

KAUA'I PLANNING COMMISSION  
REGULAR MEETING  
**December 11, 2018**

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Apisa at 9:01 a.m., at the Līhu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Chair Donna Apisa  
Vice Chair Glenda Nogami Streufert  
Mr. Roy Ho  
Mr. Kimo Keawe  
Mr. Sean Mahoney

Absent and Excused:  
Ms. Kanoe Ahuna  
Mr. Elesther Calipjo

The following staff members were present: Planning Department – Director Ka'āina Hull and Dale Cua; Office of the County Attorney – Deputy County Attorney Jodi Higuchi Sayegusa; Office of Boards and Commissions – Administrator Ellen Ching; Commission Support Clerk Darcie Agaran

**CALL TO ORDER**

Chair Apisa called the meeting to order at 9:01 a.m.

**ROLL CALL**

Planning Director Ka'āina Hull: Good morning, Chair and members of the Commission. The first order of business is roll call. Commissioner Keawe.

Mr. Keawe: Here.

Mr. Hull: Commissioner Ahuna is excused. Commissioner Ho.

Mr. Ho: Here.

Mr. Hull: Commissioner Streufert.

Ms. Nogami Streufert: Here.

Mr. Hull: Commissioner Mahoney.

Mr. Mahoney: Here.

Mr. Hull: Commissioner Calipjo is also excused. Chair Apisa.

Chair Apisa: Here.

Mr. Hull: Madame Chair, we do have a quorum.

### **APPROVAL OF AGENDA**

Mr. Hull: The next agenda item is Approval of the Agenda. Madame Chair, the Department would request, given the large amount of people in the attendance for the Waimea project, that the agenda be amended to reflect K.1., Subdivisions, to be moved after H, Executive Session. And that M.1.a., which is the Ahe Group application, be moved directly thereafter, preceding General Business I.

Chair Apisa: I would have a motion to amend the agenda.

Ms. Nogami Streufert: I move to amend the agenda as proposed by the Department.

Mr. Mahoney: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0. Amended agenda is approved.

### **MINUTES of the meeting(s) of the Planning Commission**

Mr. Hull: The next agenda item is Agenda Item D, Minutes – minutes for the meeting of November 13, 2018.

Chair Apisa: Do we have a motion to approve?

Mr. Mahoney: Chair, move to approve the minutes of November 13, 2018.

Mr. Keawe: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0.

### **RECEIPT OF ITEMS FOR THE RECORD**

There were no items to receive for the record.

## HEARINGS AND PUBLIC COMMENT

### Continued Agency Hearing

Mr. Hull: The next agenda item is Agenda Item F.1., Continued Agency Hearing. There are no continued agency hearings.

### New Agency Hearing

Class IV Zoning Permit Z-IV-2019-5 and Project Development Use Permit PDU-2019-3, to allow a residential development containing 67 affordable units and a 32-lot subdivision on property situated in Waimea Town, along the mauka side of Kaumuali'i Highway, immediately adjacent to the Waimea Technology Center, further identified as Tax Map Key: 1-6-008:006, and containing a total area of 6.5625 acres = Ahe Group & Kaua'i Habitat for Humanity. [Director's Report received 10/23/18, hearing postponed 11/13/18 due to failure to comply with Sec. 8-3.1(f) of the CZO relating to notification requirements to 12/11/18, DRS1 received 11/26/18.]

Mr. Hull: F.2., New Agency Hearing – Class IV Zoning Permit Z-IV-2019-5 and Project Development Use Permit PDU-2019-3 to allow a residential development containing 67 affordable units and a 32-lot subdivision on a property situated in Waimea Town, along the mauka side of Kaumuali'i Highway, immediately adjacent to the Waimea Tech Center, further identified as Tax Map Key: 1-6-008:006, and containing a total area of 6.5625 acres – Ahe Group and Kaua'i Habitat for Humanity. The Director's Report was received on October 23, 2018, but the hearing was postponed on November 13, 2018, due to failure to meet compliance with Section 8-3.1(f) of the CZO relating to notification requirements, and was adjusted to come to this meeting.

Do we have anybody signed up for...hold on one sec. We have no one signed up for this agenda item.

For the members of the public, this is the agency hearing where we can take testimony from the public, but the Chair is also okay with taking public testimony during the actual application, which will be in about five or six minutes here. But if you wanted to testify now on the Ahe Group proposal, the microphone is available.

Chair Apisa: Anyone here want to testify at this time? Okay, seeing none.

Ms. Nogami Streufert: There's a hand up.

Unidentified Speaker: Is there any difference between testifying now or in five minutes?

Mr. Hull: No.

Unidentified Speaker: Okay. I'll stand back.

Mr. Hull: Seeing none. The Department would recommend, at this point at least, continuing the agency hearing until after if it is decided to move on the actual application. So at this point, the Department would recommend continuing...

Deputy County Attorney Jodi Higuchi Sayegusa: You don't have to defer it or anything.

Mr. Hull: Okay.

Ms. Higuchi Sayegusa: Just move on.

Special Management Area Use Permit SMA(U)-2019-3 to allow conversion of an existing garage into a single-family residence (Additional Dwelling Unit) on a parcel situated along the mauka side of Weke Road in Hanalei Town, approx. 100 ft. west of its intersection with 'Ama'ama Road, further identified 5459 Weke Road, Tax Map Key: 5-5-004:032, and containing a total land area of 8,429 sq. ft. = *Simon Potts.*

Mr. Hull: The next agenda item would be New Agency Hearing – Special Management Area Use Permit SMA(U)-2019-3 to allow conversion of an existing garage into a single-family residence – Additional Dwelling Unit – on a parcel situated along the mauka side of Weke Road in Hanalei Town, approximately 100 feet west of its intersection with 'Ama'ama Road, further identified as 5459 Weke Road, Tax Map Key: 5-5-004:032, and containing a total land area of 8,429 square feet. The applicant is Simon Potts.

Is there anybody in the audience wishing to testify on the Simon Potts application? Seeing none.

Mr. Hull: There is no agenda items for Consent Calendar under (Item) G.

Ms. Higuchi Sayegusa: Sorry, I think we need to entertain a motion to close the agency hearing.

Ms. Nogami Streufert: I move to close the agency hearing.

Chair Apisa: Second?

Mr. Keawe: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0. Agency hearing is closed.

#### Continued Public Hearing

There was no continued public hearing.

#### New Public Hearing

There was no new public hearing.

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

There was no public testimony.

## **CONSENT CALENDAR**

Status Reports

Director's Report for Project Scheduled for Agency Hearing.

Mr. Hull: The next agenda item, again, is Consent Calendar, which we have none.

## **EXECUTIVE SESSION**

Mr. Hull: There is no Executive Session scheduled.

## **COMMITTEE REPORTS**

Subdivision

Mr. Hull: So the next item is K.1., Committee Reports for Subdivision – Subdivision action matters listed in the Subdivision Committee Agenda.

Mr. Keawe: The Subdivision Committee approved...excuse me, deferred action on the Alexander and Vivian Youn Trust to January 8, 2019. We approved the tentative subdivision map approval for Tim Beckman and Mira Hess, and we approved the subdivision application for John K. Morioka Trust.

I would move to accept and approve our report.

Mr. Mahoney: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0.

## **NEW BUSINESS**

Class IV Zoning Permit Z-IV-2019-5 and Project Development Use Permit PDU-2019-3, to allow a residential development containing 67 affordable units and a 32-lot subdivision on property situated in Waimea Town, along the mauka side of Kaumuali'i Highway, immediately adjacent to the Waimea Technology Center, further identified as Tax Map Key: 1-6-008:006, and containing a total area of 6.5625 acres = *Ahe Group & Kaua'i Habitat for Humanity.* [Director's Report received 10/23/18, hearing postponed 11/13/18

due to failure to comply with Sec. 8-3.1(f) of the CZO relating to notification requirements to 12/11/18, DRS1 received 11/26/18.]

Chair Apisa: Next on our agenda is the new...

Mr. Hull: Next would be M.1.a., so returning back...this is Agenda Item...Class IV Zoning Permit Z-IV-2019-5 and Project Development Use Permit PDU-2019-3 to allow a residential development containing 67 affordable units and a 32-lot subdivision on a property situated in Waimea Town, along the mauka side of Kaumuali'i Highway, immediately adjacent to the Waimea Technology Center, further identified as Tax Map Key: 1-6-008:006, and containing a total area of 6.5625 acres. Again, this is Ahe Group and Kaua'i Habitat for Humanity as the applicants. Dale is our planner on this agenda item.

Chair Apisa: Dale will give his report.

Staff Planner Dale Cua: Good morning, Madame Chair and members of the Planning Commission.

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

Mr. Cua: Also wanted to note that the Commission has been transmitted two Supplemental Reports. In those supplemental reports, there were several agency requirements also attached as well and reflected as conditions in these reports. That concludes the Department's findings at this time.

Chair Apisa: Thank you, Dale. Is the...someone here representing the applicant?

Mr. Hull: As the applicants come up, I will also like to remind the audience that the sign-up list – I will put it back over there – if you are intending to sign up to speak on this particular agenda item, the sign-up list is here for you to sign up. Thank you.

Chair Apisa: If you are intending to speak, it is important that you do put your name on the list.

Thank you. State your name for the record, please.

Ms. Makani Maeva: Yes. Good morning, Chair, and good morning, members of the Planning Commission. My name is Makani Maeva and I am the President of the Ahe Group.

Mr. Stephen Spears: Hi. Good morning. I am Stephen Spears, the Executive Director for Kaua'i Habitat for Humanity.

Chair Apisa: Thank you. Welcome. Would you like to, sort of, state your presentation?

Ms. Maeva: Yes. Thank you for giving us the chance to speak and we appreciate the time. The Ahe Group is an affordable housing developer. We have completed three recent projects here on Kaua'i and been before the Planning Commission. So our focus is, really, affordable rentals for those people making less than 60 percent of the median income. We've done two senior projects recently, and then one family project in Princeville; so right in Līhu'e Town, Kaniko'o I and II, and then Kolopua in Princeville. We are bringing this project to you today as a part of what we know and understand is the fairly involved community interaction process on Kaua'i.

So we decided in this property to partner with Habitat for Humanity. Our goal with affordable housing is sort of a continuum of housing, which means, in this case, the property would be rented to people on our side making less than 30 percent and up to 60 percent of the median income. So those are rents for ones, twos, and threes; begin at about \$300 a month, up to – on the three-bedroom – a maximum of about \$1,200 a month. This, we believe, is a great combination with what we see as the next step for homeownership in the homeownership ladder, single-family home ownership, so that's why we partnered with Habitat for Humanity on this particular project.

Want to say something about your part?

Mr. Spears: Kaua'i Habitat for Humanity – we've been developing...we have a very large list of families that have applied to us. I looked this morning and we have 1,123 families from 'Ele'ele west, so there is quite a need for us. We have been developing our 'Ele'ele Iluna project now that has 125 units and we will be finishing up with that in the next week or two. So we really needed the...there was a lot of need expressed and so we saw from the statistics that there were rentals and single-family homes desired, so that is why we partnered with Ahe Group here to try and satisfy the needs of the community.

Chair Apisa: Thank you. Go ahead.

Ms. Maeva: I'd just like to say one more thing with regard to need. On all of the properties that we've recently completed, they have been leased up and have been maintained at very nearly 100 percent occupancy for the entire time we've owned them. So within 30 days of construction completion, we've had overwhelming demand and lists of people who are in need of our type of housing.

Chair Apisa: I think that is important to note, you know; how they've been maintained and just...

Ms. Maeva: I brought some photographs of the three projects we've recently completed here. If you'd like to see them, I can have them distributed, and details about those two.

Chair Apisa: Maybe later.

Ms. Maeva: Later?

Chair Apisa: Yes.

Ms. Maeva: Okay. So we do have that. I think one of the things to understand with tax credit housing and rental housing is that it is a professionally-managed operation, so we have a full-time onsite manager, as well as a maintenance team to maintain the property. So all of the tenants who are applicants there go through a very rigorous screening and affordability program process, and they sign long-term leases. There are routine inspections of the properties themselves and we are happy to invite anybody to take a look at what we provide. We are very proud of the quality and the long-term...we are long-term owners and operators of affordable housing, so the quality of the product that we deliver from day one is very high and then we maintain that. We maintain a long-term operating reserve and replacement reserve for any capital improvements. So, I think if you took a look at what we own, you would see that.

Chair Apisa: Thank you. Good? Any questions from the Commissioners? Go ahead.

Mr. Ho: Makani, what is the median income for Kaua'i?

Ms. Maeva: The median income? One hundred percent of the median income – I think its \$96,300.

Chair Apisa: For a family of?

Ms. Maeva: For a family of four, correct.

Mr. Ho: Family of four? So 60 percent of that would be the top end of it?

Ms. Maeva: Sixty percent of the AMI is what we serve to....yes, so 60 percent and below of the AMI. It is interesting to note that 80 percent of your island qualifies under 80 percent of the AMI or below. So 80 percent of the island of Kaua'i is qualified as 80 percent of the area median income or below. There is a broad, broad need here at your income levels.

Mr. Ho: How do you recoup your maintenance fee? Is that put into the rent? Or you...I don't know.

Ms. Maeva: So we don't charge a maintenance fee. The rents are...the tenants pay the rent, plus they will pay their own utilities in this case. The maintenance fees are something that I, as the owner...money that I set aside to make sure that I have for replacement reserves ongoing, so there's no...I don't have an opportunity to recoup it; we just charge the rent.

Mr. Ho: Thank you.

Chair Apisa: Questions?

Ms. Nogami Streufert: Yes. There is Phase I and Phase II. Phase I in one document looks like it's the Ahe Group, Phase II is Habitat for Humanity, and in another place, it looks like it is Habitat for Humanity is first. How is the Phase I and Phase II going to be working?

Ms. Maeva: I will...Ahe Group is Phase I. We are the multi-family housing component. We will be doing the infrastructure and grading, roadways, and sort of some cut and fill in civil work at the same time in preparation for Phase II, which is the Habitat for Humanity single-family self-help housing component.

Ms. Nogami Streufert: And how long do you anticipate that it will take to do Phase I?

Ms. Maeva: Our construction schedule is estimated to be 10 months.

Chair Apisa: That 10 months is for the infrastructure and the multi-family units?

Ms. Maeva: Correct.

Mr. Spears: The reason we have Phase II is because we intend...Habitat – Phase II – the infrastructure will be done at the same time. But since...there are two reasons: one reason, we are finishing up ‘Ele‘ele; we still have 60 lots up there to finish out. And then the timing will be in about a year after the infrastructure is set – we will start building the single-family homes and should build them all in one phase – all 32 houses at once.

Chair Apisa: And so your construction time is?

Mr. Spears: Our construction time is to start, I believe, spring of 2020.

Chair Apisa: Thank you.

Mr. Ho: The Habitat portion of the project is fee simple?

Mr. Spears: Yes, it is fee simple, yes.

Mr. Ho: Income qualifying?

Mr. Spears: Income-qualified, 80 percent and below.

Mr. Ho: And what is the homeowners’ portion or share of this? They have to do work hours on it?

Mr. Spears: The way Habitat works is the families have to income-qualify, and of course they have to be able to be credit worthy to afford a mortgage, and then they put in, depending on whether we have other grant money involved in helping them out to lower the price of the homes, put in a minimum of 550 hours. And sometimes we get a grant like we do with some of the homes in ‘Ele‘ele, and they actually end up putting 60 percent of the building of the house, which could be 1,000 hours, it could be 2,000 hours, so there is really no limit to the number of hours. So they are very invested in the properties; that’s why we’ve...historically, we’ve never had 1 house out of the 150 we built in the last 20 years be sold. So the families are very invested; they are invested with their property and they have a lot of pride in their properties.

Ms. Nogami Streufert: Is there a requirement for them to keep the homes for a certain amount of time?

Mr. Spears: We have a 30-year buyback period, so we don't have...yes, we have a 30-year buyback period. But historically, we've never had one family sell their home.

Ms. Nogami Streufert: I've got one more. For the affordable housing, in these other areas that you've had it, not just on Kaua'i but on other islands, how does the rental structure look after a couple of years? How do you...do you increase your rental rates? Or how does this work?

Ms. Maeva: So the project will be financed with tax credits, so low income housing tax credits mean that we are obligated to keep our rents at 60 percent of the median income or below for 61 years, so it is long-term affordable. And the rents only increase when the median income for the area increases, then we can increase the rents according to that median income level. But what you really see is that they stay well-below the market for the entire (inaudible) of the affordable housing period.

Mr. Ho: Is this tied to the consumer price index?

Ms. Maeva: No, it is not. It is tied to HUD's calculation of the median income for the County in any particular year. That data is published every year and that will dictate...in fact, this is the first year your median income has gone up in five years. In the preceding years, we've had a dip in the median income on Kaua'i. So it is really just a function of calculating the incomes throughout the island and then establishing a median. They establish it at 50 percent and then we multiply it by 2 and then we divide it by 6. I don't...it is government; I'm not sure why.

Mr. Ho: So the median income figure should go down, your rent goes down?

Ms. Maeva: If the median income figure goes down, the rents are actually held at that level; rents don't typically go down. It would be hard for me to get a mortgage based on that.

Mr. Keawe: I have a question.

Chair Apisa: Go ahead, Kimo.

Mr. Keawe: So, how many total units do you currently have that you've been involved with on Kaua'i?

Ms. Maeva: On Kaua'i, I have...160.

Mr. Keawe: One hundred and sixty?

Ms. Maeva: Thus far.

Mr. Keawe: And of the 160, what is the longest length of time from the time you finish the project to now? I'm just trying to figure out what is the earliest project and...

Chair Apisa: What was the first one you did?

Mr. Keawe: The first one you did. Was that Princeville?

Ms. Maeva: No, no. I actually acquired and rehabilitated the Kekaha elderly property in 2005 or '06, when I had my second son. I was hapai with the second one, so...he's 13 so about 13 years ago.

Mr. Keawe: Okay. Just trying to get an idea of the timeline. And my question is, during that time – obviously you have been operating the properties – what has been the biggest concern from the properties' standpoint, from an operational standpoint, from a tenant's standpoint? What have been their biggest concerns? Once the project is up and running a couple of years – maybe three, four, five years – what kind of concerns have they come to you with?

Ms. Maeva: Concerns...you know, our...gosh, they have been full and people have been living there and really, really...they have been fairly easy. The tenants themselves – I don't...gosh, I don't know what (inaudible). I think in Princeville the concern is making sure that we are...you know, they find it a little bit stringent; there are house rules, there are rules that you are income compliant, there are inspections and the typical–

Mr. Keawe: That's what I was getting at.

Ms. Maeva: Typical operations.

Mr. Keawe: Yes, you've got rules and regulations in your projects.

Ms. Maeva: Right.

Mr. Keawe: And, you know, like any project, somebody is going to complain about something.

Ms. Maeva: Sure.

Mr. Keawe: And it is usually either house rules or bylaws or whatever; that kind of stuff. And I just...I'm trying to gauge how intense that is or not too intense compared to what the actual population of that particular project is.

Ms. Maeva: You know, it's not. In general, I really have to say that people are pleased that this housing exists; they are grateful. We have somebody there to respond to their comments and concerns, to explain that house rules are required because we have lots of people living in close proximity. But, it is...we have somebody there every day, so I think any big problems are sort of addressed on an ongoing basis and they just don't become huge issues.

Mr. Keawe: Okay. And my final question is obviously...have you had any people that basically you made the decision – I'm sorry, but we cannot have you on property – because of behavioral issues or parties or whatever. That's another big concern because it affects neighbors and everybody else.

Ms. Maeva: Yes, certainly. We have. We found exactly the problem that we were trying to solve, which was there wasn't enough affordable housing, and what we found is a couple of our tenants – they put their extra bedroom on Airbnb. So you know what, that's exactly the problem I was trying to solve, so those people – they are out, right? And we had somebody who just wasn't fit to live in a community for various reasons and social...domestic problems that they had and those people have been asked to leave. So yes, in any potential community, you will have that, and we make swift...we have a swift response time because there is a big need and we can't allow things like that to get out of hand.

Mr. Keawe: Good, because that's one of the big concerns. And I think your statement initially was, it is professionally managed.

Ms. Maeva: It really is.

Mr. Keawe: And that makes, I think, a big difference.

Chair Apisa: Yes, and with a resident manager on site.

Mr. Keawe: Yes, on site.

Chair Apisa: It is very important for properties.

Ms. Maeva: And the other thing is our screening program is intense. I don't think people really understand that your next door neighbor could put their house on Craigslist and anybody could rent it, right? In this case – and your next door neighbor is not obligated to do income checks, background, qualifications, you know – we do all of that. There is an income test. There is a criminal history. There is all of those types of things, which are a basis of even accepting their application, really.

Mr. Keawe: Thank you.

Chair Apisa: Further questions?

Ms. Nogami Streufert: Have there been any complaints from the neighbors in any of these...around the affordable housing units?

Ms. Maeva: Initially, in Kolopua, they were concerned about exiting near their...somebody was concerned about exiting near their house and it was, sort of, a narrow road. We have...people would go on a back road that was not blocked off and so I blocked it off to make sure that people weren't off-roading and going out the backside of Kolopua, so that was something which we worked with the neighbors on.

In Kaniko'o, we have a much more active senior population than we had anticipated; they have cars, and they are active and involved, and they are working. So in, perhaps, that, we wanted to make sure that we were accommodating the parking along that road; that is a busy road. So we've worked with our neighbors to go...between our Kaniko'o project and the Lihu'e

Townhomes to make sure that we are slowing down the traffic. And we have seniors at the beginning of the road and families at the end of the road, right, so people are kind of driving a little bit too fast. So we've worked with tenants on speed through the neighborhood, making sure that parking is adequately controlled so that we know that people have stickers and they park where they are supposed to park. So it is kind of those typical interactions with neighbors.

Ms. Nogami Streufert: Are the number of parking spaces per unit, which have been regulated...but are they appropriate or are they enough in the other units that you have had?

Ms. Maeva: Yes, typically they are, and we are complying with all of the parking requirements for the Waimea Huakai project, and I think they are sufficient. I just think when we comply...and we complied with the senior requirement. It is just that the seniors...you know, everybody says 50 is the new 40 and they are right because people have cars and they use them much more than we thought, so these people are active. It is appropriate; it is just...these are a young set of tenants. We know if a different demographic moved in, it would probably be a...you know, it will change over time.

Chair Apisa: Go ahead, Roy.

Mr. Ho: This is for the Habitat – how did...it sounds like your project might be a self-builder type of project.

Mr. Spears: Yes, it is all self-build, yes.

Mr. Ho: Who does the inspections to ensure that you meet the County Building Codes?

Mr. Spears: Oh, we comply with all of the regular County Building Codes. The County inspectors come out and inspect the projects. So it is just as if it is contractor-build, but actually, we actually have another set of inspectors, which are the families that the houses are built for. So they, often times, get very particular about their houses. They take a lot of pride in them so they want to make sure that...actually, in my opinion, especially for lower-income building, a contractor has to push, push, push because they are right on the edge of being able to afford it. We make sure the house lasts for a long time, so we make sure that the houses are built with quality materials and quality building practices.

Chair Apisa: Go ahead, Glenda.

Ms. Nogami Streufert: I can't find it right now, but on one of the diagrams, there was a pool. Is that correct?

Ms. Maeva: No. No, pool. I think, perhaps, what you were seeing was the underground drainage–

Mr. Spears: Yes, that would look like a (inaudible).

Ms. Maeva: Right. I think it looks like a pool, but that's not a swimming pool. I don't want that rumor to get out. Yes.

Ms. Nogami Streufert: Good because that was my question about it, like...

Ms. Maeva: Yes.

Ms. Nogami Streufert: (Inaudible) seems like a better idea (inaudible).

Ms. Maeva: Yes, I know. We have a big pool; it's called the ocean. Everybody's got to go there.

Ms. Nogami Streufert: That's right. Okay.

Chair Apisa: Very good questions. I know I had several and you've asked them all. Anybody else have further questions?

Ms. Nogami Streufert: Oh, there was one thing about drainage and flooding. You are not in a flood zone, but with the rising tides and the rising sea level and with the level...I think you are at 17 feet...or 13 to 22 feet elevation. Is that correct?

Ms. Maeva: Would you mind if I have somebody who's better? We do have our...we have the rest of our team; we have our civil engineer, Bill Bow, here and Jesse, who might be able to answer those because they have done all of those calculations.

Ms. Nogami Streufert: Okay.

Chair Apisa: Before you leave, I just had one little question about the parking. What is it? Is it one and a half stall per condo or per living...or two? Okay. Actually, your engineer is answering that behind you. Thank you very much.

Ms. Maeva: (Inaudible)

Chair Apisa: But that is nice to know that the State has increased it because I know one and a half is never enough on the older...just normal condominium developments; there is always a parking crisis.

Go ahead – answer the question. Identify yourself first.

Mr. Bill Bow: Bill Bow, President of Bow Engineering & Development, Inc.

Chair Apisa: And?

Mr. Jesse Elliott: Jesse Elliott. I was the project manager for the design of this project.

Chair Apisa: Thank you.

Mr. Bow: So I'll answer your question on the parking first. Yes, it is two per unit, plus we have seven guest stalls? Seven guest stalls, so quite adequate.

Chair Apisa: Is that for Phase I or for the project?

Mr. Bow: For Phase I, the Hokua Project.

Ms. Nogami Streufert: How many of them are for handicap?

Mr. Bow: They meet the requirement.

Mr. Elliott: Yes, three I think; three or four.

Mr. Bow: It meets the County requirement for handicapped parking.

Mr. Elliott: DCAB has reviewed and approved the plans already.

Chair Apisa: Thank you.

Mr. Hull: I can also add, Commissioners, that when Makani was speaking earlier concerning the Lihu'e Senior Project, for senior projects, it is a much lower requirement, which was ultimately required for it. But as she mentioned, there were some complaints from tenants because while the requirement per Code is much lower, they got more tenants having cars than they anticipated. With this particular project, it's the inverse of it. The Department has recognized the requirement for the most robust amount of parking – that's two per multi-family dwelling unit – and that is what is recommended in our report, as well as reflected in the application, so I just want to clarify where they are coming on with this.

Chair Apisa: Okay. And then the original question that you–

Mr. Bow: Can you restate the question for me again? I'm sorry.

Ms. Nogami Streufert: Your elevation is 13 to 22 feet, I think, and with the rising sea levels that everyone is anticipating – I just heard a report on (inaudible) as I was coming in about that – and how we are having problems on O'ahu with that. Do you anticipate any problems with this? I understand it is on Kaumuali'i and it is on the mauka side of it, but you also have a drainage area there and a flood zone, so how does this work?

Mr. Bow: Yes, so as far as the sea level rising due to global warming, there aren't any requirements as yet by the City or State to address that. We've checked our plans here. The lowest finished floor elevation that we have is 13 ½. Sea level means sea level, zero, so I think it is beyond my lifetime and probably our kids' lifetime before it reaches that high. But in answering your question, no, we have not addressed it.

Ms. Nogami Streufert: But it is also in a flood zone.

Mr. Bow: The buildings are out of the flood zone. We have the “swimming pool” as...somebody asked that, is there a swimming pool? No, there are underground chambers there and essentially what it does is because it was an open field, right, so we’ve increased the runoff due to the impervious surfaces, right – the buildings, the parking lots, and so forth. So we’ve built underground chambers in that lower area to accommodate that. So it basically dampens the storm, reduces it down to predevelopment levels, so that’s how we address it.

Mr. Hull: I can also add, Commissioner, that the Hawai‘i Climate Change Commission has a study that identifies what is referred to as the SLR-XA, or the Sea Level Rise Exposure Area, over the next...where it is anticipated to be, accepting that there is a 3.2 sea level rise rate to occur between mid to the latter part of this century, that identifies those areas throughout the island, as well as other islands, that are within that exposure area. This project site has not been identified as within that exposure area; parts of Waimea are, but not this site.

Mr. Bow: Thank you.

Mr. Ho: So at 13 feet, the runoff...where does the water go?

Mr. Bow: It continues on its course. Right now the runoff flows along the highway there; goes toward the park and makes its way out to an existing channel that goes out to the ocean toward the west direction.

Mr. Ho: It is a natural flow? You’re not–

Mr. Bow: Natural flow, correct. So we are not deviating from the natural flow.

Chair Apisa: Any other questions from commissioners? All right. Thank you very much. We will go into the public testimony portion.

Mr. Bow: Thank you very much.

Mr. Hull: Those signed up for public testimony – Jill Lowry, followed by Dana Hazelton.

Chair Apisa: State your name for the record, please.

Ms. Jill Lowry: Good morning. Jill Lowry for the record, concerned citizen. I am not here on behalf of any particular person. I just wanted to testify today to talk a little bit about...obviously housing in many forms is an issue here on Kaua‘i and one of the big topics is vacation rentals and eliminating illegal units, which would put inventory back into availability, but it doesn’t necessarily address all housing issues. Homelessness has declined in the last few years with the exception of O‘ahu increasing a little bit, but houselessness does continue to be an issue. There are many families that live together in single units. There are many families that live, even on my own street, in homes that are subpar and potentially dangerous in extreme weather. And I think projects like this allow people to have family security, which is hugely important, particularly for children for their health and wellbeing, and I think here today we have two entities that have a very proven track record, high integrity. Certainly Habitat for Humanity here

on this island has done amazing things. And I just would simple ask that the Kaua'i Planning Commission facilitate an expedited process in whatever way that it can to partially mitigate any associated costs that come from delays in permitting, but also just to encourage future projects such as this because as stated and we all know, affordable housing is such a huge crisis. Thank you.

Chair Apisa: Thank you.

Mr. Hull: Next is Dana Hazelton, followed by Marisela Millett.

Ms. Dana Hazelton: Good morning.

Chair Apisa: Good morning.

Ms. Hazelton: My name is Dana Hazelton. I am a registered nurse in the community. I've worked for nearly a decade in community health, public health, and primarily home health on the west side; all around the island but primarily on the west side. I currently work in education. I am here to testify in favor for affordable housing. As a public health nurse, the number one predictor of creating health equity is clean, safe affordable housing. I've personally seen patients – from pediatric patients to the elderly to middle-aged – who, because of unsafe housing conditions, became high utilizers of our health care system. They repeatedly go into the ER and we've been slow to discharge them because we know that they will not go home or they have no home to go to. This repeated utilization of our health system is a tax burden on us and when they are housed in clean and safe conditions, it improves their overall recovery rate. It also...it creates a sense of hope in them.

I had a patient who is a child, who lived in Kaumakani Camp. He had a seizure disorder and he was on a medication that he could not be in a house that reached 98 degrees or above. So he had repeated seizures in his home in Kaumakani Camp because his home reached over 110 degrees. He was from a single mother and he lived in a house with six other people. When the insurance company got involved and we wanted to put in air conditioning in order to decrease the ambient air temperature so that he survived, the power voltage wouldn't allow it because of the conditions of the old wiring in Kaumakani Camp. If this child and this single parent have the option of affordable, clean, safe housing, it could completely change the outcome for this patient.

Also, working on the west side in education, in order to create workforce demands and create educational equity, it is very important that our children have a safe place to go home to. If the parents of these children want to, someday, continue a career and college trajectory for their children and to meet our workforce demands, they have to have equity; they have to have socioeconomic equity, they have to have health equity, they have to have educational equity. And without this, we will continue to disenfranchise our local workforce and our local people. Thank you.

Chair Apisa: Thank you very much.

Mr. Hull: Next we have Marisela Millett, followed by Salma Domingo.

Ms. Marisela Millett: Aloha. Good morning. My name is Marisela Millett. I am a business owner here on the west side of Kaua‘i in Hanapēpē Town. I run a catering business and I employ about 10 people; most of whom which live on the west side. One of the things I see every day is the homeless people that live on the west side. When you drive by and you are making your way towards a destination, you see homeless people living in the park. I used to employ one of those people and it’s sad to me that I am not able to help them. However, I believe in supporting this housing project for the west side to give people some hope of security and having a stable job in order to afford their own home. I also have one employee who is a recipient – is on the list – and he is going to start building his home soon. It is life changing. This is the reason I am here for and I ask that you help change the lives on Kaua‘i and give security, and support this project. Thank you.

Chair Apisa: Thank you.

Mr. Hull: Next is Salma Domingo, followed by Milo Spindt. Sorry, it was a little bit illegible – last name “Domingo.” Last name “Domingo.” Last call. Okay, next is Milo Spindt, followed by Leonard Mahoe.

Mr. Milo Spindt: Good morning, Chairperson and members of the Board. My name is Milo Spindt. I am a licensed real estate broker; been in real estate for 17 years. Of that 17 years, I’ve been involved in affordable housing and affordable housing development for about 12 years. I currently sit as the chairperson for the Hawai‘i Housing Finance and Development Corporation Board of Directors. I am not here to speak in any official capacity. I am here to speak in personal capacity for my support for the Ahe Group project and for Kaua‘i Habitat for Humanity. I am an enthusiastic supporter for affordable housing on Kaua‘i. I am an enthusiastic supporter for Kaua‘i Habitat for Humanity, who builds a fantastic project that serves the long-term needs for our community by building entry-level housing that people can afford. I think the current price for a finished home that Habitat is building is \$235, 000. There has been a lot of concern and talk, politically, about long-term affordability and making sure that those stay affordable in perpetuity. As they spoke to, they haven’t...none of the people who have built and bought those houses have sold them, so they are feeding those families and supporting those families in perpetuity.

To speak to the Ahe Group project, it is a wonderful project. It did come in front of the HHFDC Board earlier this year for funding through the Low-Income Housing Tax Credit Program. It was a competitive program where projects from all over the State go up to compete for our nine percent tax credits. It was awarded those tax credits earlier this year and I think we are just waiting on this process so that they can go through and get started building.

So please, looking for enthusiastic support from the Planning Commission for this project. Thank you.

Chair Apisa: Thank you, Milo.

Mr. Hull: Next we have Leonard Mahoe, followed by Lorraine Larzabal.

Mr. Leonard Mahoe: Aloha Kakahiaka. Good morning. First of all, my name is Leonard Ai‘ina Mahoe and I represent our family who have been blessed with one of these affordable homes out in ‘Ele‘ele Iluna. I want to thank the Planning Committee [sic] and also Kaua‘i Habitat for Humanity because apart from you all who have the skillsets and wisdom to make major decisions, we wouldn’t have the opportunity to live in our home. First of all, I want to read, simply and quickly, what Habitat’s mission is – seeking to put, our creator, God’s love, agape, which is unconditional, into action. Kaua‘i Habitat for Humanity brings you people together to build homes – not just houses – homes, community, and hope.

First of all, I want to share about hope. You know, recently there was an article in the Garden Isle about a situation on Kaua‘i. We have many problems – you all are aware of it – but one that really struck me was that 1 out of 11 young people in our island commit suicide because they have no hope – they have no hope. That’s our community, that’s where we stand, and yet, we are all goodwill people and we all desire the best for our children; I don’t know how many of you have children or grandchildren. How many of them are living off island because there’s no affordable homes? Well, I just pose that question.

We’ve been, once again, blessed with hope, safe, secure, affordable place of refuge, but not just for us, but it has allowed us, as a family. You can see the lovely home that Habitat has assisted us in obtaining; I have photos. We love to serve the people in our community. My wife volunteers every day to go to Kōloa Neighborhood Center and serves our kupuna, and that’s what having a home allows us to do.

Mr. Hull: Three minutes, Madame Chair.

Mr. Mahoe: My daughter, when she was young – bless her heart – she...when we were building – and it took a long time for us to build because the infrastructure wasn’t...at the time we built nine years ago, wasn’t set right and stuff. But yes, when she was young, she would take the hammer and (would) be pounding in the hurricane straps. She said this is my home, this is my home. I want to help. Today–

Mr. Hull: Four minutes, Madame Chair.

Mr. Mahoe: –she has graduated from college with honors because we have had a place of refuge.

Chair Apisa: Thank you very much. I want to be respectful, but we do have a three-minute (cap) and it is already over four (minutes), so I want to be respectful, but if you could wrap it up, please.

Mr. Mahoe: Okay.

Chair Apisa: And it is very heartwarming to hear your story, so thank you for sharing it. I don’t meant to cut you off, but we–

Mr. Mahoe: Okay, let me conclude in this. Today she has chosen to go off island and work with Rohingya refugees to pass on that hope. So thank you, once again, for hearing us out.

Chair Apisa: Thank you very much and congratulations on your home. And thank you; it is a heartwarming story. Thank you for sharing it.

Mr. Mahoe: You may come and visit us anytime – 466 Mehana Road.

Chair Apisa: Thank you.

Mr. Hull: Next we have Lorraine Larzabal, followed by Felicia Cowden.

Ms. Lorraine Larzabal: Good morning.

Chair Apisa: Good morning.

Ms. Larzabal: So I support the proposal to approve this project. My husband and I moved here about...in 2012; it's Louis back there. We own and operate three small businesses here; one of them is a non-profit business. And our income is still not anywhere near the medium family income, but we do love what we do, you know? We've been approved to purchase a certain price range of a home here for the past three or four years, and for years we put in offers to buy either a condo or single family home in the price range that we've been approved, and so we qualify for a no-money-down USDA loan; it's no money down, we qualify. However, when we go to put in our offers – and we've been (through) quite a few, right, with our realtor – we always lose out because somebody is always putting 10 or 20 percent down on those condos or those homes, even though we write notes to the owner, like we just love this place, we qualify, we just don't have the money down. Because of the market, you know, the sellers are always choosing the ones that are a higher chance of closing; so when you put 10 or 20 percent down, or even more, they are going to close.

The other thing we've pursued (is) the idea of building over the last few years and so we've been looking at lots, we've been looking at lots, and looking at lots. Very high...as you know, the price of lots is very high. Even though we would qualify for it, again, when you buy a lot, if there is no building on it yet, obviously the bank requires 20 percent down – cash – 20 percent of the actual lot price, and it is interest only, so you're not even paying down that loan while you're building, and they give you (a) two-year deadline...the bank gives you two years. They give you the loan on the lot and then you're paying interest only, so you're not even paying any principal during the time you are building, and then of course they roll it all into one loan when the project is finished. So again, even if you are looking at a \$200,000 lot, you are looking at a lot of...a chunk of money down, which we do not have; we will never have that down payment.

So this particular type of...and then I found out about this...I heard about it a couple years ago, this kind of project that people...where you put in your own sweat equity to help out in getting that property, and we just found out a couple years ago. We signed up a year ago, so it is unlikely we will get this project because there are quite a few names in front of us, but we'd like to get one in 'Ele'ele; another project in 'Ele'ele or some other projects. So it's filling a huge

need on this island. There is a lot of people that don't have that medium income. We qualify credit-wise – a bunch of people qualify credit-wise – and we are–

Mr. Hull: Three minutes, Madame Chair.

Ms. Larzabal: –outstanding citizens, right? Anyway, thank you so much for...hope you approve it.

Chair Apisa: Thank you.

Mr. Hull: Last we have Councilmember Felicia Cowden.

Ms. Felicia Cowden: Aloha. Felicia Cowden for the record. At least at first I am speaking as a citizen, who has a number of friends in the Kolopua Apartments in Princeville operated by the Ahe Group. I am over there probably at least twice a week, and I want to say that people are happy, the quality of the apartments is really high – kind of remarkably high – and it is very peaceful in there. It is surprisingly calm and quiet for the density; seems like people are happy. It doesn't seem like there's congestion in the parking. I know that there was concern amongst the community that there might be traffic because it is a narrow road right there; just as it is starting to go down the hill into Hanalei. And when you see...I forget how many units there are. I don't want to say the wrong number, but there is quite a few, and it really hasn't put a noticeable strain on the traffic coming in and out of there.

As a councilperson, I know there is a little bit of concern from the community around this proposed project; that it might be a traffic issue. We have been very pleased in the Princeville area that it has been fine.

As a councilperson, you know, I just want to make that simple statement that every single one of us running for any office this last season has had housing at the top of the list. That's, really, the very evident, critical issue, and I've appreciated the comments that have been made by some of the other people in the public. When we have strong social fabric, a lot of the other challenges that we're facing, whether it is depression, suicide, poor health, whatever, it helps relieve that. So I support this project; I support both of them. And to those that are concerned that it might be high impact, I just want to say Kolopua Apartments, run by the same group, has been really quite good. And I appreciate her saying that the rules are a little strict. I have gone over there and helped scrub all the windows and blinds and everything for people as they are worried about getting looked at, but they do keep them up really nice inside. So, I support it. Thank you.

Chair Apisa: Thank you, Felicia.

Mr. Hull: We have no further individuals signed up for testimony. Is there anybody? Oh.

Chair Apisa: We have one more. Thank you.

Ms. Laurel Loo: Thank you. Good morning. My name is Laurel Loo. I am a lifelong resident of the island and a proud graduate of Waimea High School.

Chair Apisa: Hey!

Ms. Loo: I am here as a member of the Board of Directors of Kikiaola Land Company. We sent in written testimony yesterday in support of the project. Kikiaola owns hundreds of acres between Waimea and Kekaha, and we have been working with the County in the West Kaua'i Community Update, as well as doing our own internal focus groups and meetings with the community to determine, from the community, what they want Kikiaola to do; what kind of vision they see for that large area of undeveloped land between Waimea and Kekaha, and also various tracks in the Waimea area. Overwhelmingly it has been two things: affordable housing and jobs for our kids. So Kikiaola is now redeveloping its strategic plan to address those two.

We were delighted when Habitat approached us to buy this land where Habitat will be building its project because we are landowners, not developers, and we were...it just fit in with our strategic plan to have this set aside for affordable housing. I think you will hear from Kikiaola in the future a lot more plans to do more affordable housing.

Also, the other reason we support this project is because I was the attorney who worked for Princeville Shopping Center when we did the affordable housing project and we worked with Makani as a partner. She did a great job. And I personally know the manager who has run that project for most of this time and I can tell you it is a well-run project, it is a beautiful project, and I think it is what we need on Kaua'i. So, thank you.

Chair Apisa: Thank you, Laurel.

Mr. Hull: Make one last call.

Chair Apisa: Is there any further testimony? Anyone else would like to testify? Please. Thank you.

Ms. Leona Sa McDermott: Aloha. Leona Sa McDermott, Kaua'i Habitat for Humanity homeowner on Hawaiian Homelands in Anahola. Bottom line is we have over 1,200 families here on Kaua'i waiting for affordable homes. I waited 29 years – Hawaiian Homelands – on the waitlist. I don't want to see these families wait 29 years like me. They have done their homework. They have done their credits. They have listened. They have read many, many documents and they are complying. And when I built my home and I went home to Anahola, I was at peace because I got my home and I get to pass something to my son. He has 32 percent to take over my lease if I do pass away...when I pass away. And I am emotional because I see these families every day, I hear them, and I am honored to be on the Board of Directors for Kaua'i Habitat for Humanity. When you guys make decisions, please take into mind that these are families that are born and raised here. When I see them in Walmart, Costco, they are buying things for their home. They are going to go home to their home as families. Marriages are strengthened. Kids are educated. And when they get their homes and when we bless their homes and we had them their keys, I hand them their keys. I go home and I sleep better. I want you guys to take that into consideration and ponder it. I cry. I am very emotional because these are families that were born and raised here, and I don't want to see them wait 29 years, like me, on Hawaiian Homelands, and then I finally got my home. Thank you.

Chair Apisa: Thank you. Your emotion shows through sincerity in emotion. Thank you for sharing that.

Ms. Sa McDermott: I just want to add that I have my son with special needs and he is sustaining himself today, and I need that for him to continue so he can make life of himself if and when I do leave this world.

Chair Apisa: We are happy that you got your home and thank you for sharing that appreciation.

Ms. Sa McDermott: Aloha.

Chair Apisa: Aloha. Any further testimony? Last call. Seeing none.

Mr. Hull: Seeing none, Madame Chair. Just for the record, the Commission is in receipt of an addendum with letters concerning this particular project. After the addendum was created, the Department did receive two letters, which I distributed earlier. One is from Dante Casillas, a letter of opposition, and one is from Christina Hernandez, a letter of support.

Chair Apisa: So we close the public testimony portion of this, and then we will take a short--

Ms. Higuchi Sayegusa: We need a motion and a second.

Chair Apisa: Oh, I'm sorry. Motion to close the hearing.

Mr. Mahoney: Chair, move to close the hearing.

Mr. Keawe: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0. The hearing is closed. And we will take a short five-minute break.

The Commission recessed this portion of the meeting at 10:08 a.m.

The Commission reconvened this portion of the meeting at 10:17 a.m.

Chair Apisa: Reconvene the Planning Commission meeting. Thank you.

Mr. Hull: If there is any other discussion that the Commission has? The Department does have the recommendation of approval, and given the testimony presented and the discussion that occurred here today, we have no amendments or proposed changes to the recommendation. It is a recommendation of approval with the provided conditions of approval.

Mr. Ho: Are all of the other departments on board (with) this? Transportation, Health...they are all on board?

Mr. Hull: They all have gotten back to us. Many of them do have additional requirements, which is vetted through the building permit process. So things that the Department of Health

have, things that Public Works have, the Department of Transportation included that has some requirements for bus shelters, those all get vetted, essentially, through the building permit process.

Mr. Ho: It is not going to hold us up on (inaudible).

Mr. Hull: It wouldn't hold this action up.

Mr. Ho: Thank you.

Mr. Keawe: Do you know if the applicant has approved the conditions of approval?

Mr. Hull: I would bring them up to ask them that.

Chair Apisa: Next on our agenda here will be... Next here we will get the recommendation from Dale on the Class IV Zoning Permit that we were just hearing the public testimony on.

Mr. Cua: Yes, okay. Moving on to the recommendation, I just wanted to remind the Commissioners that the recommendations are spread out in three reports, so you have the original Director's Report, you have the Supplement 1 and 2. So in total, there will be a total of 21 conditions.

Mr. Hull: With that, Chair, unless it is a desire of the Commission or the Chair to have Dale read every single one of those conditions, like I was saying, I think we can stand by it and we have no proposed amendments unless, again, you folks wish him to read...

Chair Apisa: I think we probably don't need to have you read them all.

Mr. Cua: Thank you. I will just say that based on the foregoing evaluation and conclusion, it is hereby recommended that the proposed development involving a total of 67 affordable housing units and subsequent subdivision through Project Development Use Permit PDU-2019-3 and Class IV Zoning Permit Z-IV-2019-5 be approved subject to those 21 conditions as mentioned.

Chair Apisa: Thank you.

Mr. Mahoney: Chair, if it's in order to make a motion.

Chair Apisa: Yes, please. I think we are...

Mr. Mahoney: Yes. I would move to approve Class IV Zoning Permit Z-IV-2019-5 and Use Permit PDU-2019-3 to allow a residential development containing 64 affordable units and a 32-lot subdivision situated on property in Waimea Town.

Ms. Nogami Streufert: Second.

Mr. Mahoney: Enough?

Chair Apisa: Okay, the motion has been seconded. All in favor? (Voice vote)

Ms. Higuchi Sayegusa: Wait, sorry. I just have one...sorry about that. I just also wanted to ask...Dale, you had Supplemental 2, so Condition 21 is replaced with the original?

Mr. Cua: Actually, Condition No. 21 is a new condition. So if anything – sorry – it should be labeled Condition No. 20. Yes, it should be Condition 20.

Chair Apisa: Oh okay. So a correction, then, it is Condition No...there are 20 conditions?

Mr. Cua: Yes, 20 conditions. On the first supplement, there were two conditions added: 18 and 19. And in Supplement No. 2, it should be labeled as Condition No. 20.

Chair Apisa: No. 20, okay. Misnumbering there, so we have the 20 conditions. Is the applicant in agreement with these 20 conditions?

Mr. Spears: Yes.

Chair Apisa: Okay, we have an affirmative answer from both of you, yes?

Ms. Maeva: Yes, we are in agreement.

Chair Apisa: Thank you. So we have a motion on the floor. All in favor? Oops.

Ms. Higuchi Sayegusa: Is there any other discussion with the Commissioners?

Chair Apisa: Yes, there was no further discussion. I think we are ready to call the vote. All in favor? (Unanimous voice vote) Any opposed? (None) I don't think a roll call is needed. I think it is unanimous. Motion carried 5:0. Thank you. Congratulations.

Ms. Maeva: Thank you very much.

Mr. Hull: Motion passes.

## **GENERAL BUSINESS MATTERS**

Request to amend Class IV Zoning Permit Z-IV-97-23 and Use Permit U-97-20 to allow commercial agricultural tours of the coffee farm in association with the coffee visitor center, Tax Map Keys: 2-2-001:001, 004, 007 & 2-3-010:001, Kalāheo, Kaua'i = *Kaua'i Coffee Company, LLC.*

Mr. Hull: The next agenda item, Madame Chair, is going back to General Business (Matters), Agenda Item I.1. – request to amend Class IV Zoning Permit Z-IV-97-23 and Use Permit U-97-20 to allow commercial agricultural tours of the coffee farm in association with the coffee visitor center, Tax Map Keys: 2-2-001:001, 004, 007 and 2-3-010:001, Kalāheo, Kaua'i – Kaua'i Coffee

Company, LLC. We have a Director's Report pertaining to this matter and Dale is our planner on this.

Chair Apisa: Thank you, Dale.

Mr. Cua: Good morning, Madame Chair and, again, members of the Commission.

Mr. Cua read the Summary, Project Description and Use, Applicant's Reasons/Justification, and Additional Findings sections of the Director's Report for the record (on file with the Planning Department).

Mr. Cua: At this time, that concludes the Director's Report and findings.

Chair Apisa: Thank you. Is the applicant present?

Mr. Fred Cowell: Good morning, Madame Chair.

Chair Apisa: Good morning. State your name and then give your presentation.

Mr. Cowell: I am Fred Cowell. I am the General Manager of Kaua'i Coffee.

Chair Apisa: And?

Mr. Dan Peck: Dan Peck, Projects Manager for Kaua'i Coffee Company.

Chair Apisa: Thank you. If you'd like to give us your presentation, please.

Mr. Cowell: Most of the presentation was in the application itself. We've done very well with the visitor center since 1997. We are doing pretty much exactly as the permit says. We are one of the best, in my opinion, agrotourism venues in the State and continue to get tremendous interest in agriculture on Kaua'i, in Kaua'i Coffee specifically. Our goal is to create a tour that gets them, the guests, a little beyond a private walking tour. Our goal is to create, not just transactions, but actually a relationship with our guests. The timing of the tour is set so that they will have time to talk about our agricultural history, understand more specifically about the cultivation of coffee and the production of coffee, and also to get to know our team just a little bit better.

Chair Apisa: Thank you. Any questions, then, from the Commissioners?

Mr. Keawe: Yes. Go ahead.

Ms. Nogami Streufert: Are there any ADA requirements that have to be met for this?

Mr. Cowell: Not that I am aware of. We are ADA compliant at our visitor center, so we already have ADA.

Ms. Nogami Streufert: I am just thinking the tram tour; this is an amendment.

Mr. Cowell: Not that I am aware of, ma'am.

Mr. Keawe: So I had a couple questions. It looks like you had originally intended the tour to be an hour and 45 minutes. So the van itself or the tram itself – it looks like a...kind of a large truck that you put the bed on with seats and that type of thing; 24 passengers is at the max for the van. And then it looks like, initially, you are going to try to test this out and see if it works because, you know, you are at one tour for three days, and if it goes well, you will add more (inaudible). I guess what I wanted to know is, I know there are two points where you cross the highway, and then pretty much you are in the historical part. When you get up to the top, is that where you actually start the tour? Or you are going all the way through and...because there was something about meeting at Kukuiolono Golf Course, and then I was kind of confused about...where are you guys going to meet to start the tour?

Mr. Cowell: Thank you for your question. The tour begins at the visitor center – Halewili Road near Numila Camp – that's where parking facilities are, that's where the gift center is, that's where the bathrooms are. From there, the tour will wind through...immediately cross the highway, work its way up further mauka toward Kalāheo. It will cross the highway. It will stay below Kukuiolono, get to a point on the western edge of Kukuiolono peak where the view will be out toward Ni'ihau and Waimea Canyon, and down toward 'Ele'ele.

Mr. Keawe: So you are right up by the Ipuolono Reservoir? In that area? Is that where you are going to be at that peak or higher than that?

Mr. Cowell: No, we don't go...we basically go up to the bottom of Kukuiolono...excuse me, Ipuolono Reservoir.

Mr. Keawe: Ipuolono, right, right.

Mr. Cowell: And then (inaudible).

Mr. Keawe: Okay, yes. All right. I got it. I'm just trying to figure out where the...thing. Yes, and I guess, Dale, this is to amend the original...

Mr. Cua: Right.

Mr. Keawe: Permit, right?

Mr. Cua: Because then the original–

Mr. Keawe: To allow them to do this.

Mr. Cua: –permit didn't have any tours. Correct.

Mr. Keawe: Right. Okay.

Mr. Cowell: It is also covering multiple TMKs, rather than just the specific TMK.

Mr. Keawe: Right.

Chair Apisa: Go ahead.

Mr. Ho: Dale, why does he have to amend the Class IV Zoning Permit?

Mr. Cua: Because, generally speaking, whenever...projects that come before Planning Commission are approved as represented, so the original permits did not include a tour. So whenever applicants propose something that is outside of what was originally approved, it is necessary that they come back to amend the permits through the same process.

Chair Apisa: Any further questions?

Ms. Nogami Streufert: The Fire Department had asked for an emergency response plan.

Mr. Cowell: And we are glad they did. It gave us a chance to, not only review our other emergency response plans, but it gave us a chance to think about...we cover almost five square miles. It is a very...3,000 acres of farm. So we coordinated with the Fire Department beginning last week and came up with a series of recommendations that we gave the Fire Department that...and we are waiting to hear back if that suffices. So...

Mr. Peck: We have incorporated it into our overall emergency action plan and we have incorporated this section relative to the tours in conjunction with our feedback from the Kaua'i Fire Department.

Mr. Cowell: Would you like to hear the details?

Ms. Nogami Streufert: If it is short.

Mr. Cowell: It is pretty short.

Ms. Nogami Streufert: Okay.

Mr. Cowell: Basically, we are requiring...so just for reference, we've got, not just a narrator driver with this (inaudible) guests; we are going to have a driver and a narrator, so we will have lots of attention for our guests. We are going to be requiring the tram vehicle itself to carry a radio, to have cell phones. We are coordinating with the Fire Department that if an incident occurs, they would call 9-1-1. At all times, they must have a charged and operable farm radio and cell phone. If the trams break down...we broke the route down into eight distinct legs, so at any time if there is a problem, they will report themselves on a specific leg. We provided the map of the tram route with each specific leg to the Fire Department. We suggested that regardless of...if an incident occurs, that we will always meet the Fire Department at the visitor center; that is actually kind of in the center of where things would be. And then we would be

able to show them specifically where...the best route to get to them. And we are also manning a GPS monitoring system on the tram itself during the route.

Ms. Nogami Streufert: And there's a fire extinguisher, I presume, on this.

Mr. Cowell: Yes. As well as an AED and a first-aid kit.

Ms. Nogami Streufert: Thank you.

Chair Apisa: Further questions from the Commissioners? Is there anyone here to give any public testimony? Thank you very much.

Ms. Nogami Streufert: I do have--

Chair Apisa: Oh, another question.

Ms. Nogami Streufert: Since this has not been approved yet by the Fire Department, and if we approve this here, the amendment here, we are doing it conditional to the Fire Department. Does that--

Mr. Cowell: That is the way we understand it.

Ms. Nogami Streufert: Okay.

Mr. Cowell: That we have to get everything done first.

Ms. Nogami Streufert: Thank you.

Chair Apisa: All right. Thank you very much. And then is there anyone from the public that would like to testify, give testimony? Hearing none. We have Dale's...

Mr. Hull: Yes, we have the final recommendation. There may be some confusion as far as the recommendation. The Department is recommending approval of the proposed tours. The conditions start at eight and onward, and that's because this is an amendment to an existing Class IV Zoning Permit so there already exists Conditions 1 through 7 for the visitor center. But I will turn it over to Dale.

Chair Apisa: Dale, give your conclusion and recommendation.

Mr. Cua: Sure.

Mr. Cua read the Preliminary Conclusion section of the Director's Report for the record (on file with the Planning Department).

Mr. Cua: Recommendation -- based on the foregoing findings, it is recommended that the Commission approve the proposed amendment to Class IV Zoning Permit Z-IV-97-23 and Use

Permit U-97-20 subject to the following conditions. These requirements shall further supplement the conditions noted in the Planning Commission approval letter dated July 11, 1997. So what you have is Conditions 8 through 13.

Chair Apisa: Thank you. Anything further from the Commissioners?

Mr. Keawe: No. We're ready I think.

Chair Apisa: Do we have a motion?

Mr. Keawe: I move to approve the request to amend Class IV Zoning Permit Z-IV-97-23 and Use Permit U-97-20 to allow commercial agricultural tours of the coffee farm in association with the coffee visitor center for Kaua'i Coffee Company. In addition, to approve the supplemental original conditions, 8 through 13.

Ms. Nogami Streufert: Second.

Chair Apisa: Do we have any discussion on it? All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0. Thank you. Congratulations.

## **NEW BUSINESS**

Special Management Area Use Permit SMA(U)-2019-3 to allow conversion of an existing garage into a single-family residence (Additional Dwelling Unit) on a parcel situated along the mauka side of Weke Road in Hanalei Town, approx. 100 ft. west of its intersection with 'Ama'ama Road, further identified 5459 Weke Road, Tax Map Key: 5-5-004:032, and containing a total land area of 8,429 sq. ft. = *Simon Potts.*

Mr. Hull: The next agenda item is returning back to Agenda Item M.1.b. [sic], which is Special Management Area Use Permit SMA(U)-2019-3 to allow conversion of an existing garage into a single-family residence – Additional Dwelling Unit – on a parcel situated along the mauka side of Weke Road in Hanalei Town, approximately 100 feet west of its intersection with 'Ama'ama Road, further identified as 5459 Weke Road, Tax Map Key: 5-5-004:032, and containing a total area of 8,429 square feet. The applicant is Simon Potts and, again, it is the "Dale Cua Show," so Dale has the report on this.

Chair Apisa: Thank you, Dale.

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

Mr. Cua: And that pretty much concludes the findings and the Director's Report at this time.

Chair Apisa: Thank you. Is the applicant present? Thank you. If you would state your name for the record and then give your presentation.

Mr. Simon Potts: My name is Simon Potts. I am the owner of the house.

Mr. Jon Kagle: I am Jon Kagle, the architect assisting him.

Chair Apisa: Thank you.

Mr. Potts: I didn't prepare any words for this, but I can improvise.

Chair Apisa: Thank you.

Mr. Potts: I was born in England, 1953; moved here...moved to America in 1985 to be the Executive for Capitol Records. I was in the talent acquisition field. I bought land here in Kīlauea when I was about 35, just after Iniki. I had come here in my late 20s and absolutely fallen in love with the place, and gone back to London and gone, "How the hell do I get to go to live there?" Luckily in the mid-90s I decided to do that. I came here and built a little house in Crater Hill; ended up selling that and buying this lot in Hanalei off Mike Ching, and built the house, 2002/2003. Hanalei is my home. I want it to continue to be my home. And as I age, I have to think about how...to figure out my income. I have a TVR on my house; I want to continue to do that, and I wanted to live in, what I call, the studio with my record collection.

Chair Apisa: All right, thank you. Questions from the Commissioners?

Mr. Mahoney: So right now it is to allow conversion of an existing garage into a single-family residence. And what about parking?

Mr. Potts: There are four parking spaces on the entire property, off the road, off Weke Road.

Mr. Mahoney: You have four, and you have a TVR on the property and you want to convert the garage into a residence. Is this for rental or—

Mr. Potts: No, no, no.

Mr. Mahoney: —for your own personal use, not for vacation rental?

Mr. Potts: For my own purposes, yes. Say that again.

Mr. Mahoney: Not for vacation rental.

Mr. Potts: No, no, not for vacation...

Chair Apisa: Wouldn't be able to, so it had to be—

Mr. Mahoney: I know it wouldn't be able to, but...

Chair Apisa: People do it anyway.

Mr. Mahoney: That seems to be the trend, especially here on Weke Road.

Mr. Potts: I've got 5,000 LPs in there; I don't want anybody...

Mr. Mahoney: Yes. Well, I mean, you can understand the concern because that's what...most of that community, that's what people are afraid of, you know? That there is no available rentals. I just want to make it clear, and I am not trying to cast any (inaudible) on your character, but--

Mr. Potts: None taken.

Mr. Mahoney: --you know, if that's...your intention is for this to be your residence.

Mr. Potts: Yes.

Mr. Mahoney: Okay.

Mr. Hull: I think, Commissioner, from the Department, it is a very valid point of concern, and we brought it up in our report and while we are recommending approval, we do reiterate that it cannot be used as a TVR -- just to establish that for the record -- but under our existing zoning ordinance, it would be prohibited and ultimately, it will fall on the Department to ensure because, indeed, the Department is in agreement with that assessment that in this particular area of the island, it is very desirable to go into the vacation rental industry whenever you have any single-family dwelling. But, again, we have reiterated that in our recommended conditions of approval and, two, as has been evident with the way the Department handles the Non-Conforming Use Certificates and the many appeals that you folks have seen, the Department is very strict in the way that those Non-Conforming Use Certificates are exercised and operated, and anytime that there is any stepping out of line of the afforded rights that they have, the Department does watch it very closely and holds to that.

Mr. Keawe: So he already has a TVR permit and has--

Chair Apisa: For the main house.

Mr. Keawe: For the main house; the three-bedroom, three-bath single-family residence, right, and he has had that for a while.

Mr. Hull: Correct.

Mr. Keawe: Okay.

Mr. Ho: Being in the SMA area, Ka'āina, if he does any improvements on this, does he have a budget that he has to stay under or within for the SMA?

Mr. Hull: There is a financial budgetary issue when determining whether or not it is a minor permit or a major permit. So if he breaches a \$500,000 threshold on any type of improvement,

he is required to come before the Planning Commission. If it is below it, SMA permits are still necessary, but it can be done through a minor process. And then they also have to adhere to the Shoreline Setback Ordinance as they lie within the 500 feet of the parameters of that ordinance as well.

Mr. Ho: Got that?

Mr. Keawe: Just to be clear – so that garage can't be more than \$500,000.

Mr. Hull: No, no, no. So the \$500,000 threshold is the determination of whether or not it is a (inaudible).

Mr. Keawe: A major or a minor. Yes, I understand that portion. So that's the threshold, right?

Mr. Hull: That is the threshold on whether or not you folks are going to be reviewing the proposal. And then if it is over that \$500,000, it is not to say it is prohibited, it just goes to say whether or not those impacts have to be mitigated, and it is at the discretionary review of this body if whether or not those mitigation measures are adequate or if additional mitigation measures need to be imposed on the proposal. Does that make sense or did I muddy that?

Mr. Cua: I will go ahead and add to that, and just for clarification purposes as well, I noted it in the report, but the reason for the SMA Use Permit is because it involves the construction of a second residence on the property.

Mr. Keawe: Right.

Mr. Cua: Generally speaking, the first home on a vacant parcel within the SMA would be exempted.

Mr. Ho: Say that again.

Mr. Cua: It would be exempt.

Chair Apisa: Oh.

Mr. Ho: The first one?

Mr. Cua: The first home.

Mr. Ho: House?

Mr. Cua: Yes, the first house.

Mr. Ho: So the time clock runs only on the ADU.

Mr. Cua: Correct.

Mr. Ho: (Inaudible).

Mr. Cua: Well, any type of improvements outside of the first home would generate the type of SMA Permit. But like in this case, because it involves the construction of a second residence, it would warrant the SMA Use Permit. It is an increase in density, right?

Mr. Keawe: Basically taking an existing building, right, and improving it. It is not starting from scratch.

Mr. Hull: Correct. So there's a series of triggers that require SMA Major review. One of them is the first dwelling is exempt, but beyond that, a requirement is if they propose a first dwelling that is over 7,500 square feet, then it gets bumped up to a Major. Another requirement is, if they are proposing another dwelling unit, which is the case here, it is automatically reviewed by you folks. Another trigger is, if an improvement, dwelling, or otherwise, is over \$500,000, then again, it gets reviewed by you folks. So there is just a series of triggers or thresholds that may require them to go through the Minor process or through the Major process.

Chair Apisa: Any further questions?

Ms. Nogami Streufert: Question for Ka'aina. And this requirement or this limitation that this unit cannot be used as a TVR will transfer for all (inaudible).

Mr. Hull: Yes. Like I said, I mean, it is more for putting on the record purposes that we have recommended it in the conditions of approval, but even regardless of whether or not it is in the conditions of approval, it is a standing requirement or prohibition under County law.

Chair Apisa: Just because it's...the TVR law – you had to have been operating a TVR before March of 2008 when the law was passed. You cannot start a new TVR ever since March of 2008. So if there are any out there that started in 2009 or '10 or later, then they would be operating illegally without a permit.

Ms. Nogami Streufert: Because this was a part of that TVR as a garage–

Chair Apisa: But each house, I think, is considered individually.

Mr. Hull: Yes. So correct, the garage functions as part of the TVR operations as a garage, not as an additional bedroom or, more importantly, as a separate dwelling unit. So even in scenarios where existing TVR Non-Conforming Use Certificate holders attempt to expand their operation by adding a bedroom or converting a garage, those, in the eyes of the Department, are not permissible and we hold those TVR Non-Conforming Use Certificate operators accountable to that and we do enforce on that. So above and beyond that, this conversion to a house would not be...would be considered...if it was advertised as an expansion of the use, that is not permissible under County Code.

Chair Apisa: As a further example, I know of some properties that actually have two houses on one property and they were pre-2008 and they are both registered as TVRs, but each one has an

individual TVR number, so every residence has a separate TVR registration. So, I mean, TVRs are limited.

Ms. Nogami Streufert: I just wanted to make that clear because this was part of the TVR as a garage.

Chair Apisa: No, it is good clarification.

Ms. Nogami Streufert: (Inaudible)

Chair Apisa: Good. Very good. Thank you. Any other questions or clarifications? Are we ready for – I guess there is no one here to testify – so are we ready for Dale's conclusion?

Mr. Cua: Okay.

Mr. Cua read the Preliminary Conclusion and Preliminary Recommendation sections of the Director's Report for the record (on file with the Planning Department).

Chair Apisa: Okay, and that would be an existing garage being converted to a residence.

Mr. Cua: Correct.

Chair Apisa: And I think we don't need you to read the 12 conditions. Are we good with that? Any further questions, now, of the Commission? Is the applicant in agreement with the conditions that are imposed?

Mr. Potts: Yes. Yes, indeed.

Chair Apisa: I think we are ready for a motion.

Mr. Ho: I move to accept the Planning Department's recommendation for approval.

Ms. Nogami Streufert: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Any opposed? (None) Motion carried 5:0. Congratulations and welcome to your residence in Hanalei.

Mr. Hull: Motion passes, Madame Chair.

### **UNFINISHED BUSINESS (For Action)**

Mr. Hull: The next agenda item is Item L, which we have no Unfinished Business.

We have no New Business. Oh, sorry, we completed New Business.

## **COMMUNICATION (For Action)**

There were no communications for action.

## **ANNOUNCEMENTS**

### Topics for Future Meetings

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Līhu'e Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i 96766 on Tuesday, January 8, 2019.

Mr. Hull: And the final agenda item is Agenda Item N, Announcements. You all have been in receipt of our distributed list for topics for future meetings. Any questions concerning the distributed list?

Chair Apisa: The last three would be—

Mr. Hull: It is essentially the last three, correct.

Mr. Keawe: Excuse me. The next meeting is January 8<sup>th</sup>, so the assumption being it is going to be more than just one item on the January 8<sup>th</sup>...

Chair Apisa: Potentially, there could be additions to the...

Mr. Keawe: (Inaudible) combine them?

Mr. Hull: No. Because of the public hearing notification requirements, those that are set for January 22<sup>nd</sup> – the DOE and the Verizon applications – have to be on the 2<sup>nd</sup> meeting in January, but we do have one new hearing for the residences in Wainiha. Now, that is not to preclude any statement that...or say that nothing else will be put on the agenda in the event that proposals for, say, amendments or communications to the Planning Commission are received in between that time. At the discretion of the Chair, those may be put on the agenda as well. But as far as new agency hearings, we only have one scheduled for that first January meeting.

Chair Apisa: Anything further?

Mr. Hull: There is no—

Chair Apisa: No executive session.

## **ADJOURNMENT**

Chair Apisa: Move to adjourn?

Mr. Mahoney: Do you need a motion?

Chair Apisa: Motion, yes.

Mr. Mahoney: Chair, move to adjourn.

Ms. Nogami Streufert: Second.

Chair Apisa: All in favor? (Unanimous voice vote) Motion carried 5:0. Meeting is adjourned.

Chair Apisa adjourned the meeting at 10:56 a.m.

Respectfully submitted by:

  
\_\_\_\_\_  
Darcie Agaran,  
Commission Support Clerk

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

( ) Approved as amended. See minutes of \_\_\_\_\_ meeting.