



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

FRANCIS DEGRACIA, CHAIR

DONNA APISA, VICE CHAIR

GERALD AKO, MEMBER

HELEN COX, MEMBER

GLEND A NOGAMI STREUFERT, MEMBER

JERRY ORNELIS, MEMBER

LORI OTSUKA, MEMBER

23

AUG 2 4 17 PM

DEPT. OF PLANNING
COUNTY OF KAUAI

- The Planning Commission Meeting will be at:

Office of Boards and Commissions
4444 Rice Street, Suite 300
Lihue, HI 96766

- Oral testimony will be taken on specific agenda items, at the public meeting location indicated on the meeting agenda.
- Written testimony indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to planningdepartment@kauai.gov or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Lihue, Hawai'i 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be posted as testimony to the Planning Commission's website prior to the meeting (<https://www.kauai.gov/Government/Boards-and-Commissions/Planning-Commission>). Any testimony received after this time will be retained as part of the record, but we cannot assure the Commission will receive it with sufficient time for review prior to the meeting.

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ADAVIS@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

PLANNING COMMISSION MEETING NOTICE AND AGENDA

Tuesday, August 8, 2023

9:00 a.m. or shortly thereafter

**Līhu'e Civic Center, Office of Boards and Commissions
4444 Rice Street, Suite 300, Līhu'e, Kaua'i, Hawai'i**

RECEIVED

*23 AUG -2 17:56

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. May 9, 2023.

E. RECEIPT OF ITEMS FOR THE RECORD

1. None for this Meeting.

F. HEARINGS AND PUBLIC COMMENT

1. Continued Agency Hearing

- a. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-9) to allow construction of a 5 feet high entry gate, water feature, and associated improvements within the private road right-of-way serving the Makahuena Estates Subdivision in Po'ipū, situated along the makai side of Pe'e Road and approximately 60 feet south of its intersection with Pe'e Road, further identified as Tax Map Key: (4) 2-8-021:078, containing a total area of approximately 0.946 acres = **Makahuena-Preferred A LLC et al.** [Director's Report Received and hearing deferred on 4/11/2023].

1. Stipulation Regarding SMA Use Permit SMA(U)-2023-9 and Construction of a 5 Feet High Entry Gate and to Vacate Contested Case Hearing.

2. New Agency Hearing

- a. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-12) to allow construction of a new single family residential structure on a parcel situated along the makai side of Kuhio Highway in Kapa'a Town, situated directly across the formerly Kojima Store, approximately 200 feet south of the Kapa'a Neighborhood Center and further identified as 4-1542 Kuhio Highway, Tax Map Key: (4) 4-5-012:048, containing a total area of approximately 2,520 square feet = **BENSON C. & ARCELIE A. PERALTA.**

1. Director's Report Pertaining to this Matter.

- b. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-13), CLASS IV ZONING PERMIT (Z-IV-2023-11) and USE PERMIT (U-2023-8) to allow construction of a viewing platform and associated site improvements within the Pā'ūla'ūla State Historical Park in Waimea, along the makai side of Kaumuali'i Highway, approximately 800 feet east of Waimea Town, further identified as Tax Map Key: (4) 1-7-005:003 and containing a total area of 17.26 acres = **STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR)** . [Director's Report Received July 25, 2023.]

1. Director's Report Pertaining to this Matter.

- c. CLASS IV ZONING PERMIT (Z-IV-2023-12) and USE PERMIT (U-2023-9) to construct a new gymnasium on the Waimea High School campus in Waimea Town, and VARIANCE PERMIT (V-2023-3) to deviate from the height requirement within the Residential zoning district, situated approximately 550 feet mauka of the Ola Road/Kaumuali'i Highway intersection, further identified as 9707 Tsuchiya Road, Tax Map Keys: 1-6-010:004 and 1-6-009:023, and containing a total area of 11.11 acres = **STATE OF HAWAII, DEPARTMENT OF EDUCATION**. [Director's Report Received July 25, 2023].

1. Director's Report Pertaining to this Matter.

3. **Continued Public Hearing**

- a. None for this Meeting.

4. **New Public Hearing**

- a. None for this Meeting.

G. CONSENT CALENDAR

1. **Status Reports**

- a. 2023 Annual Report on the progress and status of compliance and conditions of the subject permits for Hokuala Resort (formerly Kauai Lagoons LLC & MORI Golf (Kauai) LLC) in accordance with Condition No. 28 Special Management Area Use Permit SMA(U)-2006-5, Project Development Use Permit PDU-2005-26, Use Permit U-2005-25, and Class IV Zoning Permit Z-IV-2005-30, Tax Map Key: (4)3-5-001:027 (Por.), 168, 169, 171 (Por.), 172 (Por.), 175, and 176.

1. Director's Report pertaining to this matter.

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

- a. None for this Meeting.

3. **Class III Zoning Permits**

- a. None for this Meeting.

H. GENERAL BUSINESS MATTERS

1. Pursuant to Chapter 9, Rules of Practice and Procedure of the Kauai County Planning Commission and Chapter 8, Article 27.13 Appeal of the Director's Determination, Kauai County Code, 1987 as amended; Appellants Malama Kua aina and Caren Diamond, Executive Director, and in my individual capacity file this Petition for Appeal regarding Try Slow, LLC Shoreline Setback Determination Exemptions, File No. SSD 2023-45, SSD 2023-46, SSD 2023-47 and SSD-2023- 48 dated 5/23/2023, TMK 5-8-8:034 noticed on the Planning Commission Agenda June 27, 2023.

I. COMMUNICATION

1. None for this meeting.

J. COMMITTEE REPORTS

1. Subdivision Committee
 - a. None for this meeting.

K. UNFINISHED BUSINESS (For Action)

1. None for this meeting.

L. NEW BUSINESS (For Action)

1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-9) to allow construction of a 5 feet high entry gate, water feature, and associated improvements within the private road right-of-way serving the Makahuena Estates Subdivision in Po'ipū, situated along the makai side of Pe'e Road and approximately 60 feet south of its intersection with Pe'e Road, further identified as Tax Map Key: (4) 2-8-021:078, containing a total area of approximately 0.946 acres = **Makahuena-Preferred A LLC et al.** [Director's Report Received and hearing deferred on 4/11/2023].
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4. CLASS IV ZONING PERMIT (Z-IV-2023-12) and USE PERMIT (U-2023-9) to construct a new gymnasium on the Waimea High School campus in Waimea Town, and VARIANCE PERMIT (V-2023-3) to deviate from the height requirement within the Residential zoning district, situated approximately 550 feet mauka of the Ola Road/Kaumuali'i Highway intersection, further identified as 9707 Tsuchiya Road, Tax Map Keys: 1-6-010:004 and 1-6-009:023, and containing a total area of 11.11 acres = **STATE OF HAWAII, DEPARTMENT OF EDUCATION**. [Director's Report Received July 25, 2023].

M. EXECUTIVE SESSION

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

1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-9) to allow construction of a 5 feet high entry gate, water feature, and associated improvements within the private road right-of-way serving the Makahuena Estates Subdivision in Po'ipū, situated along the makai side of Pe'e Road and approximately 60 feet south of its intersection with Pe'e Road, further identified as Tax Map Key: (4) 2-8-021:078, containing a total area of approximately 0.946 acres = **Makahuena-Preferred A LLC et al.** [Director's Report Received and hearing deferred on 4/11/2023].
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4. CLASS IV ZONING PERMIT (Z-IV-2023-12) and USE PERMIT (U-2023-9) to construct a new gymnasium on the Waimea High School campus in Waimea Town, and VARIANCE PERMIT (V-2023-3) to deviate from the height requirement within the Residential zoning district, situated approximately 550 feet mauka of the Ola Road/Kaumuali'i Highway intersection, further identified as 9707 Tsuchiya Road, Tax Map Keys: 1-6-010:004 and 1-6-009:023, and containing a total area of 11.11 acres = **STATE OF HAWAII, DEPARTMENT OF EDUCATION**. [Director's Report Received July 25, 2023].
5. 2023 Annual Report on the progress and status of compliance and conditions of the subject permits for Hokuāla Resort (formerly Kauai Lagoons LLC & MORI Golf (Kauai) LLC) in accordance with Condition No. 28 Special Management Area Use Permit SMA(U)-2006-5, Project Development Use Permit PDU-2005-26, Use Permit U-2005-25, and Class IV Zoning Permit Z-IV-2005-30, Tax Map Key: (4)3-5-001:027 (Por.), 168, 169, 171 (Por.), 172 (Por.), 175, and 176.

6. Pursuant to Chapter 9, Rules of Practice and Procedure of the Kauai County Planning Commission and Chapter 8, Article 27.13 Appeal of the Director's Determination, Kauai County Code, 1987 as amended; Appellants Malama Kua aina and Caren Diamond, Executive Director, and in my individual capacity file this Petition for Appeal regarding Try Slow, LLC Shoreline Setback Determination Exemptions, File No. SSD 2023-45, SSD 2023-46, SSD 2023-47 and SSD-2023- 48 dated 5/23/2023, TMK 5-8-8:034 noticed on the Planning Commission Agenda June 27, 2023.

N. ANNOUNCEMENTS

1. Topics for Future Meetings.

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter, on August 22, 2023. The Planning Commission anticipates this meeting to be held in-person at the Līhu'e Civic Center, Office of Boards and Commissions, 4444 Rice Street, Suite 300, Līhu'e, Kaua'i, Hawai'i. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

O. ADJOURNMENT

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

SPECIAL MANAGEMENT AREA (SMA) MINOR DETERMINATIONS

Date (Action)	SMA Minor Permit number	Location (TMK)	Activity/ structure
Approved (06.29.2023)	SMA(M)-2023-20	Waimea (1-6-006:001)	To comply with levee requirements as outlined by the U.S. Army Corp of Engineers/ Designated tree removal.
Approved (07.03.2023)	SMA(M)-2023-21	Līhu'e (3-5-002:002)	Construction and placement/ Three (3) 12X12 feet (144 s.f.) beach cabanas.
Approved (7.10.23)	SMA(M)-2023-22	Kōloa (2-6-012:004 Unit 2)	Construction/ Second story addition on existing detached garage.
Approved (7.14.23)	SMA(M)-2022-5	Hanalei (5-5-010:055)	Construction/ Six (6) foot high redwood fence and gate.

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.

August 8, 2023
SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2024-1	Kauai Federal Credit Union	(4) 4-5-012;021 and (4) 4-5-012:043	Kapa'a	Renovations of Existing Structure. / Stable-accreting shoreline. Required setback 60 feet from shoreline. Development approximately 90 to 180 feet from vegetation/ evidenced shoreline.
SSD-2024-2	Steven Pappas	(4) 1-8-019:016	Hanapēpē	New sitting room, study room, and bathroom addition to existing residence. / Rocky shoreline required setback 60 feet. Development approximately 181 feet away from evidenced shoreline.
SSD-2024-3	Stewart Neil Husband	(4) 1-6-006:011 Unit 1	Waimea	New single-family dwelling. / Accreting shoreline required 100-foot setback. Development approximately 226 feet from evidenced shoreline.
SSD-2024-4	Stanley and Donna Alongi Family TR	(4) 2-8-015:007 Unit 7	Kōloa	Repair and Renovations/ Kitchen work and repairs deemed unsubstantial.
SSD-2024-5	Try Slow LLC	(4) 5-8-008:039	Hanalei	Repair to existing cottage #5./Repair work deemed unsubstantial.

KAUA'I PLANNING COMMISSION
REGULAR MEETING
May 09, 2023
DRAFT

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair DeGracia at 9:07 a.m. - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

Mr. Gerald Ako
Ms. Helen Cox
Mr. Francis DeGracia
Ms. Glenda Nogami Streufert
Mr. Jerry Ornellas
Ms. Lori Otsuka

Excused or Absent

Ms. Donna Apisa

The following staff members were present: Planning Department – Director Ka'aina Hull, Deputy Director Jodi Higuchi Sayegusa, Staff Planner Dale Cua, Romio Idica, Kenny Estes, and Planning Commission Support Clerk Duke Nakamatsu; Office of the County Attorney – Deputy County Attorney Chris Donahoe, Office of Boards and Commissions – Support Clerk Lisa Oyama.

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Francis DeGracia: The time is 9:07, I'd like to call to order the Planning Commission meeting for Tuesday, May 09, 2023. Could I get a roll call please, Mr. Clerk?

Planning Director Ka'aina Hull: Roll call, Mr. Chair. Commissioner Ako?

Commissioner Ako: Here.

Mr. Hull: Commissioner Apisa is excused. Commissioner Cox?

Commissioner Cox: Here.

Mr. Hull: Commissioner Ornellas?

Commissioner Ornellas: Here.

Mr. Hull: Commissioners Otsuka?

Commissioner Otsuka: Here.

Mr. Hull: Commissioner Streufert?

Commissioner Streufert: Here.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Here.

Mr. Hull: You have a quorum, Mr. Chair. Next would be the approval of the agenda.

APPROVAL OF AGENDA

Mr. Hull: The Department doesn't have any recommended changes to the agenda.

Chair DeGracia: Okay. Could I get a motion to approve the agenda?

Ms. Streufert: I move to approve the agenda.

Ms. Otsuka: Second.

Chair DeGracia: Let's take a voice vote. All in favor say aye. Aye (unanimous voice vote). Oppose? Hearing none, motion carries. 6:0.

MINUTES of the meeting(s) of the Planning Commission

Mr. Hull: We have no minutes for review in this meeting.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Hull: We move on to Receipt of Items for the Record. We did not receive any additional items prior to publication of the agenda on May 3, 2023. However, we did receive some testimony, as well as agency comments, and a submittal from a party that is on the agenda, after the May 3rd publication of the agenda, as such these documents have been made only available only to you folks this morning. You have not reviewed them, it also has been made available for the public, here in the Planning Commission room as well as at the Planning Department. Chair, I don't know if you want to take a recess to afford the Commissioners time to review these documents.

Chair DeGracia: Yes, the Commission would like to take a 15-minute recess to review this current item, so we'll reconvene in about 15-minutes, at 9:25.

Commission went into recess at 9:09 a.m.
Commission reconvened from recess at 9:25 a.m.

Chair DeGracia: The time is 9:25, I'd like to call back to order the Planning Commission meeting.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: Next on the agenda we have Hearings and Public Comment.

New Agency Hearing

Mr. Hull: We have a New Agency Hearing. For members of the public viewing virtually, we're back in session. We are on New Agency Hearing.

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-10), CLASS IV ZONING PERMIT (Z-IV-2023-10), USE PERMIT (U-2023-7) to allow construction of public shared use path extending from Nawiliwili Park to Ahukini Landing and associated improvements involving a new comfort station, drainage ways, protective fencing and paved parking area, and SHORELINE SETBACK VARIANCE PERMIT (SSV-2023-1) to deviate from the shoreline setback requirement involving properties along makai side of the Līhu'e Airport, further identified as Tax Map Keys: 3-5-001:004, 005, 008, 009, 085, 092, 102, 128, 158 & 160; 3-7-002:001 (Por.) and affecting a total area of approx. 9.2 acres = **County of Kaua'i, Department of Public Works.**

Mr. Hull: We don't have any members of the public signed up to testify. Is there anyone in the audience that has shown up that would like to testify as a member of the public, if so, please approach the microphone. Seeing none, the Department would recommend closing the agency hearing.

Unknown Male: Sorry, I (inaudible) represent the County, I'm the consultant.

Mr. Hull: We're going to go...sorry, Sir. This is just the agency hearing portion, so this is for public testimony, but we'll move into your portion very shortly here.

Unknown Male: Sorry. Okay. Thank you.

Ms. Streufert: I move to close the New Agency Hearing on SMA 2023-10, Class IV Zoning Permit Z-IV-2023-10 and Use Permit U-2023-7.

Ms. Cox: Second.

Chair DeGracia: Commissioners, motion on the floor is to close the new agency hearing for this agenda item. We'll take a voice vote on this one. All in favor say aye. Aye (unanimous voice vote). Oppose? Hearing none, motion carries. 6:0.

Mr. Hull: Moving on, we have no further items on Consent Calendar or General Business, so, we move into the Subdivision Committee.

COMMITTEE REPORTS

Subdivision Committee

Final Subdivision Map Approval

Subdivision Application No. 5-2005-41
Visionary LLC. DBA Lihu'e Land Company
Ahukini Makai Subdivision
Proposed 49-lot Subdivision
TMK: (4) 3-7-002: 001 (por.)
Hanama'ulu, Lihu'e, Kaua'i

Mr. Hull: Before going into the report on this, it is a separate agenda item on the full Planning Commission Agenda. We don't have anybody signed up to testify but is there any member of the public

here that would like to testify on this agenda item? You may approach. Please approach, you have three-minutes for testimony. Can you state your name for the record, and you have three-minutes for testimony.

Mr. Kaniela Matsushima: Aloha, my name is Kaniela Kaleikaumaka Matsushima, o' Hanamā'ulu mai au, I'm from Hanamā'ulu Valley. I spent my entire life in this valley with my kūpuna, swimming in the streams, planting kalo, and fishing in the bay. Today I cannot swim in that river because of the pollution. A little of my history and my ties to this valley, my dad is Kimo, who has been leasing these lands from Hanamā'ulu for over 30-years, why because we come from Roslyn Kaimi, we come from Maui Keo, we come from Benjamin Wahinealoha Keo, and Keo himself. Keo Konohiki of the entire Hanamā'ulu Valley, and our ohana bloodline has been there carrying on the Konohiki kuleana since the time of Kaikio'ewa, regardless of the plantation history, and with multiple land commission awards throughout this valley that are ohana to me, and the entire Puna District being under great-great grandaunt, Princess Kamamalu, I'm here to stand to oppose these proposed developments. While most of our ohana was kicked off their lands, I stand here in gratitude today, to say that we, the descendants of Keo lineage are still here. Once again, I do not approve, I oppose these developments of coming, the Ahukini Makai, the Wailani, and the Ahukini Mauka. The only way my dad saw fitting was to keep our family in this lands, was through a lease and over the years, due to changes of the land from ag to development, we've seen the drainage, we've seen the 3 culverts that come down into Hanamā'ulu Valley, the rubbish that you see, if you guys ever saw the culvert and what comes down that valley, you would think that is the Līhu'e Refuse Station, which is the Kaua'i Dump. Questions we ask is, water, where the water going come from? From my understanding, the farmers that are on that land, that Grove Farm wants to develop, those farmers don't even have water, enough water to water their crops, so how are they going to supply water for that development, that's a question I ask. Sewage, the Hanamā'ulu sewage is one of the worst on the island, that sewage is already maxed out, it has been maxed out prior to Ho'oluana, the development if you're not familiar with it, on the Wailua side of Hanamā'ulu Valley, and that pump station down in Kapaia, that pump station supplies all Hanamā'ulu, down that Kapaia Hill, and that pump has malfunctioned so many times and thousands of gallons of raw sewage has spilled into that stream where we get kalo growing, we get animals that drink that water, and Hanamā'ulu Stream and the bay, is the dirtiest, most bacteria filled on this island. You can look on the Surfrider Foundation for the reports. Traffic and evacuation, these developments, the Ahukini Makai, and the Ahukini Mauka, and the Wailani will create the worse traffic Kaua'i will ever see in its lifetime, worse than the Kapa'a traffic, I don't know about you guys, but I don't like sitting in that traffic.

Mr. Hull: Three minutes, sir. If you could wrap up your testimony.

Mr. Matsushima: Okay, I'll wrap it up. Thank you. And then drainage, I talked about the drainage already, so I ask you, to please rethink these developments. Keep Hanamā'ulu agricultural, the way supposed to be, and let's all work together to restore the damages done over the last hundred years, and a place where we all, all of us in this room can proudly say, this is Hanamā'ulu Valley and we helped restore this place for our kids and our future because the choices that we make today affects not only me, but your kids and your keiki, your mo'opunas, your grandkids forever, and this three developments that is coming up we cannot go back on it. Mahalo. Thank you.

Chair DeGracia: Thank you for your testimony.

Mr. Hull: Is there anyone else who would like to testify on this agenda item? Please approach. If you could state your name for the record and you have three minutes for testimony.

Ms. Kayla Matsushima: Aloha, my name is Kayla Matsushima, on the record I'm speaking today to oppose the three upcoming developments, the subdivisions most, especially. I oppose all three projects being opposed by Visionary LLC, and Hailimoi LLC, also known as Grove Farm. Why are we still considering more subdivisions on Kaua'i? Have we all not come to the conclusion yet, that we don't have

a housing crisis, we have a failure and lack of regulations on housing. Have we not learned from other subdivision proposals that we cannot add any more housing like this, if we are first able to address the problems that already exist. It wasn't that long ago that the Kapa'a subdivision project got stopped and now this...all the issues that were brought forward with that project remain the same here, if not worse. Whether you come at it from the angle of wastewater treatment, drainage, traffic, emergency evacuation, lack of housing regulations, paving over ag land, I see problems from every angle. And when I zoom out further and deeper into the kānaka maoli lands, I feel into wai, water usage, how this process will require a lot of water which lead to more water diversions. I feel into all the land commission awards and royal patents that remain in these areas and the ohana that will be affected by a project like this. I feel into iwi kūpuna, native Hawaiian ancestral burials, the cemeteries, and ancestral bones of my husbands' ohana and many ohana laid to rest in the valley, and even how this project could potentially affect cultural gathering practices downstream, all of it matters and all of it from the way I see it will be negatively impacted by additional development, there's no way around that. Hanamā'ulu River is inundated with the negative effects of over development from every angle and to add an additional burden by permitting subdivisions in the surrounding areas is a burden the families of Hanamā'ulu Valley do not deserve to carry any longer, they've dealt with enough. It is your department that truly can make or break the future of Kaua'i and in the last two years alone many of the decisions, not all but many, had been made by the Planning Department that will have lasting negative impacts for generations to come. Our generation and the seven to twenty-one generations that come after ours do not approve of projects like this that add burden. We don't want to have to clean up the mess that's being because the people that have the opportunity to protect Kaua'i are not. We are coming forward to provide the foresight that is sometimes lacking, and we all have the opportunity to say enough is enough. If we continue down this path of over development, I'm afraid Kaua'i will never be the same. Please don't add to the list of mistakes that we can't go back on, and they cannot be undone. Mahalo for your time and aloha.

Chair DeGracia: Thank you.

Mr. Hull: Is there anyone else that would like to testify on this agenda item? If you could state your name for the record and you have three minutes for testimony.

Ms. Nakai'elua Villatora: Aloha mai kakou, o' Nakai'elua Villatora, ko'u inoa on the record. (Speaking Hawaiian). So, I wanted you folks, I wanted to address my testimony on the Special Management Area Use Permit for the zoning of the Nāwiliwili area to Hanamā'ulu area, and I wanted to talk on behalf of my ancestors that are from the ahupua'a of Kalapakī and the 'ili 'āina of ki'o lepo, so I wanted to just give you a back story about my ancestry and my ohana that have struggled through the idea of development and progress here in Hawai'i on Kaua'i, so my ohana, the (inaudible) ohana that originated in Kalapakī and was there prior to the hotel being built lived on the 'āina and thrived for many generations before the coming of the kānaka ke'oke'o, the missionaries who have been there, who had decided to change that landscape to become one of the many places to inhabit this island style, this tourist attraction, and it was my family who had the last house, last building there when the hotel was constructed. And I wasn't really going to speak on this but my kūpunas really urging me for you guys to understand the decisions that this Department makes affects everyone and I wanted you folks to see, look at my children's face, that this is the lives that you will be affecting for the future and decisions that you make today and the days coming will continuously, either benefit you folks or disadvantage us, and that's how we see it as kānaka, is that we are not able to practice our culture and traditional rites of fishing, and my family, especially in Kalapakī area and the Hanamā'ulu ahupua'a were keen fisherman and fisherwomen, and we would collect it and gather it from many places in the streams and the mountains there and it was such a diverse area in those ahupua'as, and it was so bountiful in the ages of my kūpuna and there's many, many records in newspaper articles about that stories and nowadays, how many times you seen people fish in the waters of Kalapakī, fish or swam in the waters of Hanamā'ulu, we all know it's polluted. There's no gathering there, if you want to stay healthy, and that's what I'm trying to understand and make other people understand

that development doesn't always mean progress and thank you so much for your time and I hope that you folks really make a good decision on whether or to continue development in these particular areas that are heavily affected by that. Mahalo nui.

Chair DeGracia: Thank you.

Ms. Villatora: Would you like to say something? What would you like to say? Bubs, come up. A prayer? Well, my son would like to...for us to have a prayer, and our prayer coming here was for us to really have folks be convicted by 'To our supreme god to have you folks understand and realize, let the truth be spoken and continue to make good decisions for the benefit of everyone not just a select few. Mahalo.

Chair DeGracia: Thank you.

Mr. Hull: Is there anyone else that would like to testify on this agenda item?

Ms. Kanani Kagawa Fu: Aloha and good morning, Commissioners and Chair DeGracia. Kanani Kagawa Fu, those that weren't in the previous testimony, excuse me, in the previous Subdivision Committee. Born and raised in Anahola, grew up there and then located to Hanamā'ulu, where my family home is, raised my children, and now working between Hanamā'ulu and Koloa area. Today I provide my testimony in the capacity of a resident, in the capacity of a kānaka maoli, as a resident, both of Anahola and of Hanamā'ulu. The concern that I have with this subdivision before you and this process, is just that it lacked one criteria, which is a completion and analysis of the Ka Pa'akai Analysis, which as you've seen today in the (inaudible) hour we've had testimony come forward that is significant to this area. I too, have received information of my ohana and our ties here, which then created this nexus into this meeting today. It is always okay. My father had this saying, when in doubt, just say no, and if there's any doubt in your guys' capacity to do your fiduciary duty to grant this subdivision with the lack of the Ka Pa'akai Analysis completed and before you, I would ask that you take that into consideration today. The analysis does provide the framework for the Commission to do the right thing. It does provide you guys with the framework to hear in a written way. All developers before us had to do it, I wear both hats (inaudible) do it, so that's what I believe for me as a resident would satisfy and put that at ease. I sit here representing myself, but also other family members who did not want to come forward to testify on this matter. Before I leave, again I reiterate to the Planning Commission and to the Commissioners that we defer this until we can really, really, if you have any doubt, you should defer it, and I leave you with that. Thank you.

Chair DeGracia: Thank you.

Mr. Hull: Calling, is there anyone in the audience that would like to testify on this agenda item as a member of the public? Seeing none.

Mr. Ako: Mr. Chair, before we get into the Committee Reports, regarding the subdivisions, is it possible for us to enter into executive session on this issue?

Chair DeGracia: Sure. I'll entertain a motion to go into executive session.

Ms. Streufert: I move to go into executive session.

Ms. Cox: I second.

EXECUTIVE SESSION

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

Subdivision Application No. S-2005-41
Visionary LLC. DBA Lihu'e Land Company
Ahukini Makai Subdivision
Proposed 49-lot Subdivision
TMK: (4) 3-7-002: 001 (por.)
Hanama'ulu, Lihu'e, Kaua'i

Chair DeGracia: Motion on the floor is to go into executive session. We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Oppose? Hearing none, before we go in, how much time? 15 minutes?

Mr. Hull: Probably.

Chair DeGracia: Okay, so we'll go into executive session to reconvene in approximately 15 minutes.

Commission went into Executive Session at 9:45 a.m.
Commission returned to Open Session at 10:36 a.m.

Chair DeGracia: Okay, time is 10:36, I'd like to call the commission meeting back to order, and to the public, thank you very much for your patience, there's a lot to discuss. At this time, Commissioners, before we take any actions and motions on accepting this Subdivision Committee Report, do we have any discussions? Or would you like to have any discussion on this agenda item? Being that there's been a whole bunch of information and testimonies from...

Mr. Ako: If I can, Mr. Chair. Sitting in as the Chair for the Subdivision Committee meeting, we did go ahead and have discussions regarding the permit, in the Ahukini area regarding the industrial area, and we think we had some discussion on that and yet as we come to this portion of the meeting here, where it referred to the entire Commission itself having had new testimony on it, I think there's been new information that has been passed on to hear that I think we'd like to consider. I know a lot of times going back into some of the testimonies that come out, I know part of the criticism has always been, we come up here for what, and it's a matter of, we come up here, we spill our guts out and then come 30 seconds later it's done like that without any real major consideration on it, so I think this one because of what has been testified to the entire Commission here, new information, I think I will have a different view and approach on this issue at this time.

Chair DeGracia: Thank you, Commissioner Ako, and then for myself, in addition to new information and testimony, there's also, I personally felt that there's some requirements in this application concerning the Ka Pa`akai O Ka`Aina Analysis that I'd feel a lot more comfortable if it was completed before taking action on it.

Ms. Cox: I think it was also helpful to have the executive session, so we had learned from the attorney what our job as a full commission at this point is, what our options were, so that was helpful to know since we heard additional testimony.

Chair DeGracia: Commissioners, before I move forward, I'd like to invite the applicant back up.

Mr. David Hinazumi: Good morning, David Hinazumi on behalf of Visionary.

Chair DeGracia: Good morning, David. Commissioners, any questions? I have, I'd like to reserve it, unless you guys have any at the moment. Just to clear the air, I believe I sat in the Subdivision Committee, and I overheard, I guess a commitment towards completing a Ka Pa`akai O Ka`Aina Analysis moving forward. Just a question, you guys have a time frame or has that been set in motion already?

Mr. Hinazumi: Yes, so just a little bit of history, again, this is an old subdivision, unfortunately from 2005, at the time of subdivision there was no requirement to do the Ka Pa`akai, of course recently there's a much larger focus on finishing the Ka Pa`akai, so even though it wasn't a requirement we still went ahead and ordered a Ka Pa`akai to be done, so it's in progress right now, there's been two rounds of outreach, there has been some input coming in, I believe some of the input is kind of been in relation to some of the testimony that you've heard today. Throughout today, yes, we've been given new information as well and our commitment is to finish that Ka Pa`akai Analysis. We've got additional people that we've been made aware of that should also be consulted throughout the process. The consultant did have a fairly lengthy list of people that they already did the outreach to and as we get more information there's outreach that we will do, so we are committed to finish the Ka Pa`akai Analysis for this project.

Chair DeGracia: Okay, thank you. Commissioners, any questions, comments for the applicant, anything further?

Ms. Streufert: If this is already in progress, when do you anticipate that this would be completed?

Mr. Hinazumi: Unfortunately, we're not quite sure yet, of course, what I mentioned as for new information of additional people to speak to, we'll get that process going as soon as possible, (inaudible) right after this meeting or by tomorrow, start working on getting those additional contacts, hopefully we can get the input in a reasonable time, I couldn't tell you what that is but as soon as can, yes we want to complete it because this analysis we're doing it for other subdivisions as well, that we want to get them finished.

Ms. Streufert: One final question from me, if we were to approve this subdivision application, and you're continuing this Ka Pa`akai Analysis, during the time between now and when you complete it, what kind of work would you do on the land? Would all work stop until it's been completed?

Mr. Hinazumi: There's no work to be done immediately after subdivision approval is granted, it will take some time before any construction could occur as there's steps that need to be taken, and yes, we want to complete this Ka Pa`akai to make sure there's, within the industrial area where construction will occur and there will be disturbances to the ground, we want to make sure we're going to be clear. We've gone through SHPD, there was an inventory study done, we want to get the additional information from this Ka Pa`akai Analysis in those areas. There is a remainder parcel that is created out of this subdivision, that is the cliff side, overlooking Hanamā'ulu Bay, and that area we know, we've been aware that that is an area of definite interest, we want to make sure that we take a look at that area and see what can be done to preserve that.

Chair DeGracia: Commissioners, anything further for the applicant? Okay, David any last comments for this Commission?

Mr. Hinazumi: No.

Chair DeGracia: Okay, thank you.

Ms. Streufert: Okay, I think then that I'm ready to propose a motion.

Ms. Otsuka: Thank you.

Ms. Streufert: Based on the information that we have received today and the testimonies that we have received, I move that we refer this application back to the Subdivision Committee until there is a completed Ka Pa`akai Analysis and based upon what I heard just now it may have any impact upon the time frame because they were not going to do anything until it was completed anyway.

Ms. Cox: I will the second the motion.

Chair DeGracia: Okay, Commissioners, motion we have on the floor is to refer it back to the Subdivision Committee to address the Ka Pa`akai O Ka`Aina Analysis. Could we get a roll call vote, Mr. Clerk? Actually, any further discussion before we take a vote?

Ms. Cox: Is it important that we put in the motion that they are waiting for a completed Ka Pa`akai Analysis? You said that...

Chair DeGracia: Yeah, I believe...

Ms. Cox: ...but Francis (inaudible) restated it, so I just wanted to make sure that it is, that the sub committee going to waiting for a completed Ka Pa`akai Analysis and then...

Mr. Hull: It will be reflected by the motion maker.

Ms. Cox: Okay, thank you.

Mr. Ako: If anything, Mr. Chair, I'd just like to thank those that came out to testify on this issue over here and hopefully it makes a difference in terms of why people come out and hopefully this will encourage other people to come out also.

Chair DeGracia: Good point, Commissioner. Nothing further. Mr. Clerk?

Mr. Hull: Roll call. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioners Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair. 6:0.

UNFINISHED BUSINESS (For Action)

In the Matter of Planning Director Kaaina S. Hull's Petition to revoke Applicant Bula Tree House LLC Use Permit U-90-38 and Class IV Zoning Permit Z-IV-90-51 (former Mark Daniells art gallery approved in 1990), and Use Permit U-19-78 and Class IV Zoning Permit Z-IV-78-28 (former Diane Daniells pre-school approved in 1978) for failure to comply with conditions of approval by the Planning Commission and Issue an Order to Show Cause and Set Hearing; Memorandum in Support of Petition; Declaration of Kaaina S. Hull; Notice of Meeting; Certificate of Service, TMK (4) 5-5-004: 23, Hanalei, Kaua'i. [Deferred 2/14/2023, Deferred 4/11/2023.]

Mr. Hull: This is petition for revocation that you folks received from myself several months ago. It was not received in time to place it on the agenda and transmit it to you ahead of time of the meeting, but you folks are all in possession of a stipulated revocation of the subject permits from the applicant's representative, Ian Jung. The Department has reviewed the stipulated agreement and are fine with the stipulated agreement. Being that you folks have just received it, I know you folks read it, ultimately the Department is asking for a deferral until the next Planning Commission meeting for you folks to review it if necessary and if there's any proposed amendments, if not, I'm getting quizzical looks, that some of you folks are maybe willing to take action today, I have no problem taking action today, we are in agreement with the stipulated agreement draft. You may want to ask the attorney representing the applicant if he's okay with action today, otherwise if any individual wants deferral on this item, to further review, the Department has no objections to that as well.

Mr. Ian Jung: Good morning, Commission, Ian Jung on behalf of Bula Tree LLC. I actually drafted the proposed stipulation, so if you want to sign it today that's fine with us, and I've been in contact with the, one of the complainants and I gave them an opportunity to review it and I got an email saying that they're fine with the approach and the terminology. Essentially there's two older entitlements that were associated with this property, one with a regard to a pre-school operation that is no longer in use and there other one for a small 288 square foot little commercial space that's been used for an art gallery, which we worked with the Planning Department and the complainant to try and cease the use by December 31st of year, 2023, and based on those terms of the stipulated revocation, the operation would cease by that date, on or before that date, so they had a new tenant come in and they want to just give them time to wrap up operations. So, I did speak with the Deputy County Attorney if they want time, it's fine with us but if you guys are fine with the draft now, once it's signed by the Planning Director, we will sign it and the Commission, I believe signs it thereafter. And it basically functions like a stipulated finding of fact, conclusions of law, decision and order, so just a formal mechanism to terminate the permit on the records.

Mr. Hull: Just a little further background, if you recall, this is an art studio that was supposed to be temporary in nature has been operating for years, and without the associated school use that was occurring there previously that was considered an accessory too, so the Department did finally make a move this past year to look at revocation of those permits, and quite honestly, in a contested case hearing, revocation proceedings would take a minimum of a year and a half to possibly two years, with the applicants right, should they choose to do so to appeal on up to the further court system, so Mr. Jung coming in here with a proposed stipulated agreement to end that within this calendar year is a much quicker resolution than what could get to contested case, which is why the Departments amendable to it.

Ms. Otsuka: It's nice for me to be able to see, so on page 5, it does state, tenant to cease the art gallery use on or before December 31st. 2023. So, it's nice for me to see, visually.

Chair DeGracia: Commissioners, any questions? Comments?

Ms. Streufert: So, the Department is in agreement with the stipulated?

Mr. Hull: Yes. I guess if there are no further questions for the owner's representative or the Department, it is an agenda item, we should ask for public testimony.

Chair DeGracia: Thank you, Ian.

Mr. Jung: Thank you.

Chair DeGracia: Is there anybody in the public who wishes to testify on this agenda item?

Mr. Hull: Sorry, we've been dinged enough by OIP.

Chair DeGracia: Hearing none. Commissioners, I'm willing to receive a motion for this agenda item, whether to defer it or to approve the stipulated revocation of use permit.

Ms. Otsuka: So, it's approve not accept? Approve?

Mr. Hull: Approve.

Ms. Cox: I'll make a motion to approve the stipulated revocation of Use Permit U-90-38 and Class IV Zoning Permit Z-IV-90-51 and Use Permit U-19-78 and Class IV Zoning Permit Z-IV-78-28, that was brought to us today.

Ms. Otsuka: Second.

Ms. Cox: Or do I have to say something else?

Deputy County Attorney Chris Donahoe: Just also the findings and facts.

Ms. Cox: Findings that support conclusions of law and decision and order Exhibits A through D.

Ms. Otsuka: Second.

Chair DeGracia: Okay, Commissioners motion is on the floor to approve the stipulated revocation of Use Permit and other stuff. We'll take a roll call vote, Mr. Clerk.

Mr. Hull: Roll call, Mr. Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioners Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair. 6:0.

NEW BUSINESS (For Action)

SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-10), CLASS IV ZONING PERMIT (Z-IV-2023-10), USE PERMIT (U-2023-7) to allow construction of public shared use path extending from Nawiliwili Park to Ahukini Landing and associated improvements involving a new comfort station, drainage ways, protective fencing and paved parking area, and SHORELINE SETBACK VARIANCE PERMIT (SSV-2023-1) to deviate from the shoreline setback requirement involving properties along makai side of the Lihue Airport, further identified as Tax Map Keys: 3-5-001:004, 005, 008, 009, 085, 092, 102, 128, 158 & 160; 3-7-002:001 (Por.) and affecting a total area of approx. 9.2 acres = **County of Kaua'i, Department of Public Works.** [Director's Report Received 4/25/2023.]

Mr. Hull: Before turning it over to Romio. We don't have anybody signed up; we closed the agency hearing but it is a separate agenda item. Is there any member of the public that would like to testify on this agenda item? Seeing none, I'll turn it over to Romio for the Directors Report pertaining to this matter.

Staff Planner Romio Idica: Aloha, Chair and Commissioners.

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

Mr. Idica: That concludes my brief summary of the Director's Report. Before I read the recommendations are there any questions from the Chair or Commissioners?

Ms. Streufert: I do have a couple of questions. This bike path which is something that we all would like to see completed, goes over very sensitive areas, pass very close to the airport, pass a radar surveillance, there's radar ESR, it's on page 24, and they have worked with the DOT, the FAA, as well as the TSA and air traffic control but is there any specific written document that says that all of these entities have agreed to this and that have agreed that this is not a safety issue.

Mr. Idica: We have not received any formal documentation from Dot Airports, TSA, or FAA. We haven't received any formal letters or comments. The applicant did however complete some meeting with DOT Airports and TSA, and they have some written comments from those agencies, but nothing formally written to the Department or the applicant.

Ms. Streufert: Because the radar station is apparently outside the perimeter of the airport, so it's not protected in any way, but the pull boxes are, or they will be modified so that they can be locked against vandalism and theft but there's nothing about the radar station that's out there, which I think is a pretty important piece of our safety, and while I don't think that...this is one of those issues where there's, I think a low risk right now, but a high consequence if something were to happen, but once this goes on to the internet and it will, once it becomes a bike path, there will be lots of people out there and there's no, I think protection right now for that radar station which is outside of that. Who has control of that when it is outside of the perimeter of the airport?

Mr. Idica: That I'm not sure. I would have to do some research and probably get back to you and the Commissioners.

Mr. Hull: We can also ask the applicant, if they can provide any further insight into that particular concern.

Ms. Cox: I have two questions. One of them is because we just got the Department of Waters comments this morning. I haven't seen them before and they did mention that there is no water out to the parcel and isn't going to be a comfort station at Ninini Point, can you just speak to that.

Mr. Idica: I would like to defer to the applicant regarding that and what source of infrastructure there is out there right now.

Ms. Cox: Okay, and then this one I think you can answer but I'm not sure, and that is the drainage 3 that's going to have the long bridge that is 25-foot deviation from what it should be. Is there any danger...I can't picture exactly where it is, but could you speak to the danger of coastal erosion.

Mr. Idica: Right now, the existing shoreline is a rocky shore, it's about a 50-foot-high cliff bluff, so, there is erosion, rocky shores are not indestructible. There is erosion but it's very, very minimum, unless there is a catastrophic event that would pull the whole cliff down to the ocean the Department feels because this is a public access area and yes, we do not take a deviation from our shoreline setbacks to kindly or easily, but we feel that it is necessary to place that bridge in that particular area because of the topography and the existing landscape to avoid any extra grating or excavation.

Ms. Cox: Okay, thank you, Romio.

Mr. Hull: I'll just add to that too because it's a good question, Commissioner and as the path gets expanded it's continuously one of our points of concern. When the original paths in Wailua and Kapa'a were built or even designed, the State of Hawai'i and definitely (inaudible) the County of Kaua'i did not have the studies concerning coastal erosion and sea-level rise at that time. Now having those studies, that path has been put in places that are extremely susceptible to coastal hazards, and there's definitely a good discussion and debate and dialogue that needs to occur around public facilities, proximity to the coastline versus private structures. Private structures close proximity to erodible shoreline that's just bad idea because they're going to have to seawall it and that will make a coastal beach access gone, but from a public facilities park aspect, the park itself, park facilities are intended to create close proximity access to what are sometimes, hazardous areas. Having said that though, your general park, you need to get those restrooms and park facilities close to the beach because that's why the people are going to go to that park, that's the purpose of the park. When you're looking at a bike path or multi-mobile path I should say, I think we definitely in reviewing these new applications, have learned our lesson from the original path, saying, yes, the path can serve a very wonderful public purpose, but having a path next to an erodible shoreline, a sandy erodible shoreline, you need to consider moving that path away so can address and accommodate that coastal erosion, so pretty much in the past five years that has been one of our key

focus. Luckily for this proposal there are not many sandy areas, really it's mostly all rocky shorelines, and like I said, those areas that the path is being proposed, like the previous one you folks reviewed last year as well as this one, our position has been, if it's going to be near a sandy shoreline, you need to be located at a distance that can accommodate for erosion without having to necessarily either remove the path and certainly not create a seawall to erase that beach.

Ms. Cox: Thank you.

Chair DeGracia: Commissioners, any further questions for the Department? No?

Mr. Hull: I'm not sure if you guys wanted to bring the applicant up for...

Chair DeGracia: Yes. We can have the applicant's representative.

Mr. Jim Niermann: Good morning, Commissioners. I'm Jim Niermann with R.M. Towill Corporation on behalf of the Department of Public Works. Should I launch in?

Chair DeGracia: Yes, please.

Mr. Niermann: Okay, didn't know if you wanted me to (inaudible) questions. Okay, see if I can share screen here and get this going. Fortunately, I get to spare you a lot of the presentation because Romio covered it. Here we go. So, as he mentioned, I'll kind of go through quickly through the first half of this then we can get to the need of the questions that we've been discussing. As he mentioned, we're Segment 6 of Ke Ala Hele Makālae and these are all of the segments, we're down here and our original scope of work, so we're focused in right now on Phase A of Segment 6. The original scope of work for Segment 6 is Ahukini to Nawiliwili Harbor to Līhu'e and the project purpose, obviously there are multi-fold to develop a multimodal path system to connect both regionally as well locally alternatives to internal combustion of automobile transportation, create a nice recreation amenity for both the residents and the visitors to Kaua'i to promote healthy lifestyles, to build island resiliency by providing this alternative mode of transportation or a infrastructure to support alternative modes of transportation and this speaks to the, right now as far as connecting these communities the highway doesn't have facility other than for internal combustion vehicle other than automobiles, so if you want to get from point A to point B, you're taking your chances or you're either brave, stupid, or skilled or a little combination of all three to navigate the highway to get through this particular 16-mile area. Then in addition on the subject of resiliency this may sound far fetched in some circles but in the potential future where we may have a more volatile energy markets where gas prices may compel more and more people who have already seen it quite a bit to get out of their cars or to make hard choices about transportation and having an alternative mode of transportation would support the resiliency to be able get from point A to point B without having to rely on an automobile or a gas powered automobile. This is our overall Segment 6, kind of our initial objectives. I'll kind of go through this. As you can see all the dash lines in there, that was a total scope of Segment 6 and we're focused in on Phase A, which this we might need to clarify a little bit because Segment E and F, I think, are not part of this application. That's why you don't see them on the screen here, I think, E and F we were initially considering including them, but those would have connected the back of the Kaua'i Marriott down to Nawiliwili Park, two separate sections here. So, everything in yellow here is what's being proposed to be developed by the county. The blue, that's Segment B and D, those will be developed by Timbers Resorts, so separate. And (inaudible) should be looking down here, hopefully the colors are coming through, but the blue highlight is the SMA area of the 17,000 linear feet of path that's within the SMA, about 8,000 of that is within the conservation district as well, and that's essentially stretching from right here at this point, which is the drainageway 3, where the new bridge is proposed, that prefabricated bridge. You can see the cursor here, so right here all the way to right here this is all the conservation segment. There are few places like in drainageway 4, it dips out a little bit, and I

think there's one or two others where the conservation line and the SMA line don't exactly align. Zoning, I know Romio mentioned, but we have a little bit of the blue down here is the Ag, Conservation is the yellow, we're actually all on the makai of Ahukini Road, down at Ahukini Point. We go into the IG STP zoning in the gray around the airport, conservation when we drop, dip back down into this parcel, which is county owned, and then once we leave the SMA, here, we're into open zoning. The SMA does not include, I just want to point out, doesn't include the very end of Ninini Point. That is outside of the SMA, and that's where it's the comfort station is proposed, but we will speak of that, we'll provide some more description of that. State Land Use Districts, so we're in urban, industrial, and Ag, there's a little bit of Ag down here, in the red, urban is the orange, I'm sorry red is conservation, urban orange, and then the green is Ag. Okay, back to this but we're gonna come back and rephrase this, I can come back to this if the Commission is interested. This is basically a timeline of the project, but I don't wanna get lost in the weeds of this, it's been a long process, we started in 2007. We have quite a few delays that we're mostly related waiting for the Federal (inaudible) agencies and State to work through the NHPA 106 process. Okay, moving down, so path improvements as you mentioned, we're proposing a 10-to-12-foot path wherever feasible and 8 feet where we're constrained, including across that prefabricated bridge. Some of the statistics up there that 17,000 linear feet within the SMA for Segment A, so the only two segments, I'll go back to this drawing, that are in the SMA, is Segment A, from Ahukini Point or Ahukini Landing up to Ninini Point and then a short portion, about 1200 linear feet is Ahukini Road, Segment G. The rest of Segment C, and the others are outside of the SMA. These are just some examples from the Lydgate Project of the type of improvements that are being proposed. The most substantial, probably improvements between Ahukini Landing and Ninini Point, setting aside the comfort station, would be interpretive signage, you know, the more kiosk type of signage, otherwise it's all either just path or more informational signage on poles, kind of like more utility signage. Bollards, so at four locations, actually, I think, might've had five locations, I apologize, confusing with drainageways. One of the issues that came up from day 1 of the project was access to the fishing sites along the shoreline, which are currently accessed by the dirt road, that public access dirt road that circles the airport, they're numerous roads, or just little turn offs that provide vehicle access almost down to the shoreline where people fish, so we're preserving five of those access points for motor vehicle access. All segments to the shoreline would remain open, and for the most part the path will be or actually entirely would be on the side of the makai side of that existing dirt road providing access so where are the driveways have to come across, we're proposing some type of bollard just to protect, prevent vehicles from getting onto the paved pathway, and just to protect the users of the path from motor vehicle traffic across the pathway and these are just some examples we understand those had to be designed to prevent easy (inaudible) I know those could get moved pretty. These are just a focus on the four drainageways, two of which are outside of the SMA, that's drainageway 1 and 2, starting on the north end. What we're proposing is to come up to the existing airport perimeter road and use the existing culverts. We've only done the preliminary alignment and the basis of design, right now we don't anticipate needing to widen those two culverts, but that's still a possibility that they would have to be widened to accommodate the path, looks like there's enough room in those two, and then once we're across them, we're diving up and down, basically getting right back to the shoreline as quickly as we can, and I'll come back to drainageway 2 and runway 21 in a sec. Drainageway 3 is where the bridge is proposed, a 140 foot bridge, so a couple of things that we're setting the location of that bridge, one, as Romio said, the primary reason is, where the topography, where the path wants to go or should go to minimizing the amount of grating, we are also aligning the path, one to get it as close to the shoreline as we could, so part of that was to move it as far away from the airport as we could, and this was in response to the comments from both the Federal Airport or Federal Aviation Authorities, as well as the State, and then also to, it kind of push down by the shoreline and then we pushed it back outside of the shoreline setback. Initially we had an alignment that was even closer to the shorelines, we moved that out of the setback. I think that the bridge was in the same place just because of the topography, but that's what you're seeing in the approximate location here. Of the bridge crossing, the existing dirt road access, there's another access road right here that's also used, so we're trying to stay away from that road as well, and then drainageway 4, we come up again outside of the 60-foot shoreline

setback and intersect with the existing dirt road, and the plan at this location, which is within the SMA, is to expand that road on the mauka side, either through a retaining wall or through embankment and then shift the road mauka and keep the pathway along the existing road alignment, and then drop back down closer to the shoreline as we proceed. These are just photos of drainageway 1 and 2, the crossings there, so it looks like there's plenty of room to accommodate both the path as well as the roadway. Just a preliminary schematic of the bridge abutments just showing a 140-foot range across, so as Romio said, about 75 feet setback from the certified shoreline, and we're at an elevation of about 55 feet above sea level with the abutments, so we're staying outside of the VE inundation and set pretty far back in terms of potential for effect from erosion. And drainageway crossing 4, this is what it looks like. This is the closest we get to the sand, and probably the biggest concern for erosion along this stretch of coastline. In the analysis that we did, and in talking to the folks at (inaudible) Chip Fletcher's crew, they didn't do an analysis of this segment of shoreline, it's generally considered to be stable as stable as shorelines come in the State. And then the sketch below in that drawing makai is on the top, mauka is on the bottom. The gray one here is the path, and that's following the edge of...so right at this point you can see the cursor there, that's where the existing culvert comes out, so be holding that line, not going any further makai of the exiting improvements and then shifting everything on the mauka side. And then just wanted to point out at Ninini Point, the lighthouse was proposed out there, this again, is a concept drawing, the design might look something different, but the comfort station is proposed to be located on a former site of the caretaker's house, where that existing foundation was, and then having some type of pave or gravel parking area and a turnaround. Everything in the light green there, is outside of the SMA, so most of that those improvements would be outside of the SMA, but that's what's conceived. The sketch below I think has been used in a couple of other segments. We know that this is one of the conditions, it was part of the NHPA 106 and the (inaudible) mitigation commitments by the county, was when it comes time to design a comfort station and develop the interpretative programming for that area, additional consultation will have to occur both with SHPD, Historic Kaua'i Foundation, Kaua'i Historic Preservation Review Committee, as well as the native Hawaiian organizations who expressed interest in participating, so that will be the outcome of another consultation process. And just for the record, also the mitigation commitments, both on that particular part of the development as well as an overall interpretive programming also require a consultation with those groups. Let's see, environment, I'll kind of go through this more quickly than it deserves, but we have, this is just an example of some of the fishing access that I mentioned here on the left. We do have the path crossing the stabilized slope, that portion that used to be a dump, that was then stabilized with geofiber/geotextile, and the path that's crossing that stabilized portion in this area, and then just an image of the rocky shoreline, this is pretty characteristic of the shoreline there. From this vantage, the path would be up above the top of the bluff here, this is more of a kind of a visual of the environment. Flora and fauna in the area there are numerous protected species, primarily (inaudible) fauna, but others as well. So, there are four that are in danger, the Nēnē, Koloa, 'Alae 'ula, 'Alae ke'oke'o, 'ua'u kani, oh no, I'm sorry, the 'ua'u kani is not. Those are all listed species, or they're not endangered, but they are listed and protected, and that's the wedge-tailed shearwater, the petrel, Newell Shearwater, also the Hawaiian hoary bat as possible, monk seals, we know pull up on the sand pocket beaches, green sea turtles and hawksbill turtles as well. There was no endangered flora found in the area and there's no critical habitat identified according to both DLNR and Fish and Wildlife Service and no (inaudible). So, the mitigation, though, is essentially for the Nēnē and the shearwater nesting that's at the south end of the runway, kind of between Ninini Point and the Timbers Resort, is to fence that area off to prevent dogs on the trail from accessing the ground nests, and then also there would be no lighting other than at the comfort station and any lighting would be shielded and angled downwards, so the normal mitigation for shielding, lighting, and other than that, it's limited to informational and interpretive signage for the echo environmental resources and ecosystem function there. Historic and cultural resources, there's quite a bit on this coastline. So, there are approximately, depending on how you break them up, from the clusters, but there are approximately 25 total in the area. Within our Phase A area. Nine of those were considered significant and five were recommended for particular mitigation, the remainder where it was mostly the significance was for data recovery, but the highlighted ones here, which are identified

here, consisted of a (inaudible) in placement, there were two terraces, habitation, identified as habitation areas, there are rock terraces, and there was one potential burial site, and the background in the burial site was it was a mounds of stones, 'ili'ili stones, the initial interpretation by the field archaeologists was either a push pile or potential burial, and it was treated as potential burial and the mitigation commitments follow through on that. The subsequent interpretation right now is that that might have been an overzealous interpretation, but nobody knows, but the recommendation was to pull the recommendation for a burial treatment plan and preservation, not make it a requirement, and to avoid that site altogether, but these are specifically identified in the mitigation commitments to avoid these by some distance between 20 and 50 feet, and that's what's showing in the path of alignment here. Let's see, Maintenance a Monitoring, probably well known to you, but Public Works and Parks and Rec would be responsible for maintenance of the path and then security the DPR Park Rangers, and then HPD would be called in if necessary, and then DLNR in and around the airport, the Federal agencies as necessary, and then overall construction costs within the SMA it's about, I'm gonna say, 6 million. I'm squinting, yes, and just shy of 13 million outside of the SMA, for a total just of 19 million is the estimated construction costs for this Phase A. I already talked about path benefits. So, I want to go back and just talk quickly, well not quickly, but speak about the airport, the airport concerns. Okay, so early in the process, we had, we did have meetings with TSA, FAA, Air Traffic Control, DOT Airports, Homeland Security, they were all part of the consultation for this is as we were preparing EA. The concern that they had was, of course, proximity to the airport and proximity to the navigational aids. Their request was to stay as far away from those as possible, for the navigational aids, he said, 200 feet if you can, which is what we tried to do by moving the pathway in certain locations. There was also, I think, DOT Air initially the state DOT Airports, initially said, avoid using the airport perimeter road, and it was avoid it, if you can, stay away from it, if you can. They prefer that, for us to stay off of it. They subsequently, just recently, the alignment you see here, they approved in the form of a right of entry agreement, so that is an executed document that has this path alignment where we touch on those two drainageways, 1 and 2. Come back up, so they're good with this alignment. Generally, those agencies, not just generally, but specifically and generally they were supportive of the project, TSA in particular, their opinion was, if you put the path there, you're gonna have more good people in the area with smartphones, keeping an eye on things, so that was the response that they had. We have the meetings notes documented in our correspondence back to them we did get a response from FAA and the ATC, the Air Traffic Control saying no further comment. We didn't receive any final comment from the TSA Homeland Security or, actually DOT we've been working with them continuously through this, so as far as the impact, I think the main concern was out at Ninini Point, here I think the...sorry it's not showing too well on here but this is actually the path, so somewhere back up in here, I think we're closer, we maybe a little closer than 200 feet to the radar at the end of Ninini Point, but that was also part of the discussions with the DOT Air and with Air Traffic Control, and FAA, that this is where the path has to go because we have a pinch point in this location, and they understood that, they just said, stay as far away from those features as you can. With that I'll just save a breath, pause and happy to answer any questions.

Ms. Cox: What about the water at the comfort station?

Mr. Niermann: Oh, yeah, you're correct, there is no water system out to the comfort station, so the comfort station, the furthest we got in concept was either, it would at least be composting toilets, or a new water line would have to be brought in from Ninini Point Street, so that would be determined during design.

Ms. Streufert: I have a question about security, you were saying, with the ASR. You have a security that's around the pull-boxes.

Mr. Niermann: Yeah.

Ms. Streufert: But nothing around the ASR, which is the Airport Surveillance Radar, and you said you're about 200 feet away from it, is that correct?

Mr. Niermann: Yes, that was the distance that they were desiring that we be from that.

Ms. Streufert: You've talked to all of these agencies in consultation, but do you have anything in writing from them that says that they agree with this, or they approve of it?

Mr. Niermann: We don't have a...only from the FAA and ATT and ATC, so from the Federal...DOT Air only...let's see...we don't have something that says like, we agreed with this precise alignment. We do have the letter from them that was in their comments on the EA, and then we have the executed right of entry for this path alignment.

Ms. Streufert: How long would it take to get a written agreement from them or a written approval?

Mr. Niermann: From DOT Air?

Ms. Streufert: From all of these people and to include Homeland Security and KEMA, for instance, I would think would have an impact on this too, and the reason for saying is because in the State of Hawai'i there are very few airports that are above sea level, Kaua'i is one of the only ones in the whole state, so if anything were to happen, Kaua'i would be the entry point, and yet we're not securing this to the point where the surveillance radar is protected. I understand that more eyes in this area are good, I kind of get that, but the problem with it, is that once this is identified on the internet, and it will be because it's very beautiful and you have done a really good job of presenting all of the good points about or the scenic points about it, it will be on the internet, and there will be a lot more people there who we would not know, who they are or anything like that. Right now, it's primarily for locals that go through there, but when it gets opened up we have no clue, and frankly, I'm a little concerned only because of what I've read about people having all of these TikTok challenges and everything else, and maybe it's overblown, I'm not sure because I'm really not on to the social media, but even one, it's called a low risk. Sorry about that, but even one, all it takes is one right, when you're on the other side of it, when you're on the protective side of it, you have to be vigilant all the time for anyone who wants to create havoc, it only takes one time. So, it's a low risk, but a high consequence of anything where it happened to that radar station or anything else. Is there any mitigation plan for that radar station, or even for the lighthouse for example, has been thought of, like you've done it for the pull-boxes, and how long would it take to get a written approval from all of these agencies to approve the pathway? And the reason for asking this is because I really don't know enough about this, but I do know that there could be security risks and I would like to make sure that everyone who is involved in this has approved it before we get to the point where we are approving it because we're not the experts on this.

Mr. Niermann: So, to answer your question directly about how long, I don't know because...

Mr. Hull: Sorry, if I could just briefly interrupt...if you wouldn't mind stopping share screen and we can turn on our video, sorry. Go ahead, sorry.

Mr. Niermann: I was gonna say, I don't know how long that would take, because all the agencies, even in any given season, they have different speeds with which they respond. DOT Airports has been excellent in this past year in working through the right of entry, and then signing off on the application form which they have to do as the landowner or the authority with control over those lands. So, we and as far as getting an official approval letter we kind of assume we have that by the no objection, by the no further comment from FAA and ATC, as well as the right of entry that the airports approved, that DOT Air approved because they go through their internal review as well for issues of security and the fact that it's a

public access now so we were improving the security of that. I know, your point is well taken though, it'll be on the internet, there's good to be much increased traffic that won't just be, you know, the people who can access the bumpy dirt road, you know, and handle that, so if yeah, so, that I guess the response is I don't know how long it would take, it definitely would take some time, it might go very quickly, or it might get, you know, bogged down. I know when we did the initial consultation with those agencies we started at the Summer of 2008 and concluded in May of 2009, so it was a little less than, it was about eight months maybe getting them all together.

Ms. Streufert: 2008 to 2009 is what, 15 years ago.

Mr. Niermann: Yeah.

Ms. Streufert: Conditions have changed since then in terms of the internet and what kinds of risks that we take. Is there any plan to get the approval from these agencies? It's different to have a consultation, because you have different kinds of people at table, and then when you have to have approval and a written document, you've got an official seal that says we have seen this and we approve it, and that's very different from saying in a meeting, yeah, sounds like a good idea.

Mr. Hull: I'll just interject real quickly to Commissioner. I definitely hear the concerns being raised, but also to raise that, they may not legally be able to get approval from some of these agencies in that, say the Department is consulted on an array of different issues, if it's not an actual application and it's a property owner, the Planning Department could never say, we hereby approve of this project, and so, some of these agencies that are being listed may have internal mechanisms that say they can't use the phrase approval, but I think to your point, though, that if there's a desire to specifically list this concern about public access or proximity to sensitive assets that that could possibly be highlighted and transmitted to these agencies. But I just wanted to raise that, he may not be able to get an actual approval letter.

Mr. Niermann: I also just wanted to add on to make the point, that it wasn't just a simple, informal consultation sounds good, and nobody disagreed, and the donuts were delicious. It was more formal than that, and those consultations, this was the consult early and often. That was a very diligent effort to, as a foundation for our EA, our 343 EA, so as we went through that process, it was long time ago, 2008, 2009, the final EA didn't get published till 2017, and I hope I'm not digging myself a hole about these timelines, we can go back to that to that one. When the final EA was published, it was also, of course, distributed to those agencies specifically because of their involvement in the development of the plans and the plans responded to their comments and their input by shifting the path by adding certain features, so there's a lot of diligence involved in that through the final EA. The final EA didn't document any objections or concerns, and it was consistent with the concerns that they initially raised, and our responses to those concerns.

Ms. Streufert: So, who owns the ASR?

Mr. Niermann: Actually, I don't know. It's either FAA or ATC, but I think the land it's on, it's under DOT's jurisdiction.

Ms. Streufert: I'm not really concerned about the land so much as I'm concerned the safety and security because it is a radar station for the airport.

Mr. Niermann: Yeah, then it's FAA and Air Traffic Control are the two that...

Ms. Streufert: If we were to defer this until you had some, at least a written either agreement, doesn't have to be approval, but agreement or something like that, would that set you back?

Mr. Niermann: It would, yes. Right now, the project is Federally funded, and the Federal Highways Administration is carefully watching the schedule. The project was delayed for quite a while as, and I can go back to that, to that timeline slide, if anybody wants to, and a lot of that had to do with just the coordination among the agencies to get through, the first hold up was NHP issues, back in 2012, related to Wailua and other areas that required Federal level guidance to trickle down to Federal Highways to then to come down to the State and the County, and then there were other delays that related to that same process they were procedural, at any rate because of those delays Federal Highways was very concerned about further delays to the project. I know DPW was concerned about Federal Highways saying this project is gonna forever be stuck and they would then ask for the funds that they've contributed to the project back and the County would on the hook for reimbursing the Federal government, Federal Highways Administration. I know that's not a sound basis for doing planning to say we're just a we're not gonna fulfill something, if we were to delay by six months or eight months, I know it would be a tremendous concern, and would cause ripples back to the Federal Highway folks that are overseeing this, and the State folks that are overseeing the, that their funds are being channeled through, so I don't know if there's a way to crafted it as a condition that would be my first, you know, hope or plea, that is was a condition of the SMA, but then that goes back to the Director's concern that what is it that we can expect to get from those agencies, is it just, no objection? You know kind of...is something more formal of a no objection versus a, we approve or some type of design review. Ordinarily projects around the airports, if you have vertical structures, there's a preconstruction evaluation form that you have to submit to the FAA, and then they take into account all of the aspects of impacts and navigation. It's mostly on navigation, I'm not so sure about security actually (inaudible). Anyways, so that'd be, my plea would be to try to advance it and maybe craft a condition if that's at all possible.

Ms. Streufert: If one were to voice this concern would that, would the Departments preference be for a condition or a deferral. Until there's not approval necessarily but at least an agreement from these different agencies.

Mr. Hull: You know the Department would have no problem with, say a deferral for, say, a month or two, I'm not sure that addresses the applicant's timeline. I know, 6 to 8 months is very concerning to them. The other option that I just quickly jotted it down, a possible condition, of course I'm not sure if it gets to Commissioner Streufert's concerns or might be overly burdensome to the applicant's process, but I can read it out for discussion purposes.

Ms. Cox: Let's hear it.

Mr. Hull: Prior to building permit approval, the applicants shall secure affirmation from the FAA and the ATC, otherwise Air Traffic Control, that security of the radar site will not become compromised by the proposed project.

Ms. Streufert: Could we include DOT as well as Homeland Security? And whatever, I think those are the only agencies, correct? DOT, TSA, FAA, Air Traffic Control those are the ones that were listed in your application. This is not to say that I disagree with this, I do agree with this whole concept, I like the idea of a bike path, just not really sure about security and for me that's one of the primary concerns because we are part of public safety as well as building and zoning permits.

Mr. Niermann: I don't mean to treat your comments lightly at all, either or to, of course I've got a (inaudible) that's wishing things for, of course, but also, you know, our ethic on this has been diligence all the way. One of the things we're trying to good to hear to, and I know that's been a little bit, I won't say tattered, but the amount of time it's taken to get through is, you know, time marches on, so we do want to do the right thing to do this correctly. While you were in the executive session, I was speaking to the young family from Hanamā'ulu, who testified earlier, about well, are you here to oppose the bike path, or

the subdivision, and they raised their concerns about bike paths, in general, you know it's all kind of part of the same parcel, and I was like, okay, how do I soothe my conscience tonight, this particular project, at least we're somewhat fortunate in that location, and that we don't have the same level, there's a lot of history there's a lot of archaeology, but we don't have the same level of sensitivity as other segments of the path. The land that the path goes through is either State owned or it's County owned, and that County parcel along the shoreline was fortunately the county saw the value of that when we started the project that was owned by product developer and the county was able to trade, and transfer that land and acquire it to keep it as undeveloped park land, so we don't have that kind of development pressure. The concern that they raised was, first come the paths, then come the hotels, and that comes all the stuff that builds up alongside of it, and then pretty soon you don't recognize your neighbor anymore, so there's still concerns that they raised about the path, some of which we heard through the process about access to fishing, over burdening of resource in the area. Security didn't come up for the airport, but that was one that it's most definitely a valid concern. So, that's balanced against the opportunity to create, you know, a beneficial public infrastructure, public resource, and that, you know those decisions are always fraught (inaudible).

Ms. Streufert: There's no perfect decision on this thing. It's just, but there are alternate paths I think that could be taken, that would be going through that area behind the Marriott or Sonesta or whatever it's called now, (inaudible) that way, so I'm not sure it has to stop, it's just a question of, from my perspective, it's just a question of security.

Mr. Niermann: Okay.

Ms. Cox: Was that condition that Ka'aina just read. Was that something that you would be able to live with or not?

Mr. Niermann: As far as getting affirmation from those agencies, I think we can go back and see what they're able. Yeah, my only concern would be, can we over promise something that they can deliver, but as far as going back and getting confirmation of those agency (inaudible).

Mr. Hull: Yeah, I jotted down a few more and I'm not sure if it's amenable to Commissioner Streufert's concerns, but I jotted a little bit more down, so I can read it further. And the only reason I jotted down when we were going through this, no objection interpretation is as a county agency, our Department gets queried a fair amount to make determinations above and beyond what we legally or even policy wise are comfortable affirming and so, we do get requests ad nauseam to go beyond no objection and my statement in a lot of these projects to the staff is, that's all this applicant is getting, we're aware of the project, if we had objections we would object, they're not getting a letter of support from us, they're not getting a letter of robust recommendations or acceptance of it, we have to take in to aspect, among other things, various liabilities that our statements can make, and so sometimes I'm just trying to put myself in, can he get what's being asked of, there are many times our Department is like, no all you're getting is no objection, sorry, take it or leave it, and so anyways, I've crafted up what may be amenable, I'm not saying that it is necessarily what we're recommending, but as a possible path forward. Prior to building permit approval, the applicant shall secure affirmations from the FAA, the ATC, DOT Airports, TSA, and Homeland Security that security of the radar will not be compromised by the proposed project. Followed up with, no communication received from any of these agencies within 60 days, shall be consider a no objection, and the permit may proceed, and the applicant may proceed to building permit review.

Ms. Streufert: Could we include in that not just the ARS, but the airport security? In there, that they are...

Mr. Hull: DOT Airports. So, I have FAA, ATC, DOT Airports, TSA, and Homeland Security.

Ms. Streufert: No, I meant to...you're talking about protecting the ASR.

Mr. Hull: Oh, sorry.

Ms. Streufert: ASR and airport security.

Mr. Hull: The security of the radar and the ASR?

Ms. Streufert: Yes, and also could this be a written affirmation as opposed to a telephonic affirmation or email whatever...

Mr. Niermann: Email is...

Ms. Streufert: Whatever is written, there's a signature on that that says, we have seen this, and we've approved it.

Mr. Niermann: Okay.

Ms. Streufert: We've noticed it, we've looked at it, and on the basis of the security.

Mr. Hull: Prior to building permit approval, the applicants shall secure written affirmation from the FAA, the ATC, the DOT Airports, the TSA, Homeland Security, that security of the radar and ASR will not be compromised by the proposed project. No communication received by any of these agencies within 60 days, shall be consider no objection, and the applicant may proceed to building permit review.

Mr. Ornellas: Yeah, I think it's encouraging that none of these agencies have objected. They're well aware of what's happening.

Mr. Niermann: Yeah.

Mr. Ornellas: I think, and I think in a climate of heightened security, they would simply close the path.

Ms. Cox: Yes.

Mr. Ornellas: That's my own opinion. I mean, that whole coastline, I recall when they were lined with pillboxes, left over from World War II, that entire stretch, so, it is a sensitive area, no question about it. But I think the fact that none of these agencies objected is indicative of their level of concern.

Mr. Niermann: They certainly wanted to make sure that in the event of an incident and then in just case they were talking about a malicious incident, that we have the ability to lock down the path or to gate the path, and so at those points of connection with the roadway, that was where they identified the gates to be placed, so that was part of it. But yeah, that's reactive. I know you're suggesting proactive.

Ms. Streufert: Proactive.

Mr. Niermann: But yeah, they're aware of it. We may have had just half leverage that, you know represented on the folks, it's a pretty extensive number of people that were in those meetings, and there was that general sense, I don't know overstate it, but it was a real general sense that pretty more good people in the area was the benefit, the security.

Mr. Ornellas: My concern when the stretch from Kapa'a heading out to Kuna Bay, my concern was one of security, see you gonna have people walking on this path there's no where around it, there's some lonely stretches, which I use the path, and I was presently surprised that there were no incidences. I think the good drives out the bad in this case.

Mr. Niermann: I will say, outside of Phase A, sorry to prolong the meeting, initially when we were looking at the entirety of Segment 6, we were looking at an alternative to go up Nawiliwili Stream all the way to here, and so we basically trespassed our way up the stream and then we have one meeting, we had a public meeting where we heard a little bit of feedback, that we contacted all the owners on that stream, and we tried the idea of, well you're worried about bad things happening, you know, more good people on the path, they weren't buying it in that case, and we abandoned that approach, but I'm a believer that probably in certain contexts, maybe going through jungle and forest not as much security benefit, but I think in these wide open spaces there's stuff that I know TSA wasn't happy that was happening down there right (inaudible) time we were meeting with them anyways around the airport. So yeah, that condition would be acceptable. I mean, I'm sure that would be alright.

Mr. Hull: Without any (inaudible), I know Romio has proposed conditions of approval, it's been a long day, if you'd like him to read each and every single one of them or have them accept it as part of the report, I think we have just for the record the last condition of approval be added as I read on to the record, as a recommendation to this body.

Ms. Streufert: (Inaudible, microphone not on). I move that we accept the planning Department's recommendations, with the additional condition.

Chair DeGracia: Before I move forward, is there anybody in the audience that would like to testify on this agenda item before we make a motion?

Mr. Ako: Mr. Chair, can I ask one question of the applicant? I'm so sorry. This is not a sensitive topic at all, and not technical in anything, but the vision is to create this to connect with the existing path that's there right now.

Mr. Niermann: Yes, yes, and it's also like each of the segments, I think, and this one probably more so than the others are also envisioned as stand-alone segments, if that makes sense. But yes, the envision was that it creates regional corridor all the way up to Anahola.

Mr. Ako: So, this will eventually connect up to, down by Lydgate Park, that walkway there.

Mr. Niermann: Yeah, exactly.

Mr. Ako: My question is, what is that theory about starting from, I don't want to tell you my age and all of that but (inaudible) the Honolulu viaduct, as they're doing. They're starting from two different ends and then they meet six feet apart at the top. What is the theory about starting, effect rather than expanding from what we have, that's starting from one end and trying to eventually connect up at the other end.

Mr. Niermann: Various series, but sorry, there's a really good book called The Power Broker, that it's like all the dirty tricks of planning, but this is not necessarily a dirty trick, I shouldn't characterize it that way. It's a great book, not to learn dirty tricks, but just to see how things get, anyways I'll shut-up. The theory is that you start with the least critical segment, and then you work towards the most critical, because as the project goes it builds momentum, and then you can't but built that last segment because you needed it to make all the rest of it activated. That's the theory. The stock gap on that, a lot of it has to do with Federal Highways and DOT and the concept of segmentation, and that's embedded also in the 343 block you know, you can't segment a project to seek it through, you have to look at the totality of environmental impact. But if that project has the kind of language we use, is it has its own utility, has its standalone function, it has a logical terminus, so if you build it in isolation of all the other stuff, it still has value, it still has, it still has its own utility and that's essentially how these larger regional kind of projects are, they have to be conceptualized or conceptualized both for funding for both (inaudible) getting through the

(inaudible) getting through the 343, but from the from the dirty tricks perspective, it's okay, you start with the one that is going to the least controversial, that it kind of builds a...

Ms. Streufert: Least resistance.

Mr. Niermann: Yeah.

Mr. Ako: So, that window you talk about the six-to-eight-month period regarding the putting the Federal funds in jeopardy at that point.

Mr. Niermann: So, I don't want that to be considered a hard, fast date. The concern has been so, we were delayed in getting the EA published, and that was held up that for the NHPA 106, getting through that. It wasn't that the conditions changed, it wasn't that the consultations, you know, were controversial and mired in any issue, it was just the bureaucratic process of going between State agency, the Federal agency, and every time we get to a point where one of the agencies is ready to move on the action, there were personnel changes, and so a new set of eyes wanted to revisit it and so that was just dragged out ad nauseum, and Federal Highways even though they were a party to some extent, they were also looking at it saying, hey we're funding this thing, you had a schedule, could the county commits in the schedule and in the contract. You said it was going to be done here then it gets delayed, and there's good rationale, and so they improve that they approve it, so, it's just that, since when you look at that timeline from 2007 to now, and what are the things that are holding it up? What can we control to move forward? We know that just in general, not on this particular subject of six to eight months, but they really been holding the DPWs feet to the fire on the schedule and we're living and dying by the schedule now, so there are monthly reports, back to Federal Highways, how's it going? How are we moving forward? And that the concern like right now the county is requesting an extension of that schedule, and every time that, you can't take it for granted that there's gonna be another extension, at any time they could, you know the forces that be at the Federal level, in Washington, or wherever could pull the plug on the project so, we're just being very sensitive to the amount of time, you know, we're up against right now to complete the project, to commit the funds under the current commitment that the County has to Federal Highways, so six to eight months because I was just fine tuning the schedule, and they're saying, we want you to try to squeeze another three months out of it, we want you to shorten it, try to finish this and get the commitment by the end of 2024. They're still trying to squeeze blood from a stone, so to speak, in compressing processes that I just from experience, I know they take a lot of time, and on paper, yes you could compress it, but your practice doesn't always work that way right, so if they're asking me to compress four months and now, if I say it's gonna be another eight months or we're gonna push out six months or eight months then I know that that's going to translate up to with some concern from the County, and I'm not the one communicating directly with Federal Highways, this is the County, the County reps and the State reps. I hope that answers, I hope I didn't say too much to get myself in trouble.

Chair DeGracia: Any further questions for the applicant? Thank you. Please state your name and you have three minutes.

Mr. Kaniela Matsushima: Aloha, my name is Kaniela Kaleikaumaka Matsushima. Thank you for having me to speak on this issue. I didn't know in depth to what this bike path was until, and I'm just hearing his side of it, and what's gonna to come about it, and his. I have a few concerns, I think we should just make aware of, is I grew up on that coastline, I fished my entire life on that coastline. That's probably one of the most dangerous coastlines, I think, on the island, beside the Nāpali, just mainly because that's eastside always catch that, it's always rough and we always like pick opihi on that side and there's a lot of opihi because, I just gave away the spot, but a lot of opihi because only the experienced people that know the area or can go there, because it's very dangerous and I think just having that bike path there would access, the public have access to now would have access to, and majority of the people that use that bike path are

visitors, tourists that come here, and they may not know how dangerous it is, and then you know they might go down there to some selfies at the last rock on the bottom and they get swept away and that's just a liability and more, just dangerous to people in general. So, it is open to fishing and gathering rights, but there's only a select few people that actually go there because it's dangerous, but this bike path would actually change the subsequent part of the traditional, native Hawaiian practices if this bike path does go through there is also a lot of houses and people that live there that actually some of them are my ohana and they were displaced from other areas that they were from and they just kept moving around, and I think, just kicking them out of some place, and then they having to find somewhere else not really a solution to it, so I think you have to take that into account. I'm not sure if any of you ever been on that coastline before, but it's like it's really dangerous, and there's like maybe two beaches there and those beaches are rarely open like, sandy area, they're normally underwater. There's a lot of big boulders that are loose and I just foreseeing this, I can just imagine people like tourists come here and want to come and enjoy that place, or just local people that never in the area want to go out on the rocks and get hurt, or worse. There's a lot of iwi kupuna in the area, regardless of the plantation area, they're a little deeper. So, that is a main concern. There's the beach line that he's talking about, Nukoli'i area, there's like numerous articles and research on it, that there's burials all throughout that area. I've been on burial sites of desecration, I just don't want to see anymore, so I think there, kind of need to thread lightly on it, but at the same time, know what's at play before we actually make decisions on going forward with this, so I think just the demographic of who you (inaudible) actually use the bike path. I know he mentioned that he used the bike path, but I never used the bike path in my life.

Mr. Hull: Three minutes.

Mr. Matsushima: And I don't see myself using it. Oh, three minutes, okay. But I think we just need a look at the demographic of who uses the bike path, and we'll see, I'm just gonna put out there, probably about 80% is not from here and we can see all the tourists that go to the companies that rent those bicycles out, so they will actually make their way to those spots which is actually dangerous. Mahalo for your time and thank you.

Mr. Hull: Thank you.

Chair DeGracia: Thank you. Any further testimony? Hearing none, recommendation?

Mr. Hull: Well, we gave the recommendation, and we stand by it, I'm not sure if you wanted to bring the applicant up to address any issues that was raised by testimony (inaudible).

Chair DeGracia: Okay.

Mr. Niermann: As far as response is known, (inaudible) I didn't wanna speak for you up here with the other concerns that you raised, and I don't have a probably satisfactory answers that will satisfy the main concern. Our approach then for issues of danger along the shoreline would be essentially information, signage, warning signs, but we wouldn't seek to block people from accessing off of the bike path, it would make it more accessible, certainly, so I think the, there's no curing stupid and it's that, sorry that was really glit making it glib an issue, but I'm just thinking about the blowhole on Oahu, and the guy from California who though it'd be great to straddle it and get a picture and he ended up inside of it, and dead and then the family wanted to put a grade over it, you know, so there's a certain amount of personal responsibility that's required and certainly signage the only tool in our toolbox along the shoreline there, possibly with the addition of (inaudible) there was, and this is outside of what we're proposing, but (inaudible) or konohiki system of lining people on the path and their behaviors on the path, so that's one thing. The houseless in the area, that is, that is a concern. It was a concern from day one of the project that was brought up and I recall, saying, in the first public meeting is, that's an issue that's much larger than

the bike path to solve, and then just an encouragement to solve it with compassion, and not just treat it as what it is in our process is an nonconformed land use, and when we get to the conservation district use permit process which would be the next step after this, it's going to be an issue right? So, they're looking at it as nonconforming use, clean it up. What are you going to do to take care of that? And then all the other agencies that have a role in that, from DOH, HPD, Health and Human Services, take a part in that that's outside of DPW's kind of mandate, so, I don't have an answer for that other than the use down there is one of things that puts more of a face on it is, the idea that if these families are displaced from Hanamā'ulu and now they're getting pushed over there it's not just an assemblage of the homeless kind of faceless down there family members, so there really needs to be a community response, and I don't mean to wash my hands with it's lighter than this project, because this project is going to shine a light on it, and I think that the resolution of that will, it will have to come up or it will come up at some point before project construction and ground breaking. It will probably be, or maybe continued, as a condition of some, or a way to address it as a condition in the CDUP, but that's something that we'll have to collectively look at. Iwi kupuna in the area, very good point, and there's the stuff we know and there's the things that we don't know, you know we've done the AIS, we did find that one rock mound that appeared to be, or potentially could be, a burial, and so we avoided it. There was some view by the archaeological consultants, that that rocky shoreline is not, certainly not, as it's nice as the (inaudible) sands or I shouldn't say as nice but as typical of burial sites, as the (inaudible) sand deposits that are really prevalent along other segments, so we have the usual conditions of, if anything is discovered, if any artifacts, or iwi kupuna are encountered during construction then everything stops and the perfect consultations take place. What we do know about through that area, were mitigating through avoidance and through signage or through and interpretive program. I think one of the other differences is all of these mitigation measures, are evolving from a planning perspective, from a community perspective, generationally becoming more aware of the language I was using when we were discussing a little bit of this earlier was treating historic properties and sites as something of an artifact or more than artifact, and the way that you do that then is you bring in the community, that knows that the practice is as part of the program, in that conversation that we were having there's (inaudible), yeah there's a whole lot of models, there's a whole lot of personality driven ideas about it, but there isn't a simple solution on how to make it more than the interpretive programming that and are familiar with, signage maybe (inaudible), and then encouraging more practices in those locations. And then on the demographics, as a planner, kind of, I think, professionally obligated to like every bike path I see, and that's true to some extent, so in this case it is. I'm not from Kaua'i and I would use it as a visitor, but I also view it as for those issues of resiliency of providing an alternative to the automobile for people who either can't afford it or in the future may not be able to afford it or in the event that there is destruction to the roadways from natural or manmade events, there's redundancy, I think those are all valid reasons from that broader planning horizon or planning perspective, so the demographics it's probably very true that it's mostly visitors coming right now, for people recreating on it, locals recreating in there. But, going back to, if you build it, they will come, and you know, hopefully, it will become the beneficial infrastructure that the community, to the community that it was originally to be. My sermons over.

Ms. Cox: I have a question, but I think I already know the answer to it, and I guess for both of you, Romio as well. So, no one's ever done a study on who's using that bike path because from my...I use it, and I see an awful lot of local families using it. I'm not saying there aren't tourists out there, too, but I see a lot of local people using it, so your statement of yeah, it's probably mostly tourist, I don't know if that's true, and I don't know if we're not keeping track of it, we don't know that.

Mr. Niermann: Thank you for challenging me on that because I don't know what I'm talking about on that.

Mr. Hull: Yeah, I would say, I agree with this team as well. Once that connection is made, and it is primarily a recreation (inaudible) right now, it is, hands down. One of the concerns, when we were

watching it and understand that Public Works and Parks are going to have to figure out is once that connection is made to Līhu'e, there is no cure to the Kapa'a crawl coming. There isn't. It is anticipated that, either slightly or drastically the amount of traffic that will not be commuter traffic on that asset will change. How you navigate that with the advent of ebikes, and the speeds that they can go, and co-existing with recreational purposes is something that's gonna to have to be navigated. But yeah, that is something that's being anticipated with the connection between essentially two residential/work areas.

Mr. Niermann: Just want to say, Kaua'i it seems more than most places to have the ability to integrate that infrastructure, integrate that facility with the community more, and what I mean by that is these concerns that were raised, there's no perfect project, there's no satisfying everybody, but some of the concerns could be mitigated, certainly with, and I was thinking about Lydgate when we started this, that segment of Lydgate with the park and everything that was grassroots all the way, that was taking ownership of the project in that area, and the vision was very much alive, is we can do this rather than this is being imposed from the outside and this is something disrupt what we've, what's familiar and the things we cherish, so making it an asset through not just building it, and then, you know, letting it go, but trying to program it in addition to building it and programming with, you know, the voices of the residents in guiding the programming. Words are cheap, words are easy, I can sit up here and (inaudible), but that's just more of a, there's an extra need to make a facility like that function for a community by...I'll just use the word programming it again, there's whether it's adopting a segment, whether it's, you know, having, yeah, I mean, I like the idea of a konohiki system in there. My only concern was, when we had that discussion, I don't know if you could get the folks in that particular moment to agree on who would be at the top of the heap.

Ms. Streufert: There is a condition in this application, recommendation no.2, which is about archaeological findings and, so I think hopefully that will mitigate some of the concerns that have been expressed because you may other things, you may not.

Mr. Niermann: Sure.

Ms. Streufert: If something is found then it will be protected.

Mr. Niermann: And to the other point that was raised earlier outside the hearing here, was that there are two heiau now along that segment, there's Ninini Point and there's Ahukini. I don't think anybody's even sure where Ahukini Heiau is, some people maybe sure but I know on the archeological inventory survey it was either somewhere in the middle between Ahukini Landing and Ninini Point or it was up above Ahukini Landing where the refinery and the train rails were in. So, but the absence of the material remains of those sites doesn't diminish the significance of the site to the kānaka maoli community and people understand it, so again, going back to how do you create something that's not just an artifact and a sign saying, here once stood "X" and it's like, wow try to envision it, that's valuable in its own right, but, I'm getting into some kind of...the people that know and having a voice in the programming of the use of the facility. Gotta get creative. I don't have any answers. We're processing permits and coming up with designs and things, but I think, speaking of those values, we have not (inaudible) to use is important.

Chair DeGracia: Thank you, Commissioners. Anything further? Any questions for the Department or applicant? If not, I'll entertain a motion.

Ms. Streufert: I put a motion; I think on the table (inaudible).

Chair DeGracia: Oh okay. Motions on the floor.

Ms. Streufert: To approve, or to accept the proposal recommendations of the Department. To include as amended with the additional condition.

Chair DeGracia: Okay.

Ms. Cox: And it was seconded.

Chair DeGracia: Okay. Motion on the floor is to approve with the amended conditions. We'll take a roll call vote, Mr. Clerk.

Mr. Hull: Roll call, Mr. Chair. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner Ornellas?

Mr. Ornellas: Aye.

Mr. Hull: Commissioners Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Aye.

Mr. Hull: Chair DeGracia?

Chair DeGracia: Aye.

Mr. Hull: Motion passes, Mr. Chair. 6:0. Moving on into, we have no further executive session. Agenda Item N.

ANNOUNCEMENTS

Mr. Hull: Topics for Future Meetings. We are anticipating the next meeting actually not being as listed June 13th, but actually on June 27th. We actually have a fairly light, I really shouldn't use that phrase. We have a limited number of agenda items, I think, one of them, which is going to be a subdivision, also a meet the condition of approval of one of the Class IV in south Kaua'i, Class IV Zoning Permits, and then today was tentatively scheduled for the Housing Directors briefing before the Planning Commission, ultimately with the calendars of various State and county officials, including but not the limited to the Mayor, Governor, the Lima Ola groundbreaking was scheduled for today, so the Housing Director, wanted to apologize for not being about to make that briefing but he is set tentatively to appear before us on June 27th to give his housing briefing. And that's what we got a nutshell coming up, if anything you folks want to schedule, by all means let us know or the Chair, or the attorney's office.

Ms. Otsuka: So, confirming, no meeting on June 13th.

Mr. Hull: Right now, we say tentatively, unless we receive something in the next week or two that necessitates from a timeline standpoint, we have to schedule that meeting. Right now, tentatively there's not anticipated to be a meeting.

Ms. Otsuka: Okay, how will we be informed? Shan will email.

Mr. Hull: We'll let you know within a week whether or not (inaudible). I don't want to say the likelihood given the way today's meeting went, so just...but that's all we have.

Chair DeGracia: With that, I'll entertain a motion to adjourn.

Mr. Ornellas: So, moved.

Ms. Streufert: Second.

Chair DeGracia: We'll take a voice vote. All in favor say aye. Aye (unanimous voice vote). Oppose? Hearing none, motion carries. 6:0.

Chair DeGracia adjourned the meeting at 12:22 p.m.

Respectfully submitted by:

Lisa Oyama

Lisa Oyama,
Commission Support Clerk

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

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

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Attorneys for Respondent
 PLANNING DEPARTMENT OF THE COUNTY
 OF KAUAI

BEFORE THE PLANNING COMMISSION
 OF THE COUNTY OF KAUAI

In the Matter of:)	TMK: (4) 2-8-021:078
)	
)	
Special Management Area Use Permit)	STIPULATION REGARDING SMA USE
(SMA(U)-2023-9) to allow construction of a 5)	PERMIT SMA(U)-2023-9 AND
feet high entry gate, water feature, and)	CONSTRUCTION OF A 5 FEET HIGH
associated improvements within the private)	ENTRY GATE AND TO VACATE
road right-of-way serving the Makahuena)	CONTESTED CASE HEARING;
Estates Subdivision in Po'ipu, situated along)	EXHIBIT "A"
the makai side of Pe'e Road and)	
approximately 60 feet south of its intersection)	
with Pe'e Road, further identified as Tax Map)	
Key: (4) 2-8-021:078, containing a total area)	
of approximately 0.946 acres,)	
)	
MAKAHUENA-PREFERRED A, LLC et al.,)	
)	
Petitioners)	
)	
vs.)	
)	
PLANNING DEPARTMENT OF THE)	
COUNTY OF KAUAI,)	
)	
Respondent.)	
)	

F.1.a.1.
 August 8, 2023

**STIPULATION REGARDING SMA USE PERMIT SMA(U)-2023-9 AND
CONSTRUCTION OF A 5 FEET HIGH ENTRY GATE AND TO VACATE
CONTESTED CASE HEARING**

IT IS HEREBY STIPULATED by and between Petitioners MAKAHUENA-PREFERRED A, LLC et al. (“**Petitioners**”) and Respondent PLANNING DEPARTMENT OF THE COUNTY OF KAUAI (“**Department**”) (collectively the “Parties”) that:

- 1) This Stipulation addresses Special Management Area Use Permit SMA(U)-2023-9 and Petitioners request for construction of a 36’4” wide x 5’ high automated entry gate, associated water feature, and attendant 5’high x 5’4” wide pedestrian entry serving the Makahuena Estates Subdivision in Po‘ipū, situated along the makai side of Pe’e Road and approximately 60 feet south of its intersection with Pe’e Road, further identified as Tax Map Key: (4) 2-8-021:078, containing a total area of approximately 0.946 acres (“**Proposed Makahuena Gates and Water Feature**”).
- 2) The parties wish to settle the pending Contested Case hearing concerning the Proposed Makahuena Gate.
- 3) Subject to the following provisions, the Department agrees to recommend approval of SMA(U)-2023-9:
 - a. The Proposed Makahuena Gates and Water Feature shall be transparent and not opaque to minimize the potential visual impact as detailed in the Director’s report;
 - b. The Proposed Makahuena Gates and Water Feature shall remain open daily from sunrise to sunset. Also, signs shall be posted noting that the gate shall remain open from sunrise to sunset;
 - c. Signs shall be posted warning the public regarding the potential impacts of having dogs off leash in the Makahuena Estates Subdivision;
 - d. The Proposed Makahuena Gates and Water Feature shall not be higher than the surrounding rock wall to minimize the potential visual impact as detailed in the Director’s report;
 - e. The Petitioners shall work with the Kauai Fire Department to reconcile and address any potential negative impact on access by Emergency Services caused by the Proposed Makahuena Gates and Water Feature; and

f. The Petitioners shall submit to the Kauai Planning Department for approval the architectural renderings for the Proposed Makahuena Gate attached herein as Exhibit "A".

- 4) The Parties respectfully request that the Contested Case Hearing in this matter be vacated.
- 5) The Parties agree and understand that the terms and conditions of this Stipulation are subject to approval by the Planning Commission.

SO STIPULATED:

DATED:

8/1/23


CHRIS DONAHOE

Attorneys for Respondent
PLANNING DEPARTMENT OF THE
COUNTY OF KAUAI

DATED:

8/1/23


JODI HIGUCHI SAYEGUSA
Deputy Planning Director

DATED:


7/14/27


MAUNA KEA TRASK
CADES SCHUTTE
A Limited Liability Law Partnership

Attorney for Petitioners
MAKAHUENA-PREFERRED A,
LLC et al.

DATED:

7/12/23


MAKAHUENA-PREFERRED A,
LLC et al.

f. The Petitioners shall submit to the Kauai Planning Department for approval the architectural renderings for the Proposed Makahuena Gate attached herein as Exhibit "A".

- 4) The Parties respectfully request that the Contested Case Hearing in this matter be vacated.
- 5) The Parties agree and understand that the terms and conditions of this Stipulation are subject to approval by the Planning Commission.

SO STIPULATED:

DATED: _____

DATED: _____

CHRIS DONAHOE

JODI HIGUCHI SAYEGUSA
Deputy Planning Director

Attorneys for Respondent
PLANNING DEPARTMENT OF THE
COUNTY OF KAUAI

DATED: _____

DATED: _____

MAUNA KEA TRASK
CADES SCHUTTE
A Limited Liability Law Partnership

MAKAHUENA-PREFERRED A,
LLC et al.

Attorney for Petitioners
MAKAHUENA-PREFERRED A,
LLC et al.

SO APPROVED:

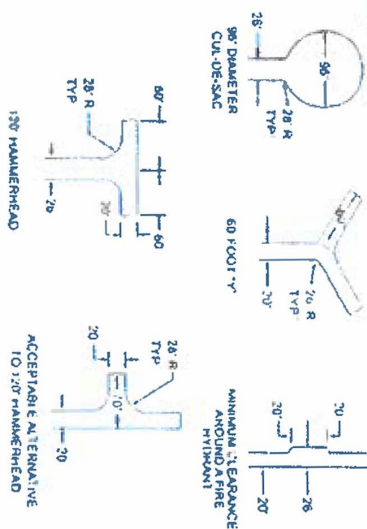
DATED: _____

FRANCIS DEGRACIA
Chair of KAUAI PLANNING COMMISSION

EXHIBIT “A”

[illegible]

to provide a more balanced view of the world. I have
 written *China's 100 Moments* to encourage visitors to
 the country to see the country in a more balanced
 perspective. — **Wang Kang**



SP01

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Architect for Applicants,

PERALTA, BENSON C. Fee Owner

PERALTA, ARCELIE A. Fee Owner

BEFORE THE PLANNING COMMISSION

OF THE

COUNTY OF KAUAI

In The Matter Of The Application

Of

BENSON C. PERALTA and ARCELIE A.)
PERALTA, Fee Owners, for a Special)
Management Area Permit, for real property)
situated at Kapaa, Kauai, Hawaii, described)
as Lot 5-B Kapaa Town Lots, identified by)
Kauai Tax Map Key No. (4) 4-5-012: 048.)

) SPECIAL MANAGEMENT AREA PERMIT
) SMA(U)-2023-_____

) SPECIAL MANAGEMENT AREA
) USE PERMIT APPLICATION: EXHIBIT
) LIST; EXHIBITS "A" - "I"

F.2.a.

AUG 08 2023

SPECIAL MANAGEMENT AREA USE PERMIT

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APPLICATION

Comes now, Benson C. Peralta and Arcelie A. Peralta, Fee Owners, Applicants in the above-captioned proceedings, by and through its architect and authorized representative, hereby submits the following Application for a single family residence and associated improvements on the property.

SECTION 1. APPLICANT/SUBJECT PROPERTY/OWNERS.

1.1 Applicant. The Applicant is Benson C. Peralta and Arcelie A. Peralta, husband and wife. The Applicant has authorized Nalani R. Mahelona, Architect to file this Application pursuant to the Applicant's Authorization attached hereto as Exhibit "A".

1.2 Subject Property. The property which is the subject matter of this Application is a portion of Lot 5-B Kapaa Town Lots, which contains 0.0579 acres (2,520 square feet), and is identified by Kauai Tax Map Key No. (4) 4-5-012: 048 ("Subject Property"). A legal description of the Subject Property is contained in the Deed attached hereto as Exhibit "B".

1.3 Ownership. The Applicant is the owner of the Subject Property, as shown in the Deed attached as Exhibit "B".

SECTION 2. LOCATION LAND USE DESIGNATIONS OF PROPERTY.

2.1 Location. The Subject Property is located in Kapaa, Kawaihau, Kauai, Hawaii, and is shown on the Location Map attached hereto as Exhibit "C-1" and on the Tax Map attached as Exhibit "C-2". Territory Of Hawaii Registered Map No. 2450 of Kapaa Town Lots is attached as Exhibit "C-3".

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

a. SLUC. As shown on the State Land Use District Boundary Map attached as Exhibit “C-4”, the Subject Property is located in the SLUC Urban District. The subject Property has been located in the SLUC Urban District since the inception of the SLUC Districts.

b. Kauai General Plan. As shown on the General Plan Map attached as Exhibit “C-5”, the Subject Property is located in the Kauai General Plan Neighborhood Center. The Subject Property was recently designated from the Urban Center to the newly created Neighborhood Center Designation in the Update to the Kauai General Plan (2018).

c. CZO. As shown on the CZO Map attached as Exhibit “C-6”, the Subject Property is located in the CZO General Commercial District. The Subject Property has been located in the CZO General Commercial District since the adoption of the CZO.

d. Development Plan Area. The Subject Property is located within the Kapaa-Wailua Special Planning Area “C”, as shown on the CZO Map attached as Exhibit “C-6”. The Subject Property is located in the High Risk Flood Zone and the Extreme Tsunami Evacuation Zone, as shown on the East Kauai Hazard Map (2018) attached as Exhibit “C-7”. In the future, the Subject Property will soon be part of the East Kauai Development Plan.

e. Special Management Area. As shown on the Special Management Area Map attached as Exhibit “C-8”, all of the Subject Property is located within the Special Management Area (“SMA”) of the County of Kauai. The Subject Property has been located within the SMA since the adoption of the SMA Rules (December 17, 1979).

f. Shoreline/Shoreline Setback Area. The Subject Property is not shoreline property however is located within the 500-foot shoreline setback threshold. The applicant will apply for a shoreline setback exemption. The subject property will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. There are a total of four properties between the subject property and the shoreline. At the shoreline, there occurs an existing seawall.

g. Heritage Resources. As shown on the Heritage Resources Map attached as Exhibit "C-9", the Subject Property is located within the East Kauai Planning District Boundary (Updated to the Kauai General Plan, 2018).

h. Violations. There are no known violations on the Subject Property. There exists two sheds on the Subject Property, one of which a lean-to encroaches the north neighboring property, as shown on the Topographical Survey Map attached as Exhibit "D-1".

2.3 Prior Land Use Permits. The Subject Property is not subject to any prior land use permits and conditions.

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

3.1 Past Uses. In the past, a service center once occupied the Subject Property. Owned by Kazu Morita, it is unknown when the service center was built. (See Exhibit "E" for Real Property Tax Card.) According to a community member, the service center was destroyed during Hurricane Iniki. In 1992, as shown in Exhibit "G-2", a letter from the Hawaii Department of Health refers to an Underground Storage Closure Report prepared by Nexus Environmental Group, Inc. regarding the removal of two 1,000 gallon gasoline underground storage tanks (USTs). In 2000, the Solid and Hazardous Waste Branch reviewed the report and concluded that

the closure and site restoration of the former USTs indicated no evidence of petroleum contamination from the tank or piping system.

3.2 Proposed Use. The proposed new dwelling will serve as a long-term rental and is being built for Benson and Arcelie Peralta. The owner understands that residences are a valuable asset to the community.

3.3 Existing Structures. There are two existing portable storage sheds on the Subject Property. There are no known permits for the existing sheds. The sheds have existed prior to the owner's purchase of the property. The owner plans on removing the sheds prior to construction of the proposed new dwelling. There also occurs an existing 4-foot high wooden fence along the north and east and southern property lines. (Refer to Exhibit "D-1", Topographic Survey). The owner plans on removing the fence prior to construction of the Project.

3.4 Land Coverage. The total allowable land coverage of the Subject Property is 2,268 square feet, which is 90% of 2,520 square feet. Currently, the concrete pad which once housed the service center covers approximately 900 square feet and asphalt covers approximately 200 square feet, resulting in approximately 1,100 square feet of land coverage. The existing portable sheds are situated over the existing concrete and will be removed prior to construction. After completion of the Project, the total land coverage will be approximately 2,206 square feet, which is 88% lot coverage. (Refer to Exhibit "F-2", Lot Coverage Calculations). The applicant will build over the existing land coverage. The proposed 2,206 square foot lot coverage is allowed pursuant to CZO Sec. 8-6.3(g)(2).

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

4.1 Location. The Subject Property is located in the northern portion of Kapaa Town near the Kapaa Neighborhood Center and Ke Ala Hele Makalae bike path. The northern

property line runs along Kuhio Highway. The southern portion of the Subject Property is approximately 250 feet from the ocean.

4.2 Surrounding Uses. Adjacent to the rear property line and south property line of the Subject Property are existing dwellings. The property adjacent to the north property line of the Subject Property resides a two-story restaurant. Across the highway is a shopping center with retail, a veterinarian and a business center. Other uses in the surrounding area include lunch wagons, office buildings, a community park, a public pool and a hotel. There are no Natural Area Reserves or Wildlife Refuges or Sanctuaries within or near the Subject Property.

SECTION 5. PERMITS REQUESTED AND REQUIRED.

5.1 SMA Use Permit. The development and construction of the following proposed improvements on the Subject Property (the “Development”) will take place within the SMA:

- a. New Dwelling Unit. The proposed single-family dwelling unit is to be the first dwelling unit on the Subject Property. (Considered Development for SMA purposes). (See, attached Exhibit “F-1”).
- b. New Concrete Driveway and Driveway Approach (Considered Development for SMA purposes). (See, attached Exhibit “F-1”).
- c. New Concrete Sidewalk at front of the property and New Permeable Gravel at rear of property (Considered Development for SMA purposes). (See, attached Exhibit “F-1”).
- d. Related site utilities including County Water service, Electrical and Telephone service, and County Sewer service.
- e. New 8-foot high Privacy Wall at the rear property line. (See, attached Exhibit “F-1”).

Such activity will constitute “Development” as defined by the Special Management Rules and Regulations of the County of Kauai (“SMA Rules”). The total value of the Development in the SMA exceeds \$500,000. Therefore, the Applicant is requesting the Planning Commission to issue a SMA Use Permit (as defined in Section 7.3.C. of the SMA Rules) for the Development. The proposed new single-family dwelling unit (2,206 square feet of land coverage) will include five (5) bedrooms and eight (8) bathrooms. The new single-family dwelling will be three stories with an attic. The first floor will be used as an open parking garage. With the exception of the required fire walls at the northern and southern property lines, all other walls perpendicular to the storm surge shall be considered breakaway. The rear privacy wall shall have flood vents. The Development will comply with all floodway and ocean surge design requirements.

SECTION 6 IMPACTS OF DEVELOPMENT.

6.1 Botanical Resources and Wildlife. The Subject Property is located in Kapaa Town amongst multiple land uses and is not far from the ocean. The Subject Property is relatively flat and currently has a coconut tree, areca palms, papayas, spider lilies, bermuda grass and non-native shrubs weeds. No impacts to botanical resources and wildlife are anticipated due to the mixed uses of the surrounding area.

6.2 Historical Resources. The Subject Property is not a “Historic Property” as defined by HRS Sec.6E-2.

6.3 Air Quality/Noise. The Development will have little or no impact on the air quality and ambient noise levels in the area. Air quality and ambient noise levels may be affected at a very minimal level during the Development activities. All vehicles or equipment used by the Applicants for the construction will be properly muffled, housed and maintained to

reduce noise impacts or emission impacts. The Environmental Protection Agency (EPA) and State of Hawaii air quality standards will not be exceeded.

6.4 Flooding and Drainage. The proposed Project is within Flood Zone AE, with a base flood elevation of 8.0 mean sea level (msl), as shown on the County of Kauai's flood insurance rate map (Flood Insurance Rate Map 1500020204F) attached as Exhibit "C-10". The Subject Property is located entirely in the Flood Zone AE and the Project will meet all of the requirements of the FloodPlain Management Ordinance of the County of Kauai, as contained in Chapter 15, Article 1, of the Kauai County Code, 1987. All drainage resulting from construction activities and from the increase in land coverage will be retained on site and subject to best management practices. No additional drainage is anticipated to significantly or negatively impact the surrounding properties.

6.5 Utilities.

a. Potable Water. The Applicant will apply for Water Service for the Subject Property from the County of Kauai, Department of Water. An application for a new water service request shall be approved and certificate of completion of the new water meter shall be obtained prior to Building Permit approvals for the Development.

b. Electric/Communications. The Applicant currently obtains temporary electric service from Kauai Island Utility Cooperative, and the Applicant shall apply for communication services from either Spectrum or Hawaiian Telcom, Inc. An application for a new electric meter will be obtained prior to completion of the Development.

6.6 Wastewater Treatment and Disposal. The Applicant will apply to connect to the public sewer system and will obtain approval from the County of Kauai Wastewater Division prior to Building Permit approvals for the Development.

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

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

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

b. Schools. The closest schools are Kapaa Middle School located near central Kapaa Town, and Kapaa Elementary School and Kapaa High School, both located at the north end of Kapaa. The Project will not generate any significant additional enrollment.

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

a. Jobs. The Project will result in the creation of approximately six (6) temporary job positions (during construction).

b. Housing. The Project will not result in the need for additional housing, as all persons working on the Project will be Kauai residents.

c. Property Values. Since the fair market value of real property is based on the value of the land and physical improvements, the completion of the Project will increase the value of the Subject Property. This will result in an increase in real property taxes on the Subject Property, and increase revenues to the County of Kauai.

6.10 Population. The Project will not result in an increase in population.

6.11 Traffic Circulation. The major road which services the Subject Property is Kuhio Highway. The Project will distribute access to the Subject Property to a single driveway but will not in and of itself increase traffic on the roads.

6.12 Heritage Resources. The Subject Property is located within the East Kauai Planning District Boundary (Updated to the Kauai General Plan, 2018). The Heritage Resources of Kauai include natural, cultural and scenic resources. The proposed Project will not significantly affect any of these resources.

SECTION 7. SLUC CONSIDERATIONS.

7.1 SLUC Urban District. The Subject Property is located within the SLUC Urban District. Permitted uses in the SLUC Urban District include residential uses.

SECTION 8. GENERAL PLAN CONSIDERATIONS.

8.1 Kauai General Plan Neighborhood Center Land Use Designation. The Subject Property is located in the Kauai General Plan Neighborhood Center Land Use Designation. As stated in the Kauai General Plan (2018):

“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 Project’s Compliance with Kaua’i General Plan Standards. The proposed use of the Project is residential, the total height of the building is three (3) stories with an attic and the

project is considered detached, thereby complying with the Kauai General Plan Standards for Neighborhood Center. The development itself will have no significant impact on the surrounding environment as the project is compatible with other uses in the area, as well as with the surrounding environment. As such, the Project complies with the Kauai General Plan (2018) policy in that it helps to identify existing developed areas and lands appropriate for future development. In addition, the project compliments the following action objectives of the Kauai General Plan:

“To develop town centers as attractive places to work, live, and play. To develop compact, walkable communities consistent with the Future Land Use Map. To increase housing opportunities for low- to moderate-income households. To support mixed use, higher density, and walkable development in existing towns.”

8.3 Project's Compliance with Kaua'i General Plan's Goals and Policies. The proposed Project is in alignment with the following goals and policies of the General Plan, which emphasize resilient, healthy, and equitable communities:

(1) Section 1.3, entitled "Visions and Goals"

(1a) Goal #3: "A Healthy and Resilient People" -The General Plan's Goal #3 seeks to "increase the resilience and vitality of Kauai's communities and promote better health outcomes through improving the natural, built, and social environment". The proposed Project plays a vital role in providing Kauai's community with a healthier built environment through revitalizing towns and encouraging affordable housing. The proposed project will set precedence in its adaptability to the Sea Levels Rising and therefore is an integral component in the community's resiliency.

(1b) **Goal #4: "An Equitable Place, With Opportunity for All"** -The General Plan's Goal #4 aims to “foster diverse and equitable communities” which includes providing “access to jobs and housing, and a high quality of life.” The general plan recognizes that Kaua’i’s high cost of living has pushed local families away from Kaua’i. Reversing this trend includes “encouraging and celebrating diverse, mixed income neighborhoods.” The proposed project aims to provide housing that is adequate through it’s’ proximity to the town center, which directly provides access to essential services, transportation and opportunities for recreation and enjoyment of shared spaces. The proposed residence in maximizing its floor area promotes the General Plan’s policies that will help Kaua’i provide housing and resource opportunities for all families, including multi-generational families, and supports opportunity to all of Kauai’s people from keiki to kupuna.

(2) **Section 1.4, entitled "Policies to Guide Growth"**

(2a) **Policy #1: "Manage Growth to Preserve Rural Character"** - The General Plan's Policy #1 highlights the importance in preserving Kauai's rural character by appropriately designating “where urban uses belong in order to better preserve agricultural lands and open space.” The proposed project occurs within the North End of Kapa’a Town and is compact and walkable, therefore the project promotes the preservation of, and does not negatively affect, the rural character of the island.

(2b) **Policy #2: "Provide Local Housing"** - The General Plan's Policy #2 aims to provide “affordable housing while facilitating a diversity of

privately-developed housing for local families.” The policy also emphasizes the “extraordinary urgency” to provide affordable housing for local residents. The proposed residence could help relieve the demand for housing that would bear on the local housing market and should be considered a key component as one of the 9,000 housing units that the County plans to help facilitate by the year 2035. The cost of the project per square footage averages to approximately \$110 per square foot, which is substantially lower than the average cost of a typical residence in a rural community. This key factor provides the opportunity for the owner to construct an affordable house for rental to a multi-generational family and therefore fulfills the County’s policy.

(2c) **Policy #3: "Recognize the Identity of Kaua'i's individual Towns and Districts"**- The General Plan's Policy #3 points out that Kaua'i's towns are “distinct, each with its own character” and the uniqueness must be “celebrated” and “protected”. The proposed project is consistent with the unique character of other structures within the vicinity, and the design standards of the Kapaa-Wailua Special Planning Area “C” have been implemented to maintain such character.

(2d) **Policy #4: "Design Healthy and Complete Neighborhoods"**- The General Plan's Policy #4 promotes “access to jobs, commerce, transit, and public services” as a means to support healthy and complete neighborhoods, amongst a nation and state that is significantly impacted by health problems such as obesity and diabetes due to the “increasing levels of sedentary lifestyles”. The subject property is within the Neighborhood Center Designation area and the

proposed residence compliments and accentuates Kapa`a Town as a Healthy and Complete Neighborhood which is “safe and convenient to walk, bike, or take transit” which allows residents to increase physical activities on a daily basis, thereby reducing health risks. Walking, biking, and taking public transportation also protects the environment by reducing emissions and the need for costly expansion and maintenance of services and roads.

(2e) **Policy #5: "Reduce the Cost of Living"**- The General Plan's Policy #5 points out reducing the cost of living through “providing a diversity of housing types and affordable transportation options”. The proposed project is directly accessible to the County Bike Path and the Kauai Bus and therefore is aligned with the General Plan’s promotion of transportation accessibility.

(2f) **Policy #13: "Complete Kauai`i’s Shift to Clean Energy"**- The General Plan's Policy #13 seeks to “Mitigate climate change and reduce carbon emissions” through “reductions in energy use and by transforming electricity and transportation systems toward the use of clean energy”. The proposed project will include an accessible roof deck, which will give the opportunity for the owner to construct solar panels as an energy alternative. In addition, the proposed project’s proximity to biking, walking, and public transportation will directly assist in the County’s goal of reducing carbon emissions and thus reducing carbon footprint.

(2g) **Policy #14: "Prepare for Climate Change"**- The General Plan's Policy #14 urges the County to “Prepare for impacts to the island economy, food systems, and infrastructure that will be caused by climate change”. Sea level rise

(SLR) is considered and mandated in the design of the proposed project through the General Plan and the Special Management Area. The proposed project has been designed to accommodate the predicted three feet sea level rise in addition to complying with the coastal hazards regulations. The ground floor parking area is elevated to accommodate flood hazards. The upper roof deck will give the opportunity for the residence to grow food as a supplement, should vegetative food sources be compromised in the future.

(2h) **Policy #17: "Nurture Our Keiki"**- The General Plan's Policy #17 points out the necessity for "actions to promote education, housing, and economic opportunity" in order to "keep our keiki from permanently moving away from home." The proposed project will promote multi-generational housing for a local family, and therefore supports the nurturing of our keiki.

SECTION 9. CZO GENERAL COMMERCIAL DISTRICT CONSIDERATIONS.

9.1 CZO General Commercial District. The Project site is located within the CZO General Commercial District. Uses in the CZO Commercial District are set forth in CZO Article 6, which provides in relevant part as follows:

ARTICLE 6. COMMERCIAL DISTRICTS (C)

Sec. 8-6.1 Purpose.

- (a) To designate areas suitable for commercial and public or private business activities distributed so as to supply goods and services to the public in a convenient and efficient manner.
- (b) To relate commercial and business activities to established or projected transport, utility and community patterns so that they may contribute to the general health, safety and welfare of the public.
- (c) To assure that commercial and business development and uses will not detract from the environmental qualities of the surrounding areas.

9.2 Project's Compliance with CZO General Commercial District Standards. The Subject Property zoning of General Commercial allows for residential dwellings, attached, detached or multifamily via a Use Permit per 8.2.4(1)(12) of the County of Kauai Zoning Ordinance. The distance of the building from the right-of-way line of the public street is five (5) feet, which is the minimum in the Commercial District. The distance of the building to the side property line is zero (0) feet which is the minimum distance for adjacent use districts of commercial. The distance of the proposed dwelling to the rear property line is six (6) feet and the minimum distance of the building to the rear property line with adjacent use district of commercial is zero. The proposed driveway width in the Commercial District is at the minimum fourteen (14) feet for one-way traffic. The land coverage on the Subject Property will not exceed the allowed 90% land coverage. All uncovered areas shall be landscaped with living plant material. Therefore, the project will comply with the CZO General Commercial District Development Standards per Section 8-6.3.

SECTION 10. KAPAA-WAILUA DEVELOPMENT PLAN CONSIDERATIONS.

10.1 Community Plan Goals and Objectives. The Kapaa-Wailua Development Plan Ordinance supplements the Comprehensive Zoning and Subdivision Ordinances in regulating use and development within the area of the Subject Property. Section 10-1.3 (d-e) of the Kapaa-Wailua Plan Ordinance states the guidelines which are relevant to the Project. The Project is intended to be a long-term rental property that maximizes the potential of the limited area of the site. The Project is compatible with the environmental, social and cultural needs of the Kapaa-Wailua Development Plan area in that it strives to protect the physical and social characteristics of the surrounding area within the intent of its design.

10.2 Project's Compliance with Development Plan Standards. The Project is a single-family residence which is allowed in the Kapaa-Wailua Special Planning Area "C", per the allowed use in the General Commercial District. The total height of the building is three (3) stories with an attic and will not exceed forty (40) feet, plus fifteen (15) feet at the sloped roof. The roof colors will not be reflective and the exterior building colors will be submitted to the Kapaa-Wailua Improvement Advisory Committee and the Planning Commission for approval. Therefore, the Project will comply with the design standards and guidelines of the Kapaa-Wailua Special Planning Area "C" as stated in Section 10-1.3(e)(2)(A-C). The Subject Property is located in the 3.2 foot anticipated sea level rise area and is therefore subject to the new Special Treatment Coastal Edge overlay within the Kapaa-Wailua Development Plan. The proposed Project complies with the new Special Treatment Coastal Edge overlay in that the first level is free of living area, constructed with breakaway walls and stairs, and allows only parking and limited storage to occur.

SECTION 11. SMA CONSIDERATIONS.

11.1 Recreational Resources. The project will not adversely affect coastal resources uniquely suited for recreational activities that cannot be provided in other areas. The Project will rather provide direct access to said resources by allowing the residential use immediate access via walking distance to such resources as the bike path, fishing, swimming, surfing, and similar. The project will not replace or obstruct any coastal recreational resources as the Project site is nested within other sites of similar uses. Such resources of recreational value are not adjacent to the site itself, though are close in proximity. The proposed dwelling may expand recreational use of the shoreline lands, as residents of the proposed rental will have easy access to fishing, surfing, beach-going and swimming. There are a total of three (3) properties between the Kapaa

Neighborhood Center Park and the Project site. At approximately 150 feet, a total of two properties away, lies the County of Kauai Bike Path. Further south at approximately 900 feet away is the Kapaa Beach Park. There is no existing public access to the shoreline near or on the property, therefore the proposed Project will not affect any public access to recreational resources.

11.2 Historic Resources. The project site is not within a Federal, State and/or County designated historical or cultural district. The Project site is not listed on or nominated to the Hawaii or National Register of Historic Places. Since an archaeological survey has not been conducted for the project site, there are no submissions to the State Historic Preservation Office for review and recommendations for the Project. As shown in Exhibit "D-2", a perimeter survey was conducted on December 3, 2018. The survey has not revealed any information on historic or archaeological resources. The Project site is not within or near a Hawaiian fishpond. The Project is not located within or near an historic settlement area. In addition, the Project is not located within or near any cemeteries, burials, heiaus or the like.

11.3 Scenic and Open Space Resources. The Project site does not abut or affect a valued scenic resource or landmark within the Special Management Area. The neighboring two-story residence towards the south of the property and a single story residence towards the east of the property towards the ocean already hinder direct views of the coastline. There are no landmarks adjacent to the Project site. The proposed Project does not affect existing shoreline open space and scenic resources. The bike path eastward of the property ensures that existing shoreline open space and scenic resources in the area are preserved now and in the future. The Project does not involve alteration to natural landforms and existing public views to and along the shoreline. The Project is compatible with the visual environment. Located within the center

of the northern part of Kapaa Town, the Project compliments the mix-stories and mix-styled structures within the area. The Project involves the construction of a structure visible between Kuhio Highway and the shoreline. However, the shoreline is not currently visible from the highway. The structure is visible from the highway only and the Project site is approximately 248 feet from the shoreline.

11.4 Coastal Ecosystems. The proposed Development will not generate point or nonpoint sources of pollution that will affect the coastal ecosystems. The Project site is not a habitat for endangered species of flora and fauna. Previously a service station site, the site is currently occupied by a coconut tree, areca palms, papaya, spider lilies, bermuda grass and non-native shrubs weeds. The construction of the single-family residence and privacy wall will not adversely affect valuable coastal ecosystems of significant biological or economic importance. There are no proposed stream diversions, channelization or similar land and water uses for the project. Therefore, the Project will not disrupt or degrade coastal water ecosystems.

11.5 Economic Uses. The Subject Property will be developed for residential purposes. The proposed Project will create short term economic benefits associated with the construction of the improvements. The proposed Project will not have any negative impacts on the economy.

11.6 Coastal Hazards. The Project site is within a potential tsunami inundated area as depicted on the National Flood Insurance Rate maps (FIRM). The Project site is also within a potential flood inundation area according to the FIRM. The Project site is within the coastal floodplain zone AE, with a base flood elevation of 8.0 msl. The proposed elevator shaft will be designed with Flood Resistant Design and Construction in accordance with ASCE 24-05. The proposed stairs and lower level walls that are perpendicular to the shoreline shall be constructed as "breakaway walls". Therefore, the proposed project will comply with the design and

construction guidelines set forth by FEMA in accordance with the National Flood Insurance Program. The Project site and nearby shoreline areas have not experienced shoreline erosion. At four properties over, at approximately 248 feet eastward, occurs an existing man-made seawall along the existing shoreline. According to the Hawaii Shoreline Study web map, the annual shoreline erosion rate is -2.7 ft./year, or 2.7 foot per year accretion. The National Oceanic and Atmospheric Association Sea Level Rise Viewer predicts sea level rise to inundate the Subject Property by year 2100 based on a 3.2 foot increase in the sea level. (See, Exhibit "G"). The average life expectancy of wood-framed residences is seventy (70) years. Therefore, NOAA does not model any impacts to the proposed Project by sea level inundation.

11.7 Managing Development/Public Participation. The Project activities on the Subject Property are complementary to, and consistent with, present and future coastal zone developments in this area of Kauai.

11.8 Beach Protection/Marine Resources. The Project will have no impact on any shoreline or beach areas given the distance from the shoreline area, or on any open space areas along the shoreline. The Project will not involve any development within the beach or coastal area which would have any negative impact on marine or coastal resources. The Applicant is not aware of any existing fishponds. There are a total of four properties between the Subject site and an existing man-made seawall along the existing shoreline.

11.9 Value of Development. The Development involves activities with a value more than \$500,000.00. The value of the improvements defined as Development is estimated at \$600,000.00 as shown in the Construction Estimate, attached as Exhibit "H".

11.10 Compatibility With Surrounding Uses. The Subject Property is surrounded by properties located within the SLUC Urban District and the CZO General Commercial District

Kapaa-Wailua Special Planning Area "C". Uses on the surrounding lands include residential and commercial uses. The Subject Property is similar in topography, character and nature with adjacent and surrounding properties and the Project activities are consistent with such surrounding uses.

11.11 Project's Impacts Within SMA. The Project on the Subject Property will have no negative impact on the SMA. The Project is and will be compatible with existing uses in areas on or around the Subject Property. The Project will not negatively impact scenic or open space resources within the SMA. The Project will not increase runoff or otherwise endanger the coastal ecosystem. The Project will have no detrimental impact on recreational, historic, or economic resources. The Project will not have detrimental impacts on beach or marine resources. Approval of the Project will not result in the foreclosure of future management options for development in the area. The design, siting, and landscaping of the Project as proposed will ensure that the proposed Project recognizes, preserves, maintains and contributes to the characteristics of the surrounding lands which are recognized to be of particular significance or value to the general public. In particular, the Project will be compatible with, and will protect the unique natural forms and biologic systems contained within, and aesthetic characteristic of, the SMA.

11.12 Project's Compliance with SMA Standards. The Project activities on the Subject Property within the SMA fulfill the provisions of the SMA Rules in that:

- a. The Project will have no effect on public access to publicly owned or used beaches and recreational areas.
- b. The Project will not detrimentally affect any wildlife or endangered plant or animal species which may be located at the site.

c. Provisions for solid and liquid waste treatment, disposition and management will be developed in order to minimize adverse effects on the Special Management Area.

d. Alteration to existing landforms or vegetation and the construction of structures will cause minimal adverse effects to water resources and scenic and recreational amenities, and will minimize danger of floods, wind damage, storm surge, landslides, erosion, siltation, or failure in the event of an earthquake.

e. The Project will not require dredging, filing, or altering any bay, estuary, salt marsh, river mouth, slough or lagoon.

f. The Project will not reduce the size of any beach or other area usable for public recreation.

g. The Project will not reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers or streams within the Special Management Area and the mean high tide line where there is no beach.

h. The project will not substantially interfere with or detract from the line of sight toward the sea from the State highway nearest the coast.

i. The Project will not adversely affect water quality in existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agriculture uses of land.

j. The Project will not have any substantial environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety or compelling public interests.

k. The Project is consistent with the objectives, policies, and guidelines set forth in HRS Chapter 205A and Sections 3.0 and 4.0 of the SMA Rules.

l. The Project is consistent with permitted uses in the SLUC Urban District, the Kauai General Plan, and the CZO.

SECTION 12. HRS CHAPTER 343 (ENVIRONMENTAL IMPACT STATEMENTS) CONSIDERATIONS.

12.1 HRS Chapter 343. The Project is not subject to the provisions of Hawaii revised Statutes Chapter 343. HRS Chapter 343 requires the preparation of an Environmental Assessment and/or an Environmental Impact Statement for certain activities as specified in HRS Section 343-5. The proposed Project does not implement any of the trigger points required under HRS Section 343-5.

SECTION 13. NATIVE HAWAIIAN ISSUES.

13.1 Project's Impacts on Traditional or Cultural Practices. The Project area is at the north end of the historic Kapaa Town corridor and has a small footprint for the proposed residential structure. The Project Site Photographs illustrate the current status of the Project Site (See, Exhibits "I-1" through "I-5"). Based on the Applicant's research and discussion with community members who are familiar with the Project site area, past use of the Subject Property as a service station occurred for many years. The Historic Project Site Photograph (See, Exhibit "I") illustrates prior use of the Subject Property as a service station. Based on the research and discussion with community members, it is believed that the Project will have no impact on any known traditional or customary practices of native Hawaiians and find that:

a. There are no known traditional or customary practices of native Hawaiians that are presently occurring within the Project area. Furthermore, no surface or cultural deposits

were discovered, which would indicate whether any cultural and traditional native Hawaiian practices on the Subject Property.

b. There are no indications of special gathering practices taking place within the Subject Property given the primary feature of the existing surrounding area as residential and commercial uses.

c. There will be no detrimental effect on access to any streams, access to the shoreline or other adjacent shoreline areas, or gathering along any streams, the shoreline or in the ocean given public beach access is available near and not adjacent to the Subject Property.

d. There are no indications of religious practices taking place within the Project area.

e. There are no known cultural or historic sites or resources within the Project area, nor were any disclosed to the Applicant prior to purchasing the Subject Property.

f. There are no known burials within the Project area. Should any burial site be identified during construction activities, the Applicant will ensure its contractor will stop construction and immediately contact the State Historic Preservation Division as required by law.

SECTION 14. CONCLUSION.

The Applicant respectfully requests that the Planning Department:

1. Find that the Project will not have any substantial environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

2. Find that the Project is consistent with the objectives, policies, and guidelines set forth in Hawaii Revised Statutes Chapter 205A and Sections 3.0 and 4.0 of the SMA Rules.

3. Find that the Project is consistent with permitted uses in the SLUC Urban District, the Kauai General Plan, and the CZO.

4. Approve the issuance of a SMA Use Permit for the Project on the Subject Property as described herein, subject to such reasonable conditions as the Planning Department shall impose.

DATE: Anahola, Kauai, Hawaii, 05/31/2023.

NRM ARCHITECT LLC

By Nalani R. Mahelona

NALANI R. MAHELONA

Architect for Applicant,

Benson C. Peralta and Arcelie A. Peralta,

Fee Owners

EXHIBIT LIST

EXHIBIT

A. AUTHORIZATION

Applicant's Authorization.....A

B. TITLE

Deed.....B

C. MAPS

Location Map.....C-1

Tax Map.....C-2

Territory of Hawaii Map.....C-3

Land Use District Boundary Map.....C-4

General Plan Map.....C-5

CZO Map.....C-6

East Kauai Hazard Map.....C-7

SMA Map.....C-8

Heritage Resources Map.....C-9

Flood Insurance Rate Map.....C-10

D. SURVEYS

Topographic Survey.....D-1

Perimeter Survey.....D-2

E. PERMITS

Real Property Tax Card.....E

F. PLANS

Plan Set.....F-1

Lot Coverage Calculations.....F-2

G. REPORTS

SLRX Report.....G-1

DOH Letter Referring to Underground Storage Closure Report.....G-2

H. ESTIMATES

Construction Estimate.....H

I. PHOTOGRAPHS

Project Site Photographs.....	I-1 - I-5
Project Site Historical Photograph.....	I-6

APPLICANT'S AUTHORIZATION

I. APPLICANT

Names: Benson C. Peralta Fee Owner
Arcelie A. Peralta Fee Owner

Mailing Address: 193 Lulo Rd. Apt. A
Kapaa, Hawaii 96746

Email: bperaltagep@gmail.com

II. AUTHORIZED AGENT

Name: Nalani R. Mahelona, Architect

Mailing Address: P.O. Box 30923
Anahola, Kauai, Hawaii 96703

Telephone: (808) 551-9832
Email: nalanirose@gmail.com

III. PROPERTY

Lot 5-B
Kapaa Town Lots, Block "D"
Kapaa, Kauai, Hawaii
Kauai Tax Map Key No. (4) 4-5-012: 048

IV. AUTHORIZATION

The Applicants hereby authorize the Authorized Agent to act on the Applicants' behalf and to file and process on the Applicants' behalf any and all applications necessary to obtain governmental permits relating to the Subject Property, including, but not limited to, the following:

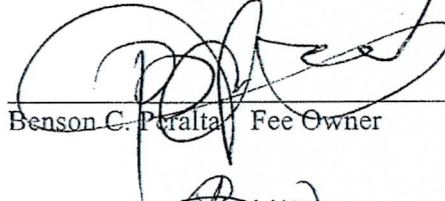
1. Building permits, grading permits, use permits, variance permits, zoning permits, shoreline setback determinations, and Special Management Area permits issued by any department, agency, board or commission of the County of Kauai.
2. Permits issued by the Department of Health of the State of Hawaii.

EXHIBIT "A"

3. Permits issued by the Board of Land and Natural Resources of the State of Hawaii and/or the Department of Land and Natural Resources of the State of Hawaii, including shoreline certifications.
4. Permits issued by the Land Use Commission of the State of Hawaii.
5. Approval before the United States Department of Agriculture, Natural Resources Conservation Service.

DATED: 1/18/23

APPLICANTS/OWNERS:



Benson C. Peralta Fee Owner



Arcelie A. Peralta Fee Owner

EXHIBIT "A"



Overview



Legend

- Parcels
- CPR Units
- Roads

Parcel ID	450120480000	Situs/Physical Address	4-1542 KUHIO HWY	Total Market Value	\$210,300	Last 2 Sales		
Acreage	0.0579	Mailing Address	PERALTA,BENSON C	Total Assessed Value	\$210,300	Date	Price	Reason
Class	COMMERCIAL		193 LULO RD APT A	Total Exemptions	\$0	10/21/2019	\$195000	VALID SALE
			KAPAA HI 96746	Total Net Taxable Value	\$210,300	7/14/2016	\$160000	VALID SALE

Brief
Tax Description LOT 5-B KAPAA TOWN LOTS 2520 SF DES

(Note: Not to be used on legal documents)

The Geographic Information Systems (GIS) maps and data are made available solely for informational purposes. The GIS data is not the official representation of any of the information included, and do not replace a site survey or legal document descriptions. The County of Kauai (County) makes or extends no claims, representations or warranties of any kind, either express or implied, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose, as to the quality, content, accuracy, currency, or completeness of the information, text, maps, graphics, links and other items contained in any of the GIS data. In no event shall the County become liable for any errors or omissions in the GIS, and will not under any circumstances be liable for any direct, indirect, special, incidental, consequential, or other loss, injury or damage caused by its use or otherwise arising in connection with its use, even if specifically advised of the possibility of such loss, injury or damage. The data and or functionality on this site may change periodically and without notice. In using the GIS data, users agree to indemnify, defend, and hold harmless the County for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.

Date created: 1/27/2023
Last Data Uploaded: 1/27/2023 6:10:16 AM

Developed by Schneider
GEOSPATIAL

SCALE: NOT TO SCALE

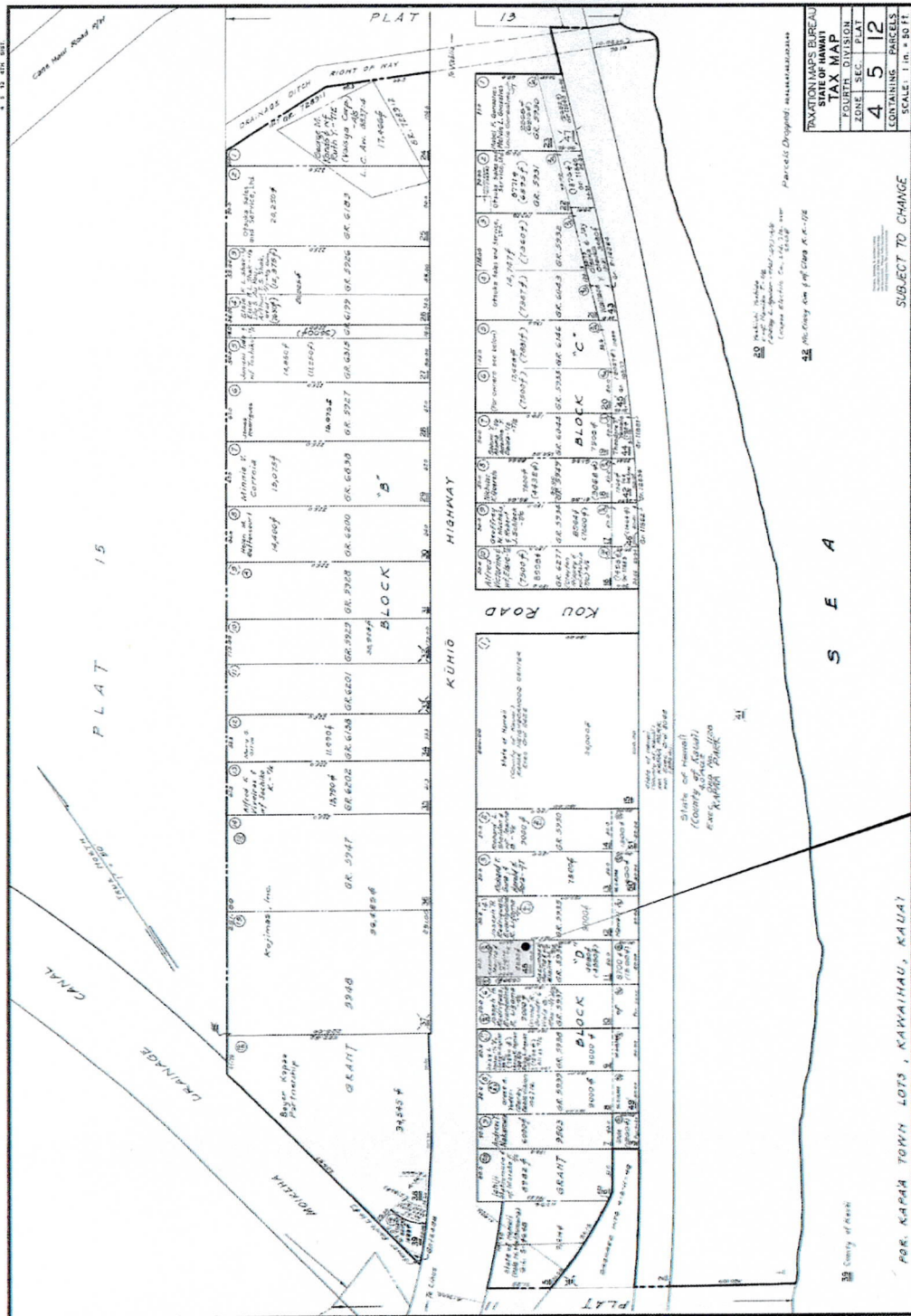


EXHIBIT “C-2”

HAWAII TERRITORY SURVEY
Walter E. Wall, Surveyor
KAPAA TOWN LOTS
KAPAA, PUNA, KAUAI
Scale: 1 inch = 100 feet
Survey and Map by F.E. Harvey
Jan. 1908
Cate. F.H. No. 721

PROJECT LOCATION

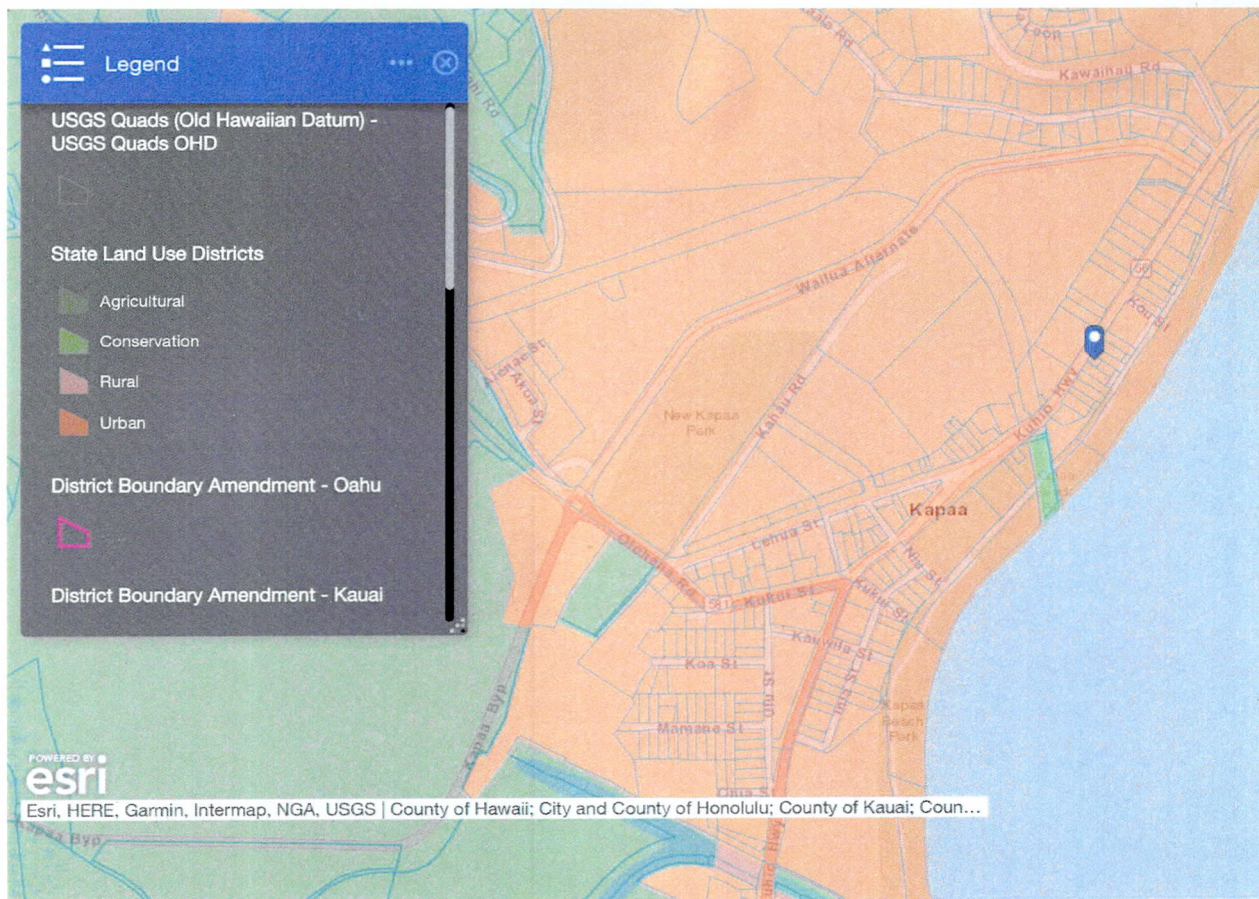
Blocks Q, R, S, & T Subdivided By
Thos. H. Evans
Sept. 1918
REG. MAP 2-350

EXHIBIT “C-3”

EXHIBIT "C-4"

STATE LAND USE DISTRICT BOUNDARY MAP





State of Hawaii Land Use District Boundaries Map - January 2018



EXHIBIT "C-4"

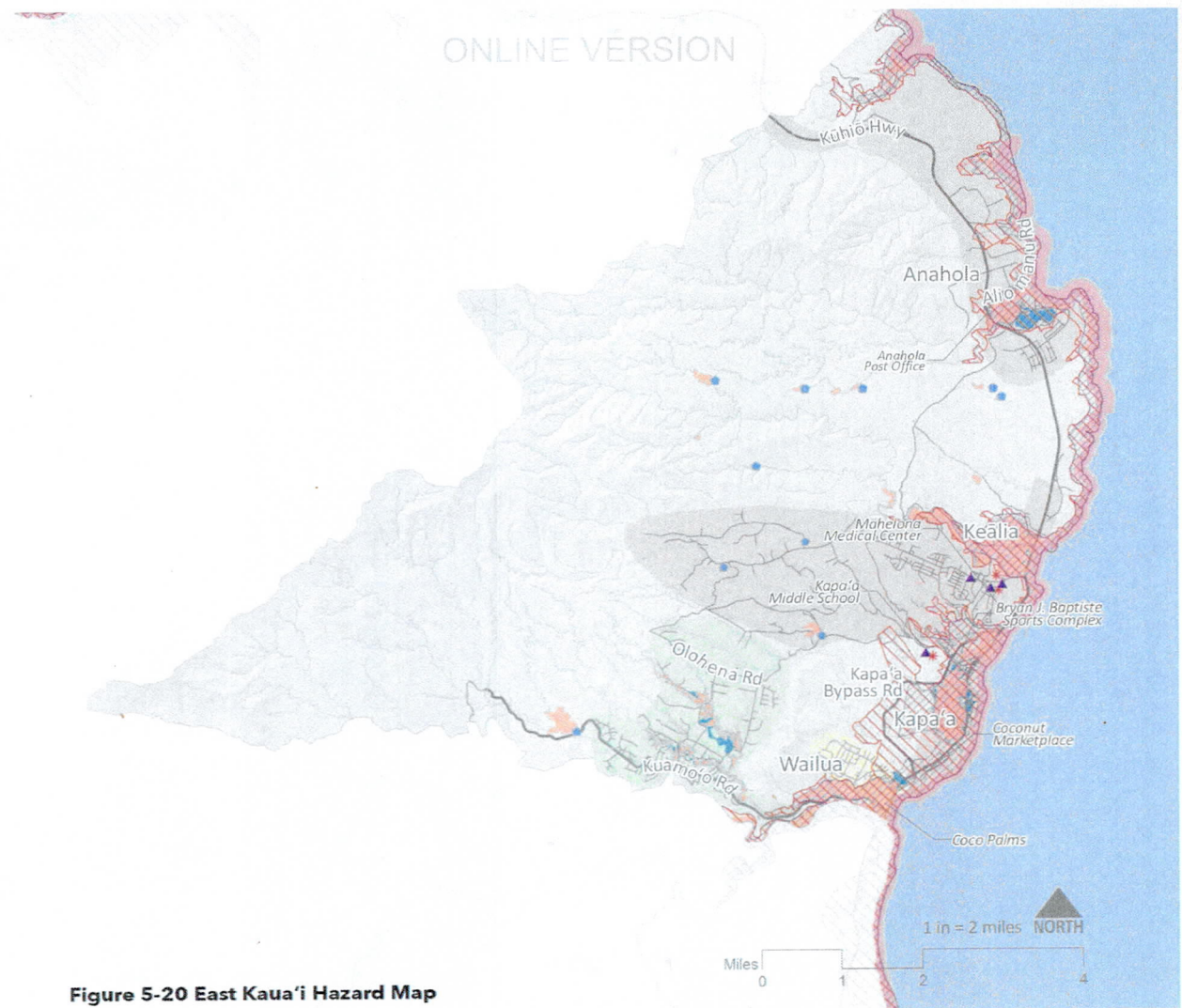


Figure 5-20 East Kaua'i Hazard Map

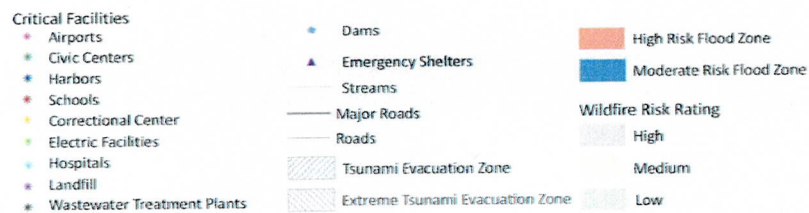


EXHIBIT “C-7”

SMA Locator - Kapaa Town Lots

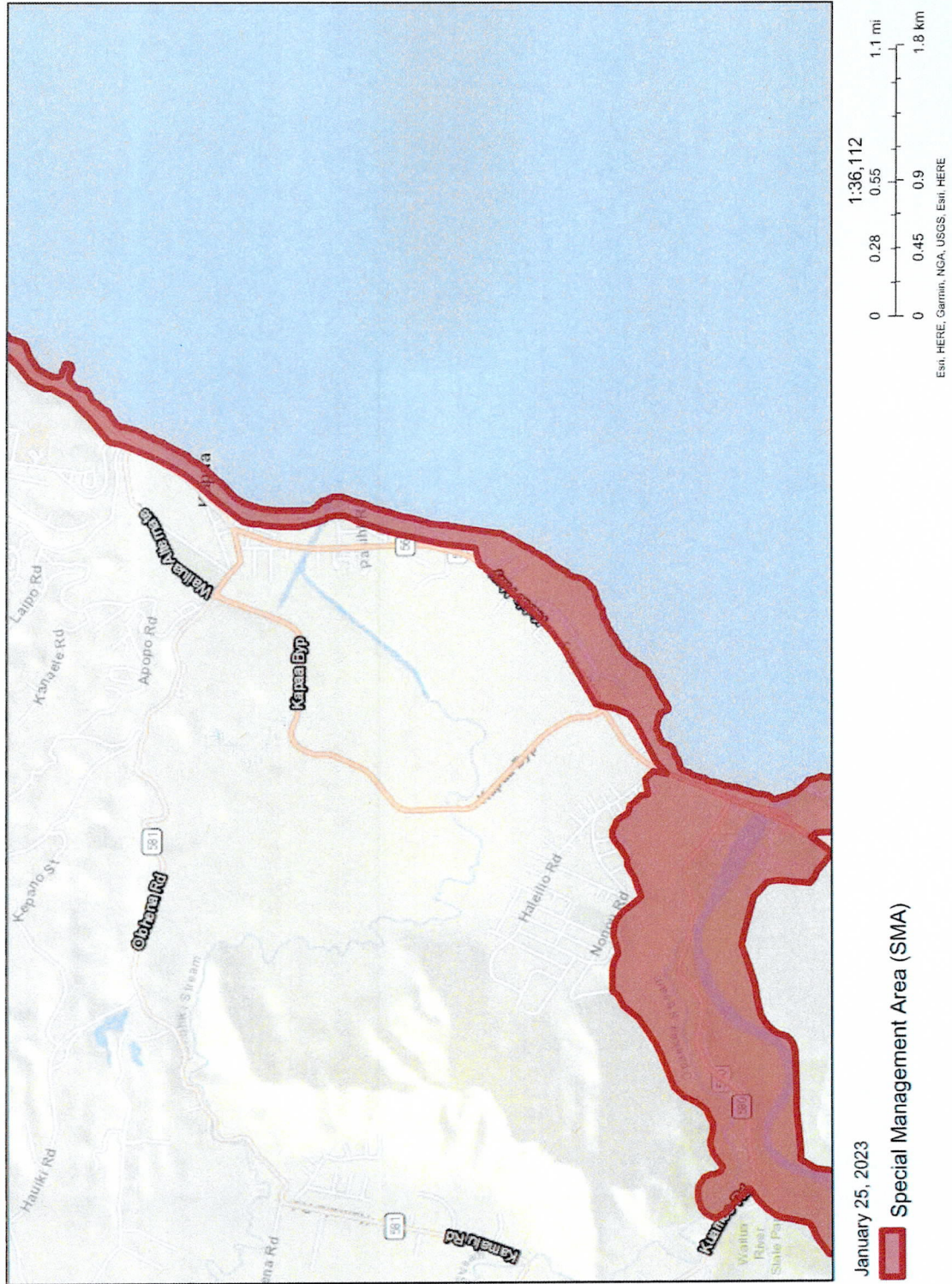
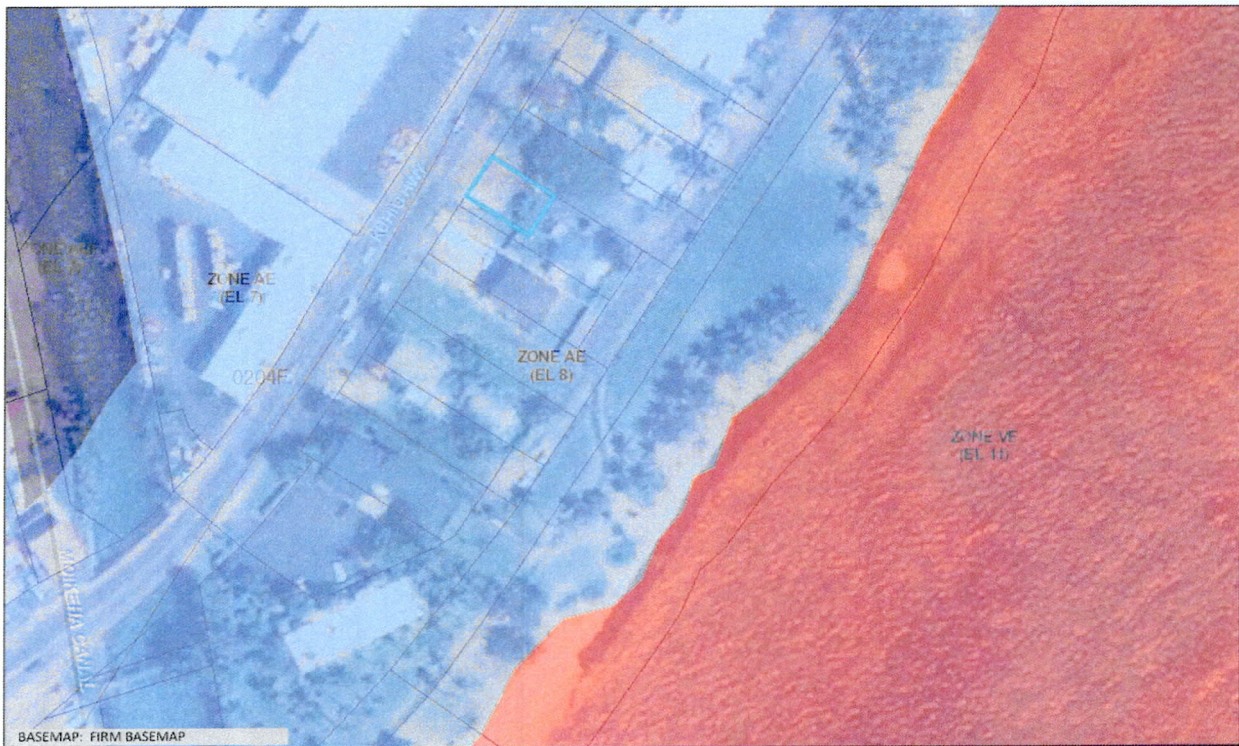


EXHIBIT "C-8"



Flood Hazard Assessment Report

www.hawaiiinfip.org

Property Information

COUNTY: KAUAI
 TMK NO: (4) 4-5-012:048
 WATERSHED: MOIKEHA
 PARCEL ADDRESS: ADDRESS NOT DETERMINED
 KAPAA, HI 96746

Notes:

Flood Hazard Information

FIRM INDEX DATE: FEBRUARY 26, 2021
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL: 1500020204F
 PANEL EFFECTIVE DATE: NOVEMBER 26, 2010

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO
 FOR MORE INFO, VISIT: <http://dlnr.hawaii.gov/dam/>



0 100 200 ft

Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as "PRELIMINARY", please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND

(Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

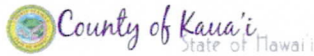
NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase apply, but coverage is available in participating communities.
--	---

EXHIBIT "C-10"



Parcel Information

Parcel Number (TAX MAP KEY) 450120480000
Location Address 4-1542 KUHIO HWY
KAPAA HI 96746

Project Name
Tax Classification COMMERCIAL
(Note: This is for tax purposes only. Not to be used for zoning.)

Neighborhood Code 4518-3
Legal Information LOT 5-B KAPAA TOWN LOTS 2520 SF DES
Zoning CG
Non Taxable Status
Land Area (acres) 0.0579
Land Area (approximate sq ft) 2,520
Living Units 0

[View Map](#)

Owner Information

Owner Names
PERALTA,BENSON C Fee Owner
PERALTA,ARCELIE A Fee Owner
[Show All Owners and Addresses](#)

Mailing Address
[PERALTA,BENSON C](#)
193 LULO RD APT A
KAPAA HI 96746 3203

Assessment Information

[Show Historical Assessments](#)

Year	Property Class	Total Market Value	Total Property Assessed Value	Total Property Exemption	Total Net Taxable Value
2023	COMMERCIAL	\$210,300	\$210,300	\$0	\$210,300

[How to calculate real property taxes](#)

Assessment Notices

Online Assessment Notices will include one PDF per parcel for each class. For multi-owner copies please contact rpassessment@kauai.gov.

Conveyance Information

Sale Date	Price	Instrument #	Instrument Type	Date Recorded	Document Number	Cert #	Book/Page	Conveyance Tax	Document Type
10/21/2019	\$195,000	19-A-72370281	FEE CONVEYANCE	10/25/2019				195	Warranty Deed
07/14/2016	\$160,000	16-A-60440207	FEE CONVEYANCE	07/19/2016				160	Warranty Deed
08/06/2013	\$1	13-A-49730547	FEE CONVEYANCE	08/13/2013					Quitclaim Deed
12/18/2000	\$325,000	00-183709	FEE CONVEYANCE	12/29/2000				325	Route Slip
01/09/1998	\$0	9800010786	FEE CONVEYANCE	01/27/1998				0	
04/11/1990	\$450,000	9000056544	FEE CONVEYANCE	04/23/1990				225	
04/09/1990	\$450,000	9000056543	FEE CONVEYANCE	04/23/1990				225	

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2022-2	Real Property Tax	02/20/2023	\$790.96	\$0.00	\$790.96	\$0.00	\$0.00	\$0.00	\$790.96
	Tax Bill with Interest computed through 02/21/2023		\$790.96	\$0.00	\$790.96	\$0.00	\$0.00	\$0.00	\$790.96

Map

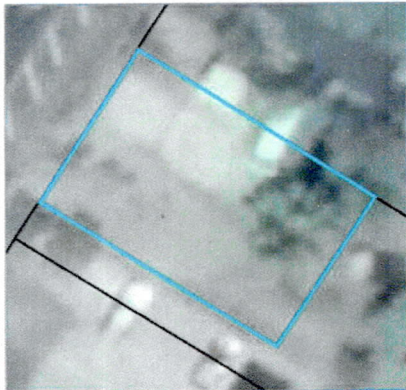
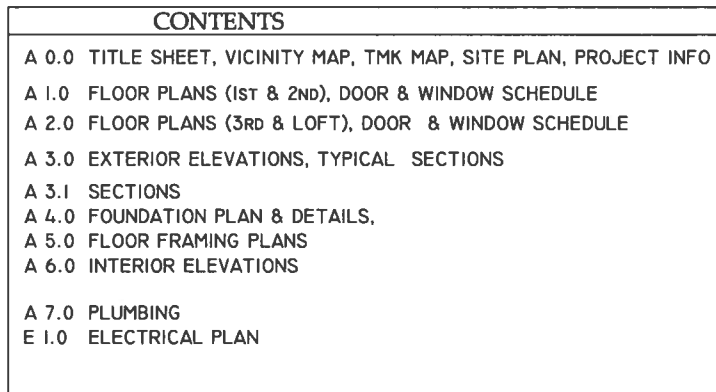


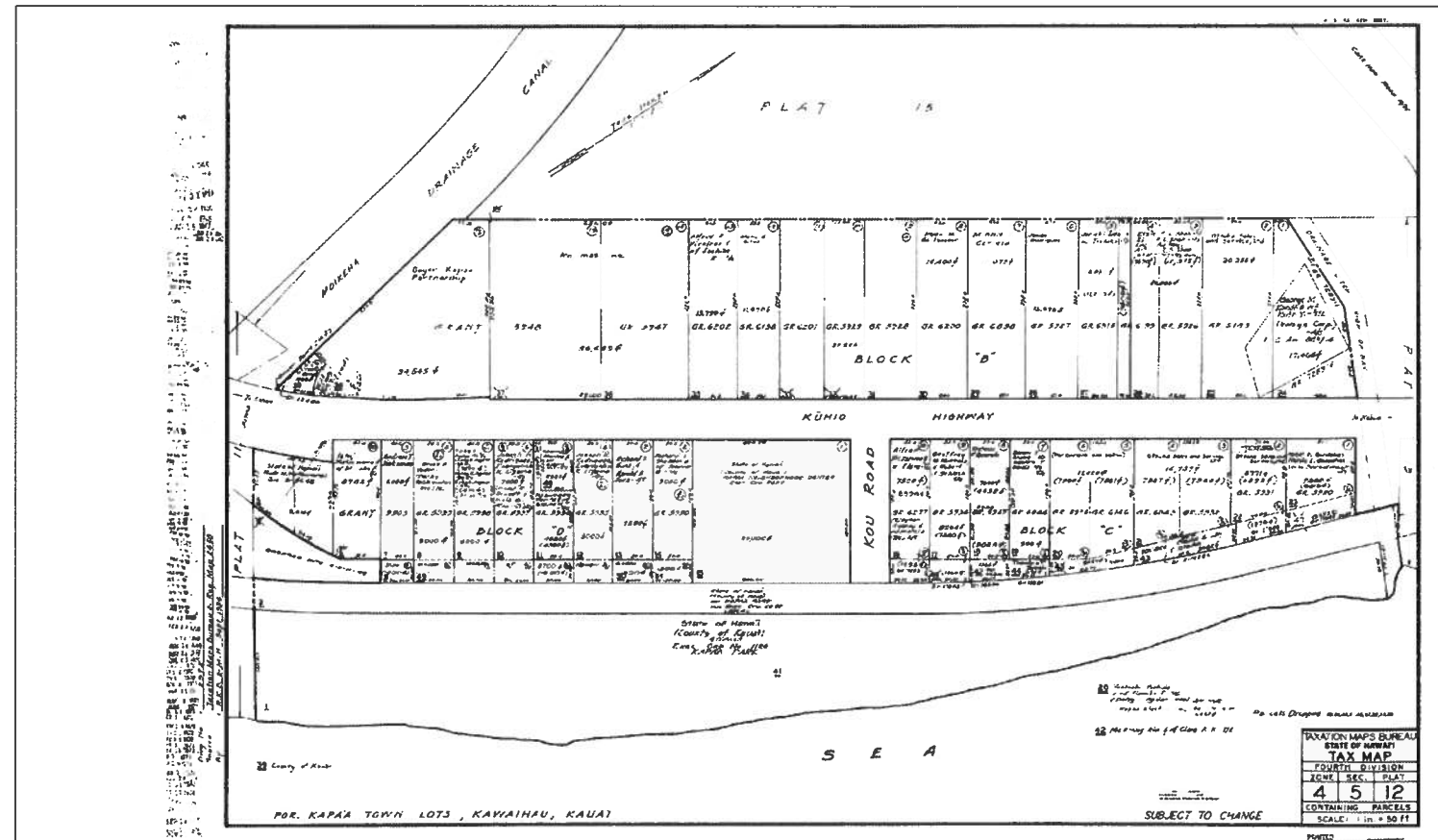
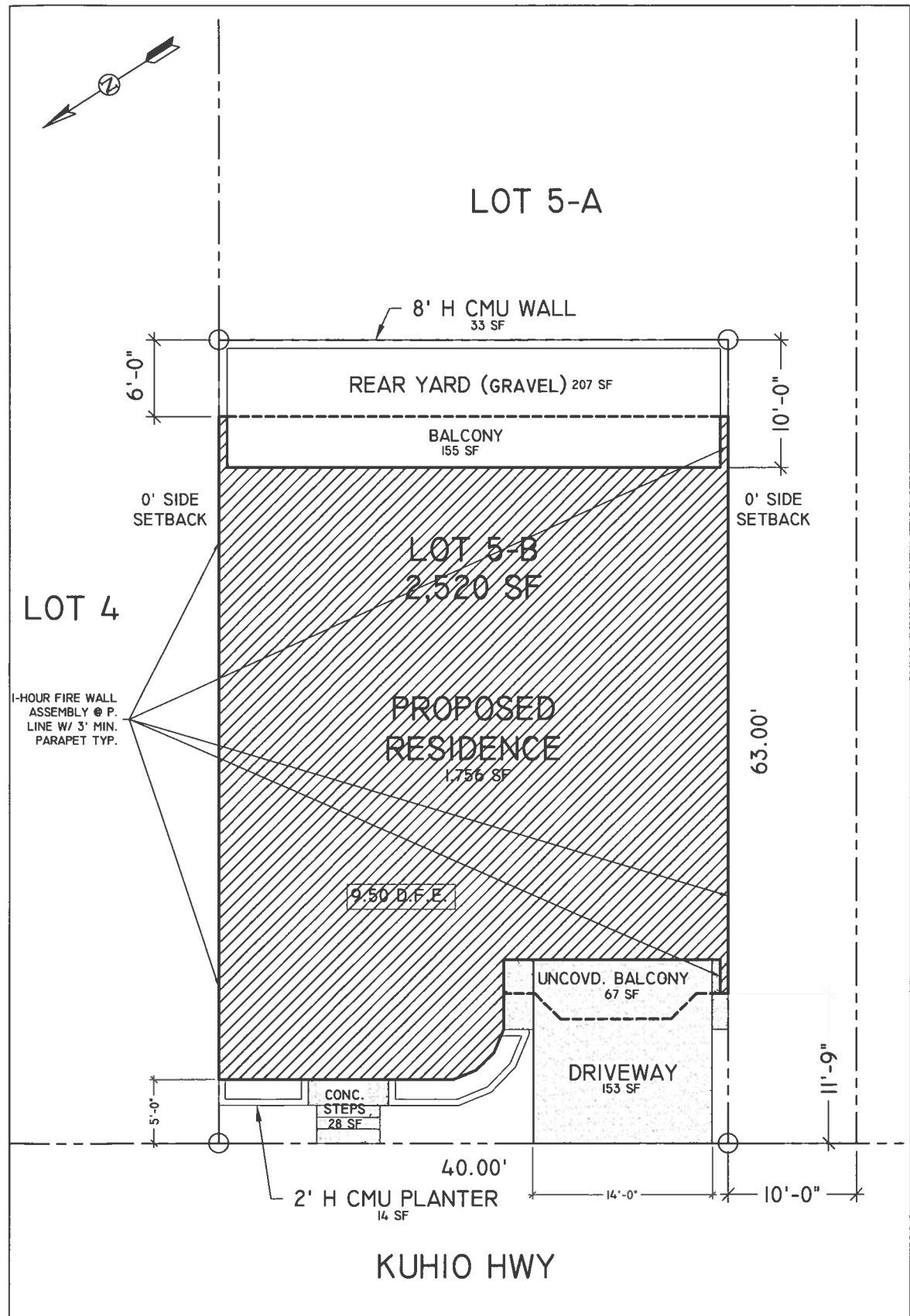
EXHIBIT "E"



PROJECT INFORMATION	
ADDRESS	4-1542 KUHIO HWY
T.M.K.	(4) 4-5-012: 048
ZONING	CG
LAND USE DESIGNATION	URBAN
FLOOD ZONE	AE (B.F.E. 8.0)
OCCUPANCY/USE	RESIDENTIAL-SINGLE FAMILY ATTACHED
FIRE WALLS	1-HOUR FIRE RATED @ <5' FIRE SEPARATION DISTANCE
FIRE SPRINKLERS	NOT REQUIRED
PERMIT #	#BP 22-1626
BUILDING CODE INFORMATION	
<ul style="list-style-type: none"> • INTERNATIONAL RESIDENTIAL CODE 2012 EDITION WITH LOCAL AMENDMENTS • FEMA FLOOD ZONE, SPECIAL FLOOD HAZARD AREA • COUNTY OF KAUAI SEA LEVEL RISE CONSTRAINT DISTRICT • INTERNATIONAL FIRE CODE, 2006 AND NFPA 1, 2012 • SPECIAL MANAGEMENT AREA RULES AND REGULATIONS, SHORELINE SETBACK ORDINANCE • STATE LAND USE ORDINANCE, KAUAI COUNTY ZONING ORDINANCE, KAUAI GENERAL PLAN • INTERNATIONAL ENERGY CONSERVATION CODE, 2015 EDITION WITH LOCAL AMENDMENTS 	
AREAS: LOT AREA:	2,520 S.F.
BUILDING AREA:	1,978 S.F.
FIRE SPRINKLERS:	NOT REQUIRED
BUILDING HEIGHT:	3 STORIES

MISC. NOTES			
1.	EXTERIOR DIMENSIONS TO OUTSIDE OF FRAMING/FOUNDATION.		
2.	INTERIOR WALLS COVERED WITH ½" GYPSUM BOARD U.N.O.		
3.	PROTECTION AGAINST DECAY AND TERMITES SHALL BE IN ACCORDANCE WITH IBC 2012, SECTION 2303.1.8 AND 2304.11.		
4.	CONTRACTOR TO VERIFY ALL DIMENSIONS		
5.	EXTERIOR WINDOW GLAZING SHALL BE IMPACT RESISTANT OR PROTECTED WITH AN IMPACT-RESISTANT COVERING MEETING THE REQUIREMENTS OF AN APPROVED IMPACT-RESISTANT STANDARD OR ASTM E1996 AND ASTM E1886.		

SQUARE FOOTAGE:	LOT AREA:	2,520 S.F.	
	PROPOSED RESIDENCE:	1,756 S.F.	
	CMU WALLS:	47 S.F.	
	CONCRETE SIDEWALK:	28 S.F.	
	CONCRETE DRIVEWAY:	153 S.F.	
	BALCONIES:	222 S.F.	
	<u>TOTAL LOT COVERAGE:</u>	<u>2,206 S.F. = 88%</u>	(MAX. LOT COV.: 2,268 S.F. = 90%)



VICINITY MAP

SITE PLAN
SCALE: 3/16" = 1'-0"

EXHIBIT "F-1"

COUNTY OF KAUAI
PERMIT # 22-1626

This work was prepared by me or under my supervision and construction of this project will be under my observation

M. J. M. M. M.

Signature



LICENCE EXPIRATION: APRIL 30, 2024



HAWAIIAN ARCHITECTURE

PROJECT: PROPOSED RESIDENTIAL BUILDING

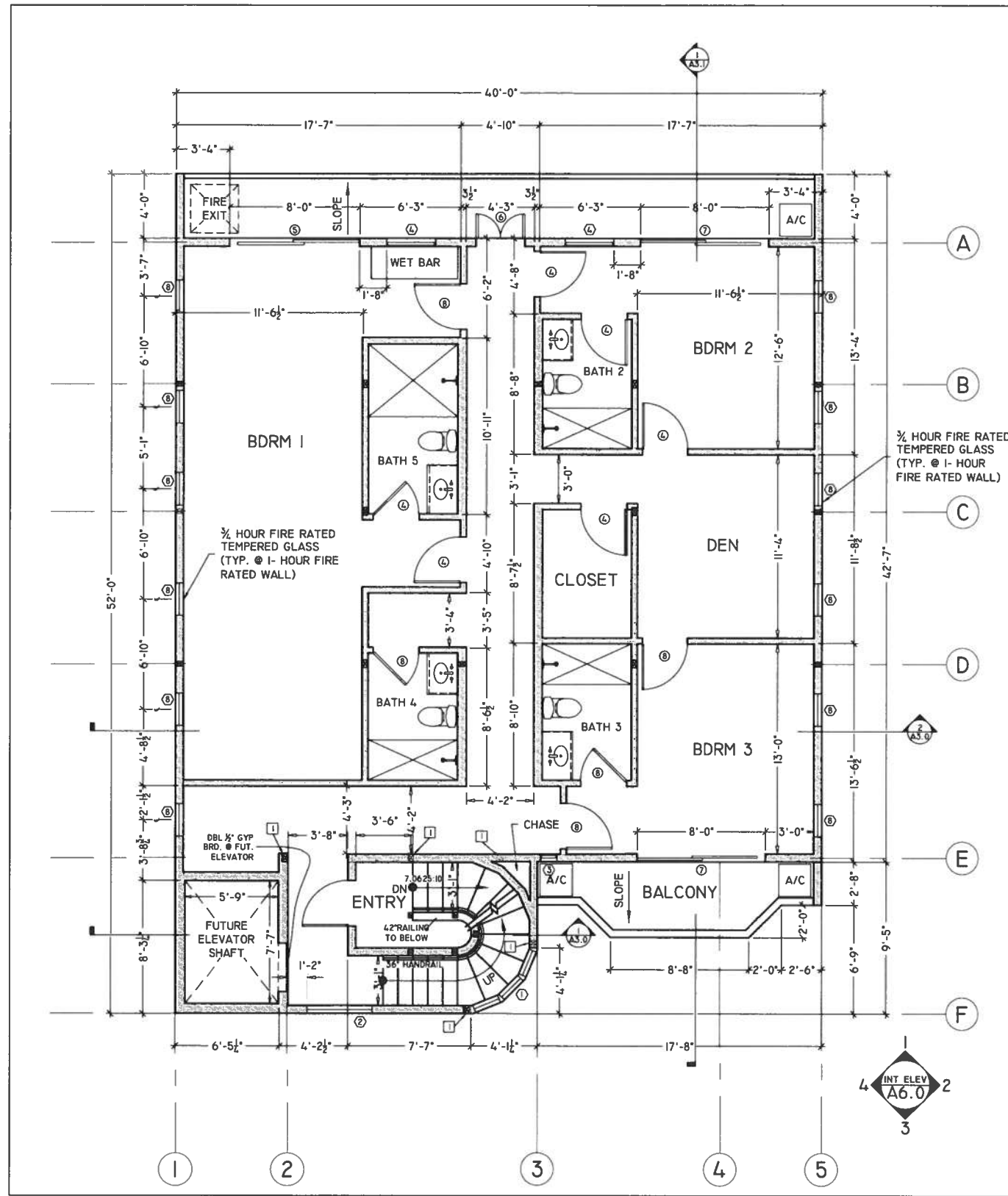
FOR: BENSON PERALTA
TMK: (4) 4 - 5 - 012 : 048
4-1542 KUHIOW HWY, KAPAA

SCALE:	AS SHOWN
DRAWN BY:	MACIAS
CHECKED BY:	NRM- ARCH
DATE:	8-19-2022
REVISED:	-
PERMIT SET	
SHEET NO:	

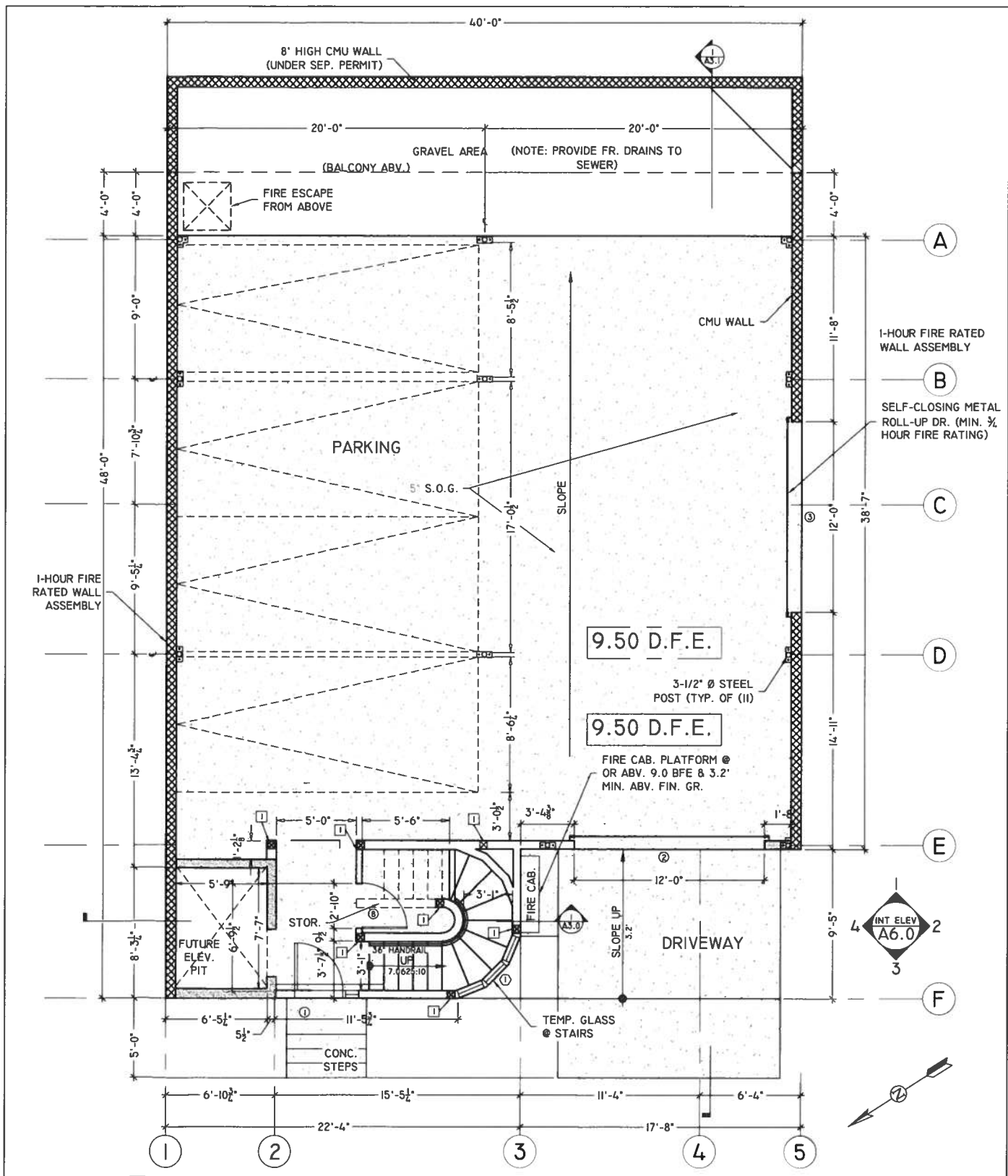
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DIMENSIONS
FRAMING
FINISH SURFACE

SHEET NOTES
1. 6x6 POST



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

EXHIBIT "F-1"

COUNTY OF KAUAI
PERMIT # 22-1626

This work was prepared by me or under my supervision and construction of this project will be under my observation.
Signature: *Michael Macias*



LICENCE EXPIRATION APRIL 30, 2024
HAWAIIAN ARCHITECTURE

PROJECT: PROPOSED RESIDENTIAL BUILDING

FOR: BENSON PERALTA
TMK: (4) 4-5-012: 048
4-1542 KUHIO HWY, KAPAA

SCALE:	AS SHOWN
DRAWN BY:	MACIAS
CHECKED BY:	NRM- ARCH
DATE:	8-19-2022
REVISED:	-
PERMIT SET	
SHEET NO:	

A-1.0

WINDOW SCHEDULE					
#	Q	W	H	MAT. GLASS	NOTES
①	3	1'-8"	5'-0"	MET.	TMP 3 FIXED WINDOWS PER SET, SILL HEIGHTS: 18" ABV. STAIRS
②	2	3'-0"	4'-6"	MET.	- FIXED
③	2	1'-0"	4'-7"	MET.	OBSC 15 BLADE JALOUSIE
④	4	3'-0"	4'-0"	MET.	OBSC 13 BLADE JALOUSIE
⑤	2	6'-0"	4'-6"	MET.	TMP FIXED, DECORATIVE (BY OWNER)
⑥	1	2'-6"	1'-0"	MET.	CLR SLIDER
⑦	1	2'-0"	3'-5"	MET.	OBSC 11 BLADE JALOUSIE
⑧	28	2'-0"	5'-0"	MET.	- FIXED, FIRE RATED
⑨	1	6'-0"	2'-6"	MET.	- FIXED, DECORATIVE (BY OWNER)
⑩	2	2'-0"	2'-6"	MET.	- FIXED, FIRE RATED

DOOR SCHEDULE					
#	Q	W	H	THCK. MAT.	NOTES
①	1	4'-0"	6'-8"	1-3/4"	WD 36" GLASS DOOR WITH 9" SIDELITE
②	1	12'-0"	9'-0"	-	MET. ROLL-UP GARAGE DOOR
③	1	12'-0"	9'-0"	-	MET. ROLL-UP AUTO-CLOSE - FIRE RATED
④	10	2'-10"	6'-8"	1-3/4"	WD LH SWING
⑤	2	8'-0"	6'-8"	?	MET. XO SLIDING GLASS DOOR
⑥	2	3'-0"	6'-8"	1-3/4"	WD DBL DOOR: (2) 18" WIDE DOORS
⑦	4	8'-0"	6'-8"	?	MET. OX SLIDING GLASS DOOR
⑧	12	2'-10"	6'-8"	1-3/4"	WD RH SWING
⑨	1	5'-0"	6'-8"	1-3/4"	WD DBL DOOR: (2) 30" WIDE DOORS
⑩	1	7'-0"	6'-8"	?	MET. XO SLIDING GLASS DOOR
⑪	1	7'-0"	6'-8"	?	MET. OX SLIDING GLASS DOOR

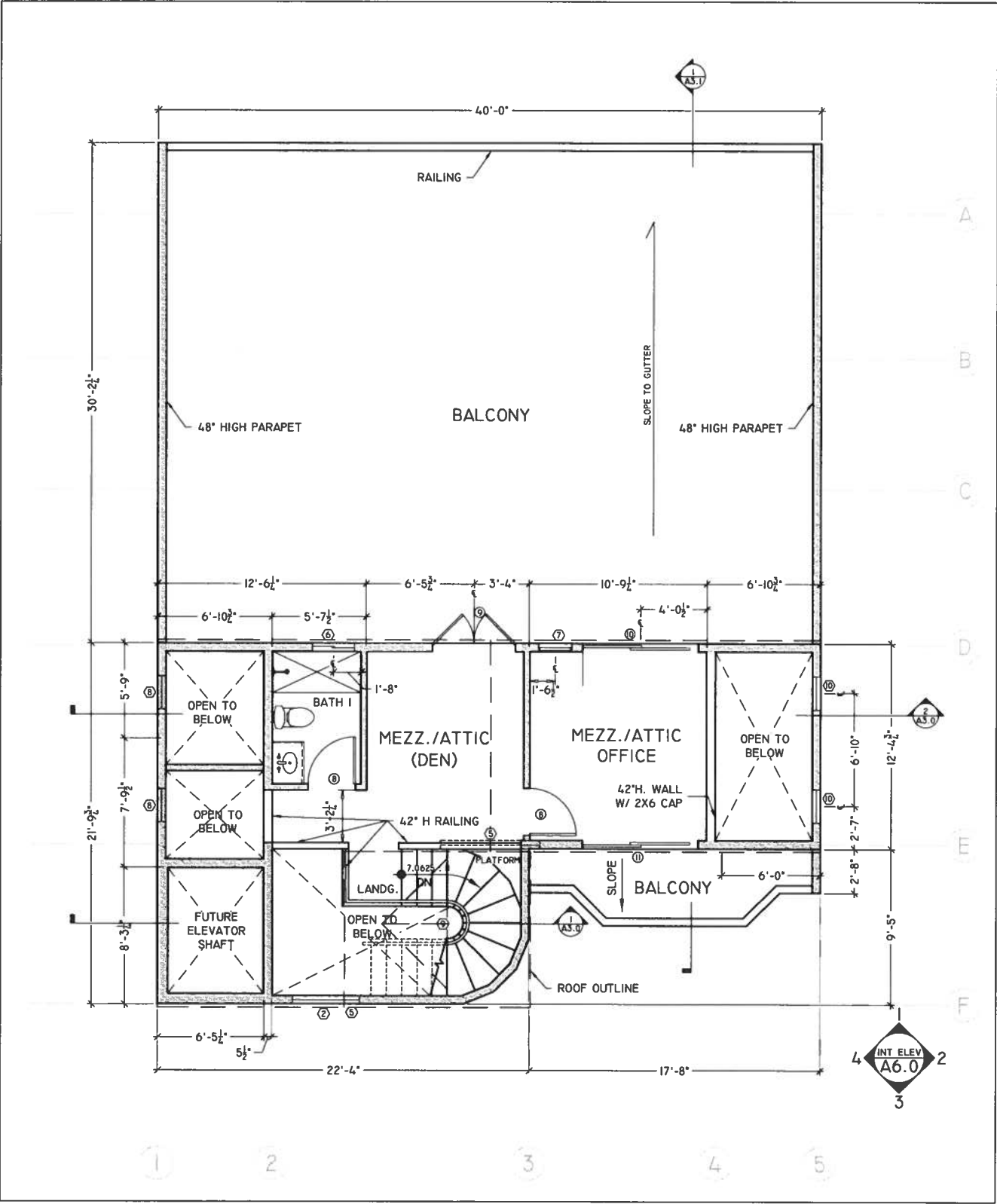
LEGEND	
	2x4 WALL
	2x6 WALL
	CMU WALL

SHEET NOTES

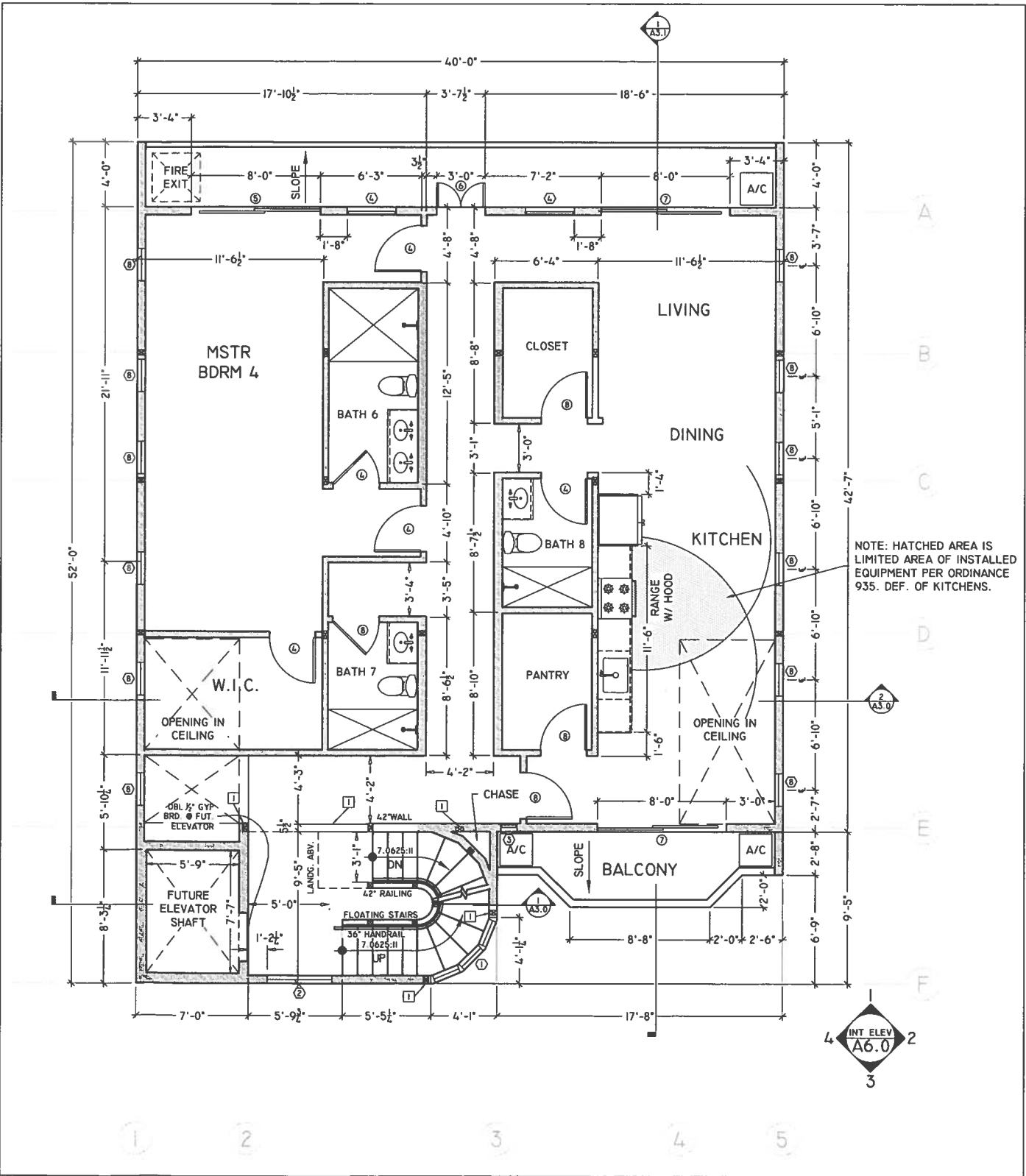
1. 4x6 POST

DIMENSIONS

FRAMING
FINISH SURFACE



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



THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"

EXHIBIT "F-1"

COUNTY OF KAUAI
PERMIT # 22-1626

This work was prepared by me or under my supervision and construction of this project will be under my observation.
Signature: *M. Macias*



LICENCE EXPIRATION APRIL 30, 2024

HAWAIIAN ARCHITECTURE

PROJECT: PROPOSED RESIDENTIAL BUILDING

FOR: BENSON PERALTA
TMK: (4) 4-5-012 : 048
4-1542 KUHIO HWY, KAPAA

SCALE: AS SHOWN

DRAWN BY: MACIAS

CHECKED BY: NRM- ARCH

DATE: 8-19-2022

REVISED: -

PERMIT SET

SHEET NO:

A-2.0

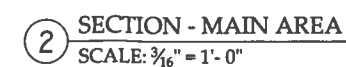
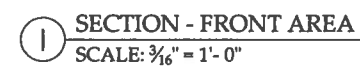
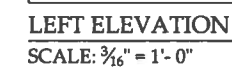
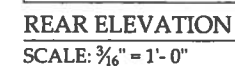
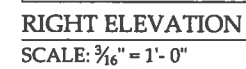
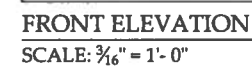


EXHIBIT "F-1"

A-3.0

SHEET NOTES

1. SIMPSON LUS28
2. SIMPSON LUS210
- 3.

COUNTY OF KAUAI
PERMIT #22-1626

This work was prepared by me
or under my supervision and
construction of this project
will be under my observation.

Michael Macias
Signature



LICENCE EXPIRATION: APRIL 30, 2024

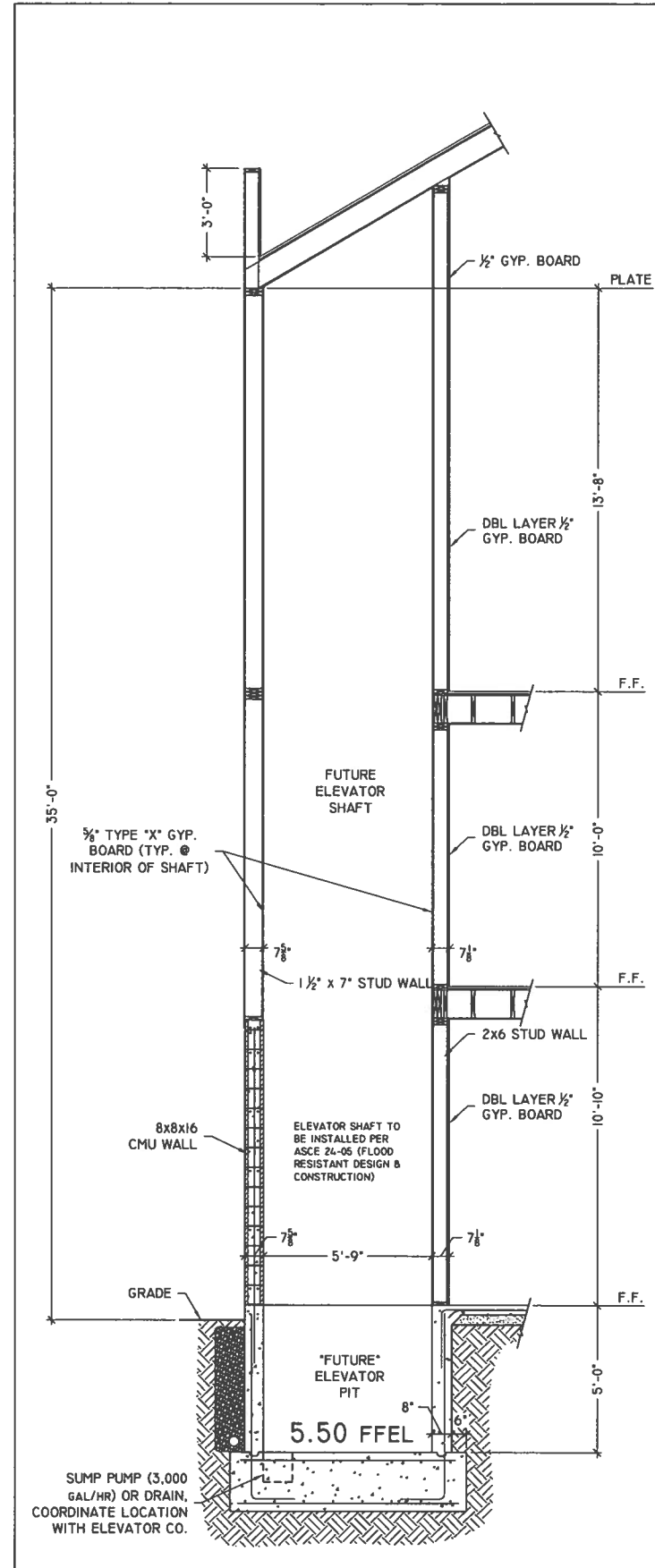
HAWAIIAN ARCHITECTURE

PROJECT: PROPOSED RESIDENTIAL BUILDING

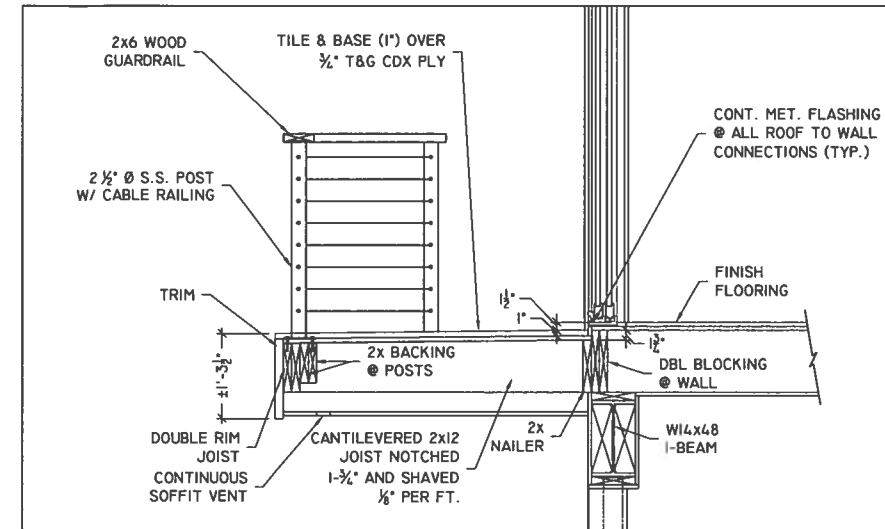
FOR: BENSON PERALTA
TMK: (4) 4 - 5 - 012 : 048
4-1542 KUHIO HWY, KAPAA

SCALE: AS SHOWN
DRAWN BY: MACIAS
CHECKED BY: NRM- ARCH
DATE: 8-19-2022
REVISED: -
PERMIT SET
SHEET NO:

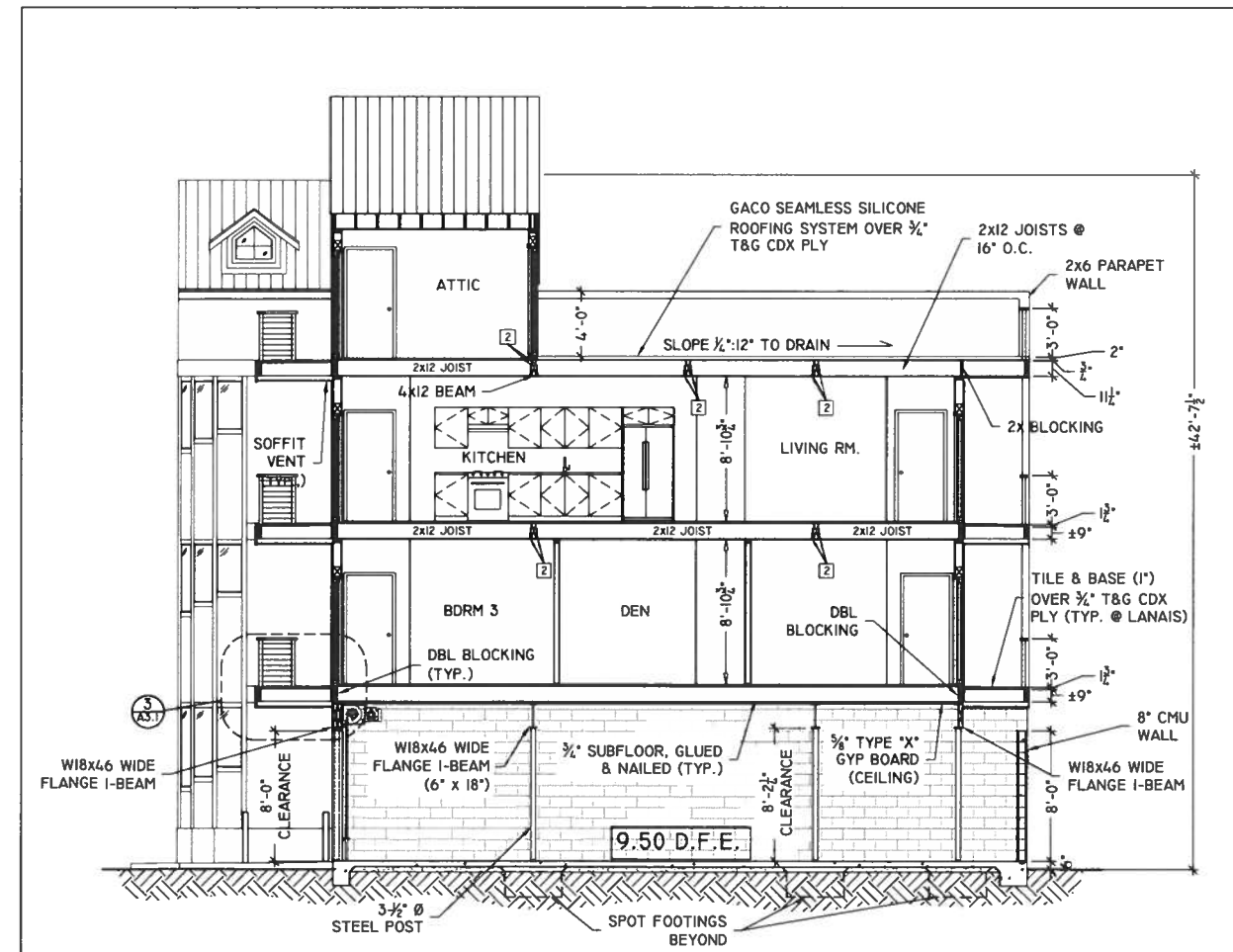
A-3.1



2 SECTION - ELEVATOR SHAFT
SCALE: 3/8" = 1'-0"

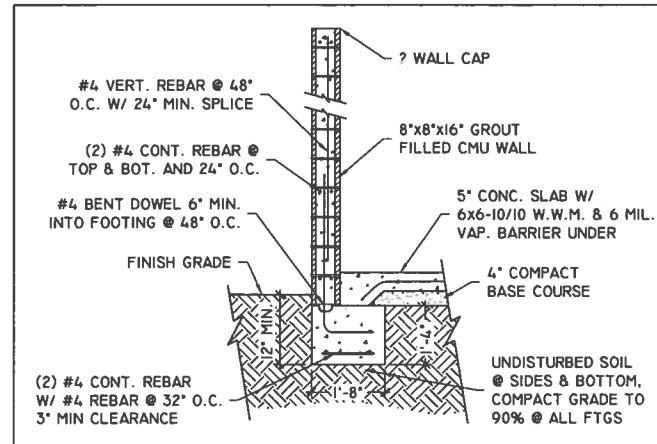


3 DETAIL @ BALCONY
SCALE: 3/4" = 1'-0"

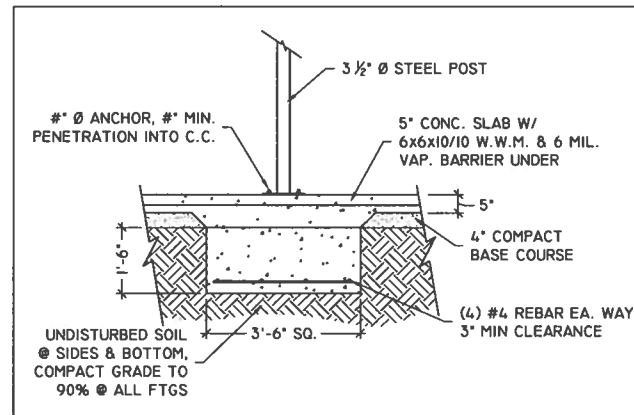


1 TYPICAL SECTION
SCALE: 1/16" = 1'-0"

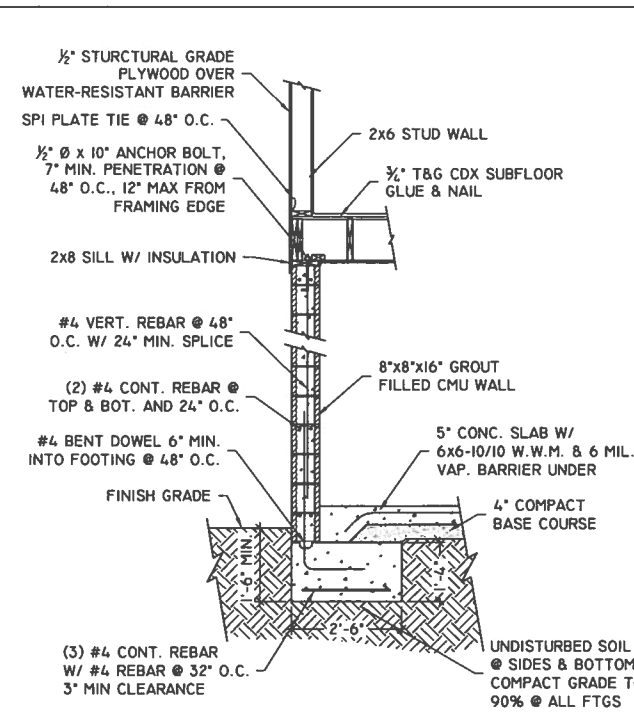
EXHIBIT "F-1"



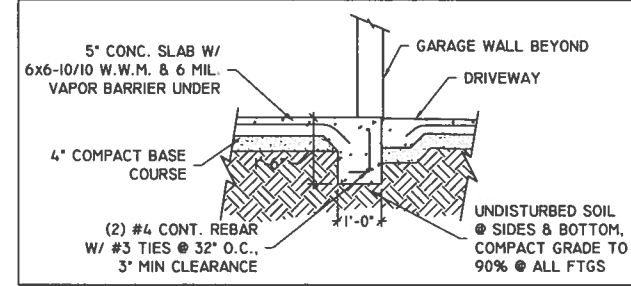
4 PERIMETER FOOTING @ 8' CMU WALL
SCALE: 1/2" = 1'-0"



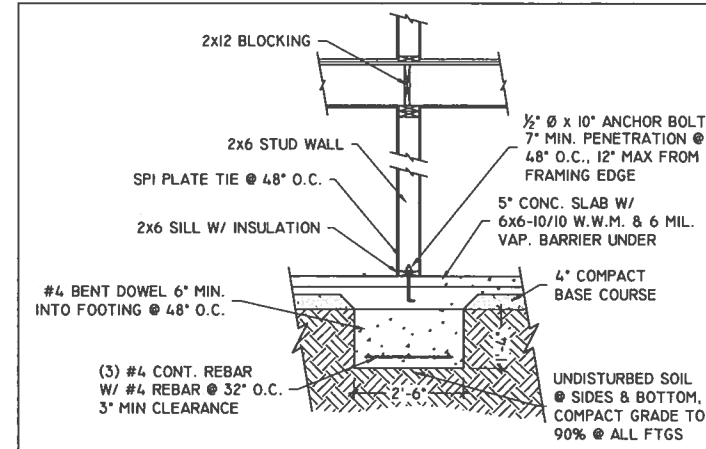
3 SPOT FOOTING @ STEEL POST
SCALE: 1/2" = 1'-0"



2 PERIMETER FOOTING @ CMU WALL
SCALE: 1/2" = 1'-0"

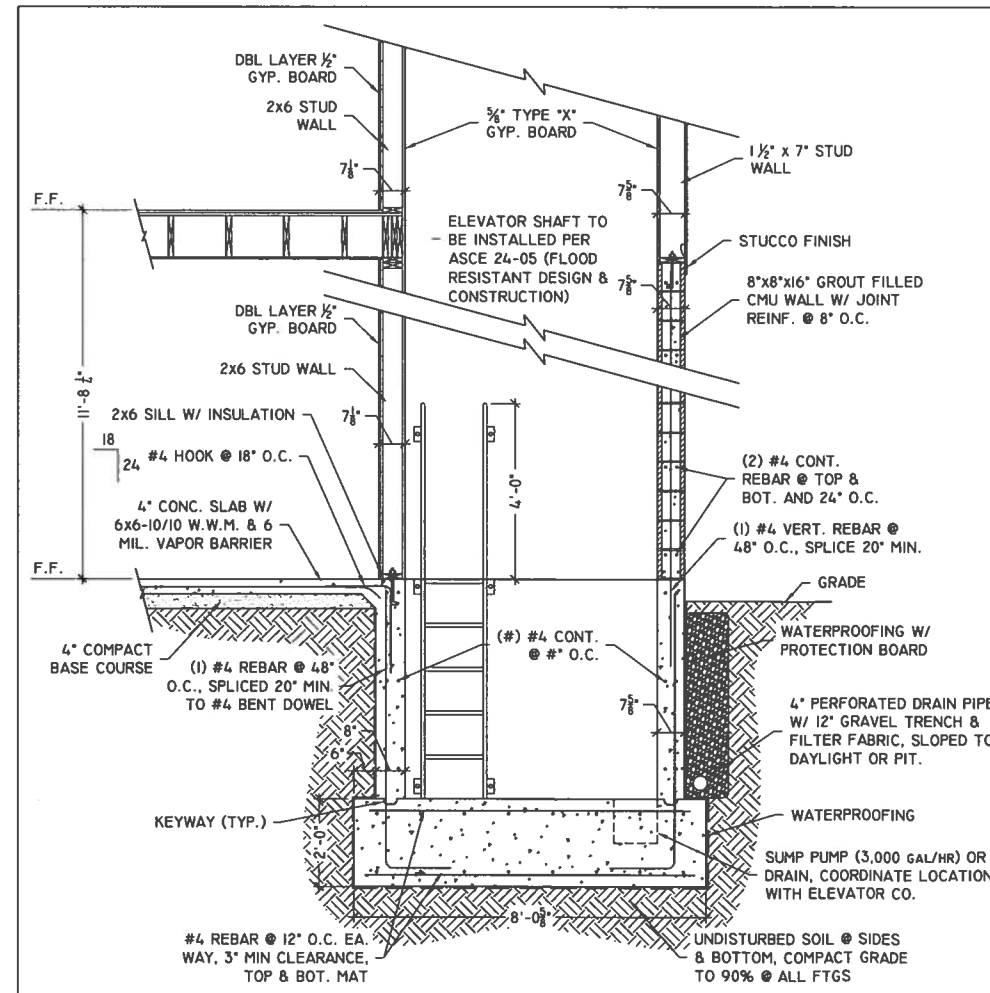


5 DETAIL @ GARAGE ENTRY
SCALE: 1/2" = 1'-0"

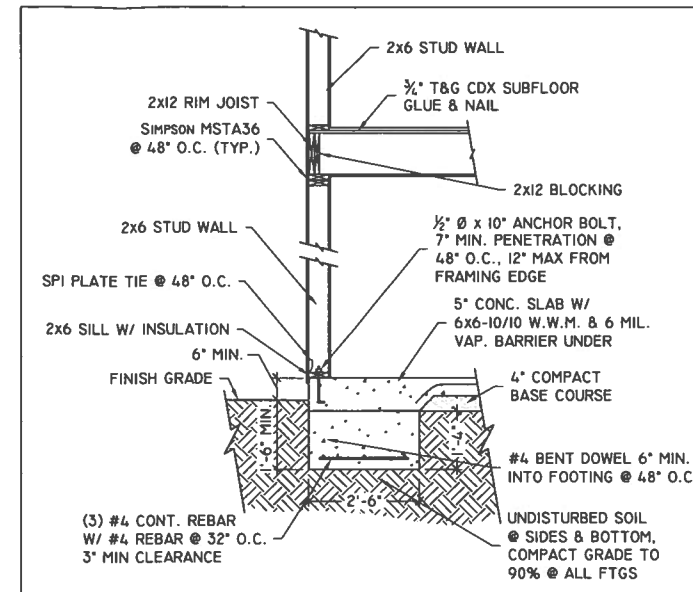


6 PERIMETER FOOTING @ EXTERIOR STUD WALL
SCALE: 1/2" = 1'-0"

7 INTERIOR FOOTING @ STUD WALL
SCALE: 1/2" = 1'-0"

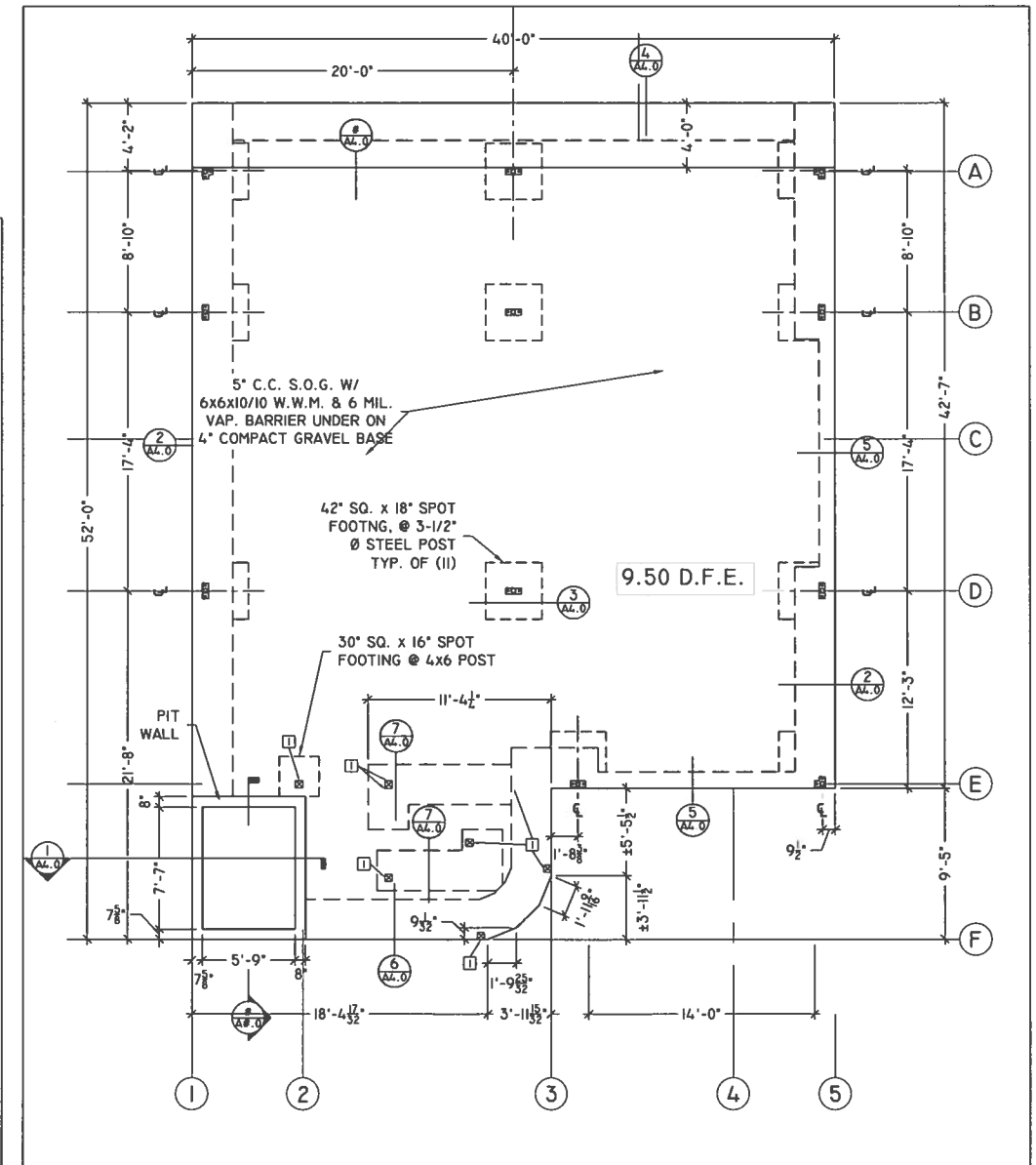


1 DETAIL @ ELEVATOR PIT
SCALE: 1/2" = 1'-0"



7 TYPICAL WOOD STUD BREAKAWAY WALL
SCALE: 1/2" = 1'-0"

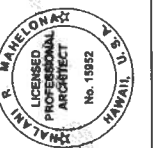
SHEET NOTES
1. 4x6 POST IN WALL



FOUNDATION PLAN
SCALE: 3/16" = 1'-0"

COUNTY OF KAUAI
PERMIT # 22-1626

This work was prepared by me or under my supervision and construction of this project will be under my observation.
Signature: [Signature]
Date: [Date]



HAIRLOHAWA
HAWAIIAN ARCHITECTURE

PROJECT: PROPOSED RESIDENTIAL BUILDING

FOR: BENSON PERALTA
TMK: (4) 4 - 5 - 012 : 048
4-1542 KUHIO HWY, KAPAA

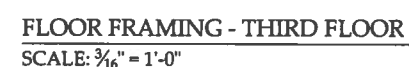
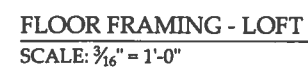
SCALE: AS SHOWN
DRAWN BY: MACIAS
CHECKED BY: NRM-ARCH
DATE: 8-19-2022
REVISED: -
PERMIT SET
SHEET NO:

A-4.0

EXHIBIT "F-1"

1. 4x6 POST BELOW

ROOF FRAMING PLAN
SCALE: $\frac{3}{16}" = 1'-0"$



COUNTY OF KAUAI
PERMIT # 22-1626

This work was prepared by me or under my supervision and construction of this project will be under my observation.

Aleaminder

Signature



LICENCE EXPIRATION: APRIL 30, 2024



HAWAIIAN ARCHITECTURE

PROJECT: PROPOSED RESIDENTIAL BUILDING
FOR: PERSONS BEHOLDING

FOR: BENSON PERALTA
TMK: (1) 1-5-012-048

TMK: (4) 4-5-012:048

4-1542 KUHIO HWY, KAPAA

SCALE: AS SHOWN

RAWN BY: MACIAS

CHECKED BY: NRM- ARCH.

DATE: 8-19-2022

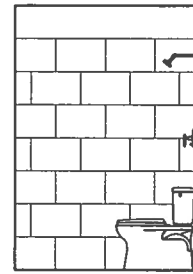
REVISED: -

PERMIT SET	
SHEET NO.	

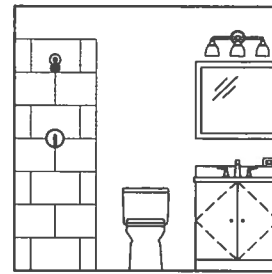
SHEET NO:

AFC

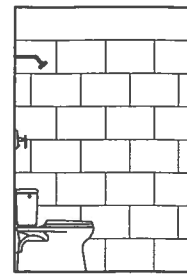
A-5.0



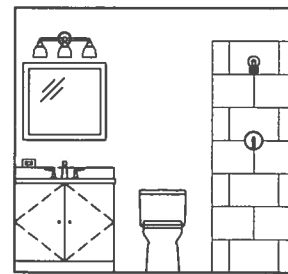
③ BATH 2
SCALE: 3/8" = 1'-0"



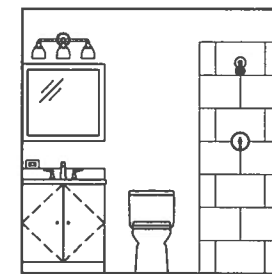
④ BATH 2
SCALE: 3/8" = 1'-0"



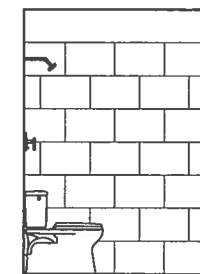
① BATH 3
SCALE: 3/8" = 1'-0"



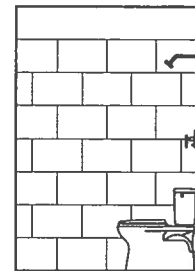
④ BATH 3
SCALE: 3/8" = 1'-0"



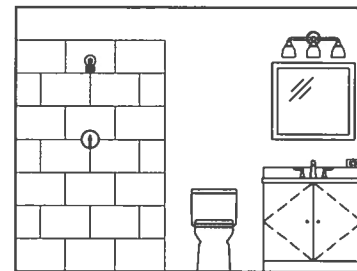
② BATH 4
SCALE: 3/8" = 1'-0"



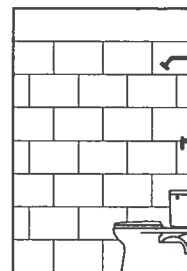
③ BATH 4
SCALE: 3/8" = 1'-0"



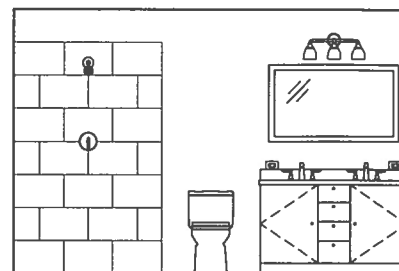
① BATH 5
SCALE: 3/8" = 1'-0"



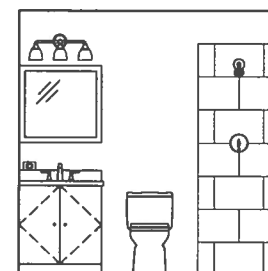
② BATH 5
SCALE: 3/8" = 1'-0"



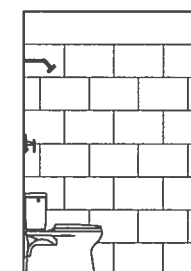
① BATH 6
SCALE: 3/8" = 1'-0"



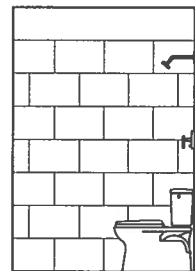
② BATH 6
SCALE: 3/8" = 1'-0"



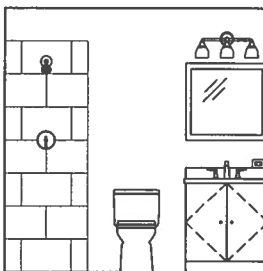
② BATH 7
SCALE: 3/8" = 1'-0"



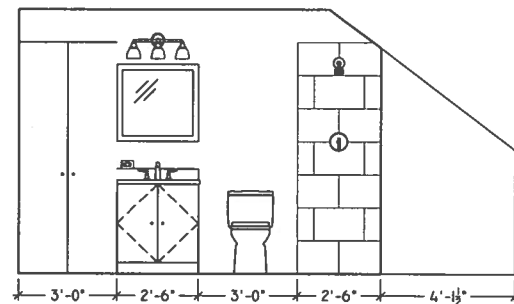
③ BATH 7
SCALE: 3/8" = 1'-0"



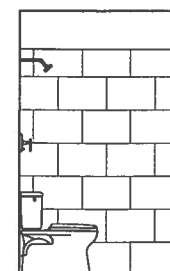
③ BATH 8
SCALE: 3/8" = 1'-0"



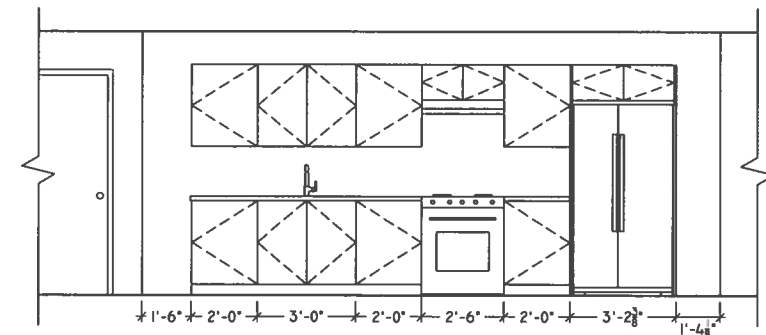
④ BATH 8
SCALE: 3/8" = 1'-0"



③ BATH 1
SCALE: 3/8" = 1'-0"



④ BATH 1
SCALE: 3/8" = 1'-0"



④ KITCHEN
SCALE: 3/8" = 1'-0"

COUNTY OF KAUAI
PERMIT # 22-1626

This work was prepared by me
or under my supervision and
construction of this project
will be under my observation
Macias
Signature



LICENCE EXPIRATION: APRIL 30, 2024

HAWAIIAN ARCHITECTURE

PROJECT: PROPOSED RESIDENTIAL BUILDING

FOR: BENSON PERALTA

TMK: (4) 4-5-012 : 048

4-1542 KUHIO HWY, KAPAA

SCALE: AS SHOWN
DRAWN BY: MACIAS
CHECKED BY: NRM- ARCH
DATE: 8-19-2022
REVISED: -

PERMIT SET
SHEET NO:

A-6.0

EXHIBIT "F-1"

LOT COVERAGE CALCULATIONS:

PROPERTY: TMK: (4) 4-5-012: 048
ADDRESS: 4-1542 KUHIO HWY
PROPERTY OWNER: BENSON/ARCELIE PERALTA
TOTAL LOT SIZE: 2,520 S.F.

PROPOSED IMPROVEMENTS:

PROPOSED RESIDENCE:	1,756 S.F.
CMU WALLS:	47 S.F.
CONCRETE SIDEWALK:	28 S.F.
CONCRETE DRIVEWAY:	153 S.F.
<u>BALCONIES:</u>	<u>222 S.F.</u>
PROPOSED LOT COVERAGE:	2,206 S.F. = 88%
MAX. LOT COVERAGE:	2,268 S.F. = 90%

SUBMITTED BY: NALANI R. MAHELONA, ARCHITECT
LICENSE NO. AR-15952



DATE: 02/08/2023

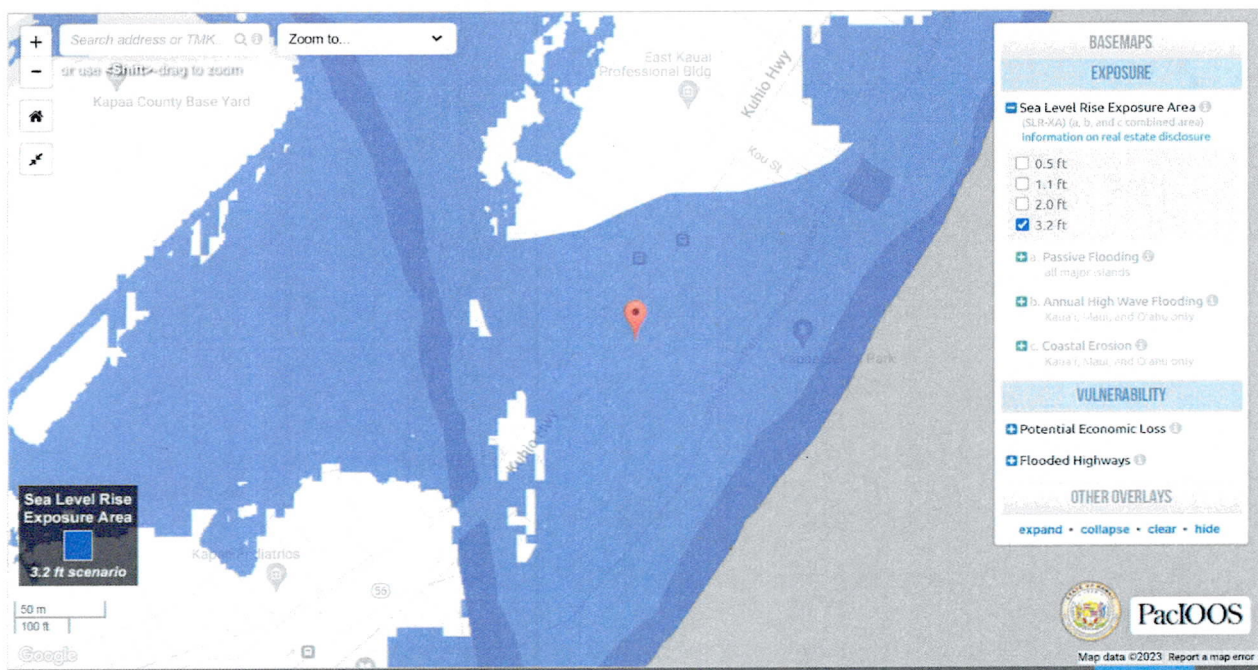


EXHIBIT "G-1"

BENJAMIN J. GAYETANO
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801

JUN 19 2000 Facility
BRUCE S. ANDERSON, Ph.D., M.P.H.
DIRECTOR OF HEALTH

In reply, please refer to:
EMD/SHW

June 13, 2000

U06022RSM

Mr. Shouan "Sam" Wang
Realtor, Kauai Realty, Inc.
P.O. Box 1246
2970 Kress Street
Lihue, Hawaii 96766

Dear Mr. Wang:

SUBJECT: Former Kazu Morita Service
1542 Kuhio Highway, Kapaa
Facility I.D. 9-702705

We have reviewed the *Underground Storage Closure Report* dated October 20, 1992, and prepared by Nexus Environmental Group, Inc. regarding the removal of two 1,000-gallon gasoline underground storage tanks (USTs). Please note that the aforementioned document now resides with the public record for the subject facility.

Based on the information provided, the closure and site restoration of the former USTs indicated no evidence of petroleum contamination from the tank or piping system. We concur with your consultant's conclusion that no further work is necessary regarding the closure of the USTs. Please be aware that if future information reveals the presence of contamination originating from the subject site, then additional investigation and/or cleanup actions may be required.

If you have any questions regarding this letter, please contact Mr. Renato Maniulit of our Underground Storage Tank Section at (808) 586-4226 or E-mail at rmaniulit@eha.health.state.hi.us.

Sincerely,



STEVEN Y.K. CHANG, P.E., CHIEF
Solid and Hazardous Waste Branch

EXHIBIT "G-2"

RESOLUTE BUILDERS
General Building Contractor
License # BC-34911
(808) 652-4709

CONTRACTOR'S AFFIDAVIT

NEW 3-STOREY BUILDING WITH ROOF TOP

Building permit application # 22-00001626

Property address: 4-1542 Kuhio Highway, Kapaa, HI 96746

Parcel ID Number: (4) 4-5-012-048

Owner's name: Benson & Arcelie Peralta

Owner's address: 193-A Lulo Road, Kapaa HI 96746


Contractor: Resolute Builders LLC

Contractor's License number: BC-34911

Date of Contractor's estimate: 10/30/22

Construction Cost Estimate: \$600,000.00

I have prepared a cost estimate for new building construction work at a minimum cost, see attached construction estimate dated 10/30/22. I acknowledge that if, during the course of construction, the scope of work changes or there are modifications of the work described in the building permit application, that a revised estimate must be provided to the county of Kauai. Such re-evaluation may require revision of the permit and may subject to additional requirements.



Brandon Williams . General Contractor

Date: 11-27-22

EXHIBIT "H"

RESOLUTE BUILDERS

General Building Contractor

Lic # BC-34911

(808) 652-4709

Estimate Date: 10/30/22

For: Construction Materials & Labor

<u>Description</u>	<u>Amount</u>
Work to be performed:	
1. Foundation, Footings, Slab	\$100,000.00
2. Framing: I Beams, Metal Stud, Floor Joist	100,000.00
3. Roofing: Architect 80 and Flat Roof	50,000.00
4. Sidings: Stucco	30,000.00
5. Drywalls: 5/8 Fireproof Drywalls, Insulation	60,000.00
6. Plumbing	30,000.00
7. Electrical	30,000.00
8. Windows/Doors/Sliding Door	10,000.00
9. Sprinkler system	50,000.00
10. Fire Alarm System	10,000.00
11. Painting	50,000.00
12. Sewer	80,000.00
Sub-total	<hr/> \$600,000.00
Tax 4.712%	28,272.00
TOTAL	\$628,272.00

EXHIBIT "H"

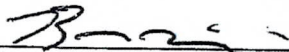
Notes:

This estimate is for the above mentioned work. This quote is only valid for 30 calendar days, due to material cost volatility. Estimates includes all material acquisition and labor.

Acceptance of this proposal requires signature from client, at which time and invoice will be issued, with payment scheduling details.

Signature denotes that client understands, agrees to, and accepts this proposal's entirety.

Mahalo for your consideration.


Resolute Builders LLC

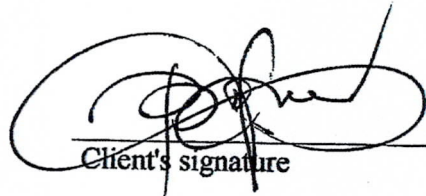

Client's signature

EXHIBIT "H"



EXHIBIT "I-1"



EXHIBIT “I-2”



EXHIBIT “I-3”



EXHIBIT "I-4"



EXHIBIT "I-5"

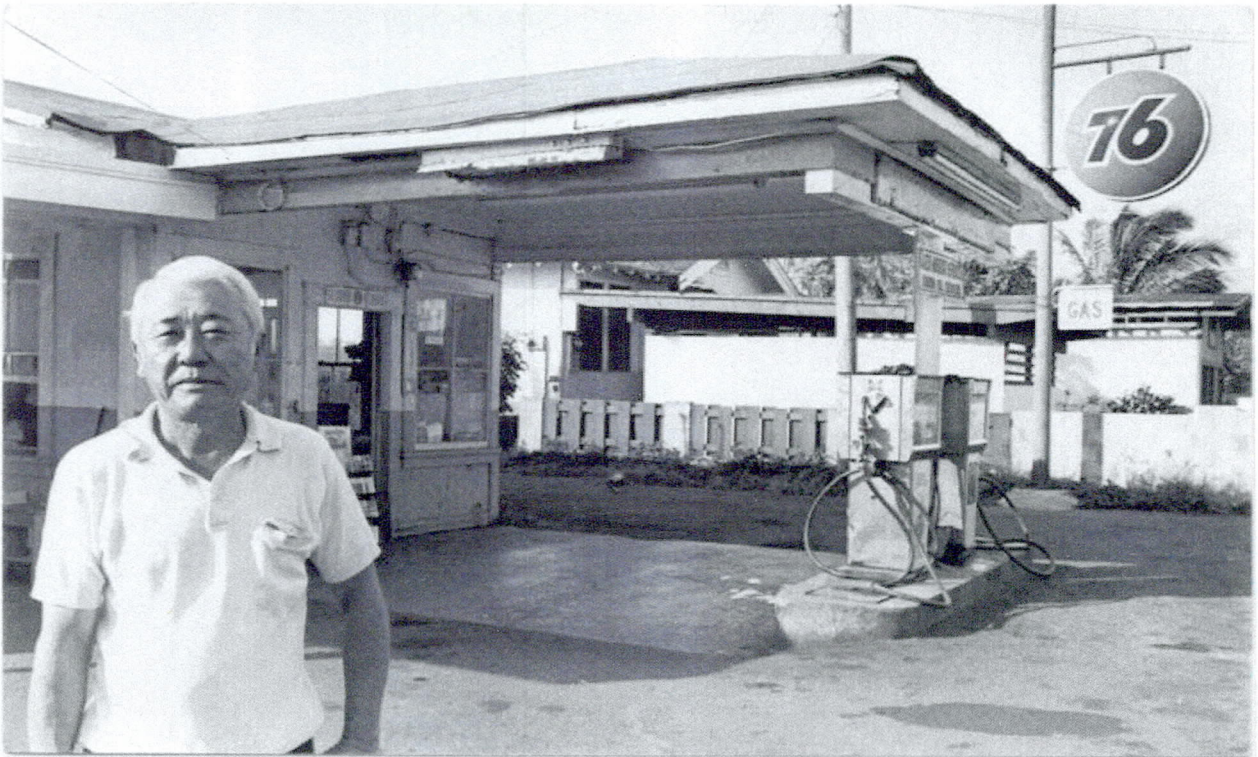


EXHIBIT "I-6"

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

I. SUMMARY

Action Required by

Planning Commission:

Consideration of Special Management Use Permit to construct a three (3) story single-family dwelling.

Permit Application Nos.

Special Management Use Permit SMA(U)-2023-12

Name of Applicant(s)

BENSON C. AND ARCELIE A. PERALTA

NRM Architect LLC, Authorized agent

II. PERMIT INFORMATION

PERMITS REQUIRED	
<input type="checkbox"/> Use Permit	
<input type="checkbox"/> Project Development Use Permit	
<input type="checkbox"/> Variance Permit	
<input type="checkbox"/> Special Permit	
<input type="checkbox"/> Zoning Permit Class	
<input type="checkbox"/> IV	
<input type="checkbox"/> III	
<input checked="" type="checkbox"/> Special Management Area Permit	
<input checked="" type="checkbox"/> Use	
<input type="checkbox"/> Minor	
Pursuant to Section 205a of the Hawai'i Revised Statutes (HRS) and the Special Management Area (SMA) Rules and Regulations of the County of Kaua'i, a SMA Use Permit is required as defined in Section 7.3(C) of the SMA Rules and Regulations where the Director finds that the proposal (1) is a "Development" as defined in Section 1,4f; and (2) is in excess of \$500, 000.	
AMENDMENTS	
<input type="checkbox"/> Zoning Amendment	
<input type="checkbox"/> General Plan Amendment	
<input type="checkbox"/> State Land Use District Amendment	

Date of Receipt of Completed Application: June 21, 2023

Date of Director's Report: July 21, 2023

F.2.a.1.
AUG 08 2023

Date of Public Hearing: AUGUST 8, 2023

Deadline Date for PC to Take Action (60TH

Day): October 6, 2023

III. PROJECT DATA

PROJECT INFORMATION			
Parcel Location:	Parcel located in Kapa'a approximately 400 feet northeast of Moikeha Drainage Canal and approximately 160 feet southwest of the Kapa'a Neighborhood Center.		
Tax Map Key(s):	(4) 4-5-012:048	Area:	.0579 acres
ZONING & DEVELOPMENT STANDARDS			
Zoning:	SPA-C		
State Land Use District:	Urban		
General Plan Designation:	Neighborhood Center		
Height Limit:	New structures shall be no more than three (3) floors in height but not to exceed forty (40) feet. Additional height shall be allowed for sloping roofs but not to exceed fifteen (15) feet above the plate line.		
Max. Land Coverage:	90% land coverage		
Parking Requirement:	Two (2) parking		
Front Setback:	Five (5) feet from right-of-way line of a public or private street or pavement line of driveway or parking lot used by public.		
Rear Setback:	Zero (0) feet		
Side Setback:	Zero (0) feet		
Community Plan Area:	Kapa'a-Wailua Development Plan		
Community Plan Land Use Designation:	N/A		
Deviations or Variances Requested:	N/A		

IV. LEGAL REQUIREMENTS

Sections 8.0, 9.0, and 10.0 of the County of Kaua'i (CoK) Special Management Area (SMA) Rules and Regulations:	This report is being transmitted to the Applicant and Planning Commission in order to satisfy the requirements of Sections 8.0, 9.0, and 10.0 of the COK SMA Rules and Regulations, relating to the scheduling of a public hearing within sixty (60) days of the filing of a completed application. The application was received on June 21, 2023 and the Applicant was notified accordingly of the Planning Department's intent to commence permit processing.
---	---

V. PROJECT DESCRIPTION AND USE

The Applicant is proposing a three (3) story single-family dwelling on a parcel consisting of 2,520 square feet. The subject parcel is within the Kapa'a-Wailua Development Plan, Special Planning Area "C" (SPA-C) and identified as Tax Map Key: 4-5-012:048.

Previous development on the subject site include a service station that (according to a committee member) was destroyed by Hurricane Iniki in 1992. In a letter dated June 13, 2000 (see Exhibit "G-2"), it referenced the removal of two (2) 1,000-gallon fuel tanks. Based on the document entitled "Underground Storage Closure Report" dated October 20, 1992, prepared by Nexus Environmental Group, Inc., the State of Hawai'i, Department of Health Solid and Hazardous Waste Branch concluded that there was no evidence of petroleum contamination from the tanks or piping system at that time. The letter also states that if any future information reveals presence of contamination originating from the subject site, then additional investigation and/or cleanup actions may be required.

Currently, there are two existing portable storage sheds and a four (4) foot high wooden fence along the northern and eastern portion of the property. Removal of the storage sheds and fence is planned prior to construction of the dwelling as represented.

As noted in the application, the proposed three (3) story plus attic, single-family dwelling consists of five (5) bedrooms, eight (8) bathrooms, and an elevator shaft. The first floor of the dwelling is a garage and has four (4) parking stalls. The second-floor features three (3) bedrooms, a den, and four (4) bathrooms. The third floor consists of one (1) bedroom, living room, kitchen, dining, and three (3) bathrooms. The attic area has a den, office space, one (1) bathroom, and an open balcony. The proposed dwelling displays gable roof lines at a 3-12 pitch with a metal roof finish. The exterior siding of the dwelling will be constructed of concrete masonry unit (CMU) with stucco trims and finish.

VI. APPLICANT'S REASONS/JUSTIFICATION

Please refer to the application.

VII. ADDITIONAL FINDINGS

1. The project site is located in Kapa'a Town, approximately 400 feet northeast of Moikeha Drainage Canal and approximately 160 feet southwest of the Kapa'a Neighborhood Center. Access to the property is taken from Kūhiō Highway.
2. The State Land Use District (SLUD) designation for this parcel is "Urban", which allows for urban growth in a specified area.
3. The General Plan (GP) designation is "Neighborhood Center". This designation is focused on historic town cores and corresponds to existing or future areas appropriate for

accommodating infill development and growth. Neighborhood Centers typically comprise a mix of detached and attached buildings between 1-5 stories in height.

4. The subject parcel is located within Zone "AE" of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). Zone "AE" is susceptible to 1% annual chance of flooding hazards. The parcel is also with the extreme tsunami evacuation zone. In addition, the subject site is also within the County of Kaua'i Sea Level Rise Constraint District.
5. Four (4) other parcels are situated between the subject site and the shoreline. The subject site is also within the 500-foot shoreline setback threshold as recognized by Chapter 8, Article 27 of the Kaua'i County Code (1987) as amended. The required shoreline setback for the proposed dwelling is 249 feet. The setback of the proposed dwelling is approximately 270 feet, 21 feet outside the shoreline setback area. There is also an existing sea wall that is on the shoreline which was constructed around 1987. The applicant shall submit a Shoreline Setback Determination form to the Planning Department before Class I Zoning Permit approval.
6. The topography is relatively flat, and no grading of the project area will occur. Existing drainage patterns on the property will not be affected.
7. Special Management Area (SMA)

In addressing the issues of the Special Management Area and it's objectives and policies, the following aspects will be considered and evaluated:

- a. Recreational Resources
- b. Cultural/ Historic Resources
- c. Scenic Resources
- d. Coastal Ecosystems
- e. Coastal Hazards

Furthermore, the proposal DOES NOT:

- involve dredging, filling, or otherwise altering any bay, estuary, salt march, river mouth, slough or lagoon;
- reduce the size of any beach or other area usable for public recreation;
- reduce or impose restrictions upon public access to tidal and submerged lands, beaches, rivers or streams within the special management area; and

- adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, estuarine sanctuaries or existing agricultural uses of land.

8. Comprehensive Zoning Ordinance (CZO) Development Standards

The proposed development is subjected to the standards prescribed in Sections 8-4.5, 8-6.3, Article 12, Section 8-12.5, and Chapter 10, Article 1, Section 10.1.3.

- A. **Special Planning Area:** The subject parcel is in Special Planning Area “C” (SPA-C) with an underlying County Zoning designation of General-Commercial (CG). Areas designated General-Commercial in SPA-C shall be subject to the CZO standards as to permitted uses but shall follow the design standards and guidelines of Chapter 10, Article 1 Kapa’a-Wailua Development Plan.
- B. **Setback Requirements:** The minimum distance of any building from the right-of-way line of a public or private street or the pavement line of a driveway or parking lot used by the public shall be five (5) feet unless the building is entered from that side by motor vehicles in which case the minimum distance shall be fifteen (15) feet. The minimum distance of any building to the side property line when the adjacent use district is commercial shall be zero (0). Rear property line setback when the adjacent use district is commercial shall be zero (0).
- C. **Setback between buildings:** The minimum distance between detached buildings on the same parcel shall be fifteen (15) feet for each story over two (2), or one-half (1/2) the total height of the highest building, whichever is greater.
- D. **Parking requirements:** A minimum of two (2) off-street parking spaces per dwelling unit shall be provided.
- E. **Lot coverage:** The amount of land coverage created, including buildings and pavement, shall not exceed ninety percent (90%) of the lot or parcel area within a General Commercial District.
- F. **Sea Level Rise Constraint (S-SLR):** The subject parcel is located within the County of Kauai’s Sea Level Rise Constraint District which requires the residential structure’s lowest horizontal structural member be elevated at least two (2) feet above the Sea Level Rise Flood Elevation (SLRFE) of one (1) foot. The first floor of the proposed dwelling will be used for parking only. The lowest horizontal structural member for the dwelling will be 8’-8” above grade.
- G. **Building Height:** All new structures shall be no more than three (3) floors in height but not to exceed forty (40) feet. Additional height shall be allowed for sloping roofs but not to exceed fifteen (15) feet above the plate line.

VIII. AGENCY COMMENTS

Attached as Exhibit 'A'.

IX. PRELIMINARY EVALUATION

In evaluating the applicant's request to construct a three (3) story single family dwelling the following should be considered:

1. General Plan

The proposed development satisfies the following policies of the General Plan, as taken from Section 1.3 and 1.4:

A. Section 1.3, entitled "VISIONS AND GOALS"

- 1) Goal #1 "Sustainable Island" – The proposed site is within the Kapa'a- Wailua Development Plan and situated in the Kapa'a Town core. The dwelling will utilize existing County sewer and water infrastructure.
- 2) Goal #2 "Unique and Beautiful Place" – The subject site's northern property line is located along Kūhiō Highway. There is an existing residence, an empty parcel, and the Ke Ala Hele Makalae Bike Path to the south of the subject site. The proposed dwelling will have minimal visual impacts to the shoreline from the highway and views from the bike path.
- 3) Goal #3 "A Healthy and Resilient People" – The subject site is within walkable distance to various shopping centers, restaurants, and food trucks. A community park, public swimming pool, and other recreational opportunities such as the use of the bike path and fishing are easily accessible without the use of a motorized vehicle. Public transportation to the north and south lines are located directly across Kūhiō Highway from the subject site and in front of the Kapa'a Neighborhood Center.
- 4) Goal #4 "An Equitable Place, with Opportunity For All" – The subject site will have access to business services, employment opportunities, recreational activities, and public transportation all within walkable or biking distance.

B. Section 1.4, entitled "POLICIES AND GROWTH"

- 1) Policy #1 "Manage Growth to Preserve Rural Character" – The subject site is within the Kapa'a Town Core and is within the growth boundaries of a compact and walkable community. Existing infrastructure such as water and sewer are readily available for the proposed dwelling.
- 2) Policy #3 "Recognize the Identity of Kauai's Individual Towns and Districts" – The subject site is in the County of Kauai's, Kapa'a-Wailua Development Plan Special Planning Area "SPA-C" which is subjected to the CZO for permitted uses but shall also follow the design standards and guidelines set forth in Article 1, Chapter 10 of the Kaua'i County Code.

- 3) Policy #4 “Design Healthy and Complete Neighborhoods” – The proposed dwelling is compatible with it’s surrounding areas and have easy access to shopping centers, restaurants/ food trucks, and public transportation. The proposed dwelling is also close to existing open spaces and the Ke Ala Hele Makalae Bike Path.
- 4) Policy #6 “Reduce the Cost of Living” – The proposed dwelling will serve as a long term rental and is accessible to the Ke Ala Makalae Bike Path and public transportation lines provided by The Kaua’i Bus.
- 5) Policy #14 “Prepare for Climate Change” – The proposed dwelling is designed in accordance to the County of Kaua’i’s Sea Level Rise Constraint District and to mitigate the flood hazards by allowing the entry and exit of flood waters.

2. Native Hawaiian Traditional and Cultural Rights

The subject site has been previously developed as a service station for many years. As represented, the applicant reached out to community members who are familiar with the project site area.

Based on the applicant’s research and discussions with community members, it is believed that the project would have no impact to any known traditional or customary practices of native Hawaiians.

The project involving a previously developed parcel should have no impact on any known Hawaiian traditional or customary practices for the following reasons:

- a. There are no known traditional or customary practices of native Hawaiian that are presently occurring within the project site.
- b. There are special gathering practices taking place within any portion of the project site.
- c. The project 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 project site.
- e. There are no known pre-contact cultural or historic sites of resources located within the project site.
- f. There are no known burials within the petition area.

3. SMA Rules and Regulations

The CoK SMA Rules and Regulations contain objectives, policies, and guidelines designed to protect coastal resources. Within the SMA, special consideration is given to recreational opportunities, cultural and historic resources, scenic qualities and open space, coastal ecosystems, and coastal hazards. In evaluating the proposed development relative to the goals and objectives of the SMA Rules and Regulations, the following aspects are taken into consideration:

- A. Public Access and Coastal Recreation – The project development would have minimal negative impacts to existing public access and coastal recreation. The proposed dwelling has easy access to the nearby bike path, open spaces, fishing, swimming, and surfing recreational opportunities all in walking or biking distance.
 - B. Cultural/ Historical Resources – As represented, there has not been any archaeological survey conducted for the project site. Exhibit “D-2”, a perimeter survey was conducted on December 3, 2018. The survey has not revealed any information on historic or archaeological resources. It is noted that the previous use of the subject property was a service station.
 - C. Scenic and Open Space Resources – The project site is not an abutting shoreline property. The proposed dwelling should have minimal negative impacts to any coastal views from Kūhiō Highway and the shoreline. Existing open space and scenic resources are preserved through the Kapa’a Swimming Pool parcel and the Ke Ala Hele Makalae Bike Path.
 - D. Coastal Ecosystems – The subject site size is .0579 acres or 2,520 square feet. Previous use of the subject site was a service station. Based on its previous use, the subject site should not have any influence as a habitat for any endangered species of flora or fauna.
 - E. Coastal Hazards – The subject site is located within Zone “AE” of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and with the County of Kaua’i’s Sea Level Rise Constraint District (S-SLR). Based on the County of Kaua’i’s Sea Level Rise Constraint Viewer, the subject site would be impacted by an annual wave run up of one (1) foot. In order to comply with the County of Kaua’i development standards within the S-SLR district, the lowest horizontal member will be a minimum of two (2) feet above the Sea Level Rise Flood Elevation. However, it is noted that the first floor of the proposed dwelling would be used solely for parking purposes and that the lowest horizontal structural member placed at 8’-8” above existing/finish grade.
4. CZO Development Standards
As proposed, the project complies with the setback, off-street parking, and building height requirements for within the SPA-C and CG zoning districts, as well as the permissible density within Residential (R-20) zoning district, as specified in Sections 8-4.3 and 8-4.5 of the Comprehensive Zoning Ordinance (CZO).

X. PRELIMINARY CONCLUSION

Bases on the foregoing, it is concluded that through proper mitigative measures, the proposed development can be considered, and it complies with the policies and guidelines of the Special Management Area Rules and Regulations in that:

1. The development should not have any substantial adverse environmental or ecological effect.
2. The development would be consistent with the objectives/goals/ policies of the County General Plan, the Comprehensive Zoning Ordinance, and other applicable ordinances.
3. The proposed development should not have any detrimental impact to the environment or the surrounding area and be in compliance with the criteria outlined for the granting of a Special Management Area Use Permit. The Applicant should institute the "Best Management Practices" to ensure that the operation of this facility does not generate impacts that may affect the health, safety, and welfare of those in the surrounding area of the proposal.

Furthermore, the proposal DOES NOT:

- involve dredging, filling, or otherwise altering any bay, estuary, salt march, river mouth, slough or lagoon;
- reduce the size of any beach or other area usable for public recreation;
- reduce or impose restrictions upon public access to tidal and submerged lands, beaches, rivers or streams within the special management area; and
- adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, estuarine sanctuaries or existing agricultural uses of land.

XI. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby recommended that construction of a three (3) story single family residence under Special Management Area Use Permit SMA(U)-2023-12 be **approved** with the following conditions:

1. The proposed development shall be constructed as represented. Any changes to the operation of the respective structure shall be reviewed by the County of Kaua'i, Department of Planning to determine whether Planning Commission review and approval is required.
2. Pursuant to the comments from the State of Hawai'i, Department of Health Solid and Hazardous Waste Branch (letter dated June 13, 2000), if any future information reveals presence of contamination originating from the subject site from the Underground Storage Tank Removal, then additional investigation and/or cleanup actions may be required.


3. In order to ensure that the project is compatible with its surroundings and to minimize the visual impact of the structures, the external color of the proposed dwelling shall be of moderate to dark earth-tone color. The proposed color and landscape plan should be submitted to the County of Kaua'i, Department of Planning for review and acceptance prior to building permit submittal.
4. The applicant is advised that should any archaeological or historical resources be discovered during ground disturbing/ construction work, all work in the area of the archaeological/ historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division and the County of Kaua'i, Department of Planning to determine mitigation measures.
5. In order to minimize adverse impacts on the Federally Listed Threatened Species, Newell's Shearwater and other seabirds, if external lighting is to be used in connection with the proposed project, all external lighting shall be only of the following types: downward facing, shielded lights, spotlights aimed upward or spotlighting of structures shall be prohibited.
6. 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.
7. The applicant shall resolve and comply with the applicable standards and requirements set forth by the State Health Department, State Historic Preservation Division-DLNR, Office of Hawaiian Affairs, and County Department of Public Works, Fire, Transportation, and Water.
8. 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 resort-related jobs. It is recognized that the Applicant may have to employ non-Kauai residents for particular skilled jobs where no qualified Kauai residents possesses such skills. For the purposes of this condition, the Commission shall relieve the Applicant of this requirement if the Applicant is subjected to anti-competitive restraints on trade or other monopolistic practices.
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 Planning Commission reserves the right to revise, add or delete conditions of approval in order to address or mitigate unforeseen impacts the project may create, or to revoke the

permits through the proper procedures should conditions of approval not be complied with or be violated.

11. Unless otherwise stated in the permit, once permit is issued, the applicant must make substantial progress, as determined by the Director, regarding the development or activity within two (2) years, or the permit shall be deemed to have lapsed and be no longer in effect.

The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled for August 8, 2023 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 
ROMIO IDICA
Planner

Approved & Recommended to Commission:

By 
KA'AINA S. HULL
Director of Planning

Date: 7/24/2023

EXHIBIT “A”

(Agency comments)



County of Kauai
Planning Department
4444 Rice St., Suite A473 Lihue, HI 96766
(808) 241-4050

FROM: Kaaina S. Hull, Director

Planner: Romio Idica

RECEIVED

6/21/2023

SUBJECT: Special Mgt Area Permit SMA(U)-2023-12
Tax Map Key: 450120480000
Applicant: Benson C. & Arcelie A. Peralta
3-Story Single Family Residence/8' CMA Wall

JUN 22 2023

County of Kauai
Transportation Agency

TO:

- ~~JUL 7 '23 8:21~~
~~PLANNING DEPT~~
- ☐ State Department of Transportation - STP
 - ☒ State DOT - Highways, Kauai (info only)
 - ☐ State DOT - Airports, Kauai (info only)
 - ☐ State DOT - Harbors, Kauai (info only)
 - ☒ State Department of Health
 - ☐ State Department of Agriculture
 - ☐ State Office of Planning
 - ☐ State Dept. of Bus. & Econ. Dev. Tourism
 - ☐ State Land Use Commission
 - ☒ State Historic Preservation Division
 - ☐ State DLNR - Land Management
 - ☐ State DLNR - Forestry & Wildlife
 - ☐ State DLNR - Aquatic Resources
 - ☐ State DLNR - Conservation & Coastal Lands
 - ☐ Office of Hawaiian Affairs

- ☒ County DPW - Engineering
- ☐ County DPW - Wastewater
- ☐ County DPW - Building
- ☐ County DPW - Solid Waste
- ☐ County Department of Parks & Recreation
- ☒ County Fire Department
- ☒ County Housing Agency
- ☐ County Economic Development
- ☒ County Water Department
- ☐ County Civil Defense
- ☒ County Transportation Agency
- ☐ KHPRC
- ☐ U.S. Postal Department
- ☐ UH Sea Grant
- ☒ Other: Office of Hawaiian Affairs

FOR YOUR COMMENTS (pertaining to your department)

7/6/2023

CTA HAS NO FURTHER COMMENT ON THIS PROJECT.

MAHALO!

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 8/8/2023 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!

**WAIMEA HIGH SCHOOL
GYMNASIUM COMPLEX
USE, CLASS IV AND VARIANCE PERMITS APPLICATION**

DOE PROJECT No. Q43201-18
TMK (4) 1-6-010: 004 AND (4) 1-6-009: 023
9707 TSUCHIYA ROAD
WAIMEA, KAUAI, HAWAII



PROPOSING AGENCY:
STATE OF HAWAII
DEPARTMENT OF EDUCATION

JUNE 2023

F.2.b.
August 8, 2023



**DEPARTMENT OF PLANNING
STANDARD ZONING PERMIT APPLICATION**

One (1) original; 9 providing plans, five (5) sets, including original, required.
Fees vary based on permits required and range from \$30 to over \$1000.
Proof of 100% fee ownership rights or authorized agent must be attached.

Check
One:

☐

Paper
Plans

☐

Electronic
Plans

This application shall be filled out by all seeking Zoning, Use, Variance, SMA Use or PDU permits pursuant to the Kauai County Code, Hawai'i Revised Statutes Chapter 205A and all relevant rules and regulations of the Planning Commission and Department. Supplemental information may be attached to form. SMA applications may also require additional SMA assessment forms.

DEPARTMENT USE ONLY

Zoning		Intake By:
Use		
Variance		Intake Date:
SMA		
PDU		Acceptance Date By:
TOTAL FEE:		
Additional Fees:		
Receipt Number		
Building Permit No.		
Associated Permits (e.g. SSD)		

Permitting fees may be made via cash or check. All checks shall be made out to: "Director of Finance"

Complete Information Below

Tax Map Key Number	1-6-010-004, 1-6-009-023	Condominium Number	
Applicant Name(s)	Department of Education		
Property Address	9707 Tsuchiya Road, Waimea, Kauai		
Mailing Address	Same		
Parcel Area	8.08 & 3.027 ac	Contact Phone	(808) 528-4661
Zoning Designation	R-1/ST-P	Contact Email (if applicable)	tkim@environcom.com

Applicant Declarations (incorrect responses may slow your permit review)

Please place an "X" under Yes or No under the following:

	YES	NO	Staff Verification
1 Is this property located in the Special Management Area (SMA)?		X	
2 Is this property part of a Condominium Property Regime (CPR)?		X	
3 Is this property within 500 feet of the shoreline?		X	
4 Is this property within the Agriculture Zoning District?		X	
5 Is there a structure on the property that is 50 years old or older?		X	
6 Do you have an Additional Dwelling Unit Certificate?		X	
7 Is this a permit for an after-the-fact construction or activity?		X	
8 I hold at least a 100% property interest in the property.	X		
9 Are you an agent for the property owner?	X		
10 Has a similar application been previously denied?		X	
11 Is this an application for an agriculture structure under 200 square feet		X	
12 Are there known burials on the site?		X	
13 Are you using water not provided by a domestic water system?		X	
14 Does existing grade under building footprint change by 2' or more in any direction?	X		
15 The proposed residential unit is a Multi-Family Dwelling Unit?		X	
16 Is this a conversion of a legally existing single-family dwelling unit into a multi-family two dwelling unit?		X	
17 Is this structure a guest house?		X	
18 Does guest house contain a kitchen?		X	

GENERAL USE AND CLASS IV REQUIREMENTS

Project Name: Waimea High School Gymnasium Complex
TMK: (4) 1-6-010: 004 (gymnasium) and (4) 1-6-009: 023 (parking)
Applicant: County of Kauai Department of Water

REQUIRED INFORMATION

Applicant and Property Information

1. The project property is identified as TMKs (4) 1-6-010: 004 and (4) 1-6-009: 023. The lot sizes are 8.08 and 3.027 acres respectively. The site is identified as Urban on the State Land Use Map and is designated as Urban Center on the Kauai General Plan. Zoning for the project site is Residential District (R-1)/Special Treatment District (ST-P).
2. Ownership of the project parcels are with the State of Hawaii and the County of Kauai.
3. The authorized agent for this project is:

Mr. Taeyong Kim
Environmental Communications, Inc.

All correspondence should be directed to the planning consultant for distribution to the Applicant and Authorized Agent:

Mr. Taeyong Kim
Environmental Communications, Inc.
P.O. Box 236097
Honolulu, HI 96823

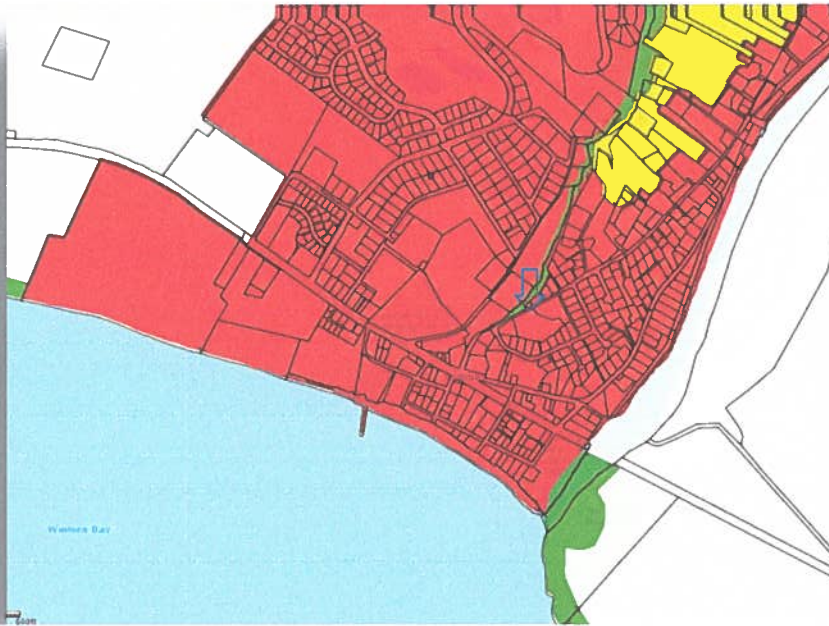
Phone: 808-528-4661
Email: tkim@environcom.com

GRAPHIC AND SCHEMATIC REQUIREMENTS

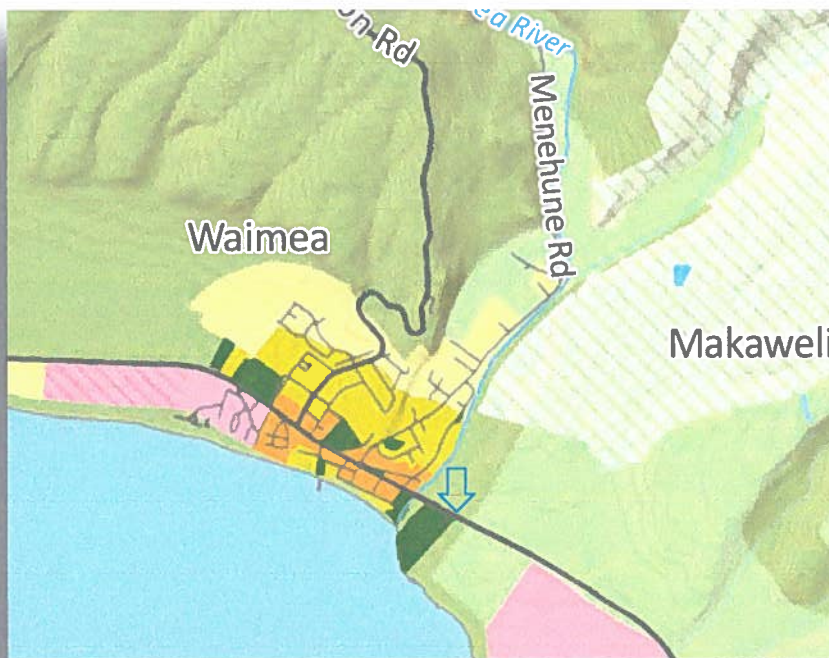
In addition to this statement, the required project graphics are also located in the attached Final Environmental Assessment for the project and in the attached architectural drawings set.

Consistency with Existing Plans

The site is located in the State Urban District. The Kauai General Plan Land Use Map, shows that the site is located in the Residential Community District.



State Land Use Boundary Map: Urban Designation
Source: Office of State Planning



Flood Zone

The project site is identified as being in Zone X on the Flood Insurance Map. This is an area determined to be outside the 0.2% annual chance floodplain. See Figure 11 of Environmental Assessment.

Lot Coverage

The proposed improvements will consist of 20,861 sf for the gymnasium, 8,719 sf for sidewalks, and 3,335 sf for new parking area. In addition to the existing covered areas, the total lot coverage will be approximately 51% of the total site.

- TMK 1-6-010:004: 352,226 sf
- Existing Building Area: 87,758 sf
- Existing Sidewalks: 25,428 sf
- Existing Roadways: 34,316 sf
- New Gymnasium Area: 20,861 sf
- New Sidewalks: 8,719 sf
- New Parking Lot: 3,353 sf
- Total: 180,255 sf
- $352,226 / 180,255 = \text{approximately } 51\%$

6g. Off-street parking layouts are shown in the site plan included in the Environmental Assessment Figure 7 and attached plans.

6h. The gymnasium project area is located on relatively flat land with a gentle slope in the makai direction. A minimal amount of fill will be required to level the area for the gymnasium with the finish grade approximately two feet above the lowest point of the existing site.

6i. The project is not within an environmentally sensitive area. No graphic is required.

6j. A landscaping plan is under preparation and will be available before the Planning Commission hearing. The plan will include significant additions in landscape streets throughout the campus.

6k. Existing and proposed roadways are shown in the attached Site Plan.

6l. The project site is not located near a shoreline or stream. No graphic is required.

7. Conceptual Building Plan information is attached in the plans attached to this document .

7a. Elevations and finishes are shown in Figures 5 and 6 of the Environmental Assessment.

7b. Building heights and sections are shown in Figures 5 and 6 of the Environmental Assessment. The proposed project height will require a Zoning Variance for height. The variance request is addressed in the second portion of this document.

7c. Floor plans are shown in Figure 4 of the Environmental Assessment.

WRITTEN REQUIREMENTS

8.a. The proposed project consists of the construction of a new 20,861 square foot Title IX compliant gymnasium building to support the athletic activities of the Waimea High School. A detailed description of the project can be found in the project's Final Environmental Assessment (FEA), which is included in its entirety within the Zoning Petition attachment. This structure and its appurtenant support facilities will be constructed on an open space near the entry of the campus. This new gymnasium will be used for all athletic activities. The existing gymnasium will not be used for athletic events and the disposition of this structure has not yet been determined. The structure is part of the Waimea High School campus and is under the management of the Department of Education while the site is owned by the County of Kauai. Discussion regarding the disposition of the old gymnasium has been initiated and notes from these preliminary discussions are attached. Continuing dialog between all parties are expected but this remains outside the proposed scope of work for the new gymnasium.

8.b. The project site is classified as Residential (R-1)/STP. The project will require a Use Permit as well as a Class IV Zoning permit which are the scope of the subject application. A variance for height will also be required.

As stated in Sec. 8-11.3 of the Comprehensive Zoning Ordinance, a Use Permit will be required as the proposed gymnasium structure and appurtenant improvements will alter the form and appearance fo the school campus.

A Variance approval for exceeding the residential height limit will be required for the gymnasium structure. As stated in Sec. 8-3.3 of the Zoning Ordinance, a Variance will be granted only if it is found that special circumstances are applicable. In the case of the proposed gymnasium, exceeding the residential height limit of 30-feet is required by the functional requirements of a multi-function gymnasium. A roof height at the 25-foot height would not be in compliance with standards of a functional gymnasium. It is also expected that gymnasium structures are typically the largest structures on any school campus therefore the proposed structure in not exceptional in this regard. Additional height is also required to allow the gymnasium to incorporate a pitched roof rather than a flat roof. This additional height is requested to allow the building to present a form that is visually attractive and in consonance with the surrounding community.

When viewed for consistency with the General Plan, the proposed improvements are supportive of the key elements of the Plan. The project supports a sustainable island in that the structure will be permanent and is expected to have a long useful lifespan. This supports the intent to keep Kauai a sustainable island. It is not foreseen that additional or an expanded gymnasium will be required in the near future. By its very nature, the gymnasium will support the second value of keeping residents health and resilient. The gymnasium's primary purpose is supporting health and sporting activities. The gymnasium is expected to be an important gathering place for the community as the High School is a centerpiece of the community and will likely be visited by residents of all ages. The third goal of maintaining a unique and beautiful place is supported by the

proposed gymnasium by the incorporation of a sensitive design that pays homage to the rural and historic character of Waimea Town. Architectural elements like the double pitched roof, wall siding, and use of mixed materials reflect the sites rural heritage while the purpose driven contemporary proportions also work with the more modern existing campus forms. Lastly, the school remains under public domain and is open to all residents but the addition of this new building will promote equity and opportunity for the school's students by providing them with a gymnasium that is on par with the facilities at other school campuses. This is an important consideration not only in the regard of Title IX entitlements but also as a source of community pride within this close knit community.

The West Kaua'i Community Plan's Waimea Town Plan prescribes design considerations that are generally consistent with the proposed project. No specific design considerations directly applicable to the proposed gymnasium are referenced in the plan however the proposed project meets the objectives of the Plan in retaining a rural character, and remaining within an walkable environment. Creating an equitable place is also a prominent characteristic in that the Waimea High School Gymnasium is a public facility that will be a community gathering place as well as a fully compliant athletic facility on par with other State schools.

It should also be noted that the proposed gymnasium will be designed in accordance with Hawaii State Building Code, Section 430, "State- and County-Owned Public High Occupancy Buildings - Design Criteria for Enhanced Hurricane Protection Areas" to serve as a community shelter. This furthers the sustainability values of the General Plan and Waimea Town Plan and adds value to this important community facility.

The project will also require ministerial permits for building construction which are typical of any new development. As these permits are not discretionary, no other outstanding issues remain.

8.c. Kauai General Plan: Urban Center

Section 5.4.1.1, Policy of the Kauai General Plan, Kauai Kakou relating to the project site are discussed on page 41 of the Environmental Assessment.

8.d. History of Project Parcel

The project area, which is located within the Waimea High School Campus has been open since the development of the current school. No exceptional significance to this open space has been identified from a recorded historical perspective however the open space is well noted for a large monkey pod tree which remains a campus landmark. This tree will need to be removed in favor of the new gymnasium however significant new shade and ornamental trees will be added throughout the campus to create a comprehensive and cohesive landscape plan.

8.e. Status of Zoning Amendments

No existing or outstanding zoning amendments are pending regarding this site. This project will require a Use and Class IV Zoning Permit as well as a height variance.

8.f. Secondary Impacts

Secondary impacts of the proposed action consist primarily of the loss of open space on the campus. While this loss will be visually notable, it is offset by the significant benefit that it will provide students of the school. This offsetting benefit is also significant in that it will provide Title IX equity and will allow the school to more easily host athletic intramural activities. Non-action is not considered an acceptable alternative and alternative sites are not readily available on-site. Replacement of the existing gym was considered however this would not be readily or easily available due to the very limited space it would provide, the dual ownership of the facility, and possible community sentiment associated with this building.

The proposed project is not a residential use and increase in demand for additional police, fire, school, or parks use will be non-existent or minimal, therefore it can be assumed that no impacts on public services will result from completion of the project.

8.g. Water Source

The project site is presently vacant and can readily be connected to a potable water supply. Water supply capacity to the site is presently available.

8.h. Sewage Disposal

No sewer line is presently serving the project location. The proposed plan proposes the installation of gravity feed sewer line to the existing sewer line located adjacent to the site. Capacity for this additional demand is available.

8.i. Solid Waste Disposal

Solid waste disposal will be collected either by private refuse collection on a contract basis or by municipal refuse collection services. As a general management practice, recycling is encouraged by the Department of Water.

9. Housing Division Evaluation. Not applicable.

USE PERMIT DESCRIPTION

The proposed gymnasium project is consistent with the Comprehensive Zoning Ordinance. The gymnasium is located on the Waimea High School grounds where it will most effectively serve the students of the school. Programmatically, a gymnasium is a standard facility in the Department of Education's High School Standards.

The proposed use is not detrimental to persons or property in the area. The use has already been established on the campus in an older structure which no longer conforms with current athletic facility standards. The location of the proposed gymnasium is currently in open space and use of this space will not adversely affect the functions of the school.

The new building will permanently replace this open space with a large structure that has been designed to meet the needs of the students and school with as little adverse impact to the site as possible. No significant impact to the environment is anticipated however short-term construction related activities will create some inconveniences during the construction period. The Department of Education has deemed the project with a Finding of No Significant Impact through the environmental review process.

The proposed gymnasium is not inconsistent with the CZO and General Plan. The school use is already recognized and the addition of a new facility will be within the boundaries of the existing campus. The school use is presently identified on the County of Kauai planning maps.

VARIANCE PERMIT DESCRIPTION

Project Name: Waimea High School Gymnasium Complex
TMK: (4) 1-6-010: 004 (gymnasium) and (4) 1-6-009: 023 (parking)
Applicant: County of Kauai Department of Water

REQUIRED INFORMATION

Required information for the Variance Permit are include in the preceding information of this document. Additional information can be referenced in the attached Final Environmental Assessment prepared for the project.

The proposed gymnasium is located within a Special Treatment Area however the underlying heigh for this residential district is 30 feet from ground to peak of roof. The proposed facility will require a variance for height to exceed the underlying heigh limit by 15 feet. This additional height is required specifically for the purpose and nature of a gymnasium. This height exceedance is necessary for the activities that will take place within the gym including basketball and volleyball. A detailed breakdown of the height requirements of the structure are as follows:

- Proposed Height: 45-feet
- Required Height Clearance over Main Court: 24-feet
- Bottom of Truss (over Main Court): 28-feet above the finish floor - the 4-foot height difference between required height clearance and bottom of truss is needed to accommodate overhead ceiling fans and other gymnasium appurtenances such as the gymnasium divider curtain while maintaining required height clearance
- Structure Supporting Roof: Approximately 16-feet high - we currently have concrete headers which are 3 to 4-feet high and trusses supporting the 2.5 slope roof

It should be noted that original gymnasium also exceeds the 30 height. This variance request is predicated by function and loss of this height increase would hamper activities or severely affect the esthetic character of the structure and the overall visual character of the school.

Design considerations eliminated a lower flat roof design as a large flat roofed structure at the front face of the campus would be inappropriate in regard to the overall community design character. Viewed from an overall existing community character perspective and also in view of the West Kauai Community Plan recommendations, the applicant feels that the proposed design reflects the general values of the Plan and existing community. A sloped roof, materials and design details were thoughtfully incorporated to be consistent with the overall rural character of Waimea. The gymnasium is thought to incorporate rural elements of the surrounding community as well as some contemporary forms that are complementary to the existing school campus buildings.



EXISTING CAMPUS SITE PLAN

SCALE 1" = 200'

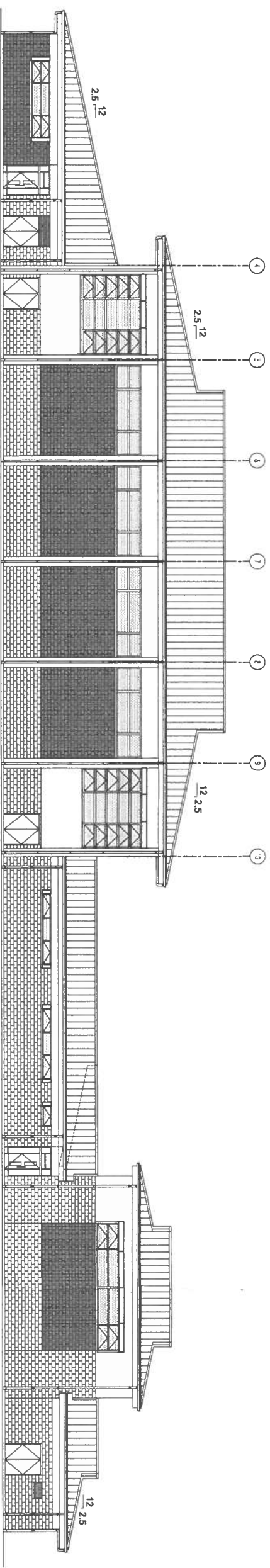
BLDG LETTER	BUILDING NAME
B	Music Building
C	Home Economics Building
D	Industrial Arts Building
E	Vocational Agriculture Building
F	Cafeteria Building
G	Commercial Building
H	Science Building
I	Multipurpose Building
J	Art Building
K	Classroom Building
L	Athletic Complex
M1	M-1 Portable
M2	M-2 Portable
N	Gymnasium
R	General Classroom
S	Classrooms (Language Arts Studies)
T	Classrooms (Language Arts Studies)
U	Classrooms (Language Arts Studies)
V	Library
W	Administration Building



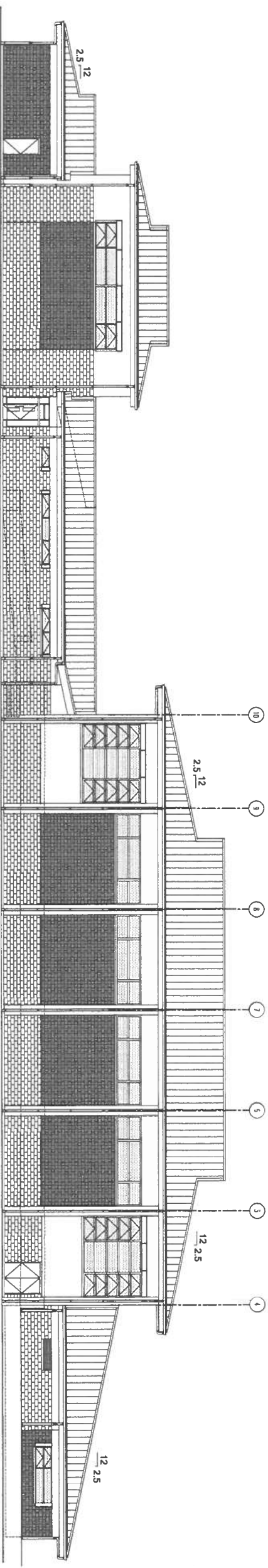
WAIMEA HIGH SCHOOL - GYMNASIUM

Due Diligence Concept Design | DOE Job No.: Q43201-18 | September 2020





D1 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

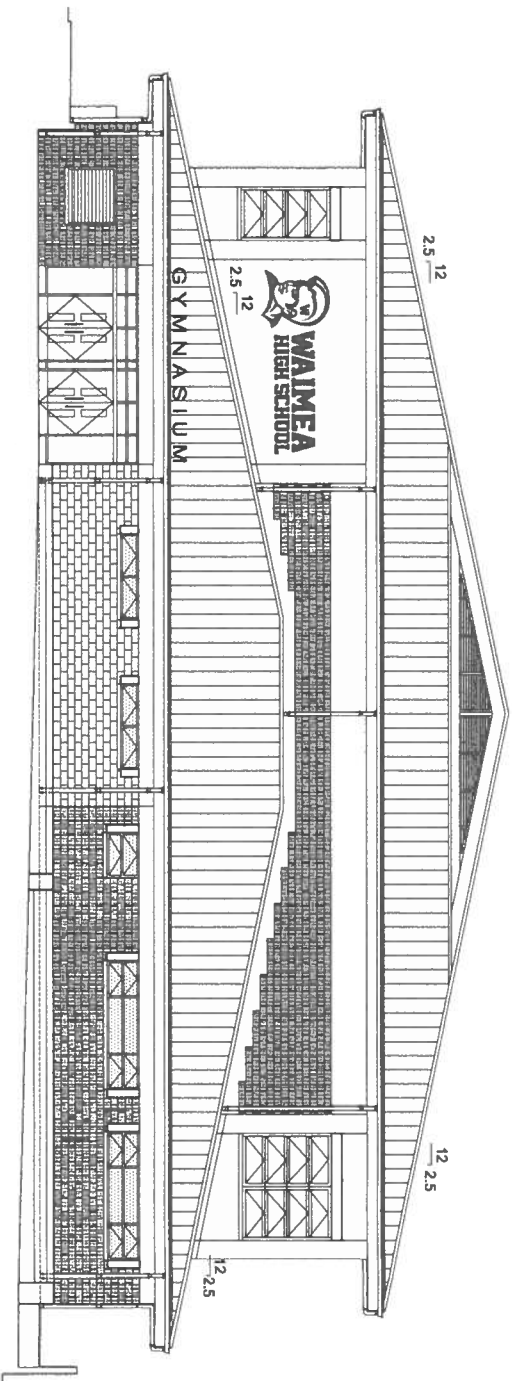


B1 NORTH ELEVATION
A20 SCALE: 3/32" = 1'-0"

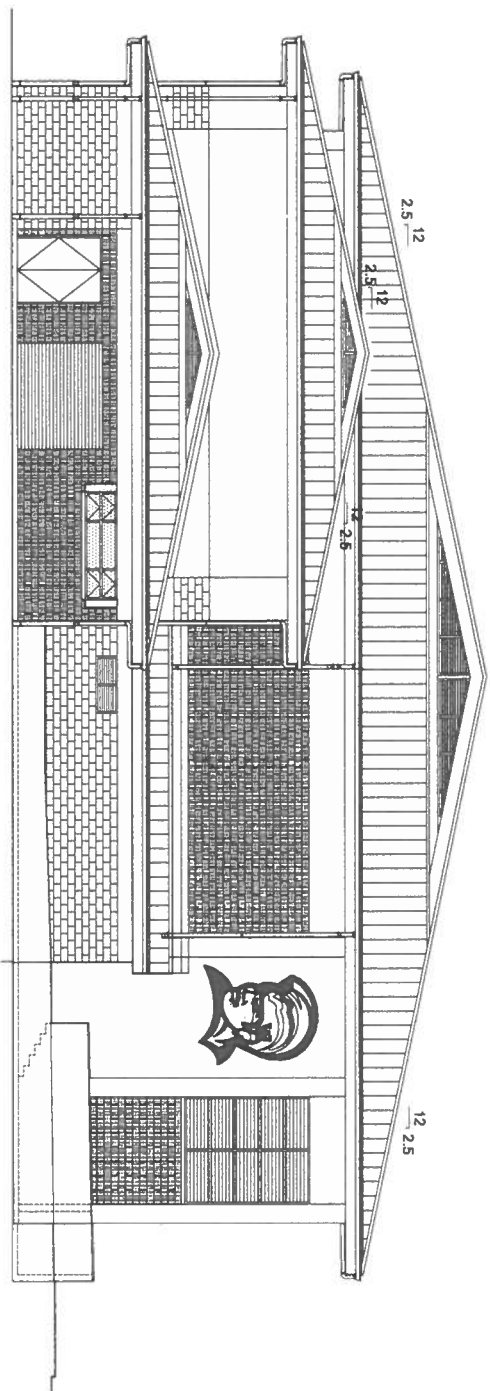
GENERAL NOTES:
1. REFER TO SHT A21 FOR EXTERIOR FINISH SCHEDULE.

1. REFER TO SHT A21 FOR EXTERIOR FINISH SCHEDULE.

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D1 WEST ELEVATION
A21 SCALE: 1/8" = 1'-0"



C1 EAST ELEVATION
A21 SCALE: 1/8" = 1'-0"

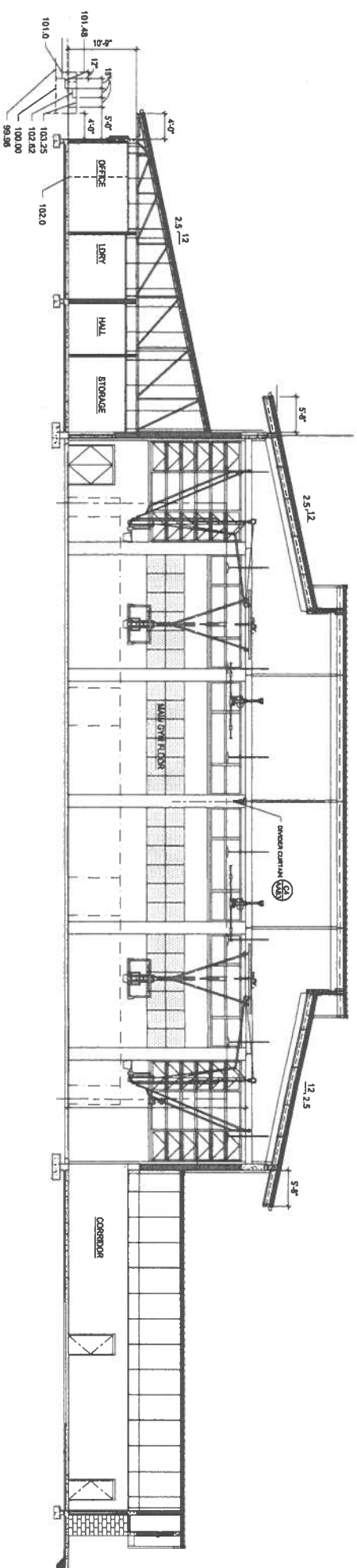
SYMBOL	MANUFACTURE / SUPPLIER	COLOR NAME / NUMBER	DESCRIPTIONS	REMARKS
1	HFM BUILDING SUPPLY	TAHITIAN BRONZE	STANDING SEAM METAL ROOF	-
2	TILECO	-	STANDARD CMU UNIT	-
3	ESWINDOWS	ES 7000 WINDOW WALL	ALUMINIUM WINDOWS	-
4	SHERWIN WILLIAMS	TBD	PAINT ON CMU AND CONCRETE	-
5	SHERWIN WILLIAMS	TBD	PAINT ON CMU AND CONCRETE	-
6	AWW LOUVERS	MATCH 4 IN FINISH COLOR	ALUMINIUM LOUVER	DOUBLE DRAINABLE LOUVER, HURRICANE PROOF
7	CURRIES METAL DOORS	MATCH 4 IN FINISH COLOR	METAL PAINTED DOORS	-
8	-	MATCH 4 IN FINISH COLOR	METAL GATE	-
9	TILECO	-	TV FLUTED SPLIT	-
10	CROSS	TBD	ALUMINIUM STOREFRONT DOOR	-
11	COOKSON	PSD361	STORMDEFENDER ROLL-UP DOOR	-
12	CROCI	ES-55 SUP	HURRICANE ROLL-DOWN SHUTTERS	MOTORIZED
13	SIO CORP	1150 PROJECT OUT / FIXED	DIRECT APPLIED FINISH	DIRECT APPLIED OVER STANDARD CMU UNIT
14	WINCO	1150 PROJECT OUT / FIXED	ALUMINIUM WINDOWS	-
15	AMERICAN SHUTTER SYSTEMS ASSOC., INC	BERTHA HV ACCORDION SHUTTER	HURRICANE ACCORDION SHUTTERS	MANUALLY OPERATED

ELEVATION NOTE:

- SEE SPECIFICATIONS FOR DETAILED PRODUCT INFORMATION.
- BRAND NAMES IN THE MATERIAL AND FINISH SCHEDULE ARE FOR DESIGN PURPOSES ONLY AND ARE LISTED TO DEFINE QUALITY, PERFORMANCE AND VISUAL APPEARANCE OF THE DESIRED FINISH. OTHER BRANDS MAY BE USED PROVIDED, THEY MEET THE CRITERIA OF THE NOTED FINISH FOR THE PERFORMANCE, DURABILITY, QUALITY AND APPEARANCE AS SPECIFIED.
- CONTRACTOR IS RESPONSIBLE FOR ALIGNING ALL GROOVES, JOINTS, WINDOW MULLIONS, ETC., EXACTLY AS SHOWN ON THE EXTERIOR ELEVATIONS.



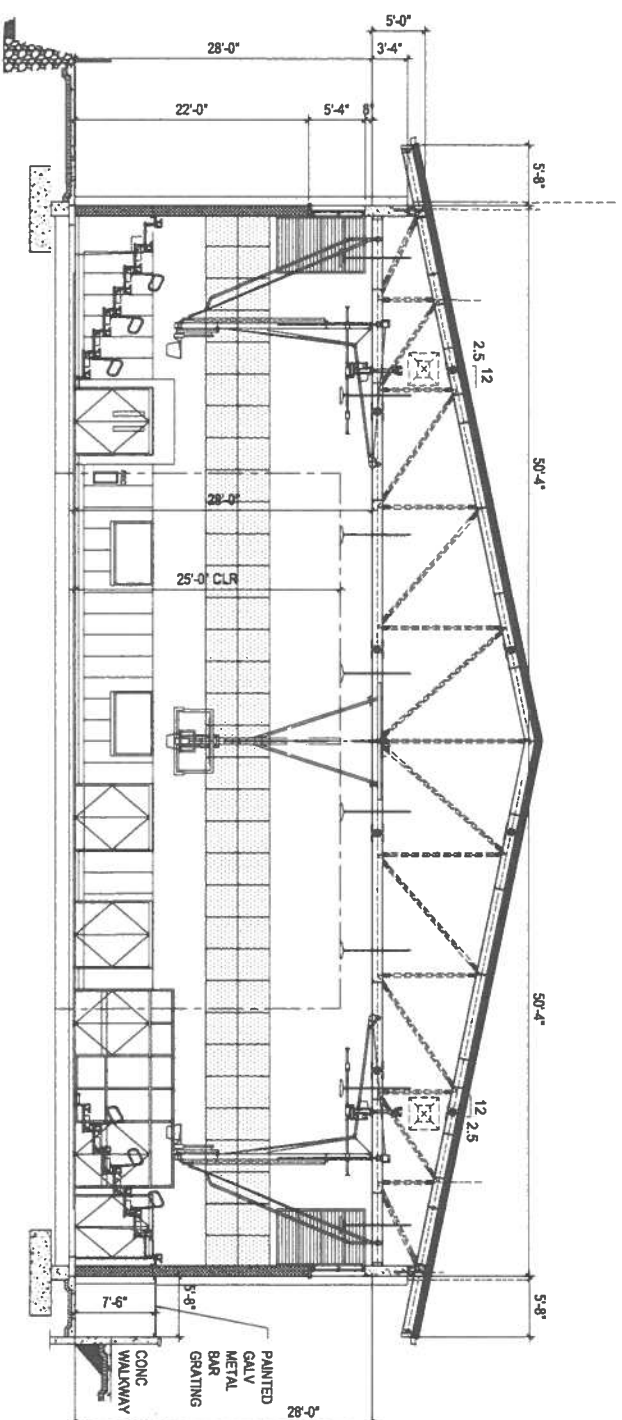
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<p>DEPARTMENT OF EDUCATION STATE OF HAWAII</p> <p>WAIMEA, KAUAI, HAWAII TRUC 1-4-10-4</p> <p>EXTENSION ELEVATIONS</p> <p>DESIGN PARTNERS, INC. DESIGNED BY: KE CHECKED BY: KE DATE: Q43201-18</p> <p>WAIMEA HIGH SCHOOL, NEW GYMNASIUM</p> <p>SCALE: AS SHOWN</p> <p>AUG 2022</p> <p>OF 3 SHEETS</p>							



D1 LONGITUDINAL SECTION
AA30 SCALE: 3/32" = 1'-0"

AA30

SCALE: 3/32" = 1'-0"



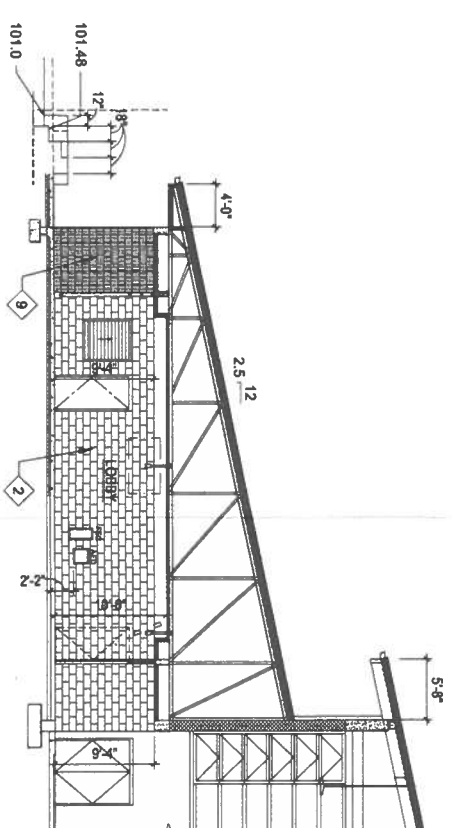
B1
AA30

GYM CROSS SECTION

SCALE: 1/8" = 1'-0"

AA30

SCALE: 1/8" = 1'-0"



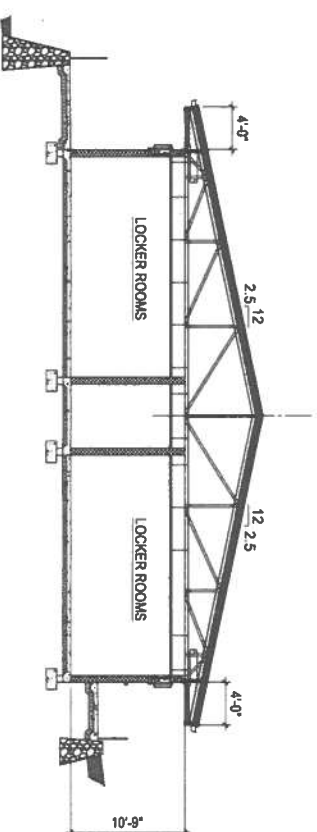
B4
AA30

GYM SECTION

SCALE: 1/8" = 1'-0"

AA30

SCALE: 1/8" = 1'-0"



A1 BUILDING SECTION
SCALE: 1/8" = 1'-0"

AAK30

SCALE: 1/8" = 1'-0"



SCALE: 1/8" = 1'-0"



SCALE: 3/32" = 1'-0"

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This work was prepared by me or under my supervision and construction of this project was under my observation.

Equations

Expatriation Dates of the Immigrants

DESIGN PARTNERS, INC.		ORDER NO. 00000000000000000000	ORDER NO.
DESIGNED BY KE	CHECKED BY KE	QA3201-18	AA30
DRAWN BY AQ CN	APPROVED BY KE	DATE	
SCALE AS SHOWN		JAN 2023	
		OF _____ SHEETS	

DESIGN PARTNERS, INC.

DATE FOR FILING

BRUNNEN INC.

DATE	DESCRIPTION	AMOUNT	BALANCE
1/1/01	OPENED BY		
1/1/01	RECORD BY		

Q43201-1

7500 8

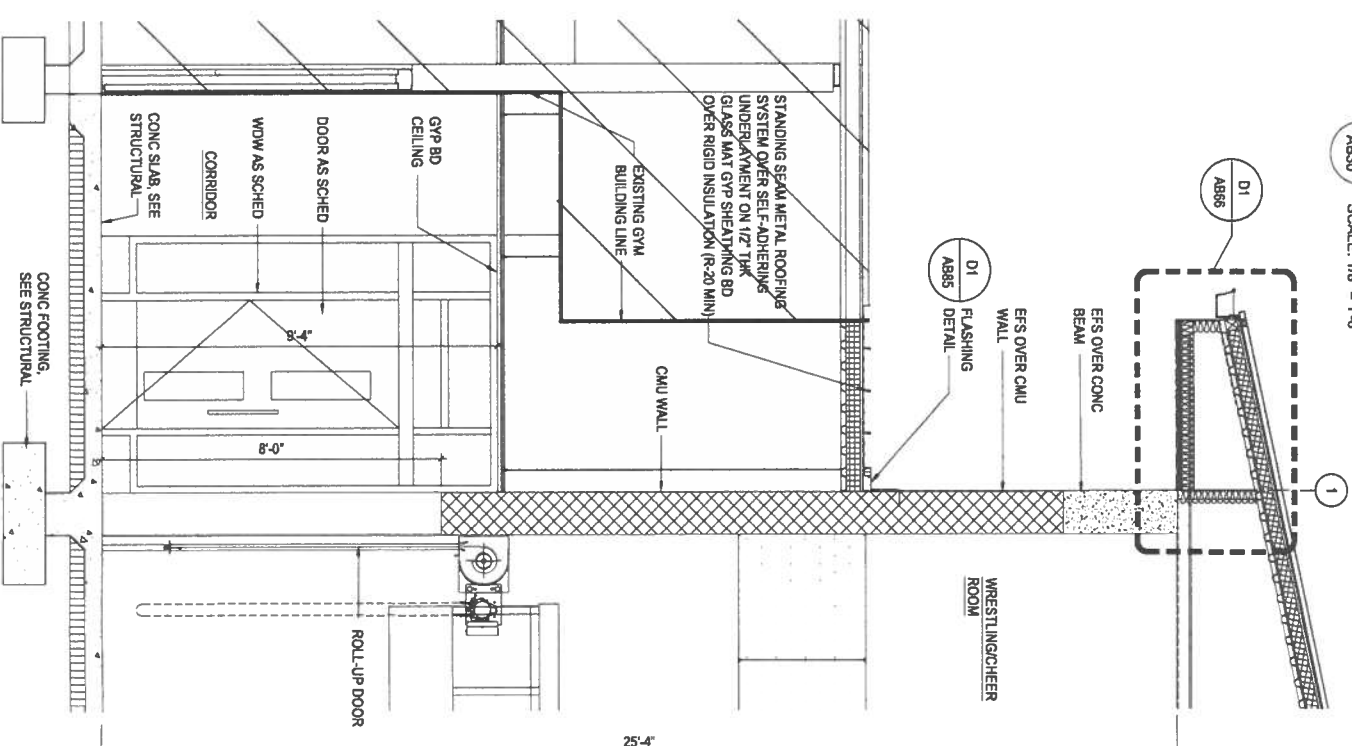
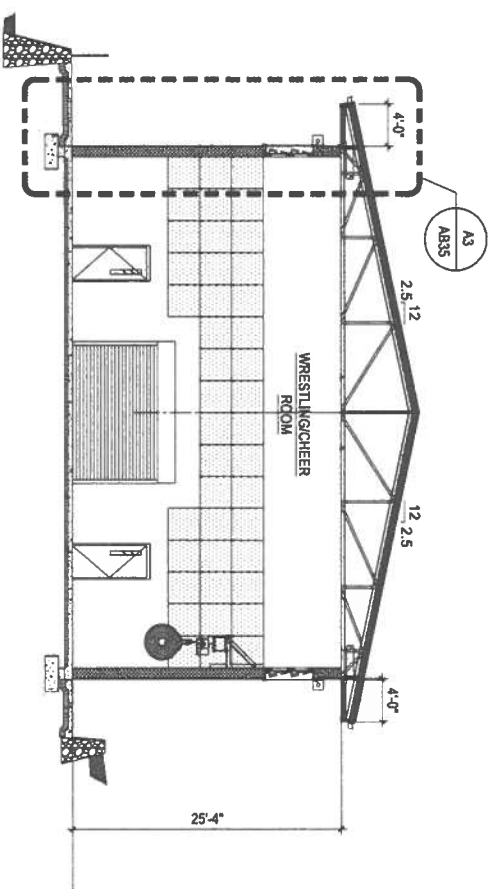
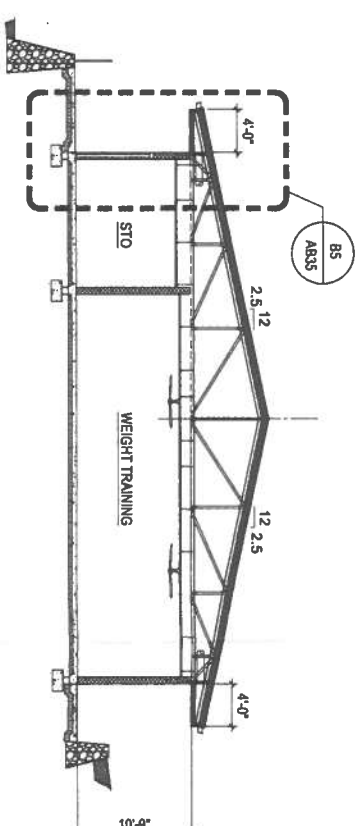
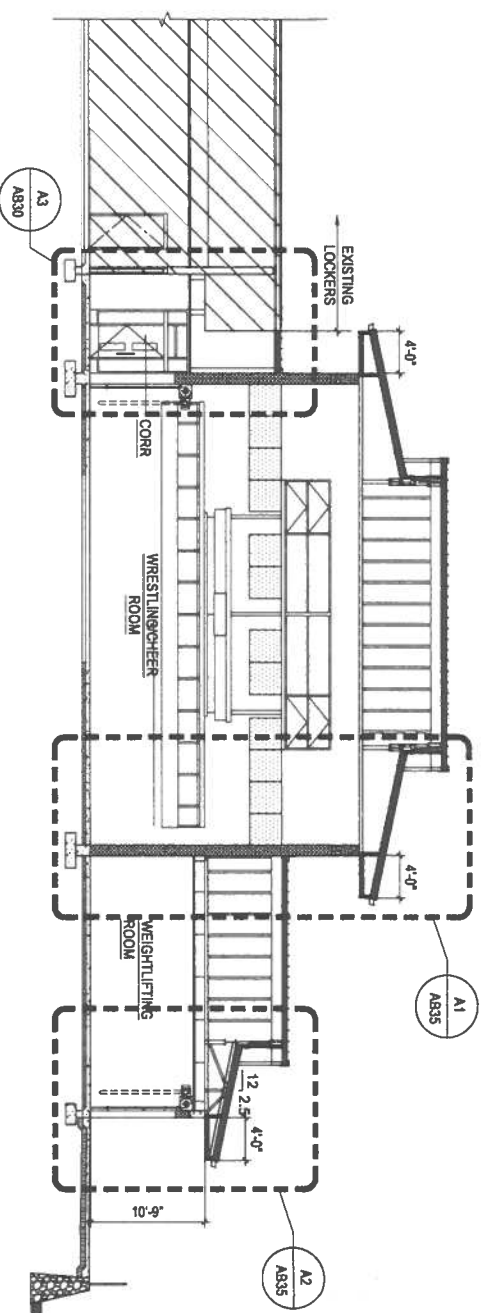
Approved by: _____
 Date: _____

DATE _____

PHOT

AS SHOWN

OF _____ BMTL

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This work was prepared by me or under my supervision and construction of this project will be under my observation.		Signature _____ Expirable Date of this License _____	
<div>DEPARTMENT OF EDUCATION STATE OF HAWAII</div> <div>WAIMEA HIGH SCHOOL NEW GYMNASIUM / WRESTLING WAIMEA, KAUAI, HAWAII TDC: 1-5-10-4</div> <div>BUILDING SECTIONS</div> <div>DESIGN PARTNERS, INC. DATE SUB NO. Q43201-18 DRAWING NO. AB30 DATE JAN 2023 SCALE AS SHOWN DRAWN BY KE CHECKED BY KE APPROVED BY KE SHEET 1 OF 1</div>			

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of Class IV Zoning Permit, Use Permit and Variance Permit to allow construction of a new gymnasium facility with associated site improvements at the Waimea High School campus.

Permit Application Nos. Class IV Zoning Permit Z-IV-2023-12
Use Permit U-2023-9
Variance Permit V-2023-4

Name of Applicant(s) STATE DEPARTMENT OF EDUCATION (DOE), APPLICANT
ENVIRONMENTAL COMMUNICATIONS, INC., AUTHORIZED AGENT

II. PERMIT INFORMATION

PERMITS REQUIRED	
<input checked="" type="checkbox"/> Use Permit	Pursuant to Article 11, Section 8-11.3 of the KCC, 1987, as amended, a Use Permit is required to allow any development, structures or uses within the Special Treatment Public Facilities (ST-P) District.
<input type="checkbox"/> Project Development Use Permit	
<input checked="" type="checkbox"/> Variance Permit	A Variance Permit is required to deviate from the maximum building height requirement, per Section 8-4.5(b)(1) of the KCC, within the Residential zoning district.
<input type="checkbox"/> Special Permit	
<input checked="" type="checkbox"/> Zoning Permit Class <input checked="" type="checkbox"/> IV <input type="checkbox"/> III	Pursuant to Section 8-3.1 of the KCC, 1987, as amended, a Class IV Zoning Permit is a procedural requirement in applying for a Use Permit in the Special Treatment Public Facilities (ST-P) District.
<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	

F.2.b.i.
August 8, 2023

<input type="checkbox"/> State Land Use District Amendment	
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Date of Receipt of Completed Application: June 22, 2023

Date of Director's Report: July 24, 2023

Date of Public Hearing: August 8, 2023

Deadline Date for PC to Take Action (60TH Day): August 21, 2023

III. PROJECT DATA

PROJECT INFORMATION			
Parcel Location:	The project site is located on the Waimea High School Campus that is situated approximately 550 feet mauka of the Ola Road/Kaumuali'i Highway intersection, further identified as 9707 Tsuchiya Road, Waimea HI 96796.		
Tax Map Key(s):	(4) 1-6-010: 004, 005 and 010; (4) 1-6-009: 023	Area:	23 Acres
ZONING & DEVELOPMENT STANDARDS			
Zoning:	Special Treatment Public Facilities (ST-P) / Residential (R-1)		
State Land Use District:	Urban		
General Plan Designation:	Neighborhood General / Neighborhood Center		
Height Limit:	30 feet OR as Authorized by the Planning Commission		
Max. Land Coverage:	60%		
Parking Requirement:	N/A		
Front Setback:	10 feet		
Rear Setback:	5 feet or ½ the wall plate height whichever is greater		
Side Setback:	5 feet or ½ the wall plate height whichever is greater		
Community Plan Area:	West Kaua'i Community Plan		
Community Plan Land Use Designation:	Public Facilities / Park		
Deviations or Variances Requested:	Section 8-4.5 (b)(1) relating to building height. "No single family detached or single family attached dwelling, or accessory structure shall be more than two (2) stories above and one (1) story below from the finished grade at the main entry, over twenty (20) feet measured from the finished grade at the main entry to the highest exterior wall plate line, and over thirty (30) feet to the highest point of the roof measured at each point along the building from the finished grade at the main entry. The finished grade at the main entry shall		

	not be elevated more than a maximum of four (4) feet from the existing grade.”
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IV. LEGAL REQUIREMENTS

Section 8-3.1(f), KCC:	This report is being transmitted to the Applicant and Planning Commission in order to satisfy the requirements of Section 8-3.1 (f), relating to the provision of the Planning Director’s report and recommendation on the subject proposal within sixty (60) days of the filing of a completed application. The application was received on June 22, 2023, and the Applicant, through its authorized agent, was notified accordingly of the Planning Department’s intent to commence permit processing.
Public Hearing Date:	August 8, 2023

V. PROJECT DESCRIPTION AND USE

The State of Hawai‘i, Department of Education (DOE) is proposing to construct a 23,394 sq. ft. new one-story gymnasium complex, two (2) new parking areas totaling 3,353 sq. ft., new sidewalks and associated site improvements on the Waimea High School campus to serve the students of Waimea High School. The subject property is located at 9707 Tsuchiya Road and identified by Tax Map Key Nos. (4) 1-6-010: 004, 005 and 010, and 1-6-009: 023. The campus is approximately 23 acres in size and is situated within the Residential (R-1) zoning district and Special Treatment Public (ST-P) District and is within the State Land Use Urban District. The Waimea High School campus is bordered by Haina Road on the North, Kaumuali‘i Highway on the South, Ola Road on the East and Makeke Road on the West. It should be noted that Tsuchiya Road runs through the campus boundaries and Waimea High School is located on both the *mauka* and *makai* sides of Tsuchiya Road. *Mauka* of Tsuchiya Road is the main campus consisting of the school’s Administration Building, Music Building, various classroom buildings and a library. *Makai* of Tsuchiya Road consists of the school’s existing Athletic Complex including the existing gymnasium, general classrooms and the Captain Cooks Memorial Park baseball field and tennis courts.

As previously noted above, the Waimea High School campus consists of four Tax Map Key (TMK) parcels. The new gymnasium complex and a new parking area will be located on TMK: (4) 1-6-010:004 which is owned by the State of Hawai‘i and it encompasses the lower portion of the main campus. A second parking area will be located on TMK: (4) 1-6-009:023 which is owned by the County of Kaua‘i and it encompasses the existing gymnasium, existing Athletic Complex, the Waimea Swimming Pool and the Waimea Neighborhood Center. TMK: (4) 1-6-010:005 encompasses the Captain Cooks Memorial Park baseball field and it is owned by the County of Kaua‘i. TMK: (4) 1-6-010:010 encompasses the northern portion of the main campus and it is also owned by the County of Kaua‘i. The total combined area of TMKs: (4) 1-6-010:004 and 1-6-009:023 is approximately 11.11 acres as noted in the application.

New Gymnasium Complex

The newly proposed gymnasium will be located on the main campus, mauka of Tsuchiya Road on what is considered the school's front lawn. The location is a grassed and maintained area that is vacant and primarily serves as open space with walkways connecting Tsuchiya Road to the classroom buildings. The new gymnasium will be located south of Buildings W (Administration Building), U (Classrooms), and B (Music Building), and just north of Tsuchiya Road.

The proposed location contains a large monkeypod tree as well as a few smaller trees that will be removed to accommodate the gymnasium structure. The monkeypod tree and other trees removed will be replaced with new 25-gallon size trees of similar type, as well as additional tree varieties with the intent of adding a minimum of two new trees for every tree removed. New plantings will include Native Loulu Palms, Native Kou Trees, Gold Trees, and a Monkeypod Tree.

Additionally, existing concrete walkways, concrete stairs, a retaining wall and bleachers will be demolished and removed to accommodate the new gymnasium complex.

The gymnasium building will be constructed with reinforced CMU in compliance with enhanced hurricane protection requirements. The building will have a standing seam metal roof and the exterior windows will use factory finished aluminum fixed frames and will meet hurricane and windborne debris requirements. A retaining wall will be installed on the south side of the gymnasium to level the grade for the gymnasium building pad. The new facility shall accommodate ADA requirements as well as positive drainage away from the building. Additionally, the new structure will serve as an Enhanced Hurricane Protection Area for the community.

The new gymnasium complex will include the following components:

Main Gymnasium

This space is used for team activities and scholastic sports competitions such as basketball and volleyball. Consists of one regulation Basketball (94-feet x 50-feet) / Volleyball court with two (2) practice cross courts, six (6) ceiling mounted retractable basketball goals, scoreboards and retractable wall-mounted bleachers on both sides of the Main Gymnasium with a seating capacity of 840 (includes 8 accessible seats). In addition, a motorized vertical-acting divider curtain with manual override will be provided between practice courts.

Wrestling Room / Cheer Room

Ancillary Gym to be used for Wrestling and Cheerleading. Sized to accommodate one full size wrestling mat (42-feet x 42-feet).

Lobby

Primary entry space into the Gymnasium for patrons, visitors, and spectators, with direct connection to the Main Gymnasium and Concession. The primary function of the Lobby is to be a control checkpoint for the facility.

Concession Booth

Room to support concession activities, which consist of selling snacks and drinks during events. Provided with countertop space, cabinets, a sink, refrigerator, freezer, ice machine and tables.

Men's and Women's Toilet Rooms

Toilet room for use by Gymnasium patrons, visitors, spectators and others from the school's Athletic Complex. Provided with dual entrances and controls for dual use (Gymnasium and Athletic Complex).

General (Gymnasium) Storage

This area is sized to accommodate the storage of equipment and supplies such as basketballs, volleyball standards/gear, other equipment and maintenance/repair supplies. Double doors will provide access to the Gymnasium. This space is located to be accessible from the interior of the Gymnasium.

PE Storage

Storage space to secure and store Gymnasium PE equipment when not in use.

Locker Room A1

Locker Room for Varsity Boys scholastic sports teams. One of two Locker Rooms to be used during practices and games. To also be used by visiting team as Locker Rooms during scholastic competition.

Locker Room A2

Locker Room for Junior Varsity scholastic sports teams. One of two Locker Rooms to be used during practices and games. To also be used by visiting team as Locker Rooms during scholastic competition.

Restroom 1

Toilet and Shower rooms to support Locker Rooms which connect to both Locker Rooms A1 and A2. Secondary access from other supporting areas of the Gymnasium also provided.

Locker Room B1

Locker Room for Varsity scholastic sports teams. One of two Locker Rooms to be used during practices and games. To also be used by visiting team as Locker Rooms during scholastic competition.

Locker Room B2

Locker Room for Junior Varsity scholastic sports teams. One of two Locker Rooms to be used during practices and games. To also be used by visiting team as Locker Rooms during scholastic competition.

Restroom 3

Toilet and Shower rooms to support Locker rooms which connect to Locker Rooms B1 and B2. Secondary access from other supporting areas of the Gymnasium also provided.

Restroom 2

Unisex toilet area adjacent to locker rooms. Grouped together with Boys and Girls Locker Rooms.

Restroom 4

Unisex locker room, toilet, and shower area located adjacent to Locker Rooms.

Training Room

Athletic training room to allow athletic trainers to evaluate students who may have suffered an injury or have general questions about sports medicine. The Training Room is equipped with an office (with the ability to view the entire Training Room), (3) training tables, filing cabinets, refrigerator, first aid supplies, an ice machine and whirlpool.

Weightlifting Room

Room to support weightlifting and other resistance methods to improve athletic performance and reduce the risk of injury. Weight Room to be equipped with mirrored walls, ceiling fans and appropriate weightlifting equipment and mats.

Team Equipment Storage Room

Space to store team equipment, including uniforms and team equipment.

Laundry Room

Space located within the Training Room for laundry activities for game and practice rooms. To house large residential grade washers and dryers.

Athletic Director Office

Private office for the school's Athletic Director.

Utility Spaces

Communication Rooms, Electrical Rooms, Janitor Rooms, and Mechanical spaces to support the Gymnasium facility.

Storage

Space to store Volleyball, Basketball and various Athletic equipment.

New Parking Areas

Two newly improved parking areas will be provided on campus in addition to the existing parking areas located along Tsuchiya Road between the main campus and the existing athletic complex and baseball field. The new parking areas will include a minimum of one tree for every ten (10) parking spaces as well as screening with hedges in the areas fronting the roadways.

The first new parking lot consists of 20 stalls including two (2) handicap stalls and will have direct vehicular access to Ola Road. The parking area is situated on the eastern side of the campus, toward the end of Ola Road, approximately 90 feet northeast of the new gymnasium and adjacent to Building T (Classrooms) and Building B (Music Building). The proposed site is a vacant grassed lawn area with two trees. The trees will be removed to accommodate the new parking lot.

The second parking lot consists of 78 stalls including three (3) handicap stalls. The parking area will be located on the western side of the campus, just north of the Waimea Neighborhood Center and the existing gymnasium, situated approximately 150 yards west of the new gymnasium. The

northern boundary of the parking area will run adjacent to Tsuchiya Road and the western boundary of the parking area will run adjacent to Makeke Road. The parking lot will have direct vehicular access to Tsuchiya Road and Makeke Road to reduce the congestion within the parking lot. The new parking area will be an expansion to the existing parking lot located near Building R (General Classroom) and the existing parking lot located on the northern side of the Waimea Neighborhood Center, connecting the two one large parking area. To accommodate the new parking area, the existing parking lots will be demolished as well as removing a large tree located at the corner of the Tsuchiya Road/Makeke Road intersection. In addition, small trees located between the two parking lots will be removed as well as the removal of two storage containers, boulders, a bench, and a planter. It should be noted that the large Banyan Tree fronting the neighborhood center and the large mango tree situated between the neighborhood center and the existing gymnasium is not part of the demolition plan and will remain in place.

New Sidewalks

A new sidewalk will be constructed around the perimeter of the new gymnasium providing a concrete pathway to the stairs leading down to Tsuchiya Road from the front lawn as well providing a concrete pathway to the stairs leading to the upper campus. A new sidewalk will also be constructed that provides a concrete pathway to Ola Road from the gymnasium. The new sidewalks will be ADA accessible and will connect to the existing walkways to the new gymnasium.

Existing Gymnasium

As represented, the disposition of the existing gymnasium has not yet been determined and it is outside the proposed scope of work for the new gymnasium.

(For more information, please refer to the Construction Drawings attached as **Exhibit 'A'** and the Final Environmental Assessment attached as **Exhibit 'B'**)

VI. APPLICANT'S REASONS/JUSTIFICATION

Please refer to the application.

VII. ADDITIONAL FINDINGS

1. Surroundings Neighborhood

The surrounding neighborhood to the north and west of the high school is within the County Residential (R-4) zoning district and within the State Land Use Urban District. The neighborhood is developed with single-family residences with the exception of the Kauai Care Center long-term care facility located along Waimea Canyon Drive. The Waimea United Church of Christ is situated immediately adjacent to the western side of the campus, north of Tsuchiya Road. The church is within the County Residential (R-1) and Special Treatment Public (ST-P) zoning districts.

Located Southeast of the project site and south of the existing gymnasium is the Historic Waimea Theater situated along Kaumuali'i Highway. The theater is within the County General Commercial (C-G) zoning district.

Located to East of the project site are the Easter Seals building, the First Marshallese United Church of Christ, and the Waimea Church of Christ Educational Center. These establishments are within the County Residential (R-1) and Special Treatment Public (ST-P) zoning districts.

2. CZO Development Standards

A. The proposed development is subject to the standards prescribed in Sections 8-4.3 and 8-4.5 of the Comprehensive Zoning Ordinance (CZO). The following standards are considered:

1) Section 8-4.3(c) entitled "Setback requirements" specifies:

"(c) Minimum distance between structures. Minimum distance between structures shall be ten (10) feet."

- The new gymnasium meets the 10-foot building to building setback standard specified in the CZO. The closest building to the proposed gymnasium is Building B (Music Building) which is 15 feet away.

2) Section 8-4.5 entitled "Standards of Development Applicable to All Residential Development" specifies:

"(b) Building Height.

(1) No single family detached or single family attached dwelling, or accessory structure shall be more than two (2) stories above and one (1) story below from the finished grade at the main entry, over twenty (20) feet measured from the finished grade at the main entry to the highest exterior wall plate line, and over thirty (30) feet to the highest point of the roof measured at each point along the building from the finished grade at the main entry. The finished grade at the main entry shall not be elevated more than a maximum of four (4) feet from the existing grade."

- The overall height of the new gymnasium is 44 feet which exceeds the height limit of 30 feet in the County Residential zoning district. As such, the proposed development requires a Variance Permit.

3. Use Permit

a. Pursuant to Article 11 of the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kauai County Code (1987), all uses, structures, or development shall require a Use Permit for parcels with the County Zoning designation of Special Treatment-Public (ST-P). The Use

Permit procedure is to assure the proper integration into the community of uses which may be suitable only in specific locations of a district, or only under certain conditions, or only if the uses are designed, arranged or conducted in a particular manner, and to prohibit the uses if proper integration cannot be assured. Section 8-3.2 of the CZO specifies a Use Permit may be granted only if the Planning Commission finds that the use meets the following criteria:

- 1) The use must be a compatible use;
- 2) The use must not be detrimental to persons or property in the area;
- 3) The use must not cause substantial environmental consequences; and
- 4) The use must not be inconsistent with the intent of the Comprehensive Zoning Ordinance (CZO) and General Plan.

VIII. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at the time of the public hearing scheduled on AUGUST 8, 2023. At the present time, the department has only received comments from the State Health Department (attached as **Exhibit 'C'**) and has not received comments from other reviewing agencies that includes the COK Public Works – Engineering Division (DPW), COK Water (DOW), COK Fire (KFD) and the State Historic Preservation Division. However, comments are being anticipated and will be presented at the public hearing.

IX. PRELIMINARY EVALUATION

In evaluating the Applicant's request for a Use Permit, Variance Permit and Class IV Zoning Permit for a construction of a gymnasium with associated site improvements on the Waimea High school campus, the following items are being considered:

1. HRS Chapter 343 (Environmental Impact Statement)

In accordance with the environmental assessment requirements pursuant to Chapter 343 of the Hawai'i Revised Statutes (HRS), and Chapter 11-200 of the Hawai'i Administrative Rules (HAR), the Final Environmental Assessment (EA)/Finding No Significant Impact (FONSI) was issued on March 9, 2023.

2. General Plan Policies

A. Section 1.4 of the Kauai General Plan (2018)

- Nurture our Keiki. The project supports the policy by providing an investment that promotes an opportunity for physical education and other recreational activities which is vital to Kauai's youth and future.

B. Section 3.0 of the Kauai General Plan (2018)

- Shared Spaces: The project supports this policy by providing new areas for community activities for Keiki and Kupuna.

- Opportunity and Health for All: The project supports this policy by providing a place for physical and recreational activities to increase overall healthier communities.

3. Variance

The request is to be evaluated pursuant to Section 8-3.3(b) of the Kaua'i County Code (KCC), 1987, as amended, relating to the standards of issuance for a Variance Permit (as noted below):

- a. Section 8-3.3 of the Comprehensive Zoning Ordinance (CZO), KCC (1987), states that variances from the terms of this Chapter shall be granted only if it is found that because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the regulations deprives the property of privileges enjoyed by other property in the vicinity and within the same District, and the applicant shows that he or she cannot make a reasonable use of the property if the regulations are applied. Where these conditions are found, the Variance permitted shall be the minimum departure from existing regulations necessary to avoid the deprivation of privileges enjoyed by other property and to facilitate a reasonable use, and which will not create significant probabilities of harm to property and improvements in the neighborhood or of substantial harmful environmental consequences. Financial hardship to the applicant is not a permissible basis for the granting of a Variance. In no case may a Variance be granted that will provide the applicant with any special privileges not enjoyed by other properties in the vicinity. The Planning Commission shall indicate the particular evidences that support the granting of the Variance.

In evaluating the Applicant's request, there are special circumstances relating to the subject property that qualifies for a variance and they are noted as follows:

- 1) **Because of special circumstances applicable to the property, the strict application of the regulations deprives the property of privileges by other properties in the vicinity and the applicant shows that they cannot make a reasonable use of the property if the regulation is applied:**

The existing gymnasium was constructed in 1948 and has served the community for numerous athletic events and school functions; however, the existing gymnasium is in poor condition and does not meet the standards of the National Federation of State High School Associations (NFSHSA) and is not suitable for interscholastic competition. As such, a new gymnasium is being proposed and the exceedance of the residential height limit of 30-feet is required to meet the functional requirements of constructing a multi-functional gymnasium. The new gymnasium will be a fully compliant athletic facility on par with other state schools.

- 2) **Granting the variance shall be the minimum departure from existing regulations necessary to avoid the deprivation of privileges enjoyed by other property and to facilitate a reasonable use:**

The newly proposed gymnasium at its highest point will be approximately 44'-0", which is 14 feet above the height limit set forth by the Comprehensive Zoning Ordinance for Residential Zoning (R-1). The proposed gymnasium would be comparable to the height of the existing gymnasium, and it is necessary to accommodate all the various functions that would occur in this facility. Furthermore, the secondary function of the gym is to serve as a hurricane shelter. Therefore, the proposed structure would constitute a reasonable use within the subject parcel.

- 3) **It will not create significant probabilities of harm to property and improvements in the neighborhood or of substantial harmful environment consequences. An applicant must demonstrate that the variance request would not adversely impact the surrounding neighborhood:**

A Final EA/FONSI was issued on March 9, 2022, that demonstrates that there will be no significant impacts associated with the proposed project. Additionally, Waimea High School has been a centerpiece of the community and the new gymnasium is expected to be an important gathering place for the community that will likely be visited by residents of all ages.

4. **Use Permit**

The proposed request is to be evaluated pursuant to Section 8-3.2 of the Kaua'i County Code (KCC), 1987, as amended, relating to the standards of issuance for a Use Permit.

- a. A Use Permit may be granted only if the Planning Commission finds that the establishment, maintenance, or operation of the construction, development, activity, or use in particular case is a compatible use and is not detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the community, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters, and will not be inconsistent with the intent of this Chapter and the General Plan.
 - 1) The use must be a compatible use;
 - 2) The use must not be detrimental to the persons or property in the area;
 - 3) The use must not cause substantial environmental consequences; and
 - 4) The use must not be inconsistent with the intent of the Comprehensive Zoning Ordinance (CZO) and General Plan.

- 1) Compatibility - The proposed new gymnasium is consistent with other facilities located on the Waimea High School campus in that it supports the school's curriculum and programming. WHS is located within the center of Waimea's mixed uses and will be integrated with the surrounding commercial, educational, institutional, and residential properties. Furthermore, the location, size, and design of the proposed project will not create unusual noise, traffic, or other conditions that may be detrimental or incompatible to the surrounding area.
- 2) Detrimental to Person or Property in the Area – The proposed uses that will be conducted in the new gymnasium are comparable to the uses that have occurred in the existing gymnasium which have been taking place adjacent to residential properties for over 50 years. As such, the proposal will not create any new uses in the community, therefore, the development will not detrimentally affect any persons or property within the surrounding area.
- 3) Environmental Consequences – Waimea High School campus has been in operation at the same location for more than 100 years. As a result, it is very unlikely that the proposal will affect any mammalian or avian species, nor will any botanical resources be endangered.
- 4) CZO & General Plan - The proposed Development is consistent with the West Kaua'i Community Plan, 2018 General Plan and CZO development Standards.

5. Project Considerations/Development Standards

- a. Development Standards – As proposed, the Development should have no significant impact on the surrounding environment since it is compatible with other uses in the area and the surrounding neighborhood. Also, the project complies with the policies of the Special Treatment (ST) zoning district, per CZO Section 8-11.1 in that:
 - 1) The proposed development will have locational characteristics that have significance or value to the general public;
 - 2) The proposed development will preserve, maintain and contribute to the enhancements of those characteristics which are of particular significance or value to the general public.
- b. With the exception of the building height, the project complies with the setback requirements and development standards prescribed in Sections 8-4.3 and 8-4.5 of the CZO.

X. PRELIMINARY CONCLUSION

Based on the foregoing findings and evaluation, it is concluded that through proper mitigative measures and compliance efforts, the proposed development can be considered, and it should not have significant adverse impacts to the environment or the surrounding

neighborhood. The proposal is generally in compliance with the criteria outlined for the granting of a Variance Permit, Use Permit, and Class IV Zoning Permit.

The Applicant should institute the “Best Management Practices” to ensure that the operation of this facility does not generate impacts that may affect the health, safety, and welfare of those in the surrounding area of the proposal.

XI. PRELIMINARY RECOMMENDATION

Based on the foregoing evaluation and conclusion, it is hereby recommended Class IV Zoning Permit Z-IV-2023-12, Use Permit U-2023-9 and Variance Permit V-2023-4 be **APPROVED** subject to the following requirements:

1. The proposed facility shall be constructed as represented. Any changes to said structures and/or facilities shall be reviewed by the Planning Department to determine whether Planning Commission review and approval is warranted.
2. 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
3. In order to minimize adverse impacts on the Federally Listed Threatened Species, Newell’s Shearwater and other seabirds, if external lighting is to be used in connection with the proposed project, all external lighting shall be only of the following types: downward-facing, shielded lights. Spotlights aimed upward or spotlighting of structures shall be prohibited.
4. The Applicant should resolve and comply with all agency requirements as recommended in the permit application review, including but not limited to the County DPW-Engineering Division, County Fire Department, County Department of Water, and regulations involving environmental concerns as administered by the State Department of Health.
5. The Applicant is advised the 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.
6. The Planning Commission reserves the right to revise, add, or delete conditions of approval in order to address or mitigate unforeseen impacts the project may, create, or to revoke the permits through the proper procedures should conditions of approval not be complied with or be violated.

7. The Applicant is advised that additional government agency conditions may be imposed. It shall be the Applicant's responsibility to resolve those conditions with the respective agencies.

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 August 8, 2023, 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  _____
KENNETH A. ESTES
Planner

Approved & Recommended to Commission:

By  _____
KA'AINA S. HULL
Director of Planning

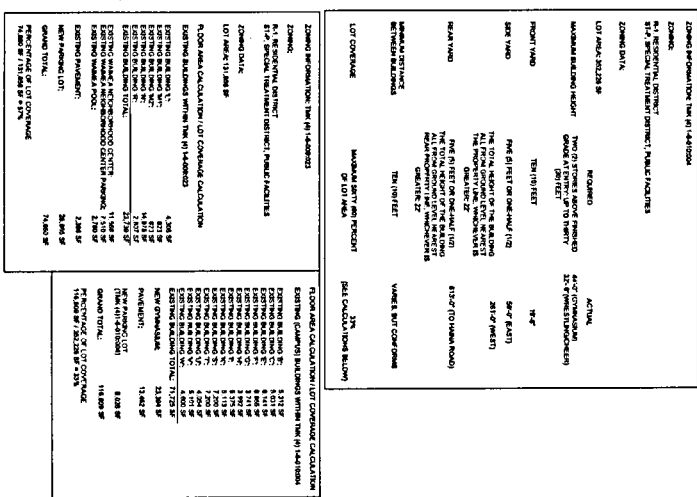
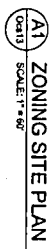
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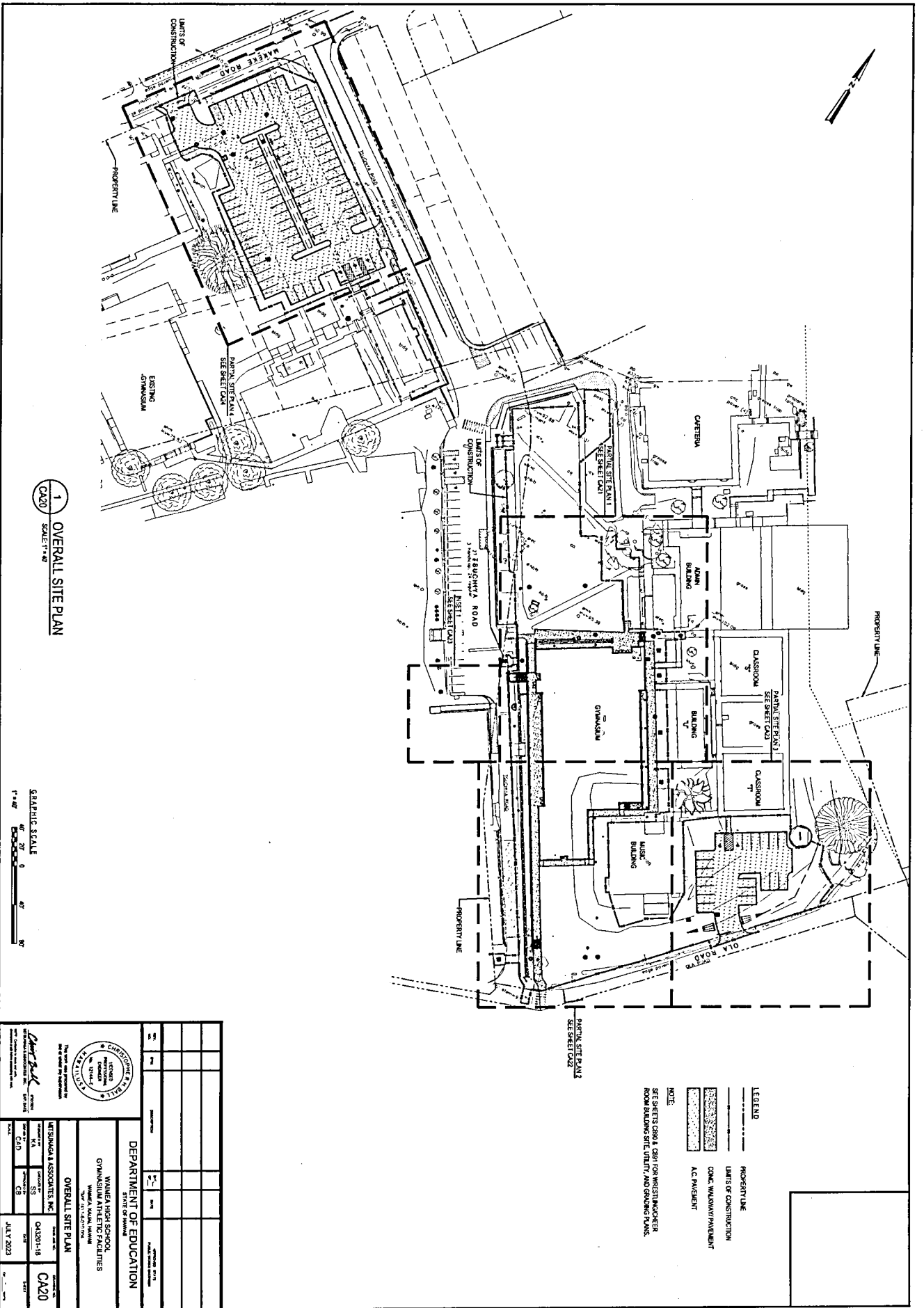
Exhibits

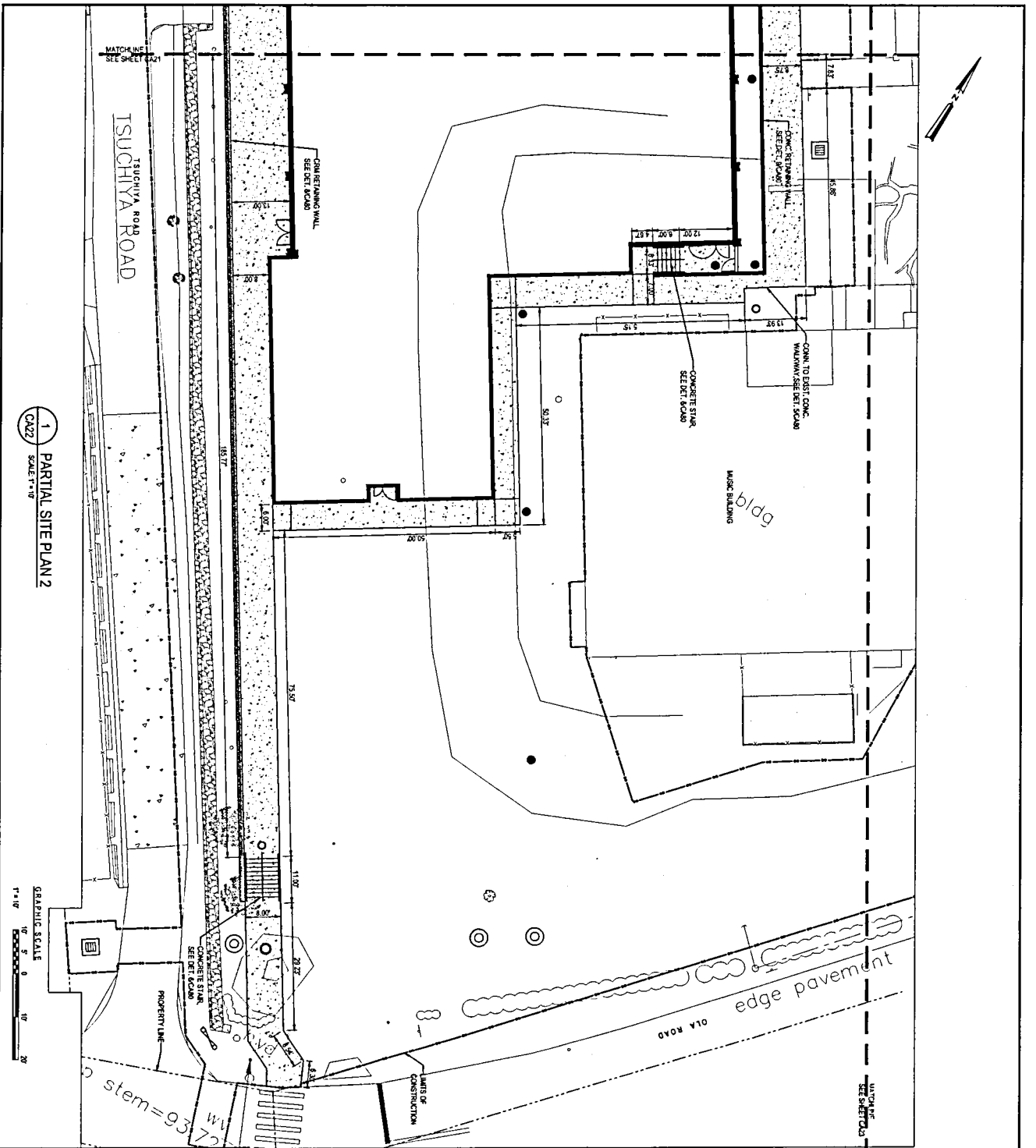
Exhibit 'A'	Construction Drawings
Exhibit 'B'	Final Environmental Assessment
Exhibit 'C'	Agency Comments

Exhibit 'A'

(Construction Drawings)

[illegible]



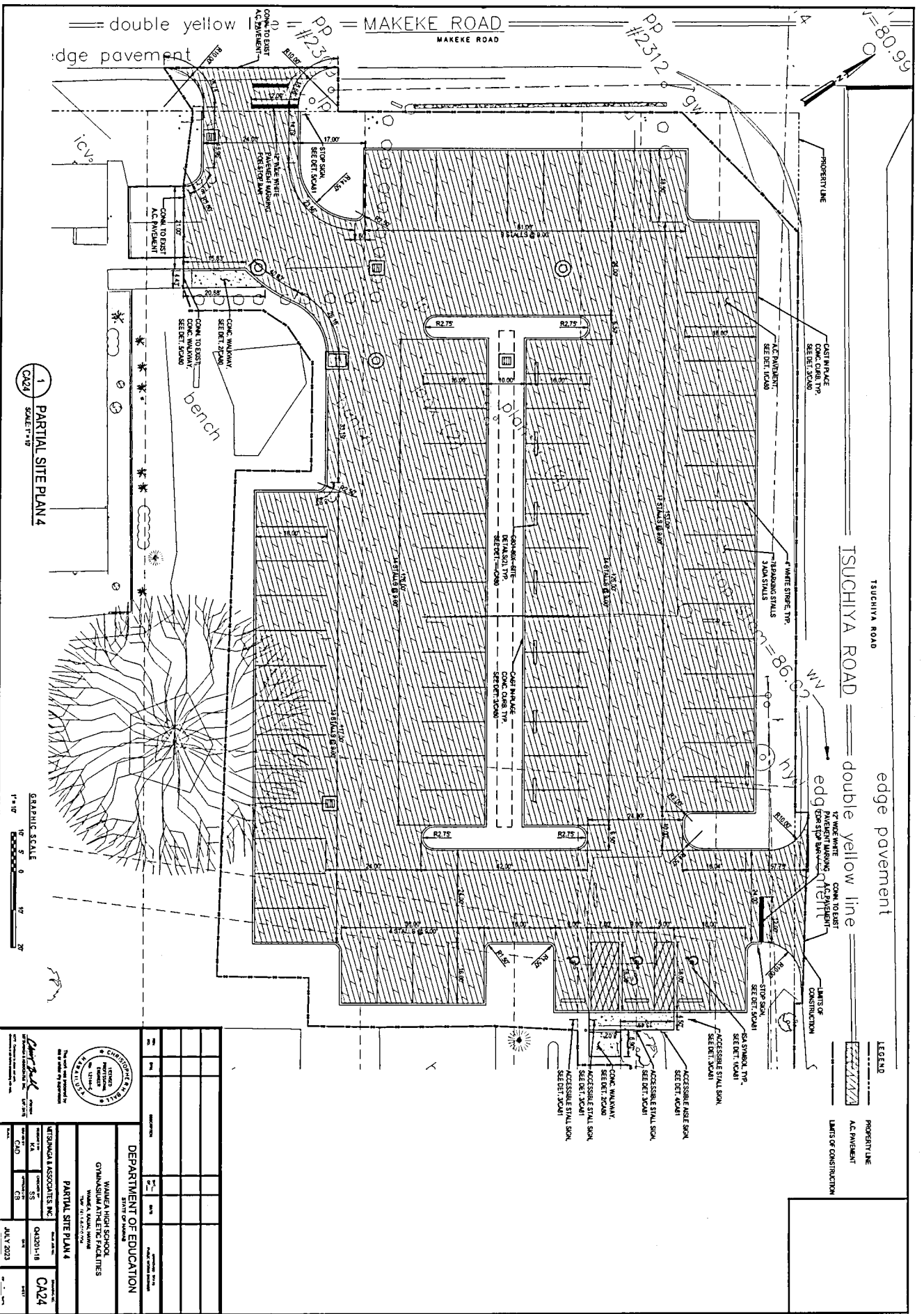


1
CA22
SCALE 1"=10'
PARTIAL SITE PLAN 2

		DEPARTMENT OF EDUCATION WAMEKA HIGH SCHOOL GYMNASIUM ATHLETIC FACILITIES WAMEKA, ILLINOIS	
PROJECT NO. 042301-18 DATE: JULY 2023		PARTIAL SITE PLAN 2 CA22	

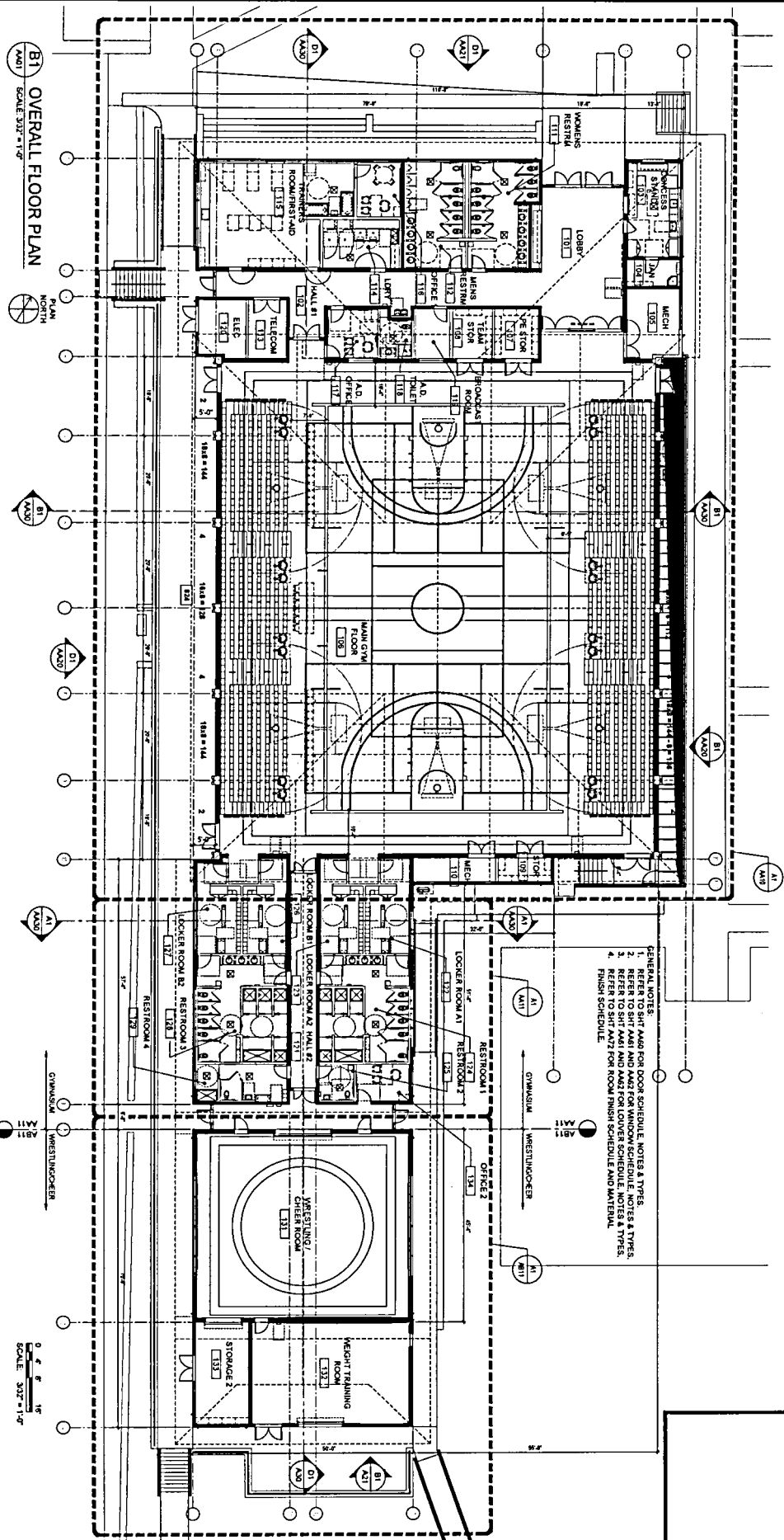
LEGEND
 --- PROPERTY LINE
 --- CONC. WALKWAY/PAVEMENT
 --- LIMITS OF CONSTRUCTION

NOTE
 SEE SHEETS CA21 & CA23 FOR WESTINGHOUSE ROOM BUILDING, SITE, UTILITY AND GRADING PLANS.



		DEPARTMENT OF EDUCATION STATE OF HAWAII WAIMEA HIGH SCHOOL GYMNASIUM ATHLETIC FACILITIES WAIMEA, HAWAII	
This work was prepared by UTSUNOMIYA ASSOCIATES INC. 1000 KALANIANA'OLA BLVD., SUITE 200 HONOLULU, HAWAII 96813 TEL: (808) 521-1111 FAX: (808) 521-1112 WWW.UTSUNOMIYA.COM		PARTIAL SITE PLAN 4 Q42301-18 JULY 2023 CA24	

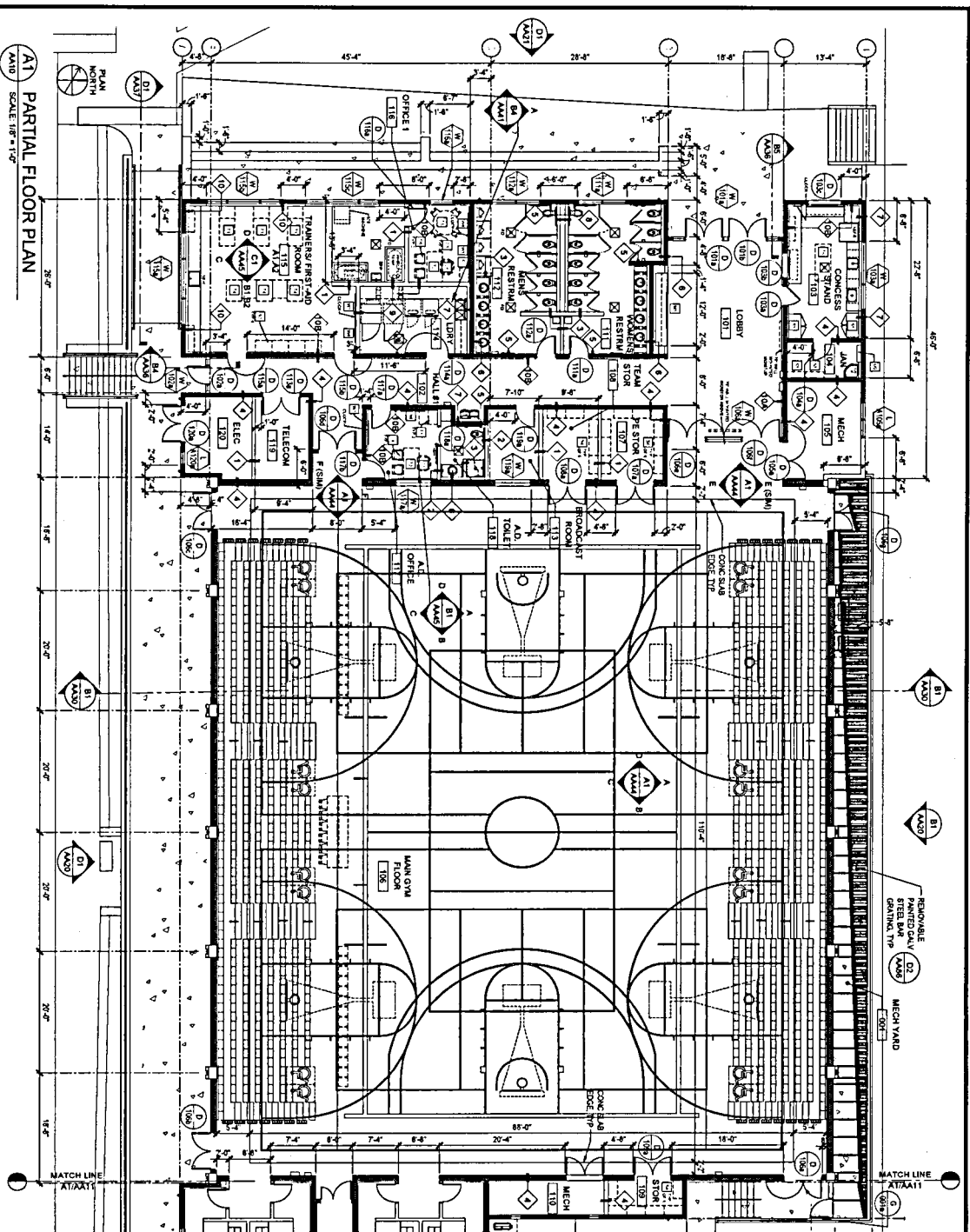
B1 OVERALL FLOOR PLAN
 SCALE 3/32" = 1'-0"




- GENERAL NOTES:**
1. REFER TO SHIT A46 FOR DOOR SCHEDULE, NOTES & TYPES.
 2. REFER TO SHIT A46 AND A47 FOR WINDOW SCHEDULE, NOTES & TYPES.
 3. REFER TO SHIT A47 FOR ROOM FINISH SCHEDULE AND MATERIAL.
 4. REFER TO SHIT A47 FOR ROOM FINISH SCHEDULE AND MATERIAL.

0' 6" = 1'-0"
 SCALE 3/32" = 1'-0"

		DEPARTMENT OF EDUCATION STATE OF NEVADA WAIKANA HIGH SCHOOL GYMNASIUM ATHLETIC FACILITIES WAUKA, NEVADA 7306 111 STREET SW LAS VEGAS, NV 89135	
DESIGN PARTNER, INC. 1000 111 STREET SW LAS VEGAS, NV 89135 702.735.1111 WWW.DESIGNPARTNER.COM		PROJECT NO. 042301-18 DATE: JULY 2003 AS SHOWN	

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 State of Nevada
 Department of Education

VALLEJO HIGH SCHOOL
OLYMPIAN ATHLETIC FACILITIES
STATE OF NEVADA
DEPARTMENT OF EDUCATION

DESIGN PARTNERS, INC.

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VALLEJO HIGH SCHOOL
OLYMPIAN ATHLETIC FACILITIES
STATE OF NEVADA
DEPARTMENT OF EDUCATION

DESIGN PARTNERS, INC.

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VALLEJO HIGH SCHOOL
OLYMPIAN ATHLETIC FACILITIES
STATE OF NEVADA
DEPARTMENT OF EDUCATION

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GYM 106		TRAINERS/FIRST-AID ROOM 115		AO OFFICE 117		OFFICE 1 118	
	ITEM	QTY	UNIT	QTY	UNIT	QTY	UNIT
	C5 EXECUTIVE SWivel CHAIR	-	44	-	C 1	-	
	C6 CHAIR, SIDE CHAIR W/ ARMS	-	18	-	P 2	-	
	C3 CHAIR	-	18	-	P 4	-	
	F1 FILE 4-DRW, LEGAL W/ LOCK	18	28	52	-	C 1	-
	T1 TABLE, CIRCULAR 48" DIA.	48	-	29	-	P 1	-
	T2 DESK	40	30	50	-	C 1	-
	W1 WHITEBOARD	48	-	48	X	1	-
	WM TACKBOARD	48	-	48	X	1	-
	CLOCK	-	-	-	X	1	
	C5 EXECUTIVE SWivel CHAIR	-	44	-	C 1	-	
	CA CHAIR, SIDE CHAIR W/ ARMS	-	18	-	P 2	-	
	F1 FILE 4-DRW, LEGAL W/ LOCK	18	28	52	-	C 2	-
	T2 DESK	40	30	50	-	C 1	-
	W1 WHITEBOARD	48	-	48	X	1	-
	WM TACKBOARD	48	-	48	X	1	-
	CLOCK	-	-	-	X	1	
	T3 THEATRICAL EQUIPMENT	78	30	31	-	P 3	
	UPT 800 COMMON						
	T4 TAVING STATION	42	30	36	-	P 3	
	82 ATHLETIC STORAGE CABINET	24	32	78	-	P 4	
	WHEEL POOL TANK	56	24	25	X	2	
	KE MACHINE	34	30	55	X	1	
	WM TACKBOARD	48	-	48	X	1	-
	W1 WHITEBOARD	48	-	48	X	1	-
	CLOCK	-	-	-	X	1	
	SCORES TABLE	144	34	20	X	1	
	SOFTLE CHAIRS	19	19	32	X	34	

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FURNITURE AND EQUIPMENT LIST (PER ROOM)

FURNITURE AND EQUIPMENT LIST (PER ROOM)

FURNITURE AND EQUIPMENT LIST (PER ROOM)					
ITEM	#	WT.	QTY	QUANTITY	DESCRIPTION
C5 EXECUTIVE SWIVEL CHAIR	-	45	-	C 1	-
C6 CHAIR, SIDE CHAIR W/ ARMS	-	18	-	P 2	-
F1 FILE 4DRW, LEGAL W/DCK	16	28 52	-	C 1	-
T7 DESK	60	30	-	C 1	-
WM WHITEBOARD	48	48	X	1	-
CLOCK	-	-	X	1	BATTERY POWERED QUARTZ

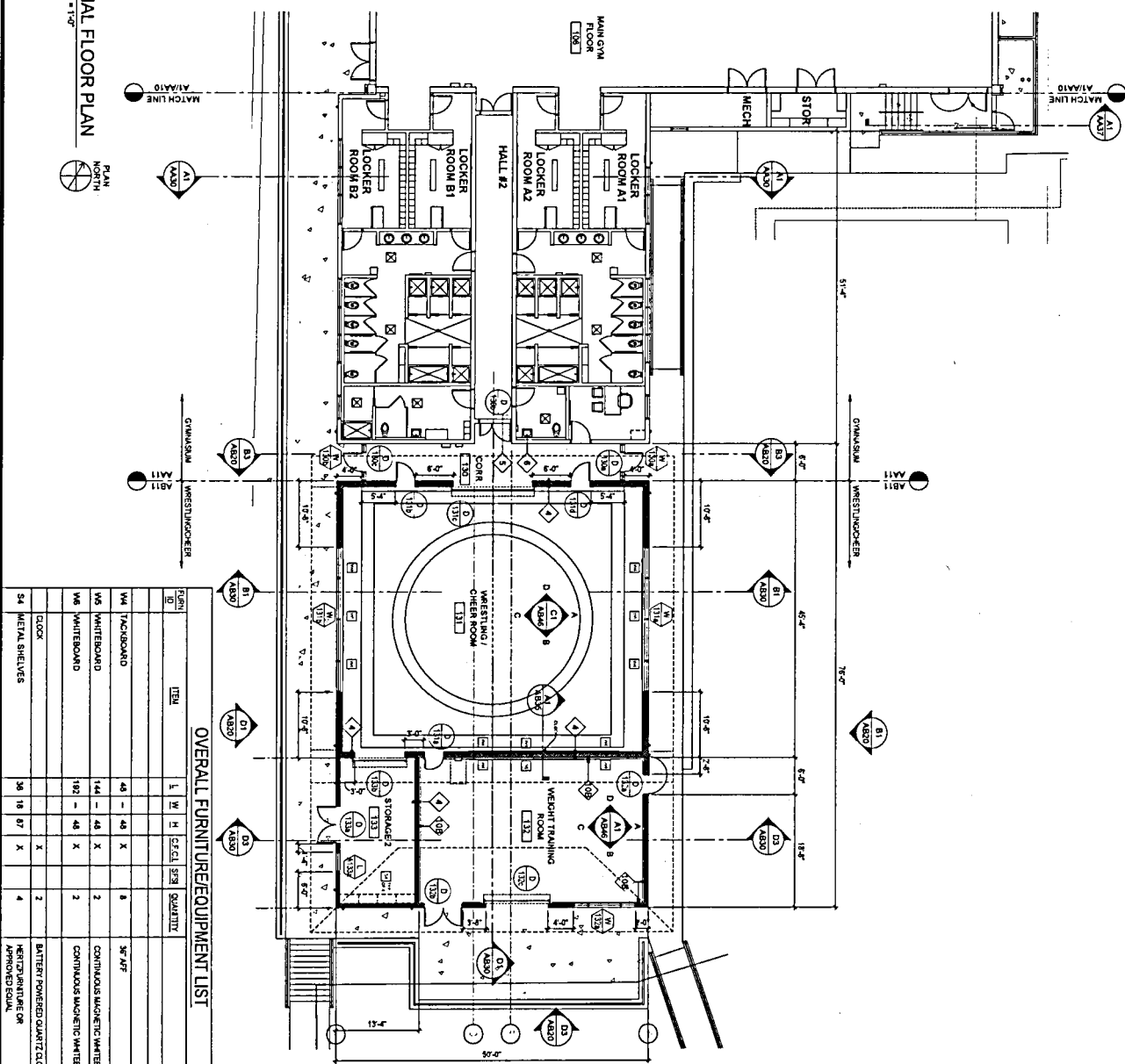
1. REFER TO SHT A460 FOR DOOR SCHEDULE, NOTES & TYPES.
2. REFER TO SHT A461 AND A462 FOR WINDOW SCHEDULE, NOTES & TYPES.
3. REFER TO SHT A461 AND A462 FOR LOUVER SCHEDULE, NOTES & TYPES.
4. REFER TO SHT A467 FOR ROOM FINISH SCHEDULE AND MATERIAL.
5. FINISH SCHEDULE.

		This work was prepared by me or under my direct supervision and is a true and correct copy of the original of the proposed contract.	
Date: <u>NOV 19 1933</u>		Signature: <u>[Signature]</u>	
Title: <u>CLERK</u>		Office: <u>CLERK</u>	
Name: <u>AS SHOWN</u>		Address: <u>CLERK</u>	
City: <u>CLERK</u>		State: <u>CLERK</u>	
County: <u>CLERK</u>		District: <u>CLERK</u>	
Ward: <u>CLERK</u>		Precinct: <u>CLERK</u>	
Block: <u>CLERK</u>		Lot: <u>CLERK</u>	
Sublot: <u>CLERK</u>		Parcel: <u>CLERK</u>	
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Meridian: <u>CLERK</u>		Township: <u>CLERK</u>	
Range: <u>CLERK</u>		Section	

GENERAL NOTES:

1. REFER TO SHT A440 FOR DOOR SCHEDULE, NOTES & TYPES.
2. REFER TO SHT A441 AND A442 FOR WINDOW SCHEDULE, NOTES & TYPES.
3. REFER TO SHT A441 AND A442 FOR LOUVER SCHEDULE, NOTES & TYPES.
4. REFER TO SHT A442 FOR ROOM FINISH SCHEDULE AND MATERIAL FINISH SCHEDULE.

A1 PARTIAL FLOOR PLAN
SCALE 1/8" = 1'-0"



OVERALL FURNITURE/EQUIPMENT LIST

ITEM	L	W	H	QTY	QTY	DESCRIPTION
W1 TACKBOARD	48	48	X	8	36	36" AFF
W2 WHITEBOARD	144	48	X	2	2	CONTINUOUS MAGNETIC WHITEBOARD 36" AFF
W3 WHITEBOARD	192	48	X	2	2	CONTINUOUS MAGNETIC WHITEBOARD 36" AFF
C1 CLOCK				2	2	BATTERY POWERED QUARTZ CLOCK
S4 METAL SHELVES	36	18	87	X	4	HORIZONTAL OR APPROVED EQUAL

GENERAL NOTES:

1. REFER TO SHIT A400 FOR DOOR SCHEDULE, NOTES & TYPES.
2. REFER TO SHIT A401 FOR WINDOW SCHEDULE, NOTES & TYPES.
3. REFER TO SHIT A402 FOR LOWER SCHEDULE, NOTES & TYPES.
4. REFER TO SHIT A403 FOR ROOM FINISH SCHEDULE AND MATERIAL.

FINISH SCHEDULE

THIS WORK WAS PREPARED BY THE ARCHITECT FOR THE CLIENT'S USE. IT IS THE CLIENT'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT.

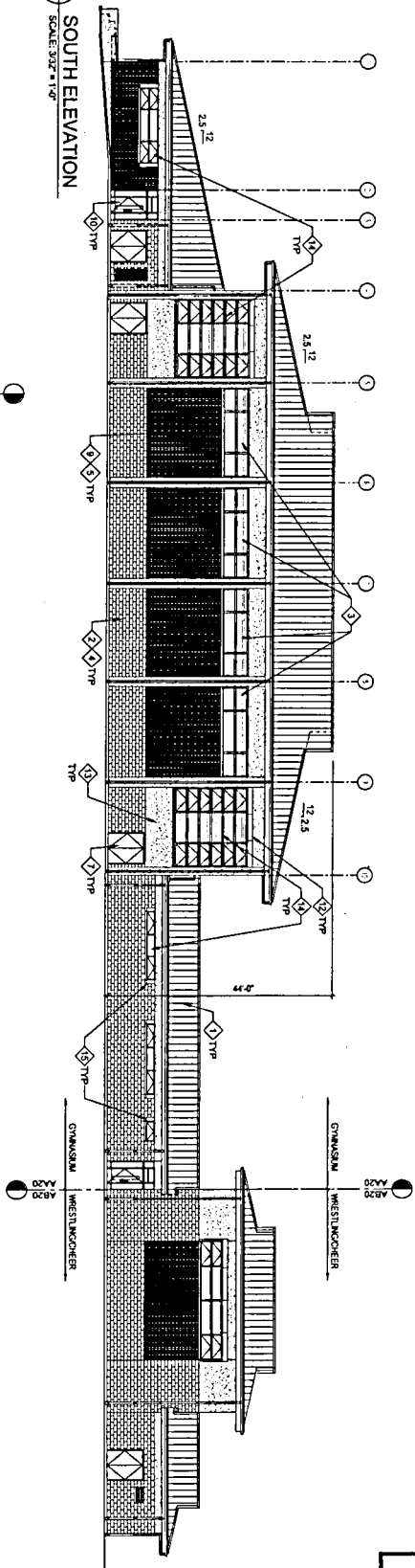
DEPARTMENT OF EDUCATION
STATE OF TEXAS
WALLACE HIGH SCHOOL
GYMNASIUM
WESTWOODER BUILDING ROOM PLAN
DATE: 04/20/18
BY: [Signature]
AS SHOWN

LEGEND:
CFC - CONTRACTOR FINISHED CONTRACTOR INSTALLED
SFC - STATE FINISHED/STATE INSTALLED - THESE ITEMS ARE PACKAGED THREE WAYS
C - POSITION RELATED (CASH)
P - OFF PLACED PROJECT PURCHASE
E - EQUIPMENT (SEE CURRENT DOE'S PROGRAM EQUIPMENT LIST WEBSITE)

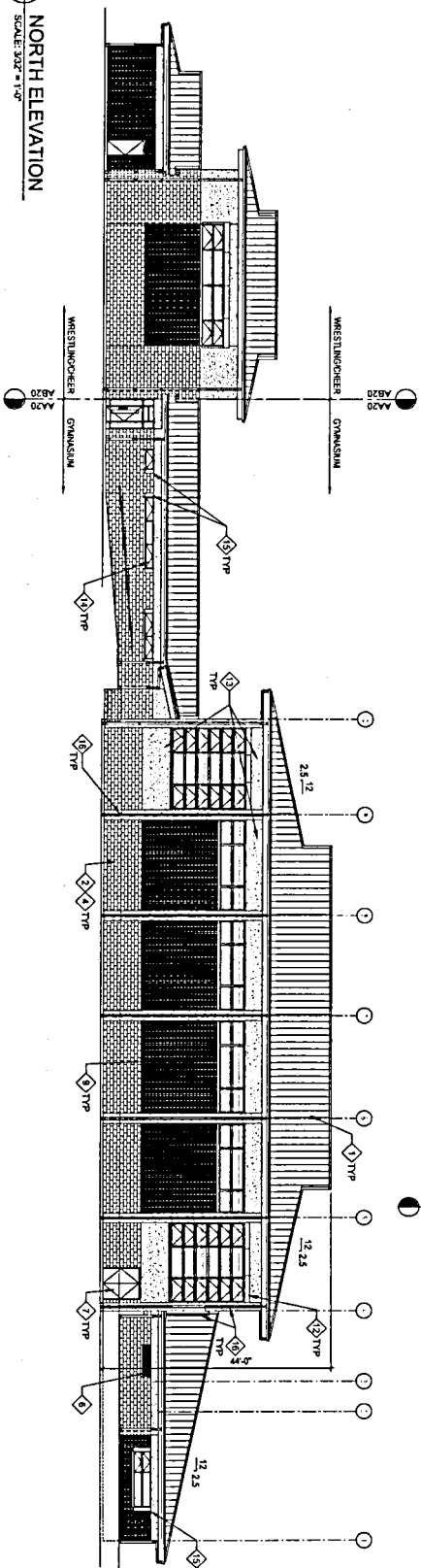
FURNITURE AND EQUIPMENT LIST (PER ROOM)

ITEM	L	W	H	QTY	QTY	DESCRIPTION
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W2 WHITEBOARD	144	48	X	2	2	CONTINUOUS MAGNETIC WHITEBOARD 36" AFF
W3 WHITEBOARD	192	48	X	2	2	CONTINUOUS MAGNETIC WHITEBOARD 36" AFF
C1 CLOCK				2	2	BATTERY POWERED QUARTZ CLOCK
S4 METAL SHELVES	36	18	87	X	4	HORIZONTAL OR APPROVED EQUAL

D1 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



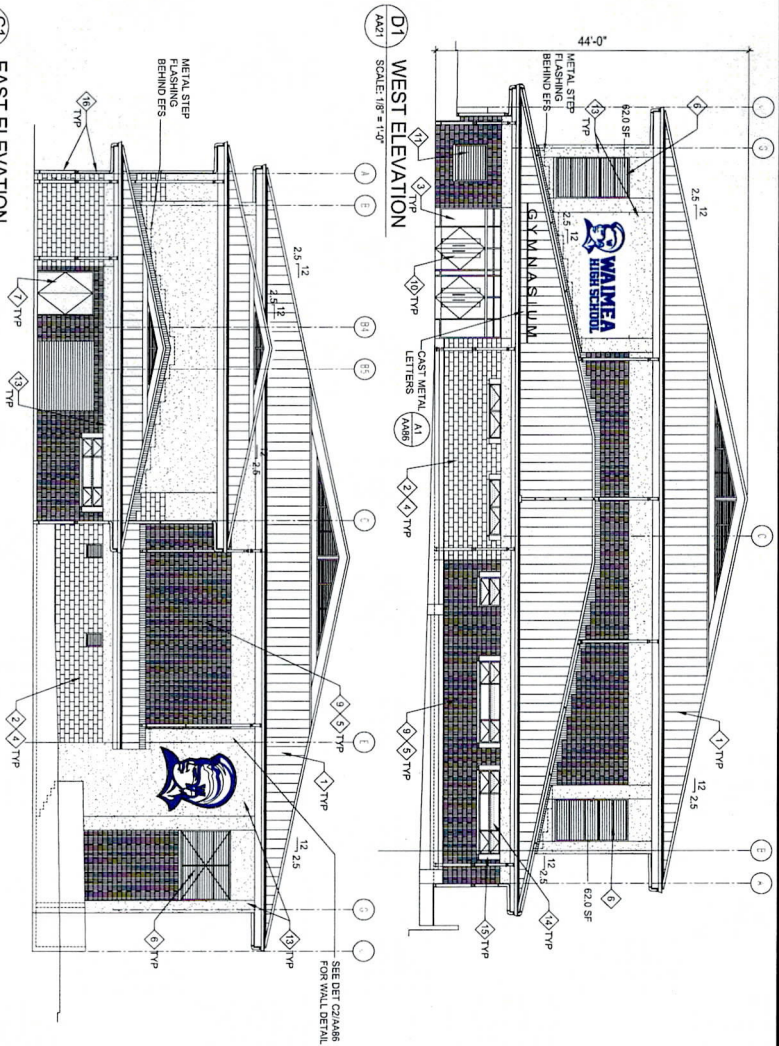
B1 NORTH ELEVATION
SCALE: 3/32" = 1'-0"



GENERAL NOTES:
1. REFER TO SPT AA21 FOR EXTERIOR FINISH SCHEDULE.

0' 4' 8' 12'
1" = 16'
SCALE: 3/32" = 1'-0"

		<p>DESIGN PARTNERS, INC.</p> <p>04201418</p> <p>AA20</p>	
<p>DEPARTMENT OF EDUCATION</p> <p>STATE OF HAWAII</p> <p>WAIKANE HIGH SCHOOL</p> <p>GYMNASIUM ATHLETIC FACILITIES</p> <p>WAIKANE, KAUAI, HAWAII</p> <p>1100 N. KAUAI BLVD.</p>		<p>DATE: JULY 2023</p> <p>BY: [Signature]</p> <p>AS SHOWN</p>	



- ELEVATION NOTE:
1. SEE SPECIFICATIONS FOR DETAILED PRODUCT INFORMATION.
 2. BRAND NAMES IN THE MATERIAL AND FINISH SPECIFICATIONS ARE FOR DESIGN PURPOSES ONLY AND ARE LISTED TO DEFINE QUALITY PERFORMANCE AND VISUAL APPEARANCE OF THE DESIRED FINISH. OTHER BRANDS MAY BE USED PROVIDED THEY MEET THE CRITERIA OF THE NOTED FINISH FOR THE PERFORMANCE, DURABILITY, QUALITY AND APPEARANCE AS SPECIFIED.
 3. CONTRACTOR IS RESPONSIBLE FOR ALIGNING ALL GROOVES, JOINTS, WINDOW MULLIONS, ETC., EXACTLY AS SHOWN ON THE EXTERIOR ELEVATIONS.

SYMBOL	MANUFACTURE / SUPPLIER	COLOR NAME / NUMBER	DESCRIPTIONS	REMARKS
1	HPM BUILDING SUPPLY	TARTAN BRONZE	STANDING SEAM METAL ROOF	-
2	TILECO	-	STANDARD CMU UNIT	-
3	ES WINDOWS	ES 1000 WINDOW WALL	ALUMINUM WINDOWS	-
4	SHERWIN WILLIAMS	TBD	PAINT ON CMU AND CONCRETE	-
5	SHERWIN WILLIAMS	TBD	PAINT ON CMU AND CONCRETE	-
6	AWI / LOVERS	MATCH 4	ALUMINUM LOVER	DOUBLE DRAINABLE LOVER, WEAPONE PROOF
7	CURRIES METAL DOORS	MATCH 4	METAL PAINTED DOORS	-
8	-	MATCH 4	METAL GATE	-
9	TILECO	-	7" FLUTED SHUT	RUNNING LONG ALONG VERTICAL FLUTES
10	CROSS	TBD	ALUMINUM STORE FRONT DOOR	-
11	COONSON	FSD361	STORDEFENDER ROLL-UP DOOR	MOTORIZED
12	CRICI	ES-6 SUP	HURRICANE ROLL-DOWN SHUTTERS	DIRECT APPLIED FINISH OVER STANDING CMU UNIT AND CONCRETE
13	STO CORP	-	DIRECT APPLIED FINISH	-
14	WACO	1159 PROJECT OUT / INED	ALUMINUM WINDOWS	MANUALLY OPERATED
15	AMERICAN SHUTTER SYSTEMS ASSOC. INC	BERTHA HW ACCORDION SHUTTER	HURRICANE ACCORDION SHUTTERS	MATCH ADJACENT WALL OR ROOF COLOR
16	DOWNPOUTS	MATCH ADJACENT WALL OR ROOF	DOWNPOUTS	-

0' 2' 4' 8' 16'

SCALE: 1/8" = 1'-0"

DATE: 07/20/23

DESIGN: 07/20/23

AS SHOWN

DEPARTMENT OF EDUCATION

WAIMEA HIGH SCHOOL

GYMNASIUM ATHLETIC FACILITIES

WAIMEA, HI 96791

PROJECT NO. 24-00000001

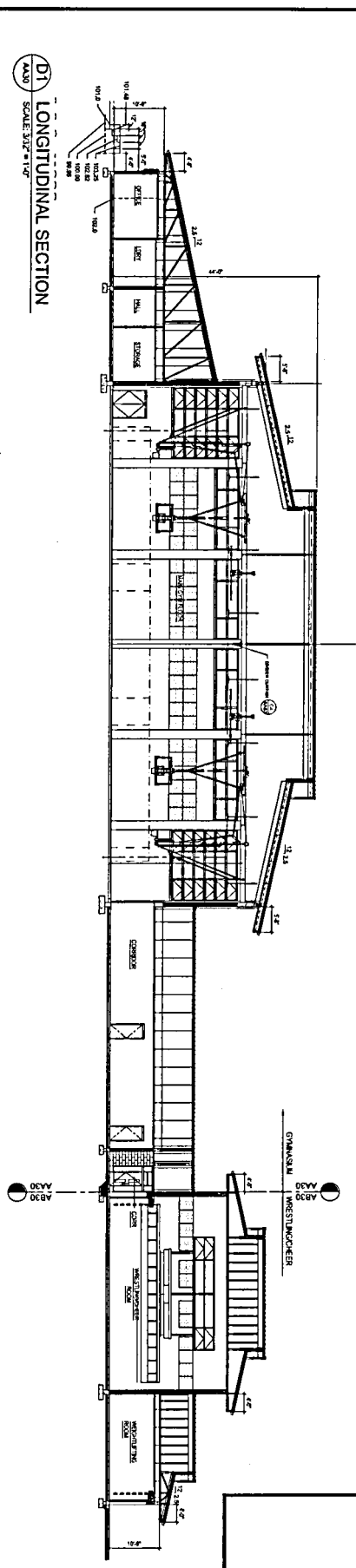
DESIGN PARTNERS, INC.

04/20/21-18

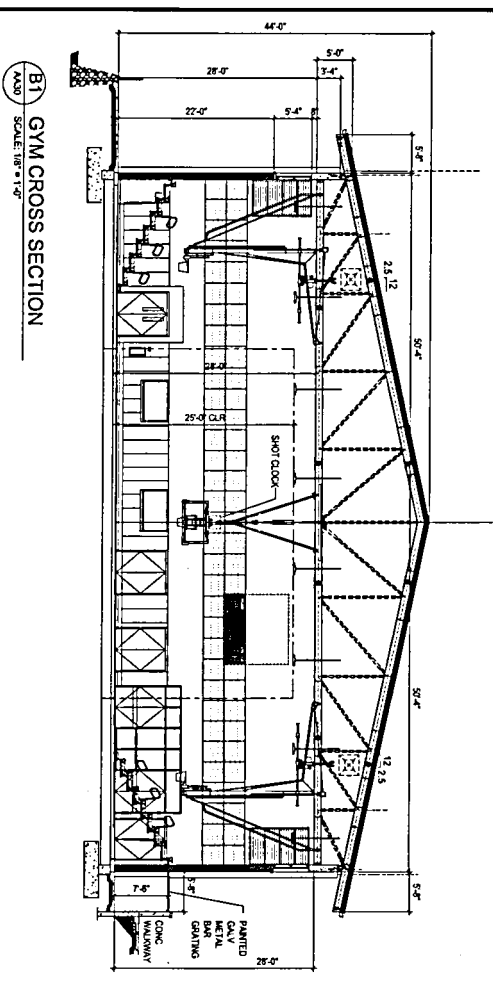
AA21

JULY 2023

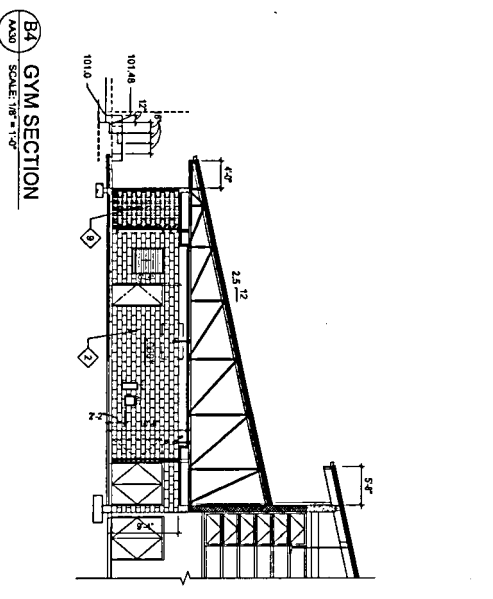
D1 LONGITUDINAL SECTION
 AA30 SCALE: 3/8" = 1'-0"



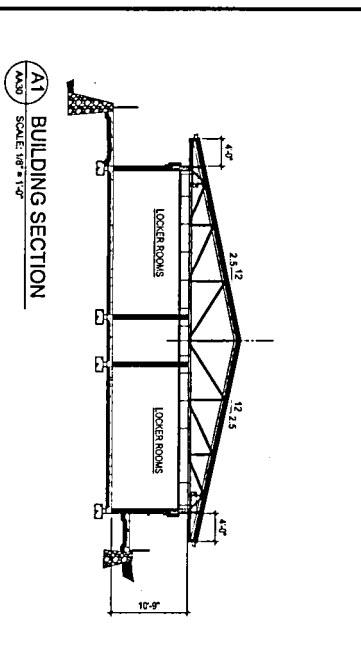
B1 GYM CROSS SECTION
 AA30 SCALE: 1/8" = 1'-0"



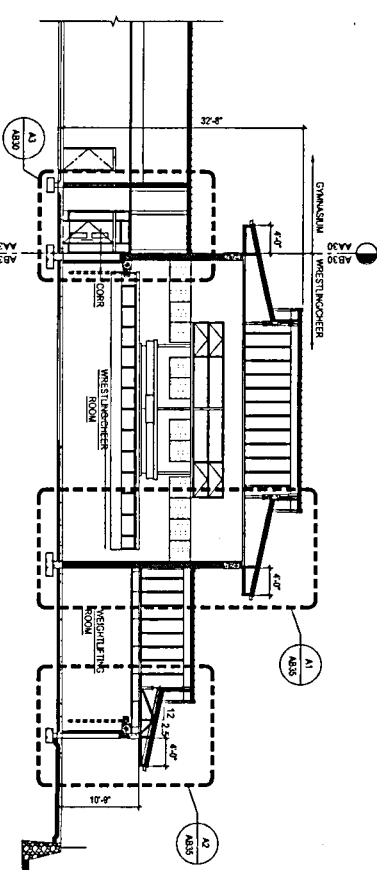
B4 GYM SECTION
 AA30 SCALE: 1/8" = 1'-0"



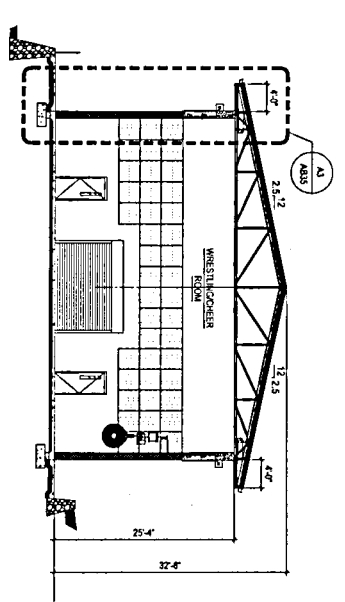
A1 BUILDING SECTION
 AA30 SCALE: 1/8" = 1'-0"



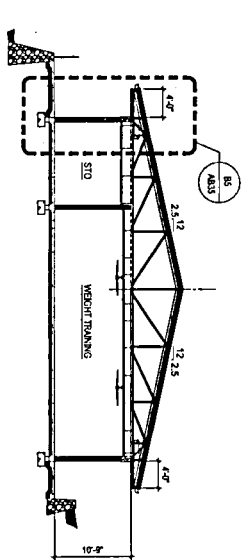
		DEPARTMENT OF EDUCATION STATE OF FLORIDA WAREHA HIGH SCHOOL GYMNASIUM ATHLETIC FACILITIES WAREHA, FLORIDA 32096 PROJECT NO. 04201-18 DATE: JULY 2023	
DESIGN PARTNER, INC. 1000 N. W. 10th Ave. Suite 100 Fort Lauderdale, FL 33304 TEL: 954.571.1000 FAX: 954.571.1001 WWW.DESIGNPARTNERINC.COM		AA30 JULY 2023	



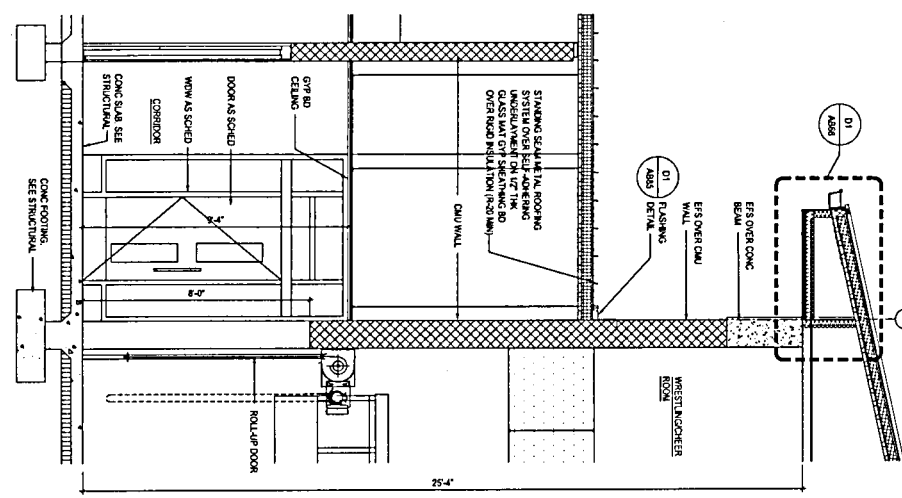
D1 LONGITUDINAL SECTION
SCALE: 1/8" = 1'-0"



B1 WRESTLING/CHEER CROSS SECTION
SCALE: 1/8" = 1'-0"



D3 WEIGHTLIFTING SECTION
SCALE: 1/8" = 1'-0"



A3 WALL SECTION
SCALE: 1/2" = 1'-0"

		DEPARTMENT OF EDUCATION WISCONSIN HIGH SCHOOL GYMNASIUM ATHLETIC FACILITIES 1000 N. KOSCIUSKO AVE. MILWAUKEE, WI 53212	
DESIGN PARTNERS, INC. 1000 N. KOSCIUSKO AVE. MILWAUKEE, WI 53212 TEL: 414.333.3333 FAX: 414.333.3334 WWW.DPINC.COM		PROJECT NO. 04201-18	DRAWING NO. AB30
DATE: JULY 2023		SCALE: 1/2" = 1'-0"	SCALE: 1/8" = 1'-0"

Exhibit 'B'

(Final Environmental Assessment)

JOSH GREEN, M.D.
GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

**STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804**

OFFICE OF FACILITIES AND OPERATIONS

March 9, 2022

TO: Mary Alice Evans
Director, Office of Planning and Sustainable Development
Environmental Review Program

FROM: Edward S. Ige *Edward S. Ige*
Facilities Director, Facilities Development Branch

SUBJECT: **Environmental Assessment and Finding of No Significant Impact
Waimea High School – Gymnasium Athletic Facilities
Waimea, Kauai, Hawaii
Tax Map Key: (4) 1-6-010: 098**

The Hawaii State Department of Education has reviewed the Environmental Assessment for the Waimea High School Athletic Facilities and comments received during the 30-day comment period and has issued a Finding of No Significant Impact (FEA-FONSI) determination. Please publish this determination in the next edition of the Environmental Notice.

Attached is a completed OEQC Publication Form, one electronic copy in Adobe Acrobat PDF file format of the same, and an electronic copy of the publication form in MS Word. Simultaneous with this letter, we have submitted the summary of the action in a text file by electronic mail to your office.

Should you have any questions, please contact Richard Bass, Project Coordinator of the Facilities Development Branch, Project Management Section, at (808) 784-5135 or via email at rbass@bowerandkubota.com or contact our authorized agent of this project, Taeyong Kim, of Environmental Communications, Inc. at (808) 528-4661.

ESI:rb

c: Facilities Development Branch
Kendall Ellingwood, Design Partners, Inc
Kristi Sumida, Design Partners, Inc.

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

From: webmaster@hawaii.gov
To: [DBEDT OPSD Environmental Review Program](#)
Subject: New online submission for The Environmental Notice
Date: Friday, March 10, 2023 11:52:01 AM

Action Name

Waimea High School Gymnasium Complex

Type of Document/Determination

Final environmental assessment and finding of no significant impact (FEA-FONSI)

HRS §343-5(a) Trigger(s)

- (1) Propose the use of state or county lands or the use of state or county funds

Judicial district

Waimea, Kaua'i

Tax Map Key(s) (TMK(s))

(4)1-6-010: 004

Action type

Agency

Other required permits and approvals

Use Permit, Class IV Zoning Permit, Grubbing, Grading and Building Permits

Proposing/determining agency

State of Hawaii Department of Education

Agency contact name

Richard Bass

Agency contact email (for info about the action)

rbass@bowersandkubota.com

Email address or URL for receiving comments

rbass@bowersandkubota.com

Agency contact phone

(808) 831-6731

Agency address

8633 Waialae Ave., Building B, Room 201
Honolulu, HI 96816
United States
[Map It](#)

Was this submittal prepared by a consultant?

Yes

Consultant

Environmental Communications, Inc.

Consultant contact name

Taeyong Kim

Consultant contact email

tkim@environcom.com

Consultant contact phone

(808) 528-4661

Consultant address

P.O. Box 236097
Honolulu, HI 96823
United States
[Map It](#)

Action summary

The proposed action consists of a replacement for the original gymnasium which has been in operation since 1948. The existing gymnasium is in poor condition and does not meet the National Federation of State High School Associations (NFSHSA) and is not suitable for interscholastic competition. The replacement structure consists of the construction of a 19,374 square foot gymnasium complex. The single story structure will include the main gym floor, wrestling room, multi-purpose team room, concession stand, lobby and ticket booth, office space, restrooms, locker rooms, support and utility spaces and general circulation.

Appurtenant to the complex are two separate parking areas. A lot consisting of 78 regular and handicap parking stalls will be accessed by Tsuchiya Road and Makeke Road on the western portion of the campus. A second small parking lot for 20 vehicles will be located on the eastern corner of the campus.

Reasons supporting determination

Reasons supporting the anticipated Finding of No Significant Impact are discussed in Section IV of the Final Environmental Assessment. The project is required to meet compliance with NFSHSA requirements for interscholastic competition.

Attached documents (signed agency letter & EA/EIS)

- [WaimeaGymFEAv1-consolidated.pdf](#)
- [FEA-FONSI-Waimea-HS-Gym-Athletic-SIGNED.pdf](#)

Shapefile

- The location map for this Final EA is the same as the location map for the associated Draft EA.

Action location map

- [Waimea-H.S.-Project-Location.kml.zip](#)

Authorized individual

Taeyong Kim

Authorization

FINAL ENVIRONMENTAL ASSESSMENT

**WAIMEA HIGH SCHOOL
GYMNASIUM COMPLEX**

DOE PROJECT NO. Q43201-18

TMK (4) 1-6-010: 004

9707 TSUCHIYA ROAD

WAIMEA, KAUAI, HAWAII



THIS DOCUMENT IS PREPARED PURSUANT TO CHAPTER 343, HAWAII REVISED STATUTES

APPROVING AGENCY:
STATE OF HAWAII
DEPARTMENT OF EDUCATION

MARCH 2023

Waimea High School Gymnasium Complex

Waimea High School

DOE PROJECT NO. Q43201-18

Waimea, Island of Kauai, Hawaii

Tax Map Keys: (4) 1-6-010: 004 and (4) 1-6-009: 023

Final Draft Environmental Assessment

Prepared by the Department of Education pursuant to Chapter 343, Hawaii
Revised Statutes (HRS)

Notice of availability of this document will be made in the Environmental Notice
published by the Environmental Review Program.

For additional information concerning this document please contact:

Mr. Taeyong Kim
Environmental Communications, Inc.
P.O. Box 236097
Honolulu, HI 96823
Email: tkim@envirocom.com

A copy of any comments or requests should be made to:

Richard Bass, DOE Project Coordinator
HIDOE FDB Project Management
3633 Waialae Avenue, Building B, Room 201
Honolulu, HI 96816
Email: rbass@bowersandkubota.com

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APPENDIX

APPENDIX A Waimea High School New Gymnasium Basis of Design prepared by Design Partners Incorporated

I. PROJECT SUMMARY

PROPOSING AGENCY: Department of Education
State of Hawaii
3633 Waialae Avenue
Honolulu, Hawaii 96816

PROJECT NAME: Waimea High School Gymnasium

PROJECT LOCATION: The project site is located within the Waimea High School campus on an open area located southwest of Building U. The street address of the school is 9707 Tsuchiya Road, Waimea, Kauai, Hawaii 96796

TAX MAP KEY/ OWNERSHIP: State of Hawaii
(4) 1-6-010: 004 por. (gymnasium and parking)
County of Kauai
(4) 1-6-009:023 por. (parking)

AREA: 8.08 acres / 352,226 square feet and
3.027 acres / 131,856 square feet

ZONING: R-1/ ST-P Special Treatment District - Public Facilities

STATE LAND USE: Urban District

CURRENT LAND USE: The project site consists of vacant, maintained land serving as a central green space on the Waimea High School Campus. The site is open except for a single, large monkey pod tree. The area is not actively used but does provide an open space and visual amenity for the campus. The school has served as the area public high school since 1935.

PROJECT SCOPE: The proposed action consists of a replacement for the original gymnasium which has been in operation since 1948. The existing gymnasium is in poor condition and does not meet the National Federation of State High School Associations (NFSHSA) and is not suitable for interscholastic competition. The replacement structure consists of the construction of a

19,374 square foot gymnasium complex. The single story structure will include the main gym floor, wrestling room, multi-purpose team room, concession stand, lobby and ticket booth, office space, restrooms, locker rooms, support and utility spaces and general circulation.

Appurtenant to the complex are two separate parking areas. A lot consisting of 78 regular and handicap parking stalls will be accessed by Tsuchiya Road and Makeke Road on the western portion of the campus. A second small parking lot for 20 vehicles will be located on the eastern corner of the campus.

PURPOSE AND NEED:

The existing Waimea High School Gym was constructed in 1935 and is near the end of its useful life. It does not meet current athletic facility standards therefore a replacement facility that meets the programmatic requirements and standards is planned for construction on campus. This new facility will be in full compliance with NSFHSA standards and Title IX requirements.

PROJECT COST/PHASING

The estimated construction cost for the gymnasium building is approximately \$22,500,000.00.

The proposed project is intended to be conducted in a single continuous phase with a projected commencement date of the Summer of 2023 and a completion date in the Spring of 2025. The improvements should be completed in approximately 21 months.

PERMITS AND APPROVALS

State of Hawaii

- Department of Health Community Noise Permit
- National Pollutant Discharge Elimination System Permit (NPDES)

County of Kauai

- Use Permit
- Class IV Zoning Permit
- Grubbing Permit
- Grading Permit
- Building Permit

II. PROPOSED PROJECT AND STATEMENT OF OBJECTIVES

A. Project Location

The proposed gymnasium project will be located on a vacant open area located within the campus of the Waimea High School in the central portion of Waimea, Kauai, Hawaii. The area is vacant, grassed and maintained and primarily serves as open space and a visual amenity. The proposed location contains a large monkeypod tree which will have to be removed to accommodate the gymnasium structure. The Waimea High School campus is located in the central portion of Waimea town and notable landmarks near the project site include Waimea State Pier located to the south, and Hapokele Park and Kauai Veterans Memorial Hospital to the west and northwest. The gymnasium and small parking lot project site is identified as Tax Map Key: (4) 1-6-010: 004 with a street address of 9707 Tsuchiya Road. The site is owned by the State of Hawaii. The larger parking lot located near the exiting gymnasium is located on County of Kauai owned Tax Map Key: (4) 1-6-009: 023. See Figure 1.

While not located on the same parcel, uses and facilities associated with the Waimea High School complex include the Waimea River Park, Niihau High and Elementary School, Waimea Swimming Pool and the existing gymnasium which is considered part of the High School complex. Additionally, tennis courts are located across Tsuchiya Road as well as the Captain Cook Memorial Park baseball field.

The surrounding neighborhood located to the west is characterized as a mix of commercial, institutional and residential areas. The Waimea United Church of Christ is a significant adjacent neighbor as the public facilities listed above wrap around the church site. Areas north of the project site are primarily in single-family residential use. Located to the east of the project site are the Easter Seals building, the First Marshallese United Church of Christ, and Waimea United Church of Christ Educational Center. See Figure 2.

B. Project Description

The proposed project consists of the construction of an approximately 23,576 square foot gymnasium complex to serve the students of the Waimea High School. As previously described, the existing gymnasium building does not conform with current athletic facilities standards and does not support current athletic programs putting students in a disadvantaged position. Title IX gender equity regulations will be met with the new facility and the new parking areas will also support the use of the gymnasium for competitive events that will be held within the facility. The proposed facility will be comparable to other Department of Education gymnasium facilities

providing the students of the Waimea High School the opportunity to use current standard facilities and support uses.

The new facility will also be designated for enhanced hurricane protection in accordance with Section 430 "State- and County-Owned Public High Occupancy Buildings – Design Criteria for Enhanced Hurricane Protection Areas" of the Hawaii State Building Code for occupancy during hurricanes of up to Saffir Simpson Category 3. Applicable areas within the facility include the Main Gymnasium, Wrestling/ Cheer Room, Training Room, Toilet Rooms, and Locker Rooms (with showers).

The new facility will include the following components.

Program Components

Main Gymnasium

This space is used for team activities and scholastic sports competitions such as basketball and volleyball. Consists of one regulation Basketball (94-feet x 50-feet) / Volleyball court with two (2) practice cross courts, six (6) ceiling mounted retractable basketball goals, scoreboards and retractable wall-mounted bleachers on both sides of the Main Gymnasium with a seating capacity of 840 (includes 8 accessible seats). In addition, a motorized vertical-acting divider curtain with manual override will be provided between practice courts.

Wrestling Room / Cheer Room

Ancillary Gym to be used for Wrestling and Cheerleading. Sized to accommodate one full size wrestling mat (42-feet x 42-feet).

Lobby

Primary entry space into the Gymnasium for patrons, visitors, and spectators, with direct connection to the Main Gymnasium and Concession. The primary function of the Lobby is to be a control checkpoint for the facility.

Concession Booth

Room to support concession activities, which consist of selling snacks and drinks during events. Provided with countertop space, cabinets, a sink, refrigerator, freezer, ice machine and tables.

Men's and Women's Toilet Rooms

Toilet room for use by Gymnasium patrons, visitors, spectators and others from the school's Athletic Complex. Provided with dual entrances and controls for dual use (Gymnasium and Athletic Complex).

General (Gymnasium) Storage

This area is sized to accommodate the storage of equipment and supplies such as basketballs, volleyball standards/gear, other equipment and

maintenance/repair supplies. Double doors will provide access to the Gymnasium. This space should be located to be accessible from the interior of the Gymnasium.

PE Storage

Storage space to secure and store Gymnasium PE equipment when not in use.

Locker Room A1

Locker Room for Varsity Boys scholastic sports teams. One of two Locker Rooms to be used during practices and games. To also be used by visiting team as Locker Rooms during scholastic competition.

Locker Room A2

Locker Room for Junior Varsity scholastic sports teams. One of two Locker Rooms to be used during practices and games. To also be used by visiting team as Locker Rooms during scholastic competition.

Restroom 1

Toilet and Shower rooms to support Locker Rooms which connect to both Locker Rooms A1 and A2. Secondary access from other supporting areas of the Gymnasium also provided.

Locker Room B1

Locker Room for Varsity scholastic sports teams. One of two Locker Rooms to be used during practices and games. To also be used by visiting team as Locker Rooms during scholastic competition.

Locker Room B2

Locker Room for Junior Varsity scholastic sports teams. One of two Locker Rooms to be used during practices and games. To also be used by visiting team as Locker Rooms during scholastic competition.

Restroom 3

Toilet and Shower rooms to support Locker rooms which connect to Locker Rooms B1 and B2. Secondary access from other supporting areas of the Gymnasium also provided.

Restroom 2

Unisex toilet area adjacent to locker rooms. Grouped together with Boys and Girls Locker Rooms.

Restroom 4

Unisex locker room, toilet, and shower area located adjacent to Locker Rooms.

Training Room

Athletic training room to allow athletic trainers to evaluate students who may have suffered an injury or have general questions about sports medicine. The Training Room is equipped with an office (with the ability to view the entire Training Room), (3) training tables, filing cabinets, refrigerator, first aid supplies, an ice machine and whirlpool.

Weightlifting Room

Room to support weightlifting and other resistance methods to improve athletic performance and reduce the risk of injury. Weight Room to be equipped with mirrored walls, ceiling fans and appropriate weightlifting equipment and mats.

Team Equipment Storage Room

Space to store team equipment, including uniforms and team equipment.

Laundry Room

Space located within the Training Room for laundry activities for game and practice rooms. To house large residential grade washers and dryers.

Athletic Director Office

Private office for the school's Athletic Director.

Utility Spaces

Communication Rooms, Electrical Rooms, Janitor Rooms, and Mechanical spaces to support the Gymnasium facility.

Storage

Space to store Volleyball, Basketball and various Athletic equipment.

Building Construction

The gymnasium building will be constructed with reinforced CMU in compliance with enhanced hurricane protection requirements. The building will have a standing seam metal roof. Exterior windows will use factory finished aluminum fixed frames. Windows will meet hurricane and windborne debris requirements.

The foundation of the building will use conventional spread footings. Retaining walls required around the perimeter of the structure will be constructed of CMU.

Interior spaces for the Training Room, Weight Room, Athletic Director's Office, and Concession spaces will be air conditioned for cooling. Non-air conditioned spaces will be provided with ceiling fans or exhaust systems for climate control.

Water, sewer and electrical service utility infrastructure will be connected to the new building. Existing utility services are on campus and capacity to accommodate the new gymnasium is available.

New Parking Areas

Two improved parking areas will be provided on the campus. The first is a parking located on the eastern side of the site with direct access to Ola Road. This 20 stall lot will include 2 handicap stalls and will be located east of Buildings T and B.

The second parking lot will be located northwest of the existing gym building and will have direct access to Tsuchiya Road and Makeke Road. This 78-stall lot will include 3 handicap accessible stalls. See Figure 6.

The floor plan and building elevations are shown in Figures 4, 5 and 6 respectively.

Program Spaces	(Net SF)
Main Gym Floor (DE up to 1000)	11,578
Lobby & Display Area	635
Ticket Booth	
Concession Booth	248
AD Office	132
AD Restroom & Shower	64
AD Conference Room	
PE & Coaches Office	
PE Equipment Room	116
Custodial Closet (Public Area)	88
Boys' Locker Facilities	
Varsity Locker Room	203
Junior Varsity Locker Room	203
Varsity / JV Toilet Area	501
Varsity / JV Shower Rm.(min 6 stalls inc.ADA)	
Girls' Locker Facilities	
Varsity Locker Room	203
Junior Varsity Locker Room	203
Varsity / JV Toilet Area	501
Varsity / JV Shower Rm.(min 6 stalls inc.ADA)	
Common Facilities	
Gender Neutral (Restrm/Lkr/Shower) Rm #1	173
Gender Neutral (Restrm/Lkr/Shower) Rm #2	173
First-Aid Room	
Laundry Room	193
Custodial Closet (Locker Area)	
Wrestling/Cheer Room	2,076

Trainer's Room	905
Weight Training Room	912
General Storage	267
Total Program Area of Gymnasium	19,374
Non-Program Spaces	
Telecommunications Room	109
Men's Toilet (Public)	318
Women's Toilet (Public)	335
Electrical Room	151
Mechanical Room	599
IDF Room	
Corridor #1	300
Hall #1	639
Corridor #2	264
Total Non-Program Area of Gymnasium	2,715
Total Net SF Area (Program + Non Program Spaces)	22,089
Total Gross SF Area of Building	23,576

Landscaping

The new gymnasium building will require the removal of existing trees on the project site. This includes a large monkey pod tree in the location of the new Gymnasium building, and a few other smaller trees located in the proposed new parking areas. The Monkeypod tree and other trees removed will be replaced with new 25 gallon size trees of similar type, as well as additional tree varieties, with the intent of adding a minimum of two new trees for every tree removed. New plantings will include native Loulu plams, native Kou trees, Gold trees, and a Monkeypod. New parking lot areas will include a minimum of one tree for every 10 parking spaces, per the Kauai County Code. Parking areas will include some screening with hedges in areas fronting roadways.

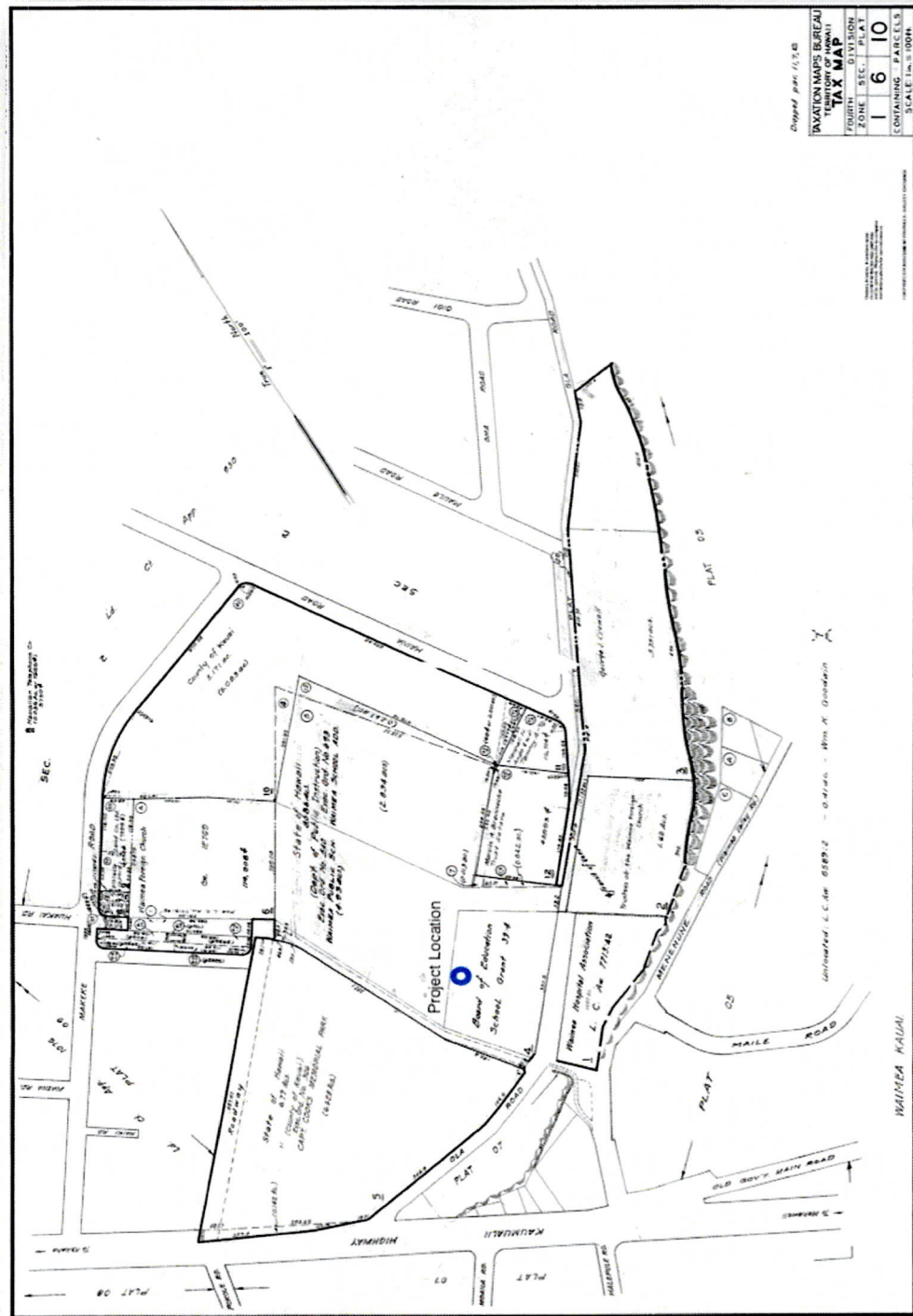


Figure 1: Tax Map

Source: County of Kauai Property Tax Office



Figure 2: Aerial Location Map
Source: Google Earth

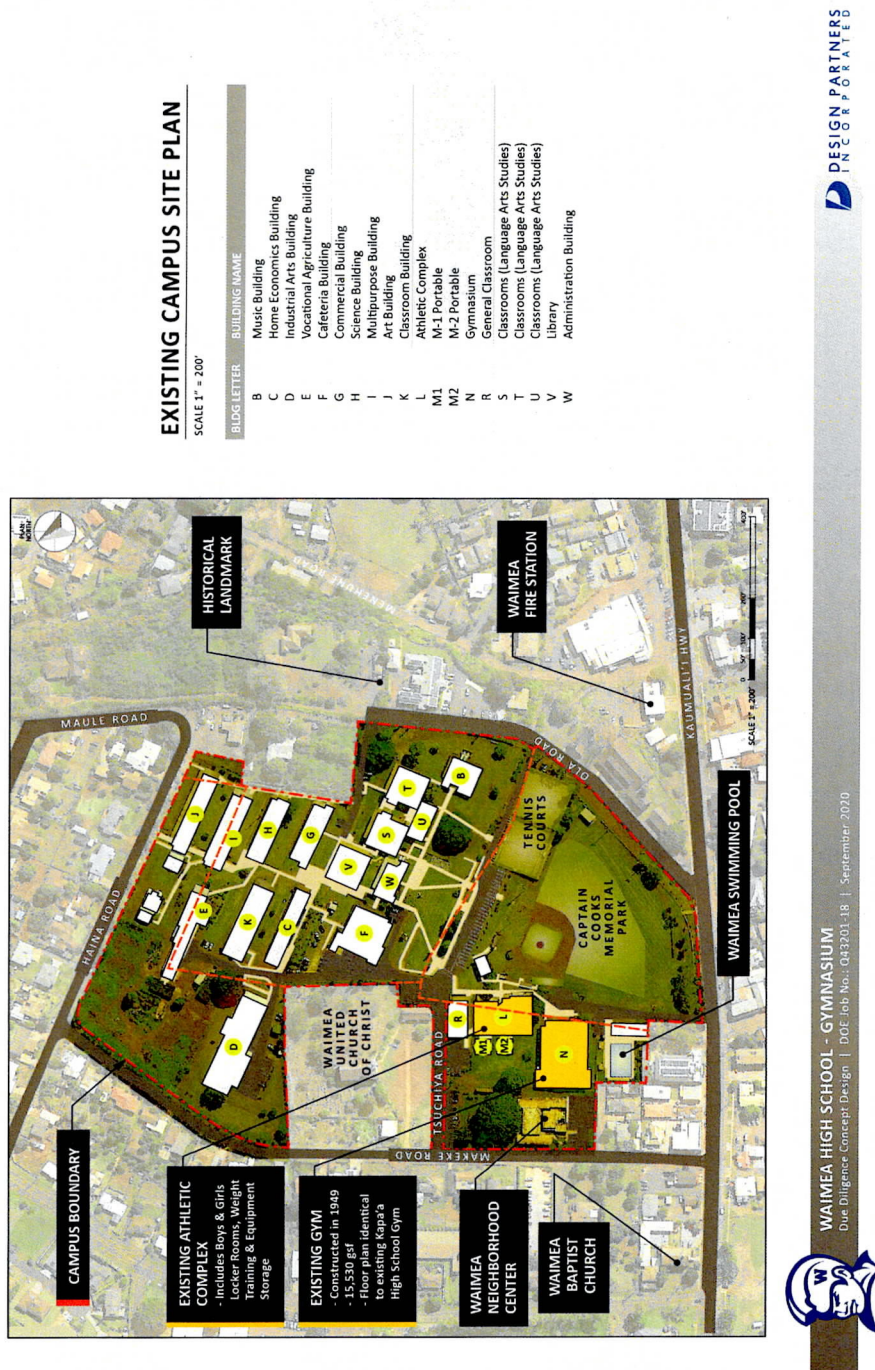


Figure 3: Existing Campus Site Plan
Source: Design Partners Incorporated

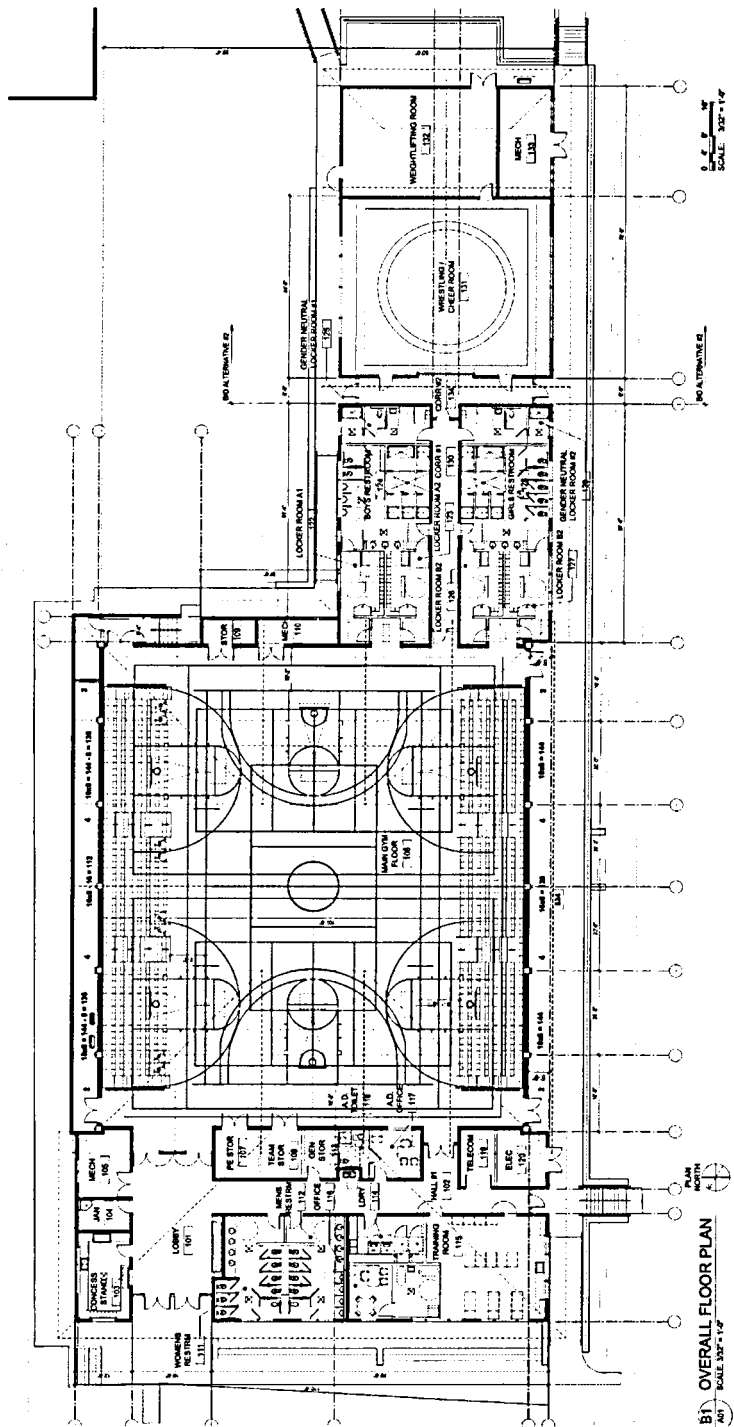


Figure 4: Gymnasium Floor Plan
Source: Design Partners Incorporated

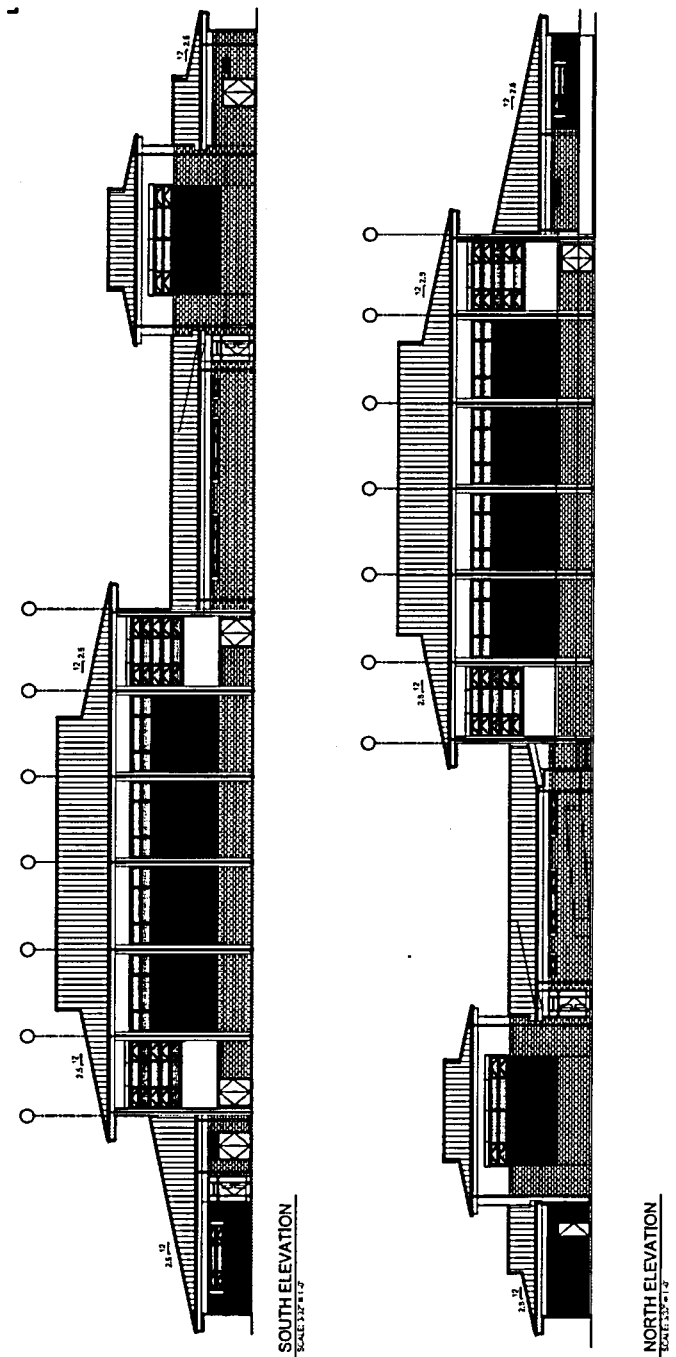


Figure 5: South and North Elevations
Source: Design Partners Incorporated

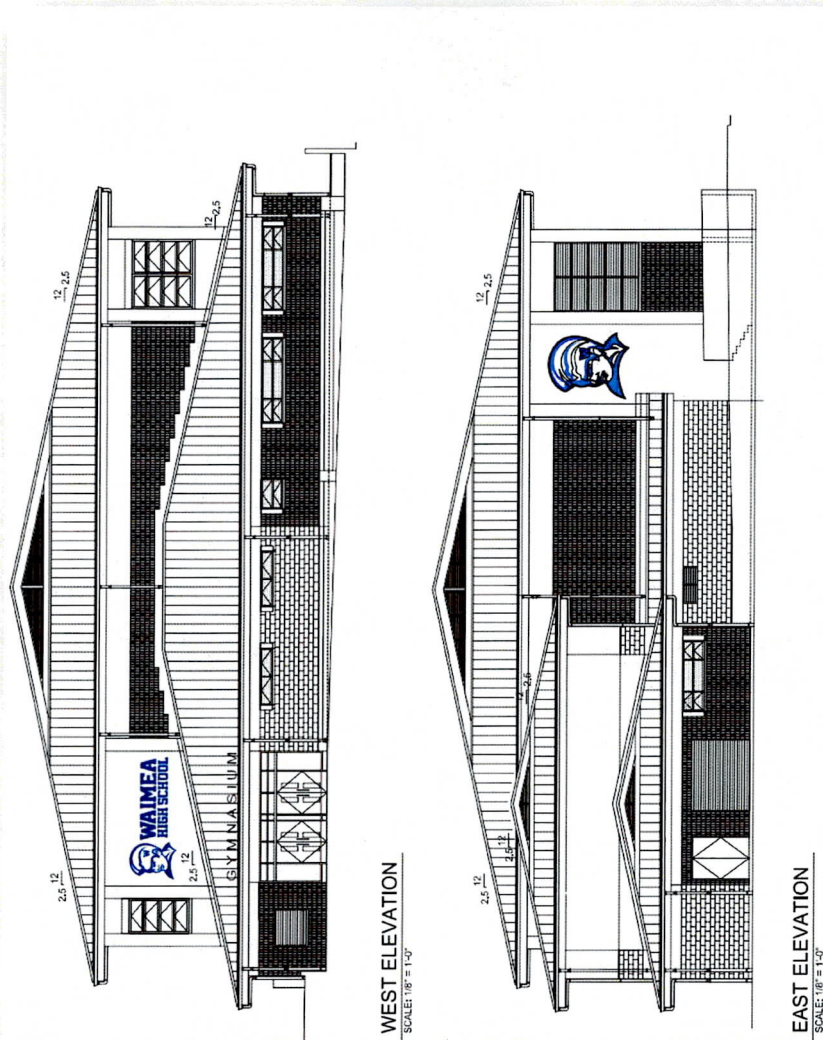


Figure 6: West and East Elevations

Source: Design Partners Incorporated

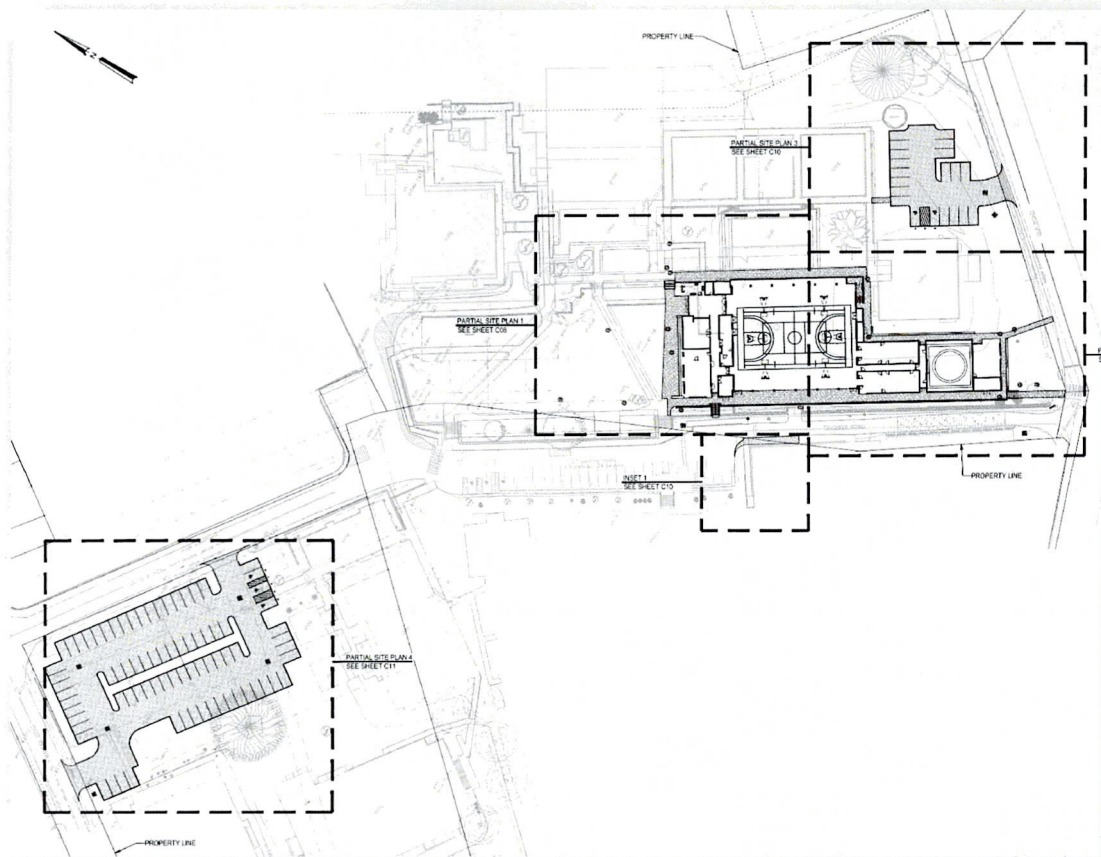


Figure 7: New Parking Lots Plan

Source: Design Partners Incorporated

C. Infrastructure Assessment

The Basis of Design prepared for the project provided a summary of infrastructure availability and capacities. The following assessment can be found in its entirety in Appendix A.

Water System

The school is serviced by an existing 3-inch domestic water meter. The new gymnasium will connect to an existing 2-inch domestic water line located within the school campus. The 2-inch water line currently runs directly under the gymnasium site and services an existing music building and irrigation system. The water line will be relocated around the proposed gymnasium and the new service for the gymnasium will be connected to this line. A new fire

line connection will be provided for the project and connect to an 8" Department of Water Line on Ola Road, near the intersection of Tsuchiya. The new fire line will provide a connection for the gymnasium's fire sprinkler system and a new fire hydrant. The new fire hydrant will be located on the south side of the building adjacent to Tsuchiya Road.

Sanitary Sewer System

The project will connect to an existing 6-inch sewer line near the front entrance of the new gymnasium. A portion of the existing sewer line and two abandoned cesspools are located directly under the proposed gymnasium footprint. The existing sewer line will be replaced by a new sewer line that will be outside the new building and the abandoned cesspools will be demolished as needed. The 6-inch sewer line has sufficient capacity for the new gymnasium.

Grading, Drainage Utilities, and Low Impact Development

The site of the new Waimea High School Gymnasium consists of a grass lawn and walkways that slope towards Tsuchiya Road. A retaining wall will be installed on the south side of the gymnasium to level the grade for the gymnasium building pad. The principles of positive drainage, with minimum slopes, are applied to control the conditions that direct rainfall away from facilities. New facilities shall accommodate ADA requirements as well as positive drainage away from the building.

There are no existing drainage systems in the project vicinity. The building roof down spouts will be collected and conveyed by buried pipe to three underground detention systems on the east and west sides of the gymnasium. Runoff from the parking lots will be collected via inlets in the center of parking aisles and stored in underground detention systems beneath the parking pavement. Out flows from the detention systems will be conveyed to seepage inlets to allow excess stormwater to be release from the detention systems.

The storm drainage system will be properly coordinated with surrounding areas to ensure that runoff does not cause damage to other on-site buildings. All stormwater management calculations will be in accordance with County of Kaua'i, Department of Public Works Storm Water Runoff System Manual, dated November 2001.

Temporary and permanent Best Management Practices for erosion and sediment control will be required, including but not limited to, a dust fence around the perimeter of the project area and surface runoff control.

Electrical Distribution System

The existing main electrical switchboard "MSB" for the campus is located in the existing Utility Building, which is located behind the existing Cafeteria Building 'F'. A 750 kVA KIUC pad-mounted transformer services the main switchboard 'MSB', which is rated at 800A at 480Y/277V, 3Ø, 4-wire. The 'MSB' is integrated with a 400A PV system, power factor correction capacitor,

and an external transfer switching scheme to accommodate a portable generator.

While the available demand capacity of the main switchboard 'MSB' to support the new Gymnasium must be confirmed, there is ample physical space within the enclosure for a new circuit and the switchboard appears to be in good condition. The manual transfer switch with a provision to connect a portable generator is provided for the 'MSB' to support certain buildings or portions of the buildings during a utility service outage event, but the extent of the emergency generator power coverage is undetermined at this time.

The intent is to provide a new underground electrical distribution from the 'MSB' to the new Gymnasium, with an oversized conduit for future electrical capacity.

Pole-mounted LED lighting will be provided for the new parking lots, identified as Parking Lots 'A' and 'B'. Power to the pole lights shall be extended from the new Gymnasium for Parking Lot 'A' and from the existing Athletic Complex for Parking Lot 'B'.

Telecommunications System

The Main Distribution Frame 'MDF' for the campus telecommunications system is located in the existing Administration Building, where the demarcations of service providers were established. The fiber optic and copper cables currently extend from the 'MDF' to their respective Intermediate Distribution Frames 'IDFs' in various existing buildings to support the school network and telephone services. The existing central distribution equipment for the CATV and PA/intercom systems are also located in the existing Administration Building and extend to all the existing buildings via underground infrastructure.

The existing 'MDF' has adequate capacity to support and terminate the new fiber optic and copper cables in existing equipment racks.

A new 48ST SM FO cable and 25-pr copper cable in 4-inch ducts are proposed to support the new Gymnasium. In addition, two 2-inch ducts will be provided between 'MDF' and the Comm Room in new Gymnasium for the CATV and PS systems.

Fire Alarm System

The campus has a single master fire alarm control panel, Simplex, located in the existing Administration Building. The system connects to the other buildings via copper wiring in the communications duct system.

Fire Protection

The campus has an existing fire line that serves the on-site hydrants. The existing Gymnasium does not have an automatic fire sprinkler system.

D. Project Objective and Need for Action

The proposed gymnasium project was established through a facilities assessment conducted for the existing Waimea High School Gymnasium. The existing gym was constructed in 1935 and is presently at the end of its useful life. The facility does not meet current standards based on the Department of Education's Facilities and Development Schedule (FADS) for a high school gymnasium with a student enrollment of approximately 600 students. The site has undergone an extensive alternatives analysis and the project subject of this Environmental Assessment was determined to be the most desirable of all alternatives considered.

The subject Environmental Assessment is prepared in conformance with Chapter 343 Hawaii Revised Statutes, as the project will involve the use of County funds. The project parcel is owned by the Hawaii Health Care Systems but the project will be funded by the County of Kauai.

E. Alternatives Considered

Three major alternative sites within the school complex were considered during the facilities assessment process. Additionally, variations on two of the alternative sites were considered. The alternative locations are shown in Figure 8.

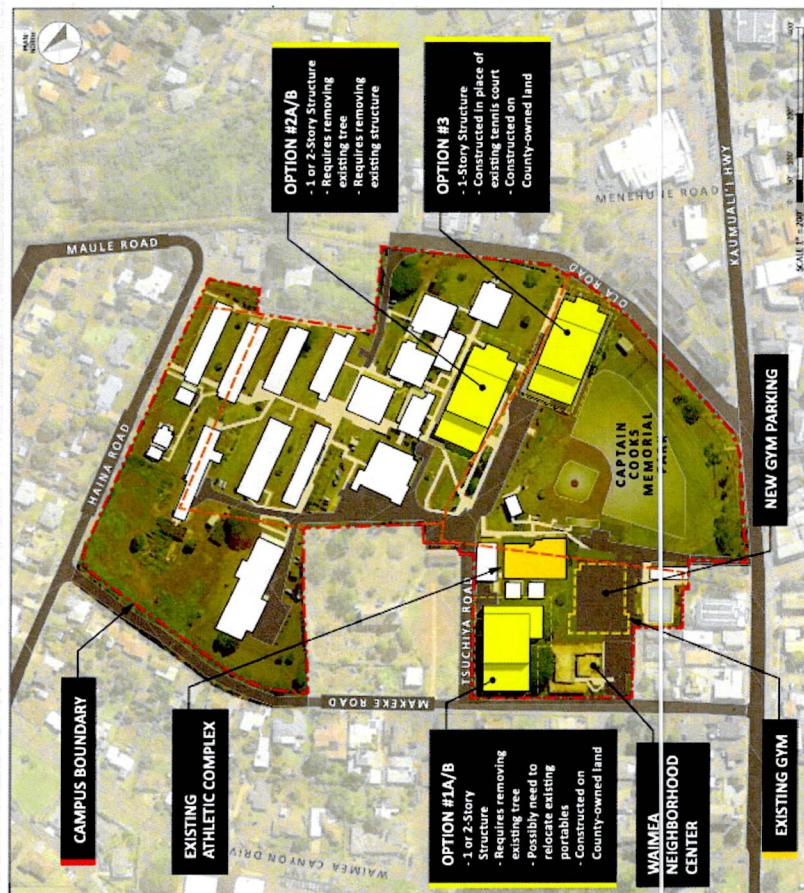
The first alternative considered would locate the new gymnasium west of the existing gymnasium with Tsuchiya Road located along the northern boundary of the building. This alternative would require the removal of a large monkeypod tree and would most likely require the relocation of existing portable buildings. The location could also affect the Waimea Neighborhood Center operationally due to its close proximity. This location is also owned by the County of Kauai.

The second alternative location is located in the courtyard area adjacent to Buildings W, U and B. This central location would also require the removal of a large monkeypod tree and the removal or relocation of aluminum bleachers.

The third alternative location would replace the existing tennis courts with gymnasium. This site is also owned by the County of Kauai.

After discussion with school administrators, Alternative 2A which keeps all program areas on a single floor was selected as the most desirable location. The site is owned by the State of Hawaii, has adequate area to construct a single story building and use lands that are not heavily used for other purposes.

No action is not considered an alternative as the existing gymnasium is not suitable for continued use nor is it programmatically suitable putting the Waimea High School students in a disadvantaged athletics position.



NEW GYM LOCATION OPTIONS

SCALE 1" = 200'

Location	DESIGN OPTION				In Place of Existing Tennis Courts	County Owned
	#1A	#1B	#2A	#2B		
Property Owner	Near Existing Gym	County Owned	DOE	County Owned		
Number of Stories	2	1	1	2	1	1
Demolition/ Buildings Relocation	N (Gym)*	N (Gym)* M1 & M2	Existing Bleachers	N (Gym)* Existing Bleachers	N (Gym)* M1 & M2 Tennis Courts	
Includes Gym Parking Area	Lot in place of place of Existing Gym	Lot in place of place of Existing Gym along Tsuchiya Rd	New Gym Parking at Tsuchiya Rd & Makeke Rd	Lot in place of place of Existing Gym at corner of Tsuchiya Rd & Ola Rd	Parking south of existing courtyard & bleachers at corner of Tsuchiya Rd & Ola Rd	
New Tennis Courts	No	No	No	No	Yes	Yes
Requires Tree Removal	Yes	Yes	Yes	Yes	Yes	Yes

* - Consultation not required for this Design Option

Figure 8: Alternative Site Locations
Source: Design Partners Incorporated

III. DESCRIPTION OF ANTICIPATED IMPACTS AND MITIGATION MEASURES

A. Overview and Environmental Setting

The Waimea High School Gymnasium was subject of a due diligence report prepared for the Department of Education Waimea High School in March of 2021. This report, prepared by Design Partners, Inc. is included in part in this Environmental Assessment and the initial findings are provided as follows.

The Waimea High School, is a public high school operated by the Hawai'i State Department of Education (HIDOE) and located on the island of Kaua'i, in the town of Waimea. Established in 1881, it began as an elementary school before becoming a high school in 1935. Serving grades 9 through 12, Waimea High School is the oldest high school on the island of Kaua'i and considered the westernmost high school in the United States.

The existing high school campus sits on various parcels. Much of the main campus buildings are on state- owned land (TMK: 4-1-6-010:004) and with a few on county-owned land (TMK: 4-1-6-010:010) comprising of 8.08 and 5.18 acres, respectively. The existing Athletic Complex, which includes the Gymnasium and the Waimea Neighborhood Center, is located on county-owned land (TMK: 4-1-6- 009:023) comprising of 2.97 acres (Figure 2). The state-owned parcel is bordered by Haina Road to the north, Makeke Road to the west and Ola Road to the east. Tsuchiya Road bisects the state and county parcels with Captain Cooks Memorial Park located between the parcels. Waimea High School is also part of the Kaua'i Interscholastic Federation (KIF) of interscholastic sports.

The existing Gymnasium (Building N) was constructed in 1948 as part of the original Waimea school campus. Since its initial construction, there have been numerous renovations to the Gymnasium. Some of the more recent renovations to the existing Boys' and Girls' Showers (1997) and new telescoping bleachers (1998).

The existing gym consists of a main court with regulation high school basketball / volleyball court, roll-out bleachers and stage. Support facilities include locker rooms, showers, laundry room, weight room, storage and toilet facilities for the public. The gymnasium is currently used by the school's interscholastic sport teams, which include:

- o Fall: Volleyball (Girls), Cheerleading (Girls)

o Winter: Wrestling (Boys, Girls), Basketball (Boys, Girls) – busiest season (2-Junior Varsity and 2- Varsity)

o Spring: Volleyball (Boys)

The Gymnasium is also used for school assemblies and other school gathering activities. The overall condition of the existing Gymnasium is very poor, as there are numerous building systems that are antiquated, beyond its service life and should be replaced now. There is visible rusting and termite damage throughout, with jalousie windows that permit water infiltration which is especially prevalent during heavy rains. The gymnasium was not designed to current National Federation of State High School Associations (NFHS) standards and is not suitable for interscholastic competition.

The location of the proposed new gymnasium is located in a courtyard space bounded by Tsuchiya Road and campus Buildings W, U and B. Across Tsuchiya Road is an existing tennis court complex and the Captain Cook Memorial Park.



Figure 9: Photo of Project Site Looking Towards Building B

Source: Design Partners, Inc.

B. Surrounding Uses

The surrounding neighborhood located to the west is characterized as a mix of commercial, institutional and residential areas. The Waimea United Church of Christ is a significant adjacent neighbor as the public facilities listed above wrap around the church site. Areas north of the project site are primarily in single-family residential use. Located to the east of the project site are the Easter Seals building, the First Marshallese United Church of Christ, and Waimea United Church of Christ Educational Center.

C. Environmental Considerations

1. Geological Characteristics

Topography

The project improvement area consists of a site that gently sloping lands from east to west and from north to south in a mauka to makai orientation. The project site is devoid of any structures, geographic features, drains, swales or other variations from the smooth grassed surface. A sanitary sewer manhole is located on the site. A single large monkeypod tree is located within this grassed courtyard area and will have to be removed in favor of the new gymnasium. The sites wayfinding coordinates are 21°57'25"N 159°40'05"W. The project site ranges in elevation from 105-feet at the entrance of Building B down to 96-feet at Tsuchiya Road. The proposed gymnasium is expected to have a finished floor elevation 102-feet.

Climate

According to NOAA, the long term climate data for Lihue represents the closest recorded long-term climate data for the project site. The daily average temperature from this recording site is 71 to 80 degrees with an average annual temperature of 76.2 degrees. The coolest month of the year is February while the warmest is August. The average annual rainfall is approximately 40 inches with a wet season from October to April. Northeasterly tradewinds predominate this area with occasional southerly "Kona" winds approaching from the south. Air conditions are very good, particularly due to the site's eastern location. The project site is outside of any area subject to rising sea levels.

Soil Conditions

According to the Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii by the US Department of Agriculture Soil

Conservation Service, the project site is located primarily on soils classified as Makaweli silty clay loam, 0 to 6 percent slopes (MgB). See Figure 9.

This series consists of well-drained soils on uplands on the island of Kauai. The annual rainfall amounts to 20-35 inches. Soils are used for irrigated sugarcane, pasture, and homesites. The natural vegetation consists of kiawe, lantana, fingergrass, klu, koa haole, and pilgrass.

MgB is on the tops of broad interfluves in the uplands. Representative profile the surface layer is dusky-red silty clay loam that has a prismatic and subangular block structure. The substratum is soft, weather basic igneous rock. The soil is slightly acid in the surface layer and slightly acid to neutral in the subsoil.

Permeability is moderate. Runoff is slow, and the erosion hazard is slight. The available water capacity is about 1.6 inches per foot of soil. In places roots penetrate to a depth of 5 feet or more.



Figure10: Soils Map

Source: U.S. Soil Conservation Service

Air Quality and Noise Environment

The ambient air quality of the project site is typical of the low-density residential character of the site. No point source pollution sources have been identified in the general area and typical trade winds ensure that air quality remains within acceptable standards as recorded by the Department of Health air quality monitors.

Air quality impacts from the construction and operation of the gymnasium and appurtenant facilities are expected to be minimal to insignificant. During the construction period, gasoline or diesel powered heavy equipment will be required for earthwork and construction of the improvements. Air quality degradation from the operation of this equipment will be negligible and temporary. No long-term air impacts will occur as a result of the project.

The noise environment will be affected during the construction period. Heavy equipment will be used during site grading and construction. All activities will continue to adhere to State Department of Health community noise standards. Upon completion of all construction related activities, no long-term noise impacts are expected from the facility itself. The installation of temporary PTAC air conditioning units may be considered for the duration of construction for classrooms near the construction area. Noise associated with full gymnasium events is not expected to create any nuisance to residents since the project is located away from residential areas.

2. Water Resources

Hydrologic Hazards and Resources

According to Panel 1500020258G of the Federal Emergency Management Agency Flood Insurance Rate Map, the entire project area is located in Zone X. This is an area determined to be outside of the annual 0.2% annual chance floodplain (Figure 11). The project is not in a tsunami evacuation area or a dam evacuation area as shown in Figure 12.

Special Management Area

The project site is not located within the Special Management Area (SMA). The SMA boundary is located makai of Kaumuali'i Highway (Figure 13).

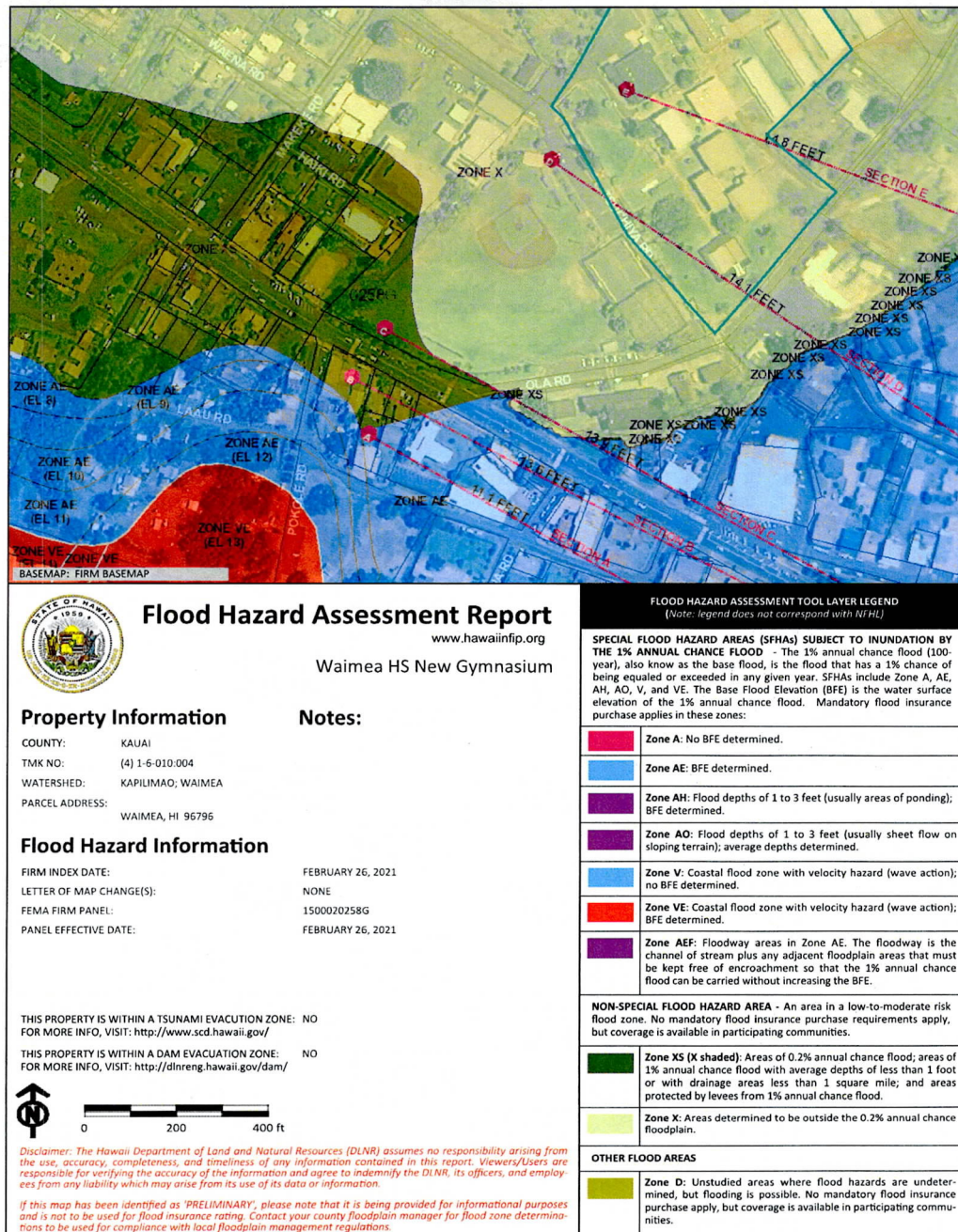


Figure 11: Flood Hazard Map

Source: State of Hawaii Department of Land and Natural Resources

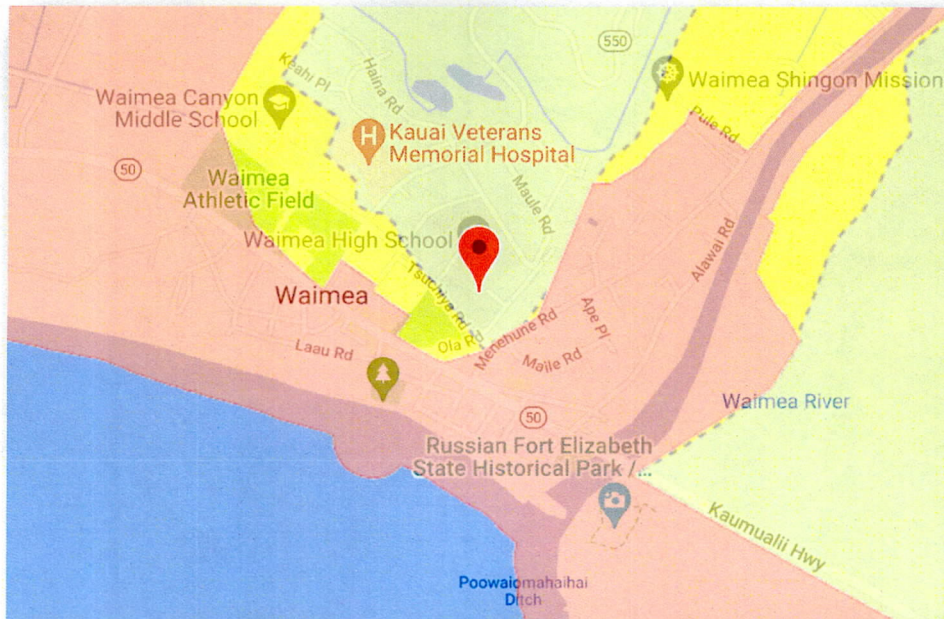


Figure 12: Tsunami Inundation Map

Source: Hawaii Emergency Management Agency

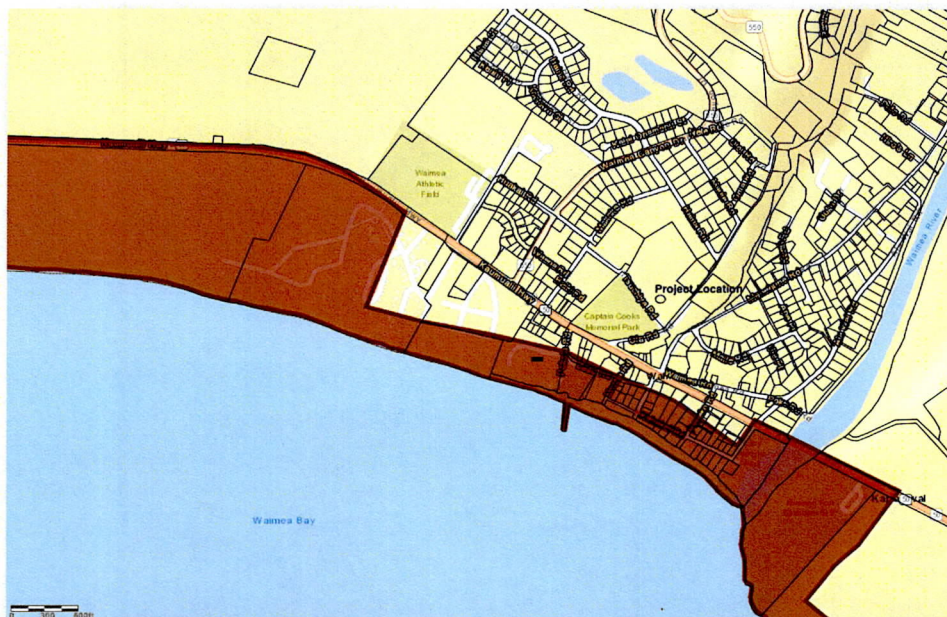


Figure 13: Special Management Area Map

Source: County of Kauai

Sea Level Rise

According to the Kauai Climate Change and Coastal Hazards assessment prepared for the County of Kauai, sea level rise due to climate change is 1-foot by year 2050 and 31-feet by year 20100. The project site will not be impacted by sea level change. The project site is located for than 35 feet above mean sea level. See Figure 14.

Water Quality

The project will not adversely affect water quality however the site will increase impervious surfaces. A storm drainage will be designed to retain runoff in a safe area or will convey drainage to areas where minimal impacts will occur. The project site is not located over an aquifer recharge area.

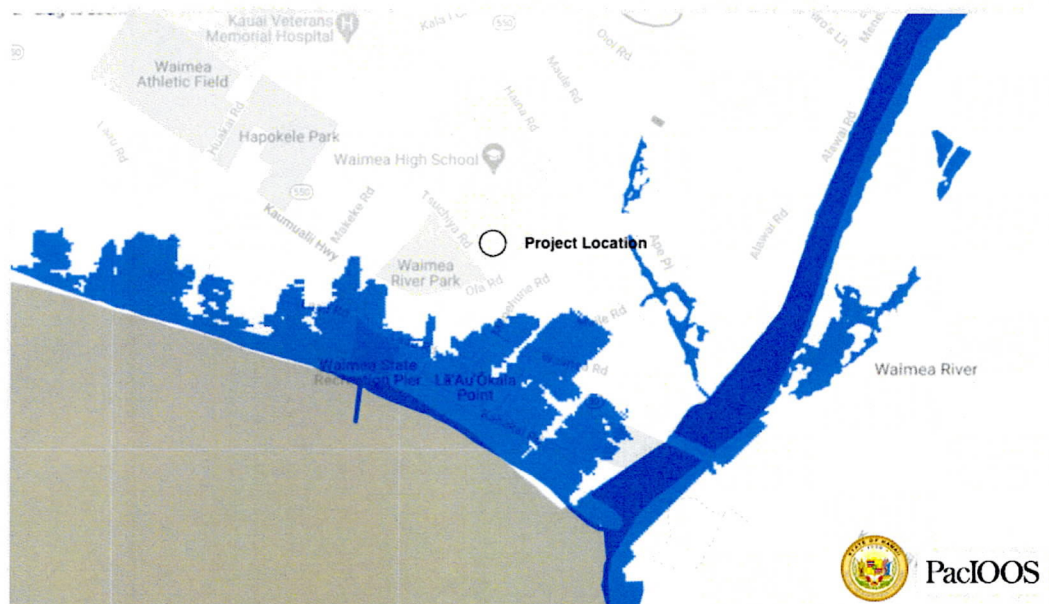


Figure 14: Sea Level Rise Exposure Area

Source: Hawaii Sea Level Rise Viewer

During the construction phase, best management practices will be used to keep the site clean and prevent any adverse discharges from affecting adjacent properties. These measures will include an erosion plan consisting of construction access pads and filters along the project perimeter.

3. Archaeological, Cultural, Botanical and Faunal Resources

Archaeological and Historic Resources

Waimea High School is not listed on the Hawai'i Register of Historic Places or listed on the National Register of Historic Places. Two classroom buildings (TMK: 1-6-010:004; owned by the State of Hawai'i), however, were placed on the Hawai'i Register of Historic Places in August 1991. The two buildings (Site No. 50-30-05-9391) are described thusly:

"The 1936 Homemaking Building is the only extant school building on Kaua'i with this type of board and batten wall and the Classroom Building (which is currently being used as a dressing room) is a four-room building with a gable roof and insert lanai along the entire length of the building. These two buildings retain significant physical and associative integrity, despite the modern setting of the other school buildings..."

The Gymnasium was constructed in 1948 and is over 50 years old and therefore considered historic property. HRS Chapter 6E-2 defines historic property as "any building, structure, objects, district, area or site, including heiau and underwaters site, which is over fifty years old."

New Gymnasium

The State Historic Preservation Division (SHPD) may require an archaeological investigation for the new gymnasium that may include a literature review of prior archaeological studies in the area of Waimea High School and a field inspection of the new Gymnasium site.

Demolition of Existing Gymnasium

Demolition of the existing Gymnasium is not a part of this project. Should this structure be planned for demolition, SHPD may require architectural documentation prior to demolishing the Gymnasium which may include a request for an "architectural inventory survey" or "architectural recordation survey" or both. The contents of the either survey would be provided by SHPD.

SHPD could also request an architectural inventory survey of all buildings 50 years or older at Waimea High School. The nearest State Register of Historic Places sites include the Bishop National Bank of Hawaii (First Hawaii Bank) building, the Charles Gay House, the Gulick Rowell House, and the Cook Landing Site.

Cultural Resources

The project site has been open space use since the development of the Waimea High School. Prior use as grazing land would make any native cultural practices unlikely in this seaport town. There are no current cultural

practices in the project area and no need for access, therefore, no impact on cultural practices. From a contemporary perspective, the Waimea High School complex is an important community asset and the co-location of the community center, swimming pool, ball field and the original gymnasium serve as an important community center. The specific courtyard, while visually attractive, is not known to be a cultural resource area.

Flora

The project site is predominantly covered with maintained lawn grass. Other vegetation includes ornamental bougainvillea and plumeria. Most notable on the site is a large monkeypod tree which provides an attractive shady area however no seating or observed use beneath the canopy was observed. No rare, threatened or endangered species of flora were observed within the project site.

The proposed action will have limited area for landscaping however the usefulness of the new facility is considered an offsetting benefit to the school, students and community.

Fauna

The site does not serve as an endangered wildlife habitat although avifauna, feral cats, and rodents may be found on-site.

4. Infrastructure and Utilities

The proposed improvements are not expected to have a significant impact on existing infrastructure and utilities. No sewer, water, electrical or other utilities will be impacted or require relocation. No disruption in utility services is anticipated. All required utilities are available via underground and connection points along Ola Tsuchiya Roads.

Vehicular and Pedestrian Access

The existing parking lot, west of the project site, may be utilized for access to the new Gymnasium and (new) expanded parking lot. A secondary access has been added to reduce congestion between parking lots.

ADA accessible walkways shall connect the existing walkways to the proposed Gymnasium and to the existing and new parking lots. The proposed walkways shall also connect to the existing walkways near the Locker Room building to the south.

Fire Department access will be provided via a fire lane that loops through the existing parking lot and comes within 50-feet of the new Gymnasium entrance in accordance with Hawai'i Fire Code Section 18.2.3.2.1.

Vehicular traffic to and from the site is not expected to have any change or increase. The proposed parking lots will essentially harden surfaces and eliminate potential erosion where vehicles are already parking. The hardened surfaces will provide for safer pedestrian and vehicular access.

Water

The proposed improvements will marginally increase demand on municipal potable water resources. Water service is available to the campus with a 3-inch meter which is adequate to supply the additional fixtures for the new gymnasium. Only minor increase demand for potable water will be required.

Wastewater

The project is served by the municipal sewer system with a 6-inch sewer line that runs directly under the new building. This line has sufficient capacity for the increased demand.

Drainage

A county storm drainage system does not serve the property therefore a drainage plan will be required to address drainage runoff and to prevent any adjacent properties from potential runoff impacts. This will be designed during the building design phase.

Solid Waste

The project area is served by the municipal refuse service. Any construction waste associated with the project will be removed by the project contractor and disposed at an approved waste disposal site.

Telephone and Electrical Services

Telephone and electrical services are readily available through existing connection points on campus. The increase power demand will be offset by the use of energy efficient fixtures and equipment wherever possible.

5. Public Facilities

The proposed project will provide significant community benefit through improved athletic curriculum and intramural competition opportunities that are facilitated by a new gymnasium building. Other public facilities will not

be adversely affected by the proposed facility. No additional demand for fire protection and police services is anticipated. In addition to the expanded and improved athletic facility, the project will provide the benefit of a new source of civic pride which will enhance the community's opportunities to attend sporting events.

The Waimea Fire Station provides fire protection and first response emergency and rescue service to the project area. The station is located at 9835 Kaumuali'i Highway south east of the project site. The station is located approximately 500 feet from the project site and response time to the site is approximately 3 to 5 minutes.

D. Social and Economic Characteristics

The proposed action will have a positive and significant social impact to the surrounding area. The construction of a current standard facility that is highly visible to the community will provide a sense of health, safety and education that is beneficial as a significant component of community.

The project will have some beneficial economic impacts. The construction of the improvements will create short-term employment, the purchase of goods and services, the generation of excise and income taxes, and other secondary and tertiary effects as a result of the project expenditures.

In the short-term, some traffic disruption will occur as a result of the construction in and along Ola and Makeke Roads when heavy equipment accesses the site and when utility connections are made. The selected contractor will be required to provide appropriate traffic controls to ensure safe passage around the work areas.

The long-term operations of the gymnasium should be considered a long-term asset of the community.

E. Relationship to Plans, Codes and Ordinances

Use and Class IV Zoning Permits

The County of Kaua'i Comprehensive Zoning Ordinance (CZO), Ordinance 935, lists within each district of the County, development and activities that are "generally permitted" and those which may be allowed only after obtaining a Use Permit. Per the Kaua'i County Real Property Assessment Division, Waimea High School is located in the Residential R-1 zoning district (Figure 15). Per the CZO, public facilities (defined as a facility owned or controlled by a governmental agency) within a R-1 zoning

district requires a Use Permit. The primary purpose of the Use Permit is to assure



Figure 14: Zoning Map
Source: County of Kauai

that a particular activity or use of land can be integrated into and be compatible with its immediate surroundings. If allowed, the Planning Commission can impose certain conditions which can affect the design (e.g., height, size, color, etc.) of the structure in which the use/activity is occurring or the manner and conduct of the overall operations (e.g., hours of operation, traffic, off-street parking restrictions).

All Use Permits for development or use in a Residential District shall require a public hearing in accordance with procedures as required for a Class IV Zoning Permit.

Review and approval of Use Permits are by the County of Kaua'i Planning Commission.

No construction or development shall be undertaken within a Residential District without a valid zoning permit. Based on the proposed development, a Class IV Zoning permit will be required. Class IV Zoning Permits are approved by the Kaua'i Planning Commission.

National Pollutant Discharge Elimination System Permit

Per Hawai'i Administrative Rules (HAR) Chapter 11-55, a National Pollutant Discharge Elimination System (NPDES) permit may be required for point source water pollutant discharges into State surface waters. An NPDES permit must be obtained at least one hundred eighty (180) days prior to the start of construction activities that result in the disturbance of one (1) or more acres of total land area, including clearing, grading, and excavation. Construction activities for this project will potentially disturb approximately 2.87 acres, therefore, an NPDES permit for construction activities will be required. If the project can comply with every requirement in the applicable NPDES General Permit, coverage under NPDES General Permit Appendix C may be requested. For NPDES general permit coverage, a Notice of Intent (NOI) form must be submitted at least thirty (30) calendar days before the commencement of the discharge.

Grading Permit

A Grading Permit shall be furnished by the Engineering Division of the Department of Public Works (DPW), County of Kaua'i, and shall comply with the Kaua'i County Grading Ordinance. A Grading Permit will be required for this project since construction activities is proposed to exceed excavation or fill of one hundred (100) cubic yards.

Grubbing Permit

A Grubbing Permit shall be furnished by the Engineering Division of the Department of Public Works (DPW), County of Kaua'i, and shall conform with the DPW Erosion and Sediment Control Standards Act 249,

SLH1974. A grubbing permit is required for this project since the total disturbed area is proposed to exceed one (1) acre.

General Plan

The Kauai County General Plan provides the blueprint for Kauai's future and supports the general expansion of emergency services as the population grows. While the proposed project is consistent with all policies addressed in the Plan, of particular relevance are Policy #1, Policy #4, and Policy #17.

Policy #1 directs managed growth to preserve the rural character of Kauai, and to ensure that growth is within growth boundaries in order to keep communities compact and walkable. The proposed gymnasium will be sited on lands within the Waimea High School campus and does not expand the campus outwardly. By using the selected location, the campus will remain compact and walkable.

Policy #4 calls for the design of healthy and complete neighborhoods. This is accomplished by similarly utilizing available lands within the campus for the new gymnasium. The new athletic facility may also encourage student to participate more in organized sports which could carry on into their adult lives establishing lifelong health habits.

Policy #17 most importantly call for the nurture of our keiki. This is strongly and directly applicable to the proposed project through the provision of modern athletic facilities. Students will be able to train and grow physically and athletically and will have an additional source of pride through their high school years. This could lead to diminished desire to move away from their home of Kauai and can also lead to the promotion of lifelong health consciousnesses.

State Land Use Designation

The State Land Use Boundary Maps show the project locations to be in Urban use.

Hawaii State Plan

The project is also consistent with the objectives of the Hawaii State Plan particularly with respect to the objectives and policies for socio-cultural advancement – education (HRS § 226-21) where the objective promoted states that (a) *Planning for the State's socio-cultural advancement with regard to education shall be directed towards achievement of the objective of the provision of a variety of educational opportunities to enable individuals to fulfill their needs, responsibilities, and aspirations.* This is further supported by (b) *To achieve the education objective, it shall be the policy of this State to: (1) Support educational programs and activities that enhance personal development, physical fitness, recreation, and cultural*

pursuits of all groups. In this regard the proposed gymnasium is fully consistent with this objective and policy by providing current and highly desirable health, recreation and competition facilities on par with other State high school facilities.

Coastal Zone Management

The project is also subject to conformance with HRS § 205A-2, the Hawaii Coastal Zone Management (CZM) Act where the objectives and policies state that State resources should be managed and that growth should include public participation. While none of the objectives and policies specifically address public education, health and safety facilities, the proposed project will indirectly support all policies of the CZM.

The proposed improvements will require ministerial permits from the State of Hawaii, and discretionary and ministerial permits from the County of Kauai.

State of Hawaii

- Department of Health Community Noise Permit
- National Pollutant Discharge Elimination System Permit (NPDES) if grading required exceeds 1 acre.

County of Kauai

- Planning Division, Use Permit (Planning Commission Approval Required)
- Planning Division, Class IV Zoning Permit (Planning Commission Approval Required)
- Building Division, Building Permits

Work on the proposed improvements will not commence until all permits have been obtained and the environmental assessment process is completed.

F. Probable Impact on the Environment

The proposed improvements will result in any change in use and intensity of the project site. The proposed action is a long-term public facility improvement project and is an essential facility that is located centrally and will minimally impact the adjacent neighborhood residential district. The noise associated with large events will be minimally disruptive as residential areas are located on the other side of the campus.

The proposed improvements will have short-term construction related impacts. Traffic will be impacted during work within and along the roadway but traffic control measures will ensure that there are no major inconveniences to local traffic. Beyond the inconvenience of some minor traffic disruption and associated noise from the use of heavy equipment, no adverse long-term impacts are expected. Any traffic diversions and roadway construction must conform with applicable State and County construction regulations. Work will also be limited to daytime non-peak traffic hours.

Benefits beyond an improved drainage system is the creation of short-term and employment both on and off property, the generation of additional revenues to the State of Hawaii and County of Kauai and the resultant secondary and tertiary spending and tax collections that will likely be experienced in the community. Most significantly, the completed project will provide an equitable athletic facility that is comparable to other current State of Hawaii high school gymnasiums.

G. Adverse Impacts Which Cannot be Avoided

Adverse impacts that cannot be avoided are generally related to short-term construction activities. These impacts can be minimized by sound construction practices, adherence to applicable construction regulations as prescribed by the Department of Health, and coordination with applicable State and County agencies.

Minor grading will be required for the construction of the project improvements. This work will create dust, noise and a minor traffic nuisance during the course of construction. Possible repair of the roadways will also require the use of heavy machines that will enter the project site. Traffic control measures will be used to minimize the disruption of traffic during the construction period.

H. Alternatives to the Proposed Project

Alternatives to the proposed site location are discussed in Chapter II of this document. The site selected is one of three that were under consideration. The selected site was deemed the most appropriate by the selection group and due to its functional capacity, immediate availability and cost. The no action alternative was rejected because the existing gymnasium is at the end of its useful life and due to current physical education requirements.

I. Mitigation Measures

Long-term impacts resulting from the proposed improvements are expected to be minimal or positive based upon the subject environmental assessment. Long-term air and noise impacts are not expected to change significantly after improvements are completed. Traffic conditions will not change, as there will not be any new demand for access to the project site. Short-term construction-related noise and air quality impact mitigation measures include general good housekeeping practices and avoidance of a prolonged construction period. The contractor will be directed to use best management practices (BMP) wherever applicable.

Examples of BMPs that may be implemented include watering during demolition, clearing and grubbing to control fugitive dust and the containment and controlled release of any runoff during the construction period. All waste materials will be securely contained and appropriately disposed.

BMP and erosion control measures include the use of compost filter socks the use of a sand bag cofferdam, and the addition of a stabilized construction entrance/exit point. Compost filter socks will be used at the catch basin inlets as well as around the perimeter of work areas. The construction ingress/egress located at the entrance to the property will be stabilized with a fabric barrier topped with large aggregate which will be removed when construction is completed.

J. Irreversible and Irretrievable Commitment of Resources

Implementation of the proposed project will result in the irreversible and irretrievable commitment of resources in the use of non-recyclable energy expenditure and labor. Materials used for new construction may have salvage value; however, it is unlikely that such efforts will be cost-effective. The expenditure of these resources is offset by gains in construction-related wages, increased tax base and tertiary spending.

IV. REASONS SUPPORTING FINDING OF NO SIGNIFICANT IMPACT

As stated in Section 11-200-12, EIS Rules, Significance Criteria: in determining whether an action may have a significant effect on the environment, every phase of a proposed action shall be considered. The expected consequences of an action, both primary and secondary, and the cumulative as well as the short-term and long-term effects must be assessed in determining if an action shall have significant effect on the environment. Each of the significance criteria is listed below and is followed by the means of compliance or conflict (if extant).

- Involves the loss or destruction of any natural or cultural resource.

The proposed action will not involve the loss or destruction of any natural or cultural resource. The project site is presently a vacant open space owned by the State of Hawaii and managed by the Department of Education.

- Curtails the range of beneficial uses of the environment.

The proposed installation will not curtail any beneficial uses of the environment. The project area is not generally used by the public nor is it used as a recreational or cultural resource by the public.

- Conflicts with the State's long-term goals or guidelines as expressed in Chapter 343, Hawaii Revised Statutes.

The proposed action is consistent with the goals and guidelines expressed in Chapter 343, Hawaii Revised Statutes. The proposed action is triggered by the use of County funds. The subject Environmental Assessment has been developed in compliance with the Chapter 343.

- Substantially affects the economic or social welfare of the community or state.

The proposed action will make a positive contribution to the welfare of the County and State by creating employment during the construction period and will also benefit the State through increased tax revenue. Most significantly, the completed project will make a major contribution to the social, health and safety welfare of the general public. The project will significantly and positively enhance the social welfare of the community by providing state of the art athletic facilities benefitting the students of the Waimea High School.

- Substantially affects public health.

The proposed is will have direct impact on the health of students attending Waimea High School through the provision of modern and safe athletic facilities.

- Involves substantial or adverse secondary impacts, such as population changes or effect on public facilities.

The proposed action will not produce secondary impacts resulting in population changes or significantly increase use of public facilities.

- Involves substantial degradation of environmental quality.

The proposed improvements will not involve the substantial degradation of environmental quality. The improvements proposed will have short-term impact on the environment; however, this is temporary in nature.

- Cumulatively have a considerable effect upon the environment or involve a commitment for larger actions.

The proposed action is not a first phase of any larger action nor will it have a considerable effect on the environment.

- Affect rare, threatened or endangered species, or their habitats.

The proposed action will not affect any rare, threatened or endangered species of flora or fauna. The project improvements are not anticipated to create any additional wildlife habitat. Any loss of wildlife is largely associated with introduced wildlife that are found in the project area but are not associated with the proposed action.

- Detrimentially affect air or water quality or ambient noise levels.

The proposed action is not expected to negatively impact ambient air or water quality. Long-term ambient noise will increase due to the use of sirens in an area adjacent to residential use. This impact is necessary and unavoidable but is offset by the invaluable and essential service for the general welfare of the public. This noise impact is very short in duration.

Minimal impacts on air, noise and water quality are anticipated during construction. These impacts will be limited by best management construction practices and compliance with Department of Health construction mitigation standards.

- Affect scenic vistas and view planes identified in County or State plans or studies.

The proposed action will not affect any scenic vistas or view planes identified by the County or State. The site will use an attractive open space within the campus and will also require the removal of a large banyan tree but the new gymnasium facility will provide long-term benefits to the students and community of Waimea.

- Require substantial energy consumption.

The project will increase energy consumption. Operation of the facility will involve a large facility and additional air conditioned area which will require more electrical power. Energy efficient equipment and fixtures will be used wherever practicable. The additional consumption of energy is offset by the additional benefits that are brought to the students of Waimea High School. Energy utilization during the construction phase will increase through the use of fossil fuels used by construction vehicles. Operation of the infrastructure will not require any energy.

- Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

The project is not located in an environmentally sensitive location.

Anticipated Finding of No Significant Impact

Based on the above stated criteria, the Department of Education has determined ~~anticipates~~ that the proposed project will not have any significant adverse environmental impacts and that an Environmental Impact Statement will not be required for the proposed action.

**V. LIST OF PARTIES CONSULTED PRIOR TO DEVELOPMENT OF THE
DRAFT ENVIRONMENTAL ASSESSMENT**

Agencies with ministerial or specific interests regarding the proposed project were contacted or their public information was used to develop the subject Draft Environmental Assessment.

Police Department
County of Kauai

Building Division
County of Kauai

Planning Department
County of Kauai

Fire Department
Kauai Fire Department

VI. LIST OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS TO BE CONSULTED DURING THE DRAFT ENVIRONMENTAL ASSESSMENT PROCESS

State of Hawaii Agencies

Date

1. Department of Health Clean Air Branch
2. Department of Land and Natural Resources
3. Department of Business Economic Development and Tourism
4. Office of Planning
5. Office of Hawaiian Affairs

Dec. 8, 2022

County of Kauai Agencies

1. County of Kauai Planning Department
2. County of Kauai Building Division -Public Works
3. County of Kauai Engineering Division – Public Works
4. Fire Department
5. Police Department
6. Kauai Emergency Management Agency
7. Parks and Recreation
8. Planning Department
9. Waste Water Management -Public Works
10. Water Department

Dec. 23, 2022

Other Parties

1. Kauai Island Utility Cooperative



Taeyong Kim <environcom1@gmail.com>

Notice of Availability Waimea High School Gymnasium Draft EA

2 messages

Taeyong Kim <environcom1@gmail.com>

Thu, Dec 8, 2022 at 10:18 AM

Bcc: dbedt.op.lud@hawaii.gov, dbedt.energyoffice@hawaii.gov, dlnr@hawaii.gov, webmail@doh.hawaii.gov, info@oha.org, planningdepartment@kauai.gov, publicworks@kauai.gov, pwengineering@kauai.gov, kfd@kauai.gov, kpddispatch@kauai.gov, kema@kauai.gov, parks@kauai.gov, wrp@kauaiwater.org, info@kiuc.coop, Troy Tanigawa <ttanigawa@kauai.gov>, Taeyong Kim <environcom1@gmail.com>

Dear Reviewer,

Attached is a link to the Draft Environmental Assessment published in the December 8, 2022 edition of the Environmental Notice.

https://files.hawaii.gov/dbedt/erp/Doc_Library/2022-12-08-KA-DEA-Waimea-High-School-Gym-Complex.pdf

If you are interested in submitting comments on this document, the deadline for written comments is January 9, 2023. Your comments can be addressed to:

Taeyong Kim

Environmental Communications, Inc.

P.O. Box 236097

Honolulu, HI 96823

or

tkim@environcom.com

If you have any questions, please contact me by email or phone at (808) 528-4661.

Mahalo,

Taeyong Kim

Environmental Communications, Inc.

DBEDT OP Land Use Division <dbedt.op.lud@hawaii.gov>

Wed, Dec 14, 2022 at 12:10 PM

To: "rbass@bowerandkubota.com" <rbass@bowerandkubota.com>, Taeyong Kim <environcom1@gmail.com>

Cc: "Balassiano, Katia" <katia.balassiano@hawaii.gov>

Sending on behalf of Katia Balassiano

Aloha,

Thank you for the opportunity to review the Draft Environmental Assessment for the Waimea High School Gymnasium Complex. The project is in the State's Urban District and outside of the Special Management Area. We support the upgrading of the school's gymnasium facilities. We understand that all construction options require the removal of trees and recommend that the trees removed will be replaced elsewhere on the site. We encourage you to consider planting shade trees in the parking lots and/or installing photovoltaic panels over the parking stalls. We also encourage you to install photovoltaic panels on the roof of the new building.

Thank you,

Megumi Nakayama

Secretary, Land Use Division

State of Hawai'i Office of Planning & Sustainable Development

Dept. of Business, Economic Development & Tourism

235 S. Beretania Street, 6th Floor
Honolulu, Hawaii 96813

(808) 587-2842

[Quoted text hidden]

ENVIRONMENTAL COMMUNICATIONS, INC.

March 7, 2023

Katia Balassiano
Office of Planning and Sustainable Development
235 South Beretania Street, 6th Floor
Honolulu, HI 96813

Re: Waimea High School Environmental Assessment

Dear Ms. Balassiano:

Thank you for your comments of December 14, 2022.

We have reviewed your comments and thank you for your confirmation that the project site is located with the State Urban District and is located outside of the Special Management Area. We concur with your recommendation regarding plantings and trees and are please to inform you that existing and significant new plantings will be incorporated to site. Your comments regarding the use of photovoltaic panels has been taken into advisement but is not part of the present scope of improvement. We appreciate your support of the project.

Thank you for participating in the environmental review process. Your comments are appreciated and will be included in the Final Environmental Assessment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Taeyong Kim', with a long horizontal line extending to the right.

Taeyong Kim
Principal Planner
Environmental Communications, Inc.

cc: R. Bass, Department of Education

ENGINEERING DIVISION

DEPARTMENT OF PUBLIC WORKS

TROY K. TANIGAWA, P.E., COUNTY ENGINEER

BOYD GAYAGAS, DEPUTY COUNTY ENGINEER



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

December 23, 2022

Environmental Communications, Inc.
P.O. Box 236097
Honolulu, HI 96823
Attn: Taeyong Kim (tkim@environcom.com)

Subject: Environmental Assessment and Finding of No Significant Impact
Waimea High School Gymnasium Athletic Facilities
TMK: (4) 1-6-010:004
Waimea High School, Kaua'i

To Whom It May Concern:

The County of Kaua'i Department of Public Works offers the following comments for the subject Draft Environmental Assessment (DEA):

- 1) The proposed project is located in Flood Zone X and is not within the Special Flood Hazard Area.
- 2) We acknowledge that the DEA states that "All stormwater management calculations will be in accordance with County of Kaua'i, Department of Public Works Storm Water Runoff System Manual, dated November 2001."
- 3) The applicant shall comply with all provisions of the "Sediment and Erosion Control Ordinance No. 808" (https://library.qcode.us/lib/kauai_county_hi/pub/county_code/item/title_viii-chapter_22-article_7?view=all) to safeguard the public health, safety, and welfare, to protect property, and to control soil erosion and sedimentation. This shall include, but not be limited to, a grading and/or grubbing permit in compliance with the Ordinance, which is required if any of the following conditions apply:
 - The work area exceeds one (1) acre,
 - Grading involving excavation or embankment, or combination thereof exceeds 100 cubic yards.
 - Grading exceeds five (5) feet in vertical height or depth at its deepest point.
 - The work area unreasonably alters the general drainage pattern to the detriment of abutting properties.

The ordinance includes a permit exemption for "Work in a public street, sidewalk, alley, right-of-way or in an isolated, self-contained government controlled area." If the State of Hawai'i would like to obtain a permit exemption, an exemption should be requested in writing at the address below or via email at pwengineering@kauai.gov. The exemption request should include information about how the State will control and inspect the grading or grubbing work and ensure compliance with all other requirements of the County's Sediment and Erosion Control Ordinance.

TMK (4) 2-8-022:015 Unit 1
December 8, 2022
Page 2 of 2

- 4) During construction, best management practices (BMPs) shall be incorporated to the maximum extent practicable to prevent damage by sedimentation, erosion, or dust to watercourses, natural areas, and other properties. The permittee and the property owner shall be responsible to ensure that BMPs are satisfactorily implemented at all times.

Sincerely,

Michael Moule, P.E.
Chief, Engineering Division

cc: Regulatory Section
Richard Bass (rbass@bowersandkubota.com)

ENVIRONMENTAL COMMUNICATIONS, INC.

March 7, 2023

Michael Moule, P.E.
Chief, Engineering Division
Department of Public Works
4444 Rice Street, Suite 275
Lihue, HI 96766

Re: Waimea High School Environmental Assessment

Dear Mr. Moule:

Thank you for your comments of December 23, 2022 on the Draft Environmental Assessment for the subject project and offer the following responses:

1. Thank you for your confirmation that the project is located in Flood Zone X and is not located within the Special Flood Hazard Area.
2. We note that concurrence regarding the stormwater calculations method is appreciated.
3. The project applicant agency will comply with the provisions of the Sediment and Erosion Control Ordinance No. 808. Thank you for the references provided.
4. Best Management Practices (BMPs) will be incorporated into the project design and will be a requirement for the project contractor. This improvement will occur on an active school campus and BMPs are a significant consideration in the construction of this project.

Thank you for participating in the environmental review process. Your comments are appreciated and will be included in the Final Environmental Assessment.

Sincerely,



Taeyong Kim
Principal Planner
Environmental Communications, Inc.

cc: R. Bass, Department of Education

P.O. Box 236097 • Honolulu • HI • 96823

APPENDIX A

**Due Diligence Report for Waimea High School New Gymnasium
prepared by
Design Partners Incorporated**

BASIS OF DESIGN

FOR

WAIMEA HIGH SCHOOL NEW GYMNASIUM

WAIMEA, KAUA'I, HAWAII



PRELIMINARY DESIGN SUBMITTAL
JULY 2022

PREPARED FOR



HAWAII STATE
DEPARTMENT OF EDUCATION

SUBMITTED BY:



TABLE OF CONTENTS

I. BASIS OF DESIGN

- A. Introduction
- B. Civil
- C. Landscape
- D. Architectural
- E. Structural
- F. Fire Protection / Life Safety
- G. Mechanical
- H. Electrical / Communications

II. APPENDICES

- A. Geotechnical Investigation Report, dated January 20, 2022
- B. Meeting Minutes
 - 1. 06 June 2022, Schematic Design Meeting
 - 2. 02 February 2022, County of Kaua'i Parking Lot Discussion
 - 3. 07 October 2021, Parks & Recreation Department Meeting
 - 4. 12 August 2020, Site Selection Meeting
 - 5. 15 July 2020, Design Scope Meeting
 - 6. 02 April 2020, Design Scope Meeting



BASIS OF DESIGN



INTRODUCTION

A. Overview

This submittal is the Preliminary Design Submittal for the new Gymnasium at Waimea High School. The submittal includes the following:

1. **Preliminary Design Drawings:** Construction design drawing, approximately 80% level of development. Drawings included in this submittal: General Notes, Site Plans, Grading Plans, Site Utility Plans, Landscape Plans, Building Plans, Building Sections, Building Elevations, and preliminary design drawings for all applicable engineering disciplines.
2. **Basis of Design (this document):** Preliminary Basis of Design narratives, building program, preliminary engineering calculations and other back-up information pertinent to the project.
4. **Design Meeting Reports:** Meeting minutes, presentations and attendance sheets from the Scope, Site Selection, Kaua'i County, and Preliminary Design meetings.
5. **Outline Specifications & Product Cuts:** Specifications noting which building materials and/or systems are being proposed.
6. **Working Construction Cost Estimate:** See attached cost estimate under separate cover.

B. Project Background

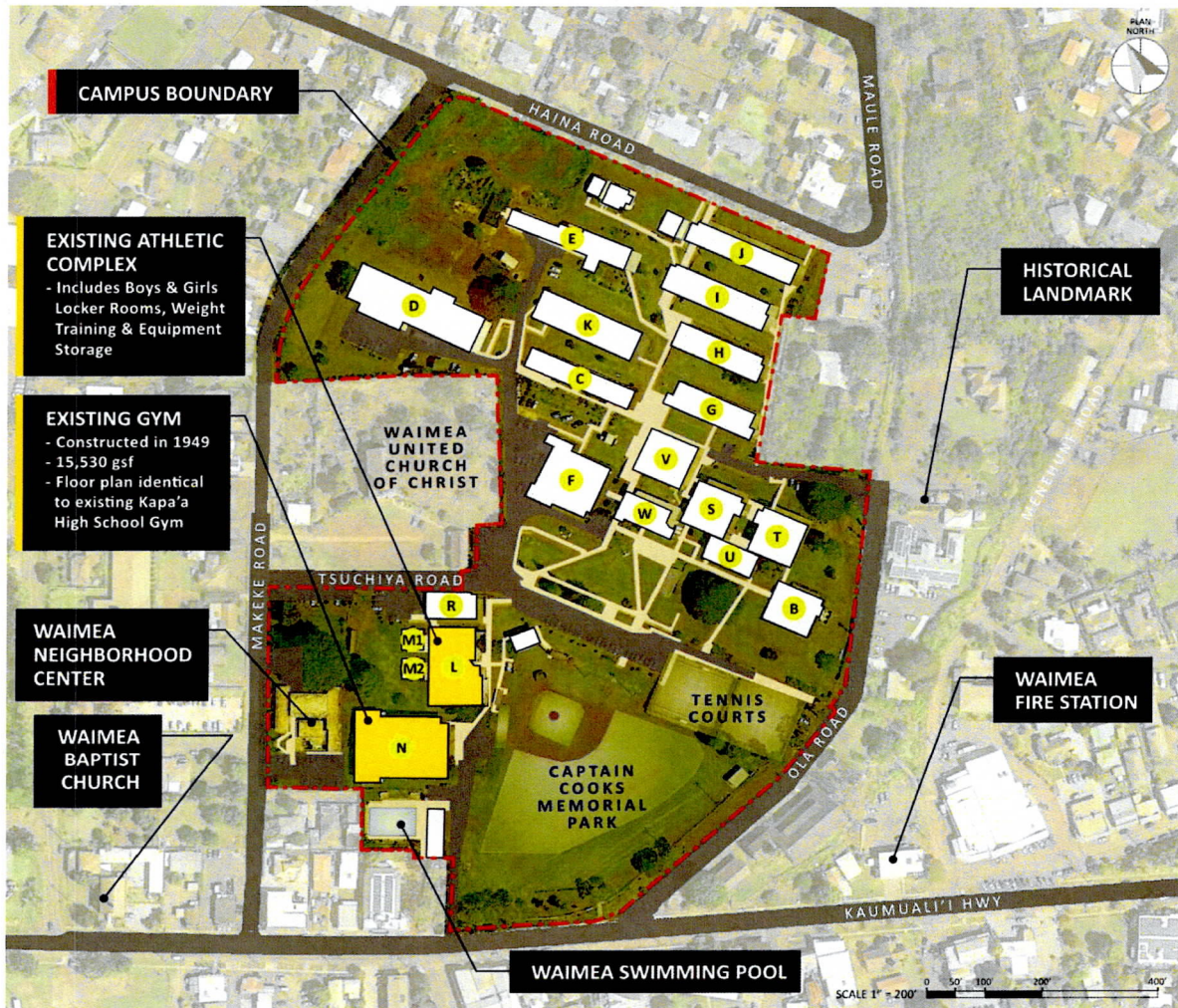
1. **Project Description:** The project will construct a new Gymnasium, replacing the existing Gymnasium which was constructed in 1948 as part of the original Waimea school campus. The facility will include a Lobby, Concession, Training Room, Main Court (with regulation high school basketball and volleyball courts), Locker Rooms, Showers, an Athletic Director Office, restrooms, and other various support space for utility and circulation. The project also includes a Bid Alternative for a Wrestling Room, Multipurpose Room, and Mechanical Room.

The new Gymnasium will also be designed for enhanced hurricane protection in accordance with the Hawaii State Building Code, Section U103, Section 426 as the project is a state-owned public building of Risk Category III, whose primary occupancy is public assembly and has an occupant load greater than 300.

2. **Project Phasing:** There are no construction phasing requirements for this project. The

new Gymnasium will be constructed in an open courtyard on the southern edge of the campus.

3. Project Site Location and Existing Condition: Waimea High School is part of the Hawaii State Department of Education West Kaua'i Complex and is the center of the Waimea community. The West Kaua'i community is rural with much of the economy centering on agriculture, tourism, the military and scientific/military research. Established in 1881, Waimea High School began as an elementary school before becoming a high school in 1935. Serving grades 9 through 12, Waimea High School is the oldest high school on the island of Kaua'i and considered the westernmost high school in the United States.



The existing Waimea High School campus sits on various parcels. Much of the main campus buildings are on state-owned land and with a few on county-owned land,

including the existing Athletic Complex, which includes the Gymnasium and Waimea Neighborhood Center. The state-owned parcel is bordered by Haina Road to the north, Makeke Road to the west and Ola Road to the east. Tsuchiya Road bisects the state and county parcels with Captain Cooks Memorial Park located between the parcels.

4. Existing Gymnasium: The existing Gymnasium (Building N) was constructed in 1948 as part of the original Waimea school campus. Since its initial construction, there have been numerous renovations to the Gymnasium including the more recent renovations to the existing Boys' and Girls' Showers (1997) and new telescoping bleachers (1998). The existing gymnasium



consists of a main court with regulation high school basketball / volleyball court, roll-out bleachers, and stage. Support facilities include locker rooms, showers, laundry room, weight room, storage, and toilet facilities for the public. The gymnasium is currently used by the school's interscholastic sport teams, for school assemblies, and other school activities. The overall condition of the existing Gymnasium is very poor, as there are numerous building systems that are antiquated, beyond its service life with visible rusting and termite damage throughout, and jalousie windows that permit water infiltration which is especially prevalent during heavy rains.

C. Design Objective

The objective of the project is to provide a modern, state-of-the-art Gymnasium that is functional, safe, cost effective and visually appealing. The new Gymnasium's style will blend effortlessly with the campus and community and enhance the visual environment of not only the immediate campus setting, but the Waimea community in general. The Gymnasium design shall represent a modern/up-to-date school facility, be non-institutional in character and respect the existing context of the campus and community,

and be exciting for the students, faculty, and guests of Waimea High School.

The project will be designed and constructed in accordance with to U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design for Building Design and Construction: Schools Rating System to the greatest extent possible. The project will not be registered with LEED Online and will not seek USGBC LEED certification.



D. Applicable Criteria and Technical Requirements

The new Gymnasium facility will be designed in accordance with Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines (ADA/ABAAG), National Fire Protection Association Life Safety Code, and the International Building Code, 2012 Edition, as amended by the Kaua'i County Code.

E. Program

This facility is being designed using the Facilities Assessment and Development Schedule, otherwise known as FADS, and includes program and functional areas supporting the current student enrollment and present curriculum. The proposed program and associated square footage are based on the program documents provided by the Department of Education (DOE) and further developed based on subsequent design meetings with DOE and Waimea High School. Program elements within this project are described in Section C.1 of the Architectural Basis of Design.

F. Design Development

Project program and design development including site selection, site and building plan development were developed in conjunction with the stakeholders during a series of design meetings held at Waimea High School and virtually over Google Meets. The meetings involved interface with the major stakeholders, which included representatives from the Department of Education (DOE) Project Management, DOE Facilities, West Kaua'i Complex ASA, Department of Accounting and General Services, Waimea High School, and the Architect-Engineer (A-E) design team, led by the prime A-E, Design Partners Incorporated (DPI). Waimea High School representatives include the Principal, Vice Principal, and Athletic Director.

Meeting minutes are included as part of the Appendix of this Basis of Design.

G. Project Schedule

The general project delivery schedule is illustrated in the table below; however, a more detailed project construction schedule will be developed at a later time by DOE Project Management branch in conjunction with the Construction Contractor.

Project Delivery Schedule	
Milestone	Date
Schematic Submittal	April 28, 2022
Draft EA Publication Date (Environmental Notice)	July 22, 2022
Final EA / FONSI Publication Date	September 23, 2022
Use Permit and Class IV Permit (Concurrent Permits)	October 2022
Preliminary Submittal	July 19, 2022
Final Submittal	October 5, 2022
Anticipated Approval of Use Permit, Class IV Permit	November 2022
Building Permit Submittal	December 2022
Bid Documents	March 2023
Anticipated Building Permit Approval	November 2023

H. Project Budget and Construction Cost Estimate

The project is a Legislative add-on Project, with construction funds already obtained from the Legislature. These construction funds will lapse in 2024, thus the project will need to go out to bid by January 2024. The project construction estimate, including Bid Alternatives, is \$23,571,000, per Schematic Cost Estimate, dated April 27, 2022). The noted project estimate includes only items approved for funding and construction under the Hawaii DOE Capital Improvements Program (CIP) and does not include equipment/furnishings that must be procured with funding other than this CIP.

A working cost estimate based on the current schematic design is included under separate cover and has been escalated to reflect the current market conditions.

CIVIL BASIS OF DESIGN

A. Existing Conditions

Waimea High School is located on the west side of the island of Kaua'i. The school can be accessed from Kaumualii Highway to Ola Road or Makeke Road and Tsuchiya Road. The topography of the site is developed for the current school building facilities and generally slopes to the south, towards the ocean. Based on the topographic survey, the south west side of the site has elevations of approximately 70-feet, and the north side of the school has elevations of approximately 110-feet. There are no existing drainage facilities in the general area.

The soils, as indicated by the USDA, NCRS Web Soils Survey, consists of mainly Makaweli silty clay loam (MgB), 0 to 6 percent slopes. Runoff in the area surface flows downhill towards Kaumualii Highway and the ocean.

The project site infrastructure includes an existing 2-inch water line that services an existing music building and irrigation system. An existing 6-inch sewer line runs through the site from the classroom buildings to the north to the baseball field to the south. An 8-inch water main runs along Ola Road to the east of the site.

There are a series of small parking areas around the campus providing approximately 74 parking stalls for staff, faculty, including ADA accessible stalls.

B. General Project Description

The project scope consists of a new Gymnasium building which contains a main court, locker rooms, showers, an office, training room, concession, and utility support spaces, and two separate parking lots providing 99 stalls. Accessible paths will be provided to connect the new Gymnasium with the existing campus. The building site is approximately 0.54 acres and the parking lots are approximately 0.81 acres.

The existing Waimea High School campus sits on various parcels. Much of the main campus buildings are on state-owned land (TMK: 4-1-6-010:004) with a few on Kauai county-owned land (TMK: 4-1-6-010:010) comprising of 8.08 and 5.18 acres, respectively. The existing Athletic Complex, which includes the Gymnasium and the Waimea Neighborhood Center, is located on Kauai county-owned land (TMK: 4-1-6-009:023) comprising of 2.97 acres. The state-owned parcel is bordered by Haina Road to the north, Makeke Road to the west and Ola Road to the east. Tsuchiya Road bisects the state and county parcels with Captain Cooks Memorial Park located between the parcels.

C. Technical Requirements

1. Sewer System: The sewer system shall comply with the County of Kaua'i, Department of Public Works *Standard Specifications*, dated September 1986, and the Department of Public Works *Standard Details*, dated September 1984.
2. Storm Drainage: Provide positive drainage away from the building and structures along the site and provide onsite retention facilities for excess runoff in accordance with the County of Kaua'i, Department of Public Works Storm Water Runoff System Manual, dated November 2001
3. Domestic Water System: Provide domestic and fire protection water systems, including appurtenances, per *Water System Standards, Standard Details for Water System Construction*, Department of Water Supply and the Kaua'i County Code.

D. Water Utilities

The school is serviced by an existing 3-inch domestic water meter. The new gymnasium will connect to an existing 2-inch domestic water line located within the school campus. The 2-inch water line currently runs directly under the gymnasium site and services an existing music building and irrigation system. The water line will be relocated around the proposed gymnasium and the new service for the gymnasium will be connected to this line. A new fire line connection will be provided for the project and connect to an 8" Department of Water Line on Ola Road, near the intersection of Tsuchiya. The new fire line will provide a connection for the gymnasium's fire sprinkler system and a new fire hydrant. The new fire hydrant will be located on the south side of the building adjacent to Tsuchiya Road.

E. Sewer Utilities

The project will connect to an existing 6-inch sewer line near the front entrance of the new gymnasium. A portion of the existing sewer line and two abandoned cesspools are located directly under the proposed gymnasium footprint. The existing sewer line will be replaced by a new sewer line that will be outside the new building and the abandoned cesspools will be demolished as needed. The 6-inch sewer line has sufficient capacity for the new gymnasium.

F. Grading, Drainage Utilities, and Low Impact Development

The site of the new Waimea High School Gymnasium consists of a grass lawn and walkways that slope towards Tsuchiya Road. A retaining wall will be installed on the south side of the gymnasium to level the grade for the gymnasium building pad. The principles of positive drainage, with minimum slopes, are applied to control the conditions that direct rainfall away from facilities. New facilities shall accommodate ADA requirements as well as positive drainage away from the building.

There are no existing drainage systems in the project vicinity. The building roof down spouts will be collected and conveyed by buried pipe to three underground detention systems on the east and west sides of the gymnasium. Runoff from the parking lots will be collected via inlets in the center of parking aisles and stored in underground detention systems beneath the parking pavement. Out flows from the detention systems will be conveyed to seepage inlets to allow excess stormwater to be release from the detention systems.

The storm drainage system will be properly coordinated with surrounding areas to ensure that runoff does not cause damage to other on-site buildings. All stormwater management calculations will be in accordance with County of Kaua'i, Department of Public Works *Storm Water Runoff System Manual*, dated November 2001.

Temporary and permanent Best Management Practices for erosion and sediment control will be required, including but not limited to, a dust fence around the perimeter of the project area and surface runoff control.

G. Accessible Route / Walkways

Walkway locations will conform to the requirements of the ADAAG requirements. Walkway widths will be 5-feet or greater as shown on the project drawings

The existing site sidewalks or walkways will be maintained within the existing school site to allow passage of students to other buildings on the campus. Walkway locations will conform to the requirements of the ADAAG requirements. The new walkway concrete will include an appropriate Solar Reflectance Index (SRI) to address heat-island affect.

H. Geotechnical

The Contractor will comply with requirements and recommendations from the project Geotechnical Investigation, Waimea High School, New Gymnasium, Waimea, Kaua'i, Hawaii, conducted by Hirata & Associates, dated January 20, 2022.

I. Standard and References

- Accessibility With Disabilities Act Accessibility Guidelines (ADAAG)
- Construction Best Management Practices (BMPs) for Sediment and Erosion Control for the County of Kauai. Department of Public Works, County of Kauai, April 2, 2004.
- Ordinance No. 808: A Bill for an Ordinance to Amend Chapter 22, Article 7, Kauai County Code 1987, Relating to Grading, Grubbing, and Stockpiling. Kauai County, October 2003.
- Flood Insurance Rate Map (FIRM), Kauai County, Hawaii.
- Storm Water Runoff System Manual. Department of Public Works, County of Kauai, July 2001.
- "PFDS: Hawaiian Islands." NOAA's National Weather Service. Hydrometeorological Design Studies Center, n.d. Web. 20 Nov. 2015.
<http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_hi.html>.
- "Water System Standards", 2002 as adopted by the Department of Water, County of Kauai, including all subsequent amendments and additions and "Standard Details for Water System Construction, Department of Water Supply.

LANDSCAPE BASIS OF DESIGN

A. GENERAL PARAMETERS

1. **General Descriptions:** The proposed project is to build a new gymnasium facility and associated parking and landscaping within the existing school campus. The goal of the landscape design is to provide an appropriate and visually appealing landscape that meets the functional and program requirements of the school and community. Landscape goals include low maintenance and low water use landscape design concepts.

The project site will consist of a new gymnasium building and two new parking lot areas, with associated pedestrian circulation, and storm water management features.

2. **Existing Conditions:** The existing landscape of the Waimea High School campus is comprised primarily of a scattering of canopy trees, such as Monkey Pod, Plumeria, Banyan, and Gold Trees. A large open lawn area fronts the main office. There is a minimal use of shrubs and groundcovers on the campus. Manually watering is apparently used throughout the main campus open lawn areas on campus. Annual rainfall at this location is about 22 inches, with April to September being the driest months with less than 2 inches per month.

B. DESIGN OBJECTIVES

To create a culturally and environmentally appropriate landscape that can contribute to the educational mission of the school. The landscape should be relatively low water use landscape and require minimal maintenance. The design should help to reinforce a sense of identity to the school.

1. **Sustainability:** The landscape design should recognize an appropriate level of concern for ongoing maintenance, water consumption, and energy consumption.
2. **Function:** The landscape will have functional requirements of shade, and visual buffering, open space for gathering and activities.
3. **Security and Safety:** The intent of the landscape design is to provide a safe, secure site surrounding the building, with good line of site visibility.
4. **Disposition and protection of Existing Plant Materials:** Some mature trees will need to be removed to facilitate the position of the new gymnasium. New trees will be planted for at least a 2 for 1 replacement of any large trees removed. It might be



possible to relocate a row of existing Plumeria trees, which will conflict with new construction, and utilize them for a new parking lot area or other locations. Trees to remain in place will be protected from construction activities.

5. Landscape Plantings:

- a. Final plant selections will primarily consist of low water and low maintenance plant material appropriate to the site. Any non-native plants used will be non-invasive. Plants with known severe insect or disease problems, subject to excessive wind damage, or demonstrating other high maintenance attributes will not be used.
- b. Due to maintenance concerns and practical limitations, large expanses of shrubs and groundcovers will be avoided, except where required for parking lot screening.
- c. A 2 inch layer of cover mulch will be provided around the base of all newly planted trees in lawn areas to a distance of 3 ft. from the trunk, typical.
- d. Parking lots will be provided with a minimum of one tree for every 10 stalls.
- e. There will be a 4 inch layer of new imported screened topsoil with organic soil amendments throughout the new landscape areas.
- f. Lawn grass will be hydro-mulched seed and will be comprised of a grass type commonly recommended as appropriate to Kauai.
- g. All new plants will be warranted for one year after planting and any non-healthy plants will be replaced.

6. Landscape Irrigation: A permanent automatic spray irrigation system will not be provided. Irrigation is currently achieved via hand watering as needed. Irrigation hose faucets will be provided at strategic locations to facilitate hand watering. Given anticipated average rainfall amounts, some supplemental irrigation will be required for success of any tree and shrub plantings.

7. Maintenance: Plant and ground maintenance will be provided during both the planting operation and plant establishment period. The plant establishment period will be a minimum of 90 days, and is considered completed when all plantings have been installed, are in a healthy growing condition and turf areas have provided adequate coverage as determined by the Contracting Officer.

C. STANDARDS AND REFERENCES

- Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines, dated 23 July 2010.
- Kauai County Building Code

D. PRELIMINARY LANDSCAPE PLANT LIST

TREE ALTERNATIVES

- | | |
|---------------|----------------------------------|
| • Kukui | Aleurites moluccanus |
| • Kou | Cordia subcordata |
| • Gold Tree | Roseodendron donnell-smithii |
| • Manila Palm | Veitchia merrillii |
| • Loulu Palm | Pritchardia spp. (Kauai variety) |
| • Shower Tree | Cassia fistula x javanica |

SHRUB ALTERNATIVES

- | | |
|-------------------------|-----------------------------|
| • Croton | Codeaum spp. |
| • Golden Eldorado | Pseuderanthemum reticulatum |
| • Native White Hibiscus | Hibiscus spp. |
| • Mock Orange | Murraya paniculate |
| • Ki (Ti) | Cordyline spp. |

ARCHITECTURAL BASIS OF DESIGN

A. General Parameters

1. General Description:

The scope of the project involves a new Gymnasium Building at Waimea High School, Waimea, Kaua'i, Hawaii. This project intends to construct a new Gymnasium for Waimea High School in support of their interscholastic sports team activities, primarily indoor court sports which includes



Basketball, Volleyball, Wrestling and Cheerleading. The new Gymnasium will also support other interscholastic sports, Physical Education activities and existing sports complex activities with its ancillary facilities within the Gymnasium. Programmed spaces include a Lobby, Main Court, Concession Booth, Trainers Room, Trainers' Office, Athletic Director Office, Locker Rooms, Showers, and miscellaneous support spaces.

2. Existing Conditions: Waimea High School is part of the Hawaii State Department of Education West Kaua'i Complex and is the center of the Waimea community. The



West Kaua'i community is rural with much of the economy centering on agriculture, tourism, the military and scientific/military research. Established in 1881, Waimea High School began as an elementary school before becoming a high school in 1935. Serving grades 9 through 12, Waimea High School is the oldest high school on the island of Kaua'i and considered the westernmost high school in the United States.

The existing Waimea High School campus sits on various parcels. Much of the main

campus buildings are on state-owned land and with a few on county-owned land, including the existing Athletic Complex, which includes the Gymnasium and Waimea Neighborhood Center. The state-owned parcel is bordered by Haina Road to the north, Makeke Road to the west and Ola Road to the east. Tsuchiya Road bisects the state and county parcels with Captain Cooks Memorial Park located between the parcels.

B. Design Objective

1. General: The objective of the project is to provide a modern, state-of-the-art Gymnasium that is functional, safe, cost effective and visually appealing. The new Gymnasium's style will blend effortlessly with the campus and community and enhance the visual environment of not only the immediate campus setting, but the Waimea community in general. The Gymnasium design shall represent a modern/up-to-date school facility, be non-institutional in character and respect the existing context of the campus and community, and be exciting for the students, faculty, and guests of Waimea High School.



2. Imagery/Aesthetics: The overall design should enhance the visual environment of the immediate campus setting as well as the Waimea community in general. The Gymnasium design shall represent a modern/up-to-date school facility, being non-institutional in character, respect the existing context of the campus and community and be exciting for the students, faculty, and guests of Waimea High School. The Gymnasium's main entrance design shall convey the language of hierarchy and be easily identified as the front. Steps fronting the main entrance will also serve as seating in the event, outdoor events occur in the existing courtyard. Appropriate exterior signage to be provided near the main entrance and be visible from the street to help clearly identify the function of the facility.

Interior surfaces shall be light in color to brighten the spaces and make the space feel warm and inviting. The interior design to offer the same interest, excitement, high energy, and professionalism that can be found in other modern high school gymnasiums.

C. Functional and Technical Requirements

1. Program Requirements: The new Waimea High School Gymnasium to be designed to accommodate current student enrollment and support present curriculum. The FADS are based on the current enrollment of 600 students and is similar to the new

Kapa'a High School Gymnasium.

The program and functional areas as outlined in the FADS was provided as guidance for the school to conform to the standards as outlined. The authorized total (rounded) area is 18,518 Net Gross-Feet (NSF). The FADS do not account for utility support spaces such as Electrical, Communication or Mechanical Rooms, and circulation spaces and does not account for existing spaces which are not part of the current Hawai'i State Department of Education Educational Specifications (EDSPECS) for High Schools, such as the Stage or Weight Room. If those spaces are desired by the school, tradeoffs with existing spaces may be executed, provided the total area is not surpassed.

SPACE	NEW WORK	EDSPECS AREA	WAIMEA HS GYM FADS	PROVIDED AREA
Lobby Area				
Office/Restroom Shower	1	180	180	187
PE Equipment Room	1	100	160	117
Janitor's Closet	1	40	80	88
Electrical Room	Area by Designer			
Men's Toilet (Public)	1	324	340	320
Women's Toilet (Public)	1	353	370	335
Concession Booth	1	240	240	248
Ticket Booth	1	50	80	-
Lobby	1	1070	900	360
Main Floor	1	11,817	12,540	11,551
General Storage	1	200	400	210
Electrical & Heater Room	Area by Designer			
Janitor's Closet	1	40	80	-
Boys' JV Facilities				
Locker Room	1	320	320	185
Toilet	1	96	96	502
Varsity / J.V. Drying Room	1	128	128	
Varsity / J.V. Shower Booth	1	96	96	
Varsity / J.V. Shower Room	1	96	96	

SPACE	NEW WORK	EDSPECS AREA	WAIMEA HS GYM FADS	PROVIDED AREA
Trainer's Room	1	-	1,300	872
Boys' Varsity Facilities				
Locker Room	1	320	320	235
Toilet	1	96	96	*
Girls' JV Facilities				
Locker Room	1	320	320	185
Toilet	1	96	96	502
Varsity / J.V. Drying Room	1	128	128	
Varsity / J.V. Shower Booth	1	96	96	
Varsity / J.V. Shower Room	1	96	96	
Girls' Varsity Facilities				
Locker Room	1	320	320	220
Toilet	1	96	96	*
Gender Neutral Locker Rooms				
Locker Room A	1	150	150	180
Locker Room B	1	150	150	180

* JV and Varsity Toilet Combined into Shared Space

Bid Alternative 1:

Wrestling Room	1	1800	2,304	2,076
Multi-Purpose Room	1	900	900	875
Mechanical	Area by Designer			

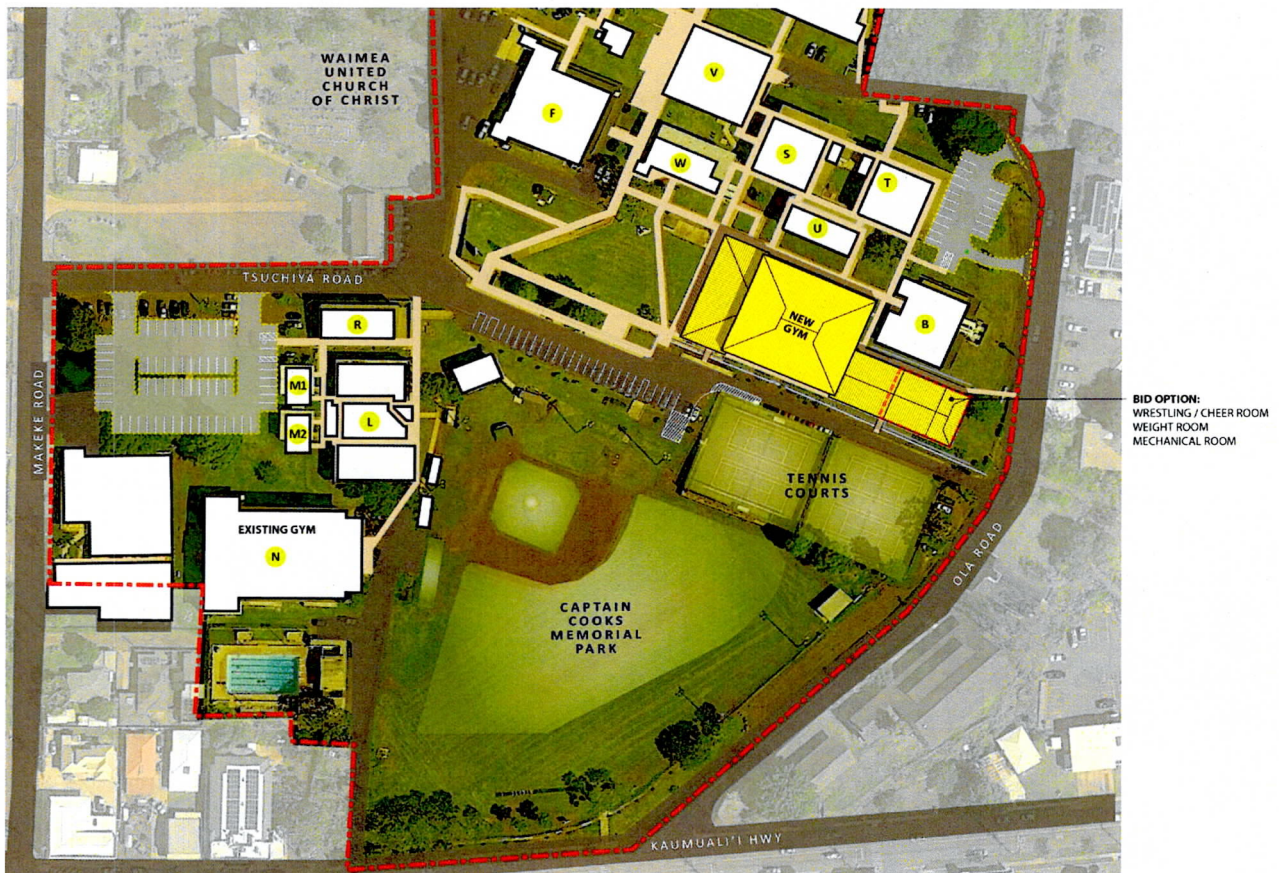
The project includes two Bid Alternatives:

- a. Bid Alternative 1: Provide air conditioning for existing Buildings 'S', 'T', and 'U' due to its proximity to the project site and the potential for noise and dust.
 - b. Bid Alternative 2: Add Wrestling Room, Multi-Purpose, and Mechanical Room.
2. Site Layout: The project site to be located on the state-owned parcel closer to the main campus thereby allowing the continued use of the existing Gymnasium for the duration of construction, of which is of utmost importance to Waimea High School.
 3. Interior Design: Construction and finishes (walls, floor, and ceiling) should support the cohesive image and theme of the facility. The durability and maintenance of the

interior construction and finishes are also a primary consideration in selection of materials. Interior surfaces shall be light in color in order to brighten the spaces and make a room feel warm and inviting. The interior design to offer the same interest, excitement, high energy and professionalism that can be found in other modern high school gymnasiums.

D. Design Solution

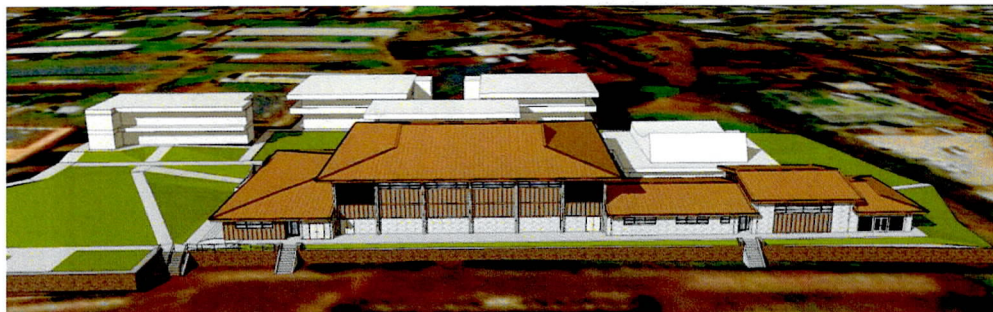
1. Site Plan: The new Gymnasium will be sited on the main campus, within the open courtyard, south of the existing Administration Building and adjacent to the existing Music Building. Its location is convenient and beneficial as it will allow for the functions of the building, e.g., locker rooms, showers, etc. to be shared by the surrounding sports field activities and permits for all physical education and sport activities to be grouped at the southern end of campus. The proposed walkways, which surround the new Gymnasium, will connect to existing walkways with the aid of a new set of stairs and accessible ramp.



The current working site plan supports the project program and function while preserving as much of the front lawn (courtyard) as feasibly possible as requested by Waimea High School.

Due to site constraints, parking for the new Gymnasium will be in two separate areas, one on-site, the other off-site. The on-site parking lot, consisting of 18 parking stalls and 2 accessible parking stalls, is located within a grassed area off Ola Road, within the Waimea High School campus and adjacent to the existing Music Building. The off-site parking lot, consisting of 78 parking stalls and 3 accessible parking stalls, is located in an empty, sparsely grassed lot owned by the County of Kaua'i, south of Tsuchiya Road and north of the existing Gymnasium. A virtual meeting was held on February 11, 2022, with the County of Kaua'i Mayor, representatives from the Department of Parks and Recreation, the Department of Education and Design Partners Incorporated, to discuss the off-site parking lot, in support of the new Gymnasium on County land. The County of Kaua'i was receptive to the parking lot and further discussions with the DOE are ongoing.

2. Building Plan: The Gymnasium's "L-shaped" footprint is a result of the site constraints and existing classroom buildings to the north and Music Building to the east. The floor plan is organized for maximum efficiency and arranged in a functional manner with simple circulation schemes that allow for easy wayfinding. The space and program space requirements, building layouts were developed through a series of on-site meeting with representatives from DOE Facilities, Waimea High School, DAGS Kaua'i, West Kaua'i Complex ASA and the design team. Several iterations of the concept layouts were presented to the project stakeholders. The current layout best addresses feedback from the Waimea High School Principal, Vice Principal, and Athletic Director, as well as other stakeholders including DOE Facilities Planner and Project Manager.



The Gymnasium's main entry on the west end provides a direct connection to the existing courtyard and off-site parking. Stepped seating adjacent to the main entry not only serves as seating for courtyard events, but also provides a student hangout space. The Lobby functions as the hub of the Gymnasium with access to the Concession Stand, Main Court, Training Room, Athletic Director's Office, and support

spaces such as the public restrooms and utility spaces. The Main Court consists of one regulation Basketball (94-feet x 50-feet) / Volleyball court, two (2) practice cross courts with a seating capacity of 824 (includes 8 accessible seats). A motorized vertical-acting divider curtain between the practice courts offers the flexibility to easily divide the space into two. Locker rooms and showers are directly accessible from the Main Court and to hallways leading to the exterior for easy access to the sports fields to the south. Bid Alternative 2, if exercised, will add a Wrestling/Cheer Room, Multi-Purpose Room, and Mechanical space at the east end.

3. Enhanced Hurricane Protection: In compliance with Hawaii State Building Code Section U103, Section 426, the project being a state-owned public high occupancy building of Risk Category III, and in compliance with IBC Table 1604.5 which states "enclosed and partially enclosed structures whose primary occupancy is public assembly with an occupant load greater than 300" will be designed for enhanced hurricane protection. At least 50-percent of the net square feet of a facility, excluding spaces such as Mechanical Rooms, Electrical Rooms, and Storage spaces, will be constructed to qualify as an enhanced protection area. In addition, toilet and hand washing facilities will be located and accessible from within the perimeter of the enhanced hurricane protection area.
4. Finish Materials: All interior and exterior finish materials are proposed for their functionality, durability, cost effectiveness, and compatibility with the surrounding context and Waimea community. The interior materials, specifically, shall be easily maintainable and replaceable while meeting functional requirements. The following finishes are recommended and priced:
 - a. Exterior: Primary exterior finish will be reinforced, painted, CMU and light metal framing with board and batten siding.

The roofing system will be standing seam metal roof over metal decking with an integral acoustical and insulation system.

Exterior windows will be a combination of factory-finished aluminum fixed and awning windows with a pre-finished clear anodized finish. Exterior windows will use an insulated glazing system with a Low-E coating meeting hurricane and windborne debris requirements. Glazing units are selected for high visible light transmittance for better daylighting and a low solar heat gain coefficient for energy efficiency. The awning windows and exterior storm louvers together, will also provide the required ventilation in compliance with Hawaii State Building Code Section U103.

Similar to the exterior windows, the glazed entry doors will be of identical clear anodized aluminum finish and selected for its durability, cost-effectiveness, and

compatibility while best serving the facility's functions while withstanding the hot/humid and corrosive environment.

All exposed metal hardware and fasteners will be stainless steel or other extremely rust- and corrosion-resistant material.



- b. Interior: Primary wall finishes consists of painted CMU and impact resistant gypsum wall board walls. Acoustical ceiling tiles (ACT) and painted gypsum wallboard will be the primary ceiling finish in the occupied spaces. Some specialized spaces will have acoustical wall treatments and other finishes with high acoustical qualities. Most spaces will receive sealed concrete and resilient flooring and wall base. The Lobby, restrooms, and showers will have ceramic tile flooring and ceramic tile wainscoting where applicable. The Main Gymnasium floor to consist of a fixed resilient athletic (maple) wood flooring system with safety wall padding and acoustic wall panels on the surrounding walls.

Interior doors will be painted hollow metal doors and frames. Cabinets will be constructed from solid hardwood with plastic laminate finishes and solid surface countertops on marine-grade plywood.

E. Standards and References

- International Building Code (IBC), 2012 Edition.
- Hawaii State Building Code, with Amendments to the 2018 ICC International Building Code
- ICC 500 / NSSA Standard for the Design and Construction of Storm Shelters
- Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines dated 23 July 2010.

STRUCTURAL BASIS OF DESIGN

A. Enhanced Hurricane Protection Area:

The gymnasium structure and attached spaces are classified as a Risk Category III structure as determined by the 2018 International Building Code (IBC-18). To conform to the Hawaii State Building Code Appendix U, the gymnasium structure is to be designed as an Enhanced Hurricane Protection Area (EHPA). The EHPA provisions of the building code establish minimum life safety design criteria for high occupancy buildings intended to be occupied during hurricanes up to Saffir Simpson Category 3.

EHPA criteria addresses many areas of the design including but not limited to siting, emergency vehicle access, quantity of toilets and sinks, ventilation and standby electrical system. The EHPA criteria for the design of structural elements differs primarily with the enclosure classification of the building. For a typical Risk Category III building not designated as an EHPA, only the glazing needs to impact-resistant or have impact-resistant protection. For an EHPA, the entire building envelope must not be perforated or penetrated by windborne debris. Compliance to the impact-resistance criteria is by determined by meeting the criteria of ASTM E1996-20 "Standard Specification for Performance of Exterior Windows, Curtain Walls, Doors, and Impact Protective Systems Impacted by Windborne Debris in Hurricanes."

The missile level required by Appendix U of the Hawaii State Building Code is Level D. However, based on the wind load provisions of Appendix W in the building code, the gymnasium structure would be in Wind Zone 3 requiring a Level E missile. This increase in large missile criteria is due to the structure being within one mile of the coastline. Being that the provisions of Appendix W require higher impact-resistance, we will require the building envelope to meet ASTM E1996-20, Level E missile.

B. Structural Systems:

The new gymnasium can be divided into 4 distinct areas. The following describes the structural systems for each area of the structure.

1. **Lobby/Offices:** This area consists of the lobby, concession, boys' and girls' restrooms, storage, utilities, offices, training, laundry and janitorial rooms. This area is a part of the designated EHPA. With the impact-resistant building envelope, this area is considered an "enclosed building" for determining the wind internal pressure coefficient.

The roof at the Lobby/Offices is a hip roof which dies into the taller wall of the actual gymnasium. The roof is pitched at 2½:12 slope. The roof is framed with cold-formed steel (CFS) trusses spaced at 2'-0" on center. The trusses are a delegated design



system meaning the contractor will be responsible for design, fabrication and installation of the CFS framing system. This allows different manufacturers of CFS trusses the ability to offer a bid based on their proprietary shapes and system. Girder trusses will be located at a 12'-0" setback from the plate line and stepdown trusses used beyond that. Hip and jack trusses framing into the girder trusses complete the roof framing. The roof diaphragm is 33 mil (20 ga.) steel roof decking. The trusses extend past the plate line to frame the 4'-0" eaves. Eaves will have a soffit so that the CFS material will not remain exposed. Fascias will be fabricated from CFS as well.

Concrete masonry units (CMU) walls will be used at the perimeter of the lobby/offices area. The CMU walls will have reinforcement and use 8" nominal block. The CMU blocks will be laid in a running bond pattern and will be grouted solid. A 16 inch deep reinforced concrete collar will be at the top of the CMU wall and the trusses will bear directly on the concrete collar. Lintels over openings in the wall will be made of CMU or reinforced cast-in-place concrete.

Foundations will be shallow, reinforced concrete wall footings along the perimeter of the structure and at any interior CMU bearing walls. Wall footings will have a concrete stem extending to the finish floor elevation. Locations of relatively large concentrated loads will have a square spread footing of reinforced concrete placed integral with the wall footing.

Floor will be 4½ inch thick reinforced concrete place over 15 mil thick vapor barrier, 4 inch gravel base and an 8 inch subbase of aggregate base course. Concrete mixture will have a relatively low water-cementitious material ratio (w/cm) to help mitigate problems associated with moisture level of the concrete and shrinkage cracks. Saw cut control joints will also be used to control random cracking due to the concrete shrinking as it dries.

2. Gymnasium: The actual gymnasium area of the structure is much taller than the other areas with a plate height of 28'-0". The roof is a Dutch gable shape with a pitch of 2½:12 and a 6'-0" overhang at the eaves. Because of the open space, this area is the main part of the EHPA. With the impact-resistant building envelope, this area is considered an "enclosed building" for determining the wind internal pressure coefficient even with the louvers considered as openings.

Hot-dip galvanized structural steel will be used to frame the gymnasium roof. Structural steel trusses with spans of 100 feet will be used along with girder trusses at a setback of 28'-0" from the plate line. Hip and jack trusses frame the roof at the ends of the gymnasium. Spacing of trusses vary but are approximately 20'-0" on center at the side walls and 21'-4" on center at the end walls. Top and bottom chord of the trusses are wide flange shapes and web members will be square hollow structural

sections (HSS). Trusses will have a 4'-0" tall heel at the bearing ends along the perimeter of the structure. The tall heel is used to increase the overall depth of the truss in order to control deflections. The framing will remain exposed at the eaves. Trusses will be designed and detailed for field assembly. Trusses will be supported on reinforced concrete columns at the side walls and 12" CMU walls at the ends of the gymnasium. A reinforced concrete collar will be cast on top of the perimeter walls.

Wide flange purlins will support the 33 mil (20 ga.) steel roof decking. Purlins will be flush with the truss top chords and be spaced 3'-0" on center at the eaves and 5'-0" to 7'-0" elsewhere. Bottom flange bracing will be provided for stability of the purlin when subjected to net uplift loading. Rectangular HSS sections will be used for fascias.

Side walls of the gymnasium will have reinforced concrete columns supporting the trusses. The concrete collar will run between columns. Below the collar will be ventilation louvers that meet the windborne debris impact-resistance criteria. Below the louvers will be 12" reinforced CMU.

End walls will be constructed of nominal 12 inch reinforced concrete masonry blocks. Reinforced CMU and concrete lintels will span over openings in the walls. CMU will be laid in a running bond pattern.

Foundation for the gymnasium will be constructed with reinforced concrete. Square spread footings will be provided at the columns and continuous wall footings elsewhere. At the spread footings the columns will continue below grade and bear directly on the footing. At the wall footings, the CMU will extend below grade to the top of footing.

The gymnasium floor will be 5-inch reinforced concrete placed over 15 mil vapor barrier, 4 inch gravel base and an 8 inch subbase of aggregate base course. At the court area, the slab will be depressed to allow installation of an athletic flooring system. Concrete mixture will have relatively low w/cm ratio to help mitigate problems associated with moisture level of the concrete and shrinkage cracks. Saw cut control joints will also be used to control random cracking due to the concrete shrinking as it dries.

3. Locker rooms: The locker rooms are in a single-story structure located at the opposite end of the gym from the lobby/office portion of the structure. It contains locker rooms, showers, and toilets. Access to the gym is through interior doorways. The structures included with Bid Alternative #2 (Wrestling/Cheer and Multi-purpose Rooms,) will attach to the end of the locker room structure if the bid alternate is accepted. If Bid Alternative #2 is not accepted, the roof at the end of the locker rooms will be a Dutch gable. If Bid Alternative #2 is selected, the locker room roof will frame into the wall of

the wrestling/cheer room. The opposite end of the roof frames into the end wall of the gymnasium. The locker room has a 2½:12 pitch with a ridge at the centerline and 4'-0" overhang at the eaves. This area is a part of the designated EHPA. With the impact-resistant building envelope, this area is considered an "enclosed building" for determining the wind internal pressure coefficient.

The roof at the Locker Rooms is framed with CFS trusses pitched at 2½:12 slope and spaced at 2'-0" on center. The trusses are a delegated design system meaning the contractor will be responsible for design, fabrication and installation of the CFS framing system. This allows different manufacturers of CFS trusses the ability to offer a bid based on their proprietary shapes and system. The roof diaphragm is 33 mil (20 ga.) steel roof decking. The trusses extend past the plate line to frame the 4'-0" eaves. Eaves will have a soffit so that the CFS material will not remain exposed. Fascias will be fabricated from CFS as well.

Exterior bearing wall will be constructed with 8-inch nominal CMU laid in running bond. Lintels over openings will be CMU or cast-in-place concrete. Both sides of the hallway that runs down the middle of the structure are bearing walls and will be 8-inch CMU as well. All of the CMU walls will be reinforced and grouted solid.

Exterior and interior CMU walls will be supported with shallow, reinforced concrete wall footings. CMU walls will extend below grade to the top of footing.

The locker room floor will be 4½ inch reinforced concrete placed over 15 mil vapor barrier, 4-inch gravel base and an 8 inch subbase of aggregate base course. Concrete mixture will have relatively low w/cm ratio to help mitigate problems associated with moisture level of the concrete and shrinkage cracks. Saw cut control joints will also be used to control random cracking due to the concrete shrinking as it dries.

4. Bid Alternative #2: If accepted, this Alternative adds a wrestling/cheer room next to the locker rooms and a multi-purpose room at the end of the structure. An interior hallway would separate the wrestling room from the locker rooms. The wrestling room has a plate height of 16'-8" which is above both the locker rooms and the multi-purpose room with plate heights of 10'-8". The roof at the wrestling room is a gable end roof while the roof at the multi-purpose room has a Dutch gable at the free end and flush frames to the wrestling wall at the other end. The rooms provided with Bid Alternative #2 are not a part of the EHPA. However, the wrestling wall supports a portion of the locker room roof. Therefore, the design will have to consider effects on the EHPA if the wrestling room is destroyed during the storm. For this reason, it is prudent to design the wrestling room and multi-purpose room with the same wind provisions, including impact resistance, of the EHPA.

The wrestling room roof included with Bid Alternative #2 will be framed with CFS trusses. The roof is a gable end and will utilize a gable end truss above the plate line. Roof overhang at the gable end is 2'-0". Overhang at the eaves is 4'-0". CFS trusses will be spaced at 2'-0" on center and support a 33 mil (20 ga.) steel roof deck. Eaves will have a soffit to protect the steel from direct exposure to the elements. Fascia will be a CFS member with shape dependent on truss system incorporated in the construction.

The roof at the multi-purpose room is a Dutch gable also framed with CFS trusses. The girder truss is located at a 12'-0" setback. Hip and jack trusses are used to form the hip portion of the roof. Roof overhang at the eaves is 4'-0". Like all the other CFS roofs, the eaves will have a soffit and the fascia will be a CFS shape.

Both the wrestling room and the multi-purpose room will use 8" nominal CMU walls. Construction will be similar to that described for the lobby/office portion of the structure.

Foundations at both rooms in Bid Alternative #2 will be shallow, reinforced concrete wall footings along the perimeter of the structure and at any interior CMU bearing walls. CMU walls will extend below grade to the concrete footings.

Floor slab at the wrestling room will be 5-inch thick reinforced concrete. Floor at the multi-purpose room will be 4½ inch thick reinforced concrete. The slabs at both rooms will be constructed over 15 mil thick vapor barrier, 4-inch gravel base and an 8-inch subbase of aggregate base course. Concrete mixture will have relatively low w/cm ratio to help mitigate problems associated with moisture level of the concrete and shrinkage cracks. Saw cut control joints will also be used to control random cracking due to the concrete shrinking as it dries.

C. Design Criteria

1. <u>Risk Category:</u>	III	IBC
2. <u>Roof Live Load:</u>	20 psf	IBC
3. <u>Wind Design Data:</u>		
Basic Wind Speed (V)	145 mph	IBC
Allowable stress design wind speed (V_{asd})	115 mph	IBC
Topographic Factor (K_{zt})	1.4	HSBC
Directionality Factor (K_d) - MWFRS	0.75	HSBC
Components & Cladding	0.75	HSBC
Exposure Category	C	HSBC
Enclosure Classification	Enclosed	ASCE 7

Internal Pressure Coefficient (GC_{pi})	± 0.18	ASCE 7
Gust Effect Factor (G)	0.85	ASCE 7

4. Earthquake Design Data:

Importance Factor (I_e)	1.25	ASCE 7
Mapped Accelerations (S_s)	0.189 g	USGS Web Services
(S_1)	0.055 g	USGS Web Services
Site Class	B	Geotechnical Report
Design Accelerations (S_{DS})	0.126 g	
(S_{D1})	0.037 g	
Seismic Design Category	A	ASCE 7

Exemption from Seismic Provisions. Structures assigned to Seismic Design Category A do not need to comply with seismic design provisions. ASCE 7-16, Section 11.7

5. Windborne debris missile impact for building enclosure elements:

ASTM E1996-14, Wind Zone 3, Enhanced Protection, Missile Level E

6. Foundation: From Geotechnical Report

Allowable Bearing Pressure:	
Dead Load + Live Load	3,000 psf
Dead + Live + Wind	4,000 psf
Passive Earth Pressure	300 pcf (3,000 pcf, maximum)
Coefficient of Friction	0.4

D. Material Properties:

1. Concrete Compressive Strength at 28-days:

Footings	4,000 psi
Slabs-on-Grade	4,500 psi
Columns and Walls	4,000 psi
Lintels/Beams	4,000 psi

2. Steel Reinforcement:

Deformed Bar	ASTM A615, Grade 60
	ASTM A706, Grade 60
Welded Wire Reinforcement	ASTM A1060, Galvanized

3. Concrete Masonry Units:

Hollow Concrete Units	ASTM C90. Normal Weight
Mortar	ASTM C270, Type M
Grout (compressive strength)	ASTM C476 (3,000 psi at 28-days)

Specified Design Strength (f'_m)	2,000 psi by Unit Strength Method
3. Structural Steel:	
Channels, Angles, Plates, & Bars	ASTM A36
Wide Flange Sections	ASTM A992
Steel Pipe	ASTM A53, Grade B
Hollow Structural Sections- Rectangular	ASTM A500, Grade B, $F_y=46$ ksi
Round	ASTM A500, Grade B, $F_y=42$ ksi
Steel Roof Deck	ASTM A653, Minimum $F_y=33$ ksi
High-Strength Bolts	ASTM F3125, Grade A325, Type I
Anchor Bolts	ASTM F1554, Grade 36
Welding Electrodes	E70XX
4. Cold-Formed Steel:	
Framing Components - 54 mils and heavier	ASTM C955, Grade 50
43 mils and lighter	ASTM C955, Grade 33
Finish	Galvanized, G60

E. References

- HSBC Hawaii State Building Code, Adopted April 20, 2021
- IBC-18 International Building Code, 2018 Edition
- ASCE 7-16 Minimum Design Loads and Associated Criteria for Buildings and Other Structures, 2016 Edition
- ACI 117-10 Specification for tolerances for Concrete Construction and Materials, 2010 Edition
- ACI 301-10 Specifications for structural Concrete, 2010 Edition
- ACI 318-14 Building Code Requirements for Structural Concrete, 2014 Edition
- AISC 303-16 Code of Standard Practice for Steel Buildings and Bridges", 2016 Edition
- AISC 341-16 Seismic Provisions for Structural Steel Buildings, 2016 Edition
- AISC 360-16 Specification for Structural Steel Buildings, 2016 Edition
- AISI S100-16 North American Specification for the Design of Cold-Formed Steel Structural Members, 2016 Edition
- AISI S200-07 North American Standard for Cold-Formed Steel Framing – General Provisions, 2007 Edition
- AISI S240-15 North American Standard for Cold-Formed Steel, 2015 Edition
- AWS D1.1-15 Structural Welding Code – Steel, 2015 Edition
- AWS D1.3-18 Structural Welding Code – Sheet Steel, 2018 Edition
- AWS D1.4-18 Structural Welding Code – Reinforcing Steel, 2018 Edition
- SDI RD1.0-10 Standard for Steel Roof Deck, 2010 Edition

- TMS 402-16 Building Code for Masonry Structures, 2016 Edition
- TMS 602-16 Specification for Masonry Structures, 2016 Edition

FIRE PROTECTION / LIFE SAFETY BASIS OF DESIGN

A. Introduction and General Description

The project calls for constructing a new one-story gymnasium with locker rooms and supporting spaces. A portion of the building will be a bid option; however, the analysis will be based on the combined building with the bid option.

B. Building Code Analysis

1. Occupancy (IBC):

The following occupancies occur within the facility:

Description	Occupancy Group
Gymnasium	Group A-4 (Assembly)
Offices	Group B (Business)
Training Rooms, Locker Rooms	Group E (Education)
Storage, Mechanical, and Electrical Rooms	Incidental

2. Height and Area Limitations:

Frontage Increase (506.3.3):

$$I_f = [F/P - 0.25] W/30$$

$$F = 355 \text{ ft}$$

$$P = 810 \text{ ft}$$

$$W = 30 \text{ ft}$$

$$I_f = 0.188$$

Multiple Story Increase (506.2.3) – Not applicable

Allowable Area (506.2)

The building will be analyzed as a mixed occupancy and will comply with the most restrictive requirements.

$$A_a = A_t + [NS \times I_f]$$

Occupancy	Allowable Area per Floor (sf)	Allowable Area (NS)	Allowable Area with Increase	Proposed Area (sf)
A-4 (IIB)	38,000	9,500	39,788	23,394
B (IIB)	92,000	23,000	---	---
E (IIB)	58,000	14,500	---	---

The building's area complies.

Occupancy	Allowable Height (ft)	Proposed Height (ft)	Allowable Number of Stories	Proposed Number of Stories
A-4 (IIB)	75	42	3	1
B (IIB)	75	42	4	1
E (IIB)	75	42	3	1

The building's height and number of stories complies.

3. **Building Construction Type:** The type of construction shall meet requirements set forth in IBC Chapter 6 and Table 601. The facility will be constructed as a Type II-B.

Type II-B Construction	Rating Required (hr)	Rating Provided (hr)
Structural Frame	0	0
Bearing walls, Interior	0	0
Bearing walls, Exterior	0	0 / 1
Nonbearing walls, Exterior (see section 7)	0	0
Nonbearing walls, Interior	0	0
Floor Construction	0	0
Roof Construction	0	0

4. **Building Separation and Exposure Protection:** The exposures on each side of the building is:

	Exposure	Frontage Distance (ft)	Fire Separation Distance (ft)
North:	38 ft to Studies Complex 20 ft to Music Building	20 ft 20 ft	10 ft 10 ft
East:	15 ft to Music Building 57 ft to Access Road	15 ft 30+ ft	5 ft 30 ft
West:	30 ft to Front Lawn	30 ft	30 ft
South:	15 ft to Tsuchiya Road	30 ft	22 ft

Occupancy Group	Separation (ft)	Exterior Walls
A, B, E – Type IIB	10' > X => 5'	1 hour
A, B, E – Type IIB	30' > X => 10'	0 hour

With a minimum of 10 ft separation, the exterior walls do not have to be rated. For the East wall facing the Music Building, the exterior wall must be one hour rated. From IBC 705.8.1, a sprinklered building with exterior walls that aren't required to be rated is permitted unlimited unprotected openings. For the East wall, Table 705.8 allows 25% unprotected openings.

5. Fire Rated Separation:

- a. IBC Occupancy Separation: The building design is based on non-separated use, therefore no occupancy separation walls are required.
- b. Fire Walls: There are no fire wall requirements for this project.
- c. Fire Barriers: There are no barrier requirements.
- d. Fire Partitions and Smoke Partitions: There are no partition requirements.

6. Interior Finish and Insulation: (Table 803.13)

Occupancy	Enclosed Vertical Exitways	Other Exitways	Rooms
A-4	B	B	C
B	B	C	C
E	B	C	C

7. Fire Protection Systems (Section 9):

- a. IBC 903.2.1.4 requires an automatic fire sprinkler system when the assembly area exceeds 12,000 sf.
- b. IBC 903.2.2 requires an automatic fire sprinkler system when the educational area exceeds 12,000 sf.
- c. IBC 906 requires portable fire extinguishers for the A-4, B and E occupancies.
- d. IBC 907.2.1 requires a fire alarm system in an assembly occupancy. IBC 907.2.3 requires a voice evacuation type fire alarm system.

8. Means of Egress: (Section 10)

a. Occupant Load Factors (Table 1004.5)

- 1) Assembly - 15 sf/person
- 2) Assembly Bleachers – 18"/person
- 3) Locker Room – 50 sf/person
- 4) Office - 100 ft²/person
- 5) Mechanical, Storage Rooms – 300 sf/person

Location	Area (SF)	Occupant Load Factor (SF/person)	Occupant Load
1st Floor			
Concession Stand	248	100	2
Janitor/Mechanical	278	300	1
Womens/Mens Restrooms	651	100	6
PE Storage	315	300	1
Office	240	100	2
AD Office	240	100	2
Training Room	871	15	53
Telecom/Electric Room	260	300	1
Gymnasium (fixed seats)	800	NA	800
Gymnasium Open Floor	6250	15	416
Storage/Mechanical	173	300	1
Locker Room A	1063	50	21
Locker Room B	1059	50	21
Wrestling/Cheer Room	2036	15	135
Multi-Purpose Room	874	15	58
Mechanical Room	304	300	1
		Total 1st Floor	1,521

b. Egress Width, Table 1005.1

- 1) Horizontal - 0.15 inches/person
Vertical - 0.20 inches/person
- 2) Exit capacity provided:
Single Door – 34" / 0.15 = 226 persons
Double Door – 68" / 0.15 = 453 persons



Main Entrance:

2 X Double Doors = 2 X 453 = 906 persons

Hall #1:

1 X Single Door = 1 x 226 = 226 persons

Gymnasium:

3 X Double Doors = 3 X 453 = 1,359 persons

1 X Single Door = 1 x 226 = 226 persons

Corridor:

2 X Single Door = 2 X 226 = 452 persons

Multipurpose:

2 X Single Door = 2 X 226 = 452 persons

Total = 3,621 persons

Exit Discharge:

Stair 1 – 60" / 0.20 = 300 persons

Stair 2 – 72" / 0.20 = 360 persons

c. Means of Egress Components:

- 1) 1005.7.1 requires the door to not obstruct more than half of the required egress width during its swing and not more than 7 inches when it is fully open.
- 2) 1010.1.2.1 requires exit doors to swing in the direction of egress for occupant loads of 50 and greater.
- 3) 1011.1 requires stairs to be a minimum of 44 inches. Stairs are a minimum of 60 inches wide.
- 4) 1020.2 requires exit access corridors to be a minimum of 44 inches. The exit access corridors are a minimum of 72 inches wide.

d. Exit Access, Common Path of Travel, 1006.2.1

- 1) The maximum common path of travel permitted is 75 feet.

e. Number of Exits, Table 1006.2.1:

Two exits are to be provided if the occupant load exceeds the following:

Assembly	49 persons
Educational	49 persons

f. Arrangement of Exits, Section 1007.1.1:

Where two exits are required, the exits or exit access doors shall be separated by one half the diagonal of the area being considered. All rooms, combined rooms and the floors comply.

g. Travel Distance, Table 1017.1

For sprinklered assembly and educational occupancies, the maximum travel distance is 250 feet.

h. Corridors, Section 1020.1:

Corridors for A and E occupancies are not required to be rated when the building is sprinklered.

i. Dead End Corridors, Section 1020.4

Dead ends in corridors are limited to 20 feet.

j. Illumination and Exit Signs:

Section 1008 requires the means of egress to be provided with lighting.

Section 1013.1 requires illuminated exit signs. No point shall be more than 100 feet from an exit sign.

k. Vertical Exit Enclosures, Section 1023:

Not applicable.

l. Assembly Occupancies, Section 1029:

Section 1029.2 requires the main entrance to an assembly be able to accommodate half of the occupant load.

Section 1029.9.1 requires a minimum of 48" for stepped aisle with seating on both sides. For seating on one side the aisle can be 36".

C. Fire Department Access

1. Building Access, Section 18.2.3.2:

Kauai Fire Code requires at least one door to be within 50 feet of the fire department access road, 18.2.3.2.1.

All portions of the exterior of the building shall be within 450 feet of the fire department access and water supply, 18.2.3.2.2 when the building is fully sprinklered.



D. Fire Sprinkler System

1. Design Criteria:

State Building Code, IBC 2018
Kauai Fire Code, NFPA 1-2012
NFPA 13, Installation of Sprinkler Systems, 2016

2. IBC Section 903: Requires sprinklers in assembly or educational occupancies greater than 12,000 sf.

3. Sprinkler Hazard Classification: The office, locker rooms and gymnasium will be classified as light hazard occupancy. The storage and mechanical spaces shall be classified as Ordinary Hazard Group 2.

4. Sprinklers: Sprinklers shall be quick response, semi-recessed type in finished spaces and quick response uprights or pendants in rooms without a finished ceiling.

5. Design Criteria: Sprinkler design criteria will be as follows:

Gymnasium, Locker Rooms

Occupancy Classification:	Light Hazard
Design Density:	0.10 gpm/sf
Design Area:	1,500 sf
Hose Stream Allowance:	100 gpm

Storage, Mechanical Spaces

Occupancy Classification:	Ordinary Hazard Group 2
Design Density:	0.20 gpm/sf
Design Area:	Part of light hazard calculation

6. Fire Sprinkler System Water Supply: The fire protection water supply will be connected to the existing line. A flow test will be conducted next submittal:

Static Pressure: xx psi
Residual Flow and Pressure: x,xxx gpm @ 20 psi

E. Portable Fire Extinguishers

1. Portable fire extinguishers shall be provided. Extinguishers shall be a minimum 2A:40B:C classification and shall be located in cabinets.

F. Fire Alarm System

1. Design Criteria:
State Building Code, IBC 2018
Kauai Fire Code, NFPA 1-2012
NFPA 72, National Fire Alarm Code, 2016
2. IBC 907.2.1 requires a fire alarm system in an assembly occupancy. IBC 907.2.3 requires a voice evacuation type fire alarm system.
3. A new fire alarm panel will be provided in the Gymnasium. This panel will report to the main panel in the school office. The panel is also required to be remotely monitored by Section 907.6.6.
4. The system will have manual initiation and automatic initiation. The system will feature manual pull stations, smoke detector at the panel and sprinkler monitoring.
5. Audio and visual notification will be provided throughout the building.



MECHANICAL BASIS OF DESIGN

A. Project Background

1. General Description: This project involves the new construction of a campus Gymnasium building. Mechanical and Plumbing systems for this scope of work will be based upon the requirements set forth in the proposed improvements for Waimea High School Gymnasium Due Diligence report. The design will conform to the 2018 Uniform Mechanical and Plumbing Codes, ASHRAE Standards, and DOE requirements. Ventilation systems will be provided in a majority of the Facility, with air conditioning provided in a few selected spaces. Exhaust systems will be provided for the locker rooms, restrooms, janitor closets, mechanical and electrical rooms. New plumbing systems, including waste, vent, hot and cold water and condensate systems, will be provided as required by programming. In addition, the building will be provided design features due to it being classified as a "shelter in place" facility.

This section will summarize the mechanical and plumbing concepts and the criteria for which the project will be designed. The resulting mechanical and plumbing systems design is intended to provide energy efficient, environmentally responsible, maintainable, and long-lasting systems for Waimea High School.

B. Technical Requirements

1. HVAC Systems and Equipment: VRF and Standard Split DX Systems will be provided for the air conditioning for this project and are highly efficient and maintenance friendly systems. All Fan Coil Units will be provided with filtered outside air.
 - a. Training Room, Athletic Directors Office, and Multi-Purpose Team Room: These spaces will be provided with a dedicated cooling only fan coil units with dedicated OA.
 - b. Main Gym, Locker Rooms, and the Wrestling Cheer Room: These spaces will be provided with ventilation systems that will include outside air supply fans and exhaust fans. Ceiling fans will also be provided in the Gymnasium Main Floor.
 - c. Restrooms, Janitors Closets, Mechanical and Electrical Rooms: These spaces will be provided exhaust systems and with operational control as programmed.
 - d. Outside air (OA) for each conditioned space shall be provided through the louvers with direct connection to FCU's. Outside for ventilated spaces will be provided with ventilation fans connected to louvers. OA supplied to the facility shall be equal to or greater than the minimum required by the ASHRAE 62.1.

- e. The project shall include special design requirements for design in tropical environments, such as coated coils and no roof mounted equipment.
2. Design Calculations: Cooling load calculations shall be performed using Trane Trace, which is in compliance with the current edition of the ASHRAE Handbook of Fundamentals and ASHRAE 90.1. Equipment shall be sized to meet the total load determined by the calculations. Weather data used for the analysis shall be based on weather data provided below in accordance with ASHRAE weather data. Room air flow requirements shall be computed based on the individual room load. Values for internal cooling loads shall be included in the computerized load calculations in accordance with ASHRAE recommendations and user input.

- Latitude = 20.0231°N
- Longitude = 155.6717°W
- Elevation = 13 feet
- 1.0% Summer Design Dry Bulb Temperature = 88.7°F
- 1.0% Wet Bulb Temperature = 73.5
- 99.0% Winter Design Dry Bulb Temperature = 66.7°F
- Inside Temperatures:
 - Faculty and Student Activities: 74°F (adj.).
 - Faculty and Administration Spaces: 74°F (adj.).
 - Concessions: 74°F (adj.).
 - Telecomm Room: 78°F (adj.).

Outside air requirements will be based on the requirements of ASHRAE 62.1-2007, Table 6-1, Educational Facilities.

3. Ductwork: All supply and return air ductwork (except as otherwise noted) shall be galvanized steel, 26 gauge or as recommended by SMACNA Duct Construction Standards and shall be properly insulated to prevent condensation. All OA ductwork and dampers shall be stainless steel considering the corrosive conditions of Hawaii.
4. Exhaust and Ventilation System: The ventilated and exhausted spaces shall be by inline fan systems, with outside air intake and exhaust at wall louvers. Ventilation and exhaust shall be continuous except during unoccupied periods in accordance with minimum flow rates of ASHRAE 62.1. The building shall be ventilated and exhausted as follows:
- a. Men's and Women's Toilets and Shower Rooms: Minimum of 50 cfm per toilet fixture in accordance with ASHRAE Standard 62 or 10 ACH, whichever is greater.
 - b. Janitor's Closet: Minimum of 1.0 cfm/ft² in accordance with ASHRAE Standard 62 or 10 ACH, whichever is greater.

- c. Mechanical and Electrical Rooms: The mechanical and electrical rooms shall be ventilated at 4 ACH.
 - d. Gymnasium Main Floor: This space is ventilated at a minimum of 2.5 ACH, with ventilation fans and exhaust fans to ensure effective air change and air quality.
5. Energy Management System: The HVAC system shall be monitored by an electronic direct digital control (DDC) Energy Management and Control System (EMCS) with the capability of real time monitoring, trending, and controlling. The communications protocol shall be compatible with Hawaii DOE design standards and shall be LonWorks or Bacnet. The project shall provide advance water metering with remote recording and monitoring capability for energy consumption.
6. Commissioning and Testing, Adjusting, and Balancing: Testing, adjusting, and balancing of each system shall be the Contractor's responsibility. Prior to testing, adjusting, and balancing, the Contractor shall verify that the systems have been properly installed and are operating as specified. Testing of individual items of equipment shall be performed by a person authorized to perform such testing and startup by the equipment manufacturer. The Contractor shall correct all systems and equipment found not in compliance and shall be responsible for all labor and materials required for this effort. AABC MN-1 or NEBB-01 shall be used as the standard for providing testing of air system. Testing, adjusting, and balancing shall be performed in accordance with UFGS which requires a qualified TAB agency. The selected standard shall be used throughout the entire project. All recommendations and suggested practices contained in the selected standard shall be considered mandatory. Instrumentation accuracy shall be in accordance with selected standard.
7. Natural Ventilation Strategy: The typical requirement for natural ventilation will not be applied to this project.
8. Existing Buildings S, T, and U will be provided with Packaged Terminal Air Conditioners (PTAC) for each Classroom and Faculty space due to windows being closed for construction dust and noise. In addition, ventilation fans with filtered inlets will be provided for outside air.
9. Shelter-In-Place Design Features: For hurricane shelters, per 2018 State Building Code, mechanical ventilation shall be provided per the IMC and HVAC equipment mounted on the exterior will have heavy duty anchorage.

C. Plumbing

1. General: The plumbing system shall be designed and installed in accordance with the 2018 Uniform Plumbing Code. Inspection, sterilization, chlorination, and testing of the plumbing system shall be performed as prescribed in the 2018 UPC. Specified materials and equipment shall be standard products of a manufacturer regularly engaged in the manufacture of such products. Specified equipment shall be equipment that has performed satisfactory at least two years prior to bid opening.
2. Shelter-In-Place Requirements: Plumbing facilities shall be provided for Community Shelters per 2018 State Building Code. and plumbing facilities that include toilets and hand washing facilities, shall be provided.
3. Design Calculations: The plumbing design shall be based on the 2018 edition of the UPC for domestic water, sanitary waste, and vent piping. All water piping shall be sized in accordance with methods outlined in the 2018 UPC, to limit water velocity in the pipe to 8 ft/sec unless a lower velocity is recommended by the plumbing fixture manufacturer(s).
4. Equipment: Domestic hot water will be provided using electric tank type systems with recirculation pumps. Hot water will be provided to showers, lav's and sinks.
5. Efficiency: Though this project is not a HCHPS project, the building domestic water system shall be designed to use a minimum of 20% less water than the HCHPS water usage baseline for the building. Calculations shall be based on estimated occupant usage and shall include the following fixtures:
 - Water closets, flush valve - 1.28 gallons per flush (gpf).
 - Urinals - 0.125 gallons per flush.
 - Lavatory faucets - 0.5 gallons per minute (gpm).
 - Showers 1.5 GPM
 - Kitchen sinks - 1.5 gpm.
 - Drinking Fountains.

D. Standards and References

- NFPA 30, Flammable and Combustible Liquids Code, 2008.
- NFPA 90A, Installation of Air Conditioning and Ventilation Systems.
- Uniform Mechanical Code (UMC), 2018.
- Uniform Plumbing Code (IPC), 2018.
- ASHRAE 62.1-2007, Ventilation for Acceptable Indoor Air Quality.
- ASHRAE 90.1-2007, Energy Standard for Buildings Except Low-Rise Residential Buildings.
- ASHRAE Handbooks (Fundamentals, Systems and Equipment, Applications).
- Sheet Metal and Air Conditioning Contractors' National Association (SMACNA), HVAC



Duct Construction Standards.

- 2014 ICC 500/NSA Standard for the Design and Construction of Storm Shelters.

ELECTRICAL / COMMUNICATIONS BASIS OF DESIGN

A. General Parameters

1. Existing Conditions:

- a. **Existing Power Distribution:** The Waimea High School (WHS) receives electrical power from Kauai Island Utility Cooperative (KIUC) utility pole: primary circuits (4.16kV, 3-phase) are routed to KIUC's 750KVA pad-mounted transformer located near the WHS's utility building. Secondary circuits, serve the existing Main Switch Board 'MSB' rated at 800A at 480Y/277V 3Ø. The 'MSB' is integrated with a 400A PV system, power factor correction capacitor and an external transfer switching scheme to accommodate a portable generator. There is ample physical space within the enclosure for new facility's dedicated circuit breaker and the switchboard appears to be in good condition.

Building S, T, and U are supported by a single 2P250A breaker located in the existing MSB. Existing feeder is routed through electrical handhole 'EHHG-1', electrical handhole 'EHH-2', spliced inside EHH-2, then provide individual feeders to each building.

- b. **Existing Program Bell System:** The existing program bell system consists of a panel located in the Library's Telecom Room. The current system will be extended to the new gymnasium building via underground infrastructure.
- c. **Existing Communication System:** Existing communication system consist of an MDF in the Telecom room of the existing Library Building. The new gymnasium building will consist of a telecom backboard and IDF rack at the Telecom room and will be routed to the existing MDF rack. All new communication outlets in the new building will be routed back to the new IDF rack located in the Telecom Room. The existing 'MDF' has adequate capacity to support and terminate the new fiber optic and cooper cables in the new existing equipment rack,

B. Functional and Technical Requirements

1. The electrical design will include complete power, signal, and lighting systems for the new Gymnasium. In addition, electrical improvements to support Building S, T, and U's new AC equipment.
2. **Electrical Site Work:**
Design purposes for the new gymnasium shall provide a new breaker and circuit in the available space of the 'MSB'. New circuits will utilize the existing spare underground pathways from 'MSB' to 'HHG-1' then 'HHG-3'. New underground infrastructure shall be

extended from 'HHG-3' (via new electrical handholes) to support the new Gymnasium's electrical distribution system.

Existing building S, T, and U existing feeder shall be removed from each 480Y/277V panel up to Main Switch Board. The existing conduit supporting the existing feeders will remain and to be reused.

The three existing buildings shall be provided each with a new 3P150A breaker in MSB. From MSB, a dedicated feeder for each building (3) shall be routed through EHH-1, EHH-2, then to each respective building. Two new feeders shall be provided new conduit and one feeder will utilize the 3" existing conduit.

The communication system shall provide a new 8"x8"x6 NEMA 4X SS rated pull-box on the exterior wall of the existing Library building and new underground pathways from the pull-box to the new Gymnasium telecom backboard utilizing 'HHG-1' then 'HHG-3'.

3. Secondary Power Distribution:

a. New Gymnasium

- i. The Electrical Room located will house distribution equipment including panelboards, transformers, and manual transfer switch.
- ii. 400A,480Y/277V incoming power from the Main Switch Board.
- iii. 112.5 KVA transformer 480Y/277V to 208Y/120V shall be provided for general purposes circuits.
- iv. 75 KVA transformer 480Y/277V to 208Y/120V shall be provided for emergency purposes circuits
- v. A dedicated 480Y/277V and 208Y/120V panel will be used to serve emergency loads.
- vi. 208Y/120V,3PH service will be distributed throughout the new gymnasium to receptacles and applicable mechanical equipment, 480Y/277V,3PH service will be distributed throughout the new gymnasium to light fixtures and applicable mechanical equipment.

b. Buildings S, T, U

- i. The existing 100A,480Y/277V panels located in each building will be upgraded to a 225A,480Y/277V Panel.
- ii. All existing circuits to be reconnected similarly as the previous existing conditions.
- iii. 45KVA transformer 480Y/277V to 208Y/120V shall be provided in each building for new AC equipment panel.
- iv. A 208Y/120V panel will be installed to serve as a dedicated panel for AC equipment.

4. Communications:

- a. The Telecom Room shall house the distribution equipment including IDF rack and



telecom backboards.

- b. The IDF rack will be connected to the existing MDF in the library's Telecom room.
- c. Cable tray systems will be provided at the communication room to distribute data cables.
- d. Servers: Requirements will be coordinated with the School Tech Coordinator.

5. Lighting:

- a. Illumination (footcandle) levels will comply with the latest IESNA Lighting Handbook, and the lighting power densities will adhere to ASHRAE 90.1.
- b. Lighting throughout the gymnasium will be designed to have a lighting automation system to comply with the HI-CHPS EQ.C8 requirements. Light automation is not required in Locker/Shower but will be provided.
- c. Lighting automation system will include the following components:
 - i. 0-10 Volt Dimming Controllers
 - ii. Daylight Sensor
 - iii. Occupancy Sensors
 - iv. Digital 5-Button Scene Switches with dimming option
- d. Lighting automation system sequence of operations is as follows:
 - i. General Illumination – All lights will illuminate at the recommended foot-candle value per room type.
 - ii. A/V mode – All lights dim down to average 20 foot-candles.
 - iii. Daylight Zone Only – Lights closest to the window will dim accordingly to the amount of sunlight is present.
- e. Interior lighting will be LED type, 3500-5000K color temperature.
- f. Interior lighting will be controlled with occupancy sensors equipped with a manual override. Occupancy sensors in the restrooms will be the ultrasonic sensor type to help minimize lights turning off while restrooms are occupied.
- g. Exterior lighting will be full-cutoff, LED type, controlled by a lighting control panel with an integrated time clock for night light.
- h. Emergency lighting utilizing integral battery packs will be provided to illuminate exit paths. Integral battery packs will be connected to the un-switched leg of associated lighting branch circuits serving the area. The Main Gym floor will use backup inverters

to provide power to a limited amount high-bay fixtures at full capacity.

- i. Illuminated exit signs with integral battery packs will be provided for all emergency exits and passageways as required by NFPA 101, Life Safety Code. LED type exit signs will be utilized for energy efficiency.
6. Circuit Breakers: Branch circuits feeding receptacles and lighting fixtures will be protected by thermal-magnetic, molded-case circuit breakers. All circuit breakers will be of the bolt-on type. Sizing of protective devices will be made in accordance with the National Electric Code (NEC).
7. Receptacles:
 - a. Receptacles located in classrooms will be UL Listed tamper resistant.
 - b. Receptacles adjacent to sinks, utility rooms, locker rooms, bathrooms, and at building exteriors will be of the ground fault circuit interrupting (GFCI) type for personnel safety. Weatherproof GFCI receptacles with cast while-in-use covers will be provided at exterior locations. Weatherproof covers will be provided in the Main Gym Floor.
8. Electrical Enclosures: Electrical equipment enclosures will be NEMA Type 1 for interior locations and NEMA type 4X 316 stainless steel for exterior locations.
9. Interior Wiring System: The electrical wiring system will consist of insulated copper conductors in conduits or surface metal raceways. A separate, insulated, green equipment grounding conductor will be provided for each feeder and branch circuit. PVC conduit will be utilized underground or under floor slab.
10. Grounding: The existing neutral to ground bond is located at the Main Distribution Panel and is to remain. The gymnasium building grounding systems will consist of a main equipment ground bus in the electric room and telecommunication rooms. Equipment ground busses will be connected to each other and to the main equipment ground bus. The ground grid will have copper-clad ground rods driven to a depth of 10 feet. A code-sized or larger ground conductor will be included in all raceways.
11. Emergency System: An emergency system consisting of 480Y/277V panel, 75KVA step down transformer, 208Y/120V panel and manual transfer switch will be provided. The emergency panel shall consist of all critical loads and shall adhere to ICC 500/NSSA. A generator interlock box will be located at the exterior of the gymnasium for provision for a portable generator.
12. Excluded Services:
 - a. Security system design.

- b. Provision for a Photovoltaic system design.

C. Standards and References

- American National Standards Institute (ANSI)
- National Electrical Manufacturers Association (NEMA)
- NFPA 70, National Electrical Code, 2008 edition
- 2006 NFPA1, Uniform Fire Code
- NFPA 72, National Fire Alarm Code, 2002 edition
- NFPA 101, Life Safety Code, 2006 edition
- 2010 ADA Standards for Accessible Design
- IESNA Lighting Handbook Reference and Application, Ninth Edition
- Underwriters Laboratories (UL)
- Educational Specifications (EDSPECS) for High Schools

APPENDICES



Appendices

GEOTECHNICAL INVESTIGATION



**GEOTECHNICAL INVESTIGATION
WAIMEA HIGH SCHOOL
NEW GYMNASIUM
WAIMEA, KAUAI, HAWAII
DOE PROJECT NO.: Q43201-18**

for

DESIGN PARTNERS, INC.

**HIRATA & ASSOCIATES, INC.
W.O. 21-6528.1
January 20, 2022**

January 20, 2022
W.O. 21-6528.1

Mr. Kendall Ellingwood III
Design Partners Incorporated
1580 Makaloa Street, Suite 1100
Honolulu, Hawaii 96814



Hirata & Associates

Geotechnical
Engineering

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Dear Mr. Ellingwood:

Our report, "Geotechnical Investigation, Waimea High School, New Gymnasium, Waimea, Kauai, Hawaii, DOE Project No.: Q43201-18," dated January 20, 2022, our Work Order 21-6528.1 is enclosed. This investigation was conducted in general conformance with the scope of services presented in our proposal dated May 6, 2021.

Borings B1, B3, B4, B7, and B9 encountered surface soil classified as tan and dark brown to light brown silty sand in a loose to medium dense condition, extending to depths ranging from about 1.5 to 5 feet. Beneath the silty sand, and from the surface in the remaining borings, was brown to reddish brown clayey silt in a firm to stiff condition, extending to depths ranging from about 3.5 to 13.5 feet. Boulders with maximum dimensions of about 1 to 2 feet were encountered in borings B1, B2, B5, B7, and B9 between depths of about 2 and 12.5 feet. Thin seams of gray silty clay in a stiff condition were encountered in borings B1, B5, B6, and B8, at depths ranging between about 3.5 to 13 feet, respectively. Underlying the clayey silt was brown to gray completely to slightly weathered basalt. The weathered basalt was in a medium hard to hard condition and extended to the maximum depths drilled. Neither groundwater nor seepage water was encountered in the borings.

Based on the finish floor elevation of the proposed gymnasium, site grading will generally consist of maximum cuts of about 3.5 feet on the northeastern side and fill placements of about 2 to 3 feet on the southwestern side. Footing excavations are therefore expected to expose newly placed fill and the insitu soils. To provide more uniform support, we recommend that all footings and slabs-on-grade be underlain by 12 inches of imported granular structural fill.

Additional geotechnical recommendations for the design of foundations, slabs-on-grade, retaining walls, and site grading are presented in this report.

We appreciate this opportunity to be of service. Should you have any questions concerning this report, please feel free to call on us.

Very truly yours,

HIRATA & ASSOCIATES, INC.

Rick I.K. Yoshida, P.E.

Vice President

RIKY:JC

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GEOTECHNICAL INVESTIGATION

WAIMEA HIGH SCHOOL

NEW GYMNASIUM

WAIMEA, KAUAI, HAWAII

DOE PROJECT NO.: Q43201-18

INTRODUCTION

This report presents the results of our geotechnical investigation performed for the new gymnasium at Waimea High School in Waimea, Kauai, Hawaii. Our scope of services for this study included the following:

- A visual reconnaissance of the site and its vicinity to observe existing conditions which may affect the project. The general location of the project site is shown on the enclosed Location Map, Plate A2.1.
- A review of available in-house soils information pertinent to the site and the proposed project.
- Drilling and sampling nine exploratory borings to depths ranging from about 14.5 to 20 feet. A description of our field investigation is summarized on Plates A1.1 through A1.3. The approximate exploratory boring locations are shown on the enclosed Boring Location Plans, Plates A2.2 and A2.3, and the soils encountered in the borings are described on the Boring Logs, Plates A4.1 through A4.9.
- Drilling four percolation test holes to depths of approximately 5 feet. The approximate test hole locations are shown on Plates A2.2 and A2.3. Falling head percolation tests were performed in the test holes in general accordance with Department of Health guidelines and results are presented on the Department of Health Site Evaluation/Percolation Test forms, Plates A5.1 through A5.4.
- Laboratory testing of selected soil samples. Testing procedures are presented in the Description of Laboratory Testing, Plates B1.1 through B1.3. Test results are presented in the Description of Laboratory Testing, and on the Boring Logs (Plates A4.1 through A4.9), Consolidation Test reports (Plates B2.1 through B2.3), Direct Shear Test reports (Plates B3.1 and B3.2), Modified Proctor Test reports (Plates B4.1 and B4.2), CBR Test report (Plate B5.1), and Sieve Analysis Test report (Plate B6.1).

- Engineering analyses of the field and laboratory data.
- Preparation of this report presenting the results of our exploratory fieldwork and laboratory testing, and geotechnical recommendations for the design of foundations, including seismic considerations, resistance to lateral pressures, retaining walls, slabs-on-grade, flexible pavement, and site grading.

PROJECT CONSIDERATIONS

Information regarding the proposed project was provided by personnel from your office.

The proposed gymnasium will be a one-story structure located on the southeastern side of the school's campus and will have a footprint area of approximately 24,596 square feet. Based on a finish floor elevation of about +42.5, site grading will generally consist of maximum cuts of about 3.5 feet on the northeastern side of the site and fill placements of about 2 to 3 feet on the southwestern side. Demolition of existing walkways, trees, and grassed lawn areas will be required to accommodate the new gymnasium. Structural loads were not available at the time of this report.

Parking Lots A and B are proposed on the northeast side of the existing Music Building and on the northeast side of the existing gymnasium, respectively. Parking Lot A will accommodate 19 parking stalls and 2 ADA stalls, while Parking Lot B will accommodate 42 parking stalls and 4 ADA stalls.

Underground detention chambers are also planned for this project. Chambers are proposed on the north and south sides of the new gymnasium, as well as beneath the proposed parking lots.

SITE CONDITIONS

Waimea High School is located on both the north and south sides of Tsuchiya Road, and is bounded by Ola Road on the southeast, Kaumualii Highway on the

southwest, Makeke Road on the northwest, and Haina Road on the northeast in Waimea, Kauai. The site of the proposed gymnasium is located on the southeast side of the school's campus, southwest of Buildings U and B, and northeast of Tsuchiya Road. The site is generally occupied by trees, grass fields, and concrete walkways connecting Tsuchiya Road and the classroom buildings.

The site of proposed Parking Lot A is generally covered by trees, grassed lawn, and moderate growth of vegetation. At the time of our fieldwork, trees, boulders, two shipping containers, and a detachable utility trailer occupied the site of proposed Parking Lot B.

Based on the topographic survey map provided by your office, total relief over the site of the proposed gymnasium is about 6 feet, with ground elevations ranging from about +46 northeastern side to about +40 on the southwestern side. The site is sloped such that drainage flows in a southwesternly direction.

SOIL CONDITIONS

Borings B1, B3, B4, B7, and B9 encountered surface soil classified as tan and dark brown to light brown silty sand in a loose to medium dense condition, extending to depths ranging from about 1.5 to 5 feet. Beneath the silty sand, and from the surface in the remaining borings, was brown to reddish brown clayey silt in a firm to stiff condition, extending to depths ranging from about 3.5 to 13.5 feet. Laboratory testing on the clayey silt indicates that the soil has a low potential.

Boulders with maximum dimensions of about 1 to 2 feet were encountered in borings B1, B2, B5, B7, and B9 between depths of about 2 and 12.5 feet. Thin seams of gray silty clay in a stiff condition were encountered in borings B1, B5, B6, and B8, at depths ranging between about 3.5 to 13 feet, respectively.

Laboratory testing on the silty clay indicates that the soil has a moderate to high expansion potential.

Underlying the clayey silt was brown to gray completely to slightly weathered basalt. The weathered basalt was in a medium hard to hard condition and extended to the maximum depths drilled.

Neither groundwater nor seepage water was encountered in the borings.

CONCLUSIONS AND RECOMMENDATIONS

Based on the finish floor elevation of about +42.5, site grading will generally consist of maximum cuts of about 3.5 feet on the northeastern side of the site and fill placement of about 2 to 3 feet on the southwestern side. Therefore, footing excavations are expected to expose newly placed fill, silty sand, and clayey silt. To provide more uniform support, we recommend that all footings and slabs-on-grade be underlain by 12 inches of compacted granular structural fill. Overexcavation of the insitu soils will be required to accommodate placement of the 12-inch granular structural fill section. If cobbles or boulders are exposed at the bottom of overexcavations, they should be removed and replaced with compacted granular structural fill.

Foundations

Conventional spread footings founded on a minimum 12 inches of imported granular structural fill may be used to support the proposed gymnasium. The granular fill should conform to and be placed in accordance with recommendations in the *Site Grading* section of this report. Overexcavation of the insitu soils will be required to accommodate placement of the 12-inch granular structural fill section. If gray silty clay is encountered at the bottom of overexcavations, the silty clay should be completely removed or excavated to a depth of at least 24 inches below the bottom of footing elevation, whichever is shallower.

Foundations founded on a minimum 12 inches of imported granular structural fill may be designed for an allowable bearing value of 3,000 pounds per square foot. The recommended allowable bearing value is for the total of dead and frequently applied live loads and may be increased by one-third for short duration loading which includes the effects of wind and seismic forces.

Spread footings should be a minimum 16 inches in width and embedded at least 18 inches below finish adjacent grade. The bottom of footing excavations should be thoroughly tamped and cleaned of loose material prior to placement of reinforcing steel and concrete. If cobbles or boulders are exposed at the bottom of structural excavations, they should be removed and replaced with compacted granular structural fill.

The imported granular structural fill should also extend laterally, a minimum 12 inches beyond the edge of footings. Imported granular structural fill should conform to and be placed in accordance with recommendations presented in the *Site Grading* section of this report.

In areas where granular structural fill is placed outside the building area and is open to the environment, we recommend that the granular material be capped with a minimum 12 inches of low permeability soil, such as the onsite clayey silt. The intent of this recommendation is to reduce intrusion of the surface runoff into the granular fill below footings. The capping layer should be compacted in lifts to a minimum 90 percent compaction as determined by ASTM D 1557. In addition, we recommend that areas adjacent to the building be graded to allow surface water to drain away from the structure. Downspouts connect to rain gutters should discharge water away from the structure.

Seismic Design

Based on the borings drilled as part of this study and our knowledge of the deep soil conditions in the area, the subsurface soils can be characterized as a rock profile. Therefore, based on the 2012 International Building Code, Site Class B is recommended for this site.

Lateral Design

Resistance to lateral loading may be provided by friction acting at the base of foundations, and by passive earth pressure acting on the buried portions of foundations. A coefficient of friction of 0.4 may be used with the dead load forces. Passive earth pressure may be computed as an equivalent fluid having a density of 300 pounds per cubic foot with a maximum earth pressure 3,000 pounds per square foot. Unless covered by pavement or concrete slabs, the upper 12 inches of soil should not be considered in computing lateral resistance.

Retaining Walls

Retaining wall foundations may be designed using recommendations in the *Foundations, Seismic Design, and Lateral Design* sections of this report.

For active earth pressure considerations, equivalent fluid pressures of 40 and 50 pounds per cubic foot may be used for level and sloping backfill conditions, respectively. An equivalent fluid pressure of 55 pounds per cubic foot may be used for restrained conditions. To prevent buildup of hydrostatic pressures, retaining walls should be well-drained. The standard of practice consists of placing an approximately 12-inch thick layer of free-draining gravel at the back of the wall. The gravel should extend from the base of the wall, around subdrains and/or weepholes, and up to within 12 inches of finish grade.

Alternatively, prefabricated drainage geocomposites, such as Miradrain or J-drain, may be used in lieu of the free-draining gravel. As with the free-draining gravel, the drainage geocomposites should be placed at the back of the wall, be connected with the weepholes and/or subdrains (in accordance with manufacturers specifications), and extend to within 12 inches of finish grade. For freestanding walls, the drainage system should be covered by at least 12 inches of low permeability soil, such as the onsite clayey silt. If the backfill is covered by

interior or exterior concrete slabs, the gravel fill should extend to the bottom of slab cushion elevation.

Foundation Settlement

Structural loads were not available at the time of this report. However, neither excessive total nor differential settlement is anticipated for foundations bearing on 12 inches of imported granular structural fill overlying the clayey silt. When available, final loads should be submitted to our office for review.

Slabs-on-Grade

To provide uniform support, all building slabs-on-grade should be underlain by a minimum 12 inches of imported granular fill. The upper 4 inches of granular fill should consist of a cushion of clean gravel, such as #3 Fine (ASTM C 33, No.67). The remainder of the granular fill section should consist of imported granular structural fill. All building slabs should also be protected by a vapor barrier.

Prior to placement of granular fill, the exposed subgrade should be scarified to a minimum depth of 6 inches, moisture conditioned to about 2 percent above optimum moisture content, and compacted to a minimum 95 percent compaction as determined by ASTM D 1557. The granular structural fill should be compacted in lifts to a minimum 95 percent compaction as determined by ASTM D 1557. The gravel cushion should be compacted to a level surface using a vibratory compactor.

In terms of serving as a slab cushion, basaltic termite barrier (BTB) may be used in place of the 4 inches of clean gravel. The recommended minimum thickness of BTB material should be compacted as indicated by the manufacturer specifications.

Slabs-on-grade, particularly those which will receive floor covering, should include control joints saw-cut into the concrete slab. The purpose of this is to help reduce the potential for reflective cracking of the floor covering due to shrinkage cracks in the concrete slab. Proper curing of the concrete slabs will help reduce shrinkage cracking.

Concrete walkways should be underlain by a minimum 12 inches of imported granular structural fill with the upper 6 inches consisting of aggregate base course in lieu of the gravel cushion. The base course should be compacted to a minimum 95 percent compaction as determined by ASTM D 1557.

Pavement Design

We assume that the pavement areas will generally be limited to passenger vehicles and light trucks. Based on the results of our laboratory testing, flexible pavement may be designed on the following sections.

Flexible Pavement

2.0"	Asphalt Concrete
6.0"	Base Course (CBR = 85 minimum)
<hr/>	
8.0"	Total Thickness

The exposed subgrade should be sacrificed to a minimum depth of 6 inches, moisture conditioned to about 2 percent above optimum moisture content, and compacted to a minimum 95 percent compaction as determined by ASTM D 1557. The base course should also be compacted to a minimum 95 percent compaction as determined as ASTM D 1557.

Site Grading

Site Preparation - The project site should be cleared of all vegetation, including large roots, concrete footings, demolition debris, and other deleterious material. In areas requiring fill placement, the exposed subgrade should be scarified to a minimum depth of 6 inches, moisture conditioned to about 2 percent above the

optimum moisture content and compacted to a minimum 95 percent compaction as determined by ASTM D 1557. If cobbles or boulders are exposed at the bottom of overexcavations, they should be removed and replaced with compacted granular structural fill.

Structural Excavations - Based on our exploratory borings, we believe that excavations into the surface and near surface soils can generally be accomplished using conventional excavating equipment. Temporary cuts into the clayey silt should be stable at slope gradients of 1H:1V or flatter. Excavations into the basalt and sections where cobbles and boulders are encountered may require hydraulic hoe ramming equipment. It should be the Contractor's responsibility to conform to all OSHA safety standards for excavations.

Onsite Fill Material – The onsite clayey silt will be acceptable for reuse in compacted fills and backfills, except in the granular structural fill section recommended below foundations and slabs-on-grade. Rock fragments larger than 3 inches in maximum dimension should be removed prior to reuse. Excavated cobbles and boulders may be reused in structural fills and backfills provided the material is crushed to a well-graded consistency with a maximum particle size of 3 inches.

Imported Fill Material - Imported structural fill should be well-graded, non-expansive granular material. Specifications for imported granular structural fill should indicate a maximum particle size of 3 inches, and state that between 8 and 20 percent of soil by weight shall pass the #200 sieve. In addition, the plasticity index (P.I.) of that portion of the soil passing the #40 sieve shall not be greater than 10. Imported structural fill should have a CBR expansion value no greater than 1.0 percent and a minimum CBR value of 15 percent, when tested in accordance with ASTM D 1883.

Compaction – Cohesive soils, such as the onsite clayey silt, should be placed in horizontal lifts restricted to eight inches in loose thickness and compacted to a minimum 95 percent compaction as determined by ASTM D 1557. Granular fill, such as imported granular structural fill, should be placed in horizontal lifts restricted to eight inches in loose thickness and compacted to a minimum 95 percent compaction as determined by ASTM D 1557. Fill placed in areas which slope steeper than 5H:1V should be continually benched as the fill is brought up in lifts.

ADDITIONAL SERVICES

We recommend that we perform a general review of the final design plans and specifications. This will allow us to verify that the foundation design and earthwork recommendations have been properly interpreted and implemented in the design plans and construction specifications.

For continuity, we recommend that we be retained during construction to (1) observe structural excavations prior to placement of granular structural fill, reinforcing steel, and concrete, (2) review and/or perform laboratory testing on import borrow to determine its acceptability for use in compacted fills, (3) observe structural fill placement and perform compaction testing, and (4) provide geotechnical consultation as required.

Our services during construction will allow us to verify that our recommendations are properly interpreted and included in construction, and if necessary, to make modifications to those recommendations, thereby reducing construction delays in the event subsurface conditions differ from those anticipated.

LIMITATIONS

The boring logs indicate the approximate subsurface soil conditions encountered only at those times and locations where our borings were made and may not

Hirata & Associates, Inc.

represent conditions at other times and locations. This report was prepared specifically for Design Partners, Inc. and their sub-consultants for the design of the proposed gymnasium at Waimea High School in Waimea, Kauai, Hawaii. The boring logs, laboratory test results, and recommendations presented in this report are for design purposes only, and are not intended for use in developing cost estimates by the contractor.

Our recommendations and conclusions are based upon the site materials observed, the preliminary design information made available, the data obtained from our site exploration, our engineering analyses, and our experience and engineering judgment.

The conclusions and recommendations in this report are professional opinions which we have strived to develop in a manner consistent with that level of care, skill, and competence ordinarily exercised by members of the profession in good standing, currently practicing under similar conditions in the same locality. We will be responsible for those recommendations and conclusions, but will not be responsible for the interpretation by others of the information developed. No warranty is made regarding the services performed, either expressed or implied.

Respectfully submitted,

HIRATA & ASSOCIATES, INC.


Juanito Cajimat, Project Engineer


Rick Yoshida, P.E., Project Manager



This work was prepared by
me or under my supervision.
Expiration Date of License:
April 30, 2022

APPENDIX A

FIELD INVESTIGATION

DESCRIPTION OF FIELD INVESTIGATION

GENERAL

The site was explored from October 10 to 15, 2021, by performing a visual reconnaissance of the site and drilling nine test borings to depths ranging from about 14.5 to 20 feet with a Mobile L-22 truck-mounted drill rig. In addition, four percolation test holes were drilled to depths of about 5 feet.

During drilling operations, the soils were continuously logged by our field engineer and classified by visual examination in accordance with the Unified Soil Classification System. The boring logs indicate the depths at which the soils or their characteristics change, although the change could actually be gradual. If the change occurred between sample locations, the depth was interpreted based on field observations. Classifications and sampling intervals are shown on the boring logs. A Boring Log Legend is presented on Plate A3.1, while the Unified Soil Classification and Rock Weathering Classification Systems are shown on Plates A3.2 and A3.3, respectively. The soils encountered are logged on Plates A4.1 through A4.9.

Borings were located in the field by measuring/taping offsets from existing site features shown on the plans provided by your office. Surface elevations at boring locations were estimated based on the Grading Plan provided by Design Partners, Inc. on April 30, 2021. The accuracy of the boring locations shown on Plates A2.2 and A2.3, and the surface elevations shown on the boring logs are therefore approximate, in accordance with the field methods used.

SOIL SAMPLING

Representative, disturbed, and bulk soil samples, as well as core samples of rock, were recovered from the borings for selected laboratory testing and analyses. Representative samples were recovered by driving a 3-inch O.D. split tube sampler a total of 18 inches with a 140-pound hammer dropped from a height of

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30 inches. Disturbed samples were obtained by driving a 2-inch O.D. standard split spoon sampler a total of 18 inches with a 140-pound hammer dropped from a height of 30 inches. The number of blows required to drive the samplers the final 12 inches are recorded at the appropriate depths on the boring logs, unless noted otherwise. Bulk soil samples were recovered from percolation tests holes P3 and P4 at depths of about 1 foot.

ROCK SAMPLING

Core samples of rock were obtained with an NX core barrel having an inside diameter of 2.5 inches. Recovery percentages for each core run are shown on the enclosed Boring Logs. Photos of selected rock core samples are presented on Plates A6.1 and A6.2.

The rock quality designation (RQD) for the core runs are also shown on the boring logs. This is a modified core recovery percentage which takes into account the number of fractures observed in the core samples. Only pieces of core 4 inches in length or longer, as measured along the centerline, were included in the determination of this modified core recovery percentage. Fractures caused by drilling or handling were ignored.

The following is a general correlation between RQD percentages and rock quality.

<u>RQD (%)</u>	<u>Description of Rock Quality</u>
0 - 25	Very Poor
25 - 50	Poor
50 - 75	Fair
75 - 90	Good
90 - 100	Excellent

Reference: Tunnel Engineering Handbook, Second Edition,
edited by J.O. Bickel, T.R. Kuesel, and E.H. King, 1996

January 20, 2022

W.O. 21-6528.1

Plate A1.3

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PERCOLATION TESTING

Four percolation test holes were drilled to depths of about 5 feet. The approximate percolation test locations are shown on Plates A2.2 and A2.3. Falling head percolation tests were performed in the test holes in general accordance with Department of Health guidelines. Test results are presented on the Department of Health Site Evaluation/Percolation Test forms, Plates A5.1 through A5.4. The following table presents the results of our falling head percolation tests and the estimated infiltration rates. The infiltration rates were estimated using the Porchet Method.

Test Hole	Percolation Rate (min./in.)	Infiltration Rate (in./hr.)
P1	6.0	0.5
P2	16.6	0.3
P3	26.7	0.2
P4	53.3	0.1



PROJECT SITES

Reference: Topographic Quadrangle Map prepared by the United States
Department of the Interior Geologic Survey
Waimea Canyon, Kekaha OE S, Kekaha, and Hanapepe Quadrangle
Hawaii-Kauai Co., Hawaii. 2017



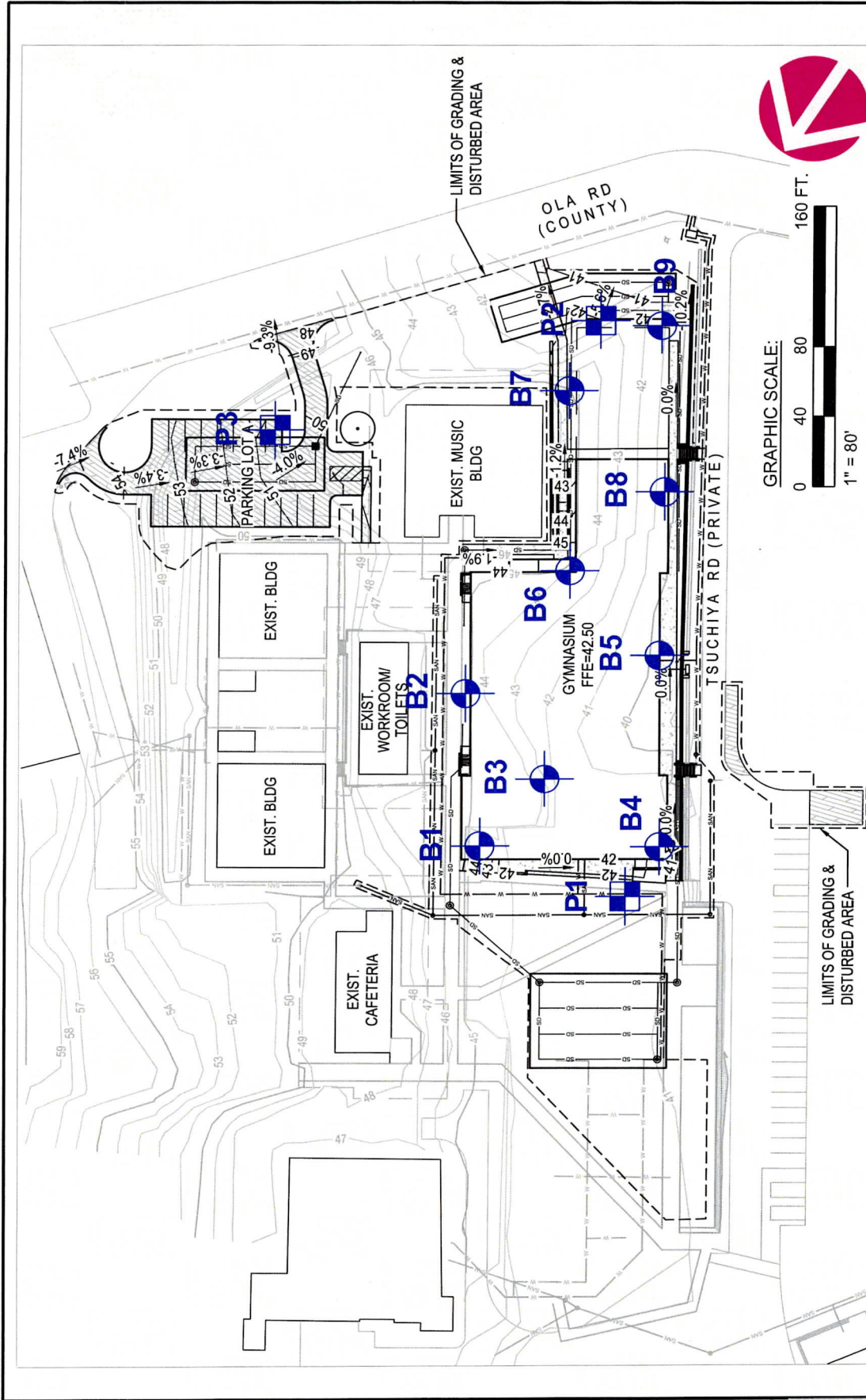
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Waimea High School - New Gymnasium

LOCATION MAP

Plate
A2.1



LEGEND:



Approximate location of borings



Approximate location of percolation tests



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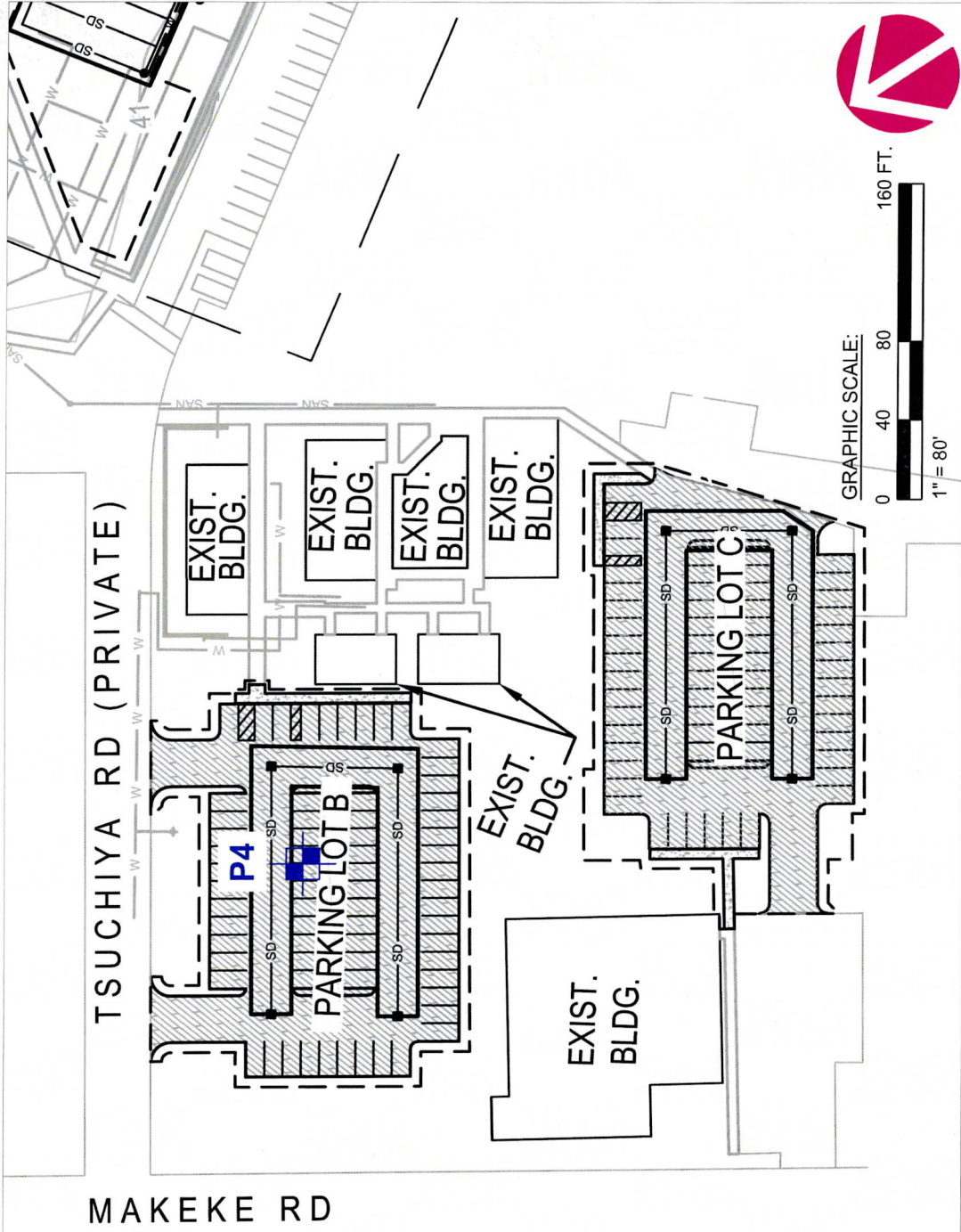
W.O. 21-6528.1

BORING LOCATION PLAN

Plate
A2.2

Reference: Grading Plan provided by Design Partners, Inc. on April 30, 2021.

Waimea High School - New Gymnasium



Reference: Grading Plan provided by Design Partners, Inc. on April 30, 2021.

Waimea High School - New Gymnasium



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















BORING LOCATION PLAN

Plate
A2.3


LEGEND:




Approximate location of percolation tests

MAJOR DIVISIONS			GROUP DIVISIONS	TYPICAL NAMES
COARSE GRAINED SOILS (More than 50% of the material is LARGER than No. 200 sieve size.)	GRAVELS (More than 50% of coarse fraction is LARGER than the No. 4 sieve size.)	CLEAN GRAVELS (Little or no fines.)	 GW	Well graded gravels, gravel-sand mixtures, little or no fines.
			 GP	Poorly graded gravels or gravel-sand mixtures, little or no fines.
		GRAVELS WITH FINES (Appreciable amt. of fines.)	 GM	Silty gravels, gravel-sand-silt mixtures.
			 GC	Clayey gravels, gravel-sand-clay mixtures.
	SANDS (More than 50% of coarse fraction is SMALLER than the No. 4 sieve size.)	CLEAN SANDS (Little or no fines.)	 SW	Well graded sands, gravelly sands, little or no fines.
			 SP	Poorly graded sands or gravelly sands, little or no fines.
		SANDS WITH FINES (Appreciable amt. of fines.)	 SM	Silty sands, sand-silt mixtures.
			 SC	Clayey sands, sand-clay mixtures.
FINE GRAINED SOILS (More than 50% of the material is SMALLER than No. 200 sieve size.)	SILTS AND CLAYS (Liquid limit LESS than 50.)	 ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity.	
		 CL	Inorganic clays of high plasticity, lean clays.	
		 OL	Organic silts and organic silty clays of low plasticity.	
	SILTS AND CLAYS (Liquid limit GREATER than 50.)	 MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts.	
		 CH	Inorganic clays of high plasticity, fat clays.	
		 OH	Organic clays of medium to high plasticity, organic silts.	
		HIGHLY ORGANIC SOILS		 PT
FORMATIONS			FRESH TO MODERATELY WEATHERED BASALT	
			VOLCANIC TUFF / HIGHLY TO COMPLETELY WEATHERED BASALT	
			CORAL	


SAMPLE DEFINITION

 2" O.D. Standard Split Spoon Sampler

 Shelby Tube

RQD: Rock Quality Designation

 3" O.D. Split Tube Sampler

 Core Sample

 Water Table



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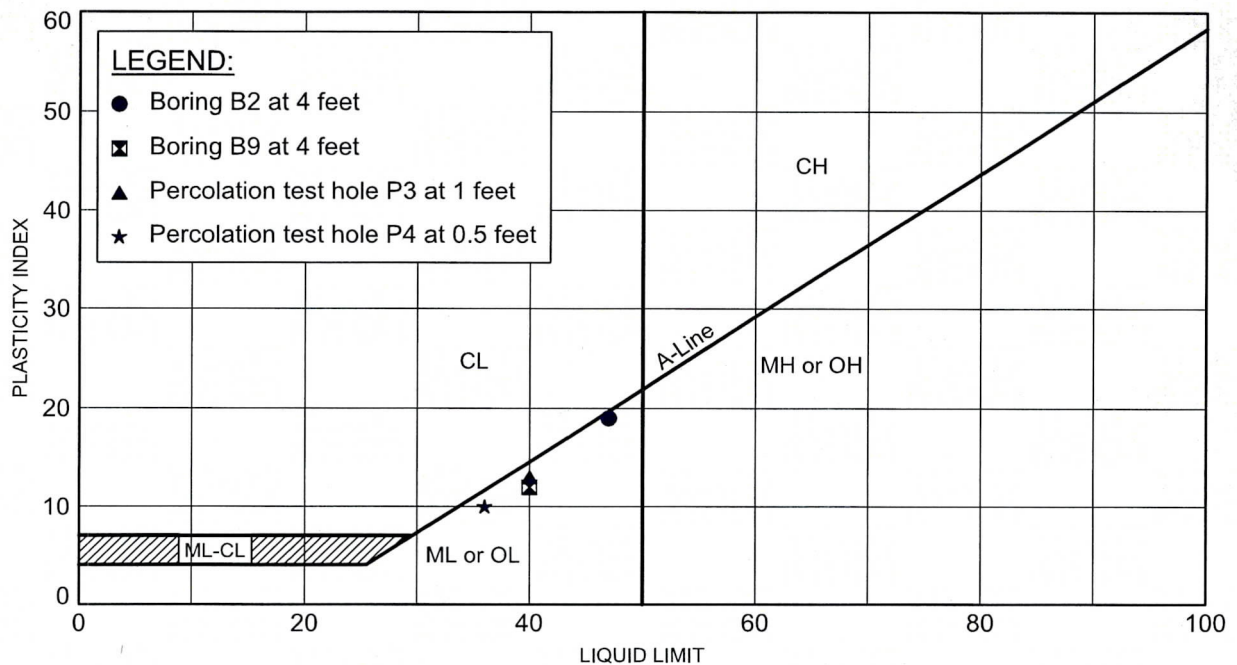
W.O. 21-6528.1

Waimea High School - New Gymnasium

BORING LOG LEGEND

Plate
A3.1

PLASTICITY CHART



GRADATION CHART

COMPONENT DEFINITIONS BY GRADATION	
COMPONENT	SIZE RANGE
Boulders	Above 12 in.
Cobbles	3 in. to 12 in.
Gravel	3 in. to No. 4 (4.76 mm)
Coarse	3 in. to 3/4 in.
Fine Gravel	3/4 in. to No. 4 (4.76 mm)
Sand	No. 4 (4.76 mm) to No. 200 (0.074mm)
Coarse Sand	No. 4 (4.76 mm) to No. 10 (2.0 mm)
Medium Sand	No. 10 (2.0 mm) to No. 40 (0.42 mm)
Fine Sand	No. 40 (0.42 mm) to No. 200 (0.074 mm)
Silt and Clay	Smaller than No. 200 (0.074 mm)



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Waimea High School - New Gymnasium

**UNIFIED SOIL CLASSIFICATION
SYSTEM**

Plate
A3.2

<u>Grade</u>	<u>Symbol</u>	<u>Description</u>
Fresh	F	No visible signs of decomposition or discoloration. Rings under hammer impact.
Slightly Weathered	WS	Slight discoloration inwards from open fractures, otherwise similar to F.
Moderately Weathered	WM	Discoloration throughout. Weaker minerals such as feldspar decomposed. Strength somewhat less than fresh rock but cores cannot be broken by hand or scraped by knife. Texture preserved.
Highly Weathered	WH	Most minerals somewhat decomposed. Specimens can be broken by hand with effort or shaved with knife. Core stones present in rock mass. Texture becoming indistinct but fabric preserved.
Completely Weathered	WC	Minerals decomposed to soil but fabric and structure preserved (Saprolite). Specimens easily crumbled or penetrated.
Residual Soil	RS	Advance state of decomposition resulting in plastic soils. Rock fabric and structure completely destroyed. Large volume change.

Reference: Soil Mechanics, NAVFAC DM-7.1, Department of the Navy, Naval Facilities Engineering Command, September, 1986.



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W.O. 21-6528.1

Waimea High School - New Gymnasium

ROCK WEATHERING CLASSIFICATION SYSTEM

Plate
A3.3



Hirata & Associates, Inc.
GEOTECHNICAL ENGINEERING

Boring No.
B1

BORING LOG

PROJECT NAME Waimea High School - New Gymnasium

WORK ORDER NO. 21-6528.1

DRIVING WT. 140 lb.

START DATE 10/14/21

SURFACE ELEV. 43.1 ±

DROP 30 in.

END DATE 10/14/21

REMARKS/ SAMPLE NO.	CORE RECOVERY (%)	RQD (%)	BLOWS PER FOOT	DRY DENSITY (pcf)	MOISTURE CONTENT (%)	DEPTH (ft)	GRAPHIC LOG	SAMPLE	MATERIAL DESCRIPTION
			16/12"	70	5				Silty SAND (SM) - Tan, slightly moist, loose.
			10/No Penetration	91	24				Clayey SILT (ML) - Reddish brown, moist, stiff. Boulder from 2 to 3.5 feet. Gray silty clay seam from 3.5 to 4.5 feet.
	73	61				5			MODERATELY WEATHERED BASALT (WM) - Gray, hard, vesicular, slightly fractured.
	68	68				10			
	82	69				15			
						20			
						25			
						30			
						35			

End boring at 15.0 feet.

Neither groundwater nor seepage water encountered.

*Elevations based on Grading Plans provided by
Design Partners, Inc. on April 30, 2021.



Hirata & Associates, Inc.
GEOTECHNICAL ENGINEERING

Boring No.
B2

BORING LOG

PROJECT NAME Waimea High School - New Gymnasium

WORK ORDER NO. 21-6528.1

DRIVING WT. 140 lb.

START DATE 10/13/21

SURFACE ELEV. 45.9 ±

DROP 30 in.

END DATE 10/13/21

REMARKS/ SAMPLE NO.	CORE RECOVERY (%)	RQD (%)	BLOWS PER FOOT	DRY DENSITY (pcf)	MOISTURE CONTENT (%)	DEPTH (ft)	GRAPHIC LOG	SAMPLE	MATERIAL DESCRIPTION
Direct Shear Test			27/7" 10/No Penetration	89	12				Clayey SILT (ML) - Reddish brown, moist, stiff. Cobble at 0.5 feet. Boulder from 3 to 4 feet.
Consolidation Test			22		21	5			
			80/9" 10/No Penetration		22	10			COMPLETELY WEATHERED BASALT (WC) - Tannish gray, moist, medium hard.
	83	39				15			MODERATELY WEATHERED BASALT (WM) - Gray, hard, vesicular, slightly fractured. Highly fractured from 9.5 to 10.5 feet.
	77	50				20			End boring at 19.5 feet.
						25			Neither groundwater nor seepage water encountered.
						30			
						35			

Plate A4.2



BORING LOG

PROJECT NAME Waimea High School - New Gymnasium

WORK ORDER NO. 21-6528.1

DRIVING WT. 140 lb.

START DATE 10/12/21

SURFACE ELEV. 43.0 ±

DROP 30 in.

END DATE 10/12/21

REMARKS/ SAMPLE NO.	CORE RECOVERY (%)	RQD (%)	BLOWS PER FOOT	DRY DENSITY (pcf)	MOISTURE CONTENT (%)	DEPTH (ft)	GRAPHIC LOG	SAMPLE	MATERIAL DESCRIPTION
Sieve Analysis Test			7	69	16				Silty SAND (SM) - Brown, slightly moist, loose, with gravel.
			5	77	14	5			Clayey SILT (ML) - Reddish brown, moist, firm.
			8	83	18				Cobble at 4.5 feet.
			57/12" 10/No Penetration	86	27	10			HIGHLY WEATHERED BASALT (WH) - Brown, moist, medium hard.
	92	87				15			MODERATELY WEATHERED BASALT (WM) - Gray to brownish gray, hard, vesicular, slightly fractured.
	91	74				20			End boring at 20.0 feet.
						25			Neither groundwater nor seepage water encountered.
						30			
						35			



Hirata & Associates, Inc.
GEOTECHNICAL ENGINEERING

Boring No.
B4

BORING LOG

PROJECT NAME Waimea High School - New Gymnasium

WORK ORDER NO. 21-6528.1 DRIVING WT. 140 lb. START DATE 10/15/21

SURFACE ELEV. 41.1 ± DROP 30 in. END DATE 10/15/21

REMARKS/ SAMPLE NO.	CORE RECOVERY (%)	RQD (%)	BLOWS PER FOOT	DRY DENSITY (pcf)	MOISTURE CONTENT (%)	DEPTH (ft)	GRAPHIC LOG	SAMPLE	MATERIAL DESCRIPTION
			5/6"	97	26				Silty SAND (SM) - Dark brown, slightly moist, medium dense.
			8/6"	75	33				Clayey SILT (ML) - Reddish brown, moist, medium stiff.
Consolidation Test			18	90	33	5			
	99	89				10			SLIGHTLY WEATHERED BASALT (WS) - Gray, hard, vesicular, slightly fractured.
	95	72				15			Moderately weathered from 14.5 feet.
						20			End boring at 16.0 feet.
						25			Neither groundwater nor seepage water encountered.
						30			
						35			



BORING LOG

PROJECT NAME Waimea High School - New Gymnasium

WORK ORDER NO. 21-6528.1 DRIVING WT. 140 lb. START DATE 10/13/21

SURFACE ELEV. 39.7 ± DROP 30 in. END DATE 10/14/21

REMARKS/ SAMPLE NO.	CORE RECOVERY (%)	RQD (%)	BLOWS PER FOOT	DRY DENSITY (pcf)	MOISTURE CONTENT (%)	DEPTH (ft)	GRAPHIC LOG	SAMPLE	MATERIAL DESCRIPTION
Consolidation Test			15	96	28				Clayey SILT (ML) - Reddish brown, moist, medium stiff.
			56/8" 10/No Penetration	86	19	5			Boulder from 5.5 to 7.5 feet. Gray silty clay seam from 7.5 to 9 feet.
						10			HIGHLY WEATHERED BASALT (WH) - Gray, medium hard, highly fractured.
	85	50				15			MODERATELY WEATHERED BASALT (WM) - Gray, hard, vesicular, moderately fractured.
	100	85				20			End boring at 20.0 feet.
						25			Neither groundwater nor seepage water encountered.
						30			
						35			



Hirata & Associates, Inc.
GEOTECHNICAL ENGINEERING

Boring No.
B6

BORING LOG

PROJECT NAME Waimea High School - New Gymnasium

WORK ORDER NO. 21-6528.1 DRIVING WT. 140 lb. START DATE 10/13/21

SURFACE ELEV. 43.9 ± DROP 30 in. END DATE 10/13/21

REMARKS/ SAMPLE NO.	CORE RECOVERY (%)	RQD (%)	BLOWS PER FOOT	DRY DENSITY (pcf)	MOISTURE CONTENT (%)	DEPTH (ft)	GRAPHIC LOG	SAMPLE	MATERIAL DESCRIPTION
Direct Shear Test			34	83	20				Clayey SILT (ML) - Brown to reddish brown, moist, stiff.
			65	92	23				
			54	98	19	5			Gray silty clay seam from 5.5 to 6.5 feet.
			30/5"	76	20				COMPLETELY WEATHERED BASALT (WC) - Gray, slightly moist, medium hard.
	86	73	10/No Penetration			10			MODERATELY WEATHERED BASALT (WM) - Gray, hard, vesicular, slightly fractured.
	85	82				15			
						20			End boring at 19.5 feet.
						25			Neither groundwater nor seepage water encountered.
						30			
						35			



Hirata & Associates, Inc.
GEOTECHNICAL ENGINEERING

Boring No.
B7

BORING LOG

PROJECT NAME Waimea High School - New Gymnasium

WORK ORDER NO. 21-6528.1 DRIVING WT. 140 lb. START DATE 10/14/21

SURFACE ELEV. 45.1 ± DROP 30 in. END DATE 10/14/21

REMARKS/ SAMPLE NO.	CORE RECOVERY (%)	RQD (%)	BLOWS PER FOOT	DRY DENSITY (pcf)	MOISTURE CONTENT (%)	DEPTH (ft)	GRAPHIC LOG	SAMPLE	MATERIAL DESCRIPTION
Sieve Analysis Test			7	96	6				Silty SAND (SM) - Dark brown to light brown, slightly moist, loose.
			17/6" 26/6"	105 98	6 14	5			Clayey SILT (ML) - Reddish brown, moist, stiff.
			67	87	33	10			Brown in color at 8 feet.
									Boulder from 11.5 to 12.5 feet.
			79	88	26				HIGHLY WEATHERED BASALT (WH) - Gray, slightly moist, medium hard.
						15			End boring at 14.5 feet.
						20			Neither groundwater nor seepage water encountered.
						25			
						30			
						35			

Plate A4.7



Hirata & Associates, Inc.
GEOTECHNICAL ENGINEERING

Boring No.
B8

BORING LOG

PROJECT NAME Waimea High School - New Gymnasium

WORK ORDER NO. 21-6528.1 DRIVING WT. 140 lb. START DATE 10/14/21

SURFACE ELEV. 40.4 ± DROP 30 in. END DATE 10/14/21

REMARKS/ SAMPLE NO.	CORE RECOVERY (%)	RQD (%)	BLOWS PER FOOT	DRY DENSITY (pcf)	MOISTURE CONTENT (%)	DEPTH (ft)	GRAPHIC LOG	SAMPLE	MATERIAL DESCRIPTION
			53	78	21				Clayey SILT (ML) - Reddish brown, moist, stiff. Gray silty clay seam from 1.5 to 2.5 feet.
			95/11" 10/No Penetration	93	20	5			MODERATELY WEATHERED BASALT (WM) - Gray, hard, vesicular, highly fractured.
	48	13				10			Moderately fractured from 9.5 feet.
	100	75	34/7" 10/No Penetration		55				Gray silty clay seam from 11 to 13 feet.
	94	35				15			End boring at 15.0 feet.
						20			Neither groundwater nor seepage water encountered.
						25			
						30			
						35			

Plate A4.8



Hirata & Associates, Inc.
GEOTECHNICAL ENGINEERING

Boring No.
B9

BORING LOG

PROJECT NAME Waimea High School - New Gymnasium

WORK ORDER NO. 21-6528.1 DRIVING WT. 140 lb. START DATE 10/14/21

SURFACE ELEV. 41.1 ± DROP 30 in. END DATE 10/14/21

REMARKS/ SAMPLE NO.	CORE RECOVERY (%)	RQD (%)	BLOWS PER FOOT	DRY DENSITY (pcf)	MOISTURE CONTENT (%)	DEPTH (ft)	GRAPHIC LOG	SAMPLE	MATERIAL DESCRIPTION
Direct Shear Test			12	113	4				Silty SAND (SM) - Dark brown, dry, medium dense. Cobble at 0.5 feet.
Consolidation Test			14/6" 83/12"	99 84	6 19	5			Clayey SILT (ML) - Reddish brown, moist, stiff.
			54/9" 10/No Penetration	92	23	10			Very stiff at 8.5 feet. Boulder from 10 to 11 feet.
						15			MODERATELY WEATEHRED BASALT (WM) - Gray, hard, vesicular, slightly fractured.
						15.0			End boring at 15.0 feet.
						20			Neither groundwater nor seepage water encountered.
						25			
						30			
						35			

Plate A4.9

SITE EVALUATION/PERCOLATION TEST

Date/Time: October 12, 2021 | 11:20 A.M.
Test performed by: Hirata & Associates, Inc.
Project Name: Waimea High School - New Gymnasium
Tax Map Key: (4) 1-6-010: 004
Test Number: P1

Elevation: ±41.3 ft.
Depth to Groundwater Table: >16 ft. below grade (Based on boring B4)
Depth to Bedrock (if observed): ±7 ft. below grade (Based on boring B4)
Diameter of Hole: 4 in.
Depth to Hole Bottom: 5 ft. below grade

Depth (inches)	Soil Profile (Color, texture, other)
0 – 12	Dark brown to light brown clayey silt
12 – 60	Reddish brown clayey silt

PERCOLATION READINGS

Time 12 inches of water to seep away: >30 min.
Time 12 inches of water to seep away: >30 min.

☐ For percolation tests in sandy soils, record time intervals and water drops every 10 minutes for at least 1 hour.

☒ For percolation tests in non-sandy soils, presoak the test hole for at least 4 hours. Record time intervals and water drops at least every 10 minutes for 1 hour; or if the time for the first 6 inches to seep away is greater than 30 minutes, record time intervals and water drops at least every 30 minutes for 4 hours or until 2 successive drops do not vary by more than 1/16 inch.

Time interval	Drop in inches	Time interval	Drop in inches
* 30	5-9/16	* 30	4-1/8
* 30	3-15/16	* 30	5-5/16
* 30	5-7/16	* 30	6-3/4
* 30	5-5/8	* 30	5

Percolation Rate (time/final water level drop): 6 min/in

* Added water to test hole.

As the engineer responsible for gathering and providing site information and percolation test results, I attest to the fact that above site information is accurate and that the site evaluation was conducted in accordance with the provisions of Chapter 11-62, "Wastewater Systems" and the results were acceptable.



Rick I.K. Yoshida
Engineer's Signature Stamp

SITE EVALUATION/PERCOLATION TEST

Date/Time: October 12, 2021 | 11:45 A.M.
 Test performed by: Hirata & Associates, Inc.
 Project Name: Waimea High School - New Gymnasium
 Tax Map Key: (4) 1-6-010: 004
 Test Number: P2

Elevation: ±41.5 ft.
 Depth to Groundwater Table: >15 ft. below grade (Based on boring B9)
 Depth to Bedrock (if observed): ±13 ft. below grade (Based on boring B9)
 Diameter of Hole: 4 in.
 Depth to Hole Bottom: 5 ft. below grade

Depth (inches)	Soil Profile (Color, texture, other)
0 – 24	Brown silty sand
24 – 60	Reddish brown clayey silt

PERCOLATION READINGS

Time 12 inches of water to seep away: >30 min.
 Time 12 inches of water to seep away: >30 min.

☐ For percolation tests in sandy soils, record time intervals and water drops every 10 minutes for at least 1 hour.

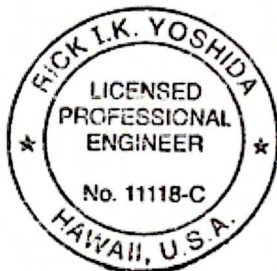
☒ For percolation tests in non-sandy soils, presoak the test hole for at least 4 hours. Record time intervals and water drops at least every 10 minutes for 1 hour; or if the time for the first 6 inches to seep away is greater than 30 minutes, record time intervals and water drops at least every 30 minutes for 4 hours or until 2 successive drops do not vary by more than 1/16 inch.

Time interval	Drop in inches	Time interval	Drop in inches
* 30	1-11/16	* 30	1-3/4
* 30	2	* 30	1-3/4
* 30	1-15/16	* 30	1-13/16
* 30	1-7/8		

Percolation Rate (time/final water level drop): 16.6 min/in

* Added water to test hole.

As the engineer responsible for gathering and providing site information and percolation test results, I attest to the fact that above site information is accurate and that the site evaluation was conducted in accordance with the provisions of Chapter 11-62, "Wastewater Systems" and the results were acceptable.



Rick I.K. Yoshida
 Engineer's Signature Stamp

SITE EVALUATION/PERCOLATION TEST

Date/Time: October 12, 2021 | 9:00 A.M.
 Test performed by: Hirata & Associates, Inc.
 Project Name: Waimea High School - New Gymnasium
 Tax Map Key: (4) 1-6-010: 004
 Test Number: P3

Elevation: ±47.9 ft.
 Depth to Groundwater Table: N/A ft. below grade
 Depth to Bedrock (if observed): N/A ft. below grade
 Diameter of Hole: 4 in.
 Depth to Hole Bottom: 5 ft. below grade

Depth (inches)	Soil Profile (Color, texture, other)
0 – 18	Brown clayey silt with gravel
18 – 60	Reddish brown clayey silt

PERCOLATION READINGS

Time 12 inches of water to seep away: >30 min.
 Time 12 inches of water to seep away: >30 min.

☐ For percolation tests in sandy soils, record time intervals and water drops every 10 minutes for at least 1 hour.

☒ For percolation tests in non-sandy soils, presoak the test hole for at least 4 hours. Record time intervals and water drops at least every 10 minutes for 1 hour; or if the time for the first 6 inches to seep away is greater than 30 minutes, record time intervals and water drops at least every 30 minutes for 4 hours or until 2 successive drops do not vary by more than 1/16 inch.

Time interval	Drop in inches	Time interval	Drop in inches
* 30	7/8	* 30	1
* 30	2	* 30	1-1/16
* 30	11/16	* 30	1-1/8
* 30	15/16	* 30	1-1/8

Percolation Rate (time/final water level drop): 26.7 min/in

* Added water to test hole.

As the engineer responsible for gathering and providing site information and percolation test results, I attest to the fact that above site information is accurate and that the site evaluation was conducted in accordance with the provisions of Chapter 11-62, "Wastewater Systems" and the results were acceptable.



Rick I.K. Yoshida
 Engineer's Signature Stamp

SITE EVALUATION/PERCOLATION TEST

Date/Time: October 12, 2021 | 9:00 A.M.
 Test performed by: Hirata & Associates, Inc.
 Project Name: Waimea High School - New Gymnasium
 Tax Map Key: (4) 1-6-009: 023
 Test Number: P4

Elevation: N/A ft.
 Depth to Groundwater Table: N/A ft. below grade
 Depth to Bedrock (if observed): N/A ft. below grade
 Diameter of Hole: 4 in.
 Depth to Hole Bottom: 5 ft. below grade

Depth (inches)	Soil Profile (Color, texture, other)
0 – 12	Brown clayey silt
12 – 60	Reddish brown clayey silt

PERCOLATION READINGS

Time 12 inches of water to seep away: >30 min.
 Time 12 inches of water to seep away: >30 min.

☐ For percolation tests in sandy soils, record time intervals and water drops every 10 minutes for at least 1 hour.

☒ For percolation tests in non-sandy soils, presoak the test hole for at least 4 hours. Record time intervals and water drops at least every 10 minutes for 1 hour; or if the time for the first 6 inches to seep away is greater than 30 minutes, record time intervals and water drops at least every 30 minutes for 4 hours or until 2 successive drops do not vary by more than 1/16 inch.

Time interval	Drop in inches	Time interval	Drop in inches
* 30	1-3/8	* 30	1-1/8
* 30	1-7/16	* 30	7/8
* 30	1-1/4	* 30	11/16
* 30	13/16	* 30	9/16

Percolation Rate (time/final water level drop): 53.3 min/in

* Added water to test hole.

As the engineer responsible for gathering and providing site information and percolation test results, I attest to the fact that above site information is accurate and that the site evaluation was conducted in accordance with the provisions of Chapter 11-62, "Wastewater Systems" and the results were acceptable.



Rick I.K. Yoshida
 Engineer's Signature/Stamp



Boring B2 from 3 to 19.5 feet



Boring B4 from 7.5 to 16 feet



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Waimea High School - New Gymnasium

SELECT CORE RECOVERY PHOTOS

Plate
A6.1



Boring B6 from 9.5 to 19.5 feet



Boring B8 from 4.5 to 15 feet



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Waimea High School - New Gymnasium

SELECT CORE RECOVERY PHOTOS

Plate
A6.2

APPENDIX B

LABORATORY TESTING

DESCRIPTION OF LABORATORY TESTING

CLASSIFICATION

Field classification was verified in the laboratory in accordance with the Unified Soil Classification System. Laboratory classification was determined by visual examination, and both Atterberg Limit tests and sieve analysis tests performed in general accordance with ASTM D 4318 and ASTM D 422, respectively. Results of the sieve analysis tests are plotted on Plate B6.1. The final classifications are shown at the appropriate locations on the Boring Logs, Plates A4.1 through A4.9.

MOISTURE-DENSITY

Representative samples were tested for field moisture content and dry unit weight, while disturbed samples were tested for moisture content. The dry unit weight was determined in pounds per cubic foot while the moisture content was determined as a percentage of dry weight. Representative samples were obtained using a 3-inch O.D. split tube sampler. Test results are shown at the appropriate depths on the Boring Logs, Plates A4.1 through A4.9.

CONSOLIDATION

Selected representative samples were tested for its consolidation characteristics. The test samples were 2.42 inches in diameter and 1 inch high. Porous stones were placed in contact with the top and bottom of the test sample to permit addition and release of pore fluid. Loads were then applied in several increments in a geometric progression, and the resulting deformations recorded at selected time intervals. Test results are plotted on the Consolidation Test reports, Plates B2.1 through B2.3.

SHEAR TESTS

Shear tests were performed in the Direct Shear Machine which is of the strain control type. Each sample was sheared under varying confining loads in order to

determine the Coulomb shear strength parameters, cohesion, and angle of internal friction. Test results are presented on Plates B3.1 and B3.2.

SWELL TEST

Swell tests were performed on representative soil samples by placing a 90 psf surcharge load on one-inch high specimens. The samples were inundated with water, and total expansion recorded after a period of at least 24 hours. Test results were recorded as a percentage of original height. Test results are summarized in the following table:

Sample	Sample Type	Recorded Expansion	Moisture Content Prior to Test
B4 @ 3'	Representative (Clayey Silt)	0.8%	33.2%
B6 @ 5.5'	Representative (Silty Clay)	5.2%	18.5%
B8 @ 3'	Representative (Clayey Silt)	0.1%	20.3%

PROCTOR TEST

Modified Proctor tests were performed in general accordance with ASTM D 1557 on bulk samples obtained from near test holes P3 and P4 at depths of about 1 foot. The test is used to determine the optimum moisture content at which the soil compacts to 100 percent dry density. Results are shown on Plates B4.1 and B4.2.

CALIFORNIA BEARING RATIO TEST

A CBR test was performed on a bulk sample obtained from near test hole P3 at a depth of about 1 foot, in general accordance with ASTM D 1883. The test is used to evaluate the relative quality of subgrade soils to be used in the design of flexible pavement. Results are shown on Plate B5.1.

January 20, 2022

W.O. 21-6528.1

Plate B1.3

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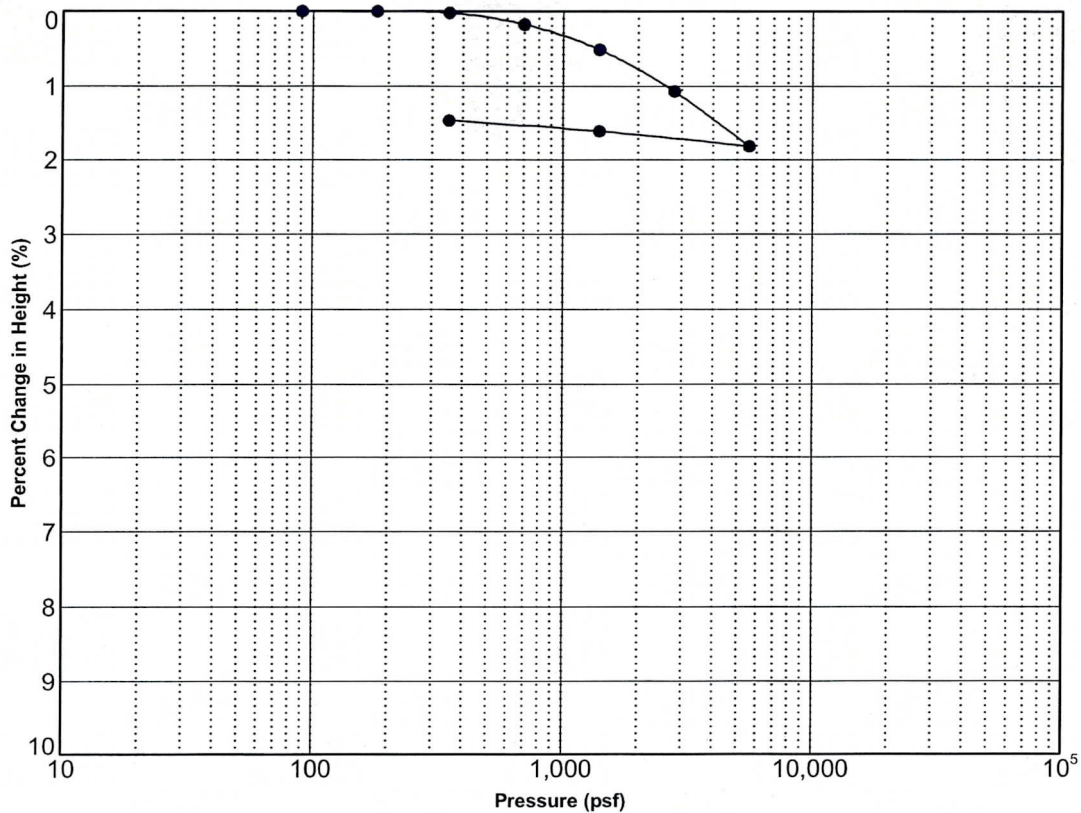
SIEVE ANALYSIS

Sieve analysis tests were performed on representative samples obtained from borings B3 and B7 at depths between 1 to 3.5 feet to determine the distribution of particle sizes in the soil. This test, conducted in general accordance with ASTM D 422, is used to classify granular soils. Test results are presented on Plate B6.1.

EXPANSION INDEX TEST

An expansion index test was performed in general accordance with ASTM D 4829. A surcharge load of 144 psf was placed on a one-inch high by four-inch diameter specimen which was molded to about 50 percent saturation. The sample was inundated with water, and total expansion recorded after volumetric equilibrium was reached. An expansion index test performed on the clayey silt obtained from boring B3 at depths between 3 and 6.5 feet resulted in an expansion index of 20, corresponding to a low expansion potential.

Consolidation Test Results



Sample Description

Boring No.: B4 Depth (ft): 4
 Soil Description: Reddish brown clayey silt

	Moisture Content (%)	Dry Density (pcf)
Initial	33.0	89.5
Final	30.9	90.5



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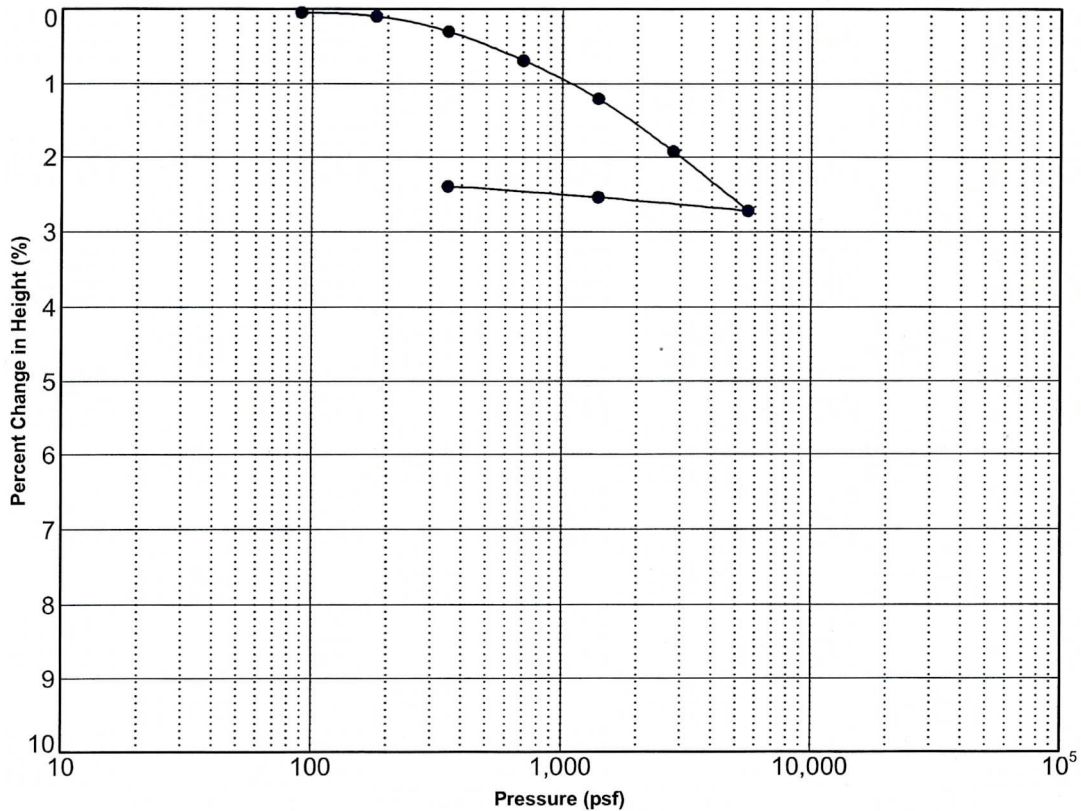
Waimea High School - New Gymnasium

CONSOLIDATION TEST

ASTM D2435 / D2435M - 11

Plate
B2.1

Consolidation Test Results



Sample Description

Boring No.: B5 Depth (ft): 2
 Soil Description: Reddish brown clayey silt

	Moisture Content (%)	Dry Density (pcf)
Initial	28.2	95.8
Final	26.3	98.2



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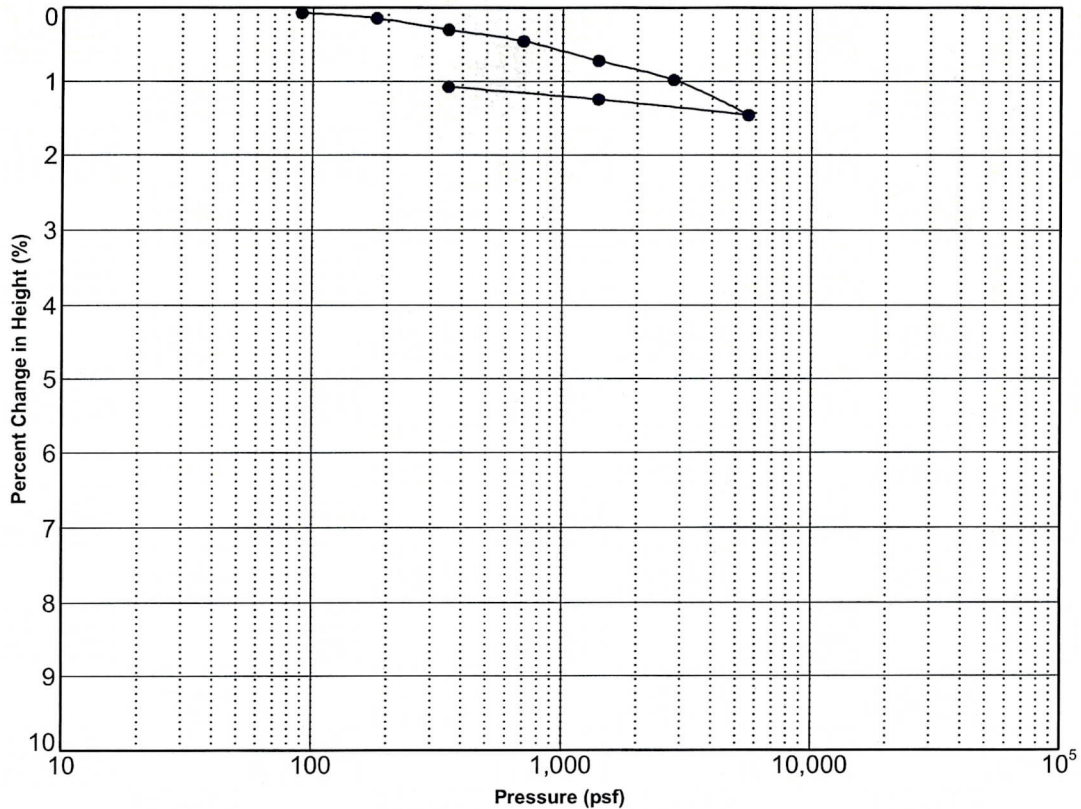
Waimea High School - New Gymnasium

CONSOLIDATION TEST

ASTM D2435 / D2435M - 11

Plate
B2.2

Consolidation Test Results



Sample Description

Boring No.: B9 Depth (ft): 4.5
 Soil Description: Reddish brown clayey silt

	Moisture Content (%)	Dry Density (pcf)
Initial	19.0	83.7
Final	17.7	84.6



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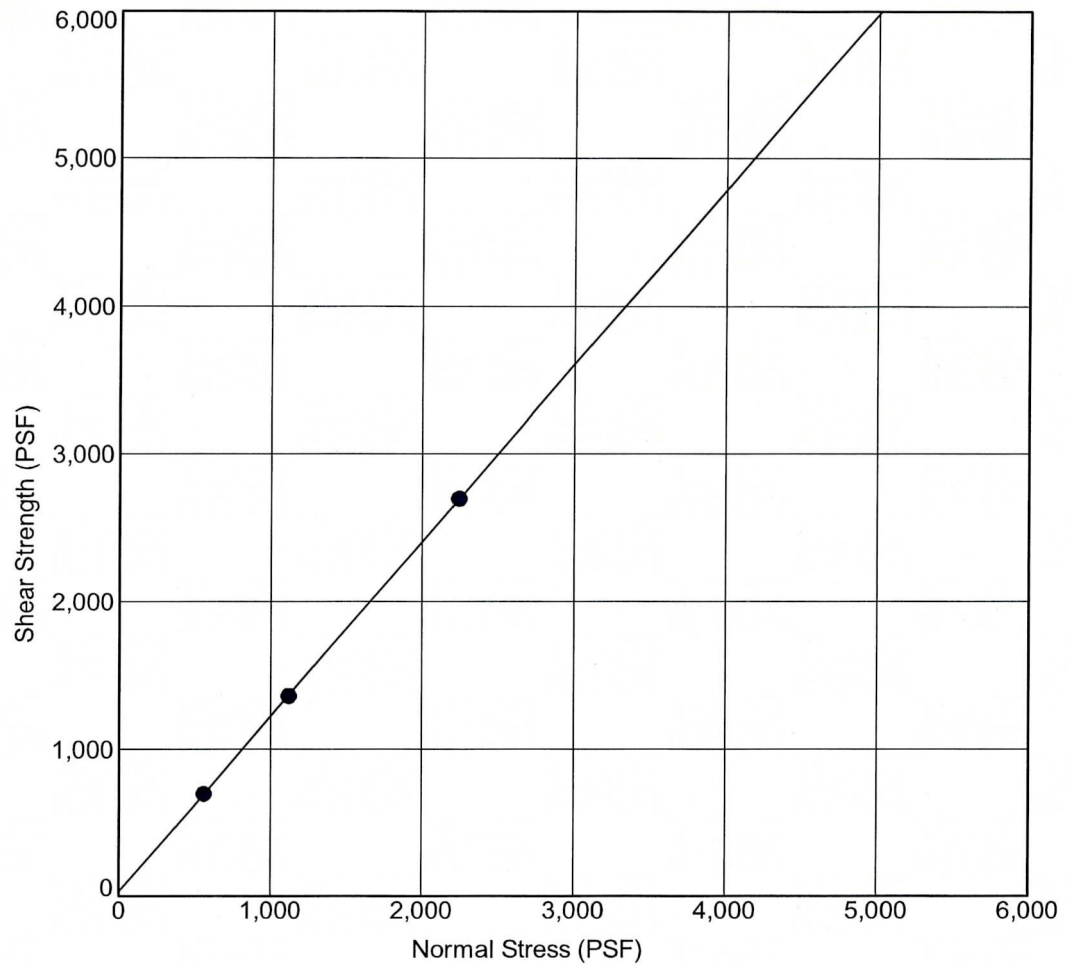
Waimea High School - New Gymnasium

CONSOLIDATION TEST

ASTM D2435 / D2435M - 11

Plate
B2.3

Direct Shear Test Results



Soil Data

Boring No.: B2

Depth (ft): 2

Soil Description:

Reddish brown clayey silt

Test Results

Strength Intercept (c): 29.2 PSF (Peak Strength)

Friction Angle (phi): 50.0 DEG (Peak Strength)



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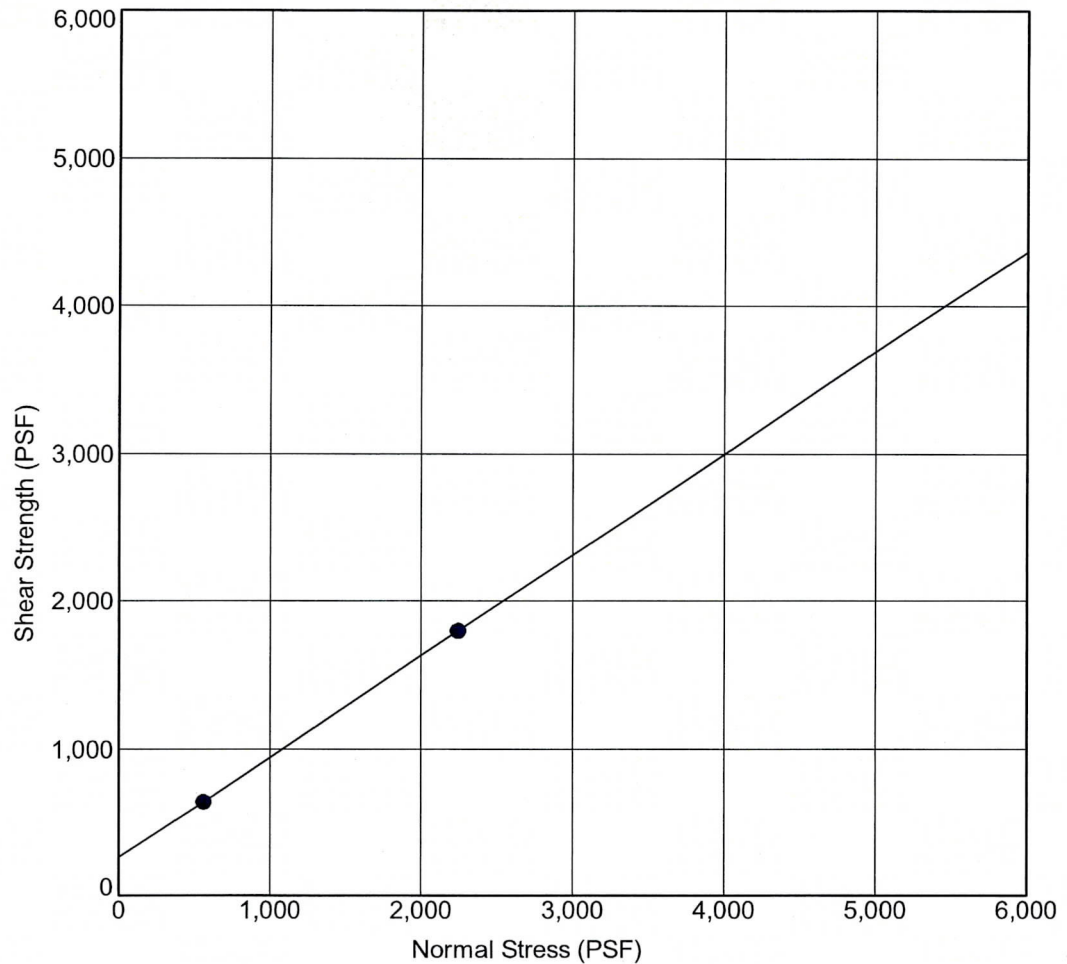
Waimea High School - New Gymnasium

DIRECT SHEAR TEST

ASTM D3080

Plate
B3.1

Direct Shear Test Results



Soil Data

Boring No.: B9 Depth (ft): 2
 Soil Description: Dark brown silty sand

Test Results

Strength Intercept (c): 259.2 PSF (Peak Strength)
 Friction Angle (phi): 34.4 DEG (Peak Strength)



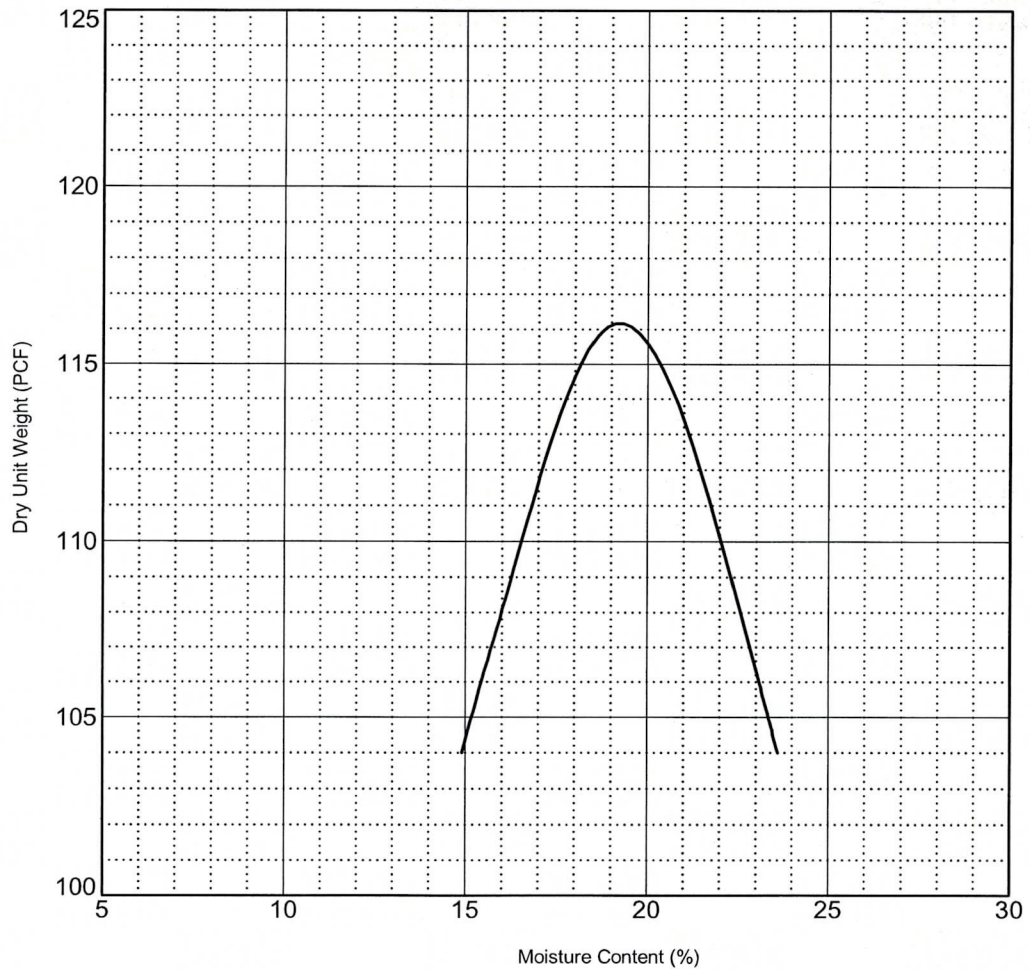
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Waimea High School - New Gymnasium

DIRECT SHEAR TEST

ASTM D3080

Plate
B3.2



Soil Data

Location: Percolation test hole P3 at 1 foot
 Description: Reddish brown clayey silt

Test Results

Maximum Dry Density: 116.2 PCF
 Optimum Moisture Content: 19.1 %



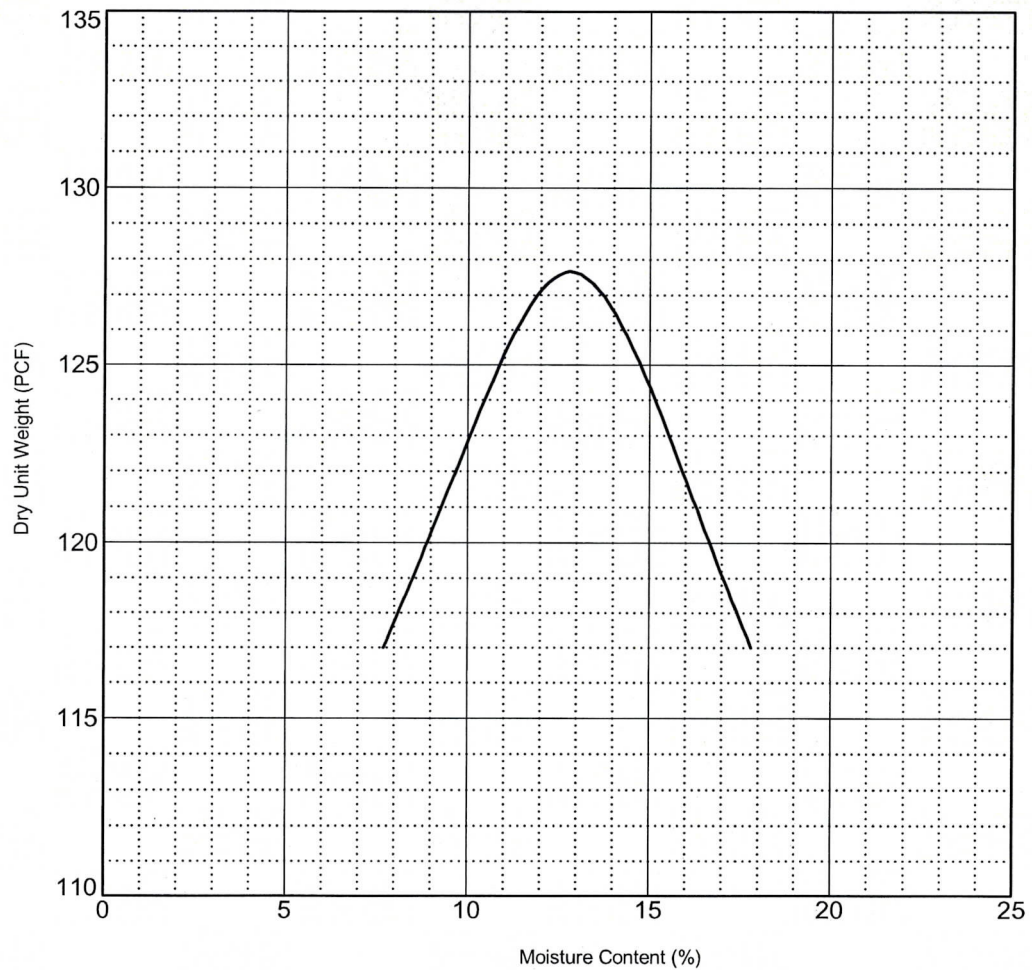
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Waimea High School - New Gymnasium

MODIFIED PROCTOR CURVE

ASTM D1557

Plate
B4.1



Soil Data

Location: Percolation test hole P4 at 1 foot

Description: Reddish brown clayey silt

Test Results

Maximum Dry Density: 127.7 PCF

Optimum Moisture Content: 12.8 %



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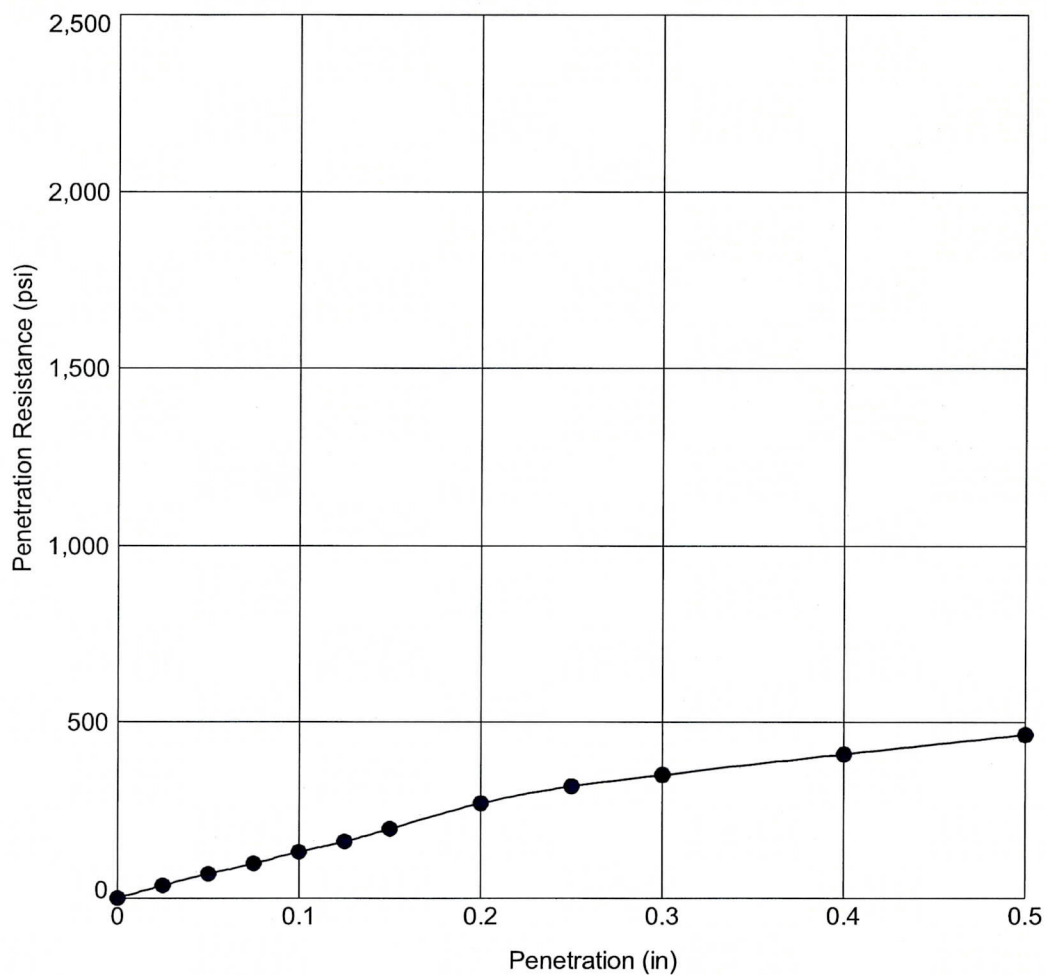
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Waimea High School - New Gymnasium

MODIFIED PROCTOR CURVE

ASTM D1557

Plate
B4.2



Soil Data

Location:	Percolation test hole P3 at 1 foot
Description:	Reddish brown clayey silt
Sample Dry Density	113.3 pcf
Sample Moisture Content	19.8 %

Test Results

CBR Value:	17.0 %
Expansion:	0.3 %



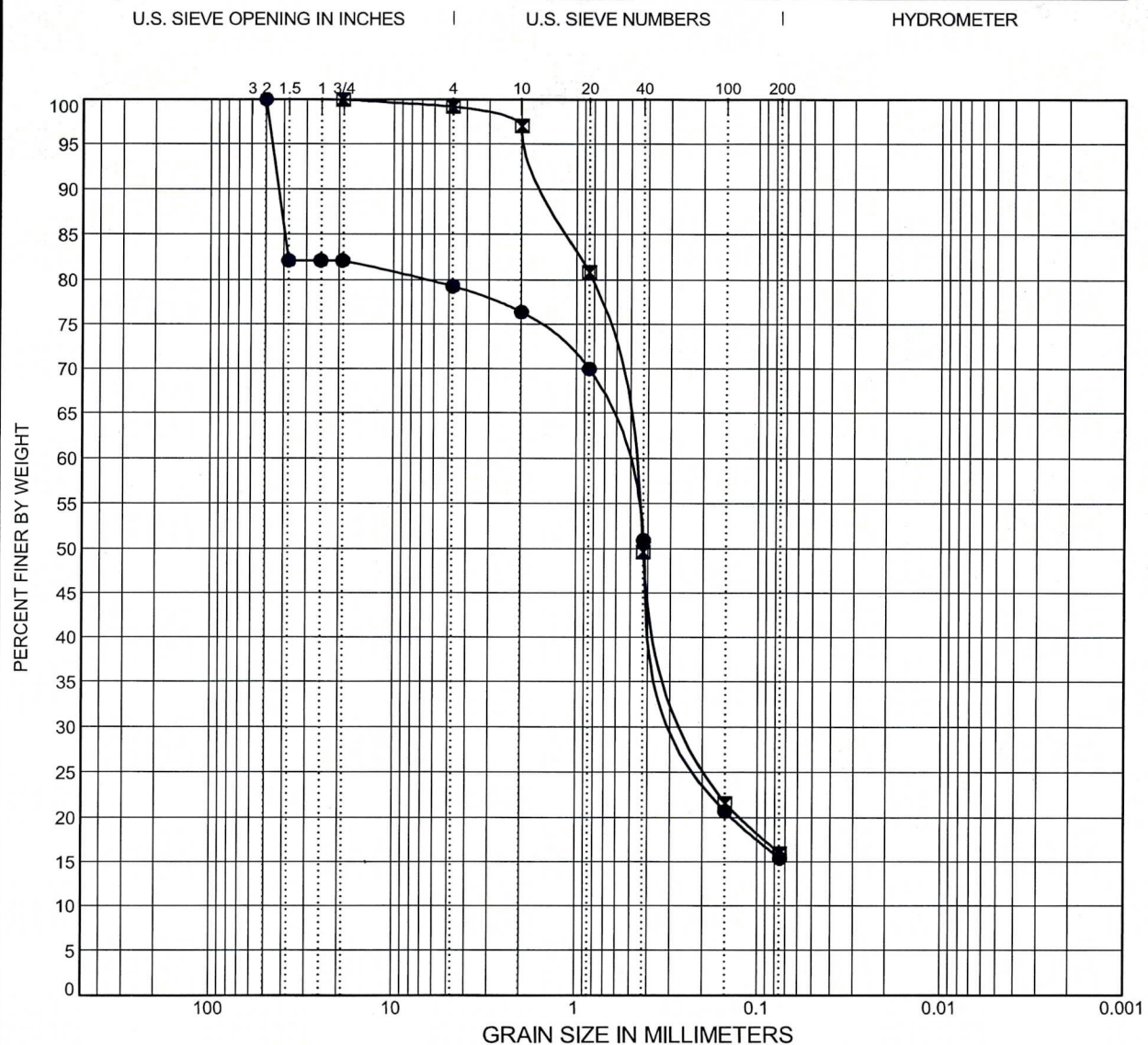
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Waimea High School - New Gymnasium

CBR STRESS PENETRATION CURVE

ASTM D1883

Plate
B5.1



Appendices

MEETING MINUTES



06 June 2022

Record of Conversation

PROJECT: PS D020-500 Professional Services – Architectural Planning & Design
Waimea High School Gymnasium Athletic Facilities
DOE Project Number: Q43201-18

SUBJECT: Schematic Design Review Meeting Minutes

LOCATION: Waimea High School Library

ATTACHMENTS: None

ATTENDEES:

Name	Organization	Phone Number	Fax Number	Email
Mahina Anguay	Waimea High School – Principal			Mahina.Anguay@k12.hi.us
Jon Kobayashi	Waimea High School – Athletic Director			Jon.Kobayashi@k12.hi.us
Lois Keamoai	Waimea High School – Assistant Athletic Director			Lois.Keamoai@k12.hi.us
Richard Bass	HIDOE FDB Project Management – Project Coordinator			rbass@bowersandkubota.com
Kendall Ellingwood	Design Partners Incorporated – Principal-in-Charge	808-949-0044		kendall@designpartnersinc.com
Kristi Sumida	Design Partners Incorporated – Project Manager	808-949-0044		kristi@designpartnersinc.com

Summary of Discussion:

The following are comments based on the Schematic Design Submittal drawings:

1. Mahina Anguay (Waimea High School Principal) noted that there may be community reaction to the removal of existing trees. Kristi Sumida (Design Partners Incorporated, Project Manager) noted that the current off-site parking lot layout looks to avoid the existing trees, including the large banyan and monkeypod trees. There will be trees that will need to be removed in support of the proposed

Gymnasium and on-site parking (east of the proposed Gymnasium) site of which the design team looks to replace and/or relocate trees.

- a. The Design Team's landscape and planner consultant to work together to address the removal and/or replacement of the existing trees and assist with responses to any community concerns.
2. Mahina Anguay also asked whether the following items will be incorporated into the new Gymnasium:
 - a. Loudspeakers for surround sound
 1. Infrastructure for the loudspeakers can be included
 - b. Ability to livestream games, events, etc.
 1. Design Team to study a location for a permanent camera, most likely centered on the south Gymnasium wall, facing the home team
 2. Infrastructure to support the camera to be provided by the construction contract, however camera equipment may need to be funded and purchased by other means (to be confirmed)
 - c. Location to plug in AV controls for sound and video playback
 - d. Design Team to coordinate with Waimea HS Tech Coordinator, John Altomare (John.Altomare@k12.hi.us)
3. Discussed adding infrastructure to support a video screen adjacent to the scoreboards (both sides of the Main Court). Video screens themselves would be purchased/funded by means outside the construction contract.
4. Confirmed current Main Court bleachers have a seating capacity of 824 seats. Home team to be located on the north side, thus proposed center court logo facing home team.
5. Training Room to be updated to include built-in casework as required by the DOE Education Specifications for High Schools
6. Current Multipurpose Room to be revised to a Weight Room and be outfitted as such with mirrors, appropriate flooring, etc.
 - a. Request to add a set of exterior double doors and revise the exterior concrete walkway to a larger concrete pad to allow for expanded outdoor use. Having this flexibility will be useful with what was learned during the coronavirus pandemic.
7. Laundry Room: Ideally, two sets of washers and dryers, would be useful, however in past DOE projects, construction contracts only allowed one washer and one dryer. Infrastructure and space for a second set can be added, however the purchase of the additional washer and dryer would be by other funds.
8. Conditioning of Existing Buildings "S", "T" and "U": Mahina Anguay asked whether the school could take possession of the air conditioning units following construction completion. Richard Bass (DOE Project Coordinator) noted that he will investigate what would be allowed.

9. Exterior Building Lighting: Confirmed there will be exterior building lights and the Design Team to add light shields.
10. Building Master Key System:
 - a. Request for a standalone master key system (separate from the remainder of the campus)
 - b. Coaches' access limited to the following:
 1. Team Storage
 2. Gymnasium Main Court
 3. Locker Rooms
 4. Weight Room
11. Main Court Striping:
 - a. Current Main Court striping includes "Waimea" on the west end, "Menehunes" on the east end, "KIF" within the keys, and the Menehunes mascot in the center court.
 - b. Jon Kobayashi (Waimea HS Athletic Director) noted that the existing Gymnasium striping differs. Existing striping includes "Waimea" on the short ends of the court, "Menehunes" and its mascot on both long ends, and "W" in the center court.
 - c. Kendall Ellingwood (Design Partners Incorporated, Principal-in-Charge) stated that Design Partners can present a couple of striping options for review and comment.
12. Existing Gymnasium Orientation:
 - a. Jon Kobayashi noted that the жалousies within the existing Gymnasium has to be closed at times to block the glare that makes it difficult to conduct games and asked whether a tint could be added to the windows within the new Gymnasium to reduce any potential glare. The Design Team will add appropriate tint to the glazing.
 - b. Jon Kobayashi also noted that at times, depending on the origin of the rain event, i.e. from Ni'ihau, rain can enter the building.
13. Site Grading:
 - a. Kristi Sumida mentioned that the existing site slopes from north to south with the high point being near the existing Music Building. As such, the finished floor elevation of the proposed Gymnasium will be at a midpoint between the low and high points to cost effectively balance the project site.
 - b. With that noted, the grading lends itself to allowing for a protected maintenance area on the north side of the proposed Gymnasium. The exterior wall of this space will also act as a retaining wall and will be secured with grating above and a lockable gate serving as an entry point. A question was brought up as to how vehicles would be able to access this area should equipment be located within this space. Further study will need to be conducted.
14. Existing Courtyard:
 - a. Mahina Anguay noted that the existing courtyard is currently the site for events such as graduation. Mahina asked whether the existing portable outdoor bleachers could be

relocated such that it can be a functional part of the courtyard design. Mahina also requested a couple of options for both a small and a larger graduation ceremony to which Kendall Ellingwood responded that options could be presented for the school's review and comment.

15. Existing Gymnasium: Brief discussion held on the future of the existing Gymnasium. Design Partners and DOE (Richard Bass, Gaylyn Nakatsuka) had a meeting on February 11, 2022, with the County of Kaua'i Mayor and Department of Parks and Recreation to discuss among other topics, whether the County would be interested in taking ownership of the existing Gymnasium (Please refer to Waimea HS Gym_County of Kauai Meeting Minutes.pdf for additional information) In summary, the County does not want to take on ownership of the existing Gymnasium without conducting their own due diligence over concerns over potential maintenance costs. Mahina Anguay noted that the existing Gymnasium has had structural repairs within the last 5 years or so.
16. Current Schedule:
 - a. Preliminary Design Submittal to DOE: July 19, 2022
 - b. Final Design Submittal: October 5, 2022
 - c. Bid Documents Complete: March 2023
 - d. Anticipated Building Permit Approval: November 2023

The above represents the writer's understanding of the discussions and a complete and accurate record of the decisions and agreements made. Amendments to this record shall be made in writing to the author within 5 days from the date of this document.

11 February 2022

Record of Conversation

PROJECT: PS D020-500 Professional Services – Architectural Planning & Design
Waimea High School Gymnasium Athletic Facilities
DOE Project Number: Q43201-18

SUBJECT: County of Kaua'i – Parking Lot Discussion Meeting Minutes

LOCATION: Virtual, Google Meets

ATTACHMENTS:

1. Waimea HS Gym Site Plan
2. Waimea HS Gym Additional Parking Options

ATTENDEES:

Name	Organization	Phone Number	Email
Derek Kawakami	County of Kaua'i Office of the Mayor, Mayor		mayor@kauai.gov
Sarah Blane	County of Kaua'i Office of the Mayor, Chief of Staff		
Patrick Porter	County of Kaua'i Parks & Recreation Department, Director		pporter@kauai.gov
Gaylyn Nakatsuka	DOE, Office of Facilities & Operations, Facilities Development Branch/Planning Section	808-784-5088	gaylyn.nakatsuka@k12.hi.us
Richard Bass	DOE Project Coordinator	808- 784-5135	rbass@bowersandkubota.com
Kendall Ellingwood	Design Partners Incorporated, Principal-in-Charge	808-949-0044	kendall@designpartnersinc.com
Kristi Sumida	Design Partners Incorporated, Project Manager	808-949-0044	kristi@designpartnersinc.com
Kanako Furchi	Design Partners Incorporated, Project Architect	808-949-0044	ksuzuki@designpartnersinc.com

Summary of Discussion:

1. The intent of this meeting is to discuss the potential use of a portion of County of Kaua'i owned property, identified as TMK (4)1-6-009:023, an open area north of the existing Waimea Neighborhood Center, for a new parking lot in support of the new Waimea High School Gymnasium.
2. Gaylyn Nakatsuka (Department of Education, Office of Facilities & Operations, Facilities Development Branch / Planning Section) noted that the replacement of the existing Waimea High School gymnasium is of high priority as it is one of the few remaining wood constructed gymnasiums still being used. Construction funds have also been obtained from the Legislature and will lapse in 2024, thus the project will need to go out to bid by June 2024.
3. Gaylyn Nakatsuka also noted that the proposed parking lot, on County owned land, could be a shared use which could benefit the county for use by the Waimea Neighborhood Center, perhaps during the day, and Waimea High School during the afternoon / evening during school events and activities. The agreement between the County of Kaua'i and the State/Department of Education would also identify repair and maintenance responsibilities.
4. Kristi Sumida (Project Manager, Design Partners Incorporated) presented the proposed site plan noting the new Gymnasium, existing Gymnasium and Athletic Complex. The state-owned property of which most of the Waimea High School campus is situated, is not conducive to providing the required parking. (Approximately 103 parking stalls are required and is based on the County of Kaua'i Comprehensive Zoning Ordinance parking requirement of 1 parking stall per 8 seats; 824 seats total per the current design) It was noted that the design team has had past discussions with Waimea High School and identified areas of potential parking within the Waimea High School campus, however these areas were not ideal for the school's use for it would require visitors to traverse through the campus which poses a safety and security issue.
5. Mayor Derek Kawakami and Patrick Porter (County of Kaua'i Parks and Recreation Department Director) were acceptable to using the open area for parking and sees the benefit of having it be shared used. Mayor Kawakami provided his support for the parking situation and asked that the team work together with Patrick Porter.
6. Maintenance of the Proposed Parking Lot: Mayor Kawakami asked who would be responsible for the maintenance of the proposed parking lot, whether it be the County or the State. Gaylyn Nakatsuka responded that if the land is turned over to the State, the DOE would be responsible for its upkeep and if the County retains ownership, then the State would look into providing funds to the County with an agreement dictating such costs.
7. Gaylyn Nakatsuka also brought up the issue of what to do with the existing Waimea High School gymnasium and whether the County would be interested in taking ownership of the existing gymnasium. There was some repair work done in the past and if the County was interested, documentation could be forwarded. Once such improvement noted was the addition of one accessible exit at the gymnasium. Although one was added, not all exits are accessible, and any future accommodations would need to be included in the costs should the existing gymnasium be retained. If the gymnasium were to be demolished, the DOE can work with the County to ensure the property is left in a condition that will work for the County.

8. While the County could see the benefit in retaining the existing gymnasium into their portfolio for community use, there was concern expressed over the potential costs to maintain and repair the gymnasium and its useful life. The existing gymnasium's location near the Waimea Neighborhood Center and close proximity to the ballpark and pool makes it an attractive use, however, the County would need to conduct their own due diligence before making any decisions. Further discussions will be required.
9. Electric Vehicle (EV) Parking: Mayor Kawakami asked whether EV parking would be provided for its state law to provide such parking when a minimum 100 parking stalls are provided. Gaylyn Nakatsuka asked whether there was community need and acknowledged that some schools on Oahu have EV parking and the DOE's own Facilities building (on Oahu) also has EV parking. Kendall Ellingwood (Principal in Charge, Design Partners Incorporated) asked that if EV parking is required, that the requirements be provided to the design team.
10. Emergency Shelter Use: Gaylyn Nakatsuka noted that the new gymnasium will be designed to be able to be used as an emergency shelter.
11. Gaylyn Nakatsuka also noted that there is a bill out there whereby County land would be turned over to the state and depending on the County, there may be an issue with this transfer. Mayor Kawakami noted that unfortunately, they are used to this, thus doesn't see this as a huge deal.
12. Mayor Kawakami also pointed out that the County of Kaua'i recently acquired over 400 acres of agricultural land nearby (in Waimea) from the Faye family whereby there are plans for future workforce housing, recreation, and economic uses for the Westside community (Please see the website, waimea400.com for additional information regarding the Waimea 400 Conceptual Master Plan process). Because of its close proximity to Waimea High School, it could also provide opportunities for the school.
13. In conclusion, Mayor Kawakami provides his support to the proposed parking lot and Waimea High School for the community and school deserves a new gymnasium. To support any land use agreements and/or acquisition, the County can also assist in assembling a team consisting of the Patrick Porter, the County Managing Director, County attorneys, and representation from the Planning Department. Further discussions to continue between the County and State/DOE on a path forward for the proposed parking lot and future of the existing Waimea High School gymnasium.

The above represents the writer's understanding of the discussions and a complete and accurate record of the decisions and agreements made. Amendments to this record shall be made in writing to the author within 5 days from the date of this document.

CONCEPT DESIGN: SITE PLAN

SCALE 1" = 100'-0"



WAIMEA HIGH SCHOOL

PROPOSED PARKING LOT
68 STALLS

WAIMEA NEIGHBORHOOD
CENTER
EXISTING GYM

PROPOSED PARKING LOT
21 STALLS



WAIMEA HIGH SCHOOL GYMNASIUM

DESIGN PARTNERS
INCORPORATED



07 October 2021

Record of Conversation

PROJECT: PS D020-500 Professional Services – Architectural Planning & Design
Waimea High School Gymnasium Athletic Facilities
DOE Project Number: Q43201-18

SUBJECT: Parks & Recreation Department Meeting Minutes

LOCATION: Google Meets Teleconference

ATTACHMENTS:

1. Concept Site Plan

ATTENDEES:

Name	Organization	Phone Number	Fax Number	Email
William Trugillo	Chief of Planning & Development County of Kaua'i Parks & Recreation			wtrugillo@kauai.gov
Wally Rezentes	Deputy Director County of Kaua'i Parks & Recreation			wrezentes@kauai.gov
Kendall Ellingwood	Design Partners Incorporated – Principal-in-Charge	808-949-0044		kendall@designpartnersinc.com
Kristi Sumida	Design Partners Incorporated – Project Manager	808-949-0044		kristi@designpartnersinc.com

Summary of Discussion:

1. Kendall Ellingwood (Design Partners Incorporated, Principal-in-Charge) started the presentation off by noting that the Department of Education has obtained construction funding for the new Gymnasium, thus the design phase is underway concurrent with the entitlement and permit phases. The purpose of today's discussion is to discuss the potential parking on the County-owned parcel currently housing the Waimea Neighborhood Center, existing Waimea HS Gymnasium and Athletic Complex.

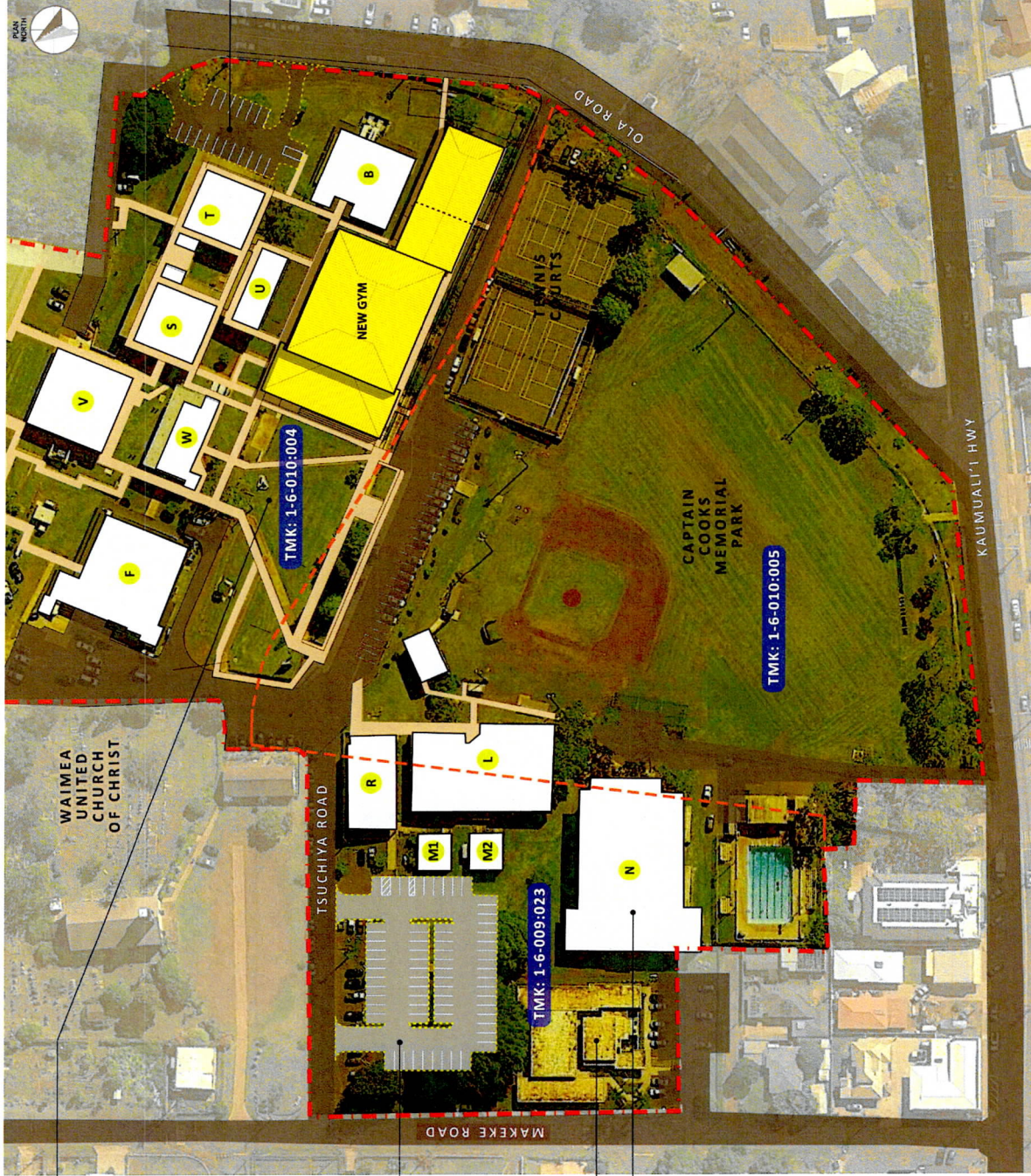
2. The Department of Education intends to build a new Gymnasium on the state-owned parcel comprising of the Waimea High School campus. Per the County of Kaua'i Comprehensive Zoning Ordinance, one parking stall per 8 seats will be required. As such, with 824 seats proposed, a total of 103 stalls would be required.
3. Given the lack of available space on the Waimea High School campus, the project proposes to add a new paved parking lot on the county-owned parcel, in an open area just north of the Waimea Neighborhood Center and existing Waimea HS Gymnasium.
4. Wally Rezentes (County of Kaua'i Parks and Recreation Department, Deputy Director) is open to providing the noted space for parking. Noted that the adjacent Waimea Neighborhood Center has public activities and could benefit from having access to the new parking lot as well.
 - a. Request for a letter from the DOE requesting the area for parking purposes to be submitted as the issue may need a 'head nod' at the County level and in addition, City Council and/or various County department approvals.
 - b. Letter to start the dialogue/process to construct parking lot on County land.
5. William Trugillo (County of Kaua'i, Parks and Recreation Department, Chief of Planning & Development) noted that schools were once under County control and now schools are under state control, thus the reason a portion of the existing Waimea HS campus on county property. Noted that while the school may use the nearby softball field, the County maintains it.
6. Kristi Sumida (Design Partners Incorporated, Project Manager) inquired if there were any formal agreements between the County and State regarding the use of parking as it was previously observed that Waimea HS uses parking stalls on County-owned land.
 - a. William Trugillo noted that there is no formal agreement, more of a 'handshake' agreement.
 - b. Currently, Waimea HS staff/visitors park in the stalls along Tsuchiya Road (north of Captain Cook Memorial Park) and during events, park along Tsuchiya Road in unmarked stalls.
 - c. A formal written agreement between the Department of Education (DOE) and the County will be required for the current parking arrangement and new parking lot (both on County property).
7. William Trugillo also asked whether the proposed new parking lot (area north of Waimea Neighborhood Center) would integrate with the existing lot in the area. Kristi Sumida responded that the design team could look into what can be done given its close proximity to one another.
8. Kendall Ellingwood asked both Wally Rezentes and William Trugillo whether the County, in their opinion, would be interested in taking on the existing Gymnasium once the new Waimea HS Gymnasium is built and operational. Kendall Ellingwood noted that this is merely to gauge their temperature and that the Department of Education would be reaching out for more formal discussions/agreement(s).
 - a. Wally Rezentes expressed concern for acquiring the Gymnasium knowing its age, potential upkeep costs and repairs.

- b. Wally Rezentes noted that the County has spent money in the past when taking over existing buildings and a decision to do such in this case would need to come from officials above himself and William Trugillo.
 - c. Wally Rezentes suggested speaking with Mayor Kawakami should the DOE want to pursue the matter further.
 - d. Wally Rezentes mentioned there was discussion at one point whereby the DOE could use the Gymnasium during school hours and the County at night. In the end, any agreement(s) would need to involve Mayor Kawakami.
9. Moving Forward:
- a. DOE to have additional discussions directly with the County should the DOE decide to pursue the transfer of ownership of the Gymnasium to the County. Discussions to include Mayor Derek Kawakami.
 - b. Formal letter to the County of Kaua'i Department of Parks and Recreation Director Patrick Porter regarding proposed parking lot can be addressed to.
 - c. A formal written agreement between the Department of Education (DOE) and the County will be required for the current parking arrangement and new parking lot (on County land).

The above represents the writer's understanding of the discussions and a complete and accurate record of the decisions and agreements made. Amendments to this record shall be made in writing to the author within 5 days from the date of this document.

CONCEPT DESIGN: SITE PLAN

SCALE 1" = 100'-0"



WAIMEA HIGH SCHOOL

PROPOSED PARKING LOT
68 STALLS

WAIMEA NEIGHBORHOOD
CENTER
EXISTING GYM

PROPOSED PARKING LOT
21 STALLS



WAIMEA HIGH SCHOOL GYMNASIUM

12 August 2020

Record of Conversation

PROJECT: PS D020-500 Professional Services – Architectural Planning & Design
Waimea High School Gymnasium Athletic Facilities
DOE Project Number: Q43201-18

SUBJECT: Site Selection Meeting Minutes

LOCATION: Go-to-Meeting Teleconference

ATTACHMENTS:

1. Due Diligence Study – Site Selection Meeting Presentation

ATTENDEES:

Name	Organization	Phone Number	Fax Number	Email
Dino Pabre	Waimea HS Vice Principal	808-286-2064	808-338-6807	dino.pabre@k12.hi.us
Jon Kobayashi	Waimea HS Athletic Director	808-338-6800	808-338-6807	jon.kobayashi@k12.hi.us
Lynn Antonio	ASA	808-652-9778		Lynn.antonio@k12.hi.us
Eric Akena	DAGS	808-274-3033	808-274-3035	Eric.m.akena@hawaii.gov
Kent Tomimoto	DAGS	808-274-3030		Kent.K.Tomimoto@hawaii.gov
Kendall Ellingwood	Design Partners Incorporated – Principal in Charge	808-949-0044		kendall@designpartnersinc.com
Kristi Sumida	Design Partners Incorporated – Project Manager	808-949-0044		kristi@designpartnersinc.com
Kaiemi Young	Design Partners Incorporated – Architect	808-949-0044		kyoung@designpartnersinc.com

Summary of Discussion:

1. Following our previous meeting, held July 15, 2020 and follow-on email correspondence, the direction was to proceed with the open site south of the existing Administration and Music buildings. The intent of this site selection meeting is to discuss the further development of this site and varying building options.
2. Kristi Sumida (Project Manager, Design Partners Incorporated) started the meeting by providing a brief recap of the last meeting in which several site options were presented. The options included a new Gymnasium north of the existing Gymnasium (county-owned parcel), a new Gymnasium on the existing Captain Cooks Memorial Park tennis courts (county-owned parcel) and the current option south of the existing Administration and Music buildings.
3. The following building design options were discussed:
4. Option 1A: Proposes a one-story structure with a Bid Option for future construction of a Wrestling Room, Multi-Purpose Room and additional Storage if sufficient funds aren't available to complete the entire design at once. The design will include all spaces with the aforementioned Bid Option spaces being noted as such.
 - a. New parking proposed at existing Gym Parcel (addition of 68 stalls) and north of existing Music Building 'B' (addition of 34 stalls). If the Bid Option is not exercised, additional parking could potentially be added in this area.
 - b. In the event that the existing Gymnasium is demolished, an additional 61 parking stalls could be added.
 - c. Per the County of Kauai Zoning Ordinance, 1 parking stall is required per 8 seats. With the proposed 840 bleacher seats, we are required to provide 105 parking stalls.
 - d. One-story structure is less expensive and will not require an elevator.
 - e. Potential Bid Option to add air conditioning to existing Buildings 'S', 'T' and 'U' to mitigate dust and noise during construction.
 - f. New parking would be close to proposed new Gymnasium.
 - g. In the event the existing Gymnasium is demolished, approximately 61 stalls can be added in its place.
5. Option 1B: One-story structure with no Bid Option, thus a Wrestling Room, Multi-Purpose Room and additional Storage is not included.
 - a. Similar to Option 1A, new parking proposed at existing Gym Parcel (addition of 68 stalls) and north of existing Music Building 'B' (addition of 34 stalls). Because the building footprint is smaller (due to no Bid Option), there's potential space for an additional 22 parking stalls.
 - b. In the event that the existing Gymnasium is demolished, an additional 61 parking stalls could be added.
 - c. Single story structure less expensive than two-story structure and will not require an elevator.

- d. Because the proposed building footprint is smaller, this option would be the least costly.
 - e. Similar to Option 1A, Option 1B also includes a Bid Option to add air conditioning to existing Buildings 'S', 'T' and 'U' to mitigate dust and noise during construction.
6. Option 2: Two-story structure with public spaces on the ground level with the Wrestling Room, Multi-Purpose, Training Room and Laundry on the second floor.
- a. Similar to Options 1A and 1B, new parking proposed at existing Gym Parcel (addition of 68 stalls) and north of existing Music Building 'B' (addition of 34 stalls). Because the building footprint is smaller, there's also potential space for an additional 22 parking stalls.
 - b. In the event that the existing Gymnasium is demolished, an additional 61 parking stalls could be added.
 - c. Similar to Options 1A and Option 1B, Option 2 also includes a Bid Option to add air conditioning to existing Buildings 'S', 'T' and 'U' to mitigate dust and noise during construction.
 - d. A two-story structure would be the costliest as it will require an elevator, which will need continual maintenance.
7. Site Utilities:
- a. Sewer:
 - 1. There are two (2) existing, abandoned-in-place cesspools located within the proposed building Gymnasium footprint that may impact the future Gymnasium's footings. Further investigation into its location and how it was abandoned-in-place required.
 - 2. There are two (2) sewer lines that cross the proposed Gymnasium footprint, one from the existing Music Building and the other from buildings north of the proposed site.
 - 3. Existing sewer lines traversing through the footprint will be removed and new sewer lines would be routed around the new Gymnasium with connections to a sewer manhole in Tsuchiya Road.
 - b. Water:
 - 1. An existing 2" water line currently traverses through the new Gymnasium footprint and will need to be re-routed. There are also additional water lines connecting to this line that serves the existing Cafeteria and courtyard irrigation system. Further investigation will be needed to determine the capacity of these lines as it currently feeds other surrounding buildings.
 - 2. For fire sprinkler purposes, propose connection to an existing 8" water line at the corner of Ola Road and Tsuchiya Road.
 - c. Drainage:
 - 1. The County of Kauai requires, per the Kauai Drainage Standards, that drainage be designed to the 100-year storm.

2. Unfortunately, at this time, as-builts found thus far indicate no existing drainage system in the area. Propose to provide underground detention basins whose capacity as shown is based on the new Gymnasium only. Additional and/or revisions to the proposed underground detention basins would be required for any new parking lots added.
 3. Design team investigated designing the underground detention basins to be oversized to accommodate the entire 100-year storm, however, that was determined to be too cost prohibitive.
 4. The proposed discharge would be toward the existing baseball field to the south, however it was noted that it would need to be close to the 100-year storm for there to be a considerable amount of storm water discharge and most likely, during such an event, the baseball field would not be in use.
8. Finished Floor Elevations:
- a. The Design team investigated several scenarios of the new Gymnasium finished floor elevations:
 1. Matching the courtyard elevation to reduce any necessary grading into the adjacent courtyard would result in an excess of on-site excavation (higher cost for excavation and disposal) and drainage may be an issue.
 2. Increasing the finished floor elevation by a couple of feet would provide a balance in grading and result in lower costs for material. Ramps and stairs would most likely be required at the Gymnasium and some grading will be needed at the courtyard to transition the grades. A portion of the sidewalk connecting Tsuchiya Road to the existing classroom buildings would need to be redone to connect to the new Gymnasium. A small retaining wall (approximately 1 to 2 feet) and fence may be required above the existing wall running parallel to Tsuchiya Road.
 3. Increasing the finished floor elevation by more than 5-feet would not be feasible as it would require longer stairs, ramps and reconstructing the sidewalks adjacent to the new Gym, running parallel to Tsuchiya Road. In addition, a large amount of fill would be required to be brought to the site which would be costly.
9. Building Discussion:
- a. Jon Kobayashi (Waimea HS Athletic Director) noted his desire for a Wrestling Room, thus Option 1A.
 - b. Main entrance to the new Gymnasium off the existing courtyard is ideal and having the option to use the steps as seating during events in the courtyard is a nice addition.
 - c. The number of steps (at the Lobby) is subject to change depending on the finished floor elevation and can be extended to provide more seating space.
 - d. Wrestling Room can be multi-purpose in that it can also be used for other activities such as cheerleading during off-seasons.

- e. Discussion held as to the ceiling height required for cheerleading. U.S. Cheer requires a ceiling height of 25'-0" however high school cheerleading may require a lower ceiling height. Waimea HS to confirm height required.
 - f. Concern was expressed that there may not be enough storage spaces. Ideally, it would be nice to have designated space for each sport, i.e. basketball, cheerleading, volleyball, etc.
 - g. Training Room: Needs an ice machine; request for an office within the Training Room with a window to see into the Training Room. A wall can be added to separate the spaces. Kendall Ellingwood (Principal, Design Partners Incorporated) requested that the school meet with its Training staff to provide a list of requirements to be included in the Due Diligence report and cost estimate.
 - h. Concession: Requires counter, sink, refrigerator. Currently, food is cooked off-site and brought to the school where it is sold, thus Concession space would need appropriate equipment to reheat food.
 - i. Athletic Director (AD) Office: Preference for view and access into the Main Court.
10. Moving Forward:
- a. A-E Team to further develop Option 1A, incorporating the comments related to Training Room and Storage. Kendall Ellingwood noted that the building's overall area cannot exceed those listed in the FADS, thus it will be a 'push/pull' whereby the area for some spaces may have to be reduced in order to gain area in other spaces.
 - b. Waimea HS to provide required ceiling height for Cheerleading.
11. The following comments were received following the Site Selection Meeting via email, August 12, 2020 from Kent Tomimoto (DAGS). In addition, the A-E team was also given a copy of the State of Hawaii Department of Health Cesspool Backfilling Final Completion Report per earlier discussion regarding verification of abandoned-in-place cesspool.
- a. Request to see a rendition of what the street view may look like, i.e. street view from Tsuchiya Road (between the school and Captain Cooks Memorial Park).
 - b. Thoughts are that a retaining wall may be needed along the street.
 - c. Question as to whether the new Gym will be visible from Kaumualii Highway. Might want to check with the Kauai Planning Department if visual impacts come into play, variance(s) may be needed. Perhaps the Planning Department may require the wall facing the street to be aesthetically pleasing.
 - d. Verify County road requirements if the intention is to push more traffic onto Tsuchiya Road. The road may be substandard for two-way traffic and at one point in time, there was question as to its ownership. The concern is that the County may require road improvements that may drive up costs significantly.
 - e. The right turn from Kaumualii Highway, coming from the east side, is bad too. Hoping DOT does not require any highway improvements; thus, the Civil consultant should investigate further as the cost may be detrimental to the project.

- f. Concern that the age of the existing Gymnasium may have grandfathered in items that would normally be required for new projects and having a new Gymnasium project may have the County seeing this as an opportunity for improvements.
- g. Verify if there are any fire flow issues and/or if there are any other improvements required.
- h. May need a soils study as the existing soils may require over-excavation or special thicknesses.
- i. Verify if the school has a requirement for a conference/meeting room.
- j. Ensure route from the parking lot to the Gymnasium is accessible and well lit.

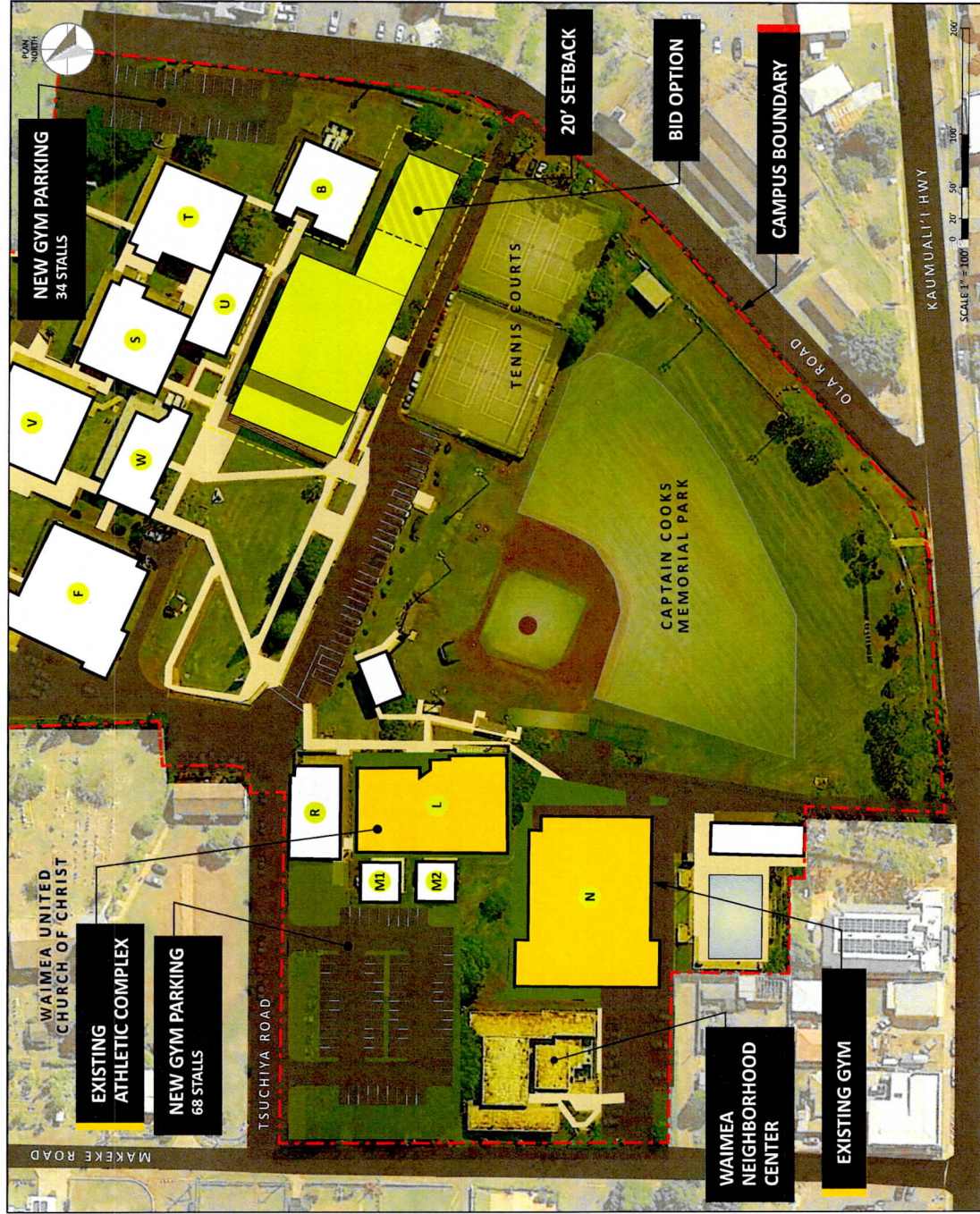
The above represents the writer's understanding of the discussions and a complete and accurate record of the decisions and agreements made. Amendments to this record shall be made in writing to the author within 5 days from the date of this document.



WAIMEA HIGH SCHOOL GYMNASIUM

Due Diligence Study - **Site Selection Meeting**

PROJECT NUMBER: Q43201-18 • DUE DILIGENCE CONCEPT



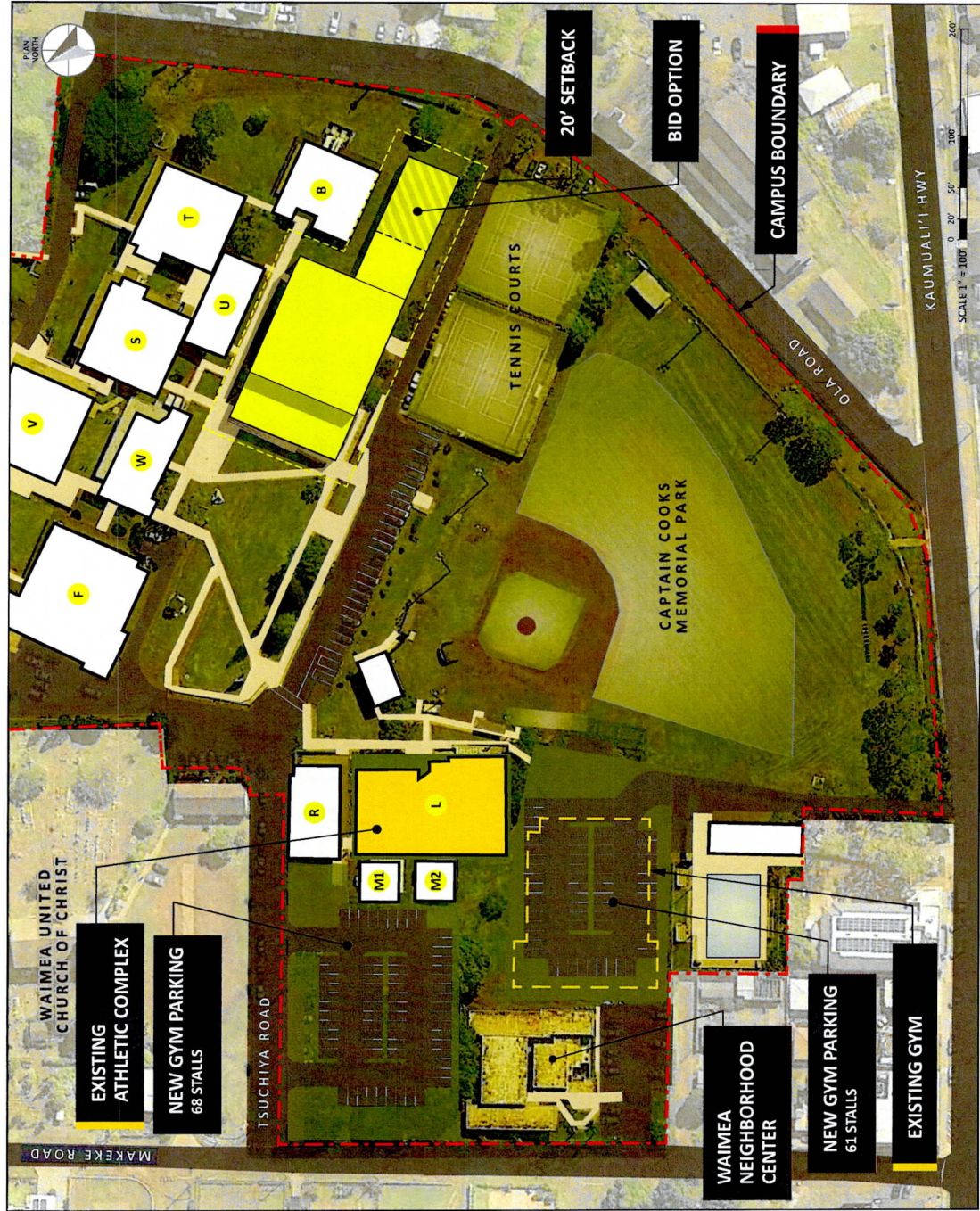
DESIGN OPTION #1A: 1-STORY SCHEME (INCLUDES BID OPTION)

SCALE 1" = 100'

	1	2	YES	NO
NUMBER OF STORIES:	●			
INCLUDES WRESTLING:			●	
POTENTIAL FUTURE ADDITION:			●	
NUMBER OF PARKING PROVIDED:	102 STALLS			
PARKING REQUIRED:	105 STALLS (County Requires 1 stall : 8 seats)			

- One-story scheme, which is less expensive than two-story option, will not require an elevator.
- Potential Bid Option for future construction of Wrestling Room, Multi-Purpose Room and additional storage.
- Potential Bid Option to add airconditioning to existing Buildings 'S', 'T' and 'U' to mitigate dust and noise during construction.
- New parking near existing Gymnasium
- If the Bid Option is not exercised, area south of the existing Music Building 'B' can be additional parking.





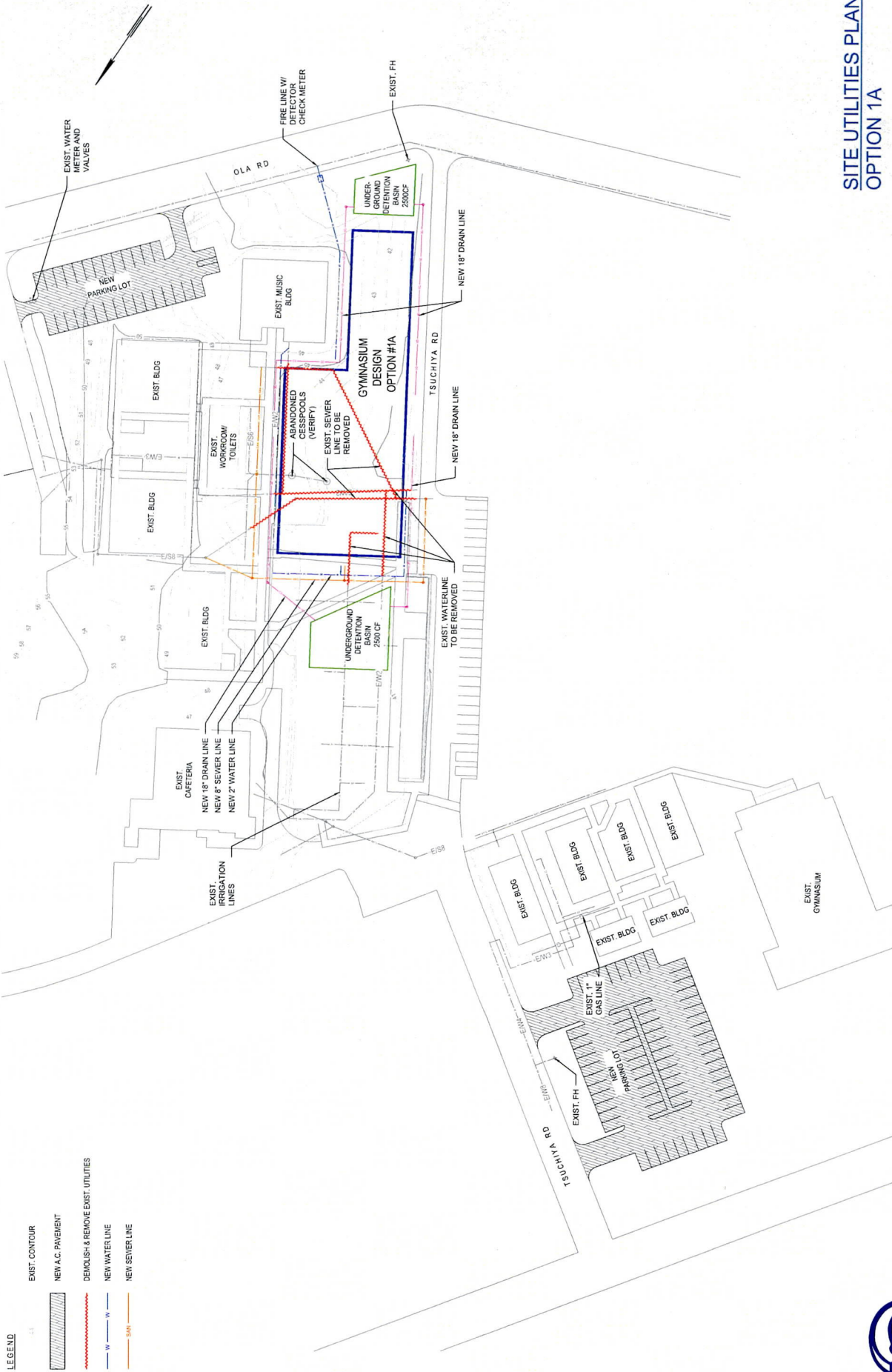
DESIGN OPTION #1A: 1-STORY SCHEME (REMOVAL OF EXISTING GYM)

SCALE 1" = 100'

	1	2	YES	NO
NUMBER OF STORIES:	●			
INCLUDES WRESTLING:			●	
POTENTIAL FUTURE ADDITION:			●	
NUMBER OF PARKING PROVIDED:	129 STALLS			
PARKING REQUIRED:	105 STALLS (County Requires 1 stall : 8 seats)			

- One-story scheme, which is less expensive than two-story option, will not require an elevator.
- Potential Bid Option for future construction of Wrestling Room, Multi-Purpose Room and additional storage.
- Potential Bid Option to add airconditioning to existing Buildings 'S', 'T' and 'U' to mitigate dust and noise during construction.
- Two new parking lots; in place of the existing Gym and at the corner of Tsuchiya Road and Makeke Road.
- If the Bid Option is not exercised, area south of the existing Music Building 'B' can be additional parking.





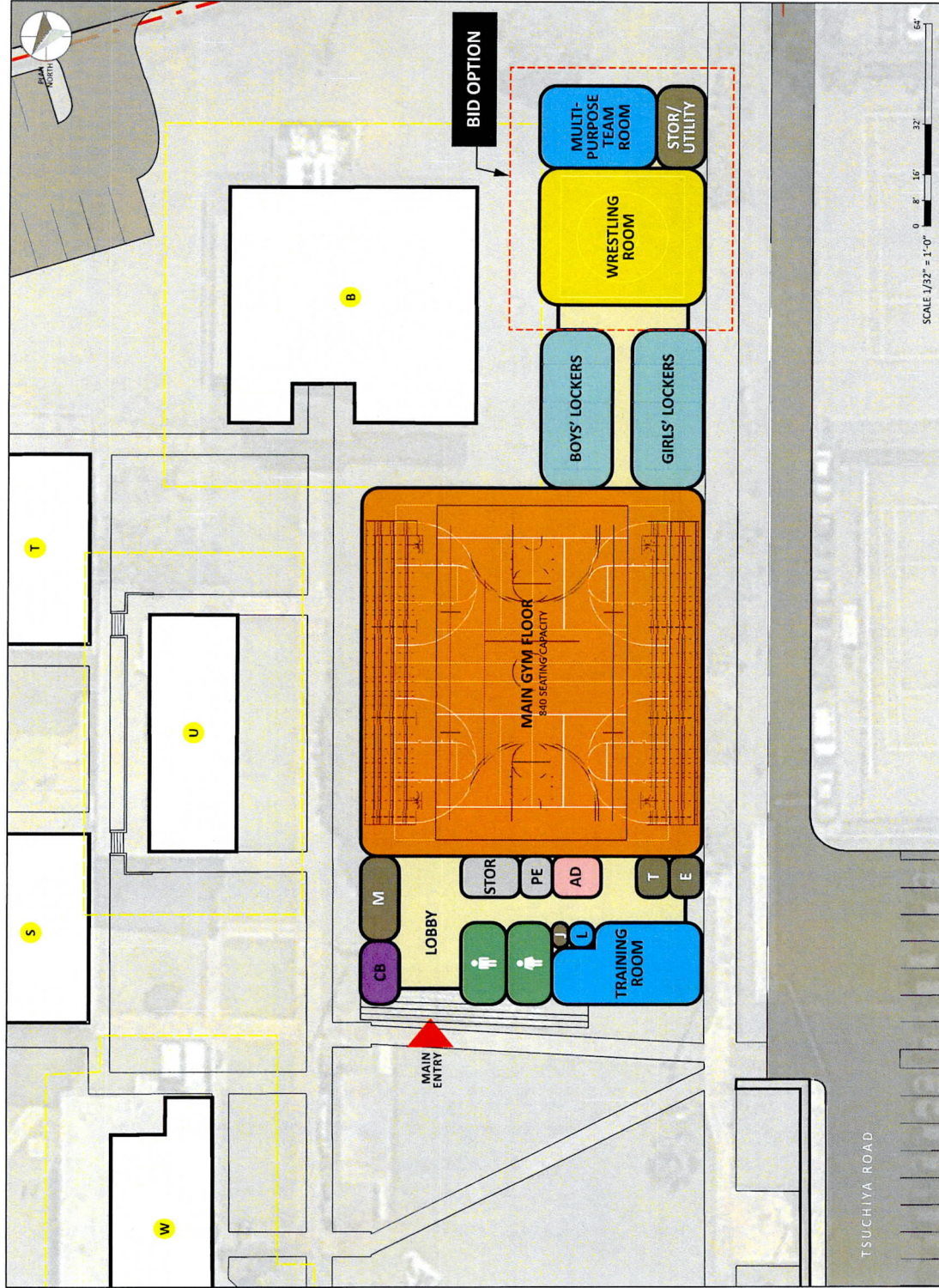
SITE UTILITIES PLAN OPTION 1A

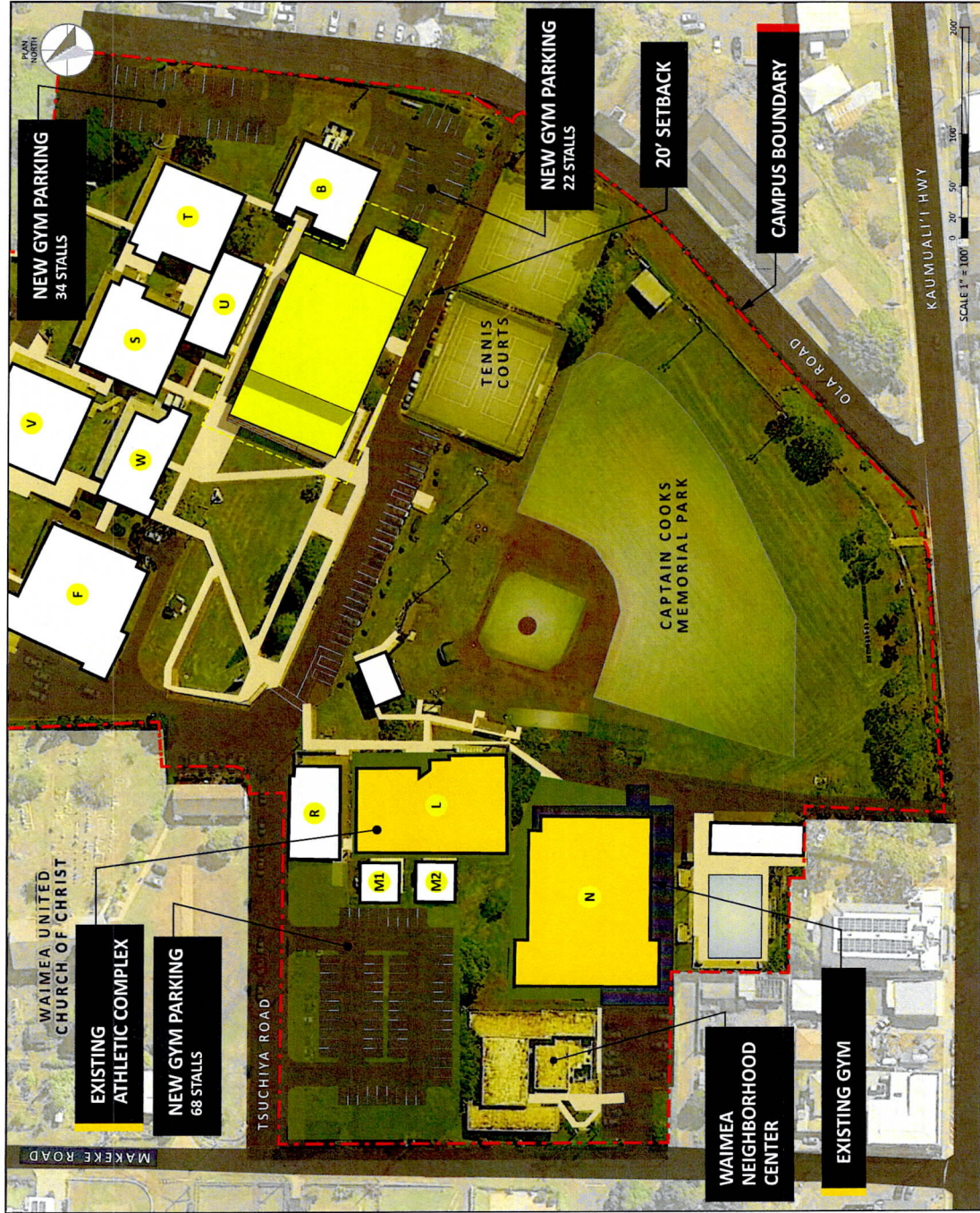


DESIGN OPTION #1A: CONCEPT FIRST FLOOR PLAN

SCALE 1/32" = 1'-0"

Main Gym Floor	11,817 SF
Wrestling Room	1,800 SF
Athletics Program	2,020
Concession Stand	240 SF
Athletic Director Office	180 SF
Locker Rooms	2,304 SF
Restrooms	
Support Spaces	300 SF
Utility	
Building Circulation	
Vertical Circulation	





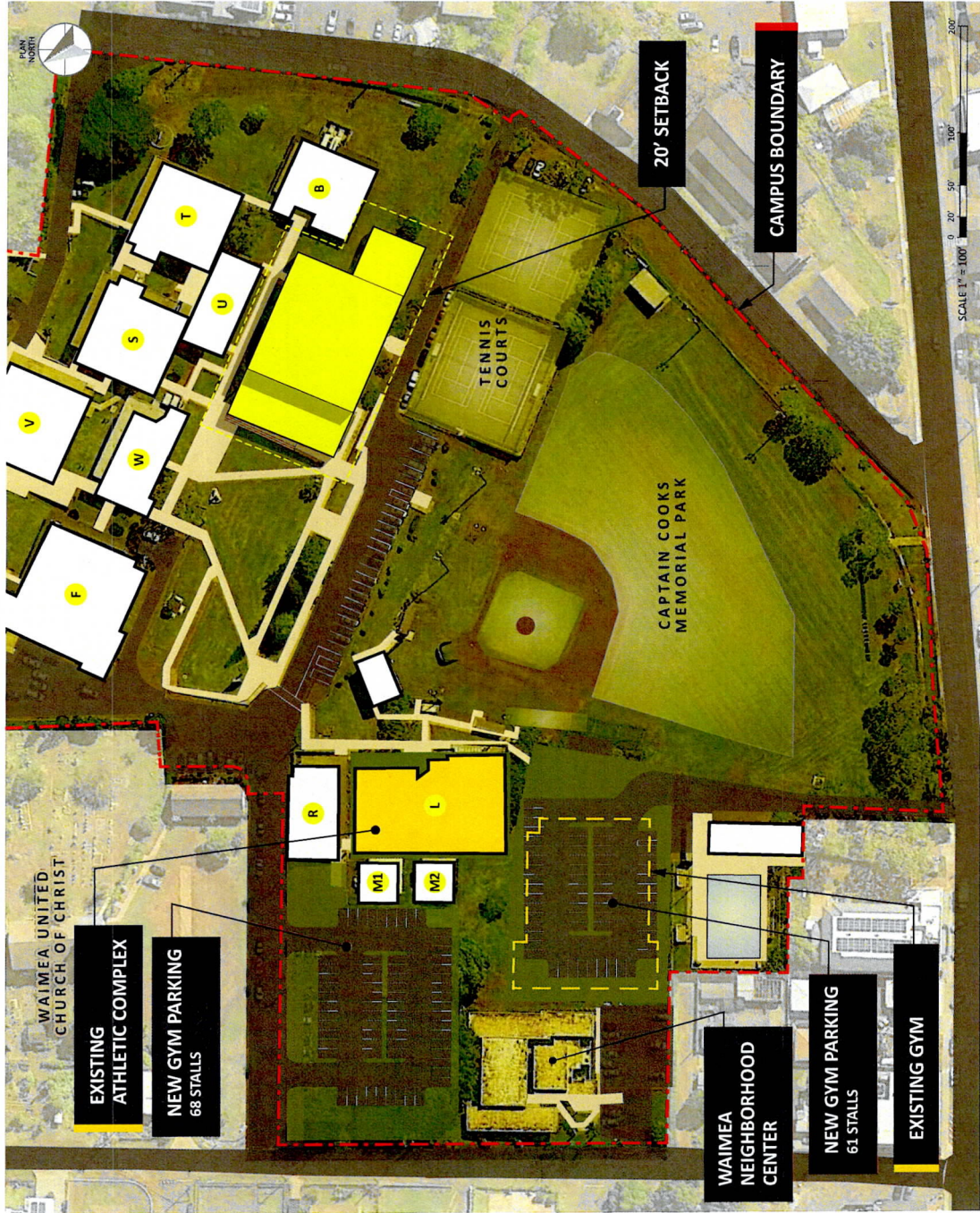
DESIGN OPTION #1B: 1-STORY SCHEME (WITHOUT BID OPTION)

SCALE 1" = 100'

	1	2	YES	NO
NUMBER OF STORIES:	●			
INCLUDES WRESTLING:				●
POTENTIAL FUTURE ADDITION:				●
NUMBER OF PARKING PROVIDED:	124 STALLS			
PARKING REQUIRED:	105 STALLS (County Requires 1 stall : 8 seats)			

- One-story scheme, which is less expensive than two-story option, will not require an elevator.
- Does not include Wrestling Room, Multi-Purpose Room and additional storage.
- Potential Bid Option to add airconditioning to existing Buildings 'S', 'T' and 'U' to mitigate dust and noise during construction.
- New parking near existing Gymnasium
- If the Bid Option is not exercised, area south of the existing Music Building 'B' can be additional parking.



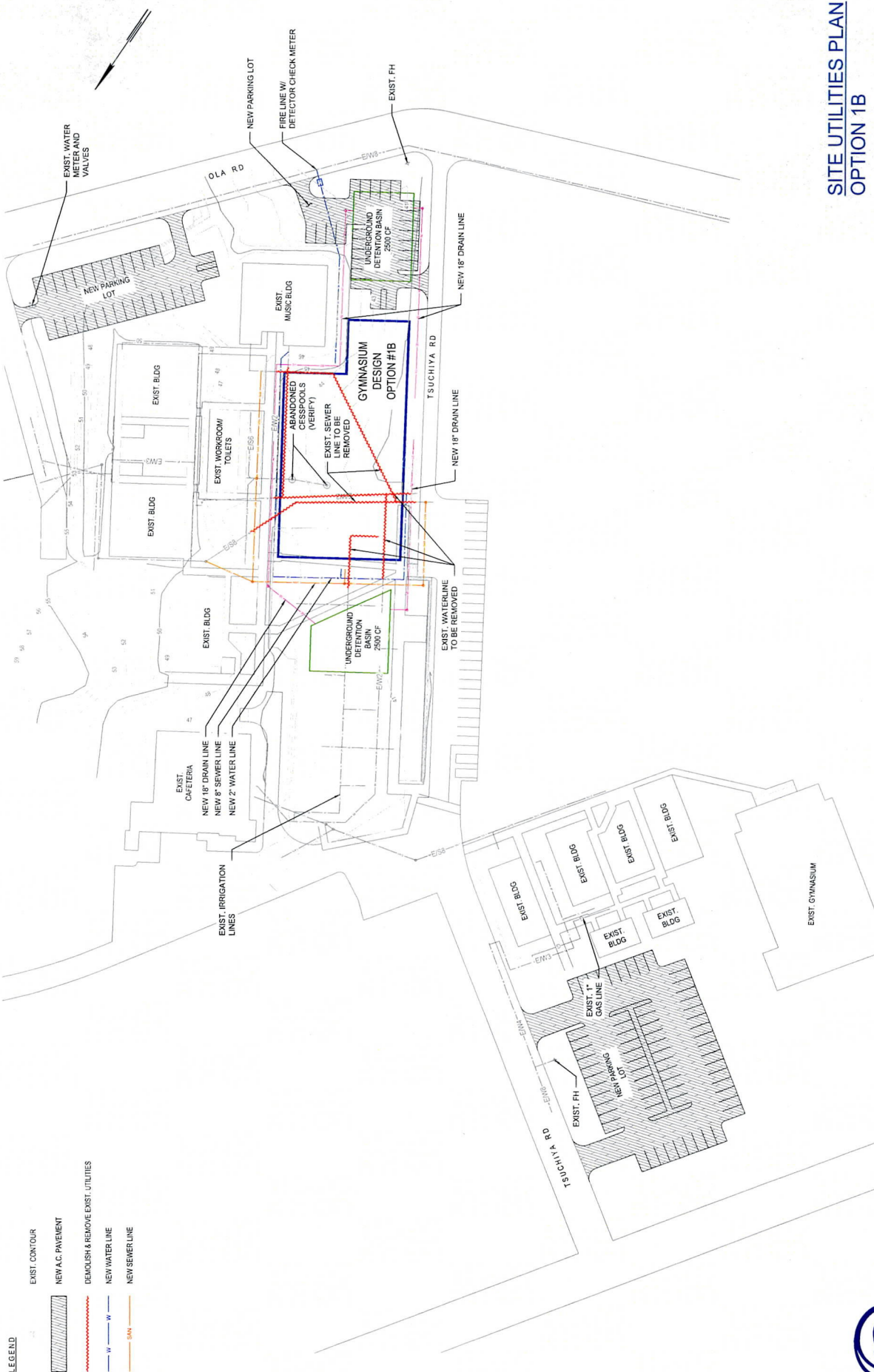


DESIGN OPTION #1B:
1-STORY SCHEME
 (REMOVAL OF EXISTING GYM)
 SCALE 1" = 100'

	1	2	YES	NO
NUMBER OF STORIES:	●			
INCLUDES WRESTLING:				●
POTENTIAL FUTURE ADDITION:				●
NUMBER OF PARKING PROVIDED:	129 STALLS			
PARKING REQUIRED:	105 STALLS (County Requires 1 stall : 8 seats)			

- One-story scheme, which is less expensive than two-story option, will not require an elevator.
- Does not include Wrestling Room, Multi-Purpose Room and additional storage.
- Potential Bid Option to add airconditioning to existing Buildings 'S', 'T' and 'U' to mitigate dust and noise during construction.
- Two new parking lots: in place of the existing Gym and at the corner of Tsuchiya Road and Makeke Road.
- If the Bid Option is not exercised, area south of the existing Music Building 'B' can be additional parking.





- LEGEND**
- EXIST. CONTOUR
 - NEW A.C. PAVEMENT
 - DEMOLISH & REMOVE EXIST. UTILITIES
 - NEW WATER LINE
 - NEW SEWER LINE

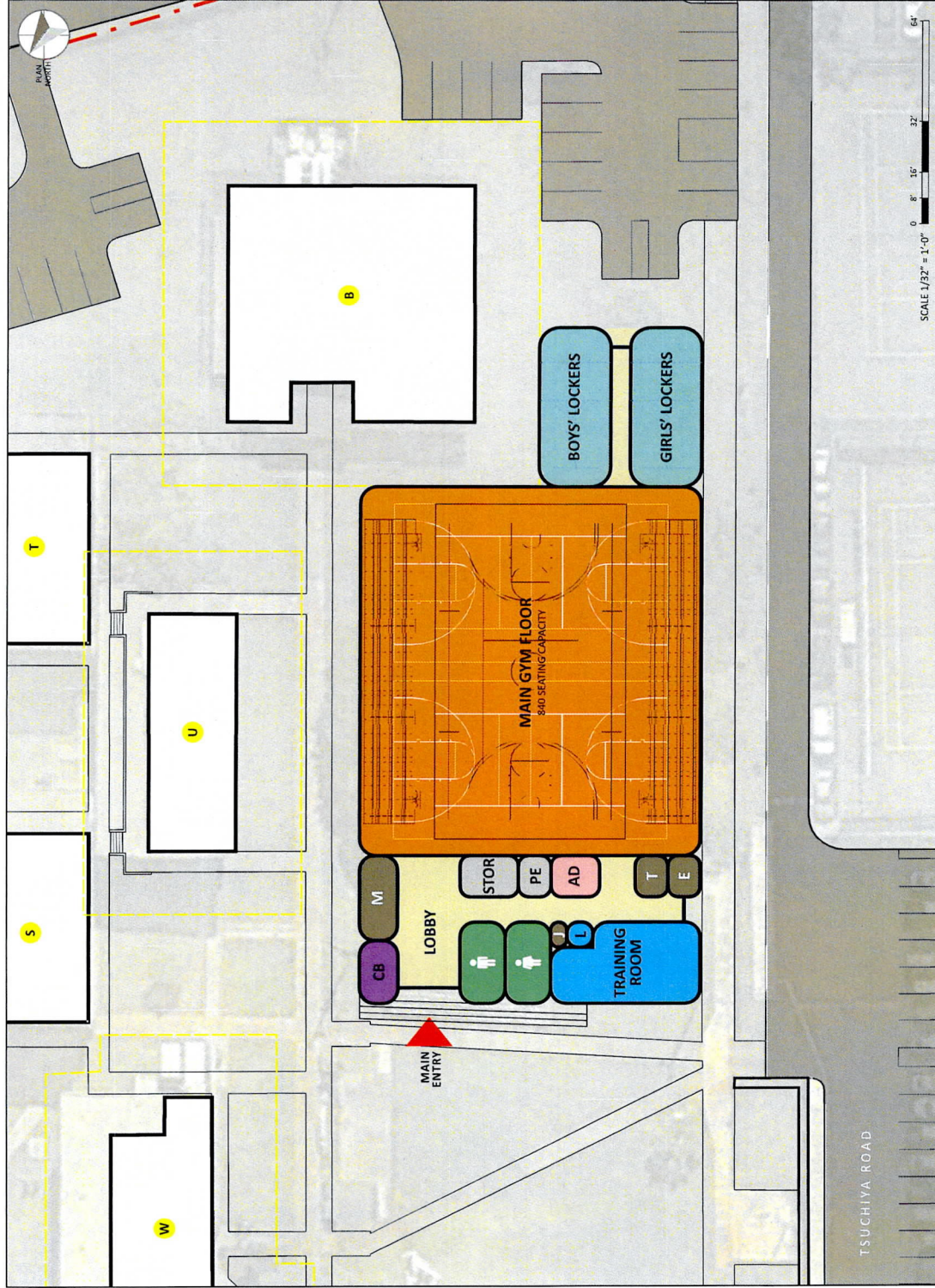
**SITE UTILITIES PLAN
OPTION 1B**

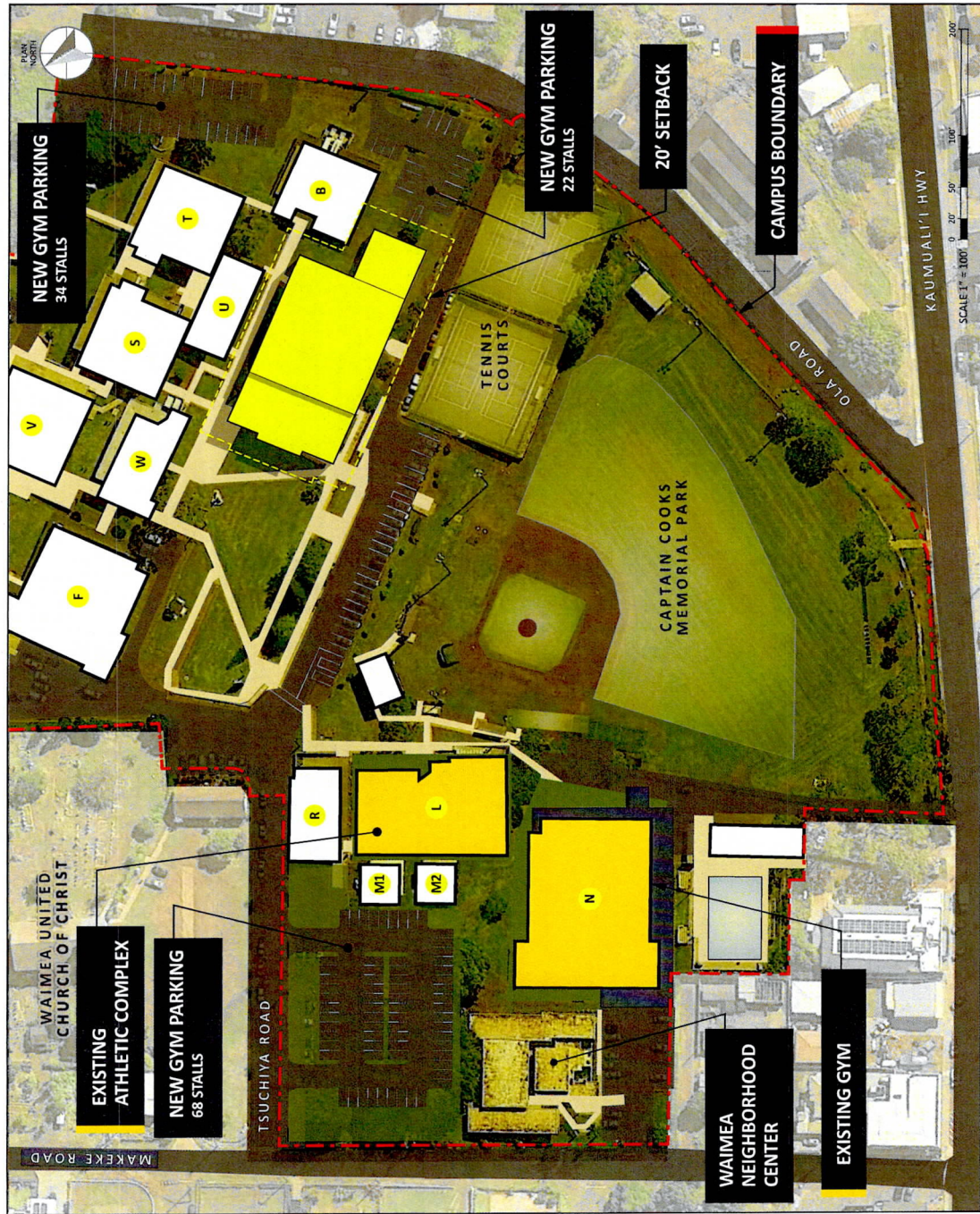


DESIGN OPTION #1B: CONCEPT FIRST FLOOR PLAN

SCALE 1/32" = 1'-0"

Main Gym Floor	11,817 SF
Wrestling Room	1,800 SF
Athletics Program	2,020
Concession Stand	240 SF
Athletic Director Office	180 SF
Locker Rooms	2,304 SF
Restrooms	
Support Spaces	300 SF
Utility	
Building Circulation	
Vertical Circulation	





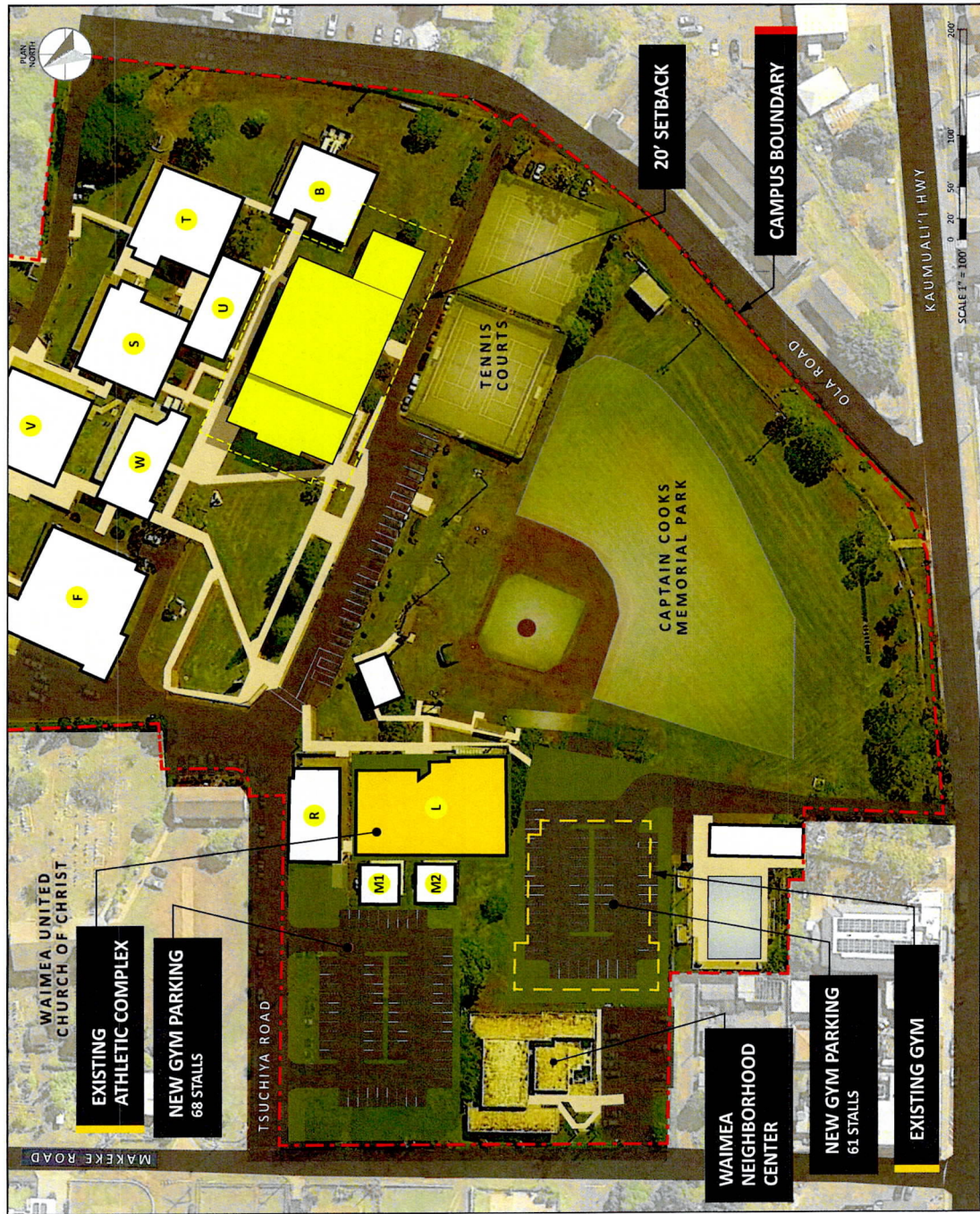
DESIGN OPTION #2: 2-STORY SCHEME (EXISTING GYM REMAINS)

SCALE 1" = 100'

	1	2	YES	NO
NUMBER OF STORIES:		●		
INCLUDES WRESTLING:			●	
POTENTIAL FUTURE ADDITION:				●
NUMBER OF PARKING PROVIDED:	124 STALLS			
PARKING REQUIRED:	105 STALLS (County Requires 1 stall : 8 seats)			

- Two-story scheme likely more expensive and will require stairs and an elevator. Elevator will require continual maintenance.
- Propose to place Wrestling, Multi-Purpose and Training Room on the second floor, all public spaces to remain on ground level.
- Potential Bid Option to add air condition to existing Buildings 'S', 'T' and 'U' to mitigate dust and noise during construction.
- New parking near existing Gymnasium and adjacent to proposed Gymnasium and existing Music Building 'B'.





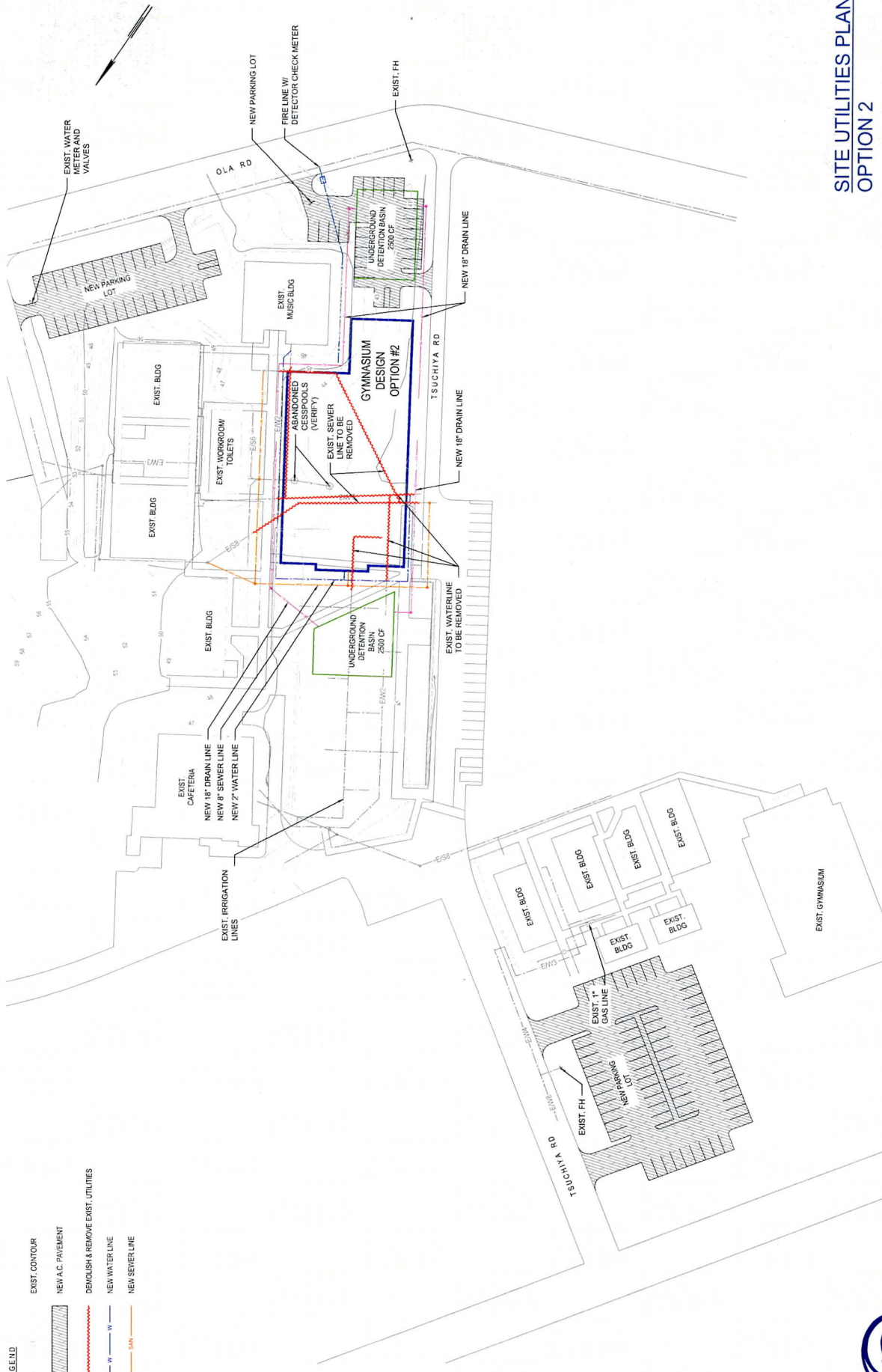
DESIGN OPTION #2: 2-STORY SCHEME (REMOVAL OF EXISTING GYM)

SCALE 1" = 100'

	1	2	YES	NO
NUMBER OF STORIES:		●		
INCLUDES WRESTLING:			●	
POTENTIAL FUTURE ADDITION:				●
NUMBER OF PARKING PROVIDED:	129 STALLS			
PARKING REQUIRED:	105 STALLS (County Requires 1 stall : 8 seats)			

- Two-story scheme likely more expensive and will require stairs and an elevator. Elevator will require continual maintenance.
- Propose to place Wrestling, Multi-Purpose and Training Room on the second floor; all public spaces to remain on ground level.
- Potential Bid Option to add air condition to existing Buildings 'S', 'T' and 'U' to mitigate dust and noise during construction.
- Twonew parking lots; in place of the existing Gym and at the corner of Tsuchiya Road and Makeke Road.





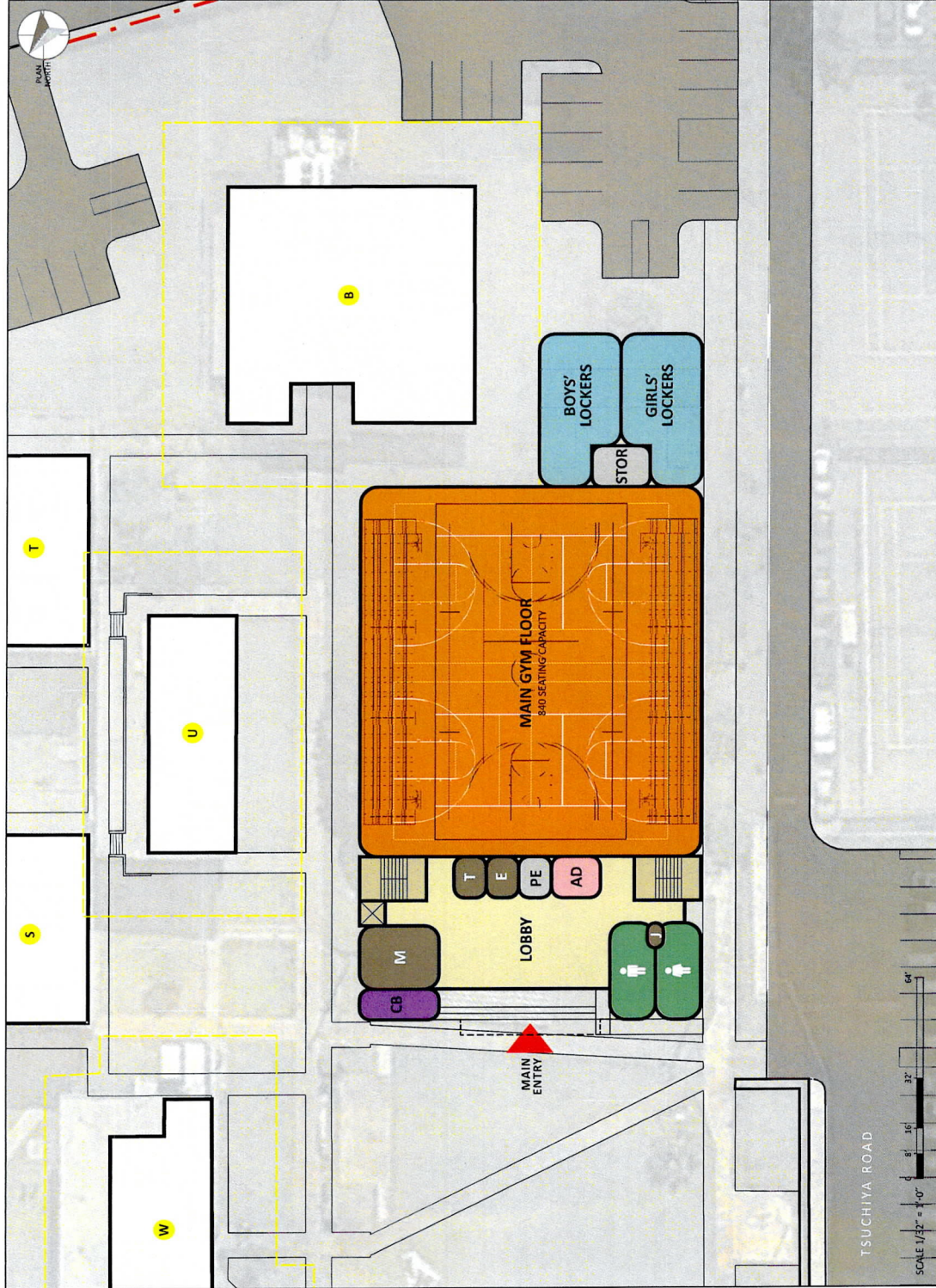
SITE UTILITIES PLAN OPTION 2



DESIGN OPTION #2: CONCEPT FIRST FLOOR PLAN

SCALE 1/32" = 1'-0"

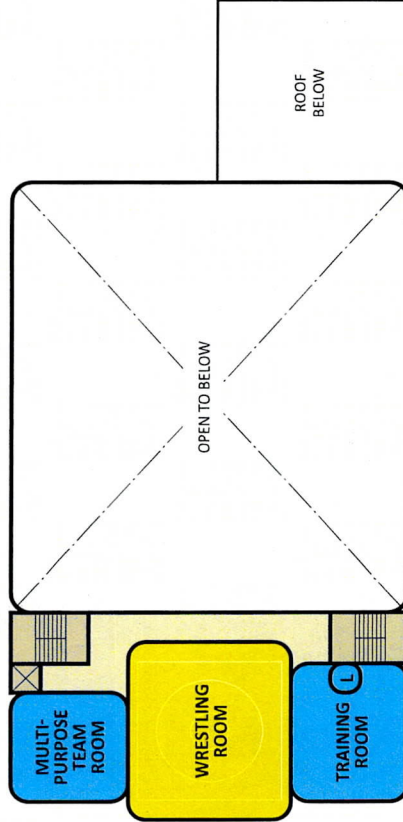
Main Gym Floor	11,817 SF
Wrestling Room	1,800 SF
Athletics Program	2,020
Concession Stand	240 SF
Athletic Director Office	180 SF
Locker Rooms	2,304 SF
Restrooms	
Support Spaces	300 SF
Utility	
Building Circulation	
Vertical Circulation	



DESIGN OPTION #2: CONCEPT FIRST FLOOR PLAN

SCALE 1/32" = 1'-0"

Main Gym Floor	11,817 SF
Wrestling Room	1,800 SF
Athletics Program	2,020
Concession Stand	240 SF
Athletic Director Office	180 SF
Locker Rooms	2,304 SF
Restrooms	
Support Spaces	300 SF
Utility	
Building Circulation	
Vertical Circulation	



Waimea High School Gymnasium - DOE Project Number: Q43201-18			
GYMNASIUM	EDSPECS PROGRAM	Revised Program	
Lobby Area			
(AD) Office/Restroom & Shower	180		180
PE Equipment Room	100		100
Janitors Closet	40		40
Electrical room by Designer + Future Invertor Space			
Men's Toilet (Public)	324		324
Women's Toilet (Public)	353		353
Multipurpose Room	-		900
Concession Booth	240		240
Ticket Booth	50		-
Lobby	1070		220
Main Floor	11817		11817
Wrestling Room	1800		1800
General Storage	200		200
Electrical & Heater Room			
Janitors Closet (Locker Area)	40		40
Boy's JV Facilities			
Locker Room	320		320
Toilet	96		96
Varsity / J.V. Drying Room	128		128
Varsity / J.V. Shower Booth (ADA)	96		96
Varsity / J.V. Shower Room	96		96
Boy's Varsity Facilities			
Locker Room	320		320
Toilet	96		96
Girl's JV Facilities			
Locker Room	320		320
Toilet	96		96
Varsity / J.V. Drying Room	128		128
Varsity / J.V. Shower Booth (ADA)	96		96
Varsity / J.V. Shower Room	96		96
Girl's Varsity Facilities			
Locker Room	320		320
Toilet	96		96
TOTAL	18518		18518

Legend

- Program Area Added
- Program Area Revised

Take-Aways:

- FADS based on Kapa'a HS Gymnasium (DOE Project No. Q41000-18)
- Reduced Lobby area from 1,070 sf to 220 sf
- Reduction in Lobby area allowed for added Multi-Purpose Room (900 sf)
- Removed Ticket Booth (-50 sf)
- Total Area remains unchanged at 18,518 sf



WAIMEA
Due Diligence

15 July 2020

Record of Conversation

PROJECT: PS D020-500 Professional Services – Architectural Planning & Design
Waimea High School Gymnasium Athletic Facilities
DOE Project Number: Q43201-18

SUBJECT: Design Scope Meeting Minutes

LOCATION: Waimea High School, Portable P15

ATTACHMENTS:

1. Due Diligence Study – Design Scope Meeting Presentation

ATTENDEES:

Please refer to attached sign-in sheet

Summary of Discussion:

1. The intent of this design scope meeting is to establish the project requirements and identify potential site locations.
2. Kristi Sumida (Project Manager, Design Partners Incorporated) presented the existing site plan noting the existing Gymnasium and Athletic Complex locations. Per the previous Design Scope meeting (held via teleconference, April 2, 2020), it was noted that the existing Gymnasium to remain operational until the new Gymnasium is complete and functional.
3. As discussed in the previous Design Scope meeting, it was noted that the existing Waimea High School is situated on various parcels that were either County or State owned. A Property Ownership exhibit was presented which delineated the parcels and noted their respective ownership.
4. Existing Gymnasium Parcel (TMK: 1-6-009:023): Falls under the forthcoming West Kauai Form-Based Code planning document, which is currently undergoing review with hopes of being approved by the end of the year. The West Kauai Form-Based Code promotes community design, preserves the neighborhood character, and encourages walkable, pedestrian oriented mixed-use development/places. This parcel would be considered transect zone “T4 Village Neighborhood”, which is described as “integrating appropriate, medium-density residential building types such as duplexes and multiplex; small with limited and service uses in an environment conducive to walking and bicycling.” Parcel is also situated in an “Extreme Tsunami Zone” which is defined as exceeding

the historic distant Tsunami Evacuation Zone whose tsunami event may occur following an earthquake with a magnitude of 9 or higher.

5. Much of the Waimea High School campus sits on State-owned land (TMK: 1-6-010:004), with the Industrial Arts Building 'D' and Art Building 'J' buildings on County-owned land (TMK: 1-6-010:010). The existing Captain Cooks Memorial Park and adjacent tennis courts are also situated on County-owned land (TMK: 1-6-010:005).
6. The following site options were discussed:
7. Option 1A/B (County-Owned Parcel): Proposes either a one-story or two-story structure north of the existing Gymnasium; requires removal of existing trees, existing County structure; depending on new Gymnasium footprint, may require relocation of existing portable classroom structures.
 - a. Option 1A (County-Owned Parcel): Two-story structure to minimize footprint; propose Training Room, Athletic Director office and some storage on the second floor.
 - b. Pros:
 1. Retention of and continued use of existing Locker Room/Shower Building 'L' and portable classroom structures during and after construction.
 2. Location groups athletic functions.
 3. If the existing Gymnasium is demolished (following the completion of the new Gymnasium), the area can be converted to parking by extending/modifying existing Haiki Road.
 - c. Cons:
 1. Two-story structure likely more expensive.
 2. Requires an elevator which requires continual maintenance.
 3. Requires removal of existing trees and County-Owned structure.
 4. Location on County-owned land will require further coordination.
 - d. Comments:
 1. Concerned that a new Gymnasium in this location would place it near the adjacent neighborhood which may not be ideal, noise issue.
 2. If parking were to be added following the demolition of the existing Gymnasium, parking could be shared by the Waimea Neighborhood Center or Waimea Pool.
 3. Preference for retaining the existing Locker Room/Shower Building 'L'.
 - e. Option 1B (County-Owned Parcel): One-story structure north of the existing Gymnasium.
 - f. Pros:
 1. Single story structure less expensive than two-story structure.
 2. No elevator required.
 3. Location groups athletic functions.

4. If the existing Gymnasium is demolished (following the completion of the new Gymnasium), the area can be converted to parking by extending/modifying the existing Haiki Road.
- g. Cons:
1. Requires removal of existing trees, relocation of existing portable classroom structures, demolition of the existing Locker Room/Shower Building 'L'.
 2. Requires use of existing Gymnasium showers, locker rooms for duration of new Gymnasium construction.
 3. Location on County-owned land will require further coordination.
- h. Comments:
1. Similar to Option 1A, noise concern for adjacent neighborhood.
 2. Similar to Option 1A, having parking at the site of the existing Gymnasium would be ideal.
 3. The loss of the existing Locker Room/Shower Building 'L' is not preferred.
- i. Option 2A (State-Owned Parcel): One-story structure situated in the existing courtyard south of the existing Administration Building 'W' and Classroom Building 'U'.
- j. Pros:
1. Location is on state-owned parcel and closer to the main campus.
 2. Allows for the continued use of existing Gymnasium, Locker Room/Shower Building and portable classroom structures.
 3. If the existing Gymnasium were to be retained, the open area north of the building could be used for potential parking.
- k. Cons:
1. Loss of open space at the front of the campus and relocation of existing bleachers required.
 2. Parking, if only near the existing Gymnasium, would be a distance away.
- l. Comments:
1. Outdoor functions that currently take place within the courtyard can be easily moved to the new Gymnasium.
 2. The one-story footprint, as currently shown, will block the existing Administration Building 'W' which is not ideal. Preference for building not to block view.
 3. Concerned that this option places the new Gymnasium close to existing classroom buildings and depending on the construction schedule, the noise and dust could be a nuisance. Kendall Ellingwood (Principal, Design Partners Incorporated) noted that the air conditioning of existing Classroom Buildings 'S', 'T' and 'U' can be made as a bid option which would be two-fold in that it would cool the classrooms and

also help control any construction noise/dust. Loud construction activities can also be scheduled during times when school is not in session, i.e. summer break.

4. A-E Team to study drainage as it was noted that the site can sometimes flood.
 5. A-E Team to study soil material as the existing soil may be of a rocky material.
- m. Option 2B (State-Owned Parcel): Similar to Option 2A, but a two-story structure situated in the existing courtyard south of the existing Administration Building 'W' and Classroom Building 'U'.
- n. Pros:
1. Location is on state-owned parcel and closer to the main campus.
 2. Allows for the continued use of existing Gymnasium, Locker Room/Shower Building 'L' and portable classroom structures.
 3. If the existing Gymnasium were to be retained, the open area north of the building could be used for potential parking.
 4. Option to site additional parking in open area south of the Music Building 'B'. Parking entrance/exit would be off existing Ola Road due to elevation difference between Tsuchiya Road and site.
 5. Two-story option would have a smaller footprint thereby allowing view of existing Administration Building 'W'.
- o. Cons:
1. Similar to Option 1A, two-story structure likely more expensive and will require an elevator which needs continual maintenance.
 2. Similar to Option 2A, noise and dust during construction could be an issue.
 3. Similar to Option 2A, loss of open space at the front of the campus and relocation of existing bleachers required.
- p. Comments:
1. A smaller footprint is preferred not only for visibility to the existing Administration Building 'W', but it allows for the retention of a larger portion of the existing courtyard, which is desirable.
 2. Comment was made that there may be existing utilities running through the courtyard. A-E Team to investigate further.
 3. Eric Agena (DAGS) suggested adding an exterior covered platform that can be used from the existing courtyard. Lobby area can be situated to allow for connection to this platform.
 4. Suggestion was made that the existing Gymnasium can be turned over back to the County once the new Gymnasium is built and operational. Recent structural repairs to the Gymnasium will hopefully prolong its useful life.

5. Adding additional parking to areas surrounding existing Music Building 'B' would be ideal and can also be shared with the nearby Boys & Girls Club or shared with those using the nearby tennis courts.
- q. Option 3 (County-Owned Parcel): One-story structure situated on the existing tennis courts of the adjacent Captain Cooks Memorial Park. New tennis courts, in open area north of the existing Gymnasium, would replace the displaced tennis courts.
- r. Pros:
 1. Location is near the existing Captain Cooks Memorial Park which allows for continued direct access.
 2. Location is closer to the existing main campus.
 3. Allows for continued use of existing Gymnasium and Locker Room/Shower Building for the duration of construction.
- s. Cons:
 1. Location displaces existing tennis courts thus replacement of tennis courts required which will add cost.
 2. Location on County-owned land will require further coordination.
- t. Comments:
 1. County may have upcoming plans for the tennis courts, thus if this option is pursued, coordination with the County will be required to avoid wasting funds.
8. Building Discussion:
 - a. Kristi Sumida presented the FADS, which is identical to the Kapa'a HS Gymnasium FADS, notes program spaces such as a Multi-Purpose Room (900 sf) that were added with the trade off being a reduction in the Lobby (reduced from 1,070 sf to 200 sf) and removal of Ticket Booth (minus 50 sf). Depending on the needs of the school, areas and spaces can be adjusted with the total square footage remaining the same at 18,518 sf.
 - b. Dino Padre (Waimea High School Vice Principal) noted that the current wrestling team is small (less than 10) whose practice is currently held in one of the portable classrooms near the existing Gymnasium. Kendall Ellingwood suggested, as a cost savings measure which in turn may increase chances of obtaining funds for this project, that the wrestling component be removed. Wrestling matches are currently held on the Main Court of the Gymnasium.
 - c. It was noted that Athletics is strong at Waimea High School and an important part of the community, thus a new Gymnasium will greatly benefit the West Kauai community.
 - d. Most popular events in the Gymnasium are basketball and volleyball games.
 - e. When assemblies are held in the Gymnasium, the floor is used in lieu of the stage, thus a stage in the new Gymnasium is not required.
9. General Comments:








- a. Preference for Option 2B as it allows for the Gymnasium to be placed on state-owned land, is least impactful to the existing Athletic structures which also allows for the continued use of the existing Gymnasium (during construction), existing Locker Room/Shower Building 'L' and portable classroom structures.
10. Moving Forward:
- a. A-E Team to study and explore Option 2A/B further with a one-story structure, if possible.
 - b. A-E Team to study existing site utilities and soils in the area of Option 2A/B.
11. The following comments were received following the Design Scope Meeting via email, July 20, 2020 from Mahina Anguay (Waimea High School Principal) following discussions with Waimea High School staff and stakeholders. Single story plan comments noted below are based on the "Single Story Floor Plan Option" included in the presentation (please refer to the attached):
- a. After discussion with some of my staff/stakeholders, I would like to pursue design option #2B, a two-story building on the front lawn. I had some comments or requests that we would like to incorporate into our plan; I don't think it should affect the overall scope/design/cost of the project significantly.
 - b. Could we please get a layout of what the two-story gym would look like?
 - c. We looked at the single-story plan and had these requests; could you please:
 - 1. Move the AD Office to where the Utility and Janitor room is located with a door and window into the gym.
 - 2. Move the utility and Janitor room to where the AD Office was.
 - 3. Move the Laundry Room into the Mechanical Room attached to the Training room as a wet room where the washer /dryer, ice machine and whirlpool will be located. Flip flop the mechanical room and laundry room.
 - 4. Turn the storage room into another office with shower /bathroom and add a window/door into the gym.
 - 5. Create another walkway into the gym between the storage room and PE equipment room.
 - 6. We also had a question --- are the two side courts full sized?
12. Kendall Ellingwood responded via email, July 20, 2020, as follows:
- a. We think we can make a one-story work with Option 2B. We will further develop both a 1-story and 2-story option for Option 2B.
 - b. We will look to incorporate your comments.
 - c. The two cross courts are regulation High School courts 84'.
13. Mahina Anguay noted that the school would like to preserve as much of the front lawn as possible since traditionally that's where graduation is held to which Kendall Ellingwood responded that we will look into shifting the new Gymnasium as close to the existing Music Building 'B' as feasibly possible to preserve as much of the front lawn.

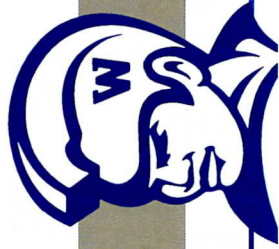
The above represents the writer's understanding of the discussions and a complete and accurate record of the decisions and agreements made. Amendments to this record shall be made in writing to the author within 5 days from the date of this document.

State of Hawaii Department of Education
Facilities Development Branch

SIGN – IN SHEET

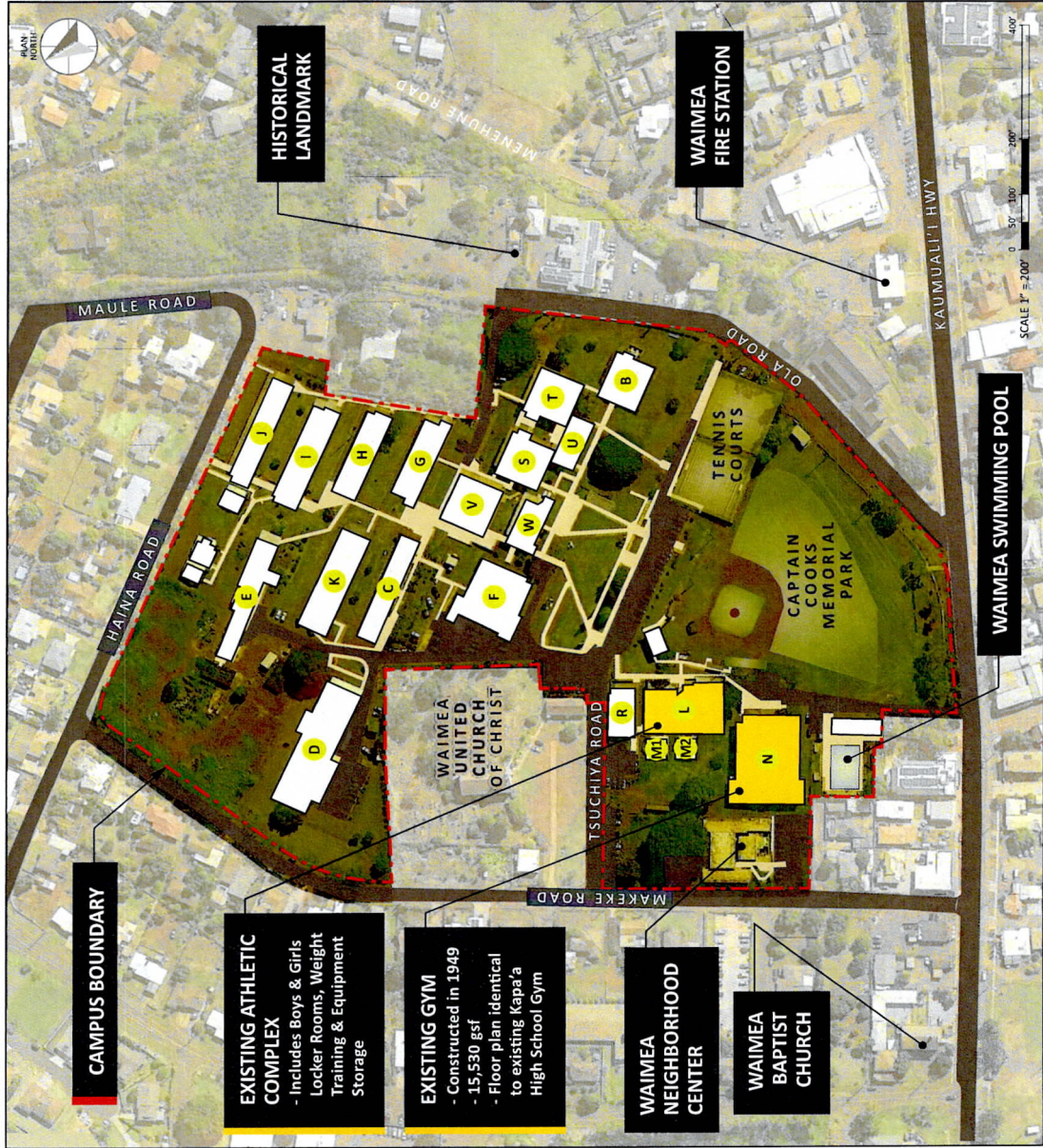
PROJECT: Waimea High School, Gymnasium Athletic Facilities – Q43201-18
DATE: 7/15/2020 @ 10:00

Initial Attendance	Name	Organization	Phone No.	Fax No.	Email Address
	Richard Bass	DOE/FDB - Project Management Section	784-5135	733-4660	rbass@bowersandkubota.com
	Dino Pabre	Vice Principal	286 2064		dino.pabre@k12.hi.us
	Lynn Antonio	ASA	657-9778		lynn.antonio@k12.hi.us
	Kent Tomimoto	DAGS			kent.k.tomimoto@hawaii.gov
	Eric Agena	DAGS	274-3033	274-3035	eric.m.agena@hawaii.gov
	Kendall Ellingwood	Design Partners Inc	949-0044		kendall@designpartnersinc.com
	Kristi Sumida	Design Partners Inc	949-0044		kristi@designpartnersinc.com



WAIMEA HIGH SCHOOL GYMNASIUM

Due Diligence Study - **Design Scope Meeting**

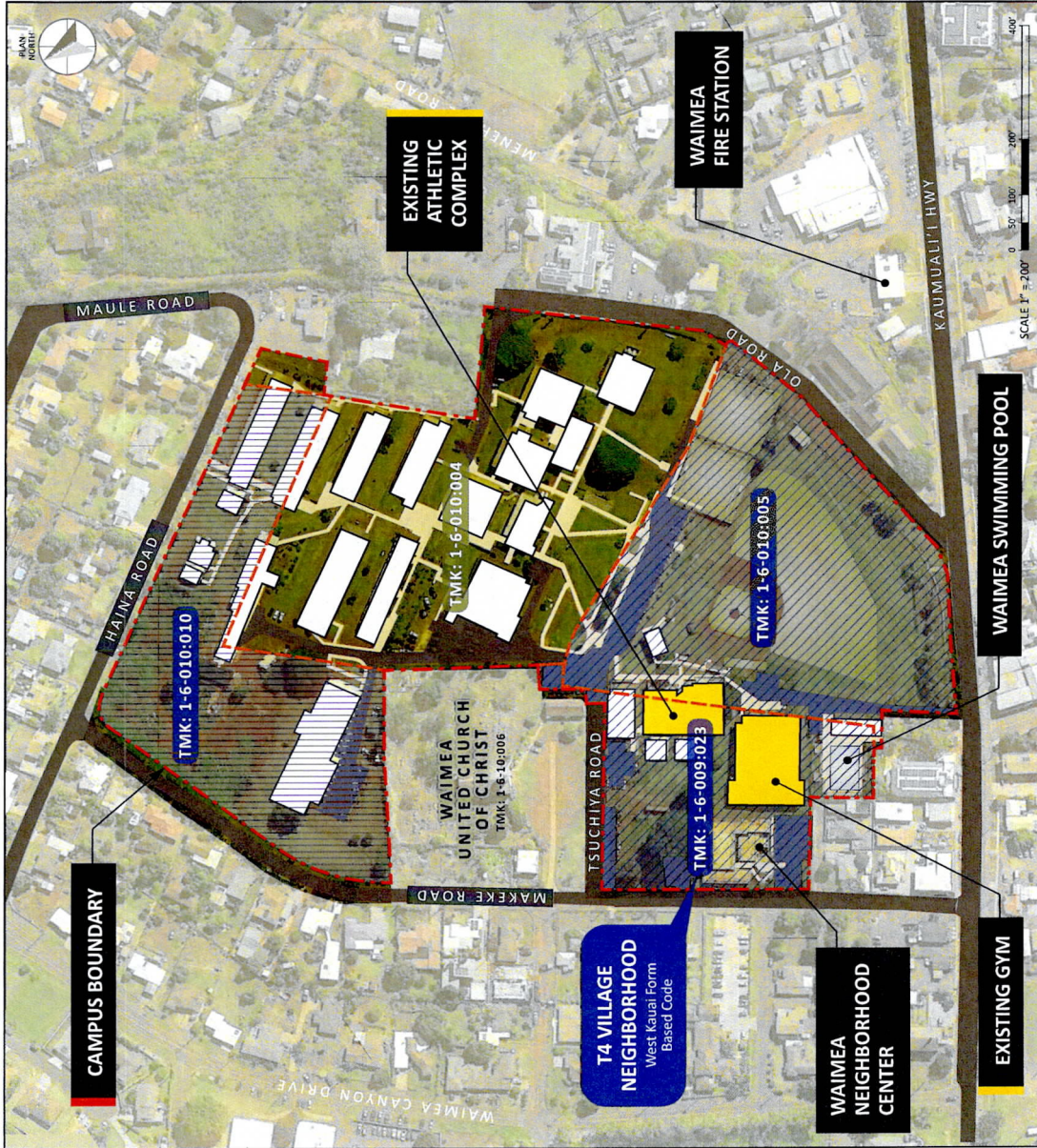


EXISTING CAMPUS SITE PLAN

SCALE 1" = 200'

BLDG LETTER	BUILDING NAME
B	Music Building
C	Home Economics Building
D	Industrial Arts Building
E	Vocational Agriculture Building
F	Cafeteria Building
G	Commercial Building
H	Science Building
I	Multipurpose Building
J	Art Building
K	Classroom Building
L	Athletic Complex
M1	M-1 Portable
M2	M-2 Portable
N	Gymnasium
R	General Classroom
S	Classrooms (Language Arts Studies)
T	Classrooms (Language Arts Studies)
U	Classrooms (Language Arts Studies)
V	Library
W	Administration Building

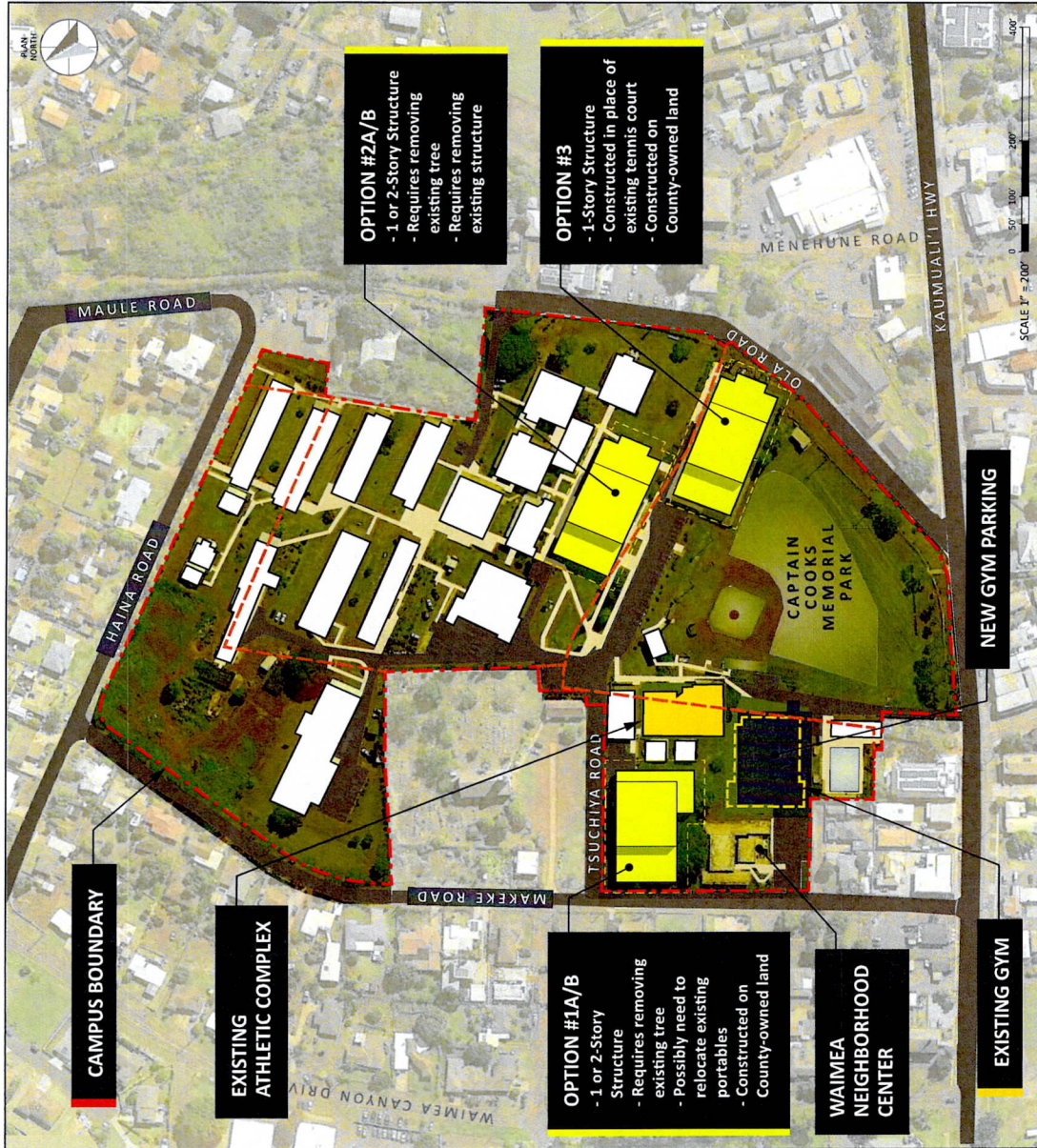




PROPERTY OWNERSHIP

SCALE 1" = 200'





NEW GYM LOCATION OPTIONS

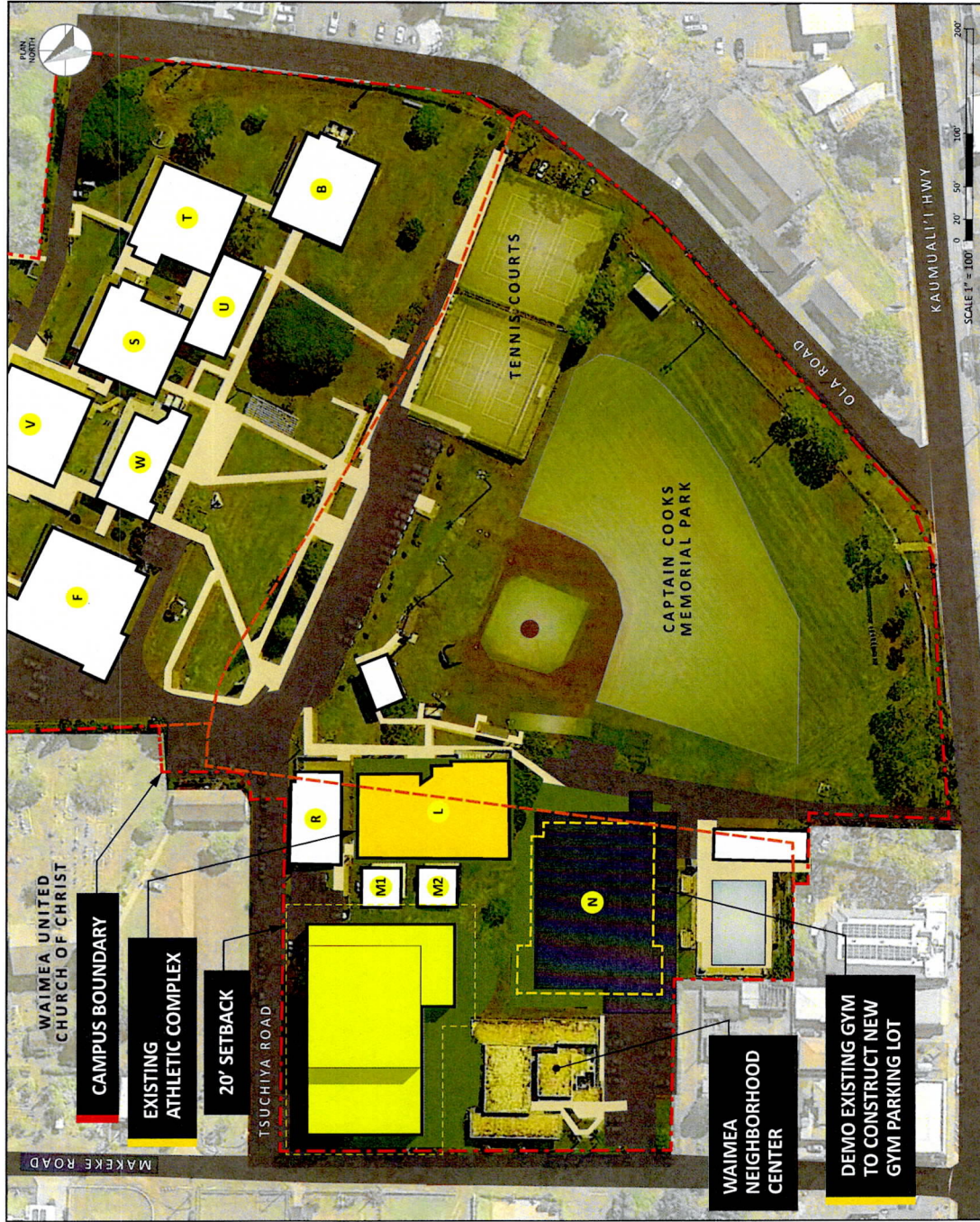
SCALE 1" = 200'

DESIGN OPTION

	#1A	#1B	#2A	#2B	#3
Location	Near Existing Gym	In Existing Courtyard	In Existing Courtyard	In Place of Existing Tennis Courts	In Place of Existing Tennis Courts
Property Owner	County Owned	County Owned	DOE	County Owned	County Owned
Number of Stories	2	1	1	2	1
Demolition/ Buildings Relocation	N (Gym)*	N (Gym)*	Existing Bleachers	N (Gym)*	N (Gym)*
Includes Gym Parking Area	Lot in place of Existing Gym	Lot in place of Existing Gym	New Gym at corner of Tsuchiya Rd & Makeke Rd	Lot in place of Existing Gym & Tsuchiya Rd at corner of Tsuchiya Rd & Ola Rd	Parking south of courtyard at corner of Tsuchiya Rd & Ola Rd
New Tennis Courts	No	No	No	No	Yes
Requires Tree Removal	Yes	Yes	Yes	Yes	Yes

* = Demolition not required for this Design Option





DESIGN OPTION #1A

SCALE 1" = 100'

Design Option #1A is located near the existing Building N (Gym) along Tsuchiya Road. To minimize the building footprint, the proposed new gym would be a 2-story structure with Training Room, Athletic Director and some Athletic Storage on the second floor.

If the existing lockers (in Building L) were to remain and not included in the program, the total gross area would be reduced resulting in a smaller footprint to fit in the constrained site.

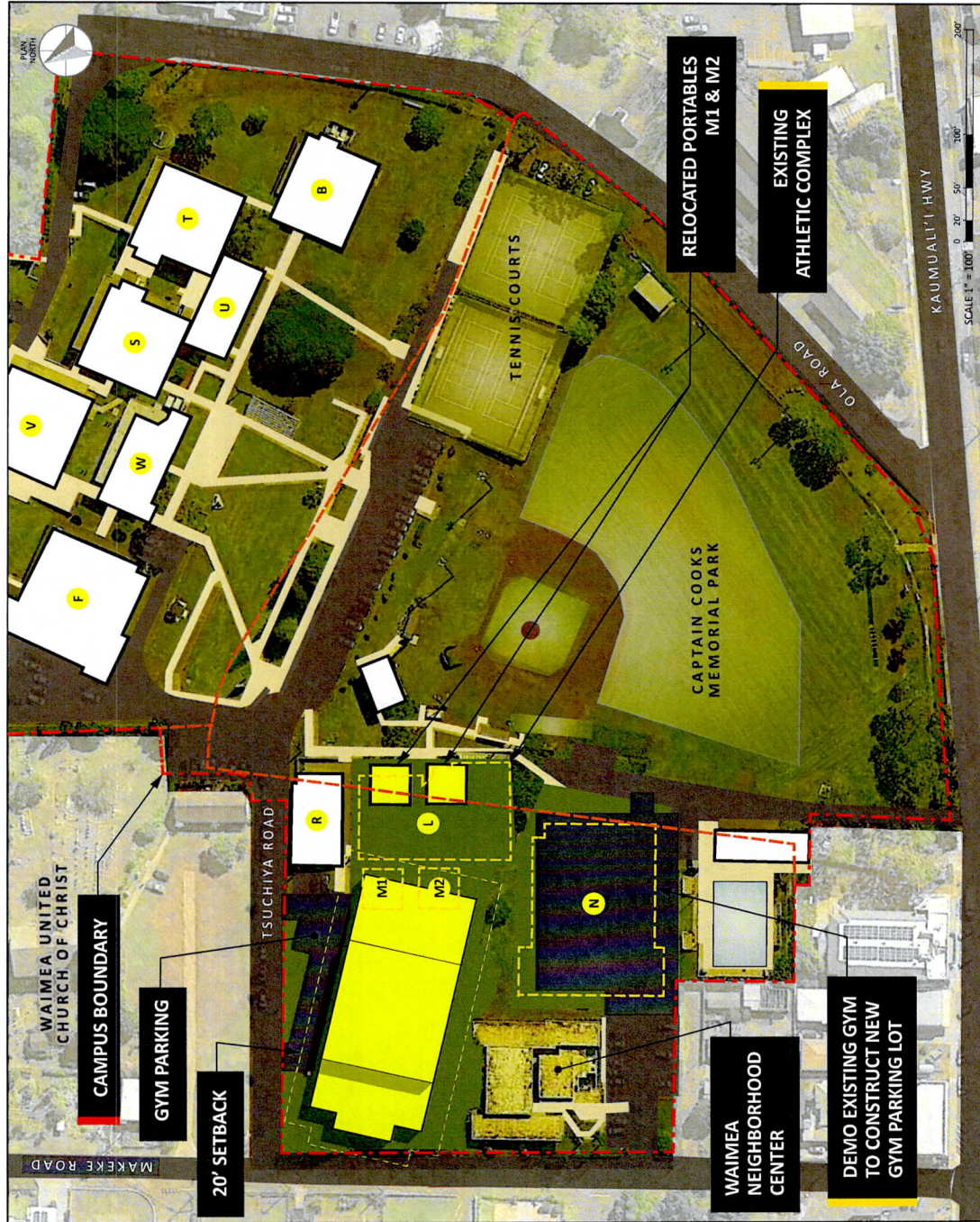
PROS:

- Location allows for the retention and continued use of the existing Locker Room/Shower Building 'L'
- Requires removal of existing trees
- Location groups athletic functions
- Allows for continued use of existing Gymnasium and Locker Room/Shower Building for the duration of construction
- Following demolition of existing Gymnasium, area can be converted to parking by extending Haiki Road, although modifications likely required

CONS:

- Two-story structure likely more expensive
- Requires an elevator which continual maintenance
- May need to relocate existing classroom portables





DESIGN OPTION #1B

SCALE 1" = 100'

Design Option #1B is located near the existing Building N (Gym) along Tsuchiya Road. The proposed building is a 1-story structure, requiring removal of Building L and relocation of Portables M-1 and M-2.

PROS:

- Location groups athletic functions
- Single story structure less expensive than two-story structure, no elevator requirement
- Allows for continued use of existing Gymnasium for the duration of construction
- Following demolition of existing Gymnasium, area can be converted to parking by extending Haiki Road, although modifications likely required

CONS:

- Requires removal of existing trees, classroom portables, existing Locker Room/ Shower Building 'L'
- Requires use of existing Gymnasium show-ers and lockers for the duration of construction



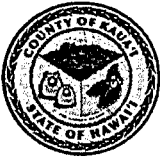
SCALE 1" = 100'

If the existing lockers (in Building L) were to remain and not included in the program, the total gross area would be reduced resulting in a smaller footprint..

- Location is closer to main campus
- Allows for continued use of existing Gymnasium and Locker Room/Shower Building for the duration of construction
- Following demolition of existing Gymnasium, area can be converted to parking by extending Haiki Road, although modifications likely required

- Loss of open space at the front of campus; requires removal of existing bleachers, tree
- Majority of parking will be a distance away





County of Kauai
Planning Department
4444 Rice St., Suite A473 Lihue, HI 96766
(808) 241-4050

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

6/29/2023

SUBJECT: Zoning Class IV Z-IV-2023-12
Use Permit U-2023-9
Variance Permit V-2023-4
Tax Map Key: 160100040000 & 160090230000
Applicant: State Department of Education
Waimea High School Gymnasium Complex

TO:

- | | |
|---|---|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input checked="" type="checkbox"/> State DOT - Highways, Kauai (info only) | <input type="checkbox"/> County DPW - Wastewater |
| <input type="checkbox"/> State DOT - Airports, Kauai (info only) | <input type="checkbox"/> County DPW - Building |
| <input type="checkbox"/> State DOT - Harbors, Kauai (info only) | <input type="checkbox"/> County DPW - Solid Waste |
| <input checked="" type="checkbox"/> State Department of Health | <input type="checkbox"/> County Department of Parks & Recreation |
| <input type="checkbox"/> State Department of Agriculture | <input checked="" type="checkbox"/> County Fire Department |
| <input type="checkbox"/> State Office of Planning | <input checked="" 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 checked="" type="checkbox"/> County Water Department |
| <input checked="" type="checkbox"/> State Historic Preservation Division | <input type="checkbox"/> County Civil Defense |
| <input type="checkbox"/> State DLNR - Land Management | <input type="checkbox"/> County Transportation Agency |
| <input type="checkbox"/> State DLNR - Forestry & Wildlife | <input type="checkbox"/> KHPRC |
| <input type="checkbox"/> State DLNR - Aquatic Resources | <input type="checkbox"/> U.S. Postal Department |
| <input type="checkbox"/> State DLNR - Conservation & Coastal Lands | <input type="checkbox"/> UH Sea Grant |
| <input type="checkbox"/> Office of Hawaiian Affairs | <input checked="" type="checkbox"/> Other: Office of Hawaiian Affairs |

FOR YOUR COMMENTS (pertaining to your department)

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 8/8/2023 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!

JOSH GREEN M.D.
GOVERNOR OF HAWAII

KENNETH S. FINK, M.D., M.G.A., M.P.H.
DIRECTOR OF HEALTH



STATE OF HAWAII
DEPARTMENT OF HEALTH
3040 Umi St. Lihue
Hawaii 96766

COUNTY OF KAUAI

'23 JUL 12 P1:57

PLANNING DEPT.

DATE: July 7, 2023

TO: To whom it may concern

FROM: Janet M. Berreman, M.D., M.P.H.,
District Health Officer (Acting for District Environmental Health Program
Chief)

SUBJECT: RESPONSE_DOE Waimea Gym_U-2023-4

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established

wherever possible.

3. Standard comments for the Clean Air Branch are at:
<https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55:
<https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standardcomments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at:
<https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program:
<https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at:
<https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 342I, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred

options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.

3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

By Revised Statute 11-62-31.1 If the parcel is less than 10,000sq feet, an individual onsite waste-water unit may not be possible for future construction. Please contact Sina Pruder at the DOH waste-water branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. Noise may be generated during demolition and/or construction. 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 Department of Health.
2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

1. CDC - Healthy Places - Healthy Community Design Checklist Toolkit recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3492.

Janet Berreman

Janet M. Berreman, MD, MPH, FAAP
Kauai District Health Officer
Office Phone: (808) 241-3614

PLANNING DEPARTMENT COUNTY OF KAUAI

GENERAL SUBMITTAL REQUIREMENTS

The following is a list of General Application requirements for Class III and IV Zoning Permits, Use Permits, Project Development Use Permits, Variance Permits, Special Permits, and Special Management Area Permits (SMA). In preparing Applications for permit applications or petitions, please provide an exhibit and/or page reference for the application submittal, information, and documents requested. Zoning Permit Application Forms, Special Management Assessment Forms, and Special Treatment District Checklist are also available at the Planning Department, 4444 Rice Street, Suite A473, Lihue, Hawaii 96766.

Pre-permit application consultation with the Planning Department and various County and State Agencies are recommended.

Instructions for Petitions for General Plan Amendments, State Land Use District Boundary Amendments (15 acres or less) and Zoning Amendments, are also available at the Planning Department.

An original plus one copy of the following items shall be submitted for review by the Planning Department for suitability for processing based on the attached checklist. Upon deeming the application suitable for agency review, the Planning Department will contact the applicant to request the additional number of application packets needed to complete the land use application for processing. The applicant shall provide 12 copies of the final application form and supporting information to complete the application for processing in accordance with Section 8-3.1(f) of the Kauai County Code, 1987, as amended.

Application shall be deemed complete when the above requirements have been satisfied and the following have been received:

1. Twelve (12) copies of the *FINAL* application.
2. Non-refundable filing fee payable to the COUNTY OF KAUAI, DIRECTOR OF FINANCE.
3. The filing fees are as follows:
 - o State Land Use District Boundary Amendment = \$150.00
 - o General Plan Amendment = \$600.00
 - o Zoning Amendment = \$300.00
 - o Special Permit = \$150.00
 - o Use Permit, Project Development Use Permit, Variance Permit = \$300.00
 - o Class III Zoning Permit = \$200.00
 - o Class IV Zoning Permit = \$800.00
 - o Special Management Area Use Permit = \$1,476.46
 - o Special Management Area Minor Permit = \$150.00
 - o Shoreline Setback Variance Permit = \$300.00
4. Digital copy (.PDF preferred) of entire transmittal including documents & exhibits on a CD or DVD.

☐ Incomplete _____

☐ Application Deemed Complete as all information has been submitted and necessary fees have been paid.

By:  Date: Jun 9, 2023



PLANNING DEPARTMENT
County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite A-473, Līhu'e, Hawai'i 96766
 TEL (808) 241-4050 FAX (808) 241-6699

GENERAL CLASS III & IV ZONING REQUIREMENTS CHECKLIST

Project Name: Pa'ula'ula State Historic Site (Russian Fort Elizabeth) Improvements	TMK: (4) 1-7-005:003
Applicant(s): Curt Cottrell	Permit Nos.

REQUIRED INFORMATION

APPLICANT & PROPERTY INFORMATION		Exhibit and/or Page Number	Staff Comments
1	Zoning Permit Application Form or Petition for Amendments. The Application Form or Petition shall be completed and provide the required information pertaining to the property, such as: Tax Map Key number(s), State Land Use District Designation (SLUD), General Plan Designation, and County Zoning Designation.	Attached	
2	Documents that verify ownership of the property under the subject application(s), or that the Applicant is the Authorized Agent o the property owner(s).	DLNR-State Parks	
3	If the Applicant is not the owner(s) of the subject parcel, then a notarized written authorization for the application by the owner shall be included. Said authorization shall include the owner's name, mailing addresses, contact information (i.e. phone number, cell number, email address)	Attached	
4	Agent's name, mailing address, and contact information (i.e. phone number, cell number, email address)	Attached	

GRAPHIC & SCHEMATIC REQUIREMENTS		Exhibit and/or Page Number	Staff Comments
5	Location Map identifying the project site, adjacent roadway, and identifying landmarks.	See Plans	
6	Schematic Site Development Plan of Plot Plans drawn to scale that identify the following:		
	o Property lines and easements with its dimensions, total land or parcel area calculations;	See Plans	
	o County and SLUD Zoning and General Plan Designation areas of the property and applicable densities;	24	
	o Flood Zone(s) and required elevations;	See Plans	
	o Location, size, and dimensions of all existing and proposed buildings, structures, improvements and uses;	See Plans	
	o Building setback distances to property lines, between buildings, right-of-ways, and parking lots;	See Plans	
	o Proposed Lot Coverage calculations and areas;	See Plans	
	o Topographic information showing existing features, conditions and drainage patterns, and proposed grading & finished grade elevations, and drainage patterns;	See Plans	
	o Location of environmentally sensitive areas, habitat and botanical features which include, but are not limited to, wetlands, streams, rock outcroppings, endangered plants and animals, and exceptional trees;	See Plans	
	o Existing and proposed landscaping which depicts open spaces, plantings and trees;	See Plans	
	o Existing and proposed roadways, and accesses to the project site; and	See Plans	
	o Certified Shoreline, shoreline setback lines, stream and other setback lines.	See Plans	

7	Conceptual Building Plans (drawn to scale):		
	o All existing and/or proposed building elevations with finished material called out. Exterior Elevations shall identify the existing and finished grade;	See Plans	
	o Building heights, maximum wall plate height, cross sections that are drawn to scale and clearly define the architectural character of the development; and	See Plans	
	o Floor plans of all buildings and typical unit types for multi-family projects;	See Plans	

WRITTEN REQUIREMENTS		Exhibit and/or Page Number	Staff Comments
8	A Report or Statement addressing the following:		
	o Description of the proposed project and proposed uses, operations and management of the proposed use which includes, but is not limited to, proposed employee housing plan, hours of operation;	7	
	o Summary of Permits (i.e. Use Permit, Variance Permit, Special Permit, Class IV Zoning etc.) or Land Use Amendments requested, and the application section of the Kaua'i County Code or regulation citing the specific standards and criteria for granting of the permit or amendment being requested;	8	
	o Policies and Objectives of the General Plan; the provisions of the Community Development Plan applicable to the application (including design standards and application requirements); the provisions of the applicable zoning district; and an analysis of the extent to which the application, if granted, conforms to these provisions of the applicable district; and an analysis of the extent to which the application, if granted, conforms to these policies, objectives and provisions;	44	
	o Detailed land use history of the parcel, which includes but is not limited to, former and existing State and County land use designations, violations and uses;	7-20	
	o Status reports of all Zoning Amendment ordinance conditions, existing Land Use Permit conditions, and Subdivision Application conditions pertaining to the project site;	8	
	o Analysis of the secondary impacts of the proposed use on the surrounding area, which includes but is not limited to, increases in property value, population, housing, community services and facility needs, secondary jobs and employment generated, and compatibility with the surrounding uses;	NA	
	o Water source, supply and distribution system analysis, which includes but is not limited to, methods of irrigation that exists on the parcel and proposed for the application, location and use of groundwater and non-potable water sources;	31	
	o Sewage Disposal Analysis – A description of a proposed method of sewage disposal;	32	
	o Solid Waste Disposal Analysis – A description of a proposed method of solid waste disposal, including methods for recycling, reclamation and waste stream diversion; and	NA	
	o Description of environmentally sensitive areas, habitat and botanical features, which includes but is not limited to, wetlands streams, rock outcroppings, endangered plants and animals, and exceptional trees.	30	
9	A completed evaluation form or written comments from the County Housing Division relative to the County's housing requirements, pursuant to Ordinance No. 860.	NA	

**ADDITIONAL INFORMATION
(SUBJECT TO DIRECTOR'S DETERMINATION)**

APPLICANT & PROPERTY INFORMATION		Exhibit and/or Page Number	Staff Comments
10	Title Report necessary for the project site. Title Insurance will be mandatory for all affected Kuleana parcel(s).	NA	

GRAPHIC & SCHEMATIC REQUIREMENTS		Exhibit and/or Page Number	Staff Comments
11	Schematic Site Development Plans of Plot Plans drawn to scale, which identify the following:		
	o Location of existing or required access to shoreline or traditional site either on property or adjacent to; and	See Plans	
	o Certified Shoreline, shoreline setback lines, stream and other setback lines.	NA	

12	Three (3) dimensional drawings of models, which clearly indicates the relation of the proposed development to other uses and structure within the surrounding area, and show the development in the context of significant viewplanes.	See Plans	
13	Dated photographs of the project site, existing structures, and the surrounding area.	52 & 58	

WRITTEN REQUIREMENTS		Exhibit and/or Page Number	Staff Comments
14	Additional information to be included in the required report:		
	○ Preliminary archaeological and historical data;	14,17	
	○ A preservation/mitigation plan;	NA	
	○ Traffic Impact analysis showing level of service with and without the project, when required by the State Department of Transportation OR County Department of Public Works;	NA	
	○ A Transportation Master Plan, which includes vehicle, pedestrian and other forms of circulation to adjacent services and destinations;	NA	
	○ For parcel located in SLUD Agricultural or County Agriculture zoning district, an assessment of the impact which the proposed use may have on agricultural use of the parcel, which includes but is not limited to, feasibility analysis of potential agricultural uses suited for the project site;	25	
	○ A Water Master Plan, which aligns to the goals of the 2020 Water Plan for Kaua'i;	NA	
	○ A baseline study and preservation/mitigation plan for environmentally sensitive areas and endangered species habitat;	NA	
	○ A summary of all meetings held between the Applicant and any community or residential group that may be impacted by the Applicant's proposal, the issues raised at these meetings, and any proposed mitigation measures by the Applicant to deal with the raised concerns;	21	
	○ For properties adjacent to the shoreline or containing traditional access or sites requiring access – A Preservation/Mitigation Plan detailing how access will be allowed and managed;	NA	
	○ For projects near the shoreline, riparian areas or wetlands, or those involving intensive landscaping or turf management, such as golf courses – Identification and assessment of chemicals and fertilizers used, including but not limited to, detailing effects upon surface, underground and marine water resources and neighboring properties and surrounding flora & fauna. If applicable, provide a mitigation plan and maintenance program and schedule;	NA	
	○ For properties listed on the Kaua'i Historic and Non-Historic Resource Inventory – An inventory and description of historic features on the property;	NA	
	○ Proposed Employee Housing Plan; and	NA	
	○ Description of sustainable strategies incorporated into project, including but not limited to, strategies to reduce water and energy and material consumption, promote alternative forms of transportation, reduce wastewater and storm runoff, waste stream diversion and encourage the preservation of function ecosystem, i.e. LEEDS, Los Impact Design, Green Building principles, recycling, composting, BMP's, etc..	NA	

ADDITIONAL PERMITS		Exhibit and/or Page Number	Staff Comments
15	For projects located within the Special Treatment District – The Applicant shall comply with necessary requirements of Section 8-11.5 of the KCC, and provide information noted in the Special Treatment District Checklist.	35	
16	For projects located within the Special Management Area (SMA) – The Applicant shall complete & submit an SMA Assessment application of the proposed development.	48	
17	For properties located within 500 feet of the shoreline – The Applicant shall comply with the requirements of Section 8-27 of the KCC, entitled "Shoreline Setback and Coastal Protection," and provide the necessary information contained in the Shoreline Setback checklist.	48	
18	If applicable, the petition requirements and content for a Special Permit, pursuant to Chapter 13 of the Rules of Practice and Procedures of the Planning Commission, and Chapter 205 of the Hawai'i Revised Statutes (HRS).	NA	
19	A Finding of No Significant Impact (FONSI) or Final Environmental Impact Statement (EIS), when required by Chapter 343 of the Hawai'i Revised Statutes (HRS).	NA	

Pā‘ula‘ula Fort Improvements

Pā‘ula‘ula State Historic Site

(Formerly Russian Fort Elizabeth State Historical Park)

Makaweli, Waimea, Kaua‘i, Hawai‘i

Petition for:

SMA Use Permit

Before the:

**Kaua‘i County Planning Commission
State of Hawai‘i**

June 2023

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EXHIBITS

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**BEFORE THE PLANNING COMMISSION OF THE
COUNTY OF KAUAI**

STATE OF HAWAII

In the matter of the Petition

Docket No. _____

of

Marc Ventura AIA, LLC's
request for an SMA Use Permit
for *Various improvements
including a Boardwalk and
Viewing Platform* at Pā‘ula‘ula
State Historic Site (Russian Fort
Elizabeth), Makaweli, Waimea,
Kaua‘i

I. PETITION FOR SMA USE PERMIT

Marc Ventura AIA, LLC, hereinafter referred to as “Petitioner”, is requesting SMA Use Permit approval for the subject project to allow the development and use of *Various Improvements including a Boardwalk and Viewing Platform*, including ancillary uses, improvements and infrastructure, onto lands that are classified "Conservation and Agricultural" by the State Land Use Commission, and zoned “Open Zone/Special Treatment – Cultural / Historic” (O/ST-C) by the County of Kaua‘i, and further identified as an undivided portion of Tax Map Key (4th) 1-7-05:por 3 at Pā‘ula‘ula State Historic Site (formerly named Russian Fort Elizabeth State Historical Park), Makaweli, Waimea, Kaua‘i consisting of approximately 17.26 acres (**Exhibits 1-3**). Exhibits provided by the Department of Land and Natural Resources (DLNR), Division of State Parks (State Parks).

The design intent of the proposed boardwalk and viewing platform is to offer visitors a venue for entering and experiencing the fort while at the same time protecting the fragile rock wall and features within the the fort and reducing the impact of visitor traffic on the site. The design of the boardwalk and viewing platform has been carefully planned so as to minimize the impact of the proposed features on the archaeological features, the ground surface, and the historic landscape. The low profile of the boardwalk and viewing platform seeks to minimize the visual impacts as these

structures are elevated approximately 12 inches above grade with support posts on concrete pier footings set 6-12 inches below grade.

The other project improvements are largely R&M (Repair and Maintenance) in nature and include the following:

- Restroom repairs and refinishing.
- Repair of damaged existing signage kiosk.
- Replace and realign the coral walkways.
- Replace existing park sign with correct park name.
- Drinking fountain replacement.
- Electrical improvements at park entry for future entry lighting and irrigation.
- Parking lot improvements.
- Additional interpretive signage along the coral walkways.
- Landscaping.

The focus of this petition is on the proposed boardwalk and viewing platform which would be located within the boundaries of the historic fort. Prior to the fort, Pā'ūla'ūla was the Waimea residence for ali'i nui or royalty of Kaua'i. Chiefess Kamakahelei and husband Ka'eokūlani, high chief from Maui, established the royal center and associated heiau on the east bank of the Waimea River. Their son Kaumuali'i would continue to reside here when he came to power in 1796. Under Kaumuali'i's direction, Hawaiians constructed the fort beginning in 1817 and which was garrisoned by Hawaiian soldiers until 1864.

DLNR, State Parks officially changed the name of the park to Pā'ūla'ūla State Historic Site (SHS) in 2022 to recognize the traditional Hawaiian name Pā'ūla'ūla for the area and the fort. The park is located at the mouth of the Waimea River in the Makaweli Ahupua'a, district of Waimea, on the west side of Kaua'i. The site is on a raised, relatively level bluff on the eastern riverbank of the Waimea River, at an elevation of around 20 feet above sea level (**Exhibits 1-3**). The park is defined by Kaumuali'i Highway on the north, the Waimea River on the west, and Waimea Bay on the south. A rock wall on the eastern park boundary separates the park from Pakala and the lands owned by Gay and Robinson. The park corresponds to TMK: (4) 1-7-005:003 (**Exhibit 3**).

The improvements are intended to be accessory in nature and function to the State Park. The Boardwalk and Viewing Platform will add a new element to the fort landscape as it will be situated at the entry to the fort structure. It is intended to offer visitors an opportunity to experience the fort and learn about its historic and cultural significance while preventing unnecessary damage to the existing fort features, flora and fauna.

The proposed boardwalk transitions from a coral pathway at the fort entry and extends approximately 80 feet into the fort structure (**Exhibits 4-7**). The boardwalk is approximately 6 feet wide by 72 feet long and is elevated 12 inches above grade with 36-inch high guardrails on either side. The platform and boardwalk are elevated to minimize impact on the existing grade while providing viewing of the fort interior. The platform located at the end of the 72-foot boardwalk run is 7 feet-8 inches wide by 12 feet long and encompasses about 92 sq. feet. The boardwalk area is about 432 sq. feet. The total combined area of proposed boardwalk and viewing platform is about 524 sq. feet. The boardwalk, railings, and platform deck are constructed of low maintenance and environmentally friendly 1x6 wood composite decking material on a wood frame which is supported on prefab concrete blocks. The finish is a natural wood look to aesthetically fit into the outdoor environment. The platform is designed to accommodate wheel chair access. There will be a lockable maintenance gate at the end of the platform and interpretive signs will be mounted on the railing of the viewing platform to share information about the construction of the fort and the life of the soldiers who occupied the fort buildings. These signs will enhance the visitor experience while the viewing platform provides a way to manage visitor traffic and help protect the fragile fort features.

The proposed boardwalk and viewing platform are situated at the fort entry which is a 6-foot wide break in the stone wall of the fort. The entry faces Waimea River and is approximately 420 feet southwest of Kaumuali'i Highway at its closest perpendicular point. The beginning of the boardwalk lies approximately 100 feet southeast of the river at its closest perpendicular point.

II. AUTHORITY FOR RELIEF SOUGHT

Pursuant to Chapter 8, Kaua'i County Code (KCC), single-family dwellings are an outright permitted use in the Open Zone. However, the zoning ordinance states that a conditional Use Permit is required prior to development that is proposed within the Special Treatment-Cultural / Historic (ST-C) sub-zone, and because the proposed boardwalk and viewing platform trigger a Conditional Use Permit.

A Class IV Zoning Permit is a procedural requirement pursuant to Section 8-19.6, KCC, when a conditional Use Permit is requested. This section provides the legal basis for filing the petition and the requirements for complying with the public hearing notification requirements, both of which have been successfully fulfilled by the petitioner.

A Special Management Area Use Permit application has been determined since the project cost is greater than \$500,000.

III. DESCRIPTION OF THE PROPERTY

The subject park property (refer to **Exhibit 3**) has been consolidated into a single parcel totaling 17.26 acres in the ahupua'a of Makaweli, district of Waimea. The park is approximately 1,000 feet east of the intersection of Alawai Road and Kaumuali'i Highway. The footprint of the fort area occupies approximately 5.26 acres. The affected land area where the the proposed boardwalk and platform are to be sited is at the fort entry which is on the northwest side of the fort facing the Waimea River. The property is further described as follows:

A. Background

The proposed boardwalk and viewing platform will be located within the historic fort structure. The fort design was provided by Georg Anton Schäffer of the Russian-American Company (RAC) but the massive stacked rock walls were built by a Hawaiian labor force using Hawaiian construction techniques and locally available materials. Schäffer named the fort after the Russian Czarina Elizabeth but there is no evidence that this name was used after the RAC was expelled from Kaua'i by Kaumuali'i in 1817. However, early maps labeled the fort as "Old Russian Fort" and this led to the park being named Russian Fort Elizabeth State Historical Park when the State of Hawai'i acquired the 17.26-acre property and established the park in 1972 to

preserve the site and provide an opportunity for the public to visit and learn more about this period in Hawaiian history.

“Russian Fort” was designated a National Historic Landmark (NHL) in 1962 and listed on the Hawai'i Register of Historic Places in 1981. The site remains an excellent example of rock-fort building from the early 19th century when foreign powers recognized the value of Hawai'i as a significant provisioning port for trade across the Pacific. State Parks is intending to update the register nomination forms and change the site name from Russian Fort Elizabeth to Pā'ūla'ūla.

Archaeological and historical research conducted in more recent years have shed new light on the multicultural history of Pā'ūla'ūla and led to the understanding that Pā'ūla'ūla is a Hawaiian fort, not a Russian fort as it was not built or occupied by Russian soldiers. It is now recognized that Kaumuali'i never relinquished control of Pā'ūla'ūla to Russia or the RAC and it was his decision to build the fort, direct the Hawaiian laborers, and garrison the fort with his soldiers. While Kaumuali'i was building Pā'ūla'ūla, Schäffer and the RAC were building and occupying Forts Alexander and Barclay located at the mouth of the Hanalei River.

B. Previous Permits

1. HPRC-2022-16
2. Special Management Area Use Permit SMA(U)-2021-2
3. Class IV Zoning Permit Z-IV-2021-4, Petitioner Friends of King Kaumuali'i.
4. Use Permit U-2021-3, Petitioner Friends of King Kaumuali'i.
5. Approval would grant the applicant approval for the construction of the proposed boardwalk and viewing platform.
6. Friends of King Kaumuali'i secured permits for and installed the King Kaumuali'i statue at Pā'ūla'ūla SHS in 2021.
7. According to the Kaua'i Planning Department, there are no known zoning violations existing on the site that will delay the project.
8. State of Hawai'i constructed a comfort station and parking lot soon after acquiring the site in 1972. State Parks, with funds secured, is now proposing repairs and improvements to the park site including expanded walkways, interpretive signs, landscaping, and renovation of the comfort station, parking lot, and interpretive kiosk to be accomplished in the coming years.

C. Environment

Waimea is located along the leeward coastline at the mouth of the Waimea River. Waimea River is fed by stream water from the uplands of Waimea Canyon. The abundance of fresh water, fertile agricultural soils, a wealth of marine resources, a long sand shoreline for canoe landings, and good surf sites made Waimea a major population center and a favored residence for ali‘i in pre-contact times. Large areas of lo‘i kalo (irrigated taro fields) lined the river with hale and gardens along the coast and upvalley.

Captain James Cook sailed into Waimea Bay in January 1778 and “Cook’s Landing Site” at the western Waimea River mouth is another National Historic Landmark. The landing was memorialized with the arrival of a replica schooner from Europe in 1999. The missionaries came to Waimea in 1820 and initially stayed in a house provided by Kaumuali‘i at Pā‘ula‘ula. They would later move to the other side of the river and build churches, schools, and houses.

The lo‘i were converted to rice by Chinese farmers moving to Waimea in the 1870s but the major change in the economy and land use came with the sugarcane plantations in the late 1800s. The cultivation of sugar covered much of the land of West Kaua‘i. Makaweli Plantation was established on lands owned by the Sinclair/Robinson/Gay family and extended from Hanapēpē to Waimea, including the land around the fort.

Waimea River, which is located to the west of Pā‘ula‘ula is classified as a perennial river meaning it flows throughout the year. Native aquatic species are known to inhabit the stream. The Waimea River is also considered an estuary/embayment, which is characterized as being brackish in composition, with a continuous or seasonal surface connection to the ocean, which allows for the movement and migration of marine fauna.

D. Topography & Physical Characteristics

The boardwalk and viewing platform are situated in an area of a naturally existing “bench” at around the 20-foot M.S.L. elevation. This portion of the site is a gentle slope from Kaumuali‘i Highway to the shoreline. A steep riverbank marks the transition from the bench where the fort is located to the Waimea River.

E. Soils and Geology

Kaua‘i is the northernmost, and geologically the oldest of the major islands in the Hawaiian chain. The island’s highest point is Kawaikini Peak at 5,170 feet. Kaua‘i measures 33 miles long and 25 miles wide with a land area of 555 square miles or 355,000 acres. According to the United States Department of Agriculture, Soils

Conservation Service Soil Survey for the island of Kaua'i, Sheet Number 25, (Figure-C) portions of the subject property are classified as Makaweli silty clay loam (MhB) and Nui silty clay (NnC).

1. Nui silty clay (NnC) contains slopes of 6 to 12 percent slopes, runoff is medium and the erosion hazard is moderate. This soil is used for pasture, orchards, wildlife habitat and woodland.
2. Makaweli silty clay loam (MhB) consists of, 0 to 6 percent slopes. These soils are used for pasture, woodland, wildlife habitat, and water supply. Runoff is rapid and the erosion hazard is severe. Makaweli Series are geographically associated with Nui soils soil profiles prove to exhibit poor growing and cultivation characteristics.

These soil profiles proved to exhibit poor growing and cultivation characteristics. This condition was further exacerbated by the lack of solar radiation and the constant exposure to salt winds. However, the subject soils are suitable, stable and appropriate for foundations, construction and including accessory uses and activities.

F. Surroundings

Pā'ūla'ūla on the east side of the Waimea River is at the southeastern entrance to urban Waimea town. Waimea is home to an array of significant community assets like Kaua'i Veterans Memorial Hospital (KVMH), Kikiaola Small Boat Harbor, Waimea High School, and Waimea Neighborhood Center. Places of interests include Menehune Ditch, Swinging Bridge, and Waimea Pier. Highway 550 (Waimea Canyon Drive) intersects Kaumuali'i Highway in Waimea and is the main route for accessing Waimea Canyon and Kōke'e State Parks. Going west is the town of Kekaha, the Navy's Pacific Missile Range Facility at Barking Sands, and Polihale State Park.

In addition to its natural beauty, views of Ni'ihau, and broad sandy beaches, Waimea is known for its historical resources and points of interest, such as Waimea United Church, Hawaiian Church, West Kaua'i Technology and Visitor Center, and the Olokele Plantation Managers Residence to name a few. Three widely used beaches in the area are found at Lucy Wright Park, Waimea State Recreation Pier, and Waimea Plantation Cottages.

G. Climate

Relative to data obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), the trade winds have a large influence on the climate throughout the island. Normal annual average precipitation at Waimea is approximately 23.99 inches, with the driest months being June through August. In comparison, the normal annual rainfall for the island is 40 inches, three-fourths of which occurs from October through April. Wai‘ale‘ale holds the distinction of having the highest recorded average of rainfall in the world at 460 inches per year. Waimea is on the leeward side which is hotter and drier side of the island is characterized as having cooler and wet weather. The prevailing winds (trades) generally blow on shore much of the year, with the strongest winds occurring during the summer months. During calm weather, a diurnal land-sea breeze cycle, common to coastal environments, often develop. Strong winds associated with low-pressure. The climate on the West Shore has an annual average temperature of 82 degrees Fahrenheit.

H. Access

Access into the State Park is obtained directly from Kaumuali‘i Highway (50), which is under the jurisdiction of the State Department of Transportation, Highways Division.

I. Constraints

According to Article 10, Chapter 8, Kaua‘i County Code (KCC), the purpose of the Constraint Districts is for establishing special standards of development to assure public health, safety, and welfare in areas containing unusual and unstable conditions. The following are the Constraint Districts for the County of Kaua‘i, and as they exist on the subject property:

1. SLOPE: None
2. SOIL: None
3. TSUNAMI: None
4. DRAINAGE: None
5. SHORE: None
6. FLOOD: None

J. Utilities

1. Cable TV: Cable TV and Voice and internet infrastructure are available to the property since it is located within an existing service area.

2. Electrical: According to Kaua'i Island Utility Cooperative (KIUC), sufficient electric capacity (240 V-single phase) exists to the project site, for residential level of service.
3. Water: The County of Kaua'i provides both potable water and irrigation water to the property.
4. Telephone: The project is served by both wireless and landline telephone service. T-1 lines are installed underground. The Waimea mauka lands are known to be a strategic location for supporting wireless antenna siting.

K. FIRM

The National Flood Insurance Program (NFIP) requires the local government (County) to adopt Flood Plain Management programs, which delineate the 100-year and 500-year flood plain boundaries. These boundaries, which are determined by the Federal Emergency Management Agency (FEMA), indicate a 1- percent annual chance of flooding in the 100-year zone, and a 0.2 percent annual chance of flooding in the 500-year zone.

According to the Federal Flood Insurance Rate Maps (FIRM), panel 55 of 225 (Figure-D), the subject property is located within the Zone X-Unshaded. These are areas, which have been determined to be outside the 500-year floodplain. The project will not significantly increase storm water runoff caused by altering current ground drainage characteristics or changing existing drainage patterns. In total it is estimated that only 3% of the total property will be covered by impervious surfaces. As a result, the site will retain its ability for percolation and storm water retention.

L. Government Services

1. **Mail**: Waimea is served by a U.S. Postal Facility that is located along Waimea Road. Roadside mail delivery is not available.
2. **Trash**: According to Public Works, Solid Waste Division, trash pick-up is available to the park. However, State Parks handles its own trash disposal. Homeowners are responsible for disposing of their own trash. The nearest solid waste transfer station is at Hanapēpē. The County's landfill is located in Kekaha.

3. **Police/Fire:** The subject property is located within the Waimea Police and Fire service area. Police and Fire services are within a half-mile away on Kaumuali‘i Highway.
4. **Schools:** Existing public schools to serve the subject area include Kekaha Elementary School, Waimea Middle School, and Waimea High School, Ke Kula Ni‘ihau o Kekaha Charter School, and Kula Aupuni Ni‘ihau A Kahelelani Aloha Charter School and St. Theresa’s Catholic School.

M. Cultural

The State Parks Archaeology Program prepared a Preservation Plan for the 17.26-acre park in 2021, conducted an Archaeological Inventory Survey (AIS) in 2022, and developed an Archaeological Monitoring Plan (AMP) in 2022 to address a project that includes the proposed boardwalk and viewing platform. All of these documents have been submitted to the State Historic Preservation Division (SHPD) and are awaiting their review and comments. Based on the previous sugarcane cultivation around the exterior of the fort and prior park development, there is a low probability for cultural deposits or materials to be found to the northern and eastern exterior of the fort. Archaeological testing has been conducted within the fort which suggests the potential for cultural materials to be encountered when the footings for the boardwalk and viewing platform are excavated. Archaeological monitoring will be conducted to address this.

Pā‘ula‘ula/Fort Elizabeth was first documented as the “Old Russian Fort” in the 1885 map by George Jackson but this map was drawn 21 years after the fort was dismantled in 1864. The map records the fort wall, the interior buildings, and the exterior features associated with the fort. While the map reflects the locations of various structures, more recent archaeological research has indicated that some of the Jackson’s labels indicating the function of these structures are incorrect.

In 1972, an archaeological mapping and testing project at the fort site was conducted by Bishop Museum. The fort structure, including the wall, interior features, and exterior features along the western side of the fort were mapped in detail. The fort measures about 325 feet (100 meters) in diameter with walls 12 feet (3.5 meters) high. The irregular, massive, star-shaped wall consists of an interior dirt berm and an exterior stacked basalt rock wall. Interior features are delineated by rock alignments, mortar lined pits, and raised dirt mounds. Subsurface cultural deposits were located along the shoreline on the makai exterior of the fort.

At this time, the fort structure was assigned State Inventory of History Places (SIHP) #50-30-05-1000. Archaeological coring and test excavations have occurred both within the fort interior and exterior between 1972 and 1994 (**Exhibits 8-9**). In addition, State Parks archaeologists have monitored several projects involving ground disturbance.

In 1975, extensive backhoe trenching was conducted around the exterior of the fort (north and east sides) in conjunction with the proposed construction of a parking lot and restroom. The trenching found a relatively uniform deposit of red clayey loam with no evidence of cultural deposits or material. This area was in sugarcane cultivation from ca. 1920 until 1970 with barracks built mauka of the fort during World War II, which may explain the lack of cultural material (**Exhibits 10-11**).

In 1993 and 1994, Dr. Peter Mills conducted archaeological coring and small-scale excavation around the interior and exterior of the fort to evaluate the presence of cultural deposits associated with the fort. A series of units was excavated in the area to the southwest of the fort and near the shoreline while testing within the fort was able to more accurately determine the function and sequence of use for certain interior features.

N. Historical

King Kaumuali‘i (1778-1824) was the last independent ali‘i nui (supreme ruler) of Kaua‘i and Ni‘ihau. He was born at Holoholokū, Wailua to Kamakahelei (Mother), Ali‘i Aimoku of Kaua‘i, and Ka‘eokūlani (Father) regent of Maui and Moloka‘i. With this royal heritage, Kaumuali‘i was destined to become the future king of Kaua‘i.

When Captain Cook arrived in Waimea in 1778, this site on the east bank of the Waimea River was kapu to all but the ali‘i and was one of two royal centers on the island. A residential compound and heiau were built at this political center of Waimea. During a visit to Waimea in 1786-1787, Nathaniel Portlock and George Dixon noted the chiefly residence of Ka‘eokūlani on the east bank of the Waimea River near the shore. Upon his father's death in 1796, there was a dispute between Kaumuali‘i and his half-brother Keawe. Kaumuali‘i was victorious but Kaua‘i was soon under the threat of invasion by Kamehameha I.

Over time, under King Kaumuali‘i’s reign, the kapu was lifted to include and welcome esteemed visitors and ship captains from many nations; in particular, British, American, Russian and French. Kaumuali‘i played a significant role with his interactions and interest in other cultures, ideas, science and commerce. Ceremonies, worship and celebrations evolved to include the dynamic nature of changing times.

Kaua‘i and Ni‘ihau had eluded Kamehameha’s control since he first tried to add them to his kingdom in 1796, a year after Kaumuali‘i became king. Though a prophet warned Kamehameha not to invade Kaua‘i, he refused to listen. Kamehameha tried again in 1803, but disease ravaged his armies and he retreated. Over the next years, he amassed the largest armada Hawai‘i had ever seen, including foreign-built schooners and massive war canoes armed with cannons to carry his vast army.

In 1810, Kaumuali‘i decided to negotiate a peaceful resolution with Kamehameha rather than resort to bloodshed. He became Kamehameha’s vassal King, and continued to govern Kaua‘i while Kamehameha was able to unite all the islands for the first time. Kaumuali‘i is credited with avoiding bloodshed by King Kamehameha, whose desire to reign over the entire Hawaiian archipelago cost the lives of many thousands of Hawaiians in his battles.

In 1815, the Bering, a ship with the Russian-American Company (RAC) was wrecked near the mouth of the Waimea River. In 1816, another ship, the Isabella was dispatched by RAC Governor Alexander Andreyevich Baranov directing German physician, Dr. Georg Anton Schäffer to retrieve the cargo from the Bering, and establish peaceful trade relations. In June, Schäffer and Kaumuali‘i signed a treaty that gave Kaumuali‘i protection from Kamehameha and provided a fully armed brig paid for in sandalwood. In return, the RAC received a sandalwood monopoly and the right to build factories on Kaua‘i.

Kaumuali‘i agreed to build a fort next to his compound on the east bank of the river. Schäffer drew up the plans for the fort based on other European fort designs and Kaumuali‘i directed the Hawaiian labor force building the fort. Schäffer provided the name Fort Elizabeth, but this name may only have been used by the RAC for the short period of 1816-1817. In September, while over 300 Hawaiians were building the fort at Waimea, Schäffer and many of the RAC employees went to Hanalei to construct Forts Alexander and Barclay-de-Tolly.

But by 1817, the political climate was changing. Schäffer received word from the RAC in Alaska that they would not supply the ships he promised to Kaumuali‘i and they disavowed any military support. Schäffer was directed to not have any entanglements with Kaumuali‘i and to leave Kaua‘i altogether. Kaumuali‘i was already growing weary of Schäffer’s patronizing and demanding nature. Added to that were rumors that the United States and Russia were at war, which led the American, British, and Kamehameha loyalists to demand the expulsion of Schäffer and the RAC from Kaua‘i.

Kaumuali'i expelled Schäffer from Waimea and Hanalei in May 1817. The half-finished fort at Waimea was completed by the Hawaiian labor force. Kaumuali'i formally passed control of the fort to his son, Humeleme, in 1820.

When Kamehameha I died in May 1819, he was succeeded by his son Liholiho (Kamehameha II); though his widow, Ka'ahumanu, was the effective political force in the kingdom. On September 16, 1821, the new young King arrived and Kaumuali'i took him on a month long royal tour of Kaua'i to honor him among his Kaua'i subjects. Kaumuali'i was then invited to dine aboard his famed ship, Ha'aheo Hawai'i where he was kidnapped, taken to Honolulu, deposed of his rule, and forced to marry Ka'ahumanu. Kaumuali'i only returned once to Kaua'i before dying in 1824.

In August 1824, Humeleme led an attack on the fort occupied by Kamehameha loyalists, but was defeated. Soldiers with the monarchy continued to garrison the fort but by 1839, the staffing of the fort does not appear to be permanent. In the 1840s and into the Māhele, the soldiers were making claims for the lands outside the fort, using the name Pā'ūla'ūla for the fort. In ruins by the 1850s, the fort was dismantled between 1862 and 1864. It was called and listed on maps as Pā'ūla'ūla, Kaumuali'i's Fort, or simply Hawaiian Fort.

The lands around the fort were in sugarcane cultivation from around 1920 until 1970 (refer to **Exhibit 10**). The land to the north, east, and partially along the south side of the fort was graded and any surface features in this area were destroyed. Wooden barracks were built off the north and eastern sides of the fort during World War II (refer to **Exhibit 11**).

The fort was designated a National Historic Landmark in 1962 and established as a State Park in 1972. The development of park facilities includes a comfort station, parking lot, interpretive kiosk, and coral walking path in previously disturbed areas to the northeast of the fort. The statue of King Kaumuali'i was installed between the fort wall and Kaumuali'i Highway in 2021 by the Friends of King Kaumuali'i using private funds and a State Grant-in-Aid. Currently, there are state funds to renovate and improve the park facilities and are being planned for with separate permits as part of the project but these improvements are not within the same contiguously designated area for the boardwalk and viewing platform.

O. Ka Pa‘akai O Ka‘aina Analysis

In *Ka Pa‘akai O Ka‘aina v. Land Use Commission*, the Hawai‘i Supreme Court established a three-part analytical framework to fulfill the constitutional duty to preserve and protect traditional and customary native Hawaiian rights and resources while reasonably accommodating competing private interests. Please describe the actions taken and examination conducted to analyze the following:

1. **Identify whether any valued cultural, historical, or natural resources are present within the project area, and identify the extent to which traditional and customary Native Hawaiian rights are exercised.** This part may include but not be limited to the following analyses:

- a. Describe the project area in relation to traditional and customary practices that occurred in the region or district.

The site is significant as the former royal residential compound of Kaua‘i King Kaumuali‘i, which had previously been established as a political and religious center in Waimea by his mother Chiefess Kamakahalei and his father, Maui Chief Ka‘eokūlani. The recent installation of the statue of Kaumuali‘i within the park recognizes this Hawaiian cultural connection. Although no traditional and customary practices have been identified through the consultation process, the public park provides access to the Hawaiian community to hold cultural events in conjunction with Kaumuali‘i and the cultural history of the site.

- b. Describe the extent that traditional and customary practices were practiced in the ahupua‘a and project area.

There is no evidence that the 17-acre park site was a traditional place for fishing or gathering but as a royal center, the site contained cultural resources. While the heiau associated with the site is no longer present, the site is important to the Hawaiian community as a wahi pana, a sacred place. Aletha Kaohi, generational descendant of Waimea, mentions walking the shoreline with her father who would not let her enter the site. State Parks recognizes that Pā‘ūla‘ūla is not just a historic site but a wahi pana requiring respect and ongoing consultation with the Hawaiian community.

- c. Describe the community members you consulted with including their genealogical ties, long-standing residency, and relationship to region, ahupua‘a and project area.

Attached is the record of consultation that was conducted for this project. In addition to mailing out an informational packet in June 2021, an on-site meeting was held on August 13, 2021 and a Zoom meeting was hosted on August 17, 2021 to solicit comments from the community. State Parks met with the Kaua‘i-Ni‘ihau Island Burial Council on August 18, 2021.

- d. Describe the Land Commission Awards provided on the property.

Although the Hawaiian soldiers at the fort were making claims for lands around the fort during the Māhele of 1848, the land was awarded to Victoria Kamāmalu (R.P. 4476, LCA 7713, Apana 1). Valdemar Knudsen had the Konohiki rights in Waimea and he dismantled the fort in 1864. Elizabeth Sinclair purchased the ahupua‘a of Makaweli, including the fort, in 1864. These lands would become Makaweli Plantation and cultivated in sugarcane by Gay and Robinson, descendants of Sinclair.

- e. Describe the prior archaeological studies that were conducted for the property.

1972 – Archaeological survey of the site by Bishop Museum including mapping of features on the exterior and interior of the fort wall as well as testing along the shoreline and selected locations along the fort wall to understand the construction (refer to **Exhibit 8**).

1976 – Archaeological testing by Archaeological Research Center Hawaii (ARCH) consisted of trenches being excavated around the exterior of the fort (refer to **Exhibit 9**). The trenches found an absence of cultural deposits in the areas previously under sugarcane cultivation. This also assisted in determining areas for park development.

1993-94 – Excavations in fort interior and exterior by Dr. Peter Mills with University of California at Berkeley addressed the construction sequence of the fort, materials for construction of the interior buildings, and more information about subsurface cultural deposits.

2009-2010 – Archaeological monitoring of vegetation removal at the fort by State Parks archaeologists which updated the inventory of sites and features along the river bank.

2022 – Archaeological inventory survey conducted by State Parks with an updated historical overview and archaeological inventory of sites.

- f. Are you aware of any resources that found any evidence of subsurface habitation or excavation on the property?

Subsurface cultural deposits partially impacted by sugarcane cultivation have been identified in the sandy soils along the shoreline. This includes burials which resulted in designation of both a burial preserve and an archaeological preservation preserve (refer to **Exhibit 9**). Testing has also identified cultural materials within the interior of the fort related to the historic occupation and construction of fort features.

- g. Does the property contain any evidence that trails were in existence on the property?

A 1927 map indicates a trail along the riverbank in association with an easement providing access from Kaumuali‘i Highway to the fort (**Exhibit 12**). Evidence for this trail is limited to a rock-lined ramp feature at the northern end of the river bank.

- h. Have any individuals ever requested access to the property for any reason?

To-date, requests have related to cultural events and commemorations, including dedication of the statue, 200th anniversary of fort construction, 200th anniversary of missionary arrival, and the former Waimea Festival.

2. Identify the extent to which the identified resources and rights will be affected or impaired by the proposed project.

If the viewing platform is constructed, access to the interior of the fort will be restricted. This is intended to discourage visitors from climbing on the stairs and over the wall while respecting the presence of Hawaiian burials within the fort. Any Hawaiian person/practitioner will have access through the “maintenance gate” provided on the viewing platform. The viewing platform has been located to avoid impacting the fort wall, the features within the fort, and burials.

3. Specify any mitigative actions to be taken to reasonably protect native Hawaiian rights if they are found to exist.

As a public park, there are no restrictions for access. Hours are established for site management, but exceptions can be made through the issuance of special use permits.

**Pā'ūla'ūla State Historic Site (Fort Elizabeth)
Individuals and Organizations Consulted for the Park Preservation Plan
and Archaeological Inventory Survey**

NAME	ORGANIZATION	Email address	RESPONSE
Hawaiian Organizations and Individuals			
Kimo Perry	Chapter 3 "Kaumuali'i" Royal Order of Kamehameha I	Rook1chap.3@gmail.com	
Sarah Peters	Kaumuali'i Hawaiian Civic Club	momimalia@aol.com	
Malia Nobrega- Olivera	Kaumuali'i Hawaiian Civic Club	malianob@gmail.com nobrega@hawaii.edu	8/17/21 meeting
John Mahi	Alu Like	Jomahi1951@gmail.com	
Lopaka Bukoski		Lopaka08@gmail.com	
Aletha Kaohi	Friends of Kaumuali'i	akaohi@kedb.com	8/13/21 meeting
Keao NeSmith	UH-Mānoa	kumukeao@gmail.com	8/17/21 meeting
Kaeo Bradford		Jkaeo.bradford@yahoo.com	Phone call 8/18/21
Kehaulani Kekua		Kehaulani.kekua@gmail.com	
Kaliko Santos	Nā Kuleana o Kānaka 'Ōiwi	Kaliko08@gmail.com	8/13/21 meeting
Liberta Albao	Deborah Kapule HCC	libertaha@hotmail.com	8/13/21 meeting
Jessica Kau Fu	Hanalei HCC	kauifu@gmail.com	
Naomi Yokatake	'Ahahui Kiwila Hawai'i O Mo'ikeha (HCC)	ntomi.yoko1@yahoo.com	
Kane Turalde	Aha Moku - Waimea	kaneswahine@aol.com	
Billy Kaohelauii	Aha Moku – Kaua'i	terriehayes@gmail.com	
Community Organizations & Individuals			
Keith Yap	Gay & Robinson; Kaua'i Island Burial Council	kyap@gayandrobinson.com	8/17/21 meeting
Felicia Cowden	Kaua'i County Council	fcowden@kauai.gov	8/13/21 meeting
Mason Chock	Kaua'i County Council	mchock@kauai.gov	8/13/21 meeting
Kipukai Kualii	Kaua'i County Council	Kipukai.kualii@gmail.com	8/17/21
Chris Faye	Hui o Laka	director@kokee.org	8/13/21 meeting
Delia Akaji	Kaua'i Historical Society	info@kauaihistoricalsociety.org	
Eric Nordmeier	WKBPA	enordmeier@aol.com	
Mike Faye	WKBPA	mike@kikiaolaconstruction.com	

Dave Walker	WKBPA	dpwdave@hawaii.rr.com	8/13/21 meeting
Chris Cook	Historian	kitcook@gmail.com	
Maureen Fodale	Friends of Kaumuali'i	kaumualiiohana@gmail.com	8/13/21 & 8/17/21
Bob Westermann	Friends of Kaumuali'i	bwes@hawaiiantel.net	
Roland Sagum	Friends of Kaumuali'i	Roland.sagum3@gmail.com	8/17/21 meeting
Mauna Kea Trask	Friends of Kaumuali'i	maunakeatrask@icloud.com	8/13/21 & 8/17/21
Russian-American Organizations and Individuals			
Alexander Zimin	Russian Embassy	ruseconusa@mid.ru	8/13/21 meeting
Mihail Gilevich	Russian Fort Foundation (Oahu)	mihail@admiraltyadvocates.com	8/17/21 meeting
Jay Friedheim	Russian Fort Foundation (Oahu)	jay@admiraltyadvocates.com	8/17/21 meeting
Elena Branson	Russian Center NY	elenabranson@gmail.com	
Natalie Sabelnik	Congress of Russian-Americans (CA)	ngsab@aol.com	
Alexander Molodin	Researcher (MD)	avmolodin@gmail.com	
Elena Anderton	Kaua'i	Elena.anderton@yahoo.com	8/13/21 meeting
Lana Anderson	Kaua'i	Lanaanderson808@gmail.com	
Government Agencies			
Astrid Liverman	NPS – NHL Program	Astrid_liverman@nps.gov	Letter 7/14/21
Marisa Valenciano	Kaua'i Historic Preservation Review Commission (County)	mvalenciano@kauai.gov	Section 106 response 6/29/21
Nalani Brun	County Economic Dev.	nbrun@kauai.gov	
OHA (Kai Markell)	Compliance Office	OHACompliance@oha.org kaim@oha.org	
OHA (Kaua'i)	Kaua'i Office	dkalikos@oha.org	
Leimana Damate	Aha Moku	Leimana.K.Damate@hawaii.gov	
Kauanoë Hoomanawanui	Kaua'i Ni'ihau Island Burial Council	Kauanoë.m.hoomanawanui@hawaii.gov	8/18/21 meeting
Sandi Quinsaat	Kaua'i Ni'ihau Island Burial Council	squinsaat@icloud.com	8/18/21 meeting
Other			
Kiersten Faulkner	Historic Hawai'i Foundation	kiersten@historichawaii.org	Letter 7/17/21
Peter Mills	UH-Hilo	millsp@hawaii.edu	8/17/21 meeting

IV. LAND USE DESIGNATIONS

- | | |
|------------------------------------|-------------------------------|
| A. State Land Use District: | Agricultural / Conservation |
| B. County General Plan: | Park & Recreation |
| C. County Zoning: | Open/ST-C Cultural / Historic |

The purpose of Kaua‘i’s Comprehensive Zoning Ordinance (CZO) is to create communities that promote the health, safety, and welfare of persons living and working in these communities. Chapter 8 of the Kaua‘i County Code states:

"The regulations and standards prescribed by this chapter are intended to promote development that is compatible with the island’s scenic beauty and environment and to preclude inadequate, harmful or disruptive conditions that may prove detrimental to the social and economic well-being of the residents of Kaua‘i.

While land use laws may appear to intrude upon one’s private property rights, its intent is to create harmonious and sustainable communities for residents and visitors alike.”

As stated earlier, the subject property consists of lands that are zoned Open (O) District. In addition, the parcel is overlayed in the Special Treatment-Cultural / Historic (ST-C) district.

D. Open District

Pursuant to Chapter 8, Kaua‘i County Code, the “Open” (O) District was established to preserve, maintain or improve the essential characteristics of land and water areas that are:

1. Of significant value to the public as scenic, historic or recreational resources;
2. Important to the overall structures and organization of urban areas and which provide accessible and usable open areas for recreational and aesthetic purposes;
3. Necessary to insulate or buffer the public and places of residence from undesirable environmental factors caused by, or related to, particular uses such as noise, dust, and visually offensive elements.

It was also established to:

1. Preserve, maintain or improve the essential functions of physical and ecological systems, forms or forces, which significantly affect the general health, safety, and welfare;
2. Define and regulate use and development within areas, which may be potentially hazardous;
3. Include areas indicated on the County General Plan as open space or as parks;
4. Provide for other areas, which because of more detailed analysis, or because of more detailed analysis, or because of changing settlement characteristics, are determined to be of significant value to the public (Article 8-8.1 KCC).

The following are uses and structures generally permitted in this district:

1. **Accessory uses and structures**
2. Day use areas
3. Diversified agriculture
4. Livestock and grazing, except as provided in Section 8-8.3
5. **Outdoor recreation**
6. **Parks and monuments**
7. Private recreation areas
8. Resource management
9. Single family detached dwellings
10. Undeveloped campgrounds

As a point of interest, in the March-April 2000 issue of “Audubon” magazine, staff writer Weston Kosova, in his article entitled “The Race To Save Open Space”, he cites a study by the U.S. Department of Agriculture that compares the rate at which open space is being developed between all 50 states in the union. In the state-by-state breakdown, Texas had the highest consumption rate between the years of 1982 - 1997 with roughly 383,150 acres being developed, and as a comparison Hawaii consistently had the lowest development rate with 4,100 acres for the same period.

E. Special Treatment – Cultural / Historic

The parcel is also designated as a Special Treatment District. The Special Treatment District was established to:

- a. Designate and guide development of County areas which because of unique or critical cultural, physical or location characteristics have particular significance or value to the general public;
- b. Ensure that development within those areas recognize, preserve, maintain and contribute to the enhancement of those characteristics which are of particular significance or value to the general public (Section 8-11.1 KCC).

The type of Special Treatment District applied to the parcel is that of Cultural / Historic (ST-C). According to Section 8-11.2 (b) KCC these are, " Communities and land or water areas which have a particular and unique value to the general public because of significant historic background, structures, or land forms."

F. Density

Does not apply. No plans to build residence or structures on site.

G. Agriculture District

The Real Property Division, in administering the deferred agricultural Dedication Ordinance, has developed guidelines for acceptable Standards of Agricultural Use.

H. Development Standards

Some of the more important development standards, affecting the project layout, are those governing residential development, including:

1. Lot Coverage

The amount of land coverage created, including buildings and pavement, shall not exceed 10% of the lot or parcel area. As currently proposed, the project adds approximately 524 sq ft. of lot coverage over a total site area of 751,846 SF which is ~ .07 %, far below zoning code requirements. The entire parcel consistent of 17+ acres.

Lot coverage relates to any man-made structure, improvement or covering that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement or covering. Structures, improvements and covering include roofs, surfaces that are paved with asphalt, stone, or the like such as roads, streets, sidewalks, driveways, parking lots, tennis courts, patios, and lands so used that the soil will be compacted so as to prevent

substantial infiltration, such as parking of cars and heavy and repeated pedestrian traffic.

2. Building Heights

The proposed boardwalk and viewing platform were designed to integrate into the groundscape and blend into the naturescape with minimal visual impact and ground disturbance. The structure from grade to top of guard rail is approximately 4 feet and will not be visible from the exterior of the fort.

V. PROPOSED IMPROVEMENTS

The proposed built-up boardwalk starts on the exterior of the fort wall where it transitions from a coral pathway and enters the fort through the existing break in the fort wall. The boardwalk is approximately 6 feet wide by 72 feet long and is elevated 12 inches above grade with 36-inch high guardrails on either side. The platform and boardwalk are elevated to minimize impact on the existing grade. The platform, at the end of the 72-foot boardwalk run, is 7 feet-8 inches wide by 12' feet long encompassing about 92 sq. feet. The boardwalk area is about 432 sq. feet. The total combined area of proposed boardwalk and viewing platform is about 524 sq. feet. The boardwalk and platform deck and railing are constructed of low maintenance and environmentally friendly 1x6 wood composite decking material on a wood frame which is supported on prefab concrete blocks. The finish is a natural wood look to aesthetically fit into the outdoor environment. The platform is designed to accommodate wheel chair access. There will be a lockable maintenance gate at the end of the platform along with a guardrail mounted interpretive sign for the visitor experience (refer to **Exhibits 4-7**).

A. Development Guidelines

The Petitioner is concerned about protecting the natural environment and historical landscape, and intends to develop the site in a fashion that would be least obtrusive to adjacent landowners, while achieving the desired architectural design. Special attention was given to mitigate visual impacts from neighboring properties and from public spaces. To be assured of a successful project, the following development factors were considered:

1. Project Theme and Guiding Principles

The boardwalk and viewing platform were designed primarily to reduce visitor impact on the historic structure and to promote long-term preservation while allowing the opportunity for visitors to experience the interior of the fort by providing a 360° view of the interior. The railings are designed to manage visitor traffic and provide mounting for interpretive signs.

2. Architecture

The architectural concept draws upon plantation lanai themes, wooden planks and rails that can still be found in numerous building styles in the surrounding towns of Waimea, Kekaha and Hanapēpē. *Refer to Exhibits 4, 5, 6 & 7.*

3. Building Materials

Wood composite deck materials for low maintenance in the harsh dry West Side climate bolted to a wooden frame and supported on concrete pier footings embedded approximately 6-12 inches into the grade. *Refer to Exhibits 4, 5, 6 & 7.*

4. Color Scheme

The main color of the platform and railings will be a medium earth toned brown wood color that should nicely blend into the site setting. *Refer to Exhibits 4, 5, 6 & 7.*

5. Site Planning

Areas in the vicinity around the proposed boardwalk and viewing platform within the parcel boundaries, except those clearly intended to be altered by the development, are to be preserved in their existing condition, or improved so minimally that they will be compatible with both the new construction and the natural landscape. In addition, existing ground covers, existing ground forms, natural landscape features, and vegetation will be preserved, in the areas not slated for development. *Refer to Exhibit 4.*

6. Landscaping Plan

There is no landscape-planting is anticipated in and around the vicinity of the boardwalk and viewing platform. Any required landscape areas will emphasize native plant material, some of which are naturally established in the nearby coastal areas.

B. Improvement Costs

The estimated cost to complete the necessary improvements at this location is estimated to be approximately \$1,700,000.

C. Regulatory

The petitioner has identified the following regulatory actions, which must be performed in order to construct a residence at this site. The regulatory jurisdictions are as follows:

1. Federal: None.
2. State of Hawai'i:

- a. Wastewater System
- b. Noise Permit

Department of Health
Department of Health

3. County of Kaua'i:

a. Zoning Permit	Planning Department
b. Conditional Use Permit	Planning Department
c. Building Permit	Exempt
d. Electrical Permit	Exempt
e. Grading Permit	Exempt

D. Work Schedule

1. Submit petition to PD	December 2021
2. Send public hearing notice	TBD
3. Public hearing	TBD
4. Action approved deadline	TBD
5. Building Permit Application	TBD
6. Construction	TBD

E. Community Benefits

The most significant benefit derived from this project will be the assurance to the community that the project is being designed and developed with great sensitivity to the cultural setting and the natural environment associated with the historic property. The community can be assured that the Petitioner will be a responsible steward of the land. Additional benefits to the community are as follows:

1. Represents the in-fill of an existing state property, and not the further fragmentation of Agriculture land.
2. Allows for an enhanced viewing experience for visitors while also providing improved protection of a valuable cultural community asset.
3. Represents an authentic and researched history of the site which emphasizes the Native Hawaiian history and the role of King Kaumuali'i.
4. Contributes positively to the critical mass, and to the overall economic and historic significance of the Waimea community.
5. Assures a long-term commitment to the preservation of the cultural and natural resources and open space context of the property.

VI. EFFECTS UPON RESOURCES OF THE AREA

A. Flora

No native endangered plants exist on the project site or within the State Park. The park is dominated by kiawe and koa haole with a groundcover of Guinea grass. Banyan, ficus, monkeypod, Java plum, and milo trees are growing along the riverbank. Park landscaping around the parking lot and comfort station includes naupaka, hibiscus, and monkeypod trees. Landscaping around the Kaumuali'i statue has focused on the use of native plants such as naupaka, loulou, 'ilima, and ma'o.

B. Fauna

Some of the non-native fauna that may be found within the park include the rat (*Rattus rattus*), mouse (*Mus musculus*), feral cat (*Felis catus*) and feral dog (*Canis familiaris*). Two endemic mammals have been known to frequent the area. They are the Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) and the Hawaiian Monk Seal (*Monachus schauinslandi*). Common birds identified in the area include the Golden Plover (kolea), the Barred dove, Lace-necked dove, Common Mynah and the endemic Hawaiian Short-eared Owl. Nine species of indigenous birds may frequent the park area including the Laysan Albatross, Wedge-tailed Shearwater, Brown Booby, Black Noddy Tern, and the Black-Crowned Night Heron.

C. Cultural

The boardwalk and viewing platform will add a new element to the landscape and cultural site but the structures will be restricted to the fort entry and a small area of the fort interior. The height of the deck and railings will not exceed 4 feet so that they will not be visible from the exterior of the fort and will not obstruct any significant view corridors. The footings will be minimally excavated into the ground and both the boardwalk and platform are removable features that do not permanently impact the integrity of the historic property.

Based on the previous land use on the mauka side of the fort for sugarcane cultivation and park development, any ground disturbance on the northern and eastern exterior of the fort wall is expected to find the culturally sterile, red clayey loam deposit. Archaeological testing in the interior of the fort has the potential to uncover cultural materials but no intact cultural deposits have been found in the previous archaeological excavations. This project will involve excavation to a depth of about 6-12 inches for placement of the concrete pier footings spaced approximately 8 feet apart within the 540 sq. foot area. Archaeologists will monitor the excavations for the footings in the

anticipation that materials such as adobe and lime mortar from the former structures may be encountered. No buried subsurface deposits are anticipated. Several archaeological features were identified atop the riverbank during vegetation clearing conducted in 2009-2010, including a low, stacked rock retaining wall, small enclosures, and alignments. It will be possible to avoid physical impacts to these features by creating preservation buffers. The project staging area will be relatively small given a project of this size and it is anticipated to be located north of the fort in a previously disturbed area. It is anticipated that the fort interior will be closed to the public for a short period of time while the boardwalk and viewing platform are being constructed.

Based on the design which avoids impacts to the historic features and the previous archaeological research, a determination of “no historic properties affected” has been proposed. Archaeological monitoring is proposed for identification purposes and to address any cultural materials that may be encountered. The monitoring will be conducted in compliance with the provisions of Hawai‘i Revised Statutes (HRS), §6E and Hawai‘i Administrative Rules (HAR) §13-279. Should historic material be uncovered during construction, all work in the immediate area shall cease and the State Historic Preservation Division (SHPD) shall be notified. If human burials are identified, provisions outlined in HRS §6E-43 and HAR §13-300-40 and any SHPD directives shall be followed.

D. Air Quality

The ambient noise and air quality is expected to remain excellent throughout the project's construction. Noise and fugitive dust are anticipated to be minimal. Fugitive dust mitigation measures shall be employed as required by the Department of Health.

E. Water

Though no water service or piping improvements are required for the Boardwalk and Platform, all improvements will be constructed in accordance with County of Kaua‘i, Department of Water standards. Currently, the subject property is serviced with two (2) water meters.

F. Open Spaces and Recreational

The proposal will encroach upon the fort entry and limit access for the intended purpose of protecting and preserving existing site features. It is our feeling that existing recreational activity will not be displaced. The proposal will not affect any existing beach or traditional trail access outside of the immediate entry to the fort.

G. Housing

The proposal will not cause the displacement of existing island residential housing units, nor will it alone create any pressures to construct additional units.

H. Schools

The proposal will not create pressures to build additional schools since those associated with the project, are island residents.

I. Parks

The proposed development will not create further need to develop additional active or passive park space.

J. Employment

The proposal will provide those working on the project with short-term employment. It is highly likely that local Kaua'i residents will be involved in the construction for various short-term. The finished site, refocused Hawaiian culture and history will encourage tourism and local use for cultural practices; thereby increasing the benefit to the restaurants, tourism and small business within Waimea town community.

K. Wastewater

There will be no alteration of the existing wastewater system on site.

L. Drainage

There will be no alteration of the existing drainage patterns of the property, which might cause an impact to neighboring properties. Much of the site will remain undeveloped which will allow for storm water to percolate and seep down into the ground. The site improvements will not affect any drainage way.

M. Utilities

Though there are no electrical requirements for the boardwalk and viewing platform, Kaua'i Island Utility Cooperative (KIUC) provides electrical transmission via underground service from Kaumuali'i Highway. All offsite improvements, if any, shall be constructed to KIUC specifications and shall be constructed to County of Kaua'i and NEC requirements.

N. Police and Fire

The proposed project is not expected to increase the demand for Police and Fire services as it is within an existing service area. The nearest fire station and police sub-station is located in Waimea.

O. Traffic

Due to the residential nature of this project, the level of service and in anticipation of there being no added increase to the number of visitors / vehicular trips to the site, the traffic impacts should be negligible and will not create any noticeable effect to the surrounding road network.

VII. USE PERMIT STANDARDS

Chapter 8, Article 20, KCC states that the Planning Commission may approve a Use Permit, with or without conditions, if the petitioner can demonstrate that the construction, development and use “is a compatible use and is not detrimental to the health safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use”. The petitioner proposes the following measures to mitigate any potential community concerns:

A. Height

The proposed boardwalk and viewing platform are very low-scale in-terms of design and height. The project will comply with the Kaua‘i Zoning Ordinance, West Kaua‘i Regional Development Plan height restrictions, and other enabling legislation. The appearance of the boardwalk and viewing platform will not be visible from Kaumuali‘i Highway and only minimally visible from across Waimea River.

B. Visual

The project is situated within the fort structure. The boardwalk and viewing platform will not intrude upon any ridgeline, horizon, or public view. To further mitigate visual concerns, the boardwalk and platform will require light excavation to secure it but it will be constructed of materials that blend into the natural environment. This is achieved by designing a low-profile structure, employing natural looking materials and earth tone colors.

C. Use

The proposed construction and use will be compatible with the surrounding neighborhood. Based on the above discussion, it can be concluded that the proposed design and use can be properly integrated into the community and will not create any hardships on the surrounding properties. As discussed above, the project will enhance the rural/agricultural character of the Waimea community.

VIII. SPECIAL TREATMENT DISTRICT

The Special Treatment-Cultural / Historic (ST-C) designation, described as “Communities and land or water areas which have a particular and unique value to the general public because of significant historic background, structures, or land forms”. The Pā‘ula‘ula site is of high cultural and historical significance. State Parks is seeking to protect and preserve the site through the location and sensitive design of park facilities that manage visitation.

A. Special Treatment – Cultural / Historic

The subject parcel is also designated as a Special Treatment District. Relative to Article 9, Section 8-11.1, Kaua‘i County Code (KCC) the Special Treatment District was established to:

- a. Designate and guide development of County areas, which because of unique or critical cultural, physical or location characteristics have particular significance or value to the general public.
- b. Ensure that development with those areas recognize, preserve, maintain and contribute to the enhancement of those characteristics which are of particular significance or value to the general public.

The type of Special Treatment District applied to this parcel is that of Cultural Historic significance (ST-C). These are areas which have a particular and unique value to the general public because of significant historic background, structures or land forms. As stated previously, the Planning Commission under the Special Management Area Use Permit addressed the issues relating to land use, environmental, cultural, visual, and natural resources. Mitigation measures were incorporated into the project through the imposition of design restriction, building setback lines, view corridors, specific building location.

Pursuant to Section 8-9.6 (c) the following information and discussion shall be noted:

- (1) **A review of the existing physical characteristics, including public and private improvements, ownership, use and factors concerning geographic, ecologic, scenic, and resources features.**

DISCUSSION:

The project area has under-gone land alterations as a result of leveling and grading associated with sugarcane cultivation. Under DLNR management of the site as a State Park, development has been concentrated in the northeastern

corner of the park property to minimize impacts to the historical setting and promote an open space landscape. The vegetation removal from the interior and exterior of the fort in 2010 was a first step in removing invasive vegetation and restoring the cultural landscape. Current efforts are directed toward renovation of existing facilities with the expansion of interpretive opportunities for visitors to learn about and experience the site.

(2) A review of the social, economic, cultural and historic characteristics of the area.

DISCUSSION:

Waimea's heritage dates back to Pre-Contact Hawai'i. The site was known as one of the two royal centers on Kaua'i. The royal centers were selected based on their wealth of resources and a population of maka'āinana to support the entourage of ali'i, kāhuna, retainers, and their families. Both Waimea and Wailua offered a large river with abundant fresh water, fertile agricultural soils, a wealth of marine resources, sandy shorelines for canoe landings, and good surf sites. The association of Kaumuali'i with the Waimea royal center carries over from the pre-contact to early historic era.

The events at Pā'ūla'ūla are closely linked to the history of Waimea in the historic period. Waimea is significant for the landing of Captain Cook in 1778 following by numerous explorers and traders as Waimea became an important provisioning port, and the arrival of Protestant missionaries in 1820. Sugarcane plantations would dominate the economy of the Westside of Kaua'i in the 20th Century including the extension to the Makaweli Plantation on the east side of the Waimea River.

(3) A statement concerning community goals, values, and objectives and methods for involving the community in the planning process.

DISCUSSION:

The Waimea community views Pā'ūla'ūla as a significant cultural site that is integral to the history and heritage of Waimea and the island of Kaua'i. The goals of the community are to present an authentic and accurate history of the site that shares the role of King Kaumuali'i and the Hawaiians in the construction of the fort and its occupation in the face of threats from Kamehameha I and ongoing competition by foreign powers for influence with

the Hawaiian ali‘i. The installation of the Kaumuali‘i statue serves as a linking of Kaumuali‘i to Pā‘ula‘ula and the Hawaiian values associated with the site. State Parks’ formation of a working group in 2018 has established a means of continued community involvement in the planning and interpretation of the site for residents and visitors.

- (4) **A statement of the goals and objectives of the Development Plan and their relationship to the goals and objectives established in the General Plan, and an analysis of the specific problems inhibiting the accomplishment of the goals and objectives based on an analysis of existing conditions;**

DISCUSSION:

The project seeks to retain the rural character of Waimea and will not impact any of the visual corridors between Waimea and Pā‘ula‘ula.

- (5) **A program of specific activities, improvements and modifications necessary to accomplish the stated goals and objectives;**

DISCUSSION:

No problems, and no special modification are needed to install the boardwalk and viewing platform.

- (6) **A physical development plan at scale of detail appropriate to the existing conditions and to feasible methods of implementation, that indicates the location and nature of programmed activities and improvements, including;**

- (A) **Housing by density and type of dwelling units;**

DISCUSSION:

None planned.

- (B) **Transportation and circulation by type, including pedestrian, bicycle, parking and related facilities;**

DISCUSSION:

No additional transportation required.

(C) Recreation and open space by activity and function;

DISCUSSION:

The proposed boardwalk and viewing platform will not impact any recreational activities in the area and access to the shoreline will be retained. The project seeks to protect and preserve the historic property by directing visitation within the fort structure. The project is consistent with prior SMA and subdivision approvals, and existing land use laws and regulations. To protect the open space qualities of the property, the petitioner proposes to limit the amount of lot coverage.

(D) Agricultural uses and structures;

DISCUSSION:

None included in plan.

(E) Commercial, industrial and resort uses and structures.

DISCUSSION:

None included in plan.

(7) The establishment of specific subdivision and development criteria, including setbacks, heights, permitted uses, and other design standards necessary for the implementation of the physical plan. The criteria may be more detailed than, or may vary from the requirements of the Use, Special Treatment and Constraint Districts within which a Special Planning Area has been located;

DISCUSSION:

None planned.

(8) A phasing and action priority program in four 5-year increments with an estimated Capital Improvement Program decreasing in detail with each increment;

DISCUSSION:

Not applicable.

B. What is the Primary Agricultural Activity?

RESPONSE:

None planned; only native plants to enhance environment.

C. What is the status of the landscaping plan?

RESPONSE:

The proposed site plan has landscaping indicated on the northern and eastern exterior of the fort but not within the fort or in the area of boardwalk and viewing platform. This landscaping retains the existing open grass lawn between the fort and Kaumuali'i Highway for viewing of the Kaumuali'i statue and the fort structure.

D. What is the justification for developing at this location?

RESPONSE:

The viewing platform is proposed to reduce the impacts of visitation on the historic property by discouraging the climbing on the walls and stone stairs and minimizing the surface erosion created by foot paths. The boardwalk will be set within the existing break in the fort wall and the viewing platform will be located just inside the fort to allow for a overall viewing and interpretation of the fort interior.

IX. WEST KAUA'I REGIONAL DEVELOPMENT PLAN

The West Kaua'i Regional Development Plan, as updated, is the result of intensive interaction between the County and the residents of the West Kaua'i communities. This plan serves as bridge between the broad policy based General Plan and the specific implementation tools of the CZO. The regional development plan allows for diversity between communities and considers the geographical, social, and economic differences.

The goals and objectives of the Waimea planning sub-area are as follows:

- A. Control growth in order to protect important natural resources and environmental quality and help preserves the character of the community.**

RESPONSE:

No buildings are planned and the boardwalk and viewing platform will minimally impact about 540 sq. feet within the historic fort structure. These features are considered removable and not a permanent addition to the site. They will not affect the pre-existing environment or significant view corridors.

- B. Manage the elements of the environment that have a direct impact on the public's health.**

RESPONSE:

To mitigate any impacts created by urban-level activities on the natural environment, the petitioner intends to implement "best management practices" relative to wastewater and solid waste management requirements. As such, the wastewater treatment facility will be constructed to County standards, and by Department of Health requirements.

- C. Conserve the area's land and water resources.**

RESPONSE:

Minimal impact during construction and once completed, no water resources are anticipated.

- D. Conserve the natural and recreational values of coastal and inland areas by community-controlled access.**

RESPONSE:

The proposed project does not displace any recreational activity or any customary or traditional access to coastal resources.

- E. Prevent loss of life and property resulting from flooding, tsunamis, storm waves, and landslides.**

RESPONSE:

The subject property is approximately 30 feet above mean sea level. In addition, it is located in the X-unshaded zone of the FIRM Map, making it outside the 100-year and the 500-year flood inundation areas.

- F. Preserve scenic areas, vistas, and historic sites by community-controlled access.**

RESPONSE:

The boardwalk and viewing platform are intended to assist with the management, protection, and preservation of a significant historic property and cultural site. As a State Park, public access is encouraged but these proposed features will manage visitation to reduce impacts on the rock walls and archaeological features. Scenic views of the fort will be enhanced with interpretive signs placed on the viewing platform. No view corridors to and from the park will be impacted.

- G. Preserve and improve the natural environment by stricter controls over the use, abuse and, in some instance, restoration of degraded resources.**

RESPONSE:

The petitioner is sensitive to the environmental significance of the property and surrounding lands. The boardwalk and viewing platform seek to manage visitation in a way that preserves the natural and cultural resources of the park.

- H. Promote the improvement and expansion of Waimea economy, by recognizing and carefully utilizing land and water resources.**

RESPONSE:

The petitioner intends to utilize the services of local contractors, and where possible to purchase goods and patronize area vendors. Once complete, tourist

and local visits to the site will increase with ancillary positive impact on the Waimea business community.

I. Expand and upgrade the commercial sectors.

RESPONSE:

The proposed project is not directly associated with any commercial development in the area.

J. Expand and diversify agriculture and aquaculture.

RESPONSE:

The project will not involve any aquaculture or mariculture farming activities.

K. Maintain tourism at its present level.

RESPONSE:

The project will not interfere with any visitor industry activities as the work activity will be sequestered to a small section of the larger property; Once work is complete, we anticipate local and visitor visits to increase.

L. Stimulate more employment opportunities for local residents.

RESPONSE:

The project will produce temporary employment for those in the construction industry and tourism activities could increase the need for local workers.

M. Promote small industries and new commercial enterprises that are pollution free and do not add to the resident population.

RESPONSE:

Does not apply.

N. Expand and upgrade the human services programs, which contribute to the development of the region's human resources-our people.

RESPONSE:

Does not apply.

- O. Raise the material standard of living, thus the well being of the people by reducing the expensive tax-supported welfare programs and taking proper measures to deal with freeloaders and criminals.**

RESPONSE:

The project may contribute in a minor way to the community through the County’s imposition of permit fees, impact fees, user fees, and taxes.

- P. Improve recreational facilities.**

RESPONSE:

The project, through protecting and preserving the existing fort, will improve the recreational facility.

- Q. To properly implement the community-plan for Waimea.**

RESPONSE:

The project complies with the vision, spirit and intent of the Waimea Regional Development Plan, the implementation policies of the Kaua‘i General Plan, and the rules and regulations of the Special Management Area.

X. KAUA‘I GENERAL PLAN

The Kaua‘i General Plan, 2018 FINAL VERSION, APPROVED BY THE COUNTY COUNCIL, as amended, is a statutory requirement by the State of Hawai‘i and the Kaua‘i County Charter. It provides the foundation upon which all other land use regulations on the island are based. The Kaua‘i General Plan provides the guidance for the County’s 20-year vision, and serves as the basis for enabling legislation in all land use ordinances. The proposal supports the following goals and objectives of the Kaua‘i General Plan:

A. 1.3 VISION AND GOALS:

a. GOAL 1: A Sustainable Island

- i. RESPONSE:** The project involves mostly repair and maintenance improvements, a low impact design for a boardwalk and platform, as well as electrical upgrades to meet current codes, all amounting to a very sustainable project program.

b. GOAL 2: A Unique and Beautiful Place

- i. RESPONSE:** Through project improvements, we are protecting and promoting the natural and cultural aspects of the built environment assets at the park.

c. GOAL 3: A Healthy and Resilient People

- i. RESPONSE:** Promoting an outdoor educational experience at the park through enhanced project improvements, we are providing an opportunity for increased community health, vitality, and resilience.

d. GOAL 4: An Equitable Place with Opportunity for All

NOT APPLICABLE

B. 1.4 POLICIES TO GUIDE GROWTH:

a. POLICY #1: Manage Growth to Preserve Rural Character

- i. RESPONSE:** The inherent purpose of the main elements of the project, the boardwalk and platform, and the low impact of the

design, are to help preserve this historical monument, manage growth and preserve the natural, rural character of this place.

b. POLICY #2 Provide Affordable Housing while Facilitating a Diversity of Privately-Developed Housing for Local Families

NOT APPLICABLE

c. POLICY #3: Recognize the Identity of Kaua'i's Individual Towns and Districts

- i. RESPONSE:** The project involves preserving a historical monument that strongly identifies with Waimea town and West Kaua'i, including interpretive signage which provides historical information on the site as well as celebrating Waimea's historic heritage.

d. POLICY #4: Design Healthy and Complete Neighborhoods

- i. RESPONSE:** The project includes parking and site circulation and access improvements through new and improved coral pathways throughout the site, promoting walking at the park.

e. POLICY #5: Make Strategic Infrastructure Investments

- i. RESPONSE:** Project Infrastructure Investments include irrigation for landscaping to help beautify, preserve and maintain the site grounds, and upgrading the current electrical infrastructure to meet current electrical codes.

f. POLICY #6: Reduce the Cost of Living

NOT APPLICABLE

g. POLICY #7: Build a Balanced Multimodal Transportation System

NOT APPLICABLE

h. POLICY #8: Protect Kaua'i's Scenic Beauty

- i. RESPONSE:** The purpose of the boardwalk and platform is to keep visitors from climbing on and damaging the existing fort and fort grounds, protecting the scenic beauty of the place.

i. POLICY #9: Uphold Kaua‘i as a Unique Visitor Destination

- i. RESPONSE:** With the proposed improvements intent on protecting this historical visitor destination spot and through installation of signage celebrating Waimea’s historic heritage, we are participating in upholding Kaua‘i as a unique visitor destination.

j. POLICY #10: Help Business Thrive

- i. RESPONSE:** Through improvements to this historic site and tourist destination, this will help attract tourists to the businesses in Waimea and West Kaua‘i.

k. POLICY #11: Help Agricultural Lands be Productive

NOT APPLICABLE

l. POLICY #12: Protect our Watersheds

NOT APPLICABLE

m. POLICY #13: Complete Kaua‘i’s Shift to Clean Energy

- i. RESPONSE:** Improvements will be designed to currently mandated energy codes which are moving us toward Kaua‘i’s Clean Energy goals.

n. POLICY #14: Prepare for Climate Change

NOT APPLICABLE

o. POLICY #15: Respect Native Hawaiian Rights and Wahi Pana:

- i. RESPONSE:** As a wahi pana, Pā‘ula‘ula is a place that creates a connection to Hawaiian cultural values and history. The proposed boardwalk and viewing platform seek to respect this wahi pana by directing visitor traffic in a manner that will not disturb the site or the burials within the fort. Through interpretive materials, an awareness, understanding, and appreciation will be conveyed to park visitors as they experience this celebrated site. Hawaiian rights will be respected and access will be provided.

p. POLICY #16: Protect Access to Kaua'i's Treasured Places

- i. RESPONSE:** The plans to renovate the coral path and construct the proposed boardwalk and viewing platform will improve access and proper circulation to the park facilities, to the fort entry, and to the shoreline.

q. POLICY #17: Nurture our Keiki

- i. RESPONSE:** Through our improvements, we are promoting education. When our keiki visit the fort, they can be inspired by these improvements which will include interpretive signage providing historical information on the site as well as celebrating Waimea's historic heritage.

r. POLICY #18: Honor our Kupuna

- i. RESPONSE:** I believe that our improvements, by enriching the visitor experience of this historical site and our island's history, in and of itself honors our Kūpuna. Also, in improving site parking and coral walkways, we are providing enhanced accessibility to the site and its features for our Kūpuna.

s. POLICY #19: Communicate with Aloha

- i. RESPONSE:** In providing these improvements to the facility through an open and transparent design process, we are communicating to our visitors and residents with Aloha.

XI. COASTAL ZONE MANAGEMENT

The entire property is situated within the Special Management Area (SMA) of the County of Kaua'i. Therefore, the subject property and improvements will received proper review under the authority of the SMA program. The SMA rules and regulations are administered by the Kaua'i County Planning Department. Authority of the SMA is provided through the Federal Coastal Zone Management Act of 1972, as amended, and the Hawai'i State Coastal Zone Management Act of 1977, as defined in Section 205 A of the Hawai'i Revised Statutes (HRS). SMA boundaries generally extend 100 yards landward of the shoreline, at a minimum, around the entire island, and may extend up to several miles in some areas.

As stated previously, the proposed improvements are to be situated within the boundaries of the SMA. However, the proposed boardwalk and viewing platform are consistent with SMA goals and objectives in that it will not:

1. Involve dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, sloughs, or lagoon.
2. Reduce the size of any beach or other area usable for public recreation.
3. Reduce or impose restrictions upon public access to tidal or submerged lands, beaches, and portions of rivers and streams within the Special Management Area and the mean high tide line where there is no beach.
4. Interfere or detract from the line of sight towards the sea from the State highway nearest the coast, or from existing public views to and along the shoreline.
5. Adversely affect water quality, existing area of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, estuary sanctuaries, potential or existing agricultural uses of land.

In addition, the proposed improvement and use will not have any substantially adverse environmental or ecological effects, and will not impact any wetland, submerged lands, tidal basin, or navigable waters.

XII. JUSTIFICATION

The proposed location, design, construction and use of the proposed boardwalk and viewing platform are appropriate and compatible with a historical park and public visitation, and can be properly integrated with their surroundings, and that the project:

- A.** Is consistent with the purpose and intent of State Parks to protect, preserve, and interpret the site of Pā‘ula‘ula SHS, formerly Russian Fort Elizabeth SHP, for residents, visitors, and future generations.
- B.** Can be integrated into the historic property as a removable feature with negligible impacts to the historic structure.
- C.** Is not going to have a visual impact of the fort from Kaumuali‘i Highway or from across Waimea River.
- D.** Is consistent with the historic values of the park and Pā‘ula‘ula.
- E.** Will significantly support the Hawaiian historic value of Pā‘ula‘ula.
- F.** Is appropriate in terms of size, scale, density and construction materials with the rural character of the neighborhood.
- G.** It efficiently and minimally impacts the buildable portion of the property while remaining compatibility with the natural environment.
- H.** Is vested relative to land use designation, previous land use entitlements, payment of exactions, and the construction and dedication of significant water infrastructure.
- I.** Is consistent relative to its land use designations, previous land use entitlements, and the construction and dedication of significant cultural infrastructure.
- J.** Will not contribute to any substantial adverse environmental or ecological effects. Does not involve beach and coastal erosion, coastal hazard, or ocean recreation.
- K.** Will not result in the destruction of natural and scenic features.
- L.** Will not adversely affect any wetland, submerged lands, tidal basins, or navigable waters. Does not directly affect any marine ecosystem, harbors, marine fisheries, and aquaculture application.
- M.** Will not result in the disruption of natural drainage patterns or basins. The affected portion of the property is situated outside of the 100-year and 500-year flood plains.

- N. Will not burden public agencies to provide additional government services and facilities.
- O. The project supports the goals and objectives of the Hawai'i State Plan, the Urban Functional Plan, the Kaua'i General Plan, the West Kaua'i Development Plan, and Chapter 8, Kaua'i County Code.

XIII. CONCLUSION

Based on the foregoing discussion, it can be overwhelmingly concluded that the proposed boardwalk and viewing platform and other associated facilities will not have an adverse effect on the social, environmental, land use and cultural resources in the area, and that it can be properly integrated with the adjacent coastal ecosystem. It can be further concluded that the anticipated impacts, if any, have been mitigated. Therefore, approval of the requested SMA Use Permit to allow for the development and use of the boardwalk and viewing platform at Pā'ūla'ūla, Waimea, Kaua'i, Hawai'i is justified and meets all of the requirements and tests for approval. Therefore, we humbly request your favorable approval of this petition.

Respectfully Submitted,

Marc Ventura

Marc Ventura
Petitioner

Curt Cottrell

Curt Cottrell, Administrator
Department of Land and Natural Resources
Division of State Parks

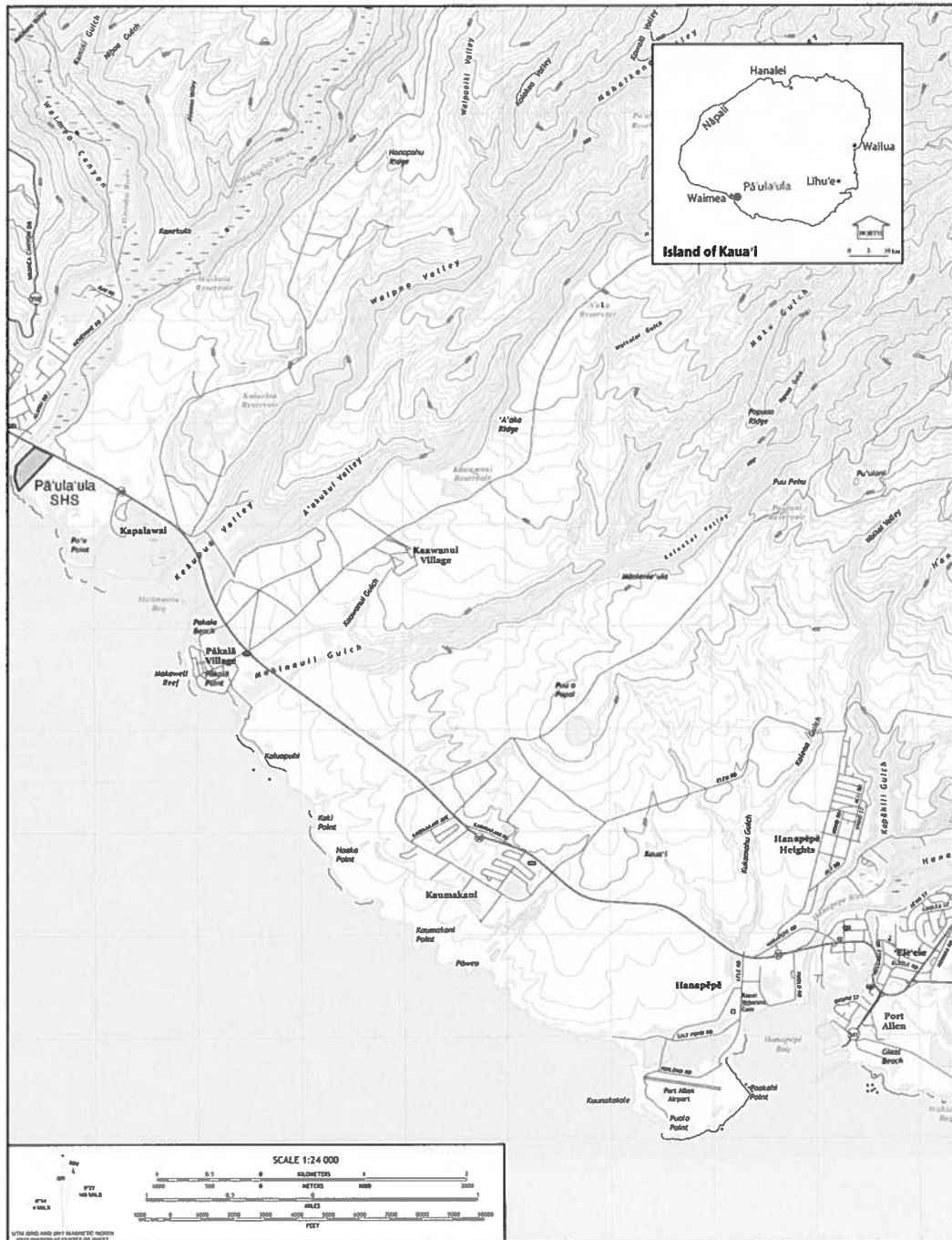


Exhibit 1. Location of Pā'ūla'ūla State Historic Site (SHS), formerly Russian Fort Elizabeth State Historical Park on the eastern bank of the Waimea River. The park is situated within Makaweli Ahupua'a, District of Waimea, Kaua'i (USGS, Hanapēpē Quad., 2017).



Exhibit 2. Property boundaries of Pā'ūla'ūla SHS at the river mouth on the eastern side of Waimea River. The proposed location for the boardwalk and viewing platform is indicated at the fort entry, approximately 400 feet south of Kaumauli'i Highway and approximately 100 feet east of the river. Shown on Google Earth aerial (2013).

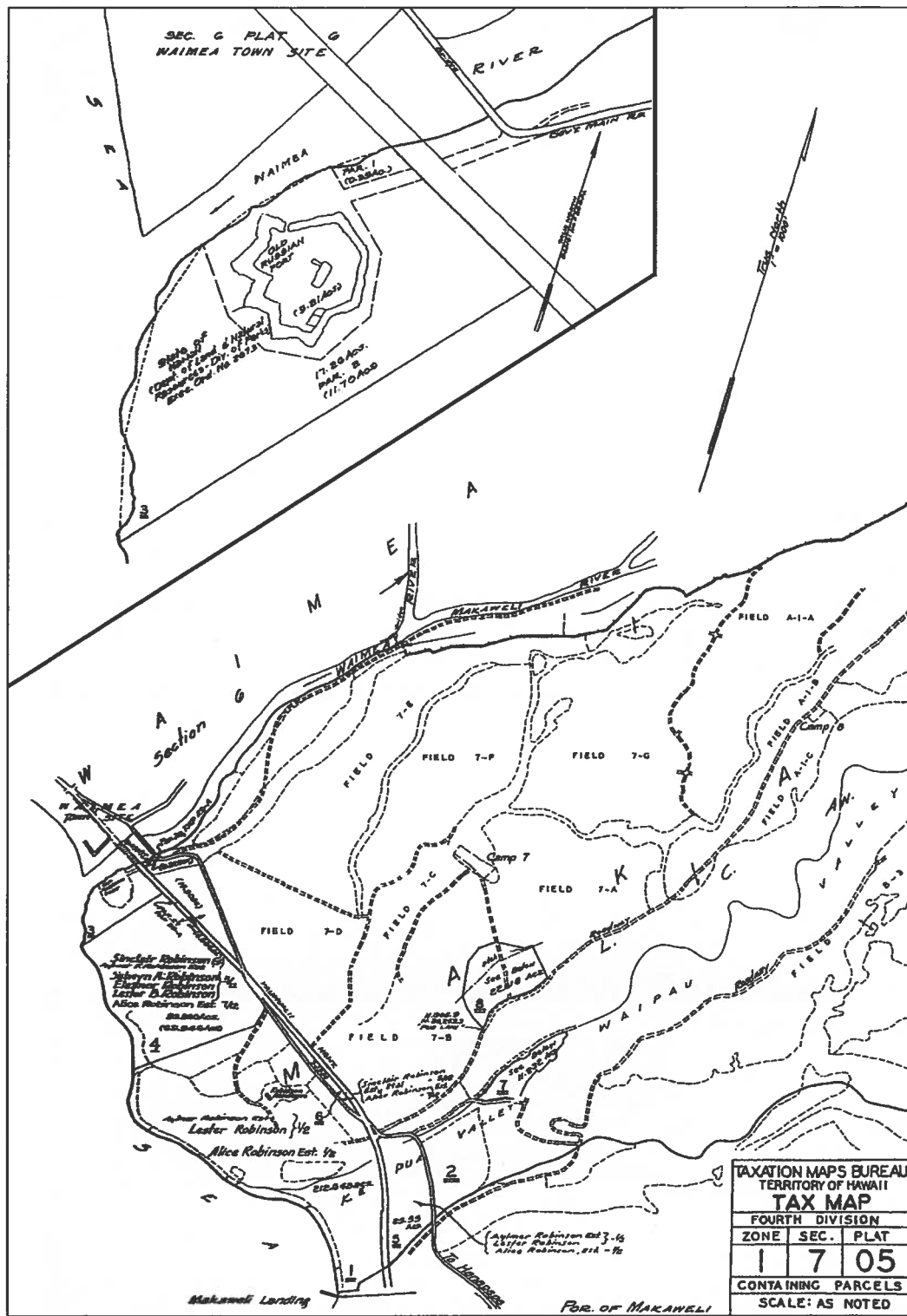


Exhibit 3. Tax Map Key showing the original parcels that have been consolidated into parcel 3 which corresponds to the 17.26 acres encompassed within Pā'ula'ula SHS.

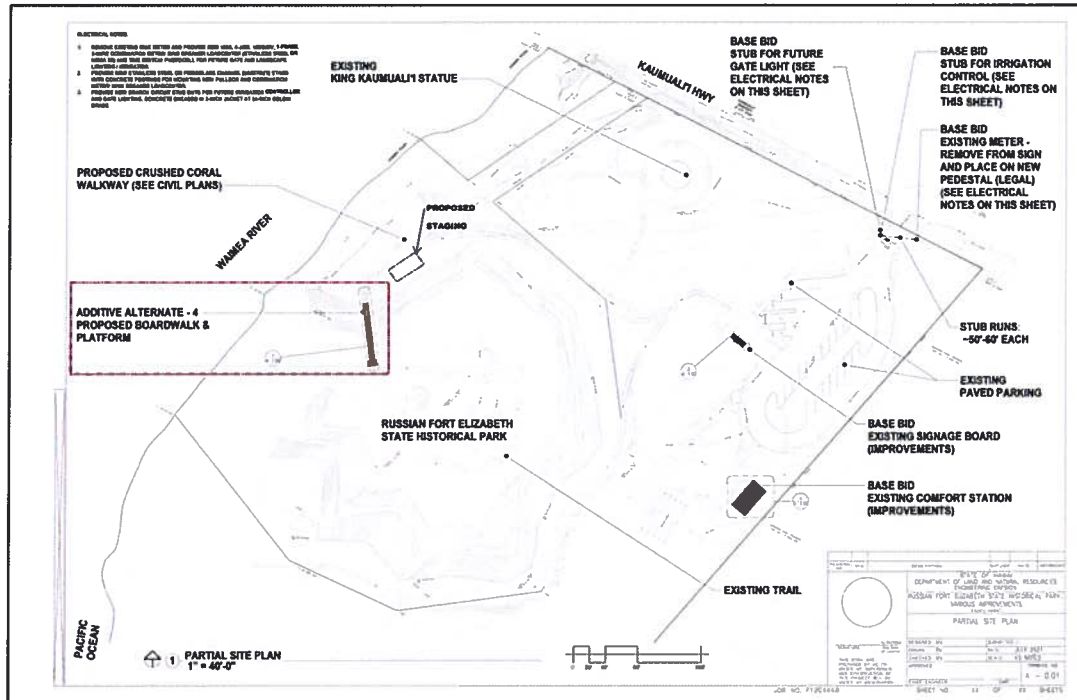


Exhibit 4. Site Plan showing the proposed boardwalk and viewing platform at the fort entry. Other improvements are proposed on existing park facilities including the parking lot, comfort station, interpretive sign kisok, and coral path. Landscaping improvements are proposed to the north and east of the fort. Subject to minor modifications in final drawings for construction.

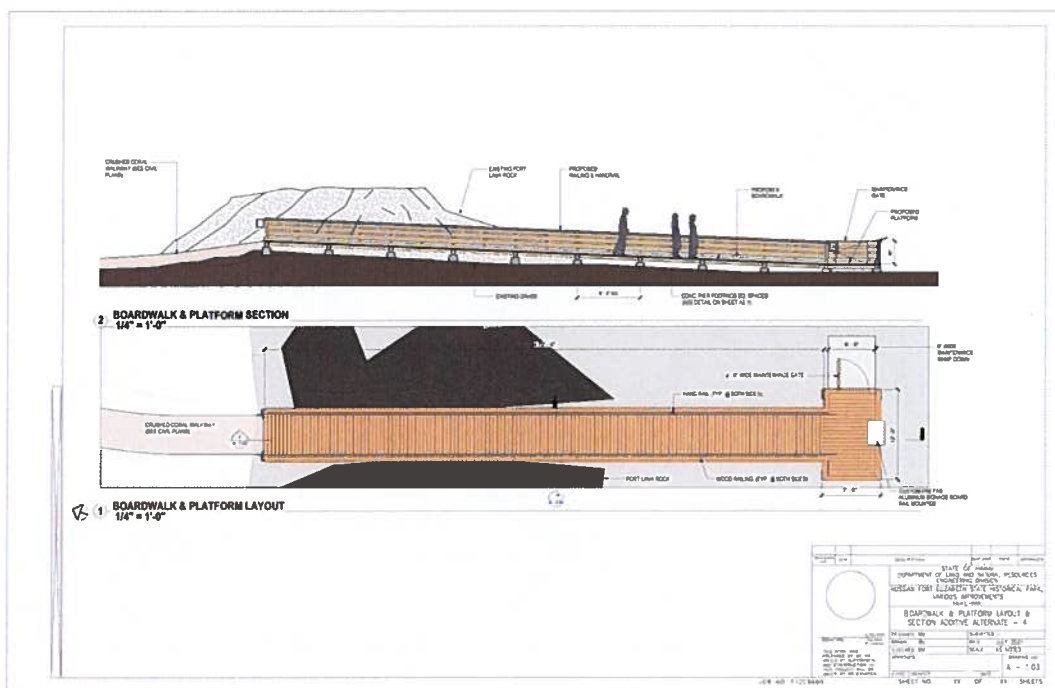


Exhibit 5. Conceptual Plan and elevation of the proposed boardwalk and viewing platform.

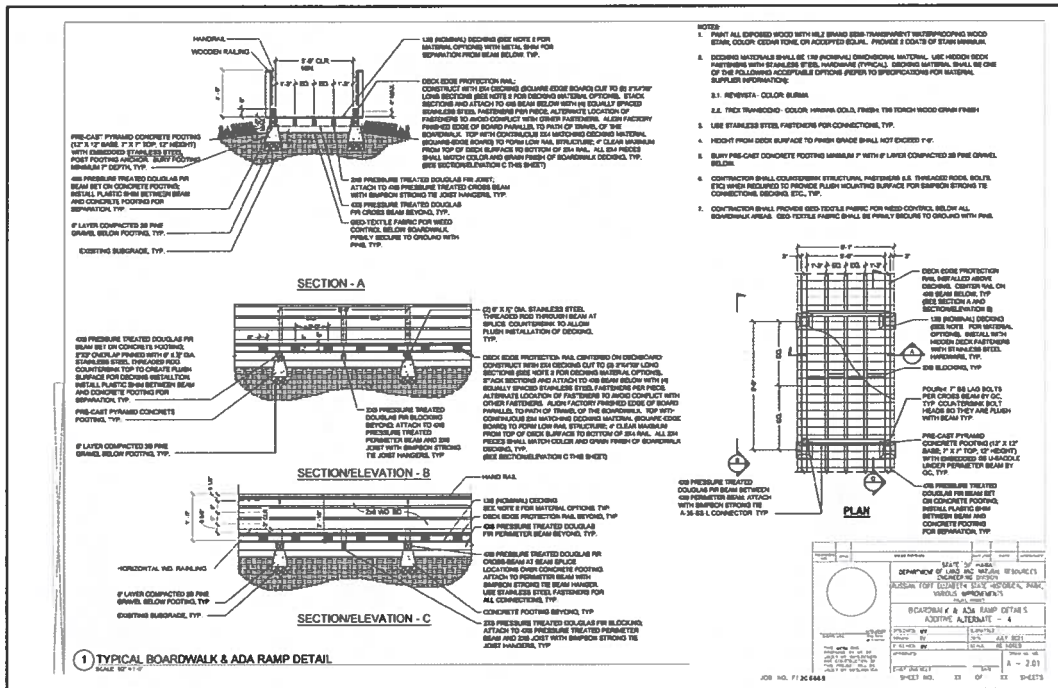


Exhibit 6. Construction details for the boardwalk including concrete pier footings and railings.

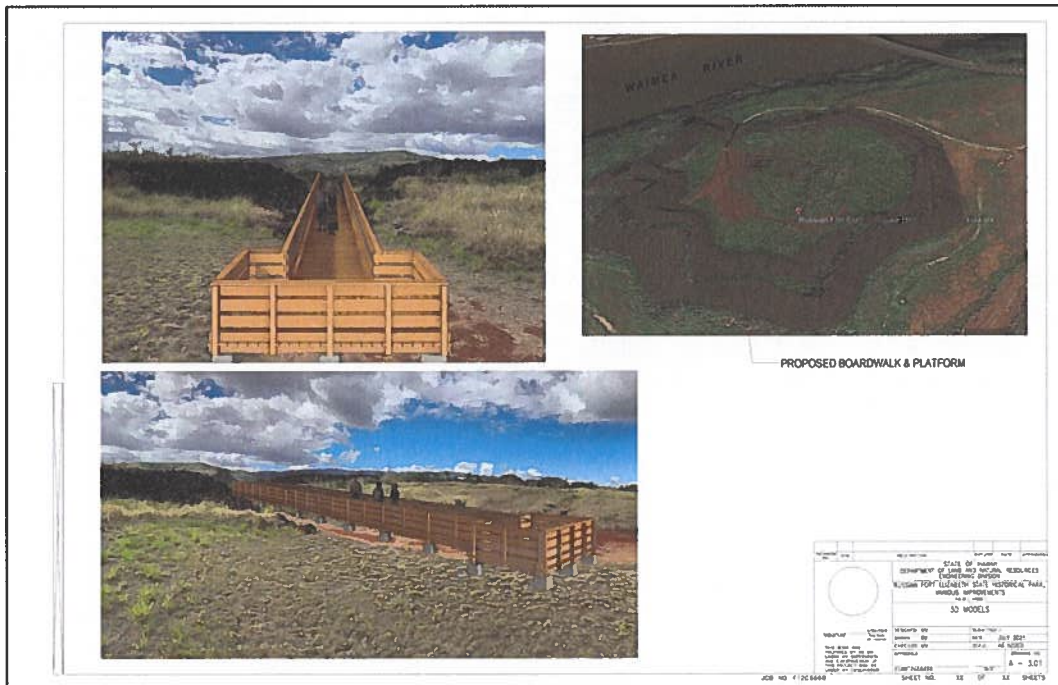


Exhibit 7. Artist renderings of the boardwalk and viewing platform which extends through the entry in the fort wall and into the fort interior.

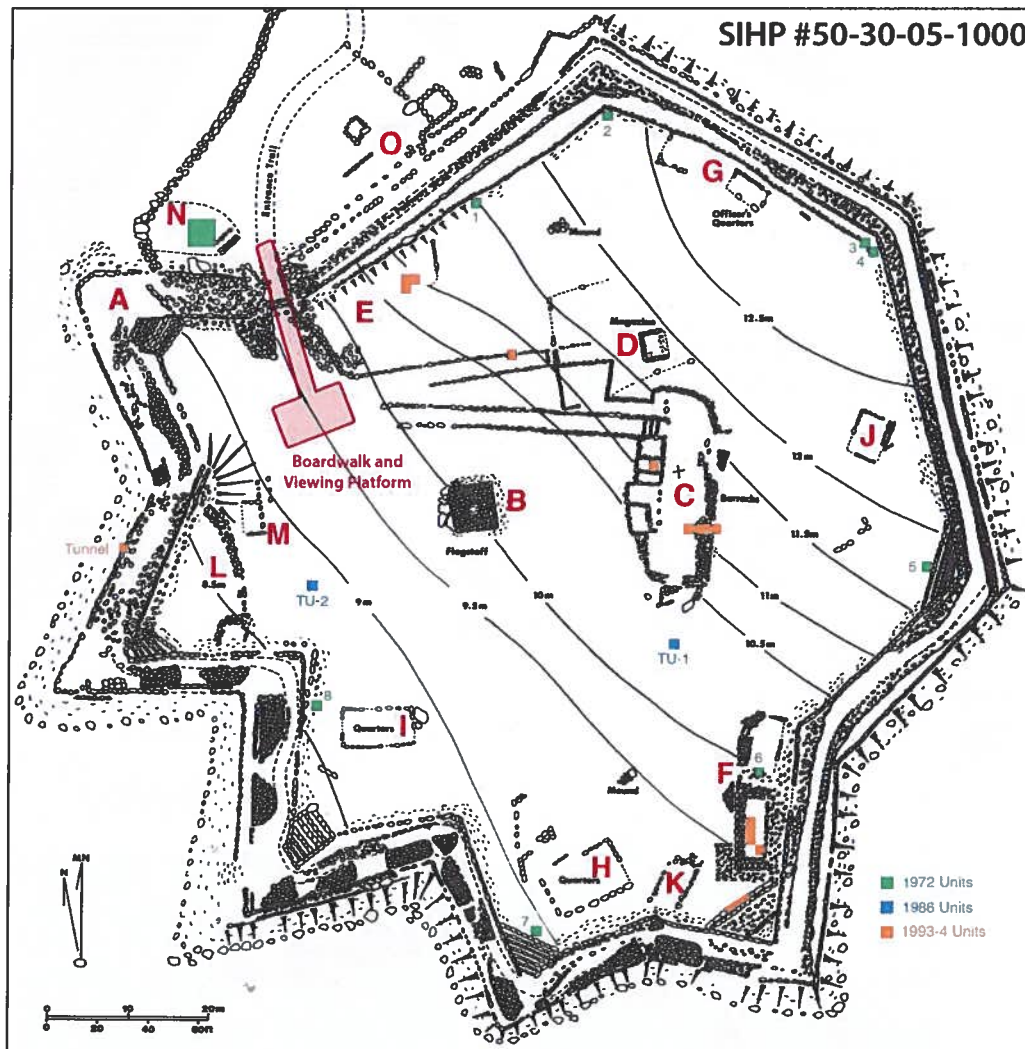


Exhibit 8. Areas of archaeological testing within the fort site. The letters refer to feature designations within archaeological site #50-30-05-1000. The proposed location of the boardwalk and viewing platform is indicated.

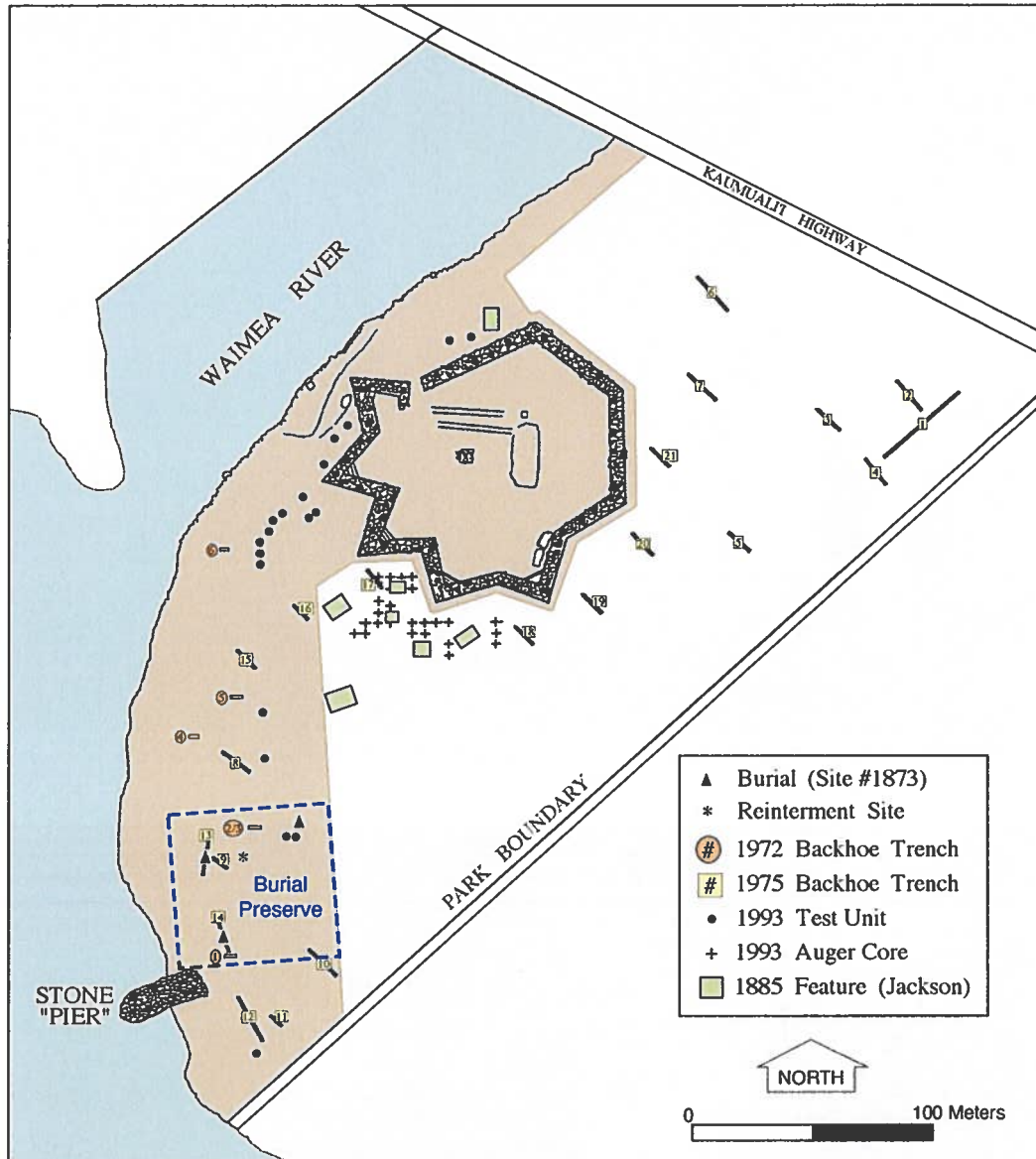


Exhibit 9. Archaeological testing locations around the exterior of the fort structure. The Burial Preserve was designated to protect iwi kūpuna found in the sandy shoreline deposits. The brown area is a proposed archaeological preserve where archaeological resources are present.



Exhibit 10. Cultivation of sugarcane around the exterior of the fort ca. 1970.



Exhibit 11. Military barracks built between the fort and Kaumuali'i Highway in the 1940s.

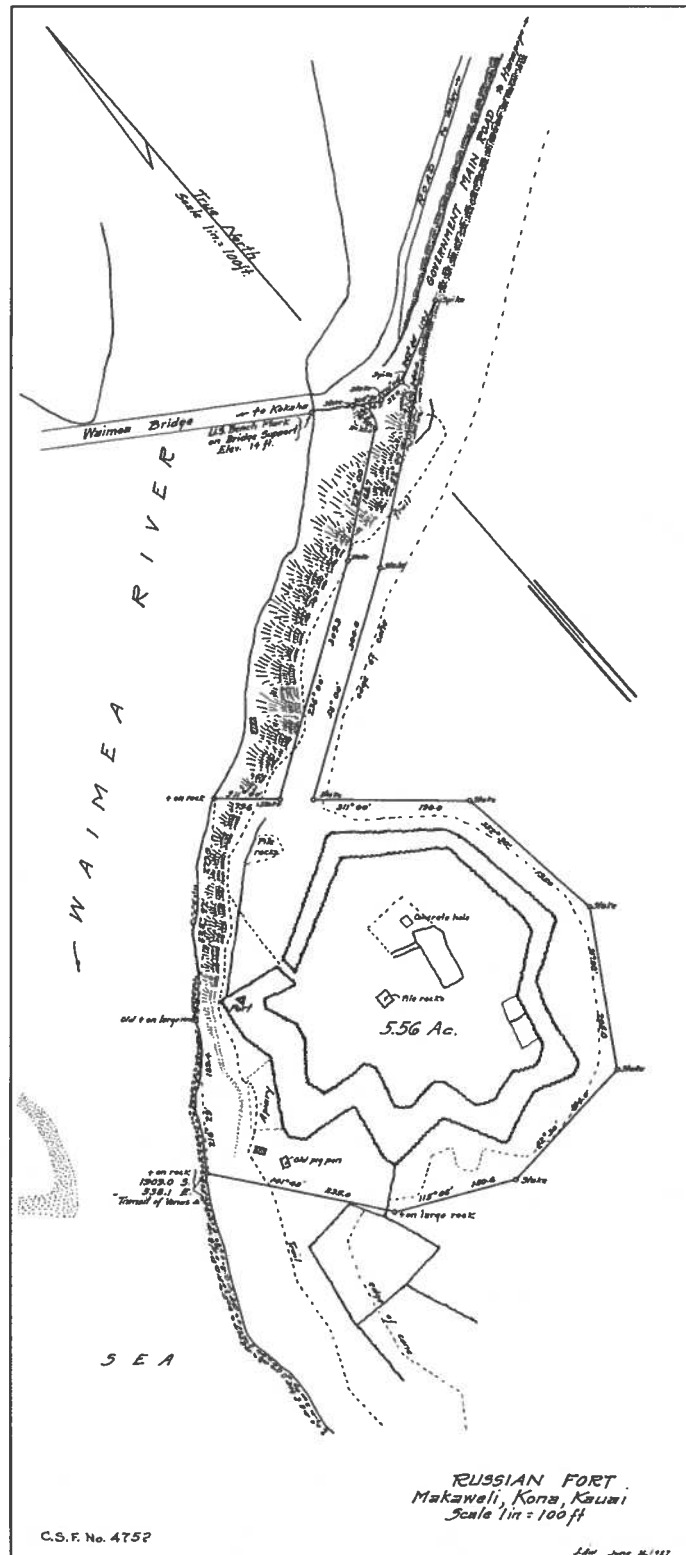


Exhibit 12. A 1927 map indicating trail along the riverbank in association with an easement providing access from Kaumuali'i Highway to the fort. Evidence for this trail is limited to a rock-lined ramp feature at the northern end of the river bank.

ELECTRICAL NOTES:

1. REMOVE EXISTING KVIC METER AND PROVIDE NEW 100A, 4-JAW, 120/240V, 1-PHASE, 3-WIRE COMBINATION METER/ MAIN BREAKER LOADCENTER (STAINLESS STEEL OR NEMA 3R) AND TIME SWITCH/ PHOTOCELL FOR LANDSCAPE IRRIGATION & FUTURE ENTRY GATE LIGHTING - SEE LANDSCAPE FOR MORE INFORMATION.
2. PROVIDE NEW STAINLESS STEEL OR FIBERGLASS CHANNEL (UNISTRUT) STAND WITH CONCRETE FOOTINGS FOR MOUNTING NEW PULLBOX AND COMBINATION METER/ MAIN BREAKER LOADCENTER.
3. PROVIDE NEW BRANCH CIRCUIT STUB OUTS FOR FUTURE IRRIGATION CONTROLLER AND GATE LIGHTING, CONCRETE ENCASED IN 3-INCH JACKET AT 24-INCH BELOW GRADE.

EXISTING
KING KAUMUALI'I STATUE

BASE BID
STUB FOR FUTURE
GATE LIGHT (SEE
ELECTRICAL NOTES
ON THIS SHEET)

BASE BID
PROVIDE POWER FOR
IRRIGATION CONTROL
(SEE ELECTRICAL
NOTES ON THIS SHEET
& LANDSCAPE PLANS)

PROPOSED WALKWAY
(SEE CIVIL PLANS)

WAIMEA RIVER

ADDITIVE ALTERNATE - 4
PROPOSED BOARDWALK &
PLATFORM

RUSSIAN FORT ELIZABETH
STATE HISTORICAL PARK

KAUMUALI'I HWY

BASE BID
EXISTING METER -
REMOVE FROM SIGN
AND PLACE ON NEW
PEDESTAL (LEGAL)
(SEE ELECTRICAL
NOTES ON THIS SHEET)

STUB RUNS:
~50'-60' EACH

EXISTING
PAVED PARKING

BASE BID
EXISTING SIGNAGE BOARD
(IMPROVEMENTS)

BASE BID
EXISTING COMFORT STATION
(IMPROVEMENTS)

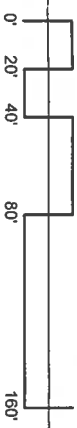
EXISTING TRAIL

PACIFIC
OCEAN



1 PARTIAL SITE PLAN

SCALE: 1" = 40'-0"



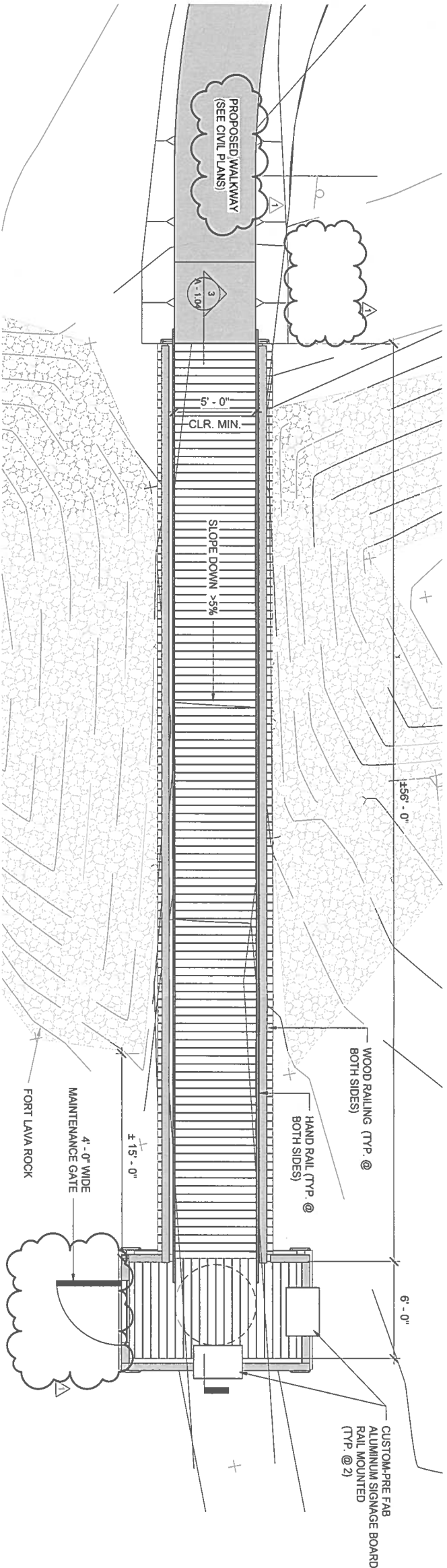
SIGNATURE: *[Signature]*
4/30/2024
Exp. Date
of License
THIS WORK WAS
PREPARED BY ME OR
UNDER MY SUPERVISION
AND I AM A duly Licensed
Professional Engineer.
THIS PROJECT WILL BE
UNDER MY OBSERVATION

PARTIAL SITE PLAN

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION
RUSSIAN FORT ELIZABETH STATE HISTORICAL PARK,
VARIOUS IMPROVEMENTS
KAUAI', HAWAII

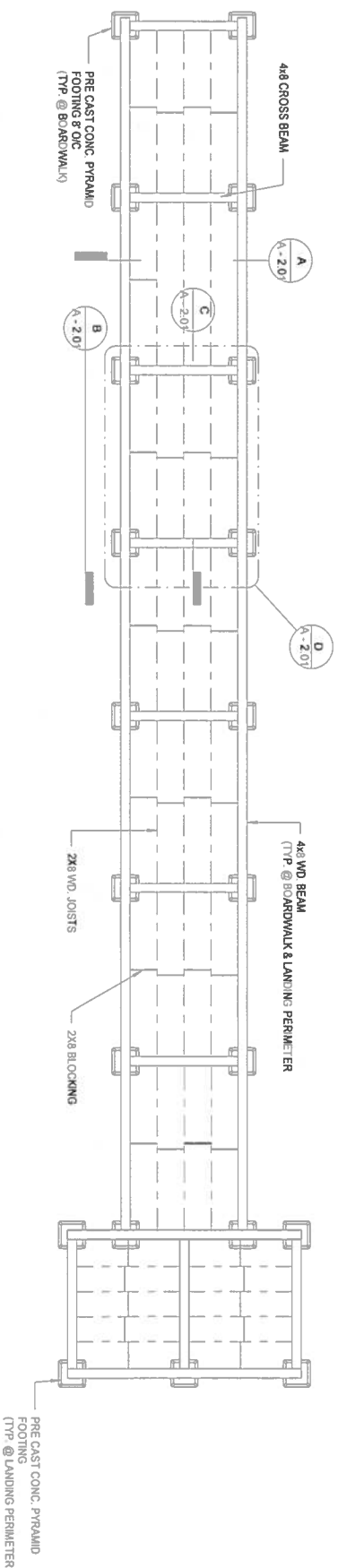
DESIGNED: MV	SUBMITTED: --
DRAWN: RV	DATE: APRIL 2022
CHECKED: MV	SCALE: AS NOTED
APPROVED: _____	DRAWING NO. _____
CHIEF ENGINEER _____	DATE: _____
	A - 0.01

REVISION NO.	SYM.	DESCRIPTION	SHT./OF	DATE	APPROVED
1	A	ADDENDUM NO. 1		04.20.22	



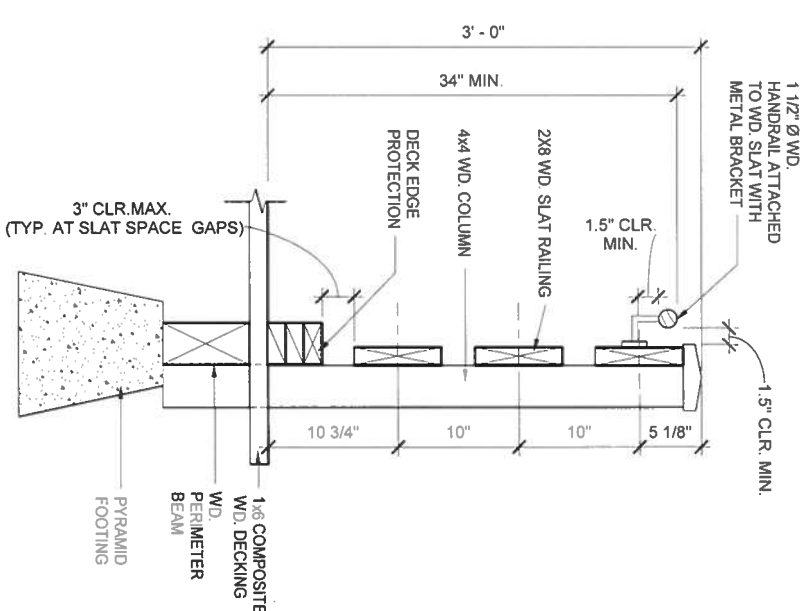
1 BOARDWALK & PLATFORM LAYOUT
SCALE: 1/4" = 1'-0"

GENERAL NOTE: FLOOR AND GROUND SURFACES SHALL BE STABLE, FIRM AND SLIP RESISTANT, TYPICAL.



2 BOARDWALK FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

NOTE:
1. SEE SHEET A2.01 FOR FRAMING DETAILS.



4 WOODEN RAILING DETAIL
SCALE: 1 1/2" = 1'-0"

PROPOSED WALKWAY
(SEE CIVIL PLANS)

A
4'-2.0'

EXISTING FORT
LAVA ROCK

PROPOSED
RAILING & HANDRAIL

PROPOSED
BOARDWALK - SLOPE <5%

FG (REFER TO CIVIL PLANS)

PROPOSED
PLATFORM

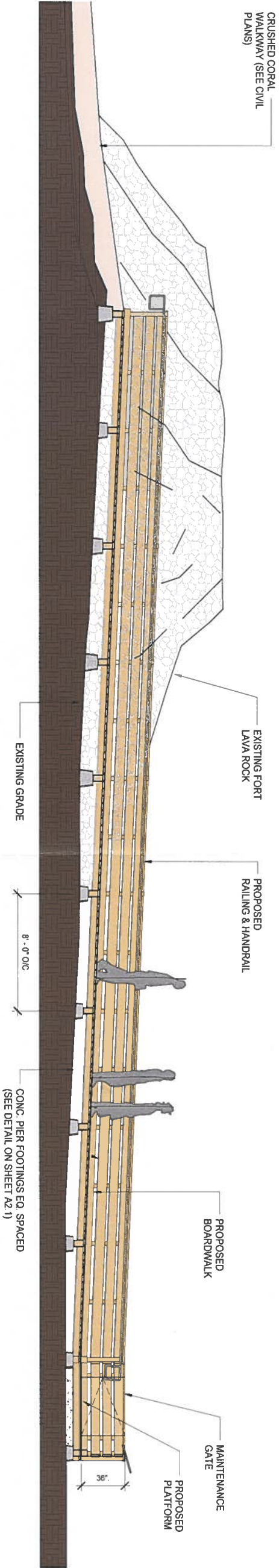
EXISTING GRADE

CONC. PIER FOOTINGS EQ. SPACED
(SEE DETAIL ON SHEET A2.1)

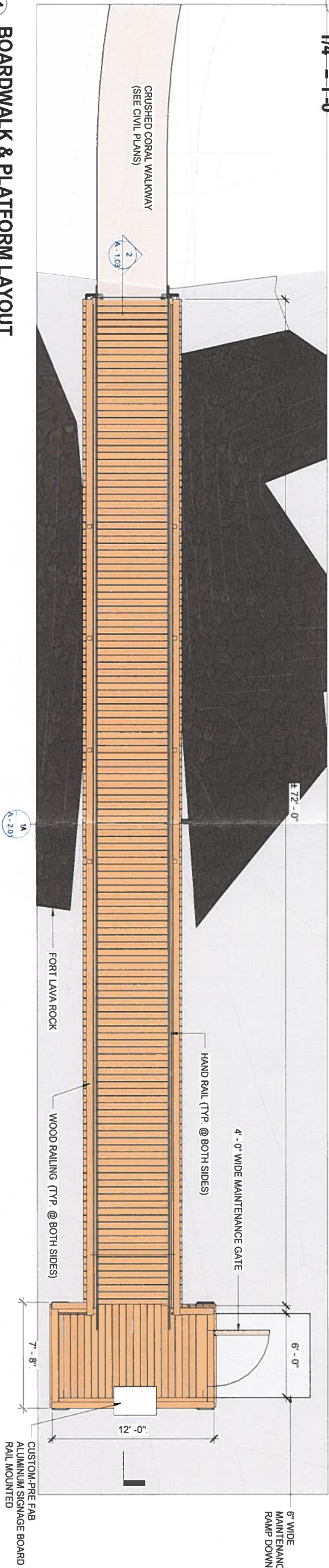
3 BOARDWALK & PLATFORM SECTION
SCALE: 1/4" = 1'-0"



SIGNATURE		4/30/2024		Exp. Date	
DESIGNED: MV		SUBMITTED: --		DATE: APRIL 2022	
DRAWN: RV		CHECKED: MV		SCALE: AS NOTED	
APPROVED: --		CHIEF ENGINEER		DATE: A - 1.04	
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND THIS PROJECT WILL BE UNDER MY OBSERVATION		STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES ENGINEERING DIVISION RUSSIAN FORT ELIZABETH STATE HISTORICAL PARK, KAUAI, HAWAII		BOARDWALK & PLATFORM LAYOUT & SECTION ADDITIVE ALTERNATE - 4	



2 BOARDWALK & PLATFORM SECTION
1/4" = 1'-0"



1 BOARDWALK & PLATFORM LAYOUT
1/4" = 1'-0"

REVISION NO.	SYMBOL	DESCRIPTION	SHT./O/P	DATE	APPROVED
1		BOARDWALK & PLATFORM LAYOUT & SECTION ADDITIVE ALTERNATE - 4			
STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES ENGINEERING DIVISION RUSSIAN FORT ELIZABETH STATE HISTORICAL PARK, VARIOUS IMPROVEMENTS KAUAI, HAWAII					
DESIGNED: MV		SUBMITTED: --		DATE: JULY 2021	
DRAWN: RV		CHECKED: MV		SCALE: AS NOTED	
APPROVED: --		CHIEF ENGINEER		DATE: A - 1.03	
SIGNATURE		4/30/2022		E-10 Date of License	
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER UNDER MY OBSERVATION		BOARDWALK & PLATFORM LAYOUT & SECTION ADDITIVE ALTERNATE - 4		DRAWING NO. A - 1.03	



PROPOSED BOARDWALK & PLATFORM

REVISION NO.	SYM.	DESCRIPTION	SHT./OF	DATE	APPROVED
<div><div></div><div>SIGNATURE</div><div>4/30/2022 Exp.Date of License</div></div> <div><div></div><div>DESIGNED: MV</div><div>SUBMITTED:--</div></div> <div><div></div><div>DRAWN: RV</div><div>DATE: JULY 2021</div></div> <div><div></div><div>CHECKED: MV</div><div>SCALE: AS NOTED</div></div> <div><div></div><div>APPROVED:</div><div>DRAWING NO.</div></div> <div><div></div><div>CHIEF ENGINEER</div><div>DATE</div></div> <div><div></div><div>A - 3.01</div></div>					
STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES ENGINEERING DIVISION RUSSIAN FORT ELIZABETH STATE HISTORICAL PARK, KAUAI, HAWAII					
3D MODELS					
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION					

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

DIRECTOR'S REPORT

I. SUMMARY

**Action Required by
Planning Commission:**

Consideration of Class IV Zoning Permit, Use Permit, and a Special Management Area Use Permit, to allow the construction of a viewing platform, boardwalk, and associated improvements at the Pā'ula'ula State Historical Park.

Permit Application Nos.

Special Management Area Use Permit SMA(U)-2023-13
Class IV Zoning Permit Z-IV-2023-11
Use Permit U-2023-8

Name of Applicant(s)

STATE OF HAWAI'I, DEPARTMENT OF LAND AND NATURAL RESOURCES
(DLNR)

II. PERMIT INFORMATION

PERMITS REQUIRED	
<input checked="" type="checkbox"/> Use Permit	Pursuant to Section 8-11.3 of the KCC, 1987 as amended, a Use Permit is required to allow any use, structure or development within the Special Treatment District.
<input type="checkbox"/> Project Development Use Permit	
<input type="checkbox"/> Variance Permit	
<input type="checkbox"/> Special Permit	
<input checked="" type="checkbox"/> Zoning Permit Class <input checked="" type="checkbox"/> IV <input type="checkbox"/> III	Pursuant to Section 8-3.1 of the KCC, 1987, as amended, a Class IV Zoning Permit is a procedural requirement in applying for a Use Permit.
<input checked="" type="checkbox"/> Special Management Area Permit <input checked="" type="checkbox"/> Use <input type="checkbox"/> Minor	Pursuant to Section 205A of the Hawaii Revised Statutes (HRS) and the Special Management Area Rules and Regulations of the County of Kaua'i, the cost of the improvements exceeds the \$500,000 threshold which constitutes "Development".
AMENDMENTS	
<input type="checkbox"/> Zoning Amendment	
<input type="checkbox"/> General Plan Amendment	

<input type="checkbox"/> State Land Use District Amendment	
--	--

Date of Receipt of Completed Application: June 16, 2023

Date of Director's Report: July 25, 2023

Date of Public Hearing: AUGUST 8, 2023

Deadline Date for PC to Take Action (60TH Day): September 23, 2023

III. PROJECT DATA

PROJECT INFORMATION			
Parcel Location:	The project site is located along the makai side of Kaumuali'i Highway in Waimea, within the Pā'ūla'ūla State Historical Park.		
Tax Map Key(s):	1-7-005:003	Area:	17.26 acres
ZONING & DEVELOPMENT STANDARDS			
Zoning:	Open District (O)/Special Treatment – Cultural (ST-C)		
State Land Use District:	Agricultural/Conservation		
General Plan Designation:	Parks and Recreation		
Height Limit:	30 feet		
Max. Land Coverage:	10%		
Front Setback:	10'		
Rear Setback:	5' or ½ the wall plate height whichever is greater		
Side Setback:	5' or ½ the wall plate height whichever is greater		
Community Plan Area:	Waimea-Kekaha Regional Development Plan		
Community Plan Land Use Designation:	N/A		
Deviations or Variances Requested:	N/A		

IV. LEGAL REQUIREMENTS

Section 8-3.1(f), KCC:	This report is being transmitted to the Applicant and Planning Commission in order to satisfy the requirements of Section 8-3.1(f), relating to the provision of the Planning Director's report and recommendation on the subject proposal within sixty (60) days of the filing of a completed application. The application was received on June 16, 2023 and the Applicant, through its authorized agent, was notified accordingly of the Planning Department's intent to commence permit processing.
Public Hearing Date:	AUGUST 8, 2023

V. PROJECT DESCRIPTION AND USE

As represented in the application, the project involves construction of a viewing platform, boardwalk, and associated improvements at the Pā'ūla'ūla State Historical Park. The other improvements include:

- Restroom repairs and refinishing;
- Repair of damaged signage kiosk (existing);
- Installation of compacted coral walkways;
- Replacement of existing park sign and electrical improvements at main entry;
- Replacement of drinking fountain;
- Parking lot improvements;
- Installation of Interpretive Signage; and
- Landscaping.

As further noted, the improvements are intended to be accessory in nature and function to the park. The proposed boardwalk and viewing platform would add a new element to the landscape of the park and offer visitors an experience while preventing unnecessary damage to the existing historical features, flora and fauna.

The proposed boardwalk and platform site is situated between the stone walls of the Russian Fort entry and approximately 420 feet perpendicular to Kaumuali'i Highway (refer to Exhibits 2, 4 & 7 of the Application). The development involves the construction of a boardwalk approximately 6 ft. wide and 72 ft. long, which would be elevated approximately a foot above grade with guardrails on both sides. At the end of the boardwalk would be a viewing platform that measures approximately 7'-8" by 12'-0" (approx. 92 square feet).

The boardwalk and platform deck would be comprised of low maintenance and environmentally friendly 1X6 wood composite decking material on a wood frame, and supported on prefabricated concrete blocks. These improvements are designed to accommodate wheelchair access.

VI. APPLICANT'S REASONS/JUSTIFICATION

Please refer to Application.

VII. ADDITIONAL FINDINGS

1. The project site is located within the Pā'ūla'ūla State Historical Park, along the makai side of Kūhiō Highway. The property is situated within Open (O) zoning district and the Special Treatment – Cultural District (ST-C).
2. SPECIAL TREATMENT – RESOURCE DISTRICT (ST-C)
The property is located in the ST-C District. It is the intent of that district to ensure that development within these areas recognize, preserve, maintain and contribute to the enhancement of those characteristics which are of significant historical background,

structures, or landforms, and of value to the general public.

3. The State Land Use District (SLUD) designation is "Agricultural," which allows for agricultural uses that are consistent with Chapter 205 of the Hawai'i Revised Statutes (HRS). However, it is noted that the coastline area is situated within the SLUD Conservation district.
4. The proposed development is located within Zone 'X' of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map. FEMA has identified those areas within the Zone "X" are determined to be outside the 0.2% annual chance floodplain, which means a flood of that size or greater has a 0.2-percent chance (or 1 in 500 chance) of occurring in a given year.

The area of the property that is closest to the shoreline area is situated within Zone 'AE' of the Federal Emergency Management Agency Area (FEMA) Flood Insurance Rate Map (FIRM), which is identified as areas subjected to coastal high hazard (wave action). In addition, this area is situated within the Tsunami Evacuation Zone with a Base Flood Elevation (BFE) of 11 feet.

5. The general topography of the property contains a slope that moves away from the highway along its northern (mauka) boundary and towards the ocean coastline (makai). The northern portion of the property contains the more flatter sections of the parcel.

6. ACCESS

The primary access to the project site is through an improved driveway connection from the highway. The paved asphalt driveway is wide enough to accommodate two-way vehicular traffic.

7. SPECIAL MANAGEMENT AREA (SMA)

In addressing the issues of the Special Management Area and its objectives and policies, the following aspects will be considered and evaluated:

- a. Recreational Resources
- b. Cultural/ Historic Resources
- c. Scenic resources
- d. Coastal Hazard
- e. Coastal Ecosystem

Furthermore, the proposal does not:

- Involve dredging, filling or otherwise altering any bay, salt marsh, river mouth, slough or lagoon;
- Reduce the size of any beach or other area usable for public recreation;
- Reduce or impose restrictions upon public access to tidal and submerged lands, beaches, rivers, and streams within the SMA; and
- Adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, estuarine sanctuaries, potential or existing agriculture uses of land.

8. CZO DEVELOPMENT STANDARDS

The proposed development is subject to standards prescribed in Sections 8-2.4, 8-4.3, and 8-9.2, which are noted:

- a. **Use** – As represented in the application and due to the historical significance of property, the parcel was designated a National Historic Landmark in 1962 and established as a State Park in 1972. The park facilities currently includes a comfort station, parking lot, interpretive kiosk, and bronze statue of King Kaumuali'i. It is further noted that accessory structures and uses are identified as a permissible use within the Open (O) zoning district, pursuant to Section 8-2.4 (s)(1) of the CZO.
- b. **Lot Coverage** – The proposed development is situated within the Open zoned portion of the parcel and is subjected to Open zone lot coverage standards specified in Section 8-9.2(a) of the CZO. In considering the proposed development relative to the overall area of the parcel, the land coverage created by the project is negligible.
- c. **Parking** – The CZO does not specify parking requirements for park facilities and the other municipalities within the State has designated discretion to the Director to determine the number of off-street parking stalls in order to minimize impacts to surrounding properties. It is noted that there is an existing parking lot for the State Park and the Applicant intends to utilize the existing parking area for this project.

9. USE PERMIT

Pursuant to Article 3 of the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kauai County Code (1987), the purpose of the Use Permit Procedure is to assure the proper integration into the community of uses which may be suitable only in specific locations of a district, or only under certain conditions, or only if the uses are designed, arranged or conducted in a particular manner, and to prohibit the uses if proper integration cannot be assured. Section 8-3.2 of the CZO specifies a Use Permit may be granted only if the Planning Commission finds that the use meets the following criteria:

- a. The use must be a compatible use;
- b. The use must not be detrimental to persons or property in the area;
- c. The use must not cause substantial environmental consequences; and
- d. The use must not be inconsistent with the intent of the Comprehensive Zoning Ordinance (CZO) and General Plan.

VIII. AGENCY COMMENTS

Comments from applicable government agencies are being sought and are expected at time of the public hearing scheduled on August 8, 2023. At the present time, the department has received comments only from the COK Transportation Agency and the State Department of Health (DOH) which is attached as Exhibit 'A'. Comments from the COK Fire Dept., Public Works – Engineering Division, Dept. of Water and Housing Agency, and the State DOT – Highways Division are also being anticipated.

IX. PRELIMINARY EVALUATION

In evaluating the Applicant's request to allow the construction of a viewing platform, boardwalk, and associated maintenance improvements at the Pā'ūla'ūla State Historical Park, the following are being considered:

1. GENERAL PLAN

The proposed development satisfies the following policies of the General Plan, as taken from Sections 1.3 & 1.4:

A. Section 1.3, entitled "VISION AND GOALS"

- 1) **Goal #1 "A Sustainable Island"** – The project is an example of responsible growth in an area designated for park and recreation purposes.
- 2) **Goal #2 "A Unique and Beautiful Place"** – As represented, the site was specifically chosen to complements the natural, cultural, social and built environmental assets of the Waimea area, and more specifically, around the Waimea River area. As proposed, the project is complimentary to the facilities at the State Park.
- 3) **Goal #3 "A Healthy and Resilient People"** – There will be minimal visual impacts since the footprint of the structure is small compared to its surroundings and anticipate no significant negative impacts on historic sites or Hawaiian cultural practices.
- 4) **Goal #4 "An Equitable Place, with Opportunity for All"** – The project would support and enhance economic and business opportunities and jobs on Kaua'i.

B. Section 1.4, entitled "POLICIES TO GUIDE GROWTH"

- 1) **Policy #8 "Protect Kauai's Scenic Beauty"** – The project should not have any substantial negative impacts on the visual resources in the Waimea area. The project is well integrated to the surrounding environment and should not pose any visual impacts.
- 2) **Policy #9 "Uphold Kaua'i as a Unique Visitor Destination"** – The project further educates the general public (both local & visitors) of the historical significance of the site and demonstrate how unique the island of Kaua'i is relative to other visitor destination sites.
- 3) **Policy #15 "Respect Native Hawaiian Rights and Wahi Pana"** – The project will have no substantial impacts on any of the nearby historic sites and Native Hawaiian traditional cultural practices. The project will continue existing land entitlements as a learning and resource center for cultural, historical, and agricultural preservation.

2. NATIVE HAWAIIAN TRADITIONAL & CULTURAL RIGHTS

Archaeologists throughout the years have extensively studied the site due to its historical significance. The project location was specifically chosen in order to minimize any potential impacts to the fort and to avoid obstructing any significant view corridors while promoting views of the river, Waimea Bay, Ni'ihau, and the uplands of Waimea. The Applicant has also

consulted members of the community with cultural knowledge of the area. The lists of persons identified for this process are listed within the application.

3. SMA RULES AND REGULATIONS

The COK SMA Rules and Regulations contain objectives, policies and guidelines designed to protect coastal resources. Within the SMA, special consideration is given to recreational opportunities, cultural and historic resources, scenic qualities and open space, coastal ecosystems, and coastal hazards. In evaluating the proposed development relative to the goals and objectives of the SMA Rules and Regulations, the following aspects are taken into consideration:

- a. Public Access and Coastal Recreation: The parcel provides public shoreline access as well as to the banks of the Waimea River. The project will not restrict access or have any negative impact on recreational opportunities within the community.
- b. Cultural/ Historical Resources: The subject property has been disturbed by previous activities, however, the department is still awaiting comments from the State Department of Land & Natural Resources (DLNR), Historic Preservation Division (SHPD). There are known archaeological sites (Heiau & Russian Fort) on the subject property as well as neighboring parcels. The Applicant should work closely with SHPD in order to ensure that these archaeological sites remain undisturbed and/or unaffected by the proposed construction activities. Additionally, should any historical artifacts, shell or charcoal deposits, burials and stone pavings are discovered during construction within the petitioned area, the petitioner shall stop work in the immediate area and contact the SHPD.
- c. Scenic and Open Space Resources: The project is situated within a State Park facility, which is located along the makai side of the highway. The park area contains some improvements, as previously noted, and does not affect any views to the coastline as viewed from the highway. The proposed development should not obstruct any views to the shoreline and the use of natural elements further assists in its compatibility with the surrounding environment.
- d. Coastal Hazards: The project area is located within the Coastal High Hazard (Tsunami) 'X' Zone as identified on the Federal Flood Insurance Rate Maps (FIRM). This area is determined to be outside the 500-year flood plain. Therefore, the project is not at risk from coastal hazards.
- e. Coastal Ecosystems: There are no known rare, threatened or endangered, plant or animal species or critical habitats located within the project area. The proposed project will replace an existing building on a site that was previously disturbed by clearing and grubbing.

4. USE PERMIT

Pursuant Article 20 of the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kaua'i County Code (1987), the purpose of the Use Permit procedure is to assure the proper integration into the community of uses which may be suitable only in specific location of a

district, or only under certain conditions, or only if the uses are designed, arranged or conducted in a particular manner, and to prohibit the uses if proper integration cannot be assured. Section 8-20.5 of the CZO specifies a Use Permit may be granted only if the Planning Commission finds that the use meets the following criteria:

- The use must be a compatible use;
- The use must not be detrimental to persons or property in the area;
- The use must not cause substantial environmental consequences; and
- The use must not be inconsistent with the intent of the Comprehensive Zoning Ordinance (CZO) and General Plan.

Based on the criteria noted above, the following aspects are examined:

- a. **Compatible Use** – As previously noted, accessory structures and uses are permissible within the Open (O) zoning district. The Use Permit is a requirement for any development within the Special Treatment district. The proposed development is compatible with uses at the park facility and conforms to the intentions of the ST-C district. Further, the much needed maintenance to the existing facilities is necessary to ensure the facilities are well kept and functioning properly. The project, once completed, would not create unusual noise or other conditions that may be incompatible to the surrounding area.

5. CZO DEVELOPMENT STANDARDS

As proposed, the project complies with the building height, setback, and off-street parking requirements for development within the Open/Special Treatment – Cultural (O/ST-C) zoning districts, as specified in Sections 8-2.4, 8-4.3, and 8-9.2 of the Comprehensive Zoning Ordinance (CZO).

Finally, it is uncertain as to whether the Applicant has made provisions for night illumination with the project, based on the preliminary plans that have been submitted. If so, night illumination should be designed to minimize adverse impacts on the Federally Listed Threatened Species, Newell's Shearwater and other seabirds. Night lighting should be shielded from above and directed downwards and shall be approved by the U.S. Dept. of the Interior Fish and Wildlife Service. If external lighting is to be used in connection with the proposed project, all external lighting should be only of the following type: *downward facing shielded lights*. Spotlights aimed upward or spotlighting of structures is prohibited.

X. **PRELIMINARY CONCLUSION**

Based on the foregoing, it is concluded that the proposed development complies with the policies and guidelines of the Special Management Area Rules and Regulations in that:

1. The development will not have any substantial adverse environmental or ecological effect. Any adverse environmental or ecological effect that may result will be minimized to the extent practicable; and

2. The development is consistent with the objectives/goals/policies of the County General Plan, Waimea-Kekaha Regional Development Plan, the Comprehensive Zoning Ordinance, and other applicable ordinances.

Furthermore, the proposal DOES NOT:

- involve dredging, filling, or otherwise altering any bay, estuary, salt marsh, river mouth, slough or lagoon;
- reduce the size of any beach or other area usable for public recreation;
- reduce or impose restrictions upon public access to tidal and submerged lands, beaches, rivers or streams within the special management area; and
- adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, estuarine sanctuaries or existing agricultural uses of land.

The Applicant should institute the “Best Management Practices” during the construction phase of the project in order to insure that the proposed development does not generate impacts that may affect the health, safety, and welfare of those in the surrounding area of the proposal.

XI. PRELIMINARY RECOMMENDATION

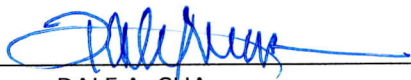
Based on the foregoing evaluation and conclusion it is hereby recommended Class IV Zoning Permit Z-IV-2023-11, Use Permit U-2023-8, and Special Management Area Use Permit SMA(U)-2023-13 be **APPROVED** subject to the following conditions:

1. The project shall be constructed as represented. Any changes to the operation and/or the respective structures shall be reviewed by the Department to determine whether Planning Commission review and approval is warranted.
2. 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.
3. The Applicant shall develop and utilize Best Management Practices (BMPs) during all phases of development in order to minimize erosion, dust, and sedimentation impacts of the project to abutting properties.
4. Unless otherwise stated in the permit, once a permit is issued, the Applicant must make substantial progress, as determined by the Director, regarding the development or activity within two (2) years, or the permit shall be deemed to have lapsed and be no longer in effect.
5. Prior to commencement of the proposed development, written confirmation of compliance with the requirements from all reviewing agencies shall be provided to the Planning Department. Failure to comply may result in forfeiture of the SMA Permit.

6. The Applicant shall resolve and comply with the applicable standards and requirements set forth by the State Health Department, State Historic Preservation Division-DLNR, and the County Departments of Public Works and Water.
7. The Planning Director reserves the right to increase parking requirements when particular uses cause unusual traffic congestion.
8. Since there are known archaeological sites on the subject parcel, the shall closely with State Department of Land and Natural Resources – Historic Preservation Division (SHPD) in order to ensure that these archaeological sites remain undisturbed and/or unaffected by the proposed construction activities. Furthermore, the Applicant is advised that should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the Applicant shall contact the SHPD and the Planning Department.
9. 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).
10. 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 AUGUST 8, 2023 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 AINA S. HULL
Director of Planning

Date: 7/18/2023

EXHIBIT “A”

(Agency Comments)

For reference



7:23 PM 3:21
PLANNING DEPT

County of Kauai
Planning Department
4444 Rice St., Suite A473 Lihue, HI 96766
(808) 241-4050

FROM: Kaaina S. Hull, Director

Planner: Dale Cua

6/21/2023

SUBJECT: Zoning Class IV Z-IV-2023-11
Use Permit U-2023-8
Special Mgt Area Permit SMA(U)-2023-13
Tax Map Key: 170080030000
Applicant: SOH - DLNR
Boardwalk & viewing platform, repair and maintenance

RECEIVED

JUN 22 2023

County of Kauai
Transportation Agency

TO:

- | | |
|---|---|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input checked="" type="checkbox"/> State DOT - Highways, Kauai (info only) | <input type="checkbox"/> County DPW - Wastewater |
| <input type="checkbox"/> State DOT - Airports, Kauai (info only) | <input type="checkbox"/> County DPW - Building |
| <input type="checkbox"/> State DOT - Harbors, Kauai (info only) | <input type="checkbox"/> County DPW - Solid Waste |
| <input checked="" type="checkbox"/> State Department of Health | <input type="checkbox"/> County Department of Parks & Recreation |
| <input type="checkbox"/> State Department of Agriculture | <input checked="" type="checkbox"/> County Fire Department |
| <input type="checkbox"/> State Office of Planning | <input checked="" 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 checked="" type="checkbox"/> County Water Department |
| <input checked="" type="checkbox"/> State Historic Preservation Division | <input type="checkbox"/> County Civil Defense |
| <input type="checkbox"/> State DLNR - Land Management | <input checked="" type="checkbox"/> County Transportation Agency |
| <input type="checkbox"/> State DLNR - Forestry & Wildlife | <input type="checkbox"/> KHPRC |
| <input type="checkbox"/> State DLNR - Aquatic Resources | <input type="checkbox"/> U.S. Postal Department |
| <input type="checkbox"/> State DLNR - Conservation & Coastal Lands | <input type="checkbox"/> UH Sea Grant |
| <input type="checkbox"/> Office of Hawaiian Affairs | <input checked="" type="checkbox"/> Other: Office of Hawaiian Affairs |

FOR YOUR COMMENTS (pertaining to your department)

7/6/2023

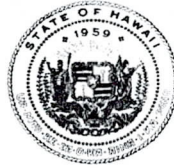
GA HAS NO FURTHER COMMENT ON THIS PROJECT.

MAHALO!

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on 8/8/2023 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!

JOSH GREEN M.D.
GOVERNOR OF HAWAII

KENNETH S. FINK, M.D., M.G.A., M.P.H.
DIRECTOR OF HEALTH



STATE OF HAWAII
DEPARTMENT OF HEALTH
3040 Umi St. Lihue
Hawaii 96766

County of Kaua'i
PLANNING DEPT.

'23 JUL -6 P1:42

RECEIVED

DATE: July 3, 2023

TO: To whom it may concern

FROM: Janet M. Berreman, M.D., M.P.H.,
District Health Officer (Acting for District Environmental Health Program
Chief)

SUBJECT: RESPONSE_SOH-DLNR_SMA(U)-2023-13

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established

wherever possible.

3. Standard comments for the Clean Air Branch are at:
<https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55:
<https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standardcomments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at:
<https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program:
<https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at:
<https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 342I, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred

options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.

3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

By Revised Statute 11-62-31.1 If the parcel is less than 10,000sq feet, an individual onsite waste-water unit may not be possible for future construction. Please contact Sina Pruder at the DOH waste-water branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. Noise may be generated during demolition and/or construction. 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 Department of Health.
2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

1. CDC - Healthy Places - Healthy Community Design Checklist Toolkit recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3492.

Janet Berreman

Janet M. Berreman, MD, MPH, FAAP

Kauai District Health Officer

Office Phone: (808) 241-3614

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



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

PLANNING DIRECTOR'S REPORT

RE: Annual Status Report 2023
Special Management Area Use Permit SMA(U)-2006-5
Project Development Use Permit P.D. U-2005-26
Use Permit U-2005-25
Class IV Zoning Permit Z-IV-2005-30
Tax Map Key: (4) 3-5-001:027 (Por.), 168, 169, 171 (Por.), 172 (Por.), 175
and 176

APPLICANT: HŌKŪALA RESORT
(formerly Kaua'i Lagoons LLC. & MORI Golf (Kaua'i) LLC.)

PROJECT BACKGROUND

The subject permits were approved by the Planning Commission on August 11, 2009 to allow implementation of a revised master site plan involving multiple resort and residential projects throughout the subject property. The development includes condominium/timeshare units, several support facilities and uses, approximately 1,098 off-street parking stalls, and on-site infrastructure improvements.

Condition No. 28 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:

"28. The Applicant shall provide an annual report to the Planning Commission, which shall be submitted to the Planning Department 30 days prior to the annual anniversary date of approval of the amendments considered herein. The annual report shall include the progress and status of the project and compliance with all conditions of approval. An annual report shall be provided until project completion and compliance with all conditions of approval."

APPLICANT'S REQUEST

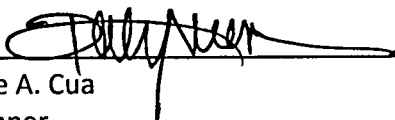
In accordance with Condition No. 28, the Applicant is providing its annual status report for 2023 (refer to Exhibit 'A').

RECOMMENDATION

It is recommended that the Commission accepts the Applicant's 2023 Annual Status Report dated June 21, 2023. Additionally, the Applicant is advised that all applicable conditions of approval, including the provision of annual status report as required by Condition No. 28, shall remain in effect.

G.I.A.I.

AUG 08 2023

By 
Dale A. Cua
Planner

Approved and recommended to Commission:

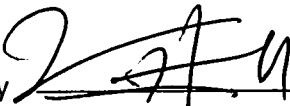
By 
Ka'aina S. Hull
Director of Planning
Date: 7/27/2023

EXHIBIT “A”

(2023 Annual Report)



WILSON OKAMOTO
C O R P O R A T I O N

INNOVATORS • PLANNERS • ENGINEERS

10125-02
June 21, 2023

COUNTY OF KAUAI

'23 JUN 23 P3:33

PLANNING DEPT.

Mr. Ka'āina Hull, Director
County of Kaua'i Planning Department
4444 Rice Street, Suite 473
Līhu'e, Hawai'i 96766

Attention: Mr. Dale Cua, Chief Regulatory Planner

Subject: 2023 Annual Report for Hōkūala Resort
(formerly Kaua'i Lagoons Resort)
Second and Third Amendments to
Special Management Area SMA (U)-2005-8
Project Development Use Permit U-2005-26
Use Permit U-2005-25
And
Class IV Zoning Permit Z-IV-2005-30
Kalapakī, Līhu'e, Kaua'i, Hawai'i

Dear Mr. Hull:

In accordance with Condition No. 28 of the Second and Third Amendments to Special Management Area SMA (U)-2005-8, Project Development Use Permit U-2005-26, Use Permit U-2005-25, and Class IV Zoning Permit Z-IV-2005-30 for the Hōkūala Resort (formerly Kaua'i Lagoons Resort), of which approvals were granted by the County of Kaua'i Planning Commission on August 11, 2009 and January 12, 2010, respectively, we hereby submit this report on the progress and status of compliance of the conditions of the subject permits. Copies of the subject permit approval letters from the County Planning Department dated August 12, 2009 and January 13, 2010, respectively, are attached for your reference as Exhibits A and B.

It is noted that the Applicant has appointed and delegated to Timbers Kaua'i Management, LLC (hereinafter collectively referred to as the "Applicant") the responsibility of being the development manager for the resort project and, as such, will be responsible for the day to day management and operation of the resort and will be the entity assigned the task of providing all necessary information to the County including annual reports as well as ensuring compliance with the applicable conditions of all relevant permits and entitlements for the resort project. Consequently, the Applicant intends to fully cooperate with the County in developing the Hōkūala Resort property pursuant to law and in accordance with all applicable entitlements and permits relative to the property and as may be amended from time to time with the approval of the County.

The following subdivisions have been undertaken in the development of the Hōkūala Resort:

- Kalanipu'u Subdivision (Subdivision No. S-2007-22) – This subdivision implemented the required boundary adjustments for the Kalanipu'u condominium development at the former Fashion Landing area. Final subdivision approval was granted by the Planning Commission on February 26, 2008.
- Large Lot Subdivision (Subdivision No. S-2008-2) – This subdivision implemented the required boundary adjustments for various areas in the Hōkūala Resort. Final subdivision approval was granted by the Planning Commission on September 9, 2008, and recertified by the County on September 23, 2008 and December 9, 2008.
- Single-Family Subdivisions 1 and 4 (Subdivision No. S-2008-24) – This subdivision subdivided a portion of the planned single-family residential lots within the Hōkūala Resort, and adjusted other lot lines to facilitate the future development of the Resort. Final subdivision approval was granted by the Planning Commission on December 9, 2008, and recertified by the County on December 9, 2008.
- Single-Family Subdivisions 2 and 3 (Subdivision No. S-2009-06) – This subdivision subdivided a portion of the planned single-family residential lots within the Hōkūala Resort, and adjusted other lot lines to facilitate the future development of the Resort. Final subdivision approval was granted by the Planning Commission on May 12, 2009.
- Affordable Housing (Kamāmalu) Subdivision (Subdivision No. S-2010-03) – This subdivision subdivided a 759 square-foot sliver of land from the Hōkūala Resort's affordable housing parcel to accommodate roadway improvements undertaken by the Applicant along Haoa Street in conjunction with that development. Final subdivision approval was granted by the Planning Commission on January 26, 2010.
- Revised Large Lot Subdivision (Subdivision No. S-2010-11) – This subdivision allows for various boundary adjustments necessary to accommodate the planned master plan revisions of the Hōkūala Resort approved through the Resort's Second and Third Amendments to Special Management Area Use Permit SMA (U)-2005-8, Project Development Use Permit U-2005-26, Use Permit U-2005-25, and Class IV Zoning Permit Z-IV-2005-30 approved by the County Planning Commission on August 11, 2009 and January 12, 2010, respectively. Final subdivision approval was granted by the Planning Commission on December 14, 2010, and recertified by the County on January 11, 2011.
- Revised Subdivision 700-710 (Subdivision No. S-2019-11) – This subdivision reconsolidated the planned single-family residential lots within the Hōkūala Resort and subdivided the land to facilitate future development as low-density townhomes. Other lot lines were also adjusted in conformance with the existing RR-10/RR-20 designation of the site. Final subdivision approval was granted by the Planning Commission on November 12, 2019.

- Lot Consolidation of Parcels 9C and 9D (Subdivision No. S-2021-2) – This subdivision consolidates Parcels 9C and 9D to allow for the development of one 4-story building with a total of 72 units, less than the previously proposed 90 units between the two properties. Tentative subdivision approval was granted by the Planning Commission on December 8, 2020. The pre-final subdivision map was submitted to the Planning Department on January 31, 2022. Final subdivision approval was granted by the Planning Commission on November 15, 2022.
- Subdivision of Lot 8 (Subdivision No. S-2021-4) – This subdivision allows for the boundary adjustments necessary to subdivide the property according to the existing RR-10 and RR-20 designation of the site. Tentative subdivision approval was granted by the Planning Commission on July 13, 2021. The final subdivision map was submitted to the Planning Department on January 11, 2022. Final subdivision approval was granted by the Planning Commission on November 15, 2022.
- Consolidation of Lots 400 to 423 and Resubdivision into Lots 1 to 25 (Subdivision No. S-2022-4) – This subdivision consolidates and re-subdivides the Subdivision 4 lots that were created under S-2008-24 and approved by the Planning Commission on December 9, 2008, to accommodate the preferred site layout and a new cul-de-sac. Existing landscape, utility, and roadway easements were also redesignated. Tentative subdivision approval was granted by the Planning Commission on December 14, 2021. Final subdivision approval was granted by the Planning Commission on April 12, 2023. The subdivision was recorded with the Bureau of Conveyances on May 12, 2023.
- Subdivision 1 Lot Consolidation (Subdivision No. S-2022-9) – This subdivision consolidates the lots that were created under S-2008-24 and S-2010-11 in accordance with an approved change in density from R-2 to R-4 pursuant to Zoning Ordinance PM-2021-416. A copy of the zoning ordinance is enclosed as Exhibit C. It also updates utility easements per the new lot configuration. Tentative subdivision approval was granted by the Planning Commission on May 10, 2022. Construction plans are being prepared by the Applicant. A time extension request was submitted to the Planning Commission on May 3, 2023.
- Subdivision 1A Subdivision (Subdivision No. S-2022-10) – This subdivision creates a single lot for Subdivision 1A that was approved through the Resort's Third Amendments to Special Management Area Use Permit SMA (U)-2005-8, Project Development Use Permit U-2005-26, Use Permit U-2005-25, and Class IV Zoning Permit Z-IV-2005-30 by the County Planning Commission on January 12, 2010. This subdivision is also consistent with the approved change in density from R-2 to R-4 pursuant to Zoning Ordinance PM-2021-416. A copy of the zoning ordinance is enclosed herewith as Exhibit C. Tentative subdivision approval was granted by the Planning Commission on May 10, 2022. A time extension request was submitted to the Planning Commission on May 3, 2023.

The following construction activities have been undertaken in the development of the Hōkūala Resort:

- Construction of a public recreation/picnic shelter and shower facility near Running Waters Beach, just mauka of the public lateral shoreline access, and a public recreation/picnic shelter, shower and restroom facility farther west and mauka of the public lateral shoreline access, were completed in September 2009. Both of these public recreation facilities are

available for public use. The location of these public recreation facilities and the obligations, duties, and responsibilities of the Applicant to provide and maintain these facilities were confirmed through the Memorandum of Understanding for Hōkūala Resort effective as of January 14, 2022 made by and between the Tower Kaua'i Lagoons Entities, Tower Kaua'i Lagoons 8, LLC, and the County of Kaua'i. A copy of the Memorandum of Understanding for Hōkūala Resort is enclosed herewith as Exhibit D.

- The 82-unit multi-family affordable housing development located on an approximately 6.7-acre parcel identified as TMK (4) 4-3-001:014 in Waipouli was completed by August 2009. The 31-unit multi-family affordable housing development, identified as the Kamāmalu Condominium, within the western portion of the Hōkūala Resort property at the corner of Kaua'i Veterans Memorial Highway (formerly Kapule Highway) and Haoa Street, was completed in February 2010. Completion of both developments fulfilled the affordable housing requirement for Hōkūala. The associated roadway improvements at the adjacent Kaua'i Veterans Memorial Highway/Haoa Street intersection were also completed in February 2010 and accepted by the County, and subsequently dedicated to the County by the Applicant.
- Construction of the 78-unit Kalanipu'u development was completed in 2011, with units currently occupied by residents and time share owners. The Fitness Center and Activities Room within the nearby former Fashion Landing commercial center were completed in January 2012 and October 2012, respectively, for the residents and guests of the Kalanipu'u development.
- Construction of the 14-unit Parcel 9A – Building A (former Inn on the Cliffs) and the 28-unit Parcel 9B – Building B (former Ritz Carlton Club) developments have been completed and were opened in June 2018. Located adjacent to and mauka of the Parcel 9A – Building A site is the Parcel 9A – Townhomes (former Ritz Carlton Residence Town Homes Building A) development, which was also completed and is occupied by the residents.
- Building permit plans were submitted to the County in August 2008 for the Lot 8 – Boutique Hotel development located within a portion of the existing vacant land area adjacent to and makai of the lagoons and the second bridge of Ho'olaule'a Way. These plans were subsequently rescinded by the Applicant. A foundation permit was later issued by the County and substantial construction of the structures was completed in 2016. Updated and revised plans for the Lot 8 – Boutique Hotel development were submitted to the County and are under review by the Planning Department and Department of Public Works (DPW) Building Division.
- Building foundations for the remainder of the permitted 772 units were completed in September 2021.
- A building permit for construction of 12 of the 36 units at Subdivision 7, now named the Ninini Point Residences, was approved by the County on January 11, 2022.

In 2016, the Applicant proposed minor revisions to the product mix that did not increase the total density of the project. These revisions essentially were very similar to earlier approved versions of the master-planned project and were determined to be in compliance with issued permits and related council

planning measures by Departmental Determination DD-2017-7 issued by the Planning Department on September 6, 2016, a copy of which is attached as Exhibit E. The density allocation approved under DD-2017-7, referred to as the "Current Unit Count", is summarized in Table 1. Following consultation with the Planning Department, the Applicant proposed further revision of the product mix. Corresponding decreases in density at other developments within the Resort were proposed to offset any increases for a net effect of no change to the total density of the project. The proposed density allocation, referred to as the "Proposed Unit Count", is summarized in Table 1 and described thereafter.

Table 1. Proposed Density Allocation for Hōkūala Resort			
Parcel	Current Unit Count (per DD-2017-7)	Proposed Unit Count	Status
Parcel 9A – Bldg A (former Inn on the Cliffs)	14	14	Completed
Parcel 9B – Bldg B (former Ritz Carlton Club)	28	28	Completed
Parcel 9A – Townhomes	5	5	Completed
Parcel 8 – Boutique Hotel (Silverwest)	175	210	Proposed (Building Permit Under Review)
Ocean Course, Central Operations, Future Golf Expansion	--	--	No longer proposed
Shops at Hōkūala	--	--	Completed
Ninini Point Residences	48	36	Proposed (Building Permit for 12 units Approved)
Parcel 9E – Boutique Hotel	291	278	Proposed
Subdivision 1	10	14	Proposed
Subdivision 1A	9	13	Proposed
Subdivision 2	--	--	No longer proposed
Subdivision 3	--	--	No longer proposed
Subdivision 4	24	24	Proposed
Parcels 9C and 9D – Hotel Villa	90 (52 and 38 respectively)	72	Proposed
Kalanipu'u	78	78	Completed
TOTAL	772	772	

From 2016, there were no changes proposed in the number of units at the Kalanipu'u (78 units), Parcel 9A – Building A (14 units), Parcel 9B – Building B (28 units) and the Parcel 9A – Townhomes (5 units) developments. The Parcel 8 – Boutique Hotel was changed from 175 units to 210 units. Subdivision 7, which was envisioned as 11 single family residential lots, has evolved to a low-density townhomes development with 36 units. The 36-unit townhome development is now named Ninini Point Residences. Parcel 9E –Boutique Hotel changed from 291 to 263 units.

Subdivisions 1 and 1A were changed to 24 and 18 units, respectively. The unit count increase at Subdivision 1 to 24 units and at Subdivision 1A to 18 units required approval of a zoning amendment to change the zoning designation from Residential District (R-2) to Residential District (R-4). The zoning amendment for Subdivision 1 and Subdivision 1A was approved by the Kaua'i County Council on December 20, 2021 through Zoning Ordinance PM-2021-416. A copy of the zoning ordinance is attached herewith as Exhibit C.

There are no plans currently to develop Subdivisions 2 and 3. The bonds for both Subdivisions 2 and 3 have been left to expire with the approval and concurrence of the County of Kaua'i Planning Director. Subdivision 4 remained at 24 units while the proposed unit count at Parcels 9C and 9D was reduced from 90 units to 72 units.

The existing commercial center located at the former Fashion Landing (hereinafter Commercial Complex) is planned to be repaired and refurbished. SMA III permit approval for improvements to the Commercial Complex was issued on April 24, 2018.

The existing status of conditions from the August 11, 2009 and January 12, 2010 permit approvals is as follows:

Condition

1. *The maximum building height for the proposed condominium, timeshare, multi-family, and hotel units buildings in Project Areas "B" and "D" approved in 2005 and Project Area "B" of the proposed amendments (Page 0.01 Volume II) shall not exceed four (4) stories or forty (40) feet from the ground line measured at each point along the building to the highest wall plate line, whichever is less. Gables and roof height shall not exceed one-half (1/2) the wall height or fifteen (15) feet, whichever is less.*

The maximum building height for structures in Project Area "C" (Page 4, Volume II) as approved in 2005 shall be as follows:

- a. *The maximum building height for the proposed "Inn on the Cliffs" buildings shall not exceed three stories or 45 feet as measured from the ground line at each point along the building to the highest point of the roof of the building.*
- b. *The Ritz Carlton Club units shall have a three- to four-story design with a maximum building height of 55 feet as measured from the ground line at each point along the building to the highest point of the roof of the building.*
- c. *The maximum building height for the Ritz Carlton Residence Town Homes Building A shall not exceed two (2) stories in design with a maximum building height of 35 feet as measured from the ground line at each point along the building to the highest point of the roof of the building.*

The single-family residential developments within Project Area "F" of the 2008 amended permits and Project Areas "A" and "C" of the proposed amendments shall comply with all applicable residential development standards of the Comprehensive Zoning Ordinance.

Status

Design plans initiated by the Applicant for the various phases of development within the Hōkūāla Resort are acknowledged.

Construction of the 78-unit multi-family Kalanipu'u development, consisting of three buildings, has been completed. The maximum building height for the Kalanipu'u condominium buildings is 39 feet, 6 inches from the ground line measured at each point along the buildings to the highest wall plate line, which is less than the 40-foot height limit. The roof height is 9 feet, 5 inches, which is less than one-half (1/2) the wall height or 15 feet. The Applicant acknowledges that the remaining buildings in Project Areas "B" and "D" approved in 2005, as amended, shall not exceed four (4) stories or forty (40) feet from the ground line measured at each point along the building to the highest wall plate line, whichever is less. The Applicant further acknowledges that gables and roof height shall not exceed one-half (1/2) the wall height of fifteen (15) feet, whichever is less.

Construction of Parcel 9A – Building A, Parcel 9B – Building B, and the Parcel 9A – Townhomes has been completed in accordance with the conditions for Project Area "C" as approved in the 2005 SMA Permit.

As depicted on the approved building permit plans, the 14 condominium time share units within Parcel 9A - Building A (former Inn on the Cliffs) were developed within the overall existing building footprint and the two-level building height approved for this development in the 2005 SMA Permit. The maximum building height for the Parcel 9A - Building A (former Inn on the Cliffs) is 45 feet from the ground line measured at each point along the building to the highest point of the roof of the building. Parcel 9A – Building A was constructed per the approved building permit plans.

The 28 condominium/time share units within Parcel 9B - Building B (former Ritz Carlton Club) were developed within the overall existing building footprint and the four-level building height approved for this development in the 2005 SMA Permit. Consistent with the building permit plans, the maximum building height for Parcel 9B - Building B (Ritz Carlton Club) is 55 feet from the ground line measured at each point along the building to the highest point of the roof of the building. Parcel 9B – Building B was constructed per the approved building permit plans.

Also consistent with the building permit plans, the maximum building height for the Parcel 9A - Townhomes (former Ritz Carlton Residence Townhomes Building A) is no more than 35 feet from the ground line measured at each point along the building to the highest point of the roof of the building. Parcel PA – Townhomes was constructed per the approved building permit plans.

The single-family residential developments within Single-Family Subdivisions 1, 1A and 4 within Project Area "F" of the 2008 amended permits are intended to comply with the applicable residential development standards of the County's Comprehensive Zoning Ordinance (CZO). The Applicant notes that no building will be more than two (2) stories above and one (1) story below from the finished grade at the main entry, over 20 feet measured from the finished grade at the main entry to the highest exterior wall plate line, and over 30 feet to the highest point of the roof measured from the finished grade at the main entry.

Condition

The Applicant shall also follow the proposed architectural design guidelines that establish building design, roof design, building materials, and earth tone color schemes as shown on the pages 16, 26 and

44 of Volume II of the 2005 application, on pages A.00, E.00 and F.00 of Volume II of the 2008 amended permits, and on pages A.00, B.00 and D.00 of the proposed amendments.

Status

The Applicant submitted design plans to the County for building permit approval for the Parcel 9A - Building A (former Inn on the Cliffs), Parcel 9B - Building B (former Ritz Carlton Club), Parcel 9A - Townhomes (former Ritz Carlton Residence Town Homes Building A), and Parcel 8 - Boutique Hotel developments in conformance with this condition. Parcel 9A - Building A, Parcel 9B - Building B, and Parcel 9A - Townhomes have been constructed according to the approved plans. Updated and revised design plans for Parcel 8 - Townhomes have been submitted and are under review by the Planning Department and the DPW Building Division. The designs of the constructed Kalanipu'u condominiums and the 31-unit Kamāmalu Condominium affordable housing development were also approved through the respective building permit submittals in conformance with this condition.

The maximum building height for the Kamāmalu Condominium development is 27 feet from the ground line measured at each point along the building to the highest wall plate line, which is less than the 40-foot height limit. The roof height is 8 feet, 1 inch, which is less than one-half (1/2) the wall height or 15 feet.

The single-family residential dwelling units to be developed within the Single-Family Subdivisions are intended to follow the proposed architectural design guidelines as shown on page F.00 of Volume II of the Amended SMA Permit and page A.00 of the Second Amended SMA Permit. Dwelling construction and lot landscaping is intended to be undertaken by the individual lot owners in accordance with the established design guidelines. The general appearance of the individual properties, such as architectural design criteria and landscaping requirements, will be controlled through design guidelines for the development and approved by the Resort Developer.

The building design, color scheme samples, and landscape plans for the remaining phases of the project are under review by the Applicant and will be submitted to the Planning Department at the time of building permit application for the respective developments.

Condition

As represented, the maximum building height for the proposed Golf Club House facility on TMK: 3-5-001: por. 173 shall not exceed 35 feet from finished grade at the main entrance of the building to the highest point of the roof.

Status

As part of the Resort's revised master plan under the Applicant, the previously proposed new golf clubhouse was proposed to be relocated and integrated within the Commercial Complex (former Fashion Landing). Although the location is in the General Commercial (CG) District which allows a maximum height limit of 50 feet, the golf clubhouse was proposed to not exceed 35 feet in height. However, the Applicant has decided to forgo construction of a new golf clubhouse and has decided to keep the existing golf pro shop and cart barn in its existing location within the Parcel 8 - Boutique Hotel development.

Condition

3. The Applicant shall provide building design, color scheme samples, and landscape plans for each phase of the project for the review and approval of the Planning Department at the time of Building

Permit and/or Subdivision Permit Application. The Applicant is encouraged to incorporate the use of native plants that are common to the area or endemic, indigenous, or Polynesian introduced in the landscape plans for each phase of the development.

The landscape plan shall also include landscaping and/or landscape berm(s) along Haa Street and Kapule Highway to address visual impacts of the project and to help minimize noise impacts from the highway to the residential project.

Status

The building designs, color scheme samples and landscape plans for the completed 78-unit Kalanipu'u condominium development, 14-unit Parcel 9A - Building A (former Inn on the Cliffs) development, 28-unit Parcel 9B - Building B (former Ritz Carlton Club) development, 5-unit Parcel 9A - Townhomes development, and 31-unit Kamāmalu Condominium affordable housing project were approved by the County Planning Department as part of the respective building permit approval processes. The Applicant worked closely with the County Planning Department on the building designs, color scheme samples and landscape plans to ensure consistency with the intent of the existing permits. As a result, the Planning Department reviewed and approved all such plans and construction of the listed developments were completed in conformance with this condition.

As part of the building permit process for the Parcel 8 - Boutique Hotel, the building design, color scheme sample and landscape plan have been submitted to the County for review and approval. These plans are under review by the Planning Department and the DPW Building Division.

As previously indicated, dwelling construction and lot landscaping of the single-family residential lots are intended to be undertaken by the individual lot owners in accordance with the established design guidelines. The general appearance of the individual properties, such as architectural design criteria and landscaping requirements, will be controlled through design guidelines for the development and approved by the Resort Developer. It is intended that the individual lot owners will provide building design, color scheme samples and landscape plans for their respective proposed dwelling units to the Planning Department for review and approval at the time of building permit application for the respective lots.

The building design, color scheme samples, and landscape plans for the remaining phases of the project are under review by the Applicant and will be submitted to the Planning Department at the time of building permit application for the respective developments.

Condition

4. *The Applicant shall comply with the required setback distance to property lines for all of the buildings as approved by adjusting the building location or configuration and/or conducting boundary adjustments through the Subdivision process to obtain the land area with the adjacent lands to meet the required setback distances to the respective property line(s).*

Status

Implementation of the required boundary adjustments for the Kalanipu'u condominiums located in the Fashion Landing Commercial area was achieved through its final subdivision which was approved by the Planning Commission on February 26, 2008 (Kalanipu'u Subdivision [S-2007-22]). The required boundary adjustments in other areas of the Hōkūāla Resort were achieved through the Large Lot Subdivision (S-2008-2), of which approval was granted by the Planning Commission on September 9, 2008 and recertified by the County on September 23, 2008 and December 9, 2008. The Revised Large

Lot Subdivision (S-2010-11) approved by the Planning Commission on December 14, 2010, and recertified by the County on January 11, 2011, and Subdivision 700-710 (S-2019-11) approved by the Planning Commission on November 12, 2019 also allowed for various boundary adjustments necessary to accommodate the planned master plan revisions of the Resort. As mentioned, these master plan revisions have been approved through the Second and Third Amendments to Special Management Area SMA (U)-2005-8, Project Development Use Permit U-2005-26, Use Permit U-2005-25, and Class IV Zoning Permit Z-IV-2005-30 for the Hōkūāla Resort, which were granted by the Planning Commission on August 11, 2009 and January 12, 2010, respectively.

Application for Lot Consolidation of Parcels 9C and 9D (S-2021-2) received final approval on November 15, 2022, and was subsequently recorded with the State Bureau of Conveyances as Document No. Doc A – 83920712. Application for Lot 8 Subdivision (S-2021-4) received final approval on November 15, 2021, and was subsequently recorded with the State Bureau of Conveyances as Document No. Doc A – 83920711. Application for the consolidation of Lots 400 to 423 and Resubdivision into Lots 1 to 25 (S-2022-4) received final approval on April 12, 2023, and was subsequently recorded with the State Bureau of Conveyances as Document No. Doc A – 85320960.

Subdivision 1 Lot Consolidation (S-2022-9) and Subdivision 1A Subdivision (S-2022-10) are being processed with the County and would also allow for various boundary adjustments in conformance with this condition and the existing entitlements and approvals for the Resort. Required setback distances will also be met by adjusting the building location or configuration within the property line boundaries. As noted above, time extension requests were submitted to the Planning Commission on May 3, 2023.

Condition

5. *As required under Condition No. 2 of Ordinance No. PM-2006-383, the Applicant shall provide documentation of the restriction on density in the subject property(ies) within Open District into the deeds of the affected property prior to building permit issuance for any development proposed in the amended area.*

Status

Documentation of the restriction on density within the Open District lands of the Hōkūāla Resort is included in the Declaration of Deed Restriction Concerning Density in the Open District Zone of Kaua'i Lagoons Resort dated December 18, 2007 and recorded in the State Bureau of Conveyances on December 31, 2007 as Document No. 2007-223761 and Land Court Document No. 871,637.

Condition

6. *As represented by the Applicant and as recommended by the State Department of Transportation, the Applicant shall prepare a revised Traffic Impact Analysis Report (TIAR) for the Kaua'i Lagoons Resort development that also includes the County's proposed Vidinha Stadium Expansion project. The Applicant shall resolve with the State Department of Transportation (DOT) the execution of a Memorandum of Agreement which would address the specific improvements to be provided as set forth in the letter from the DOT dated May 22, 2008 and July 15, 2009.*

Status

The Applicant had submitted to the DOT a revised TIAR for the Hōkūāla Resort development that also includes the County's proposed Vidinha Stadium Expansion project. A Memorandum of Agreement (MOA) was submitted by the Applicant to the DOT Highways Division on November 20, 2008 which identifies specific proposed roadway improvements and associated funding and construction

consideration in association with the Hōkūala Resort development. The MOA includes specific improvements to be designed, permitted, funded, and constructed at the Kaua'i Veterans Memorial Highway/Rice Street intersection, the Kaua'i Veterans Memorial Highway/Ninini Point Street/Hoolako Street (Vidinha Stadium Access Road) intersection, and the Kaua'i Veterans Memorial Highway/Haoa Street/Halau Street intersection. Based on review comments, the Applicant had submitted revised versions of the MOA to the DOT Highways Division which addresses the comments. In consideration of the ongoing MOA discussions between the DOT and the Applicant, by letter dated May 18, 2010 in regard to the preliminary Revised Large Lot Subdivision (S-2010-11), the DOT indicated that the Applicant appears to be in accordance with the various land use permits that have been approved for the Hōkūala Resort, and expects the Applicant will continue working with the DOT Highways Division to develop the MOA. The Applicant intends to continue to engage in ongoing discussions, as per the draft MOA, with the DOT Highways Division toward seeking resolution and ultimately execution of the MOA.

Anticipating the execution of the MOA, and in consultation with the DOT, the Applicant worked on the design phase for the Kaua'i Veterans Memorial Highway/Rice Street intersection improvements. DOT approval of the conceptual design for the Kaua'i Veterans Memorial Highway/Rice Street intersection improvements was received on October 22, 2010, and the construction drawings were being reviewed by DOT. DOT approval of the final construction drawings for the Kaua'i Veterans Memorial Highway/Ninini Point Street/Hoolako Street (Vidinha Stadium Access Road) intersection improvements was received on July 8, 2011. Because of the time involved since the 2011 approval, DOT requested a resubmittal of the plans for the Kāpule Highway/Ninini Point Street/Ho'olako Street (Vidinha Stadium Access Road) intersection improvements. Plans were resubmitted to DOT on March 28, 2016 and to DPW on April 21, 2016. DOT approved the plans on October 20, 2016. Construction of the improvements at the Kaua'i Veterans Memorial Highway/Haoa Street/Halau Street intersection was completed in February 2010 and accepted by the County, and subsequently dedicated to the County by the Applicant. The road improvements were wholly contained within the County's Haoa Street.

Condition

As also represented, the Applicant shall provide a primary vehicular access to the resort project from Kapule Highway to lessen the traffic impacts of the project at both the Rice Street/Kapule Highway intersection and at the existing entrance to the project along Rice Street. The improvements that are needed at the Kapule Highway entrance shall be resolved with the State Department of Transportation and the Department of Public Works. The Applicant shall submit a Supplemental Traffic Impact Analysis Report to the Department of Transportation indicating that the Kapule Highway entrance shall serve as primary access to the project.

Status

A supplemental traffic analysis dated September 2005 was conducted by the Applicant to address the Ninini Point Street Access and submitted as part of the Zoning Amendment application and Environmental Assessment for the Hōkūala Resort development in November 2005. In accordance with the recommendations of the supplemental traffic analysis, the Applicant proposed primary vehicular access to the Hōkūala Resort development from Kaua'i Veterans Memorial Highway at the Ninini Point Street intersection which will lessen the impacts at the existing vehicular access to the Resort along Rice Street. Anticipating the execution of the MOA, and in consultation with the DOT, DOT approval of the final construction drawings for the Kaua'i Veterans Memorial Highway/Ninini Point Street/Hoolako Street (Vidinha Stadium Access Road) intersection improvements was received on July 8, 2011. As noted previously, DOT requested a resubmittal of the plans for the Kaua'i Veterans Memorial Highway/Ninini Point Street/Ho'olako Street (Vidinha Stadium Access Road) intersection improvements.

Plans were resubmitted to DOT on March 28, 2016 and to DPW on April 21, 2016. DOT approved the plans on October 20, 2016.

Condition

As further represented, the Applicant shall extend the right turn lane on Haoa Street at the intersection of Haoa and Kapule Highway and also provide a left turn "pocket" on Haoa Street at the entrance to the affordable housing project on TMK: 3-5-001: 165.

Status

In conjunction with the development of the Kamāmalu Condominium affordable housing project, the Applicant has constructed the extension of the right-turn lane on Haoa Street at the intersection of Haoa and Kaua'i Veterans Memorial Highway, and provided two left-turn pockets on Haoa Street at the two entrances to the affordable housing development. Construction of these improvements was completed in February 2010 and accepted by the County, and subsequently dedicated to the County by the Applicant.

Condition

In addition, the Applicant shall consult with the DOT Airports Division on the possibility of utilizing the "Airport Road," situated to the north of the project site and along the western boundary of the Airport Facility, to provide direct access from the Airport Facility to the resort property for vans and/or shuttle buses.

Status

The Applicant initiated discussion with the DOT Airports Division regarding use of the Airport Road to provide direct access from Līhu'e Airport to the Hōkūāla Resort for vans/shuttle buses. Approval was granted, and the Royal Sonesta Kaua'i Resort, Marriott's Kaua'i Beach Club, and Hōkūāla Resort use the access road for their shuttle buses and vans.

Condition

In order to coordinate the requirements specified in the above, the Applicant shall prepare a working plan providing a schedule covering the preparation of construction plans and construction timetables for the various roadway improvements, subject to the review and approval Public Works Departments, the State Department of Transportation, and Planning Department at time of Building Permit Application and/or Subdivision Application for projects that are granted subject permits.

Status

The Applicant has been in discussions with the DOT Highways Division regarding the schedule of the preparation of construction plans and construction timetables for the various roadway improvements in conjunction with the Hōkūāla Resort development. The Applicant is in the process of reviewing the construction plans and proposes the following tentative schedule of improvements:

Kaua'i Veterans Memorial Highway/Rice Street Intersection

- Planning: Completed, subject to review by Applicant
- MOA Process: Initiated in November 2008 with anticipated completion in November 2022
- Design: Completed for a signalized intersection
- Agency Approvals: Initiated in August 2012 with anticipated completion in January 2024
- Land Acquisition: Initiated in August 2012 with anticipated completion in March 2024
- Anticipated Construction: March 2025 to March 2026

Kaua'i Veterans Memorial Highway/Ninini Point Access Intersection

- Planning: Completed, however, plans were resubmitted to DOT on March 28, 2016
- Design: Completed, however, plans were resubmitted to DOT on March 28, 2016
- Agency Approvals: Initiated in May 2012 and completed in February 2017
- Anticipated Construction: October 2024 to October 2025

The Applicant will submit a working plan providing a schedule covering the preparation of construction plans and construction timetables for the various roadway improvements to the DOT following consummation of the MOA for the specific roadway improvements to be provided in conjunction with the Hōkūala Resort development.

The Kaua'i Veterans Memorial Highway/Haoa Street intersection improvements were completed by the Applicant in February 2010 in conjunction with the Kamāmalu Condominium affordable housing project. The intersection improvements were accepted by the County, and subsequently dedicated to the County by the Applicant.

Condition

7. *As recommended by the Department of Public Works, Wastewater Division, the Applicant shall resolve the following requirements with the Department of Public Works:*

- a. *The STP Effluent Agreement dated August 14, 2001, as amended by Amendment to Agreement Regarding STP Effluent dated March 27, 2009 between Kaua'i Lagoons LLC and the County of Kaua'i shall remain in effect.*
- b. *The said agreement, as amended, reserves the Applicant with 290,000 gallons per day of treatment capacity at the Līhu'e Wastewater Treatment Plant for its development up to twenty-one (21) years from the date of the amended agreement.*
- c. *The Applicant shall meet with the Department of Public Works to negotiate an agreement for sewer capacity exceeding 290,000 gallons per day.*
- d. *The amended agreement stipulates that the County shall provide, and the Applicant shall accept, up to 1.5 million gallons per 24 hour day (MGD) of R-1 quality treated effluent. If this condition cannot be met the Applicant shall meet with the Department of Public Works to negotiate an agreement to dispose any of the unused effluent that remains from the 1.5 MGD discharged from the County's Līhu'e Wastewater Treatment Plant.*
- e. *All sewer improvements required for the development shall be designed and constructed to County standards.*

Should the sewer capacity for additional development on the property exceed 290,000 gallons per day, the Applicant acknowledges that it shall be subject to any applicable waiting or priority list established by the County of Kaua'i for such service.

Status

The major provisions of the STP Effluent Agreement, as amended, in particular the transfer of lands to the County of Kaua'i, have been completed. In accordance with Covenant No. 5 of the STP Effluent Agreement, as amended, the Applicant shall dedicate, and the County shall accept, the existing Hōkūala

Resort injection well after it has been upgraded. The upgrade of the existing injection well has been completed. Dedication documents were approved by the County Council on April 9, 2014. Documents have been executed and were recorded on May 21, 2014.

The Applicant has completed construction of the R-1 filtration and disinfection system upgrade at the Līhu'e Wastewater Treatment Plant. The upgrade to R-1 quality water enables the use of high-quality reclaimed water for all irrigation needs for the Hōkūāla Resort's golf courses and landscaping for the resort and residential common areas. Dedication documents were approved by the County Council on April 9, 2014. Documents have been executed and recorded on May 21, 2014.

Condition

8. *The Applicant shall comply with Condition No. 6 of Ordinance No. PM-2006-383, and with the requirements of the Kaua'i Lagoons Affordable Housing Amended Agreement, dated February 18, 2005. Amendment of the subject permits is approved for the development of 31 leasehold affordable housing units on TMK: 3-5-001: 165.*

Status

As part of the Zoning Amendment approved by the County Council in September 2006 for the Hōkūāla Resort (Ordinance No. PM-2006-383), the Kaua'i Lagoons Affordable Housing Amended Agreement, effective February 18, 2005, was executed. In accordance with the Affordable Housing Amended Agreement, a total of 113 affordable housing units have been developed in conjunction with the Hōkūāla Resort development which fully satisfy the requirements. Eighty-two (82) of these units have been built on an approximately 6.7-acre parcel identified as TMK: (4) 4-3-001: 14 within the Waipouli area. The remaining 31 affordable housing units, identified as the Kamāmalu Condominium, have been built within the western portion of the Hōkūāla Resort property at the corner of Kaua'i Veterans Memorial Highway and Haa Street on a 2.1-acre parcel identified as TMK: (4) 3-5-001: 165.

The Amended Agreement was amended by a Second Amended Agreement with an effective date of February 18, 2005, and which was executed on December 11, 15, 17, and 18, 2008. The Second Amended Agreement extended the completion date of the 82 affordable housing units at the Waipouli site from February 18, 2009, to June 18, 2009.

The Second Amended Agreement was further amended by a Third Amended Agreement with an effective date of February 18, 2005, and which was executed on May 18, 22 and 29, 2009 and June 4, 2009. The Third Amended Agreement further extended the completion date of the 82 affordable housing units at the Waipouli site from June 18, 2009, to August 17, 2009.

The Third Amended Agreement was further amended by a Fourth Amended Agreement dated July 6, 2010, with an effective date of February 18, 2005. The Fourth Amended Agreement allows the remaining 29 unsold units of the 31-unit Kamāmalu Condominium to be offered for sale in fee simple, instead of being sold as 99-year leasehold units, and defines the manner and timing under which such fee simple units would be offered for sale.

The Fourth Amended Agreement was further amended by a Fifth Amended Agreement dated and effective November 10, 2010. The Fifth Amended Agreement allows the remaining 41 units at the Waipouli site to be rented at market rental rates, without income restrictions on renters.

Condition

9. *Applicant shall continue to allow public access over and across all existing public vehicular and pedestrian public accesses on the subject property. The Applicant shall provide the improvements shown on the Applicant's updated Public Access Plan as represented on Figure 9, Volume I. The improvements shall include recreational shelters, shower and restroom facilities, a minimum of 10 public parking stalls at the eastern edge of the Fashion Landing area, and a minimum of 10 public parking stalls at the western end of the project near Kukii Point. The Applicant shall also provide a lateral pedestrian public access beginning from the Fashion Landing area to the former "Inn on the Cliffs" area and on to Kukii Point.*

Status

Existing public vehicular and pedestrian access will be maintained throughout the Hōkūala Resort along with the public recreational facilities required by the condition.

An updated Public Access Plan and Passive Beach Park Plan were adopted as part of a Memorandum of Understanding (MOU) for Hōkūala Resort executed January 14, 2022, by and between the Tower Kaua'i Lagoons Entities, Tower Kaua'i Lagoons 8, LLC, and the County of Kaua'i. The updated Public Access Plan shows the existing Public Accessways and Public Easements at the Resort as of the date of the MOU and the updated Passive Beach Park Plan shows the location of the existing Public Improvements at the Resort as of the date of the MOU. A copy of the MOU for Hōkūala Resort, including the plans, is enclosed herewith as Exhibit D.

In accordance with this condition and Condition No. 7 of Zoning Ordinance No. PM-2021-416, a public lateral shoreline access between the former Inn on the Cliffs and former Fashion Landing, and public restrooms and shower facilities at the former Fashion Landing commercial area (beneath the restaurant) is provided within the Hōkūala Resort. A copy of the zoning ordinance is enclosed herewith as Exhibit C. A Grant of Pedestrian Access Easement document for the public lateral shoreline access located between the former Inn on the Cliffs and the former Fashion Landing area, between Kaua'i Lagoons, LLC and MORI Golf (Kaua'i), LLC (Grantor) and the County of Kaua'i (Grantee) was executed and recorded in the Bureau of Conveyances as Document No. Doc A-44710562 on March 29, 2012.

Also, in accordance with this condition and Condition No. 7 of Zoning Ordinance No. PM-2021-416, the Applicant has completed construction of a public recreation/picnic shelter and shower facility near Running Waters Beach, just mauka of the public lateral shoreline access, and a public recreation/picnic shelter, shower and restroom facility further west and mauka of the public lateral shoreline access. Both of these public recreation facilities are available for public use. A total of 20 public beach parking stalls are also provided, including ten (10) stalls at the end of Kalapaki Circle and Pali Kai Cottages, and ten (10) stalls within the former Fashion Landing commercial area.

Any updates to the Public Access Plan and Passive Beach Park Plan will be conducted in accordance with the terms of the MOU. As such, the following information is being provided in conformance with the terms of the MOU:

- a. An updated Public Access Plan. – The Applicant notes that there have been no changes to the Public Access Plan adopted in the MOU. The current Public Access Plan is enclosed herewith for reference.

- b. An updated Passive Beach Park Plan. – The Applicant notes that there have been no changes to the Passive Beach Park Plan adopted in the MOU. The current Passive Beach Park Plan is enclosed herewith for reference.
- c. An updated Access Index. – The Applicant notes that there have been no changes to the Access Index adopted in the MOU. The current Access Index is enclosed herewith for reference.
- d. A description of any Modifications. – Not applicable.
- e. A description of any Removals. – Not applicable.
- f. A description of the condition of all Public Improvements. – The Applicant continues to maintain the public recreational facilities (Public Improvements). The facilities are maintained in good condition and open to the public.
- g. A description of the condition of the two (2) Fashion Landing Portable Toilets and any plans for the renewal of the Fashion Landing commercial operation. – There are currently no plans for the renewal of the Fashion Landing commercial operation. The two (2) Fashion Landing Portable Toilets have been upgraded to a flushable model. The toilets are inspected regularly to ensure they are in working order and open to the public.

Condition

10. *In order to comply with Condition No. 8 of Ord. No. PM-2006-383, all deeds or instruments transferring interest in the subject property, or in the structures or improvements therein, easements running in favor of the State of Hawai'i, the Land Use Commission, and the County of Kaua'i shall indemnify and hold the State of Hawai'i and Land Use Commission and the County of Kaua'i, harmless from any complaints or claims due to noise, odor, dust, mosquitoes, and other nuisances and problems emanating from the operation of the Lihu'e Airport, the Lihu'e Wastewater Treatment Plant, and specifically for the 31-unit affordable housing site, the operation of Lihu'e Industrial Subdivision II.*

Status

A master Declaration of Covenants, Conditions and Restrictions for Kaua'i Lagoons Resort recorded in the State Bureau of Conveyances on March 14, 2008, as Document No. 2008-040613 and on March 18, 2008, as Document No. 3723797 includes the provision of assumption of release, waiver and indemnity by each owner of the parcels or units within the Resort resulting from various potential conditions within and adjacent to the Resort.

Condition

11. *Pursuant to Condition No. 9 of Ordinance No. PM-2006-383, no residential, condominium, or hotel units shall be constructed within areas greater than the 60 DNL noise contour of the Lihu'e Airport; provided, however, that such uses may be permitted within the 60 to 65 DNL noise contours, if there is an accompanying mitigation of interior noise to the 45 DNL noise level. Accessory uses and structures including garages and carports not used for human habitation or occupancy may be placed within the area greater than the 65 DNL noise contours.*

Status

Development completed within the Hōkūala Resort has been constructed within areas greater than the 60 DNL noise contour of the Līhu'e Airport or within the 60 to 65 DNL noise contours with mitigation of interior noise to the 45 DNL noise level. All remaining development will be constructed pursuant to this condition. The design guidelines for the remaining developments will be specific in referencing this requirement for interior noise mitigation as needed. For all remaining residential development located between the 60 to 65 DNL noise contours, design guidelines will be established which would set forth the various door, window and exterior building envelope treatment measures to be followed in the construction of the units to achieve an interior noise level of 45 DNL.

Condition

12. *The Applicant shall comply with any height restriction to be set by the State of Hawai'i pursuant to specifications established in the FAA regulations for aviation easement purposes along the perimeter of the Līhu'e airport runways. An aviation easement in a form prescribed by the State Department of Transportation shall be granted to the State of Hawai'i by the Applicant, to cover the entirety of the Kaua'i Lagoons Resort Property owned by the Applicant.*

Status

Development completed within the Hōkūala Resort has been constructed in compliance with height restrictions set by the State of Hawai'i pursuant to specifications established in the FAA regulations for aviation easement purposes. All remaining development will also be constructed pursuant to this condition. The Applicant has granted to the State DOT, Airports Division a Grant of Avigation and Noise Easement dated October 14, 2008, and recorded in the State Bureau of Conveyances as Document No. 2008-162922 pertaining to the operations of the adjacent Līhu'e Airport. The Grant of Avigation and Noise Easement was amended by Amendment to 2008 Avigation Easement and Supplemental Grant of Avigation and Noise Easement dated April 9, 2010, and recorded in the State Bureau of Conveyances as Document No. 2010-050288.

Condition

13. *If historic/cultural remains such as archaeological artifacts, charcoal deposits or human burials are found during construction, the Applicant shall stop work in the immediate area, and shall contact the State Historic Preservation Division SHPD at 742-7033, and the Planning Department, to determine appropriate action.*

Status

Acknowledged. In the event that any archaeological sites, significant cultural deposits, or human skeletal remains are found during construction activities, all work will immediately cease pending consultation with the SHPD. The treatment of any remains or artifacts will be in accordance with procedures obtained by the Kaua'i/Ni'ihau Islands Burial Council and the State Historic Preservation Division.

Condition

14. *In order to minimize adverse impacts on Federally Listed Threatened Species, such as Newell's Shearwater and other seabirds, any external lighting used in the project shall be only of the following types: shielded lights, cut-off luminaries, or indirect lighting. Spotlights aimed upward or spotlighting of structures and landscaping on the project site shall be prohibited. The Applicant is advised that this condition shall also apply to the proposed single family lot subdivisions and the affordable housing project at the intersection of Haa Street and Kapule Highway.*

Status

All exterior lighting within the Hōkūāla Resort has been and will continue to be designed in full compliance with mitigation requirements to protect threatened and endangered species. Any external lighting planned for the project will be shielded or of the cut-off luminaire or indirect lighting types, and/or directed downward. The use of spotlights aimed upward or spotlighting of structures and landscaping within the Hōkūāla Resort will be prohibited. An audit of the lighting at Hōkūāla Resort is performed annually by a biological consultant to determine if any lighting or lit areas within the resort development could inadvertently attract fledglings overflying the resort during the seabird season. If so, steps are immediately be taken to re-design, re-configure or eliminate any potential light attraction sources that may be responsible. The audit is part of the mitigation measures outlined in the Habitat Conservation Plan (2012) for the resort as approved by the State DLNR and USFWS.

Condition

15. *The Applicant shall comply with all requirements established by the Department of Public Works, County of Kaua'i, regarding drainage and erosion control, in order to minimize any adverse impact on Kalapaki Bay and adjoining off shore waters.*

Status

A National Pollutant Discharge Elimination System (NPDES) General Permit coverage has been obtained for the Hōkūāla Resort. All active projects with open NPDES Construction Permits have been renewed under the new State of Hawai'i DOH NPDES General Permit that expires on February 8, 2024. Any new projects seeking a grading permit from the County of Kaua'i DPW will submit a NPDES permit application to DOH for General Permit coverage of the project, if necessary.

An updated Master Drainage Study was prepared in May 2010 (initial Master Drainage Study dated August 2007, revised November 2007, May 2008, September 2008, January 2009, August 2009, and March 2010) for the Hōkūāla Resort development and submitted to the DPW for review and approval. To accommodate the projected increase in runoff volume, a total of seven (7) detention basins were provided throughout the Hōkūāla Resort development, with lesser runoff being diverted into the Resort's existing lagoons. With the addition of the detention basins and use of the existing lagoons, the flow rates and drainage patterns have been kept to pre-development levels, and runoff generated by the Hōkūāla Resort does not adversely affect the adjacent properties and down-gradient areas.

Condition

16. *In accordance with Section 9-2.8 of the KCC, the requirements relating to "Parks and Playgrounds" are applicable to the project and shall be resolved at the time of Subdivision and/or prior to building permit approval.*

Status

Payment in the amount of \$383,152.62 for the park dedication fee for the Kalanipu'u condominium development was made to the Planning Department on December 4, 2007. Payment in the amount of \$58,051 and \$100,427 for the park dedication fees for the Parcel 9A – Building A (former Inn on the Cliffs) and Parcel 9B – Building B (former Ritz Carlton Club) developments, respectively, was made to the Planning Department on July 24, 2008. Payment in the amount of \$200,838.01 for the park dedication fee for the Single-Family Subdivisions 1 and 4 development was made to the Planning Department on December 3, 2008. Payment in the amount of \$121,478 for the park dedication fee for the Single Family Subdivisions 2 and 3 development was made to the Planning Department on April 23, 2009. Payments in the amounts of \$75,334 and \$1,169,980 for the park dedication fee for the Revised

Large Lot Subdivision were made to the Planning Department on July 27, 2010, and September 17, 2010, respectively. Payment in the amount of \$20,574.00 for the park dedication fee for Parcel 9A – Townhomes (Ritz Carlton Townhomes) was made to the Planning Department on February 1, 2017. Payment in the amount of \$150.00 for the park dedication fee for the Lot 8 Subdivision was made to the Planning Department on January 11, 2022.

Payment of the applicable park dedication fees for the remaining various Resort developments will be made prior to building permit approval for the respective developments.

Condition

17. In accordance with Section 11A-2.2 of the KCC, the Applicant shall submit to the Planning Department an Environmental Impact Assessment Fees (EIA) for the project. The EIA fee for the Multi-family unit project is based on \$1,000 per unit and is due prior to building permit approval. The EIA fees for the single family residential project are due prior to Subdivision permit approval.

Status

Payment in the amount of \$78,000 for the EIA fee for the Kalanipu'u condominium development was made to the Planning Department on August 6, 2007. Payment in the amount of \$14,000 for the EIA fee for the Parcel A – Building A (former Inn on the Cliffs) development and \$28,000 for the EIA fee for the Parcel 9B – Building B (former Ritz Carlton Club) were made to the Planning Department on February 11, 2008. Payment in the amount of \$5,000 for the EIA fee for the 5-unit Parcel 9A – Townhomes (former Ritz Carlton Residence Town Homes Building A) was made to the Planning Department on July 29, 2008. Payment in the amount of \$15,000 for the EIA fee for the Single-Family Subdivisions 1 and 4 was made to the Planning Department on September 30, 2008. Payment in the amount of \$8,000 for the EIA fee for the Single-Family Subdivisions 2 and 3 was made to the Planning Department on January 16, 2009. Payment in the amount of \$7,000 for the EIA fee for the Revised Large Lot Subdivision was made to the Planning Department on July 14, 2010.

In accordance with Chapter 11A, Environmental Impact Assessment on Land Development, Article 2. Application, Section 11A-2.1 Exemptions (4), of the Kaua'i County Code, as amended, payment of the applicable EIA fees for the 31-unit Kamāmalu Condominium affordable housing project is exempt since it is a privately-developed, low-cost housing project financed entirely by private funds and the sales prices are in accordance with standards established by the County Housing Agency.

Payment of the applicable EIA fees for the remaining various Resort developments will be made prior to building permit approval for the respective developments.

Condition

18. The Applicant shall continue to make available 200 hundred off-street parking stalls within the Project Area "D" for Kaua'i Marriott Resort and Beach Club.

Status

The 200 parking stalls are incorporated in the revised Hōkūala Resort plan for the existing parking lot within the R-20 zoned area near the main entrance of the Resort.

Condition

19. As contained in Condition No. 18 of Ordinance No. PM-2006-383, substantial construction of 125 hotel or resort/residential units shall be completed within two (2) years from the effective date of the

Ordinance. Substantial construction of an additional 125 units shall be completed within seven (7) years from the effective date of the Ordinance (total of two-hundred fifty (250) units), and the remainder of the 750 units (or five hundred (500) units) shall be completed within twelve (12) years from the effective date of the Ordinance. Substantial construction, as used herein, shall mean the laying of foundations. If substantial construction is not completed within this time frame, the Planning Commission may initiate proceedings to review the provisions of the zoning designations for the property, including, but not limited to additional infrastructure requirements.

Status

Relative to the 125 resort-residential units within the Hōkūala Resort that must be completed within two (2) years from the effective date of the Ordinance, construction of the 78-unit Kalanipu'u development has been completed, with units currently occupied by residents and time share owners. Substantial construction of the structures for the 14-unit Parcel 9A – Building A (former Inn on the Cliffs), the 28-unit Parcel 9B – Building B (former Ritz Carlton Club), and the 5-unit Parcel 9A – Townhomes (former Ritz Carlton Residence Town Homes Building “A”) developments was also completed within the required two-year timeframe.

Of the additional 125 units that must be substantially complete within seven (7) years after the effective date of the Ordinance, foundation plans at the Lot 8 – Boutique Hotel development were approved on October 4, 2016. The laying of foundations was completed on October 31, 2016, in accordance with this condition. Updated and revised design plans for the Lot 8 – Boutique Hotel development are under review by the Planning Department and the DPW Building Division.

A foundation permit for the remainder of the total 772 units was approved by the County on July 26, 2021. The laying of the foundations were completed on September 29, 2021, as reported to the Planning Department. As such, the Applicant has substantially completed the 772 units within twelve (12) years in accordance with the effective date of the Ordinance. .

Condition

20. *As stated in Condition No. 19 of Ordinance No. PM-2006-383:*

“Pursuant to Chapter 4 (“Developing Jobs & Business”), Section 4.5.2 (“Supporting Business and Jobs for Kaua’i Residents – Implementing Actions”) of the Kaua’i General Plan (November 2000):

“(c) In granting zoning and permits for new resorts and other business, the County shall seek commitments that businesses will actively recruit and train Kaua’i residents to fill new jobs. To this end, the Applicant shall seek to actively recruit and train Kaua’i residents to fill new jobs. To accomplish this, the Applicant may cooperate with, and utilize, whatever government training programs and Kaua’i Community College curricula which may be available so that Kaua’i residents may be trained to fill such newly-generated jobs. The Applicant may also work to actively recruit Kaua’i residents to participate in such job training programs and curricula.”

Status

Hiring practices for completed properties are consistent with the condition. The Applicant will continue to comply with this condition for future properties as well.

From July 1, 2022 to current, the Applicant hired 73 new employees. All 73 new hires were recruited locally.

The Applicant has created a succession plan for Hōkūala Resort and continues to update it. One of the goals of the succession plan is to identify the skills gap of the current talent and build the skills necessary/training for future and current key leadership positions. This assists with retention and keeping talent in-house and on-island. The Applicant conducted a 12-week leadership training for potential new leaders and several participants were promoted to senior leadership positions in the organization.

The Applicant assesses and analyzes the market to maintain competitive compensation packages to reduce attrition and turnover. This assists employees with the increased cost of living on Kaua'i.

Among other recruitment tools, the Applicant is using the Timbers Kaua'i property's social media to attract local talent. The Applicant also offers an employee referral program in which current employees receive a bonus if their referral is hired. This is to encourage team members to identify friends or acquaintances for posted jobs.

Condition

21. *In accordance with Condition No. 20 of Ordinance No. PM-2006-383, "to the extent possible within the confines of union requirements and applicable legal prohibitions against discrimination in employment, the Applicant shall seek to hire Kaua'i contractors as long as they are reasonably competitive with other contractors, and shall seek to employ residents of Kaua'i in temporary construction and permanent resort related jobs. It is recognized that the Applicant may have to employ non-Kaua'i residents for particular skilled jobs where no qualified Kaua'i resident possesses such skills. For the purposes of this condition, the Council shall relieve the Applicant of this requirement if the Applicant is subjected to anti-competitive restraints on trade or other monopolistic practices".*

Status

Hiring practices for construction projects undertaken to date are consistent with the condition. The Applicant will continue to comply with this condition for future construction projects.

Condition

22. *The Applicant shall consider the application of Leadership in Energy and Environmental Design (LEED) standards and strategies wherever feasible for sustainable site, utilities and building development.*

Status

The Hōkūala Resort development proposes to incorporate the application of Leadership in Energy and Environmental Design (LEED) standards and strategies, to the extent deemed economically feasible, to achieve sustainable site, utilities and building development. The following green principles and strategies being implemented within the Resort development include the following:

Sustainable Sites:

- Control storm water runoff on-site. The project's design will reuse the majority of the storm water volume generated for non-potable uses. Storm water runoff will be captured and returned to the lagoons or retained on-site.
- Develop an erosion and sedimentation control plan meeting the construction activity pollution prevention criteria. This would include reducing pollution from construction activities by controlling soil erosion, waterway sedimentation and airborne dust generation.

- Reduce the roof heat island effect by using Energy Star compliant, high-reflectance and low emissivity roofing at flat roof areas.
- Minimize light pollution by designing exterior lighting to reduce fixture lumens emitted at an angle of 90 degrees or higher from nadir (straight down).
- Promote alternative transportation by providing secure bicycle storage and locker room facilities.
- Provide pedestrian linkages within the Resort development and to Island-wide public transportation.

Water Efficiency:

- Achieve water and energy savings by selectively deleting cooling towers and utilizing the Resort development's lagoons as a heat sink in lieu of typical heating, ventilation and air conditioning (HVAC) systems.
- Design for low irrigation water usage and utilize non-potable water for landscape irrigation. The project's irrigation will utilize water from the Resort's lagoons, on-site wells, and R-1 quality recycled wastewater effluent from the County's Līhu'e WWTP. Potable water for irrigation of the project's landscaping will be minimized or eliminated.
- Reduce potable water usage through use of high efficiency plumbing fixtures.

Energy and Atmosphere:

- Assess building energy demand and perform fundamental building commissioning.
- Reduce energy demand through specification of efficient lighting fixtures and LED lighting, and mechanical equipment. Specify Energy Star rated appliances that will reduce electric consumption. Use high performance glazing to achieve an increased level of performance and reduction in energy use.
- Energy consumption reduction through design modeling.
- Incorporate refrigerants that do not utilize ozone depleting chemicals such as Chloro-fluorocarbons (CFCs).

Indoor Environmental Quality:

- Design HVAC systems to monitor air delivery.
- Propose low Volatile Organic Compound (VOC) materials, such as adhesive and sealants, paints and coating, and carpet systems.
- Require a construction management plan for the proper storage, installation and maintenance of HVAC systems to minimize particulate and organic contaminants. Implement an Indoor Air Quality (IAQ) Management Plan during pre-occupancy phases that protects the HVAC system during construction, controls pollutant sources and interrupts contamination pathways.
- Design indoor spaces such as janitor closets and copying rooms with separate ventilating systems to control indoor pollutant sources.
- Provide lighting control systems that reduce light usage and sensors for day lighting to reduce energy consumption.
- Provide building occupants with options for thermal comfort and control.
- Design spaces with views to the exterior and options for natural ventilation.

Innovation and Design Process:

- Create and implement a Green education program to share green strategies with Resort employees and guests through graphic stations and self-guided tours.

- Provide a post-occupancy ongoing pest management program with an emphasis on effective use of Green pesticides and techniques.
- Implement a green housekeeping program.
- Consider carbon neutral building products.
- Incorporate use of low VOC furniture.
- Incorporate use of LED lighting.
- Implement the joint Federal-State Habitat Conservation Plan in accordance with the requirements of Section 10 of the Endangered Species Act, as amended, and Section 195D, HRS.

Waste Stream Diversion:

- During construction, develop a solid waste management plan to segregate and store materials for recycling (paper, wood, cardboard, glass, metals, and plastics) and minimize construction, demolition and land clearing debris from disposal in the County's landfill.
- Reuse concrete from the demolition of existing buildings and other infrastructure within the Resort development as non-expansive granular fill in areas deemed appropriate for such reuse.
- Utilize locally-produced materials such as aggregate and concrete wherever feasible and applicable.
- Incorporate waste diversion and reduction facilities into the design of the project and encourage recycling of materials at the project during the operations phase. Implement a solid waste management plan to provide for recycling of cardboard, aluminum, glass, plastic, and green waste, and participation in the State's "high five" program. Incorporate recycling and waste collection facilities at each development area within the Resort development. Employ composting of all greenwaste on-site for the project's golf course and landscaped areas.

Condition

23. *The Applicant shall seek to establish and designate emergency shelters within the Resort which would be available for use during natural disasters.*

Status

An Emergency Action Plan, first adopted in July 2019, and revised June 2021, was prepared for the Resort and provides information regarding emergency plans and procedures during natural disasters.

Condition

24. *As recommended by the Department of Water, the Applicant shall resolve the following with the Department of Water (DOW):*

- a. *Submit detailed water demand calculations along with proposed water meter size. Water demand calculations should include fixture count and water meter sizing worksheets. These calculations shall include but not be limited to domestic, irrigation and other applicable water demands of this project along with the proposed water meter size. If the existing water meters will be used to provide water service to this development, water demand calculations will be required for the existing and proposed uses and shall include the existing and proposed unit counts. The Water Department's comments may change depending on the approved water demand calculations.*
- b. *Prepare and receive DOW's approval of construction drawings for necessary water system facilities and construct said facilities. These facilities shall include but not be limited to:*

1. *The domestic service connection and fire service connection, if applicable*
 2. *The interior plumbing plans with the appropriate backflow prevention device, if applicable,*
 3. *Additional source facilities for this area. The Applicant may wait until others (including the DOW) to construct additional source for this area. The DOW is in the process of obtaining additional source for this area. Grove Farm is constructing a Surface Water Treatment Plant, which will provide additional water capacity for the Līhu'e Area. Upon completion of this SWTP the DOW will reassess their water situation in the Līhu'e area.*
 4. *Additional storage facilities of this area. The Applicant may wait until others (including DOW) to construct additional storage for this area.*
- c. *Pay the applicable charges in effect at the time payment is made to the Water Department. At the present time, these charges shall include:*
1. *The Facilities Reserve Charge (FRC) of either \$4,600 per unit or the facilities reserve charge as determined by the approved water meter size, whichever amount is larger.*

Status

The Applicant previously noted that an existing 4-inch water meter would continue to serve the Hōkūala Resort development and would be used to supply water to various existing, planned and proposed projects within the initial phase of development, including the Kalanipu'u condominiums, the 31-unit affordable housing development, one public recreation/picnic shelter, the planned golf clubhouse at the former Fashion Landing, the planned 34 single-family residential lots in the Single-Family Subdivisions 1 and 4, and fitness center at the former Fashion Landing complex.

The Applicant also previously noted that two (2) existing 6-inch water meters shared between the Kaua'i Marriott Resort and Beach Club, the Hōkūala Resort, and the nearby Pali Kai Homes, would be used to supply water to other planned and proposed projects within the development, including the Parcel 9A – Building A (former Inn on the Cliffs), the 5-unit Parcel 9A – Townhomes (former Ritz Carlton Residence Town Homes building), the Parcel 9B – Building B (former Ritz Carlton Club), the planned 20 single-family residential lots in Single-Family Subdivisions 2 and 3, a portion of the planned Parcel 8 – Boutique Hotel, the proposed 11 single-family residential lots in Single-Family Subdivision 7, one public recreation/picnic shelter, the planned central operations building with a marketplace/café, the planned landscape maintenance facility, a future spa for the Kaua'i Marriott Resort and Beach Club, and the Kaua'i Marriott Resort and Beach Club renovations.

Pursuant to the County Department of Water (DOW) approval, the Applicant envisioned that a new 8-inch water meter, which was recently upgraded, at the existing 4-inch water meter location to supply water for the remainder of the Hōkūala Resort development.

A Water Study Report (January 2005, Revised July 24, 2007) was prepared for the Hōkūala Resort which includes water demand calculations for existing and proposed uses for domestic and irrigation demands. The Water Study Report was approved by the DOW by letter dated August 23, 2007. Subsequently, an Updated Water Study Report (May 2008) was prepared to allocate the residual capacity of the two (2) 6-

inch water meters and to update the fixture unit counts for the Resort development. The Updated Water Study Report was submitted to the DOW on May 6, 2008 for review and approval. Based on comments from the DOW, an Updated Water Study Report (Revised July 16, 2008) was submitted and conditionally approved by the DOW by letter dated August 22, 2008. Based on subsequent comments from the DOW, a Final Updated Water Study Report (Revised November 25, 2008) was approved by the DOW by letter dated December 1, 2008. Based on the Hōkūala Resort's revised 772-unit density master plan, an Updated Water Study Report (Revised March 2010) was prepared and approved by the DOW by letter dated June 9, 2010. Subsequently, an Updated Water Study Report (Revised June 2011) was prepared to reflect the revised building schedule for the fitness center at the former Fashion Landing complex and was approved by the DOW by letter dated June 24, 2011.

As stated in the reports and through previous discussions with DOW, there is adequate source and storage for the proposed and planned Resort developments that will obtain water from the existing 4-inch water meter, which was recently upgraded by the County to an 8-inch meter, and the two (2) existing 6-inch water meters. The Applicant will be coordinating with the DOW regarding additional source and storage requirements for the remainder of the Hōkūala Resort development.

The Applicant has submitted a revised water master plan for Hōkūala dated November 9, 2015, to the County of Kaua'i DOW. The Plan was subsequently revised and resubmitted on June 14, 2016. Pursuant to comments received from DOW, the Plan was updated and in September 2020. The September 2020 plan has since been superseded by a more recent Plan submitted dated May 2022. In response to supplemental questions received from the DOW, the Applicant submitted an update to DOW with a revision date of August 2022. The DOW approved this phased Plan update on October 14, 2022. The updated plan reflects the minor adjustments to the product mix that reallocated density throughout the resort without increasing the total density for the Resort.

Adequate on-site fire protection will be provided.

Payment in the amount of \$73,600 for the Facilities Reserve Charge (FRC) for the Kalanipu'u condominiums was made to the DOW on November 27, 2007 as part of the building permit process for that development. Payment in the amount of \$64,400 for the Parcel 9A – Building A (former Inn on the Cliffs) and in the amount of \$128,800 for the first building of the Parcel 9B – Building B (former Ritz Carlton Club) was made to the DOW on April 23, 2008 as part of the building permit process for the respective developments. Payment in the amount of \$23,000 for the Parcel 9A – Townhomes (Ritz Carlton Residence Town Homes Building A) was made to the DOW on July 29, 2008. Payment in the amount of \$161,000 for the FRC for the Single-Family Subdivisions 1 and 4 was made to the DOW on October 23, 2008. Payment in the amount of \$92,000 for the FRC for the Single-Family Subdivisions 2 and 3 was made to the DOW on October 23, 2008. Payment in the amount of \$59,800 for the FRC for the Revised Large Lot Subdivision was made to the DOW on July 14, 2010.

Payment for the applicable FRC for the remaining Resort developments will be made prior to the respective building permit approvals at rates prevailing at the time.

Condition

25. *The Applicant shall resolve and comply with applicable conditions or requirements as recommended by the State Health Department, County Fire Department, County Public Works Department, County Department of Public Works Building Division, County Department of Water, United States Postal Service, U.S. Fish and Wildlife Service, and State Department of Transportation.*

Status

All agency conditions or requirements have been or will be resolved and complied with by the Applicant.

Condition

26. *The Planning Commission reserves the authority to impose additional conditions, modify or delete conditions stated herein, or revoke the subject permits through proper procedures should the Applicant fail to comply with the conditions of approval.*

Status

Acknowledged.

Condition

27. *Due to the phasing of the overall master plan, the Applicant is advised that additional government agency conditions may be imposed, including but not limited to, procedural requirements and processes for the overall resort master plan to be implemented under the subject permits. Actions proposed by the Applicant are subject to the rules and regulations deemed applicable at that time. It shall be the Applicant's responsibility to resolve those conditions and processes with the respective approving authorities.*

Status

Acknowledged.

Condition

28. *The Applicant shall provide an annual report to the Planning Commission, which shall be submitted to the Planning Department 30 days prior to the annual anniversary date of approval of the amendments considered herein. The annual report shall include the progress and status of the project and compliance with all conditions of approval. An annual report shall be provided until project completion and compliance with all conditions of approval.*

Status

The Applicant has complied with this condition requirement and acknowledges the requirements for compliance in the future.

Condition

29. *Details of the design of the proposed bus stop with a bench and shelter to be constructed/installed by the Applicant, at no cost to the County of Kaua'i, at the location recommended by the County Transportation Agency near the main entryway to the Kaua'i Lagoons Resort shall be resolved by the Applicant with the County Transportation Agency, Planning Department and Department of Public Works prior to construction plan approval of the Resort's planned central operations facility.*

Status

This condition is acknowledged and will be complied with. The development of the earliest Hōkūāla Resort projects and facilities that would result in additional employees is anticipated to occur by June 2025. Provision of the County bus stop will not be required until additional Hōkūāla Resort projects and facilities are developed prompting the necessary demand to warrant its construction. Details of the

proposed bus stop and shelter will be resolved with the Planning Department and Department of Public Works at that time prior to future construction plan approval.

Condition

30. *The Applicant shall provide sidewalks along the Resort Drive and Lagoon Drive and in view of the requirements for sidewalks for RR-10, RR-20 and R-20 multi-family residential districts, the Applicant shall resolve with the Planning Department and Building Division, detailed location of sidewalk or pedestrian path improvements and design that are interconnected with the proposed public shoreline access, including but not limited to, segments of the Nawiliwili-Ahukini Bike and Pedestrian Path improvements proposed to be provided on lands owned by the Applicant.*

Status

Through the Revised Large Lot Subdivision (S-2010-11), a modification of the requirement was granted to allow the approximately 1,050 linear-foot long segment of Road Lot E (Ala 'Oli Way) located east of its intersection with Holokāwelu Way to be exempt from the requirements relative to the provision of curbs, gutters and sidewalks as set forth in Section 9-2.3 (e) (3) of the Subdivision Ordinance of the Kaua'i County Code of Ordinances, as amended. This segment of Road Lot E is a dead-end street which will serve the Ninini Point Residences which, as noted above, have 12 units under construction. Road Lot E is privately owned and maintained.

In lieu of curbs, gutters and sidewalks, the shoulders of this segment of Road Lot E consist of a 10-foot wide grassed swale along the mauka side of the road pavement, and a 12-foot wide grassed swale along the makai side of the road pavement. The provision of grassed swales is intended to impart a more natural, rural character to the adjacent single-family subdivision, similar to that of the Hōkūāla Resort's Single-Family Subdivisions 1 and 4 (S-2008-24) and Single-Family Subdivisions 2 and 3 (S-2009-06) which were approved by the Planning Commission on December 9, 2008 and May 12, 2009, respectively. The grassed swales are also intended to promote sustainable sites by providing increased pervious surface areas to control storm water runoff.

All other improvements to this segment of Road Lot E have been developed to existing County standards. The remaining western segment of Road Lot E of approximately 850 linear feet has been developed to existing County standards, including the provision of curbs, gutters and sidewalks. An updated Public Access Plan which was included as part of the Memorandum of Understanding for Hōkūāla Resort, effective January 14, 2022, depicts existing and proposed public access throughout the Resort, including the public lateral shoreline access between the Parcel 9A – Building A (former Inn on the Cliffs) and Commercial Complex (Fashion Landing). A copy of the Memorandum of Understanding for Hōkūāla Resort is enclosed herewith as Exhibit D.

The Applicant has coordinated with the County DPW Building Division regarding integration of segments of the County's proposed Nawiliwili-Ahukini Shared-Use Path improvements within the Resort and the Applicant will continue to discuss options with DPW. The Applicant is committed to maintaining ongoing coordination with the DPW Building Division in working out details of the shared-use path improvements and associated easement locations within the Hōkūāla Resort as the planning and design phases of the shared-use path project progresses by the County.

This condition will be complied with for the remainder of the Resort development where applicable and as determined through approvals from the Planning Commission and the Planning Department.

Condition

31. *As recommended by the Department of Public Works, Solid Waste Management Division, the Applicant shall prepare a solid waste management plan (SWMP) with a section detailing a "job-site recycling and waste reduction system" for demolition and construction activities and a separate section detailing the recycling and waste reduction system for operations phase activities. The SWMP shall be submitted to the Department of Public Works for review and approval, prior to commencement of demolition and construction activities for each respective component of the project.*

Status

A construction phase SWMP was developed and implemented for each of the construction phases previously underway within the Resort, which will be updated and implemented for all future phases of activity.

The Applicant has prepared a SWMP for the operations phase activities of the Hōkūāla Resort, which was approved by the County DPW Solid Waste Division by memorandum dated January 7, 2009. The SWMP provides for recycling of cardboard, metal, glass, paper, plastic, and green waste, as well as participation in the State's "HI-5" program. The Applicant also prepared an updated SWMP for the operations phase activities to include the additional 22-unit density approved through Zoning Ordinance No. PM-2009-394. The updated SWMP was approved by the County DPW Solid Waste Division by memorandum dated October 27, 2010.

Condition

32. *A dedication deed executed by Kaua'i Development LLC in a form approved by the Office of the County Attorney for TMK 3-5-1: 102 shall be submitted to the Planning Department prior to any further building permits approved by the Department.*

Status

The Dedication Deed from Kaua'i Development, LLC to the County of Kaua'i, effective May 5, 2010, conveying the parcel identified as TMK: (4) 3-5-001: 102, was recorded in the State Bureau of Conveyances as Document No. 2010-061330.

Should you have any questions, please feel free to call me at (808) 946-2277.

Sincerely,

Dalton Beauprez

Dalton Beauprez
Project Manager

Cc: Gary Siracusa, Hōkūāla Resort
Michael Belles, Belles Graham LLP

Enclosures

BERNARD P. CARVALHO JR.
MAYOR

GARY K. HEU
ADMINISTRATIVE ASSISTANT



IAN K. COSTA
DIRECTOR OF PLANNING

IMAICALANI P. ALI
DEPUTY DIRECTOR OF PLANNING

COUNTY OF KAUAI
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August 12, 2009

Kauai Lagoons LLC, MORI Golf (Kauai) LLC
c/o Ronald A. Sato, AICP
Wilson Okamoto Corporation
1907 South Beretania Street
Artesian Plaza, Suite 400
Honolulu, HI 96826

RECEIVED
AUG 11 2009
WILSON OKAMOTO CORP.

Subject: Second Amendment to:
Special Management Area Use Permit SMA(U)-2005-8
Project Development Use Permit PDU-2005-26
Use Permit U-2005-25, and
Class IV Zoning Permit Z-IV-2005-30
And
Withdrawal of Special Permit SP-2008-4
Tax Map Keys: 3-5-01: 27 (por.), 168, 169, 171 (por.), 172 (por.), 175, and
176

The Planning Commission at its meeting held on August 11, 2009 approved amendments to the subject permits previously approved in 2005 and 2008 in order to allow implementation of a revised master site development plan involving 372 condominium/time share units, 15 single-family residential lots, and support facilities, including a central operations building with a marketplace/café; a temporary central operations facility; administrative office facilities; a temporary sales facility and model units; a marketplace express and grill/kitchen; a kids club; a fitness center; a resales center; a landscape maintenance facility with a private potable domestic/fire water booster pump station; a private underground sewer pump station; swimming pools with

Ronald A. Sato, AICP
August 12, 2009
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a flowrider water amenity; two (2) pool bars with associated restrooms and storage rooms; three (3) greater stations; two (2) electrical/mechanical facilities; drainage improvements, including three (3) grassed detention basins and channelization of a portion of an existing western drainage channel; and approximately 1,098 parking stalls; and a revised large lot subdivision to allow for various boundary adjustments necessary to accommodate the Resort improvements, subdivision of the 15 single-family residential lots, and subdivision of Pāhola Drive from the adjacent golf course parcel.

Through this Application, the Planning Commission further approved the withdrawal of Special Permit SP-2008-4 in order to cancel the development of a proposed tennis court complex consisting of five (5) tennis courts within a portion of the Kaula Lagoons Resort's golf course.

Approval is further subject to amending selected conditions imposed in the previous approval granted in 2005 as described in the Planning Department's letter transmitted to the Applicant (at that time Kaula Development LLC and KD Golf Ownership LLC) dated August 25, 2005. The conditions shall supersede the previous conditions imposed in the amended permit approval granted in 2008 as cited in the letter transmitted to the Applicant (at that time Kaula Lagoons LLC, MORI Golf (Kaula), LLC, and KD Kapulu LLC) dated June 16, 2008 as follows:

1. The maximum building height for the proposed condominium, timeshare, multi-family, and hotel units buildings in Project Areas "B" and "D" approved in 2005 and Project Area "B" of the proposed amendments (Page 0.01 Volume II) shall not exceed four (4) stories or forty (40) feet from the ground line measured at each point along the building to the highest wall plate line, whichever is less. Gables and roof height shall not exceed one-half (1/2) the wall height or fifteen (15) feet, whichever is less.

The maximum building height for structures in Project Area "C" (Page 4, Volume II) as approved in 2005 shall be as follows:

- a. The maximum building height for the proposed "Inn on the Cliffs" buildings shall not exceed three stories or 45 feet as measured from the ground line at each point along the building to the highest point of the roof of the building.
- b. The Ritz Carlton Club units shall have a three- to four-story design with a maximum building height of 55 feet as measured from the ground line at

each point along the building to the highest point of the roof of the building.

- c. The maximum building height for the Ritz Carlton Residence Town Homes Building A shall not exceed two (2) stories in design with a maximum building height of 35 feet as measured from the ground line at each point along the building to the highest point of the roof of the building.

The single-family residential developments within Project Area "F" of the 2008 amended permits and Project Areas "A" and "C" of the proposed amendments shall comply with all applicable residential development standards of the Comprehensive Zoning Ordinance.

The Applicant shall also follow the proposed architectural design guidelines that establish building design, roof design, building materials, and earth tone color schemes as shown on pages 16, 26 and 44 of Volume II of the 2005 application, on pages A.00, B.00 and F.00 of Volume II of the 2008 amended permits, and on pages A.00, B.00 and D.00 of the proposed amendments.

As represented, the maximum building height for the proposed Golf Club House facility on TMK: 3-5-001: por. 173 shall not exceed 35 feet from finished grade at the main entrance of the building to the highest point of the roof.

3. The applicant shall provide building design, color scheme samples, and landscape plans for each phase of the project for the review and approval of the Planning Department at the time of Building Permit and/or Subdivision Permit Application. The Applicant is encouraged to incorporate the use of native plants that are common to the area or endemic, indigenous, or Polynesian introduced in the landscape plans for each phase of the development.

The landscape plan shall also include landscaping and/or landscape berm(s) along Hahaione Street and Kapule Highway to address visual impacts of the project and to help minimize noise impacts from the highway to the residential project.

4. The Applicant shall comply with the required setback distance to property lines for all of the buildings as approved by adjusting the building location or configuration and/or conducting boundary adjustments through the Subdivision process to obtain the land area with the adjacent lands to meet the required setback distances to the respective property line(s).

5. As required under Condition No. 2 of Ordinance No. PM-2006-383, the Applicant shall provide documentation of the restriction on density in the subject property(ies) within Open District into the deeds of the affected property prior to building permit issuance for any development proposed in the amended area.
6. As represented by the applicant and as recommended by the State Department of Transportation, the Applicant shall prepare a revised Traffic Impact Analysis Report (TIAR) for the Kauai Lagoons Resort development that also includes the County's proposed Vidinha Stadium Expansion project. The Applicant shall resolve with the State Department of Transportation (DOT) the execution of a Memorandum of Agreement which would address the specific improvements to be provided as set forth in the letters from the DOT dated May 22, 2008 and July 15, 2009.

As also represented, the Applicant shall provide a primary vehicular access to the resort project from Kapule Highway to lessen the traffic impacts of the project at both the Rice Street/Kapule Highway intersection and at the existing entrance to the project along Rice Street. The improvements that are needed at the Kapule Highway entrance shall be resolved with the State Department of Transportation and the Department of Public Works. The Applicant shall submit a Supplemental Traffic Impact Analysis Report to the Department of Transportation indicating that the Kapule Highway entrance shall serve as primary access to the project.

As further represented, the Applicant shall extend the right turn lane on Haa Street at the intersection of Haa and Kapule Highway and also provide a left turn "pocket" on Haa Street at the entrance to the affordable housing project on TMK: 3-5-001: 165.

In addition, the Applicant shall consult with the DOT Airports Division on the possibility of utilizing the "Airport Road", situated to the north of the project site and along the western boundary of the Airport Facility, to provide direct access from the Airport Facility to the resort property for vans and/or shuttle buses.

In order to coordinate the requirements specified in the above, the applicant shall prepare a working plan providing a schedule covering the preparation of construction plans and construction timetables for the various roadway improvements, subject to the review and approval Public Works Departments, the State Department of Transportation, and Planning Department at time of Building Permit Application and/or Subdivision Application for projects that are granted subject permits.

7. As recommended by the Department of Public Works, Wastewater Division, the Applicant shall resolve the following requirements with the Department of Public Works:
 - a. The STP Effluent Agreement dated August 14, 2001, as amended by Amendment to Agreement Regarding STP Effluent dated March 27, 2009 between Kauai Lagoons LLC and the County of Kauai shall remain in effect.
 - b. The said agreement, as amended, reserves the Applicant with 290,000 gallons per day of treatment capacity at the Lihue Wastewater Treatment Plant for its development up to twenty-one (21) years from the date of the amended agreement.
 - c. The applicant shall meet with the Department of Public Works to negotiate an agreement for sewer capacity exceeding 290,000 gallons per day.
 - d. The amended agreement stipulates that the County shall provide, and the applicant shall accept, up to 1.5 million gallons per 24 hour day (MGD) of R-1 quality treated effluent. If this condition cannot be met the applicant shall meet with the Department of Public Works to negotiate an agreement to dispose any of the unused effluent that remains from the 1.5 MGD discharged from the County's Lihue Wastewater Treatment Plant.
 - e. All sewer improvements required for the development shall be designed and constructed to County standards.

Should the sewer capacity for additional development on the property exceed 290,000 gallons per day, the Applicant acknowledges that it shall be subject to any applicable waiting or priority list established by the County of Kauai for such service.
8. The Applicant shall comply with Condition No. 6 of Ordinance No. PM-2006-383, and with the requirements of the Kauai Lagoons Affordable Housing Amended Agreement, dated February 18, 2005. Amendment of the subject permits is approved for the development of 31 leasehold affordable housing units on TMK: 3-5-001: 165.
9. Applicant shall continue to allow public access over and across all existing public vehicular and pedestrian public accesses on the subject property. The Applicant shall provide the improvements shown on the Applicants updated Public Access

Plan as represented on Figure 9, Volume I. The improvements shall include recreational shelters, shower and restroom facilities, a minimum of 10 public parking stalls at the eastern edge of the Fashion Landing area, and a minimum of 10 public parking stalls at the western end of the project near Kukii Point. The Applicant shall also provide a lateral pedestrian public access beginning from the Fashion Landing area to the former "Inn on the Cliffs" area and on to Kukii Point.

10. In order to comply with Condition No. 8 of Ord. No. PM-2006-383, all deeds or instruments transferring interest in the subject property, or in the structures or improvements therein, easements running in favor of the State of Hawaii, the Land Use Commission, and the County of Kauai shall indemnify and hold the State of Hawaii and Land Use Commission and the County of Kauai, harmless from any complaints or claims due to noise, odor, dust, mosquitoes, and other nuisances and problems emanating from the operation of the Lihue Airport, the Lihue Wastewater Treatment Plant, and specifically for the 31-unit affordable housing site, the operation of the Lihue Industrial Subdivision II.
11. Pursuant to Condition No. 9 of Ordinance No. PM-2006-383, no residential, condominium, or hotel units shall be constructed within areas greater than the 60 DNL noise contour of the Lihue Airport; provided, however, that such uses may be permitted within the 60 to 65 DNL noise contours, if there is an accompanying mitigation of interior noise to the 45 DNL noise level. Accessory uses and structures including garages and carports not used for human habitation or occupancy may be placed within the area greater than the 65 DNL noise contours.
12. The Applicant shall comply with any height restriction to be set by the State of Hawaii pursuant to specifications established in the FAA regulations for aviation easement purposes along the perimeter of the Lihue airport runways. An aviation easement in a form prescribed by the State Department of Transportation shall be granted to the State of Hawaii by the Applicant, to cover the entirety of the Kauai Lagoons Resort Property owned by the Applicant.
13. If historic/cultural remains such as archaeological artifacts, charcoal deposits or human burials are found during construction, the Applicant shall stop work in the immediate area, and shall contact the State Historic Preservation Division SHPD at 742-7033, and the Planning Department, to determine appropriate action.
14. In order to minimize adverse impacts on Federally Listed Threatened Species, such as Newell's Shearwater and other seabirds, any external lighting used in the project shall be only of the following types: shielded lights, cut-off luminaires, or indirect lighting. Spotlights aimed upward or spotlighting of structures and

landscaping on the project site shall be prohibited. The Applicant is advised that this condition shall also apply to the proposed single family lot subdivisions and the affordable housing project at the intersection of Haa Street and Kapule Highway.

15. The Applicant shall comply with all requirements established by the Department of Public Works, County of Kauai, regarding drainage and erosion control, in order to minimize any adverse impact on Kalapaki Bay and adjoining off shore waters.
16. In accordance with Section 9-2.8 of the KCC, the requirements relating to "Parks and Playgrounds" are applicable to the project and shall be resolved at the time of Subdivision and/or prior to building permit approval.
17. In accordance with Section 11A-2.2 of the KCC, the Applicant shall submit to the Planning Department an Environmental Impact Assessment Fees (EIA) for the project. The EIA fee for the Multi-family unit project is based on \$1,000 per unit and is due prior to building permit approval. The EIA fees for the single family residential project are due prior to Subdivision permit approval.
18. The applicant shall continue to make available 200 hundred off-street parking stalls within the Project Area "D" for Kauai Marriott Resort and Beach Club.
19. As contained in Condition No. 18 of Ordinance No. PM-2006-383, substantial construction of 125 hotel or resort/residential units shall be completed within two (2) years from the effective date of the Ordinance. Substantial construction of an additional 125 units shall be completed within seven (7) years from the effective date of the Ordinance (total of two-hundred fifty (250) units), and the remainder of the 750 units (or five hundred (500) units) shall be completed within twelve (12) years from the effective date of the Ordinance. Substantial construction, as used herein, shall mean the laying of foundations. If substantial construction is not completed within this time frame, the Planning Commission may initiate proceedings to review the provisions of the zoning designations for the property, including, but not limited to additional infrastructure requirements.
20. As stated in Condition No. 19 of Ordinance No. PM-2006-383:

"Pursuant to Chapter 4 ("Developing Jobs & Business"), Section 4.5.2 ("Supporting Business and Jobs for Kauai Residents - Implementing Actions") of the Kauai General Plan (November 2000):

"(c) In granting zoning and permits for new resorts and other business, the County shall seek commitments that businesses will actively recruit and train Kauai residents to fill new jobs."

To this end, the Applicant shall seek to actively recruit and train Kauai residents to fill new jobs. To accomplish this, the applicant may cooperate with, and utilize, whatever government training programs and Kauai Community College curricula which may be available so that Kauai residents may be trained to fill such newly-generated jobs. The Applicant may also work to actively recruit Kauai residents to participate in such job training programs and curricula."

21. In accordance with Condition No. 20 of Ordinance No. PM-2006-383, "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 reasonably competitive with other contractors, and shall seek to employ residents of Kauai in temporary construction and permanent resort related jobs. It is recognized that the Applicant may have to employ non-Kauai residents for particular skilled jobs where no qualified Kauai resident possesses such skills. For the purposes of this condition, the Council shall relieve the Applicant of this requirement if the Applicant is subjected to anti-competitive restraints on trade or other monopolistic practices".
22. The Applicant shall consider the application of Leadership in Energy and Environmental Design (LEED) standards and strategies wherever feasible for sustainable site, utilities and building development.
23. The Applicant shall seek to establish and designate emergency shelters within the Resort which would be available for use during natural disasters.
24. As recommended by the Department of Water, the applicant shall resolve the following with the Department of Water (DOW):
 - a. Submit detailed water demand calculations along with proposed water meter size. Water demand calculations should include fixture count and water meter sizing worksheets. These calculations shall include but not be limited to domestic, irrigation and other applicable water demands of this project along with the proposed water meter size. If the existing water meters will be used to provide water service to this development, water demand calculations will be required for the existing and proposed uses and shall include the existing and proposed unit counts. The Water Department's comments may change depending on the approved water demand calculations.

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- b. Prepare and receive DOW's approval of construction drawings for necessary water system facilities and construct said facilities. These facilities shall include but not be limited to:
 - 1. The domestic service connection and fire service connection, if applicable
 - 2. The interior plumbing plans with the appropriate backflow prevention device, if applicable,
 - 3. Additional source facilities for this area. The applicant may wait until others (including the DOW) to construct additional source for this area. The DOW is in the process of obtaining additional source for this area. Grove Farm is constructing a Surface Water Treatment Plant, which will provide additional water capacity for the Lihue Area. Upon completion of this SWTP the DOW will reassess their water situation in the Lihue area.
 - 4. Additional storage facilities of this area. The applicant may wait until others (including DOW) to construct additional storage for this area.
 - c. Pay the applicable charges in effect at the time payment is made to the Water Department. At the present time, these charges shall include:
 - 1. The Facilities Reserve Charge (FRC) of either \$4,600 per unit or the facilities reserve charge as determined by the approved water meter size, whichever amount is larger.
25. The applicant shall resolve and comply with applicable conditions or requirements as recommended by the State Health Department, County Fire Department, County Public Works Department, County Department of Public Works Building Division, County Department of Water, United States Postal Service, U.S. Fish and Wildlife Service, and State Department of Transportation.
26. The Planning Commission reserves the authority to impose additional conditions, modify or delete conditions stated herein, or revoke the subject permits through proper procedures should the applicant fail to comply with the conditions of approval.
27. Due to the phasing of the overall master plan, the applicant is advised that additional government agency conditions may be imposed, including but not limited to, procedural requirements and processes for the overall resort master plan to be implemented under the subject permits. Actions proposed by the

Applicant are subject to the rules and regulations deemed applicable at that time. It shall be the applicant's responsibility to resolve those conditions and processes with the respective approving authorities.

28. The Applicant shall provide an annual report to the Planning Commission, which shall be submitted to the Planning Department 30 days prior to the annual anniversary date of approval of the amendments considered herein. The annual report shall include the progress and status of the project and compliance with all conditions of approval. An annual report shall be provided until project completion and compliance with all conditions of approval.
29. Details of the design of the proposed bus stop with a bench and shelter to be constructed/installed by the Applicant, at no cost to the County of Kauai, at the location recommended by the County Transportation Agency near the main entryway to the Kauai Lagoons Resort shall be resolved by the Applicant with the County Transportation Agency, Planning Department and Department of Public Works prior to construction plan approval of the Resort's planned central operations facility.
30. The Applicant shall provide sidewalks along the Resort Drive and Lagoon Drive and in view of the requirements for sidewalks for RR-10, RR-20 and R-20 multi-family residential districts, the Applicant shall resolve with the Planning Department and Building Division, detailed location of sidewalk or pedestrian path improvements and design that are interconnected with the proposed public shoreline access, including but not limited to, segments of the Nawiliwili-Ahukini Bike and Pedestrian Path improvements proposed to be provided on lands owned by the Applicant.
31. As recommended by the Department of Public Works, Solid Waste Management Division, the Applicant shall prepare a solid waste management plan (SWMP) with a section detailing a "job-site recycling and waste reduction system" for demolition and construction activities and a separate section detailing the recycling and waste reduction system for operations phase activities. The SWMP shall be submitted to the Department of Public Works for review and approval, prior to commencement of demolition and construction activities for each respective component of the project.

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If you have any questions, please contact Bryan Mamacalay of our staff at 241-4052.



IAN K. COSTA
Planning Director

- c: State Dept. of Transportation (STP, Kauai Highways Division)
 State Department of Health
 State Historic Preservation Division
 State Department of Agriculture
 State Department of Land and Natural Resources (Forestry and Wildlife and
 Aquatics Divisions)
 Office of State Planning
 State Land Use Commission
 Public Works Department (Engineering Division, Wastewater Management
 Division, and Building Division)
 Fire Department
 Water Department
 Real Property Division

BERNARD P. CARVALHO, JR.
MAYOR

GARY K. HEU
ADMINISTRATIVE ASSISTANT



IAN K. COSTA
DIRECTOR OF PLANNING

IMAICALANI P. AIU
DEPUTY DIRECTOR OF PLANNING

COUNTY OF KAUAI
PLANNING DEPARTMENT
4444 RICE STREET
KAPULE BUILDING, SUITE A473
LIHUE, KAUAI, HAWAII 96786-1826
TEL (808) 241-4050 FAX (808) 241-6899

January 13, 2010

Kaua'i Lagoons LLC and MORI Golf (Kaua'i), LLC
c/o Ronald A. Sato
Wilson Okamoto Corp.
1907 South Beretania Street, Suite 400
Honolulu, Hawai'i 96826

SUBJECT: Request for Third Amendment to:
Special Management Area Use Permit SMA(U)-2005-8
Project Development Use Permit PDU-2005-26
Use Permit U-2005-25
Class IV Zoning Permit Z-TV-2005-30
Kaua'i Lagoons Resort
TMK 3-5-1: por. 27, 171, por. 172 and 175, Kalāpaki, Lihue, Kaua'i

The Planning Commission, at its meeting held on January 12, 2010 received and approved the above request to amend the subject permits in order to:

- convert the originally proposed 22 single family residential lots previously planned to be located in 3 separate areas designated for single family subdivisions within the Kaua'i Lagoons Resort, to 22 condominium/timeshare units within previously approved condominium/timeshare projects within the Resort;
- add an electrical/mechanical facility in the Resort District (RR-20);
- eliminate and convert 4 previously approved single family lots to condominium/timeshare units within previously approved condominium/timeshare projects within the Kaua'i Lagoons Resort; and,
- replace a previously proposed 80-unit condominium/timeshare building located adjacent to and mauka of the Makali'i Building "A" development and which was approved in the 2009 Second Amendment to the SMA Use Permit and associated permits, with 2 separate buildings consisting of a total of 80 condominium/timeshare units.

AN EQUAL OPPORTUNITY EMPLOYER

The approval was subject to the addition of the following condition of approval:

32. A dedication deed executed by Kava'i Development LLC in a form approved by the Office of the County Attorney for TMK 3-5-1: 102 shall be submitted to the Planning Department prior to any further building permits being approved by the Department.

Should there be any questions relative to the above, please contact planner Michael Laureta at 241-4068.



IAN K. COSTA
Planning Director

**A BILL FOR AN ORDINANCE
AMENDING ZONING CONDITIONS IN ORDINANCE NO. PM-2006-383,
AS AMENDED BY ORDINANCE NO. PM-2009-394,
RELATING TO ZONING DESIGNATION IN NĀWILIWILI, KAUAI**

(Tower Kaua'i Lagoons Sub 1, LLC, 2014 Kaua'i Lagoons Golf, LLC, Tower Kaua'i Lagoons Land, LLC, Tower Kaua'i Lagoons Sub 7, LLC, Applicant) (ZA-2021-3)

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Ordinance No. PM-2006-383, as amended by Ordinance No. PM-2009-394, is hereby amended in its entirety as follows:

"Section 1. The zoning designation for that certain area of approximately 88.3 acres in Nāwiliwili, Kaua'i, identified on zoning map ZM-NW-400 is hereby amended from Open District (O) to Residential District (R-2), Residential District (R-4), Resort District (RR-10), and Resort District (RR-20) on parcels identified by TMK 3-5- 01: por. 27, por. 168, por. 172, and from Limited Industrial District (I-L) to Residential District (R-20) on TMK 3-5-01:165, [and] on the maps attached hereto and incorporated herein as Revised Map 3 (9/27/06), [and] Map 3 (Revised September 2009), and Map 3 (Revised December 2021), subject to the following conditions:

1. Notwithstanding any provisions to the contrary, no more than a total of 772 dwelling units or hotel/motel rooms (herein referred to as the "Density Cap") shall be developed on the properties identified herein including that certain area of approximately 21.6 acres being rezoned from the Open District (O) to Residential District (R-2) as reflected on the location map attached hereto and incorporated herein as Map 3 (Revised September 2009)[.], and that certain area of approximately 14.2 acres being rezoned from the Residential District (R-2) to the Residential District (R-4) and approximately 2.6 acres being rezoned from the Resort District (RR-10) to the Residential District (R-2) as reflected on the location map attached hereto and incorporated herein as Map 3 (Revised December 2021) and delineated by metes and bounds property descriptions in Attachment A, dated December 2021, which is attached hereto and incorporated as part of Ordinance No. PM-2006-383, as amended. The affordable housing units constructed within the areas rezoned herein shall not be counted as part of the Density Cap as long as the units remain as affordable pursuant to the Agreement (Kaua'i Lagoons Affordable Housing) between Kaua'i Development LLC and the County of Kaua'i, dated February 18, 2005, as amended. For the purposes of implementing this condition, units are defined as a hotel room (a suite or room without kitchen facilities) or a combination of hotel and residential units (a unit with kitchen facilities) for development within the Resort District (RR-10, RR-20). For development within the Residential District (R-20) only residential dwelling units are allowed. As represented, uses situated in the affected areas sought for zoning amendment shall be limited to the following residential types as described below.

- a. For development within the Resort District (RR-10, RR-20), multi-family residential units are allowed.
 - b. Development within the Residential District (R-2) and Residential District (R-4) shall be limited to single family detached residential units. No Additional Dwelling Units (ADU), no Additional Rental Units (ARU), [are permitted,] and no [guest cottages] Guest Houses shall be permitted on those lots developed on the approximately 21.6 acres that are being rezoned from Open District (O) to Residential District (R-2), as reflected in the location map attached hereto and incorporated herein and identified as Map 3 (Revised September 2009)[.] and on those lots developed on approximately 14.2 acres being rezoned from the Residential District (R-2) to the Residential District (R-4) and approximately 2.6 acres being rezoned from the Resort District (RR-10) to the Residential District (R-2) as reflected on the location map attached hereto and incorporated herein as Map 3 (Revised December 2021) and delineated by metes and bounds property descriptions in Attachment A, dated December 2021, which is attached hereto and incorporated as part of Ordinance No. PM-2006-383, as amended.
2. As further represented by the Applicant, "...the Open District (O) portions of the property shall not have any residential density or be used for the calculation of any residential density on the property. No building permits shall be issued unless documentation that this restriction on density has been incorporated into the deeds of the affected property (ies) has been received by the Planning Department."
 3. The Applicant shall comply with, and fully implement all provisions of the Effluent Use Agreement dated August 14, 2001, entered into between Kaua'i Lagoons Resort Company, Ltd. and the County of Kaua'i.

Pursuant to the aforementioned agreement, the Applicant agrees to dedicate free and clear of any liens, and encumbrances, without cost to the County:

- a. All land and easements required for the disposal of effluent from the Lihu'e Wastewater Treatment Plant ("LWWTP");
- b. Approximately 2.22 acres of land for the expansion of LWWTP
- c. Approximately 7.1 acres of land in the "Stable Area;"
- d. Any other land and easements required for the County's operation of the LWWTP as may be mutually agreed to between the County and the Applicant;
- e. Prior to conveying ownership of the LWWTP site to the County, the Applicant shall remove and relocate all golf course irrigation system improvements, weather station infrastructure and any related appurtenances from the property. Other than provided above, all lands conveyed to the County by the Applicant shall be on an "as is" basis. The Applicant is not aware of any dangerous, hazardous or environmentally damaging conditions existing on any of the lands to be conveyed.

The Applicant shall dedicate the aforesaid lands to the County within ninety (90) days after final subdivision approval of its Subdivision Application for the subject property currently pending before the Planning Commission.

4. Should the sewer capacity for additional development on the property exceed 150,000 gallons per day, the Applicant acknowledges that it shall be subject to any applicable waiting or priority list established by the County of Kaua'i for such service. No building permits shall be issued until sewer capacity issues have been resolved with the Department of Public Works - Wastewater Division.
5. The Applicant shall submit a request to the Planning Commission to cancel the existing Running Waters Hotel permits, identified as SMA Use Permit SMA (U)-87-17, Special Permit SP-87-15, Project Development Use Permit U-87-17, and Class IV Zoning Permit Z-IV-87-59, within 6 months from the approval of this zoning amendment ordinance.
6. The Applicant shall resolve the provision of affordable housing for this zoning amendment with the County Council in accordance with the Kaua'i Lagoons Affordable Housing Agreement dated February 18, 2005 as may be amended or otherwise determined by the County Council.
7. The Applicant shall allow public access over and across all existing public vehicular and pedestrian public accessways on the subject [property.] property, as represented on the "Public Access Plan" (November 2021), which is attached to and incorporated herein as part of this Ordinance. Modifications to the "Public Accessways" shall be pursuant to the "Memorandum of Understanding For Hōkūala Resort" dated December 2021. Easement documents in favor of the County providing for non-motorized bicycle access from the public access entrance at Kapule Highway to eventually connect with "Easement 1" on TMK: 3-5-01 por. 102 (as described in State of Hawai'i Bureau of Conveyances Document No. 90-152880) shall be executed within one hundred and eighty (180) days from the enactment of this ordinance.

The Applicant shall provide a passive beach park to include public parking in the vicinity of the former Fashion Landing commercial area, restroom and shower facilities, recreational shelters, and picnic areas in the approximate vicinity of the Kiele No. 13 green and the area commonly referred to as Running Waters Beach.

The aforementioned facilities shall be inclusive of, but not limited to, the following amenities:

- a. Public restrooms and shower facility at the former Fashion Landing commercial area (beneath restaurant facility);
- b. Public restrooms and shower facility near the Running Waters Beach; picnic shelters (i.e., recreational shelters) to be located close by; and
- c. Weather shelters and picnic tables along the lateral shoreline access.

Restroom and shower facilities and other public recreational amenities required in this condition shall be constructed within two (2) years from the date of the enactment of this ordinance, and shall be maintained by the Applicant.

The Applicant shall provide lateral shoreline access according to the [“Roadway and Public Access Plan (dated August 2006),”] “Public Access Plan” (November 2021), which is attached to and incorporated herein as part of this ordinance. More specific plans shall be submitted for the review and approval of the County of Kaua‘i at the time of Zoning Permit and/or SMA permit application for the hotel/resort-residential project prior to any construction of the restroom and shower facilities and other public recreational amenities referenced above. Facility locations are to be determined at this time.

As represented by the Applicant, the Applicant shall indemnify, defend, pay for all attorneys fees and costs, and hold harmless the County of Kaua‘i, its employees, agents, successors and assigns from any and all injuries and/or property damage that may directly or indirectly arise from the use by the public of the public access easements and facilities located on the Applicant’s properties identified herein.

8. All deeds or instruments transferring interest in the subject property, or in the structures or improvements therein, easements running in favor of the State of Hawai‘i and the Land Use Commission and the County of Kaua‘i shall indemnify and hold the State of Hawai‘i and Land Use Commission and the County of Kaua‘i, harmless from any complaints or claims due to noise, odor, dust, mosquitoes, and other nuisances and problems emanating from the operation of the Līhu‘e Airport and the operation of the Līhu‘e Wastewater Treatment Plant.
9. No residential, condominium, or hotel units shall be constructed within areas greater than 60 DNL noise contour of the Līhu‘e Airport; provided, however, that such uses may be permitted within the 60 to 65 DNL noise contours, if there is an accompanying mitigation of interior noise to the 45 DNL noise level. The Applicant shall satisfy this condition with the appropriate State and/or Federal agency at time of submittal of Zoning Permit and/or SMA Use Permit application.
10. The Applicant shall comply with any height restriction to be set by the State of Hawai‘i pursuant to specifications established in FAA regulations for aviations easement purposes along the perimeter of the Līhu‘e airport runways.
11. Traffic improvements to intersections or roadways within the Līhu‘e District, as determined by the State Highways Division and/or Department of Public Works, to mitigate increase in traffic generated by the proposed hotel/resort residential projects shall be considered and, as may be appropriate, required by the Planning Commission at time of consideration of Zoning Permit and/or SMA Use Permit Application for the proposed hotel/resort-residential project.
12. To minimize adverse impacts to Newell’s shearwaters, exterior lighting fixtures shall be only of the following types: shielded lights, cut-off luminaries or indirect lighting. The Applicant shall consult with the Division of Forestry and Wildlife, Kaua‘i District (State Department of Land and Natural Resources), for its specific lighting recommendations.

Up-lighting shall be prohibited and only fully shielded, low profile lights shall be implemented. Spotlighting of any structures or the ocean shall be reviewed and approved by the Planning Director.

13. The Applicant, its successors or assigns, shall develop the appropriate documents and/or agreements for the review of and approval by the County of Kaua'i that would hold the County of Kaua'i harmless from any lawsuits relating to noise generated during normal airport activities at the Līhu'e Airport by any owners, subtenants, guests, or other users of the rezoned area.
14. An aviation easement in a form prescribed by the State Department of Transportation shall be granted to the State of Hawai'i by the Applicant, to cover the entirety of the Kaua'i Lagoons Resort property owned by the Applicant.
15. The Applicant shall consult with and comply with all archaeological/historical requirements of the State [of] Historic Preservation Division at time of Zoning Permit and/or SMA Use Permit Applications for the property.
16. The Applicant shall comply with all requirements established by the Department of Public Works regarding grading, grubbing, drainage and erosion control in order to minimize any adverse impacts to surrounding properties, to Kalapaki Bay, and to adjoining off-shore waters during construction and other grading or grubbing activity. The applicant shall also conduct a drainage study to evaluate the impacts of increased runoff from the development of residences, parking lots and other impermeable surfaces and shall implement measures to keep storm flow rates to levels existing prior to the project construction of any of the said 772 units.
17. The Applicant shall continue to make available two hundred (200) off-street parking stalls within the parking lot area described as "Easement P-1" to the property currently identified as the Kaua'i Marriott Resort and Beach Club (TMK: 3-5-02: 02) for hotel and resort purposes.
18. Substantial construction of one hundred twenty-five (125) hotel or resort/residential units shall be completed within two (2) years from the effective date of this ordinance. Substantial construction of an additional one hundred twenty-five (125) hotel or resort/residential units shall be completed within seven (7) years from the effective date of this ordinance (total of two hundred fifty units). Substantial construction of the balance of the seven hundred fifty (750) units allowed by this ordinance, or five hundred (500) units shall be completed within twelve (12) years of the effective date of this ordinance. Substantial construction, as used herein, shall mean the laying of foundations. If substantial construction is not completed within this timeframe, the Planning Commission shall initiate proceedings to review the provisions of the zoning designations for the property.

19. Pursuant to Chapter 4 ("Developing Jobs & Businesses"), Section 4.5.2 ("Supporting Businesses and Jobs for Kaua'i Residents – Implementing Actions") of the Kaua'i General Plan (November 2000):

"(c) In granting zoning and permits for new resorts and other businesses, the County shall seek commitments that businesses will actively recruit and train Kaua'i residents to fill new jobs."

To this end, the Applicant shall seek to actively recruit and train Kaua'i residents to fill new jobs.

20. To the extent possible within the confines of union requirements and applicable legal prohibitions against discrimination in employment, the Applicant shall seek to hire Kaua'i contractors as long as they are reasonably competitive with other contractors, and shall seek to employ residents of Kaua'i in temporary construction and permanent resort related jobs. It is recognized that the Applicant may have to employ non-Kaua'i residents for particular skilled jobs where no qualified Kaua'i resident possesses such skills. For the purposes of this condition, the Council shall relieve the Applicant of this requirement if the Applicant is subjected to anti-competitive restraints on trade or other monopolistic practices.
21. Prior to or as part of any submittal for any major land use permits for development associated with this petition or any portion of its resort campus, the Applicant shall provide the Planning Commission a status report of applicable conditions of approval under Special Management Area Use Permit SMA (U)-2005-8, Project Development Use Permit U-2005-26, Use Permit U-2005-25, and Class IV Zoning Permit Z-IV-2005-30. The status report shall include but not be limited to:
- a. a development schedule of all highway improvements as required by the State Highways Division;
 - b. an updated roadway and public access master plan (Figure 9, Applicant's Petition, November 2005) identifying the location and availability for use by the general, the public beach access and associated improvements, and public access for vehicular, pedestrian and non-motorized traffic that shall be incorporated herein and referenced to in this zoning ordinance;
 - c. the location of the additional affordable housing units that are intended to be required by the subject land use petitions.
22. The Applicant is made aware that during the review of major land use permits and design, additional shoreline setbacks, height restrictions, and lot coverage restrictions may be required to mitigate visual impacts along the coast and to preserve near shore water quality.
23. As represented by the Applicant, the Applicant shall have that certain parcel of land located in Kalapakī, Hanamā'ulu, Līhu'e (Puna), Kaua'i, Hawai'i, identified by Kauai Tax Map Key No. (4) 3-05-001:102 ("Subject Property") encumbered with a Declaration Of Conservation Restriction

(to be recorded in the Bureau of Conveyances of the State of Hawai'i) which will contain provisions regulating the development of the Subject Property, including but not limited to, the following restrictions (hereinafter referred to as the "Development Restrictions"):

- a. No dwelling units shall be allowed within those portions of the Subject Property located in the 65 DNL or higher noise contours as shown on that certain map entitled FAR Part 150 5-Year (CY 1991) Noise Exposure Map for Līhu'e Airport (from the Līhu'e Airport – FAR Part 150 Noise Compatibility Program, Noise Compatibility Program Report, State Department of Transportation Airports Division, December 1989) (referred to hereinafter as the "Restricted Area").
 - b. Only the following structures or improvements shall be allowed within the Restricted Area: roads, fences, walls, vegetation and landscaping, not more than five (5) agricultural accessory buildings, underground utilities and above-ground facilities associated therewith (none of which shall exceed five (5) feet in height), irrigation ditches, no more than two (2) water tanks (neither of which shall exceed fifteen (15) feet in height), and water wells. No dwelling units shall be allowed within the Restricted Area.
 - c. Only agricultural uses shall be allowed within the Restricted Area. No residential, industrial, resort or commercial uses (except commercial uses related to agriculture activities) shall be allowed within the Restricted Area.
 - d. The Subject Property shall not be subdivided.
 - e. The maximum number of dwelling units that may be developed on the Subject Property shall not exceed eleven (11) dwelling units. The owner of the Subject Property shall have the right to use the dwelling unit density to which the Restricted Area is eligible, provided that any and all dwelling units (not to exceed 11) are located on the portions of the Subject Property outside of the Restricted Area.
 - f. The Declaration Of Conservation Restriction encumbering the Subject Property may not be amended in any manner so as to change, modify, or delete the Restrictive Covenants contained herein without the prior approval of the Council of the County of Kaua'i.
24. The zoning designation for that certain area of approximately 21.6 acres in Nāwiliwili, Kaua'i identified on zoning map ZM-NW 400 is hereby amended from Open District (O) to Residential District (R-2), on parcels identified by TMK: 3-5-01: por. 27, and por. 168 and on the map attached hereto and incorporated herein as Map 3 (Revised September 2009), subject to the following conditions:
- a. With respect to those certain areas in Nāwiliwili, Līhu'e, Kaua'i, identified as (i) TMK: 3-5-01: por. 27 consisting of approximately 7.06 acres that has been amended from Open District (O) to Residential District (R-2), and (ii) TMK: 3-5-01:

por. 1 68 consisting of approximately 1 4.6 acres that has been amended from Open District (0) to Residential District (R-2) as shown on zoning map ZM-NW 400 and on the map attached hereto and incorporated herein as Map 3 (Revised September 2009)[.] and that certain area of approximately 14.2 acres being rezoned from the Residential District (R-2) to the Residential District (R-4) and approximately 2.6 acres being rezoned from the Resort District (RR-10) to the Residential District (R-2) as reflected on the location map attached hereto and incorporated herein as Map 3 (Revised December 2021) and delineated by metes and bounds property descriptions in Attachment A, dated December 2021, which is attached hereto and incorporated as part of Ordinance No. PM-2006-383, as amended, (hereinafter referred to as the "2009 and 2021 Petition [Area] Areas"), the following conditions shall apply:

- b. Notwithstanding the provisions in Condition No. 1.b. of this Ordinance and as represented by the Applicant, Guest Houses and additional dwelling units shall not be permitted on the lots created within the 2009 and 2021 Petition [Area] Areas. This restriction shall be included in the deeds for the subject lots, and recorded at the Bureau of Conveyances. A recorded copy of the deed(s) shall be provided to the Planning Department.
- c. Notwithstanding the provisions in Condition No. 12 of this Ordinance, in order to minimize adverse impacts on Federally Listed Threatened Species, such as Newell's Shearwater and other seabirds, all external lighting for structures or other improvements within the 2009 and 2021 Petition [Area] Areas shall be limited to the following types: shielded lights, cut-off luminaries, or indirect lighting. Spotlights aimed upward or spotlighting of features shall be prohibited.
- d. Notwithstanding the provisions contained in Condition No. 16 of this Ordinance, Best Management Practices shall be utilized during all phases of development within the 2009 and 2021 Petition [Area] Areas in order to minimize erosion, dust and sedimentation impacts of the project to abutting properties. These practices shall be reflected in the subdivision, grading, construction, or other plans for the Petition Area that are submitted for permit processing.
- e. No application for development (subdivision, grading, etc.) related to the subject requests for any proposed subdivisions within the 2009 and 2021 Petition [Area] Areas (identified in Figure 6a of the Applicant's Petition, June 8, 2009, as Subdivision 1A, Subdivision 5, and Subdivision 6) shall be accepted for processing by the Planning Department until such time that the 138-acre parcel identified as TMK: (4) 3-5-01: por. 102 is conveyed to the County of Kaua'i, as represented.
- f. Agency comments and concerns as submitted for the subject petition shall be resolved at the time of the next review conducted by the Planning Department, be it subdivision or other review.
- g. As represented, the 12.0 acre remnant that will be General Planned "Resort" and surrounding proposed Subdivision 6 within

the 2009 and 2021 Petition [Area] Areas, which currently encompasses the existing Kiele Golf Course Hole Nos. 6 and 8, shall not be utilized for any future density calculations purposes, and is only intended to provide for a more uniform General Plan "Resort" boundary designation.

h. Additional government agency conditions may be imposed. It shall be the Applicant's responsibility to resolve those conditions with the respective agency(ies).

25. The Applicant is advised that additional government agency conditions may be imposed. It shall be the Applicant's responsibility to resolve those conditions with the respective agency(ies)."

SECTION 2. Upon the completion of recordation with the Bureau of Conveyances of the State of Hawai'i of the deed conveying the parcel identified as TMK: 3-5-01: por. 102 consisting of 1 38 acres to the County of Kaua'i, Condition No. 23 of this Ordinance shall no longer be applicable.

SECTION 3. The zoning designation for that certain area in Nāwiliwili, Kaua'i, identified as TMK: 3-5-01: 27, 82, 83, 115, 116, 117, 118, 119, and 120, as shown on Zoning Map ZM-NW-400 and on the map attached hereto and incorporated herein as Exhibit ZA-2002-1, are subject to the amendments in Section 1 hereinabove, and incorporated herein as part of this zoning application.

SECTION 4. Ordinances Nos. PM-2002-363, PM-2006-383, and PM-2009-394 are superseded.

SECTION 5. The Planning Commission is directed to note the change on the official Zoning Map on file with the Commission. All applicable provisions of the Comprehensive Zoning Ordinance shall apply to the area rezoned herein.

SECTION 6. Severability. The invalidity of any word, section, clause, paragraph, sentence, part, or portion of this Ordinance shall not affect the validity of any other part of this ordinance that can be given effect without such invalid part or parts.

SECTION 7. Material to be deleted is bracketed. New material is underscored.

SECTION 8. This Ordinance shall take effect upon approval.

Introduced by: /s/ MASON K. CHOCK
(By Request)

DATE OF INTRODUCTION:

August 18, 2021

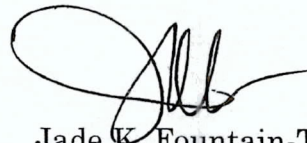
Līhu'e, Kaua'i, Hawai'i
V:\BILLS\2020-2022 TERM\2831d2 MC_AMK_jy.docx

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2831, Draft 2, which was adopted on second and final reading by the Council of the County of Kaua'i at its meeting held on December 15, 2021, by the following vote:

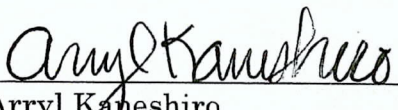
FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL - 7,
AGAINST ADOPTION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawai'i
December 15, 2021



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

ATTEST:


Arryl Kaneshiro
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

December 15, 2021

Approved this 20th day of
December, 2021.



Derek S.K. Kawakami,
Mayor
County of Kaua'i

LOCATION MAP SHOWING
PROPOSED AMENDMENT TO
ZONING MAP ZM-NW-400

FROM

OPEN DISTRICT (O) AND
LIMITED INDUSTRIAL DISTRICT (IL)

TO

RESORT DISTRICT (RR-10, RR-20) AND
RESIDENTIAL DISTRICTS (R-2, R-20)

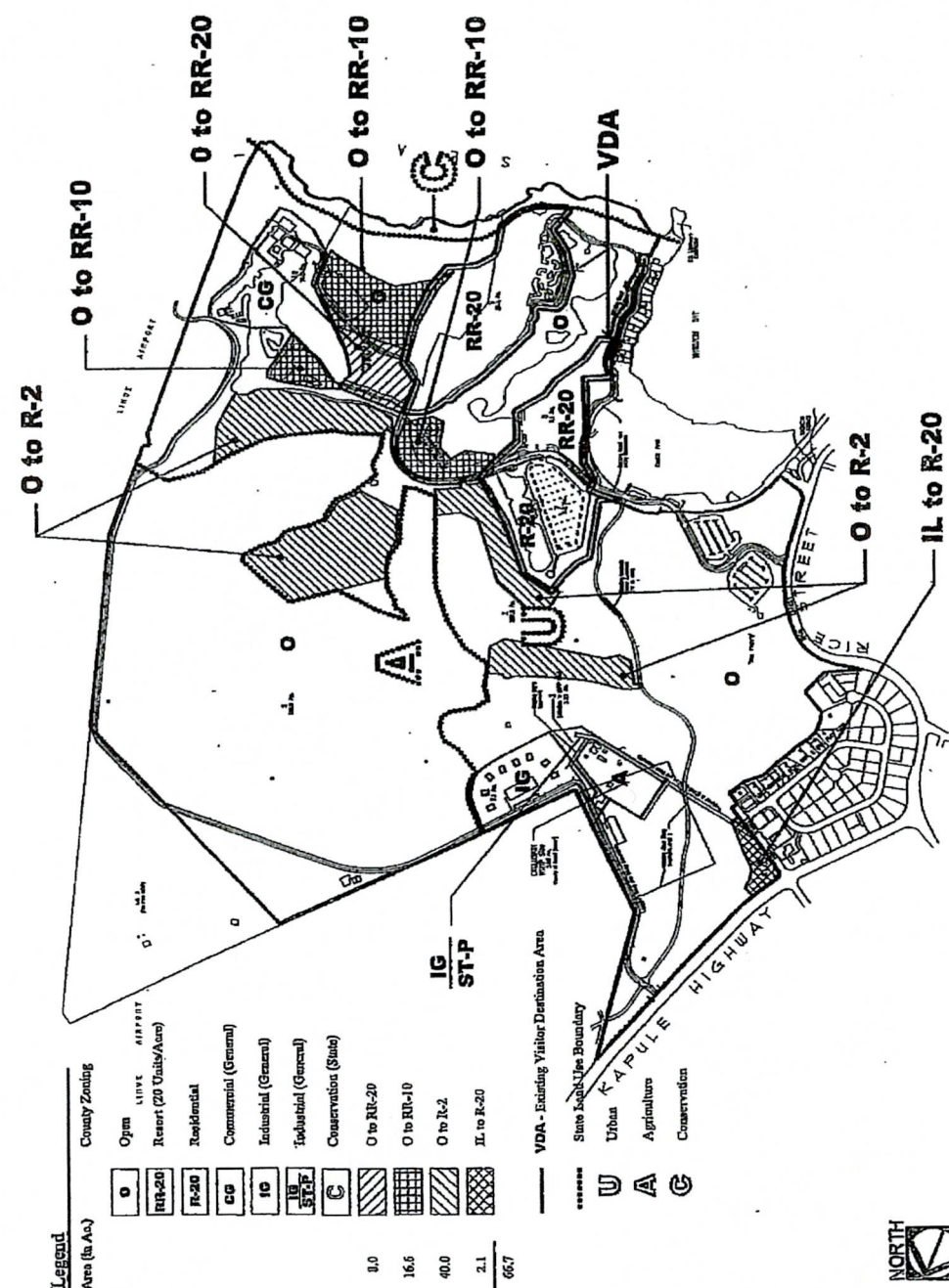
TAX MAP KEYS: 3-5-01: 27 (POR.),
165, 168 (POR.), AND 172 (POR.)

KALAPAKI, KAUAI, HAWAII

ZA-2006-05

REVISED Map 3 (Existing and Proposed Zoning)

Revised 9/27/06

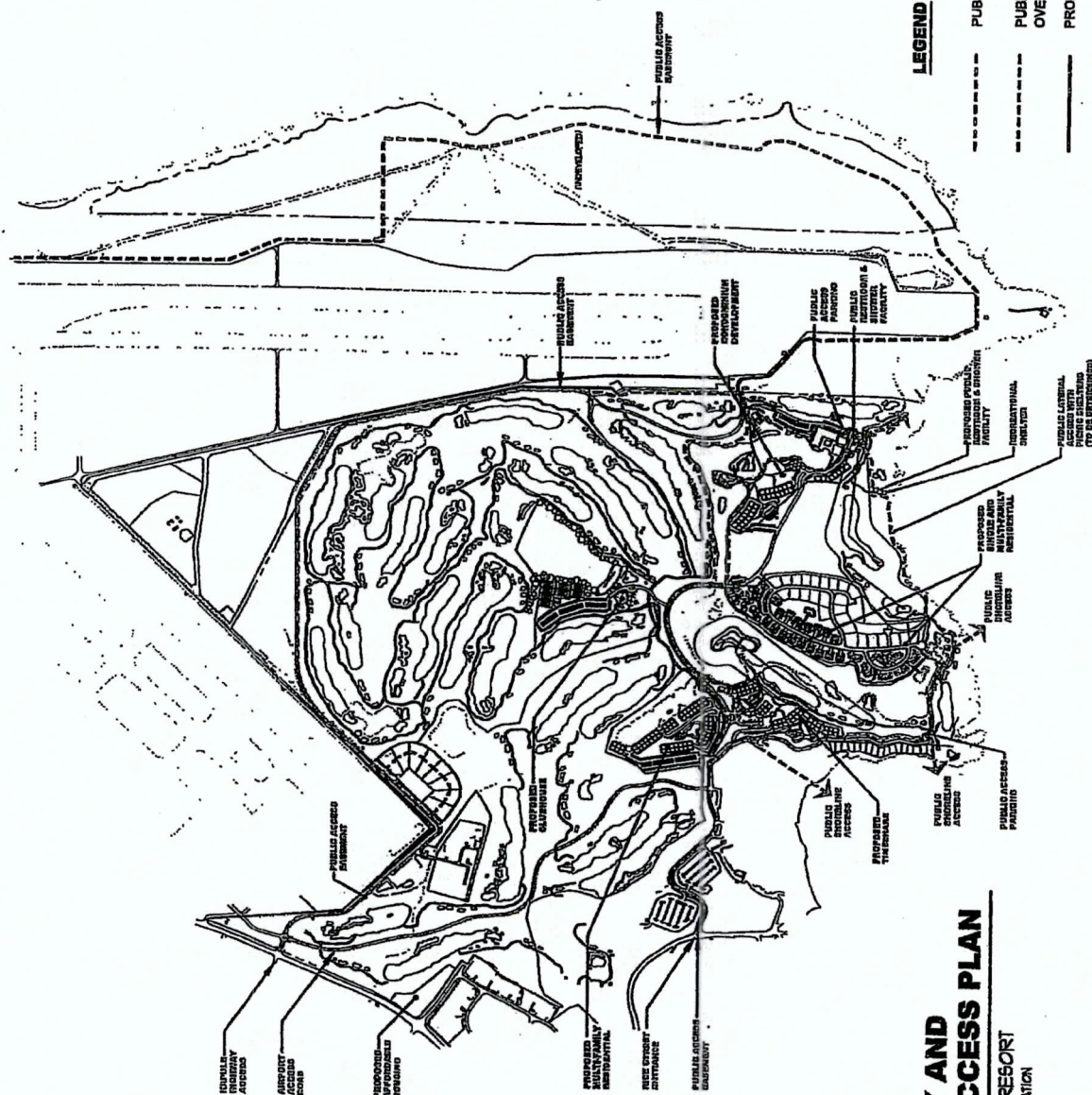


**KAUAI LAGOONS
RESORT**

**WILSON OKAMOTO
CORPORATION**
10000 WILSON DRIVE, SUITE 100, WILSON, NJ 07094
TEL: 201-361-1234 FAX: 201-361-1235

PUBLIC ACCESS

**PUBLIC ACCESS
OVER STATE LANDS**

PROPOSED RESORT ACCESS

ROADWAY AND PUBLIC ACCESS PLAN

KAUAI LAGOONS RESORT
WILSON OKAMOTO CORPORATION

AUGUST 2006

Vol 10 Scale

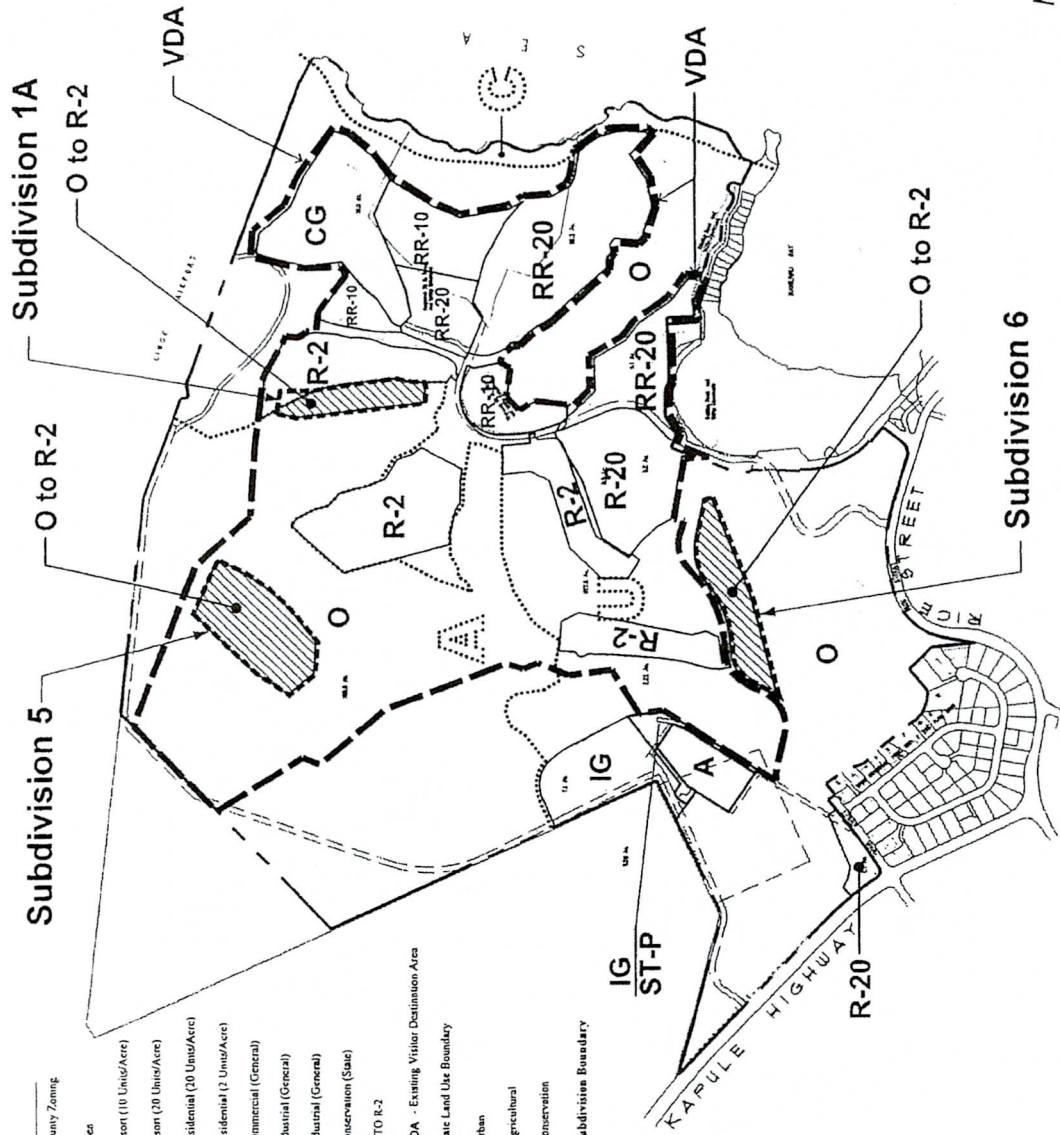


Legend
Area (in Ac.)

O	Open
RR-10	Resort (10 Units/Acre)
RR-20	Resort (20 Units/Acre)
R-20	Residential (20 Units/Acre)
R-2	Residential (2 Units/Acre)
CG	Commercial (General)
IG	Industrial (General)
IG-ST-P	Industrial (General)
C	Conservation (State)
OTO R-2	OTO R-2

21.6

---	VDA - Existing Visitor Destination Area
.....	State Land Use Boundary
U	Urban
A	Agricultural
G	Conservation
-----	Subdivision Boundary



Subdivision 5

O to R-2

Subdivision 1A

O to R-2

VDA

CG

R-2

O

R-2

IG

IG-ST-P

C

OTO R-2

VDA

CG

R-2

O

R-2

RR-10

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(December 2021)



(December 2021)

Attachment A
Metes and Bounds Property Description

LOT 1

-ITEM ONE:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 100, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the northeasterly side of Lot 2-A-1-A as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,496.61 feet south and 5,027.88 feet east, and running by azimuths measured clockwise from true South:

1. 180° 40' 30.45 feet along Ho'olaulea Way;

 thence along Road Lot B as shown on Kauai County Subdivision File No. S-2008-24 on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
2. 221° 48' 15" 39.48 feet;

 thence, on a curve to the left with a radius of 262.00 feet, the chord azimuth and distance being:
3. 257° 00' 44" 54.18 feet;
4. 251° 04' 15" 151.09 feet;
5. 00° 00' 142.01 feet along Lot 101 as shown on Kaua'i County Subdivision File No. S-2008-24;
6. 100° 57' 34.38 feet along Lot 2-A-1-A;
7. 84° 04' 84.16 feet;
8. 102° 25' 30" 107.44 feet to the point of beginning and containing an area of 0.505 acre, more or less.

-ITEM TWO:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 101, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the southeast corner of Lot 100 as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,517.56 feet south and 5,250.26 feet east, and running by azimuths measured clockwise from true South:

1. 180° 00' 142.01 feet along Lot 100;
2. 251° 04' 15" 26.32 feet along Road Lot B as shown on Kauai County Subdivision File No. S-2008-24;
- thence on a curve to the right with a radius of 218.00 feet, the chord azimuth and distance being:
3. 255° 50' 45" 36.29 feet;
4. 260° 37' 15" 78.94 feet;
5. 00° 00' 158.03 feet along Lot 102 as shown on Kaua'i County Subdivision File No. S-2008-24;
6. 61° 17' 30" 12.01 feet along Lot 2-A-1-A as shown on Kauai County Subdivision File No. S-2008-24;
7. 81° 11' 30" 96.27 feet;
8. 100° 57' 32.91 feet to the point of beginning and containing an area of 0.503 acre, more or less.

-ITEM THREE:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 102, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the southeast corner of Lot 101 as shown on kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,503.30 feet south and 5,388.24 feet east, and running by azimuths measured clockwise from true South:

1. 180° 00' 158.033 feet along Lot 101;
2. 260° 37' 15" 22.03 feet along Road Lot B as shown on Kaua'i County Subdivision File No. S-2008-24;

thence on a curve to the left with a radius of 262.00 feet, the chord azimuth and distance being:

3. 251° 57' 52" 78.87 feet;
4. 243° 18' 30" 56.01 feet;
5. 00° 00' 172.17 feet along Lot 103 as shown on Kaua'i County Subdivision File No. S-2008-24;
6. 88° 27' 79.46 feet along Lot 2-A-1-A as shown on Kauai County Subdivision File No. S-2008 24;
7. 61° 17' 30" 76.77 feet to the point of beginning and containing an area of 0.506 acre, more or less.

-ITEM FOUR:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 103, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the southeast corner of Lot 102 as shown on kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,464.27 feet south and 5,535.01 feet east, and running by azimuths measured clockwise from true South:

1. 180° 00' 172.17 feet along Lot 102;
2. 243° 18' 30" 100.00 feet along Road Lot B as shown on Kauai County Subdivision File No. S-2008-24;
3. 334° 24' 30" 227.67 feet along Lots 104 and 105 as shown on Kauai County Subdivision File No. S-2008-24;

4. 83° 54' 84.10 feet along Lot 2-A-1-A as shown on Kauai County Subdivision File No. S-2008-24;
5. 88° 27' 104.10 feet to the point of beginning and containing an area of 0.640 acre, more or less.

-ITEM FIVE:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 104, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the northwest corner of Lot 105 as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,367.89 feet south and 5,682.16 feet east, and running by azimuths measured clockwise from true South:

1. 154° 24' 30" 133.84 feet along Lot 103 as shown on Kaua'i County Subdivision File No. S-2008-24;
2. 243° 18' 30" 165.63 feet along Road Lot B as shown on Kauai County Subdivision File No. S-2008-24;
3. 333° 18' 30" 133.81 feet along Lot 105;
4. 63° 18' 30" 168.20 feet to the point of beginning and containing an area of 0.513 acre, more or less.

-ITEM SIX:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 105, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the southeast corner of Lot 103 as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,452.52 feet south and 5,722.69 feet east, and running by azimuths measured clockwise from true South:

1. 254° 24' 30" 93.83 feet along Lot 103;

2. 243° 18' 30" 168.20 feet along Lot 104 as shown on Kaua'i County Subdivision
File No. S-2008-24;
3. 153° 18' 30" 133.81 feet;
4. 243° 18' 30" 15.00 feet along Road Lot B as shown on Kauai County
Subdivision File No. S-2008-24;
5. 333° 18' 30" 276.85 feet along Lot 106 as shown on Kaua'i County Subdivision
File No. S-2008-24;
6. 66° 40' 57.07 feet along Lot 2-A-1-A as shown on Kauai County
Subdivision File No. S-2008-24;
7. 82° 55' 30" 122.41 feet;
8. 83° 54' 13.59 feet to the point of beginning and containing an area of
0.573 acre, more or less.

-ITEM SEVEN:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 106, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the southeast corner of Lot 105 as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,413.39 feet south and 5,910.09 feet east, and running by azimuths measured clockwise from true South:

1. 153° 18' 30" 276.85 feet along Lot 105;
2. 243° 18' 30" 15.00 feet along Road Lot B as shown on Kauai County
Subdivision File No. S-2008-24;
3. 333° 18' 30" 147.96 feet along Lot 107 as shown on Kaua'i County Subdivision
File No. S-2008-24;
4. 241° 35' 161.63 feet;
5. 333° 18' 30" 140.06 feet along Lot 109 as shown on Kaua'i County Subdivision
File No. S-2008-24;

6. 61° 35' 45.67 feet along Lot 2-A-1-A as shown on Kauai County Subdivision File No. S-2008-24;
7. 66° 40' 131.14 feet to the point of beginning and containing an area of 0.601 acre, more or less.

-ITEM EIGHT:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihue, Island and County of Kauai, State of Hawaii, being LOT 107, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the northwest corner of this parcel of land, being the north corner of Lot 106 as shown on Kauai County Subdivision File No. S-2008-24, also being the south side of Road Lot B as shown on Kaua'i County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,159.31 feet south and 5,799.13 feet east, and running by azimuths measured clockwise from true South:

1. 243° 18' 30" 161.56 feet along Road Lot B;
2. 333° 18' 30" 143.10 feet along Lot 108 as shown on Kaua'i County Subdivision File No. S-2008-24;
3. 61° 35' 161.63 feet along Lot 106;
4. 153° 18' 30" 147.96 feet to the point of beginning and containing an area of 0.540 acre, more or less.

-ITEM NINE:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihue, Island and County of Kauai, State of Hawaii, being LOT 108, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the northwest corner of this parcel of land, being the northeast corner of Lot 107 as shown on Kauai County Subdivision File No. S-2008-24, also being the south side of Road Lot B as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,086.73 feet south and 5,943.48 feet east, and running by azimuths measured clockwise from true South:

1. 243° 18' 30" 108.91 feet along Road Lot B;

Thence on a curve to the right with a radius of 218.00 feet, the chord azimuth and distance being:

2. 276° 56' 34" 241.50 feet;

3. 61° 35' 310.12 feet along Lot 109 as shown on Kaua'i County Subdivision File No. S-2008-24;

4. 153° 18' 30" 143.10 feet along Lot 107 to the point of beginning and containing an area of 0.814 acre, more or less.

-ITEM TEN:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713 Apana 2, Part 1 to Victoria Kamamalu) situate, lying and being at Kalapaki, Lihu'e, Island and County of Kauai, State of Hawaii, being LOT 109, being also a portion of Lot 2-A-1 as shown on Kauai County Subdivision File No. S-2008-2, and thus bounded and described as per survey dated December 12, 2008, to-wit:

Beginning at the southwest corner of this parcel of land, being the southeast corner of Lot 106 as shown on Kauai County Subdivision File No. S-2008-24, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,339.72 feet south and 6,070.67 feet east, and running by azimuths measured clockwise from true South:

1. 153° 18' 30" 140.06 feet along Lot 106;

2. 241° 35' 310.12 feet along Lot 108 as shown on Kaua'i County Subdivision File No. S-2008- 24;

Thence along Road B as shown on Kauai County Subdivision file No. S-2008-24, on a curve to the right with a radius of 218.00 feet, the chord azimuth and distance being:

3. 329° 19' 16" 140.10 feet;

4. 61° 35' 319.87 feet along Lot 2-A-1-A as shown on Kauai County Subdivision File No. S-2008-24, to the point of beginning and containing an area of 1.037 acres, more or less.

PROPOSED LOT 1-A

All of that portion of a certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713, Apana 2, Part 1 to Victoria Kamamalu), being PROPOSED LOT 1-A, being a portion of Lot 2-A-1, as shown on Kaua'i County Subdivision File No. S-2019-11, and a portion of Lot 5-A, as shown on Kaua'i County Subdivision File No. S-2008-24, situate, lying and being at Kalapakī, District of Līhu'e, Island and County of Kaua'i, State of Hawai'i, and thus bounded and described as per survey dated November 11, 2020:

Beginning at the Northeast corner of this piece of land, being a south corner of Lot 5-A-1, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 12,761.28 feet south and 6,152.45 feet east, and running by azimuths measured clockwise from true South:

1. 1° 14' 15" 209.51 feet along Lots 5-A-1 and 2-A;

Thence along the North side of Kahilipulu Way on a curve to the left with a radius of 262.00 feet, the chord azimuth and distance being:

2. 77° 39' 42" 129.91 feet;

3. 63° 18' 30" 622.11 feet along the North side of Kahilipulu Way;

Thence along the North side of Kahilipulu Way, on a curve to the right with a radius of 218.00 feet, the chord azimuth and distance being:

4. 71° 57' 51" 65.62 feet;

5. 80° 37' 15" 100.97 feet along the North side of Kahilipulu Way;

Thence along the North side of Kahilipulu Way, on a curve to the left with a radius of 262.00 feet, the chord azimuth and distance being:

6. 75° 50' 46" 43.62 feet;

7. 71° 04' 15" 4.12 feet;

Thence along the East side of Pohaiula Place, on a curve to the right with a radius of 30.00 feet, the chord azimuth distance being.

8. 116° 04' 15" 42.43 feet;

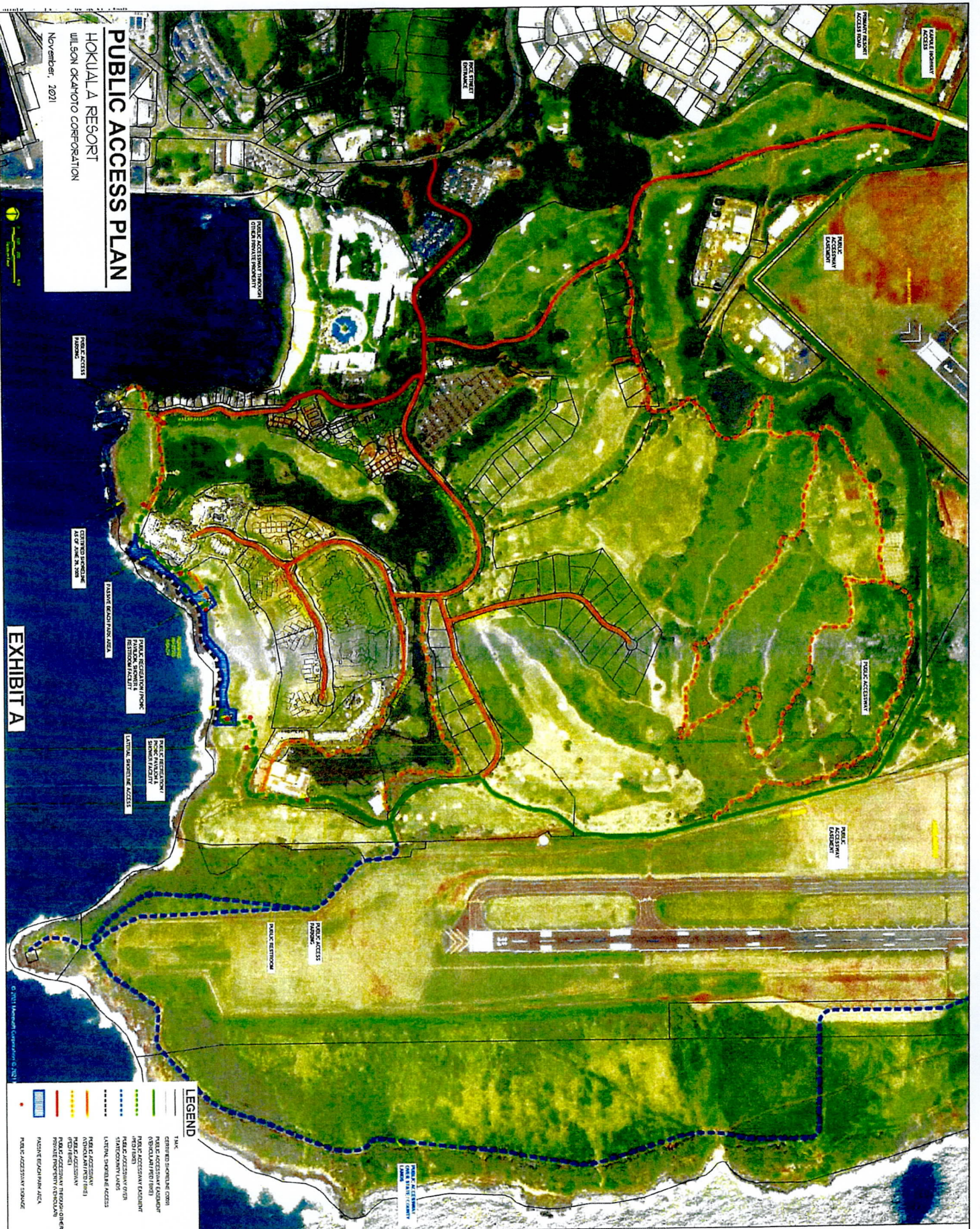
9. 161° 04' 15" 117.34 feet along the East side of Pohaiula Place;
10. 243° 18' 30" 908.00 feet along the South side of Lot 5-A-1;
11. 260° 07' 30" 162.82 feet to the point of beginning and containing an area of 4.604 acres, more or less.

LOT 10-C

All of that certain parcel of land (being portion(s) of the land(s)) described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713, Apana 2, Part 1 to Victoria Kamamalu), situate, lying and being at Kalapaki, Lihue, County of Kauai, State of Hawaii, being LOT 10-C, and thus bounded and described as per survey dated September 30, 2008:

Beginning at the west corner of this parcel of land, being the northeast corner of Lot 9-B as shown on Kauai County Subdivision File No. S-2008-2, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kalepa" being 13,600.75 feet south and 5,578.07 feet east, and running by azimuths measured clockwise from true South:

1. 245° 32' 93.97 feet along Lot 2-A-1;
2. 258° 49' 304.96 feet;
3. 267° 30' 114.69 feet;
4. 324° 21' 53.29 feet;
5. 19° 10' 205.13 feet;
6. 15° 12' 65.84 feet;
7. 10° 35' 30" 73.61 feet;
8. 118° 08' 30" 148.49 feet along Lot 10-B;
9. 96° 12' 75.81 feet;
10. 128° 18' 175.51 feet;
11. 133° 14' 121.01 feet along Lot 9-B to the point of beginning and containing an area of 2.588 acres, more or less.



MEMORANDUM OF UNDERSTANDING

FOR

HÖKŪALA RESORT

THIS MEMORANDUM OF UNDERSTANDING FOR HÖKŪALA RESORT ("MOU") effective as of 14th day of January, 2022, by and between the TOWER KAUAI LAGOONS ENTITIES (as defined herein), all of which are Delaware limited liability companies, and TOWER KAUAI LAGOONS 8, LLC, a Delaware limited liability company, in its capacity as Acting Declarant (as defined herein), all of whose mailing address is 3351 Hoolaulea Way, Lihue, Kauai, Hawaii 96766 ("Tower Entities"), and the COUNTY OF KAUAI, by and through the Planning Department of the County of Kauai ("Planning Department"), whose mailing address is 4444 Rice Street, Suite A473, Lihue, Kauai, Hawaii 96766 ("County").

1. RECITALS.

1.1 Hökūala Resort. The Tower Entities are the current developers of the Hōkūala Resort. Tower Kauai Lagoons 8, LLC is the Acting Declarant under the Hōkūala CC&Rs.

1.2 Ordinances. The Hōkūala Resort properties were transferred into their current CZO Zoning Districts by the passage by the Council of the Ordinances, together with the Ordinance Conditions.

1.3 Master SMA Permit. The development of the Hōkūala Resort was further authorized by approval of the Planning Commission of the SMA Permit, together with the SMA Conditions.

1.4 Ordinance Conditions. The Ordinance Conditions included the following conditions related to public access and public recreational improvements:

1.4.1. Condition 7 (as most recently amended and contained in Ord. No. PM-2009-394) required the Applicant under the respective Ordinances to do the following:

a. The Applicant was to provide public access over all existing public vehicular and pedestrian public accessways on the Hōkūala Resort.

b. The Applicant was to provide proof of executed easement documents providing vehicular and non-motorized bicycle access from Kapule Highway to the roadways on the Lihue Airport property leading to property now owned by the County identified herein as the County Lot.

c. The Applicant was to provide a passive beach park serving the Shoreline located along the southern side of the Hōkūāla Resort, including the Running Water Beach area, including: public parking; pedestrian access; restroom facilities and shower facilities (including public restrooms and a shower facility at the former Fashion Landing commercial area beneath the restaurant facility); recreational (picnic) shelters; picnic areas; and weather shelters and picnic tables along the lateral shoreline access.

d. The Applicant was to provide lateral shoreline access along the Shoreline located along the southern side of the Hōkūāla Resort, including the Running Waters Beach area, as shown on a Roadway and Public Access Plan (August 2006), which was to be updated and made more specific at the time of SMA Permit and Zoning Permit approval, at which time the Public Facilities locations were to be determined.

e. The Applicant was required to agree to indemnify, defend, pay for all attorney's fees and costs, and hold harmless the County from claims arising out of public use of the Public Access Easements and Public Facilities.

1.4.2. Condition 21.b. (as most recently amended and contained in Ord. No. PM-2009-394) required the Applicant to provide the Planning Commission with a status report of compliance with the SMA Conditions prior to the issuance of any other land use permits, including an update of the Roadway and Public Access Plan (August 2006) identifying the location of the Public Accessways and Public Facilities.

1.5 SMA Conditions. The SMA Conditions included the following conditions related to public access, public recreational improvements and annual reports:

1.5.1. Condition 9 of the SMA Conditions (as most recently amended and contained in the Third Amendment) required the Applicant under the SMA Master Permit to:

a. Provide Public Access over the Public Accessways.

b. Provide Public Facilities as shown on the Public Access Plan (May 2009), including: recreational shelters; shower and restroom facilities; 10 public parking stalls at the eastern edge of the Fashion Landing area; 10 public parking stalls at the western end of the project near Kukii Point; and a lateral pedestrian public access from the Fashion Landing area to the Inn on the Cliffs area and on to Kukii Point.

1.5.2. Condition 28 of the SMA Conditions required the Applicant to provide annual reports to the Planning Commission.

1.6 Purpose. The Parties wish to enter into this MOU for the following purposes:

a. The Parties wish to clarify the obligations, duties and responsibilities under the Ordinance Conditions and the SMA Conditions of the Tower Entities, as developers of the Hōkūāla Resort, and Tower Kauai Lagoons, LLC, as Acting Declarant under the Hōkūāla CC&Rs.

b. The Parties wish to update the original Roadway And Public Access Plan (August 2006), as modified by Public Access Plan (May 2009), by adopting the current Public Access Plan (Exhibit "A") and the current Passive Beach Park Plan (Exhibit "B").

c. The Parties wish to confirm that the Public Access Plan (Exhibit "A") accurately shows the existing Public Accessways and Public Easements on the Hōkūāla Resort as of the date of this MOU.

d. The Parties wish to confirm that the Passive Beach Park Plan (Exhibit "B") accurately shows the location of the existing Public Improvements on the Hōkūāla Resort as of the date of this MOU.

e. The Parties wish to agree on a process by which the Public Access Plan (Exhibit "A") and the Passive Beach Park Plan (Exhibit "B") may be reviewed and updated as necessary to comply with the Ordinance Conditions and the SMA Conditions.

2. DEFINITIONS.

2.1 Definitions. The Parties agree that the following terms shall have the following meanings:

2.1.1. "Acting Declarant" means Tower Kauai Lagoons 8, LLC as the successor to the original Declarant named as Acting Declarant under the Hōkūāla CC&Rs.

2.1.2. "Applicant" shall mean the original Applicants under the Ordinances and SMA Master Permit. The term shall include the Tower Entities, as successors in interest to the Applicant, with regard to the Ordinance Conditions and the SMA Master Permit Conditions applicable to the Tower Lots.

2.1.3. "Bicycle" shall mean a non-motorized bicycle.

2.1.4. "Council" shall mean the Council of the County of Kauai.

2.1.5. "County Lot" shall mean that certain property located in Kalapaki and Hanamaulu, Lihue, Kauai, Hawaii, identified by Kauai Tax Map Key No. (4) 3-5-001:102.

2.1.6. "CZO" shall mean the Comprehensive Zoning Ordinance of the County of Kauai, as codified in Title IV, Chapter 8 of the Kauai County Code, 1987.

2.1.7. "Hökūāla CC&Rs" means the Declaration Of Covenants, Conditions And Restrictions For Kauai Lagoons recorded in the Bureau as Document No. 2008-040613 and in the Land Court as Land Court Document No. 3723797, as amended: by a First Amendment To Declaration Of Covenants, Conditions And Restrictions For Kauai Lagoons recorded in the Bureau as Document No. 2009-093734 and in the Land Court as Land Court Document No. 3870079; by annexation recorded in the Bureau as Document No. 2010-038754; by a Second Amendment To Declaration Of Covenants, Conditions And Restrictions For Kauai Lagoons recorded in the Bureau as Document No. A-54780169 and in the Land Court as Land Court Document No. T-9130059; by a Third Amendment To Declaration Of Covenants, Conditions And Restrictions For Kauai Lagoons recorded in the Bureau as Document No. A-72410588 and in the Land Court as Land Court Document No. T-10893265; and by an Assignment Of Declarant Rights Under Declaration Of Covenants, Conditions And Restrictions For Kauai Lagoons recorded in the Bureau as Document No. A-54780206 and in the Land Court as Land Court Document No. T-9130061.

2.1.8. "Hökūāla Resort Index" means the index listing the Public Accessways and Public Easements attached hereto as Exhibit "C".

2.1.9. "Hökūāla Resort" means all of the lands located within the Hökūāla Resort project in Kalapaki, Lihue, Kauai, Hawaii, as shown on Exhibit "D" attached hereto.

2.1.10. "Lateral Shoreline Access" shall mean pedestrian access along the shoreline on the southern side of the Hökūāla Resort.

2.1.11. "Lot 5-A" shall mean Lot 5-A of the Hökūāla Resort identified by Kauai Tax Map Key No. (4) 3-5-001:168.

2.1.12. "Ordinances" shall mean County Ordinance Nos. PM-146-86, PM-2002-363, PM-2006-383, and PM-2009-394.

2.1.13. "Ordinance Conditions" shall mean the Conditions of Approval of the Ordinances.

2.1.14. "Passive Beach Park" shall mean: the unimproved shoreline areas located on and along the Shoreline on the south side of the Hökūāla Resort, including the Running Waters Beach area; the Public Accessways and Public Easements providing access to and through the Passive Beach Park; and the Public Facilities supporting the Passive Beach Park uses.

2.1.15. "Passive Beach Park Plan" shall mean the plan attached hereto and incorporated herein as Exhibit "B".

2.1.16. "Planning Commission" shall mean the Planning Commission of the County of Kauai.

2.1.17. "Planning Department" shall mean the Planning Department of the County of Kauai.

2.1.18. "Planning Director" shall mean the Director of the Planning Department.

2.1.19. "Public Accessways" shall mean the system of vehicular roads, non-motorized Bicycle pathways, and pedestrian pathways on the Hōkūala Resort serving the guests and residents of the Hōkūala Resort which are also available for use by the public. This term shall not include any golfcart paths which are intended for use by golfers as part of an active golf course operation.

2.1.20. "Public Easements" shall mean Public Accessways over which recorded easements exist in favor of the County of Kauai.

2.1.21. "Public Facilities" shall mean: the public recreational pavilion with showers and restrooms on the Hōkūala Resort located on the west side of Running Waters Beach ("West Pavilion"); the public recreational pavilion with showers on the Hōkūala Resort located on the east side of Running Waters Beach ("East Pavilion"); the two (2) portable toilet facilities located at the Fashion Landing site; the picnic tables located within the Passive Beach Park; and the Public Parking, Public Accessways, and Public Easements used by the public to access the Passive Beach Park and the Lateral Beach Access. All of the Public Facilities are shown on the Passive Beach Park Plan.

2.1.22. "Public Improvements" shall mean the Passive Beach Park, Public Accessways, Public Facilities, Public Parking, and Signage.

2.1.23. "Public Parking" shall mean the designated parking areas for the public located at the southern end of Kalapaki Circle and adjacent to the Fashion Landing area as shown on the Public Access Plan.

2.1.24. "Roadway And Public Access Plan" shall mean the plan attached hereto as Exhibit "A".

2.1.25. "Shoreline" has the same meaning as the term is defined in Hawaii Revised Statutes Section 205A-1.

2.1.26. "Signage" shall mean the directional and informational signs used to identify the Public Accessways, Public Easements, Passive Beach Park, Public Facilities, Public Parking, and Lateral Shoreline Access.

2.1.27. "SMA Conditions" shall mean the Conditions of Approval of the SMA Permit.

2.1.28. "SMA Permit" shall mean Special Management Area Use Permit SMA(U)-2005-8, Project Development Use Permit PDU-2005-26, Use Permit U-2005-25, Variance Permit V-2005-7 and Class IV Zoning Permit Z-IV-2005-30, as amended by a First Amendment to SMA Permit, a Second Amendment to SMA Permit, and a Third Amendment to SMA Permit.

2.1.29. "Status Report" shall mean the annual reports to the Planning Commission required by the Ordinance Conditions and the SMA Conditions.

2.1.30. "Tower Entities" shall mean: Tower Kauai Lagoons, LLC, a Delaware limited liability company, Tower Kauai Lagoons Land, LLC, a Delaware limited liability company; Tower Kauai Lagoons 8, LLC, a Delaware limited liability company (for itself and in its capacity as Acting Declarant); 2014 Kauai Lagoons Golf, LLC, a Delaware limited liability company; Tower Kauai Lagoons Retail, LLC, a Delaware limited liability company; and Tower Kauai Lagoons TS, LLC, a Delaware limited liability company.

3. AGREEMENT AND UNDERSTANDING.

3.1 Compliance. The Parties agree that the Tower Entities shall comply with the Ordinance Conditions and the SMA Conditions as follows:

3.1.1. The Tower Entities shall provide public access on a twenty-four (24) hours a day, seven (7) days a week basis over and to the Public Easements, the Public Facilities, the Passive Beach Park, and the Public Accessways. The Public Accessways shown by the solid orange line on the Public Access Plan may be used for vehicular, Bicycle and pedestrian access purposes. The Public Accessways shown by the dotted orange line on the Public Access Plan may be used for pedestrian and Bicycle access purposes. The Public Easements are shown by the solid green line (for vehicular, pedestrian and Bicycle access) and by the dotted green line (for pedestrian and Bicycle access) on the Public Access Plan.

3.1.2. The Tower Entities shall provide Public Parking including a minimum of ten (10) parking spaces in the Kalapaki Circle Parking area and a minimum of ten (10) parking spaces in the Fashion Landing Parking area as shown on the Public Access Plan.

3.1.3. The Tower Entities shall continue to provide and maintain the following Public Facilities in the locations shown on the Park Plan:

- a. The West Pavilion;
- b. The East Pavilion;

- c. The two (2) Fashion Landing Portable Toilets;
- d. Four (4) Picnic Tables; and
- e. Public Accessways for pedestrian purposes which provide access to the Public Facilities, the Shoreline, the Lateral Shoreline Access, the Passive Beach Park, and Running Waters Beach.

3.1.4 Until such time as the Fashion Landing building is repaired and/or a new building is constructed and commercial operations are resumed, the Tower Entities shall be allowed to satisfy the shower and restroom requirements for the Fashion Landing area: by providing two (2) portable toilets in this area; and by maintaining the shower facilities in the East Pavilion.

3.2 Passive Beach Park. With the exception of the Public Facilities, the approximately 2,500 square foot existing picnic area on the west side of the West Pavilion and Public Accessways serving the Passive Beach Park, the Parties agree that the Passive Beach Park shall be allowed to remain in its natural state.

3.3 Signage. The Tower Entities shall provide Signage in locations as shown on the Public Access Plan and on the Passive Beach Park Plan.

3.4 Public Easement. The Parties agree that public use and access over the Public Easements shall be governed by the provisions of the Public Easement documents. The Public Easements for vehicular, pedestrian and Bicycle access are shown by the solid green line on the Public Access Plan. The Public Easements for pedestrian and Bicycle access are shown by the dotted green line on the Public Access Plan.

3.5 Modifications.

3.5.1. The Tower Entities shall have the right to add to, substitute, relocate, realign, and modify the Public Improvements ("Modifications") as reasonably necessary for the future development of the Hōkūāla Resort, provided that:

- a. The Tower Entities shall be solely liable for all costs, expenses and fees necessary for, or arising out of, such Modifications.
- b. The Tower Entities shall provide the Planning Department with sixty (60) days prior written notice of the proposed Modification together with such documents or materials necessary to describe the proposed Modification.
- c. The Public Improvements as modified shall provide substantially the same or greater benefits to the public as they did prior to the modification.

d. The Planning Director shall review any proposed Modification for consistency with the Ordinances, Ordinance Conditions, SMA Permit, SMA Conditions, the CZO, and this MOU and, within sixty (60) days of receipt of the notice, approve, disapprove or approve the Modification with conditions as may be reasonable. The failure of the Planning Director to act within the sixty (60) day period shall be deemed an approval. Tower shall have the right to appeal any decision of the Planning Director pursuant to the Planning Commission Rules of Practice And Procedure.

3.5.2. Notwithstanding the provisions of Section 3.5.1., the Tower Entities shall have the right to withdraw and remove any road or pathway located on Lot 5-A from the definition of Public Accessways and from the provisions of this MOU ("Removal"), provided that:

a. The Removal is reasonably necessary for the future development of Lot 5-A.

b. The Tower Entities shall be solely liable for all costs, expenses and fees for or arising out of such Removal.

c. The Tower Entities shall provide the Planning Department with sixty (60) days prior written notice of the proposed Removal together with such documents or materials necessary to describe the proposed Removal.

d. The road or pathway being removed from public use as a Public Accessway is also being removed for such use from the guests and residents of the Hōkūala Resort.

e. The Removal is consistent with the Ordinances, Ordinance Conditions, SMA Permit, SMA Conditions, CZO and this MOU.

f. Nothing herein shall prevent the Planning Commission or Council from imposing new conditions related to Tower's obligation to provide new Public Accessways on Lot 5-A as a condition of approval for any new ordinance or permit required for the future development of Lot 5-A.

3.6 Annual Report. The Tower Entities agree to submit to the Planning Commission as part of its required annual Status Report the following information and documents:

a. An updated Public Access Plan.

b. An updated Passive Beach Park Plan.

c. An updated Access Index.

- d. A description of any Modifications.
- e. A description of any Removals.
- f. A description of the condition of all Public Improvements.
- g. A description of the condition of the two (2) Fashion Landing Portable Toilets and any plans for the renewal of the Fashion Landing commercial operation.

4. GENERAL PROVISIONS.

4.1 Counterpart. This MOU may be executed in more than one counterpart, each of which shall be considered to be an original, but all of which shall constitute a single counterpart.

4.2 Modification of MOU. This MOU represents the entire agreement between the Parties hereto and may not be modified or terminated, in whole or in part, except by another agreement in writing, duly executed by all of the Parties. This MOU is intended to revise and amend any conflicting provisions contained in the Original MOU.

4.3 Controlling Law. The performance and interpretation of this MOU shall be controlled by the laws of the State of Hawaii.

4.4 Rights and Obligations. The rights and obligations set forth herein shall be binding upon, and shall inure to the benefit of, the Parties and their respective heirs, estates, personal representatives, successors, successors in trust and assigns.

4.5 Effective Date. This MOU shall not become effective and binding unless and until signed by all of the Parties hereto. The effective date of this MOU shall be as of the date signed by the last party to sign.

4.6 Definitions. The term "Acting Declarant", "Tower Entities", "Council", "County", "Planning Commission", "Planning Department", "Party" and "Parties" when used in this MOU, or any pronouns used in their place, mean and include males or females, and one or more (or a combination of) real people, companies, corporations or other entities, and each of their respective heirs, devisees, personal representatives, successors, successors in trust and assigns, according to the context.

4.7 Facsimile/Email. The Parties agree that facsimile and electronic mail (email) signatures of this MOU and any other documents related to this MOU shall be binding and effective for all purposes and treated in the same manner as physical signatures.

IN WITNESS WHEREOF, the undersigned have executed this MOU the day and year first above written.

TOWER ENTITIES:

TOWER KAUAI LAGOONS, LLC,
a Delaware limited liability company

By: Tower Kauai Lagoons, LLC,
a Delaware limited liability company
Its: Sole Member

By DocuSigned by: Derek Smith
Name: ~~Derek Smith~~
Title: Executive Committee Member

By DocuSigned by: Taejo Kim
Name: ~~Taejo Kim~~
Title: Executive Committee Member

TOWER KAUAI LAGOONS LAND, LLC,
a Delaware limited liability company

By: Tower Kauai Lagoons, LLC,
a Delaware limited liability company
Its: Sole Member

By DocuSigned by: Derek Smith
Name: ~~Derek Smith~~
Title: Executive Committee Member

By DocuSigned by: Taejo Kim
Name: ~~Taejo Kim~~
Title: Executive Committee Member

TOWER KAUAI LAGOONS 8, LLC,
a Delaware limited liability company

By: Tower Kauai Lagoons, LLC,
a Delaware limited liability company
Its: Sole Member

DocuSigned by:
By Derek Smith
Name: Derek Smith
Title: Executive Committee Member

DocuSigned by:
By Taigo Kim
Name: Taigo Kim
Title: Executive Committee Member

2014 KAUAI LAGOONS GOLF, LLC,
a Delaware limited liability company

By: Tower Kauai Lagoons, LLC,
a Delaware limited liability company
Its: Sole Member

DocuSigned by:
By Derek Smith
Name: Derek Smith
Title: Executive Committee Member

DocuSigned by:
By Taigo Kim
Name: Taigo Kim
Title: Executive Committee Member

TOWER KAUAI LAGOONS RETAIL, LLC,
a Delaware limited liability company

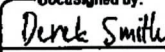
By: Tower Kauai Lagoons, LLC,
a Delaware limited liability company
Its: Sole Member

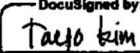
DocuSigned by:
By Derek Smith
Name: Derek Smith
Title: Executive Committee Member

DocuSigned by:
By Taigo Kim
Name: Taigo Kim
Title: Executive Committee Member

TOWER KAUAI LAGOONS TS LLC,
a Delaware limited liability company


By: Tower Kauai Lagoons, LLC,
a Delaware limited liability company
Its: Sole Member

By 
Name: ~~Derek Smith~~
Title: Executive Committee Member

By 
Name: ~~Taejo Kim~~
Title: Executive Committee Member

COUNTY:

PLANNING DEPARTMENT
COUNTY OF KAUAI

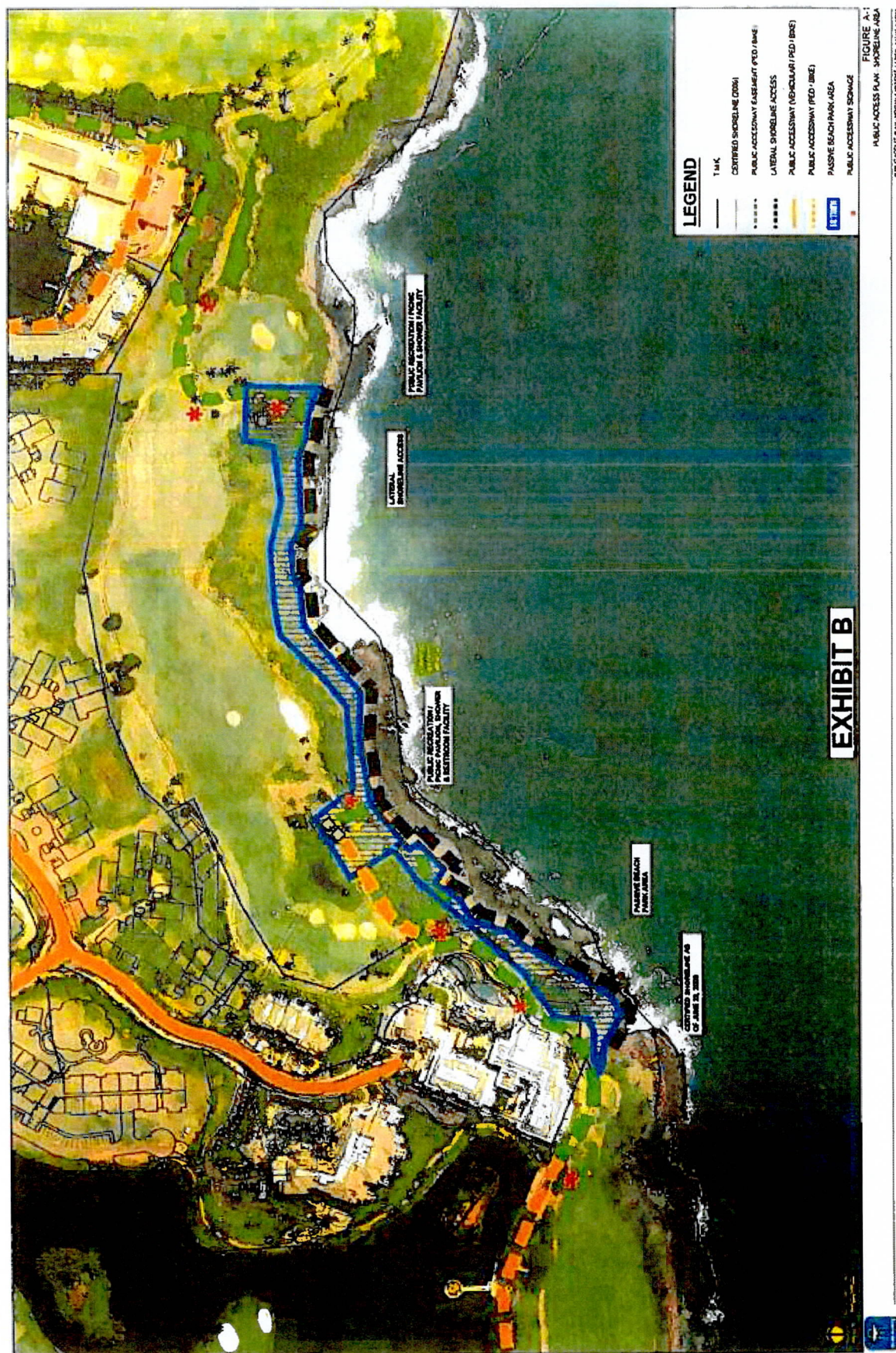
By 

Its Planning Director

APPROVED AS TO FORM
AND LEGALITY:


County Attorney





HOKUALA RESORT INDEX

A. PUBLIC ACCESSWAYS.

TMK	LOT	ACCESSWAY	LOT OWNER
(4) 3-5-001:001	R	HOOLAULEA WAY	KAUAI GOLF LLC
(4) 3-5-001:027	2-A-1	PÄHOLA DRIVE PATHS KALAPAKI CIRCLE EASEMENT 15 PATH	TOWER KAUAI LAGOONS LAND LLC
(4) 3-5-001:168	5-A	PATH	2014 KAUAI LAGOONS GOLF LLC
(4) 3-5-001:174 (0001-0081)	10-B	PATH	KALANIPUTU CONDOMINIUM (HOKUALA CC&RS LOT)
(4) 3-5-004:110	ROAD LOT B	KAHILIPULI WAY	TOWER KAUAI LAGOONS LAND LLC
(4) 3-5-004:220	9-E	HOOLAULEA WAY HOLOKAWELU WAY	TOWER KAUAI LAGOONS TS LLC
(4) 3-5-004:209	ROAD LOT D	PATH	TOWER KAUAI LAGOONS LAND LLC
(4) 3-5-004:711	ROAD LOT E	ALAOI WAY	TOWER KAUAI LAGOONS LAND LLC

EXHIBIT "C"

B. PUBLIC EASEMENTS.

TMK	LOT	EASEMENT	ACCESSWAY	LOT OWNER
(4) 3-5-001:006	3	20	NININI POINT STREET	TOWER KAUAI LAGOONS LAND LLC
(4) 3-5-001:027	2-A-1	7/8/9 11/21/R-2 SA-1-B SA-2 SA-3	NININI POINT STREET PATH	TOWER KAUAI LAGOONS LAND LLC
(4) 3-5-004:110	ROAD LOT B	R-2	KAHILIPULU WAY	TOWER KAUAI LAGOONS LAND LLC
(4) 3-5-001:168	5-A	21/22	NININI POINT STREET	2014 KAUAI LAGOONS GOLF LLC
(4) 3-5-001:173	10-A	R-3 16/SA-4	KAHILIPULU WAY PATH	TOWER KAUAI LAGOONS RETAIL LLC
(4) 3-5-001:216 (0001-0050)	9-A	SA-1-B	PATH	TK RESORT CONDOMINIUM

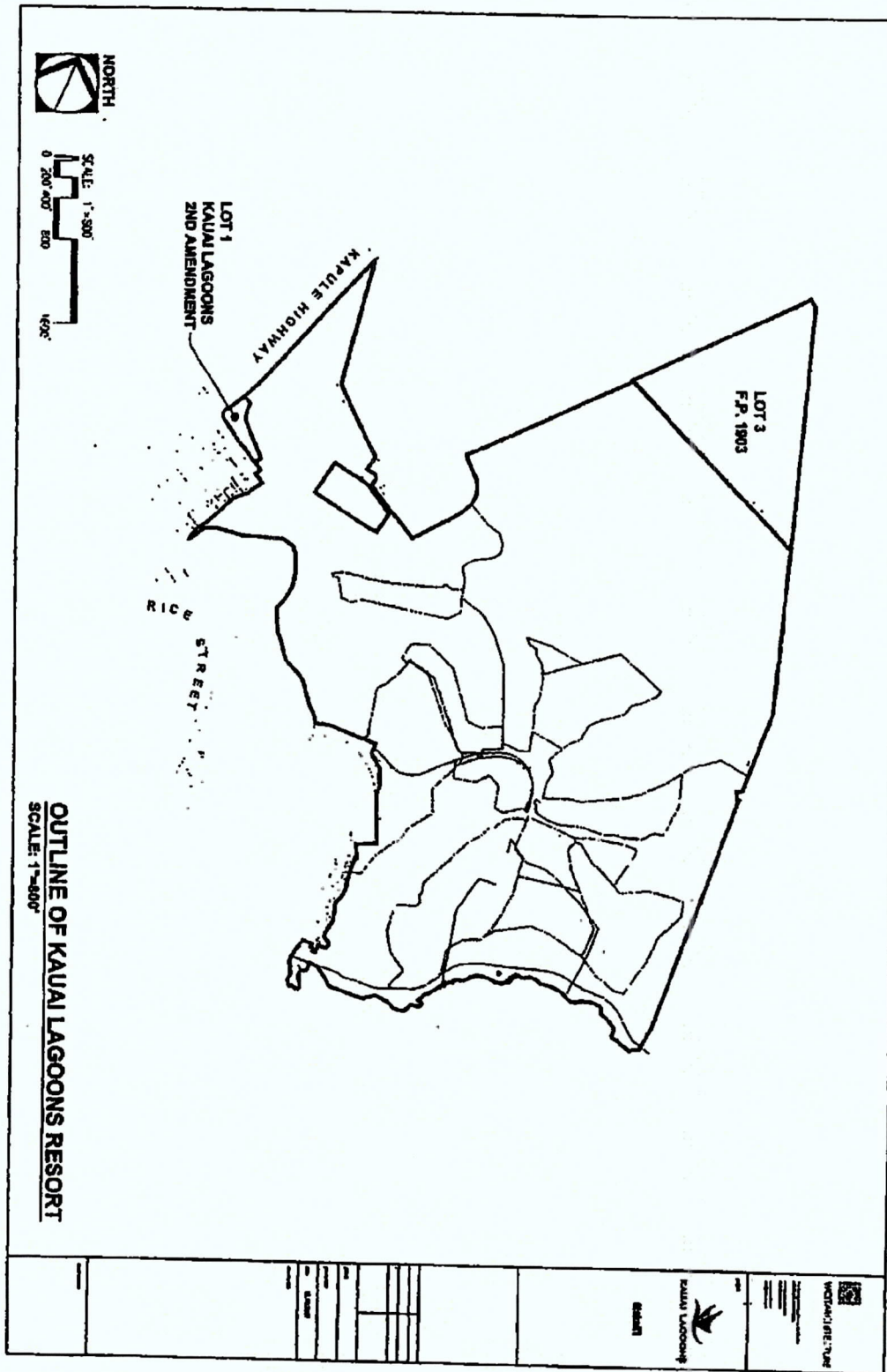


EXHIBIT "D"

Bernard P. Carvalho, Jr.
Mayor



Michael A. Dahilig
Director of Planning

Wallace G. Rezentes, Jr.
Managing Director

Ka'aina S. Hull
Deputy Director of Planning

PLANNING DEPARTMENT

County of Kauai, State of Hawaii

4444 Rice Street, Suite A-473, Lihue, Hawaii 96766
TEL (808) 241-4050 FAX (808) 241-6699

SEP 06 2016

Mr. Michael J. Belles, Esq.
Belles Graham Proudfoot Wilson and Chun LLP
4334 Rice Street Suite 202
Lihue, Hawaii 96766

Mr. Michael Cuthbertson
Tower Kauai Lagoons, LLC
3351 Ho'olaule'a Way
Lihue, Hawaii 96766

RE: **Departmental Determination DD-2017-7**
SMA-(U)-2005-08; PDU-2005-26; U-2005-25; Z-IV-2005-30
Clarification or Interpretation of Enforcement Relating Existing Permitting
Conditions Imposed by Either the Planning Director or Planning
Commission
TMKs (4)-3-5-01: 1, 6, 27, 168, 169, 171, 173, 177, 216-220; 3-5-02:19;
3-5-04:100-110, 200-209, 300-311, 400-424, 700-711

Dear Sirs:

Mahalo for your August 29, 2016 correspondence related to the above referenced permits and whether adjustments to the product mix, while not increasing total density on the project, are within compliance of both the issued permits and related council planning measures.

In reviewing the proposed new master plan, I concur the density counts and corresponding changes in unit-type mix do not run afoul of any conditions imposed on the project and can determine no negative enforcement actions will be anticipated should the developer move forward as set forth in the August 29th transmittal.

I hope this determination meets to your satisfaction – should you have any further questions please do not hesitate to contact me.

Me Ke Aloha Pumehana,

Michael A. Dahilig
Director of Planning

An Equal Opportunity Employer

Francis DeGracia, Chair
Planning Commission of the County of Kauai
c/o Kaaina Hull, Planning Director and
Clerk of the Commission
4444 Rice Street, Suite A473
Lihue, Hawaii, 96766
planningdepartment@kauai.gov
July 24, 2023

COUNTY OF KAUAI

'23 JUL 24 A9:22

PLANNING DEPT.

JUL 24 '23 AM 11:34
PLANNING DEPT

Re: In Re the Applications of Try Slow, LLC
Shoreline Setback Applications and Determinations, SSD 2023-45, SSD 2023-46,
SSD 2023-47 and SSD 2023-48

Dear Planning Commission Chair DeGracia, Vice Chair Apisa and Commissioners,

Pursuant to Chapter 9, Rules of Practice and Procedure of the Kauai County Planning Commission and Chapter 8, Article 27.13 Appeal of the Director's Determination, Kauai County Code, 1987 as amended; Appellants Mālama Kua āina and Caren Diamond, Executive Director, and in my individual capacity file this Petition for Appeal regarding Try Slow, LLC Shoreline Setback Determination Exemptions, File No. SSD 2023-45, SSD 2023-46, SSD 2023-47 and SSD-2023- 48 dated 5/23/2023, TMK 5-8-8:034 noticed on the Planning Commission Agenda June 27, 2023.

Chapter 8, Section 27.13 Appeal of the Director's Determination:

Any person who can show that a direct probable harm to his or her person or his or her property interest, or probable public harm could occur from the decision may appeal any Shoreline Setback Determination, Approval, Denial or Determination of Inapplicability by the Director to the Commission in accordance with the Commission's Rules of Practice and Procedure.

Chapter 9, Appeals from Actions of the Planning Director

1- 9- 1 Applicability b) Any person who can show that a direct probable harm to his or her person or his or her property interest, or probable public harm could occur from the decision may petition to appeal any Shoreline Setback Determination, Approval, Denial or Determination of Inapplicability by the Director pursuant to Chapter 8, Article 27 of the Kauai County Code.

Petition for Appeal

1. Appellants

Mālama Kua'āina

Caren Diamond, Executive Director and individually

PO Box 536

Hanalei, HI. 96714

808-652-0780

malamakuaaina@gmail.com

kaimanacd22@yahoo.com

H.1.

August 8, 2023

2. Identification of the property and appellant's interest therein.

The property is identified by the applicant as:

Try Slow, LLC
4400 Oneone Rd
Hanalei, HI. 96714
(4)5-8-008:034
Lot 21-A-1 Wainiha Hui Land

Appellants, Mālama Kua'āina and Caren Diamond, as both Executive Director and in my individual capacity file this Appeal of the Planning Director's Shoreline Setback Decisions dated May 23, 2023, File No. SSD 2023-45, 2023-46, 2023-47 and 2023-48, TMK 5-8-008:034. Appellants appeal the Director's finding that pursuant to Chapter 8-27.3 of the Kauai County Code, 1987 as amended, the "Applicant" is "exempt from those shoreline setback determination requirements under 8-27.8". (Exhibit "A1- A4, SSD 2023-45, SSD 2023-46, SSD 2023-47 and SSD 2023-48, "Shoreline Setback Exemptions ").

Mālama Kua'āina ("MKA") is a 501(c)(3) organization established in 2012 to provide information, education, advocacy and legal resources relating to the natural environment and the preservation and protection of public trust resources on Kauai. MKA is dedicated to protection of Kauai's unique fragile natural resources. MKA's primary work focuses on shoreline and public trust issues, such as beach protection and beach access, planning for coastal hazards, working on community resilience projects, and community and coastal advocacy.

Diamond resides in Wainiha near this beach and has lived in close proximity for more than 43 years. "This is a very special place as my children were born and raised on Oneone Rd., and we played and swam at the beach here daily. I continue to frequent this beach for rejuvenation and recreation many times a week and come here with my grandchildren often."

Exempting this development from HRS 205A in addition to the setback exemption will result in loss of valuable public trust lands and impact safe lateral access. We are filing these appeals to prevent further harm and lasting impacts to the beach and shoreline at this special beach. Such harm from the proposed development includes but is not limited to the serious impact on the social, cultural and recreation uses of the beach here known as Baby Beach and Anchorage Point. There was a well-used public access State Easement here now blocked by a wall. The beach is covered in copious amounts of planted vegetation that block safe lateral access along the beach. Access to and along the shoreline here is gone for much of the year . Appellants have an interest in upholding shoreline and setback laws to preserve our public trust rights and resources.

3. Zoning Ordinance or Subdivision Ordinance on Regulation In Question

Article 27. Shoreline Setback Ordinance, Chapter 8, Section 8-27.1 et. seq., including but not limited to c8-27.1, 8-27.3, 8-27.4, 8-27.5 and 8-27.6, 8-27.7 and 8-27.8 .

The Coastal Zone Management Act, HRS 205A-1, et. seq., including but not limited to Part III, Shoreline Setbacks, 205A-41, et. seq.

Public Access to Coastal and Inland Recreational Areas, HRS § 115-1 et. seq. including but not limited to 115-4 Right of transit along shorelines et. seq.

Environmental Impact Statements, HRS 343-1, et. seq. including but not limited to 343-5.

4. *Factual Background*

1. Try Slow, LLC, a Hawaii Limited Liability Co, is the owner of real property referred to as TMK (4)5-8-008:034
2. The State of Hawaii Bureau of Conveyance Deed, Doc No. A-80110247(Exhibit B, "Limited Warranty Deed," recorded on December 7, 2021 was subject to the encumbrances noted
3. Ian K Jung is the authorized agent for Try Slow, LLC
4. Try Slow, LLC. submitted four (4) separate applications for Shoreline Setback Determinations on one lot, TMK (4)5-8-008:034
5. Planning Department Acceptance date on the Try Slow, LLC SSD 2023-45, 2023-46, 2023-47 and 2023-48 applications is dated 5/23/2023
6. Planning Department Determination date on the Try Slow, LLC SSD 2023-45, 2023-46, 2023-47 and 2023-48 applications is also dated 5/23/2023
7. Attached to the Kauai Planning Commission's Agenda for its June 27, 2023 meeting was three pages entitled "Shoreline Setback Determinations". (Exhibit C " Planning Commission Agenda" 6/27/2023;) which included the four approvals for Try Slow, LLC SSD 2023-45, 2023-46, 2023-47 and 2023-48 disclosed for purposes of public notification
8. Caren Diamond sent in testimony prior to the June 27, 2023 Planning Commission meeting, in opposition to the Director's Decision to "exempt" the proposed developments approved in SSD 2023-46, and 2023-48
9. Four separate SSD exemptions were approved for one (1) TMK rather than one SSD that properly evaluated the whole project and its cumulative impacts.
10. The County SSD process did not provide for public participation as required by *HRS § 205A-2. Coastal zone management program; objectives and policies* . There was no opportunity for public participation as there was no public notice until after approval of the Shoreline Setback Determination Exemptions
11. The approvals in SSD 2023-45,46, 47 and 48 do not include a determination by the Director that the proposal complies with the definition of "repair" under Sec. 8-1.5, Kaua'i County Code 1987, as amended as required in Sec. 8-27.7 Permitted structures within the shoreline setback area. *(6) Repairs to a lawfully existing structure, including nonconforming structures, provided that: (D) The Planning Director determines that the proposal complies with the definition of "repair" under Sec. 8-1.5, Kaua'i County Code 1987, as amended*
12. The project application and plans submitted were incomplete, although the box in Part B, page 2 was checked, an *aerial map* was not included
13. The project application and plans submitted were incomplete , although the box in Part B, page 2 was checked, *a detailed plot plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, walls, etc.,* were not included

14. The map drawing included does not show the wall that blocks the Access to the State Easement and state-owned Triangulation Survey Station "Niha II" described by Warranty Deed May 10, 2002 recorded as Document 2002-090067 and granted by instrument dated December 23, 1947 recorded in Liber 2102 at Page 328
15. The Applications do not show access to the 4 cottages ,driveways or parking
16. The Applications do not show cesspool replacement, despite the four vacation rental cottages still utilizing cesspools and their close proximity to the ocean
17. The Applications do not include a certified shoreline survey
18. The 2023-46 application says the proposed projects approximate distance from shoreline(based on an aerial map) is **10 feet.** The application for 2023-45 says the proposed distance is **52 feet.** The application for 2023-47 says the proposed projects approximate distance is **60 feet.** The 2023-48 application says the proposed projects approximate distance from shoreline(based on an aerial map) is **113 feet.** All are arbitrary and capricious and it is unknown what the distance was based on or where it was measured from
19. Public access both to and along the shoreline is severely compromised fronting the cottages. Prolific vegetation encroachments block the beach transit corridor, blocking safe public access, affecting beach processes and increasing risks to people using or trying to traverse the beach in conflict with *HRS §115-5*
20. SSD 2023-46 should have been denied as it is in conflict with the terms of agreement in the Memorandum of Enforcement and Settlement Agreement recorded 1/17/08 as Doc No 2008-007226, as ratified and amended by and incorporated into the 2018 settlement Agreement, dated September 4, 2018, by and between the County of Kauai, Hawaii and Klaus and Ulrike Burmeister, as Trustees of the Burmeister Family Trust including *that **Building #4 may not be improved and will ultimately be removed from its current location***" The terms of agreement state:
 - *The allowable density for Parcel 34 is three single family residences;*
 - *Residence #4 shall be permitted to remain in its present location until the crest of the active beach berm fronting Residence #4 reaches any portion of Residence #4, which time Residence #4 shall at the Owners' expense be removed or, as set forth hereinafter, relocated. Until Residence #4 is removed or relocated, it shall not be enlarged or reconfigured;*

Note: Residence #4 is now referred to as Cottage #2
21. The building appraisals and repair valuations used to justify the "exemptions" are contrived with the valuations far in excess of the appraisal history of the parcel, including but not limited to the information supplied to the National Flood Insurance Program, NFIP resulting from the Community Assistance Visit(CAV) audit. (Exhibit D "Determination of Unsubstantial Improvement" by the Engineer Division.)

5.Planning Director's Action

The Planning Director's May 23,2023 determinations that the Applicant is "exempt" from those shoreline setback requirements of Chapter 8-27.8 of the Kauai County Code, 1987, as amended.

6. Reason for Appeal

The County of Kauai, including but not limited to the Planning Director , Chief Engineer and Planning Commission lack the statutory authority to "exempt" development from the rigors of compliance with the Coastal Zone Management Act, HRS 205A-1, et. seq.

Ordinance No. 979, December 5, 2014 as amended February 4, 2021 is in conflict and contradicts the Coastal Zone Management Act HRS 205A-1, et. seq. including but not limited to Part III, Shoreline Setbacks, HRS 205A-41, which mandates that development obtain a shoreline certification prior to determining a shoreline setback line.

The County of Kauai, including but not limited to the County Engineer lack the statutory authority to expand the size of non-conforming structures, or contravene the intent and purpose of the National Flood Insurance Program, NFIP, with respect to "repairs" and substantial improvements.

Appellants represent both their own individual concerns and the public's concerns and interest in preventing further harm to such a well-loved beach area. Such harm from the proposed development includes but is not limited to the serious impact on public access to and along the shoreline, as well as impacts on social, cultural and recreation uses.

Conclusion

Mālama Kua'āina and Caren Diamond respectfully request that the Planning Commission take the following action:

1. Enter an Order Staying the Planning Director's Decisions in SSD-2023-45, 46, 47 and 48;
2. Enter an Order requiring the Applicant to obtain a certified shoreline ;
3. Enter an Order Reversing the Planning Director's Decisions of May 23, 2023, determining that the Applicant pursuant to 8-27.3 is "exempt" from the shoreline setback determination requirement of 8-27.8;
4. Enter an order requiring the Applicant to remove the structure in SSD 2023-46 as required in the Memorandum of Enforcement and Settlement Agreement
5. Such other action appropriate at this Planning Commission deems appropriate at this time.

Dated July 24, 2023



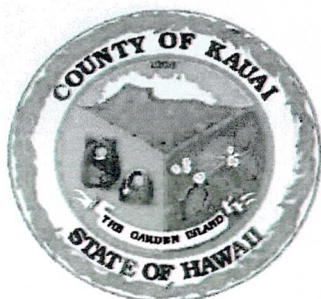
Caren Diamond, Mālama Kua'āina
Executive Director and individually

Exhibits A-1- A-4

SSD 2023-45,
SSD 2023-46,
SSD 2023-47 and
SSD 2023-48, first 3 pages and maps

Exhibits A-1

SSD 2023-45, first 3 pages and map



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	2023 - 45
Acceptance Date:	5.23.23
Website Posting Date:	6.1.23
Determination Date:	5.23.23
Planning Commission Date:	6.27.23
Expiration Date:	5.23.24
Planner Assigned:	R

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	Try Slow, LLC
Mailing Address:	4400 Oneone Road Hanalei, Hawaii 96714
Phone:	(808) 245-2163
Email:	ikj@kauai-law.com
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 100% of the equitable and legal title)
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	April 27, 2023

Project Information (attach additional sheets, if necessary)	
County Zoning District:	R-4
Building Permit Number:	BP No. 22-2412
(If building plans submitted)	
Tax Map Key(s):	(4)5-8-008:034
Land Area:	39,000 sq. ft.
Nature of Development: (Description of proposed structure or subdivision)	Renovation of Existing Single-Family Residence (Cottage No. 1)

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline
☒ Proposed project's approximate distance from shoreline (based on aerial map): 52 ft.
- Property is Not Abutting the Shoreline
☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Additional Information:
☒ Shoreline Change (Erosion/Accretion) Rate: -0.3 and -0.6 ft./year
(Information available here: [Kauai Shoreline Change \(arcgis.com\)](http://kauai-shoreline-change.arcgis.com))
☐ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

The Subject Property abuts the shoreline.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
Flat to sloped with sand dune face on adjacent property.

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
Sandy beach with rocky outcropping.

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____

☐ Is the armoring permitted/authorized? _____

☐ Date of authorization (attach copy of authorization letter): _____

- ☒ Is property in coastal floodplain (if checked, what zone)? VE

- ☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?
Not to my knowledge.

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

Signature

4/27/2023
Date

Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
- ☐ Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.

Ronnie Dela
Planning Director or designee

5.23.23
Date

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

- ☒ A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))
- ☒ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☒ A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☒ Coastal Hazard Disclosure Statement Form



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Exemption Determination



Exemption 1

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.



Exemption 2

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

- (A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;
- (B) The repairs DO NOT constitute a substantial improvement of the structure; and
- (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.



Letter from the Department of Public Works stating that the proposed project does **NOT** constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

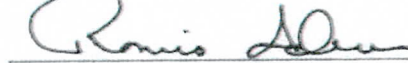
Exemption Determination (to be completed by Planning Department)



Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.



Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)



Planning Director or designee

5.23.23

Date



Additional comments/conditions:

HALE MAKAI COTTAGE 1 RENOVATION

PROJECT DIRECTORY
OWNER: TITAN L.L.C.
1115 S. BAYVIEW RD.
SANTA BARBARA, CA 93108
ARCHITECT: KANOA CHUNG
NANO WORKSHOP
1710 FOLD RD.
SANTA BARBARA, CA 93108
PHONE: 805.511.4771
EMAIL: KANOA@NANOWORKSHOP.COM
STRUCTURAL ENGINEERING CONSULTANT: N/A

SHEET INDEX
OC31 COVER SHEET & SITE PLAN
A01 DEMO & PROPOSED PLAN
A02 ROOF & ELECTRICAL PLAN
A03 EXTERIOR ELEVATIONS
A04 SECTION, DOORS & WINDOW SCHEDULE
A05 STOREY PLANS & INTERIOR ELEVATIONS
A06 BATHROOM PLAN & INTERIOR ELEVATIONS

OC31: COVER SHEET & SITE PLAN
DATE: 11/11/2023
SCALE: 1" = 10' (AS SHOWN)
PROJECT: COTTAGE 1 RENOVATION
SHEET: 1 OF 6
DRAWING: 11/11/2023
BY: KANOA CHUNG
CHECKED: KANOA CHUNG
APPROVED: KANOA CHUNG
NANO WORKSHOP
1710 FOLD RD.
SANTA BARBARA, CA 93108
PHONE: 805.511.4771
EMAIL: KANOA@NANOWORKSHOP.COM

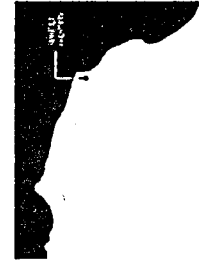
PROJECT INFORMATION
PROJECT ADDRESS: 4400-A CHONE RD
HAWAII, HI 96714
PROJECT NAME: HALE MAKAI
PROJECT TYPE: RESIDENTIAL
PROJECT SIZE: 2.893 ACRES
PROPERTY SIZE: 29,000 SF
ZONING: R4
BUILDING UNITS: 4
BUILDING USE: TEMPORARY VACATION RESIDUALS
OCCUPANCY GROUP: RESIDENTIAL
CONSTRUCTION TYPE: V-B
CLIMATE ZONE: 1
FLOOD ZONE: VE COASTAL FLOOD HAZARD
EFFECTIVE WIND SPEED: 100 MPH
EXPOSURE CATEGORY: C
SEISMIC CATEGORY: B
ROOF LIVE LOAD: 20 PSF
FLOOR LIVE LOAD: 40 PSF
SPRINKLED: NO
BUILDING CODE INFO:
- 2015 INTERNATIONAL BUILDING CODE
- 2015 INTERNATIONAL PLUMBING CODE
- 2017 NATIONAL ELECTRICAL CODE
- 2015 INTERNATIONAL MECHANICAL AND MECHANICAL VENTILATION AND AIR CONDITIONING CODE
- 2015 INTERNATIONAL ENERGY CONSERVATION CODE
- 2012 SAMP CDO
NOTE: ALL CODE TO INCLUDE LOCAL AMENDMENTS
ECC COMPLIANCE: 2015 ECC - EXISTING BUILDINGS
CLASSIFICATION: CLASS 1A
SCOPE OF WORK: ALTERATION OF EXISTING SINGLE FAMILY RESIDENCE

GENERAL NOTES
- ALL EXISTING SITE CONDITIONS AND DIMENSIONS TO REMAIN UNLESS OTHERWISE NOTED.
- CONSTRUCTION TO BE IN ACCORDANCE WITH THE PROJECT SCOPE OF WORK LIMITED TO 50% OF THE EXISTING BUILDING.
- ALL EXISTING BUILDINGS TO REMAIN UNLESS OTHERWISE NOTED.
- ALL EXISTING BUILDINGS TO REMAIN UNLESS OTHERWISE NOTED.

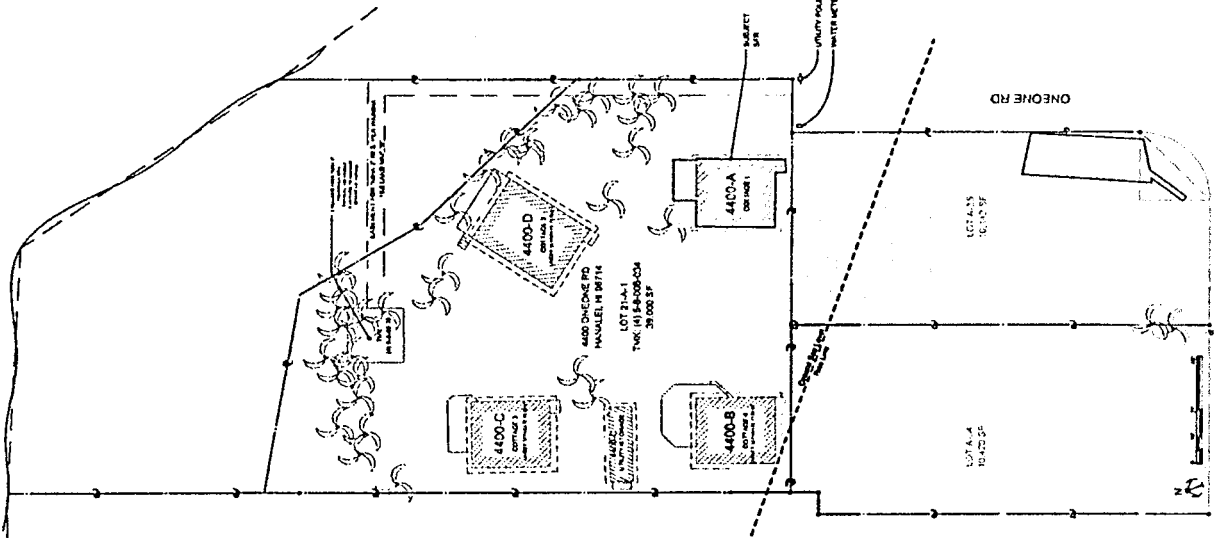
GENERAL BUILDING INFORMATION
COTTAGE #1
ENCLOSED AREA: 715 SF
OUTDOOR AREA: 171 SF
DECK: 839 SF
TOTAL: 1725 SF
LOT CONTRACT INFORMATION
BUILDING FOOTPRINT: 839 SF
ENCLOSED AREA: 1725 SF
TOTAL LOT AREA: 29,000 SF
TOTAL LOT COVERAGE: 4.145 SF
LOT COVERAGE AS %: 14.3%



LOCATION MAP
NOT TO SCALE



WINDY PLAT MAP
NOT TO SCALE



1 Site Plan
SCALE: 1" = 10'

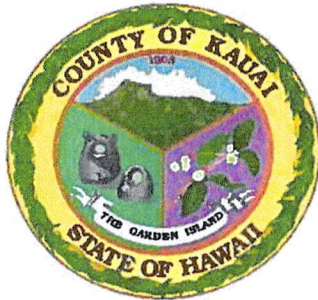
ARCHITECT
noho
WORKSHOP
NANO WORKSHOP
KANOA CHUNG
1710 FOLD RD.
SANTA BARBARA, CA 93108
PHONE: 805.511.4771
EMAIL: KANOA@NANOWORKSHOP.COM
CONSULTANT: N/A
CLIENT
TITAN L.L.C.
1115 S. BAYVIEW RD.
SANTA BARBARA, CA 93108
CERTIFICATION
I, KANOA CHUNG, ARCHITECT
1115 S. BAYVIEW RD.
SANTA BARBARA, CA 93108
DATE: 11/11/2023
CONSULTANT
I, KANOA CHUNG, ARCHITECT
1115 S. BAYVIEW RD.
SANTA BARBARA, CA 93108
DATE: 11/11/2023
PROJECT
Hale Makai
Cottages #1
4400-A CHONE RD
HAWAII, HI 96714
PROJECT NUMBER: 21038
DATE: 11/11/2023
DRAWING ISSUE: 1
SCALE: 1" = 10'

COVER SHEET & SITE PLAN
OC31

EXHIBIT "B"

Exhibits A-2

SSD 2023-46, first 3 pages and map



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	202 <u>3</u> - <u>46</u>
Acceptance Date:	<u>5.23.23</u>
Website Posting Date:	<u>6.1.23</u>
Determination Date:	<u>5.23.23</u>
Planning Commission Date:	<u>6.27.23</u>
Expiration Date:	<u>5.23.24</u>
Planner Assigned:	<u>R1</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	Try Slow, LLC
Mailing Address:	4400 Oneone Road Hanalei, Hawaii 96714
Phone:	(808) 245-2163
Email:	ikj@kauai-law.com
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 100% of the equitable and legal title)
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	April 27, 2023

Project Information (attach additional sheets, if necessary)	
County Zoning District:	R-4
Building Permit Number:	BP No. 22-2413
(If building plans submitted)	
Tax Map Key(s):	(4)5-8-008:034
Land Area:	39,000 sq. ft.
Nature of Development: (Description of proposed structure or subdivision)	Renovation of Existing Single-Family Residence (Cottage No. 2)

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

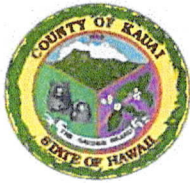
Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline
☒ Proposed project's approximate distance from shoreline (based on aerial map): 10 ft.
- Property is Not Abutting the Shoreline
☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Additional Information:
☒ Shoreline Change (Erosion/Accretion) Rate: -0.3 and -0.6 ft./year
(Information available here: [Kauai Shoreline Change \(arcgis.com\)](https://www.kauai.gov/arcgis.com))
☐ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

The Subject Property abuts the shoreline.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
Flat to sloped with sand dune face on adjacent property.
- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
Sandy beach with rocky outcropping.
- ☐ Artificially armored Shoreline
☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
☐ Is the armoring permitted/authorized? _____
☐ Date of authorization (attach copy of authorization letter): _____
- ☒ Is property in coastal floodplain (if checked, what zone)? VE _____
☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?
Not to my knowledge.

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

Signature

Date

Applicability (to be completed by Planning Department)

- ☐ **Setback Determination necessary.** Requirements of Ordinance No. 979 are applicable.
- ☐ **Setback Determination is NOT necessary.** Requirements of Ordinance No. 979 are not applicable.

Planning Director or designee

Date

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

- ☒ A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))
- ☒ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☒ A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☒ Coastal Hazard Disclosure Statement Form



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ **Exemption 1**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☒ **Exemption 2**

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

- (A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;
- (B) The repairs DO NOT constitute a substantial improvement of the structure; and
- (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

- ☒ Letter from the Department of Public Works stating that the proposed project does NOT constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

Exemption Determination (to be completed by Planning Department)

- ☐ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- ☐ Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

Date

- ☐ **Additional comments/conditions:**

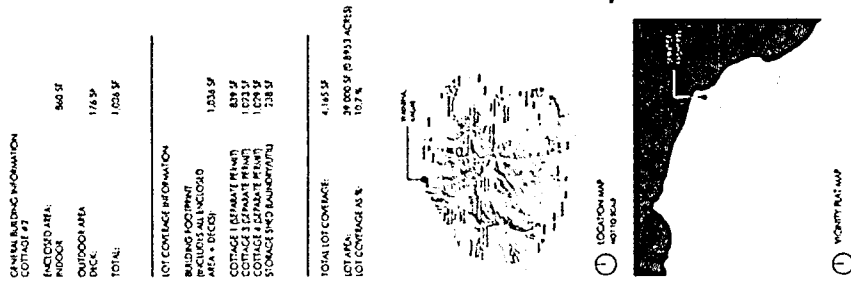
HALE MAKAI COTTAGE 2 RENOVATION

PROJECT DIRECTORY
OWNER: THE SLOW LLC
1710 SLOAN RD
SANTA BARBARA, CA 93108
ARCHITECT: KAMON CHUNG
NHOHO WORKSHOP
1970 SLOAN RD
SANTA BARBARA, CA 93108
STRUCTURAL CONSULTANT: KAMON CHUNG
NHOHO WORKSHOP
1970 SLOAN RD
SANTA BARBARA, CA 93108

SHEET INDEX
DCS1 COVER SHEET & SITE PLAN
A01 DEMO & PROPOSED PLAN
A02 ROOF & ELECTRICAL PLAN
A03 EXTERIOR ELEVATIONS
A04 SECTION DOOR & WINDOW SCHEDULE
A05 EXTERIOR PLANS & INTERIOR ELEVATIONS
A06 EXTERIOR INTERIOR ELEVATIONS
A07 INTERIOR ELEVATIONS

CONTRACT INFORMATION
PROJECT: HALE MAKAI COTTAGE 2 RENOVATION
OWNER: THE SLOW LLC
ARCHITECT: KAMON CHUNG
NHOHO WORKSHOP
1970 SLOAN RD
SANTA BARBARA, CA 93108
DATE: 10/1/2023
SHEET: 1 OF 7
SCALE: 1" = 10'

PROJECT INFORMATION
PROJECT ADDRESS: 4400-D ONEONE RD
HAWAII, HI 96714
TIME: 11:58 AM
ADDRESS: KAHALA
CITY: KAHALA
COUNTY: MAUI
NEIGHBORHOOD CODE: 001
PROPERTY SIZE: 0.8953 ACRES
39,000 SF
ZONING: R-1
UNITS: 4
BUILDING USE: TEMPORARY VACATION RESIDUALS
OCCUPANCY GROUP: RESIDENTIAL
CONSTRUCTION TYPE: V-B
CLIMATE ZONE: 1
FLOOD ZONE: VE COASTAL FLOOD HAZARD
EFFECTIVE WIND SPEED: 100 MPH
EXPOSURE CATEGORY: C
SEISMIC CATEGORY: II
ROOF WIND LOAD: 20 PSF
FLOOR WIND LOAD: 40 PSF
SPRINKLERED: NO
BUILDING CODE INFO:
- 2015 INTERNATIONAL BUILDING CODE
- 2015 INTERNATIONAL PLUMBING CODE
- 2017 NATIONAL ELECTRICAL CODE
- 2015 INTERNATIONAL MECHANICAL CODE
- 2015 INTERNATIONAL ENERGY CONSERVATION CODE
- 2015 IBC CMR
NOTE: ALL CODE TO INCLUDE LOCAL AMENDMENTS
2015 IBC - EXISTING BUILDINGS
EXAMINATIONS
SCOPE OF WORK
ATTENTION OF DISTINGUISHED FURTHER NOTICE
GENERAL NOTES:
- ALL EXISTING SITE CONDITIONS AND DIMENSIONS TO BE MAINTAINED AND COORDINATED WITH THE CONTRACTOR TO VERIFY AND COORDINATE SITE CONDITIONS WITH OWNER AND ARCHITECT
- PROJECT SCOPE OF WORK LIMITED TO 50% OF EXISTING CONDITIONS
- EXISTING CONDITIONS TO BE MAINTAINED AND COORDINATED WITH THE CONTRACTOR TO VERIFY AND COORDINATE SITE CONDITIONS WITH OWNER AND ARCHITECT

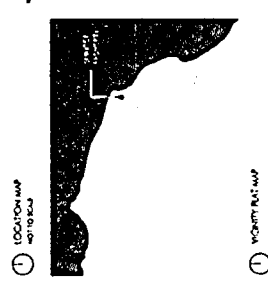


GENERAL BUILDING INFORMATION
CONTINUED

FACTORY AREA:	560 SF
OUTDOOR AREA:	1/4 SF
DECK:	1,028 SF
TOTAL:	1,588 SF

LOT COVERAGE INFORMATION

BUILDING FOOTPRINT AREA (TOTAL):	1,588 SF
LOT AREA:	31,620 SF (0.8953 ACRES)
LOT COVERAGE AS %:	10.7%



ARCHITECT
noho
工作坊
KAMON CHUNG
NHOHO WORKSHOP
1970 SLOAN RD
SANTA BARBARA, CA 93108
P: 805.561.4779
E: kamon@nohohoworkshop.com

CLIENT
CHES & JEN ARTIGIAN
1160 BONNAPAZ DE
SANTA BARBARA, CA 93108

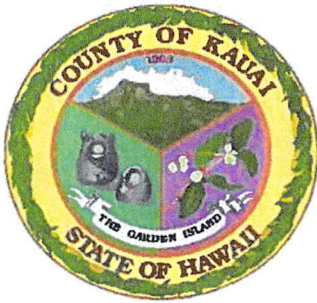
CERTIFICATION
I, the undersigned, being a duly Licensed Architect in the State of California, do hereby certify that the above is a true and correct copy of the original as filed in my office.
DATE: 10/1/2023
SIGNATURE: [Signature]
TITLE: ARCHITECT

PROJECT
Hale Makai
Cottages #2
4400-D Oneone Rd
HAWAII, HI 96714
PROJECT NUMBER: 21039
ISSUE DATE: 4/19/2023
DRAWING ISSUE:
DATE: 10/1/2023
BY: [Signature]

COPY SHEET & SITE PLAN
DCS1

Exhibits A-3

SSD 2023-47, first 3 pages and map



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 2023 - 47

Acceptance Date:	5.23.23
Website Posting Date:	6.1.23
Determination Date:	5.23.23
Planning Commission Date:	6.27.23
Expiration Date:	5.23.24
Planner Assigned:	RL

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information

Applicant: Try Slow, LLC

Mailing Address: 4400 Oneone Road
Hanalei, Hawaii 96714

Phone: (808) 245-2163

Email: ikj@kauai-law.com

Applicant's Status: (Check one)

- ☒ Owner of the Property (Holder of at least 100% of the equitable and legal title)
☒ Authorized Agent Attach Letter of Authorization

Transmittal Date: April 27, 2023

Project Information (attach additional sheets, if necessary)

County Zoning District: R-4

Tax Map Key(s): (4)5-8-008:034

Building Permit Number: BP No. 22-2414

Land Area: 39,000 sq. ft.

(If building plans submitted)

Nature of Development:
(Description of proposed
structure or subdivision)

Renovation of Existing Single-Family Residence (Cottage No. 3)

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

1. Property is Abutting the Shoreline

☒ Proposed project's approximate distance from shoreline (based on aerial map): 60 ft.

2. Property is Not Abutting the Shoreline

☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.

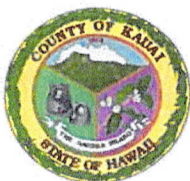
3. Additional Information:

☒ Shoreline Change (Erosion/Accretion) Rate: -0.3 and -0.6 ft./year

(Information available here: [Kauai Shoreline Change \(arcgis.com\)](http://kawaii-shoreline-change.arcgis.com))

☐ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

The Subject Property abuts the shoreline.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
Flat to sloped with sand dune face on adjacent property.

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

Sandy beach with rocky outcropping.

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____

☐ Is the armoring permitted/authorized? _____

☐ Date of authorization (attach copy of authorization letter): _____

- ☒ Is property in coastal floodplain (if checked, what zone)? VE

- ☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?

Not to my knowledge.

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

Signature

4/27/2023
Date

Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
- ☐ Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.

Ronnie L. O'Neil
Planning Director or designee

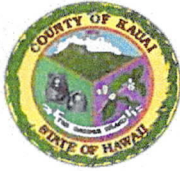
5.23.23

Date

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

- ☒ A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))
- ☒ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☒ A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☒ Coastal Hazard Disclosure Statement Form



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Exemption Determination



Exemption 1

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.



Exemption 2

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

- (A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;
- (B) The repairs DO NOT constitute a substantial improvement of the structure; and
- (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.



Letter from the Department of Public Works stating that the proposed project does NOT constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

Exemption Determination (to be completed by Planning Department)



Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.



Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)



Planning Director or designee

5.23.23

Date



Additional comments/conditions:

[illegible]

OCS1

① VACUUM PLAST MAP

GENERAL NOTE:

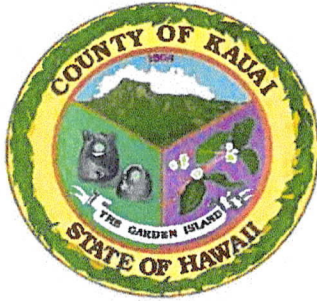
- ALL LISTING SITE CONDITIONS AND DIMENSIONS TO BE VERIFIED AND EVALUATED ON SITE
- CONTRACTOR TO VERIFY AND COORDINATE SITE CONDITIONS WITH OWNER AND ARCHITECT
- PROJECT SCOPE OF WORK LIMITED TO 50% OF PROJECT BUDGET
- CONTRACTOR TO COORDINATE WITH ALL AFFECTED AGENCIES

[illegible]

EXHIBIT "B"

Exhibits A-4

SSD 2023-48, first 3 pages and map



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 202 3 - 48

Acceptance Date:	<u>5.23.23</u>
Website Posting Date:	<u>6.1.23</u>
Determination Date:	<u>5.23.23</u>
Planning Commission Date:	<u>6.27.23</u>
Expiration Date:	<u>3.23.24</u>
Planner Assigned:	<u>R1</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information

Applicant: Try Slow, LLC

Mailing Address: 4400 Oneone Road
Hanalei, Hawaii 96714

Phone: (808) 245-2163

Email: ikj@kauai-law.com

Applicant's Status: (Check one)

- ☒ Owner of the Property (Holder of at least 100% of the equitable and legal title)
☒ Authorized Agent Attach Letter of Authorization

Transmittal Date: April 27, 2023

Project Information (attach additional sheets, if necessary)

County Zoning District: R-4 Tax Map Key(s): (4)5-8-008:034
Building Permit Number: BP No. 22-2415 Land Area: 39,000 sq. ft.
(If building plans submitted)

Nature of Development: Renovation of Existing Single-Family Residence (Cottage No. 4)
(Description of proposed structure or subdivision)

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline
☒ Proposed project's approximate distance from shoreline (based on aerial map): 113 ft.
- Property is Not Abutting the Shoreline
☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Additional Information:
☒ Shoreline Change (Erosion/Accretion) Rate: -0.3 and -0.6 ft./year
(Information available here: [Kauai Shoreline Change \(arcgis.com\)](http://Kauai Shoreline Change (arcgis.com)))
☐ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

The Subject Property abuts the shoreline.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
Flat to sloped with sand dune face on adjacent property.

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
Sandy beach with rocky outcropping.

- ☐ Artificially armored Shoreline
☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
☐ Is the armoring permitted/authorized? _____
☐ Date of authorization (attach copy of authorization letter): _____
☒ Is property in coastal floodplain (if checked, what zone)? VE _____
☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?
Not to my knowledge.

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

Signature

4/27/2023
Date

Applicability (to be completed by Planning Department)

- ☒ **Setback Determination necessary.** Requirements of Ordinance No. 979 are applicable.
☐ **Setback Determination is NOT necessary.** Requirements of Ordinance No. 979 are not applicable.

Ronnie L. Lee
Planning Director or designee

5.23.23
Date

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

- ☒ A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))
☒ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
☒ A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
☒ Coastal Hazard Disclosure Statement Form



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ **Exemption 1**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☒ **Exemption 2**

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

- (A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;
- (B) The repairs DO NOT constitute a substantial improvement of the structure; and
- (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

- ☒ Letter from the Department of Public Works stating that the proposed project does NOT constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

Exemption Determination (to be completed by Planning Department)

- ☐ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- ☐ Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

Date

- ☐ **Additional comments/conditions:**

Exhibit B

“Limited Warranty Deed,” recorded on 12/7/ 2021



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

December 7, 2021 8:01 AM
Doc No(s) A - 80110247

Doc 2 of 3
Pkg 11918724 TAW

/s/ LESLIE T KOBATA
REGISTRAR

Conveyance Tax: \$40,951.40

LAND COURT SYSTEM

AFTER RECORDATION MAIL TO:

TRY SLOW, LLC
1460 Bonnymede Drive
Santa Barbara, CA 93108

REGULAR SYSTEM

Total No. of Pages: _____

TG202154674B RS 2
TGE 7322123999
J. TRUEBLOOD

Grantor: **KLAUS H. BURMEISTER**, as Trustee of the Blue Square Trust dated October 21, 2021

Grantee: **TRY SLOW, LLC**, a Hawaii limited liability company
1460 Bonnymede Drive, Santa Barbara, CA 93108

Tax Map Key: (4) 5-8-008:034

LIMITED WARRANTY DEED

This Limited Warranty Deed is made by and between the below named Grantor and Grantee as of November 30, 2021.

KLAUS H. BURMEISTER, as Trustee of the Blue Square Trust dated October 21, 2021, whose address is 29 Chancellor Place, Berkeley, California 94705, as grantor ("**Grantor**"), for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does by these presents grant, bargain, sell, convey, transfer, set over and deliver unto **TRY SLOW, LLC**, a Hawaii limited liability company, whose address is 1460 Bonnymede Drive, Santa Barbara, California 93108, as grantee ("**Grantee**"), all of Grantor's right, title and interest in and to the following:

All of the fee simple interest in and to that certain real property more particularly described in Exhibit A attached hereto and incorporated herein by reference (hereinafter referred to as the "Property"), subject to the encumbrances noted therein.

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

TO HAVE AND TO HOLD the same, together with all improvements, tangible and intangible property, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed in connection therewith unto Grantee, as **TENANT IN SEVERALTY**, its successors and assigns.

AND GRANTOR, in consideration of the premises, does hereby covenant to and with Grantee that Grantor is lawfully seized in fee simple of the Property; that the Property is free and clear of and from all encumbrances created by Grantor except the lien of real property taxes not yet by law required to be paid, and as may herein specifically be set forth and as may be more particularly set forth in said Exhibit A; that Grantor has good right to sell and convey the Property, and that Grantor will WARRANT AND DEFEND the title of the Property only against any encumbrance made or suffered by Grantor not disclosed on said Exhibit A.

AND GRANTEE does hereby covenant and agree to and with Grantor and Grantor's successors and assigns, that the Property is being conveyed in its existing "**AS IS, WHERE IS**" condition **WITH ALL FAULTS** and that Grantor makes no warranties, representations or promises of any kind, whether express or implied, including without limitation any warranties or promises of habitability, merchantability, workmanlike construction or fitness for a particular use or purpose, except as may be otherwise specifically stated herein.

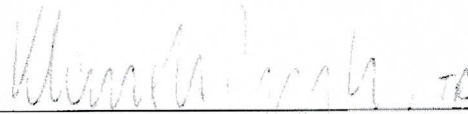
The conveyance herein set forth and the warranties of the Grantors concerning the same are expressly declared to be in favor of Grantee, Grantee's successors and assigns and Grantee hereby accepts the property.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals, associations, trustees, corporations, partnerships, limited liability companies, or limited liability partnerships, and their and each of their respective successors in interest and assigns, successors in trust and permitted assigns, heirs, executors, legal and personal representatives, administrators and assigns, according to the context thereof. All covenants and obligations undertaken by two or more persons shall be joint and several unless a contrary intention is clearly expressed elsewhere herein. This instrument shall be binding upon and shall inure to the benefit of the parties hereto.

The parties hereto agree that this instrument may be executed in two or more counterparts, each of which shall be deemed a duplicate original, and said counterparts together shall 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 all purposes, including without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

[Signature Page Follows]

IN WITNESS WHEREOF, the Grantor and Grantee have executed this instrument on the date first above written.



KLAUS H. BURMEISTER, Trustee of the
Blue Square Trust dated October 21, 2021

"Grantor"

TRY SLOW, LLC, a Hawaii limited
liability company

By: _____
Name: Christopher Arreguin
Its: Manager

By: _____
Name: Jennifer Arreguin
Its: Manager

"Grantee"

IN WITNESS WHEREOF, the Grantor and Grantee have executed this instrument on the date first above written.

KLAUS BURMEISTER, Trustee of the
Blue Square Trust dated October 21, 2021

"Grantor"

TRY SLOW, LLC, a Hawaii limited
liability company

By: 

Name: Christopher Arreguin
Its: Manager

By: 

Name: Jennifer Arreguin
Its: Manager

"Grantee"

ACKNOWLEDGMENT

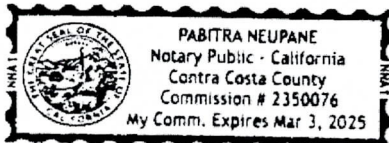
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Alameda)

On 11/30/2021 H., before me, Pabitra Neupane,
Notary Public, personally appeared Klaus Burmeister, Trustee aforesaid, who proved to me on the
basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within
instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized
capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.



WITNESS my hand and official seal.

SIGNATURE _____

My Commission Expires: 03/03/2025

ACKNOWLEDGMENT

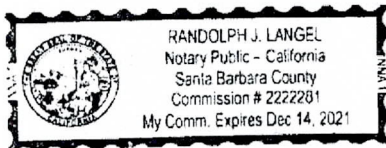
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)
County of Santa Barbara)

On Nov. 29, 2021, before me, Randolph J. Lange,
Notary Public, personally appeared Christopher Arreguin, who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument
and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized
capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.



SIGNATURE Randolph J. Lange

My Commission Expires: 12/14/2021

ACKNOWLEDGMENT

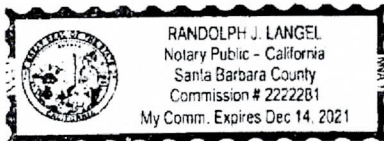
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized
capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.



SIGNATURE Randolph J. Lange

My Commission Expires: 12/14/2021

EXHIBIT A

Property Description (Tax Map Key (4) 5-8-008-034)

Property shall mean and include:

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 7194, Land Commission Award Number 11216, Apana 5 to M. Kekauonohi) situate, lying and being at Wainiha, District of Halelea, Island and County of Kauai, State of Hawaii, being LOT 21-A-1, same being a portion of "WAINIHA HUI LAND", and thus bounded and described:

Beginning at a pipe at the southwest corner of this lot and at the common boundaries of Lots 20, 34-A-1 and 34-A-2 the coordinates of which referred to Government Survey Triangulation Station "NIHA 2", being south 119.19 feet and west 106.67 feet, and running by azimuths measured clockwise from true South:

- | | | | | |
|----|----------|-----|--------|---|
| 1. | 200° 30' | | 280.33 | feet along Lot 20 of Wainiha Hui Land, R.P. 7194, L.C. Aw. 11216, Ap. 5 to M. Kekauonohi, and passing over a pipe at 150.00 feet, to the sea: |
| | | | | Thence along the high-water mark, for the next two courses, the direct azimuths and distances being: |
| 2. | 293° 00' | | 90.00 | feet; |
| 3. | 346° 36' | 30" | 110.92 | feet; |
| 4. | 20° 20' | | 184.33 | feet along Lot 71 of Wainiha Hui Land, and passing over a pipe at 89.33 feet, to a pipe; |
| 5. | 110° 30' | | 152.29 | feet along Road "B", and Lots 35, 34-B and 34-A-1 of Wainiha Hui Land, R.P. 7194, L. C. Aw. 11216, Ap. 5 to M. Kekauonohi, to the point of beginning and containing a gross area of 39,400 square feet, more or less. |

But Property shall except and exclude from the above:

The land reserved by the General Survey Triangulation Station "NIHA 2", having been acquired by the STATE OF HAWAII by COMMISSIONERS' DEED dated December 23, 1947, recorded in Liber 2102 at Page 328, and being more particularly described as follows:

WAINIHA HUI LAND
TRIANGULATION STATION "NIHA 2" RESERVATION
LAND SITUATED AT WAINIHA, HALELEA, KAUAI, STATE OF HAWAII

Being a portion of the Ahupuaa of Wainiha, Royal Patent 7194, Land Commission Award 11216, Apana 5 to M. Kekauonohi

Beginning at the south corner of this reservation, the true azimuth and distance from Government Survey Triangulation Station "NIHA 2" being 335° 20' 14.14 feet, and running by azimuths measured clockwise from true South:

- | | | | |
|----|----------|-------|---|
| 1. | 110° 20' | 20.00 | feet along remainder of the ahupuaa of Wainiha; |
| 2. | 200° 20' | 20.00 | feet along remainder of the ahupuaa of Wainiha; |
| 3. | 290° 20' | 20.00 | feet along remainder of the ahupuaa of Wainiha; |
| 4. | 20° 20' | 20.00 | feet along remainder of the ahupuaa of Wainiha to the point of beginning and containing an area of 400 square feet, more or less. |

BEING THE PREMISES ACQUIRED BY LIMITED WARRANTY DEED

GRANTOR : Klaus H. Burmeister and Ulrike H. Burmeister, Trustees of the Burmeister Family Trust dated January 21, 1994

GRANTEE : Klaus H. Burmeister, Trustee of the Blue Square Trust dated October 21, 2021

DATED : October 26, 2021

RECORDED : Document No. A-79700926

Together with a 15-foot wide easement for access purposes over and across Parcel 20 and Parcel 39, as granted by GRANT OF ACCESS EASEMENT dated -- (acknowledged January 12,

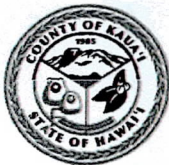
2005), recorded as Document No. 2005-036545; subject to the terms and provisions contained therein.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Location of the seaward boundary in accordance with the laws of the State of Hawaii and shoreline setback line in accordance with County regulation and/or ordinance.
3. Triangulation Survey Station(s) "NIHA 2" located within the land described herein, referenced on the Tax Map. Attention is invited to the provisions of Section 172-13 of the Hawaii Revised Statutes, relative to destruction, defacing or removal of survey monuments.
4. Easement for a trail in favor of all those entitled thereto for access to and from Government Survey Triangulation Station "NIHA 2", containing an area of 1,380 square feet, more or less, as contained and described in WARRANTY DEED dated May 10, 2002, recorded as Document No. 2002-090067, and granted by instrument dated December 23, 1947, recorded in Liber 2102 at Page 328.
5. Any claim or boundary dispute which may exist or arise by reason of the failure of the GRANT OF ACCESS EASEMENT dated -- (acknowledged January 12, 2005), recorded as Document No. 2005-036545 referred to in Schedule C to locate with certainty the boundaries of a 15 feet wide easement for access purposes described in said instrument.
6. Memorandum of Enforcement and Settlement Agreement recorded 1/17/08 as Doc No 2008-007226, as ratified and amended by and incorporated into the 2018 Settlement Agreement, dated September 4, 2018, by and between the County of Kaua'i, Hawai'i and Klaus and Ulrike Burmeister, as Trustees of the Burmeister Family Trust.
7. Affidavit of Counsel re Special Management Area Permit recorded on February 19, 2009 as Document No. 2009-024179, by Walton D.Y.Hong as affiant.
8. Encroachments or any other matters as referenced on survey map(s) prepared by Brian M. Hennessy, Land Surveyor, with Honua Engineering, Inc., dated October 8, 2021.

Exhibit C

June 27, 2023 Planning Commission Agenda



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

FRANCIS DEGRACIA, CHAIR
DONNA APISA, VICE CHAIR
GERALD AKO, MEMBER
HELEN COX, MEMBER
GLENDA NOGAMI STREUFERT, MEMBER
JERRY ORNELLAS, MEMBER
LORI OTSUKA, MEMBER

23 JUN 20 P3:42

- The Planning Commission Meeting will be at:

Office of Boards and Commissions
4444 Rice Street, Suite 300
Lihue, HI 96766

- Oral testimony will be taken on specific agenda items, at the public meeting location indicated on the meeting agenda.
- Written testimony indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to planningdepartment@kauai.gov or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Lihue, Hawaii 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be posted as testimony to the Planning Commission's website prior to the meeting (<https://www.kauai.gov/Government/Boards-and-Commissions/Planning-Commission>). Any testimony received after this time will be retained as part of the record, but we cannot assure the Commission will receive it with sufficient time for review prior to the meeting.

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ADAVIS@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

PLANNING COMMISSION MEETING NOTICE AND AGENDA

Tuesday, June 27, 2023

9:00 a.m. or shortly thereafter

**Līhu'e Civic Center, Office of Boards and Commissions
4444 Rice Street, Suite 300, Līhu'e, Kaua'i, Hawai'i**

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

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

1. None for this Meeting.

E. RECEIPT OF ITEMS FOR THE RECORD

1. None for this Meeting.

F. HEARINGS AND PUBLIC COMMENT

1. Continued Agency Hearing

- a. None for this Meeting.

2. New Agency Hearing

- a. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-11) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Kealoha Road in Kapa'a, situated approximately 200 feet east of its intersection with Keaka Road and further identified as 1004 Kealoha Road, Tax Map Key: (4) 4-5-001:012, affecting an area of approximately 10,125 square feet = **Craig and Jill Schwed**.

1. Director's Report Pertaining to this Matter.

- b. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-10), CLASS IV ZONING PERMIT (Z-IV-2023-10), USE PERMIT (U-2023-7) to allow construction of public shared use path extending from Nāwiliwili Park to Ahukini Landing and associated improvements involving a new comfort station, drainage ways, protective fencing and paved parking area, and SHORELINE SETBACK VARIANCE PERMIT (SSV-2023-1) to deviate from the shoreline setback requirement involving properties along makai side of the Lihue Airport, further identified as Tax Map Keys: 3-5-001:004, 005, 008, 009, 085, 092, 102, 128, 158 & 160; 3-7-002:001 (Por.) and affecting a total area of approx. 9.2 acres = **County of Kaua'i, Department of Public Works**. [Director's Report Received 4/25/2023.]

1. Director's Report Pertaining to this Matter.

3. Continued Public Hearing

- a. None for this Meeting.

4. New Public Hearing

- a. None for this Meeting.

G. CONSENT CALENDAR

1. Status Reports

- a. None for this Meeting.

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

- a. None for this Meeting.

3. Class III Zoning Permits

- a. CLASS III ZONING PERMIT (Z-III-2023-11) to allow interior renovations to an existing 2-story single-family residence that would convert an existing guest house into a bedroom addition on a parcel situated on the makai side of the Weke Road in Hanalei, approximately 600 feet west of the Weke Road/Mahimahi Road intersection, further identified as 5418 Weke Road, Tax Map Key: 5-5-004:013, containing a total area of 16,885 square feet = **Concora Cliffs**.

- 1. Director's Report Pertaining to this Matter.

H. GENERAL BUSINESS MATTERS

- 1. In the Matter of Petition to Appeal Decision of the Planning Director's Decision Related to the Planning Director's Cease and Desist and Forfeiture of TVRNCU #4250 (Nami Nori) for the Failure to Renew by June 6, 2022 Regarding the Property located at 4895 Weke Road, Hanalei, Kauai, Hawaii, identified by Kauai TMK No. (4)5-5-001: 040 containing 12,197.0 square feet, **Patrick & Patricia Turley**, Contested Case No. CC-2023-1.

- a. Hearing Officer's Report and Recommendation of Contested Case related to the Planning Director's decision to deny the Renewal Application and Forfeit TVRNCU #4250 for the reasons therein.
- b. Petitioners' Exceptions to Hearing Officer's Report and Recommendation of Contested Case; Request for Oral Argument; Certificate of Service.
- c. Respondent Planning Department of the County of Kaua'i Support of Hearing Officer's Report and Recommendation of Contested Case; Certificate of Service.

2. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2021-8) for the development of an affordable housing project involving the construction of seventeen (17) housing units containing 8 duplexes and a single-family residence, and associated site improvements involving 2 parcels in Waipōuli, located along the makai side of Kūhiō Highway in the vicinity of property identified as 4-870 Kūhiō Highway, further known as Tax Map Keys: 4-3-009:051 & 071, and containing a total area of 36,861 square feet = **Kaua'i Habitat for Humanity**.
 - a. Request for Time Extension from Kauai Habitat for Humanity dated June 5, 2023
 - b. Director's Report Pertaining to this Matter.
3. Class IV Zoning Permit Z-IV- 2015 -39, Use Permit U- 2015 -38 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Nohea Street within the Kakela Makai Subdivision in Kalaheo, situated approx. 450 ft. west of its intersection with Kakela Makai Drive and further identified as 1196 Nohea Street, Tax Map Key 2 -3- 023: 119, and containing a total area of 10, 017 sq. ft. = **David & Melinda Murray**.
 - a. Letter (5/14/2023) from Dave & Mindy Murray requesting cancellation and withdrawal of Class IV Zoning Permit Z-IV-2015-39 and Use Permit U-2015-38.
 - b. Memorandum of Clerk of the Commission (6/5/2023) recommending approval to cancel and withdraw Class IV Zoning Permit Z-IV-2015-39 and Use Permit U-2015-38.
4. In the Matter of Petition to Appeal Decision of the Planning Director's Decision Related to the Planning Director's Cease and Desist and Forfeiture of TVRNCU #4287 (Mau Loa Ohana) for the Failure to timely renewal by April 18, 2023, **Edmund & Linda Gregoire**, 4650 Amio Road, TMK 26011019, Koloa, Kauai, appeal received on June 2, 2023, for referral to Board and Commissions as Contested Case File No. CC-2023-4. The renewal packet was hand delivered to the Department on April 28, 2023.
 - a. Cease & Desist, and Forfeiture of Non-Conforming Use Certificate TVNCU #4287 letter dated 5/3/2023.
 - b. Letter (6/2/2023) from Jonathan Parrish, The Parrish Collection, LLC requesting petition to appeal.
 - c. Petition to Appeal of the Decision of the Planning Director, Exhibits 1-6; Certificate of Service dated (6/2/2023)
 - d. Memorandum of the Clerk of the Commission Memorandum (6/5/2023) recommending referral of the matter to a Hearings Officer for hearing of the appeal.
5. Kaua'i County Housing Director Presentation.

I. COMMUNICATION

1. None for this Meeting.

J. COMMITTEE REPORTS

1. Subdivision Committee

a. Preliminary Subdivision Extension Request

1. Subdivision Application No. S-2017-6
Moloa'a Valley Homeowners, LLC.
Proposed 7-lot Subdivision
TMK: (4) 4-9-011: 013
Kawaihau, Kaua'i
2. Subdivision Application No. S-2021-7
5425 Pa'u A Laka, LLC.
Proposed 2-lot Consolidation and Resubdivision into 4-lots
TMK: (4) 2-8-014: 032
Kōloa, Kaua'i
3. Subdivision Application No. S-2022-6
Kukui'ula Development Company, LLC./
MP Kaua'i HH Development Fund, LLC.
Kukui'ula Parcel HH Subdivision
Proposed 3-lot Consolidation and Resubdivision into 51-lots
TMK: (4) 2-6-019: 026, 029, 031
Kōloa, Kaua'i
4. Subdivision Application No. S-2022-8
BBCP Kukui'ula Parcel X, LLC. Et. Al.
Kukui'ula Parcel X Subdivision
Proposed 2-lot Consolidation and Resubdivision into 4-lots
TMK: (4) 2-6-015: 010, 011
Kōloa (Makai), Kōloa, Kaua'i

b. Final Subdivision Map Approval

1. Subdivision Application No. S-2022-5
Morton L. Cohen Family Trust
Proposed 2-lot Boundary Adjustment
TMKs: (4) 4-4-013: 034, 035
Kapa'a and Waipouli, Kawaihau, Kaua'i

K. UNFINISHED BUSINESS (For Action)

1. None for this meeting.

L. NEW BUSINESS (For Action)

1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-11) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Kealoha Road in Kapa'a, situated approximately 200 feet east of its intersection with Keaka Road and further identified as 1004 Kealoha Road, Tax Map Key: (4) 4-5-001:012, affecting an area of approximately 10,125 square feet = **Craig and Jill Schwed.**

2. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-10), CLASS IV ZONING PERMIT (Z-IV-2023-10), USE PERMIT (U-2023-7) to allow construction of public shared use path extending from Nāwiliwili Park to Ahukini Landing and associated improvements involving a new comfort station, drainage ways, protective fencing and paved parking area, and SHORELINE SETBACK VARIANCE PERMIT (SSV-2023-1) to deviate from the shoreline setback requirement involving properties along makai side of the Lihue Airport, further identified as Tax Map Keys: 3-5-001:004, 005, 008, 009, 085, 092, 102, 128, 158 & 160; 3-7-002:001 (Por.) and affecting a total area of approx. 9.2 acres = **County of Kauaʻi, Department of Public Works.** [Director's Report Received 4/25/2023.]

M. EXECUTIVE SESSION

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

1. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-11) to allow construction of a new single-family dwelling unit on a parcel situated along the makai side of Kealoha Road in Kapaʻa, situated approximately 200 feet east of its intersection with Keaka Road and further identified as 1004 Kealoha Road, Tax Map Key: (4) 4-5-001:012, affecting an area of approximately 10,125 square feet = **Craig and Jill Schwed.**
2. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2023-10), CLASS IV ZONING PERMIT (Z-IV-2023-10), USE PERMIT (U-2023-7) to allow construction of public shared use path extending from Nāwiliwili Park to Ahukini Landing and associated improvements involving a new comfort station, drainage ways, protective fencing and paved parking area, and SHORELINE SETBACK VARIANCE PERMIT (SSV-2023-1) to deviate from the shoreline setback requirement involving properties along makai side of the Lihue Airport, further identified as Tax Map Keys: 3-5-001:004, 005, 008, 009, 085, 092, 102, 128, 158 & 160; 3-7-002:001 (Por.) and affecting a total area of approx. 9.2 acres = **County of Kauaʻi, Department of Public Works.** [Director's Report Received 4/25/2023.]
3. CLASS III ZONING PERMIT (Z-III-2023-11) to allow interior renovations to an existing 2-story single-family residence that would convert an existing guest house into a bedroom addition on a parcel situated on the makai side of the Weke Road in Hanalei, approximately 600 feet west of the Weke Road/Mahimahi Road intersection, further identified as 5418 Weke Road, Tax Map Key: 5-5-004:013, containing a total area of 16,885 square feet = **Concora Cliffs.**
4. In the Matter of Petition to Appeal Decision of the Planning Director's Decision Related to the Planning Director's Cease and Desist and Forfeiture of TVRNCU #4250 (Nami Nori) for the Failure to Renew by June 6, 2022 Regarding the Property located at 4895 Weke Road, Hanalei, Kauai, Hawaii, identified by Kauai TMK No. (4)5-5-001: 040 containing 12,197.0 square feet, **Patrick & Patricia Turley**, Contested Case No. CC-2023-1.
 - a. Hearing Officer's Report and Recommendation of Contested Case related to the Planning Director's decision to deny the Renewal Application and Forfeit TVRNCU #4250 for the reasons therein.
 - b. Petitioners' Exceptions to Hearing Officer's Report and Recommendation of Contested Case; Request for Oral Argument; Certificate of Service.
 - c. Respondent Planning Department of the County of Kauaʻi Support of Hearing Officer's Report and Recommendation of Contested Case; Certificate of Service.

5. SPECIAL MANAGEMENT AREA USE PERMIT (SMA(U)-2021-8) for the development of an affordable housing project involving the construction of seventeen (17) housing units containing 8 duplexes and a single-family residence, and associated site improvements involving 2 parcels in Waipōuli, located along the makai side of Kūhiō Highway in the vicinity of property identified as 4-870 Kūhiō Highway, further known as Tax Map Keys: 4-3-009:051 & 071, and containing a total area of 36,861 square feet = **Kaua'i Habitat for Humanity.**
6. Class IV Zoning Permit Z-IV- 2015 -39, Use Permit U- 2015 -38 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Nohea Street within the Kakela Makai Subdivision in Kalaheo, situated approx. 450 ft. west of its intersection with Kakela Makai Drive and further identified as 1196 Nohea Street, Tax Map Key 2 -3- 023: 119, and containing a total area of 10, 017 sq. ft. = **David & Melinda Murray.**
7. In the Matter of Petition to Appeal Decision of the Planning Director's Decision Related to the Planning Director's Cease and Desist and Forfeiture of TVRNCU #4287 (Mau Loa Ohana) for the Failure to timely renewal by April 18, 2023, **Edmund & Linda Gregoire**, 4650 Amio Road, TMK 26011019, Koloa, Kauai, appeal received on June 2, 2023, for referral to Board and Commissions as Contested Case File No. CC-2023-4. The renewal packet was hand delivered to the Department on April 28, 2023.
8. Subdivision Application No. S-2017-6
Moloa'a Valley Homeowners, LLC.
Proposed 7-lot Subdivision
TMK: (4) 4-9-011: 013
Kawaihau, Kaua'i
9. Subdivision Application No. S-2021-7
5425 Pa'u A Laka, LLC.
Proposed 2-lot Consolidation and Resubdivision into 4-lots
TMK: (4) 2-8-014: 032
Kōloa, Kaua'i
10. Subdivision Application No. S-2022-6
Kukui'ula Development Company, LLC./
MP Kaua'i HH Development Fund, LLC.
Kukui'ula Parcel HH Subdivision
Proposed 3-lot Consolidation and Resubdivision into 51-lots
TMK: (4) 2-6-019: 026, 029, 031
Kōloa, Kaua'i
11. Subdivision Application No. S-2022-8
BBCP Kukui'ula Parcel X, LLC. Et. Al.
Kukui'ula Parcel X Subdivision
Proposed 2-lot Consolidation and Resubdivision into 4-lots
TMK: (4) 2-6-015: 010, 011
Kōloa (Makai), Kōloa, Kaua'i

12. Subdivision Application No. S-2022-5
Morton L. Cohen Family Trust
Proposed 2-lot Boundary Adjustment
TMKs: (4) 4-4-013: 034, 035
Kapa'a and Waipouli, Kawaihau, Kaua'i

13. In re: The Community Association of Poipu Aina Estates, Appellant vs. County of Kaua'i Planning Commission; HPM Building Supply, Appellees, Fifth Circuit Court Civil Case No. 5CCV-22-0000055 and In Re: Pacific Resource Partnership, Appellant vs. County of Kaua'i Planning Commission, HPM Building Supply, John Does 1-10; et al., Appellees, Fifth Circuit Court Civil Case No. 5CCV-22-0000049 and Case No. 5CCV-22-0000060. Litigation Update from the Office of the County Attorney.

- a. Case No. 5CCV-22-0000055 (Administrative Appeal); Findings of Fact, Conclusions of Law and Order; Certificate of Service.
- b. Case No. CASE NO. 5CCV-22-0000049; CASE NO. 5CCV-22-0000060; (Consolidated) (Agency Appeal); Findings of Fact, Conclusions of Law and Order.

N. ANNOUNCEMENTS

1. Topics for Future Meetings.

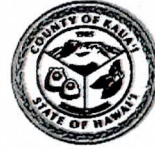
The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter, on July 11, 2023. The Planning Commission anticipates this meeting to be held in-person at the Lihu'e Civic Center, Office of Boards and Commissions, 4444 Rice Street, Suite 300, Lihu'e, Kaua'i, Hawai'i. The Commission will announce its intended meeting method via an agenda electronically posted at least six days prior to the meeting date.

L. ADJOURNMENT

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR

MICHAEL A. DAHLIG, MANAGING DIRECTOR

SPECIAL MANAGEMENT AREA (SMA) MINOR DETERMINATIONS

Date (Action)	SMA Minor Permit number	Location (TMK)	Activity/ structure
Approved (04.10.2023)	SMA(M)-2023-19	Līhu'e (3-2-003:058 Unit 13)	After the fact grading and construction. / Gravel and concrete driveway (95 feet long by 10 feet wide), boulder wall.

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.

June 27, 2023
SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Development/Reasons
SSD-2023-42	Steven Harmsen Manager SEC106 & SEC 107 LLC	2-8-019:006	Kōloa	Construction of upper floor lanai. / Rocky shoreline required setback 60 feet. Proposed addition approximately 190 feet from evidenced shoreline.
SSD-2023-43	Peter Whalley TR and Hong/Roh Living TR	4-3-007:008 Unit 1 and Unit 2	Kapa'a	Construction of two (2) single-family dwellings. / Non abutting shoreline property. Required setback 123 feet. Development is set approximately 420 feet from the evidenced shoreline.
SSD-2023-44	Bruce Holdings LLC	5-8-011:049	Hanalei	Construction of a new ADU. / Shoreline certified, required setback 88 feet. ADU shall outside of shoreline setback area.
SSD-2023-45	Try Slow LLC	5-8-008:034	Hanalei	Repairs / Repair work deemed unsubstantial. (Cottage 1)
SSD-2023-46	Try Slow LLC	5-8-008:034	Hanalei	Repairs / Repair work deemed unsubstantial. (Cottage 2)

SSD-2023-47	Try Slow LLC	5-8-008:034	Hanalei	Repairs / Repair work deemed unsubstantial. (Cottage 3)
SSD-2023-48	Try Slow LLC	5-8-008:034	Hanalei	Repairs / Repair work deemed unsubstantial. (Cottage 4)
SSD-2023-49	Pilaa International LLC	5-1-003:006	Kilauea	Construction of a pool shade structure and associated site utility improvements. / Proposed project is located at a distance of 450 feet and on an elevated cliff bluff approximately 100 feet above mean sea level.
SSD-2023-50	Red Lake Management S A	5-2-01:012	Kilauea	Construction of a swimming Pool and pool equipment area. / Project located on a high cliff bluff approximately 100 feet above mean sea level. Project is also located approximately 340 feet away from evidenced shoreline.
SSD-2023-51	Coconut Coast Partners	4-3-002:012	Kapa'a	Interior repairs of Lanai Guest Wing Building/ Development are 170 feet outside of the 100-foot shoreline setback area.
SSD-2023-52	Coconut Coast Partners	4-3-002:012	Kapa'a	Interior repairs of Lei Guest Wing Building/ Development are 70 feet outside of the 100-foot shoreline setback area.
SSD-2023-53	Makahuena Preferred A LLC et. Al.	2-8-021:041	Kōloa	Construction of a single-family dwelling with accessory structures/ Project located on a high cliff bluff. Project is also located outside of the required of

				the 100-foot shoreline setback area.
SSD-2023-54	Princeville Sealodge	5-4-005:007	Princeville	Repair of exterior cedar shingle siding. / Development on 150-foot-high cliff bluff and outside of the required 100-foot setback for rocky shoreline parcels.

Exhibit D:

Building Permit Application Nos. 22-2412, 22-
2413, 22-2414,22-2415,22-2435

Determination of Unsubstantial Improvement

TMK: (4) 5-8-008-034

ENGINEERING DIVISION

DEPARTMENT OF PUBLIC WORKS

TROY K. TANIGAWA, P.E., COUNTY ENGINEER

BOYD GAYAGAS, DEPUTY COUNTY ENGINEER



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

February 23, 2023

Try Slow LLC
1460 Bonnymede Dr.
Santa Barbara, CA 93108

Belles Graham LLP
3135 Akahi Street, Suite A
Lihu'e, Kaua'i, Hawai'i 96766

RECEIVED
FEB 27 2023

Belles Graham LLP

Subject: Building Permit Application Nos. 22-2412, 22-2413, 22-2414, 22-2415, 22-2435
Determination of Unsubstantial Improvement
TMK: (4) 5-8-008-034
4400 'One'one Road, Hanalei
Hale Makai Cottages

To Whom It May Concern,

We have reviewed the subject building permit applications for the proposed improvements to the residences at 4400 'One'one Road, Hanalei. We have determined that the improvements are considered unsubstantial and offer the following comments.

Based on panel number 1500020035E of the Flood Insurance Rate Maps (FIRM) dated September 16, 2005, the existing building is located in a "Special Flood Hazard Area" (SFHA). The structure is in flood zone VE and has a base flood elevation of 24 feet above mean sea level (MSL).

A building permit application for the structure can be approved if the improvements are considered to be "unsubstantial". Otherwise, new construction and "substantial" improvements located within the SFHA must comply with the County of Kauai's Floodplain Management Ordinance No. 831, the County of Kaua'i Ordinance No. 1134 for the Sea Level Rise District, the International Building Code, and the American Society of Civil Engineers Chapter 24 Flood Resistant Design and Construction.

To determine if the proposed improvements are considered "unsubstantial", we compare the total cost of all improvements for the entire structure within the past 10 years to the market value of the structure before the start of construction of the first improvement. If the resulting ratio is less than 50%, the improvements are considered "unsubstantial", and the building permit can then be approved. However, if the ratio is greater than or equal to 50%, the improvements are considered substantial, and the structure must be brought into compliance with floodplain management regulations for the improvements to be permitted.

Market Value

There were no building permits for these structures within the past ten years. The market value used for these structures is the appraisal submitted by Appraisal Services Kaua'i (Katherine Otsuji, appraiser). Per the appraisal, the market value of each structure is as follows:

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An Equal Opportunity Employer

EXHIBIT "D"

- Building No. 1 is \$270,027
- Building No. 2 is \$356,288
- Building No. 3 is \$310,946
- Building No. 4 is \$287,787

Cost of Improvements

The cost estimate for the proposed work to repair and replace structural elements to the existing structures was submitted by Josh Blount Construction. The cost of these improvements for each structure is as follows:

- Building No. 1 \$132,376
- Building No. 2 \$150,620
- Building No. 3 \$148,934
- Building No. 4 \$132,376.
- Please note that there is still one permit (BP 22-2435 for \$14,756) which was not included in your submittal which needs to be addressed.

If any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void, and the structure(s) must be reevaluated for substantial improvements. Such reevaluation may require revision of the permit(s) and may subject the property to additional flood requirements.

Summary

The cost of the proposed improvements compared to the market value of each structure is summarized as follows:

Building No. 1

$$\begin{array}{rcl} \text{Cost of Improvements: } \$132,376 & & \\ \hline \text{Market Value (Real Property): } \$270,027 & = & 0.490 \text{ or } 49\% \\ \text{Remaining Balance (50\% of Market Value - Cost):} & = & \$135,014 - \$132,376 = \$2,638 \end{array}$$

Building No. 2

$$\begin{array}{rcl} \text{Cost of Improvements: } \$150,620 & & \\ \hline \text{Market Value (Real Property): } \$356,288 & = & 0.423 \text{ or } 42.3\% \\ \text{Remaining Balance (50\% of Market Value - Cost):} & = & \$178,144 - \$150,620 = \$27,524 \end{array}$$

Building No. 3

$$\begin{array}{rcl} \text{Cost of Improvements: } \$148,934 & & \\ \hline \text{Market Value (Real Property): } \$310,946 & = & 0.479 \text{ or } 48\% \\ \text{Remaining Balance (50\% of Market Value - Cost):} & = & \$155,473 - \$148,934 = \$6,539 \end{array}$$

Building No. 4

Cost of Improvements: \$132,376	=	0.460 or 46.0%
Market Value (Real Property): \$287,787		
Remaining Balance (50% of Market Value - Cost):	=	\$143,894 - \$132,376 = \$11,518

Since the total cost of improvements for each structure does not exceed 50% of the market value of each structure, the improvements are not considered to be substantial, and the building permits can be approved for compliance with the Flood Ordinance. The remaining balance for future unsubstantial improvements for the ten-year term that ends in 2033 for each structure is as follows:

- Building No. 1 = \$2,638
- Building No. 2 = \$27,524
- Building No. 3 = \$6,539
- Building No. 4 = \$11,518.

If you have any questions or need additional information, please contact Bryan Wienand at (808) 241-4896 or bwienand@kauai.gov.

Sincerely,



For Michael Moule, P.E.
Chief, Engineering Division

MM/BW/GO
cc: Regulatory Section

Mālama Kua'āina
P.O. Box 536
Hanalei, HI. 96714

CERTIFICATE OF SERVICE

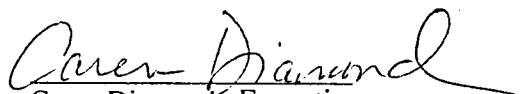
I hereby certify that on July 24, 2023, a filed copy of the foregoing document was hand delivered to the following:

Ian K. Jung, Esq.
Belles Graham LLP
3135 Akahi Street, Suite A
Lihue, Hawai'i 96766
Attorney for Applicants,
Try Slow, LLC

County of Kaua'i Planning Commission
c/o Kaaina Hull, Planning Director and
Clerk of the Commission
4444 Rice Street, Suite 473
Līhu'e, Hawai'i 96766

Matthew Bracken
County Attorney
4444 Rice Street, Suite 220
Lihue, Hawai'i 96766

DATED: Hanalei, Hawaii,
July 24, 2023

A handwritten signature in black ink, appearing to read "Caren Diamond", with a long, sweeping horizontal line extending to the right.

Caren Diamond, Executive
Director Mālama Kua'āina
and individual capacity