



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

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OFFICE OF
THE COUNTY CLERK

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

On August 5, 2021, Governor David Y. Ige issued an Emergency Proclamation, which continued the suspension of Hawai'i Revised Statutes (HRS) Chapter 92, relating to Public Agency Meetings and Records (also known as the Sunshine Law) as it pertained to the COVID-19 Response. HRS Chapter 92 was suspended to the extent necessary to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location.

The meetings of the Kaua'i Planning Commission will be conducted as follows until further notice:

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- In-person meetings will be closed to the public to be consistent with social distancing practices.
- Planning Commissioners, Planning Department Staff, parties to agenda items, and resource individuals may appear via the ZOOM remote technology.
- The meeting will be live streamed and also available as an archived meeting after completion at www.kauai.gov/Webcast-Meetings. Please note video production services or enhancements will not be available.
- **Written testimony** may be submitted on any agenda item and submitted to planningdepartment@kauai.gov or mailed to the Kauai County Planning Department 4444 Rice Street., Ste A473, Lihue, Hawaii 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be distributed to all Planning Commissioners prior to the meeting. Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
- **Oral testimony** will be taken during the public hearing portion of the meeting via **Zoom remote** technology platform. Anyone interested in providing oral testimony shall provide a request to the Planning Department at least **24 hours prior** to the meeting by emailing planningdepartment@kauai.gov or by calling (808) 241-4050. Any request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. Requests will not be allowed after that time. You will then be prompted to register for the meeting to receive the meeting link that is unique to each registrant that cannot be shared.
 - It shall be the responsibility of the testifier to join the meeting through the **Zoom** link provided via E-mail to provide their oral testimony. In addition, it shall be the responsibility of the testifier to ensure that the **Zoom** software is downloaded and operational prior to the meeting.
 - All testifier audio and video will be disabled until it is your turn to testify.
 - Per the Planning Commission's and Chairs practice, there is three-minute time limit per testifier.
 - If there are temporary technical glitches during your turn to testify, we may have to move on to the next person due to time constraints; we appreciate your understanding.
 - After oral testimony has been taken, members of the public should continue watching the meeting via the live stream link found at www.kauai.gov/Webcast-Meetings.
- If any major and insurmountable technical difficulties are encountered during the meetings, the Planning Commission will continue all matters and reconvene at the next scheduled Planning Commission Meeting.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Planning Commission's website upon completion and approval.

PLANNING COMMISSION TELECONFERENCE MEETING NOTICE **AND AGENDA**

Tuesday, September 28, 2021
9:00 a.m. or shortly thereafter

Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Planning Commission

1. January 12, 2021

E. RECEIPT OF ITEMS FOR THE RECORD

- F. HEARINGS AND PUBLIC COMMENT** The Planning Commission will accept written testimony for any agenda item herein. Written testimony indicating your 1) name, 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 in writing to planningdepartment@kauai.gov or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department before 9:00 a.m. on Monday, September 27, 2021, will be distributed to all Planning Commissioners prior to the meeting. Written testimony received after 9:00 a.m. on Monday, September 27, 2021, will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.

Oral testimony will be taken at the beginning of the meeting on any agenda item via the Zoom remote technology platform and it shall be the responsibility of the testifier to ensure that the Zoom software is downloaded prior to the meeting. Requests to provide oral testimony must be made at least 24 hours prior to the meeting by emailing planningdepartment@kauai.gov or by calling (808) 241-4050. Any request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. Requests will not be allowed after that time. You will then be prompted to register for the meeting to receive the meeting link that is unique to each registrant that cannot be shared. After oral testimony has been taken, members of the public should continue watching the meeting via the live stream link found at www.kauai.gov/webcastmeetings.

1. Continued Agency Hearing

2. New Agency Hearing

- a. CLASS IV ZONING PERMIT (Z-IV-2022-2) and USE PERMIT (U-2022-2) to allow renovations to the existing building to convert commercial retail and office spaces into residential units on a parcel in Hanapepe Town, situated on the mauka side of Hanapepe Road, approximately 550 feet north of the Hanapepe Road/Hana Road intersection, further identified as 3731 Hanapepe Road, Tax Map Key: (4) 1-9-004:015 and containing a total area of 6,808 square feet = *John & Elizabeth Von Krusensteirn* [Director's Report Received, 9/14/2021.]

3. Continued Public Hearing

4. New Public Hearing

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

G. CONSENT CALENDAR

1. Status Reports

- a. 2021 status report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit*/ PDU-2015-7, Variance Permit V-2015-1, and Special Management Area Use Permit SMA(U)-2015-6 at Tax Map Key 4-1-003:004 (por.), 005, 007, 011, and 017 and 4-1-005:014 and 017 (the "permits"), with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kaua'i (the "Conditions") with Coco Palms Hui LLC, as Applicant ("Applicant").
 1. Letter (9/7/2021) from Jaelyn Decena.
 2. Letter (9/7/2021) from Peleke Flores.
 3. Letter (9/7/2021) from Alfonso Murillo.
 4. Letter (9/7/2021) from Regina Gregory.
 5. Letter (9/7/2021) from Dr. Robert Zelkovsky.
 6. Letter (9/7/2021) from S. Kuualoha Hoomanawanui.
 7. Letter (9/7/2021) from Ruta Jordans
 8. Letter (9/7/2021) from Cere Buntin.
 9. Letter (9/7/2021) from Wayne Williams.
 10. Letter (9/7/2021) from B.A. McClintock.
 11. Letter (9/7/2021) from Jennifer Stevens.
 12. Letter (9/7/2021) from Rich Waxman.
 13. Letter (9/7/2021) from Malia Locey.
 14. Letter (9/7/2021) from Alisen Celestyne.
 15. Letter (9/7/2021) from Alicia Morrier.
 16. Letter (9/7/2021) from Thomas Nooney.
 17. Letter (9/7/2021) from Amber.
 18. Letter (9/7/2021) from Nicole Hyde.
 19. Letter (9/7/2021) from Danielle Guion.

20. Letter (9/7/2021) from Mira Walker.
21. Letter (9/7/2021) from Holly Kuester.
22. Letter (9/7/2021) from Dana Keawe.
23. Letter (9/7/2021) from Toni Auld Yardley.
24. Letter (9/7/2021) from Leslie Larsen.
25. Letter (9/7/2021) from Joan Lander.
26. Letter (9/8/2021) from David Jones.
27. Letter (9/8/2021) from Barbara Guiliano.
28. Letter (9/8/2021) from Terry Lilley.
29. Letter (9/8/2021) from Kathy Ingols.
30. Letter (9/8/2021) from Roger Harris.
31. Letter (9/8/2021) from Valerie Weiss.
32. Letter (9/8/2021) from Joan Levy.
33. Letter (9/8/2021) from Judith C. White.
34. Letter (9/8/2021) from Ed Altman.
35. Letter (9/8/2021) from Kit Furderer.
36. Letter (9/8/2021) from Marisa Plemer.
37. Letter (9/8/2021) from John C. Ferry.
38. Letter (9/8/2021) from Glenn Choy.
39. Letter (9/8/2021) from Evelyn de Buhr.
40. Letter (9/8/2021) from Robin Pearl Selfe.
41. Letter (9/8/2021) from Patrica Fallbeck.
42. Letter (9/8/2021) from May Lu Kelley.
43. Letter (9/8/2021) from Edward Everette Pualani Kaleiohi Goias.
44. Letter (9/8/2021) from Rachel Nelson.
45. Letter (9/9/2021) from Terri.
46. Letter (9/9/2021) from Keoki Raymond.
47. Letter (9/9/2021) from Bob and Rosemary Lehardy.
48. Letter (9/9/2021) from Dorothy Bekeart.
49. Letter (9/9/2021) from Dana Bekeart.
50. Letter (9/9/2021) from Peggy Kemp.
51. Letter (9/9/2021) from Diane Fairclough.
52. Letter (9/9/2021) from Cherie Kinchloe.
53. Letter (9/9/2021) from Christyn Alcones.
54. Letter (9/9/2021) from Malia Everette.
55. Letter (9/9/2021) from Bill Parker.
56. Letter (9/10/2021) from Barry Snyder.
57. Letter (9/10/2021) from Karen Anderson.
58. Letter (9/10/2021) from Fred Dente.
59. Letter (9/10/2021) from Sylvia Partridge.
60. Letter (9/10/2021) from Fred Dente.
61. Letter (9/12/2021) to Fred Dente from Fern Holland.
62. Letter (9/12/2021) from Diane Koerner.
63. Letter (9/12/2021) from Laura Ramirez and the Bettencourt Family.
64. Letter (9/12/2021) from Emmaleah Stauber.
65. Letter (9/12/2021) from Patti Valentine.
66. Letter (9/13/2021) from Jodi Matsumoto.
67. Letter (9/14/2021) from Irena.

- 68. Letter (9/14/2021) from John W. Kaohelauii.
- 69. Letter (9/14/2021) from Meredith Cross.
- 70. Letter (9/15/2021) from Bonnie Rassmussen.
- 71. Letter (9/15/2021) from Laurel Brier.
- 72. Letter (9/17/2021) from Gary Hudson.
- 73. Letter (9/17/2021) from Michal Stover.
- 74. Letter (9/18/2021) from E.J. Hands.

H. EXECUTIVE SESSION

EXECUTIVE SESSION: The Commission may go into executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawai'i Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

I. GENERAL BUSINESS MATTERS

J. COMMUNICATION

K. COMMITTEE REPORTS

L. UNFINISHED BUSINESS (For Action)

M. NEW BUSINESS

1. For Action – See Agenda F for Project Descriptions

N. ANNOUNCEMENTS

- 1. Topics for Future Meetings
- 2. The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter, on October 26, 2021. The Planning Commission anticipates meeting via teleconference, but will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

O. ADJOURNMENT

NOTE: 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 ASEGRETI@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.

Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

September 28, 2021

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2022-4	Scot and Lynn Johnson	(4) 5-6-004:014	Hanalei	Roof and roof rafter repair/ Unsubstantial improvement
SSD-2022-5	Jay Leopold	(4) 5-8-009:053	Hanalei	Interior renovation, bathroom. / Unsubstantial improvement
SSD-2022-6	Greg and Denise Safko	(4) 5-2-007:002 CPR Unit 2	Kīlauea	Deck additions/ Rocky shore. Elevated cliff, required shoreline setback 100ft., 195 ft. setback proposed
SSD-2022-7	Steve J. and Peggy R. Palazzola	(4) 5-4-012:011 CPR Unit 29	Princeville	Kitchen, bathroom renovations, interior renovations (interior closet)/ High elevated cliff, required shoreline setback 100ft. , proposed setback more than 230 ft.
SSD-2022-8	Deborah Manoogian, REV. TR	(4) 5-5-005:018	Hanalei	Demo and rebuilding of a single family dwelling / Accreting shoreline, required setback 91 ft, proposed setback 163 ft.

KAUA‘I PLANNING COMMISSION
REGULAR MEETING
January 12, 2021

The regular meeting of the Planning Commission of the County of Kaua‘i was called to order by Chair Glenda Nogami Streufert at 9:09 a.m., - Microsoft Teams Audio +1 469-848-0234, Conference ID: 680 192 715# The following Commissioners were present:

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

Absent and Excused:

The following staff members were present: Planning Department – Director Kaaina Hull, Deputy Director Jodi Higuchi Sayegusa, Myles Hironaka, Mike Laureta, Dale Cua, Kenneth Estes, and Planning Commission Secretary Shanlee Jimenez; Office of the County Attorney – Deputy County Attorney Laura Barzilai; Office of Boards and Commissions – Administrator Ellen Ching, Support Clerk Arleen Kuwamura

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Glenda Nogami Streufert: Called the meeting to order at 9:09 a.m.

ROLL CALL

Chair Glenda Nogami Streufert: Let’s convene the Planning Commission Meeting. It’s a call to order. Can we have a roll call please Mr. Hull?

Planning Director Kaaina Hull: Roll call Madam Chair. Commissioner Apisa?

Ms. Apisa: Here.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Here.

Mr. Hull: Commissioner Cox?

Ms. Cox: Here.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Here.

Mr. Hull: Commissioner Ho?

Mr. Ho: Here.

Mr. Hull: Commissioner Otsuka?

Ms. Cox: Here. Here.

Mr. Hull: Chair Streufert?

Chair Nogami Streufert: Here.

Mr. Hull: You have a quorum seven present, Madam Chair.

Chair Nogami Streufert: Great. Thank you.

Mr. Hull: Before we go on to the next agenda item, if I could take a real quick point to introduce two new faces that are appearing before the Commission. First, we have, Laura bars- Barzilai. Laura I hope I'm pronouncing' that right.

Ms. Barzilai: It is Barzilai. Yes. You got it Kaaina.

Mr. Hull: Okay. Laura is our new assigned Deputy County Attorney. For several years I think the Commissioner was used to having an attorney constantly and uniformly by its side and with Ian Jung then Jodi Sayegusa and for a little bit of time Nick Courson. But the County Attorney's Office for the past year has kind of been doing or having some staffing issues, and so you guys have had some temporary assignments over the past year. Now Laura is with the County Attorney's Office and she is your official assigned County Attorney so it is great that we are able to have and you folks will be able to now have legal counsel consistently with Laura. We have spent some time with her on the side already and she seems ready to roll up her sleeves and get into the thick of it with you, the thick of it with you all, so I wanted to welcome Laura and I will let Laura have a have few words she may have for the Commission.

Ms. Barzilai: Mahalo for that introduction Kaaina and Aloha again everybody. I just wanted to say again that if you have any questions or need to speak with me you can reach me by e-mail

through the system or call me at the County Attorney's Office and I'd be glad to assist in any way possible.

Ms. Apisa: Welcome.

Chair Nogami Streufert: Welcome to the Commission. Thank you very much.

Ms. Barzilai: Thank you.

Mr. Hull: And secondly, I am doing this twice because I missed introduction in the Subdivision Committee Meeting but for the full Commission and I know the full Commission is here, the second person I would like to introduce is Kenneth Estes. Kenny is our new Regulatory Planner. He will be running the Subdivision Program as well as handling other Planning Commission permits and review like zoning amendments. Kenny is actually a former planner with the Planning Department. He worked with us for about four or five years, Kenny if I'm not mistaken or three or four years? As our Subdivision Planner and has went out to work in the private sector and is now returned to us and we are grateful to have him back. He has a wealth of information and knowledge and we got a lot of history with the Department so, Kenny's, our new added teammate. Kenny you have any words for the Commission?

Mr. Estes: All right. Just wanted to say good morning Commissioners and nice to meet you all. I'm excited to be back with the planning family and I will try to pick up where I kind of left off.

Ms. Nogami Streufert: Thank you Kenny and welcome to the Commission.

Mr. Estes: Thank you.

Mr. Hull: Next on the agenda, Madam Chair is selection of the Chairperson and Vice Chairperson as well as the appointment of the Subdivision Committee Chairperson - Vice Chairperson.

Chair Nogami Streufert: Well before we do that, I wanted to thank everybody. It's been a great tumultuous year, had lots of changes with different ways of making, of doing our meetings and it's worked out pretty well. I really appreciate the support of everyone but now it's time for a new set of people to meet our Commission and I am open for nominations to the position of the Chair of the Planning Commission.

Ms. Otsuka: Yes, Madam Chair. I would like to nominate Commission Donna Apisa for the position of Planning Commission Chair.

Chair Nogami Streufert: Thank you. We have one nomination for the Planning Commission Chair. Are there any other nominations? If not, may I have a motion to close the nominations?

Ms. Otsuka: I move to close the nomination for the position of the Planning Commission Chair.

Ms. Cox: I second the motion.

Chair Nogami Streufert: It's been moved and seconded to, uh, close the nominations for the Planning Commission Chair. There are no, if there is no discussion than we will go onto a vote. All those in favor of Donna Apisa for the Commission Chair - County Commission Chair say, "Aye." Aye. (Unanimous voice vote) Any opposed? (None) Motion carried 7:0.

Congratulations Commission Apisa. You are now the Planning Commission Chair. I am sorry I do not have a gavel to send you but I can send you a Diet Coke can to hit on the table. So thank you very much and good luck.

Chair Apisa: Thank you. You did a great job getting us through COVID. Thank you. Thank you and all our, all our changes. It was a, it was a very year of changes so you did a great job with it. Thank you.

Ms. Nogami Streufert: Thank you.

Mr. Ho: Congrats, Madam Chair.

Chair Apisa: Do I now ask for the Subcommittee or Vice President? Does it matter which order? I guess we ask for first nominations are in order for the position of Vice Chair. Nominations are in order. Do we have a nomination for Planning Commission, Vice Chair?

Ms. Otsuka: Yes. I would like to nominate Commission, Commissioner Helen Cox for the position of Vice Chair to the Planning Commission.

Chair Apisa: And nominations do not need to be seconded. Are there any other nominations?

Ms. Nogami Streufert: I move to close the nominations for the Vice Chair for the Planning Commission.

Chair Apisa: Second? Do we have a second.

Mr. DeGracia: Second.

Chair Apisa: Second. We have a motion on the floor, do we have for Helen Cox to be the Vice Chair? Do we have all in? Do we did anyone want a secret vote? Okay. Hearing, hearing none, we will take a roll call on this Kaaina.

Ms. Otsuka: Unmute Kaaina. Unmute.

Mr. Hull: My apologies. That was me.

Mr. Ho: No worries.

Mr. Hull: Sorry. Roll call Madam Chair. All in favor of Commissioner Cox for the position of Vice Chairs, roll call - Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Do I vote?

Mr. Hull: Yes, actually.

Ms. Barzilai: Yes. She may vote.

Ms. Cox: Okay. I believe I am not allowed to have stay in so I guess I vote in favor.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Ho?

Mr. Ho: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Nogami Streufert?

Ms. Nogami Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion Carried 7:0, Madam Chair.

Chair Apisa: Congratulations, Vice Chair Cox.

Mr. Ho: Congratulations.

Ms. Cox: Thank you.

Ms. Nogami Streufert: Congratulations both of you. That is great.

Chair Apisa: I would now like to appoint Commissioners to our Subdivision Committee. I would like to appoint Commissioner DeGracia and Commissioner Chiba to the Subdivision Committee and Commissioner DeGracia will serve as the Chair. Do we have a Motion to Approve?

Ms. Nogami Streufert: I move to approve.

Chair Apisa: Second?

Ms. Otsuka: I second.

Chair Apisa: All in favor? Aye. (Unanimous voice vote).

Ms. Streufert: Aye.

Ms. Cox: Aye.

Mr. Chiba: Aye.

Mr. DeGracia: Aye.

Chair Apisa: Motion passed 7:0.

Mr. Ho: Madam Chair? Madam Chair?

Chair Apisa: Yes?

Mr. Ho: I would encourage that the mission, the Subdivision Committee seek a third member that is only in case of a tie in the matters of a tie vote that, the tiebreaker be the third person. Yeah. Just, just keep that in mind to seek a third member. Thank you.

Chair Apisa: Well Commissioner Ho thank you for bringing that up. It is very in the forefront of our mind and we are hopeful to get a third person. I know this year we yeah. Right. We are - we are hopeful to get a third person, and we want to thank Commissioner Ho. You have been Chair of the Subdivision Committee for a few years now and you have done an outstanding job. We have not any issues. Everything went very smoothly so thank you very much for your tenure on the Subdivision Committee and the Commission too.

Mr. Ho: Okay. Kind words. Thank you.

Chair Apisa: No. Well, well deserved. Thank you. Thank you.

Ms. Nogami Streufert: Thank you, Roy, but are you not still on it Roy?

Mr. Ho: Yes, yes. I do have a few months to go. Yes.

Ms. Nogami Streufert: Great.

Mr. Ho: I do. I am sure. On the – oh—

Chair Apisa: I guess I take over the meeting from here. Thank you, Glenda for turning over the gavel.

APPROVAL OF AGENDA

Chair Apisa: We have approval of the agenda on our, next our agenda approval?

Mr. Hull: Chair wait. The Department has no recommended changes to the agenda.

Chair Apisa: Do we have a motion to approve the agenda?

Ms. Nogami Streufert: I am willing to approve the agenda as submitted.

Chair Apisa: I second that motion. All in favor? Aye. (Unanimous voice vote).

Ms. Cox: Aye.

Ms. Otsuka: Aye.

Mr. Chiba: Aye.

Mr. Ho: Aye.

Chair Apisa: Okay. Any opposed? (None). Motion carried 7:0.

MINUTES of the meeting(s) of the Planning Commission

Chair Apisa: Minutes of the Planning Commission previous meeting?

Mr. Hull: There are no minutes from the previous meeting to be adopted under this agenda
Madam Chair.

RECEIPT OF ITEMS FOR THE RECORD (None)

Chair Apisa: Okay. Any receipt of items for the record?

Mr. Hull: There is no items for Receipt of Records at this time.

HEARINGS AND PUBLIC COMMENT

Chair Apisa: Hearings and public comment.

Mr. Hull: Yeah. Madam Chair so as we still are functioning our teleworking standards and rules and procedures, testimony is to be received 24 hour - written testimony is to be received 24 hours in advance for posting. You folks are in receipt of a first addition to the Planning Commission Agenda dated, I'm sorry - first addition to the Planning Commission Agenda which has testimony from Maka'ala Ka'aumoana dated January 7, 2021, and testimony from Carl Imperato dated January 8, 2021, as well as testimony received January 11, 2021, from Karen Diamond.

We have no additional testimony received for this agenda. For members of the public that have called in if you would like to speak on any of the agenda items at this time now would be the time to speak. This is just for members of the public, not necessarily applicants. Again if you're a member of the public that would like to speak I'm going to call out the phone numbers that have called into this meeting, that are not Planning Commissioners or county staff. So area code 808-245-3681 would you like to testify on any agenda item at this time. Hearing none. Area code 250-423-6741 would you like to testify in any agenda item at this time.

Man: No.

Mr. Hull: Thank you. Lastly, area code 808-822-4495 would you like to testify on any agenda item at this time.

Mr. Les Drent: Yes. We would.

Mr. Hull: Okay. Go ahead and - and state your name, uh, for the record and you have three minutes for a testimony.

Mr. Drent read his testimony for the record (on file with the Planning Department).

Mr. Drent: Hi. This is Les Drent, Tai Erum, and Trevyn Pless with LBD Coffee. This is our testimony. I have a page and a half here so go ahead through it. This is in regards to ZA Zoning, Amendment 2021-1. It's a bill for an ordinance to amend Chapter 8 to Kauai County Code 1987, as amended relating to uses of agricultural cultural zoning district - in particular agricultural retail stand. Um, well, we have been farming on Kauai for quite some time a couple decades now. And all I can say to this is that it takes a crisis right? Yeah, after 18 years of being denied that the County of Kauai government appears that local overlords are finally going to allow farmers the right to retail their value out of Hawaiian grown products from their farms. We find, you know, we find all this incredible especially since we were first approved for value added retail on our farm in 2003 before being denied that right in the very same year. Near the completion of our coffee farm and our cultural processing room, which was Building Permit 03-596 that included every other county, state and federal permit, as well as a certified kitchen and value added retail spaces at 400 square feet.

We were told that it was an oversight or an error by the Planning Department's Plan Review, which simply missed that retail aspect which was clearly called out on several pages of our approved building plans and land use permit. So, you know let's don't make any mistake here. You know, the issue of agricultural retail on farmland operated by real farmers has been circulating for two decades now and, you know, without any resolution or consideration, uh, of help to it's farmers. In 2012, you know, we applied and when the state legislature created Rule 57 in the Hawaii Revised Statute 632, which explicitly allows farmers the right to sell their value added products from within an enclosed structure on their farm. That law also stated the counties have the right to further define law in their county zoning ordinances. Well, every other county in Hawaii either followed this State law or further defined it, Kauai County and much to the detriment of its farmers, remained completely silent on the matter.

Kauai County has never listed retail stands in its able of land use either permitted or non-permitted or activities that required a use or a special use permit. In 2017, and so completely fed up with the Kauai County's position on the matter of agricultural retail, LBD Coffee filed a Declaratory Judgement Civil Case No. 17-1-0119, in the Fifth Circuit. Judge Watanabe, in the Fall of 2018, requested in chambers to Kauai County Attorneys, that they bring the matter before Planning Commission. This was never done, and a motion to reinstate the Declaratory Judgement was filed on April (inaudible) 2019, and after the County's inaction to bring the matter before the Planning Commission. Rather than waiting any longer for the Declaratory Judgement, LBD (inaudible) has filed for a Use permit in agricultural retail in a hearing in front of the Planning Commission and subjected to ten (10) unwritten and unlawful Conditions. In addition to these Conditions, we were hit with an eleventh (11th) Condition near the end of that Hearing. This condition would prevent LBD from selling any agricultural products and reform and does not either grow and/or manufacture that product on the permitted farm. This Condition was nonsensical as we have numerous farms that we either own or lease for crop production. I got two more paragraphs. At that point, we chose to simple wait for the court's ruling on the matter, rather than subject ourselves to anymore public scrutiny by non-farming neighbors who oppose our activity and a Planning Department who has been dead set against allowing us to sell

our Hawaii grown value added products. No other county in Hawaii has exercised such blatant disregard for State law nor has any other county Hawaii stripped its agricultural producers of their rights to sell their goods like Kauai has. In regards to the Kauai County Planning Department, their decisions to land use and permitting has reeked of nepotism, cronyism, and favoritism—

Mr. Hull: Mr. Drent, your three minutes is up.

Mr. Drent: ...for as long as I can remember. I have seen illegal use of our lands by persons in businesses that have zero association to farming and this has occurred under a county government that has willingly turned a blind eye to these activities. If this COVID-19 crisis, which is expected to end this summer brings any meaningful change allowing farmers to retail their value added products then so be it. But the damage that this county has done to us and many others over the last two decades will not be forgotten nor dismissed by your knee jerk reaction to agricultural retail under the guise of getting food to the people. That is all I got to say.

Mr. Hull: (Inaudible), Madame Chair.

Chair Apisa: All right. Thank you very much for our testimony. You are heard, thank you.

Mr. Drent: Thank you.

Mr. Hull: There are no other people who have called in in our Planning Commission Meeting, but just to double check is there anybody on the call that has not testified that would like to testify any agenda item at this time? Okay. There are none.

Continued Public Hearing

New Public Hearing

Mr. Hull: There is no New Agency Hearings

Continued Public Hearing

Zoning Amendment ZA-2020-1: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, relating to Comprehensive Zoning Ordinance (CZO). The proposal amends Section 8-1.5 and 8-2.4 of the CZO to Definitions and Tables of Users, respectively = Kauai, County Council. [Director's Report received, hearing continued 12/8/20.]

Mr. Hull: Moving on to the Continued Public Hearings G.3., ZA 2021-1 A bill from the ordinance amending Chapter 8, Kauai County Code 1987 as amended relating to the Conference of Zoning Ordinance. The proposal amends Section 8.1.5 and 8. 2.4 of the CZO, definitions and tables of users respectively, the Applicant is the Kauai County Council. This Zoning Amendment was up before the Planning Commission back in December. The Department is supportive of the

proposal. There were a couple catches ultimately that necessitated some edits to be made. Ultimately the draft bill proposes a few different things one, proposes new definitions for agriculture retail stand and outright permitting them on agricultural land as certain size and also proposes a new definition for botanical gardens, farmer's markets, food processing and packaging of agricultural products, restaurant and food services, and zoological gardens. Ultimately, the Department has brought this bill back to the Commission with a few edits. One, clarifying specific that restaurant and food services on agricultural lands need to have a connection either with the properties farming activities or as for the properties of associated farm to apply for the use permit. As well as there, was clarification needed to specify that the botanical and zoological gardens listed and the subsequent definition for that specifically addressed the fact that these are commercial operations. Then lastly, there was some concern brought up by the Commission about the zoological garden definition and the use of cages so there is now just only a reference to large enclosures for animals in the zoological gardens definition. These are relatively small, but necessary clean up that, the Department made and ultimately we are recommending an approval. You folks have the draft bill in front of you, so we are available for any questions or concerns.

Chair Apisa: So, is there, does any of the Commissioners have any questions or comments?

Ms. Nogami Streufert: Yeah. I do. Donna this is Glenda. Thank you, Kaaina and your staff for reviewing some of the concerns that we had last time and for making these changes in the amendments to this for this ruling so thank you very much.

Mr. Ho: Madam Chair? Madam Chair please, could I have some clarification Kaaina, if certain portions of the list that's submitted to us and we find objection to it, the list can proceed through the process with the objections taken out and at later time can it be reconsidered and then passed and put back into your list?

Mr. Hull: So ultimately, a zoning amendment is a policy change that requires County final review and action. So if a Commissioner had had an objection to some of the draft bill and would like to make a request or a motion to remove certain sections of it, that can be proposed right now to see if the Commission feels appropriate. And if in the affirmative the Commission say there's four votes in the affirmative to amend the draft bill then that draft bill ultimately if adopted, will go up to the Council with the changes. If the Commission itself were to again, alter those changes subsequent to the draft bill going back to Council will necessitate the introduction of a new draft will be all.

Mr. Ho: A whole draft not just the amendment that was stricken?

Mr. Hull: Yes. It would have to be a completely new draft bill. Just because after you folks are done reviewing it, like a said it goes up to Council and they take action. So if any stricken language wanted to be put back in, it can be done it just necessitates the initiation of the (inaudible) bill.

Mr. Ho: Thank you.

Mr. Hull: Thanks, Commissioner.

Ms. Cox: Given what you just said, Kaaina, this is Helen. I am wondering about the retail sales. Because the restaurant and food services make it clear that, the produce or what's being sold has to be related to the farm, but the restaurant and food service, sorry, the retail sales doesn't have that same Conditions. So I am just wondering, in my worst fear, we have a million T-shirts and mugs you know, a whole bunch of things that have nothing to do with agriculture being sold.

Mr. Hull: I think the point is well taken. I know that came across in one of the testimonies that was submitted. For the retail sales, one, there is still the requirement of a use permit as well as any retail sales that are not associated with a farm operation or an agricultural activity. It still has to go through a special permit process and discretionary review by the Planning Commission, and in reviewing say, "nonfarm related retail sales" the Commission still has to make the Determination that it won't negatively impact say, "agricultural activities" on the property currently and in the future. As well as it does not run counter to the agriculture policies established under the Hawai'i Revised Statutes. The reason we left it in is, because there are things like the Department has entertained in the past or the Commissioners has entertained in the past. Say like, a feed lot or an animal feed store or things that may be associated with agricultural activities but not per se connected to a specific farm may still be desirable to (inaudible) on agricultural lands and that's why it was kind of left in there, as a possibility with a use permit. So that is again, it goes for discretionary by you folks to see if it still runs in alignment with the policies or agricultural lands.

Ms. Cox: So just for clarification then, I think understand. So the restaurants and food services that has to have the percentage of or it has to be associated even if they're coming for a use permit?

Mr. Hull: Correct.

Ms. Cox: But for retail, they could bring some other idea and we would look at it at that point?

Mr. Hull: Correct.

Ms. Cox: Okay. Thank you.

Mr. Ho: Madam Chair, I think, I don't know I maybe connected with this but I think it's a, oh would I put it, it's a matter of enforcement. Does the, is this passing this bill would that enforcement is this passing this bill that enforcement now fall back on the Planning Department who have to look to go out and actually check that these items are, you know, what the Conditions were met? I find that pretty hard.

Mr. Hull: Sorry Commissioner Ho, just to clarify, are you talking about nonagricultural retail sales that get a use permit or are you talking about restaurant sales that are not connected with a farm?

Mr. Ho: Restaurant - the restaurants - the restaurants are how, you know, you become, like, I don't know - what - you - you would become what - food police? I don't - I wouldn't want that for the Department.

Mr. Hull: No. Yeah. It's an interesting concept. I think in a desire to try to, I think as the last speaker attested to there are farmers that have operations that could either feed into a value added strategy and marketing for Ag retail stand. As well as possibly for a restaurant aspect. I think you folks received some testimony recommending or encouraging the Commission adopt the very specific percentage or threshold, of agriculture all agricultural products used in say the food services. And that's where we believe in the overall picture of that in the large scale policy of that, to ensure that it's predominantly from the farm itself. But from what I think you're getting at Commissioner Ho, is making that determination of vegetables and product at a specific threshold of say 80% or 50% or what have you. That is not unenforceable or very hard to get at. And that's why I think just saying that it is the food products that are sold at the retail or restaurant, sorry the restaurants and food services, is predominantly from the property or it's just associated farm. Is getting at the heart of can we make a determination? Should the Planning Commission give a use permits to one of these restaurant? If we go out there and inspect if there is complaints and sometimes complaints are being had. When we go out there and inspect and while we are looking, is there the intention of livestock or produce produced from the farm? Is it still being predominantly being used or are they using say, "a leaf of lettuce" and everything else is brought in from the mainland or wherever? You know, it is a certain (inaudible) check, but at least getting at the intention of it should there seem to be apparent abuse. We would then bring it back to the Planning Commission for it's determination as to whether the restaurant food service operation meets the spirit of the intention of this to provide for a sales venue for again, agriculture products that are predominantly brought or established from the property or the associated farm. So, does that make sense? I know it was a little muddy.

Mr. Ho: It leaves, it leaves a, where is, decision making to the us Commissioners. I think you put into kind of a gray area. I just, I think it's, the way, my personal opinion. Just the way that Kauai County is needs what it can get, I pretty much would left this Skate. Yeah. That is it. That is it for me.

Mr. Hull: And thank you Commissioner and, I mean, I definitely agree with you. It is a bit of a gray area. I think to what some of the previous testifiers spoke to as far as trying to free up and I know there was a lot of frustration from him and his farm with the way that the county has handled farmers in the past. I think some of this is recognizing that there should be some attributes of being able to bring value added goods and sell them on the property. It does put the County and the Commission into a grey area in particular. I think we will be able to prevent outright abuse if they come say for a use permit and they open up an equivalent of an Olive Garden that is entirely sourced from the mainland right. Like, that, we can easily and literally go after. But some of that gray areas, I think you're right on the money Commissioner Ho, in saying, it's not going to be easy from an implementation standpoint, if there are, you know, minor or smaller abuses made. However, from the Department's position it's at least an attempt to provide that venue for farmers and their operations, which they haven't had before.

Ms. Cox: You know, again I agree It's a gray area, but I also believe that it's the right way to go. I've been associated with the KCC Farmer's Market of course since it's been sectioned and you know, we also said it had to be local and in fact what happened was and if there were complaints that, you know, someone was going to Costco and bringing boxes of papayas from there to sell. We did in fact, you know, speak to the farmer and say they couldn't do that and so, you know, I'm sure little abuses will get passed. But I also think that this the right way to go and I do believe that actually the people on Kauai care enough that if they see large abuses we will hear about it.

Chair Apisa: Mm-hm.

Ms. Nogami Streufert: Right.

Deputy County Attorney Laura Barzilai: Commissioners if I may weigh in with what Kaaina has commented on, the special permit process. I am comfortable with the language as drafted and I do believe that the public good outweighs the enforcement concerns of this bill and I agree with Commission Cox that if there are violations we will hear about them. There will be reports that can be addressed.

Chair Apisa: Anyone else have any comment or input or questions?

Mr. Ho: Just one for Kaaina in the Planning on the Department side. Food standards - how does that affect your density on the property and use of it?

Mr. Hull: It will not affect it at all. As far as density in terms of residential dwellings, Agriculture probably is more qualified for and a lot of amount farm dwellings given the respective size of the lot with a cap at five (5) well units. But having a farm stand or an Ag retail stand won't affect the dens, the dwelling density capacity and overall intensification of the land agricultural lots are generally relatively large as far as the lot coverage issue because this is at least for the ministerial purposes this capped out at 1,000 square feet. It really should be nominal in the lot coverage issue of an agricultural lot.

Mr. Ho: One final question Kaaina. It concerns farm workers housing. Could that, could that be a Condition that a guy says, "I need the worker that mans the food retail station, he needs a place to stay," and that would be justification for farm workers housing?

Mr. Hull: The agricultural lot says as I just said earlier qualified for farm dwellings and farm Dwellings the original intention of them are to house either the owner of the property and the farmers working the property. Now granted with the way the Hawaii State Lobby defines farm and the fact that these farm dwellings are ministerial and have to be approved over the counter bwe have seen a lot of abuse of farm dwellings and general estates using that somewhat loophole of a loose definition of farms because their farm dwellings built and living in them. So in response to that the County Council several years ago did adopt a farm worker housing ordinance that allows for additional density beyond the residential density allowed on a particular agricultural lot. But they have to cap out on those farm dwellings before they apply for the farm worker housing and the farm worker housing necessitates demonstrating that the

farm or associated property generated \$35,000 in gross sales on agricultural products. So this won't affect their change for public housing. Sorry. I am going to ask a few (inaudible). Please mute your microphones folks that have called in otherwise we are going to have to meet you folks from our end, thank you.

So back to the question. The question of will the agricultural stand affect farm worker housing. It will not change qualifications. Sorry guys. You need to mute your microphones or I will mute it on my end. Okay. So the question of farm worker housing and whether that will affect or whether or not the agricultural retail stand will affect farm worker housing, it won't. But I can say that there have been some complaints over the past about farmers that would like to live on their property before generating the sales, and the farm worker housing ordinance doesn't allow that. So now with the retail sales being permissible on the land it might avail itself to be able to have that farm generate the necessary gross sales for farm worker housing at a quicker rate possibly, but it won't at this point it won't deter or further expedite a farm worker housing application.

Mr. Ho: Thank you.

Chair Apisa: Are there any further comments? Kaaina just to clarify, what I heard you say as a that you were just talk in' about farm worker housing and not the farm dwelling itself right now correct?

Mr. Hull: Correct.

Chair Apisa: Okay. Wanted to clarify. Thank you. Hearing no further comment, are we ready for, there is no presenter here so are we ready for a promotion?

Ms. Nogami Streufert: I move to accept or approve the Zoning Amendment ZA-2021-1.

Ms. Otsuka: I second.

Chair Apisa: We have a Motion on the floor any, no further discussion we are all in favor?

Ms. Nogami Streufert: Aye.

Mr. Chiba: Aye.

Mr. DeGracia: Aye.

Chair Apisa: I did not hear everybody's aye. Do we have any opposed? I think people might be on mute. Should we do a roll call Kaaina? I did not hear a lot of aye's.

Mr. Hull: We can do a roll call Madam Chair.

Chair Apisa: Thank you.

Mr. Hull: On the Motion to Approve ZA-2021-1, Commissioner Chiba?

Mr. Chiba: Is he calling me? This is Mel Chiba. I vote aye.

Mr. Hull: Thanks. Thank you Commissioner. Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Ho?

Mr. Ho: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion passed 7:0. Madam Chair.

Chair Apisa: Thank you very much.

New Public Hearing

Mr. Hull: We have no New Public Hearing, Madame Chair.

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

CONSENT CALENDAR

Mr. Hull: We have no Consent Calendar items.

Status Reports

Mr. Hull: We have no Status Reports or Director's Reports for projects scheduled for Agency Hearing.

Director's Report(s) for Project(s) Scheduled for Agency Hearing.

EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes Sections 92-5(a)(2 and 4), the purpose of this executive session is to discuss matters pertaining to the annual evaluation of the Planning Director. This session pertains to the evaluation of the Planning Director's work performance where consideration of matters affecting privacy will be involved. Further, to consult with legal counsel regarding powers, duties, privileges, and/or liabilities of the Planning Commission as it relates to the evaluation of the Planning Director.

Mr. Hull: Now moving on to the Executive Session. I will turn it over, sorry. I did not give Laura a heads up on this but I will turn it over to Laura for the Executive Session. We generally have the County Attorney read the Executive Session language to go into Executive Session.

Ms. Barzilai: Pursuant to Hawaii Revised Statute Section 92-5 (a)(2 and 4), the purpose of this Executive Session is to discuss matters pertaining to the annual evaluation of the Planning Director. This session pertains to the evaluation of the Planning Director's work performance where consideration of matters affecting privacy will be involved. Further to consult with legal counsel regarding powers, duties, privileges and/or liabilities of the Planning Commission as it relates to the evaluation of the Planning Director.

Chair Apisa: Thank you. Then do we have a Motion to adjourn to executive session.

Ms. Nogami Streufert: I move that we adjourn to the Executive Session and then when that is completed to return to do we want to return back to the, I guess we just—

Chair Apisa: Yes.

Ms. Nogami Streufert: And we will return back to the general session?

Chair Apisa: Yes.

Ms. Barzilai: Yes.

Ms. Cox: I second that Motion.

Chair Apisa: Okay. All in favor? Aye. (Unanimous voice vote).

Ms. Cox: Aye.

Ms. Otsuka: Aye.

Ms. Nogami Streufert: Aye.

Chair Apisa: Any opposed? (None). Motion passed 7:0. We will adjourn to Executive Session and then return it to our general session. So, Kaaina do we disconnect and then reconnect or just connect through Executive and then come back to this, re-log in to this one?

Mr. Hull: Yes.

The Commission moved into Executive Session at 9:54 a.m.
The Commission returned to Open Session at 11:26 a.m.

Chair Apisa: Call the meeting back to order after Executive Session.

Ms. Apisa: Okay. Let me get back to that agenda. Okay. Well, I think we are just about to the end of our agenda. There is, Kaaina I assume no General Business Matters or Communication?

GENERAL BUSINESS MATTERS

Mr. Hull: There is no General Business Matters.

COMMUNICATIONS (For Action)

Mr. Hull: Mr. Hull: There is no Communications for Action.

COMMITTEE REPORTS

Subdivision

Mr. Hull: Yeah. Correct Chair. There is just the Committee Report left, and I believe Commission DeGracia is now appointed the Subdivision Chair. If he is ready to give the report or if—?

Mr. DeGracia: Yes, that will be fine. So, we had one meeting. All the members on the Subdivision was present today. Under New Business, it was approved the tentative to Subdivision Extension Request for Application Salvatore F. and Jo-Ann Dileonardo, Trust was approved.

Chair Apisa: May I have a motion to approve the Subdivision Committee Report?

Ms. Nogami Streufert: I move to approve this Subdivision Commission Report.

Mr. Ho: Second.

Chair Apisa: All in favor? Aye. (Unanimous voice vote).

Ms. Nogami Streufert: Aye.

Mr. Ho: Aye.

Mr. Chiba: Aye.

Ms. Otsuka: Aye.

Chair Apisa: Any opposed? (None). The Motion carried 7:0.

UNFINISHED BUSINESS (For Action)

Chair Apisa: No Unfinished Business? Is that correct Kaaina?

NEW BUSINESS

Chair Apisa: No New Business?

Mr. Hull: No New Business Madame Chair.

For Action- See Agenda F for Project Descriptions

ANNOUNCEMENTS

Topics for Future Meetings

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter on February 09, 2021. The Planning Commission anticipates meeting via teleconference but will announce its intended meeting method via agenda electronically posted at least six days prior to the meeting date.

Chair Apisa: Are there any announcements?

Mr. Hull: Announcements or topics for future meetings from the Department scheduling standpoint. We have a handful of relatively smaller use permit applications or amendments. We have Kauai Habitat for Humanity is coming in in the next month or two for a residential project in Kapa'a. We have an amendment to a green waste facility over on Moloaa. We've got a small commercial operation amendment for an existing permit over in Kilauea and Eleele Church expansion proposal. As well as over the next three to four months we will, the Department will probably be embarking on a fair amount of administrative interpretive rules. I think over the past two years that was a Commission has partake, has participated in and initiated some, to a certain degree. We have got a lot of policy changes over the last two years, a very robust amount of policy changes. And so many of those policy changes were adopted with the County Council and signs the law in the past two years, and from an implementation standpoint there needs to be for some of these changes additional administrative rules implemented. So we'll be introducing some administrative rules concerning guesthouses and dwellings, kitchens, as well as enforcement within the near future here. Also just to put on your radar, if it already isn't. We also have the Hanalei Bay Resort Director determinate our Planning Commission Review and

determinations to whether or not a public hearing is necessary and so that one is scheduled for March. And as many of you not but probably all remember that well can and will probably be a fairly lengthy and complex process. Other than that, that is kind of, what we have. If Commissioners would like to bring up other topics or issues to place on the agenda, we can definitely review that as well with the Chair.

Chair Apisa: Kaaaina just if I could ask the question about the HBR, the Hanalei Bay Resort, because the attorney did ask that I recuse myself because my company has some listings in there. Then would our Vice Chair Cox would take over that portion of the meeting or do I still Chair it?

Mr. Hull: That would be correct. Vice Chair Cox would Chair that particular agenda item when it comes up in March.

Chair Apisa: Right. I just more or less wanted to give you a little heads up on that Kaaaina.

Ms. Cox: Thank you. I have been given the heads up, but I want to make sure that Laura also has a heads up, because Laura I am going to need to talk to you, prior to the meeting just so I make sure I connected appropriately on that agenda item.

Ms. Barzilai: No problem. Looking forward to it.

ADJOURNMENT

Chair Apisa: Okay. Motion to, uh, adjourn?

Ms. Nogami Streufert: I move to adjourn.

Ms. Cox: I second.

Mr. Ho: Second.

Chair Apisa: All right. All in favor? Aye. (Unanimous voice vote).

Ms. Nogami Streufert: Aye.

Mr. Chiba: Aye.

Ms. Cox: Aye.

Mr. Ho: Aye.

Mr. DeGracia: Aye.

Chair Apisa: Meeting adjourned. Motion Carried 7:0. Laura thank you very much. Welcome aboard and you have been great. Thank you.

Ms. Cox: Yeah.

Ms. Barzilai: Thank you so much.

Chair Apisa: Yeah. Thank you everybody.

Mr. Hull: Thank you all also.

Chair Apisa: adjourned the meeting at 11:31 a.m.

Respectfully submitted by:

Arleen L. Kuwamura

Arleen Kuwamura,

Commission Support Clerk

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

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

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BEFORE THE PLANNING COMMISSION

OF THE

COUNTY OF KAUAI

In The Matter Of The Application)	USE PERMIT NO. U-2021-_____
)	CLASS IV ZONING PERMIT
Of)	NO. Z-IV-2021-_____
)	
JOHN VON KRUSENSTIERN and)	
ELIZABETH VON KRUSENSTIERN,)	
for a Use Permit and a Class IV Zoning)	APPLICATION; EXHIBITS "A" – "M"
Permit for real property situated at)	
Hanapepe, Kauai, Hawaii, identified by)	
Kauai Tax Map Key No. (4) 1-9-004:015.)	
_____)	

USE PERMIT AND CLASS IV ZONING PERMIT

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APPLICATION

Comes now, JOHN VON KRUSENSTIERN and ELIZABETH VON KRUSENSTIERN, Applicants in the above-captioned proceedings, by and through their undersigned attorneys, and hereby submit the following Application:

SECTION 1. APPLICANT/PROPERTY/OWNER.

1.1 Applicants. The Applicants are JOHN VON KRUSENSTIERN and ELIZABETH VON KRUSENSTIERN (jointly, the "Applicant"). The Applicant has authorized Jonathan J. Chun of Belles Graham LLP to file this Application pursuant to the Applicant's Authorization. See Exhibit "A".

1.2 Property. The Applicant is the owner of the property which is the subject matter of this Application ("Property") located at 3731 Hanapepe Road, Hanapepe, Kauai, Hawaii, identified by Kauai Tax Map Key No. (4) 1-9-004:015. A legal description of the Property is contained in the attached Warranty Deed (subject to "As Is" condition) attached hereto as Exhibit "B". The Property is approximately 6,808 square feet.

SECTION 2. LOCATION AND LAND USE DESIGNATIONS OF PROPERTY.

2.1 Location. The Property is located in Hanapepe, Kauai, Hawaii, and is shown on the Tax Map attached hereto as Exhibit "C".

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 Property are as follows:

a. SLUC. As shown on the County of Kauai 1000' Scale Map attached hereto as Exhibit "D", the Property is located in the SLUC Urban District. The Property has been located in the SLUC Urban District since the inception of the SLUC Districts.

b. West Kauai Community Plan. The Property is located within the West Kauai Community Plan area and subject to the West Kauai Form Based Code ("WK Code"). The transect map for Hanapepe Town under the WK Code is attached hereto as Exhibit "E". The West Kauai Community Plan was adopted on December 3, 2020.

c. CZO. As shown on the Zoning Map ZM-H200 attached hereto as Exhibit "F", the Property is located in the CZO General Commercial (C-G) District. The Property has been located in the CZO C-G District since the adoption of the CZO.

d. Special Management Area. The Property is not located within the Special Management Area ("SMA") of the County of Kauai.

e. Heritage Resources. As shown on the Hanapepe-Eleele Heritage Resources Map attached hereto as Exhibit "G", there are three State or National historic sites near the Property.

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

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

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

3.1 Past Uses. The Property has been used for residential and commercial purposes in the past. Two (2) nonconforming residential uses are located within the building. In

1977, the owner applied for and was granted a variance from the CZO commercial parking requirements pursuant to Variance Permit V-77-18 and Class IV Zoning Permit Z-IV-77-35.

3.2 Present Use. The Property is currently being used for residential purposes. The commercial space located on the ground floor is currently vacant.

3.3 Proposed Uses. The Applicant proposes to convert an upstairs office into a residential unit. This conversion to a residential unit is allowed in the T4 Village Center transect. The Applicant also proposes to convert an existing ground floor commercial area to a residential unit as shown on the floor plans and elevations of the building on the Property attached hereto as Exhibit "H". The proposed changes to the floor plan to the commercial unit are called out on the floor plans. All proposed changes are interior and no exterior changes to the existing building are being proposed. This proposed conversion of a ground floor commercial unit to residential requires a use permit.

3.4 Parking Plan. The Applicant proposes to have seven (7) parking stalls available within the Property, as well as a bicycle rack for customers and tenants. The parking and bicycle rack is shown on the Site Plan attached hereto as Exhibit "I".

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

4.1 Adjacent Property. The Property is located within the T4 Village Center transect of the WK Code and is surrounded by variance commercial uses. Across Hanapepe Road from the Property is TMK (4) 1-9-005-006 containing the Ueoka Store Building which houses a restaurant and TMK (4) 1-9-005-005 that contains a commercial building that houses a hair salon. To the east of the Property is another commercial building located on TMK (4) 1-9-004-018 that is currently unused and next to that lot is a small wooden commercial

building located on TMK (4) 1-9-004-025 containing a financial advisory business and a retail store. Immediately to the west of the Property is a lot containing a residential dwelling identified as TMK (4) 1-9-004-026.

4.2 Natural Environment.

a. General Description. The Property is composed of level land within Hanapepe Town and is located along the western side of Hanapepe Road. The Hanapepe River and flood control berm is adjacent to the Property and forms the Property's northern boundary. The Property is located within Zone X on the federal flood map. The Property is improved with a two story wooden structure that contains two (2) nonconforming residential units along with a commercial area that is proposed to be converted to a residential unit. Attached hereto as Exhibit "J" is the FIRM Map (Map No. 150002-287E) for the area.

b. Soils. The Property contains Pakala clay loam (PdA) soils, as shown on the Soil Survey Map attached hereto as Exhibit "K". In a representative profile, the surface layer is very dark reddish-brown clay loam about 16 inches thick. The next layer, about 6 inches thick, is dark-reddish brown very fine sandy loam that is massive. Below this is stratified alluvium that ranges from sandy loam to clay loam in texture. The surface layer is very strongly acid. Below the surface layer, the soil is medium acid. Permeability is moderate. Runoff is very slow, and the erosion hazard is no more than slight. These soils are used for irrigated sugar cane, pasture, truck crops, and homesites.

As shown on the Detailed Land Classification Map (Island of Kauai) (Land Study Bureau, University of Hawaii) attached hereto as Exhibit "L", the Property is located in the SLUC Urban District (U) and thus has been given no Overall Productivity Rating for agricultural purposes.

c. Rainfall. The Property receives approximately 25-40 inches of annual rainfall based on the Soil Survey.

d. Botanical Resources. The vegetation within the Property is almost entirely palms, ti leaf, grass and landscaping plants.

e. Flood Hazard. According to the Federal Insurance Rate Map (Map No. 150002-0287E), the Property is located in Flood Zone X Shaded (areas outside of the 0.2% annual chance flood).

4.3 Present Uses And Built Environment. The Property lies within Hanapepe Town and is fully developed. The area around the Property is primarily urban (residential and commercial).

4.4 Potential Future Uses. The Applicant desires to utilize the Property as residential.

SECTION 5. PERMITS REQUESTED AND REQUIRED.

5.1 Use Permit. The Property is located within the T4 Village Center transect of the WK Code. Two of the existing residential units within the existing building are recognized nonconforming uses. The conversion of the upstairs office to residential is allowed within the T4 Village Center transect. The Applicant proposes to reconfigure an existing ground floor commercial unit to a residential unit. Multi-family dwelling units are allowed in the T4 Village Center transect, except ground floor residential units are not allowed unless it is behind an allowed ground floor use. The two existing ground floor units at the rear of the building are allowed nonconforming uses, the converted upstairs residential unit is allowed in the T4 Village Center transect but, the conversion of the existing commercial unit in the front to a residential

unit requires a use permit. The Applicant is requesting the Planning Commission to issue a Use Permit pursuant to CZO Section 8-3.2 for this front ground floor residential unit.

5.2 Class IV Zoning Permit. The proposed use will need a Class IV Zoning Permit as a condition of the Use Permit approval. The Applicant is requesting the Planning Commission to issue a Class IV Zoning Permit pursuant to CZO Sections 8-8.4(4)(A) and 8-9.4(b).

SECTION 6. IMPACTS OF DEVELOPMENT.

6.1 Botanical Resources and Wildlife. The existing state of botanical resources and wildlife has been heavily compromised by past and present urban uses on the Property. As a result, there does not appear to be any mammalian or avian species or botanical resources that will be endangered by the proposed uses.

6.2 Historical Resources. The Property has been heavily disturbed by past and present urban activities. As a result, there does not appear to be any archaeological, cultural or historical resources on the surface of the Property where the uses will take place which will be affected by the uses. No exterior changes to the existing building are being proposed. In the event of inadvertent historic site or burial discovery in the future, the Applicant will immediately contact the Historic Preservation Division of the Department of Land and Natural Resources.

6.3 Air Quality/Noise. The proposed uses will have little or no impact on the air quality and ambient noise levels in the area. The Environmental Protection Agency (EPA) and State of Hawaii air quality standards will not be exceeded.

6.4 Flooding and Drainage. The Property is situated within Flood Zone X Shaded (areas outside of the 0.2% annual chance flood) as shown on the County of Kauai's flood insurance rate map (Flood Insurance Rate Map 150002-0287E). The existing structures on the

Property currently 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 proposed uses will have no impact on flooding on or around the Property. All drainage resulting from the uses will be retained on site and subject to best management practices.

6.5 Utilities.

a. Potable Water. Potable water for the Property is presently being obtained from the Department of Water, County of Kauai.

b. Electric/Communications. The Property presently obtains electric service from Kauai Island Utility Cooperative ("KIUC") and communication services from Hawaiian Telcom, Inc. and Time Warner Entertainment Company, L.P., dba Spectrum. Existing electric and communications facilities are presently adequate to provide the demand for such services that will be generated by the proposed uses.

6.6 Wastewater Treatment and Disposal. The Property is connected to the County's Hanapepe Sewer System.

6.7 Solid Waste Disposal. Residential solid waste collection is currently provided by the County. The additional residential solid waste will be taken to the County's Transfer Stations for disposal in the County Landfill.

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

a. Fire and Police Services. Fire and police services in the vicinity are located approximately five hundred feet (500') from the Property. The uses on the Property will not significantly increase the need for existing fire and police services.

b. Schools. The closest schools are Eleele Elementary School, Waimea Canyon Middle School, and Waimea High School. The proposed uses will not generate any significant increase in enrollment. In addition enrollment for Waimea High School has been declining and any increase in enrollment will assist Waimea High School.

6.9 Economics. The proposed uses will have the following economic impacts:

a. Jobs. The proposed conversion of the one commercial unit to residential and the upstairs office to residential will result in short term employment during the construction.

b. Housing. The proposed residential unit will assist in increasing the affordable rental housing market. All of the rental units will be for persons who are employed within the Kauai County.

6.10 Population. The proposed additional residential unit will not result in a significant increase in population.

6.11 Traffic Circulation. The Property fronts Hanapepe Road. This area of Hanapepe Road can be accessed via five separate routes: (i) Iona Road, (ii) Hana Road (iii) Kona Road, (iv) the far eastern end of Hanapepe Road or (v) the far western end of Hanapepe Road. Kaumualii Highway, the major highway servicing the westside of the island can be accessed through any one of these five routes. Due to the fact there are multiple routes to access the Property, the Applicant does not believe the addition of one new residential unit to the existing two nonconforming existing residential units will significantly increase traffic on either of these roads or Kaumualii Highway.

6.12 Heritage Resources. The Property is located within areas that are noted as being "traditional cultivation areas" as shown on the Hanapepe-Eleele Heritage Resource Map

attached hereto as Exhibit "G". The Property and the areas surrounding it have not been in cultivation since the 1940s and this area is designated as "Neighborhood Center" in the Hanapepe-Eleele Land Use Map (Exhibit "E"). There are three historic sites near the Property which Applicant believes will not be impacted by the addition of a new residential dwelling within the existing building. The current structure is more than fifty (50) years old. The proposed use will be submitted to the Kauai Historic Preservation Review Commission for its review.

SECTION 7. SLUC CONSIDERATIONS.

7.1 SLUC Urban District. The Property 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 Compliance with SLUC Urban District Standards. The proposed residential use is a permissible use under HRS Section 205-2(b).

SECTION 8. KAUAI GENERAL PLAN CONSIDERATIONS.

8.1 Kauai General Plan Designation. The Property is located in the Kauai General Plan Neighborhood Center Land Use Designation. The policies governing such lands are set forth in Section 2.2.4 of the Kauai General Plan, which provides in relevant part as follows:

"Neighborhood Center is a new designation focused on historic town cores and corresponds to existing or future areas appropriate for accommodating infill development and growth. Centers consist of a mixed-use core with a cluster of retail and service activity, civic spaces and primary destinations, along with residential uses. This core area can support an interconnected network of streets and blocks that encourage multimodal transportation access. Centers

typically comprise a mix of detached and attached buildings between 1-5 stories in height"

8.2 Community Planning Guidance. Section 2.4.2 of the Kauai General Plans provides for the following guidance regarding planning for the Hanapepe-Eleele area. Goal II, relating to the character of Hanapepe as a historic town specifically states:

1. Cluster new commercial and community activity within the Neighborhood Center along Hanapēpē Road near existing businesses.
2. Encourage incremental infill in vacant spaces within the historic town center.
3. Provide for public and semi-public space to support activities such as markets, festivals, and community events.
4. Provide affordable housing options in a variety of forms consistent with the existing town character
5. Revitalize the western portion of Hanapēpē Road.
6. Preserve the character of "mom and pop" small shops.
7. Explore the development of a revitalization plan for Hanapēpē Town in collaboration with appropriate state and county agencies.
8. Explore the development of a cultural center to support local traditions, practices, and organizations.

The proposed Development is consistent with many of these community planning guidance since it will provide for more affordable housing options in a variety of forms consistent with the existing town character (contained in an existing building), assist in the revitalization of the western portion of Hanapepe Road, and will preserve the "mom and pop" character of the existing commercial.

8.3 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 Property is currently being used as residences and as commercial space. The conversion of a portion of the commercial space to

residential assists in maintaining economic commercial activity in Hanapepe sustainable by providing much needed housing.

b. Goal 2 – A Unique and Beautiful Place. The proposed use does not add to or create new structures on the Property, but rather converts a portion of the existing commercial area to residential use. As such, there are no impacts to the uniqueness or beauty of the Property.

c. Goal 3 – A Healthy and Resilient People. The proposed use will provide affordable housing in forms that are consistent with the existing town character. Furthermore, the location of the residences within the Neighborhood Center and main Hanapepe Neighborhood General district creates a walkable community.

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". Allowing for the residential uses creates an opportunity to work-live-play along the Hanapepe area.

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

a. Manage Growth to Preserve Rural Character. The proposed uses are centered in an existing commercial area, whereby not impacts to the rural character are anticipated.

b. Provide Local Housing. The proposal of the Applicant will create much needed local housing.

c. Recognize the Identity of Kaua'i's Individual Towns and Districts. This area of Hanapepe is clustered with an existing mix of commercial and residential properties

and activities. The urban core is located in and around the Property and will meld nicely with the existing identity of Hanapepe town.

d. Design Healthy and Complete Neighborhoods. The Applicant's proposed use will create a walkable neighborhood as contemplated in the Neighborhood Center Designation where mixed uses adjacent to walkable infrastructure will provide an opportunity for the work-live-play concept anticipated in the General Plan.

e. Make Strategic Infrastructure Investments. The Applicant's proposed use does not make any strategic infrastructure investments for the neighborhood, and the Applicant is not relying on any government provided infrastructure. Nonetheless, the proposed operation does not trigger any need to develop strategic infrastructure investments.

f. Reduce the Cost of Living. This addition of an affordable residential unit within the Hanapepe Neighborhood Center will help reduce the cost of living of the island's population.

g. Build a Balanced Transportation System. The proposed use will create only negligible traffic to and from the site, and will not create any traffic congestion.

h. Protect Kaua'i's Scenic Beauty. The proposed use will not impact any view planes from Kaumualii Highway, and only interior renovations to an existing structure is proposed. Therefore, no negative visual impacts will result.

i. Uphold Kaua'i as a Unique Visitor Destination. The proposed use will not impact Kauai's status as a unique visitor destination.

j. Help Business Thrive. The proposed use will create an additional residential dwelling opportunity along the existing commercial Hanapepe corridor, providing the opportunity for a new business to thrive.

k. Help Agricultural Lands Be Productive. The proposed uses do not impact any agricultural lands.

l. Protect Our Watersheds. The proposed use will have no negative impacts on any watershed areas.

m. Complete Kaua'i's Shift to Clean Energy. The proposed use will have no impacts on Kaua'i's shift to clean energy.

n. Prepare for Climate Change. The proposed use converts a portion of an existing commercial area into a residential dwelling unit, thereby no new structure are proposed that may be impacted by climate change.

o. Respect Native Hawaiian Rights and Wahi Pana. The proposed use converts a portion of an existing commercial area into a residential dwelling unit and the Applicant does not anticipate any 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. Protect Access to Kaua'i's Treasured Places. The proposed use 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.

q. Nurture Our Keiki. The proposed use creates an opportunity for additional mix uses in the Hanapepe corridor opening the door for future jobs for the young people of Kaua'i.

r. Honor Our Kūpuna. The proposed use will neither honor nor dishonor or discredit the Kūpuna of Kaua'i.

s. 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 proposed use.

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. The Watershed. The proposed use will have no negative impacts on the natural, historic, cultural, or environmental qualities of, or resources within, the Watershed areas, or access thereto.

b. Housing. The proposed use does provide for additional housing in the Hanapepe Neighborhood Center.

c. Transportation. The proposed use will result in negligible traffic into and from the Property and will have no negative impact on Kaua'i's transportation infrastructure.

d. Infrastructure & Services. The proposed use will not require any additional infrastructure and will provide much needed housing opportunities for Hanapepe town.

e. Shared Spaces. The proposed use and structure are not intended to be a Shared Space (defined as "civic space" or areas used for everyday community activities such as shopping, recreation and socializing).

f. Economy. There will be a short-term benefit to the contractors involved in converting a portion of an existing commercial unit into a residential dwelling unit.

g. Heritage Resources. The proposed use and its structure will have no substantial visual impacts on surrounding lands, and no substantial impacts on 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.

h. Energy Sustainability. Having more housing opportunities with the Hanapepe Town Core could alleviate traffic and the attendant emissions from vehicles. This would assist the County in its goal to have a more energy sustainable community.

i. Public Safety & Hazards Resiliency. The proposed use and its structure is not located the tsunami inundation zone.

j. Opportunity & Health For All. The walkability in and around the location Property will contribute to the physical, mental and spiritual health of the residents.

8.5 Compliance with Kaua'i General Plan Standards. The proposed new residential use is consistent with the Neighborhood Center designation in the Kauai General Plan. The Property consists of a two-story building that will be utilized for residential purposes. Affordable rental opportunities is consistent with the goals for Hanapepe town as outlined in the General Plan. The Property is located in an area served by the County's wastewater collection and treatment facilities and by a major road (Kaumualii Highway). As stated by the Kauai General Plan, the Neighborhood Center designation consists "of a mixed-use core with a cluster of retail and service activity, civic spaces and primary destinations, along with residential uses. This core area can support an interconnected network of streets and blocks that encourage multimodal transportation access. Centers typically comprise a mix of detached and attached buildings between 1-5 stories in height." The proposed project on the Property matches this description for the Neighborhood Center designation.

SECTION 9. T4 VILLAGE CENTER CONSIDERATIONS.

9.1 T4 Village Center Transect. The Property is located within the WK Code T4 Village Center transect. As set forth in the WK Code the T4 Village Center the general use is primarily commercial and the intent is to integrate "main-street commercial and retail environments into neighborhoods, providing access to day-to-day amenities within walking distance, creating potential for a transit stop, and serving as a focal point for the neighborhood. The flex zone provides for the same building forms but allows for a more diverse mix of uses on the ground floor."

9.2 Uses For Which A Use Permit Is Required. The WK Code for the T4 Village Center provides that residential uses on the ground floor are only allowed if behind an allowed ground floor use. The WK Code also provides that "any other unlisted use or structure that the Planning Director finds to be similar in nature to those listed in this Section as requiring a Use Permit may also be allowed with a Use Permit in this Transect Zone." The Planning Department informed Applicant that a use permit is required to allow a residential use on the ground floor.

9.3 Standards For Construction Within The T4 Village Center Transect. The current building form in which the residential use is requested is in compliance with the building form requirements of the WK Code.

9.4 Compliance with Parking Standards For the T4 Village Center Transect. The T4 Village Center transect requires 1 space for every 1500 gross square foot of residential uses. There will be a total of 4,007 gross square feet of residential space in the existing building which requires 3 parking spaces. The current building will have 7 parking spaces plus bicycle parking.

SECTION 10. USE PERMIT AND ZONING PERMIT CONSIDERATIONS.

10.1 Uses. Pursuant to CZO Section 3.2, the Applicant has applied for a Use Permit for the proposed additional residential use. This use will be located within the T4 Village Center transect.

10.2 Compatibility With Surrounding Uses. The lands surrounding the Property are all located within the SLUC Urban District and include the commercial and residential uses located within the Hanapepe Town urban area. The Property is similar in topography, character and nature with adjacent and surrounding properties, and the proposed additional residential use is consistent with such surrounding uses. Photographs of the Property and surrounding buildings are attached hereto as Exhibit "M".

10.3 Compliance with CZO Use Permit Standards. The proposed additional residential use on the Property is in compliance with the standards for Use Permits as contained in CZO Section 8-3.2(e) in that the proposed uses will be:

- a. a compatible use;
- b. not detrimental to health of persons residing or working in the neighborhood;
- c. not detrimental to safety of persons residing or working in the neighborhood;
- d. not detrimental to peace of persons residing or working in the neighborhood;
- e. not detrimental to morals of persons residing or working in the neighborhood;

- f. not detrimental to comfort and general welfare of persons residing or working in the neighborhood;
- g. not detrimental or injurious to property or improvements in the neighborhood;
- h. not detrimental to the general welfare of the community;
- i. not a cause of substantial harmful environmental consequences to the Property, or to other lands or waters;
- j. not inconsistent with the intent of Chapter 8, KCC; and
- k. not inconsistent with the 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. HRS CHAPTER 343 (ENVIRONMENTAL IMPACT STATEMENTS) CONSIDERATIONS.

HRS Chapter 343. The proposed use 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 use does not fall within such specified activities, in that the proposed use 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 12. NATIVE HAWAIIAN ISSUES.

Impacts on Traditional or Cultural Practices. The Property is fully developed with a two-story mixed-use structure and as such is not subject to the general requirements contained in HRS Sections 1.1 and 7.1, or in Article 12, Section 7 of the Constitution of the State of Hawaii. The Applicant emailed two cultural practitioners that were members of the Aha

Moku Council for Kauai but, has received no reply or comments. In addition, the Applicant also contacted Ms. Aletha Kaohi, a respected cultural person on the west side. Ms. Kaohi sent an inquiry to another cultural resource person but to date has not received any reply. Finally, the following facts exist concerning the Property:

a. There are no known valued cultural, historical or natural resource areas present within the Property, nor are there any known traditional or customary practices of native Hawaiians that are presently occurring within the Property.

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

c. The proposed use will not detrimentally affect 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 Property.

e. There are no known cultural or historic sites or resources located within the Property.

f. There are no known burials within the Property.

Based on the above, the Applicant believes no known valued cultural, historical or natural resource areas will be affected or impaired by the proposed use, nor will mitigative action need to be taken to reasonably protect native Hawaiian rights.

SECTION 13. COMMUNITY CONTACTS.

Contact with Community Groups. Applicant does not know of any Neighborhood Association for Hanapepe Town. Applicant is discussing their plans with their neighbors.

SECTION 14. CONCLUSION.

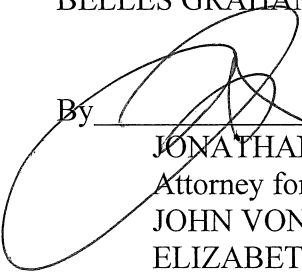
The Applicant respectfully requests that the Planning Commission:

1. Find that the proposed use: will not have any substantial environmental or ecological effect; will not be detrimental to the public health, safety, peace, morals, comfort, or welfare of persons within the neighborhood; will not be detrimental to properties in the neighborhood; and will not be detrimental to the community.
2. Find that the proposed use will be consistent with the SLUC Urban District Standards, the Kauai General Plan, the West Kauai Form Based Code, and the CZO.
3. Find that the proposed use will be in compliance with the provisions of HRS Chapter 6E and Title 13, Subtitle 13, Chapter 284 of the Hawaii Administrative Rules.
4. Find that the proposed use will be consistent with the provisions of HRS Sections 1-1 and 1-7 and Article 12, Section 7 of the Hawaii State Constitution.
5. Approve the issuance of a Use Permit and a Class IV Zoning Permit for the proposed uses on the Property as described herein, subject to such reasonable conditions as the Planning Commission shall impose.

DATED: Lihue, Kauai, Hawaii, JUL 22 2021.

BELLES GRAHAM LLP

By



JONATHAN J. CHUN
Attorney for Applicants,
JOHN VON KRUSENSTIERN and
ELIZABETH VON KRUSENSTIERN

EXHIBIT LIST

(Von Krusenstern Application for Use Permit and Class IV Zoning Permit)

EXHIBIT

A. AUTHORIZATION

Applicant's AuthorizationA

B. TITLE

Warranty DeedB

C. MAPS

Tax Map (1-9-004).....C

Kauai 1000' Scale MapD

Hanapepe Town Transect MapE

Zoning Map.....F

Heritage Resource Map.....G

Floor Plan and ElevationsH

Site PlanI

FIRM (Flood Insurance Rate Map).....J

Soil Survey MapK

Land Classification MapL

Photographs of Property and surrounding buildingsM

EXHIBIT "A"

AUTHORIZATION

JOHN VON KRUSENSTIERN and ELIZABETH VON KRUSENTIERN, whose address is 2230 Henry Street, Bellingham, Washington 98225 ("Applicant") hereby authorizes JONATHAN J. CHUN, Esq., of Belles Graham LLP to file Applications on behalf of the Applicant, with the Planning Department and the Planning Commission of the County of Kauai, and all other governmental agencies, to do all the things necessary to obtain zoning permits, use permits, variance permits, building permits, grading permits, subdivision approvals, SMA use permits, and other land use permits required to add an additional residential unit to the ground floor of the existing building, re-configure the existing ground floor commercial space and retain the existing second level residential unit on the Property located at Hanapepe, Kauai, Hawaii, more specifically identified as Kauai Tax Map Key No. (4) 1-9-004:015.

DATED: 12-3-19


JOHN VON KRUSENSTIERN


ELIZABETH VON KRUSENTIERN

EXHIBIT "B"

317



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

November 25, 2016 8:01 AM
Doc No(s) A-61730346



1 1/1 ICL
B-32904320

/s/ LESLIE T. KOBATA
ACTING REGISTRAR

Conveyance Tax: \$300.00

Return by mail(X) pick-up()

John & Elizabeth Von Krusenstiern
PO Box 1105
Kalaheo, HI 96741

TG: 201653632 ✓
TGE: 24216085970
Michelle Dela Sierra

Tax Map Key No.: 4/ 1-9-004-015

WARRANTY DEED
(subject to "As Is" condition)

THIS WARRANTY DEED (subject to "As Is" condition) is dated November 21, 2016. MARLENE K. GILBERT, Successor Trustee of the GEORGE AVERY EDGAR LIVING TRUST dated March 5, 2004, with full powers to sell, mortgage, lease or otherwise deal with the land, of Hanapepe, Hawaii, 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 JOHN VON KRUSENSTIERN and ELIZABTH VON KRUSENSTIERN, husband and wife, whose address is PO Box 1105, Kalaheo, Hawaii 96741, hereinafter called the "Grantee", the receipt of which is acknowledged, grants and conveys unto the Grantee, as **tenants by the entirety, their assigns, and the survivor of the Grantee and his or her heirs, devisees, personal representatives, and assigns**, all of the right, title and interest of the Grantor in and to the real property more particularly described in Exhibit "A", attached hereto and incorporated by reference herein, together with the land, buildings, improvements, rights, easements, privileges, appurtenances, reversions, remainders, rents, issues and profits thereof, hereinafter called the "Property".

The Grantor does hereby covenant with the Grantee that the Grantor is seized of the property herein described in fee simple; that said property is free and clear of and from all liens and encumbrances, except for the lien of real property taxes not yet by law required to be paid, and except as

may be specifically set forth herein; that the Grantor has good right to sell and convey said 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, except as set forth below.

Grantee acknowledges that the property described in said Exhibit "A" is being conveyed "AS IS" with the knowledge of the conditions disclosed by Grantor and/or discovered during inspection(s) of said property. Grantee understands and agrees that all land and improvements (including but not limited to the roof, walls, foundations, soils, plumbing, electrical and mechanical systems, etc.), real property, and personal property (if any) are being conveyed in their existing "AS IS" CONDITION WITHOUT WARRANTY OR REPRESENTATIONS, EXPRESSED OR IMPLIED. Grantee hereby accepts said property in its "AS IS" condition.

Grantor makes no warranty or representation, express or implied, or arising by operation of law, including, but in no way limited to, any warranty of quantity, quality, condition, habitability, merchantability suitability or fitness for a particular purpose of the property, any improvements located on the property or any soil conditions related to the property. Grantee specifically acknowledges that Grantee is not relying on (and Grantor hereby disclaims and renounces) any representations or warranties made by or on behalf of Grantor of any kind or nature whatsoever, except as is otherwise expressly provided in that certain Commercial Real Property Purchase and Sale Agreement (hereinafter "PSA") executed between Grantor and Grantee.

Except as otherwise expressly provided in the PSA, Grantee, for Grantee and Grantee's successors and assigns, hereby releases Grantor from and waives any and all claims and liabilities against Grantor for, related to, or in connection with, any environmental condition at the property (or the presence of any matter or substance relating to the environmental condition of the property), including, but not limited to, claims and/or liabilities relating to (in any manner whatsoever) any hazardous, toxic or dangerous materials or substances located in, at, about or under the property, or for any and all claims or causes of action (actual or threatened) based upon, in connection with or arising out of the Comprehensive Environmental Response, Compensation, And Liability Act, 42 U.S.C. §9601 et seq. ("CERCLA"); the Resource Conservation And Recovery Act, 42 U.S.C. §6901 et seq. ("RCRA"); and the Superfund Amendments And Reauthorization Act, 42 U.S.C. §9601 et seq. ("SARA") or any other claim or cause of action (including any federal or state based statutory, regulatory or common law cause of action) related to environmental matters or liability with respect to or affecting the property.

Grantee represents to Grantor that Grantee has conducted, or will conduct before closing, such investigations of the property, including but not limited to, the physical and environmental conditions thereof, as Grantee deems necessary to satisfy itself as to the condition of the property and the existence

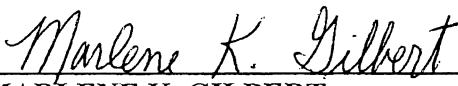
or nonexistence or curative action to be taken with respect to any hazardous or toxic substances on or discharged from the property and will rely solely on same and not on any information provided by or on behalf of Grantor or its agents or employees with respect thereto, other than such representations, warranties, and covenants of Grantor as are expressly set forth in the PSA. Upon closing, except as otherwise expressly provided herein, Grantee shall assume the risk that adverse matters, including, but not limited to, construction defects and adverse physical and environmental conditions, may not have been revealed by Grantee's investigations, and Grantee, on closing, shall be deemed to have waived, relinquished, and released 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, that Grantee might have asserted or alleged against Grantor, at any time by reason of or arising out of any latent or patent construction defects or physical conditions, violations of any applicable laws (including, without limitation, any environmental laws) and any and all other acts, omissions, events, circumstances, or matters regarding the property. Except as otherwise expressly provided in the PSA, Grantee agrees that should any cleanup, remediation, or removal of hazardous substances or other environmental conditions on the property be required after the date of closing, such cleanup, removal, or remediation shall be the responsibility of and shall be performed at the sole cost and expense of Grantee.

All obligations hereunder shall be joint and several if signed by two or more Grantors and/or Grantees unless a contrary intention is clearly expressed elsewhere herein; "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine and neuter, the singular or plural number, individuals, partnerships, trustees or corporations and their and each of their respective successors, heirs, personal representatives, successors in trust and assigns, according to the context thereof.

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 instrument, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For purposes, including, without limitation, filing and delivery of this instrument, duplicate unexecuted pages may be discarded and the remaining pages assembled as one document.


IN WITNESS WHEREOF, the Grantor and Grantee have executed this instrument.

**GEORGE AVERY EDGAR LIVING
TRUST**

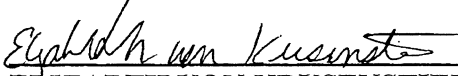


MARLENE K. GILBERT,
Successor Trustee aforesaid

Grantor



JOHN VON KRUSENSTIERN

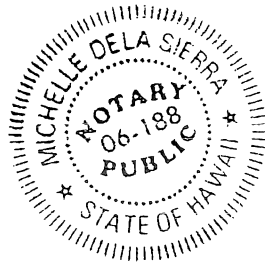


ELIZABTH VON KRUSENSTIERN

Grantee

State of Hawaii
County of Kauai

On November 21, 2016, before me personally appeared **MARLENE K. GILBERT**, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument 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. By my signature below, I further certify that the above-named executed this 6 page document entitled Warranty Deed (subject to "As Is" condition) dated 11/21/16 in the Fifth Circuit of the State of Hawaii and that this acknowledgement is deemed to include my Notary Certification.



Type or print

Type or print name:

Notary Public, State of Hawaii

My commission expires:

MICHELLE DELA SIERRA
Expiration Date: April 2, 2018

State of Hawaii)
County of Kauai) SS.

On November 21, 2016, before me personally appeared **JOHN VON KRUSENSTIERN**, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument 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. By my signature below, I further certify that the above-named executed this 8 page document entitled Warranty Deed (subject to "As Is" condition) dated Undated in the Fifth Circuit of the State of Hawaii and that this acknowledgement is deemed to include my Notary Certification.



A handwritten signature of Michelle Dela Sierra in black ink.

Type or print name:

Notary Public, State of Hawaii

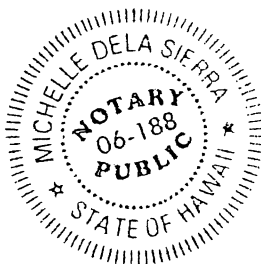
My commission expires:

MICHELLE DELA SIERRA

Expiration Date: April 2, 2018

State of Hawaii)
County of Kauai) SS.

On November 21, 2016, before me personally appeared **ELIZABTH VON KRUSENSTIERN**, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument 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. By my signature below, I further certify that the above-named executed this 8 page document entitled Warranty Deed (subject to "As Is" condition) dated Undated in the Fifth Circuit of the State of Hawaii and that this acknowledgement is deemed to include my Notary Certification.



A handwritten signature of Michelle Dela Sierra in black ink.

Type or print name:

Notary Public, State of Hawaii

My commission expires:

MICHELLE DELA SIERRA

Expiration Date: April 2, 2018

Exhibit "A"

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 8148, Land Commission Award Number 5572-B, Apana 3 to Kaaha and Land Patent Grant Number 9451 to McBryde Sugar Company, Ltd., and Land Patent Grant Number 7695 to Denichi) situate, lying and being at Kuiloa and Hanapepe, Waimea, Island and County of Kauai, State of Hawaii, and thus bounded and described as per survey dated November 19, 2016:

Beginning at the east corner of this TMK 4-1-9-004-015, being also the south corner of TMK 4-1-9-004-018, on the northwestern side of Hanapepe Road Right-of-Way, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUOLO" being 6,412.22 feet north and 5,220.04 feet east, and running by azimuths measured clockwise from true South:

- | | | | | | |
|----|------|-----|-----|--------|---|
| 1. | 32° | 08' | 00" | 75.23 | feet along the northwestern side of Hanapepe Road Right-of-Way; |
| 2. | 131° | 23' | 00" | 101.61 | feet along TMK 4-1-9-004-026; |
| | | | | | Thence along the southeasterly boundary of the Hanapepe Flood Control Project, Part 2, along a curve to the right with a radius of 420.00 feet, the chord azimuth and distance being: |
| 3. | 209° | 58' | 07" | 57.62 | feet; |
| 4. | 299° | 30' | 30" | 29.23 | feet along TMK 4-1-9-004-018; |
| 5. | 302° | 11' | 00" | 27.00 | feet along TMK 4-1-9-004-018; |
| 6. | 302° | 08' | 00" | 46.26 | feet along TMK 4-1-9-004-018 to the point of beginning and containing an area of 6,810 square feet, more or less. |

BEING THE PREMISES ACQUIRED BY DEED INTO TRUST to GEORGE AVERY EDGAR, Trustee of the George Avery Edgar Living Trust dated March 5, 2004, with full powers to sell, mortgage, lease or otherwise deal with the land, dated April 19, 2004, recorded as Document No. 2004-089027.

Notes:

1. The death of GEORGE AVERY EDGAR, also known as GEORGE AVERY EDGAR II on January 28, 2016 at Hanapepe, Hawaii.
2. Unrecorded Acceptance of Appointment as Trustee, dated February 1, 2016, shows Marlene K. Gilbert accepts her appointment as the Successor Trustee for the George Avery Edgar Living Trust.

Subject to the following:

1. Mineral and water rights of any nature.

TOGETHER ALSO WITH all built-in furniture, attached existing fixtures, built-in appliances, water heater, electrical and/or gas and plumbing fixtures, attached carpeting, presently situate in or used in connection with the residence located upon the above described real property.

End of Exhibit "A"

EXHIBIT "C"

CORRECTED

MAY 25 1939
JUL 11 1939
AUG 19 1939
JAN 8 1940
MAR 27 1941
APR 16 1941
JUN 23 1941
NOV 22 1941
DEC 20 1941
FEB 2 1942
MAY 31 1946
FEB 3 1947
SEP 11 1947
MAR 21 1951

JAN 29 53
JUN 2 54
JUN 27 54
JUN 5 55
JUN 15 56
JUN 14 56
AUG 23 58
OCT 5 59
FEB 14 59
FEB 17 59
MAY 25 60
FEB 3 61
MAY 29 61
JUN 28 61
DEC 26 61
OCT 7 62
FEB 23 63
MAY 15 64
APR 10 65
MAR 10 66
APR 1 66
JAN 17 68
FEB 6 68
MAY 2 68
NOV 20 68
AUG 20 68

MAY 1 1968
MAY 24 1971
JUN 6 1973
MAR 7 1974
MAY 18 1974
NOV 14 1974
SEP 18 1975
APR 21 1976
MAY 4 1976
JUL 9 1976
MAR 28 1977
NOV 17 1983

Dwg. No. : 3153
Source : Tax Maps Bureau
By : D.S.C. & J.L.C. Dec., 1936.

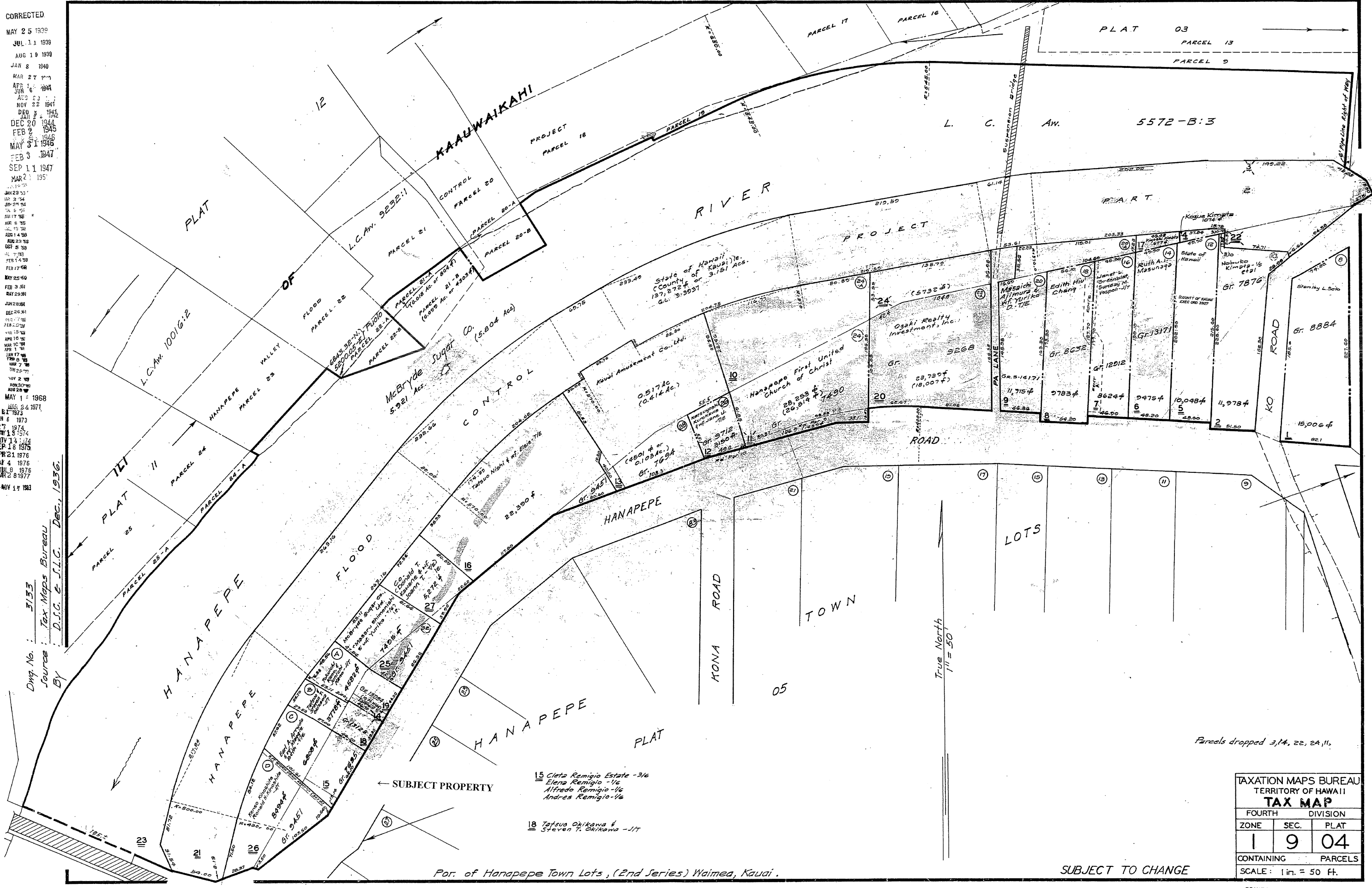


EXHIBIT "C"

Parcels dropped 3,14, 22, 24, 11,

15 Cleto Remigio Estate - 3/4
Elena Remigio - 1/4
Alfredo Remigio - 1/4
Andres Remigio - 1/4
18 Tatsuo Okikawa &
Steven T. Okikawa - 1/4

Por. of Hanapepe Town Lots, (2nd Series) Waimea, Kauai.

SUBJECT TO CHANGE

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
FOURTH DIVISION		
ZONE	SEC.	PLAT
1	9	04
CONTAINING		PARCELS
SCALE: 1 in. = 50 Ft.		

PRINTED

EXHIBIT "D"

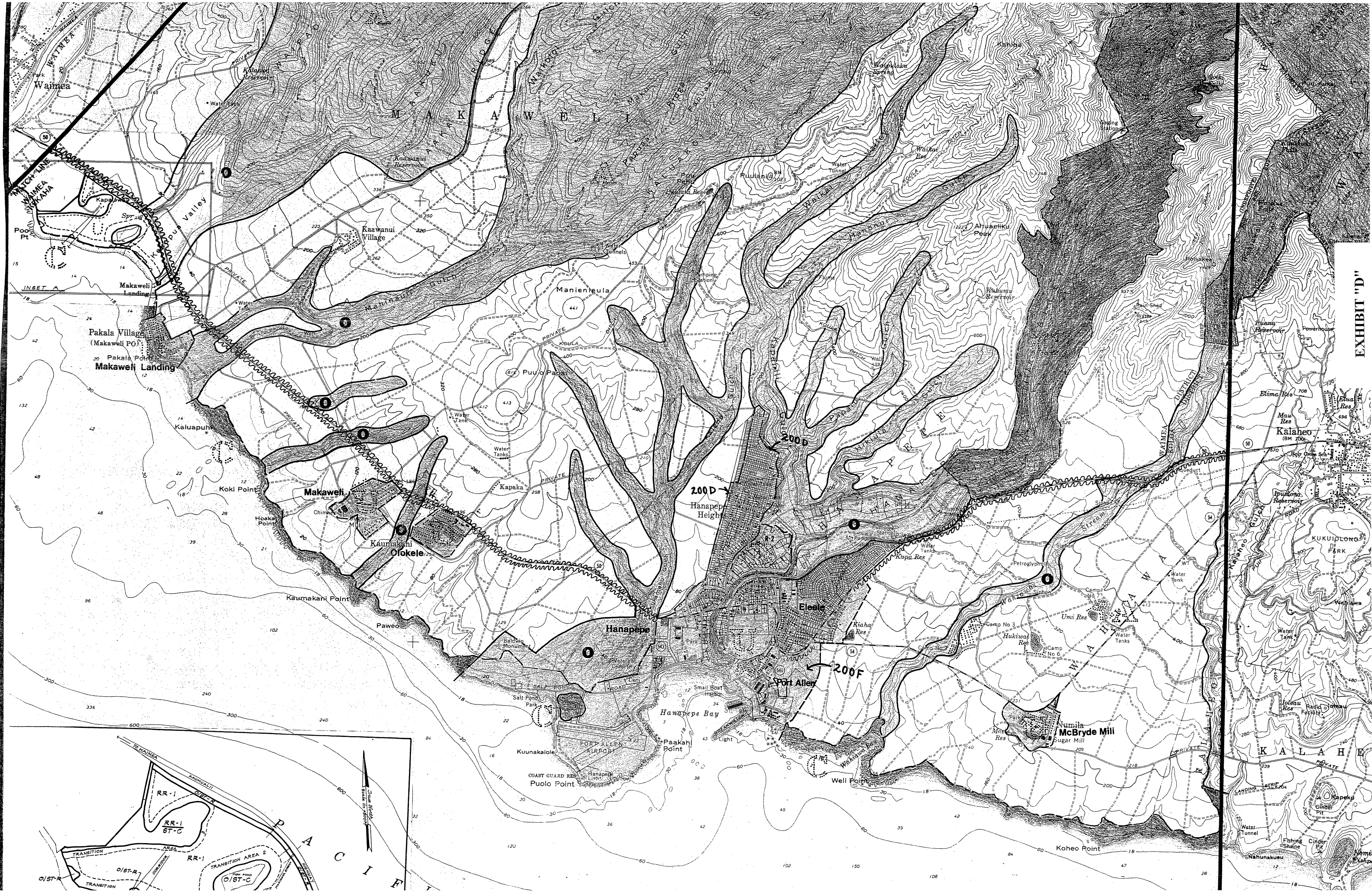


EXHIBIT "D"

EXHIBIT "E"

**Figure 5-3 Hanapēpē-'Ele'ele
Land Use Map**

- Planning District Boundary
- Major Roads
- Roads
- Streams
- Reservoirs
- Natural
- Agriculture
- Agriculture (IAL)
- Parks and Recreation
- Golf Course
- Homestead
- Residential Community
- Neighborhood Center
- Neighborhood General
- Plantation Camp (descriptive only)
- Industrial
- Transportation
- Provisional Agriculture

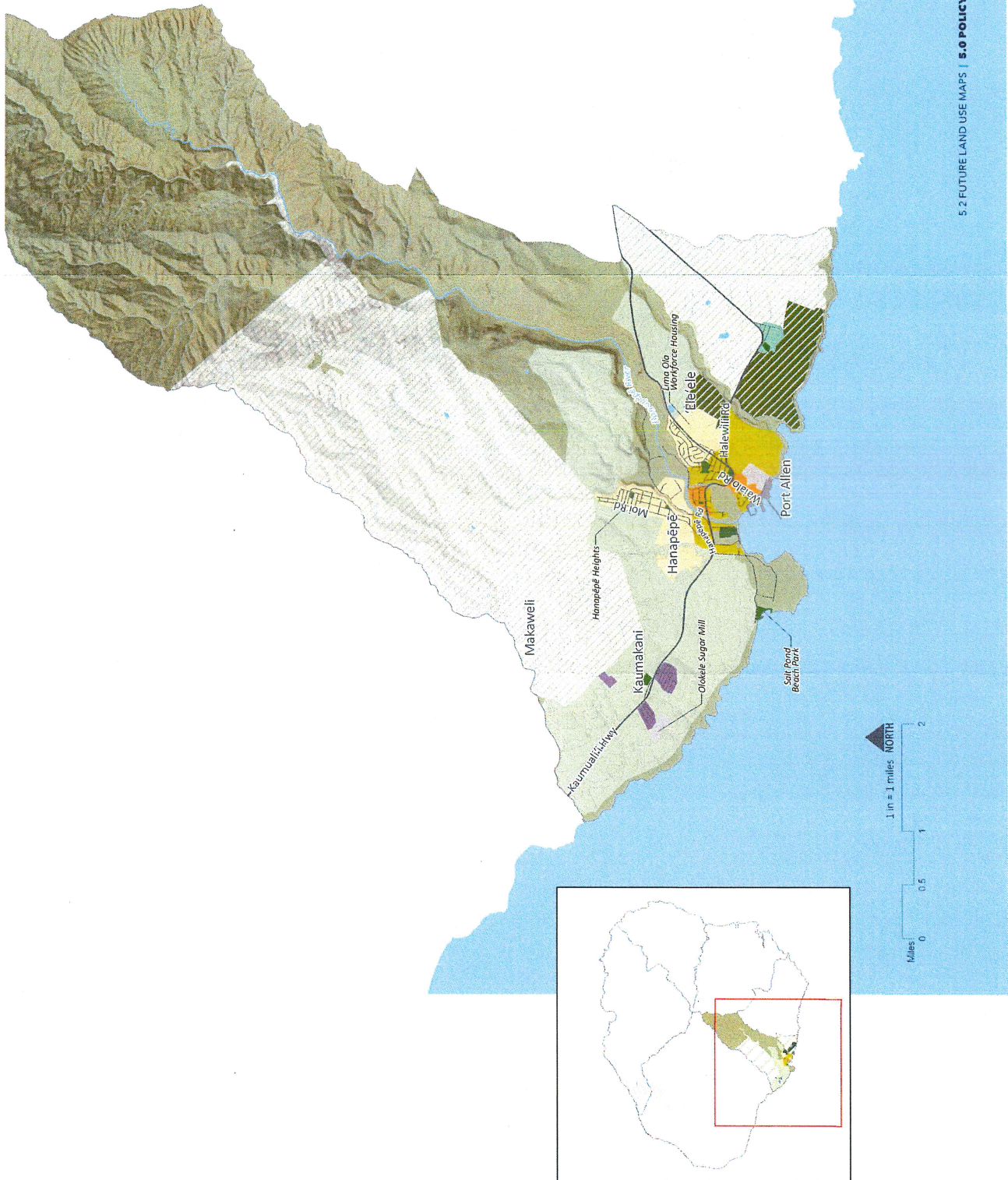


EXHIBIT "E"

EXHIBIT "F"

EXHIBIT "G"

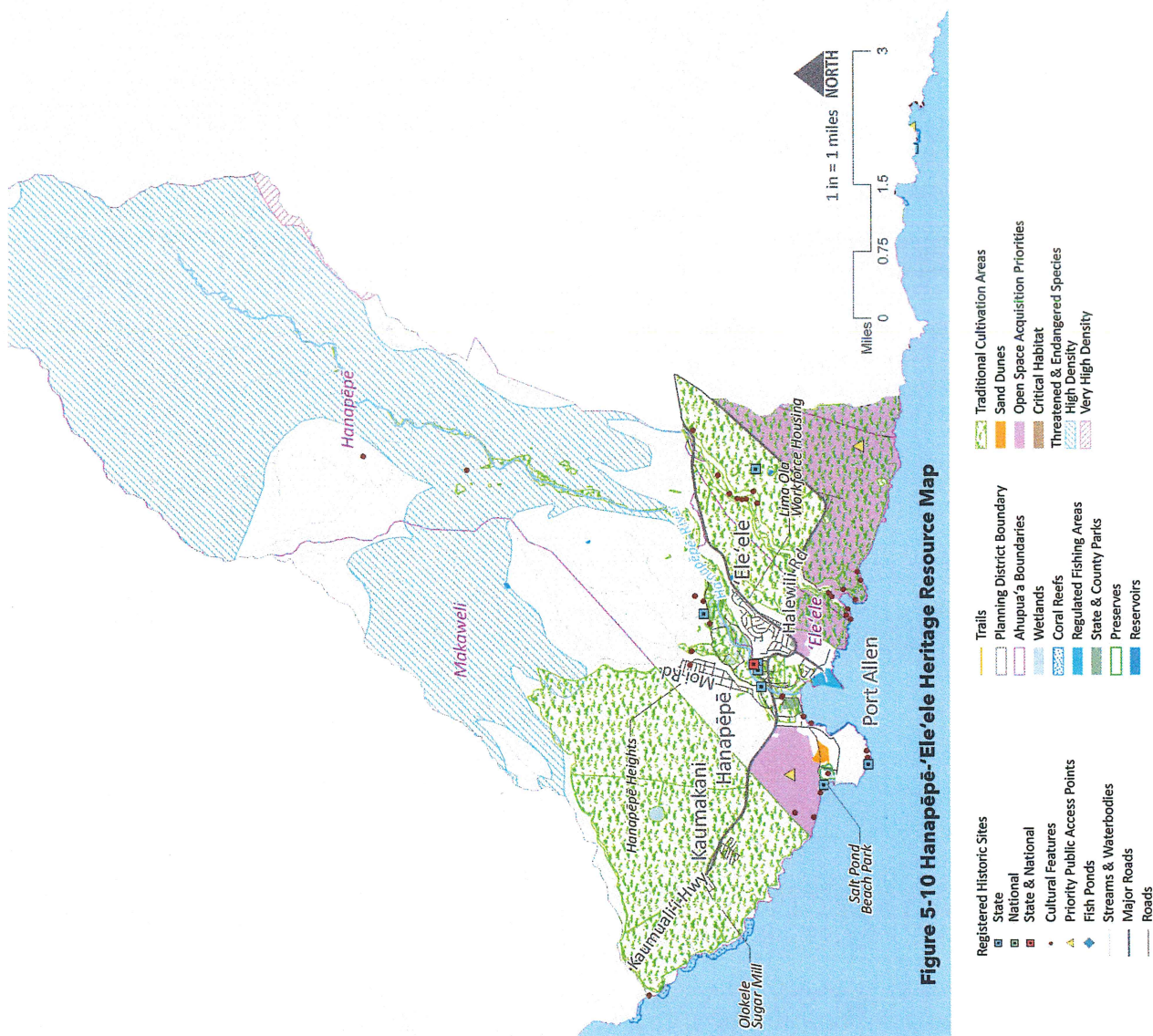


EXHIBIT "G"

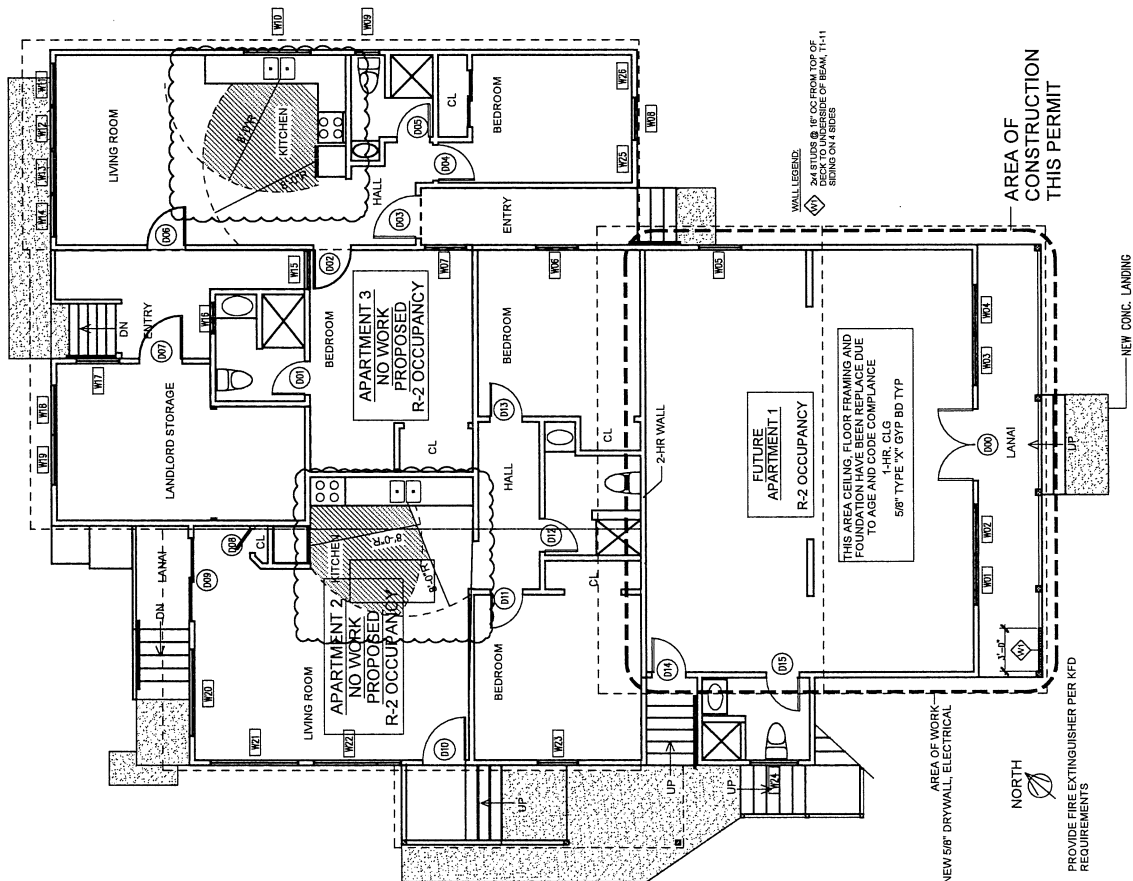
EXHIBIT "H"

APARTMENT 1
DOOR/WINDOW SCHEDULE

TAG	WIDTH	HEIGHT
FLOOR 1		
003	5'-0"	6'-8"
014	2'-4"	6'-3"
015	2'-4"	6'-3"

WINDOWN SCHEDULE

TAB	WIDTH	HEIGHT
FLOOR 1		
W01	3'-6"	4'-0"
W02	3'-6"	4'-0"
W03	3'-6"	4'-0"
W04	3'-6"	4'-0"
W05	3'-0"	5'-0"
W24	3'-6"	3'-6"



① FIRST FLOOR PLAN - EXISTING

2 SECOND FLOOR PLAN - EXISTING

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

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

Von Kruenstein
APARTMENT 1 CONSTRUCTION
MATERIALS REPLACEMENT
3731 HANAPEE ROAD
HANAPEE, MN 56166
 TMK: 150040150000

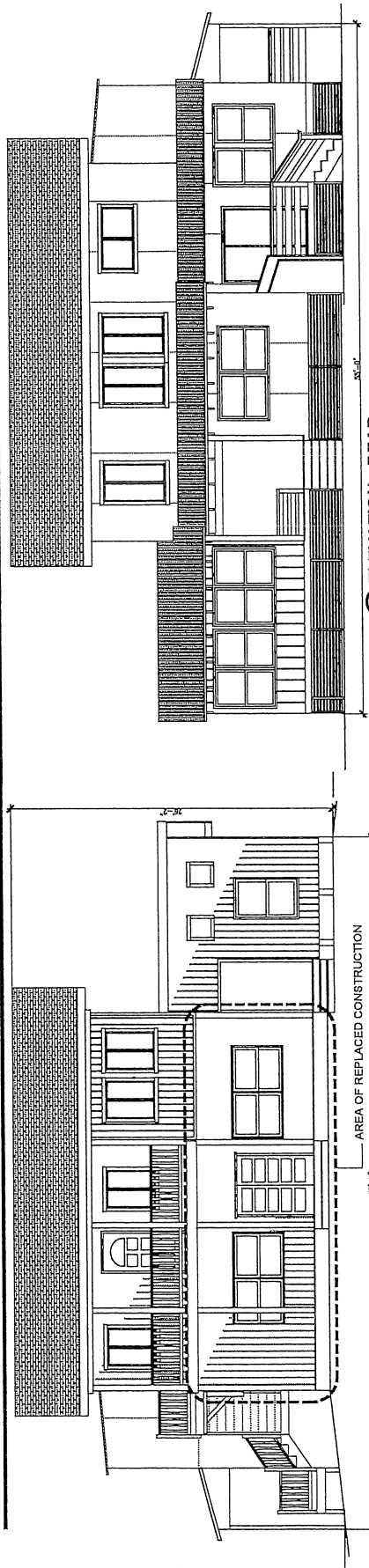
THIS IS A TRUE AND VERIFIED
 STATEMENT OF THE CONTRACTOR
 AND THE SUBMITTER OF THIS
 DOCUMENT. THE CONTRACTOR
 AND THE SUBMITTER OF THIS
 DOCUMENT ARE NOT PROVIDING
 ANY GUARANTEE.

[Signature]
 KENNETH A. PURDY

PURDY
 KENNETH A. PURDY
 ARCHITECT
 3731 HANAPEE ROAD
 HANAPEE, MN 56166
 TEL: (763) 741-8443
 FAX: (763) 742-8446

PURDY
 KENNETH A. PURDY
 LICENSED
 PROFESSIONAL
 ARCHITECT
 NO. 44-1075
 EXPIRATION DATE 12/31/01

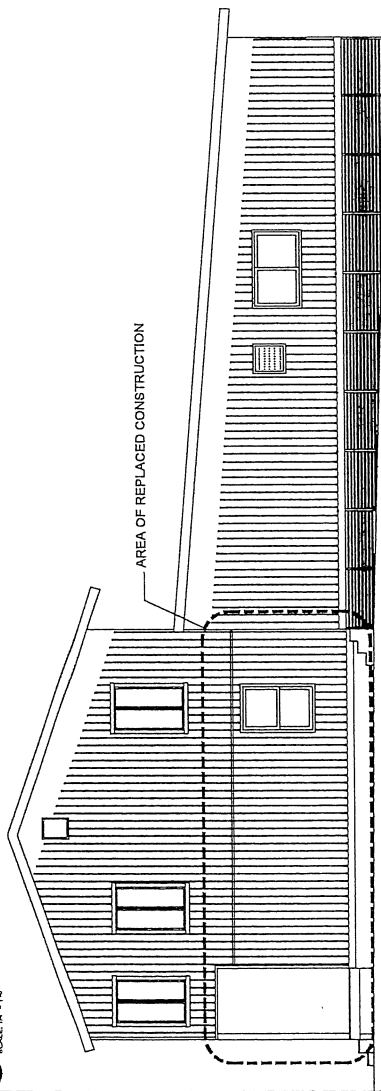
DRAWN
CHECKED
DATE 12-2-2020
SCALE
AS NOTED
REVISIONS: 1-12-2021 1-22-2021 4-26-2021
\$HEET
A02
SHEETS
OF



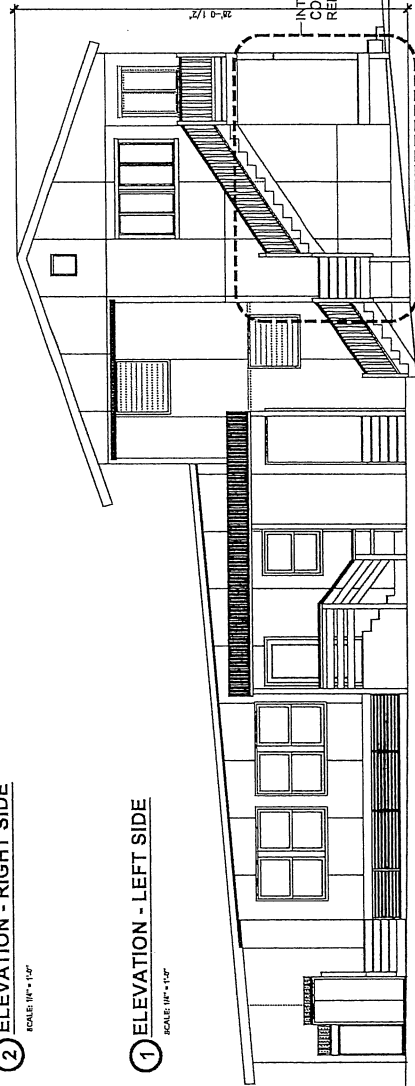
3 ELEVATION - REAR
SCALE: 1/4" = 1'-0"

4 ELEVATION - FRONT/STREET FACING - FRONT
SCALE: 1/4" = 1'-0"

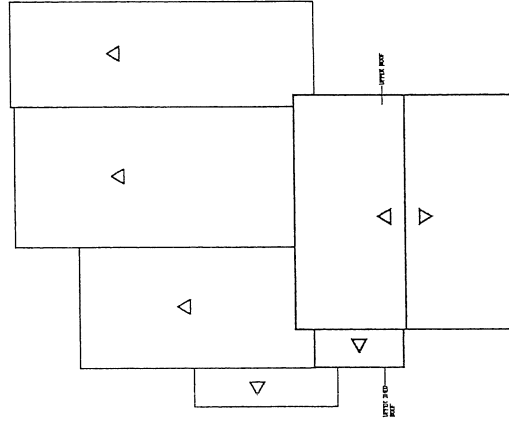
GROSS SQUARE FEET
FLOOR 1: 3,003 SF
FLOOR 2: 1,004 SF
TOTAL: 4,007 SF



2 ELEVATION - RIGHT SIDE
SCALE: 1/4" = 1'-0"



1 ELEVATION - LEFT SIDE
SCALE: 1/4" = 1'-0"



5 ROOF PLAN
SCALE: 1/4" = 1'-0"

PURDY
KIMMETH A. PURDY
ARCHITECT
1000 W. 10TH AVE
SUITE 100
DENVER, CO 80202
TEL: (303) 733-4444
FAX: (303) 733-4444

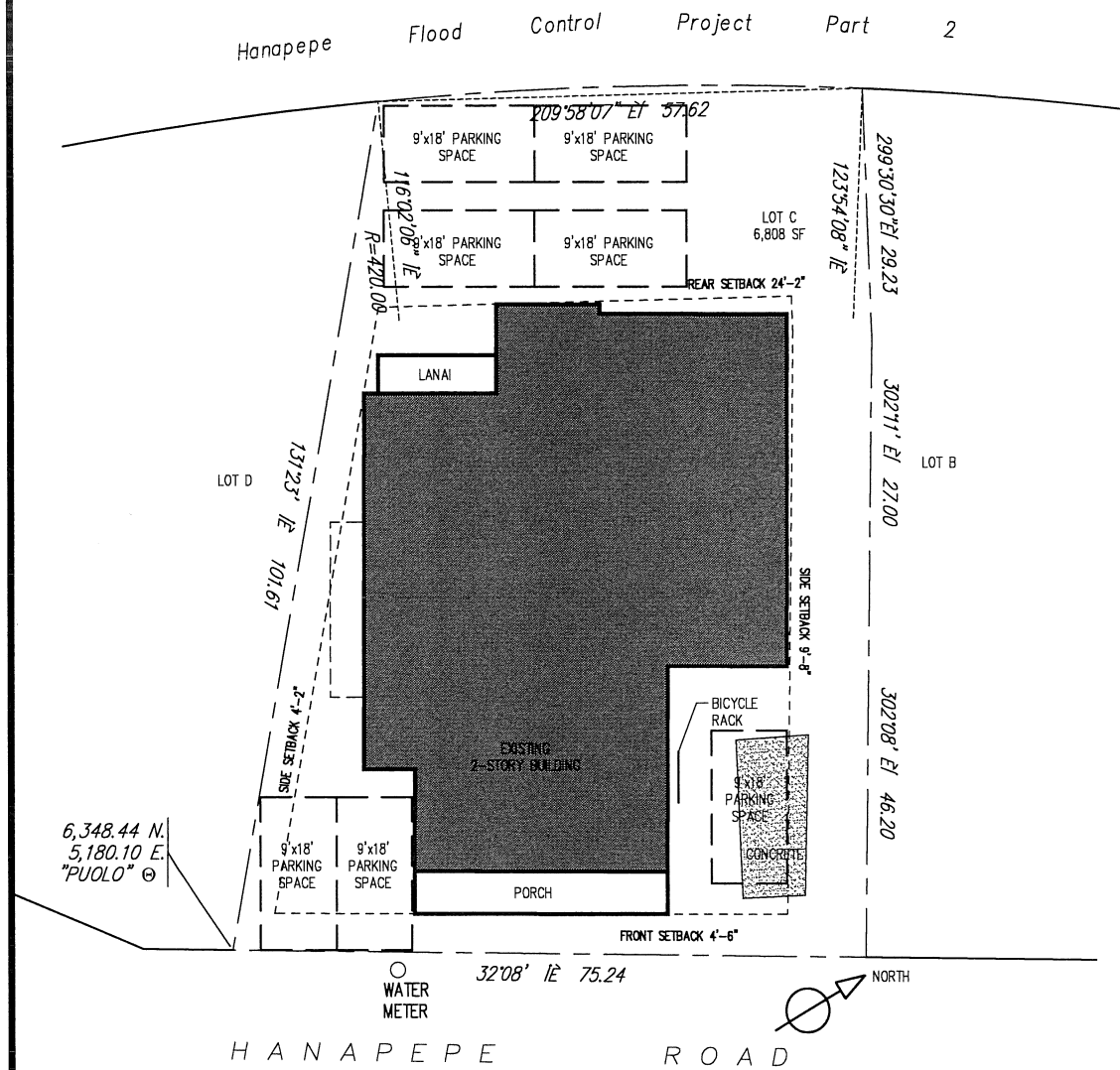
THREE PLANS WERE PREPARED BY KIMMETH A. PURDY, ARCHITECT, AND WERE REVIEWED AND APPROVED BY THE BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS OF THE STATE OF COLORADO. MY OBSERVATION.

[Signature]
KIMMETH A. PURDY
ARCHITECT

Von Krusenstern
APARTMENT 1 CONSTRUCTION
MATERIALS REPLACEMENT
3731 HANAPEPE ROAD
HANAPEPE, HI 96716
TMK: 190040150000

DRAWN	CHECKED	DATE	REVISION	AS NOTED	REVISION	DATE	SHEET	A03	OF	SHEETS
		12-2-2020				12-2-2021				

EXHIBIT "I"



SITE PLAN

SCALE: 1" = 10'-0"

<u>LOT COVERAGE</u>	
STRUCTURE	3058 SF
CONC. WALKS/STEPS	215 SF
PARKING PAD	152 SF
TOTAL	3425 SF
<hr/>	
LOT SIZE:	6,808 SF
LOT COVERAGE	50%

KAUAI COUNTY CODE - CHAPTER 12

2009 IECC & ORDINANCE 890

BUILDING ENERGY EFFICIENCY STANDARDS

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE
THE DESIGN IS IN CONFORMANCE WITH
THE BUILDING ENERGY
SECTION 504 ELECTRICAL POWER & LIGHTING
SECTION 502 BUILDING ENVELOPE
SECTION 503 BUILDING MECHANICAL SYSTEM

B. Smith

SIGNED **4/9/2020**
Name: **KENNETH A. PURDY**
Title: **ARCHITECT**
License No.: **AR-10373**

BUILDING DATA

PROJECT SITE:
3731 HANAPEPE ROAD
HANAPEPE, HI

OWNER:
JOHN & ELEZABETH VON KRUSENSTIERN

PHONE: TBD

LEGAL:

TMK: (4) 1-9-04:15

CODE COMPLIANCE:

2006 IBC
2006 IRC
2006 UPC
2008 NEC
2009 IECC

SCOPE OF WORK

PROPOSED USE, 2019

DESIGN LOADS

ROOF:	DEAD LOAD	15 PSF
	LIVE LOAD	16 PSF
FLOOR:	DEAD LOAD	10 PSF
	LIVE LOAD	50 PSF

SEISMIC ZONE: 1

WIND EXPOSURE: B

FOUNDATION:
ASSUMED SOIL PRESSURE: 1500 PSI

SHEET INDEX

A01 SITE PLAN
A02 PLANS
A03 ELEVATIONS & ROOF PLAN
A04 FOUNDATION, FRAMING, SECTION

E01 ELECTRICAL PLAN

PURDY

KENNETH A. PURDY
ARCHITECT

3738-A OMAO ROAD
KOLOA, HI 96756

(808) 742-6682
FAX (808) 742-9669



THESE PLANS WERE PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.

Kaurin

KENNETH A. PURDY

Von Krusenstern Tenant Improvement

731 HANAPEPE ROAD
HANAPEPE, HI 96716

TMK: 190040150000

DRAWN

CHECKED

DATE
-9-2020

SCALE
NOTED

JOB NO.

SHEET

A01

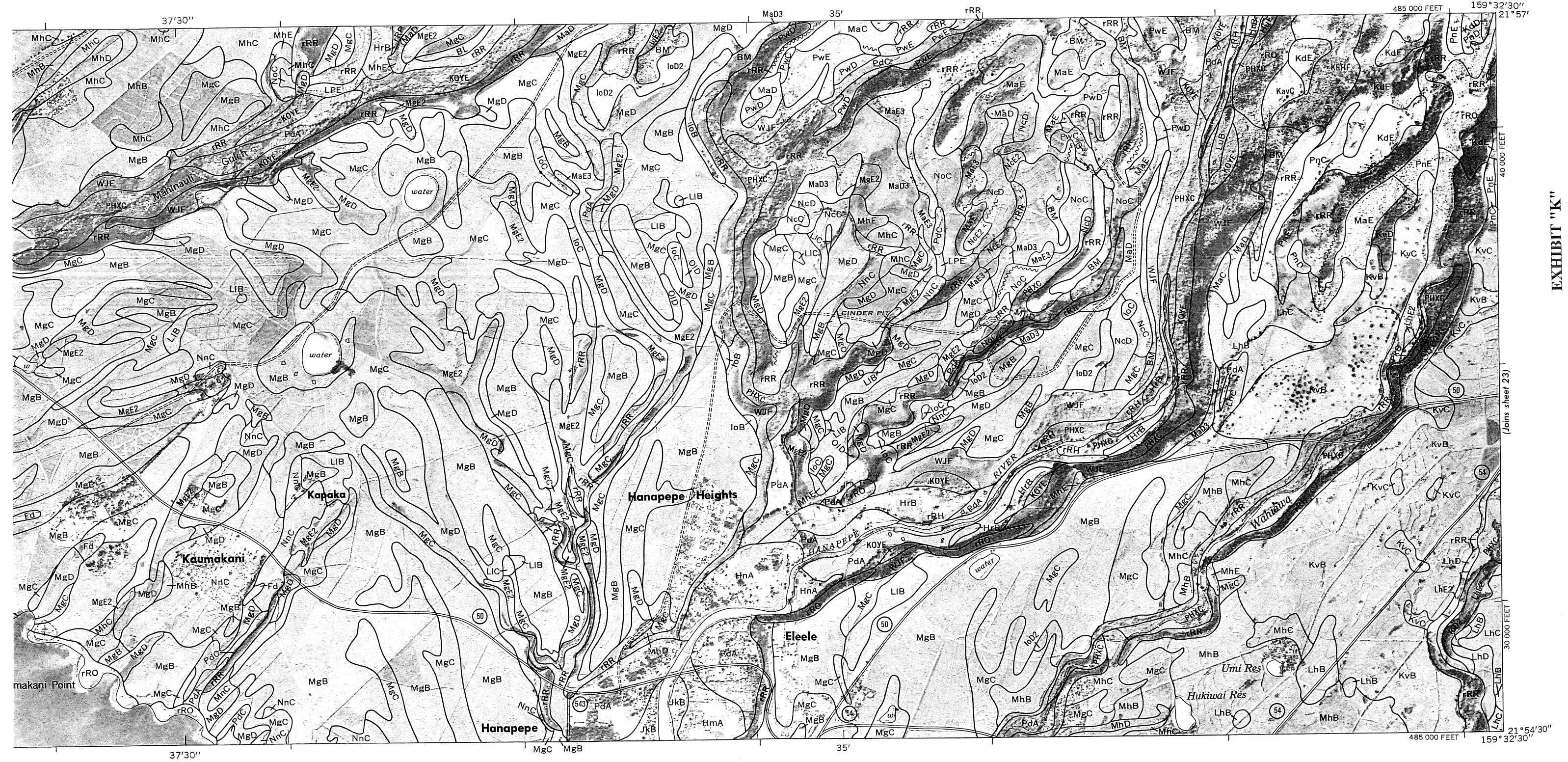
OF SHEETS

EXHIBIT "J"



EXHIBIT "J"

EXHIBIT "K"



Photobase from 1965 aerial photographs. 5,000-foot grid ticks based on Hawaiian plane coordinate system, zone 4. Old Hawaiian datum.

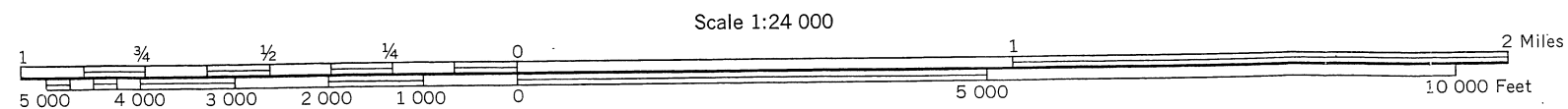
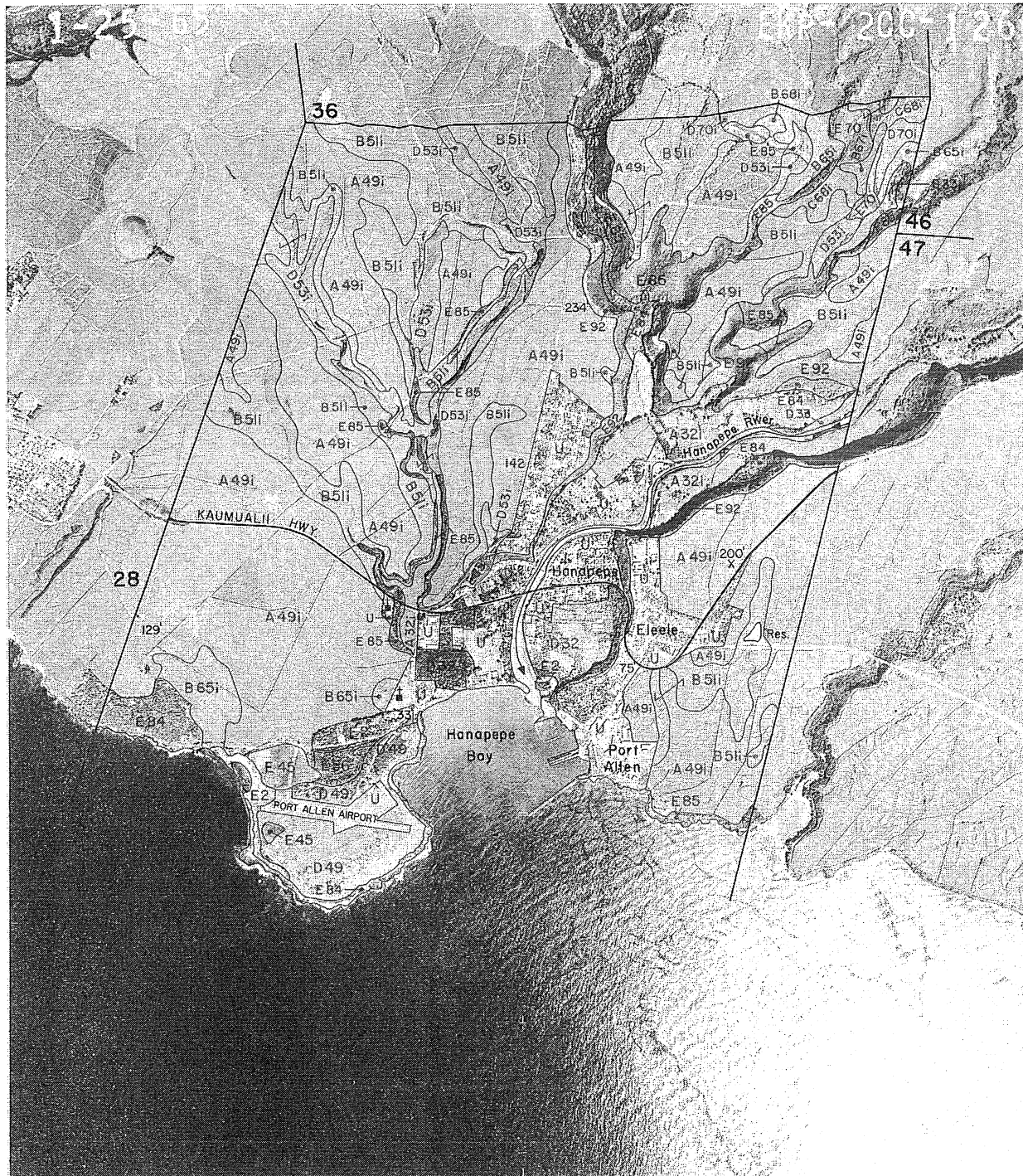


EXHIBIT "L"



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.)

B 78i



Approx.
North

U.S.G.S. Quad References: Hanalei

Approximate Scale (ft./in.) = 14,900 - Ground Elevation
6

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

LAND STUDY BUREAU - UNIVERSITY OF HAWAII

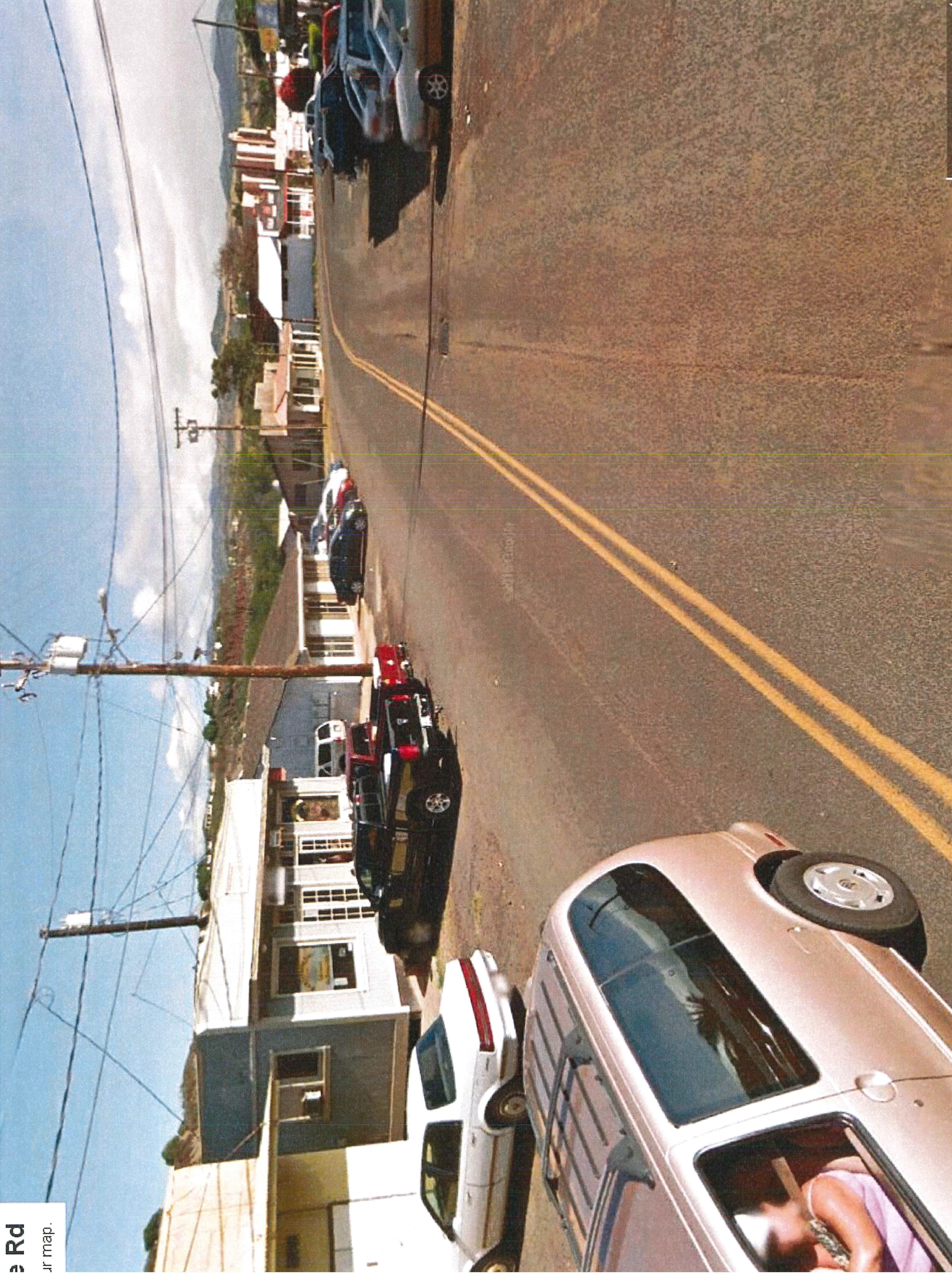
EXHIBIT "M"

e Rd
r map.



EXHIBIT "M"





e Rd
r map.





COUNTY OF KAUAI
PLANNING DEPARTMENT

DIRECTOR'S REPORT

SUBJECT TO CHANGE

I. SUMMARY

Action Required by Planning Commission: Consideration of Class IV Zoning & Use Permits to allow conversion of a commercial/retail space into a residential unit.

Permit Application Nos. Class IV Zoning Permit Z-IV-2022-2
Use Permit U-2022-2

Name of Applicant(s) JOHN & ELIZABETH VON KRUSENSTEIRN
Jonathan J. Chun, Esq., Authorized Agent

II. PERMIT INFORMATION

PERMITS REQUIRED	
<input checked="" type="checkbox"/> Use Permit	Pursuant to Section 2.2.070 H. of the West Kaua'i Form-Based Code, a Use Permit is a procedural requirement to allow deviations from the development standards contained within the T4 Village Center (T4VC) Transect.
<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 8-8.4 of the KCC, 1987, as amended, a Class IV Zoning Permit is a procedural requirement for development of commercial zoned property that is greater than one (1) acre in size.
<input type="checkbox"/> Special Management Area Permit <input type="checkbox"/> Use <input type="checkbox"/> Minor	
AMENDMENTS	
<input type="checkbox"/> Zoning Amendment	
<input type="checkbox"/> General Plan Amendment	
<input type="checkbox"/> State Land Use District Amendment	

G.2.a.1.
SEP 14 2021

Date of Receipt of Completed Application: August 2, 2021
Date of Director's Report: September 14, 2021
Date of Public Hearing: SEPTEMBER 28, 2021
Deadline Date for PC to Take Action (60TH Day): November 13, 2021

III. PROJECT DATA

PROJECT INFORMATION			
Parcel Location:	3731 Hanapēpē Road, Hanapēpē Town. The parcel is situated on the mauka side of Hanapepe, approx. 550 north of the Hanapēpē Road/Hana Road intersection.		
Tax Map Key(s):	1-9-004:015	Area:	6,808 square feet (SF)
ZONING & DEVELOPMENT STANDARDS			
Zoning:	T4 Village Center (T4VC)		
State Land Use District:	Urban		
General Plan Designation:	Neighborhood Center		
Height Limit:	35 feet		
Max. Land Coverage:	80% max.		
Parking Requirement:	<p>Per Section West Kauai FBC, Section 2.2.070 F., 1 stall per 1,500 gross square feet (gsf) minimum</p> <p>The existing building contains 3,561 SF of residential space. Based on the requirement noted above, the project As proposed, the development requires a total of two (2) off-street parking stalls.</p> <p>As proposed, the Applicant is proposing SEVEN (7) off-street parking stalls.</p>		
Front Setback:	0 feet min, 10 feet max.		
Rear Setback:	10 feet min		
Side Setback:	0 feet min, 10 feet max.		
Community Plan Area:	West Kaua'i Community Plan (WKCP)		
Community Plan Land Use Designation:	T4VC		
Deviations or Variances Requested:	Yes. To allow residential use on the ground floor.		

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
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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 August 2, 2021, and the Applicant, through its authorized agent, was notified accordingly of the Planning Department's intent to commence permit processing.

Commission Meeting Date: SEPTEMBER 28, 2021

V. PROJECT DESCRIPTION AND USE

The project involves the renovation of an existing commercial/retail building in Hanapepe Town that converts a retail space on the ground floor into a residential unit.

The County's Tax Assessment records indicate the building was built circa. 1938 and contains two (2) non-conforming residential units that pre-dated the adoption of the Comprehensive Zoning Ordinance (CZO). The residential units are considered "grandfathered."

As represented in the Applicant's Floor Plan (refer to Exhibit 'H' of the Application), the retail area located on the ground floor of the building and along Hanapēpē Road that is approximately 1,440 SF shall be converted into a residential unit. The proposed development will be the fourth residential apartment unit within the building.

There will be a total of three (3) residential units on the ground floor and a single unit at the upper floor area. The area of the project is broken as follows:

- **Apartment #1 (Proposed):** Measures 36' x 40' and features a Lanai along Hanapēpē Road.
- **Apartment #2:** Contains 2 Bedrooms, 1 Full Bath, Kitchen and Living Room
- **Apartment #3:** (Measures 18' x 42') Contains 1 Bedroom, 1 Full Bath, Kitchen, and Living Room.
- **Apartment #4:** (Measures 36' x 40') Contains 2 Bedroom, 1 Full Bath, Kitchen, Living Room, and Lanai.

It is noted that all of the residential apartment units have their own entrance. The Applicant did not disclose in their Application the number of bedrooms that will be included within Apartment #1, however, the total area is very similar to Apartment #4 located on the upper floor.

Exhibit 'I' of the Application represents a total of seven (7) off-street parking stalls, however, it is uncertain as to whether vehicles can gain access to the rear portion of the subject property. In addition, the Applicant is providing a bicycle rack for its tenants.

VI. APPLICANT'S REASONS/JUSTIFICATION

Please refer to sections of the application.

VII. FINDINGS

1. Project Site & Surroundings

The site is situated on the western edge of the historic Hanapēpē Town Core strip and immediately abutting the Hanapēpē River along its western boundary. It is near the mauka (inland) crossing bridge over Hanapēpē River. The project site is situated immediately across the street from the former Ueoka Store (TMK: 1-9-005:006) and surrounded by commercial/retail uses. They contain a mixture of uses ranging from hair salon, professional office, and retail stores.

The nearest residential development is approximately 500 feet to the northwest (within Hanapēpē Valley and along Awawa Road.

2. Flood Zones

The general topography of the project site is relatively flat, containing a gentle slope from east to west, in the direction of the Hanapepe River. The Federal Emergency Management Agency (FEMA) Flood Insurance Map shows the project site is situated within the flood zone identified as Zone 'X'. FEMA has identified those areas within the Zone "X" are determined to be outside the 0.2% annual chance floodplain. It is also noted that the subject property as well as properties along the Hanapēpē River are protected by the levee system along the riverbank.

3. Existing Land Use Permits

The following information represents land use approvals/permits associated with the subject property:

- **Class IV Zoning Permit Z-IV-77-35, Use Permit U-77-18** – This application received approval by the Planning Commission on June 22, 1977, and it authorized a deviation from the commercial parking requirements.

4. Kaua'i General Plan (GP)

The General Plan designation for the subject property is "NEIGHBORHOOD CENTER." The Neighborhood Center designation is focused on historic town cores and corresponds to existing or future areas appropriate for accommodating infill development and growth. In this district, it consists of a mixed-use core with a cluster of retail and service activity, civic spaces, and primary destinations, along with residential uses. This core area can support an interconnected network of streets and blocks that encourage multimodal transportation access. Centers typically comprise a mix of detached and attached buildings between 1-5 stories in height.

5. West Kaua‘i Community Plan (WKCP)

The subject property is covered by policies and development standards contained within the West Kaua‘i Community Plan, Article 3 of Chapter 10, Kaua‘i County Code (1987). More specifically, the project will be subjected to the standards contained in the West Kaua‘i Form-Based Code (FBC), Appendix “C” of the WKCP, Section 2.2.070.

6. Vehicular Access

The primary access to the project is through Hanapēpē Road, which is a County roadway, and it is presently wide enough to accommodate two-way vehicular traffic. An existing driveway connecting into Hanapēpē Road provides egress/ingress to the project site.

VIII. AGENCY COMMENTS

Attached as Exhibit ‘A’.

IX. PRELIMINARY EVALUATION

In evaluating the Applicant’s development proposal, the following aspects are being considered:

1. Hawai‘i Revised Statutes (HRS)

- a. HRS Section 226, also known as the Hawai‘i State Plan, is a long-range comprehensive plan that serves as a guide for the future long-range development of the State by identifying goals, objectives, policies, and priorities, as well as implementation mechanisms.
- b. The proposed development is in accordance with the following goals of the Hawai‘i State Plan in that:
 - 1) A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii’s present and future generations.
 - 2) A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.
 - 3) Physical, social, and economic well-being, for individuals and families in Hawaii, that nourishes a sense of community responsibility, of caring, and of participation in community life.

2. General Plan

- a. The County General Plan (2018) acts as an over-arching values statement and provides a policy framework for the Kaua‘i Island Plan and Community Plans within a twenty-year timeframe. The County General Plan provides broad goals,

objectives, policies, and implementing actions that portray the desired direction of the County's future.

- b. The proposed development is in accordance with the goals, objectives, and policies of the Kaua'i General Plan as demonstrated below:

1) **Goal #1: Promote a Sustainable Island**

Objective: Improve the stewardship of the natural environment Policies:

- The project is an example of responsible growth for an area that is designated for a mixture of commercial and residential uses.
- It would fulfill the vision to create a live, work, and play lifestyle.

2) **Goal #2: Stewardship and Protection of Unique and Beautiful Place**

Objective: Share kuleana, or responsibility to care for and protect treasured resources, traditions, and qualities of the natural, built, and human environment.

- The project would complement the natural, cultural, social and built environmental assets of the Hanapēpē community by providing a model environment to live, work, and play within West Kaua'i as well as the Hanapēpē Town Core.
- The proposal would be consistent with similar and historic uses in the area as well as development policies that is envisioned for the area.

3) **Goal #3: Healthy and Resilient People**

Objective: Increase resilience and vitality of communities and improve natural, built, and social environment to promote better health outcomes.

- As proposed, the project embraces the walkable community that was envisioned by the West Kaua'i Community Plan as well as the General Plan.

4) **Goal #4: Equitable Place, with Opportunity for All**

Objective: Foster diverse and equitable communities with vibrant economies, access to jobs and housing, and a high quality of life.

- Similarly, the project supports and enhances economic and business opportunities by providing jobs for new business as well as affordable housing units.
- The project would add value to the town core by offering an opportunity to live, work, and play.
- The proposal supports the economy of the town core by having its residents support the local businesses in the area and offers its

residents alternative modes of transportation since it is in close proximity to the town core and public transportation along the main highway.

- The project creates and fosters thriving commercial areas in the Town Center through improved infrastructure, civic space, and streetscapes.

5) **Policies of the GP:** The Applicant has demonstrated the project's conformance to the policies contained in Section 1.4 of the General Plan. The discussion begins on Page 16, Section 8.4 of the Application.

- c. The project is consistent with the Neighborhood Center GP designation in that it serves as an opportunity to revitalize the Hanapēpē Town Core by providing an opportunity for its residents to work, live, and play. What makes this project desirable is that it is centrally located to services and public transportation. With the Neighborhood Center designation, residents can take advantage of commercial amenities and recreational activities in the area. Furthermore, the project would economically diversify the neighborhood by adding permanent housing targeting a variety of incomes in an urban neighborhood comprising of retail businesses and government services.

2. West Kaua'i Community Plan (WKCP)

- a. As proposed, the project would be consistent with the Hanapēpē Town Plan Community Vision of the WKCPs that reads, "The vision for Hanapepe is to protect the existing historic buildings, develop supportive infrastructure and facilities to enhance the commercial environment, and improve the livability of the residential neighborhoods. Small-scale develop, along with additional shared spaces, will produce a more walkable, mixed-use environment."
- b. Due to the project's centralized location, the project can be considered "distinct yet connected" since it is adjacent to well-travelled roadways that connects to commercial/retail facilities at the nearby shopping mall in Ele'ele & Port Allen, as well as commercial operations along the main highway in Hanapepe Town.
- c. The project is consistent with the sustainable strategies contained in the County's community plans with regards to the "10 Minute Walk." The strategy ensures that growth occurs near existing community centers to avoid sprawl and to accommodate anticipated housing needs at densities appropriate to the specific towns.
- d. **Residential Density**
The properties that are immediately adjacent to the subject property are commercially zoned; the CZO designation is General Commercial District (C-G). As represented, the Applicant will be converting a retail space at the ground floor into a residential apartment and as a result, there will be a total of four (4) residential units on the property. With the form-based code standards that are

applicable to the property, there are no assigned density as long as the developments that occur on the parcel comply with the standards specified in Section 2.2.070 of the West Kaua'i Form-Based Code. As proposed, the project meets the criteria.

e. **Compatibility**

As previously noted, the project site is situated within the Transect T4 Village Center (T4VC). While the project is subjected to the design standards reflected in Section 2.2.070, the overall design of this project reflects and incorporates the historic architectural elements of the area. The site is surrounded by many historic buildings that define the Hanapēpē town core and more importantly, its location is a part of the well-known "historic town core."

A Use Permit was triggered since residential uses are not allowed on the ground floor within the T4VC, except when it is located behind an allowed ground floor use. As previously mentioned, the other three residential uses were grand-fathered. Prior to the adoption of the WKCP, it is noted that the zoning designation of subject parcel was C-G District, and with the recent amendments to the CZO, the proposed residential use would have now been an outright permitted use in that zoning district. Given that, the project would have met the Use Permit criteria established in Section 8-3.2(e) of the Kaua'i County Code (1987) and been compatible with the surrounding uses.

As proposed, there will be no additions made to the structure. However, the Applicant is encouraged to utilize similar materials for the residential conversion in order to maintain the "historical integrity" of the building and to integrate the project with its surroundings.

f. **Off-Street Parking**

The development standards for the project are managed by the standards contained in the West Kauai FBC, Section 2.2.070. It specifies 1 stall per 1,500 gross square feet (gsf). Based on the cumulative residential area of the project (approx. 3,561 SF) and applying the foregoing standard, the project would require two (2) off-street parking stalls.

However based on the size of the parcel, the department has reservations with regards to the provision of off-street parking for the residential units. In further considering the project and applying the CZO parking requirements, the project could be evaluated as a multiple-family residential project and thus requiring 1.5 stalls per residential/dwelling unit. Based on this standard, the project would require six (6) off-street parking stalls.

As represented, the Applicant shall provide a total of **seven (7) off-street parking stalls and accommodations for bicycle racks for the project**. Additionally, the Applicant is made aware that the Planning Director may increase parking requirements when particular uses or locations occur in areas where unusual traffic

congestion or conditions exist or are projected.

Other factors to consider relative to the integration of the proposed development at this location are noted as follows:

3. Infrastructure

The department is awaiting comments from various government agencies relating to the infrastructure serving this development. While infrastructure issues are generally resolved between the Applicant and respective agencies, certain issues warrant further discussion and analysis:

a. **Wastewater Treatment**

There is no public sewer available to the subject property. The State Department of Health (DOH) and County Department of Public Works (DPW) have not provided their recommendations for the project as it relates to wastewater capacity. As such, the Applicant would be advised that this issue should be resolved prior to submittal of any building permit application for any of the proposed buildings in the development.

b. **Flood/Drainage**

The department has not received DPW's recommendations for the project relating to drainage. A Drainage Study may be necessary to evaluate the impacts of storm runoff because of the development. Prior to permitting, the Applicant is advised that this issue be resolved prior to submittal of any building permit application.

4. Agency Comments

The Applicant should resolve and comply with all agency requirements as recommended in the permit application review, including but not limited to the fire code requirements as imposed by the County Fire Department, drainage/flood requirements for DPW-Engineering Division, wastewater requirements for the State Department of Health (DOH), and the archaeological/historical requirements of the State Historic Preservation Division (SHPD).

5. Native Hawaiian Traditional and Cultural Rights

It is noted that the project site was previously disturbed since it is within an urban in the town core. While there wasn't a requirement prior to any development to conduct an Archaeological Inventory Survey at the time project was initially constructed in the 1970's, there has been no unexpected archaeological discoveries or any known impacts to Native Hawai'i Traditional and Cultural Practices on the subject property. However, the Applicant has been informed to contact the State Historic Preservation Division and Planning Department if they receive any knowledge of or discover any cultural/historical resources.

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.

X. PRELIMINARY CONCLUSION

Based on the foregoing findings and evaluation, it is concluded that through proper mitigative measures and compliance efforts, the proposed development is appropriate relative to the provision of providing alternative housing opportunities within Hanapepe Town.

It is further concluded that in anticipating the agency requirements from the State DOH and County DPW, various technical requirements relating to infrastructure improvements need to be resolved during the land use permit process and prior to building permit application.

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.

XI. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby recommended that the proposed development involving the conversion of the commercial/retail space into a residential unit through Class IV Zoning Permit Z-IV-2022-2 and Use Permit U-2022-2 be APPROVED with the following conditions:

1. The project and its amenities shall be constructed and operated as represented. Any changes to the subject buildings and/or operations shall be reviewed by the Department to determine whether Planning Commission review and action is required.
2. As represented, the Applicant shall provide a total of seven (7) off-street parking stalls and accommodations for bicycle parking & storage for the project. However, the Applicant is made aware that the Planning Director may increase vehicle and bicycle-parking requirements when particular uses or locations occur in areas where unusual traffic congestion or conditions exist or are projected.
3. At the time of building permit application, an Environmental Impact Assessment fee of \$1,000 shall be paid pursuant to Section 11A of the Kauai County Code.
4. Prior to building permit application, the Applicant shall resolve the following infrastructure requirements to the satisfaction of the respective agency, and shall

submit corresponding communication to the Planning Department that addresses these matters:

- a. Wastewater treatment for the project through the State Department of Health (DOH) and County Department of Public Works (DPW); and
 - b. Flood & drainage requirements for the project through the County DPW.
5. 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 types: *downward-facing shielded lights*. Any spotlights aimed upward or spotlighting of structures, landscaping, or the ocean shall be prohibited.
6. The Applicant shall comply with the fire code requirements as imposed by the County Fire Department, drainage/flood requirements for DPW-Engineering Division, wastewater requirements for the State Department of Health (DOH), and the archaeological/ historical requirements of the State Historic Preservation Division (SHPD).
7. Prior to operation/occupancy of the proposed residential unit, written confirmation of compliance with the requirements from all reviewing agencies shall be provided to the Planning Department.
8. The Applicant shall develop and utilize Best Management Practices (B.M.P.'s) during all phases of development in order to minimize erosion, dust, and sedimentation impacts of the project to abutting properties.
9. 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.
10. The Applicant is advised that prior to construction and/or use, additional government agency conditions may be imposed. It shall be the Applicant's responsibility to resolve those conditions with the respective agency(ies).
11. The Planning Commission reserves the right to add or delete conditions of approval in order to address or mitigate unforeseen impacts this project may create or revoke the permits through the proper procedures should conditions of approval be violated or adverse impacts be created that cannot be properly addressed.

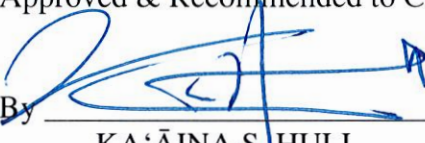
The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing

process scheduled for SEPTEMBER 28, 2021, 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.

By 
DALE A. CUA
Planner

Approved & Recommended to Commission:

By 
KA'ĀINA S. HULL
Director of Planning

Date: 9/7/2021

EXHIBIT “A”

(Agency Comments)

For reference



County of Kauai
PLANNING DEPT.

**COUNTY OF KAUAI
PLANNING DEPARTMENT**

**4444 RICE STREET, SUITE A473 LIHU'E, HAWAII 96766
(808) 241-4050**



21 AUG 27 A9:35

FROM: Kaaina S. Hull, Director (Dale) August 3, 2021

SUBJECT: Class IV Zoning Permit Z-IV-2022-2, Use Permit U-2022-2, Office And Office Buildings
Tax Map Key: (4) 1-9-004:015, John And Elizabeth Von Krusensteirn, Applicant

TO:

<input type="checkbox"/>	Department of Transportation - STP	<input checked="" type="checkbox"/>	DPW-Engineering
<input type="checkbox"/>	DOT-Highway, Kauai(info only)	<input type="checkbox"/>	DPW-Wastewater
<input type="checkbox"/>	DOT-Airports, Kauai (info only)	<input type="checkbox"/>	DPW-Building
<input type="checkbox"/>	DOT-Harbors, Kauai (info only)	<input type="checkbox"/>	DPW-SolidWaste
<input checked="" type="checkbox"/>	State Department of Health	<input type="checkbox"/>	Department of Parks & Recreation
<input type="checkbox"/>	State Department of Agriculture	<input checked="" type="checkbox"/>	Fire-Department
<input type="checkbox"/>	State Office of Planning	<input type="checkbox"/>	County Housing-Agency
<input type="checkbox"/>	State Dept. of Bus. & Econ. Dev. Tourism	<input type="checkbox"/>	County Economic Development
<input type="checkbox"/>	State Land Use Commission	<input type="checkbox"/>	KHPRC
<input checked="" type="checkbox"/>	State Historic Preservation Division	<input checked="" type="checkbox"/>	Water Department
<input type="checkbox"/>	DLNR- Land Management	<input type="checkbox"/>	Kaua'i Civil Defense
<input type="checkbox"/>	DLNR- Forestry & Wildlife	<input type="checkbox"/>	U.S. Postal Department
<input type="checkbox"/>	DLNR- Aquatic Resources	<input type="checkbox"/>	UH_Sea_Grant
<input type="checkbox"/>	DLNR- OCCL	<input checked="" type="checkbox"/>	County Transportation Agency
		<input type="checkbox"/>	Other:

FOR YOUR COMMENTS (pertaining to your department):

See comments on attached sheet.

August 12, 2021

Darren Tamekazu, Acting Chief

This matter is scheduled for a public hearing before the **County of Kauai Planning Commission** on **September 28, 2021** at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter. If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!

Class IV Zoning Permit Application: **Z-IV-2022-2**
Use Permit: **U-2022-2**
Applicant: **John & Elizabeth Von Krusensteirn**

Based on our review of the application, we have the following environmental health concerns for your consideration at this time.

1. Temporary fugitive dust emissions could be emitted when construction activities occur. In accordance with Title 11, Hawaii Administrative Rules (HAR), Chapter 11-60.1 "Air Pollution Control", effective air pollution control measures shall be provided to prevent or minimize any fugitive dust emissions caused by construction work from affecting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.
2. Noise will be generated when construction begins. The applicable maximum permissible sound levels as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control" shall not be exceeded unless a noise permit is obtained from the State Department of Health (DOH).
3. In accordance with Title 11, HAR, Chapter 11-58.1, entitled "Solid Waste Management Control", the grubbed material and construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that complies with the DOH. The open burning of any of these wastes on or off site is prohibited.

Due to the general nature of the application submitted, we reserve the right to implement future environmental health restrictions when information that is more detailed is submitted.

COCO PALMS HUI LLC
a Delaware limited liability company

June 30, 2021

Mr. Ka'aina Hull
Clerk of the Planning Commission of the County of Kauai
Planning Commission of the County of Kauai
4444 Rice Street
Kapule Building, Suite A-473
Lihue, Hawaii 96766-1326

Re: 2021 status report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 at Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017 (the "Permits"), with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kauai (the "Conditions") with Coco Palms Hui LLC, as Applicant ("Applicant")

Dear Mr. Hull:

Pursuant to Condition No. 29 of the above-referenced Permits, Coco Palms Hui LLC hereby submits the enclosed status report regarding its Conditions as of June 30, 2021.

Should you have any questions or desire additional information regarding the status report, do not hesitate to contact Parker Enloe at (801) 717-6744 or Jon M.H. Pang, Esq., at (808) 547-5400.

Very truly yours,

COCO PALMS HUI LLC,
a Delaware limited liability company

By: STILLWATER EQUITY PARTNERS LLC,
a Utah limited liability company,
its Manager

DocuSigned by:

By: 86EE14D128804E1
Paul Bringham
Its Manager

160 W. Canyon Road Suite 3 Alpine, Utah 84004

G.I.A.
SEP 28 2021

Coco Palms Permit Conditions Matrix
Status Report as of June 30, 2021

Development Permits: Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 at Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017, with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kauai

Applicant: Coco Palms Hui LLC

	Count	Conditions
Completed Condition:	8	1, 2, 3, 4, 5, 10, 28, 29
Ongoing:	14	6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 21 (except 21.b), 23, 25, 26,
Forthcoming:	7	16, 18, 19, 20, (21.b), 22, 24, 27
	29	

	Condition	Status	Comments to County
1.	The Applicant shall contribute \$50,000.00 to the County of Kauai to assist the Planning Department's historic preservation mission via its efforts to perpetuate the cultural and historic significance of the Wailua/Waipouli region consistent with the Department's historic preservation program, including the creation of educational programs and signage.	Complete	This contribution was paid to, and received by, the County of Kauai on October 17, 2015.
2.	The Applicant shall contribute \$50,000.00 to the County of Kauai to assist the County with its current place making efforts, including moku and ahupuaa signage of the Wailua area.	Complete	This contribution was paid to, and received by, the County of Kauai on October 17, 2015.

	Condition	Status	Comments to County
3.	Prior to building permit approval, the Applicant shall meet the requirements and standards of the Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD). The Applicant is further 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 and the Planning Department to determine mitigation measures. The Planning Department has reviewed the comments of the State Historic Preservation Division, and under its independent Chapter 6E and related Hawaii Constitutional obligations and duties, requires the following historic preservation measures be fulfilled by the Applicant.	Complete	As of June 2016, the Applicant has received approval from SHPD with respect to their HRS 6E-42 review and required mitigation actions. However, Applicant is also advised that should any human remains be discovered as a consequence of digging activities, WORK MUST IMMEDIATELY STOP IN THE VICINITY OF THE FIND AND SHPD AND THE PLANNING DEPARTMENT MUST BE NOTIFIED.
3.a	A revised SOW for the project, including any proposed work with potential to affect the historic lagoon, including staging areas, construction of new bridges, dredging, or filling in of areas near the lagoon;	Complete	
3.b	Information regarding any potential federal funding or federal permits that may be required, especially relative to the historic lagoons;	Complete	
3.c	An Intensive-Level Survey (ILS) that identifies and assesses all remaining architectural historic properties and their potential eligibility for the Hawaii and National Registers;	Complete	
3.d	A Burial Treatment Plan (BTP) that meets HAR §13-300-34(b), and following a determination by the KIBC regarding burial treatment, a Burial Site Component of a Data Recovery Plan (BSCDRP) that meets HAR §13-300-34(b)(3)(B); and	Complete	
3.e	A Revised Archaeological Monitoring Plan (AMP) that includes provisions for addressing architectural monitoring concerns and meets HAR §13-279-4, including ongoing monitoring during construction and 90 days after completion of construction.	Complete	

	Condition	Status	Comments to County
4.	Applicant shall submit a Construction and Demolition Debris Management Plan, and have the plan reviewed and concurred with by the Department of Public Works, Solid Waste Management Division. Applicant is encouraged to employ broad diversion efforts in its waste management plan.	Complete	This condition 4 is satisfied.
5.	Applicant is aware that any final construction plans involving the former Seashell Restaurant site that deviates substantially from the conceptual plans presented to the State Department of Land and Natural Resources may trigger compliance with the statutes and regulations under the jurisdiction of the Office of Coastal and Conservation Lands, Hawaii State Department of Land and Natural Resources if final development is proposed within the shoreline area. Applicant is on notice that, if any such final plans proposes development within the shoreline area, this permit action may be deemed invalid and require modification and re-approval only after compliance with Chapter 343, Hawaii Revised Statutes, is attained.	Complete	No current plans for development within the shoreline area.
6.	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 types: shielded lights, cut-off luminaries, indirect lighting or other types permissible under applicable Federal Law or otherwise approved by the United States Fish and Wildlife Service. Spotlights aimed upward or spotlighting of structures, landscaping, or the ocean shall be prohibited unless otherwise permissible under Federal Law or approved by the United States Fish and Wildlife Service.	Ongoing	No external lighting being used at this time.

	Condition	Status	Comments to County
7.	To the extent possible within the confines of union requirements and applicable legal prohibitions against discrimination in employment, the Applicant shall seek to hire Kauai contractors as long as they are qualified and reasonably competitive with other contractors, and shall seek to employ residents of Kauai in temporary construction and permanent jobs. It is recognized that the Applicant may have to employ non- Kauai residents for particular skilled jobs where no qualified Kauai resident 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.	Ongoing	Upon approval of building permits, applicant will solicit bids from local contractors in accordance with this condition.
8.	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.	Ongoing	Plans are being developed to utilize the latest L.E.E.D standards.
9.	As part of the building permit application, the Applicant shall comply with the building code requirements applicable to the construction plans submitted for the vertical Improvements for the project. Any revisions shall be identified accordingly on the final site development plan and vertical building construction plans for building permit review and processing in accordance with applicable building code requirements.	Ongoing	Submitted plans are in compliance with applicable building code requirements.
10.	The Applicant shall contribute \$10,000.00 to the County of Kauai Transportation Agency to assist with the construction of a new bus stop along Kuhio Highway in the Wailua area.	Complete	This contribution has been paid to, and received by, the County of Kauai Transportation Agency on October 17, 2015.

	Condition	Status	Comments to County
11.	Applicant shall coordinate project plans with the Department of Public Works Wastewater Management Division to ensure that connection to a public sewer system is accomplished properly. Applicant shall also submit a current wastewater preliminary engineering report, as per County Sewer Standards, identifying details of sewer connections. Prior to building permit approval for vertical construction, Applicant shall submit construction plans for any necessary sewer improvements and if applicable, pay any required wastewater sewer system fees.	Ongoing	SPW/WMD has approved 22 of 25 permit applications for which DPW/WMD approval were required. For the remaining three (3) permit applications, DPW/WMD comments were addressed in resubmitted plans. The Division is prepared to sign off on permits when all department comments are addressed.
12.	Applicant shall submit a detailed water demand (both domestic and irrigation) calculations along with the proposed water meter size. Water demand calculations submitted by your engineer or architect should also include fixture count and water meter sizing worksheets. The Department of Water may require the payment fees specified in the existing County of Kauai ordinances as a consequence of the approved water demand calculations that are in addition to the existing water allocated to the property.	Ongoing	DOW has approved plans for 22 of 25 permit applications. As to the remaining three (3) permit applications, water demand calculations have been submitted and approved for the newly installed water meter and backflow prevention device.
13.	Applicant shall prepare and receive the Department of Water's approval of construction drawings for the necessary water system facilities and construct said facilities. These facilities shall include but not be limited to: a) the interior plumbing with the appropriate backflow prevention device; b) the domestic service connection, if applicable; c) the fire service connection, If applicable. Requests for additional water meters or increase in water meter size beyond water meters already allocated to the property will be dependent on the adequacy of the source, storage and transmission facilities existing at the time.	Ongoing	DOW has approved plans for 22 of 25 permit applications. As to the remaining three (3) permit applications, resubmitted plans to be reviewed by DOW verify that individual water demand for each building does not collectively exceed the capacity of the installed water meter.

	Condition	Status	Comments to County
14.	Applicant acknowledges affordable housing requirements apply to this proposal, and in compliance with Chapter 7A, Kauai County Code (1987), Applicant has entered into, and will perform its obligations under, that certain Housing Agreement (for Coco Palms) dated December 4, 2015, directly with the Kauai County Housing Agency, which has been fully executed and recorded on February 9, 2016.	Ongoing	Housing Agreement with County Housing Agency recorded on February 9, 2016. The Applicant intends to comply with the Housing Agreement.
15.	Applicant shall submit by August 31, 2019 plans to for all remaining building permits for the construction of vertical improvements on the project site, and will thereafter diligently work in good faith with the Kauai Division of Buildings ("Building Division") to obtain final building permit approval for all remaining permits. Construction shall commence within one year after the date of final approval of the referenced building permits. Further, pursuant to PDU requirements in the CZO, construction shall commence within one year after the date of full approval of such building permits. Also, Applicant shall pull all such building permits within six months after the approval of the final building permit.	Ongoing	<p>The first submittal of all building permit plans was complete on or before August 31, 2019.</p> <p>Final approval has been obtained on 14 of 29 permits applications.</p> <p>As to the remaining 15 permit applications, revised plans responding to all comments have been resubmitted for County approval</p>
16.	Screening of the construction site during construction along Kuhio Highway and Kuamoo Road to be aesthetically consistent with current construction standards on Kauai while maintaining compatibility with the nature of the site sitting at a coastal gateway for the area. Screening shall be properly maintained in a manner acceptable to the Director until such time as the Applicant has completed all vertical improvements. Further, the Applicant shall work with the State Department of Transportation to provide landscaping along the strip of land fronting the property fronting Kuhio Highway and properly maintain this landscaping in perpetuity.	Forthcoming	DOT is currently using the Coco Palms site along Kuhio highway as a staging area for road widening project. New screening is expected to be installed upon DOT completion of road widening project.

	Condition	Status	Comments to County
17.	<p>Applicant shall substantially complete the demolition work described in the existing demolition permits issued for the property by March 31, 2017 subject to extension caused by the occurrence of force majeure events.</p> <p>Applicant agrees that, if the concrete structures that remain on the property after the demolition work is completed is not incorporated into the construction of the vertical improvements by June 30, 2021, the Applicant shall, at its sole cost and expense, secure such concrete structures in full compliance with all health and safety requirements set forth in all applicable laws and ordinances.</p>	Ongoing	<p>Except as to three 3-story concrete structures, demolition was completed by March 31, 2017.</p> <p>Demolition of the remaining three 3-story concrete structures has been incorporated into the plans currently being reviewed by the Dept. of Planning.</p>
18.	Applicant shall provide 20 public parking spaces at the North end of the project site with signage identifying their use by beachgoers and those using public transit when the operator opens to the public the building of the project that is closest to the parking lot containing such public parking spaces. Further, the Applicant shall provide 20 stalls for parking with signage identifying their use by public beachgoers along the south end of the project. These stalls shall be clearly marked for public beachgoers use only. Also, the Applicant at its own expense shall work with the county to site, design, construct, and maintain in perpetuity, a comfort station consisting of restrooms and showers for beachgoers. This comfort station shall be located adjacent or approximate to this public beachgoers parking area.	Forthcoming	
19.	All parking for guests, customers, and employees shall be accommodated on site. No parking on Kuamoo, Haleilio or Apana roads shall be allowed. No use of parking lots on adjacent property shall be allowed as well.	Forthcoming	
20.	Given outstanding evaluation of the Traffic Impact Analysis Report (TIAR) by both the Department of Public Works and State Department of Transportation, in the interim, the Applicant shall provide the following to mitigate traffic impacts created by the development:	See below.	

	Condition	Status	Comments to County
20.a	Provide, at the Applicant's expense, a shuttle for eighteen (18) months beginning when the hotel operator opens the main lobby, at least 277 guest rooms and the food and beverage facilities and services of the project to the public as a pilot program to facilitate transit to and from the Lihue Airport and the development;	Forthcoming	
20.b	Provide, at the Applicant's expense, a circulator shuttle for eighteen (18) months beginning when the hotel operator opens the main lobby, at least 277 guest rooms and the food and beverage facilities and services of the project to the public to move patrons from the hotel to Lydgate and Wailua Beach Park, the Seashell Restaurant Site, the Coconut Marketplace and other destinations within the main Kapaa transit corridor that shall be determined by the County of Kauai Executive on Transportation at least 90 days before such shuttle service is scheduled to begin.	Forthcoming	
20.c	Provide, at the Applicant's expense, a bike share program operated by Applicant or a vendor selected by Applicant for patrons of the resort to allow guests to ride bikes into Kapaa Town and other destinations without driving;	Forthcoming	
20.d	The Applicant shall work with the State Department of Transportation and Department of Public Works to resolve pedestrian crossing, sidewalks and vehicular traffic demands created by the development, and bear implementation costs proportional to the impact that arises, including the installation of a continuous public sidewalk on the Kuhio Highway frontage between Kuamoo and Haleilio; and	Forthcoming	
20.e	Provide the Planning Department, Department of Public Works and State Department of Transportation an update to the TIAR one (1) year after receiving the last certificate of occupancy for the project evaluating traffic impacts created by the resort and analyze the need for additional bus stops.	Forthcoming	

	Condition	Status	Comments to County
20.f	Provide the Department with a report on the Applicant's efforts to work with the Department of Land and Natural Resources to obtain permission to use the lands held by lease for a mauka access, either vehicular, or bike/pedestrian, to allow movement of residents between Kuamoo road and Haleilio Road.	Forthcoming	
20 con't	Should the updated TIAR, as accepted by the three agencies, determine a significant adverse change in the traffic conditions resulting solely from project beyond the traffic conditions anticipated in the original TIAR, Applicant is aware that this permit is subject to reasonable modification by the Planning Commission that Applicant may be responsible for the proportionate costs for any impacts of such significant adverse change for which a nexus to the additional anticipated traffic conditions may be identified.	Forthcoming	
21.	Applicant shall work with the county and bear the costs of the following improvements:	<i>See below.</i>	

	Condition	Status	Comments to County
21.a	Provide an in lieu payment of \$93,750 to the County of Kauai by June 30, 2017 for the cost of a dedicated right turn lane on Haleilio Road, from Apana Road to Kuhio Highway In addition to an existing through lane. The County shall design and complete construction of continuous public sidewalks along Apana Road to Haleilio Road and along Haleilio Road to Kuhio Highway fronting the Applicant's property. Sidewalks must be a minimum of 5 feet wide and shall be dedicated to the County to the extent owned by Applicant. The portions of said right turn lane owned by Applicant shall be dedicated to the County; provided that the Applicant shall have the reserved right of entry over the dedicated areas in connection with its project. By January 31, 2019, the Applicant shall submit plans for the subdivision of the portions of its land to be dedicated to the Kauai Planning Department and shall thereafter diligently work in good faith with the Planning Department to obtain final subdivision approval of such plans, and to dedicate such subdivided portions to the County	Ongoing	<p>This \$93,750 lieu payment was paid to, and received by, the County of Kauai on June 30, 2017.</p> <p>Subdivision plans submitted to Kauai Planning Department on January 18, 2019 deadline. Condition satisfied.</p> <p>Final Subdivision approval issued by the Kauai Planning Commission on Jan. 28, 2020, including modification waiving requirement of Applicant to provide curbs, gutters and sidewalks. Surveyor's Affidavit recorded February 27, 2020 as Doc. No. A-73620668. Condition of Title Guarantee has been issued by Old Republic Title and submitted to the Planning Dept.</p> <p>The form of the dedication deed was delivered to the Planning Dept. on November 12, 2020 for review and comment; currently awaiting approval.</p>
21.a (sic)	Design and complete construction of widening Apana Road to be wide enough for two-way vehicle travel from the project entry on Apana Road to Haleilio Road. The Applicant will work with the County of Kauai Department of Public Works on the width, length, and other design details for this improvement, which shall be dedicated to the County of Kauai to the extent owned by Applicant; provided that the Applicant shall have the reserved right of entry over the dedicated areas in connection with its project.	Ongoing	<p>The \$93,750 lieu payment was paid to, and received by, the County of Kauai on June 30, 2017.</p> <p>Completed, except for pending dedication of subdivided portion to County with a reserved of right of entry to Applicant.</p>

	Condition	Status	Comments to County
21.b	Design and complete construction of "Do Not Block" markings along the eastbound lanes of Haleilio Road at the intersection with Apana Road, similar to the striping at Kuamo'o Road and Wailua Road.	Forthcoming	Marking to be performed upon completion of new Haleilio Road right turn lane project.
21. con't	The Applicant shall retain a surveyor to survey the portions of the Applicant's land over which the right turn lane right-of-way and sidewalks to be constructed pursuant to subparagraphs a-b above that will be dedicated to the County, then prepare and record the necessary title documents. The County, Planning Department and Department of Public Works will cooperate fully to process all necessary subdivision and dedication approvals on an expedited basis.	Ongoing	Final Subdivision approval issued by the Kauai Planning Commission on Jan. 28, 2020, including modification waiving requirement of Applicant to provide curbs, gutters and sidewalks. Surveyor's Affidavit recorded February 27, 2020 as Doc. No. A-73620668. Condition of Title Guarantee has been issued by Old Republic Title and submitted to the Planning Dept. The form of the dedication deed was delivered to the Planning Dept. on November 12, 2020 for review and comment; currently awaiting approval.
22.	If requested by the Transportation Agency due to increased ridership demand caused by the development, Applicant shall provide proportional support for one (1) additional bus stop and shelter for the Kauai bus.	Forthcoming	
23.	Form and character of the development shall reflect the prior history of the resort and the brand standards of the hotel operator including the usage of similar looking roof and facade material, color and landscaping. Further, non-reflective materials are necessary to promote the seashore area aesthetics. Prior to building permit application for reconstruction or new construction of buildings and landscaping, the Applicant shall submit renderings and plans for departmental design review.	Ongoing	The resort will reflect the prior resort with similar looking roof, color, and landscaping. Submitted building plans address this requirement.

	Condition	Status	Comments to County
24.	Applicant shall encourage employees to utilize the County's Transportation Agency transit services to mitigate commuter trips to and from the development. The Applicant shall work with the Transportation Agency on promotional events encouraging usage of the transit system at Coco Palms, including selling bus passes on behalf of the agency, signage, etc.	Forthcoming	
25.	The Applicant is advised that in connection with the issuance of building permits for the vertical improvements of the project, additional conditions from the reviewing government agencies may be imposed. It shall be the Applicant's responsibility to resolve those conditions with the respective agencies.	Ongoing	All comments on building permits have been addressed in resubmitted permit applications. No additional Development Permit conditions have been imposed to date.
26.	The Planning Commission reserves the right to add or delete conditions of approval in order to address or mitigate unforeseen Impacts that any subsequent changes to this project as proposed by Applicant may create, or revoke the permits through the proper procedures should conditions of approval be violated.	Ongoing	No additional Development Permit conditions have been imposed to date.
27.	During September 15 through December 15, construction shall only occur during daylight hours. Where possible as to not compromise safety of seabirds identified to be protected under Federal Law, exterior facility lights should be positioned low to the ground, be motion-triggered, and be shielded and/or full cut-off. Effective light shields should be completely opaque, sufficiently large, and positioned so that the bulb is only visible from below. Staff at the development shall be educated, and shall educate visitors with Information regarding such endangered or protected seabird fallout and response protocols for staff to recover downed birds. Design elements shall also minimize collision by such protected seabirds with objects that protrude above the vegetation layer, such as utility lines, guide wires and communication towers. Should development yield conditions leading to any take of protected species, Applicant is on notice that an incidental take permit is required.	Forthcoming	

	Condition	Status	Comments to County
28.	Applicant shall seek guidance from the Fish and Wildlife Service for the Applicant to develop and implement measures (e.g. monitoring, etc.), in order to avoid and minimize impacts to Hawaiian waterbirds during construction and operation of the development.	Complete	US Fish and Wildlife Service provided its comments on the CPH application to the Planning Commission in a letter dated March 2015 and will be addressed during construction and operation.
29.	On or before June 30th of each year until all conditions have been satisfied, the Applicant shall submit an annual report to the Planning Commission of the status of and progress on, each unsatisfied condition, particularly conditions with workforce housing requirements and transportation requirements. These conditions shall be modified by the Planning Commission to reflect the satisfaction of any condition.	Ongoing	Status report submitted on June 30, 2021.

Kristen Romuar-Cabico

From: Jaelyn Decena <jaelynbddecena@gmail.com>
Sent: Tuesday, September 7, 2021 6:56 AM
To: Planning Department
Subject: Coco Palms

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

Good afternoon,

I hope this email finds you well. I'm writing to you in hopes that you consider opposing the construction of a hotel at "Coco Palms."

The land of Kauai is beautiful and should be allowed to thrive. The islands are rich with history, culture, and natural beauty, and it would be a shame to see more of these things taken away.

Thank you for your time and consideration,
Jaelyn Decena

Kristen Romuar-Cabico

From: Peleke Flores <peleke@malamahuleia.org>
Sent: Tuesday, September 7, 2021 7:42 AM
To: Planning Department
Subject: Coco Palms Hotel

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

Aloha mai kakou,

My name is Peleke Flores and I am sending this testimony as an individual. I Strongly Oppose the consideration of the Site of Coco Palms Hotel to be another Hotel.

I Strongly Support the I Ola Waluanui project hui to for a more balanced and productive use and function of that area for our communities and visitors.

Mahalo for your time!

G.I.A.2.

SEP 28 2021

Kristen Romuar-Cabico

From: Alfonso Murillo <alfonso94123@yahoo.com>
Sent: Tuesday, September 7, 2021 7:50 AM
To: Planning Department
Subject: CoCo Palms

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

I am against a hotel and in support of the former Coco Palms Hotel property being instead transitioned to such that it honors this sacred place and provides education and cultural enrichment for the Hawaiian people.

Thank you
Alfonso Murillo

G.I.A.S.
SEP 28 2021

Kristen Romuar-Cabico

From: Regina Gregory <regina@ecotippingpoints.org>
Sent: Tuesday, September 7, 2021 10:38 AM
To: Planning Department
Subject: coco palms site

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

Please do not put a hotel.

G.I.A.4.
SEP 28 2021

Kristen Romuar-Cabico

From: Robert Zelkovsky <Robert@bamboomoonvideo.com>
Sent: Monday, September 6, 2021 9:42 PM
To: Planning Department
Subject: Coco Palms

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

Mahalo for listening to all the testimony.

You have heard/read the many many reasons not to redevelop a hotel on that site.

You have heard a few reason for developing.

I ask that that property NOT be redeveloped as a hotel.

Thank you.

Dr Robert Zelkovsky

Wailua Homesteads

Kaua'i resident 46 years

To: Kaua'i Planning Commission
Fr: S. Ku'ualoha Ho'omanawanui
Re: Opposition to Redevelopment of former Coco Palms Resort as a hotel/restort

September 7, 2021

Dear Kaua'i Planning Commission,

Aloha kākou. My name is Sherilyn Ku'ualoha Ho'omanawanui, I was raised in Wailua Homesteads above the site of the former Coco Palms hotel property, and I oppose any current or future plans to redevelop this location for a hotel or resort of any kind. The time to redevelop this location has long past. Because of current and projected climate change issues, desires to shift the economic base of Hawai'i, Kaua'i included, away from tourism, a better, more culturally- and environmentally-based vision for the location, and better understanding and appreciation for the long, vibrant history of this 'āina (land), any hotel or resort here is undesirable.

I grew up in Wailua in the 1970s-1980s when the property was still a welcomed and bustling tourist hub, and like many, have fond memories. But much has changed in the three decades since the property was destroyed by Hurricane 'Iniki, and fond memories of the past are not enough reason to support a resort here. Rather, we should dream towards creating a new future, one that will be a cultural and economic showcase of what is possible in the 21st century of sustainability that is 'āina, island, culturally, and community-centered, one that can support tourism as well, but one that offers balance and is not solely money-driven for the few who will financially profit.

I hold a PhD and have built an educational career teaching at the university level and publishing peer-reviewed scholarship on topics in Hawaiian Studies, specializing in mo'olelo, Hawaiian history and literature, with a focus on folklore, mythology, and traditions of Kaua'i. My knowledge and expertise is built as much from my experiences growing up in this region, swimming, fishing, and diving in these waters, playing in the sand on these beaches, participating in heiau cleanups, navigating up the Wailua river, hiking and horseback riding throughout the mauka trails, listening to kūpuna (elders) share their personal knowledge and experience of the place and of cultural practices, as it is from my studies. This location is one of the most significant places on Kaua'i for centuries. I have attached a published article on Wailua, one I spent years researching, that includes references to many mo'olelo, mele (chants, songs), hula (dances), 'ōlelo no'eau (proverbs), and wahi pana (sacred and legendary sites) that point to this specific area of Wailuanuiaho'āno as one of the most sacred places in the Hawaiian archipelago. Specific locations near the resort property, such as Holoholokū and Hauola heiau, are actively used by Hawaiian cultural practitioners. Rather than redevelop a resort, cultural sites on the property, such as the walled fishponds, could invigorate Kaua'i's economy and lifestyle by being returned to active cultural practice, and providing food for our community and possibly other resorts.

G.I.A.B.
SEP 28 2021

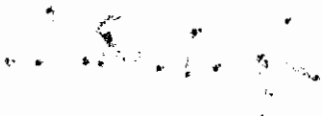
The time has come for this wahi pana—this special and sacred place—to be revitalized and revisioned in a new way. By returning the property to the community, an exciting opportunity to reconnect it to its surrounding wahi pana, from the heiau and pu'uhonua of Kahikinaokalā and Hauola, to Ala Kukui on the other side of Wailua bay, to Holoholokū heiau and the sacred birthing stones across the main road going mauka to Wailua Homesteads, to Poli'ahu heiau and the pōhaku kani (bellstone) location on the hillside, and beyond, it is a chance for this 'āina to be healed and flourish as it once did before. It was and can once again be a piko (center) for Kaua'i, and a showcase for Hawai'i and the world.

The I Ola Wailuanui working group, comprised of dedicated, hard working Kaua'i kama'āina, including myself, have developed a plan, based on countless hours of community input and study over many years, that envisions this property as a location to gather and learn, to produce culturally relevant food crops this area was noted for (fish, taro, and more), as a culturally grounded green space for everyone to share. This piko of Wailuanuiaho'āno needs to be returned to the people. It is an ideal location for a park, cultural and educational center, and place for 'āina-based learning and experiences. This area should be transformed into a thriving place for all 'ohana (families) enjoy and learn about Hawaiian history, culture, land management and more.

Historically, Kaua'i was a "separate kingdom" because of our incredible leadership and people, one that provided for all needs, in a society that flourished. Hawaiian culture is more than just a "host" culture: it is one that used brilliant methods of science to grow food much more productively through building lo'i and fishponds that didn't only extract from the land, they enhanced the land and the people flourished. That is what aloha for our 'āina, and in extension, our community, really means. As the old saying goes when farm lands were replaced with the Ko'olina Resort development in west O'ahu—no can eat golf balls. By returning to the 'āina and revitalizing this piko of aloha 'āina, together, we can honor this place, honor the culture and environment, honor our own Kaua'i community, and create a unique opportunity for enrichment in cultural and environmental education. This could be a cultural anchor and gateway to the Wailua-Waipouli-Kapa'a designated resort area, one that provides a new model of tourism and economic hope, as much as economic vibrancy. Please be bold, be visionary, and see beyond the tired and unsustainable what is, and look to what was, and what can be. Mahalo.

me ke aloha,

S. Ku'ualoha Ho'omanawanui



HANO HANO WAILUANUIAHO'ĀNO: REMEMBERING, RECOVERING, AND WRITING PLACE

ku'ualoha ho'omanawanui

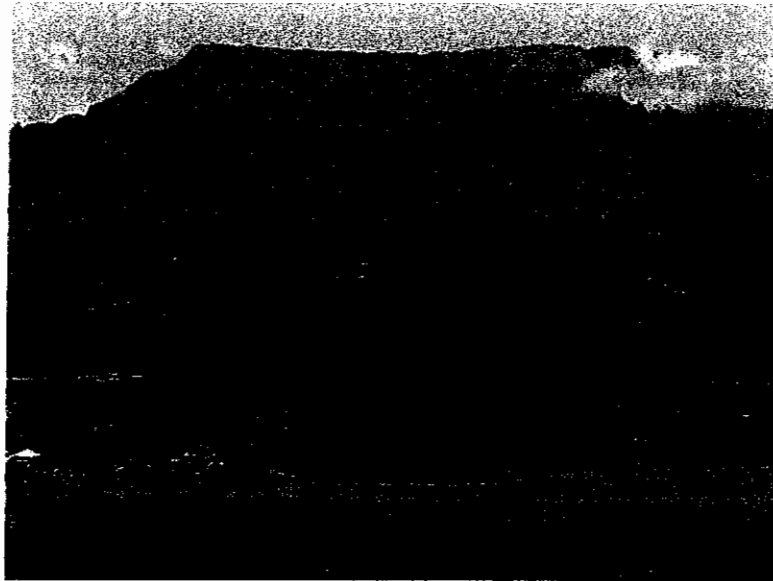
While the cultural and spiritual importance of Wailuanuiaho'āno in traditional times was obscured by rapid Western colonization in the 19th and early 20th centuries, this region of Kaua'i is a major place in Hawaiian history, culture, and mo'olelo (stories). Wailua's prominence as a significant wahi pana (storied place) extends from the ancient to the historical past, and into the present for Kānaka Maoli (Native Hawaiians) today. Remembering, recovering, and writing place provides an indigenous framework for cultural studies that complements other academic disciplines where memory is not always considered a relevant resource.

CORRESPONDENCE MAY BE SENT TO:

ku'ualoha ho'omanawanui, Department of English, University of Hawai'i at Mānoa
Kuykendall 402, 1733 Donaghho Road, Honolulu, Hawai'i 96822
Email: kuaaloha@hawaii.edu

Hāhili: Multidisciplinary Research on Hawaiian Well-Being Vol.8 (2012)
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FIGURE 1 East face of Wai'ale'ale from the back of Nounou, showing Kaipuha'a (Wailua Homesteads area) today



2005, KU'UALOHA HO'OMANAWANUI

He 'āina kaulana nō 'o Kaua'i i nā wahi pana, a he mokupuni i kāhiko 'ia e ka nani, a i ō wale ai nō kona mele kaulana, "Maika'i Kaua'i Hemolele i ka Mālie"

*Kaua'i is indeed a land famous with sacred legend-filled sites, it is an island adorned in beauty, of which the famous song says, "Beautiful is Kaua'i, Perfect in the Calm"*¹

Wailuanuiāho'āno is an important wahi pana (storied place) and the most sacred region on Kaua'i. Its rich history is documented by many mo'olelo (histories, stories, literature) attached to particular places. This article focuses on the ahupua'a (land division) of Wailua, Kaua'i, and the importance of remembering, recovering, and writing about place as another dimension of 'ike 'āina, knowledge from and about the lands we live on, and to which Kānaka Maoli (Native Hawaiians) are culturally and genealogically connected. In a previous *Hūlili* article on 'āina (land) and culturally based literature (2008), I argued that the connection

between Kānaka Maoli and 'āina forms the basis of indigenous literacy. I raised the challenge issued by 19th-century Native Hawaiian educator J. H. Kānepu'u to other school teachers to collect and publish information about their own 'āina, concluding that doing so would "be a great benefit to enlighten the people [and]... teach our students about the different aspects of our lands."² Kānepu'u recognized the value of such knowledge to Hawaiian students educated in a colonially designed public school system that lacked texts celebrating Hawaiian intellectual traditions, which contributed to the erosion of Hawaiian well-being. Over the past 30 years, culturally centered Hawaiian education has grown in response to the overall dismal performance and experience of Kānaka Maoli students in a colonially constructed public educational system. Beginning with the establishment of Hawaiian language immersion education in the 1980s, much has been done to reestablish Native Hawaiian education for the well-being of individual students and their families and the health, prosperity, and well-being of our lāhui (nation). Yet more remains to be done, as many Hawaiian students still do not attain widespread success in the typical Department of Education (DOE) classroom, a setting that still doesn't privilege or value Native Hawaiian intellectual knowledge.³

Raised in the upper mountainous region known today as "Wailua Homesteads" (see Figure 1), I spent much time with family and friends interacting with our 'āina. We experienced things on the 'āina we couldn't describe in words, heard stories passed down from kūpuna (elders) about the past, and encountered the physical remnants of a history before our time here. Like many Kānaka Maoli connected to our rural 'āina, we lived aspects of culture without describing it in such terms, and acquired cultural and experiential knowledge that was not validated at school.

As a student at Kapa'a Elementary, Middle, and High School, the only DOE campuses serving the Wailua region at the time,⁴ nothing about this famous and mana-filled (spiritual power, authority) wahi pana, or any of the surrounding ahupua'a where the students lived was taught. Such cultural knowledge is still not taught in the DOE in any meaningful way. This is not uncommon in the vast majority of DOE and other schools across the pae'āina (archipelago), where the lands they sit on and the indigenous culture and history connected to those lands are woefully underrepresented—if at all—within an Americanized curriculum that separates indigenous students from their 'āina. This is particularly egregious in areas like the Kapa'a school complex, which will soon serve two Department of Hawaiian Homelands (DHHL) residential communities with predominantly Hawaiian students (Hawai'i State Department of Education, 2005, p. 2).⁵ Kānaka Maoli and supporters have resisted the further development of this important wahi pana,

and have struggled to restore and protect our sacred cultural sites here. Without more education and a better understanding of the need to reconnect to our sacred places in culturally meaningful ways, this will continue to be a difficult challenge.

Since its inception in the early 19th century, writing and *ka palapala* (literature) have become an integral and indigenized Kanaka Maoli practice for remembering, recovering, and perpetuating knowledge, including *‘ike ‘āina*. During this period, orally transmitted knowledge was written down as a way to remember, share, and perpetuate knowledge, with the purpose of keeping the language, culture, and traditions strong and vibrant in the onslaught of Western colonialism that challenged Kanaka Maoli worldviews. Writing, including *mo‘olelo*, *oli* (chant), *mele* (song), *‘ōlelo no‘eau* (proverbs), and *pana no‘eau* (sayings that celebrate place⁶) celebrated *‘āina*, like Wailua, and demonstrated a high degree of Kanaka Maoli poetics. These writings document the long genealogy of Kanaka Maoli intellectual history, which is being recovered and utilized through indigenous research and education in this century.

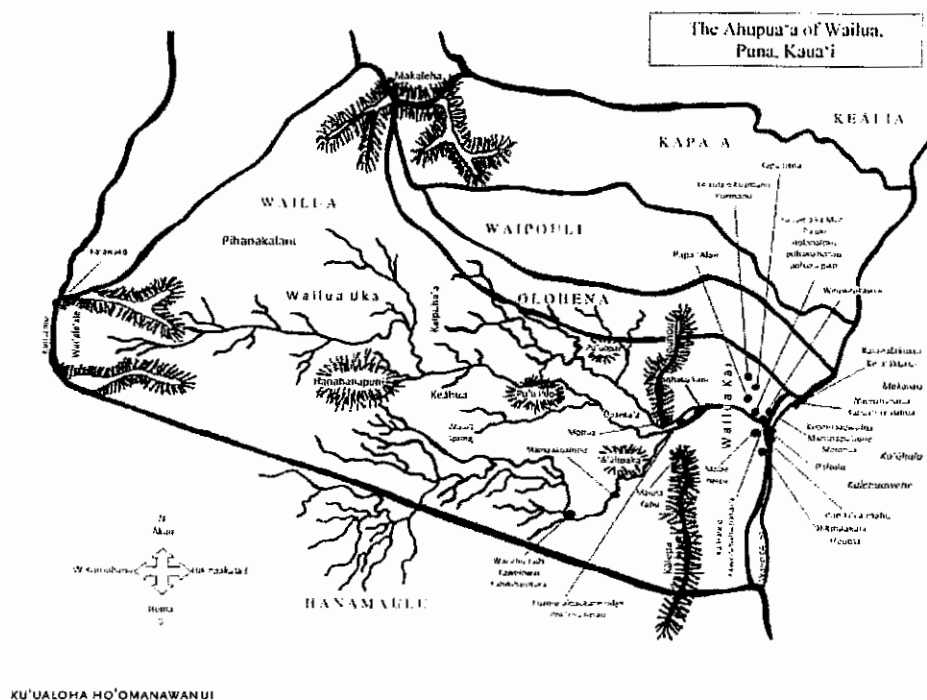
Such indigenized research often requires time—on the *‘āina*, at the *kai* (ocean), feeling the wind on your face, the sun on your back, the mud in between your toes, the rain on your skin. Time to sit and listen to stories; time to remember and re-tell them. Time to dig into the libraries and archives, to scroll through oft-forgotten Hawaiian language sources; time to digest an expansive Hawaiian worldview unfamiliar to many of us educated in English.

Kānepu‘u’s 19th-century challenge complements contemporary indigenous research practices, such as Māori scholar Linda Tuhiwai Smith’s “decolonizing methodologies” (1999) and the Native American Literary Nationalism movement that identifies the sociopolitical dimension of recovering indigenous intellectuals, places, and writing as part of sovereignty movements, self-determination, and cultural well-being. Such goals have also been affirmed by the United Nations and the passing of the Declaration of Rights of Indigenous Peoples (DRIP) in 2007.⁷ At a time when modern pressures of development and urbanization (such as the development of the Ke Ala Hele Makalae Bike Path along the sands of Wailua) continue to threaten traditional practices (such as traditional Hawaiian burials in the sands of Wailua), there is a temptation to completely disregard indigenous concerns. Thus, the recovery and assertion of indigenous knowledge is timely. As 21st-century indigenous people, understanding the intellectual traditions of our ancestors, particularly about *‘āina*, can only benefit Kanaka Maoli students and the larger *lāhui*, today and into the future.

KAHI O WAILUA: WAILUA, THE PLACE

Wailua is one of twelve ahupua'a in the moku (district) of Puna, Kaua'i. The mountains of Wai'ale'ale and Makaleha mark the north and northwest boundaries, Kālepa is to the south, and Wailua opens up to the sea on the east (see Figure 2). It is a large ahupua'a, encompassing roughly 20,000 acres that extend ma kai (from the ocean) to the summit of Wai'ale'ale, 5,080 feet above sea level. The Wailua River is a major feature, one of the largest navigable waterways in the pae'āina.

FIGURE 2 A map of the Wailua ahupua'a



KU'UALOHA HO'OMANAWANUI

A variety of historical sites indicate the political and cultural importance of this land. In an archaeological survey of Kauaʻi, Wendell Bennett (1931/1971) noted it contained more heiau (traditional temples) than any other ahupuaʻa on the island. Yet despite its abundant historical sites and myriad literary traditions, little attention is given to this important wahi pana today. For kamaʻāina (native) and malihini (visitor) alike, Wailua is often nothing more than a scattered collection of beach parks and tourist attractions, something to drive through on the way to somewhere else. The recovery and sharing of cultural knowledge about Wailua is needed to educate people today about its prestigious history and to inspire renewed efforts to protect it and reconnect with the ʻāina in meaningful ways.

The connection between naming, place, and story is an intimate one in Hawaiian culture. Names carry story and history in them, which is why Kānaka Maoli named many things from large land areas to small or specific objects. Myriad moʻolelo and poetry in the form of oli, mele, hula, and pana noʻeau celebrate the region as well as specific wahi pana in and around it, the historical figures who lived and visited there, and the various deeds associated with them. *Wailua* can be translated into English as “two or doubled (lua) fresh water (wai),” a name that speaks to the abundance of rainfall and freshwater in the region. Two branches of the Wailua River converge north of the lower river valley, and a second tributary, ʻŌpaekaʻa stream, feeds into the Wailua River just north of Holoholokū and Ka Lae o ka Manu Heiau. Kuamoʻo (loa o Kāne; “The [long] backbone [of Kāne]”) ridge, site of a large pōhaku kani (bell stone) and Poliʻahu Heiau, is flanked by these two rivers. Walter Smith (1955), a Hawaiian kamaʻāina of this region, wrote that “Wailua means two waters into one, or two branches running to the sea by one outlet” (p. 55). Ethel Damon (1931) writes that it means “water pit” because of the many pools of water under the myriad waterfalls along the river (p. 360). However, this rudimentary definition is unsatisfactory from an indigenous perspective.

Wailua also means “spirit, ghost; remains of the dead,” considered by many to be the more culturally appropriate rendering of the name (Pukui & Elbert, 1986, p. 379). This interpretation is reflected elsewhere in Polynesia, indicating it is an old and important name. Wairua (spirit, soul) is a place in Aotearoa (New Zealand), including the name of a major river (<http://www.maoridictionary.co.nz>).⁸ Fredrick Wichman (1998) discusses the spiritually connected meaning of Wailua as

spirits of the dead indeed gathered together on the upland plains and on certain moonlit nights marched in great processions accompanied with drums and nose flutes down to the river. These night marchers entered waiting canoes and paddled down the river into the sea and around the coast until they reached Polihale at Mānā. Here they leaped from the cliffs into Pō, the land of the dead, which lay beneath the sea. (pp. 67–68)

Located on the east side of the island, Wailua is far from a known leina (leaping point of spirits into Pō) on the west side of the island. However, such a connection of Wailua to leina is seen elsewhere in Polynesia, such as Te Rerenga Wairua in Aotearoa, a leaping place for spirits into the afterworld (rendered into Hawaiian, it is Ka Leina Wailua, literally, “The Spirit Leaping Place”). A Māori story also explains that Te-hono-i-Wairua (“The Joining Place of Spirits”) references the equator, as “The spirits (Wairua) of man go north to the equator, thence west with the setting sun, to the night (Po)” (Hongi, 1908, p. 106).

Wailua is geographically divided into a lower sea-level area generally called Wailua Kai, and an upper mountainous region generally known as Wailua Uka. The lower river valley region is also named Wailua-[Nui-a]-Ho'āno, the “Great Sacred Wailua [of chief] Ho'āno” (Dickey, 1916, p. 15). The identification of 'āina with an ali'i (chief) is not uncommon, and such association reinforces the sacredness of the 'āina. Links between 'āina and ali'i occur at more localized levels, as with Wailua. Wailuanuiaho'āno extends from Mōpua (the south part of Nounou mountain, located north of the river) to Mauna Kapu (northern cliff of the Kālepa mountain range) on the south side of the river, “and all land ma kai of this line” (Dickey, 1916, p. 14); the “heart of this area” is the Wailua River (Joesting, 1984, p. 5; see Figure 3). There are a number of significant sacred sites in Wailuanuiaho'āno, including burials, heiau, birthing stones, a bell stone, fishponds, canoe landings, and petroglyphs.

FIGURE 3 A view of Wailua River looking ma kai (toward the sea), taken from Kuamo'oloakāne Ridge



2005, KU'UALOHA HO'OMANAWANUI

Ali'i lived in this area from traditional times through the 19th century, perhaps explaining an alternative name, Wailuanuilani (Great Chiefly Wailua). In the mo'olelo of 'A'āhoaka (the name of a prominent hill there; see Figure 4), Olōlokū, an older brother of 'A'āhoaka and the son of the Ko'olau district ali'i Kalalea (also the name of the mountain in Anahola) and his wife Koananai were hānai (raised) by Wailua ali'i Kaikihauna and Olohena in Wailua ("He Mo'olelo no Aahoaka," February 3, 1877, p. 1). The name of the district, Puna, is also the name of the father of Ho'oipoikamalanai, wife of the voyaging chief Moikeha. Kaumuali'i, the last ali'i nui (high chief) of Kaua'i before it was ceded to Kamehameha I, was born at Holoholokū, the birthing stones there. Around 1835 (after Kaumuali'i was captured by Kamehameha I and married to Ka'ahumanu on O'ahu), his wife Kekaiha'akūlou (Queen Deborah Kapule) resided there with her second husband Simeona Kaiu, Kaumuali'i's half-brother. Devout Christian converts, they started a church near Holoholokū.⁹ Kaiu died soon after, although Kekaiha'akūlou remained in Wailuanuiaho'āno, her home amply supplied with fish from several loko i'a (fishponds) and poi from the dozens of lo'i kalo (irrigated taro gardens) on and near her property, sustenance for herself and the many visitors she hosted.

FIGURE 4 The pu'u (hill) 'A'āhoaka from Wailua, looking south to the Hā'upu mountain range in the distance



2005, KU'UALOHA HO'OMANAWANUI

There are varying interpretations of Ho'āno's identity as well as variant spellings of the name; in some historical accounts, Ho'āno is a male chief, while in others, Ho'āno is a female, an alternate name of Moikeha's wife Ho'oipoikamalanai (Kamakau, 1976, p. 7). In other mo'olelo, Wailuanuiaho'āno is the mother of the kupua (demigod) hero 'Iwa (B. K. H., 1861, p. 4), and the mother or grandmother of Ka'ililauokekoa (Hinau, "Kaililauokekoa," *Ka Hoku o ka Pakipika*, December 12, 1861, p. 1). Variants of the name Ho'āno are mentioned in the Pele and Hi'iaka literature. In Moses Manu's (1899) mo'olelo "Pelekeahi'āloa" ("Pele of the Eternal Fires"), Ho'oipoikamalanai is also known as Wailuanuiaho'āno (p. 4). In most versions of "Pele and Hi'iaka," beginning with J. N. Kapihenui (1861; the first published account), Wailuanuiaho'āno is the wife of Malaeha'akoa, the lame fisherman of Hā'ena who offers Hi'iaka and her companions hospitality when they arrive there in search of Pele's love, Lohi'au (p. 1).¹⁰ While the couple resided in Hā'ena on the north side of the island, the name of Wailuanuiaho'āno as a sacred area within Wailua, and Malaeha'akoa, a large heiau on the southern bank of the Wailua River near the sea, bear their names, demonstrating a connection between them. Wailuanuiaho'āno is named as a wahi pana in the extensive oli makani (wind chant) performed by Pele upon her arrival in Hā'ena in Ho'oulumāhiehie (1906) and Poepoe (1908–1911).¹¹ The naming of Wailuanuiaho'āno as a wahi pana by Pele indicates it is a very old name. Its use by Ho'oulumāhiehie and Poepoe in the early 20th century indicates the desire of Hawaiian intellectuals of that time to remember, write, and perpetuate such knowledge.

It is commonly believed maka'āinana (commoners) lived outside the district of Wailuanuiaho'āno along the coast and in the vast upland kula (open fields, dry lands) region of Wailua, whose rich and fertile soil easily supported agricultural production. Mahele records, however, indicate maka'āinana who were already living and farming there were awarded small lots (mostly lo'i) through Queen Deborah Kapule. As late as 1835, Simeona Kaiu addressed "na makaainana o Wailua nei" in a letter to *Ke Kumu Hawaii* inviting them to hear him preach (August 19, 1835, p. 136). Mahele records indicate Wailua Kai was divided into a number of smaller, named 'ili (subdivision of an ahupua'a), including Ohalike, Pāpōhaku, Ku'emanu, Kulahulu, and Pākole. A village called Kauakahiuunu was also located there. Kuamanu was the name of the kula (plain) that was served by at least two 'auwai (irrigation ditches), Kawiki and Kahihei. Tumultuous changes in population and land tenure were already affecting Wailua during this early period of settler colonialism. In a 2004 Cultural Impact Assessment (CIA) for the Kapa'a (highway) relief route, Tina Bushnell, David Shideler, and Hallet Hammatt write,

Within decades of western contact, Wailua lost its ancient importance, and likely its population also. The *ali'i* who enjoyed and benefitted from their contact with westerners spent more time in Waimea—the preferred anchorage for visiting ships. Also the complex of *heiau* at Wailua lost its significance after the abolishment of the *kapu* system. By the mid-1800s, only a small population, decimated in part by disease, existed in the Wailua River Valley within a mile of the sea. Indigenous farmers would be displaced within decades by larger scale commercial agriculture and associated immigrant laborers. (pp. 44–45)

The shift and decline in population could explain why few Kānaka filed LCA (Land Commission Award) claims during the Mahele (land division of 1848–1853), and not all of these claims were awarded.

When it was the religious, economic and social center of Kaua'i, more land would have been under cultivation, not only for lo'i and kula, but other traditional crops (i.e. kula crops), such as *wauke*, *noni*, bananas, and timber trees. The

fact that so few claimed land in Wailua at the time of the Mahele may reflect Wailua's changed status after trading ships and missionaries arrived. Communities grew up around the new social and economic centers, especially on the south side of the island, and drew people away from their former establishments. (Bushnell, Shideler, & Hammatt, 2004, p. 40)

The impact of the development of a Western capitalist economy devastated the community of Wailua. In 1895, Eric A. Knudsen, a rancher for the south side of the island, noted the extensive cultivation of kalo and rice; by 1935, ethnologist E. S. Craighill Handy (1940) noted that no kalo was under cultivation, and that Wailua's agricultural capabilities were severely underutilized. Bennett's 9-month long archaeological survey (1928–1929), while not specific to Wailua, bemoaned the fact that a great number of heiau and other sites were already destroyed by plantations and road construction on the island (Bennett, 1971).

Wailua uka is generally known today as “Wailua Homesteads,”¹² an expansive valley stretching between the mountainous boundaries of Wai'ale'ale, Makaleha, Nounou, and Kālepa. An alternative traditional name for this region is Kaipuha'a. A number of mo'olelo, heiau, and other sites connect Kaipuha'a to Wailuanuiaho'āno. The poetical connections of this and other places in Wailua are evident throughout Hawaiian thought and writing.

WAILUA, WRITTEN

Kaiu's letter in *Ke Kumu Hawaii* is the first mention of Wailua in Hawaiian publications. Unfortunately, the next mention of Wailua is two months later, when Kaiu's death was reported by two separate sources to the newspaper (*Ke Kumu Hawaii*, October 14, 1835, p. 164). The following year, an article on some of the ancient ali'i of Kaua'i was published in the same paper, including mention of Keaka and Kanaloa as ali'i of Wailua (March 30, 1836, p. 26).

The next reference to Wailua in print is in the 1850s, when Beniamina K. Holi reported on the clearing of land and the planting of sugar and rice in the district,

the first indications of Western settlement and agricultural practices in the area.¹³ Combined with other Western influences, such as the shifting of the political center of government to Honolulu, O'ahu, and Christianity, the cultural and spiritual devaluation of Wailua was well under way at this time. When Queen Kapule converted to Christianity, she contributed to the destruction of Wailua's sacred sites when she ordered the dismantling of Malae Heiau (around 1830) to make an enclosure for cattle, a relatively new and destructive introduction to the islands.

The first traditional mo'olelo that mentions Wailua is a brief account of Kūapaka'a by S. K. Kuapu'u. Published in *Ka Hae Hawaii* (1861) as "He Wahi Moololo" ("A Little Story"), it includes an oli makani for Kaua'i, Ni'ihau, and Lehua that names over fifty winds and the 'āina they belong to, including the Wai'ōpua wind of Wailua (April 16, 1861, p. 1). This mo'olelo was quickly followed by the publication of other mo'olelo connected to Wailua, such as "Kawelo," "Pele and Hi'iaka," and "Ka'ililauokekoa." Mo'olelo are important because stories "act as psychic frames within which we make sense of the events of the world [and]...translate experiences and the actions of ourselves and others into understandable narratives based on the stories we hold in our minds" (Edelman quoted in Silva, 2007, p. 160). Thus the recovery of mo'olelo is important for revitalizing Hawaiian education and well-being. One of the most important aspects of mo'olelo (and mele) is the preservation of place names not recorded on Western maps, and the celebratory poetry of place Kānaka Maoli expressed for their 'āina.

KA WAI HĀLAU O WAILUA: THE POETRY OF PLACE

As the metaphoric connections of Wailuanuiaho'āno indicate, Wailua and more specific locations within and around it are well represented in Hawaiian poetic thought. Throughout the 19th century, for example, Wailua was often poetically referenced as a place name in kanikau (chants of mourning) published in the Hawaiian language newspapers, because of its association with spirits, not necessarily because the composer or subject of the kanikau was from that 'āina.

Kawaikini ("The Numerous Waters"), the highest peak on Wai'ale'ale ("Rippling Water"), is a place name succinctly manifesting the region's hydrological abundance.

Wailua's plentiful rainfall is reflected in a *pana no'eau*, *Ka wai hālau o Wailua*, "The great expansive waters of Wailua" as "this region is a land of large [and many] streams" (Pukui, 1986, p. 178). An *oli* in the *mo'olelo* of Lā'ieikawai refers to *ka wai hālau* as a specific place name in Wailua (Hale'ole, 1919, p. 142). The *pana no'eau* is found throughout a variety of genres of 19th-century Kanaka Maoli writing, from letters to newspaper editors to *kanikau* for *ali'i* and *maka'āinana*, and in *mele* such as the one beginning "O ka wai hālau i Wailua lā" (The expansive waters of Wailua) collected by Mary Kawena Pukui (Bacon & Nāpōkā, 1995). This *mele* is classified as a *hula aloha*, or love dance, and uses nature imagery, particularly mists and rains like those associated with Wailua, as common metaphorical references to love. Within the *mele*, the "Expansive waters of Wailua" are "wai 'āwili pū me ke kai" (freshwater mixed with seawater). The rainclouds (*nāulu*) "i ke ano o Pihanakalani" (in the stillness of Pihanakalani) are mentioned, as are the "Wai pua hau o Maluaka" (the waters of Maluaka where the hau blossoms are reflected) and the "kalukalu moe ipo o Kēwā" (the kalukalu grass of Kēwā where lovers sleep; Bacon & Nāpōkā, 1995, p. 200). Such poetic imagery not only demonstrates the poet's skill in composing a love song with beautiful metaphors, but also the poet's knowledge of the 'āina and elements associated with the specific place being described. Because of its clear association with *wai* (freshwater), highly regarded in poetic composition for its life-affirming properties and association with growth, Wailua and specific places within it, its abundant waters, lush vegetative growth, and ability to sustain life, would be attractive subjects for Kānaka Maoli to weave into poetic compositions.

Wailua's plentiful waters are evoked in other *mele*, such as "Hoa Kākele o Nā Pali" (Traveling Companion along the Nā Pali cliffs). Composed by Luina (1895/2005), it was published in the *Buke Mele Lāhui* (Hawaiian National Songbook) in 1895. Poetic language reflecting the beauty of nature is found throughout, which comes across as a *mele aloha 'āina* (patriotic song) expressing the poet's appreciation of the 'āina. Lines 15–16 proclaim, "Ilihia i ka nani a'o Puna lā / I ka wai hālau a i Wailua," (Overcome by the beauty of Puna there / In the expansive waters of Wailua), which sums up the poet's central thought in the *mele* (p. 96). Contextualized within the *Buke Mele Lāhui*, *aloha 'āina* as both "love for the land" and the more directly political ideals of "patriotism" and "nationalism" are intertwined. Used in other poetic compositions such as *kanikau*, the expansive waters of Wailua seem to connote a depth of emotion, an expression of *aloha* for the subject of the composition.

“Kūnihi ka Mauna” (Steep stands the mountain [Wai‘ale‘ale]) is considered an oli kāhea (calling chant) used to request permission to enter. It references six place names within and next to Wailua. The lines in the chant can be charted to reveal a directional map of the specific places named and their relationship to each other.

Kūnihi ka mauna i ka la‘i ē
Steep stands the mountain in the calm

‘O Wai‘ale‘ale lā i Wailua
Wai‘ale‘ale there at Wailua

Huki a‘ela i ka lani
Drawn up to the heavens

Ka papa ‘auwai o Kawaikini
The foot bridge of Kawaikini

Ālai ‘ia a‘ela e Nounou
Obstructed by Nounou

Nalo Kaipuha‘a
Vanished is Kaipuha‘a

Ka laulā ma uka o Kapa‘a ē
The broad expanse above Kapa‘a

Mai pa‘a i ka leo
Don’t be silent

He ‘ole kahea mai ē.
No voice in reply.

(‘Ōiwi: A Native Hawaiian Journal, vol. 2, opening pages)

“Kūnihi ka Mauna” is a well-known chant found in several Hawaiian language newspaper and English language sources originally published between 1861 and 1928. It first appeared in print in 1861 as part of Kapihenui’s Pele and Hi‘iaka mo‘olelo, although numerous other versions exist.¹⁴

The name Kaipuha'a can be broken into three parts: *ka* (the) *ipu* (gourd) *ha'a* (low) and translated as "the low gourd." The meaning becomes clear from within the valley: the broad, wide, relatively flat grassy plain of the circular valley floor is reminiscent of the hollow interior of an ipu gourd. Other clues come from the chant itself: when one stands anywhere in the seaside town of Kapa'a, the region Hi'iaka refers to as Kaipuha'a is 'ālai 'ia e Nounou, blocked by Nounou mountain; *the laulā ma uka o Kapa'a*, or vast region located above Kapa'a town is thus *nalo 'ia*, vanished, blocked.

The 72-line oli "Maika'i nā Kuahiwi" (Beautiful are the Mountains), a mele pana (place name chant) for the island of Kaua'i, contains this and other poetic expressions. Nine lines are dedicated to the Wailua region, and poetic references to less well-known place names are also noteworthy in this mele.

Huikau nā makau a ka lawai'a i Wailua,
And at Wailua the fishermen's hooks become entangled

Lou mai 'o Kawelowai iā Wai'ehu
Kawelowai hooks into Wai'ehu

Ua wela 'o Kahikihaunaka i ke ahi a ka pō
Heated is Kahikihaunaka in the fire that burns at night

I ke ālai a Nounou
There Nounou hides it from view

Nalo Kaipuha'a ka laulā ma uka o Kapa'a
*Hidden is Kaipuha'a, the wide plain above Kapa'a*¹⁵

He ākea ma kai o Puna
Broad indeed is the lowland of Puna

'O ke kalukalu moe ipo o Kēwā
Covered by the kalukalu grass of Kēwā among which lovers sleep

He pākū ahiahi ka nalu no Makaiwa
The surf of Makaiwa rolls quietly in

Ei aku ke 'awa pae lā o Waimahanalua.
And just before is the canoe landing, Waimahanalua.

(Bacon & Nāpōkā, 1995, pp. 64–67)

Eleven places are named in this section of the mele, including Wailua, in a line commonly referenced as a pana no'eau in other contexts, "Huikau nā makau a ka lawai'a i Wailua" (The fishermen's hooks become entangled at Wailua). A note in the text explains that this indicates "a small sexual current" (f. 65). In other literary contexts, such as letters to newspaper editors on various topics, the line is evoked as a metaphoric reference to something (action or thought) considered problematic by the writer.¹⁶

"Ke kalukalu moe ipo o Kēwā" (The *kalukalu* grass of Kēwā where lovers lie) is another popular pana no'eau that poetically describes the nearby marshy, grass-covered plains of Kapa'a; kalukalu was a famous sedge-like grass associated with the area and now considered extinct. It is also a Kaua'i-specific fine kapa (traditional cloth) reserved for ali'i because of its high quality.

The surf of Makaiwa is also poetically referenced in Hawaiian mo'olelo and mele as it was a famous surf break on the north side of Wailua bay, and is associated with ali'i who loved to surf there, although most references to Makaiwa include mention of "Keke'e e ka nalu o Makaiwa" ("The twisted surf of Makaiwa").

Wai'ehu is an old name for Wailua Falls. Some of the places named, such as Kawelowai (a cave behind Wai'ehu falls), Kahikihaunaka (home of Kawelo), and Waimahanalua (a canoe landing) are not well known outside specific mo'olelo; Kahikihaunaka, for example, is where the ali'i Kawelo lived.

Another well-referenced area of Wailua uka is Pihanakalani, "The Fullness of Heaven," often described in mo'olelo such as "Ka'ililauokekoa," "Lepeamoa," and "Kawelo" as the home of akua (gods) and ali'i. It is also closely associated with Queen Kapi'olani, whose genealogy is connected to Kaua'i (her grandfather was Kaumuali'i), and she was often honored with mele filled with Kaua'i references. One example, "Hanohano Pihanakalani" (Esteemed is Pihanakalani), directly references Ka'ililauokekoa and begins—

Hanohano ka uka i Pihanakalani
Distinguished is the upland at Pihanakalani

I ka leo o ka 'ohe, Kanikawī
In the voice of the bamboo flute, Kanikawī

Nana ho'oiipoipo ke aloha
Love is made to the sweetheart

A loa'a o Ka'ililauokekoa
Ka'ililauokekoa is obtained

5 Ke kuini i ka home o nā manu
The queen in the home of the birds

Ke 'ala anuheā pua mokihana
The cool fragrance of the mokihana blossom

Ke kona piliahi no Kawaikini
A powerful one of Kawaikini

He uila i ka luna Wai'ale'ale
The lightning above Wai'ale'ale

Aneane nō au [e] la'iwale
I am almost calm

(Yardley & Rogers, 1985, p. 48)

The mele makes explicit reference to Ka'ililauokekoa, whom Yardley summarizes as follows:

Ka-'ili-lau-o-ke-koa whose name appears in line four is a legendary woman of Kaua'i. One night her attendant awakened her to listen to the beautiful music of a mysterious nose flute. Night after night she was awakened to listen to the music. Fascinated by its beauty she began to look for its source. Her search took her to Pihana-ka-lani 'the abode of supernatural beings.' There she found the musician, a handsome young chief. Needless to say it was the beginning of a famous romance. (p. 48)

In the mele, which Roberts identifies as being composed by Kalala, Kapi'olani is compared to Ka'ililauokekoa, who symbolically represents her, although the mele concludes, "Ha'ina 'ia mai ana ka puana / 'O Hali'alaulani kou inoa" (Thus the story is told / Hali'alaulani is your name;¹⁷ Yardley & Rogers, 1985, p. 48). Tatar describes "Hanohano Pihanakalani" as "a well-known mele pana which also functions as a name chant [mele inoa] for Kapi'olani" that is "one of a set of three chants composed for the queen while she was on Kaua'i...Pukui believes these chants to have been composed between 1874 and 1876" (pp. 288–289). It was around that time that Kapi'olani "visited Kaua'i to survey the needs of the people" (Yardley & Rogers, 1985, p. 48).¹⁸

The *Buke Mele Lāhui* (Testa, 1895/2005) includes a mele for Kapi'olani entitled "Makalapua."¹⁹ It is informally divided into three related sections, each opening with a reference to the aforementioned "Hanohano" chants strung together into one longer mele, the first being "Hanohano Hanalei." From here, places are named moving northwest, from Lumaha'i to Nōhili (p. 83). The second movement begins with "Hanohano Waimea." Beginning with Waimea on the west side of Kaua'i, the mele names places around the island from the north and includes references to areas in Wailua on the east side, starting with Pihanakalani, before ending with Lihu'e to the south—

Nani wale ka uka o Pihanakalani
The uplands of Pihanakalani are truly beautiful

40 Ka leo o ka 'ohe o Kanikawī
The voice of the bamboo flute of Kanikawī

Nāna i hooipoipo ke aloha
For whom lovemaking

A loa'a o Ka'ililauokekoa
Is had by Ka'ililauokekoa

Ke kuini i ka home o nā manu
The queen of the home of the birds

Ke ala anuheā hua mokihana
The sweet wafting fragrance of mokihana

- 45 E paihi i ka wai o Kawaikini
 The trickling of the waters of Kawaikini
- E uwila i ka luna o Wai'ale'ale
 As lightning flashes above Wai'ale'ale
- (E. C., 1895/2005, pp. 84–85)

Each of the 34 two-line paukū (stanzas) reference Kaua'i place names. Four of these directly address three significant mountain regions of Wailua—Pihanakalani, Kawaikini, and Wai'ale'ale. Thus while another mele, "Hanohano Pihanakalani," was composed for Kapi'olani, the area is referenced again in "Hanohano Waimea," reiterating the importance of this region and its association with chiefly women, such as Ka'ililauokekoa and Kapi'olani.

Within this poetic composition, Pihanakalani is associated with the mo'olelo of Ka'ililauokekoa through the sounding of the 'ohe of Kanikawī, which was used by Kauahiali'i to woo her (Hinau, 1861). The flashes of lightning about Wai'ale'ale are hō'ailona (signs) of chiefly or godly presence, and do not have the same sense of tragedy or foreboding that storms signify in Western literature.

"Kau Lilua i ke Anu o Wai'ale'ale" ("Wai'ale'ale rises haughty and cold"), is a special mele inherited by Kapi'olani that also employs rich images associated with the Wailua region. Pukui describes it as one that "was and still used as a hula pahu, the most popular of all" (Tatar, 1993, p. 103). Like "Kūnihi ka Mauna," there are many variants of the mele in multiple collections in the Bishop Museum Archives. Kamakau notes that the chant was composed by Ka'umealani, "a chiefess of Kaua'i and O'ahu [who] lived during the time of Kamehameha I" (Kamakau in Tatar, 1993, pp. 105–106). Pukui noted that the chant "was originally composed for Kaumualii of Kauai and after his death it was ascribed to Kalakaua" (Pukui m.s., 1936, p. 57). Emerson had a difficult time understanding the nuances and kaona (metaphoric or hidden meaning) of this hula pahu (pahu drum dance), stating that its imagery "is peculiarly obscure and the meaning difficult of translation. The allusions are so local and special that their meaning does not carry to a distance" (Emerson, 1997, p. 106). However, there is so much depth to the poetry that Tatar devotes nearly one hundred pages to its documentation and study (pp. 103–177).

‘A‘āhoaka is a pyramid-shaped pu‘u (hill) located between the north and south forks of the Wailua River. The name can be translated to “Glowing Fire,” although many other relevant translations are possible: ‘a‘ā – hoaka – crescent shape, shining, flash, second day of the month, *fig.* glory; to drive away, frighten, spirit, ghost. It is speculated that ‘A‘āhoaka was one of three signal fire sites (the other two being Hikinaakalā and Kukui Heiau) that guided fisherman; a State of Hawai‘i Final Assessment report on well-drilling there notes that “The fact that Hoaka is also a phase of the moon that is favored for night fishing further supports this idea. Additionally, the name ‘A‘āhoaka could also suggest that certain fires were lit during certain phases of the moon” (Interview with Kehau Kekua, Appendix C, Wilson Okamoto Corporation, 2004, p. 2.17).

Named for a young kōlohe (rascal) ali‘i born in Anahola, a number of mele reference this pu‘u, including “Hikikauelia ke Malama” (Sirius the Light), a wānana (prophecy) composed by Kekuhaupi‘o for Kamehameha I predicting his rule over the pae‘āina (*Ka Na‘i Aupuni*, June 26, 1906, p. 1). Many pana no‘eau that mention ‘A‘āhoaka include references to light (malama, malamalama).

NĀ MAKANI O WAILUA (THE WINDS OF WAILUA)

Specific names of rains and winds for different places across the pae‘āina are very common. It is somewhat surprising and ironic that while the Wailua region is recognized and celebrated for its abundant rainfall, no rain names are recorded in traditional mo‘olelo. There are, however, several wind names for this region. The name of the wind at Wailua is *Wai‘ōpua*, literally, “cloud water.” It is featured in an extensive oli collected by Fornander (1915/1999), “Ke Ko‘olau o Wailua” (“The Ko‘olau Wind of Wailua”).²⁰

The first publication to name the *Wai‘ōpua* as the wind of Wailua is a letter by T. W. P. Kahaekirikiano (1861); it is identified as a makani ‘olu (pleasant wind) of Wailua (*Ka Hoku o ka Pakipika*, October 17, 1861, p. 3). The next reference is by M. Apahu in a mele inoa for Queen Emma (*Ka Hoku o ka Pakipika*, March 20, 1862, p. 1). A version published in 1864 as part of a kanikau for Mō‘ī (King) Alexander Liholiho is attributed to Lucy Moehonua and Hana Lilikalani (*Ka Nupepa Kuokoa*, January 16, 1864, p. 4). It is also referenced in a letter to the newspaper published

by L. K. Kala'iopuna in 1866 (November 10, p. 3); another version published in the same paper in 1868 identifies it as a “mele koihonua no Kekauluohi” (genealogical chant for Kekauluohi) composed by Keaweheulu Kalanimamahu (August 29, 1868, p. 1). Wai'ōpua is named as the wind “ko Wailua” (belonging to Wailua) in Moses Nakuina's *The Wind Gourd of La'amaomao* (1902, p. 59). The Bishop Museum Archives has six versions of the mele. Its catalog identifies Pamahoa as the composer, and it is categorized as a kanikau.

References to the Wai'ōpua wind are found in other mele, such as “A Wai'ale'ale a nui ta hele kua” published by Roberts in 1977; it is also included in Tatar (1993) with a translation by Pukui (Roberts, 1926/1977, 233; Tatar, 1993, 281). This wind name is also mentioned in an extensive 75-line wind chant for Kaua'i in the Kūapaka'a mo'olelo, which also identifies wind names for the surrounding areas.

He Waipua'a'ala ka makani kūla'i hale no Konolea
*Waipua'a'ala is the wind that knocks down the houses
 of Konolea*

He Wai'ōpua kō Wailua
Wai'ōpua is of Wailua

He Waiolohia kō Nahanahānai
Waiolohia is of Nahanahānai

He Inuwai kō Waipouli
Inuwai is of Waipouli

He Ho'olua makani kō Makaīwa
Ho'olua is the wind of Makaīwa

(Nakuina, 1902, p. 59; Mookini, 1992, p. 53)

Presented here in context with the wind names associated with areas around Wailua, clearly freshwater is stressed in the number of wind names that contain the word *wai*. While a wind name chant from the Pele and Hi'iaka mo'olelo also identifies the Wai'ōpua as a wind of Wailua, it is described differently from the Kūapaka'a version:

He Hauola ka makani he'e nalu o Kalehuawehe
The Hauola is the surfing wind of Kalehuawehe

He Malua ka makani lawe pua hau o Wailuanuiho'āno
*The Malua is the wind that bears away the hau blossoms
of Wailuanuiho'āno*

Lawe ke Kiukehau makani o Holoholokū
The Kiukehau, wind of Holoholokū, carries away

He kapu nā pōhaku hānau ali'i
Sacred are the birthstones of the chiefs

O holo i ka lani, i 'ōpu'u i loko o 'Ikuā, 'ae.
*Rising heavenward are those who budded in 'Ikuā, yes.*²¹

He wā nui ho'i kēia o nā pōhaku hānau ali'i
A noisy time is this, for the stones where chiefs are born

Hānau Hawai'i moku nui ākea
Born is Hawai'i, great, wide island

Hānau o Kaua'i nui Kamāwaelualani
Born is great Kaua'i of Kamāwaelualani

Hānau o Wailuanuiho'āno
Born is Wailuanuiho'āno

Mō ka piko o nā māhoe
Cut are the umbilical cords of the twins

Hānau ka Wai'ōpua makani o Moanaliha
Born is the Wai'ōpua, wind of Moanaliha

Kahe ka wai 'ula, kuakea ka moana
The water runs red, the ocean white capped

Lawe ke au miki me ke au kā
Moves the ebb tide and the neap tide

He Waiakualawalawa ka makani o Konole'a
The Waiakualawalawa is the wind of Konole'a

He Wai[o]loh[i]a ka makani o Nahanahānai
The Waiolohia is the wind of Nahanahānai

He Inuwai ka makani o Waipouli
The Inuwai is the wind of Waipouli

He Ho'oluahe'enalua ka makani o Makaiwa
*The Ho'oluahe'enalua that raises the surfs for riding, is the
 wind of Makaiwa*

(Ho'oulumāhie, 1906/2006, pp. 9–10).²²

In this oli makani, Malua is identified as the wind of Wailuanuiaho'āno, while the Wai'ōpua wind is specifically associated with Moanaliha, an area within the region. Holoholokū also has its own wind, the Kiukehau, as do two surfing spots outside of Wailua, Makaiwa to the north and Kalehuawehe directly east. The 1861 letter by Kahaekirikiano mentions “companion” (hoa aloha) winds, the Kikewewai and the Kikewepuahau of Maluaka (*Ka Hoku o ka Pakipika*, October 17, 1861, p. 3).

Wailua is also represented in 'ōlelo no'eau. In Rice's “Pele a me Kona Kaikaina Hi'iakaikapoliopole” (Pele and Her Younger Sister Hi'iakaikapoliopole; “Ke Ki'i Pōhaku ma Kaua'i,” 1908), when Hi'iaka lands on the shores of Wailua, she and her companions desire to bathe in the freshwater of Wailua; Hi'iaka tells the kama'āina there, “We will stay awhile and bathe here in the fresh water of Wailua until we are clean and recovered a bit [from the voyage] at this beloved place” (p. 1).²³

In recounting Moikeha's time on Kaua'i, Kamakau writes that when Moikeha's son Kila sailed to Kahiki and the chiefs there inquired about Moikeha, Kila replied,

He is enjoying surfing at the stream mouth, body surfing from morning to night on the waves of Ka'ōhala in the sheltered calm of Waimahanalua—the openness of Kēwā and its swaying kalukalu—the two hills that bear Puna like a child in arms—the diving place at Wai'ehu where the taro grows as big as 'ape—the curling of the waves at Makaiwa—his beautiful wife, my mother Ho'oiipo-i-kamalanai. Mo'ikeha will die on Kaua'i; he will not return to Kahiki lest his feet be wet by the sea. (http://www2.hawaii.edu/~dennisk/voyaging_chiefs/moikeha.html)

During Kamehameha I's reign, he made several attempts to conquer Kaua'i by force. In a rally cry to his warriors, he made reference to the famous areas of the island, including Wailua. Historian Samuel Manaiakalani Kamakau (1992) wrote, "Kamehameha's ho'ohiki (watchword) for this expedition was, 'Let us go and drink the water of Wailua, bathe in the water of Nāmōlokama, eat the mullet that swims in Kawaimakua at Hā'ena, wreath ourselves with the limu [sea-lettuce]²⁴ of Polihale, then return to O'ahu and dwell there,' none of which wishes were ever realized" (p. 187). Prior to Kamehameha's departure to conquer Kaua'i, Lonohelema, whom Kamakau (1992) describes as "a kind of prophet," appeared before Kamehameha, and urged him not to attempt the expedition, as there would be "a great pestilence" (p. 188). But Kamehameha refused to listen, intent on "drinking the waters of Wailua." Kamehameha's forces, numbering over one thousand, stayed on O'ahu for a year. During this period, a sickness called 'Oku'u swept the island, killing most of Kamehameha's men. Kamehameha's thoughts turned away from conquering Kaua'i by force, and he attempted to negotiate with Kaumuali'i for power. Kaumuali'i eventually agreed that upon his death, Kaua'i would be ceded to Kamehameha.

WAHI PANA WAILUA: NĀ MO'OLELO

A number of traditional mo'olelo are set in Wailua, with characters who were born, lived, or visited there. Passed down orally through chant, dance, and storytelling, many mo'olelo were first written and published in 19th-century Hawaiian language newspapers by Kānaka Maoli, like Kānepu'u, who valued such traditions and recognized the importance of publishing and sharing them.

One of the first mo'olelo published was for Kaweloleimākua, an ali'i born and raised in Wailua. "He Moolelo no Kawelo" (A Story of Kawelo) was first published by S. K. Kawaili'ilā in 1861 (*Ka Hoku o ka Pakipika*, September 26–December 5). A later, much longer version, "Ka Moolelo Hiwahiwa o Kawelo" (The Esteemed Story of Kawelo), was published by Ho'oulumāhie in 1909 (*Kuokoa Home Rula*, January 1–September 3). English language translations of this and other mo'olelo were later collected and published by Abraham Fornander, Thomas G. Thrum, William D. Westervelt, William Hyde Rice, and Martha Warren Beckwith, among others. A chant detailing the birth of Kawelo and his brothers in the Ho'oulumāhie text references Wailua[nua]ho'āno as where he is born and lives (p. 1).

Kaweloleimākua (“Kawelo, beloved by his parents,” also known as Kawelo) was the grandson of the great Kaua’i ali’i Kawelomahamahi’a. Kawelo was born on the same day as two first cousins, Kawelo’aikanaka (known as ‘Aikanaka) and Kauahoa, a giant of Hanalei. All three boys were taken by their grandparents and raised in Wailua. The three boys excelled at sports like boxing and kite flying, although they also developed a jealous rivalry that continued into their adulthood.

‘Aikanaka became the ali’i ‘ai moku (chief who rules a moku) of Kaua’i, residing near Nounou in Wailua. Kawelo moved to O’ahu where he learned the art of hula and became a famous dancer. He later returned to Kaua’i where he fought against ‘Aikanaka and Kauahoa, and became the ali’i nui of the island after defeating them.

Mo’olelo for Ka’ililauokekoa were published in the Hawaiian language nūpepa (newspaper) at least twice, in 1861 and in 1908. In 2002, ‘Aha Pūnana Leo released a live action DVD of the popular romance, the first of its kind in modern media of traditional Hawaiian mo’olelo.

As a major and beloved figure of Wailua, Ka’ililauokekoa is also celebrated in mo’olelo, as well as the subject of many mele. One such mele is “E Pi’i i ka Nāhele” (Ascending into the Forest). It is identified by Emerson as a mele aloha (love song) and hula ‘ohe (dance accompanied by the bamboo flute), a musical instrument which plays a key role in the mo’olelo of Ka’ililauokekoa, as it is used by her suitor Kauakahiali’i to woo her.

E pi’i i ka nāhele
Ascending into the forest

E ‘ike iā Kawaikini
To see Kawaikini

Nānā iā Pihanakalani
And gaze on Pihanakalani

I kēlā manu hulu ma’ema’e
At the pristine plumage of birds there

Noho pū me Kahalelehua
Dwelling together with Kahalelehua

Punahele iā Kauakahiali'i
A favorite of Kauakahiali'i

E Ka'ili, e Ka'ili ē
O Ka'ili, o Ka'ili ē!

E Ka'ililauokekoa
O Ka'ililauokekoa

Mo'opuna a Ho'oipoikamalanai
Granddaughter of [chiefess] Ho'oipoikamalanai

Hiwahiwa a Kalehuawehe
Precious one of Kalehuawehe

Aia ka nani i Wai'ehu
There is the beauty at Wai'ehu

I ka wai ka'ili pu'uwai o ka makemake
On the surge that enthralls desire

Makemake au i ke kalukalu o Kēwā
I desire [to be with you in] the kalukalu grass of Kēwā

E he'e ana i ka nalu o Makaiwa
Surfing the waves of Makaiwa

He 'iwa'iwa 'oe na ke aloha
You are the exalted one in love

I Wailuanuiho'āno
In all of sacred Wailua

Anoano ka hale, 'a'ohe kanaka
Forlorn and empty of people is the house

Ua la'i 'oe no ke one o Alio
You take pleasure on the beach of Alio

Aia ka ipo i ka nāhele
While the sweetheart is up here in the forest.

(Emerson, 1997b, pp. 135–137)

There are eight places named in the mele, including two famous surf sites, Makaiwa and Kalehuawehe, located in Wailua bay. Pana no'eau already discussed, such as the surf of Makaiwa and the kalukalu grass of Kēwā and Wailuanuiaho'āno, lend a heightened poetic aesthetic to the mele. Alio (or Walio) is the sandy beach area between the Wailua river mouth that extends south to the area of Nukoli'i (Nukole), bordering the neighboring moku of Hanama'ulu. Ka'ililauokekoa is remembered in more modern mele compositions, such as the mele inoa "Ka'ililauokekoa" composed by Henry Waiau, which references her home, Pihanakalani.²⁵

Episodes in many Pele and Hi'iaka mo'olelo, some of which are discussed elsewhere in this article, also occur here. It should be noted that the name of the district Wailua belongs to is the same as the district on Hawai'i Island where Pele's home Halema'uma'u is located.

In the mo'olelo of Lā'ieikawai (1863, 1918), the Kaua'i ali'i 'Aiwohikupua and his sisters, Maileiha'iwale, Mailekaluhea, Mailelauli'i, Mailepakaha, and Kahalaomapuana are from Wailua. Because the royal court is located here, a number of ali'i in the mo'olelo begin and end their sea voyages here. Just up the hill from the beach area, on the ridge of Kuamo'oloaokāne is the heiau Poli'ahu, named for the snow goddess on Mauna Kea. When 'Aiwohikupua is enroute to Paliuli on Hawai'i to woo Lā'ieikawai, he meets up with two women along the way, Hina in Hāna, Maui, and Poli'ahu. When he fails to keep his promise of marriage to Poli'ahu, she exacts her revenge on him. She travels to Kaua'i in search of 'Aiwohikupua. When she discovers that he has promised to marry Hina, she steps aside. But the "jealous Poli'ahu disturbs the new nuptials by plaguing their couch first with freezing cold, then with burning heat, until she has driven away her rival. She then herself takes her final departure" (Hale'ole, 1919, p. 50).

The story of Lepeamoa, whom Westervelt describes as the "chicken girl of Kapālama," was first written by Samuel Kapohu and published in the Hawaiian language newspaper *Ka Nupepa Kuokoa* as "He Kaa no Kauilani, ke kupueu o ka uka waokele o Kawaikini i Wailua, Kauai" (The Tale of Kau'ilani, the hero of the upland forest of Kawaikini in Wailua, Kaua'i; September 18, 1869–February 12, 1870). Westervelt's English version focuses primarily on the birth of Lepeamoa, Kau'ilani's older sister, in Keāhua, Wailua uka; her father's battle against Akuapehu'ale, a fierce enemy who lived ma kai; her being raised by her paternal grandparents at Kapālama, O'ahu; Kau'ilani's birth and eventual defeat

of Akuapehu'ale; and his search for his sister. Lepeamoa is born as an egg. When she hatches, she is born as a chicken, with beautiful feathers that are every color of the rainbow. However, this is only part of the longer tale.

While incomplete, Kapohu's original version goes on to describe how the Maui and O'ahu ali'i love to bet against each other in chicken fights, and how the O'ahu chief Kakuhihewa is about to lose his life in a bet. Lepeamoa defeats Mauinui's champion cock, Ke'auhelema. This is an interesting turn of events, since she is a small hen who has no experience fighting, and Ke'auhelema is a large, strong, experienced fighting rooster who also happens to be an older relative. Kapohu's mo'olelo goes on to describe Kau'ilani getting married and having a child, and their bird ancestors, such as Keaolewa.

Of importance is that family members carry significant place names in the mo'olelo. Their father is Keāhua, located in the mountainous region of Pihanakalani, below the peak of Kawaikini. Keāhua's parents are Kapālama (w)²⁶ and Honouliuli (k), who live at Kapālama, O'ahu, and raise Lepeamoa there. This demonstrates a connection between the two islands and their chiefly lineages. Lepeamoa's maternal grandmother is named Pihanakalani, and her great-grandfather is Manokalanipō, legendary chief of Kaua'i.

As an adult, Kau'ilani (possibly named for a spring in Pihanakalani called Waiu'i, which ages him from infant to young man almost overnight when he is bathed in its waters) marries 'Ihi'ihilauākea of O'ahu (this is also a place name near Hanauma Bay). Their daughter is named Kemamo, a location on the heights of Wai'ale'ale. Also raised on O'ahu, Kemamo marries Waialua (whose younger brother is Mokulē'ia), and together they have a daughter, Kawaikini. It is unfortunate that the mo'olelo doesn't come to a definitive conclusion, something all too common in the 19th-century papers.

The pu'u separating the two branches of the Wailua river is called 'A'āhoaka. Wichman (1998) notes that it was "named after a young chief who lived here. He was particularly handsome, and it was said that he shone and flashed and his brightness was like lightning or the brightness of the second night of the moon" (p. 79). A mo'olelo for 'A'āhoaka was published in the nūpepa *Ka Nupepa Kuokoa* in 1877 ("He mo'olelo," 1876–1877).

This mo'olelo details the events leading up to the birth of 'A'āhoaka, the son of Kalalea (k) and Koananai (w) of Anahola. Kalalea is the tall peak of the mountain of

that ‘āina that now bears his name, and Koananai is the name of the shorter peak of that mountain (December 30, 1876, p. 1). This is a relatively unknown mo‘olelo featuring many characters named for different mountains and ‘āina on the east and north sides of Kaua‘i.

It is unfortunate the final installments of the mo‘olelo are missing, as the issues of the nūpepa are no longer preserved. The author’s identity is also a mystery, since it was either unsigned or signed at the end where the author’s identity was lost along with the missing nūpepa installments. Surely more information of ‘A‘āhoaka the chief and the ‘āina would be discovered in these missing installments.

Mo‘olelo such as these help us recover traditional place names, such as Keāhua (now referred to as “Loop Road” or the “Arboretum”) and Koananai (now “King Kong’s Profile”), and allow us to name places often ignored (such as the pu‘u ‘A‘āhoaka). Such recovery acknowledges and values Kanaka intellectual history and contributes to the well-being of our lāhui.

Pikoiaka‘alalā is the kupua rat-child born in Wailua into a kupua family; his father is ‘Alalā and his mother is Koukou. When some boys of the area are jealous of his skill with kō‘ie‘ie (a water toy), they throw it in the river and he jumps in after it. He is carried out to sea and arrives at Kou, O‘ahu. Here he is reunited with his sisters, and joins a rat-shooting competition, in which he is declared the champion.

Another well-known mo‘olelo set in Wailua includes Kalapana. *Moolelo Hawai‘i o Kalapana, ke keiki ho‘opāpā o Puna* (A Hawaiian Story of Kalapana, the Riddling Child of Puna) was first published by Moses Nakuina in 1902, one of the rare mo‘olelo published in a book form. The story is incomplete and has not been translated into English; a revised version with an ending composed by Pila Wilson was published by Hale Kuamo‘o in 1994 under the title *No Kalapana, Ke keiki Ho‘opāpā o Puna (Kalapana, a Riddling Child of Puna)*.²⁷ While Kalapana is from Puna, Hawai‘i, he travels to Wailua to challenge the ali‘i Kalaniali‘iloa to ho‘opāpā, a riddling competition. Born into a family known for its skill in this area, Kalapana’s father Kānepōiki is killed by Kalaniali‘iloa in Wailua. Kalaniali‘iloa is famous for his skills in ho‘opāpā, and for a pā iwi kanaka (human bone fence) made from the bones of his defeated challengers (Nakuina, 1902, p. 2).

Kalapana also lays claim to the ‘āina of Wailua, the land where his mother Halepāki is born. In his introduction, Nakuina poetically references Kaua‘i as “A ke ao lewa i luna / A ka pua lana i kai o Wailua” (where the clouds float above / and the flowers float on the sea of Wailua; p. 1). When Kalapana arrives at Wailua, he befriends

some kama'āina of Pu'u'ōpelu near where the ali'i's hale is located, and Kalapana sets up camp near the river. In the completed version by Wilson, Kalapana defeats Kalaniali'iloa, and successfully avenges the death of his father. Keli'iokepa'a, Kalaniali'iloa's brother who befriends Kalapana earlier in the mo'olelo, is given authority over the lands of Wailua (p. 105). Kalapana retrieves his father's bones and returns home to Hawai'i Island (p. 106).

Wailua is connected to several mo'olelo associated with the demigod Maui and his mother, Hina. In one, Maui lives in Wailua; the eight paeki'i (row of images) stones at the mouth of the river are his brothers (Dickey, 1916, p. 16). In another, while Hina is living in Kahiki she dreams of surfing in Wailua with a handsome man. Her brother Nulohiki transforms into a canoe, and Hina sails to Wailua where she meets the man, Makali'i, who has descended from the heavens. After Maui and his brothers are born, Makali'i returns there. At Molohua, an area "just north of the [Wailua] river mouth," Hina sticks the canoe form of Nulohiki into the sand, where it transforms into the first coconut tree. Maui would climb this tree to visit with his father Makali'i. On the plains of Papa 'Alae (Mudhen Flats), the marshland on the north side of the Wailua River, Maui discovers the secret of fire from the 'alae (mudhens), the fire-keeping bird kupua who lived there.

There are a tremendous number of mo'olelo that reference Wailua, Kaua'i, only a small number of which have been summarized here. They remain to be analyzed and explored in depth for their significance and importance for Kānaka Maoli today. Wailua's prominence as a significant wahi pana extends from the ancient to the historical past, and into the present.

MA KAI A UKA: WAHI PANA, VOYAGING, AND PHYSICAL SITES IN WAILUA

British Captain George Vancouver was the only Western explorer to ever land in Wailua. He arrived there in 1793 (Dickey, 1916, p. 14). While ignored by Western sailors, Wailua was a popular and well-known starting point and destination in the long-distance voyaging of the early migration periods. Known both in Hawai'i and Polynesia, Wailua had a strong connection with canoe voyaging and navigation in ancient times before the 13th century. These ties are demonstrated in the many historical mo'olelo passed down over the centuries.

In a relatively unknown Hawaiian language and Kaua'i version of the Pele mo'olelo published by William Hyde Rice (1908), Hi'iaka, in her quest to Kaua'i to find and fetch Pele's lover Lohi'au, sails, and lands her canoe at Wailua from Ka'ena, O'ahu.²⁸ Once landed, Hi'iaka travels over land by foot to Hā'ena, Lohi'au's home. In the mo'olelo of Pāka'a, he sails the first canoe from Wailuanuiaho'āno. This is also where the ali'i Moikeha first settled from Kahiki, bringing and planting the first taro, sweet potato, and banana to Kaua'i (Dickey, 1916, p. 24). Moikeha's son La'amaikahiki also landed here, bringing the first pahu drum to Hawai'i.

Ma ke Kai: Surf Sites, Canoe Landings, Pae Ki'i, Burial Grounds

The beach at Wailua has been identified by several names over the centuries. In some mo'olelo, it was called Kemamo, and was a favorite landing for Kaua'i in traditional times (Beckwith, 1970, p. 385). In a letter about the Hui Kawaihau sugar planters, J. H. K. Keliioniwalemaino of Kapahi references the beach as "Ke one loa o Wailua" ("The long sands of Wailua"; *Ka Lahui Hawaii*, June 28, 1877, p. 3). Traditional burial grounds located "ma kai of Queen Kapule's home" were alternately known as Mahunapu'uone ("Hidden Sand Dunes") and Kunapu'uone (Bushnell, Shideler, & Hammatt, 2004, p. 95). A canoe landing at the north end of the beach was called Kapua'iomalahua, which was also used as a steamer landing in the 19th century (Dole, 1929, p. 10). According to Kamakau (1867), Waimahanalua is the name of a stream (p. 1).²⁹ It is also the name of a canoe landing near Makaiwa (Bacon & Nāpōkā, 1995, p. 67), and where Moikeha lands his canoe when he arrives in Wailua (Kamakau, 1867, p. 1). This is possibly why Beckwith (1918) identifies the beach landing as "Kamakaiwa" (p. 364).

The beach area to the south of the river was called Alio or Walio, and extended from the river mouth to the rocky point at Hanama'ulu. Bennett (1931/1971) noted many sand dune burials there (p. 125), which have been reaffirmed by numerous archaeological studies since then. Today this area is referred to as Kawailoa or Nukoli'i (Nukoli, Nukole), although Nukoli'i is a section along the south end of the beach that marks the southern boundary of the Wailua ahupua'a, separating it from Hanama'ulu.

Wailua was famous for its surf breaks, and three are named in mo'olelo. The area just beyond the beach was Ka'ōhala ("Thrust Passing"; Manu, 1899, p. 4). Kalehuawehe (The open lehua blossom) is another surf break famous in mo'olelo of Wailua, including the mo'olelo of Ka'ililauokekoa, and in oli makani Pele chants

on Kaua'i (Ho'oumāhiehie, 1905–1906; Poepoe, 1908). It was located on the south side of Wailua bay, in front of Hauola (Wichman, 1998, p. 79). In Manu's mo'olelo (1899) Pele's older sister Kapō'ulakīna'u challenges some surfers of Wailua to a competition; she names the mountainous surf break Kalehuawehe after the men are defeated (Manu, 1899, p. 4).

The famed surfing spot Makaiwa on the north side of the bay is mentioned in many mo'olelo, including "Ka'ililauokekoa," "Kawelo," "Lepeamo," "Lā'ieikawai" and several versions of "Pele and Hi'iaka." In Manu (1899), after Kapō'ulakīna'u defeats the Wailua surfers in a surf contest she and her sisters disappear from the waves of Kalehuawehe and are then seen across the bay surfing the waves there; because of this, the "surfers there became confused and landed everywhere and because of that the surf was called, [Ke kua nalu o Makaiwa], The-surf-back-of-Makaiwa" (Manu, 1899, p. 4). In Rice (1908), Hi'iaka and her companions return to this area after rescuing Lohi'au, where they "arrived at Makaiwa [and]... saw the shore festively adorned with people surfing" (Rice, 1908, p. 1).³⁰ One way Kalehuawehe can be interpreted from this mo'olelo is "the vanquished experts/sweethearts." Thus, our traditional mo'olelo preserve the intellectual and cultural thought process of naming geographic sites extended from the 'āina into the kai in ways more culturally relevant and 'āina-inscribed than arbitrary contemporary names, such as "Horners" (Makaiwa), "Cloud Break" (Ka'ōhala), or "Black Rock" (Kalehuawehe).³¹

Heiau

KUKUI. A series of heiau extend from the ocean to the peak of Wai'ale'ale, one of the most extensive collections of heiau in one ahupua'a across the pae'āina. Kukui Heiau is located at Laealakukui ("Point of the Kukui Path"), the point at the northern end of Wailua bay that marks the ahupua'a boundary between Wailua and Olohena. It is connected with navigation and canoe voyaging and had a prominent role in the early migration period. Its construction is similar to Tahitian and Marquesan *marae* (temple) design. Kukui Heiau was built around 1100–1400 A.D., during the second migration era (Kaua'i Historical Society, 1934, p. 2).

HIKINAALKALĀ, HAUOLA. Three of the Wailua heiau are directly associated with Kāne, an important akua associated with freshwater, sunlight, and agriculture, especially kalo production. The first is Hikinaakalā ("The Rising Sun"), located on the easternmost point of the island on the south bank of the Wailua river mouth. Kanaka

Maoli cultural practitioners continue to utilize the heiau and offer ho'okupu (ceremonial gifts), as seen in Figure 5. Hauola, considered a pu'uhonua (place of refuge), is located within the boundaries of Hikinaakalā.³² It was a place of refuge in traditional times during warfare and for those who broke kapu (taboo). After performing certain rituals, refuge-seekers were allowed to leave after several days (Joesting, 1984, p. 10). A pōhaku piko (umbilical cord stone) is located here, but no pōhaku ho'ohānau (birthing stone). Hikinaakalā is the beginning of what has been called the "King's Highway" which leads from the mouth of the river up the north fork to the summit of Wai'ale'ale. The beginning of this pathway follows the course of the river before winding upward along Kuamo'o ridge. Today the main thoroughfare into Kaipuha'a is named Kuamo'o Road, which is appropriate since *kuamo'o* also means road or path.

FIGURE 5 Ho'okupu laid on pōhaku at Hauola, Hikinaakalā Heiau, Wailua, Kaua'i



2005, KU'UALOHA HO'OMANAWANUI

MALAE. The Malae Heiau was located on the south bank of the Wailua River on the ma uka (mountain) side of the highway. It is within sight of Poli'ahu Heiau on Kuamo'o ridge. The two are considered somehow related, although exactly how is not known (Bennett, 1931/1971, p.127). Malae is described as having been built by Menehune (legendary race of small people) with stones from Makaweli on the west side of the island, and was the birthplace of Ka'ililauokekoa, although archaeological work for current restoration efforts reveals that the stones used for construction are from Wailua. Wichman (1998) notes that an alternate name of the heiau was Maka'ūkiu (p. 68).³³ Maka'ūkiu is possibly an older name, as it is referenced in many oli and mele for the area.

HOLOHOLOKŪ, MANU'ENA, KALAEAKAMANU. Holoholokū, the pōhaku ho'ohānau ali'i or royal birthing stones (see Figure 6), are unique on Kaua'i; the only other known birthstones are Kūkaniloko in the uplands of Waialua, O'ahu. Wailua's sacred stones are part of the heiau Kalaeakamanu ("Crest of the Bird"), about 200 yards inland from the sea on the north bank of the Wailua River at the foot of Pu'ukū ("Ti Hill"). Being born here added divine mana to the sacred place occupied by an ali'i (Dickey, 1916, p. 15). This area is also a known burial area for Kaua'i families, whose descendants still care for their ancestors' iwi (bones) there.

It was important that the highest ranking ali'i nui of Kaua'i be born in Wailua, and that "no one was recognized as a chief unless born in the district of Puna; all chiefs... should be born at [Holoholokū]" (Dickey, 1916, p. 15). Maka'āinana, however, were sometimes allowed to give birth at Holoholokū so "[that] child would be a chief" (Joesting, 1984, p. 9). This idea is reinforced by a traditional chant:

Hānau ke ali'i i loko o Holoholokū he ali'i nui
The child of a chief born at Holoholokū³⁴ is a high chief;

Hānau ke kanaka i loko o Holoholokū he ali'i no
The child of a commoner born at Holoholokū is a chief also;

Hānau ke ali'i ma waho a'e o Holoholokū, 'a'ohe
 ali'i—he kanaka ia!
*The child of a high chief born outside of Holoholokū is no
 chief—a commoner he!³⁵*

(Pukui, 1986, p. 56).

After the birth of the child, the *ēwe* (umbilical cord) was wrapped in a piece of *kapa* and placed in a crevice of the *pōhaku piko*, located near the *pōhaku ho'ohānau*. This was then “wedged into a crack...[with] pebbles, small stones, or a piece of *hala* [pandanus] fruit” (Dickey, 1916, p. 15). The umbilical cord was a symbol of connection with generations past, as well as linking the child with generations yet to be born. It was believed that if the cord of the child was stolen, or eaten by a rat, the child would become a thief. If, however, the *kapa* remained undisturbed for 4 days, it was a sign of a propitious future for the newborn *ali'i* (Smith, 1955, p. 34).

FIGURE 6 The birthing stones of Wailua, Kaua'i



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The newborn child was then taken up *Kuamo'o*, the ridge and pathway along the north bank of the river, to the *pōhaku kani* at the top of the ridge overlooking *Wailuanuiaho'āno*. The *kahuna* (priest) chanted the arrival of the newborn *ali'i*, then struck the *pōhaku kani* in a certain way so the sound traveled up and down the valley and everyone within hearing distance would know a new *ali'i* was born

(Smith, 1955, p. 34). A Kaua'i Historical Society report (1934) added that "at the birth of the royal child the kā'eke in the heiau [Holoholokū] was struck with the hand to announce the event...the measure of the beat indicated the sex of the child" (p. 4).

Moikeha's youngest son, Kila, was sent by his father to fetch his half brother La'a from Tahiti. La'amaikahiki (as he was called upon his return from Tahiti) is credited with introducing the first drum to Hawai'i. In some versions of the mo'olelo, it is the kā'eke drum; in others the pahu is specifically mentioned. These first pahu drums were brought to Holoholokū, where the sacred hula pahu was first taught. When La'amaikahiki returned to Hawai'i, he "first went to Ka Lae [Hawai'i Island] and then to Wailua in Kaua'i. He first taught the hula pahu there at Holoholokū...From Wailua, the use of drums spread to other islands" (Pukui in Tatar, 1993, p. 16).³⁶ The two drums associated with La'a are named 'Opuku and Hāwea, and Hāwea is the drum left at Holoholokū.

FIGURE 7 Holoholokū Heiau at the base of Kalaeokamanu Ridge, Wailua, Kaua'i



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Bennett (1931/1971) classified Holoholokū (see Figure 7) as a luakini or sacrificial heiau, and notes that La'amaikahiki “introduced the drum into the sacrificial heiau on [Kalaeokamanu]; eventually they were used in all human sacrifice heiau” (p. 127). Such classification of Holoholokū by Western archaeologists contradicts Hawaiian sources.³⁷ Kūpuna of the area describe Holoholokū as an agricultural heiau, the stone platform being a foundation for a caretaker's residence. No written records of this history exist, further demonstrating the need to document kupuna knowledge and oral histories of kama'āina from specific lands. Pukui does not describe Holoholokū as a luakini, and notes that the drums “were used by the priests only for ceremonies and to announce to the surrounding countryside the sex of the newborn babes of the ruling families. The sound of the drum beats for a boy was different from that for a girl. It was used at Ka-lae-o-ka-manu heiau when a new member was born to the royal family at Holoholoku” (Pukui ms., 1936, p. 55). That the ali'i would have a luakini for human sacrifice literally steps away from the sacred birthing stones makes no sense, and instead appears to be a misinterpretation of the site, its function, and perhaps the function of these pahu as well, as there is no evidence hula pahu were used for human sacrifice ceremonies. Few heiau were known to be associated with specific pahu; Holoholokū and Kalaeokamanu are two of only twelve named heiau across the pae'āina “consistently associated with certain pahu, usually named” and the only heiau on Kaua'i with such distinction (Tatar, 1993, p. 33).³⁸

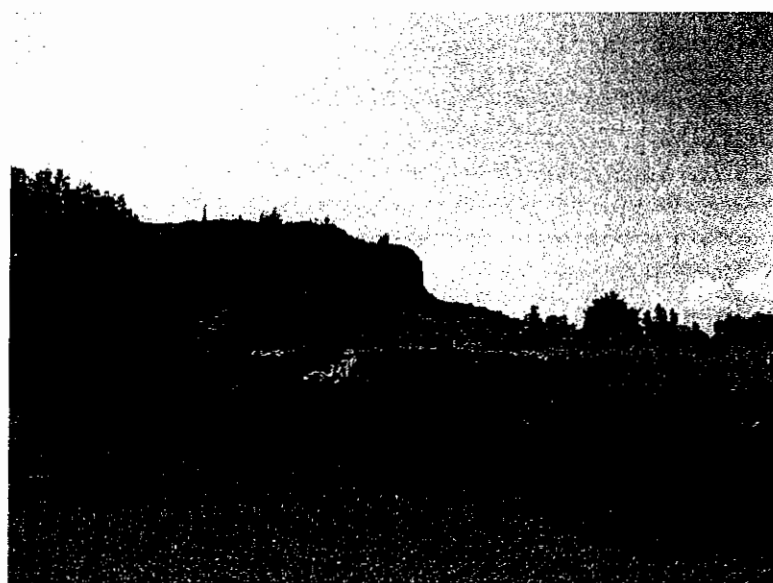
A sacred coconut grove associated with Holoholokū no longer exists. The coconut grove on the grounds of the former Coco Palms hotel is usually mistaken as the sacred grove, but according to Kaua'i Historical Society records (1934), “this grove of trees was planted as an experiment in 1896” 3 years after the overthrow of the Hawaiian government (p. 1).

Bennett surveyed an unnamed heiau “on the north bluff of the Wailua river in the cane field a mile from the sea” (p. 128). This heiau is identified as Kapu'ukoa (p. 141). No additional information on this heiau has been discovered.

POLI'AHU. Poli'ahu Heiau (see Figure 8) is situated on Kuamo'o ridge. Very little is known about it, although Dickey speculates it was associated with the powerful spiritual art practice of 'anā'anā, often misinterpreted as “sorcery.” Joesting argues that Poli'ahu Heiau was devoted to the interests and affairs of the gods, and kānaka were not allowed there as the “deities gathered once a month on the nights of Kāne” (p. 12). This information appears to come from an unpublished article

by Kaua'i Historical Society founder J. M. Lydegate, "Out of the Olden Times at Wailua Kai," which was read at a Historical Society meeting in 1916. However, as this heiau sits on a very narrow ridge that leads into the upland region directly from Wailuanuiaho'āno, I am skeptical that this is a plausible interpretation of its function. Moreover, Poli'ahu Heiau sits within direct view of Malae Heiau, across the river and down the hill near the sea. While the relation between the two isn't clear, cultural practitioners agree that some relationship exists between the two.

FIGURE 8 The eastern face of Poli'ahu Heiau, Kuamo'oloakāne Ridge, Wailua, Kaua'i, with Mauna Kapu, the northern side of Kālepa mountain range in the distance



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Its association with the mo'olelo of Lā'ieikawai is summarized earlier in this article. In another mo'olelo, Smith (1955) describes a maka'āinana, Hihiakalālāhau, who fell in love with the goddess. At the time she resided on the summit of Kuamo'o (presumably where the heiau is located). If he wanted to be with her, she told him, he must climb the hill before daybreak. As he neared the top she used her supernatural powers to transform him into a hau tree. Thus, the story claims,

he became the first hau tree on Kaua'i. Furthermore, the hau leaf itself has five main veins extending from the base of the heart-shaped leaf where the stem is located. The shape of the leaf is reminiscent of Kaua'i, and the "heart" or piko represents Wai'ale'ale. Each vein is said to represent the five main riverways on the island: Waimea, Hanapēpē, Wailua, Kealia, and Hanalei (p. 47). Dickey identifies Hihiakalālāhau as a specific wahi pana located along the Wailua River below Poli'ahu Heiau (Dickey, 1916).

KA'AWAKŌ. Ka'awakō Heiau is located on the summit of Wai'ale'ale. Little is known about it today, other than that it was the most sacred heiau dedicated to Kāne (Joesting, 1984, p. 4). Constructed of smooth pāhoehoe lava, it contained a large phallic stone at the rear of the structure. It is situated next to a large pond, Wai'ale'ale, from which the mountain derives its name. On an expedition to the summit published in 1946, Kaua'i resident Eric Knudsen writes that his Hawaiian guide, Kualo, said it was a temple dedicated to the war god Kū (Knudsen, 1946, pp. 41–42).

Other: Ki'i Pōhaku, Caves, Holua Slide, Hills, Loko I'a

KI'I PŌHAKU (PETROGLYPHS): PAE KI'I A MAHU. Near the south bank of the Wailua river mouth, also called Pahulu, is the location of a row of large boulders with carved petroglyphs collectively called "Pae Ki'i a Mahu." Two etiological mo'olelo explain the source of these pōhaku. One mo'olelo is related to the Maui legend; when he and his brothers are trying to pull the islands together, his brothers look back, and are turned into these stones (Wichman, 1998, pp. 70–71). In Manu's 1899 Pele mo'olelo, her older sister Kapō'ulakīna'u challenges some kama'āina of Wailua to a surfing contest. During the contest, the male surfers wipe out in the huge surf and are transformed into the pae ki'i (Manu, July 8, 1899, p. 4). Little is known about the significance of the stones or the reference to mahu (alternately marked, it can refer to steam, vapor, a variety of tree similar to 'ōlapa, quiet, peaceful, weak in flavor or taste, and/or homosexual or hermaphrodite). Any interpretation at this point, however, is purely speculative. More analysis of the mo'olelo they are mentioned in is still needed.

THE CAVES OF KAHALEOKAWELOMAHAMAHAI'A, MAMAAKUALONO, KALUAMŌKILA; HOLUA SLIDE. There are a number of caves in the area, both above and below water. An underwater cave on the north bank of the Wailua River is called Kahaleokawelomahamahi'a (The Home of Kawelo with Fish Gills).

Kawelomahamahi'a was an ali'i of Kaua'i who was also the grandfather of the hero and later chief Kaweloleimakua. After his death, Kawelomahamahi'a was worshipped as a shark deity and believed to live in the cave Kahalekawelomahamahi'a in the Wailua River.

Above Malae Heiau on the south fork of the river is Mamaakualono (the Chewing God Lono), a large cave known today as the Fern Grotto. This is not an ancient wahi pana, although there are seven burial caves located in the sheer cliff face above it. Another example of Euro-American mythmaking, Joesting says that this area was associated with human sacrifice, as "after the flesh had fallen from the bones of the human sacrifice at Holoholokū, the remains were buried here" (p. 10). However, there is no evidence that Holoholokū or any of the Wailua heiau were luakini. In one mo'olelo, it is the home of Mamaakualono, the sister of Niolopua, the god of sleep. She was greatly skilled in kapa making. Her brother Niolopua lived in a cave on the sheer cliff of Mauna Kapu above her. She had two other bird kupua brothers, Kōlea and 'Ūlili, and after their deaths her brothers became three large pōhaku that overlook the cave (Wichman, 1997).

Kaluamōkila ("Mōkila cave") is a cave that extends north to south through Pu'ukū near Holoholokū Heiau. The south entrance was located underwater in the Wailua River, and the north entrance on the hill. The mo'o (lizard) Mōkila was thought to reside here. Mōkila is also a Kaua'i name for the needles used to string lei (www.wehewehe.org).

In a visit to Wailua in 1824, missionary Hiram Bingham mentions a holua slide here but offers little detail. Thus far, this holua slide has not been documented in various archaeological reports (Bingham, 1847, pp. 220, 231).

LOKO I'A/PAPA ALAE. There were two fishponds in the area, one in the sea at Laealakukui, and the other just inside the mouth of the Wailua River. One of Queen Kapule's fishponds is identified as Weuweukawaiiki in LCA 3111/3559 (R. M. Towill, 2009, p. 158).

Wailuanuiaho'āno, the Great Sacred Wailua, was an ideal center for Kaua'i ali'i because its abundant resources offered many comforts and necessities. Rapid colonization throughout the 19th and early 20th centuries destroyed many significant wahi pana—heiau dismantled for road and other construction, lo'i kalo replaced with rice paddies and pasture lands, and loko i'a abandoned or turned into ornamental ponds. Traditional mo'olelo have been replaced with an American

curriculum in schools, and Hawaiian akua and spirituality replaced by Christianity. While the cultural and spiritual status of Wailuanuiaho'āno in traditional times has been obscured by Western colonialism, it still holds an important place in Hawaiian history, culture, and mo'olelo.

REMEMBERING, RECOVERING, AND WRITING PLACE

Remembering, recovering, and writing place provides the indigenous framework for research into place that intersects with—and also differs from—other academic disciplines, where memory is not always considered a relevant discourse in academic research. Within the disciplines of indigenous and cultural studies, however, memory is a recognized and viable methodology in research; remembering is one of twenty-five indigenous projects of decolonization and research identified by Tuhiwai Smith (1999, p. 146). In the context of indigenous research, memory and the act of remembering is not merely an exercise of nostalgic recollection, but an active process, particularly in the area of “ancestral memory,” which Pualani Kanahele describes as connecting us to our ‘āina (Kanahele, 2011, preface). In her essay “I Am This Land and This Land Is Me” (2005), Kanahele also clearly articulates the metaphoric and symbiotic relationship between kānaka and ‘āina that is not just theoretical or of the past, it is personal and ongoing in the present.

Within the field of cultural studies, collective memory is often discussed as both shaping and defining national (political) identities. Within indigenous studies, however, the collective identity shapes and defines the cultural memories of the people along genealogical and cultural lines that precede and often supercede our current national identity within the United States. For indigenous people, what is remembered and why it is considered important to remember is central to indigenous research. For Kānaka Maoli, wahi pana, mo'okū'auhau, genealogical connections to ‘āina, the deeds of illustrious gods, chiefs, and ancestors, all of which reflect aloha ‘āina, a key cultural value, are important to remember, recover, and write.

Remembering was an important impetus for Hawaiian intellectuals such as Poepoe to write and publish mo'olelo. In a 2010 *Hūlili* article analyzing oli makani as a key literary device, Noenoe Silva points out that Poepoe used the term *kulana pāno'ono'o* to describe the wind chants as a “remembering function...for the benefit

of readers and future generations” (p. 237). Writers and educators like Kapihenui and Poepoe saw the value of such knowledge, as do Hawaiian educators such as Kanahele, Silva, myself, and others today. Silva reiterates Kanahele’s message that such valuing of knowledge is ongoing, as “this cherishing of knowledge is not confined to the past but continued into Poepoe’s time, the early 20th century, and continues now into our time as well” (p. 238).

Recovering and revitalizing cultural knowledge, such as ‘ōlelo Hawai‘i (Hawaiian language), and putting it into contemporary practice has been a key part of indigenous education movements such as Hawaiian language immersion schools. Tuhiwai Smith identifies connecting, restoring, and returning as three indigenous projects synonymous with recovery. The term recovery means “getting back,” but also connotes “getting over” or past something, such as the colonial history that suppressed Hawaiian cultural knowledge and encouraged (or forced) Kanaka Maoli abandonment of major areas of our intellectual history. The recovery of cultural knowledge includes extraction of information from Hawaiian language newspapers and other archives, translation and study of myriad texts and genres, such as mo‘ōlelo, oli, mele, and hula, and discussion with kūpuna, cultural practitioners, and other resources about the ‘āina in question.

Moreover, recovery is also about utilizing Hawaiian language resources. Far too often, scholars and researchers are content to rely on secondary English-language sources which are often poor translations misrepresenting primary Hawaiian language texts, or poor interpretations of Kanaka Maoli practices. Such overreliance on secondary sources is described by Hawaiian language professor Puakea Nogelmeier in his book on Hawaiian language primary materials *Mai Pa‘a i ka Leo* (2010) as “a discourse of sufficiency,” where researchers not fluent in the Hawaiian language often just ignore vital resources. Such omissions have real world negative consequences, since flawed research is then often used by other scholars or writers to perpetuate incomplete, inaccurate, or misinterpreted information. Today, this kind of fabrication is enabled to spread more widely and rapidly than ever through blogs, websites, and social media. Wailua has not escaped these trends, and it is possible to trace misinformation about Wailua and its sources across the World Wide Web.

Furthermore, flawed research is also used by local governments, developers, and community groups in planning projects and granting permits. An ongoing example in Wailua is the development of the Ke Ala Makalae (The Beach Path) Walking/Bike Path Project and the proposed redevelopment of the old Coco Palms

Hotel property. In 2004, an EIS (Environmental Impact Statement) was prepared which concluded, in part, that there were no significant burials on the Coco Palms property, despite oral traditions and other cultural information to the contrary, allowing the permitting process to proceed. Similarly, the Ke Ala Makalae project also continues, despite Kānaka Maoli protest and legal actions. The EIS is incomplete because it was prepared only from English language sources, and is being used nonetheless to justify these controversial projects. Ironically, one argument used to sway the community is that development of the walking/bike path would contribute to Hawaiian physical well-being, while the destruction or displacement of ancient burials and cultural sites important to spiritual, psychological, and emotional well-being is not being considered. The economic development of the Coco Palms property will create jobs and alleviate unemployment and aid financial well-being, but in a tourist-serving capacity with limited job growth opportunities, at the cost of destroying or displacing some ancient burial and cultural sites and probably limiting access to others. Not surprisingly, no Kānaka Maoli were principle investigators in the EIS process. Such incompletely researched misrepresentations of 'āina highlight the need for Kānaka Maoli to write place as another way to mālama 'āina—to honor, protect, and defend our beloved lands and culture, and contribute to the spiritual and overall well-being of our lāhui.

Writing place, or writing about place, is a new area of focus within the discipline of composition and rhetoric studies. Within a specifically indigenous context, writing about place is also writing about our cultural, ancestral, and genealogical connections to the 'āina. It includes culturally specific genres of writing that demonstrate the relationship of our ancestors to place, their worldview developed from living on that 'āina, and the poetic, intellectual, and philosophical epistemologies that result.

Tuhiwai Smith (1999) discusses the role of writing and culturally based research for indigenous scholars. She argues that reading and writing are an essential aspect of knowledge production that “has influenced the ways in which indigenous ways of knowing have been represented,” and that colonial misrepresentation of indigenous people “is important as a concept because it gives the impression of truth” (p. 35). Indeed, colonial texts misrepresent indigenous people as well as our lands, languages, worldviews and cultural practices to the point where, as Tuhiwai Smith argues, “we can barely recognize ourselves through the representation” (p. 35). She evokes Māori writer Patricia Grace’s point that writing is dangerous, in part, because it is “never innocent” (p. 36). This is precisely why it is important for Kānaka Maoli to remember, recover, and undo the colonial representations of ourselves, our culture, and our 'āina.

As Cheryl Smith points out, academic writing is a way of “writing back” against colonial misrepresentations and also a way of simultaneously “writing to ourselves” and the communities we come from (Smith in Tuhiwai Smith, 1999, p. 37). Such writing back includes different texts, literature, and sources that inform our research, which “contributes to a different framing of the issues. The oral arts and other forms of expression set our landscape in a different frame of reference...the academic disciplines within which we have been trained also frame our approaches” (p. 37).

The concept of Indigenous Literary Nationalism is rooted within the development of Native American Literary Nationalism over the past decade. While Smith’s work focuses on the role of indigenous academic research and writing in representing indigenous people, knowledge, and practice in a more respectful way, Indigenous Literary Nationalism also includes the primary work of indigenous writers and thinkers, particularly focusing on literary productions, such as mo‘olelo.

Both of these approaches are useful in helping us remember, recover, and write place in a way that is not just romanticized or nostalgic, but works to support the lāhui and our educational goals for a more culturally literate, well-rounded population, a process which will contribute to overall health and well-being.

Continued writing about place is an important part of ‘Ike ‘Āina, just as Kānaka Maoli continue to have a relationship with our ‘āina. Wailua’s historical, cultural, and poetic significance is rarely celebrated in contemporary oli, mele, or mo‘olelo. This realization inspired me to compose a mele aloha ‘āina for the important wahi pana called “Wailuanuiaho‘āno.”

He nani mai ho‘i kau
Oh how beautiful indeed

‘O Wailuanuiaho‘āno
Great Wailua of the chief Ho‘āno

I ka wā kahiko
In times past

Kaulana kou inoa.
Famous is your name.

Ma mua o Kalanipō
Before [Mano]Kalanipō

Ilihia i ka muliwai
You landed at the river mouth, struck by the beauty

Kahi kapu o nā ali'i
Sacred place of royalty

Kinohi i Kahiki mai.
Originating in Kahiki.

Eō e Wai'ale'ale
Greetings to Wai'ale'ale

Mauna kūkilakila i ka 'iu
Standing proud in the distance

Pi'ikū i ke kuamauna
Climbing the steepness to the top

Kuamo'oloaokāne.
Along the great lizard back of [the god] Kāne.

Kahi laha'ole kehakeha
Indeed a rare, choice place

'O Wailuanuiaho'āno
Is Wailuanuiaho'āno

Mai Hauola i Ka'awakō
From Hauola to Ka'awakō

Laulā i ka la'i ākea.
Widespread peace and tranquility.

Ha'ina 'ia kou wehi
Your praises have been sung,

'O Wailuanuiaho'āno
Wailuanuiaho'āno

Puana 'ia ku'u mele

My story is told

Kahi i aloha 'ia.

Of the place that is much loved.

(ho'omanawanui, 1998, p. 177)

In each paukū in the mele, place names in Wailua and historical figures associated with it are recalled and remembered, a reminder to Kānaka Maoli today of the illustrious place of this beloved wahi pana in the mo'olelo of our lāhui. Other contemporary mele that also celebrate the beauty, history, and importance of this 'āina include "Hanohano Wailuanuiāhoano" by Maui chanter Charles Kaupu (2006) and "Eō e Wailuanuiāhoano" by Leilani Rivera Bond (2008) who was also raised in Kaipuha'a. Like other mele aloha 'āina, each of these contemporary mele for Wailua express deep love and appreciation for the 'āina, echoing the relationship between composer and 'āina.

HA'INA 'IA MAI ANA KA PUANA (CONCLUSION)

Ha'ina 'ia mai ana ka puana, "thus the story is told." This is a common literary device in Hawaiian mele indicating that the mele is ending. As Kānepu'u reminds us, it is important to learn, document, and teach our cultural and literary history embodying the most fundamental Hawaiian cultural value—aloha 'āina, patriotism, our love for our land.

We cannot expect, after nearly two centuries of educational disconnection in a colonially derived educational system, that others will provide the answer to our educational woes. As the theme for the fifth WIPCE (World Indigenous Peoples Conference on Education) in Hilo reminded us in 1999, "Aia nā ha'ina i loko o kākou—The answer lies within us." Kumu (teacher) Pualani Kanahele encourages us to remember, "We have to pay attention to our Native Hawaiian intelligence and experiences. We should be able to look for them, define them—because nothing is lost. In fact, we still have a lot of knowledge that was left to us by our ancestors. It's still there; we just have to go look for it. That's what we're all about—research" (Kanahele, 2005, p. 21).

Our huaka'i (trip) through Wailua, a wahi pana rich in beauty and history, included poetic imagery captured in literary expression from the ancient past to the present century. Thus, it is appropriate to depart with a mele composed by Queen Lili'uokalani and Kapoli, "Wailua Alo Lahilahi" (Wailua of Delicate Face). The Bishop Museum Archives catalogues it as a hīmeni (hymn) as well as a mele inoa for Princess Ka'iulani. It also speaks of the beauty of this place, which we can appreciate through her words.

'Ano'ai wale ka hikina mai
Unexpected was our arrival

Ka 'ikena i ka nani o Wailua
Seeing the beauty of Wailua

'Elua māua me ka hali'a
Two of us with fond memory

I ka piko wai'olu o Kemamo
At the cool summit of Kemamo

Nani wale Lihu'e i ka la'i
So beautiful is Lihu'e in the calm

I ka noe a ka ua Pa'ūpili
In the mist of the Pa'ūpili rain

'O ke ahe mai a ka makani
In the gentle blowing

A ka Mālualuaki'iwai o Lehua
Of the Mālualuaki'iwai wind of Lehua

(Hui Hānai, 1999, p. 275)

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NOTES

1 "Ke Kii Pohaku ma Kauai," *Ka Hoku o Hawai'i*, October 15, 1908, p. 1.

2 Unless otherwise noted, all translations of Hawaiian text are my own. A longer, more detailed quotation from Kānepu'u's article is included in my article on 'Ike 'Āina (ho'omanawanui, 2008).

3 A number of scholars have written about this in recent years; of interest is Monica A. Ka'imipono Kaiwi and Walter Kahumoku III's "Makawalu: Standards, Curriculum, and Assessment for Literature Through an Indigenous Perspective" (2006) and Monica Ka'imipono Kaiwi, "Grounding Hawaiian Learners—and Teachers—in Their Indigenous Identity" (2006).

4 Kapa'a Middle and High School still serve this area. King Kaumuali'i Elementary School in Hanamā'ulu, which was established in 1990, now serves as the primary school for part of the Wailua Homesteads region. The rest of the student population in Wailua still attends Kapa'a Elementary School (<http://arch.k12.hi.us/PDFs/ssir/2008/Kauai/SSIR457-7.pdf>).

5 The 2003–2004 report states that 30.9% of students were identified as part-Hawaiian, 14.4% as Hawaiian, for a combined total of just over 45%; the next highest percentage ethnic group represented at the school is Filipino students, with less than 20%. This aligns with OHA's *Native Hawaiian Data Book*, which identifies the Kapa'a-Anahola area as having one of the highest Hawaiian populations on the island, even outside DHHL homestead lands (Office of Hawaiian Affairs, 2006, p. 21).

6 In this article, I use the term *pana no'eau* to describe the storied poetic epithets and sayings connected to 'āina.

7 A number of the 46 articles in the Declaration address cultural, educational, and land issues. U.N. General Assembly, Sixty-first Session, Agenda Item 68, *Report of the Human Rights Council, Declaration of the Rights of Indigenous Peoples*, A/61/L.67 (2007).

8 Vairua (Tahitian), vaerua (Mangaia, Paumotu); in Māori mythology, Wairua is “the ninth heaven or division of Rangi” (Lani, or Wākea, equivalent to the Hawaiian Sky Father), while in Mangaian mythology Vaerua is the “spirit who stands at the bottom of the Universe” and carries Avaiki (Hawaiki, Hawai'i) from the underworld to the terrestrial world (Tregear, 1891, p. 592).

9 This church is the predecessor of Kapa'a First Hawaiian Church, currently located in Kapa'a. The church was started by Queen Kapule in Wailua and later moved to its current location.

10 Joseph Moku'ōhai Poepoe's (1908–1911) version includes an alternate spelling, acknowledged in the text, of Wailuanuiahoana, which could also be a typographical error (p. 1), as does a 1909 version of Kawelo, where it is spelled “Wailuahano” (Ho'oulumāhiehie, January 1, 1909, p. 1). In their own scholarship on Hawaiian mo'olelo, Noenoe Silva, Laiana Wong, Puakea Nogelmeier, and John Charlot discuss the connection between Poepoe and Ho'oulumāhiehie as possibly being the same person.

11 Ho'oulumāhie's version was reprinted in Hawaiian and translated into English by Awaiaulu Press in 2006.

12 Under missionary pressure, homesteading programs began during the kingdom era. However, the Land Act of 1895, as enacted by Republic of Hawai'i President Sanford B. Dole, authorized the sale of former Crown Lands. When Hawai'i was annexed to the United States in 1898, these lands were ceded to the U.S. government. The original Homesteads of Wailua contained 31 lots that totaled 1,082.50 acres of former Crown Lands (Report of the Governor of Hawai'i to the Secretary of the Interior, 1914; they were auctioned off via public lottery on December 23, 1919, "The Wailua Homesteaders," *The Garden Island*, December 16, 1919).

13 Holi resided in Wailua and was a correspondent for the paper; the articles referenced include "Na Mea Hou ma Wailua," *Ka Hae Hawaii*, November 26, 1856; "Ka nani o Puna i Kauai!" *Ka Hae Hawaii*, Buke 3, Helu 31, Novemaba 3, 1858, p. 123; and "Make aloha ia," *Ka Hae Hawaii*, Buke 4, Helu 6, Mei 11, 1859, p. 22.

14 There are at least five published in the Hawaiian language newspapers, and seventeen unpublished variants in different collections at the Bishop Museum Archives. In the seventeen versions listed in the Bishop Museum Archive *Mele Index*, there are only two major variations in the first two lines. The version listed in HEN v. 3 states, "Kunihi ka mauna i Kahiki e." Another version in Helen Robert's collection (MS SC Roberts 2.6) states in the second line, "ka luna [o] Waialeale e ala." This version was collected from Julie Naukana, a hula performer born in 1842 (BPBM Index). Two of the Bishop Museum manuscripts list the chant as an oli, three as a pule (prayer), one as a mele olioli (style of chant), one as a hula Pele (one as a kau no Hi'iaka, chant specific to Hi'iaka), and three as a mele kāhea (calling chant). Other contradictions include one version listing it as a pule no Kapo (prayer for the goddess Kapo, a sister of Pele in some mo'olelo, and a goddess of hula and 'anā'anā or "sorcery"), while another lists it as a pule no Laka (prayer for the hula goddess Laka). Some versions make no specifications as to the genre of the chant. At least eight informants are credited with the chant: Jule Naukana (b. 1842), Rose Ka'imi La'anui (n.d.), Sam Ka'aiali'i (b. 1872), Kaoulionālanī (b. 1869), Kuapahi (n.d.), Peter Pakele Sr. (1869–1952), Aiamanu Pauole (1865–1945), and the renowned chanter James Kapihenui Palea Kuluwaimaka (1845–1937). About half of the Bishop Museum chants are listed as from or related to the mo'olelo no Pele (Pele stories), while the other half either aren't specific, or relate it to hula. A version of the mele is also found in Ho'oulumāhie's "Kawelo" mo'olelo (*Kuokoa Home Rula*, March 5, 1909; see Ho'oulumāhie, 2009, p. 111).

15 All lines of the translation except this one are from the text. The original translation reads, “Hidden is Kaipuha’a on the plain of Kapa’a” (Bacon & Nāpōkā, 1995, p. 65). But the translation does not take into account the word *mauka*, “upland.” Therefore, Kaipuha’a is not on the plain of Kapa’a, it is *ka laulā mauka o Kapa’a*, “the broad plain above Kapa’a.”

16 Some examples include: H. K. Kahopukahi, “He mau kumu i erni ai ka lahui,” *Ka Lahui Hawaii*, April 29, 1875, p. 4; S. T. Piuhonua, “Hoohalahala,” *Ka Lahui Hawaii*, July 27, 1876, p. 2; Mose K. K. H., “He ipo aloha ka awa na kekahi hapa o Nawaieha nei,” *Ka Lahui Hawaii*, August 23, 1877, p. 3.

17 Hawaiian text adapted from Roberts; translation by Kelsey. Another version was recorded by Helen Roberts in *Ancient Hawaiian Music* (1926/1967), which she identified as a hula ‘uli’uli (dance accompanied with feathered rattle instrument). Tatar (1993) notes, however, that “[Tom] Hiona’s rendition...is accompanied by two...kā’eke’eke” (p. 289). Roberts cites Kalala as the composer and Wahineikeaouli Pa of Hā’ena Wet Caves, Kaua’i, as the chanter. She categorizes this as a *hula ‘uli’uli* (Roberts, 1926/1977, p. 250). Tatar (1993) notes that “Pa told Roberts she had learned the *hula* about thirty years previously at Kalalau” (p. 289).

18 Tatar (1993) also references notes by Mary Kawena Pukui in regards to this chant (p. 289).

19 The title is interesting to note, as “Makalapua” was a well-known mele composed by Kapi’olani’s sister-in-law, Lili’uokalani. This “Makalapua” was composed by “E. C.” and is a completely different one.

20 The Ko’olau is a wind “between Kaua’i and Ni’ihau” (Fornander v. 5, 1913–1915/1999, p. 95). It is also a more generic name for the eastern or “windward” side of an island, which is where Wailua is located.

21 Note in text explains that “‘Ikuwa was the month of storms. The chiefs were recognized by the gods at birth, by the raging of the elements.”

22 Nogelmeier provides an alternative translation for the Ho’oulumāhiehie (2006) text (p. 18).

23 “E noho iki a’e ho’i maua e ‘au’au wai o Wailua nei a ma’ema’e i polapola iki a’e ho’i na wahi maka...”

24 *Limu pahapaha* is a type of limu famous in chants for Polihale.

25 Lyrics for Waiau's composition are found at <http://www.huapala.org/Kai/Kaililauokekoa.html>

26 A "w" indicates "wahine" (female) and "k" indicates "kāne" (male).

27 Wilson notes that several similar stories were utilized in the composition of the end of this Kalapana mo'olelo: "Kaa no ke Keiki Hoopapa" (Story of the Riddling Child) was published by S. M. Kauī in *Ke Au Okoa* (November 12–December 18, 1865); "Ke Kaa no Kaipalaoa, ke keiki hoopapa" (A story of Kaipalaoa, a riddling child), Bishop Museum Memoirs, vol. IV (pp. 575–595) and "Nā Inoa o nā Makani o Hilo" (The names of the winds of Hilo), *Ke Au Okoa*, July 10, 1865.

28 This mo'olelo is entitled "He Mo'olelo no Pele a me Kona Kaikaina Hiiakaikapoliopole" ("A Story of Pele and her Younger Sister Hi'iaka-in-the-bosom-of-Pele"). It appeared in the Hawaiian language newspaper *Ka Hoku o Hawaii* ("The Star of Hawai'i") from May 21–September 10, 1908. While Rice published a fragment of this story in English in his collection *Hawaiian Legends* (Bishop Museum Press, 1923) under the title "The Goddess Pele," it is a very small and skeletal sketch of the longer, richer, and more detailed Hawaiian language version, which has never been entirely translated and published in English. This section of the mo'olelo therefore only appears in Rice's published Hawaiian language newspaper serial, and not in his published collection of mo'olelo in English.

29 Kamakau uses the word *muliwai*, river, river mouth, pool near the mouth of a stream, as behind a sand bar; estuary (PED). Beckwith says Waimahanalua is in Kapa'a (1970, p. 327).

30 "Kaha akula 'o Hi'iaka mā hele no Puna, a ia laua i hoea aku ai i Makaiwa, ua 'ike akula laua nei i ka ulumāhiehie o ua kanaka i kahakai, e he'enalu ana."

31 Mahalo to Kaua'i surfers Kalā Alexander, Tai Kaneakua, and Gelston Dwight for their insight on the contemporary surf site names.

32 Hikinaakalā "is also called Hauola," but whether they are one and the same is not clear (Pukui, Elbert, & Mo'okini 1986, p. 45).

33 Wichman defines Maka'ūkiu as "source of the 'Ukiu wind...a chilly northern wind not as strong as the trade winds (Wichman, 1998, p. 68).

34 Holoholokū is the name of the region, as well as the heiau where the pōhaku ho'ohānau ali'i was located. Holoholokū is situated within the boundaries of Wailuanuihō'ano, on the northeast side of the Wailua River, near the river mouth.

35 This chant is attributed to the Kūali'i text, but I have been unable to locate it there. The Hawaiian text is from Pukui (1986). The English translation from Dickey, provided here, differs slightly from Pukui's. Dickey's translation is also listed in Wichman (1998, p. 66).

36 For multiple sources of this mo'olelo, see Tatar (1993, pp. 13–18).

37 Kaua'i Historical Society records (1934) describe Holoholokū as containing a sacrificial stone, Kū images carved from 'ōhi'a lehua, and a lananu'umamao (oracle tower) constructed of 'ōhi'a lehua wood, similar to the one in Waimea that was described by Captain James Cook (p. 3). A large flat stone was described by Dickey as “set over the remains of a sacrificed dog, and was very kapu...bodies were placed here after being sacrificed at Holoholokū” (p. 15). Joesting (1984) argues that there is only one other similar site located at Wahiawa, O'ahu (p. 9).

38 The others are: O'ahu—Ho'olonopahu (Kūkaniloko, Wahiawa), 'Alalā (Kailua), Niuloa'a (Kualoa), Paka'alana (Paka'alana), Kamaka'ula (Punalu'u), Kakioe (Lualualei); Hawai'i Island—Paka'alana (Waipi'o), Waha'ula (Puna), Ahuena (Kailua, Kona), and Pu'ukoholā (Kawaihae).

Kristen Romuar-Cabico

From: Ruta Jordans <zwknow@gmail.com>
Sent: Tuesday, September 7, 2021 6:27 PM
To: Planning Department
Subject: Coco Palms Hotel property future

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

Aloha Kauai Planning Department!

I am writing against a hotel and in support of the former Coco Palms Hotel property being transitioned so that it honors this sacred place and provides education and cultural enrichment. In addition, I think it would be wonderful to have a Hawaiian public charter school and an assisted living facility among the cultural places to bring life to the area but keep traffic to a minimum.

**Ruta Jordans
6345A Kipapa Road
Kapaa 96746**

G.I.A.T.
SEP 28 2021

Kristen Romuar-Cabico

From: Cere Buntin <cerebuntin@gmail.com>
Sent: Tuesday, September 7, 2021 6:37 PM
To: Planning Department
Subject: Opposition to coco palms hotel

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

As a long time resident of Kauai, I oppose any plans for a hotel development on the Coco Palms site. This area should be turned over to Wailuanuiao'ano for use as a sacred and auspicious use for the Hawaiian community and residents of Kauai.

Thank you,
Cere Buntin

G.I.A.8.
SEP 28 2021

Kristen Romuar-Cabico

From: WAYNE WILLIAMS <wwclick@mac.com>
Sent: Tuesday, September 7, 2021 6:39 PM
To: Planning Department
Subject: Oppose Hotel on Coco Palms property

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

Hello Planning Department,

I've been coming to Kaua'i for over 50 years and would oppose another 'resort' or hotel property on the former Coco Palms property.

Please seriously consider making this property an educational facility for the public to learn about and respect the heritage of the Kaua'ian people who considered this land sacred.

Do consider turning this location into a wonderful park, cultural and educational center, yes, a place for `aina based learning and experiences.

Expand the heritage of the Kaua'ian people. This area should be developed into a thriving place for families to enjoy and learn about Hawaiian history, culture, land management and more!

In these times of climate change, we can honor this place, honor the Kaua'ian culture and environment, and create a unique opportunity for enrichment in cultural and environmental education.

Mahalo nui loa,

Wayne Williams

Wayne Williams
Sherman Oaks, CA
(818)905-8097
[Email: wwclick@mac.com](mailto:wwclick@mac.com)

G.I.A.A.
SEP 28 2021

Kristen Romuar-Cabico

From: Respiratory&EnvironmentalDisabilitiesAssocHI <redahi@hawaii.rr.com>
Sent: Tuesday, September 7, 2021 6:49 PM
To: Planning Department
Subject: No hotel at Coco Palms

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

Respectfully: Please Restore Wailuanuia'āno - No Hotel at "Coco Palms".

Thank you for your consideration,
B. A. McClintock, Respiratory and Environmental Disabilities Association of HI- REDAHI

G. I. A. 10.
SEP 28 2021

Kristen Romuar-Cabico

From: JENNIFER STEVENS <jstevensmft@aol.com>
Sent: Tuesday, September 7, 2021 6:50 PM
To: Planning Department
Subject: No hotel at Coco Palms

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

It is time to restore the this "Coco Palms" as a place of cultural and historic peace for the people of Kauai.

This is a terrible place for a hotel/resort.

The County of Kauai needs to work with the people of the island and respect the use of the land. For too long it has stood as a ruin and too many developers have promised what they cannot deliver. Just because they want to build a hotel/resort doesn't mean Kauai should approve such plans.

No hotel at Coco Palms!

Aloha
Jennifer Stevens
Resident of Wailua Homesteads
Sent from my iPhone

G.I.A.H.
SEP 28 2021

Kristen Romuar-Cabico

From: Rich Waxman <pnthwest@aol.com>
Sent: Tuesday, September 7, 2021 6:55 PM
To: Planning Department
Subject: Coco Palms

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

Hello

We are residents of Kalaheo We are adamantly opposed to the development of a new hotel at that site. This is not in the best interests of the citizens of Kapaa, or those of the rest of us that transit that corridor and appreciate the natural beauty of the area. A development certainly does not satisfy the needs of the cultural needs that native Hawaiians so desperately need and want. The planning commission must be disbanded if they ignore the cultural significance of this property, as they have done so many times in the past Rich Waxman Cathy Moratto PO Box 1327 Kalaheo, HI 96741

G.I.A.M.
SEP 28 2021

Kristen Romuar-Cabico

From: malia locey <malialomi@yahoo.com>
Sent: Tuesday, September 7, 2021 7:02 PM
To: Planning Department
Subject: No Hotel @ former Coco Palms

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

To whom it may concern:

This is my written testimony against a hotel being built at the former Coco Palms Hotel.

I am in favor of the scared property being restored and transitioned into a much needed cultural center.

Mahalo,

Malia Locey

G.I.A.B.
SEP 28 2021

Kristen Romuar-Cabico

From: Rhaya <happiflying@gmail.com>
Sent: Tuesday, September 7, 2021 7:39 PM
To: Planning Department
Subject: Restore Wailuanuiao'ano/ no more hotel

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

This is a testimony to Oppose a hotel at the former Cocopalms property.

We no longer need any more hotels in Kapa'a, there are plenty of them already.

Wailua Bay area is a very historic and sacred site for the Hawaiian people. It should be made into a park and education center of the history of Kaua'i. At the very least, the skeleton of the buildings should be taken down and kept as an outdoor area for the community to use.

With Best Regards 🍻
Alisen Celestyne
5306 Kahala St, Kapa'a

G.I. 9.14
SEP 28 2021

Kristen Romuar-Cabico

From: Alicia Morrier <alemorrier@gmail.com>
Sent: Tuesday, September 7, 2021 7:40 PM
To: Planning Department
Subject: No hotel

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

Aloha,

I've been a resident of Hawaii for 21 years and oppose the building of the hotel at coco palms.

Mahalo,
Alicia Morrier

G. I. A. 15.

SEP 28 2021

Kristen Romuar-Cabico

From: Tom Nooney <tomnooney@gmail.com>
Sent: Tuesday, September 7, 2021 8:08 PM
To: Planning Department
Subject: Coco Palms

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

As a former long time resident of the Island of Kaua'i, I have grown to have great respect and gratitude for the beauty & value of it's Sacred Sites.

After Hurricane Iniki destroyed The Coco Palms Hotel I have hoped for the return of this Sacred Site to it's former stature as palace to be revered and cared for by the Native Population & community at large. I moved back to Maui many years ago, But still hold the hope for a more caring, less developmental way to take care of this and many other areas where the seemingly ceaseless Bulldozing / Building up of Our Islands, All of them. it is very sad what is happening on Maui & I pray Kaua'i doesn't suffer the same fate. Please won't someone in Government care for our Aina???

No to a Hotel at Wailuanuiaho'ano.

Sincerely
Thomas Nooney
Paia,Hi.

G.I.A.I.B.
SEP 28 2021

Kristen Romuar-Cabico

From: Amber <kou_puuwai@hotmail.com>
Sent: Tuesday, September 7, 2021 8:21 PM
To: Planning Department
Subject: What was Coco Palms

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

To whom it may concern,

I wish to express my strong opposition to a new hotel in the old coco palms location.

I would like to share my vote in support of the collective community effort to restore this site to a place of culture, education and conservation.

This site is not a suitable location for a hotel. It has been almost 29 years since the hotel was destroyed in hurricane 'Iniki and we believe the site has proven to no longer be a viable location for a hotel, or further development of that nature.

It is time for this special property to be revitalized and transitioned into the hands of our community. This property has the potential to provide a place of gathering, education, food production, cultural grounding and green space for our community.

Make the statement "We support the traditional culture of Hawai'i" by creating a space with purpose. A consciously sustainable place in this location is really the only option. A space to revitalize the community, encourage cultural development and growth while supporting the inherited wisdom of caring for this land is ALWAYS the best choice!

Aloha, Amber

G. I. A. 17.

SEP 28 2021

Kristen Romuar-Cabico

From: Nicole Hyde <nqh777@yahoo.com>
Sent: Tuesday, September 7, 2021 8:37 PM
To: Planning Department
Subject: Opposition to new hotel at Coco Palms

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

Hello,

I am emailing my formal opposition to a hotel being built at the former Coco Palms hotel. As a voting citizen of Hawai'i, I believe that restoring the site to a park or a cultural site should be the only viable solution.

By building another hotel it'll just create more infrastructure problems in the future. There will be more traffic in an already congested area. As the garden state, restoring the area to its natural state the message to our keikis. A message that Hawaiian cultural historic sites are important and worth saving.

Please listen to your people's pleas and choose to not build. Choose to restore and reassure your tax paying citizens that you can hear us.

Also, approving of building a hotel that has "Hawaiian cultural aspects" isn't good enough.

Thank you for your time.

Stay safe and well,
Nicole Hyde

Sent from my iPhone

G.I.A.18.
SEP 28 2021

Kristen Romuar-Cabico

From: Dani <daniifrisco@gmail.com>
Sent: Tuesday, September 7, 2021 8:39 PM
To: Planning Department
Subject: Save Coco Palms

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

Aloha,

This beautiful and special place should be preserved for everyone rather than enriching a select few. There is a reason this place has kept itself untouched since it was returned after Iniki. Please choose restoration of the land to its original beauty and importance so that EVERYONE can find joy there.

Mahalo for your consideration.

Danielle Guion
92-732 Aoloko Place
Makakilo, Hawaii. 96707-1122

Sent from my iPad

G.I.A.19.

SEP 28 2021

Kristen Romuar-Cabico

From: mira <mirasharan@pacific.net>
Sent: Tuesday, September 7, 2021 8:56 PM
To: Planning Department
Subject: Honor This sacred site

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

Thank you for reading this statement.

Honoring the site that is to be named Wailuanuiaho ano...raise your hands and hearts to say NO to hotel development. The time is now to establish a cultural center on this island to preserve the Local Culture, history, Art and Story. Raise your Hand to say NO to anything other than the truth that is real for all Hawaiians at Heart.

Mahalo

Mira Walker

G.I.A.20.
SEP 28 2021

Kristen Romuar-Cabico

From: Holly Kuester <liquid_silver1988@hotmail.com>
Sent: Tuesday, September 7, 2021 9:20 PM
To: Planning Department
Subject: Coco Palms Hotel

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

Aloha,

I am writing to express my opposition to turning the coco palms area of Wailua into a hotel again. Coco Palms should not be a hotel or resort or anything of that kind. Coco Palms should be a park or a cultural site for Hawaiians and for educational purposes. I really like the Kamokila Hawaiian Village further up the valley from Coco Palms. Coco Palms should be something like that. We need more of those types of properties.

Please do not develop the Coco Palms property into a hotel. Please give it back to Hawaiians to steward and make it into a park, cultural heritage and educational site.

Thank you,
Aloha,
Holly Kuester

G.I.A.21.
SEP 28 2021

Kristen Romuar-Cabico

From: Malina Keawe <danamalina@yahoo.com>
Sent: Tuesday, September 7, 2021 9:23 PM
To: Planning Department
Subject: NO HOTEL

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

Planning department,
I am in strong opposition to a hotel being build at Wailuanuiaho'āno!

Wailuanuiaho'āno needs to be returned to the people in the form of a park, cultural and educational center and place for `aina based learning and experiences. This area should be developed into a thriving place for families to enjoy and learn about Hawaiian history, culture, and land management. Not for tourism!

Please DO NOT allow any hotels to be built at Wailuanuiaho'āno and return the land to the families and community in Wailuanuiaho'āno.

Sincerely,
Dana Keawe
Resident of Hawai'i

G.I.A.22.
SEP 28 2021

Kristen Romuar-Cabico

From: Toni Auld Yardley <hawaiiinuiloa@gmail.com>
Sent: Tuesday, September 7, 2021 11:06 PM
To: Planning Department
Subject: COCO PALMS HOTEL

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

WE NEED A CULTURAL THEATER TO LEARN ABOUT THE GREAT WAILUA
AND CHIEFS THROUGH MUSICAL PERFORMANCES FOR LOCAL AUDIENCES

We don't know much, for instance, about Kawelo-mahamaha-ia, but Fornander writes that under his rule, "the country prospered, peace prevailed and population and wealth increased." Kawelo's wife was Kapohinaokalani. According to some sources, this king was born about 1630, a century-and-a-half before Capt. Cook's visits. There are some suggestions he was a hard ruler, but a successful one.

We know Kawelo-mahamaha-ia came from strong royal roots. His father Kamakapu and his grandfather Kahaku-makalina were kings before him. His great-great-grandfather Kahaku-makapaweo was a contemporary of the great kings of the archipelago, Pi'ilani of Maui, Kukaniloko of O'ahu and Liloa of Hawai'i Island.

<https://www.forkauaionline.com/the-great-chiefs-of-kauai/>

Here is a model to follow from London, which has had sell-out performance for over a decade honoring a Dutch Hero who brought their Queen back home out of exile.

<https://www.youtube.com/watch?v=Wp4HGzBYfqw&t=2s>

Toni Auld Yardley, Kahu
KANAKAMAOLI RELIGIOUS INSTITUTE
2053 Kula St. Honolulu, HI 96817
Phone: 808-595-4819

G. I. A. 23.

SEP 28 2021

Kristen Romuar-Cabico

From: Leslie Larsen <leslie.larsen@icloud.com>
Sent: Wednesday, September 8, 2021 4:23 AM
To: Planning Department
Subject: future of Wailuanuiaho'āno the former 'Coco Palms Hotel' property

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

Dear Kaua'i Planning Department,

Imagine the traffic and sewage spilling forth from a hotel of any size at the Wailua Bridge.

Or the sewage and traffic of an exclusive enclave with tourist only price tags.

Compound that and imagine another Iniki slamming into the Wailua River mouth.

Or the effects of rising water and extreme high tides now that climate change is upon us.

Compare those images with a thriving cultural site that restores the land to its original state and offers activities and experiences that enrich locals and tourists and brings in responsible revenue to the county.

That site is the crown jewel of the chain of sacred heiau along the river. Please help it return to it's cultural significance, do not authorize another Coco Palms. A new vision needs to be supported that include benefits for the community, Hawaiian history and responsible Eco tourism. One that brings meaningful jobs and futures rooted in cultural heritage and sustainable practices to local residents. A vision that shapes Hawaii's tourist industry to financially benefit the economy while also being culturally, environmentally and health conscious.

You have a chance to really make a difference for the future of Kaua'i - please do not let the Coco Palms property become another tourist industry environmental disaster and disenfranchisement for the Hawaiian people.

Coco Palms needs to be retired once and for all.

Thank you,
Leslie Larsen (former resident of Anahola)
505/692-4688

PS: There are very successful models of other countries turning tourism into a very supportive industry on all levels. Bhutan is my favorite. Here are google search examples of how they responsibly handle tourism:

Policy of tourism in Bhutan

The Royal Government of Bhutan adheres strongly to a policy of '**High Value, Low Volume**' **tourism** which serves the purpose of creating an image of exclusivity and high-yield for Bhutan. "To promote Bhutan as an exclusive travel destination based on Gross National Happiness (GNH) Values".

G. I. A. 24.
SEP 28 2021

SUSTAINABILITY OF TOURISM IN BHUTAN by Tandi Dorji[□]

Bhutan's tourism industry began in 1974. It was introduced with the primary objective of generating revenue, especially foreign exchange; publicizing the country's unique culture and traditions to the outside world, and to contribute to the country's socio-economic development. Since then the number of tourists visiting Bhutan has increased from just 287 in 1974 to over 2,850 in 1992 and over 7,000 in 1999.

By the late 1980s tourism contributed over US\$2 million in revenues to the royal government. In 1989, the royal government raised the tourist tariff. That year only 1,480 tourists visited Bhutan but the government still earned US\$1.95 million through tourism. By 1992 tourist revenues contributed as much as US\$3.3 million and accounted for as much as 15-20% of the total of Bhutan's exported goods and services.

The royal government has always been aware that an unrestricted flow of tourists can have negative impacts on Bhutan's pristine environment and its rich and unique culture. The government, therefore, adopted a policy of "high value-low volume" tourism, controlling the type and quantity of tourism right from the start. Until 1991 the Bhutan Tourism Corporation (BTC), a quasi-autonomous and self-financing body, implemented the government's tourism policy. All tourists, up to that time came as guests of BTC, which in turn operated the tour organisation, transport services and nearly all the hotels and accommodation facilities. The government privatised tourism in October 1991 to encourage increased private sector participation in the tourism sector. Today there are more than 75 licensed tour operators in the country.

□Communication officer, National Environment Commission, Thimphu 84

Kristen Romuar-Cabico

From: Joan Lander <namaka@interpac.net>
Sent: Wednesday, September 8, 2021 5:38 AM
To: Planning Department
Subject: No Hotel at "Coco Palms"

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

Aloha mai,

I believe even Elvis Presley would be in agreement that the site of his former movie set (the "Coco Palms") should be returned to the people of Kaua'i to be used as a cultural park.

Don't let us become a "blue" Hawai'i, with local residents dejected and feeling down. Not a good look for visitors!

Mahalo for your consideration.

~Joan Lander

Na'alehu, Hawai'i

G. I. A. 25.

SEP 28 2021

Kristen Romuar-Cabico

From: David Jones <gregorio8640@yahoo.com>
Sent: Wednesday, September 8, 2021 6:48 AM
To: Planning Department
Subject: *Attention Planning Commission, Coco Palms

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

Dear Planning Commission

Please revoke the permits and tear down Coco Palms!

Sincerely,

David Jones
5306 kumole St.
Kapaa, HI. 96756
808-855-8750

A. I. A. 26.

SEP 28 2021

Kristen Romuar-Cabico

From: Barbara <barbarasdigs@gmail.com>
Sent: Wednesday, September 8, 2021 7:06 AM
To: Planning Department
Subject: Coco Palms

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

As a long time Kauai resident (29 years) I am asking for the planning department to finally put an end to the eyesore that is the Coco Palms.

I understand that, again, the developer will be addressing this project. Please say NO. Demolish the mess, and under no circumstances allow for the addition of any more traffic to this area.

Sincerely,
Barbara Guiliano

G.I.A.27.
SEP 28 2021

Kristen Romuar-Cabico

From: underwater2web <underwater2web@gmail.com>
Sent: Wednesday, September 8, 2021 7:29 AM
To: Planning Department
Cc: Kauai Editor; Mayor; Felicia Cowden; Ruby Pap; keith_swindle@fws.gov; Ylitalo-Ward, Heather A; kahele02@mail.house.gov
Subject: Urgent : Coco Palms Endangered Species Act Violations Concerning County Permits

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

Hello,

I am a certified biologist and Endangered Species Management Expert living here in Kauai and I have extensively studied the presence of the Koloa Ducks and Moorhens that have taken over the Coco Palms property over the past 20 years. I have video proof of where they live, nest and produce babies in the old Coco Palms Pond and wetland at the old hotel site.

These birds are listed as Endangered under the US Endangered Species Act (ESA) and it would be a criminal class one felony to alter the behaviour of these birds in any way without first doing an extensive federal Habitat Conservation Plan (HCP) and getting an Incidental Take permit from the US Fish and wildlife Service. It is also a crime for a Planning Department to issue a permit to develop a property that has endangered species on it. That would be a violation of Section 9 of the ESA and I can supply high court cases supporting this law. The case history comes from the Hawaii Office Of The US Attorney and The US Fish and Wildlife Service.

If anyone gives a permit or attempts to rebuild the Coco Palms without the proper ESA permit then they will be sued under the ESA and criminal felony proceedings will be sought.

Please feel free to read all about the ESA and how it pertains to endangered and threatened wildlife here in Hawaii at our new web page at www.turtleplea.org/. I have written and verbally recorded conversations from NOAA and the DLNR explaining the ESA I could also supply.

The Coco Palms is also going to be underwater within the next decade due to rising sea levels and this information can be found by using the Sea Grant Sea Level Rise Viewer that the County of Kauai should have access to. The habitat for the endangered birds is increasing every year on the property due to groundwater intrusion from the rising sea levels and coastal erosion.

I would be more than happy to meet with the County Attorney and the Planning Commission and show them the ESA laws and Supreme Court interpretations that would come into play if the Coco Palms is permitted to be rebuilt as I would more than likely be called as a professional witness in any federal action against the proposed project.

It is time to give the Coco Palms property back to the native Hawaiian people and native Hawaiian birds and I believe that the US Endangered Species Act will support this action if taken to federal court.

Aloha,
Marine Biologist
Terry Lilley
Hanalei HI

G. I. A. 28.
SEP 28 2021

Terry Lilley
Marine Biologist
Hanalei, Kauai
<http://underwater2web.com>

All Photographs © 2016 Terry Lilly

Kristen Romuar-Cabico

From: Kathy Ingols <ing4golf@yahoo.com>
Sent: Wednesday, September 8, 2021 7:35 AM
To: Planning Department
Subject: No Hotel

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

At Coco Palms. Restore into park and use for the people on the island of Kauai Kathy Ingols honeymooned at Coco Palms 41 years ago

Sent from my iPhone

G.I.A. 29.
SEP 28 2021

Kristen Romuar-Cabico

From: roger harris <rrh38114@yahoo.com>
Sent: Wednesday, September 8, 2021 8:33 AM
To: Planning Department
Subject: Coco Palms restoration, or not...

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



Aloha,

As a 20-year resident of Kauai, and one old enough to remember Elvis' "wedding," at Coco Palms I say enough development! Traffic in south Kapaa/Wailua is bad enough already even with Governor Ige's pleas, which seem to be largely ignored.

The island, indeed the world, is acting as if COVID has been suppressed, although stats tell us otherwise. But that is but one issue why the present Coco Palms project should be eliminated

Beyond COVID and its precautions, please stop any further the property's "development" by refusing any permit applications except those favoring demolition and removal of the existing structures (unsafe in every form, Ralph Nader might say) and give the land in perpetuity to native Hawaiian groups who have a publicly-healthy vision.

Mahalo for hearing my two cents worth.

Roger Harris
Wailua



[Yahoo Mail Stationery](#)

G.I.A.30.

SEP 28 2021

Kristen Romuar-Cabico

From: Valerie Weiss <valerieweiss31@gmail.com>
Sent: Wednesday, September 8, 2021 9:06 AM
To: Planning Department
Subject: COCO PALMS Site

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

Aloha Planning Department.

Please be aware that a hotel or resort replacing the ruins of the Coco Palms is not in the best interest of anyone living or visiting Kauai, and who may want to, or need to, travel this east side corridor. It's at a choke point on the island at our obsolete Wailua Bridge spans and the serious gridlock of Kapaa. Gridlock which is beyond what the added lane, being constructed, is capable of mitigating. There is also the issue of the ocean encroachment on the highway fronting the site. The highway will need to be relocated through or behind the Coco Palms and delaying that much longer isn't an option.

Many of us do understand the issue is financial but we must do something other than develop the property in the similar tourism dominated way that has contributed to the decline of our cultural and natural assets and the well being of our residents.

There are cultural and natural opportunities for this site that could benefit the wider community and my wish is that we can strive for the greater good with this historical Hawaiian location. We can do this. We must. Kauai should no longer be for sale to the highest bidder and that starts with better planning.

A resort at this rich cultural site, which predates the original Coco Palms, is not in the best interest of the 'aina, or the community.

Mahalo.

Valerie Weiss
Wailua Homesteads

G.I.A.31.
SEP 28 2021

Kristen Romuar-Cabico

From: Joan Levy <joan@joanlevy.com>
Sent: Wednesday, September 8, 2021 9:17 AM
To: Planning Department
Subject: Attention Planning Commission, Coco Palms

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

Dear Planning dept,

I have been on Kauai since 5 months before Hurricane Iniki swept through our island. Living on the east side in various places till buying my home in the Wailua houselots in 2003, i have of course continually passed by this increasingly hideous eyesore.

For some reason the various owner developers have been allowed to do nothing to develop this property or even do something to beautify its border with the highway. Two months or so ago, the county allowed another buyer in. Finally the Τη Ι Ολα Ωαιλυανυι ωορκινγ γρουπ ηας ωορκεδ λονγ ανδ ηαρδ το προποσε αν αλτερνατιβε το ρεστορε τηισ ιμπορτα ντ ηιστοριχαλ ανδ χυλτυραλ Ηαωαιαν λοχατιον το α μορε ριγητφυλ ανδ πονο υσε. Ωε δο νοτ νεεδ ανοτηερ ρεσορτ ιν τηισ σαχρεδ σποτ.

Ισν□τ ιτ τιμε τηε πκαννινγ δεπαρτμεντ ανδ χομμισσιον σιδεδ ωιτη τηε πεοπλε, τη ε χυλτυρε ανδ τηε αινα ρατηερ τηαν σομε ωεαλτηψ δεπελοπερ ωηο δοεσντ γιβε α ηοοτ φορ τηισ λανδ ορ ιτσ μεανινγ το τηε Ηαωαιαν πεοπλε.

Ψου ηαπε τηε ποωερ το δο τηε ριγητ τηινγ. Πλεασε δο ιτ νοω.

Mahalo!

Joan Levy, wailua houselots

Sent from Joan Levy's iPhone

6.19.32.
SEP 28 2021

Kristen Romuar-Cabico

From: Judith White <jcwhite54@gmail.com>
Sent: Wednesday, September 8, 2021 9:28 AM
To: Planning Department
Subject: Former Coco Palms property

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

Aloha,

I am strongly in favor of returning the former Coco Palms property to its natural state, to be well managed and enjoyed by the people of Kauai. Please- no hotel or private for profit companies on this beautiful and historic site.

Mahalo,

Judith C. White

Sent from my iPhone

G.I.A.33

SEP 28 2021

Kristen Romuar-Cabico

From: Ed Altman <ealtmankauai@gmail.com>
Sent: Wednesday, September 8, 2021 10:19 AM
To: Planning Department
Subject: Coco Palms Hotel

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

My wife and I came here to Kauai for our honeymoon in 1988 and were very saddened when we saw the Coco Palms site again in 2002 when we moved to Kauai. We live just up the road and pass that site frequently.

We both are Commercial Insurance agents, and understand the nature of the insurance claim and the challenges to rebuild the site. We've watched for years as group after group has failed to implement their vision for a revitalized Coco Palms Hotel.

I've felt all along that the property could be better used to become a cultural center. It is *highly visible* and can be put to good use serving the community who live here, and I want to formally express my support for this idea.

I know the site has tremendous potential for the right developer, but the financials just haven't made it possible for any group to step in and make this happen. In the meantime, it is an eyesore and a reminder of the lost opportunity of this cultural spot.

Please turn the property over to the people of Kauai, rather than to another developer who will bring jobs, but also traffic and additional distractions that take us farther from the most noble use of the property.

Mahalo,

Ed Altman
Wailua Houselots

G.I.A. 34.
SEP 28 2021

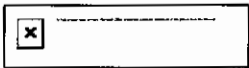
Kristen Romuar-Cabico

From: Kit Furderer <kinebydesign@gmail.com>
Sent: Wednesday, September 8, 2021 10:26 AM
To: Planning Department
Subject: Testimony

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

To whom it may concern,

I own a home and have a family in Wailua Houselots. We ride bikes and use the areas around Wailua daily to be healthy. We strongly oppose a hotel being built over a culturally significant location that was stolen from the Quen. I have also seen rare Koloa Duck living here which is an endangered species. No environmental assessment has been done and it is illegal to build a hotel over endangered species habitats. I have seen this property flood and decay over the years and it is no spot for a hotel with more traffic and people that the local community of Wailua can not support. I, Kit Furderer, strongly oppose a hotel in Wailua by Coco Palms and I strongly support the property being used for the people of Kauai.



KIT FURDERER

Kauai Photographer
Photography / Design / Art

- Phone: 808.652.4618
- Website: kauai-wedding-photographer.com
- Address: Kapaa, HI 96705



G.1.a.35.

SEP 28 2021

Kristen Romuar-Cabico

From: Marisa Plemer <marisaplemer@gmail.com>
Sent: Wednesday, September 8, 2021 10:38 AM
To: Planning Department
Subject: Former Coco Palms Hotel site in Kauai

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

To whom it may concern:

This land area has a long documented history as being sacred and it is important to the efforts of sustainability of the native Hawaiian people in Kauai. It must be returned as soon as possible to them and never again be threatened with undesirable and unnecessary development.

Please be pono and return Wailuanuiaho'ano to benefit the native Hawaiians who reside not only in Kauai but also in the entire State.

Sincerely, Marisa M. Plemer
59-008 Huelo St. Haleiwa, HI 96712

Sent from my iPhone

E.I. 936.

SEP 28 2021

Kristen Romuar-Cabico

From: John Ferry <jcf@balihai.com>
Sent: Wednesday, September 8, 2021 11:31 AM
To: Planning Department
Subject: No Hotel at "Coco Palms"

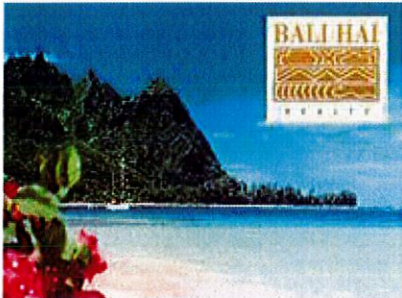
CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha,

Let's keep our sacred island sacred. Please do not allow hotel development on this sacred land. We need to get back to our roots. Please no development on the former Coco Palms site. Please restore Wailuanuiaho'ano.

Mahalo nui loa,

John



John C. Ferry R(B)
Bali Hai Realty, Inc.
P.O. Box 930
Hanalei, Hawaii 96714-0930
Office: 808-826-7244
Mobile: 808-652-8900
Email: <mailto:JCF@balihai.com>
www.BaliHai.com
*Celebrating **42 Years** of Business on Beautiful Kauai!*

A. I. A. 37.

SEP 28 2021

Kristen Romuar-Cabico

From: Glenn Choy <choyhawaii@gmail.com>
Sent: Wednesday, September 8, 2021 11:53 AM
To: Planning Department
Subject: no hotel at coco palms

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

No hotel
return the land to the community

G.I.A.38.
SEP 28 2021

Kristen Romuar-Cabico

From: Evelyn De Buhr <evelyndebuhr@yahoo.com>
Sent: Wednesday, September 8, 2021 11:58 AM
To: Planning Department
Subject: No Hotel at Coco palms

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

If witnessing the deterioration and incremental delapidation of Coco Plams over the last thirty years is not convincing enough that it is in the wrong hands, then what could be? A Hawaiian Cultural Center is the ONLY reasonable, vibrant solution to reviving this decayed landmark. A hotel there makes no sense. All commercial development efforts there have failed spectacularly. It's time for Kaua'i to have a Cultural Center NOW, and Coco Palms is the ideal place--centrally located, historically significant and full of beautiful potential.

Sincerely, Evelyn de Buhr

G.I.A.39.
SEP 28 2021,

Kristen Romuar-Cabico

From: rpearl1 <rpearl1@hawaii.rr.com>
Sent: Wednesday, September 8, 2021 12:57 PM
To: Planning Department
Subject: coco palms property

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

it is time to revoke the out of date building permits and make this land all that it could be. we must show respect for the history here and the ancestors.

thank you
robin pearl selfe
kalaheo

G.I. a.40.
SEP 28 2021

Kristen Romuar-Cabico

From: Patricia Fallbeck <patriciafallbeck@me.com>
Sent: Wednesday, September 8, 2021 1:45 PM
To: Planning Department
Subject: Coco Palms

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

I would hope that the Planning Department would be SUPPORTING the residents of the State instead of outside developers. Another hotel does not control tourism, which is destroying the environment, the infrastructure, and the indigenous culture of the Island. It does not provide high paying jobs for residents. It creates a mega addition to the already horrendous traffic problems.

I had hopes that the Planning Department would be figuring how many residents can be supported on an island this size. I would hope that we would be focusing on improving the infrastructures to accommodate the existing population in an environmentally sustainable manner. And figuring a system to CONTROL the number of tourists.

There are many wealthy residents on this island who could pay increased taxes to fund a plan that was genuinely designed to benefit the residents. Make a comprehensive plan, figure the cost, and divide it by the number of residents. How much money could we raise with a 2% or 1% hike on the income tax?

You have the planning skills; please use them to benefit ALL your family and friends!

Patrica Fallbeck
3448 Lawailoa Lane
Koloa, HI, 96756

Sent from my iPhone

G.I.A. 41.
SEP 28 2021

Kristen Romuar-Cabico

From: mkelley323@gmail.com
Sent: Wednesday, September 8, 2021 1:59 PM
To: Planning Department
Subject: No hotel at Coco Palms. Wailuanuiaho'āno needs to be revitalized and transitioned into the hands of our community.

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

Aloha Kauai Planning Dept.

Wailuanuiaho'āno is one of the most significant places on Kaua'i for Hawaiian history, legend, culture and for the future of our sustainability. Many important mo'olelo and oli have Wailua origins, with other legends and chants also referencing this sacred site. With its major spiritual and religious significance in old Hawai'i it is arguably one of the most sacred areas in the archipelago to Hawaiians. Still today Wailua remains an extremely sacred site to Hawaiian cultural practitioners and Kānaka Maoli everywhere.

The time has passed for a hotel to be redeveloped on the former 'Coco Palms Hotel' site. This site is not a suitable location for a hotel. It has been almost exactly 29 years since the hotel was destroyed in hurricane 'Iniki and we believe the site has proven to no longer be a viable location for a hotel, or further development of that nature. Climate change and sea level rise have already struck and damaged this area recently and will do so over the next decades.

It is time for this special property to be revitalized and transitioned into the hands of our community. This property has the potential to provide a place of gathering, education, food production, cultural grounding and green space for our community.

Do the right thing, please and see that Wailuanuiaho'āno is revitalized and transitioned into the hands of our community.

Thank you,
Mary Lu Kelley
PO Box 289
Lawai, HI 96765
808-639-6978

G.I.A. 42.
SEP 28 2021

Kristen Romuar-Cabico

From: Pua <pualani246@gmail.com>
Sent: Wednesday, September 8, 2021 3:20 PM
To: Planning Department
Subject: Attention Planning Commission, Coco Palms

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

Aloha, My Name is Edward Everett Pualani Kaleiohi Goias, and I Emailing to Let You Guys Know That I Am AGAINST ANY KIND OF HOTEL OR RESORT GOING UP ON THE AINA WHERE COCO PALMS ONCE STOOD. IT WAS BAD ENOUGH THAT SO MANY IWI KUPUNA WERE DISTURBED, DUG UP, OR JUST BUILT UPON FOR THAT HOTEL TO GO UP. I MAY HAVE ANCESTORS WHO ARE BURIED THERE, (I'M NOT SURE), AND MANY OTHER KĀNAKA LIKE MYSELF HAVE ANCESTRAL AND LINEAL TIES TO THAT AINA. TODAY, WE DO NOT NEED MORE HOTELS TO WORSEN THE TRFFIC IN THAT AREA. THE FILIPINO COMMUNITY WAS GIVEN A CULTURAL CENTER, YET, WE, THE HAWAIIANS, THE "HOST" CULTURE DON'T HAVE A CULTURAL CENTER. EVERYTHING IS DONE FOR THE FILIPINO, CAUCASIAN, AND FOR EVERYONE ELSE EXCEPT THE HAWAIIANS, AND YET THIS IS OUR HOMELAND. I SAY NO HOTEL OR RESORT. I WOULD LIKE TO SEE A HAWAIIAN CULTURAL CENTER, WHERE WE CAN SHARE THE STORIES AND IMPORTANCE OF THE MOST SACRED PLACE IN ALL OF HAWAI'I. PLEASE LISTEN TO THE PEOPLE OF KAUA'I WHO HAVE COME TOGETHER AND OVERWHEMINGLY SAID NO! NO HOTEL. NO RESORT. AND YES TO A CULTURAL CENTER! MAHALO NUI FOR YOUR TIME.

ALOHA,

Edward Everett Pualani Kaleiohi Goias.

A.I.A.43.
SEP 28 2021

Kristen Romuar-Cabico

From: Rachel Nelson <ranelson55@me.com>
Sent: Wednesday, September 8, 2021 7:26 PM
To: Planning Department
Subject: Oppose a new hotel at Coco Palms

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

Aloha,

Our community is in need of culturally significant places that reconnect us—to each other, the 'aina, our ancestry, for healing, etc...you already know all the reasons why another hotel is not sustainable, and if you would like a refresher, I encourage you to watch the replay of the Zero Waste Kauai forum on sustainable tourism.

Please don't be swayed by lobbyists.

Thank you,
Aloha no,
Rachel Nelson

G.I.A. 44.
SEP 28 2021

Kristen Romuar-Cabico

From: Terri <kauaimoonbow2@aol.com>
Sent: Thursday, September 9, 2021 5:21 AM
To: Planning Department
Subject: The Coco Palms ruins.

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

Aloha, my name is Terri Tada, and I'm writing to protest any rebuild of a hotel at the Coco Palms property. This property should be taken over by the state and county in adverse possession. 30 years of failures, tells us this hotel is gone for good.

This property should be a park, with a meeting house for events and the wedding chapel, a modern history museum, and ancient history museum. Charge for the blue Hawaii weddings etc, make it self sustaining.

Also the traffic in Wailua is horrible and a hotel there will exacerbate an already bad situation. Stop playing with these people, and order them to tear that eyesore down. It's an embarrassment to our county, our state, and the Aina. Take the Coco Palms away from these people

Mahalo

[Sent from the all new AOL app for Android](#)

G.I.A.45.
SEP 28 2021

Kristen Romuar-Cabico

From: keoki raymond <keoki.maui@gmail.com>
Sent: Thursday, September 9, 2021 9:38 AM
To: Planning Department
Subject: coco palms

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

Stop catering to phantom developers and restore the wailua estuary to the people of Kauai

G.I.A. 46.

SEP 28 2021

Kristen Romuar-Cabico

From: Bob Lehardy <bob.lehardy@gmail.com>
Sent: Thursday, September 9, 2021 9:51 AM
To: Planning Department
Subject: Attention Planning Commission, Coco Palms.

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

Aloha,

My wife and I are residents, living in the Wailua Homesteads area. My wife was born and raised in Anahola, and I am blessed to have met her, marry, and to now call Kauai my home.

My wife has fond memories of Coco Palms from her childhood during the 1960s and 70s. From the things she has told me, and the photos I have seen, it must have been an amazingly beautiful place at one time.

Sadly, since Hurricane Iniki, 29 years ago, that beautiful spot has become an eyesore for our island.

Things change, life goes on. Robert E. Lee's statue was just removed in Virginia, his home. Here on Kauai, we are in the process of widening the highway that directly fronts Coco Palms. On the makai side of that highway, the ocean seems determined to reclaim the beach path and possibly part of the highway. Also here, we have finally started to rethink the impact of tourism on our island. One constant in life is change.

Mainland investors have taken a risk and put money into buying this property. I'm not familiar with the complexities of zoning, planning and permitting, but I urge this Commission to do what is legally within your power to ensure that this property is not developed as another hotel.

Mahalo for your hard work and consideration.

Bob and Rosemary Lehardy

G.I.A.47.

SEP 28 2021

Kristen Romuar-Cabico

From: Dorothy Bekeart <dottiebekeart@gmail.com>
Sent: Thursday, September 9, 2021 11:04 AM
To: Planning Department
Subject: Former Coco Palms Hotel site

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

I would like to add my voice to those on record stating the former Coco Palms Hotel site at Wailua is no longer feasible or appropriate for use as a hotel site due to the widening of Kuhio Highway and the loss of much of Wailua Beach. The market has confirmed this fact with the recent foreclosure and lack of interested developers.

This fact will make possible the conversion of the area into a cultural park. The many and important archeological sites located at the mouth of the Wailua River are a treasure of great significance and worthy of the devotion of public and private funds to create a center for the practice and education of Hawaiian culture and its history.

Please do not take any actions that would prolong hotel use on this site and prevent the conversion to a cultural park.

Dorothy Bekeart
4636 Iwaena Loop
Kapaa, HI 96746
808-635-6475

G.I. 9.48.

SEP 28 2021

Kristen Romuar-Cabico

From: Dana Bekeart <danab4636@gmail.com>
Sent: Thursday, September 9, 2021 11:13 AM
To: Planning Department
Cc: letters@thegardenisland.com
Subject: Coco Palms Relic

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

My vent (from GaryHooser opinion) regarding the Coco Palms relic.

What is the ugliest structure on Kaua'i?

What has been Kaua'i's ugliest structure for the past 20 years?

What is the ugliest structure that locals and visitors pass by daily and look at with shame?

What ugliest structure disfigures the formerly beautiful Wailua River setting?

What ugliest structure disses ancient Hawaiian culture?

The Coco Palms relic.

It's way past time to get it demolished, asap.

Thanks for looking at this negative opinion. Yuck!

Dana Bekeart, Kapaa

Kristen Romuar-Cabico

From: Peggy Kemp <pegnard@hawaiiantel.net>
Sent: Thursday, September 9, 2021 11:26 AM
To: Planning Department
Subject: Attention Planning Commission, Coco Palms

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

Planning Commission
Coco Palms

Aloha,

I am writing to express my opinion of what should be done with the Coco Palms site and buildings. This old dinosaur has been an eyesore since 1992. The remaining structures are riddled with rust and decay and can not be rehabilitated. It's not a good place for a resort - no pedestrian overpass over the highway to an almost non-existent beach with no lifeguard oversight, next to an eroding bridge. Parts of the property are below sea level. It is in the tsunami zone.

The whole resort idea is predicated on permissions that are old and out-dated. At the minimum, the new owners should be forced to demolish the existing structures first, before even asking for new permits based on today's planning and building standards.

I would like to see the property and adjacent state lands used for a Hawaiian cultural center that honors the historic nature of these lands, and restores the wetland habitat.

Sincerely,
Peggy Kemp

--

Blessings from sweet Kauai,

Peggy Kemp
P.O. Box 987
Kapaa HI 96746
pegnard@hawaiiantel.net <mailto:pegnard@hawaiiantel.net> <http://peggyinparadise.blogspot.com>

tl. 1. 9.50.
SEP 28 2021

Kristen Romuar-Cabico

From: Fairclough, Diane <DIANE.FAIRCLOUGH@CUANSCHUTZ.EDU>
Sent: Thursday, September 9, 2021 1:15 PM
To: Planning Department
Subject: COCo Palms Hotel site

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

Please deny the request to build a hotel at the old Coco Palms site. There are several reasons:

- 1) It is a scared site and it would be more aproprate to replace with a park for to honor and educate.
- 2) You just don't ned the difficulty and challenges of more traffic and parking problem.s

Diane Fairclough, DrPH

G.I.A.GI.

SEP 28 2021

Kristen Romuar-Cabico

From: Cherie Kinchloe <cheriepaddle@gmail.com>
Sent: Thursday, September 9, 2021 1:44 PM
To: Planning Department

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

Please stop giving another developer more time to leave this mess that should have been stopped two owners ago. The island can't handle anymore traffic in this area, we are already over developed as it is. Shame on the 5million buy out on the south shore.

G.I. a.s2.
SEP 28 2021

Kristen Romuar-Cabico

From: Christyn Alcones <christyn.healthy@gmail.com>
Sent: Thursday, September 9, 2021 1:54 PM
To: Planning Department
Subject: No hotel at "Coco Palms"

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

I am testifying against building a hotel at the old coco palms & am voting for restoring Wailuanuo Aho'ano.

In good health,
Mahalo for your time,
Christyn Alcones
Kauai Resident

G.I.A.53.

SEP 28 2021

Kristen Romuar-Cabico

From: Malia Everette <malia@altruvistas.com>
Sent: Thursday, September 9, 2021 3:12 PM
To: Planning Department
Subject: Taking a few minutes to chime in on the proposal for the 'Coco Palms Hotel'

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



Aloha friends at the Kauai Planning Dept,

I wanted to take a moment to express my concern about the proposal and encourage long term thinking around development, from a generational and sustainable lens.

Wailu is very special. I work in regenerative tourism and believe it can be done right. This is an opportunity for Kaua'i to steward Hawaiian history, legend, culture and for the future. This is a sacred site to Hawaiian cultural practitioners and Kānaka, and should be set aside for the community as a land trust, or cultural heritage site.

Additionally from a resiliency planning perspective, the hotel is not the most logical given climate change, sea level rise and future hurricanes.

Thank you for your service.

Yours in Service,



Malia Everette

Founder and CEO

AltruVistas

p: [415.735.5407](tel:415.735.5407) m: [510.290.0573](tel:510.290.0573)

a: 16-566 Keaau Paho Rd, # 188-642

Keaau, HI 96749

1199 Court Lane

Concord CA 94518



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A.I.A.54.
SEP 28 2021

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"It is through the way you serve others that your greatness will be felt."

- Hawaiian Proverb

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1. AltruVista Funds- Our Meso-financing program's mission is to provide communities the financial tools they need to improve their lives and benefit from the tourism sector.
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3. AltruVista Journeys creates privately branded trips for others using the pillars of experiential education, philanthropy and social responsibility.

While AltruVista Funds and AltruVista Connects are run through our Foundation our AltruVista Journeys are powered by our LLC. Through socially responsible and ecologically conscious tourism, AltruVista Journeys insightfully adapts your vision, your mission, or curriculum and crafts it into a unique transformational experience.

We offer our services and professional expertise to foundations, organizations, membership associations, educational institutions, businesses, travel agencies and "VIPs" with the desire to create their own incomparable brand of travel worldwide. AltruVistas Journeys provide a natural interlocutor between the desires of the global traveler and the socio-economic needs of some of the world's most remote, heritage-rich communities, natural and cultural sites.

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Our goal is to provide you with ethical, comprehensive, educational and philanthropic travel-planning services so that you can have the adventure of a lifetime: a culturally insightful, engaging, comfortable, and worry-free journey that synergistically benefits the local economy, your hosts, important causes— and even highlights the good work you are doing in the world!

Kristen Romuar-Cabico

From: bill parker <parkerboy9066@gmail.com>
Sent: Thursday, September 9, 2021 3:14 PM
To: Planning Department
Subject: *Attention Planning Commission, Coco Palms

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

Please do the right thing in allowing further "development" of the Coco Palms property. The right thing is to not allow any outside entities to touch the property, and to allow the Hawaiian/Kauaiian people to have the discretion as to the future of the property. Reality is upon us, do the right thing this time!

Thank You
Bill Parker
Wailua

G.I.A.GG.
SEP 28 2021

Kristen Romuar-Cabico

From: Barry Snyder <barrymartin@cot.net>
Sent: Friday, September 10, 2021 9:33 AM
To: Planning Department
Subject: Coco Palms

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

Please no development of Coco Palms. Restore it to it's natural state.

Kauai has enough commercial development as it is. To think of placing more at the mouth of the Wailua River, one of the most sacred places on the island would be a huge mistake, taking this paradise further down the road to ruin instead of restoration. What do we want this island to be in the future. Do we want it to look like Southern California. Can't we see that the true abundance is in the natural beauty which is really what feeds our body, mind and most importantly souls. Time to head in another direction. Back to a life the more wise ancient Hawaiians knew was truly pono...

G.I.A. Gb.
SEP 28 2021

Kristen Romuar-Cabico

From: Karen Anderson <soulspace@cot.net>
Sent: Friday, September 10, 2021 11:50 AM
To: Planning Department
Subject: Please no new hotel!

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

Hello kind people,

The location of the former Coco Palms is such a sacred one, please do not allow the building of anything commercial on that site. The mana of Old Hawaii is rapidly fading on beautiful Kauai, and it is so important to protect what is left. We do this not only for ourselves and our generation, but for future ones and the Aina herself.

If we don't, who will?

Please listen to your heart and do the right thing — for All.

Mahalo and aloha,
Karen Anderson

G.I.A.57.
SEP 28 2021

Kristen Romuar-Cabico

From: Fred Dente <koikoi1@hawaii.rr.com>
Sent: Friday, September 10, 2021 1:23 PM
To: Planning Department
Subject: Wailuanuiaho'ano

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

Planning Department Folks,

I am for a native Hawaiian cultural center on the grounds of and around the former Coco Palms Hotel. No more shenanigans from developers and speculators and the money changers, who have paraded their schemes in front of you for all these years since Iniki, all of whom have failed miserably in their get rich plans. I strongly and respectfully request that you do all you can do to encourage and support the current community efforts of The I Ola Wailuanui working group to return the Wailuanuiaho'ano area to the control of the Native Hawaiian people (with their allies who support them), to re-create an organic, roots-based Hawaiian Cultural and Education Center, instead of another unnecessary hotel or tourist trap for the rich. It would be the only Pono thing to do on that revered and sacred `aina. In my view, anything else you approve would be a major crime against the Hawaiian People, the Iwi Kupuna, and this hallowed ground.

Very Sincerely,

Fred Dente
6335 Waipouli Rd. Unit B
Kapaa 808-651-2815

Sent from my iPad

E.I.A. 68.
SEP 28 2021

Kristen Romuar-Cabico

From: Sylvia Partridge <sylpartridge@yahoo.com>
Sent: Friday, September 10, 2021 2:10 PM
To: Planning Department
Cc: Sylvia Partridge
Subject: Att: Planning Commission, Coco Palms - no more hotels please

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

COCO PALMS

Aloha Planning Commission,

Am requesting the revocation of all permits that allow any hotel or resort on Coco Palms. Also, we need 4 lanes for traffic going through the hotel land between Lihue and north Kapaa to reduce and help continuing severe traffic congestion. This would be the time to specify 4 lanes of traffic.

Am supporting turning the land over to community ownership and the community vision as specified in the I Ola Wailuanui Working Group.

Thank you for considering this alternative plan as the best possible use of such culturally valuable and important land. I feel it would make Kauai a much better place to live and be for all of us.

Thank you.

Sylvia Partridge
3800 Kamehameha Rd., # 22
Princeville, HI 96722
sylpartridge@yahoo.com

G.I.A.S.A.
SEP 28 2021

Kristen Romuar-Cabico

From: Sandra Herndon <2da1wahine@gmail.com>
Sent: Friday, September 10, 2021 2:44 PM
To: Fred Dente
Cc: Planning Department
Subject: Re: Wailuanuiaho'ano

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

I agree with you.

On Fri, Sep 10, 2021 at 1:23 PM Fred Dente <koikoi1@hawaii.rr.com> wrote:
Planning Department Folks,

I am for a native Hawaiian cultural center on the grounds of and around the former Coco Palms Hotel. No more shenanigans from developers and speculators and the money changers, who have paraded their schemes in front of you for all these years since Iniki, all of whom have failed miserably in their get rich plans. I strongly and respectfully request that you do all you can do to encourage and support the current community efforts of The I Ola Wailuanui working group to return the Wailuanuiaho'ano area to the control of the Native Hawaiian people (with their allies who support them), to re-create an organic, roots-based Hawaiian Cultural and Education Center, instead of another unnecessary hotel or tourist trap for the rich. It would be the only Pono thing to do on that revered and sacred 'aina. In my view, anything else you approve would be a major crime against the Hawaiian People, the Iwi Kupuna, and this hallowed ground.

Very Sincerely,

Fred Dente
6335 Waipouli Rd. Unit B
Kapaa 808-651-2815

Sent from my iPad

--

Peace & Aloha,
Sandy

"Thought is Creative, and YOU are the Thinker"

G. I. A. G. O.
SEP 28 2021

Kristen Romuar-Cabico

From: Fern Holland <fern@hapahi.org>
Sent: Sunday, September 12, 2021 6:25 AM
To: Fred Dente; Planning Department
Subject: Re: Wailuanuiaho'ano

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

Thank you!!!

[Sent from Yahoo Mail for iPhone](#)

On Friday, September 10, 2021, 1:23 PM, Fred Dente <koikoi1@hawaii.rr.com> wrote:

Planning Department Folks,

I am for a native Hawaiian cultural center on the grounds of and around the former Coco Palms Hotel. No more shenanigans from developers and speculators and the money changers, who have paraded their schemes in front of you for all these years since Iniki, all of whom have failed miserably in their get rich plans. I strongly and respectfully request that you do all you can do to encourage and support the current community efforts of The I Ola Wailuanui working group to return the Wailuanuiaho'ano area to the control of the Native Hawaiian people (with their allies who support them), to re-create an organic, roots-based Hawaiian Cultural and Education Center, instead of another unnecessary hotel or tourist trap for the rich. It would be the only Pono thing to do on that revered and sacred `aina. In my view, anything else you approve would be a major crime against the Hawaiian People, the Iwi Kupuna, and this hallowed ground.

Very Sincerely,

Fred Dente
6335 Waipouli Rd. Unit B
Kapaa 808-651-2815

Sent from my iPad

G. I. A. G. I.
SEP 28 2021

Kristen Romuar-Cabico

From: Diane Koerner <dianekoerner@yahoo.com>
Sent: Sunday, September 12, 2021 8:12 AM
To: Planning Department
Subject: NO HOTEL at Coco Palms

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

Dear Members of the Planning Department:

In 1992, a friend who had run the Office of Emergency Permitting after Hurricane Iniki testified in court for the owners of Coco Palms that it was not rebuildable and insurance money was given appropriately. But then the farce started and has continued about different off-shore developers building a new hotel there. Nearly thirty years later, it is even more ludicrous to think the property should be rebuilt as a hotel, that Kauai has room for one more tourist resort with more rental cars on the road making traffic unbearable.

I learned in TGI that the "auction on the courthouse steps" on July 26, that Private Capital Group, "a Utah-based, short-term loan-servicing company" was the successful bidder at \$22.231 million. Who is the new owner/developer? Do they have the interests of our island at heart? Will they reassure the Planning Commission that everything is on track? Please don't allow it.

I have watched the corner of Kuamoo Road (where I live) and Kuhio Hwy for 29 years and I have only seen the site become more of an eyesore. It desecrates the lands upon which the original Coco Palms was built -- literally the birthplace of Hawaiian royalty. There are ancient fishponds and uncountable iwi kupuna buried beneath the sands now covered by broken-down buildings.

I believe it is time to honor our host culture here on Kauai and start the process for the county to work with the I Ola Wailuanui group to transition this sacred land into the hands of the Hawaiian community to form a park, cultural or educational center.

Please help save the site and our island for the people of Hawaii, revoking the development permits.

Mahalo,
Diane Koerner
420 Molo St.
Kapaa, HI 96746

G. I. A. 62.
SEP 28 2021

Kristen Romuar-Cabico

From: Laura Ramirez <lauraramirez87@hotmail.com>
Sent: Sunday, September 12, 2021 11:12 AM
To: Planning Department
Cc: Lurline Bettencourt
Subject: No Hotel at Coco Palms site!

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

Aloha,

I am writing to make clear and have on record that I am one of many Kaua'i residents that is strongly opposed to any hotel at the Former Coco Palms Site!

This space and land should never again be used to house more tourists with their cars and traffic that disrupt the lives of locals.

My family supports instead the I Ola Wailuanui vision and the transition of this area into a thriving cultural & environmental gathering place that honors this 'āina, its rich history & the Hawaiian community.

Mahalo,
Laura Ramirez and the Bettencourt family
4510 Kawaihau Road
Kapa'a, Kaua'i 96746

G. I. A. 63.
SEP 28 2021

Kristen Romuar-Cabico

From: Emmaleah Stauber <emmaleah@hawaii.edu>
Sent: Sunday, September 12, 2021 11:54 AM
To: Planning Department
Subject: No hotel at Coco Palms site

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

Aloha,

I am writing to make clear and have on record that I am one of many Kaua'i residents that is strongly opposed to any hotel at the Former Coco Palms Site!

This space and land should never again be used to house more tourists with their cars and traffic that disrupt the lives of locals.

My family supports instead the I Ola Wailuanui vision and the transition of this area into a thriving cultural & environmental gathering place that honors this 'āina, its rich history & the Hawaiian community.

Mahalo,
Laura Ramirez and the Bettencourt family
4510 Kawaihau Road
Kapa'a, Kaua'i 96746

G.I.A.U.
SEP 28 2021

Kristen Romuar-Cabico

From: Michael & Patti <wisevalentine@gmail.com>
Sent: Sunday, September 12, 2021 5:59 PM
To: Planning Department
Subject: No Hotel at Coco palms, please!

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

Aloha Planning Commission Chair Apisa, Vice-Chair Cox, Honorable Kaua'i Planning Commissioners, Director, Deputy Director and Staff:

Please do not allow a hotel to be built at the former Coco Palms site in Wailua. This property is one of the most significant places on Kaua`i for Hawaiian history, legend, and culture. Many important mo'olelo and oli have Wailua origins, with other legends and chants also referencing this sacred site. With its major spiritual and religious significance in old Hawai'i, to this day it is arguably one of the most sacred areas in the archipelago to Hawaiians.

The time has passed for a hotel to be redeveloped here, and frankly, it has been an eyesore on our island for far too long. This site is not a suitable location for a hotel, especially with the highway being moved onto the property to protect it from ocean erosion.

Wailuanuiaho'āno needs to be returned to the people in the form of a park, cultural and educational center and place for `aina based learning and experiences. This area should be developed into a thriving place for families to enjoy and learn about Hawaiian history, culture, land management and more!

The I Ola Wailuanui working group has been working for the last 16 months to help shape an inclusive vision that can facilitate the transition of this sacred land into the hands of the community in perpetuity for this purpose. For more information about this go to wailuanui.org.

Thank you for your time, your consideration, and your decision to vote against ANY hotel development at this location.

Patti Valentine
Anahola Resident

[Olakino maika'i: Live healthy](#)
[Lokomaika'i: Share with each other](#)

G. I. A. 69.
SEP 28 2021

Kristen Romuar-Cabico

From: Jodi Matsumoto <jodimatsumoto1@gmail.com>
Sent: Monday, September 13, 2021 10:34 AM
To: Planning Department
Subject: Coco Palms Site

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

Aloha,

I am writing to you today in opposition of a hotel being constructed on the historical Coco Palms property. The reasons are as follows;

*Our island and specifically the infrastructure for the area cannot accommodate the number of tourists & vehicles a resort would attract.

*Global warming and rising seas will likely require the existing road to be moved mauka *It's been 29 years and no one has been successful in developing this property as a resort. Mother Nature is very much against it.

I believe this site should be a Hawaiian Cultural Center for the people of Hawaii to enjoy as well as an educational center for our visitors. It could be a place where the Hawaiian traditions are celebrated and taught. Our talented crafters, dancers, Hawaiian language teachers and farmers would have a place to come together grounded in their culture. This is the vision that I see for this one of kind site. Let's get it right this time.

Sincerely,

Jodi Matsumoto

G.I.A. Gdo.
SEP 28 2021

Kristen Romuar-Cabico

From: Irena <irenabliss@gmail.com>
Sent: Tuesday, September 14, 2021 2:22 AM
To: Planning Department
Subject: Community Support to Restore Wailuanuiaho'āno - No Hotel at "Coco Palms"

Importance: High

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

Aloha Kaua'i Planning Dept,

I am writing in support of restoring Wailuanuiaho'āno, and strongly oppose having a hotel at "Coco Palms". Wailuanuiaho'āno needs to be returned to the people in the form of a park, cultural and educational center and place for 'aina based learning and experiences. This sacred area should be restored as a thriving place for families to enjoy and learn about Hawaiian history, culture, land management and more. This property is one of the most significant places on Kaua'i for Hawaiian history, legend, culture and for the future of our sustainability.

I support the vision of the I Ola Wailuanui working group who have been working for the last 16 months to help shape an inclusive vision that can facilitate the transition of this sacred land into the hands of the community in perpetuity for this purpose. Please see <https://www.wailuanui.org/> for the inspiring community vision to restore Wailuanui to a flourishing space for cultural enrichment, education, conservation and food production.

I feel it is so important to honor this place, honor the culture and environment, and create a unique opportunity for enrichment in cultural and environmental education.

Especially at this time on Earth, it is vital and pono to focus on Aloha 'Āina, Mālama 'Āina, food sovereignty, and cultural restoration.

I strongly oppose a hotel at this site, and support the former Coco Palms Hotel property being transitioned to a place for cultural and 'aina based learning, that honors this sacred place and provides education and cultural enrichment for people.

Mahalo nui,
Irena

G.I.A.G.T.
SEP 28 2021

Kristen Romuar-Cabico

From: John Kaohelauii <kauaitourdriver@yahoo.com>
Sent: Tuesday, September 14, 2021 4:48 AM
To: Planning Department
Subject: Opposition to Redevelopment of former Coco Palms Resort

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

Dear Kaua'i Planning Commission,

Aloha kākou. My name is John W. Kaohelauii,

I oppose any current or future plans to redevelop this location for a hotel or resort of any kind. The time to redevelop this location has long past.

There are too many significant and historical sites in the area to be desecrated for profit. Turning this area into a cultural center would make better sense.

Aloha and Mahalo,

John W. Kaohelauii
Native Hawaiian
Anahola Hawaiian Homes

G.I.A.68.
SEP 28 2021

Kristen Romuar-Cabico

From: Meredith Cross <malibumer.nunn@gmail.com>
Sent: Tuesday, September 14, 2021 9:48 AM
To: Planning Department
Subject: I OPPOSE a hotel at Coco Palms Old Site

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

I, Meredith Cross of Kapa'a HI, oppose the building of a hotel on this sacred place!

This property is one of the most significant places on Kaua`i for Hawaiian history, legend, culture and for the future of our sustainability. Many important mo`olelo and oli have Wailua origins, with other legends and chants also referencing this sacred site. With its major spiritual and religious significance in old Hawai'i it is arguably one of the most sacred areas in the archipelago to Hawaiians. Still today Wailua remains an extremely sacred site to Hawaiian cultural practitioners and Kānaka Maoli everywhere.

The time has passed for a hotel to be redeveloped here. This site is not a suitable location for a hotel. It has been almost exactly 29 years since the hotel was destroyed in hurricane 'Iniki and we believe the site has proven to no longer be a viable location for a hotel, or further development of that nature.

It is time for this special property to be revitalized and transitioned into the hands of our community. This property has the potential to provide a place of gathering, education, food production, cultural grounding and green space for our community.

Mahalo for your time,
Meredith Cross
Kapa'a, HI

G.I. 9.6A.
SEP 28 2021

Kristen Romuar-Cabico

From: Bonnie Rasmussen <bonnieisland@yahoo.com>
Sent: Wednesday, September 15, 2021 10:36 AM
To: Planning Department
Subject: restoring and presrving Wailuanuiaho'āno

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

Aloha, I am writing in opposition to the redevelopment of the prior coco palms location in Wailua. I hope that this land will be renewed and restored as a green space and used for cultural, educational and sustainable uses for the community. Please make the right choice to stop the redevelopment of Wailuanuiaho'āno and let the community utilize this as green space, educational, sustainable and Hawaiian cultural uses.

Thank you, Bonnie Rasmussen

G. I. A. 10.

SEP 28 2021

Kristen Romuar-Cabico

From: Laurel Brier <browerr001@hawaii.rr.com>
Sent: Wednesday, September 15, 2021 9:01 PM
To: Planning Department
Subject: Restore Wailuanuiaho`ano

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

Aloha Planning Commissioners,

There seems to be a consensus among residents and visitors alike that Kaua`i is overcapacity when it comes to the number of tourists we are hosting. It has been a stress on our infrastructure, the environment and residents' life style. Maui County Council recently passed a measure to put a moratorium on new visitor accommodations in the most congested areas. This appears to be a logical way to slow down the out of control arrival of tourists. Halting an unneeded hotel would be an excellent step for Kaua`i in the direction of addressing this problem.

Creating another visitor accommodation in Kapaa-Wailua area is undesirable in that it would add to the traffic congestion in the area and put stress on the infrastructure such as the Wailua waste system. With the loss of the beach across from the site it is also no longer a desirable location for visitors. The abandoned hotel site has been an eye sore for almost 30 years. Developers have had opportunities and ample time to rebuild and now that time should pass.

This area is of enormous cultural significance that residents and visitors alike can benefit from learning about. Let's protect and preserve this most special of places for everyone, for generations to come.

Thank you for your thoughtful consideration.

Laurel Brier
Anahola, Kauai

G.I.A.TI.
SEP 28 2021

Shanlee Jimenez

From: Gary Hudson <gkrh89@gmail.com>
Sent: Friday, September 17, 2021 8:26 AM
To: Planning Department
Subject: Wailua/Coco Palms

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

Aloha Planning Commission,

First thank you for your services and your commitment to making/keeping Kauai the emerald gem that it is. My name is Gary Hudson, recently retired Battalion Chief for Kauai Fire Department, resident of Wailua Homesteads, and frequent user of the Wailuanui area. I am writing this in opposition to rebuilding a resort where the former Coco Palms Hotel remains stand.

In my former profession, it was taught to me to leave the department better than when we came in. You folks have the same opportunity before you, for our island. The question is; would Kauai be better with another resort and more specifically, a resort on Hawaiian sacred land? The existing resorts aren't even close to full on an already over crowded highway adding to the daily congestion and aggravation of residents and visitors alike. We deal with the traffic daily, it sucks! And what are we selling to visitors? Come to beautiful Kauai and sit in traffic, junk. Who would this resort benefit, an off island company? We have done without for years; no jobs, no tax revenue, it won't be missed. OR would Kauai be better off without this resort on sacred lands and on our busiest stretch of highway. I know we would be better without. We trust you folks to make Kauai better, not worse.

Ideally, and maybe the new owner could work with us (be a good steward of the land), return that whole property to the sacred site that it once was. Tear down the structure, build a community park and maybe something like Waikiki Shell. We could ALL gather, learn, share, grow, farm, and enjoy a Hawaiian cultural park. Not just for those that could afford a stay at luxury resort.

When you folks look back at your time on the commission. What will be your legacy? Hopefully it will be; you folks got the ball rolling for something ALL of Kauai can enjoy and not give in to a resort for the rich and prevented clogging up our island even more.

Thank you for your time and consideration, Gary Hudson
808.652.6041

G.I.A.72.
SEP 28 2021

Kristen Romuar-Cabico

From: Michal Stover <mfsleh@yahoo.com>
Sent: Friday, September 17, 2021 8:26 PM
To: Planning Department
Subject: Reject Hotel at Coco Palms; Restore Wailuahuiho'āno

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

Aloha Planning Commission Chair Apisa, Vice-Chair Cox, and Honorable Kaua'i Planning Commissioners:

I am writing to request that the planning commission reject any and all plans for a hotel at the former Coco Palms site and, instead, return the property to the people of Kaua'i in the form of a park and cultural and educational center.

The former Coco Palms site is not suitable for a hotel. With its location across busy Kūhio Highway from the beach, the property will not be an attractive destination for visitors. The beach itself has been steadily shrinking as a result of climate change and does not provide the same opportunity for recreation that it once did. This place of extreme sacredness to native Hawaiian cultural practitioners and the Hawaiian people more generally should not be desecrated yet again by another hotel.

Wailuahuiho'āno is one of the most historically, culturally and spiritually significant places on Kaua'i. As a result, it is the perfect place for a park and cultural and educational center where the community may gather to learn about and practice the Hawaiian culture.

Mahalo.

Michal F. Stover
Kīlauea, Kaua'i

G.I.A. 73.
SEP 28 2021

Kristen Romuar-Cabico

From: EveKauai <eve3ibiz@gmail.com>
Sent: Saturday, September 18, 2021 2:51 PM
To: Planning Department
Subject: Coco Palms site - hearing on September 28th, 2021

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

Aloha,

I am writing to voice my strong opposition to the proposal to restore a hotel to the site of the Coco Palms hotel.

I pass this site every single day on my walk to Lydgate Park and can confirm unreservedly that this is a totally inappropriate site for a hotel. Kapa'a has evolved into a busy community with a noisy and busy highway close by, and across the road the shoreline has significantly encroached since the time of Coco Palms' heyday, posing potential flooding risk. Tourists who spend money visiting seek and expect luxurious environments to stay in.

Furthermore, this site should never have been appropriated in the first place, since it is known as a sacred site to native Hawai'ians.

The time has come to give this area back to the community, in the form of repurposing the ruins into affordable rental units (with parking garages on the ground floor level, due to the flood risk), and a community park behind it particularly suitable for families raising children there. Perhaps including a cultural center highlighting Hawai'ian practices from the past.

Affordable rental units are in very scarce supply here on Kaua'i and contribute significantly to the problem of homelessness. It is almost impossible to hold down a job without a home, first.

Placing a bus-stop within Coco Palms Community to service the new residents with the bus routes #s 400 and 500 would encourage low income tenants to manage finances more easily by being able to live without the need for a car, as these bus routes would convey them to Lihue Mall as well as Kapa'a schools, and also to most of the hotels and shops in both Lihue and Kapa'a where many hundreds of workers are employed, or could find employment in future. With the minimum wage in Hawai'i still set at a much lower rate than actual living costs here, this would be a step in the right direction.

Please see sense and find the courage to face facts about the reality of Kaua'i life, as well as the strength to turn away millions of dollars put on the table by non-resident developers only interested in turning a big profit, at the expense of this island community. While government funding is always difficult to organise and prioritize, finding funds to build affordable residential units is a major investment in the infrastructure overall. Alternatively, perhaps a think-tank of County appointees could come up with a viable 'sweetheart deal' involving some of the wealthiest members of Kaua'i's residential pool, who might be willing to put investment funds on the table in return for property tax breaks or similar incentives? The positive P.R. potentially generated for funding a new Community Cultural Center and conveniently located housing for 'average', working class Kaua'i residents, is a meaningful bargaining 'chip' which could be bartered for mutual benefits to all concerned; we now know that all sorts of frankly nefarious 'sweetheart deals' are crafted for the benefit of outsiders with deep pockets on a semi-regular basis, so surely Kaua'i taxpayers pay for County officials to 'think outside the box' when it comes to benefits for such a small community as comprises Kaua'i?

Mahalo!

Sincerely,
E.J. Hands



**COUNTY OF KAUAI
PLANNING DEPARTMENT**

DIRECTOR'S REPORT

TO: Planning Commission

RE: **2021 Status Report**
Special Management Area Use Permit SMA(U)-2015-6
Class IV Zoning Permit Z-IV-2015-8
Project Development Use Permit PDU-2015-7
Variance Permit V-2015-1
Tax Map Keys: (4) 4-1-003:004 (Por.), 005, 007, 011 & 017;
4-1-005:014 & 017
Wailua, Kaua'i

APPLICANT: COCO PALMS HUI, LLC.

PROJECT BACKGROUND

The subject permits were approved by the Planning Commission on March 10, 2015 to authorize the renovation and redevelopment of the Coco Palms Resort consisting of 350 hotel units. In addition, the development includes support facilities containing retail shops, several restaurants, office space and hotel lobby area, museum, meeting rooms, new maintenance building, new spa and gym building, and 399 off-street parking stalls.

Condition No. 29 of the permits requires the Applicant to submit an annual report to the Planning Commission to report the progress of the project until it's completed and it reads:

"29. On or before June 30th of each year until all conditions have been satisfied, the Applicant shall submit an annual report to the Planning Commission of the status of and progress on, each unsatisfied condition, particularly conditions with workforce housing requirements and transportation requirements. These conditions shall be modified by the Planning Commission to reflect the satisfaction of any condition."

APPLICANT'S REQUEST

In accordance with Condition No. 29, the Applicant is providing the attached status and progress report (dated June 30, 2021) on behalf of Coco Palms Hui, LLC., refer to Exhibit 'A'. All conditions of the original permit are addressed by the Applicant in the attached report. The matrix provided also identify the progress with the compliance of the specific requirement.


61.9.75.

SEP 28 2021

In addition to the Applicant's submittal, the department has prepared a matrix identifying the conditions of the permit as well as the progress with the compliance of the requirements (see attached Exhibit 'B').

RECOMMENDATION

It is recommended that the Commission accepts the Applicant's Annual Status Report dated June 30, 2021. Additionally, the Applicant is advised that all applicable conditions of approval, including the provision of annual status report as required by Condition No. 29, shall remain in effect.

By  _____
Dale A. Cua
Planner

Approved and recommended to Commission:


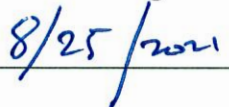
By  _____
Ka'aina S. Hull
Director of Planning
Date:  _____

EXHIBIT “A”

(Permit Matrix and Status)

For reference

COCO PALMS HUI LLC
a Delaware limited liability company

June 30, 2021

Mr. Ka'aina Hull
Clerk of the Planning Commission of the County of Kauai
Planning Commission of the County of Kauai
4444 Rice Street
Kapule Building, Suite A-473
Lihue, Hawaii 96766-1326

COUNTY OF KAUAI
PLANNING DEPT

21 JUL 12 12:49

RECEIVED

Re: 2021 status report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 at Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017 (the "Permits"), with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kauai (the "Conditions") with Coco Palms Hui LLC, as Applicant ("Applicant")

Dear Mr. Hull:

Pursuant to Condition No. 29 of the above-referenced Permits, Coco Palms Hui LLC hereby submits the enclosed status report regarding its Conditions as of June 30, 2021.

Should you have any questions or desire additional information regarding the status report, do not hesitate to contact Parker Enloe at (801) 717-6744 or Jon M.H. Pang, Esq., at (808) 547-5400.

Very truly yours,

COCO PALMS HUI LLC,
a Delaware limited liability company

By: STILLWATER EQUITY PARTNERS LLC,
a Utah limited liability company,
its Manager

By: 
Paul Bringham
Its Manager

Coco Palms Permit Conditions Matrix Status Report as of June 30, 2021

Development Permits: Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 at Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017, with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kauai

Applicant: Coco Palms Hui LLC

	Count	Conditions
Completed Condition:	8	1, 2, 3, 4, 5, 10, 28, 29
Ongoing:	14	6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 21 (except 21.b), 23, 25, 26,
Forthcoming:	7	16, 18, 19, 20, (21.b), 22, 24, 27
	29	

	Condition	Status	Comments to County
1.	The Applicant shall contribute \$50,000.00 to the County of Kauai to assist the Planning Department's historic preservation mission via its efforts to perpetuate the cultural and historic significance of the Wailua/Waipouli region consistent with the Department's historic preservation program, including the creation of educational programs and signage.	Complete	This contribution was paid to, and received by, the County of Kauai on October 17, 2015.
2.	The Applicant shall contribute \$50,000.00 to the County of Kauai to assist the County with its current place making efforts, including moku and ahupuaa signage of the Wailua area.	Complete	This contribution was paid to, and received by, the County of Kauai on October 17, 2015.

	Condition	Status	Comments to County
3.	Prior to building permit approval, the Applicant shall meet the requirements and standards of the Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD). The Applicant is further 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 and the Planning Department to determine mitigation measures. The Planning Department has reviewed the comments of the State Historic Preservation Division, and under its independent Chapter 6E and related Hawaii Constitutional obligations and duties, requires the following historic preservation measures be fulfilled by the Applicant.	Complete	As of June 2016, the Applicant has received approval from SHPD with respect to their HRS 6E-42 review and required mitigation actions. However, Applicant is also advised that should any human remains be discovered as a consequence of digging activities, WORK MUST IMMEDIATELY STOP IN THE VICINITY OF THE FIND AND SHPD AND THE PLANNING DEPARTMENT MUST BE NOTIFIED.
3.a	A revised SOW for the project, including any proposed work with potential to affect the historic lagoon, including staging areas, construction of new bridges, dredging, or filling in of areas near the lagoon;	Complete	
3.b	Information regarding any potential federal funding or federal permits that may be required, especially relative to the historic lagoons;	Complete	
3.c	An Intensive-Level Survey (ILS) that identifies and assesses all remaining architectural historic properties and their potential eligibility for the Hawaii and National Registers;	Complete	
3.d	A Burial Treatment Plan (BTP) that meets HAR §13-300-34(b), and following a determination by the KIBC regarding burial treatment, a Burial Site Component of a Data Recovery Plan (BSCDRP) that meets HAR §13-300-34(b)(3)(B); and	Complete	
3.e	A Revised Archaeological Monitoring Plan (AMP) that includes provisions for addressing architectural monitoring concerns and meets HAR §13-279-4, including ongoing monitoring during construction and 90 days after completion of construction.	Complete	

	Condition	Status	Comments to County
4.	Applicant shall submit a Construction and Demolition Debris Management Plan, and have the plan reviewed and concurred with by the Department of Public Works, Solid Waste Management Division. Applicant is encouraged to employ broad diversion efforts in its waste management plan.	Complete	This condition 4 is satisfied.
5.	Applicant is aware that any final construction plans involving the former Seashell Restaurant site that deviates substantially from the conceptual plans presented to the State Department of Land and Natural Resources may trigger compliance with the statutes and regulations under the jurisdiction of the Office of Coastal and Conservation Lands, Hawaii State Department of Land and Natural Resources if final development is proposed within the shoreline area. Applicant is on notice that, if any such final plans proposes development within the shoreline area, this permit action may be deemed invalid and require modification and re-approval only after compliance with Chapter 343, Hawaii Revised Statutes, is attained.	Complete	No current plans for development within the shoreline area.
6.	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 types: shielded lights, cut-off luminaries, indirect lighting or other types permissible under applicable Federal Law or otherwise approved by the United States Fish and Wildlife Service. Spotlights aimed upward or spotlighting of structures, landscaping, or the ocean shall be prohibited unless otherwise permissible under Federal Law or approved by the United States Fish and Wildlife Service.	Ongoing	No external lighting being used at this time.

	Condition	Status	Comments to County
7.	To the extent possible within the confines of union requirements and applicable legal prohibitions against discrimination in employment, the Applicant shall seek to hire Kauai contractors as long as they are qualified and reasonably competitive with other contractors, and shall seek to employ residents of Kauai in temporary construction and permanent jobs. It is recognized that the Applicant may have to employ non- Kauai residents for particular skilled jobs where no qualified Kauai resident 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.	Ongoing	Upon approval of building permits, applicant will solicit bids from local contractors in accordance with this condition.
8.	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.	Ongoing	Plans are being developed to utilize the latest L.E.E.D standards.
9.	As part of the building permit application, the Applicant shall comply with the building code requirements applicable to the construction plans submitted for the vertical Improvements for the project. Any revisions shall be identified accordingly on the final site development plan and vertical building construction plans for building permit review and processing in accordance with applicable building code requirements.	Ongoing	Submitted plans are in compliance with applicable building code requirements.
10.	The Applicant shall contribute \$10,000.00 to the County of Kauai Transportation Agency to assist with the construction of a new bus stop along Kuhio Highway in the Wailua area.	Complete	This contribution has been paid to, and received by, the County of Kauai Transportation Agency on October 17, 2015.

	Condition	Status	Comments to County
11.	Applicant shall coordinate project plans with the Department of Public Works Wastewater Management Division to ensure that connection to a public sewer system is accomplished properly. Applicant shall also submit a current wastewater preliminary engineering report, as per County Sewer Standards, identifying details of sewer connections. Prior to building permit approval for vertical construction, Applicant shall submit construction plans for any necessary sewer improvements and if applicable, pay any required wastewater sewer system fees.	Ongoing	SPW/WMD has approved 22 of 25 permit applications for which DPW/WMD approval were required. For the remaining three (3) permit applications, DPW/WMD comments were addressed in resubmitted plans. The Division is prepared to sign off on permits when all department comments are addressed.
12.	Applicant shall submit a detailed water demand (both domestic and irrigation) calculations along with the proposed water meter size. Water demand calculations submitted by your engineer or architect should also include fixture count and water meter sizing worksheets. The Department of Water may require the payment fees specified in the existing County of Kauai ordinances as a consequence of the approved water demand calculations that are in addition to the existing water allocated to the property.	Ongoing	DOW has approved plans for 22 of 25 permit applications. As to the remaining three (3) permit applications, water demand calculations have been submitted and approved for the newly installed water meter and backflow prevention device.
13.	Applicant shall prepare and receive the Department of Water's approval of construction drawings for the necessary water system facilities and construct said facilities. These facilities shall include but not be limited to: a) the interior plumbing with the appropriate backflow prevention device; b) the domestic service connection, if applicable; c) the fire service connection, If applicable. Requests for additional water meters or increase in water meter size beyond water meters already allocated to the property will be dependent on the adequacy of the source, storage and transmission facilities existing at the time.	Ongoing	DOW has approved plans for 22 of 25 permit applications. As to the remaining three (3) permit applications, resubmitted plans to be reviewed by DOW verify that individual water demand for each building does not collectively exceed the capacity of the installed water meter.

	Condition	Status	Comments to County
14.	Applicant acknowledges affordable housing requirements apply to this proposal, and in compliance with Chapter 7A, Kauai County Code (1987), Applicant has entered into, and will perform its obligations under, that certain Housing Agreement (for Coco Palms) dated December 4, 2015, directly with the Kauai County Housing Agency, which has been fully executed and recorded on February 9, 2016.	Ongoing	Housing Agreement with County Housing Agency recorded on February 9, 2016. The Applicant intends to comply with the Housing Agreement.
15.	Applicant shall submit by August 31, 2019 plans to for all remaining building permits for the construction of vertical improvements on the project site, and will thereafter diligently work in good faith with the Kauai Division of Buildings ("Building Division") to obtain final building permit approval for all remaining permits. Construction shall commence within one year after the date of final approval of the referenced building permits. Further, pursuant to PDU requirements in the CZO, construction shall commence within one year after the date of full approval of such building permits. Also, Applicant shall pull all such building permits within six months after the approval of the final building permit.	Ongoing	The first submittal of all building permit plans was complete on or before August 31, 2019. Final approval has been obtained on 14 of 29 permits applications. As to the remaining 15 permit applications, revised plans responding to all comments have been resubmitted for County approval
16.	Screening of the construction site during construction along Kuhio Highway and Kuamoo Road to be aesthetically consistent with current construction standards on Kauai while maintaining compatibility with the nature of the site sitting at a coastal gateway for the area. Screening shall be properly maintained in a manner acceptable to the Director until such time as the Applicant has completed all vertical improvements. Further, the Applicant shall work with the State Department of Transportation to provide landscaping along the strip of land fronting the property fronting Kuhio Highway and properly maintain this landscaping in perpetuity.	Forthcoming	DOT is currently using the Coco Palms site along Kuhio highway as a staging area for road widening project. New screening is expected to be installed upon DOT completion of road widening project.

	Condition	Status	Comments to County
17.	<p>Applicant shall substantially complete the demolition work described in the existing demolition permits issued for the property by March 31, 2017 subject to extension caused by the occurrence of force majeure events.</p> <p>Applicant agrees that, if the concrete structures that remain on the property after the demolition work is completed is not incorporated into the construction of the vertical improvements by June 30, 2021, the Applicant shall, at its sole cost and expense, secure such concrete structures in full compliance with all health and safety requirements set forth in all applicable laws and ordinances.</p>	Ongoing	<p>Except as to three 3-story concrete structures, demolition was completed by March 31, 2017.</p> <p>Demolition of the remaining three 3-story concrete structures has been incorporated into the plans currently being reviewed by the Dept. of Planning.</p>
18.	Applicant shall provide 20 public parking spaces at the North end of the project site with signage identifying their use by beachgoers and those using public transit when the operator opens to the public the building of the project that is closest to the parking lot containing such public parking spaces. Further, the Applicant shall provide 20 stalls for parking with signage identifying their use by public beachgoers along the south end of the project. These stalls shall be clearly marked for public beachgoers use only. Also, the Applicant at its own expense shall work with the county to site, design, construct, and maintain in perpetuity, a comfort station consisting of restrooms and showers for beachgoers. This comfort station shall be located adjacent or approximate to this public beachgoers parking area.	Forthcoming	
19.	All parking for guests, customers, and employees shall be accommodated on site. No parking on Kuamoo, Haleilio or Apana roads shall be allowed. No use of parking lots on adjacent property shall be allowed as well.	Forthcoming	
20.	Given outstanding evaluation of the Traffic Impact Analysis Report (TIAR) by both the Department of Public Works and State Department of Transportation, in the interim, the Applicant shall provide the following to mitigate traffic impacts created by the development:	See below.	

	Condition	Status	Comments to County
20.a	Provide, at the Applicant's expense, a shuttle for eighteen (18) months beginning when the hotel operator opens the main lobby, at least 277 guest rooms and the food and beverage facilities and services of the project to the public as a pilot program to facilitate transit to and from the Lihue Airport and the development;	Forthcoming	
20.b	Provide, at the Applicant's expense, a circulator shuttle for eighteen (18) months beginning when the hotel operator opens the main lobby, at least 277 guest rooms and the food and beverage facilities and services of the project to the public to move patrons from the hotel to Lydgate and Wailua Beach Park, the Seashell Restaurant Site, the Coconut Marketplace and other destinations within the main Kapaa transit corridor that shall be determined by the County of Kauai Executive on Transportation at least 90 days before such shuttle service is scheduled to begin.	Forthcoming	
20.c	Provide, at the Applicant's expense, a bike share program operated by Applicant or a vendor selected by Applicant for patrons of the resort to allow guests to ride bikes into Kapaa Town and other destinations without driving;	Forthcoming	
20.d	The Applicant shall work with the State Department of Transportation and Department of Public Works to resolve pedestrian crossing, sidewalks and vehicular traffic demands created by the development, and bear implementation costs proportional to the impact that arises, including the installation of a continuous public sidewalk on the Kuhio Highway frontage between Kuamoo and Haleilio; and	Forthcoming	
20.e	Provide the Planning Department, Department of Public Works and State Department of Transportation an update to the TIAR one (1) year after receiving the last certificate of occupancy for the project evaluating traffic impacts created by the resort and analyze the need for additional bus stops.	Forthcoming	

	Condition	Status	Comments to County
20.f	Provide the Department with a report on the Applicant's efforts to work with the Department of Land and Natural Resources to obtain permission to use the lands held by lease for a mauka access, either vehicular, or bike/pedestrian, to allow movement of residents between Kuamoo road and Haleilio Road.	Forthcoming	
20 con't	Should the updated TIAR, as accepted by the three agencies, determine a significant adverse change in the traffic conditions resulting solely from project beyond the traffic conditions anticipated in the original TIAR, Applicant is aware that this permit is subject to reasonable modification by the Planning Commission that Applicant may be responsible for the proportionate costs for any impacts of such significant adverse change for which a nexus to the additional anticipated traffic conditions may be identified.	Forthcoming	
21.	Applicant shall work with the county and bear the costs of the following improvements:	<i>See below.</i>	

	Condition	Status	Comments to County
21.a	Provide an in lieu payment of \$93,750 to the County of Kauai by June 30, 2017 for the cost of a dedicated right turn lane on Haleilio Road, from Apana Road to Kuhio Highway In addition to an existing through lane. The County shall design and complete construction of continuous public sidewalks along Apana Road to Haleilio Road and along Haleilio Road to Kuhio Highway fronting the Applicant's property. Sidewalks must be a minimum of 5 feet wide and shall be dedicated to the County to the extent owned by Applicant. The portions of said right turn lane owned by Applicant shall be dedicated to the County; provided that the Applicant shall have the reserved right of entry over the dedicated areas in connection with its project. By January 31, 2019, the Applicant shall submit plans for the subdivision of the portions of its land to be dedicated to the Kauai Planning Department and shall thereafter diligently work in good faith with the Planning Department to obtain final subdivision approval of such plans, and to dedicate such subdivided portions to the County	Ongoing	<p>This \$93,750 lieu payment was paid to, and received by, the County of Kauai on June 30, 2017.</p> <p>Subdivision plans submitted to Kauai Planning Department on January 18, 2019 deadline. Condition satisfied.</p> <p>Final Subdivision approval issued by the Kauai Planning Commission on Jan. 28, 2020, including modification waiving requirement of Applicant to provide curbs, gutters and sidewalks. Surveyor's Affidavit recorded February 27, 2020 as Doc. No. A-73620668. Condition of Title Guarantee has been issued by Old Republic Title and submitted to the Planning Dept.</p> <p>The form of the dedication deed was delivered to the Planning Dept. on November 12, 2020 for review and comment; currently awaiting approval.</p>
21.a (sic)	Design and complete construction of widening Apana Road to be wide enough for two-way vehicle travel from the project entry on Apana Road to Haleilio Road. The Applicant will work with the County of Kauai Department of Public Works on the width, length, and other design details for this improvement, which shall be dedicated to the County of Kauai to the extent owned by Applicant; provided that the Applicant shall have the reserved right of entry over the dedicated areas in connection with its project.	Ongoing	<p>The \$93,750 lieu payment was paid to, and received by, the County of Kauai on June 30, 2017.</p> <p>Completed, except for pending dedication of subdivided portion to County with a reserved of right of entry to Applicant.</p>

	Condition	Status	Comments to County
21.b	Design and complete construction of "Do Not Block" markings along the eastbound lanes of Haleilio Road at the intersection with Apana Road, similar to the striping at Kuamo'o Road and Wailua Road.	Forthcoming	Marking to be performed upon completion of new Haleilio Road right turn lane project.
21. con't	The Applicant shall retain a surveyor to survey the portions of the Applicant's land over which the right turn lane right-of-way and sidewalks to be constructed pursuant to subparagraphs a-b above that will be dedicated to the County, then prepare and record the necessary title documents. The County, Planning Department and Department of Public Works will cooperate fully to process all necessary subdivision and dedication approvals on an expedited basis.	Ongoing	<p>Final Subdivision approval issued by the Kauai Planning Commission on Jan. 28, 2020, including modification waiving requirement of Applicant to provide curbs, gutters and sidewalks. Surveyor's Affidavit recorded February 27, 2020 as Doc. No. A-73620668. Condition of Title Guarantee has been issued by Old Republic Title and submitted to the Planning Dept.</p> <p>The form of the dedication deed was delivered to the Planning Dept. on November 12, 2020 for review and comment; currently awaiting approval.</p>
22.	If requested by the Transportation Agency due to increased ridership demand caused by the development, Applicant shall provide proportional support for one (1) additional bus stop and shelter for the Kauai bus.	Forthcoming	
23.	Form and character of the development shall reflect the prior history of the resort and the brand standards of the hotel operator including the usage of similar looking roof and facade material, color and landscaping. Further, non-reflective materials are necessary to promote the seashore area aesthetics. Prior to building permit application for reconstruction or new construction of buildings and landscaping, the Applicant shall submit renderings and plans for departmental design review.	Ongoing	The resort will reflect the prior resort with similar looking roof, color, and landscaping. Submitted building plans address this requirement.

	Condition	Status	Comments to County
24.	Applicant shall encourage employees to utilize the County's Transportation Agency transit services to mitigate commuter trips to and from the development. The Applicant shall work with the Transportation Agency on promotional events encouraging usage of the transit system at Coco Palms, including selling bus passes on behalf of the agency, signage, etc.	Forthcoming	
25.	The Applicant is advised that in connection with the issuance of building permits for the vertical improvements of the project, additional conditions from the reviewing government agencies may be imposed. It shall be the Applicant's responsibility to resolve those conditions with the respective agencies.	Ongoing	All comments on building permits have been addressed in resubmitted permit applications. No additional Development Permit conditions have been imposed to date.
26.	The Planning Commission reserves the right to add or delete conditions of approval in order to address or mitigate unforeseen Impacts that any subsequent changes to this project as proposed by Applicant may create, or revoke the permits through the proper procedures should conditions of approval be violated.	Ongoing	No additional Development Permit conditions have been imposed to date.
27.	During September 15 through December 15, construction shall only occur during daylight hours. Where possible as to not compromise safety of seabirds identified to be protected under Federal Law, exterior facility lights should be positioned low to the ground, be motion-triggered, and be shielded and/or full cut-off. Effective light shields should be completely opaque, sufficiently large, and positioned so that the bulb is only visible from below. Staff at the development shall be educated, and shall educate visitors with Information regarding such endangered or protected seabird fallout and response protocols for staff to recover downed birds. Design elements shall also minimize collision by such protected seabirds with objects that protrude above the vegetation layer, such as utility lines, guide wires and communication towers. Should development yield conditions leading to any take of protected species, Applicant is on notice that an incidental take permit is required.	Forthcoming	

	Condition	Status	Comments to County
28.	Applicant shall seek guidance from the Fish and Wildlife Service for the Applicant to develop and implement measures (e.g. monitoring, etc.), in order to avoid and minimize impacts to Hawaiian waterbirds during construction and operation of the development.	Complete	US Fish and Wildlife Service provided its comments on the CPH application to the Planning Commission in a letter dated March 2015 and will be addressed during construction and operation.
29.	On or before June 30th of each year until all conditions have been satisfied, the Applicant shall submit an annual report to the Planning Commission of the status of and progress on, each unsatisfied condition, particularly conditions with workforce housing requirements and transportation requirements. These conditions shall be modified by the Planning Commission to reflect the satisfaction of any condition.	Ongoing	Status report submitted on June 30, 2021.