

COUNTY OF KAUA'I  
Minutes of Meeting  
OPEN SESSION

**DRAFT To Be Approved**

Board/Commission:	<b>Kaua'i Historic Preservation Review Commission</b>	Meeting Date	<b>September 19, 2024</b>	
Location	Mo'ikeha Meeting Room 2A/2B	Start of Meeting: 1:00 p.m.	End of Meeting: 2:46 p.m.	
Present	Chair Susan Remoaldo. Vice Chair Lee Gately. Commissioners: Chucky Boy Chock, Kathleen Kikuchi-Samonte, Carolyn Larson, and Sandi Quinsaas. Deputy County Attorney Charles Foster. Planning Department Staff: Director Ka'āina S. Hull , Deputy Director Jodi A. Higuchi Sayegusa, Planner Marisa Valenciano, Secretary Duke Nakamatsu and Programs Manager Myles Hiranaka. Office of Boards and Commissions: Boards and Commissions Administrator Ellen Ching and Commission Support Clerk Arleen Kuwamura.			
Excused				
Absent				

SUBJECT	DISCUSSION	ACTION
<b>A. Call to Order</b>	Chair Remoaldo called the meeting to order at 1:00 p.m.	
<b>B. Roll Call</b>	Deputy Planning Director Jodi A. Higuchi Sayegusa verified attendance by roll call: Commissioner Chock replied here. Commissioner Kikuchi-Samonte replied here. Commissioner Larson replied here. Commissioner Quinsaas replied here. Vice Chair Gately replied here. Chair Remoaldo replied here.	Quorum was established with six Commissioners present.
<b>C. Approval of the Agenda</b>	Chair Remoaldo requested to amend the agenda to take item H. New Business, item 1 relating to the Jiro Yukimura Trust and Jennie T. Yukimura Trust as the first item, item E. General Business item 1 relating to the Overview Presentation of the Plantation-Camp Form Based Codes as the second item, and item H. New Business 2 relating to Gay & Robinson, Inc. as the third item.	Vice Chair Gately moved to approve the agenda, as circulated with the exception of taking agenda item H.1 before item E.1. The motion was seconded by Ms. Kikuchi-Samonte. Motion carried 6:0.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

Submitted by: \_\_\_\_\_  
Arleen Kuwamura, Commission Support Clerk

Reviewed and Approved by: \_\_\_\_\_  
Susan Remoaldo, Chair

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