



KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION

CAROLYN LARSON, CHAIR
STEPHEN LONG, VICE CHAIR

JAMES GUERBER, MEMBER
GERALD IDA, MEMBER
SUSAN REMOALDO, MEMBER
AUBREY SUMMERS, MEMBER

Pursuant to Hawai'i Revised Statutes Section 92-3.7, which codified Act 220, SLH 2021, the meetings of the County of Kaua'i Historic Preservation Review Commission will be conducted as follows:

- **The meeting location that will be open to the public with audiovisual connection is:**
 - Līhu'e Civic Center, Moikeha Building
 - Meeting Room 2A-2B
 - 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i
- The public may also attend the meeting through Zoom using the link provided on the agenda.
 - If the Zoom connection or audio/visual connection is lost and cannot be restored within 30 minutes during the meetings, the Commission will continue all matters and reconvene at the next scheduled Commission Meeting.
- **Written testimony** indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item and submitted to planningdepartment@kauai.gov or mailed to the Kaua'i County Planning Department 4444 Rice Street., Ste A473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be distributed to all Commissioners prior to the meeting. Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
- **Oral testimony** will be taken on specific agenda items, **in-person at the public meeting location or via Zoom link as an additional accommodation.**
 - All testifier audio and video will be disabled until it is your turn to testify.
 - Per the Commission's and Chairs practice, there is a three-minute time limit per testifier, per agenda item.
 - If there are temporary technical glitches during your turn to testify, we may have to move on to the next person due to time constraints; we appreciate your understanding.
- **IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.**

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

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RECEIVED

KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION MEETING
NOTICE AND AGENDA

Thursday, November 17, 2022
1:30 p.m. or shortly thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

ZOOM MEETING LINK:

<https://us06web.zoom.us/j/88236825429>

A. CALL TO ORDER BY CHAIR

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF THE MINUTES

E. GENERAL BUSINESS

1. Discussion of Powers, Duties, and Responsibilities of the Kaua'i Historic Preservation Review Commission

F. COMMUNICATIONS

G. UNFINISHED BUSINESS

1. SMK Inc. (ABC Stores)

Sueoka Market

Demolition of Accessory Structures and Expansion of the Retail Store

Property Address: 5392 Kōloa Road

Tax Map Keys: (4) 2-8-008:020; (4) 2-8-008:022; (4) 2-8-008:023; (4) 2-8-008:024; (4) 2-8-008:025; (4) 2-8-008:026; (4) 2-8-008:027; (4) 2-8-008:028; (4) 2-8-008:029; (4) 2-8-008:034; (4) 2-8-008:035, Yamada Road, and River Road
Kōloa, Hawai'i

Consideration of a Class I Zoning Permit for the proposed demolition of accessory structures and the proposed expansion of the retail store.

2. Comment and Hearing on Amendments to the Rules of Practice and Procedure of the Kauai Historic Preservation Review Commission (2017) pertaining to Rule 2.17 (a)

H. NEW BUSINESS

I. EXECUTIVE SESSION:

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

1. SMK Inc. (ABC Stores)

Sueoka Market

Demolition of Accessory Structures and Expansion of the Retail Store

Property Address: 5392 Kōloa Road

Tax Map Keys: (4) 2-8-008:020; (4) 2-8-008:022; (4) 2-8-008:023; (4) 2-8-008:024; (4) 2-8-008:025; (4) 2-8-008:026; (4) 2-8-008:027; (4) 2-8-008:028; (4) 2-8-008:029; (4) 2-8-008:034; (4) 2-8-008:035, Yamada Road, and River Road Kōloa, Hawai'i

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J. ANNOUNCEMENTS

K. SELECTION OF NEXT MEETING DATE AND AGENDA TOPICS (January 19, 2023)

L. ADJOURNMENT

KAUA‘I HISTORIC PRESERVATION REVIEW COMMISSION

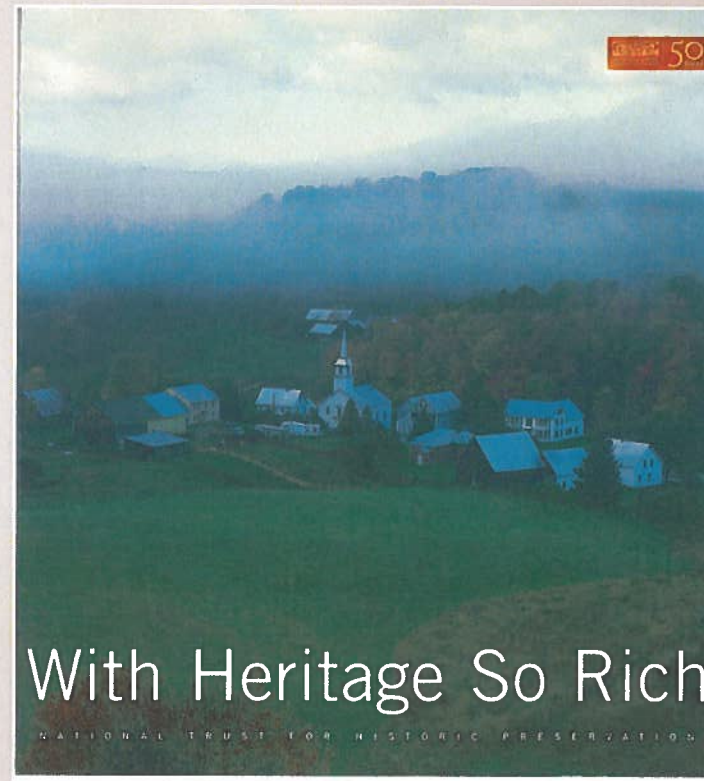
HISTORY, POWERS, AND DUTIES

E.I.

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NATIONAL HISTORIC PRESERVATION ACT OF 1966

In 1965, Lyndon B. Johnson recognized the issue of historic preservation, and convened the Special Committee on Historic Preservation



REPORT OF THE SPECIAL COMMITTEE

Out of the turbulence of building, tearing down and rebuilding the face of America, more and more Americans have come to realize that as the future replaces the past, it destroys much of the physical evidence of the past.

If it can be said that there is a new awakening of interest in the preservation of our cultural and architectural heritage, it must be added that never was the need for it greater.

- The previously existing National Park Service's Historic American Buildings Survey ("HABS") documented 12,000 historic places in the United States

By 1966, many of the places listed in the HABS had been destroyed or damaged beyond repair.

The Special Committee noted that HABS looked like a “death mask of America” with many places only existing in pictures.

In a review of the architectural landmarks recorded in HABS and HABSII some unhappy statistics emerge. It is safe to say that in general many of them survive as a death mask of “This was America,” an item in a preserved record. In fact, from 25 per cent to 40 per cent are in this category.

To cite specific examples: Charles S. Pope, AIA, of the Western Office of Design and Construction of the National Park Service, a veteran of HABS, reports from San Francisco that of 145 outstanding buildings recorded, only 23 survive; 95 having been destroyed, and 27 hopelessly mutilated. The losses include such major monuments as the beloved “Monkey Block,” as the building was known to generations of San Franciscans.



THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 –

CODIFIED AS 16 U.S.C. § 470, RECODIFIED IN 2014 AS 54 U.S.C. § 300101

- § 300101 – Policy

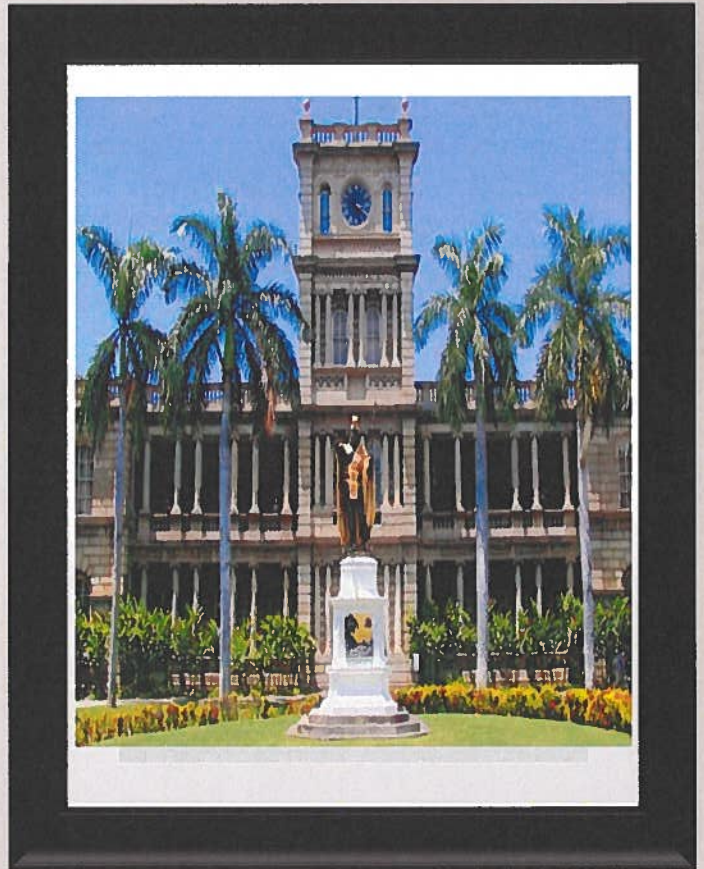
- “It is the policy of the Federal Government, in cooperation with other nations and in partnership with States, local governments, Indian tribes, Native Hawaiian organizations, and private organizations and individuals, to –
 - (1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;
 - ***
 - (6) assist State and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust to expand and accelerate their historic preservation program and activities.”

§ 300307 – HISTORIC PRESERVATION REVIEW COMMISSION

- “In this division, the term ‘historic preservation review commission’ means a board, council, commission, or other similar collegial body –
 - (1) that is established by State or local legislation ...; and
 - (2) the members of which are appointed by the chief elected official ... from among –
 - (A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture ...; and
 - (B) other individuals who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines”

AT THE STATE LEVEL

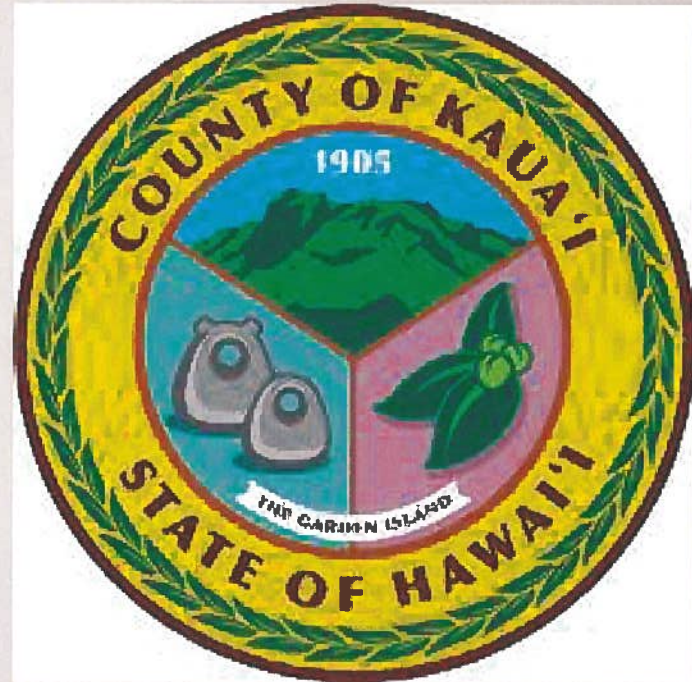
- State Historic Preservation Division – HRS § 6E
 - Goal: “conserving and developing the historic and cultural property within the State for the public good,” and “to provide leadership in preserving, restoring, and maintaining historic and cultural property” – HRS § 6E-1



POWERS AND DUTIES OF THE KAUA'I HPRC

DEFINED IN THE
ORDINANCES

-
- Title II, Chapter 2, Art. 2-2.9:
 - “There shall be a Kaua'i Historic Preservation Review Commission”



TITLE IV – COUNTY PLANNING AND LAND DEVELOPMENT

- Chapter 8 – Comprehensive Zoning Ordinance
 - Sections 8-14.1 through 8-14.5 define KHPRC's purpose, composition, powers and duties, how meetings will be held, as well as accounting and funding.

POWERS AND DUTIES, § 8-14.3

- “In order to implement the purposes of this Article, the HPR Commission shall have the power to do any of the following:
 - (a) To adopt criteria, standards, and procedures for the identification of historic resources, and to prepare a Countywide inventory of such.
 - (c) To review and recommend to the State Historic Preservation officer those historic resources which should be for submittal to the keeper of the National Register.
 - (d) To administer the Local Certified Government program of Federal Assistance for historic preservation within the County of Kaua’i.
 - (e) To prepare and implement a comprehensive Countywide Historic Preservation Planning Process, consistent and coordinated with the Statewide Comprehensive Historic Preservation Planning Process.
 - (f) To advise and assist Federal, State and County government agencies in carrying out their historic preservation responsibilities.
 - (h) To assist the Planning Commission to develop standards and guidelines applicable to uses of historic resources and uses proposed within historic districts or neighborhoods, and to otherwise advise the Planning Commission in all matters affecting historic resources.
 - (j) To promulgate rules and regulations pursuant to Hawai’i Revised Statutes Chapter 91 in order to carry out its function in accordance with provisions of this Article.”

OBLIGATIONS UNDER § 8-14.4 - MEETINGS

- “(a) The HPR Commission shall meet as necessary, and at least once quarterly.
- (b) Within fifteen (15) days of such meetings, the HPR Commission shall forward comments or recommendations it may have concerning matters referred to it by the Planning Commission to that body for its consideration.
- (c) The HPR Commission shall hold public hearings in accordance with Chapter 91 of the Hawai‘i Revised Statutes.”

Kaua'i Historic Preservation Review Commission Rules of Practice and Procedure

2.17 Standards of Conduct.

- (a) Disclosure of Interest. Whenever a possible direct personal financial interest on any matter pending before the Commission or any of its committees becomes apparent, the affected member shall promptly make a disclosure to the Commission. When a member had made a disclosure of interest and is deemed by the Commission to have as [sic] conflict of interest, such conflict shall apply to all subsequent actions relating to said matter. A member with conflict of interest shall refrain from voting except where the member's vote is required to constitute a quorum to act in which event he shall be permitted to vote.

COMPARE

Charter, Section 20.04

B. Any elected official ... or any member of a board or commission who possesses or acquires such interest as might reasonably tend to create a conflict with such person's duties or authority ... or whose member of such person's immediate family ... is an owner, officer, executive director, or director of an organization in any matter pending before such person shall make full disclosure of the conflict of interest and shall not participate in said matter.

New Version:

2.17 Standards of Conduct.

- (a) Disclosure of Interest. Whenever a ~~[possible direct personal financial interest on any matter pending before the]~~ member of the Commission or any of its committees ~~[becomes apparent]~~ possesses or acquires such interest as might reasonably tend to create a conflict with such member's duties or authority, or whose member of such person's immediate family possesses or acquires a similar interest, the affected member shall promptly make a disclosure to the Commission. When a member ~~[had]~~ has made a disclosure of interest, they may recuse themselves, or upon motion and affirmative vote of the Commission may be asked to recuse themselves. ~~[and is deemed by the Commission to have a conflict of interest,]~~ S[s]uch conflict shall apply to all subsequent actions relating to said matter. A member with a conflict of interest shall refrain from voting except where the member's vote is required to constitute a quorum to act in which event s/he shall be permitted to vote. Any such conflict shall be disclosed to the Board of Ethics in compliance with its rules.

G.A.

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