

KAUA‘I PLANNING COMMISSION
REGULAR MEETING
September 08, 2020

The regular meeting of the Planning Commission of the County of Kaua‘i was called to order by Chair Glenda Nogami Streufert at 9:44 a.m., - Microsoft Teams Audio +1 469-848-0234, Conference ID: 602 169 501# The following Commissioners were present:

Ms. Glenda Nogami Streufert
Ms. Donna Apisa
Mr. Melvin Chiba
Ms. Helen Cox
Mr. Francis DeGracia
Mr. Roy Ho
Ms. Lori Otsuka

The following staff members were present: Planning Department – Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Myles Hironaka, Dale Cua, and Planning Commission Secretary Leslie Takasaki; Office of the County Attorney –County Attorney Matthew Bracken; Office of Boards and Commissions – Administrator Ellen Ching, Support Clerk Arleen Kuwamura

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Nogami Streufert: Called the meeting to order at 9:44 a.m.

ROLL CALL

Planning Director Mr. Kaaina Hull: Good morning, Commissioners. First Agenda Item of order of business is roll call. Commissioner Apisa.

Ms. Apisa: Here.

Mr. Hull: Commissioner Chiba. Commissioner Chiba?

Mr. Chiba: Here.

Mr. Hull: Commissioner Cox

Ms. Cox: Here.

Mr. Hull: Commissioner DeGracia.

Mr. DeGracia: Here.

Mr. Hull: Commissioner Ho. Commissioner Ho?

Mr. Ho: Here.

Mr. Hull: Commissioner Otsuka.

Ms. Otsuka: Here.

Mr. Hull: Chair Streufert.

Chair Nogami Streufert: Here.

Mr. Hull: You have a quorum, Madame Chair. Seven present.

APPROVAL OF AGENDA

Mr. Hull: Next on the Agenda. Our next is approval of the agenda. The Department would request that a small modification be made that New Business, Action Items, and there's only one, but the Hanalei Brewing Action Item be reviewed in tandem with the Agency Hearing. So directly after the Agency Hearing, we can move right into that particular agenda item to discuss and review.

Chair Nogami Streufert: Okay. Any discussion (inaudible) members? If not, could I have a motion to accept the amended agenda?

Ms. Apisa: I move to accept the agenda as amended.

Mr. Ho: Second.

Chair Nogami Streufert: It has been moved and seconded, that we approve the amended agenda. Are there any discussion? All those in favor? Aye. (Unanimous voice vote).

Ms. Cox: Aye.

Mr. Ho: Aye.

Ms. Otsuka: Aye.

Ms. Apisa: Aye.

Mr. Chiba: Aye.

Mr. DeGracia: Aye.

Chair Nogami Streufert: Hearing none. The amended agenda passes. Motion carried. 7:0.

MINUTES of the meeting(s) of the Planning Commission

Mr. Hull: Okay. Next, we have the Meeting Minutes of June 9.

Chair Nogami Streufert: Are there any questions from the commission members on the (inaudible) minutes of the meeting of June 9, 2020. Any corrections, any amendments? If not, could I have a motion to accept the minutes of the meeting, June 9, 2020?

Ms. Otsuka: I move (inaudible). I make a motion to accept the minutes of our meeting on June 9, 2020.

Mr. Ho: Second.

Chair Nogami Streufert: Any discussion? All those in favor, say aye.

Mr. Ho: Aye.

Ms. Otsuka: Aye.

Ms. Cox: Aye.

Chair Nogami Streufert: All those opposed?

Mr. DeGracia: Aye.

Chair Nogami Streufert: What's that about? Is it for a - for opposing it or was that a little late aye?

Chair Nogami Streufert: Six to one, it is approved in any case. It becomes a little difficult with the zoom because there is a little delay in transmission and receipt of information and going in and out of, uh, of, uh, audio sometimes creates a bit of a problem. So for the (inaudible) this is normal for - for a zoom call. Motion carried. 6:1.

Ms. Apisa: I heard an Aye. So I think it was unanimous.

Chair Nogami Streufert: Okay. Moving on.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Hull: Next on the Agenda, there are no Receipt of Items for the record.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: Moving on. Hearing and Public Comment. There was a number of testimony that was received, particularly for the Special Management Area Use Permit for the Hanalei Commercial

Inc, Na Pali Brewing Company. The vast majority of that communication was transmitted to the Commissioners in their packets via supplemental report. However, we did receive additional testimony that was transmitted yesterday from; one from a Max Graham Esq., this is again concerning Hanalei Commercial company. We also received testimony from Patricia Sheehan, Gary Chang, Jason Hines, R. Scott Lindman, and Winston and Larisa Welborn. Those testimonies were not submitted via the supplemental report in your packets but was received by the deadline of yesterday. So they were transmitted separately. At this time, for any of the members of the public that have called in and would like to testify on an agenda item. Now would be the time we will be moving right into the Agency Hearing, which also is a law for additional testimony for that brewing company. But is there anybody that has called in not an applicant, if you're an applicant, you have the ability to speak during the agenda item. Are there members of the public that would like to speak on any agenda item at this time? And I'll give hold for five seconds for people to speak.

Mr. Carl Imparato: Yes, Carl Imparato. I would like to speak on the public hearing on the Hanalei Brewery proposal.

Mr. Hull: Okay. Carl that one's coming right in - right next, if you want to testify right now, it is open for any agenda item or do you want to wait for the official Agency Hearing for that?

Mr. Carl Imparato: I will wait for the agency hearing, please.

Mr. Hull: Okay. Is there anyone else that has called in, as a member of the public that would like to testify on any agenda item?

Ms. Alan Tasaka: Alan Tasaka. I sent an email this morning regarding the permitting.

Mr. Hull: Okay. So ma'am that will be transmitted to the planning commissioners. Um, but you can testify at this point. Again, if you are coming to testify on the Hanalei Brewing Company, the official Agency Hearing is right next on the agenda but you are free to testify now, or during that specific agency hearing and you will testify, you have three minutes. Do you want to testify?

Ms. Tasaka: Um, okay. I will wait.

Mr. Hull: Okay. Okay. Again, and like I said to the other speakers, the agency hearing for the Hanalei Brewing Company is right next on the agenda, but this is a time for any member of the public that would like to speak on any agenda item. Is there anyone a member of the public that would like to testify? Okay. Seeing none.

Continued Agency Hearing

New Agency Hearing

Special Management Area Use Permit SMA (U)-2020-7, Class IV Zoning Permit Z-IV-2020-16, and Use Permit U-2008-13 to allow construction of a new craft brewery building and associated site improvements including on-site parking, driveway, pedestrian bridge, private wastewater system, and operation of food trucks, AND Amendments to Special

Management Area Use Permit SMA (U)-88-4, Use Permit U-88-25, Variance Permit V-88-6, Class IV Zoning Permit Z-IV-88-30, as amended, and SMA (U)-2006-1, Project Development Use Permit PDU-2006-1, and Class IV Zoning Permit Z-IV-2006-1 to accommodate parking for the proposed development, allow increased land coverage, and reduction in the number of permitted Employee Housing within the eastern portion of Lot 17, involving parcels situated on the mauka side of Kuhio Highway/Aku Road intersection, immediately adjacent to property identified as, Tax Map Key: (4) 5-5-009:008 & 009, and containing a total of approx. 14.165 acres = Hanalei Commercial Company, Inc./Na Pali Brewing Company, LLC. [Director's Report, SIDR, and attachments to S2DR received by Commission Clerk 7/28/20.; Addition to Agenda received and hearing deferred 8/11/20; S3DR and S4DR received by Commission Clerk 8/18/20.]

Mr. Hull: We will move on to agenda item (inaudible) Hearing. Therefore, F.2, New Agency Hearing Special Management area use permit SMA(U)-2020-7 Class IV Zoning Permit Z-IV-2020-16 and Use Permit Use Permit U-2020-13 to allow construction of a new craft brewery building and associated site improvements, including onsite parking, driveway, pedestrian bridge, private waste water system, and the operation of food trucks and amendments to Special Management Area Use Permanent SMA(U)-88-4, Use Permit (U)-88-25 Variance Permit V-88-6, Class IV Zoning Permit Z-IV-88-30, as amended and SMA (U)-2006-1 Project Development Use Permit PDU-2006-1 and Class IV Zoning permit Z-IV-2006-1. To accommodate parking for proposed development, and allow increase land coverage and reduction. And the number of permitted employee housing with eastern portion of Lot 17, involving parcels situated on the mauka side of Kuhio Highway in Hanalei Town approximately 550 feet east of the Kuhio Highway/Aku Road intersection immediately adjacent to property identified as 5-5091 Kuhio Highway/ Aku Road intersection immediately adjacent to the property, excuse me, as 5-091 Kuhio Highway, Tax Map Key: 5-5-009:008 and 009 and containing a total area of 4.165 acres. Hanalei Commercial Company Inc. and the Na Pali Brewing Company, LLC are the applicants.

Now, there is a specific Agency Hearing. So for those members of the public that called in that would like testify. Mr. Imperato, I believe you want to testify in this agenda item.

Mr. Imperato: Yes, thank you, Kaaina. Shall I begin?

Mr. Hull: Yes, Carl, you have three minutes to give testimony. Thank you.

Mr. Imperato: Great. Thank you. Hello Planning Commissioners. My name is Carl Imperato. I am speaking on behalf of the Board of Directors of the Hanalei and a Community Association. And as know from our written testimony, we very strongly urge you to deny permits. There are a number of reasons for our opposition to this project, which includes an alcohol centered retail business, the food truck-based restaurant like business, a beer brewery, parking lots of those commercial uses and excessive land coverage, including the food truck land coverage. And all this is on Open Zone Land. Even though it is very clear that the CZO does not allow any of these commercial uses, and that these commercial uses are clearly not similar in nature to any uses that are allowed on open zone land. In addition, these commercial uses are neither appropriate nor desire for our community, and they would be detrimental to the general welfare of the community, but we do not even need to address that issue because it uses it pulls and being allowable uses. I do not need to go into detail on any of the above because that is all in our

written testimony, but there is just one more point I would like to make today.

And that's that allowing these commercial uses to encroach into Hanalei Open Zoning District in disregard for the CZO listing of allowable uses. That will make it next to impossible to protect this Open Zoning District and the Hanalei residential and agricultural zone districts that lay just west of Hanalei's Commercial District. One by one, commercial project will be proposed for all of these areas using the same arguments this applicant has made - use the creeping expansion of clearly commercial uses to non-commercial zoning districts. If the Planning Commission were to approve this project in the open district today, if you were to say that, the table of allowable uses in the CZO does not matter. Or if you were to buy the argument that this application's proposed commercial uses are similar in nature to those listed in the table of allowable uses you would be establishing a very bad precedent that I don't think there'll be any legitimate grounds, disapprove future projects. There will be no going back.

So I'll conclude, by asking you to please keep in mind that not only is the surveyor project for the proposed location, but also that the approval of this use permit would be very bad for protecting the integrity of zoning districts throughout the Island. The public revise on both the CZO and on you; the Planning Commission protect our communities. Please be true to your duty, to uphold and clear and words that the CZO was plainly specifies the allowable uses in the different zoning districts, and please uphold the integrity of zoning and Hanalei and throughout localized communities. I thank you very much for your attention and for allowing us to testify.

Mr. Hull: Thank you, Carl. I believe there is at least one other individual that like to testify on his agency hearing.

Ms. Alana Tasaka: Hi. So my name is Alana Tasaka and like I said, I did send an email, um testimony regarding this. And I would rather just read the letter that I had sent this morning. So, thank you all for your time. So we are the generation family that (inaudible) back from the nineties, from 1989 from my great-grandparents and sugar plantation, and then transition into farming rice, and then eventually into Taro out in Hanalei. We are currently situated in Hanalei right across the Quicksilver, Hanalei liquor store, the Hanalei buildings, and other retail shops and food trucks. You know, Hanalei has seen its share of growth. I know the advocates personally and I have nothing against them. I cannot stress enough that they are very kind and very good-hearted people.

My concerns has really nothing to do with them, however, after much thought I'm close to the breweries right next door. We reside on the eastern boundary of parcel number nine, and these are some of the concerns. One of them is a service and consumption of alcohol on the premises and everything that is associated with that. The noise from the equipment, you know, such as the refrigeration, the food trucks customers in cars from in the parking lot area, illegal parking and blocking entrances, blocking entrance into our resident, which already happened. We already see that now. So, we feel that it will just probably get worse. The smoke and the smell from the food truck, the waste disposal or the smell from the solid waste, privacy from the upper floor tasting room and lanai area. Just the increase of traffic and speeding up and down and being exposed to the evening of brewery light. Then obviously for the changes would come property taxes. So these concerns from having from having a proposed brewery or bar right next to our home, I do

not feel we need another bar or establishment in Hanalei that serves alcohol, especially because it is right outside my bedroom window, like literally. You know, I do not want to lose what is left of the peace and quietness we already have. We have the Tahiti Nui and other bars down the street and they are very loud too, we hear them - to hear them. Once again, thank you for your time. And if there's any additional concerns, maybe I can reserve right to address them later. Thank you.

Mr. Hull: Thank you for your testimony. Is there any other individuals that have called in, that would like to testify on this Agency Hearing? Seeing none. The Department would recommend, differing action sorry, deferring action on this Agency Hearing, leaving it open. Given the amount of testimony that has been submitted as well as, quite honestly, giving the amount of testimony and some concerns that the Department still has, we'll be recommending deferring action on the actual application itself.

The Department would recommended leaving the Agency Hearing open.

Chair Nogami Streufert: Do we hear from the applicant on that?

Mr. Hull: Yes, yeah Max is here.

Mr. Max Graham: Hi, can you see me? Hear me?

Chair Nogami Streufert: We - yes, we can now. Yes. Thank you.

Mr. Graham: Okay, good. So I'm Max Graham and I represent the applicants in this matter. And, and the applicants are Hanalei Commercial, Inc. Whose principal is Gaylord Wilcox and the Na Pali Brewing Company, LLC whose principles are Katie and Blake Conant. Who are with me, and you can see them in the background here. And my partner, Ian Jung is with me. If the, Commission and the Department needs time to consider the new testimony we have no objection. So.

Chair Nogami Streufert: Okay. Is there any discussion by the Commission members? If not, and we gain a motion to defer (inaudible) please. What specific date are we looking at Kaaina or Romeo?

Mr. Hull: The Department would ask if you (inaudible).

Chair Nogami Streufert: I am sorry.

Mr. Hull: Until the next Planning Commission Meeting which is scheduled to be October 13.

Chair Nogami Streufert: October 13.

Mr. Ho: Kaaina, a question, please.

Mr. Hull: Yes?

Mr. Ho: Kaaina, are you inviting new testimony? Or you just have a volume of it that you have not gotten to?

Mr. Hull: No there is some concerns about the, say the employee housing, the overall parking parameters as well as we did receive a new submittal from the applicant concerning the (inaudible) clubs. Certainly that we could not view today. Because we just got it today. So given that we are saying if the Department's position being that we will be asking for the actual agenda items to be differed to October 13, that the agency vary also be differed to October 13. So still allows official testimony from the public, to come.

Chair Nogami Streufert: Okay. I will entertain in a motion to defer to be October 13 meeting.

Ms. Otsuka: I make a motion to defer action on this application for next meeting, which should be held on October 13, 2020.

Mr. Hull: I am sorry, Commissioner. It is not actually applications. It would be deferral of the Agency Hearing. We are gone go into the application next.

Ms. Otsuka: I see.

Ms. Apisa: Second. I make (inaudible).

Ms. Otsuka: Should I re-do the motion?

Chair Nogami Streufert: Please.

Ms. Otsuka: I should redo the motion. I make a motion to defer action on this Agency Hearing until our next meeting, which should be held on October 13, 2020.

Ms. Apisa: Second.

Chair Nogami Streufert: It's been moved and secondary to defer action on the Agency Hearing until October 13, 2020. Any discussion? If not, we have a roll call vote, please.

Mr. Hull: Roll call vote. Commissioner Apisa?

Commissioner Apisa: Aye.

Mr. Hull: Commissioner Chiba?

Commissioner Chiba: Aye.

Mr. Hull: Commissioner Cox.

Commissioner Cox: Aye.

Mr. Hull: Commissioner DeGracia.

Commissioner DeGracia: Aye.

Mr. Hull: Commissioner Ho.

Mr. Ho: Aye.

Mr. Hull: Commissioner Otsuka.

Commissioner Cox: Aye.

Mr. Hull: Chair Streufert.

Chair Nogami Streufert: Aye.

Mr. Hull: Motion passes 7:0. Madame Chair.

Chair Nogami Streufert: Thank you.

Continued Agency Hearing

New Agency Hearing (Cont'd)

Special Management Area Use Permit SMA (U)-2020-7, Class IV Zoning Permit Z-IV-2020-16, and Use Permit U-2008-13 to allow construction of a new craft brewery building and associated site improvements including on-site parking, driveway, pedestrian bridge, private wastewater system, and operation of food trucks, AND Amendments to Special Management Area Use Permit SMA (U)-88-4, Use Permit U-88-25, Variance Permit V-88-6, Class IV Zoning Permit Z-IV-88-30, as amended, and SMA (U)-2006-1, Project Development Use Permit PDU-2006-1, and Class IV Zoning Permit Z-IV-2006-1 to accommodate parking for the proposed development, allow increased land coverage, and reduction in the number of permitted Employee Housing within the eastern portion of Lot 17, involving parcels situated on the mauka side of Kuhio Highway/Aku Road intersection, immediately adjacent to property identified as, Tax Map Key: (4) 5-5-009:008 & 009, and containing a total of approx. 14.165 acres = Hanalei Commercial Company, Inc./Na Pali Brewing Company, LLC. [Director's Report, SIDR, and attachments to S2DR received by Commission Clerk 7/28/20.; Addition to Agenda received and hearing deferred 8/11/20; S3DR and S4DR received by Commission Clerk 8/18/20.]

Mr. Hull: Moving to the next agenda item, which is now per review the actual applications. Again, the applicant is Hanalei Commercial Company Incorporated, and the Na Pali Brewing Company, LLC. I will turn it over to Romeo is our planner on this agenda Item.

Staff Planner Romeo: Aloha, Commissioner and fellow Commissioners. So the name of the applicant again, is Hanalei Commercial Incorporated and Na Pali Brewing LLC. Permit Application numbers are Class IV Zoning Permit Z-IV-2020-16, Use Permit (U)-2020-13,

Special Management Area Use Permit SMA (U)-2020-7, also to amend Special Management Area SMA (U)- 88-4, amend Use Permit 88-25, amend Variance Permit V-88-6, amend Class IV Zoning Permit Z-IV-88-30, and from here on that will be referenced as Master Permit. Also within this application is still amend Project Development Permit, PDU-2006-1, amend Special Management Area Use Permit SMA (U)-2006-1 amend Class IV Zoning Permit Z-IV-2006-1 here respectfully referred to as Master Permit. I mean, I am sorry, 2006 permit. So, the brewery, which will be located on Tax Map Key: 5-5-009:008 is within the open county zone and is proposed a two-story brewery.

Mr. Idica read the Project Description and Use, Additional Findings, and Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Mr. Idica: So I will hold here if the commissioners have any questions for the applicant or myself.

Chair Nogami Streufert: Okay. Are there any questions from Commission for the planner? Okay then I will (inaudible) from the master plan to the 2006 (inaudible). It started out with a 25% land coverage and in the - on the master plan.

Mr. Idica: That is correct.

Chair Nogami Streufert: And 33% on the 2006, and now they are asking for 45%, is that correct?

Mr. Idica: That is correct madam chair.

Chair Nogami Streufert: And in that area, do we still require people to have only a 25% land coverage for other buildings?

Mr. Idica: No, a just to go back. I apologize, but lot 17 is split zoned. The majority of all of the improvements are happening in county zone open. So all of the improvements, like the increase of the parking spaces is happening only in county zone open.

Chair Nogami Streufert: (inaudible).

Mr. Idica: So the 25% that they are referring to is within county zone open.

Chair Nogami Streufert: There is something in here that says that, uh, as part of a covered - the lot coverage, they want to delete 50% of the lot coverage of each of the three employees residential improvements shall be applied to (inaudible) gross floor space map of 25,000 square feet. If we were to delete that - if that were to be deleted, does that mean that 100% of the - of the floor space would be used to get the total lot coverage or zero percent? How does that work?

Mr. Idica: So that they are kind of referring the Hanalei Commercial area where it's zoned commercial neighborhood PD. So in order to allow this lot coverage, the applicant is willing to

cut down the - the lot coverage on the CN portion of the parcel of lot 17.

Chair Nogami Streufert: What does this mean?

Mr. Idica: So it is kind of like a give and take. So, they're saying that if you allow the increase in the open zone on the open area, they will decrease the square footage on the CN portion of the lot.

Chair Nogami Streufert: No, I think this one says 50% of the lot coverage shall be applied to the total gross floor space. So that already takes over 50%, whatever. I think that whether three residences or two residences that would mean something like 25 feet, which would be about 10%. I am sorry. Yeah. About 10% of the total floor space (inaudible) floor space cap. Now, are we taking this away? So we are now going to add that 2500 square feet or are we taking it away so that if the whole 5,000 square feet will be - will be attached or will be used - will be applied to that 25,000 square foot, a total gross floor space. In other words, are we increasing the amount of space that they are going to have or decreasing the amount of space that they can use?

Mr. Hull: Overall, those also maybe great questions for Max to clarify how he was proposing it (inaudible). Romeo's is kind of getting is that under the split zone neighborhood zoning you have up to 80% (inaudible) now up to 10% lot coverage. They are indeed asking for variance to go above and beyond the—

Chair Nogami Streufert: You are breaking up. Could you get (inaudible) I am sorry.

Mr. Hull: (Inaudible). This is - is that better?

Chair Nogami Streufert: Yes.

Mr. Hull: Okay, so sorry to go back definitely that questions should be proposed to Max as well, so he can clarify how he was shaping that in his application. But to Romeo's point too, is that in the application you're looking at overall lot coverage, but on - in the open zoning district, you only allowed up to 10% on coverage area and in the commercial neighborhood you're allowed up to 80%. And so the application is proposing somewhat, you know, reducing a certain amount in the CN, the commercial neighborhood to make up for it. But in applying the code, we do have to look at specifically each zoning district. So they are requesting a variance to vary beyond that 10% tap zoning district. But these are also questions, I think that Max can go over. It was a little bit of clarity as far as some of the history.

Chair Nogami Streufert: And at this point, they are proposing, is this correct Romeo that they are proposing, that the employee housing will also be used now for retired persons housing that if you are retired you can also take this as opposed to (inaudible) employee or (inaudible) employee?

Mr. Idica: That is correct.

Chair Nogami Streufert: So that does not really help our situation with employee housing).

Mr. Idica: I mean, like as for adding employee housing, no. But they're just allowing allowing people who have worked with Hanalei Commercial Center to have a chance to get employee housing.

Chair Nogami Streufert: But there is an open-air (inaudible) system or (inaudible)—

Mr. Idica: Aerobic system.

Chair Nogami Streufert: Yes. Can you explain what that would mean, or what that would look like and what that impact would be?

Mr. Idica: Aerobic system means that in order for the septic tank to function, it needs oxygen. So the type of system that is going to be, installed will have oxygen pump in mechanically, with an enclosed, I guess you could say pump. So there's no open area where water can seep in.

Chair Nogami Streufert: But will smells resulting it?

Mr. Hull: Not that I know.

Chair Nogami Streufert: Any other questions from the Commissioner or to the planner right now, before we hear from the applicant.

Ms. Tasaka: I am here. I have a quick question. My question would be smells from the solid waste not the liquid.

Mr. Idica: Well, I am sure that the applicant will do everything necessary to dispose of the solid waste and make sure there is no, again, foul smells or attractational vermin for that particular, I guess, solid waste area.

Chair Nogami Streufert: Are there any other questions for the planner before we hear from the applicants? Is the applicant available to present?

Mr. Max Graham: Yes. And this is Max Graham again. So, let me just give you an overview of the history of the project and that may help you at least to understand the basics of what is there on the ground now. And then we'll talk about some of these the questions you have. The project was actually initially approved in 1988 on what we call lot-17. And lot-17 is a split zone lot because the western half of the lot is located in the neighborhood commercial, project development district. And the eastern half of the lot is located in the CCO open district. So you have open district to the east and that's on the Hanalei River side. Then on the Ha'ena side, you have the neighborhood commercial. So in 1988, the applicant at that time, by the way, lot-17 - the lot we are talking about is a 3.985 acres, almost two acres. So its two acres approximately in the open two acres in the neighborhood commercial located Mauka of Kuhio Highway. Across from the Ching Your Center and the line that actually demarks the neighborhood commercial, and the open, if you - if you made an extension of Aku Road, which is a across the street and is the road that goes down to the Hanalei Bay, would run as an extension of Apu Road.

So that's where the zoning demarcation is. So what the applicant did was to get permission to renovate two existing buildings on the site to relocate the old Hanalei school building. And another second building to construct a new two-story building, as well as two new single-story buildings to build parking sidewalks, to renovate an old dwelling, which was referred to as the DAWA house, because he occupants where the DAWA family to construct a sewage treatment plant for the commercial center. And then, there was a land coverage variance. And the reason for this is because on the neighborhood commercial side, you have 80%, lot plan coverage allowed. On the open side, you have 10% land coverage allowed. At the time, what the Planning Commission decided was that if the applicant would move all the buildings to the Mauka side of the property, which has been done. Leave the front to each of the property adjacent to Kuhio Highway in an open grassy area, and then instead of putting parking in front there, the parking could be put on the open area. I think the theory was that even though there is a certain amount of land coverage involved in - in parking and driveways, it does not - there are - you do not have structures standing up that block the view to back to the mountains. So it was kind of an exchange that seemed to be in a good decision for Hanalei town. It kept that area a lot more open than it would be if you had all of the parking and all of the commercial buildings on the commercial zone portion of the property. So that was the starting point.

In 2006, the applicant came back and asked for a further amendment to the permits to allow the construction of 35 new parking spaces within the opened some portion of lot-17. And 35 new spaces were needed because by this time, in 2006, well, that's - what - that's like, uh, almost 20 years later, the business had grown enough to need additional parking. A part of the building, the additional parking - the land coverage - under the master permit, the land coverage in the open district was granted the variance up to 25% land coverage from what would have been 10% allowed in the open district. Then the land coverage went up to 33 and a third percent. So that's what happened in 2006, and that parking was constructed. And two of the three single family residences were constructed for use by employees. Just briefly, I - okay, so let me just get into this new permit. So we, now we have the new permit application. One thing that is being asked is that the condition about employee housing be amended to allow not only current employees, but also retired employees to occupy the employee housing. And, the Housing Agency - the Housing Director sent in a letter saying that that actually is consistent with the County's Policy of providing, housing, not only for current employees, but for retired employees as well.

Anyway, that is a side issue. With regard to employee housing. There is another lot that is owned by the Hanalei Commercial. It is on the West side of the shopping center, and that is where the sewage treatment plant is located. And there's a home there that is used for employee housing as well. So just so you understand, there's one house there that use for employee housing and two homes constructed on the open zone portion that are used for employee housing. The old DAWA house has been removed. So the total employee housing available to the shopping center is three units. (Inaudible) the applicant is the - the employee housing was not a condition of approval. It was something the applicant asked for. So what he's saying is that he's actually, he's still willing to do somewhere down the line, a third employee house, but he's not ready to do it in the next couple of years. He does not think it really depends on the economy. And so he wanted to take that off the table for now. But we can talk about that, but I mean, that - that was the application. So, so now what he wants to do in the new application is to expand the parking further, and that is by adding a total of 35 additional spaces. Actually, he is

going to take out 16 old spaces and rebuild them with this geo grid material. So there'll be a total of 51 new spaces, but the increases only 35 and those 35 new spaces will be located further east on the open portion of the property. And will serve not only the shopping center and not only the proposed brew hub but the applicant is willing to make that available to the general public. And, so they can park and walk around the Hanalei area because it appears that parking is at a premium and the Hanalei core area.

So that is the portion of the improvements on lot-17 are really have to do with the parking and extension of the sidewalk along Kuhio Highway. To get there's an (inaudible) or a ditch that runs through this property mauka to makai, and to get across it, there are culverts or the driveway and if this is approved, in order to get the sidewalk extended to the end of lot-17, on the eastern side, up to the proposed brewpub. There will need to be a pedestrian bridge built across the (inaudible). So the work on the lot-17 is a pedestrian bridge, a sidewalk and extended driveway and additional parking. Okay. That is the lot-17. Adjacent to lot-17 on the east side is what we call parcel 9 it is 7,000, seven - I think it's 7822 square feet. So 7822 square feet. And it's entitled to, because it's in a pre-existing lot pre-existing in place at the time the CZO was adopted in 1972. The there is a right to build a land coverage up to 3000 square feet. And the - the applicant and the Conant's are proposing to build a brewpub or a craft brewery on that site. And the craft brewery will do two things that the proposal is one, they will in fact brew beer on the site. Then two, they will be, it will be open for use by patrons. And that's all that - all that the Conant's will serve in that brewpub, as it's referred to will be beer. They will not be preparing any food, but they would allow up to from one to three food trucks to park on the property and to provide food for patrons who want to bring food in.

And by the way, there's lots of food service areas all around that site. So people can get food from across the street and get tacos. There is a - there is any number of food opportunities, and they can bring the food into the brewpub. The, the brewpub would be a two-story building. And if you look - if you want to see what it looks like, if you - you look at, um, supplement number 2 to the Planning Director Report, there are five exhibits that show the exhibit E1 is the site plan of the brewpub. E2 is the floor plan interior of the brewpub. E3 shows the proposed parking improvements on the east side of the adjacent lot 17 together with the outline of the brewpub. And exhibit E4 is sort of an overview of what the property looks like now, both properties. Then E5 shows you what the elevations of the brewpub look like. And so the brewpub would have I want to talk a little bit about the waste disposal system.

All the waste from the brewing of beer and that there's liquid waste and there is material waste, would be taken off site, it would all be hauled away. So no of that would be disposed of on site. The regular wastewater requirement for bathrooms and kitchen would go into an upgraded wastewater system, which is known as an aerobic system. Romeo described it to you, it is a system in which, there is a component which is an electric motor that injects oxygen and mixes up material in the septic system, and the result of that is the fluid that comes out of the system is much cleaner than a typical septic, what's called and anaerobic system. Which is what most people have. So the level of wastewater treatment system is cesspools, which we are trying to get rid of, septic system which most people have, and the next step up which is actually an anaerobic system. That system will have to be designed to meet the requirements of the Department and Health. These are the types of systems that have been suggested for homes in

Hanalei because it just creates a cleaner fluid that comes out of a septic tanks. And if everyone in Hanalei would switch over to this type of system, it would be much better for the environment.

So anyway, that is sort of the overview. Let me talk to you about the 25,000 square feet. To make sure that the applicant when they initially got there permit in 1988, to make sure that there was a limit on the amount of floor space and stores on the neighborhood commercial side. The total floor area of the retail, so retail, restaurant, commercial was limited to 25,000 sq. ft. so that right now, I think, the last number I saw, there is something like 28,000 sq. ft. retail type floor area in the shopping center. At the time, in 2006, when the applicant got the approval for the Employee Housing, the Planning Commission said it would apply one-half of the total floor area of the Employee Housing as a credit towards the 25,000 sq. ft. retail limitation in the shopping centers. So that meant that, that applies now, so the two homes each have about 2000 sq. ft. that is 4000 sq. ft. The Planning Commission's Condition was that 50% of that 4000 sq. ft. or 2000 sq. ft. would be added on so it would be as if the total gross floor area is now 22,300 sq. ft. And we are asking that that formal be deleted from Conditions. It does not seem to be necessary. I cannot actually think of any reason why you would want to have the floor area of an employee housing being added on to the floor area allowed on the commercial side. All that does is encourages the owner to build smaller homes, to decrease the amount of floor area that gets added on to the commercial side. I do not think it is necessary and we are asking that it gets deleted.

So that is sort of the overview of the project. But I did want the Conant's to have an opportunity to talk about the brewpub itself. So I am going stand up here and Mr. Conant will be talking to you about the project itself just to give you a description of what the process is like and what the proposal is.

Mr. Blake Conant: Thanks Max. Good Morning Madame Chairperson and Commission. My name is Blake Conant. I was born and raised in Wainiha and lived in Hanalei. My wife Katie and I have returned from the mainland about eight (8) years ago to live and prosper in Hanalei. We are excited about the opportunity to build a business for our family, but equally excited about being able to build a business that can offer jobs for people in Hanalei, especially during these tough times. So what I thought I'd so is take a moment to tell you what we are verse what we are not. I think Max did a great job in dealing with that but I will just give some details. We are a local owned company. We are going to be brewing to tap, which means we are not a bar. So what we are not is we are not a bar, we will not be serving spirits or liquor or anything of that sort. We will be brewing (Inaudible) for distributions to local restaurants, eateries etc. And more importantly, we will view our business because of its close proximity to our neighbors as a very green business.

So one has to understand that when you brew beer obviously the bi-product of that process is beer, but that it also is the malt and the oats and the yeast and things of that nature. And knowing the water temperature table as it is in Hanalei, we have made a commitment to the county as well as the neighbors a long, long time ago, that nothing hits the ground. And that includes encompassing a process to make sure that there is no smell. So we have stainless steel vessels that would carry the mash and that mash would be put into totes. They are 4x4 water-soluble containers and then carted off on a flatbed to two livestock farmers, ones a piggery and

ones a cattle farm, nowhere near Hanalei. However, we are currently working on a sidebar, to see if that mash can be fertilizer for the Kalo industry. So what we take, we would like to tell the story that we put back as organic fertilizer. We agree in principal with a taro farmer to run a test bed to see if that waste can be done.

The second part of the business as Max detailed is the human waste aspect and that is where the aerobic system that Romio and Max detailed. So I wanted you to folks to understand how we address both sides of the house so to speak. And that's really important because we don't want this to have a negative impact on anyone. We will offer soft acoustic guitar music piped in music. It will not consist of rock and roll bands or disco music like other establishments in Hanalei. Our business hours are such not to impact the neighborhood, the residential neighborhood. What we envision is basically a meeting place where someone could say, "Hey listen. I want to have a cold beer. Let's talk story about some place," and we have the beer. They can come to the taproom, and enjoy a nice conversation. That is really important that I explain that part of the business and also to add that we have at this point in time no aspirations of being a restaurant. Neither (Katie) nor I have any experience being in the restaurant business, nor do we want to. So we think that engaging the caterers and the – the local food trucks we just basically double their business and that would be their business and they provide food for our patrons and it's a wonderful opportunity for them to grow their business alongside of us.

We are excited to work with Gaylord Wilcox. In fact, he is looking at this land for parking purposes. And if anybody's driven to Hanalei they'll know that everybody's fighting for spots. Tahiti Nui's fighting for a spot. Calypso fights for a spot to park their patrons somewhere. And this benevolence of Mr. Wilcox I think is profound. So we're excited to work with him. We're excited to work with the county and we're excited to have this visit.

Mr. Graham: Okay thank you Blake. Let me just finish up here with, I just want to comment on the concern about the open zone. And, that has been actually on the mauka portion of this area in Hanalei from the from the neighborhood commercial zoning going to the east toward the Hanalei River so Mauka Kuhio Highway has always been a – a planning concern literally for 35 years. This is pure open zone on this side of the property. If you go further down, I know there was a concern that other open zone properties could use this as precedent. But if you look at the open along Kuhio Highway, uh, to the west it's all open special treatment public or conservation. So there's a special treatment overlay that you can use to control further expansion in those areas. So really, I think you need to focus on the lots.

There is seven lots that are in the open on the Makua side and you need to realize that this open zone is part of the State Land Use Commission Urban District in Hanalei. So - the State Land Use Commission has designated the urban district in Hanalei for urban type uses. And the open zone properties we're talking about are in the urban zone. Now it is correct that they are also in the county – oh - excuse me. That they are located in the State Land Use Commercial - Commission Urban District. And in the county open district. In trying to determine what kinds of uses are allowed in the open district, the – with the use permit Planning Director can find that, if you propose a use or structure which is similar in nature to those listed in the CZO open district section and are appropriate to the district then that can be allowed.

And if you look at the open district uses that are allowed with a use permit and remember now we're talking about the open in the urban district. It's not open in the ag district which is a different situation. So in- with the use permit you could do outdoor recreational concessions, police and fire facilities, quarries, recreational vehicle parks, religious facilities, organized recreation camps, home businesses, develop campgrounds, uh, daycare centers. So these are all something more than residential uses. The open zone is not limited to just residential uses. They are a number of business and commercial activities that can be allowed if it's appropriate in the open zone.

But the real question is whether the proposed use is compatible with other uses in the area. We have to show compatibility because we are asking for a use permit. So if you look at other uses in the immediate area Mauka Makai, you'll see a number of food service stores, professional offices. There is a liquor store almost across the street, you have bars and restaurants. And you have activity centers. So there's nothing unusual about this proposal if you look at it in the context of what is being allowed on either side of the road in Hanalei and in this area. And if you just even limit yourself to looking at the - the uses on the Mauka side of the highway there's starting at the east side of this row of seven lots there's a restaurant and an activity center. And then there's a, uh, community - I shouldn't say community but it's a—

Mr. Conant: Learning and resource center for Ag.

Mr. Graham: It's a learning and resource center for ag in the Hongwanji Building. Then there are two residential lots. Then you have the proposed brewery site. So, this it's not dissimilar at all to the uses that are being, enjoyed throughout this area. You still have - you are the Planning Commission. You need to decide whether you think it is appropriate but in context. But, I'm suggesting that it fits into the uses around this area. And under the - all of the circumstances would be an appropriate use of this property. And we'd be glad to answer any questions you might have.

Chair Nogami-Streufert: Are there any questions from the commission?

Ms. Cox: So I understand that this is that the plan for the brewery is to have non-acoustic music, which is wonderful. But there's no provision that would make that necessarily stay that way, correct? There is nothing in the permitting or the use permit that cannot change to have a different kind of music. Is that correct?

Mr. Graham: There is nothing in the proposal. There is certainly no reason why the Commission could not add a condition to address that concern.

Chair Nogami-Streufert: Considering that there is so much - that you are asking for so much land coverage (inaudible) probably one of the wetter spots in all of Hawaii. How do you anticipate, the runoff, which will result because it will not now leech into the ground with as much coverage as I believe part of the reason for limiting the amount of coverage is to ensure that we do not have any flooding or any water standing in the roads or in the area? How does that work with, uh, this much coverage?

Mr. Graham: I have here also Dan Fregeau who is with the Kauai Eco Design and they design the parking areas so I am going to ask him to respond to that question. We are getting him right now. But it's going to either be maintained on site or it will go into the Hui.

Chair Nogami-Streufert: But the auwai according to the original – as you are calling it the original the Master Permit says that the responsibility of the people is not just to maintain it but it's also to preserve it. By putting all this runoff or this rainwater or this additional water through it how do you propose that you're going to preserve not just to maintain it but also to preserve the auwai? Isn't that going to have an impact upon that?

Mr. Graham: I will let Mr. Fregeau go answer that question. My understanding is that it will not have a substantial impact but understand your concern.

Chair Nogami-Streufert: Because if the original request is not – or the original conditions were to preserve and to (inaudible) but also to preserve it.

Mr. Graham: And that would continue. So yes. That has to be addressed.

Chair Nogami-Streufert: Right. And it was also that the drainage would - away from the loi not towards the loi.

Mr. Graham: Mr. Fregeau (inaudible) but they are asking about would the drainage from the, uh, construction of the parking lot will go and how - how to preserve the auwai so it's not destroyed by additional drainage.

Mr. Dan Fregeau: Okay. So—

Mr. Graham: Please introduce yourself.

Mr. Fregeau: Yeah I am Dan Fregeau with Kauai Eco Design. I run a civil engineering company, here in Princeville. So the drainage on the conceptual hasn't been completely worked out. Because at this stage all we have done, is a conceptual plan versus a full grading plan. But the drainage on the existing part of the parking lot currently drains into the Auwai. So there is – drain grades there that drain it into the auwai. So one way we could go is to simply duplicate that on the other side. The other way – the other thing we could look at is some sort of detention before it gets to the auwai to, you know, protect the Hui further, uh, if that's deemed to be required. Keep in mind that all the parking stalls will be grasscrete and so there is a lot of pervious absorption that is going to take place. So really, the main drainage is going to be from the hardened dry vial if you will which, you know, is not –is very much - it's the same as the other side. Does that kind of answer?

Chair Nogami-Streufert: You are describing what you are going to be doing during construction. I am more concerned about after construction and after it's – it – when it is in utilization and how that's going to affect it. Because you are going to have cars there and cars are going to provide

impermeable space so you are going to have a lot of runoff. It is not going to go immediately into the ground. But even more than that it's that lo-, uh, Hanalei is very wet. Hanalei has had floods in the last couple of years. And you're going to have an aerobic treatment system as well as this an aerobic – my understanding of aerobic is its above ground. So you are going to have an aerobic sewage system over what do you call it here, uh, cannot find my notes on that. It's – it's an aerobic sewage system, yes it is, and treatment system. And you're – you're going to have all of this water – additional water plus the normal water that you already have which is significant Hanalei gets flooded frequently. What are you going to do about it? How are you going to (inaudible)?

Mr. Fregeau: Right. As well again as part of the work to be done next with the – to prepare grading plan. There is not going to be a lot of grading there because the land is flat. So the main thing it needs to be graded for if you will or prepped for is the dry vial installs. As part of doing that we would do a drainage report to analyze where all of the, you know, where all of the storm water would go at two years and 100 year events which is essentially, you know, required. Uh, and then based on that we need to determine, you know, what we do with that storm water. Whatever doesn't get absorbed into the ground? As I said, before one way to approach this is to drain it into the auwai that is sitting right there. Now I – that is how the other portion of the parking lot drains. If that were an issue, you know, then another way to go would be to detain the storm water before it goes into auwai by creating a swale or some kind of detention basin that would hold the water that would be created, you know, at those storm water levels before it then goes any further. You are always going to have a situation in Hanalei where – and you know – you know this where there could be so much water that it completely floods over. Uh, in which case there is really – I mean there is very little you can do about that. It's, you know, the water will just have to drain its way out of there just like it does now in a major flood.

Chair Nogami-Streifert: But would the aerobic treatment system make this—

Mr. Fregeau: So—

Chair Nogami-Streifert: A not just difficult but also unhealthy if it were to flood down there.

Mr. Fregeau: Right. So again, what we focused on our – our piece of the project here was the – the parking lot expansion that is on lot 17. We really did not look at what is happening on parcel nine, which is where the brewpub is. And the wastewater treatment for that. So I can't really speak to that. I think you are bringing up – you are bringing up the point of, you know, what happens if – what happens if there is a flood and there is wastewater. Well, I mean the same thing is going to happen that happens generally now with septic systems or cesspools. The advantage of the aerobic systems is that it, you know, it breaks things down more quickly so that,

you know, there is less impact if there's, you know, if there is a problem. Ultimately that all analysis that has to be done with respect to that portion of the project.

Chair Nogami-Streufert: Questions.

Mr. Conant: This is Blake Conant again. One of the very first things we did was we sat down with Maka'ala Ka'aumoana, this is about three years ago. And the reason why we Katie and I did that was because we knew she was heading up a project with the attempt to replace all cesspools in Hanalei – particularly those at vacation rental things. So I said to her I said, Maka'ala, I need a system, which apparently you have been approved at the state and county level. I want to replicate that but scale it appropriately.” And so that's what we're headed here. Because I call it the great flood of April a couple three years ago. We need to be cognizant that whatever we do from a technology standpoint, prepared for that – especially when the entire town of Hanalei was under 17 inches of water. So it's her system or the system that she had recommended that's been approved that we're replicating and scaling accordingly. And I'm not a septic system expert. But I can assure you that the folks that are doing it which is, um, Michaelson and Curly Carswell they understand that and whatever comes out of the other end of it is, um, pretty close to potable water from what I understand. So that is my longwinded answer for you, ma'am.

Chair Nogami-Streufert: Are there any other questions from the Commission members to the applicant – applicant or any of the participants from the applicant side?

Mr. Ho: I would like to ask perhaps pose a question for Max, please.

Chair Nogami-Streufert: Mr. Roy – Mr. Ho.

Mr. Graham: Yes, sir.

Mr. Ho: Max you – you were increasing, uh, parking capacity of, uh, of the (inaudible) and you have uh, expressed that you are sharing it with the other (inaudible) in the area. Uh, could – could I suggest that perhaps you, exiting your property that there be some turnoffs there that'll take you onto Kuhio Highway that would alleviate some of the backup in the parking area when you exit this area?

Mr. Graham: Yep. Yep and that is a good suggestion and I think – I'll let Dan answer that. But they do plan to have an entrance and an exit so that the traffic can more easily flow through there.

Mr. Fregeau: Yep. Yeah so, the conceptual design we came up with preserves sort of the current flow that is in place now for just the smaller parking lot. So what we did is we said okay how

can we expand the design with similar flow patterns which is, you know, what our conceptual shows. In terms of egress/ingress off the highway, you know, that's subject to further review and consideration. Uh, one, you know, it would be interesting to see just what the impact is at the intersection and under various conditions which is something that, you know, we could undertake, uh, through a traffic impact analysis if needed. Uh, at this point, you know, the number of parking stalls and incremental parking stalls that are being provided is not, you know, hugely different from the number of parking stalls that are currently available, the ones across the street. So it really comes down to you know, it really comes down to whether it's justified or it's desired. But a facility to essentially make the turning onto or off of the highway easier might be desirable.

Mr. Ho: Could I also ask you, in your parking area would you be able to accommodate a bus to come into the parking area? Discharge, uh, uh, revenue passengers?

Mr. Fregeau: Yeah that is a good question. Uh, we made the dry (vial) – we had two designs. We had the design with the minimum dry vial width, another design that was wider. Uh, and we were thinking about a bus – more really a shuttle. The challenge, we had is that in the Historical Hawaii Area there are two covered culverts that vehicles go over. And those are pretty narrow. So we – we did have Mr. Wilcox review those, uh, those culverts through a structural engineering review and concerned that they are solid enough, they are structurally sound enough that they could accommodate a shuttle. Uh, on the other hand, you know, they are restrictions in is there unless you start modifying that – that infrastructure which – which is not desirable because it is historical. So the answer is it depends on the size of the bus. You know, if it's a – if it's a small shuttle it shouldn't be a problem. But you cannot accommodate a large bus like, you know, a big tourist type bus. That would never work.

Mr. Ho: Could I suggest would it be, uh, out of line to suggest that perhaps that some of the front portion of the property you make a turnout there for a bus service to accommodate a bus service? Is there something like that that, uh, could be accommodated? Or perhaps even, uh, a public bus service.

Mr. Fregeau: So there is a - there is a currently a public bus stop just past the entry on, uh, the Hanalei Center just in front of the Hanalei Center property. Uh, I do not know how beneficial if it would be to duplicate that further down. But we could look at it. There is plenty of room there but it is not Wilcox land. I mean that land belongs to, uh, the state. And so it's Kuhio Highway land. And so it's something that would have to be worked out with the state. But there's appears to be sufficient land there between the edge of pavement let's say and the property line that would accommodate some sort of a turnoff there for a bus or other vehicles, uh, who want to get in and out essentially. I think that is what – is that – is that what you are asking?

Mr. Ho: Yes.

Mr. Fregeau: Okay.

Mr. Ho: Also, uh, what is – what is geogrid? You, uh, you, uh, that is going to be the parking lot area I believe. What is geogrid?

Mr. Fregeau: So the geogrid is – so the dry (vial) in the middle of the parking lot will be solid concrete just as it is in the existing parking lot. So if you are familiar with that parking lot you're going to dry (vial) that's solid concrete. Now when you go to park your car in the parking stall there is a grid there – a plastic grid. It has a very, uh, hard plastic grid that – that is laid out in a matrix and filled with pea gravel. And what that provides is it provides enough structural stability for the vehicle to, you know, essentially park on it and not create ruts and that sort of thing. So it's – provides a solid service but because it's a plastic grid that has essentially holes in it with pea gravel the water can flow through that grid and so it's not impervious. And the reason that that's very beneficial is because again in large floods or large rainfall you want as much of an area as possible to be pervious versus impervious. That way the water, you know works its way down into the ground versus surface low, you know, creating other issues.

Mr. Ho: And any sidewalk that would be build that would made of concrete. Is that correct?

Mr. Fregeau: Conceptually right now the sidewalk that is – that is on the conceptual with extend the existing sidewalk, which is concrete. Might be wider. I mean that's – that's really another point of discussion. I think the current sidewalk is four feet plus a curb. We could go five feet let us say. Uh, if we go to the edge of the highway we – we could add a curb. Uh, but yeah it would be solid concrete. It would be ADA compliant. So that, uh, you know, slope wise it - it conforms. Then part of the sidewalk would have a bridge to go over the (inaudible), uh, Hoi. And the way we're – we conceptualized building this bridge beau we don't want to mess up the Hoi and - and with abutments was to do micropyles on each side of the Hoi a distance from the edge. So that we are not messing around with the bank for the – of the ditch. It's really a ditch. Then that provides a platform to then put the bridge on top of. The bridge could be concrete or it could be made out of other materials. We have not really gone that far.

Mr. Ho: So as I understand it it will be geogrid and then, uh, sidewalk. Is there any plan for a curb or gutter there? I mean or some kind of water displacement?

Mr. Fregeau: Yeah, so in the current conception we do not have drainage improvements. In a – in the formal grading plan that would be created next we would work through the drainage. So once we do the drainage calculations then we get to – need to determine, you know, where that storm water needs to go. It could be directed using curbs or using underground drains with grates

that – which is what is on the existing, uh, the existing parking lot on the other side of the Hui. So we could duplicate that on – on this side. Uh, we could look at some swales, uh, in some areas where we have some green space available to, you know, do more of a – a landscape type of treatment with some natural absorption. But yeah we anticipate that as part of the grading plan submission we would have to go through, you know, full drainage, uh, analysis report. And then drainage improvements as part of the parking lot. But not necessarily – we didn't put that into the conceptual at this point because of course there needs to be other - other decisions made before that.

Mr. Ho: I take it that your – your – your brewery will have, uh, uh, (inaudible) gutters because of the high amount of, uh, rainfall in that area. Where would the runoff from, uh, the gutters be – be, uh, discharged?

Mr. Conant: Hello, this is Blake. Once again, it's a similar answer. Um, we are in the conceptual stage right now. Um, Avery Youn's our architect so between (Katie) and I and – and Avery we will come up with a very good answer to your question. I do not have a – I do not have an honest one right now. I – we do not have that far in the design. Um, we will have gutters a- and we will figure out where that water is going to go but, um, I do not have an answer.

Mr. Ho: Thank you. Thank you, gentlemen.

Mr. Fregeau: Thank you.

Chair Nogami-Streufert: Other, questions from the other commissioners. One of the issues that has come up in some of the submitted testimony is that, uh, there has not been enough outreach (inaudible) the community. Can you speak to what kinds of things have been done and to whom you brought - you have reached out to community?

Mr. Conant: Madame - Madame Chairman I think you are asking is, um, have we gone out and spoken to the community, um, at all.

Chair Nogami-Streufert: Correct.

Mr. Conant: Um, if that is what you are asking we did not do it in an organized fashion at a community meeting because of COVID and – and a lot of this is conceptual. However, I got on my horse so to speak and I went door to door. Um, I know a lot of – growing up in Hanalei I knew a lot of these people so I've been socializing this with the town of Hanalei for quite some time. Um, I do not like to spin people up on things unless I know we have a real positive direction and was not too recently did we get a positive direction here. So, we've been doing it

the old fashioned way. Um, if someone would like us to make a presentation I am all over that. But, um, nothing formal to date because of COVID.

Mr. Conant: Madame Chair.

Chair Nogami-Streufert: Yes.

Mr. Conant: We did send the application to Carl Imperato, uh, on behalf of the, uh, Hanalei Town Ha'ena Community Association in July and we followed up asking if they wanted to arrange a Zoom meeting to discuss it. And we never were able to – to put that together. But if you, uh, if you want us to do so and over the next, uh, month we're happy to, you know, I'll reach out again and try to do the work necessary to set up some kind of a video conference at the least with the Board of Directors just to discuss further the application and their concerns.

Chair Nogami-Streufert: Have a que- que- we did have a concern that was raised and do not want anyone to go out and be unsafe in these times because the – we are (inaudible) and I would like everybody to be safe. We all want to get through this together. It was just a question to find out what kind of outreach has already been done.

Mr. Conant: Yeah.

Chair Nogami-Streufert: Could you also respond to – a little bit about the, uh, permitted use permits or permitted uses for open spaces and why you think that this fits it.

Mr. Conant: The open space area is in the as I said in the urban district. And, in the urban district the county gets to, uh, establish uses and, uh, those uses can include urban type of uses. And in my reviewing the open district, the uses that are allowed in the open district it appeared to be in addition to obviously to, uh, residential uses which are permitted without a use permit a number of uses that involve, um, commercial or income generating, uh, activities as well as just more intensive use of land. And so I gave as some examples more intensive use of land would be religious facilities – that's churches and police and fire facilities. So that is more intensive than a, uh, a, uh, a residential use. Uh, recreational vehicle parks, outdoor recreational concessions. Those are commercial uses. Uh, organized recreational camps, commercial use. Um, and daycare centers that would – that would involve commercial uses. Um, these are all uses in which you would have people coming from offsite onto the property. So it just appears to be a – a use that could, uh, that does not seem to be substantially different from the type of other commercial and, um, and more intensive uses that would be allowed under appropriate circumstances in the open district. And I think the open district's concern, uh, especially in the urban – the State Land Use Commission, uh, urban district, uh, is visual impacts. I think that that seems to be the greatest concern and in our case there's a – all of these, uh, lots on the mauka side of the road have a

minimum 3000 square foot, uh, land coverage on them. And we will not be exceeding that land coverage. So the – the structure on the property is not dissimilar to anything you could build on – any, uh, open lot within that area. So I – I agree with the Planning Director that this appears to be a use or structure that is similar in nature to other allowed uses in the area. Again, the decision as to whether you believe it's appropriate or not you – the Planning Commission has to make. But I think it's in your discretion to do so.

Mr. Hull: Yeah and Madame Chair I will just add because I - that was brought up with a couple of different pieces of testimony that, um, this application is wholly inappropriate to even be reviewed by the commission. And to what Max is essentially saying it's ultimately the planning director makes the decision as to whether or not the use is similar in nature to one that's listed being permissible with a use permit. And indeed a religious facility, a daycare center, um, these type of facilities are higher intensive use, um, as far as social gatherings, a bunch of people gathering at a particular site, as well as a particular the retail concession aspect speaks to the fact that concessions are allowed on open zone lands via the use permit. And the brewery is similar – it's not the same as a concession but it is similar in nature to the commercial aspect of the concession. Um, so the department – I made the determination that there is a similar aspect to the brewery as those listed in the use permit section. Then now it goes to the planning commission for you folks to review to determine that compatibility. Um, and so we received a number of testimonies, um, concerned about that compatibility and essentially it's – it's what, um, the commission is making its way through now in discussing with the applicant, um, and reviewing the application. Is this appropriate – can it be done compatibly with the shopping area.

Chair Nogami-Streufert: I guess what I – outdoor recreation concession that is different from – from something that looks like a brewery and a – a (inaudible) at some point that could become that. Um, I could see that there are similarities. There are also significant differences from that. So I think the (inaudible) reasons for this because how much compatibility – and it is not compatibility with what is already there. It is compatibility with the uses within that district. (Inaudible) but are there other concerns or questions from the Commission members.

Ms. Cox: This is, uh, this is a related concern. I am somewhat confused (inaudible) was that if this is permitted then that is a precedent for a lot of other requests in the open area, uh, (inaudible) as opposed to (inaudible).

Mr. Hull: Yeah. So one, you know I do not think it's a- this would not be in my opinion a case precedent setting item. Because they are other use permits that have been entertained previously in the open zoning district that have commercial components to them, that have gathering components to them, and that is essentially there's no precedence to anything. It's not like because a commercial operation comes and opens in a district if you folks were to approve this one then by default everything thereafter is going to get approved. Uh, I would say not at all,

because there is always the precedent that commercial operations have been reviewed in open zoning districts. What you folks have to do is review each case specifically to the area and to whether or not it's – and determine whether it's going to be compatible with that area. That is the main thrust of the use permit. What I think one of the testifiers was speaking about as far as the creeping urban uses into our open and Ag lands. That also say is not quite, um, I would not agree with that assessment for this application. Because you – the Commission is seen the department hold a particularly hard line on creeping – proposal from the Ag or open district within the steep land use agricultural district that have no connection to Ag whatsoever. Um, we've been sued a few times and actually lost one concern – concerning homesteads in our - our attempt to make sure that a certain amount of revenue is generated from ag, um, uses in conjunction with that homestead. We – like I said we – we – we've pushed the envelope on how much we can prevent commercial uses creeping into the Ag district. But this open zoning district is not within the state land use agriculture district. It's within the state land use urban district. So then I'd say Commissioner Cox that still goes back to okay, then if there is a determination it is appropriate to be reviewed at the planning commission level but now then it goes into is this a compatible use.

Chair Nogami-Streufert: Are there any other questions from the Commission to anyone? Kaaina is this (inaudible) the audience or do we have to have them speak at this point or are we done with that?

Mr. Hull: Madame Chair, to the agency hearing section was for the members of the public to testify. And at this time not only it'd be inappropriate it would turn into a – a bit of a mess if we tried to have a conversation in that manner.

Chair Nogami-Streufert: Right. (Inaudible).

Ms. Cox: (Inaudible) because I am a little confused about the agency hearing versus the applicant discussion. So are – are we going to be asked to vote on the application before we hear the agency hearing which is where the – there could be more testimony? I am just a little confused on the process. If you could clarify that.

Mr. Hull: So the agency hearing is held specifically separate and apart from the actual agenda item so that, you know, testimony can go in there as well as potential intervention requests. Um, the Department requested that you folks defer the agency hearing until October 13 in anticipation that we are also gone be asking you folks to ultimately defer this application agenda item to October 13 as well.

Chair Nogami-Streufert: So we are looking right now to defer this action until October 13 meeting (inaudible) after we have more reviewing.

Mr. Hull: Yeah that is ultimately – ultimately it is the commission’s choice. If you guys wanted to take action now you completely can. That is within your authority. I had recommended going back and (inaudible) the agency if that was to be the case. But like I said we’re recommending that it be deferred.

Ms. Cox: Okay it makes (inaudible) you would not want to have action on this until you have had (inaudible).

Chair Nogami-Streufert: Question? Defer (inaudible). Commissioners can we get a vote to, uh, (inaudible) for this, uh, (inaudible).

Ms. Cox: I am willing (inaudible).

Chair Nogami-Streufert: Helen could you come closer to your mic?

Ms. Cox: (Inaudible).

Higuchi Sayegusa: Where is the music coming from?

Mr. Hull: Helen you (inaudible). Okay Commissioners I have muted everybody. Commissioners going to make a motion you have to unmute yourself.

Ms. Cox: All right well I tried to make a motion. All right. (Inaudible) we defer action on the (inaudible).

Chair Nogami-Streufert: Okay. I was not able to hear that but if someone else. Kaaina can you help us with that?

Mr. Hull: The motion is ultimately to defer the agenda item. I believe Commissioner Cox was reading the permit numbers, which is not necessary; it can lend itself to clarity. But I believe at least in her audible section she did make a motion to defer. I think that would be highly appropriate just to accept that as a motion. (Inaudible). Just need a second for further discussion.

Ms. Apisa: Second.

Chair Nogami-Streufert: (Inaudible) we defer this action until the October 13 meeting. Is there any discussion? If not then (inaudible).

Mr. Hull: Madame Chair (inaudible) roll call do you want to go on a ten-minute recess after this? Because obviously, logging out.

Chair Nogami-Streufert: Yes.

Mr. Hull: Logging out will take some time. Okay. Roll call vote on the motion to defer action until the October 13 Planning Commission meeting. Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye. Can you hear me?

Mr. Hull: Commissioner DeGracia?

DeGracia: Aye.

Mr. Hull: Commissioner Ho?

Mr. Ho: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair Streufert?

Chair Nogami-Streufert: Aye. It appears that is unanimously been approved to defer this action until 10-13-2020. Motion Passes 7:0. At this point, we will take a ten-minute break and be back.

The Commission recessed this portion of the meeting at 11:26 a.m.

The Commission reconvened this portion of the meeting at 11:40 a.m.

Chair Nogami-Streufert: Call the meeting back to order after the recess.

Mr. Hull: Want to get started Madame Chair?

Chair Nogami-Streufert: Please.

Mr. Hull: Okay. Roll call. Commissioner Apisa?

Ms. Apisa: Here.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Here.

Mr. Hull: Commissioner Cox?

Ms. Cox: Here.

Mr. Hull: Commissioner DeGracia?

DeGracia: Here.

Mr. Hull: Commissioner Ho?

Mr. Ho: Here.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Here.

Mr. Hull: Chair Streufert.

Chair Nogami-Streufert: Here. All right lets—

Mr. Hull: Seven present, Madame Chair.

Chair Nogami-Streufert: Let us restart the – the meeting.

Continued Public Hearing

New Public Hearing

All remaining public testimony pursuant to HRS 92 (Sunshine Law)

Mr. Hull: Okay we have no New Public Hearings at this point.

GENERAL BUSINESS MATTERS

Withdrawal of Petition to Appeal Decision of the Planning Director in the Matter of the Application of *Blaine Perrella* appealing zoning classification Determination and Allowable Building Area Determination for Unit B of Kukuna Seaside Estates on land located in Aliomau, Kawaihau, Puna, Kauai, Hawaii Map Key: (4) 4-9-005:015 0002.

Mr. Hull: So moving onto General Business Matters I.1, withdrawal of the petition to appeal the decision of the Planning Director in the, Matter of the Application of Blaine Perrella appealing zone classification determination of allowable building area determination for unit B of Kukuna Seaside Estates on land located in Aliomanu, Kawaihau, Puna, Kauai, Hawaii tax map key number 4-9-005:015 CPR 0002.

So this is essentially, Mr. Perrella had appealed the determination of the Planning Director concerning a particular zoning aspect. Since that time, we have come too essentially an agreement on how to move forward so he is just ultimately withdrawing the petition to appeal the decision. And so, I'm here for questions if you folks have. Ultimately, we are just asking the Commissioners to motion to accept the withdrawal.

Chair Nogami-Streufert: Is there any discussion? Questions for Kaaina or anyone else?

Ms. Cox: Good job on, getting it resolved.

Chair Nogami-Streufert: If not could I have a motion?

Ms. Otsuka: I make a motion to accept the withdrawal of the petition to appeal decision of the Planning Director in the matter application of Blaine Perrella in zoning classification determination and allowable building area determination for unit B of Kukuna Seaside Estates on land located in Aliomanu, Kawaihau, Puna, Kauai, Hawaii tax map key number 4-9-0050150002.

Mr. Ho: Second.

Ms. Apisa: Second.

Chair Nogami-Streufert: It's been moved and seconded. It has been moved and seconded. We accept the withdrawal of the petition to appeal the decision of the Planning Director in the matter of the applicant Blaine Perrella. Are we ready for a vote? Let us have a vote on this because we can tell who is voting in which direction let us do this roll call as much as we can.

Mr. Hull: Roll call vote. Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner DeGracia?

DeGracia: Aye.

Mr. Hull: Commissioner Ho.

Mr. Ho: Aye.

Mr. Hull: Sorry Commissioner Otsuka?

Ms. Otsuka: Here. Aye.

Mr. Hull: Chair Streufert?

Chair Nogami-Streufert: Aye.

Mr. Hull: Motion passes 7:0, Madame Chair.

Chair Nogami-Streufert: Okay.

Applicant's Request to Amend Condition No.16 of Class IV Zoning Permit Z-IV- 2012-18, Use Permit U-2012-14, and Special Permit SP-2012-38 to extend the hours of operation involving the recreational shooting facility= Benjamin Ellsworth (Kauai Eco Sporting Clays, LLC.).

Mr. Hull: Next on the agenda is General Business I.2, application request to amend Condition No. 16 of Class IV Zoning Permit Z-IV-2012-18, Use Permit Z-IV-2012-14, Special Permit SP-2012-38 to extend the hours of operation involving the subject recreational shooting facility applicant *Benjamin Ellsworth of Kauai Eco Sporting Clays, LLC.* Dale is the planner on this. I will turn it over to Dale.

Mr. Cua: Good morning, Chair. Members of the Commission.

Chair Nogami-Streufert: Morning.

Mr. Cua: What you have before you is, uh, consideration of applicant's request to amend Condition number 16 of the existing permits, uh, to modify the hours of operation. The project was previously considered through class four zoning permit Z-IV-2012-18, Use permit U-2012-14. Special permit SP2012-38.

Mr. Cua read the Project Description and Use, Additional Findings, and Preliminary Evaluation sections of the Director's Report for the record (on file with the Planning Department).

Mr. Cua: In order to allow the business to generate income and continue the operation the applicant is seeking to extend their hours of operation to 10:00 pm. And I've attached your I've

attached a copy of the applicant's request and it's identified as exhibit C. Therefore, I will – that pretty much concludes the records report for now. Then maybe we can hear from the applicant.

Chair Nogami-Streufert: Is the applicant available?

Mr. Cua: The applicant is online. I think his okay. I think his line is muted right now. Yeah.

Mr. Hull: Ben if you are on, you have to unmute you are I do not think we can unmute him.

Mr. Cua: Oh. Okay.

Mr. Hull: Hold on let me see.

Mr. Cua: It is the 346 number.

Mr. Hull: You know if he is on a phone he may not be able to unmute himself. Ben if you are listening try hang up and then call back into the line. They should be able to give you a live line. Looks like he hung up.

Chair Nogami-Streufert: I believe we are still waiting for the applicant.

Mr. Hull: Yes, what happened is when there was background feed I muted all the participants. Um, and what we're realizing is that if you mute a telephone participant then it – then they call in via phone he's unable to unmute himself.

Chair Nogami-Streufert: Oh.

Mr. Hull: So he is stuck in the mute. So he's hung up and he should be calling back in. Give him a minute or two.

Mr. Cua: Yeah he is trying to call back in. I just got a text from him.

Mr. Hull: Okay here he is. I will let him in.

Chair Nogami-Streufert: Is. Mr. Ellsworth in? Is he on the line now?

Mr. Ellsworth: Ben Ellsworth.

Chair Nogami-Streufert: Okay. Great.

Mr. Hull: Sorry, about that technical confusion there but thanks for calling back in. Do you want to take over in response, presenting your application and any insights you would like to lend to the commission? Okay. Ben you are still muted actually. Not sure how we are going to deal with this.

Woman: Kaaina, can you unmute everyone?

Mr. Hull: I can't Jodi – Jodi are you still on the line?

Ms. Higuchi Sayegusa: Yes.

Mr. Hull: If so since you set the meeting up can you unmute Ben?

Ms. Higuchi Sayegusa: I cannot. I do not know. Once he calls in he should have been able to be audible. I did not – I did not mute him again. You can try one more time.

Mr. Cua: He is willing to call me on my phone and then I can put him on speaker if you are okay with that.

Mr. Hull: Well why do not – why don't you try that. Have him call your landline Dale and your landline is probably the loudest speaker – you have speaker on your landline, right?

Mr. Cua: I can put my cell phone next to the laptop.

Mr. Hull: Either way. Whichever works?

Mr. Cua: Okay.

Mr. Hull: Here is Ben.

Chair Nogami-Streufert: Okay you can hear him. Mr. Ellsworth would you like to say anything about your application.

Mr. Ellsworth: I am sorry. Say one more time.

Chair Nogami-Streufert: Would you like to present anything on your application?

Mr. Ellsworth: Yes, thank you. Ben Ellsworth and Jay Brooks from Kauai Eco Sporting Clays for the record. Just requesting that the hours be amended, um, for the purpose of small caliber pistol shooting past daylight hours up until 10 o'clock. Um, here to answer any questions that the Commission might have.

Chair Nogami-Streufert: Are there any questions for the applicant from the Commissioners?

Mr. Ho: Yeah, Ben, when will you let the, when will you start shooting? It says daylight hours. Is that at 8 o'clock in the morning?

Mr. Ellsworth: I am sorry so we currently are operating during daylight hours. The request is to extend operating hours up until 10:00 pm.

Chair Nogami-Streufert: The question is what time do you start. What time does daylight hours start?

Mr. Ellsworth: Oh. We generally never start earlier than 8:00 am.

Mr. Ho: And what days are you open for this? You want to do this every day seven days a week.

Mr. Ellsworth: We – we opera- we operate seven days a week.

Chair Nogami-Streufert: If this is because of COVID19 and not having visitors how will keeping it open until 10 o'clock help your business.

Mr. Ellsworth: Generally right now our – our customer base is solely local clientele, many of which work during the day. Um, that would be available to come out and participate in certain activities, uh, after, uh, (inaudible) allowing us to operate into the – the evening time.

Chair Nogami-Streufert: How close...Sorry. How close are your nearest neighbors for the sound?

Mr. Ellsworth: I believe that it's close to one mile. Um, and for the record we have been, putting on activities in the evening time on the shotgun side facility for the entire eight years that we have been in operation. So as far as any possibility of noise complaints and whatnot we've never experienced any problem with that. And the request is to be able to use small caliber handguns, during this – during the evening time. So we do not anticipate any complaints of noise based on the previous experience that we have.

Ms. Otsuka: I do not have a question for that. I have a comment to the applicant. I commend the applicant for taking responsibility for nearby residential areas by using less powerful ammunition and it helps lower the sound. And also for making necessary adjustments to the lighting situation. Thank you.

Mr. Ellsworth: Yes, that is correct. So the request is actually to be able to shoot the smallest caliber 22 caliber which produces the least amount of noise possible.

Chair Nogami-Streufert: Are there any other questions?

Ms. Cox: (Inaudible) will not go up at all since you were doing previous, um, evening activities?

Mr. Ellsworth: I am sorry. Say that one more time.

Ms. Cox: Does this mean that the noise level in the evenings will not go up because you are already doing evening activities?

Mr. Ellsworth: That is correct. For the past eight years, we have conducted, nighttime shoots up until 10 o'clock on our shotgun facility shooting 12 and 20 gauge shotguns, which produce a much higher decibel rating than a 22-caliber pistol or rifle.

Chair Nogami-Streufert: Are there any other questions? And if there are any complaints about noise you're willing to work with the Planning Department to mitigate those problems?

Mr. Ellsworth: Correct. I believe that that is actually one of them, um, that that was in the original use permit, recommendations for the pistol range itself, yes.

Chair Nogami-Streufert: Are there any other questions for the applicant? If not could we have recommendation of the Planning Department?

Mr. Cua: Sure. Moving onto the recommendation. Based on the foregoing reasons it is hereby recommended that the applicant's request to modify Condition No. 16 of class four zoning permit Z-IV-2012-18, use permit U-2012-14, and special permit SP-2012-38 be approved and amendment shall read as follows. Uh, condition number 16 – the use of the pistol rifle range shall terminate by 10:00 pm and be limited to those activities represented by the applicant. The applicant shall work with the planning department to mitigate any noise impacts generated by the activities.

Chair Nogami-Streufert: Do I have a motion?

Ms. Apisa: I will move to approve the applicant's request to amend Condition No. 16 of class four zoning permit Z-IV-2012-18, use permit U-2012-14, and special permit SP-2012 to extend the hours, um, to 10 o'clock pm.

Mr. Ho: Second.

Chair Nogami-Streufert: It's been moved and seconded. If I could ask a question before we do this. This will be amendment to the 2019. Is that correct?

Mr. Hull: It would be an amendment to the 2012 Zoning Permits.

Chair Nogami-Streufert: Not to the 2019 zoning permit.

Mr. Ellsworth: No. Excuse me, Chair? The 2012 Use Permit, there was no, limitations on that on timeframe. This would be only a recommendation or a request to amend the 2019 permit, um, number 16.

Chair Nogami-Streufert: So that would be 2019, which also has it in - in there that would be – is for an initial temporary period of two years. Next year this would be up for review.

Mr. Ellsworth: Correct.

Chair Nogami-Streufert: Okay. Do we have – we have a motion to approve the applicant's request (inaudible)?

Ms. Cox: (Inaudible). But we may get (inaudible) modified, um, (inaudible). I personally do not get (inaudible).

Mr. Hull: Sorry, Commissioner you are kind of breaking up. I think you might have to speak a little closer to the speaker or...

Ms. Cox: I am actually hugging the thing. Can you hear me now?

Mr. Hull: Yeah.

Ms. Cox: Okay. So my concern is not with this (inaudible) but (inaudible) comment that (inaudible) request (inaudible) then that we would have the (inaudible) to look at (inaudible).

Chair Nogami-Streufert: I am having problems hearing but it may be my machine on this side so if other people have heard it then—

Ms. Otsuka: I could not hear her.

Chair Nogami-Streufert: Okay.

Mr. DeGracia: I could not also.

Chair Nogami-Streufert: So, can we have you (inaudible) Helen?

Ms. Cox: I guess so.

Ms. Otsuka: Helen? Are you basically saying that because this situation is – he wants to amend it because of COVID you're concerned that other applicants may use the same reason? Is that what you were saying?

Ms. Cox: Yeah. I have no problem with that as long as (inaudible).

Ms. Otsuka: Because (inaudible). I believe each – each, uh, case and applicant is different and will be based on individual.

Chair Nogami-Streufert: (Inaudible) what I could get. You are also wondering whether at the end of COVID whatever that means that whether this would then be deleted. Is that correct because we are doing this for COVID but if COVID goes away miraculously then—

Mr. Ellsworth: Chair, if I may.

Chair Nogami-Streufert: I cannot – okay. Who's speaking please? I am sorry.

Mr. Ellsworth: This is Ben Ellsworth. May I make the comment about that? Yes. Originally, when we applied for the use permit we had no anticipation of using the facility at nighttime. Now the opportunity has presented itself for the possibility to offer in the evening time provided that we may want to be able to generate revenue in a further manner. So COVID or no COVID, the opportunity would be there for us to be able to generate revenue, with the same impact that we have always created or less impact that we've created to the community. Um, so I would not

necessarily say that is a primary reason why we are requesting this. Um, the primary reason would be that it just be one additional way for us to generate revenue.

Ms. Otsuka: What Helen is concerned about I also initially was concerned and like what happens if COVID ends and he still wants to continue that 10:00 pm. But I feel if no one complains – if the community doesn't complain as they have not in eight years I don't see a problem with that.

Ms. Cox: I think – I do not see a problem either. But, (inaudible) for additional review.

Chair Nogami-Streufert: And so but as a – as a rule everything that was in the 2019, permit would also apply for this. So the initial Condition 15 which says that “it is the operation of the pistol rifle range and combination trap skeet facility shall be temporary for an initial period of two years only. Additional extensions may be granted for longer periods of time by the Planning Department provided adverse impacts are not generated that affect the public health, safety, and welfare as well as the surrounding environment and Conditions of Approval are complied with.” So that continues on so in a year the Commission could review – or the Planning Department could review this whether (inaudible) before that they can also – if they're any complaints the Planning Department can work with the applicant to ensure that it is – that problems are mitigated. Is that correct?

Mr. Hull: Correct.

Mr. Ellsworth: Correct.

Chair Nogami-Streufert: Okay. So we now have a motion that has been seconded to accept the applicant's request to amend Condition 16 of Class four Zoning Permit Z-IV12-2012-18, Use Permit U-2012-14 and Special Permit SP-2012-38. Although this actually is relevant to the 19 application. Does that have to change anywhere before we do this?

Mr. Hull: No so, the in technical terms it is still the 2012 Use Permit numbers. In 2019, they amended the 2012 permits to reflect pistol shooting essentially. However, technically it is still the use of sorry the 2012, Z-IV-2012-18, Use Permit U-2012-14, and Special Permit SP-2012-38 are ultimately the prevailing permits. Therefore, you still would need to amend those. Then there is no – there is no 2019 I know Chair has been using it and Ben has been using the phrase the 2019 permits. Technically, there is no 2019 permit. It is a 2012 class four zoning permit that was amended in 2019 and is being proposed to now be amended in 2020 but this would not be a 2020 permit. Still is technically, um, that still goes 2012 numbers. Sorry to be—

Chair Nogami-Streufert: But it would also mean that it was amended in 2019 would also apply to this, correct?

Mr. Hull: Correct. Correct.

Chair Nogami-Streufert: Got it. All right. So, orders to amend the permits that were established to – well any discussion for the discussion by the Commission members? If not can we do a roll call please?

Mr. Hull: Roll call vote. Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commission Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner DeGracia?

DeGracia: Aye.

Mr. Hull: Commissioner Ho?

Mr. Ho: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair Streufert.

Chair Nogami-Streufert: Aye.

Mr. Hull: Motion passed 7:0, Madame Chairman.

Chair Nogami-Streufert: It's been moved and passed.

COMMUNICATIONS (For Action)

Housing Director Adam Roversi to provide a briefing on Bill NO. 2774 and matters related to amendments to the County of Kauai Policy.

Mr. Hull: Okay. Next up we have a Communication J. 1, one from Housing Director Adam Roversi to provide a briefing on Bill No. 2774 and matters related to Amendments to the County of Kauai Housing Policy. Ultimately this is a request that I think it was initiated by Commissioner Ho and with the – I discussed it with the Chair would be appropriate to have

Adam come (inaudible) articles in the news and Housing Policies definitely germane to our Zoning Policies and the way Planning functions. So I just want to thank Adam for being here. Adam give it over to you, my man.

Mr. Adam Roversi: Aloha everyone. Can you hear me okay?

Chair Nogami-Streufert: Yes, I think so.

Mr. Roversi: Adam Roversi, the Housing Director. If it is okay with you folks, I will give a brief summary and then I am happy to answer any questions anyone has. Um, so, uh, really – quickly, the Housing Agency has many jobs and activities but broadly, we do two things. We administer about \$8 million annually in Rental Assistance Programs and we develop Workforce Affordable Housing. Our Development Mission is, uh, broadly speaking has two aspects. One, we directly develop housing projects. Either ourselves or with our nonprofit or for profit partners using Federal Grant Funding and County Development Funds. Broadly speaking those direct development projects, um, because of the source of funding broadly speaking serve people at the very low-income levels in our community – 60% area median income and below.

Our second aspect of our development activity comes from the Housing Policy in that we are charged with overseeing and administering Workforce or Affordable Housing requirements that are imposed on private developers who seek to develop market housing on Kauai. So the Ordinance 860 of the Housing Policy is the statutory to that requires a percentage of any private development to, uh, be at workforce housing prices and made available to people at workforce incomes. The current Ordinance 860 was enacted in 2008. Broadly speaking it imposes as a starting point 30% workforce housing assessment on any private development. They are various incentives embedded in the current ordinance that allow that 30% initial assessment to drop down as low as 15% depending on the nature of the project. And currently the current ordinance requires that when workforce housing units are developed pursuant to this project they have to remain affordable for a period of 20 years.

It also broadly speaking provides a developer with some options so when a developer comes to the Housing Agency and want to develop let us say 100 unit subdivision they have several options to satisfy the requirements of the policy. They can develop actual housing units that they are required to sell at certain price points. They can provide the county with land in lieu of actual units on which the County would eventually develop its own housing. Or they can pay a fee in lieu either of the other two. Again, the county has an agency that would use the funds that would provide, um, to develop housing ourselves. As I mentioned the current – current Ordinance was enacted in 2008. Since 2008 and the enactment of this Ordinance it has, um, not resulted in the direct production of any Workforce or Affordable Housing units. So it is arguable whether the Housing Policy is to blame for that or economic conditions since 2008 are to blame for that – for better or worse the housing policy came into effect the same exact year as the mortgage crisis and the housing market collapsed.

So arguably, you know, there was not much building going on period with or without the Housing Policy. Rather than dwell on what is to blame, the housing agent – or the County Council had been endeavoring to make some changes to the Housing Policy for many years.

There was a lengthy Housing Policy Task Force that was put together some time ago. It failed to come up with a consensus of any amendments that could garner the support of the entire task force so that came to nothing. A second taskforce was put together by Council. That task force also failed to reach a conclusion but the one thing that they did do was to commission a, uh, study of our existing policy by a mainland firm that specializes in Inclusionary Zoning Policies. Now that – that is the Nexus report which is available on the County Housing Agency website. And that report was charged with studying our policy, comparing it to other policies here in Hawaii as well as nationally and coming up with some recommendations as to how our housing policy could be amended to better effectually meet this goal of resulting in, um, some workforce housing production.

And housing generally based on the last statewide study I don't remember the date that I goes to. I want to say 2030 but I could be wrong. Kauai has a deficit of some 4000 dwelling units. So aside from just needing workforce housing we – we have an obvious affordable housing crisis. So soon, after I was appointed Director of the Housing Agency I was charged with going through the Nexus report and coming up with some recommendations to Council. So I am going to go over the initial recommendations from the Housing Agency. Noting that they have morphed somewhat since they went to council. And, so we're talking about a moving target. In fact, the next Housing Agency Committee Hearing will be tomorrow in which these amendments could change more. And I'm sure what would happen there. So this is all up to Council at the moment. But the initial proposals, I'll go over them quickly.

So the current, Housing Policy defines Workforce Housing at between 80% and 140% of area median income. So for reference 140% AMI of a three bedroom home on Kauai at 140% AMI would be today – these numbers change every year – would be \$737,000. So the – one of the recommendations from the Nexus report was that that – that number is too high to be considered workforce housing. And the recommended reducing our definition of workforce to under 20% of AMI and - and down to 80%.

The idea being that homes priced at 140% at that \$737,000 number were too close to market rate houses – market rate housing, and that the people who could afford those homes are able to compete in the market as it is and don't require government assistance for housing. At least not as much as the people at the lower income levels. Also they noted that when we ask a developer to produce workforce housing at those price points that also have 20 year deed restriction, attached to them that they become difficult to market because they're so similar in price to the market rate units, um, they're difficult, uh, to find buyers who would be willing to accept that deed restriction when they can buy a market rate unit, uh, at a very similar price point. So our initial proposed amendment was to change the definition of workforce housing from 80% to 120% and for reference 120% three bedroom unit just for reference would be \$624,850.

The second proposed amendment to the policy was to extend the period of affordability that is attached to a workforce-housing unit that is created from 20 years out to 50 years. The Nexus analysis concluded that this was much more – well, they – the discussed the national average of 45 years. We selected 50 going slightly above the national average. But, many other jurisdictions have, um, periods of affordability that extend well beyond that 75 or 99 years. Um, at 20 years we are already admittedly the most restrictive in Hawaii and the most other counties are ten years, ten, or 15. We also proposed an amendment to increase the workforce housing

assessment for resort-designated areas within the visitor destination area. And the last – last we were, uh, proposal which has received the most attention in various newspaper articles that you all might've seen is we proposed two, what I refer to as narrowly tailored exemptions from the workforce housing policy. So, and these grew out of – before I get to the exact exemptions they grew out of two things.

One of the prime recommendations from the Nexus report was that under the current, um, housing ordinance it is financially infeasible to develop multifamily housing projects, apartment style rental units – multifamily outside of the visitor destination areas. So were not talking about resort condos. We are talking about simply multifamily housing options, um, anywhere else on Kauai – regular residential, um, housing products. It's infeasible to develop those under the current policy because when you – when you impose a workforce housing requirement on a developer what you are essentially doing is you're requiring them to subsidize lower priced units by charging a slightly higher price for your market rate units. But the market on Kauai either for rentals or for sale units, um, can't charge a high enough price for a market rate multifamily unit to offset the subsidy that's required for the workforce units. So noting that these types of multifamily projects are the most bang for the buck when we are trying to build, um, affordable housing for the most people that these apartment styles developments are the way to go at least for a large part of the population.

The report suggested creating an exemption for apartments. rather than simply create an exemption for apartments we looked at compared the Nexus report to the general plan and some of the goals, uh, set forth in the general plan to increase density in our town cores where we already have infrastructure, transportation, um, employment opportunities, education, healthcare, et cetera. So we proposed two separate exemptions which are both aimed to satisfy the goals of the general plan and also to effectuate the development of multifamily apartment style developments. So one we designated specific Town Core Special Planning Areas as exempt from the workforce housing assessment. Um, it's not – it's not simply a blanket exemption though. So a developer would be exempt from the housing policy, in what we have designated so far in the Lihue Town special planning – the town core special planning area, Koloa, and Kalaheo. But only if they built to the maximum density allowed on the lot in question. Or in the case of form based codes at Kalaheo or Koloa to the extent that they build a multifamily project.

So they're not exempt if they build at below the maximum density that's allowed. The point being that we are trying to incentive maximizing in field development, maximizing density in these town core areas. Which would help reduce traffic, provide additional housing et cetera. Um, related to – slightly overlapping, slightly different from the special town core areas that we're expecting we also provided an exemption, um, on high density lots zone R ten or higher. Again, provided that the developer has to develop to the maximum density allowed. You don't get an exemption on R – on an R 20 lot if you choose to only develop ten units. You've got to develop the maximum number allowed and then you would be exempt from a workforce housing, um, uh, exaction imposed on your project. As a practical matter, um, while – and this is for lots that are R ten or higher so R ten to R 20, um, while there are some of these lots scattered in many town core areas the vast majority of R ten or higher lots on Kauai are all in the greater Lihue area including parts of Puhi so it's in as a practical matter sort of an expansion of the Lihue Town Core Special Planning Exemption.

And we did some studies of existing multifamily projects in the Lihue Town Core area especially and reviewing – so the question comes up well if you’re - if you’re going to exempt these multifamily types of projects, how can you be sure that they’re all going to be in a workforce price point? Um, we cannot absolutely be sure but we made an educated assumption based on analysis of all the existing multifamily projects in the greater Lihue area. And the new revised a half a dozen, maybe seven, uh, multifamily projects we found that all of them were rented at prices below 100% AMI. Grant it, several of them are older but I think the point being that they are not serving a luxury housing market - because of their location, they are not. And I want to point out that not both of these exemptions only apply outside of VDAs. So they – there is no exemption within a VDA area.

So these types of units – these multi-family units they tend to be smaller, they tend to be they’re all outside of visitor destination areas as they can’t be TVRs. By their nature we made an educated assumption that they would by and large once developed, if developed, they would tend to serve the workforce community on Kauai – on our island whether they’re for sale units as condos or for rent units we make a presumption that they will generally be at workforce affordable prices – not luxury condos, um, for absentee owners. Um, because we are not absolutely sure – we’ve just made an educated guess - we recommended that the council – that we, uh, the council attach a s- ten year sunset provision to these two exemption provisions.

So Council this will evaporate in ten years. Council will be required to go back and analyze whether it’s worked. Has it accomplished its goal of developing multifamily projects that are at affordable prices within these town core areas, which is what the general plan tells us we are supposed to be doing? If it has worked then they can renew the exemptions. If it has not worked, it will have expired of its own accord. One modification that Council has made to these initial recommendations is that they have converted the proposed exemption within the Special Planning Town Core Areas and the high-density lots to a special assessment. They were not comfortable with a no strings attached assessment initially.

Instead have essentially imposed a second option for a workforce housing assessment so that in these specific areas the town cores or high-density lots you are – you can opt to have an assessment of your project in which all units will have to be at 120% AMI or below. Or, you just follow the existing assessment provision of 30%. So a developer gets to make a decision based on their own financial analysis of their project, whether it works out better for them to move ahead with 30% current scheme or to utilize this new 120% price point for all units for their own project. Um, I am not sure if the council will keep that or if they – they may revert to our originally proposed across the board exemption language but that is in council’s hands at this point and I imagine they’ll discuss it more tomorrow. So that is my summary and happy to, uh, answer any questions if anyone has any.

Mr. Ho: Adam can you hear me?

Mr. Roversi: I can.

Mr. Ho: Yeah, okay. One of the options for developer is he can give you land in lieu of building the units. Is that correct?

Mr. Roversi: Correct.

Mr. Ho: What if would that included the, infrastructure, if he had (inaudible) road, water, electrical, sewer?

Mr. Roversi: So that is all a recommendation within the housing policy. It's not an absolute requirement. That is I guess to leave some negotiating room. But, uh, essentially they – we have to if they were to propose the land option, um, an appraisal of the land would be required a review of its appropriateness for housing development, and we definitely take all that infrastructure into consideration because often that can cost more than the housing development itself. Um, and then it ultimately has to be approved by both the Housing Director and go to County Council to have them approve the appropriateness of the land. And that just as an anecdote, that's exactly what happened for the current Koa'e project in Koloa. Grant it, um, that project was a requirement that predated ordinance 860 – the current housing policy. But it was a sort a pre-ordinance 860, ad hoc requirement that was imposed on the Puuhua development. And, uh, the county required in addition to the land the installation of electric, sewer, and water to serve the project so that it would essentially be build- buildable ready, um, for the county and/or, uh, a county partner to step in and begin to develop a project.

Mr. Ho: Thank you.

Chair Nogami-Streufert: Are there any other questions?

Ms. Cox: Just a comment. I thought it was pretty well thought out.

Mr. Roversi: Well, I like to think so. But, I think that we've gotten a lot of the proposed amendments h- have both some, uh, some points that are applauded by affordable housing advocates. They have some points that are applauded by the development community vice versa. Have some points that made both mad. So since we're making everybody slightly mad perhaps we're doing something right by, uh, by developing a policy that sort of finds a middle ground. At least that is my hope.

Chair Nogami-Streufert: What are some of the (inaudible) housing?

Mr. Roversi: Sure. Well, I will just talk about some of the extremes. From the developer's point of view – some developers do not believe that there should be any such thing as a housing – a workforce housing assessment. That it is a violation of property rights and we should allow the free market to do what it does and get out of their way. Uh, so that is sort of an extreme point of view that we should be reducing all of the, uh, well we - we heard in comments that we should just strike this entire policy from the county code and have nothing. Um, and then from the opposite side, um, we've had, you know, affordable housing advocates tell us that we're simply providing a giveaway to developers, that we should increase the requirements and not decrease the requirements. Um, a- as a, you know, my job is to produce workforce housing units, support

having them be at as low a price as possible and affordable for as long a time as, uh, as long a time as possible. But as an agency who's also charged with actually developing houses I have a very realistic I think understanding of how much it actually costs to do that. And how far you can push a private developer for extractions from them before they decide that it's simply not worth doing business on Kauai or developing housing at all. Um, so as I mentioned the current policy from 2008 with its 30% assessment and its period of affordability has not resulted in any housing units being produced. So I would prefer to reduce, uh, this is – so one other thing I did not mention. As the – and this will get the answer to your question. So as this has evolved through council and, um, we have had a lot of public testimony. I think there have been four committee hearings at council. Um, there has been – there has been a housing workshop with a bunch of stakeholders. There have been numerous community meetings. The housing agency through this process has recommended also reducing the 30% base assessment to 20%. Uh, and this gets to your answer your question. So the reason we've done that is, um, under the current 30% assessment scheme as I mentioned we haven't gotten any workforce housing policy. So I would rather have a lower percentage of something than 30% of nothing which is what we are effectively achieving under the current policy. Um, and – and I view this entire thing as, uh, and – and legislation generally as – as an experiment. I don't know if it'll – if reducing the policy to 20% and creating these exemptions I can't promise that it's going to result in a, you know, windfall of workforce housing projects. But, um, I think we need to try something. And if it doesn't work we can try something else. But just sticking with the status quo or making it more, um, difficult, uh, to develop housing is not going to serve our community.

Chair Nogami-Streufert: Do you think COVID19 that is happening here will have an impact on what you are proposing or the positive (inaudible)?

Mr. Roversi: It is hard to – it's hard to know, um, exactly what the long term effects of COVID19 will – will be. Anecdotally we have – we, um, have heard stories of people with disposable income coming to Kauai as a place that does not have COVID19. Uh, people who can work remotely from a computer and, uh, buy houses sight unseen, uh, which is only going to make our workforce and affordable housing crisis on Kauai worse than it is. Whether those people will stay here long term after COVID19, uh, passes your guess is as good as mine. Um, at least in the near term it seems that the local population is relatively stable as far as keeping up with rent and not falling too behind – far behind with mortgages because so far at least, um, there has been a decent unemployment and emergency rental assistance response. But as those – there's also been an eviction moratorium, but as those, uh, assistance programs wind down if they're not renewed or funded I think we could end up with much more of a crisis both through the local rental and homeowner community, um, for foreclosure and eviction problems. Um, so that only intensifies the need for affordable housing options. Um, so I – I do not know if I have answered your question. I think COVID brings up a lot of unknowns.

Mr. Ho: Adam if you, what is the maximum deed restrictions you can put on projects. Someone develops an apartment unit and uses government money, you know, and then, uh, I mean there has to be a deed restriction on that for affordable housing. What – what is the maximum here on Kauai?

Mr. Roversi: Well, so the projects that we develop or that we provide direct funding for generally the County keeps ownership of the land and leases the land to a developer to build an affordable housing project with federal – various federal subsidies. And we effectively impose a permanent affordability requirement on those projects through our ground lease. For example. The Puu Opa Street project that is currently being developed I have to go get the exact document. But I think it's a 65 year ground lease. Do not quote me but something close to that. After which the project reverts to the county so the county would keep it affordable in perpetuity effectively. The non-county funded programs under the current housing policy have a 20-year affordability restriction. But the projects that we have direct involvement in effectively stay affordable forever.

Chair Nogami-Streufert: Are there any other questions? If not thank you Adam for coming and, uh, (inaudible) given (inaudible). I think it has been very informative. And we can make better (inaudible).

Mr. Roversi: Okay. Thank you for your interest. I appreciate it. We will see what happens at council tomorrow whether it moves on to final reading or if there is further amendments.

Mr. Ho: Thank you, Adam. Take care.

Ian Jung, Esq., to provide a briefing on Class IV Zoning Permit Z-IV-2020 to develop a mixed use commercial/multifamily residential project containing spaces for retail, office, and restaurant operations, 62 residential units and associated improvements on a parcel situated within the Lihue Town Core area on the corner of Rice Street and Umi Street, further identified as 3016 Umi Street, Tax Map Key: 3-6-003:010, and containing a total area 1.5313 acres.

Mr. Hull: Commissioners, moving on to Communication 2. Ian Jung, Esquire, to provide a briefing on class four zoning permit Z-IV-2020 to develop a mixed use commercial multifamily residential project containing for retail, office, restaurant operations, 62 residential units and associated improvements on a parcel situated within the Lihue Town Core area on the corner of Rice Street further identified as 3016 Umi Street, TMK: 3-6-003:010 and containing a total area of one point five three one acres.

This is also another Commission request that in which Chair Streufert and I were discussing that she and other Commissioners would like a briefing as far as to what this particular housing project is. So thank you Ian for submitting the the updated plans of the project being available to give the Commission briefing, so turn it over to you.

Mr. Jung: Sure. Yeah thanks for the opportunity. I know there was some interest in seeing how this project works into reality and I think where we are at now is, uh, we just completed our community outreach pursuant to Conditions 1 and 2. If you take a look at those Conditions 1 and 2 basically we're asked to go in and do a designer view – I think we can all agree the first iteration wasn't the best example of I think what should be the forefront of Lihue Town Core. So the revised iteration we just went through and met with the Lihue Hui which is a group that was started – it's an unassociated, uh, unincorporated association which was started by a few

individuals that were heavily involved in Lihue Town Core design plan. That include architect Palmer Hafdahl, historian Pat Griffin, Lori Ho, and, Dr. Addison Bulosan.

So I met with those individuals to go over the exhibit A document for which is in your packet. And that was the revised version. I also for cross comparison attached exhibit B that showed what we originally proposed. If you look at those and I apologize. I have had to apologize so many times for this. But if you look at the second or third page, um, you can completely disregard that standup paddle surfer figure on the building side there. I encouraged these guys not to do motifs and actually one of the comments we got back from the Lihue Hui was hey let's look at doing one of the bureau programs that the county and the Rice Street Business Association are currently undertaking on the County building and a couple of the buildings that are along Rice Street. So that – that frame of a standup surfer please disregard that. So this new iteration we have is focuses on a little more articulation of the building where before we had a lot of massing that we needed to deal with. So we added the balconies. Um, have a little more flavor to the horizontal articulation. And then the pop out for some of the street windows, um, that also helps with the vertical articulation. So the idea was to kind of break up the massing, keep the color consistent with, um, kind of the whites that are currently in use with the old historic county building as well as if you go further down Rice Street.

The signage down below obviously that will be (inaudible) for some of the retail components associated with this 63-unit project. Uh, and then we'll also have some – can't really see probably on the printed version but if you look really closely you can see some rock wall façade which I've introduced to the developer to look at what we did with the Kauai Museum. Additionally, they found some pretty similar moss rock wall. It's faux but it looks fairly realistic. It's from a company on the big island. So it incorporates some of those features.

The whole thing that was interesting that the design crew came up with is you look at the natural wood element that is for that initial tower there – the elevator. So that one is kind of a modern application in the old Lihue Town Core. But the feedback we got they weren't too concerned with that modern application. What they – the feedback we got from the historian Pat Griffin was threefold. Number one, is she wanted some awnings both on the – on the lower floor retail component as well as the, uh, the third floor. I can pull this out and show you. Are you guys able to see your exhibits or would you like me to show you? I do not know if you can see that. But I'll try and do my best to point to it here. So the awnings that Ms. Griffin was here on the third floor and kind of break up the massing and do a little more color addition there. And then also on the lower floor here. Uh, for street coverage, uh, that is before kind of walk along the street we could have a little more (inaudible) elements.

The other component she had was on the Umi Street parking which is this side here that maybe pop that out towards inside of the property a little bit to create a stepping effect. But after discussing that with (inaudible) she realized that the – it's going to be an affordable housing project So we're going to have – there's some cross elements that come into play with the construction and when we do that articulating step out if it does increase costs for various frames and structural components. So I'm not sure – and I sent my comments that I summarized from our meeting over to her and I'm still awaiting her response. So I'll pull those formal in a memo to the Planning Director. Um, so we can look at that. And then her third comment was in the

parking if you look on, uh, fourth page in our parking area there is a requirement of Lihue Town Core which this plan did not include because it was sort of our – we were focused more on the on how the building looked. But in the parking area we wanted to deal with including some tree wells for a little more tree involvement and vegetative involvement for the parking area which is – which is a requirement of Lihue Town Core so we'll focus on that when we have the meeting with the Planning Director for final designer view to include those vegetative requirements.

Therefore, those essentially were the comments from the group on how the project appears. You know, certainly this is a work in progress. So we're going to our next step after we revise the plan based on the community feedback we're gone to come up with a plan and bring it over to the Planning Department to sit down with them to show them and get their approval for design reviews as a part of the overall project. But it is in progress. The sale has closed so we – the new owner is underway and the design team is continually working on it. And, you know, I've been on the phone with Adam quite a few times in the past few weeks as we try to evaluate how we can move forward with the affordable housing project. Because I do not know if any of you follow, what is going on with the Federal Government but a lot of the LIHTC applications with is the low income tax housing program all the applications were deferred due to COVID. And it looks like some of the funding from the State level also may be running dry.

So we're also looking at alternative forms of how to deal with doing affordable housing getting affordable housing money to do the project and move forward with, you know, having it be affordable housing. So there are other options we're looking at but we're still going to be pursuing the LIHTC application in November and then if that doesn't work out then we can also apply for the next year which will be in February as well if things stay on track post-COVID. So that's the update. If you folks have, any comments on the design package were happy to take them in and do our best to fold them in when we eventually get back to Planning Department.

Chair Nogami-Streufert: Ian it looks like there is now an elevator. Was that always in there?

Mr. Jung: Yeah there was always an elevator. If you look at the original plan, which is on exhibit B– the elevator, was situated in the – more towards in the middle of the back. Not on the street front. But the building kind of shifted around to create that elevator on the outside of the stairwell around it going up to kind of have that – that feature of a corner with the wood if that – that helps with the description.

Chair Nogami-Streufert: Fine. Any questions of Mr. Jung?

Mr. Jung: Let me just note one more thing too that Dr. Bulosan brought up is apparently they're working on a concept of allowing, um, these park type events for parks, you know, Parks Department will allow events in the the old Lihue courtyard. And one of the ideas is we're going to have a the Parks Department (inaudible) reverse park unit but keeping that parking out, uh, during these events and maybe staging food trucks there where the use of the park could be fully used by participants and have people cross the street to get food and not have to worry about getting food – food trucks taking up the taking up the old Lihue County Building parking lot there. So that's one other option people had which, you know, our client is totally open for. It will kind of give a nice revival to the – to the old courtyard there. But it is something we'd have

to work through because we're going to have to dedicate as a part of the seizure on the Lihue Town Core we're going to have to dedicate a lot of that parking over to the County along with a portion of the sidewalk as a requirement from the Lihue Town Core design plan. So we're working through that with the – the Department of Public Works right now and see what they would – would want and how it's potentially gone look from a siting standpoint.

Ms. Otsuka: I understand the exterior white was the color chosen for the start purposes. Offices. But I know it's just a mockup and a draft but It looks very stuck. (Inaudible) this white a little more subdued.

Mr. Jung: Okay. You know, the Lihue Town Core plan has a specific color palette of earth tones that we can work within. So, we'll definitely note that and work through that with the Planning Department. We do not have their feedback yet on this plan so I am sure they are listening right now.

Chair Nogami-Streufert: You have lava rock on the front but not on the side. Is there a reason for that or is that cost reasons or—?

Mr. Jung: On the lower levels, you know that horizontal clotting.

Chair Nogami-Streufert: Right.

Mr. Jung: It is much more cost effective to do that than the rock wall. I think the feature of the rock wall was more - be more prominent on the Umi and Rice Street corner.

Chair Nogami-Streufert: Right.

Mr. Jung: That will be the highlight of the overall project up there.

Chair Nogami-Streufert: I was not thinking of an/or I was thinking of an and.

Mr. Jung: Okay. I am taking notes so – okay you are thinking of wrapping the rock wall around into the parking lot at the southern - southeastern portion.

Chair Nogami-Streufert: Whatever areas you have right now that look like concrete block. Seems to me if you have it look more Hawaiian if you will but the cost is always a factor and we want this to be affordable so – it is just a thought.

Mr. Jung: Okay.

Chair Nogami-Streufert: Okay. Thank you for working on this. It looks a lot better than the first one did.

Mr. Jung: Yeah I would agree.

Chair Nogami-Streufert: It also gives the – more privacy it appears because you have those pop out parts.

Mr. Jung: Correct. I think it does do a good effect of breaking up the massing as well. Um, it, you know, if you folks have a comment on the color for the balconies too that is always an option as well to – to help break up the massing. With the black on white, it does help kind of give a contrasting element to the color palette. But if you have a- another color I'm certainly open to opinions on it.

Chair Nogami-Streufert: If there, are no other comments or questions thank you very much Ian for joining us today and giving us this update. It has been very informative. I understand where you are going with it and, uh, how far you have come. It is great.

Mr. Jung: Yep. And if, you know, the Planning Direct wants to put us back on once we have a design – the final design package we're happy to jump on and show that package as well.

Chair Nogami-Streufert: All right. I love the art on your wall.

Mr. Jung: Well thank you.

Chair Nogami-Streufert: Moving along. Continue on – thank you and we will see you again I am sure, Ian.

Mr. Jung: Yeah. I will be on standby here.

Chair Nogami-Streufert: Okay. (Unintelligible). Kaaina you are – you have muted yourself.

COMMITTEE REPORTS

Subdivision

Mr. Hull: Sorry about that. All right next on the agenda – and thanks again Ian. Next on the agenda item K, Committee Reports. I will turn it over to Subdivision Committee Chair Ho to give the Subdivision Committee Report.

Mr. Ho: Busy morning for us. The Subdivision Map Approval for Kukui'ula's Development. They are 14-lot subdivision. Got the map approved for that. All final map approval here. Kilauea Ohana Plateau, Final Map Approval granted. Matthew Nelson, Stephanie and Katherine Skow, map approval granted. Kukuiula again, for Final Subdivision granted. Subdivision Kukuiula Final Map Approval granted.

These are these are Extension Request of AOA Kulana Condominium Extension to May 22, 2021. McBryde Sugar, an Extension to November 18, 2021. Stephanie Fernandes Extension to January 22, 21. Finally Robert and Kerrilyn Barros Extension to May 28, 2021. These are for the Commission acceptance and approval. Thank you.

Chair Nogami-Streufert: Questions for Mr. Ho?

Ms. Hull: You know, I just realized and Matt or Jodi might have to jump in to help me with this but I just realized that one of the Commissioners wanted to recuse himself from one of the Subdivision actions. And so if we could take the Subdivision Committee's Report in total with the exception of the Kilauea Plateau Subdivision and handle - Commissioner Ho handle that subdivision recommendation for final approval separate from the entire report.

Chair Nogami-Streufert: Can I have a motion to accept the report in totality except for the Kilauea Plateau.

Ms. Apisa: So moved. So moved.

Mr. DeGracia: Seconded.

Chair Nogami-Streufert: It's been moved and seconded that we accept the Subdivision Meeting Minutes in totality except for the Kilauea Plateau. Any questions? All those in favor? Aye. (Unanimous voice vote).

Ms. Cox: Aye.

Mr. DeGracia: Aye.

Ms. Otsuka: Aye.

Chair Nogami-Streufert: All those opposed? In that case, it has been moved and accepted. Motioned Passes 7:0.

Now we need another motion before the Kilauea Plateau Subdivision – Subdivision Report on Kilauea Plateau.

Mr. Chiba: Madame Chair I do not know if this is the right time or not but I want to report a conflict of interest with this particular item immediately because I was employed with Gather Federal Credit Union and would like to declare a conflict of interest. I recuse myself. Thank you.

Mr. Chiba recused himself from this portion of the meeting.

Ms. Apisa: I move that we accept the subdivision committee report and recommendation for the, um, Kilauea Plateau.

Mr. DeGracia: Second.

Chair Nogami-Streufert: It's been moved and seconded that we accept the Subdivision Report for the Kilauea Plateau. Any discussion?

Mr. Hull: Madame Chair, (inaudible) request for appeal and (inaudible).

Chair Nogami-Streufert: I am sorry, I cannot hear you.

Mr. Hull: Oh sorry. Is this better?

Chair Nogami-Streufert: Yes, very much better.

Mr. Hull: Sorry. So just, want to also report that in addition to the Final Map Approval – prior to the final map approval to note that there was a request for possible intervention and/or appeal of the Planning Director Decision that was submitted concerning this concerning this final subdivision application map. Ultimately I under the input of the County Attorney, that request was denied on the basis of there is no rule to allow for intervention in a Subdivision matter or even on a Planning Director’s Decision. They, both, you know, the representative, the landowner, as well as the County Attorney (inaudible) that the opposing landowners still have the right to exercise right of legal action directly to the courts to oppose this Final Subdivision that it was inappropriate to be handled at the Planning Commission level. So I just wanted to say that for the record and for the Commissioners that are voting on that – that request for intervention was considered, discussed, ultimately acted upon in the Subdivision Meeting.

Chair Nogami-Streufert: Thank you. Are we ready to vote? Based upon that information could we have a roll call vote on this?

Mr. Hull: Roll call vote. Commissioner Apisa?

Ms. Apisa: Aye.

Mr. Hull: Commissioner Chiba is recused. Commissioner Cox? Sorry Commissioner Cox I could not hear.

Ms. Cox: (Inaudible). I am abstaining (Inaudible).

Mr. Hull: Okay we can kind of hear that. Is that an aye, Commissioner or a no?

Ms. Cox: Abstain.

Mr. Hull: Oh, abstain, abstain, okay. Commissioner Cox is abstaining. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Ho?

Mr. Ho: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair Streufert?

Chair Nogami-Streufert: Aye.

Mr. Hull: Motion passes 5.1 abstained. Madame Chair.

UNFINISHED BUSINESS (For Action)

Mr. Hull: Moving on, there is no Unfinished Business.

NEW BUSINESS

Mr. Hull: Now moving on there is no further New Business.

For Action- See Agenda F for Project Descriptions

ANNOUNCEMENTS

Topics for Future Meetings

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter on October 13, 2020. The Planning Commission anticipates meeting via teleconference but will announce its intended meeting method via agenda electronically posted at least six days prior to the meeting date.

Mr. Hull: With that, we have no further agenda items. Our next, Planning- because of the lack of applications and we have seen, you know, somewhat of a more robust agenda over the past few months, there is no meeting anticipated for the second September meeting. So the next scheduled meeting is for October 13, 2020.

Mr. Ho: Mr. Hull?

Mr. Hull: Yes, sir.

Mr. Ho: Before we go (inaudible). Could – could you, could you explain to us a no vote (inaudible) position in voting? Could you tell us about (inaudible)?

Mr. Hull: I want to - Jodi correct me if I am wrong but a silent vote runs with the majority I believe for Planning and Zoning. Jodi (inaudible) Matt?

Ms. Higuchi Sayegusa: Right. According to the Commission rules, a silent vote or abstention there's (inaudible) abstention in the rules but any – it is a silent vote and a silent vote goes with the majority.

Chair Nogami-Streufert: Okay.

Mr. Ho: It is just a prototype for the issue for Ms. Cox.

Mr. Hull: Yeah. It depends on the way that the rules are struck. Some organizations or legislative bodies the silent vote will just be that – it will not be counted in the majority or in – in, you know, the minority or it is up to the (inaudible) bodies’ rules. Pursuant to the Planning Commission Rules, a silent vote is essentially a noncommittal to the position; however, it will run with the majority.

ADJOURNMENT

Chair Nogami Streufert: And with that if there is no – there's no business to be discussed may I have a motion to adjourn?

Ms. Otsuka: I move to adjourn today’s meeting.

Mr. Ho: Second.

Chair Nogami-Streufert: It has been seconded that we adjourn this meeting until 13 October. All those in favor?

Group: Aye.

Mr. Chiba: Aye.

Chair Nogami-Streufert: Meeting is adjourned. Thank you very much for being here. It has been a long meeting but a very (inaudible) one I think so thank you very much for participating.

Chair Nogami Streufert adjourned the meeting at 1:05 p.m.

Respectfully submitted by:

Arleen Kuwamura
Arleen Kuwamura,
Commission Support Clerk

() Approved as circulated (add date of meeting approval)

() Approved as amended. See minutes of _____ meeting.