

**COUNTY OF KAUAI, PLANNING DEPARTMENT
4444 RICE STREET, LIHUE, KAUAI, HAWAII 96766**

MEMORANDUM

DATE: *September 7, 2020*

TO: *Planning Commission*

FROM: *Clerk of the Commission*

SUBJECT: *1st Addition to the Planning Commission 9/8/2020 Agenda*

F. HEARINGS AND PUBLIC COMMENT

2. New Agency Hearing

a. *Hanalei Commercial Company, Inc./Na Pali Brewing Company, LLC*

3. Letter (9/4/20) from Max W. J. Graham, Jr., Esq., transmitting Exhibits "E-1" and "E-2."
4. Testimony from Patricia Sheehan (9/2/20).
5. Testimony from Gary Chang (9/4/20).
6. Testimony from Jason Hines (9/4/20).
7. Testimony from R.Scott Lindman (8/18/20).
8. Testimony from Winston & Larisa Welborn (Undated, Rec'd 9/4/20).

BELLES GRAHAM LLP

ATTORNEYS AT LAW

MAX W.J. GRAHAM, JR.
JONATHAN J. CHUN
LAN K. JUNG

Federal I.D. No. 99-0317663

WATUMULL PLAZA
4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96766-1388

TELEPHONE NO: (808) 245-4705
FACSIMILE NO: (808) 245-3277
E-MAIL: mail@kauai-law.com

OF COUNSEL

MICHAEL J. BELLES
DAVID W. PROUDFOOT
DONALD H. WILSON

September 4, 2020

Mr. Ka'aina S. Hull
Director of Planning
Planning Department
4444 Rice Street, Suite A473
Lihue, Kauai, Hawaii 96766

VIA EMAIL ONLY

Attention: Mr. Romio Idica

Re: **Application For New Permits And Motion To Amend Master Permit
And 2006 Permit**

**In The Matter Of The Application Of HANAIEI COMMERCIAL
INC., a Hawaii corporation, and NA PALI BREWING COMPANY
L.L.C., a Hawaii limited liability company, concerning property
located at Hanalei, Halale'a, Kauai, Hawaii, identified by Kauai Tax
Map Key Nos. (4) 5-5-009:008 and 009**

**Master Permit: Special Management Area Use Permit
SMA(U)-88-4, Use Permit U-88-25, Variance
Permit V-88-6, and Class IV Zoning Permit
Z-IV-88-30**

**2006 Permit: Special Management Area Use Permit
SMA(U)-2006-1, Project Development Use
Permit PDU-2006-1, and Class IV Zoning Permit
Z-IV-2006-1**

**New Permit: Special Management Area Use Permit
SMA(U)-2020-7, Class IV Zoning Permit
Z-IV-2020-16, and Use Permit U-2020-13**

Hanalei Commercial Center

Lot 17, Land Court Application No. 1160

Hanalei, Kauai, Hawaii

Kauai Tax Map Key No. (4) 5-5-009:008

Owner: Hanalei Commercial Inc. (Gaylord H. Wilcox, President)

Hanalei Brew Pub

R. P. 6461, L. C. Aw. 597

Hanalei, Kauai, Hawaii

Kauai Tax Map Key No. (4) 5-5-009:009

Owner: Hanalei Commercial Inc.

Lessee: Na Pali Brewing Company L.L.C.

(Kathleen W. Conant and Fred B. Conant, Members)

F.2.a.7. ^(A)

Mr. Ka'āina S. Hull
Attention: Mr. Romio Idica
September 4, 2020
Page 2

Dear Mr. Hull:

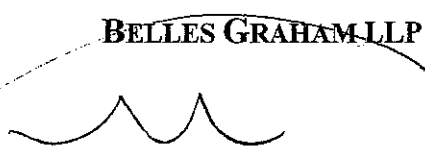
This office represents Hanalei Commercial Inc. and Na Pali Brewing Company L.L.C., the joint Applicants in this matter. I am transmitting, on their behalf, copies of the following:

1. Craft Brewery Site Plan dated 9/04/2020 (revised Exhibit "E-1" of Application).
2. Craft Brewery Floor Plan dated 9/04/2020 (revised Exhibit "E-2" of Application).

Thank you very much for your assistance in this matter.

Sincerely yours,

BELLES GRAHAM LLP



Max W. J. Graham, Jr.

MWJG:jgm
Enclosures

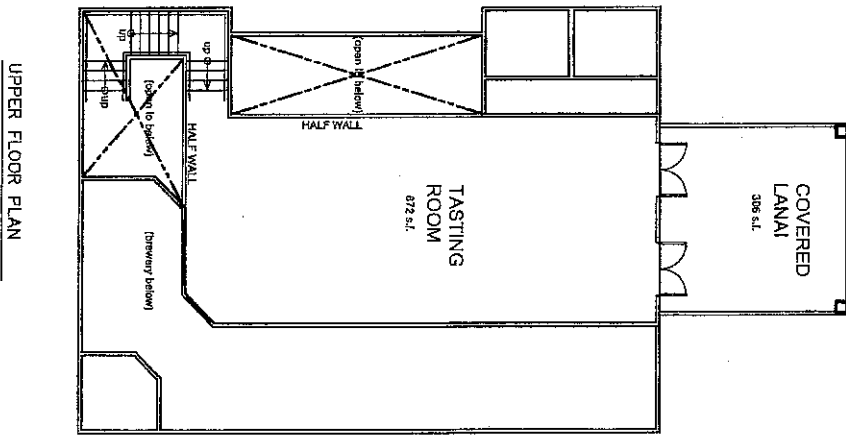
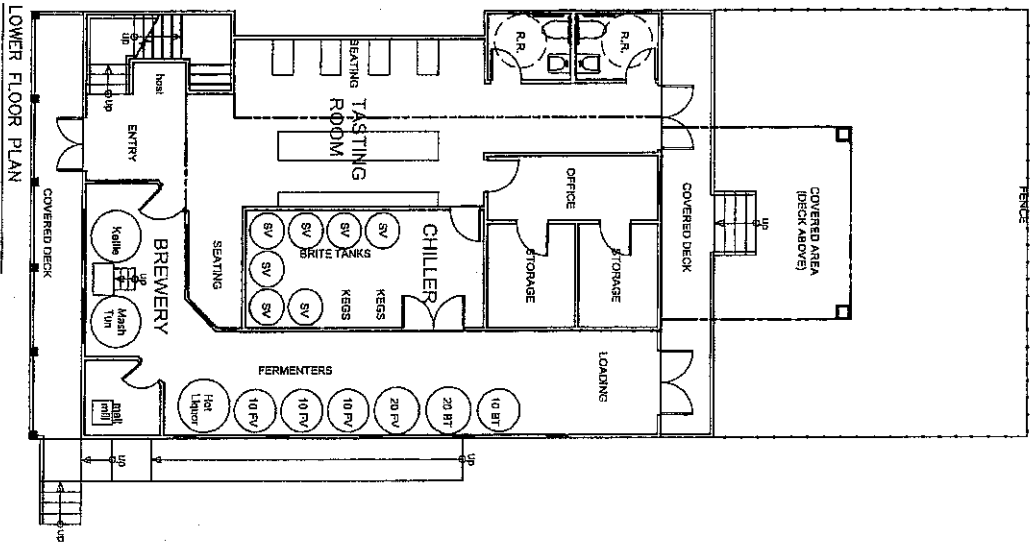
cc: Mr. Gaylord Wilcox, w/encls. (via email only)
Mr. and Mrs. Blake Conant, w/encls. (via email only)

LOT COVERAGE CALCULATIONS		
	(AREA)	(LOT COV.)
LOT SIZE:	7822 S.F.	
ENCLOSED BUILDING:	2186 S.F.	
COVERED LANAIS:	634 S.F.	
TOTAL BUILDING FOOTPRINT:		2820 S.F.
WOOD STAIRS/RAMPS:		178 S.F.
GEOGRID SIDEWALK:	129 S.F.	0 S.F.
(0% LOT COVERAGE)		
GEO-GRID PARKING STALLS:	176 S.F.	0 S.F.
(0% LOT COVERAGE)		
TOTAL LOT COVERAGE:		2998 S.F.



KUHIO HIGHWAY

SITE PLAN



Na Pali Brewery, Hanalei, Kaua'i
 TMK (4) 5-5-009, 009

SC, 3/3/21=1'-0"
 09/04/2020

Leslie Takasaki

From: Planning Department
Sent: Thursday, September 03, 2020 10:36 AM
To: Dale Cua; Romio Idica; Leslie Takasaki
Subject: FW: Testimony RE: SMA (U)2020-7,Z-IV-2020-16,U-2020-13;HANAIEI COMMERCIAL INC./NA PALI BREWING CO.LLC

Forwarding email below.

Mahalo,

Duke Nakamatsu

Commission Support Clerk
County of Kauai
Department of Planning
4444 Rice Street, Suite A473
Lihue, HI 96766
(808) 241-4055

From: Patsy Sheehan <lamahanalei@gmail.com>
Sent: Wednesday, September 02, 2020 3:51 PM
To: Planning Department <planningdepartment@kauai.gov>
Subject: Testimony RE: SMA (U)2020-7,Z-IV-2020-16,U-2020-13;HANAIEI COMMERCIAL INC./NA PALI BREWING CO.LLC

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Ka'aina S. Hull
Director of Planning
Mr. Dale Cua, Planner
County of Kauai Planning Department

September 2,2020

County of Kauai Planning Commission

Re: SMA (U) 2020-7, CLASS IV Zoning Permit Z-IV-2020-16,
and Use Permit U-2020-13 for Hanalei Commerical Inc.,
and Na Pali Brewing Company LLC.

Dear Planning Commissioners,

I thank you and appreciate the opportunity to provide my comments on the application before you.

I am a long time resident of Hanalei and have property on the makai side of Kuhio Highway, across (and downstream) from the development proposed by the applicants. I have experienced several severe floods that have had huge negative results on the ponds (Kanoa and Kauikeolani) I own and am trying to preserve. I am greatly concerned about the drainage from both the construction phase of this project (on lot 9) as well as the incremental(for the third time) increase in lot coverage being asked for, as another variance on the adjoining lot. The increased drainage, presently said to use the auwai, unmonitored , has a strong chance of affecting the Kanoa pond as the auwai passes the pond and empties into the Hanalei River. The Applicant's property is situated within the Flood Zone AE . The application is vague as to mitigating the normal high rains of Hanalei as well as flood conditions. The addition of more parking and commercial use on lot 9 puts more contaminates in the soil on a daily basis with no reference to the runoff it will create.

This is an opportune time to review the future of parking in Hanalei Town. What is the bigger, long term, vision for how people will move within the town? If there is a purpose to requiring side walks extending through the town, it is to make people walk instead of drive from shop to shop, restaurant to restaurant. Available parking needs to be planned for the long term purpose of having a

user friendly town. Parking on either end, perhaps, or a creative master plan, to promote a more pedestrian orientation, needs to be addressed rather than letting parking be someone else's problem.

In the project information of the Director's report, I would like to correct the location distance of this project from the intersection of Aku Road and Kuhio Hwy—a major intersection for Hanalei Town; the project location is NOT 1 mile from this above mentioned intersection. Attention needs to be paid to the new entrances and exits as to whether a turn off lane maybe required because of the high potential for traffic congestion of cars turning left to the brewery and left to the liquor store from opposite directions.

The application states that the waste water generated on lot 9 will be transmitted to a treatment system connected to a septic tank and leach field system on lot 149. It is unclear to me that there is enough capacity in the system to serve lot 9's needs. I am not clear as to the backup plan for such a lengthy run of pipe across all of lot 17. I also understand that there is departmental recommendations for a separate system, which I think is wise.

The application states on pg.48 that "approval of the Project will not result in the foreclosure of future management options for development in Hanalei Town area". As I understand this sentence to mean, it will not stop future development opportunities but it WILL set a precedent for other development that may use variance opportunities such as this application is asking for.

Lastly, the view plain looking mauka of Kuhio Hwy has always been recognized as a scenically important feature to preserve. Allowing two story buildings lining the mauka side of the road into Hanalei Town can not become a trend of variances that eliminate scenic view plains as that scenic view is an important factor to maintain. Therefore it is important to keep new building and the ancillary paved lot coverage in proportion to their lot size.

In this present form, the application before you should be denied.

Again, mahalo for allowing me to submit testimony, and for giving this testimony your full attention.

Sincerely,

Patricia Sheehan

Leslie Takasaki

From: Planning Department
Sent: Friday, September 04, 2020 1:36 PM
To: Dale Cua; Leslie Takasaki
Subject: FW: Proposed project Napali Brewery/Hanalei

Forwarding public testimony below.

Mahalo,

Duke Nakamatsu

Commission Support Clerk
County of Kauai
Department of Planning
4444 Rice Street, Suite A473
Lihue, HI 96766
(808) 241-4055

From: Gary Chang <gkychang@comcast.net>
Sent: Friday, September 04, 2020 4:55 AM
To: Planning Department <planningdepartment@kauai.gov>
Subject: Fwd: Proposed project Napali Brewery/Hanalei

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

----- Original Message -----

From: Gary Chang <gkychang@comcast.net>
To: "Planningdept@kauai.gov" <Planningdept@kauai.gov>
Date: 09/04/2020 7:49 AM
Subject: Proposed project Napali Brewery/Hanalei

Mr. Cua,

I am writing to express my opposition to Napali Brewery in downtown Hanalei.
Do we really need another drinking establishment in this area?

Project would add unwanted traffic, and is situated in a flood and environmentally sensitive area.

My great grandparents, who were original taro farmers in the valley, would be turning in their graves!

In summary, project out of character, environmentally unsound, and eliminates

2 rental units. If this project moves forward, additional applicants within downtown area will be seeking variances. Maybe I should enlist some attorney's to also further my endeavors in future?
We need essential services in area serving the locals!

Firmly oppose.

Mahalo,

Gary Chang
Hanalei Valley

Leslie Takasaki

From: Planning Department
Sent: Friday, September 04, 2020 1:01 PM
To: Dale Cua; Leslie Takasaki
Subject: FW: Hanalei Commercial/Napali Brewing Co

Forwarding public testimony email below.

Mahalo,

Duke Nakamatsu

Commission Support Clerk
County of Kauai
Department of Planning
4444 Rice Street, Suite A473
Lihue, HI 96766
(808) 241-4055

From: Jason Hines <jhines833@gmail.com>
Sent: Friday, September 04, 2020 12:48 PM
To: Planning Department <planningdepartment@kauai.gov>
Subject: Re: Hanalei Commercial/Napali Brewing Co

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

To Whom It May Concern,

I am writing in support of the proposed Napali Brewing Co. It is the type of business I believe we need more of on Kaua'i. It will be locally owned and operated by multi-generational North shore folks who want to invest in their community and can be trusted to do it in a way that is responsible and can be enjoyed by both locals and visitors alike. The business will involve creation of a local product as well as a service industry which will add needed jobs and economic prosperity to our island.

--

Jason Hines
2753 Nokekula Circle
Lihue, HI 96766
360.510.1763

F.2.A.6. (A)
SEP 08 2020

August 18, 2020

R Scott Lindman
Hanalei Town Center
PO Box 189
Hanalei, HI 96714

Kauai Planning Commission
C/o County of Kauai Planning Director
4444 Rice Street
Suite 473
Lihue, HI 96766

RE Application of Hanalei Commercial INC and Na Pali Brewing Company LLC concerning property 4-5-5-009: and 008

Dear Planning Commissars,

I humbly request that the applicant's request be denied. I am in favor of honoring the wisdom of previous planners and planning commissions by keeping commercial activity in commercially zoned areas. This proposal would create "urban creep" helping to erode the rural atmosphere of Hanalei. If this applicant was granted their request what would stop the adjacent landowner from making the same request? And then strip malls on both sides of Kuhio Highway all the way thru Hanalei? Is this the vision of Hanalei that we wish to create?

I am not in opposition to the idea of a craft brewery. I am opposed to locating the brewery in an open zoned area. There are commercially zoned lands in Hanalei that are vacant. There are commercially zoned lands in Hanalei that were residences which are now vacant. Perhaps the Na Pali Brewing could be located in one of these areas? Note that the properties which are operating as commercial and not in the commercial zoned are "grandfathered" properties in which commercial use predates the CZO.

In the past I supported Hanalei Commercial's request to build employee housing on its open zoned property. This is a permitted use in the open zone that I continue to support. I would support a variance to build two housing units on the property.

Let's not "kill the goose that lays the golden eggs." Visitors come to Hanalei because of the rural charm, not "urban creep". Please honor the wisdom of the existing zoning and keep commercial development in commercially zoned areas.

Thank you for your consideration.
Thank you for your service.

Respectfully,


R Scott Lindman

F.2.a.7. (A)
SEP 0 8 2020

Mr. Dale Cua, Planner
County of Kauai Planning Department

20 SEP -4 12:31

Re: **RECORDED**
SMA (U)-2020- 7, Class IV Zoning Permit Z-IV-2020-16, and Use Permit U-2020-13 for Hanalei Commercial Inc., and Na Pali Brewing Company LLC.

Dear Mr. Cua and Planning Commissioners:

I am writing to state that I **do not support** the above application for Na Pali Brewing Company LLC for the following reasons (and questions):

1. The applicant proposes to construct a two story Brewery in an open-zoned lot that is currently vacant. Open zoning intent is for residential use with lower density. This application proposes to INCREASE density.
2. Placement of a brewery to manufacture and sell beer in the middle of a residential area is inconsistent with intent of open zoning.
3. Granting this request will set a precedent for other property owners to allow for similar commercial use and lot coverage. I am aware that there is another application that will be before you in the coming months. Is it the intent of the Planning Commission to turn the entire mauka side of Kuhio Hwy. in Hanalei into a commercial use zone?
4. The proposed lot coverage proposal significantly alters the rural nature of Hanalei.
5. The fundamental concept of a brew pub in Hanalei is wrong.
6. There are numerous existing, permitted commercial buildings that could be used for food and beverage service. Existing businesses are closing due to Covid-related economics.

Please, please do not approve this application. Doing so would be completely inconsistent with the zoning and true nature of Hanalei.

Mahalo,



Winston and Larisa Welborn
Hanalei, HI.