

KAUA‘I PLANNING COMMISSION  
REGULAR MEETING  
**September 28, 2021**

The regular meeting of the Planning Commission of the County of Kaua‘i was called to order by Chair Apisa at 9:02 a.m., - Webcast Link: <https://www.kauai.gov/Webcast-Meetings>

The following Commissioners were present:

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

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

Discussion of the meeting, in effect, ensued:

**CALL TO ORDER**

Chair Apisa: Called the meeting to order at 9:02 a.m.

**ROLL CALL**

Planning Director Kaaina Hull: Madam Chair, we have a registered speaker, it's 9:02, if you want to start the agenda, we're ready to go.

Chair Apisa: Hi, yes. I call the meeting to order. Roll call, please, Kaaina.

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

Mr. Ako: Here.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Here, and I'm alone.

Mr. Hull: Commissioner Cox?

Ms. Cox: Here, and I'm alone.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Here by myself.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: I'm here and by myself

Mr. Hull: Commissioner Streufert?

Ms. Otsuka: Unmute Glenda.

Ms. Nogami-Streufert: Sorry about that. I'm here by myself.

Mr. Hull: Chair Apisa?

Chair Apisa: Here and myself.

Mr. Hull: You have a quorum, Madame Chair. Seven Present.

### **APPROVAL OF AGENDA**

Mr. Hull: Next up would-be Approval of the Agenda. We have one amendment to the agenda and that is, a one request to the agenda and that is that the New Business for Action for the Class IV Zoning Permit Z-IV-2022-2 to be reviewed directly after the agency hearing for that subject matter, and that would be the only request.

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

Ms. Nogami-Streufert: I move to...go ahead.

Ms. Otsuka: This is Commissioner Otsuka. I make a motion to accept and approve the agenda with the amendment as stated.

Ms. Nogami-Streufert: Seconded.

Chair Apisa: We have a motion to approve the agenda with a second. All in favor? We can do a voice call for a voice vote. Aye. (Unanimous voice vote). Are there any opposed? Hearing none. Hearing on the modified agenda is approved. Motion carried, 7:0.

### **MINUTES of the meeting(s) of the Planning Commission**

Mr. Hull: Next, we have agenda item D Minutes for the January 21, 2021, minutes.

Ms. Otsuka: This is Commissioner Otsuka. For the record, I would like to make an amendment to the January 21, 2021, Minutes.

Mr. Ako: Hello? Excuse me, Director Hull, can you hear me?

Mr. Hull: Yes.

Mr. Ako: I cannot hear.

Mr. Hull: Mr. Ako, we can here you.

Deputy Planning Director Jodi Higuchi Sayegusa: You might have to, let's see now. So, you know, again the carrot next to the recording. The little microphone. If you click on the carrot and you might have to select the speaker. Oh shoots. He cannot hear me.

Mr. Hull: Commissioners, could we please request a 10-minute recess, and we can get in contact with Commissioner Ako.

Chair Apisa: Good idea, we will.

Mr. Ako: Sorry, I got it. I'm sorry.

Chair Apisa: Erase the 10-minute recess, we will continue. I believe Commissioner Otsuka you were about to say something.

Ms. Otsuka: Yes. For the record, I would like to make an amendment to the January 21, 2021, Minutes. On page two, during Roll call my name should be listed. They have Commissioner Cox on twice because she's popular. I see she answered here twice also.

Chair Apisa: I see she answered here twice also.

Ms. Cox: I didn't know I had such power. I have a clone.

Mr. Hull: So that need to be a second to the motion.

Ms. Nogami-Streufert: I moved to accept the amendment.

Chair Apisa: That's a second, I believe Glenda.

Ms. Nogami-Streufert: Okay, I am second.

Chair Apisa: Okay. All in favor? We can do a voice vote. Aye. (Unanimous voice vote). Any opposed? Hearing none. So, the minutes are approved as amended with that one change. The motion carried 7:0.

### **RECEIPT OF ITEMS FOR THE RECORD (None)**

Mr. Hull: There are no Receipt of Items for the record.

### **HEARINGS AND PUBLIC COMMENT**

Mr. Hull: Next, we have Hearings and Public Comment. This is where the Planning Commission

accept written testimony, as well as registered speakers to testify before the body orally or visually, we received 80 written pieces of communication. All pertaining to the Cocoa Palm Status update later the agenda. We have one registered speaker. I'll turn it over to Jodi to allow the speaker into give his or her three minutes of testimony.

Deputy Planning Director Jodi Higuchi Sayegusa: Right. First registered speaker is Rick Cooper. I'm going to allow enable your video and your audio. Mr. Cooper, you might have to unmute yourself and enable your camera. Mr. Cooper, we can see your name you're just going to have to, you can have a choice to enable your video, your camera. Start video, and then also to join your audio. I think you're still muted, this point. Thank you, you can begin whenever you are ready.

Mr. Rick Cooper: Thank you, to the Commission for inviting us. This is important issue. There have been as we know 30 years of resort. I remember going there in 1966 with my mother and I enjoy and appreciate the magic that that place had to offer us, and that it, sustained and the legends of it as much as anyone. At the same time, I think we need to look at not only the impracticality of having and building another hotel there, any type of commercial development, especially a hotel. The time has come and gone for that. There are many leaders in Hawaii, who have joined with a group that I am participating with the Wailua Nui Hoano Project to bring a community center to that area. And to involve the community to the part where with we would develop through the leadership of the Hawaiian people, which is the dominant members of the group excuse me, that I'm part of. And to develop something for the community and take the property back into something a little bit more historic that was there when the Queen lived there, and there was, was a center of the culture of the island. I want to call it the attention to a couple of things. One is that there has not been a shoreline survey done by the applicants, or the permit holders, or now the lenders to the Cocoa Palms Hui. We call on that to be to be required. Three weeks about (unintelligible) there was a, we put 11,000 signatures of people who really cared about that property. And we, what we are asking you to do as a commission is to step up into your role, and to fulfill your requirement to do your job, to see that that the regulations, which have not been adequately enforced upon the developers and the permit holders for that property that that you should do your due diligence to make sure that they are not given any undue...

Mr. Hull: Three minutes. Madame Chair.

Mr. Cooper: Thank you, that you do your job, we would appreciate that. Thank you very much. Step up for the people of Kauai and thank you for the hard job that you do. Thank you. Aloha.

Mr. Hull: Thank you for your testimony. We have no additional we have one more additional registered speaker however, that individual did contact us which was yesterday afternoon to inform us that that she would not be able to participate in this in providing testimony this morning. So, with that, with that we have no further registered speakers and attendees.

Continued Agency Hearing

New Agency Hearing

CLASS IV ZONING PERMIT (Z-IV-2022-2) and USE PERMIT (U-2022-2) to allow renovations to the existing building to convert commercial retail and office spaces into

residential units on a parcel in Hanapepe Town, situated on the Makua side of Hanapepe Road, approximately 550 feet north of the Hanapepe Road/Hana Road intersection, further identified as 3731 Hanapepe Road, Tax Map Key: (4) 1-9-004:015 and containing a total area of 6,808 square feet = Jon & Elizabeth Von Krusensteirn [Director's Report Received, 9/14/2021.]

Mr. Hull: Moving on to the next agenda item, Agenda Item F.2, New Agency Hearing for Class IV Zoning Permits Z-IV-2022-2 and Use Permit (U- 2022-2) to allow renovations to existing building to convert commercial retail office spaces into residential units on a parcel in Hanapepe Town situated in the mauka side of the Hanapepe Road, approximately 550 feet north of the Hanapepe Road/Hana Road intersection, further identified as 3731 Hanapepe Road, Tax Map Key: (4) 1-9-004:015 and containing a total area of 6,808 square feet. The applicant is Jon & Elizabeth Von Krusensteirn. We have received no request for oral testimony on this agenda item and we received no written testimony concerning this agenda items. So, at this time, the Department would recommend closing the agency hearing.

Chair Apisa: Do we have a motion to close the Agency Hearing.

Ms. Cox: I move we close the Agency Hearing.

Ms. Nogami-Streufert: I second.

Chair Apisa: Okay. All in favor? Again, a voice vote, please. Aye. (Unanimous voice vote). Any opposed? Hearing none. The Agency Hearing is closed. The motion carried 7:0.

Mr. Hull: Thank you, Madame Chair. And with that, we'll go into the actual review and actual item for the same agenda items. So, I will turn it over to Dale who is our staff planner for this project.

Staff Planner Dale Cua: Good morning, Madam Chair, and members of the Planning Commission. With your permission, I'd like to summarize and highlight portions of the Directors Report. Action required by Planning Commission is consideration of Class IV Zoning and Use Permits to all conversion of a commercial return retail space into a residential unit.

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: Moving on to the General Plan Designation job designation is Neighborhood Center, the Neighborhood Center designation is focused on historic town cores and corresponds to existing or future areas appropriate for accommodating infill development and growth. In this district consists of the mixed-use core with a cluster of retail and service activity, civic spaces, and primary destinations along with residential uses. This core era can support and interconnected network of streets and blocks that encourage multimodal transportation access centers typically comprised of a mix of detached and attached buildings between one to five stories in height property is covered by the policies contained in the West Coast Community Plan, and primary access to the project road which is a company roadway and is wide enough to accommodate to a vehicular traffic. There is an existing driveway connecting into hundred per bureau that provides Ingress egress to the project site agency comments are attached to the report and contained in Exhibit A. And for now, this concludes the Directors Reporting.

Chair Apisa: Thank you, Dale. Is there anyone here for the Applicant?

Mr. Jonathan Chun: Good morning, Madame Chair. Jonathan Chun on behalf of the Applicant. We have reviewed report. We have no comments regarding we agree with his conclusions. We apologize to the Department for not outlining specifically, how many units are going to be on the first-floor ground residence. Originally, that was going to be scheduled to be a commercial unit, but the applicant needed to change his plans at the last minute, because the Fire Department required some cost prohibitive fire code changes to the building. So, they needed to go back to a residential, but it is going to be as represented by Dale, it is going to be a two-bedroom, one bath unit on the front part. Also, for correction or just for the information of the Department that property is on the Hanapepe sewer system and is receiving a sewer bill for the past for, a while already, so he is on the sewer. So, there is no issue regarding to septic system or cesspool, it is sewer line now. But other than that, we are open to any questions to commission might have with the staff might have in regard to the application. Finally, (Unintelligible) as noted by Dale, we are looking at the rear parking. There is enough space to go into the backyard, but what I think the issue of raised by Planning, which is a good one is, if everybody's there the turnaround radius, or the cars would be tight. So, we're asking the architect to go ahead and to relook at the placement of the parking lot of the parking stalls and revise really, maybe to opening up more space in regard to the turnaround area for the cars in the rear. But that can be done. I believe we have a space they just need to place the parking stalls in a proper area where there's turn around sufficient turn around radius for the cars to park.

Chair Apisa: Thank you, Jonathan. Commissioners, any questions on the applicant.

Ms. Nogami-Streufert: I do have a couple. You said that this structure was, the proposed Use has been submitted to the Kauai Historic Preservation Review Commission for review, as well as to cultural practitioners. But it says that you had not received anything back from them. Have you received anything since then?

Mr. Chun: No, we did not. Just to clarify, we have not gone in front of the Historic Preservation Commission. I believe the staff has been in contact with the Historic Preservation Commission for the county. For our, for the cultural practitioners we did talk directly with one person, and she indicated that they, she did not believe there's any cultural significance practices or resources on that property. She was aware of where the store was, but she did not have any specific information herself. She did check with, she said she was checking in with other people, but I have not heard back from her, that has been about it, a year already. Commissioner.

Ms. Nogami-Streufert: Okay.

Mr. Ako: Chair, I have a question for Mr. Chun. When you make reference to an access of bicycle out there, the reference that is made to customers and tenants. Is that synonymous word that is being used there or will there be customers?

Mr. Chun: There will only be tenants now, yes, my apologies. The original application was for a store in the front as required by the Form Based Code. So, there were there would probably more than likely, there will be no customers per se for a commercial use. The Fire Code requires

substantial fire protection walls between commercial and residential uses, which would have been cost prohibitive, given the older nature of this building.

Mr. Ako: Following up on the parking just for my clarification I guess, you make reference to the fact that we can provide seven (7) off street parking. Now, how does that work, off street parking? Are you in control of those parking's?

Mr. Chun: Yes. The proposed parking plan calls four (4) stalls in the back, in the rear of the building. And then two (2) on the south or left side facing the building from Hanapepe Road, two (2) on the left side, and one (1) on the right side of the building. Not within that setback area, the setback area will be clear for a driveway. So basically, three (3) in front and four (4) in the back.

Mr. Ako: So, the parking is (unintelligible).

Mr. Chun: Yes.

Mr. Ako: I guess the only other question I had was you know the fact about the difference about whether you hooked up to a sewer or not. Does that have to be a change that's made in one of the reports. Maybe that is for Kaaina or...

Mr. Hull: My apologies, Commissioner Ako. I was focusing on different or having a little bit of a technical glitch. What was the question again?

Mr. Ako: I think there's a discrepancy in terms of whether the property is hooked up to the sewage system or not. Yeah, but apparently it is up to a sewer system. If it is, will that require a change in I guess maybe, one of the (unintelligible).

Mr. Hull: I don't believe, but Dale can jump in, but I don't believe we got the response back from or comments back from the Wastewater Division and Public Works. But during the renovations they've been asked to go through the building permit process, and generally you know, just overall speaking. Generally, review on infrastructure for things like wastewater and water are resolved by those respective agencies doing building permit. For the agencies that don't sign off on building permit, we generally pay a little bit more attention too to try to have those requirements put in so like DOT transportation or DLNR or State Historic Preservation Division that comments, you know, kind of requesting upgrades or whatnot. We will pay particular close attention to those because they don't sign off on the building permit, but should the Planning Commission approve this action today, or at some other point. The applicant still has to run it through the building permit process to ensure that the meet, among other things are Wastewater requirements.

Mr. Ako: Thank you.

Chair Apisa: I was curious what the Fire Department requirement was, but I believe you answered that, that there was a protective commercial and residential, is that all or was there anything else?

Mr. Chun: No, that was the most. Thank you, for that question, that was the most onerous requirement. The fire code does require specific firewalls, both walls and floors and ceilings and in this case, it would have been the ceiling between a commercial and residential unit. And in this

case, because it was abutting on the walls and the ceiling, the ceiling would have to have fire resistant in the wall. And I can't remember what the hour was, but the architect and the contract came back to the client indicated that was extremely cost prohibitive to retrofit an older building like that to meet the fire code compliance between residential and commercial.

Chair Apisa: Thank you. Any further questions.

Ms. Cox: I think it's just a comment that I think it's important to note that it is clear, that the fire code for residential is being followed. So, it was just the difference between commercial and residential. Is that correct, Jonathan?

Mr. Chun: Yes, the residential code, we are going to be in compliance with the residential firewall requirements between residential units.

Ms. Cox: Thank you.

Chair Apisa: Questions? Hearing none, I believe we could move to the planner's recommendation.

Mr. Cua: Sure, I'm Commissioners there's a total of 11 Conditions for the application. Would you like me to read them for the record?

Chair Apisa: Yes, I think that would be good. Thank you.

Mr. Cua: Okay. Based on the foregoing evaluation conclusion. It is hereby recommended that the proposed development, involving the conversion of the commercial retail space into a residential unit to Class IV Zoning Permits Z-IV-2022-2 and Use Permit U-2022-2 be approved, with the following Conditions, 1. The project, and its amenities shall be constructed and operated as represented. Any changes to the subject buildings and or operations shall be reviewed by the Department to determine whether Planning Commission review and action is required. 2. As represented the applicant shall provide a total of seven (7) off street parking stalls and accommodations for bicycle parking and storage for the project. However, applicant is made aware that the Planning Director may increase vehicle and bicycle parking requirements, when particular uses or locations of current areas where unusual traffic congestion or conditions exists or are projected. 3. At the time of building permit application, and environmental impact assessment fee of \$1,000 shall be paid pursuant (unintelligible) of the Kauai County Code. 4. Prior to building permit application, the applicant shall resolve the following infrastructure requirements to the set to the satisfaction of the respective agency, and shall submit corresponding communication to the Planning Department that addresses these matters, Subsection a. wastewater treatment for the project through the State Department of Health and the County Department of Public Works and Subsection b. (unintelligible) drainage requirements for the project to the County Department of Public Works Engineering Division. Condition 5. In order to minimize adverse effects on the Federal listed threatened species the Newell's Shearwater and other seabirds, all external lighting shall be only having the following type, downward facing shielded lights, any spotlights in upward or spotlighting of structures landscaping, or the ocean shall be prohibited. 6. The applicant shall comply with the fire code requirements as imposed by the County Fire Department. Drainage flood requirements for the Department of Public Works Engineering Division, Wastewater Departments for the State Department of Health, and the archeological historical requirements of the State

Historic Preservation Division. 7. Prior to operation occupancy of the proposed residential unit that confirmation of compliance with the requirements from all reviewing agencies shall be provided to the Planning Department. 8. Applicant shall develop and utilize best management practices during all phases of development in order to minimize erosion, dust, and sedimentation impacts of the project to abutting properties. 9. Applicant shall implement to the possible sustainable building techniques and operational methods for the project, such as Leadership in Energy and Environmental Design, LEED standards or other or another comparable state approved, nationally recognized, and consensus based guideline standard or system, and strategies, which may include what 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 plan subject submitted for a building permit review. 10. Applicant is advised that prior to construction and were used additional government agent agency conditions may be imposed. There shall be the applicant's responsibility to resolve those conditions with their respective agency. And 11. 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 permit through proper procedures should conditions of approval be violated, or adverse impacts be created that cannot be properly addressed. That concludes the Department's recommendations for the project.

Chair Apisa: Thank you very much, Dale. Any commissioners have any further comments or questions of the applicant, or the planner? Hearing none, would someone like to make a motion.

Ms. Nogami-Streufert: I moved to approve the Class IV Zoning Permits Z-IV-2022-2 and Use Permit U-2022-2.

Ms. Cox: I second emotion.

Chair Apisa: Is there a second? Thank you. Any further discussion on the matter? Hearing none. Call for a roll call vote please, Kaaina.

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

Mr. Ako: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami-Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion Passes 7:0, Madame Chair.

#### Continued Public Hearing

Mr. Hull: Moving next, we have no Continued Public Hearings.

#### New Public Hearing

Mr. Hull: Next, we have no New Public Hearing.

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

### **CONSENT CALENDAR**

#### Status Reports

2021 status report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 at TAX Map Key 4-1-033:004 (por.), 005, 007, 011, and 017 and 4-1-005:014 and 017 (the “permits”), with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kauai (the “Conditions”) with Coco Palms Hui LLC, as Applicant (“Applicant”).

Mr. Hull: So, we're on to Item G, Consent Calendar. A consent calendar is generally just automatically approved or excuse me, its automatically received, unless a commissioner, or the Commission would like to make a motion to remove this status report concerning Coco Palms and put it on the communication section of the agenda to receive the report. So, the applicants are here to give a presentation but that was just a status update. In order to get that presentation, we need a motion to remove off the consent calendar place in the communication section of the agenda.

Chair Apisa: Do we have such a motion to move it off the consent calendar and place it on the communication portion.

Ms. Cox: I need clarification, Kaaina. So, if we want to discuss the status report or conditions, then we would remove it from the consent communications that correct?

Mr. Hull: Correct, as well as to even receive the presentation. The applicant has logged in and is prepared to provide a presentation, but in order for it even to be presented or discussed it needs to be placed on the communication of section of the agenda. Status reports happening for several projects and generally, the Commission just asks or only receives it if it has certain questions. But generally, status portions are just to accepted it and that's the case here. But I have a feeling that the Commission wants to get the presentation and discuss it, so in order to do so, we just need a motion to move this Consent Calendar agenda items status report to the communication section of the agenda.

Ms. Cox: In that case, I make a motion to move this Status Report Agenda Item from just the Consent Calendar to the Communications.

Ms. Otsuka: I second.

Chair Apisa: All in favor? Aye. Voice call, please. (Unanimous voice vote). Any opposed. Hearing none. Motion carried 7:0.

## **COMMUNICATIONS**

2021 status report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 at TAX Map Key 4-1-033:004 (por.), 005, 007, 011, and 017 and 4-1-005:014 and 017 (the “permits”), with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kauai (the “Conditions”) with Coco Palms Hui LLC, as Applicant (“Applicant”).

Chair Apisa: It is the 2021 Status Report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015- 7, Variance Permit V-2015-1, and Special Management Area Use Permit A (U)-2015-6 is moved to our Communications.

Mr. Hull: Thank you, Madame Chair, and members of the Commission. So, with that, just as a reminder, your Packet does have 80 letters pertaining to this agenda item. Before I turn it over to the applicant folks to give their status update and answer any questions you folks out. Just as a reminder to the Commission, as well as to the members of the public that may be viewing this meeting. We received a considerable amount of testimony, asking that the Commission, take action in some form or another to modify or revoke the permits. The Commission does have the authority to modify and revoke any permits that were previously issue and Planning Commission. But to be clear, this is a status report, update. You can ask questions and it may lead the commission to look at possibly modifying conditions or the permits, but it'll have to be further agenda is to do so. What we have today, is just a status report for the, for the Commission and the applicant to kind of go over and review, but any further actions would necessitate an actual general business item, general business item agenda for this particular matter. That's just for clarification. With that, I'll turn it over to I believe, Chad and Leaf are here to kind of give this update from there. Chad, I believe you guys can unmute and turn on your video capabilities when you're ready.

Chair Apisa: And Kaaina, thank you very much for clarifying that, because I think there was a lot of, not clarity about it so thank you.

Mr. Chad DeCoursey: Hi Commission, I'm Chad DeCoursey representative of PCG. Leif Erickson is there on the islands, and he'll be taking most of our presentation.

Mr. Leif Erickson: Awesome. Thank you, Chad. Thank you, Commissioners for your time this morning. Like Chad said my name is Leif Ericson I'm over here on Oahu. Awesome that we have this technology that we can keep things moving along, so thank you, thank you so much for your time, to allow us to provide this update on the progress of the Cocoa Palms Project. So, we represent Private Capital Group, PCG. We represent the lenders that made the original loan to Cocoa Palms Hui, LLC, in 2016, to finance the acquisition and the initial demolition of the property. I've been assigned to just work on this project during the transition of ownership from previous ownership to the lenders, as this foreclosure process comes to completion. PCG is nearing the conclusion of the foreclosure process. The court did a point a commissioner, who took the property through the pre closure process and advertise the foreclosure sale. The Commissioner held in an auction, this year. In July, around the 20th believe is the 26th, and the confirmation hearing was just held about a week ago, September 18. So according to our local and local Hawaii Council, the next steps will be for the judge to issue an order confirming the sale, and then approximately 35 days later, PCG nominees should close on the property, transferring the ownership, out of Coco Palms, Hui, LLC, into a new entity.

Previously, Stillwater provided you recent updates on the Coco Palms Project. And provided the required June 30 updated permit condition status report. And we felt as representatives from PCG on behalf of our potential buyer that we would present those to you at this time. We just want you to be aware that all the previous owners and principals, with Coco palms Hui, LLC, and the project and had no involvement with the property for several years now, and aren't involved at all moving forward as this, as we move forward with the project now. Just an update on some of the ongoing maintenance. We've worked hard to progress and keep the property nearest to the highway clear and managed the vegetation there. We've also been working very closely with the DLNR and the police to create an execute a plan to remove additional the breeze, the junk cars on the mauka side of the property, along with just clearing large portions of the property to make it easier to patrol, and obviously prevent trespassers from illegally occupying the property.

So, our buyers the potential buyers have put up, significant capital and escrow and funding to pay for the process to receive approval on all the permits for the project, and the potential buyers familiar. We've made it very apparent to them, of the conditions that need to be met, that are required to comply with the project and also, they are familiar with the affordable housing condition as well. This year we've made some significant progress. Thanks to our architect there on the island, Ron Agor, the architect who's been working on the project and updating both of us here at PCG, and the buyer regarding the status of each permit. Chad does have a permit matrix available. If there was, if there's time, we could, we can present that to you now, and Ron Agor can share any additional information. Along with that, just so that you can see the progress that we've made over, you know this this year and in moving things forward.

Mr. DeCoursey: For the Commissioners, please let me know if I need to zoom in or if you can see that screen?

Chair Apisa: Visible to me. Thank you. Okay.

Mr. Ron Agor: Okay. Should I chime in?

Mr. DeCoursey: That would be great, Ron.

Mr. Agor: Okay, could you go to page two first.

Mr. DeCoursey: Sure.

Mr. Agor: I'd like to mention that the Cultural Center site, which is mauka of the Kukui Grove concerns 4 building permits. And we found out earlier in the year, that the site, did not have a water meter. Coco Palms was providing a line from the Coco Palms Resorts site to the cultural center. So, we applied for a water meter in early January, and again, we submitted in May, and as of today, we have not heard from the Water Department. So, there's no anticipation of when we're going to get the water meter for those for permits, and we may resort to going back to the old way of running a water line from the, from the resort to the cultural center. I'd like to talk about the 25 permits, that are on the hotel site and Seashell Restaurant. If we can go to page one. As of July, off the 25 permits on the hotel site and the Seashell Restaurant. We've had 18 permits approved after that date. And as far as the Department of Water is concerned, they had signed off on 21 permits. And the Sewer Department had signed up on 18 permits. 22, I'm sorry, 22 permits. In July, the Department of Water and Sewer had raised a couple of issues that they were concerned with. I met with the Department of Water, and we resolve the issues that they had in terms of what they needed from us to proceed. And we had submitted those documents to them, and they're under review now. And the Sewer Department also had some new concerns. I met with Don and Troy from Wastewater and County Engineers Office, and we had discussed their concerns, and we feel like it's their concerns is not a showstopper and we're working through it, to come up with a language of conditions of approval for the sewer. So, those are the major issues that we're having with receiving all the permits. We have, we have basically 7 permits left on the hotel sites to complete the process and get final approval, and I anticipate hopefully getting this done within 30 days. So that's the conclusion of my updated status for the permits.

Mr. DeCoursey: Thank you, Ron. Thank you, Commissioners. Do you have any questions that we can address for you?

Chair Apisa: Hearing any?

Ms. Cox: I have. Donna, I'm just a little confused about what we are, how we do things. So, I think I need a little more clarification from Kaaina. First, I want to thank you for your report your status you know, update Leif that was very helpful. But I know one of the conditions, originally, which we reported on in your report and which also the Directors Report mentioned, was that was condition 26 which is that the right to add or delete conditions of approval to address things that haven't been looked at, you know, unforeseen impacts. And I think we have some of those with climate change, and with shoreline setback etc. So I don't know, Kaaina, this is do we raise those now or is this is what you mean about we accept the status report and then we put that on an agenda? I just don't want to miss the opportunity to recognize there are some issues we need to discuss.

Mr. Hull: No. Thank you, Commissioner Cox. It's an absolutely appropriate time to discuss, you know, the status report that was given by the applicant. And you, the commission certainly can discuss the concerns it may have, or each individual Commissioner may have with conditions as they stand or because I think you're like you're getting at, what could be perceived as out of date conditions, and have that conversation with the applicants. Should a commissioner or the commission want to modify a condition. You're certainly free to ask the applicant if they're willing to accept a modified condition under a proposal parameter. But ultimately, if the commission wants to take action, modify the to modify the permits, then it needs to be agendaized as the, as either a modification to the permits, or a revocation of the permits, quite honestly and, you know, there's some questions you may want to ask your legal counsel on this. But right, like if, if you were to, you know convey to the applicant that and this is just an example, I'm not saying it should be. Just as example, the Commission feels, it may be appropriate to try to use something that outlandish. "It needs to provide you know, daycare for Wailua." Right. If the applicant says, "oh, yes, we are willing to provide daycare." Then, you know, it could be agendaized for modifications of permits go relatively smoothly. However, the applicant objection says, "no, we feel that it's an unproportionally Nexus to the permits as they were granted." Then, more than likely it's going to legal proceedings under a contested case, to essentially vet out whether or not to vet out the Nexus and allow the applicant to exercise their legal authority to object to that condition. So, that is not too convoluted, Laura might be able to get in a bit more with you, but absolutely feel free to have discussions with the applicant. And if you're looking at possible amendments to the conditions, having that discussion with them. It's just that the actual amendments itself must be scheduled in a separate agenda item.

Ms. Cox: I see. Okay, thank you. I think that clarifies it. At least it knows I can go ahead with concerns because I do have a couple of concerns that came up from our testimony that we received. One of them is the shoreline survey and the SM a permit, that we're not I guess that there was an exemption but that was an earlier applicant, and that that has never been done. That's one of my concerns and another concern is the Terry Lily's letter about the, and I'm wondering because we have a fish and wildlife report but it's from 2015, which was you know, quite a long time ago so again that perhaps is outdated. And then my third concern, is that climate change the impact of climate change, which this is a property that certainly is facing going to face that, already is facing and in the Wailua area.

Mr. DeCoursey: Thank you for the thoughts. I'm not sure if there's a specific response at this time. I would thank you for pointing out condition 26. I would just clarify that our understanding is that the subsequent changes to this project as proposed by the applicant is kind of what triggers additional condition. So, if we make changes, then I think it's fully within the meaning of that section 26, that additional conditions could arise. However, I'm not certain that we would agree that additional conditions can be imposed. I think like what Kaaina has talked about.

Ms. Cox: So Kaaina, I guess one of my questions is, I guess it is a question then to you. What about Theresa Chico's letter requiring the shoreline survey and applying for the SM a permit. Is this a case of if we want to make that amendment, then that we have to agenda is that is that or can you explain why we're not doing that, why we're not insisting that that happened.

Mr. Hull: Yeah, so thanks, Commissioner Cox. Under the status update its just receiving the status, but as we're bringing up in as was previously discussed, you know, if there are concerns that

a commissioner, or commissioners may have about the conditions. And, you know, the surrounding environment that has evolved since the conditions were originally imposed. You can completely have that conversation, to go into why it wasn't required and at the onset of these problems back in 2015? My standing is that both the Planning Director and Department in consultation with the county attorneys at the time, had to review the application under the Iniki Ordinance. Which at that time, basically, allowed for proposed structures that had been uses that have been damaged in the Iniki event. It allowed them to be put back in the place that they originally were, however, it necessitated getting the full gamut of permit requirements that were in place in 1993 when the event occurred. So, the Department at the time, saw that there definitely was Use permit process, a Cass IV permit process, and an SMA permit process in 1993, that would have been applied to this proposal when it happened.

There was no shoreline setback ordinance though, back in 1993. So, the in the records there actually is an application for trying set back shoreline determination, that actually has the applicant signature on or the representative signature on it, but ultimately, that was never acted upon, because it was determined, I guess, in 2015, because there was no shoreline setback ordinance, it cannot apply the shoreline setback ordinance retro actively on or within the Iniki ordinance paradigm, if you will. So, at that time, it was not required of them to do the shoreline survey. And so, you know, I think, excuse me. If it would absolutely in the best interest of the landowner with building permits to be aware of the impacts of coastal erosion and sea level rise, particularly passive flooding, as is projected to happen on this property. Just overall for the structures wellbeing so they move forward. But as a requirement the permits never installed that back in 2015. If the Commission would like to make that a requirement and amend the proposal existing conditions of approval to necessitate a showing setback survey be done. And ultimately say, you know, the structures be moved outside of the setback of any of the proposed structures within the setback. That can be proposed and acted upon. But, if the applicants object to that. More than likely, it would have to go through a petition for revocation proceedings or to modify the permits under a contest to keep hearing.

Ms. Cox: Well, I for one would like to it to be a requirement. I don't know how other Commissioners feel, but there it's very clear to me that this is an area that has, we know from all the studies that this is an area, and we also know from just looking outside. If when you drive by, that this is an area that has real potential for problems with sea level rise and erosion.

Ms. Nogami-Streifert: So, just a point of clarification right now. As I recall, Mr. Eric and saying that the sale hasn't closed yet. Is that correct? So, are we talking to the correct people?

Ms. Cox: That's a good question.

Mr. Erickson: So, so yeah, you know, we have a, there's a potential buyer. And that's what we've been working on for the past three years is to close those permits, because the purchaser can't buy the property or close on the property, till all those permits are in place. And that's been our process as we've been going through this for years now trying to work that all out and get all the permits, up to date and approved by you guys and by each of the authorities to move forward with the sale.

Chair Apisa: A point of clarification. And I think if the question may be the limbo status of PCG having titled, but I think that's just a matter of processing through the courts, in essence, they are the owner. Is that correct?

Mr. DeCoursey: So as of the current date, we're not the PCG or the lenders are not the owners on title. It's still held in Coco Palms Hui, and so, it's still pending via the, I mean we need the courts final order approving the confirmation hearing. And then it's approximately 35 days to close. Once that closing has happened, then then title will officially transfer to the lenders who then hope to close with a potential buyer.

Chair Apisa: But the court has confirmed the foreclosure auction sale, correct?

Mr. DeCoursey: The hearing has been held, the official order confirming the sale has not been entered by the judge. A draft is circulating among the parties currently

Chair Apisa: I think it's all a logistics issue primarily.

Mr. DeCoursey: That's correct.

Chair Apisa: So today, we're talking to PCG, who is in process of obtaining title likely within the next month or shortly thereafter?

Mr. DeCoursey: That's our hope.

Chair Apisa: Expectation.

Mr. DeCoursey: Expectation, yes. Thank you, Commissioner.

Mr. Ako: Madam Chair, I have a question.

Chair Apisa: Yes?

Mr. Ako: Following up on that. So, if for some reason this Commission decides that an SMA assessment needs to be done. Is it just a matter of timing, in terms of who needs to do the assessment? And before the 35 days then this group will do it after the sale is sealed and closed (unintelligible), because it has been done before the sale is closed. Does that also depend upon when the commission again, are able to make this a requirement? What is the timing of this?

Mr. Hull: For, I think, for the, and just a minor correction, Commissioner Ako. They did an SMA Assessment, Special Management Assessment, and got the SMA Permits. In with Commissioner Cox was talking about, was the shoreline setback determination, which is very, you know they function in tandem with each other just as a separate process. The shoreline setback determination would necessitate a try and set back survey, which takes anywhere from six (6) to eight (8) months to do. Because you not only survey the shoreline, but the applicant would also have to go through a public hearing process with the state for them to accept that determination of where the shoreline is. So that's just a six (6) to eight (8) process by itself. But then we can ask the applicants if they're open to it. If they consent to it, it could take six (6) to eight (8) months. If they don't consent to it,

it could be a fairly lengthy process. Because more than likely if they object to it, you will have to go into some form of contested case hearing process to determine whether or not the condition would be amended. And then the average time, for conduct the case here in right now, is one to two years now.

Mr. Ako: If the sale does go through without the shoreline setback. Let's assume that something does happen, that is somebody gets hurt within the process of whatever theorize reasons might be. At that point in time, is there any liability that the County could possibly encounter knowing the fact that, you know, this sale went through, it went through the Planning Commission, there was no shoreline step back, and knowingly (unintelligible).

Mr. Hull: I would have to defer that to legal counsel for that question, Commissioner Ako.

Deputy County Attorney Laura Barzilai: Hi Laura, County Attorney's Office. Commissioner Ako, your question is whether, could you please restate your question.

Mr. Ako: Yeah, you know if there is no assessment that is shoreline assessment that is done. Say down the road, water comes into the project, and somebody gets hurt in there, is there a possibility that the county now become liable, because they have approved the (unintelligible) of shoreline setback.

Ms. Barzilai: I think the preliminary answer is that we are not faced with that immediately and at such time, as that may happen in the future. Once the high watermark is rising, the state will step into attach the land at that point, and I believe that a seawall probably will be constructed to alleviate that problem. So would probably be a state function. Yeah, prevent any liability to the county.

Mr. Hull: Yeah. And just to say, as far Ms. Barzilai's comment. There's always questions about sea level rise, and flooding impacts. And so, to kind of parse it out, rightly, you have concerns about passive flooding or highway brought up, and that's where water moves into an area and then moves back out. And then you have actual coastal erosion, where, you know, the ocean is marching mauka, and as coastal erosion happens, that land is in perpetuity underwater, right. So, if coastal erosion is impacting this area, right, like the County of Kauai, as well as many State Policies have strong prohibitions on seawall construction for private property owners because of the nuisance issue, that its nuisance issues that it creates for other property owners with coastal erosion being pushed somewhere else. What the state is going through right now, as well as the county, is assessing those assets that may need for the greater good of the public to be shoreline or sea walled up to preserve that access or that resource. This is one particular area that the state has to assess, whether or not it moves the highway, as sea level rise happens and as possible coastal erosion marches further inland areas, whether or not this is an area that is projected to be impacted and if so, will they move the highway, or will it be this be deemed a public asset that needs to be essentially armored. And, you know, that's, that's just the fact of the matter is in this project, the Coco Palms Project sits behind this state asset that may or may not be armored in the future. I know it doesn't fully answer your question, Commissioner Ako. It's just I'm just trying to paint the picture (unintelligible).

Ms. Barzilai: Commissioner Ako. Laura Barzilai, County Attorney's Office, again, it is a new speculative toward the future, but I think at the point where it will become a danger, the party would have to remove whichever structure was in danger or hazard.

Mr. Ako: I think I will tend to agree with Commissioner Cox on this, because I think you know, you look back to like 2015, I mean we probably were talking about climate change at that time, but I don't think it's as prevalent as it is today. And, you know, during that time, so many things have changed. It may have been dealt with at that pointed time, but maybe today is (unintelligible) change of time, I mean so many things there's changed and not only to the climate change, but to traffic and population on the island. So, I think that is something that we should thinking about myself (unintelligible).

Ms. Nogami-Streufert: Kaaina, I'm a little confused at this point. So, what are options right now?

Mr. Hull: Really with a status update. You only have two options as far as the actual action on the agenda item, and that's to receive it, or to defer it for further discussion at a later time, because you'd like additional information from the applicant. If there is a desire by the Commission to amend the permits. I think you may want to ask the applicant, what their position is on a proposed amendment. Because if the applicant is open to a proposed amendment, then like I said that can be resolved relatively quickly. But if the applicant objects to it. Then it would necessarily be resolved by scheduling a future meeting to have it on general business matter for modification. But if they object to it. Then we would also still have to end the commission still wants to pursue will have to agenda is it a future meeting for the motion to actually made for an action on the item, but it would get pushed into a contest hearing. And more than likely, I am going to imagine that the applicant is going to exercise their right to contest the case here.

Ms. Nogami-Streufert: So, should we wait until the Title is cleared, so we know exactly who we're dealing with before we do anything? Or do we assume that the people who are representing it now, are the ones that we will be dealing with in the future?

Ms. Cox: It sounded like the permit, if they, before it gets transferred all the permits have to be done, it seems like we have to do something now. Rather than I mean, I have the same questions you do Glenda, but I am also confused, because it sounded like the permits, have to be completed. I mean, yeah, I guess I'm just confused about when it is approved.

Chair Apisa: My understanding and correct me if this is wrong. We're talking about two different transfers here. We have the foreclosure sale, which is pending the court approving the confirmation hearing. And that's a transfer it's a guess technically not a sale, that's a foreclosure transfer to the lender. And after that there's a pending sale. So, I believe, any action taken goes with the land. And so, we could take action and technically it would be Coco Palm Hui, which would transfer to PCG in 30 days or whenever when the court confirms it. But would that, Laura, is that a correct understanding?

Ms. Barzilai: It is Madam Chair. But today, our Director Hall described what the commission is faced with as a narrow action in either accepting or deferring the report. And then, any subsequent discussion under Chapter 12 of the Commission rules for modification of the conditions, should happen after today's meeting so that we can bring it back on to the agenda. How that works with

the timing, of the new owner or buyer stepping in I'm not sure, but it would have to happen in a two-stage process.

Ms. Cox: So, to clarify my understanding. What we would do is either accept or not accept the status report today. And then we would, if we have concerns, then that would be agendized at another time, and we would work on it. Because I know, I have a number of them, you know, one of them is the climate change, but I have other concerns, but we haven't had a chance to discuss them. So, we would discuss them after another meeting. Correct?

Mr. Hull: No. You absolutely feel free, Commissioner, to discuss them and I'm looking at the applicants' representatives (unintelligible) you want to discuss them and have that conversation with them today. As far as taking action to amend the permits, indeed, as myself and Ms. Barzilai saying, "you can't amend the permits right now, pursuant to our rules for a status update, but it can be agendized is further for a proposed amendment or modification, on general business item. But I would say, feel free to have and why Chad and Leif are here is to answer questions, concerns, issues with the Commissioners as they may have, as they pertain to the permits.

Ms. Cox: And we should do that before we accept or reject the Status Report? Because to me that that's two different things. There's the Status Report is what it is, they responded to everything, which seems different to me than our concerns about the fact that we're in a different place now.

Mr. Hull: Yeah, I mean, you could hold back as a commission and not have the points with them. I think, in lining up that some of some conditions or concerns or actions that either you or any other Commissioner are thinking about pursuing. If they're going to, you know, it's a bit easier I think if, like I said earlier, if the applicant is willing to address these conditions and make amendments to the conditions that they feel are acceptable, then it can be resolved relatively quickly. But if there are proposed conditions that they are objectionable to, like I said, and the commission decides to pursue it. That is a one (1) to two (2) year process in contested case hearing proceedings. So (unintelligible).

Ms. Cox: I'm going to bring the elephant in the room. I'm going to mention him, because clearly there are a whole lot of people on this island who would like to revoke these permits. Right? So, if that is something where we want to have a discussion and about revoking permits for reasons of climate change or traffic or all the things that Gerald also mentioned that have changed since these were originally brought forward. May not, I mean Chad and Leif. Okay, I guess I can ask, you know, are you interested in revoking these having us revoke these permits?

Mr. DeCoursey: I can speak to that one, Commissioner Cox. So, it's straightforward at this time we're not interested in having the permits revoked. I don't think that's in the best interest of our constituents.

Ms. Cox: Thank you.

Mr. Hull: Yes, so to that question Commissioner Cox. If say you as commissioner or as the Commissioners as a whole, wants to look at as Condition No. 27 always puts the applicant on notice of the Commission's authority to modify our vote the permits after they've been issued.

Then essentially the commission will issue an order to show cause, which initiate the revocation proceedings. And like I said, again, that would end up in as Chad has just stated, that they would not you know, consent or agree with such a proposal. So, then I would just go into a contest to keep hearing proceedings.

Chair Apisa: As a follow up question which, you know, the baby elephant, would the applicant be agreeable to the, as discussed, the Shoreline Study.

Ms. Barzilai: Madame Chair, could you repeat that, please.

Chair Apisa: Yes. Would the applicant be receptive or agreeable to doing the Shoreline Setback Study, as was discussed earlier today?

Mr. DeCoursey: I know we are not currently looking to add additional work to our list of work to accomplish with the permits. We certainly be open to discussions about what that might entail and how it could be completed.

Chair Apisa: Thank you. Any other elephants to follow?

Ms. Cox: Minor elephants. Would the applicant be willing to have an updated report from Fish and Wildlife, since the last one was done in 2015, because there was a concern about native birds.

Mr. DeCoursey: I think I'd have a similar answer to that Commissioner Cox, that we're not currently looking to add to our list of permits to comply with. But we're open to discuss how that could fit in with the plans of our timing and our lenders.

Ms. Cox: I have another question for you Chad or Leif, and that is in the, should have looked at the number of the condition, but it was about the traffic. There were two of them, and what you had agreed to was to run a shuttle for 18 months, both to take guests to Wailua Beach, but then also to other destinations within Kapaa. Again, I'm not sure we're asking the right people, I'm still totally confused about how this whole thing works. But one of my concerns is 18 months? I mean after 18 months we got a traffic problem. So, you know, is, the applicant willing to forever have a shuttle taking the guests to the beach and around (unintelligible)?

Mr. DeCoursey: I believe I'd have to gather more information on that specific Condition, and I apologize, I believe to the commissioners. I believe I mistakenly said permits when I meant conditions from the commission.

Ms. Nogami-Streufert: Let me ask a quick question. If this goes to, if we were to add conditions or want to add conditions. And this were to go to a contested case, and it takes two years or more to get before we get a decision. What happens to that property in the meantime? And oh, by the way, since it hasn't closed yet, or the title hasn't transferred yet, who's responsible for that period of time?

Mr. DeCoursey: So, I think I can address both of those questions. Currently, Coco Palms Hui, who he is still managed by Stillwater. And, to my knowledge, all operations property maintenance, those things. I believe are continuing as they've been for the last couple of years. Following the

transfer of title PCG would mean to assume those responsibilities. As to your first question regarding what happens to the property in the meantime? It's likely to sit as we, as the lenders are unlikely to be able to sell it. If additional conditions are about are imposed on the property, and whether there's capital to maintain and you know, handle all the ongoing costs of holding that property that remains to be seen.

Mr. Ako: Chair I have a question. (unintelligible) I apologize for it. But I think I go back to the fact that you know back in 1992, you know, before the hurricane came, traffic was one situation at that time. At this, you know, 2015, you know, that has changed. Until today, it's even changing up again, in terms of the traffic. And you know, you sit in that traffic, and you begin to understand, and I assure you know, how bad that traffic is there. As far as I understand, I don't know if there's any plans about how you relieve the traffic there with or without the resort. Yeah, I mean the traffic is bad already I think with the resort, you're going to assume that there is going to be impact. And know what has been done already by the traffic impact assessment report by the traffic. The traffic is there, what will come in resort comes into the mix there? And I also know that there is another impact assessment report that is going to be done one year afterwards. But again, my question is if the traffic gets even worse, you may share a cost in terms of trying to alleviate the traffic that's there. But I guess my question becomes, so what the cost is, there is no solution. And there is impact. And I think the people of the island, especially on the Kapaa side coming in. I mean they bear the brunt of the burden are coming in it. So, I guess my question becomes, before this goes up and before we get into the possibility of traffic even getting worse with no solutions. Maybe there is a solution before this? I don't know if there is one or not. We don't even know how to fix that traffic there (unintelligible) first. And if you had any thoughts on it.

Mr. Erickson: Great questions, Commissioner. Great concerns. I mean I totally understand what you guys are thinking about, I live on Kamehameha Highway on the North Shore of Oahu. And this last July beaches were, it was just me and the family, maybe a couple of neighbors, no cars, you know, wonderful thing. And over the last year, it's, it's just completely increased yeah, tourists are coming back. You know businesses are open, traffic is, in order for me to pull out just get my daughter around the block to school. It takes me a few minutes longer I mean; I totally understand your concerns totally do. However, I wish that life was perfect. You know, I wish I wish we could come up to a solution with every problem today, but I found in my experiences in life. Like, that's why we have these meetings. That's why we have community that comes together and says, hey, look, we've got maybe we need some more employment maybe there's opportunity for more jobs, what's going to be the cost that comes with that? It's going to come an increase in population. It's going to come with an increase of traffic. It's going to come with a possible increase of maybe some crime, I mean we hope not, that's not what we're trying to attract.

But that's what this meeting is all about is that we come together as a community, as a commission. And, and we solve those problems and I wish, I wish we could fix all the problems today, but I honestly don't. We can fix him today and come up with a solution. But just like since 2015 to now, those conditions are going to change, and we're going to have to fix another come up with another solution, because there's going to be another problem. And I'm not, you know, I'm not just trying to just say that to hey, let's push this thing through and just go for it. But at the same time, I mean that's what human beings are all about. We're here to grow you know, at a sustainable rate, and take on the challenges that come with opportunity. There's always a risk involved with opportunity so as we move forward. I mean that's our goal. I mean, yeah, we hope that's the buyers, you know,

position is same thing. I think we all want it to be a win, win situation. I mean that's our hope and our goal is it that it benefits everybody, you know, it's there's always those that are going to look at and say oh they're just wanting to make a million bucks and then they're out of there. But we must look at the opportunity cost I think so, yeah, sorry I don't have a perfect answer but that's what that's what human beings are for. We're here to come up with solutions and when that problem arrives, whether it be today, or whether it be in five years or ten years there will be another problem for us to come up with a solution with.

Mr. Ako: I would wish to that I had a solution for you which obviously I don't. But I think you know, that has become a very focused issue right now, because on Kauai we've already seen that happen on the North Shore with the 2018 flood that we had there, that you know, it was just out of control already. And then after the flood, and then the rehabilitation up there, they've seen something can be done. You know to make this place, and just knowing the amount of testimony that comes in, you know, that is against and trying to get this point, I guess my next question would be, have you folks been meeting with the community, community leaders to see? Maybe they might have some solutions but I'm not even sure whether you met or not, that might be my question.

Mr. Agor: Chad, this is Ron Agor. Can I chime in on this subject?

Mr. DeCoursey: Sure, yes that's fine.

Mr. Agor: Yeah, you know, I'm a longtime community member of Kauai. And I was very pleased at the then Planning Director proposing the pilot program of shuttling. And I thought to myself, that, that could be the solution for our overall Island. It's a pilot program where we would run a shuttle to pick up people at the airport, bring it in to the hotel, back and forth, and would have shuttles picking them to the beach, shuttle picking them here and there. And after 18 months. It proves that it works, and I am confident it's going to prove that it works. Then maybe the island, could mandate the rest of the hotels to fall in line. And if you want to come to Kauai, you're going to visit Kauai with shuttles. You know, so I'm very excited about this pilot program. I really am. I'm in my younger days. I used to see the tour companies on this mount limousine like that had 12 to 14 tourist and dozens of them will take them up to Kokee, would take them to the west side, I mean, the north shore you know, and I'd like to see this pilot program tested. And I feel it could be a long-term solution to help with the traffic.

Ms. Cox: Ron, I totally appreciate what you said, and what Leif said, and Gerald. I guess my concern is, shouldn't we test a pilot program with what we are, we already have a whole bunch of hotels, and we already have a whole bunch of tourists. And we could shuttle them around without adding and I know right now, the island citizens are feeling the residents are feeling like we're making decisions primarily for tourists, rather than for the people who live here. And if we're going to make the decisions for the people who live here, then we could try a shuttle with the people at the tourists we already have rather than adding all those rooms and then doing a shuttle. And I understand Leif, what you're saying about there are opportunities with employment that would happen with this, but I think the island is just right now feeling like, that's not that having more development for hotels for tourists is not the way to move forward at this point.

Mr. Agor: Well, the shuttle program is mandated right now, you know, and upon the completion of the hotel, it can go into immediate effect. And attempt to now go to the other hotels and mandate them to do something without any tests so to speak results. It's going to be a challenge.

Ms. Cox: Yes, it is. But I know there are people who are already working on it. You know, we didn't have the shuttle that went out to Ke'e beach, you know, a couple of years ago, and that was not mandated that was people getting together and realizing that we had to do something.

Mr. Agor: Does it work?

Ms. Cox: I think, yes, it does. It's not perfect, it's certainly not perfect.

Mr. Agor: I feel comfortable that the shuttle program, Coco Palms will work.

Ms. Cox: Yeah, I know, I agree with you Ron, that it will work. But it's doing it, it's adding a whole bunch of rooms and tourists first and then adding a shuttle for them, rather than managing the tourists we already have through shuttles.

Mr. Agor: It's bringing back the room from its former days.

Ms. Cox: Right. And I understand that's also bringing back, but it's bringing it back again, adding a whole bunch of rooms and tourists, rather than dealing with what we have now. And I just think the island, the testimony we heard suggests that people feel like we've got enough development right now, tourist development. And this is not the appropriate time or the appropriate place to add more if I could.

Mr. Agor: (Unintelligible).

Chair Apisa: This... I'm sorry.

Mr. DeCoursey: No, go ahead.

Chair Apisa: I'm sorry. Well, I don't want to break up the conversation. I was going to suggest a 10-minute break so everybody could get their thoughts and their questions and answers together but go ahead with your response.

Mr. DeCoursey: I would just humbly point out that we are doing our best to comply with the conditions that were put upon this project when the permits were issued. We are doing our best to hold up to our end of the bargain and to comply with everything that's been asked of us to this point, we continue and plan to do that moving forward. We are open to sell the property, if there are other interested buyers, please bring them to the table. You know, we represent lenders who find us. What we believed was an exciting project and we still see the vision of it. If that vision has changed and there's another buyer willing to come in and support a new vision. Please put us in touch we're open to whatever solution that works best for the island that still acknowledges the money and time and effort that's been put in today.

Ms. Cox: I appreciate that.

Chair Apisa: And again, just to remind everyone that you know, we are working on the 2015 permits, and have been approved and are in progress. So, we just need to be sure we follow legal channels here. Could everybody agree, if we could take a 10-minute break, and everybody could kind of get your thoughts together and any questions further questions, everybody okay with that?

Ms. Nogami-Streufert: I agree.

Mr. Ako: I agree.

Ms. Cox: I agree, and I'm sorry if I have overstated my concerns. I would hope to hear from other commissioners. I know Gerald and I have done a lot of talking but it would, I don't know that I have a sense of what the other commissioner's think. So, I would appreciate that, thank.

Chair Apisa: No, and I think it's good to express and put all the elephants on the table so.

Ms. Cox: The poor table.

Chair Apisa: All right, so 10-minute break. We will be back at 10:45. Thank you.

The Commission recessed this portion of the meeting at 10:34 a.m.

The Commission reconvened this portion of the meeting at 10:47 a.m.

Chair Apisa: Call the meeting back to order after the recess.

Mr. Hull: Okay, everybody here. You want to take. Roll Call?

Chair Apisa: Yes, I would like to proceed with the roll call please.

Mr. Hull: Okay roll call, Madame Chair. Commissioner Ako?

Mr. Ako: Here, I'm here by myself.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Here by myself.

Mr. Hull: Commissioner Cox?

Ms. Cox: Here by myself.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Here by myself.

Mr. Hull: Commissioners Otsuka.

Ms. Otsuka: I'm here, and by myself.

Mr. Hull: Commissioner Streufert?

Ms. Streufert: Here by myself.

Mr. Hull: Chair Apisa?

Chair Apisa: Here and thank you. Seven Present.

I guess as we go back into session here. I would like to just remind everybody that these permits are moving forward since 2015, and we're not here today to talk about not moving forward, and subsequently we can talk about modifications, but from a legal standpoint. Just want to, you know, keep that on track. So, anyone have their thoughts together further questions you would like to ask? I thought...

Ms. Cox: I was really hoping other commissioners would want to speak, but since I seem to be the one who's speaking. First, I just want to thank Leif and Chad very much for giving us the Status Report and being willing to discuss with us our concerns. I think perhaps our best approach would be for the commission, to consult with legal counsel subsequent to this meeting, to determine whether we might want to take approach the Director for modifications on the permits according to Chapter 12 of our rules. What I'm not sure of, again, because I guess I'm a slow learner, but I'm not sure whether that still means we should be taking motion and either accepting or not accepting the Status Report. I'm happy to make a motion to accept the Status Report. If what we're doing here is simply saying, "yeah we got it and we're, you know, thanks for the status report" but I don't know if that's the appropriate thing to do if we might make modifications.

Ms. Barzilai: Madam Chair, it's Laura. I think, again, we have two separate issues we have the either acceptance or deferral of the report. And then we have a subsequent discussion of any powers and duties under Chapter 12 of the rules. So, my opinion would be that today, it is appropriate for you to entertain a motion to either accept or defer the report.

Chair Apisa: I guess just my closing comment or for now. You know, we were talking about traffic, and I don't know what effect it will have hopefully, it will be good. But there is, I know 20 years ago, there were initiated talk about adding the third lane from Haleilio Road to Kuamoo Road, and that is finally happening. That does slow traffic down a little bit more right now, and hopefully, that will improve traffic, but I remember that was a condition from 20 years ago, that is now happening.

And, and the other comment would be, I hear a lot of testimony to make it a park, and I would you know like a follow up proposal of some individual or organization to have a plan in place to purchase the land to bring it up to the standards for a park. A big concern of mine is the ongoing maintenance, because I don't think anyone is going to expect the user fee. And because I was involved with the, I think it was two developers ago, about 20 years ago, I was very heavily involved with Coc Palms I'm very familiar with it. You've got a sewer issue traffic. You've got to bring back and restore the historical lagoons, you've got the largest and oldest Coconut Grove in the state there, on leased state land. It's made up of many, many parcels and, and it's not going to be a light load to maintain it. So, I mean, I would like to hear some practical solutions of how to make

that happen if that is the way to go. And I supported it. I think that would be a wonderful thing I would support it, but I need to hear a plan of how to make that happen. So those are just commenting not for any questions or anything but just an observation.

Ms. Nogami Streufert: So, Kaaina, at this point, it appears that with the two actions. One of them is to get, we do have a status report, it is a report. We can either accept or not. But that is their Status Report, that's why we are here to either accept it or not. The second part of it is that there are a lot of community concerns, some suggestions, which may or may not be feasible, others that may include just modifications to some of the conditions. So how do we do the second part of it, which is that we would like to have more of a public discussion on this issue? If we will do accept the report the status report as it is, and then yet, leave it open for discussion with the community. And with the developers for a later time.

Chair Apisa: Laura, can you give us guidance on the consequences action to accept or differ.

Ms. Barzilai: I don't think that there are any consequences in connection with what, Commissioner Streufert was talking about, about what sort of future action can be proposed. I mean today, it's technically a ministerial act of accepting or deferring the report for further information. I don't think that you can reject the report unless you have grounds to believe that there is something false in the report or it's based on faulty information. About the type of community meetings that, Commissioner Streufert is talking about. I think this would have to come from informal discussions with the applicant as to whether they are open to doing that I don't read that as a condition of the permit for us to undertake that at this time. But we can explore I can explore with the commissioners their powers, rights, and duties under Chapter 12, if they would like to, subsequent to this meeting in connection with modification of the permits. Those would be the options at this time.

Ms. Nogami Streufert: Let me be clear that for everyone out there, I'm not suggesting any modifications right now. I'm asking for a little more time to explore what some of the issues are because there has been a lot of a concern that has been brought up by the community, but not necessarily a lot of solutions. And it's not necessarily the developer's responsibility nor is that the County's responsibility alone. I think we all share something in this. The question is, how to best move forward? But at this point, since we are just looking at a status report. It appears that I, I will move to accept the status report.

Ms. Cox: I will second that.

Chair Apisa: Is there any further discussion on the motion on the floor to approve the current status report?

Ms. Nogami Streufert: To accept it. I'm not approving it, to accept this.

Chair Apisa: All right. Yeah. Thank you. Thank you, is there, the motion on the floor is to accept the current status report, any discussion or questions on that motion on the floor.

Mr. Hull: I have a question. Madame Chair, of Commissioner Streufert the motion maker, if you will. Commissioner Streufert, and we could have this discussion offline. But being that was made

the during the meeting, your desire to have further engagement on concerns and issues, I guess, the Department would need direction, as far as what you would want to see happen in the future. I mean, if you have specific questions or concerns that came in from public testimony about the site, then indeed, now this is kind of the time to ask, either the applicant or myself as representative of Department if were able to any of these concerns and issues with a few if you feel them valid to them, or valid to the site. But absent that, then that just, I don't have any direction as far as what we would do in the future to help address those concerns, because the only other way that this comes back officially, as agenda item business, is if there's a modification proposal or after next year's status update.

Ms. Nogami Streufert: So, you're saying that right now, if we accept it, we have to put in there a modification now if we wanted it to be considered. Is that what you're saying?

Mr. Hull: No, no. The Department or the Commission can issue a petition to modify the permits, out of subsequent Planning Commission meeting or at any at any Planning Commission meeting. Of course, the property owner needs to be given due notice. So, a scheduled modification can happen at a future Planning Commission meeting. But outside of that, if you want to have discussion outside of modifying the proposing to modify the conditions of the permit. The only other time this is going to come back to the Planning Commission would be at next year status update.

Ms. Nogami Streufert: So, we could not do another hearing, where we would hear where the developers as well as the public can hear testimony from, and I understand, we've got a lot of written testimony and we've read them all. But for a discussion to a formal discussion at a Planning Commission meeting between the developer and some of the public.

Mr. Hull: I think, you know, the request can be made from the landowner at any time to give another status update, prior to the mandated one next year. And ultimately, it would be up to the landowner to determine whether or not they're willing to give an earlier status update, if you will. But right now, right, the only way that we can agendize the items if there's an actual action before the commission for a set of permits, or under status update as required under the conditions of permit or request that you know, the applicant, come back and provide additional information.

Ms. Nogami Streufert: So, by accepting it that we closed off any actions until next year's what you're saying, is that correct?

Ms. Cox: I don't think so. I don't think so I thought, according to Chapter 12 rules, what we can do is we can decide subsequent to this meeting that we do want to modify some amendment, and then we would report it to you, right, Kaaina?

Mr. Hull: Hold on, hold on, one second. So, as I understand, Commissioner Streufert's request is that she would like it to be brought back in the future before the status update. But outside of a modification proposal just to have further discussion.

Ms. Cox: And we would have to have it in a modification, right? I mean we'd have to have something (unintelligible).

Mr. Hull: During modification request. Absolutely, discussions will occur because it's an official agenda item. But my understanding from Commissioner Streufert's request is that she may not necessarily want to go down the modification route to have further discussions with the applicant and the community on concerns about the site. And I want to say is that you absolutely can. But it would essentially be a request from the commission that the applicant present. And, you know, as I'm watching this thing unfold, it is looking like this could get litigious. All I'm saying is that the applicant Can, can you know say no, we're not required to come back to you until next year for the condition, while I'm getting as you may want to ask the applicant, if they're willing to come back on a future date prior to the required June status report of 2022.

Ms. Nogami Streufert: Okay, well then let's ask the question. Would you be willing to do that?

Mr. DeCoursey: We would need to have discussions with our legal counsel, and we can let you know.

Chair Apisa: One of the other options, I believe was to defer so what happens if the item is deferred?

Mr. Hull: We would be scheduled for a second, another agenda item for the deferral date.

Ms. Cox: But if we if it's deferred or we, and it comes back, aren't we in the same place we are today except further down the line, I mean we still if we, if we decided we wanted to modify something we would still then have to have a separate agenda item at a separate meeting, correct?

Mr. Hull: Correct.

Ms. Cox: So, it doesn't really, all it does is sort of push it down the road without anything. Seems like.

Mr. Hull: Yes, but as a scheduled agenda item for a petition to modify does not have to happen after the status of the, like say for example, if Commissioner Streufert felt she wanted to wait till January to request a status, to differ the status update to the January meeting. And in the meantime, another Commissioner worked on a proposal to modify and ultimately that proposal would have to be vetted by the Chair to be agendized, because ultimately, it's at the Chair's discretion of the agendas are set. But if that Commission and the Chair decide they like to move forward with a modification, a modification could happen before the January deferral date.

Ms. Cox: I see, okay, thank you.

Mr. DeGracia: This is Commissioner DeGracia. I got a quick question, just to get a more of an understanding of where we are between now and actual construction. I believe, Ron Agor stated that there were seven permits left. Is that the only item between now and actual boots on the ground for construction?

Mr. DeCoursey: That's consistent with my understanding, yes.

Mr. DeGracia: Thank you.

Chair Apisa: And I guess just comes to my mind more of a comment again, my understanding already, there has been a lot of demolition work, there's been asbestos abatement, rodent abatement, and possibly other things, but those things have been completed at this point?

Mr. DeCoursey: That's correct. Approximately five and a half million has been spent today on demolition asbestos removal and other things that does not include the ongoing permit work or additional conditions that this Commission is imposed on us.

Mr. Ako: Chair Apisa, I have a question. You know if the commission decides to go in for modification, we need to put it on the agenda. Do we need to come up with the specific modifications on the agenda as a line item saying about modification? And then probably during the meantime, communications could be going on at the Department as well as the developers or the lenders with what might be workable or what might not be?

Mr. Hull: Yeah, I'll answer that question Commissioner Ako. Indeed, an actual proposal for what modifications are being looked at would be necessary. Granted, through the process, and I can almost put you know, if it's one that the landowner objects to I can pretty much guarantee it's going to go into a contested case hearing. And through that process, the proposed modification could be amended or adjusted. And you know, I don't want to get too legal in this, but it just, you know, understanding that while the commission can propose modifications, it will have to go through a proportional Nexus analysis legally by either yourselves in the process, or the hearings officer. Because right down the street you have two resorts, that were approved with conditions that ultimately, they did sue on. And the courts found that the Planning Department and Commission at the time, out step their bounds in requiring certain additional improvements on the highway and rescinded the conditions to state, "These resorts can actually put it in place without the updated conditions of approval that were placed on those resorts." So, I'm not trying to say that you not to do it or, or to do it. But just used to paint the picture that modifications and revocations can happen and then also just for general public can happen with just cause, and with a proportional Nexus analysis. Just because of the Commission has the authority to modify and revoke, does not mean that the courts will always uphold it if that analysis is not adequately made.

Mr. Ako: I just think that the parties just need is to talk story a little bit, though in terms of how to move forward. But I think there's a lot at stake for the developers and the lenders out there, right? I think they are putting a lot of money out there on the line and, you know, something's got to get on it. You know, got to do something. As well as for the people that out here who go through the traffic every day. You know, and nobody has actually come forward from the public to say that this is what (unintelligible), that this consequences on both sides. Okay, so if I get my goal is not to revoke a permit. It's on how the community as well as developers can come together because at the end of the day, they are going to be neighbors. So, my whole goal of this whole thing is that, and we have is period, whatever the period is where parties get together and talk sorry, see if something can be worked out. I just don't know how to, you know, what the process is to get that done. But there's a lot at stake, you know, consequences.

Chair Apisa: You bring up a good point, Gerald. I mean, be at a resort or be in a museum Park Cultural Center, there's going to be traffic and other consequences to either side. So, somewhere there has to be some meeting of the minds. Yeah, it would be wonderful if t's something more amicable could be worked out rather than going to the courts and I don't know if that's doable.

Ms. Barzilai: Madame Chair? Please go ahead.

Mr. DeCoursey: Well, I would just briefly respond and on behalf of the lenders and hopefully the future developers as well, that we are open to discussions to specific proposals. You know, we're not closing the door to conversations we're happy to talk to any of the Commissioners, one on one or hold additional meetings, you know, as needed.

Ms. Cox: Sorry, go ahead, Laura, go ahead.

Ms. Barzilai: Madame Chair, I just wanted to say that I thought that Director Hull accurately described the legal consequences. And I think that there is emotion on the floor, and we are in a debate and deliberation stage right now, so we should probably be moving toward a vote, but not to discourage any, any comments that are forthcoming.

Chair Apisa: Yes, that's what I was about to say, we do have a motion on the floor. So is there any further discussion pertaining to the motion on the floor that's being discussed.

Ms. Nogami Streufert: Now actually, I'm not sure what the consequences of voting for or against the motion to accept means, and whether it closes off discussion or whether it opens discussion or whether it ties anyone's hands of either the Developers or the Commission or the Planning Department. So, I'm not sure that I'm ready for what, because I really don't understand fully what the consequences of voting, either way or the other is going to be.

Chair Apisa: Laura, could you give us further insight into what a yes vote or a no vote would mean specifically, a yes vote.

Ms. Barzilai: It does not preclude your future legal remedies under Chapter 12 should you choose to pursue those with the Director. And if you feel that it's appropriate Madam Chair, you can entertain a motion for Executive Session at this time to discuss. But to answer commissioners to first question. The consequences of a motion to accept do not preclude her from taking a step forward under Chapter 12, to consider drafting a petition to the Director, regarding modifications have permit conditions.

Mr. Hull: So, Sorry. I will also state that Commissioner Streufert may not want to go that far, I will also state that as Chad mentioned, they are absolutely opened to or seem or appears open to further discuss should Commissioner Streufert or any other Commission member want to request just to comeback and give a pre status report to further discuss issues and concerns.

Ms. Barzilai: And I support that type of an informal approach.

Ms. Nogami Streufert: But that would have to be in the motion but it not?

Mr. Hull: It would essentially, the process says if you guys approve or not approve sorry, accept the status report today. I'm not saying you should, if you folks want a defer it to get further information that's totally appropriate as well but should the Commission to accept the status report today. And Commission Streufert, you know, in a few weeks after doing your discussions with or

thinking about the various issues and concerns, you decide you would like another discussion on the floor formerly with the applicant and having the ability for our members of the public to provide testimony. Essentially, you would just either notify me or the Chair, and we could directly communicate that to the applicant that we're having a request for further updates and discussions on this project, at a specific agenda or date.

Ms. Nogami Streufert: Could I request that we go into executive session, is that something we can do?

Chair Apisa: Do we need a motion for that, Laura?

Ms. Nogami Streufert: I think we do.

Mr. Hull: Laura you're muted,

Ms. Barzilai: Sorry about that, guys. Yes, Madam Chair, you would have to entertain a motion and read the Executive Session notice please into the record, and the move and would have to state the purpose of us entering executive session at this time.

Chair Apisa: I would entertain a motion that we go into Executive Session, and to clarify. It may go into Executive, agenda item for one of the permanent purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda, where the executive session was not updated in advance. HRS Section 92-7(a). Executive Session may only be held. However, upon an affirmative vote of two thirds of the members present also be most of the members to which the board is entitled HRS Section 92-4. The reason for holding the Executive Session shall be publicly announced. So, I believe the purpose would be to further discuss the, the vote. The motion that's on the floor, is that correct, Laura?

Ms. Barzilai: The legal consequences of motion before you.

Chair Apisa: So, the purpose is to discuss the legal consequences of motion before us. Yeah, I would entertain a motion to that effect.

Ms. Barzilai: Which would have to pass by majority vote, Madam Chair.

Ms. Cox: I move we move into executive session for the purposes as you stated

Chair Apisa: Is there a second.

Mr. Chiba: Second.

Chair Apisa: I would like to take a roll call please, Kaaina.

Mr. Hull: Roll call, Madame Chair. Motion is for Executive session, Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion passes 7:0, Madame Chair.

Chair Apisa: We will adjourn to executive session.

Ms. Otsuka: It's on Teams.

Ms. Cox: Yes, it is on Teams.

Ms. Barzilai: Yes, Commissioners if I can remind you that you should leave the Zoom meeting, and you should enter the Executive Session through Teams and I would predict that we would be back in about 15 minutes, back into zoom.

Chair Apisa: We will leave this meeting and then come back in. Other people, please stay on the call. Thank you.

The Commission moved into Executive Session at 11:21 a.m.

The Commission returned to Open Session at 11:54 a.m.

Chair Apisa: Call the meeting back to order after the recess.

Mr. Hull: Okay, everybody here. Did you want to take a Roll call?

Chair Apisa: Yes, please.

Mr. Hull: Commissioner Ako?

Mr. Ako: Here and by myself.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Here and I'm alone.

Mr. Hull: Commissioner Cox?

Ms. Cox: Here and by myself.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Here and by myself.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Here and by myself.

Mr. Hull: Commissioner Streufurt?

Ms. Nogami Streufert: By myself.

Mr. Hull: Chair Apisa?

Chair Apisa: Here and by myself. Thank you.

Mr. Hull: 7:0 present. Madame Chair.

Chair Apisa: We are resuming our meeting we have a motion on the floor to accept the Status Report and we have a second. Any further discussion on the issue, if not I would call for voice vote on it.

Ms. Barzilai: Madame Chair, I think it's most appropriate to do a roll call.

Chair Apisa: Yes, roll call vote, please.

Mr. Hull: Roll call if no further discussion? Roll call vote. Commissioner Ako?

Mr. Ako: Aye.

Mr. Hull: Commissioner Chiba?

Mr. Chiba: Aye.

Mr. Hull: Commissioner Cox?

Ms. Cox: Aye.

Mr. Hull: Commissioner DeGracia?

Mr. DeGracia: Aye.

Mr. Hull: Commissioner Otsuka?

Ms. Otsuka: Aye.

Mr. Hull: Commissioner Streufert?

Ms. Nogami Streufert: Aye.

Mr. Hull: Chair Apisa?

Chair Apisa: Aye.

Mr. Hull: Motion Passes 7:0. Madame Chair.

## **GENERAL BUSINESS MATTERS**

Mr. Hull: With that, we have no further agenda items.

## **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 October 12, 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: Moving all the way down to Agenda Item, N as in Nancy announcements topics for future meetings. I think we've discussed previously that we probably want to have a meeting till October 26. Unfortunately, I'm going to have to inform you that we're going to actually have to schedule a meeting for October 12. There was a hearing contested case hearing that, the hearings officer took action on it and send it back to the Planning Commission. So given the timelines, what's the one to be able to have only one meeting for you folks in October, given the timelines, we

have to have both an October 12 and October 26. But we'll just right now, just to take one item. On the October 12 agenda. And with that, there's other future topic meetings. We have a few I'll say, relatively anticipated non-controversial items, but coming up in November we will have the actual Princeville Glamping application in house, so that's being scheduled for November. And other than that, we have no further topics. If there are any other topics that commissioners would like us to look at agendaizing with the Chairman, you can let us know right now, or you can give us a call on the side.

Chair Apisa: And I would just like to alert, Vice Chair Cox, I will be on October 12, I will be on the mainland at a conference, so I will most likely be absent on October 12. I would ask Vice Chair to please Chair the meeting.

Ms. Cox: Oh great, I love it. No, I will do it. Thanks, Donna.

Chair Apisa: Thank you. That's all I have.

### **ADJOURNMENT**

Chair Apisa: We have a motion to adjourn.

Ms. Cox: I move to adjourn.

Ms. Otsuka: Second.

Chair Apisa: All in favor? Just a voice vote, please. Aye. (Unanimous voice vote). Any opposed? Hearing none, the meeting is adjourned. Motion carried 7:0. Thank you.

Chair Apisa: adjourned the meeting at 11:59 a.m.

Respectfully submitted by:

Arleen L. Kuwamura

Arleen Kuwamura,  
Commission Support Clerk

Approved as circulated 02/08/2022 Meeting.

Approved as amended. See minutes of \_\_\_\_\_ meeting.