



## PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

HELEN COX, CHAIR  
FRANCIS DEGRACIA, VICE CHAIR  
GERALD AKO, MEMBER  
DONNA APISA, MEMBER  
MELVIN CHIBA, MEMBER  
LORI OTSUKA, MEMBER

### MEMORANDUM

DATE: April 11, 2022

TO: Planning Commission

FROM: Clerk of the Commission

SUBJECT: 1st Addition to the Planning Commission 4/12/2022 Agenda

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#### F. HEARINGS AND PUBLIC COMMENT

##### 2. New Agency Hearing

- a. IP2 LLC (dba The Beach House Restaurant)
  - 2. Memorandum No. 1 to Planning Commission
- d. Hanalei Traders, Inc.
  - 2. Memorandum No. 1 to Planning Commission

## DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

### MEMORANDUM No.1 TO PLANNING COMMISSION

**RE:** Amendment to Special Management Area Use Permit SMA(U)-1983-4  
Amendment to Class IV Zoning Permit Z-IV-1983-27  
Amendment to Use Permit U-1983-17

**APPLICANT:** IP2 LLC dba The Beach House Restaurant

#### ADDITIONAL FINDINGS

Attached for the Planning Commission's reference are additional public testimonies:

- Letter (03/27/2022) from Mark McCartin.
- Letter (03/28/2022) from Dennis and Diane Michalenko.
- Letter (03/30/2022) from Jack Barnard.
- Letter (04/02/2022) from Curtis and Paula Green.
- Letter (04/06/2022) from Bruce and La Rhea Villinger.
- Letter (04/06/2022) from Douglas Keller.
- Letter (04/06/2022) from Danny and Carol Taylor
- Letter (04/07/2022) from Sandi Manor.
- Letter (04/07/2022) from Morris Wise.
- Letter (04/07/2022) from Jolene Herbstritt.
- Letter (04/07/2022) from Tamao and Matt Hall.
- Letter (04/07/2022) from Mami Wyckoff.
- Letter (04/07/2022) from Tiffany Lee.
- Letter (04/08/2022) from Paul Togioka.
- Letter (04/08/2022) from Layne and Eric Torgerson.
- Letter (04/08/2022) from Tommy Tokioka.
- Letter (04/08/2022) from Serena Brier.
- Letter (04/09/2022) from Kuhio Shores owners.
- Letter (04/10/2022) from Doug Beane.
- Letter (04/10/2022) from Chris Moore and Javed Maksood.
- Letter (04/10/2022) from Jeri Di Pietro and the Koloa Community Association.
- Letter (04/10/2022) from Michael Dandurand.

By

A handwritten signature in blue ink, appearing to read "Romio Idica", is written over a horizontal line.

Romio Idica  
Staff Planner

**F.2.a.2.**

APR 12 2022 (A)

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**From:** Mark McCartin <mmccartin@yahoo.com>  
**Sent:** Sunday, March 27, 2022 10:31 AM  
**To:** Planning Department  
**Subject:** Use Permit U-83-17

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

Dear Planning Commission:

I would like to formally express my opposition to the Beach House's request for expansion including outdoor restaurant use and other associated "Improvements". I am the manager of an LLC, Lawai Properties, that owns a rental property next door at Kuhio Shores. This expanded use permit would directly affect the use and enjoyment of this property. Parking is already a nightmare at Kuhio Shores and the adjacent street, Lawai Road. We already have security to keep non-guests from parking in our lot. This expansion will make traffic and parking much worse. Valet parking is not the answer. Another factor is the noise. Car horns, music, loud voices, breaking glassware and other noises will only be worse, especially if expanded outdoors. Certain units at Kuhio Shores will most likely have their views impacted also.

This proposed expansion will definitely have a negative impact on the use and enjoyment of the property and request you deny the expansion.

Mark McCartin  
Manager, Lawai Properties, LLC

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**From:** dmichalenko@comcast.net  
**Sent:** Monday, March 28, 2022 3:10 PM  
**To:** Planning Department  
**Cc:** donna  
**Subject:** Amendment to special management area use permit (AMA(U)-83-4) Class IV Zoning Permit Z-IV-83-27, and Use Permit U-83-17

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

TO WHOM IT MAY CONCERN:

We are totally AGAINST allowing expansion for outdoor restaurant use and associated improvements on a parcel situated on the Makai side of Lawa'i Road, commonly known as The Beach House Restaurant further identified as 5022 Lawa'i Road. Tax Map Key: 2-6-005:011, containing a total area of 34,900 square feet.

The reasons:

1. Parking for the Beach House is not adequate now. Parking is a problem now and many of their guests often use the parking lot of Prince Kuhio, Kuhio Shores and Lawai Beach Resort.
2. Traffic on the road includes cars, both commercial and private, pedestrians including elderly/children/wheelchairs/walkers/runners in the tight space of Lawa'i Road between buildings.
3. The posted speed limit has rarely been enforced.
4. Noise. There are often weddings on the front lawn and noise carries to the units all around The Beach House. This is acceptable because it is not an everyday occurrence but increasing the outdoor activity to all three tourist buildings will impact.
5. The sewer system has trouble handling what is presently on the system now. Adding more to the Beach House, will only make this situation worse.
6. The Beach House cannot handle the situation as it stands so why add more fuel to the fire.

Regards,  
Dennis & Diane Michalenko, Owners  
Prince Kuhio #301

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**From:** Jack Barnard <barnard@oceankauai.com>  
**Sent:** Wednesday, March 30, 2022 2:29 PM  
**To:** Planning Department  
**Cc:** Jack Barnard  
**Subject:** Expansion Proposal for Beach House Restaurant

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

Dear County Planning Commission,

I live at Prince Kuhio Condominiums on Lawai Rd near the Beach House restaurant. I have been the board president there for 8 years.

I have witnessed regular issues with the Beach House such as loud yelling, screaming and music until well after 10pm at night. Beach House valet and guess parking is non-existent so they park wherever they can find a space. Often in our private parking spaces.

The sewage system at the Beach House is shared with Prince Kuhio Condos and Lawai Beach Resort. They continue to cause problems with blockages to this day. We can't imagine the negative impact an increase in activity would cause to the community sewage facility.

Nearly all the buildings on Lawai Rd are condominiums or homes making it primarily residential. It used to be a quiet area until the Beach House reopened late in the pandemic and erected a semi-permanent tent adjacent to Kuhio Shores blocking their ocean views and disturbing their enjoyment from their lanais.

We oppose any type of expansion to the Beach House restaurant. It is already beyond objectionable as far as noise and general inconvenience and inappropriateness for the area. Please do not allow an expansion or increase in activity or events at the Beach House restaurant.

Respectfully,

Jack Barnard  
Resident Prince Kuhio  
Prince Kuhio Board of Directors

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**From:** greencmjr@aol.com  
**Sent:** Saturday, April 2, 2022 5:18 PM  
**To:** Planning Department  
**Subject:** Proposed Beach House Permit Amendments

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

County of Kauai Planning Commission

Re: Proposed Amendment to Special Area Permit (SMA(U)-83-4), Class IV Zoning Permit Z-IV-83-27, and Use Permit U-83-17, aka 'Beach House Expansion.'

It is my understanding that permission was given by the County to the Beach House Restaurant to install and utilize a temporary tent structure on its property in order to continue to serve its previous number of restaurant customers, while at the same time providing for the social distancing required during the pandemic. This was a good and logical decision intended to help shield local businesses and their employees from the impacts of the pandemic.

Likewise, it is my understanding that currently the County is considering a proposal from the Beach House Restaurant to make the use of the installed tent structure on a permanent and on-going basis in the post-pandemic, post-social distancing environment.

This represents a de facto request for an outright expansion of business scope, activities and volumes, and their related impacts, on what is an otherwise quiet, dead-end residential street devoted solely to single family residences, condominiums and timeshare units. The related impacts are substantial and require careful consideration by the County.

These impacts include:

--additional traffic on a very narrow two-lane, dead-end road, just beyond the vehicle and pedestrian choke point created by the close proximity of the Kuhio Shores building to the Prince Kuhio condominiums. Further, the additional traffic bodes ill for pedestrian safety at the extremely busy vehicle and pedestrian intersection of the Beach House entryway, Lawai Road, the popular Lawaii beach, and the primary access to Lawaii Beach Resort.

-- additional demand for parking in an area where parking for existing Beach House customers is inadequate by any standard and results in on-going use of illegal parking. Essentially no off-street parking is required of, or provided by the Beach House for customers or staff.

--expanded use on the aging private sewer treatment plant that serves Kuhio Shores condominium, Prince Kuhio condominium, Lawai Beach Resort, and the previous level of operations of the Beach House Restaurant.

--additional environmental impacts of late-night noise now being created by the expansion of Beach House outdoor special event and entertainment options, including amplified event music.

We believe that fair and impartial consideration of these factors will lead the Planning Commission to deny this request from the Beach House Restaurant, and such an action would be widely applauded by Lawai Road residence owners.

Mahalo,

Curtis & Paula Green  
Prince Kuhio #318

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**From:** Bruce Villinger <bvillinger@hawaii.rr.com>  
**Sent:** Wednesday, April 6, 2022 12:08 PM  
**To:** Planning Department  
**Subject:** Beach House Expansion

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

Aloha, As an owner at the Prince Kuhio we are in opposition of this expansion for several reasons. Loud DJ noise, lack of parking and heavy traffic. The tent looks ridiculous there. It same old thing, give them an inch for the pandemic and now they want to keep it. It never should of been allowed to begin with. Mahalo, Bruce and La Rhea Villinger



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**From:** douglas keller <dfkeller61@gmail.com>  
**Sent:** Wednesday, April 6, 2022 6:33 AM  
**To:** Planning Department  
**Subject:** opposition The Beach House Use Permit.

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

I am Douglas Keller, owner of property located , Prince Kuhio 5061 Lawai Road Koloa. Hi, I Object to allowing The Beach House Restaurant Amendment to special management area use permit SMA (U)-83-4) ,class IV zoning permit Z-IV-83-27,and use permit U-83-17 to allow expansion / improvements and use on the Makai side lawn of Lawai Road. Tax Map Key: 2-6-005:011.

This request is already objectionable on account of numerous conditions that currently exist in the densely populated surrounding area of Lawai Beach.

- 1) The overburdened parking situation due to the insufficient parking offered by The Beach House Restaurant for patrons.
- 2) The heavy capacity use of an aging sanitation,sewer system shared by the adjacent large properties.
- 3) The increase in already large gatherings "special events" providing loud entertainment venues.

I encourage the County Of Kauai Planning Commission to seriously consider the long term impacts of this proposed use for permanent change and the effect it will have on the surrounding area and coastal environment for generations to come.

Sincerely,

Douglas F Keller

TO: County of Kauai, Planning Commission

COUNTY OF KAUAI

RE: The Beach House Request for Special Management Area Use Permit

'22 APR -6 P2:28

FROM: Danny & Carol Taylor

Kuhio Shores #108 5050 Lawai Rd. Koloa

PLANNING DEPT.

We are residents and owners at Kuhio Shores and we are ADAMANTLY opposed to the allowance of this amendment to the zoning permit.

This is an attempt by The Beach House in their quest for greed and to increase profits by circumventing the zoning and use permit that they currently are issued.

As residents next door, we are constantly inundated by their patrons. They only provide very limited parking by valet, resulting in dangerous & illegal parking on both sides of the street in front of Prince Kuhio Park, in no parking zones and sometimes illegally parking in our private property parking lot. We are constantly annoyed by the nuisance of their patrons illegally using our private property lawn to access their business by walking along the beachside and after dinner strolls on our lawn.

We constantly have to tolerate the loud sounds of party goers, loud bands, Dee Jays and large crowd noise, that interrupt the tranquil experience of simply enjoying the sounds of the ocean in the evening from our Lanai, that many people come to Kauai to enjoy.

We also have to tolerate the noise of after hours clean up from the restaurant, late in the evenings.

The Beach House is not a good neighbor and should not be allowed an Amendment to expand their operation, which would do nothing but increase the annoyance and nuisance to what should be a tranquil residential area.

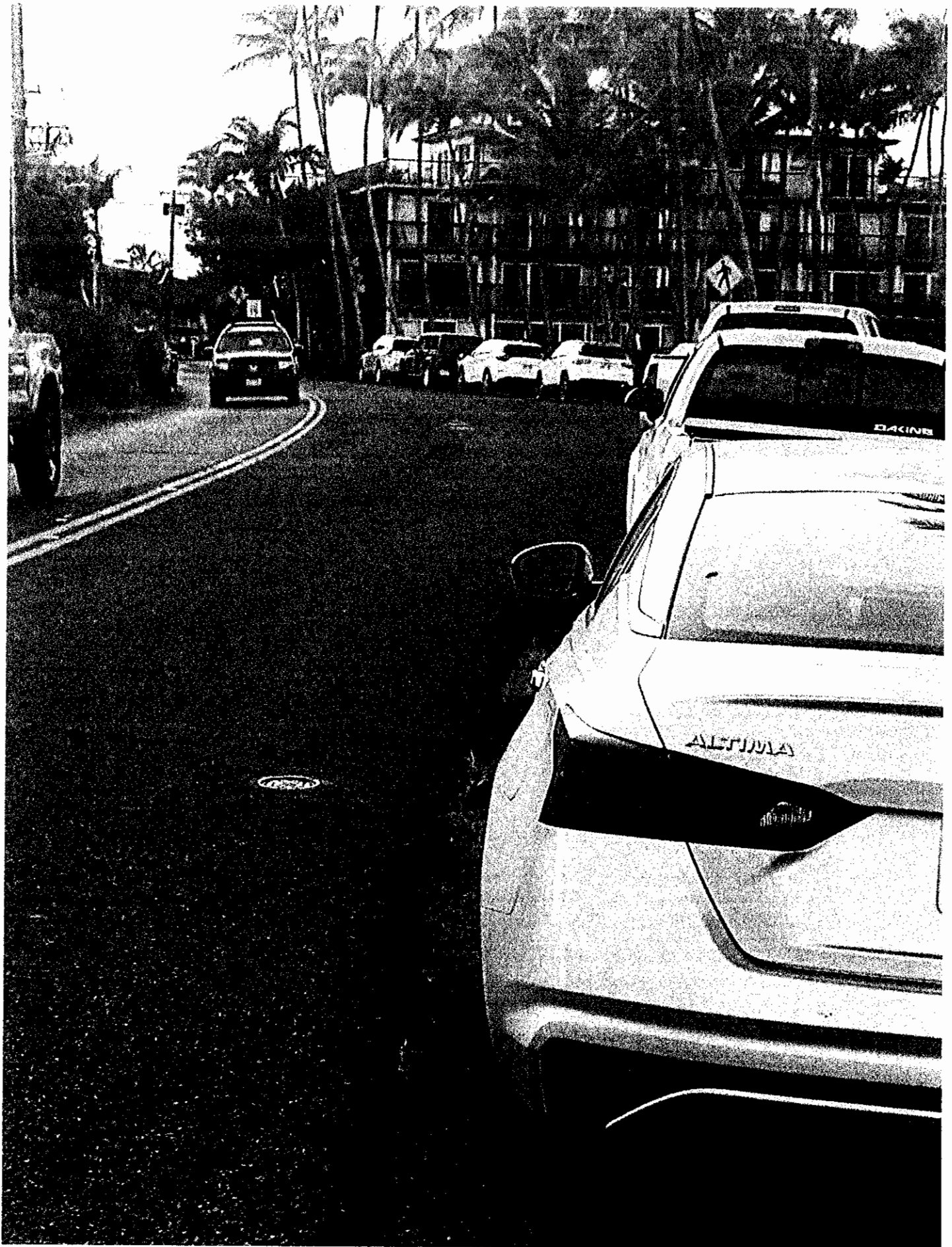
We are ADAMANTLY opposed to this amendment.

Thank You for allowing us to express our concerns regarding to this amendment request.

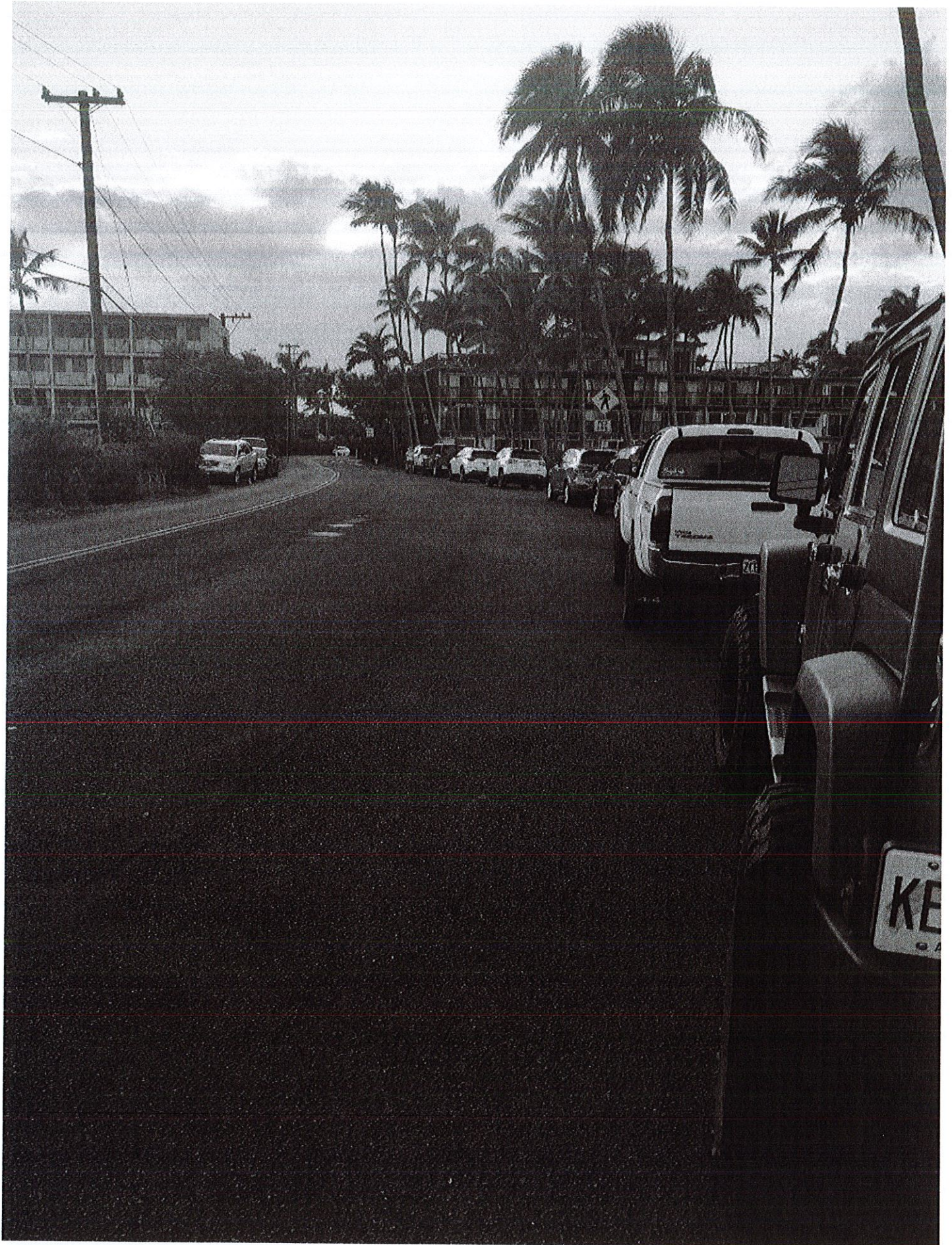
Danny & Carol Taylor

The block contains two handwritten signatures in black ink. The first signature, on the left, is 'Danny Taylor' and the second, on the right, is 'Carol Taylor'. Both are written in a cursive, flowing style.

Pictures of the parking situation included.













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**From:** Sandi Manor <sandi@admanor.com>  
**Sent:** Thursday, April 7, 2022 7:02 AM  
**To:** Planning Department  
**Subject:** AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-83-4), CLASS IV ZONING PERMIT Z-IV-83-27, AND USE PERMIT U-3-17 for TAX MAP KEY: 2-6-005:011  
**Attachments:** 4-12-22\_County of Kauai Planning Commission.pdf

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

To the County of Kauai Planning Commission:

RE: AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-83-4), CLASS IV ZONING PERMIT Z-IV-83-27, AND USE PERMIT U-3-17 for TAX MAP KEY: 2-6-005:011

Please do not approve the requested expansion of The Beach House Restaurant at 5022 Lawai Road in Kauai.

The Beach House is asking to keep in place a "special entitlement" which they received during the pandemic, which permits use of a tent on the maka'i lawn. The "special entitlement" was approved to allow extra space so The Beach House could observe social distancing required for remaining in business during the pandemic.

Keeping the "special entitlement" in effect, the tent size would not change, nor will the limitations on the hours they are currently allowed to operate and offer entertainment. What could change theoretically is they would be able to offer additional seating in the tent since social distancing is no longer required, increasing the number of guests allowed at any given time.

Although the request does not add permanent structure to the parcel, the impacts to the area are the same with increased occupied capacity.

**PARKING:** The Beach House Restaurant already does not have adequate parking for its guests. Parking is overburdened, using every available parking space on Lawai Road, and many of their customers are parking in our residential community's private parking spaces.

**INFRASTRUCTURE:** The Beach House shares our fragile sewage system. Adding an expansion burdens our shared system, without consideration of effects, responsibility or capacity for any increased use.

**NOISE:** The Beach House, at one time a quiet and upscale restaurant, now hosts several noisy events each week. The music and loud deejays prevent a tranquil evening on our lanais.

Without resolving any of these issues, the request from The Beach House Restaurant should be denied. We appreciate your time and consideration of our concerns as you weigh their request.

Sincerely,

Sandi Manor  
Owner at 5061 Lawai Road 131  
TAX KEY 206-005-022-0023

County of Kauai Planning Commission  
4444 Rice Street, Suite A473  
Lihue, HI 96766

[planningdepartment@kauai.gov](mailto:planningdepartment@kauai.gov)

RE: AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-83-4), CLASS IV  
ZONING PERMIT Z-IV-83-27, AND USE PERMIT U-3-17 for TAX MAP KEY: 2-6-005:011

To the County of Kauai Planning Commission:

Please do not approve the requested expansion of The Beach House Restaurant at 5022 Lawai Road in Kauai.

The Beach House is asking to keep in place a "special entitlement" which they received during the pandemic, which permits use of a tent on the maka'i lawn. The "special entitlement" was approved to allow extra space so The Beach House could observe social distancing required for remaining in business during the pandemic.

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**PARKING:** The Beach House Restaurant already does not have adequate parking for its guests. Parking is overburdened, using every available parking space on Lawa'i Road, and many of their customers are parking in our residential community's private parking spaces.

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**NOISE:** The Beach House, at one time a quiet and upscale restaurant, now hosts several noisy events each week. The music and loud deejays prevent a tranquil evening on our lanais.

Without resolving any of these issues, the request from The Beach House Restaurant should be denied. We appreciate your time and consideration of our concerns as you weigh their request.

Sincerely,

Sandi Manor  
Owner at 5061 Lawai Road  
TAX KEY 206-005-022-0023

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**From:** Morris Wise <morris@kobakery.com>  
**Sent:** Thursday, April 7, 2022 12:21 PM  
**To:** Planning Department  
**Subject:** Beach House Restaurant SMA Use Permit Amendment  
**Attachments:** Beach House Restaurant SMA Use Permit Amendment 04 2022.pdf

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

Please see the attached letter in support of the SMA Use Permit Amendment. The Beach House provides us with substantial income and I hope you will work with them to improve their business via the permit.

S. Morris Wise  
Ko Bakery  
[kobakery.com](http://kobakery.com)  
808-212-9437

SIGN UP FOR OUR NEWSLETTER <http://kobakery.com/contact-us>





From: Kō Bakery + Coffee  
1611 Haleukana St. #3, Lihue HI 96766  
[morris@kobakery.com](mailto:morris@kobakery.com)  
808-212-9437

To: County of Kauai Planning Commission

We are writing in support of the Amendment to the Special Management Area Use Permit for The Beach House Restaurant. We urge the Planning Commission to approve this Amendment to allow The Beach House Restaurant to continue utilizing its lawn area for special events and weddings.

We are residents of Kauai and small business owners. We provide high-end wedding cakes for events across the island and we are an exclusive supplier to the Beach House. We believe these events generate positive tourist engagement with our community by supporting many local businesses and services and generating more benefit to our economy than standard tourism. Our business, our families, and our employees' families depend on the income generated from The Beach House weddings and events. The Beach House is one of our most respected clients and it would be a shame to see them unable to host wedding events, and it would definitely impact our business.

Events at the Beach House do not interfere with use or enjoyment of the coastal area. The Beach House lawn continues to be used by locals on a daily basis for surfing, fishing, and sunbathing. We believe activities can coexist.

We sincerely hope that the Commission will approve this application.

Thank you,  
**Chris Spinosa & S. Morris Wise, owners**

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**From:** Jolene Kealoha Flowers <kealohaflowerskauai@gmail.com>  
**Sent:** Thursday, April 7, 2022 12:27 PM  
**To:** Planning Department  
**Subject:** The Beachhouse approval application

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

*To: County of Kauai Planning Commission*

*I'm writing in support of the Amendment to the Special Management Area Use Permit for The Beach House Restaurant. I urge the Planning Commission to approve this Amendment to allow The Beach House Restaurant to continue utilizing its lawn area for special events and weddings.*

*I am a long time resident of Kauai and a small business owner. I provide **floral arrangement** services for events across the island. I believe these events generate positive tourist engagement with our community by supporting many local businesses and services and generating more benefit to our economy than standard tourism. My business, my family, and my employees' families depend on the income generated from The Beach House weddings and events.*

*Events at the Beach House do not interfere with use or enjoyment of the coastal area. The Beach House lawn continues to be used by locals on a daily basis for surfing, fishing, and sunbathing.*

*I sincerely hope that the Commission will approve this application.*

*Thank you,*  
**Jolene Herbstritt**  
**Kealoha Flowers**

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**From:** tamao hall <info@ayaproductions.com>  
**Sent:** Thursday, April 7, 2022 12:51 PM  
**To:** Planning Department  
**Subject:** The Beach House Permit

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

Aloha,

*We are writing in support of the Amendment to the Special Management Area Use Permit for The Beach House Restaurant. We urge the Planning Commission to approve this Amendment to allow The Beach House Restaurant to continue utilizing its lawn area for special events and weddings.*

*My husband and I are residents of Kauai and are small business owners. We provide photography and videography services for events across the island.*

*We believe these events generate a higher level of positive tourist engagement with our community by supporting many local businesses and services and generating more benefit to our economy than standard tourism. .*

*The business The Beach has generated has literally saved our business and our family in the recovery for damages we suffered during the pandemic.*

*With so many businesses who did not survive the big challenges through uncertain trying times of the pandemic, we feel it is vital for our local community to maintain consistent financial security, but also our emotional and mental security through businesses like The Beach House who are thriving.*

*The Beach House lawn continues to also be a local favorite hang out spot and the events held there do not affect our enjoyment in any negative way.*

*As a matter of fact, the vibrant colors of the beautiful flower arrangements and joyful sounds of celebration enhances our experience while enjoying the sunset with our ohana.*

*I sincerely hope that the Commission will approve this application.*

Thank you,

**Tamao and Matt Hall**  
**Aya Productions, LLC Owners**

AYA PRODUCTIONS LLC

cell - 949.391.5336 or 714.679.1688

email: [Info@AyaProductions.com](mailto:Info@AyaProductions.com)

web: [AyaProductions.com](http://AyaProductions.com)

Instagram: @ayaproductions

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**From:** wyckoff mami <mamiwyckoff@gmail.com>  
**Sent:** Thursday, April 7, 2022 1:35 PM  
**To:** Planning Department  
**Subject:** Beach House Restaurant SMA Use Permit Amendment

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

To: County of Kauai Planning Commission

I'm writing in support of the Amendment to the Special Management Area Use Permit for The Beach House Restaurant. I urge the Planning Commission to approve this Amendment to allow The Beach House Restaurant to continue utilizing its lawn area for special events and weddings.

I am a resident of Kauai and a small business owner. I provide photography services for events across the island. I believe these events generate positive tourist engagement with our community by supporting many local businesses and services and generating more benefit to our economy than standard tourism. My business, my family, and my employees' families depend on the income generated from The Beach House weddings and events.

Events at the Beach House do not interfere with use or enjoyment of the coastal area. The Beach House lawn continues to be used by locals on a daily basis for surfing, fishing, and sunbathing.

I sincerely hope that the Commission will approve this application.

Thank you,

**Mami Wyckoff**

Photographer

Mami Wyckoff Photography

808 937 7063

mamiwyckoff@gmail.com

www.mamiwyckoff.com

Kauai, Hawaii





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**From:** Tiffany Lee <tiffany@thebeachhousekauai.com>  
**Sent:** Thursday, April 7, 2022 3:55 PM  
**To:** Planning Department  
**Subject:** Beach House Restaurant SMA Use Permit Amendment  
**Attachments:** BH SMA Letter in Support - Tiffany Lee.pdf

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

Aloha Commissioners,

Thank you for taking the time to consider this application for The Beach House Restaurant's amendment to its Special Area Management Use Permit. I have been the Sales and Events Director at The Beach House Restaurant for six years now. I am born and raised in Hawaii and am a Kamehameha Schools graduate. Ensuring that tourism is sustainable for our people and economy is extremely important to me. I want to share some additional details with you about The Beach House and how we utilize the area in question in hopes that it will support your decision to approve this request for amendment.

The use of the lawn area for events during the pandemic has become increasingly important for the safety of our staff and guests. While we are grateful that there are so many excellent resources we have now to combat the pandemic and get back to business, this disease is still part of life for us all. Utilizing the outdoor space at the Beach House is not only a beautiful experience but it also provides additional peace of mind for everyone involved that the likelihood of spreading covid is greatly reduced. This also supports the reduction of spread in our community at large.

Our weddings and events are a wonderful way to allow locals and visitors to enjoy the natural beauty of Kauai while ensuring that our economy and our people prosper as well. I am passionate about working with our dozens of local small businesses to showcase the best Kauai has to offer. I have deep relationships with the officiants, musicians, florists, photographers, and videographers who make these events special. I know them and their families. We all care deeply for our Kauai community and our natural environment. The income generated from use of the lawn area at the Beach House supports dozens of families in our community through allowing talented people to do what they love.

We are fortunate to have healthy relationships with nearby condo owners who visit Kauai from time to time and it has always been a top priority for our restaurant to be good neighbors, above all. The entire team at The Beach House Restaurant is conscientious about our neighborly responsibilities. Our events end no later than 10pm and are meticulously cleaned up.

We have a dedicated Event Manager for each event that takes place to ensure that all rules, both internal and county, regarding noise and procedures are followed. Most of our events also have group transportation to and from hotels on trolleys so as not to add an additional burden to traffic congestion or parking. Myself, Our

General Manager, and Events Managers are always available, empathetic, and responsive to any issues that our neighbors may have and always willing to explore new and creative ways to solve any problems.

The Beach House Restaurant has a long tradition of being a place of celebration on Kaua'i. Whether it is surfing at PK's and lounging on the Beach House lawn, working a high school job, supporting a family through a decades-long career, starting a small floral business, or sharing culture through music, so many local people depend on and experience the magic of this space every day. Esteemed Commissioners, I hope and urge that you will approve this amendment to the SMA Use Permit at the Beach House Restaurant and allow us to continue celebrating Kaua'i's beauty on this special space.

Thank you,

Tiffany Lee

*Sales Director*

*The Beach House Restaurant*



5022 Lawai Road  
Koloa, Hawaii 96756  
(808) 742-1424

Kauai Planning Commission  
4444 Rice Street  
Suite A473  
Lihue, Kaua'i, HI 96766

07 April 2022

Aloha Commissioners,

Thank you for taking the time to consider this application for The Beach House Restaurant's amendment to its Special Area Management Use Permit. I have been the Sales and Events Director at The Beach House Restaurant for six years now. I am born and raised in Hawaii and am a Kamehameha Schools graduate. Ensuring that tourism is sustainable for our people and economy is extremely important to me. I want to share some additional details with you about The Beach House and how we utilize the area in question in hopes that it will support your decision to approve this request for amendment.

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Our weddings and events are a wonderful way to allow locals and visitors to enjoy the natural beauty of Kauai while ensuring that our economy and our people prosper as well. I am passionate about working with our dozens of local small businesses to showcase the best Kauai has to offer. I have deep relationships with the officiants, musicians, florists, photographers, and videographers who make these events special. I know them and their families. We all care deeply for our Kauai community and our natural environment. The income generated from use of the lawn area at the Beach House supports dozens of families in our community through allowing talented people to do what they love.





# THE BEACH HOUSE

5022 Lawai Road  
Koloa, Hawaii 96756  
(808) 742-1424

We are fortunate to have healthy relationships with nearby condo owners who visit Kauai from time to time and it has always been a top priority for our restaurant to be good neighbors, above all. The entire team at The Beach House Restaurant is conscientious about our neighborly responsibilities. Our events end no later than 10pm and are meticulously cleaned up.

We have a dedicated Event Manager for each event that takes place to ensure that all rules, both internal and county, regarding noise and procedures are followed. Most of our events also have group transportation to and from hotels on trolleys so as not to add an additional burden to traffic congestion or parking. Myself, Our General Manager, and Events Managers are always available, empathetic, and responsive to any issues that our neighbors may have and always willing to explore new and creative ways to solve any problems.

The Beach House Restaurant has a long tradition of being a place of celebration on Kaua'i. Whether it is surfing at PK's and lounging on the Beach House lawn, working a high school job, supporting a family through a decades-long career, starting a small floral business, or sharing culture through music, so many local people depend on and experience the magic of this space every day. Esteemed Commissioners, I hope and urge that you will approve this amendment to the SMA Use Permit at the Beach House Restaurant and allow us to continue celebrating Kaua'i's beauty on this special space.

Thank you,



Tiffany Lee  
Sales Director  
The Beach House Restaurant





COUNTY OF KAUAI

April 8, 2022

'22 APR -8 A8:08

County of Kaua'i  
4444 Rice Street  
Līhu'e, HI 96766  
Attention: Planning Commission

PLANNING DEPT.

Subject: AMENDMENT TO THE SPECIAL MANAGEMENT AREA USE PERMIT FOR  
THE BEACH HOUSE RESTAURANT

To: County of Kaua'i Planning Commission

My name is Paul Togioka and a resident of Kaua'i. I am a local musician that performs and promote the art form known as Hawaiian Slack Key Guitar here in the islands and overseas. I'm writing in support of the Amendment to the Special Management Area Use Permit for The Beach House Restaurant.

I'm also a small business owner that provides musical services for events here on Kaua'i. I truly believe these events share the beauty of our island by creating the "Hawaiian Dream" for our visitors while supporting many local businesses and services. My family, the families of The Beach House staff, and the many small businesses that support destination events depend on the income generated from these functions.

I have never witnessed The Beach House interfere with the use or enjoyment of the coastal area and/or ever seen The Beach House restrict access to the surf break known as Prince Kūhiō's (PK's). The Beach House lawn continues to be used by locals on a daily basis for surfing, fishing, and sunbathing. I urge the Planning Commission to approve this Amendment to allow The Beach House Restaurant to continue utilizing its lawn area for special events and weddings.

I sincerely hope that the Commission will approve this application.

Thank you for your support and should you have any questions, please contact me at (808) 651-3299.

Sincerely,



Paul Togioka  
Random Generation (Owner)

---

**From:** LAYNE BECK <lbeckapple@gmail.com>  
**Sent:** Friday, April 8, 2022 9:15 AM  
**To:** Planning Department  
**Subject:** In Support of The Beach House Restaurant SMA Use Permit Amendment

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TO KPC

This letter is in SUPPORT of the Amendment to the Special Management Area Use Permit for The Beach House restaurant. I strongly urge the Planning Commission to approve this Amendment to allow The Beach House Restaurant to continue utilizing its lawn area for special events and weddings.

We are residents of Kaua'i for 28 and 43 years. We are small business owners that provide decorating and lighting services for various locations across the island since 1984.

We believe that these outdoor events provide a safe alternative to indoor gatherings. We also have had positive feedback from many people regarding how wonderful it is that families have a place to celebrate again. There are very few other options available for visitors and local residents to celebrate weddings and other occasions.

The Beach House Restaurant has been critical to keeping ourselves and a part-time skilled crew of four members employed over the recent period of time. We are just one of many families that depend on this venue as a primary source of family income. These are not minimum wage jobs. These are professional event crew members. One of our crew members is paying her way through college to become a teacher with this job. Our crew members generally work outside (before) the hours that the restaurant is open. We also carpool.

We have observed when there, that The Beach House events do not interfere with the use or enjoyment of the coastal area.

We ask that the Commission approve this application. Thank you.

Sincerely,  
Layne Torgerson, owner  
Eric Torgerson, owner  
ET Services

---

**From:** Tommy Tokioka <tommy@royal-t.net>  
**Sent:** Friday, April 8, 2022 11:40 AM  
**To:** Planning Department  
**Subject:** Beach House Restaurant SMA Use Permit Amendment  
**Attachments:** Kauai Planning Commission.pdf

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Aloha Kakou e County of Kauai Planning Commission,

My name is Tommy Tokioka, and I am reaching out to voice my concern in strong support of the Amendment to the Special Management Area Use Permit for the Beach House Restaurant. I strongly encourage and am humbly asking the Planning Commission to approve this Amendment to allow The Beach House Restaurant to continue the use of it's beautiful ocean lawn area for special events and weddings.

As most of you may know, I am a lifelong resident of Kauai, a small business owner of Royal-T Weddings & Entertainment, and have been a huge part of the wedding and entertainment industry for decades. As a Hawaiian Kahu, entertainer/ singer/ songwriter, I truly believe that these events encourage and demonstrate the true Spirit of Aloha from this great team of weddings and events professionals by generating positive and memorable relationships, not only our community, but also by supporting our local businesses. The relationships that we have made through these beautiful events are making such a positive impact on so many people.

I have an amazing team of musicians, entertainers, and hula dancers, that provide entertainment at The Beach House Restaurant and we all depend on this income to feed and take care of our ohana. With that being said, please approve this application.

Mahalo in advance,

Tommy Tokioka  
Royal-T Weddings & Entertainment LLC



4460 KEAKA RD.  
KAPAA, HI 96746  
HOTLINE: 808.652.1500  
[TOMMYTOKIOKA.COM](http://TOMMYTOKIOKA.COM)  
T-MAIL: [TOMMY@ROYAL-T.NET](mailto:TOMMY@ROYAL-T.NET)

Friday April 8, 2022

Aloha Kakou e County of Kauai Planning Commission,

My name is Tommy Tokioka, and I am reaching out to voice my concern in strong support of the Amendment to the Special Management Area Use Permit for the Beach House Restaurant. I strongly encourage and am humbly asking the Planning Commission to approve this Amendment to allow The Beach House Restaurant to continue the use of it's beautiful ocean lawn area for special events and weddings.

As most of you may know, I am a lifelong resident of Kauai, a small business owner of Royal-T Weddings & Entertainment, and have been a huge part of the wedding and entertainment industry for decades. As a Hawaiian Kahu, entertainer/ singer/ songwriter, I truly believe that these events encourage and demonstrate the true Spirit of Aloha from this great team of weddings and events professionals by generating positive and memorable relationships, not only our community, but also by supporting our local businesses. The relationships that we have made through these beautiful events are making such a positive impact on so many people.

I have an amazing team of musicians, entertainers, and hula dancers, that provide entertainment at The Beach House Restaurant and we all depend on on this income to feed and take care of our ohana. With that being said, please approve this application.

Mahalo in advance,

Tommy Tokioka  
Royal-T Weddings & Entertainment LLC

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**From:** Serena Brier <serenabrier@gmail.com>  
**Sent:** Friday, April 8, 2022 1:52 PM  
**To:** Planning Department  
**Subject:** Beach House Restaurant SMA Use Permit Amendment

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*To: County of Kauai Planning Commission*

*I'm writing in support of the Amendment to the Special Management Area Use Permit for The Beach House Restaurant. I urge the Planning Commission to approve this Amendment to allow The Beach House Restaurant to continue utilizing its lawn area for special events and weddings.*

*I am a resident of Kauai and work for a wedding event vendor. I provide fabric and light arrangement services for events across the island. I believe these events generate positive tourist engagement with our community by supporting many local businesses and services and generating more benefit to our economy than standard tourism. I greatly depend on the income generated from The Beach House weddings and events.*

*Events at the Beach House do not interfere with use or enjoyment of the coastal area. The Beach House lawn continues to be used by locals on a daily basis for surfing, fishing, and sunbathing.*

*I sincerely hope that the Commission will approve this application.*

*Thank you,*  
**Serena Brier**  
**E.T Services, Employee**

---

**From:** Haythem Abid <abidhaythem@gmail.com>  
**Sent:** Saturday, April 9, 2022 1:48 PM  
**To:** Planning Department  
**Cc:** sunnyskys117@hotmail.com; onvacation@summitpacific.com; oceanfrontcondokauai@gmail.com; jasonfrenchrealestate@gmail.com; allymae47@gmail.com; chic.fojtik@pepperdine.edu; billaz4@yahoo.com; chris@theworleys.com; dtaylor@sales@aol.com; rmendlen@gmail.com; Jack Barnard; yifan17@gmail.com; Jeffrey David Anderson; danjoaloha@aol.com; pollyporter123@gmail.com; davenyana@gmail.com; lmcDaniel1@cox.net; bobsmycal@aol.com; karen@honu-nalu.com; fleetbishop@gmail.com; mike@mikegalvin.com; aloha@kuhio.org; pat.calarco@ucsf.edu; atooisurf@gmail.com; Heather Stevens  
**Subject:** AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-83-4), CLASS IV ZONING PERMIT Z-IV-83-27, and USE PERMIT U-83-17  
**Attachments:** Kuhio Shores Owners- Response to AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-83-4), CLASS IV ZONING PERMIT Z-IV-83-27, and USE PERMIT U-83-17.pdf

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To The Planning Committee Team:

The Kuhio Shores owners copied and listed in this email would like to submit the attached letter in response to the amendment to the special management area requested by The Beach House Restaurant.

Please confirm receipt and thank you for your time!

Mahalo!

**List of owners:**

- Haythem Abid & Ashley Tate, Condo #319
- Karen and Craig Arnold, Condo #117
- Doug Porter, Condo #308
- Kevin & Molla Wallace, Condo #305
- Jason French, Condo #212
- Brian & Allyson Lipscomb, Condo #216
- Chic Fojtik, Condo # 202
- Bill & sara Becker, Condo #114
- Chris Worley, Condo # 106
- Danny and Carol Taylor, Condo #108
- Jill Rick, Condo #306
- Jack Barnard, Condo #115
- Yifan and Brad, Condo #303
- Jeff & Sarah Anderson, Condo #316
- Dan and Jo Elliott, Condo #404
- Jim & Polly Porter, Condo #307 & 111
- Dave & Aryana Bergeron, Condo #403
- Danny and Carol Taylor, Condo#108
- Larry and Susan McDaniel, Condo #218

- Bob and Merideth, Condo # 313
- Karen Howard and Dave Arute, Condo #105
- Jim Back, Condo # 417
- Sue Galvin, Condo #217 and #415
- Dayna Freitas, Condo #213
- Patricia Calarco-Isaacson and Michael Isaacson, Condo # 110
- Jim & Jennifer Toyabrown, Condo #413
- Heather Stevens, Condo #407

--

Haythem Abid

Cell: 310-906-8525

Email: [abidhaythem@gmail.com](mailto:abidhaythem@gmail.com)



April 9, 2022

To: Kauai County Planning Commission

Re: AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-83-4), CLASS IV ZONING PERMIT Z-IV-83-27, and USE PERMIT U-83-17

We, the Kuhio Shores condo owners listed below, recently received notice that The Beach House Restaurant is planning to expand its outdoor seating area and make it permanent. As you are probably aware, Kuhio Shores is directly adjacent to the Beach House Restaurant. While we all greatly appreciate and enjoy the food at The Beach House Restaurant, we are deeply concerned about the current amendment to keep in place the “special entitlement” for the reasons listed below:

**1) Parking:**

The Beach House Restaurant does not have enough parking spaces to support additional guests. Here at Kuhio Shores, we are constantly dealing with Beach House guests parking in our parking lot and thus taking away the limited space we have for our owners and guests. We have exactly 76 condos at Kuhio Shores and exactly 76 parking spots. It should be noted that the Merriman’s valet team do not violate this balance and we commend them for their diligence. It is the constant stream restaurant regulars and visitors that do not want to valet that present our parking problem. The Beach House guests are also parking on Lawa’i Road and taking all of the public parking spots from the locals and tourists who want to enjoy Lawa’i Beach and the surrounding areas. This has become more and more pronounced as we emerge from Covid-19. Parking is clearly an issue, and the proposed amendment will only make this a larger problem.

**2) Environmental harm:**

Adding seating to the outdoor area will significantly increase the reality of having more litter around Lawa’i Beach and the surrounding area, which is already suffering from a marked increase in littering. Furthermore, increasing the volume of people at The Beach House Restaurant will add to an already burdened sewage system that is shared by Kuhio Shores, Prince Kuhio and Lawai Beach Resort. This is a very special place, and it needs to be conserved and taken care of.

**3) Nuisance:**

As owners at Kuhio Shores, many of us have units adjacent to the “wedding tent” and we consistently experience the negative effects of the very loud music each night. Unsupervised children at weddings are often running around on the private lawn facing the ocean at night and making Kuhio Shores owners and guests uncomfortable. Not because they are merely unsupervised children, but there is a five (5) foot drop from that lawn to the lava rocks below.



We are worried that this amendment will make this area of The Beach House Restaurant even louder and more of a “Go-To” party place. We would like to take this opportunity to express our current dissatisfaction with the noise created by the weddings at The Beach House Restaurant. It would be advisable to consider moving the venue to the other side of the restaurant and to stop playing the music at 8:30 or 9:00 PM instead of 10:00 PM. Most everything on the south shore closes well before 9:00pm as it is, so this move would simply align the expectations of visitors with the reality of other venues. We also would like the committee to consider allowing live music that has a specific decibel limit requirement only.

**4) Potential negative impact on property value at Kuhio Shores**

If this amendment is granted, we fear that The Beach House Restaurant will become a consistent party spot. Also, in addition to the nuisance at night, there are always people working on the tent installation and wedding preparation during the day, disrupting the natural beauty, quiet and peacefulness of the area. The extra foot traffic, noise and parking problems will deter guests and potential buyers and impact the value of all condos at Kuhio Shores.

**Conclusion:**

We were all supportive and understanding about granting this exemption to The Beach House Restaurant during the pandemic, but we are gravely concerned about the negative social, economic, and environmental impact that this amendment will cause. We respectfully ask this hearing committee to decline this amendment and further limit the outdoor activities at The Beach House Restaurant, unless they can address the parking, noise, and litter problems this amendment creates.

List of Kuhio Shores Owners supporting this letter:

- Haythem Abid & Ashley Tate, Condo #319
- Karen and Craig Arnold, Condo #117
- Doug Porter, Condo #308
- Kevin & Molla Wallace, Condo #305
- Jason French, Condo #212
- Brian & Allyson Lipscomb, Condo #216
- Chic Fojtik, Condo # 202
- Bill & sara Becker, Condo #114
- Chris Worley, Condo # 106
- Danny and Carol Taylor, Condo #108
- Jill Rick, Condo #306
- Jack Barnard, Condo #115
- Yifan and Brad, Condo #303
- Jeff & Sarah Anderson, Condo #316
- Dan and Jo Elliott, Condo #404

- Jim & Polly Porter, Condo #307 & 111
- Dave & Aryana Bergeron, Condo #403
- Danny and Carol Taylor, Condo#108
- Larry and Susan McDaniel, Condo #218
- Bob and Merideth, Condo # 313
- Karen Howard and Dave Arute, Condo #105
- Jim Back, Condo # 417
- Sue Galvin, Condo #217 and #415
- Dayna Freitas, Condo #213
- Patricia Calarco-Isaacson and Michael Isaacson, Condo# 110
- Jim & Jennifer Toyabrown, Condo #413
- Heather Stevens, Condo #407

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**From:** Doug Beane <poipushuttle@gmail.com>  
**Sent:** Sunday, April 10, 2022 10:56 AM  
**To:** Planning Department  
**Subject:** Beach House Restaurant SMA Use Permit Amendment

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

*To: County of Kauai Planning Commission*

*I'm writing in support of the Amendment to the Special Management Area Use Permit for The Beach House Restaurant. I urge the Planning Commission to approve this Amendment to allow The Beach House Restaurant to continue utilizing its lawn area for special events and weddings.*

*I am a resident of Kauai and a small business owner. I provide transportation services for events specifically in the Po'ipu area. I frequently transport wedding guests from their hotels in Po'ipu to The Beach House which eliminates some parking congestion. I believe these events generate positive tourist engagement with our community by supporting many local businesses and services and generating more benefit to our economy than standard tourism. My business, myself, and my employees' families depend on the income generated from The Beach House weddings and events.*

*Events at the Beach House do not interfere with use or enjoyment of the coastal area. The Beach House lawn continues to be used by locals daily for surfing, fishing, and sunbathing.*

*I sincerely hope that the Commission will approve this application.*

Thank you,

**Doug Beane**

**Aloha Spirit Kauai Shuttle**

--  
Mahalo for sharing the Aloha

Doug Beane  
Aloha Spirit Kauai Shuttle  
808-651-9945

---

**From:** JM CM <poipubeach@gmail.com>  
**Sent:** Sunday, April 10, 2022 3:16 PM  
**To:** Planning Department  
**Subject:** Planning commission testimony for public hearing on April 112, 2022  
**Attachments:** Kauai Planning Commission Beach House addition testimony.pdf

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

Aloha. Please find our written testimony attached to this email. mahalo!

--

**Chris Moore**  
**808-652-2063 HST**

RE: Amendment to special management use permit (SMA(U)-83-4, Cass IV Zoning permit Z-IV-83-27 and use permit U-83-17 to allow expansion for an outdoor restaurant use and associated improvements.  
The Beach House TMK 2-6-005:011

Aloha Planning Commissioners.

We are opposed to the permanent addition to the Beach House restaurant in the form of this open tent. As noted in the Director's report, this is a development.

Use of this tent concept during the pandemic and social distancing requirements was the proper thing to do for some businesses to generate income. The regulations for social distancing and wearing of mask has now ended and so should these emergency, temporary solutions.

This is an addition to the restaurant operation that will generate additional guests, traffic load and waste. It takes their occupancy beyond what the originally approved permits. If this were a brick and mortar addition, we suppose it would never be considered.

Our concerns are for the additional load as noted as well as the noise from conversation and table service activity in this open tent space. There no sound barriers or set back that a conventional development would provide. This is very close to the public easement for access and enjoyment of the adjacent coastline as well.

We do not see evidence that the neighboring property owners were notified or consulted in the process of this application. That seems a natural method to understand what impacts the restaurant has and what additional occupancy would create. Parking and wastewater disposal are shared with the neighboring property along with the traffic and noise.

If the Planning Commission agrees with the director's decision to approve, we encourage additional, more specific conditions be placed on the permit. The proposed condition now, restricting it to be in place no more than 14 consecutive days in three months, means they must take it down and re-install every 13 days. Clearly it will be utilized frequently to increase the restaurant activity and revenues.

Additional conditions to protect this coastal area could include:

- To specify the exact location for this tent structure.
- To limit occupancy within the foot print of the tent. No additional seating outside as shown in the photo.
- Do not allow amplified PA systems or amplified music or entertainment.
- No entertainment outside of the tent footprint.
- Limit the number of days per week it may be utilized so to not create a permanent addition to this business.

We appreciate your careful consideration of this application and to protect the neighborhood and adjacent coastline from any further encroachment by businesses.

Mahalo,  
Chris Moore and Javed Maksood  
poipubeach@gmail.com

---

**From:** ofstone@aol.com  
**Sent:** Sunday, April 10, 2022 6:44 PM  
**To:** Planning Department  
**Subject:** Testimony for April 12 agenda  
**Attachments:** kca.testimony.Beach House Amendment of SMA2022.pdf

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

Aloha,

Please find attached the testimony from the Koloa Community Association for the agenda item relating to the requested amendments from The Beach House.

Mahalo,

Jeri Di Pietro, President  
Koloa Community Association  
ofstone@aol.com  
808 651-1332



**KŌLOA COMMUNITY ASSOCIATION**

**PO Box 1313, Koloa, Hawaii 96756  
koloacommunityassociation@gmail.com**

April 8, 2022

Kaua`i County Planning Commission

Testimony in opposition to Amendment to Special Management Area Use Permit  
SMA(U)-83-4, Class IV Zoning Permit Z-IV-83-27 and Use Permit U-83-17

Aloha Chair, Vice-Chair, and Planning Commissioners,

The Koloa Community Association opposes this request from The Beach House Restaurant on Lawai Road for this amendment to expand into an outdoor restaurant and event use, and associated improvements. This amendment to the existing permits and restrictions of the Special Management Area (SMA) as well as the Coastal set back distance, are inappropriate at this location situated on a 34,900 square foot parcel.

The restaurant's previous request for applications approved in the past paid careful consideration for neighborhood impacts such as traffic, parking, waste management. They choose at that time a proper occupancy load for that building foot print. There is no room or tolerance for additional improvements or occupancy on the same lot. This is an addition that should not be approved considering the lifting of social distancing requirements. This is no longer a social distancing issue, as all such restrictions have been lifted.

This property has littered the ocean by two of the previous hurricanes. It is already very, very close to the ocean. As the County is working on the Kaua`i Adaptation Plan to address sea level rise and high tides, all of Lawai Road unfortunately sits in a perilous location, dangerously close to the coast. At this

point in time, we are already working on coastal retreat. These amendments are contrary to what changes we are facing with rising coastal waters and tides.

While we understand the beauty and open-air dining, this location is already too close to the ocean. It does not have a sufficient shoreline setback as it is. The expansion for an outdoor restaurant with associated tent structure and restaurant service equipment is too close to the coast for this makai parcel. Other restaurant set up or use should not be allowed outside of the tent or this is further encroachment from their permitted area. Entertainment should not be allowed. All in consideration of the need to be low key and respectful of the surroundings.

Two conditions that are not stipulated are the exact location of the tent and parking. The condition for how long the tent may be in place should be more stringent and clearly stated.

Another concern is density. Amendments The Beach House are asking for do not specify how many additional guests they are adding when it is in use. This additional commercial space may exceed the current 60 parking spaces from Lawai Beach Resort.

Our concerns about additional density at this location are the high-use of recreation at this area. Surfers enter and exit the water right at this point. The existing seawall has already altered what we know to be detrimental to the coastline and encroaches on the natural beauty and heavily trafficked beach access for local watermen and women.

The "floating" 5' easement for shoreline use, which The Beach House is required to provide signage since original approvals, is not currently posted to our knowledge. Required signage designating the 5' public access easement should be maintained and make visitors feel welcome.

This is the spot for many sponsored surf contests. Many of the year-round surfers at this popular area are young local residents. We should not continue to push locals away just because this is a visitor destination area. The small sand beach is



already over-crowded by visitors. We must also consider the needed habitat for the endangered monk seal, sea turtles and sea birds.

Most recently, we have seen the increased enforcement in Hawai'i of commercial activity near coastal areas, especially beach weddings, due to the overcrowding on O`ahu and Maui beaches. The wedding gazebo on The Beach House lawn area is in addition to this proposed tent and creates an unsightly commercial intrusion in this natural area. Visual and audible disturbance from the additional occupancy and location of the gazebo affects the peace for those sitting on the shoreline for recreation and sunset watching at night.

We don't find in the report that the Prince Kuhio and Kuhio Shores homeowner boards and management have been consulted in this new addition and the impact it will have. We believe their official input for this proposed addition would be a valuable method to measure existing and proposed impacts that we believe to be a concern.

Mahalo nui for considering our testimony and concern for maintaining and improving our south shore environment.

Respectfully,

Jeri Di Pietro, President  
Koloa Community Association  
PO Box 1313  
Koloa, HI 96756  
(808) 651-1332

---

**From:** info@kskauai.com  
**Sent:** Sunday, April 10, 2022 11:34 PM  
**To:** Planning Department  
**Subject:** Beach House Restaurant SMA Use Permit Amendment

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

Kauai Planning Commission  
4444 Rice Street Suite A473  
Lihue, Kaua'i, HI 96766

09 April 2022

Aloha Commissioners,

I am writing in support of the Amendment to the Special use Permit for the Beach House Restaurant. Kaua'i is finally coming out of it's long pandemic recovery. Small businesses are again thriving, many due in no small part to the Beach House Restaurant.

I provide ceremony sound and music for the reception. The Beach House was the first customer that began hiring me again once the quarantine protocols were lifted. They help keep my small business alive.

The Beach House provides a controlled and maintained wedding venue on the south shore where ocean front wedding sites are severely limited. Countless couples and their families both local and mainland have their dream wedding at the Beach House (including the Vice President of the United States's daughter). The memories that our wedding couples take back with them supports the visitor industry for Kauai. They get the quality tourists the HTA, HVCB, KVB and Kaua's County administration have been trying to bring to Kauai.

The Beach House is a member of the Kauai Wedding Professionals Association who hold themselves to the highest standard of wedding and business practices.

The Beach House hires only local vendors.

Lastly, closing the Beach House weddings would cause hardship to my businesses. I would lose more than half of my business without Beach House weddings. I would need

to let go 2 of my employees who count of the weekly weddings to pay their bills. I can attest that this is the same for many of the vendors that do business at the Beach House. The Beach House weddings are a major source of income for all of our business and by extension our employees.

Please approve the Beach House request for the Amendment to the SMP permits for weddings and events on the lawn area.

Mahalo,

Michael Dandurand

OWNER

[Kustom Sounds Kauai](#)

P. O. Box 3738 \* Lihue, Hawaii 96766

Office (808) 245-7860

[www.kskawaii.com](http://www.kskawaii.com)

## DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

### MEMORANDUM No.1 TO PLANNING COMMISSION

**RE:** Special Management Area Use Permit SMA(U)-2022-3

**APPLICANT:** Hanalei Traders, INC.

#### ADDITIONAL FINDINGS

Attached for the Planning Commission's reference are additional agency comments:

- Letter (03/31/2022) from Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD).

By

A handwritten signature in blue ink, appearing to read "Romio Idica", is written over a horizontal line.

Romio Idica  
Staff Planner

F.2.d.2.  
APR 12 2022 (A)

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD., STE 555  
KAPOLEI, HI 96707

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

March 31, 2022

Ka'āina S. Hull, Director  
County of Kaua'i  
Planning Department  
4444 Rice Street, Suite A473  
Līhu'e, Hawai'i 96766  
[khull@kauai.gov](mailto:khull@kauai.gov)

IN REPLY REFER TO:  
Project No. 2022PR00171  
Doc. No. 2203DB05  
Archaeology

Dear Mr. Hull:

**SUBJECT: HRS Chapter 6E-42 Historic Preservation Review –  
Hanalei Traders Bioengineering River Bank Stabilization Project  
County of Kaua'i Special Management Area Use Permit SMA(U)-2022-3  
Applicant: Andrew Hood on Behalf of Roger Ross  
Hanalei Ahupua'a, Halele'a District, Island of Kaua'i  
TMK: (4) 5-5-010:067**

This letter provides the State Historic Preservation Division's (SHPD's) HRS §6E-42 review of the County of Kaua'i Special Management Area Use SMA(U)-2022-3 for the Hanalei Traders Bioengineering River Bank Stabilization Project, located in Hanalei. The SHPD received the submittal on February 11, 2022, which included the SMA Use Permit Application and associated attachments, along with construction plans and aerial and site photographs (Submission No. 2022PR00171.001). The project area comprises approximately 450 linear feet along the riverbank within the larger 2.32-acre property.

The subject project consists of the installation of a bioengineered wall composed of boulders, geogrid fabric, geotextile bags, and native vegetation plantings for the restoration of an approximate 450-ft.-long area along the frontage of the riverbank that is eroding at an accelerated rate, in-part to the offsite impacts to the river system. The property, located one mile upstream from the river mouth at Hanalei Bay, is 2.32 acres and mostly level with elevations ranging from +7.5 to +5 ft. mean sea level. The riverbank is a near vertical drop of between eight and twelve feet from the subject property edge down to the river. The property is bounded by Kuhio Highway on the south and southeast, Hanalei River on the north and east, and a privately-owned parcel on the west and northwest. The property consists of one large building (Hanalei Dolphin Center), five rental cottages, a small shed, landscaped grounds with walking paths, and several permanent cement outdoor eating tables scattered on the lawn area between the restaurant and the Hanalei River.

The west boundary of the property is aligned along an 'auwai that drains taro lo'i mauka of Kuhio Highway and that empties into the Hanalei River at the northern tip of the property. It is used to access the Hanalei River by kayakers and paddlers. The proposed project site (the riverbank) does not contain any infrastructure, nor it is used for any purpose except river viewing by people.

A review of historic air images finds that the channel cross section surface, in the stretch where the subject property is located, has decreased in sections where hau bush has encroached by 20 to 30 feet, thus increasing velocity. A berm located on the property across the river from the subject property forces the flow of water back towards the channel during flood events resulting in larger volumes and higher velocities along the subject property than would be otherwise.

Although the project area has not had a formal archaeological survey, former SHPD Kauai Archaeologist Mary Jane Naone conducted a field inspection on October 19, 2015. The field inspection did not identify any historic properties

or cultural features. However, some vertically aligned rocks set perpendicular to the riverbank between and adjacent to Cottages 4 and 5 as well as a pile of rocks fronting Cottage 5 just inland from the top of the riverbank were noted during the field inspection. Although not defined as to their origin or purpose, the project will avoid them as a precaution.

Previous SHPD correspondence associated with this project TMK includes a letter dated October 17, 2017 (Log No. 2017.02049, Doc No. 1710SH07), in which SHPD concurred with a US Army Corps of Engineers project effect determination of "no adverse effect" with the conditions that a qualified archaeologist meeting the standards set forth in 36 CFR Part 61 and HAR Chapter 13-281 would conduct archaeological monitoring for identification purposes and that an archaeological monitoring plan meeting the requirements of HAR §13-279-4 would be submitted for SHPD review and approval prior to the start of project work; see also SHPD letters dated February 28, 2018 (Log No. 2018.00147, Doc. No. 1802GC11) and March 1, 2018 (Log No. 2018.00450, Doc. No. 1803GC03).

According to the County of Kaua'i Planning Department, this is the same project as described in the above reviews and although SHPD has provided previous comment, project work has yet to occur under the previous issued permits, one of which is US Army Corps of Engineers Permit No. POH-2009-00354 that was approved on March 27, 2018 and was valid through March 19, 2022. According to the County of Kaua'i Planning Department, this permit is to be renewed since the project has yet to take place, and since the scope of work has not changed, additional approvals are not required for that particular permit. Other previously approved permits associated with this project include Right of Entry and Stream Channel Alteration permits through the State of Hawai'i DLNR Land Division CWRM (Ref. No. 13KD-074 and Permit No. 5687.2).

The USDA (Foote et. al 1972) identifies the soils within the project area as Mokuleia clay, poorly drained variant (Mta) and Hanalei silty clay loam, 0 to 2 percent slopes (HmA). Based on its location, potential exists for the project to encounter subsurface historic properties not already identified or disturbed by previous development within the soils of the surrounding parcel.

Based on project information provided and historic properties identified in close proximity to the project area, SHPD has insufficient information for making a determination that the project will not adversely affect significant archaeological historic properties or human burials. Therefore, as per the previously reviewed 2017 and 2018 project correspondence, **SHPD requests archaeological monitoring for identification purposes** be conducted for the project to identify any archaeological historic properties or burials present and, if identified, to determine potential impacts to them, and to ensure that appropriate mitigation is implemented. Visit SHPD's website at: <http://dlnr.hawaii.gov/shpd/about/branches/archaeology> for a list of firms with permits to conduct archaeological work in Hawai'i.

**SHPD also requests** an archaeological monitoring plan (AMP) meeting the requirements of Hawai'i Administrative Rules §13-279-4 be submitted for SHPD review and acceptance prior to issuance of the permit. Please submit the AMP, the associated submittal review fee, and a copy of this letter to HICRIS Project 2021PR00171 using the Project Supplement option.

**SHPD shall notify the County** when the AMP is accepted, and the permit issuance process may continue.

Please contact David Buckley, Kaua'i Lead Archaeologist, at (808) 462-3225 or at [David.Buckley@hawaii.gov](mailto:David.Buckley@hawaii.gov) for questions regarding this letter.

Mahalo,

*Alan Downer*

Alan S. Downer, PhD  
Administrator, State Historic Preservation Division  
Deputy State Historic Preservation Officer

cc: Romio Idica, County of Kaua'i Planning Department, [ridica@kauai.gov](mailto:ridica@kauai.gov)  
Andrew Hood, [ahood@srgii.com](mailto:ahood@srgii.com)