



KAUAI HISTORIC PRESERVATION REVIEW COMMISSION

SUSAN REMOALDO, CHAIR
LEE GATELY, VICE CHAIR

CHUCKY BOY CHOCK, MEMBER
KATHLEEN KIKUCHI-SAMONTE, MEMBER
CAROLYN LARSON, MEMBER
SANDI QUINSAAT, MEMBER

24 NOV 27 A8:51

Pursuant to Hawai'i Revised Statutes Section 92-3.7, which codified Act 220, SLH 2021, the meetings of the County of Kauai Historic Preservation Review Commission will be conducted as follows:

THE COUNTY CLERK
COUNTY OF KAUAI

- **The meeting location that will be open to the public is:**

**Lihu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihu'e, Kauai, Hawaii**

- **Written testimony** indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to planningdepartment@kauai.gov or mailed to the County of Kauai Planning Department, 4444 Rice Street, Suite A473, Lihu'e, Hawaii 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be posted as testimony to the Kauai Historic Preservation Review Commission's website prior to the meeting (<https://www.kauai.gov/Government/Boards-and-Commissions/Historic-Preservation-Commission>). Any testimony received after this time will be retained as part of the record, but we cannot assure the Commission will receive it with sufficient time for review prior to the meeting.
- **Oral testimony** will be taken on specific agenda items, **at the public meeting location** indicated on the meeting agenda.
- **IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ADAVIS@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.**

KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION MEETING
NOTICE AND AGENDA

Thursday, December 5, 2024
1:00 p.m. or shortly thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

RECEIVED

24 NOV 27 A8:52

OFFICE OF THE CLERK
COUNTY OF KAUAI

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. MINUTES OF THE MEETING(S) OF THE KHPRC
 - 1. September 19, 2024 Meeting Minutes
- E. GENERAL BUSINESS
- F. COMMUNICATIONS
- G. UNFINISHED BUSINESS
- H. NEW BUSINESS

1. Olu Pua Gardens LLC

Proposed commercial uses to be conducted on an existing historic property

Tax Map Key: (4) 2-4-007:016

Wahiawa, Kaua'i

Consideration of a Class IV Zoning Permit (Z-IV-2025-6), Use Permit (U-2025-4), and Special Permit (SP-2025-1) to conduct outdoor commercial events, including but not limited to weddings and public/ private gatherings on the subject property.

- a. Director's Report pertaining to this matter.

2. Island Self Storage, LLC.

Proposed construction of two (2) additional storage buildings and two (2) residential units at the existing storage facility

Tax Map Key: (4) 3-2-005: 009

Nawiliwili, Kaua'i

Consideration of a Special Management Area Use Permit (SMA(U)-2025-4), and amendments to Class IV Zoning Permit (Z-IV-2015-12), Use Permit (U-2015-11) to allow construction of two (2) additional storage buildings and two (2) residential units at the existing storage facility in Nawiliwili, located approximately 400 feet south of the Niumalu Road/Nawiliwili Road intersection, further identified as 2670 Niumalu Road

I. EXECUTIVE SESSION:

Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the County's legal counsel on questions, issues, status and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters:

1. Olu Pua Gardens LLC

Proposed commercial uses to be conducted on an existing historic property

Tax Map Key: (4) 2-4-007:016

Wahiawa, Kaua'i

Consideration of a Class IV Zoning Permit (Z-IV-2025-6), Use Permit (U-2025-4), and Special Permit (SP-2025-1) to conduct outdoor commercial events, including but not limited to weddings and public/ private gatherings on the subject property.

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Tax Map Key: (4) 3-2-005: 009

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J. ANNOUNCEMENTS

1. **Historic Hawai'i Foundation Preservation in Practice Webinar via Zoom**
"Archeological Investigations and Their Role in Preservation"
Wednesday, December 11, 2024
10:00am-Noon

K. SELECTION OF NEXT MEETING DATE AND AGENDA TOPICS (January 16, 2025)

L. ADJOURNMENT

COUNTY OF KAUA‘I
Minutes of Meeting
OPEN SESSION

DRAFT To Be Approved

Board/Commission:		Kaua‘i Historic Preservation Review Commission	Meeting Date	September 19, 2024	
Location	Mo‘ikeha Meeting Room 2A/2B		Start of Meeting: 1:00 p.m.		End of Meeting: 2:46 p.m.
Present	Chair Susan Remoaldo. Vice Chair Lee Gately. Commissioners: Chucky Boy Chock, Kathleen Kikuchi-Samonte, Carolyn Larson, and Sandi Quinsaas. Deputy County Attorney Charles Foster. Planning Department Staff: Director Ka‘āina S. Hull , Deputy Director Jodi A. Higuchi Sayegusa, Planner Marisa Valenciano, Secretary Duke Nakamatsu and Programs Manager Myles Hiranaka. Office of Boards and Commissions: Boards and Commissions Administrator Ellen Ching and Commission Support Clerk Arleen Kuwamura.				
Excused					
Absent					
SUBJECT		DISCUSSION		ACTION	
A. Call to Order		Chair Remoaldo called the meeting to order at 1:00 p.m.			
B. Roll Call		Deputy Planning Director Jodi A. Higuchi Sayegusa verified attendance by roll call: Commissioner Chock replied here. Commissioner Kikuchi-Samonte replied here. Commissioner Larson replied here. Commissioner Quinsaas replied here. Vice Chair Gately replied here. Chair Remoaldo replied here.		Quorum was established with six Commissioners present.	
C. Approval of the Agenda		Chair Remoaldo requested to amend the agenda to take item H. New Business, item 1 relating to the Jiro Yukimura Trust and Jennie T. Yukimura Trust as the first item, item E. General Business item 1 relating to the Overview Presentation of the Plantation-Camp Form Based Codes as the second item, and item H. New Business 2 relating to Gay & Robinson, Inc. as the third item.		Vice Chair Gately moved to approve the agenda, as circulated with the exception of taking agenda item H.1 before item E.1. The motion was seconded by Ms. Kikuchi-Samonte. Motion carried 6:0.	

SUBJECT	DISCUSSION	ACTION
<p>D. Approval of the Minutes of the Meeting(s) of the KHPRC</p>	<p>February 15, 2024 Meeting Minutes May 16, 2024 Meeting Minutes</p> <p>Chair Remoaldo asked that the meeting minutes be approved with spelling and grammar corrections provided by the Commissioners.</p> <p>Ms. Larson asked if the requested changes needed to be read into the record. Ms. Higuchi Sayegusa stated that as long the changes requested were grammatical or spelling corrections, the changes could be incorporated as such.</p> <p>Regarding the February 15, 2024 Meeting Minutes, Ms. Larson pointed out that on page 7 of the Meeting Minutes, she recalls making the motion noted in the Meeting Minutes, but there was no second made indicating that the motion failed for the lack of a second. She stated that the lack of a second was not indicated in the Meeting Minutes. Ms. Higuchi Sayegusa stated that staff will review the meeting recording and clarify the lack of a second within the Meeting Minutes.</p> <p>Chair Remoaldo stated that when amendments or revisions to Meeting Minutes are made, the revisions should not alter the content of what was said or discussed during the meeting. Corrections made for grammar or spelling errors are necessary revisions that can be made through the Meeting Minutes approval process. She asked the Commissioners to be as clear as possible when sharing commentary on agenda items so that there is no question of what is being said or left to the interpretation of the person transcribing the meeting minutes.</p> <p>Revisions requested by Chair Remoaldo and Ms. Larson for the February 15, 2024 Meeting Minutes and the May 16, 2024 Meeting Minutes are attached hereto and incorporated herein by reference.</p>	<p>Vice Chair Gately moved to approve the February 15, 2024 Meeting Minutes with spelling and grammatical revisions requested by Commission Members. Mr. Chock seconded the motion. Motion carried 6:0.</p> <p>Vice Chair Gately moved to approve the May 16, 2024 Meeting Minutes with spelling and grammatical revisions requested by Commission Members. Ms. Quinsa seconded the motion. Motion</p>

SUBJECT	DISCUSSION	ACTION
		carried 6:0.
F. Communications	<p>There being no objections, Item F. Communications was taken out of order.</p> <p>There were no Communications on the Commission's agenda.</p>	
G. Unfinished Business	<p>There was no Unfinished Business on the Commission's agenda.</p>	
H. New Business	<p>There being no objections Item H. New Business was taken out of order.</p> <p>1. Jiro Yukimura Trust and Jennie T. Yukimura Trust Proposed Relocation of a Single-Family Residence and the demolition of accessory structures Tax Map Key: (4) 3-7-006:002 Hanamā'ulu, Kaua'i</p> <p>Consideration of a zoning permit for the proposed relocation of a single-family residence and the demolition of accessory structures.</p> <p>a. Director's Report pertaining to this matter.</p> <p>There was no one present in the public to testify on this agenda item.</p> <p>Your Commission heard from Marisa Valenciano, Planner, who explained the following about the subject project:</p> <ul style="list-style-type: none"> • The Applicant is currently in the process of subdividing their existing lot into 4 separate lots. In preparation for that subdivision, the Applicant needs to clear out, consolidate, or relocate some of the structures. • The Subdivision process is separate and apart from this process and has already commenced. • The focus today before the KHPRC is limited to the zoning permits related to the relocation and the demolition of the structures. 	

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	<ul style="list-style-type: none">• The Commission's recommendation could look towards potential mitigation commitments that could be imposed as a part of the zoning permits.• The Applicants are proposing to relocate the single-family residence to an offsite location. They are proposing to relocate the maid's quarter and a shed to another portion of the property. It will remain onsite, but in a different location.• There are other accessory structures such as a carport, greenhouse, and shed that are being proposed for demolition. There are multiple structures and different actions for different structures on the property.• The subject property is before the KHPRC because it is potentially eligible for listing through the National State Register under criteria B relating to significant persons.• Though the property may be exempt pursuant to Hawai'i Revised Statutes (HRS) 6E-42.2 under State Law for State Historic Preservations Division (SHPD) review, KHPRC is separate and apart from that process. The Department felt for this Applicant, it may be appropriate to come before the KHPRC because the property may be eligible for listing and the KHPRC may want to recommend mitigation requirements given those circumstances.• In addition to what is provided in the Director's Report, there were character defining features that were noted in real property records that were not included in the Director's Report.• The Department's evaluation revealed that the single-family structure and the maid's cottage are the unique structures on the property. Those structures are proposed for relocation and that is a preferred alternative than demolition.• The Department recommends that the KHPRC support the proposed project with the condition as represented in the Director's Report, which relates to having the Applicants affix a plaque that can memorialize the historic significance of the property. <p>Your Commission heard from Max Graham, Attorney, representing the two applicant trusts. Your Commission also heard from JoAnn A. Yukimura, Trustee. Ms. Yukimura is the daughter of Jiro and Jennie Yukimura.</p> <p>Mr. Graham noted that the property being discussed is Ms. Yukimura's childhood home. It was</p>	

SUBJECT	DISCUSSION	ACTION
	<p>initially Lot 2 of the Hanamā‘ulu Town Tract Lot A Subdivision that was approved in 1952. At the time, the structure on the property was in-place. That structure had been built in 1949 according to records. The owner of the property at that time was Līhu‘e Plantation Company.</p> <p>Based on his findings, Mr. Graham noted that the home appears to have been built by the Plantation for someone at the managerial level of the Plantation. Eventually, the Plantation decided to create a larger subdivision which is the 1952 subdivision. Since then, Hanamā‘ulu has been greatly developed by subdivision all around the subject properties. The Yukimura’s bought the properties in 1961, so it has been under their ownership for over 60 years. Jiro and Jennie raised their five children on the property. Ms. Yukimura was the Mayor of the County of Kaua‘i from 1988 to 1994 and served 22 additional years as a Councilmember. Mr. and Mrs. Yukimura were very active in the community. Mr. Yukimura was a member of the 442nd Regimental Combat Team in World War II.</p> <p>With the deaths of Mr. and Mrs. Yukimura, the property is slated to be distributed to the children. The way this will be done is to create a 4-Lot subdivision of the property. The Estates are being distributed, but four of the lots will go to four of the children.</p> <p>The house straddles the entire property along with what is being called the maid’s cottage and a couple of sheds. The plan is to preserve the house itself by entering into contract with Kikiaola Construction Company (Kikiaola) to relocate the structure. It is still not known where the final landing place will be for the structure, though initial plans indicate that Waimea may be where the home will be relocated to. Kikiaola is purchasing the building intact so that it can be preserved and relocated. One of the suggestions being discussed is to affix a plaque to the building indicating the history of the building itself.</p> <p>The maid’s cottage and cottage #1 will be relocated on property to the area that will become Lot 3. Those two structures will also be preserved. The other outbuildings will be demolished and removed from the property. The Department has taken photographs of the property to memorialize how the property currently stands.</p> <p>Vice Chair Gately asked if the Applicant or the ultimate buyer of the main structure had any</p>	

SUBJECT	DISCUSSION	ACTION
	<p>objections to a plaque being affixed to the home. Ms. Yukimura stated that Kikiaola was informed of the recommendation made by the Department for a plaque to be affixed to the structure. Given that Mr. Mike Faye, the owner of Kikiaola Construction Company is an advocate for historic preservation, she does not think affixing a plaque to the structure will be a problem.</p> <p>Ms. Yukimura stated that she grew up oblivious of the historic character of the home she grew up in. The home was purchased by her parents because of the need for more space to house the five children that were raised there. People thought Mr. Yukimura was crazy for paying \$27,000 for the house back in 1961 or 1963. The home is full of memories and family times together. The family thought the home had to be demolished because of the termite damage, but were delighted to hear from Mr. Faye that he could move the home in its current condition. The family appreciated that the home would be preserved, and that the demolition debris would remain out of the landfill.</p> <p>Ms. Yukimura explained that it is hard for her to see the historic significance of the home simply because of her family's history and accomplishments. The family purchased the home from Ms. Betty Black. The home is beautiful and houses a lot of memories for her, but it is currently falling apart, and she is happy to have Mr. Faye preserve the property. Ms. Yukimura explained that the maid's cottage will most likely be restored for her brother as a small home, and that each of her four siblings will each get one of the lots on that property. Subdividing the lot will enable her brother to remain on Kaua'i.</p> <p>Ms. Quinsaas asked if an Environmental Impact Statement (EIS) was planned for the properties given the current laws as well as examples of properties on the North Shore finding issues with cesspools and burials. Ms. Yukimura stated that to her knowledge, an EIS would not be a requirement of subdividing the land. Ms. Higuchi Sayegusa stated that an EIS would not be triggered from this specific subdivision. Ms. Higuchi Sayegusa stated that an EIS may be triggered for sensitive areas such as near the coastline. For this particular property, an EIS would not necessarily be needed as it does not involve State or County funds, nor does it impact the coastal area of the island. If the property was already on the National Historic Register, then an EIS would have been required. Ms. Valenciano stated that the Subdivision Application for this</p>	

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	<p>property was routed to SHPD, as confirmed by the Department's Subdivision Planner, and there is a requirement that the Applicant install a sewer system or connect to the sewer line as a condition of receiving final subdivision permits that is an exemption per HRS 6E-42.2.</p> <p>Ms. Kikuchi-Samonte stated that the single-family residence was constructed in 1888. She noted her confusion between the year-built and the effective year-built and asked for further clarification. Ms. Valenciano stated that the difference is a determination made by the Real Property Assessment Division. The construction year is when the structure was built. The effective year date is the date of any major modifications done to the home through renovations. The Department will look at both dates as it relates to historic preservation. Ms. Valenciano stated that based on the limited information that was available for the structure, it was built in 1888.</p> <p>Mr. Graham stated that the building was constructed in 1949. The reference to 1888 could not be reconciled through any information available, though there could have been a former structure or house on the property that dated back to 1888. Based on the construction of the home, it is evident the home was not constructed in 1888.</p> <p>Ms. Larson stated that based on her knowledge, the reason that the original year built is noted is that there was a portion of the home that may have originated in that year and that other enhancements or renovations were later added to it. She feels it is important to note that there are portions of the house may have originated back from 1888. Ms. Yukimura stated that there were additions made to the home through the year including stone steps that were covered by a screened patio through the years. There were additions made, but when they were made and how many were made are unknown. Ms. Kikuchi-Samonte added that they family could be surprised to find out the true historical nature of the property when the movement is made.</p> <p>Ms. Larson stated that the property has historic value. She noted that as Ms. Valenciano pointed out there are two qualifications that could deem it appropriate for it to be listed on the Historic Register. The first being it housed important persons and the second being it is composed of construction specific to that era and time. She further stated that removing or rebuilding structures removes the greater share of the historical value of a property. She felt that what is</p>	<p>Ms. Larson moved to approve the Planning Department's recommendation as presented with the requirement of documenting the site and</p>

SUBJECT	DISCUSSION	ACTION
	<p>being proposed is removing or destroying the historical value of the site. In her mind, Ms. Larson would have liked to see a site that was kept intact to show the historical context and value that a family like the Yukimura's had for the island. Not only did the family have a famous daughter who contributed to the island, the home housed a member of the 442nd Regimental Combat Team. Ms. Larson stated that the home had remained untouched with the exception of possible remodeling for over 60 years. Ms. Yukimura clarified that the home had repairs done due to damage sustained from Hurricane Iniki and had other minor renovations done. Ms. Larson stated that she could see the site be used for historical tours that could be interpreted through the site, though she did not see the Yukimura Family wanting to change course and not move forward with the subdivision process. Ms. Larson further stated that what is being proposed is a reasonable alternative if the family is not interesting in preserving the historical nature of its property and its structure as-is. Ms. Larson also expressed her interest in seeing the site and life of the family be documented to preserve those historical aspects as it relates to the property through photos and locators on the property for the eventual new owners to appreciate. Part of this documentation is the story of the family itself. Ms. Larson encouraged Ms. Yukimura to memorialize the story of her family in a memoir. She further expressed wanting to see the different stories of the area be documented and how they could tie into Ms. Yukimura's life and family. Ms. Larson indicated she would like to see that a story of the family be recorded and that the site be documented.</p> <p>Chair Remoaldo stated that for those who have visited the Waimea Plantation Cottages, each of the structures have the name of the family or person who previously occupied that home within the house or affixed somewhere on the house. That adds to the charm of that particular building. She would like to see more than just the name of the family but would appreciate more about the family included in each home. She is hopeful that with this particular project, that can be done.</p> <p>Vice Chair Gately asked for clarification from Ms. Larson on her motion. Vice Chair Gately stated that as he understood it, the motion is to accept the Planning Department's recommendation to recommend that a plaque be added to the house indicating the former residence of the former Mayor and to add a historical story of the family and the former Mayor once the house is relocated. Ms. Larson clarified that her motion included having a written</p>	<p>recording stories of the family. Ms. Quinsaat seconded the motion.</p> <p>Ms. Larson moved to amend her original motion to include the recommendations that Ms. Valenciano made in the Director's Report, which includes the plaque.</p> <p>Ms. Larson withdrew her motion to amend, as well as her original motion. Ms. Quinsaat withdrew her second on the original motion.</p>

SUBJECT	DISCUSSION	ACTION
	<p>record of the family history that goes with the house and to expand the plaque to include more information about the family. Ms. Yukimura reminded the Commission that only a finite amount of information can be included on a plaque. Ms. Higuchi Sayegusa stated that the Department would work with the Applicant on what would be reasonable information to include on a plaque.</p> <p>Mr. Graham and Ms. Yukimura thanked the Commission for their work and time.</p>	<p>Ms. Larson moved to approve the proposal as presented by the Planning Department, with the recommendations in the Planning Director's Report, as well as documenting the site and recording the story of the family. Ms. Quinsaas seconded the motion. Motion carried 6:0.</p>
<p>E. General Business</p>	<p>There being no objections, Item E. General Business was taken out of order.</p> <p>1. Overview Presentation of the Plantation-Camp Form Based Codes</p> <p>There was no one present in the public to testify on this agenda item.</p> <p>Your Commission heard from Ka'aina S. Hull, Planning Director. Mr. Hull apologized to the Commission for the informal nature of his presentation. Mr. Hull noted that Alan Clinton, who is one of the leads for this project often gets cannibalized by the Kaua'i Emergency Management Agency for his Graphical Information Systems (GIS) and technology skills when there are emergencies. Currently, there is a fire situation on the North Shore of the island that Mr. Clinton had to attend to. Mr. Hull presented the following:</p> <ul style="list-style-type: none"> • Form Based Code is a planning paradigm that flips standard zoning on its head. • Zoning regulations and land use regulations generally are compartmentalized within a particular type of use within zoning districts. • For example, in an Urban Area, within that Urban Area you can have particular use districts that are geared for specific uses. In the Commercial District, you can have commercial uses. There will be setbacks, lot coverages, and height requirements that come 	

SUBJECT	DISCUSSION	ACTION
	<p>along with them. In the Industrial District, you can have industrial uses. There will be setbacks, lot coverages, and height requirements that come along with those uses. The same can be said for Residential Districts.</p> <ul style="list-style-type: none"> • Districts are generally split up by uses and are segregated by uses. • Historically, uses did not remain compartmentalized as you saw mixed use throughout the island. • The conversation that has developed within the planning realm is where should mixed use occur and where should single-use designations remain. • Planners have realized that sometimes the buildings themselves warrant specific uses that policies try to get to. The building becomes more important than the use itself and becomes the primary driver. • The form and character of a built environment is much more indicative of the type of land uses and communities that we want to evolve in those areas. • A pure Form Based Code would state that there are certain buildings that you have to use in the area, and you can use it for whatever use you would like, as long as you have specific building types. That does not exist on Kaua'i and in most areas using Form Based Code. • Uses are still regulated within Form Based Code, but the primary driver is building type. You can have specific building types, and the regulations are based on how those buildings interface with the street or the public zone. The interface between public and private interfaces is paramount to Form Based Code zoning. • With Form Based Code, you will see structures placed a lot closer to the street. As a design aspect, the closer buildings are to street, the safer the streets are as vehicles slow down based on this proximity. • On Kaua'i, Form Based Code is used heavily in the South Kaua'i Community Plan. The General Plan serves as the 50,000 ft. view of what land use policies will be (i.e., where we should develop and where we should not develop). Diving deeper down will be the community plans that contain the 20,000 ft. view of specific communities (i.e., is this type of development relevant here, should more infill development be done in the town core, etc.). The regulations are at the bottom level and are incorporated in Chapter 8 of the Kaua'i County Code 1987, as amended, also known as the Comprehensive Zoning Ordinance (CZO). 	

SUBJECT	DISCUSSION	ACTION
	<ul style="list-style-type: none"> • In the past decade, the question that has surfaced in planning meetings is whether the County should be adopting building standards that are unique to individual towns to preserve the form and character of those individual towns. • Form Based Code has been adopted as of recent and new developments are now having to adapt to the form and character of the areas that they are going to be a part of. • The first area to implement Form Based Code was South Kaua'i in their urban core. • The next area that was focused on was the West Side community. The Department clearly knew that the community wanted to do Form Based Code for the urban areas of Waimea Town, Kekaha Town, and some parts of Hanapēpē, all of which are embedded within the West Kaua'i Community Plan. • The outliers of those towns were the plantation camps such as Pākalā, Kaumakani, and Numila. • The official policy of the County is to amortize these communities out of existence. • These properties are on agricultural lands that can have only approximately 5-10 houses on them no matter the acreage. • Kaumakani Camp is essentially comprised of non-conforming use structures that cannot be repaired or rebuilt once they pass the 50% threshold, which is ultimately a violation of the CZO. • The premise was that the plantation camps needed to be phased out and the tenants need to move to other towns. That is not a good policy to have and not one the County wanted to move forward with. • From a historic preservation standpoint or from a community standpoint, this was not a good policy. The island is also under a housing shortage crisis so reducing inventory is also not advisable. • Within the West Kaua'i Community Plan, the Department was able to adopt a Plantation-Camp Zoning District around the camps that allow them to be able to rebuild. • The Department also got passed a Plantation-Camp Zoning Ordinance which was specific to Kaumakani Camp and Avenue, Pākalā, and Numila to allow them to evolve and grow. • When the County was in Form Based Code infancy, they used Opticos Design, Inc. to help craft the Form Based Code for South and West Kaua'i. • The cost to craft the language and compile the data needed for the South and West Kaua'i 	

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	<p>Form Based Code was approximately \$250,000 each. Given that the County nor Gay & Robinson had these funds available, the Department was able to work with the State Department of Health, who had an educational grant available to secure \$20,000 for the training of Planning Staff to learn how to craft language and collect data for the Form Based Code proposals.</p> <ul style="list-style-type: none">• The Department provided the Commission with a copy of the Plantation-Camp Form Based Code. The language and exhibits were made for Kaumakani Camp. The overlay includes transects, including transects for Kaumakani Village and Village Flex.• The one building type in the Kaumakani Village sect is Kaumakani Cottage.• On page 28, the Kaumakani Village Cottage is depicted. That building type is used throughout the Kaumakani Village. Given that that building type is pervasive throughout what currently exists, that is the building type that is allowable in that area to keep the form and character of Kaumakani Village. It would be inappropriate within this area to put any other building type.• On page 10, there is a lot of vacant space within the area. Other building patterns were created for future development of that vacant space that were developed from the Cottage pattern.• The Department did observe and find other types of buildings such as a dormitory building and an administrative building in the area which were added to the descriptions.• The developers can propose various structures, but the structures need to meet one of the building types noted in the Form Based Code for this area. <p>Vice Chair Gately asked whether the data that was collected was based on current use or historical use. Around every corner a family store could have existed on top of the company store. Mr. Hull stated that that level of detail was not incorporated into the proposal. Only the dimensions of the existing buildings that remain at the site were taken into account. The single man house is a historical reference that is currently being used for offices and was previously a dormitory but was documented for its historical use.</p> <p>Mr. Hull mentioned that the Department is in the process of drafting a Form Based Code Ordinance for Numila Camp which has a mixture of historical and current uses built into it.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>There were previously 480 square foot homes that were considered Hawai'i Sugar Plantation Association (HSPA) cottages in the area so both current structures and the HSPA cottages were allowed in the area for future development. Ultimately, the Kaua'i County Council and Mayor have the final say, but that is what is being proposed by the Planning Department for the Numila Camp area.</p> <p>Ms. Larson asked for confirmation that when the Department came up with an average-sized house for Kaumakani Camp, the Department indicated that the landowner could build that average-sized house or could build a replica of any of the other types of houses as well. Mr. Hull confirmed that Ms. Larson was correct. Mr. Hull further stated that there is a range that is included in what is defined as the average-sized house.</p> <p>Chair Remoaldo asked how the roads were considered in the Form Based Code. Mr. Hull responded that with Form Based Code, the interface between the buildings and the streets is important. When setbacks are created and consideration is being given to the boundary lines between the public and the private areas, things got a little blurry. The roads in these areas are all private. Lots are not evident as the entire area is one big lot. The Department had to craft language to address roadways and private versus public boundaries. The Department was able to find discernable boundaries for what the tenants of the area were using as roadways and that is what standards were generated from. Mr. Hull noted that from a planner's perspective, Kaumakani Camp is a dream come true. Homes tucked away near the roadways makes the roadways feel narrower. That narrow roadway makes people drive slower. The roadways are also substandard. What is being done across the country is that Federal Highways standards are being applied to municipal roadways which make them wider and lead to people driving faster within neighborhoods. Mr. Hull shared his story of how he was able to work with the Department of Public Works, Engineering Division and the Kaua'i Fire Department to come to an amicable resolution on incorporate a substandard roadway that allowed fire access in the Kaumakani Camp area.</p> <p>Ms. Kikuchi-Samonte asked how the concept of having a garage plays into the design aspect if a property does not have the room for a separate garage. Mr. Hull responded that the only requirement is that there is off-street parking for vehicles. Whether they can accommodate the</p>	

SUBJECT	DISCUSSION	ACTION
	<p>parking with the house or they can accommodate it through the community garages that exist, is up to the landowner. The only requirement is that the garages are located on the side or rear of the main structure. Discussions were had with the landowner as to the number of garages that were not necessarily permitted by the landowner or the County to be erected. Given the pervasiveness of the garages, the Department decided that it would not prohibit them and would actually mandate that they be allowed as a part of the form and character of the area.</p> <p>Mr. Hull offered for the Department to come back when Mr. Clinton is available should the KHPRC wish to have more extensive dialogue on the topic. Mr. Hull also informed the Commission that the Department is working with BBCP for Numila Camp (after have been previously told by previous owner Alexander & Baldwin that they were not interested in Form Based Code) and with Gay & Robinson for other lands they own on creating Form Based Code overlays for other plantation camps. These areas are all under the 15-acre threshold for not having to go before the State Land Use Commission. That process could include a lot of time and legal expenses. Both proposals will be brought before the Commission for input in the next few months.</p> <p>Vice Chair Gately asked whether a resident with a garage could convert that to an auto repair shop, if that would be allowed and would Form Based Code lift the current zoning designations of that area. Mr. Hull responded that for most of the areas in question a Special Use Permit (included a public hearing) would be needed for that type of operation to occur. In Kaumakani Camp, there are areas that are designated as commercial and commercial activities can continue in those areas.</p> <p>Ms. Larson asked whether the Form Based Code encourage preservation of the existing structures, or does it encourage letting the structures fall down and allow them to rebuild something brand new that follows the requirements of the Code. Mr. Hull responded that some view Form Based Code as a preservationist policy and document. From a high-level viewpoint it does just that. It protects the form and character of an area. At a granular-level, Form Based Code is not a historic preservation document. It allows for demolition and reconstruction. What they propose to replace the structures demolished needs to stem from the historical built environment, but from a granular case-by-case historic preservation approach, it is not</p>	

SUBJECT	DISCUSSION	ACTION
	<p>necessarily what it was meant for.</p> <p>Mr. Hull explained using former Mayor Yukimura's house relocation item as an example that in that situation, after the house is moved, a completely different type of structure could be built in its place. Whereas in Form Based Code areas, newly constructed structures would need to be built within the confines of the form and character that has been designated for that area.</p> <p>Ms. Larson asked where in the process of setting up Form Based Codes does history come into play and what kind of historical consultation is happening. She mentioned that she is observing a gap in the historical preservation aspect of what is going on. Ms. Valenciano responded that as it relates to Form Based Code and historic preservation efforts, the Numila Camp Form Based Code proposal process included a hefty communications packet from the former owners Alexander & Baldwin. This informational packet contained a lot of historical information that was used by the Planning Department in historic preservation of Numila Camp, something that would have otherwise been lost without the collaboration between property owner and Planning Department in creating the Form Based Code for that specific area. Ideally this type of historical data is available to the Planning Department, though there are times where that level of detail is not easily obtainable. Ms. Valenciano further reassured Ms. Larson that as these Plantation-Camp proposals are brought before the Commission, they will see traces of historical preservation intertwined in the recommendations being made and embedded into the Code.</p> <p>Ms. Larson stated that Kaua'i is lucky to have the Planning Department Staff that we do and to have people who care about historic preservation. Ms. Larson further stated that she wanted to note on the record the hole that currently exists in various policies and processes in overlooking historic preservation by landowners. Ms. Larson pointed to the recent application regarding the Weinberg property near Hilo Hattie and the large kamani tree in the area where the applicant proposed removing the tree and structure and building something in its likeness to retain the historical nature of what is currently there. Ms. Larson mentioned that this kind of problem is not uncommon. Mr. Hull acknowledged Ms. Larson's concerns and noted that historic preservation laws have very little teeth when it comes to being held in the same context as Constitutional property laws. However, Mr. Hull stated that historic preservation is an important component of</p>	

SUBJECT	DISCUSSION	ACTION
	<p>the permit approval process and that is why the Planning Department sends these kinds of applications to the KHPRC for recommendation(s). To help further explain his point Mr. Hull referred to Ms. Larson's example of the structure next to Hilo Hattie in Līhu'e and after review by the KHPRC, the landowner recognized the concerns raised and notified the Planning Department that they would not be proceeding with the demolition of the historic structure. The reason for the change of heart was based on the discussion and dialogue that occurred at the KHPRC meeting.</p> <p>Ms. Larson suggested possibly drawing a historic core around the Kaumakani Camp area and trying to encourage preservation of assets in-place with the Form Based Code taking over for the bigger picture overview. Ms. Larson asked if by using Form Based Code, is the Department now destroying the historic district. Mr. Hull stated that from a regulatory framework for future codes the answer is yes. It will be hard to go backwards on these particular areas as they have already been approved. The Planning Department could go back to the Council to make specific tweaks, but it probably would be difficult to add additional overlays without having the landowner's consent. Mr. Hull was hesitant in speculating what could occur in other parts of the island that utilize Form Based Code as each scenario is very different. Ms. Larson expressed her feeling that the difficult discussion may be worth the effort in preserving such historical areas of the island and something we cannot go back in time to get back ever again. Ms. Larson stated that these stories are going to be lost, and its historical significance will be lost as well. Mr. Hull noted that in his discussion with Gay & Robinson, he pointed out that without Form Based Code, the renovations and rebuilding of structures within Kaumakani Camp could not be accomplished due to current laws that would outlaw much of the plans that Gay & Robinson would like to see in this area. Furthermore, Mr. Hull noted that he, along with other Planning Directors from across the state will be visiting some of the remaining plantation camps around the state to get additional reference dimensions and measurements to develop a Plantation-Camp Form Based Code that can be used by developers on Kaua'i as an option.</p> <p>Chair Remoaldo thanked Mr. Hull for his presentation and for answering the Commission's questions.</p>	<p>Ms. Larson moved to receive the presentation on the Plantation-Camp Form Based Code for the record. Vice Chair Gately seconded the motion. Motion carried 6:0.</p>

SUBJECT	DISCUSSION	ACTION
<p>H. New Business (cont.)</p>	<p>There being no objections, Item H.2 was taken out of order and proceeded as follows:</p> <p>2. Gay & Robinson, Inc. Proposed Construction of House #411 in Kaumakani Avenue Tax Map Key: (4) 1-7-006:001 Kaumakani Avenue, Kaua'i</p> <p>Consideration of a zoning permit for the proposed construction of a single-family residence.</p> <p>a. Director's Report pertaining to this matter.</p> <p>There was no one present in the public to testify on this agenda item.</p> <p>Ms. Valenciano explained that this agenda item was previously before the Commission in November of 2023. At that time, the intent was to demolish and reconstruct the same house that was previously damaged by a fire. The KHPRC supported the project with conditions. The Applicant filed for a demolition permit. The permit was approved and to the Department's knowledge, the structure and debris were removed. The Applicant is now coming back for the reconstruction permit. This time, instead of reconstructing the same structure that was previously there, the Applicant wants to propose doing a reconstruction of House #415. This is a different house located on the same street and it has a smaller footprint than House #411. The Applicant feels that a smaller footprint will help them save on construction costs.</p> <p>Ms. Valenciano expressed that as explained by Mr. Hull's Form Based Code presentation, that Code is in effect right now. What Mr. Hull did not mention is that Chapter 10 also gives the landowner the authority to choose between doing what is prescribed under Form Based Code Avenue Cottage or they could also re-build the same structure back. The Applicant has a choice and legally either option would be permitted depending on what the Applicant chooses. To clarify, under Plantation-Camp Zoning the Applicant can either build the same house that was there, which would be House #411 or if the Applicant chose to go the Plantation-Camp Form Based Code route and build House #415, that option would be in conformance by size and</p>	

SUBJECT	DISCUSSION	ACTION
	<p>standards. If the Applicant chose to build House #411, that would not conform to Form Based Code because the previous footprint was twice as large as what House #415 is. There are also character differences between the two structures. The Department did want to make the Commission aware that the footprints are different, and the structures are a little different as well. However, if the Applicant chooses to go down the Form Based Code route and build House #415, that would be within the footprint and be a building type that is within the Code for Kaumakani. The house type is one that exists and is authentic. The KHPRC is asked to advise on what is appropriate in this situation. Though both options are allowable and permitted, it is ultimately within the Commission's purview to discuss what is appropriate and provide feedback to the Applicant. Ms. Valenciano stated that she, the Applicant, and Mr. Hull are available should the Commission have any questions.</p> <p>Ms. Valenciano stated that this agenda item is the first example where the Plantation-Camp Zoning District and the Form Based Code are both in effect. Previous applications that have come to the Department from Gay & Robinson were all under the Plantation Camp Zoning District only, meaning they had to rebuild the exact same structures. This is the first application where the Applicant has a choice. Legally, whichever option the Applicant decides to choose will be permitted outright.</p> <p>Chair Remoaldo thanked Ms. Valenciano for her work on this item.</p> <p>Your Commission heard from Howard Greene and Dana Curnan, Gay & Robinson, Inc. Mr. Greene thanked the Commission for entertaining the application. Mr. Greene asked to summarize the letter that was submitted regarding this item. The reason for the change for reconstruction of the house that burned down was because the original structure was very large and had many modifications like decks and other add-ons. Gay & Robinson hired an Architect to reconstruct the footprint. When the project went out to bid, the bids came back very expensive. The company is trying to keep rents affordable and with the original design and footprint, the rent for that home would no longer be affordable. Gay & Robinson had success with the reconstruction of Houses #415 and #435, so it was decided that they would pursue the same footprint and floor plans for other reconstruction projects of other houses. The location of House #411 is actually in a row with four other houses of the same type, so it will fit right in and be</p>	

SUBJECT	DISCUSSION	ACTION
	<p>much more affordable for the landowner.</p> <p>Ms. Larson stated that it is very nice that the Commission has two good proposals to choose from and that the landowner has two good proposals to choose from. Ms. Larson asked whether the Architect was able decipher what the original structure that burned down was like without any of the add-ons. Mr. Greene responded that the Architect did not go that far as to investigate that. Mr. Greene did mention that there was a large wrap-around deck that enveloped the home, as well as complicated eaves that were not original. There was also an extension built at the back of the home. As the house burned down, the landowner did not go through the painstaking task of trying to find the original plans.</p> <p>Ms. Larson stated that one of the characteristics of a lived-in community is that everything is not the same. If you follow that principle, you want to have an outlier and an odd house in a row instead of having all the houses look the same. However, in the planation camps, most of the houses were the same. Ms. Larson stated that to her, it would make sense to want to re-build the structure back to its original form without any of the additions. If the landowner is unable to tell what the add-ons were, then it would be difficult to do that. Mr. Greene responded that they do not have any record of that available to them.</p> <p>Ms. Larson asked whether all the houses were built at the same time or whether House #411 was built at a different time. Mr. Greene responded that House #411 was probably a much older, smaller house, and that is why so many additions were made to it. There are many other unique houses across the street and down the street from this specific house. Going up the street, however, the houses are all the same in design. The houses that were all the same were probably constructed in the '30s or '40s. House #411 was perhaps one of the earlier houses from possibly 1910. Given the many modifications, the Architect had a very difficult time determining what was the original structure and what was added to it throughout the years, especially since the house was burned down. Mr. Greene also noted that the high building cost is also a main reason why the design change was made. The original design would have been too expensive for Gay & Robinson to proceed with building as they do not have the budgetary resources to do so.</p> <p>Vice Chair Gately stated that as he observed the photographs of Houses #414, 415, 413, and 412,</p>	

SUBJECT	DISCUSSION	ACTION
	<p>he sees that House #415 looks like #412 and wondered if 413 was the same. Mr. Greene confirmed that House #413 was the same. Vice Chair Gately asked whether some of those homes were more recently constructed. Mr. Greene referred to page 2 of the materials received by the Commission and stated that in both those photos, the house on the right is the new house that was built and the house on the left is the house that was built in the 1930s. Vice Chair Gately asked if those houses had the same footprint and layout. Mr. Greene confirmed that Vice Chair Gately was correct. Vice Chair Gately asked if the 1930s home was a single wall constructed home. Mr. Greene stated that Vice Chair Gately was correct. Vice Chair Gately asked if the newly constructed house was double wall drywall. Mr. Greene confirmed that Vice Chair Gately was correct. Vice Chair Gately asked whether regardless of what design is selected if the house must now be built with double wall drywall. Mr. Greene confirmed that Vice Chair Gately was correct.</p> <p>Chair Remoaldo stated that her questions were like Ms. Larson's questions. Chair Remoaldo asked if there were any houses in the area that were like the original design of House #411 or was the house one-of-a-kind? Mr. Greene stated that House #411 was one-of-a-kind. Chair Remoaldo remembered receiving photographs of the House prior. She asked if any additional photographs were taken, measurements taken, or video taken prior to the house being demolished. Mr. Greene responded that the Architect took a lot of measurements, and a floor plan of the structure was generated with the rooflines. Ms. Valenciano stated that when the Applicant came before the Commission in November 2023, the applicant packet that Gay & Robinson submitted did include information on the existing and proposed plans, as well as photographs prior to the fire damaging the house.</p> <p>Ms. Larson asked if the floor plans received in the information material were of the original House #411. Ms. Valenciano responded that Ms. Larson was correct, as that information was submitted when Gay & Robinson was applying for their demolition permit.</p> <p>Chair Remoaldo expanded on Ms. Larson's point about the history being lost when the building is no longer there by asking, that if the choice is to build a house that is not a replica of the original, will all of the data and information about the original house be included in a file about that particular lot so that the information will not be lost or forgotten. Mr. Greene responded that</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Gay & Robinson does try to keep accurate historic records and the documentation that exists will remain. Chair Remoaldo urged the landowner to keep accurate historical records so that the information and history of the original structure is not lost. She noted that too many times when information is needed, the people who may have known in the past are no longer available, so having an accurate file of the house is of key importance. Ms. Valenciano suggested that the historic assessment of the area, prepared by the landowner, be recommended as a condition of approval as it provided a baseline of all of the structures at that time. The historic assessment provides for the character-defining features and provides some historic knowledge of the area. Should the Applicant decide to forego building House #411 exactly as it was originally and decide to go with the option of following the footprint and floor plans of House #415, that information can be codified, updated, and included in the Fung Assessment for historical purposes.</p> <p>Ms. Kikuchi-Samonte acknowledged the concern for keeping the story of the original house alive, but also appreciated the landowner wanting to keep the newly built structure affordable as a rental for both the landowner and the renter. Ms. Kikuchi-Samonte recalled the home that she grew up in and her father doing many additions that were illegal and did not enhance the home. Ms. Kikuchi-Samonte supported the landowner rebuilding the house using the smaller and more affordable footprint of House #415.</p> <p>Mr. Greene and Ms. Curnan thanked the Commission for their time and work.</p>	<p>Ms. Larson moved to accept the proposal as presented, with the rebuilding of House #411 using the pattern in the Form Based Code following House #415, with the addition of documenting the original house as much as possible. Mr. Chock seconded the motion. Motion carried 6:0.</p>
I. Executive Session	<p>There being no objections, item I. Executive Session was taken out of order.</p> <p>There was no Executive Session held.</p>	
J. Announcements	<p>Ms. Valenciano stated that there will be no KHPRC meeting in October. There may be a meeting in November, contingent on whether there are applications that are submitted. In December, the Department tries to avoid scheduling meetings due to the holidays.</p> <p>Ms. Valenciano introduced Deputy County Attorney Charles Foster as the assigned County Attorney for the KHPRC.</p>	

SUBJECT	DISCUSSION	ACTION
K. Selection of Next Meeting Date and Agenda Topics	Ms. Higuchi Sayegusa stated that November 21, 2024, is the next date for a scheduled meeting.	
L. Adjournment		Vice Chair Gately moved to adjourn the meeting. Ms. Larson seconded the motion. Motion carried 6:0. Chair Remoaldo adjourned the meeting at 2:46 p.m.

Submitted by: _____ Reviewed and Approved by: _____
Arleen Kuwamura, Commission Support Clerk Susan Remoaldo, Chair

- () Approved as circulated.
- () Approved with amendments. See minutes of _____ meeting.

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OLU PUA GARDENS LLC,
a Hawaii limited liability company

BEFORE THE PLANNING COMMISSION

OF THE

COUNTY OF KAUAI

In The Matter Of The Application	)	USE PERMIT NO. U-20__ -__
	)	CLASS IV ZONING PERMIT
Of	)	NO. Z-IV-20__ -__
	)	SPECIAL PERMIT NO. SP-20__ -__
OLU PUA GARDENS LLC, a Hawaii)	
limited liability company, for a Use)	
Permit, a Class IV Zoning Permit, and a	)	APPLICATION; EXHIBITS "A" – "G"
Special Permit for real property situated at)	
Wahiawa, Kauai, Hawaii, identified by Kauai	)	(EVENTS)
Tax Map Key No. (4) 2-4-007:016.)	
_____)	

H.I.

DEC 05 2024

USE PERMIT; CLASS IV ZONING PERMIT; AND SPECIAL PERMIT
(EVENTS)

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APPLICATION

Comes now, OLU PUA GARDENS LLC, a Hawaii limited liability company, the Applicant in the above-captioned proceedings, by and through its undersigned attorney, and hereby submits the following Application:

SUMMARY

The Applicant is OLU PUA GARDENS LLC, a Hawaii limited liability company. The Applicant is the owner of the Olu Pua Gardens which contains 12.285 acres and is located in Wahiawa, Kauai, Hawaii ("Subject Property"). The Subject Property was the site of the former Kauai Pineapple Company Headquarters on Kauai from 1932 to 1960. Thereafter, it was operated as a public botanical gardens until the early 1990's. There are presently nine (9) buildings ("Buildings") and nine landscape features ("Landscape Features") on the Subject Property. Four of these Buildings are single family dwelling units, described as: the Main House, which was designed by Charles W. Dickey and formerly used as the Manager's House; the Lower House which was designed by Roy Kelley and formerly used as the Assistant Manager's House; the Upper Cottage, adjacent to the Main House; and the Caretaker's House. The Main House, Upper Cottage and Lower House ("Historic Buildings") all possess significant historic values that make them worthy of preservation.

The Subject Property has not been operated as a botanical garden since 1972, and had fallen into disrepair prior to the Applicant's purchase in 2016. Since acquiring the Subject Property, the Applicant has been restoring, repairing and maintaining the Historic Buildings in an effort to preserve and protect their historic qualities. To the extent possible, the Applicant has tried to preserve the significant landscape features (including some of the unique plants

associated with the former botanical garden) present on the Subject Property. To ensure these preservation efforts can continue into the future, the Applicant needs to develop income producing activities that are consistent and compatible with these historic features.

As a result, the Applicant intends to implement the following permitted agricultural activities ("Agricultural Activities"): Specialized Agriculture (including the cultivation of palm trees, bamboo, ornamental flowers, and potted plants); and Nursery operation to sell the Specialized plants. To further supplement these income producing Agricultural Activities, the Applicant is requesting the Planning Commission to approve a Use Permit pursuant to the Comprehensive Zoning Ordinance of the County of Kauai ("CZO") and, if necessary, a Special Permit pursuant to Hawaii Revised Statutes ("HRS") Section 205-6, which will allow the following activities on the Subject Property:

1. Commercial Recreation uses, including weddings, parties, and gatherings (collectively, "Events") pursuant to CZO Section 8-2.4(r)(5) and (16) and HRS Section 205-6 (if required).
2. Food services pursuant to CZO Section 8-2.4(r)(5) and (16).
3. Unimproved Parking (Commercial Recreation) uses pursuant to CZO Section 8-2.4(r)(5) and (20) and HRS Section 205-6 (if required).

SECTION 1. APPLICANT/SUBJECT PROPERTY/OWNER.

1.1 Applicant. The Applicant is Olu Pua Gardens LLC, a Hawaii limited liability company. The Applicant is the owner of the Subject Property, as shown by the Warranty Deed attached hereto as **Exhibit "A"**. The Applicant has authorized Max W. J. Graham, Jr. and Ian K. Jung of Belles Graham LLP to file this Application pursuant to the Applicant's Authorization attached hereto as **Exhibit "B"**.

1.2 Subject Property. The Subject Property is located in Wahiawa, Kauai, Hawaii, contains a total of 12.285 acres, and is identified by Kauai Tax Map Key No. (4) 2-4-007:016. It is a portion of Royal Patent 7813, Land Commission Award 7714-B, Apana 6 to Kekuaiwa. As shown on the Survey Map attached as *Exhibit "E-4"*, the Subject Property is composed of two (2) lots designated as Parcel First (8.504 acres) and Parcel Second (3.781 acres). The Lower House straddles the boundary line between Parcel First and Parcel Second. Located on Parcel First are three dwelling units: the Main House; the Upper Cottage; and a portion of the Lower House. Located on Parcel Second is the Caretaker's House and a portion of the Lower House. To resolve any setback or density issues, the Applicant intends to consolidate and resubdivide the two lots so that Parcel First and Parcel Second have a total density of five (5) dwelling units and the Lower House is located entirely within either Parcel First or Parcel Second.

SECTION 2. LOCATION AND LAND USE DESIGNATIONS OF PROPERTY.

2.1 Location. The Subject Property is located in Wahiawa, Kauai, Hawaii, as shown outlined in red on the Location Map attached hereto as *Exhibit "C-1"*, by the area colored in yellow on the Tax Map attached hereto as *Exhibit "C-2"*, and outlined in red on the Aerial Photograph attached hereto as *Exhibit "F"*. The Subject Property is located in the ahupua'a of Wahiawa, as shown on the Ahupua'a Boundary Map attached as *Exhibit "C-3"*.

2.2 Land Use Designations. The respective State Land Use Commission ("SLUC"), Kaua'i General Plan, County of Kauai Comprehensive Zoning Ordinance ("CZO"), and other relevant land use designations for the Subject Property are as follows:

a. SLUC. As shown by the red dot on the Land Use District Boundary map attached as *Exhibit "C-4" (2 of 2)*, the Subject Property is located in the SLUC Agricultural District. The Subject Property has been located in the SLUC Agricultural District since the inception of the SLUC Districts.

b. Kaua'i General Plan. The Subject Property is subject to the provisions of the Kaua'i Kā Kou (Kaua'i County General Plan) ("Kaua'i General Plan"). As shown by the red dot on the South Kaua'i Land Use Map attached as *Exhibit "C-5" (2 of 2)* (which is Figure 5-4 of the Kaua'i General Plan), the Subject Property is located in the Kaua'i General Plan Agriculture Land Use Designation. The Subject Property has been consistently located in an Agriculture designation or classification under prior General Plans.

c. CZO. As shown by the red dot on the Zoning Map attached as *Exhibit "C-6"*, the Subject Property is located in the CZO Agriculture District. The Subject Property has been located in the CZO Agriculture District since the adoption of the CZO.

d. Development Plan Area. The Subject Property is located within the South Kaua'i Community Plan ("SKCP") Area. As shown by the red dot, the Subject Property has been designated Agricultural (Other) on the SKCP Land Use Map (Figure 4-1 of the SKCP) attached hereto as *Exhibit "C-7" (2 of 2)*. The Subject Property was formerly located within the Koloa-Poipu-Kalaheo Development Plan Area.

e. CZMA/Special Management Area. As set forth in Hawaii Revised Statutes ("HRS") Chapter 205A (Part I), all lands in the State of Hawaii, including the Subject Property, are located in the Coastal Zone Management Area ("CZMA") and are subject to the objectives and policies of the Coastal Zone Management Program ("CZMP"), as described

in HRS Section 205A-2. None of the Subject Property is located within the Special Management Area ("SMA") of the County of Kauai.

f. Violations. There are no existing violations of any land use laws or regulations on the Subject Property.

g. Land Use Conditions. The Subject Property is not subject to any land use conditions.

h. Important Agricultural Lands. The Subject Property has not been designated as Important Agricultural Lands ("IAL") pursuant to HRS Chapter 205, Part III.

SECTION 3. PAST, EXISTING AND PROPOSED USES OF SUBJECT PROPERTY.

3.1 Past and Existing Uses.

a. The Subject Property was used from at least 1932 to 1960 as the headquarters of the Kauai Pineapple Company, which cultivated extensive pineapple fields on the surrounding properties.

b. From the early 1960's to the early 1990's, the Subject Property was operated as a botanical garden, which was open to the public, and which contained unique examples of native plants.

c. From the early 1990's to the present, it has been used for private residential purposes.

d. The Subject Property is currently improved with the following Buildings which are more fully described in the Improvement Index attached hereto as ***Exhibit "E-2"***:

- (1) Main House (Manager's House);
- (2) Main House Annex;

- (3) Upper Cottage;
- (4) Upper Cottage Garage;
- (5) Lower House (Assistant Manager's House);
- (6) Caretaker's House;
- (7) Caretaker's Garage/Barn;
- (8) Greenhouse; and
- (9) Surf Shack.

e. The Subject Property is currently improved with the following Landscape Features, as more fully described in the Improvement Index:

- (1) Front Lawn;
- (2) Jungle Area;
- (3) Rainbow Eucalyptus;
- (4) Palm Garden;
- (5) Fountain Palms;
- (6) Fountain;
- (7) Japanese Garden;
- (8) Kau Kau Garden;
- (9) Primary Road; and
- (10) Unique Native Plants.

3.2 Proposed Project. The Applicant wishes to develop certain new uses (the "Project") to be located on the Subject Property as shown on the Project Site Plan attached hereto as *Exhibit "E-1"*, and described as follows:

3.2.1 Events. The Applicant proposes to use the Subject Property for the following events:

- a. Weddings;
- b. A variety of private or public events or gatherings ("General Events"), including: private parties; community gatherings; musical and entertainment events; and cultural events;
- c. Farm-to-table dining service featuring food grown and raised on the Subject Property or elsewhere on Kauai or in the State of Hawaii.

Events will be limited to a maximum of 75 people. Food for Events will be catered (from off-site) or prepared on-site as part of the Event.

3.2.2 Parking. As shown on the Parking Index attached as *Exhibit "D-3"*, at the most thirteen (13) parking spaces will be required by CZO Section 8-6.3(e)(3) for the employees and guests attending the Events. The Applicant proposes to provide a Parking Area that will accommodate up to twenty (20) unimproved parking stalls ("Unimproved Parking Area"). As shown on the Project Site Plan, the Unimproved Parking Area will be located on the northwest side of the Subject Property between the Barn and Ironwoods. When not in active use for parking, the Unimproved Parking Area will be used for open space purposes.

3.3 Preservation Activities. The Main House and Upper Cottage were designed by a prominent Hawaii architect Charles W. Dickey. The Lower House was designed by Roy C. Kelley, another prominent Hawaii architect turned hotelier who worked with Dickey for nine years (1929-1938). These three homes (the "Historic Buildings") were built as

managerial plantation homes associated with the Kauai Pineapple Company and have high historic and artistic values.

The Applicant wishes to maintain and preserve these Historic Buildings, and the Landscape Features associated with them, and is incurring significant expense in doing so. At some point, the Applicant may consider registering one or more of the Historic Buildings with the Hawaii Register Of Historic Places ("HRHP"). In the meantime, the Project will help to generate funds which will not only support the Agricultural Activities (discussed below) but will also supplement the Applicant's ongoing preservation of the Historic Buildings and the Landscape Features.

3.4 Agricultural Activities. CZO Section 8-2.4(q)(2) allows as a permitted use in the CZO Agriculture District Specialized Agriculture and Nurseries. CZO Section 8-1.5 defines Specialized Agriculture to mean the growing, collection or storing of any plant for ornamental or non-food use such as flowers and potted plants. CZO Section 8-1.5 further defines Nurseries to mean the growing, collecting or storing of plants for the purpose of selling to others for transplanting. The Applicant proposes to undertake Specialized Agriculture and a Nursery operation (the "Agricultural Activities") on the Subject Property as described in the Agriculture Plan Narrative prepared by Loriann Gordon attached hereto as *Exhibit "E-5"*. These Agricultural Activities will include the following:

a. The Applicant will cultivate a variety of palm tree species (including Sealing Wax Palm, Cabadae Palm, and Areca Palm) and Textilus Bamboo for sale on a retail and wholesale basis. The palms and bamboo will be located in the areas shown on the Agricultural Plan attached hereto as *Exhibit "E-3"*.

b. The Applicant will cultivate a variety of ornamental flowers and potted plants (including Pikake, Volcano Mist Vressia and Dioon Cycad) for sale on a retail and wholesale basis (including sales to persons involved in the on-site Weddings). The flowers will be located in the areas shown on the Agricultural Plan.

3.5 Project Area/Land Coverage. The Project will not increase the land coverage currently existing on the Subject Property. The proposed Project will not add any new impervious surfaces. All storm water will be retained on site and the storm water runoff characteristics will not be significantly altered on the Subject Property. The existing Land Coverage on the Subject Property is significantly less than the allowable Land Coverage for the Subject Property, which is 6.1425 acres.

3.6 Landscaping. Because of the existing vegetative screening on the Subject Property, the Project will be only partially visible from the neighborhood surrounding the Project. The Applicant will preserve this existing vegetation to screen the Project from the view of surrounding residents. If it is necessary to mitigate visual impacts, new landscaping will be installed and maintained around the Project as may be necessary to screen it when viewed from neighboring properties.

3.7 Site Grading. Due to the topography of the Project site, very little earthwork, if any, will be required to accommodate the proposed Project. The overall permanent disturbance to the Project site will be minimal. The Applicant will obtain all necessary grading permits. All additional drainage resulting from construction and grading activities will be maintained on site.

3.8 Times of Operation. The Project activities are expected to occur at the following times:

Activity	Location	Numbers	Hours	Days
General Events	Subject Property	Up to 75 Guests	9:00 a.m. to 10:30 p.m.	3 days/week
Weddings	Subject Property	Up to 75 Guests	9:00 a.m. to 10:30 p.m.	Daily

3.9 Purpose and Need. The Project will address the following purposes and needs:

a. It will provide a needed financial supplement to aid in the retention, restoration, rehabilitation and improvement of the Historic Buildings and Landscape Features on the Subject Property.

b. It will provide a venue for Weddings.

c. It will provide a venue for General Events, including: community gatherings, meetings and events; and private gatherings, meetings and events.

d. It will provide recreational opportunities for visitors and residents.

SECTION 4. DESCRIPTION OF SUBJECT PROPERTY AND IDENTIFICATION OF SURROUNDING LANDS.

4.1 Adjacent Property. The Subject Property is located adjacent to, or within 300 feet of, the properties identified on the Adjacent Property Index attached as *Exhibit "D-1"*.

4.2 Natural Environment.

a. General Description. The Subject Property is composed of gently sloping lands (3% - 8%) in an area generally lying west of Kalaheo Town, and north of Kaumualii Highway. The Subject Property is located approximately 750 feet above sea level. The Subject Property is gentle sloping in a mauka to makai direction. The Subject Property is

currently used for residential purposes. Most of the Subject Property consists of open areas. There is an existing driveway within the Subject Property which provides internal access.

b. Soils. The soils within the Subject Property are shown on the Soil Survey Map attached as *Exhibit "C-8"*. According to the U.S. Department of Agriculture ("USDA") Soil Survey Geographic ("SSURGO") database (2001) and soil survey data gathered by Foote et al. (1972), the soils in the Subject Property consist of:

(i) Puhi Silty Clay Loam. Puhi soils are designated as PnC (8-15% slope), PnD (15-25% slope) and PnE (25-40% slope). Puhi soils are well-drained soils on uplands on the island of Kauai. These soils developed in material derived from basic igneous rock. They are nearly level to steep. Elevations range from 175 to 500 feet. The annual rainfall amounts to 60 to 80 inches. The mean annual soil temperature is 73° F. Puhi soils are geographically associated with Lihue and Kapaa soils. Runoff is slow and erosion hazard slight. These soils are used for sugarcane, pineapple, truck crops, orchards, pasture, woodland, wildlife habitat, water supply, and homesites. The natural vegetation consists of guava, Java plum, pangolagrass, kikuyugrass, elephantopus, joe, yellow foxtail, and rhodomyrtus.

(ii) Pakala Silty Clay Loam. Pakala soils are designated as PdA (0-2% slope). Pakala soils are well-drained soils on alluvial fans and bottom lands on the island of Kauai. These soils developed in alluvium. They are nearly level to moderately sloping. Elevations range from nearly sea level to 400 feet. The annual rainfall amounts to 25 to 40 inches. The mean annual soil temperature is 73° to 75° F. Pakala soils are geographically associated with Makaweli soils. Permeability is moderate. Runoff is very slow, and the erosion hazard is no more than slight. This soil is subject to infrequent, nondamaging overflow. These

soils are used for irrigated sugarcane, pasture, truck crops, and homesites. The natural vegetation consists of koa haole, kiawe, bermudagrass, mango, and associated plants.

(iii) Ioleau Silty Clay Loam. Ioleau soils are designated as IoB (2-6% slope) and IoC (6-12% slope). Ioleau soils are well-drained soils on uplands on the island of Kauai. These soils developed in material weathered from basic igneous rock, probably mixed with volcanic ash. They are gently sloping to steep. Elevations range from 100 to 750 feet. The annual rainfall amounts to 40 to 70 inches. The mean annual soil temperature is 72° F. Ioleau soils are geographically associated with Lihue and Puhi soils. Permeability is slow to moderately slow. Runoff is medium, and the erosion hazard is moderate. These soils are used for irrigated sugarcane, pasture, pineapple, irrigated orchards, irrigated truck crops, wildlife habitat, and woodland. The natural vegetation consists of lantana, koa haole, guava, and associated shrubs and grasses.

(iv) Land Study Bureau. Lands in Hawaii have been classified in a five-class productivity rating system using the Letters A, B, C, D and E where A represents the class of highest productivity and E the lowest. As shown on the Detailed Land Classification Map (Island of Kauai) (Land Study Bureau, University of Hawaii) attached as ***Exhibit "C-9"***, the Over-all Productivity Rating for lands within the Subject Property is Class C25. Class C rated lands are considered to have a moderately-suited productivity rating. The number 25 indicates the Land Type of this soil. Class C25 lands are good for pasture and, if irrigated, sugarcane.

c. Rainfall. The Subject Property receives approximately 55 to 56 inches of annual rainfall.

d. Biological Resources. The biological resources within the Subject Property are as follows:

(i) Flora. With the exception of the plants which are associated with the Botanical Garden operation, the vegetation types and plant species within the Subject Property are not considered unique and are typical of lands previously used for agriculture. The indigenous plant species growing within the Subject Property are common throughout the Hawaiian Islands. None of these plant species are considered rare, and none are federally listed or state-listed threatened or endangered species, species proposed for listing, or candidate species. Therefore, the proposed Project is not expected to have a significant, adverse effect on terrestrial vegetation.

(ii) Fauna. Twenty-two (22) avifauna species have been observed in the vicinity of the Project; of these, only two species are indigenous or endemic (native) to the Hawaiian Islands. The endangered endemic Hawaiian moorhen (*Gallinula galeata sandvicensis*) has been observed foraging within the reservoirs located in the vicinity of the Project area ("Reservoirs"). The indigenous black-crowned night-heron (*Nycticorax nycticorax*) has also been observed foraging in the Reservoirs.

e. Flood Hazard. According to the Federal Insurance Rate Map (Map No. 1500020291E) attached as ***Exhibit "C-10"***, the Subject Property is located in Flood Zone X, which is an area determined to be outside of the 500-year flood plain.

f. Water Resources. The Applicant will use an existing water meter on Kaumualii Highway for potable water uses associated with the proposed uses and activities associated within the Project. The Project will utilize existing well facilities located off-site for agricultural water purposes. This use will have no significant impact on Groundwater

Resources. In addition, the Project will not withdraw water from, and will have no impact on, any streams in the vicinity.

4.3 Present Uses And Built Environment. The Subject Property lies to the west of Kalaheo Town, on the mauka (north) side of Kaumualii Highway. There are several existing buildings or structures on the Subject Property as listed on the Improvements Index (*Exhibit "E-2"*). A Private Road (which extends from Kaumualii Highway) provides access to the Subject Property. The Subject Property has been fully developed and used for residential purposes on a continuous basis since at least 1932.

4.4 Potential Future Uses. The Applicant has no present plans to develop the Subject Property, except as described herein.

SECTION 5. PERMITS REQUESTED AND REQUIRED.

5.1 Use Permit. A CZO Use Permit will be required for the following uses associated with the Project:

- a. Commercial Recreation Uses described as the Events (CZO Section 8-2.4(r)(5) and (16)).
- b. Food Services (CZO Section 8-2.4(r)(5) and (16)).
- c. Parking (CZO Section 8-2.4(r)(5) and (20)).

The permit requirements for the Project are further shown on the Permit Index attached as *Exhibit "D-2"*. The Applicant is requesting that the Planning Commission approve a Use Permit for the Project pursuant to CZO Section 8-3.2.

5.2 Class IV Zoning Permit. The Project requires the approval of a Class IV Zoning Permit as a condition of the Use Permit approval pursuant to CZO Sections 8-8.4(4) and 8-9.4(b).

5.3 Special Permit. A SLUC Special Permit as described in HRS Section 205-6 and Hawaii Administrative Rules ("HAR") Title 15, Subtitle 3, Chapter 15, Subchapter 12, may be required for uses not expressly permitted in HRS Section 205-4.5(a). The Project will be located on the Subject Property, which has an area less than fifteen (15) acres in size. As a result, the Planning Commission has the authority to approve a Special Permit for the Project, if one is needed, pursuant to the provisions of HRS Section 205-3.1 and Title IV, Chapter 11 of the Kauai County Code, 1987. However, a Special Permit may not be required since HRS Section 205-4.5 allows the following uses in the SLUC Agriculture District:

a. "Public and private open area types of recreational uses...." (HRS Section 205-4.5(a)(6)). This would seem to cover the Events and Parking.

b. "Agricultural-based commercial operations as described in HRS Section 205-2(d)(15)". (HRS Section 205-4.5(a)(9)). This includes "A retail food establishment...that prepares and serves food at retail using products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii". (HRS Section 205-2(d)(15)(C)). This would seem to cover the Food Services.

SECTION 6. IMPACTS OF DEVELOPMENT.

6.1 Botanical Resources and Wildlife. The existing state of botanical resources and wildlife have been heavily compromised by past and present residential and botanical uses on the Subject Property. As a result, there do not appear to be any mammalian or avian species or botanical resources that will be endangered by the Project. The habitat currently present on the Subject Property is comprised of improved lands which have been used for various residential and botanical purposes since the closure of pineapple operations in the area.

The vegetation is dominated almost to the exclusion of native species by alien introduced grasses and weedy species. Terrestrial mammals present on the Subject Property and within the vicinity are likewise alien species. There is the possibility that the endemic endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) overflies the Subject Property and possibly forages for insects on a seasonal basis above the Subject Property. Avian species present on the Subject Property are likewise prominently alien species, although Hawaiian moorhen (*Gallinula galeata sandvicensis*) have been observed in the vicinity of the Subject Property (in the Reservoirs). There is the possibility that other endangered species may use resources within the Subject Property on a seasonal basis, including: Nēnē (*Branta sandvicensis*); Hawaiian coot (*Fulica alai*); Hawaiian stilt (*Himantopus mexicanus Knudsen*); and Hawaiian duck (*Anas wyvilliana*). There are no resident seabirds on the Subject Property, though both the threatened Newell's Shearwater (*Puffinus newell*) and the endangered Hawaiian Petrel (*Pterodroma sandwichensis*) have been recorded overflying the general area on an annual basis during the nesting season.

6.2 Historical Resources.

a. The Subject Property has been heavily disturbed by past and present residential and botanical activities. As a result, there do not appear to be any pre-contact archaeological, cultural or historical resources on the surface of the Subject Property in which the Project will take place which will be affected by the Project. In the event of inadvertent historic site or burial discovery in the future, the Applicant will immediately contact SHPD.

b. The Main House, Upper Cottage, and Lower House are all historically significant. The approval of the Project will help to provide an income source

enabling the Applicant in its restoration, preservation, and maintenance of these Historical Buildings.

6.3 Air Quality/Noise. The Project will have little or no impact on the air quality and ambient noise levels in the area. Air quality and ambient noise levels may be affected at a very minimal level during the Project construction activities. All vehicles or equipment used by the Applicant during construction will be properly muffled, housed and maintained to reduce any noise impacts or emission impacts. The Environmental Protection Agency ("EPA") and State of Hawaii air quality standards will not be exceeded. The Events taking place in the Equipment Building will be sufficiently distant from any neighboring properties that no noise disturbance should be generated. In addition, all Events will be required to end no later than 10:30 p.m.

6.4 Flooding and Drainage. The Subject Property is situated within Flood Zone X (Areas outside of 500 year flood plain), as shown on the Flood Hazard Zones Map and County of Kauai's flood insurance rate map (Flood Insurance Rate Map 1500020291E) attached as *Exhibit "C-10"*. The Project will be located within Flood Zone X. The Project will meet all of the requirements of the Flood Plain Management Ordinance of the County of Kauai, as contained in Chapter 15, Article 1, of the Kauai County Code, 1987. The Project will have no impact on flooding on or around the Subject Property. All drainage resulting from the Project will be retained on site and subject to best management practices.

6.5 Utilities.

a. Water. The Project will obtain potable water from an existing waterline which runs from the Subject Property to a water meter on Kaumualii Highway, which is connected to the County of Kauai, Department of Water system. The water will be used

primarily for the bathroom and kitchen facilities within the Project. The Applicant will continue to use an off-site well to provide for the agricultural uses on the Subject Property. Use of this well will have no significant impact on Groundwater Resources.

b. Electric/Communications. The Subject Property will obtain electric service from Kauai Island Utility Cooperative and communication services from Hawaiian Telcom, Inc. Existing electric and communications facilities are presently adequate to provide the demand for such services that will be generated by the proposed Project.

6.6 Wastewater Treatment and Disposal. The Project will utilize Individual Wastewater Systems ("IWS") approved by the State Department of Health for the wastewater from the Project.

6.7 Solid Waste Disposal. Solid waste collection will be provided by private means. Solid waste will be taken to the County's Transfer Stations for disposal in the County Landfill.

6.8 Governmental Services. The Project will have the following impacts on governmental services:

a. Fire and Police Services. Fire and police services in the vicinity are located in Kalaheo, approximately one (1) mile from the Subject Property. The Project will not significantly increase the need for existing fire and police services.

b. Schools. The closest schools are Koloa Elementary School in Koloa, Kalaheo Elementary School in Kalaheo, Waimea Canyon Middle School and Waimea High School in Waimea, and Kauai High School and Chiefess Kamakahelei Middle School in Lihue. The Project will not generate any additional enrollment.

6.9 Economics. The Project will have the following economic impacts:

a. Jobs. The Applicant estimates that the following permanent or temporary jobs will be generated:

(i) Full Time – One full-time Wedding and General Events coordinator.

(ii) Part Time – One to six part-time assistants to provide services related to the Weddings and General Events.

b. Housing. The Project will not result in the need for additional worker housing. The Project will be operated by the Applicant's existing employees or by local contractors or hires, who will be Kauai residents who are already living on Kauai.

c. Property Values. Since the fair market value of real property is based on the value of the land and physical improvements, the completion of the Project will increase the value of the Subject Property. This will result in increased real property taxes on the Subject Property, which will directly benefit the County of Kauai. However, it will not, in and of itself, have a material impact on the value of, or real property taxes assessed against, surrounding properties.

6.10 Population. The Project will not result in any increase in population on Kauai.

6.11 Traffic Circulation. The major road which services the Subject Property is Kaumualii Highway (a State highway) to the south, and private, improved road ("Private Road") leading to the Subject Property. The Project, in and of itself, will not significantly increase traffic on Kaumualii Highway. An access entry ("Access Entry") leading to the Project currently exists

on Kaumualii Highway. The Applicant will employ traffic control personnel as necessary to help control traffic entering the Subject Property for large Events.

6.12 Heritage Resources. As shown on the South Kaua'i Heritage Resource Map (Figure 5-11 of the Kaua'i General Plan) attached as *Exhibit "C-11"*, the Subject Property is not located within any Resource area. The Historic Buildings and the scenic values associated with the Subject Property would have importance. The proposed Project will be located on a relatively level portion of the Subject Property. With current screening vegetation, the Project will only partially be visible from surrounding properties or public roads. If necessary, the Project Improvements will be landscaped so as to minimize visual impacts.

SECTION 7. SLUC CONSIDERATIONS.

7.1 SLUC Agricultural District. The Subject Property, including the area in which the Project will occur, is located within the SLUC Agricultural District. Permitted uses in the SLUC Agricultural District are set forth in HRS Sections 205-2 and 205-4.5(a), which provide in relevant part as follows:

"§205-2. Districting and classification of lands.

(d) Agricultural districts shall include:

(13) Open area recreational facilities...

(15) Agricultural-based commercial operations registered in Hawaii, including:

- (A) A roadside stand that is not an enclosed structure, owned and operated by a producer for the display and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii;
- (B) Retail activities in an enclosed structure owned and operated by a producer for the

- display and sale of agricultural products grown in Hawaii, value-added products that were produced using agricultural products grown in Hawaii, logo items related to other producer's agricultural operations, and other food items;
- (C) A retail food establishment owned and operated by a producer and permitted under chapter 11-50, Hawaii administrative rules, that prepares and serves food at retail using products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii;
 - (D) A farmers' market, which is an outdoor market limited to producers selling agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii; and
 - (E) A food hub, which is a facility that may contain a commercial kitchen and provides for the storage, processing, distribution, and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii.

The Owner of an agricultural-based commercial operation shall certify, upon request of an officer or agent charged with enforcement of this chapter under section 205-12, that the agricultural products displayed or sold by the operation meet the requirements of this paragraph..."

"§205-4.5. Permissible uses within the agricultural districts.

(a) Within the agricultural district all lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B, and for solar energy facilities, class B or C shall be restricted to the following permitted uses:

- (1) Cultivation of crops, including crops for bioenergy, flowers, vegetables, foliage, fruits, forage, and timber;

(6) Public and private open area types of recreational uses, including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps...

. . .

(8) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest;

(9) Agricultural-based commercial operations as described in section 205-2(d)(15);

(b) Uses not expressly permitted in subsection (a) shall be prohibited, except the uses permitted as provided in sections 205-6 and 205-8, and construction of single-family dwellings on lots existing before June 4, 1976."

7.2 Special Permit. The requirements for the issuance of a Special Permit are contained in HRS Section 205-6, which provides in relevant part as follows:

"§205-6 Special Permit. (a) Subject to this section, the county planning commission may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified. Any person who desires to use the person's land within an agricultural or rural district other than for an agricultural or rural use, as the case may be, may petition the planning commission of the county within which the person's land is located for permission to use the person's land in the manner desired...Copies of the special permit petition shall be forwarded to the land use commission, the office of planning, and the department of agriculture for their review and comment.

. . .

(c) The county planning commission may, under such protective restrictions as may be deemed necessary, permit the desired use, but only when the use would promote the effectiveness and objectives of this chapter...

(d) Special permits for land the area of which is greater than fifteen acres...shall be subject to approval by the land use commission. The land use commission may impose additional restrictions as may be necessary or appropriate in granting the approval, including the adherence to representations made by the applicant."

7.3 Compliance with SLUC Agricultural District Standards. The proposed uses include Weddings and General Events. The proposed uses are recognized as uses which may be permitted in the SLUC Agricultural District, subject to the possible need of a Special Permit pursuant to HRS Section 205-6.

7.4 State Planning Act. The State Planning Act contains Objectives and Policies to assist the State in attaining its long-range planning Goals. Included in the Objectives and Policies are the following:

"§226-6 Objectives and policies for the economy--in general.

(a) Planning for the State's economy in general shall be directed toward achievement of the following objectives:

(1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaii's people, while at the same time stimulating the development and expansion of economic activities capitalizing on defense, dual-use, and science and technology assets, particularly on the neighbor islands where employment opportunities may be limited.

(2) A steadily growing and diversified economic base that is not overly dependent on a few industries, and includes the development and expansion of industries on the neighbor islands.

(b) To achieve the general economic objectives, it shall be the policy of this State to:

(1) Promote and encourage entrepreneurship within Hawaii by residents and nonresidents of the State.

(4) Transform and maintain Hawaii as a place that welcomes and facilitates innovative activity that may lead to commercial opportunities.

(6) Seek broader outlets for new or expanded Hawaii business investments.

(7) Expand existing markets and penetrate new markets for Hawaii's products and services.

(19) Promote and protect intangible resources in Hawaii, such as scenic beauty and the aloha spirit, which are vital to a healthy economy.

§226-7 Objectives and policies for the economy--agriculture.

(a) Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives:

(2) Growth and development of diversified agriculture throughout the State.

(3) An agriculture industry that continues to constitute a dynamic and essential component of Hawaii's strategic, economic, and social well-being.

(b) To achieve the agriculture objectives, it shall be the policy of this State to:

(2) Encourage agriculture by making the best use of natural resources.

(4) Establish strong relationships between the agricultural and visitor industries for mutual marketing benefits.

(5) Foster increased public awareness and understanding of the contributions and benefits of agriculture as a major sector of Hawaii's economy.

(11) Increase the attractiveness and opportunities for an agricultural education and livelihood.

(12) In addition to the State's priority on food, expand Hawaii's agricultural base by promoting growth and development of flowers, tropical fruits and plants, livestock, feed grains, forestry, food crops, aquaculture, and other potential enterprises.

(13) Promote economically competitive activities that increase Hawaii's agricultural self-sufficiency, including the increased purchase and use of Hawaii-grown food and food products by residents, businesses, and governmental bodies as defined under section 103D-104.

. . .

(16) Facilitate the transition of agricultural lands in economically nonfeasible agricultural production to economically viable agricultural uses.

. . .

§226-8 Objectives and policies for the economy--visitor industry.

(a) Planning for the State's economy with regard to the visitor industry shall be directed towards the achievement of the objectives of a visitor industry that constitutes a major component of steady growth for Hawaii's economy.

(b) To achieve the visitor industry objectives, it shall be the policy of this State to:

(1) Support and assist in the promotion of Hawaii's visitor attractions and facilities.

(2) Ensure that visitor industry activities are in keeping with the social, economic, and physical needs and aspirations of Hawaii's people.

. . .

(4) Encourage cooperation and coordination between the government and private sectors in developing and maintaining well-designed, adequately serviced visitor industry and related developments which are sensitive to neighboring communities and activities.

(5) Develop the industry in a manner that will continue to provide new job opportunities and steady employment for Hawaii's people.

. . .

(7) Foster a recognition of the contribution of the visitor industry to Hawaii's economy and the need to perpetuate the aloha spirit.

(8) Foster an understanding by visitors of the aloha spirit and of the unique and sensitive character of Hawaii's cultures and values.

**§226-12 Objectives and policies for the physical environment—
scenic, natural beauty, and historic resources.**

(a) Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawaii's scenic assets, natural beauty, and multi-cultural/historical resources.

(b) To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:

(1) Promote the preservation and restoration of significant natural and historic resources.

(2) Provide incentives to maintain and enhance historic, cultural, and scenic amenities.

(3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features.

(4) Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage.

(5) Encourage the design of developments and activities that complement the natural beauty of the islands.

**§226-21 Objectives and policies for socio-cultural advancement-
-education.**

(a) Planning for the State's socio-cultural advancement with regard to education shall be directed towards achievement of the objective of the provision of a variety of educational opportunities to enable individuals to fulfill their needs, responsibilities, and aspirations.

(b) To achieve the education objective, it shall be the policy of this State to:

(1) Support educational programs and activities that enhance personal development, physical fitness, recreation, and cultural pursuits of all groups.

(2) Ensure the provision of adequate and accessible educational services and facilities that are designed to meet individual and community needs.

(4) Promote educational programs which enhance understanding of Hawaii's cultural heritage.

(5) Provide higher educational opportunities that enable Hawaii's people to adapt to changing employment demands.

§226-23 Objectives and policies for socio-cultural advancement-leisure.

(a) Planning for the State's socio-cultural advancement with regard to leisure shall be directed towards the achievement of the objective of the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations.

(b) To achieve the leisure objective, it shall be the policy of this State to:

(1) Foster and preserve Hawaii's multi-cultural heritage through supportive cultural, artistic, recreational, and humanities-oriented programs and activities.

(2) Provide a wide range of activities and facilities to fulfill the cultural, artistic, and recreational needs of all diverse and special groups effectively and efficiently.

(3) Enhance the enjoyment of recreational experiences through safety and security measures, educational opportunities, and improved facility design and maintenance.

(4) Promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, geological, or biological values while ensuring that their inherent values are preserved.

(5) Ensure opportunities for everyone to use and enjoy Hawaii's recreational resources.

(6) Assure the availability of sufficient resources to provide for future cultural, artistic, and recreational needs.

(7) Provide adequate and accessible physical fitness programs to promote the physical and mental well-being of Hawaii's people...

§226-25 Objectives and policies for socio-cultural advancement-culture.

(a) Planning for the State's socio-cultural advancement with regard to culture shall be directed toward the achievement of the objective of enhancement of cultural identities, traditions, values, customs, and arts of Hawaii's people.

(b) To achieve the culture objective, it shall be the policy of this State to:

(1) Foster increased knowledge and understanding of Hawaii's ethnic and cultural heritages and the history of Hawaii.

(2) Support activities and conditions that promote cultural values, customs, and arts that enrich the lifestyles of Hawaii's people and which are sensitive and responsive to family and community needs.

(3) Encourage increased awareness of the effects of proposed public and private actions on the integrity and quality of cultural and community lifestyles in Hawaii.

(4) Encourage the essence of the aloha spirit in people's daily activities to promote harmonious relationships among Hawaii's people and visitors."

7.5 Compliance with State Plan. The proposed Project complies with the State Planning Act in that it will: support the Agricultural Activities (including Kauai grown products); promote diversified agriculture; increase agricultural educational activities; establish relationships between the agricultural and visitor industries; promote Kauai's visitor attractions; foster an understanding by visitors of the aloha spirit and Hawaii's culture and values; promote educational programs which enhance the understanding of Hawaii's cultural heritage; promote the recreational and educational potential of Kauai's natural resources; promote a diversified and

dynamic economy that balances economic, social, community and environmental priorities; promote the preservation and restoration of significant natural and historic resources; provide incentives to maintain historic, cultural and scenic resources; promote the preservation of views to enhance the visual and aesthetic enjoyment of mountain and scenic landscapes; and protect special areas, structures and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage.

7.6 Coastal Zone Management Area. As set forth in HRS Chapter 205A (Part I), all lands in the State of Hawaii (including the Subject Property) are located in the CZMA and subject to the objectives and policies of the CZMP. HRS Section 205A-2 describes these objectives and policies, all of which seek to protect and preserve the following public resources; recreational resources; historic resources; scenic and open space resources; coastal ecosystems; economic uses; coastal hazards; managing development; public participation; beach and coastal dune protection; and marine and coastal resources.

7.7 Location Within CZMA.

a. The Subject Property at its closest point (south/makai) is located approximately 3.0 miles from the shoreline, at an elevation of approximately 750 feet above mean sea level ("MSL"). At its mauka side, the Subject Property is located approximately 3,000 feet from the closest State Forest Reserve Lands.

b. Kaumualii Highway, a State highway, is located to the south (makai) of the Subject Property. Access to the shoreline to the south of Kaumualii Highway is provided by various County roads which run to and along the shoreline.

c. Access to mountain areas and the State Forest Reserve Lands are provided from Kaumuali'i Highway by various State trails and County roads.

d. The Subject Property is currently being used for residential purposes. Because of these ongoing uses, the Subject Property has not been made available for public, recreational uses.

7.8 Recreational Resources. The Subject Property has been fully developed and used for residential purposes on a continuous basis since 1932. As a result, there are no public recreational opportunities taking place on the Subject Property. The proposed Project will have no impacts on the public's access rights to the Shoreline or Forest Reserve areas. The construction of the Project will not overburden the use of, nor restrict access to, the Shoreline or the Forest Reserve areas.

7.9 Historic Resources. As discussed in Section 6.2 and Section 14, the proposed Project will not have any significant impacts on any known Historic Sites, or on any other known historic, cultural or archaeological resources located on or near the Subject Property. As discussed in Section 14: there are no known traditional or customary practices of native Hawaiians (including gathering or religious practices) presently occurring on the Subject Property; there are no pre-contact cultural or historic sites or resources located on the Subject Property; and there are no known native Hawaiian burials on the Subject Property. In addition, the Project will not detrimentally affect access to the shoreline or to mountain areas. Conversely, as discussed throughout this Application, the Project will promote the retention, restoration, rehabilitation, improvement, protection and preservation of the Historic Buildings on the Subject Property.

7.10 Scenic and Open Space Resources. As discussed in Section 3.5 and Section 6.12, the Project will have positive impacts on the scenic and open space resources on and around the Subject Property. The Project will be compatible with and blend into the

surrounding area. The Project will not interfere with any views to or along the Shoreline. The Applicant will use additional landscaping, if necessary, to provide reasonable mitigation to the visual impacts, if any, the Project may have on the scenic quality of the Subject Property and on views from surrounding areas.

7.11 Coastal Ecosystems. The Subject Property is not located near or along the Shoreline and is not part of the coastal ecosystem of this area. The proposed Project will have no impact on the coastal ecosystem. The Project will be constructed and maintained so that any erosion or increased runoff will be maintained on site, and will not be allowed to enter into the Shoreline, the ocean, or any drainageways leading to the ocean. No aspect of the Project will endanger the coastal ecosystem or have any negative impacts on it.

7.12 Economic Uses. As discussed in Section 6.9, the Project will create short term economic benefits associated with the construction of the Project and long-term economic benefits associated with maintenance and operational activities on the Property. The proposed Project will not have any negative impacts on the economy.

7.13 Coastal Hazards. The Subject Property is not located near or along the Shoreline and will not be subject to any coastal hazards. As discussed in Section 4.2e., the Subject Property is located in Flood Zone X and will not be exposed to flooding. As discussed in Section 6.4, the proposed Project will have no contributory impact on flooding on or around the Subject Property. Any additional surface water flows caused by the Project will be maintained on site.

7.14 Managing Development/Public Participation. As discussed in Section 3.8, Section 10.2, and Section 12, the Project and other proposed activities on the Subject Property

are complimentary to, and consistent with, present and future coastal zone development in this area of Kauai.

7.15 Beach And Coastal Dune Protection/Marine And Coastal Resources. The Subject Property is not located near or along the Shoreline. The Project will have no impact on any shoreline or beach areas, or on any open space areas along the Shoreline. The Project will not involve any development within the beach or coastal area which would have any negative impact on marine or coastal resources. The Applicant is not aware of any existing fishponds, seawalls or revetments in the vicinity of the Subject Property.

7.16 Impacts Within CZMA. The Project on the Subject Property will have no negative impact on the CZMA and will be consistent with and non-violative of the objectives and policies of the CZMP in the following respects:

- a. The Project will be compatible with existing uses in areas on or around the Subject Property.
- b. The Project will not negatively impact scenic or open space resources within the CZMA.
- c. The Project will not increase runoff or otherwise endanger the coastal ecosystem.
- d. The Project on the Subject Property will not be located in a coastal hazard area.
- e. The Project will have no detrimental impact on recreational, historic, or economic resources. Conversely, as discussed throughout this Application, the Project will promote the retention, restoration, rehabilitation, improvement, protection and preservation of the Historic Buildings on the Subject Property.

f. The Project will not have detrimental impacts on coastal dunes or on beach, marine, or coastal resources.

g. Approval of the Project will not result in the foreclosure of future management options for development in the area.

h. The design, siting, and landscaping of the Project as proposed will ensure that the proposed Project will recognize, preserve, maintain and contribute to the characteristics of the surrounding lands. In particular, the Project will be compatible with, and will protect, the unique natural forms of, biologic systems contained within, and aesthetic characteristic of, the CZMA.

SECTION 8. GENERAL PLAN CONSIDERATIONS.

8.1 Kaua'i General Plan Land Use Designation. The Kaua'i General Plan designates the Subject Property in the Agricultural Land Use. The Kaua'i General Plan contains Goals and Policies designed to implement its purposes. Policy Number 8 is entitled "Protect Kaua'i's Scenic Beauty". This policy seeks to protect the island's natural beauty by preserving the open space and views between towns. It also seeks to ensure that Kaua'i's historical significance and unique identity will be preserved over time. The Project will advance this Policy by protecting and preserving the Historic Buildings and Landscape Features on the Subject Property.

8.2 Goals. The Vision and Goals contained in Section 1.3 of the General Plan, and the Applicant's compliance therewith, are as follows:

a. Goal 1 – A Sustainable Island. The Subject Property will continue being used productively for residential purposes and group activities. No irrevocable commitment of the island's land and water resources will result from the proposed Project activities, all of which

will help defray the expenses of preserving and protecting the Historic Buildings and Landscape Features on the Subject Property.

b. Goal 2 – A Unique and Beautiful Place. The proposed Project will enhance the visual qualities of the Subject Property and surrounding area. The Subject Property will continue to be defined by its open areas. As such, it will continue to maintain the rural character of this area. It will, in addition, provide new cultural, educational, and recreational opportunities to visitors and residents.

c. Goal 3 – A Healthy and Resilient People. The Events will provide opportunities for social, community and cultural activities. The preservation and protection of the Historic Buildings and Landscape Features will provide a bridge linking past historical activities and structures with the present.

d. Goal 4 – An Equitable Place, with Opportunity for All. The General Plan describes our island as an "island of economic opportunity where businesses, cottage industries and entrepreneurs thrive". The Project will provide recreational and social benefits for the community, including the enjoyment of shared spaces.

8.3 Policies. The nineteen (19) Policies contained in Section 1.4 of the Kaua'i General Plan, and the Applicant's compliance therewith, are as follows:

a. Policy #1/Manage Growth to Preserve Rural Character. The proposed Project activities will not detract from the rural characteristics of Kaua'i. The outdoor recreational activities offered will allow guests to enjoy the rural lands and resources of the Subject Property. The Events will provide a venue for community events that sustain our rural community.

b. Policy #2/Provide Local Housing. The proposal of the Applicant will not create the need for any new housing.

c. Policy #3/Recognize the Identity of Kaua'i's Individual Towns and Districts. The immediate area surrounding the Subject Property is largely comprised of agricultural properties and activities. Nevertheless, there is an urban core located nearby, to the east of the Subject Property, which is clearly identifiable as a Small Town (Kalaheo Town). The proposed outdoor Project activities will not diminish the agricultural identity of the area in which they are proposed to be sited.

d. Policy #4/Design Healthy and Complete Neighborhoods. The Applicant's proposed Project activities will be compatible with the agricultural and residential neighborhoods that are located in the vicinity of the Subject Property. They will not impinge in any way upon the surrounding Small Town uses (including, residential, farm dwelling and agricultural uses) that exist in this area.

e. Policy #5/Make Strategic Infrastructure Investments. The Project will not require any new strategic infrastructure investments for the neighborhood, and will rely solely on existing infrastructure. The proposed Project will not trigger any need to develop strategic infrastructure investments.

f. Policy #6/Reduce the Cost of Living. The Project will not increase the cost of living of the island's population due to the proposed activities on the Subject Property.

g. Policy #7/Build a Balanced Transportation System. The Project will not have any substantial traffic impacts and will not create any traffic congestion or overburden the current transportation system in the area.

h. Policy #8/Protect Kaua'i's Scenic Beauty. The Project will be only partially visible from adjacent properties and will have no negative visual impacts. The Project will preserve and protect the Historic Buildings and Landscape Features on the Subject Property, thereby helping to preserve these historic resources over time.

i. Policy #9/Uphold Kaua'i as a Unique Visitor Destination. The true uniqueness of Kauai's rural areas is manifested by the presence of open fields with vistas. The Project will continue to maintain this sense of a rural, agricultural community that is free from urban density and congestion.

j. Policy #10/Help Business Thrive. The Project will be low-impact, in that it will utilize existing structures on the Subject Property and will not require new construction. The Project itself will create new employment and business opportunities.

k. Policy #11/Help Agricultural Lands Be Productive. The Project will have no negative impacts on agricultural activities on adjacent properties. Moreover, the sale and purchase of local produce associated with the Events will assist with promoting agriculture on the island.

l. Policy #12/Protect Our Watersheds. The proposed Project will have no negative impacts on any watershed areas.

m. Policy #13/Complete Kaua'i's Shift to Clean Energy. The Project will have no negative impact on Kaua'i's shift to clean energy.

n. Policy #14/Prepare for Climate Change. The Project Improvements are not located along the shoreline or within any Flood Zones. As such, the Project will be shielded from the impacts of Climate Change.

o. Policy #15/Respect Native Hawaiian Rights and Wahi Pana. The Project will have no substantial impacts on any historic sites, Hawaiian traditional and cultural practices, or access to streams, shorelines, or areas associated with Hawaiian religious, traditional or cultural practices.

p. Policy #16/Protect Access to Kaua'i's Treasured Places. The Project will have no impact on the public's access to streams, the shoreline, trails, recreational areas, or places associated with Hawaiian religious, cultural, or traditional practices. The Project will provide community access to the Subject Property and its important historic resources, including the Historic Buildings and Landscape Features.

q. Policy #17/Nurture Our Keiki. The Project will provide access to outdoor recreational activities, community events, the Historic Buildings and the Landscape Features, all of which will provide an opportunity to nurture the young people of Kaua'i.

r. Policy #18/Honor Our Kūpuna. The Project will provide access to outdoor recreational activities, community events, the Historic Buildings and the Landscape Features, all of which will provide opportunities for the Kūpuna of Kaua'i.

s. Policy #19/Communicate with Aloha. The scheduling of this Application before the Planning Commission will allow the public to participate in the planning and decision-making process for the Project.

8.4 Objectives & Actions by Sectors. The ten (10) Sectors contained in Section 3.0 of the Kaua'i General Plan (which represent the areas that must be considered in policy implementation), and the Applicant's compliance therewith, are as follows:

- a. Sector I/The Watershed. The proposed Project will have no negative impacts on the natural, historic, cultural, or environmental qualities of, or resources within, the Watershed areas, or access thereto.
- b. Sector II/Housing. The proposed Project will not create a need for housing.
- c. Sector III/Transportation. The proposed Project will not result in a substantial increase in traffic into and from the Subject Property, and will have no negative impact on Kaua'i's transportation infrastructure.
- d. Sector IV/Infrastructure & Services. The proposed Project will not require new infrastructure or services for its operation.
- e. Sector V/Shared Spaces. The proposed Project will function as a Shared Space (which is defined as "civic space" or areas used for everyday community activities such as shopping, recreation and socializing).
- f. Sector VI/Economy. The Project will provide short-term benefits to persons or contractors involved in renovating the Historic Buildings and the Landscape Features. The Project will provide long-term benefits by providing jobs and economic opportunities associated with the Project operations.
- g. Sector VII/Heritage Resources. As stated in Sector VII, Historic Buildings and structures are critical to preserving Kaua'i's unique history, town character, and sense of place. It is our collective Kuleana to ensure that each community's treasured structures are preserved and celebrated, as proposed in this Application. The proposed Project will have no substantial visual impacts on surrounding lands, and no substantial impacts on any known historic sites, Hawaiian cultural or traditional practices, or access to streams, shorelines, areas associated

with Hawaiian cultural or traditional practices, recreational areas or other special places. Conversely, as discussed throughout this Application, the Project will promote the retention, restoration, rehabilitation, improvement, protection and preservation of the Historic Buildings on the Subject Property.

h. Sector VIII/Energy Sustainability. This Project will have no negative impact on energy sustainability and will incorporate solar photovoltaic resources to the extent possible into its operational needs.

i. Sector IX/Public Safety & Hazards Resiliency. The Subject Property is not located in any identified hazard area, flood zone area, or shoreline area subject to coastal hazards.

j. Sector X/Opportunity & Health For All. The Project will provide opportunities for those seeking healthy, eco-friendly activities. The Project will contribute to the physical, mental and spiritual health of persons using the Subject Property for social and community events.

8.5 Development's Compliance with Kaua'i General Plan Standards. The proposed Project will provide outdoor recreational opportunities and a venue for community events on the Subject Property, while at the same time helping to protect and preserve the Historic Buildings, all of which is fully compatible with the Kaua'i General Plan's Goals, Policies and Objectives for the area.

SECTION 9. CZO AGRICULTURE DISTRICT CONSIDERATIONS.

9.1 CZO Agriculture District. The Project will be located within the CZO Agriculture District. The purposes of the CZO Agriculture District are set forth in CZO Article 8, which provides in relevant part as follows:

"Sec. 8-8.1 Purpose.

The Agriculture District establishes means by which land needs for existing and potential agriculture can be both protected and accommodated, while providing the opportunity for a wider range of the population to become involved in agriculture by allowing the creation of a reasonable supply of various sized parcels.

(a) To protect the agriculture potential of lands within the County of Kaua'i to insure a resource base adequate to meet the needs and activities of the present and future.

(b) To assure a reasonable relationship between the availability of agriculture lands for various agriculture uses and the feasibility of those uses.

(c) To limit and control the dispersal of residential and urban use within agriculture lands."

9.2 Uses And Structures That Require A Use Permit. CZO Section 8-2.4(r)

contains the Uses in the CZO Agriculture District which require a Use Permit and include the following:

"(5) Commercial Recreation.

(16) Restaurants and food services.

(20) Any other use or structure which the Planning Director finds to be similar in nature to those listed in this Section and appropriate to the District."

9.3 Compliance with CZO Agriculture District Standards. The proposed Project will require a Use Permit pursuant to CZO Sections 8-2.4(r)(2), (5), (16) and (20). The Project itself will have no significant impact on the surrounding environment. The Project will include uses that are compatible with other uses in the area, as well as with the surrounding environment. Most importantly, the Project, by utilizing existing buildings and structures, will limit and control the dispersal of residential uses within the Agriculture District. As such, the Project complies with

CZO Section 8-8.1 in that it: assure a reasonable relationship between the availability of agricultural lands for various agricultural uses and the feasibility of those uses; and will be incidental to the agricultural uses and the agricultural character of the surrounding lands.

SECTION 10. USE PERMIT AND ZONING PERMIT CONSIDERATIONS.

10.1 Uses. Pursuant to CZO Section 8-3.2, the Applicant has applied for a Use Permit for the proposed Project. Consistent with CZO Sections 8-2.4(r)(2), (5) and (20), and 8-17.12, the proposed uses and structures are Uses And Structures For Which A Use Permit Is Required within the CZO Agriculture District and pursuant to CZO Article 17.

10.2 Compatibility With Surrounding Uses. The Subject Property is within the vicinity of properties located: within the SLUC Agricultural District, Rural District, and Urban District; the Kaua'i General Plan Agricultural, Natural, Homestead, Residential Community, Neighborhood General and Neighborhood Center Land Use Designations; the South Kaua'i Community Plan Agricultural (Other), Homestead, Residential, Neighborhood Edge, Neighborhood General, and Neighborhood Center Land Use Designations; and the CZO Agriculture District, Residential District, and Open District. Uses on the surrounding lands include farm dwelling uses, residential uses, commercial uses, and agricultural uses. The Subject Property is similar in topography, character and nature with adjacent and surrounding properties, and the Project is consistent with such surrounding uses.

10.3 Compliance with CZO Use Permit Standards. The Project on the Subject Property complies with the standards for Use Permits as contained in CZO Section 8-3.2 in that the Project will be:

a. A compatible use. The Project is a use allowed with a Use Permit and therefore is a consistent use provided for in the CZO as long as impacts to the area are mitigated. It will be compatible and similar to other agricultural, residential, commercial and farm dwelling uses in the area.

b. Not detrimental to health of persons residing or working in the neighborhood. The Project will not be detrimental to the health of persons residing and working in the neighborhood given the types of surrounding residential, farm dwelling, commercial, and agricultural activities ("Surrounding Activities") in the area.

c. Not detrimental to safety of persons residing or working in the neighborhood. The Project will not have any substantial impacts on the environment, including noise generation, pollution, the discharge of odors, the discharge of fluid or gaseous materials, or visual impacts ("Environmental Impacts") that will be detrimental to the safety of persons residing and working in the neighborhood. The Project will be similar to and compatible with the types of Surrounding Activities in the area.

d. Not detrimental to peace of persons residing or working in the neighborhood. The Project will not create any Environmental Impacts that will be detrimental to the safety of persons residing and working in the neighborhood.

e. Not detrimental to morals of persons residing or working in the neighborhood. The Project will not involve activities that will be detrimental to the morals of persons residing and working in the neighborhood.

f. Not detrimental to comfort and general welfare of persons residing or working in the neighborhood. The Project will not create any Environmental Impacts that will be

detrimental to the general welfare of persons residing and working in the neighborhood. It will be similar to Surrounding Activities and only operate during reasonable hours.

g. Not detrimental or injurious to property or improvements in the neighborhood. The Project will not create any Environmental Impacts that will be detrimental to the health of persons residing and working in the neighborhood.

h. Not detrimental to the general welfare of the community. The Project will not create any Environmental Impacts that will be detrimental to the general welfare of the community.

i. Not a cause of substantial harmful environmental consequences to the Subject Property, or to other lands or waters. The Project will not generate Environmental Impacts or negative by-products which would affect the surrounding area.

j. Not inconsistent with the intent of the CZO. As discussed herein, the Project activities are compatible with uses and structures within the CZO Agriculture District and CZO Article 17.

k. Not inconsistent with the General Plan. As discussed herein, the Project activities will be consistent with the Goals, Policies, and Objectives & Actions (Sectors) of the Kauai General Plan.

10.4 Compliance with CZO Class IV Zoning Permit Standards. The Applicant has complied with the procedural provisions for a Class IV Zoning Permit by its filing and processing of this Application.

SECTION 11. DEVELOPMENT PLAN CONSIDERATIONS.

11.1 Community Plan Area. The Subject Property is located in the South Kaua'i geographic area and is subject to the provisions of the South Kaua'i Community

Plan ("SKCP"). The SKCP updates the maps and land use policies of the Koloa-Poipu-Kalaheo Community Plan ("KPK Community Plan").

11.2 Land Use. The desired long-range land use pattern for the SKCP Area is shown on the Land Use Map attached as Figure 4-1 of the SKCP. The Subject Property is located in the Agricultural Land Use Area. The preservation of the Historic Buildings and Landscape Features will also support the Land Use policies seeking to preserve archaeological and cultural resources (SKCP Sec. 4.1.2) and creating Protected Areas (SKCP Sec. 4.1.4.1.3).

11.3 Policies & Guidelines. The eleven (11) categories of Policies & Guidelines contained in Sections 4.1 through 4.11 of the SKCP, and the Project's compliance therewith, are as follows:

a. Land Use. As noted previously, the Project is located in the Agricultural Land Use Area. The proposed Project uses and structures will have no negative impacts on agricultural uses on surrounding properties.

b. Walkable Mixed-Use Communities. The Project is located near Kalaheo Town which is designated as Walkable Mixed-Use Community. The Subject Property is within walking, biking, and bus access distance of the visitor, recreational, business, residential, and commercial activities of Kalaheo Town.

c. Context-Sensitive Transportation Networks. The Project is located near Kalaheo Town, which is part of the existing or proposed multi-modal transportation systems for South Kaua'i. It will not generate any substantial new traffic and will have no substantial impact on such systems. It will have no substantial visual impacts on any scenic roadway corridors.

d. Kaua'i Native Plants & Exceptional Trees. The Project will not negatively affect any exceptional trees or native plants located within the Subject Property. Any new landscaping that may be installed within the Subject Property will incorporate native plants to the extent reasonably possible.

e. Natural & Cultural Heritage Resources. The Applicant is not aware of any archaeological sites within the Subject Property, but will preserve any historic resources that may be found. The Project will have no negative impacts on the natural, historic, cultural, or environmental qualities of, or resources within, the Subject Property or within the Watersheds or critical habitats in the South Kaua'i area. Conversely, as discussed throughout this Application, the Project will promote the retention, restoration, rehabilitation, improvement, protection and preservation of the Historic Buildings on the Subject Property.

f. Parks & Recreation. The Project will provide open space uses and recreational opportunities within the Subject Property. The Project will have no impact on public access to or use of the shoreline, public trails, forest reserve areas, streams, or other recreational areas.

g. Agriculture. The Project will have no negative impact on agricultural uses in the South Kaua'i area.

h. Sustainable Resorts & Tourism. The Project will increase the availability of recreational opportunities in support of visitor industry activities and uses in the South Kaua'i area.

i. Industrial. The Project will have no negative impacts on industrial activities in the South Kaua'i area.

j. Infrastructure & Public Facilities. The Project will have no negative impacts on infrastructure and public facilities in the South Kaua'i area.

k. Economic Development. The Project will provide new job opportunities and commercial activities that will stimulate economic development and activities in the South Kaua'i area.

SECTION 12. COMPLIANCE WITH REQUIREMENTS FOR SLUC SPECIAL PERMIT.

12.1 Special Permit Requirements. The proposed Project will meet with the requirements for an SLUC Special Permit (if one is required), as contained in Hawaii Revised Statutes Section 205-6 and in Section 15-15-95 of the Land Use Commission Rules (Hawaii Administrative Rules) as set forth herein.

12.2 The use will not be contrary to the objectives sought to be accomplished by the HRS Chapter 205 and 205A, and the SLUC Rules. The proposed use will not interfere with other agricultural uses which are generally allowed within the SLUC Agricultural District. It is consistent with similar uses which are allowed (with a Special Permit) in the SLUC Agricultural District. It is also located so as to minimize impacts on agricultural activities in this area.

12.3 The desired use will not adversely affect surrounding property. As discussed herein, the proposed use will be compatible with the surrounding neighborhood and uses, and will not generate any significant adverse impacts. It will not prevent surrounding lands from being used for agricultural purposes. The amount of additional traffic that will be generated as a result of this proposal will not create any substantial adverse impacts.

12.4 The use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection. As discussed herein, no burden will be placed on public agencies to provide additional facilities, services, and utilities as a result of this proposal. All wastewater will be disposed of on site. The existing water service, electric service, and communication service will be used for Project needs. All new drainage will be contained on site. The Project will not generate the need for new or additional police, fire, school or transportation services or facilities.

12.5 Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The State has recently recognized the need to promote compatible accessory activities in support of agriculture. The Project will not adversely impact surrounding agricultural activities on neighboring lands.

12.6 The land on which the proposed use is sought is unsuited for the uses permitted within the District. The Subject Property has been used for residential purposes since before 1932, well before the inception in 1976 of the SLUC Agricultural District. In addition, the preservation of the Historic Buildings is a permitted and desired use in the SLUC Agricultural District.

SECTION 13. HRS CHAPTER 343 (ENVIRONMENTAL IMPACT STATEMENTS) CONSIDERATIONS.

13.1 HRS Chapter 343. The Project is not subject to the provisions of Hawaii Revised Statutes Chapter 343. HRS Chapter 343 requires the preparation of an Environmental Assessment and/or an Environmental Impact Statement for certain activities as specified in HRS Section 343-5. The proposed Project does not fall within such specified activities, in that the Project does not:

- a. Propose the use of state or county lands or the use of state or county funds;
- b. Propose any use within any land classified as conservation district by the State Land Use Commission under HRS Chapter 205;
- c. Propose any use within the shoreline area as defined in HRS Section 205A-41;
- d. Propose any use within any historic site as designated in the National Register or Hawaii Register as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or HRS Chapter 6E;
- e. Propose any use within the Waikiki area of Oahu, the boundaries of which are delineated in the land use ordinance as amended, establishing the "Waikiki Special District";
- f. Propose any amendments to existing county general plans where such amendment would result in designations other than agriculture, conservation, or preservation;
- g. Propose any reclassification of any land classified as conservation district by the State land Use Commission under HRS Chapter 205;
- h. Propose the construction of new, or the expansion or modification of existing, helicopter facilities within the state; or
- i. Propose the construction of a wastewater treatment unit, waste-to-energy facility, oil refinery, or power generating facility (which use petroleum-based fuels).

SECTION 14. NATIVE HAWAIIAN ISSUES.

14.1 Traditional or Cultural Practices. The Subject Property has been fully developed and used for residential purposes on a continuous basis since 1932. As such as more fully explained in the Memorandum Re: Ka Pa'akai Assessment attached as *Exhibit "G"*, the Subject Property is not subject to the Ka Pa'akai requirements. In any event, the Project will have no impact on any known traditional or customary practices of native Hawaiians within the Subject Property. No traditional cultural properties have been identified as existing, and no traditional cultural practices have been identified as taking place, within the Subject Property or its vicinity. The Project will have no impact on any potential native Hawaiian access to cultural areas.

14.2 Protocols. The Applicant will implement the following Protocols relating to traditional or customary practices:

a. Project construction workers and all other personnel involved in the construction and related activities of the project will be informed of the possibility of inadvertent cultural finds, including human remains. In the event that any potential historic properties are identified during construction activities, all activities will cease and SHPD will be notified pursuant to HAR §13-280-3. In the event that *iwi kūpuna* are identified, all earth moving activities in the area will stop, the area will be cordoned off, and the SHPD, coroner, and Police Department will be notified pursuant to HAR §13-300-40. In addition, in the event of an inadvertent discovery of human remains, a burial treatment plan, in compliance with HAR §13-300 and HRS §6E-43, will be prepared.

b. In the event that *iwi kūpuna* and/or cultural finds are encountered during construction, the Applicant will consult with cultural and lineal descendants of the area to develop a reinterment plan and cultural preservation plan for proper cultural protocol, curation, and long-term maintenance.

14.3 Summary of Impacts on Traditional or Cultural Practices. In summary, the Project is located on fully developed property, and as such is not subject to the Ka Pa'akai requirements and restrictions. In addition, it will have no impact on any known traditional or customary practices of native Hawaiians for the following reasons:

a. There are no known traditional or customary practices of native Hawaiians that are presently occurring within the Subject Property.

b. There are no special gathering practices taking place within any portion of the Subject Property.

c. The Project will not detrimentally affect: access to the mountains; access to any streams; access to the shoreline or other adjacent shoreline areas; or gathering along any streams, the shoreline or in the ocean.

d. There are no known religious practices taking place within the Subject Property.

e. There are no known pre-contact cultural or historic sites or resources located within the Subject Property.

f. There are no known burials within the Subject Property.

SECTION 15. COMMUNITY CONTACTS.

15.1 Contact with Community Associations. The Applicant intends to provide the Koloa Community Association with this Application and to meet with its Board if so requested.

SECTION 16. CONCLUSION.

The Applicant respectfully requests that the Planning Commission:

1. Find that the Project complies with standards for Use Permits contained in CZO Section 8-20.5(a).
2. Find that the Project meets the requirements contained in HRS Section 205-6 and HAR Section 15-15-95 for SLUC Special Permits.
3. Find that the Project is consistent with uses in the SLUC Agricultural District, the Kauai General Plan, the South Kaua'i Community Plan, and the CZO.
4. Find that the Project is in compliance with the provisions of HRS Chapter 6E and Title 13, Subtitle 13, Chapter 284 of the Hawaii Administrative Rules.
5. Find that the Project is consistent with the provisions of HRS Sections 1-1 and 7-1 and Article 12, Section 7 of the Hawaii State Constitution and will have no negative impacts on any traditional or customary practices of native Hawaiians.
6. Find that the Project complies with the minimum requirements contained in Ka Pa'akai O Ka'aina v. Land Use Commission to protect customary and traditional native Hawaiian rights.
7. Find that the Project is consistent with the objectives and policies governing uses in the Coastal Zone Management Area as set forth in HRS Chapter 205A (Part I).
8. Approve the issuance of a Use Permit for the Project on the Subject Property as described herein, subject to such reasonable conditions as the Planning Commission shall impose.

9. Approve the issuance of a Class IV Zoning Permit for the Project on the Subject Property.

10. Approve the issuance of a Special Permit, if necessary, for the Project on the Subject Property.

DATED: Lihue, Kauai, Hawaii, October 7, 2024.

BELLES GRAHAM LLP

By 

MAX W. J. GRAHAM, JR.

IAN K. JUNG

Attorneys for Applicant,

OLU PUA GARDENS LLC,

a Hawaii limited liability company

In The Matter Of The Application Of OLU PUA GARDENS LLC, a Hawaii limited liability company, for a Use Permit, a Class IV Zoning Permit, and a Special Permit for real property situated at Wahiawa, Kauai, Hawaii, identified by Kauai Tax Map Key No. (4) 2-4-007:016; **APPLICATION; EXHIBITS "A" – "G" (EVENTS)**

EXHIBIT LIST
(Olu Pua Gardens LLC Application for
Use Permit; Class IV Zoning Permit; and Special Permit) (Events)

EXHIBIT

A.	WARRANTY DEED.....	A
B.	APPLICANT'S AUTHORIZATION.....	B
C.	<u>MAPS</u>	
	Location Map	C-1
	Tax Map (2-7-003).....	C-2
	Ahupua'a Boundary Map	C-3
	State Land Use District Map.....	C-4
	County General Plan Map.....	C-5
	County Zoning Map.....	C-6
	South Kaua'i Community Plan Map	C-7
	NRCS Soil Survey Map	C-8
	LSB Land Classification Map.....	C-9
	FIRM Map 291E	C-10
	Heritage Resource Map.....	C-11
D.	<u>DOCUMENTS</u>	
	Adjacent Property Index	D-1
	Permit Index	D-2
	Parking Index	D-3
E.	<u>PLANS/STUDIES</u>	
	Project Site Plan.....	E-1
	Improvement Index	E-2
	Agricultural Plan.....	E-3
	Survey Map.....	E-4
	Agriculture Plan Narrative	E-5
F.	<u>PHOTOGRAPHS</u>	
	Aerial Photograph	F
G.	<u>MEMORANDUM.</u>	
	Memorandum Re: Ka Pa'akai Assessment	G

EXHIBIT "A"



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

September 02, 2016 8:01 AM
Doc No(s) A-60890178



1 1/1 ICL
B-32861537

/s/ LESLIE T. KOBATA
ACTING REGISTRAR

Conveyance Tax: \$19,800.00

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation, Return by: Mail (☒) Pickup ()
OLU PUA GARDENS LLC
C/O BELLES GRAHAM PROUDFOOT
WILSON & CHUN LLP
4334 RICE STREET SUITE 202
LIHUE HI 96766

TG: 201639708 - S
TGE: 24316081663
Winona Garcia

RS

TYPE OF DOCUMENT:

WARRANTY DEED

PARTIES TO DOCUMENT:

GRANTOR: ANGIE SPROSS, Successor Trustee of the Freeman Trust created
under unrecorded Trust Agreement dated December 16, 2011

GRANTEE: OLU PUA GARDENS LLC, a Hawaii limited liability company
c/o Belles Graham Proudfoot Wilson & Chum, LLP
4334 Rice Street, Suite 202
Lihue, Hawaii 96766

TAX MAP KEY FOR PROPERTY:

(4) 2-4-007-016

WARRANTY DEED

KNOW ALL PEOPLE BY THESE PRESENTS:

ANGIE SPROSS, Successor Trustee of the Freeman Trust created under unrecorded Trust Agreement dated December 16, 2011, with full powers to sell, mortgage, lease or otherwise deal with the land, IN TRUST, whose mailing address is 25080 CR 501, Bayfield, Colorado 81122, hereinafter called the "Grantor", in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to the Grantor paid by OLU PUA GARDENS LLC, a Hawaii limited liability company, whose mailing address is c/o Belles Graham Proudfoot Wilson & Chun, LLP, 4334 Rice Street, Suite 202, Lihue, Hawaii 96766, hereinafter called the "Grantee", the receipt of which is hereby acknowledged, does hereby grant and convey unto the Grantee, as a tenant in severalty, its successors and assigns, the property described in Exhibit "A" attached hereto and incorporated herein by reference.

AND the reversions, remainders, rents, issues, and profits thereof, and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with the improvements thereon and all rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith, unto the Grantee, according to the tenancy herein set forth, forever.

The Grantor hereby covenants with the Grantee: that the Grantor is lawfully seised in fee simple of the premises described herein and has good right to sell and convey the same; that the same are free and clear of all encumbrances except as set forth herein and except for the lien of real property taxes not yet required by law to be paid; that this conveyance shall be subject to the provisions of the "As Is" exception contained herein; and that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The Grantor confirms that the property is being conveyed on an "AS IS" basis, without any representations or warranties, express or implied, with a full understanding that only Grantee and not the Grantor will be responsible for any and all imperfections, defects, obsolescence, wear and tear, and all other conditions of said property and that Grantee shall have no rights hereafter against Grantor for breach of express or implied warranty as to the condition of the property, except claims which are based on the Grantor's concealment of material facts and defects which Grantor is required by law to disclose.

This conveyance and the covenants and exceptions contained herein shall be binding on and inure to the benefit of the Grantor and the Grantee, as applicable. The terms "Grantor" and "Grantee" as and when used herein, or any pronouns used in place thereof, shall mean and include the singular or plural number, individuals, partnerships, trustees and corporations, and each of their respective heirs, personal representatives, successors and assigns. All covenants

and obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention is clearly expressed herein.

This Warranty Deed may be executed in counterparts. Each counterpart shall be executed by one or more of the parties hereinbefore named and the several counterparts shall constitute one instrument to the same effect as though the signatures of all the parties are upon the same document.

IN WITNESS WHEREOF, the Grantor has caused these presents to be duly executed on this 24 day of August, 20 16.

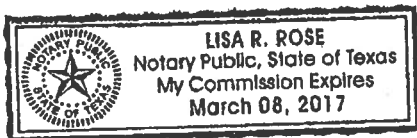
(SIGNATURES CONTINUED ON NEXT PAGE)

Angie Spross, Trustee
ANGIE SPROSS, Successor Trustee of the
Freeman Trust created under unrecorded Trust
Agreement dated December 16, 2011

Grantor

STATE OF Texas)
COUNTY OF Travis) SS:

On this 24 day of August, 2016, before me appeared
ANGIE SPROSS, Successor Trustee of the Freeman Trust created under unrecorded Trust
Agreement dated December 16, 2011, to me personally known, who, being by me duly sworn or
affirmed, did say that such person(s) executed the foregoing WARRANTY DEED dated
August 24, 2016, which document consists of 3 page(s), as the free act
and deed of such person(s), and if applicable, in the capacities shown, having been duly
authorized to execute such instrument in such capacities.



Lisa R. Rose
Name of Notary:
Notary Public, in and for said County and State.
My commission expires: 3/8/17

EXHIBIT "A"

-PARCEL FIRST:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 7813, Land Commission Award Number 7714-B, Apana 6 to Kekuaiwa) situate, lying and being at Wahiawa, Island and County of Kauai, State of Hawaii, and thus bounded and described:

Beginning at a pipe driven in the ground on the north side of this lot, 322° 05' 57" 3,874.40 feet from Government Triangulation "Pohakea" and running by true azimuths:

- | | | | |
|-----|----------|--------|--|
| 1. | 79° 02' | 348.27 | feet along a pineapple field to a pipe; |
| 2. | 353° 55' | 217.81 | feet along a fence along a private road to a pipe; |
| 3. | 346° 48' | 210.75 | feet along a fence along a private road to a pipe; |
| 4. | 339° 01' | 50.31 | feet along a fence along a private road to a pipe; |
| 5. | 330° 39' | 252.26 | feet along a fence along a private road to a pipe; |
| 6. | 312° 04' | 209.09 | feet along a fence along a private road to a pipe; |
| 7. | 301° 30' | 113.86 | feet along a fence to a pipe; |
| 8. | 269° 10' | 24.08 | feet along a fence to a pipe; |
| 9. | 174° 09' | 101.11 | feet along a fence along the road to "Brydeswood" to a pipe; |
| 10. | 187° 57' | 209.62 | feet along a fence to "Brydeswood" to a pipe; |
| 11. | 211° 14' | 52.11 | feet along a fence along the road to "Brydeswood" to a pipe; |
| 12. | 235° 58' | 52.73 | feet along a fence along the road to "Brydeswood" to a pipe; |
| 13. | 251° 50' | 52.21 | feet along a fence along the road to "Brydeswood" to a pipe; |
| 14. | 159° 09' | 472.87 | feet to a pipe; |

15. 194° 48' 92.39 feet along a fence to a pipe;
16. 195° 28' 42.17 feet along a fence to a pipe;
17. 83° 49' 153.43 feet along a pineapple field to a point of beginning and containing an area of 8.504 acres, more or less.

-PARCEL SECOND:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Ahupuaa of Wahiawa, Royal Patent Number 7813, Land Commission Award Number 7714-B, Apana 6 to Kekuaiwa) situate, lying and being at Wahiawa, Island and County of Kauai, State of Hawaii, and thus bounded and described:

Beginning at a pipe known as "Bell" on the south side of the north neck of this parcel of land, on the north side of Kauai Pineapple Company, Limited, Lot, the coordinates of said point of beginning referred to McBryde Triangulation Station "Wahiawa" being 8,322.96 feet north and 1,738.21 feet west and being 322° 05' 57" 3,874.00 feet from Government Triangulation Station "Pohakea", thence running by azimuths measured clockwise from true South:

1. 79° 02' 348.27 feet along Kauai Pineapple Company, Limited, Lot to a pipe;
2. 353° 55' 217.81 feet along the same to a pipe;
3. 346° 48' 210.75 feet along the same to a pipe;
4. 339° 01' 50.31 feet along the same to a pipe;
5. 330° 39' 252.26 feet along the same to a pipe;
6. 312° 04' 209.09 feet along the same to a pipe;
7. 301° 30' 113.86 feet along the same to a pipe;
8. 269° 10' 24.08 feet along the same to a pipe;
9. 3° 17' 124.19 feet along the remainder of L. C. Aw. 7714-B, Apana 6 to Kekuaiwa to a pipe;
10. 120° 58' 151.08 feet along the same to a pipe;
11. 131° 40' 212.41 feet along the same to a pipe;
12. 141° 07' 127.47 feet along the same to a pipe;

13. 151° 54' 263.71 feet along the same to a pipe;
14. 147° 17' 129.73 feet along the same to a pipe;
15. 169° 51' 375.62 feet along the same to a pipe;
16. 179° 28' 43.75 feet along the same to a pipe;
17. 263° 22' 30" 654.40 feet along the same to a pipe;
18. 266° 25' 114.20 feet along the same to a pipe;
19. 15° 28' 11.75 feet along the same to a pipe;
20. 83° 49' 153.43 feet along Kauai Pineapple Company, Limited, Lot to the point of beginning and containing an area of 3.781 acres, more or less.

-AS TO PARCEL FIRST AND SECOND:-

Together with non-exclusive easements being 22 foot wide and 18 foot wide, together designated as Easement "1", containing an area of 2.555 acres, more or less, for utility and right-of-way purposes to the Federal Highway, as granted by instrument dated January 4, 1965, recorded in Liber 4972 at Page 488, as amended by instrument dated December 2, 1991, recorded as Document No. 91-175531, and as shown on the maps attached thereto; and subject to the terms and provisions contained therein.

Together also with a non-exclusive easement designated as "Easement 2" for equestrian, pedestrian and vehicular access purposes, drainage purposes, and utility purposes, as granted by instrument dated January 10, 2002, recorded as Document No. 2002-006760, and more particularly described therein; and subject to the terms and provisions contained therein.

Being the same premises conveyed to SHERRI ELLEN MATTHEWS, Trustee of the Freeman Trust created under unrecorded Trust Agreement dated December 16, 2011, with full powers to sell, mortgage, lease or otherwise deal with the land, by WARRANTY DEED dated April 12, 2012, and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-45600540.

TOGETHER WITH all built-in furniture, attached existing fixtures, built-in appliances, water heater, electrical and/or gas and plumbing fixtures, attached carpeting, if any, and all items between 5 homes considered attached including appliances.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. Any claim or boundary dispute which may exist or arise by reason of the failure of the instrument dated January 4, 1965, recorded in Liber 4972 at Page 488, as amended, referred to in Schedule C to locate with certainty the boundaries of the 22-foot wide and 18-foot wide easements, together designated as Easement "1".

3. -AS TO PARCEL FIRST:-

Discrepancies, conflicts in boundary lines, shortage in area, or any other matters which a correct survey or archaeological study would disclose. -Note:- A current survey, with metes and bounds description, should be made of said premises.

EXHIBIT "B"

AUTHORIZATION

I. OWNER.

Name: OLU PUA GARDENS LLC,
a Hawaii limited liability company

Address: 5464 Quail Way
Carmel, California 93923

II. AUTHORIZED AGENT.

Name: Max W. J. Graham, Jr., Esq.
Ian K. Jung, Esq.

Address: Belles Graham LLP
3135 Akahi Street, Suite A
Lihue, Kauai, Hawaii 96766

Telephone: (808) 246-6962
(808) 245-2163

Facsimile: (808) 245-3277

Email: mwg@kauai-law.com
ikj@kauai-law.com

III. PROPERTY.

Olu Pua Gardens
Parcel First and Parcel Second
Wahiawa, Kauai, Hawaii
Kauai Tax Map Key No. (4) 2-4-007:016

IV. AUTHORIZATION.

The Owner hereby authorizes the Authorized Agent to act on its behalf and to file and process on its behalf any and all applications, appeals, claims, or governmental permits relating to the Subject Property, including, but not limited to, the following:

1. Permits and approvals, including but not limited to, building permits, grading permits, use permits, variance permits, zoning permits, and Special Management Area permits, issued by the County Council, or any department, agency, board or commission, of the County of Kauai.
2. Permits and approvals issued by any legislative body or any department, agency, board, or commission of the State of Hawaii, including but not limited to, the Department of Health.
3. Permits and approvals issued by the Board of Land and Natural Resources of the State of Hawaii and/or the Department of Land and Natural Resources of the State of Hawaii.
4. Permits and approvals issued by any legislative body, department, agency, board or commission of the United States of America, including but not limited to, the Army Corps of Engineers.
5. Appeals, applications, claims, or other matters relating to Real Property Tax with the Real Property Assessment Division, Real Property Tax Division, Board of Review, Department of Finance, or any other agency of the County of Kauai.

DATED:

11 / 29 / 22

OWNER:

OLU PUA GARDENS LLC,
a Hawaii limited liability company

By



JOERG H. HOHNLOSER
Its Managing Member

EXHIBIT "C-1"



LOCATION MAP

SCALE: 1"=2000'

EXHIBIT "C-2"

EXHIBIT "C-2"

EXHIBIT "C-3"

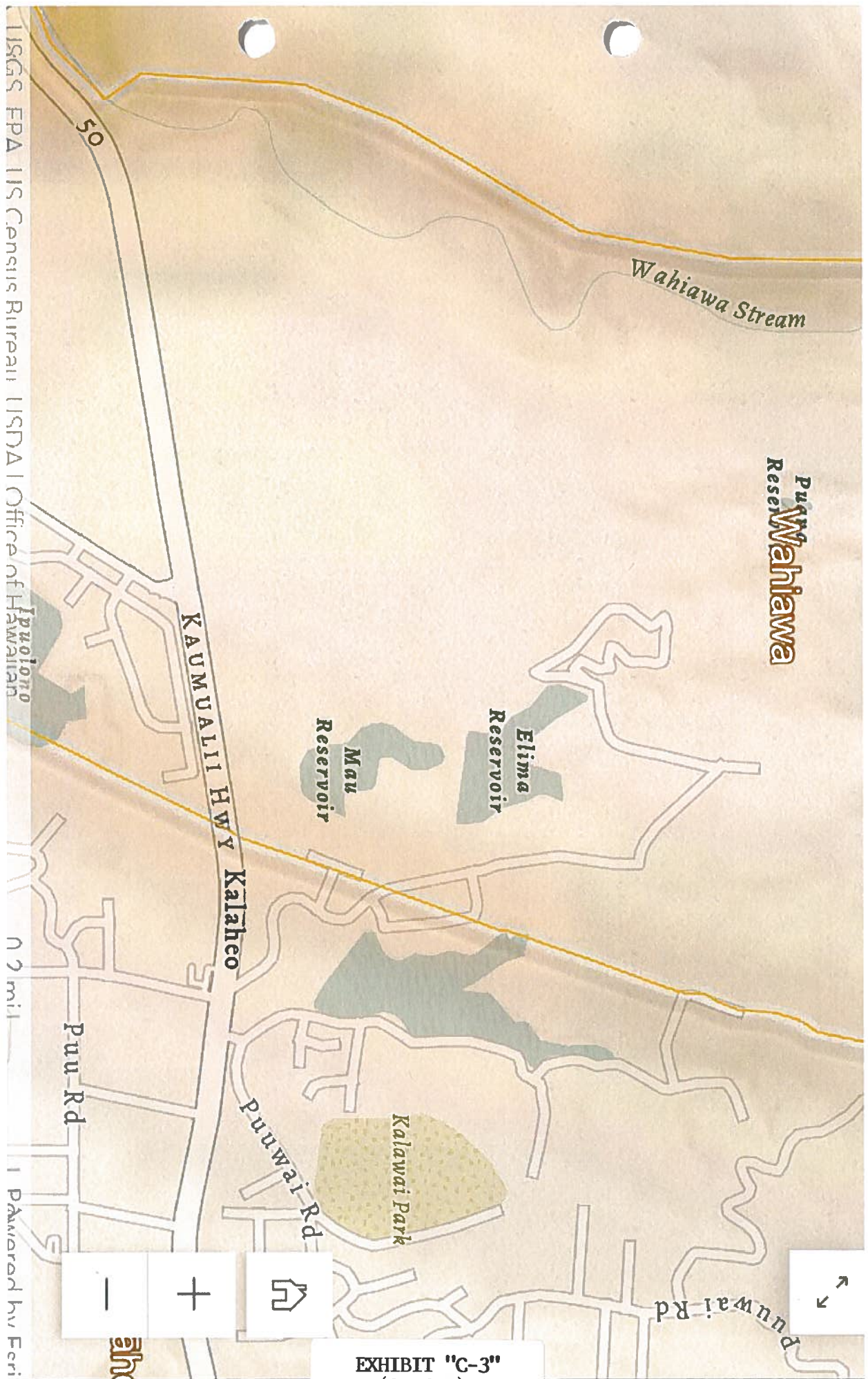


EXHIBIT "C-3"
(2 of 2)

EXHIBIT "C-4"



Map not used and published by the Geological Survey

DOCKET NO.	DATE
A90-1	MAR 15 1970
A99-3	POPULANI DEC 20 1969
A91-9	WILLIAMS (AKA) JUL 1 1968
A91-10	KALAMU COUNTY MAR 1 1968
A94-2	ALFRED TONILON A to U 4/4/68 REC 7/4/68
A94-3	COUNTY OF KAUAI A to U 3/2/68
A91-136	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-137	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-138	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-139	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-140	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-141	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-142	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-143	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-144	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-145	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-146	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-147	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-148	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-149	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-150	REYNOLDS A to U 3/10/68 REC 6/1/68

DOCKET NO.	DATE
A90-1	MAR 15 1970
A99-3	POPULANI DEC 20 1969
A91-9	WILLIAMS (AKA) JUL 1 1968
A91-10	KALAMU COUNTY MAR 1 1968
A94-2	ALFRED TONILON A to U 4/4/68 REC 7/4/68
A94-3	COUNTY OF KAUAI A to U 3/2/68
A91-136	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-137	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-138	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-139	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-140	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-141	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-142	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-143	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-144	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-145	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-146	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-147	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-148	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-149	REYNOLDS A to U 3/10/68 REC 6/1/68
A91-150	REYNOLDS A to U 3/10/68 REC 6/1/68

SCALE 1:24,000
CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 50-FOOT CONTOURS
TERRAIN IS NEAR SEA LEVEL
DEPTH CURVES AND SPOT HEIGHTS IN FEET
SHORELINE LINES REPRESENT THE APPROXIMATE LINE OF MEAN HIGH WATER
THE HIGHER PARTS OF THE ISLAND ARE REPRESENTED BY 1000
THIS MAP COMPLETES WITH NATIONAL MAP ACCURACY STANDARD
FOR SALE BY U. S. GEOLOGICAL SURVEY, DEPT. OF COMMERCE, WASHINGTON, D. C.
A FOLIO DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

DOCKET NO.	DATE
A75-410	R to U JUN 2 1976
A76-418	A to U JUL 7 1977
A77-432	A to U APR 4 1978
A81-515	A to U MAY 27 1982
A82-539	A to U MAY 9 1983
A83-552	U to A DEC 15 1983
A84-567	A to U MAR 17 1985
A85-569	A to U DEC 13 1985
A87-5	A to U SEP 12 1987
A81-7	A to U DEC 6 1987

ROAD CLASSIFICATION
Light-duty
Unimproved dirt
State Road
Koloa, Hawaii
71555-1-1-1985/7.5
8K-8

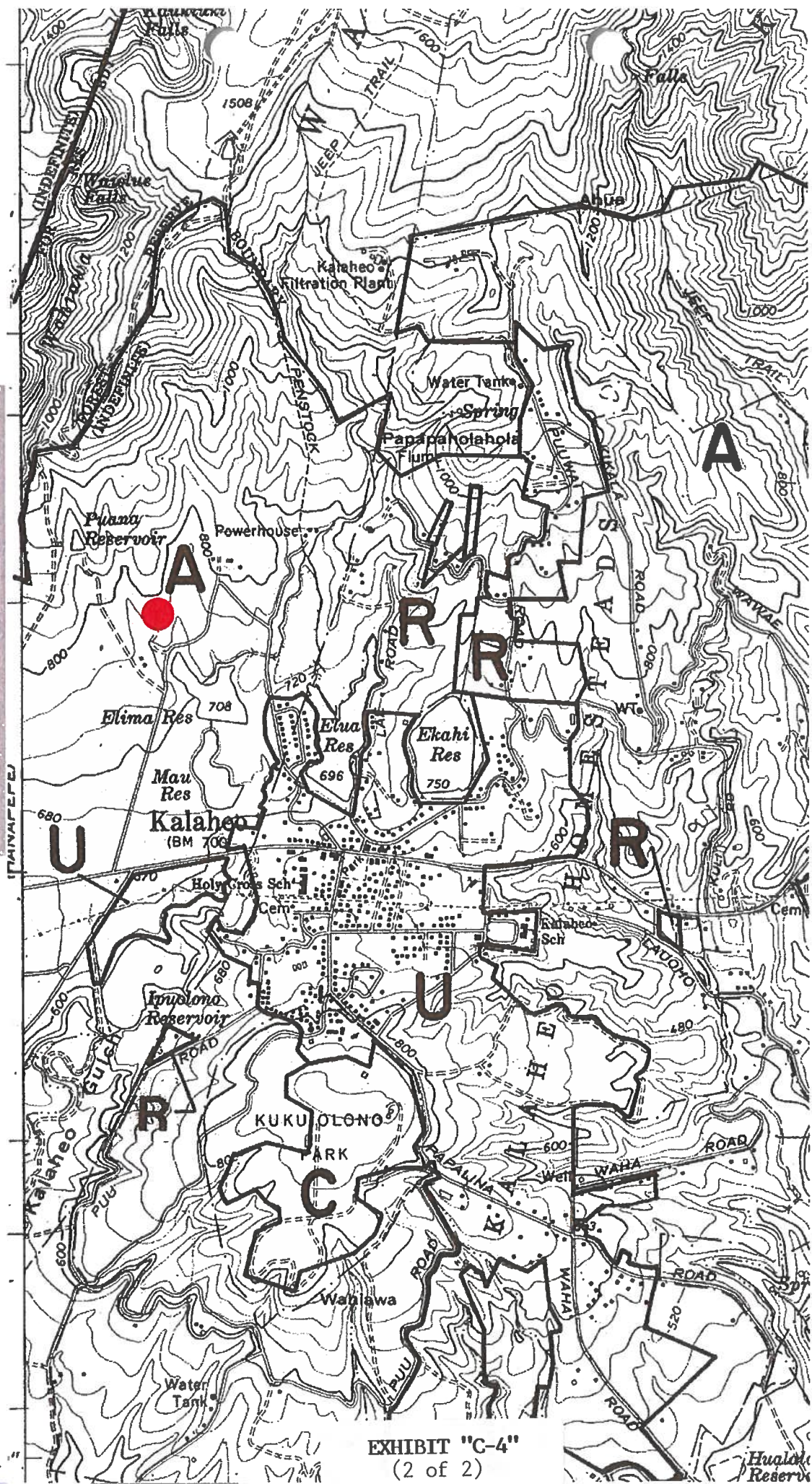


EXHIBIT "C-5"

Figure 5-4 South Kauai Land Use Map

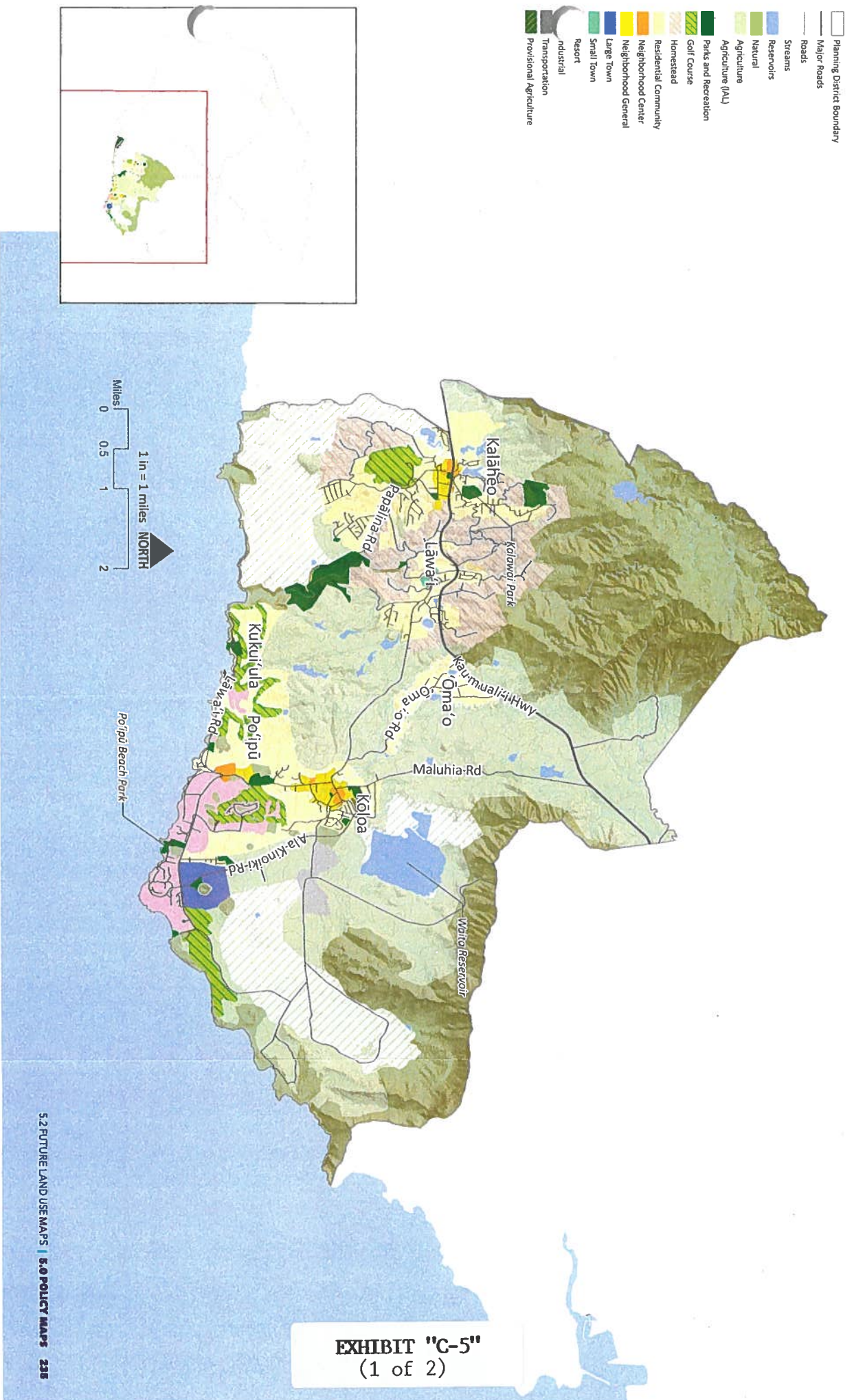


EXHIBIT "C-5"
(1 of 2)

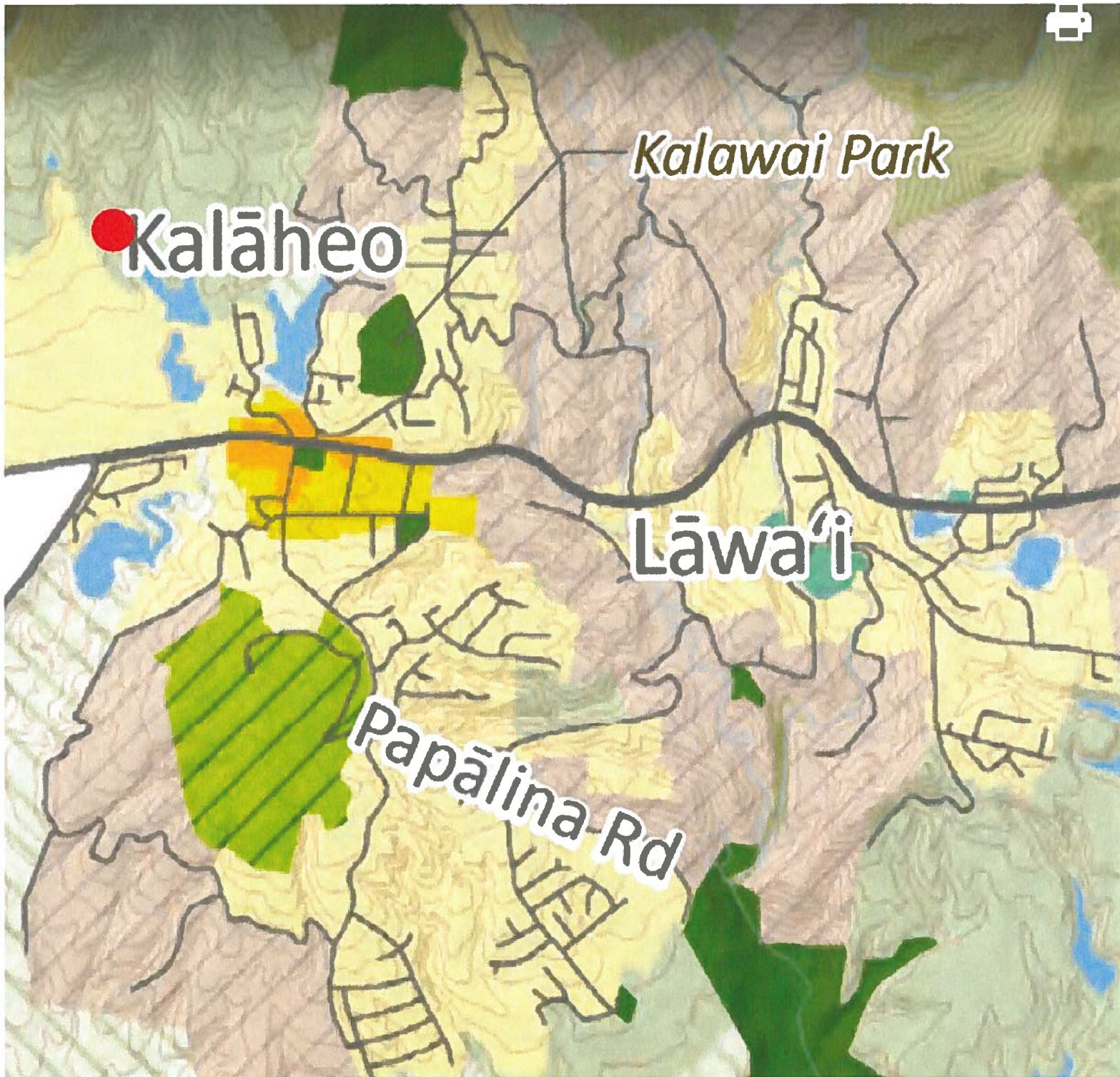


EXHIBIT "C-6"

County of Kauai Zoning Map



TMK Parcel

Tax Map Key

424007016

Owner

OLU PUA
GARDENS LLC

Real Property
Parcel
Information

[View](#)

Parcel Type

TMK Parcel

Zoom

County of Kauai Zoning: A
(Agricultural)



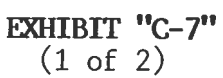
+

-

500 ft



EXHIBIT "C-7"



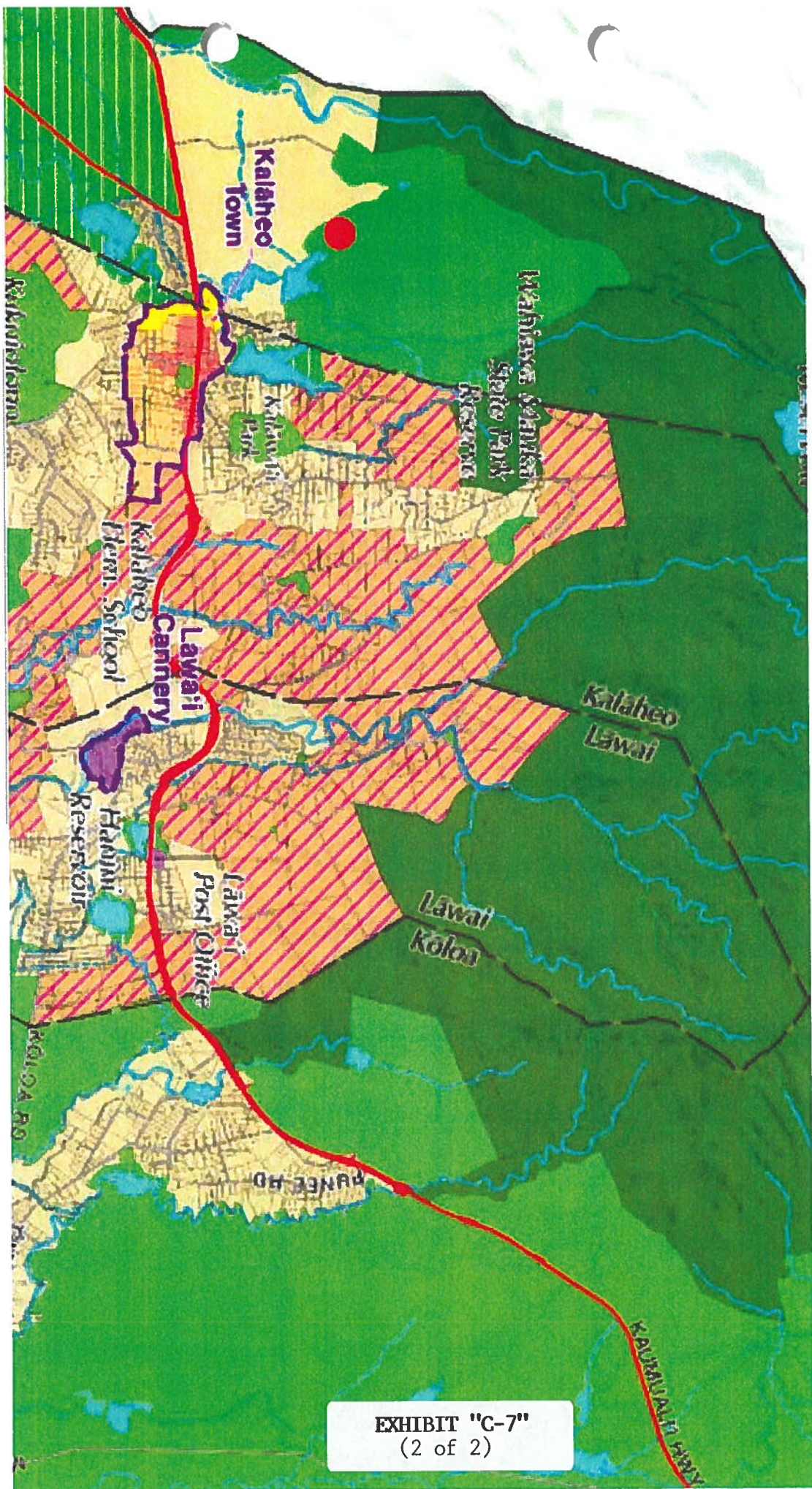
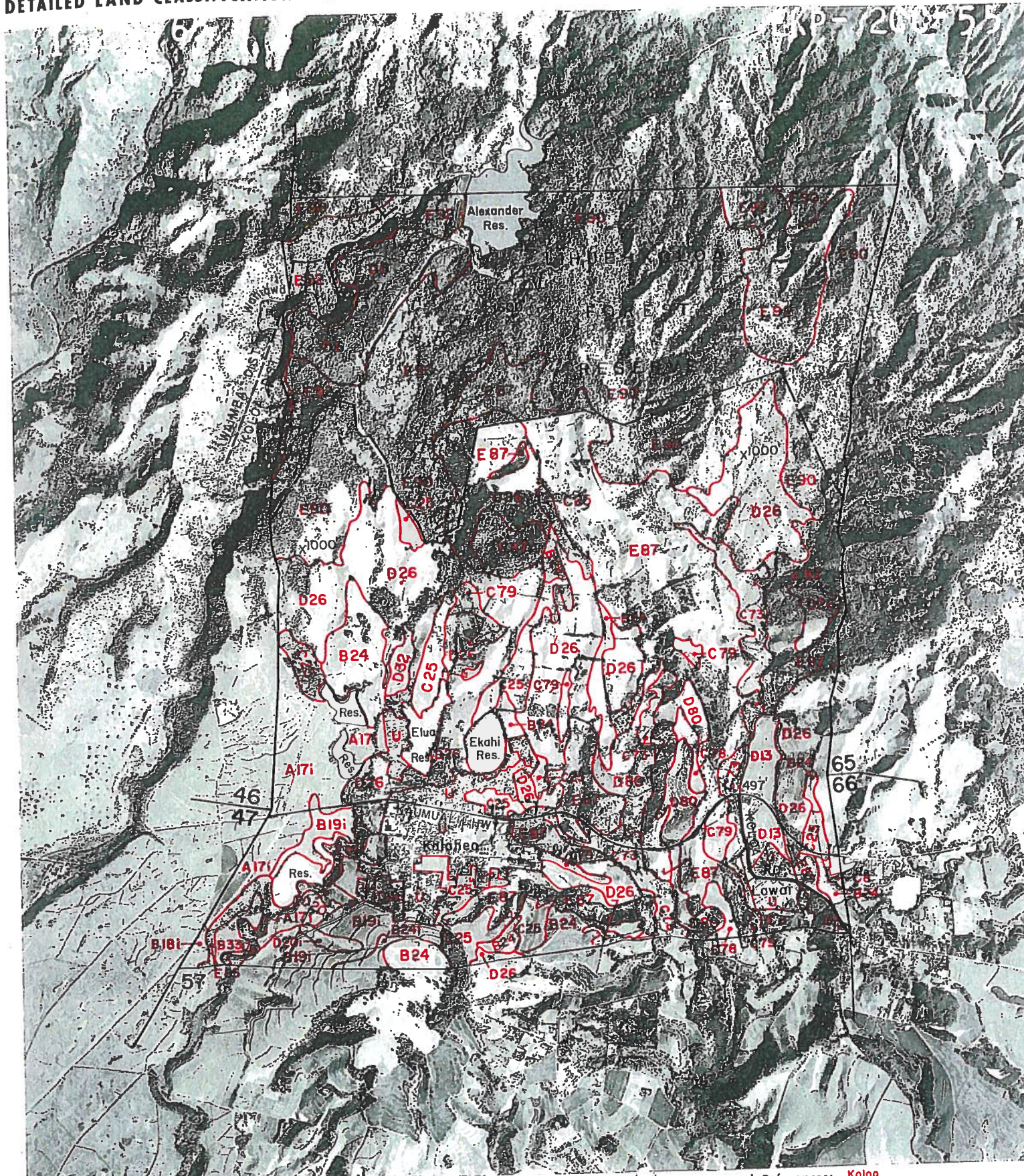


EXHIBIT "C-8"

EXHIBIT "C-9"



Land classification data
field mapped 1967.

LAND CLASSIFICATION SYMBOL:

- Master Productivity Rating
- Land Type, Number and letter "i" if irrigated;
number only if unirrigated. (See sections of
text where Land Types are defined and rated
by selected uses.)

EXHIBIT "C-9"

North

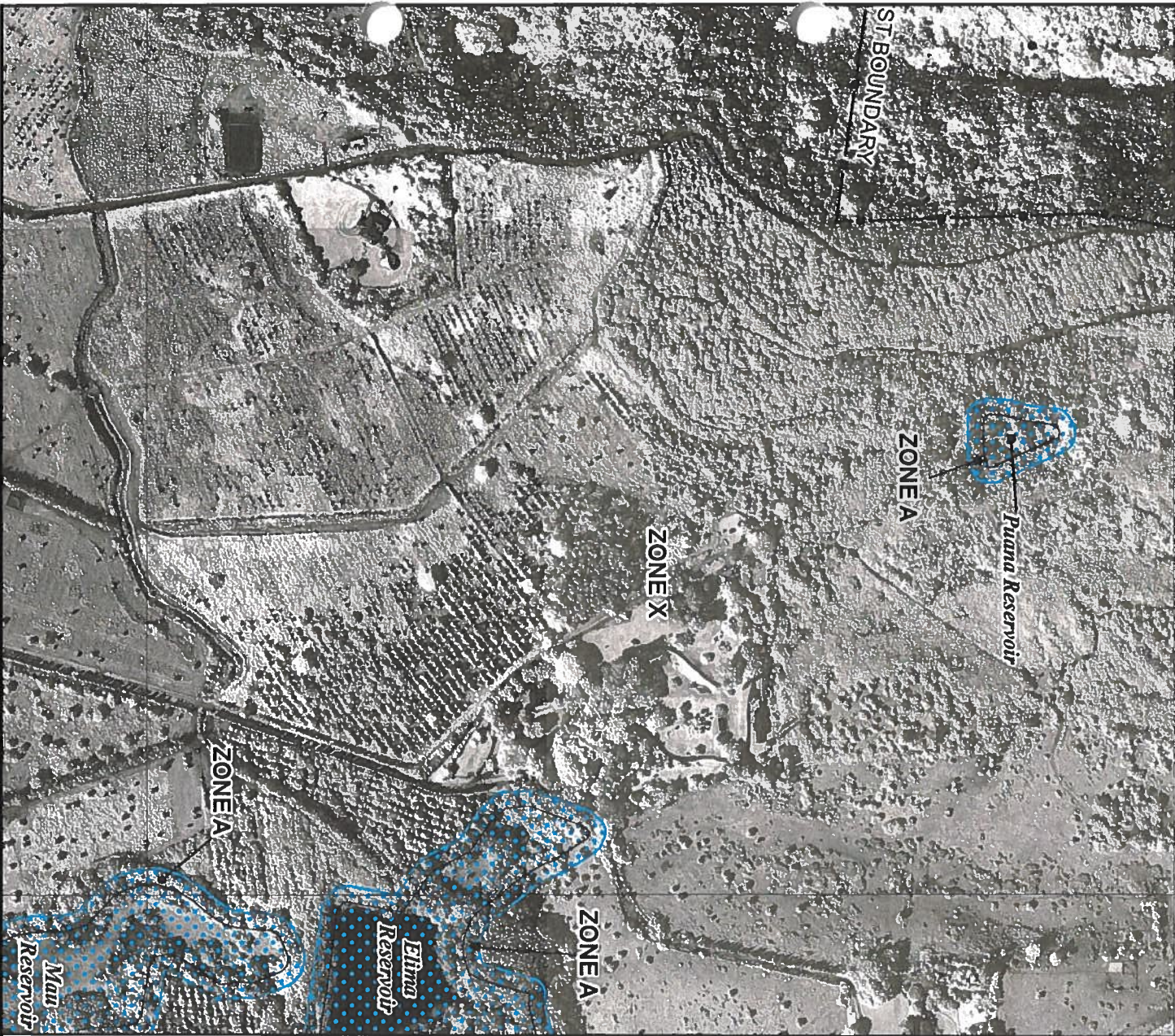
U.S.G.S. Quad References: **Koloo**

Approximate Scale (ft./in.)=15,700- Ground Elevation
6

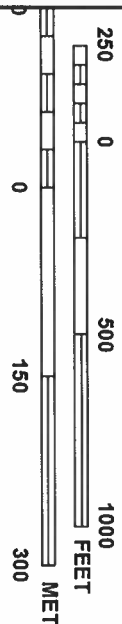
Aerial Photographs: U.S. Dept. of Agriculture, A.S.C.S



LAND STUDY BUREAU - UNIVERSITY OF HAWAII

EXHIBIT "C-10"



MAP SCALE 1" = 500'

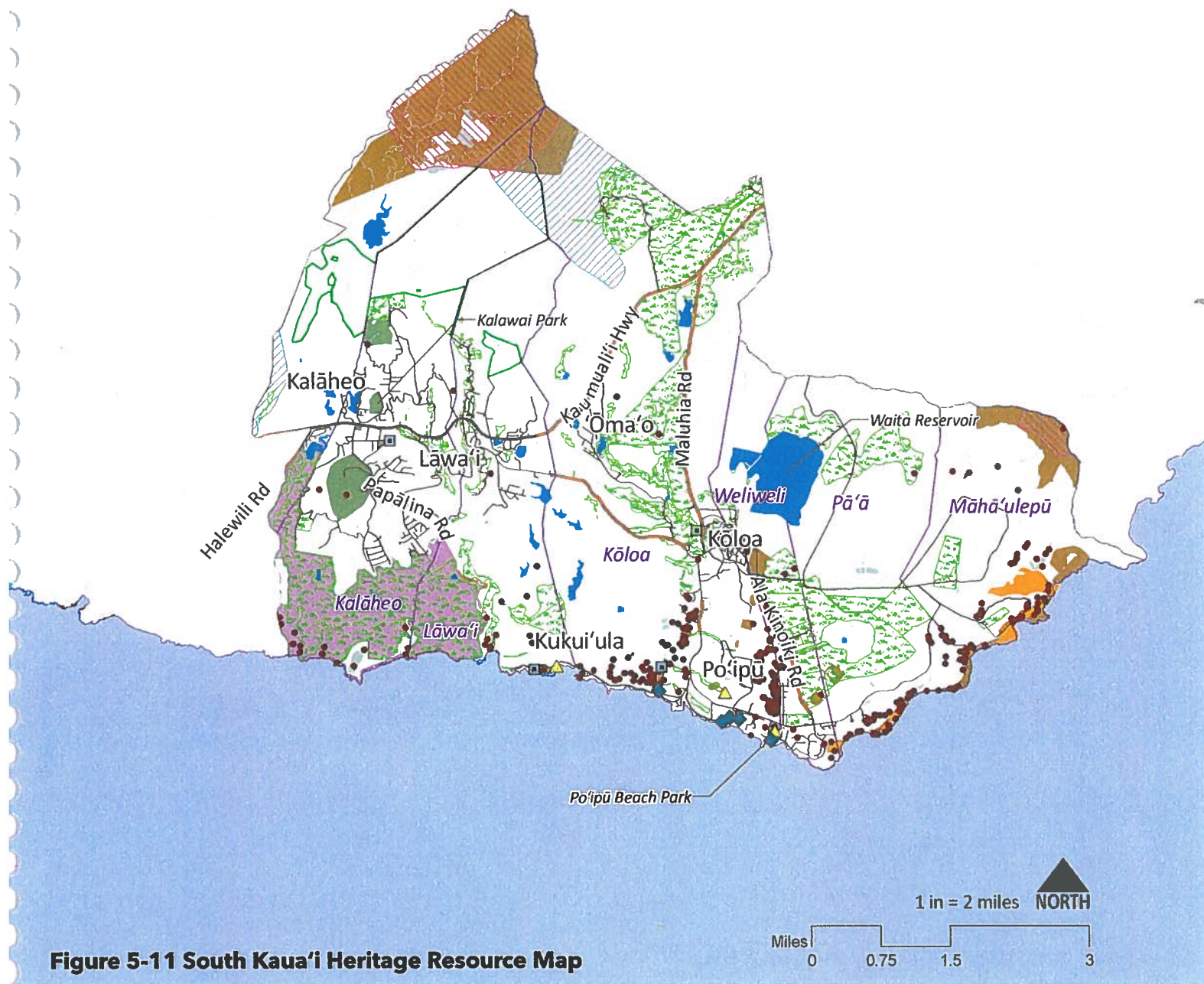


		PANEL 0291E
FIRM FLOOD INSURANCE RATE MAP KAUAI COUNTY, HAWAII PANEL 291 OF 356 (SEE MAP INDEX FOR FIRM PANEL LAYOUT) CONTAINS: COMMUNITY NUMBER PANEL SUFFIX KAUAI COUNTY 150002 0291 E		
Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community. <div style="display: flex; justify-content: space-between; align-items: center;"> <div>  </div> <div> MAP NUMBER 1500020291E MAP REVISED September 16, 2005 </div> <div> Federal Emergency Management Agency </div> </div>		

This is an official FEMA map showing a portion of the above-referenced flood map created from the MSC FIRMets Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://mfc.fema.gov>.

EXHIBIT "C-10"

EXHIBIT "C-11"



Registered Historic Sites

- ▣ State
- ▣ National
- ▣ State & National
- Cultural Features
- ▲ Priority Public Access Points
- ◆ Fish Ponds
- Streams & Waterbodies
- Major Roads
- Roads

- Kōloa Scenic Byway
- Trails
- Planning District Boundary
- Ahupua'a Boundaries
- Wetlands
- Coral Reefs
- Regulated Fishing Areas
- State & County Parks
- Preserves

- Reservoirs
- Traditional Cultivation Areas
- Sand Dunes
- Open Space Acquisition Priorities
- Critical Habitat
- Threatened & Endangered Species**
- High Density
- Very High Density

EXHIBIT "C-11"
(1 of 2)

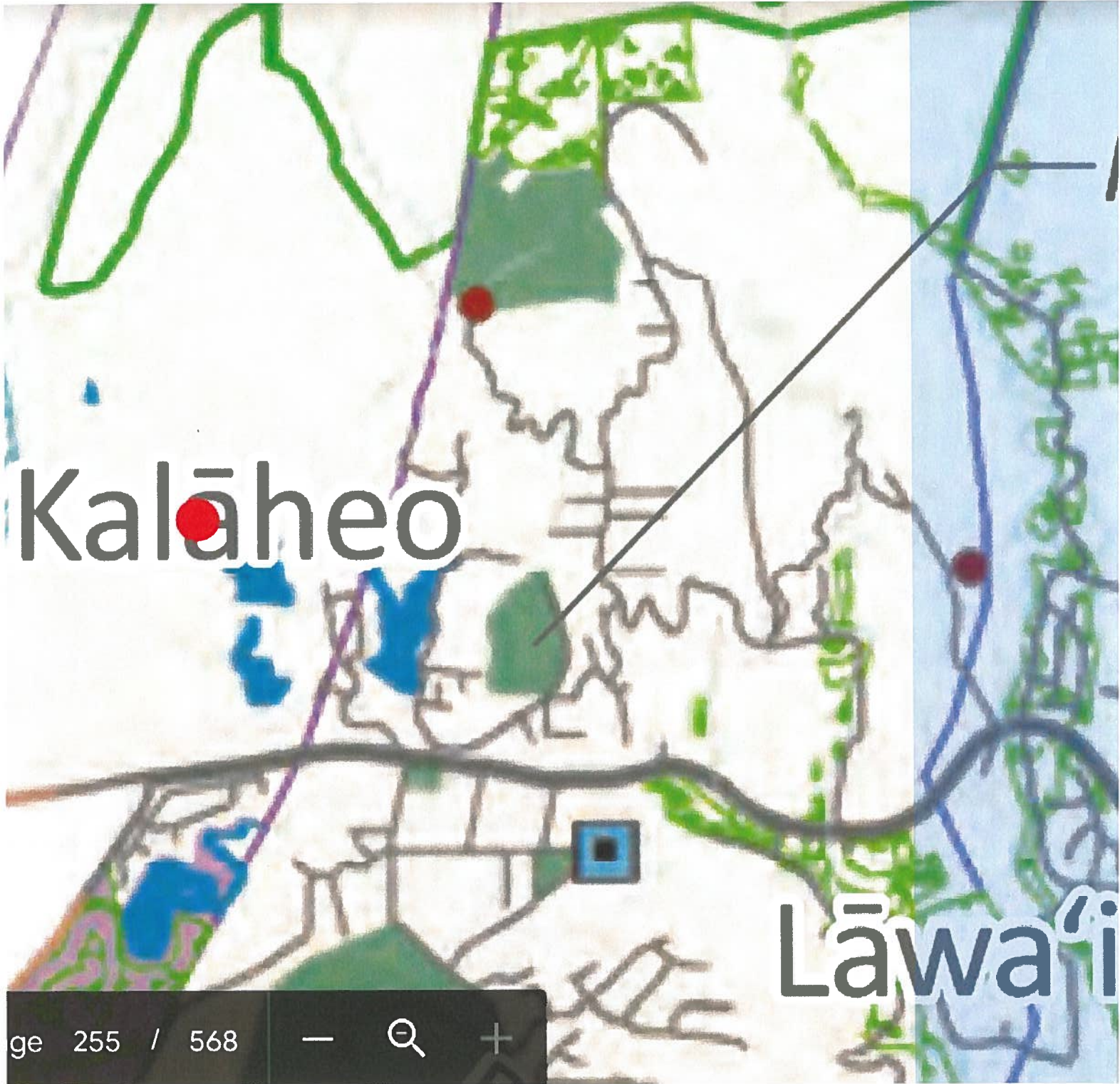


EXHIBIT "D-1"

ADJACENT PROPERTY INDEX

TMK	OWNER/ADDRESS
(4) 2-4-007:004 (CPR Nos. 0001-0010)	William P. Allen Revocable Living Trust 4374 Kukui Grove Street, Suite 101 Lihue, Kauai, Hawaii 96766
(4) 2-4-016:007, 008, 009, 010 and 015	Sunset Strip Properties LLC 8001 W Sunset Boulevard Hollywood, California 90045
(4) 2-4-016:013	McBryde Sugar Company LLC 822 Bishop Street Honolulu, Hawaii 96813

EXHIBIT "D-2"

PERMIT INDEX

Use	SLUC		CZO Article 17		CZO Agriculture District		CZO Zoning Permit Class IV
	P	U	P	U	P	U	Ag
Food Service	HRS 205-2(d)(15) (B) to (E)	---	---	---	---	8-2.4 (r)(5), (16) and (20)	8-8.4(4)
Community Recreation (Events)	HRS 205-4.5(a)(6)	HRS 205-6	---	---	---	8-2.4 (r)(5), (16) and (20)	8-8.4(4)
Community Recreation (Parking)	HRS 205-4.5(a)(6)	HRS 205-6	---	---	---	8-2.4 (r)(5), (16) and (20)	8-8.4(4)

EXHIBIT "D-3"

PARKING INDEX

Category	Number	Requirement	Parking Spaces
<u>EMPLOYEES</u>			
Wedding/Event Coordinator	1	1 per 3	1
Event Staff	1-6	1 per 3	2
TOTAL		1 space/3 employees	3
<u>GUESTS</u>			
Weddings/Events	75 persons	1 space/8 persons	10
TOTAL			13

EXHIBIT "E-1"



EXHIBIT "E-1"

EXHIBIT "E-2"

IMPROVEMENT INDEX

A. BUILDINGS.

Building No.	Designation	Description	Year Constructed
1	Main House (Manager's House)	1-Story SFR Kitchen 3 Bedroom/3 Bath (3,150 s.f.)	1932
2	Main House Annex/Carport	1-Story Accessory to SFR 1 Bedroom/2 Bath (732 s.f.)	1932
3	Upper Cottage	1-Story SFR Kitchen 2 Bedroom/2 Bath (984 s.f.)	
4	Upper Cottage Garage	1-Story Accessory to Upper Cottage (400 s.f.)	1980
5	Lower House (Assistant Manager's House)	2-Story SFR Kitchen 4 Bedroom/3 Bath (2,696 s.f.)	1932
6	Caretaker's House	1-Story SFR 1 Bedroom/1 Bath (437 s.f.)	1932
7	Caretaker's Garage/Barn	Wood Concrete Floor (1,326 s.f.)	1994
8	Greenhouse	Wood Lath (456 s.f.)	1988
9	Surf Shack	Accessory Building/Office (655 s.f.)	1988

B. LANDSCAPE FEATURES.

Designation	Description
Front Lawn	Lawn fronting Main House
Jungle Area	Area below Front Lawn with rock features
Rainbow Eucalyptus	Eucalyptus grove near main entrance
Palm Garden	Palm tree grove on east side of property
Fountain Palms	Palm tree grove below Main Lawn
Fountain	Fountain and pond/water feature
Japanese Garden	Manicured garden with rock features behind Main House
Kau Kau Garden	Pineapple and vegetable garden adjacent to Caretaker's House
Primary Road	Primary circular road connecting main entry to Main House
Unique Native Plants	Scattered throughout the Subject Property

EXHIBIT "E-3"

PROJECT:
OLA PUA

ADDRESS
PARCEL 18
RP 7813, L.C. AM. 7711
AP 6 TO KENAWA
WINDAVER, KAUAI, HI
T.M.K. 24-07



375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

3/10	monday	2/10
		▷
		▷
		▷
		▷
		▷

SHEET TITLE:
CONCEPTUAL
LANDSCAPE PLAN

SHEET NUMBER

3 OF 1

1 CONCEPT
SCALE: 1/4"=1'-0"

CONCEPTUAL LANDSCAPE AGRICULTURAL PLAN WITH CROP IMAGES

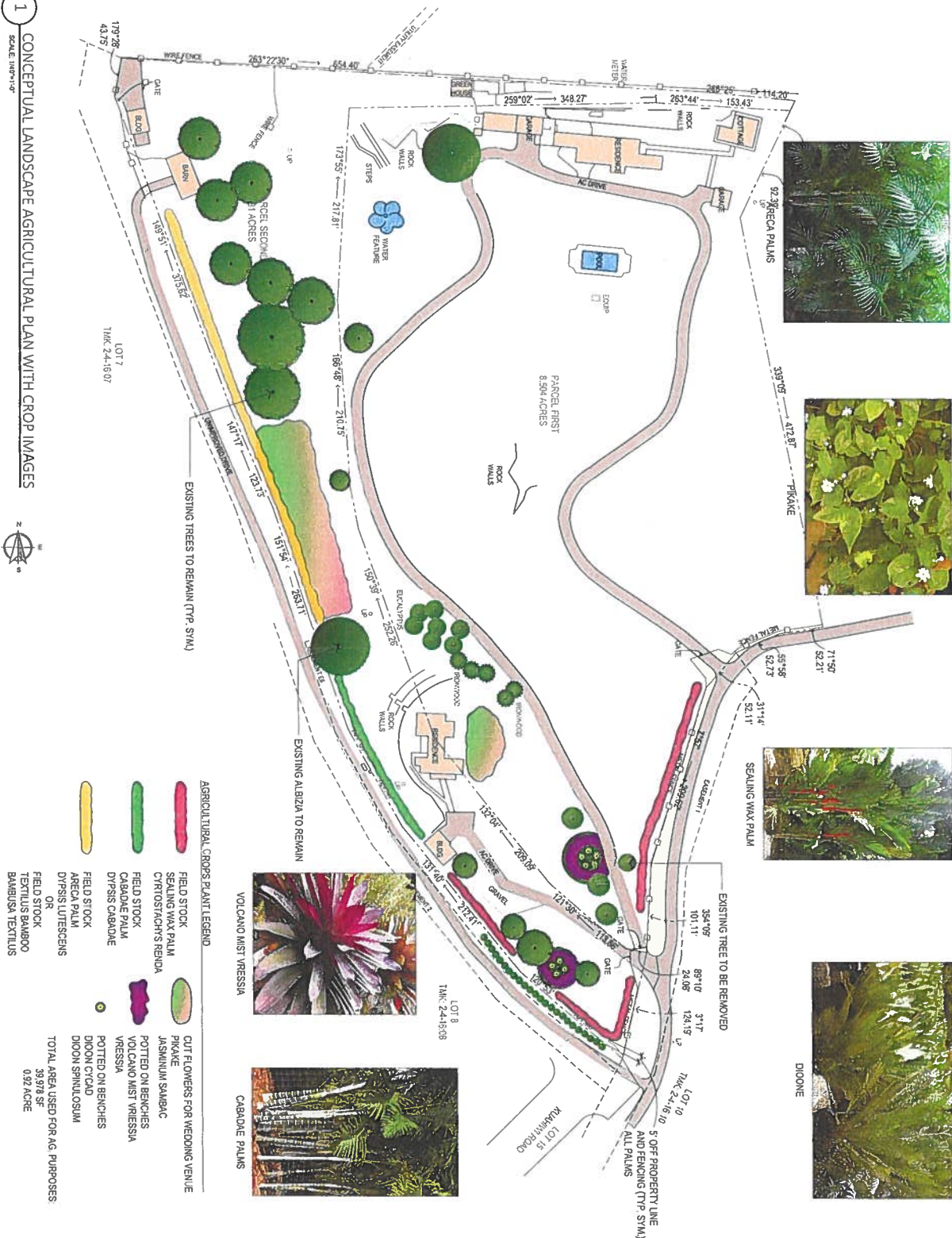


EXHIBIT "E-4"

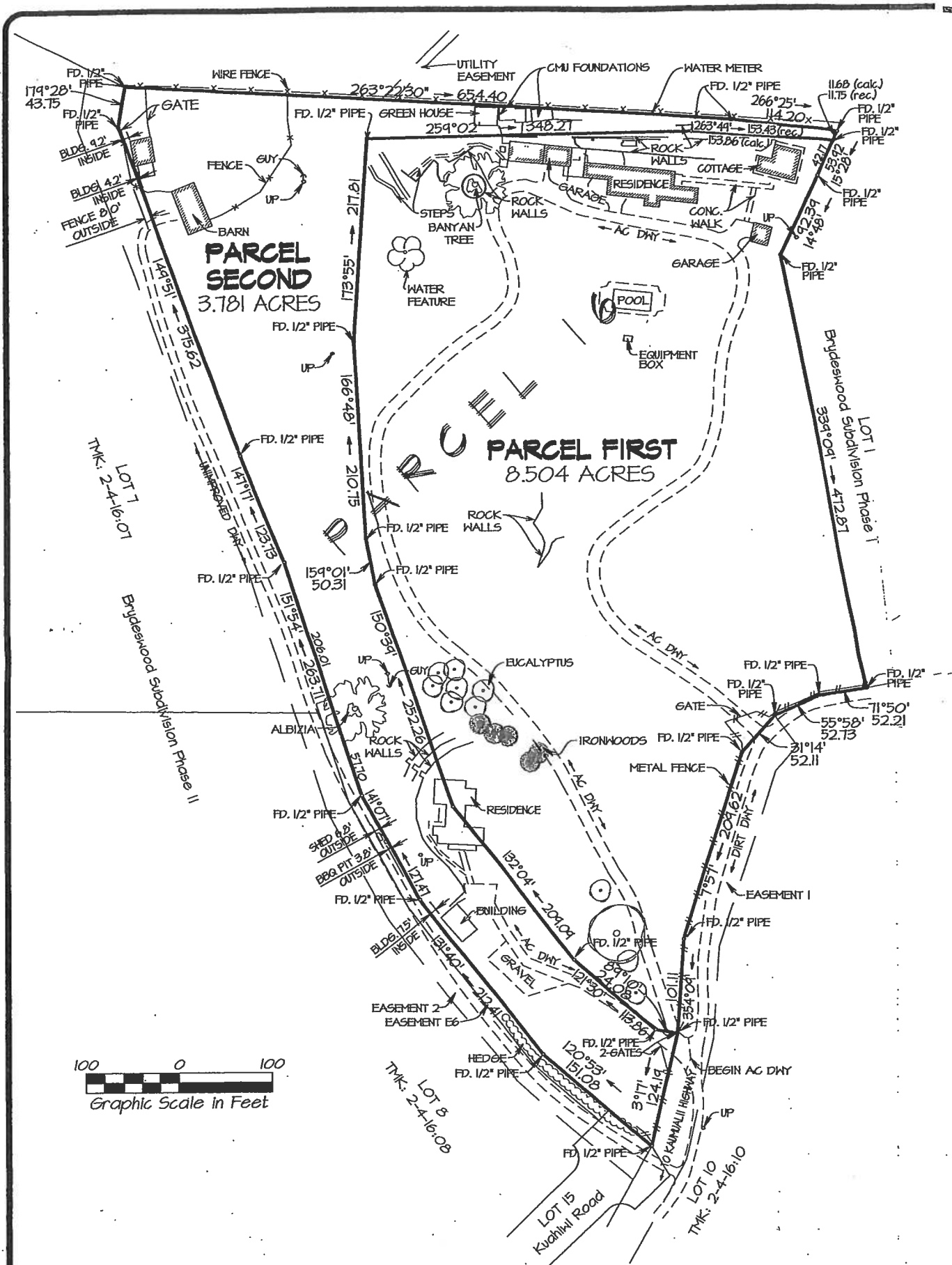


EXHIBIT "E-5"

Agriculture Plan Narrative

Olu Pua Gardens (the former Kauai Pineapple Company Headquarters Site)

The Owners of Olu Pua Gardens, T.M.K. (4) 2-4-007:016 have applied for Kauai County Zoning Use Permit approval to allow for events such as weddings to be held on the property. County approval is contingent upon an approved Agriculture Plan. Our proposed plan is provided for review.

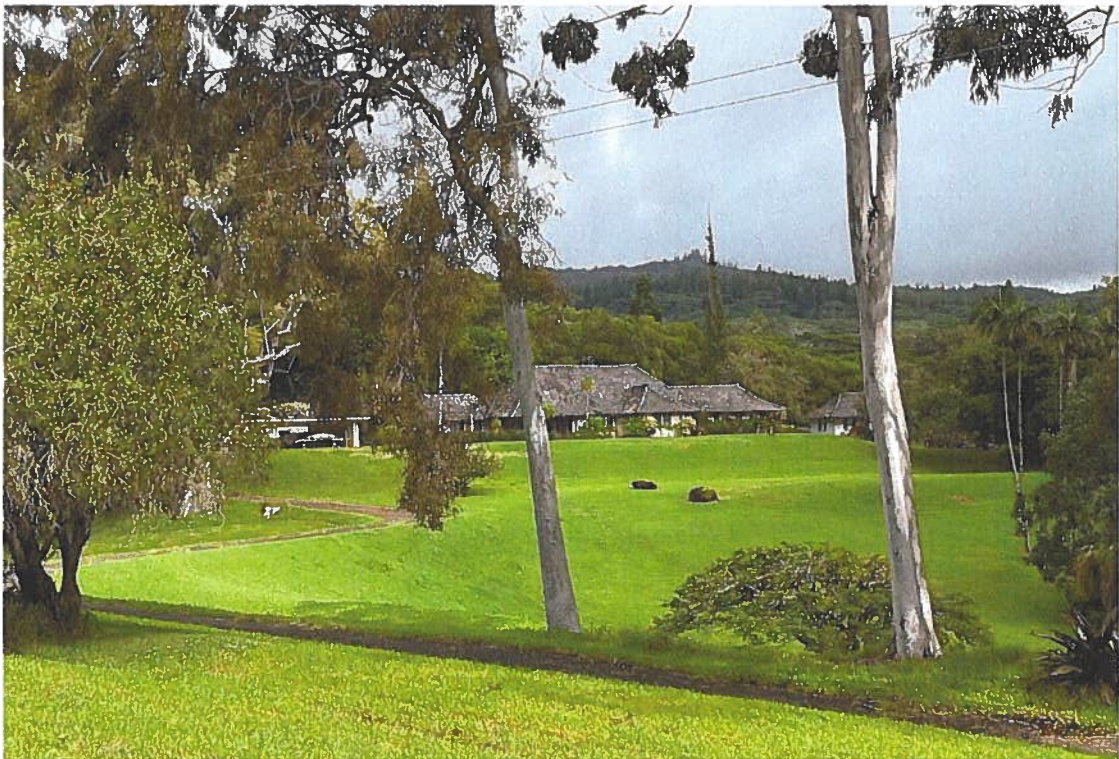
The Motivation

Captured by the beauty and history of Olu Pua, the Owners purchased the property in 2016. Olu Pua has been professionally evaluated and found eligible for both State and National registers of Historic Places. See Mason Architects Report.





The buildings, all in need of repair, are considered small by today's standards. Two well-known general contractors suggested the Owner's demolish the existing buildings and build anew. The Owner's were captivated by the history and charm of the historical buildings including the Manager's House, designed by Charles W. Dickey, built in 1934 and the guest house designed by Roy Kelley built in 1938. Instead of demolishing the buildings the Owners embarked on a program of repair and restoration of both the property infrastructure and buildings.

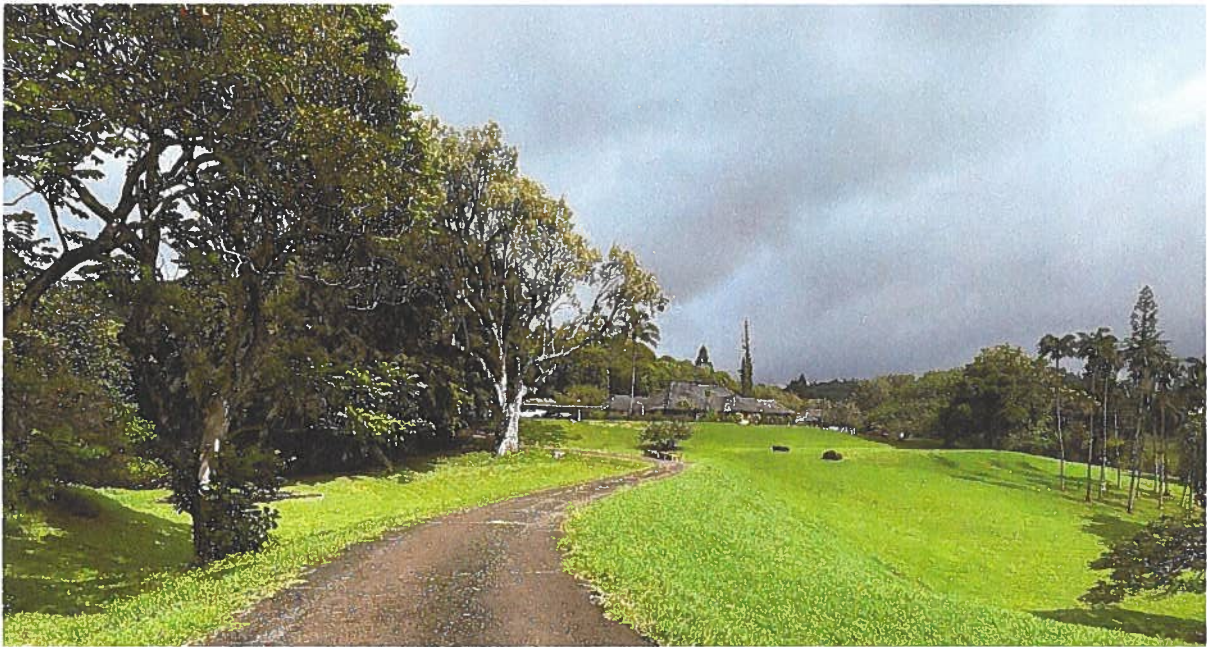


The Cost of the Vision

To date the Owners have spent more than 2 million dollars repairing the property, in addition to hiring a full-time, on-site horticulturist to maintain the grounds. Improvements made by the Owner's include:

- About 1 million dollars for infrastructure improvements (well connection, water lines, hardscape measures to protect buildings from water entry, flooding etc.).
- About 1 million dollars for architecture modifications and repairs:
 - about \$500,000 to extend the life of the structures (gutters, drainage)
 - About \$500,000 for restoration of the original features (windows, wall panels, colors).





The Owner's project the same degree of investment will be required in the next few years, probably with a similar distribution of funds into infrastructure and buildings.

To offset a portion of the on-going maintenance expenses, an Agriculture Plan has been developed. Plan parameters are as follows:

- The Agriculture Plan shall not compromise the historical value of the property (see Mason Architect's August 1, 2022 report and Map of Potentially HSHP eligible portions of the Olu Pua Gardens attached).
- The Agriculture Plan shall comply with horticulture requirements such as sun, and water availability.
- The Agriculture Plan shall enhance the beauty of the property.
- Grow much needed agricultural materials for the Kauai landscape construction industry.

The Agriculture Plan has been located away from the most historical relevant portions of the property.

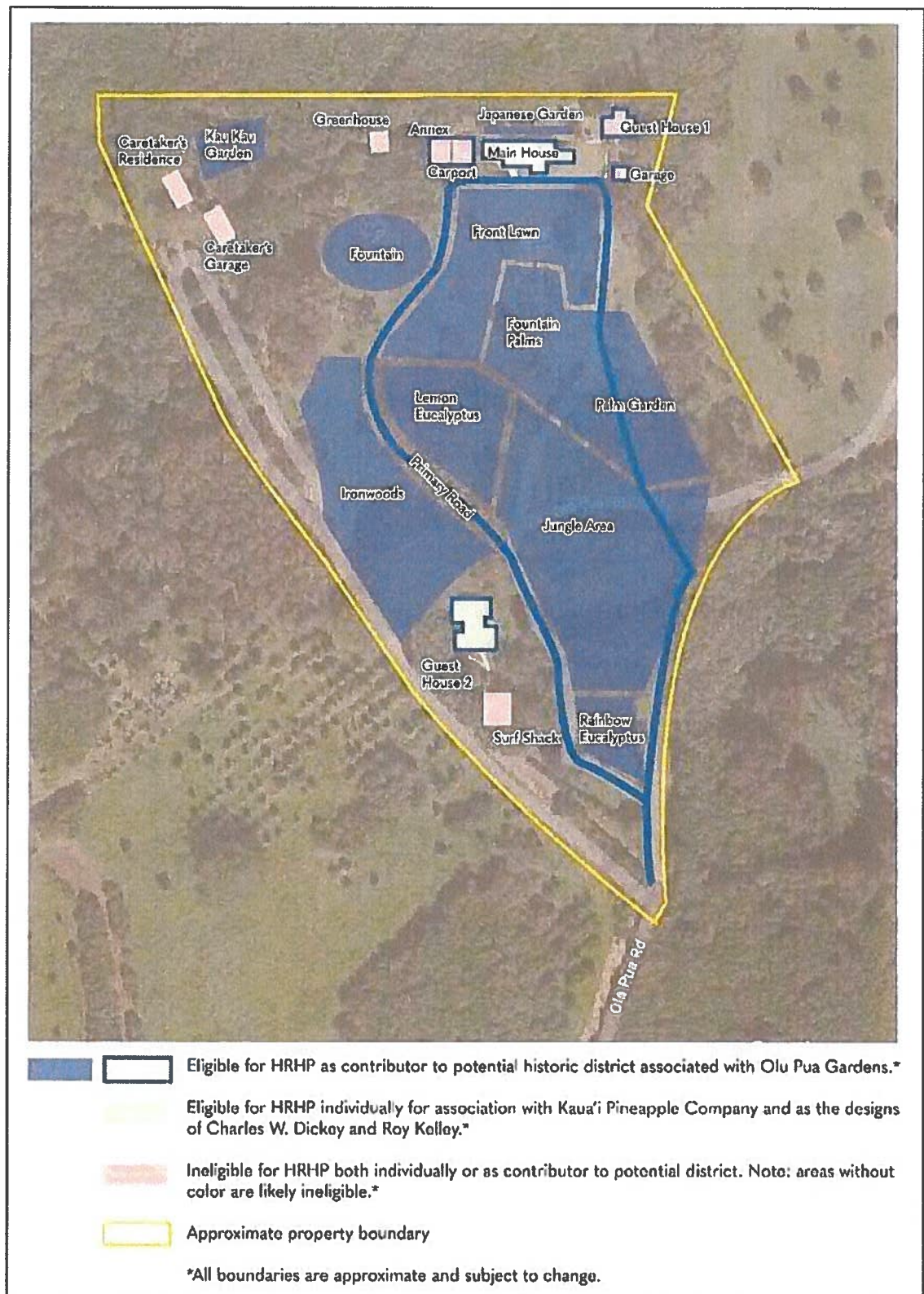


Image 1. Potentially HRHP eligible portions of Olu Pua Gardens. (MASON, 2022)

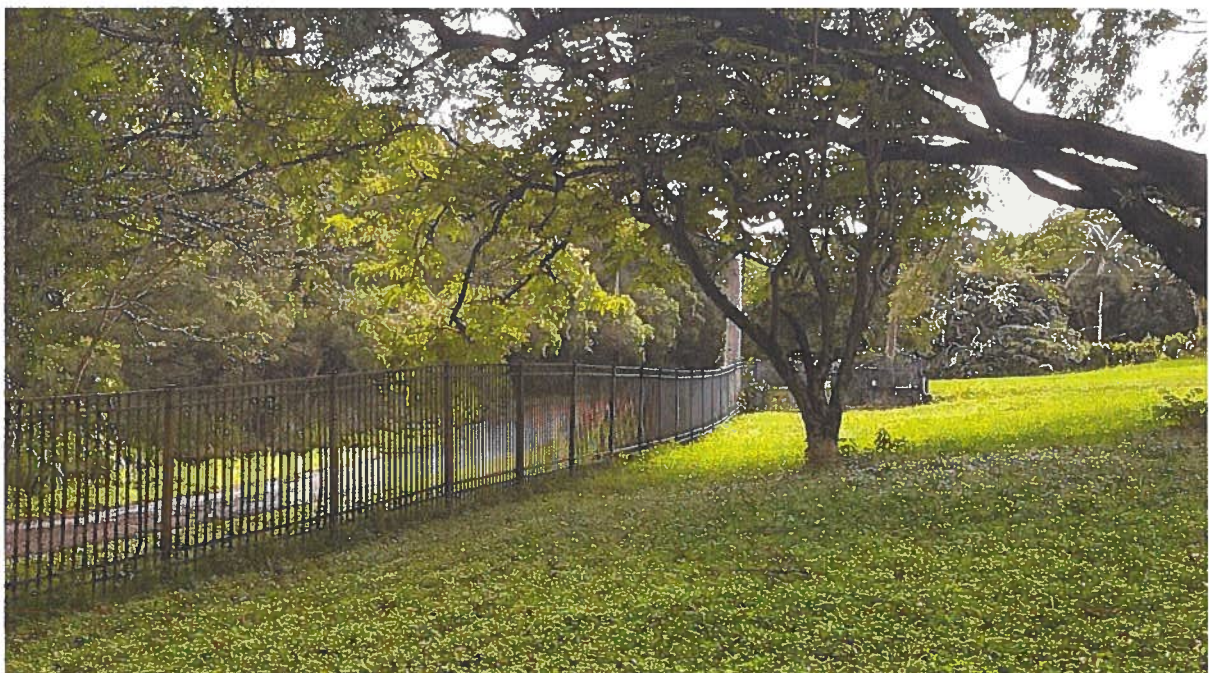
Agriculture Plan Crop Selection

Ornamental palms in high demand by the Kauai residential landscape construction industry are the focus of the Agriculture Plan. Due to the infestation of pests on multiple islands such as Rhino Beetle, Fire Ants, Nettle Caterpillar and Coqui Frogs, plant transfer between islands has been severely limited, spiking the already high demand for these plants on Kauai. The high value of the plant materials selected means less area will be required to turn a profit, thereby resulting in less negative impact to the character of the property. Along Olu Pua Road, colorful Sealing Wax palms will be used for screening, beautification, and property identification. Cabadae and Areca Palms will be used to screen and frame the property along the west property line. The palms are proposed to be planted in-ground with room allotted for harvesting. Potted Dioone and Vressia plants on planting benches would be built around the existing large trees. In-ground Pikake would be planted in large beds. The pikake flowers would be sold back to Olu Pua Events for weddings and leis.



Sealing Wax Palm- *Crytostachys renda*

In-ground Sealing Wax Palm screen hedges would be planted along the existing fence at Olu Pua Road and a portion of the west property line, thereby beautifying the approach to the property.





Cabadae Palm- *Dypsis Cabadae*

In-ground Cabadae Palms would be planted along a portion of the west property line, providing a finished appearance to this view.





Areca Palm- *Chrysaldiocarpus lutescens*



An Areca Palm screen hedge would be planted along the west property line (inside of the access road) improving the view from the Olu Pua Garden side of the property looking west.



Dioone – Dioone edulis



Potted Dioone plants would be grown on raised benches below the canopy of two large existing trees.



Merlot/ Volcano Mist Vriesea – Vriesea

Vreiseas would be set on benches in front of the Dioone, making a colorful composition.



Pikake-Jasminum sambac

Pikake would be planted on the gentle slopes in full sun.



Agriculture Plan Estimated Market Value

The market values based on the attached Conceptual Landscape Plan is as follows:

1. Sealing Wax Palms
567 plants at 10' on center
25 gallon plant size (6' overall height), \$ 500 each \$ 283,500
Field Stock plant size (10' overall height), \$ 1,300 each \$ 737,100
2. Cabadae Palms
213 plants at 10' on center
25 gallon plant size, (6' overall height), \$ 500 each \$ 106,500
Field Stock plant size (10' overall height), \$ 1,300 each \$ 276,900
3. Areca Palms
509 plants at 10' on center
25 gallon plant size (6' overall height), \$ 450 each \$ 229,050
Field Stock plant size (10' overall height), \$1,200 each \$ 610,800
4. Dioone Cycad
(18) plants
25 gallon plant size, (4' height), \$ 750 each \$ 13,500
5. Vriesea
736 at 30" on center
10" pot size, (16" ht., 20" sp.), \$60 each \$ 44,160
6. Pikake flower only to be sold. Market value not available.

The plant material values shown above are today's market value. The cost to acquire starts (1-3 gal. plant material for Palms), starts for Pikake and Vreiseas, time to grow the plant materials to size (between 5-8 years) the cost of constructing benches, planting, and maintaining the plant material is beyond the scope of this narrative. The full-time, on-site horticulturist will implement the Agriculture Program and maintain logs documenting expenditures, sales, and crop maintenance recordation.

Conclusion

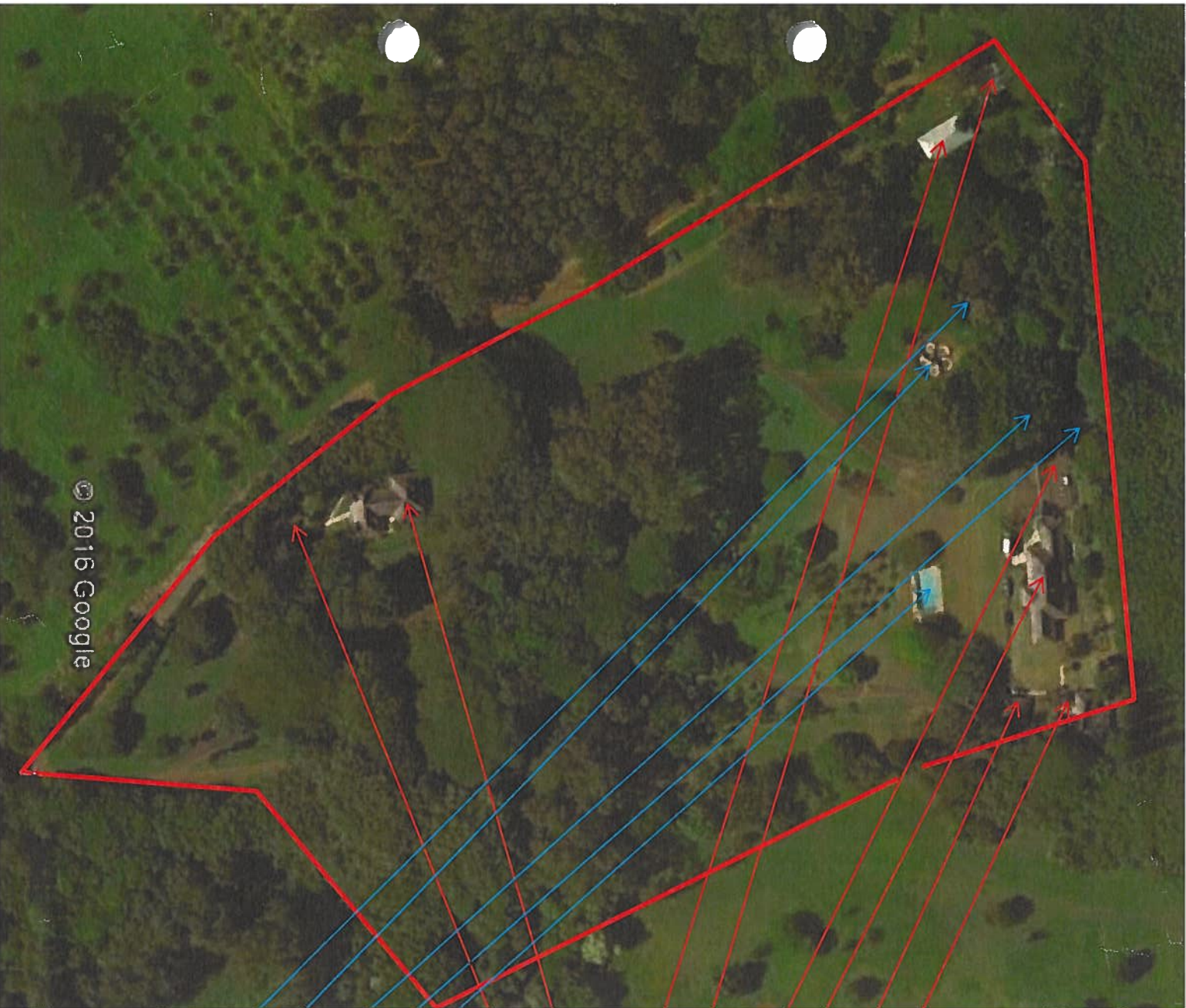
The Owners hope the proposed Agriculture Plan meets the County's objectives and will result in approval of the Events Use Permit. Income generated by the Agricultural Plan and events at the Gardens will allow the Owners to continue to realize their vision of restoring and improving Olu Pua Gardens, providing needed plant material to Kauai's Landscape construction industry, and affording the public the opportunity to enjoy one of Kauai's heritage properties.

Please do not hesitate to contact me if there are any questions. We look forward to your favorable consideration.

Thank you,
Loriann Gordon

Loriann Gordon
Landscape Architect, LLC
49 S. Hotel St., Ste. 210
Honolulu, Hawaii 96813
Tel: 808-492-1633
Cell: 808-282-0106

EXHIBIT "F"



© 2016 Google

- Structures (counter clock)
- Upper Guest House (UGH)
- Garage
- Main House (MH)
- Office Building (OB)
- Caretaker House (CH)
- Barn (B)
- Lower Guest House (LGH)
- Surf Shack
- Additional structures
- Pool
- Orchid Shack
- Wedding Shot Terrace
- Lilly Pond
- Waterfall

EXHIBIT "G"

BELLES GRAHAM LLP

MAX W. J. GRAHAM, JR. 926-0
IAN K. JUNG 8626-0
3135 Akahi Street, Suite A
Lihue, Kauai, Hawaii 96766
Telephone: (808) 246-6962
Email: mwg@kauai-law.com
ikj@kauai-law.com

Attorneys for Applicant,
OLU PUA GARDENS LLC,
a Hawaii limited liability company

BEFORE THE PLANNING COMMISSION

OF THE

COUNTY OF KAUAI

In The Matter Of The Application	)	USE PERMIT NO. U-2024-_____
	)	CLASS IV ZONING PERMIT
Of	)	NO. Z-IV-2024-_____
	)	SPECIAL PERMIT NO. SP-2024-_____
OLU PUA GARDENS LLC, a Hawaii)	
limited liability company, for a Use)	
Permit, a Class IV Zoning Permit, and a	)	MEMORANDUM RE: KA PA'AKAI
Special Permit for real property situated at	)	ASSESSMENT
Wahiawa, Kauai, Hawaii, identified by)	
Kauai Tax Map Key No. (4) 2-4-007:016.)	
_____)	

MEMORANDUM RE: KA PA'AKAI ASSESSMENT

A. BACKGROUND.

1. Description. The Subject Property is located in Wahiawa, Kauai, Hawaii, in the ahupua'a of Wahiawa. The Subject Property is currently identified as a portion of Royal Patent 7813, Land Commission Award 7714-B to Kekuaiwa, containing 12.285 acres and is identified by Kauai Tax Map Key No. (4) 2-4-007:016.

2. Land Use Designations. The Subject Property is located in the State Land Use Commission Agricultural District, Kauai General Plan Agriculture designation, and in the Comprehensive Zoning Ordinance Agriculture District.

3. Past and Current Uses. The Subject Property has been fully developed and used for residential purposes on a continuous basis since at least 1932 (92 years). The Applicant purchased the Subject Property in 2016. For the eight (8) years of the Applicant's ownership, the Applicant has used the entirety of the Subject Property exclusively for residential purposes. In this regard, the Applicant attests to the following:

a. The Applicant has not allowed any other person to enter, remain on, or occupy any portion of the Subject Property without the Applicant's consent.

b. Except as noted below, the Applicant has never received any requests from Native Hawaiians to engage in traditional and customary practices on the Subject Property, including but not limited to, gathering activities, religious practices, access to historic sites or burials, or access to other lands.

c. The Applicant has never observed, and is not aware of, the existence of historic sites or burials on the Subject Property.

d. The Subject Property is not located near or adjacent to the shoreline, to any streams, or to any other areas that require access across the Subject Property. The Applicant is not aware of any trails on the Subject Property. The Applicant has never received any requests from Native Hawaiians to use the Subject Property for access purposes, except as noted below.

4. Prior Claims. The Applicant has been involved in the following two (2) lawsuits involving native Hawaiians who claimed ownership of the Subject Property:

a. Olu Pua Gardens LLC v. Lance Kamuela Gomes, Civil No. 18-1-0072, Fifth Circuit Court, State of Hawaii. In this case, Lance Kamuela Gomes ("Gomes") recorded a document (the "Claim") in the Bureau of Conveyances of the State of Hawaii (recorded September 20, 2017) in which he claimed to be the owner (with other native Hawaiians) of the ahupua'a of Wahiawa (Kauai) (5,857 acres) and the ahupua'a of Koloa (Kauai) (8,620 acres), which included the Subject Property. The Applicant filed its lawsuit against Gomes on May 22, 2018, under Hawaii Revised Statutes Chapter 507D seeking to expunge the Claim and having the Court determine the Applicant to be the sole owner of the Subject Property. A Final Judgment in favor of the Applicant and against Gomes was entered in this case on October 14, 2019.

b. Lance Kamuela Gomes and Punohu Nalimu Kekaulua III v. Olu Pua Gardens LLC, et al., Civil No. 18-1-0104, Fifth Circuit Court, State of Hawaii. A Complaint in this case was filed on August 20, 2018, by Gomes and Punohu Nalimu Kekaulua III against the Applicant and various other owners of properties located in the Wahiawa ahupua'a and the Koloa ahupua'a. The Plaintiffs claimed to be owners (together with other native Hawaiians) of all such properties (which included the Subject Property). In a Final Judgment filed on

October 9, 2018, the Plaintiffs' Complaint was dismissed with prejudice. A Judgment On Appeal dated July 7, 2020, was entered by the Intermediate Court of Appeals of the State of Hawaii affirming the Circuit Court's Final Judgment.

B. APPLICABLE LAW.

Article XII, Section 7 of the Hawaii State Constitution, identifies and protects certain customary and traditional rights of Native Hawaiians ("Traditional Rights"). It provides as follows:

"The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights."

These Traditional Rights are further codified in Hawaii Revised Statutes ("HRS"), Section 1-1 (which adopts as the common law of the State laws "established by Hawaiian usage"), and Section 7-1, which provides as follows:

§7-1 Building materials, water, etc.; landlords' titles subject to tenants' use. *Where the landlords have obtained, or may hereafter obtain, allodial titles to their lands, the people on each of their lands shall not be deprived of the right to take firewood, house-timber, aho cord, thatch, or ki leaf, from the land on which they live, for their own private use, but they shall not have a right to take such articles to sell for profit. The people shall also have a right to drinking water, and running water, and the right of way. The springs of water, running water, and roads shall be free to all, on all lands granted in fee simple; provided that this shall not be applicable to wells and watercourses, which individuals have made for their own use. [CC 1859, §1477; RL 1925, §576; RL 1935, §1694; RL 1945, §12901; RL 1955, §14-1; HRS §7-1]*

These Traditional Rights have been described, examined, and discussed by a series of cases. See, State v. Hanapi, 89 Haw. 177, 970 P.2d 485 (1998) ("Hanapi"); Kalipi v. Hawaiian Trust Company, Ltd., 66 Haw. at 9, 656 P.2d 745 (1982) ("Kalipi"); Public Access Shoreline Hawai'i v. Hawai'i County Planning Commission, 79 Hawai'i 425, 903 P.2d 1246 (1995) ("PASH"); and Ka Pa'akai O Ka'Aina v. Land Use Commission, State of Hawaii, 94 Hawai'i 31, 7 P.3d 1068 (2000) ("Ka Pa'akai"). These cases have all recognized that whatever the scope and definition of Traditional Rights may be, they may only be exercised on land that is less than "fully developed". This concept was described in State v. Hanapi as follows:

"Finally, a defendant claiming his or her conduct is constitutionally protected must also prove that the exercise of the right occurred on undeveloped or "less than fully developed property". Id. at 450, 903 P.2d at 1271. In PASH, we reaffirmed the Kalipi court's nonstatutory "undeveloped land" requirement. Id. We

noted that "the Kalipi court justified the imposition of... [such a requirement] by suggesting that the exercise of traditional gathering rights on fully developed property 'would conflict with our understanding of the traditional Hawaiian way of life in which cooperation and non-interference with the wellbeing of other residents were integral parts of the culture'." Id. (quoting Kalipi 66 Haw. at 9, 656 P.2d at 750 (emphasis in original)). We also acknowledged that "[d]epending on the circumstances of each case, once land has reached the point of 'full development' it may be inconsistent to allow or enforce the practice of traditional Hawaiian gathering rights on such property'. Id. (emphasis added). Our intention in PASH was to examine the degree of development of the property, including its current uses, to determine whether the exercise of constitutionally protected native Hawaiian rights on the site would be inconsistent with modern realty. To clarify PASH, we hold that if property is deemed "fully developed", i.e., lands zoned and used for residential purposes with existing dwellings, improvements, and infrastructure, it is always "inconsistent" to permit the practice of traditional and customary native Hawaiian rights on such property. In accordance with PASH, however, we reserve the question as to the status of native Hawaiian rights on property that is "less than fully developed". Id. at 450, 903 P.2d at 1271."

C. PROCESS.

In Ka Pa'akai, the Hawai'i Supreme Court established a three-part analytical framework to assist the State and Counties in fulfilling their constitutional obligation to preserve and protect traditional and customary practices exercised by Native Hawaiians, to the extent feasible. The analytical framework was developed to assist with balancing both the rights of Native Hawaiians to exercise their traditional and customary practices, and the rights of private landowners. The Ka Pa'akai case requires agencies to apply the following analysis:

1. First, the agency must determine if there are constitutionally protected and valued cultural, historic or natural resources present in the area to be developed. This requires the agency to determine at the outset whether the property is fully developed. If it is fully developed, then under Kalipi no cultural, historic or natural resources that are protected by Article XII, Section 7, can be said to exist.

2. Second, if the property is not fully developed, and if it contains protected resources, then the agency must determine the impact, if any, of the proposed action on the protected resources.

3. Third, the agency must specify any feasible action which must be reasonably taken to protect the resources.

In providing such guidance, the Ka Pa'akai case did not intend to narrow or constrain the exception governing fully developed land. The first issue to be resolved in any agency matter is whether the property which is the subject matter is fully developed.

D. ANALYSIS.

1. Past and Current Uses. The Subject Property was and continues to be a lot containing: nine (9) buildings, four (4) of which are residential structures; and nine (9) landscape features. All of the improvements are used exclusively by the Applicant. The Subject Property has been used for residential purposes for at least 92 years.

2. Project. The Applicant wishes to develop certain new uses to be located on the Subject Property described as follows:

a. Weddings;

b. A variety of private or public events or gatherings, including: private parties; community gatherings; musical and entertainment events; and cultural events;

c. Farm-to-table dining service featuring food grown and raised on the Subject Property or elsewhere on Kauai or the State of Hawaii; and

d. Parking.

3. Analysis. Given the tenets of the law regarding practice of Native Hawaiian customary and traditional rights on "fully developed" lands, it is clear that no protected rights can exist on the Subject Property. As a result, the proposed use of the Subject Property will not affect any Native Hawaiian customary and traditional rights because none exist that are protected under Article XII, Section 7, of the Hawai'i State Constitution. In addition, there have been no observed uses of the Subject Property by Native Hawaiians for the exercise of Traditional Rights. This would be consistent with the respect for the sanctity of one's personal living area enshrined in the exemption for "fully developed" land.

E. CONCLUSION.

The Applicant respectfully requests the Planning Commission to find:

1. That the Subject Property is "fully developed".

2. That because it is "fully developed" the Subject Property is not subject to any protected Traditional Rights.

DATED: Lihue, Kauai, Hawaii, _____.

BELLES GRAHAM LLP

By _____
MAX W. J. GRAHAM, JR.
IAN K. JUNG
Attorneys for Applicant,
OLU PUA GARDENS LLC,
a Hawaii limited liability company

In The Matter Of The Application Of OLU PUA GARDENS LLC, a Hawaii limited liability company, for a Use Permit, a Class IV Zoning Permit, and a Special Permit for real property situated at Wahiawa, Kauai, Hawaii, identified by Kauai Tax Map Key No. (4) 2-4-007:016; **MEMORANDUM RE: KA PA'AKAI ASSESSMENT**

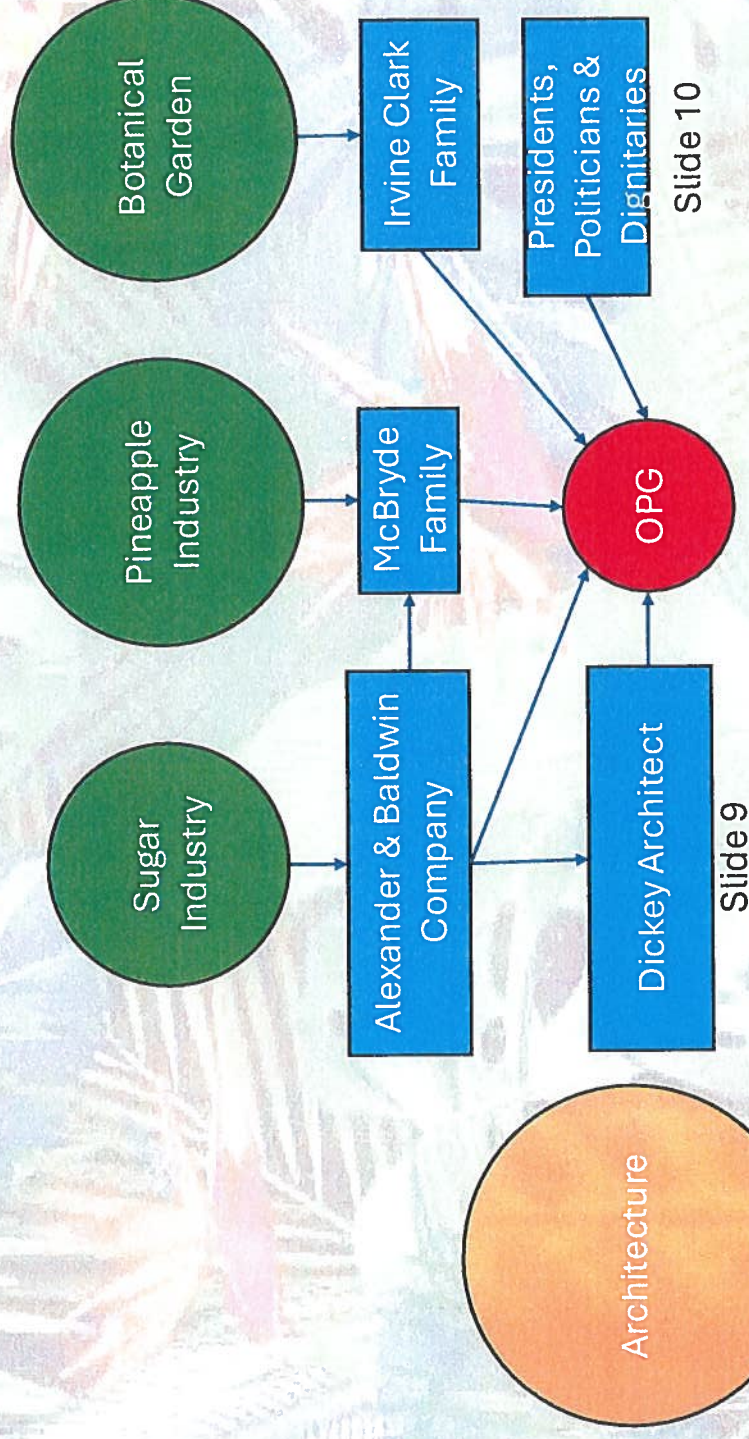
The background of the entire page is a vibrant, detailed illustration of tropical plants. Large, dark green Monstera leaves with characteristic holes are interspersed with various palm fronds. Several Bird of Paradise flowers (Strelitzia reginae) are scattered throughout, showing their bright orange and blue petals. The overall color palette is dominated by greens, with accents of orange, blue, and pink from the flowers.

Olu Pua Gardens

- Peace with Flowers

- 200 years of Kauai South Shore History

Olu Pua Gardens, a focal point of Kauai history, agriculture, architecture and politics



OPG Ownership Chronology

1. Hawaiian government, King Kamehameha III
2. Duncan McBryde: 1870s
3. Alexander & Baldwin Company: 1910
4. Ray & Betty Lauchi: 1964 (they created the name Olu Pua Gardens)
5. Irvine Clark family: 1978 (3 generations)
6. Freeman Trust: 2002
7. Hohnloser Family: 2016

Pre-Plantation Times (< 1898)

- No hard information exists on ownership or usage prior to mid 1850s
- There are rumors of Alii Nui having lived there because of the perfect combination of altitude, cool, sun and rain
- Property was Hawaiian government property until mid-19th century
- In 1830 King Kamehameha III proposed the Great Mahele, a land redistribution act proposed, enacted in 1848, and amended in 1850 that allowed foreigners to buy and lease land.
- OPG property was conveyed to Walter Duncan McBryde (1864 – 1930), a Scotsman who not only cofounded the McBryde Sugar Company but managed the Kauai Pineapple Company until his death in 1930
- We are still researching ...

Sugar & Pineapple(1899 - 1959)

- The McBryde Sugar Company (MSC) was created in 1899 by merging Eleele Plantation, McBryde Estate, and Koloa Agricultural Company controlling land from Koloa to the Hanapepe river with port access at Port Allen
- In 1910 Alexander & Baldwin became the parent company of MSC
- The Kauai Pineapple Co. of Lawai, Kauai, also known as Kauai Pine, was formed in 1906 as Kauai Fruit & Land Company with the backing of McBryde Sugar Co (it was shut down in 1965). OPG became a pineapple plantation of Kauai Pine
- Hawaii as a State and Kauai as an island experienced increase in wealth and the creation of the Big 5 (the 5 most influential companies in Hawaii) between 1910 and 1940s. One of them was A&B.
- McBryde Sugar company in 1928 employed 1500 workers in Kalaheo, many of them of European descent.
- Upon his death W.D. McBryde left what is now Kukuiohono Park (178 acres) to the people of Kalaheo. He also founded the local golf course (the 2nd one in Kauai) in 1928 and added it to the park (golf was invented in Scotland), so locals, his sugar mill workers and fellow Scotsmen could enjoy the game. He is buried near hole 8 of the golf course.
- In 1932 Hawaii was the largest pineapple exporter in the world. Subsequently, sugar and pineapple production declined and today the only surviving plantation in Hawaii is the Dole plantation
- OPG's rise and fall as a plantation mirrored that of the industry. It was converted to a botanical garden in the early 60s.

Botanical Garden 1 (1964 to 1978)

- After the decline of commercially viable sugar and pineapple plantations OPG property was sold by A&B to the Lauchi family in 1964
- The Lauchis coined the name “Olu Pua Gardens” (peace with flowers) and started a botanical garden. They also focused on Hawaiian cultural activities
- The Lauchis sold OPG in 1978

Botanical Garden 2 (1978 to 1985)

- The next owners (especially Mrs. Athalei Irvine Clark) invested heavily in the garden and it became the most species-rich botanical garden in the Pacific with over 5000 species. She is said to have imported > 50,000 orchids into the garden
- Her grandson inherited the garden. Rising costs and hurricane Iniki ended the botanical garden era and it became a private property used by the Swinden family and subsequent owners

Architecture (1898 to 1930s)

- The main house was built in 1931-1933 by Charles W. Dickey (1871 – 1942), whose maternal grandfather was missionary William P. Alexander. His uncle (Samuel Alexander) was the co-founded Alexander & Baldwin company, a Big 5 corporation.
- CW Dickey was partner in an Oahu-based architectural firm with other architects such as Roy Kelley, Osipoff etc.
- The house was built for Mr. Bell, an A&B employee and manager of Kauai Pineapple Company
- Dickey built hundreds of properties but only two on Kauai: OPG main house in 1931 and Wilox hospital in 1937
- The lower guest house was built by 1937-1938 by a Dickey student, Roy Kelley. It was built as the residence for the assistant manager of the Kauai Pineapple Company.
- Both buildings are uniquely different in style but both carry signature elements of both architects and both (plus side buildings) are eligible for the National Monument Registry

Charles Dickey Highlights

- Dickey grew up in Ha'ikū on Maui (when Hawaii was still a Kingdom), but he returned to California for schooling
- After finishing high school in Oakland, California, he obtained a B.A. in architecture from the Massachusetts Institute of Technology in 1894
- He graduated in 1894, a year after a group of businessmen from his family's social milieu overthrew Queen Lili'uokalani in a coup d'état.
- He then worked with Clinton Briggs Ripley (1896–1900) and E.A.P. Newcomb (1901–1905) in Honolulu, Hawaii, before returning to open his own firm in Oakland
- It was Dickey's homecoming in 1926 that ultimately cemented his influence on Hawai'i's architecture. He employed a young Vladimir Ossipoff, who was new to the city and who would go on to become a local legend renowned for bringing tropical modernism to the islands. Dickey's associate, Hart Wood, would also rise to prominence in his own right.
- He died in Honolulu, Hawai'i

Presidents & Dignitaries (1940s to 1970s)

- According to some rumors US presidents visited OPG at least twice during/after WW2.
- The Alexanders, Baldwins and Irvines were families of wealth, power and influence. It stands to reason and is verifiable that their contacts included politicians and dignitaries.
- After the Japanese attack on Pearl Harbour numerous clandestine activities happened around the islands to prepare for more Japanese attacks, also in Kauai. For example, numerous undocumented underground bunker systems were established, one on OPG's neighbor's land. Before Barking Sands was established as the largest Pacific Missile Range it was used since the 1940s as a military airport and test site plus an airport for private and government flights. So, the rumors could be true that during WW2 high ranking US officials including a president did visit this property to discuss and possibly decide questions of strategy for the Pacific region.
- What could be verified by the current owners (Hohnloser) through direct contacts with the Irvine family is that Athalia Clark Irvine befriended three American presidents (Johnson, Nixon, Ford) and entertained them.
- Whether informal meetings happened – did Nixon visit OPG as rumor suggests - is under investigation. It may be worth to mention that Nixons reign and his rumored visit falls in a time the US fought a war in Vietnam.

The background of the slide is a grayscale image of various tropical leaves, including palm fronds and broad-leafed plants, creating a dense, layered texture.

Sources

- McBryde Sugar Company history:
https://www2.hawaii.edu/~speccoll/p_mcbryde.html
- Direct contacts with Irvine family (Swinden)
- OPG History report by Marty Law
- Web resources

HAWAIIAN SUGAR PLANTERS' ASSOCIATION

PLANTATION ARCHIVES

Register of the

MCBRYDE SUGAR COMPANY
Eleele, Kauai

1896-1960

Accession: 84-02
11.0 cu. ft.
October, 1987

Processed By
Deborah A. Saito &
Susan M. Campbell

MCBRYDE SUGAR COMPANY

Judge Duncan McBryde laid the foundation for what later was to become McBryde Sugar Company. Not a planter himself, Mr. McBryde hired a few men to obtain seed, plow the land, and haul cane.

The idea of creating a new sugar company under the name of McBryde Sugar Company was first promoted by W.A. Kinney and backed by Dillingham. In 1899, the Eleele Plantation, McBryde Estate, and Koloa Agricultural Company merged to create the McBryde Sugar Company (MSC). Located in the southern part of the island of Kauai, MSC was "incorporated under the laws of the Republic of Hawaii, [on the] Twenty-fifth day of May, Eighteen Hundred and Ninety-nine." (General Journal, May, 1899, MSCV.8)

The original plantation lands extended from Koloa to the Hanapepe River giving the newly formed McBryde Sugar Company access to a port. At first, the Eleele sugar mill was used to grind the cane, but within a couple of year, the Directors knew that another mill would have to be built. As fortune would have it, MSC bought the large Cuban type mill originally destined for Molokai's American Sugar Company, whose plans for a plantation had to be abandoned.

For the first ten years, Theo H. Davies & Co. was MSC's first agent. Beginning in 1910 and until the present time, Alexander & Baldwin, Inc., has been MSC's agent or parent company. Elmer E. Conant was MSC's first manager (1899-1901), followed by William Stodard (1901). Mr. Conant returned for one year (1903) and in 1904, Mr. Stodard again became manager until 1911. From 1912 to 1937, Frank A. Alexander took over the management of MSC. In 1938, Cedric B. Baldwin became manager only to be called to active duty just prior to WWII. Mr. Baldwin was killed at Iwo Jima in 1942 and the assistant manager, John Sandison took over as manager of MSC.

MSC had several major obstacles to overcome in the early stages of its existence. Not only was the company undercapitalized, but the terrain was extremely rocky and, as common for the leeward side of the island, there was a clear lack of water. As evidenced by early financial records, "Rock Removal" was a rather large expenditure and many extra laborers were needed to clear the fields.

The early workers at McBryde came from Eleele Plantation, Koloa Agricultural and the Wahiawa Ranch (McBryde Estate). In June of 1899, MSC contracted with Ah Sin & Co. to supply labor. During the latter part of 1899, approximately 1050 Japanese were scheduled to arrive on Kauai.

In later years, the Japanese laborers were joined by Filipinos and Hawaiian born citizens. To invite the settlement of European laborers, the Directors of MSC set aside homestead land in Lawai Valley and Kalaheo. The homesteaders were encouraged to cultivate

pineapples and the Kauai Fruit & Land Co. developed as the market for pineapples. By 1920, McBryde Sugar Company had approximately 1500 workers, complete with store and hospital.

To help solve the need for water, pumps were used. But because the cost of coal to run the steam driven pumps was prohibitively expensive, the company turned to hydroelectricity.

The Kauai Electric Company came into being in 1905, with the building of an immense aqueduct and a hydroelectric plant with two 1200-kilowatt generators at Wainiha, located in the mountainous, northern portion of Kauai. A 34-mile power line delivered the necessary electricity to the plantation, which provided power for pumping irrigation, water to the fields. Engineers worked to preserve surface water and in 1932, the Alexander Reservoir was completed.

Not only was the power plant opened in 1906, but the Kauai Railway Company was also opened during that same year. The Kauai Railway terminus and port at Eleele on Hanapepe Bay became known as Port Allen in 1909, named after Samuel C. Allen. With the dredging of the Hanapepe Bay and the building of a breakwater, Port Allen became an important deep-water port used extensively in the shipment of sugar.

Indicative of things to come, MSC purchased its first mechanical cane loader in 1934. For the next decade, MSC changed from hand labor to machines in harvesting and from railroad to truck hauling. In spite of its rather precarious beginnings, McBryde Sugar Company has survived and is one of two sugar plantations currently owned by Alexander & Baldwin, Inc.

MSC

Accession #84-02
11 Cubic Feet

HAWAIIAN SUGAR PLANTERS' ASSOCIATION
MCBRYDE SUGAR COMPANY
SCOPE AND CONTENTS

The records in the McBryde Sugar Company collection span the years between 1896 and 1960. Financial records begin in 1899 and end in 1946. The Personnel and Payroll records cover the years 1896 to 1908, 1933 to 1939. There is no correspondence series in this collection.

The collection contains the following record series:

- Financial Records
- Personnel and Payroll
- Production Records
- Other Company Records

Financial Records

1899-1946: V.1-37, 42-43: Boxes/Folders 2/6-14, 3/1

This series includes cashbooks, general journals, expense journals, general ledgers, job ledgers, and miscellaneous other financial records.

Cash Books: 1899-1939

General Journals: 1899-1943

After 1915, the journals contain yearly summary entries.

Expense Journals: 1908-1939

General Ledgers: 1899-1935

Job Ledgers: 1927-1940

Two volumes contain expenses by individual jobs and indicate the various accounts charged for each job.

Personal Accounts Ledger: 1901-1907

Trial Balances: 1931-1940

These are valuable as access to the ledgers where no indexes are provided.

Depreciation Record: 1915-1933

Construction Costs: 1926-1929

Details of labor and material costs of accounts including vehicles, buildings, water, fences, fuel, livestock, real estate, machinery, wagons, etc.

Rent Book: 1926-1946

MSC

Scope and Contents (Continued)

Personnel and Payroll

1896-1939: PV.1-20: Boxes/Folders 1/1-12, 2/1-5, O-1-1.

This series includes labor contracts, labor statements and payroll books.

Labor Contracts: 1896-1900

There are two boxes of these agreements. Each contract includes the terms of the three-year labor agreement in English and Japanese, the signature or seal of the individual laborer, duty stamps, and signatures from T.H. Davies & Co. and the immigration company or bureau. Photographs of the worker and his wife are attached to some of the contracts. Two folders contain contracts with Eleele Plantation in 1896 and 1899.

Labor Statements: 1933-1939

These monthly summaries provide information about the labor force as a whole: race, citizenship, numbers of laborers, and days worked.

Individual names are not provided. Gap between 1934 and Aug. 1937.

Payroll Books: 1900-1908

Rates of pay and days worked are listed by bango numbers. Only the salaried employees, lunas, and mechanics are listed by name.

Production Records

1917-1960: PRV.1-6.

Production records include four volumes labeled "Profit Sharing Companies" which provide cost details and contractor payments by field number and crop year between 1917 and 1939. Sugar sales and consignment records contain shipping and tonnage information between 1928 and 1960.

Other Company Records

1905-1948: V.38-41.

Financial records from Kauai Electric Company cover the years 1905-1935 and from McBryde Store between 1929 and 1948.

BELLES GRAHAM LLP

ATTORNEYS AT LAW

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

November 26, 2024

VIA EMAIL ONLY – planningdepartment@kauai.gov

Ms. Susan Remoaldo, Chair
Kauai Historic Preservation Review Commission
c/o Planning Department of the County of Kauai
4444 Rice Street, Suite A473
Lihue, Kauai, Hawaii 96766

NOV 26 '24 AM 8:58
PLANNING DEPT

Re: **In the Matter of the Application of Olu Pua Gardens LLC for Use Permit U-2025-4, Class IV Zoning Permit Z-IV-2025-6, and Special Permit SP-2025-1**
Olu Pua Gardens
Parcel First (8.504 acres)
Parcel Second (3.781 acres)
Wahiawa, Kauai, Hawaii
Kauai Tax Map Key No. (4) 2-4-007:016
Owner: Olu Pua Gardens LLC, a Hawaii limited liability company

NOV 26 '24 AM 8:58
PLANNING DEPT

Dear Chair Remoaldo and KHPRC Commission Members:

I am writing to you on behalf of Olu Pua Gardens LLC, the Applicant in the above-described Application.

In fulfillment of your advisory duties to the Planning Commission in this matter, I am requesting you to review and recommend approval of the Application, subject to such reasonable conditions as you may suggest.

To assist you, I have enclosed a Memorandum Re: Historic Assessment.

Ms. Susan Remoaldo, Chair
Kauai Historic Preservation Review Commission
c/o Planning Department of the County of Kauai
Page 2
November 26, 2024

Thank you very much for your assistance in this matter.

Sincerely yours,


BELLES GRAHAM LLP

Max W. J. Graham, Jr.

MWJG:jgm
Enclosure

cc: Ms. Marisa Valenciano, Planner, Planning Department, w/encl. (via email only)
Dr. and Mrs. Joerg Hohnloser, w/encl. (via email only)

NOV 26 '24 AM 9:58
PLANNING DEPT

BELLES GRAHAM LLP

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ikj@kauai-law.com

Attorneys for Applicant,
OLU PUA GARDENS LLC,
a Hawaii limited liability company

BEFORE THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION
OF THE
COUNTY OF KAUAI

In The Matter Of The Application	)	USE PERMIT NO. U-2025-4
	)	CLASS IV ZONING PERMIT
Of	)	NO. Z-IV-2025-6
	)	SPECIAL PERMIT NO. SP-2025-1
OLU PUA GARDENS LLC, a Hawaii)	
limited liability company, for a Use)	
Permit, a Class IV Zoning Permit, and a	)	MEMORANDUM RE: HISTORIC
Special Permit for real property situated at	)	ASSESSMENT; EXHIBITS "1"-"8"
Wahiawa, Kauai, Hawaii, identified by Kauai)	
Tax Map Key No. (4) 2-4-007:016.)	
)	
)	

MEMORANDUM RE: HISTORIC ASSESSMENT

1. **Background.** The Applicant is OLU PUA GARDENS LLC, a Hawaii limited liability company. The Applicant is the owner of the Olu Pua Gardens which contains 12.285 acres and is located in Wahiawa, Kauai, Hawaii ("Subject Property"). The Subject Property was the site of the former Kauai Pineapple Company Headquarters on Kauai from 1932 to 1960. Thereafter, it was operated as a public botanical gardens until the early 1990's. A brief history of

the Subject Property is attached as ***Exhibit "1"***. There are presently nine (9) buildings ("Buildings") and nine landscape features ("Landscape Features") on the Subject Property. Four of these Buildings are single family dwelling units, described as: the Main House, which was designed by Charles W. Dickey and formerly used as the Manager's House; the Lower House which was designed by Roy Kelley and formerly used as the Assistant Manager's House; the Upper Cottage, adjacent to the Main House; and the Caretaker's House. The Main House, Upper Cottage and Lower House ("Historic Buildings") all possess significant historic values that make them worthy of preservation. [See, Mason Architect letter, ***Exhibit "7"***]

The Subject Property has not been operated as a botanical garden since 1972, and had fallen into disrepair prior to the Applicant's purchase in 2016. Since acquiring the Subject Property, the Applicant has been restoring, repairing and maintaining the Historic Buildings in an effort to preserve and protect their historic qualities. To the extent possible, the Applicant has tried to preserve the significant landscape features (including some of the unique plants associated with the former botanical garden) present on the Subject Property. To ensure these preservation efforts can continue into the future, the Applicant needs to develop income producing activities that are consistent and compatible with these historic features.

As a result, the Applicant intends to implement the following permitted agricultural activities ("Agricultural Activities"): Specialized Agriculture (including the cultivation of palm trees, bamboo, ornamental flowers, and potted plants); and Nursery operation to sell the Specialized plants. To further supplement these income producing Agricultural Activities, the Applicant is requesting the Planning Commission to approve a Use Permit pursuant to the Comprehensive Zoning Ordinance of the County of Kauai ("CZO") and, if necessary, a Special Permit pursuant to Hawaii Revised Statutes ("HRS") Section 205-6, which will allow the following activities on the Subject Property:

a. Commercial Recreation uses, including weddings, parties, and gatherings (collectively, "Events") pursuant to CZO Section 8-2.4(r)(5) and (16) and HRS Section 205-6 (if required).

b. Food services pursuant to CZO Section 8-2.4(r)(5) and (16).

c. Unimproved Parking (Commercial Recreation) uses pursuant to CZO Section 8-2.4(r)(5) and (20) and HRS Section 205-6 (if required).

2. Location. The Subject Property is located in Wahiawa, Kauai, Hawaii, as shown outlined in red on the Location Map attached hereto as ***Exhibit "2"***, by the area colored in yellow on the Tax Map attached hereto as ***Exhibit "3"***, and outlined in red on the Aerial Photograph attached hereto as ***Exhibit "4"***. The Subject Property is located in the ahupua'a of Wahiawa.

3. Land Use Designations. The respective State Land Use Commission ("SLUC"), Kaua'i General Plan, County of Kauai Comprehensive Zoning Ordinance ("CZO"), and other relevant land use designations for the Subject Property are as follows:

a. SLUC. The Subject Property is located in the SLUC Agricultural District.

b. Kaua'i General Plan. The Subject Property is subject to the provisions of the Kaua'i Kā Kou (Kaua'i County General Plan) ("Kaua'i General Plan"). The Subject Property is located in the Kaua'i General Plan Agriculture Land Use Designation.

c. CZO. The Subject Property is located in the CZO Agriculture District.

d. Development Plan Area. The Subject Property is located within the South Kaua'i Community Plan ("SKCP") Area. The Subject Property has been designated Agricultural (Other) on the SKCP Land Use Map.

4. Past and Existing Uses.

a. The Subject Property was used from at least 1932 to 1960 as the headquarters of the Kauai Pineapple Company, which cultivated extensive pineapple fields on the surrounding properties.

b. From the early 1960's to the early 1990's, the Subject Property was operated as a botanical garden, which was open to the public, and which contained unique examples of native plants.

c. From the early 1990's to the present, it has been used for private residential purposes.

d. The Subject Property is currently improved with the following Buildings which are more fully described in the Improvement Index attached hereto as ***Exhibit "5"*** and shown on the photographs attached as ***Exhibit "8"***:

- (1) Main House (Manager's House); ***[Exhibit "8-A"]***
- (2) Main House Annex; ***[Exhibit "8-B"]***
- (3) Upper Cottage; ***[Exhibit "8-C"]***
- (4) Upper Cottage Garage; ***[Exhibit "8-C"]***
- (5) Lower House (Assistant Manager's House);
[Exhibits "8-D"/"8-E"/"8-F"/"8-G"]
- (6) Caretaker's House;
- (7) Caretaker's Garage/Barn;
- (8) Greenhouse; and
- (9) Surf Shack. ***[Exhibits "8-F"/"8-G"/"8-H"]***

e. The Subject Property is currently improved with the following Landscape Features, as more fully described in the Improvement Index:

- (1) Front Lawn;
- (2) Jungle Area;
- (3) Rainbow Eucalyptus;
- (4) Palm Garden;
- (5) Fountain Palms;
- (6) Fountain;
- (7) Japanese Garden;
- (8) Kau Kau Garden;
- (9) Primary Road; and
- (10) Unique Native Plants.

5 Proposed Project. The Applicant wishes to develop certain new uses (the "Project") to be located on the Subject Property as shown on the Project Site Plan attached hereto as ***Exhibit "6"***, and described as follows:

a. Events. The Applicant proposes to use the Subject Property for the following events:

- (i) Weddings;
- (ii) A variety of private or public events or gatherings ("General Events"), including: private parties; community gatherings; musical and entertainment events; and cultural events; and
- (iii) Farm-to-table dining service featuring food grown and raised on the Subject Property or elsewhere on Kauai or in the State of Hawaii.

Events will be limited to a maximum of 75 people. Food for Events will be catered (from off-site) or prepared on-site as part of the Event.

b. Parking. At the most thirteen (13) parking spaces will be required by CZO Section 8-6.3(e)(3) for the employees and guests attending the Events. The Applicant proposes to provide a Parking Area that will accommodate up to twenty (20) unimproved parking stalls.

6. Preservation Activities. The Main House and Upper Cottage were designed by a prominent Hawaii architect Charles W. Dickey. The Lower House was designed by Roy C. Kelley, another prominent Hawaii architect turned hotelier who worked with Dickey for nine years (1929-1938). These three homes (the "Historic Buildings") were built as managerial plantation homes associated with the Kauai Pineapple Company and have high historic and artistic values.

The Applicant wishes to maintain and preserve these Historic Buildings, and the Landscape Features associated with them, and is incurring significant expense in doing so. At some point, the Applicant may consider registering one or more of the Historic Buildings with

the Hawaii Register Of Historic Places ("HRHP"). In the meantime, the Project will help to generate funds which will not only support the Agricultural Activities (discussed below) but will also supplement the Applicant's ongoing preservation of the Historic Buildings and the Landscape Features.

7. Times of Operation. The Project activities are expected to occur at the following times:

Activity	Location	Numbers	Hours	Days
General Events	Subject Property	Up to 75 Guests	9:00 a.m. to 10:30 p.m.	3 days/week
Weddings	Subject Property	Up to 75 Guests	9:00 a.m. to 10:30 p.m.	Daily

8. Purpose and Need. The Project will address the following purposes and needs:

a. It will provide a needed financial supplement to aid in the retention, restoration, rehabilitation and improvement of the Historic Buildings and Landscape Features on the Subject Property.

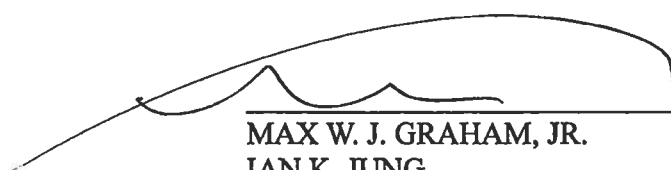
b. It will provide a venue for Weddings.

c. It will provide a venue for General Events, including: community gatherings, meetings and events; and private gatherings, meetings and events.

d. It will provide recreational opportunities for visitors and residents.

The Applicant respectfully requests the KHPR Commission to recommend approval of the proposed Application subject to such reasonable conditions as may be appropriate.

DATED: Lihue, Kauai, Hawaii, Nov. 25, 2024.



MAX W. J. GRAHAM, JR.
IAN K. JUNG
Attorneys for Applicant,
OLU PUA GARDENS LLC,
a Hawaii limited liability company

EXHIBIT "1"

The background of the entire page is a vibrant, detailed illustration of a tropical garden. It features large, dark green Monstera leaves with characteristic holes, interspersed with various types of palm fronds. Several Bird of Paradise flowers (Strelitzia reginae) are scattered throughout, showing their bright red and orange petals and blue bracts. The overall color palette is dominated by greens and blues, with the red of the flowers providing a strong contrast.

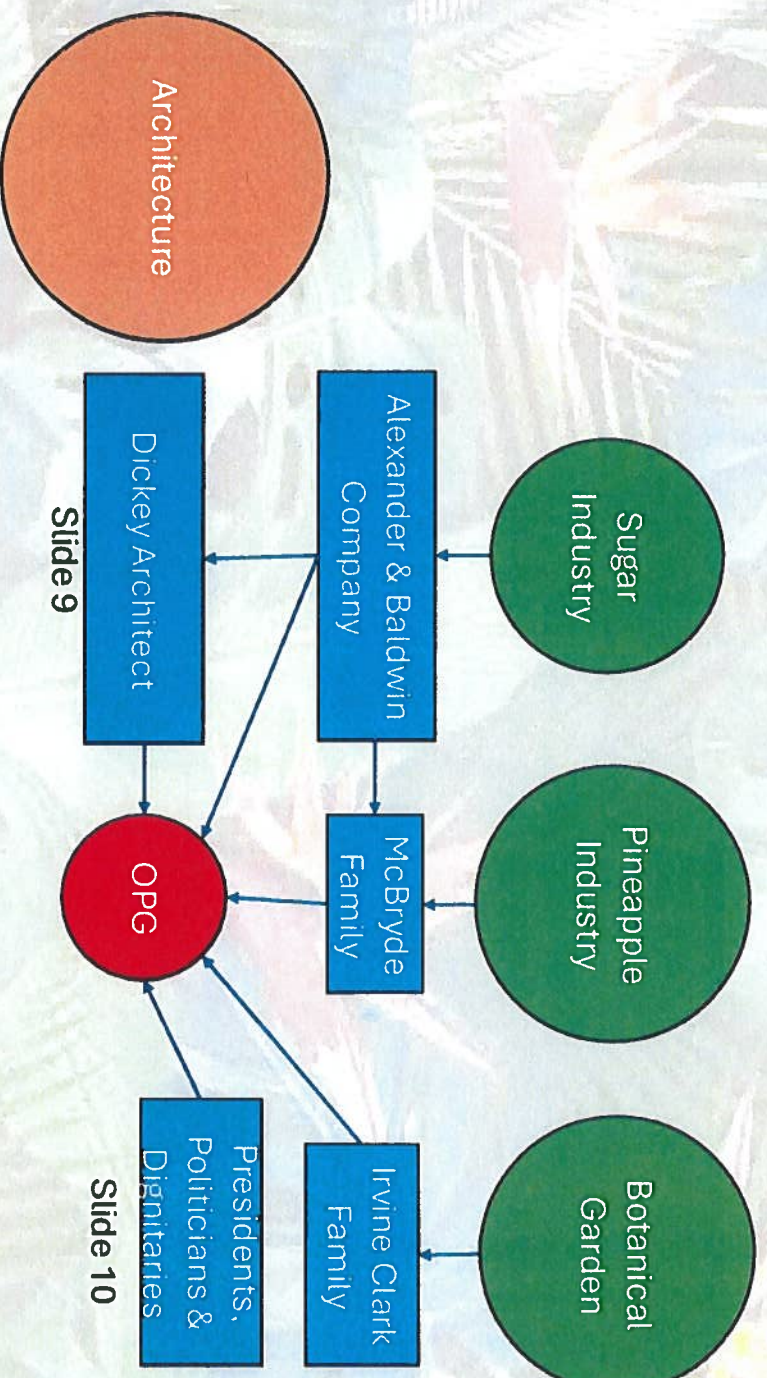
Olu Pua Gardens

- Peace with Flowers

200 years of Kauai South Shore History

EXHIBIT "1"

Olu Pua Gardens, a focal point of Kauai history, agriculture, architecture and politics



Slide 9

Slide 10

A tropical-themed background featuring various green palm leaves and a vibrant bird with orange, yellow, and blue feathers perched on a branch.

OPG Ownership Chronology

1. Hawaiian government, King Kamehameha III
2. Duncan McBryde: 1870s
3. Alexander & Baldwin Company: 1910
4. Ray & Betty Lauchi: 1964 (they created the name Olu Pua Gardens)
5. Irvine Clark family: 1978 (3 generations)
6. Freeman Trust: 2002
7. Hohnloser Family: 2016

Pre-Plantation Times (< 1898)

- No hard information exists on ownership or usage prior to mid 1850s
- There are rumors of Alii Nui having lived there because of the perfect combination of altitude, cool, sun and rain
- Property was Hawaiian government property until mid-19th century
- In 1830 King Kamehameha III proposed the Great Mahele, a land redistribution act proposed, enacted in 1848, and amended in 1850 that allowed foreigners to buy and lease land.
- OPG property was conveyed to Walter Duncan McBryde (1864 – 1930), a Scotsman who not only cofounded the McBryde Sugar Company but managed the Kauai Pineapple Company until his death in 1930
- We are still researching ...

Sugar & Pineapple(1899 - 1959)

- The McBryde Sugar Company (MSC) was created in 1899 by merging Eleele Plantation, McBryde Estate, and Koloa Agricultural Company controlling land from Koloa to the Hanapepe river with port access at Port Allen
- In 1910 Alexander & Baldwin became the parent company of MSC
- The Kauai Pineapple Co. of Lawai, Kauai, also known as Kauai Pine, was formed in 1906 as Kauai Fruit & Land Company with the backing of McBryde Sugar Co (it was shut down in 1965). OPG became a pineapple plantation of Kauai Pine
- Hawaii as a State and Kauai as an island experienced increase in wealth and the creation of the Big 5 (the 5 most influential companies in Hawaii) between 1910 and 1940s. One of them was A&B.
- McBryde Sugar company in 1928 employed 1500 workers in Kalaheo, many of them of European descent.
- Upon his death W.D. McBryde left what is now Kukuiohono Park (178 acres) to the people of Kalaheo. He also founded the local golf course (the 2nd one in Kauai) in 1928 and added it to the park (golf was invented in Scotland), so locals, his sugar mill workers and fellow Scotsmen could enjoy the game. He is buried near hole 8 of the golf course.
- In 1932 Hawaii was the largest pineapple exporter in the world. Subsequently, sugar and pineapple production declined and today the only surviving plantation in Hawaii is the Dole plantation
- OPG's rise and fall as a plantation mirrored that of the industry. It was converted to a botanical garden in the early 60s.

The background of the slide is a soft-focus photograph of tropical plants, including palm fronds and broad-leafed foliage in shades of green and blue.

Botanical Garden 1 (1964 to 1978)

- After the decline of commercially viable sugar and pineapple plantations OPG property was sold by A&B to the Lauchi family in 1964
- The Lauchis coined the name “Olu Pua Gardens” (peace with flowers) and started a botanical garden. They also focused on Hawaiian cultural activities
- The Lauchis sold OPG in 1978

Botanical Garden 2 (1978 to 1985)

- The next owners (especially Mrs. Athalei Irvine Clark) invested heavily in the garden and it became the most species-rich botanical garden in the Pacific with over 5000 species. She is said to have imported > 50,000 orchids into the garden
- Her grandson inherited the garden. Rising costs and hurricane Iniki ended the botanical garden era and it became a private property used by the Swinden family and subsequent owners

Architecture (1898 to 1930s)

- The main house was built in 1931-1933 by Charles W. Dickey (1871 – 1942), whose maternal grandfather was missionary William P. Alexander. His uncle (Samuel Alexander) was the co-founded Alexander & Baldwin company, a Big 5 corporation.
- CW Dickey was partner in an Oahu-based architectural firm with other architects such as Roy Kelley, Osipoff etc.
- The house was built for Mr. Bell, an A&B employee and manager of Kauai Pineapple Company
- Dickey built hundreds of properties but only two on Kauai: OPG main house in 1931 and Wilcox hospital in 1937
- The lower guest house was built by 1937-1938 by a Dickey student, Roy Kelley. It was built as the residence for the assistant manager of the Kauai Pineapple Company.
- Both buildings are uniquely different in style but both carry signature elements of both architects and both (plus side buildings) are eligible for the National Monument Registry

Charles Dickey Highlights

- Dickey grew up in Ha'ikū on Maui (when Hawaii was still a Kingdom), but he returned to California for schooling
- After finishing high school in Oakland, California, he obtained a B.A. in architecture from the Massachusetts Institute of Technology in 1894
- He graduated in 1894, a year after a group of businessmen from his family's social milieu overthrew Queen Lili'uokalani in a coup d'état.
- He then worked with Clinton Briggs Ripley (1896–1900) and E.A.P. Newcomb (1901–1905) in Honolulu, Hawaii, before returning to open his own firm in Oakland
- It was Dickey's homecoming in 1926 that ultimately cemented his influence on Hawai'i's architecture. He employed a young Vladimir Ossipoff, who was new to the city and who would go on to become a local legend renowned for bringing tropical modernism to the islands. Dickey's associate, Hart Wood, would also rise to prominence in his own right.
- He died in Honolulu, Hawaii

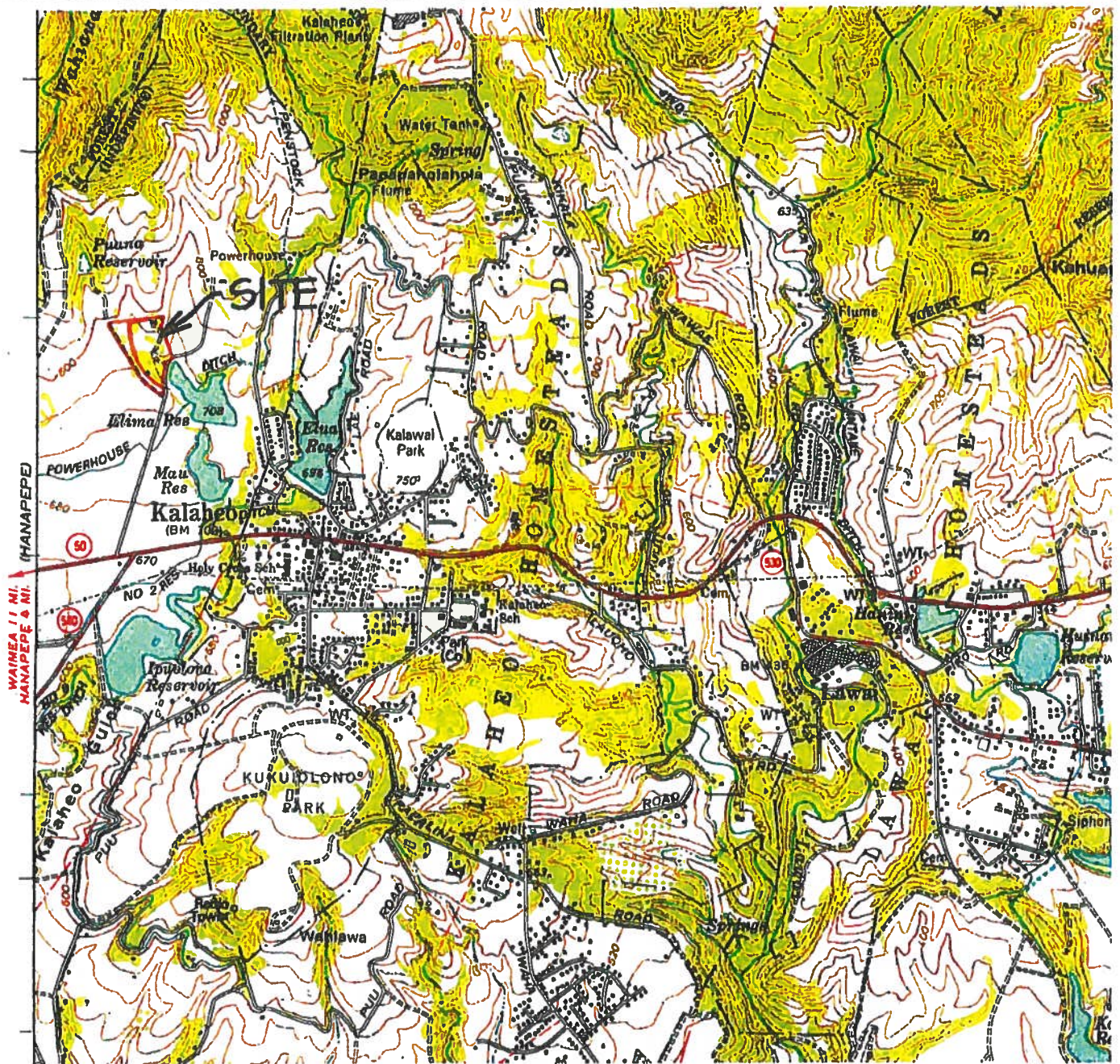
Presidents & Dignitaries (1940s to 1970s)

- According to some rumors US presidents visited OPG at least twice during/after WW2.
- The Alexanders, Baldwins and Irvines were families of wealth, power and influence. It stands to reason and is verifiable that their contacts included politicians and dignitaries.
- After the Japanese attack on Pearl Harbour numerous clandestine activities happened around the islands to prepare for more Japanese attacks, also in Kauai. For example, numerous undocumented underground bunker systems were established, one on OPG's neighbor's land. Before Barking Sands was established as the largest Pacific Missile Range it was used since the 1940s as a military airport and test site plus an airport for private and government flights. So, the rumors could be true that during WW2 high ranking US officials including a president did visit this property to discuss and possibly decide questions of strategy for the Pacific region.
- What could be verified by the current owners (Hohnloser) through direct contacts with the Irvine family is that Athalia Clark Irvine befriended three American presidents (Johnson, Nixon, Ford) and entertained them.
- Whether informal meetings happened – did Nixon visit OPG as rumor suggests - is under investigation. It may be worth to mention that Nixons reign and his rumored visit falls in a time the US fought a war in Vietnam.

Sources

- McBryde Sugar Company history:
https://www2.hawaii.edu/~speccoll/p_mcbryde.html
- Direct contacts with Irvine family (Swinden)
- OPG History report by Marty Law
- Web resources

EXHIBIT "2"



LOCATION MAP

SCALE: 1"=2000'

EXHIBIT "2"

EXHIBIT "3"

EXHIBIT "4"



Structures (counter clock)

Upper Guest House (UGH)

Garage

Main House (MH)

Office Building (OB)

Caretaker House (CH)

Barn (B)

Lower Guest House (LGH)

Surf Shack

Additional structures

Pool

Orchid Shack

Wedding Shot Terrace

Lilly Pond

Waterfall

EXHIBIT "4"

© 2016 Google

EXHIBIT "5"

IMPROVEMENT INDEX

A. BUILDINGS.

Building No.	Designation	Description	Year Constructed
1	Main House (Manager's House)	1-Story SFR Kitchen 3 Bedroom/3 Bath (3,150 s.f.)	1932
2	Main House Annex/Carport	1-Story Accessory to SFR 1 Bedroom/2 Bath (732 s.f.)	1932
3	Upper Cottage	1-Story SFR Kitchen 2 Bedroom/2 Bath (984 s.f.)	
4	Upper Cottage Garage	1-Story Accessory to Upper Cottage (400 s.f.)	1980
5	Lower House (Assistant Manager's House)	2-Story SFR Kitchen 4 Bedroom/3 Bath (2,696 s.f.)	1932
6	Caretaker's House	1-Story SFR 1 Bedroom/1 Bath (437 s.f.)	1932
7	Caretaker's Garage/Barn	Wood Concrete Floor (1,326 s.f.)	1994
8	Greenhouse	Wood Lath (456 s.f.)	1988
9	Surf Shack	Accessory Building/Office (655 s.f.)	1988

B. LANDSCAPE FEATURES.

Designation	Description
Front Lawn	Lawn fronting Main House
Jungle Area	Area below Front Lawn with rock features
Rainbow Eucalyptus	Eucalyptus grove near main entrance
Palm Garden	Palm tree grove on east side of property
Fountain Palms	Palm tree grove below Main Lawn
Fountain	Fountain and pond/water feature
Japanese Garden	Manicured garden with rock features behind Main House
Kau Kau Garden	Pineapple and vegetable garden adjacent to Caretaker's House
Primary Road	Primary circular road connecting main entry to Main House
Unique Native Plants	Scattered throughout the Subject Property

EXHIBIT "6"



EXHIBIT "6"

EXHIBIT "7"



August 1, 2022

Jörg and Iwona Hohnloser

119 Merchant Street
Suite 501
Honolulu, HI 96813

808.536.0556
808.526.0577

MASONARCH.COM

Re: Olu Pua Gardens Historic Consulting
TMK: (4) 2-4-007:016

Dear Jörg and Iwona,

We have evaluated Olu Pua Gardens ("Olu Pua"), the former Kaua'i Pineapple Company Headquarters site on the Island of Kaua'i, as a likely candidate for listing on the Hawaii Register of Historic Places (HRHP). The following information and analysis includes 1) our evaluation of eligibility findings for listing the property on the HRHP, 2) a description of the HRHP listing process, and 3) the potential advantages and disadvantages of listing the property on the HRHP. As we are not land use or tax experts, we recommend you consult with a subject matter expert or attorney depending on proposed work or incentive(s) of interest.

I. Hawai'i Register of Historic Places

The HRHP is an official list of properties that have been recognized for their significance to the history, architecture, archaeology, or culture of Hawai'i communities.

Eligibility Threshold

To be eligible for HRHP listing, a property must be 50 years old and meet the significance criteria in Hawai'i Administrative Rules (HAR) §13-198-8 (see Attachment A).

Nomination and Listing Process

The process to list a property to the HRHP generally takes about six (6) months to complete. To initiate the listing process, a nomination form is prepared and submitted to the State Historic Preservation Division (SHPD) (see Attachment B).

II. Property Eligibility Assessment

The work completed for this assessment of Olu Pua started with the past historical documentation records you provided, and was expanded to include additional historical research, including reviewing material at the Kaua'i Historical Society, as well as analysis of the physical components of your property to assess whether your property is eligible for the HRHP. The preliminary eligibility findings below would require additional work to fulfill the HRHP nomination form requirements, and do not guarantee listing.



The Olu Pua Gardens property appears to be eligible for HRHP listing as a historic district composed of five (5) contributing buildings and nine (9) landscape features. The Main House and Guest House 2 (previously called the Assistant Manager's House) also appear to be individually eligible. This potential historic district, consisting of contributing buildings and landscape features listed below, appears to meet HRHP eligibility criterion (A) for its association with the Kaua'i Pineapple Company as the location of managerial and supporting staff homes (period of significance: 1934-1960) and its association with Olu Pua Gardens a public botanical garden instrumental in engaging community and educating visitors about tropical flora (period of significance: 1964-1972).¹ The individually-eligible Main House and Guest House 2 appear to meet HRHP eligibility criterion (C) as distinctive examples of the work of prominent architect Charles W. Dickey (c.1934) and architect-turned hotelier Roy Kelley (c.1938), respectively, built as managerial plantation homes with high artistic value.

While some aspects of historic integrity have diminished over time with alterations to the buildings and changes to the landscape, the resources do appear to retain sufficient integrity to convey their historical period and significance.

Contributing buildings² include the:

1. Main House (previously Manager's House)
2. Main House Annex/Carport (previously Manager's Servant's Quarters)
3. Guest House
4. Garage
5. Guest House 2 (previously Assistant Manager's House)

Contributing landscape features³ include:

1. Lawn
2. Jungle Area including rock features
3. Rainbow Eucalyptus
4. Palm Garden
5. Fountain Palms
6. Fountain (date unknown)
7. Japanese Garden including rock features
8. Kau Kau Garden
9. Primary Road

¹ The period of significance might change as additional information is revealed during more exhaustive research conducted to complete HRHP nomination.

² All contributing buildings have been altered, with most substantial alterations occurring to the Guest House. However, regardless of individual alterations, collectively the resources appear to continue to convey the relationship to their period of significance and therefore are likely eligible as a HRHP-listed historic district.

³ The contributing landscape features and their respective boundaries are based on extant species that appear to match map documentation acquired at the Kaua'i Historical Society and therefore likely date to the Olu Pua Gardens period of significance. An understanding of basic plant typologies observed during April 2022 MASON site visit informs this preliminary assessment. MASON is not a qualified horticulturist, botanist, or landscape professional and recommends a cultural landscape report be completed to determine the age and type of various plantings. At minimum an arborist report confirming the presence of Swamp Mahogany, Earpod, and Lemon Eucalyptus be prepared to inform a HRHP nomination. Without a report from a qualified landscape professional, it would be impossible for MASON to definitively state specific areas of the property retain integrity from the period of significance.



The following buildings are considered non-contributing to a potential historic district since they were not constructed during the periods of significance above, and/or have been drastically altered to the point of bearing no resemblance to their appearance during the period of significance:

1. Caretaker's Residence
2. Caretaker's Garage
3. Greenhouse
4. Surf Shack (previously Assistant Manager's Servant's Quarters)

The non-contributing landscape features include areas that are not overlaid with a color in the graphic on the following page. If areas were rehabilitated (i.e. Hibiscus Garden near Fountain and Orchids area) they may also be eligible as contributing landscape features. Further, rehabilitating the plantings within the Japanese Garden to be more in keeping with the appearance of the garden at the time of Olu Pua Garden's opening may improve the likelihood of the garden contributing to the overall listing.

III. Advantages of HRHP Listing

If the property were listed on the HRHP as a historic district or the Main House and/or Guest House 2 were listed on the HRHP individually, economic incentives including tax exemptions, tax credits, and transient vacation rental use *could* be applicable.

Consultation with a real estate, tax, and/or land use attorney is advised. Some excerpts from the applicable laws are provided below, with additional excerpts attached.

Kaua'i County Residential Property Tax Exemption

The Kaua'i County Code (KCC) §5A-11.22 Historic Residential Real Property Dedicated for Preservation, Exemption reduces real property taxation and applies to residential properties listed on the HRHP. However, this incentive program is for "real property owned and occupied only as the taxpayer's principal home," not owned by a "corporation, company, or copartnership," and therefore does not currently apply to Olu Pua Gardens (see Attachment C).

State Historic Preservation Income Tax Credit

The State Historic Preservation Tax Credit Bill applies to buildings listed on the HRHP undergoing rehabilitation work that exceeds 25% of the assessed value of the building receiving the work.⁴ The amount of the income tax credit, deductible from the taxpayer's net income tax liability, shall be 30% of any costs incurred for the physical rehabilitation or renovation of a certified historic structure (i.e. building listed on HRHP) pursuant to a SHPD-approved rehabilitation plan.

⁴ §235-110.97 Historic preservation income tax credit.

(a) Notwithstanding any law to the contrary, there shall be allowed to each taxpayer subject to the tax imposed by this chapter a historic preservation income tax credit for substantial rehabilitation of a certified historic structure that shall be deductible from the taxpayer's net income tax liability, if any, imposed by this chapter for the taxable year in which the tax credit is properly claimed."

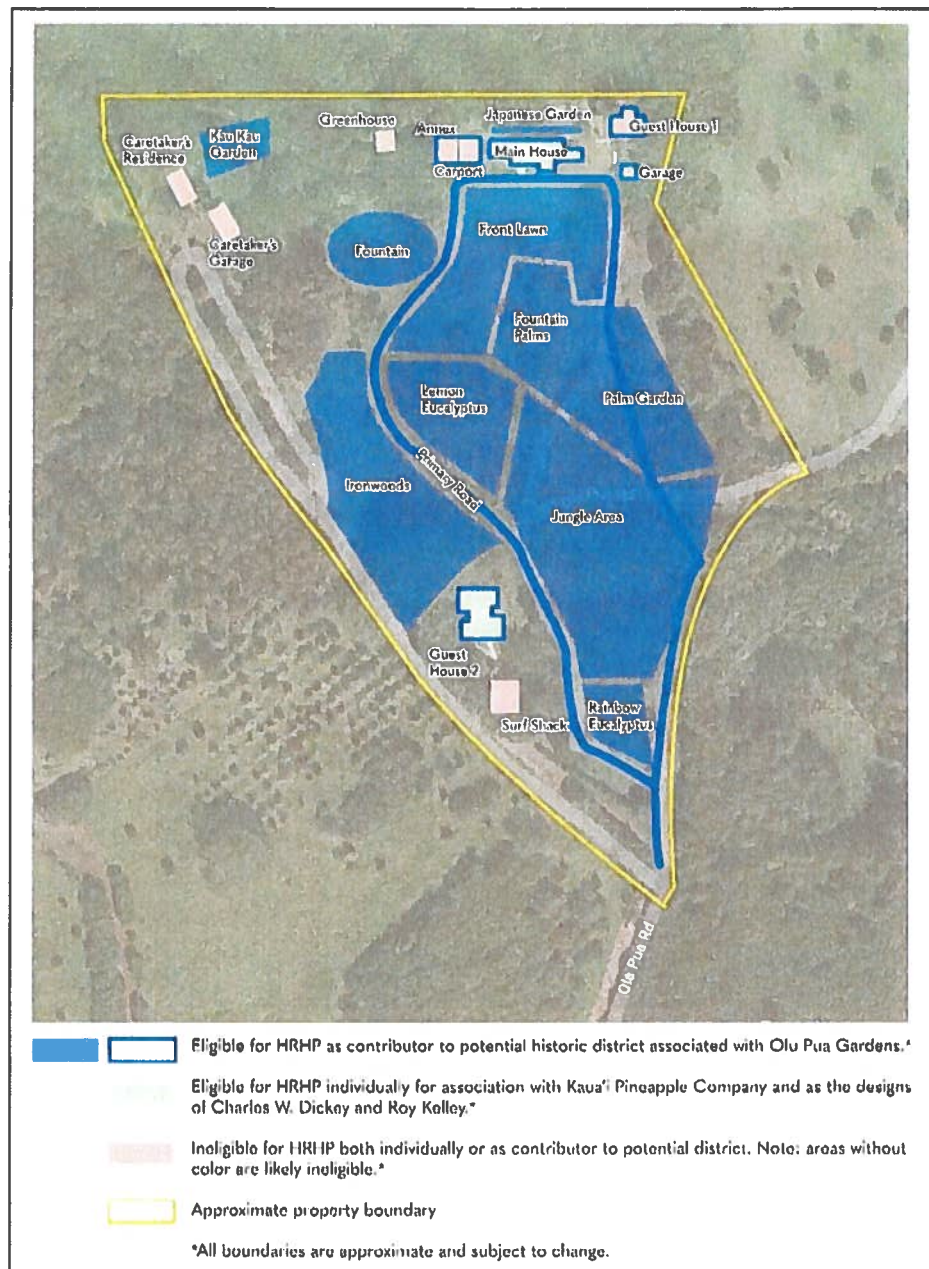


Image 1. Potentially HRHP eligible portions of Olu Pua Gardens. (MASON, 2022)



The tax credit amount must be certified by SHPD, and the rehabilitation plan must include construction plans and specifications for the proposed rehabilitation in sufficient detail for evaluation of compliance with the rules adopted by SHPD. The work should conform to the *Secretary of the Interior's Standards for the Treatment of Historic Properties (SOI Standards)* as outlined on page 9. If the credit exceeds the taxpayer's net income tax liability, the excess of credit over liability may be used as a credit against the taxpayer's income tax liability in subsequent years until exhausted or for a period of ten years, whichever is earlier.

Applicability to Property

If the property were listed on the HRHP as a historic district or the Main House and/or Guest House 2 were listed on the HRHP individually, and the proposed work was at least 25% of the assessed value of the buildings undergoing rehabilitation than this incentive may apply. Landscape features are not eligible for inclusion in this process.

Note: A review of the assessed value of the extant resources that appear eligible for HRHP listing was not completed for this preliminary assessment, so further study would need to be completed to affirm this and determine potential savings.

Transient Vacation Rental

Buildings listed on the HRHP may be used as transient vacation rentals per §8-17.8 Single Family Transient Vacation Rentals of KCC if other relevant code provisions are met.⁵ The current KCC, does not allow single family transient vacation rentals, rentals of less than six months, outside the Visitor Destination Area ("VDA") boundaries (i.e. coastal destination areas within Poi'pu, Kapa'a, Lihue, and all of Princeville). The VDAs exclude Agricultural Zoning Districts (see Attachment D).

Applicability to Property

Based on a conversation with your attorney, Max Graham, and subsequent review of KCC, a special use permit may allow HRHP-listed resources to be used as transient vacation rentals if other relevant KCC provisions are met.

The Main House and Guest House 2 could likely be used as transient vacation rentals if listed on the HRHP. Consultation with SHPD would be necessary to understand whether contributors to a HRHP-listed historic district could be used as transient vacation rentals (i.e. Guest House 1 and Annex). If you are considering renting any portion of your property, we recommend further consultation with Mr. Graham.

⁵ "(a) Notwithstanding any underlying zoning designation and with the exception of properties on the National or State Register of Historic Places single-family transient vacation rentals are prohibited in all areas not designated as Visitor Destination Areas ...

Section 8-17.12 Historic Properties Exemption

Single-Family Dwelling Units on the National or State Register of Historic Places may be allowed to operate as a transient vacation rental through a use permit and by abiding by the development standards specified in Section 8-17.8(b)."



Federal Rehabilitation Tax Credits

An income-producing building listed on the National Register of Historic Places (NRHP) undergoing substantial⁶ rehabilitation in conformance with the *SOI Standards* would likely qualify for a 20% federal rehabilitation tax credit.⁷

Buildings eligible for listing on the HRHP are often also eligible for the NRHP. This tax credit would lower the amount of tax owed with the credit amount based on "the amount spent in a certified rehabilitation of a certified historic structure." The 20% credit is available for properties rehabilitated for commercial, industrial, agricultural, or rental residential purposes, but is not available for properties used exclusively as the owner's private residence.

The SHPD and the National Park Service would review the rehabilitation work to ensure that it complies with the *SOI Standards* outlined on page 9. The Internal Revenue Service defines qualified rehabilitation expenses on which the credit may be taken. This process involves a 3-part application (simplified as (part 1) NRHP listing, (part 2) SHPD and NPS approval of proposed work, and (part 3) completion of work, building in service, and receipt of tax credit) and takes about a year or more to complete.⁸

Applicability to Property

Based on the current uses on the property, Guest House 2 would be the only potential income-producing building that meets the initial threshold of eligibility for the 20% federal rehabilitation tax credit. However, since the building appears to be in excellent condition there is likely not enough needed rehabilitation related work to substantiate tax credit eligibility. If the Main House, for comparison, were fully rehabilitated or brought back to a physical state more like its 1934 appearance (remove alterations and reinstall in-kind materials; lanai enclosure), and the building was an income-producing property no longer used as the owner's residence, it may qualify. Acquisition costs are not eligible for inclusion in federal tax credit process, but professional fees, surveys and other construction-related fees are included. New construction and landscaping costs are not eligible.

Other Advantages of Listing

Listing the property on the HRHP is honorific and provides an educational opportunity for the public. Listing the property may also make the buildings/units more marketable to potential tenants who value residences with unique backgrounds and exceptional architectural quality.

⁶ "During a 24-month period selected by the taxpayer, rehabilitation expenditures must exceed the greater of \$5,000 or the adjusted basis of the building and its structural components. The adjusted price is generally the purchase price, minus the cost of land, plus improvements already made, minus depreciation already taken... Qualified rehabilitation expenditures include costs of the work on the historic building, as well as architectural and engineering fees, site survey fees, legal expenses, development fees, and other construction-related costs, if such costs are added to the property basis and are reasonable and related to the services performed" (National Park Service, Historic Preservation Tax Incentives booklet, 2012; linked in footnoted 8).

⁷ A 10% rehabilitation tax credit is also available for the rehabilitation of non-historic buildings placed in service before 1936. However, for this credit, the building must be rehabilitated for non-residential use but still be income-producing. At this time, this does not seem applicable to the property's current or desired future uses as discussed with owner.

⁸ For more information view: [about-tax-incentives-2012.pdf \(nps.gov\)](https://www.nps.gov/about-tax-incentives-2012.pdf)



IV. Disadvantages of HRHP Listing

The disadvantages to listing a property on the HRHP can generally be summarized as application time and cost, SHPD review and delay, and per HRS §6E-10, the possibility of fines and condemnation.

Listing Process

To be eligible for the economic incentives listed above, a property must be listed on the HRHP. This process would cost about \$20,000 for MASON to complete and take about six months. Further, listing is not guaranteed as it is ultimately the decision of the Hawai'i Historic Places Review Board.

Applicability to Property

If you decided to nominate the property for HRHP listing the process would apply. In advance of a HRHP nomination, we recommend an arborist report and Cultural Landscape Report be completed on this specific property. These services, which would be provided by landscape experts (not MASON), are important because the property is significantly characterized by its landscape and gardens. The findings of a Cultural Landscape Report would inform and possibly strengthen the HRHP nomination portions specifically related to the landscape features on the property but is not necessary. Both reports would take additional time and have an additional cost.

Review by SHPD under Hawai'i Revised Statutes (HRS) §6E-42

HRS §6E-42 is the SHPD review process that applies to privately owned (non-governmental) historic properties that have been evaluated (but not listed) as eligible or are listed on the HRHP. It requires, before any permits (including demolition or building permits), licenses, certificate, or land use change, subdivision or other entitlement for use are approved, that SHPD is advised of the project, and be given an opportunity for review and comment on the effect of the proposed project. Pursuant to HRS§ 6E-42-2, however, "single-family detached dwelling units" are exempt from SHPD review (see Attachment E).

Applicability to Property

The property, zoned as agricultural, is comprised of open land and numerous structures, including several residences that are over 50 years in age. Since these buildings are "single-family detached dwelling units" it is likely they are exempt from HRS §6E-42 review per HRS §6E-42-2 ("Excluded activities for privately-owned single-family detached dwelling units and townhouses"), unless they are listed on, or nominated for, the Hawaii or National Register of Historic Places (or both), or if they are located within a HRHP or NRHP-listed historic district.

However, if work is proposed requiring any of the permits above, given the agricultural use of the property and the non-residential portions of the property (i.e. detached garages, gardens) in particular, we recommend you consult with an attorney and the County of Kaua'i Planning Department to confirm whether Olu Pua is exempt from HRS §6E-42.

Review by SHPD under Hawai'i Revised Statutes (HRS) §6E-10

If the property is listed on the HRHP, SHPD will review project submittals under HRS §6E-10 rather than HRS §6E-42. HRS §6E-10 has relatively stringent requirements and potential consequences, including condemnation and fines, particularly when



compared to penalties under §6E-42. This statute applies to privately owned historic properties listed on the HRHP.

Applicability to Property

Under HRS §6E-10, when work "of any nature" is proposed at Olu Pua, regardless of if a permit is required or not, unless the work falls under the provision of (b) below, SHPD would have the authority to review the work and give concurrence or nonconcurrence as follows (see Attachment F):

- (a) Before any construction, alteration, disposition or improvement of any nature, by, for, or permitted by a private landowner may be commenced which will affect an historic property on the Hawaii register of historic places, the landowner shall notify the department [SHPD] of the construction, alteration, disposition, or improvement of any nature and allow the department opportunity for review of the effect of the proposed construction, alteration, disposition, or improvement of any nature on the historic property. The proposed construction, alteration, disposition, or improvement of any nature shall not be commenced, or in the event it has already begun, continue, until the department shall have given its concurrence or ninety days have elapsed. Within ninety days after notification, the department shall:
 - (1) Commence condemnation proceedings for the purchase of the historic property if the department and property owner do not agree upon an appropriate course of action;
 - (2) Permit the owner to proceed with the owner's construction, alteration, or improvement; or
 - (3) In coordination with the owner, undertake or permit the investigation, recording, preservation, and salvage of any historical information deemed necessary to preserve Hawaiian history, by any qualified agency for this purpose.
- (b) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any feature in or on an historic property that does not involve a change in design, material, or outer appearance or change in those characteristics which qualified the historic property for entry onto the Hawaii register of historic places.
- (c) Any person, natural or corporate, who violates the provisions of this section shall be fined not more than \$1,000, and each day of continued violation shall constitute a distinct and separate offense under this section for which the offender may be punished.

The HRS §6E-10 SHPD review requirements are more stringent than those under HRS §6E-42. For example, as shown above, if the owner commences work prior to 90 days, they will be fined "no more than \$1,000" with each day of violation considered a separate offense.

However, it is important to note that condemnations of properties and fines appear to be rare. Our office is not aware of these measures being triggered. Further, there is currently no system in place where SHPD is required to visit the listed property to ensure changes have not been made, and it is unclear what the process would be if alterations are made that deem the property ineligible for its HRHP listing.



If tax credits or exemptions were in place, however, there would likely be a more stringent system of review to ensure proposed work was in conformance with *SOI Standards* and in keeping with approved rehabilitation plans.

Kaua'i Historic Preservation Review Commission

At the local level, as stated in the Kaua'i County General Plan (2018), the Kaua'i Historic Preservation Review Commission (KHPRC) was formed to "promote the County's historic resources, and maintain a County-wide inventory of historic resources." According to the KCC, the KHPRC has the duty to "(f) advise and assist Federal, State and County government agencies in carrying out their historic preservation responsibilities" (§8-14.3). While this statement is relatively vague and does not provide much clarity on when proposed work is legally required to be reviewed by KHPRC, our experience with the commission has *only* been if work involved a HRHP or NRHP listed property, a commercial property over 50 years old, and/or a discretionary permit or special use permit was required from the County of Kaua'i Planning Department.

Applicability to Property

If the property were listed on the HRHP then proposed work would go to the KHPRC for review and comment likely before going on to SHPD for review and comment.

Note: It does not appear there is a law that states an unlisted property must go before KHPRC, however, we still recommend you consult with the County of Kaua'i Planning Department to confirm if KHPRC review is required.

Secretary of the Interior's Standards for the Treatment of Historic Properties

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (*SOI Standards*) are typically the guidelines SHPD looks at when reviewing whether proposed work at a historic property is appropriate. In summary, the *SOI Standards*, specifically the *Standards for Rehabilitation*, recommend proposed work retain the character defining features of a resource that convey its significance. Preserving historic material and design is highly advised. For a complete list of the *SOI Standards for Rehabilitation* see Attachment G.

Applicability to Property

If listed on the HRHP, following the *SOI Standards* should ensure SHPD review and permitting runs as smoothly as possible and no delays related to the proposed work happen. If not listed on the HRHP, it is still our recommendation that the *SOI Standards* be followed as closely as possible.

V. Conclusion

After a preliminary review of Olu Pua, it appears it is eligible for listing on the HRHP and if listed the property may also be eligible for various economic incentives as discussed above. Based on our conversations, it does not seem like you plan to redevelop the property or add additional buildings and may only be interested in renting out some of the buildings. With that understanding, it seems that the State Historic Preservation Income Tax Credit and Transient Vacation Rental incentives would be most applicable and the greatest advantages of HRHP listing. It does not appear that there is substantial work necessary on the site for the federal rehabilitation tax credits to be warranted.



We are available to answer any further questions specific to the HRHP listing process, but strongly recommend you consult with an accountant, tax attorney, or other professional tax advisor, legal counsel, or the Internal Revenue Service for help in further determining whether and how these incentives may apply. In addition to seeking further advise to fully understand the applicability of incentives, we recommend you consult with a land use attorney to ensure any future work complies with the Agricultural Zoning District (i.e. KCC §8-8) and/or any special use zone regulations, and work meets requirements within the Kaua'i General Plan, South Kaua'i Community Plan, and/or other relevant ordinances.

Regards,

Caroline Raftery

Caroline Raftery
Senior Architectural Historian

CC: Max W. J. Graham, Jr., Esq.
Belles Graham LLP

Attachment A HAR §13-198-8
Attachment B HRHP Listing Process Summary
Attachment C KCC §5A-11.22
Attachment D KCC §8-17.8
Attachment E HRS §6E-42
Attachment F HRS §6E-10
Attachment G SOIS Standards for Rehabilitation

EXHIBIT "8-A"

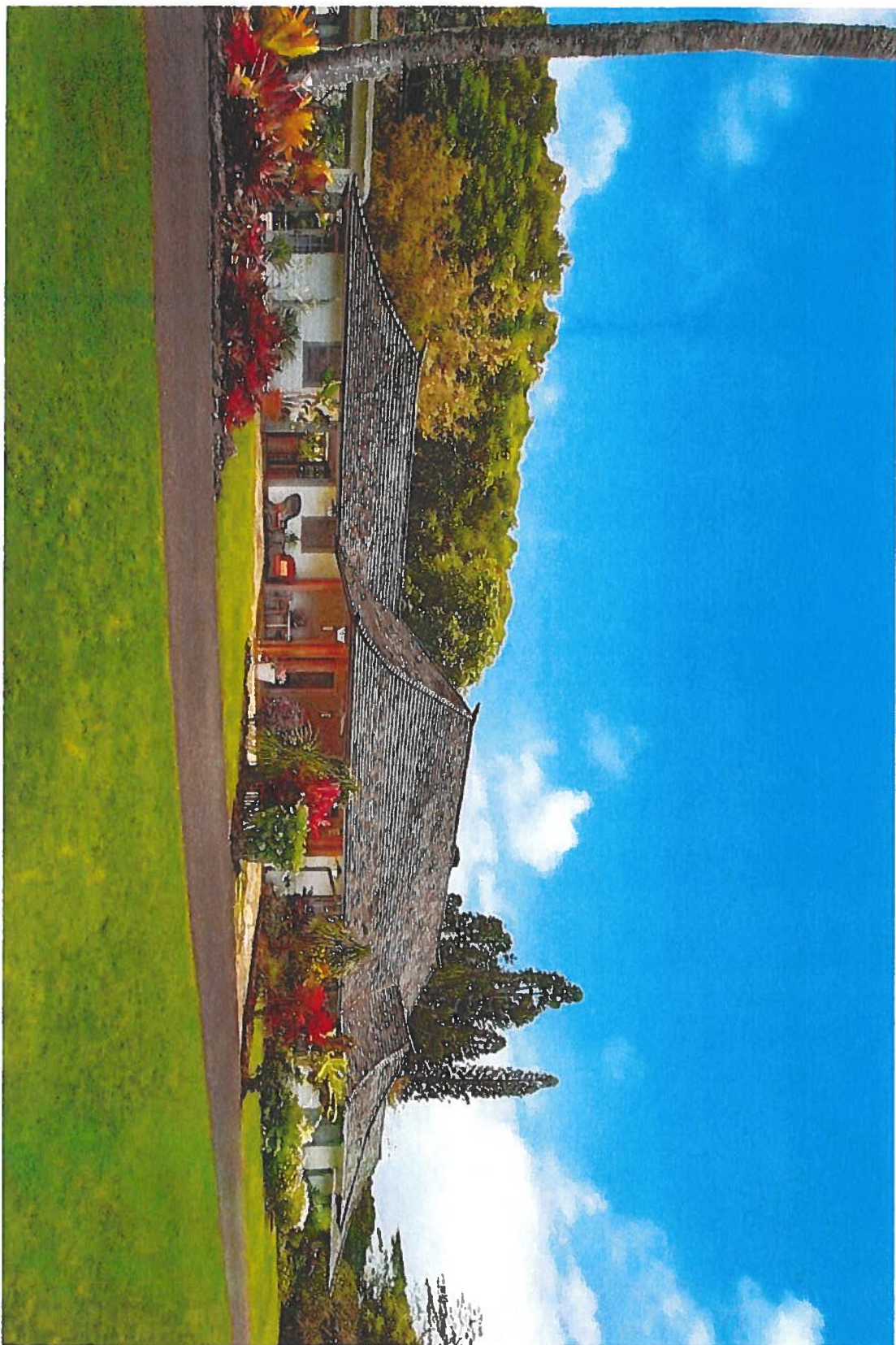


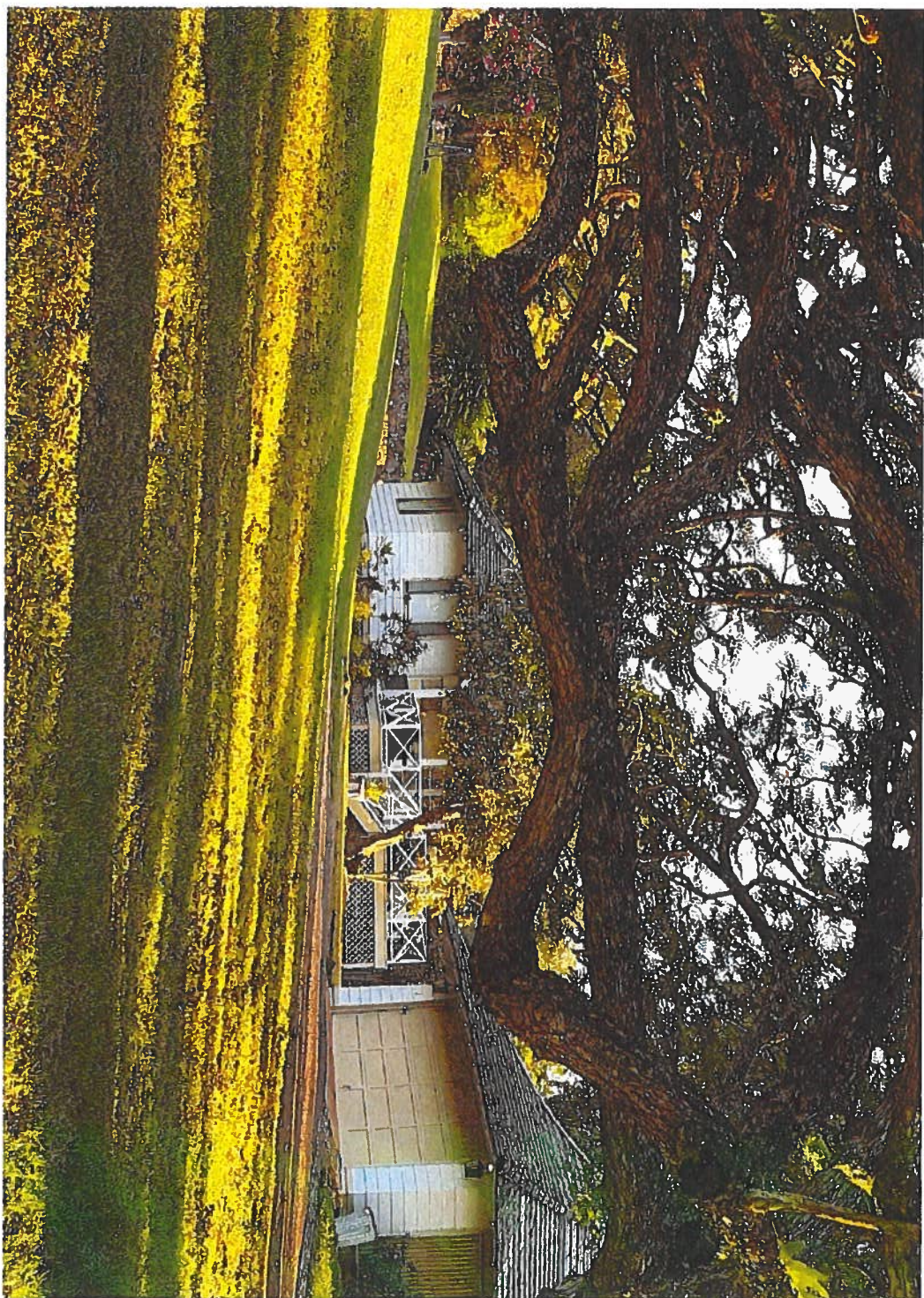
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EXHIBIT "8-B"



EXHIBIT "8-B"

EXHIBIT "8-C"



Caption Here



EXHIBIT "8-D"



EXHIBIT "8-D"

EXHIBIT "8-E"



EXHIBIT "8-E"

EXHIBIT "8-F"

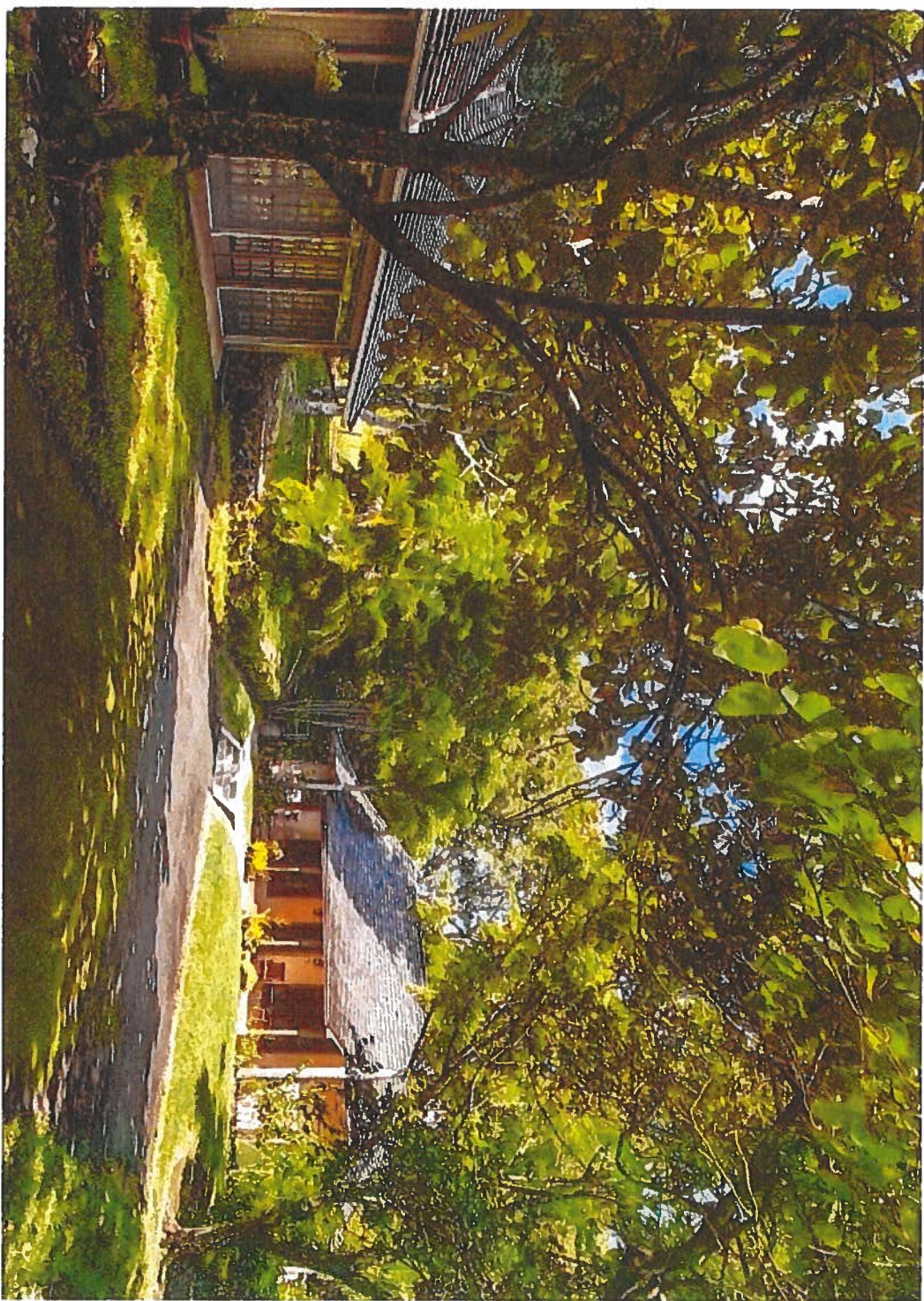


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EXHIBIT "8-G"

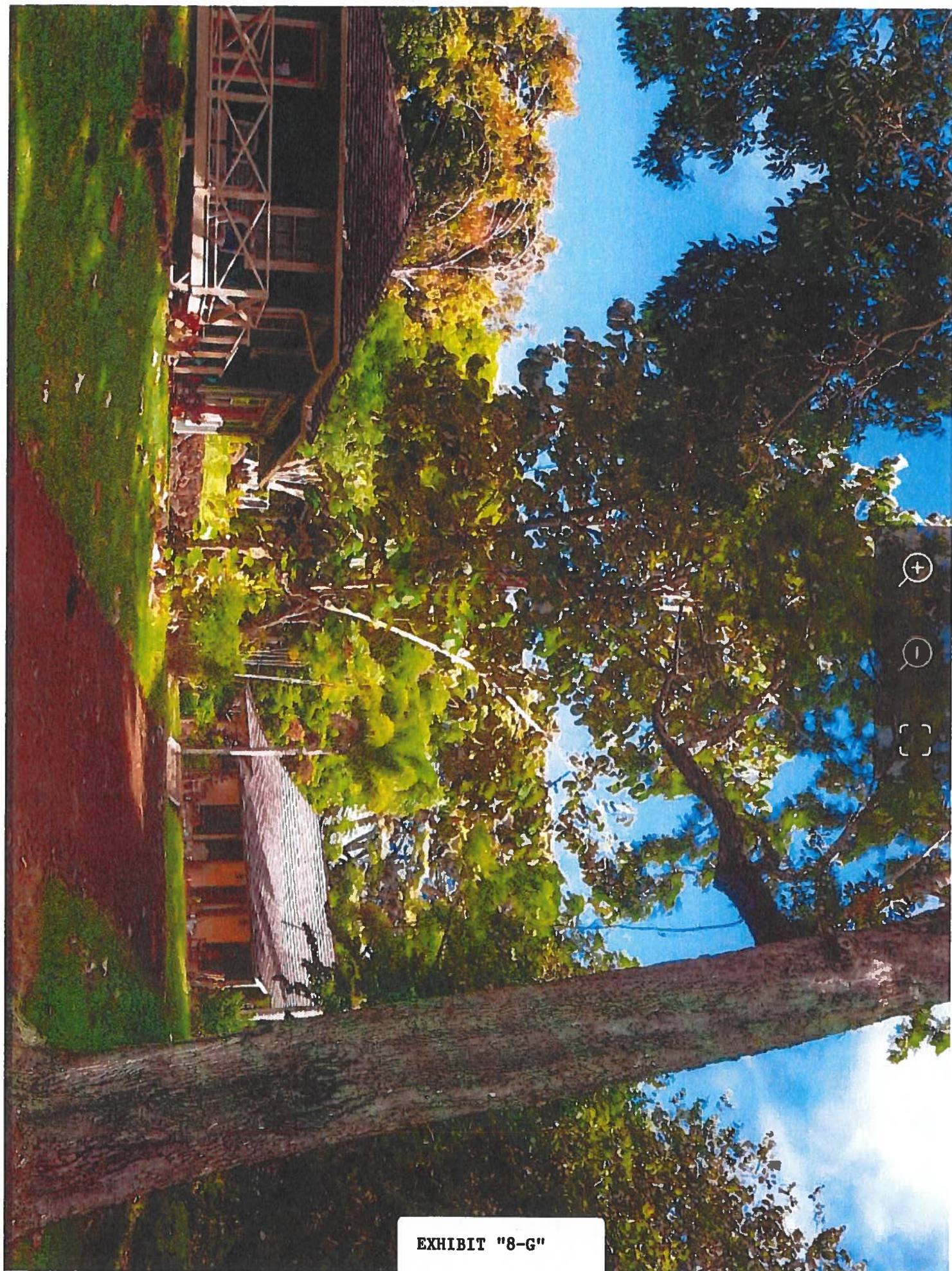


EXHIBIT "8-G"

EXHIBIT "8-H"

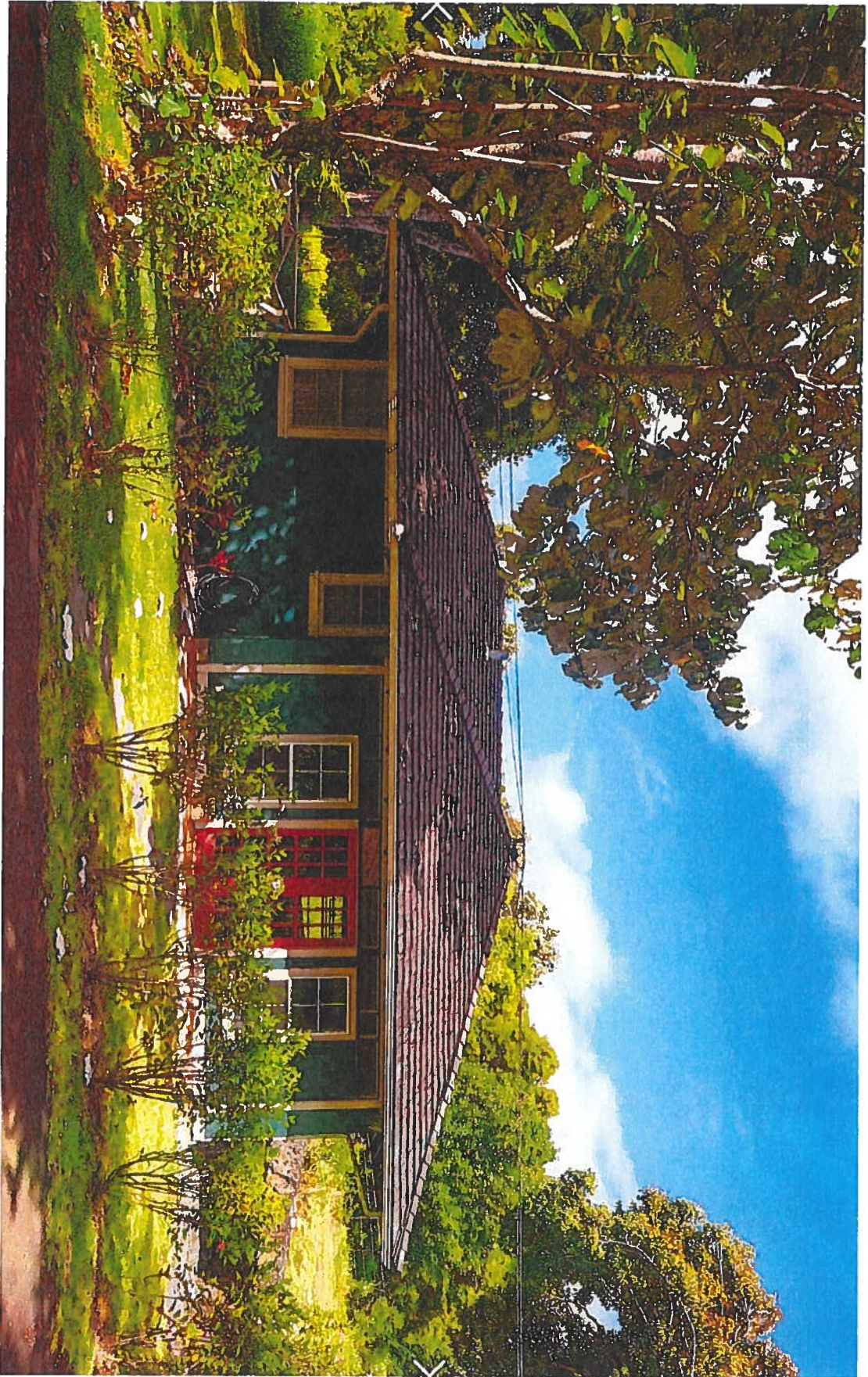


EXHIBIT "8-H"



DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

Kaua'i County Historic Preservation Review Commission (KHPRC)

DIRECTOR'S REPORT

1) SUMMARY

Action Required by KHPRC:

Consideration of a Class IV Zoning Permit, Use Permit, and a Special Permit to conduct outdoor commercial events, including but not limited to weddings and public/ private gatherings on a subject property formerly known as the Olu Pua Gardens Site.

KHPRC action may include the following recommendations to be transmitted to the Planning Commission at its meeting on January 14, 2025:

- i) Support for the project as represented.
- ii) A recommendation that its approval of the project should incorporate conditions of approval.
- iii) A recommendation to consider denial of the permits.
- iv) A recommendation to defer action on the permits.

2) PROJECT INFORMATION

Permit Numbers	HPRC-2025-3 Class IV Zoning Permit Z-IV-2025-6 Use Permit U-2025-4 Special Permit SP-2025-1		
Parcel Location:	Wahiawa, Kaua'i		
Tax Map Key(s):	(4) 2-4-007:016	Area:	535,309 sq. ft./ 12.2890 acres
LAND USE DESIGNATIONS & VALUES			
Zoning:	Agriculture		
State Land Use District:	Agricultural		
Owner(s)/ Applicant:	Olu Pua Gardens LLC		

3) PROJECT DESCRIPTION SUMMARY

The Applicant, Olu Pua Gardens LLC, is applying for a Class IV Zoning Permit, Use Permit, and a Special Permit to conduct outdoor commercial events, including but not limited to weddings and public/ private gatherings on a subject property formerly known as the Olu Pua Gardens Site. The subject permits, which require action by the Planning Commission, are being routed to the KHPRC for the opportunity to provide the Planning Commission with any historic information or recommendations for its meeting on January 14, 2025.

As represented, the Applicant's request to operate outdoor commercial events will provide the revenue needed to help offset the costs to maintain and preserve the existing historic structures and landscapes on the subject property. The Olu Pua Gardens was historically the site for the Kaua'i Pineapple Company Headquarters and then later evolved into a botanical garden that operated tours to the public until the 1990s. As represented, the subject property is currently being used for private residential purposes.

The entire Application provides specific analysis pertaining to the granting of a Use Permit and a Special Permit that may not be directly associated with historic preservation. Therefore, the focus of the KHPRC review should concern the compilation of any relevant historic information or potential conditions of approval to ensure that the Applicant's priority will be the preservation of the subject property.

4) PROJECT HISTORY AND BACKGROUND

General History of the Area

As represented, the subject property was formerly used as the Kaua'i Pineapple Company headquarters between 1932-1960. After the decline of the pineapple industry, the subject property became a botanical garden visitor attraction with public tours that operated between the 1960s to the 1990s. According to the Applicant, the subject property has been in private residential use from the 1990s-present.

Description of the Property

As represented, the property contains a total of nine structures and nine landscape features. Of the nine structures, the Applicant has identified four structures as single-family residences summarized below.

A. Single-Family Residential Structures:

(1) Main House

Year Constructed	1932
Architect	Charles W. Dickey
Description/ History	Formerly used as the Manager's House

The Main House, formerly used as the Manager's House for the Kaua'i Pineapple Company, is a historic structure that was designed by famous architect Charles W. Dickey. The main house is located at the top of the property and at the end of the long driveway that traverses through the middle of the gardens. The house is approximately 3,150 sq. ft. in size and historically had 6 bedrooms and 3 bathrooms.

(2) Upper Cottage (formerly Guest House No. 1)

Year Constructed	1932
Architect	Charles W. Dickey
Description/ History	N/A

The Upper Cottage, which was also designed by Charles Dickey, is a single-family dwelling unit located at the north-eastern corner of the subject property. According to the County of Kaua'i, Finance Department, Real Property Division's ("Real Property Division") records, the single-family residence is a 3 bedroom and 2-bathroom house.

(3) Lower Cottage (formerly Guest House No. 2)

Year Constructed	1937
Architect	Roy Kelley
Description/ History	Formerly used as the Assistant Manager's House

The Lower Cottage is a historic structure that was designed by architect Roy Kelley who was a student of Charles Dickey. The lower cottage is located on the south-western corner of the subject property and was formerly used as the Assistant Manager's House for the Kaua'i Pineapple Company. According to the County of Kaua'i, Finance Department, Real Property Division's ("Real Property Division") records, the lower cottage was approximately 2,628 sq. ft. in size and contained 8 bedrooms and 3 bathrooms.

(4) Caretaker's House (formerly Gardener's Cottage)

Year Constructed	1932
Architect	Unknown
Description/ History	N/A

The Caretaker's House is located on the north-western corner of the subject property. According to Real Property Division records, the structure was built in 1932 and was classified as a garage and room measuring approximately 20' by 52'. Based on historical site maps, this building was also known as the Gardener's Cottage.

B. Accessory Structures:

The subject property contains several accessory structures that have evolved over the years. Although limited information is available, it is possible that some of these accessory structures were used in conjunction with the main dwelling and were designed by either Charles Dickey and Roy Kelly.

(1) Main House- Annex (formerly Maid's Quarter No. 1 and 3- car garage)

Year Constructed	1932?
Architect	Charles Dickey?

The Main House is adjacent to an annex/ carport that was identified in historical maps as the Maid's Quarter No. 1 and a 3-car garage. The Department maintains zoning permits for renovations to the structure that were applied for in 1979 and 1988. Based on limited information available, the Department does not know when the annex portion was originally constructed and if the annex was designed by Charles Dickey to compliment the Main House.

(2) Surf Shack (formerly Maid's Quarter No. 2 and 2-car garage)

Year Constructed	1937
Architect	Roy Kelley?

According to Real Property Division records, the Surf shack was known as the Maid's quarter No. 2 and with a 2-car garage. The surf shack is a detached structure located adjacent to the Lower cottage and may have been used in conjunction with the lower cottage (assistant manager's home). The Department does not maintain any zoning permits pertaining to any modifications on this structure.

(3) Caretaker's Garage/ Barn (formerly an equipment shed/ tractor barn)

Year Constructed	1979 (original); then 1993 (for a new, expanded barn to replace the original barn that was damaged from Hurricane Iniki)
Architect	Unknown

According to the zoning permit history, the detached tractor barn was constructed in 1979 as a 20' x 36' structure that was built adjacent to the Gardener's Cottage. In 1993, the tractor barn was reconstructed with an expanded footprint (20' x 50'). Therefore, the barn is not considered a historic structure.

(4) Upper Cottage Garage (formerly Guest House No. 1 garage)

Year Constructed	?
Architect	Charles W. Dickey

As represented, the garage is likely to have been designed by Charles Dickey who designed the Upper Cottage and the nearby Main House. In 1978, the garage was renovated to enclose the existing lanai and to add a carport.

(5) Greenhouse

Year Constructed	Unknown
Architect	Unknown

The Department does not maintain any information about the greenhouse structure.

C. Landscape Features:

In addition to the historic structures, the subject property contains landscape features including a front lawn, a jungle area, rainbow eucalyptus, palm garden, fountain palms, fountain, Japanese garden, kau kau garden, primary road, and unique native plans. The Department does not have any historical information or zoning permit records pertaining to any of the landscape structures and features.

Zoning Permit History

The Department maintains zoning permits that verify the modifications and repairs that were done to some of the existing historic structures on the property. It appears that many of the existing buildings were built prior to 1972 and are therefore considered non-conforming. In reviewing the permit history, there are some structures such as the swimming pool and the tractor barn that are newly constructed and not considered historic structures. A list of permits relevant to the property are described in the table below:

Year	Permit Number	Building	Description
1978	Z-718-1978 B-906-5-78	Upper Cottage (formerly the Guest House #1) Garage/ Carport	Enclose Existing Lanai and Add Carport
1979	Z-1091-1979	Main House- Annex (formerly the Maid's Quarter #1 and 3 car garage)	Interior Renovation of the Display Area and Enclose Lanai
1979	Z-1156-1979	New Tractor Barn near the Gardener's Cottage	New Tractor Barn (26' x 36')
1984	Z-IV-1984-38 U-1984-24 SP-1984-4		Heliport Use
1988	Z-414-1988	Upper Cottage (formerly the Guest House #1)	Swimming Pool
1988	Z-607-1988	Main House- Annex (formerly the Maid's Quarter #1 and 3 car garage)	Repair/ Replacement; Trellis repair and renovation
1993	Z-1016-1993	Gardener's Cottage	Lanai Addition to the Existing SFR
1993	R101903	Tractor Barn	Workshop and Gazebo Demolished by Hurricane Iniki. Build new Workshop and add new expansion (26' x 50'); and Build new gazebo

2000	S-2000-19	Subdivision
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5) TRIGGER FOR KHPRC REVIEW

Hawai'i Revised Statutes (HRS) §6E-2 defines "Historic property" as "any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old."

Hawai'i Administrative Rules Title 13 defines "Significant Historic Property" as "any historic property that meets the criteria" for listing on the Hawai'i Register of Historic Places under HAR 275-6(b) or HAR 2846(b).

Site/Building/Structure/Object IS NOT Listed on the National or State Historic Register.

The subject property is NOT located in a Historic District.

The subject property IS over 50 years old and IS by law defined as a "historic property." Although the residential use of the historic structures is exempt under HRS 6E 42.2, the potential eligibility as a historic district as well as the proposal to conduct commercial activities on the subject property may negate this exemption.

The subject property IS included on the KHPRC inventory list.

6) CRITERIA FOR NOMINATIONS TO THE HAWAI'I REGISTER OF HISTORIC PLACES

Pursuant to HAR Section 13-198-8, in deciding whether a property should be entered and ordered into the Hawai'i Register, the Review Board shall evaluate whether the property meets or possesses, individually or in combination, the following criteria or characteristics:

- (1) The quality of significance in Hawaiian history, architecture, archeology, and culture, which is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- (A) That are associated with *events* that have made a significant contribution to broad patterns of our American or Hawaiian history.
 - (B) That are associated with the lives of persons significant in our past.
 - (C) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction.
 - (D) That have yielded, or may be likely to yield, information important in prehistory or history.
- (2) Environmental impact, i.e., whether the preservation of the building, site, structure, district, or object significantly enhances the environmental quality of the State;
 - (3) The social, cultural, educational, and recreational value of the building, site, structure, district, or object, when preserved, presented, or interpreted, contributes significantly to the understanding and enjoyment of the history and culture of Hawai'i, the Pacific area, or the nation.

Pursuant to the above criteria, the subject property may be eligible for listing:

- (E) That are associated with *events* that have made a significant contribution to broad patterns of our American or Hawaiian history.**

Based on the Department's research, it is unlikely that there were specific events that would satisfy the requirements of Criterion A. Although the Kaua'i Pineapple Company used the subject property for the manager and assistant manager homes, the subject property may not meet the criteria as being associated with events that contribute to the overall history of pineapple on Kaua'i's southside in Lāwa'i.

(F) That are associated with the lives of persons significant in our past.

The subject property is not associated with persons significant in our past. Even though the main house and upper cottage were designed by architect Charles Dickey, the main house or the upper cottage was not where Charles Dickey lived and the lack of personal association with the structures fails to meet the requirements of Criteria B.

(G) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction.

The subject property is eligible for listing through Criteria C under the work of a master. The main house was designed by Charles Dickey- a famous Hawai'i architect whose unique designs established a Hawaiian style architecture that was prominent during the 1920s-1930s.

Additional structures on the subject property may qualify as a plantation style home that is representative of its type, period, and method of construction. If the Applicant desires to move forth with nomination to the register, then the Applicant will need to demonstrate the subject property's eligibility under Criteria C.

Finally, it should be noted that the subject property may qualify as a historic district with contributing buildings, objects, and landscape features that are historically significance.

(H) That have yielded, or may be likely to yield, information important in prehistory or history

The subject property is unlikely to yield information important in prehistory or history.

Therefore, the subject property is likely to be eligible for listing on the National or State Historic Register of Places primarily through Criteria C.

7) EVALUATION OF HISTORIC INTEGRITY

The Department offers the following considerations:

- a) On or around December 11, 2023, the Department had a scheduled site visit with the Applicant and the Applicant's authorized agent on the subject property. At the time of the scheduled site visit, the Applicant was exploring the possibility of listing the subject property to the National or State Register of Historic Places and wanted more information from the Department about the nomination process and what structures may be most eligible for significance. During the site visit, the Department was able to get a general sense of the property and was able to tour the exterior and interior of the main home and the lower cottage.
- b) The main house exhibits high historic integrity, particularly from the exterior of the house. The most character defining feature is the double-pitched, hipped roof known as the "Dickey roof" -- a signature architectural element of Dickey's designs. The unique slope and sweeping roof shape of the main house remains intact and appears to be in good shape. Other character defining features of the main house includes the open lanai area and the use of lava rock.¹ Based on the Department's site visit in 2023, it is unclear what is still original in the interior of the main house as it appears that there have been renovations and modifications.
- c) The upper cottage and garage may also retain some aspects of historic integrity but would need to be verified and further evaluated through current photos of the structure's exterior and interior.
- d) The lower cottage and other structures on the property, besides the swimming pool and tractor barn, appear to have aspects of historic integrity that would be worth exploring. But in general observation, the structures feel representative of the plantation style, single-family homes during the 1920s-1930s.
- e) As for the botanical gardens, the Department is unsure on how to assess the historic integrity of the landscape features and the overall garden landscape based on limited information available. It is difficult to compare what features and plant varieties were there before with what remains today.

8) DEPARTMENT'S EVALUATION

¹ Dickey Merrill, W. (1979). Charles William Dickey, Architect. *Hawaii Architect: Journal of the Hawaii Society/American Institute of Architects*. Retrieved November 20, 2024, from <https://usmodernist.org/AIAHI/HA-1979-01.pdf>

In evaluating the proposed scope of work, the Department offers the following considerations:

Eligibility for Listing onto the National or State Historic Register

As previously mentioned, the subject property is likely to be eligible for listing onto the National and/ or State Register of Historic Places. Although the application before the KHPRC is not a nomination for listing, the subject property may qualify as a historic district with contributing buildings and landscape features that are worthy of preservation. As represented, the Applicant has retained Mason Architects who prepared a preliminary assessment on the subject property and determined that a designated portion of the subject property may be eligible as a historic district. Besides the map, no other analysis was provided as to how the potential historic district boundary was determined. If the Applicant were to pursue nomination, then the Applicant will provide additional information to justify the proposed historic district boundary. Ultimately, the Hawai'i Historic Review Board has the authority to determine if the subject property is eligible for listing.

The potential eligibility for the subject property to be listed onto the National or State Historic Register is important information towards the obtaining of the Applicant's request to operate outdoor commercial events on the property. The Applicant's intent is to use the funds generated from the proposed events to maintain and preserve the historic structures and landscape features. Therefore, KHPRC can provide historic information or any relevant knowledge about the gardens and historic structures on the property.

Historic Integrity of the Historic Structures and Landscape features

The subject property retains the aspects of historic integrity relating to the setting, location, design, workmanship, feeling, and association. As represented, the Applicant has invested money into the ongoing maintenance and restoration of the existing homes to retain its historic character. It is the Applicant's desire to continue preserving the historic structures instead of pursuing demolition.

Potential Conditions of Approval

If the KHPRC finds that the subject property is historically significant, then the KHPRC may want to consider potential conditions of approval relevant to historic preservation that will help to guide Planning Commission in adopting conditions of approval for the subject permits.

One option is to require the Applicant to list the subject property onto the National or State Register of Historic Places to ensure that the preservation of the subject

property is a priority. A big advantage of being listed onto the register is the additional resources the Applicant will be able to access including tax credit incentives, grant funding opportunities, and other technical resources that will further the Applicant's goal to maintain and preserve the historic property.

Other conditions of approval the KHPRC may consider include recommending measures of accountability to ensure that the funds generated through the outdoor commercial activities will be used towards the preservation of the property. The conditions of approval should consider finding ways to integrate the preservation and education of the historic property with the outdoor commercial activities so that preservation is a priority, and not ancillary to the special events.

9) RECOMMENDATION

Based on the foregoing evaluation, the Planning Department recommends that the Kaua'i Historic Preservation Review Commission support the proposed project with the following conditions of approval to be transmitted to the Planning Commission at its meeting on January 14, 2025:

- a) The Applicant shall list the subject property to the National and/ or State Register of Historic Places within five years from the date of the Planning Commission approval. The nomination should designate the subject property as a historic district that should at least recognize the main dwelling and any other structures and landscape features that contribute to the historic significance of the subject property. The Applicant shall appear before the Hawai'i Historic Places Review Board to determine if the subject property meets the criteria for listing onto the National and/ or State Register of Historic Places. If the Applicant fails to list the subject property to the National and/ or State Register of Historic Places within the five-year period, then the Planning Commission reserves the right to move towards the revocation of the subject permits.

The Commission is further advised that this report does not represent the Planning Commission's final recommendation in view of the forthcoming public hearing process whereby the entire record should be considered prior to decision making. The entire record includes but is not limited to:

- a. Government agency comments;
- b. Testimony from the general public and interested others; and
- c. The land owner's response.

Kaua'i Historic Preservation Review Commission (KHPRC)
December 5, 2024 Meeting
Olu Pua Gardens LLC
Proposal to conduct outdoor commercial events on the subject property
TMK: (4) 2-4-007:016
Class IV Zoning Permit Z-IV-2025-6
Use Permit U-2025-4
Special Permit SP-2025-1
HPRC-2025-3
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By *Marisa Valenciano*
MARISA VALENCIANO
Planner

Approved & Recommended to Commission:

By *Jodi A. Higuchi Sayagusa*
JODI A. HIGUCHI SAYAGUSA
Deputy Director of Planning

Date: 11/26/2024

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Attorneys for Applicant
ISLAND SELF STORAGE, LLC,
a Hawaii limited liability company

BEFORE THE PLANNING COMMISSION

OF THE

COUNTY OF KAUAI

In The Matter Of The Application	)	PETITION TO MODIFY SITE PLAN OF
	)	USE PERMIT U-2015-11 AND
Of	)	CLASS IV ZONING PERMIT
	)	NO. Z-IV-2015-12; AND SMA USE
ISLAND SELF STORAGE, LLC, a Hawaii	)	PERMIT SMA(U)-2024-__
limited liability company, for a Use)	
Permit, and a Class IV Zoning Permit, (and)	
Special Management Area Use Permit) for)	
real property situated at Nawiliwili, District of	)	APPLICATION; EXHIBITS "A" – "F"
Lihue, Island and County of Kauai, State of)	
Hawaii, identified by Tax Key No. (4) 3-2-)	
05:009, and containing 150,456 square feet.)	
)	
)	
)	

PETITION TO MODIFY SITE PLAN TO USE PERMIT AND
CLASS IV ZONING PERMIT AND NEW SMA USE PERMIT

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APPLICATION

COMES NOW ISLAND SELF STORAGE, LLC, a Hawaii limited liability company (doing business as Guardian Self-Storage), Applicant in the above-captioned proceedings, by and through its undersigned attorneys, and hereby submits the following this Petition to Modify Site Plan is being filed pursuant to Chapter 1-12-9 of the Rule of Practice and Procedure of the Planning Commission of the County of Kauai ("PC Rules").:

SECTION 1. APPLICANT/SUBJECT PROPERTY/OWNERS.

1.1 Applicant. The Applicant is ISLAND SELF STORAGE LLC, a Hawaii limited liability company. The Applicant has authorized Ian K. Jung of Belles Graham LLP to file this Petition pursuant to the Applicant's Authorization attached hereto as Exhibit "A".

1.2 Owner. The Owner of the Property is the Applicant, as shown by that Limited Warranty Deed attached hereto as Exhibit "B".

1.3 Subject Property. The property which is the subject matter of this Application ("Property") is described as follows:

Lot 2, area 3.454 acres, more or less, as shown on Map 2 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Consolidation No. 159 of the Lihue Plantation Company, Limited. The legal description of the Property is contained in the Limited Warranty Deed attached hereto as Exhibit "B".

SECTION 2. LOCATION AND LAND USE DESIGNATIONS OF PROPERTY.

2.1 Location. The Property is located in Nawiliwili, District of Lihue, Kauai, Hawaii, and is shown on the Location Map attached hereto as Exhibit "C-1". The Land Court Map depicting the Property is attached as Exhibit "C-2", with its frontage along Niumalu Road (the existing access points to the Property is from Niumalu Road).

2.2 Land Use Designations. The respective State Land Use, Kauai General Plan, County of Kauai Comprehensive Zoning Ordinance ("CZO"), and other relevant land use designations for the Property are described as follows:

a. SLUC. The entire Property is located in the State Land Use Urban District, and has been so located since the inception of the State Land Use Districts as shown in the attached Exhibit "C-3".

b. Kauai General Plan. The Property is located in the Kauai General Plan Urban Center Use Designation and has been so located under prior General Plans as shown in the attached Exhibit "C-4".

c. CZO. The Property is located in the CZO General Industrial District (I-G), and has been so located since the adoption of the CZO as shown in the attached Exhibit "C-5".

d. Development Plan Area. The Subject Property is located within the Industrial designation of the Lihue Community Plan Area, and has been so located since the original adoption of the Lihue Community Plan as shown in the attached Exhibit "C-6".

e. Special Management Area. A small portion of the Property is within the Special Management Area ("SMA"), as shown on Exhibit "C-7" (it is where there are existing sheds). The Petition includes the addition of a SMA Use Permit to account for the proposed Building B. The Property has been partly located within the SMA since the adoption of the SMA Rules as shown in the attached Exhibit "C-7".

f. Shoreline/Shoreline Setback Area. The Property at its closest point is approximately 1,500 feet from the shoreline as noted by the Planning Department to be a point between the Nawilwili Harbor entrance as shown in the attached Exhibit "C-8". Accordingly,

the Subject Property and Project area is outside of the Shoreline Setback Area and threshold Shoreline Setback Determination area as defined in HRS Chapter 205A, Part III, and CZO Article 27.

g. Heritage Resources. The Property is located within the Residential, Urban Center, Resort, Transportation, Military Heritage Resources Designations (Kaua'i General Plan, November 2000) as shown in the attached Exhibit "C-9".

h. Flood Zone. The Property is located in the Flood Zone X as shown in the attached Exhibit "C-10".

i. Violations. There are no known violations of any land use laws or regulations on the Property.

j. Land Use Conditions. The Property is subject to Use Permit U-2015-11 and Class IV Zoning Permit ("Land Use Permits") for which this Petition seeks to modify as provided for in the attached Exhibit "D-1".

SECTION 3. DESCRIPTION OF PROPERTY AND IDENTIFICATION OF SURROUNDING LANDS.

3.1 Property. This Property contains 3.454 acres (150,456 s.f.), and was once improved with a bulk sugar storage facility, weigh station and a conveyor connecting the weigh station structure with the storage structure. These improvements were completed in approximately 1950 as part of the Lihue Plantation Company, Limited's ("LPCo.") sugar operations. With the last harvest of sugar cane in 2010, Gay & Robinson, Inc. (which had acquired the Property from LPCo.) essentially ceased its operations, and there was no longer a need for the facilities on the Property. The Property (which was acquired by Gay & Robinson in October 2001), was also formerly used as weigh station purposes and was previously leased

for trailer storage to Garden Island Disposal. Currently, the Project as contemplated in Land Use Permits has been constructed and in operation as a self-storage facility.

3.2 Adjacent Properties. The Property is located adjacent to, or within 300 feet of, the properties with similar industrial uses. The uses of the properties within the 300' distance of the Property include the baseyard facilities for Garden Island Disposal, Honsador Lumber, Kauai Athletic Club (located within the former Hale Kauai building), Reynolds Recycling, Grove Farm's industrial lot, Shell (leasing State properties and, of course, the Nawiliwili Harbor facilities.

3.3 Natural Environment.

a. General Description. The general area in which the Property is located is, according to the Detailed Land Classification – Island of Kauai prepared by the Land Study Bureau of the University of Hawaii (December 1967), in the Low Humic Latosols designation, which are among the most productive soils. However, although this document classifies most of the land areas on the island of Kauai, except in the urban areas; hence, with this Property, the designation is "U".

b. Soils. The Soil Survey prepared by the USDA Soil Conservation Service in cooperation with the UH Agricultural Experiment Station (August 1972) classifies the soil for the Property and its environs as Lihue gravelly silty clay (LIC - 8 to 15% slopes). The characteristics of this soil type is slow runoff with slight erosion hazard, but also includes some areas where the slope is as much as 25%. These soils typically have been used for pasture, homesites, orchards and truck crops, with natural vegetation being guava, Christmas berry, California grass, Hilo grass and rice grass.

c. Rainfall. The project area is indicated to receive annual rainfall ranging between 40 to 60 inches per year.

d. Botanical/Biological Resources. The Property is bounded by properties on which industrial/commercial uses have been ongoing for approximately 50 years or more. There are no endangered or threatened species of plants or animals on the Property, as most of the Property is paved or improved.

e. Flood Zones. The Property is located within Zone X (areas determined to be outside the 0.2% annual chance floodplain), according to the Flood Insurance Rate Map Panel 0328E as shown in the attached Exhibit "C-10".

f. Wetlands. The Property contains no wetland areas.

3.4 Past Uses. Since the early 1950s, the Property had been used by the Lihue Plantation Company as bulk storage for its processed sugar, and then transfer for shipment off-island.

3.5 Present Uses And Built Environment. The adaptive reuse of the bulk storage building to a self-storage facility was completed and in operation on the Property (See Approved Building Permit Plan Set attached hereto as Exhibit "D-2", The constructed improvements were completed in three phases, each phase involved the construction/remodeling of one-third (1/3) of the building from floor level up, and the installation of three (3) floors to accommodate storage units and the elevators. The Applicant completed each phase and installed (4) four floors during each phase (with a maximum of 1,650 storage units). The existing height of the building (to the top of the wall plate) is 50'. This allowed the construction of four (4) floor levels to accommodate self-storage units of varying sizes, with the upper levels (from the 2nd

floor to the 4th floor) accessible by a total of six (6) elevators capable of transporting items for storage and people.

SECTION 4. STANDARD OF REVIEW AND PROPOSED USE.

4.1 Standard of Review. Rule 1-12-9 of the PC Rules provides that the Applicant may petition to modify a condition as follows:

1-12-9 Modification or Deletion of Conditions.

a) If a permit holder desires to have a modification or deletion of a condition that was imposed by the Commission, the permit holder shall file a motion in accordance with Section 16-16 of these Rules and serve a copy to all parties to the proceeding in which the condition was imposed. The Director shall have the discretion on whether to require a notice of hearing on the modification or deletion of conditions. In cases where the Director does not require a notice of hearing, the Commission, upon hearing the motion for modification or deletion of conditions, may require a notice of hearing.

(b) For good cause shown, the Commission may act to modify or delete any of the conditions imposed.

4.2 Proposed Uses. The Applicant wishes to construct additional improvements on the Property as follows:

a. Building B: The Applicant proposes to construct a two-story storage facility and residential apartments on the Property. Building B is proposed to provide additional storage units. Building B is proposed to be 4,323 square feet with a maximum elevation of 20 feet 9 inches, as shown in the attached Exhibit “E”. The proposed Building B will provide two (2) residential apartments for employees of the Applicant along with a balcony.

b. Building C: The Applicant proposes to construct new four-story storage facility on the Property. Building C is also proposed to provide additional storage units. Building C is proposed to be 20,333 square feet with a maximum elevation of 48 feet, as shown in the attached Exhibit “E”.

4.3 Driveways/Internal Roads. There are two existing ingress/egress locations for the Property, as depicted on Exhibit "E", both of which Applicant wishes to retain. The Applicant's experience indicates that there will generally be two (2) trips per hour (or 34 trips per day) for its self-storage and parking customers, generally between 6:00 a.m. through 9:00 p.m. (when the facility will close). The Subject Property is exited by customers just after 9:00 p.m. What the Applicant has found based on its experience with storage facilities, however, is that as the project "matures", the trip count is reduced when the self-storage customer base has largely settled in, as generally, people using storage facilities make their initial foray to deposit their items, and their final foray to retrieve their items.

4.4 Parking. The proposed self-storage use will, on the maximum side, average of two (2) trips per hour per phase (34 trips per phase, with a total maximum of 102 trips per day). The office use would have an average of two (2) to four (4) employees per day (including the resident manager). The proposed Project will add three (3) trips per hour totaling nine (9) trips per hour.

Section 8-6.5(3)(A) of the Kauai County Code ("KCC") requires one stall for each three (3) employees, or one (1) per every 500 s.f. of gross floor area. A total of 36 paved stalls are developed, 15 of which were in the building. The parking layout is as shown on Exhibits "E" that shows 25 parking stalls. The 11 interior stalls will be for those who are at the facility to store or retrieve their belongings, for ease of access to their units or the elevators, although parking next to their storage units on the ground floor will be allowed during unloading/loading. The total number of stalls will not, however, be available until full build-out of the development.

4.5 Hours of Operation. The hours during which renters of self-storage units will be provided access to their units will be between 6:00 a.m. to 9:00 p.m. every day.

4.6 Landscaping. The Property currently has some landscaping, the locations of which are as shown on Exhibit "E". The existing landscaping consists of a variety of palms and lawn as shown on Exhibit "E" (the existing is colored very dark green). The Applicant proposes to install/plant additional landscaping along the Property's Niumalu Road frontage and along the Property's southeastern boundary, to fill in areas where landscaping would be ideal, as shown in the lighter green areas on Exhibit "E" (the landscaping will be native Hawaiian species as are appropriate for the location).

4.7 Hazardous Materials. Given the historical use of the Property as part of the Lihue Plantation Company, Limited operations, Applicant commissioned a Phase I Environmental Site Assessment during the summer of 2014, prepared by Owen Environmental Inc. The conclusion of the report was that, although there was a small above-ground diesel storage tank on the property (removed in 2010), there will be no anticipated impacts to the use or value of the Property.

4.8 Archaeological and/or Historic Sites. The proposed Project will not have any significant impact on historic, cultural or archaeological resources (if any) located on or near the Property. The renovated and restored bulk sugar facility was reviewed by SHPD and required an Archaeological Monitoring Plan and Historic American Building Survey (See, Exhibits "F-1" and "F-2"). There was nothing observed on the surface to indicate the presence of subsurface cultural deposits; and while not an impossibility, given the prior ground disturbance on the Property, and the minimal depth of footings relating to construction, the

Applicant does not expect cultural deposits will be found; however, it will amend the Archeological Monitoring Plan to include the proposed Buildings B and C.

4.9 Lot Coverage. The current lot coverage is approximately 78%, with addition of the proposed Buildings B and C as depicted on Exhibit "E", the proposed lot coverage will be 86.3%.

4.10 Shoreline Setback. The improvement (existing) on the Property closest to the shoreline is 1,500 feet from the Nawiliwili Harbor shoreline. The improvements on the Property were constructed in approximately 1950, well before the adoption of Chapter 205A, Hawaii Revised Statutes, and Chapter 8, KCC, both of which govern development within the shoreline area, in 1986 and 1987, respectively).

4.11 Utilities. The Property currently has the necessary connections for water, telephone and electric. A 1 ½" meter from the Department of Water currently serves the Property, which Applicant intends to retain for the uses described herein. Nonetheless, the Applicant will consult with the Department of Water to confirm additional infrastructure needs for the proposed mixed-uses on the Property. Communications service (i.e., internet connection) will have to be coordinated by Applicant at its expense with the selected provider.

4.12 Wastewater Disposal. The Applicant will have its contractor prepare the necessary paperwork the State of Hawaii, Department of Health, Wastewater Branch to assess whether the newly installed septic system will accommodate Buildings B and C.

4.13 Solid Waste. The Applicant will be required, at its own expense, to have solid waste services provided by a private contractor.

4.14 Drainage. Given that the permeable surfaces on the Property will remain the same after the renovations, the Applicant proposes that the drainage will continue to be

handled by an existing drainage ditch on lands under the control of the State Department of Transportation as part of the Nawiliwili Harbor facilities.

4.15 Building Height. The existing bulk storage building's top wall plate is 50' from ground level, with an additional approximate 34' to the crown of the roof. The height is as it was when originally constructed; nothing that Applicant proposes to do will increase the height of the structure. The proposed Building B will be 48 feet and Building C will be 20 feet 9 inches. Both of the proposed Buildings B and C will be lower than the existing Project heights.

4.16 Floor Plans. Attached as Exhibit "E" are the floor plans that depict the layout of the storage units and the elevators.

4.17 Justification. As discussed herein, the additional improvements and modification of the Site Plan comply with the general requirements of the CZO General Industrial District (I-G) and will not impose and additional significant impacts to the Subject Property.

SECTION 5. PERMITS REQUESTED AND REQUIRED.

5.1 SMA Permit Required. The only structure proposed to be partly within the SMA is Building B along the northeastern (i.e., Nawiliwili Harbor side) side of the Property. According to Section 1.4(F), the two (2) attached dwelling units above a commercial storage structure constitutes development. Accordingly, a new SMA Use Permit is required. The prior Land Use Permits did not trigger a SMA permit given the existing improvements were located outside of the SMA boundary.

5.2 Use Permit. A Use Permit was requested pursuant to CZO Sec. 8-2.4(p)(10) in order to allow the Applicant to show consistency with uses similar to those allowed

in the CZO General Industrial District (I-G). This Petition seeks to amend the site plan associated with the Land Use Permits and to allow for the proposed Buildings B and C.

5.3 Class IV Zoning Permit. The Development requires the issuance of a Class IV Zoning Permit as a condition of the Use Permit and this Petition seeks to amend the site plan associated with the Land Use Permits.

SECTION 6. IMPACTS OF DEVELOPMENT.

6.1 Air Quality/Noise. The Development will have little or no impact on the air quality and ambient noise levels in the area. A lumber yard, the Kauai Athletic Club facility (indoor operation) and the Nawiliwili Harbor facilities are in close proximity, as is a business that involves solid waste collection and recycling. Air quality and ambient noise levels may be affected at a very minimal level during the Development activities. All vehicles or equipment used by the Applicant during construction (to the extent they are necessary for construction) will be properly muffled, housed and maintained to reduce any noise impacts or emission impacts. The Environmental Protection Agency (EPA) and State of Hawaii air quality standards will not be exceeded. Further, it is not reasonably anticipated that self-storage activities will cause noise levels any greater than the ambient noise levels in the area that result from the existing industrial and commercial uses.

6.2 Flooding and Drainage. The Property is situated within Flood Zone X. The development will meet all of the requirements of the Flood Plain Management Ordinance of the County of Kauai, as contained in Chapter 15, Article 1, of the Kauai County Code, 1987. The development is not anticipated to impact on flooding on or around the Property. All drainage resulting from construction activities will be subject to best management practices. No

additional drainage will be allowed to significantly or negatively impact the surrounding downstream properties.

6.3 Governmental Services. The development will have the following impacts on governmental services:

a. Fire and Police Services. Fire and police services in the vicinity are located in Lihue, approximately two (2) miles from the Property. The proposed development of the Property will not significantly increase the need for existing fire and police services.

b. Schools. The closest schools are Wilcox Elementary School, Chiefess Kamakahelei Middle School, Island School and Kauai High School. However, this is not the type of development that will result in the increase of enrollment at any of the schools.

6.4 Economics. The development will have the following economic impacts:

a. Jobs. The development will result in the creation of between eight (8) to thirteen (13) permanent job positions for the self-storage operation. Approximately twenty (20) construction jobs are also expected to result from the Project.

b. Housing. The development does not trigger the imposition of any Workforce Housing requirements under Chapter 7A, Kauai County Code (the Housing Policy for the County of Kauai).

c. Property Values. Since the fair market value of real property is based on the value of the land and physical improvements, the completion of the development might increase the value of the Property (improvements already exist, and it is unclear whether or to what extent the renovation and new uses will increase the assessed valuation of the Property). However, it should not, in and of itself, have a material impact on the value of, or real property taxes assessed against, surrounding properties.

6.5 Population. The development is not expected to result in an increase in the island's population, as the Applicant is looking to fill positions with persons who are already residents of the island.

6.6 Traffic Circulation. The major road that serves the Property is Niumalu Road, which is connected to Nawiliwili Road. The existing storage operation yields approximately yields an estimated one hundred thirty-eight (138) vehicles per day. The addition of Buildings B and C is not expected to add a significant increase in vehicle counts per day.

SECTION 7. SLUC CONSIDERATIONS.

7.1 SLUC Urban District. The area of the Subject Property in which the development will occur is located within the SLUC Urban District. Permitted uses in the SLUC Urban District are set forth in HRS Section 205-2(b), which provides as follows:

"(b) Urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated."

7.2 Development's Compliance with SLUC Urban District Standards. The proposed uses include a self-storage and employee housing. These proposed uses are recognized as permissible uses under HRS Section 205-2(b).

SECTION 8. GENERAL PLAN CONSIDERATIONS.

8.1 Kaua'i General Plan Urban Center Land Use Designation. The Property is located in the Kaua'i General Plan Urban Center Land Use Designation are set forth in Section 5.4.1 of the Kaua'i General Plan, which provides in relevant part as follows:

5.4.1 Urban Center

5.4.1.1 Policy

- (a) Lands included within the Urban Center designation shall be centers of government, commerce and

transportation that serve the entire county or a large region. Uses may include shopping centers, government offices, churches and other institutions, office complexes, and industrial facilities. Residential or resort uses may also be located within the Urban Center designation, where compatible.

- (b) Urban Center areas are typically served by wastewater collection and treatment facilities and major roads. Urban Center lands may be zoned for any type of use, including General Commercial, General Industrial, Resort, and Residential.

8.2 Development's Compliance with Kaua'i General Plan Standards. The proposed uses include a self-storage and residential use within the General Industrial zone, in an area surrounded by other industrial uses, including harbor use, a lumber yard and solid waste collection/recycling operations. The development itself will have no significant impact on the surrounding environment, as it will be compatible with other industrial uses in the area, as well as with the surrounding environment. As such, the development complies with the Kaua'i General Plan policy for the Urban Center Designation in that is proposed for an area on appropriately zoned land, and will concentrate industrial development in an industrial area.

SECTION 9. CZO INDUSTRIAL DISTRICT CONSIDERATIONS.

9.1 CZO Industrial District. The Subject is zoned General Industrial ("I-G"). The uses that are specifically permitted in the CZO General Industrial District are set forth in Section 8-2.4(n)(1) through (20), as follows:

- (1) Accessory uses and structures
- (2) Animal hospitals
- (3) Automobile services, sales, repair and storage
- (4) Cemeteries, mortuaries and crematoriums
- (5) Communication facilities
- (6) Construction material manufacturing

- (7) Construction material storage
- (8) Excavation and extraction
- (9) Factories
- (10) Food processing and packaging
- (11) Light manufacturing
- (12) Manufacturing in retail sales
- (13) Mineral processing
- (14) Private and public utilities and facilities
- (15) Public parks and monuments
- (16) Restaurants, bars and food services
- (17) Research and development
- (18) Retail sales
- (19) Transportation terminals and docks.
- (20) Warehouses.

The uses for which a use permit are required in the General Industrial District are set forth in Sections 8-2.4(p)(1) through (10), as follows:

- (1) Commercial recreation and parks
- (2) Diversified agriculture
- (3) Inflammable or noxious chemical processing or storage
- (4) Junk yards and dumps
- (5) Livestock and poultry yards and piggeries
- (6) Museums, libraries and public services
- (7) Office and professional buildings
- (8) Project development in accordance with Article 18 of this Chapter
- (9) Stockyards
- (10) Any other use or structure which the Planning Director finds to be similar in nature and appropriate to the district.

9.2 Development's Compliance with CZO General Industrial District Standards.

The proposed uses include additional self-storage facilities with accommodations for a resident manager and employees, none of which uses are specifically permitted in the General Industrial District, but, in fairness to the Applicant, were not uses with which planning authorities or

regulators, or the citizenry in general, were familiar with when the CZO was adopted in 1972 nor, it should be noted, are either of them specifically permitted under the CZO even with the update to the CZO in 2012. The development itself will have no significant impact on the surrounding environment or properties, as these uses are appropriate to and compatible with the zoning district in which they are proposed.

Self-storage facilities are not potentially detrimental to the health, safety and welfare of the public and such activities are appropriate to the General Industrial District pursuant to Section 8-6.1, KCC. Moreover, since these activities will be occurring within the confines of the history of the bulk storage building, the impacts are contained compared to if they occurred outside.

SECTION 10. CLASS IV ZONING PERMIT CONSIDERATIONS.

10.1 Class IV Zoning Permit. The Class IV Zoning Permit is a procedural requirement for a Use Permit as set forth in Section 8-18.5, KCC.

10.2 Development's Compliance with CZO Class IV Zoning Permit Standards.
The Applicant has complied with the procedural provisions for a Class IV Zoning Permit by its filing and processing of this Petition. For the purpose of providing renters of storage units with a sense of security of the facilities, the Applicant proposes to have a resident manager and employees on-site at the Property. While the resident manager cannot, of course, be present constantly or continuously on the Property, there is a greater likelihood with an on-site resident manager and additional employees on site, that vandalism and break-ins would be reduced in comparison to a storage facility that does not have such a deterrent, that problems that might arise on site can be dealt with in a more timely manner (such as gate malfunctions or lighting or power issues), and that customer needs can be more timely addressed. Attached as Exhibit "E"

is the floor plan depicting the one-bedroom and two-bedroom apartment, which will sit above Building B.

SECTION 11. SMA CONSIDERATIONS.

11.1 Recreational Resources. There are no public recreational opportunities taking place on the Property. Therefore, the proposed Project will not have any negative impact on any public recreational opportunities located on properties adjacent to the Subject Property. Therefore, the Project will have no direct impact on any existing public beach, river or mountain access.

11.2 Historic Resources. The proposed Project will not have any significant impact on historic, cultural or archaeological resources (if any) located on or near the Property. The renovated and restored bulk sugar facility was required an Archaeological Monitoring Plan and Historic American Building Survey (See, Exhibits “F-1” and “F-2”). There was nothing observed on the surface to indicate the presence of subsurface cultural deposits; and while not an impossibility, given the prior ground disturbance on the Property, and the minimal depth of footings relating to construction, the Applicant does not expect cultural deposits will be found; however, it will amend the Archeological Monitoring Plan to include the proposed Buildings B and C.

11.3 Scenic and Open Space Resources. The proposed Project will have only minor impacts on the scenic and open space resources on and around the Property. Any visual impacts from Nawiliwili or Rice Street will be sufficiently mitigated with existing buildings and painted with earth tone colors to minimize visual impacts. (See, enclosed Exhibit “E”). The Project will be compatible with and blend into the earth-toned colored structures in the surrounding area.

11.4 Coastal Ecosystems. The Property is not near any coastal ecosystem as the structures that are proposed are approximately 500 feet way from the Nawiliwili Harbor facilities. As such, the proposed Project will have no significant impact on this ecosystem. The Project will be constructed and maintained so that any erosion or increased runoff will be maintained on site. It is not anticipated that the Project will endanger the coastal ecosystem or have any negative impacts on it.

11.5 Economic Uses. The Property will be developed for commercial and residential purposes. The proposed Project will create short term economic benefits associated with the construction of the additional storage related improvements and employee housing. The proposed Project will not have any negative impacts on the economy.

11.6 Coastal Hazards. Portions of the Property near but not adjacent to shoreline and is situated within or near a flood zone (Zone X) as shown on the County of Kauai's flood insurance rate maps (Flood Insurance Rate Maps). Any additional surface water flows caused by the Project will be maintained on site. The National Oceanic and Atmospheric Association Sea Level Rise Viewer does not predict sea level rise to inundate the Subject Property by year 2100 based a 3.2 foot increase in the sea level. (See, Exhibit "F-3"). Therefore, NOAA does not model any impacts to the Property or the proposed location of the Project by sea level inundation.

11.7 Managing Development/Public Participation. The Project activities on the Property are complimentary to, and consistent with, present and future coastal zone development in this area of Kauai.

11.8 Beach Protection/Marine Resources. The Project will have no impact on any shoreline or beach areas given the distance from the shoreline area, or on any open space

areas along the shoreline. The Project will not involve any development within the beach or coastal area which would have any negative impact on marine or coastal resources.

11.9 Value of Development. The Development involves activities with a value of more than \$500,000.00 and include two residences thereby triggering a SMA Use Permit.

11.10 Compatibility With Surrounding Uses. The Subject Property is surrounded by properties located within the SLUC Urban District and the CZO Industrial General District. Uses on the surrounding lands include industrial and commercial uses. The Property is similar in topography, character and nature with adjacent and surrounding properties, and the Project activities are consistent with such surrounding uses.

11.11 Project's Impacts Within SMA. The Project on the Property will have no negative impact on the SMA. The Project is and will be compatible with existing uses in areas on or around the Property. The Project will not negatively impact scenic or open space resources within the SMA. The Project will not increase runoff or otherwise endanger the coastal ecosystem. The Project will have no detrimental impact on recreational, historic, or economic resources. The Project will not have detrimental impacts on beach or marine resources. Approval of the Project will not result in the foreclosure of future management options for development in the area. The design, siting, and landscaping of the Project as proposed will ensure that the proposed Project recognizes, preserves, maintains and contributes to the characteristics of the surrounding lands (which lands are recognized to be of particular significance or value to the general public). In particular, the Project will be compatible with, and will protect, the unique natural forms of, biologic systems contained within, and aesthetic characteristic of, the SMA.

11.12 Project's Compliance with SMA Standards. The Project activities on the portions of the Property within the SMA fulfill the provisions of the SMA Rules in that:

a. The Project will have no effect on public access to publicly owned or used beaches and recreational areas.

b. The Project will not detrimentally affect any wildlife or endangered plant or animal species which may be located at this site.

c. Provisions for solid and liquid waste treatment, disposition and management will be developed in order to minimize adverse effects on the Special Management Area.

d. Alteration to existing landforms or vegetation and the construction of structures will cause minimum adverse effects to water resources and scenic and recreational amenities, and will minimize danger of floods, wind damage, storm surge, landslides, erosion, siltation, or failure in the event of earthquake.

e. The Project will not require dredging, filling, or altering any bay, estuary, salt marsh, river mouth, slough or lagoon.

f. The Project will not reduce the size of any beach or other area useable for public recreation.

g. The Project will not reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions or rivers or streams within the SMA and the mean high tide line where there is no beach.

h. The Project will not substantially interfere with or detract from the line of sight toward the sea from the State highway nearest the coast.

i. The Project will not adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agriculture uses of land.

j. The Project will not have any substantial environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interests.

k. The Project is consistent with the objectives, policies, and guidelines set forth in HRS Chapter 205A and Sections 3.0 and 4.0 of the SMA Rules.

l. The Project is consistent with permitted uses in the SLUC Urban District, the Kauai General Plan, the Lihue Community Plan, and the CZO.

SECTION 12. HRS CHAPTER 343 (ENVIRONMENTAL IMPACT STATEMENTS) CONSIDERATIONS.

12.1 HRS Chapter 343. The Project is not subject to the provisions of Hawaii Revised Statutes Chapter 343. HRS Chapter 343 requires the preparation of an Environmental Assessment and/or an Environmental Impact Statement for certain activities as specified in HRS Section 343-5. The proposed Project does not implement any of the trigger points required under HRS Section 343-5.

SECTION 13. NATIVE HAWAIIAN ISSUES.

13.1 Development's Impacts on Traditional or Cultural Practices. Under Article XII, Section 7 of the Hawaii State Constitution, "The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights." Practitioners may gather anywhere that native Hawaiian traditional and customary rights have

been traditionally and customarily exercised in that manner on land that is less than "fully developed." David M. Forman & Susan K. Serrano, *Ho'ohana Aku, a Ho'ōla Aku: A Legal Primer for Traditional and Customary Rights in Hawai'i*, a publication of Ka Huli Ao Center for Excellence in Native Hawaiian Law, December 2012, citing *Public Access Shoreline Hawaii ("PASH") v. Hawai'i County Planning Commission*, 79 Hawai'i 425, 903 P.2d 1246 (1995). If property is deemed "fully developed," i.e., lands zoned and used for residential purposes with existing dwellings, improvements, and infrastructure, it is always "inconsistent" to permit the practice of traditional and customary native Hawaiian rights on such property. *State v. Hanapi*, 89 Hawai'i 177, 970 P.2d 485 (1998).

The bulk storage building was constructed in approximately 1950, and the Property has been in industrial use through 2010 when the bulk storage of sugar no longer was necessary. However, the use of the weigh station had continued, and Garden Island Disposal has been allowed to use a portion of the Property for trailer storage. Given the history of use, there are no known traditional or customary practices of native Hawaiians that are presently occurring on or upon any part of the Property, and, therefore, no impact to ongoing practices. Based on the Applicant's discussions with these individuals, it believes that the Project will have no impact on any known traditional or customary practices of native Hawaiians and find that:

a. There are no known traditional or customary practices of native Hawaiians that are presently occurring within the Project area. Furthermore, no surface or cultural deposits were discovered, which would indicate whether any cultural and traditional native Hawaiian practices on the Subject Property.

b. There are no indications of special gathering practices taking place within the Subject Property given the primary feature of the Project existing residential uses.

c. There will be no detrimental effect on access to any streams, access to the shoreline or other adjacent shoreline areas, or gathering along any streams, the shoreline or in the ocean given public beach access is available near the Subject Property.

d. There are no indications of religious practices taking place within the Project area.

e. There are no known cultural or historic sites or resources within the Project area, nor were any disclosed to the Applicant during the construction of the existing residence years ago on the Subject Property.

f. There are no known burials within the Project area; however, adjacent property to the west is home to a cemetery. Should any burial site be identified during construction activities, the Applicant will ensure its contractor will contact the State Historic Preservation Division as required by law.

SECTION 14. COMMUNITY CONTACTS.

14.1 Contact with Community Groups. The Applicant has not conducted any meetings with community groups; however, it will send this Petition to the Lihue Business Association for review and comment.

SECTION 15. CONCLUSION.

The request for the repurposing of the bulk storage building by the Applicant is was found to be appropriate under the Land Use Permits, and appropriate in the CZO General Industrial (I-G) Zoning District. The additional improvements proposed are reasonable and have a low impact use, and provide housing to employees.

The Applicant respectfully requests that the Planning Commission of the County of Kauai grant this Petition Modify the Site Plan associated with the Land Use Permits as provided herein.

DATED: Lihue, Kauai, Hawaii, 10/5/2024.

BELLES GRAHAM LLP

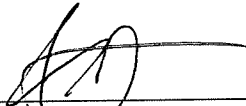
By  _____
IAN K. JUNG
Attorneys for Applicant
ISLAND SELF STORAGE, LLC,
a Hawaii limited liability company

EXHIBIT LIST

(PETITION TO MODIFY SITE PLAN)

EXHIBIT

A. AUTHORIZATION

Applicant's AuthorizationA

B. TITLE

Limited Warranty DeedB

C. MAPS

Location MapC-1
Tax MapC-2
Land Use District Boundary MapC-3
General Plan MapC-4
CZO MapC-5
Lihue Community Plan Map.....C-6
SMA Map.....C-7
Distance to Nawiliwili Harbor Entrance MapC-8
Heritage Resources MapC-9
Flood Insurance Rate MapC-10

D. PERMITS

Use Permit U-2015-11 and Class IV Zoning Permit Z-IV-2015-12D-1
Building Permit No. 15-284.....D-2

E. PLANS

Plan SetE

F. REPORTS

Archeological Monitoring Plan.....F-1
Historic American Building Survey.....F-2
Sea Level Rise Constraint Study.....F-3

EXHIBIT "A"

AUTHORIZATION

ISLAND SELF STORAGE, LLC, a Hawaii limited liability company ("Company"), hereby authorizes Ian K. Jung and Belles Graham LLP, to act on its behalf and to file and process on its behalf any and all County, State and Federal applications necessary to obtain any development permits relating to the real property located at Nawiliwili, District of Lihue, Island and County of Kauai, State of Hawaii, identified by Tax Key No. (4) 3-2-05:009, including, building permits, grading permits, use permits, variance permits, zoning permits, Shoreline Setback Variances, Special Management Area permits and any other permits or authorizations issued by any department, agency, board or commission of the County of Kauai.

DATED: June 28, 2024

ISLAND SELF STORAGE, LLC,
a Hawaii limited liability company

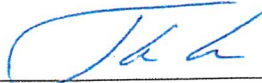
By 
THOMAS LAMBERT
Its Member

EXHIBIT "B"



STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
RECORDED

June 26, 2015 8:01 AM

Doc No(s) T-9307187
on Cert(s) 593736
Issuance of Cert(s) 1099699



/s/ NICKI ANN THOMPSON
ASSISTANT REGISTRAR

1 1/1 VKK
B-32651262

Conveyance Tax: \$15,000.00

LAND COURT

REGULAR SYSTEM

RETURN BY MAIL [] PICK-UP [] TO:

Carlsmith Ball, LLP
1001 Bishop Street, Suite 2100
Honolulu, Hawaii 96813
Attn: Eric A. James, Esq.
Phone: (808) 523-2521

TMK No. (4) 3-2-005-009

This instrument affects TCT No. 593,736

No. of Pages: 11

LIMITED WARRANTY DEED

This **LIMITED WARRANTY DEED** is made this 23 day of June, 2015, by **GAY & ROBINSON, INC.**, a Hawaii corporation, whose address is P.O. Box 156, Kaunakani, Hawaii 96747 ("Grantor"), who in consideration of the sum of TEN AND NO/100 UNITED STATES DOLLARS (U.S. \$10.00) and other valuable consideration to Grantor paid by or on behalf of **ISLAND SELF STORAGE, LLC**, a Hawaii limited liability company, whose address is a 1481 Haleukana Street, Lihue, Hawaii 96766, ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell and convey unto Grantee the following:

ALL of that certain real property more particularly described in Exhibit 1 attached hereto and made a part hereof (the "Property"), subject to the encumbrances mentioned in Exhibit 1;

AND the reversions, remainders, rents, issues and profits thereof, together with all buildings, improvements, tenements, rights, easements, privileges and appurtenances to the same belonging or appertaining or held and enjoyed therewith, and all of the estate, right, title and interest of Grantor both at law and in equity therein and thereto.

TO HAVE AND TO HOLD the same unto Grantee, forever and absolutely in FEE SIMPLE, subject to the encumbrances mentioned herein;

AND, in consideration of the premises, Grantor hereby covenants with Grantee that Grantor has full power and authority to sell and convey the Property; that the Property is free and clear of and from all liens and encumbrances made or suffered by Grantor other than the encumbrance(s) mentioned herein, specifically set forth in Exhibit 1 and the lien of real property taxes not yet by law required to be paid; the Grantor has good right to sell and convey said the Property, as aforesaid; and, that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons claiming under Grantor, except as set forth in this Deed and Exhibit 1.

THIS conveyance and the warranties of Grantor are expressly declared to be in favor of Grantee, as TENANT IN SEVERALTY, its heirs, devisees, personal representatives and assigns.

THE conveyance herein set forth and the warranties of Grantor concerning the same are expressly declared to be in favor of Grantee, in accordance with the tenancy set forth above, and Grantee's heirs, personal representatives, successors and assigns.

THE GRANTEE, FOR ITSELF AND ITS SUCCESSORS AND ASSIGNS, COVENANTS AND AGREES WITH THE GRANTOR THAT, EXCEPT AS SPECIFICALLY SET FORTH HEREIN, THE GRANTOR MAKES NO WARRANTIES, EXPRESS OR IMPLIED, AND CONVEYS THE PROPERTY TO GRANTEE IN ITS "AS IS, WHERE IS" CONDITION, WITH ALL FAULTS. GRANTEE RELIED SOLELY UPON GRANTEE'S OWN INDEPENDENT INSPECTION, INVESTIGATION AND ANALYSIS OF THE PROPERTY, INCLUDING BUT NOT LIMITED TO, THE PHYSICAL AND ENVIRONMENTAL CONDITIONS THEREOF, AS GRANTEE DEEMS NECESSARY OR APPROPRIATE IN ACQUIRING THE PROPERTY FROM GRANTOR. THE GRANTEE HAS NOT RELIED IN ANY WAY UPON ANY INFORMATION PROVIDED BY OR ON BEHALF OF GRANTOR OR ITS AGENTS OR EMPLOYEES WITH RESPECT TO THE PROPERTY. WITHOUT LIMITING THE FOREGOING, GRANTEE HAS CONDUCTED SUCH INVESTIGATIONS AS IT DEEMS NECESSARY TO SATISFY ITSELF AS TO THE CONDITION OF THE PROPERTY, AND THE EXISTENCE OR NONEXISTENCE OR CURATIVE ACTION TO BE TAKEN WITH RESPECT TO ANY HAZARDOUS OR TOXIC SUBSTANCES ON OR DISCHARGED FROM THE PROPERTY. GRANTEE ASSUMES THE RISK THAT ADVERSE MATTERS, INCLUDING BUT NOT LIMITED TO, CONSTRUCTION DEFECTS, PRESENCE OF MOLD, PRIOR OR CURRENT WATER INTRUSION AND ADVERSE PHYSICAL AND ENVIRONMENTAL CONDITIONS, MAY NOT HAVE BEEN REVEALED BY GRANTEE'S INVESTIGATIONS, AND GRANTEE IS DEEMED TO HAVE WAIVED, RELINQUISHED AND RELEASED GRANTOR AND ANY AFFILIATE OF GRANTOR, FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION (INCLUDING CAUSES OF ACTION IN TORT), LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES (INCLUDING ATTORNEYS' FEES AND COURT COSTS) OF ANY AND EVERY KIND OR CHARACTER, KNOWN OR

UNKNOWN, WHICH GRANTEE MIGHT HAVE ASSERTED OR ALLEGED AGAINST GRANTOR OR ANY AFFILIATE OF GRANTOR AT ANY TIME BY REASON OF OR ARISING OUT OF ANY LATENT OR PATENT CONSTRUCTION DEFECTS OR PHYSICAL CONDITIONS, PRIOR OR CURRENT WATER INTRUSION, PRESENCE OF MOLD, VIOLATIONS OF ANY APPLICABLE LAWS (INCLUDING, WITHOUT LIMITATION, ANY ENVIRONMENTAL LAWS) AND ANY AND ALL OTHER ACTS, OMISSIONS, EVENTS, CIRCUMSTANCES OR MATTERS REGARDING THE CONDITION OF THE PROPERTY. GRANTEE AGREES THAT SHOULD ANY CLEANUP, REMEDIATION OR REMOVAL OF HAZARDOUS SUBSTANCES, MOLD OR OTHER ENVIRONMENTAL CONDITIONS ON THE PROPERTY AND/OR THE LAND BE REQUIRED, SUCH CLEAN-UP, REMOVAL OR REMEDIATION SHALL BE THE RESPONSIBILITY OF AND SHALL BE PERFORMED AT THE SOLE COST AND EXPENSE OF GRANTEE.

The terms "Grantor" and "Grantee," as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine or neuter, the singular or plural number, individuals, partnerships, trustees or corporations and their and each of their respective successor, heirs, personal representatives, successors in trust and assigns, according to the context thereof. All covenants and obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention is clearly expressed elsewhere herein.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including; without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

[Remainder of this page intentionally left blank]

IN WITNESS WHEREOF, this deed has been executed as of the day and year first set forth above.

GRANTOR:

GAY & ROBINSON, INC.,
a Hawaii corporation

By 

Charles Okamoto
Its President

By 

Keith Yap
Its Treasurer

GRANTEE:

ISLAND SELF STORAGE, LLC
a Hawaii limited liability company

By: 

Thomas Lambert
Its Member

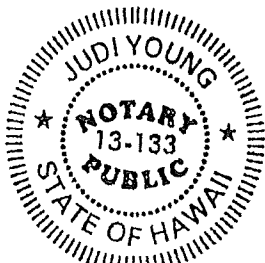
By: 

Curtis Law
Its Member

STATE OF HAWAII
COUNTY OF KAUAI

)
) ss.
)

On this 23rd day of June, 2015, before me personally appeared Charles Okamoto, personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



(Notary Stamp or Seal)

Name: Judi Young

Notary Public, State of Hawaii

My commission expires: April 28, 2017

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

Limited Warranty Deed

Document Date: 6/23/2015

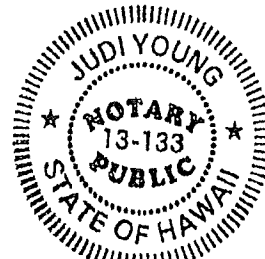
No. of Pages: 11

Jurisdiction (in which notarial act is performed): Fifth

Signature of Notary

Date of Notarization and
Certification Statement

Judi Young
Printed Name of Notary



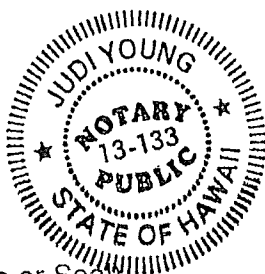
(Notary Stamp or Seal)

STATE OF HAWAII

COUNTY OF KAUAI

ss.

On this 23rd day of June, 2015, before me personally appeared Keith Yap, personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



(Notary Stamp or Seal)

Name: Judi Young

Notary Public, State of Hawaii

My commission expires: April 28, 2017

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

Limited Warranty Deed

Document Date: June 23, 2015

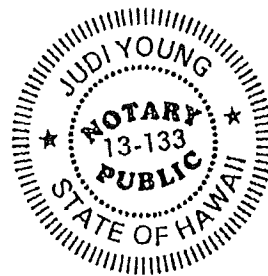
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Jurisdiction (in which notarial act is performed): Fifth

Signature of Notary

6/23/2015
Date of Notarization and
Certification Statement

Judi Young
Printed Name of Notary



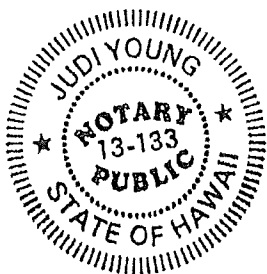
(Notary Stamp or Seal)

STATE OF HAWAII

COUNTY OF KAUAI

)
) ss.
)

On this 23rd day of June, 2015, before me personally appeared Thomas Lambert, personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



(Notary Stamp or Seal)

Name: Judi Young

Notary Public, State of Hawaii

My commission expires: August 28, 2017

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

Limited Warranty Deed

Document Date: 6/23/2015

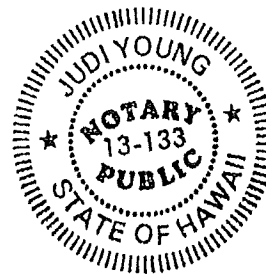
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Jurisdiction (in which notarial act is performed): Fifth

Signature of Notary

6/23/2015
Date of Notarization and
Certification Statement

Judi Young
Printed Name of Notary



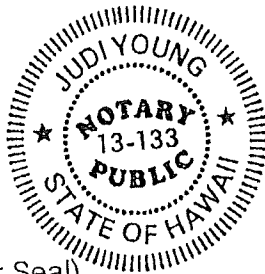
(Notary Stamp or Seal)

STATE OF HAWAII

COUNTY OF KAUAI

ss.

On this 23rd day of June, 2015, before me personally appeared Curtis Law, personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



(Notary Stamp or Seal)

Name: Judi Young

Notary Public, State of Hawaii

My commission expires: August 28, 2017

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

Limited Warranty Deed

Document Date: 6/23/2015

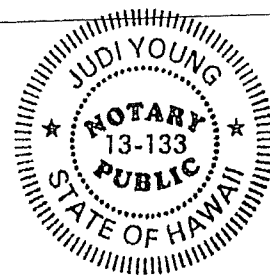
No. of Pages: 11

Jurisdiction (in which notarial act is performed): Fifth

Signature of Notary

6/23/2015
Date of Notarization and
Certification Statement

Printed Name of Notary



(Notary Stamp or Seal)

EXHIBIT 1

All of that certain parcel of land situate at Nawiliwili, District of Lihue, Island and County of Kauai, State of Hawaii, described as follows:

LOT 2, area 3.454 acres, more or less, as shown on Map 2, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Consolidation No. 159 of the Lihue Plantation Company, Limited.

Together with access over and across Easement "1" as shown on Map 2, with Land Court Consolidation No. 159, and over and across Easement "K" as shown on Map 4, with Land Court Application No. 957 to Niumalu Road, as set forth by Land Court Order No. 123373, filed February 12, 1996.

Together with those certain easements, as granted by GRANT OF EASEMENTS AND CONSENTS dated July 31, 2000, filed as Land Court Document No. 2645900; and subject to the terms and provisions contained therein, said easements being more particularly described as follows:

1. A perpetual and irrevocable easement, in favor of THE LIHUE PLANTATION COMPANY, LIMITED ("LPCo") and appurtenant to the LPCo Property, over, under and across that certain Easement 1 ("Easement 1"), as shown on Map 2 of Land Court Consolidation No. 159, for access and utility purposes and for access to and continued operation, maintenance and use of LPCo's molasses sump facilities located within Easement 1.
2. A perpetual and irrevocable easement, in favor of LPCo and appurtenant to the LPCo Property, over, under and across that certain Easement K ("Easement K"), as shown on Map 4 of Land Court Application No. 957, for access and utility purposes.
3. A perpetual and irrevocable right, license and easement, in favor of LPCo, across certain portions of the KSM, INC. ("KSM") Property, for the maintenance, repair and replacement of utility lines, poles and appurtenant facilities for utility service to LPCo's molasses sump facilities and the LPCo Property (the "Line and Pole Easement").

Being land(s) described in Transfer Certificate of Title No. 593,736 issued to GAY & ROBINSON, INC., a Hawaii corporation.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : THE LIHUE PLANTATION COMPANY, LIMITED, a Hawaii corporation

GRANTEE : GAY & ROBINSON, INC., a Hawaii corporation

DATED : October 18, 2001

FILED : Land Court Document No. 2745308

SUBJECT TO THE FOLLOWING:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. SETBACK

PURPOSE : road widening

SHOWN : on Map 1, as set forth by Land Court Order No. 69701, filed May 3, 1984

3. Triangulation Survey Station "NORTH BASE" located within the land described herein, referenced on the Tax Map. Attention is invited to the provisions of Section 172-13 of the Hawaii Revised Statutes, relative to destruction, defacing or removal of survey monuments.

4. The terms and provisions contained in the following:

INSTRUMENT : DEED

DATED : November 21, 1978

FILED : Land Court Document No. 909381

The foregoing includes, but is not limited to, matters relating to reservation of minerals, water and prehistoric and historic remains

5. The terms and provisions contained in the following:

INSTRUMENT : DEED

DATED : April 16, 1993

FILED : Land Court Document No. 2016007

6. RIGHT-OF-ENTRY

TO : CITIZENS UTILITIES COMPANY, whose interest is now held by KAUAI ISLAND UTILITY CO-OP

DATED : January 19, 1996

RECORDED : Document No. 96-047210

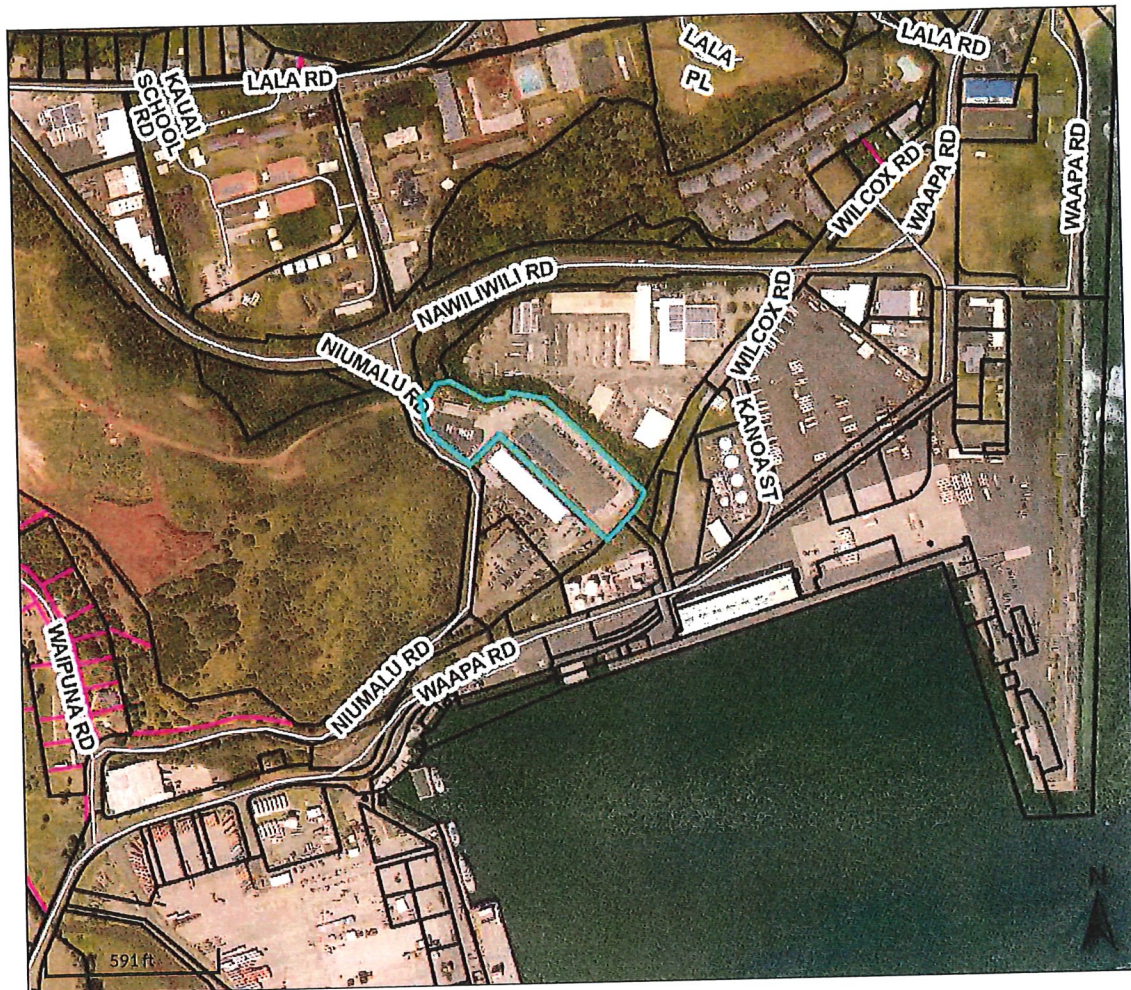
GRANTING : a right-of-entry for the purpose of building, constructing, repairing, maintaining and operating pole and wire lines, etc., for the transmission and distribution of electricity

(Not noted on Transfer Certificate(s) of Title referred to herein)

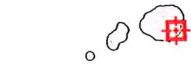
7. Any claim or boundary dispute which may exist or arise by reason of the failure of the GRANT OF EASEMENTS AND CONSENTS dated July 31, 2000, filed as Land Court Document No. 2645900, referred to in Schedule C to locate with certainty the boundaries of the "Line and Pole Easement" described in said instrument.

8. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

EXHIBIT "C-1"



Overview



Legend

-  Parcels
-  CPR Units
-  Roads

Parcel ID 320050090000 Situs/Physical Address 2670 NIUMALU RD
Acreage 3.454 Mailing Address ISLAND SELF STORAGE LLC
Class INDUSTRIAL C/O THOMAS LAMBERT
1481 HALEUKANA ST
LIHUE HI 96766

Total Market Value	\$7,967,200	Last 2 Sales		
Total Assessed Value	\$7,967,200	Date	Price	Reason
Total Exemptions	\$0	n/a	0	n/a
Total Net Taxable Value	\$7,967,200	n/a	0	n/a

Brief Tax Description LOT 32 MAP 2 LC CONS 159 3.454 AC TOG/ESMT
(Note: Not to be used on legal documents)

The Geographic Information Systems (GIS) maps and data are made available solely for informational purposes. The GIS data is not the official representation of any of the information included, and do not replace a site survey or legal document descriptions. The County of Kauai (County) makes or extends no claims, representations or warranties of any kind, either express or implied, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose, as to the quality, content, accuracy, currency, or completeness of the information, text, maps, graphics, links and other items contained in any of the GIS data. In no event shall the County become liable for any errors or omissions in the GIS, and will not under any circumstances be liable for any direct, indirect, special, incidental, consequential, or other loss, injury or damage caused by its use or otherwise arising in connection with its use, even if specifically advised of the possibility of such loss, injury or damage. The data and or functionality on this site may change periodically and without notice. In using the GIS data, users agree to indemnify, defend, and hold harmless the County for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.

Date created: 6/28/2024
Last Data Uploaded: 6/27/2024 6:38:41 AM

Developed by  Schneider
GEOSPATIAL

EXHIBIT "C-2"

LAND COURT
STATE OF HAWAII

LAND COURT CONSOLIDATION | 59

SUBDIVISION OF LOT 1
AS SHOWN ON MAP 1
INTO LOTS 2 AND 3
AND DESIGNATION OF EASEMENT 1
AFFECTING LOT 3
NAWILIWILI, KAUAI, HAWAII



3145-E Akachi Street
Lafayette, Louisiana, 70501
July 11, 1995

Oliver M. Landi
Licensed Professional Land Surveyor
Certificate Number 4303
Land Court Certificate Number 103

Owner: Browning-Ferris Industries of Hawaii, Inc.
Transfer Certificate of Title: 4/4,687

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE
OF THE LAND COURT DATED JANUARY 6, 1926
BY ORDER OF THE COURT

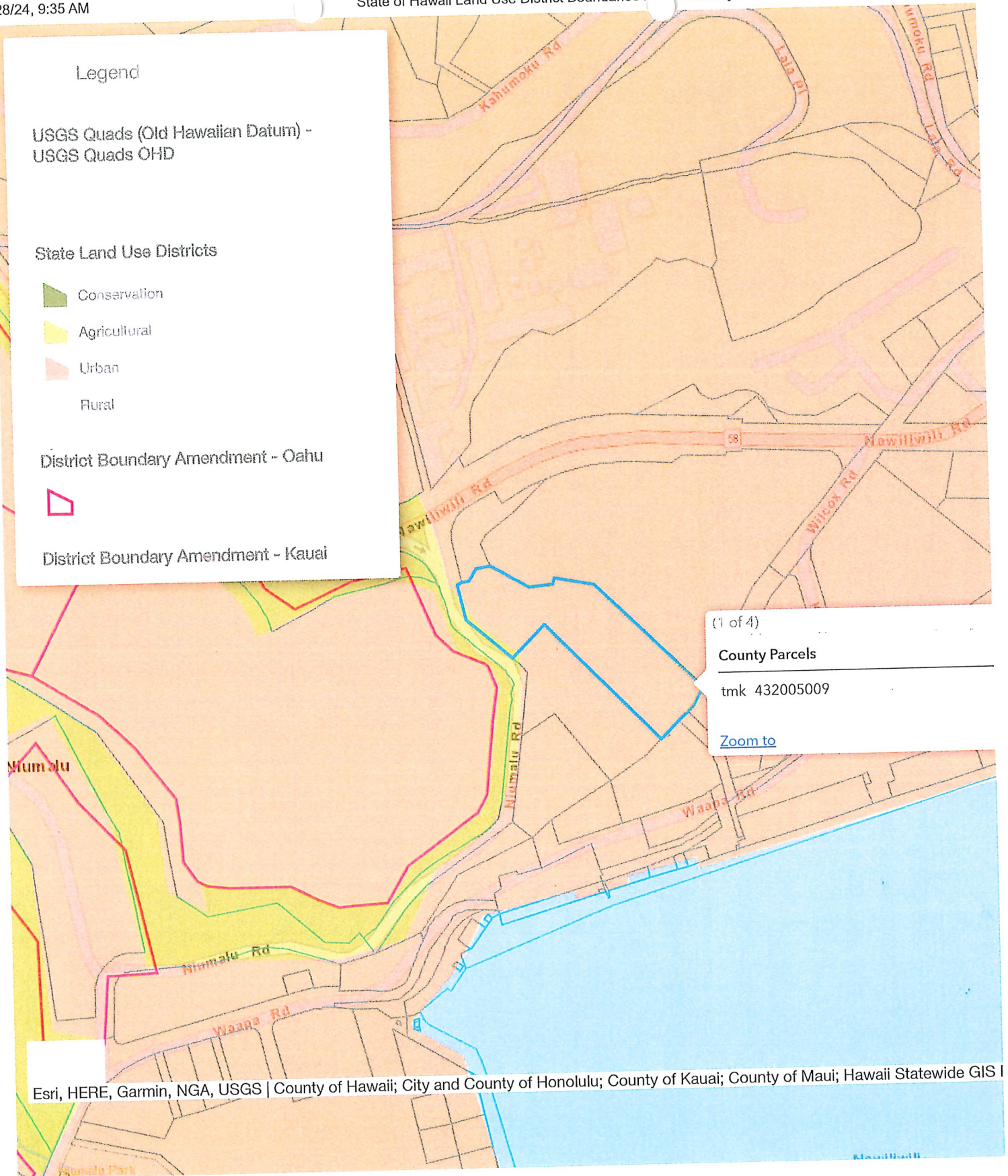
Walter J. Harnett

14, 1995
Helen December
Genie Shiro, Clerk

NOTE:
AREA OF EASEMENT 1 = 5,408 Sq. Ft.

RAY, MAO KHY, 9-2-02-9

EXHIBIT "C-3"



State of Hawaii Land Use District Boundaries Map - January 2018

EXHIBIT "C-4"

Figure 5-5 Līhu'e Land Use Map

- Planning District Boundary
- Major Roads
- Roads
- Streams
- Reservoirs
- Urban Edge Boundary
- Natural
- Agriculture
- Agriculture (IAL)
- Parks and Recreation
- Golf Course
- Homestead
- Residential Community
- Urban Center
- Neighborhood Center
- Neighborhood General
- Resort
- University Zone
- Transportation

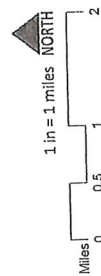
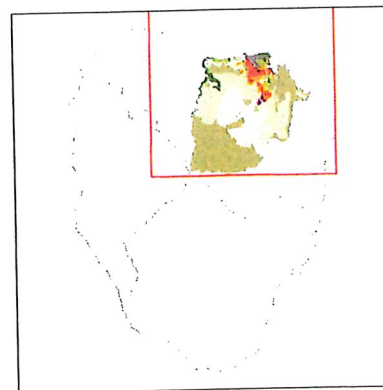
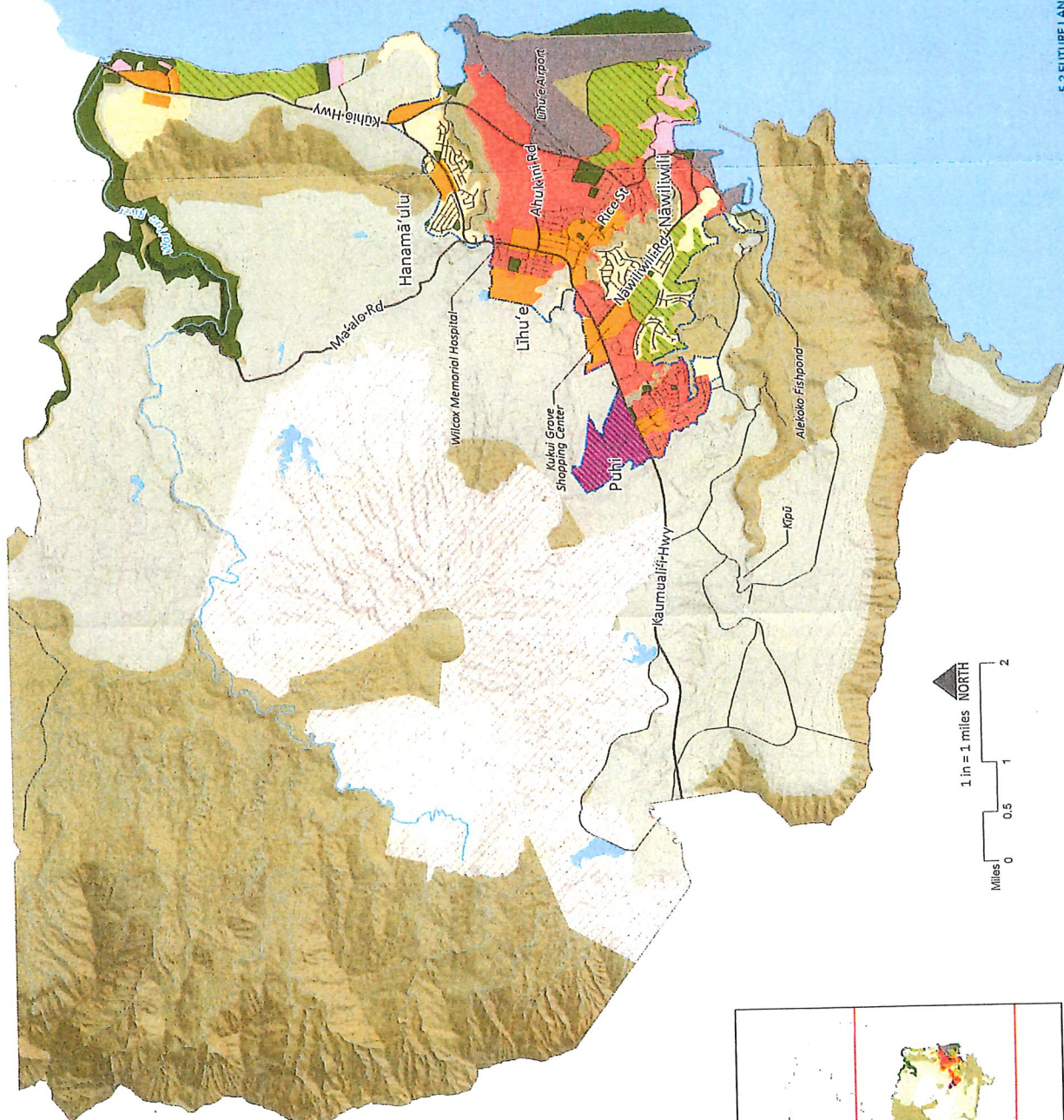


EXHIBIT "C-5"

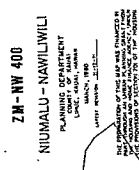
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EXHIBIT "C-6"

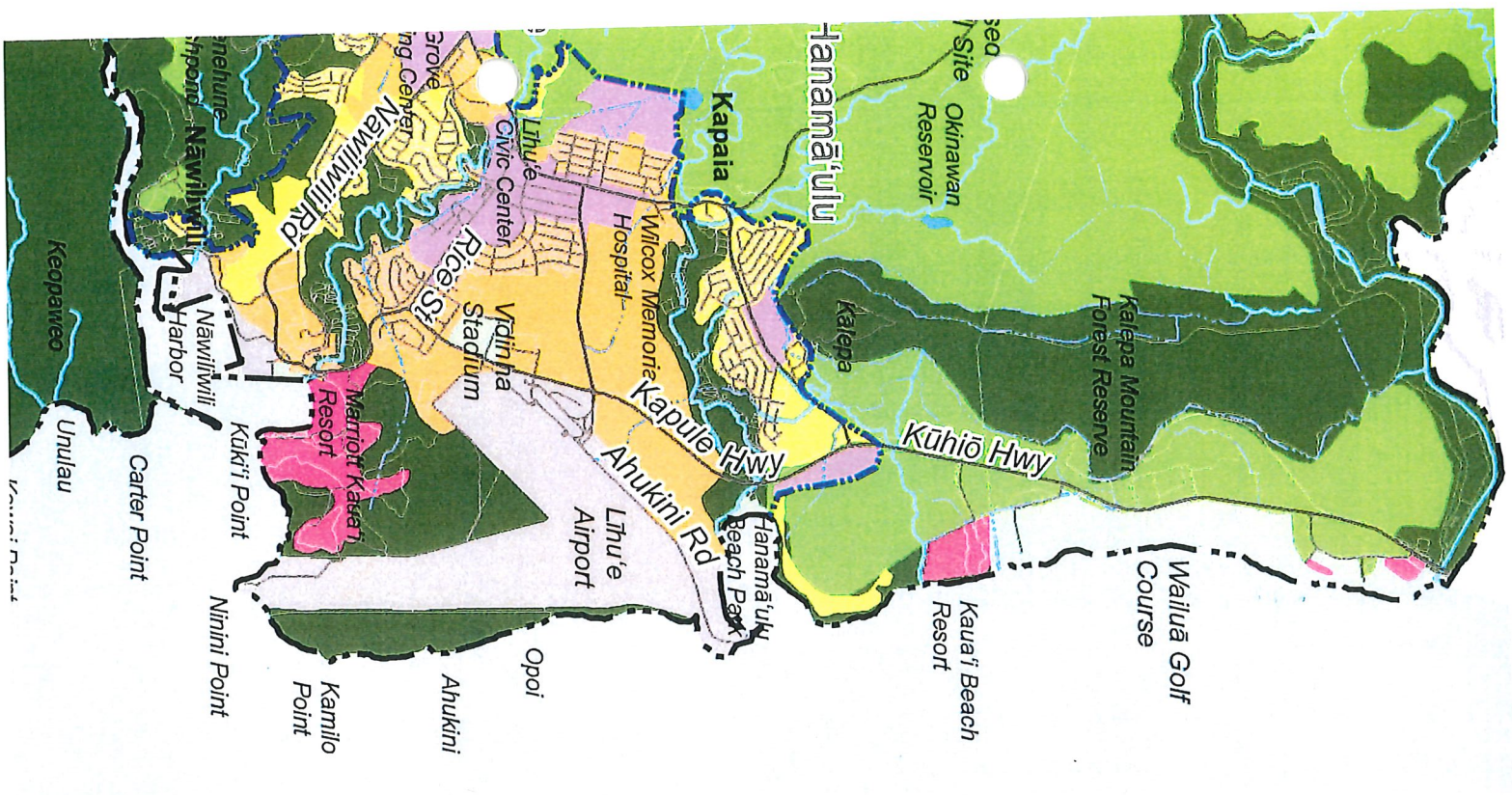
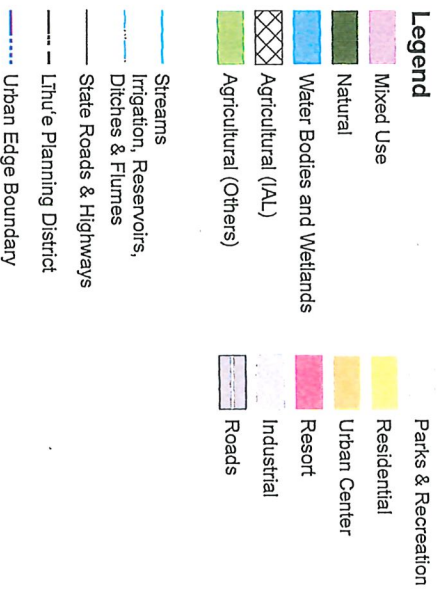


Figure 5-1 Proposed Lihue Community Plan Land Use Map



5.1 LAND USE

This Chapter includes policies and guidelines to implement the vision for the Lihue District. These include policy recommendations from studies and plans conducted by various County and State departments that apply to the Lihue District and are recommended for implementation during the LCP planning horizon.

5.1.1 Land Use Map

The Lihue LCP Land Use Map (Figure 5-1) shows recommended land uses in the Lihue Planning District. The Land Use Designations approximate those contained in the Kaula'i General Plan Land Use Map.

EXHIBIT "C-7"

KAPAA LIHUE **KAUAI COUNTY**

ALL STATE LAND USE DISTRICTS

CONSERVATION DISTRICT **C**

AGRICULTURE DISTRICT **A**

RURAL DISTRICT **R**

URBAN DISTRICT **U**

SPECIAL MANAGEMENT AREA

ADOPTED BY COUNTY OF KAUAI

APPROVED 12/20/20

Shirley E. Delaney

AMENDMENTS:

Countywide Amendment to Chapter 205A, H.R.S., in accordance with Act 200, Session 1979.

Shirley E. Delaney 12/20/20

County Planning Commission / 1979

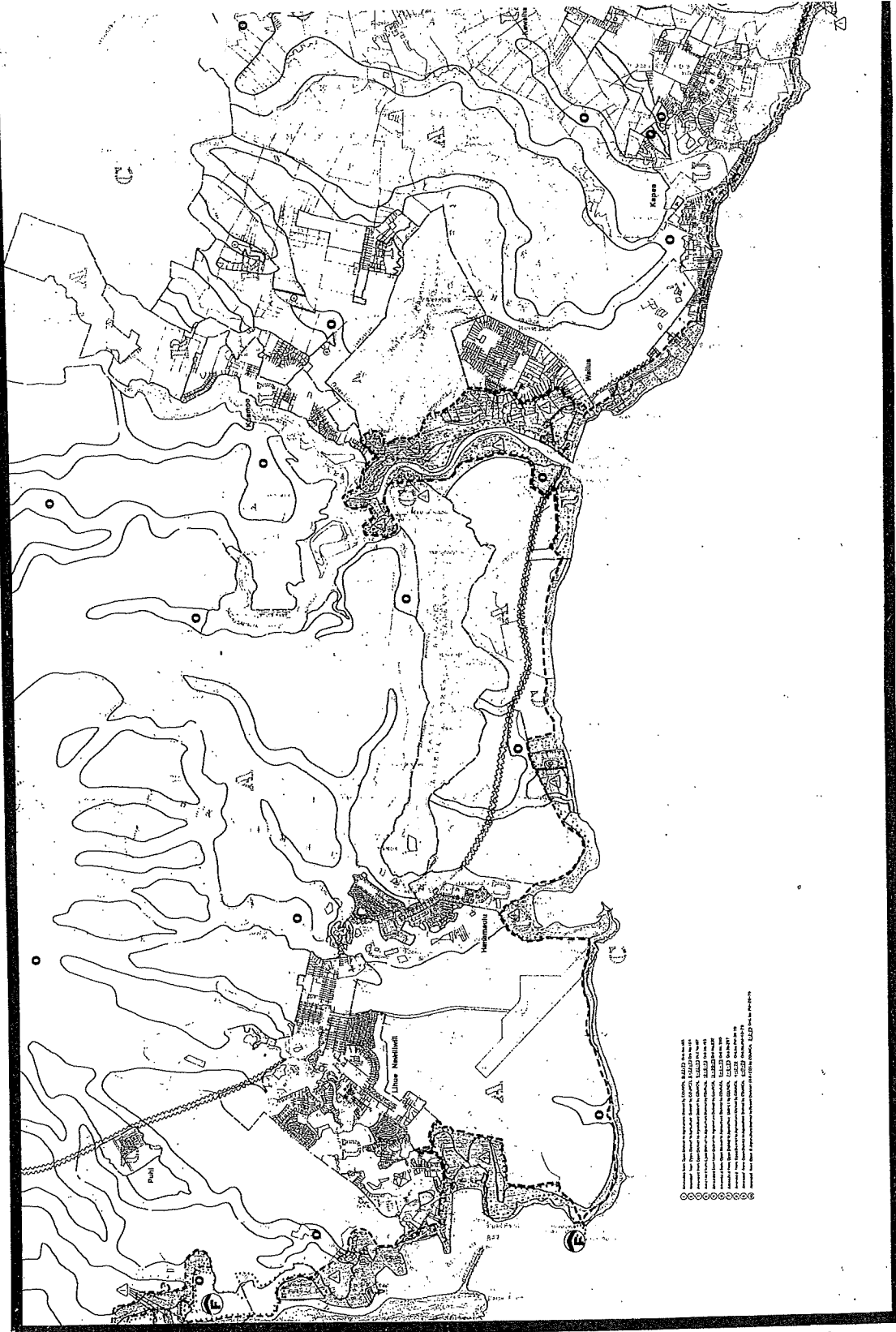
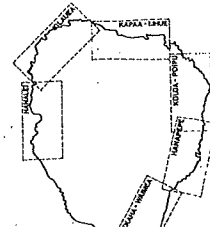
AMENDMENT NO. 122, KAPAA AND LIHUE, IS PART OF THE GENERAL LAND MANAGEMENT ACT AND IS HEREBY AMENDED BY THE OFFICE OF DISTRICT LAND MANAGEMENT, NATIONAL LAND AND FORESTRY ADMINISTRATION, UNITED STATES DEPARTMENT OF COMMERCE.

LEGEND

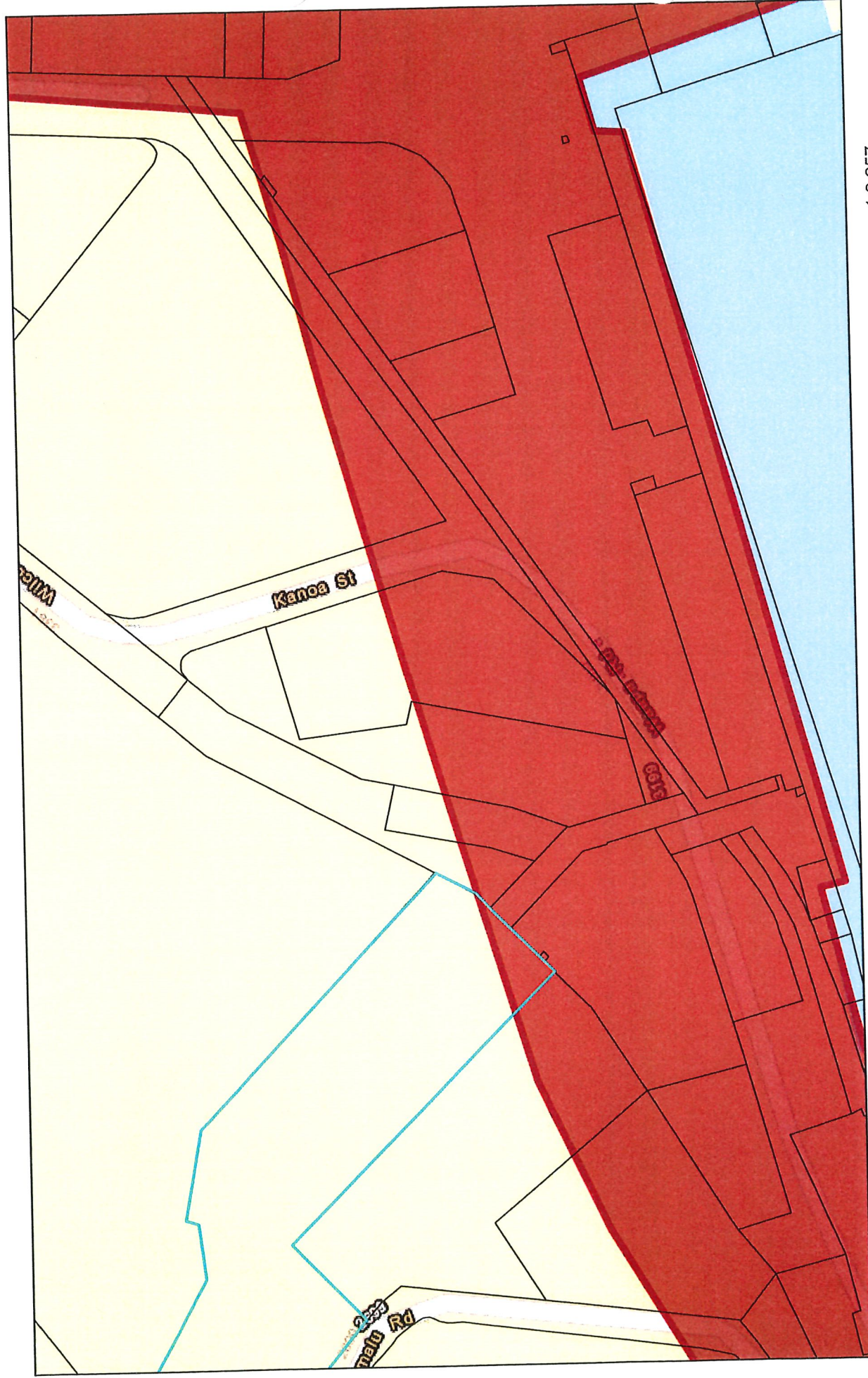
--- SMA Boundary is the Seaward Edge of the Line

Area of Amendment

Area of Federal Lands Exclusion



SMA MAP



June 28, 2024

1:2,257
0 0.02 0.04 0.06 0.07 mi
0 0.03 0.06 0.11 km
Esri, HERE, Garmin, NGA, USGS, Esri, HERE


EXHIBIT "C-8"



Overview



Legend

-  Parcels
-  CPR Units
-  Roads

Parcel ID 320050090000 Situs/Physical Address 2670 NIUMALU RD
Acreage 3.454 Mailing Address ISLAND SELF STORAGE LLC
Class INDUSTRIAL C/O THOMAS LAMBERT
1481 HALEUKANA ST
LIHUE HI 96766

Total Market Value \$7,967,200
Total Assessed Value \$7,967,200
Total Exemptions \$0
Total Net Taxable Value \$7,967,200

Last 2 Sales		
Date	Price	Reason
n/a	0	n/a
n/a	0	n/a

Brief Tax Description LOT 32 MAP 2 LC CONS 159 3.454 AC TOG/ESMT
(Note: Not to be used on legal documents)

The Geographic Information Systems (GIS) maps and data are made available solely for informational purposes. The GIS data is not the official representation of any of the information included, and do not replace a site survey or legal document descriptions. The County of Kauai (County) makes or extends no claims, representations or warranties of any kind, either express or implied, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose, as to the quality, content, accuracy, currency, or completeness of the information, text, maps, graphics, links and other items contained in any of the GIS data. In no event shall the County become liable for any errors or omissions in the GIS, and will not under any circumstances be liable for any direct, indirect, special, incidental, consequential, or other loss, injury or damage caused by its use or otherwise arising in connection with its use, even if specifically advised of the possibility of such loss, injury or damage. The data and or functionality on this site may change periodically and without notice. In using the GIS data, users agree to indemnify, defend, and hold harmless the County for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.

Date created: 5/8/2024
Last Data Uploaded: 5/8/2024 5:56:54 AM

Developed by  Schneider
GEOSPATIAL

EXHIBIT "C-9"

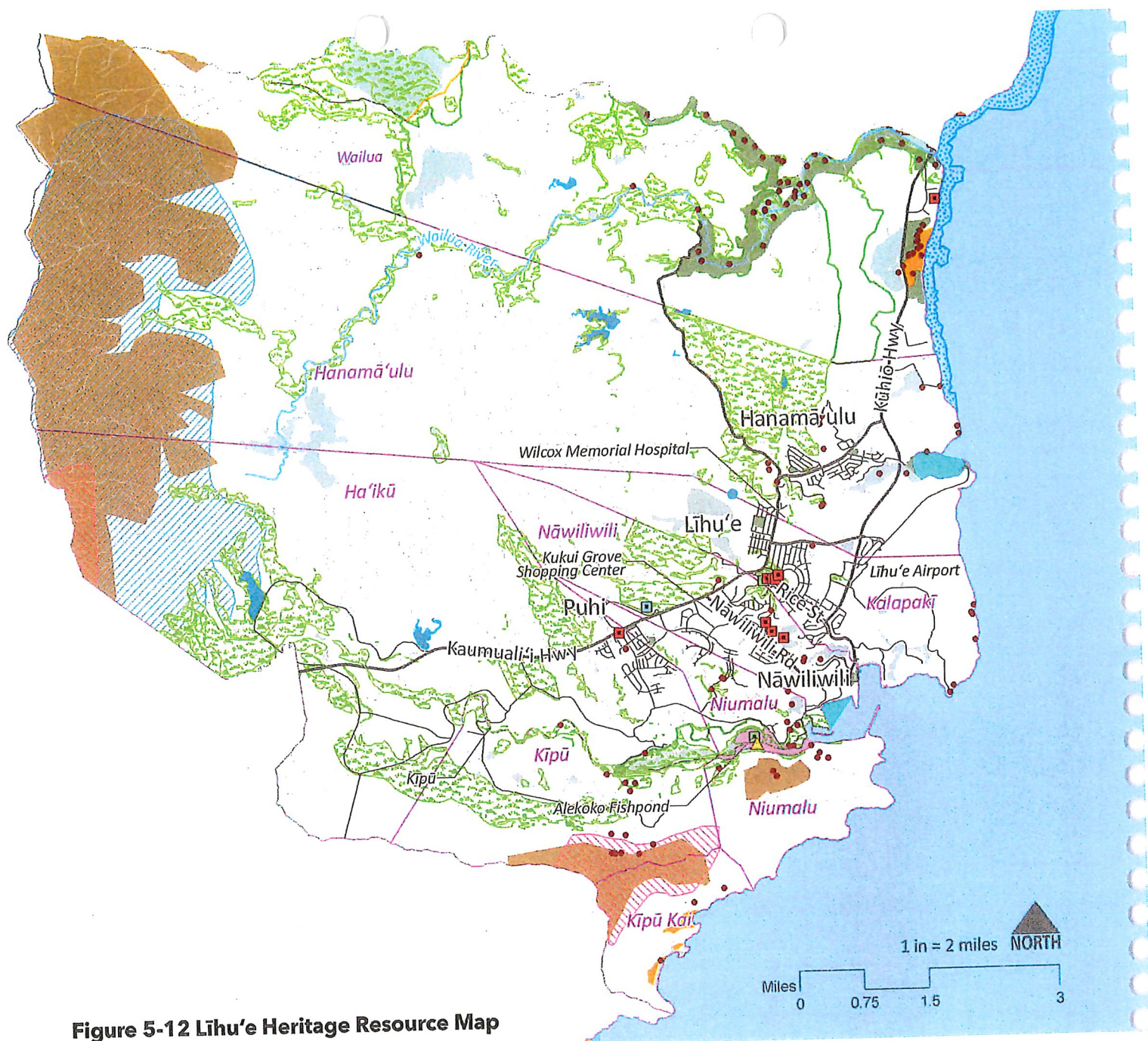


Figure 5-12 Līhu'e Heritage Resource Map

- Registered Historic Sites**
- State
 - National
 - State & National
 - Cultural Features
 - ▲ Priority Public Access Points
 - ◆ Fish Ponds
 - Streams & Waterbodies
 - Major Roads
 - Roads

- Trails
- Planning District Boundary
- Ahupua'a Boundaries
- Wetlands
- Coral Reefs
- Regulated Fishing Areas
- State & County Parks
- Preserves
- Reservoirs

- Traditional Cultivation Areas
- Sand Dunes
- Open Space Acquisition Priorities
- Critical Habitat
- Threatened & Endangered Species**
- High Density
- Very High Density

EXHIBIT "C-10"

EXHIBIT "D-1"

Angela Anderson
Chair

Sean Mahoney
Vice-Chair

Louis Abrams
Hartwell Blake
Wayne Katayama
Jan Kimura
Amy Mendonca
Members



PLANNING COMMISSION
County of Kaua'i, State of Hawai'i
4444 Rice Street
Kapule Building, Suite A-473
Lihu'e, Hawai'i 96766-1326
TEL (808) 241-4050 FAX (808) 241-6699

Michael A. Dahilig
Clerk of the Commission

FEB 26 2015

Lorna A. Nishimitsu, Esq., Authorized Agent
BELLES GRAHAM PROUDFOOT WILSON & CHUN, LLP.
Watumull Plaza
4334 Rice Street, Suite 202
Lihu'e, Hawai'i 96766

RECEIVED
MAR - 2 2015
BELLES GRAHAM PROUDFOOT
WILSON & CHUN, LLP

Subject: Class IV Zoning Permit Z-IV-2015-12
Use Permit U-2015-11
Tax Map Key: (4) 3-2-005:009
Nāwiliwili, Kaua'i
ISLAND SELF STORAGE LLC., Applicant

Dear Ms. Nishimitsu,

This letter memorializes the action taken by the Kaua'i Planning Commission effective February 24, 2015 concerning approval of the above subject permits. The approval, per your consent, is subject to the following conditions:

1. The operation of this facility shall be limited to the representation as noted in the petition. Any changes to said structures and/or facilities shall be reviewed by the Planning Department to determine whether Planning Commission review and approval is warranted.
2. In order to further ensure that the project is compatible with its surroundings and to minimize the visual impact of the structure, the external color shall be of a moderate to dark earth-tone color, and the Applicant shall provide substantial landscaping. Additionally, the proposed color scheme shall be consistent with the color palette introduced through the Līhu'e Town Core Plan (LTCP) and a landscape plan shall be submitted to the Planning Department for review and acceptance prior to building permit application.

An Equal Opportunity Employer

EXHIBIT "D-1"

3. In order to minimize adverse impacts on the Federally Listed Threatened Species, Newell's Shearwater and other seabirds, all external lighting shall be only of the following type: downward facing shielded lights. Spotlights aimed upward or spotlighting of structures or physical features shall be prohibited.
4. The Applicant shall be responsible for the maintenance of the site in a clean and orderly manner; solid waste such as incidental rubbish, and other waste shall not be permitted to accumulate on site. Disposal of such material shall be in compliance with all applicable State Department of Health rules and regulations.
5. In order to minimize dust emissions to neighboring properties, the Applicant shall continue to water down the stockpile area as well as the driveway leading up to the portion of the building that's occupied by Pacific Concrete Coring & Cutting, Inc. (PCCC), and possibly constructing dust fences/screens that are of adequate height along the southern end of the building.
6. Prior to building permit approval, the Applicant shall execute a "Waiver & Indemnity" agreement that absolves the County from any damages or liability if it is found that the industrial district is causing unforeseen impacts to the resident and/or residential unit.
7. The use of this facility shall be limited to those hours represented in the petition. The self-storage facility will operate every day, between 5:00 a.m. to 10:00 p.m. Similarly, the material resource recovery operations will occur every day, between 6:00 a.m. to 5:00 pm. If the noise generated by the material resource recovery facility results in adverse impacts the nearby residential subdivision to the northwest, the Applicant shall be required to revise their operation hours such that the concerns are properly addressed and mitigated.
8. All off-street parking stalls required for this project shall be paved and striped as represented on the project site development plan.
9. Pursuant to Chapter 11A of the Kauai County Code, as amended, the Applicant shall remit payment of an Environment Impact Assessment Fee based on twenty-five cents (25¢) per square foot of gross self-storage floor area, and \$100 per each required off-street parking stall for the office space.
10. Prior to building permit approval, the Applicant shall consult with SHPD's Architectural Branch to resolve the proposed exterior improvements to the bulk

sugar building in order to retain as much as possible the look of the building as it historically existed, with minimal alterations as necessary. Correspondences indicating resolution of this concern shall be forwarded to the Planning Department for its records.

11. The Applicant shall resolve and comply with the applicable standards and requirements set forth by the State Health Department, State Historic Preservation Division – DLNR, and the County Departments of Public Works, Fire & Water.
12. The Applicant shall develop and utilize Best Management Practices (BMP's) during all phases of development in order to minimize erosion, dust, and sedimentation impacts of the project to abutting properties.
13. The Applicant is advised that should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the Applicant shall contact the State Department of Land and Natural Resources – Historic Preservation Division at (808) 692-8015 and the Planning Department at (808) 241-4050.
14. The Applicant is advised that additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).

If you have further questions regarding this matter, please contact Dale A. Cua of my staff at (808) 241-4050.

Sincerely Yours,



MICHAEL A. DAHILIG
Clerk, Kaua'i Planning Commission

EXHIBIT "D-2"

NOTICE TO BUILDERS
PLEASE OBTAIN SEPARATE PERMITS FOR:
1. ELECTRICAL INSTALLATION
2. PLUMBING INSTALLATION

CALL THE BUILDING DEPARTMENT FOR HOUSEHOLD INSPECTION. **DO NOT** INCLUDE UNITS. SUSPENSION IS APPROVED.

APPROVED
JOB SITE COPY
SERRA NOBIS DIV. COUNTY OF KALAMAZOO

Donalda Wright
 Director, Office of Authorship & Copyright

**Certificate of Occupancy
Required from Building
Division Prior to
Occupancy**



BP15-00002485

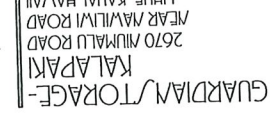
Issue Date: 05/17/16

Start of Book **Issue Date:** 05/17/16



Issue Date: 03/07/18

ARE



GUARDIAN STORAGE -
KALAPAKI
2670 MIUMALU ROAD
NEAR MAWILIWI ROAD
KAPAHU, KAUAI, HI 96741

The results are explosive, and it's not only Americans who are surprised. We've had inquiries from all American states, and from the people of the United Kingdom, who are surprised that we've got to be so worried to use a word that's already in the English language. It's not as if we've got to be so worried to use a word that's already in the English language. It's not as if we've got to be so worried to use a word that's already in the English language.

DATE	15 NOV 1964
PROJECT MANAGER	
DRAWN BY	
JOB NUMBER	1

OVERALL
SITE PLAN
A1.[illegible][illegible]

GENERAL NOTES

FINAL ARGUED SITE PLAN

SCALE	C
1/8"=1'-0"	

2670 NIUMALU ROAD
LIHUE, KAUAI, HAWAII

[illegible]

[illegible][illegible][illegible]

NAME	ADDRESS	PHONE	AGE
JOHN DOE	123 MAIN ST, NEW YORK, NY 10001	212-555-1234	35
JANE SMITH	456 E 10TH AVE, DENVER, CO 80202	303-555-5678	28
ROBERT J. GARCIA	789 PINE ST, LOS ANGELES, CA 90001	213-555-9012	42
MICHELLE L. BROWN	321 OAK ST, CHICAGO, IL 60601	312-555-3456	31
DAVID K. WILSON	654 MAPLE AVE, PHOENIX, AZ 85001	602-555-7890	25
SARAH E. TAYLOR	987 BROADWAY, NEW YORK, NY 10003	212-555-2345	38
ANTHONY M. ROSS	147 CUMMINGS BLVD, SEATTLE, WA 98101	206-555-6789	29
EMILY R. HARRIS	258 N 1ST ST, PORTLAND, ME 04101	207-555-0123	22
CHRISTOPHER J. KING	369 S 2ND ST, MINNEAPOLIS, MN 55401	612-555-4567	33
AMANDA N. LEE	470 W 3RD ST, DENVER, CO 80202	303-555-8901	27
BENJAMIN S. WHITE	581 E 4TH ST, DENVER, CO 80202	303-555-2345	30
OLIVIA P. GREEN	692 E 5TH ST, DENVER, CO 80202	303-555-6789	24
NOAH Q. BLACK	703 E 6TH ST, DENVER, CO 80202	303-555-0123	36
ISABEL R. RED	814 E 7TH ST, DENVER, CO 80202	303-555-4567	21
LEONARD T. BLUE	925 E 8TH ST, DENVER, CO 80202	303-555-8901	39
CHARLOTTE V. PURPLE	1036 E 9TH ST, DENVER, CO 80202	303-555-2345	26
WALTER Y. GOLD	1147 E 10TH ST, DENVER, CO 80202	303-555-6789	40
BERNARD Z. SILVER	1258 E 11TH ST, DENVER, CO 80202	303-555-0123	32
DEBORAH A. BRONZE	1369 E 12TH ST, DENVER, CO 80202	303-555-4567	23
ERNEST B. IRON	1470 E 13TH ST, DENVER, CO 80202	303-555-8901	37
FRANCIS C. STEEL	1581 E 14TH ST, DENVER, CO 80202	303-555-2345	20
GRACE D. COPPER	1692 E 15TH ST, DENVER, CO 80202	303-555-6789	34
HERBERT E. ALUMINUM	1703 E 16TH ST, DENVER, CO 80202	303-555-0123	29
IDA F. GLASS	1814 E 17TH ST, DENVER, CO 80202	303-555-4567	25
JACK G. RUBBER	1925 E 18TH ST, DENVER, CO 80202	303-555-8901	31
KAREN H. PLASTIC	2036 E 19TH ST, DENVER, CO 80202	303-555-2345	22
LARRY I. WAX	2147 E 20TH ST, DENVER, CO 80202	303-555-6789	38
MARY J. SOAP	2258 E 21ST ST, DENVER, CO 80202	303-555-0123	27
NORMAN K. TOILET PAPER	2369 E 22ND ST, DENVER, CO 80202	303-555-4567	33
OLIVIA L. TISSUE	2470 E 23RD ST, DENVER, CO 80202	303-555-8901	24
PETER M. WIPER	2581 E 24TH ST, DENVER, CO 80202	303-555-2345	30
QUINN N. SHOWER HEAD	2692 E 25TH ST, DENVER, CO 80202	303-555-6789	21
ROBERT O. BATH TUB	2703 E 26TH ST, DENVER, CO 80202	303-555-0123	36
SARAH P. SINK	2814 E 27TH ST, DENVER, CO 80202	303-555-4567	28
TOMAS Q. MIRROR	2925 E 28TH ST, DENVER, CO 80202	303-555-8901	32
URSULA R. CUPBOARD	3036 E 29TH ST, DENVER, CO 80202	303-555-2345	25
VICTOR S. DRESSER	3147 E 30TH ST, DENVER, CO 80202	303-555-6789	39
WENDY T. BED	3258 E 31ST ST, DENVER, CO 80202	303-555-0123	23
Xavier U. CHAIR	3369 E 32ND ST, DENVER, CO 80202	303-555-4567	37
YVONNE V. SOFA	3470 E 33RD ST, DENVER, CO 80202	303-555-8901	26
ZACHARY W. COUCH	3581 E 34TH ST, DENVER, CO 80202	303-555-2345	31



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DIVISION 16 - ELECTRICAL

DIVISION 15 - MECHANICAL

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SPECIFICATION	SCALE	
	1/4" = 1'	1/8" = 1'
1. General Notes		
2. Foundation		
3. Structure		
4. Roofing		
5. Siding		
6. Windows		
7. Doors		
8. Finishes		
9. Mechanical		
10. Electrical		
11. Plumbing		
12. HVAC		
13. Other		

[illegible][illegible]

4. PROVIDE A MACHINE SIGHT FOR LUMBERMIST MANUFACTURED MEASUREMENTS.
5. ADVISORY THAT PREVENTS LOSS FROM THESE STRESSORS. CAN BE USED TO IDENTIFY STRESS AND PUT LOSS TO THE ATTENTION OF THE USER.
6. CONTRACTOR TO VISIT ALL SIZES OF LOGGERS, IDENTIFY, PTO AND MACHINE SIGHT PROBLEM TO SUBMITTER.

- ix. PAINT SERVICES SHALL BE CUT SHARPLY TO LEAVE NEAREST ADJACENT SURFACES.
- xi. FILL AND SPRAY PAINT IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.



PHILIPPINE
ARCHITECTS
ACT NO. 472
JUNE 28, 1959

ARE
Associates
Architectural Pool Studio
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1905-100-B
1905-100-C
1905-100-D
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1905-100-F
1905-100-G
1905-100-H
1905-100-I
1905-100-J
1905-100-K
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1905-100-M
1905-100-N
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1905-100-P
1905-100-Q
1905-100-R
1905-100-S
1905-100-T
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1905-100-Y
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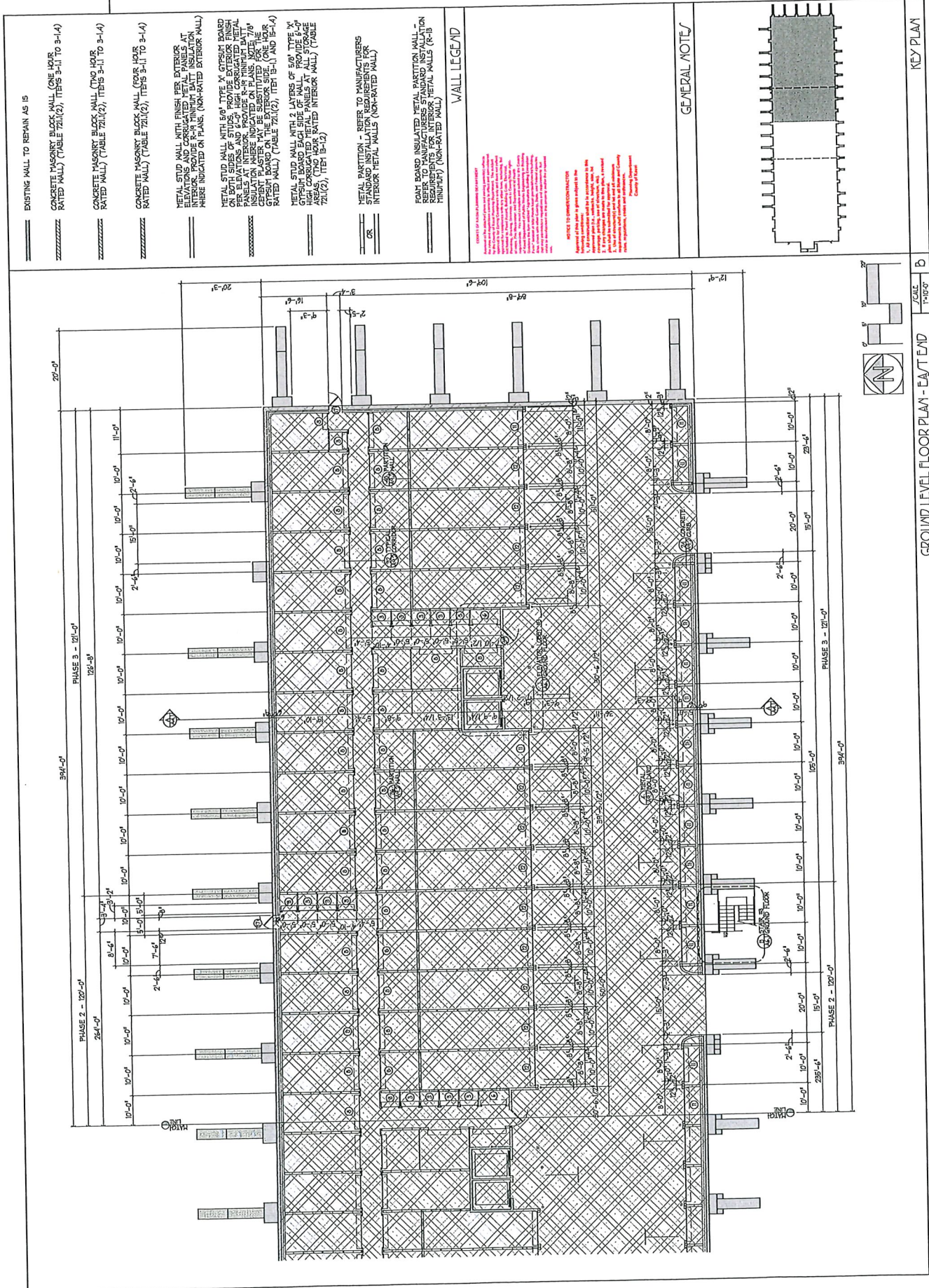
GUARDIAN STORAGE
KALAPARI
2670 MIYALU ROAD
NEAR MIYALU ROAD
LHUC, MAJAL, HAWAI



DATE: 15 NOV 17
PROJECT MANAGER: REC
DRAWN BY: REC
CHECKED BY: REC
DATE: 15 NOV 17

GROUND LEVEL
FLOOR PLAN
EAST END

A2.1.2

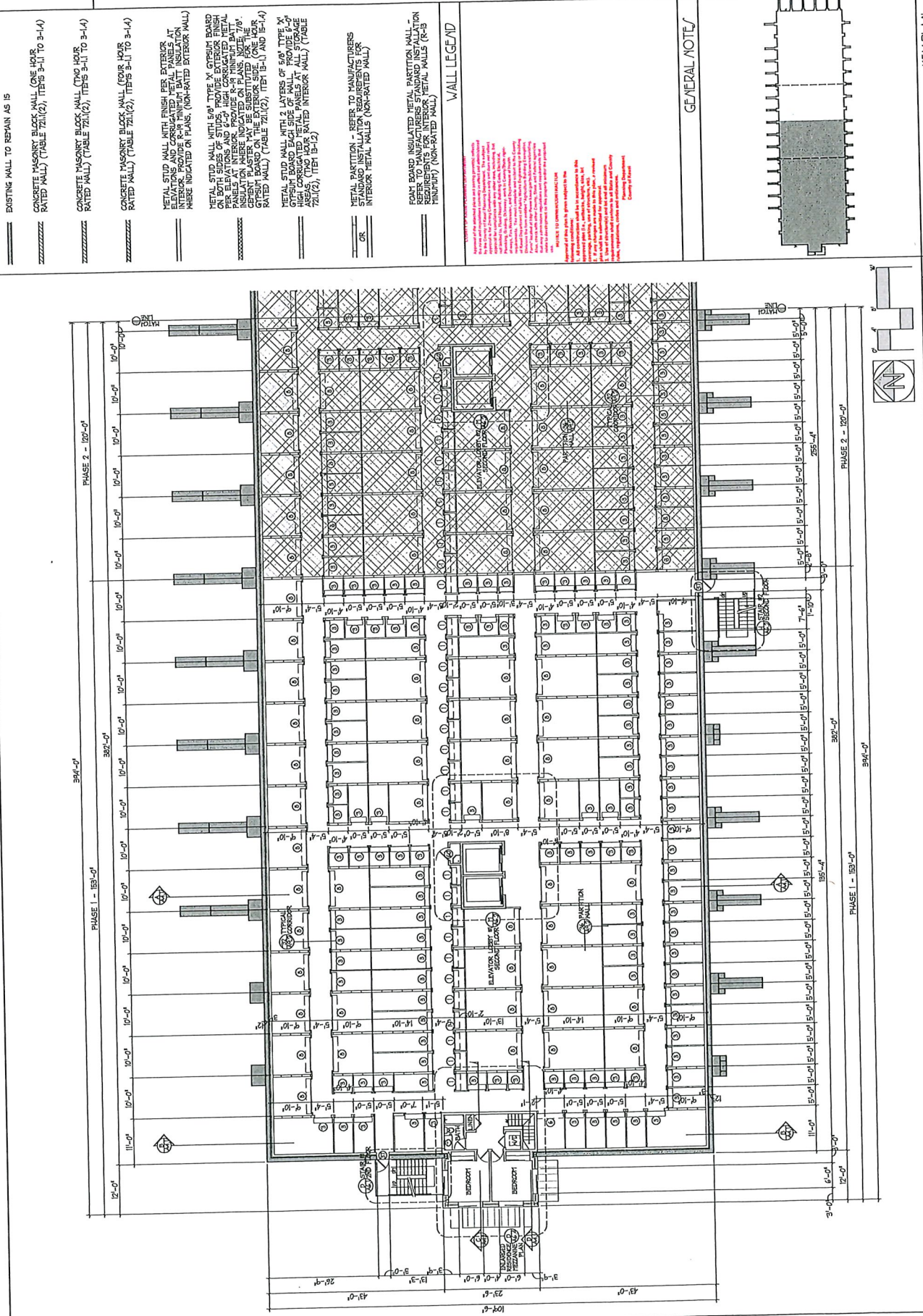


KEY PLAN

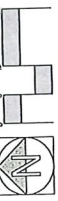
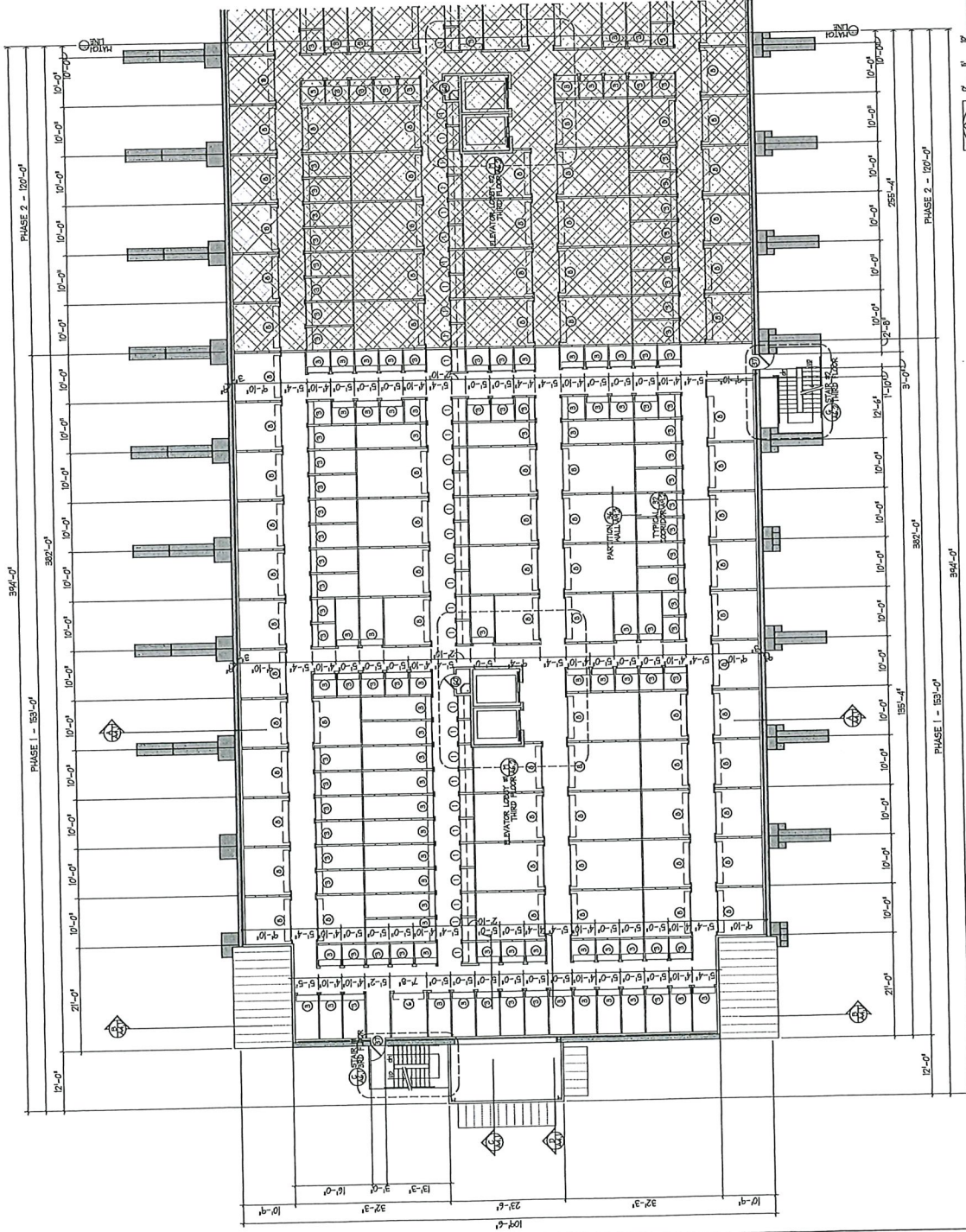
SCALE
1"=50'-0"

GROUND LEVEL FLOOR PLAN - EAST END

B



SECOND LEVEL FLOOR PLAN - WEST END		C	KEY PLAN
SCALE	DATE		
1/8"=1'-0"			



THIRD LEVEL FLOOR PLAN - WEST END

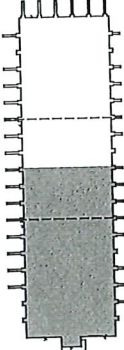
SCALE	1/8"=1'-0"	[]

- EXISTING MALL TO REMAIN AS IS
- CONCRETE MASONRY BLOCK WALL (ONE HOUR RATED MALL) (TABLE 721(2), ITB'S 3-1 TO 3-14)
- CONCRETE MASONRY BLOCK WALL (TWO HOUR RATED MALL) (TABLE 721(2), ITB'S 3-1 TO 3-14)
- CONCRETE MASONRY BLOCK WALL (FOUR HOUR RATED MALL) (TABLE 721(2), ITB'S 3-1 TO 3-14)
- METAL STUD WALL WITH FINISH FIBER EXTERIOR ELEVATIONS AND 2" MINIMUM RADIANT BARRIER INSULATION ARE INDICATED ON PLANS (NON-RATED INTERIOR WALL)
- METAL STUD WALL WITH 8"OW TYPE 1 GYPSUM BOARD PER ELEVATIONS AND 2"OW HIGH CORUGATED METAL PANELS AT INTERIOR PARTITIONED OFF PLANS WITH 7/8" GYPSUM PLASTER (AT BE SUBSTITUTED FOR 1" GYPSUM PLASTER) (TABLE 721(2), ITB'S 5-1 AND 5-1-1 RATED MALL) (TABLE 721(2), ITB'S 5-1 AND 5-1-1 RATED MALL)
- METAL STUD WALL WITH 8"OW TYPE 1 GYPSUM BOARD PER ELEVATIONS AND 2"OW HIGH CORUGATED METAL PANELS AT ALL STORAGE AREAS (TWO HOUR RATED INTERIOR WALL) (TABLE 721(2), ITB'S 5-1-2)
- METAL STUD WALL WITH 8"OW TYPE 1 GYPSUM BOARD PER ELEVATIONS AND 2"OW HIGH CORUGATED METAL PARTITION WALL - REFER TO MANUFACTURERS STANDARD INSTALLATION REQUIREMENTS FOR INTERIOR METAL WALLS (NON-RATED MALL)
- OR
- FOAM BOARD INSULATED METAL PARTITION WALL - REFER TO MANUFACTURERS STANDARD INSTALLATION REQUIREMENTS FOR INTERIOR METAL WALLS (NON-RATED MALL)

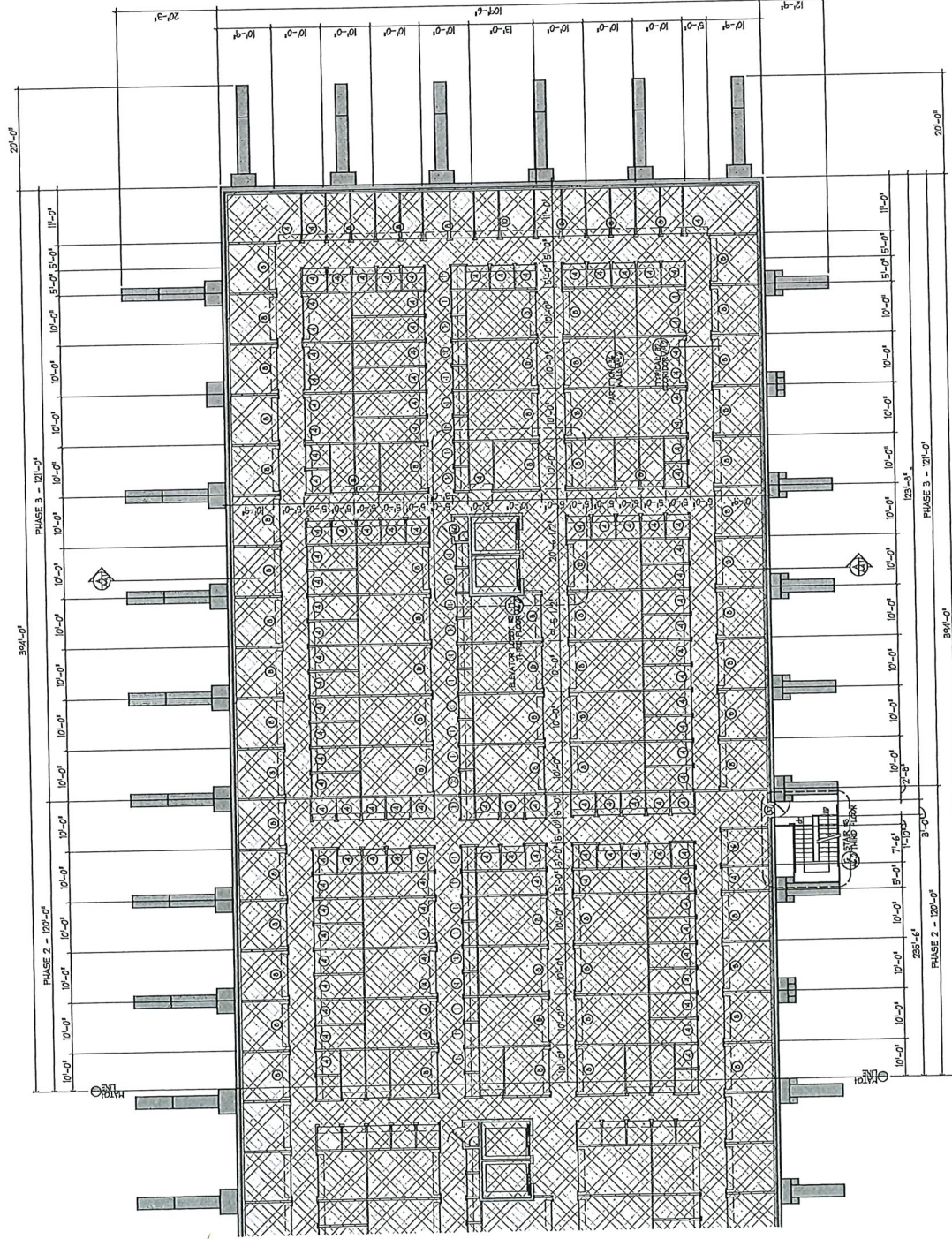
WALL LEGEND

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GENERAL NOTES



KEY PLANS

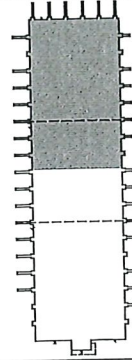


- | | |
|--|--|
| EXISTING WALL TO REMAIN AS IS | |
| CONCRETE MASONRY BLOCK WALL (ONE HOOR RATED WALL) (TABLE 721(2), ITEMS 3-1 TO 3-4-1) | |
| CONCRETE MASONRY BLOCK WALL (TWO HOOR RATED WALL) (TABLE 721(2), ITEMS 3-1 TO 3-4-1) | |
| CONCRETE MASONRY BLOCK WALL (FOUR HOOR RATED WALL) (TABLE 721(2), ITEMS 3-1 TO 3-4-1) | |
| METAL STUD WALL WITH FINISH PER EXTERIOR ELEVATIONS AND CORROSION RESISTANT INSULATION (NON-RATED) OR FLAME, NON-RATED EXTERIOR WALL | |
| METAL STUD WALL WITH 5/8" TYPE X Gypsum BOARD ON BOTH SIDES AND 2" OF HIGH CORROSION RESISTANT INSULATION (NON-RATED) OR FLAME, NON-RATED EXTERIOR WALL AT INTERIOR. PROVIDE 3/4" MINIMUM METAL STUDS. Gypsum BOARD MAY BE SUBSTITUTED FOR THE Gypsum BOARD ON THE EXTERIOR SIDE (TABLE 721(2), ITEM 3-1-1) AND 5/8" TYPE X Gypsum BOARD ON THE INTERIOR SIDE (TABLE 721(2), ITEM 3-1-2) | |
| METAL STUD WALL WITH 2 LAYERS OF 5/8" TYPE X Gypsum BOARD ON BOTH SIDES AND 2" OF HIGH CORROSION RESISTANT INSULATION (NON-RATED) OR FLAME, NON-RATED EXTERIOR WALL AT INTERIOR. PROVIDE 3/4" MINIMUM METAL STUDS. Gypsum BOARD MAY BE SUBSTITUTED FOR THE Gypsum BOARD ON THE EXTERIOR SIDE (TABLE 721(2), ITEM 3-1-1) AND 5/8" TYPE X Gypsum BOARD ON THE INTERIOR SIDE (TABLE 721(2), ITEM 3-1-2) | |
| METAL PARTITION - REFER TO MANUFACTURERS' WALL BOARD INSTALLATION REQUIREMENTS FOR INTERIOR METAL WALLS (NON-RATED WALL) | |
| FRAM BOARD INSULATED METAL PARTITION WALL - REFER TO MANUFACTURERS' STANDARD INSTALLATION REQUIREMENTS FOR INTERIOR METAL WALLS (R-5) | |

WALL LEGEND

[illegible]

CF NEPAI NOTES



K F Y D I A N

1	2
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911

1

1

1



PHILIPPINE
DEPARTMENT OF
PUBLIC WORKS AND
HIGHWAYS

25422 T. C. Road
3rd Floor
Makati City
1004
Tel: 886-8868
Fax: 886-8868
www.ares.com.ph
ares.com.ph

ARE
Associates
Architectural & Engineering



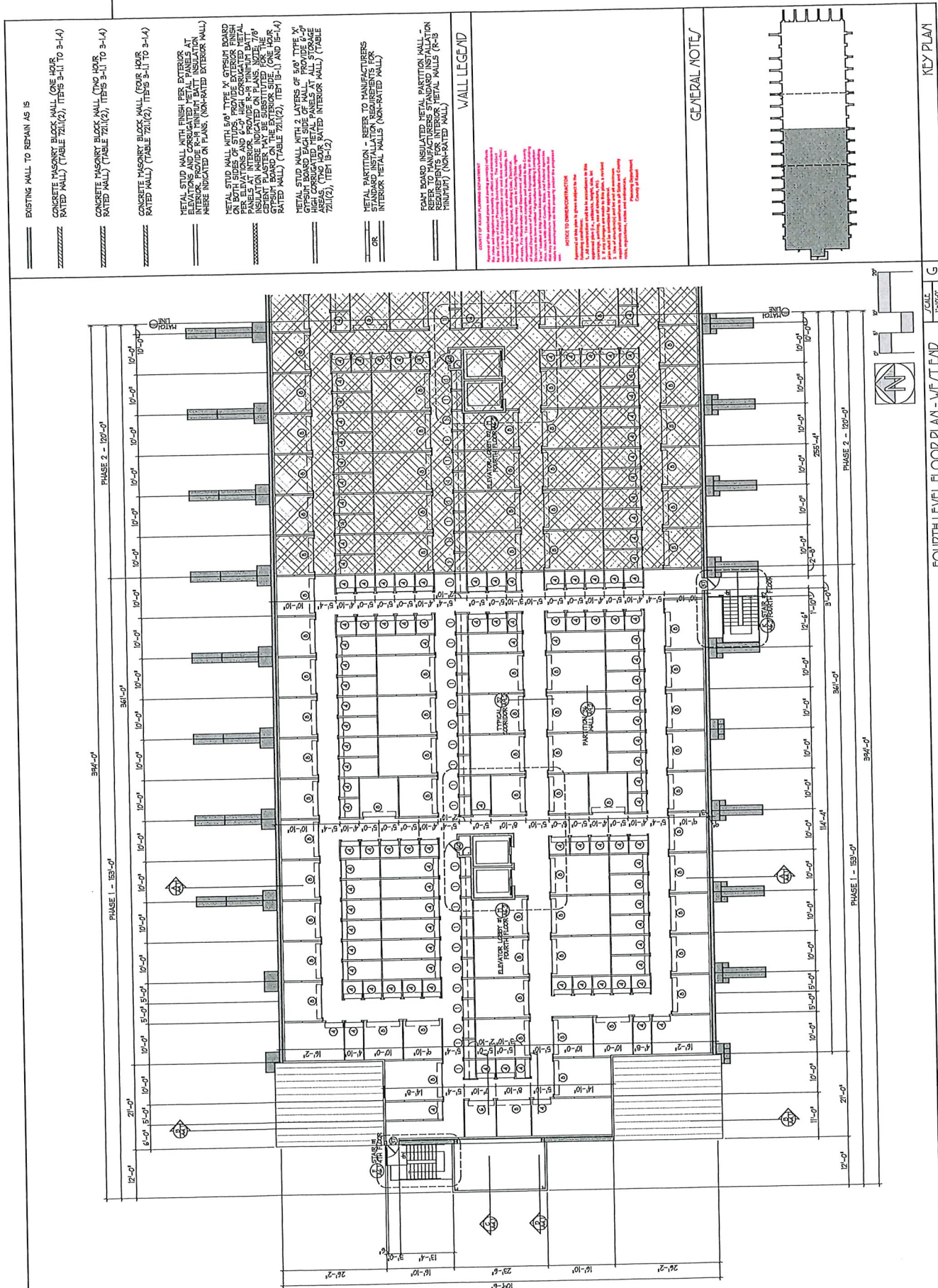
GUARDIAN STORAGE-
KALAPARI
NEAR MAYALIM ROAD
LHUC, KAUAI, HAWAII



DATE: 15 NOV 17
PROJECT MANAGER: KSC
DRAWN BY: KSC
JOB NUMBER: 1000

FOURTH LEVEL
FLOOR PLAN -
WEST END

A2.4.1



EXISTING MALL TO REMAIN AS IS

CONCRETE MASONRY BLOCK WALL (ONE HOUR RATED WALL) (TABLE 721(2), ITEMS 3-1 TO 3-14)

CONCRETE MASONRY BLOCK WALL (TWO HOUR RATED WALL) (TABLE 721(2), ITEMS 3-1 TO 3-14)

CONCRETE MASONRY BLOCK WALL (FOUR HOUR RATED WALL) (TABLE 721(2), ITEMS 3-1 TO 3-14)

METAL STUD WALL WITH FINISH PER EXISTING PLANS AND PROVIDE EXTERIOR BATT INSULATION WHERE INDICATED ON PLANS. (NON-RATED EXTERIOR WALL)

METAL STUD WALL WITH 1/2" TYPE X Gypsum Board PER ELEVATIONS AND 1/2" HIGH CORRUGATED METAL PANELS AT INTERIOR PROVIDE EXTERIOR BATT INSULATION WHERE INDICATED ON PLANS. (NON-RATED EXTERIOR WALL)

METAL STUD WALL WITH 2 LAYERS OF 5/8" TYPE X Gypsum Board PER ELEVATIONS AND 1/2" HIGH CORRUGATED METAL PANELS AT INTERIOR PROVIDE EXTERIOR BATT INSULATION WHERE INDICATED ON PLANS. (NON-RATED EXTERIOR WALL)

METAL PARTITION - REFER TO MANUFACTURER'S STANDARD LIST FOR INTERIOR METAL WALLS (NON-RATED WALL)

FOAM BOARD INSULATED METAL PARTITION WALL - ON REFER TO MANUFACTURER'S STANDARD LIST FOR INTERIOR METAL WALLS (NON-RATED WALL)

VALL LEGEND

GENERAL NOTE

KEY PLAN

FOURTH LEVEL FLOOR PLAN - WEST END

SCALE: 1/8"=1'-0"

DATE: 15 NOV 17

PROJECT MANAGER: KSC

DRAWN BY: KSC

JOB NUMBER: 1000

ARE ASSOCIATES

25422 T. C. Road

3rd Floor

Makati City

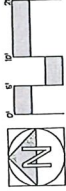
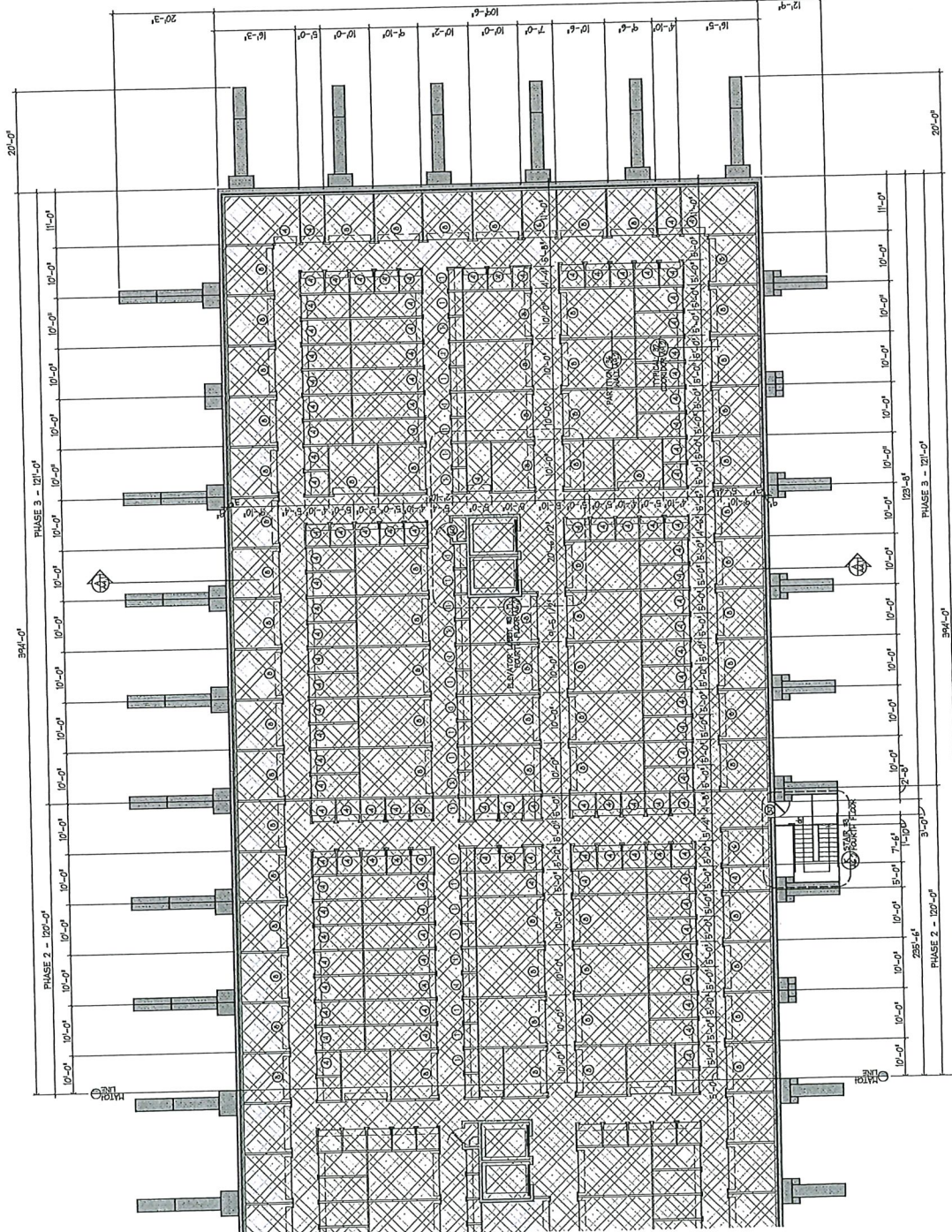
1004

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Fax: 886-8868

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FOURTH LEVEL FLOOR PLAN - EAST END

KEY PLAN

GENERAL NOTES

WALL LEGEND

[illegible]



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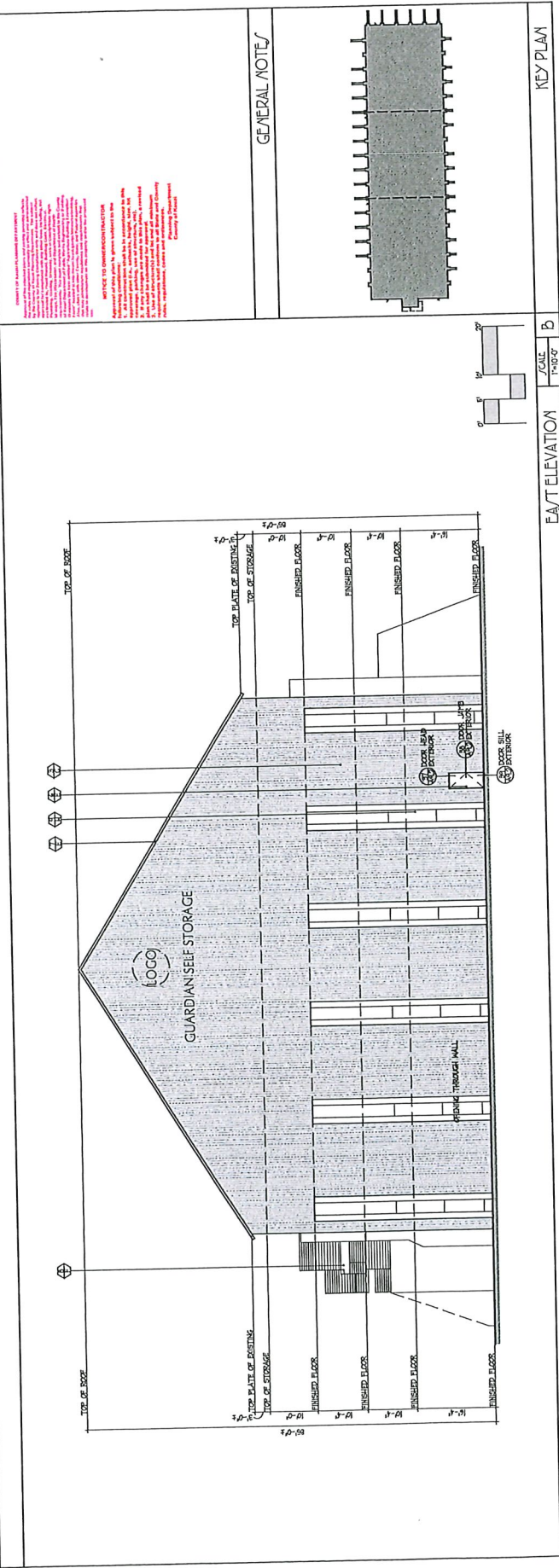
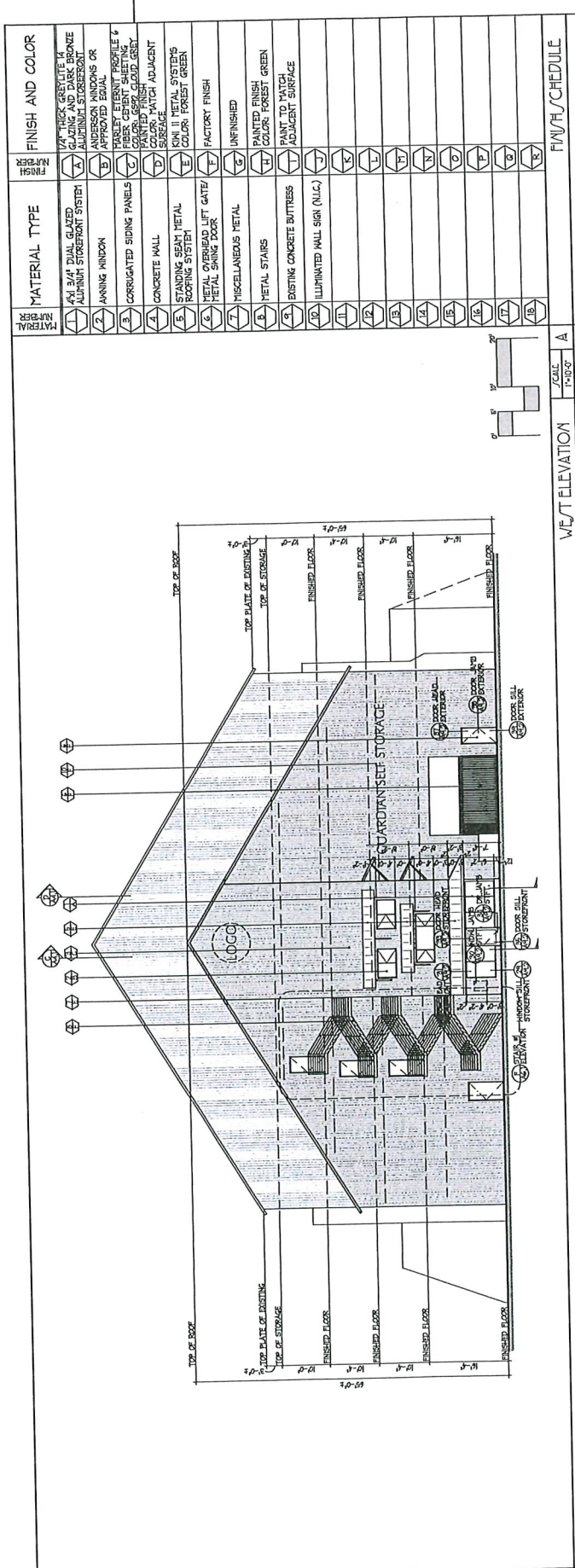
GUARDIAN STORAGE
KALAPAK
2670 MUALAM ROAD
NEAR MUALAM ROAD
LHUE, KUALA, HAWAI



DATE: 15 NOV 17
PROJECT: KSC
DRAWN BY: KSC
JOB NUMBER: 100-105A

EAST
& WEST
EXTERIOR
ELEVATION

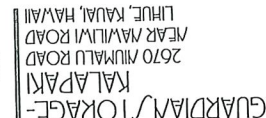
A3.1



KEY PLAN



ARE

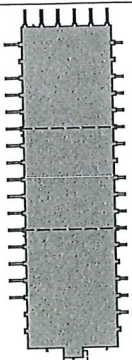


DATE 15 NOV 1965
PROJECT MANAGER KRC
DRAWN BY KRC
JOB NUMBER 14068

SOUTH EXTERIOR ELEVATION

SOUTH ELEVATION - WEST END	C	FINISH SCHEDULE
SCALE 1"=10'-0"		

GENERAL NOTES



KEY PLAN





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1900-00-0000
1900-00-0000

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1900-00-0000
1900-00-0000
1900-00-0000



GUARDIAN STORAGE-
KALAPARI
2670 MAULI ROAD
NEAR MAULI ROAD
LHUE, KAUAI, HAWAII



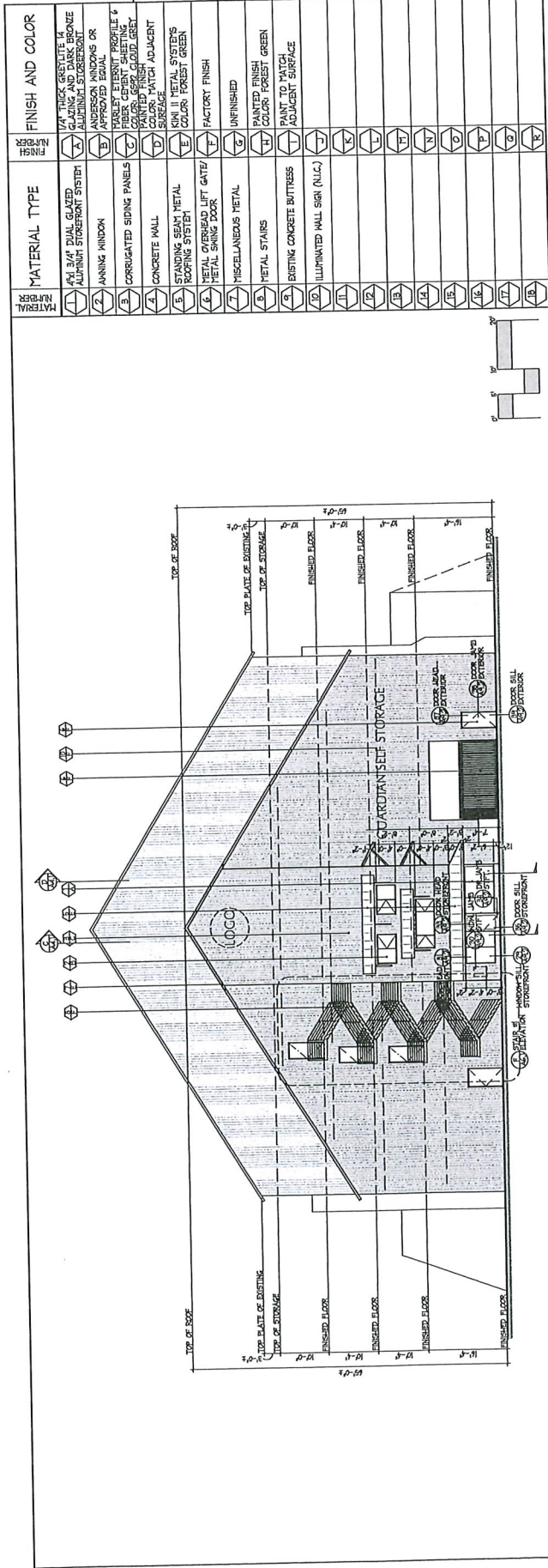
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16 MAR 16 KCC

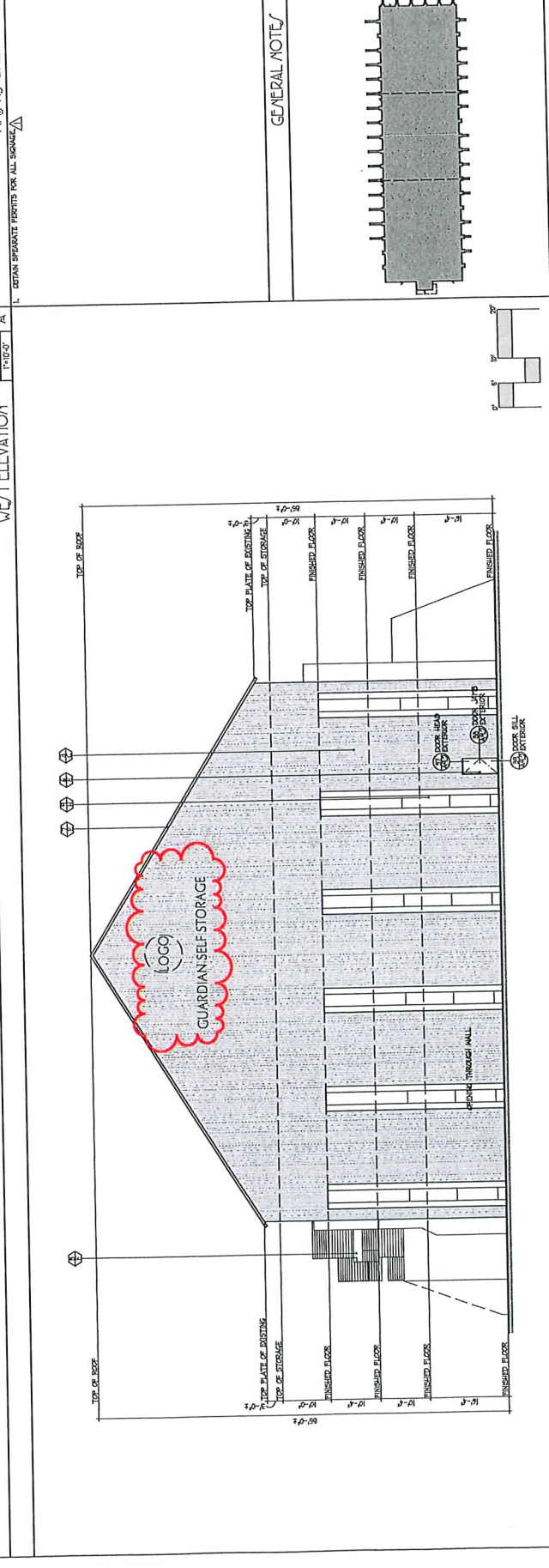
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PROJECT NUMBER KCC
DRAWN BY KCC
CHECKED BY KCC
APPROVED BY KCC

EAST
& WEST
EXTERIOR
ELEVATION

A3.1



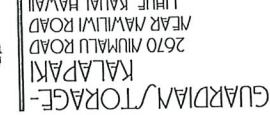
FINISH SCHEDULE	
FINISH	FINISH
1. OBTAIN SEPARATE FINISHES FOR ALL SIGNAGE	



KEY PLAN	
KEY PLAN	KEY PLAN



ARE



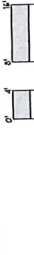
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PROJECT MANAGER		KKCC
DRAWN BY		14063
JOB NUMBER		

BUILDING SECTIONS

A4.1

A4.1





BUILDING SECTION

BUILDING SECTION



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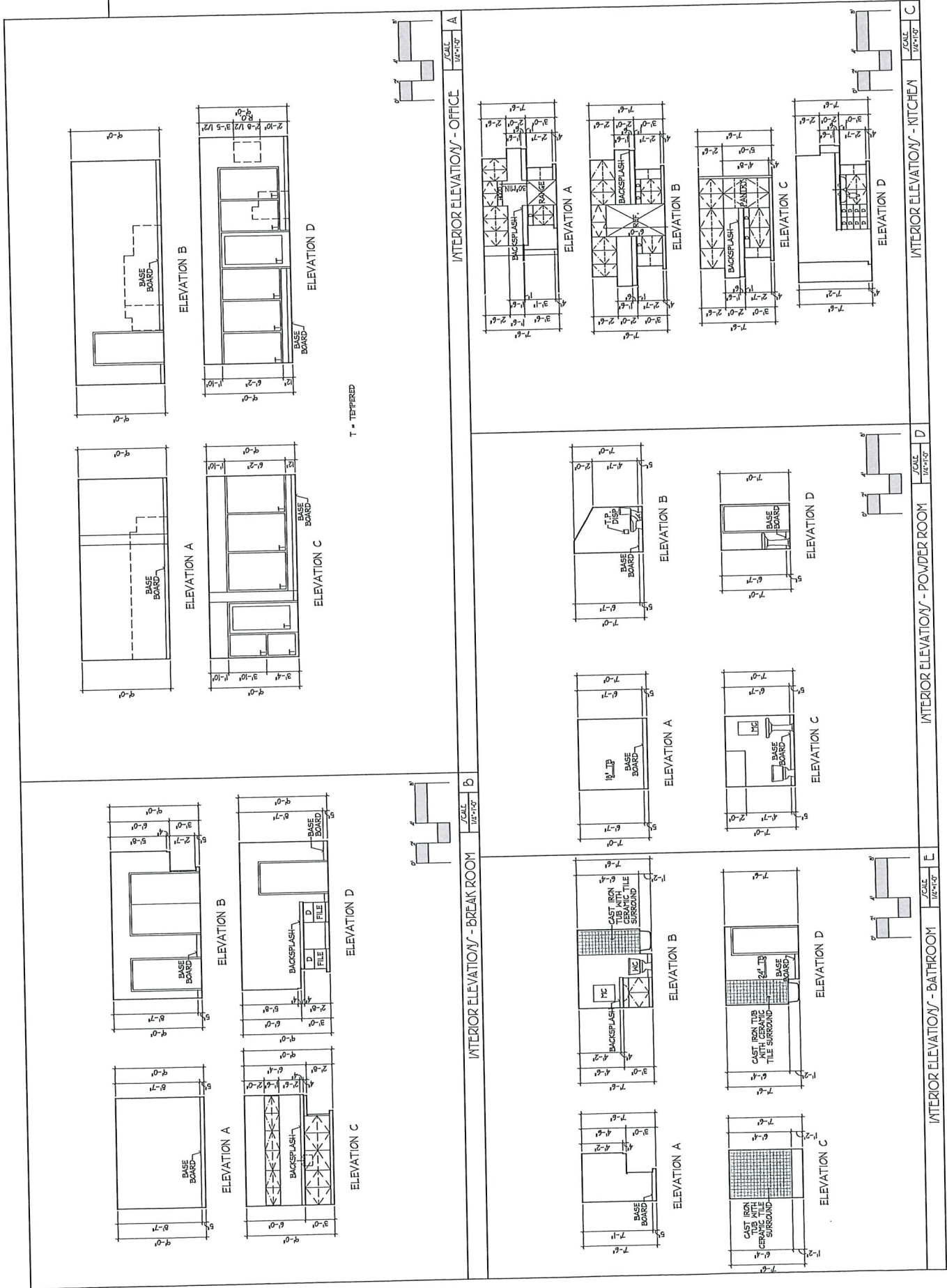
KALAPARI
2670 MIYALU ROAD
NEAR MAYALU ROAD
LHUE, KAUAI, HAWAII



KALAPARI
2670 MIYALU ROAD
NEAR MAYALU ROAD
LHUE, KAUAI, HAWAII

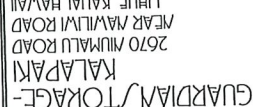
DATE: 15 NOV 17
PROJECT: KALAPARI
DRAWN BY: KALAPARI
CHECKED BY: KALAPARI

INTERIOR ELEVATION
A5.1





ARE



DATE	15 NOV 17
PROJECT MANAGER	KCC
DRAWN BY	KCC
JOB NUMBER	14096

16 MAR 10 KCC P.C. COMMENTS

BUILDING SECTIONS

A4.1





State of Hawaii
Department of Land and Natural Resources

25422 Wai'anae Road
Suite 102-B
Wai'anae, HI 98197-3103
Phone: (206) 835-1100
Fax: (206) 835-1101
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GUARDIAN/TORAF
2670 MIAMI ROAD
PEARL HARBOR, HAWAII
LHUE, KAUAI, HAWAII



DATE: 10/1/11
PROJECT: HAMMER
DRAWN BY: KCC
CHECKED BY: KCC
DESIGNED BY: KCC

16 TARS KCC

P.C. CORRECTIONS

IS NOT IT

DATE: 10/1/11

PROJECT: HAMMER

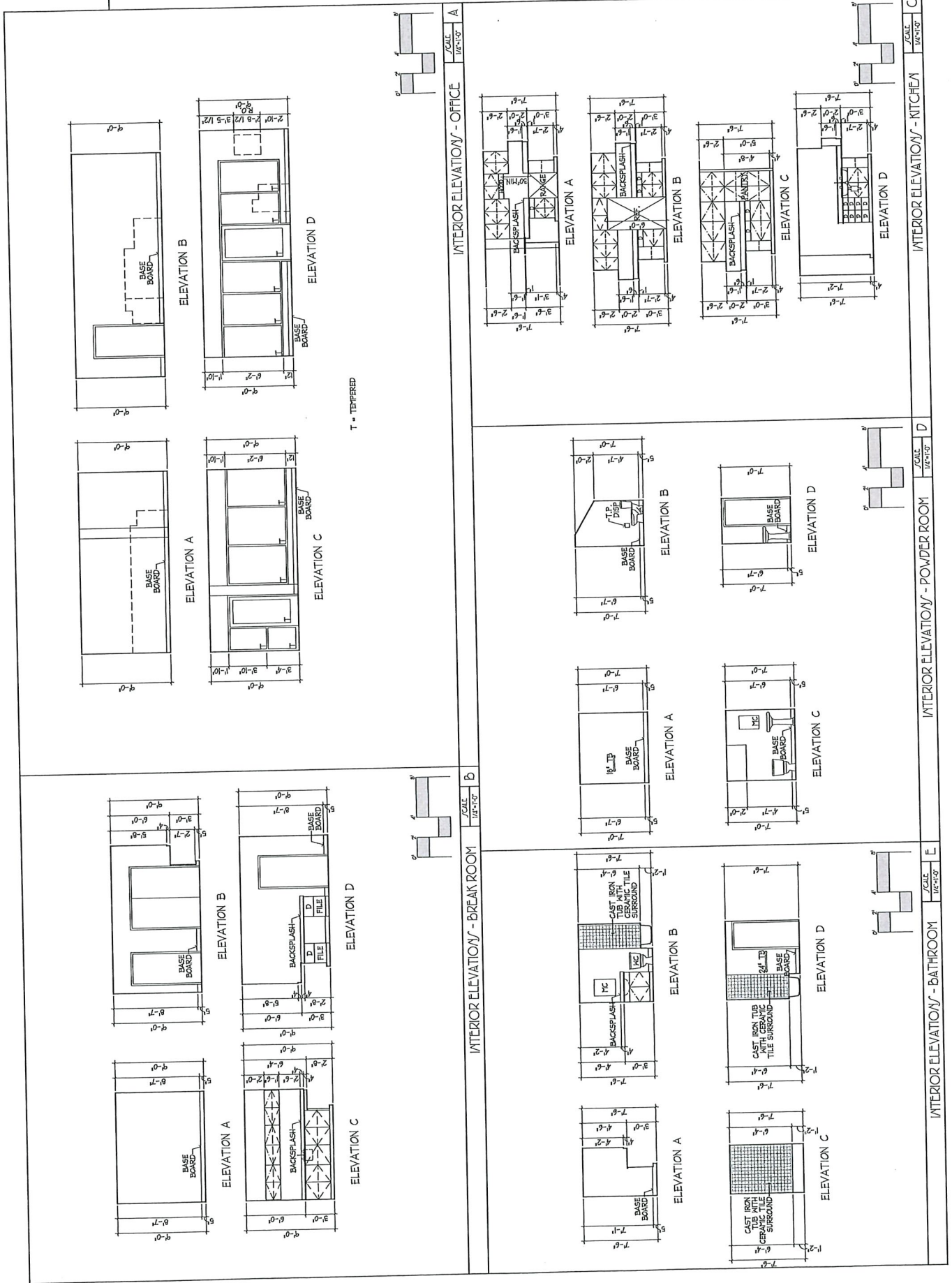
DRAWN BY: KCC

CHECKED BY: KCC

DESIGNED BY: KCC

INTERIOR
ELEVATION

A5.1





Professional Engineer
License No. 15000
Date: 12/15/2015

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Kailua, HI 96731
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GUARDIAN/TORAGE
KALAPAKI
NEAR MAULUWAI ROAD
LIHUE, KAUAI, HAWAII

PROJECT NUMBER
DATE
15 NOV 17
PROJECT NAME
16 MAR 16 KCC
P.C. COMMENTS

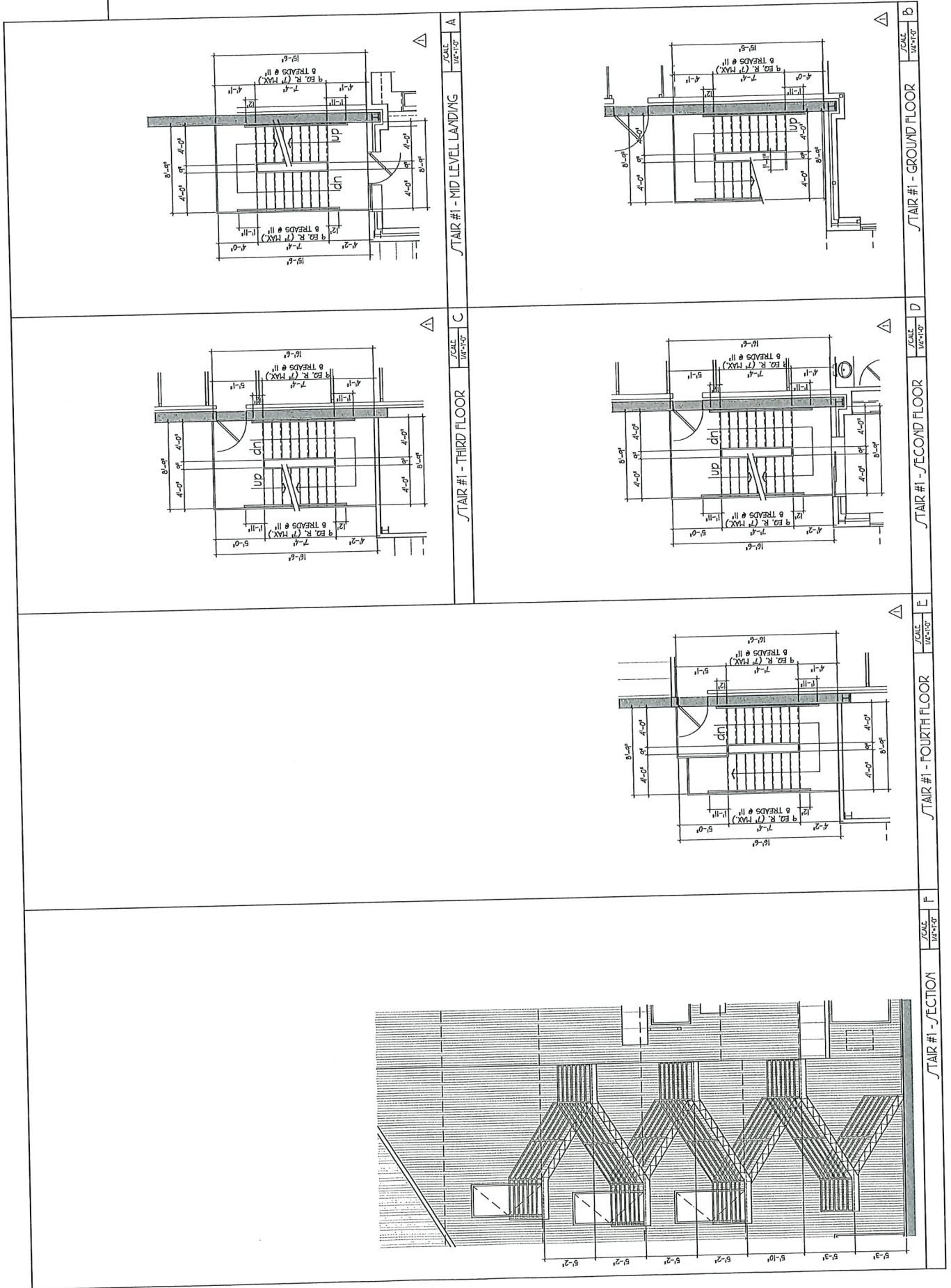
DATE
15 NOV 17
PROJECT NAME
16 MAR 16 KCC
P.C. COMMENTS

DATE
15 NOV 17
PROJECT NAME
16 MAR 16 KCC
P.C. COMMENTS

DATE
15 NOV 17
PROJECT NAME
16 MAR 16 KCC
P.C. COMMENTS

DATE
15 NOV 17
PROJECT NAME
16 MAR 16 KCC
P.C. COMMENTS

ENLARGED
STAIR #1 PLAN
A6.1





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25422 Konohe Road
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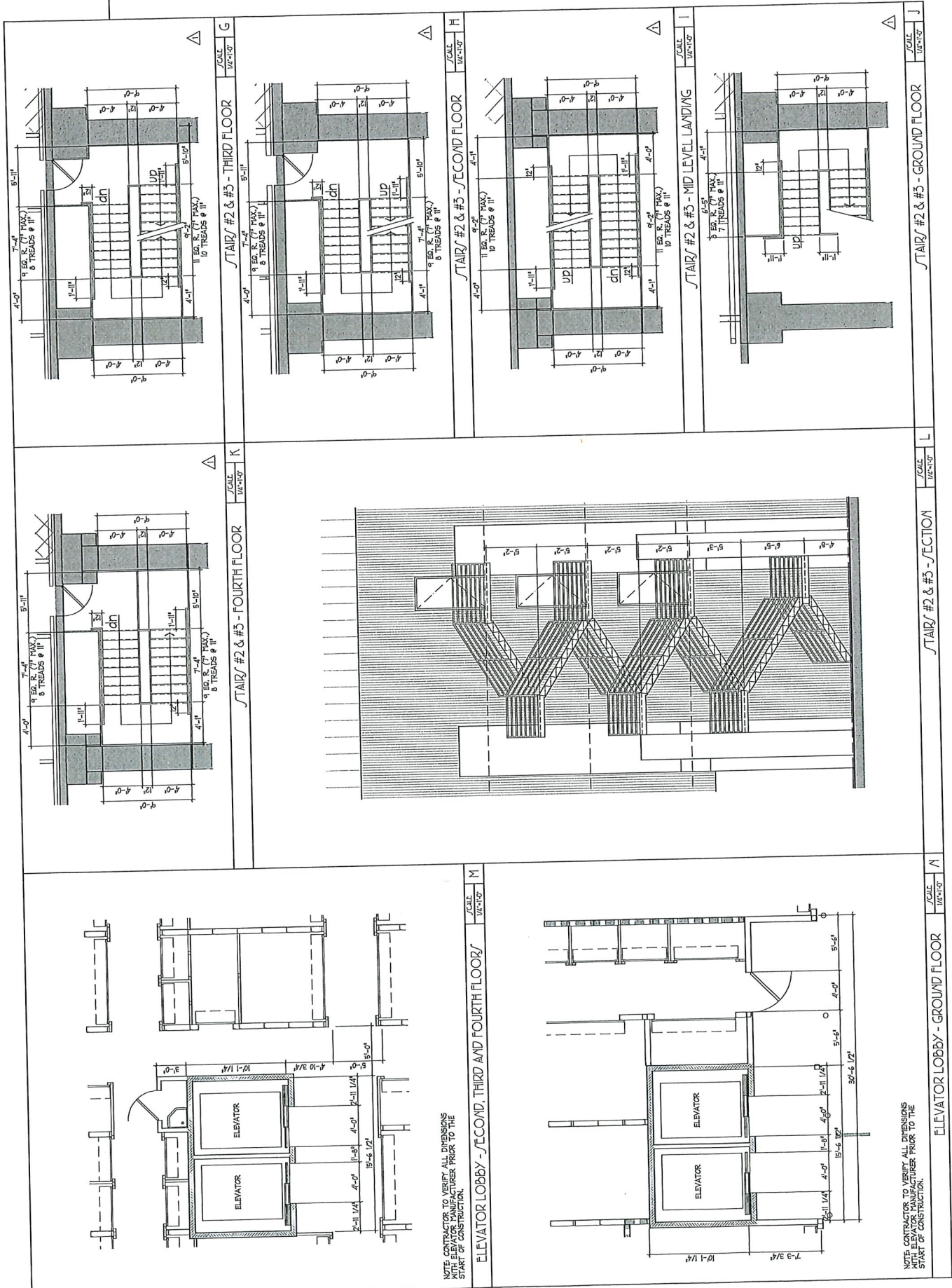
GUARDIAN STORAGE
2670 MAWILI ROAD
PEARL HARBOR, HAWAII
LHUE, KAUAI, HAWAII



P.C. COMMENTS
16 MAR 16 KCC
DATE 15 NOV 17
PROJECT NUMBER 1000
DRAWING NO. 1000
SCALE 1/8"=1'-0"

ENLARGED
STAIR #2 & #3 &
ELEVATOR
LOBBY PLAN

A6.2





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Lakewood, CA 90603
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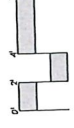
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2670 MAWILI ROAD
PEARL HARBOR, HAWAII
LHUE, KAUAI, HAWAII



DATE: 15 NOV 17
PROJECT NAME: ESC
DRAWN BY: JSC
CHECKED BY: JSC

16 MAR 18 KCC
P.C. COMMENTS

ENLARGED
OFFICE FLOOR
& CEILING PLAN
A6.3



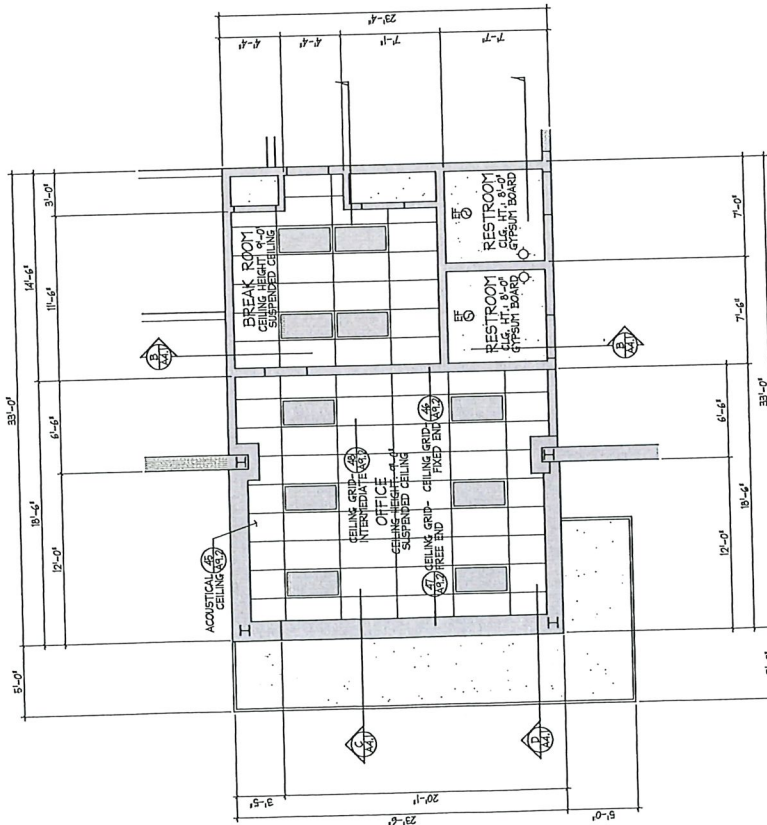
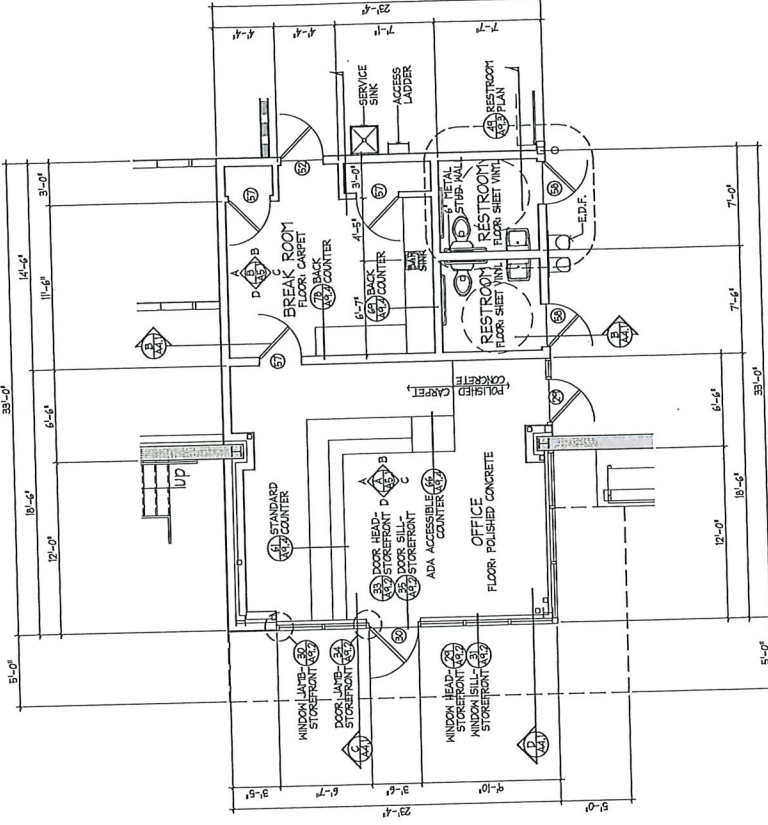
ENLARGED OFFICE FLOOR PLAN

NOTE: STAIN AND POLISH ALL
EXPOSED CONCRETE FLOORS.

SCALE: 1/8"=1'-0"

SCALE: 1/8"=1'-0"

ENLARGED OFFICE CEILING PLAN





State of Hawaii
Department of Land and Natural Resources
Office of Planning and Development

25422 T...
4-3
2
25422 T...
4-3
2
25422 T...
4-3
2

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NEAR MAWILI ROAD
LHUE, KAUAI, HAWAII

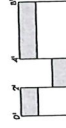


DATE: 15 NOV 17
PROJECT: HAMMER
DRAWN BY: [Name]
CHECKED BY: [Name]
ENVELOPE: [Name]

16 MAR 18 P.C. COMMENTS

DATE: 15 NOV 17
PROJECT: HAMMER
DRAWN BY: [Name]
CHECKED BY: [Name]
ENVELOPE: [Name]

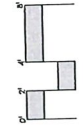
ENLARGED
RESIDENCE
FLOOR PLAN
A6.4



SCALE: 1/4"=1'-0"

ENLARGED RESIDENCE LOWER LEVEL FLOOR PLAN

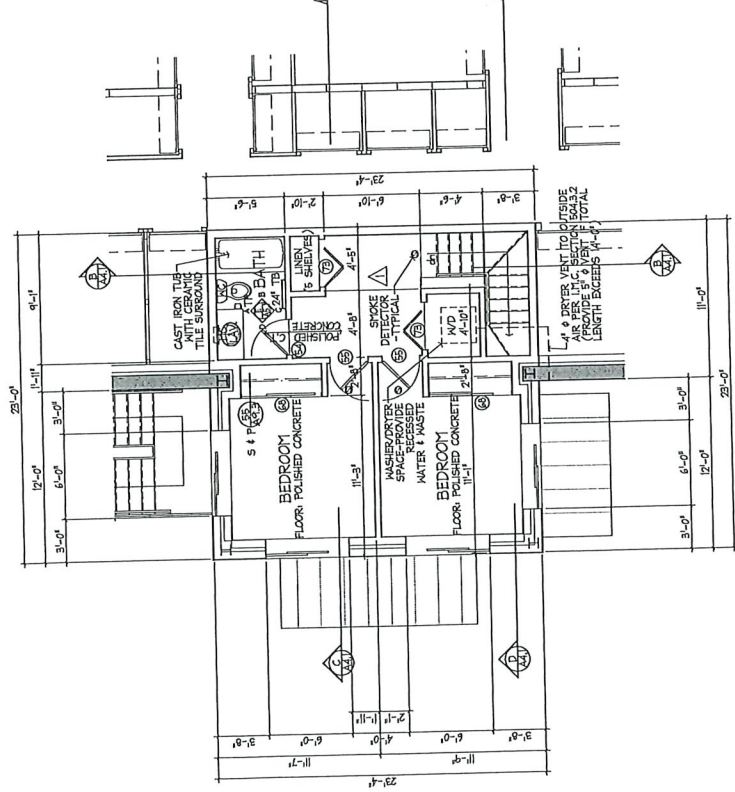
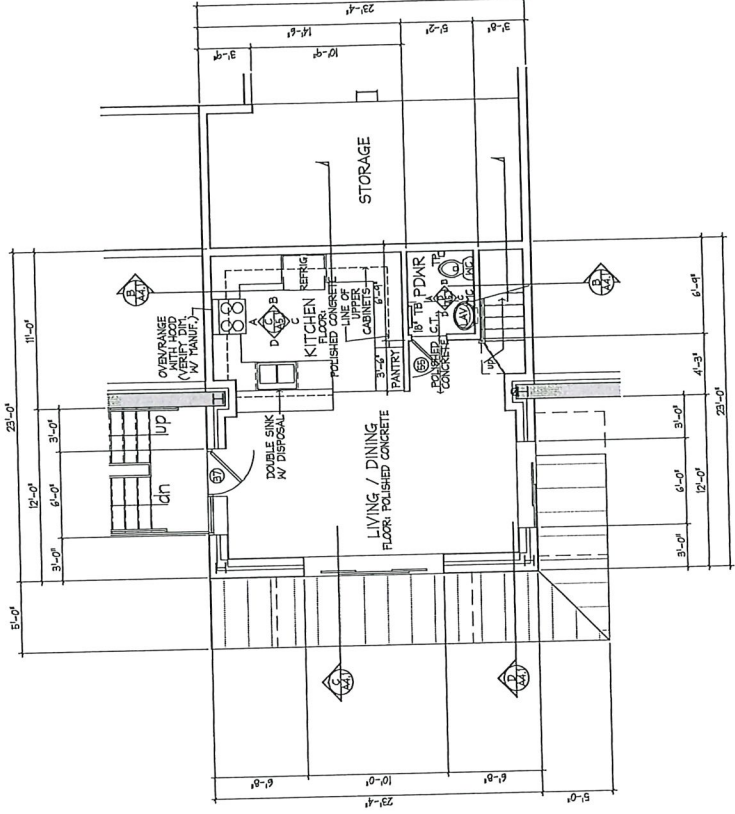
NOTE: STAIN AND POLISH ALL
EXPOSED CONCRETE FLOORS.



SCALE: 1/4"=1'-0"

ENLARGED RESIDENCE UPPER LEVEL FLOOR PLAN

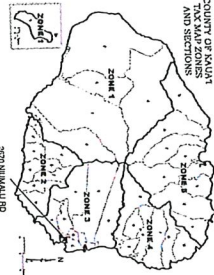
NOTE: STAIN AND POLISH ALL
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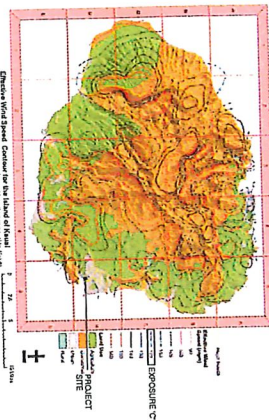
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COUNTY OF KAUAI AND SECTIONS



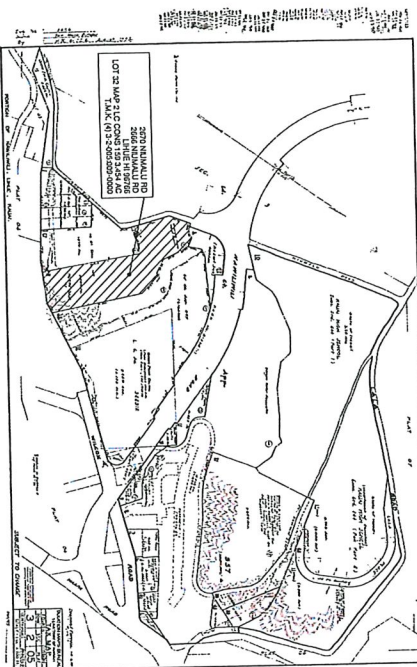
2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
T.M.K. (N) 2-2-005-009 0000

1 LOCATION MAP (N.T.S.)



2 WIND SPEED MAP (N.T.S.)

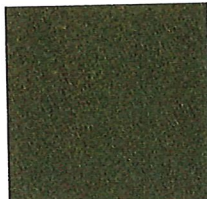
(Wind direction and speed data obtained from the National Weather Service)



3 VENTILATION MAP (N.T.S.)



EXTERIOR PAINT / PLASTER
COLOR: GREEN



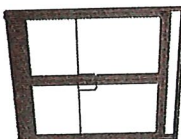
EXTERIOR PAINT / PLASTER
COLOR: GRAY



EXTERIOR PAINT / PLASTER
COLOR: WHITE



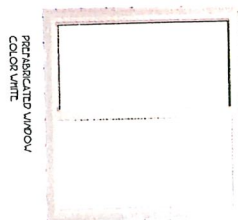
EXTERIOR PAINT / PLASTER
COLOR: TAN



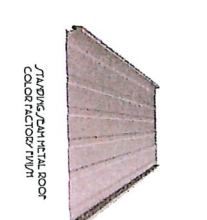
ALUMINUM / THERMOPLASTIC
CLEAR / DARK BROWN



ALUMINUM / THERMOPLASTIC
CLEAR / DARK BROWN



ALUMINUM / THERMOPLASTIC
CLEAR / DARK BROWN



ALUMINUM / THERMOPLASTIC
CLEAR / DARK BROWN

PROJECT INFORMATION

OWNER: ISLAND SELF STORAGE, LLC
2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
T.M.K. (N) 2-2-005-009 0000

PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
T.M.K. (N) 2-2-005-009 0000

PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
T.M.K. (N) 2-2-005-009 0000

PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
T.M.K. (N) 2-2-005-009 0000

PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
T.M.K. (N) 2-2-005-009 0000

PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
T.M.K. (N) 2-2-005-009 0000

PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
T.M.K. (N) 2-2-005-009 0000

PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
T.M.K. (N) 2-2-005-009 0000

PROJECT: 2000 HAWAIIAN RD
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PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
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PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
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PROJECT: 2000 HAWAIIAN RD
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PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
T.M.K. (N) 2-2-005-009 0000

PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
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PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
T.M.K. (N) 2-2-005-009 0000

PROJECT: 2000 HAWAIIAN RD
LOT 20 MAP 21-2 CONG 193 344 AC
T.M.K. (N) 2-2-005-009 0000

SHEET NUMBER	DATE	BY
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2	10/1/00	ARE
3	10/1/00	ARE
4	10/1/00	ARE
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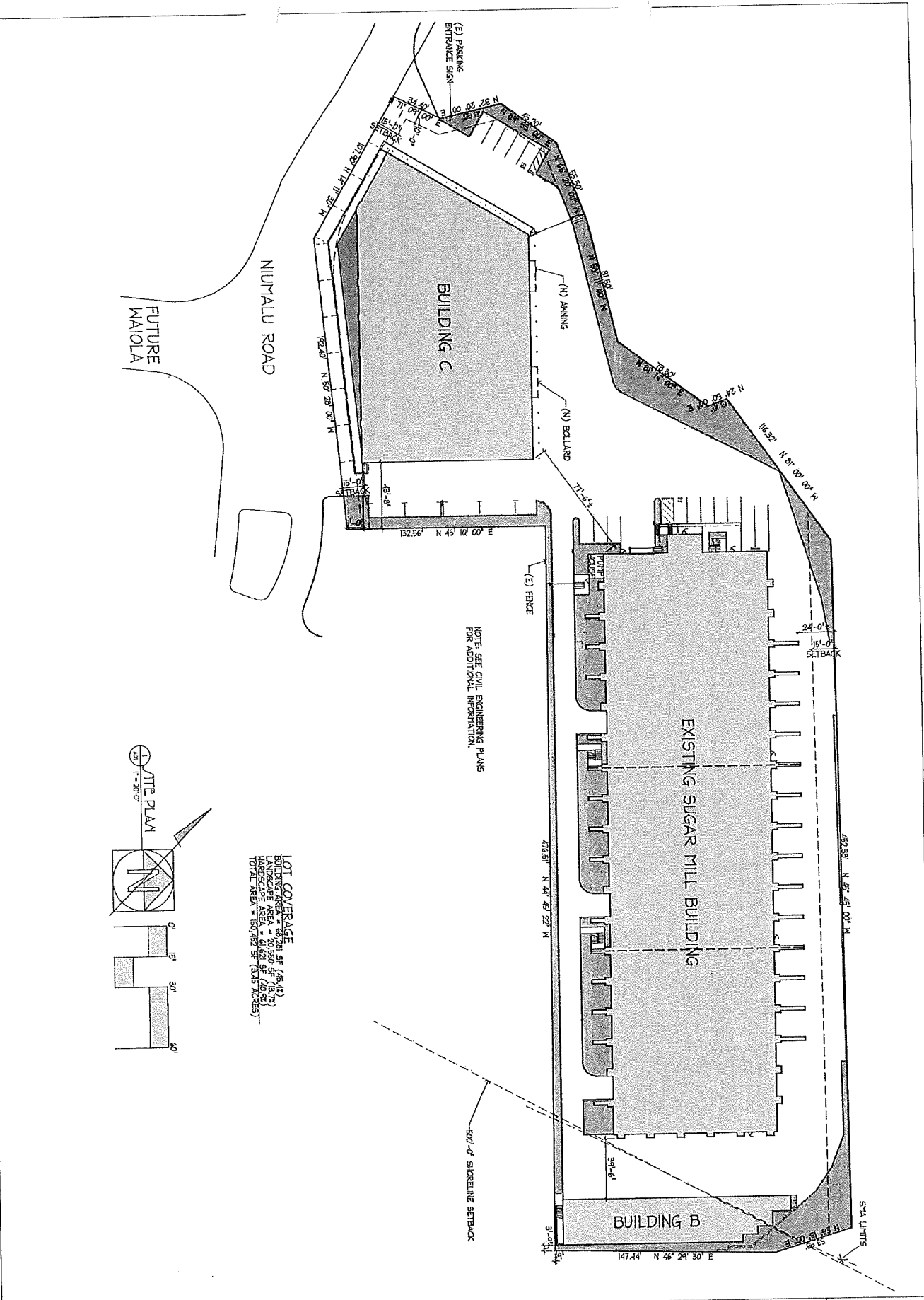
GUARDIAN SELF
STORAGE - KALAPAKI
2670 NIIMALU ROAD, LIHUE, KAUAI
HAWAII T.M.K. 2-2-005-009-0000



ARE Associates
Architecture Planning Design
25422 Trabuco Road
Lake Forest, California 92530-2790
Tel: 949.505.4152 Fax: 949.505.4152

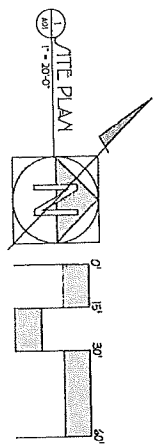
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DATE: 10/1/00
DRAWN BY: ARE
CHECKED BY: ARE
DESIGNED BY: ARE
PROJECT: 2670 NIIMALU ROAD, LIHUE, KAUAI
HAWAII T.M.K. 2-2-005-009-0000



NOTE: SEE CIVIL ENGINEERING PLANS FOR ADDITIONAL INFORMATION.

LOT COVERAGE
 BUILDING AREA = 68,720 SF (46.4%)
 LANDSCAPE AREA = 61,620 SF (40.3%)
 TOTAL AREA = 130,340 SF (86.7%)



GUARDIAN SELF
 STORAGE - KALAPAKI
 2670 NIUMALU ROAD, LIHUE, KAUAI,
 HAWAII T.M.K. 3-2-005:009-0000

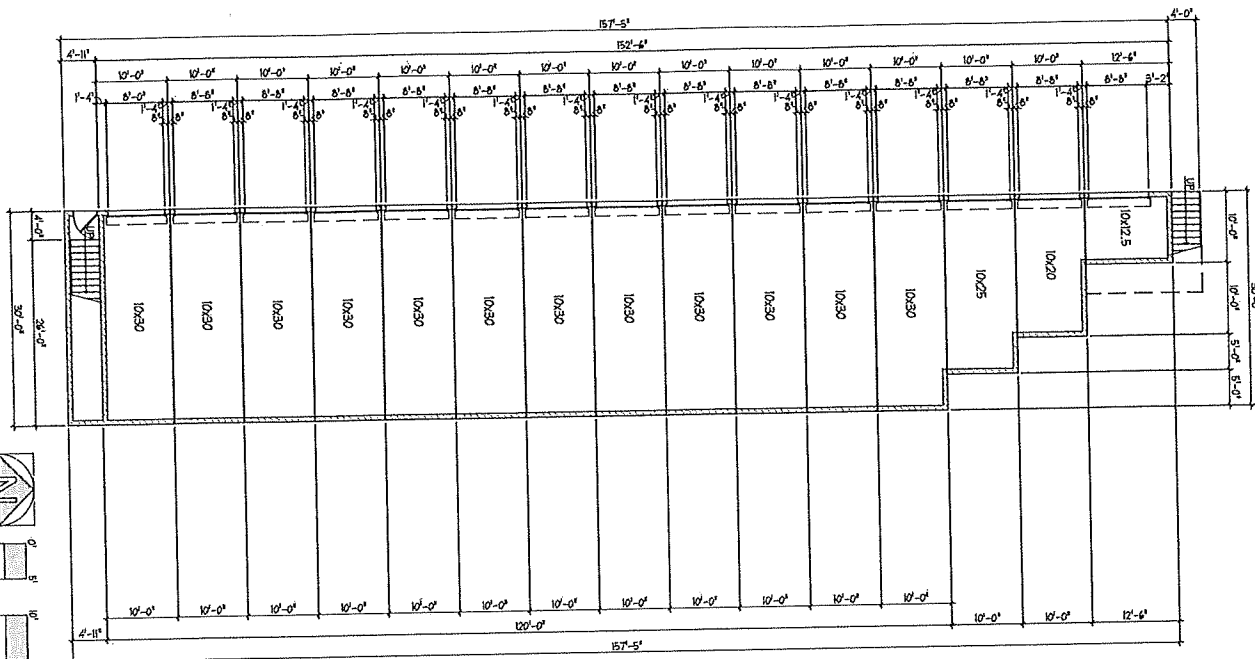
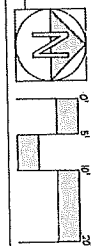


ARE Associates
 Architecture Planning Design
 25422 Trabuco Road
 Lake Forest, California
 v. 949-505-4152
 Julie 905-A
 92000-2076
 julie@areassociates.com

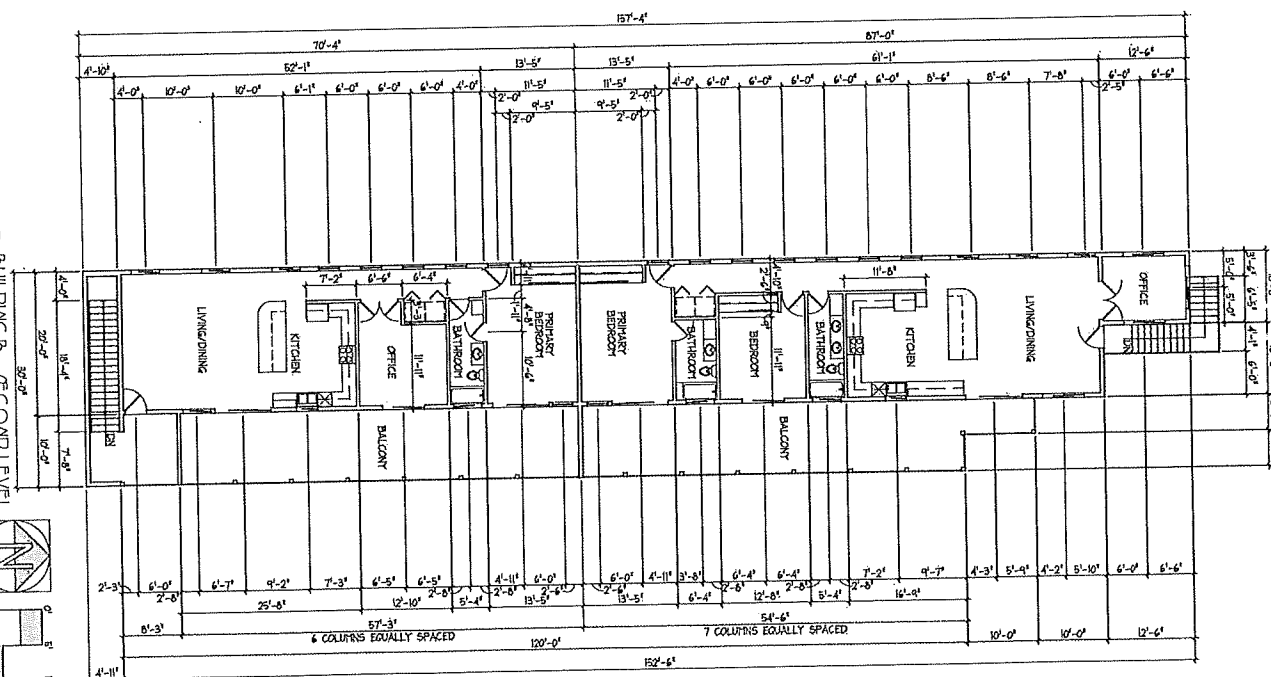
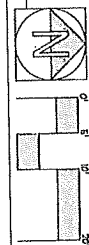
AO1

DATE: 11/11/11
 DRAWN BY: JMC
 CHECKED BY: JMC
 DESIGNED BY: JMC
 11/11/11

1 BUILDING B - GROUND LEVEL



2 BUILDING B - 2ND LEVEL



A02

BUILDING B -
FLOOR PLAN

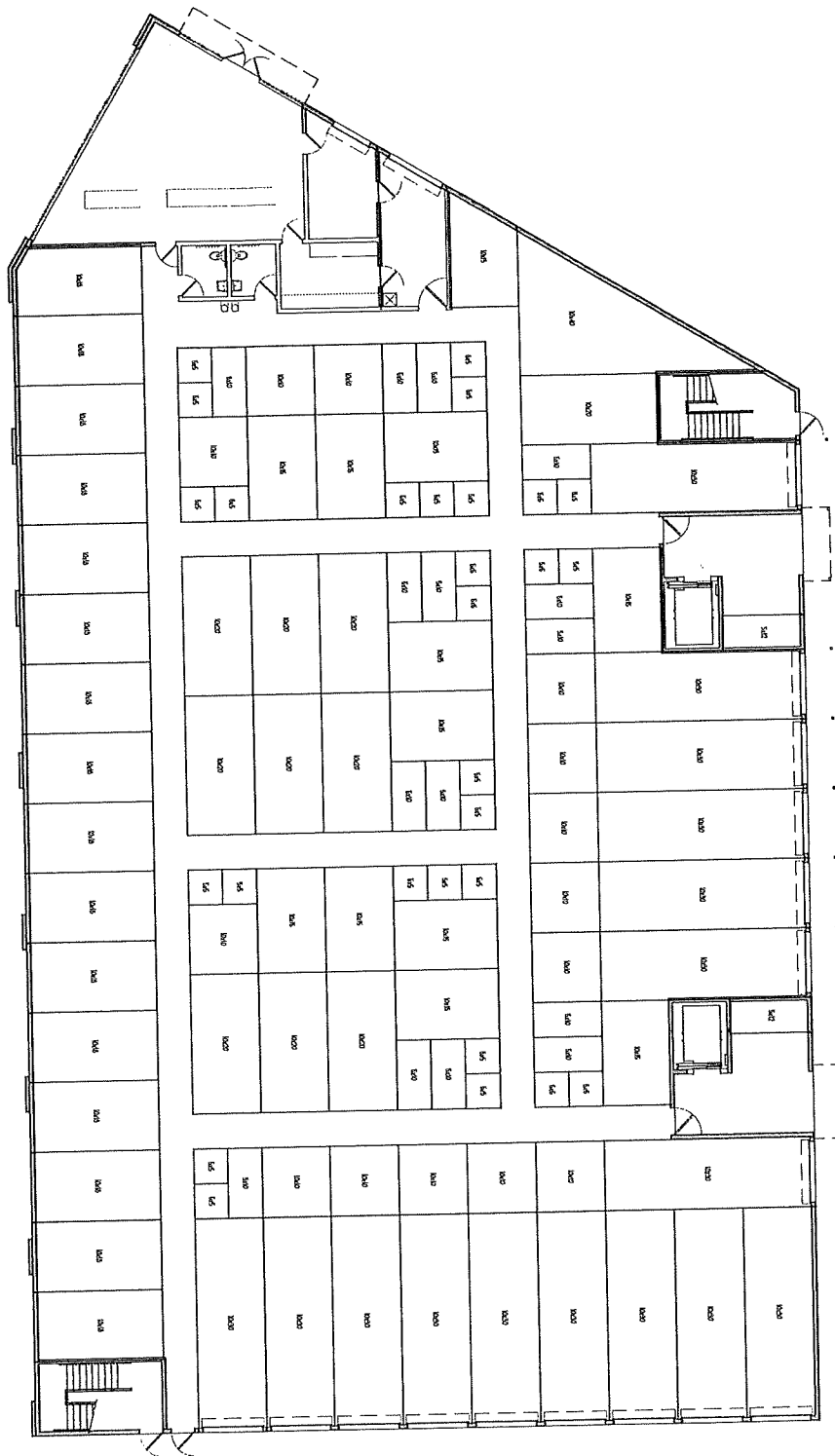
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CHECKED BY: JDB
JOB NUMBER: 14007

REVISIONS
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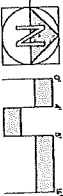
GUARDIAN SELF
STORAGE - KALAPAKI
2670 MIAMALU ROAD, LIHUE, KAUAI,
HAWAII T.M.K. 3-2-005.009-0000



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23422 Trabuco Road
Lake Forest, California
92550-2190
Tel: 949.555.4752
Fax: 949.555.4753
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1 BUILDING C - GROUND LEVEL FLOOR PLAN



A04

BUILDING C -
GROUND LEVEL
FLOOR PLAN

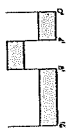
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DRAWN BY: NC
SCALE: 1/8" = 1'-0"
JOB NUMBER: 16007

GUARDIAN SELF
STORAGE - KALAPAKI
2670 NIUMALU ROAD, LIHUE, KAUAI,
HAWAII T.M.K. 3-2-005:009-0000

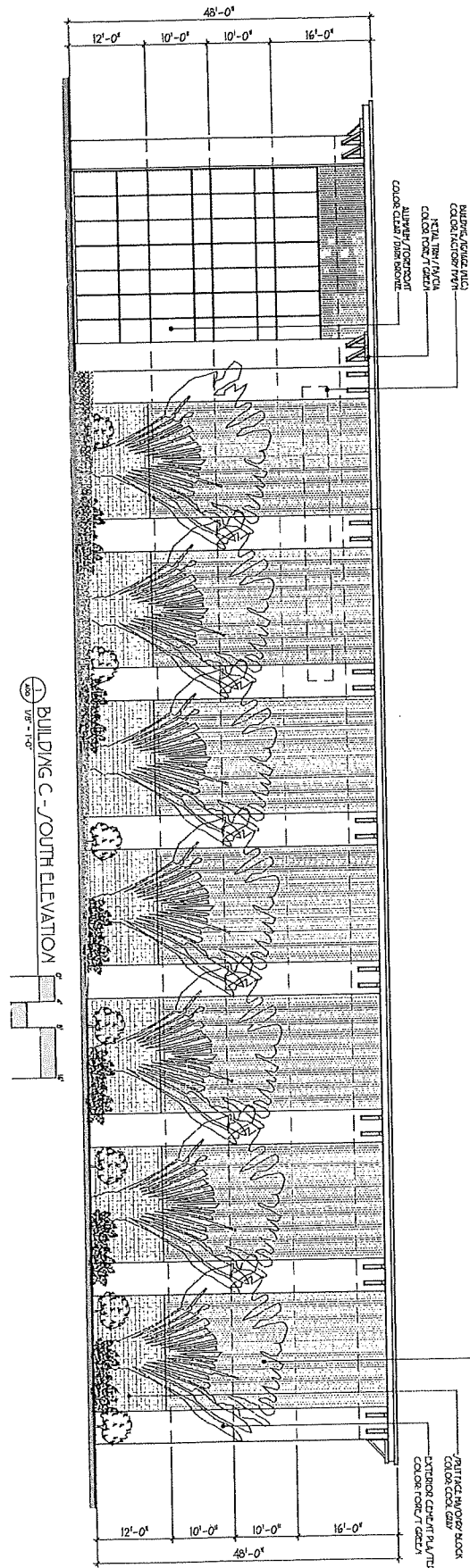
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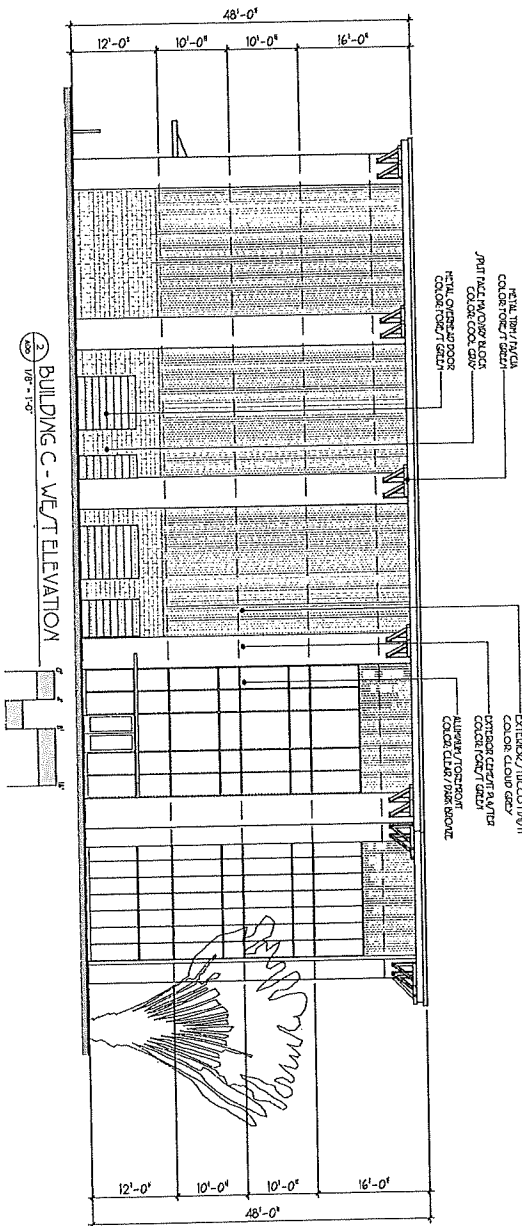
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400
 1/8" = 1'-0"
 BUILDING C - SOUTH ELEVATION



400
 1/8" = 1'-0"
 BUILDING C - WEST ELEVATION

GUARDIAN SELF
 STORAGE - KALAPAKI
 2670 NIUMALU ROAD, LIHUE, KAUAI,
 HAWAII T.M.K. 3-2-005:009-0000

I, the undersigned, being a duly licensed Architect under the laws of the State of Hawaii, do hereby certify that the above is a true and correct copy of the plans as submitted to me by the client, and that I am a duly licensed Architect under the laws of the State of Hawaii.



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A06

BUILDING C -
 EXTERIOR
 ELEVATION

REVIEW
 DATE: 11/15/00
 DRAWN BY: JAC
 CHECKED BY: JAC
 DATE: 11/15/00

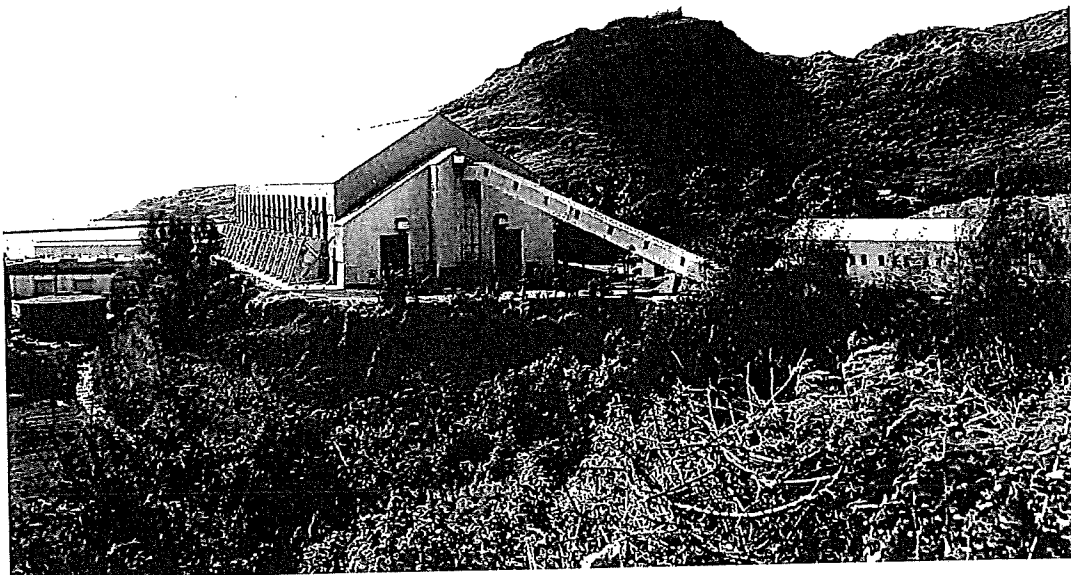
EXHIBIT "F-1"

EXPLORATION ASSOCIATES LTD



**AN ARCHAEOLOGICAL MONITORING PLAN FOR
NĀWILIWILI BULK SUGAR FACILITY - A 3.454 -
ACRE PARCEL IN NĀWILIWILI AHUPUA‘A, PUNA
DISTRICT, ISLAND OF KAUA‘I
TMK [4] 3-2-005: 009**

Prepared by:
Nancy McMahon, M.A, M.S.
Exploration Associates Ltd.
July 2015



Bulk Sugar Storage Building (Source: Kauai Historical Society)

Prepared for:
Guardian Self Storage Kaua‘i
1481 Haleukana St
Līhu‘e, HI 96866

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INTRODUCTION

At the request of Island Self Storage, LLC, currently Guardian Self Storage, Exploration Associates Ltd. (EAL), Inc. has prepared this Archaeological Monitoring Plan for ground altering construction of the Nāwiliwili Bulk Sugar Building into a personal storage facility on a 3.454-acre parcel located in Nāwiliwili Ahupua'a, Puna District, Kaua'i Island, Hawai'i [TMK: (4) 3-2-005:009] (Figures 1 and 2), including but not limited to, installation of the parking stalls, removal and demolition of the sheds, and potential excavations related to construction of the six elevator shafts (Figure 3 and 4). This work has been approved under Zoning Z-IV-2015-12 and Use Permits U-2015-11.

The historic property functioned as a bulk sugar storage facility, complete with a weigh station and conveyor that connected the weigh station with the storage structure. According to the application, the building functioned as a bulk sugar storehouse from 1950 - 2010 under the Lihue Plantation Company, Limited's, and then Gay & Robinson's sugar operations. Gay & Robinson acquired the property in 2001. Currently the property's weigh station (Scale House) is operated by Steve Weinstein. Garden Island Disposal is currently leasing the ground space for containers. Future plans in this location are to demo the weigh station and build a new building in this location (Figures 5-7). This monitoring plan should also cover the weigh station demolition and footings for the new building.

ENVIRONMENTAL SETTING

PROJECT AREA LOCATION

The 3.454 acre project area (TMK (4) 3-2-005:009) is owned by Island Self Storage LLC. The project area sits atop a steep bluff overlooking Nāwiliwili Bay (Figure 8), as show on this topographic map. The parcel frontage is along Niumalu Road. The latitude and longitude coordinates near the center of the subject properly are 21 ° 57' 21.60" N and 159° 21' 26.64" W. The elevation of the properly is approximately 62 feet above mean sea level.

The subject property is a large industrial property dominated by a large warehouse building (the former bulk sugar storage building). A smaller building (the weigh station building) is connected to the warehouse building by a chute that rises from the smaller building to the highest point on the front of the larger building. There are also several small sheds behind the warehouse building, opposite the weigh station building.





STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
HISTORIC PRESERVATION DIVISION
601 Kamokilo Boulevard, Room 555
Kapolei, Hawaii 96707

Submittal Form for Chapter 6E Compliance Reports and Plans

Date 7/17/15

☒ Electronic Submittal (dlnr.intake.shpd@hawaii.gov)

☐ Hand Delivery to _____ office (indicate city)

Resubmittal _____

☐ Mail Delivery to _____ office (indicate city)

Jurisdiction: ☐ 6E-3 ☐ 6E-7 / 8 ☒ 6E-42 ☐ 6E-43

AGENCY Public Works STATE _____ COUNTY ☒ PROJECT ALSO FEDERAL UNDERTAKING _____

CONSULTANT/CONSULTING FIRM Exploration Associates Ltd.

639-6695

PINCIPAL INVESTIGATOR Nancy McMahon

PHONE & EMAIL

explorationassociates@outlook.com

ADDRESS 3 - 2 6 0 0 Kaumualii Hwy Ste 1300 - 306 Lihue, HI 96766

REPORT/PLAN TITLE Archaeological Monitoring Plan for the Nawiliwili Bulk Sugar Facility
Nawiliwili Ahupua'a, Puna District, Kaua'i

AHUPUA'A Nawiliwili MODERN DISTRICT Lihue ISLAND Kauai TMK (include
island code in parentheses) (4) 3-2-005:009

AUTHOR(S) Nancy McMahon

YEAR 2015 MONTH July DRAFT ☒ FINAL _____ APPROVAL LETTER ATTACHED _____

INFORMATION FOR FIRST SUBMITTAL:

Type of Plan Monitoring Survey _____ Type of Report _____

Survey Projects: Area Acres _____ Newly Identified Sites (no.) 0 Previously Identified Sites (no.) 0

All Projects : Newly Assigned SIHP Site Numbers _____

SUBMITTAL FEE: (Check applicable) TOTAL AMOUNT \$25 (Payable to Hawaii Historic Preservation Special Fund)

☒ \$25 Monitoring Plan or Burial Disinterment Report

☐ \$250 Burial Treatment Plan

☐ \$50 Assessment Report or Osteological Analysis ☐ \$100

☒ \$450 Archaeological Survey or Data Recovery Report

Archaeological Monitoring Report with findings

☐ \$450 Ethnographic Survey or Documentation Report

☐ \$150 Inventory Survey Plan, Preservation Plan, or Data Recovery Plan

☐ \$450 Architectural Survey Report

SHPD DATE RECEIVED STAMP

Payment Method: Cash \$ _____ Check \$ _____ Check No. _____

Receipt Issued: By _____ Date _____

Intake Log No. _____ Report DB Entry By _____ Date _____

NOTE: Payments received only at Kapolei SHPD Office

EXHIBIT "F-2"

**NAWILIWILI BULK SUGAR STORAGE FACILITY
(Gay & Robinson Bulk Sugar Facility)
(Kauai Consolidated Terminal Co.)
2670 Niumalu Road
Lihue
Kauai County
Hawaii**

HABS No. HI-567

PHOTOGRAPHS

WRITTEN HISTORICAL AND DESCRIPTIVE DATA

**HISTORIC AMERICAN BUILDINGS SURVEY
U.S. Department of the Interior
National Park Service
Washington, DC**

HISTORIC AMERICAN BUILDINGS SURVEY

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Nawiliwili Bulk Sugar Storage Facility
(Gay & Robinson Bulk Sugar Facility)
(Kauai Consolidated Terminal Co.)
2670 Niumalu Road
Lihue
Kauai County
Hawaii

HABS No. HI-567

David Franzen, Photographer

January 2015

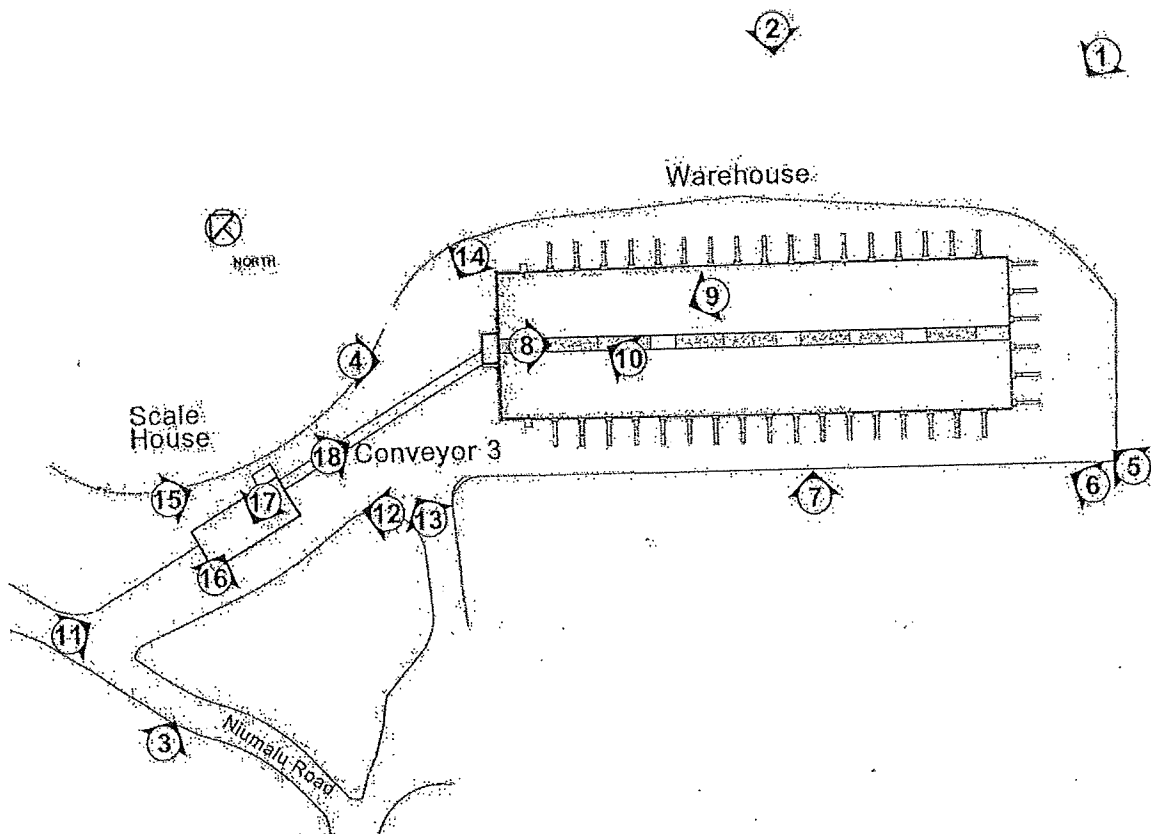
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Nawiliwili Bulk Sugar Storage Facility
(Gay & Robinson Bulk Sugar Facility)
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Nawiliwili Bulk Sugar Storage Facility
(Gay & Robinson Bulk Sugar Facility)
HABS No. HI-567
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PHOTO KEY



HISTORIC AMERICAN BUILDINGS SURVEY

NAWILIWILI BULK SUGAR STORAGE FACILITY (Gay & Robinson Bulk Sugar Facility) (Kauai Consolidated Terminal Co.)

HABS No. HI-567

Location: 2670 Niumalu Raod.
Lihue
Kauai County, Hawaii

Lat./Long. Coordinates:

21° 57' 22.25" N

159° 21' 27.50" W

Hawaii TMK # (4) 3-2-005: 009

Date of Construction: 1950

Owner: Gay & Robinson, Inc.

Architect/ Engineer: Stephens Adamson Manufacturing Co., Los Angeles, CA.
Grady and Jost Structural Engineers, Los Angeles, CA.

Builder: Walker-Moody Construction Co., Honolulu, HI.

Present Use: Warehouse and Conveyor 3 are vacant. Scale House is in operation as a truck weighing facility, the Nawiliwili Weigh Station.

Significance: The Warehouse, Scale House, and Conveyor 3 of the Nawiliwili Bulk Sugar Storage Facility are significant for their association with the sugar industry on Kauai and as an example of a bulk sugar storage facility. The facility's ability to store and ship sugar in bulk, rather than as previously done in bags, assisted the expansion of the sugar industry on Kauai.

Prepared by: Dee Ruzicka
Architectural Historian
Mason Architects, Inc.
119 Merchant Street, Suite 501
Honolulu, HI 96813

Date of Report: February 2015

DESCRIPTION:

This report covers the Bulk Sugar Warehouse, Scale House, and Conveyor 3 of the Nawiliwili Bulk Sugar Storage Facility. The complex of the Bulk Sugar Warehouse, Scale House and Conveyor 3 of the Nawiliwili Bulk Sugar Storage Facility is located on the top of a steep bluff about 75' high that is within 600' of the former bulk sugar loading wharf to the southeast at Nawiliwili Harbor. Adjacent to the southwest of the complex is a recycling transfer station. The bluff borders the complex on the northeast and southeast sides. To the east, there is a wide view of the harbor from the edge of the bluff. To the west, the terrain rises across Niumalu Road and is an overgrown parcel.

The complex formerly operated by receiving bulk sugar trucks at the Scale House where they were weighed and their contents dumped into a conveyor system that carried the sugar to the ridge of the Warehouse, where it was deposited down onto the Warehouse floor. Upon shipment, a series of longitudinal hoppers in the Warehouse floor were opened and the sugar entered another conveyor system below the Warehouse floor level. Sugar was transported out of the Warehouse thru a conveyor portal in the side of the bluff, weighed at the batch scale building, and then conveyed to the loading gallery at the wharf and into a ship's hold.

Warehouse Description

The Warehouse is a large concrete building with corrugated metal siding and a metal frame gable roof covered in corrugated metal panels. The footprint of the main portion of the building is about 380' x 110' with an approximate 12' projection at the northwest end that is about 20' wide. The projection gives the building an overall length of about 392'. The long sides of the building are divided into 20' wide bays by concrete pilasters with engaged concrete buttresses. At nineteen of the bays, the long side walls of the Warehouse building are about 50' high to the closed eaves, and total height of the building is about 85' to the ridge.

The Warehouse has a 9'-0" wide concrete footing foundation beneath the long side walls that is set about 5' below grade. It has a 7" thick concrete slab floor. Running longitudinally, below the center of the floor is a 10'-3" wide concrete tunnel that extends down 11'-4" below the floor slab. This tunnel contained the conveyor system that transported sugar out of the Warehouse. The exterior long side walls are reinforced concrete to 13'-0" high above the floor. These side walls taper upward from a thickness of 1'-3" at the footings to 10" at a height of about 11'. The upper 2' of the concrete then widens to 1'-10" at the top by tapering outward on the exterior. Above this widened portion the exterior has vertically oriented corrugated panels of asbestos-protected metal (A.P.M.) that extend upward to the approximate 50' height of the eaves. End walls of the Warehouse are vertically oriented A.P.M. panels.

The concrete pilasters that define the 20' wide bays of the long sides project 3'-8" from the wall and are 5'-0" wide and about 45' high. The concrete buttresses engaged to the pilasters are 2'-0" thick and about 23' high with a horizontal top surface that projects about 10' from the building wall. The outer edge of the buttresses angles down to grade from the end of the horizontal top. Typically, at grade, the angled edge is 19'-6" from the building wall. However, at the south corner of the building there are six buttresses with double-angled outer edges that extend about 23' from the building wall. Where the buttress edge meets grade, many of these 2'-0" thick buttresses of both lengths have separating concrete that show they were originally 1'-4" thick and have had 4" of concrete applied to both sides. Atop each buttress is an angled steel I beam that extends from the outer end of the horizontal top surface to the pilaster, about 12' above the top of the buttress. This angled steel beam is braced by two steel supports that extend to the

pilaster. Extending horizontally between the buttresses near the outer end of the buttress top surface is a series of metal pipe supports. Also extending horizontally between the pilasters are sections of metal bracing that are laid flat. There are two of these at each bay, one is just above grade and the other is at the top of the concrete section of side wall, about 13' above grade. Each brace is constructed of 2" and 4" steel angle irons and each projects about 3'-2" from the building wall.

The exterior southeast (rear) end of the Warehouse has six concrete buttresses that are on about 20' spacing. Each end buttress is engaged on a pilaster and is about 5' from the corners of the building. Each pilaster projects about 3'-8" from the wall and is about 5'-0" wide with an angled top surface. The four middle buttresses have no pilaster. The buttresses are 2'-0" thick and extend up about 45'. Their upper portion angles out from the wall to a vertical outer edge that extends down to about 8'-4" above grade where it again angles outward to grade. Each buttress has an angled concrete section, 3'-0" thick that extends from the base of the building side wall to the angle of the outer edge at 8'-4" above grade. These buttresses at the southeast end are joined near their upper ends by sections of horizontal metal pipe. Near the midpoint of the southeast end wall, a triangular-section metal brace extends from the building wall down to a concrete pier.

The first 20' bay at the northwest end of the Warehouse has a gable roofline that is about 20' below the roof level of the rest of the building. Eaves at this lowered portion are about 30' high and the gable ridge is about 65' high. Centered on this lowered portion is a full height (approximately 65') vertical section about 20' wide that projects about 12' from the northwest end wall. The top of this vertical section receives Conveyor #3 from the Scale House at its ridge. All exterior walls of this end of the building are vertically oriented corrugated metal siding with no buttresses.

The Warehouse has no windows. At the top of the 20' wide vertical section at the northwest end is an opening with casement sash with corrugated A.P.M. siding in lieu of glazing. Each end of the Warehouse has three openings for ventilation fans, one opening is at the gable and two are on the end wall below. These approximate 4'-10" diameter fans each have a rectangular metal housing on the exterior that projects about 3'-8". Additional ventilation is provided by a three-part opening at the 85' high gable of the northwest end. This has three square openings (two approximately 4' square and one approximately 3' square) with horizontal louvers.

The northwest end has all doors into the Warehouse. There are two large scale metal roll up doors about 14' wide and about 24' high. Next to each roll up door is a hinged, pedestrian scale metal door about 3'-6" x 7'-0". A third hinged metal door, 2'-6" x 7'-4" is at the north corner of the 20' wide vertical section.

The interior of the main floor of the Warehouse is a large open space. The long sides of the interior are unfinished concrete with a horizontal seam about 13' above the level of the concrete floor. In areas the concrete is spalling away from this seam to reveal a corroded, horizontal angle iron. The long side walls above the 13' level have an unfinished concrete surface, presumably with the metal frame of the building beneath. The roof framing is exposed and consists of rafters formed of flat trusses about 5' high on approximate 20' spacing. Purlins span the truss rafters and corrugated roof sheathing (probably A.P.M.) is laid over them. At the apex of the roof ridge there is an approximate 14' wide space formed by the angling of the lower chord of the trusses toward the apex. Within this space, down the length of the building, ran the conveyor system that deposited sugar into the Warehouse. This space was not accessed and it

is not known if any of the conveyor system remains. This conveyor was referred to as Conveyor 4¹ and was driven by an electric motor located at the southeast end of the conveyor.

Running down the center of the concrete floor of the Warehouse is a row of thirty-six metal hoppers that extend below floor level into the tunnel below. The tops of the hoppers are flush with the floor and the rectangular top opening of each is about 10' x 11'. The metal sides of each hopper taper down to a bottom opening about 2'-10" x 3'-10", which is about 4' below the level of the floor. Below the main floor of the Warehouse, the longitudinal conveyor tunnel beneath the center of the Warehouse provides access to the bottom doors of each hopper.

The conveyor tunnel is accessed by metal stairs at the center of the northwest end of the Warehouse, within the 20' wide section that projects from this end of the building. The tunnel is about 9' wide x 7' high and formerly contained the conveyor that carried sugar coming out the bottom of the hoppers. The bottom of each hopper has an opening in its southeast side with a door that is controlled by a 2' diameter hand wheel. When the hopper door was opened, the sugar was conveyored out of the Warehouse at the southeast end and into the batch scale building. This conveyor was referred to as Conveyor 5 and was driven by an electric motor located in the batch scale building, about 200' southeast of the Warehouse. The belt of Conveyor 5 was about 4' wide and traveled on sets of three steel rollers that were positioned to give it a concave shape when carrying a load of sugar. The conveyor itself has been removed, but some of its framework remains bolted to the floor. These frames are approximate 1'-6" high legs and crossbeams of steel channel. The tunnel opening for Conveyor 5 in the side of the bluff at the southeast end of the Warehouse has been sealed by CMU and mortar.

Warehouse Alterations

Alterations to the Warehouse are complicated and not easily dated or understood. The building was built with side walls approximately 30'-0" high with concrete walls and pilasters at the lower 13'-0" portion with no buttressing.² Above these concrete side wall sections was steel framing sheathed with A.P.M. Historic photos show two roll up doors in the southeast (rear) end of the building with square vent housings above and human scale doors to the sides, all with the same configuration and position as the doors and vent housings extant on the northwest end. The roll up doors and building side walls indicate that the original eave height for the entire building was about 30' as shown on original plans.

Sometime after April 1960 the building was altered by raising the sidewalls about 20' at all bays except the northwest end bay where Conveyor 3 enters the building. This alteration appears to have utilized the original roof framing, raising it up on the heightened walls. The doors in the southeast end wall were probably eliminated at this time.

The addition of the building's exterior buttressing was likely begun at the same time that the side walls were heightened. Anecdotal reports received during the site visit for this report

¹ Conveyor 2 was the sugar conveyor under the hopper in the Scale House. Conveyor 3 ran from the Scale House to the bulk sugar warehouse. Conveyor 4 was at the ridge of the bulk sugar warehouse. Conveyor 5 was in the tunnel under the warehouse floor and continued out to the batch scale building. Conveyor 6 went from there to the sugar loading gallery above the Pier 2 Transit Shed. Conveyors 7 & 8 were in the sugar loading gallery.

² Camera Hawaii, photograph "Nawiliwili Harbor." Collection of Hawaii State Archives, folder PP47-8, photo .034. ca. 1950s. And Bishop Museum Photo Collection, photograph "EBM 33401B Harbor scene, Nawiliwili" by Ray Jerome Baker in folder Geography, Kauai, Nawiliwili, 1900-, folder 2. April 1960.

indicate this might have been prompted by a failure of the building walls. Field work observations for this report indicate that 1'-4" thick buttresses and 5'-0" thick pilasters were added. Later, a 4" thickness of concrete was added to both sides of the buttresses. The sections of horizontal pipe bracing at the upper edge of the buttresses were likely added then, with their ends imbedded in the 4" thick concrete. The flat-laid metal bracing was likely added at the same. Drawings show that the original exterior support of the 13' high concrete sidewalls was 2'-0" wide pilasters that projected 6" from the exterior wall. These were covered over by subsequent buttressing. The interior side wall surfacing of concrete above the 13' level is another alteration accomplished after the roof was raised 20'. It is presumed that this interior concrete surfacing was accomplished over the steel framing.

Scale House

The Scale House is a single story, steel frame, gable roof building with corrugated A.P.M. siding and roof sheathing. The building has a concrete slab floor with a concrete curb siding and roof sheathing. The building has a concrete slab floor with a concrete curb foundation that typically extends about 1' above grade. Alongside the curb, on the exterior of the long sides of the building are concrete in-ground channels for rainwater that are 1'-0" wide. The Scale House is about 21' high at the eaves and about 28'-6" high at the ridge. The main portion of the building has a rectangular footprint measuring 76'-6" x 33'-8". An approximate 20' wide section that contains an office projects about 10' north at the northeast corner of the building. This section gives the building an overall width of about 44'. The conveyor that transferred sugar from the Scale House to the Warehouse exits the Scale House going east at the northeast corner.

Windows in the Scale House are located along the long sides of the building and on the north side of the 20' wide office section. The windows on the long sides are fixed light, 2'-0" wide x 3'-9" high and glazed with translucent acrylic sheet. A band of twelve windows is along the south long side at a level about 10' above the concrete foundation wall. The north long side has nine windows at the same level. The north side of the office section has a pair of 7'-0" x 4'-6" window openings with steel frame twelve-light windows with four-light pivot sash in the center.

There are two large-scale doors and two pedestrian-scale doors to the Scale House. The large scale door openings are each 14'-0" wide x 14'-8" high, with metal roll up doors. One door is located on the northwest end and the other on the southeast end. One of the pedestrian-scale doors is located on the northwest end, adjacent to the roll up door. This is a 3'-0" x 6'-7" high opening with a hinged metal single-panel door. The other pedestrian-scale door is in the southeast end of the 20' wide office section. This is a 2'-6" x 6'-7" high opening with a hinged, single-panel metal door with a four-light vision panel.

The interior of the Scale House has a driveway that extends between the two roll up doors. On the driveway is the 60'-0" long truck weighing scale. Next to the scale is a 45'-0" long hopper to accept the bulk sugar that is tipped off of the truck's bins. The hopper system feeds the sugar into the conveyor that exits the Scale House near the northeast corner and conveys it to the Warehouse.

The interior of the Scale House has a concrete floor with a worn painted finish and a concrete curb about 1' high around the perimeter. The perimeter walls are the steel framing of the building and the corrugated A.P.M. panels. The framing is 20'-3" high posts of 12x6 steel H-beams on about 25' spacing along the side walls that are spanned with four horizontal 3" steel channel irons that the exterior corrugated siding is attached to. The ceiling has exposed metal trusses and the underside of the corrugated roof sheathing.

At the northeast corner of the interior there is an enclosed office suite measuring about 20' wide that projects about 11' into the interior space from the north long side wall. This office suite is enclosed with corrugated A.P.M. panels and includes the 20' wide portion that projects off the north wall. A doorway near the east end provides access to the office suite from the main interior space. This suite has three windows looking onto the truck scale and hopper of the interior. In the south wall is a 7'-0" x 4'-6" window opening with steel frame twelve-light windows with four-light pivot sash in the center. Next to this is an opening about 4' x 2' with a fixed light. At the west wall is an approximate 7' x 4'-6" opening that has been filled with a fixed light. This office suite contains rooms for the former superintendent's office, former sample room (now the electronic scale room), toilet room, and a small room with a concrete stairway down to the area below the hopper that contains the leading end of the conveyor to the Warehouse.

In the main interior space of the Scale House, the 10'-0" wide truck weighing scale platform is located with its longitudinal center line 14'-0" from the south long side wall. The 60'-0" long platform is centered along the length of the building and is about 7'-6" inside each of the roll up doors at either end of the building. The platform is concrete-surfaced and is flush with the Scale House floor so that trucks can drive onto it easily. Against the south long side wall, near the midpoint, is a small, fixed-windowed enclosure about 8' long that projects about 2'-6" from the side wall and contains the balance beam of the scale apparatus formerly used to weigh trucks. The doorway to this enclosure was closed and blocked with furniture and this small room was not accessed. This scale beam is no longer used to weigh trucks, an electronic scale with a readout in the former sampling room (in the office suite) that takes a reading from the scale platform is used instead.

The rectangular hopper parallels the scale platform, adjacent on the north side. It is 11'-0" wide and about 9' deep. It extends about 4' above the floor of the Scale House and at its upper lip has a narrow catwalk of metal grating with metal pipe handrails on its north and east sides that is accessed by stairs at the east end where it abuts the office suite. The wide top opening of the hopper has an angled steel grating to break up the sugar as it is dumped in. Spanning the top opening of the hopper are three catwalks of metal grating with handrails that extend from the longitudinal catwalk against the side wall.

To dump the sugar from a truck parked on the scale platform, the 12x6 steel H-beam building framing posts on each side wall are spanned by longitudinal 12x6 steel H beams about 15' above the floor that carry the transverse steel tracks of five electric hoists that formerly lifted one side of the bins on the sugar trucks to empty them into the hopper.

Four of these hoists still have a lifting bar attached to the pulley of their lifting cables. This bar is an approximate 6" diameter steel pipe, about 10' long with short chains and steel hooks at each end. The lifting pulley of the hoist is attached to the midpoint of the bar. To operate, the steel hooks were attached to the side of the truck bins opposite the hopper and upon lifting that side, the bins would tip their sugar into the hopper.

The bottom opening of the hopper is about 34' long and 1'-6" wide. It empties onto a horizontal conveyor (Conveyor 2) about 37' long that is positioned under the hopper's bottom opening and serves to move the dumped sugar toward the east and onto the inclined conveyor (Conveyor 3) that will carry it up to the ridge of the Warehouse.

Conveyor 3

The conveyor that carried bulk sugar from the Scale House to the Warehouse was referred to during the time of its operation as Conveyor 3. It began at the northeast corner of the Scale House. The conveyor itself was a continuous loop of belt running up to the Warehouse on sets of three steel rollers that were positioned to give it a concave shape when carrying a load of sugar. At the Warehouse the belt looped down over a large diameter roller and returned back down to the Scale House below the concave rollers that had carried it up.

The structure that houses Conveyor 3 is about 179' long from the Scale House to the Warehouse. It is steel-framed, covered with corrugated A.P.M. and measures 8'-8" wide x about 8'-0" high in cross section. The roof is corrugated A.P.M. that is formed into a slight arch. Most all of the length of the Conveyor 3 structure is angled upward, supported in the air as it rises from grade level at the Scale House to approximate 57' height where it enters the Warehouse. A 36'-7" long section at the Scale House is level and set on a concrete curb foundation at about 1'-4" above grade. At the end of this section, the conveyor structure begins its rise above grade at an approximate twenty degree angle. The approximate 142'-5" long portion of the structure between the Warehouse and where it leaves grade is supported at two points by steel supports. The first is at a point about 34'-8" from where the structure leaves grade, and the second is about 75' from where it leaves grade.

The first support point incorporates a device that tensions the conveyor belt. At this point the structure is about 13' above grade. The supports here are five, approximate 3" diameter vertical steel pipes on a 9'-4" x 7'-0" rectangular pattern. Pipes are located at each corner of this rectangle with the fifth pipe near the midpoint of the south long side. Vertically oriented A.P.M. attached to the steel pipes sheaths this rectangle from the lower edge of the conveyor structure down to a level about 6' above grade. This opening below the sheathing allows access to the conveyor tensioning device within the rectangle.

The tensioning device consists of two vertical steel pipes, about 6" diameter and about 4'-6" apart that extend down from the underside of the conveyor structure to concrete foundations about 1' wide x 4' long that are about 2' above grade. Sliding vertically on the two steel pipes is a steel cross member with a large diameter steel roller (about 2' diameter) and a large concrete weight. There is a rectangular opening in the floor of the conveyor structure between the steel pipes with two large diameter steel rollers. In operation, as the belt of Conveyor 3 was returning back down to the Scale House, a loop of it passed out, through the floor opening and over the roller that slid up and down on the vertical pipes. The concrete weight kept tension on the conveyor belt via this loop.

The second support point, about 75' from where the conveyor structure begins its ascent from grade, is about 29'-6" in total height. It is two, angled 10" x 5" I beam legs that rest on a transverse concrete wall foundation that is about 25' long, 2'-6" high, and 1'-6" thick. The angled I beam legs are set 18'-5" apart on the foundation wall and angle up to 8'-8" apart at the bottom of the conveyor structure.

The I beam legs are joined at their base and at heights of about 9' and 18' above the top of the foundation by horizontal steel members with diagonal cross bracing within each 9' high cell. Atop the I beam legs, at the bottom of the conveyor structure, the legs are fixed to a transverse horizontal 10" x 5" I beam about 12' long. The projecting ends of this transverse I beam have struts extending up to the eaves of the conveyor structure.

The conveyor structure has ten fixed windows on each side. All are 2'-0" wide x 3'-9" high and are glazed with translucent acrylic sheet. Three windows are on each side of the level, at grade portion of the structure on variable spacing of about 10'. The remaining are in the elevated portion on variable spacing of about 20'. There are two doors to access the conveyor structure, one on either side of the level, at grade portion. Each are metal, single-panel doors in openings about 2'-8" wide x 6'-7" high.

The interior of the conveyor structure is the interior surface of the corrugated A.P.M. panels on steel framing. The framing is 10' spaced bents of vertical 4" steel channel iron 8'-0" high at the side walls with a 6" horizontal channel across the top. The bents are braced by diagonal 3" angle irons and by a horizontal angle iron about 3'-4" above the floor. The conveyor belt itself has been removed, but the steel channel iron supports and transverse 42" wide sets of rollers remain on about 6' spacing, running down the center of the structure. On each side of the conveyor are steps constructed of steel plate.

At the lower end of Conveyor 3, it continues on its downward angle, below grade, to a point below the end of the Scale House hopper. The sidewalls and floor of the below grade portion of the conveyor structure are concrete.

HISTORIC CONTEXT:

Nawiliwili Bulk Sugar Storage Facility

Construction of the bulk sugar facility began on August 8, 1949 by the Walker Moody Construction Company of Honolulu. Walker Moody supplied the construction labor for the project and the materials were supplied by Lihue Plantation.³ The Warehouse, Scale House, and conveyor system were designed by the Stephens – Adamson Manufacturing Company of Los Angeles in June 1949. This firm also designed the sugar loading gantry at the transit shed at Pier 2.

Total cost for the project was \$1.25 million. Sugar from the 24,000 ton capacity Warehouse could be moved into a waiting ship at a rate of between 600 to 700 tons per hour. The transit shed at Pier 2 was constructed at the same time as the Bulk Sugar Facility system.

When it opened on May 23, 1950, the Nawiliwili Bulk Sugar Storage Facility received sugar from Lihue Plantation Co., Grove Farm Co., and Kilauea Plantation Co. The first shipment out of the plant was on August 20, 1950. 31,785 tons of sugar were shipped out of the plant during that year. The plant handled all of Kauai's bulk sugar shipping.⁴ This amounted to as much as 200 tons per year (1990).⁵ When the sugar from several plantations was mixed at the bulk sugar plant, a system was devised that took the proceeds from the yield of sugar that was produced at the mainland refinery and distributed them to the individual plantations based on the weights and polarizations (sugar quality) of the bulk sugar when it was received at the bulk facility.

Very shortly after the Bulk Sugar Storage Facility was completed, on January 1, 1951, it was sold to a newly formed co-operative, Kauai Consolidated Terminal Company. This company

³ Barlow Hardy, "Work Starts on Lihue's Bulk Sugar Warehouse," Honolulu Advertiser, August 14, 1949. P. 4.

⁴ Lihue Plantation Co., Annual Report, "Permanent Improvements." 1950. N.p.

⁵ William H. Dorrance, and Francis S. Morgan, *Sugar Islands, The 165-Year Story of Sugar in Hawaii*. (Honolulu: Mutual Publishing), 2000. P. 24.

was formed to pool the shipping of bulk sugar from Kauai and after its formation, it handled bulk sugar shipments from all plantations on the island thru the Nawiliwili facility.

Upon completion, the Warehouse building used two electrically powered, seventy-five horsepower crawler cranes with power shovels. These operated on the Warehouse floor to distribute the sugar falling down from Conveyor 4 above and to move sugar off the floor and in to the hoppers of Conveyor 5. By the 1980 these electric shovels had been replaced by diesel powered end loaders.

In 1973, due to inefficiencies that arose from transporting bulk sugar on the same ships and runs that hauled other goods in containers, the Hawaiian Sugar Transport Company (HSTC) was established by Matson Lines. This service operated two dedicated bulk sugar transport vessels, the *Mokupahu* and the *Sugar Islander*. HSTC moved bulk sugar from many Hawaii ports to the C & H sugar refinery at Crockett, California. Previous to the HSTC, sugar was bulk loaded on the same ship that carried containers to various other ports and the sugar companies costs included the extra travelling time. The two HSTC ships were dedicated sugar haulers in the sense that when on a sugar run from Hawaii to California they were direct, one-cargo vessels. When sugar was not scheduled for delivery, they were used to transport other bulk cargoes, often grain.

In August 2009, the cables extending the gantry boom snapped while the boom was in the horizontal position, dropping it into the hold of the ship it was loading. Two men were on the boom at the time and were injured. Because the collapsed boom was pinning the sugar ship to Pier 2 and there was an inbound passenger vessel that needed the pier for berthing, the boom was cut away from the gantry. This allowed the sugar ship, with the severed boom in its hold, to be moved from Pier 2 so the passenger ship could dock. The damaged boom was then removed from the hold. After the passenger ship had departed, a temporary sugar loading boom was rigged using the conveyor from a rock crusher. The loading of the sugar ship was completed using this makeshift conveyor. After the August incident, the rock crusher conveyor was left in place and it was used to accomplish the final shipment of bulk sugar from Kauai in November 2009. After the final shipment of sugar from this bulk sugar facility, the rock crusher conveyor was removed from the gantry. The rigging of the rock crusher conveyor would not allow the gantry to be moved back and forth along the galley to distribute the sugar evenly in the ships hold, as the intact gantry and boom had done. A bulldozer was lowered into the hold of the ship to distribute the sugar. This compacted the sugar caused problems when the ship was unloaded at Crockett, California. The normal sugar collector in Crockett could not gather the compacted sugar and it had to be excavated before the collector could gather it.⁶

Bulk Sugar Shipping in Hawaii

The shipping of Hawaiian sugar in bulk, rather than in burlap sacks (break-bulk loading) was begun at Kahului Maui in 1942.⁷ That year 40,000 tons of unbagged sugar was shipped by Hawaiian Commercial Sugar Co., Maui Agricultural Co., Wailuku Sugar Co., and Pioneer Mill Co. from Kahului. The first three mills sent the sugar to Kahului via rail cars, Pioneer Mill used dump trucks to transport sugar from its mill to the wharf. The sugar was loaded from the wharf onto ships using a conveyor belt. That year the four mills also shipped a combined weight of 150,000 tons of bagged sugar.

⁶ Howard Green, Environmental Manager, Gay & Robinson. Interview by the author, April 25, 2012, Nawiliwili, Kauai.

⁷ "Maui Begins Bulk Sugar Shipments." Honolulu Advertiser, January 7, 1943. P. 5.

The installation of bulk sugar shipping was a cost saving measure. Although the installation of bulk storage facilities and conveyor systems were expensive, the plantation's labor costs were reduced. There were also savings in freight charges and burlap sacks, which was not insignificant during World War II when the supply of jute (mostly from India) was sharply reduced and bag prices doubled.⁸ During WW II burlap sugar sacks were washed to recover any remaining sugar and reused up to five times for raw sugar shipments from Hawaii.⁹

The 1950 Bulk Sugar Storage Facility at Nawiliwili was the third in Hawaii. After the 1942 Kahului facility, a bulk sugar plant was completed in Hilo in 1949. The Hilo plant used four large silos as a storage facility, while the Nawiliwili and Kahului plants used warehouse buildings with flat floors and a central tunnel and conveyor running the length of the building to move the sugar out of the warehouse. Both types loaded the sugar into ship's holds with conveyor belt systems. The Nawiliwili plant was set up to handle an average of 600 tons of sugar per hour, occasionally operating at a rate of up to 750 tons.¹⁰ Other bulk sugar plants opened in Hawaii in the following years; Honolulu in 1955, and Kawaihae in 1959.

The Nawiliwili facility operated until November 2009 when Gay & Robinson made its last sugar shipment from the harbor.

Nawiliwili Harbor

Construction of the Nawiliwili Harbor improvements and breakwater was begun about 1921 by the U.S. Army Corps of Engineers. The Corps undertook these improvements on the condition that the plantations of south Kauai link their railroads into a continuous system and that a connection be built linking the new wharf at Nawiliwili to this plantation rail system. In 1919 Lihue Plantation assured the U.S. government that this connection would be built and the funds were released for the harbor improvement on June 10, 1920. Although this contiguous rail system (and harbor connection) would improve the military defense of the island,¹¹ the more pressing reason was "to ensure the use of Nawiliwili as a terminal port to justify the expenditure of public funds...providing the island of Kauai at least one much needed and safe harbor."¹²

Breakwater construction lasted until 1926. In 1929, dredging of the harbor was begun and in July 1930, the harbor was opened. It had a 35-foot deep entrance channel and harbor basin, a jetty, and about 900' of wharf with a large concrete transit shed at Pier 1. Although all steamship passenger traffic used the harbor, by 1935 there was still more commercial (sugar) shipping going out of Ahukini Wharf at Hanamaulu than from Nawiliwili Wharf.¹³ This was due to Lihue Plantation using Ahukini as their port for bagged sugar shipments. Nawiliwili was not set up for shipping bagged sugar, Lihue Plantation's preferred method of shipment.

By 1939 the Port of Nawiliwili was operating at a yearly loss of up to \$40,000 and the harbor commissioners were looking to sway Lihue Plantation from their facilities at Ahukini Wharf to begin using Nawiliwili, which would put it in the black.¹⁴ However, shipments of sugar from

⁸ "Third Bulk Sugar Plant to be Completed in 1950." Honolulu Advertiser, January 6, 1949. P. 2.

⁹ "Burlap Bags Re-used in Sugar Emergency." Honolulu Advertiser. October 21, 1943. P. 2.

¹⁰ "Third Bulk Sugar Plant," Honolulu Advertiser. January 6, 1949. P. 2.

¹¹ Dorrance, *Sugar Islands*, 2000. P. 168.

¹² "Added Expense at Nawiliwili Not Desirable." Honolulu Star Bulletin. February 21, 1939. P. 1.

¹³ Erwin N. Thompson, *Pacific Ocean Engineers: History of the U.S. Army Corps of Engineers in the Pacific*. (USACOE), 1980. P. 59.

¹⁴ "Kauai Port at Ahukini May Close." Honolulu Advertiser. February 17, 1939. P. 1.

Ahukini Wharf by Lihue Plantation did not cease until August 1950, when the Bulk Sugar Facility at Nawiliwili was completed and bulk sugar began to be shipped out of Nawiliwili Harbor.

Bulk sugar facility loading structures had been planned at Nawiliwili wharf since at least 1947 when funds of \$150,000 for the project had been appropriated by the territorial legislature.¹⁵ The Bulk Sugar Facility was built as Lihue Plantation finally decided to abandon its Ahukini wharf and bagged sugar loading. This was due to the use of larger size freighters to transport sugar, which could not safely dock at the Ahukini Wharf and also to the development of bulk sugar handling equipment. Lihue Plantation was responsible for building the Bulk Sugar Facility on the bluff above the wharf.¹⁶

Included in the project along with the Warehouse, Scale House, Conveyor 3 were the 400' long transit shed at Pier 2 (with a capacity of about 18,000 tons of sugar), and the conveyor system linking the shed and the Warehouse, to be used "if and when a bulk sugar storage plant is installed at Nawiliwili."¹⁷ The Bulk Sugar Facilities at Pier 2, including the transit shed and conveyor system along with two molasses tanks, equipment barn, and administration building were completed in the second half of 1950.¹⁸ The transit shed was built by Hawaiian Dredging Co, LTD at a cost of \$376,995

In 1956 further improvements of the harbor were undertaken by Hawaiian Dredging which included deepening the entrance channel to 40 feet, enlarging the interior basin, and building up about 21 acres of new land at the west end of the harbor with the dredging spoils.

Sources

A. Architectural Drawings:

Thirty-four sheets of original drawings of the Bulk Sugar Warehouse, Scale House, and Conveyor 3 are available as electronic files (pdf) at the offices of the leasee of the property, Island Self Storage/ Guardian Self Storage, 1481 Haleukana St. Lihue HI.

Likely sources not yet investigated.

A possible source of drawings is the Environmental Office of Gay & Robinson, Kaumakani, HI.

B. Early Views:

Bishop Museum Archives. Accession # 2003.129, Folder 5, Kauai, Nawiliwili Harbor, Bulk Sugar Loading Facility, 1949. This folder has numerous photos taken during the construction of the facility, about seventeen photos showing the Warehouse, Scale House, and Conveyor 3.

¹⁵ Barlow Hardy, "News from Kauai, Plans Readied for Shed on Wharf at Nawiliwili," *Honolulu Advertiser*, April 1, 1948. P. 18.

¹⁶ "Kauai Harbor Hearing to Decide Fate of 2 Ports," *Honolulu Advertiser*. February 3, 1949. P. 2.

¹⁷ Barlow Hardy, "News from Kauai, Plans Readied for Shed on Wharf at Nawiliwili," *Honolulu Advertiser*, April 1, 1948. P. 18.

¹⁸ Annual Reports, Board of Harbor Commissioners, Territory of Hawaii, Fiscal year ending June 30, 1950. P. 11. and Aerial photo K-2-1, dated December 22, 1950 in Hawaii State Archives folder PPA-28-4.

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Bishop Museum Archives. Folder; Geography, Kauai, Nawiliwili, 1900-, Folder 2. This folder has an April 1960 view (EBM 33401B) of the loading facility showing the southeast end of the Warehouse in its originally constructed configuration.

Bishop Museum Archives. Folder; Agriculture, Sugar, Shipping. This folder has an interior view of a bulk sugar warehouse (likely at Honolulu) that shows electric crawler shovels moving sugar into floor hoppers

Camera Hawaii, photograph "Nawiliwili Harbor." Collection of Hawaii State Archives (HSA), folder PP47-8, photo .034. ca. 1950s. Note that this photo in the Hawaii State Archives is not allowed for reproduction without the written permission of Camera Hawaii.

Cozad, Stormy. *Kauai*. Charleston: Arcadia Publishing. 2008. Page 111 of this book has an aerial photo, dated ca. late 1950s, showing the Warehouse

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"Burlap Bags Re-Used in Sugar Emergency." October 21, 1943. P. 2.

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"Kauai Harbor Hearings to Decide Fate of 2 Ports." February 3, 1949. P. 2.

"Big Island Bulk Sugar Plant Now in Operation. April 26, 1949. P. 13.

Hardy, Barlow. "Work Starts on Lihue's Bulk Sugar Warehouse." Aug. 14, 1949. P. 4.

"Sugar Shipped After Strike Sets Record." January 1, 1950. P. 1.

"Kauai Bulk Sugar Plant Starts Monday." May 28, 1950. P. 4.

"TH Sugar Storage Emergency Looms." June 7, 1952. P. 1.

"Emergency Storage at 2 Sugar Ports." June 14, 1952. P. 1.

Honolulu Star Bulletin

- "Higher Price for Hawaii Molasses Permitted." April 2, 1946. P. 16.
- "Kauai Harbor Hearings Set for February 17." January 25, 1949. P. 3.
- "50 Percent Decline in Molasses Income Feared." February 2, 1949. P. 1.
- "Kauai Unanimous in Urging Retention of Two Harbors." February 18, 1949. P. 5.
- "News of the Waterfront, Harbor Improvements." March 9, 1950. P. 5.
- "Matson Takes 1st Bulk Sugar Cargo to Philadelphia." November 7, 1951. P. 23.
- "Garden Isle Harbor Job in Indorsed." September 24, 1953. P. 5.
- "Large Tanker Loads Molasses on Big Island." September 13, 1955. P. 5.
- "Molasses Ahoy." September 27, 1955. P. 15.

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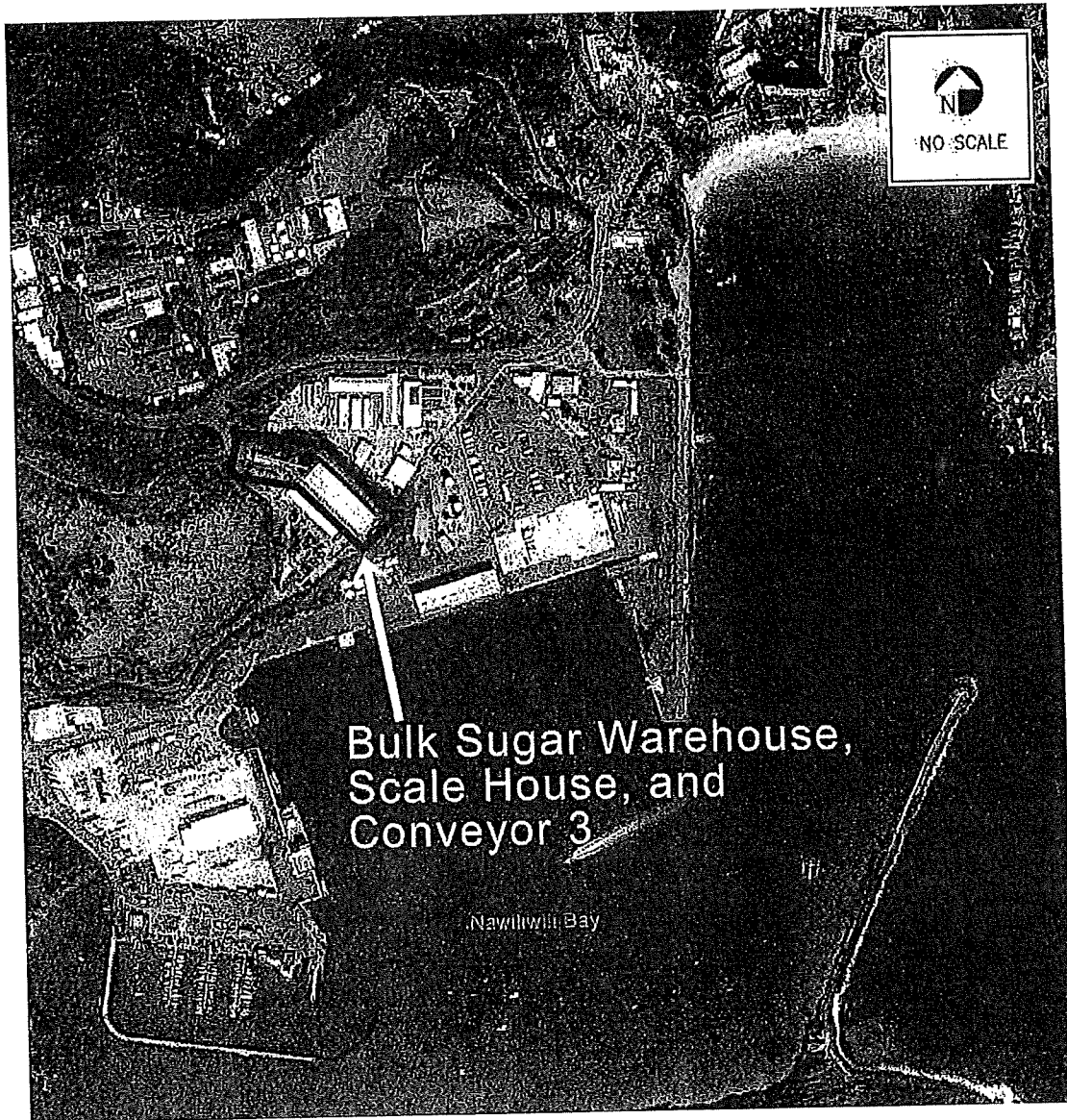
Ruzicka, Dee. "Bulk Sugar Plant Overview, Conveyor System, Molasses Tanks and Pump House, Office Building, and Equipment Barn." Five reports documenting portions of the Bulk Sugar Facility at Nawiliwili. Prepared for Hawaii State Historic Preservation Division. June 2012.

Treiber, Gale E. *Hawaiian Railway Album Volume 4 – Plantation Railways on Kauai and the Remaining Islands*. Hanover PA: The Railroad Press. 2007.

PROJECT INFORMATION

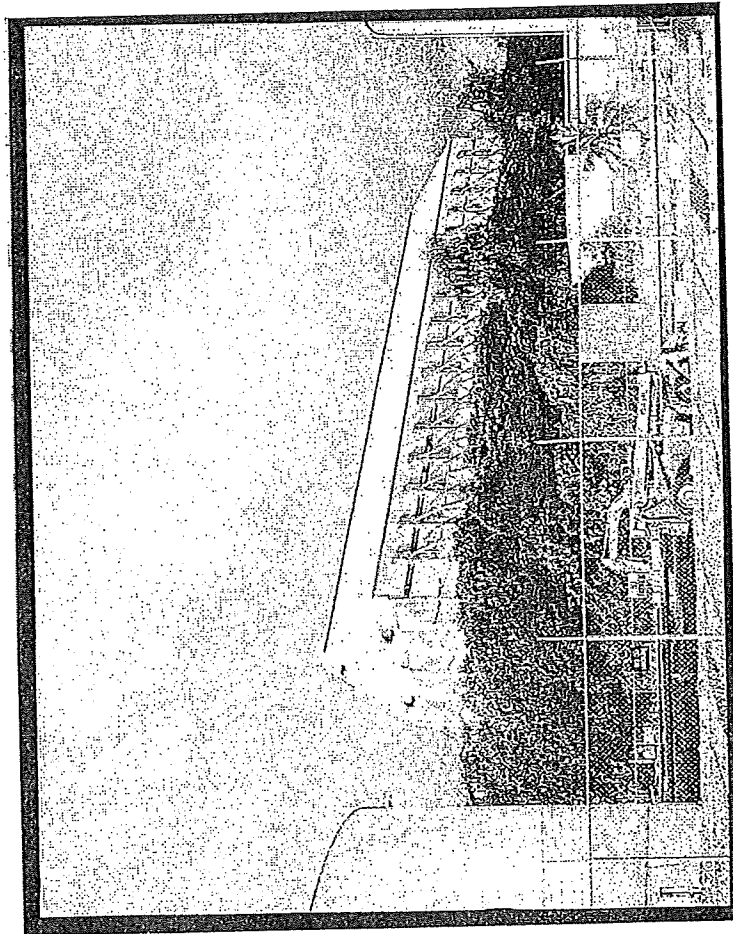
This HABS documentation was produced in advance of the alteration of the Bulk Sugar Warehouse to a self-storage facility. Field work, research and writing of this report was done by Dee Ruzicka of Mason Architects, Inc. in January and February, 2015. Archival photographs were taken by David Franzen of Franzen Photography Inc. in January 2015.

Location map.



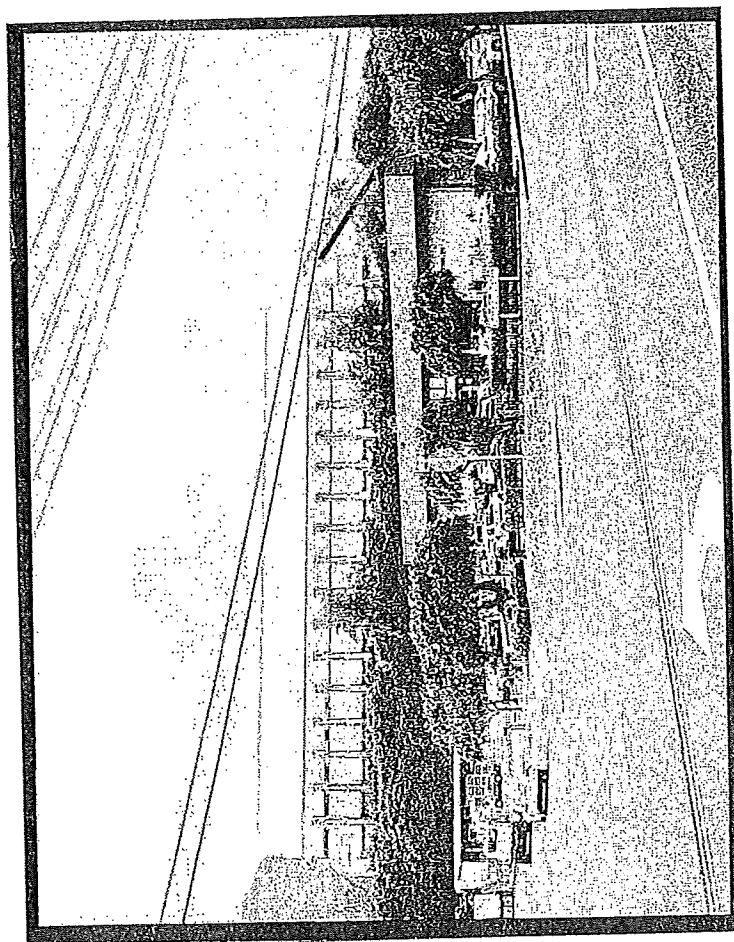
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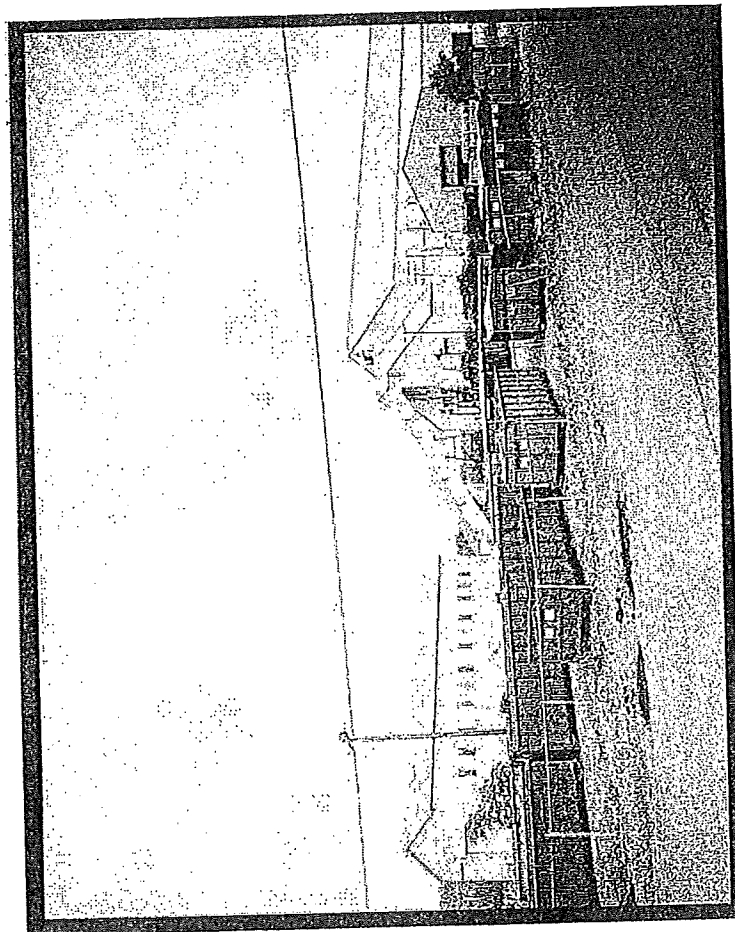
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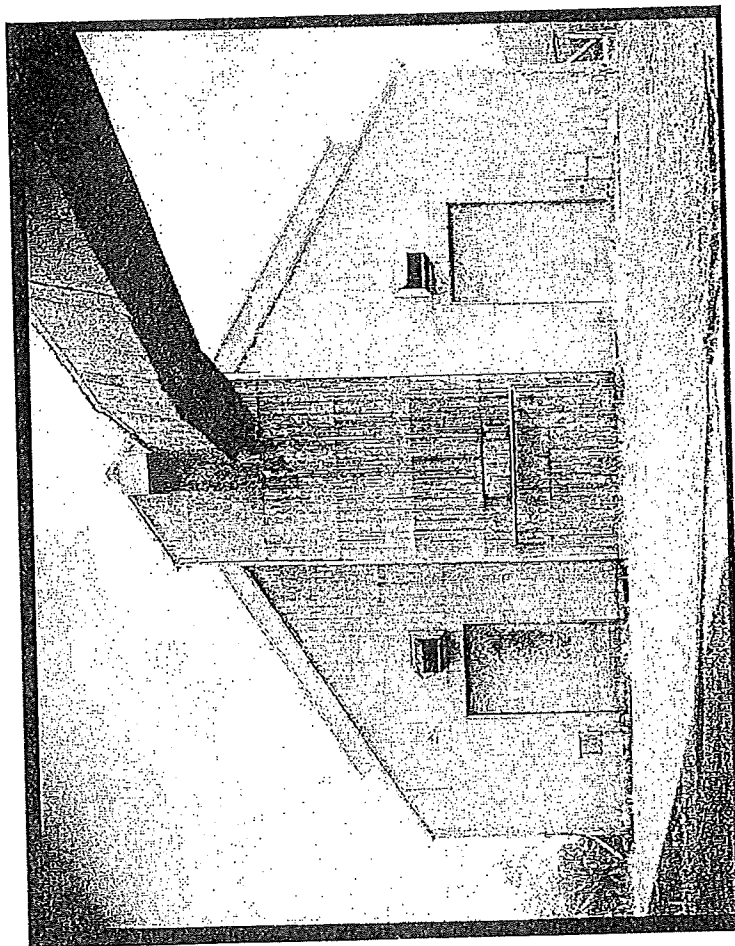
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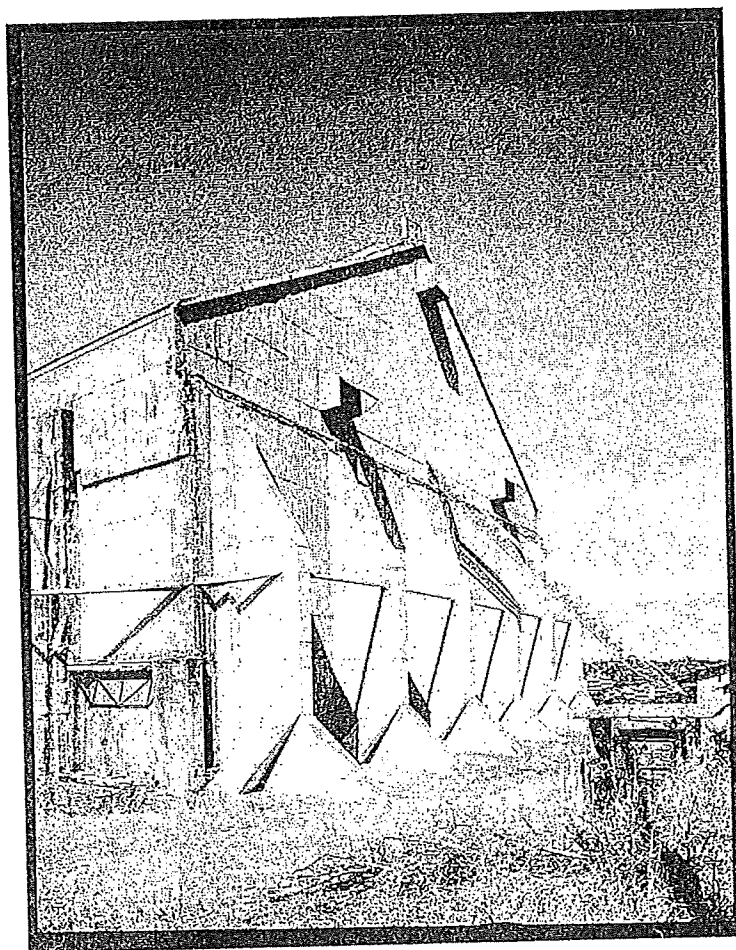
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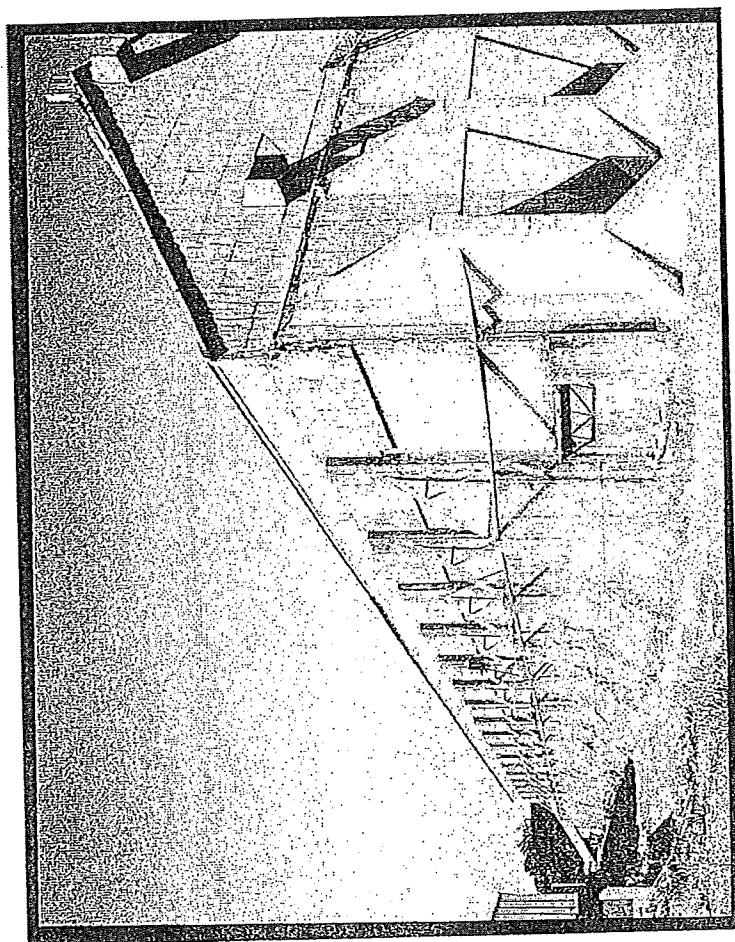
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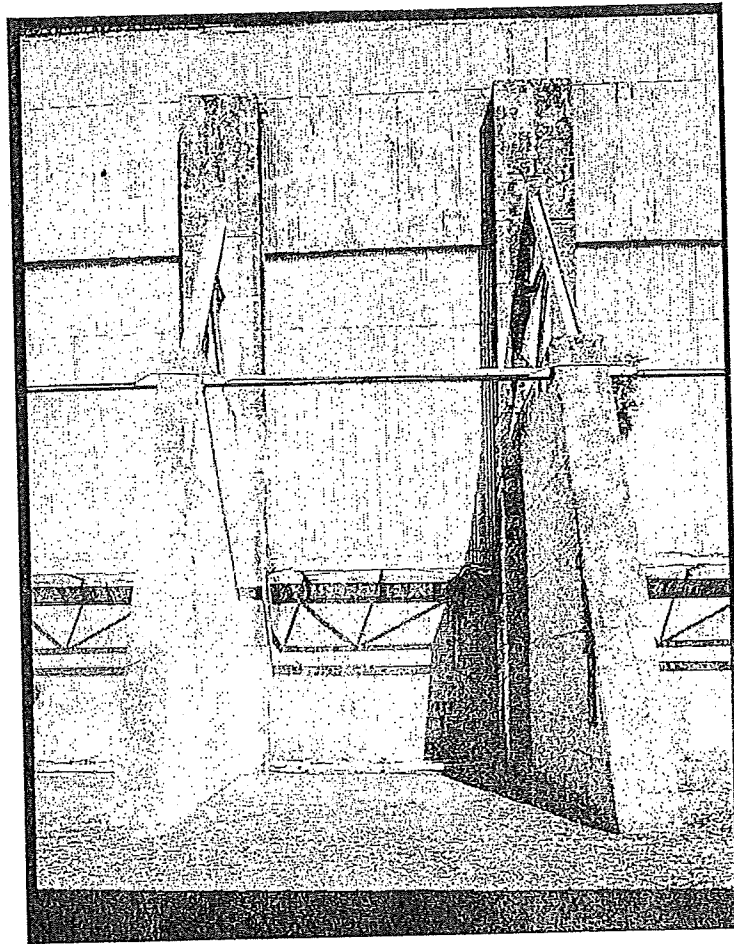
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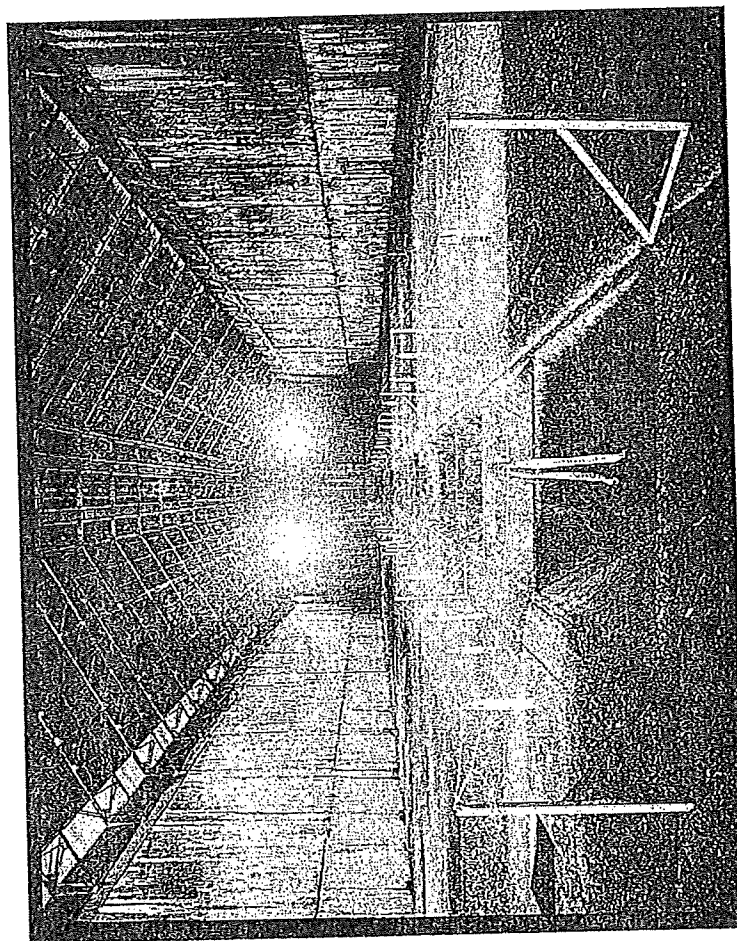
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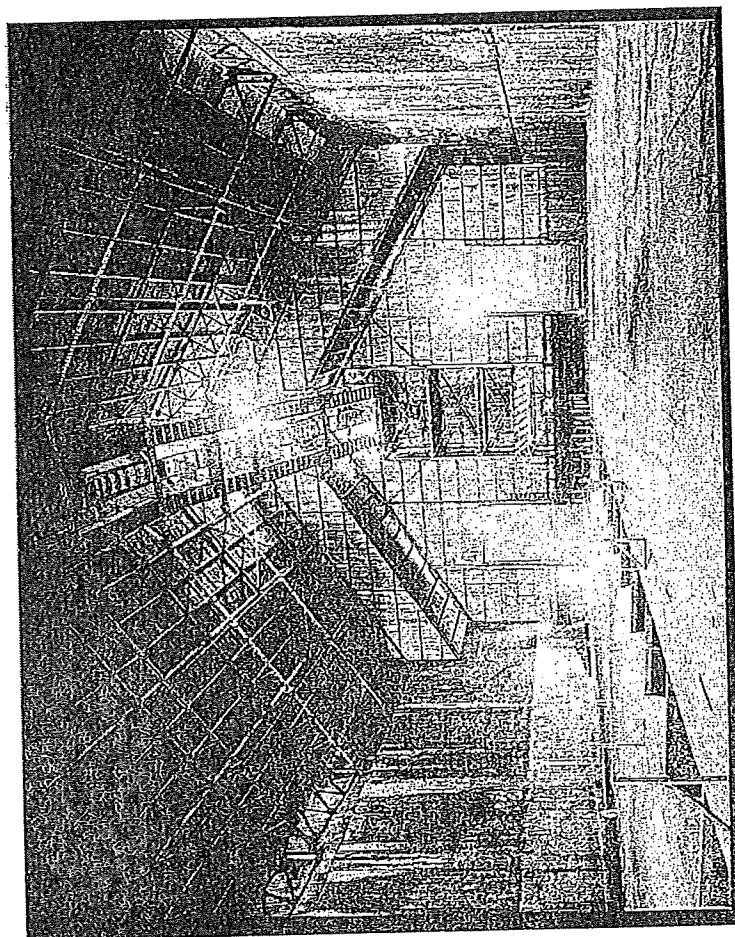
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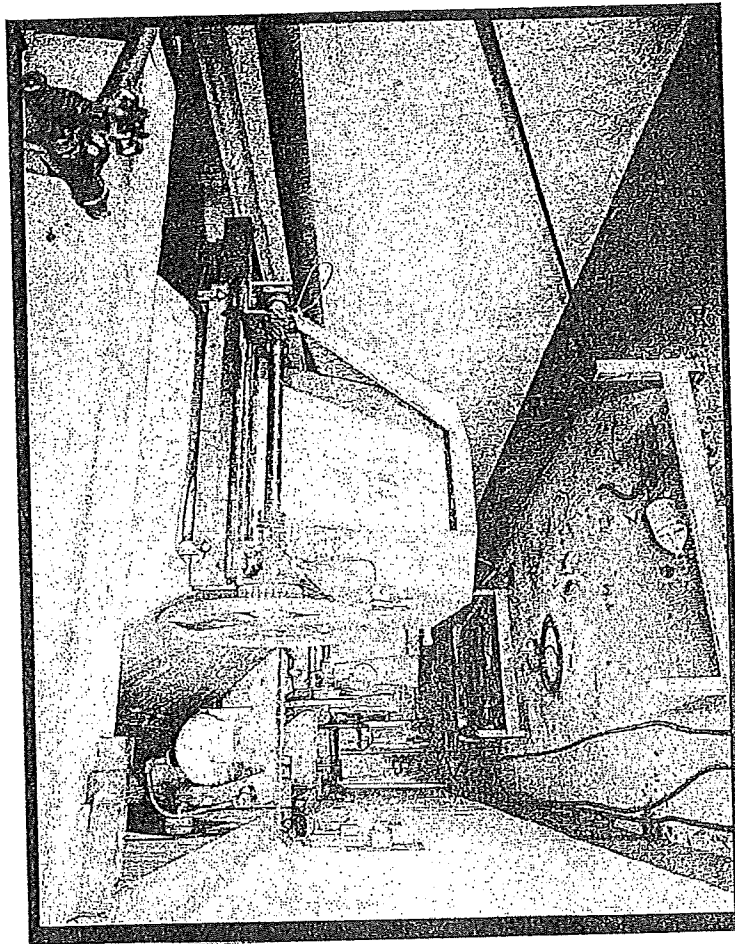
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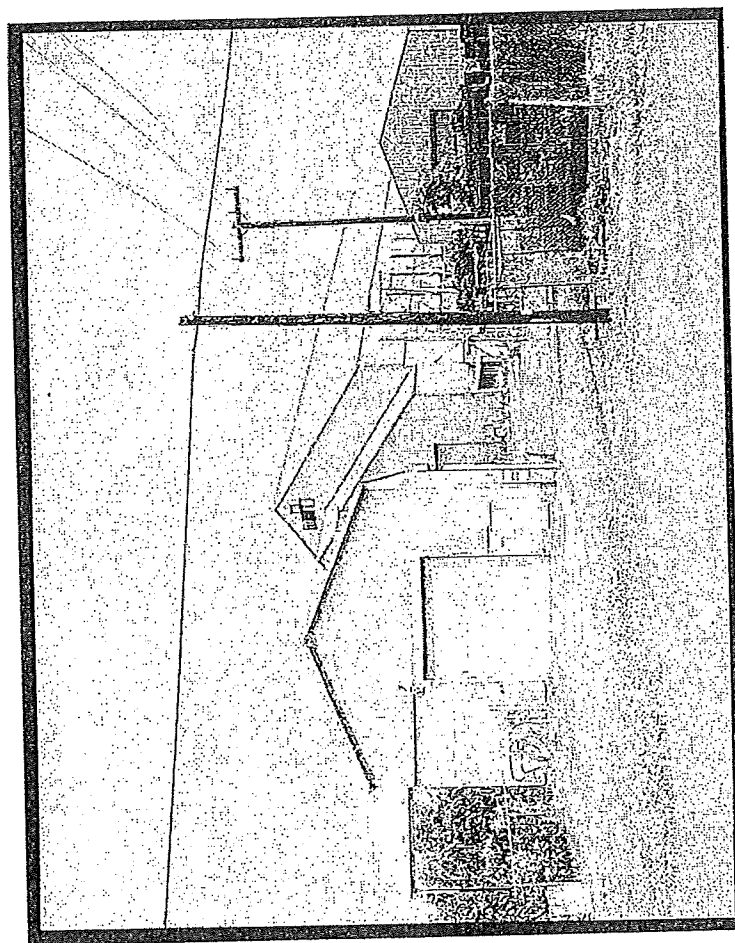
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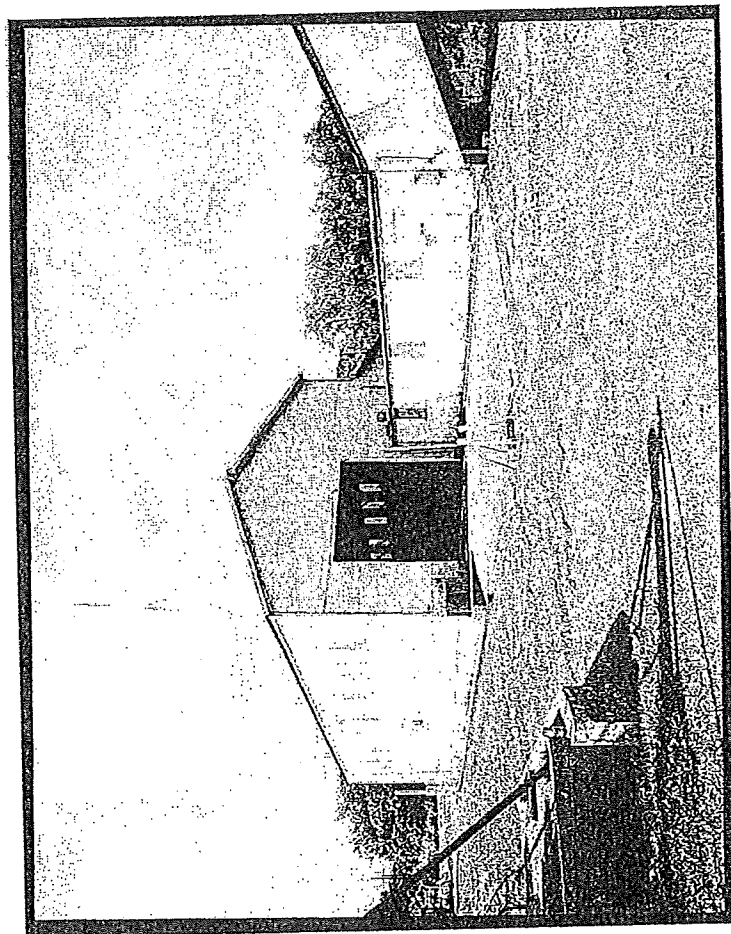
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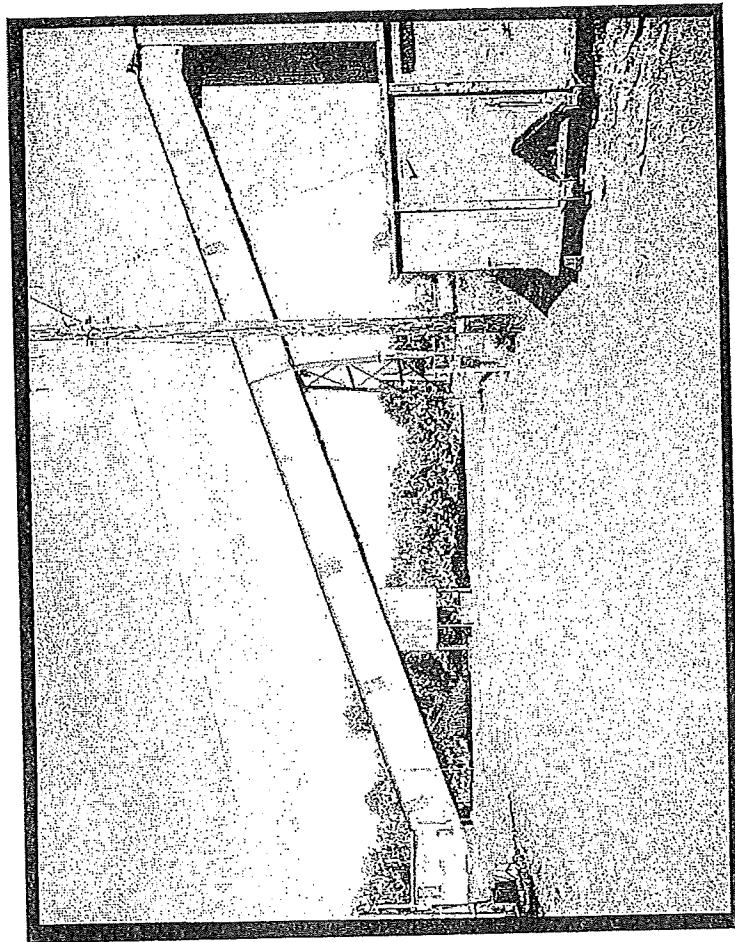
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SEE INDEX TO PHOTOGRAPHS FOR CAPTIONS

HABS No. HI-567-12



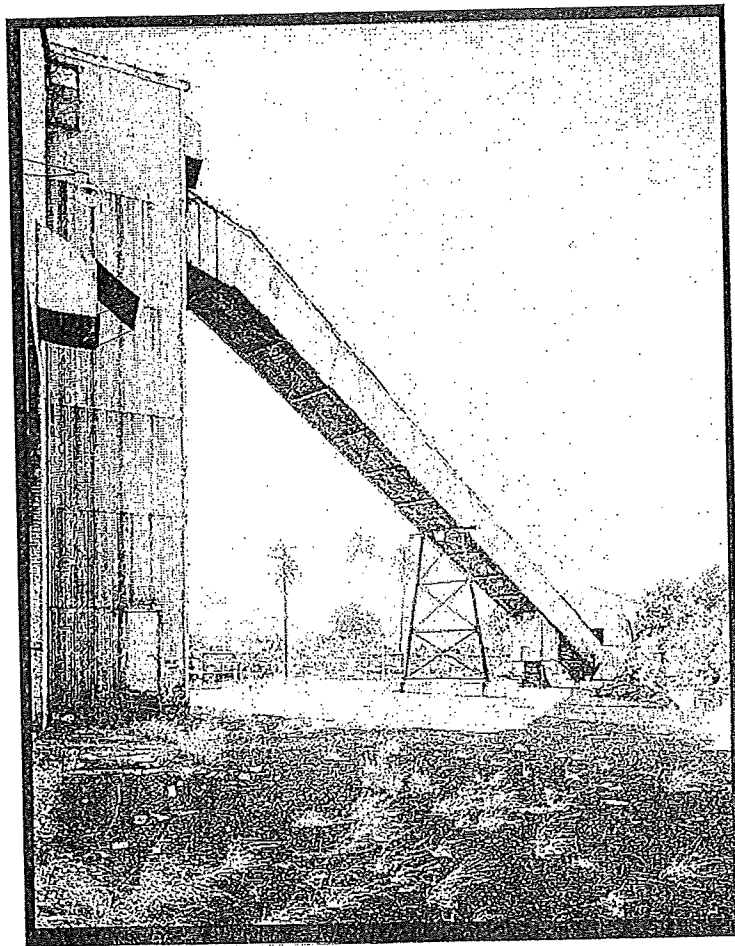
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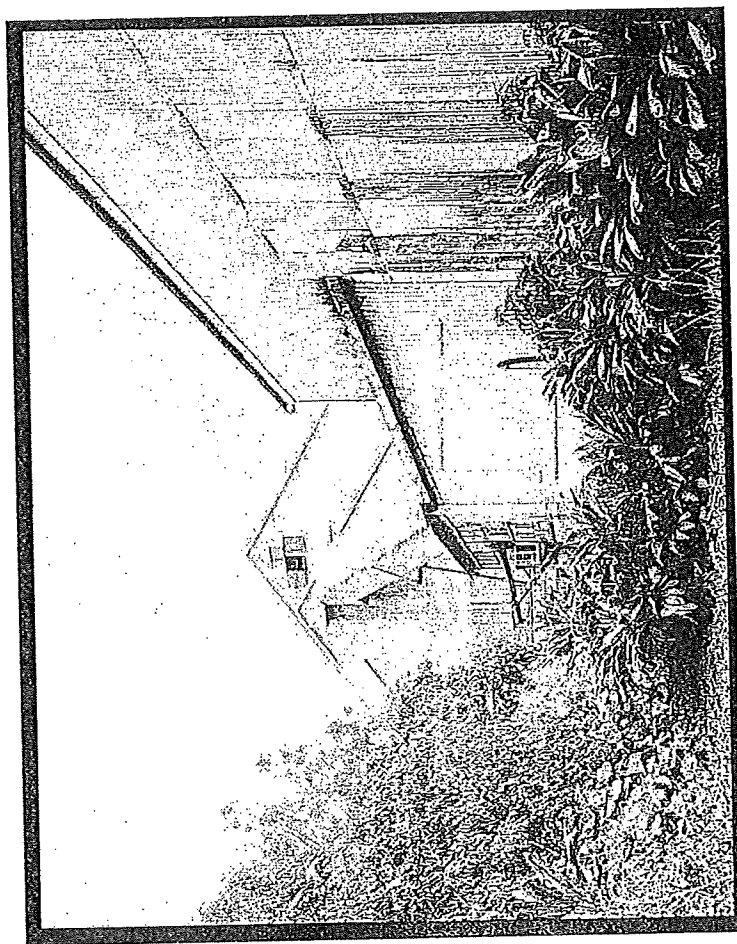
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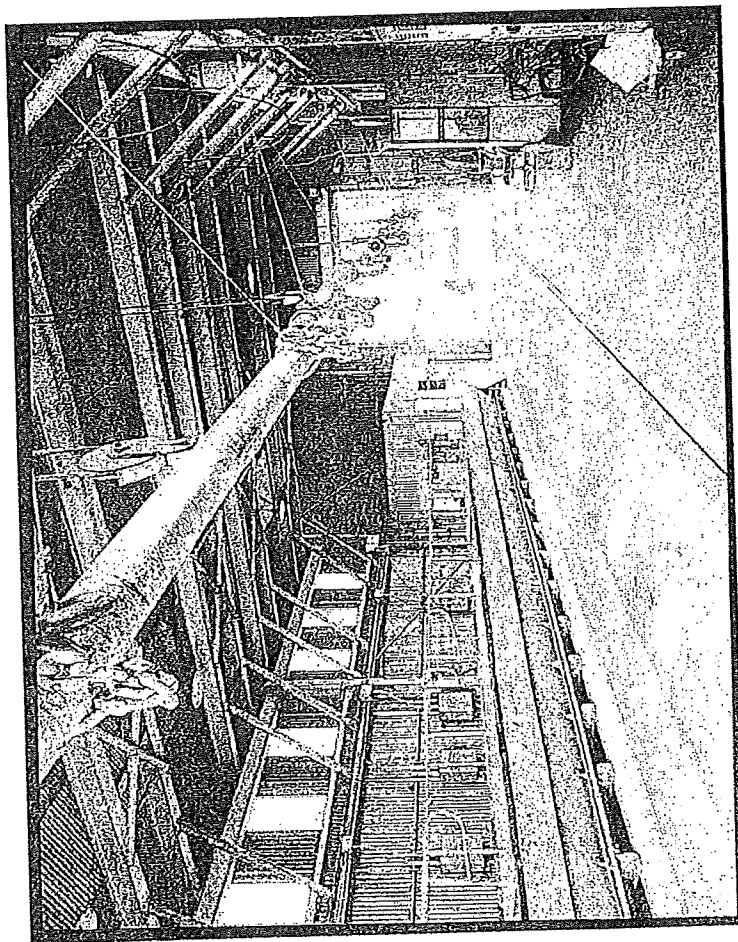
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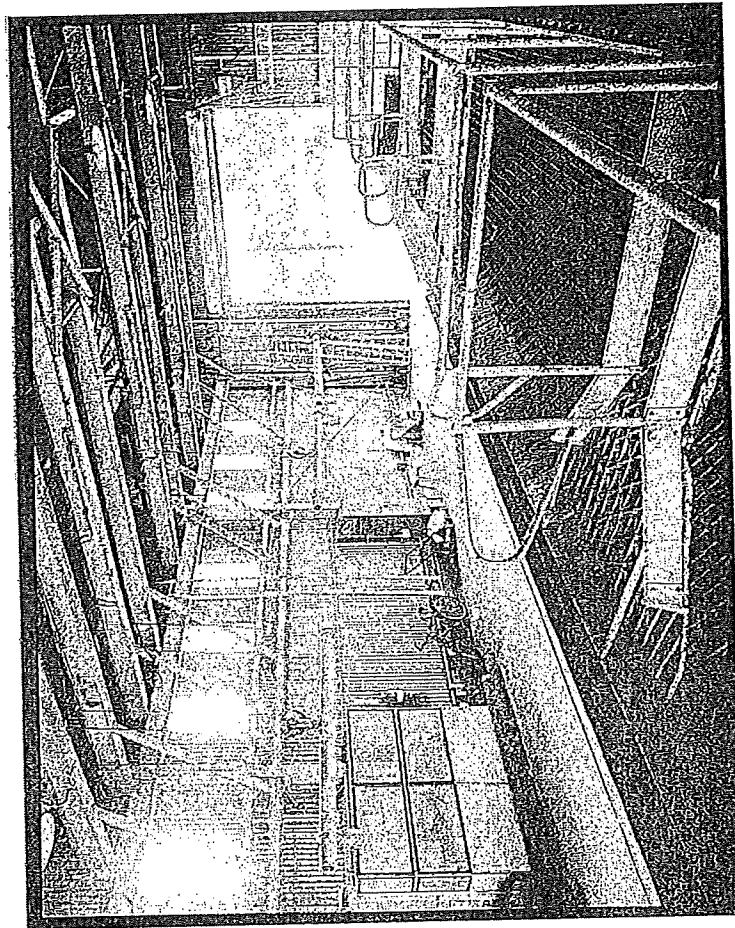
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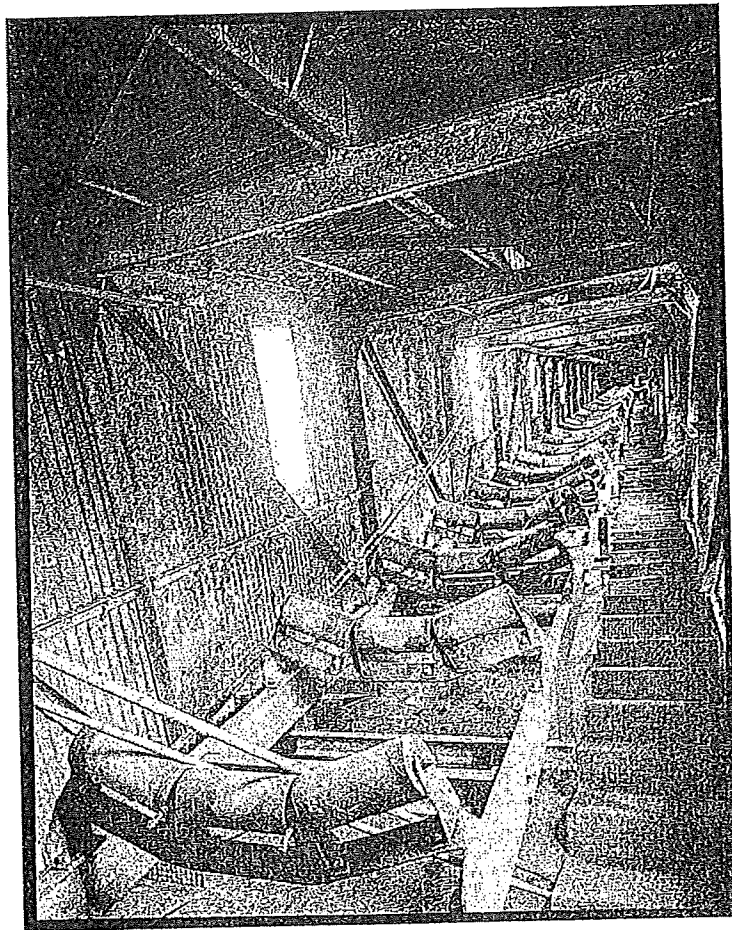
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SEE INDEX TO PHOTOGRAPHS FOR CAPTIONS

HABS No. HI-567-17



HISTORIC AMERICAN BUILDINGS SURVEY
SEE INDEX TO PHOTOGRAPHS FOR CAPTIONS

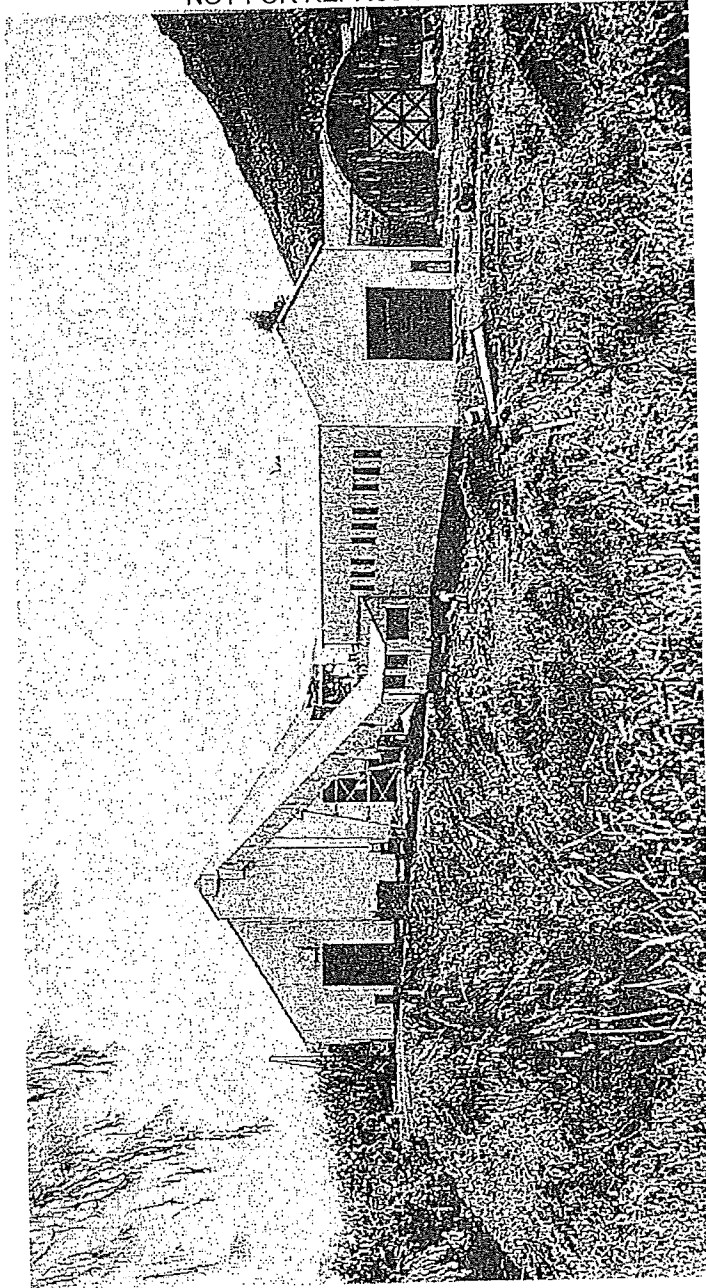
HABS No. HI-567-18



Photograph dated 1949 showing the warehouse, scale house, and conveyor 3 near completion.
Bishop Museum Archives, Accession # 2003.129, Folder 5, Kauai, Nawiliwili Harbor, Bulk Sugar Loading Facility 1949.

THIS FIGURE FOR REFERENCE USE ONLY

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THIS FIGURE FOR REFERENCE USE ONLY

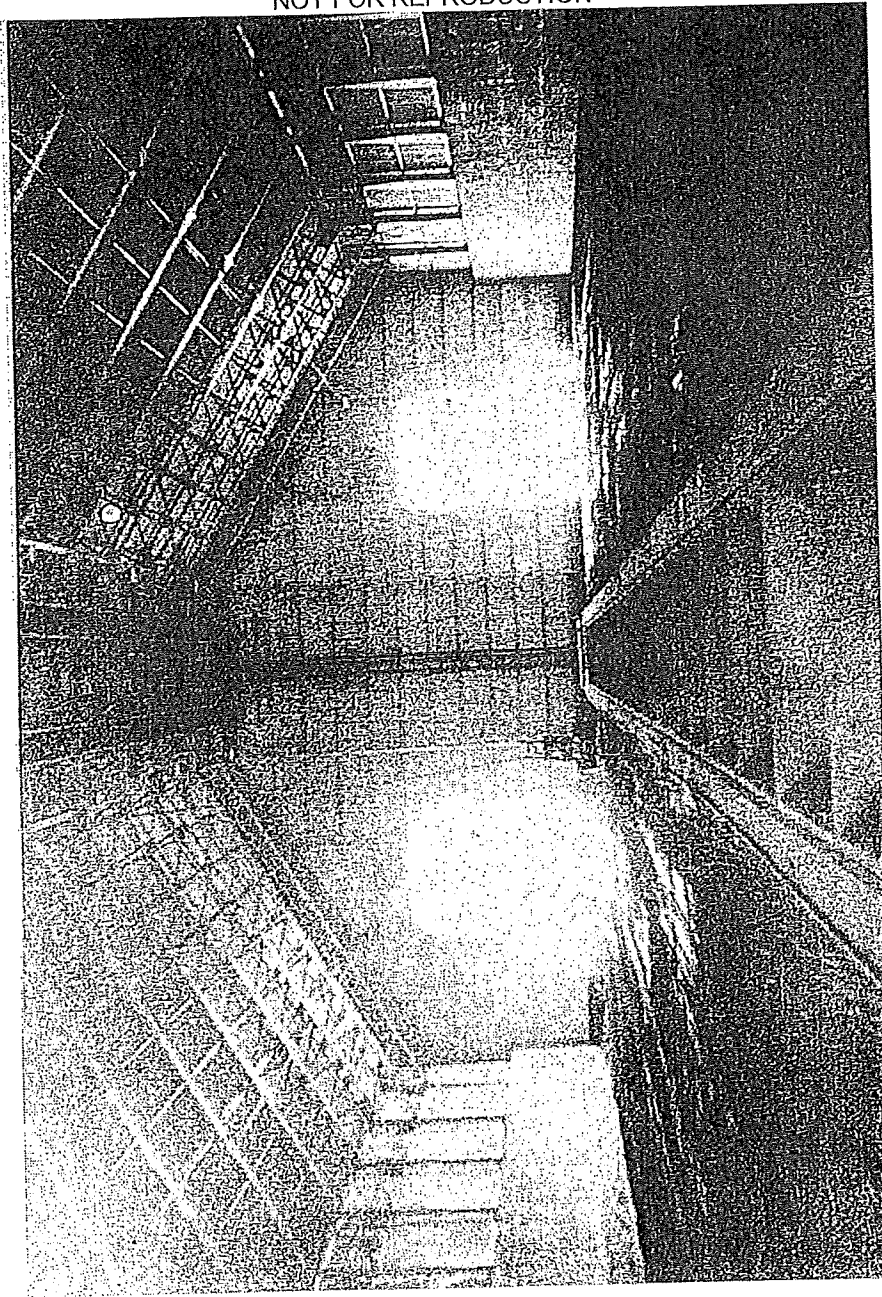
*****NOT FOR REPRODUCTION*****

Nawiliwili Bulk Sugar Storage Facility
HABS No. HI-567
FIELD NOTES (Page 2)

Photograph dated 1949 showing the interior of the warehouse. *Bishop Museum Archives, Accession # 2003.129, Folder 5, Kauai, Nawiliwili Harbor, Bulk Sugar Loading Facility 1949.*

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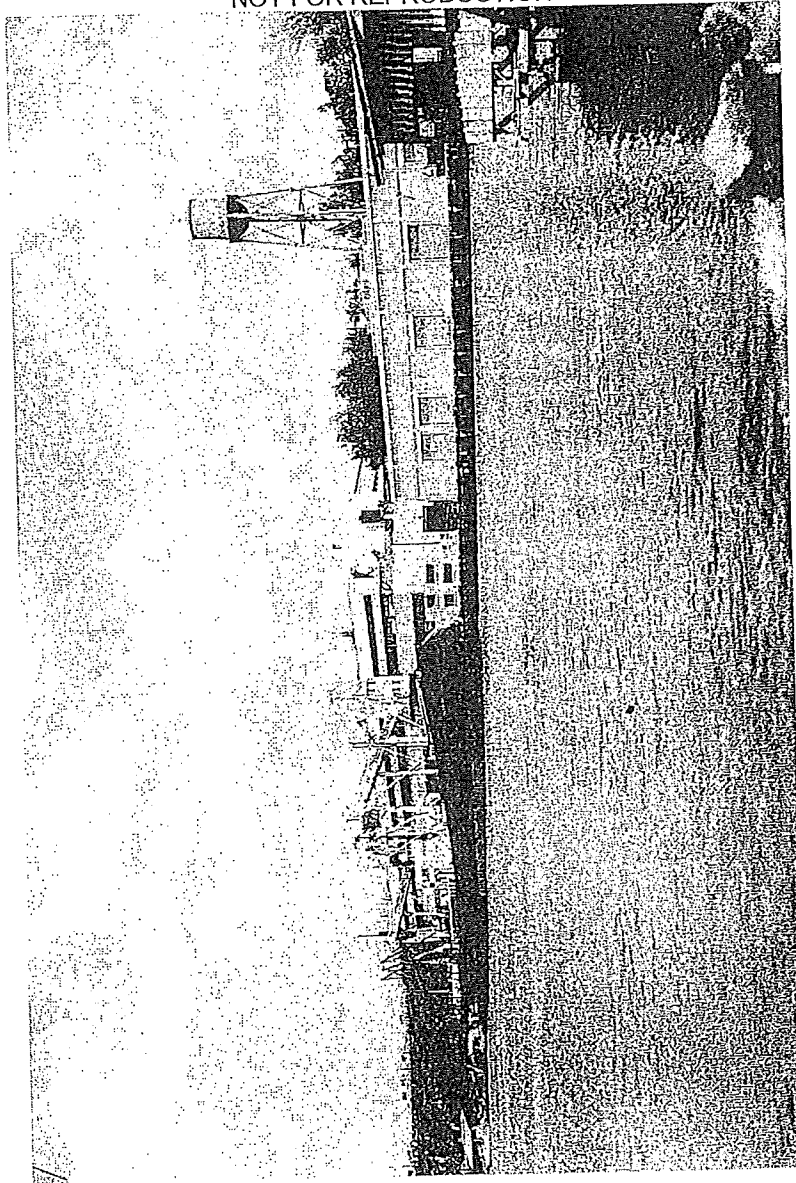
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Photograph dated April 1960 showing the warehouse (at center skyline) with originally configured southeast end and sidewalls. *Bishop Museum Archives, Folder; Geography, Kauai, Nawiliwili, 1900-, Folder 2. Photo EBM33401B, Ray Jerome Baker.*

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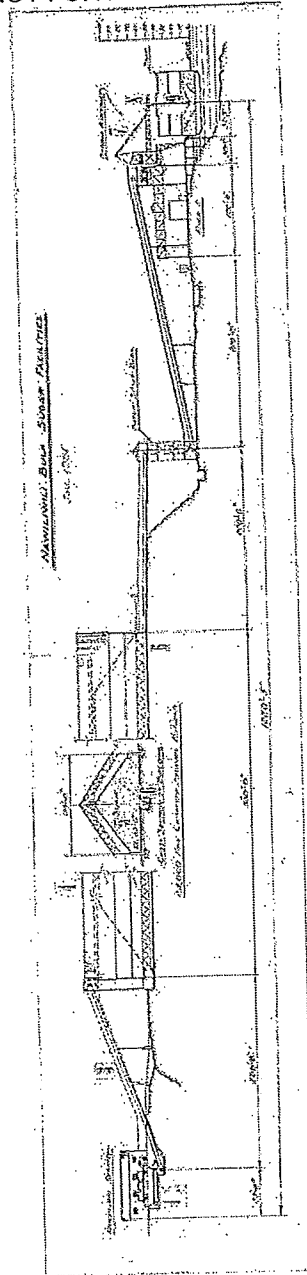
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Nawiliwili Bulk Sugar Storage Facility
HABS No. HI-567
FIELD NOTES (Page 4)

Drawing B-44 dated ca. 1951 showing the layout of the Bulk Sugar Facility. *Drawing is from the archives of Gay & Robinson, Kaumakani, HI.*

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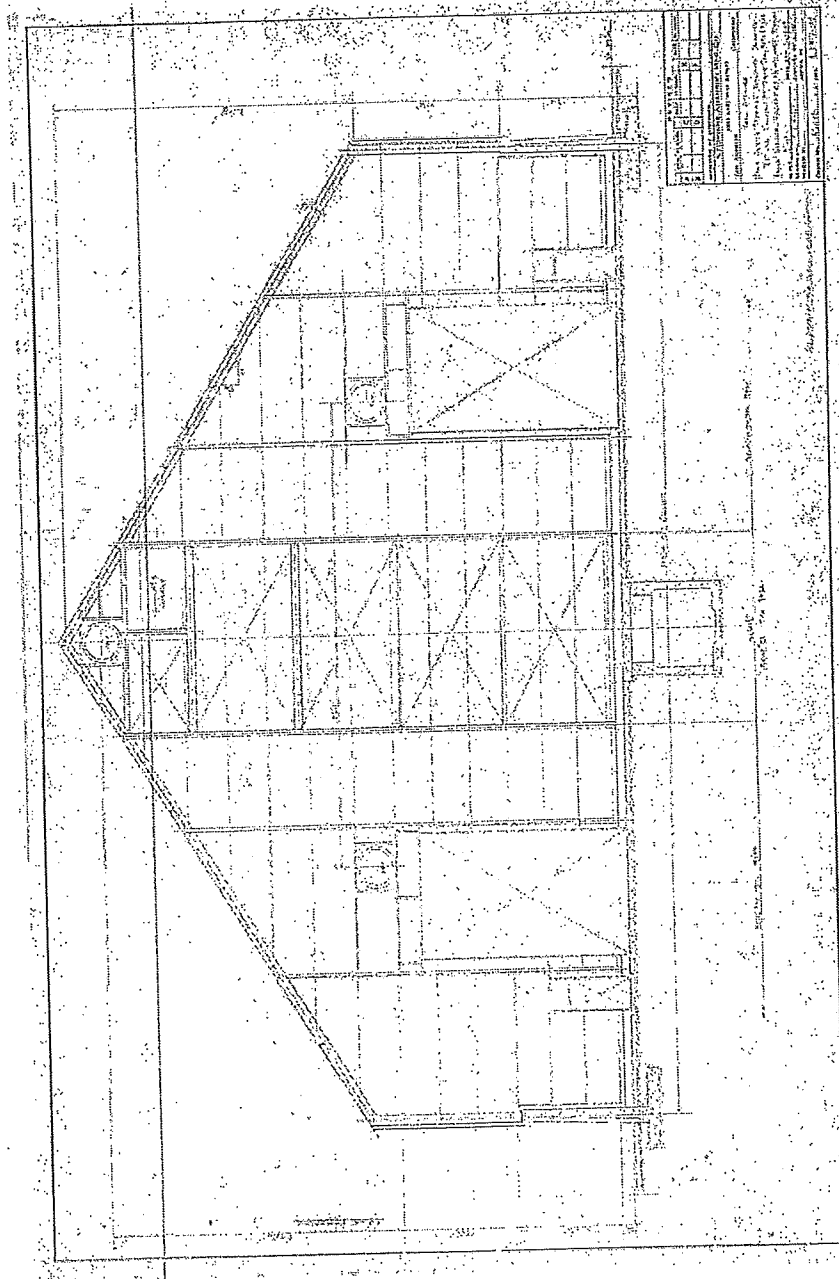
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Drawing L-3871-98 dated January 11, 1949 showing a typical cross section of the warehouse.
Drawing is an electronic file (pdf) at Island Self Storage/ Guardian Self Storage, 1481 Haleukana St.,
Lihue HI.

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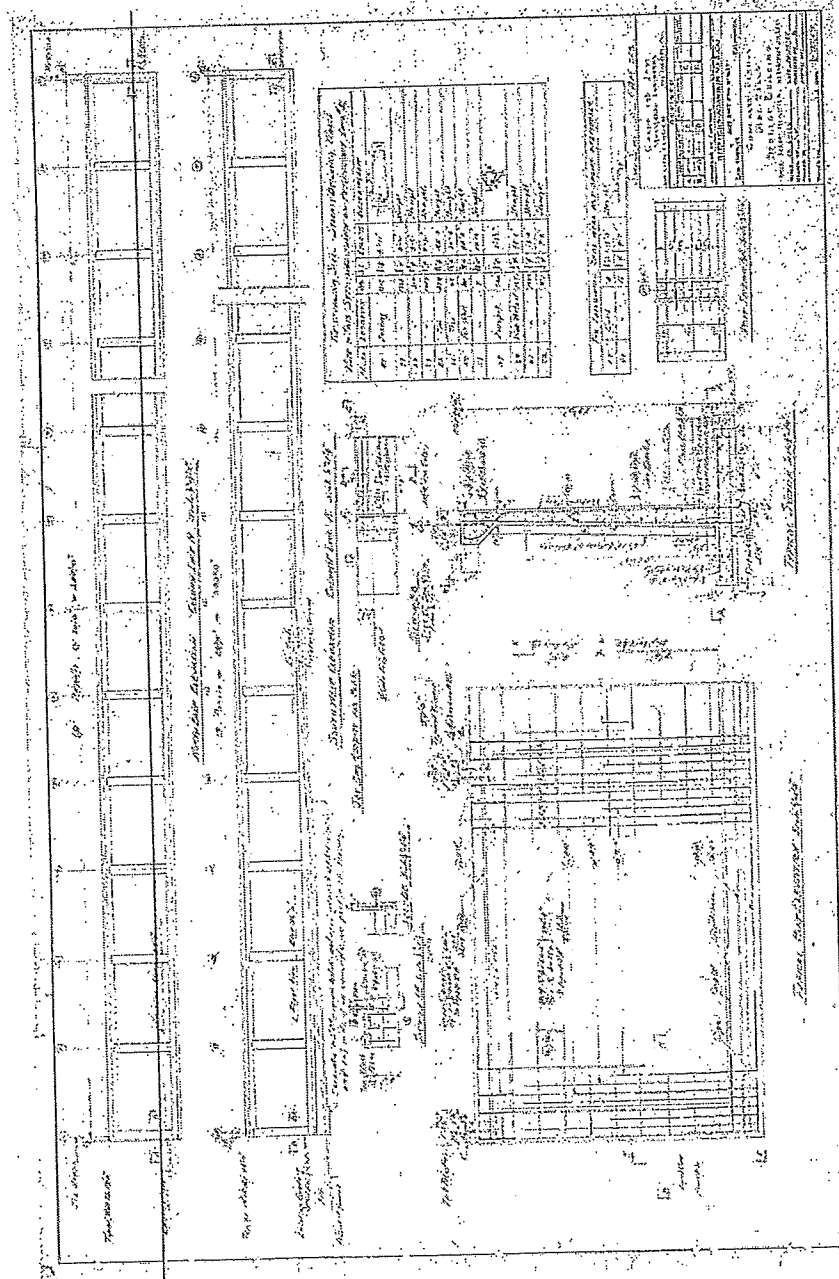
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Drawing L-3871-76 dated October 12, 1948 showing the side walls of the warehouse. Drawing is an electronic file (pdf) at Island Self Storage/ Guardian Self Storage, 1481 Haleukana St., Lihue HI.

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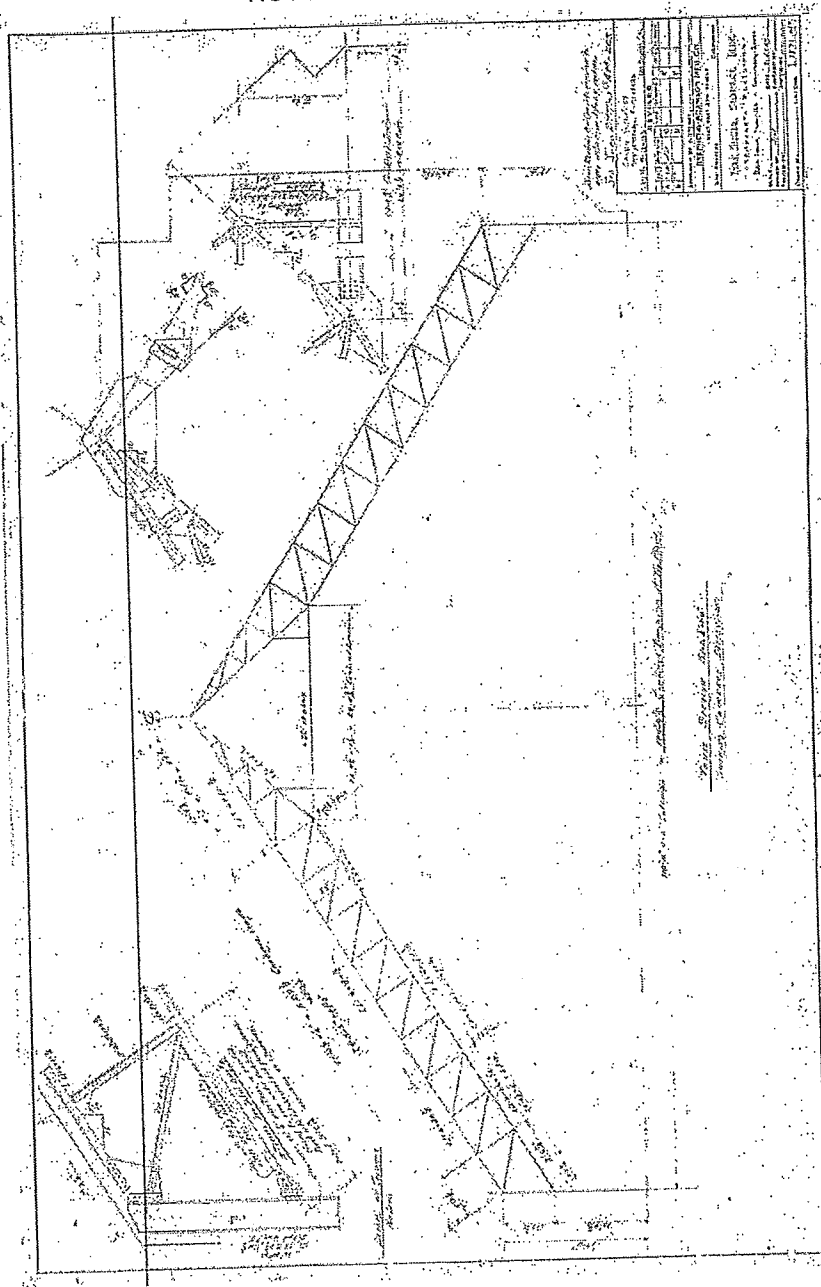
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Drawing L-3871-102 dated February 4, 1949 showing a typical roof truss of the warehouse.
Drawing is an electronic file (pdf) at Island Self Storage/ Guardian Self Storage, 1481 Haleukana St.,
Lihue HI.

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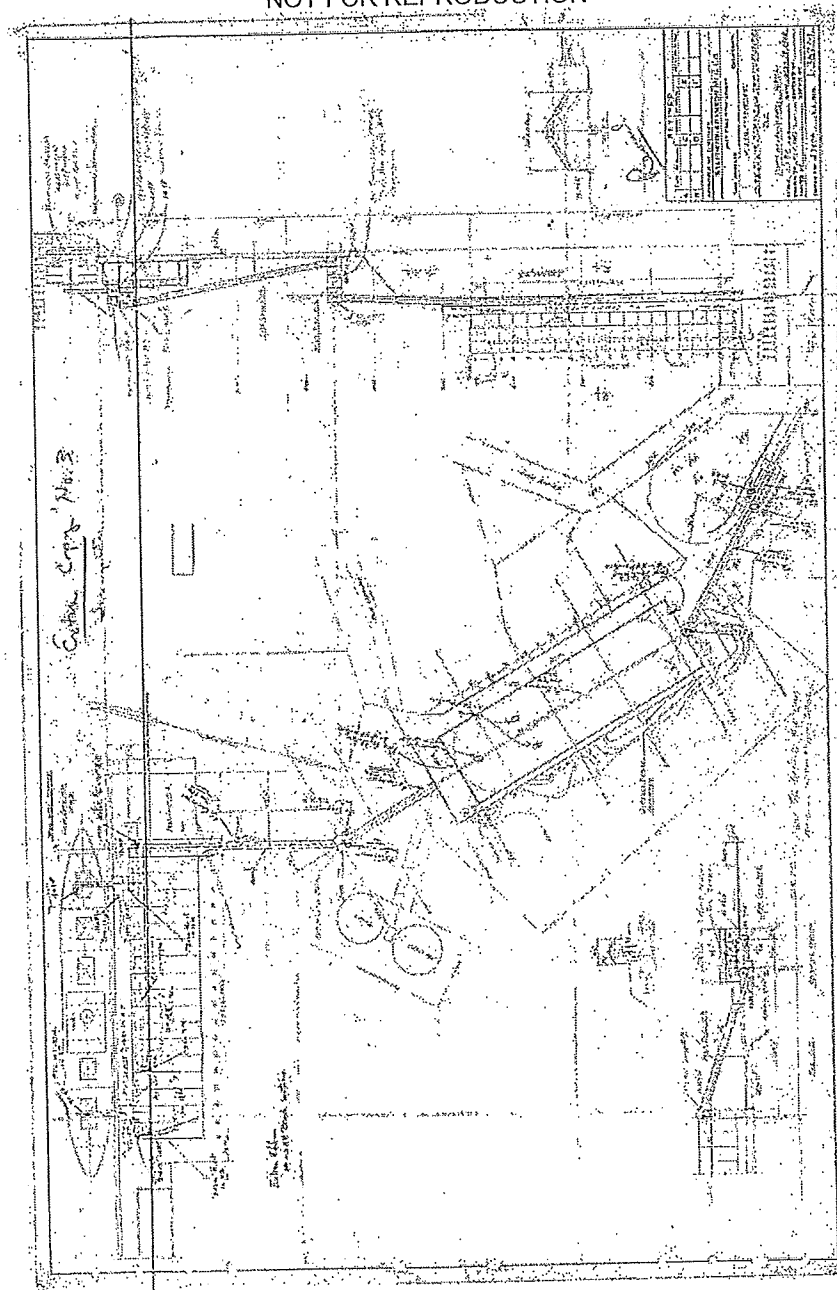
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Drawing L-3871-1 dated May 19, 1948 showing a plan of the bulk sugar facility at Nawiliwili.
Drawing is an electronic file (pdf) at Island Self Storage/ Guardian Self Storage, 1481 Haleukana St.,
Lihue HI.

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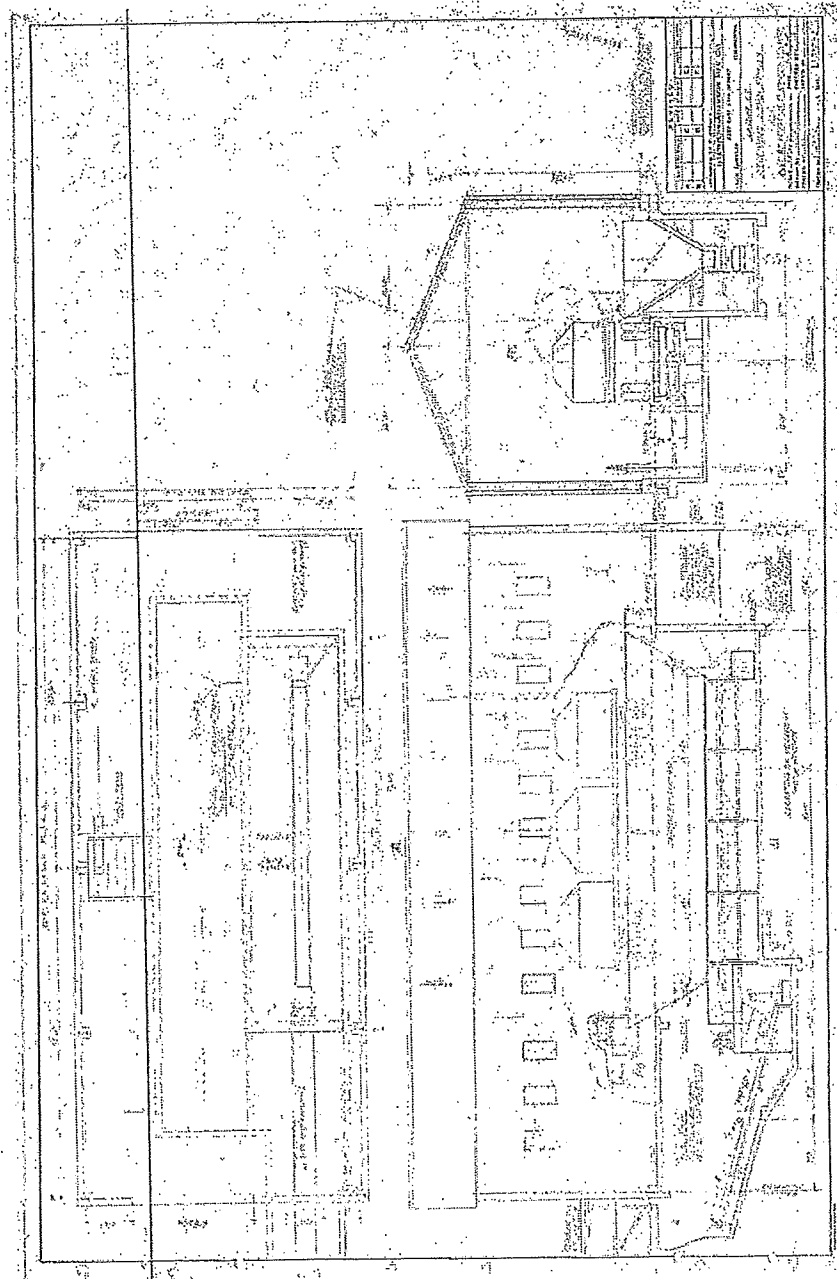
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Drawing L-3871-2 dated October 4, 1948 showing the scale house. Drawing is an electronic file (pdf) at Island Self Storage/ Guardian Self Storage, 1481 Haleukana St., Lihue HI.

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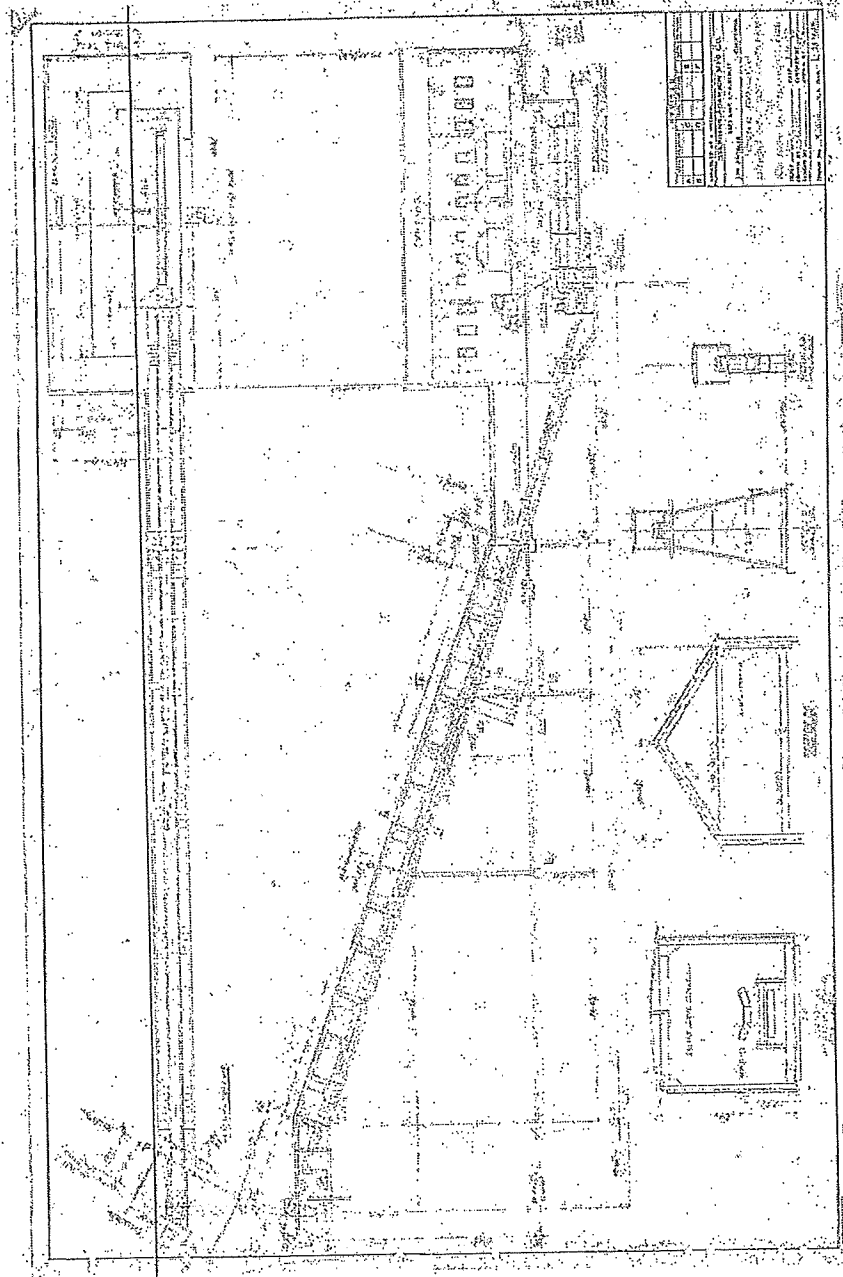
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Nawiliwili Bulk Sugar Storage Facility
HABS No. HI-567
FIELD NOTES (Page 10)

Drawing L-3871-13 dated April 16, 1948 showing conveyor 3. Drawing is an electronic file (pdf) at Island Self Storage/ Guardian Self Storage, 1481 Haleukana St., Lihue HI.

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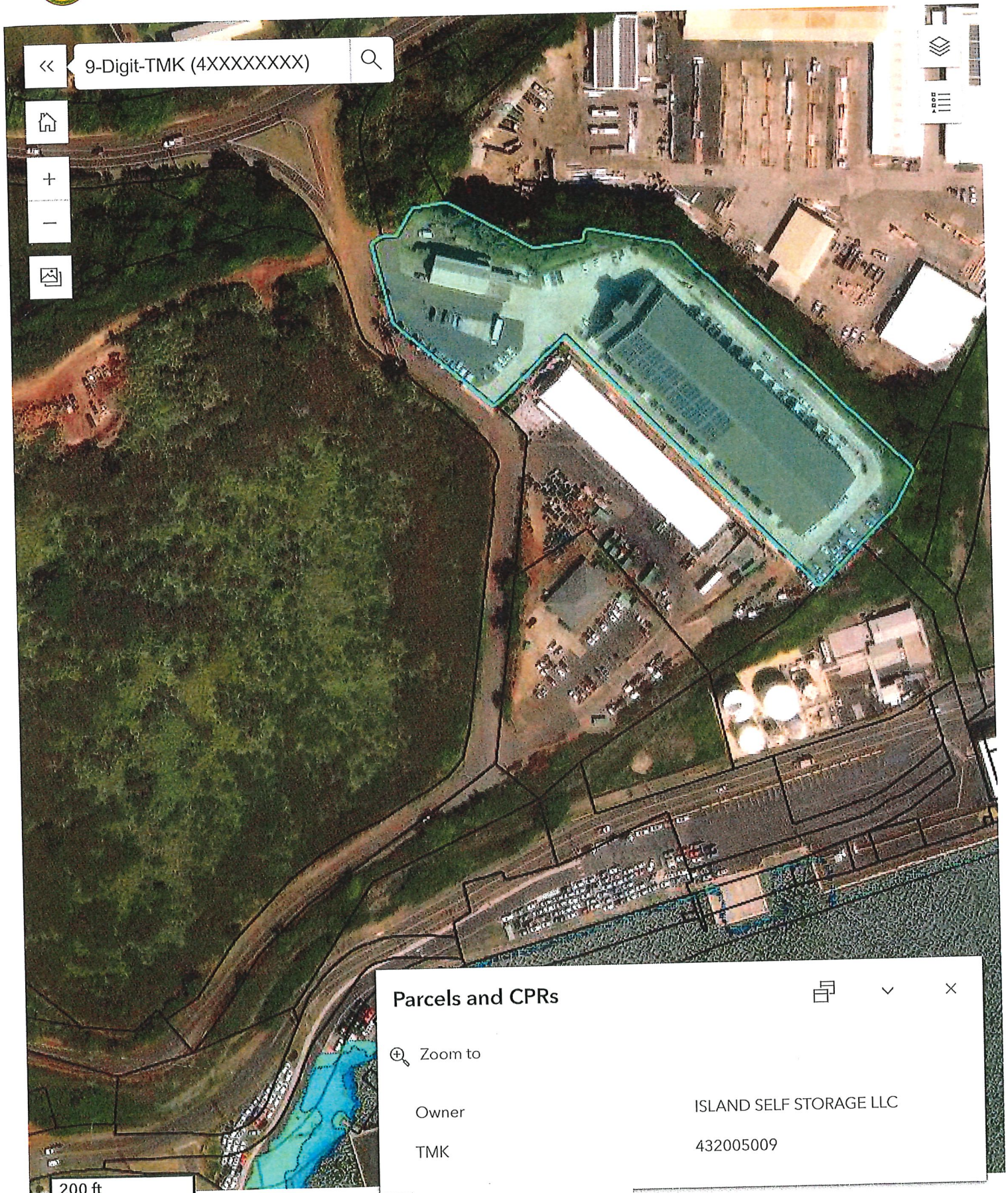
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EXHIBIT "F-3"



Kaua'i Sea Level Rise Constraint District Viewer



DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of Special Management Area Use Permit, Class IV Zoning Permit, and Use Permit for the construction of a two (2)-story warehouse building with two (2) residential units on the second floor and a four (4)-story warehouse storage building.

Permit Application Nos. Special Management Area Use Permit SMA(U)-2025-4
(Amend) Class IV Zoning Permit Z-IV-2015-12
(Amend) Use Permit U-2015-11

Name of Applicant(s) ISLAND SELF STORAGE, LLC
BELLES GRAHAM LLP, IAN K. JUNG, AUTHORIZED AGENT

II. PERMIT INFORMATION

PERMITS REQUIRED	
<input checked="" type="checkbox"/> Use Permit	Pursuant to Section 8-3.2 of the KCC, 1987, as amended, a Class IV Zoning Permit is a procedural requirement for obtaining a Use Permit in the General Industrial (I-G) area.
<input type="checkbox"/> Project Development Use Permit	
<input type="checkbox"/> Variance Permit	
<input type="checkbox"/> Special Permit	
<input checked="" type="checkbox"/> Zoning Permit Class <input checked="" type="checkbox"/> IV <input type="checkbox"/> III	Pursuant to Section 8-3.1 of the KCC, 1987, as amended, a Class IV Zoning Permit is a procedural requirement for obtaining a Use Permit in the General Industrial (I-G) area.
<input checked="" type="checkbox"/> Special Management Area Permit <input checked="" type="checkbox"/> Use <input type="checkbox"/> Minor	Pursuant to Section 205A of the Hawai'i Revised Statutes (HRS) and the Special Management Area (SMA) Rules and Regulations of the County of Kaua'i, a SMA Use Permit is required as defined in Section 7.3(C) of the SMA Rules and Regulations where the Director finds that the proposal (1) is a "Development" as defined in Section 1,4f; and (2) is in excess of \$500, 000.
AMENDMENTS	

<input type="checkbox"/> Zoning Amendment	
<input type="checkbox"/> General Plan Amendment	
<input type="checkbox"/> State Land Use District Amendment	

Date of Receipt of Completed Application: October 15, 2024

Date of Director's Report: November 13, 2024

Date of Public Hearing: December 10, 2024

Deadline Date for PC to Take Action (60TH Day): DECEMBER 14, 2024

III. PROJECT DATA

PROJECT INFORMATION			
Parcel Location:	The subject site is located in Līhu'e , about 411 feet north of Nāwiliwili Harbor and 209 feet south of the intersection of Nāwiliwili Road and Niumalu Road.		
Tax Map Key(s):	(4) 3-2-005:009	Area:	3.4540 acres
ZONING & DEVELOPMENT STANDARDS			
Zoning:	General Industrial (I-G)		
State Land Use District:	Urban		
General Plan Designation:	Urban Center		
Height Limit:	No building or portion thereof shall exceed fifty (50) feet		
Max. Land Coverage:	No parking lot pavement edge may be located closer than five feet from the right-of-way line of a public street.		
Parking Requirement:	One parking stall for each three employees, or one parking stall for every 500 square feet of gross floor area of the buildings where the number of employees is unknown; One parking stall designated for visitors for each 200 square feet of office space; and Parking spaces for trucks, equipment, or other vehicles used in the conduct of the business. Two (2) stalls area required per dwelling.		
Front Setback:	Minimum distance of any building from the right-of-way of a public or private street shall be 15 feet.		
Rear Setback:	Fifteen (15) feet		

Side Setback:	Minimum distance of any building from a side property line when the adjacent Use District is industrial shall be zero. When the adjacent Use District is other than industrial, the minimum distance to the side property line shall be 15 feet.
Community Plan Area:	Lihue Community Plan
Community Plan Land Use Designation:	
Deviations or Variances Requested:	

IV. LEGAL REQUIREMENTS

Section 8-3.1(f), KCC:	This report is being transmitted to the Applicant and Planning Commission in order to satisfy the requirements of Section 8-3.1 (f), relating to the provision of the Planning Director's report and recommendation on the subject proposal within sixty (60) days of the filing of a completed application. The application was received on October 15, 2024, and the Applicant, through its authorized agent, was notified accordingly of the Planning Department's intent to commence permit processing.
Public Hearing Date:	December 10, 2024

PROJECT DESCRIPTION AND USE

Since the early 1950s, the property was used by the Lihue Plantation Company (LPCo.) for bulk storage and weigh station of processed sugar intended for off-island shipment. Gay & Robinson Inc. acquired the property in 2001 from LPCo.

After sugar harvesting ended in 2010, the facilities became unused. However, the property was later leased to Garden Island Disposal for trailer storage. Today, the property has been developed and operates as a self-storage facility in accordance with Land Use Permits.

The former bulk storage building was converted into a self-storage facility in three phases. Each phase involved remodeling one-third of the building from the ground up, including the installation of three floors and elevators. The 50-foot-high building (measured to the top of the wall plate) was renovated into a four-story facility with a maximum capacity of 1,650 storage units of various sizes. Six elevators, designed to carry both people and storage items, provide access to the 2nd through 4th floors.

The Applicant proposes to construct a two-story storage facility with residential apartments (Building B) and a separate four-story storage facility on the property (Building C).

Building B will be a 4,323-square-foot, two-story building with additional storage units located on the ground floor. The upper floor will feature two residential apartments for employee housing. One apartment is 1,621 square feet with two bedrooms and two bathrooms, while the other is 1,406 square feet with one bedroom and one bathroom. The floor plan layouts are nearly identical, including a living area, kitchen/dining area, office, and balcony.

Building B features a shed-style roof that peaks at 20 feet, 9 inches at its highest point. The exterior combines painted concrete masonry block on the first floor with stucco on the second floor, topped by a metal roof finish. (Reference: Exhibit E, Page A03)

Building C will be a 20,333 square foot four-story building used for additional storage units. The building features a flat roof design at 48 feet in height. The exterior matches the theme of Building B with masonry and stucco finishes. (Reference: Exhibit E, Pages A06 and A07)

V. APPLICANT'S REASONS/JUSTIFICATION

Provide housing for employees at Island Self Storage facility.

VI. ADDITIONAL FINDINGS

1. The subject site is located near other industrial sites, including facilities for Garden Island Disposal, Honsador Lumber, Kauai Athletic Club, Reynolds Recycling, Grove Farm, Shell, and Nāwiliwili Harbor. Access to the site is off Niumalu Road.
2. The project site is within the State Land Use Designation (SLUD) Urban (U) District, which facilitates urban activities within the specified region. According to the Kaua'i County General Plan (GP), the Subject Properties carry a designation of "Urban Center." This designation replaced "Neighborhood Center" and "Neighborhood General." The "Urban Center" is applied to urbanized areas that accommodate intensive urban uses and zoning as general commercial and general industrial.
3. The subject site has been previously disturbed and developed. The topography is relatively flat and as represented, no anticipated grading will occur. The proposed development will use existing drainage pattern on site and will not alter the any permeable surfaces. The current drainage will continue to be managed by an existing drainage ditch located on land controlled by the State Department of Transportation as part of the Nāwiliwili Harbor facilities.
4. The subject site is not a shoreline abutting property and is within Zone X according to the Federal Emergency Management Agency/ Flood Insurance Rate Map (FEMA/ FIRM). Any additional surface water from the project will be contained on-site. The subject site is not impacted by coastal hazards such as annual wave run up, passive flooding, or coastal erosion. The parcel is outside of the tsunami evacuation zone and the County of Kaua'i Sea Level Rise Constraint District.
5. CZO Development Standards
The proposed development is subjected to standards prescribed in Sections 8-4.3 and 8-7.3 of the KCC 1987 as amended Comprehensive Zoning Ordinance (CZO):

- a. **Setback Requirements:** The setback requirements for County Zone General Industrial are as follows:
 - **Front:** Minimum distance of any building from the right-of-way of a public or private street shall be 15 feet.
 - **Side:** Minimum distance of any building from a side property line when the adjacent Use District is industrial shall be zero. When the adjacent Use District is other than industrial, the minimum distance to the side property line shall be 15 feet.
 - **Rear:** Fifteen (15) feet
- b. **Height Requirements:** No building or portion thereof shall exceed fifty (50) feet
- c. **Setback between buildings:** The minimum distance between detached buildings on the same parcel shall be 10 feet.
- d. **Parking Requirements:**
 - One parking stall per three employees, or one stall per 500 square feet of building area if the number of employees is unknown.
 - One designated visitor parking stall for every 200 square feet of office space.
 - Parking spaces for trucks, equipment, or other business-use vehicles.
- e. **Land/ Lot Coverage:** No parking lot pavement edge may be located closer than five feet from the right-of-way line of a public street.

VII. AGENCY COMMENTS

Attached through separate transmittal.

VIII. PRELIMINARY EVALUATION

In evaluating the Applicant's request to allow the construction of the proposed development, the following should be considered:

1. General Plan

The proposed development was evaluated through the following policies of the General Plan, as taken from Sections 1.4 and 3.0:

a. Section 1.4, entitled "POLICIES TO GUIDE GROWTH"

- i. Policy #6 "Reduce the Cost of Living" -The proposed development offer benefits related to commute and car usage. The mixed-use proposal allows residents to live and work in the same location. Mixed-use developments help maximize the efficiency of urban spaces by combining functions within a single property. Reducing car use can help residents save on fuel, maintenance, and parking expenses.

b. Section 3.0, Actions by Sector, Subsection Sector II, entitled "Housing" -Chapter 2. In fill Housing states for permitting:

- i. Design and locate affordable housing projects in or near job centers to minimize household transportation costs, community and household fossil fuel usage, and traffic congestion.

Placing housing close to employment can offer significant savings on transportation costs, such as fuel and vehicle maintenance. Lower transportation expenses can increase disposable income, allowing residents to save more and allocate funds to other essential needs, enhancing their financial well-being. On-site work housing ensures convenience, which can boost productivity and job satisfaction.

2. Native Hawaiian Traditional Cultural Rights

The bulk storage building which was constructed around 1950 was used for sugar storage operations and industrial purposes until 2010. The property maintained partial active use as a weigh station and trailer storage for Garden Island Disposal. The applicant has conducted research and discussions with relevant individuals and determined there are no known traditional or customary Native Hawaiian cultural practices occurring on the subject site.

3. Special Management Area (SMA) Rules and Regulations

The COK SMA Rules and Regulations contain objectives, policies and guidelines designed to protect coastal resources. Within the SMA, special consideration is given to recreational opportunities, cultural and historic resources, scenic qualities and open space, coastal ecosystems, and coastal hazards. In evaluating the proposed development relative to the goals and objectives of the SMA Rules and Regulations, the following aspects are taken into consideration:

- a. Public Access and Coastal Recreation – The subject site does not currently have any public recreational opportunities. The proposed development will have minimal negative impacts on any public recreational uses on adjacent properties. The proposed development will not directly affect existing public access to beaches, rivers, or mountains in the surrounding area.
- b. Cultural/ Historical Resources – The proposed development is not expected to significantly impact any historic, cultural, or archaeological resources on or near the property. While

the previous renovation of the bulk sugar facility required both an Archaeological Monitoring Plan and Historic American Building Survey, no surface indicators suggest the presence of subsurface cultural deposits. The Applicant will update the existing Archaeological Monitoring Plan to cover the new construction.

- c. Scenic and Open Space Resources - The proposed development will have minimal negative impacts on the scenic and open space resources in and around the property. Any visual impacts from Nāwiliwili or Rice Street will be sufficiently mitigated with existing buildings and painting the new structures in earth-toned colors to minimize visual impacts. The project will be compatible with and blend into the existing earth-toned colored structures in the surrounding area.
- d. Coastal Ecosystems – The subject site is about 500 feet from the Nāwiliwili Harbor facilities and not near any coastal ecosystem. The proposed development is designed to prevent significant impacts, with erosion and runoff managed on-site. No negative effects on the coastal ecosystem are expected.

Coastal Hazards – The subject site is located approximately 1500 to 1600 feet from the shoreline and on a 100 foot high cliff bluff. The proposed development will manage and erosion and run-off on-site during and after consecution. The property is also outside of the County of Kaua’i’s Sea Level Constraint District. There are no negative effects anticipated on the coastal environment.

4. CZO Development Standards

As proposed the project complies with the land coverage and setback requirements for development within the General Industrial (I-G) zone designation as specified in Sections 8-4.3 and 8-7.3 of the Comprehensive Zoning Ordinance (CZO).

Finally, it is uncertain as to whether the Applicant has made provisions for night illumination with the project, based on the preliminary plans that have been submitted. If so, night illumination should be designed to minimize adverse impacts on the Federally Listed Threatened Species, Newell’s Shearwater and other seabirds. Night lighting should be shielded from above and directed downwards and shall be approved by the U.S. Dept. of the Interior Fish and Wildlife Service. If external lighting is to be used in connection with the proposed project, all external lighting should be only of the following type: *downward-facing shielded lights*. Spotlights aimed upward or spotlighting of structures is prohibited.

5. Use Permit

- a. Pursuant to Article 3 of the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kaua’i County Code (1987), the purpose of the Use Permit Procedure is to assure the proper integration into the community of uses which may be suitable only in specific locations of a district, or only under certain conditions, or only if the uses are designed, arranged or conducted in a particular manner, and to prohibit the uses if proper integration cannot be assured. Section 8-3.2 of the CZO specifies a Use Permit may be granted only if the Planning Commission finds that the use meets the following criteria:

- 1) The use must be a compatible use;
- 2) The use must not be detrimental to persons or property in the area;
- 3) The use must not cause substantial environmental consequences; and
- 4) The use must not be inconsistent with the intent of the Comprehensive Zoning Ordinance (CZO).

b. Based on the foregoing, the following aspects are considered:

1. **Compatible Use** – The residential apartments are compatible with the surrounding area. Industrial zones are typically designated for manufacturing, warehousing, and other high-intensity business uses that can be noisy, involve heavy traffic, and produce emissions, such as dust or chemicals. The Island Self Storage is not anticipated to any of the hazards that is normally found within heavy industrialized areas.
2. **Non-Detrimental to Persons or Property**- As noted above, industrial areas may have hazards that are detrimental to the health of its residence such as exposure to harmful chemicals, excessive noise levels, industrial waste, or heavy machinery. The operation of the self-storage facility is not anticipated to have any types of negative harmful effects to its residents.
3. **Minimal Environmental Consequences**- Environmental consequences must be carefully considered when integrating residential apartments into industrial zones. Placement of the residence on the northeastern portion of the parcel will mitigate dust and noise effects of the operation of the facility. Other mitigations should be considered such as air filters and noise buffers to the residence.
4. **Consistent with Zoning Intent**- Industrial zoning is typically intended to separate industrial activities from residential and commercial areas to prevent conflicts between uses. Zoning regulations are established to ensure that residential areas are not located near industrial hazards. However, given the minimal industrial use of a self-storage facility, adverse negative effects are not anticipated to the proposed mix use of the property.

IX. PRELIMINARY CONCLUSION

Based on the foregoing analysis, it is determined that through proper mitigative measures the proposed development complies with the policies of the County General Plan, Comprehensive Zoning Ordinance, and guidelines of the Special Management Area Rules and Regulations. It is further noted that:

1. The development should not have any substantial adverse environmental or ecological effect.
2. The proposed development should not have any detrimental impact to the environment or the surrounding area and be in compliance with the criteria outlined for the granting of a Special Management Area Use Permit. The Applicant should institute the "Best Management Practices" to ensure that the operation of this facility does not generate impacts that may affect the health, safety, and welfare of those in the surrounding area of the proposal.

Furthermore, the proposal DOES NOT:

- involve dredging, filling, or otherwise altering any bay, estuary, salt marsh, river mouth, slough or lagoon;
- reduce the size of any beach or other area usable for public recreation;
- reduce or impose restrictions upon public access to tidal and submerged lands, beaches, rivers or streams within the special management area; and
- adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, estuarine sanctuaries or existing agricultural uses of land.

X. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby recommended that the construction of a two (2)-story warehouse building with two (2) residential units on the second floor and a four (4)-story warehouse storage building through Special Management Area Use Permit SMA(U)-2025-4, the Amendments to Class IV Zoning Permit Z-IV-2015-12, and Amendments to Use Permit U-2015-11, to be **approved**. If approved, the following conditions shall be implemented (See Exhibit A for original conditions of approval).

1. The operation of this facility shall be limited to the representation as noted in the petition. Any changes to said structures and/or facilities shall be reviewed by the Planning Department to determine whether Planning Commission review and approval is warranted.
2. In order to further ensure that the project is compatible with its surroundings and to minimize the visual impact of the structure, the external color shall be of a moderate to dark earth-tone color, and the Applicant shall provide substantial landscaping. Additionally, the proposed color scheme shall be consistent with the color palette introduced through the Lihu'e Town Core Plan (L TCP) and a landscape plan shall be submitted to the Planning Department for review and acceptance prior to building permit application.
3. In order to minimize adverse impacts on the Federally Listed Threatened Species, Newell's Shearwater and other seabirds, all external lighting shall be only of the following type: downward facing shielded lights. Spotlights aimed upward or spotlighting of structures or

physical features shall be prohibited.

4. The Applicant shall be responsible for the maintenance of the site in a clean and orderly manner; solid waste such as incidental rubbish, and other waste shall not be permitted to accumulate on site. Disposal of such material shall be in compliance with all applicable State Department of Health rules and regulations.

~~{5.} [In order to minimize dust emissions to neighboring properties, the Applicant shall continue to water down the stockpile area as well as the driveway leading up to the portion of the building that's occupied by Pacific Concrete Coring & Cutting, Inc. (PCCC), and possibly constructing dust fences/screens that are of adequate height along the southern end of the building.]~~

5[6]. Prior to building permit approval, the Applicant shall execute a "Waiver & Indemnity" agreement that absolves the County from any damages or liability if it is found that the industrial district is causing unforeseen impacts to the resident and/or residential unit.

6[7]. The use of this facility shall be limited to those hours represented in the petition. The self-storage facility will operate every day, between 5:00 a.m. to 10:00 p.m. Similarly, the material resource recovery operations will occur every day, between 6:00 a.m. to 5 :00 pm. ~~{If the noise generated by the material resource recovery facility results in adverse impacts the nearby residential subdivision to the northwest, the Applicant shall be required to revise their operation hours such that the concerns are properly addressed and mitigated.}~~

7[8]. All off-street parking stalls required for this project shall be paved and striped as represented on the project site development plan.

8[9]. Pursuant to Chapter 11 A of the Kauai County Code, as amended, the Applicant shall remit payment of an Environment Impact Assessment Fee based on twenty-five cents (25¢) per square foot of gross self-storage floor area, and \$100 per each required off-street parking stall for the office space.

~~{10.} [Prior to building permit approval, the Applicant shall consult with SHPD's Architectural Branch to resolve the proposed exterior improvements to the bulk sugar building in order to retain as much as possible the look of the building as it historically existed, with minimal alterations as necessary. Correspondences indicating resolution of this concern shall be forwarded to the Planning Department for its records.]~~

9[11]. The Applicant shall resolve and comply with the applicable standards and requirements set forth by the State Health Department, State Historic Preservation Division-DLNR, Office of Hawaiian Affairs, and the County Departments of Public Works, Fire & Water.

10[12]. The Applicant shall develop and utilize Best Management Practices (BMP's) during all phases of development in order to minimize erosion, dust, and sedimentation impacts of the project to abutting properties.

11[13]. ~~The Applicant is advised that -[s]~~ Should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archeological/historical findings shall immediately cease and the Applicant shall contact the State Department of Land and Natural Resources - Historic Preservation Division [at (808) 692-8015] and the County of Kaua'i, Department of Planning [Planning Department at (808) 241-4050].

12[14]. The Applicant is advised that additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).

13. To the extent possible within the confines of union requirements and applicable legal prohibitions against discrimination in employment, the Applicant shall seek to hire Kaua'i contractors as long as they are qualified and reasonably competitive with other contractors and shall seek to employ residents of Kaua'i in temporary construction and permanent resort-related jobs. It is recognized that the Applicant may have to employ non- Kauai residents for particular skilled jobs where no qualified Kaua'i residents possesses such skills. For the purposes of this condition, the Commission shall relieve the Applicant of this requirement if the Applicant is subjected to anti-competitive restraints on trade or other monopolistic practices.

14. The Applicant shall implement to the extent possible sustainable building techniques and operational methods for the project, such as Leadership in Energy and Environmental Design (L.E.E.D.) standards or another comparable state-approved, nationally recognized, and consensus-based guideline, standard, or system, and strategies, which may include but is not limited to recycling, natural lighting, extensive landscaping, solar panels, low-energy fixtures, low energy lighting and other similar methods and techniques. All such proposals shall be reflected on the plans submitted for building permit review.

15. The Planning Commission reserves the right to revise, add or delete conditions of approval in order to address or mitigate unforeseen impacts that the project may create, or revoke the permits through the proper procedures should conditions of approval not be complied with or violated.

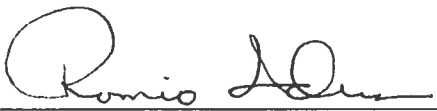
16. Unless otherwise stated in the permit, once permit is issued, the Applicant must make substantial progress, as determined by the Director, regarding the development or activity within two (2) years, or the permit shall be deemed to have lapsed and be no longer in effect.

The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled

for December 10, 2024, whereby the entire record should be considered prior to decision making. The entire record should include but not be limited to:

- a. Pending government agency comments;
- b. Testimony from the general public and interested others; and
- c. The Applicant's response to staff's report and recommendation as provided herein.

***NOTE: Material to be deleted in brackets and strikethrough, and new material is underlined.**

By 
ROMIO IDICA
Planner

Approved & Recommended to Commission:

By 
KA'ĀINA S. HULL
Director of Planning

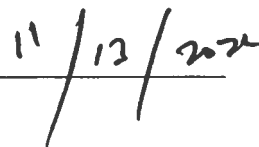
Date: 

EXHIBIT "A"

Angela Anderson
Chair

Sean Mahoney
Vice-Chair

Louis Abrams
Hartwell Blake
Wayne Katayama
Jan Kimura
Amy Mendonca
Members



Michael A. Dahilig
Clerk of the Commission

PLANNING COMMISSION
County of Kaua'i, State of Hawai'i
4444 Rice Street
Kapule Building, Suite A-473
Līhu'e, Hawai'i 96766-1326
TEL (808) 241-4050 FAX (808) 241-6699

FEB 26 2015

Lorna A. Nishimitsu, Esq., Authorized Agent
BELLES GRAHAM PROUDFOOT WILSON & CHUN, LLP.
Watumull Plaza
4334 Rice Street, Suite 202
Līhu'e, Hawai'i 96766

Subject: Class IV Zoning Permit Z-IV-2015-12
Use Permit U-2015-11
Tax Map Key: (4) 3-2-005:009
Nāwiliwili, Kaua'i
ISLAND SELF STORAGE LLC., Applicant

Dear Ms. Nishimitsu,

This letter memorializes the action taken by the Kaua'i Planning Commission effective February 24, 2015 concerning approval of the above subject permits. The approval, per your consent, is subject to the following conditions:

1. The operation of this facility shall be limited to the representation as noted in the petition. Any changes to said structures and/or facilities shall be reviewed by the Planning Department to determine whether Planning Commission review and approval is warranted.
2. In order to further ensure that the project is compatible with its surroundings and to minimize the visual impact of the structure, the external color shall be of a moderate to dark earth-tone color, and the Applicant shall provide substantial landscaping. Additionally, the proposed color scheme shall be consistent with the color palette introduced through the Līhu'e Town Core Plan (LTCP) and a landscape plan shall be submitted to the Planning Department for review and acceptance prior to building permit application.

EXHIBIT "A"

An Equal Opportunity Employer

3. In order to minimize adverse impacts on the Federally Listed Threatened Species, Newell's Shearwater and other seabirds, all external lighting shall be only of the following type: downward facing shielded lights. Spotlights aimed upward or spotlighting of structures or physical features shall be prohibited.
4. The Applicant shall be responsible for the maintenance of the site in a clean and orderly manner; solid waste such as incidental rubbish, and other waste shall not be permitted to accumulate on site. Disposal of such material shall be in compliance with all applicable State Department of Health rules and regulations.
5. In order to minimize dust emissions to neighboring properties, the Applicant shall continue to water down the stockpile area as well as the driveway leading up to the portion of the building that's occupied by Pacific Concrete Coring & Cutting, Inc. (PCCC), and possibly constructing dust fences/screens that are of adequate height along the southern end of the building.
6. Prior to building permit approval, the Applicant shall execute a "Waiver & Indemnity" agreement that absolves the County from any damages or liability if it is found that the industrial district is causing unforeseen impacts to the resident and/or residential unit.
7. The use of this facility shall be limited to those hours represented in the petition. The self-storage facility will operate every day, between 5:00 a.m. to 10:00 p.m. Similarly, the material resource recovery operations will occur every day, between 6:00 a.m. to 5:00 pm. If the noise generated by the material resource recovery facility results in adverse impacts the nearby residential subdivision to the northwest, the Applicant shall be required to revise their operation hours such that the concerns are properly addressed and mitigated.
8. All off-street parking stalls required for this project shall be paved and striped as represented on the project site development plan.
9. Pursuant to Chapter 11A of the Kauai County Code, as amended, the Applicant shall remit payment of an Environment Impact Assessment Fee based on twenty-five cents (25¢) per square foot of gross self-storage floor area, and \$100 per each required off-street parking stall for the office space.
10. Prior to building permit approval, the Applicant shall consult with SHPD's Architectural Branch to resolve the proposed exterior improvements to the bulk

Lorna A. Nishimitsu, Esq., Authorized Agent
BELLES GRAHAM PROUDFOOT WILSON & CHUN, LLP.
Page | 3

sugar building in order to retain as much as possible the look of the building as it historically existed, with minimal alterations as necessary. Correspondences indicating resolution of this concern shall be forwarded to the Planning Department for its records.

11. The Applicant shall resolve and comply with the applicable standards and requirements set forth by the State Health Department, State Historic Preservation Division – DLNR, and the County Departments of Public Works, Fire & Water.
12. The Applicant shall develop and utilize Best Management Practices (BMP's) during all phases of development in order to minimize erosion, dust, and sedimentation impacts of the project to abutting properties.
13. The Applicant is advised that should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the Applicant shall contact the State Department of Land and Natural Resources – Historic Preservation Division at (808) 692-8015 and the Planning Department at (808) 241-4050.
14. The Applicant is advised that additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).

If you have further questions regarding this matter, please contact Dale A. Cua of my staff at (808) 241-4050.

Sincerely Yours,



MICHAEL A. DAHILIG
Clerk, Kaua'i Planning Commission

EXHIBIT "A"



COPY

COUNTY OF KAUAI
PLANNING DEPARTMENT
4444 RICE STREET, SUITE A473
LIHUE, KAUAI, HAWAII 96766-1326

MEMORANDUM

DATE: January 26, 2015

TO: Lorna A. Nishimitsu, Attorney of Applicant
4334 Rice Street, Suite 202
Lihue, Hawaii 96766

FROM:  Kauai Historic Preservation Review Commission 

SUBJECT: Class IV Zoning Permit Z-IV-2015-12 and Use Permit U-2015-11 to operate a Self-Storage Facility and Resource Recovery Facility for Construction Materials within the Nawiliwili Bulk Sugar Building in Nawiliwili, Tax Map Key: (4)3-2-005:009

This is to inform you that the Kauai Historic Preservation Review Commission (KHPRC) met on January 6, 2015 to review the subject application to operate a Self-Storage Facility and Resource Recovery Facility for Construction Materials within the Nawiliwili Bulk Sugar Building in Nawiliwili.

At the meeting the Applicant presented the plans for the project. Per the Applicant, the structure was built for the purpose of storing bulk sugar in or around 1950. The Applicant indicated there proposal for the project involved recycling the building by putting it to a different use while attempting as much as possible to retain some of the look of the building as it historically existed.

Based on the information and plans presented at the meeting, the KHPRC voted to accept the proposed plans as presented with the comment that all of the buttresses that are possible to be retained can be done so with minimal alterations as necessary; and that the panels that are removed and replaced shall be do so with material that are near to the existing materials as much as possible. In addition, it was recommended that the Applicant conduct photo documentation of the building be made as the project moves along.

Further, it was recommended that the colors of the buildings be earth tone and compatible with the Lihue Town Core color schemes that was developed by the Planning Department. The color scheme of the building will be reviewed and approved by the Planning Department prior to the painting of the building and that signage follow the current County Sign Ordinance

Please feel free to contact us if you have any questions regarding this matter.

Mahalo.

cc: State Historic Preservation Division
Planning Department