structure within a portion of the Princess Kaiulani Hotel premises situated at the corner of Kalakaua and Kaiulani Avenues in Waikiki. This lot contains a total area of 180,491\$ of which a depth of 110 feet from Kalakaua Avenue is zoned business. The proposed commercial structure which is to house a wax museum will be constructed within a portion of the lot zoned business but the rear portion of the structure will extend into the area zoned hotel-apartment for about 5,100\$.

The Director reported that the Planning Commission in early 1963, after a public hearing, recommended approval to amend the General Plan land use designation for this subject area from Hotel and Apartment use to Business use but as a result of the injunction, final approval by the City Council is pending. The applicant is now requesting a variance to permit the utilization of a portion of the Hotel-Apartment zoned area for the business structure.

ZONING VARIANCE (CLASS A RES.) PALOLO 3118 WATALAE AVE. G. H. HOSOKAWA

ZONING VARIANCE
(HOTEL & APT.)
WAIKIKI
KALAKAUA AND
KAIULANI AVES.
(PREMISES OF
PRINCESS KATULANI
HOTEL)
KOKUSAI KOGYO
CO., LTD.

In reply to questions from the Board, the Director stated that the subject area was formerly used as a driveway to a parking lot in the rear of the hotel building. Since construction of the multi-deck parking structure in the back of the hotel, this driveway is no longer used as access and it is now being used by a taxi stand. The proposed general plan for this area is apartment as part of the resort-hotel complex on the makai side of Kalakaua Avenue. The applicant had considered the proposed use as an accessory use to the hotel but in order to qualify as an accessory use, it must front the lobby of the hotel. There was also the question of whether or not a wax museum can qualify as an accessory use to the hotel. wax museum will be a separate building, apart from the hotel building. The applicant believes that this use would not disturb the essential character of the neighborhood. Attorneys Shiro Kashiwa and Genro Kashiwa, representing the applicant Kokusai Kogyo Co., Ltd., were present. A' representative from the Kokusai Company was also present. They indicated that the Kokusai Company will construct the building at a cost of about \$90,000 and lease it for

a term of 10 years to the Hawaii Wax Museum. There is to be no subdivision of the land. The building will be under the control of the hotel and be a part of the Kaiulani Hotel complex.

Attorney Howard Moore and Mr. Frank Jeckell, president of the Hawaii Wax Museum, were also present. Mr. Moore submitted a revised construction plan of the proposed wax museum. He indicated that a passageway has been added on the side of the museum building for direct access to the hotel premises. Slight interior modifications were also done. They will be assigned parking spaces in the multi-deck parking structure.

Mr. Jeckell stated that the wax museum will be based on Hawaii from the first arrival of the Polynesians to the date of annexation. It will depict the various historical events and figures during this period. There will be 26 scenes and 66 figures. This will be a type of development which will be enjoyed by the tourists as well as local residents, especially children.

After a brief discussion, this matter was taken under advisement on motion of Mr. Brown and second of Mr. Chun-Hoon.

In discussing this matter later, the Director pointed out to the Board that this application differs from previous applications considered by the Board where a lot is split into two zones and the applicant is asking for relief from the zoning applicable to the smaller portion of the lot in order that the whole portion may be used for the use permissible in the larger portion. In this case, the lot is split into two zones but the applicant is merely asking for variance for a small section of the larger portion of the lot zoned for hotel-apartment use so that it is questionable whether or not there would be hardship to the applicant if he is denied the use of a small portion of his land for business.

After a brief discussion on the factual situation of the case, the Board decided to visit the site on motion of Mr. Chun-Hoon and second of Mr. Brown.

ZONING VARIANCE
(RURAL PROTECTIVE)
WAIPAHU
OFF WAIPAHU DEPOT
ROAD
WAIPAHU BUSINESS
ASSOCIATES LTD. &
WAIPAHU SUPER
MARKET, LTD.

The Board considered a request for variance from the existing Rural Protective regulations to permit the enlargement of the existing Waipahu Big-Way Super Market building situated off Waipahu Depot Road in Waipahu.

The Director indicated that the proposed enlargement would extend into the area still zoned Rural Protective and used for off-street parking. The enlargement of 4,966 will increase the total building area to 13,216 and leave a parking area of 14,409 which is more than adequate to meet the parking requirement.

Attorney Morio Omori, representing the applicant, pointed out that the proposed addition will still leave 52% of the total lot area of 27,625% in parking. This market is part of a shopping center complex and by taking the entire complex into consideration, there will be 68% in parking and 32% in building.

This matter was taken under advisement on motion of Mr. Brown and second of Mr. Chun-Hoon.

In considering this matter later, the Board authorized the calling of a public hearing to consider this application on motion of Mr. Chun-Hoon and second of Mr. Brown.

The Board considered a request for variance from the existing Class A Residential regulations to permit the subdivision of a 15,000\$\text{\psi}\$ lot into three lots of 4,388\$\text{\psi}\$, 4,410\$\text{\psi}\$ and 4,500\$\text{\psi}\$ with a 12-foot right-of-way (1,702\$\text{\psi}\$) for land situated between 733 and 747 7th Avenue in Kaimuki.

The Director indicated that the applicant has submitted three schemes of the proposed subdivision. Under Schemes A and B, all three lots are 5,000\$\tilde{\theta}\$ in area but because of the flag type of lots created, the buildable area becomes less and the lot width is narrow requiring a modification from the Subdivision Rules and Regulations.

Under Scheme A, the buildable area for the two interior lots is 3,787\$ each with a lot width of 25.5 feet. Under Scheme B, the buildable area for the two interior lots is 3,075\$ and 3,780\$ with a lot width of 41 feet and 51 feet. The applicant prefers Scheme C because it looks more orderly and provides better buildable lots.

The Director informed the Board that the staff had checked this Kalmuki area and found approximately 83 lots of similar size, 15,000% in area. Most of them have been built on and an extremely small percentage is vacant. For this general area, most of the lots have been subdivided into 5,000% lots except the adjacent lot which is still 15,000% in area.

The Board discussed the matter and checked the tax map of this general area.

Mr. Larry Matsuo, representing the applicant, was present.

This matter was taken under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.

ZONING VARIANCE
(CLASS A RES.LOT SIZE)
KAIMUKI
BETWEEN 733 & 747
7TH AVENUE
MR. & MRS. LAU
SING CHOY
BY: PARK
ENGINEERING, INC.

In considering this matter later, the Board determined that there is insufficient evidence to meet the three conditions of hardship outlined in the City Charter by reason that the applicant is able to subdivide his property into standard 5,000\$ lots.

A motion to deny this application was made by Mr. Brown, seconded by Mr. Chun-Hoon, and carried.

The meeting adjourned at 4:35 pm.

Respectfully submitted,

Carole A. Kamishina Planning Reporter





CITY AND COUNTY OF HONOLULU

PLANNING DEPARTMENT HONOLULU HALE ANNEX HONOLULU 13, HAWAII

January 28, 1964

ZONING BOARD OF APPEALS
HENRY C. H. CHUN-HOON, CHAIRMAN
HAROLD K. KOMETANI, VICE-CHAIRMAN
R. GIBSON RIETOW
PLANNING DIRECTOR
FREDERICK K. F. LEE

(38)

Land Use Commission State of Hawaii 426 Queen Street Honolulu 13, Hawaii

Gentlemen:

SUBJECT: Special Permit - Waianae, 87-288K

St. Johns Road

Tax Map Key: 8-7-04: 44
Applicant: Ernest M. Souza

Pursuant to the provisions of Act 205, Session Laws of Hawaii 1963, the Zoning Board of Appeals at its meeting on Thursday, January 23, 1964, held a duly authorized public hearing to consider an application by Mr. Ernest M. Souza for Special Permit to use a certain parcel of land located within an Agricultural District for Residential use in order that five (5) second-hand houses may be moved and posted on a parcel of land containing 2.190 acres, situated at 87-288K St. Johns Road in Maili, Waianae.

In compliance with the provisions of Section 98H-6, the Board voted to defer action for 15 days. After passage of that required waiting period, you will be notified as to the action of the Zoning Board.

Very truly yours, ZONING BOARD OF APPEALS

> Frederick K. F. Lee Planning Director

RT: da

JOHN A. BURNS



AECEIVED DIRECTOR OF HEALTH

DEPARTMENT OF HEALIDER JAN 27 PM 4 27

STATE OF HAWAII

January 22, 1964



LAND USE COMMISSION

Mr. Harold K. Kometani, Chairman Zoning Board of Appeals City and County of Honolulu Planning Department City Hall Annex Honolulu, Hawaii 96813

Dear Sir:

Re: Public Hearing
Tax Map Key 8-7-04: Parcel 44, 2.190 acres
87-288K St. Johns Road
Special Permit
Maili, Waianae

The Department of Health has no objection to the request of the application for a Special Permit to use the subject parcel of land located within an Agricultural District for Residential use.

It is recommended that when a permit is issued that the following stipulations should be included: "The land should be filled to an elevation of at least 5 feet above the normal water table with earth material which would provide good drainage and permit the proper construction of cesspools."

Sincerely yours,

Director of Health

BOARD OF WATER SUPPLY

630 S. BERETANIA STREET HINNG COMM.
P. O. BOX 3410
HONOLULU, HAWAII 96801

1704 JAN 8 AM 10 03

MEMBERS

RALPH E. CLARK, CHAIRMAN LEROY C. BUSH, VICE-CHAIRMAN JAMES B. WILSON, SECRETARY HARRY G. ALBRIGHT YOSHIO KUNIMOTO FUJIO MATSUDA ROBERT Y. SATO

January 7, 1964



FEB 25 1964

Planning Department City and County of Honolulu Honolulu, Hawaii

State of Hawaii
LAND USE COMMISSION

Gentlemen:

EDWARD J. MORGAN MANAGER AND CHIEF ENGINEER

Subject: Application for Special Permit

87-288K St. Johns Road - Waianae

Tax Map Key: 8-7-04: 44 Owner: Ernest M. Souza

In accordance with your letter of December 20, 1963, we have reviewed the subject application and wish to submit the following comments for your information and guidance.

The site is situated within an unimproved area into which our water system facilities do not presently extend. The nearest adequate water system facilities for more intense development of the area is therefore located in Farrington Highway a considerable distance from the site.

Please accept our apologies for the delay in our response in this matter. Receipt of your letter was however for some unknown reason delayed.

Very truly yours,

Francis I. Fujita Manager Water Sales Division

Ref. No. LUC 751 November 14, 1963 City Planning Commission City and County of Honolulu Honolulu Hale Annex Honolulu, Hawaii Attention: Mr. Wallace S. Kim, Deputy Director Gentlemen: This is to advise you of the withdrawal of the petition for Change of Temporary District Boundary by Ernest Souza. The withdrawal request was made by letter dated October 29, 1963, a copy of which is enclosed. Sincerely, R. YAMASHITA Executive Officer Enclosure



ROWLAND J. DARNELL EXECUTIVE OFFICER 426 QUEEN STREET
HONOLULU 13, HAWAII

CHAIRMAN EDWARD C. BRYAN

VICE CHAIRMAN
EDWARD KANEMOTO

SECRETARY YUICHI-IGE

STANLEY C. FRIEL WAYNE D. GREGG FRANKLIN Y. K. SUNN ROGER T. WILLIAMS

E. H. COOK, EX-OFFICIO

FRANK LOMBARDI, EX-OFFICIO

State of Hawali Land Use Commission 426 Queen Street Honolulu, Hawaii

Gentlemen:

It is my desire to withdraw my application for special

Chonged

permit dates September 6, 1963 (date received by LUC) and with it my

deposit fee of fifty dollars (\$50.00) to cover hearing expenses.

The refund of the deposit fee should be made to:

Name

Address

Yours very truly,

ERNEST SOUZA

Ref. No. LUC 698

October 24, 1963

Mr. Lebriano Garcia FASI 8 Sand Island Access Road Honolulu, Hawaii

Dear Mr. Garcia:

Enclosed is a copy of Act 205/SLH 1963 which may be of assistance to you and to Mr. Emast Soura.

Sincerely,

GORDON SOH
Associate Planner
Department of Planning and
Economic Development

Enclosure ce: Mr. Brnest Sousa Land Use Commission 10/24/63

MEMORANDUM TO FILES

Subject: Ernest Souza's petition for Change of Temporary District Boundary

- Gordon Soh returned a call from Labriano Garcia, tel #82288 on 10/24/63, of FASI regarding the petition from Ernest Souza.
- 2. Mr. Labriano Garcia outlined Mr. Souza's predicament to Mr. Soh and requested advice regarding remedies available to Mr. Souza.
- 3. Mr. Soh advised him of procedures for processing applications for special permits and for processing petitions for boundary changes and offered to send him a copy of Act 205/SLH 1963.
- 4. Mr. Labriano Garcia requested advice on which of two remedies to take.
- 5. Mr. Soh recalled Mr. Wallace Kim's conversation of October 10, 1963 in which Mr. Kim said he would advise Mr. Souza to withdraw his petition for a boundary change and apply to the Zoning Board of Appeals for a special permit instead. Mr. Soh expressed concurrence in this.
- 6. Mr. Labriano Garcia asked that if the special permit were denied, might Mr. Souza later seek relief under boundary change procedures. Mr. Soh read to him portions of Sec. 98H-4 of Act 205 and determined that the alternatives would be open to him.

State of Hawaii LAND USE COMMISSION 426 Queen Street Honolulu 13, Hawaii

October 22, 1963

MEMORANDUM TO ALL PETITIONERS CONCERNED

The Land Use Commission at its meeting on October 18, 1963 has asked me to assure you of its awareness of your petition before the Commission.

As of October 11, 1963 the Commission was fully constituted, and it is now in the process of scheduling hearings for petitions not heard by the previous Commission and of scheduling new hearings for petitions heard prior to May 3, 1963 on which the previous Commission took no action. Upon completion of these schedules, notification concerning when your petition will be heard will be forwarded to you.

Mr. Raymond Yamashita is the Commission's new executive officer, and he will begin his duties on November 1, 1963.

Sincerely,

MYRON B. THOMPSON

Chairman, Pro Tempore

Land Use Commission October 10, 1963

MEMORANDUM TO FILES

SUBJECT: Ernest Souza's petition for change of temporary district boundary.

Gordon Soh called Mr. Kim of City Planning Department at 501-249 and was informed Souza may withdraw and submit application for special permit instead.

2 Dole

10/10/63 GSperal Land Use Commission October 10, 1963

MEMORANDUM TO FILES

SUBJECT: Ernest Souza's petition for change of temporary district boundary.

Gordon Soh called Mr. Kim of City Planning Department at 501-249 and was informed Souza may withdraw and submit application for special permit instead.

P Dol

G5: Com Mr. Rim at 501-249 of City Channing Dept- Re: Ottoubel potition 10/10/13 Colled, Souza man withing and submit application for special permit instead. bte-105 my Kin Daing Ainte

STATE OF HAWAII

DEPARTMENT OF PLANNING & RESEARCH HONOLULU, HAWAII MEMORANDUM

			Date	
To				
-				
	From			
	Subject _	<u> </u>		China

Ref. No. LUC 671

October 10, 1963

Mr. Ernest Souza 87-288K St. Johns Road Maili, Waianse, Oahu, Hawaii

Dear Mr. Souza:

This is to acknowledge receipt of your petition for the amendment of temporary district boundaries established by the Land Use Commission.

The term of the last Commission expired on May 3, 1963, and a new Commission has not yet been appointed. When this has been done, we will advise you concerning the hearing of your petition.

Sincerely,

CLARENCE L. HODGE
Acting Director
Department of Planning and
Economic Development

cc: Roy Takeyama, Attorney General's Office

September 10, 1963

Ref. No. LUC 651

Mr. Frederick K. F. Lee, Director Planning Department City and County of Honolulu City Hall Honolulu, Hawaii

Dear Mr. Lee:

Enclosed is a copy of the petition of Ernest Souza for change of temporary district boundary which I am forwarding for your comments and recommendations pursuant to Act 187/61, as amended.

Very truly yours,

W. M. Mullahey Acting Executive Officer

Enc.



SEP 6 1963

STATE OF HAWAII LAND USE COMMISSION of Hawaii LAND USE COMMISSION

426 Queen Street Honolulu, Hawaii

This space for County or DLNR use

Date Petition and Fee received by County or DLNR

Country Date forwarded to LUC

with recommendation

Date Petition, Fee and County/DENR recommendation received by LUC

PETITION FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY

	(I) (We) hereb	y request an amenda	ment of Land	Use Commission	Temporary
District	Boundary respec	ting the County of	Honolulu	, Island of	Oahu ,
map numb	ber and/or name _	8-7-04-Parcel	44	to change t	the district
designat	tion of the follow	wing described pro	perty from it	s present class	sification in
a(n) Ag	riculture dis	trict into a(n) Re	sidential	district.	

Description of property: 2.190 Acres, surrounded by residential lots on 3 sides with New Maile School across the street

Petitioner's interest in subject property:

Owner

Petitioner's reason(s) for requesting boundary change: To put in 5 houses purchased prior to my finding out my property was in the green belt district. Prior to purchasing and getting necessary financing for said houses, I checked with City Planning and they said my property was Rural Protective.

(1) The petitioner will attach evidence in support of the following statement:

The subject property is needed for a use other than that for which the district in which it is located is classified.

- (2) The petitioner will attach evidence in support of either of the following statements (cross out one):
 - (a) The land is not usable or adaptable for use according to its present district classification.
 - (b) Conditions and trends of development have so changed since adoption of the present classification, that the present classification is unreasonable.

Signature(s) x Emest Soupe

Address:

87-288K St. Johns Road

Telephone:

212-104

REGEIV SEP 6 1963

State of Hawaii LAND USE COMMISSION

STATE OF HAWAII State Form B14 USE COMMISSION 426 QUEEN ST. Honolule, Hawan Department, Bureau or Commission RECEIVED from FRANK FAS cled # 866 Liberty Bank Public Accountant



State of Hawaii
LAND USE COMMISSION

87-288K St. Johns Road Maili, Waianae, Oahu September 5, 1963

State of Hawaii Land Use Commission 426 Queen Street Honolulu, Hawaii

Att: Mr. William Mullahey

Gentlemen:

About twelve years ago, I purchased some land at Maili. Because I did not have enough money, I could not build any improvements. Besides that, I had to pay for the land.

After all these years, I finally paid off my mortgage. So, about three weeks ago, I purchased five used houses to be moved to my property for \$18,260.00. To pay that amount, I re-mortgaged my property for \$31,000.00, the balance of which I intend to use for improving the used houses on my land.

After borrowing the money and paying for the five buildings, the house-mover tells me that I cannot get, a permit to move the houses on my land. The City and County people say my land is zoned rural protective, but the State people say it has been zoned recently as agriculture land. This I did not know. Had I known this, I would not have borrowed the money and paid for the five houses. Now I am stuck. Please help me.

I do not have any savings left and I don't earn much money working for Pacific Concrete Co. If I cannot move the houses on my land, I will lose everything I own. You see, I was counting on renting the houses to pay off my mortgage.

Please help me if you can. My future and the future living conditions of my family depend on you gentlemen. With God's blessing on your good work, I am

Respectfully yours,

Ernest Sonza

Ernest Souza

Garcia

STATE OF HAWATT LAND USE COMMISSION

Act of Meetings of Meetings of Meetings to the property person of the control of the contro

LUC Hearing Room

a new 20 hours of the fire the fire and the ersecol and have the deposit sur south of the control of a true to a first three box sufficient and

1:00 to 5:00 P. M. - March 20, 1964

Present:

Commissioners de la C.E.S. Burns Jim P. Ferry Shelley M. Mark Charles S. Otalianous Goro Inaba Shiro Nishimura Myron B. Thompson Robert G. Wenkam Leslie E. L. Wung

Staff Present: Raymond S. Yamashita, Executive Officer Roy Y. Takeyama, Legal Counsel Richard E. Mar, Field Officer Amy Y. Namihira, Stenographer

Chairman Thompson called the meeting to order followed by a short prayer. Introduction of the Commission and staff members followed.

The land use district boundary maps, after being filed in the Lt. Governor's office as prescribed by law, will be the official maps in the event that there are any discrepancies in the information transmitted by this letter.

Your participation has been most helpful in implementing the Land Use Law. Should you have further questions about the Land Use Law or the action taken on your request, please feel free to contact us.

Very truly yours,

Raymond & Camorleta

RAYMOND S. YAMASHITA

Executive Officer

PETITION OF OCEANIC PROPERTIES, INC. AND DOLE CORPORATION (A(T)63-38), FOR AMENDMENT OF THE TEMPORARY DISTRICT BOUNDARIES FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT CLASSIFICATION FOR LANDS IN WAIPIO: Described as First Division, TMK 9-4 and 9-5.

The Executive Officer presented the summary of the petition. A summary of the petitioner's statements are as follows:

- (1) the land is not required or needed for the various intensive agricultural uses;
- (2) disapproval of this petition would fale 2,000 acres of land and will have no foreseeable economic use and,
- (3) there is a "need for lower-priced housing to accommodate the needs of our citizens who are in the \$5,000 to \$10,000 income bracket...."

Oahu Sugar could use the entire 2,000 additional acres if made available at reasonable cost. Two thousand acres would create somewhere between 40 and 60 jobs at Oahu Sugar Company.

There is a need or demand for intensive agricultural use of all of this land which is rated prime for such use. There is real evidence of a need for the appropriate and economic use of this land in intensive agriculture. The successful development of such an extensive additional urban area in Waipio will not be accomplished without serious adverse effects upon developments already or proposed to be sanctioned for urban use. The result would be further scatteration of developments. The petitioner has not presented any real evidence that the amount and location of theurban district are inadequate to serve the foreseeable urban needs. Staff recommended disapproval of this petition at this time on the basis to preserve and promote the effectiveness and objectives of the Law.

The land use district boundary maps, after being filed in the Lt. Governor's office as prescribed by law, will be the official maps in the event that there are any discrepancies in the information transmitted by this letter.

Your participation has been most helpful in implementing the Land Use Law. Should you have further questions about the Land Use Law or the action taken on your request, please feel free to contact us.

Very truly yours,

The Executive Officer read the list of correspondences received after the public hearing on January 18, 1964. (up to (und)

The Executive Officer stated that more time is needed to further study this matter.

Commissioner Mark moved to defer this matter until further study is made by staff. Commissioner Ferry, seconded the motion.

Hoti. Lol. d.

The Executive Officer polled the Commissioners as follows:

Approved: Commissioners Wung, Inaba, Wenkam, Mark, Burns, Ferry and Chairman Thompson.

Disapproved: Commissioners Ota and Nishimura.

The motion to defer this matter was carried.

APPLICATION OF ERNEST SOUZA (SP(T)63-1), FOR SPECIAL PERMIT TO MOVE AND POST FIVE (5) SECOND-HAND HOUSES ON HIS LOT CONTAINING 2.190 ACRES, SITUATED IN MAILI, WAIANAE, OAHU: Described as TMK 8-8-04: 44.

Mr. Richard Mar, Field Officer, having been sworn in, presented the background of the Staff Report on this petition. The Zoning Board of Appeals of the City and County of Honolulu referred to the Land Use Commission an application for special permit by Mr. Souza to use a parcel of land located within an agricultural district for residential use. The subject property has two existing single family dwellings. The property is relatively flat and has been developed sufficiently for the posting of five houses. Subject property is now in the interim agricultural district but has been designated as an urban district in the proposed final district boundary maps.

The land use district boundary maps, after being filed in the Lt. Governor's office as prescribed by law, will be the official maps in the event that there are any discrepancies in the information transmitted by this letter.

Your participation has been most helpful in implementing the Land Use Law. Should you have further questions about the Land Use Law or the action taken on your request, please feel free to contact us.

Very truly yours,

The Zoning Board of Appeals, in action taken at its meeting on February 20, 1964,
"yoted to recommend that the applicant be granted the Special Permit on the
basis that the result is not inconsistent with the general purpose of the area...".

Mr. Frank Fasi, representing the petitioner, stated that Mr. Souza purchased the property in September 1959. He stated that a fine of \$25 per day is being paid to the Navy. He requested a favorable action by the Commission as this was a hardship on the petitioner.

After a brief discussion, Commissioner Wenkam moved to accept the petition on the bases that the land is urban in character, it is proposed for urban use, it is an exceptional hardship case, and it is not prime agricultural land.

Commissioner Nishimura seconded the motion.

The Executive Officer polled the Commission as follows:

. WIR SAPE YORK LINE LINE BOARD SAAR

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

Disapproved: None. Commissioner Ferry excused.

The motion to accept the special permit application by Ernest Souza was carried.

OCEANIC PROPERTIES

Legal Counsel stated that the legal question on this petition was whether or not the Commission took any action on this particular area on the proposed final district map.

Chairman Thompson replied in the affirmative. He stated that the Commission left this particular area in Waipio in the agricultural district until further study is made by staff to urbanize the area.

The land use district boundary maps, after being filed in the Lt. Governor's office as prescribed by law, will be the official maps in the event that there are any discrepancies in the information transmitted by this letter.

Your participation has been most helpful in implementing the Land Use Law. Should you have further questions about the Land Use Law or the action taken on your request, please feel free to contact us.

Very truly yours,

APPLICATION OF EPISCOPAL CHURCH IN HAWAIIAN ISLANDS (SP(T)64-3), FOR SPECIAL PERMIT FOR THE OPERATION OF A BOARDING SCHOOL FOR GIRLS WITH BOY DAY STUDENTS TOGETHER WITH SUCH ACCESSORY USES AS MAY BE NEEDED CONTAINING APPROXIMATELY 8.7 ACRES, SITUATED IN MAKAWAO, Maui: Described as TMK 2-4-08: 2. the time of the expected grant the effective the

The Executive Officer presented a brief summary on this petition. The Maui of the the Cowering Planning and Traffic Commission approved the special use permit on the and see the consequences a second control of the following bases:

- 2. The school will be an asset for Maui.

The particular use stated in the petition may be reasonably considered "unusual and reasonable" and meets the requirements of the law in this respect. Staff recommended approval of this petition for special permit.

Commissioner Nishimura moved to accept the staff recommendation to approve the petition. Commissioner Inaba seconded the motion.

The Executive Officer polled the Commissioners as follows:

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

Disapproved: None. Commissions Tury eterned. The motion to approve the special permit was carried.

APPLICATION OF DONN W. CARLSMITH (SP(T)63-9), FOR SPECIAL PERMIT TO "SUBDIVIDE AND DEED 38,160 SQ. FT. TOGETHER WITH A DWELLING AND A ROADWAY EASEMENT THEREON TO A PROSPECTIVE PURCHASER." Described as TMK 2-7-10: 5, 10.84 acres, situated at Onomea, South Hilo, Hawaii.

The Executive Officer presented a summary on this petition. On January 20, 1964, the Hawaii Planning and Traffic Commission granted the petitioner's request for a special permit.

The land use district boundary maps, after being filed in the Lt. Governor's office as prescribed by law, will be the official maps in the event that there are any discrepancies in the information transmitted by this letter.

Your participation has been most helpful in implementing the Land Use Law. Should you have further questions about the Land Use Law or the action taken on your request, please feel free to contact us.

Very truly yours,

Staff has considered the fact that there is an existing residence on the subject parcel which might indicate that approval would not actually change the land use in the area. Approval of this subdivision would create another lot of record upon which a residence could be constructed. Approval would constitute spot zoning for an urban use, or intensification of residential use in an agricultural district, which has no basis in the land use legislation. Should this petition be approved, there would be little justification for denying similar future petitions, and effective control over scattered developments would be lost. Staff recommended disapproval of this petition.

Chairman Thompson stated that the Commission handles non-conforming uses but cannot create one.

After a discussion on the pros/and cons of this petition, Commissioner Wung following moved to approve this petition on the bases: That there is an existing dwelling, the topography of the property, and that the land is unsuitable for agricultural use. Commissioner Wenkam seconded the motion.

The Executive Officer polled the Commissioners as follows:

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

Disapproved: Commissioners Ota and Mark. Comm. Ferry & Burns extend.

The motion to approve the petition was carried.

The land use district boundary maps, after being filed in the Lt. Governor's office as prescribed by law, will be the official maps in the event that there are any discrepancies in the information transmitted by this letter.

Your participation has been most helpful in implementing the Land Use Law. Should you have further questions about the Land Use Law or the action taken on your request, please feel free to contact us.

Very truly yours,

CENTEX-TROUS DALE

The Executive Officer stated that Centex-Trousdale requested that the Commission extend the 15 days requirement, after the public hearing, to submit comments to support their petition. They also requested that the Commission act on their petition closer to the 90 days requirement instead of 45 days. The Commission approved the request for an extension.

WILBERT CHOI of the Action of

The Executve Officer read a letter from Mr. Choi dated March 13, 1964 requesting permission to build two (2) nursery employee cottages on five acres of land leased form the Waimea Properties, known as the Mango Orchard, at Kawaihae. He also read a letter answering Mr. Choi's request.

The meeting was adjourned at 5:00 p.m.

The land use district boundary maps, after being filed in the Lt. Governor's office as prescribed by law, will be the official maps in the event that there are any discrepancies in the information transmitted by this letter.

Your participation has been most helpful in implementing the Land Use Law. Should you have further questions about the Land Use Law or the action taken on your request, please feel free to contact us.

Very truly yours,

APPLICATION OF ERNEST SOUZA (SP(T)63-1), FOR SPECIAL PERMIT TO MOVE AND POST FIVE (5) SECOND-HAND HOUSES ON HIS LOT CONTAINING 2.190 ACRES, SITUATED IN MAILI, WAIANAE, OAHU: Described as TMK 8-8-04: 44

Mr. Fasi, representing the petitioner, was sworn in. He stated that he wished to point out the hardship phase of this case. He s tated that Mr. Souza bought his property right after the War in 1946 and mortgaged it and finally got it k paid off and is now getting some revenues.

Around in September he purchased the houses and contingent of course upon getting necessary funds. All our sales are **ERNTIGHTENTY* Contingent. We asked him what type of sales

We got the zoning classification of Rural Rrapertyxfarxix Protective for this area and went down to City Hall After being told that his property was zoned as Rural Protective, we went down to City Hall for a xpreixi permit and ran into a snag.

Chairman Thompson stated that it seems to him that there are a number of important items raised this afternoon for open discussion:

- 1. The staff's presentation on this particular area.
- Clarification as to how much of this particular land is under consideration regarding Oahu Sugar's withdrawal process - whether it is in urban or in agriculture? and,
- Commissioner Ferry's request to have more time to review all of the materials.

Commissioner Ferry stated that if this Commission is going to be fair and impartial about this petition, that very definitely all the facts should be presented. Though it may be unfortunate for the petitioner that this Commission may not be fully equipped, however, it appears that each time this petition is discussed new evidence is confronted by this Commission. Commissioner Ferry stated that this Commission is bound by Law to give a decision within a certain period of time. The staff stated that the deadline or the maximum 90 days for making this decision would be April17, 1964.

Commissioner Mark moved to defer action on this petition until such a time within legal limits. Commissioner Ferry seconded the motion. The motion for deferral was carried with seven ayes; and two noes (Commissioners Ota and Nishimura).

The motion to defer was carried.

In relation to the Executive Officer's request for more time to determine a proposal for an urban district, Commissioner Ferry suggested that this be handled through a directive from the Chairman to the staff. The commissioners were in favor of this suggestion.

The Executive Officer stated that he will set a date for a meeting on this petition, not to exceed April 17, 1964 or the 90 day limit.

Commissioner Ferry stated that he was the maker of that motion and judging from the work that has been done, he wished to commend the Executive Officer for it.

He stated that this was in line with what he was after, and that what the Executive Officer finds might not be reasonable in his own mind, this was reasonable in his.

Chairman Thompson stated that he has the impression that the Executive Officer is requesting for additional time. The Executive Officer stated that he did not think he would ever have enough time unless he were to call in a consultant.

Commissioner Mark asked the Executive Officer whether the lack of time and information was the reason why the staff could not make this determination.

The Executive Officer replied that time was not the only factor involved, but also several other skills which the staff now lacks.

Commissioner Burns asked whether these factors were discussed with the petitioner.

The Executive Officer replied in the negative, stating that he simply asked for a layout of their incremental development.

Commissioner Ota stated that the issue at hand is not what the Commission had discussed during their deliberations on the proposed boundaries but the petition as presented by Oceanic Properties. He stated that this Commission should confine itself to this matter, unless everyone feels otherwise.

Commissioner Ferry stated that a motion was made for a study of this and therefore this was quite pertinent at this time. This Commission reserves the right to either accept or deny this petition, or grant a portion thereof.

made by American Factors Commissioner Ota requested that the staff follow-up on the statement/that

Oahu Sugar Company could use the entire 2,000 additional acres if made available at a reasonable cost. He wondered whether these acreages were all in Urban or Agriculture, or just portions thereof.

Use Law, and whether or not the effectiveness and objectives of the Law would be promoted by approval of this petition. He stated that upon considerations of the evidence presented by the petitioner (see summary in record) and the prime responsibility of this Commission to preserve and promote the effectiveness and objectives of the Land Use Law, the staff's recommendation is for disapproval of this petition. A list of all the correspondences received since the public hearing on this petition was read into the record by the Executive Officer (refer to record for this list).

Chairman Thompson asked the Executive Officer for his report on the possibility of carving out a feasible urban district in this area.

The Executive Officer stated that in trying to answer the direction of this

Commission to indicate an area which might be feasibly considered as an increment,

he contacted Oceanic Properties and asked them for a map showing their incremental

development plan (map in record). He stated that this area consists of 1,130 acres,

and in compliance to the Commission's instructions he has carved out approximately

400 acres more or less. He stated that the sum of the first two increments, totaling

410 acres more or less, and the golf course, which is a permitted use either in

an Agricultural or Urban district, were left out. The Executive Officer stated that

because it would take so much time and professional effort, both in accounting

and engineering to determine whether this is reasonable or not, he could not vouch

for its reasonableness.

Chairman Thompson asked the Executive Officer whether he could clarify his last statement. The Executive Officer stated that if the staff were to indicate an area that could be reasonably considered, he could not work on that particular angle. He stated that to present a reasonable layout, much financing, engineering and planning must go into it. Questions as to how many schools, population, demands for developments, and long range future improvements could not be answered with the limited time and staff that this Commission has.

Chairman Thompson asked Mr. Simpich, representative of Oceanic Properties, whether he had any additional information on their request he wished to submit to this Commission.

Chairman Thompson asked the Commissioners whether they had any comments to make on this petition. Commissioner Ferry stated that he has just been handed a letter, addressed to this Commission, by Mr. Simpich. He further stated that he recently received other correspondence relating to this petition and felt that he hadn't had the sufficient time to digest the contents of these correspondences. Commissioner Wenkam agreed with Commissioner Ferry. Commissioner Ota, on the other hand, felt that the Commission had sufficient time to familiarize themselves with all the issues relating to this petition.

Chairman Thompson informed the Commission that during the Commission's meeting in December 1963 on the adoption of the proposed boundaries for Honolulu County, there were two issues which were raised in relation to this petition. He stated that: (1) the staff was asked to make a study of the possibility of carving out an Urban district in this area and to have this proposal prepared for discussion today; and (2) considering the merits of this petition as submitted by Oceanic Properties itself.

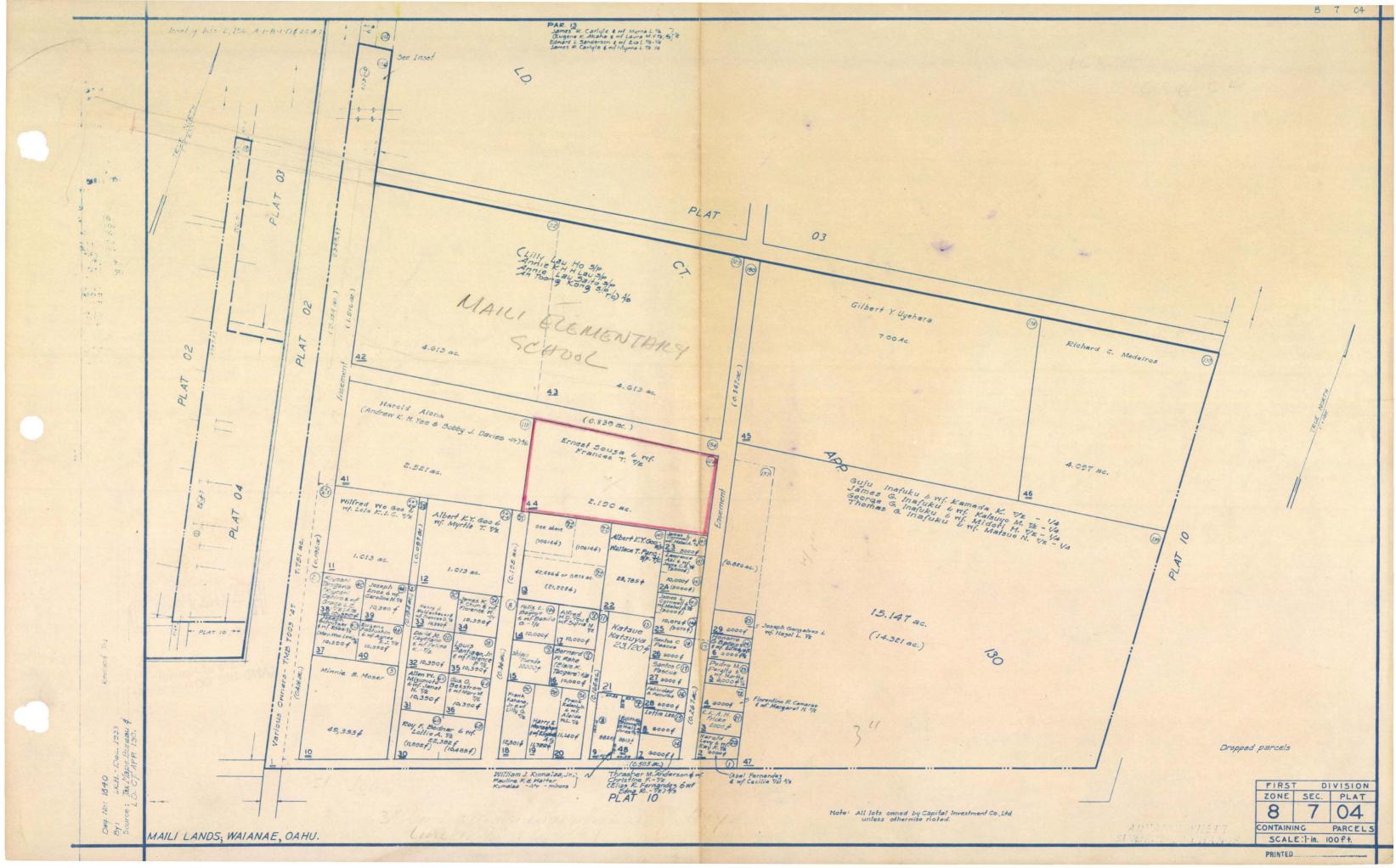
In light of these two issues, Chairman Thompson stated that this Commission will proceed with Oceanic's petition for a boundary change. Chairman Thompson called upon the Executive Officer to present a summary on the background of the petition and the recommendation of the staff.

The Executive Officer, who read into the record a prepared written summary on the petition, pointed out to the Commission that the fundamental issue concerning this petition is whether the petitioner has met the tests as mandated by the State Land

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CITY PLANNING COMMISSION

CITY AND COUNTY OF HONOLULU

RESOLUTION No. 803

A RESOLUTION OF THE CITY PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU, CREATING RURAL FARMING DISTRICT NO. 5 AT LUALUALEI, WAI-ANAE, OAHU, T. H.

Be it resolved by the City Planning Commission of the City and County of Honolulu:

SECTION I. Rural Farming District No. 5, being Land Court Consolidation No. 33, and portions of Land Court Application No. 130 and Land Court Application No. 1026 at Lualualei, Waianae, Oahu, T. H., and covered by Tax Map Key 8-7 Plats 9, 10, 18, 19 and 21, and Tax Map Key 8-7 Portions of Plats 3 and 4; and further identified as lands situated approximately 1,000 feet mauka of Farrington Highway between Nanakuli and Maile, is hereby created; and more particularly described as follows:

Beginning at the Government Survey Triangulation Station "Nanakuli" on the Southeast boundary of this parcel of land, being also the Lualualei-Nanakuli district boundary and thence running by azimuths measured clockwise from true South:

1.	50°	35′	10"	784.0	feet along the Lualualei-Nanakuli district boundary;
2.	132°	44'		7,486.0	feet along the Southwest boundary of Land Court Application No. 130:
3.	85°	29'		3.240.0	feet along same;
4.	167°				feet along same to St. John's Road:
5.		06'			feet along St. John's Road:
6	167°	33'			feet along a 20-foot roadway;
	308°				feet along Paakea Road;
		45'			feet across Paakea Road;
9.		41'			feet along Paakea Road:
	236°				feet along Iliili Road;
		43'			feet along United States Naval Reservation;
12.	357°	57'			feet along same to Government Survey Trian-
12.	001	0.		1,211.0	gulation Station "Haleakala";
13.	17°	24'	05"	1 936 9	feet along the Lualualei-Nanakuli district
10.	1.	-1	00	1,000.0	boundary:
14.	44°	55'	50"	4 121 6	feet along same to the point of beginning
LT.	71	00	00	1,121.0	and containing an area of 2,277.7 acres more
					or less.

SECTION 11. The above described area for Rural Farming District No. 5 is subject to a minimum lot area of two acres.

SECTION III. This resolution shall take effect upon full compliance with the provisions of Section 6644, Revised Laws of Hawaii 1945, as amended. ADOPTED BY THE CITY PLANNING COMMISSION THIS 29TH DAY OF NOVEMBER, 1956.

(S) A. J. Gignoux, Chairman CITY PLANNING COMMISSION

- CERTIFICATE -

I hereby certify that the foregoing Resolution, adopted by the City Planning Commission of the City and County of Honolulu, Territory of Hawaii, on the 29th day of November, 1956, was filed with the City and County Clerk on the 4th day of December, 1956, and not having been disapproved by the Board of Supervisors of said City and County by an affirmative vote of at least five members of said Board within thirty days from the date of filing, became effective as of the 4th day of January, 1957.

Given under my hand and the Seal of the City and County of Honolulu. Territory of Hawaii, this 4th day of January, 1957.

(S) PAUL H. C. CHUNG City and County Clerk

(SEAL)

(Hon. Adv.: Jan. 8, 1957)

State of Hawaii
LAND USE COMMISSION

ORDINANCE NO. 2273 (BILL NO. 187 , 1962)

AN ORDINANCE TO ABOLISH THE MINIMUM LOT SIZE REQUIREMENT OF TWO ACRES PER LOT ESTABLISHED BY RESOLUTION NO. 803 OF THE CITY PLANNING COMMISSION FOR RURAL FARMING DISTRICT NO. 5.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The minimum lot size requirement of two acres per lot established by Resolution No. 803 of the City Planning Commission for Rural Farming District No. 5, situated at Lualualei, Waianae, Oahu, is hereby abolished; provided that applicable requirements as to lot size established other than by said Resolution No. 803 shall not be affected.

SECTION 2. In conformity with the provisions of Section 1 above, Section II of said Resolution No. 803 is hereby superseded.

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

- (S) BEN F. KAITO
- (S) YOSHIRO NAKAMURA
- (S) WILLIAM K. AMONA
- (S) MATSUO TAKABUKI
- (S) ERNEST N. HEEN
- (S) H. G. P. LEMKE
- (S) RICHARD M. KAGEYAMA
 Councilmen

DATE OF INTRODUCTION: November 7, 1962 Honolulu, Hawaii

Approved this 21st day of November, 1962

(S) NEAL S. BLAISDELL
NEAL S. BLAISDELL, Mayor
City and County of Honolulu

(Honolulu Star Bulletin: November 27, 1962)









