

From: [George-Kapalii Smith](#)
To: [LPCtestimony](#)
Subject: SMA 2021-000078, Jeketrina Mysin testimony, 11/21/2024 to be distributed to Leeward Planning Commission members
Date: Saturday, November 16, 2024 10:22:30 AM
Attachments: [PastedGraphic-1.png](#)
Importance: High

George & Roberta Smith
75-6150 Alii Dr. #3
Kailua-Kona, HI 96740
Ala Ka La condominium, adjacent lot to Mysin property

The applicant property TMK: 750200660000, 9,934 sq ft

Zone: RM -1.5

Application: a six unit condominium.

The applicant has publicly published their intent for the projected construction, characterized as a six-unit condominium. A statement of intent was published on FaceBook, on August 17, 2021 (to the best of my remembrance, the time stamp states month and date, but not year, and Nikolay Mysin has since removed the post history). An annotated screen shot of the post is attached.

That statement includes the following:
[Mysin statemntent of intent, posted on Facebook 08/17/21](#)

Paragraph 6:

We made it six units so we can cover payment for our construction loan and be able to have affordable for kama'aina.

Paragraph 7:

Once the construction is completed we wouldn't sell it. I'm hoping that with kama'aina rates available local families would be able to enjoy a staycation, high school graduation, honeymoons, class reunions, weddings or celebrate kids birthdays by the pool.

We protest the continuance of the above-mentioned SMA for the following reason:

The comments in the statement of intent clearly define the use as a mini-hotel and event center. Such is not an allowed use in a RM zone.

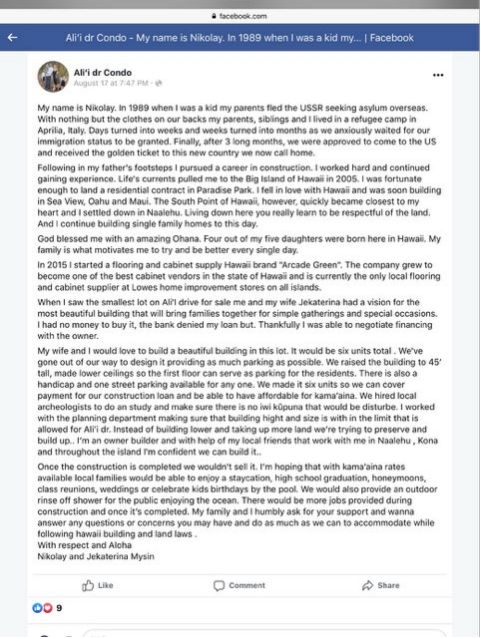
We must take the applicant's own words as their true intent, which clearly demonstrates an improper use of the property. The application is rendered invalid by the applicant's own statements, and must be withdrawn, and a new SMA application tendered with a true statement of intent.

Additionally, the site plans contain several non-conforming features, but those may be addressed at a different time within the public testimony period of the 11/21/24 Leeward Planning Commission review.

Please review and respect the specifics of this contact to the Commission.

Mahalo George Smith, resident

Attachement:



From: [George-Kapalili Smith](#)
To: [LPCtestimony](#)
Subject: 2021-000078 Mysin Comments in testimony
Date: Sunday, November 17, 2024 3:12:25 PM
Attachments: [Planning 21-078 .pdf](#)

From adjacent property owner George Smith
75-6150 Alii Dr. #3 Kailua-Kona, HI 96740
Ala Ka La condominiums

--

Aloha no, Smitty & Kapalili

The Smiths

75-6150 Alii Dr. #3

Kailua-Kona, HI 96740

phn: 808.331.1511, 808.743.6618

e-mail: smittyberta@gmail.com

11/16/2024

to:

Zendo Kern, Planning Director
County of Hawaii
101 Pauahi Street, Suite 3 Hilo, HI 96720

from:

George & Roberta Smith
75-6150 Alii Dr. #3
Kailua-Kona, HI 96740

Ala Ka La condominium, adjacent lot to Mysin property

Please provide a copy of this transmittal to all members of the commission, and to the planner meeting with applicant on Monday 11/18/20 am (time unknown).

Application by Jeketrina Mysin: a six-unit condominium.
The applicant property TMK: 750200660000, 9,934 sq ft
Zone: RM -1.5

We protest the major changes in site plans at such short notice. It is impossible to digest and respond to a 40-page addendum with less than two weeks before the Commissioners meeting. However, given what we understand to be the current proposition we have comment on actual on-site conditions, specifically related to deep excavation for an underground garage and swimming pool.

SITE CONDITIONS

Average soil depths in the PuaPua'a 2 Ahupua'a range from 50 to 100 centimeters (18.5" – 37"). On the subject property below that is a sheet of almost solid basalt. The below-grade lava shelf extends across the entire southern face of the land protrusion currently identified as "Alii Point" and includes the adjacent lots to the south and west. (*see Illustration 1*) In addition to the underlying basalt layer there are multiple above grade lava domes on all three properties. The subject property adjacent to AlaKaLa includes a large lava dome that varies from grade to more than four feet high of solid basalt, which straddles our common property boundary (*see illus. 2*). Additionally, there is a lava dome on the north approximately 1/3 of the lot that protrudes an average of three feet above grade.

PROPOSED EXCAVATION

The below grade parking garage/building foundations will have to be excavated to a depth greater than 2.75 meters (9') encompassing the entire footprint of the building. Additionally, there will be a driveway ramp ranging from grade at Alii dr. to basement level. The swimming pool with a depth of seven feet lies in the far southwest corner of the lot, with a zero lot line setback. The pool is directly under the four plus foot high solid basalt dome that straddles our common boundary (*see illus. 3*). In addition, there will, of necessity, be trenches to accommodate electric, water supply, sewage, and surface runoff, which will crisscross the site, including under the basement and pool, to an unknown additional depth.

DIRECT IMPACT

The southwest corner of the lot's common boundary lava dome is planned to be excavated on the property line to level the site and dig down an additional seven feet to accommodate the swimming pool-spa combination. Literally inches on our side of the lot line is an electric supply power pole. The site has been inspected by a HELCO engineering representative, who stated that the planned excavation WILL cause the pole to fall. In addition, the pool/spa is required by code to be no closer than five feet from an electric power transmission source. Also adjacent to the lot line is a fifty-year-old Bougainvillea tree that is prized by our owners, and must remain undisturbed.

INDIRECT IMPACT

The excavation of basalt will require an excavator and rock hammer. I'm sure you all have experienced the noise created by breaking basalt during excavation procedures. The author (George Smith) was on-site engineering representative for Bowers & Kubota for the installation of two large fuel tanks at Ellison Onizuka Intl. Airport (*see*

Illus. 4), prior to retirement, last job, YAY! The rock hammer was operating constantly on the subsurface basalt for the foundations of the two tanks (each approx. 30' in diameter, approximately 2,800sq ft each). The hammering went on eight hours a day for over FIVE WEEKS. Anyone entering the one-acre job site was required to wear ear protection at all times. Mysin's project will have a similar impact on the entire neighborhood (remember, the subject lot is less than one-quarter of an acre), who will be subjected to noise levels above federal highway construction standards for weeks. The east units of AlaKaLa are less than 20' from the property boundary, and those units, if not our entire building, will be rendered uninhabitable during work hours until excavation is complete. Beyond that time we will continue to be subjected to constant major construction impacts.

While we recognize that a property owner has a right to utilize their real property as they choose, there must be limits imposed by the regulating bodies to minimize impact on the right to enjoyment by neighboring owners of THEIR property. We understand that Mysin's property lies within the RM – 1.5-unit allowance, but this proposed project impacts the surrounding neighborhood to an extreme. The Commission must exercise their powers to reflect the character of the surrounding properties and neighborhood in general. Mysin must present a proposal the is in keeping with those parameters, honor the character, and reduce the impacts on the place wherein they made their purchase.

Respectfully,



George Smith, AlaKaLa unit #3

Illustrations:

No. 1, Basalt outflow, Alii Point

No. 2a - d, Common boundary line adjacent lot surface photos

*No. 3, Annotated building*renderings.*

No. 4, Fuel tank no. 2 Ellison Onizuka Intl. Airport



No.1: Alii Point, continuation of basalt lave flow that is sub-surface over the entire peninsula



No. 2a: Demising boundary line



No. 2b: Surface lave adjacent lots, left – north, right - south,



No. 2c: Southwest corner lava dome, Bougainvillea tree, power pole.



No. 2d: Boundary pin at base of power pole, Bo *Bougainvillea* tree to left



No. 3a Southwest corner indicating proposed bisection of lava dome and property boundary fence



No. 3b, Rendering indicating Alii Dr. view of relative scale of structure on AlaKaLa condominium to the west
 NOTE: This is a previous (of many) version of the proposed building.



No. 4 George and mo'opuna Kane on top of KOA tank #2 ... 180,000 gallons of Jet-A fuel
 NOTE: I include this photo to demonstrate that I do have the experiential knowledge whereof I speak.

From: [Alexis Storrs](#)
To: [LPCtestimony](#)
Subject: Please DENY/postpone the Mycin Building!!!!
Date: Monday, November 18, 2024 2:56:42 PM

Dear Members of the Hawaii County Planning Commission,

I'm reaching out to request that the commission delay the approval of the Mycin Group's condominium project on Ali'i Drive. The Mycin Group's submission of multiple site plans has caused a great deal of confusion, making it nearly impossible for residents to assess the project's full impact. Additionally, the Background Report by the Planning Department is outdated and does not reflect the most recent changes to the plans. Violations of the Sunshine Laws have severely limited our ability to be informed and involved. With the public opposition to this project recorded in 2021, we deserve a fair chance to review the current plans and provide input. Please consider postponing this decision in the interest of transparency and public engagement.

Thank you for your attention to this matter.
Alexis Alvarez

From: [Bart Storrs](#)
To: [LPCtestimony](#)
Subject: Oppositional testimony and request for delay for Mycin proposed building
Date: Monday, November 18, 2024 5:58:19 PM

Dear Members of the Hawaii County Planning Commission,

I am writing to request that the commission consider a delay in the application approval for the proposed Mycin Group condominium project on Ali'i Drive. There is widespread confusion among residents due to the submission of multiple site plans by the Mycin Group, which makes it difficult to understand what the true impact of this project might be. Additionally, the County of Hawaii Planning Department's Background Report on this proposal has not been updated in some time and does not reflect the current realities of the project or its potential effects. Furthermore, violations of Sunshine Laws have limited the transparency needed for meaningful public participation, and many of us feel that the time allowed for our input has been insufficient. Please remember that this project already faced overwhelming public opposition in 2021, yet many of us are still in the dark about the most recent changes to the plans. I respectfully urge you to postpone this decision until the commission can address these issues, allowing our community the opportunity to fully review and understand the project's impact.

Thank you,

Bart Storrs

From: [CAROLINE WALSH](#)
To: [LPCtestimony](#)
Subject: November 21, 2024 Leeward Planning Commission Agenda Item 1 Applicant: Jekaterina Mysin (SMA-2021-000078)
Date: Monday, November 18, 2024 1:40:37 PM
Attachments: [Leeward Planning Commission Caroline Walsh Postponement Request for Applicant Jekaterina Mysin \(SMA-2021-000078\) 11.18.2024.pdf](#)
[Leeward Planning Commission Caroline Walsh Written Testimony for Applicant Jekaterina Mysin \(SMA-2021-000078\) 11.18.2024.pdf](#)
[Mysin Social Media Post for Hotel Event Center \(SMA-2021-0078\).PDF](#)
[Aerial View of Mysin Lot \(SMA-2021-000078\).PDF](#)

Aloha Leeward Planning Commission,
Attached are the following items:

1. Request for postponement of the above-referenced Agenda Item
2. Written Testimony on the Agenda Item, together with two additional exhibits: (1) Mysin social media post about the intended use of the project as a mini-hotel and event center and (2) aerial view of the project site to visualize the size of the five-story project vis a vis the surrounding two-story residential community

Mahalo for your consideration of these items.

Caroline H. Walsh
75-6150 Ali'i Dr Unit 6
Kailua-Kona, Hawai'i 97640

Caroline H. Walsh

75-6150 Ali'i Dr. Unit 6
Kailua-Kona, Hawai'i 96740

November 18, 2024

County of Hawaii
Leeward Planning Commission
Aupuni Center
101 Pauahi Street, Suite 3
Hilo, Hawai'i, 96720
RE: November 21, 2024 Agenda Item - Applicant: Jekaterina Mysin (SMA-2021-000078)
REQUEST FOR CONTINUATION (POSTPONEMENT) OF SMA-2021-000078
Delivered via email LPCtestimony@hawaiiicounty.gov

Honorable Members of the Leeward Planning Commission :

I have a home at Ala Ka La Condominiums, the property adjacent to the lot related to the above-referenced project. I am writing to formally request the continuation (postponement) of the above-referenced agenda item at the November 21, 2024 meeting. This request is made to ensure public transparency and appropriate due process during the planning approval process.

There are several significant reasons why the Leeward Planning Commission should continue this item:

- 1. Multiple Site Plans and Confusion in the Public Record**

The public has been presented with multiple, conflicting site plans and usage for the same application, there is widespread confusion about what is being proposed and what the public is expected to support or oppose. With the public comment period ending today, November 18, 2024, at 4:30 pm, it is necessary to delay the meeting until a clear and accurate record is established. This confusion creates significant ambiguity around the proposed permit itself, leaving the community uncertain about what is being supported or opposed.

2. Outdated Background Report

The County of Hawaii Planning Department's Background Report appears to be outdated considering the latest plan proposals, that now include an underground parking garage, instead of the street level parking that the Background Report was predicated upon. The project's scope has expanded dramatically, shifting from a minor ground-level intervention to a major excavation project digging 9 feet into lava rock. The original Background Report only accounts for ground-level grubbing and grading work, and does not mention stockpiling and excavation of lava rock outlined in recent submissions.

Accordingly, the current Background Report does not appear sufficiently updated upon which to base any decision-making or public comment.

3. Sunshine Laws and Public Transparency

As we know, Hawaii's Sunshine Laws require transparency in public processes, especially for projects of this scale. The public should be afforded an appropriate period to properly review the various and changing plans, assess their implications, and provide meaningful input.

4. Community Opposition

As of this morning, November 18, 2024, the County has received 100% oppositional testimony, and therefore, no letters in support of approving this project as written.

This level of community opposition highlights the need for a comprehensive review to assess the reasons for such opposition to this permit in our community. It is important to note that in 2021, there was overwhelming community opposition to the original application and the public has not been fully informed about the subsequent changes to the evolving site plans.

Given the above, I respectfully request that you grant a continuation of the Jekaterina Mysin SMA 21-000078. Thank you for your consideration of this request.

Respectfully,

Caroline H. Walsh

Caroline H. Walsh

Caroline H. Walsh

75-6150 Ali'i Dr. Unit 6
Kailua-Kona, Hawai'i 96740

November 18, 2024

County of Hawaii
Leeward Planning Commission
Aupuni Center
101 Pauahi Street, Suite 3
Hilo, Hawai'i, 96720
RE: November 21, 2024 Agenda Item - Applicant: Jekaterina Mysin (SMA-2021-000078)
Delivered via email LPCtestimony@hawaiicounty.gov

Honorable Members of the Leeward Planning Commission :

I have a home at Ala Ka La Condominiums adjacent to the proposed above-referenced applicant's project. My unit is about 30 feet from the rear of the vacant lot for the proposed condominium project. Members of our Ala Ka La ohana, George Smith and Lisa Oasay, have submitted written testimony and plan to provide public testimony at the Commission meeting on November 21, 2024. I support the technical issues raised in their written testimony.

I would like to emphasize some items for your consideration.

1. For the past few years, there has been a very public discourse about the housing crisis in Hawai'i. The concern echoed by our government officials at both the state and county level is that we need more permanent solutions for long-term residential housing and minimizing short-term housing. Those solutions can only be facilitated by our government officials in our local communities when approving projects for development. These are difficult but necessary decisions if we want to provide residents with permanent housing options. Based on the Mysin's posts on social media (see attached copy of post), the intention is to have a mini-hotel/event center for the local community. That doesn't seem to comport with the need for more permanent residential housing. In addition, having a commercial enterprise in a quiet residential

area is an extreme imposition on long-term residents who have heretofore enjoyed a traditional residential community. See attached aerial view of Mysin lot to visualize a five-story building on the size of a tennis court in the middle of two-story buildings.

2. There seems to be conflicting information about this project and the current plan provisions. One example is whether the permit covers excavation and stockpiling for digging the “basement” area for underground parking and the pool area rather than grading and grubbing. For this reason, among other conflicting information, I have submitted a separate request for postponement of the agenda item to a future meeting.
3. Excavation of lava during site preparation will make my home uninhabitable due to the noise levels. My home is approximately 30 feet from the property line. I am a remote worker and will not be able to conduct normal business work during the day, or even engage in daily home activities. Hawai’i must have some financial provisions to require the developer to protect the affected neighbors when construction conditions impact one’s ability to reasonably reside in their home during construction. I will further research this but do not yet know how the County enforces that obligation for the benefit of the impacted homeowner. I wanted to highlight a specific concern for the Ala Ka La ohana.

Respectfully,

Caroline H. Walsh

Caroline H. Walsh

**Ali'i dr Condo**

August 17 at 7:47 PM · 🌐



My name is Nikolay. In 1989 when I was a kid my parents fled the USSR seeking asylum overseas. With nothing but the clothes on our backs my parents, siblings and I lived in a refugee camp in Aprilia, Italy. Days turned into weeks and weeks turned into months as we anxiously waited for our immigration status to be granted. Finally, after 3 long months, we were approved to come to the US and received the golden ticket to this new country we now call home.

Following in my father's footsteps I pursued a career in construction. I worked hard and continued gaining experience. Life's currents pulled me to the Big Island of Hawaii in 2005. I was fortunate enough to land a residential contract in Paradise Park. I fell in love with Hawaii and was soon building in Sea View, Oahu and Maui. The South Point of Hawaii, however, quickly became closest to my heart and I settled down in Naalehu. Living down here you really learn to be respectful of the land. And I continue building single family homes to this day.

God blessed me with an amazing Ohana. Four out of my five daughters were born here in Hawaii. My family is what motivates me to try and be better every single day.

In 2015 I started a flooring and cabinet supply Hawaii brand "Arcade Green". The company grew to become one of the best cabinet vendors in the state of Hawaii and is currently the only local flooring and cabinet supplier at Lowes home improvement stores on all islands.

When I saw the smallest lot on Ali'i drive for sale me and my wife Jekaterina had a vision for the most beautiful building that will bring families together for simple gatherings and special occasions. I had no money to buy it, the bank denied my loan but. Thankfully I was able to negotiate financing with the owner.

My wife and I would love to build a beautiful building in this lot. It would be six units total . We've gone out of our way to design it providing as much parking as possible. We raised the building to 45' tall, made lower ceilings so the first floor can serve as parking for the residents. There is also a handicap and one street parking available for any one. We made it six units so we can cover payment for our construction loan and be able to have affordable for kama'aina. We hired local archeologists to do an study and make sure there is no iwi kūpuna that would be disturbe. I worked with the planning department making sure that building hight and size is with in the limit that is allowed for Ali'i dr. Instead of building lower and taking up more land we're trying to preserve and build up.. I'm an owner builder and with help of my local friends that work with me in Naalehu , Kona and throughout the island I'm confident we can build it..

Once the construction is completed we wouldn't sell it. I'm hoping that with kama'aina rates available local families would be able to enjoy a staycation, high school graduation, honeymoons, class reunions, weddings or celebrate kids birthdays by the pool. We would also provide an outdoor rinse off shower for the public enjoying the ocean. There would be more jobs provided during construction and once it's completed. My family and I humbly ask for your support and wanna answer any questions or concerns you may have and do as much as we can to accommodate while following hawaii building and land laws .

With respect and Aloha

Nikolay and Jekaterina Mysin



Like



Comment



Share



9

Share



MORE VIDEOS

From: [carolyn strawn](#)
To: [LPCtestimony](#)
Subject: Request for Immediate Postponement of the JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 21-000078)
Date: Monday, November 18, 2024 3:13:44 PM

Aloha Honorable Members of the Planning Commission,

I am writing to formally request the postponement of the upcoming hearing regarding the JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 21-000078) currently scheduled for November 21, 2024. This request is prompted by serious concerns over the lack of clarity, consistency, and accuracy in the documentation and plans submitted for this project. It is imperative that the planning process be conducted with full transparency and proper public input, and as it stands, the community has not been given a fair opportunity to participate.

The most pressing issue is the confusion surrounding the site plans for this application. There have been multiple versions submitted, each with different details and specifications. This inconsistency creates significant uncertainty about the actual nature of the proposal. With the public comment period concluding today, there is simply not enough time for the community to properly review these fluctuating plans and provide informed feedback. The public deserves to see a clear, consistent proposal before any hearing takes place. Without such clarity, it is unreasonable to expect meaningful input from the public, and it would be unjust to proceed with the review under these conditions.

Another critical issue is the outdated background report that has been used to support this application. The report, which was based on an earlier version of the plans, fails to account for significant changes in the project's scope. Notably, the proposal now includes an underground parking garage and extensive excavation into lava rock, a detail that was not considered in the original report. This outdated information misrepresents the true scale of the project and misleads the public, making it impossible for them to make informed decisions. The use of an obsolete background report undermines the integrity of the planning process and violates the public's right to an accurate and complete understanding of the project.

With the hearing set for just a few days from now, it is unreasonable to expect the community to fully understand the implications of the new 40 page submission and how it differentiates from the previous submissions that were revised after the background report was written. The public must be given adequate time to conduct their due diligence and participate in the review process of new information meaningfully. Rushing this through without giving the community sufficient time to assess the changes and their potential impacts constitutes a violation of the public's right to due process.

The public opposition to this project is also noteworthy. To date, the County has received only letters of opposition, with no support for the application. This unprecedented level of dissent should not be ignored. It is essential that the reasons for this opposition be addressed thoroughly before any further steps are taken. The Planning Commission must recognize the strength of public sentiment on this issue and take the time to ensure that the concerns raised by the community are properly evaluated and responded to.

Furthermore, it is important to remember the significant public opposition that this project faced in 2021. While the plans have evolved since then, the public has not been adequately informed about the nature of these changes. The lack of transparency regarding these modifications and multiple revisions entered into the record at the last minute and after the background report was submitted has only deepened public concern. The Planning Commission should not move forward without ensuring that the public has access to the most current, accurate, and complete set of plans, and that any changes from the original proposal are clearly communicated to the community.

In conclusion, the application cannot and should not proceed until these issues are addressed. The public deserves a fair opportunity to engage in a transparent process based on accurate and up-to-date information. I respectfully urge the Planning Commission to delay the hearing and allow for a thorough review that ensures the integrity of the decision-making process, adheres to the requirements of Hawaii's Sunshine Laws, and respects the public's right to participate meaningfully.

Mahalo for considering and acting on this important request to postpone this meeting until the records can be updated accurately. I trust the Commission will make the responsible decision and postpone the review and ensure that this process is conducted in a fair and transparent manner with accurate public records.

Sincerely,

Carolyn Strawn
Ala Ka La Resident and Owner

From: [chris krueger](#)
To: [LPCtestimony](#)
Subject: JEKATERINA MYSIN (SMA-2021-000078)
Date: Monday, November 18, 2024 1:24:27 PM

Aloha Planning Department,

I am writing to let you know that I totally disapprove of this totally mainland idea of a 5 foot structure that will impede the views of our local community. This is the beginning of the total disrespect for this neighborhood and don't think for a moment that this is what the neighbors of Ala Ka La Condo want. Why would we allow a 9,943 sq. lot to have a 5 story building with pool and spa. Where are they going to park? Total mainland money coming in and trying to define what Kona should look like! And you know this is not housing for the local community. This is the greed that has come to Kona. Very much like the greed that purchased all the parking lots in Kona and is bringing down our Alii drive businesses in town. I am told we have clout as we have a voice. I pray you hear my voice.

Chris Krueger
Alii Heights owner

From: [David Oasav](#)
To: [LPCtestimony](#)
Subject: Request for Continuation (Postponement) of JEKATERINA MYSIN Special Management Area Use Permit Application (SMA 21-000078)
Date: Monday, November 18, 2024 3:57:34 PM

Dear Honorable Members of the Planning Commission,

I am writing to request, in the strongest terms, the immediate postponement of the Special Management Area Use Permit (SMA 21-000078) application for the property of Jekaterina Mysin. The upcoming review of this application, scheduled for November 21, 2024, must be delayed until a proper, transparent, and comprehensive public review can take place. The current state of this application presents a number of severe issues—issues that cannot be ignored without compromising the integrity of the planning process and undermining the trust of the public.

As a property owner that lives adjacent to the proposed site on Ali'i Drive, I have been closely following the progress of this application and the ongoing changes in its proposals. From my perspective, and from the feedback I have seen from the broader community, it is clear that the planning commission must postpone this review for a number of important reasons.

One of the most significant issues is the confusion surrounding the multiple conflicting site plans that have been submitted. Since the initial application was filed in December 2020, there have been several revisions, each one introducing discrepancies and shifts in the proposed scope and scale of the project. The applicant has submitted plans that, at times, have been incompatible with earlier submissions, leaving the public—myself included—with no clear understanding of what exactly is being proposed for this site, and the record currently has a 40 page amendment that was just added just a few days ago that clouded the already confusing record with multiple submissions and revisions after the background report was issued.

The record is now scattered with versions of the proposal that are not only inconsistent but actively contradictory. The public comment period, which ends today, offers insufficient time to review such a rapidly changing record, let alone provide informed feedback. As a result, community members have no clear idea of what they are being asked to support or oppose, and this leads to an untenable situation where decisions are being made based on incomplete and conflicting information. A clear, unified site plan needs to be presented before any further action is taken, and the site plan needs to reflect the background report or a new background report must be written.

The current Background Report provided by the County of Hawaii's Planning Department, which serves as the basis for evaluating this application, no longer reflects the application or permits or plans submitted on the public record and it obsolete and now outdated. Originally drafted in May 2021, this report does not account for the substantial changes that have been made to the project's scope in the interim. Notably, the applicant now proposes the construction of a massive underground parking garage—a seismic shift from the earlier plans that envisioned only minimal grading and ground-level improvements. This new proposal would require extensive excavation and stockpiling, which was never addressed in the original report, and the county never

approved this when the report was written.

The existing Background Report is no longer relevant to the current application, as it fails to reflect the new, much larger scale of the project. It is a serious concern that decisions regarding a project of this magnitude could be based on outdated and incomplete information. The Planning Commission cannot move forward with an evaluation until an updated, accurate, and comprehensive report is provided—one that takes into account all the latest revisions and changes in the plans.

Under Hawaii's Sunshine Laws, there are strict requirements for public access to information and participation in the decision-making process, especially when it involves projects that could have significant impacts on the surrounding community. The applicant has submitted revisions at the last minute, mere days before the scheduled hearing. This lack of advance notice leaves the public with insufficient time to properly review the new plans, understand their implications, or provide feedback, and submitting multiple site plans is not transparency and needs to be addressed before the Commission can hear the Application.

The applicant's failure to provide timely, clear documentation is detrimental to the transparency that the Sunshine Laws require, and it risks alienating the community from a process that should be open, participatory, and inclusive. Without proper public access to all the relevant materials, it is impossible for residents to make informed decisions or to advocate effectively for their concerns. This rush to move forward is a clear violation of the public's right to due process. It also deprives the community of the opportunity to engage with the planning process with an accurate public record.

Given the strong opposition from the community, it is clear that the project as currently proposed is not in alignment with the interests of the residents who will be directly affected. The concerns raised by the public deserve a thorough and thoughtful review, not a rushed decision made without proper consideration of the community's objections. Moving forward with this hearing would be premature and could result in decisions that are not in the best interest of the public.

Another key factor that cannot be overlooked is the unprecedented level of public opposition that this project has generated. As of this morning, I understand that 100% of public testimony submitted to date has been in opposition to the project, with no letters of support. This level of community pushback is remarkable and speaks volumes about the deep concerns that local residents, including myself, have about the proposed development. These concerns are not insignificant; they touch on critical issues such as the scale of the project, the impacts on traffic, the strain on local infrastructure, and the environmental risks associated with such an intensive development.

In addition, we must consider the history of public opposition in 2021, when the original application faced overwhelming opposition. Many of the concerns raised at that time remain unresolved, and the subsequent changes to the plans have not been adequately communicated to the public. The lack of transparency about how the plans have evolved, coupled with the failure to properly update the Background Report, makes it all the more difficult for the public to follow the changes and understand the true scale of what is being proposed versus what has been preliminarily approved in the background report, creating an inaccurate public record.

In light of all these concerns—the conflicting and unclear site plans, the outdated

Background Report, the lack of transparency, and the overwhelming public opposition—it is absolutely critical that this hearing be postponed until the applicant can address these issues fully and clear up the public record, and be transparent with the intentions of this permit. It is only fair to the public, and only responsible for the Commission, to ensure that the planning process is conducted with integrity, transparency, and ACCURACY so there is no confusion for the Ohana of Kona that are clearly opposing this application.

Therefore, I respectfully request the Commission to postpone the review of the SMA Use Permit until the application is brought into alignment with the legal and procedural standards that the public is entitled to expect. Only once the record has been corrected, the concerns addressed, and the public properly informed can a fair and informed decision be made, and having multiple site plans is impossible for the community to evaluate and understand, and should never have been submitted.

Thank you for your time and attention to this critical matter. I look forward to your response and to the Commission's thoughtful consideration of this request to postpone this meeting until the public record can be fixed and the public actually knows what is being approved or declined.

Mahalo for your time and consideration addressing the inaccurate record and addressing multiple plans submitted for SMA 21-000078.

**Aloha
David Hall**

From: [don strawn](#)
To: [LPCtestimony](#)
Subject: Request for Immediate Postponement of the JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 21-000078)
Date: Monday, November 18, 2024 2:55:09 PM

Aloha to the Honorable Members of the Planning Commission,

I am writing to request an immediate postponement of the review for the JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 21-000078) scheduled for the upcoming Leeward Planning Commission meeting on November 21, 2024. This request is grounded in serious concerns regarding the incomplete, inconsistent, and outdated information currently in the public record, which directly undermines the public's ability to meaningfully participate in the decision-making process.

The primary reason for this request is the significant confusion created by the multiple, conflicting site plans that have been submitted for review. These evolving proposals leave the community unable to fully understand the scope of what is being proposed, and as a result, there is widespread uncertainty about what the public is being asked to approve or oppose. With the comment period ending today, it is unreasonable to expect the public to adequately review these conflicting plans and provide informed feedback in such a short time frame. The public deserves clarity and a clear, consistent proposal to evaluate—not a series of changing submissions. Until this issue is resolved, it would be unjust to move forward with any hearing or decision.

Another serious concern is the outdated background report that the Planning Department is relying on to assess this application. The report, which was based on earlier, much simpler plans, fails to account for significant changes in the project's scope, such as the introduction of an underground parking garage and major excavation work. The proposal now involves extensive excavation into lava rock, a detail that was not included in the original background report. This outdated report misrepresents the current plans and cannot serve as the foundation for any decision-making or public comment. The public relies on accurate, up-to-date information to assess the impacts of such projects, and continuing to use this obsolete report is a violation of the public's right to a fully informed process.

Moreover, the rushed timeline surrounding this application presents another serious issue. While this project has been in development since 2021, the public has not been given sufficient time to review the changes made to the plans. With the review scheduled in just a few days, there is no reasonable way for the community to assess the complexities of the new proposal. This lack of time to properly engage with the information constitutes a clear violation of the public's right to due process. Residents of Kona should not be rushed into commenting on a project of this magnitude without ample time to conduct proper due diligence.

It is also critical to acknowledge the overwhelming opposition to this proposal. As of today, every single letter submitted to the Planning Department has been one of opposition, with no letters of support. This unprecedented level of public dissent speaks volumes about the need for a more thorough and transparent review. The Planning Commission should not ignore this outpouring of concern from the community. A responsible review of this application requires that the reasons behind this opposition be fully addressed and carefully considered before moving forward.

Additionally, we must remember the significant public opposition the project faced back in 2021. Since then, the plans have changed, but the public has not been adequately informed about these changes. The lack of clear communication regarding the modifications to the proposal only deepens the concerns surrounding this application. The public has no way of fully understanding the new scope of the project or its potential impacts. Given the changes made since the original submission and the history of opposition, it would be irresponsible for the Planning Commission to proceed without ensuring that the public has access to a fully accurate and updated set of plans.

In light of these numerous concerns, I respectfully urge the Planning Commission to grant the postponement of this hearing. A decision cannot be made based on incomplete or outdated information. The integrity of the planning process, compliance with Sunshine Laws, and the public's right to participate in an informed and transparent manner must take precedence over any rushed schedule.

I trust the Planning Commission will recognize the importance of this request and act in the best interests of the community by postponing the hearing.

Mahalo for your attention to this urgent matter, and I look forward to your prompt action in ensuring that the review of this permit is conducted with the fairness and transparency it deserves in a hearing that has accurate public records for review and consideration.

Don Strawn
Ala Ka La Resident

From: [Kaden Storrs](#)
To: [LPCtestimony](#)
Subject: Opposition and request for delay for the Mycin development on Ali'i Dr
Date: Monday, November 18, 2024 3:09:31 PM

Dear Members of the Hawaii Planning Commission,

As an environmentalist and advocate for sustainable development, I am requesting a postponement of the application approval for the Mycin Group's proposed condominium project on Ali'i Drive.

The inconsistencies in the Mycin Group's site plan submissions have made it difficult for the public to accurately assess the project's potential impact. Furthermore, the Planning Department's Background Report is outdated, missing critical updates to these plans.

Transparency and public trust are vital, yet the apparent violation of Sunshine Laws has prevented open community involvement. The significant opposition recorded in 2021 underscores that the public is invested in this decision, and they deserve a thorough review process.

Please consider postponing the approval to allow for proper public engagement.

Thank you for your consideration,
Kaden Storrs

From: [Kai Hall](#)
To: [LPCtestimony](#); info@landplanninghawaii.com
Subject: re: URGENT Request to Postpone and Continue at a Later Date to clear up the confusion surrounding the JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 21-000078)
Date: Monday, November 18, 2024 12:20:16 PM

Aloha Esteemed Members of the Planning Commission and Planning Department,

I hope this message finds you well. I am reaching out to respectfully request the immediate postponement of the JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 21-000078), currently scheduled for review at the Leeward Planning Commissioners Meeting on November 21, 2024. It is absolutely necessary due to serious concerns regarding public transparency, due process, and the integrity of this planning process considering the conflicting documents in the Laserfiche Weblink.

It has become clear that moving forward with the hearing as scheduled would not be in the best interest of the public, nor would it allow the Planning Commission to properly fulfill its duties. There are several significant issues that must be addressed before any further action can be taken, or a meeting can be called with such confusing records.

First and foremost, there is considerable confusion surrounding the site plans associated with this application. Multiple versions of these plans have been submitted, some of which appear to contradict one another, leaving the public uncertain about what exactly is being proposed. The public deserves a clear and consistent proposal to review, not an ever-changing set of documents that make it impossible to form a definitive opinion. With the public comment period ending today, there is simply no time left for the community to adequately understand and respond to these multiple site plans in the official record. Without a coherent and finalized proposal, the decision-making process is compromised, and it is unreasonable to expect the public to provide meaningful input under these confusing circumstances.

In addition to the confusion around the site plans, the Background Report from the County of Hawaii Planning Department is woefully outdated. The report, which was prepared before the latest revisions to the application were made, does not account for the new underground parking garage or the major excavation work that is now part of the proposed permit.

Originally, the report was based on a relatively simple grading and grubbing plan, but the project has since evolved into a significant construction effort that requires digging 9 feet into lava rock and involves stockpiles and deep excavation not mentioned in the permit or the written Background Report. Given that the Planning Department's Background Report is built on obsolete information, it can no longer serve as a reliable foundation for any decision-making or public comment. It is imperative that this report be updated to reflect the current plans before any further actions are taken. Continuing to rely on this outdated information is a breach of due process, as it undermines the public's right to make informed decisions based on accurate and up-to-date facts.

Moreover, the public's right to transparency has been significantly compromised in this case. Hawaii's Sunshine Laws mandate that all public processes be open and accessible, especially when they concern projects of this scale and potential impact. Unfortunately, the way this application has been handled thus far does not meet the standards of transparency set forth by the law. The submission of multiple conflicting plans, the outdated background report, and the rushed timeline all prevent the public from fully understanding the implications of this project. It is a clear violation of the community's right to participate in an open and transparent decision-making process.

Compounding these issues is the unprecedented level of opposition this project has received. To date, there is not a single letter of support for the proposed permit in its original or current form. This speaks volumes about the concerns of the Kona community. It would be irresponsible for the Planning Commission to ignore such a clear and overwhelming expression of dissent without taking the necessary time to thoroughly review and address the reasons behind this opposition and to provide an accurate record and non-conflicting record. It is also important to consider the context of this application's history. In 2021, the original proposal faced overwhelming public opposition. Given that the plans have changed several times since then, and the public has not been adequately informed about these changes, it would be irresponsible to move forward with this decision without first ensuring that the public has access to a complete and accurate record. The plans and the background report must be updated to reflect the current scope of the project, including all of the revisions made since the original submission. Without these updates, the record cannot be considered complete, and any decision made would be done so with

inaccurate information and confusing and opposing documents, which is not in the best interest of our Kona community. The timeline is simply too rushed to allow for the necessary scrutiny of the conflicting records and documents and to clear up the confusion caused by the multiple revisions and entries surrounding the original permit, the current permit, the revised permits and the outdated background report that does not reflect any current permit. The public's right to participate in this process should not be sacrificed for the sake of expediency.

For all of these reasons, I strongly solicit you to grant a postponement of the review for the JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION. The integrity of the planning process, adherence to Hawaii's Sunshine Laws, and the fundamental rights of the public to participate in an informed and transparent process must take precedence over any schedule or timeline or published agenda.

The current confusion, outdated information, and lack of public clarity make it impossible for the public or the Planning Commission to move forward with this matter responsibly. A postponement is the only reasonable course of action to ensure that the community is fully informed and that this application is handled in a fair and transparent manner for our Kona Ohana.

Mahalo for taking the time to consider this request. I trust that you will act in the best interest of our community, ensuring that this process is handled properly and in accordance with the law and remove all confusion and provide an accurate record surrounding this overwhelmingly opposed permit application.

I look forward to your prompt decision on the important matter of postponing this matter until the record can be clear and the confusion can be abated.

Mahalo for your attention to this request for postponement.

David Oasay

Owner Ala Ka La #8

From: [kathleen](#)
To: [LPCtestimony](#)
Subject: Fwd: URGENT REQUEST for delay of SMA Use Permit Application (SMA 21-000078)
Date: Monday, November 18, 2024 2:46:06 PM

Begin forwarded message:

From: kathleen <kflynnpowers@gmail.com>
Date: November 18, 2024 at 12:09:34 PM HST
To: planning@hawaiiicounty.gov
Cc: alex.roy@hawaiiicounty.gov, info@landplanninghawaii.com, smittyberta@gmail.com, Kai Hall <lisasplanet@gmail.com>, wrnklddog@yahoo.com, Bernadette Schrempf <beschrempf@gmail.com>
Subject: **URGENT REQUEST for delay of SMA Use Permit Application (SMA 21-000078)**

November 18, 2024

Hawaii County Planning Department

Re:
Request for Continuation (Postponement) of
JEKATERINA MYSIN SPECIAL MANAGEMENT
AREA USE PERMIT APPLICATION (SMA 21-000078)

Aloha Respected Members of the Planning Commission
and the Planning Department

I am writing to formally request the **immediate continuation (postponement)** of the **JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 21-000078)**, which is currently scheduled for review as **Agenda Item #1** at the upcoming Leeward Planning Commissioners Meeting

on **November 21, 2024**. This request is not made lightly, but is rather grounded in fundamental principles of public transparency, due process, and the integrity of the planning approval process.

This application cannot, and must not, move forward as scheduled given the current circumstances:

There are several critical reasons why the Leeward Planning Commission **must** grant this request:

1. **Multiple Site Plans and Confusion in the Public Record:**

The public has been presented with **multiple, conflicting site plans** and usage for the same application, there is mass confusion about what is being proposed and what the public is expected to support or oppose. With the public comment period ending today at 4pm, it is imperative to delay the meeting until a clear and accurate record is established. This confusion creates significant ambiguity around the proposed permit itself, leaving the community uncertain about what is being supported or opposed.

The public deserves a clear, accurate and unified permit proposal to comment on, and not an ever-evolving series of submissions that make it impossible for anyone to provide informed feedback.

2. **Outdated Background Report:**

The **County of Hawaii Planning Department's Background Report** is **severely outdated** considering the latest plan proposals, that now include an underground parking garage, instead of the street level parking that the Background Report was predicated upon.

The project's scope has expanded dramatically, shifting from a minor ground-level intervention to a major excavation project digging 9 feet into lava

rock. The original Background Report is obsolete and irrelevant based on the most current site plans of record. The original Background only accounts for ground-level grubbing and grading work, and does not have any mention of the stockpiling and excavation outlined in recent submissions.

The public relies upon the completeness and accuracy of The COUNTY OF HAWAII PLANNING DEPARTMENTS BACKGROUND REPORTS to make informed decisions to approve or oppose delicate SMA permits.

The current Background Report cannot serve as the basis for any decision-making or public comment, as it does not accurately reflect the plans currently submitted in the official record or resemble the original application on which the Approval Recommendation was granted.

The record must be accurate and updated to reflect the most recent and complete information before the public or the Commission can evaluate the Permit Request. The continued reliance on this outdated Background Report constitutes a material breach of due process and is a fundamental violation of the public's right to know and participate in the decision-making process to approve or disapprove of this outdated Background Report.

3. Violation of Sunshine Laws and Public Transparency:

As we know, Hawaii's **Sunshine Laws** demand **absolute transparency** in public processes, especially for projects of this scale and impact **fails to meet those standards**. The public is being **denied the necessary time and opportunity to properly review the various and inconsistent and ever changing plans**, assess their implications, and provide meaningful input. This is a clear violation of their rights to participate in a transparent decision-making process. This

record is extremely clouded and clearly not transparent as required by law.

4. **UNPRECEDENTED OPPOSITION:**

As of 11am this morning the County has received 100% OPPOSITIONAL TESTIMONY and ZERO LETTERS IN SUPPORT OF APPROVING THIS PERMIT AS WRITTEN.

This level of public opposition underscores the need for a meticulous, accurate and comprehensive review to assess the reasons for such opposition to this permit in our Kona Community.

5. **Insufficient Time for Public Due Diligence:**

Even if the applicant, Mr. Mysin, were to withdraw one or all of the multiple site plans currently on the record, the fact remains that the **public has been denied adequate time** to conduct the required due diligence, which denies their rights of due process. This application has been **essentially dormant since 2021**, and now, with an impending Planning Commission Review in 3 days, the community is left with insufficient time to meaningfully decipher the record as it is currently presented, and does not have the ability without an accurate record to make informed choices or participate meaningfully in the approval or denial process.

6. **Public Opposition and Concerns in 2021:**

It is critical to note that in 2021, there was **overwhelming public opposition** to the original application and the public has not been fully informed about the subsequent changes to the ever evolving site plans.

Given the overwhelming history of public opposition and the current lack of transparency, it would be irresponsible for the Planning Department or The Leeward County Commission

to move forward with this decision without first ensuring that the public has an accurate record reflecting the correct building of this permit with corresponding accurate plans, changes and an updated Background Report reflecting the drastic changes since the original application and the site plans. The Background Report, predicated on the initial submission, is now obsolete and does not accurately reflect the revised permit submissions.

Given the above, I respectfully urge you to grant this request for a **continuation** of the **JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 21-000078)**. The integrity of the process, adherence to Hawaii's Sunshine Laws, and the fundamental rights of the public to be heard and make informed decisions based on transparent and accurate information must take precedence over any schedule. Given the contradictory and outdated information in the public record, the only reasonable course of action is to postpone the upcoming Leeward Planning Commission Hearing until the record is transparent and the public is 100% clear on what the proposed plan is for this permit application.

Thank you for your time and attention to this matter. I look forward to your prompt action in ensuring that this application is handled transparently, fairly, and in accordance with the law.

Mahalo for your postponement of this deeply flawed Agenda Item #1.

Respectfully and with Aloha,

Kathleen Flynn
75-6150 Ali'i Drive #5
Kailua Kona, Hawaii 96740

From: [Kirk Nygaard](#)
To: [LPCtestimony](#)
Subject: Request for continuation of Jekaterina Mysin Special Management Area Use Permit (SMA 21-000078)
Date: Monday, November 18, 2024 2:03:25 PM

To the members of the Planning Commission and the Planning Department:

We are writing to formally request the immediate continuation of SMA 21-000078 which is currently scheduled for review as Agenda item #1 at the upcoming Leeward Planning Commissioners meeting on November 21, 2024. This request is grounded in the fundamental principles of the integrity of the planning approval process and of public transparency.

The Leeward Planning Commission must grant this request for several reasons:

1. Confusion about what is being proposed and what the public is being asked to support or oppose. There are multiple site plans, etc. in the record.
2. The Background Report on which this permit relies is severely outdated and even irrelevant.
3. The public has not had adequate time for due diligence, even if the multiple site plans were withdrawn.

In conclusion, we have questions about how this project will fit in and work with the immediate surrounding community, how variances are considered and approved, and how we can meaningfully contribute to the discussion.

Mahalo for considering postponing this flawed Agenda item #1,

Kirk and Gayle Nygaard

From: [Kaeo Keeling](#)
To: [LPCtestimony](#)
Subject: Sma21000078 Mysin Special Management Area Use Permit
Date: Monday, November 18, 2024 4:10:31 PM

Aloha Honorable Members of the Planning Commission,

I am writing to formally oppose the approval of the **JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 21-000078)**, which is set for review at the upcoming Leeward Planning Commission meeting on **November 21, 2024**. After thorough review and careful consideration of the multiple, evolving proposals submitted by the applicant, it is clear that this project has become mired in confusion, inconsistency, and substantial deviation from the originally agreed-upon plans. There are serious concerns surrounding the handling of the permit application, the shifting nature of the intended use of the property, and the overall impact of this development on the local community. I urge the Planning Commission to **postpone** this review until the applicant provides a clear, coherent, and consistent plan for the proposed project.

Confusion and Chaos Due to Multiple Site Plan Updates

The process for reviewing this permit has been beset by a disturbing level of **inconsistency and confusion**. Since its original application in December 2020, the applicant, **Ms. Jekaterina Mysin**, has submitted numerous **updated site plans** that contradict one another and significantly alter the scope of the proposed development. To date, there are **multiple versions of the site plans**, including changes submitted in **May 2021, April 2022, October 2023**, and most recently, an extensive **40-page addendum** added in **November 2024**—just days before the Planning Commission’s scheduled hearing. These frequent updates have created an environment where it is impossible for the public or the Commission to properly evaluate the full scope of the proposal.

It is also important to note that these **revisions were submitted after mediation** took place in 2022. The mediation agreement outlined certain parameters that were agreed upon by all parties involved, yet subsequent changes to the plans have not only ignored these parameters but in many cases, **directly contradicted** the prior agreements. For example, the **background report issued in May 2021** indicated that the property would be developed for residential use, specifically **six residential condominium units**. Yet, in August 2021, the applicant shifted the

intended use, declaring their plan to host **weddings, graduations, and other events**. This departure from the original residential application has created widespread confusion and undermines the integrity of the process and the faith in which the background report was approved.

The public has been given **no opportunity** to review these changes in a timely manner. The **latest revisions were filed on Wednesday afternoon, November 13, 2024**, just **two business days before the deadline** for written testimony. This late submission has deprived concerned citizens, including legal counsel, of the opportunity to thoroughly review and respond to these substantial changes. Given the evolving nature of this project, it would be irresponsible for the Planning Commission to move forward without first providing the community with adequate time to review these modifications.

Shifting Use of the Property – A Complete Departure from Original Intent

One of the most **troubling aspects of this proposal** is the **dramatic shift in the intended use of the property**. When the applicant first submitted their request for a Special Management Area (SMA) permit in December 2020, they stated that this development was an opportunity to **revitalize a long-neglected property** for residential use.

The **background report from May 2021** specifically outlined that the project was to consist of **six condominium units**—units intended for **residential occupancy** by local families, as per the zoning requirements of the area.

However, by **August 2021**, the applicant began shifting their focus, stating that the property would be used to **host events** such as **weddings, class reunions, and graduations**. This is a **fundamental change** in the intended use of the property, one that completely **undermines the original purpose** for which the SMA permit was requested. The applicant's statements in public forums, including social media posts and public comments, further emphasize that they **do not intend to sell** the property but rather plan to operate it as an **event center**. This dramatic shift in use—from residential development to an event venue—was never part of the original application and runs contrary to the community's understanding of what this project was supposed to be.

This change in use is deeply concerning for several reasons. First, it is **inconsistent with the zoning** for the area, which is intended to

accommodate **residential development** and not commercial event centers. Second, the operation of an event center would lead to **significant increases in traffic**, noise, and activity, which would disrupt the quiet, residential nature of the surrounding neighborhood. The project, as proposed now, would significantly alter the character of the area, with profound implications for the **quality of life** of those who live nearby.

Traffic Impacts and Public Safety Concerns

The issue of **traffic congestion** is one of the most pressing concerns raised by the community. The original application claimed that the traffic impact of the project would be **minimal**, limited to **unit owners and their guests**, and would be comparable to typical residential traffic levels. However, the applicant's change in use to accommodate **weddings, graduations, and other events** is fundamentally at odds with this initial traffic assessment. **Event traffic**—particularly for large gatherings such as weddings—can involve dozens, if not hundreds, of guests, resulting in a much larger traffic footprint than would be generated by a residential project with six units.

The property is located on **Ali'i Drive**, a narrow, two-lane road that is already heavily congested, particularly during tourist seasons. The introduction of event-related traffic will exacerbate this issue, leading to **increased congestion, delays, and potential safety hazards**. There has been no adequate assessment of these **additional traffic impacts**, nor any plans to mitigate them. The Planning Department's reliance on outdated traffic assessments is concerning, especially given that the intended use of the property has changed so dramatically since the initial application.

Overdevelopment of the Site

Another major concern is the **overdevelopment** of this small property. The applicant proposes a **five-story building** with **four dwelling floors**, a structure that is completely out of scale with the surrounding area. Most neighboring properties consist of **low-rise condominiums** or single-family homes, and a **45-foot-tall building** would dramatically alter the landscape, blocking views and creating an unsightly presence in an otherwise residential area. Furthermore, the construction of this massive structure on a **small, narrow lot** will create significant **environmental impacts**, including potential issues with **erosion** and **stormwater runoff**,

which have not been adequately addressed in the applicant's submissions.

The applicant's **use of the property** has evolved from a simple residential development to a project that aims to create a commercial venue.

This **shift** in use, combined with the proposed scale of the development, represents an **overdevelopment** of a site that is simply not appropriate for such a large structure. This project is an **inappropriate and disproportionate use** of the available space and runs counter to the principles of responsible development that should guide land use decisions in our community.

Request for Postponement and Further Review

Given the substantial issues outlined above—the **confusion caused by multiple conflicting site plans, the change in use of the property from residential to event hosting, the significant traffic impacts, and the overdevelopment of the site**—I respectfully request that the **Leeward Planning Commission postpone** the review of this permit application until the applicant can provide **clear, accurate, and consistent plans** for the proposed development. Additionally, I urge the Commission to carefully consider the community's overwhelming **opposition** to this project, as evidenced by the numerous letters and testimony submitted to date.

The public has been **denied adequate time** to review these latest rushed changes and additional plan submissions and it is crucial that the Commission respect the community's right to due process.

The **shifting nature of the application**, combined with the **lack of transparency** and **inconsistent plans**, makes it impossible to evaluate the full impact of the proposed project.

It would be irresponsible to approve this permit based on the current state of the application and as such,

I respectfully request that the Commission postpone the Planning Meeting and Deny the Application as Presented.

Mahalo Nui Loa,
Lancer Keeling

From: [Lisa Hall](#)
To: [LPCtestimony](#)
Subject: IMMEDIATE DELAY REQUIRED FOR THE OPPOSED JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION SMA 21-000078 IN ORDER TO CORRECT THE DEFECTIVE PUBLIC RECORD.
Date: Monday, November 18, 2024 1:58:26 PM

Aloha to the Esteemed Planning Commissioners and Department Staff,

I write to request an immediate delay and continuance of the upcoming review of the JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 21-000078), scheduled for the Leeward Planning Commission meeting on November 21, 2024. It is my firm belief that moving forward under the current conditions would be a disservice to the public, as serious issues related to multiple contradicting and duplicate revisions submitted into the record, lack of clarity, clouded transparency, and due process with correct information remain unresolved.

First and foremost, there is widespread public confusion surrounding the site plans associated with this project. The public has been presented with conflicting versions of these plans, each outlining different uses and developments for the site. This ongoing inconsistency has left the community in a state of uncertainty, unsure of exactly what is being proposed or how to effectively weigh in. Without a final, clear proposal of record, it is impossible for the public to provide insightful feedback, which undermines the entire process for which the commission was set up to protect.

The public comment period concludes today, yet the specific permit and plan versions under review remain unclear and there is undeniable ambiguity regarding which permit and plan versions in the record are being evaluated and reviewed for potential approval. Unfortunately, critical information is missing and the record is not transparent and as such it is essential that this meeting be postponed until a single, cohesive site plan is presented, one that accurately reflects what is being asked of the Commission and of the Public to Approve or Deny in the official public record.

The Sunshine Laws that govern public participation in such decisions have been violated by the ongoing submission of conflicting and incomplete materials. With multiple plans still circulating and little time for review the public cannot fully grasp the impact of the multiple submissions by the petitioner. This violates the spirit of transparency mandated by law.

Another major issue is the outdated background report provided by the

Planning Department. The current report was based on preliminary proposals and fails to account for the significant and drastic changes in nature and scope that have since been made to the project, including the addition of an underground parking garage and major excavation work. Originally, the plan involved minimal grading at ground level, but the revised proposal involves digging 9 feet into lava rock. This drastic change in scope renders the original background report irrelevant, inaccurate and obsolete. Given how important this report is to the public's understanding and participation, it cannot serve as a valid reference for any decision-making or public comment. It is essential that the report be updated to reflect the current plans before it is presented to the Leeward Planning Commission.

Currently, the record reflects 346 Signatures OPPOSING THIS PERMIT, and 67 Written Letters AGAINST THIS PERMIT and 0, none, not a single one, zero, for issuing this permit as requested. This high level of community concern cannot be ignored. The Planning Commission must take the time to carefully review the reasons behind this opposition before making any decisions and allowing an already unilaterally opposed permit request to move forward with the conflicting and confusing record presented to the public. The community deserves accurate records and documents to review, particularly given the scale of the project and the deep concerns it has raised.

In conclusion, I respectfully urge the Commission to postpone the Leeward Planning Commission Meeting on November 21, 2024 to a later date to maintain the integrity of the public record and ensure that clear and accurate information is being presented to the public in a clear, transparent and easily understandable way.

This is essential to preserving public confidence in the planning process and maintain the collaborative relationship with county officials and the public.

Mahalo for your immediate attention to this confusing and unclear matter of record. I trust you will prioritize the public's interest and need for transparency by granting this continuance request, so that the necessary corrections and clarifications can be made to ensure an accurate public record is presented to both the public and the Leeward Planning Commission for comprehensive review.

Lastly, please make sure that this letter is forwarded to Jeff Darrow in the planning department, that I had the pleasure to speak with last week.

With Sincere Respect and Much Aloha,

Lisa Hall

From: [Lou](#)
To: [LPCtestimony](#)
Subject: Condo proposed at ala kala surf spot alii drive.
Date: Monday, November 18, 2024 3:19:19 PM

I would like to add my voice to a negative recommendation for the proposed condo project. The size of the lot does not seem large enough to accommodate all of the different structures within the permitted area. And as a climate change consideration that whole area of ground floor would be inundated with water in a large tidal or storm event. Lastly the visual esthetics look

Very out of place and unattractive. There is no "sense of place".

Thank you for your consideration

Lou Lambert
50 year resident of cona.

Sent from my Verizon, Samsung Galaxy smartphone

From: [Mary Jane Kaipaka](#)
To: [LPCtestimony](#)
Subject: Applicant: JEKATERINA MYSIN (SMA -2021-000078)
Date: Monday, November 18, 2024 4:27:27 PM

I am writing opposing the building of this on Alii Drive in front of of Ala KaLa condo. First of all the building is too BIG for area and we certainly don't need such an eye sore (I saw proposed pictures of the five story, six unit industrial looking building including a pool and spa.)

I have a business on Alii Drive and do not want to see any more development in the area. Have you ever tried to get off of Alii Drive when there is a tsunami alert? It's a nightmare! Not to mention it will not blend in well at all and what about the poor residents of Ala Kala condo. Parking is already an issue and this building will certainly not help at all.

I have been living in Kona almost 40 yrs and have seen a lot of changes but this would be a very bad plan for the area.

NO on this project and I Hope my opinion matters.

Aloha,
Mary Jane Kaipaka

From: [shelley carver](#)
To: [LPCtestimony](#)
Subject: Project
Date: Monday, November 18, 2024 2:04:48 PM

The Alii Dr monstrosity does not belong in Hawaii. Our infrastructure & traffic & lack of access roads does not warrant anything of this size. We need a moratorium on building now. It's already getting overgrown & has to be stopped to save our village. Stop the greed & use constraint. A cute 1 story modest home is reasonable. Please consider our future. Thank you, Michelle Carver a concerned resident of 35 years

[Yahoo Mail: Search, Organize, Conquer](#)

From: [Patti Tew](#)
To: [LPCtestimony](#)
Subject: OPPOSITION TO SMA21-000078 and POSTPONEMENT REQUIRED
Date: Monday, November 18, 2024 3:28:58 PM

Dear Honorable Members of the Leeward Planning Commission,

I am writing to express my strong opposition to the Special Management Area Use Permit Application submitted by Jekaterina Mysyn for the property located on Ali'i Drive. After reviewing the multiple submissions made by the applicant, it is abundantly clear that this project has been plagued by significant inconsistencies, confusion, and an ongoing shift in purpose, which makes it impossible to fully evaluate its potential impacts.

Given the many unresolved issues surrounding this application, I respectfully request that the Commission delay further review until these concerns are properly addressed.

One of the most concerning aspects of this project is the frequent changes to the site plans submitted by the applicant. Since the original application was filed in December 2020, there have been several revisions, including updates in May 2021, April 2022, October 2023, and, most recently, a 40-page addendum submitted just days before the upcoming hearing. These numerous, often contradictory updates have created a serious lack of clarity regarding the scope and intent of the development. The constant shifting of plans makes it impossible for the public and the Planning Commission to adequately review the full scope of the project, and undermines the public's confidence in the applicant's ability to present a stable, reliable development proposal.

Moreover, it is crucial to point out that these recent revisions were submitted well after the mediation process in 2022, during which specific conditions were agreed upon by all involved parties. However, the applicant's subsequent changes appear to ignore or contradict these prior agreements, leading to even more confusion. For example, in May 2021, the applicant presented a plan for a residential development consisting of six condominium units, as outlined in the background report. Yet by August 2021, the applicant had completely shifted the property's intended use, stating publicly through various channels that the development

was now meant to function as an event center to host weddings, graduations, and other gatherings. This dramatic departure from the original residential plan has not only caused confusion but also raised significant concerns about the appropriateness of such a change, given the zoning and community expectations.

The altered intended use of the property is perhaps the most troubling element of this application. The applicant initially stated that the purpose of this development was to revitalize an underutilized parcel for residential purposes—a purpose clearly aligned with the area’s zoning. However, shifting from this residential focus to the creation of an event center constitutes a fundamental change in the project’s scope, one that has not been subject to adequate scrutiny. The use of the property for large-scale events such as weddings, reunions, and other gatherings has far-reaching consequences, including significant increases in traffic, noise, and overall disruption to the surrounding residential neighborhood. These impacts were not addressed in the applicant’s original assessment of the project, and there has been no updated traffic study to evaluate the effect of these new uses. The increase in event-related traffic, particularly on a narrow, already congested road like Ali’i Drive, could cause significant traffic bottlenecks and pose serious risks to public safety.

Compounding these concerns is the scale of the proposed development. The applicant’s plan involves constructing a five-story building with four residential floors—a structure that would be out of scale with the surrounding properties. Most of the neighboring structures consist of low-rise condominiums or single-family homes, so the introduction of a 45-foot-tall building would drastically change the character of the neighborhood, blocking views and potentially lowering the quality of life for nearby residents. The site itself is small and narrow, and the proposed structure seems disproportionate to the available space. Such a development could lead to significant environmental impacts, including issues with erosion and stormwater runoff, which have not been adequately addressed by the applicant. These environmental concerns, when combined with the scale of the project, point to a serious case of overdevelopment for a site that cannot sustain such an intensive use.

Additionally, the recent submission of a large addendum confusing

the record with many site plans just days before the testimony deadline has created an unnecessary sense of urgency, preventing the community and concerned parties from having adequate time to review the latest changes. The revisions were submitted late in the afternoon on November 13, 2024, leaving less than two business days for the public to evaluate the latest set of documents and submit testimony. This late submission deprives stakeholders of the opportunity to fully engage with the new information and violates principles of transparency and due process. For those of us who are concerned about the impacts of this project, this lack of time to properly review the changes with legal counsel has been frustrating and unfair.

Given these numerous and serious concerns—the shifting nature of the project’s scope, the drastic change in the intended use of the property, the inadequate traffic and environmental assessments, and the undeniably overdevelopment of this tiny lot site. It is not possible to move forward without an accurate public record with the multiple site submissions, and stated discrepancies in land use.

I vehemently urge the Planning Commission to postpone the item to a future meeting once the record has been corrected.

Sincerely and with Aloha,

Pattie Tews

Requesting Postponement Due to Misleading and Inaccurate Public Records

In Opposition to JEKATERINA MYSIN SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 21-000078)

From: [Rebecca Storrs](#)
To: [LPCtestimony](#)
Subject: Oppositional testimony and request for delay for Mycin proposed building
Date: Monday, November 18, 2024 2:35:33 PM

Dear Members of the Planning Commission,

I am deeply concerned about the proposed condominium project on Ali'i Drive by the Mycin Group. I am writing to formally request a postponement of the application approval for this project.

Firstly, the planned excavation of approximately ten feet into the lava rock to accommodate a basement parking level raises significant geological and environmental concerns. Digging into this ancient lava flow may destabilize the rock structure, which could lead to unanticipated erosion or subsidence issues. Furthermore, altering the natural landscape in this way may impact the ecosystem, including the potential disruption of natural drainage and aquifer flows, which are critical in our island's delicate environmental balance.

The proposed three-story height, combined with a rooftop party deck, would create a substantial intrusion on the privacy and tranquility of existing homeowners. The rooftop deck in particular has the potential to generate significant noise pollution, especially during evening hours, which would disrupt the peaceful atmosphere that our community has long enjoyed. This development, if approved, would impose undue disturbance, affecting the overall livability and residential harmony for neighboring properties.

Also, has been significant confusion regarding the site plans submitted by the Mycin Group. Multiple versions of these plans have been recorded, leading to considerable public uncertainty about the true nature and impact of the project.

Additionally, the County of Hawaii Planning Department's Background Report on this project is severely outdated. This document should be current and accurate, reflecting all recent changes to the site plans.

Transparency is vital in such projects. However, the public has not been adequately informed due to what appears to be a violation of Sunshine Laws. I ask that the Planning Commission consider these serious transparency issues.

Finally, I urge you to consider that in 2021, public opposition to this project was overwhelming. Since then, the plans have undergone changes without sufficient public notification or engagement. A postponement would allow residents the time needed to evaluate and understand this project.

In considering this proposal, I urge the Commission to weigh the potential negative impacts that this development will have on both the environment and the well-being of existing residents.

Thank you for your consideration of this request.

Rebecca Storrs

From: [Robert Henry](#)
To: [LPCtestimony](#)
Subject: Opposition to Jekaterina Mysin's Special Management Area Use Permit Application (SMA 21-000078) and Request for Postponement
Date: Monday, November 18, 2024 4:02:29 PM

Aloha Leeward Planning Commission,

I am writing to formally express my strong opposition to the Special Management Area Use Permit Application (SMA 21-000078) submitted by Jekaterina Mysin for the property located on Ali'i Drive. After thoroughly reviewing the applicant's extensive revisions and submissions, it has become evident that this project is plagued by significant inconsistencies, shifting plans, and a lack of clarity. These issues undermine the integrity of the review process and prevent the public from making fully informed decisions.

Given the numerous unresolved concerns surrounding this application, I respectfully urge the Commission to postpone further review until these issues are thoroughly addressed and the public record is clarified.

Frequent Changes and Inconsistent Plans:

One of the most troubling aspects of this application is the frequent revision of the site plans. Since the initial submission in December 2020, the applicant has introduced multiple updates, including as recently as November 2024. These revisions are often contradictory, with each new submission introducing substantial changes that confuse rather than clarify the applicant's intentions. This makes it virtually impossible for the public or the Planning Commission to adequately assess the scope of the project or its potential impacts.

The constant changes in the site plans undermine the credibility of the proposal and hinder any meaningful public review. I strongly urge the Commission to ensure that a final, clear site plan is presented before moving forward with any hearing. This will allow all parties, including residents, legal experts, and the Commission itself, to fully evaluate the project based on consistent and accurate information.

Additionally, the applicant has dramatically altered the intended use of the property, raising significant concerns about the appropriateness of this

development. Initially presented as a residential project with six condominiums, which aligned with the area's zoning, the focus shifted in August 2021 to a commercial event center designed to host large gatherings such as weddings. This shift not only changes the fundamental nature of the development but also conflicts with the area's zoning laws and contradicts the original vision laid out in the application.

The introduction of a commercial event center would have profound consequences for the surrounding community. Increased traffic, noise, and disruptions to the residential neighborhood are likely outcomes. Ali'i Drive, already narrow and congested, would face even more traffic pressure, and nearby residents would experience a significant loss of privacy and quality of life due to the influx of large-scale events. Despite this change in use, the applicant has failed to update the traffic study or conduct a new environmental impact assessment to address the implications of the shift. This oversight is a serious failure to adequately assess the full scope and potential consequences of the project.

The scale of the proposed development also raises substantial concerns regarding its feasibility. The applicant's plans call for a five-story structure, towering at 45 feet, which would be disproportionate to the surrounding properties—most of which are low-rise condominiums or single-family homes. This new development could block views and irreparably alter the character of the neighborhood. Additionally, the lot's small and narrow size seems ill-suited for such a large-scale project and could lead to serious issues with erosion and stormwater runoff, concerns that have not been sufficiently addressed in the applicant's submissions.

The lack of clarity in the site plans makes it difficult for the public or the Commission to properly assess these environmental risks. A thorough and up-to-date environmental impact report must be submitted to evaluate these concerns fully and ensure the project's compliance with environmental regulations.

The complexity of these issues, combined with the late submission, has deprived the community of the opportunity to fully evaluate the significance of the revisions. This undermines the public's ability to provide informed and meaningful feedback.

Conclusion and Request for Postponement:

Given the numerous inconsistencies in the applicant's submissions, the shifting scope of the proposed development, and the failure to provide sufficient time for public review, I respectfully request that the Leeward Planning Commission postpone the review of SMA 21-000078 until these issues are resolved. The public record must be clarified, and the community must have adequate time to thoroughly evaluate the proposal before any further action is taken.

It is in the best interest of Kona Community, the applicant, the public, and the Commission— to ensure that this process is handled with integrity, clarity, and transparency. I urge you to act with care and consideration in postponing this matter until the pressing concerns raised above are addressed.

Thank you for your time and attention to this matter. I look forward to your response on postponing this hearing until the reflected record is accurate and unclouded.

With respect and aloha,
Robert Henry

From: [Robin W](#)
To: [LPCtestimony](#)
Date: Monday, November 18, 2024 1:41:52 PM

Re: applicant
JEKATERINA MYSIN
(SMA-2021-000078)

To Whom it May Concern,

The approval for said 5 Story, 6 unit building on the mentioned Lot should NOT be approved...It is way too big and will be a terrible addition to Alii Drive...I hope this is not approved..It is an eyesore and the residents of Kailua-Kona say NO..

Robin Weigang
Concerned citizen
Sent from my iPhone

From: [Steve Lambert](#)
To: [LPCtestimony](#)
Subject: Jekaserina Mysin building application on Alii Drive
Date: Monday, November 18, 2024 2:11:51 PM

My wife and I oppose the application for the building referenced as we feel it will add to the already congested Alii Drive corridor.

It's true more housing is needed in Kailua Kona but not at this location. It will. Ot help the local residents and will add more cars on to AliiDrive. Please say no to this development and encourage the developers to put this proposed building in a more suitable area in the Kona area. Thank you for your consideration.

Aloha,

Steven Lambert

Sent from my iPhone

Walter Kelly
Protect Keopuka Ohana
P.O. Box 166
Honaunau, Hawaii 96726
konajack@earthlink.net
808-345-9229

November 18, 2024

Leeward Planning Commission
74-5044 Ane Keohokaole Highway
Building E, 2nd Floor
Kailua-Kona, Hawaii 96740
LPCTestimony@hawaiiicounty.gov

Re: Jekaterina Mysin (SMA-2021-000078)

There are many questionable assumptions in the Mysin application, but the most important one, as far as we are concerned, is the cavalier attitude taken toward the possibility of native Hawaiian historical resources on the property.

The applicant received an exemption from preparing an Archeological Inventory Survey for the property, although none exists. Instead, SHPD allowed for a one-day “Field Inspection” of the property. The applicant hired Hilo-based TesARCH Services to perform the reconnaissance and file a report. The report sets forth an interesting viewpoint that the parcel is “highly disturbed.” The rationale offered in the report is that every parcel around the subject parcel is developed, so whatever happened during that process inevitably must also have disturbed the subject parcel. Yet the majority of the subject parcel is raw lava rock and brush, with bulldozer intrusions along its edges and crumbling ranch-era walls.

The applicant states that “it is not known whether the subject parcel or surrounding area was ever used for gathering by native Hawaiians. It appears very unlikely due to the non-native dominance of vegetation and history of disturbance by nearby development that any significant cultural resources would be found.”

Just across the path that leads to the beach, on the lot to the south side of the Mysin parcel, is a Hawaiian graveyard — direct evidence that the area was once highly populated, and that even today there is a high likelihood that cultural resources are still present.

SHPD has confirmed, by letter, the determination for the proposed project that there are "no historic properties affected," and that the HRS Ch. 6E-42 historic review process has ended. (SHPD Planning Department Exhibit 5—April 30, 2021 Letter from SHPD). But the agency also concedes that its determination leaned heavily upon the Scheffler 2021 Field Inspection Report. "The Scheffler (2021) FI report served to facilitate project planning and the historic preservation review process. The FI report assisted in preparing SHPD's project effect determination for the subject permit," wrote SHPD.

We find the report incomplete, and many of its assumptions just plain wrong. We also believe that the truncated process allowed by SHPD is not serving the best interests of the possible cultural resources in the immediate area.

In my research in the SHPD library archives, I found an interesting fact which I later confirmed. I was searching for Archeological Inventory Surveys, Preservation Plans, and Burial Treatment Plans created for properties in the immediate area of the Mysin parcel. I found that most of the properties makai of Ali'i Drive that were built before 2000 were not required to provide any of the documents listed above. Many of these parcels went through the SMA process, but only two properties in the immediate area of Mumuhale Point have any archeological documentation that I can find. Parcels mauka of Alii Drive, like have several studies that have been performed due to the widening of Alii Drive, the installation of sewer and water lines, the construction of Kahakai School, and the bulldozing of the proposed Alii Highway alignment. All of these projects triggered archeological investigation.

The one Archeological Inventory Survey I did find was done after the fact, following the destruction of a fishing heiau by two homeowners in the Alii Point subdivision. The heiau was destroyed after the developer had agreed to preserve it as a condition of having their SMA Permit Application approved. The homeowners at the time; Marc Hembrough, Alii Point Development,

TMK 7-5-035-007 and the Franz Family Trust, Alii Point Development, TMK 7-5-035-009. The Hamakaokahai Fishing Shrine straddled the two properties. Preservation of the shrine was required by a **SMA Permit issued May 30, 1985 to Ali'i Point Development**. Condition F of that permit states that "the Kamakaokahai fishing shrine shall be preserved and a buffer as shown on the submitted site plan map shall be reflected on the final subdivision plat map and recorded with the Bureau of Conveyances and in any private restrictive covenants." In a June 13, 2013, letter to JM Leonard Planning LLC, SHPD noted that an SHPD archeologist who visited the site had determined that the "location where the Kamakaokahai fishing shrine had been located has been completely developed and landscaped by the neighboring residences. There were no physical remains of the shrine visible on the land surface, and no intact buffer as required by the SMA permit. The destruction of this historic site appears to be a violation of the SMA permit that allowed for the development of this property." As a result, SHPD required the development company to conduct an Archeological Inventory Survey to determine whether anything remained of the site. That survey (TMK: (3) 7-5-35:por. 007) was conducted by Alan Haun & Associates in November, 2013. The resulting AIS had some very revealing information about the surrounding environs — information that, had it been accessed by Tes ARCH Services researchers, may have influenced the thinking of SHPD when they made their conclusions regarding the presence of cultural properties in the area, including the distinct possibility that ancient burials may exist anywhere in this area. The test trench pictured here at the shrine contained "displaced human remains."



The following passage was taken from the Haun 2013 Survey.

“The earliest archaeological survey of the project area was conducted by John Reinecke between 1929 and 1930. Reinecke (1930) was contracted by the Bishop Museum to survey and document archaeological sites in West Hawaii. His survey identified several sites in coastal Puapua’a consisting of Sites 47, 48 and 49 (Figure 10). The Hamakaokahai Fishing Shrine was documented as Site 48 by Reinecke. Site 47 is described as follows:

“Site 47 is a cluster of house platforms located inland of the project area. This site is described as, “A succession of five modern house platforms. Then two more house sites, one flat on the ground, the other walled” (1930:36).“

Site 47 and its cluster of house platforms is located in the same area as the Mysin property. My associates, who are recognized Hawaiian descendants of the area, accessed the property to investigate. We believe there is evidence of a lava tube running from north to south through the middle of the parcel, which may or may not contain cultural remains. We are asking that a full Archeological Survey of the parcel be conducted, and that test pits be dug, to determine whether

cultural remains exist beneath the surface. The public and descendants of this area have a right to know. If, this misplaced development ever gets off the ground, a SHPD approved Archeological Monitoring Plan must be developed to guide the ground disturbance. Excavations 20 to 30 feet deep are contemplated by the developer. The Archeological Monitoring Plan is not sufficient on its own. The Inventory Survey is a must. We don't want to have to witness the destruction first in order to get SHPD and the County to step up to the plate.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Walter Kelly", written over the printed name.

Walter Kelly

Vice-President

Protect Keopuka Ohana
