

KAUA‘I PLANNING COMMISSION
REGULAR MEETING
June 08, 2021

The regular meeting of the Planning Commission of the County of Kaua‘i was called to order by Chair Apisa at 9:07 a.m., - Microsoft Teams Audio +1 469-848-0234, Conference ID: 180 045 965# The following Commissioners were present:

Ms. Glenda Nogami Streufert
Ms. Donna Apisa
Mr. Francis DeGracia
Ms. Lori Otsuka
Mr. Gerald Ako

Absent:
Ms. Helen Cox
Mr. Melvin Chiba

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

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Apisa: Okay. We are ready. I Called the meeting to order. Could we do a roll call, please.

ROLL CALL

Planning Director Mr. Kaaina Hull: Roll call, Madame Chair. Commissioner Ako?

Mr. Ako: Here.

Mr. Hull: Commissioner Chiba is excused. Commissioner Cox is excused. Commissioner DeGracia?

Mr. DeGracia: Here.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Here

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Here.

Mr. Hull: Chair Apisa.

Chair Apisa: Here.

Mr. Hull: You have a quorum, Madame Chair. Five (5) present.

APPROVAL OF AGENDA

Mr. Hull: Next would be the Approval of Agenda, the Department has no recommended changes to the agenda

Chair Apisa: Call for a motion to approve the agenda.

Ms. Nogami-Streufert: I move to approve the agenda.

Chair Apisa: Do we have a second?

Ms. Otsuka: I second. I second.

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

Group: Aye.

Chair Apisa: Is there any of you opposed? Hearing no opposition, the agenda is approved 5.0. And just to be sure everyone speaks up so we could make sure we get enough ayes.

MINUTES of the meeting(s) of the Planning Commission

Chair Apisa: Minutes, the meeting or, I'm sorry, Kaaina, minutes of the meeting of the Planning Commission.

Mr. Hull: We have no previous minutes. We still are working with some half-staff Boards and Commissions, they are still doing double duty at the KEMA operation center, so right now we don't have the minutes, but we expect them possibly at the next meeting.

Chair Apisa: Okay.

RECEIPT OF ITEMS FOR THE RECORD (None)

Mr. Hull: We have no Receipt of Items for the record.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: Next is Hearing and Public Comment. The Planning Commission has received an amendment to the agenda, our first addition to the agenda which has letters concerning the `Ele`ele Baptist Church. We have a letter from Eve Domingcil, a letter from Craig Hayashi, and a letter from Val Tokuuke We have no additional written testimony set in for the agenda. For the members of the public who have called in, this is the time for you to testify on any agenda item that you would like to speak. I'm going to call out with your phone numbers as you folks have called in on. If you would like to speak on any agenda item, this is the time to do it. You have three minutes of testimony. Please just state your name, if you'd like to speak or if you'd not like to speak, you can state so or remain silent. So, I'll start calling of the phone numbers now. Area code [REDACTED] would you like to testify on any of the agenda items at this time? Again, area code 310-722-8513, would you like to testify on any of the agenda items at this time? Hearing none, moving on to area code [REDACTED] or excuse me, area code [REDACTED] would you like to testify on any of the agenda - any agenda item at this time?

Woman: No.

Mr. Hull: Thank you.

Woman: Thank you.

Mr. Hull: Moving on to area code [REDACTED] would you like to testify on any agenda item at this time?

Ms. Bronster: Yes. This is Marjorie Bronster and I would like to testify on behalf of our request that a Commissioner seek reconsideration of Michael Kaplan's application.

Mr. Hull: Thanks, Marjorie. I want to defer to the county attorney. There is no agenda item for the Kaplan application on this agenda.

Ms. Bronster: And if I may, cite you to Rules on Practice 1-3-19 that puts this matter of taking precedence over all other questions except for one, which is a motion to adjourn.

Mr. Hull: Laura, I'm going to defer to you for your legal assessment of a testimony received not pertaining to a specific agenda item.

Ms. Laura Brazilai: Right. Good morning.

Mr. Hull: Laura, are you there? Laura, I'm not sure if your computer is on mute but we're not hearing any response from you at this time. Marjorie, would you mind if I put you somewhat on hold and go through the rest of the phone numbers and then as soon as we're done, we can discuss this issue Kaplan and...

Ms. Bronster: Sure. That would be fine. That would be fine. Thank you very much. I'll stand by.

Mr. Hull: Thank you. Moving down the list, area code [REDACTED] would you like to testify on any of the agenda items at this time? Again, area code [REDACTED] would you like to

testify on any agenda item at this time? Hearing none, moving on to area code 808-554-7793, would you like to testify on any of the agenda items at this time?

Mr. Edwin Santa Maria: Yes. This is Edwin Santa Maria. I'm the architect and also authorized agent for the 'Ele`ele Baptist Church.

Mr. Hull: Okay. Edwin, sorry, I must ask you to stop right there. This time is meant just for members of the public that would like to testify.

Mr. Santa Maria: Okay.

Mr. Hull: If you're representing an applicant that has an actual agenda item, you'll be afforded the full-time presentation during the actual application time.

Mr. Santa Maria: Got you.

Mr. Hull: Thank you. Area code [REDACTED], would you like to testify on any agenda item at this time?

Woman: Not at this time.

Mr. Hull: Thank you. Area code [REDACTED] would you like to testify on any agenda item at this time? Again, area code [REDACTED], would you like to testify on any agenda item at this time? Hearing none, area code [REDACTED], would you like to testify on any agenda item at this time?

Man: Not at this time.

Mr. Hull: Thank you. Area code [REDACTED], would you like to testify on any agenda item at this time?

Man: Not at this time.

Mr. Hull: Thank you. Area code, it just disappeared, okay. Laura, are you on with us at this point?

Ms. Barzilai: Yes. Good morning, Madam Chair. Can you hear me?

Chair Apisa: Yes. Now, we can.

Ms. Barzilai: Good morning. And good morning, Ms. Bronster. Laura Barzilai county attorney's office. I'm referring to the rule that Ms. Bronster cited, 1-2-19 and this is within the purview of the Commissioners, not within the purview of the public. This matter was considered and was not placed on the agenda; therefore, it is not under consideration today and, therefore, public testimony will not be received on this matter. Madam Chair, I do not believe that there are grounds to amend the agenda at this time.

Chair Apisa: Thank you.

Ms. Barzilai: Thank you.

Ms. Bronster: And I just want to, just a point of clarification, just so I'm clear, is the decision that I will not be able to testify at all today or just at this time?

Ms. Barzilai: We'd like to take comments from the public, but it's not related to an agenda item so, therefore, we are unable to take comments. And we will not be in a position to amend the agenda today, therefore, the matter will not be heard.

Chair Apisa: All right. Thank you. So, then, Kaaina, moving on with the agenda.

Mr. Hull: Madam Chair, I'm sorry, we have another member of the public that just called in, so I'd like to go back to the public testimony. Area code [REDACTED], would you like to testify on any agenda item at this time?

Woman: No, thank you.

Mr. Hull: Thank you. Is there any other member of the public who has called in that would like to testify on any of the agenda items, but I did not call out your phone number? If so, please speak your name. Hearing none, we will go into - there's no further testimony.

Continued Agency Hearing

New Agency Hearing

Class IV Zoning Permit (Z-IV-2021-9) and Use Permit (U-2021-8) to allow renovations to the existing church to include lanai additions, a new meeting room, storage spaces, and pantry on the 'Ele'ele Baptist Church property, situated on the makai side of Kaumuali'i Highway, approximately 300 feet east of the Kaumuali'i Highway/Mehana Road intersection, further identified as 339 Mehana Road, Tax Map Key: (4) 2-1-001:041 and containing a total area of 30,013 sq. ft. = 'Ele'ele Baptist Church. [Director's Report Received, May 25, 2021.].

Mr. Hull: We're going to the New Agency Hearing, Madam Chair. This is agenda item F.2. This is a request for Zoning Permit Z-IV and Use Permit U- sorry, excuse me, this request for a Zoning Permit Z-IV-2021-9 and Use Permit 20 - U-2021-8 to allow renovations to the existing church to include lanai additions, a new meeting room, storage spaces and pantry on the 'Ele'ele Baptist Church property situated on the Makai side of Kaumuali'i Highway, approximately 300 feet east of the Kaumuali'i Highway/Mehana Road intersection, further identified as 339 Mehana Road, Tax Map Key: 2-1-001:041 and containing a total area of 30,013 square feet. The applicant is 'Ele'ele Baptist Church. At this time, is there any member of the public that has called in that would like to testify and speak specifically on the new agency hearing for the 'Ele'ele Baptist Church? If so, please just state your name. Again, this would be the last call for

any member of the public that have called in for the new agency hearing for the `Ele`ele Baptist Church, if you'd like to testify on this new agency hearing, please state your name and provide three minutes of testimony.

Hearing none, Madam Chair, the department would recommend a motion be made to close the agency hearing.

Chair Apisa: Do we have a motion to close the Agency Hearing on the `Ele`ele Baptist Church?

Mr. DeGracia: I move to close the agency hearing.

Ms. Otsuka: I move to close...

Ms. Nogami-Streifert: I second.

Chair Apisa: Okay. We have a motion and a second to close the Agency, New Agency Hearing on Class IV Zoning Permit Z-IV-2021-9 and Use Permit U-2021-8. All in favor? Aye. (Unanimous voice vote). Excuse me. All right. Motion carried 5:0. Thank you. Is there any, any opposed?

Hearing none, the Agency, the New Agency Hearing is closed.

Mr. Hull: Thank you, Madam Chair. And then, we'll move directly into this agenda item for review. So, as I pointed out previously, there are three letters of testimony that the Commission received pertaining to this application. I'm now going to turn it over Marissa to provide the Director's Report pertaining to this matter. Marissa, take it over.

Staff Planner Marissa Valenciano: Thanks, Kaaina. Good morning, Madam Chair and members of the Commission. Chair, may I have permission to summarize and highlight certain aspects of my report?

Chair Apisa: Yes, please. Thank you.

Mr. Valenciano 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)

Ms. Valenciano: And in conclusion, the proposed development is not anticipated to have any detrimental impacts to the environment or to the surrounding area and is in compliance with the criteria outlined for the granting of a Use Permit and a Class IV Zoning Permit. I think this is it. I just wanted to note to the Commission, that we included supplemental No. 2 to the Director's Report which contains photos of the subject property and the Department just wanted to show these pictures as it might be helpful in understanding where the proposed improvements will be located. I think that is it, and I will just withhold for the recommendation.

Chair Apisa: Thank you. It's a very good report, Marissa. Do we have the applicant present to speak on this subject?

Mr. Santa Maria: Yes. I am Edwin Santa Maria, the architect of the project and also the `Ele`ele Baptist Church authorized agent. So, I just want to go over the project purpose and function. So, on the mountainside we're adding a lanai. It is going to be used as an overflow space for the church services and at this time after the pandemic, we believe it's more appropriate due to the outdoor settings and also allows people to attend safely without being caught indoors. And also on the Makai site, the function of those rooms is to support the mission of the `Ele`ele Baptist Church and their support of their community members with the food drives that have been occurring during the pandemic. Although this project was initiated in 2017, it's finally coming to fruition, and we just need more spaces for their operations such as holding the meeting space where they can prepare the boxes for their food drives. And so, with your approval of this project, this project will get access to the community. And if there are any further questions, I'll address them later.

Chair Apisa: Thank you very much. Commissioners, does anyone have any questions at this time of the applicant?

Ms. Nogami-Streufert: Yeah, we do. This is Glenda Streufert. One of the issues that came or one of the comments I've got is a neighbor who says that they were some flooding on their property with the latest rain events that we've been having. Is there any consideration part of the architect or the planner on this one about how to mitigate or is that an issue that will be taken up by the Planning Department or by the Building Department?

Ms. Valenciano: I can address that. So, in the Director's Report, there was an agency comment from Public Works Engineering Division. And within the agency comment there were conditions talking about drainage and then having best management practices with that, so it's already folding into the, as part of the agency comments. And then just wanted to note that the topography of this area is such that it is downward sloping, so I've read the testimony and I believe in some ways with the - on pave parking it would help to regain some of the drainage, but I think overall, there might be some drainage issues in that area just because the area in `Ele`ele on that site is just generally sloping. So, it's not to say that it's just this one particular property would be - but could be, you know, other properties as well on the upside. Maybe Edwin has anything else to add.

Mr. Santa Maria: Yes. If we look at this problem with flooding on the church and from what I could see from the total survey in water is flowing downhill and it also comes from the properties above `Ele`ele Baptist Church. So one of the solutions that was done in 2011, was just to add concrete swale on the mauka side so it prevents the water from gathering at the entrance of the church and with this concrete swale, it has not flooded the church since then. Regarding the neighbors, I believe what happens is the water also just keeps continuing to flow and just flows on to our property, `Ele`ele Baptist Church and then continues downhill. So, what we can do for the neighbors to alleviate some of the overflow is to add gutters and to divert the water around towards the highway side and that would alleviate some of the water that would gather on this property, but, you know, other than that it should be a solution which is beyond the scope of

work that the church can accommodate because the water comes from multiple directions above, you know, the property.

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

Mr. DeGracia: I got a comment, maybe not so much a question. This is Commissioner DeGracia for the applicant's representative. I can really appreciate your comments as far as mitigating the water flow coming from the highway. I guess my concern is to increase in the footprint of the structure to, for an additional opposite square foot. So, I guess, my concern rest in the written testimony submitted by the neighbor. And that, I guess, the current situation of flooding that can be a lot of it is out of your hand, so to speak, but I would just like to ensure that maybe the increase in the footprint wouldn't cause any further flooding in a higher degree.

Mr. Santa Maria: Yeah. That's right. Yeah.

Mr. DeGracia: You know?

Mr. Santa Maria: Yes, I can assure that because, I can assure that because the elevations from the total shows that the new improvement is below the neighbor's property, at the property line. So, the new improvements are, the elevation will be low and would not have (inaudible) water to their property.

Mr. DeGracia: All right. Thank you very much.

Chair Apisa: Any other questions? Kaaina, I will ask for your direction here. Do we...

Mr. Hull: If there are no further questions for the applicant or for staff at this point it might be appropriate to hear Marisa represent the Department's recommendation.

Chair Apisa: Yes. Please could you give us the Department's recommendation?

Ms. Valenciano: Yes. So based on the foregoing evaluation and conclusion, it is hereby recommended that Class IV Zoning Permit Z-IV-2021-9 and Use Permit U-2021-8 be approved with the following Conditions as seen in the Director's Report.

Chair Apisa: Commissioners, are we ready to entertain a motion? Would someone like to make...

Mr. DeGracia: This is Commissioner DeGracia. Yes. I move to approve Class IV Zoning Permit Z-IV-2021-9 and Use Permit U-2021-8 and for the other further comment, you know, I really appreciate the church reaching out, want to expand in the church to the community and helping out with the food drive and everything you're doing there is well noted.

Ms. Nogami-Streufert: I second.

Chair Apisa: Okay. Okay. We have a motion on the floor. I guess, Kaaina, let's do a roll call just to make sure we hear everyone.

Mr. Hull: Okay. Did you ask for any further discussion before the roll call?

Chair Apisa: Yeah. Good point. Any further discussion? Roll call please.

Mr. Hull: Roll call.

Ms. Nogami-Streufert: Could I ask question?

Mr. Hull: Well, go ahead.

Ms. Nogami-Streufert: I would ask that the church work with the neighbor to whether any mitigation. It's not (inaudible) a request as a good neighbor.

Chair Apisa: Thank you. Any other comments? A roll call, please, Kaaina.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami Streufert: Aye.

Mr. Hull: Commissioner Otsuka?

Ms.Otsuka: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye. A motion...

Mr. Hull: A motion Passes 5:0, Madame Chair.

Class IV Zoning Permit (Z-IV-2021-10) to allow conversion of the existing Kukui Grove Cinema building into a mix-use professional office/residential project involving a parcel situated at the Haleko Road/Pua Loke Street intersection, further identified 4368 Kukui Grove Street, Tax Map Key: (4) 3-3-006:020 and containing a total area of 2.1667 acres = Mana`o Capital Group, LLC. [Director's Report Received, May 25, 2021.].

Mr. Hull: Next, we have Agenda Item F.2.b, the New Agency Hearing for Class IV Zoning Permit Z-IV-2021-10, to allow conversion of the existing Kukui Grove Cinema Building into a mixed-use professional office, residential project involving a parcel situated at Haleko Road, Pua Loke Street intersection, further identified as 4368 Kukui Grove Street, Tax Map Key: (4) 3-3-006:020 and containing a total area of 2.1667 acres. The applicant is Mana'o Capital Group LLC.

This is a New Agency Hearing portion of the Agenda Items, so have any members of the public called in that would like to testify on the new agency hearing from the Mana'o Capital Group LLC. Please state your name, if so. Again, last call for any members of the public that would like to testify on the new agency hearing from Mana'o Capital Group LLC, please state your name for testimony.

Hearing none, Madame Chair, the Department will recommend closing the agency hearing.

Chair Apisa: Could we have a motion to close the Agency Hearing on the Class IV Zoning Permit Z-IV-2021-10?

Ms. Nogami-Streifert: I move to close the Agency Hearing.

Mr. DeGracia: I second.

Chair Apisa: Okay. We have a motion on the floor. Is there any other discussion or to close the Agency Hearing? Could we just take a yes or no vote on this? All in favor? Aye. (Unanimous voice vote). Aye. Was there any opposed? None. Motion carries 5:0.

The New Agency Hearing is closed.

Mr. Hull: Thank you, Madam Chair. At this point, we'll...

Chair Apisa: Let's go to the Director's Report.

Mr. Hull: Yeah. I'll turn it over to Dale for the Director's report from our (inaudible) application. Thank you.

Staff Planner Dale Cua: Good morning, Madam Chair and members of the Planning Commission. With your permission at this time, I'd like to summarize the highlights of the Director's Report.

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

Mr. Cua: An existing driveway connected into Kukui Grove Street provides egress/ingress to the project site as well as the neighboring professional office buildings in the Kukui Grove executive

center. Agency comments are attached as to Exhibit A and this concludes the Director's Report at this time.

Chair Apisa: Thank you, Dale. Is there anyone here from representing Mana'o Capital Group, LLC?

Ms. Jean Yu: Hello. This is Jean Yu, and I am representing Mana'o Capital Group. Good morning, Madam Chair and members of the Commission, thank you so much for this opportunity to present our application. Dale did a wonderful job summarizing it. So, I'll just say that as you know this beloved entity has been around in the community since 1985 and it was expanded and renovated in '94 and, you know, it's really been a functioning movie theater until the pandemic hit. Overall, the building itself is in a good condition but does need quite a bit of renovations due to deferred maintenance and our thought was to really bring that historic building to good use, ultimately converting it into office space and residential space. Housing is a huge issue and we wanted to at least do our part in contributing to help alleviate some of that while not extending the footprint of the building itself. We believe that this project will definitely benefit the community in so many different ways, not just with high quality medical office space, but - and residential areas but also being, sort of, a hub for culture and performing arts by leaving one of those, (inaudible) be it movie theaters as an auditorium and, sort of, performing art center, so this is our vision for the project and we would really appreciate your consideration in accepting this. Thank you.

Chair Apisa: Thank you very much. Do we have any questions or comments from the Commissioners?

Ms. Nogami-Streufert: If I could ask a question of Dale. Dale, one of the things is the applicant indicates that there is a total of a 144 off street parking stalls within the subject property. But that subject property, that also include all the office buildings and the doctor's offices that are within that area that whole parking space or how does that, how do you, yeah, how do you...

Mr. Cua: A unique development in the sense that at the time the project was initially approved in the '80s. They wanted to pitch this village concept where you have integrated commercial development where it would contain multiple office commercial buildings and the parking for the area would be shared amongst all property owners and it was a flexible way to accommodate the development from a standpoint while they were, there are existing property lines. It offered flexibility where instead of having parking assigned to just your units it was shared. So, I think over the years, it proved to be valuable, and it was a way to allow the commercial and that movie theater to exist because if you just evaluate the projects based on use, they weren't enough parking but because the activities occurred at different times of the day, you know, they found that to be very useful and it actually worked. So, in this case, the 144 stalls it is exclusively on the applicant's property, but the parking is amongst all the professional services and uses in that village area.

Ms. Nogami Streufert: So, with these new, because this is going to change the timeframe or when parking is going to be, when parking will be more used. Will this accommodate the parking, or will this accommodate most of the time?

Mr. Cua: From what I've observed at the property, it should be, yes.

Ms. Nogami-Streufert: Thank you.

Chair Apisa: Thank you, Glenda and Dale. Any other questions or comments? Hearing none. Kaaina, are we ready to receive the recommendation from the planner?

Mr. Hull: I think if there are no further questions for either the applicant or for our staff, then I think we can...

Chair Apisa: Please, Dale, give us your recommendation.

Mr. Cua: Okay, we'll get onto the recommendation of the Report. Based on the Evaluation and Conclusion, it is hereby recommended that the proposed development involving the conversion of the existing Kukui Grove Cinema building into a mixed-use professional residential project through Zoning Permit Z-IV-2021-10 be approved. And in the Report, there is a total of 12 Conditions. If you have any the questions for me, I can elaborate in any of the Conditions entered.

Chair Apisa: Thank you very much, planner. And, Commissioners, hearing the recommendation, are there any further questions or comments? Hearing none, would someone like to make a motion?

Ms. Nogami-Streufert: I move to accept the Planning Director's Report (inaudible) 21. A way to utilize space that we already have, and it seems that new utilization of this space is maybe very beneficial for the community.

Chair Apisa: Glenda, are you there? At least in my end it was a spotty connection, breaking in and out. I believe the motion was to approve.

Ms. Nogami-Streufert: Yes. I move to approve the Director's Report, approving Class IV Zoning Permit Z-IV-2021-10.

Chair Apisa: Thank you very much.

Ms. Otsuka: I second.

Chair Apisa: We have a motion on the floor, is there any further comments at this time? Hearing none. All in favor? None. I think Kaaina, we'd like to do a rollcall again, please?

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Chiba asked that she be excused. Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: The motion passes 5:0, Madam Chair.

Chair Apisa: Thank you.

Continued Public Hearing

New Public Hearing

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

CONSENT CALENDAR

Status Reports

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

EXECUTIVE SESSION

GENERAL BUSINESS MATTERS

Amendment to Class IV Zoning Permit (Z-IV-2016-15), Use Permit (U-2016-12), and Special Permit (SP-2016-5) to amend Condition No. 8 to allow additional time to complete the project, involving the Kipu Ranch parcel situated approximately 0.25 east of the Kipu Road/A`akukui Road intersection in Kipu, further identified as Tax Map Key: 3-1-002:001, and affecting a portions larger parcel containing approx. 2,842 + acres = *Outfitters Kauai, Ltd.*

Mr. Hull: Next on the Agenda we have General Business, excuse me. Agenda Item I. General Business Matters Amendment to Class IV Zoning Permit (Z-IV-2016-15), Use Permit (U-2016-12), and Special Permit (SP-2016-5) to amend Condition No. 8 to allow additional time to

complete the project, involving the Kipu Ranch parcel situated approximately 0.25 east of the Kipu Road/A`akukui Road intersection in Kipu, further identified as Tax Map Key: 3-1-002:001, and affecting a portions larger parcel containing approx. 2,842 + acres. The applicant is Outfitters Kauai, Ltd, and I will turn it over to Dale for the Director's Report.

Staff Planner Dale Cua: Thank you again, Commissioners. Moving on to the Director's Report and again, I am going to summarize the highlights of the report.

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

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

Chair Apisa: Thank you very much. Is there any questions or comments? Is the applicant present?

Ms. Nogami-Streufert: If I could ask Dale a question on this thing. It says that there will be no (inaudible) but are they intending to build them as they were approved in 2016?

Mr. Cua: Correct. So, the purpose of this actually before you, is a request to allow more time to complete the project. In the report, I noted that the deadline to complete the project would have been June 28, 2021.

Ms. Nogami-Streufert: As I recall one of the concerns at that time, was that it would not have any impact on the views.

Mr. Cua: Correct.

Ms. Nogami-Streufert: Thank you.

Chair Apisa: Are there any other questions for our Planner or Director? Is the applicant present to give us all here a report?

Mr. Richard Haviland: Yes, I am here. Aloha. Dale did a great job in sharing the report...

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

Mr. Haviland: Yes. Richard Haviland owner of Outfitters Kauai.

Chair Apisa: Thank you.

Mr. Haviland: Yes, I would just like to thank Commissioners and staff for taking the time to consider this proposal. Mahalo.

Chair Apisa: Okay, so nothing further to add, Commissioners are there any questions or comments for the applicant?

Ms. Otsuka: I just have a comment that I believe an extension is necessary because the pandemic really set us back. I am guessing without the tourist population they were not able to run their business on a normal schedule and so, I understand that they also have to create and be able to complete the project. So, I believe the extension is necessary. Thank you. This is just a comment.

Chair Apisa: Yes. Thank you, Lori. We could hear you, but it was a little bit faint so if you get a little closer to the mic.

Ms. Otsuka: Oh, I apologize. Is this better?

Chair Apisa: It's okay, just wanted to bring it to your attention. It is better and we could hear you.

Ms. Otsuka: Okay, I apologize for that, thank you.

Chair Apisa: Any other questions or comments? Hearing none. Do we have the recommendation, Dale?

Mr. Cua: Yes. I will move on to the recommendation of the report. It is recommended that the Commission approves the applicant's request to allow additional time to complete the project And to amend Condition No. 8 to read as follows. Condition No. 8, the improvements as represented by the applicant must be completed by June 28, 2026, and that concludes the Department's amended of Condition No. 8.

Chair Apisa: So that is a five-year extension?

Mr. Cua: Yes, that would be.

Chair Apisa: Commissioners and further comments or questions? Hearing none. Do we have a motion?

Ms. Otsuka: I would like to make a motion to approve Amendment Class IV Zoning Permit Z-IV-2016-15 and Use Permit U-2016-12, Special Permit SP-2016-5 to amend Condition No. 8 allow additional time to complete the project involving the Kipu Ranch parcel. Applicant Outfitters Kauai.

Chair Apisa: Thank you. Do we have a second?

Ms. Nogami-Streufert: I seconded.

Chair Apisa: Any discussion? Hearing none, I would like to take a roll call for the vote.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion passes 5:0, Madam Chair.

Chair Apisa: Thank you.

COMMUNICATIONS (For Action)

COMMITTEE REPORTS

UNFINISHED BUSINESS (For Action)

NEW BUSINESS.

For Action- See Agenda F for Project Descriptions

ANNOUNCEMENTS

Topics for Future Meetings

The following regularly scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter on July 13, 2021. The Planning Commission anticipates meeting via teleconference but will announce its intended meeting method via agenda electronically posted at least six days prior to the meeting date.

Mr. Hull: And with that Madame Chair and Members of the Commission, we have no further agenda items. That was nice and short and sweet compared to a few of the other meetings I know your folks attended here. But coming up for topics for future meetings on the horizon we

have Kapaa Habitat for Humanity project coming up just about 17 to 20 units. We have a series of zoning amendments or ordinance changes. One, for the Hokuala Resort area as well as possibly the Lihue Mill area. Also, on July agenda, we will be having the zoning amendment for the, what's been dubbed the "Glamping Ordinance" or the "Draft Ordinance that is proposing to restrict certain camping activities or transient camping activities" in open district and agriculture districts. That I can say will probably generate a fair amount of public testimonies, so you will want to be prepared for a meeting to last a few hours if not, several hours just given the interest that draft ordinance has created. Aside from that we do not see too much agenda items for July and August, but that one we can see it creating a considerable amount of testimonies. And with that, that what we have on our horizon. If the Chair or any of the Commissioners would like us putting additional briefings on the agenda, oh, I apologize. We will also be looking at briefing in August from the Office of Planning concerning the Coastal Management Act and the Coastal Zone Management Program that is administered by the State and through our own staff here on island, which is primarily our Deputy Jodi Higuchi Sayegusa and Romio Idica. So yes, that is what is on the horizon but if you folks have anything else you folks want us to look at or provide as briefings, please let us know.

Ms. Nogami-Streufert: Before we leave Madame Chair, if I could (inaudible)...

Chair Apisa: It's a bad connection we cannot hear you very well.

Ms. Nogami-Streufert: I would like to a, if you would allow us to welcome our newest Commissioner Mr. Ako to our Commission that would be great. Thank you.

Chair Apisa: Yes. Welcome, we are excited to have you.

Ms. Otsuka: Yes, I wanted to welcome Gerald Ako to the Planning Commission.

Mr. Ako: Good morning, guys.

Ms. Otsuka: Hey Gerald. Thank you for your time and commitment.

Mr. Ako: Your very welcome. It was a very stressful morning for me (inaudible) and they tell me it only gets worse.

Ms. Nogami-Streufert: No, it gets better because we work together.

Mr. Ako: Oh, all right, very good that is very encouraging to hear.

Ms. Otsuka: Yes, we appreciate you.

Mr. Ako: Well, I think for me its like getting out of my comfort zone here, so I think for me it will be a learning experience and hopefully, I can bring something to the table just so that we can make Kauai a better place to live. Somebody's got to do it, so I thank you all too for doing what you folks all do. You folks have been here for the long hall already.

Chair Apisa: Commissioner Ako, thank you again, for stepping up to the plate, it's a learning experience for us all. Every meeting is something new you never know what to expect and like Glenda said, its teamwork.

Mr. Ako: Yes. Well, thank you.

Mr. DeGracia: Welcome, Gerald.

Mr. Ako: Hey, Francis.

Chair Apisa: Any further comments or anything to add? Our next meeting is Scheduled for July 13, 2021, at 9:00 am via Zoom Meeting.

ADJOURNMENT

Chair Apisa: If there is no further business, I will entertain a motion to adjourn.

Mr. DeGracia: I move to adjourn.

Ms. Otsuka: I second that.

Chair Apisa: Thank you very much. All in favor of adjournment?

Group: Aye.

Chair Apisa: Are there any opposed? Hearing none. The meeting is adjourned. Thank you as Kaaina said, short and sweet this one. Thank you all very much.

Mr. Hull: Thank you all.

Chair Apisa adjourned the meeting at 10:08 a.m.

Respectfully submitted by:

Arleen L. Kuwamura
Arleen Kuwamura,
Commission Support Clerk

(X) Approved as circulated 12/14/2021 Meeting.

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